



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

3/3/2022

Subject:

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment (21S.10) to change the Future Land Use designation from RES 2 to RES 4. (No assigned address. In the Mims area.) (21PZ00089) (Tax Account 2100183) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (21S.10) to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4) on 49.72 acres within a larger parcel of 118.3 acres. A companion rezoning application (21Z00043) was submitted accompanying this request for a Zoning change from AU (Agricultural Residential) and GU (General Use) to RU-1-7 (Single-family Residential) with BDP (Binding Development Plan) limited to 199 SFR units on 73.59 acres (which includes the 49.72 acre subject property) within the larger 118.3 acre parcel.

To the north, south and east of the subject property is vacant, undeveloped land. West of the subject property, beyond a 75-foot wide strip of land owned by the St. Johns River Water Management District, are single-family manufactured homes and undeveloped, Brevard County-owned land.

There has been a historical pattern of residential development along State Road 46 to the west the subject site. The proposed residential use appears consistent with the historical and existing pattern of surrounding development that transitions from more intense commercial uses near the I-95 interchange to residential uses west of the subject site.

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

On February 14, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

H.8.

3/3/2022

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 4, 2022

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

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-07, which was filed in this office on March 4, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb



March 4, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.8., Small Scale Comprehensive Plan Amendment (21S.10)

The Board of County Commissioners, in regular session on March 3, 2022 conducted the public hearing and adopted Ordinance No. 22-07, setting forth the fourth Small Scale Comprehensive Plan Amendment (21S.10) to change the Future Land Use designation from RES 2 to RES 4 (21PZ00089). Enclosed is the 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

/ns

Encl.(1)

ORDINANCE NO. 22- 07

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2022, 21S.10, 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 2022 as Plan Amendment 21S.10; 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 21S.10; 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 MARCH 4, 2022

WHEREAS, on February 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.10, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 3, 2022, 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 21S.10; and

WHEREAS, Plan Amendment 21S.10 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.10 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 21S.10 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 21S.10, 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.

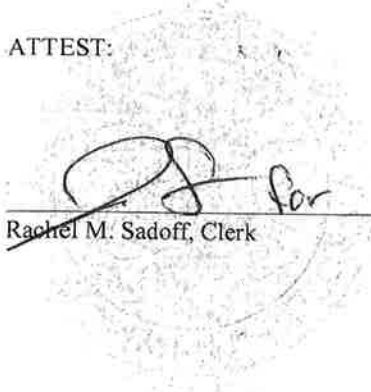
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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 3 day of March, 2022.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


By: Kristine Zonka, Chair

As approved by the Board on March 3, 2022.

EXHIBIT A
21S.10 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

EXHIBIT B

Contents

1. Legal Description

PUBLIC HEARING NOTICE

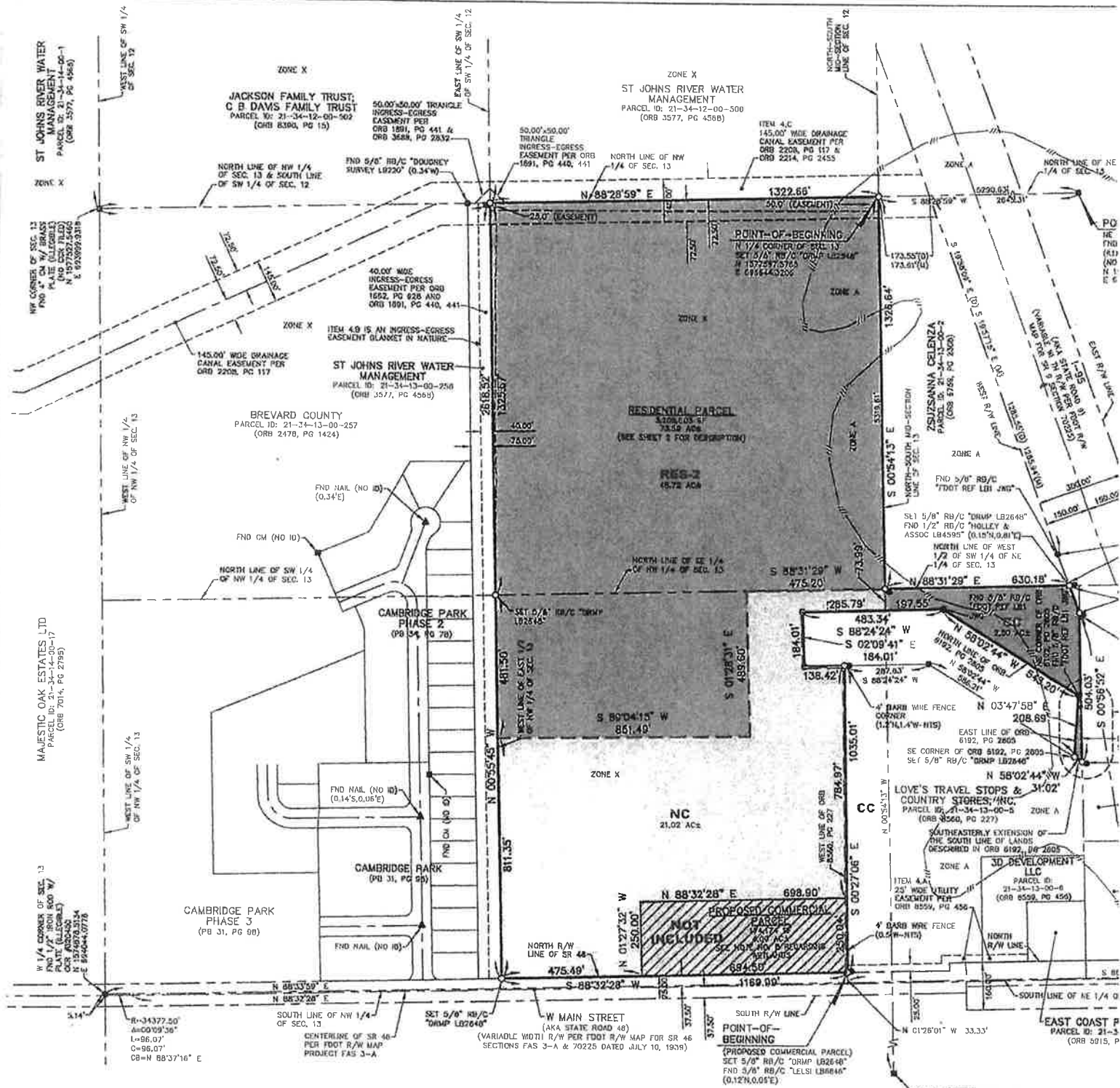
Notice of Meetings

ty, Florida, and being more particularly described as follows: Commence at the east 1/4 corner of said Section 13; thence S88deg35'59"W, along the east-west midsection line of said Section 13, a distance of 2,804.61 ft.; thence N01deg26'01"W, a distance of 39.33 ft., to a point on the north right-of-way line of S.R. 46, a 75-ft. wide right-of-way line shown on plat 10,939, said point also being the SW corner of lands as described in ORB 8560, Page 227 of said Public Records, said point also being the point of beginning of this description; thence S88deg32'28"W, along said north right-of-way line, a distance of 694.50 ft.; thence N01deg27'32"W, a distance of 251 ft.; thence N88deg32'28"E, a distance of 698.90 ft., to a point on the west line of said lands as described in ORB 8560, Page 227; thence S00deg27'06"E, along said west line, a distance of 258.04 ft. to the point of beginning, containing 4 acres, more or less, located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21P200089) JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST (William Rezakani) requests a Small Scale Comprehensive Zoning Amendment (21S10), to change the Future Land Use designation from RES 2 (Residential U) to RES 4 (Residential A), on property described as a parcel of land being a portion of lands as described in ORB 666, Page 844, and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, lying within Section 13, Township 21S, Range 34E, Brevard County, Florida, and being more particularly described as follows: commence at the NE corner of Section 13; thence S88deg21'59"W along the north line of the NE 1/4 of said Section 13, a distance of 2,645.45 ft.; thence S00deg13'12"W, along said Section 13, to the point of beginning of this description; thence S00deg54'13"E along the north-south mid-section line of said Section 13, a distance of 1,326.64 ft., to a point on the north line of the SE 1/4 of the NE 1/4 of said Section 13; thence S88deg33'12"W, along said north-south mid-section line, a distance of 720 ft.; thence S01deg28'31"E, a distance of 489.60 ft.; thence S89deg04'15"W, a distance of 851.49 ft., to a point on the west line of the east 1/2 of the NW 1/4 of said Section 13; thence N00deg55'45"W, along said west line, a distance of 60 ft. to the NW corner of the SE 1/4 of the NW 1/4 of said Section 13; thence continue N00deg55'54"W along said west line, a distance of 1,325.67 ft., to a point on the north line of the NW 1/4 of said Section 13; thence N88deg28'59"E, along said north line, a distance of 697.45 ft. to the point of beginning. (49.72 +/- acres). The property is located on the north side of S.R. 46, approx. 2.5 mile west of I-95. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 21S10, is Ordinance amending the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series, and the provisions which require the amending to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an ef-

