



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

7/11/2024

Subject:

JEN FLORIDA 48, LLC (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (23S.22), to change the Future Land Use Designation from RES 1:2.5 and RES 1 to RES 4. (23SS00022) (Tax Account 3000365 & 3000569) (District 5)

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 Small-Scale Comprehensive Plan Amendment (23S.22) to change the Future Land Use designation from RES 1:2.5 (Residential 1 per 2.5 acres) and RES 1 (Residential 1) to RES 4 (Residential 4).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Residential 1 (RES 1) and Residential 1:2.5 (RES 1:2.5) to Residential 4 (RES 4) on a 41.39 acres parcel for the purposes of developing a residential subdivision.

This request is a Small-Scale Comprehensive Plan amendment since it is less than 50 acres and is not located in an Area of Critical State Concern. Small-scale amendments follow a different process whereby it may be approved with a single public hearing before the local government's governing body and does not require review by Florida Commerce.

The RES 4 designation would allow up to 165 residential units. However, the applicant has submitted a companion Planned Unit Development zoning application that proposed a project consisting of 124 single-family residential units with an overall gross density of three (3) dwelling units per acre. The companion rezoning application (23PUD00002) will affect the entire 41.3 acres property from GU (General Use) to PUD (Planned Unit Development). The subject parcel is currently undeveloped and has access on Babcock St. which is maintained by the City of Palm Bay. The property is approximately a quarter mile, south of St. Johns Heritage Pkwy SE.

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

On June 10, 2024, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the ordinance to Planning and Development.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 12, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.3., Small Scale Comprehensive Plan Amendment (23S.22)

The Board of County Commissioners, in regular session on July 11, 2024, conducted the public hearing and adopted Ordinance No. 24-13, setting forth the seventh Small Scale Comprehensive Plan Amendment (23S.22) to change the Future Land Use designation from RES 1:2:5 and RES 1 to RES 4 (23SS00022). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

ORDINANCE NO. 24-13

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.22, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2023 as Plan Amendment 23S.22; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 23S.22; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

Officially filed with the Secretary of State on July 15, 2024.

WHEREAS, on June 10, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.22, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on July 11, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 23S.22; and

WHEREAS, Plan Amendment 23S.22 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.22 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 23S.22 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 23S.22, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 11 day of July, 2024.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



By: _____
Jason Steele, Chair

As approved by the Board on July 11, 2024.

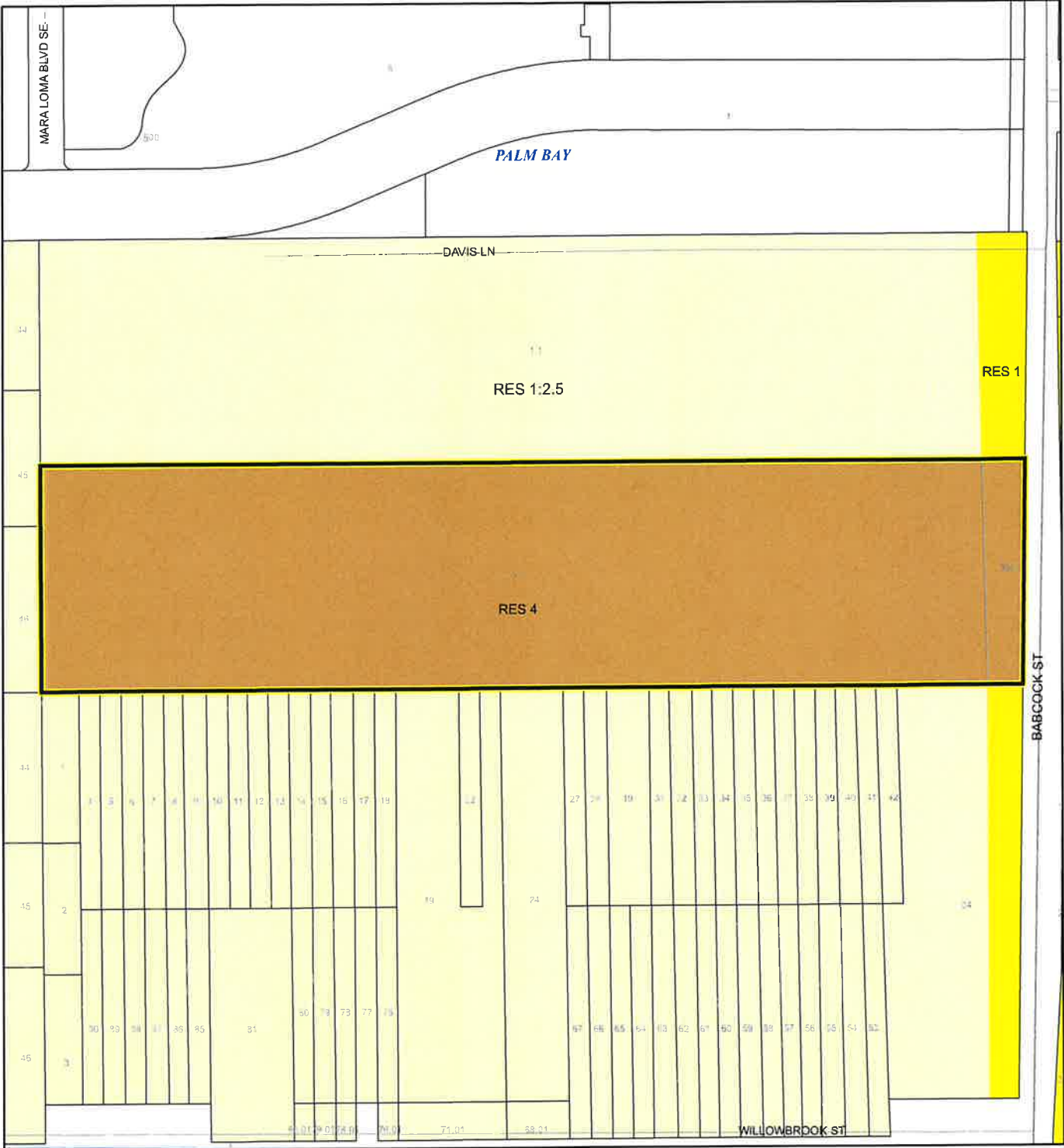
EXHIBIT A.I

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

JEN FLORIDA 48 LLC
23SS00022



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: 5/20/2024

EXHIBIT B

Contents

1. Legal Description

Tax Parcel 1, as recorded in ORB 10004, Pages 1038 - 1041, of the Public Records of Brevard County, Florida; and Tax Parcel 250, as recorded in ORB 10004, Pages 1038 - 1041, of the Public Records of Brevard County, Florida. **Sections 8, 9, 16, & 17, Township 30, Range 37.** (41.39 +/- acres) Located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (No assigned address.)

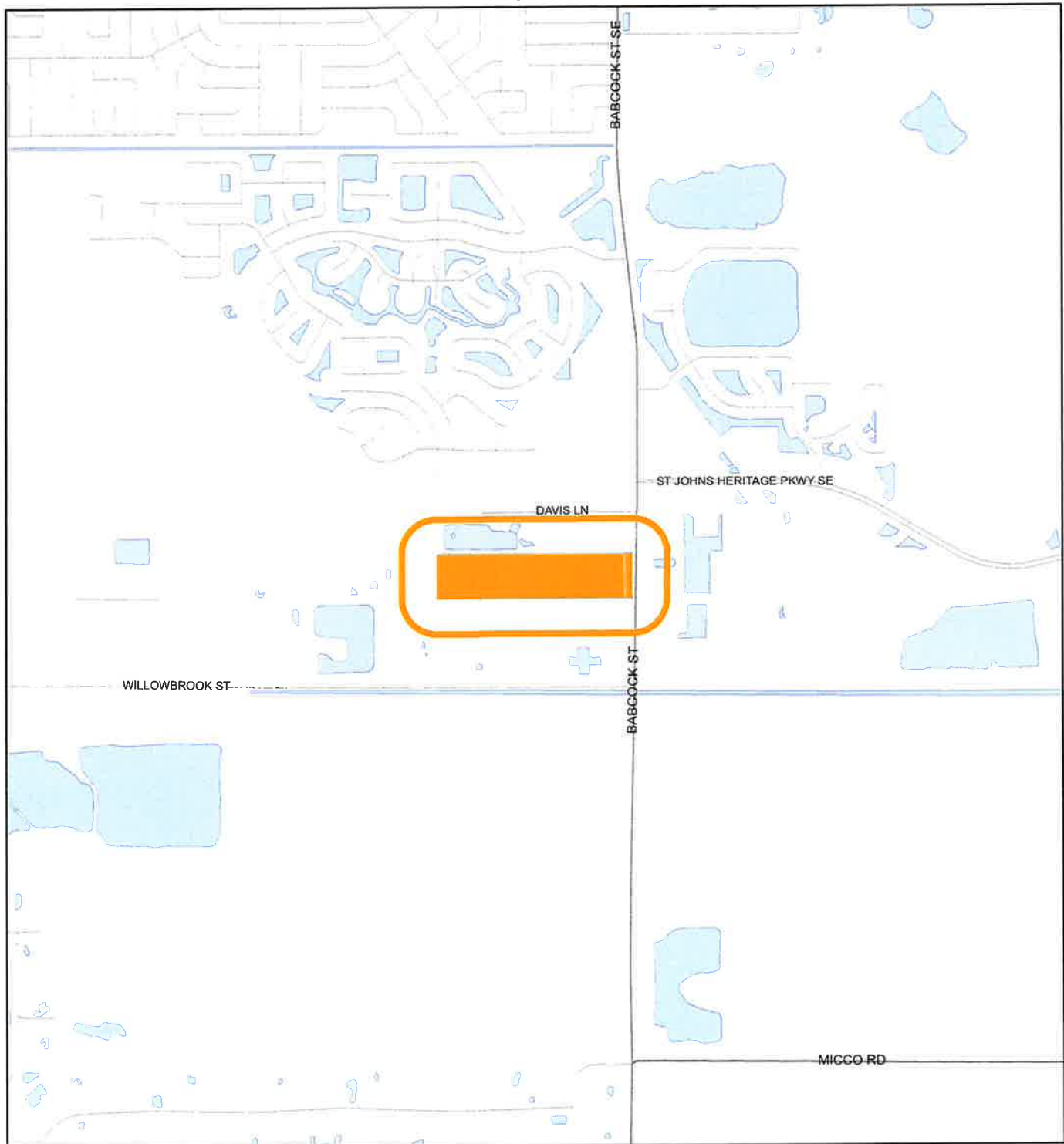
EXHIBIT B.I

Contents

1. Other Maps

LOCATION MAP

JEN FLORIDA 48 LLC
23SS00022



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

Buffer Distance: 500 feet

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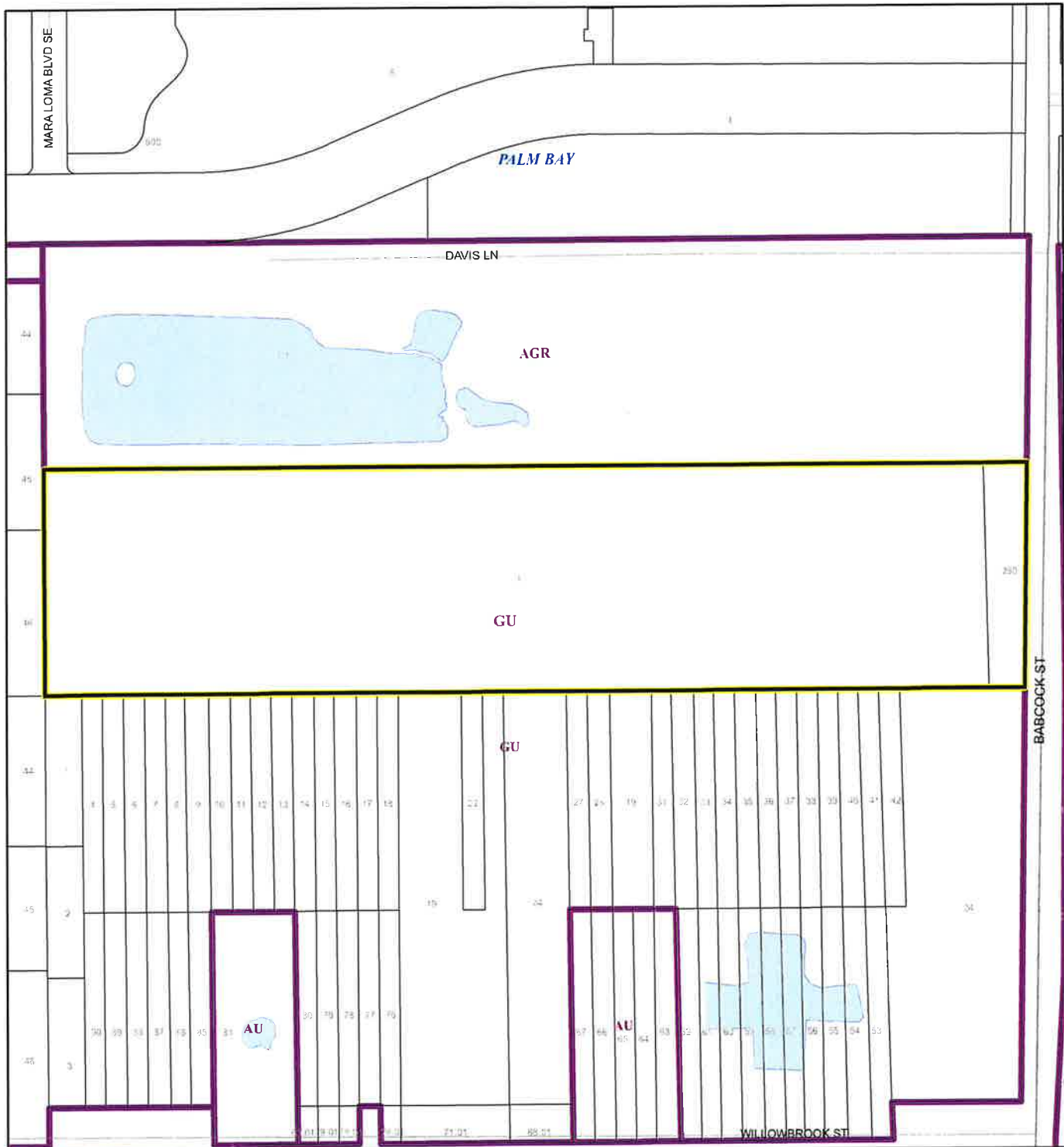
Produced by BoCC - GIS Date: 5/20/2024

Buffer
Subject Property

ZONING MAP

JEN FLORIDA 48 LLC

23SS00022



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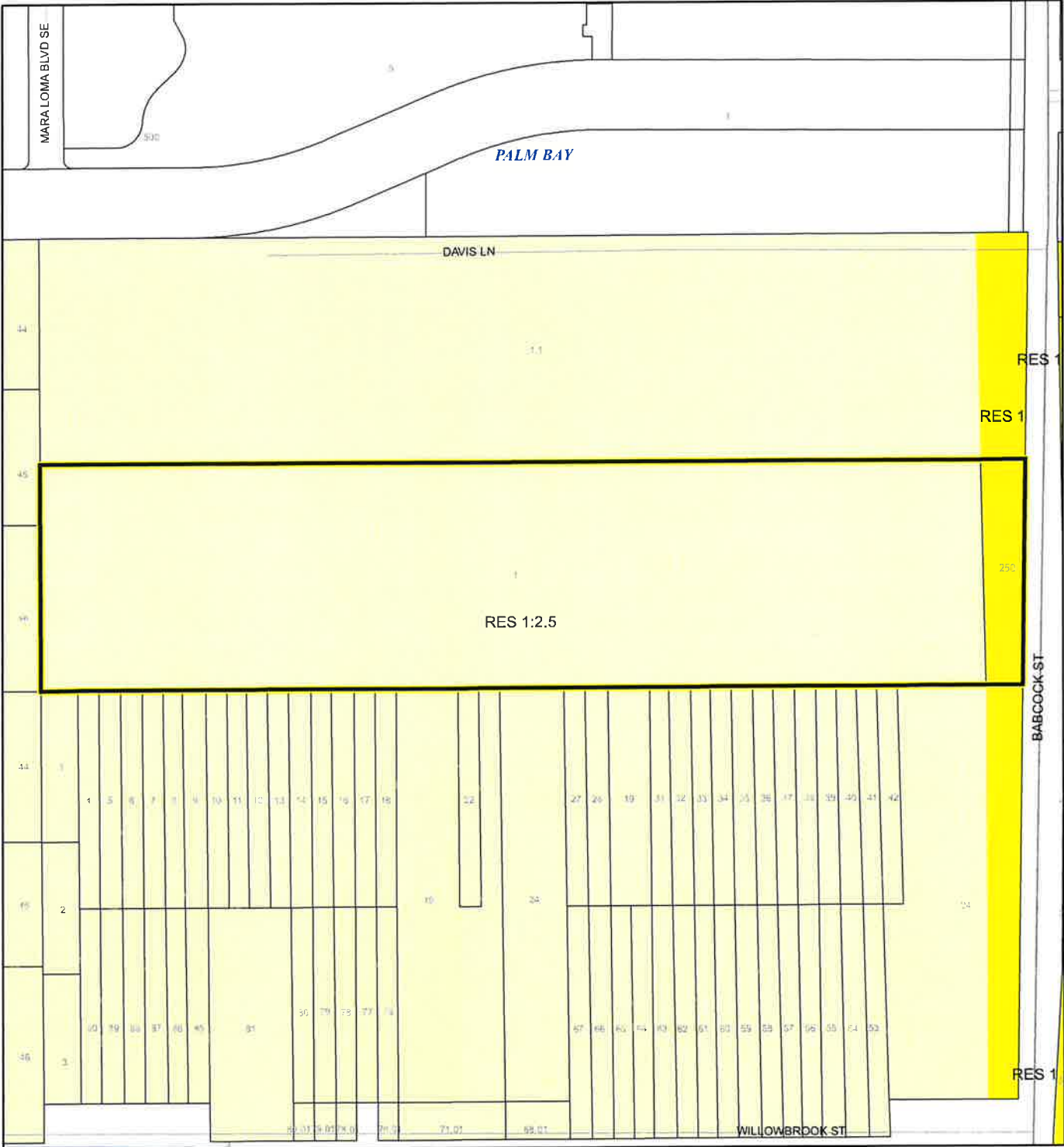
Subject Property

Parcels

Zoning

FUTURE LAND USE MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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AERIAL MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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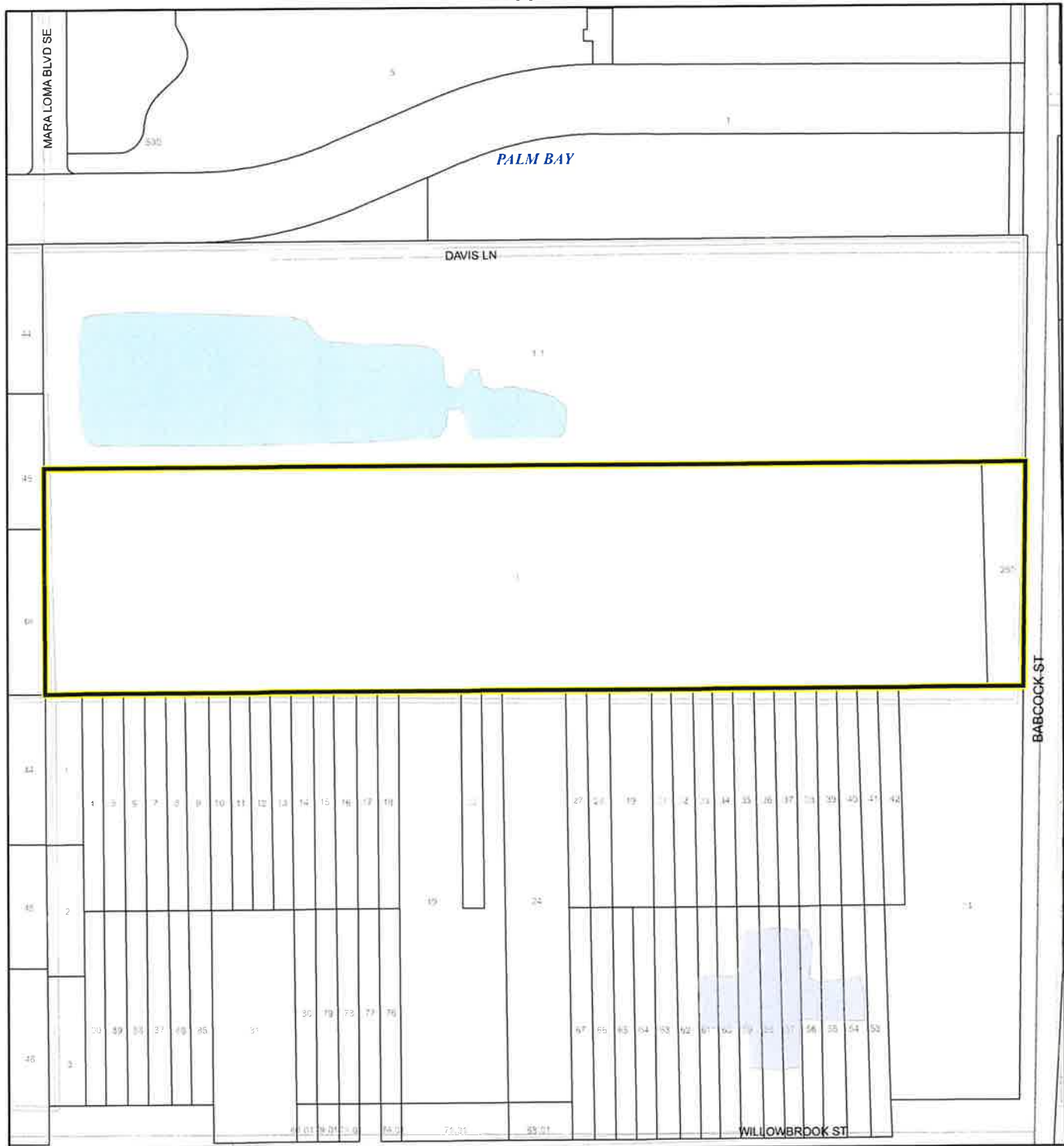
 Subject Property

