



AGENDA REPORT
March 7, 2019

Douglas and Cindy Robertson (Bruce Moia) request Transmittal of the 2019-1.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. (18PZ00166) (District 3)

SUBJECT:

Douglas and Cindy Robertson (Bruce Moia) request Transmittal of the 2019-1.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (18PZ00166) (District 3)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing and consider transmittal of the 2019-1.1 Large Scale Comprehensive Plan Amendment for Douglas and Cindy Robertson, to change the Future Land Use Designation from Residential 1:2.5 to Residential 1.

SUMMARY EXPLANATION and BACKGROUND:

This is the first public hearing of a Large Scale Comprehensive Plan Amendment to change the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 20.39 acre property. The Board of County Commissioners meeting completes the necessary public hearings for Transmittal of this amendment to the Florida Department of Economic Opportunity, along with other local, regional, and State reviewing agencies. State reviewing agencies will make comments as a part of the Expedited State Review process. A second public hearing for Adoption will be scheduled following state agency review for the Board of County Commissioners in the future.

The adoption of Brevard County's original Comprehensive Plan in 1988 limited the property to one dwelling unit per 2.5 acres, which became today's RES 1:2.5 FLU designation. The requested RES 1 FLU designation permits the development of up to one (1) residential unit per acre, or an additional 12 (total of 20) units, on the property. The

subject property abuts RES 1 FLU designation on the northern boundary and RES 2.5 FLU designation on the east and west property lines.

The applicant has submitted a Binding Development Plan limiting the property to twenty (20) residential dwelling units, which will be heard by the Board at the second public hearing for Adoption of the Large Scale Comprehensive Plan Amendment hearing at a future date.

A portion of the subject parcel is located within the riverine floodplain as identified by the Federal Emergency Management Agency. Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one-third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. The applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, and 10-year, and mean annual riverine floodplains prior to plan design. Residential density may be further limited based on riverine floodplain designation (i.e., 100-year, 25-year, 10-year, or annual mean riverine floodplain).

The Board should be aware that the subject property is not served with water and sewer. According to Policy 1.2 of the FLU Element of the Comprehensive Plan, developments less than four (4) dwelling units per acre are not required to hook up to potable water or sanitary sewer. Portions of the site are mapped within the Indian River Lagoon septic overlay, per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. The subject site is located with access from Fleming Grant Road, a Rural Minor Collector Road.

The Board may wish to consider whether the proposed density is consistent with the surrounding FLU designations and the existing development in the area.

On February 25, 2009, the Local Planning Agency voted 5:1 to approve the transmittal.

If you have any questions, please contact Cheryl W. Campbell, Planner III, of the Planning & Development Department, at (321) 633-2070, ext. 52660, or via email to Cheryl.Campbell@brevardfl.gov

ATTACHMENTS:

Description

- ▢ **Transmittal Package**
- ▢ **LPA Minutes**
- ▢ **Transmittal Letter to DEO**
- ▢ **Legal Ad**
- ▢ **Public Comment**
- ▢ **Disclosures**



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way

Suite A-114

Viera, FL 32940

Phone: (321)633-2070

March 7, 2019

Mr. Ray Eubanks

Plan Processing Administrator Division of Community Planning

Florida Department of Economic Opportunity

107 East Madison Street, MSC-160

Tallahassee, FL 32399-4120

Re: 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Transmittal package for the 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment. There is one private application for amendment being considered for Transmittal: 2019-1.1 submitted by Douglas Robertson, more fully described in the attached staff comments for 18PZ00166.

The Local Planning Agency held a public hearing regarding the Transmittal of the 2019-1.1 Comprehensive Plan Amendment on February 25, 2019. The Brevard County Board of County Commissioners approved the Transmittal of the 2019-1.1 Comprehensive Plan Amendment package during a public hearing on March 7, 2019.

Copies of the proposed amendment Transmittal package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Air Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA under the expedited state review process.

The proposed amendment package is anticipated to be adopted by Brevard County on May 30, 2019.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2019-1 Plan Amendment package is:

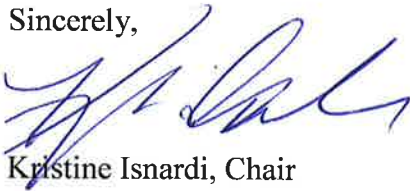
Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 633-2070 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today 1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl Campbell at the above address.

Sincerely,



Kristine Isnardi, Chair

cc:

Brevard County Board of County Commissioners
Frank Abbate, County Manager
Eden Bentley, County Attorney
Tad Calkins, Director, Planning and Development Department
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission Florida Division of Agriculture and
Consumer Services Florida Department of Education
Patrick Air Force Base Military Installation

H.16

From: don currier
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Comp plan change for the Fleming Grant 20 acre parcel
Date: Wednesday, March 6, 2019 7:16:05 PM

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I'm retired military and raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. If I wanted to live on a smaller piece of land or live in the city, I could have moved to Palm Bay or something similar. Current plan allows for a non- congestive community, with a country vibe. I vote for no changes to current plans.

Thanks
Kim



Friends of St. Sebastian River

P. O. Box 284 • Roseland, Florida 32957

www.fssr.org – info@fssr.org

[Facebook.com/FriendsofStSebastianRiver](https://www.facebook.com/FriendsofStSebastianRiver)

Officers

Tim Glover
President

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Vice President

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Bruce Zingman

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Frank DeJoia
1924-2017

Director Emeritus

Frank Wegel

To: Brevard County Commissioners

Re.: Proposed Comprehensive Plan Amendment, Douglas Robertson 2019-1.1

Our Friends of St. Sebastian River organization is aware of the referenced Comprehensive Plan Amendment for the property recently purchased by Mr. & Mrs. Robertson, located on Fleming Grant Road in Micco, between Mockingbird and Seabird Lanes. We understand the Robertsons have requested a change in the overlying Comprehensive Plan requirement of one unit per 2.5 acres, to one unit per one acre.

Brevard County had the foresight to decrease the development density of this area with a change in the Comprehensive Plan 30 years ago. There are several properties in the area that were developed at greater density, prior to that change, which should provide no precedent for this proposed change.

This property borders the St. Sebastian River, and overall, the less density, the lower the impact on the river and local waterways. The St. Sebastian River and the Indian River Lagoon no longer have a white sand bottom, or oysters the size of your hand, as "old-timers" from our area reminisce about. The cause of these detrimental changes is directly attributable to human impact, i.e. development, causing increased stormwater runoff with its inherent constituents, and the processing of wastewater.

Portions of the St. Sebastian River are considered "impaired" and are included on Florida's and EPA's list of impaired waters. And we are all too aware of the crisis the Indian River Lagoon is facing. It seems antithetical that any community would consider the approval of increased land use density. Not only is this property within the watershed, but in direct contact with the waterbody itself. We should now have the foresight to recognize the impacts of development, and therefore take measures to minimize the need for spending substantially more public funds to reverse the degradation caused by improper or unconstrained development.

We hope that you will use that foresight to realize that increased impact to our already-impaired local waterways is not appropriate and not fair to all taxpayers of Brevard County. We are, therefore, opposed to this land use change and ask that you do not approve the requested change. Our waterways should be maintained for the enjoyment of everyone, and for the health of all species that depend on it for its habitat.

Sincerely,

Tim Glover, President
Friends of St. Sebastian River

18700166

March 3, 2019

To: Jennifer Jones

CC: Erin Sterk

From: John Tobia, Brevard County Commissioner, District 3

Re: Meeting Disclosure

Ms. Jones:

In regards to the upcoming agenda item H 16 (18PZ00166) for the Planning & Zoning meeting on March 7th, 2019, please be advised in advance that several meetings took place at Commissioner Tobia's office:

- 1) Feb. 21st, 2019 from 10:20-10:35 am
Linda Brennan, Commissioner Tobia, Billy Prasad
- 2) Feb. 27th, 2019 from 10:10-10:40 am
Linda Brannan, Ken Chapin, Alan Metzger, and Ted Beck, Commissioner Tobia, Billy Prasad
- 3) Feb. 28th, 2019 from 10:15-10:30 am
Bruce Moia, Commissioner Tobia

Commissioner Tobia's office is located at:

2539 Palm Bay Rd. NE

Ste. 4

Palm Bay, FL 32908

During these meetings, the above individuals provided information and views regarding the proposed request to transmit a Large Scale Comprehensive Plan Amendment.

Sincerely,



John Tobia
County Commissioner, District 3

From: Anne Briggs
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco
Date: Sunday, March 3, 2019 6:45:42 PM

Dear Commissioners Isnardi, Tobia, Smith, Lober and Pritchett,

Ref: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

I would like to register my opposition to the petition to amend the comp plan for this land.

My husband and I are residents of Fleming Grant Road in Micco. We have lived on this road for 8 years. We purchased our property because of the rural nature of the area: quiet, plenty of space between neighbors, the incredibly varied wildlife and the proximity of the beautiful St. Sebastian River.

I was dismayed to learn of the requested zoning change to this nearby 20-acre vacant lot from 2.5 acres per house to 1 acre per house. No matter how carefully and skillfully engineered, one house per acre can only negatively impact the residents and the ecology of the area. The increased risk of flooding in the neighborhood, and the risk of stormwater runoff and sewage going into the Sebastian River/IR Lagoon is surely not worth yet another housing development. The Comp Plan of 1988, which zoned the river side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated ecology to which it is connected.

Brevard County's Mission Statement includes the goal of "protecting the environment and conserving our valuable natural resources." This is a worthy goal, which would be accomplished by keeping the 1988 zoning restrictions in effect.

I urge you to please vote against allowing this amendment to the Comprehensive Plan.

Thank you for your consideration.

Anne Briggs

9735 Fleming Grant Road, Micco 32976

From: [Ted Beck](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Ref: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco
Date: Sunday, March 3, 2019 6:53:04 PM

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, about a quarter mile east of the 20 acres in question. We bought our house in 2011 and our one-acre property had been vacant and neglected for 3 years. We renovated the house and grounds with our own hands took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am opposed to changing the zoning of Parcel # 18PZ00166 Robertson 20 Acre because of the precedent it will set for further subdivisions in the area. Zoning change could dramatically increase the population density as well as destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this zoning change is approved there will be no end to hearings about this issue.

On the north side of Fleming Grant Rd there is a serious concern about stormwater flooding. In October 2017 waters rose around our house well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. The culverts on Fleming Grant Rd. are not maintained properly in my opinion and are not diverting the storm water the Mockingbird Lane retention pond as intended. I observed and photographed the residential property east and west of the 20 acres in question having major flooding in 2017 as well.

The FEMA flood zone maps are prone to error. This 20-acre parcel is in a flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If he is wrong the error would endanger the surrounding homes and the Sebastian River itself.

The "Old Florida" feel that attracts visitors and brings joy to our neighbors is a delicate balance. Increased density will erode what is magical about Fleming Grant Rd. Once our "Old Florida" is gone, there will be no getting it back. **I urge you not to consider this amendment.**

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

TO: Brevard County Commissioners
RE: Robertson parcel ID 30G-38-19-HP-*-10 on Fleming Grant Road, Micco.
DATE: March 4, 2019

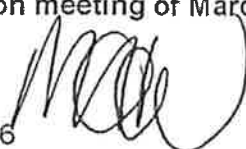
Dear Commissioners;

Micco Homeowners Association opposes any change to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road. Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson to increase density to 1 unit per acre. The reasons for our opposition are:

- Direct access to St Sebastian River which flows into the Indian River Lagoon. Taxpayers are spending millions of dollars every year to undue the damage development has done to the delicate ecosystems in the Indian River Lagoon.
- Density increases will increase Storm Water runoff, septic leakage, pesticides and fertilizer runoff into the St Sebastian River damaging its ecological balance and further injuring the Indian River Lagoon.
- Robertson subject property on Fleming Grant Road is in an AE FLOOD ZONE with a high probability of FREQUENT flood waters carrying the above-mentioned runoff materials into the St Sebastian River.
- Robertson property requested increase in density is NOT COMPATIBLE with the current FLUM designations for this area. Development in 1955 on Mockingbird Lane should NOT be used as a standard of density today.
- Density increases now will set a precedent for every other developer on Fleming Grant Road. Fleming Grant residents must go through two other neighborhoods to reach US Highway 1. This area of Micco does not have the infrastructure to support that much density and traffic increase.

Please vote NO at your Commission meeting of March 7, 2019. Thank you.

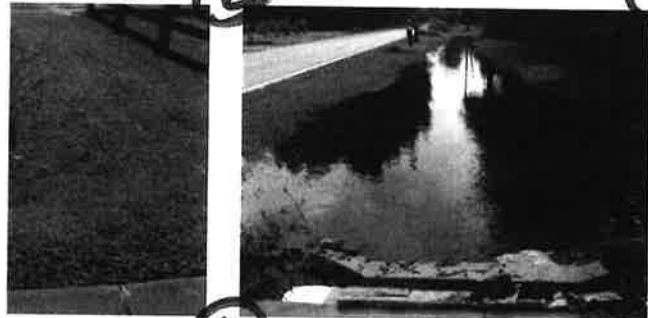
Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



D1 commission @brevardcounty.us, D2 commissioner @brevardcounty.us,
D3 commissioner @brevardcounty.us, D4 commissioner @brevardcounty.us,
D5 commissioner @brevardcounty.us

WATER BCC REGULATING POND ROBERTSON DAM PLAN AMENDMENT

2



3



4



5



6



7



10



11



12



14



15



16



Jones, Jennifer

From: don currier <currierdn@yahoo.com>
Sent: Wednesday, March 6, 2019 11:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Amending 20 acre parcel on Fleming Grant Rd.

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I grew up here, went to school here, went in the military for 26 years and now I'm retiring here raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. Bottom Line: If I wanted to live on a smaller piece of land or live in the city, I could have move to Palm Bay or something similar.

Thanks
Don Currier
9837 Oyster Point Ln. (229-506-1033)

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BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Large Scale Comprehensive Plan Amendment Transmittal Package 2019-1

**Large Scale Comprehensive Plan Amendment
Douglas Robertson 2019-1.1**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2019-1.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2019-1.1
Large Scale Comprehensive Plan Amendment (LSCPA) Future Land Use (FLU) Map Amendment (18PZ00166)

Owner / Applicant: Douglas Robertson

Location: Legal Description On file
Tax Acct Parcel #3008729

Acreage: ± 20.39 acres

Existing Zoning Classification: RU-1-13

Proposed Zoning Classification: RU-1-13 with a BDP limiting development to 20 units

Existing Land Use Designation: Residential 1:2.5 (RES 1:2.5)

Proposed Land Use Designation: Residential 1 (RES 1)

FUTURE LAND USE MAP AMENDMENT

Description:

The applicant is seeking a Large Scale Comprehensive Plan Amendment to change in Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 20.39 acre property for the purpose of developing up to 20 single-family residences. The subject property is located on the south side of Fleming Grant Road approximately 190 feet (190') east of Mockingbird Lane. The property has been limited to one dwelling unit per 2 ½ acres since the original Comprehensive Plan's adoption in 1988, which became today's RES 1:2.5 Future Land Use designation. The requested RES 1 Future Land Use designation permits the development of up to one (1) residential unit per acre.

The property currently retains the Single-Family Residential (RU-1-13) Zoning classification, which allows for a minimum lot size significantly smaller than the 1 unit per acre density regulated by the Comprehensive Plan. RU-1-13 requires a minimum lot size of 7,500 square feet, with a width of 75 feet and depth of 75 feet, and a minimum floor area of 1,300 square feet. The applicant has submitted a companion Binding Development Plan (BDP) which binds the development to twenty (20) residential dwelling units. The subject parcel has existing Single-Family Residential (RU-1-13) Zoning which is not consistent with the existing RES 1:2.5 or proposed RES 1 Future Land Use designation. With a Binding Development Plan (BDP) limiting this property to twenty single-family residential units, it would be consistent with the proposed RES 1 Future Land Use designation.

While initially it appears that the proposed RES 1 is being sought in an area which retains the less dense RES 1:2.5 Future Land Use designation, a more careful examination of development patterns in the area demonstrates that much of the development occurred before the Comprehensive Plan was in place. The RES 1 proposal is fairly consistent with the residential density historically permitted within the surrounding area.

The subject property lies just north of the Saint Sebastian River, with an undeveloped island lying to the south of the subject property with a Residential 1:2.5 (RES 1) Future Land Use designation and GU Zoning classification.

To the west of the subject property lies an 18 ½ acre subdivision platted as *Arens Wild Acres* on March 19, 1965. The parcels within the subdivision are between just under ½ acre to 1.87 acres in size. The subdivision was developed with the RU-1-13 Zoning classification, prior to the parcels along the river having the RES 1:2.5 Future Land Use designation applied to them. Some parcels within the subdivision are vacant and some have been developed with single-family residences. Parcels abutting the subject property range in size, with smaller parcels towards Fleming Grant Road and increasing in size to the south, closer to the River.

Directly to the east of the subject property lies a thirty foot (30') right of way and Seabird Lane, which provides access to two larger three acre riverfront parcels with the RR-1 Zoning classification and a Future Land Use designation of RES 1:2.5 developed with single-family residences. One more single-family residence with its own access from Fleming Grant Road on almost 4 ½ acres of land lies east that. A second subdivision of almost 7 acres in size lies to the east of the three larger riverfront parcels, with River Drive providing access to 14 parcels ranging in size from 0.2 acres to 0.92 acres, with all but two vacant parcels developed with single-family residences.

The abutting properties to the north, separated from the subject property by Fleming Grant Road, are developed as single-family residences. While most parcels north of Fleming Grant Road in the area retain the RR-1 Zoning classification, two parcels retain the AU Zoning classification and a RES 1 Future Land Use designation. Almost all of the parcels abutting Fleming Grant Road on its north side are approximately 1 acre in size.

Surrounding Uses	Current Use	Zoning	Future Land Use
North Across Fleming Grant Road	Single-Family Residences	RR-1, AU	RES 1
East Across Seabird Lane	Single-Family Residence	RR-1	RES 1:2.5
South Across the Saint Sebastian River	Vacant Island	GU	RES 1:2.5
West	Single-Family Subdivision	RU-1-13	RES 1:2.5

Availability of Public Facilities and Services:

Potable Water: The subject property is not located within a water utility service area.

Sanitary Sewer: The subject property is not located within Brevard County's sanitary sewer service area.

Solid Waste: Brevard County provides solid waste collection and disposal for this area. The applicant has submitted a *solid waste* Capacity Reservation Certificate that depicts a non-deficiency (see attached).

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the South Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The subject property is located on the south side of Fleming Grant Road (segment 122 from Kiwi Drive to Micco Road). The segment was identified with a non-deficiency and is not nearing maximum capacity. The Maximum Acceptable Volume (MAV) is 14,200 with an Average Daily Trips (ADT) of 1,278. The segment has a current operating volume of 12.12%.

The proposed 20 unit single-family residential subdivision would generate approximately 200 ADT and 20 PM Peak trips. If the proposed project were to be approved, the ADT would increase to 1,721 to 1,921. As a result, the operating volume over the maximum acceptable value (MAV) would also increase to 13.53%.

Therefore, one can conclude that the proposed Residential 1 (RES 1) Future Land Use designation would result in a slight increase in both the AADT and PM Peak trips, when considering the maximum development potential, compared to the Residential 1:2.5 (RES 1:2.5) Future Land Use designation the property retains today.

	ADT	PM PEAK		
Trips from Existing Zoning	0	0	Segment Number	122
Trips from Proposed Zoning	200	20	Segment Name	Fleming Grant Kiwi to Micco
Maximum Acceptable Volume (MAV)	14,200	1,278	Acceptable LOS	D
Current Volume	1,721	191	Directional Split	0.52
Volume With Proposed Development	1,921	211	ITE CODE	
Current Volume / MAV	12.12%	14.95%	210	
Volume / MAV with Proposal	13.53%	16.51%		
Current LOS	B	B		
LOS With Proposal	B	B		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Public Schools: The applicant has submitted a School Impact Analysis-Capacity Determination letter from the School Board of Brevard County that depicts a non-deficiency.

Conclusion: The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. Further review will be completed at site plan review.

Environmental Resources:

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

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Coastal High Hazard Zone:

A portion of the property is in the Coastal High Hazard Area (CHHA). The Coastal Management Element of the Comprehensive Plan, Objective 7.0, Policy 7.6 states that existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.

Historic Resources:

There are no previously recorded cultural or historic resources on this property according to the Florida Master Site File.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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 with 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.*

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

Residential 1 (maximum of 1 unit per acre)

Policy 1.9

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

The subject property is adjacent to parcels with the following Future Land Use designations – RES 1 to the north, RES 1:2.5 to the east, south and west. Despite RES 1:2.5 being more prevalent in the surrounding area than RES 1, nearby parcels have been subdivided to even less than one acre in size, as development predates the Comprehensive Plan in this part of Brevard County, and most parcels were developed with Zoning classifications that are today inconsistent with the Comprehensive Plan.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

The subject parcel is located in a residential area where the majority of the parcels have a RES 1:2.5 and a RES 1 Future Land Use designation. This is not a transitional area.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

The subject parcel is not located adjacent to incorporated areas.

- D. Up to a 25% density bonus to permit up to 1.25 dwelling 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 interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

The subject parcel could be developed as a Planned Unit Development (PUD) since it meets the minimum requirement of ten (10) acres. The property would not be eligible for any density bonus, as a portion of the property is within the Coastal High Hazard Area.

Summary

The applicant is seeking a Large Scale Comprehensive Plan Amendment to change in Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 20.39 acre property for the purpose of developing up to 20 single-family residences. The subject property is located on the south side of Fleming Grant Road approximately 190 feet (190') east of Mockingbird Lane. The property has been limited to one dwelling unit per 2 ½ acres since the original Comprehensive Plan's adoption in 1988, which became today's RES 1:2.5 Future Land Use designation. The requested RES 1 Future Land Use designation permits the development of up to one (1) residential unit per acre.

