



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.9.

10/3/2019

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### Subject:

JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) request a change of zoning classification from RRMH-1 to RA-2-6. (19PZ00063) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential).

### Summary Explanation and Background:

The applicants are seeking a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential) on 9.79 acres located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway, for the purpose of developing a single-family townhouse subdivision.

The subject property currently retains the RES 4 (Residential 4) FLU (Future Land Use) designation, but the applicants are requesting RES 6 (Residential 6) through application 19PZ00062 for a companion Small Scale Comprehensive Plan Amendment.

The current RRMH-1 zoning classification permits singlefamily mobile homes and detached singlefamily residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet, and a 600 square-foot minimum house size. This classification permits horses, barns and horticulture as accessory uses.

The proposed RA-2-6 (Single-Family Attached Residential) classification permits singlefamily attached development at a density of up to 6 units per acre. RA-2-6 is intended to provide a transition between singlefamily detached zoning classifications and multifamily zoning classifications, permitting fee simple ownership of individual attached units.

The character of the area is primarily single-family residential, with a few acres of commercial zoning along Grissom Parkway, approximately 700 feet east of the subject property. Adjacent subdivisions retain the RU-1-13 (Single-Family Residential) and RU-1-7 (Single-Family Residential) zoning classifications and RES 4 (Residential 4) Future Land Use designation. There is no multi-family zoning in the area and the use does not

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act as a transition from commercial zoning.

Future Land Use Element Policy 1.2(C) requires that centralized potable water and sewer be available concurrent with the impact of the development in the Residential 6 Future Land Use designation. The subject parcel has access to City of Cocoa water. The applicant states that the site will be connected to the City of Titusville sewer, but has not yet memorialized that commitment within a BDP (Binding Development Plan). The City of Titusville provides sewer to the Cypress Woods subdivision which abuts the subject parcel to the north, east and west.

The parcel is located on the north side of Ranch Road, which is an unpaved road. Developing the site will require paved access and the closest paved road to the subject property is Falk Avenue. Paving Falk Avenue will bring the proposed development's traffic through the existing subdivision to the south to access Grissom Parkway. The maximum development potential from the proposed rezoning is anticipated to increase the proposed trip generation and could result in 552 trips per day and 44 trips during the PM peak hour. These additional trips are projected to increase trip generation on the Grissom Parkway corridor and operate at 65.59% of capacity daily. The requested action is not anticipated to create a deficiency in LOS on Grissom Parkway, but a significant number of trips are anticipated to go through the adjacent existing subdivision, if Ranch Road is not improved.

The Board should consider whether the requested single family attached residential zoning classification is consistent and compatible with surrounding developed single-family residential RU-1-13 and RU-1-7 subdivisions, nearby commercially zoned BU-1 parcels along Grissom Parkway, and within an area with a consistent Residential 4 (RES 4) Future Land Use designation.

The Board may also wish to consider whether a Traffic Impact Analyses indicating trip distribution from the site and the impact on surrounding local roadways would help to demonstrate whether the use is consistent and compatible with surrounding development.

On July 8, 2019, the Planning and Zoning Board tabled the request to the August 5, 2019, Planning and Zoning Board meeting at the request of the applicant.

On August 5, 2019, the Planning and Zoning Board voted 6:2 to approve the request with a BDP (Binding Development Plan) limited to a maximum of 49 units, the area marked as 425 on the conceptual plan submitted on 08/05/19 shall not be developed and shall be left in its natural state, and access shall be on Falk Road.

On September 25, 2019, the applicant submitted the attached draft BDP. Staff is reviewing the BDP and will update the Board of County Commissioners at the October 3<sup>rd</sup> meeting.

### **Clerk to the Board Instructions:**

Once resolution is received, please have executed and return to the Planning and Development Department.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

**Criteria:**

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

#### **Administrative Policy 5**

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

**Criteria:**

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

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

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

### **CONDITIONAL USE PERMITS (CUPs)**

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

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

- (c) General Standards of Review.

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

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

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.

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

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**19PZ00063**

**JSFS Land Trust; Jacob and Faye Shapiro, Trustees**

**RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential)**

Tax Account Number: 2304560  
 Parcel I.D.: 23-35-15-BB-\*-147.01  
 Location: North side of Ranch Road, approximately 0.25 mile west of Grissom Parkway (No assigned address) (District 1)  
 Acreage: 9.79 acres

Planning and Zoning Board: 07/08/19  
 Board of County Commissioners: 08/01/19

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RRMH-1	RA-2-6
<b>Potential*</b>	9 Single-Family Units	58 Single-Family Units
<b>Can be Considered under the Future Land Use Map</b>	Yes, Residential 4	**No, requires Residential 6

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*The applicant has submitted a Small Scale Comprehensive Plan Amendment application from RES 4 (Residential 4) to RES 6 (Residential 6).

**Background and Purpose of Request**

The applicants are seeking a change of zoning classification from RRMH-1 to RA-2-6 for the purpose of developing a single-family townhouse subdivision.

The current RRMH-1 zoning classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet, and a 600 square-foot minimum house size. This classification permits horses, barns, and horticulture as accessory uses.

The proposed RA-2-6 classification permits single-family attached development at a density of up to 6 units per acre. RA-2-6 is intended to provide a transition between single-family

detached zoning classifications and multi-family zoning classifications, permitting fee simple ownership of individual attached units.

On December 4, 1975, the subject parcel was rezoned per application Z-3991 from GU (General Use) to RRMC-1 (Rural Residential Modular Coach ), which is now known as RRMH-1 (Rural Residential Mobile Home).

### **Land Use Compatibility**

The subject property currently retains the RES 4 (Residential 4) Future Land Use (FLU) designation, but the applicants are requesting RES (Residential 6) through application 19PZ00062 for a companion Small Scale Comprehensive Plan Amendment.

Future Land Use Element Policy 1.6 addresses the RES 6 FLU designation which affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to 6 units per acre, except as otherwise may be provided for within the Future Land Use Element.

Future Land Use Element Policy 1.2(C), Public Facilities and Services Requirements: In the Residential 30, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The subject parcel has access to City of Cocoa water. The applicant states the site will be connected to the City of Titusville sewer. The City of Titusville provides sewer to the Cypress Woods subdivision which abuts the subject parcel to the north, east and west.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, outlined in the Administrative Policies.

### **Environmental Constraints**

A majority of the property is located within mapped Saint Johns River Water Management District (SJRWMD) wetlands, designated as Florida Land Use, Cover and Forms Classification System (FLUCCS) code 6170 – Mixed Wetland Hardwoods; and has mapped hydric soils classified as Samsula muck. Residential land uses within wetlands are limited to not more than one dwelling unit per 5 acres. This may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the project area for subdivisions and multi-family parcels greater than 5 acres. A wetland determination/delineation was not provided by the applicant. Without a wetlands determination/delineation, it is unknown how wetlands will affect development on the 9.79-acre subject parcel. A SJRWMD-approved wetlands determination/delineation will be required for development.

Nearly the entirety of the property is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency (FEMA). The floodplain was determined to be isolated. Per Section 62-3724(3), Floodplain Protection, compensatory storage shall be required for fill in excess of one-third acre within the isolated floodplain, and development shall be elevated to or above the 100-year Base Flood Elevation. There is insufficient information (e.g. topographic survey, drainage calculation) to determine how much of the property may require

compensatory storage, and how that may affect development. The applicant will be required to provide topographic maps for development.

The applicant is strongly encouraged to contact the Natural Resources Management Department at 321-633-2016 prior to site plan design.

Please refer to comments provided by the Natural Resources Management Department for additional information.

### **Preliminary Transportation Concurrency**

The subject property is closest to the concurrency management segment of Grissom Parkway, between Fay Boulevard and Kings Highway, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a current Level of Service (LOS) of C, and currently operates at 62.05% of capacity daily. The maximum development potential from the proposed rezoning is anticipated to increase the proposed trip generation and could result in 552 trips per day and 44 trips during the PM Peak hour. These additional trips are projected to increase trip generation on the corridor and operate at 65.59% of capacity daily. The requested action is not anticipated to create a deficiency in LOS on Grissom Parkway.

### **Applicable Land Use Policies**

The applicants are seeking a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential) for the purpose of developing a single-family townhouse subdivision.

The character of the area is primarily developed single-family residential, with a few acres of commercial zoning along Grissom Parkway, just east of the subject property. There is no multi-family zoning in the area and the use does not act as a transition from commercial zoning.

The subject property is surrounded on the west, north, and east sides by developed parcels with RU-1-13 (Single-Family Residential) zoning. Across the unpaved Ranch Road right-of-way to the south, lies another developed RU-1-7 (Single-Family Residential) subdivision.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet, and a 1,300 square-foot minimum house size. RU-1-13 does not permit horses, barns or horticulture.

The half-mile radius around this site has not had any zoning changes within the last 10 years.

A rezoning application, 18PZ00156, is pending to change the zoning classification from General Retail Commercial (BU-1) to Retail, Warehousing and Wholesale Commercial (BU-2). This parcel is approximately 685 feet east located on the northwest corner of Grissom Parkway and Ranch Road

### **For Board Consideration**

The applicants are seeking a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential) for the purpose of developing a single-family townhouse subdivision.

The subject property currently retains the RES 4 (Residential 4) FLU (Future Land Use) designation, but the applicants are requesting RES 6 (Residential 6) through application 19PZ00062 for a companion Small Scale Comprehensive Plan Amendment.

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The proposed RA-2-6 (Single-Family Attached Residential) classification permits single-family attached development at a density of up to 6 units per acre. RA-2-6 is intended to provide a transition between single-family detached zoning classifications and multi-family zoning classifications, permitting fee simple ownership of individual attached units

The character of the area is primarily developed as single-family residential, with a few acres of commercial zoning along Grissom Parkway, just east of the subject property. Adjacent subdivisions retain the RU-1-13 (Single-Family Residential) and RU-1-7 (Single-Family Residential) zoning classifications and RES 4 (Residential 4) Future Land Use designation. There is no multi-family zoning in the area and the use does not act as a transition from commercial zoning.

Future Land Use Element Policy 1.2(C) requires that centralized potable water and sewer be available concurrent with the impact of the development in the Residential 6 Future Land Use designation. The subject parcel has access to City of Cocoa water. The applicant states that the site will be connected to the City of Titusville sewer, but has not yet memorialized that commitment within a Binding Development Plan (BDP). The City of Titusville provides sewer to the Cypress Woods subdivision which abuts the subject parcel to the north, east and west.

The parcel is located on the north side of Ranch Road, which is an unpaved road. The site plan will require paved access. The closest paved road to the subject property is Everett Street. The maximum development potential from the proposed rezoning is anticipated to increase the proposed trip generation and could result in 552 trips per day and 44 trips during the PM peak hour. These additional trips are projected to increase trip generation on the Grissom Parkway corridor and operate at 65.59% of capacity daily. The requested action is not anticipated to create a deficiency in LOS on Grissom Parkway, but a significant number of trips are anticipated to go through the adjacent existing subdivision, if Ranch Road were not improved.

The Board should consider whether the requested multi-family zoning classification is consistent and compatible with surrounding developed single-family residential RU-1-13 and RU-1-7 subdivisions, nearby commercially zoned BU-1 parcels along Grissom Parkway, and within an area with a consistent Residential 4 (RES 4) Future Land Use designation.

The Board may also wish to consider whether a Traffic Impact Analyses to assess access to the site, trip distribution from the site and the impact on surrounding local roadways would help to demonstrate whether the use is consistent and compatible with surrounding development.

## **Natural Resources Management Department Zoning Review and Summary**

This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.

In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the zoning 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.

### **Substantial Natural Resources Land Use Issues**

A majority of the property is located within mapped Saint Johns River Water Management District (SJRWMD) wetlands, designated as Florida Land Use, Cover and Forms Classification System (FLUCCS) code 6170 – Mixed Wetland Hardwoods; and has mapped hydric soils classified as Samsula muck. Residential land uses within wetlands are limited to not more than one dwelling unit per 5 acres. This may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the project area for subdivisions and multi-family parcels greater than 5 acres. A wetland determination/delineation was not provided by the applicant. Without a wetlands determination/delineation, it is unknown how wetlands will affect development on the 9.79-acre subject parcel. A SJRWMD-approved wetlands determination/delineation will be required for development.