 Parcels

NWI WETLANDS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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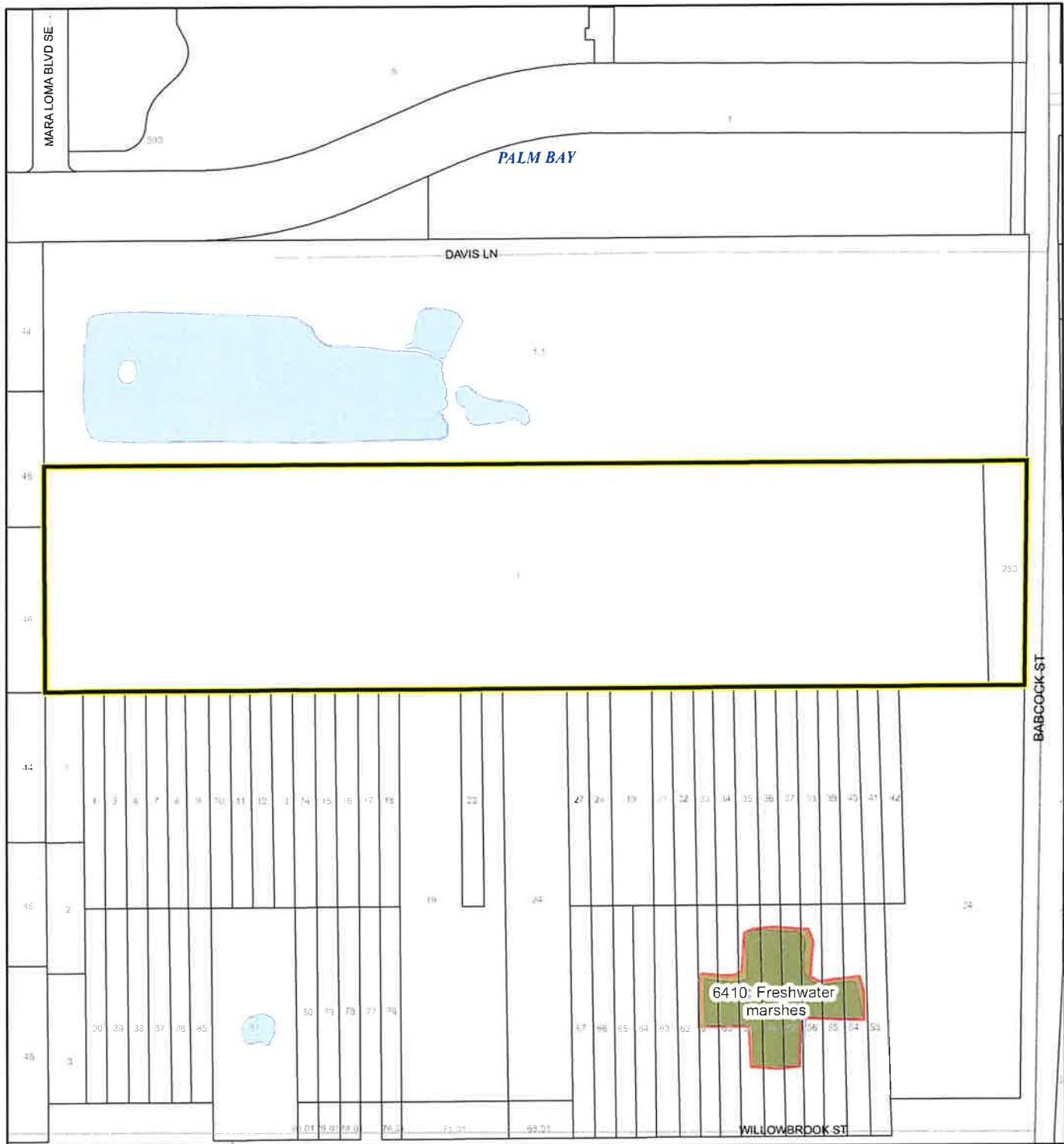
National Wetlands Inventory (NWI)

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

JEN FLORIDA 48 LLC

23SS00022



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SJRWMD FLUCCS WETLANDS

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

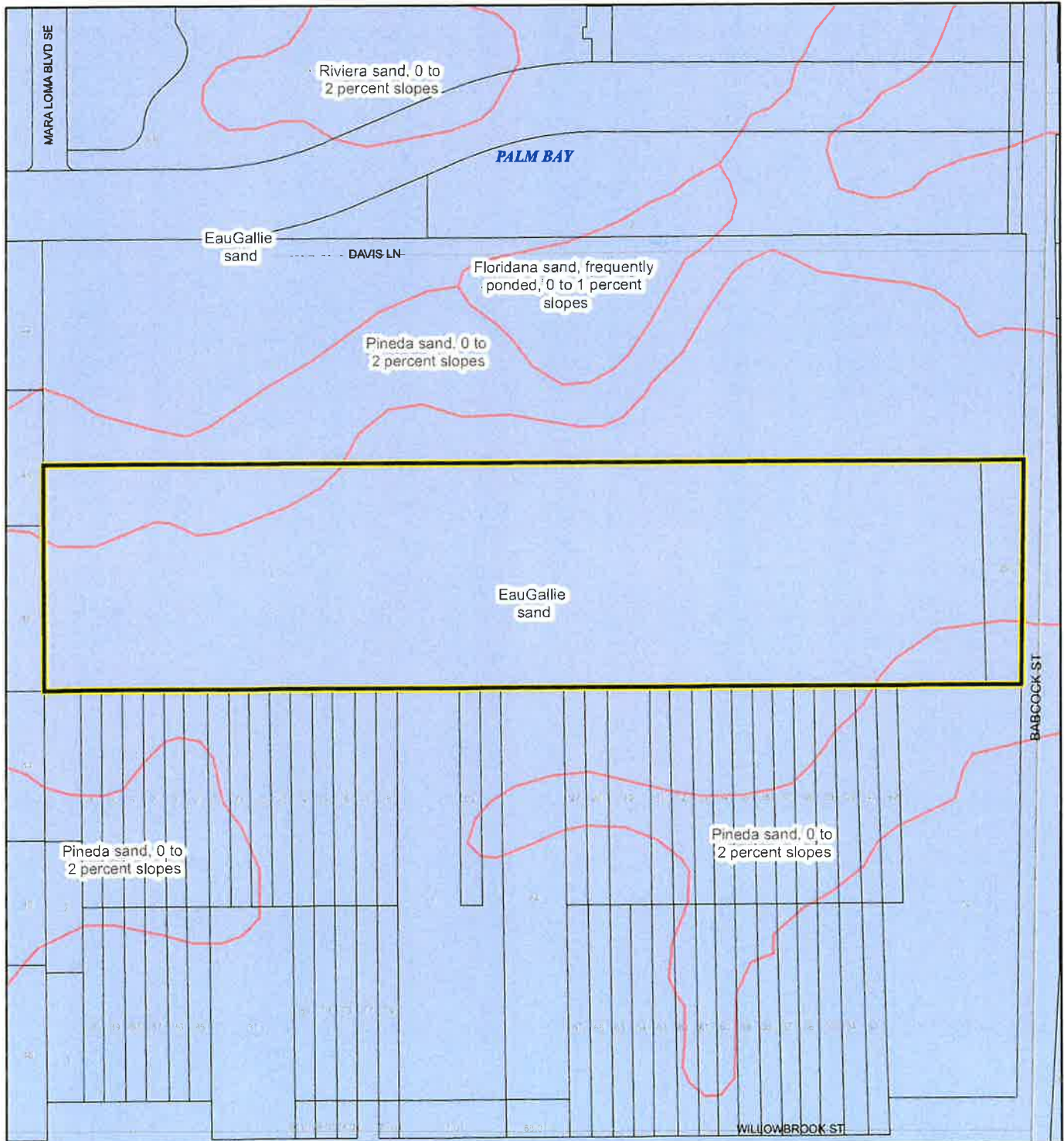
Subject Property

Parcels

USDA SCSSS SOILS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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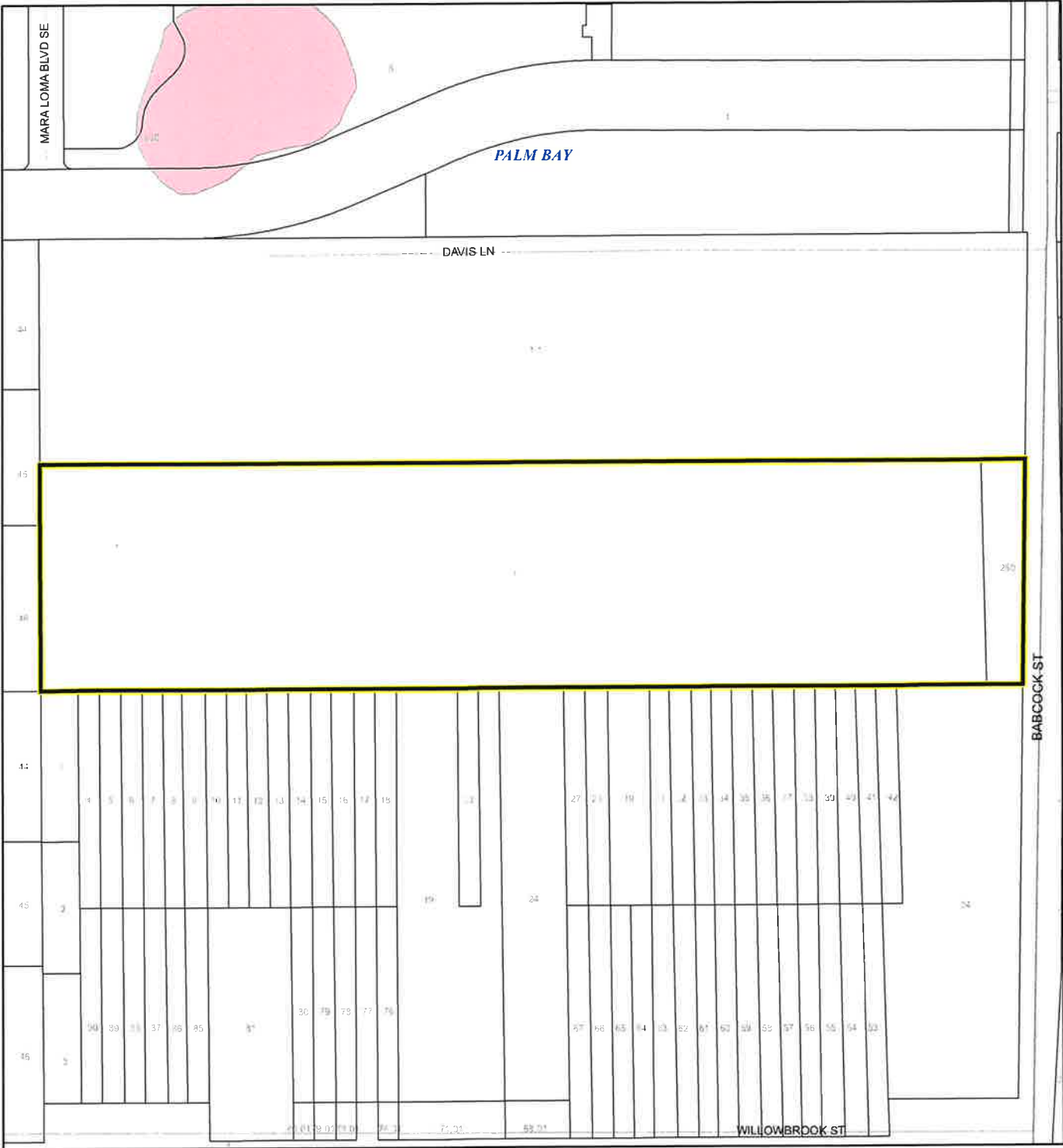
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones

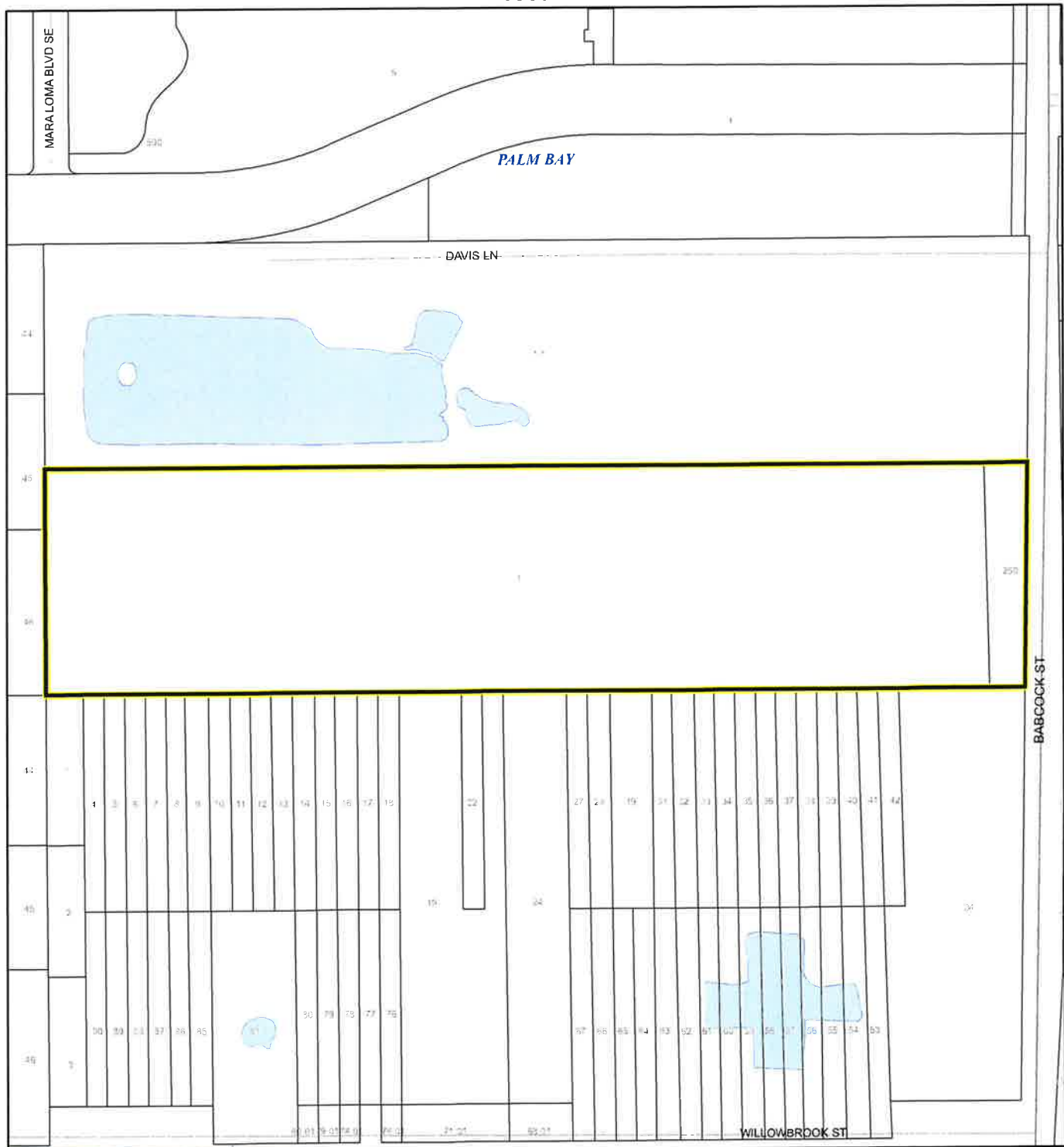
A	AO	X
AE	Open Water	
AH	VE	

Subject Property Parcels

COASTAL HIGH HAZARD AREA MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

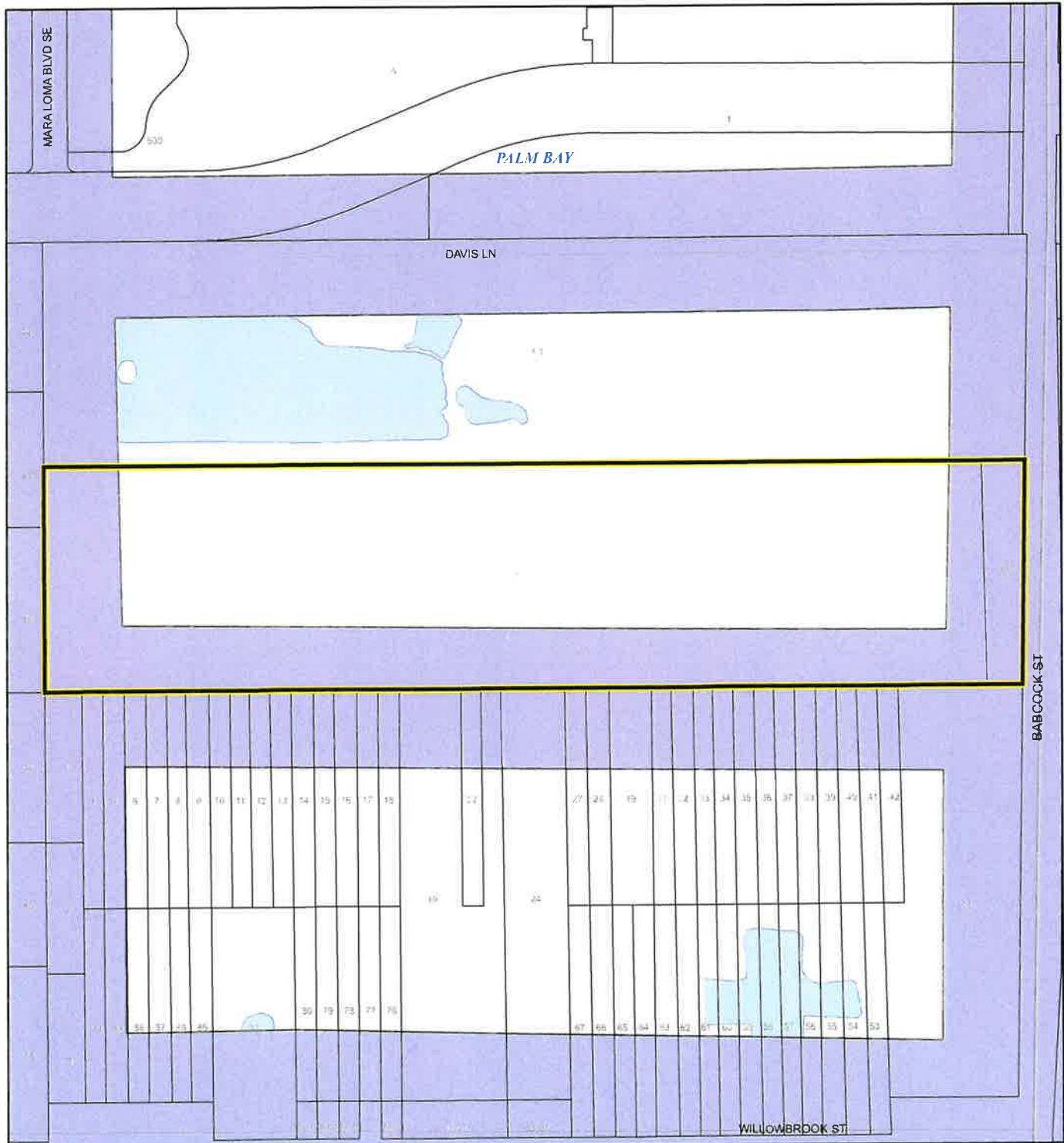
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

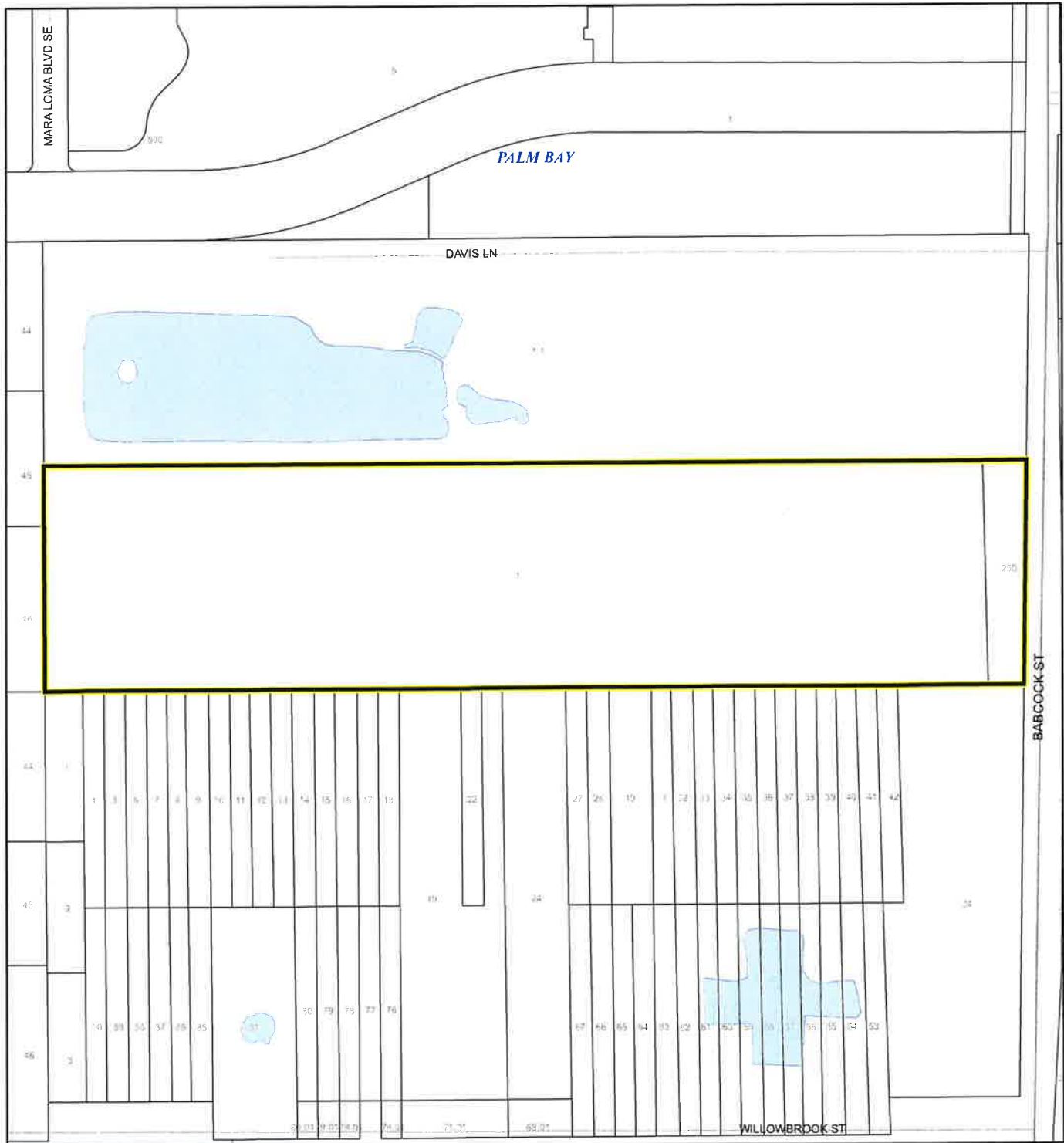
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

JEN FLORIDA 48 LLC

23SS00022



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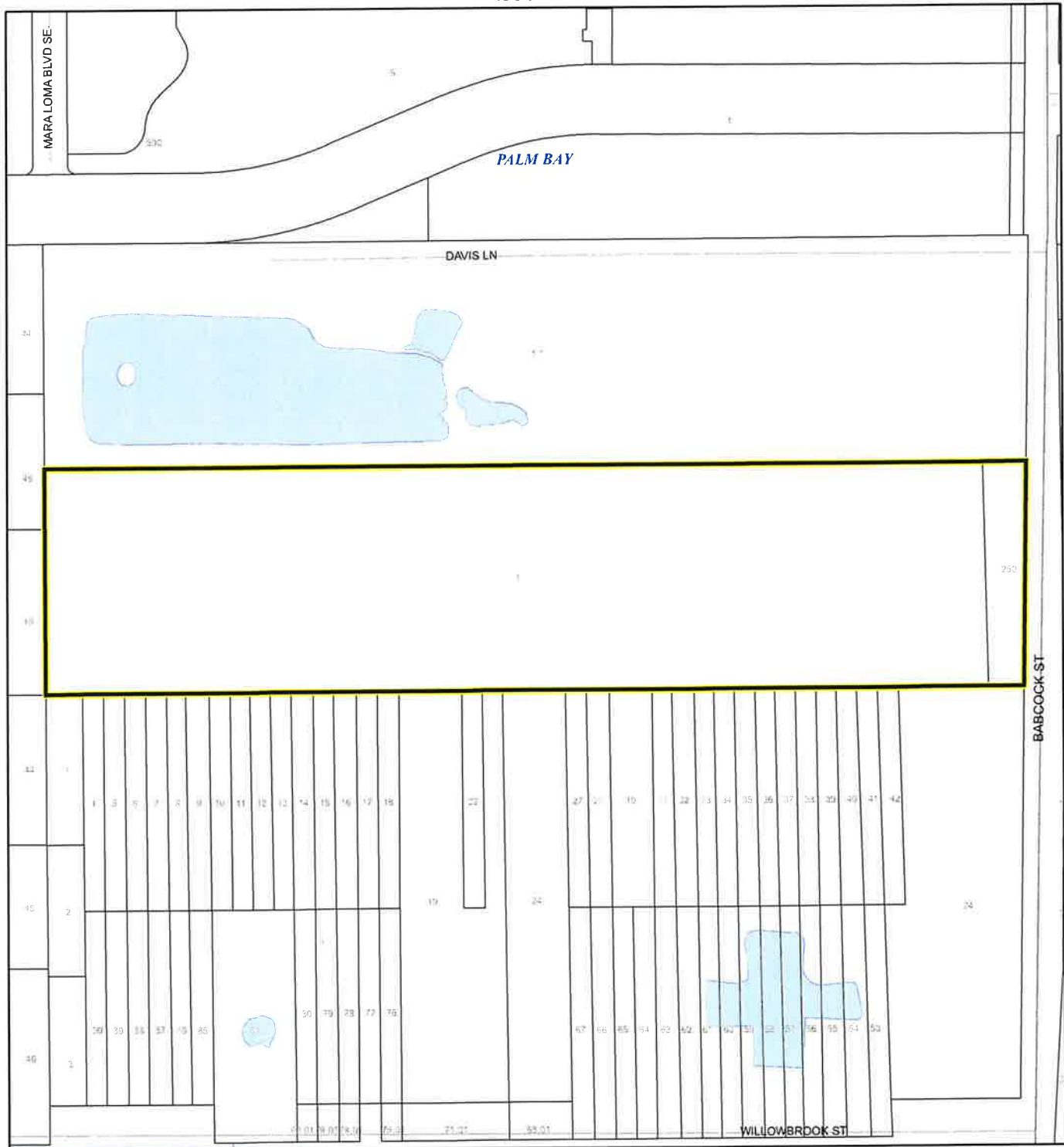
 Subject Property