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While initially it appears that the proposed RES 1 is being sought in an area which retains the less dense RES 1:2.5 Future Lane Use designation, a more careful examination of development patterns in the area demonstrates that much of the development occurred before the Comprehensive Plan was in place. The RES 1 proposal is fairly consistent with the residential density historically permitted within the surrounding area.

The Brevard County Code Section 62-502 (b)(3) establishes a twice a year application deadline for Large Scale Comprehensive Plan Amendments, for changes of use on more than 10 acres. Large scale amendments entail a two-step public hearing process, as outlined in Chapter 163, F.S. This first public hearing cycle, with the February 25, 2019 Local Planning Agency meeting and March 7, 2019 Board of County Commissioners meeting completing the necessary public hearings for Transmittal of this amendment to the Florida Department of Economic Opportunity, along with other local, regional, and state reviewing agencies. State reviewing agencies will make comments as a part of the Expedited State Review process.

A second Adoption public hearing cycle will follow state agency review, with final public hearings planned for May 20, 2019 Local Planning Agency and May 30, 2019 Board of County Commissioners. If unchallenged, the amendment becomes effective 31 days after the State Land Planning Agency notifies the local government that the package is complete.

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design.

Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

The subject property is not served with potable water or sanitary sewer. According to Policy 1.2 of the Future Land Use Element of the Comprehensive Plan, developments less than four (4) dwelling units per acre are not required to hook up to potable water or sanitary sewer. The subject site is located with access from Fleming Grant Road a Rural Minor Collector Road. There is right of way to the east that is used by Brevard County Public Works Department for Saint Sebastian River access.

If you have any questions, please contact Cheryl W. Campbell, Planner III, of the Planning & Development Department at (321) 633-2070 ext. 52660 or via email to Cheryl.Campbell@brevardfl.gov

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 18PZ00166

Applicant: Bruce Moia c/o Douglas Robertson

Future Land Use Request: RES 1:2.5 to RES 1

Note: Applicant desires to develop parcel into 20 single-family units w/BDP limiting density to 1 dwelling/acre

Transmittal: LPA Hearing Date: 02/25/19; BCC Hearing date: 03/07/19

Adoption: LPA Hearing Date: 05/20/19; BCC Hearing Date: 05/30/19

Tax ID No: 3008729

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

Notable Natural Resources Land Use Issues:

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Summary of Mapped Natural Resources Present on the Subject Property:

- Wetlands
- Aquifer Recharge Soils
- Riverine Floodplain
- Surface Water Classification as Aquatic Preserve
- Septic Overlay
- Heritage Specimen Trees
- Protected Species Potential

Land Use Comments:

Wetlands

The subject parcel contains a small area of mapped NWI wetlands on the southwest portion of the site as shown on the NWI Wetlands Map; an indicator that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Aquifer Recharge Soils

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

Floodplain

A portion of the property is mapped as being within the riverine floodplain as identified by FEMA and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. The parcel is located on a tributary to the St. Sebastian River which has a designated floodway. FEMA elevations at the parcel location are based on elevations from the St. Sebastian River study, and are based on fresh water flood elevations. Per Section 62-3724(1), Development shall not increase the rate and volume of floodwater discharged from the predevelopment 100-year, 25-year, 10-year or annual mean riverine floodplain. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Coastal High Hazard Area

A portion of the property is in the Coastal High Hazard Area (CHHA). The Coastal Management Element of the Comprehensive Plan, Objective 7.0, Policy 7.6 states that existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.

Surface Water Classification

The property is located on surface waters designated by the State as an Aquatic Preserve. A 50-foot surface water protection buffer (Buffer) is required. Except as allowable under Section 62-3668 (7), primary structures shall be located outside of the Buffer. Accessory structures within the Buffer are permissible provided that stormwater management is provided, impervious areas do not exceed 30% of Buffer area, and

avoidance/minimization of Buffer impacts is followed so that surface water quality and natural habitat is not adversely affected.

Septic Overlay

Portions of the site are mapped within the Indian River Lagoon septic overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Heritage Specimen Trees

The subject property contains mapped polygons of SJRWMD FLUCCS code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and reside in 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.

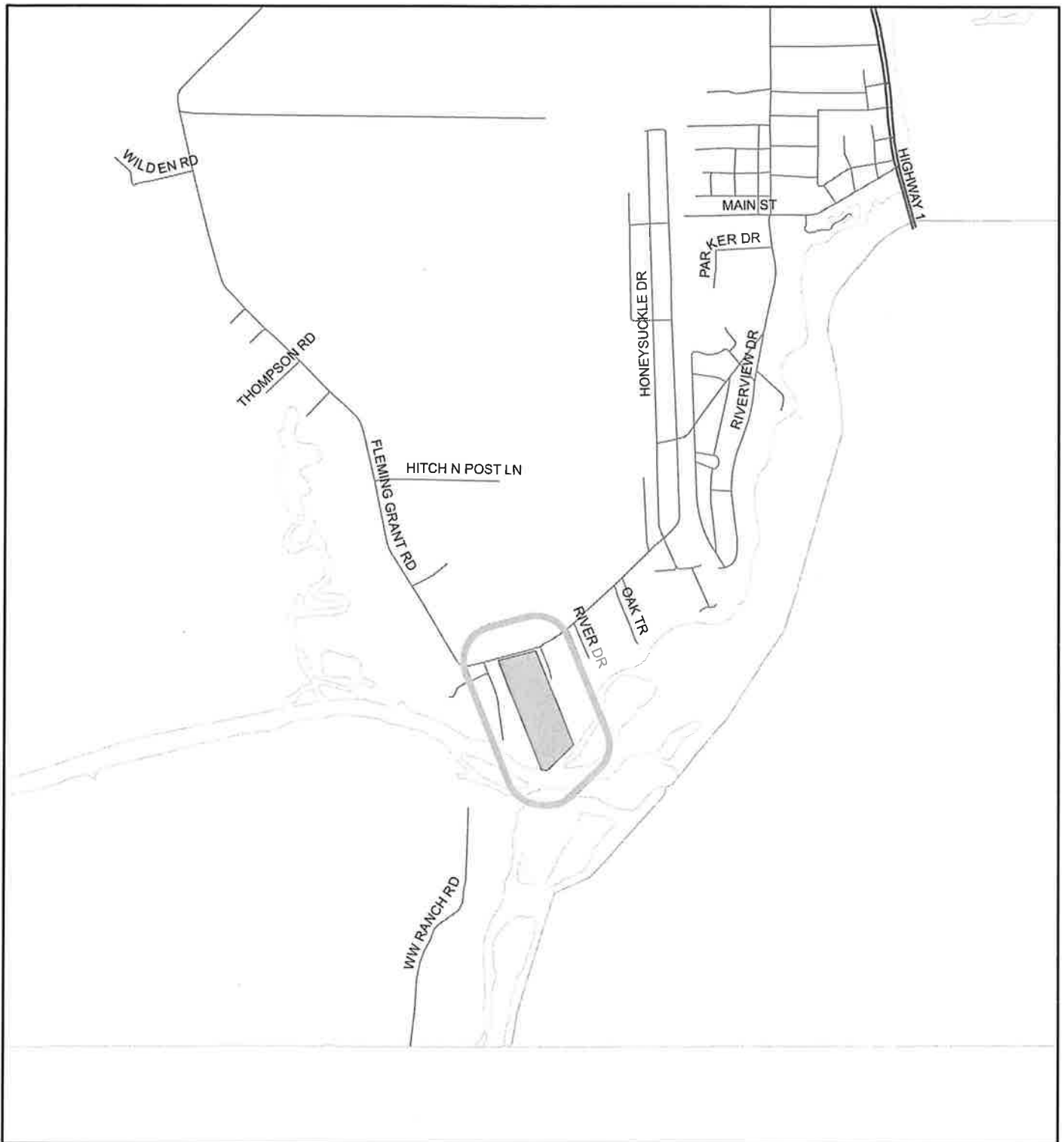
Protected Species Potential

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

LSCPA
Douglas Robertson
Transmittal 2019-1.1
Supporting Maps

LOCATION MAP

Comprehensive Plan Amendment
18PZ00166 - Robertson



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

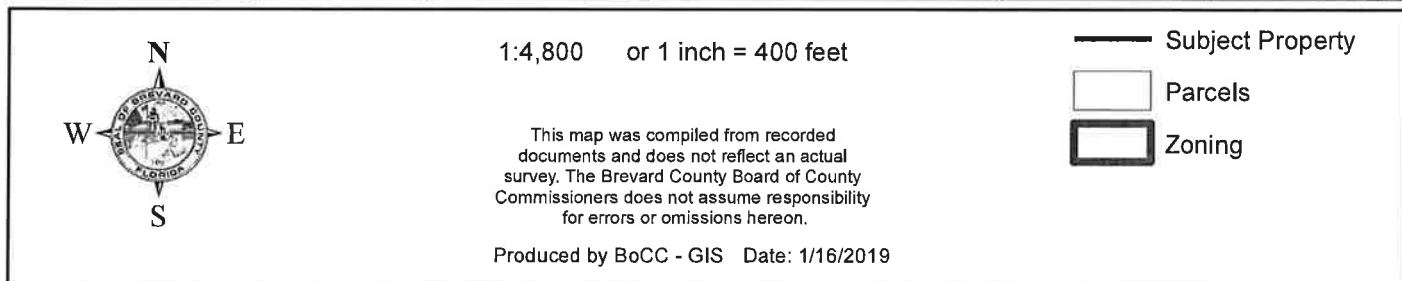
Buffer Distance: 500 feet

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

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Buffer
Subject Property

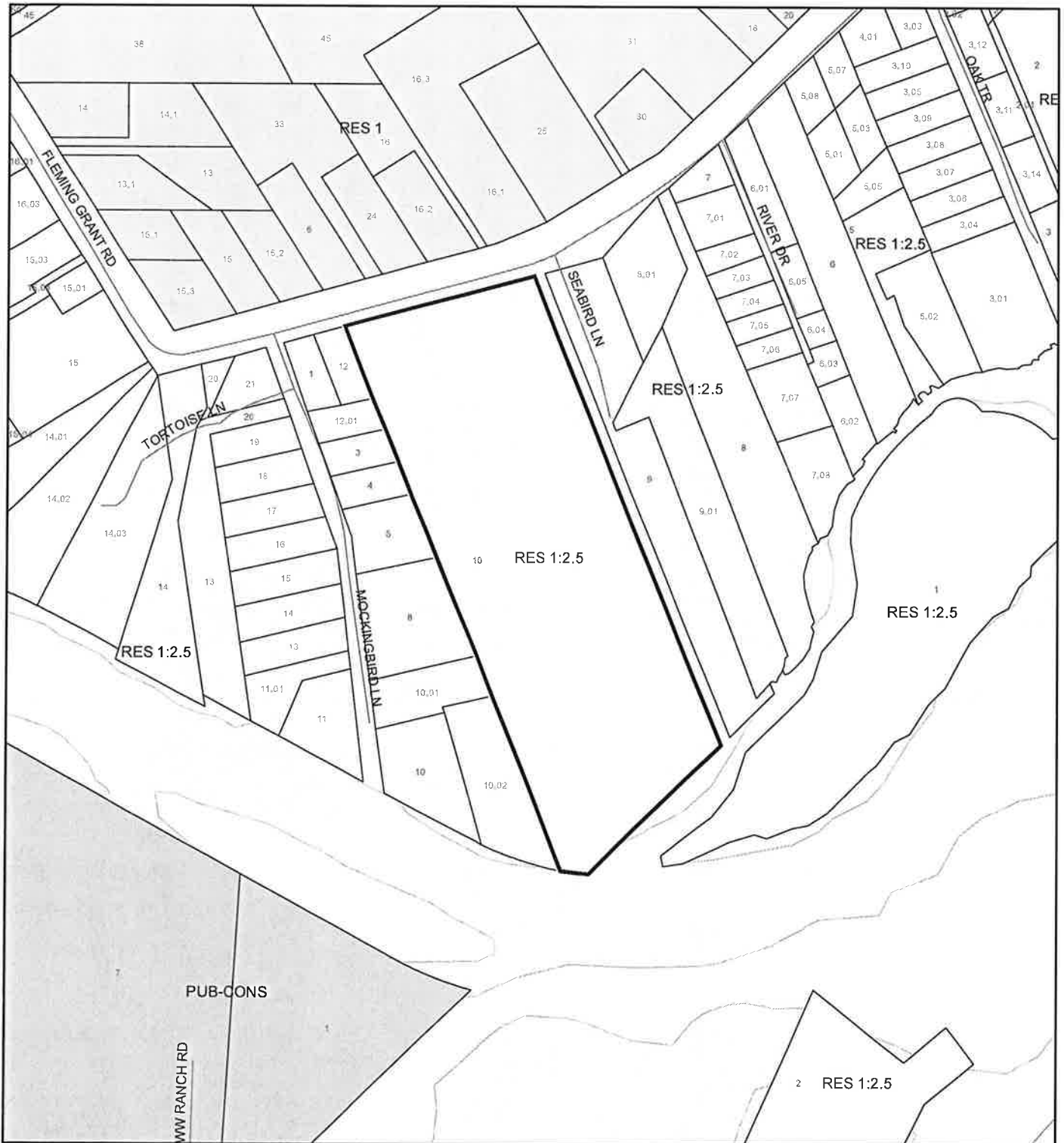
Comprehensive Plan Amendment
18PZ00166 - Robertson



FUTURE LAND USE MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

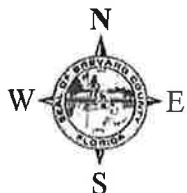
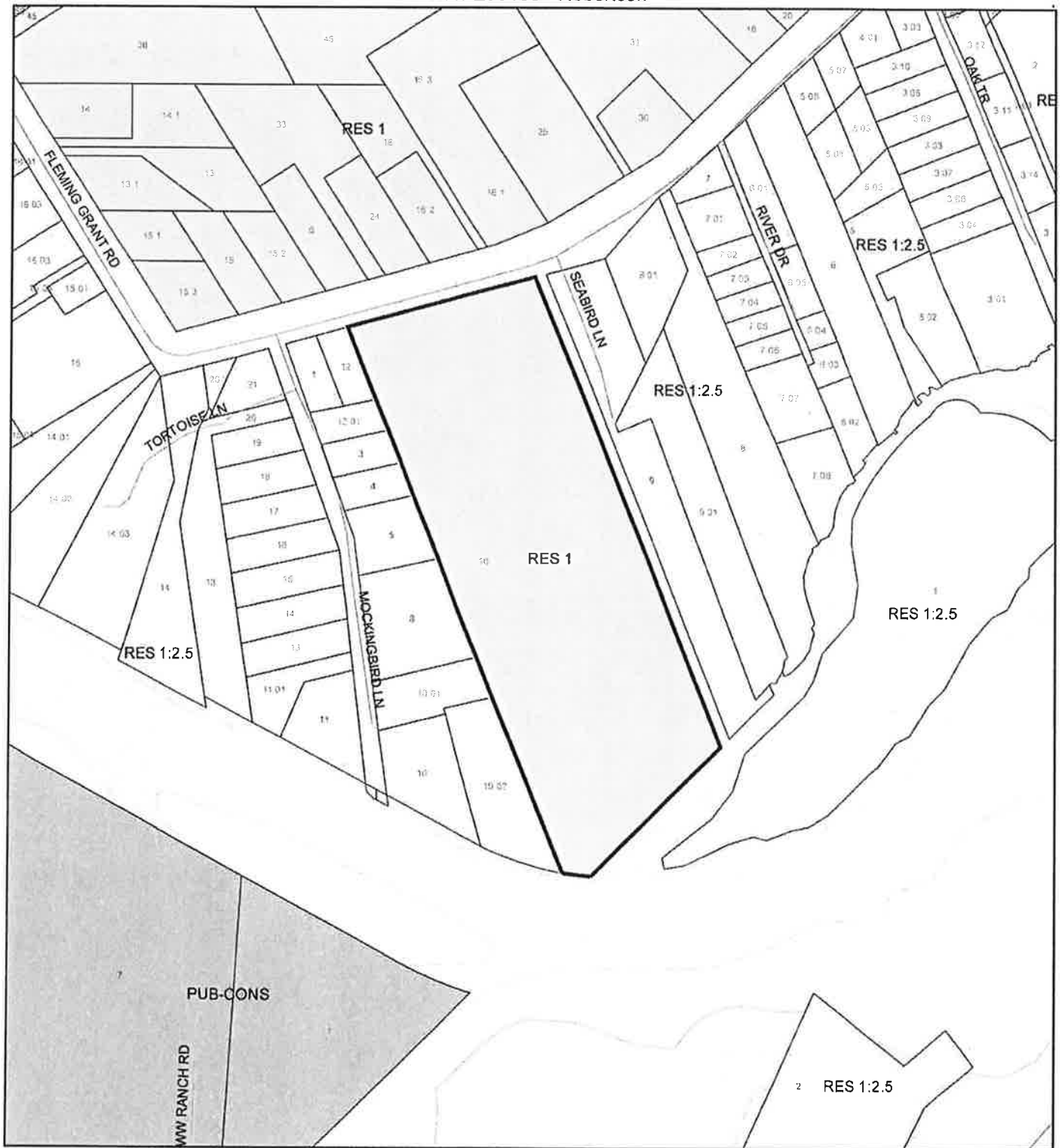
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PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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AERIAL MAP

Comprehensive Plan Amendment
18PZ00166 - Robertson




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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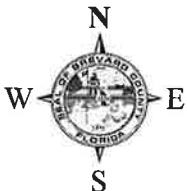
 Subject Property

 Parcels

NWI WETLANDS MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

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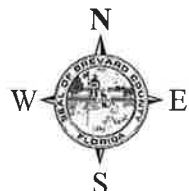
National Wetlands Inventory (NWI)

	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

Comprehensive Plan Amendment

18PZ00166 - Robertson



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

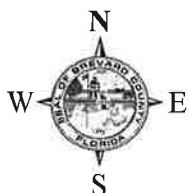
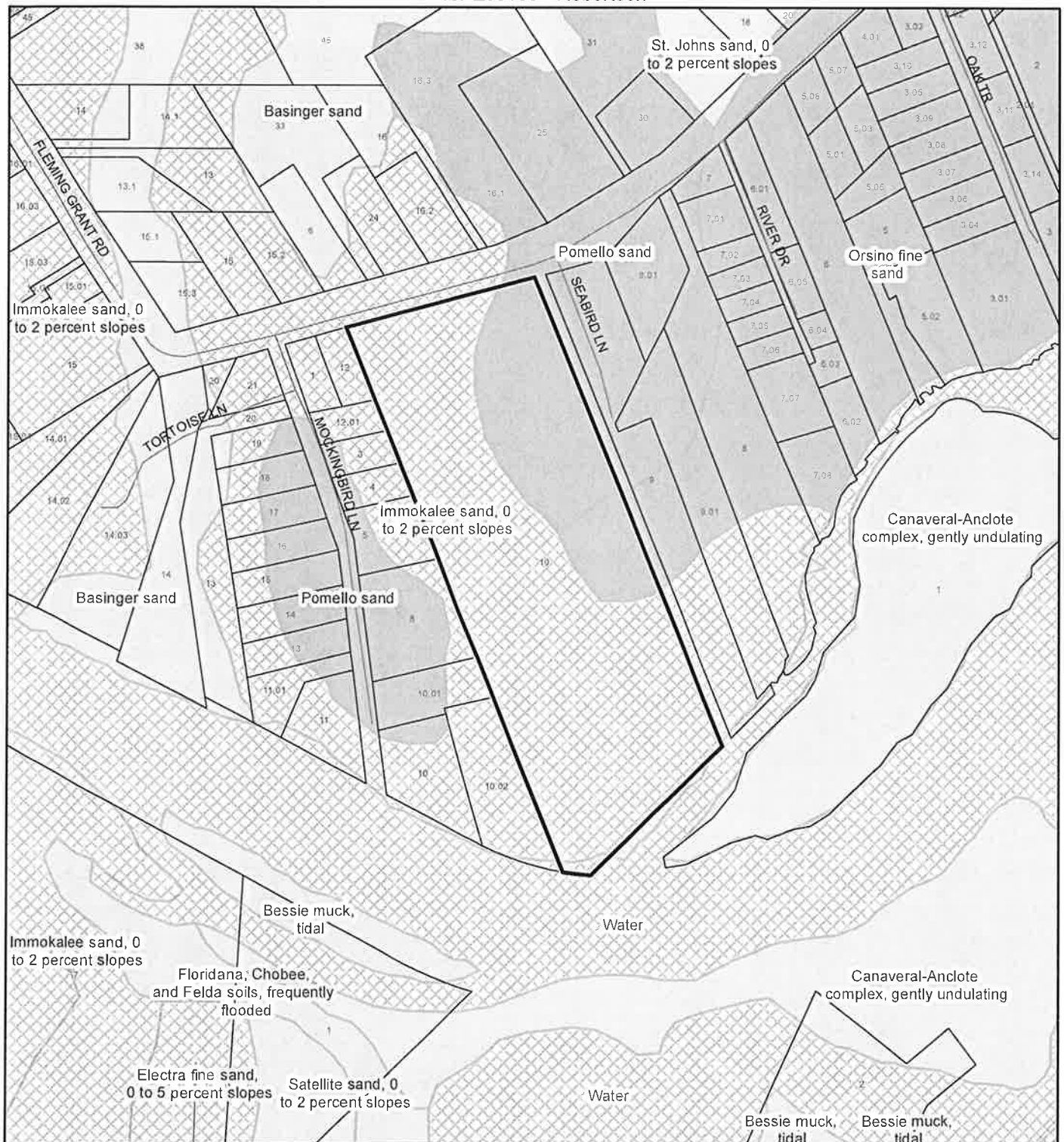
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

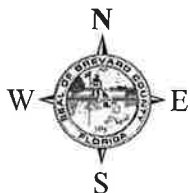
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

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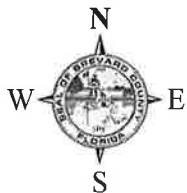
FEMA Flood Zones