Nearly the entirety of the property is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency (FEMA). The floodplain was determined to be isolated. Per Section 62-3724(3), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the isolated floodplain, and development shall be elevated to or above the 100-year Base Flood Elevation. There is insufficient information (e.g. topographic survey, drainage calculation) to determine how much of the property may require compensatory storage, and how that may affect development. Applicant will be required to provide topographic maps for development.

The applicant is strongly encouraged to contact Natural Resource Management (NRM) at 321-633-2016 prior to site plan design.

### **Summary of Mapped Natural Resources Present on the Subject Property**

NWI Wetlands

SRJWMD Wetlands – Mixed Wetland Hardwoods

Hydric Soils

Floodplain

## Land Use Comments

### *Wetlands*

The subject parcel contains large mapped areas of National Wetlands Inventory (NWI) and SJRWMD wetlands and hydric soils (Samsula muck – frequently ponded 0 to 1% slopes) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively. 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. 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 62-3694(c)(6), for subdivisions and multi-family parcels greater than 5 acres in area, New Town Overlays, PUDs and if applicable, mixed-use land development activities as specified in Section 65-3694(c)(5). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

### *Floodplain*

A majority of the property is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency 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. Per Section 62-3724(5), development in isolated floodplain areas shall ensure that off-site post development stormwater discharge rates shall not exceed off-site predevelopment discharge rates. Per Section 62-3724(3)(a) & (d), development within an isolated floodplain shall not negatively impact adjacent properties or receiving water body quality, and 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. Section 62-3724(3)(b) requires that development of a lot or parcel within an isolated floodplain provide a contiguous area that includes the primary structure and perimeter buffer, accessory structures, onsite sewage disposal system and buffer, access to the primary and accessory structure. These areas shall be elevated to or above the 100-year base flood elevation.

Impervious areas increase stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." National Flood Insurance Program (NFIP) regulations [44 CFR § 60.3(b)(3)] require submittal of drainage calculations report for proposed development in the Special Flood Hazard Area (greater than 50 lots or 5 acres, whichever is the lesser). Report may result in a revised Base Flood Elevation based upon "best available data", as directed by FEMA. The north property line of subject parcel abuts two platted storm water retention tracts and a platted conservation tract for the Cypress Woods subdivision. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern."

### *Heritage Specimen Trees*

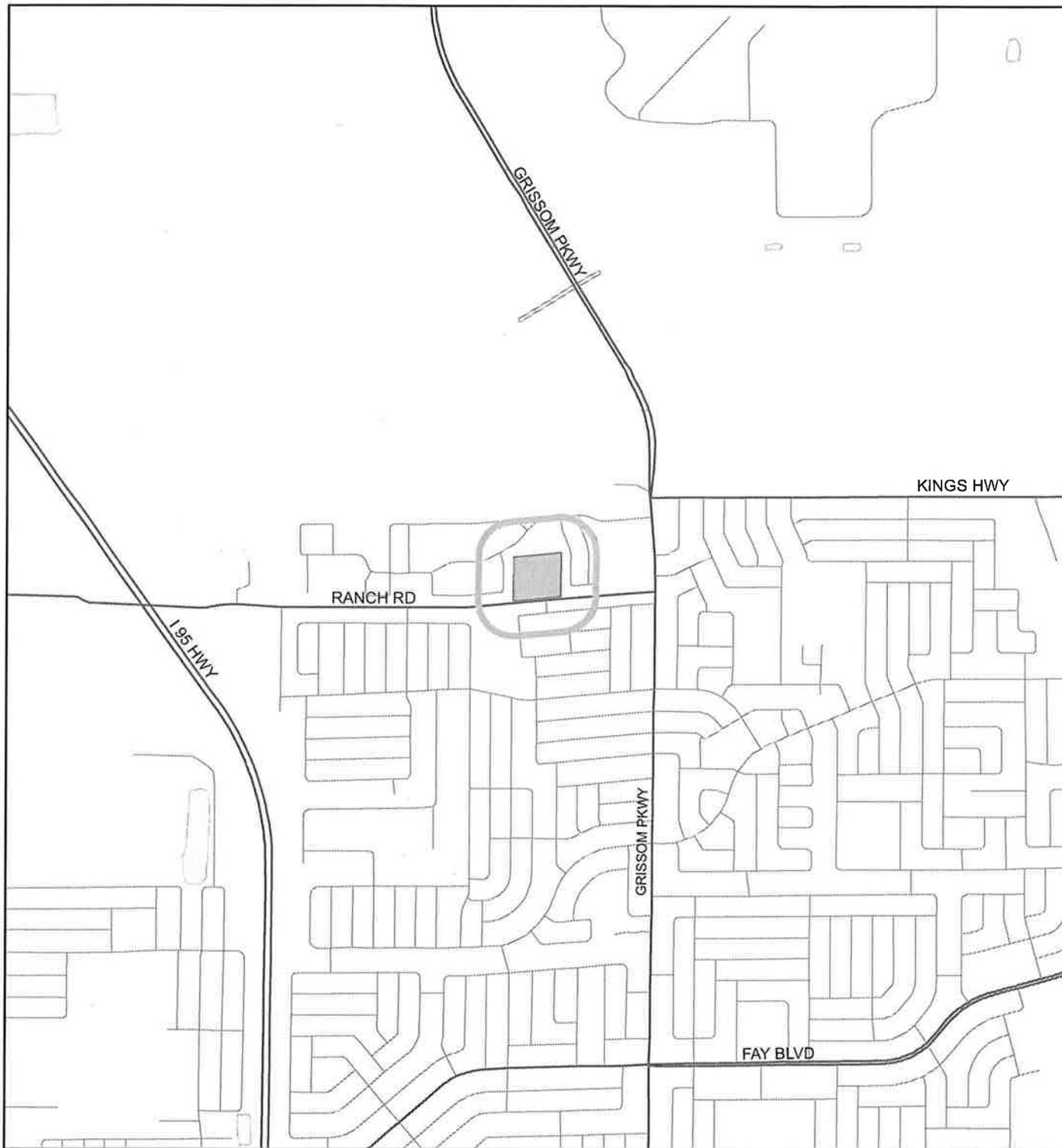
The parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 6170 - Mixed Wetland Hardwoods. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, 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. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### *Protected Species*

Federally and/or state protected species may be present on properties with aquifer recharge soils. However, this site has been developed since 1964. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

# LOCATION MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



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

Buffer Distance: 500 feet

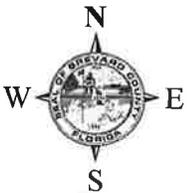
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/7/2019

-  Buffer
-  Subject Property

# ZONING MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

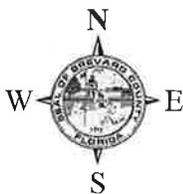
-  Subject Property
-  Parcels
-  Zoning

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

Produced by BoCC - GIS Date: 5/7/2019

# FUTURE LAND USE MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:12,000 or 1 inch = 1,000 feet

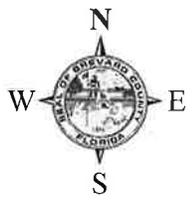
Subject Property  
 Parcels

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

Produced by BoCC - GIS Date: 6/21/2019

# AERIAL MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:12,000 or 1 inch = 1,000 feet

PHOTO YEAR: 2018

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

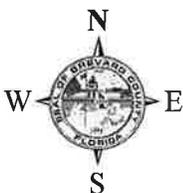
Produced by BoCC - GIS Date: 6/21/2019

 Subject Property

 Parcels

# NWI WETLANDS MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/7/2019

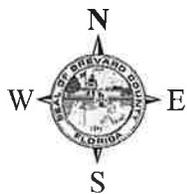
### National Wetlands Inventory (NWI)

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

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE

19PZ00063



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/7/2019

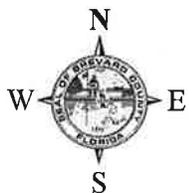
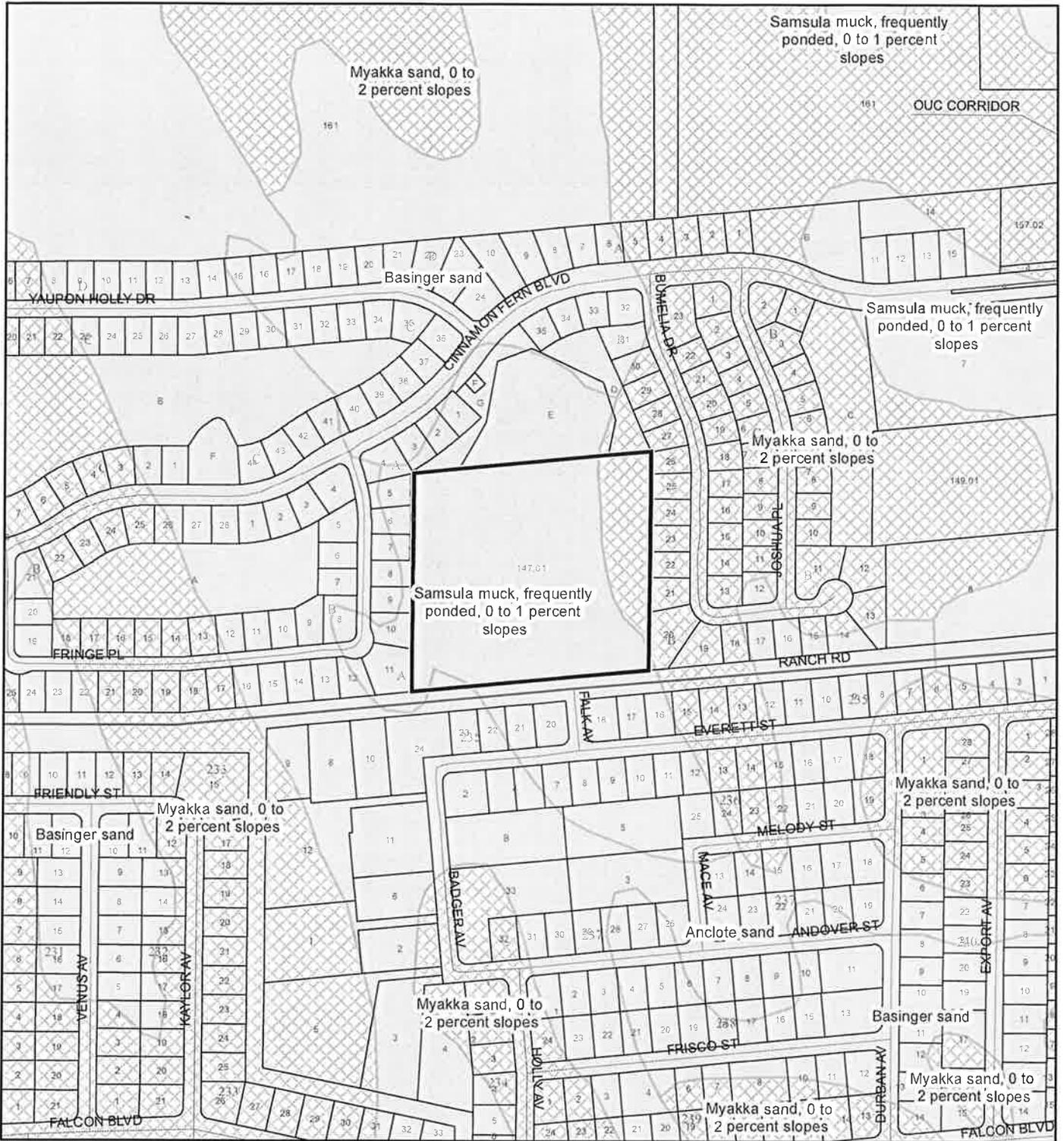
### SJRWMD FLUCCS WETLANDS