 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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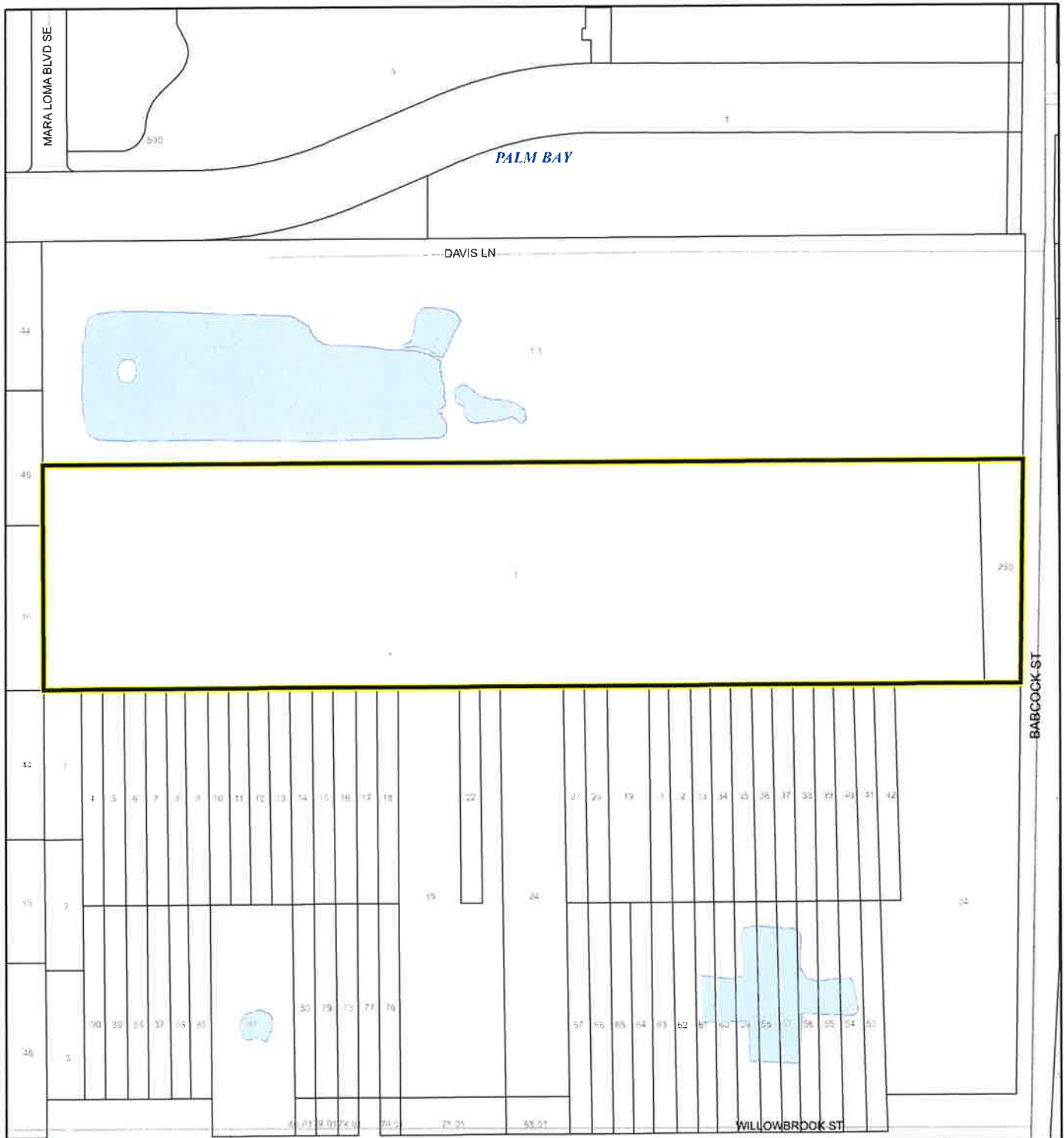
Produced by BoCC - GIS Date: 5/20/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

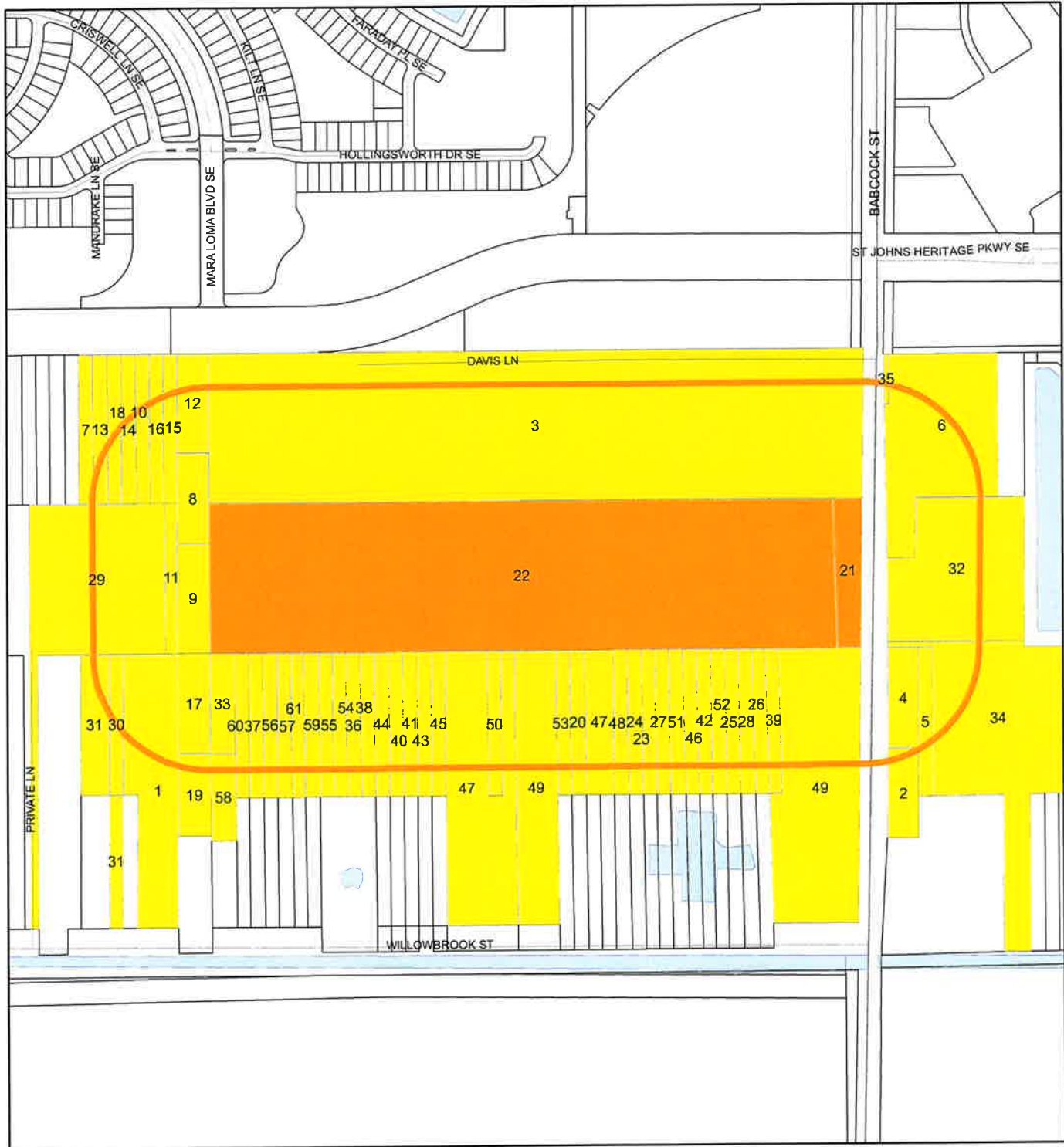
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

JEN FLORIDA 48 LLC

23SS00022



1:7,200 or 1 inch = 600 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 5/20/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 15, 2024

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 24-13, which was filed in this office on July 15, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.22 (23SS00022)
Township 30, Range 37, Section 09*

Property Information

Owner / Applicant: JEN Florida 48 LLC/Andrew Ivey Poulos & Bennett, LLC

Adopted Future Land Use Map Designation: Residential 1 (RES 1) and Residential 1:2.5 (RES 1:2.5)

Requested Future Land Use Map Designation: Residential 4 (RES 4)

Acreage: 41.39 acres

Tax Account # 3000569 and 3000365

Site Location: Westside of Babcock St. approximately quarter mile, south of St. Johns Heritage Pkwy SE

Commission District: 5

Current Zoning: GU (General Use)

Requested Zoning: PUD (Planned Unit Development) (23PUD00002)

Background & Purpose

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Residential 1 (RES 1) and Residential 1:2.5 (RES 1:2.5) to Residential 4 (RES 4) on a 41.39 acres parcel for the purposes of developing a 124-lot residential subdivision. The RES 1 portion of the subject property, approximately 1.7 acres and would permit one (1) residential unit. The RES 1:2.5 is 39.6 acres and would limit development to 15 residential units.

This request is Small-Scale Comprehensive Plan amendment since it is less than 50 and is not located in an Area of Critical State Concern. Small-scale amendments follow a different process whereby it may be approved with a single public hearing before the local government's governing body and does not require review by Florida Commerce.

The RES 4 designation would allow up to 165 residential units. The applicant has proposed a project consisting of 124 single-family residential units with an overall gross density of three (3) dwelling units per acre. The Board may consider limiting the density

with the PUD zoning under a separate application. The subject parcel is currently undeveloped and has access on Babcock St. which is maintained by the City of Palm Bay. The property is approximately a quarter mile, south of St. Johns Heritage Pkwy SE.

A companion rezoning application (**23PUD00002**) was submitted accompanying this request the change the Future Land Use Map designation of the entire 41.3-acre property from GU (General Use) to PUD (Planned Unit Development).

In 1988, Brevard County Comprehensive Plan went into effect applying the RES 1:2.5 and RES 1 Future Land Use (FLU) to the subject property and the surrounding area west of Babcock Street to the north and south. Included in the minimum criteria governing activities in this land use designation calling for residential densities not to exceed one dwelling unit per two and half (2.5) acres and one dwelling unit per 1 acre. The subject property has retained the FLU designation of RES 1:2.5 and RES 1 since the adoption of the Future Land Use map (FLUM) in 1988.

The subject parcel's GU zoning classification (requires minimum lot sizes of 5 acres) is consistent with the RES 1:2.5 and RES 1 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

The requested RES 4 FLU designation permits low density residential development with a maximum density of up to four (4) units per 1 acre, except as otherwise may be provided for within the FLU element. The subject parcel's existing GU zoning can be considered consistent with the requested RES 4 FLU designation.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residential	AGR	RES 1:2.5, RES 1
South	Undeveloped	GU, AU	RES 1:2.5, RES 1
East	Single-Family Residential	GU	RES 1
West	Undeveloped	GU	RES 1:2.5

To the north is 41.38-acre property developed as a single-family home with AGR (Agricultural) zoning and Res 1:2.5 and RES 1 FLU designations.

To the south is area totaling approximately 80 acres in size with varying lot sizes. The area was recorded as Plot Plans of Sunshine Grove in Plat Book 21 and Page 78, agricultural plats restricted to agricultural use only, noting all lots depicted are sub-standard for residential purposes. The area encompasses a multitude of lots with at least half of which have no direct access to a county-maintained roadway. There are a total of 65 lots, most are 0.75 acre in size. Two (2) larger lots are classified by the BCPAO as Bee (honey) Farms. Six (6) lots are zoned AU (Agricultural Residential) and the remainder

retains the original GU zoning with RES 1:2.5 and a portion of RES 1 fronting Babcock St.

To the east across Babcock St are two (2) larger lots. Both approximately 7.5 acres with, GU zoning and RES 1 FLU designation. One is developed with a single-family home. The other property is a horse boarding ranch.

To the immediate west are two undeveloped lots, approximately 1 acre in size, having no direct access with GU zoning and RES 1:2.5 FLU designation.

The RES 1:2.5 land use designation establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

The RES 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element.

RES 4 land use permits a maximum density of up to 4 units/acre and serves as a transition between areas of higher and lower density.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Residential Land Use Designations

FLUE Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

The Natural Resources Management Department identified the following environmental constraints: Hydric Soils, Indian River Lagoon Nitrogen Reduction Septic Overlay, Protected and Specimen Trees and Protected Species.

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6).

This may limit development potential of the property.

- B. Land use compatibility pursuant to Administrative Policy 3;**

The RES 4 land use cannot be considered consistent with the existing larger lot patterns of surrounding development. The RES 4 designation would allow up to 165 residential units. Additionally, the requested companion PUD zoning could result in a density bonuses, should Policy 1.2 be met, that would allow 206 residential units with a density of 5 units to the acre on 41.39 acres. Approval of RES 4 on this size lot would permit the creation of smaller lot sizes not consistent of the surrounding development.

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;**

Centralized potable water and sanitary sewer service is currently not available to the subject property. The applicant has represented that these services will be provided by the City of Palm Bay but, the City has no capacity to provide these services.

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

The Brevard County School Board staff projects there will be insufficient school capacity at the elementary, middle school, and high school levels to accommodate the projected demand in the school concurrency area that includes the subject property. It will be necessary to adjust school attendance boundaries in the adjacent school concurrency area to accommodate the projected student demand.

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

- D. Character of the general area, pursuant to Administrative Policy 4;

The Deer Run subdivision (FLUM of RES 1:2.5 and AU zoning) platted in 1980, located south of the subject property, is the only established residential neighborhood in the general area. Areas surrounding the subject property are developed as larger single-family lots and vacant lots.

- E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island. The completion of the westward segment of St. Johns Heritage Parkway linking Babcock St. with US 192 will provide additional evacuation capacity.

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

The South Mainland Small Area Study did not make recommendations that specifically pertain to this area or the subject property.

Public Facilities and Services Requirements

FLUE Policy 1.2

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

Criteria:

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

The roadway segment of Babcock St. is maintained by the City of Palm Bay. The

applicant has not provided documentation from the City of Palm Bay that this segment of Babcock St. will adequately maintain its adopted roadway level of service. The St. Johns Heritage Parkway Intersection and Babcock Street Interlocal Agreement between the County and the City of Palm Bay agrees that the County will set aside fifty percent (50%) of the transportation impact fees received for any new development in the south Mainland Benefit District located south of Grant Road and west of the Florida East Coast Railway to be utilized for the Babcock Street future 4-lane widening project.

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

Preliminary concurrency analysis indicates the proposal would not create a deficiency in Adopted Level of Service (LOS), however, a traffic concurrency has not been provided by City of Palm Bay which maintains this segment of roadway. The corridor is anticipated to operate at 52.35% of capacity daily. Specific concurrency issues will be addressed during a coordinated review with the City of Palm Bay. This is only a preliminary review and is subject to change. The City, however, will permit access to Babcock Street for the propose development.

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

Drainage plans will be reviewed at the site plan review stage.

Adequate recreation facilities are proposed to serve the needs of the associated development. Development is proposed to be complete in one (1) phase.

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

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

regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.

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

Centralized potable water and sanitary sewer are not currently available to the subject property. The applicant has represented that the City of Palm Bay will provide these services in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity.

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

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

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

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

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

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

Management Action Plan.

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

The applicant has not demonstrated that there would be an overriding public benefit from their proposed development.

Residential 4 (maximum of 4 dwelling units per acre)

FLUE Policy 1.7

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 Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject property is not adjacent to any existing Residential 4 or higher land use designations. RES 1:2.5 and RES 1 are adjacent to the subject property to the east, west, north and south. The closest Res 4 is approximately 5 miles to the east.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject property does not serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. RES 1:2.5 and RES 1 are adjacent to the subject property.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject property is adjacent to the incorporated City of Palm Bay as this section of Babcock St. is located within the city limits and maybe considered for annexation. The remaining properties adjacent to the subject property are located within the unincorporated county jurisdiction.

- D. Up to a 25% density bonus to permit up to five (5) dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The subject property has requested PUD zoning classification under application (23PUD00002). The subject property is not within the CHHA. At Res 1:2.5 and RES 1, current density would allow 16 units. Specific density bonuses, should be deferred to the PUD zoning should Policy 1.2 be met. Res 5 would allow 206 residential units.

FLUE Administrative Policy 3

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

Criteria:

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

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 13.75%. The corridor is anticipated to operate at 52.35% of capacity daily. A traffic concurrency has not been provided by City of Palm Bay which maintains this segment of roadway. Specific concurrency issues will be addressed during a coordinated review with the City of Palm Bay.

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

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

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

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

1. historical land use patterns;

The area within half-mile including the subject property land use patterns includes RES 1:2.5, RES 1, PUB-CONS. Please note, the area only includes unincorporated areas of Brevard County. Lots in this area range from 294 acres to approximately 0.75 acre. The character of the area is smaller vacant lots platted in 1967 as Plot Plans of Sunshine Grove in Plat Book 21 and Page 78 and Plot Plans of Cape Kennedy Groves in Plat Book 21 and Page 77, agricultural plats restricted to agricultural use only, noting all lots depicted are sub-standard for residential purposes and sparse residential lots on 2.67 acres to 41.39 acres (7 homesteaded). Active agricultural pursuits in this area includes a plant nursery, honeybee farm and a horse ranch.

There is a proposed FLUM change to the south that would introduce Res 4 into the surrounding area made by the same applicant. This request is being reviewed by Florida Commerce.

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

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

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

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

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

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

FLUE Administrative Policy 4 evaluating the 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 Board shall make this determination.

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

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

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

CIE Policy 1.3 regarding the Capital Improvements Element; Shall be provided concurrent with development.

FLUE Administrative Policy 4

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

Criteria:

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

The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 11.06%. The corridor is anticipated to operate at 52.05% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change. No commercial or industrial activity is proposed with this application.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

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

- 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

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

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial, or other non-residential uses have been applied for and approved during the previous five (5) years.

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

FLUE Administrative Policy 5

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

Criteria:

- A. Whether adopted levels of service will be compromised;

Based on the existing roadway capacities and vehicle trips that the proposed land use and intensities will generate, the level of service (LOS) will not be compromised and anticipated to remain above the Acceptable LOS Standards. This segment of Babcock St. is maintained by the City of Palm Bay.

The adopted LOS volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2023 Annual Average Daily Traffic (AADT) is 5,820 vpd. Based on the maximum development potential, the project could add a maximum volume of 1,571 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 52.05, an increase of 11.06.

- 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;

A road system condition assessment must be conducted by the applicant to assess the physical quality of the existing pavement and structural condition of affected roadways and identify necessary improvements, such as road

resurfacing or road reconstruction, to support the proposed development without significant road system 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;

The road system condition assessment must include an inventory of the existing affected roadways and identify necessary improvements, such as road widening or other modifications, to support the proposed development.

- 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;

The road system condition assessment must include an evaluation of potential impacts on public safety that could result from the proposed development. Separately, a Traffic Calming Study must be conducted by the applicant for the affected roadways and will identify necessary improvements, as appropriate based on the roadways' functional and context classifications, to mitigate speeding and encourage preferred routing of traffic.

- 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;

The proposed development is not anticipated to impact the road system's volume-to-capacity ratios beyond acceptable levels along Babcock Street.

A Traffic Impact Analysis will determine the degree of the impacts and whether Babcock Street should be classified as an arterial road. This study will be reviewed in conjunction with the PUD application.

- 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;

The road system condition assessment must include an inventory of the existing affected roadways and an evaluation of the potential physical deterioration to the surrounding road system, as well as the identification of the necessary improvements to support the proposed development.

- 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.

An increase in traffic volumes is anticipated to result in the speed at or below which 85% of the drivers travel on a road segment. The required Traffic Calming Study will determine the prevailing existing and anticipated driving behaviors in the area.

FLUE 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.

The applicant has not demonstrated compliance with: FLUE Administrative Policy 3 and 4, FLUE Policies 1.1., 1.2, 1.7; or CIE Policy 1.3.

FLUE Administrative Policy 7

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

Natural Resources has noted the subject parcel contains mapped wetlands, hydric soils, and within the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees; and protected species may also be present on the subject property.

Portions of this property along the east, west and south borders are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. The Applicant states that sanitary sewer will be provided by City of Palm Bay. However, per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

The development potential maybe limited by these constraints.

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

**Capital Improvements Element
Policy 1.3**

As a part of the Capital Improvements Plan development process, Brevard County

should utilize the following advisory level of service standards for public libraries, law enforcement, correctional facilities, fire protection, emergency medical services, and public education shown below as planning guidelines to evaluate the need for public facility improvements.

- A. Public Libraries: 0.6 sq. ft. of library building space per capita;
 2.16 volumes per capita;
 1.5 titles per capita.

- B. Law Enforcement: 2.0 deputies per 1,000 residents;
- C. Correctional Facilities: .003 inmate spaces per capita.
- D. Fire Protection:
 - 1. 6 minute average response time county wide.
 - 2. 90% of Brevard County within 3 miles of a station.
 - 3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
 - 4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
 - 5. Develop an attack force that can advance 2 standard fire stream hand lines.
 - 6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
 - 7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long relays and extended pumping operations.
 - 8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
 - 9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
 - 10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time.
 - 11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.
 - 12. Manpower:

Unincorporated Population	No. Fire Fighters Per 1,000 Residents	% Supervisory Fire Fighters
100,000 - 249,999	1.89	20.4
250,000 - 499,999	1.84	25.5
500,000 +	1.81	21.7
- E. Emergency Medical Establish effective Advanced Life Support response within six minutes to 90% of the population.

Brevard County Fire/Rescue indicates that it cannot meet the advisory level of service contained in Policy 1.3 of the Capital Improvements Element.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Babcock St between Micco Rd and Grant Rd, which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 40.99% of capacity daily. The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 11.06%. The corridor is anticipated to operate at 52.05% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject property is not located within the Brevard County Utility Services Department service area for potable water and sanitary sewer. The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

A non-binding, school capacity determination letter Indicates there is not enough capacity for the total of projected and potential students from the proposed development. There is not sufficient capacity at Sunrise Elementary School, Southwest Middle School, and Bayside Senior High School for the total of projected and potential students from this development.