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

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

Comprehensive Plan Amendment

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1:4,800 or 1 inch = 400 feet

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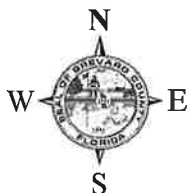
 Subject Property

 Parcels






Eagle Nests
FWS 2010

Comprehensive Plan Amendment
18PZ00166 - Robertson



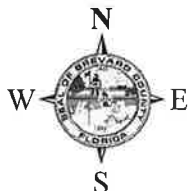
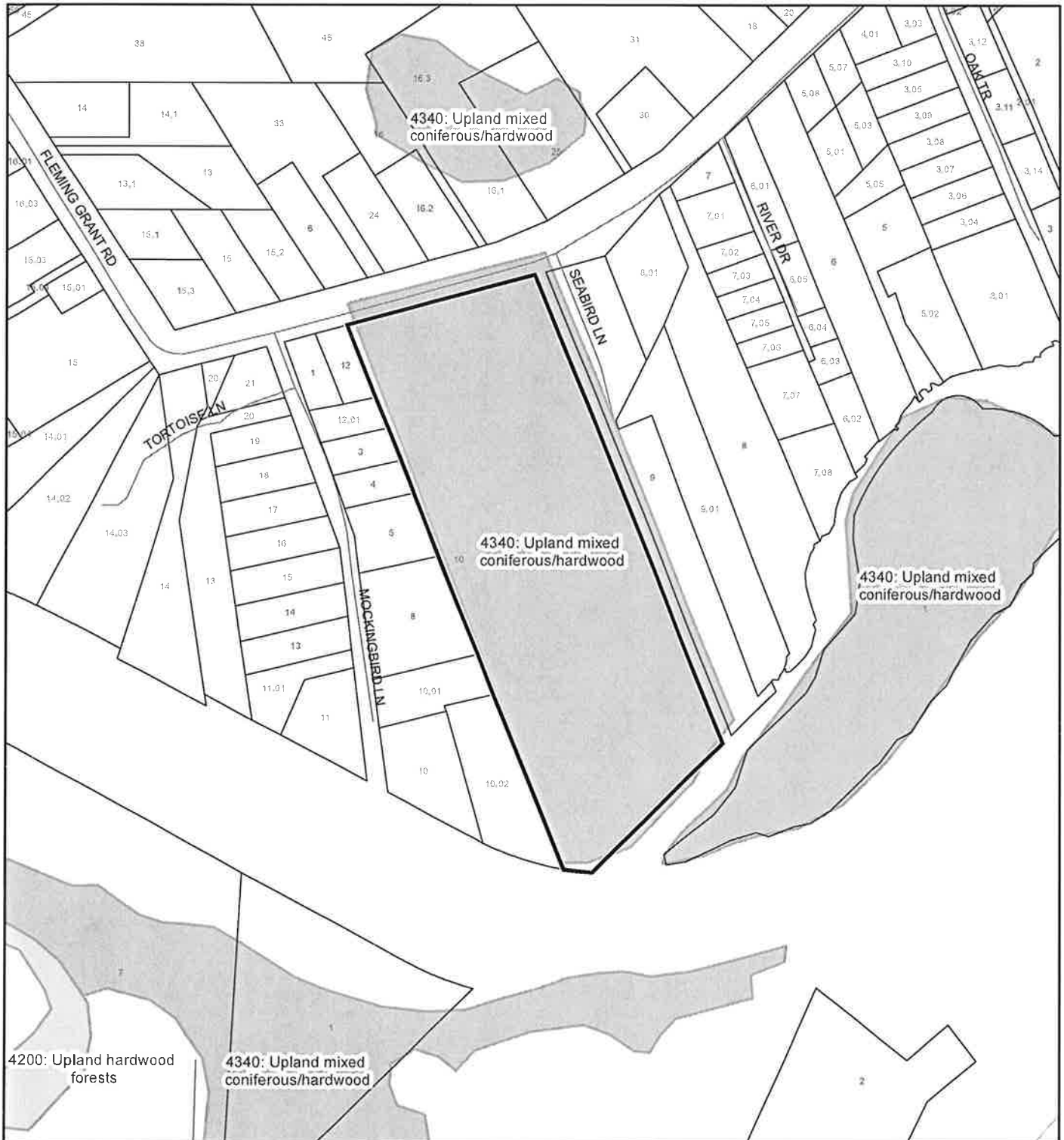
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 Subject Property
 Parcels
 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Comprehensive Plan Amendment

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SJRWMD FLUCCS Upland Forests

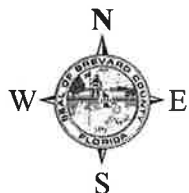
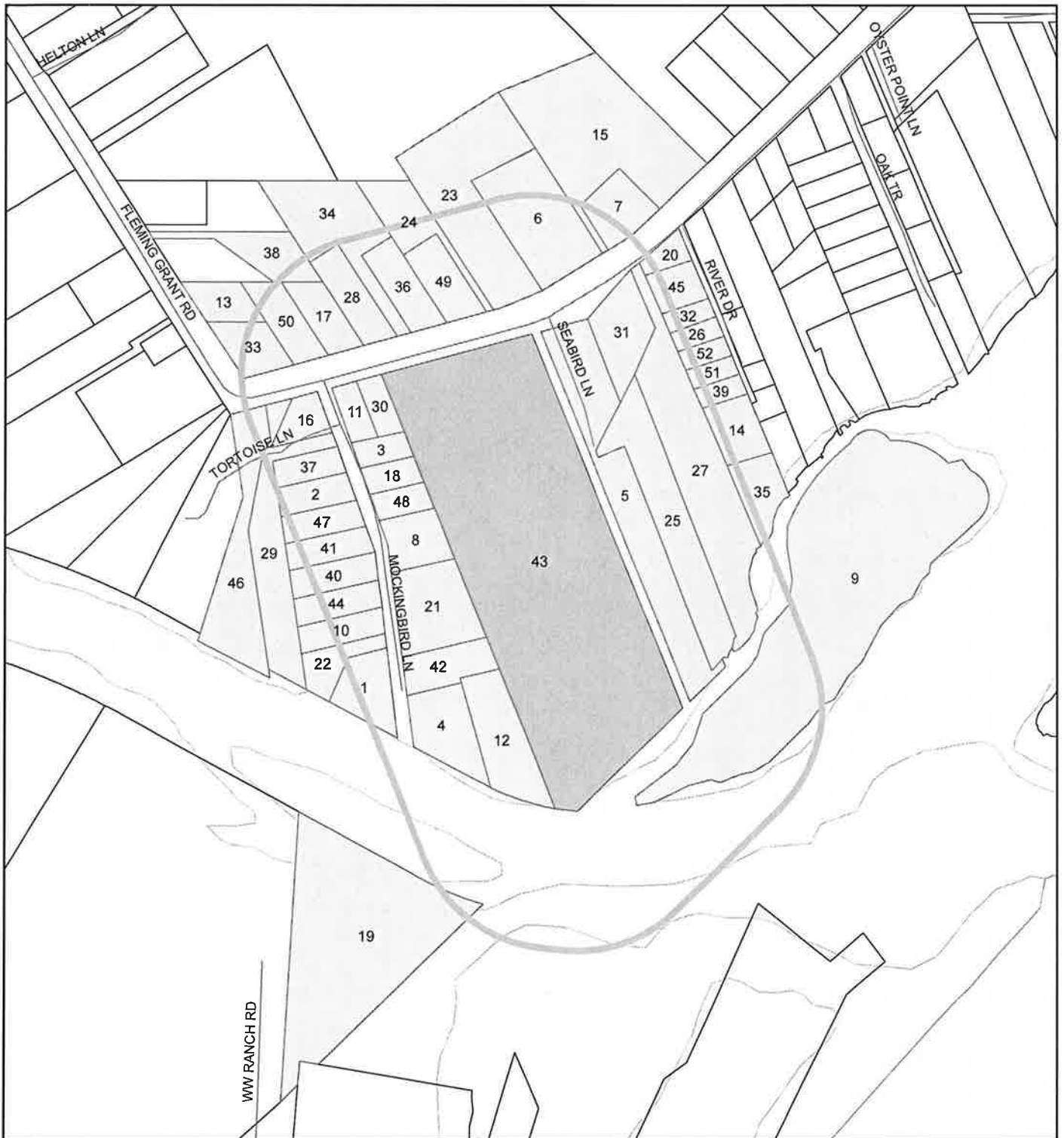
-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property  Parcels

RADIUS MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:6,000 or 1 inch = 500 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 1/16/2019

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

LSCPA
Douglas Robertson
Transmittal 2019-1.1
Applicant Submittals

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

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

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

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

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

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

Druce M. @mbveng.com
Travis@mbveng.com or () _____ or U.S. Mail _____
e-mail address fax number

Yes/No

I have received a copy of this notice:

Trace L. Scandola on behalf of
(APPLICANT SIGNATURE)
Bruce A. Moir

6

Brevard County

Supplement to Comprehensive Plan Amendment Application

Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

☐ Small-scale Comprehensive Plan Future Land Use Map Amendment

☒ Large-scale Future Land Use Map Amendment

☐ Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: Southpointe Palm LLC

Staff Planner : _____

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: RES 1:2.5

Requested Future Land Use Designation: RES 1

Existing Zoning: RU-1-13

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new test.

Existing land use is incompatible with the existing zoning. Lot sizes of adjacent properties are 0.5 ac to 1.0 ac.

We would like to develop a 1 unit /acres, to be more consistent with the developed neighborhoods.

(use additional sheets if necessary)

Record & Return to:
Professional Title of Indian River, Inc.
1546 N US 1, Sebastian, FL 32958

P-49646

THIS INSTRUMENT CONTAINS THE OFFICIAL
SECOND BOOK AND PAGE NUMBERS DESIGNATING
THE PARCELS TO BE ADVERTISED.

Grace Sarn
SIGNATURE

Prepared by and return to.

Thomas M Stanley
Attorney at Law
MacMillan & Stanley, PLLC
29 NE 4th Avenue
Delray Beach, FL 33483
561-276-6363
File Number 16318

PCN 30G-38-19-HP-*-10

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 30th day of August, 2018 between SOUTHPOINTE PALM, LLC, a Florida limited liability company, whose post office address is 12 Bahia Drive, Boynton Beach, FL 33436, grantor, and Douglas Robertson and Cindy Robertson, husband and wife, whose post office address is 4085 Lake Washington Road, Melbourne, FL 32934, grantee

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Brevard County, Florida**, to-wit:

LOTS 10 and 11, FRANK H. ALLEN SUBDIVISION OF 136 ACRE TRACT OF FLEMING GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Subject to the following

- Requirements, approvals, ordinances, regulations, restrictions, prohibitions or other matters issued by a Governmental Entity, including, but not limited to such matters that involve land use, zoning, water retention, or storm water management;
- Matters appearing on a plat of record or common to a subdivision in which the Property exists, other than plats that may have existed previously but are not part of the current development plan;
- Oil, gas or mineral rights if there is no right of entry;
- Easements to a public utility or governmental entity; and
- Taxes and Assessments for the year 2018 and subsequent years.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining

To Have and to Hold, the same in fee simple forever

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written

10

Signed, sealed and delivered in our presence:

SOUTHPOINTE PALM, LLC, a Florida limited liability company

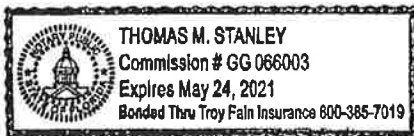
Melanie R. Day
Witness Name: Melanie R. Day
[Signature]
Witness Name: Thomas M. Stanley

By Betty B. Kiszka
BETTY B. KISZKA, Managing Member

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me this 30th day of August, 2018 by BETTY B. KISZKA, Managing Member of SOUTHPOINTE PALM, LLC, a Florida limited liability company, on behalf of the limited liability company. She ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



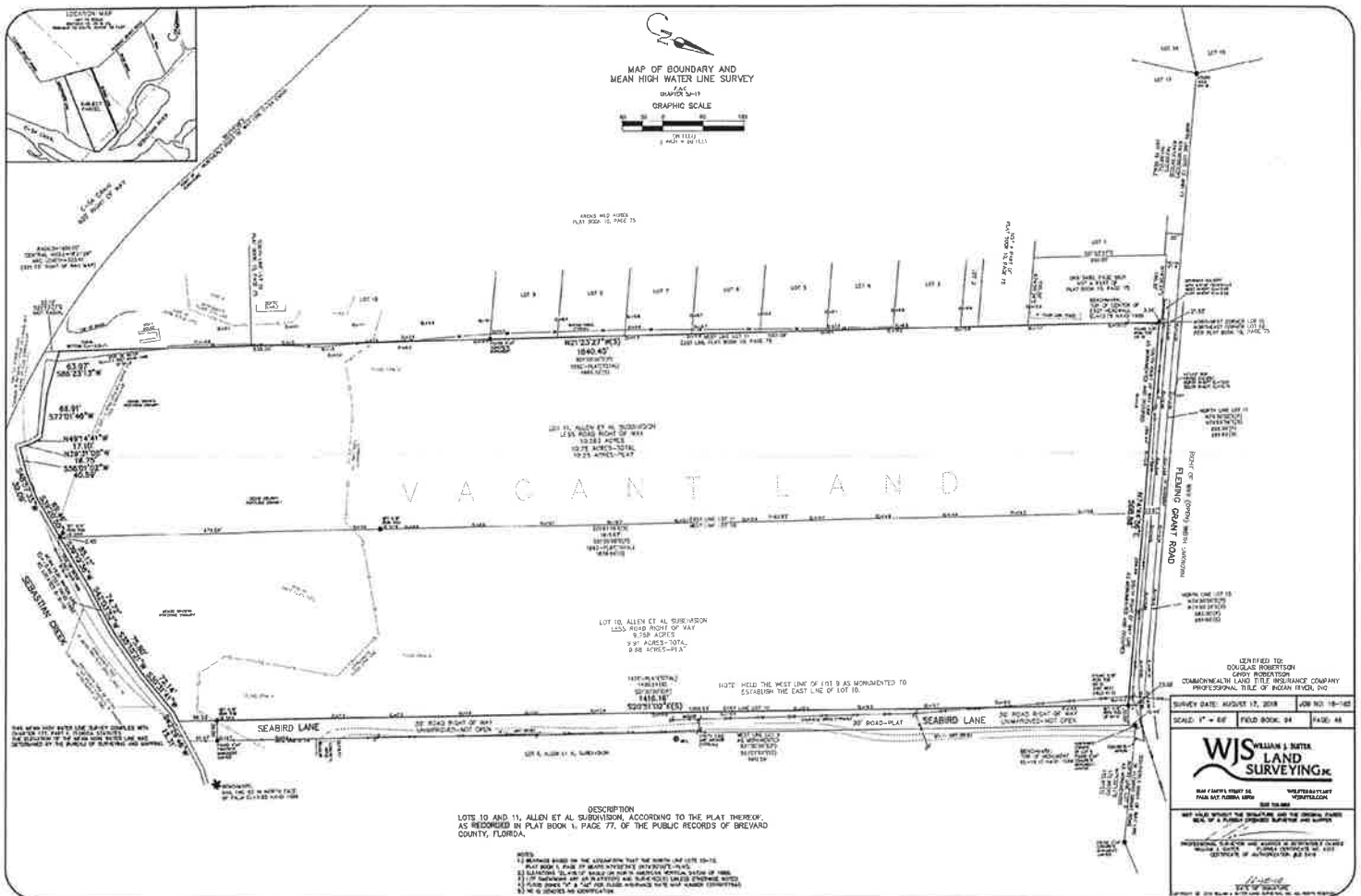
[Signature]
Notary Public

Printed Name: _____

My Commission Expires. _____

LEGAL DESCRIPTION

Lots 10 and 11, ALLEN ET AL SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1m Page 77, of the Public Records of Brevard County, Florida.



LSCPA
Douglas Robertson
Transmittal 2019-1.1
School Concurrency

School Board of Brevard County

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



December 20, 2018

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

**RE: Proposed Seabird Subdivision Development
School Impact Analysis – Capacity Determination CD-2018-22**

Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 3008729 (Parcel ID: 30G-38-19-HS-*-10), containing approximately 20.39 acres in Unincorporated District 3, Brevard County, Florida. The proposed single-family development includes 20 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2022-23 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2017-2018 to 2022-23* which is attached for reference.

Single Family Homes 20			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	5.6	6
Middle	0.08	1.6	2
High	0.16	3.2	3
Total	0.52		11

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

**FISH Capacity
(including
relocatables)**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	917	917	917	939	1,005
Southwest	1,177	1,177	1,177	1,177	1,177
Bayside	2,235	2,235	2,235	2,235	2,235

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	813	847	891	937	987
Southwest	824	881	984	980	893
Bayside	1,686	1,607	1,563	1,589	1,661

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	28	46	46	46	46
Southwest	34	91	120	143	144
Bayside	74	104	135	164	168

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	-	1	3	4	6
Southwest	-	0	1	1	2
Bayside	-	1	2	2	3

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	841	894	940	987	1,039
Southwest	858	972	1,105	1,124	1,039
Bayside	1,760	1,712	1,700	1,755	1,832

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	76	23	(23)	(48)	(34)
Southwest	319	205	72	53	138
Bayside	475	523	535	480	403

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

The adjacent elementary school concurrency service areas are Westside Elementary, Columbia Elementary School and Port Malabar Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Seabird Subdivision Development is shown:

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	857	857	857	857	857

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	625	586	572	559	561

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	40	116	203	278	284

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	-	1	3	4	6

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	665	703	778	841	851

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

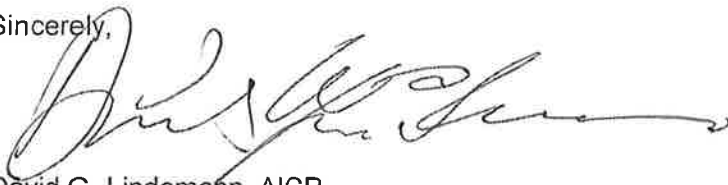
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	192	154	79	16	6

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Lindemann", with a long horizontal flourish extending to the right.

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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2017-2018 to 2022-23*
Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2018-22

