



AGENDA REPORT
August 2, 2018

Public Hearing, Re: W.K.&R. Groves, Inc. (Chad Genoni) requests a change of Zoning classification from AU to RR-1. (17PZ00158) (District 2)

SUBJECT:

Public Hearing, Re: W.K.&R. Groves, Inc. (Chad Genoni) requests a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1). The property is 110.97 +/- acres, located on the north side of E. Crisafulli Rd., approx. 320 ft. west of Broad Acres St. (17PZ00158) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of Zoning classification from AU to RR-1.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification from AU to RR-1 on 110.97 acres for the purpose of developing a single family subdivision. The original request would allow the lot yield to increase from 36 lots up to the maximum lot yield of 110 lots.

However, on June 21, 2018, the applicant submitted a Binding Development Plan (BDP) containing the following restrictions:

- The Developer/Owner shall limit to 50 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
- The Developer/Owner shall use septic systems capable of reducing the total nitrogen (TN) in effluent by 65% or greater. In the event the Property is determined not to be within the area of concern, after the expiration of the current moratorium, for nitrogen loading into the Indian River Lagoon, then the allowable septic system(s) at that time shall be used.

Both the current AU and the proposed RR-1 zoning classifications are consistent with the RES 1 Future Land Use designation. The North Merritt Island Small Area Study is near completion and anticipated to come before the Board in mid-2018. If this rezoning request were to be denied and the Board were to approve the Small Area Study's recommendation to amend the Comprehensive Plan, the Future Land Use designation change to RES

1:2.5 would apply to this property.

The Board may wish to consider whether the application proposal for rezoning is consistent and compatible with the surrounding land use.

On March 8, 2018, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended denial.

On March 19, 2018, the Planning and Zoning Board heard the request and unanimously recommended denial.

The Board was originally scheduled to hear the request on April 5, 2018; however, the applicant requested automatic tabling to May 3, 2018.

On May 3, 2018, the Board granted a request by the applicant to table the item to August 2, 2018.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **FYI School Concurency**
- ▢ **FYI Draft BDP**
- ▢ **FYI Concept Plan**
- ▢ **FYI Additional Concept Plan 08-01-18**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) *General standards of review.*

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The Board shall make the determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
 - a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the

numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

Current Volume: Building permit related trips added to the latest MPO traffic counts.

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

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

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

Acceptable Level of Service (ALOS): Acceptable Level of Service currently adopted by the County.

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

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

REZONING REVIEW WORKSHEET
 (Revised July 18, 2018)
 Tabled from 05/03/18 & 05/24/18

17PZ00158

Commission District # 2

Hearing Dates: NMI 03/08/18 P&Z 03/19/18 BCC 04/05/18

Applicant Name: W.K. & R. GROVES, INC.

Request: AU to RR-1

Subject Property:

Parcel ID# 23-36-24-00-750; 23-36-24-00-752; 23-36-24-00-754

Tax Acct.# 2316619; 2316620; 2316622

Location: North side of E. Crisafulli Rd., approx. 320 ft. west of Broad Acres St.

Address: Tax Parcel 750 = No assigned address. Tax Parcel 752 = 1430 E. Crisafulli Rd., Merritt Island. Tax Parcel 754 = No assigned address.

Acreage: 110.97 acres +/-

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RR-1
Potential*	36 SF lots	86 SF lots
Can be Considered under FLU MAP	YES RES 1	Yes RES 1

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

	ADT	PM PEAK		
Trips from Existing Zoning	343	36	Segment Number	060C
Trips from Proposed Zoning	819	86	Segment Name	SR #3 Hall Rd - N. Tropical
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	15,860	1,427	Directional Split	0.5
Volume With Proposed Development	16,679	1,501	ITE CODE	
Current Volume / MAV	37.95%	37.95%	210	
Volume / MAV with Proposal	39.91%	39.91%		
Current LOS	C	C		
OS With Propos.	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency	<input type="checkbox"/> Deficiency		

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from AU to RR-1 on 110.97 acres for the purpose of developing a single family subdivision. This request will increase the lot yield from 36 lots to 110 lots, or the maximum potential lot yield consistent with the Residential 1 Future Land Use designation.

After being recommended for denial by both the North Merritt Island Dependent Special District Board and the Planning and Zoning Board, the applicant also submitted a Binding Development Plan (BDP), which includes the following conditions:

- The Developer/Owner shall limit to 50 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
- The Developer/Owner shall use septic systems capable of reducing the total nitrogen (TN) in effluent by 65% or greater. In the event the Property is determined not to be within the area of concern, after the expiration of the current moratorium, for nitrogen loading into the Indian River Lagoon, than the allowable septic system(s) at that time shall be used.

Land Use Compatibility

FLUE Policy 1.9 allows residential development with a maximum density of up to one (1) unit per acre.

Within North Merritt Island, there is a history of density reductions, especially at the north end. A previous North Merritt Island Small Area Study Plan drafted June 1, 1992 proposed the reduction of residential densities from two (2) units to one (1) unit per acre, which applied to 65% of the NMI study area. Future Land Use Map Amendment 92B.5.13 changed the Residential Density designation from Suburban 2 to Suburban 1 on 6500 +/- acres, which included the subject property. After the first EAR Amendment to the Comprehensive Plan in 2001, the Residential Density and Future Land Use maps were combined, and the Future Land Use designation was renamed from Suburban 1 to Residential 1 (Res1). This Res 1 FLU designation remains today.

A new North Merritt Island Small Area Study is currently underway, which includes a draft recommendation proposed by the Citizen's Committee, proposing to reduce densities even further. The draft recommendation asks the Board to consider changing the Future Land Use designation of all properties with an existing Residential 1 Future Land Use designation and with an Agricultural Residential (AU) Zoning classification from Residential 1 (up to 1 dwelling unit per acre) to Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres).

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

Transportation Analysis

The subject parcel has direct access from E. Crisafulli Road. Current 2017 Space Coast TPO Traffic Counts do not include analysis of E. Crisafulli Road and the closest roadway segment included within the dataset is N. Courtenay Parkway (SR 3) between Hall Road and North Tropical Trail. This nearby segment of SR 3 was used for the preliminary trip generation and impact analysis within the Staff Report.

A preliminary review of the impact of trips anticipated to be generated by the increase in development potential of the property does not demonstrate that the impact on nearby N. Courtenay Parkway (SR 3) creates a deficiency in Level of Service and that the corridor still remains significantly under capacity within the segment between Hall Road and North Tropical Trail. Should the proposal for rezoning to RR-1 be approved by the Board, and the property then subdivided, the applicant will be responsible for conducting traffic counts on E. Crisafulli Road in order to demonstrate whether concurrency failure is indicated or whether a significant change in trip generation has occurred.