At this time, the adjacent elementary, middle and high school concurrency areas are projected to have enough capacity of the total of projected and potential students. The review is non-binding and subject to change.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres.** This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is

encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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

Historic Resources

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 23SS00022**

Applicant: Andrew Ivey/Polous & Bennett, LLC (Owner: Jen FLORIDA 48, LLC)
Zoning Request: RES 1 and RES 1:2.5 to RES 4
Note: for a residential development composed of 124 detached single-family units
LPA Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024
Tax ID Nos: 3000365 & 3000569

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres.** This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one**

dwelling unit per five acres. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Indian River Lagoon Nitrogen Reduction Septic Overlay

Portions of this property along the east, west and south borders are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. The Applicant states that sanitary sewer will be provided by City of Palm Bay. However, per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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

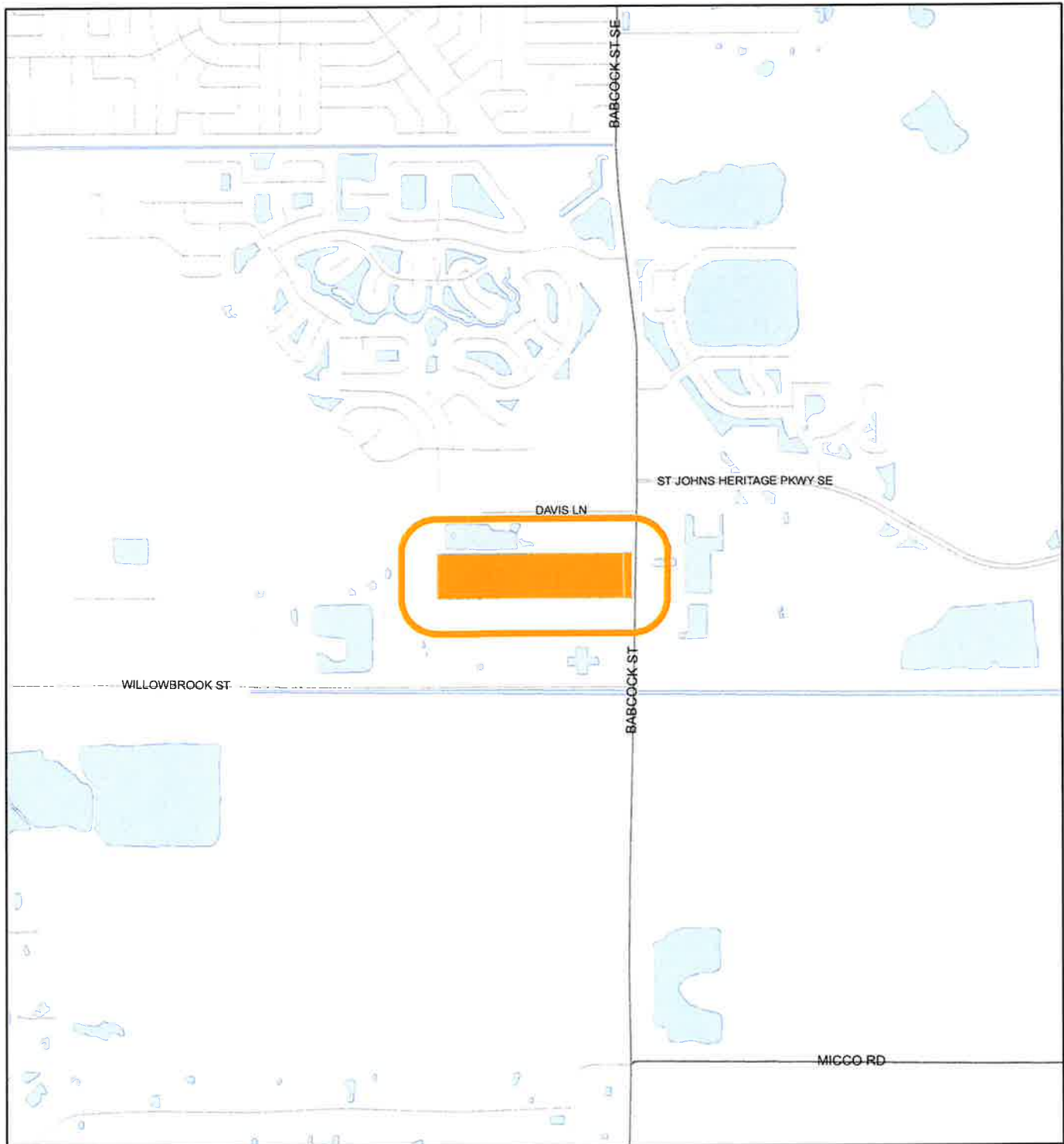
Protected Species

Federally and/or state protected species may be present on properties with wetlands. Specifically, there is potential for existence of Gopher Tortoises on site. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

JEN FLORIDA 48 LLC

23SS00022



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.

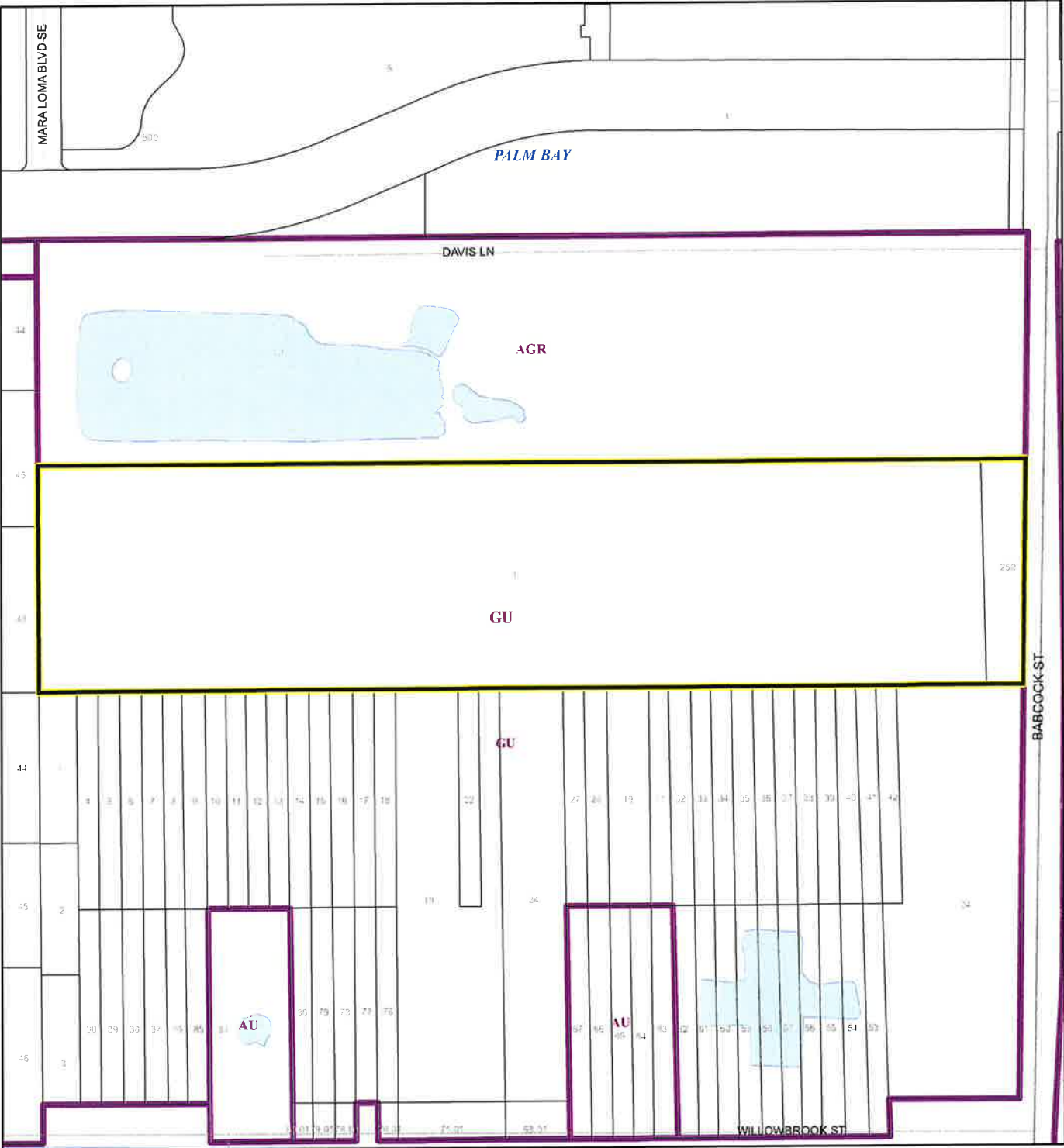
Produced by BoCC - GIS Date: 5/20/2024

— Buffer

— Subject Property

ZONING MAP

JEN FLORIDA 48 LLC
23SS00022



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.

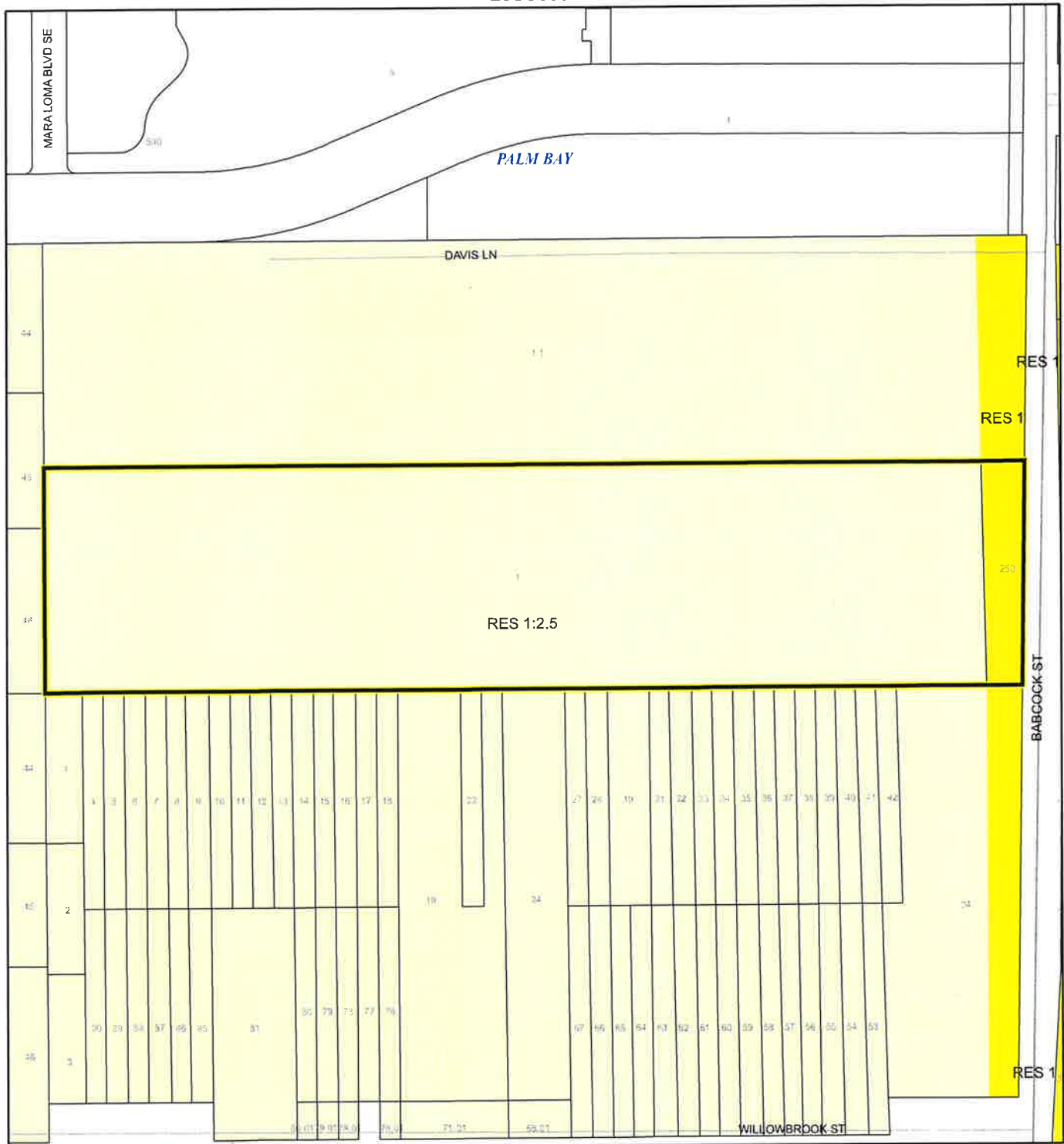
Produced by BoCC - GIS Date: 5/20/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

— Subject Property

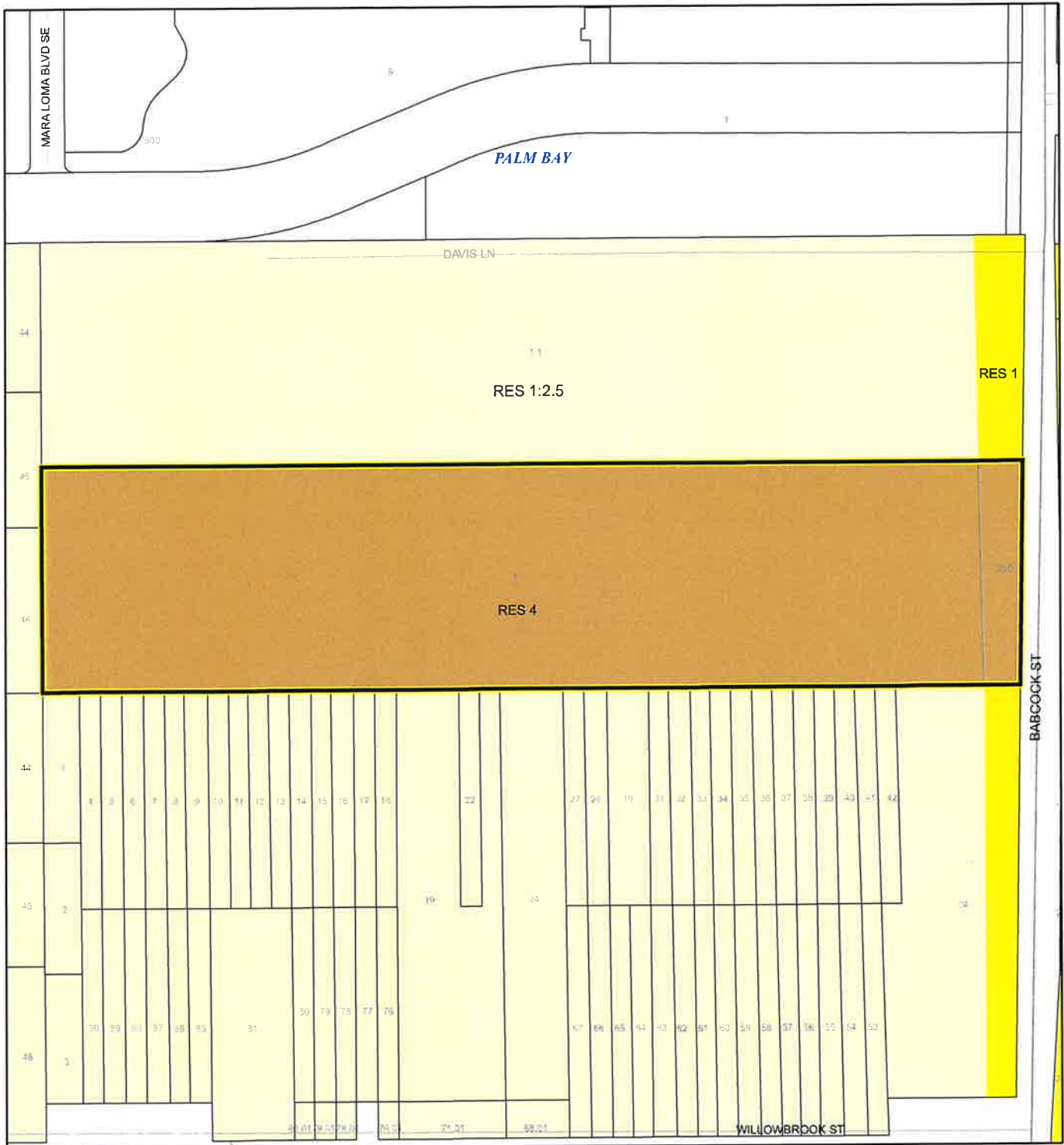
□ Parcels

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PROPOSED FUTURE LAND USE MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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Produced by BoCC - GIS Date: 5/20/2024

AERIAL MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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— Subject Property

□ Parcels

NWI WETLANDS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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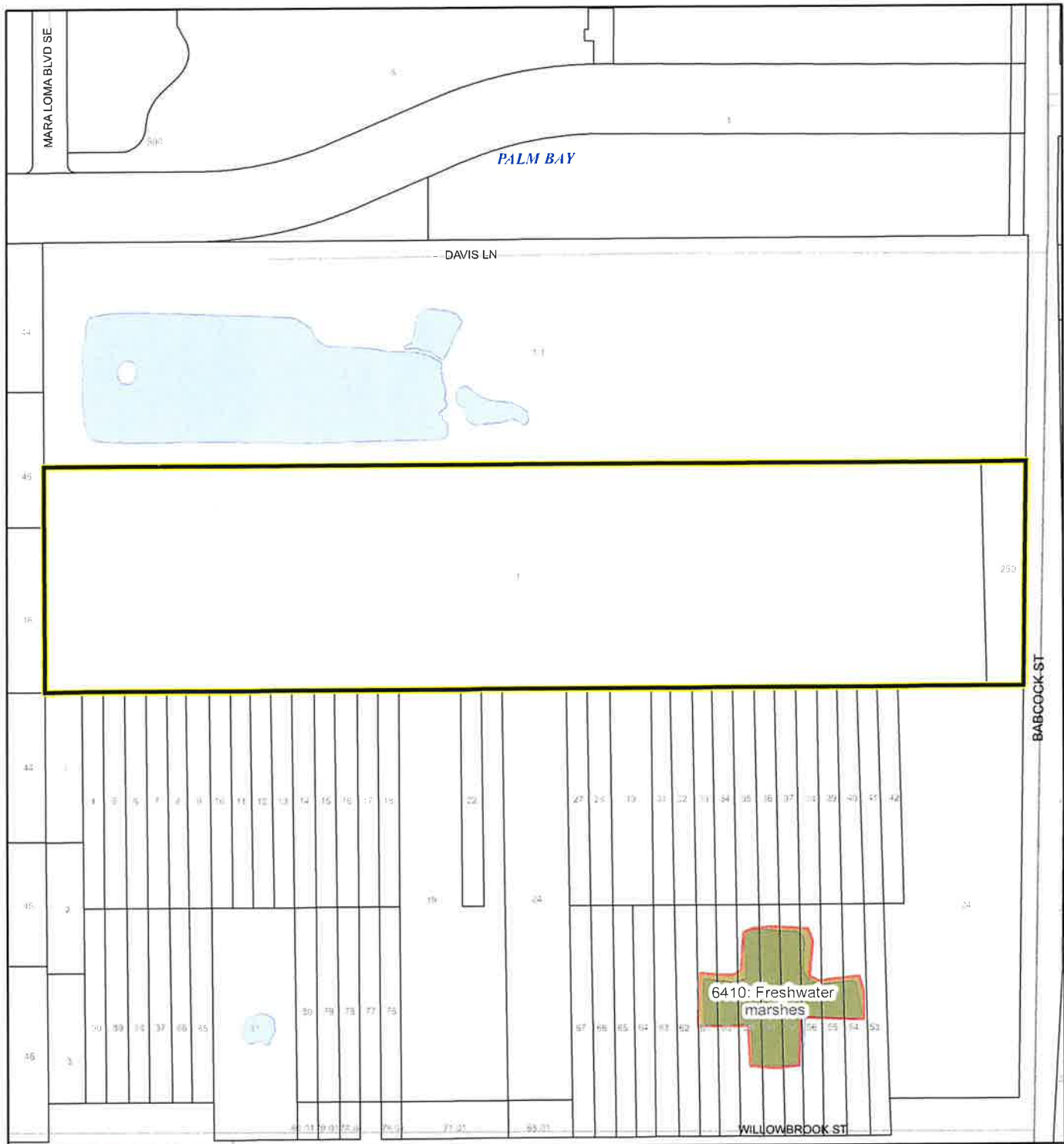
Produced by BoCC - GIS Date: 5/20/2024

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

JEN FLORIDA 48 LLC
23SS00022



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: 5/20/2024

SJRWMD FLUCCS WETLANDS

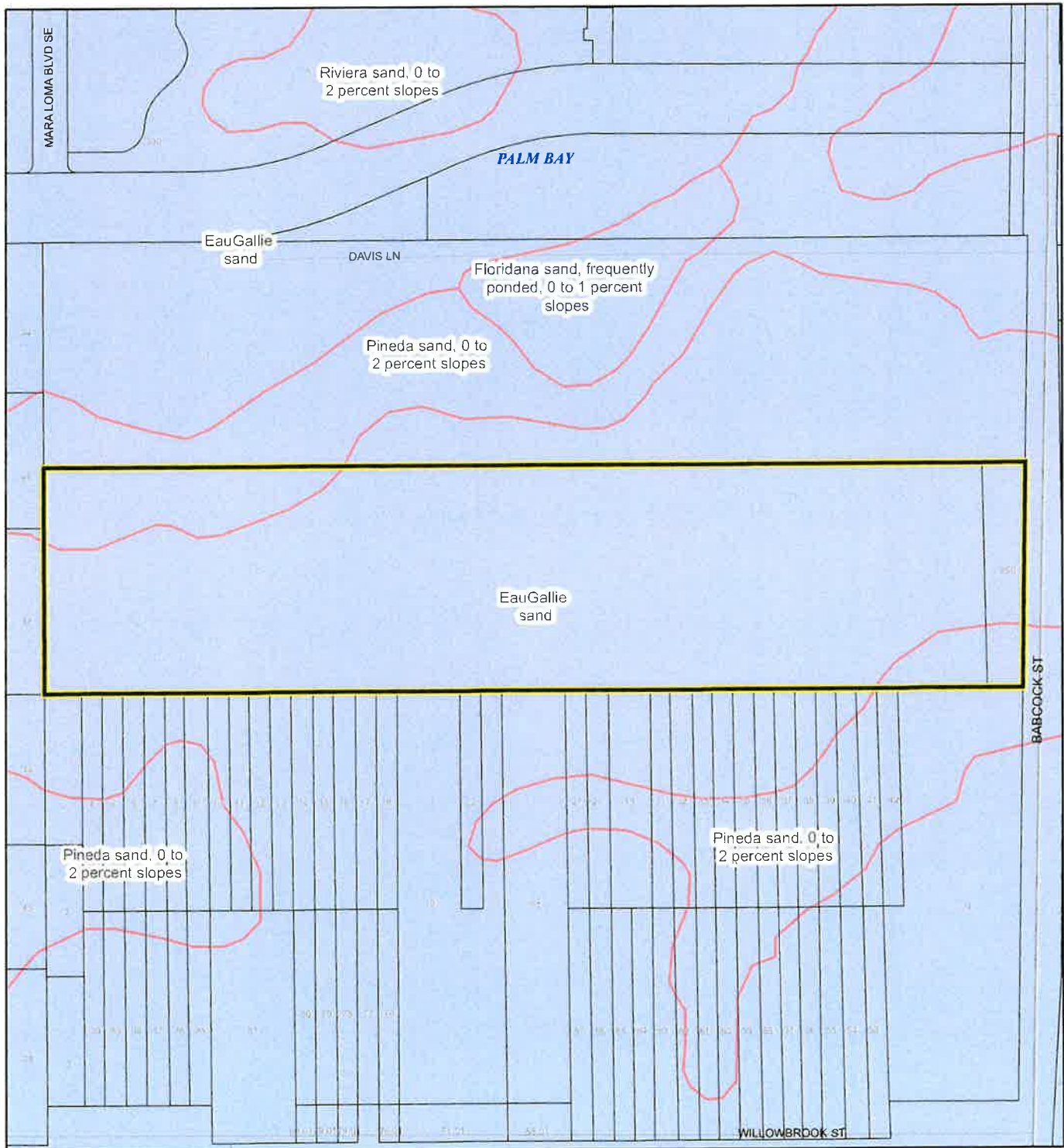
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