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



Summary				2017-18		2018-19		2019-20		2020-21		2021-22		2022-23							
Highest Utilization Elementary Schools				97%		97%		98%		99%		100%		100%							
Highest Utilization Middle Schools				85%		92%		100%		99%		99%		99%							
Highest Utilization Jr / Sr High Schools				96%		92%		98%		99%		92%		96%							
Highest Utilization High Schools				94%		95%		97%		98%		99%		99%							
School	Type	Grades	Utilization Factor	School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23		
				FISH Capacity	10/12/17 Membership	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 Concurrency Service Areas																					
New Central Elementary	Elementary	K-6	100%	-	-	0%	-	-	0%	-	-	0%	870	881	101%	870	881	101%	870	881	101%
Adair	Elementary	PK-5	100%	751	669	89%	751	685	91%	751	692	92%	751	692	92%	751	695	93%	751	710	95%
Anderson	Elementary	K-6	100%	884	736	83%	884	753	85%	884	759	86%	884	773	87%	884	769	86%	884	785	87%
Apple	Elementary	K-6	100%	902	877	97%	902	861	92%	902	826	93%	902	855	95%	1,012	1,004	100%	1,078	1,060	98%
Atlanta	Elementary	PK-6	100%	747	575	77%	747	571	76%	747	568	76%	747	562	75%	747	548	73%	747	548	73%
Auribon	Elementary	PK-6	100%	761	568	74%	761	554	73%	761	553	73%	761	544	72%	761	544	72%	761	540	72%
Cambridge	Elementary	PK-6	100%	765	680	89%	765	670	88%	765	679	89%	765	687	90%	765	691	90%	765	694	91%
Cape View	Elementary	PK-6	100%	548	380	69%	548	381	70%	548	368	67%	548	374	68%	548	369	68%	548	368	67%
Carroll	Elementary	K-6	100%	751	632	84%	751	662	88%	751	633	84%	751	622	83%	751	642	86%	751	648	86%
Challenger 2	Elementary	PK-6	100%	873	551	63%	873	578	67%	873	533	61%	873	538	62%	873	598	69%	873	595	68%
Columbia	Elementary	PK-6	100%	751	514	68%	751	487	65%	751	438	58%	751	425	56%	751	456	61%	751	477	64%
Cocoula	Elementary	K-6	100%	693	590	85%	693	543	78%	693	584	85%	693	615	89%	693	653	94%	715	707	97%
Coral	Elementary	PK-6	100%	1,154	888	77%	1,154	926	80%	1,154	919	80%	1,154	944	82%	1,154	872	75%	1,154	990	86%
Croton	Elementary	PK-6	100%	795	678	85%	795	553	70%	795	582	73%	795	618	78%	795	648	82%	795	665	84%
Discovery	Elementary	PK-6	100%	980	672	69%	980	664	68%	980	672	69%	980	668	68%	980	672	69%	980	662	68%
Endeavour	Elementary	PK-6	100%	990	817	83%	990	739	75%	990	773	78%	990	788	80%	990	781	79%	990	786	80%
Enterprise	Elementary	K-6	100%	729	560	77%	729	585	80%	729	613	84%	729	541	74%	729	549	75%	729	562	76%
Fairpen	Elementary	PK-6	100%	797	696	88%	797	716	90%	797	716	90%	797	750	94%	797	706	100%	797	767	100%
Gemin	Elementary	K-6	100%	711	430	60%	711	438	62%	711	419	59%	711	414	58%	711	381	54%	711	380	53%
Goldview	Elementary	PK-6	100%	777	588	76%	777	570	73%	777	570	73%	777	588	76%	777	588	76%	777	605	78%
Harbor City	Elementary	PK-6	100%	629	381	61%	629	385	61%	629	392	62%	629	386	61%	629	392	62%	629	405	64%
Holtan	Elementary	PK-6	100%	605	488	80%	605	485	80%	605	482	79%	605	498	82%	605	480	79%	605	484	80%
Imperial Estates	Elementary	K-6	100%	728	682	94%	728	638	88%	728	599	82%	728	534	73%	728	598	82%	728	598	82%
Industrious	Elementary	K-6	100%	798	748	94%	798	764	96%	798	764	96%	798	767	96%	798	757	96%	798	770	96%
Jupiter	Elementary	PK-6	100%	930	785	84%	930	681	73%	930	719	77%	930	750	82%	930	858	92%	930	924	99%
Lockhart	Elementary	PK-6	100%	892	743	83%	892	699	78%	892	688	77%	892	670	75%	892	671	75%	892	695	77%
Longleaf	Elementary	PK-6	100%	790	613	78%	790	687	87%	790	666	85%	790	625	79%	790	621	79%	790	615	78%
Monroe	Elementary	K-6	100%	954	914	96%	954	923	97%	954	896	95%	954	907	95%	954	907	95%	954	891	93%
Mountain	Elementary	PK-6	100%	798	913	114%	798	913	114%	798	913	114%	798	913	114%	798	913	114%	798	913	114%
Meacham Intermediate	Elementary	3-6	100%	1,114	1,092	98%	1,114	853	77%	1,114	827	74%	1,114	796	71%	1,114	784	70%	1,114	806	73%
Meacham Primary	Elementary	K-5	100%	824	745	91%	824	636	77%	824	604	73%	824	564	68%	824	551	67%	824	655	79%
Mile	Elementary	PK-6	100%	707	494	70%	707	489	69%	707	482	68%	707	474	67%	707	470	67%	707	468	66%
Mims	Elementary	PK-6	100%	725	510	70%	725	399	55%	725	387	53%	725	405	56%	725	420	58%	725	438	60%
Oak Park	Elementary	PK-6	100%	872	692	80%	872	775	89%	872	778	89%	872	786	90%	872	813	93%	872	817	94%
Ocean Breeze	Elementary	PK-6	100%	654	527	81%	654	513	78%	654	503	77%	654	512	78%	654	500	77%	654	504	77%
Palm Bay	Elementary	PK-6	100%	1,005	832	83%	1,005	604	60%	1,005	574	57%	1,005	558	56%	1,005	547	54%	1,005	563	56%
Pinewood	Elementary	PK-6	100%	573	503	88%	573	496	87%	573	532	93%	573	588	103%	573	531	93%	573	583	102%
Port Malabar	Elementary	PK-6	100%	852	729	86%	852	680	80%	852	657	77%	852	621	73%	852	619	73%	852	624	73%
Quest	Elementary	PK-6	100%	1,038	1,000	96%	1,104	1,075	97%	1,236	1,217	98%	1,236	1,004	81%	1,236	1,019	83%	1,236	994	80%
Rivers	Elementary	PK-6	100%	777	681	89%	777	646	83%	777	678	87%	777	682	88%	777	682	88%	777	694	89%
Roosevelt	Elementary	K-6	100%	598	350	58%	598	393	66%	598	389	65%	598	378	63%	598	376	63%	598	387	64%
Sabal	Elementary	PK-6	100%	785	544	69%	785	635	81%	785	643	82%	785	655	84%	785	685	88%	785	713	91%
Satum	Elementary	PK-6	100%	978	764	78%	978	655	67%	978	630	64%	978	646	67%	978	587	60%	1,020	1,005	98%
Sea Park	Elementary	PK-6	100%	461	317	69%	461	318	69%	461	340	74%	461	387	84%	461	358	78%	461	376	82%
Shenwood	Elementary	PK-6	100%	609	460	76%	609	442	73%	609	451	74%	609	393	65%	609	388	64%	609	392	64%
South Lake	Elementary	K-6	100%	628	-	0%	485	300	62%	485	300	62%	485	300	62%	485	300	62%	485	300	62%
Source	Elementary	PK-6	100%	917	828	91%	917	813	89%	917	642	70%	917	831	90%	917	827	100%	1,005	987	98%
Surfco	Elementary	K-6	100%	755	688	91%	755	696	92%	755	712	94%	755	695	93%	755	631	84%	755	604	80%
Surfside	Elementary	K-6	100%	549	455	83%	549	465	85%	549	467	85%	549	474	86%	549	472	86%	549	485	88%
Tropical	Elementary	K-6	100%	910	797	88%	910	798	88%	910	729	80%	910	828	91%	910	854	94%	910	879	97%
Turner	Elementary	PK-6	100%	874	605	70%	874	563	64%	874	538	62%	874	516	59%	874	507	58%	874	502	57%
University Park	Elementary	PK-6	100%	811	514	63%	811	451	56%	811	493	61%	811	498	61%	811	488	60%	811	491	61%
Wassata	Elementary	K-6	100%	857	723	84%	857	625	73%	857	587	68%	857	572	67%	857	559	65%	857	561	65%
Williams	Elementary	PK-6	100%	715	564	79%	715	545	76%	715	547	77%	715	541	76%	715	573	80%	715	577	81%
Elementary Totals				41,892	33,522		41,936	33,621		42,134	33,492		43,070	33,825		43,274	34,222		43,444	34,668	

Middle School Concurrency Service Areas												
Central	Middle	7-8	90%	1,525	1,121	74%	1,525	1,186	78%	1,525	1,294	85%
DeLaune	Middle	7-8	90%	941	801	85%	941	870	92%	941	940	100%
Hoover	Middle	7-8	90%	658	533	81%	658	479	73%	658	485	74%
Jackson	Middle	7-8	90%	654	548	84%	654	540	82%	654	580	89%
Jarvis	Middle	7-8	90%	854	628	74%	854	644	75%	854	652	76%
Johnson	Middle	7-8	90%	1,000	863	86%	1,000	788	79%	1,000	770	77%
Kennedy	Middle	7-8	90%	813	682	84%	813	581	71%	813	727	89%
Madison	Middle	7-8	90%	743	480	65%	743	472	64%	743	518	69%
McNair	Middle	7-8	90%	611	360	59%	611	419	69%	611	438	72%
Southwest	Middle	7-8	90%	1,177	842	72%	1,177	824	70%	1,177	881	75%
Stone	Middle	7-8	90%	1,013	822	81%	1,013	827	82%	1,013	830	82%
Middle Totals				9,999	7,827		9,999	7,769		9,999	8,684	
Junior / Senior High School Concurrency Service Areas												
Cocoa	Jr / Sr High	Pk, 7-12	90%	1,782	1,599	90%	1,782	1,639	92%	1,782	1,734	97%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	1,004	68%	1,466	982	67%	1,466	962	66%
Spice Coast	Jr / Sr High	7-12	90%	1,812	1,587	88%	1,812	1,587	88%	1,812	1,605	89%
Jr / Sr High Totals				5,060	4,200		5,060	4,218		5,060	4,365	
Senior High School Concurrency Service Areas												
Altonnazi	High	9-12	95%	1,446	1,070	74%	1,446	1,058	73%	1,446	1,075	74%
Bayview	High	9-12	95%	2,235	1,718	77%	2,235	1,686	75%	2,235	1,601	72%
Bau Galle	High	Pk, 9-12	95%	2,209	1,897	86%	2,209	1,878	85%	2,209	1,808	82%
Heritage	High	9-12	95%	2,314	1,778	77%	2,314	1,721	74%	2,314	1,708	74%
McBourne	High	9-12	95%	2,356	2,217	94%	2,356	2,189	93%	2,356	2,254	96%
Mount Island	High	Pk, 9-12	95%	1,915	1,568	82%	1,915	1,532	80%	1,915	1,527	80%
Palm Bay	High	Pk, 9-12	95%	2,612	1,587	61%	2,612	1,628	62%	2,612	1,645	63%
Rockledge	High	9-12	95%	1,689	1,537	91%	1,689	1,532	91%	1,689	1,547	92%
Satellite	High	Pk, 9-12	95%	1,516	1,336	88%	1,516	1,329	88%	1,516	1,339	89%
Titusville	High	9-12	95%	1,872	1,412	75%	1,872	1,470	79%	1,872	1,469	78%
Viera	High	Pk, 9-12	95%	2,277	2,109	93%	2,277	2,181	96%	2,277	2,204	97%
High Totals				22,442	17,990		22,442	18,163		22,442	18,128	
Schools of Choice (Not Concurrency Service Areas)												
Freedom 2	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%
Riverson	Elementary	K-6	100%	569	495	87%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	550	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,072	943	88%	1,072	956	89%	1,072	950	89%
West Shore	Jr / Sr High	7-12	90%	1,264	955	76%	1,264	955	76%	1,264	955	76%
Schools of Choice				3,998	3,351		3,998	3,345		3,998	3,345	
Brevard Totals				83,382	66,696		83,426	66,222		83,426	67,318	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2017-18 are reported from the FISH database as of October 13, 2018.
2. Student Membership is reported from the Fall Final Membership Count (10/13/18).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by age code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (dayscare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nonresided student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Immediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 2 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Quail Elementary, Saturn Elementary, Sunrise Elementary, DeLauro Middle School, Jackson Middle School and Kennedy Middle (Total of 12 Classrooms).
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
7. Redistricting was approved for the 2018-19 school year and the projected enrollment for 2018-19 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
8. The following proposals for additional permanent capacity are included in this analysis:
 - A 12 classroom addition at Cocoa Jr/Sr High School is assumed to add 300 student stations starting in 2019-20
 - A new central area elementary is assumed to add 870 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

**LSCPA
Douglas Robertson
Transmittal 2019-1.1
Ordinance**

ORDINANCE NO. 19 _____

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2019-1.1; 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; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATVS; 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on December 19, 2018, for adoption as the Spring Cycle Large Scale Comprehensive Plan Amendment 2019-1.1; 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

WHEREAS, on February 25, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2019-1.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 7, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2019-1.1; and

WHEREAS, Plan Amendment 2019-1.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2019-1.1 adopted by this Ordinance is based upon findings of fact as included in the 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 2019-1.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is 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 2019-1.1, 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of the State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ____ day of _____, 2019.

ATTEST

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

Scott Ellis, Clerk

By: _____

Kristine Isnardi, Chair

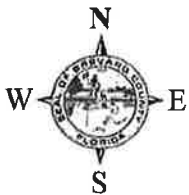
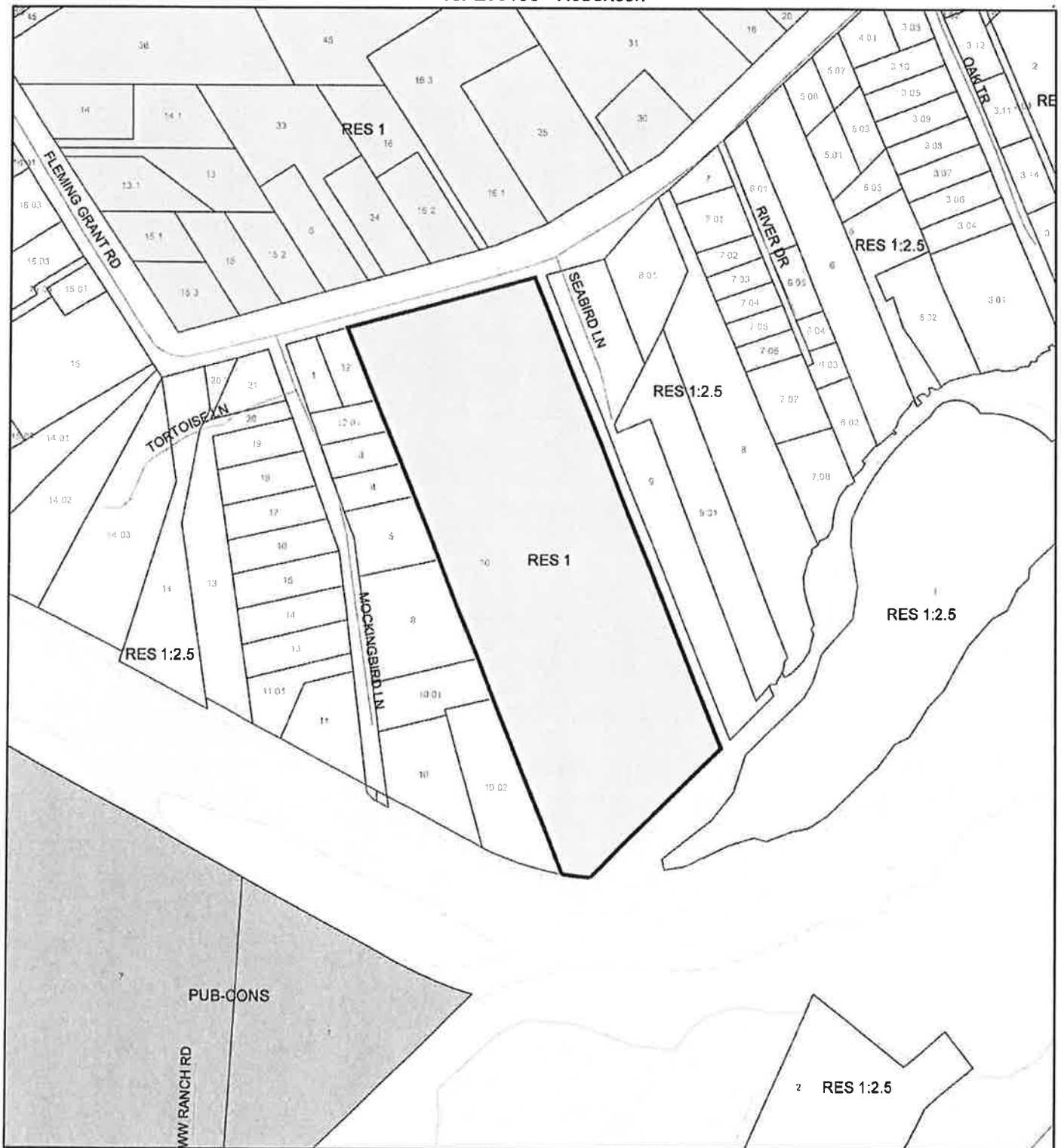
Approved by the Board on _____, 2019.

LSCPA
Douglas Robertson
Transmittal 2019-1.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment

18PZ00166 - Robertson



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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

Produced by BoCC - GIS Date: 2/8/2019

LSCPA
Douglas Robertson
Transmittal 2019-1.1
Public Comment

**Legal Advertisements,
Citizen Courtesy Sheets, Misc.**



BREVARD COUNTY
FUTURE LAND USE MAP AMENDMENT
18PZ00166 Robertson



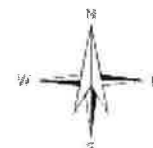
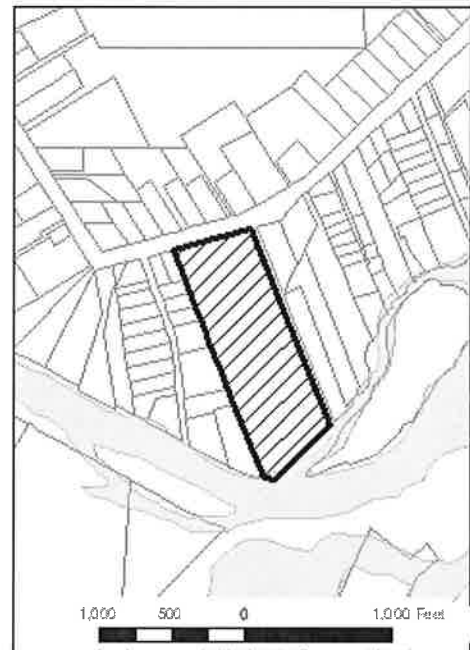
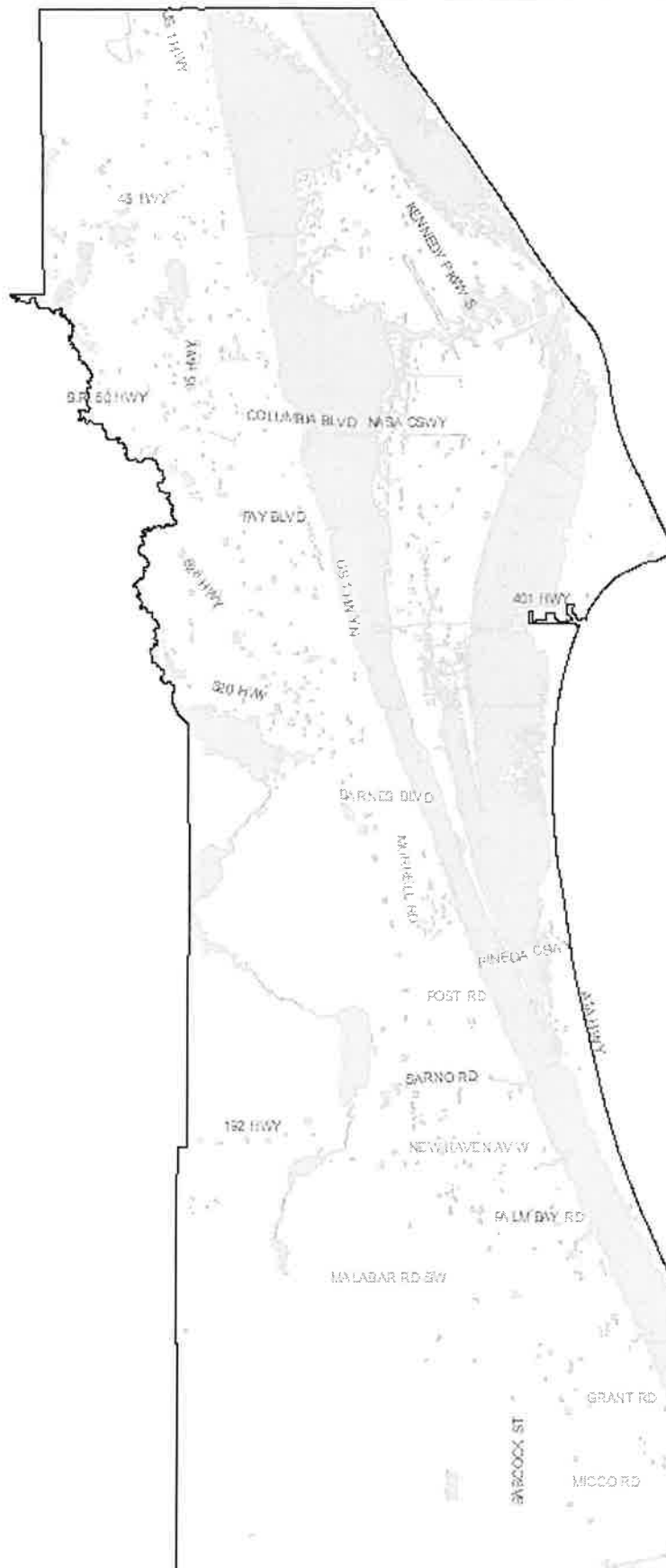
Subject Property



Future Land Use Amendment
Residential 1:2.5 to Residential 1
18PZ00166

You may obtain additional information
by visiting our web site at:

<http://www.brevardfl.gov/PlanningDev/PlanningAndZoning/BoardsAndCommittees/LocalPlanningAgency>



Comprehensive Plan Amendment Citizen Courtesy Information List

Local Government: Local Planning Agency

Hearing Date: February 25, 2019

Type Hearing: Transmittal (Proposed) RE: 2019-1 Spring Transmittal

DEO Amendment Number: _____ (DEO Official Use)

Please Print Clearly

By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Economic Opportunity.

[illegible]

Comprehensive Plan Amendment Citizen Courtesy Information List

Local Government: Board of County Commissioners

Hearing Date: March 7, 2019

Type Hearing: Transmittal (Proposed) RE: 2019-1 Spring Transmittal

DEO Amendment Number: _____ (DEO Official Use)

Please Print Clearly

By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Economic Opportunity.

[illegible]

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 25, 2019, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, March 7, 2019, at 5:00 p.m. for Items 1 through 3, and March 12, 2019, at 5:00 p.m. for Item 4.

Approval of the January 28, 2019, Minutes

Motion by Mark Wadsworth, seconded by Rochelle Lawandales, to approve the minutes of January 28, 2019. The motion passed unanimously.

Frederick Scott and Alice Ada Louise Denlinger (Joe Mayer):

Request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 1 (Residential 1). The property is 1.21 acres, located on the south side of D'Albora Road, approximately 0.21 miles east of North Courtenay Parkway. (1385 D'Albora Road, Merritt Island Area) (District 2) (18PZ00143)

Frederick Scott and Alice Ada Louise Denlinger (Joe Mayer):

Request a change of zoning classification from PIP (Planned Industrial Park) to RR-1 (Rural Residential). The property is 1.21 acres, located on the south side of D'Albora Road, approximately 0.21 miles east of North Courtenay Parkway. (1385 D'Albora Road, Merritt Island) (District 2) (18PZ00142)

Joe Mayer – Good afternoon, my name is Joe Mayer, I'm President and owner of Bussen-Mayer Engineering Group, 100 Parnell Street, and I'm here representing the Denlinger's. They have one single-family lot on 1.2 acres on D'Albora Road that they're proposing to rezone from Planned Industrial to Rural Residential 1, with the associated Small Scale Comprehensive Plan Amendment. I'd be happy to answer any questions you may have.

Henry Minneboo – That was also approved by North Merritt Island.

Joe Mayer – That's correct, we got a unanimous approval from North Merritt Island.

Henry Minneboo – Are we totally sure of that?

Joe Mayer – I was there, it's not a typo.

No public comment.

Rochelle Lawandales – I move approval of the Future Land Use from Planned Industrial to Residential 1.

Mark Wadsworth – Second.

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

Rochelle Lawandales – I'll make a motion to approve the rezoning request from Planned Industrial Park to Rural Residential 1.

Mark Wadsworth – I'll second.

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

Douglas and Cindy Robertson (Bruce Moia):

An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the transmittal of Plan Amendment Cycle 2019-1.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions with require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. Plan Amendment 2019-1.1 – a proposal initiated by Douglas and Cindy Robertson, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 on 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane.