Environmental Constraints

As depicted on maps in the NRM Rezoning Review Summary in the addendum to this report, the subject parcel contains mapped NWI and SJRWMD wetlands, and hydric soils. Federally and/or state protected species such as FL scrub jays and gopher tortoises may be present on the property. Prior to any plan or permit submittal, the applicant will be required to provide an Environmental Assessment Report completed by a qualified environmental consultant to determine the existence and extent of the aforementioned environmental parameters.

Portions of the property are mapped as being within Federal Emergency Management Agency (FEMA) floodplain and are subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. The parcel also contains mapped aquifer recharge soils and is subject to the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance. If you have any questions, please contact NRM at (321) 633-2016.

Applicable Land Use Policies

The AU zoning classification permits one single-family residence and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The parcels under this zoning action abut properties also zoned AU to the North, West and East. Zoning classifications to the south across E. Crisafulli Road are a mixture of AU and RR-1 zonings. The RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The keeping of horses and agricultural pursuits are accessory to a principle residence within the RR-1, rural residential zoning classification.

Prior zoning actions on this site date back to November, 1977 and earlier. Zoning actions were for temporary security trailer approvals dating back to March, 1967 under **Z-4361**, **Z-4323** and **Z-2059**. Recent zoning actions within the same section, but on surrounding properties, are a part of Zoning action **17PZ00105** (rezoning from RR-1 to AU) on November 2, 2017; **17PZ00067** (rezoning from PIP to AU) on August 3, 2017 and **16PZ00030** (rezoning from RR-1 to AU) on August 4, 2016.

For Board Consideration

The applicant is seeking a change of Zoning classification from AU to RR-1 on 110.97 acres for the purpose of developing a single family subdivision. This request will increase the lot yield from 36 lots to 110 lots, or the maximum potential lot yield consistent with the Residential 1 Future Land Use designation.

The applicant submitted a Binding Development Plan (BDP), which includes the following conditions:

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The North Merritt Island Small Area Study is underway and is anticipated to come before the Board in mid- 2018. If this rezoning request were to be denied and the property were to retain its current AU Zoning classification and the Board were to approve the Small Area Study's recommendation to amend the Comprehensive Plan, the Future Land Use designation change to Res 1:2.5 would apply to this subject property.

The Board may wish to consider whether the application proposal for Rezoning is consistent and compatible with the surrounding land use.

Information available to NRMD indicates that federally and/or state protected species are present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, a Scrub Jay habitat polygon is located on the east portion of the property; an indicator that Scrub Jays may be present. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRMD.

The attached maps should only be used for general reference, not for legal purposes or detailed analysis. Verification of site-specific conditions and appropriate permit approval is required prior to any site clearing, grading, or development activities. If you have any questions, please contact the NRMD office at (321) 633-2016.



Brevard County Board of County Commissioners (BOCC) GIS data is provided as a public service. BOCC attempts to provide accurate and complete data. Metadata is provided for all datasets and no data should be used without first reading and understanding the limitations of the data. The BOCC provides NO WARRANTY as to the accuracy of this data or any corresponding attributes or metadata. Data is provided in an "as is" condition, without warranty of any kind, either expressed or implied, including any assurance that the data is fit for a particular purpose. BOCC shall have no liability, in any case, to the use of provided data (including redistribution and reproduction). Full liability, responsibility and consequence relating to the use of provided data rest with the user.

Legend

NWI

Wetland Type

- Freshwater Emergent Wetland
- Freshwater Pond



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Legend

SJRWMD FLUCCS

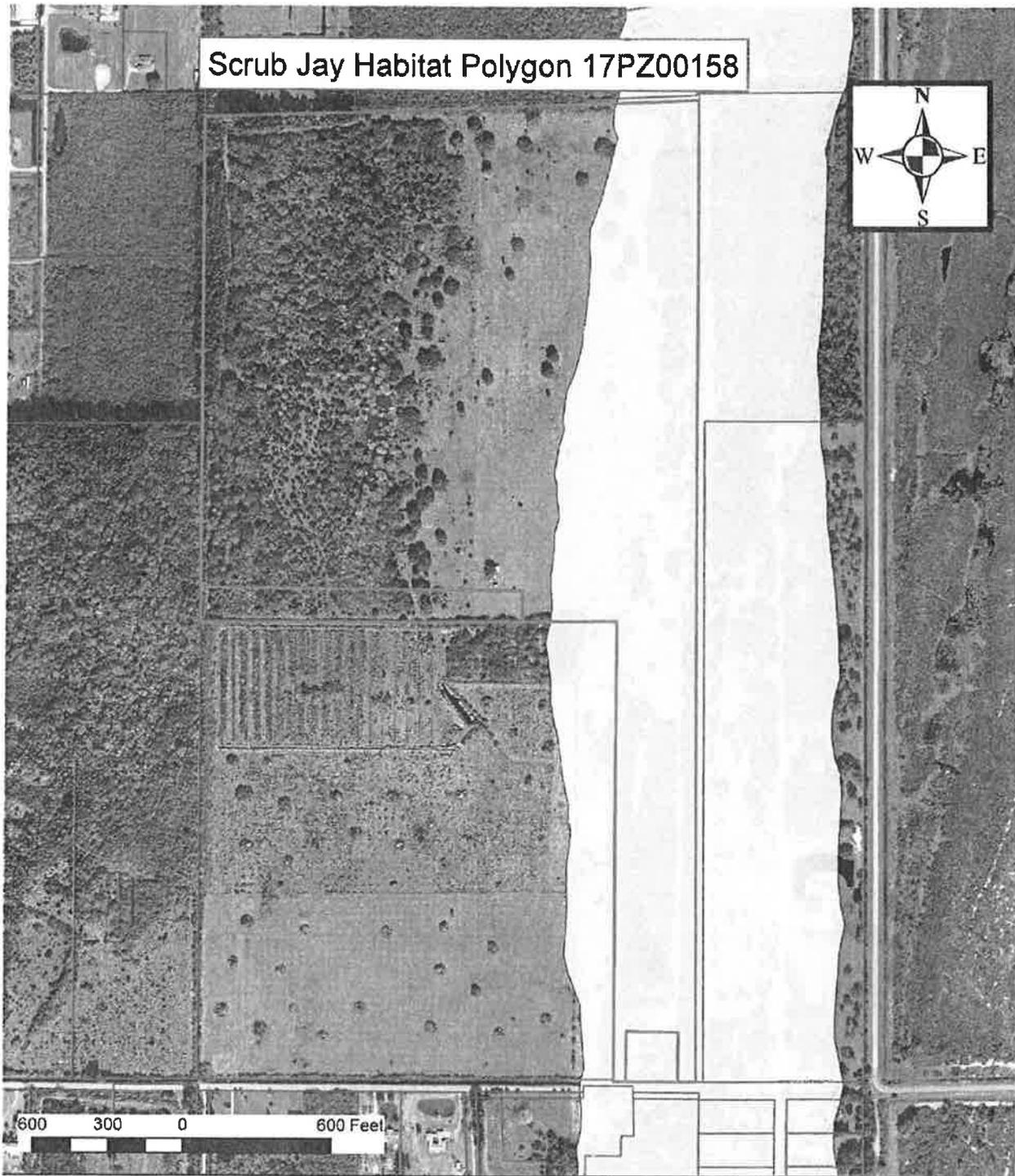
LCCODE

6460



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Legend	
Soil Names	
	Bradenton fine sand, limestone substratum
	Copeland-Bradenton-Wabasso complex, limestone substratum
	Immokaiee sand
	Myakka sand
	Pomello sand
	St. Johns sand, depressional