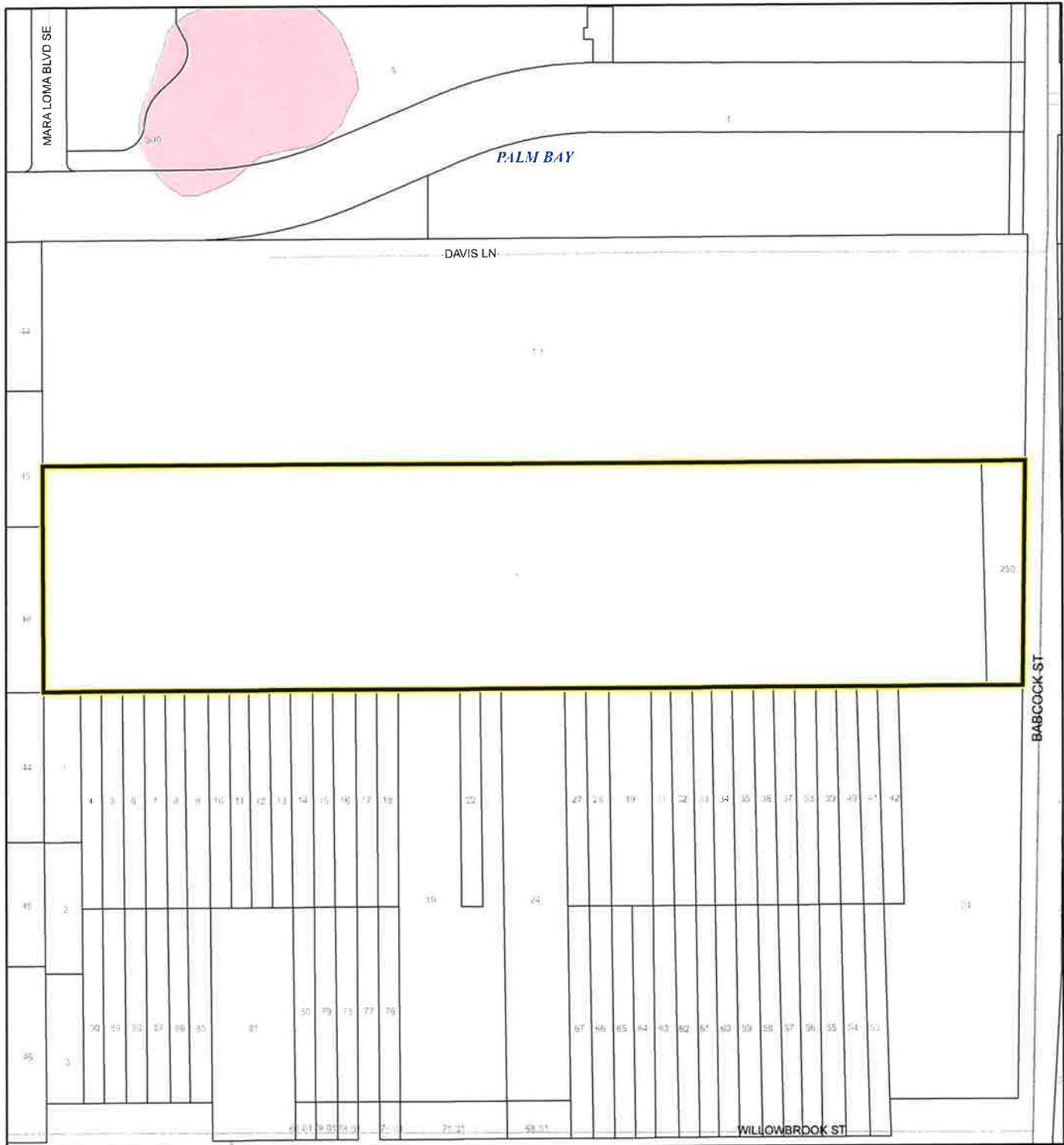
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

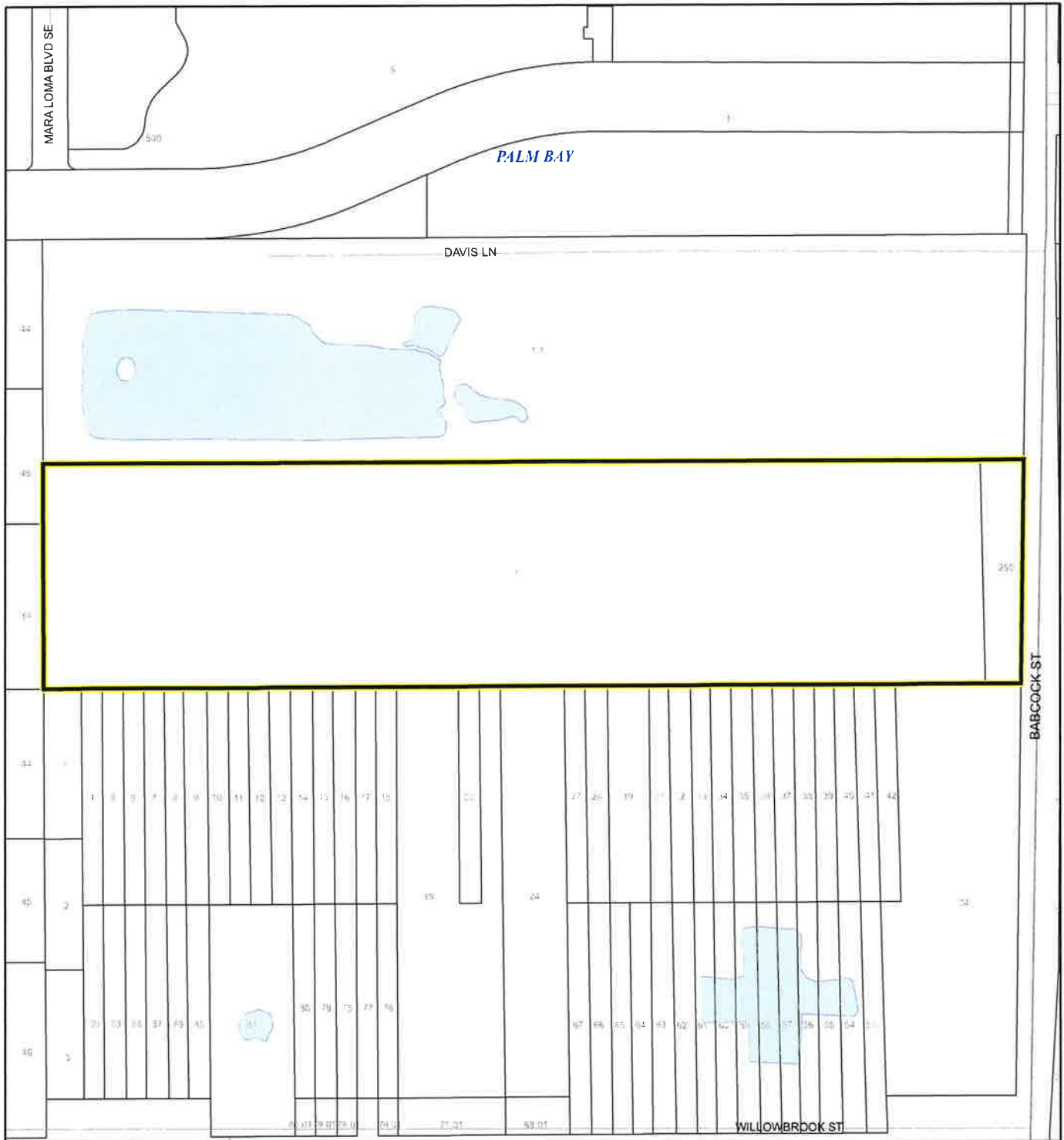
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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— Subject Property

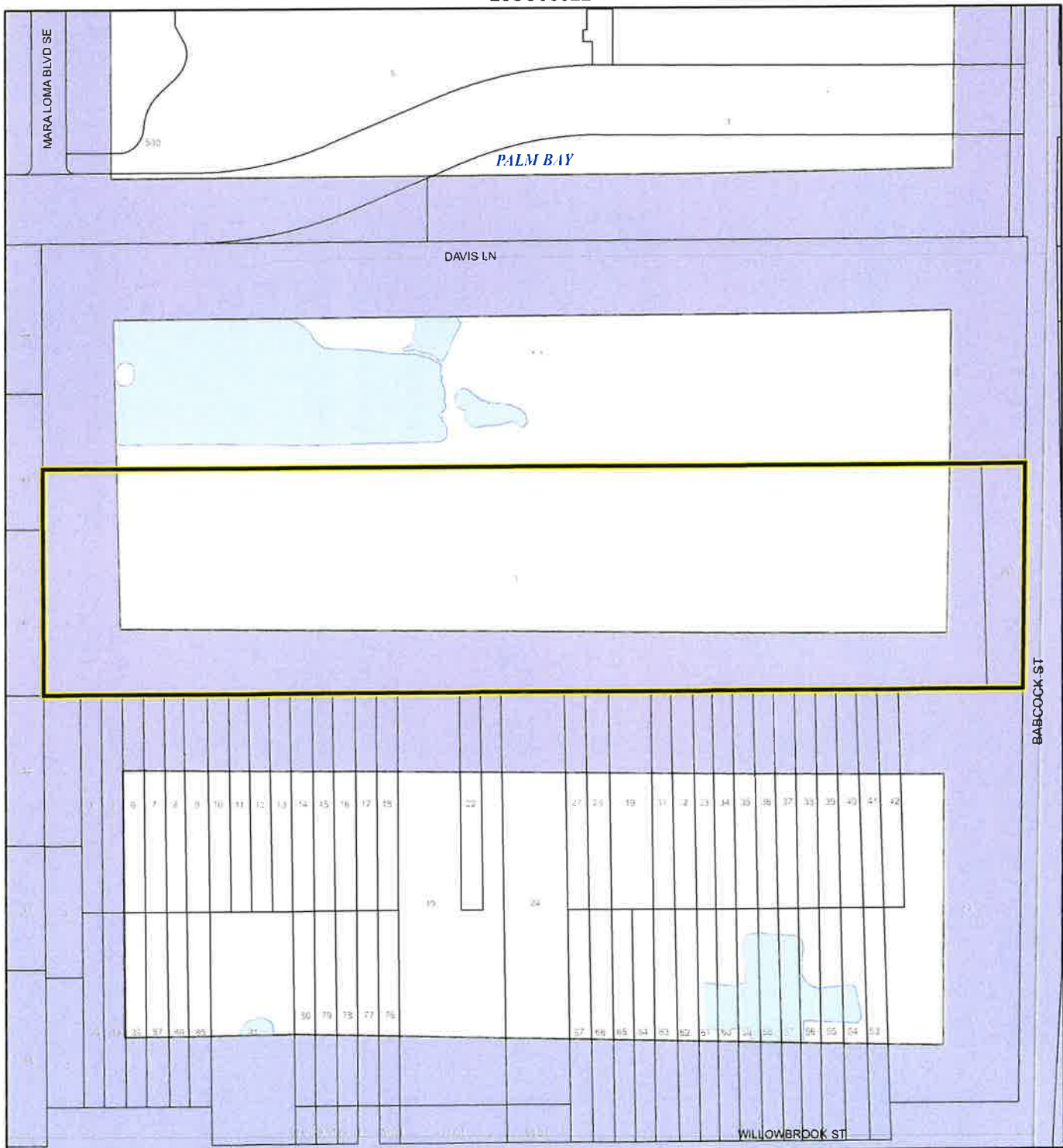
□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

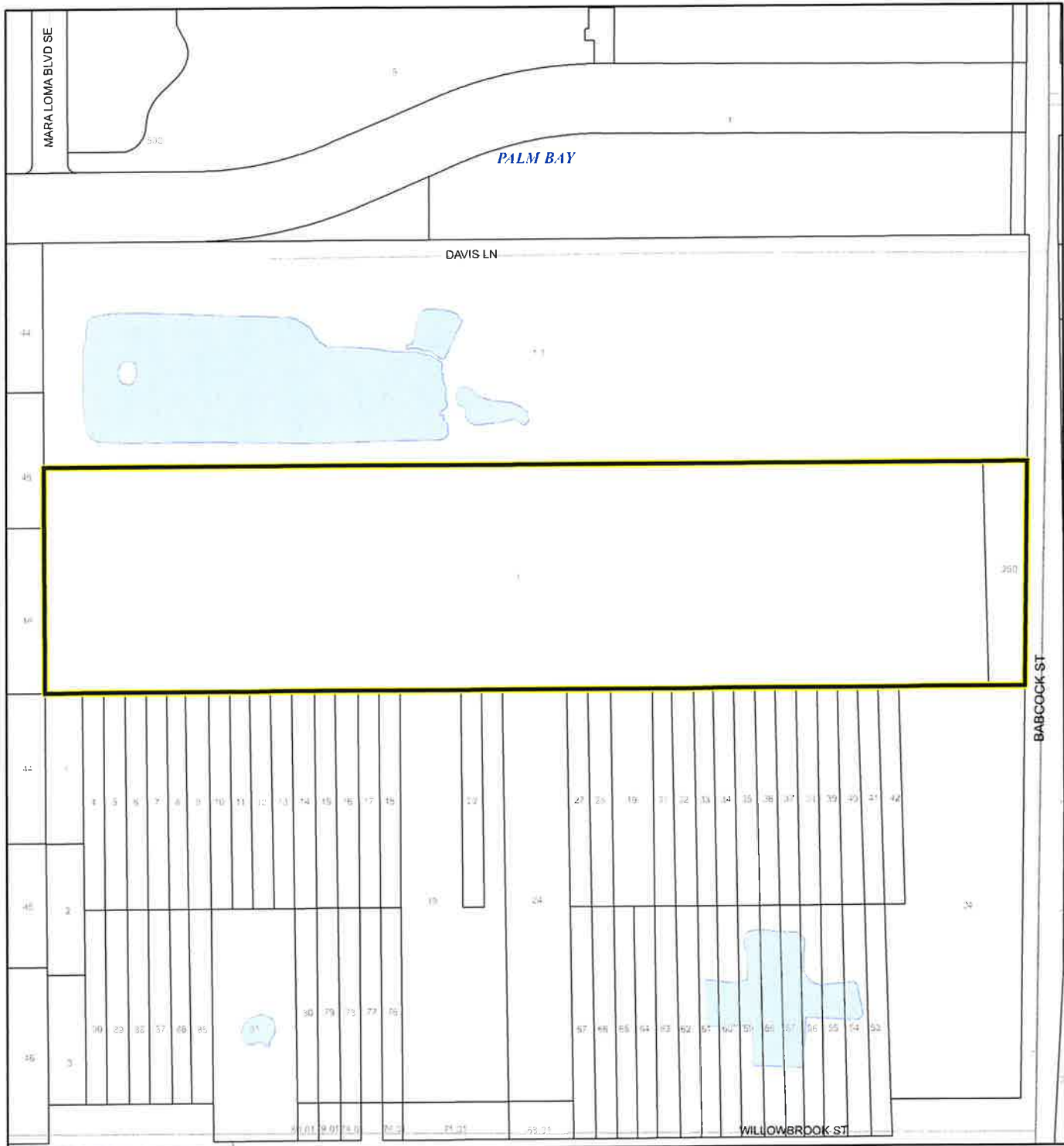
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

— Subject Property

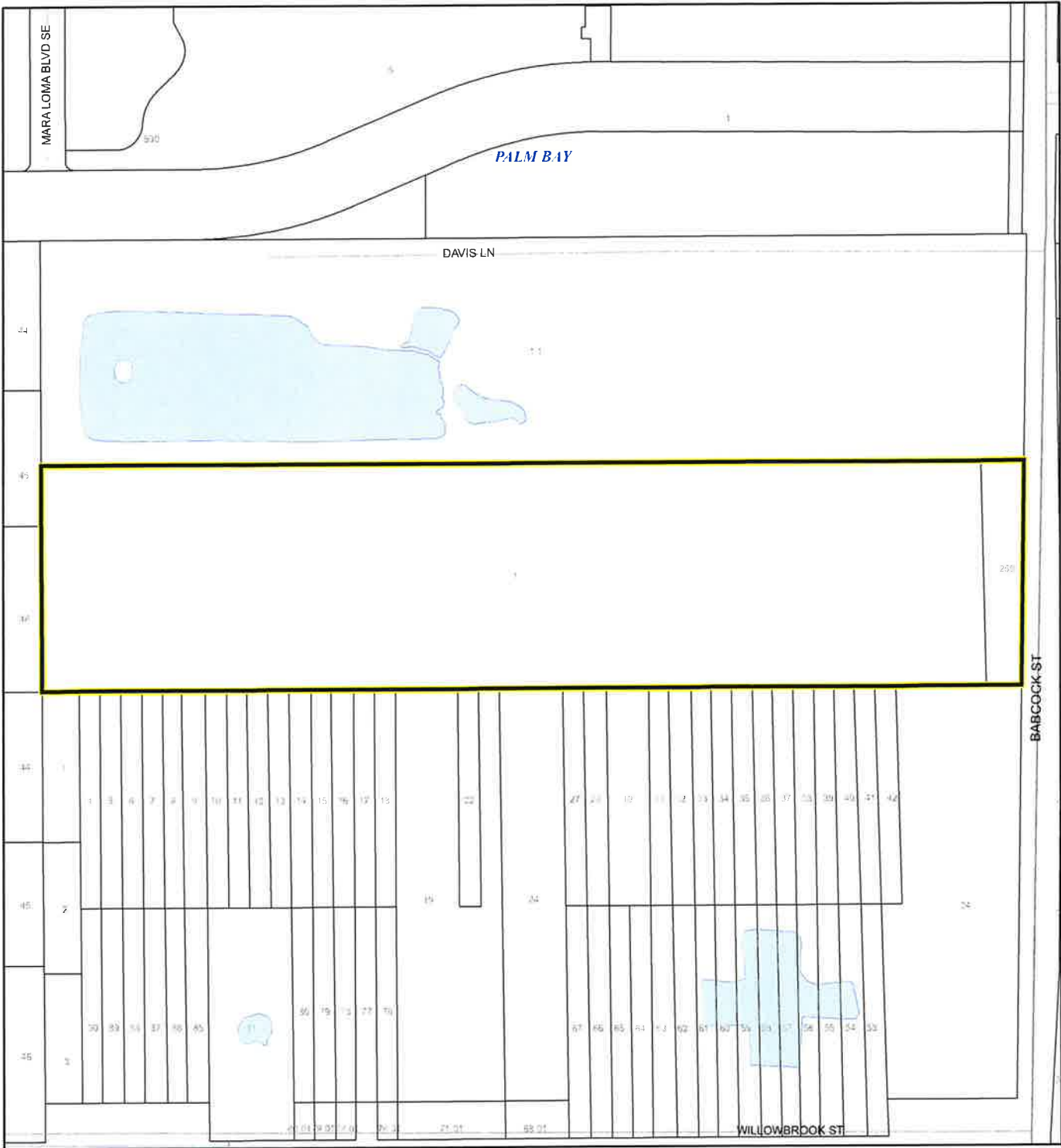
□ Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

JEN FLORIDA 48 LLC
23SS00022



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.

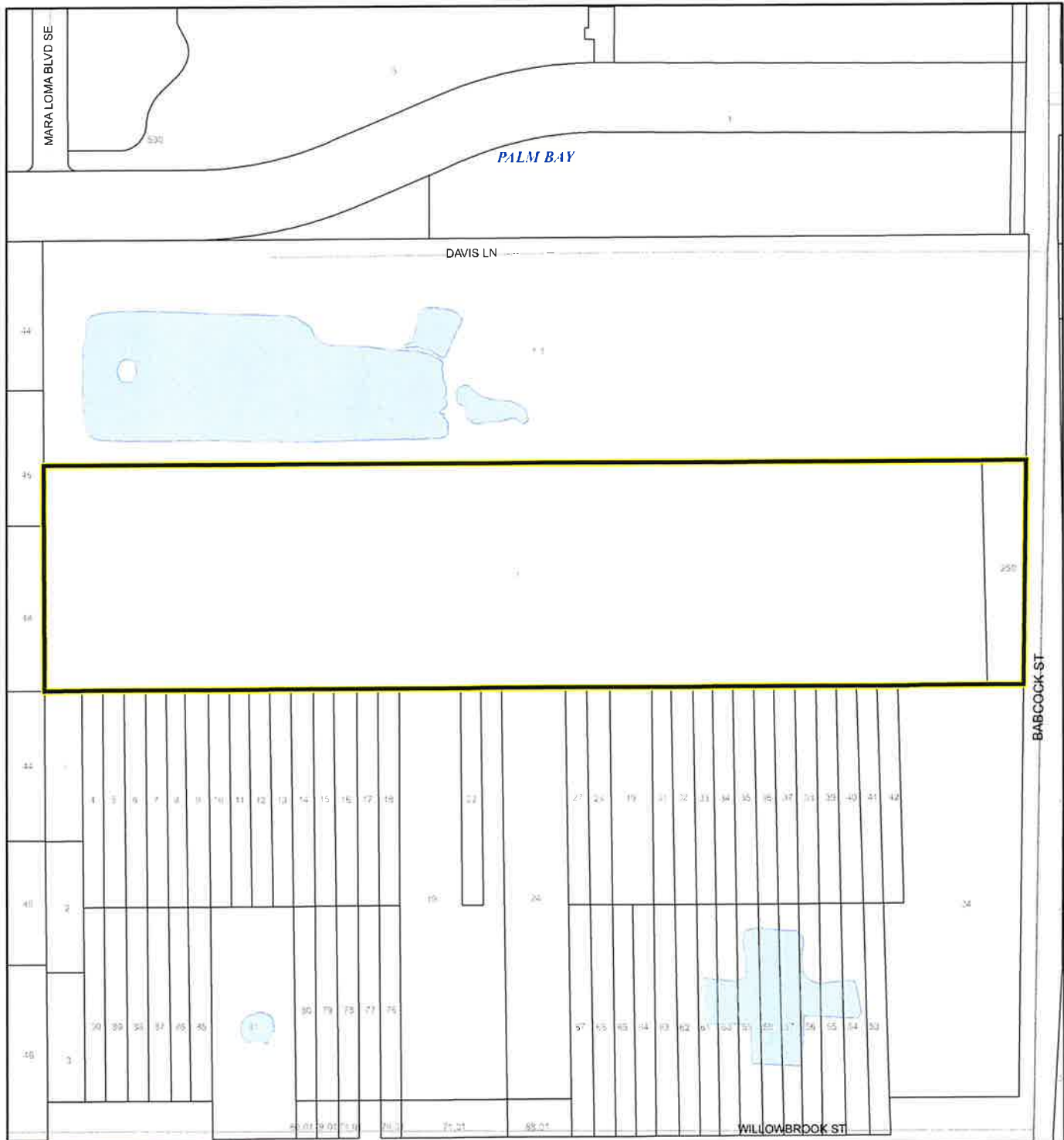
Produced by BoCC - GIS Date: 5/20/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JEN FLORIDA 48 LLC