-  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

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

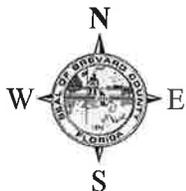
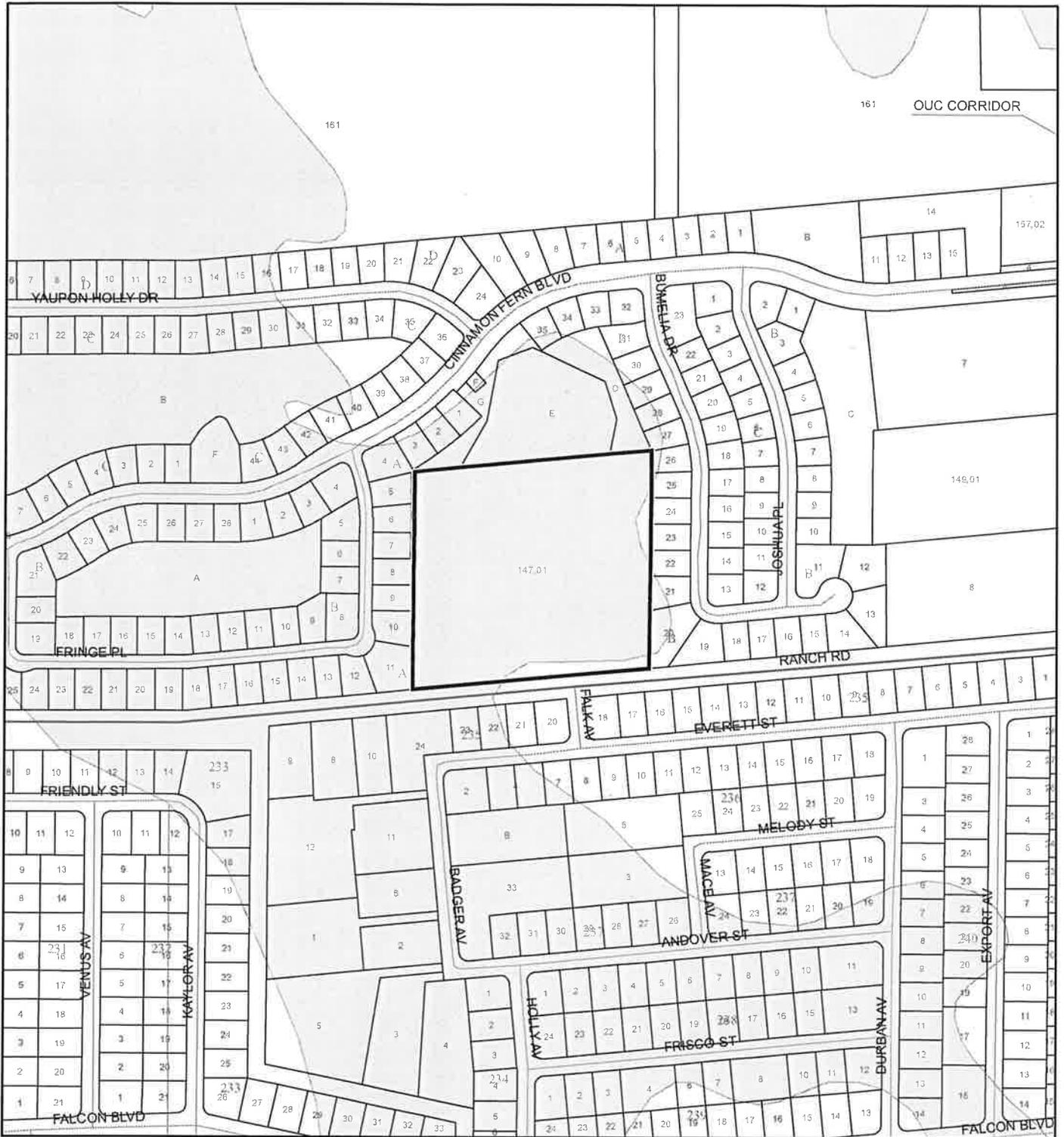
-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None

 Subject Property 551

 Parcels

# FEMA FLOOD ZONES MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/7/2019

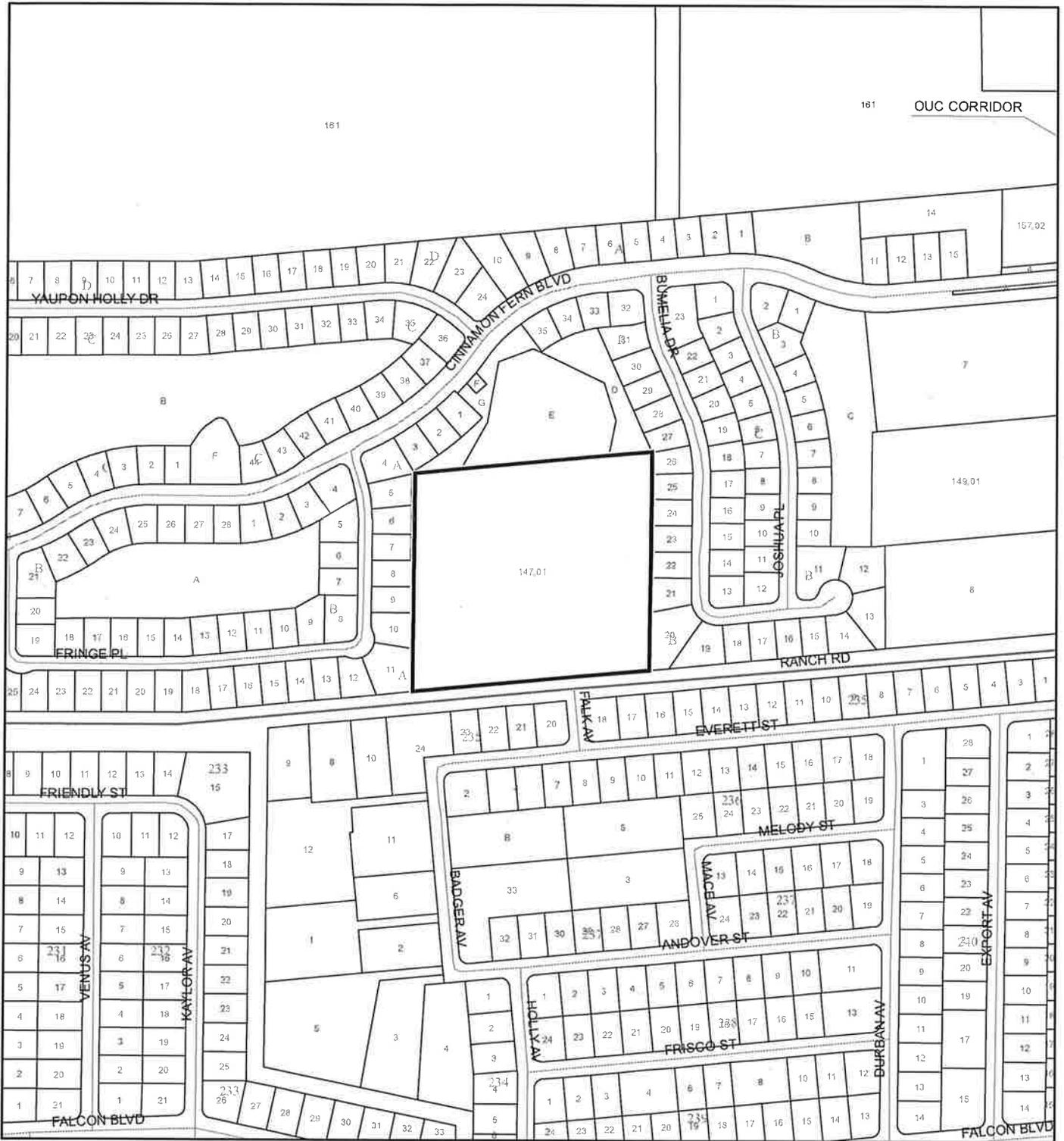
## FEMA Flood Zones

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

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE

19PZ00063



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/7/2019

— Subject Property

□ Parcels

**Septic Overlay**

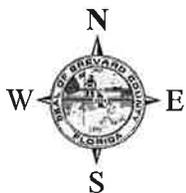
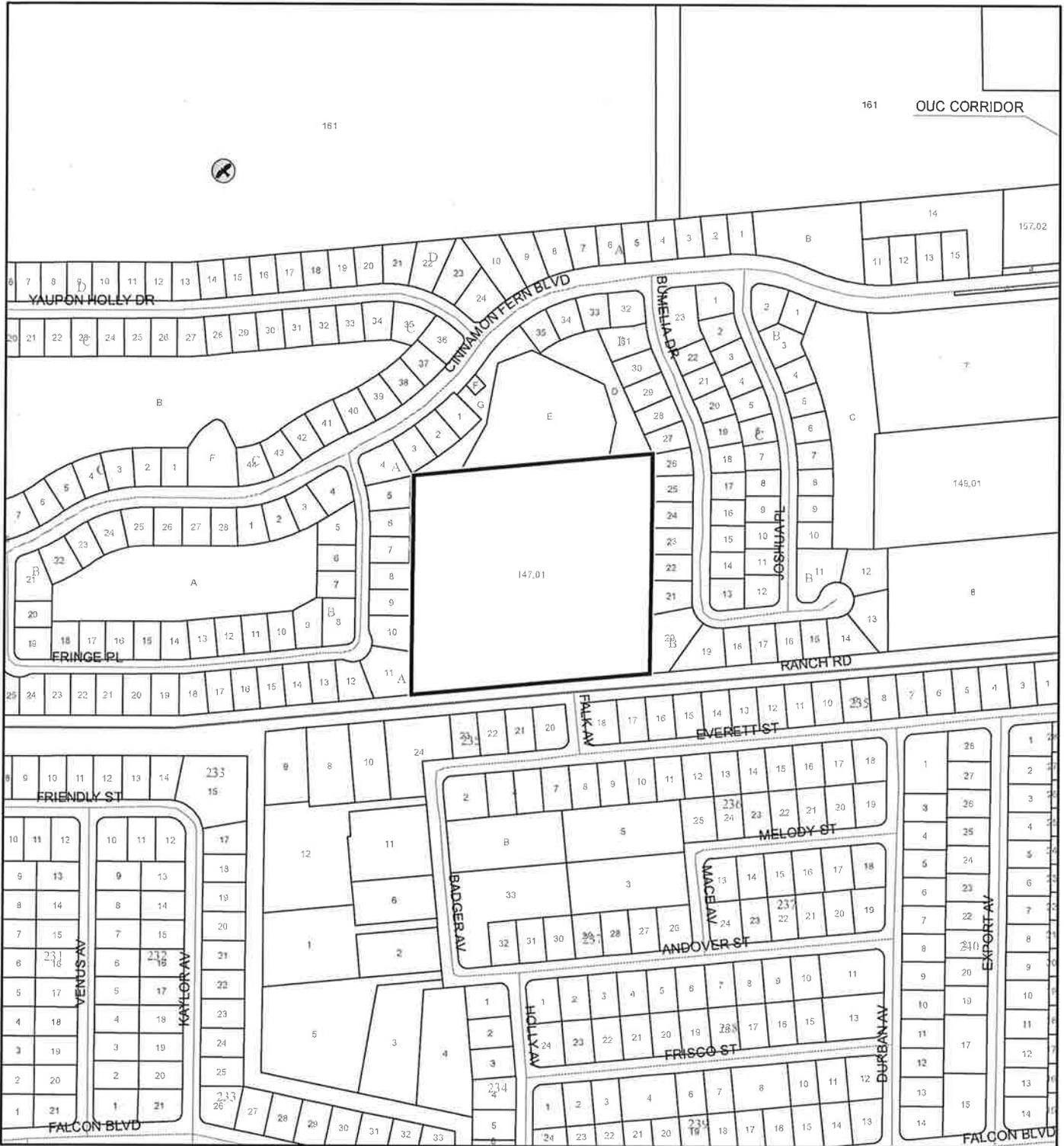
■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