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Legend	
	Scrub Jay Occupancy

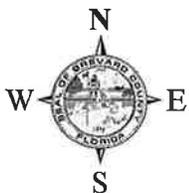
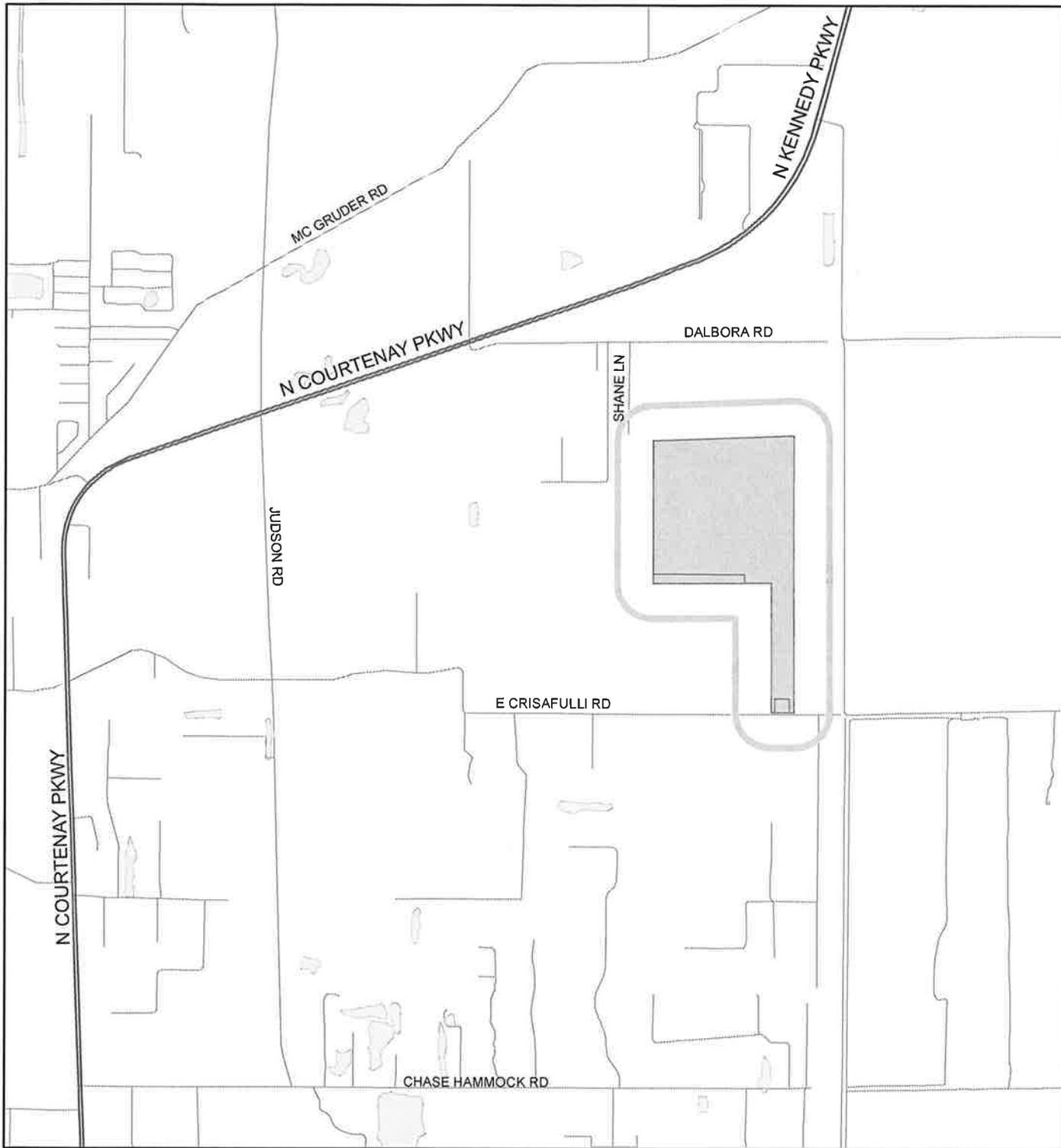


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LOCATION MAP

W.K. & R. GROVES, INC.