fective date, (21200043) JACKSON FAMILY TRUST and C.B. DAVIS FAMILY TRUST (Kim Rozanika) request a change of zoning classification from AG (Agricultural Residential), GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Retail Commercial) to R-1 (Single-Family Residential) with a BDP (Binding Development Plan), on property described as a parcel of land being a portion of lands as described in ORB 6066, Page 844 and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, Lying in Section 13, Township 21S, Range 1E, and in Brevard County, Florida, and being more particularly described as follows: Commence at the NE corner of Section 13; thence S88deg21'59"W, along the north line of the NE 1/4 of said Section 13, a distance of 2,645.31 ft. to the north 1/4 corner of said Section 13; thence S88deg21'59"W, along the north line of the NE 1/4 of said Section 13, a distance of 1,326.54 ft. to a point on the north line of the west 1/2 of the SW 1/4 of the NE 1/4 of said Section 13; thence N88deg31'25"E, along said north line, a distance of 630.18 ft. to a point on the southeasterly right-of-way line of Interstate 95 (S.R. No. 9), a 300 ft. wide right-of-way as shown on FDOT Map Section No. 70225; thence S19deg56'26"E, along said westerly right-of-way line, a distance of 98.81 ft. to a point on the east line of the west 1/2 of the SW 1/4 of the NE 1/4 of said Section 13; thence S50deg55'52"E, along said east line a distance of 504.03 ft. to a point on the southeasterly extension of the south line of lands as described in ORB 6192, Page 2805 of said Public Records; thence N88deg22'44"W, along said south southeasterly extension, a distance of 3,022.69 ft. to the SE corner of said lands as described in ORB 6192, Page 2805; thence N88deg47'58"E, along the east line of said lands, a distance of 208.69 ft. to the NE corner of said lands; thence N58deg02'44"W, along the north line of said lands, a distance of 59.20 ft. to the NW corner of said lands; thence S88deg47'58"E, along the north line of said lands, a distance of 483.34 ft. to the NW corner of said lands; thence S02deg09'41"E, along the west line of said lands, a distance of 184.01 ft. to the SW corner of said lands; thence N88deg24'24"E, along the south line of said lands, a distance of 59.20 ft. to a point on the east line of lands as described in ORB 8560, Page 227 of the Public Records of Brevard County, Florida; thence S00deg27'06"E, along the west line of said lands, a distance of 784.97 ft.; thence S88deg32'28"W, a distance of 698.90 ft.; thence S01deg27'33"E, a distance of 250 ft. to the north line of the north-right-of-way line of S.R. No. 46, a 75-ft. wide right-of-way as shown on Project No. F.A.S. 3-A, dated July 10, 1939; thence S88deg32'28"W, along said north-right-of-way line, a distance of 475.49 ft. to a point on the west line of the east 1/2 of the north line of said Section 13; thence S50deg55'45"W, along said east line, a distance of 2,618.52 ft. to a point on the north line of the NW 1/4 of said Section 13; thence N88deg28'59"E, along said north line, a distance of 1,322.66 ft. to the point of beginning. (73.59 +/- acres) Located on the north side of the east line of 0.25 mile wide of the (No assigned address) the Mims area. (21P200090) JOHN LOUIS FREEMAN (Pamela McCarty) requests removal of a BDP (Binding Development

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opment Plan), in an RU-2-12 (Medium Density Multi-Family Residential) zoning classification, on property described as Lot 1, Block H, as recorded in ORB 9062, Page 1205, of the Public Records of Brevard County, Florida. Section 26, Township 35, Range 30, (0.23 acre) located on the southwest corner of S. Orlando Ave. and Summer Street. (2031 S. Orlando Ave., Cocoa Beach) (21P200091) MICHAEL R. AND MALENA C. STEWART (Patricia McCarthy) request removal of a BDP (Blending Development Plan), in an RU-2-12 (Medium Density Multi-Family Residential) zoning classification, on property described as Lot 1.01, Block H, as recorded in ORB 9134, Pages 2615 - 2616, of the Public Records of Brevard County, Florida. Section 26, Township 35, Range 37, (0.23 acre) located on the corner of S. Florida Ave., Atlantic and Summer St. (2060 S. Atlantic Ave., Cocoa Beach) Public Hearing before the Planning and Zoning Board/Local Planning Agency will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, on THURSDAY, JANUARY 14, 2022, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, JANUARY 14, 2022, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at these meetings or hearings, such a person will need a record of the proceedings and hearings. For such purposes, such a person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such a recording of the proceedings for classification, as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities wishing to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: T. Callie Jones, Director, Jennifer Jones, Special Projects Coordinator.

**DESCRIPTION (RES-2 PARCEL):**

A PARCEL OF LAND BEING A PORTION OF LANDS AS DESCRIBED IN O.R. BOOK 666, PAGE 644 AND O.R. BOOK 6133 PAGE 2745 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 13; THENCE SOUTH 88°21'59\"/>

CONTAINING 48.72 ACRES (2,165,807 SQ FT) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OR-WAYS OF RECORD.

NOTE:

1. SEE SHEET CERTIFICATE

February 25, 2022

To: Jennifer Jones
From: John Tobia, Brevard County Commissioner, District 3
Re: Phone Disclosure

Ms. Jones,

In regards to the upcoming agenda items H.2, H.6, H.7, H.8, and H.9, for the Brevard County Zoning meeting on March 3rd, 2022, please be advised in advance that I spoke with the following party via telephone on February 25th, 2022.

Kim Rezanka, Esq.

The phone call lasted approximately twenty minutes, during which the above individual provided information regarding the above-referenced items.

Sincerely,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

7101 N. Highway 1

Titusville, FL 32780

(321) 607-6901

D1.commissioner@brevardfl.gov

Planning and Development

Commission Meeting March 3, 2022

Tax Account 2100183 Jackson Family Trust

(21PZ00081; 21Z00044; 21PZ00089; 21Z00043)

Commissioner Pritchett met with Ms. Kim Rezanka and Mr. Clark Sprinkel in the District 1 Commission office regarding the above item on January 10, 2022. The Commissioner listened to their plans for this project.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

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

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

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
- b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
- c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

(2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.10 (21PZ00089)
Township 21, Range 34, Section 13*

Property Information

Owner / Applicant: **Jackson Family Trust, C.B. Family Trust**

Adopted Future Land Use Map Designation: Residential 2 (RES 2)

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

Acreage: 49.72 acres

Tax Account #: 2100183

Site Location: On the north side of Highway 46 approximately 0.25 miles west of I-95

Commission District: 1

Current Zoning: Agricultural Residential (AU) and General Use (GU)

Requested Zoning: Single-family Residential (RU-1-7)
(application 21Z00043)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Residential 2 (RES 2) to Residential 4 (RES 4) on 49.72 acres within a larger parcel (118.3 acres).

The 49.72-acre subject property meets the acreage requirement for consideration as a small-scale comprehensive plan amendment as a result of HB 487, signed into law by Governor DeSantis on June 29, 2021. HB 487 increased the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres.

The subject property is currently undeveloped and has a Future Land Use designation of RES 2 with a residential density of 2 dwelling units/acre that was adopted with the Comprehensive Plan in September of 1988. There was no change to the Future Land Use as a result of the 2007 Mims Small Area Study.

A companion rezoning application (21Z00043) was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) and General Use (GU)

to Single-family Residential (RU-1-7) with BDP limiting to 199 SFR units on 73.59 acres (which includes the 49.72 acre subject property) within the larger 118.3 acre parcel.

The applicant has also submitted an additional application (21PZ00081) to amend the Future Land Use from Neighborhood Commercial (NC) to Community Commercial (CC) on 4.0 acres south of the subject site (also within the larger 118.3 acre parent parcel), along with a companion rezoning application (21Z00044) requesting to change the zoning from General Use (GU) to General Retail Commercial (BU-1). The 4.0 acre subject site.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant, Undeveloped Land	GU	PUB-CONS
South	Vacant, Undeveloped Land	GU	NC
East	Vacant, Undeveloped Land	GU	RES 2 and NC
West	Single-Family Manufactured Housing and Undeveloped Land	TR-1 and GML	RES 2

To the north, south and east of the subject property is vacant, undeveloped land. West of the subject property, beyond a 75' wide strip of land owned by the St. Johns River Water Management District, are single-family manufactured homes and undeveloped, Brevard County-owned land.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Policy 1.2

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

Criteria:

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

Connection to centralized potable water and wastewater treatment is required. The nearest potential potable water and sanitary sewer connections are located approximately 800 feet to the south of the subject property south along State Road 46.

Residential 4 (maximum of 4 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:

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

The subject site is not immediately adjacent to RES 4 land use designation; however, in the general vicinity is a manufactured housing subdivision with one-quarter (1/4) acre lots platted prior to the adoption of the 1988 Comprehensive Plan.