23SS00022



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: 5/20/2024

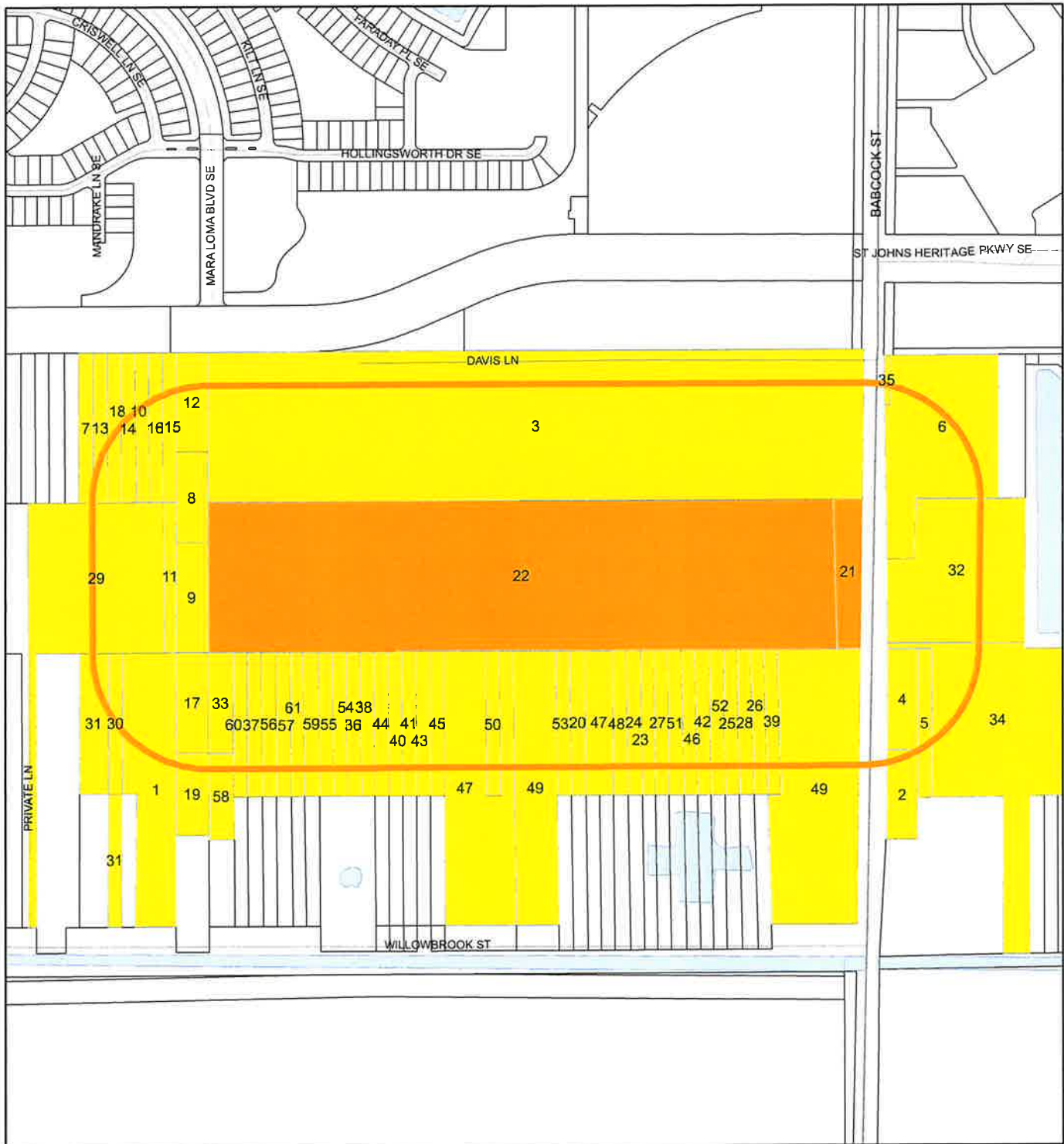
SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

RADIUS MAP

JEN FLORIDA 48 LLC
23SS00022



1:7,200 or 1 inch = 600 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: 5/20/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

NARRATIVE

The subject area consists of approximately 41.39 acres of land located west of Babcock Street and north of Willowbrook Street, within Unincorporated Brevard County jurisdiction (referred to hereinafter as the "Property"). The Property is vacant. Please see the attached Aerial Map.

The Property currently has the Residential 1 (maximum of 1 unit per acre) and Residential 1:2.5 (maximum of 1 unit per 2.5 acres) future land use designations, with the General Use (GU) zoning designation. The application proposes a Small-Scale Future Land Use Amendment to Residential 4 (maximum of 4 dwelling units per acre) for approximately 41.39 acres.

The applicant requests approval for a small-scale future land use amendment to Residential 4, with the intent to establish a residential development.

Comprehensive Plan Policy 1.7.B on the Future Land Use Element calls for the Residential 4 Future Land Use to be located in areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. The unincorporated areas south of the Property contain the Res 1:2.5 future land use designation. To the north, in the City of Palm Bay, is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use designations Low Density Residential (Maximum 5 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). The proposed Residential 4 Future Land Use designation serves as a rational transition from the higher densities to the north and the lower densities to the south.

This Comprehensive Plan Policy is included as an attachment.



SOURCE: Brevard County, FL

Aerial

 Subject Boundary

SunTerra - Babcock Street

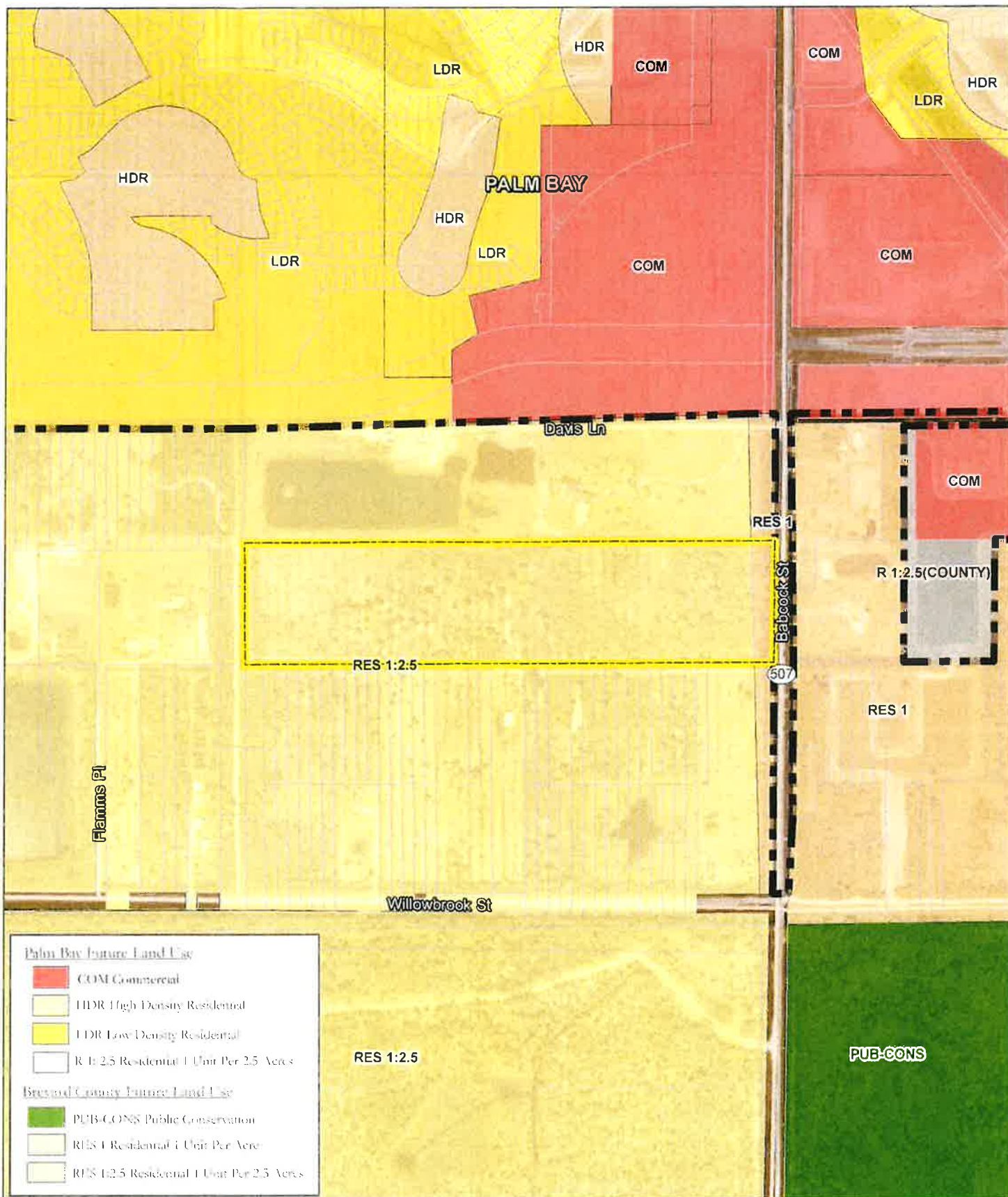
POULOS & BENNETT



08/14/2023
P&B Job No. 23-105

2602 E. Livingston Street
Orlando, FL 32805 Ph: 407-187-2591

www.poulosandbennett.com
Certificate of Authorization No. 38562



Map Source: City of Brevard County, City of Palm Bay

Subject Property
 Palm Bay City Limits

277
 4/3/21
 Job No. 25103

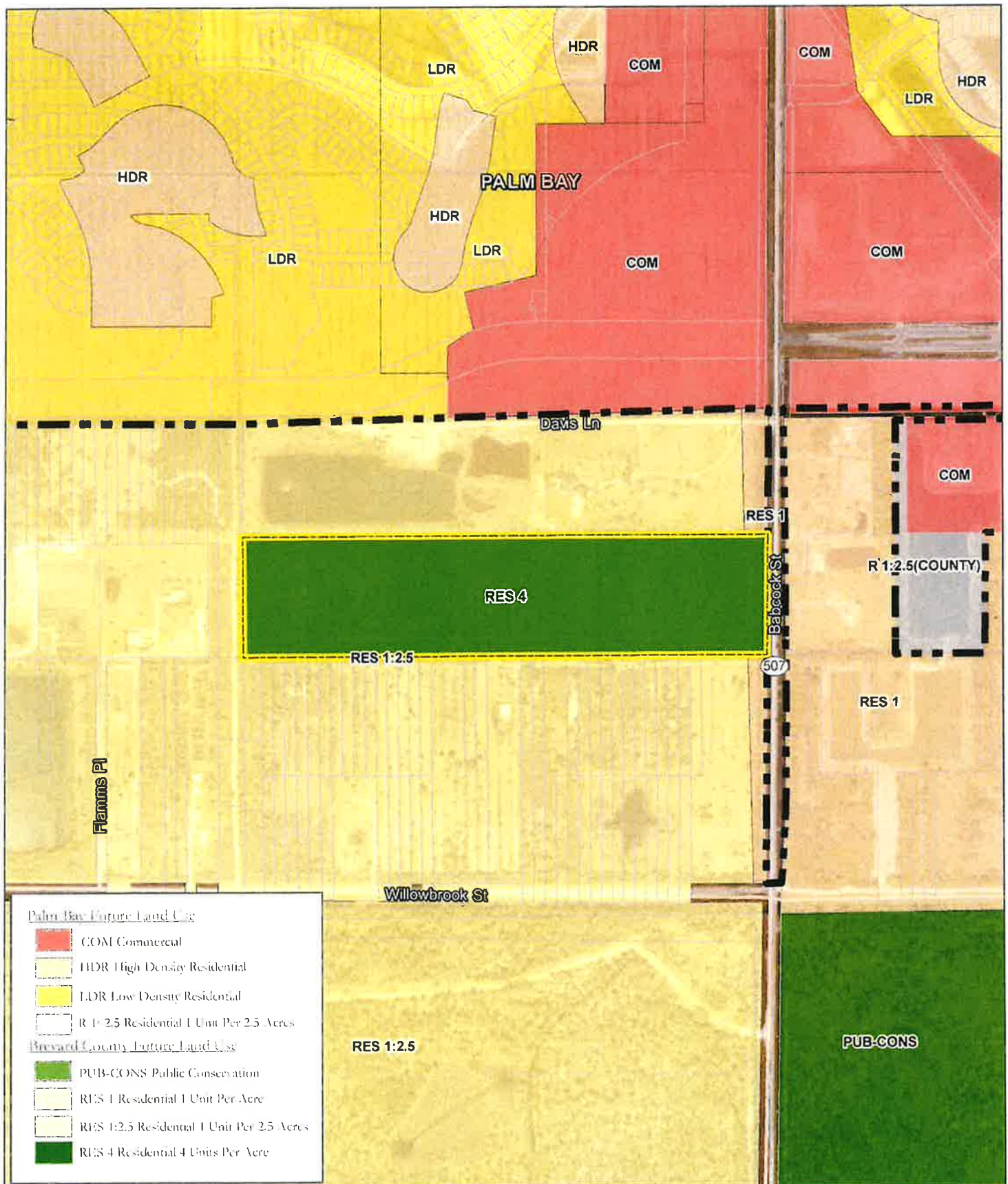
2602 E. Livingston Street
 Orlando, FL 32803, Ph: 407-487-2294

Existing Future Land Use
 SunTerra - Babcock Street

POULOS & BENNETT

www.poulosandbenett.com
 Certificate of Authorization No. 26367





Map Source: Luso, Brevard County, City of Palm Bay

Subject Property
Palm Bay City Limits

Proposed Future Land Use SunTerra - Babcock Street

POULOS & BENNETT

2602 E. Livingston Street
Orlando, FL 32803 Ph: 407-487-2594

www.poulosandbennett.com
Certificate of Authorization No. 28567





Orlando Office
2602 E. Livingston Street
Orlando, Florida 32803

(407) 487-2594
poulosandbennett.com

Jacksonville Office
7563 Philips Hwy, Suite 303
Jacksonville, Florida 32256

Brevard County Comprehensive Plan Policies

Future Land Use Element – Residential 4 (maximum of 4 dwelling units per acre) Policy 1.7

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 Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre.



SunTerra Babcock Street - Notice to Applicants for Change of Land Use Supplement

1. The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

Response: The subject property is currently assigned the Residential 1:2.5 (maximum of 1 unit per 2.5 acres) and Residential 1 (maximum of 1 unit per acre) Future Land Use designations and the GU, General Use Zoning District. In addition, the property is currently undeveloped. In accordance with Land Development Regulations Section 62-1255. (b) (2) - Consistency with the future land use map, the existing GU, General Use Zoning District is compatible with the existing Residential 1:2.5 and Residential 1 Future Land Use designations. The subject property contains approximately 39.66 acres of the Residential 1:2.5 Future Land Use designation and 1.73 acres of the Residential 1 Future Land Use designation. With such estimated acreages, the total allowable dwelling units, with the existing Future Land Use designations, is 16 dwelling units.

2. The proposed zoning of the property along with its development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

Response: The proposed Future Land Use for the subject property is Residential 4 (maximum of 4 dwelling units per acre) and the proposed Zoning district is PUD (Planned Unit Development). The PUD proposes 124 total dwelling units. In accordance with Land Development Regulations Section 62-1255. (b) (2) - Consistency with the future land use map, the proposed PUD, Planned Unit Development Zoning District is compatible with the proposed Residential 4 Future Land Use designation. The proposed 124 unit PUD consists of a density of 3 dwelling units per acre, compliant with the Comprehensive Plan, Future Land Use Element, Policy 1.7, which permits up to 4 dwelling units per acre.

3. The proposal's impact on services, such as roads and schools.

Response: Pertaining to roads, the proposed PUD generates 1,230 daily gross trips, 91 AM peak hour trips, and 122 PM peak hour trips. A small-scale rezoning traffic impact analysis has been submitted with the application for a small-scale future land use amendment and rezoning. The roadway segment analysis, detailed in the small-scale rezoning traffic impact analysis, shows the roadway (Babcock Street) will operate within the adopted level of service.

Per the Interlocal Agreement for Public School Facility Planning and School Concurrency, the proposed 124 units will generate 30 elementary students, 9 middle school students, and 15 high school students, with a total of 54 students for the proposed development. Capacity Determination (CD 2023-22) is included in the application package for a small-scale future land use amendment and rezoning. Per page 4 of the school capacity determination letter, at this time, the adjacent elementary, middle and high school concurrency areas are projected



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Jacksonville, Florida 32256

to have enough capacity for the total of projected students for the proposed development of 124 single-family homes.

Water, sewer and reuse facilities are proposed to be served by the City of Palm Bay.

4. The proposal's impact upon hurricane evacuation, if applicable.

Response: No mobile homes are proposed in the PUD plan. The proposed development is not applicable with the Comprehensive Plan Coastal Management Element Policies 8.9, 8.10, and 9.9, and is not applicable to Land Development Regulations Section 62-4062 (4) d.

5. Environmental factors.

Response: The PUD proposes to preserve 1.61 acres of wetlands via a tract. Per the NRCS (Natural Resources Conservation Service), the subject property contains Eau Gallie Sand and Pineda Sand (0 to 2% slopes) soils, as depicted on Sheet C1.00 of the PUD plan.

6. Compatibility with surrounding land uses.

Response: To the north, in the City of Palm Bay is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use designations: Low Density Residential (maximum 5 dwelling units per acre); and High Density Residential (maximum 20 dwelling units per acre). In addition, the Palm Bay Future Land Use Designation, Commercial is located to the north, in the area around the I-95/St. Johns Heritage Parkway interchange. While the proposed PUD consists of a lower density than the nearby Palm Bay Future Land Use designation, the proposed 124 units are compatible with the surrounding land uses.

7. Consistency with the character of the area.

Response: The area is experiencing growth, including the Waterstone and Cypress Bay developments, the I-95/St. Johns Heritage Parkway interchange, and the designating of commercial areas around the interchange. The proposed PUD plan of 124 single-family units is of a character that is consistent with the surrounding area.

Via email: (jdunn@sunterracommunities.com)

Ref: 6066.03

TECHNICAL MEMORANDUM

To: James Dunn, Sun Terra Communities
From: Matthew West, AICP
Subject: Jen Florida 48 / SunTerra (Site 2) – Small-Scale Comprehensive Plan Amendment (CPA)
Brevard County, FL
Date: September 25, 2023

INTRODUCTION

LTG, Inc. (LTG) has been retained by Jen Florida 48, LLC, to conduct traffic engineering and transportation planning services on behalf of the proposed future land use change for SunTerra Site 2. The proposed Small-Scale Comprehensive Plan Amendment (CPA) will change 41.4 acres from the future land use designation of Residential 1:2.5 to 41.4 acres of Residential 4. The subject property is located between the south side of Davis Lane and north of Willowbrook Street to the west of Babcock Street in Brevard County, Florida. Figure 1 shows a map of the project site.

The methodology and procedures used in this analysis are consistent with Brevard County guidelines, the Florida Department of Economic Opportunity (FDEO), the Florida Department of Transportation (FDOT), and the Space Coast Transportation Planning Organization (SCTPO).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLU DESIGNATION

The trip generation was determined using the Institute of Transportation Engineers (ITE) document, Trip Generation Manual, 11th Edition. The total daily, AM peak hour, and PM peak hour trips for the existing and proposed future land use (FLU) designations are shown in Tables 1 and 2, respectively.

Based on the RES 1:2.5 maximum allowable density of 1 dwelling unit (DU) per 2.5 acres (.40 DU/acre), a maximum development program of 16 DU is permitted. The Institute of Transportation Engineers (ITE) Land Use Code (LUC) 210 for Single-Family Residence was utilized as the highest trip-generating use for the existing FLU. As indicated in Table 1, the existing FLU would generate 188 total daily gross trips, 14 total AM peak hour trips, and 18 total PM peak hour trips.

The proposed FLU of RES-4 has a maximum allowable density of 4 DU per acre. The maximum development potential for the proposed FLU equates to 165 dwelling units. The Single-Family Residence (ITE LUC 210) was utilized to calculate the trip generation. As indicated in Table 2, the proposed FLU would generate 1,600 total daily gross trips, 117 total AM peak hour trips, and 159 total PM peak hour trips.



Jen Florida/SunTerra (Site 2)
Brevard County, FL

Site Location Map

Project No.: 6066.03 Figure: 1



1450 W. Granada Blvd, Suite 2 – Ormond Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

Table 1
Existing FLU Total Trip Generation
Jen Florida 48 / SunTerra (Site 2) – Small-Scale CPA

Time Period	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single Family Detached	210	$\ln(T)=0.92\ln(X)+2.68$	16	DU	50%	50%	94	94	188
AM PH			$\ln(T)=0.91\ln(X)+0.12$	16	DU	25%	75%	3	11	14
PM PH			$\ln(T)=0.94\ln(X)+0.27$	16	DU	63%	37%	11	7	18

Table 2
Proposed FLU Total Trip Generation
Jen Florida 48 / SunTerra (Site 2) – Small-Scale CPA

Time Period	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single Family Detached	210	$\ln(T)=0.92\ln(X)+2.68$	165	DU	50%	50%	800	800	1,600
AM PH			$\ln(T)=0.91\ln(X)+0.12$	165	DU	25%	75%	29	88	117
PM PH			$\ln(T)=0.94\ln(X)+0.27$	165	DU	63%	37%	100	59	159

TRIP GENERATION DIFFERENCE BETWEEN THE EXISTING & PROPOSED FLU DESIGNATION

The trip difference between the existing FLU and proposed designations was calculated to determine the potential transportation impact of the requested CPA. As indicated in Table 3, the proposed change results in a potential trip increase of 1,412 total daily trips, 103 total AM peak hour, and 141 total PM peak hour trips.

Table 3
Difference in Trip Generation
Jen Florida 48 / SunTerra (Site 2) – Small-Scale CPA

Period	Existing	Proposed	Difference	
Daily	188	1,600	1,412	INCREASE
AM Peak Hour	14	117	103	INCREASE
PM Peak Hour	18	159	141	INCREASE

Analysis of Trip Difference Transportation Impacts

The impact of the trip difference will be assessed through segment analysis for the first exterior roadway segment accessed by the project (Babcock Street). A traffic impact analysis (TIA) will need to be conducted and submitted at the time of concurrency review for a subdivision/site plan approval.

Programmed and Planned Improvements

Information on programmed or planned roadway improvements in the study area was sought from the FDOT Five Year Work Program, the Space Coast Transportation Planning Organization (TPO) Long Range Transportation Plan (LRTP), and the Brevard County Capital Improvement Program.

Impacts on Existing LOS

Roadway LOS describes the operating condition determined from the number of vehicles passing over a given section of roadway during a specified time period. It is a qualitative measure of several factors which include speed, travel time, traffic interruptions, freedom to maneuver, driver comfort, convenience, safety, and vehicle operating costs. Six levels of service have been established as standards by which to gauge roadway performance, designated by the letters A through F. The level of service categories is defined as follows:

- Level of Service A:* Free flow, individual users virtually unaffected by the presence of others
- Level of Service B:* Stable flow with a high degree of freedom to select operating conditions
- Level of Service C:* Flow remains stable, but with significant interactions with others
- Level of Service D:* High-density stable flow in which the freedom to maneuver is severely restricted
- Level of Service E:* This condition represents the capacity level of the road
- Level of Service F:* Forced flow in which the traffic exceeds the amount that can be served

The adopted LOS, capacity, existing AADT, and existing PM Peak-Hour Two-Way Volume data was obtained from the FDOT Traffic Online website and Space Coast Transportation Planning Organization (SCTPO). The existing LOS for the study area roadway segments during the PM peak-hour is shown in Table 4. As indicated in the table, the roadway segment currently operates within the adopted LOS.