17PZ00158



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

Buffer Distance: 500 feet

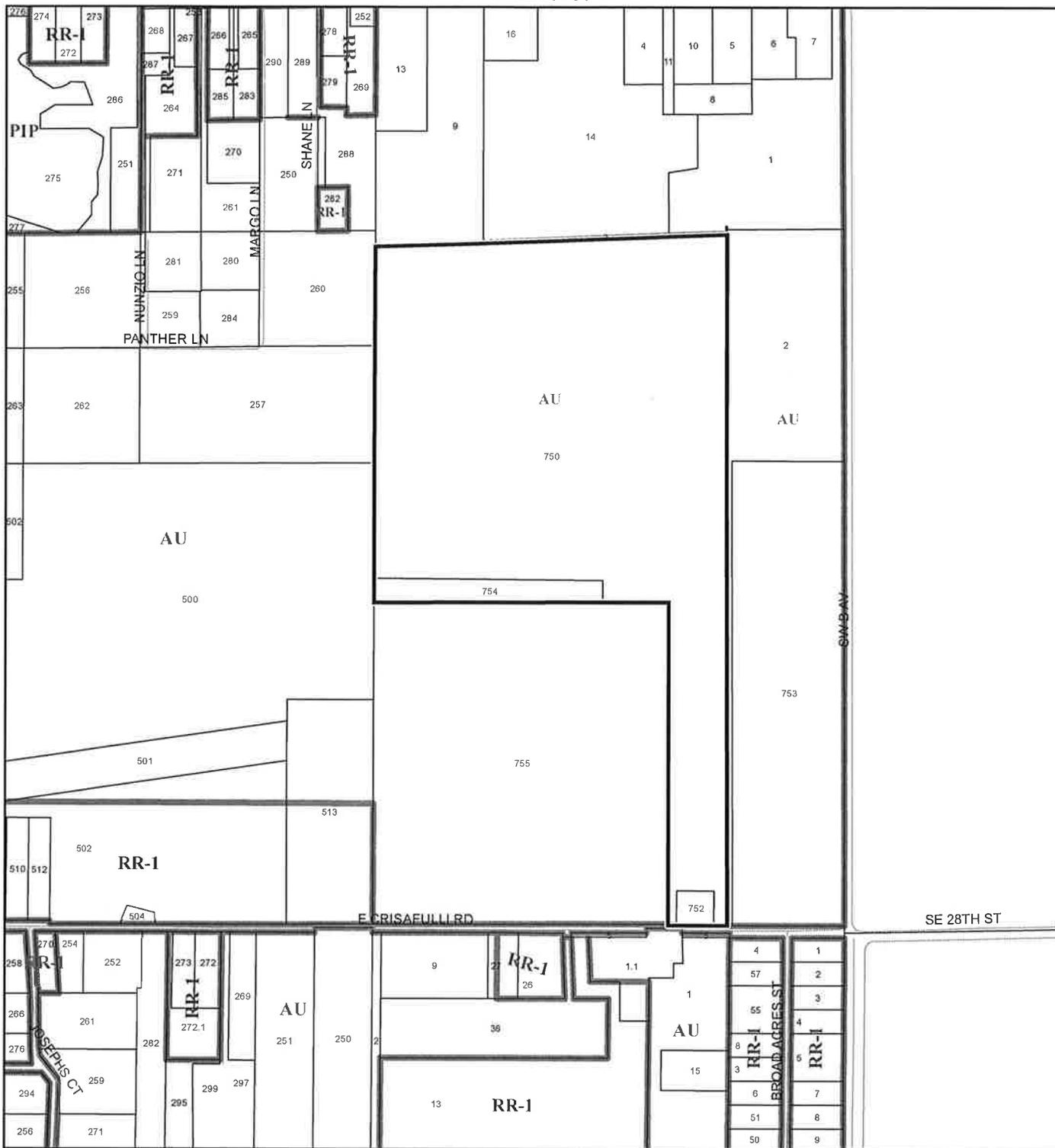
-  Buffer
-  Subject Property

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

ZONING MAP

W.K. & R. GROVES, INC.

17PZ00158



1:9,600 or 1 inch = 800 feet

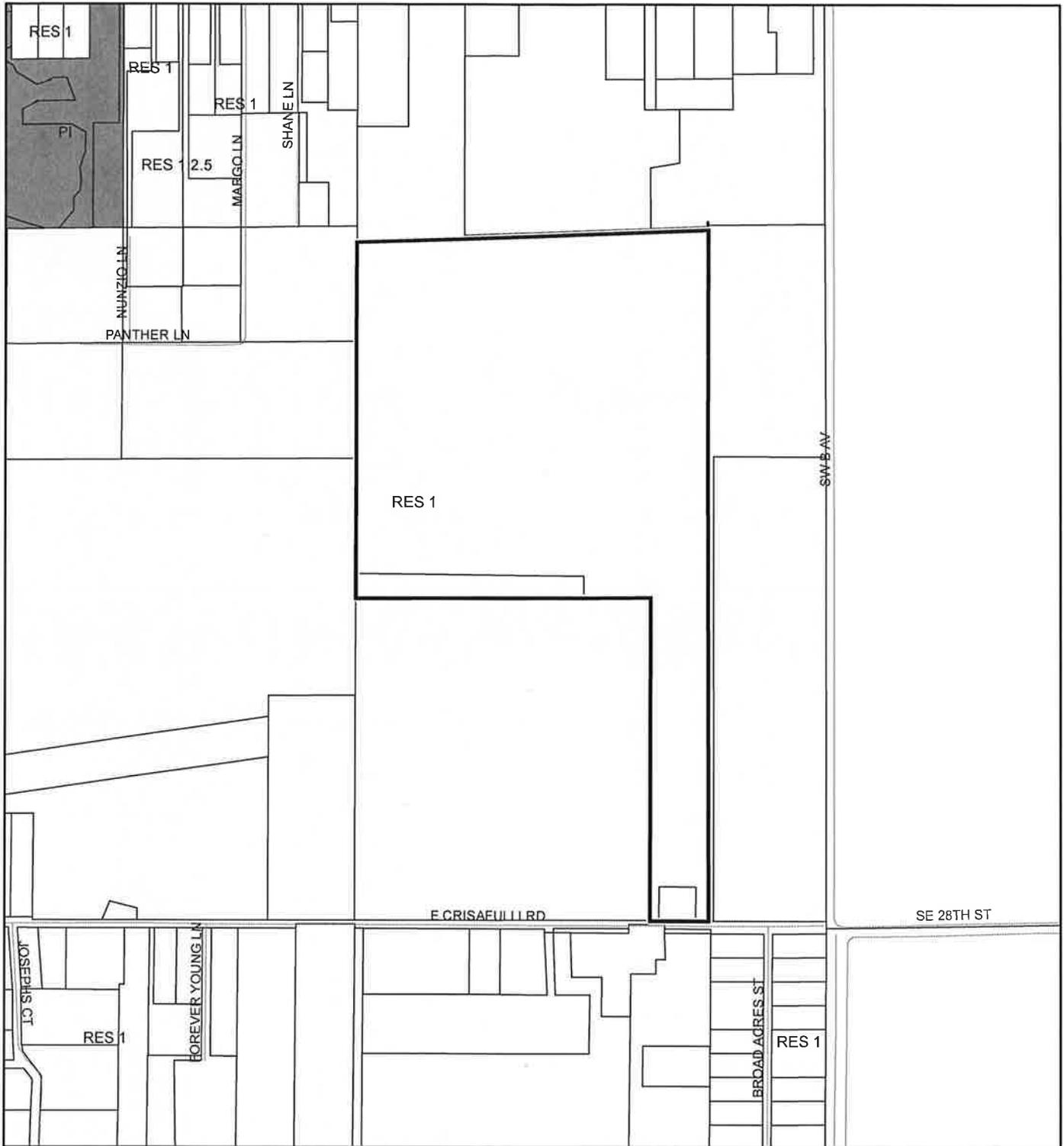
-  Subject Property
-  Parcels
-  Zoning

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

FUTURE LAND USE MAP

W.K. & R. GROVES, INC.

17PZ00158



1:9,600 or 1 inch = 800 feet

 Subject Property

 Parcels

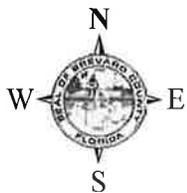
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/22/2018

AERIAL MAP

W.K. & R. GROVES, INC.