The closest RES 4 is located approximately 290 feet to the west (within Cambridge Park Phase 2 manufactured housing subdivision).

- 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 site does not serve as a transition between densities greater than four (4) units per acre and areas with density of less than four (4) units per acre.

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

The subject site is not adjacent to an incorporated area.

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

The applicant is not proposing a Planned Unit Development.

Administrative Policy 3

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

Criteria:

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

1. historical land use patterns;

There has been a historical pattern of residential development along State Road 46 to the west the subject site.

The subject property is located within the boundaries of the 2007 Mims Small Area Study. Recommendations of the Study note development in residential areas with density of two units per acre and higher should be encouraged to cluster development and to leave portions of each site open, with particular attention to reducing environmental impacts, to maintaining recreation space, and to preserving the area's agricultural landscapes when possible. There was no change to the Future Land Use of the subject property as a result of the 2007 Mims Small Area Study.

The proposed residential use appears consistent with the historical and existing pattern of surrounding development that transitions from more intense commercial uses near the I-95 interchange to residential uses west of the subject site.

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

There has not been any development immediately adjacent to the subject parcel in the preceding three (3) years. However, southeast of the subject property (along State Road 46), two

commercial parcels have been developed: a truck stop (Love's Travel Stops and Country Stores, Inc.) and a retail store (Dollar General).

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

There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed. However, in January 2022, a binding development plan for a 198 unit single-family subdivision was approved on a 79.16-acre parcel southwest of the subject property (across State Road 46).

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.

The closest potable water and centralized sewer lines are located approximately 800 feet to the south of the subject site.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

Environmental Resources

Mapped resources and noteworthy land use issues include Hydric Soils/Wetlands, Floodplain, Land Clearing and Landscape Requirements and Protected Species.

- Wetlands
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

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

Historic Resources

There are no recorded historic 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 may wish to consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 21PZ00089**

Applicant: Rezanka for Jackson Family Trust

FLU Request: RES-2 to RES-4

Notes: Applicant wants subdivision with 180 single-family residential units.

P&Z Hearing Date: 02/14/22; **BCC Hearing Date:** 03/03/22

Tax ID No: 2100183

- 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:

- Wetlands
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or building permit application submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Historical aerials indicate that unpermitted land clearing activities may have occurred. The discovery of unpermitted wetland impacts or land clearing activities may result in code enforcement action.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands

The subject parcel contains mapped National Wetland Inventory (NWI), SJRWMD wetlands, and hydric soils (Samsula muck, Tomoka muck, Ancote sand, and Basinger sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or building permit application submittal. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total property. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with 62-3696.

Historical aerials indicate that unpermitted land clearing and filling activities may have occurred. The discovery of unpermitted wetland impacts may result in code enforcement action.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand, Paola fine sand and Basinger sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property are mapped as being within the floodplain, potentially isolated, as identified by FEMA, and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within an isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 5, Section 62_3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

A portion of the subject property is overlaid with mapped polygon SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches

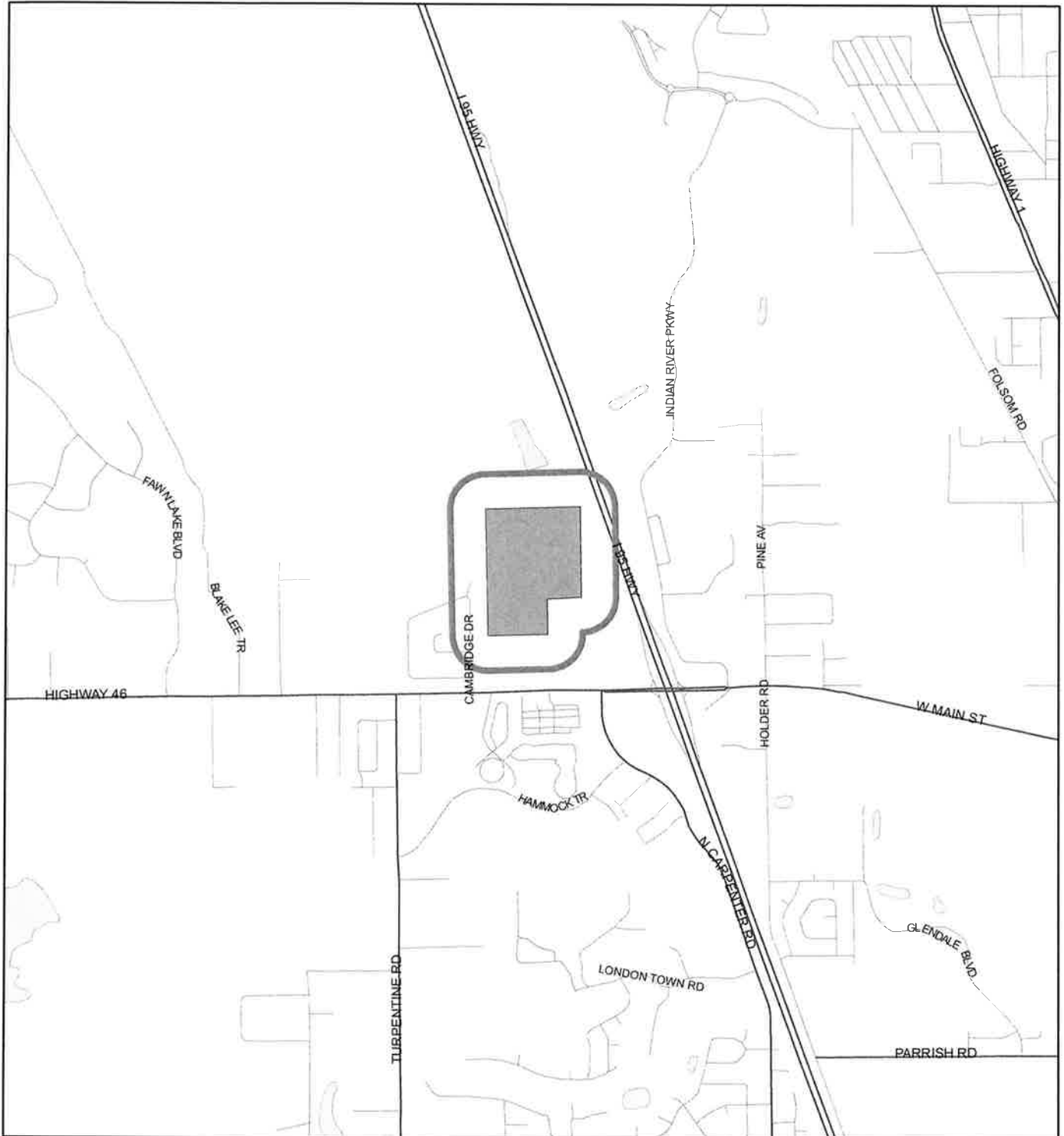
in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