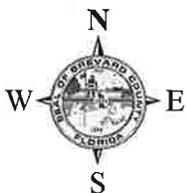
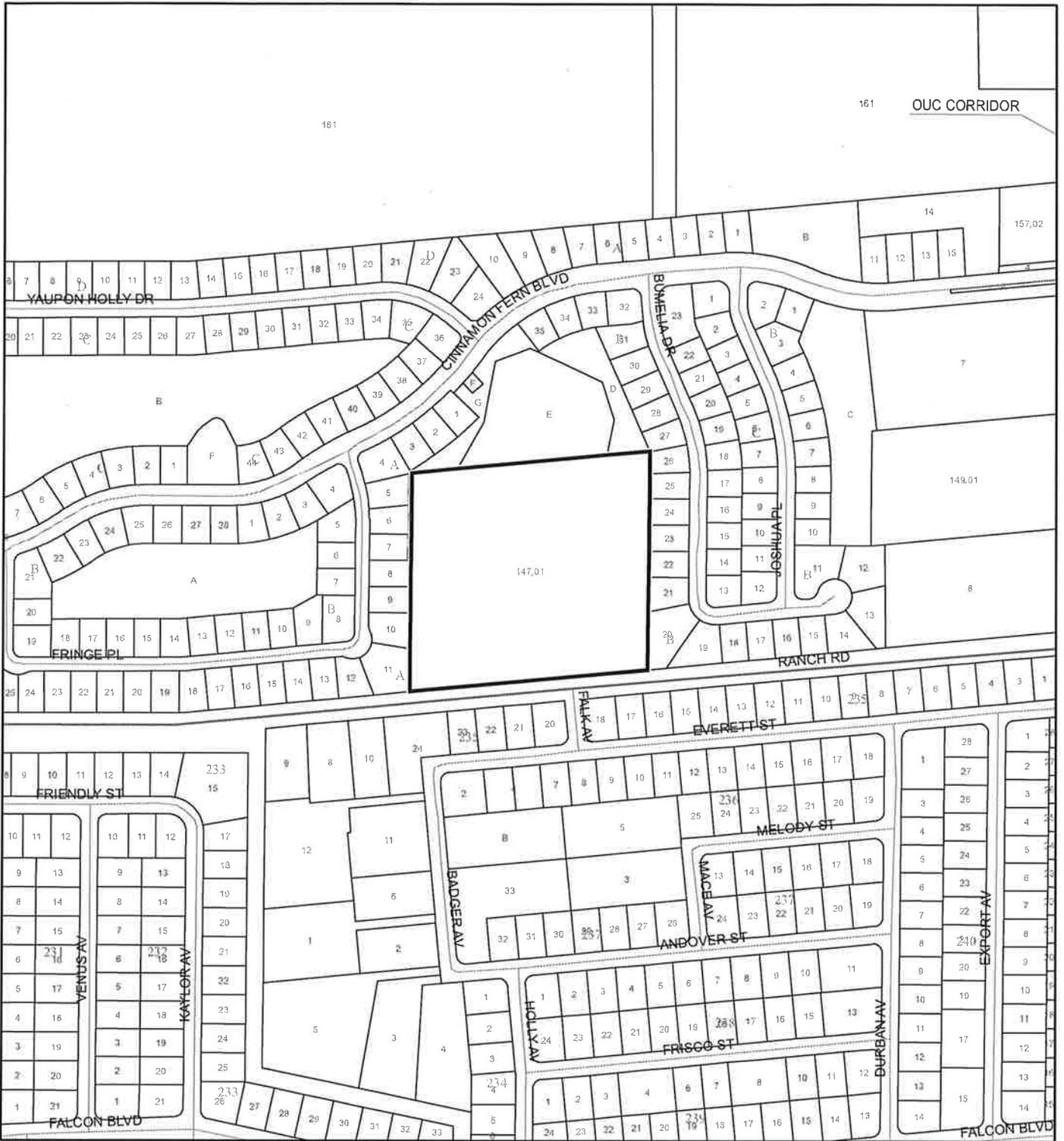
 Eagle Nests  
FWS 2010

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

Produced by BoCC - GIS Date: 5/7/2019

# SCRUB JAY OCCUPANCY MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE  
19PZ00063



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

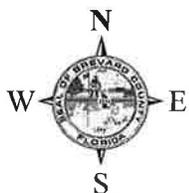
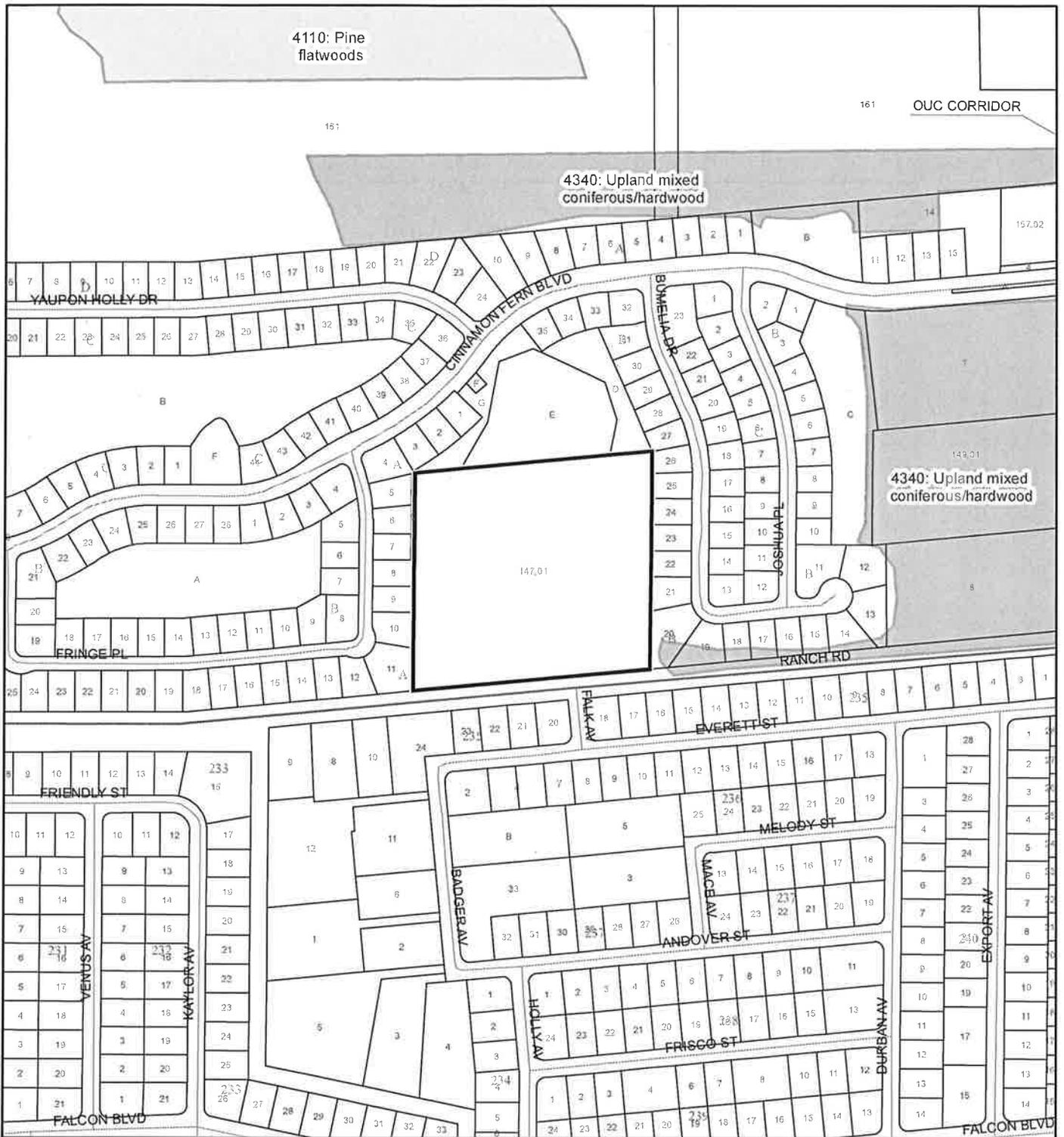
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/7/2019

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JSFS LAND TRUST; JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE

19PZ00063



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/7/2019

## SJRWMD FLUCCS Upland Forests

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

- Subject Property
- Parcels



# School Board of Brevard County

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

May 23, 2019

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

**RE: Proposed Ranch Road Subdivision  
School Capacity Availability Determination Letter CD-2019-07**

Dear Mr. Body,

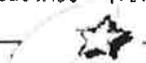
We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property includes Tax Account 2304560 (Parcel ID: 23-35-15-BB-147.01) containing approximately 9.79 acres in Brevard County, Florida. The proposed single-family development includes 58 residential units. 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 2019-20 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24* which is attached for reference.

Single-Family Homes		58	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	16.24	16
Middle	0.08	4.64	5
High	0.16	9.28	9
<b>Total</b>	<b>0.52</b>		<b>30</b>

**RECEIVED**  
MAY 29 2019  
BY: \_\_\_\_\_

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x450 • FAX: (321) 633-1546



**FISH Capacity (including relocatables) from the  
Financially Feasible Plan Data and Analysis for School Years 2018-19 to 2023-24**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	739	739	739	739	739
Space Coast	1,857	1,857	1,857	1,857	1,857

**Projected Student Membership**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	693	668	669	658	641
Space Coast	1,590	1,588	1,556	1,513	1,507

**Students Generated by Previously Issued SCADL Reservations**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	-	-	-	-	-
Space Coast	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	-	8	16	16	16
Space Coast	-	7	14	14	14

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	693	676	685	674	657
Space Coast	1,590	1,595	1,570	1,527	1,521

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	46	63	54	65	82
Space Coast	267	262	287	330	336

At this time, Atlantis Elementary School and Space Coast Jr./Sr. High School are projected to have enough capacity for the total of projected and potential students from the Ranch Road 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,



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  
2018-19 to 2022-24*

Copy: Susan Hann, Assistant Superintendent of Facility Services  
File CD-2019-07

**Brevard County Public Schools**  
**Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service**  
**Data and Analysis for School Years 2018-19 to 2023-24**



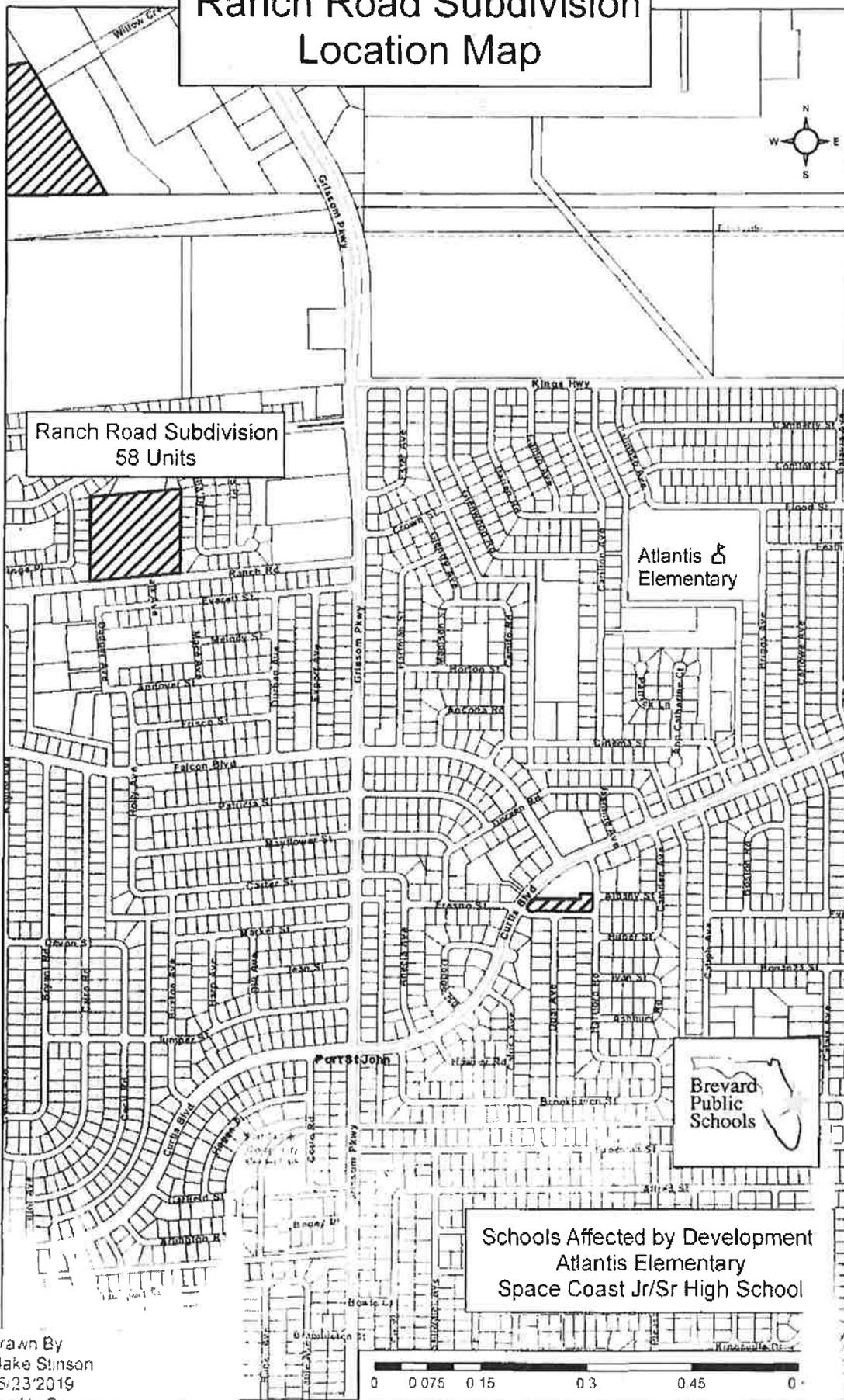
				2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Summary				107%	105%	99%	99%	100%	99%
Elementary Schools				88%	89%	82%	86%	88%	88%
Middle Schools				85%	85%	85%	85%	85%	85%
High Schools				85%	85%	85%	85%	85%	85%