17PZ00158



1:9,600 or 1 inch = 800 feet

PHOTO YEAR: 2017

 Subject Property

 Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/4/2018

School Board of Brevard County

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

17 PZ00158

FYI School Concurrency
11. 17PZ00158
W.K.&R. Groves



January 22, 2018

Mr. George Ritchie
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Island Forest Preserve Rezoning
School Impact Analysis – Capacity Determination CD-2018-02**

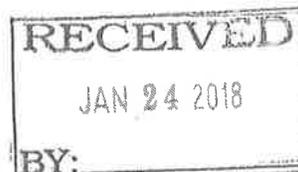
Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on January 9, 2018. The subject property consists of three parcels, tax account numbers 2316619, 2316620, 2316622 containing approximately 110 acres in Brevard County, Florida. The proposed Rezoning would result in an increase in the number of residential units permitted by 66 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the maximum proposed development of 110 single family homes. The following information is provided for your use.

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

Single Family	110		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	30.8	31
Middle	0.08	8.8	9
High	0.16	17.6	18
Total	0.52		58

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



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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	751	751	751	751	751
Jefferson	854	854	854	854	854
Merritt Island	1,915	1,915	1,915	1,915	1,915

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	641	629	634	652	632
Jefferson	610	669	711	733	735
Merritt Island	1,575	1,516	1,583	1,646	1,739

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	85	93	101	101	101
Jefferson	28	37	45	45	45
Merritt Island	54	72	88	88	88

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	-	3	8	12	31
Jefferson	-	1	2	3	9
Merritt Island	-	2	4	7	18

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	726	725	743	765	764
Jefferson	638	707	758	781	789
Merritt Island	1,629	1,590	1,675	1,741	1,845

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	25	26	8	(14)	(13)
Jefferson	216	147	96	73	65
Merritt Island	286	325	240	174	70

At this time, the concurrency service area for the elementary school level is projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the Island Forest Preserve rezoning.

Because there is a shortfall of available capacity in the concurrency service area of the Island Forest Preserve, the capacity of adjacent concurrency service areas must be considered, per

Interlocal Agreement Section 13.2(e). The adjacent Elementary School Concurrency Service Areas are those of Audubon Elementary and MILA Elementary. A table of capacities of the *Adjacent School Concurrency Service Areas* that could accommodate the impact of the Island Forest Preserve is shown below:

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	707	707	707	707	707

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	554	563	571	596

Students Generated by Previously Issued SCADL Reservations

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

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	3	8	12	31

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	557	571	583	627

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	169	150	136	124	80

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Island Forest Preserve rezoning.

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

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

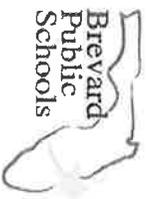
Sincerely,



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

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

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2018-02



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2016-17 to 2021-22

Summary		2016-17		2017-18		2018-19		2019-20		2020-21		2021-22	
Highest Utilization Elementary Schools:	98%	98%	99%	100%	100%	100%	100%	100%	99%	100%	100%	100%	
Highest Utilization Middle Schools:	88%	88%	90%	91%	91%	91%	91%	91%	91%	91%	91%	91%	
Highest Utilization Jr / Sr High Schools:	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	
Highest Utilization High Schools:	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	