Table 4
Existing PM Peak-Hour Two-Way LOS – Roadway Segment
Jen Florida 48 / SunTerra (Site 2) – Small-Scale CPA

Daily												
Roadway	Segment		Segment ID	Jurisdiction	Classification	No. of Lanes	Speed Limit (MPH)	Adopted LOS	Existing AADT Two-Way Volume ¹	Adopted Daily Two-Way MAV	Existing Daily V/C Ratio	Existing Volume Exceeds Daily Capacity?
Babcock Street	Micco Road	Grant Road	370	Brevard	Major Collector - Rural	2	45	D	5,480	14,200	0.39	No
PM Peak Hour												
Roadway	Segment		Segment ID	Jurisdiction	Classification	No. of Lanes	Speed Limit (MPH)	Adopted LOS	Existing PM Peak Hour Two-Way Volume ²	Peak Hour Two-Way Capacity at Adopted Daily Two-Way MAV	Existing PM Peak Hour V/C Ratio	Existing Volume Exceeds Peak Hour Capacity?
Babcock Street	Micco Road	Grant Road	370	Brevard	Major Collector - Rural	2	45	D	441	1,760	0.25	No

2030 Future Conditions

The FDOT Traffic Trends software and the past five years of historical Average Annual Daily Traffic (AADT) data were used to determine the historical growth for the study area roadway segment. When the existing growth rate falls below the two percent (2%) threshold, a minimum growth rate of two percent (2%) is applied to the existing traffic volumes. The Traffic Trends analysis worksheet is contained in Exhibit A.

The build-out traffic was developed by the sum of the 2030 background traffic and the estimated project traffic increase. The build-out LOS for the study area roadway segments during the PM peak-hour is shown in Table 5. As indicated, when assessing the difference in maximum development potential between the existing and proposed future land use designations, the roadway segment is projected to operate within the adopted LOS in 2030.

Table 5
2030 PM Peak-Hour Segment Analysis
 Jen Florida 48 / SunTerra (Site 2) – CPA Small-Scale

Daily															
Roadway	Segment		Segment ID	Jurisdiction	Classification	No. of Lanes	Speed Limit (MPH)	Adopted LOS	Background	Project Distribution	Project Trips	Build-Out	Adopted Daily Two-Way MAV	Build-Out Daily V/C Ratio	Build-Out Volume Exceeds Daily Capacity?
	Misco Road	Grant Road							2030 AADT Two-Way Volume			2030 AADT Two-Way Volume			
Babcock Street			370	Brevard	Major Collector - Rural	2	45	D	6,357	100.0%	1,412	7,769	14,200	0.55	No
PM Peak Hour															
Roadway	Segment		Segment ID	Jurisdiction	Classification	No. of Lanes	Speed Limit (MPH)	Adopted LOS	Background	Project Distribution	Project Trips	Build-Out	Peak Hour Two-Way Capacity at Adopted Daily Two-Way MAV	Build-Out PM Peak Hour V/C Ratio	Build-Out Volume Exceeds Peak Hour Capacity?
	Misco Road	Grant Road							2030 PM Peak Hour Two-Way Volume			2030 PM Peak Hour Two-Way Volume			
Babcock Street			370	Brevard	Major Collector - Rural	2	45	D	512	100.0%	141	653	1,760	0.37	No

CONCLUSION

The study was conducted to evaluate the potential impact the proposed Small-Scale CPA would have on the transportation system. Based on this analysis, there would be a net increase in potential trip generation.

The roadway segment analysis herein shows that the roadway segment volume will still operate within the adopted LOS.

Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name : Matthew West

Signature: Matthew West

Digitally signed by Matthew West
DN: cn=US, email=mtwest@ltg-inc.us,
o=LTG, Inc., ou=Principal,
c=Matthew West
Date: 2023.09.25 15:35:20-05'00'

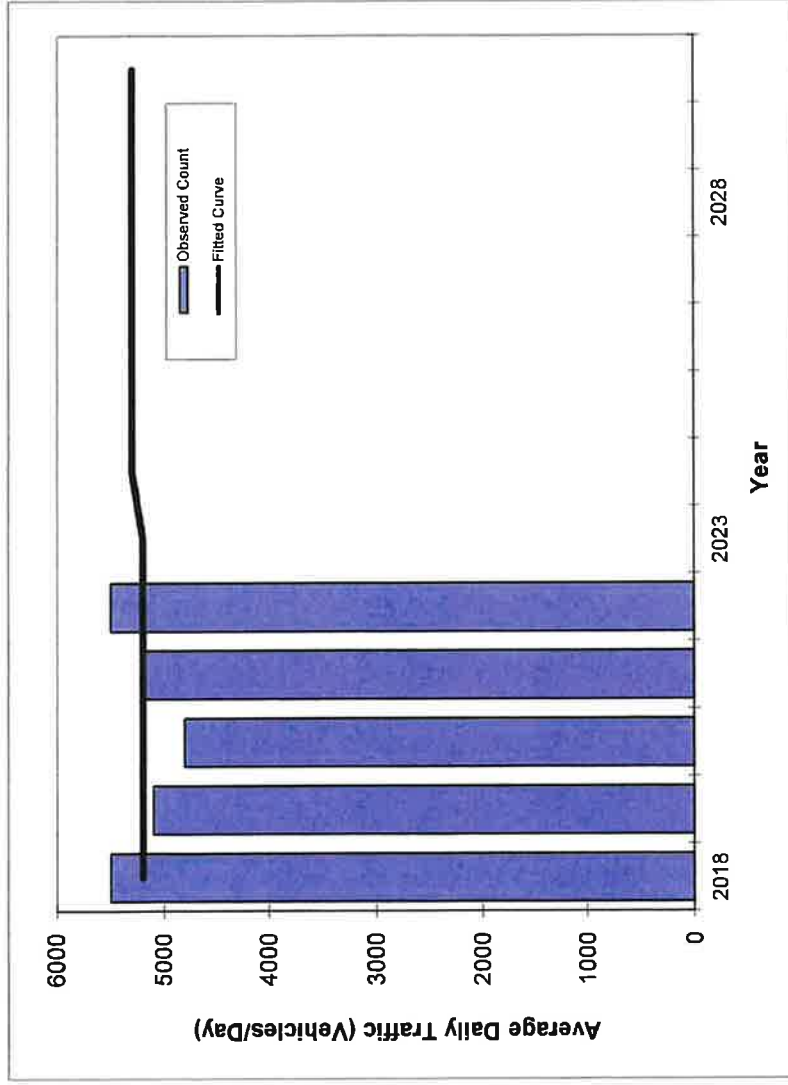
Date: September 25, 2023

EXHIBIT A

TRAFFIC TRENDS

Babcock Street -- Micco Road to Grant Road

County:	Brevard
Station #:	370
Highway:	Babcock Street



Year	Traffic Count*	Trend**
2018	5500	5200
2019	5100	5200
2020	4800	5200
2021	5200	5200
2022	5500	5200
2023 Opening Year Trend		
2023	N/A	5200
2025 Mid-Year Trend		
2025	N/A	5300
2030 Design Year Trend		
2030	N/A	5300
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

Trend R-squared:	0.3%
Compounded Annual Historic Growth Rate:	0.00%
Compounded Growth Rate (2022 to Design Year):	0.24%
Printed:	31-Aug-23
Exponential Growth Option	

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark J. Rendell, Ed.D., Superintendent



August 22, 2023

Mr. Stephen M. Swanke, Senior Planner
Land Development Section
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Sun Terra Babcock Street Development
School Impact Analysis – Capacity Determination CD-2023-22**

Dear Mr. Swanke,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 3000569 (Parcel ID number: 30-37-10-00-250), and Tax Account number 3000365 (Parcel ID number: 30-37-09-00-1) containing a total of approximately 41.385 acres in District 5, Brevard County, Florida. The proposed development includes 124 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2023-24 to 2027-28 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

Single-Family Homes		124	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	29.76	30
Middle	0.07	8.68	9
High	0.12	14.88	15
Total	0.43		54

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

An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	913	913	935	1,023	1,067
Southwest	1,230	1,230	1,230	1,289	1,289
Bayside	2,263	2,263	2,263	2,263	2,382

Projected Student Membership

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	767	836	908	1,004	1,067
Southwest	920	1,024	1,127	1,174	1,285
Bayside	1,885	2,023	2,099	2,175	2,371

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	-	-	-	-	-
Southwest	13	13	13	13	13
Bayside	21	21	21	21	21

**Cumulative Students Generated by
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	-	30	30	30	30
Southwest	-	9	9	9	9
Bayside	-	15	15	15	15

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	767	866	938	1,034	1,097
Southwest	933	1,046	1,149	1,196	1,307
Bayside	1,906	2,059	2,135	2,211	2,407

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Sunrise	146	47	(3)	(11)	(30)
Southwest	297	184	81	93	(18)
Bayside	357	204	128	52	(25)

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

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

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28**

School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	852	852	852	852	852
Columbia	Elementary	751	751	751	751	751
Stone	Middle	1,076	1,076	1,076	1,076	1,076
Palm Bay	High	2,657	2,657	2,657	2,657	2,657

Projected Student Membership

School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	640	683	746	760	795
Columbia	Elementary	512	531	522	538	538
Stone	Middle	708	799	823	890	977
Palm Bay	High	1,495	1,581	1,683	1,704	1,700

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	-	3	3	3	3
Columbia	Elementary	-	-	-	-	-
Stone	Middle	13	25	31	36	37
Palm Bay	High	29	49	58	68	69

**Cumulative Students Generated by
Proposed Development**

School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	-	30	30	30	30
Columbia	Elementary	-	30	30	30	30
Stone	Middle	-	9	9	9	9
Palm Bay	High	-	15	15	15	15

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

School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	640	716	779	793	828
Columbia	Elementary	512	561	552	568	568
Stone	Middle	721	833	863	935	1,023
Palm Bay	High	1,524	1,645	1,756	1,787	1,784

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


School		2023-24	2024-25	2025-26	2026-27	2027-28
Port Malabar	Elementary	212	136	73	59	24
Columbia	Elementary	239	190	199	183	183
Stone	Middle	355	243	213	141	53
Palm Bay	High	1,133	1,012	901	870	873

At this time, the adjacent elementary, middle and high school concurrency areas are projected to have enough capacity for the total of projected and potential students from the Sun Terra Babcock Street development.

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

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

Sincerely,



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

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

Copy: Susan Hann, PE, AICP, Assistant Superintendent of Facility Services
File CD-2023-22

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2023-22



Sun Terra Babcock Street Development Location Map



**Sun Terra Babcock Street
CD-2023-22
124 Single-Family Units**

Schools Affected by Development:
Sunrise Elementary School
Southwest Middle School
Bayside High School

Drawn By:
Planning & Project Management
Karen M. Black
August 22, 2023

FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnology, Inc., METU/NASA, USGS, EPA, NPS, USDA





Brevard County Public Schools **Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service** **Data and Analysis for School Years 2022-23 to 2027-28**

Summary		2022-23		2023-24		2024-25		2025-26		2026-27		2027-28	
Highest Utilization Elementary Schools:		93%		99%		100%		99%		99%		100%	
Highest Utilization Middle Schools:		88%		88%		84%		92%		91%		100%	
Highest Utilization Jr / Sr High Schools:		83%		83%		81%		78%		77%		76%	
Highest Utilization High Schools:		107%		99%		97%		98%		100%		100%	

School	Type	Grades	Utilization Factor	School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28	
				Fish Capacity	Total Capacity Utilization	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 Concurrency Service Areas															
Allen	Elementary	PK-K6	100%	751	568	751	635	751	704	751	720	751	773	766	766
Anderson	Elementary	K-6	100%	884	568	884	549	884	537	884	530	884	902	501	571
Apollonia	Elementary	K-6	100%	902	731	902	749	902	730	902	735	902	804	718	804
Alafair	Elementary	PK-K6	100%	739	620	739	603	739	595	739	585	739	739	572	774
Audubon	Elementary	PK-K6	100%	761	450	761	435	761	422	761	419	761	426	351	351
Cambria	Elementary	PK-K6	100%	787	495	787	511	787	505	787	510	787	787	524	672
Cape View	Elementary	PK-K6	100%	570	305	570	309	570	314	570	315	570	329	584	584
Carroll	Elementary	K-6	100%	751	626	751	643	751	623	751	619	751	628	846	846
Challenger 7	Elementary	PK-K6	100%	573	503	573	474	573	462	573	433	573	413	724	724
Columbia	Elementary	PK-K6	100%	751	512	751	531	751	602	751	538	751	538	724	724
Coquina	Elementary	K-6	100%	711	560	711	565	711	622	711	590	711	585	824	824
Crest	Elementary	PK-K6	100%	1,114	669	1,114	668	901	668	1,114	667	901	1,114	658	594
Crofton	Elementary	PK-K6	100%	795	488	795	514	795	528	795	542	795	542	634	634
Discovery	Elementary	PK-K6	100%	980	664	980	675	980	670	980	674	980	761	761	691
Endavour	Elementary	PK-K6	100%	968	750	968	717	968	707	968	674	968	671	691	691
Enterprise	Elementary	PK-K6	100%	729	597	729	578	729	532	729	538	729	529	734	734
Fairleigh	Elementary	PK-K6	100%	788	617	788	617	788	635	788	635	788	629	784	784
Fairleigh	Elementary	K-6	100%	711	477	711	485	711	468	711	455	711	457	644	644
Gemini	Elementary	PK-K6	100%	777	441	777	460	777	481	777	489	777	503	654	654
Golfview	Elementary	PK-K6	100%	629	403	629	457	629	474	629	494	629	509	814	814
Harbor City	Elementary	PK-K6	100%	605	450	605	451	605	444	605	442	605	431	714	714
Holland	Elementary	PK-K6	100%	729	684	729	712	729	724	729	742	729	778	584	584
Imperial Estates	Elementary	K-6	100%	788	696	788	685	788	671	788	676	788	651	824	824
Indian Lake	Elementary	K-6	100%	930	729	930	801	930	802	930	974	940	1,040	1,030	594
Jupiter	Elementary	PK-K6	100%	892	585	892	589	892	582	892	558	892	559	534	534
Leopold	Elementary	PK-K6	100%	790	631	790	613	790	585	790	563	790	528	614	614
Longleaf	Elementary	K-6	100%	998	910	998	889	998	895	998	988	998	981	981	981
Manatee	Elementary	K-6	100%	838	621	838	590	838	568	838	553	838	528	534	534
McAuliffe	Elementary	3-6	100%	1,114	623	1,114	669	1,114	603	1,114	805	1,114	814	814	814
Meadowdale Intermediate	Elementary	K-6	100%	874	651	874	676	874	676	874	676	874	676	764	764
Meadowdale Primary	Elementary	PK-K6	100%	707	435	707	439	707	383	707	383	707	363	514	514
Mia	Elementary	PK-K6	100%	725	464	725	481	725	425	725	425	725	513	714	714
Mims	Elementary	PK-K6	100%	968	505	968	471	968	429	968	475	968	447	459	459
Oak Park	Elementary	PK-K6	100%	854	554	854	542	854	533	854	534	854	531	814	814
Ocean Breeze	Elementary	PK-K6	100%	983	983	983	610	983	627	983	643	983	636	654	654
Palmdale Elem	Elementary	PK-K6	100%	591	521	591	541	591	513	591	568	591	613	600	600
Port Malabar	Elementary	PK-K6	100%	932	640	932	684	932	683	932	665	932	697	735	735
Quest	Elementary	PK-K6	100%	852	683	852	684	852	746	852	760	852	795	834	834
Riviera	Elementary	PK-K6	100%	777	714	777	718	777	700	777	843	887	887	866	866
Roosevelt	Elementary	K-6	100%	599	268	599	269	599	256	599	229	599	220	374	374
Sabal	Elementary	PK-K6	100%	785	500	785	503	785	516	785	534	785	535	634	634
Salmon	Elementary	PK-K6	100%	959	640	959	621	959	625	959	785	959	786	794	794
Sea Park	Elementary	PK-K6	100%	461	337	461	327	461	321	461	326	461	326	714	714
Sherwood	Elementary	PK-K6	100%	608	459	608	458	608	450	608	441	608	441	724	724
Sunrise	Elementary	PK-K6	100%	913	635	913	635	913	500	913	1,023	1,067	1,067	1,067	1,067
Sunrise	Elementary	K-6	100%	755	602	755	561	755	541	755	516	755	480	644	644
Surfside	Elementary	K-6	100%	541	442	541	425	541	418	541	417	541	407	534	534
Tropical	Elementary	PK-K6	100%	910	669	910	614	910	600	910	572	910	545	604	604
Turner	Elementary	PK-K6	100%	874	564	874	589	874	647	874	675	874	691	794	794
Turner	Elementary	PK-K6	100%	811	487	811	545	811	592	811	642	811	658	914	914
University Park	Elementary	PK-K6	100%	1,030	717	1,030	759	1,030	857	1,030	926	1,030	1,061	1,061	1,061
Viera Elem	Elementary	K-6	100%	857	798	857	848	857	923	857	903	857	1,099	1,100	1,100
Wesley	Elementary	PK-K6	100%	715	450	715	414	715	414	715	411	715	411	574	574
Windsor	Elementary	PK-K6	100%	42,215	30,468	42,215	31,549	42,215	31,549	42,215	31,905	42,215	32,280	32,280	32,280
Elementary Totals				42,215	30,468	42,215	31,549	42,215	31,549	42,215	31,905	42,215	32,280	32,280	32,280

34

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
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 (SCM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rate 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.
 - Nongradecoded 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. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established. If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
 - Primary relocatable classrooms (Grades K-3) = 18 student stations. Intermediate (Grades 4-8) relocatable classrooms = 22 student stations. and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - For school year 2023-24, no additional capacity is needed.
 - For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
 - For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood School
 - For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Sunnise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
 - For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riviera (2), Viera E (2), Sunnise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High School.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.

DESCRIPTION:

BEING A PORTION OF SECTIONS 9 AND 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 9, SOUTH 01°09'13" EAST, 633.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°50'06" EAST, 127.02 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DEPICTED IN PLAT BOOK 21, PAGE 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00°39'57" WEST, 643.10 FEET; THENCE SOUTH 89°49'38" WEST, 2795.66 FEET TO THE EAST LINE OF PLAT BOOK 21, PAGE 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTHERLY ALONG SAID EAST LINE, NORTH 00°34'45" WEST, 643.43 FEET; THENCE NORTH 89°50'06" EAST, 2682.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 41.385 ACRES, MORE OR LESS.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 21, 2023. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.



Digitally signed by David
Lindley
Date: 2023.08.23 12:03:13
-04'00'
Adobe Acrobat version:
2017.011.30142

DAVID P. LINDLEY, PSM
STATE OF FLORIDA NO. 5005

THIS IS NOT A SURVEY

SHEET 1 OF 3



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

SUNTERRA - BREVARD
PARCEL 2
SKETCH OF DESCRIPTION

DATE	8/21/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	

SURVEYOR'S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S01°09'13"E, ALONG THE EAST LINE OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST. RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

LEGEND/ABBREVIATIONS

B.C.R. - BREVARD COUNTY RECORDS
L.B. - LICENSED BUSINESS
O.R.B. - OFFICIAL RECORDS BOOK
P.B. - PLAT BOOK
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
PG. - PAGE
PSM - PROFESSIONAL SURVEYOR AND MAPPER
R/W - RIGHT-OF-WAY
R - RANGE
T - TOWNSHIP

THIS IS NOT A SURVEY



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

SUNTERRA - BREVARD
PARCEL 2
SKETCH OF DESCRIPTION

SHEET 2 OF 3

DATE	8/21/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	

WEST R/W LINE
OF BABCOCK STREET
(P.B. 21, PG. 77, B.C.R.)

SECTION 10, T30S, R37E
"CAPE KENNEDY GROVES UNIT 9"
(P.B. 21, PG. 77, B.C.R.)

P.O.C.
NORTHEAST CORNER
SECTION 9, T30S, R37E

S01°09'13"E 633.41'
(BASIS OF BEARINGS)

N89°50'06"E 127.02'

P.O.B.

S00°39'57"W 643.10'

BABCOCK STREET
(100' WIDE R/W PER
P.B. 21, PG. 77, B.C.R.)

SECTION 9, T30S, R37E

N89°50'06"E 2682.62'

PARCEL 2 AREA:
41.385 ACRES+/-

S89°49'38"W 2795.66'

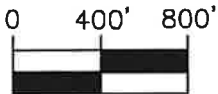
WEST LINE OF P.B. 21, PG. 77, B.C.R.)

EAST LINE OF SECTION 9, T30S, R37E

"PLOT PLANS OF SUNSHINE GROVE - UNIT 3"
(P.B. 21, PG. 78, B.C.R.)



EAST LINE OF P.B. 21, PG. 77, B.C.R.



1 INCH = 400 FEET

"CAPE KENNEDY GROVES - UNIT 11"
(P.B. 21, PG. 77, B.C.R.)

N00°34'45"W 643.43'



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

SUNTERRA - BREVARD
PARCEL 2
SKETCH OF DESCRIPTION

SHEET 3 OF 3

DATE	8/21/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	1"=400'
JOB NO.	



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

July 12, 2024

Ms. Donna Harris, Plan Processing Administrator
Florida Department of Commerce
Bureau of Community Planning
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

Re: Small Scale Comprehensive Plan Amendment 24S.04 Adoption Package

Dear Ms. Harris:

Please find enclosed the Comprehensive Plan Amendment Adoption Package for Small Scale Plan Amendment 24S.04 adopted by Ordinance 24-__.

In accordance with Section 163.3187 of Florida Statutes, "*Process for adoption of small-scale comprehensive plan amendment*," the following statements are provided to ensure compliance:

- The Local Planning Agency held a public hearing for these matters on June 10, 2024. The Brevard County Board of Commissioners adopted the Small Scale Amendment during public hearing on July 11, 2024.
- Acreage of Small Scale Amendment 2.46 acres
- Cumulative Acreage for Year 7.04 acres
- The Small Scale Amendment does not involve a text change.
- The Small Scale Amendment is not within an area of critical state concern.
- Brevard County is not a rural area of opportunity as defined under Section 288.0656 (d).
- The Small Scale Amendment Adoption Package includes the following required documents:
 1. Maps depicting the existing and proposed Future Land Use, the property boundaries, and surrounding transportation network.
 2. Copy of the executed ordinance adopting the amendment signed by the Chairman of the Brevard County Commission.
 3. Copy of the public hearing notice.
- One copy has been transmitted to the East Central Florida Regional Planning Council.

The contact person for the Small Scale Amendment is Steve Swanke, Senior Planner, Brevard County Planning and Development Department, located at 2725 Judge Fran Jamieson Way, Viera, Florida, 32940.

E-mail: Steve.Swanke@brevardfl.gov; Tel : (321) 350-8298; Fax: (321) 633-2087

If you have any questions regarding the enclosed materials, please contact Steve Swanke at the above address.

Sincerely,

Tad Calkins
Director, Planning & Development Department

Enclosure

cc: Executive Director, East Central Florida Regional Planning Council (w/enclosure)

EXHIBIT A
23S.22 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

- 1. Copy of Ordinance**

Sun Terra - Babcock

Planning and Zoning Board Meeting

June 10, 2024

Project Location and Summary of Request

Location:

Located on the west side of Babcock Street, north of Willowbrook Street, in unincorporated Brevard County, Florida.

Summary of Request:

A Small-Scale Future Land Use Map Amendment from RES 1:2.5 (Residential 1 Unit per 2.5 Acres) to RES 4 (Residential 4 Units per Acre).