School	Type	Grades	Utilization Factor	School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24		
				FSH Capacity	18/19 Membership	Total Capacity Utilization	Future FSH Capacity	Student Projection	Total Capacity Utilization	Future FSH Capacity	Student Projection	Total Capacity Utilization	Future FSH Capacity	Student Projection	Total Capacity Utilization	Future FSH Capacity	Student Projection	Total Capacity Utilization	Future FSH Capacity	Student Projection	Total Capacity Utilization
<b>Elementary School Concurrency Service Areas</b>																					
Adriatic	Elementary	K-6	100%	751	711	95%	751	717	96%	751	733	98%	751	725	97%	751	718	97%	751	728	97%
Alachua	Elementary	K-6	100%	884	720	81%	884	706	80%	884	688	78%	884	688	78%	884	699	79%	884	708	80%
Apalachicola	Elementary	K-6	100%	902	847	94%	902	861	96%	902	870	97%	902	866	96%	902	803	100%	902	808	90%
Audubon	Elementary	PK-6	100%	761	536	70%	761	536	71%	761	500	66%	761	485	64%	761	458	60%	761	461	61%
Carnegie	Elementary	PK-6	100%	765	661	88%	765	659	87%	765	631	83%	765	624	82%	765	616	81%	765	629	82%
Cape View	Elementary	PK-6	100%	548	381	70%	548	368	67%	548	338	62%	548	328	60%	548	320	58%	548	327	60%
Carroll	Elementary	K-6	100%	751	664	89%	751	661	88%	751	637	85%	751	627	84%	751	595	79%	751	591	79%
Chambers	Elementary	PK-6	100%	673	571	85%	673	577	86%	673	561	83%	673	555	83%	673	518	77%	673	520	77%
Columbia	Elementary	PK-6	100%	751	478	64%	751	448	60%	751	428	57%	751	448	60%	751	447	60%	751	437	58%
Courona	Elementary	K-6	100%	711	515	73%	711	462	65%	711	437	62%	711	404	57%	711	374	53%	711	357	50%
Crest	Elementary	PK-6	100%	1,154	345	30%	1,154	363	31%	1,154	360	31%	1,154	376	33%	1,154	319	28%	1,154	322	28%
Crofton	Elementary	PK-6	100%	795	557	70%	795	538	68%	795	500	63%	795	485	61%	795	462	58%	795	461	58%
Dade	Elementary	PK-6	100%	980	644	66%	980	646	66%	980	619	63%	980	600	61%	980	569	58%	980	573	58%
Enterprise	Elementary	PK-6	100%	990	667	67%	990	649	66%	990	619	63%	990	600	61%	990	569	58%	990	573	58%
Enterprise	Elementary	K-6	100%	729	620	85%	729	620	85%	729	608	84%	729	600	83%	729	632	87%	729	642	88%
Enterprise	Elementary	PK-6	100%	735	631	86%	735	616	84%	735	598	81%	735	595	81%	735	595	81%	735	595	81%
Enterprise	Elementary	K-6	100%	711	469	66%	711	467	66%	711	457	64%	711	450	63%	711	417	59%	711	418	59%
Enterprise	Elementary	PK-6	100%	777	556	71%	777	517	67%	777	512	66%	777	510	66%	777	510	66%	777	510	66%
Enterprise	Elementary	PK-6	100%	829	371	45%	829	360	43%	829	347	42%	829	345	42%	829	345	42%	829	345	42%
Enterprise	Elementary	PK-6	100%	606	497	82%	606	490	81%	606	470	78%	606	465	77%	606	450	74%	606	451	74%
Enterprise	Elementary	K-6	100%	729	629	86%	729	630	86%	729	629	86%	729	629	86%	729	629	86%	729	629	86%
Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
Enterprise	Elementary	K-6	100%	711	469	66%	711	467	66%	711	457	64%	711	450	63%	711	417	59%	711	418	59%
Enterprise	Elementary	PK-6	100%	777	556	71%	777	517	67%	777	512	66%	777	510	66%	777	510	66%	777	510	66%
Enterprise	Elementary	PK-6	100%	829	371	45%	829	360	43%	829	347	42%	829	345	42%	829	345	42%	829	345	42%
Enterprise	Elementary	PK-6	100%	606	497	82%	606	490	81%	606	470	78%	606	465	77%	606	450	74%	606	451	74%
Enterprise	Elementary	K-6	100%	729	629	86%	729	630	86%	729	629	86%	729	629	86%	729	629	86%	729	629	86%
Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
Enterprise	Elementary	K-6	100%	711	469	66%	711	467	66%	711	457	64%	711	450	63%	711	417	59%	711	418	59%
Enterprise	Elementary	PK-6	100%	777	556	71%	777	517	67%	777	512	66%	777	510	66%	777	510	66%	777	510	66%
Enterprise	Elementary	PK-6	100%	829	371	45%	829	360	43%	829	347	42%	829	345	42%	829	345	42%	829	345	42%
Enterprise	Elementary	PK-6	100%	606	497	82%	606	490	81%	606	470	78%	606	465	77%	606	450	74%	606	451	74%
Enterprise	Elementary	K-6	100%	729	629	86%	729	630	86%	729	629	86%	729	629	86%	729	629	86%	729	629	86%
Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
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Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
Enterprise	Elementary	K-6	100%	711	469	66%	711	467	66%	711	457	64%	711	450	63%	711	417	59%	711	418	59%
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Enterprise	Elementary	PK-6	100%	829	371	45%	829	360	43%	829	347	42%	829	345	42%	829	345	42%	829	345	42%
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Enterprise	Elementary	K-6	100%	729	629	86%	729	630	86%	729	629	86%	729	629	86%	729	629	86%	729	629	86%
Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
Enterprise	Elementary	K-6	100%	711	469	66%	711	467	66%	711	457	64%	711	450	63%	711	417	59%	711	418	59%
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Enterprise	Elementary	PK-6	100%	829	371	45%	829	360	43%	829	347	42%	829	345	42%	829	345	42%	829	345	42%
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Enterprise	Elementary	PK-6	100%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%	799	616	77%
Enterprise	Elementary	K-6	100%	711	469	66%															



# Ranch Road Subdivision Location Map



Ranch Road Subdivision  
58 Units

Atlantis Elementary



Schools Affected by Development  
Atlantis Elementary  
Space Coast Jr/Sr High School

Drawn By  
Blake Stinson  
05/23/2019  
Facility Services



## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 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; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, 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, May 30, 2019, at 5:00 p.m.

### Excerpt of Complete Agenda

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the minutes of May 6, 2019.

#### **JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)**

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00062) (District 1)

#### **JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)**

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential). The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00063) (District 1)

Kim Rezanka thanked Mr. Minneboo for his service to Brevard County and the Planning and Zoning Board for the last 15 years. She began her presentation by stating she and her clients held a meeting with the neighbors, who raised several issues, such as buffering, retention, access issues, and privacy issues. She stated her clients would like to do more research, and they'd like to get a topographical survey. She noted they have learned that six of the 10 acres of the subject property are wetlands, which has changed the request from duplexes to townhomes, and they need to know how many units they really need in order to know if they even need a change of land use. She stated in addition to those reasons, her client is ill and is not able to be present. She asked for a continuance of the requests until the August 5<sup>th</sup> Planning and Zoning meeting so they can get more information for the neighbors.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to table both items to the August, 2019 Planning and Zoning meeting. The vote was unanimous.

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 5, 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 at 3:00 p.m.

Board members present were: Ron Bartcher, Rochelle Lawandales; Ben Glover; Ron McLellan; Mark Wadsworth; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Amanda Elmore, Interim Planning and Zoning Manager; Tad Calkins, Planning and Development Director; Jad Brewer, Assistant County Attorney; Paul Body, Planner II, and Jennifer Jones, Special Projects Coordinator II.

### Excerpt from Complete Minutes

#### **5. JSFS Land Trust, Jacob Shapiro and Faye Shapiro, as Trustees (Kim Rezanka):**

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00062) (District 1) This item was tabled from the July 8, 2019, Planning and Zoning meeting at the request of the applicant.

#### **6. JSFS Land Trust, Jacob Shapiro and Faye Shapiro, as Trustees (Kim Rezanka):**

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential). The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00063) (District 1) This item was tabled from the July 8, 2019, Planning and Zoning meeting at the request of the applicant.

The board heard both the small scale comprehensive plan amendment and the rezoning request simultaneously. Any documents submitted by the applicant or the public can be found in file 19PZ00063, located in the Planning and Development Department.

Kim Rezanka, Cantwell and Goldman, P.A., 96 Willard Street, Cocoa, stated the subject property is unique and previous owners have never attempted to develop; there is sewer that will be brought to the project, and it does have access to city water. She stated the reason they do not have a topographical survey yet is because of the weather, but an environmental engineer has looked at portions of the site and have found that of 9.79 acres, 6.1 of them are wetlands, so it is a very difficult site to develop. She said the initial plan was for duplexes, but because of the immense amount of wetlands it's not possible to do that. She said the lot is heavily wooded and is the last residential area to be developed; the lot is on a county road, which is Ranch Road, and it is a stabilized road, but not a paved road; it's a bumpy dirt and rock road. She stated the proposal is for townhomes. (Ms. Rezanka submitted a proposed concept plan to the board and staff). She continued by stating the concept plan was provided to citizens at a community meeting on June 25<sup>th</sup>. She stated the access will be split around the wetlands; there will be three buildings on the east side and three buildings on the west side, and it will be transgressed through the wetlands to make the project possible. She said the most they believe that can be built is 49 units, which is why they are requesting a change to the Comprehensive Plan to Residential 6 to make it a feasible development with townhomes. She stated it will take 1,400 feet of roadway on site, and it will be built up with retaining walls. She said the project will be single-family, and each townhome will be under its own ownership, and the prices are anticipated to be between \$250,000 and \$300,000. She said the current RRMH-1 zoning is

inconsistent with the current Residential 4 Future Land Use, and as the staff report states, this was rezoned in the '70's, and nothing has been attempted to be built on the property. She stated one-acre lots cannot be built on the property because of the wetlands. She said the owners are willing to enter into a binding development plan to limit development to 49 units, and even that will be tough, but that is what the developer is asking. She said there were approximately 40 neighbors present at the community meeting who were interested and concerned about how the property would be developed; they are concerned about traffic, buffering and privacy, property values, and access. There are approximately 9 homes that will be able to see the two-story townhomes; and the traffic will not go through the Cypress Wood subdivision. She stated she is still working on the access issue with the County; on July 9<sup>th</sup> she sent a request to the County for information, and she has not yet received a response. She stated the trips would be reduced with a maximum of 49 from the 58 that would be potential, and it is 460 trips as opposed to the 552 projected trips. She stated the project will provide housing options, and the housing comprehensive plan states that Brevard County shall ensure there is housing available other than single-family homes. She said the shape and physical characteristics of the property make it unique and should be considered in determining the reasonableness of the zoning classification, and changes of conditions can justify a rezoning. She said non-development because of wetlands can be a change of condition, or a condition that is unexpected, to justify a rezoning. She said the project is an in-fill project and has extenuating circumstances, and because it hasn't been developed, that is the reason for the request.