School	Type	Grades	Utilization Factor	School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22		
				FISH Capacity	10/17/16 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrence Service Areas																					
Alert	Elementary	PK-6	100%	751	632	84%	751	838	85%	751	657	86%	751	665	87%	751	707	94%	751	694	92%
Anderson	Elementary	PK-6	100%	884	701	79%	884	704	80%	884	715	81%	884	726	82%	884	713	81%	884	686	78%
Apollo	Elementary	PK-6	100%	902	815	90%	902	805	89%	902	815	90%	902	826	92%	902	837	93%	902	841	93%
Atlanta	Elementary	PK-6	100%	703	648	92%	703	661	94%	703	694	99%	703	689	98%	703	692	98%	703	722	100%
Audubon	Elementary	PK-6	100%	761	599	79%	761	593	78%	761	563	74%	761	598	79%	761	590	78%	761	599	77%
Cambridge	Elementary	PK-6	100%	785	640	81%	785	658	84%	785	674	87%	785	694	89%	785	717	91%	785	735	94%
Cape View	Elementary	PK-6	100%	548	426	78%	548	421	77%	548	421	77%	548	413	75%	548	420	77%	548	422	77%
Carroll	Elementary	PK-6	100%	751	680	91%	751	641	85%	751	629	84%	751	634	84%	751	652	87%	751	632	84%
Challenger Z	Elementary	PK-6	100%	573	525	92%	573	532	93%	573	554	97%	573	570	98%	573	580	97%	573	585	98%
Colubna	Elementary	PK-6	100%	698	523	75%	698	531	76%	698	543	78%	698	546	79%	698	546	79%	698	546	79%
Cocouba	Elementary	PK-6	100%	1,154	940	81%	1,154	938	81%	1,154	973	84%	1,154	1,001	87%	1,154	1,029	89%	1,154	1,088	94%
Condon	Elementary	PK-6	100%	795	615	77%	795	619	78%	795	624	78%	795	639	80%	795	645	81%	795	651	82%
Discovery	Elementary	PK-6	100%	980	925	94%	980	934	95%	980	949	97%	980	964	98%	980	979	99%	980	994	100%
Emberbour	Elementary	PK-6	100%	990	890	90%	990	892	90%	990	941	95%	990	990	100%	990	990	100%	990	990	100%
Empress	Elementary	PK-6	100%	729	543	74%	729	530	73%	729	499	68%	729	473	65%	729	450	62%	729	441	60%
Englewood	Elementary	PK-6	100%	753	703	93%	753	707	94%	753	755	100%	753	755	100%	753	755	100%	753	755	100%
Genoa	Elementary	PK-6	100%	711	619	87%	711	418	59%	711	407	57%	711	394	56%	711	399	56%	711	377	53%
Golfview	Elementary	PK-6	100%	777	717	92%	777	635	82%	777	650	84%	777	681	88%	777	707	91%	777	727	94%
Harbor City	Elementary	PK-6	100%	629	629	100%	629	487	77%	629	411	65%	629	427	68%	629	426	68%	629	431	69%
Holland	Elementary	PK-6	100%	605	466	77%	605	450	74%	605	462	76%	605	482	80%	605	512	85%	605	539	89%
Imperial Estates	Elementary	PK-6	100%	728	716	98%	728	677	93%	728	678	93%	728	671	92%	728	673	92%	728	683	94%
Indalec	Elementary	PK-6	100%	798	751	94%	798	730	91%	798	729	91%	798	729	91%	798	726	91%	798	729	91%
Jupiter	Elementary	PK-6	100%	930	728	78%	930	781	84%	930	808	87%	930	822	88%	930	824	89%	930	825	89%
Lockhart	Elementary	PK-6	100%	892	782	88%	892	728	82%	892	747	84%	892	747	84%	892	739	83%	892	746	84%
Longleaf	Elementary	PK-6	100%	790	683	88%	790	700	89%	790	721	91%	790	720	91%	790	714	91%	790	716	91%
Manatee	Elementary	PK-6	100%	954	854	89%	954	854	89%	954	854	89%	954	854	89%	954	854	89%	954	854	89%
Meadowlane Intermediate	Elementary	PK-6	100%	918	786	86%	918	784	85%	918	800	87%	918	783	85%	918	761	83%	918	768	84%
Meadowlane Primary	Elementary	PK-6	100%	1,114	1,010	91%	1,114	1,000	90%	1,114	1,017	91%	1,114	1,028	92%	1,114	1,038	93%	1,114	1,036	93%
Mills	Elementary	PK-6	100%	725	524	72%	725	524	72%	725	531	73%	725	538	74%	725	548	76%	725	556	77%
Oak Park	Elementary	PK-6	100%	950	822	87%	950	844	89%	950	868	91%	950	893	94%	950	912	96%	950	912	96%
Ocean Breeze	Elementary	PK-6	100%	654	622	95%	654	644	98%	654	654	100%	654	654	100%	654	654	100%	654	654	100%
Palm Bay	Elementary	PK-6	100%	1,005	919	92%	1,005	854	85%	1,005	822	82%	1,005	822	82%	1,005	822	82%	1,005	822	82%
Prewood	Elementary	PK-6	100%	551	530	96%	551	544	99%	551	576	105%	551	576	105%	551	592	107%	551	592	107%
Post Malaria	Elementary	PK-6	100%	852	741	87%	852	744	87%	852	780	92%	852	775	91%	852	775	91%	852	782	92%
Port	Elementary	PK-6	100%	1,016	900	88%	1,016	1,000	98%	1,016	1,059	104%	1,016	1,125	111%	1,016	1,133	112%	1,016	1,148	113%
Revera	Elementary	PK-6	100%	777	717	92%	777	655	84%	777	735	95%	777	788	99%	777	799	100%	777	801	100%
Roosevelt	Elementary	PK-6	100%	599	359	59%	599	359	59%	599	361	60%	599	361	60%	599	361	60%	599	360	60%
Sabal	Elementary	PK-6	100%	785	550	70%	785	546	70%	785	554	71%	785	558	72%	785	569	73%	785	587	75%
Staurin	Elementary	PK-6	100%	978	763	78%	978	750	77%	978	747	77%	978	751	77%	978	751	77%	978	759	78%
Stea Park	Elementary	PK-6	100%	481	338	70%	481	322	67%	481	306	64%	481	314	65%	481	314	65%	481	308	64%
Steward	Elementary	PK-6	100%	609	485	80%	609	480	79%	609	482	79%	609	482	79%	609	482	79%	609	482	79%
Sunrise	Elementary	PK-6	100%	895	855	95%	895	855	96%	895	859	96%	895	823	92%	895	823	92%	895	823	92%
Sunrise	Elementary	PK-6	100%	523	475	91%	523	468	89%	523	469	90%	523	469	90%	523	469	90%	523	469	90%
Tropical	Elementary	PK-6	100%	910	747	82%	910	730	80%	910	730	80%	910	730	80%	910	730	80%	910	730	80%
Turner	Elementary	PK-6	100%	874	631	72%	874	780	89%	874	815	93%	874	815	94%	874	815	94%	874	815	94%
University Park	Elementary	PK-6	100%	811	546	67%	811	544	67%	811	544	67%	811	544	67%	811	544	67%	811	544	67%
Wetside	Elementary	PK-6	100%	857	712	83%	857	719	84%	857	723	84%	857	723	84%	857	723	84%	857	723	84%
Williams	Elementary	PK-6	100%	715	681	95%	715	681	96%	715	681	96%	715	681	96%	715	681	96%	715	681	96%
Elementary Totals				41,095	33,850	81%	41,161	33,868	82%	41,271	34,812	84%	41,557	35,346	85%	41,733	35,575	85%	41,909	35,873	86%

School	Type	Grades	Utilization Factor	School Year 2016-17		School Year 2017-18		School Year 2018-19		School Year 2019-20		School Year 2020-21		School Year 2021-22		
				FISH Capacity	10/17/16 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity
201 Concurrence Service Areas																
Central	Middle	8-Jul	90%	1,525	1,098	72%	1,525	1,129	74%	1,525	1,213	80%	1,525	1,381	91%	1,525
Oak Park	Middle	8-Jul	90%	941	703	75%	941	728	77%	941	774	82%	941	769	82%	941
Hunter	Middle	8-Jul	90%	659	509	77%	659	515	78%	659	460	70%	659	456	69%	659
Jackson	Middle	8-Jul	90%	654	584	89%	654	595	91%	654	636	97%	654	635	97%	654
Jefferson	Middle	8-Jul	90%	854	606	71%	854	610	71%	854	669	78%	854	711	83%	854
Lebanon	Middle	8-Jul	90%	1,000	791	79%	1,000	791	79%	1,000	802	80%	1,000	810	81%	1,000
Kennedy	Middle	8-Jul	90%	813	632	78%	813	633	78%	813	645	79%	813	678	83%	813
Madison	Middle	8-Jul	90%	743	532	72%	743	550	74%	743	480	65%	743	533	72%	743
McKellar	Middle	8-Jul	90%	611	456	75%	611	455	74%	611	443	73%	611	471	77%	611
Southwest	Middle	8-Jul	90%	1,177	880	75%	1,177	882	76%	1,177	895	76%	1,177	917	78%	1,177
Stone	Middle	8-Jul	90%	1,013	839	83%	1,013	800	79%	1,013	811	80%	1,013	829	82%	1,013
201 School Concurrence Service Areas				9,990	7,542		9,990	7,669		9,990	7,801		9,990	8,259		10,010
202 School Concurrence Service Areas																
Cocoa	Jr / Sr High	Pk-12	90%	1,782	1,572	88%	1,782	1,599	90%	1,782	1,724	97%	1,850	1,858	100%	2,007
Cocoa Beach	Jr / Sr High	12-Jul	90%	1,468	1,064	73%	1,468	1,017	69%	1,468	976	67%	1,468	969	66%	1,468
Space Coast	Jr / Sr High	12-Jul	90%	1,812	1,519	84%	1,812	1,520	84%	1,812	1,485	82%	1,812	1,526	84%	1,812
Jr / Sr High Totals				5,060	4,155		5,060	4,136		5,060	4,185		5,138	4,353		5,285
School Concurrence Service Areas																
Astronaut	High	12-Sep	95%	1,446	1,132	78%	1,446	1,121	78%	1,446	1,125	78%	1,446	1,159	80%	1,446
Bayside	High	12-Sep	95%	2,235	1,712	77%	2,235	1,891	85%	2,235	1,733	78%	2,235	1,697	76%	2,235
Enu Galile	High	Pk-9-12	95%	2,186	1,572	72%	2,186	1,638	75%	2,186	1,681	77%	2,186	1,784	81%	2,186
Heritage	High	12-Sep	95%	2,314	1,855	80%	2,314	1,728	75%	2,314	1,778	77%	2,314	1,848	80%	2,314
McIntosh	High	12-Sep	95%	2,317	2,304	99%	2,317	2,300	99%	2,317	2,374	100%	2,317	2,471	100%	2,460
Marriott Island	High	Pk-9-12	95%	1,915	1,574	82%	1,915	1,516	79%	1,915	1,583	83%	1,915	1,646	86%	1,915
Palm Bay	High	Pk-9-12	95%	2,613	1,567	60%	2,613	1,575	60%	2,613	1,659	63%	2,613	1,522	58%	2,460
Rockledge	High	12-Sep	95%	1,688	1,460	86%	1,688	1,470	87%	1,688	1,515	89%	1,688	1,609	95%	1,688
Shalimar	High	Pk-9-12	95%	1,576	1,356	86%	1,576	1,325	84%	1,576	1,345	86%	1,576	1,357	87%	1,576
Titusville	High	12-Sep	95%	2,253	1,391	61%	2,253	1,872	83%	2,253	1,437	64%	2,253	1,872	83%	2,253
Viera	High	Pk-9-12	95%	2,253	2,317	103%	2,253	2,150	95%	2,253	2,188	97%	2,253	2,233	99%	2,253
High Totals				22,356	18,213		22,356	18,091		22,404	18,363		22,499	18,765		22,499
203 (Not Concurrence Service Areas)																
Frederick 7	Elementary	K-6	100%	475	409	86%	475	414	87%	475	414	87%	475	414	87%	475
Steverson	Elementary	K-6	100%	569	484	85%	569	508	89%	569	508	89%	569	508	89%	569
West Melbourne	Elementary	K-6	100%	618	550	89%	618	552	89%	618	552	89%	618	552	89%	618
Edgewood	Elementary	12-Jul	90%	1,072	948	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072
West Shore	Elementary	12-Jul	90%	1,264	1,264	100%	1,264	956	76%	1,264	956	76%	1,264	956	76%	1,264
Schools of Choice				3,998	3,346		3,998	3,380		3,998	3,380		3,998	3,380		3,998
Brevard Totals				82,499	67,106		82,565	67,034		82,723	66,541		83,172	70,103		83,525