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

LOCATION MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



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

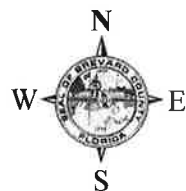
Buffer Distance: 500 feet

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— Buffer
■ Subject Property

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10

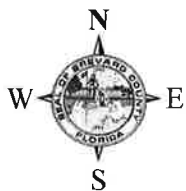
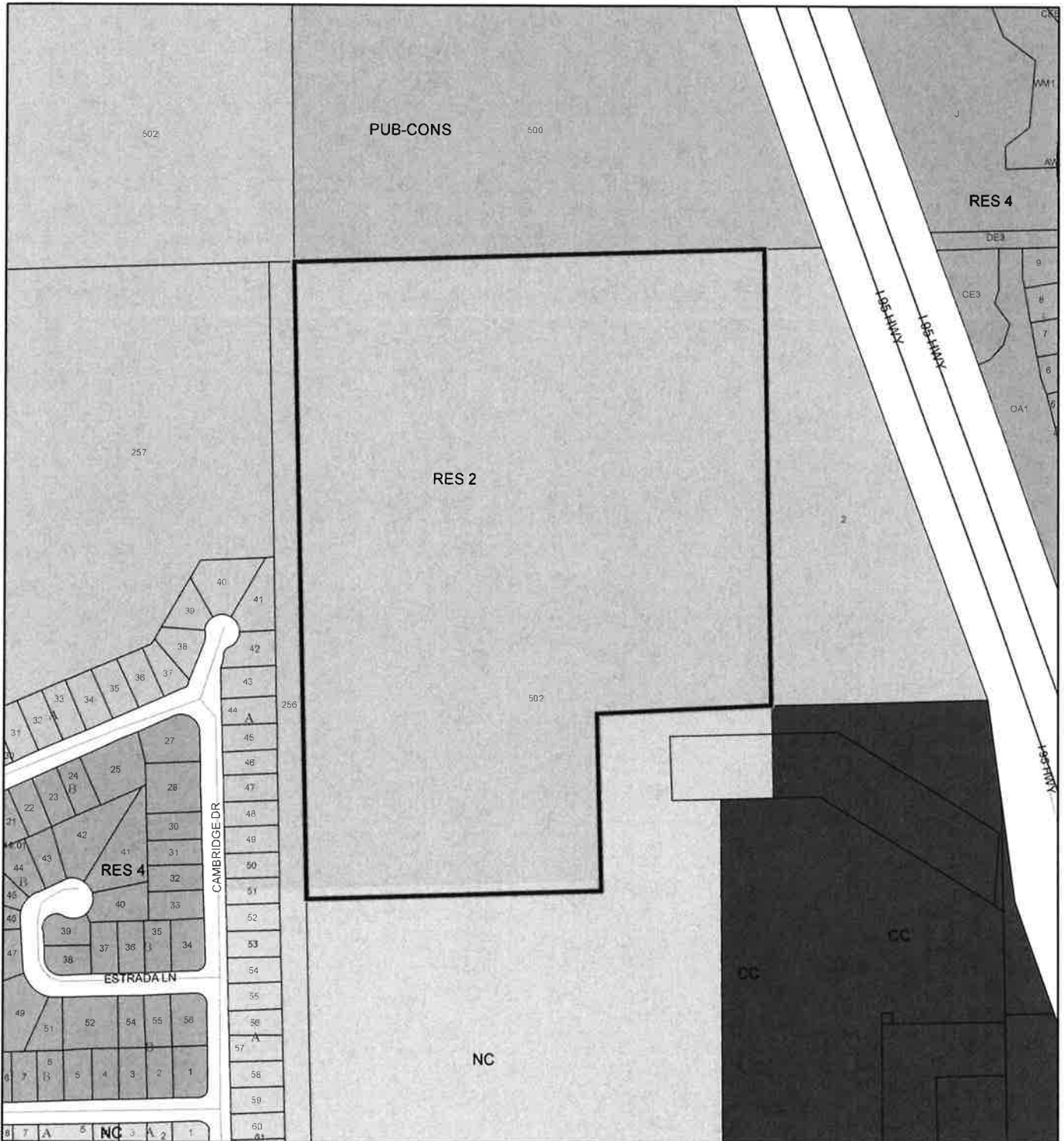


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

 Subject Property
 Parcels
 Zoning

FUTURE LAND USE MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

 Subject Property

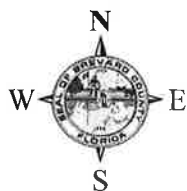
 Parcels

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

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PROPOSED FUTURE LAND USE MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

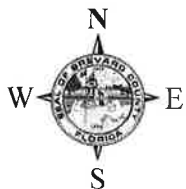
— Subject Property
□ Parcels

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AERIAL MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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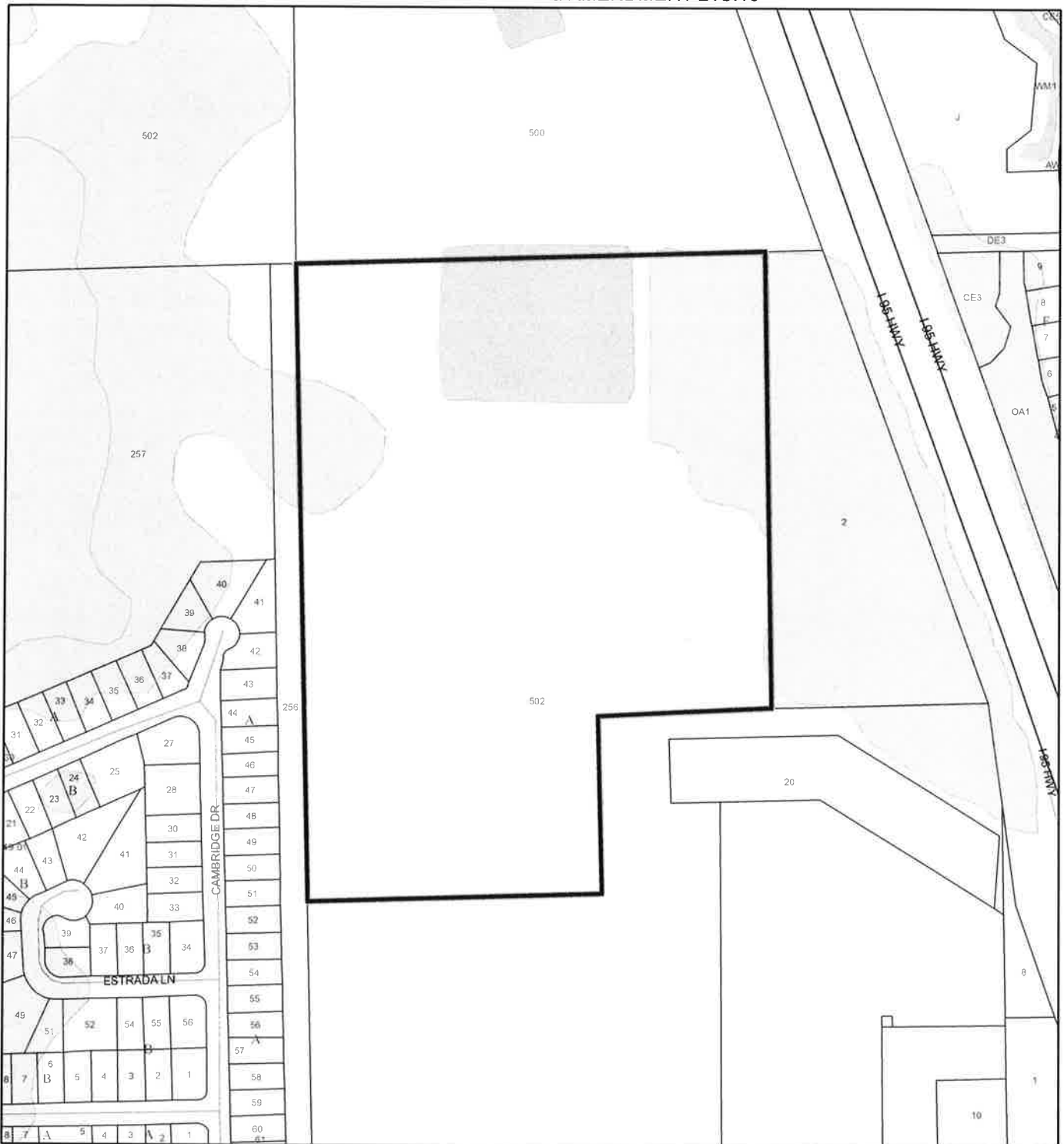
Produced by BoCC - GIS Date: 12/13/2021

— Subject Property

□ Parcels

NWI WETLANDS MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

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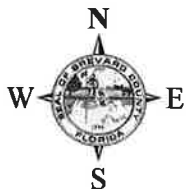
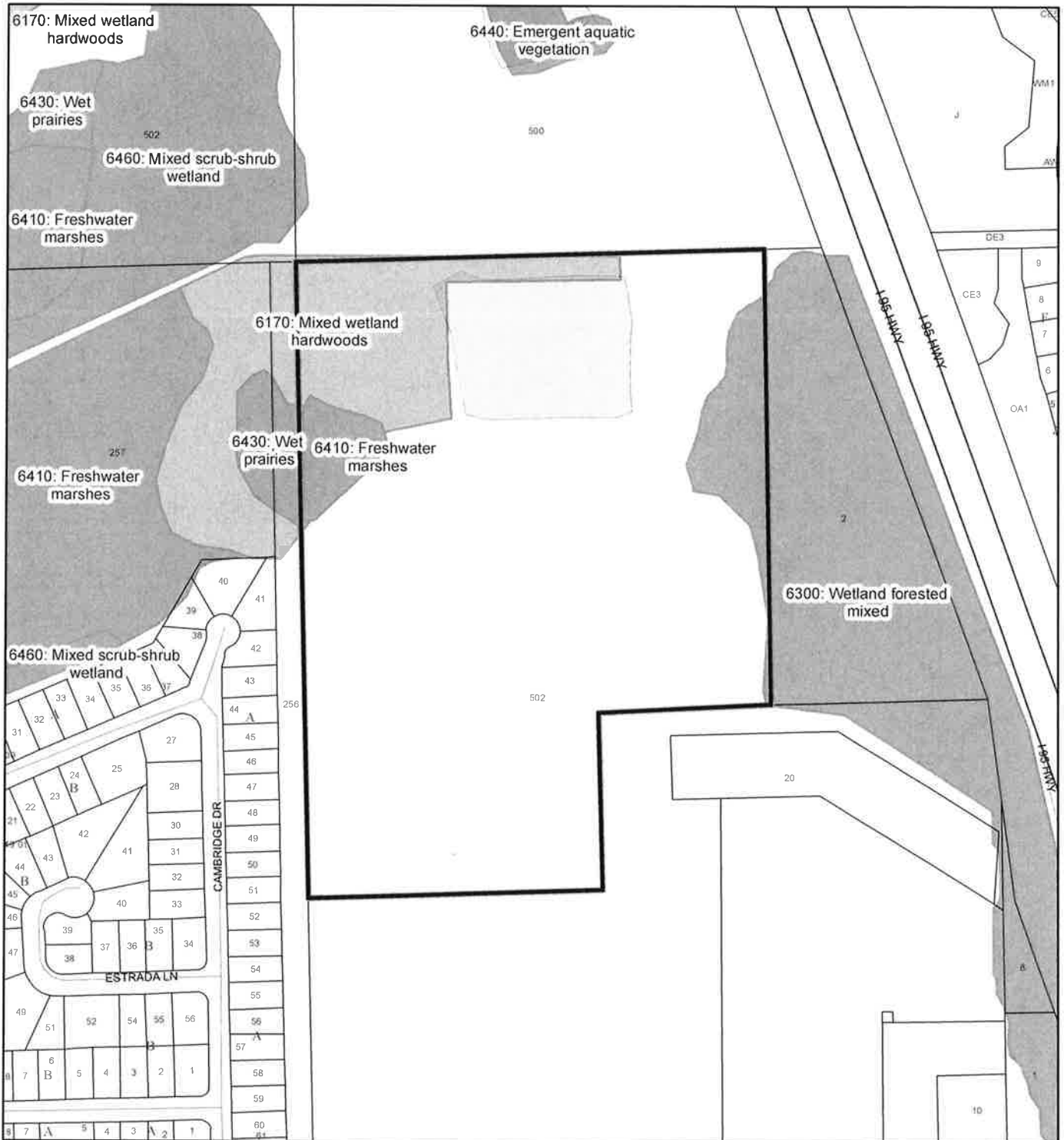
National Wetlands Inventory (NWI)