Ron Bartcher asked the proposed size of the townhomes. Ms. Rezanka replied 1,500 square feet to 2,200 square feet; they will be as big, if not bigger, than the homes next to them.

Bruce Moia stated the current zoning of RRMH-1 (Rural Residential Mobile Home) could be mobile homes, and the requested RA-2-6 is good because it is ownership as opposed to renter multi-family, and that is more desirable than mobile homes. He said he is very familiar with the property because he was originally involved in Cypress Woods when it was developed, and the property is completely in an isolated flood plain, so the developer has his work cut out for him to try to get compensated storage because of the wetlands. He assumes Ranch Road will be required to be paved in order to get access to the development. Ms. Rezanka stated that is the issue they are having, and all the County Code requires is that it has access onto a paved road, which it does off of Falk Avenue directly to the south; there is nothing in the Code that says you cannot access off of a local road, and that's what she is waiting on clarification from the County. Mr. Moia asked if the developer wants to go directly south for access, and asked where that road goes. Ms. Rezanka replied it meets Everett Street, which goes to Grissom Parkway. Mr. Moia stated Ranch Road doesn't have any houses that have access, for the most part. Ms. Rezanka replied no, not legal access.

Public comment:

Linda Donoghue, Cypress Woods, stated the neighborhood is not against the project, nor are they in favor of it, they are just concerned with drainage, barriers, and townhomes looking over their homes into their backyards. She stated the developer of the nearby storage unit project is proposing an 18-foot barrier, and she hopes that is the case with the townhome developer. She stated people need to know that the access will not be from Ranch Road, but will be off of the side street. She said Cypress Woods has had a lot of flooding, so having barriers between Cypress Woods is important. She said she is not concerned with townhomes because unless they are affecting the homes in Cypress Woods, it could be a good thing. She asked the height of the proposed townhomes.

Peter Filiberto replied the height will be 35 feet maximum.

Ms. Donoghue asked if there is a specific barrier requirement. Mr. Filiberto replied there seems to be a vegetative barrier. Mr. Moia stated single-family to single-family does not require a buffer. Ms. Elmore responded the Natural Resources Management Office would not require a vegetative buffer between the residential uses, but there is a subdivision buffer in the Land Development Code. She said regarding height, the townhomes could be 45 feet with additional breezeway requirements, so it would be between 35 feet and potentially 45 feet if they can meet additional breezeway requirements, but the applicant stated 35 feet was the intent. Mr. Moia stated there will be a 15-foot buffer tract requirement around the property. Ms. Donoghue stated the homeowners in Cypress Wood are against the project if there is not a buffer.

Ms. Elmore clarified that the townhomes would be limited to 35 feet because it will be single-family abutting single-family. Ms. Lawandales asked the size requirement for a buffer. Mr. Body replied a 15-foot buffer.

Christine Barber, 7565 Fringe Place, Cypress Woods, stated her property backs up to the proposed development. She said Port Saint John is a single-family residential community; the only multi-family development is east of the Indian River. She said the neighbors she has spoken to do not want the development because they will lose their privacy. She said single-family homes cannot be compared to townhomes. She said there is a lot of flooding in Cypress Woods because of the wetlands on the subject property; when there is a hurricane the retention ponds drain into the ditch along Ranch Road when they overflow; and that ditch has never been able to keep up with the drainage. If the proposed project is brought into a wetlands area, it will impact the area. She said the neighbors were told at an informational meeting that if the project was approved they would give the neighbors a 35-foot barrier of trees. She noted there are no two-story homes in Cypress Woods, so there will be a privacy issue. She said the biggest issue is the flooding, and stated she would prefer to see mobile homes because they are not two-story and it would be less of an impact on the wetlands.

Tom Wells, 7586 Fringe Place, stated he is opposed to the project as it is out of character for the surrounding neighborhood. He asked where the nearest development is that is close to what the developer is proposing, because he is not aware of any. (Mr. Wells provided a handout to the board and staff). He said the neighbors were told the developer would pave Ranch Road as the access to the project, and he is proposing the access be on the easterly boundary. He noted the developer's proposal also makes use of their ability to buy into use of wetlands, which is something he objects to, because it's an inadequate approach. He said the drainage on Ranch Road is not adequate and the proposed development would add to the problem. He stated the developer shouldn't be able to use the wetlands to create the numbers to allow them to build whatever they want on the uplands; the developer is going into the wetlands, but the buyout is not going to help the drainage situation, it will exacerbate it. He said it is improper to allow them to not make use of what's there and not get into an arithmetic game of using a buyout to increase their number of units.

Ms. Lawandales stated under RA-2-6, it looks like there is a perimeter setback of 25 feet. Mr. Body replied the perimeter setback is 25 feet. Mr. Moia stated that would be a building setback and not landscaping. Mr. Filiberto asked if it was 15 feet plus 25 feet, or 25 feet total. Ms. Lawandales replied it would be 25 feet total. Tad Calkins clarified it would be a 25-foot total perimeter setback; the 15-foot buffer tract that was mentioned earlier would be inside the 25 feet. Ms. Lawandales stated the 15 feet<sup>567</sup> would go away and it would essentially be 25 feet. Mr. Calkins stated the 15 feet would be a tract that

has to be in its natural state, so the remaining 10 feet would be able to be impacted in some way. Mr. Moia asked the rear setback for the lots. Mr. Body replied its 25 feet for the perimeter setback, and the setback for interior lots is 20 feet, except for screen enclosures which have a setback of not less than 10 feet. Mr. Calkins stated it would be a 35-foot setback from the property line, except for screen enclosures.

Ms. Rezanka stated Ms. Barber is Lot 10 and that area of the subject property will not be developed, and it also cannot be used for retention, so that can be part of the binding development plan as well. She said regarding the flooding and drainage, both of those will have to be addressed at site planning. She said the flooding will not increase and the drainage will not change towards Cypress Woods. The developer does not want to impact wetlands, but they do not know where the roads are going to be at this point. As to the wetlands, there is a nominal amount that can be impacted by the Code and Comprehensive Plan at 1.8%, and that would have to be mitigated, but the developer cannot buy six acres of wetland credits. She said she would ask that the board approve the density change to Residential 6 and the rezoning to RA-2-6 (Single-Family Attached Residential), with a binding development plan limiting density to 49 units and prohibiting development of the area on the western portion of the property marked 425 on the proposed concept plan. She noted the concept plan is not final, but it does depict the area marked 425 as to what they would stipulate that there will be no development in that area because of the wetlands.

Mr. Moia stated the request is for 49 attached residential units as opposed to what could be developed today, which could be 39 mobile home units. Ms. Rezanka stated they would have to request a rezoning because right now the zoning is inconsistent with the Future Land Use, so it could be nine mobile homes because of the one-acre lot requirement in that zoning classification.

Ms. Lawandales stated in the Comprehensive Plan there are certain criteria that have to be met in order to consider a change of land use classification from Residential 4 to Residential 6, and noted she has not heard any testimony that addresses that criteria. Ms. Elmore stated the Residential 6 designation is a transition in density between higher urbanized areas and more intensity land uses. Residential 6 permits a maximum density of up to six units per acre except as otherwise may be provided in the Future Land Use Element.

Ms. Rezanka stated she believes the Comprehensive Plan has specific provisions for in-fill development. Mr. Calkins stated staff would not consider the development as in-fill because it talks about transition and the siting requirement talks specifically about it being a transition between more intense land uses to less intense, and in the area the land use is Residential 4, and there is no other intensity or a different transition between the two.

Dane Theodore stated the concept plan shows the road coming off of Ranch Road, and asked if there is any intention to not do that. Ms. Rezanka stated at this point the County will not allow the subdivision to be off of a non-paved road; Ranch Road is a stabilized road which residents use now; however, County Code merely states it has to be off of a paved road. At this point, she does not have clarification from the County as to whether Ranch Road has to be paved, so at this point it is connected to Falk Avenue until she gets additional information.

Mr. Theodore addressed Mr. Moia and stated Ms. Rezanka said they were obligated to receive historical runoff onto the site from neighbors, and asked if that was correct. Mr. Moia replied yes, and 568 they cannot have any drainage that comes off of their property. Mr. Theodore stated they would not

block flow from adjacent homes. Mr. Moia stated that is correct. Mr. Theodore stated the request is for Residential 6 which is kind of a spot zoning, and Residential 4 will get the developer 39 or so units, and the developer deems that not sufficient. Ms. Rezanka stated originally the developer thought they could get 58 units, but after getting the preliminary wetlands, they went to 49 units. She stated she does not think it is spot zoning.

Ms. Lawandales asked if there will be seven units in each building. Ms. Rezanka replied yes, that is correct.

Ms. Rezanka stated regarding Residential 6, the Comprehensive Plan is a policy decision, and it even states in Policy 6, "May be considered for lands within the following generalized locations", and she believes that based upon the condition of the subject property, and the fact that it hasn't been developed because of the wetlands, that it can be changed to Residential 6. She said she does believe it is infill development, and she would cite the Housing Comprehensive Plan which states Objective 4 is to have adequate lands for residential land uses in a wide variety of housing types. She said there are probably no townhomes in Port Saint John, but a half-mile north in Titusville there are townhomes along U.S. 1, so there are other developments in the area that are townhomes.

Ms. Lawandales stated the easiest thing to have happen is that the applicant live with the Residential 4 and they develop as RA-2-4, or RU-2-4; either of those zoning classifications allow the ability to build an attached unit, but it's at a much more reasonable number. She asked if there is an opportunity for Ms. Rezanka's client to consider that in moving forward. Ms. Rezanka replied her client has asked for Residential 6 and RA-2-6, and the board can deny that and recommend RA-2-4, but she believes the evidence for the request of RA-2-6 is adequate and necessary because of the unique criteria of the property.

Ms. Lawandales stated she doesn't have a problem with the property being developed, and she doesn't have a problem with townhomes; the land can be made suitable for development without impacting the surrounding areas, but she cannot support Residential 6. She said the entire area is Residential 4 and there is ample opportunity using an existing zoning classification of RA-2-4 or RU-2-4 that would give them the ability to have 39 units and that's probably the carrying capacity of the property.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to deny the Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6 based on inconsistency with the criteria to change to Residential 6.

Mr. Moia stated the current zoning of RRMH-1 is a spot zoning; the project will be difficult to develop; they will be limited by Code for the wetlands impact, which means they will probably have to build bridges to cross the wetlands, and the expense of that would basically kill the project. The tradeoff for having an increased density and ensuring a single-family product would be better than the possibility of a multi-family rental property. Between the flood plain conservation, the wetlands, and the sheer expense of what they will have to do to ensure there are no drainage impacts, if they don't get some density to make this project a reality, it's never going to happen. The offset of single-family as opposed to multi-family rental is worth the extra 10 units.