Bruce Moia – Bruce Moia, representing the applicant. What we have before you today is a request to modify the land use for a piece of property on Fleming Grant Road in the Micco area. It is a 20-acre piece of property and the request is for Residential 1 from the current land use of Residential 1:2.5. I just want to clarify something right off the bat because from what I understand, the notice that went out to the residents said that we were asking for four units to the acre. We are not asking for four units to the acre, we never were asking for four units to the acre, we are only asking for one unit to the acre. Residential 1 is one unit to the acre, but for some reason the notice went out for four units to the acre, so I just want to make sure that the people who are here hear that, because it was a big misunderstanding on no part of the applicant.

Erin Sterk – That was a scrivener's error in the courtesy notice. It was always identified Residential 1, so that was always the plan from the applicant, and as soon as staff found out, re-issued a new courtesy notice and clarified those details.

Bruce Moia – Thank you. I think it's created a little bit of a stir, so I'm hoping that maybe with the conversations here tonight we can resolve any concerns that are going to be brought before you. We feel this is very consistent. The existing zoning on the property is RU-1-13 (Single-Family Residential), so the land use is inconsistent with the zoning. All of the land use across the street is Residential 1, so all that area on the north side of Fleming Grant Road, and there is even some Residential 2 on our side of the road. We feel that it is consistent with the area to go with the one unit per acre, so I'll make room for the public to speak and then I'll answer any questions.

Henry Minneboo – Of the 20.39 acres, you'll have to put in a road, won't you?

Bruce Moia – Yes, sir.

Henry Minneboo – Will you still get 20 units there?

Bruce Moia – That would be the plan, yes, and none of them would have direct access to Fleming Grant Road.

Ron Bartcher – You're not going to be using Seabird Lane for access?

Bruce Moia – No, sir.

Ron Bartcher – On the property, there's a significant amount of wetlands and flood zone area, are you going to be developing property and selling houses in that flood zone area?

Bruce Moia – I'm not sure of the extent of the flood zone, I'll have to check the map on that, but we're aware there's some wetlands on the property. We've looked at the maps, but we haven't had them flagged yet so we don't know if they extend mostly along the river. The proposal that we're thinking would be to leave that alone and have the lots big enough along the river that we wouldn't impact that wetland and flood zone. That's our plan, but we haven't gotten to that point yet. There are limitations on filling in the floodplain, and even though it is riverine, it's not as extensive as the requirements from the County on isolated flood zone impacts, but I think the plan is to make the riverfront lots large enough to where we won't have to impact those areas.

Ron Bartcher – I was concerned because it looked to me like it was probably six acres or so that was in the floodplain, which is a significant amount. Part of it is also in the septic tank overlay for the Indian River Lagoon, are you expecting to have lots that are large enough that you won't have to have the big fancy septic tanks?

Bruce Moia – We'll comply with the ordinance the County has for if it's within the distance that the County has established from the waterbody, we would have to have those types of septic systems, but the lots will be big enough that they would support that. Any of those lots that are within the distance from the waterbody would be required to have the upgraded system.

Henry Minneboo – Do you know how many that affects? Maybe four?

Bruce Moia – I haven't drawn that line yet, but we'll comply with it, no problem.

Ron Bartcher – The zoning is RU-1-13 (Single-Family Residential), which is a very small lot, and you're intending to keep it as RU-1-13?

Bruce Moia – Yes, we're not changing the zoning, that's consistent, and there's a lot of that zoning in the overall surrounding area, and we're not asking for anything that would really be completely compatible with RU1-13, because that would be like four units to the acre, but we're not asking for that, we're only asking for one unit to the acre. The zoning is important because it gives us the flexibility on lot sizes so we can create some smaller or some larger; we're not confined to the minimum of an acre in size, and we have a mixture of different types of lot sizes.

Rochelle Lawandales – Can you explain how you're going to handle utilities.

Bruce Moia – We haven't looked into that. I know there's no sewer in the area, and I'm not positive if there's water in the area or not. No water? Then it would be well and septic, which means we'd have to do whatever the Code requires.

Rochelle Lawandales – In your layouts, what do you anticipate the smallest lots to be that are going to use RU-1-13 (Single-Family Residential)?

Bruce Moia – I don't know that. If we're going to have well and septic it has to be a half-acre minimum, and that would be required by the State.

Rochelle Lawandales – I believe I read where they would not be eligible to use the PUD (Planned Unit Development).

Bruce Moia – You mean the Open Space Subdivision?

Rochelle Lawandales – I wanted to clarify because the staff report said PUD, but I was going to ask about the Open Space. I don't know that you'll be able to use that, which would be very advantageous from the environmental standpoint.

Erin Sterk – The part of the staff report that references the PUD, there's a density bonus if it were to be developed in this Future Land Use designation as a PUD. They do meet the minimum size of 10 acres to go for a PUD zoning to get that density bonus, but they haven't proposed to do that. It is in the Coastal High Hazard Area, so that crosses that out as an option. If any part of the property touches the Coastal High Hazard Area, and some of this does, it's not eligible.

Henry Minneboo called for public comment.

Linda Brannon – My name is Linda Brannon, I live at 9675 Fleming Grant Road. I've lived in Micco since 1961, and I've been a licensed realtor there since 1976, specializing in the Micco area. I live on 2.5 acres directly across from this property. (Miss Brannon provided handouts to the board. The handouts can be found in file 18PZ00166, located in the Planning and Development Department). If you look at the first page, everything in yellow is a minimum of 2.5 acres. You can see that most of our area is 2.5 acres or more. I have an aerial showing how sparsely together the houses are, because we're an area where everybody is pretty much spread apart, a lot of open areas and lakes, or ponds. There's pictures of our neighborhood that show farms with horses, goats, driveways that go back to large estates, fencing, barns, and all types of properties. What they want to do is to change the Comprehensive Land Use Plan that was adopted in 1988 to try to save the river, and they want to change it from the one unit per 2.5 acres that they currently have, which would allow them to put eight homes on this 20 acres, and they want to change it to something that would allow them to put 20 homes on this property. They have over four acres of wetlands and they have Federal Emergency Management Agency floodplain and other environmentally sensitive issues with the property. By the time they put a road in and they stay away from the things they can't touch, they will be on small pieces of land, and they're going to have to have septic, they're going to have to have wells; we don't have any County utilities in our area; and we have a lot of drainage issues. This is my home, these are my neighbors, and we moved out there to get away from development, to be in a rural area, and we don't mind that we don't have anything. If you look at the pictures and the map, a subdivision with little lots is not compatible with what we have, and I hope you'll take that into consideration when you're voting. In 1988, the Comprehensive Plan said everything between the road and the river had to be 2.5 acres, and since that time, every piece of land that's been split up has been 2.5 acres. This is the first person that you would be making an exception for if you do that Comprehensive Plan Amendment. I just don't see a reason for you to do it at this point in time when we're putting all kinds of money into the Lagoon to try to save it, and all the runoff that this would create; there's no way they

can contain it on that land. I wanted to give you a visual aid, because I don't know if most of you have visited my area.

Henry Minneboo – What about River Drive, Mockingbird, and Oak Trail?

Linda Brannan – River Drive and Mockingbird Lane were put in in the '50's and '60's; the oldest houses there were built in 1955. On Mockingbird Lane, at least five of the parcels are between an acre and two acres; they are not half-acre lots anymore. River Drive is just a little dirt road going down to the river, and I can't speak for that. Oak Trail's subdivision was put in in 1986, which was two years before the Comprehensive Plan; I know the parcel on the river is two acres, and the rest of them are half-acre home sites. Everybody is on well and septic.

Ken Chapin – My name is Ken Chapin and I live at 9880 Oak Trail, in Micco, and I've lived there for 40 years. In fact, I developed Oak Trail. I developed Oak Trail with half-acre lots because that's what was legal at the time, and Brevard County, in this area, was very much ahead of the curve to make this land 2.5 acres in an effort to protect the Sebastian River and the Indian River Lagoon. I developed, also, in 1990, after the Comprehensive Plan, the property exactly next door to this property, to the east side of this property, and I think on your map you can see that it was an 11-acre parcel and I developed four, 2.5 acre lots; three on the river and one on Fleming Grant Road. In 2002, I bought 23 acres just a little bit further up the road, about half a mile up on Fleming Grant Road from the property in question today, and I went for one-acre zoning on that, and in 2002 I was turned down for one-acre zoning. I had to reapply for 2.5-acre zoning and I got it, and I was happy with it, and since then I've sold almost all the lots. People are so much more aware today than they were in 1988 when the Comprehensive Plan changed all of this to 2.5 acres. Today, everything you read about in the paper is about the Indian River Lagoon. I realize now, after many years of living in the area that one-acre home sites along the Sebastian River would be a mistake for our little rural area. Since I first moved there, there is an incredible amount of more water flooding down through all the homes on any big rain event, and after any big rain event it takes a week before that water finally makes its way and percolates to the Sebastian River. For these reasons, and the reasons that I was turned down for one-acre zoning, I think you all should be proactive and deny this application.

Robin Carroll – My name is Robin Carroll, I live at 9575 Fleming Grant Road. I am just around the corner where Fleming Grant Road goes up toward Barefoot Bay, and I currently have an acre. I can show you some of the drainage issues that we have. (Ms. Carroll passed out photos to the board, which can be found in file 18PZ00166, located in the Planning and Development Department). Our main concern is environmental. We do have a drainage problem that has not been dealt with. I do applaud the effort with the Micco Stormwater Park that was put in further up north on Fleming Grant Road to try to help with the situation, but that's only working in that particular area, it's not working on our corner. If you change the Comprehensive Plan to accommodate one house per acre now, what's going to happen with all the other undeveloped property on the north end of Fleming Grant Road? What's going to happen with that water? The photos show the current drainage issue with prolonged rain. My neighbor already sent you some communication about those issues and the failure of the retention pond on Wally Kramer's property that was put in in the early '90's to hold the rainwater. The natural flow of water was not an issue in the neighborhood until I built my house. I built in 2002, and of course to County standards, they tell you the size of the culvert and the elevation that needs to be set. After 2002 when we had some bad rains, you can see in picture number 1, that's my driveway, that's my culvert. The neighborhood likes to call that Robin's Falls. In picture number 2 you can see the culvert is so small it can't accommodate all that water flow from the north, so my driveway acts

like a dam. Picture 2 is where the water absolutely crosses the road; Fleming Grant Road is under water in a big rain event. Picture 3 is looking north on Fleming Grant Road; that's the ditch to carry the water. Picture 4 is another picture of the lake that occurs. Picture 5 is the south end of my driveway. In November 2015, on a Friday evening we had a bad rain storm and there was a knock at the door; it was a Sheriff Ryan Carpenter, and he told me that I had a problem. He said, "Your culvert is blocked", and I said, "Sir, let me get a flashlight and show you how it's not blocked." Basically, pictures 5 and 6 show the next morning. I showed him how the lake was occurring, it was already going over my driveway and starting to make the waterfall, and I showed him the other side where you could plainly see the water flying through the culvert, and I said, "It is not blocked, it is undersized, and it can't handle the flow of the water." Picture 6 is directly on the west side of Fleming Grant Road, and the only reason why there is water in that ditch is because it crosses the road. There's no drainage that comes down from the north end of Fleming Grant Road on the west side of Fleming Grant Road, just on the east side. I'm not really going to be impacted by the building of those 20 homes on 20 acres, which I can't see how they're going to do that, but if that precedent is set for one house per acre, my problem is what is going to happen to all the other undeveloped properties. If we can't handle the water in a rain event now, how are we going to handle even more when those homes are elevated four feet for fill, and just sends the water seeking its level and gravity will take it. We can't handle the drainage that's there now, and I don't understand how we're going to handle it in the future.

Jimmy (last name inaudible) – I live on Mockingbird Lane, and I came from Miami so I know what it is to continue to reduce. Miami is very dense, and Brevard and Indian River Counties have done well with keeping things less dense. I agree that in the 1950's the half-acre lots were done, and my guess is that 20 homes would be a lot. I wonder if it went 2.5 acres you'd have six lots, a nice house, a nice road, and the wetlands, and that would be more realistic. We do notice the flooding, and I had to do a lot of drainage to make mine stop flooding. A new person came in town and she filled it 36 inches, which is the new above-the-crest line. The main thing is, financially, the six acres might work for the person buying the land. What I am worried about is setting a precedent and we'd see a lot more one acres. If this goes to one acre we'll see a lot of 2.5 acres coming to you trying to go to one acres. We are very fortunate that Florida Power and Light came and did a solar farm, we're very fortunate to have such a rural area. We'd prefer if we can make it 2.5 and have six new neighbors. In the last few years I've seen more deer than we've ever seen on Fleming Grant Road. We know we can't have it our way forever, but if we can keep it at 2.5 acres, it would be a great compromise.

Ted Beck – My name is Ted Beck and I live at 9735 Fleming Grant Road, about one-quarter mile from the property in question. When we bought our house in 2011, the one-acre property had been vacant and neglected for three years; we renovated the house and grounds with our own hands and when the work was completed we took great pleasure in exploring our new neighborhood by hiking and cycling the local streets, and kayaking the beautiful waterways. We were so impressed by the diversity of the wildlife we made an offer to buy an additional three acres of vacant land north of us in order to protect the habitat of the creatures we admire almost every day in our back yard. I'm opposed to changing the zoning of this area because the precedent will be set for other subdivisions. I have no problem with the buying and selling of land for profit, but I do feel once the door is opened, there will be no end to adherence about this issue. On my side of Fleming Grant Road there is a serious concern about stormwater flooding. In October 2017 the waters rose beyond my house well beyond the area indicated on the Federal Emergency Management Agency flood zone, and for almost a year we feared the level would reach our backdoor. The culverts on Fleming Grant Road are not maintained properly and are not diverting the stormwater to the Mockingbird Lane water retention

pond as intended. The residential property east of the 20 acres had major flooding in 2017 as well. Fleming Grant Road will soon be impacted with the I-95 exit feeding into the Emerald Lakes development and proposed Micco Park Village, and even possibly the widening of Micco Road to accommodate the new traffic. The old Florida feel that attracts visitors and brings joy to our neighbors is in delicate condition. Increased density will erode what is magical about Fleming Grant Road. Once old Florida is gone there will be no getting it back. I urge you not to consider this amendment.

Robert McIntyre – My name is Robert McIntyre and we moved here in 1997, and my lot is not as fortunate as everybody else, my lot is 1 1/3 acre, but it's still larger than one acre, directly across the street from this 20-acre parcel. I moved here to get away from smaller lot sizes to get into a better area to keep my property at a better value. The property in question has always been zoned, to my knowledge, as 1:2.5 acres. I'm not up on the way the zoning board classifies these; I've seen RU-1, which I assume is one acre; RU-1:2.5, which I assume is one unit on 2.5 acres; and RU-1-13, which would allow 4 homes on one acre, which could possibly go as far as 80 homes in that neighborhood with one driveway going directly in the middle of the property, I just happen to be the unfortunate person that's going to be across the street from that driveway. So, all those people, if they put a road in there, their headlights are going to be beamed right in my front window, and my neighbor next door. We would be impacted worse than anybody else as far as the traffic. Currently, 1:2.5 acres would allow 8 homes to go in the neighborhood, and 8 homes will be 16 cars, at two per family, and that means I'll have 16 cars directly in my window every day. If it goes to 20 homes, that's going to be 40 cars that are going to be coming right into my front window every day. Personally, I am totally opposed to this, not just for that reason, but also as everybody else has stated, there are water conditions there. In the last bad storm that we had, it rained for five or six days straight and the water in front of my house was 8 inches deep on top of Fleming Grant Road, flowing directly into the 20-acre parcel. The 20-acre parcel consists of sugar sand, and that's really porous and drains fast, but it drains down into the aquifer. So, if you put 20 more, or 40 more, septic tanks, all that runoff is going to go into the river sooner or later because it's porous. Also, on the 20 acres there are 40 wild turkeys nesting there today; they come into my yard, and they're always strutting around every day, so if they keep this at 8 units per the 20 acres, they probably wouldn't tear down all the trees that those turkeys are nesting in, but if they go to the 20, they will bulldoze the whole thing and it will all be gone. There's also Bobcats, foxes, and a panther that was trapped by Florida Fish and Wildlife, and he was in our neighborhood for over two weeks. That will all be gone. The Gopher Turtles will all be gone, the turkeys, and like the other gentleman said there's been deer out there. I had wild pigs digging in my backyard just yesterday, but I don't mind that because I'm there for that reason. There's probably Scrub Jays across the street because it's a scrub area. For these reasons, and more important reasons, I hope you vote to stop this plan. The last reason is, I pulled up the address of the person that's bought the property and wants to develop it, and he lives up off of Lake Washington on 2.7 acres, and his neighborhood is also zoned 1 1/4 acre per unit. Why would you go against something that's already been ruled on and demote our neighborhood for somebody that already has everything that we want, he wants to take it away from us. It's just not fair.

Bruce Moia – I didn't get a chance to see the handouts that were provided. You've seen the aerials and the maps and it's obvious that there are a myriad of lots on that side of the road that are less than a half-acre, so this is not inconsistent one bit. There is a lot of lots not only under one acre, but are under a half-acre, so I think that throws the compatibility issue out the window. It would be more compatible to make these lots smaller because that's what most of the lots on this side of the road are, there are a few larger lots, but for a big part of it they are smaller lots. I also find it a little disingenuous for the people to come up here and talk about stormwater, because I would bet that

none of them have a stormwater pond on their property; they would have to build an up-to-date current stormwater facility that would that all water from this property stayed on this property and was treated properly and not discharged directly into the river as has been done out there. There was a developer there that basically flipped the lots and let the water drain directly into the river with no treatment whatsoever. That wouldn't happen here; we would have the current standards that would apply and we would have a state-of-the-art stormwater system on the property. I know that there's flooding in this area. We did an area study for a subdivision we were proposing that is a little bit north of this property, where we studied everything on Fleming Grant Road from the railroad tracks to the west side of Fleming Grant Road, and from the south side of Fleming Grant Road all the way up to Micco Road. It is historical, as it drains in several areas and it has a pretty good issue mostly around the bend up on Fleming Grant Road, and the County is very aware of it. We would be on the south side of that road, so we won't be contributing to upstream floods; all our water will be kept on our property and discharged to the river, so unless the river backed up onto the property, we wouldn't be adding to the drainage problem that was spoken of by some of the residents. I think the precedent has already been set out there by the different lot sizes, and we're trying to be more consistent with the zoning, so I don't see that we're setting a precedent, we're actually trying to be compatible. I think this board has approved many land use changes to make it compatible with the zoning, so I don't think that precedent is being set here. I want to let the last person who spoke that we are not asking for four units to the acre. We will be complying with the State requirements for whatever protected species that are on the property, and it didn't keep some of them from clearing their property 100% when they had those types of vegetations on their property, and we will be preserving whatever we have to preserve to meet the State requirements and Federal requirements for any protected species. And there are no Scrub Jays on the property, it's not within the Scrub Jay polygon, and it is in your report. I think it's a reasonable request, I think it's compatible with the area, and so unless you have any more questions, we really hope that you can approve our request.

Rochelle Lawandales – Based on my reading of the staff report, and I did some research on my own and pulled up the plats, and I've listened to everyone, and I've listened to you, and I know that you're a top-notch engineer and you're going to engineer it to the highest quality standards, but I think 20 is too much, and I think it exceeds the carrying capacity of this land in this area. I think 20 units out here is too many; I think by the time you take off 5 acres, which is the rule of thumb, 25% for stormwater and roads, and all the other things you have to do under the codes, you've got four acres of wetlands, so that's 9 acres, and if you take that off the top and you subtract the 9 acres from the 20, my math says 11; it's more than 8, but it's less than 20. Maybe you could come up with a plan that could be addressed with the neighbors and your client so that it's something that could work where you create some buffers, you leave some of the riverine areas – I know that's the most valuable – but you leave that alone because that's where most of the wetlands are. In terms of creating a land use amendment, maybe there's a way to identify some site specific conditions that would be attached to this amendment, which would limit the number of homes, restrict some of the areas that you could put development into, and maybe address how you would deal with drainage, or maybe some upgrades to drainage, and things of that nature. I'm just throwing that out there to see if that's something that you might consider, and that the board might consider, and the public might consider, as we deal with this particular issue.

Mark Wadsworth – Someone said there's wetlands here, but to get the plans approved you would have to go through Natural Resources, you'd have to go through all the agencies. So, our big thing is the zoning.

Bruce Moia – Land use.

Mark Wadsworth – Everything across the street is Residential 1. So, Rochelle, it kind of hits on what you were saying, you have to retain everything on that property, retention areas, et cetera.

Bruce Moia – That's one of the reasons for the request. Rochelle hit on it a little bit, but we might not get 20 units. The County has a restriction on how much of the wetlands we can impact, which is 1.8%, so it's not a lot, not that we were planning to impact any, but we can only impact up to .4% of what might be 6 acres of wetlands. The zoning gives us the flexibility, the land use change would give us the flexibility, and if we only wind up with....once we have the drainage and the roads, maybe we only get 16 lots, but that's going to come out in the wash when we go through the site plan review process at the County and I'm sure they're going to hit us with all the requirements to make sure we meet everything. We just want the compatibility and flexibility so that we can make something work within the confines of the Code, similar to what they have across the street and similar to what has been done in the area, except we're going to bring ours into current standards, as opposed to what happened back in the 1960's, 1970's, and 1980's. You're right, we might not get 20 lots, it might not be possible.

Mark Wadsworth – Depending on what happens there you might not get 10 lots, you just don't know. I would make a motion to approve.

Motion failed for lack of a second.

Rochelle Lawandales – Would you at least be willing to limit the size of the lots to no less than one acre?

Bruce Moia – No, that would take away all the flexibility. The requirement is a minimum of a half-acre to make well and septic work, and that's very compatible with what is out there now. To limit it, knowing we have the wetland and floodplain issue, that would really restrict the ability to develop this property.