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

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

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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

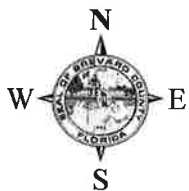
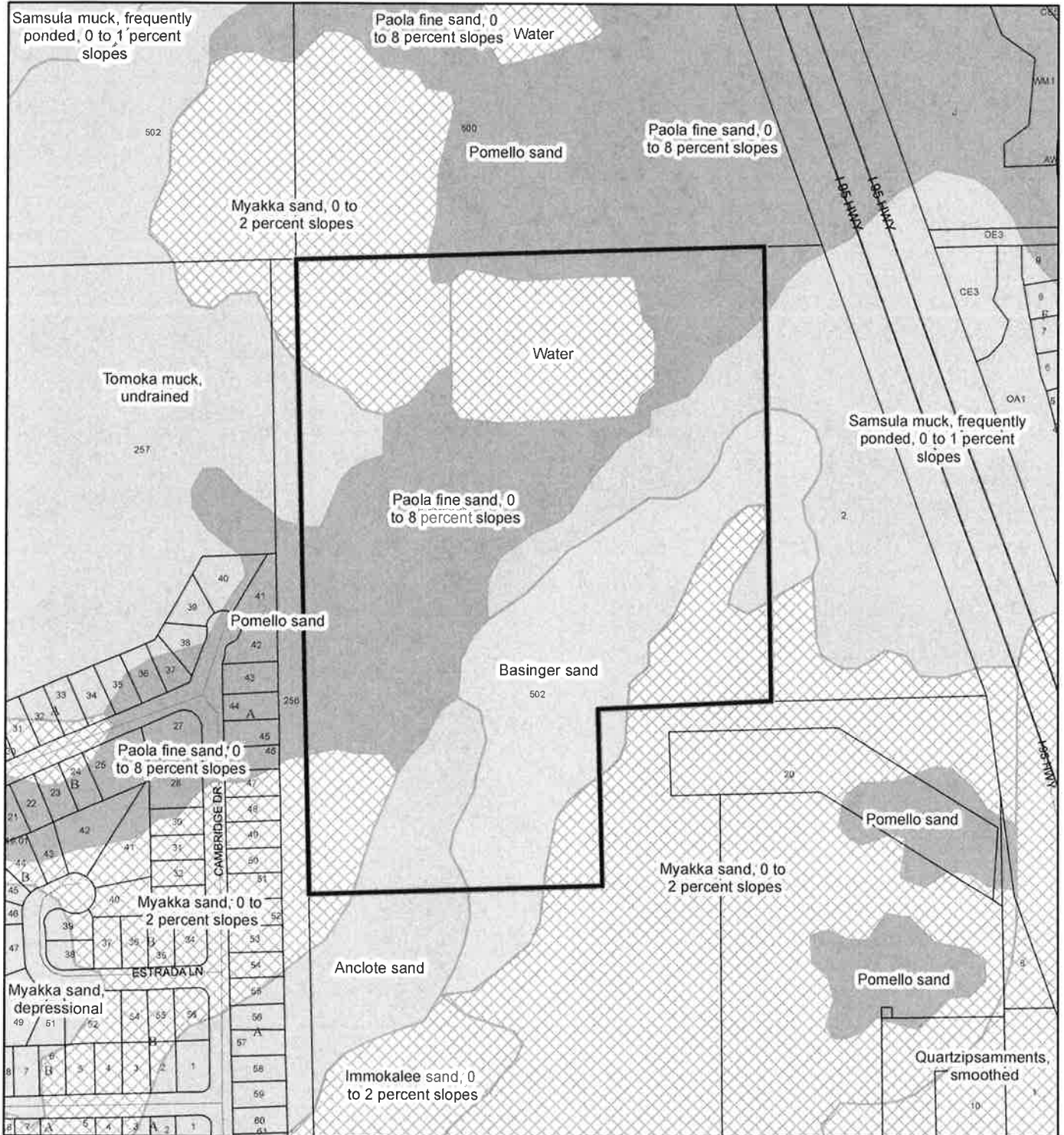
Subject Property

Parcels

USDA SCSSS SOILS MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21PZ00089 SMALL SCALE AMENDMENT 21S.10

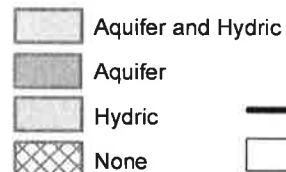


1:4,800 or 1 inch = 400 feet

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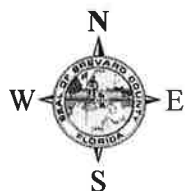
Produced by BoCC - GIS Date: 12/13/2021

USDA SCSSS Soils



— Subject Property
 □ Parcels

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



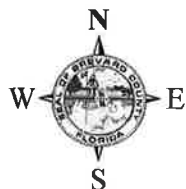
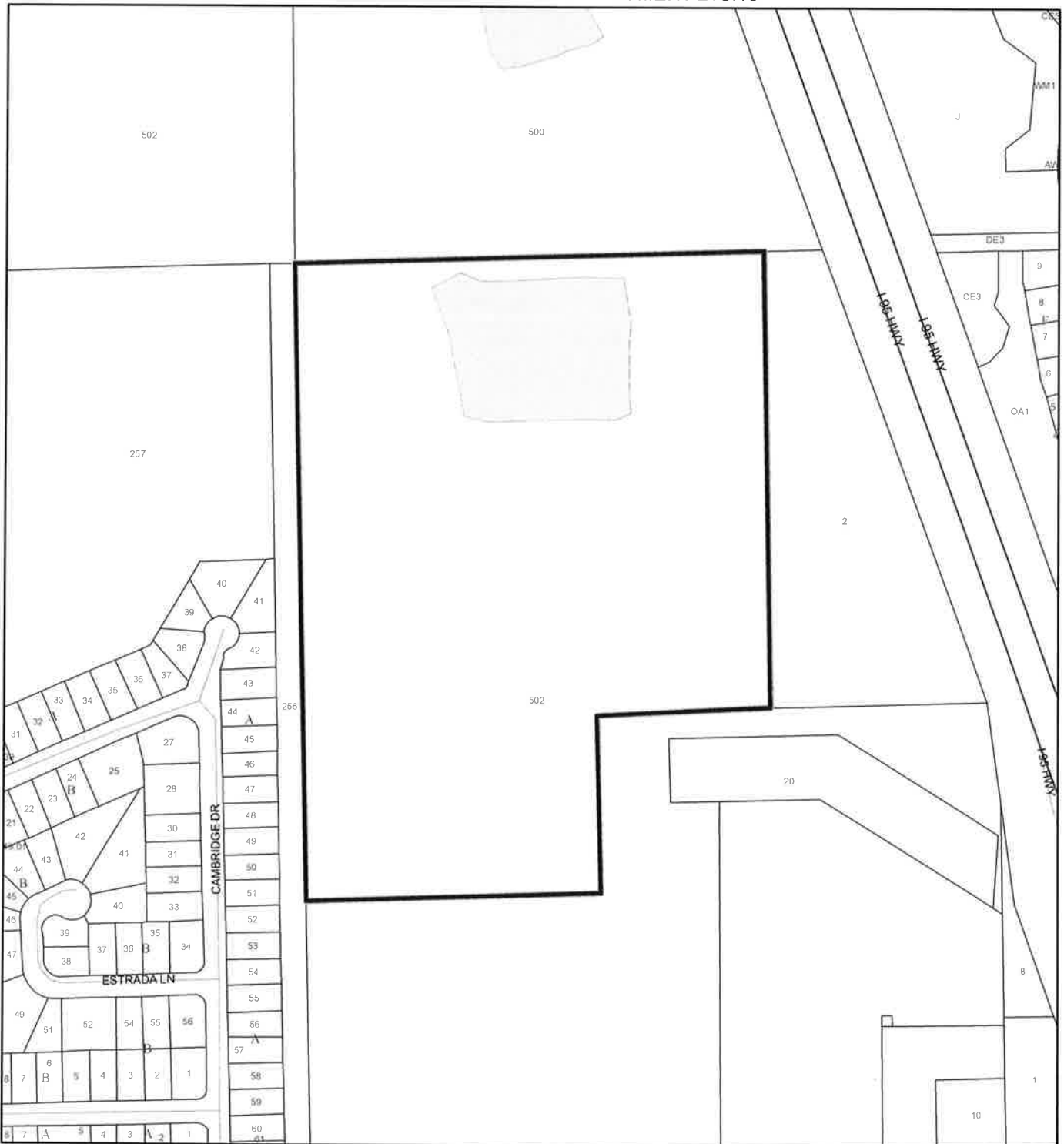
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