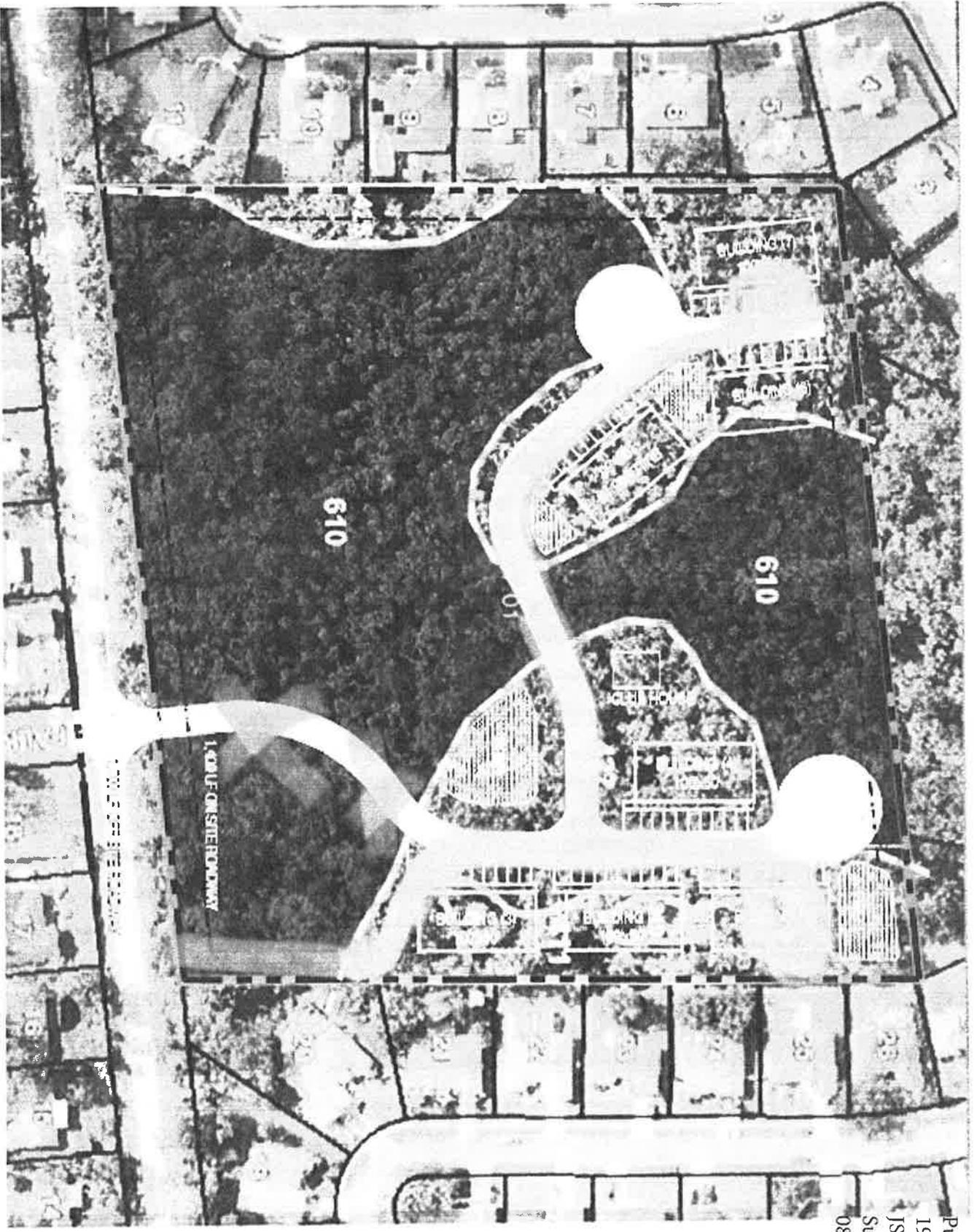
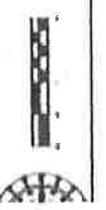
Ms. Lawandales stated she is in favor of the attached single-family versus multi-family, but she thinks 569 49 is a big number and its inconsistent with the Comprehensive Plan. Mr. Moia stated having mobile homes on the property would de-value the surrounding properties.

Mr. Filiberto called for a vote on the motion as stated, and it failed 3:5, with McLellan, Wadsworth, Moia, Glover, and Filiberto voting nay.

Motion by Bruce Moia, seconded by Ben Glover, to approve the Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6. The motion passed 5:3, with Rochelle Lawandales, Dane Theodore, and Ron Bartcher, voting nay.

Motion by Bruce Moia, seconded by Ron McLellan, to approve the requested change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential) with a BDP (Binding Development Plan) limited to a maximum 49 units, the area marked as 425 on the conceptual plan submitted 08/05/19 shall not be developed and shall be left in its natural state, and that access be on Falk Road. The motion passed 6:2, with Rochelle Lawandales and Ron Bartcher voting nay.

CONCEPTUAL PLAN WITHOUT BENEFIT OF TOPOGRAPHIC OR BOUNDARY SURVEY  
SEE ENVIRONMENTAL REPORT FOR NET LAND MEASUREMENTS



Public Comment  
19PZ00063  
JSFS/Shapiro  
Submitted  
08/05/19



BOARD OF COUNTY COMMISSIONERS

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

D1.commissioner@brevardfl.gov

Planning and Development

Zoning Meeting October 3, 2019

JSFS Land Trust, Jacob and Faye Shapiro, Trustees (19PZ00062 & 19PZ00063)

Commissioner Pritchett spoke to Kim Rezanka by phone regarding the above item on August 29, 2019.

Kim Rezanka stated they are asking to amend the FLU from Res 4 to Res 6 on 9.79 acres multiple family on the north side of Ranch Road. There is water service to the property and applicant intends to provide sewer service. It is required to access property from a paved road and Ranch Road is a dirt road. Applicant plans to use Everett Street to Falk and pave a section across Ranch Road for access to property. Commissioner Pritchett expressed her concerns about adding traffic to a residential street.

Prepared by: Kimberly Bonder Rezanka  
Address: Cantwell & Goldman, P.A.  
96 Willard Street, Ste. 302  
Cocoa, FL 32922

## BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Soho Development One, LLC (hereinafter referred to as "Developer/Owner").

### RECITALS

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

WHEREAS, Developer/Owner has requested the RA-2-6 zoning classification(s) and desires to develop the Property as townhomes, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successor or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit density to five (5) units per acre and may be

further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall have one ingress and egress from the Property to Ranch Road (a/k/a King's Highway).

4. The Developer/Owner shall pay for the engineering and for the construction of improvements to Ranch Road to allow paved access from the Property to Grissom Parkway or any portion of Ranch Road paved or due to be paved by a third party or by the County. These improvements shall not include curb and gutter or piping of the north ditch or sidewalks, and the pavement width required shall be no greater than twenty-two feet (22'). The Developer/Owner may be entitled to transportation impact fees for the costs of engineering and construction.

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

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

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

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of

Ordinances of Brevard County, Florida, as may be amended.

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

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

ATTEST

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

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Katherine Isnardi, Chair  
As approved by the Board on: \_\_\_\_\_

WITNESSES:

Soho One Development, LLC

\_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)

STATE OF FLORIDA )

➤ ss:

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
personally appeared \_\_\_\_\_, as \_\_\_\_\_ of Soho  
One Development, LLC, who is personally known to me or who has produced  
\_\_\_\_\_ as identification, and who did/did not take an oath.

\_\_\_\_\_  
Notary Public

My Commission expires:

SEAL

Commission No.:

\_\_\_\_\_  
(Name typed, printed or stamped)

Legal Description

Parcel Id: 23-35-15-BB-\*-147.01

The East ½ of Tracts 147 and 150, Cocoa Indian River Properties,  
according to the Plat thereof, as recorded in Plat Book 5, Page 7 of the  
Public Records of Brevard County, Florida.

ORDINANCE NO. 19- \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TENTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.10, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2019 as Plan Amendment 19S.10; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 19S.10; and

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

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

WHEREAS, on August 5, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.10, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 3, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.10; and

WHEREAS, Plan Amendment 19S.10 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.10 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 19S.10 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 19S.10, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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

DONE AND ADOPTED in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

By: \_\_\_\_\_  
Kristine Isnardi, Chair

As approved by the Board on \_\_\_\_\_, 2019.

**EXHIBIT A**  
**19S.10 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

**1. Proposed Future Land Use Map**

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

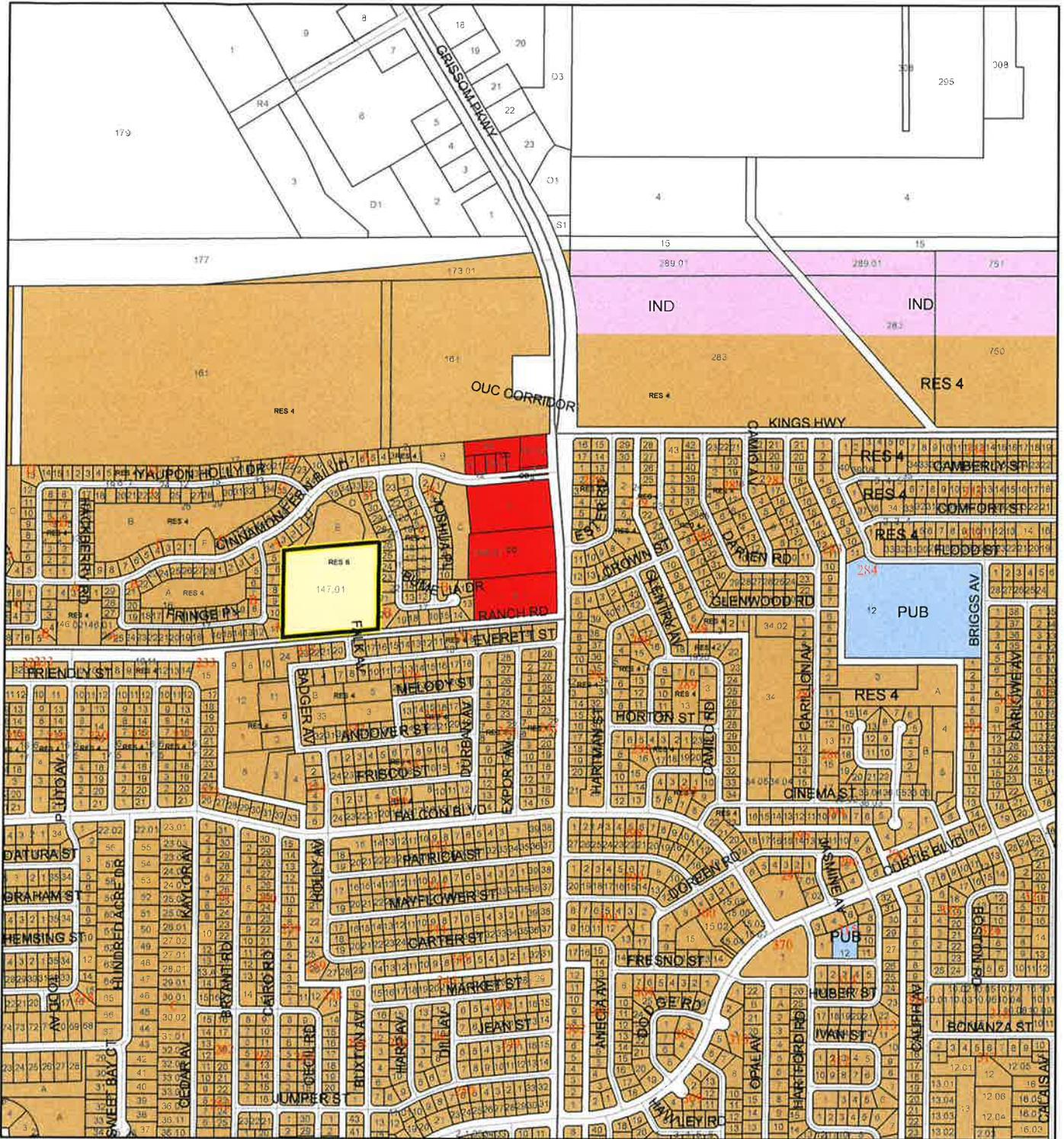
## **EXHIBIT A**

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#### **1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

JDFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE  
 19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:12,000 or 1 inch = 1,000 feet

- Subject Property
- Parcels

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

Produced by BoCC - GIS Date: 6/21/2019

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

AD#3644325, 6/24/2019

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JULY 8, 2019, and THURSDAY, AUGUST 1, 2019. Item 1 is on the North Merritt Island Dependent Special District Board Agenda.