Henry Minneboo – Erin, it looks like it has the potential for two lots on the Sebastian River, they can't get a septic tank under the septic tank requirements on a one-acre lot, can they? One of the new septic tanks on a one-acre lot.

Erin Sterk – I don't think it's the lot size that dictates the high-end septic, it's just the proximity to the Lagoon, so they'll be tripped no matter how many they get within that zone to meeting that requirement for those.

Bruce Moia – We would be open to making that a requirement in the binding development plan that all lots in the subdivision have to have the upgraded septic tanks. And that's regardless of the setbacks. Every lot on the property that is developed would have to have the updated septic system, and we'd be willing to propose that.

Erin Sterk – Just to clarify the authority that this board has today, we don't have the ability to condition the Future Land Use designation change; there's not a tool that the County uses to do that, so any of those compromises associated with the rezoning request would come when that request is heard later, if this makes it through transmittal and be approved to be transmitted to the State. It will come back for adoption, and then any conditions that apply to the development would be associated with

the zoning and the binding development plan. We really need to make a choice here on just the land use designation alone, but with the understanding that you'll have an opportunity to hear this again, we can put some of those commitments spoken about by the developer in the report that goes to the State as an FYI, and many times we do that, but those don't actually apply until the zoning action.

Rochelle Lawandales – We often put site specific conditions on large scale amendments. The County has not done that before?

Erin Sterk – We don't have a tool to do that, we can't condition the Future Land Use Map.

Henry Minneboo – It's really not compatible, we think, because it's going to be State driven.

Erin Sterk – We usually couple those with a zoning action and the zoning action limits the development in a certain way that makes it more compatible, but those are conditions of the zoning action.

Mark Wadsworth – How can I amend my motion to reflect the upgraded septic systems, to go to the next level?

Erin Sterk – You really can't. You can reference in your motion that you have an understanding that a future zoning condition would regulate that, but it's really just kind of like a note. That's the hard thing in the future when we look at it.

Mark Wadsworth – I'll change my motion to still approve, but to reflect the upgraded system on the property if this does go through.

Erin Sterk – And with that motion worded that way, we can convey to the State that that's the intent, so when we report on the sewer and the septic we can amend the staff comments so that they'll have the ability to see that.

Mark Wadsworth – I'll make that as a motion.

Motion failed for lack of a second.

Peter Filiberto – The water runoff that they're concerned about, the improvements you're making on this parcel, if this should pass, would also help their problems with the runoff?

Bruce Moia – Yes, any water that comes from upstream onto this property will have to be routed appropriately, and we'll work with the engineering staff through the County. It would be routed directly to the Sebastian River, which we are going to be doing. We don't design culverts as part of this thing, the County does. The requirements for street drainage is not to carry a 100-year storm, and whether you like it or not, the County Code requires that roadside culverts were only designed to handle the 10-year storm. We've had multiple storm events that exceeded that, and the road system is not designed to handle it. If that situation is an issue when it's not designed properly, that's an issue for Public Works, it's not an issue for us. We won't be contributing to that problem by any means, we won't be exacerbating it, but if there's an issue with the County, it's a County road, it's a County drainage system, and if the County says there's not a problem, I can't change what the County says. All I know is that any water that is routed to this property will have to be properly routed to the river, and anything we generate will be treated in a stormwater system designed to today's standards, not

only through the County, but also the St. Johns River Water Management District, to meet all of those requirements, so anything that gets discharged to the river from our property will be properly treated for nitrogen and phosphorous before it goes to the river. It won't be directly routed to the river, as is being currently done.

Rochelle Lawandales – I think that's a true statement. Today's standards for managing and treating, pre and post-development, is much higher than anything that was done in the past. From that standpoint, I think that today's developments are a lot better than older developments, but I still want to hear you say there will be a limited number on the homes. I want to hear you say you'll reserve those wetlands.

Bruce Moia – Between 12 and 20, that's 16, if you want us to limit it to 16 we can do that, which is over an above the one unit per acre, but I think we can live with that.

Rochelle Lawandales – But you're not willing to limit it to one-acre lots?

Bruce Moia – No, that would make it difficult and it would be incompatible with what's existing, to be honest with you.

Rochelle Lawandales – I did my own little study and if you look at Mockingbird Lane or River Drive, or Oak Trail, there are quite a few one-acre or 1.07-acre, or 1.43-lots, but there are a lot of .7-acre, and .76-acre lots, and there are some half-acre lots. It's the half-acre lots that concern me.

Bruce Moia – There are some that are 200 feet by 200 feet that are less than a half-acre; there's a multitude of those. I'm not saying that's what we're proposing, we want one unit to the acre as the requirement, but if we have to make the minimum a half-acre to get the well and septic, the bigger we make the lots, the less area we can preserve. Where is the tradeoff? Would you rather have us preserve more of the natural vegetation and existing features, or would you rather have us create bigger lots? I don't know that that's a fair tradeoff. We can do this at zoning. Just to remind you, this is just to transmit to the State, this doesn't approve anything, this is not an approval, this is just allowing this item to be transmitted to the State for the State to come back and say they have a problem with something, or that they have no problem at all, and then it comes back for adoption and zoning.

Rochelle Lawandales – But this sets the table.

Bruce Moia – The issues are going to be at the zoning meeting, when we're going to be going through the binding development plan and we can talk about lot size, we can talk about open space preservation, we can talk about those kinds of issues.

Henry Minneboo – We could see this twice more.

Bruce Moia – That's where we will really get into the nitty gritty, is in the zoning meeting, where we can talk about the binding development plan and minimum lot size, minimum preservation, or limited impacts.

Ron Bartcher – We had one motion that didn't get a second. I'll move that we deny the request.

Motion failed for lack of a second.

Rochelle Lawandales – For me, the only way that I could support an amendment to the Future Land Use Map to change it to Residential 1 is if there are some expressions from the applicant on some restrictions, and I need those clearly identified into the record, and I would support a motion to approve it, even though the County doesn't do site specific conditions, we do them all over, so it would be an expression of a gentleman's commitment on your part to show us and the community what you're willing to do.

Mark Wadsworth – Mr. Moia, I think it would be advantageous if we went back over exactly what we're voting on.

Bruce Moia – From my understanding, today's meeting is strictly for Future Land Use, because this has to get transmitted to the State along with all the other ones that are done for the June transmittal, and it would just be allowing the item to go to the State. You're not approving anything, it's just allowing the staff to put it in their package for the State's submittal of the Future Land Use amendments. When it comes back to you, you can deny it.

Dane Theodore – Let me give this a try. As the School Board representative, it's my obligation to look at the analysis on the school side of these things. The zone here is Sunrise Elementary, and at 20 units you'll generate about six students, and in three years Sunrise is going to be overcrowded by 48, and they'll send them to one of the other schools. I was looking at the analysis at West Side, and there are 258 approved future units in the West Side development, so it only has six students, so we'll send your six to West Side, along with other future developments. It's going to be crowded down there, but six isn't an enormous number. That's my statement, and as the School Board representative you've met the requirements for the school analysis. Relative to your land use change, I am going to make a motion that we approve this application for a large scale comp plan because I believe that however they got there prior to the amendments coming in, one per acre is fairly consistent with that side of the road down there along the river. Everything I'm seeing here, I think as a comp plan it's not going to be the same as the Residential 1:2.5 they're currently under, but the concept would be closer to the existing units along the river. For that reason, I'm going to make a motion that we approve this application with the understanding that when you come back I am a firmly beside Rochelle that any vote that I'm going to approve in the future, in the zoning and the binding development plan, is going to be somewhere in the 12 unit range. I think that is consistent with what your neighbors want to do and what we are comfortable with, at least two of us. On that basis, I'm going to make a motion to approve the application as it is proposed.

Rochelle Lawandales – I'll second it because it is only for transmittal.

Henry Minneboo called for a vote on the motion as stated, and it passed 5:1, with Bartcher voting nay.

An Ordinance amending Fish Camps and recreational vehicle use at fish camps:

Rebecca Ragain – Item 4 is a proposed ordinance to increase the number of allowed RV's (Recreational Vehicles) and extend the time limit for them. This request is the result of meetings with Honest Johns Fish Camp, where the 72-hour time limit for RV stays at the fish camp was identified as a problem. The proposed ordinance would more closely align the fish camp requirements with the 180-day maximum stay allowed for recreational vehicle parks. The revision would also ensure that fish camps are consistent with the Future Land Use. Currently, the four main fish camps in Brevard County are non-conforming due to the requirements that the fish camps are to be located in

Agricultural Residential, Residential 1:2.5, or Residential 1, on the Future Land Use Map, so by allowing the fish camps to be located in Community Commercial or Neighborhood Commercial, the non-conforming status is removed and the fish camps would be allowed to expand if they meet the other criteria. The Building Construction Advisory Committee approved the item on February 13th, providing that staff present additional information to the Local Planning Agency regarding the dump station and septic requirements. We have Christie McNamara from the Department of Environmental Health, and a representative from the Natural Resources Department here to address the septic tank requirement, and we can have them speak to that now, or you can ask questions regarding that.

Henry Minneboo – I'm going to ask for the septic tank expert. How does this affect all the existing fish camps? Is anybody going to be negatively impacted as it applies to your septic tank requirements, eventually, for those fish camps that are existing today?

Christie McNamara – If they choose to upgrade their camp, whether that be with RV (Recreational Vehicle) sites, adding a restaurant, or whatever it is they want to do, they'll have to comply with septic rules, and that means what they have in the ground now is not sufficient, then it will have to be upgraded also.

Henry Minneboo – Unless they never change it.

Christie McNamara – Or unless somebody complains, if we have to go out when there's a complaint on the property. If there's sewage on the ground because of a failing septic, they may have to repair a septic. It depends on the situation.

Henry Minneboo – Many of them have been around a long time, and now all of a sudden we're going to tell them that to continue to conduct business....

Rebecca Ragain – We're not saying that to continue doing what they've been doing, that that would necessarily require an upgrade, what we're saying is if they want to expand and have the additional RV's that they don't currently have, they would have to come through with a site plan or something like that, a building permit, which would also require the Department of Health to review that, and as part of that expansion they would definitely have to show that they meet the requirements.

Ron Bartcher – Do septic tanks have to be a certain distance apart from each other?

Christie McNamara – Yes.

Ron Bartcher – Is that in the State regulations?

Christie McNamara – Yes. When installed in a bed configuration they have to be 10 feet apart; if they're installed in trenches, they do not have that requirement. Trenches are the preferred method, but it's the choice of the applicant.

Ron Bartcher – That means the edge of the drainfield of one has to be at least 10 feet from the other one?

Christie McNamara – Yes.

Henry Minneboo – I think each has to stand alone, too. If you get three septic tanks those will all have to have their own drainfield.

Christie McNamara – If you have RV's and each RV is going to have their own septic system, then yes, they'd each have their own tank and drainfield, each site. But they could also do one, if we're talking about expanding and RV park, they could have one system for multiple units.

Rochelle Lawandales – Where it says for the fish camps that all units, recreational vehicles, cabins, and park trailers, shall be connected to electricity, water, and to sewer, that could be an onsite sewage system, correct? Or are you talking about a public facility?

Christie McNamara – It's either, depending on what's available. If sewer is available you can't have septic.

Rochelle Lawandales – So, the onsite sewage treatment plant would be a master system that would be for everybody within that fish camp?

Christie McNamara – If they chose to do that. They could either choose to do smaller systems for a couple of sites, or they could choose to do one system for 20 sites. It depends on what they're doing. That's their choice.

Rochelle Lawandales – Does the distance requirement that you were talking about, is that the same for the new upgraded systems?

Christie McNamara – Yes, that's for every system.

Rebecca Ragain – We don't know what all of the fish camps have right now, but if they have more than five RV's on their site they are required to get a license through the Department of Health, so there may be some that currently have more.

Christie McNamara – We regulate mobile home parks and RV parks and camps, and it's five or more sites.

Henry Minneboo – Does this go beyond fish camps?

Christie McNamara – This doesn't but our own rule does.

Henry Minneboo – Like the, KOA campground in Titusville, they may be confronted with this issue?

Rebecca Ragain – They would not be affected by this ordinance.

Henry Minneboo – No, because it's not a fish camp.

Rochelle Lawandales – But it does talk about flea markets, so it is more expansive than fish camps, at least in Section 2, for recreational vehicles, and it limits them.

Rebecca Ragain – It's limited to 30 vehicles at a flea market.

Rochelle Lawandales – But it's increasing from 30 to 60 at the fish camps.

Rebecca Ragain – Correct.

Rebecca Ragain – Since you've added a qualifier of 200 feet from adjacent residentially developed lots, do you want to add that qualifier to the last part of that sentence, 400 feet from adjacent residential developed lots, for the restaurants?

Rebecca Ragain – The idea behind that was if the fish camps have a residence on the fish camp, and they have something that's ancillary to a residence, normally then we would use the setback that's normally allowed in that zoning classification for a residence and not have an increased setback for the residence. The increased setback would only be for the fish camp structures.

Rochelle Lawandales – My question is about the word 'adjacent' in Section (1)(3), you've added that these ancillary structures shall be 200 feet from adjacent residentially developed lots, except that accessory restaurants shall be setback a minimum of 400 feet from residentially developed lots; do you want it to be the same as it was before, since you're adding 'adjacent' to the 200 feet, do you want the word 'adjacent' in the 400 feet?

Henry Minneboo – How many fish camps will this affect?

Erin Sterk – Yes, we have four in the County. We have the one in Mims, which is not in operation right now.

Rebecca Ragain – Rochelle, yes, we can add the word 'adjacent'.

Dane Theodore – I don't have any objections, per se, to this, but what problem does this solve? What is the issue?

Kim Rezanka – I'm the one who prompted this for my client, Honest Johns Fish Camp. My name is Kim Rezanka, I'm with the law firm of Cantwell and Goldman in Cocoa Village. Honest Johns wanted to expand to have more than 30 spots; 30 was always allowed at fish camps or flea markets. Flea markets are not being impacted at all, and this is really to address the issues with fish camps. My client had done a request for an interpretation, and we got that interpretation back from Tad Calkins that we didn't agree with, so we were appealing it to the County Commission when it came up that we can fix this ordinance because there are some non-conforming issues anyway, and we can make it so that it increases the septic standards, which there really haven't been any septic or sewer, and it fixes some other things. So, it was prompted because there are some inconsistencies in the ordinance and because Honest Johns Fish Camp is very large and she wanted to be able to have more than 30 spots for RV's and wanted them to be able to hook up to sewer, septic, and electric, which wasn't in the Code before.

Henry Minneboo – I was concerned about Camp Holly and Lone Cabbage, and both of them, I don't think they can put another trailer in there.

Kim Rezanka – And that's exactly why this has come about, to fix a problem with an interpretation we saw it and to fix the Code to make it more consistent, especially the non-conformities. It's not going to adversely impact any existing flea market or fish camp, it's just to clean up some of the language and allow expansion.

Bruce Moia – I'm representing myself and I have one question, because my one concern is if we're allowing these fish camps to expand their number of RV's, I want to know that there's a requirement that if that pump dump station is hooked to septic, which most of them are because there's no sewer in the area, that that would require the septic system to come up to current standards. I don't want to exacerbate a problem that might already be happening that's going to be right next to the river. If there's a dump station and you're going to go from five to 60 and start having 60 RV's dump their sewer and this is just hooked up to an old septic system 10 feet from the riverbank, I want to make sure that this ordinance is going to require them, if they're going to expand, that their dump station gets improved as well, to meet current standards. That's my only concern.

Henry Minneboo – You're saying they need to be enlarged to the number that's there.

Bruce Moia – If they have to enlarge it, they have to meet it, but I don't know if by expanding the park if they have to change their dump station at all, or enlarge it at all.

Christie McNamara – The dump stations are subject to the size of the park, so depending on the part and the use of it, and if you're increasing your sites we're going to review everything, and if the septic tank isn't big enough it has to be increased. If the septic tank and drainfield have to be changed because of this expansion then they're going to have to meet the overlay ordinance. If they can keep their septic tank and drainfield, and just replace some or add some, then they don't have to meet the ordinance.

Henry Minneboo – Erin, did you get any comments from the two owners, one from Camp Holly and the one that owns Lone Cabbage? Do we notify them or anything?

Rebecca Ragain – I'm not aware of that?

Henry Minneboo – Shouldn't we have? One fish camp has legal representation, but the other two, I don't know.

Erin Sterk – They've never come to us with a concern about that, but it is noted in here that a lot of those other sites have a zoning classification that's inconsistent with the Comprehensive Plan, so they're kind of locked in by not being able to expand, even for things other than these additional RV sites, so even outside of RV's this would be a benefit to those properties, but none of them have approached us seeking that outcome.

Henry Minneboo – We didn't tell them, either.

Rebecca Ragain – Darcie McGee, with Natural Resources, just reminded me that Honest Johns Fish Camp is the only one on the Indian River, and the rest are on the St. Johns River, and the overlay doesn't apply.

Henry Minneboo – That's true. It would have been nice to let them people know.

Rochelle Lawandales – I share the same concern that Bruce has, and I also share the same concern that if we're expanding from 30 to 60 and from 72 days to 180 days, that this could create some real drainage problems. I want to know what the process will be when they come in to make this expansion, are they going to have to go through site plan approval and permitting approval to upgrade their drainage systems. If we're making them hook into water, sewer, and electricity, I want

to see the drainage improved as well. I think the return on the investment of 180 days and the expanded spots would warrant an upgrade to the drainage.

Kim Rezanka – All of the Florida Administrative Codes and Statutes require site plans and permitting, and fees and everything else. The things cited in the ordinance do required permitting.

Henry Minneboo – In your opinion, the only one affected is Honest Johns, and the rest of them are okay.

Kim Rezanka – They are okay, but if they want to expand they will be able to, so it's not going to negatively impact any others. It's just going to clear up inconsistencies and allow for an expansion.

Rebecca Ragain – Back to the word 'adjacent', after further discussion, there was a reason that word was not in the 400 feet, and it is because if there is a residence that's within 400 feet, but maybe their property line is not adjacent, then we don't want the restaurants to impact them. They might be closer than 400 feet, but still not be adjacent.

Rochelle Lawandales – I'll make a motion to approve.

Dane Theodore – I'll second.

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

Adjournment:

Upon consensus of the board, the meeting adjourned at 5:04 p.m.



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way

Suite A-114

Viera, FL 32940

Phone: (321)633-2070

March 7, 2019

Mr. Ray Eubanks
Plan Processing Administrator Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Transmittal package for the 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment. There is one private application for amendment being considered for Transmittal: 2019-1.1 submitted by Douglas Robertson, more fully described in the attached staff comments for 18PZ00166.

The Local Planning Agency held a public hearing regarding the Transmittal of the 2019-1.1 Comprehensive Plan Amendment on February 25, 2019. The Brevard County Board of County Commissioners approved the Transmittal of the 2019-1.1 Comprehensive Plan Amendment package during a public hearing on March 7, 2019.

Copies of the proposed amendment Transmittal package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Air Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA under the expedited state review process.

The proposed amendment package is anticipated to be adopted by Brevard County on May 30, 2019.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2019-1 Plan Amendment package is:

Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 633-2070 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today 1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl Campbell at the above address.

Sincerely,

Kristine Isnardi, Chair

cc:

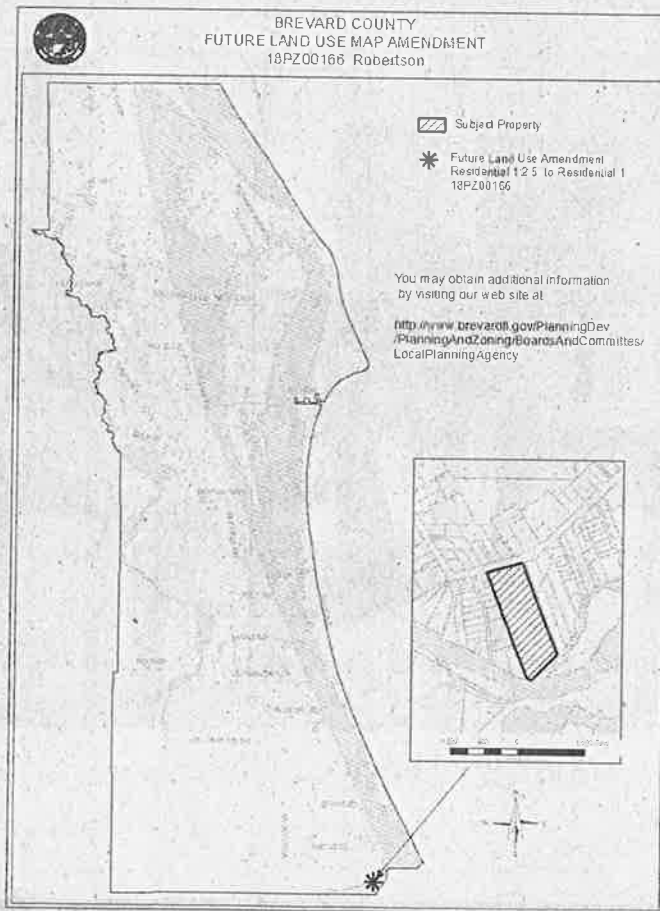
Brevard County Board of County Commissioners
Frank Abbate, County Manager
Eden Bentley, County Attorney
Tad Calkins, Director, Planning and Development Department
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission Florida Division of Agriculture and
Consumer Services Florida Department of Education
Patrick Air Force Base Military Installation

PUBLIC HEARING NOTICE

The Brevard County Board of County Commissioners will consider an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of the Plan Amendment Cycle 2019-1.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

At a public hearing on Thursday, March 7, 2019, at 5:00 p.m., the Brevard County Board of County Commissioners will consider the transmittal of the 2019-1.1 Comprehensive Plan Amendments. This meeting will be held in the Commission Room, First Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Said Plan Amendment 2019-1.1 consists of the following proposal:

a. Plan Amendment 2019-1.1 – a proposal initiated by Doug and Cindy Robertson, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 on 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane.



All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than five (5) days prior to the meeting at 321-633-2069 for assistance. Planning & Development Department – Tad Calkins, Director.