 A  AO  X
 AE  Open Water
 AH  VE
 Subject Property  Parcels

COASTAL HIGH HAZARD AREA MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

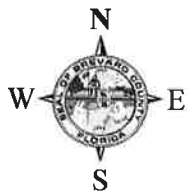
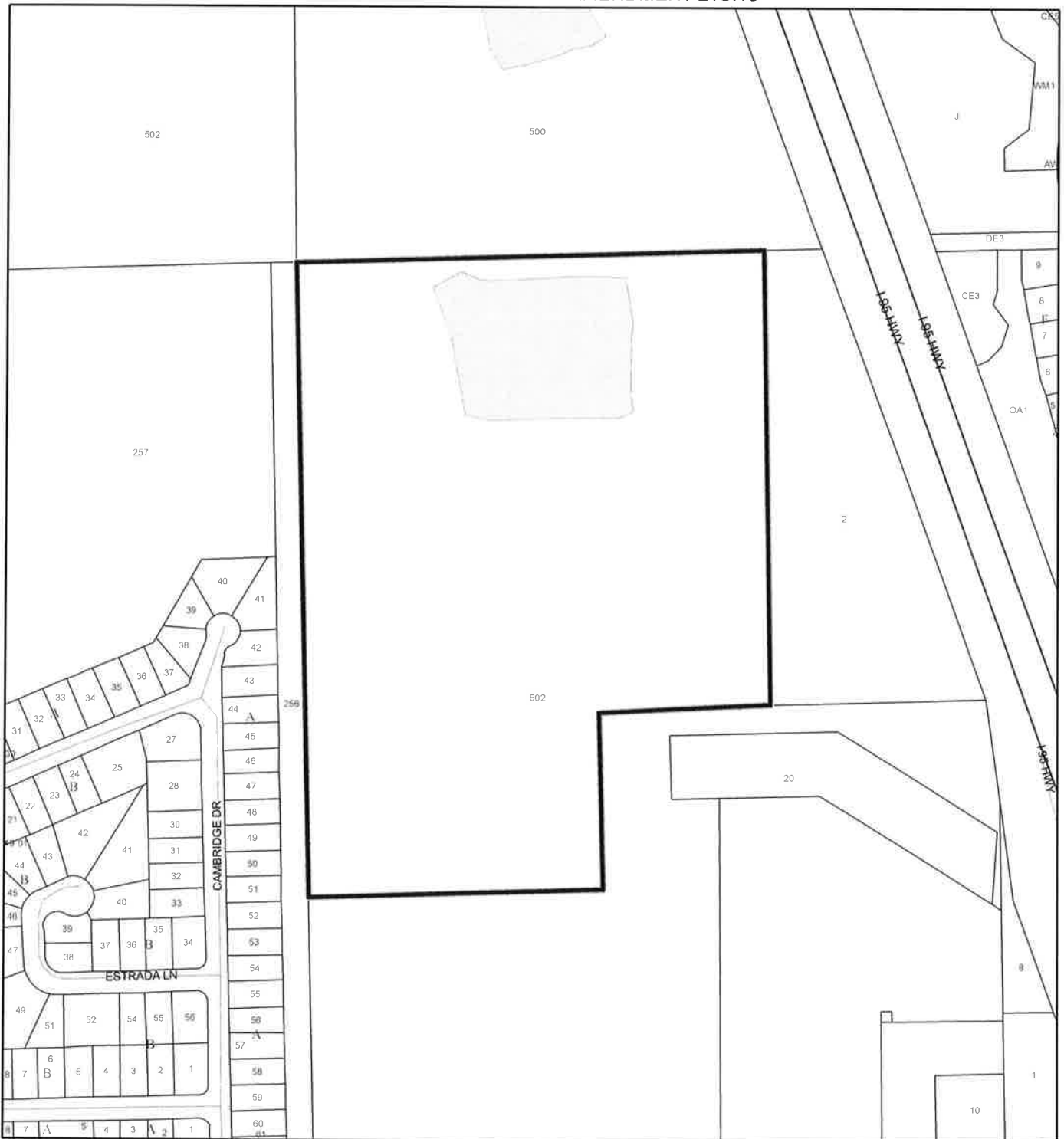
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21PZ00089 SMALL SCALE AMENDMENT 21S.10



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: 12/13/2021

— Subject Property

□ Parcels

Septic Overlay

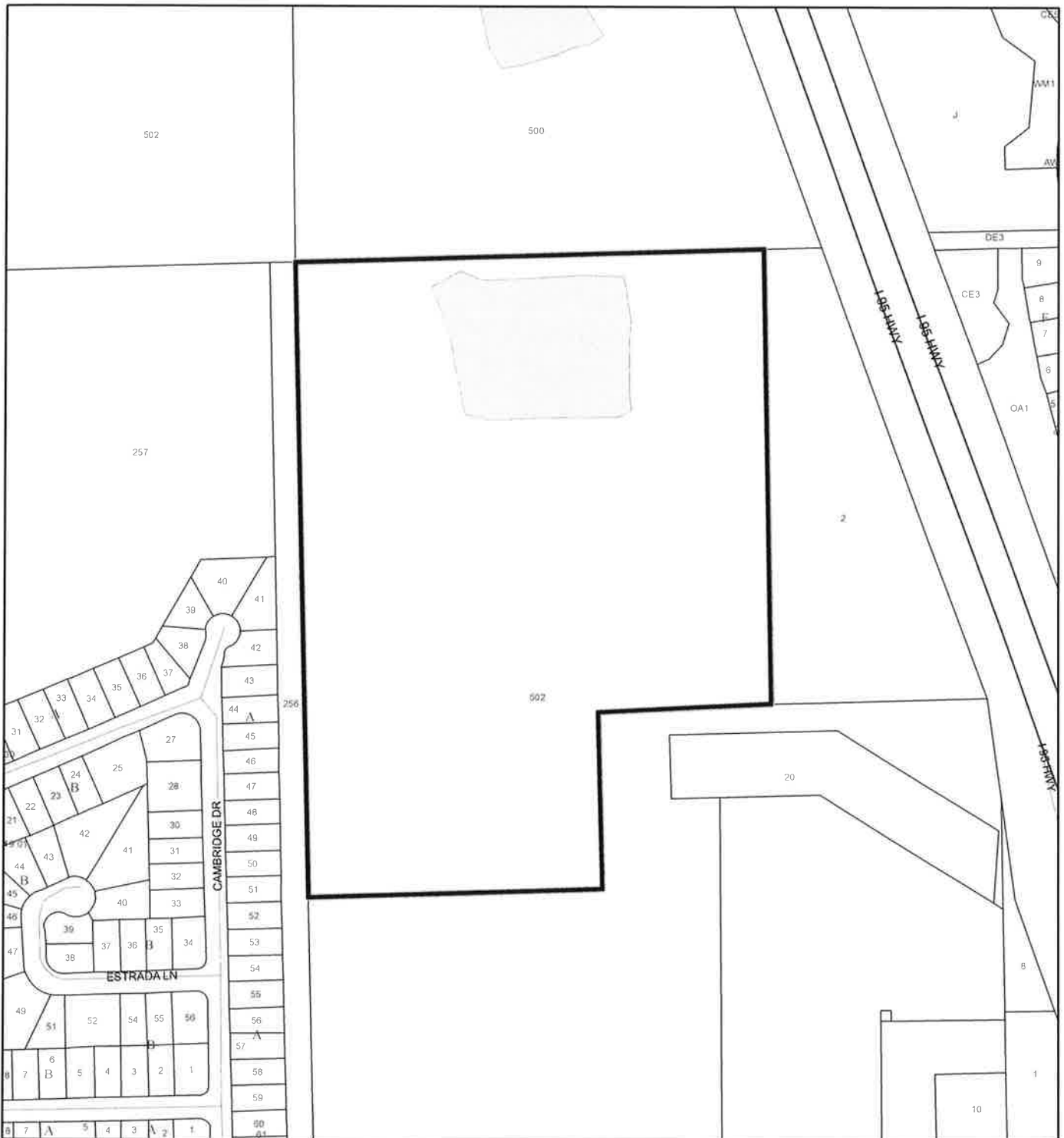
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/13/2021