Notes
1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2016-17 are reported from the FISH database as of December 13, 2016.
2. Student Membership is reported from the Fall Final Membership Count (10/17/16).
3. Davis Demographics Schools Site Enrollment Forecasting Extension for AECOS estimates future student populations by analyzing the following data:
- Development Projections from Brevard County Local Government Jurisdictions
- Brevard County School Concurrence Student Generation Multipliers (SSM)
- Fall Membership student addresses and corresponding concurrence service areas
- Student Mobility Rates / Cohort Survival
- Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
- PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
- Current From/To attendance patterns are assumed to remain constant
- Nonrecorded student addresses are assumed to continue in their attendance schools.
- Charter School Growth
5. In order to maintain utilization rates lower than the 100% Level of Service, Relocatable Classrooms are assumed to add future student stations as necessary.
- Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-6) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
- Intermediate relocatable classrooms are proposed to be added at Alantis Elementary, Challenger 7 Elementary, Faingon Elementary, Meadovlane Intermediate, Meadovlane Primary, Oak Park Elementary, Pinedale Elementary, Quiet Elementary, Riviera Elementary, and Stone Middle (Total of 38 Classrooms)
- High school relocatable classrooms are proposed to be added at Melbourne High, Cocoa Jr/Sr High, and Viera High (Total of 32 Classrooms)

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

**BINDING
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this _____ day of August, 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Beachland Managers, LLC, a Florida Limited Liability company (hereinafter referred to as "Developer/Owner").

RECITALS

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

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

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

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

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit to 50 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
3. The Developer/Owner shall use septic systems capable of reducing the total nitrogen

(TN) in effluent by 65% or greater. In the event the Property is determined not to be within the area of concern, after the expiration of the current moratorium, for nitrogen loading into the Indian River Lagoon, than the allowable septic system(s) at that time shall be used.

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

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

6. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 2018. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

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

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

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

ATTEST:

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

Scott ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

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

WITNESSES:

DEVELOPER/OWNER

Beachland Managers, LLC

(Witness Name typed or printed)

4760 N. US1 Suite 201 Melbourne, FL 32935

(Witness Name typed or Printed)

As Manager Member
Charles B. Genoni

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, as _____ of _____,
who is personally known or produced _____ as identification.

My commission expires _____
Commission no _____
SEAL

Notary Public
(Name typed, printed or stamped)

Exhibit "A"

Legal Description:

Begin at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida; thence run N. $0^{\circ}46'15''$ E, along the West lines of the Southeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of said Section 24, a distance of 3897.81 ft., to a point; thence run N. $88^{\circ}26'15''$ East, a distance of 2000.24 ft., to a point on the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24; thence run S $0^{\circ}36'53''$ W., along said East line of West $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 24, a distance of 1300.61 ft., to a point on the East-West Center Line of said Section 24; thence run S. $0^{\circ}31'38''$ West, along the East line of the West $\frac{1}{2}$, East $\frac{1}{2}$, Southeast $\frac{1}{4}$, Section 24, a distance of 2669.25 feet to a point on the South line of Section 24; thence run N. $89^{\circ}29'49''$ West along said South line, Section 24, a distance of 2013.48 ft., to a point of Beginning. (Containing 181.10 Acres, more or less)

Less and Except

Commence at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida: Thence run North $0^{\circ}46'15''$ East along the West line of the Southeast $\frac{1}{4}$ of said Section 24 a distance of 25.00 feet to the point of Beginning of the following herein described parcel: thence continue North $0^{\circ}46'15''$ E along said West line of the Southeast $\frac{1}{4}$ a distance of 1,835.29 feet; thence run South $89^{\circ}29'49''$ E parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678.77 feet; thence run South $0^{\circ}46'15''$ West parallel with the West line of the Southeast $\frac{1}{4}$ a distance of 1835.29 feet; thence run North $89^{\circ}29'49''$ West parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678.77 feet to the point of beginning and being subject to any and all easements, deed restrictions and rights-of-way of record.