Objection
18PZ00166
Robertson

From: [Robert McIntyre](#)
To: [Jones, Jennifer](#)
Subject: Re: Public Comment for 18PZ00166
Date: Thursday, February 14, 2019 8:01:19 PM

Dear Jennifer

The neighborhood is predominantly 1 unit per 1.3 to 2 acres. Some houses were built earlier on smaller property. There are also 40 to sixty turkeys on the land gopher turtles bob cats foxes there have been panthers too. They were tracked by FWC. This property is also on the Sebastian River and the septic tanks would increase pollution. The access to the property would add 40 to 80 cars in the neighborhood most would have headlights directly into my windows. The current 1 unit per 2.5 acres would allow 8 dwellings on the property. The applicant is comparing this property to some older improvements that have 2 units per acre that would allow 40 dwellings on the property. This would have a terrible impact on the value of the other neighbors property just for the profit of one that will leave after the area is ruined. I believe this should remain as is no more than 1 unit per 2 .5 acres.

Sent from my iPhone

On Feb 14, 2019, at 7:36 PM, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mr. McIntyre,

After the close of business today it came to my attention that there is a typo in the courtesy notices you and your neighbors received.

The last line in the second paragraph should read: This amendment will allow for residential development with a maximum density of **1 unit per acre.**

The amendment will not allow for a maximum density of 4 units per acre.

Tomorrow morning I will mail out corrected notices with the correct density. I will also email you the corrected notice. If your neighbors would like to email me, I would be happy to email them corrected notices also, so that they will receive it earlier than the post office can deliver the paper copies.

I sincerely apologize for any confusion and frustration this oversight has caused.

Jennifer Jones
Special Projects Coordinator II
Brevard County

Planning and Development Department

From: Sterk, Erin
Sent: Thursday, February 14, 2019 6:43 PM
To: Jones, Jennifer; rdmcintyre@comcast.net
Subject: Public Comment for 18PZ00166

Jennifer,

I spoke with Mr. Robert McIntyre today via phone who expressed concerns about the proposed Comprehensive Plan Amendment (18PZ00166) in the south end of the County. He lives across Fleming Grant Road from the property in question. He expressed concerns about the proposed density, the number of trips generated by potential development, the location of a roadway in the future to serve that development, gopher tortoises and turkeys living on the property currently, and septic impact on the Lagoon.

I explained the proposal to him and, by copy of this email, I am sending him the Staff Comments, which include the comments from the Natural Resources Management Department, so that he can review staff's evaluation of the application.

He may follow up in the future with additional feedback after he has reviewed the comments and contacted Natural Resource Management's staff regarding his concerns.

Please add this to the record as public comment, documenting his concerns.

Thank you,

Erin Sterk

Planning & Zoning Manager
Brevard County
(321) 633-2070 ext. 52640

Objection
18PZ00166
Robertson

From: [Campbell, Cheryl](#)
To: [Georgia Combs](#)
Cc: [Jones, Jennifer](#)
Subject: RE: Rezoning on Fleming Grant Rd.
Date: Friday, February 15, 2019 3:32:38 PM

Dear Mr. and Mrs. Combs:

As currently Zoned with Single-Family Residential (RU-1-13), the applicant could conceivably develop the property up to 13 dwelling units per acre. The property had this zoning designation prior to Brevard County's Adoption of the Comprehensive Plan in 1988. The applicant is reducing the number of dwelling units from 13 potential units per acre to 1 potential dwelling unit per acre. The request for the Future Land Use designation is to become consistent with RES 1 Future Land Use designation that was created "after" the existing zoning was in place. By the applicant seeking a Future Land Use designation of RES 1 with a Binding Development Plan of 1 dwelling unit per acre, the applicant making the Zoning consistent with the Future Land Use designation by reducing the amount of potential dwelling units per acre by 12 dwelling units per acre.

Sincerely,

Cheryl R. Campbell, RLA, APA

Planner III
Planning & Development
Brevard County
(321)633-2070 ext. 52660

From: Georgia Combs [<mailto:georgiacombs2@live.com>]
Sent: Friday, February 15, 2019 2:59 PM
To: Campbell, Cheryl
Cc: Linda McLain
Subject: Rezoning on Fleming Grant Rd.

We would like to address the proposed rezoning on Fleming Grant Rd, Micco. To change the present 1:2.5 residential to 1 residential..18PZ00166. When we bought our property the zoning required 1 acre on our side of the road and 2.5 on the river side. We feel those restrictions were done for a very good reason. Considering the impact on the Sebastian River and neighborhood. The area in question is habitat for the protected gopher turtles and many other animals, including wild turkeys and sand hill cranes. The addition of 4 units per acre would require the addition of up to 80 more wells and septic systems that would negatively impact this area. Since there are wetlands on the property they must also consider the impact on them from so many houses. Where would the run off go? Would they have to create a retention area? The additional traffic would also increase the danger in the area and Little Hollywood as that is a primary exit road.

Please vote to keep the zoning as it is. 1:2.5 will still allow for 8 houses to be built.

Sincerely,

William and Georgia Combs
9679 Fleming Grant Rd.

Sent from Outlook

Objection
18PZ00166
Robertson

From: Linda McLain
To: Commissioner, D3; Jones, Jennifer
Subject: 18PZ00166 Robertson 20 Acre parcel
Date: Wednesday, February 20, 2019 9:12:31 AM

Dear Commissioner Tobia and Ms. Jones

This letter is being written to express my opposition to the above petition asking for the comprehensive land use plan to be amended to allow 20 1 acre homes on this parcel of land which now only allows 1 home per 2.5 acres. I am a resident of Micco since 1961, a licensed Realtor specializing in this area since 1976 and I live right across the street from this proposed project. I am on a parcel of land approx 2.6 acres and my neighbors on both sides of me are on larger parcels.

We live in a very rural area that Brevard County often overlooks. We have no county water, no county sewer and no projection to ever receive them. We have major issues every time it rains hard with drainage. We have septic tanks that won't function in heavy rain and my most recent cost to put in a lift station system in Micco cost me \$10, 500 with a constant threat of the pump needing replacement at a cost of \$1500. I spend an average of \$36. a month for chemicals to treat my well water so that I can use it in my home. In a time when millions of dollars are being spent to clean up the lagoon and a recent cost of 3.5 million dollars to build the 2100 acre stormwater basin north of us to clean up Barefoot Bay runoff, I cannot even imagine why the county would consider increasing the density of the 20 acre parcel being petitioned.

The current comp plan was adopted in 1988 and since that time NO parcels of land between Fleming Grant Rd and the Sebastian River have been allowed to be subdivided into smaller parcels than 2.5 acres to keep them in compliance. This 20 acres fronts on the river, contains 4 acres of wetlands, gopher turtles all over it and is just too environmentally sensitive to allow it to be maximized for development. The current comp plan allows for 8 homes. That is enough for this owner who recently purchased it after a feasibility period to check this all out. I am trusting our county to reject this application. Thank you.

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274

From: Robin Carroll
To: Jones, Jennifer; Commissioner, D3
Subject: RE: 18PZ00166 Robertson 20 Acres
Date: Wednesday, February 20, 2019 12:57:10 PM

Objection
18PZ00166
Robertson

Dear Planning and Zoning Department

Subject: 18PZ00166 robertson 20 acres

My husband and I are residents and tax payers. We live in the Fleming Grant area of Micco. We live here because we like the rural setting. We do not want to allow for development that falls outside of the current zoning regulations.

This is a quality of life issue with us. We do not want an increase in density and change the flavor of our neighborhood. An increase in density will put a burden on our fragile environment.

This 20 acre property is directly on the North Fork of the Sebastian River and the land is low and has jurisdictional wetlands, has a wetland assessment been completed and how much buildable land is there?

We have some environmental concerns for the health of our lagoon with this proposed increase in density. The impact of additional well and septic systems over the current density regulations may put stress on the drawdowns of our existing wells and aquifer. Additional septic systems may harm our already ailing lagoon's health.

The drainage in this area is already stretched to the max and increasing the density will just exacerbate the problem with the current water shed. The additional traffic will impact our equine community, our wildlife and our children. The additional cars will put stress on our already inadequate roads that serve the Fleming Grant area, Little Hollywood and the Main Street areas of Micco.

The purchaser of this property may have no idea about the history of this fine neighborhood and the current quality of life it offers. The purchaser should have been aware of the current zoning regulations and the proposal to increase density is not in the interest of the current tax paying residents,

Please consider how we taxpayers and voters feel about our neighborhood, neighbors, and the quality of life we have due to this rural setting. Please do not allow the change in zoning regulations.

One final note, this increase in density will not have an effect of the general tax base of the area, as it is now we get very little for our tax dollars. Please do not increase the density for this parcel of land.
The Fleming Grant Area Neighbors

Objection
18PZ00166
Robertson

From: ROBERT MCINTYRE
To: Jones, Jennifer
Subject: RE: 18PZ00166 Robertson 20 Acres*
Date: Wednesday, February 20, 2019 12:57:38 PM

This letter is to let everyone associated with the planning and zoning meeting know that I am opposed to any land use changes to the 18PZ00166 Robertson 20 Acres.

I have been living in Micco since 1997. My house will be directly across the street from this 20 acre parcel of land. I moved here to get away from small lot sizes and to get into a better area to keep my property at a better value. The property in question has always been zoned for 1 dwelling on 2.5 acres. This would limit the dwellings to around 8.3 for the total 20 acres. If changed it would impact traffic and the amount of cars on the property could go from around 16 to 40. The traffic would exit the property and headlights would be right in my window. I know the property use was clear to the current owner at the time of his purchase. I also have pulled a copy of his address and his house is on 2.9 acres. this is at 4085 Lake Washington Rd. Why would you allow him to change our property to a more dense area when he is living on the same 1 dwelling on 2.5 acre environment. The property of concern in Micco is backed up to the Sebastian River. Increased density would cause more run off from pesticides and fertilizer into the river. Increased septic tanks will also impact the river. Indian River County on the other side of the river is adopting sewer systems for all who live on the river this needs to be addressed by Brevard County as well.

There is also Wild Turkeys nesting in the trees on the property between 40 and 60 come into my yard from there frequently . There is also a lot of Gopher turtles that are protected on the property the more dense the dwellings the more you will kill the turtles. This will also impact the traffic in Little Hollywood as all of the traffic has to go through this neighborhood to get to US 1. This could lead to 40 to 60 more vehicles on their streets as well.

Please do the right thing and leave the current zoning for the property to 1 dwelling on 2.5 acres so as to keep our neighbor as beautiful as it is today. And also as nice as the developers neighborhood is today.

Thank You Robert D. McIntyre
9645 Fleming Grant Rd. Micco Fl. 32976
772-766-2914
rdmcintyre@comcast.net

February 19, 2019

TO: Brevard County Commissioners

FROM: Donna L. Beladi

I am writing this letter in regard to the proposed rezoning being considered on the 20 acres on Fleming Grant in Brevard County. The first house due West of that tract, on Mockingbird Lane, along the waterfront belongs to my mother's estate, of which I am a trustee; and the house next to that along the riverfront is owned by my husband and me. Both homes are within 500 feet of this tract of land.

I find this development plan to be most unfortunate. This plan will allow the developer to put four homes right up against the waterfront. This is totally out of character with the rest of the waterfront area long the north fork of the Sebastian. River. Today it is mostly a natural shoreline, with a few homes set back from the river. So as the public comes by that pristine area for fishing and boating, there will be these homes jammed in along the shore. Much of this property near the water is extremely marshy, with erosion and sinkhole areas along the shoreline a constant problem.

I don't know how the developer plans to deal with the issue of access to the riverfront for people in this new development, as has been an issue on Mockingbird Lane. I am not against any development of the area, but want to see larger lot sizes so as not to bring additional problems. Another 20 homes will bring 40 cars on average to an area that already backs up when trains are coming through, and trains are going to be increasing in frequency. Fleming Grant is a single lane road where cars have to go into oncoming traffic to go around garbage trucks, mail trucks or any city workers trimming trees, because there are no berms along the roadside.

I am hoping Brevard County will make a wise decision and plan for our neighborhoods to be designed in a way that does not create problems for the future. Please keep the current development plan in place which allows for a 1:2.5 ratio for new homes. This decision would support the people in this neighborhood and not the single developer looking to pack the area with homes, regardless of impact to the environment.

Sincerely,

Donna L. Beladi
Trustee for 9691 Mockingbird Lane
Owner of 9695 Mockingbird Lane

Objection
18PZ00166
Robertson

From: Sherry
To: Jones, Jennifer
Subject: Rezoning parcel on Fleming Grant Road, Micco
Date: Thursday, February 21, 2019 8:46:34 AM

Brevard County Commissioners:

This letter is in response to the possible rezoning of a 20-acre parcel on Fleming Grant Road in Micco. The property in question is along the Saint Sebastian River. This area is currently zoned for 1 residential home per 2-1/2 acres. To allow any more than that would create a huge impact on the environment, the river, the neighborhood, the roads. This is a rural area and the reason why many of us purchased here.

The impact that the increased traffic on the roads in the area would create and the increased septic tanks and wells on the river, would be tremendous if it were to be rezoned for more than that.

This parcel of land has several acres of wetlands and is home to MANY of the endangered gopher tortoise along with numerous other wildlife, to include turkeys, sand hill cranes.

We ask that you not rezone this parcel, but leave it at the 1 to 2-1/2 as it is now.

Respectfully,

Larry L. Craig
Sherry L. Craig
9670 Fleming Grant Road



This email has been checked for viruses by Avast antivirus software.
www.avast.com

2-17-19

Objection
18PZ00166
Robertson

To Whom is concerned, from someone who is

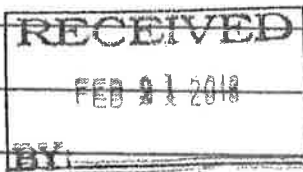
I recently recieved a letter to inform me of a request to change the zoning on the property directly across the street where I live. When I purchased my property, I was informed on the north side of Heming Grant Road, zoning was 1 (one) house on a minimum of 1 (one) acre. On the other side of the street south side was 1 house on a minimum of 2 acres.

I purchased my property and built my house in 1992, to be in an area that had wildlife, houses not on top of each other, in the country not in the city or a development.

The property in question backs up to the Sebastian River. Environment concerns wildlife septic runoff and fertilizer runoff also the traffic increase on roads that cannot handle anymore. Are major concerns to consider.

When the present owners purchased, they were aware of the zoning regulation at that time

I feel it should be left the way it is 1 (one) house per 2 1/2 acres. Therefore I am definitely opposed to any changes. Hopefully our concerns will be heard



Brenda Washer

9659 Heming Grant Rd

micco, Fl. 32976

Brevard Co Commissioners

He would like to address the pending re-zoning of property on Fleming Grant Rd. To change the residential 1:2.5 to residential 1 - 18PZ00166.

When we bought our property we were allowed 1 house per acre on our side of the road and across the road the minimum was 1 house per 2.5 acres. We feel that was made for very good reasons. Considering the impact on the Sebastian River and neighborhood. That area is a refuge for lots of wildlife - endangered gopher turtles, and many turkeys, sand hill cranes, and other animals. The addition of 4 units per acre would require the addition of up to 80 wells & septic systems - way too many for the area. Since there are wetlands on the property they need to consider alternative drainage systems to avoid them. The additional traffic in the area also needs to be addressed.

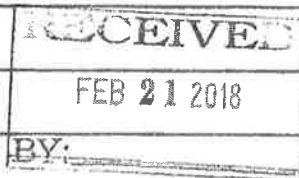
Please vote to keep the current zoning of 1:2.5 acres. That is plenty for this 20 acre parcel of land.

Sincerely

William C Combs

Georgia K. Combs

9679 Fleming Grant Rd.



Objection
18PZ00166
Robertson

From: Bill Craig
To: Jones, Jennifer
Subject: 18PZ300166
Date: Friday, February 22, 2019 11:44:30 AM

WILLIAM , ELIZABETH CRAIG

9600 MOCKINGBIRD LANE

MICCO, FL 32976

ATTN: JENNIFER JONES

DEAR JENNIFER

THIS IS IN REGARDS TO THE ABOVE LAND DEVELOPMENT.

WE MOVED UP FROM FT LAUDERDALE OVER 30 YEARS AGO, HAD TO GET AWAY FROM TRAFFIC, ETC, WE WERE LUCKY ENOUGH TO SETTLE IN OUR WEE TOWN OF MICCO.

I CAN SIT ON MY DECK AND WATCH ALL THE WILD TURKEY'S IN OUR YARD, ALSO THE CRANES, A LITTLE BIT FURTHER EAST WE HAVE SOME BEAUTIFUL PEACOCKS.AN ODD BOBCAT WHEN I AM CUTTING THE GRASS.

WE DO NOT WANT TO LOSE ALL OF THIS , ALSO FLEMING GRANT ROAD IS ONLY TWO WAY ROAD, HATE TO THINK WHAT THIS DEVELOPMENT WILL DO TO TRAFFIC

WE HAVE TWO WAY'S OUT OF THIS DEVELOPMENT WHICH MEANS CROSSING RAIL ROAD TRACKS, I HAVE BEEN STUCK THERE FOR FORTY FIVE MINS WHEN A FREIGHT TRAIN STALLED ON TRACKS, DID A U-TURN TO MICCO ROAD BUT WAS STUCK THERE ALSO

I HOPE YOU CONSIDER THIS DEVELOPMENT VERY CAREFULLY AS I HATE TO SEE A CHANGE TO OUR GREAT NEIGHBOR HOOD.

WE LOVE OUR WEE TOWN OF MICCO, I AM 79 , MY HUSBAND 83 SO WE ARE TO OLD TO MOVE,

THANK YOU FOR ALL YOUR HELP WITH THIS MATTER.

SINCERELY

WILLIAM, ELIZABETH CRAIG

Objection
19PZ00004
Robertson

From: [Alan Metzger](#)
To: [Jones, Jennifer](#)
Cc: [Alan Metzger](#)
Subject: Fwd: Potential Micco land use change
Date: Monday, February 25, 2019 8:24:02 AM

Jennifer,

FYI on my opposition note to Kristine about the potential zoning change to 20 acres in Micco that has Sebastian River waterfront property. Not sure if it will even be approved by P&Z board, but wanted Kristine and John to have my perspective in case it comes to the Commission, and also wanted you to have what I sent. Thanks

Alan

Begin forwarded message:

From: alan metzger <metzger1@yahoo.com>
Date: February 23, 2019 at 12:36:49 PM EST
To: kristine.isnardi@brevardfl.gov
Cc: "Alan Metzger Sr." <metzger1@yahoo.com>
Subject: Potential Micco land use change

Kristine:

i just wanted to make you aware of an item coming up for decision to change planned use from current planned use of 1 home per 2.5 acres to 4 units per acre along the north fork area of the sebastian river in Micco. I heard there was an updated letter changing from 4 to 1 unit per acre but my comments below will be the same. I will be out of town for the scheduled meetings or I would come speak to the Commission in person.

As an owner of my primary home in your district, and also owner of a home in the Micco Fleming grant road area a few blocks from the property in question, I have to let you know I don't support this level of density. Having built / developed many properties in Brevard County over the years, and previously been a member of County P&Z boards, i am usually pro changes that better a community, but given the challenges we have as a county and state with the indian river lagoon, more houses, more septic tanks, more potable water wells and retention areas in this type of requested density land use along the river in an area that has limited egress off Fleming grant road through little Hollywood, this change would add more detriment that the added tax base these homes could bring.

There is a reason the county changed planned land use to 1 home or greater per 2.5 acres and I see no reason that should be altered based on a land use change request so more houses can go in an environmentally sensitive area. This is the last street south in the county, and besides minimum services, everyone is on well water so everything ends up in the ground and/or the river and becomes a potential issue. I believe it goes without saying that changing the land use to 2.5 times increase density along the river area given existing environmental conditions along our

riverways could very well cause additional adverse effects, something i believe the county was trying to improve with the current land use changes decades ago.

There is are thousands of vacant acres just to the west of this neighborhood along Micco road that is much more conducive for development given the Emerald Isles project that is also providing additional egress access to main roads like US1, I-95, and Babcock streets, where there is ample ability for increased land uses to satisfy all planned development requirements.

I would ask you to closely consider the request if it comes to the Commission, and weigh any County benefits against the current and potentially negative impacts of increased densities along waterways and not support the land use change request identified in the attachment. It would clearly be a major reversal to environmentally sensitive rural land use plan. I would ask your colleagues to do the same.

I will also send this to Jennifer Jones, and John Tobia. Thank you for your consideration.

R,
Alan



BOARD OF COUNTY COMMISSIONERS

February 8, 2019

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Dear Property Owner:

This courtesy notice is being sent to inform you that your property is within 500 feet of the following request to be considered by the Local Planning Agency and the Board of County Commissioners:

A proposal for the transmittal of a comprehensive plan amendment has been requested for property that is depicted on the map on the back of this notice. This plan amendment transmittal 2019-1.1 proposes to change the Future Land Use designation on the subject property from Residential 1.2.5 to Residential 1 on 20.39 acres. This amendment will allow for residential development with a maximum density of 4 units per acre.

A public hearing will be held by the Local Planning Agency at the Brevard County Government Center, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, on **MONDAY, FEBRUARY 25, 2019, beginning at 3:00 p.m.** The final public hearing for transmittal will be held by the Board of County Commissioners on **THURSDAY, MARCH 7, 2019, beginning at 5:00 p.m.** also at the Brevard County Government Center, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940.

You are invited to attend these public hearing to voice any comments you may have. For the complete agenda, you may visit our internet site at

www.brevardfl.gov/PlanningDev/PlanningAndZoning/BoardsAndCommittees/LocalPlanningAgency.

Written comments should be submitted to the following address: Brevard County Planning and Development, Suite A-114, 2725 Judge Fran Jamieson Way, Viera, FL, 32940. For additional information, contact Cheryl Campbell, Planner III, at Cheryl.campbell@brevardfl.gov or 321-633-2069 ext. 52660. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning and Development Department, at (321) 633-2069, no later than five (5) business days prior to the meeting.