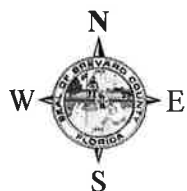
 Subject Property

 Parcels






Eagle Nests
FWS 2010

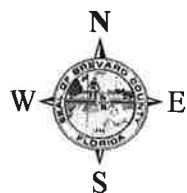
JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10






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 Subject Property
 Parcels
 Scrub Jay Occupancy

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21PZ00089 SMALL SCALE AMENDMENT 21S.10



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

— Subject Property □ Parcels

School Board of Brevard County

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

School Concurrency
21PZ00089
Jackson/Davis



December 1, 2021

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

**RE: Proposed Surrey Homes (Mims) Development
School Impact Analysis – Capacity Determination CD-2021-31**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is a portion of Tax Account 2100183 (Parcel ID: 21-34-12-00-502) containing approximately 73.59 acres in District 1, Brevard County, Florida. The proposed single-family development includes 180 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes 180			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	50.4	50
Middle	0.08	14.4	14
High	0.16	28.8	29
Total	0.52		93

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

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	725	725	725	725	725
Madison	781	781	781	781	781
Astronaut	1,446	1,446	1,446	1,446	1,446

Projected Student Membership

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	398	499	514	515
Madison	475	445	468	465	426
Astronaut	1,141	1,081	1,092	1,065	1,052

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	52	104	104	104
Madison	-	12	24	24	24
Astronaut	-	20	41	41	41

**Cumulative Students Generated by
Proposed Development**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	13	25	38	50
Madison	-	4	7	11	14
Astronaut	-	7	14	22	29

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	463	628	656	669
Madison	475	461	499	500	464
Astronaut	1,141	1,108	1,147	1,128	1,122

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	303	262	97	69	56
Madison	306	320	282	281	317
Astronaut	305	338	299	318	324

At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the Surrey Homes (Mims) 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,



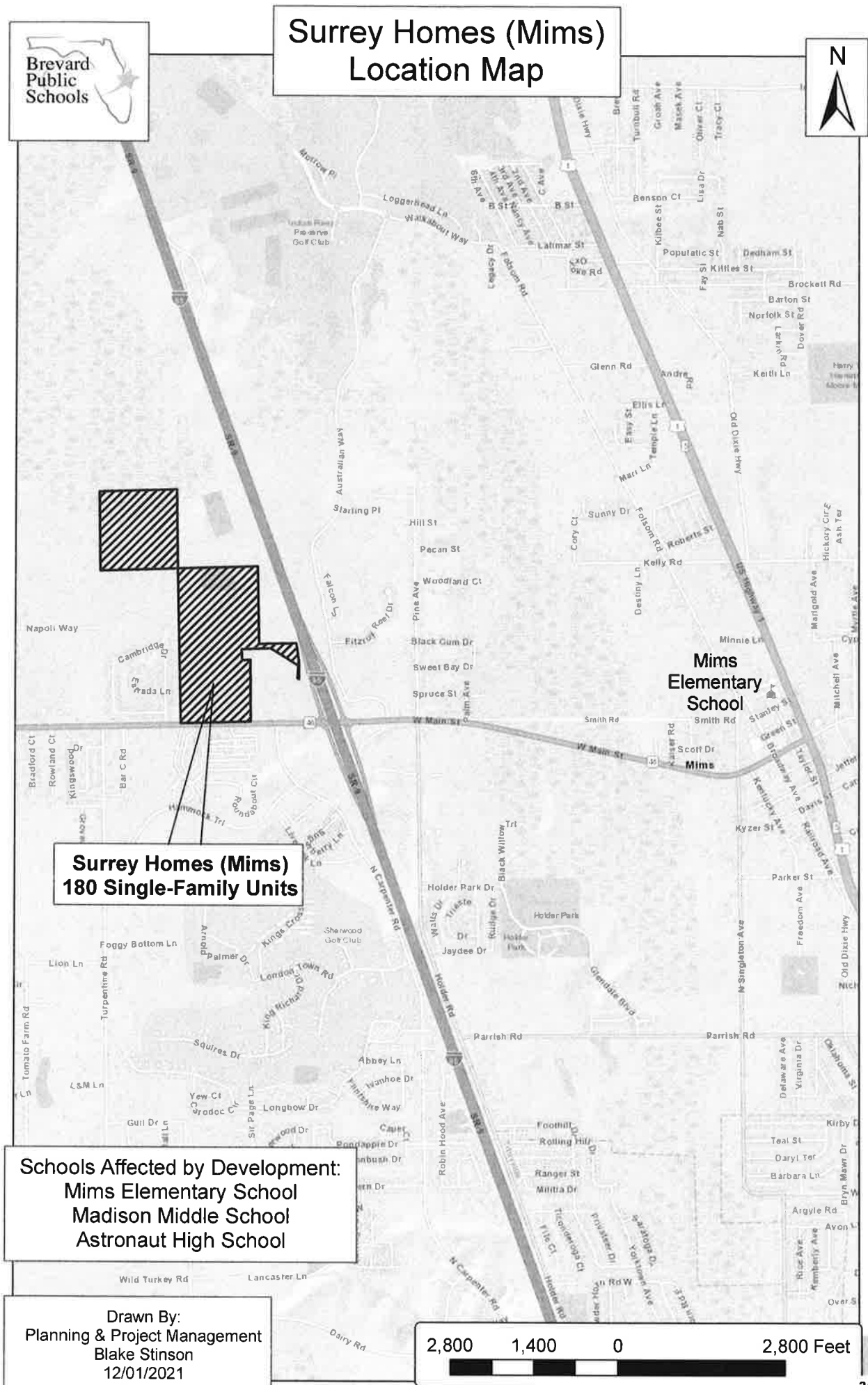
Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2021-31

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-31

Surrey Homes (Mims) Location Map



Surrey Homes (Mims)
180 Single-Family Units

Schools Affected by Development:
Mims Elementary School
Madison Middle School
Astronaut High School

Drawn By:
Planning & Project Management
Blake Stinson
12/01/2021

2,800 1,400 0 2,800 Feet

Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2020-21 to 2025-26



Summary		2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Highest Utilization Elementary Schools:		97%	90%	100%	100%	100%	100%
Highest Utilization Middle Schools:		87%	85%	90%	93%	98%	99%
Highest Utilization Jr / Sr High Schools:		81%	81%	80%	89%	94%	96%
Highest Utilization High Schools:		93%	98%	99%	99%	99%	100%