Also Described as

Legal Description:

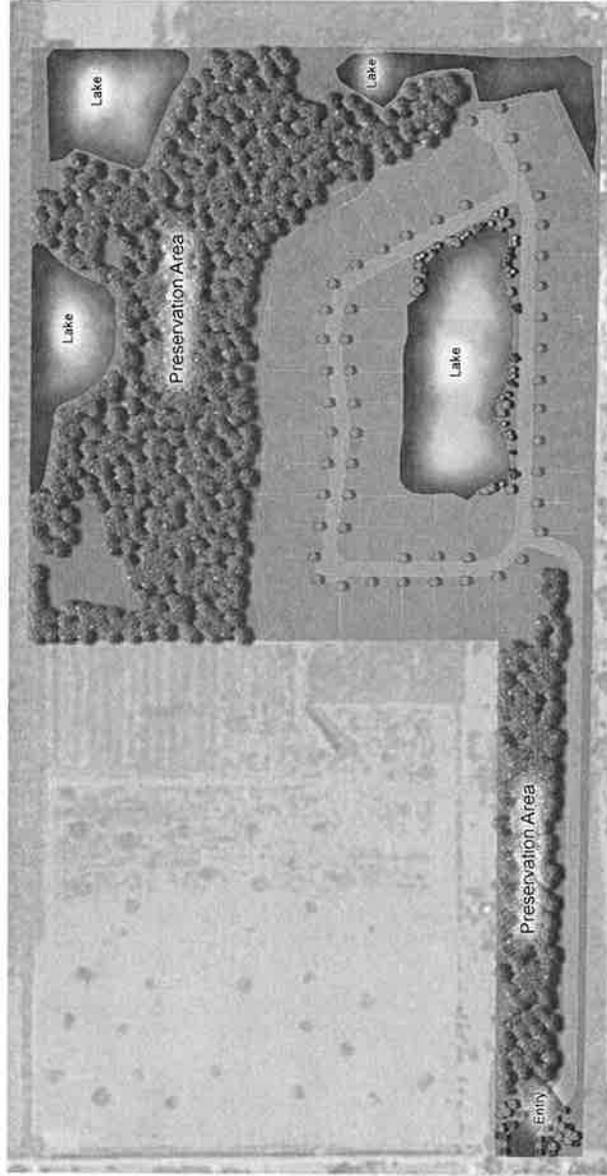
PARCEL ID 23-36-24-00-750 TA# 2316619 105.05 ACRES
W $\frac{3}{4}$ OF SE $\frac{1}{4}$ & W $\frac{3}{4}$ OF S $\frac{1}{2}$ OF NE $\frac{1}{4}$ AS DESC IN ORB 1204 PG 358, EXC S 2000 FT OF W 1300 FT ORB 2838 PG 2885

PARCEL ID 23-36-24-00-752 TA# 2316620 1.00 ACRES
E 210 FT OF W 1938.48 FT OF N 210 FT OF S 255 FT OF SE $\frac{1}{4}$

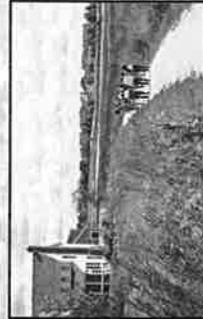
PARCEL ID 23-36-24-00-754 TA# 2316622 4.92 ACRES
2000 FT OF W 1300 FT OF SE $\frac{1}{4}$ EXC ORB 2838 PG 2885



Site Key Map



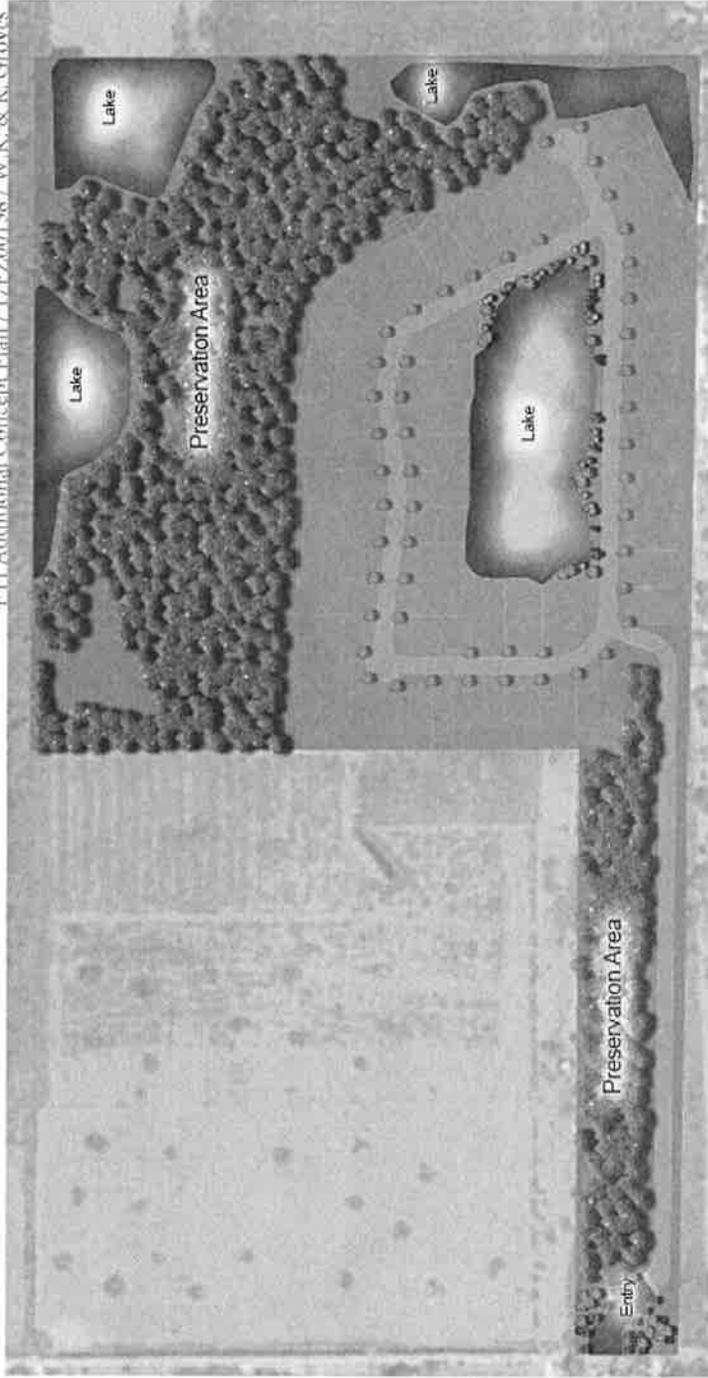
Conceptual Site Plan



Island Forest Preserve

Conceptual Site Plan
 Merritt Island, FL

FYI Additional Concept Plan / 17P/00158 / W.K. & R. Groves



50 lots
Minimum lot size 21,780 sq ft
Typical lot width 110'
Typical lot depth 220'



Conceptual Site Plan