Sincerely,

Jennifer Jones

Special Projects Coordinator II

Planning & Development Department

Phone (321) 633-2069 • Fax (321) 633-2071

Internet: www.brevardfl.gov

Website: www.brevardcounty.com/PlanningDev

Sent from Alan's iPhone

sparse population

Public Comment
18PZ00166
Robertson
(Submitted 02-25-19)



01/16/2017



H (16) ZONING BEC DOUGLAS AND CINDY ROBERTSON COMPRESSING PLAIN AMMONIUMSIT,



(17)



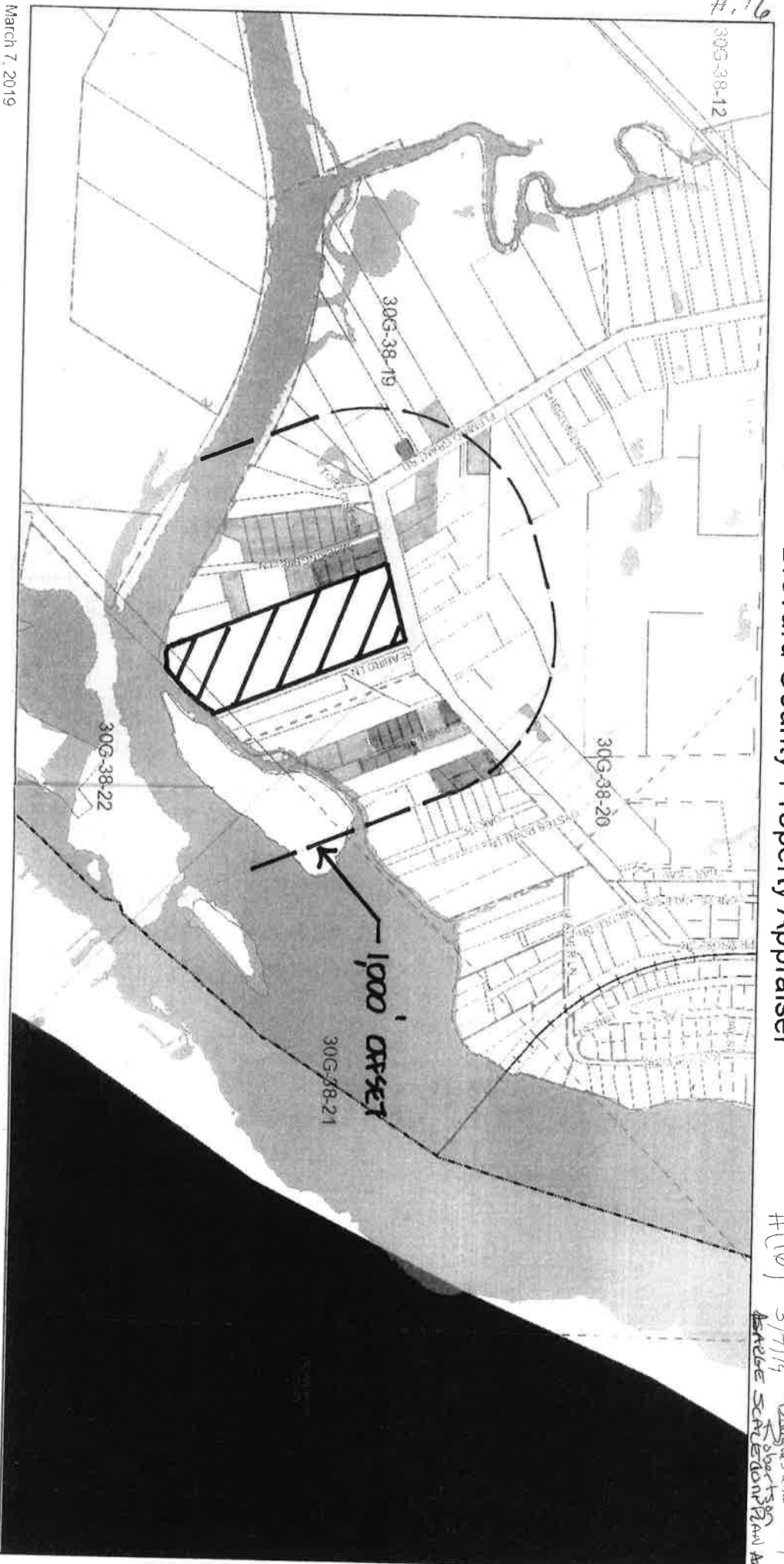
(18)



(19)

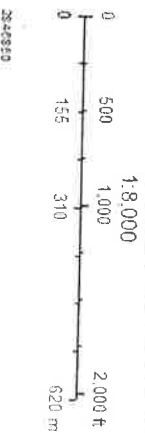
Brevard County Property Appraiser

#116) 3/7/19 Douglas and company
KATHERINE SCHNEIDERMAN AMERICAN

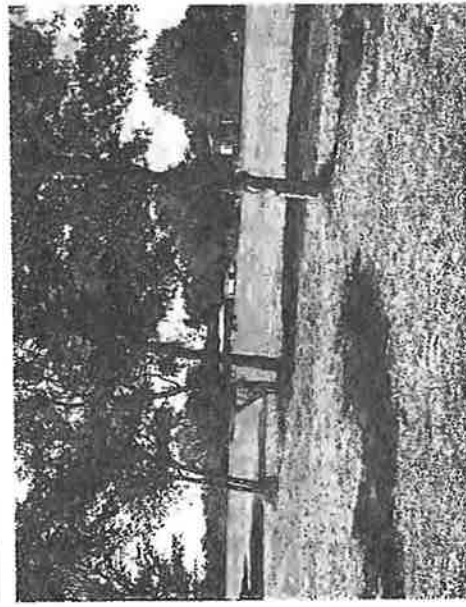
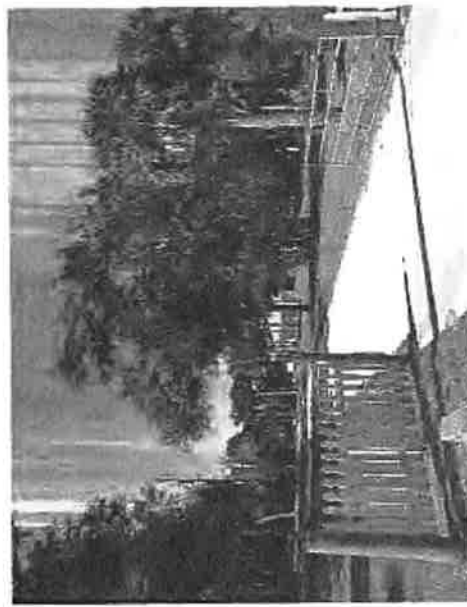
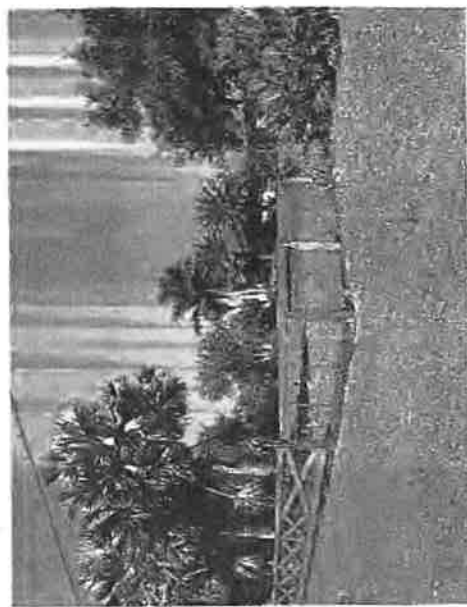
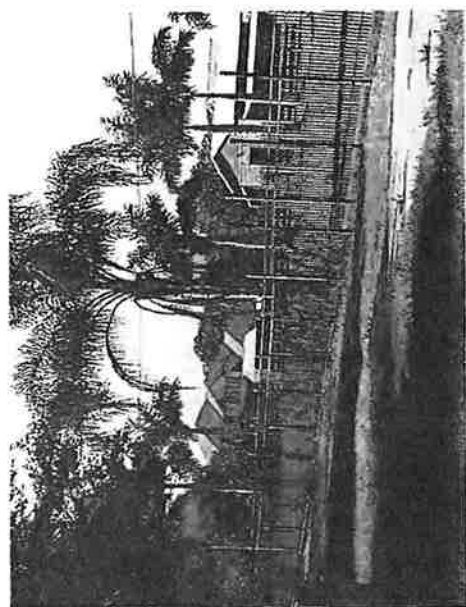


March 7, 2019

77 TOTAL LOTS WITHIN 1,000 FEET OF SUBJECT PARCELS
41 LOTS \leq 1.0 AC = 53%
36 LOTS \leq 0.5 AC = 46%



For illustration only. Not a survey. Also by no means not precise. City of Brevard, 2018.



Account (1234567)

3-38-09

30G-38-11

30-38-12

2018

Sales

2018 ☒2017 ☐2016 ☐2015 ☐2014 ☐

30G-38-12

30G-38-20

HITCH POST LN

30G-38-13

30G-38-19

30G-38-21

No
Photo

Account: 3006727 Parcel ID: 30G-38-19
Sale: 8/30/20 8:45:00 PM - 10:00 AM
BCPAO Market Value: \$792,970
Owners: Robertson, Donald Robertson, CP
Address: 100 1st St

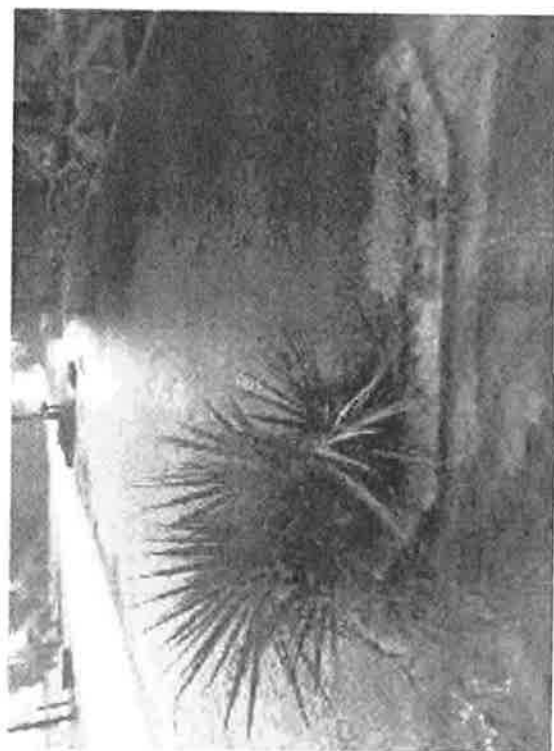
Yellow highlighted parcels all contain 2.5 acres or more.



6



5



4



3



2



1

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name	Address
Kenneth L. Chappin	9880 OAK TRAIL
Eric K. Chappin	9870 River Dr.
Eric K. Chappin	9870 OAK TRAIL
Ellen Ward	9870 Oak Tr
Richard Morris	9860 Oak Tr
Yvonne Morris	9860 Oak Tr.
W. Carver	9858 Oak Trail
Patricia Carver	9850 Oak Trail
Margaret Schuster	9830 Oak Trail
James P. Dunn	9800 Oak Trail
Ellen Smith	9800 Oak Trail
Bobbi Heizer	9985 Sebastian River Dr.
David Clubb	9985 Sebastian River Dr.
Howard K. Smith	166 George Washington
Mona Finnestad	834 N. Broad St
Yancey Lyle	9980 Sebastian River Dr.
Pam Harris	9980 Sebastian River Dr.
Jan G.	9984 Seb. R. Drive

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name

Address

Lola Dewhous	9977 Sebastian River Dr.
Buffy & Ted	9977 Sebastian River Drive
John & Judy	9969 Sebastian River Dr.
Linda & Hank	" " "
Linda Carraway	9949 Sebastian River Dr
John Carraway	9949 Sebastian River Dr
Don Steward	9925 Nicole Dr
Lois Steward	9925 Nicole Dr
Low George	9800 River Drive
Low George	9800 River Drive
Ray	9815 River Drive
Emma Lincoln	9815 River Drive
John	9840 River Drive
Paul & Wendy	9840 River Drive

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

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Name

Address

Gilbert Craig	9600 Mockingbird Lane	Micco
William Davis	"	"
Doreen Grant	9675 Mockingbird Lane,	Micco
Ruth Huges	9680 Mockingbird Lane	Micco
Fred Davis	"	"
Herbert Brown	9675 Fleming Grant Rd	Micco
Barbara Rees	9471 Fleming Grant Rd	Micco
Erin Rees	9471 Fleming Grant Rd	Micco

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre
parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this
property that would allow for more than the current comprehensive
land use plan allows, which is one unit per 2.5 acres.

Name	Address
Sherry L. Craig	9670 Fleming Grant Rd
Larry L. Craig	" "
Sherry Mary Meadows	" "
Craig B. Jones	9673 Fleming Grant Rd
Kellie M. Johnson	" " "
Don Trear	9630 Mockingbird Ln.
Jimmy Treat	" " " "
Evelyn J. McIntyre	9645 FLEMING GRANT RD.
Robert D. McLaughlin	9645 FLEMING GRANT RD.
Thomas Mahan	9621 Fleming Grant Rd.
Russell J. Janssen	9640 Fleming Grant Rd.
Ronda Branch	9675 Fleming Grant Rd.
Ellen B. Hughes	9625 Fleming Grant Rd.
Henry Buck	9735 Fleming Grant Rd.
Anne Briggs	9735 Fleming Grant Rd.
Carol A. Decker	9745 Fleming Grant Rd.
George T. Decker III	9745 Fleming Grant Rd.
Carol A. Decker	9791 Fleming Grant Rd.
Quinn Coertine	9791 Fleming Grant Rd.

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

2 People	Name	Address
→	Mitzi Gene Dunkett	9646 Mockingbird Ln Micco, FL
	B. Morrissey	KIWI - BFB
	A. Stokman	Sequoia BFB
	M. Egan	✓
↖	Gene Dunkett	Mockingbird Ln
	PETER EBUTT	9586 FLEMING GRANT RD, MICCO, FL
	Robin Cowie	9582 Tortoise Lane, Micco, FL 32976
	William C Combs	9679 Fleming Grant Rd, Micco
	Georgia H Combs	" " "

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name

Address

- 2 - Robin + Charlie Carroll 9575 Fleming Grant Rd
Bonilyn Dobson 9582 FLEMING GRANT RD.
2 - JAMES + BEVERLY 9585 FLEMING GRANT RD
A. P. Perez 9630 Mockingbird Ln Micco
Thomas W. Barnes JR 9695 Mockingbird Ln
Cynthia Burke + Patrick Burke 9605 Mockingbird LN
Jeff Chandler 9535 Fleming Grant Rd. Micco
Stephanie Oliver 9535 Fleming Grant Rd Micco
2 - JERE + LYNNE MILLIKEN 9545 FLEMING GRANT RD. MICCO
2 - Philip + G. Ruth Weston 9617 Fleming Grant Rd. Micco
Tom Dobson 9621 Fleming Grant Rd
Gary C Knowles 9625 Fleming Grant Rd Micco
2 - Mike + Jane Dfore 9537 Fleming Grant Rd
Patrick Spillie Rd 9574 Fleming Grant Rd
M. Marshall 9574 Fleming Grant Rd
John R Crisp 9556 FLEMING GRANT RD 32976
JOY E CRISP 9556 FLEMING GRANT RD 32976
Judy Channel 9625 Mockingbird Lane, Micco 32976
Gina Fawcett 9625 Mockingbird Ln Micco FL 32976

Jones, Jennifer

From: Newell, Marcia
Sent: Monday, March 4, 2019 8:56 AM
To: Jones, Jennifer
Cc: Mascellino, Carol; Pritchett, Rita; Craddock, Amy
Subject: FW: Commissioners break logjam so lagoon projects funded by sales tax can continue

Good morning.

On behalf of Commissioner Pritchett is an email from Mr. Ken Chapin regarding Item 18PZ00166 for March 6, 2019.

Regards,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardfl.gov



District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

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

From: Kenneth Chapin [<mailto:chapink@bellsouth.net>]
Sent: Wednesday, February 27, 2019 3:21 PM
To: Mascellino, Carol
Cc: Ken Chapin
Subject: Fwd: Commissioners break logjam so lagoon projects funded by sales tax can continue

Carol, per our discussion, thanks for talking to me and ensuring the commissioner gets the info. Thanks.

Ken

Sent from my iPhone

Begin forwarded message:

From: Kenneth Chapin <chapink@bellsouth.net>

Date: February 27, 2019 at 3:13:56 PM EST

Subject: Commissioners break logjam so lagoon projects funded by sales tax can continue

Commissioner Pritchett:

I read the article on the sales tax increase, and although what the County is doing sounds great, there seems to be things going on that could continue to impact the waterways. One example I wanted to make you aware of is a zoning change that will increase the current land use on 20 acres off Fleming Grant Road In Micco from 1 house every 2.5 acres, to 1 home every 7500 sq ft of property. That could mean way more homes than is currently allowed on a parcel of land that borders a narrow part of the Sebastian River waterway. Seems to be in conflict with the County land use plan that has been in place since 1988. The Brevard County Planning and Zoning board approved the change yesterday, and now it goes to the County Commission 7 March for final decision. We don't believe this is consistent with surrounding properties as claimed except for the minority of homes developed in the 50s and 60s, but the bulk of the properties in this area have been 2.5 acre tracts since the 1988 land use plan. Enclosed is a map to give you the context of the neighborhood, where you can see it is dominated by yellow, which are 2.5 acre tracts. Blue color is 1 acre and the rest are half acre or more. No where in this area is there 1 home per 7500 sq ft of property, which is a density increase of nearly 14 times over the existing Brevard County Land Use Plan...

I would appreciate you evaluating this based on your concern for the environment. I would like to tell you I have also visited Commissioner Tobia, and another neighbor has talked to Commissioner Isnardi to ask them to evaluate and consider the impacts as well.

I appreciate your consideration.

R,

Ken Chapin

772-473-1392 cell

38-09

30G-

<https://www.floridatoday.com/story/news/2019/02/27/commissioners-break-logjam-so-lagoon-projects-funded-sales-tax-can-continue/2988586002/>

March 3, 2019

To: Jennifer Jones

CC: Erin Sterk

From: John Tobia, Brevard County Commissioner, District 3

Re: Meeting Disclosure

Ms. Jones:

In regards to the upcoming agenda item H 16 (18PZ00166) for the Planning & Zoning meeting on March 7th, 2019, please be advised in advance that several meetings took place at Commissioner Tobia's office:

- 1) Feb. 21st, 2019 from 10:20-10:35 am
Linda Brennan, Commissioner Tobia, Billy Prasad
- 2) Feb. 27th, 2019 from 10:10-10:40 am
Linda Brannan, Ken Chapin, Alan Metzger, and Ted Beck, Commissioner Tobia, Billy Prasad
- 3) Feb. 28th, 2019 from 10:15-10:30 am
Bruce Moia, Commissioner Tobia

Commissioner Tobia's office is located at:

2539 Palm Bay Rd. NE

Ste. 4

Palm Bay, FL 32908

During these meetings, the above individuals provided information and views regarding the proposed request to transmit a Large Scale Comprehensive Plan Amendment.

Sincerely,



John Tobia
County Commissioner, District 3

From: Anne Briggs
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco
Date: Sunday, March 3, 2019 6:45:42 PM

Dear Commissioners Isnardi, Tobia, Smith, Lober and Pritchett,

Ref: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

I would like to register my opposition to the petition to amend the comp plan for this land.

My husband and I are residents of Fleming Grant Road in Micco. We have lived on this road for 8 years. We purchased our property because of the rural nature of the area: quiet, plenty of space between neighbors, the incredibly varied wildlife and the proximity of the beautiful St. Sebastian River.

I was dismayed to learn of the requested zoning change to this nearby 20-acre vacant lot from 2.5 acres per house to 1 acre per house. No matter how carefully and skillfully engineered, one house per acre can only negatively impact the residents and the ecology of the area. The increased risk of flooding in the neighborhood, and the risk of stormwater runoff and sewage going into the Sebastian River/IR Lagoon is surely not worth yet another housing development. The Comp Plan of 1988, which zoned the river side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated ecology to which it is connected.

Brevard County's Mission Statement includes the goal of "protecting the environment and conserving our valuable natural resources." This is a worthy goal, which would be accomplished by keeping the 1988 zoning restrictions in effect.

I urge you to please vote against allowing this amendment to the Comprehensive Plan.

Thank you for your consideration.

Anne Briggs

9735 Fleming Grant Road, Micco 32976

From: Ted Beck
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Ref: Parcel #18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco
Date: Sunday, March 3, 2019 6:53:04 PM

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, about a quarter mile east of the 20 acres in question. We bought our house in 2011 and our one-acre property had been vacant and neglected for 3 years. We renovated the house and grounds with our own hands took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am opposed to changing the zoning of Parcel # 18PZ00166 Robertson 20 Acre because of the precedent it will set for further subdivisions in the area. Zoning change could dramatically increase the population density as well as destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this zoning change is approved there will be no end to hearings about this issue.

On the north side of Fleming Grant Rd there is a serious concern about stormwater flooding. In October 2017 waters rose around our house well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. The culverts on Fleming Grant Rd. are not maintained properly in my opinion and are not diverting the storm water the Mockingbird Lane retention pond as intended. I observed and photographed the residential property east and west of the 20 acres in question having major flooding in 2017 as well.

The FEMA flood zone maps are prone to error. This 20-acre parcel is in a flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If he is wrong the error would endanger the surrounding homes and the Sebastian River itself.

The "Old Florida" feel that attracts visitors and brings joy to our neighbors is a delicate balance. Increased density will erode what is magical about Fleming Grant Rd. Once our "Old Florida" is gone, there will be no getting it back. **I urge you not to consider this amendment.**