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Membership	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	596	78%	751	679	92%	751	632	84%	751	681	92%	751	681	92%	751	681	92%
Andersen	Elementary	K-6	100%	884	618	70%	884	617	70%	884	687	78%	884	696	79%	884	702	79%	884	713	81%
Apple	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlantis	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	761	469	62%	761	475	62%	761	471	62%	761	476	63%	761	475	62%	761	484	64%
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	48%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	483	85%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	PK-6	100%	1,154	789	61%	1,154	732	64%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Creel	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	79%	795	635	80%
Croton	Elementary	PK-6	100%	980	560	57%	980	550	56%	980	484	50%	980	500	51%	980	507	52%	980	503	51%
Discovery	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	595	59%	990	581	58%	990	528	53%	990	527	53%
Endeavour	Elementary	PK-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Enterprise	Elementary	PK-6	100%	788	577	73%	788	590	75%	788	598	76%	788	630	80%	788	676	86%	788	700	89%
Fairglenn	Elementary	PK-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	363	51%
Gemini	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Golfview	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	378	60%	629	416	66%	629	412	65%	629	402	64%
Harbor City	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	417	69%
Holland	Elementary	PK-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Imperial Estates	Elementary	K-6	100%	798	602	76%	798	604	76%	798	683	86%	798	675	85%	798	644	81%	798	649	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lookman	Elementary	PK-6	100%	882	632	72%	882	609	69%	882	592	67%	882	555	63%	882	541	61%	882	518	58%
Longleaf	Elementary	PK-6	100%	790	588	74%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	PK-6	100%	998	668	67%	998	696	70%	998	808	81%	998	798	80%	998	748	75%	998	714	72%
Manatee	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	531	58%	918	594	65%	918	561	61%	918	570	62%
McLuiffe	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	998	90%
Meadowlane Intermediate	Elementary	3-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	699	85%
Meadowlane Primary	Elementary	K-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	968	603	62%	968	560	58%	968	542	56%	968	514	53%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	66%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	625	73%
Port Malabar	Elementary	PK-6	100%	1,132	795	69%	1,132	828	73%	1,132	676	59%	1,132	651	57%	1,132	647	56%	1,132	675	59%
Riviera	Elementary	PK-6	100%	777	578	74%	777	578	74%	777	578	74%	777	578	74%	777	578	74%	777	578	74%
Riviera	Elementary	PK-6	100%	599	263	44%	599	247	41%	599	242	40%	599	230	38%	599	207	35%	599	193	33%
Roosevelt	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Sabal	Elementary	PK-6	100%	976	784	81%	976	841	86%	976	825	85%	976	839	86%	976	815	84%	976	802	82%
Sauna	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	288	62%	461	294	64%	461	298	65%
Seagrass	Elementary	PK-6	100%	609	363	60%	609	416	68%	609	378	62%	609	381	63%	609	385	63%	609	379	62%
Shenwood	Elementary	PK-6	100%	481	307	64%	481	317	66%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
South Lake	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	751	82%	913	841	92%	913	841	92%	913	841	92%
Sunrise	Elementary	K-6	100%	755	594	79%	755	616	82%	755	571	76%	755	579	77%	755	546	72%	755	538	71%
Sunrise	Elementary	K-6	100%	541	438	81%	541	430	79%	541	412	76%	541	412	76%	541	398	74%	541	440	81%
Tropical	Elementary	PK-6	100%	910	562	62%	910	525	58%	910	603	66%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	874	623	71%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	432	53%	811	432	53%	811	432	53%	811	432	53%	811	432	53%
Viera Elem	Elementary	PK-6	100%	1,012	384	38%	1,012	443	44%	1,012	613	61%	1,012	637	63%	1,012	738	73%	1,012	741	73%
Westside	Elementary	PK-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	366	51%
Elementary Totals				42,996	29,621		42,996	30,567		43,040	30,357		43,194	31,384		43,282	31,483		43,392	31,487	

Middle School Concurrency Service Areas														
Central	Middle	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,173
Delaura	Middle	7-8	90%	939	800	85%	939	839	84%	939	846	90%	939	924
Hoover	Middle	7-8	90%	680	489	69%	680	489	73%	680	488	71%	680	488
Jefferson	Middle	7-8	90%	654	566	87%	654	583	89%	654	523	80%	654	523
Johnson	Middle	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	601
Kennedy	Middle	7-8	90%	987	731	73%	987	710	71%	987	694	70%	987	773
Madison	Middle	7-8	90%	813	666	82%	813	638	78%	813	618	76%	813	618
McNair	Middle	7-8	90%	781	470	60%	781	475	61%	781	445	57%	781	445
Southwest	Middle	7-8	90%	611	407	67%	611	390	64%	611	448	73%	611	440
Stone	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	892
				1,024	715	70%	1,024	754	74%	1,024	856	84%	1,024	856
Middle Totals				10,935	7,570	75%	10,935	7,492	75%	10,935	7,500	71%	10,935	8,015
Junior / Senior High School Concurrency Service Areas														
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,688	80%	2,084	1,966
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	964	66%	1,466	1,000	68%	1,466	948	65%	1,466	884
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,460
Jr / Sr High Totals				5,407	4,037	81%	5,407	4,083	81%	5,407	4,108	79%	5,407	4,310
Senior High School Concurrency Service Areas														
Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,065
Bayside	High	9-12	95%	2,257	1,569	69%	2,257	1,625	72%	2,257	1,669	73%	2,257	1,625
Eau Gallie	High	PK, 9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,758
Heilige	High	9-12	95%	2,314	1,898	82%	2,314	1,953	84%	2,314	1,960	86%	2,314	1,961
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,373
Merrill Island	High	PK, 9-12	95%	1,891	1,468	77%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,491
Palm Bay	High	9-12	95%	2,602	1,356	51%	2,602	1,288	50%	2,602	1,629	63%	2,602	1,602
Riviera	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,624	95%	1,701	1,678
Riviera	High	9-12	95%	1,516	1,412	93%	1,516	1,496	95%	1,516	1,411	93%	1,516	1,393
Satellite	High	9-12	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,391
Verona	High	9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,275	2,286	99%	2,275	2,377
High Totals				22,441	17,352	82%	22,441	17,845	82%	22,441	18,809	88%	22,441	19,809
Schools of Choice (Not Concurrency Service Areas)														
Freedom 7	Elementary	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395
Stevenson	Elementary	K-6	100%	569	487	86%	569	505	89%	569	488	86%	569	488
West Melbourne	Elementary	K-6	100%	618	531	86%	618	552	89%	618	531	86%	618	531
Edgewood	Jr / Sr High	7-12	90%	1,072	937	87%	1,072	950	88%	1,072	942	88%	1,072	942
West Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	955	76%	1,264	967	77%	1,264	967
Schools of Choice				3,998	3,317	83%	3,998	3,377	84%	3,998	3,323	83%	3,998	3,323
Brevard Totals				84,877	61,897	73%	84,877	63,464	75%	84,877	64,127	76%	84,877	65,940

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
2. Student Membership is reported from the Fall Final Membership Count (10/09/20).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongecoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary Relocatable Classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate Relocatable Classrooms (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
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
7. Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 14, 2022, 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); Robert Sullivan (D2); Brian Hodgers (D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (D4-Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Cheryl Campbell, Comprehensive Planner; George Ritchie, Planner III; Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (21S.10) to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4). The property is 49.72 +/- acres, located on the north side of S.R. 46, approx. .25 mile west of I-95. (No assigned address. In the Mims area.) (21PZ00089) (Tax Account 2100183) (District 1)

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A change of zoning classification from AU (Agricultural Residential), GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial), to RU-1-7 (Single-Family Residential) with a BDP (Binding Development Plan). The property is 73.59 +/- acres, located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21Z00043) (Tax Account 2100183) (District 1).

Kim Rezanka, Attorney representing the applicant, stated the proposed development is for a 118-acre parcel that currently has a mix of land uses, and she is asking to change 49 acres of RES 2 to RES 4 to allow the clustering and preservation of open spaces and wetlands. The NC and CC areas to the east will stay the same because residential can be built in those land use designations. She stated currently, the concept plan has 193 units, but that changes each time there is a survey or study on the property. She said they are asking for the RU-1-7 zoning to clean up the mix of zoning that is currently on the property over the entire 73.59 acres, with a BDP limited to 199 units, and that will allow flexibility to leave a lot of open space. To the west is a 75-acre strip of land owned by St. Johns River Water Management District, and they use that as access to get behind the subject property where they have EELs land and a lot of easements. The wetlands will be preserved for the most part. The property is very high in the area to the north, where the fresh water pond is, and they will be using that for all of the amenities and keeping as many of the hardwood trees as they can.

No public comment.

Ms. Rezanka stated she held a community meeting on January 27th and invited neighbors within 500 feet; 50 people were invited, and five people attended who were excited about the project and wanted to put bids on lots.

Bruce Moia stated the request makes sense and it's good transitional zoning from what is to the west and east.

Brian Hodgers asked why the development is being limited to 199 units in a binding development plan. Ms. Rezanka replied it is to prevent two accesses, development over 200 units requires two access points and the flow wasn't correct.

Ms. Alward asked if the project be connected to water and sewer. Ms. Rezanka replied yes.

Peter Filiberto stated he was concerned about only having one access, as far as emergencies. Ms. Rezanka stated there may be the potential that if there has to be emergency access that St. Johns would allow the use of their property, but she doesn't know at this point.

Robert Sullivan stated in the staff report, one of the concerns is capacities of the north water treatment plant. He asked if staff could you include the capacities of the plants and project what percentage of capacity could be taken up by such a large development.

Jeffrey Ball stated since staff is not the authors of that information and it changes daily, he would be reluctant to do that because they might be at or near capacity today and pull permits tomorrow and not have capacity. It's a number that changes based on applications that come through the door.

Henry Minneboo noted capacity analysis is not easy to come by.

Bruce Moia stated it fluctuates, and that is why it is vetted in the concurrency process.

John Hopengarten stated the School Concurrency projects 93 students, and asked if there are plans for a playground in the development.

Clarke Sprinkle, Surrey Homes, stated yes, there will definitely be something along those lines, they just don't have the specifics at this time.

Mr. Hopengarten asked if the applicant has looked at hardened stops for school buses, so the kids don't have to walk through wet grass. Mr. Sprinkle replied they have not done that yet, but if the buses pull into the community, something will be provided for the children as a bus stop.

Motion by Bruce Moia, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 2 to RES 4. The motion passed unanimously.

Motion by Bruce Moia, seconded by John Hopengarten, to recommend approval of a change of zoning classification from AU, GU, BU-1, and BU-2, to RU-1-7 with a BDP. The motion passed unanimously.