DISTRICT 1 2. (19P200054) - JAMES W. AND CATHERINE J. BROWN - request a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential - Low-intensity), on property described as Tract 4, Block 10, of an unrecorded Map of Canaveral Groves, Section 2, as shown on Survey Book 2, Page 59, as recorded in ORB 8108, Page 2502, of the Public Records of Brevard County, Florida, Section 02, Township 24, Range 35, (1.01 acres) Located on the south side of Blair St., approx. 496 feet west of Knoxville Ave. (3227 Blair St., Cocoa)

DISTRICT 4 3. (19P200055) - DANIEL BANDISH - requests a change of zoning classification from SEU (Suburban Estate Use) to RR-1 (Rural Residential), on property described as Tax Parcel 270, as recorded in ORB 8262, Page 297, of the Public Records of Brevard County, Florida, Section 10, Township 27, Range 36, (3.29 acres) Located approximately 350 feet north of the intersection of Clydesdale Blvd. and Percheron Blvd. (5290 Percheron Blvd., Melbourne, FL)

DISTRICT 4 4. (19P200060) BLUE STAR SHOREVIEW, LLC (Bruce Mola) - requests an amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units, on property described as Tax Parcel 6, as recorded in ORB 7026, Pages 2195 - 2198, of the Public Records of Brevard County, Florida, Section 26, Township 26, Range 37, (8.49 acres) Located on the southwest corner of Berkeley St. and Highway A1A. (50 Berkeley St., Satellite Beach)

DISTRICT 5 5. CORRECTED (19P200061) SUNSHINE STATE WILDLIFE CONSERVATION, LLC (Scott Knox) requests a CUP (Conditional Use Permit) for Land Alteration on 216.89 acres out of a total of 326.97 acres, on property described as Tax Parcel 2, as recorded in ORB 8227, Pages 177 - 179, and ORB 8213, Pages 1794 - 1796, as recorded in the Public Records of Brevard County, Florida, Section 34, Township 30, Range 37, (326.97 acres, 151.78 acres for CUP request) Located on the west side of Babcock St., north of the C-54 Canal. (9550 Babcock St., Fellsmere)

DISTRICT 1 6. (19P200062) JSFS LAND TRUST, JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6, on property described as the east 1/2 of Tracts 147 and 150, Cocoa Indian River Properties, according to the Plat thereof, as recorded in Plat Book 5, Page 7 of the Public Records of Brevard County, Florida, Section 15, Township 25, Range 35, (9.79 acres) located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.10: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future

Land Use Element and future land use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

DISTRICT 1 7. (19P200063) JSFS LAND TRUST, JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE (Kim Rezanka) requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential), on property described as the east 1/2 of Tracts 147 and 150, Cocoa Indian River Properties, according to the Plat thereof, as recorded in Plat Book 5, Page 7 of the Public Records of Brevard County, Florida, Section 15, Township 25, Range 35, (9.79 acres) Located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area)

DISTRICT 4 8. (19P200064) CASA LOMA ESTATES CO-OP, INC. (Karl Bohne) requests a CUP (Conditional Use Permit) for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles, on property described as Tax Parcel 502, as recorded in ORB 5493, Pages 8482 - 8484, of the Public Records of Brevard County, Florida, less and except Tax Parcel 523, Section 18, Township 26, Range 37, (20 acres) Located on the west side of U.S. Highway 1, approx. 1 mile north of Pineda Causeway. (No assigned address. In the Melbourne area.)

DISTRICT 2 9. (18P200159) BARBARA J. AND JOSEPH J. TULSKIE, JR. - request removal of an existing BDP (Binding Development Plan), and a CUP (Conditional Use Permit) for a Temporary Security Trailer, on property described as Lot 1, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8210, Pages 319 - 320, of the Public Records of Brevard County, Florida; and Lot 3, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8203, Pages 2720 - 2721, of the Public Records of Brevard County, Florida, Section 35, Township 24, Range 36, (1.55 acres) Located on the southeast corner of Tangerine Ave. and N. Tropical Trail. (Lot 1 = 140 N. Tropical Trail, Merritt Island; Lot 3 = No assigned address) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JULY 8, 2019, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, AUGUST 1, 2019, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, Per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator II.

ORDINANCE NO. 19- \_\_\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TENTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.10, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2019 as Plan Amendment 19S.10; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 19S.10; and

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

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

WHEREAS, on August 5, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.10, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 3, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.10; and

WHEREAS, Plan Amendment 19S.10 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.10 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 19S.10 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

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

DONE AND ADOPTED in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

By: \_\_\_\_\_  
Kristine Isnardi, Chair

As approved by the Board on \_\_\_\_\_, 2019.

**EXHIBIT A**  
**19S.10 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

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## **EXHIBIT B**

### **Contents**

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ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

By: \_\_\_\_\_  
Kristine Isnardi, Chair

As approved by the Board on \_\_\_\_\_, 2019.

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**COMPREHENSIVE PLAN AMENDMENT**

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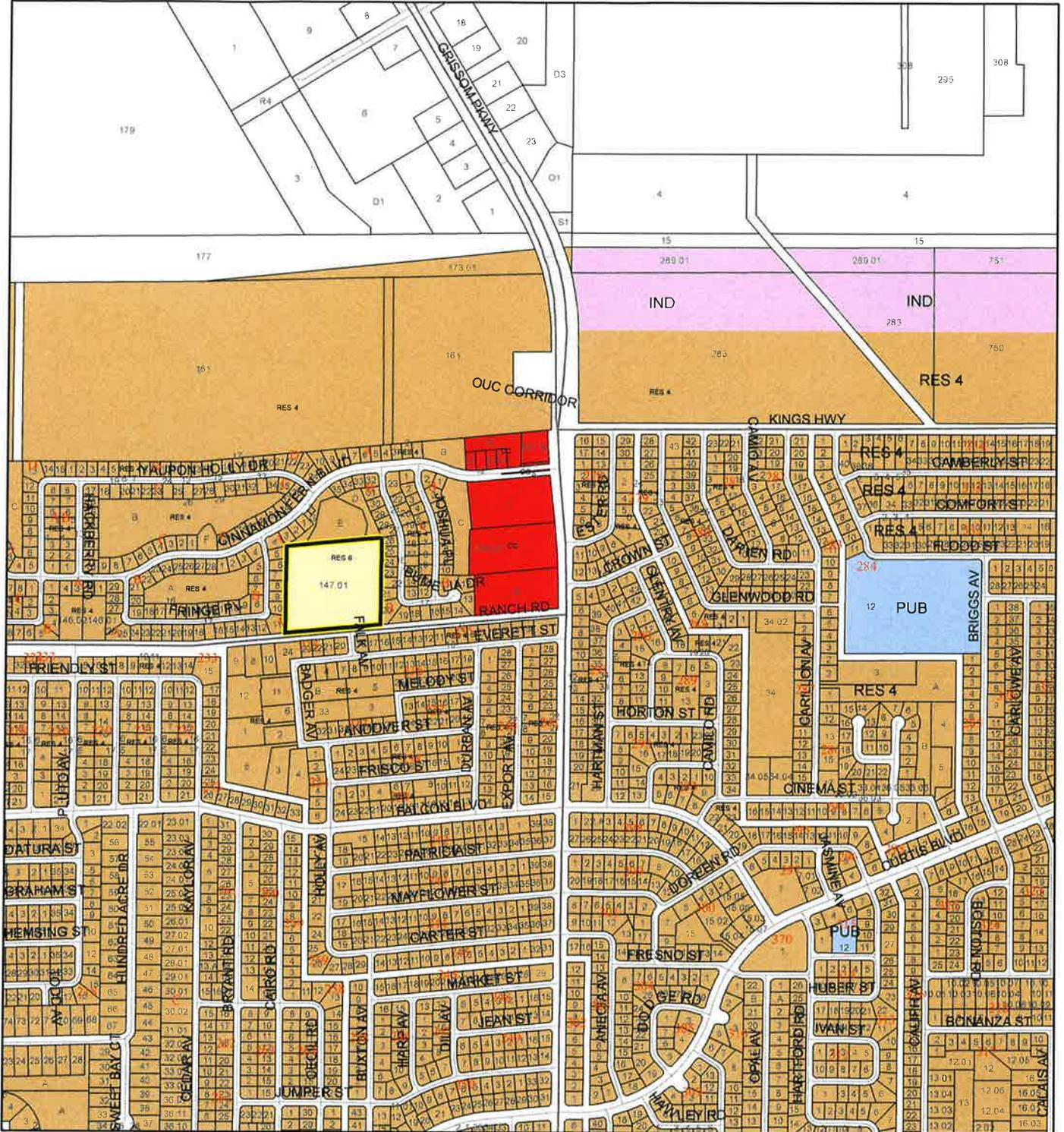
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- Subject Property
- Parcels

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

Produced by BoCC - GIS Date: 6/21/2019

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

AD#3644325, 6/24/2019

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JULY 8, 2019, and THURSDAY, AUGUST 1, 2019. Item 1 is on the North Merritt Island Dependent Special District Board Agenda.

DISTRICT 1 2. (19PZ00054) - JAMES W. AND CATHERINE J. BROWN - request a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential - Low-Intensity), on property described as Tract 4, Block 10, of an unrecorded Map of Canaveral Groves, Section 2, as shown on Survey Book 2, Page 59, as recorded in ORB 8108, Page 2502, of the Public Records of Brevard County, Florida, Section 02, Township 24, Range 35, (1.01 acres) Located on the south side of Blair St., approx. 496 feet west of Knoxville Ave. (3227 Blair St., Cocoa) DISTRICT 4 3. (19PZ00055) - DANIEL BARDISH - requests a change of zoning classification from SEU (Suburban Estate Use) to RR-1 (Rural Residential), on property described as Tax Parcel 270, as recorded in ORB 8262, Page 297, of the Public Records of Brevard County, Florida, Section 10, Township 27, Range 36, (3.29 acres) Located approximately 350 feet north of the intersection of Clydesdale Blvd. and Percheron Blvd. (5290 Percheron Blvd., Melbourne) 4. (19PZ00050) BLUE STAR SHOREVIEW, LLC (Bruce Moia) - requests an amendment to an existing BDP (Blinding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units, on property described as Tax Parcel 6, as recorded in ORB 7026, Pages 2105 - 2198, of the Public Records of Brevard County, Florida, Section 26, Township 26, Range 37, (8.49 acres) Located on the southwest corner of Berkeley St. and Highway A1A. (50 Berkeley St., Satellite Beach) DISTRICT 5 5. CORRECTED (19PZ00061) SUNSHINE STATE WILDLIFE CONSERVATION, LLC (Scott Knox) requests a CUP (Conditional Use Permit) for Land Alteration on 216.89 acres out of a total of 326.97 acres, on property described as Tax Parcel 2, as recorded in ORB 8227, Pages 177 - 179, and ORB 8213, Pages 1794 - 1796, as recorded in the Public Records of Brevard County, Florida, Section 34, Township 30, Range 37, (326.97 acres, 151.78 acres for CUP request) Located on the west side of Babcock St., north of the C-54 Canal. (9550 Babcock St., Fellsmere) DISTRICT 1 6. (19PZ00062) JSFS LAND TRUST, JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6, on property described as the east 1/2 of Tracts 147 and 150, Cocoa Indian River Properties, according to the Plat thereof, as recorded in Plat Book 5, Page 7 of the Public Records of Brevard County, Florida, Section 15, Township 25, Range 35, (9.79 acres) Located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.10: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future

Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with those amendments; providing legal status; providing a severability clause; and providing an effective date. 7. (19PZ00063) JSFS LAND TRUST, JACOB SHAPIRO, AS TRUSTEE, AND FAYE SHAPIRO, AS TRUSTEE (Kim Rezanka) requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential), on property described as the east 1/2 of Tracts 147 and 150, Cocoa Indian River Properties, according to the Plat thereof, as recorded in Plat Book 5, Page 7 of the Public Records of Brevard County, Florida, Section 15, Township 25, Range 35, (9.79 acres) Located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area) DISTRICT 4 8. (19PZ00064) CASA LOMA ESTATES CO-OP, INC. (Karl Bohning) requests a CUP (Conditional Use Permit) for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles, on property described as Tax Parcel 502, as recorded in ORB 5493, Pages 8482 - 8484, of the Public Records of Brevard County, Florida, less and except Tax Parcel 523, Section 18, Township 26, Range 37, (20 acres) Located on the west side of U.S. Highway 1, approx. 1 mile north of Pineda Causeway. (No assigned address. In the Melbourne area) DISTRICT 2 9. (19PZ00159) BARBARA J. AND JOSEPH J. TULSKIE, JR. - request removal of an existing BDP (Blinding Development Plan), and a CUP (Conditional Use Permit) for a Temporary Security Trailer, on property described as Lot 1, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8210, Pages 319 - 320, of the Public Records of Brevard County, Florida; and Lot 3, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8203, Pages 2720 - 2721, of the Public Records of Brevard County, Florida, Section 35, Township 24, Range 36, (1.55 acres) Located on the southeast corner of Tangerine Ave. and N. Tropical Trail. (Lot 1 = 140 N. Tropical Trail, Merritt Island; Lot 3 = No assigned address) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JULY 8, 2019, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, AUGUST 1, 2019, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, Per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator II.