A Rezoning request from General Use (GU) to Planned Unit Development (PUD)



SOURCE: Brevard County, FL

Subject Boundary

Aerial

SunTerra - Babcock Street

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

3402 E. Longway Street
Ocala, FL 32603 Ph. 407-467-2594

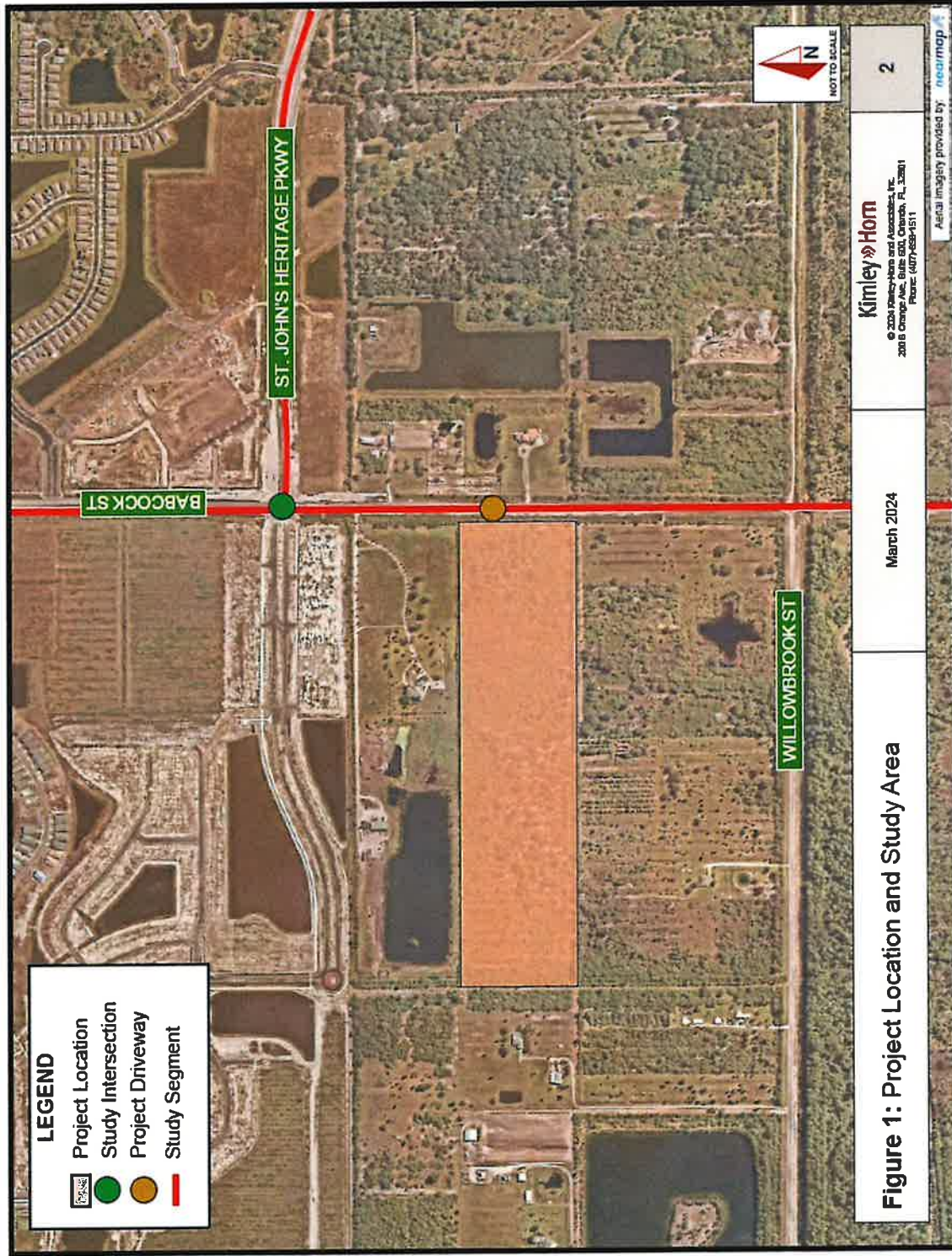
06/06/2024
P & B Job No.: 23.103

Sun Terra

Small-Scale



Development Data	
Jurisdiction Brevard County Zoning (Proposed) Residential 4 PLUD	Unincorporated Brevard County Residential 4 PLUD
Site Details Gross Site Area Common Recreation & Open Space Required (10% of Gross Area) Common Recreation & Open Space Provided* Active Recreation Required 1247/0091.5 = 1.86 acres (1.5 acres per 100 units) Active Recreation Provided Remaining Active Recreation Required Passive Recreation Provided Wetlands** Passive Recreation Tracts*	41.39 Acres 4.14 Acres 4.24 Acres 1.86 Acres 2.10 Acres 2.04 Acres 2.14 Acres 1.61 Acres 0.53 Acres
Proposed Residential Development Total Number of Dwelling Units 50' x 110' (Detached Single-Family) Proposed Gross Density	124 Units 124 3.00 DU/Ac
Notes: 1. Wetlands are included in the Total Provided Passive Recreation, in accordance with LOR Sec. 62-1102. *The provided acreages may change and will be finalized on the Final Development Plan. The Final Development Plan shall adhere to the minimum required acreages for Common Recreation & Open Space Required, Active Recreation Required, and Passive Recreation Required.	



DEVELOPMENT PROCESS

Small-Scale Future Land Use Map Amendment

1. June 10, 2024 – Local Planning Agency
2. July 11, 2024 – Board of County Commission

23PUD000002



Development Data	
Jurisdiction	Unincorporated Brevard County
Future Land Use	Residential 4
Zoning (Proposed)	PUD
Site Details	
Gross Site Area	41.39 Acres
Common Recreation & Open Space Required (10% of Gross Area)	4.14 Acres
Common Recreation & Open Space Provided*	4.24 Acres
Active Recreation Required	1.86 Acres
124/100x1.5 = 1.86 acres (1.5 acres per 100 units)	
Active Recreation Provided*	2.10 Acres
Remaining Passive Recreation Required	2.04 Acres
Passive Recreation Provided*	2.14 Acres
Wetlands ¹ *	1.61 Acres
Passive Recreation Tracts*	0.53 Acres
Proposed Residential Development	
Total Number of Dwelling Units	124 Units
50' x 110' (Detached Single-Family)	124
Proposed Gross Density	3.00 DU/Ac
Notes	
1. Wetlands are Included in the Total Provided Passive Recreation, in accordance with LDR Sec. 62-1102.	
*The provided acreages may change and will be finalized on the Final Development Plan. The Final Development Plan shall adhere to the minimum required acreages for Common Recreation & Open Space Required, Active Recreation Required, and Passive Recreation Required.	

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Ian Golden (D1 Alternate); Robert Sullivan (D2); Brian Hodggers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of complete agenda.

JEN FLORIDA 48, LLC (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (23S.22), to change the Future Land Use Designation from RES 1:2.5 (Residential 1 per 2.5 acres) and RES 1 (Residential 1) to RES 4 (Residential 4), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (**23SS00022**) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

JEN FLORIDA 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) to PUD (Planned Unit Development), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (**23PUD00002**) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

Trina Gilliam read the companion applications into the record.

Trina Gilliam also added that we want to read into the record for Board considerations, we actually state that there are six but there are five.

- 1) Is the proposed development should be capped at three units per acre.
- 2) [Approval of the requested waiver from Section 62-1446 to omit the storage area] should the developer provide the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots [as allowed by Brevard County Code Sec. 62-2117 regarding location and setback requirements]
- 3) The approval of requested waiver from Section 62-1446(d)(3)(b) to allow residential structures two stories or less a minimum building separation of 10 feet rather than the 15 feet shall be accompanied by usable open space for recreation with more than a Tot Lot;
- 4) Prior to County approval of a construction plan and preliminary plat, the developer shall
 - a. Provide documentation that the City of Palm Bay will approve the project access connection to Babcock Street.
 - b. Determine that adequate Water and Sewer services will be available for the development and will be available prior to issuance of Certificate of Occupancy.

Jeffrey Ball added that these are two applications. You can discuss the land use and zoning at the same time; however, you'll need to have separate motions for both.

Kim Rezanka on behalf of Jen Florida 48, LLC. That's the developer and applicant, the owner of the property. With me today are representatives of the company Rick Germaine and Dan Edwards, they're in the back there if they have any questions they can answer, they'll certainly come forward. Also with me is the engineer of record Andrew Ivy and the traffic consultant with Kimley-Horn, James Taylor. They're here to answer questions as well. This is obviously two applications: one for a Future Land Use Amendment to RES 4 and one for a PUD. I wanted to start back in 2014 with Bussen-Mayer, we did a PUD on Hall Road, and it was all residential. That was the first PUD that Brevard County had seen in a long time. PUDs are something that are very common now but back in 2014-2015 they were new, as were rezonings in North Merritt Island. Just that little background having listened to the long debate you all had here previously.

Just for a bit of an overview this is in South Brevard County. It's located on the west side of Babcock Street, north of Willowbrook Street in unincorporated Brevard County. We also have the small scale of RES 1.25 and there's a small section of RES 1 along Babcock. We're asking for RES 4 or four units to the acre, capping it at three, by the PUD as you will see. This is the property is south of the St. John's Heritage Parkway by about 900 ft., so it's very close to where that road has expanded. Which has caused quite a bit of development to the North in that area. Deer Run is about 1.27 miles to the South, there is one single-family home to the north, but if you look a little to the west of that property it almost looks like there's some commercial use of Davis Lane. I'm not real sure but there's a lot of trucks parked there.

This is the reason we're asking for the Residential 4, because there is no RES 3 and this is to allow a variety of housing opportunities in South Brevard County and it is going to have a substantial amount of open space, recreation passive, and again we'll go into this in more detail when we get to that but this is just to show you why we're requesting RES 4, and it does one access off Babcock Street. 124 units, this again is the location. There is the St. John's Heritage Parkway, there has been a traffic methodology submitted and says that there will be no decrease in level of service on Babcock Street or any of the surrounding roads. This is a good representation of what is to the north and what has been developed in this area. You'll see there's a quite a bit of development going around the St. John's Heritage Parkway. As you may recall there's a Publix going in right there at the intersection of St John's Heritage Parkway and Babcock Street. The issue that has been raised in the staff report is the consistency with RES 4 and you guys have heard this argument before but it's even a stronger argument here because we are further north, and because of all the development off of Babcock Street and St. John Heritage Parkway in Palm Bay. Your Future Land Use Policy 1.7 doesn't say adjacent development, it says surrounding nearby. It also does not limit it to Brevard County, so the development that is going on 900 ft. to the north is something you can look at, and that is a higher density than what we're requesting here, and this can be considered a transitional density change.

The FLU Policy 1.7 states a step down in density from more urbanized area, which is Palm Bay to the north, which is urbanized. The St. John's Heritage Parkway has prompted this growth. There are current deficiencies in the infrastructure. They will be solved, that's why there's Proportionate Fair Share Statute 163.3180 that has been created to allow growth. So, there are comments in the staff reports about "we have insufficiency water, sewer, etc., but those will be solved, or it can't be built. And that is the sole reason for allowing Proportionate Fair Share. Developer will bring centralized

water and sewer to the project. We do have a will serve letter, which I'll give to you here shortly because I do not believe it was in your packet, and that's FLU Policy 1.2, so that will be addressed.

RES 4 is compatible because of the urbanization to the north. Criteria B of Policy 1.7 does not require adjacency to be a transition, also there is RES 2 to the north and Rolling Meadow's Ranch. That's over 1,300 acres of RES 2 just to the north and west. The developer is not intending to seek a 25% density bonus as referenced throughout the staff report. That bonus has conditions attached such as requiring higher densities to be relegated to the interior portions of the PUD track and that doesn't work for this proposed plan. As you see, this is a pretty long, narrow strip and you've seen from the PUD plan there's not a lot of interior. So that 25% bonus would not work if we had to put the smaller density on the interior. Administrative Policy 3 - Compatibility with existing and proposed land uses: Again, the land use is single-family homes. It's not apartments. The actual development to this is, there is actual development to the north and to the northeast.

Administrative Policy 4 - Character of the neighborhood: The closest neighborhoods are to the north. There are Waterstone, Cypress Bay, and Emerald Lakes. There are no other neighborhoods nearby. Those neighborhoods I've just cited are far closer than Deer Run. Staff does state in the comp plan report that the applicant has not demonstrated compliance with Policy 3, Policy 4, and the FLU Policies. I've just discussed the letter states the County Commission will make those determinations. I would submit to you that we are compatible because you don't look at exactly adjacency per transitioning from urban areas. The CIE policy 1.3 states that Brevard County should utilize The Advisory level of service standards and the staff report specifies the fire rescue cannot meet those levels. SunTerra will provide whatever proportionate fair shares required for fire rescue and SunTerra has also agreed to donate 2 acres of land for the fire department, for their proposed project to the south. Again, we do have a technical memo dated September 23, 2023, and that states the roadway segment analysis shows volume will still operate within adopted level of service. The traffic from 124 units is not as substantial as from other developments that have been proposed in this area.

School impacts: there was a concurrency review. The staff report says different things at different times, but the concurrency review states, at this time, the adjacent elementary, middle, and high school concurrency areas are projected to have enough capacity even if it doesn't with all these developments. They're going to do proportionate fair share. There was a meeting, I believe a week ago Monday, of all these new developments and they're trying to figure out a plan to move forward with additional schools and SunTerra was part of that meeting.

That's pretty much the Future Land Use presentation. I'd like to go ahead and do the PUD presentation now so you all have everything in front of you and then you can ask questions. I do have just a few handouts, including the will serve letter.

Jeffrey Ball added that while Mrs. Rezanka is passing that out, I just wanted to clarify a couple things that she said. Number one, the fire station property was not a donation. It was requested by the Board for the property to the south, and number two, if you look under FLU Policy 1.7, under the criteria it states "areas adjacent to existing residential for land use designations or areas which serve as transition between existing land uses or land use designation with density greater than four units per

acre and areas with densities of less than four units of acre," that's how we define adjacent to existing RES 4 in our comprehensive plan.

Kim Rezanka stated Policy B says areas which serve as transition between existing land use or land use designations with greater density of 4 units to the acre. So again, I believe there is some analysis that can be done.

First with the PUD, I do have the will serve letter from Palm Bay that does state that there will be capacity. What I've given you is a map that shows the developments to the north that are in Palm Bay. There is this agricultural subdivision to the south here, that's why it looks that way. They're small lots, they're not intended for residential but it's just a very old and it's mentioned in the staff report. On the second page I've provided to you is the PUD and it does have the development standards. Again, it's 124 units. They are smaller lots, they will have over 4 acres of common, rec(reational), and open space. There's one small little wetland that will be impacted and there's one large one that will be retained as you see to the north side there. There are two waiver requests which were read earlier that we are requesting as well. The final document that I provided to you does show the actual developments to the north. That's the Waterstone expansion, that's 5 to 20 units of the acre. The Rolling Meadows I referenced, which is in the County, it's RES 2. There's Cypress Bay at 5 to 20 units of the acre; there's Emerald Lakes at 3.5 density units of the acre; and then Pete Holdings is just to the east and just on the edge of that 2-mile radius, and that's 10 dwelling units of the acre; and then Ashton Park is 5.5 units the acre. So this is representative of what is going on in this area and showing that growth is happening in this area and that all the roads and infrastructure will meet this growth demand. So again, this is a Small-Scale Future Land Use Amendment. Today is the Local Planning Agency for the Future Land Use, Board of County Commission is July 11th and the PUD will also go along with those as well, if they're recommended for approval and approved at County Commission.

With that, we are requesting approval of the Future Land Use Amendment to change all to RES 4 that will be limited by the PUD to three units to the acre. The two waivers: Request a waiver to emit the storage of area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles and a waiver from the minimum building separation of 10 ft. rather than 15 ft. shall be accompanied by usable open space, space for recreation with more than a Tot Lot. Then the condition is fine, condition four that was in the staff report. So, with that we are here to answer any questions that you may have.

Henry Minneboo asked how come this site didn't go into the City of Palm Bay.

Kim Rezanka responded that the staff report says there's adjacency by the street, by Babcock. I don't know anything about that. That would be the only adjacency is to the street, but we have not sought, nor do they want to, to go into the City of Palm Bay.

Henry Minneboo asked for clarification if they're going to be getting their water from the City of Palm Bay, they're not going to require you to annex?

Kim Rezanka responded I don't believe so. I know that the staff report says we're adjacent by Babcock, the street is in the jurisdiction of Palm Bay, but I don't think they can make us annex through that. We're not adjacent to any land masses that are in the City of Palm Bay.

John Hopengarten stated you were before us on their other property two months ago, a bigger property, and you had requested a RES 4. We decided on a RES 2 and the County Commission gave you the RES 4, so it looks like they're in favor of this. As far as the meeting that was held with the school district last Monday, turns out that all the development of that area is going to amount to about 33,000 units, which they figured it out, it's about 12,000 students. Which means they're going to have to build 11 schools within the next five years if all these developments go forward. That's kind of a big program that's going to go on and I just wanted to make you aware that the school district is trying to work with you and with the other developers in the area to make this happen but seven elementaries, two middle schools, and two high schools need to be incorporated into that area to make this work. So, let's hope it all does work.

Ron Bartcher asked about the PowerPoint, in the center you have what looks to be 40-ft. wide lots and a 5-ft. setback. which means there's like 30 ft. for a house, is that right?

Kim Rezanka responded that she's going to let the engineer who designed it, talk.

Andrew Ivy, 2602 East Livingston Street, Orlando. I think you might be looking at an old site plan, there's a more recent one. All lots are intended to be 50 feet wide.

Ron Bartcher responded that that answers the other question I had because what was shown up on the screen doesn't look the same as what I have in my package.

Andrew Ivy said the most recent plans are from May 31st.

Ron Bartcher asked if all the lots are now 50 ft. wide and Andrew Ivy responded with yes.

Ron Bartcher stated he was concerned how you're going to put a house on that lot, even with a 50-ft. wide lot. What did I what did I hear about offsite parking?

Andrew Ivy said there's no intention to have a parking lot just for boats and RVs, so the intent is to have them on the lot, Sir. The driveways will be 20 feet long.

Ron Bartcher added okay I just going to say 50-ft. lots is going to be kind of tight. Are they going to be two-story houses.

Andrew Ivy said some of them, yes and Ron Bartcher asked some of them, or most of them?

Andrew Ivy responded I can't say at this point. Most Builders have multiple options. Some longer, some shorter, but with two floors and things like that.

Ron Bartcher asked if those two ponds are retention ponds and Mr. Ivy responded yes.

For clarification, Ron Bartcher asked if you're going to have the drainage into those areas to keep the rest of it high and dry?

Andrew Ivy said yes.

Ron Bartcher asked if they expect that to have water in it all the time and Mr. Ivy said yes.

Rob Sullivan said thank you to Kim Rezanka and added you always do such a professional presentation, but I have some concern about increasing from Residential 1 to Residential 4 and I think Ron's point about the lot sizes and what is compatible in the area and you know people do like that country living out there. This 50, even 75 ft.-wide lots seem to constrain that a bit. So, while it is certainly allowable in your presentation, what is compatible out there, particularly since the water and sewer is projected to come 2025... That's still a large area. I'm having the same concerns about increasing density along that corridor as everybody else does and many of the people in Palm Bay. Can you speak to that for me?

Kim Rezanka replied that you've made a lot of comments so I'm not exactly sure where to go first, but dealing with compatibility these are the same size lots that are just to the north here. And yes, they're in Palm Bay but that's what's being developed down there. Increasing density, that's where development is going. You can see from what's been proposed and the 22,000 residents going down there. I don't think there is an established neighborhood for this parcel itself unless you look to the North and that's the only neighborhoods that are there. There are some large homes there, I don't know if the Donovan's are here, they're the ones that live to the north. They've lived there for a while, like 22 years. So again, we're not supposed to impact neighbors and you've seen from the PUD there are the big ponds to the north to help buffer the Donovan's property and any impacts to them from these other houses. It's almost half the property. 300 ft. of property is going to be storm water next to that property to the north.

Rob Sullivan said the discussion that was in the earlier agenda item is the definition of a PUD, I've done PUDs in Miami Dade, and Broward, and Palm Beach and I have to agree with Bruce and Mr. Minneboo that they usually have a combination of different types of facilities. Different types of commercial buildings, commercial and residential types. This looks like it's more like single use. Is that your understanding of a PUD?

Kim Rezanka said the first PUD that I ever did with Bussen-Mayer was the one off Hall Road on Merritt Island. It was all single-family and it did have two different types of homes. Although, Mr. Minneboo would not allow us to do townhomes in that project and said townhomes don't belong in North Merritt Island. But to me, a variety of housing means a variety of housing types for the community. That's how I read it, so this is a way to make this narrow strip of land developable for homes that people are finding to be in demand.

Rob Sullivan replied that that's a good answer, and not to belay the point anymore but I think there's concern on the Board that people are using, or developers may use, a PUD to get around certain zoning requirements and that's just a concern. That's a professional concern that I have and I can't speak for the other members but the like you said, the increasing uses of PUDs, now the PUDs I've

always been working with were for CRAs and other developments where you're taking a blighted area and you're turning it back into to something that's more desirable. That has always historically worked in the past, but that was in the last century. I'm in the space program now.

Kim Rezanka said she understands the County is redoing the PUD Ordinance. I've seen it but I haven't evaluated it fully, but there may be something in that that changes what we're doing now for the future, I don't know.

Bruce Moia said he likes variety being two things, but that's okay. I guess variety definitions have changed, but at least it's more than one. I think this one is a little bit different than the one that's to the south because of the character of the area that's almost directly to the north and you can see where this area is going. You know it's a little bit different than being south of Willowbrook. The other one was south of Willowbrook, and I had a concern about the transitional zoning but this one is north and it seems like it's almost directly adjacent to compatible land use and density.

Bruce Moia asked John Hopengarten if there was anything else out of that student accommodation plan that was just passed by the Board that we need to know about other than the summary that you gave the very brief summary you gave us?

John Hopengarten said it's an ongoing process, they're going to have another meeting within the next couple of months but essentially what they did was they brought all the developers together with the school board folks, or the school district people, to discuss the impact that all these developments were going to have. They're going to try and resolve all the issues that are going to come up with 33,000 new residences there. It's quite significant and it's all in the County. I have nothing more, but I have the minutes to the meeting if you'd like to get copies of that.

Bruce Moia said he was just curious, and you are our school board member the keeps us abreast of what's going on at the school board, how it affects what we're doing here. Besides that, I don't have any more comments or questions.

Jeffrey Ball added that he was at that meeting and just wanted to clarify for you all. the most significant developments are occurring in the City of Palm Bay. There's this property and there's the other one that just went to the Board a few weeks ago those are the only two developments currently that are in there, so I would probably say around 30,000 of those homes are in the City of Palm Bay. With that being said, I just want to make sure that this Board understands that the primary development plan that Mrs. Rezanka submitted to you all at the beginning of her presentation is different from the one that was put in your packet and the major difference that you all should know about is that the plan is showing 40 ft.-wide lots and the original plan that was presented to you there were only 50 ft.-wide lots.

Kim Rezanka added that we can stipulate that they're all 50 ft. lots. There was four or five in my packet, I apologize I've given the wrong one, but it's intended at 50 ft.-wide lots.

Bruce Moia said as long as the 40s are on the interior, I don't have a problem with that at all. So long as the larger lots around the perimeter that's fine. But I'm looking at the South Palm Bay Area future

development map that was put together by the School Board based on all these projects. I'm seeing 16 projects that are in this area, affecting what's happening with the School Board, and they're not all in the County. They're in the city, they're in Grant, they're in the county; so there's a lot going on. I think that would' be nice to maybe be kept abreast of what's happening, but I don't know if you have this map. I could share it if anybody wants to see it.

Jeffrey Ball added that is Mrs. Rezanka is requesting 40-ft. wide lots, if she can come to the podium and request that, we can add that to the Board packet.

Kim Rezanka replied that the owner is saying yes. 40-ft lots would like to be in there.

Bruce Moia asked: 40s and 50s? 40s on the interior as shown on the plan? and Kim Rezanka replied yes.

Mark Wadsworth asked if there were any other questions for the applicant before I take it to the audience. There was no further Board comment.

No public comment.

Motion to approve small-scale comprehensive plan amendment (as requested) from RES 1:2.5 and RES 1 to RES 4 by Bruce Moia, seconded by Ben Glover. The vote was unanimous.

Motion to approve rezoning from GU to PUD with noted conditions by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.