



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

5/27/2021

Subject:

Lantzcom MI, LLC, requests a change of zoning classification from RU-2-30 to RU-2-15. (21Z00007) (Tax Account 2416989) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-2-30 (High Density Multi-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-2-30 to RU-2-15. The purpose of this rezoning is to make the property's zoning consistent with the Future Land Use designation of RES 15 (Residential 15). Per Section 62-1255 (b), RU-2-30 is not consistent with RES 15. The proposed RU-2-15 zoning classification can be considered consistent with the FLU designation.

The proposed RU-2-15 zoning classification permits multifamily dwellings with a maximum density of 15 units per acre on 7,500 square foot lots with a minimum lot width and depth of 75 feet. Single-Family Attached dwelling units [townhomes] are also permitted in this zoning classification as long as they are developed to the RA-2-10 (Single-Family Attached) density and development standards of Section 62-1343.

This lot abuts Houston Lane on its south perimeter. Across this roadway is a Brevard County drainage facility and six vacant lots zoned RU-1-7 (Single-Family Residential). To the north are four duplexes and one single-family residence zoned RU-2-30. Also, to the north are two single-family residences zoned RU-1-7. To the east are two quadruplexes zoned RU-2-30. To the west is an RU-1-7 zoned vacant lot.

City of Cocoa water and Brevard County sewer services are available to service the property.

The Board may wish to consider whether the requested RU-2-15 zoning classification is consistent with the Comprehensive Plan and compatible with the surrounding area.

On May 3, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 210Z00007

On motion by Commissioner Lober, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

WHEREAS, Lantzcom MI, LLC has requested a change of zoning classification from RU-2-30 (High Density Multi-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential), on property described as Tax Parcel 42, as recorded in ORB 8956, Pages 1498 – 1499, of the Public Records of Brevard County, Florida. **Section 22, Township 24, Range 36.** (1.78 +/- acres) Located on the northwest corner of Schoolhouse St. and Houston Ln. (No assigned address. In the Merritt Island area); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-2-30 to RU-2-15 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 27, 2021.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on May 27, 2021.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – May 3, 2021

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

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

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(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

21Z00007

Lantzcom MI, LLC

RU-2-30 (High-Density Multi-Family Residential) to RU-2-15 (Medium-Density Multiple-Family Residential)

Tax Account Number: 2416989
Parcel I.D.: 24-36-22-00-42
Location: North Side of Houston Lane, approximately 2,000 feet west of intersection of North Courtenay Parkway and Crockett Boulevard (District 2)
Acreage: 1.78 acres
Planning and Zoning Board: 5/03/2021
Board of County Commissioners: 5/27/2021

Consistency with Land Use Regulations

- Current zoning can not 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)

	CURRENT	PROPOSED
Zoning	RU-2-30	RU-2-15
Potential*	0 multiple-family units	26 multi-family units
Can be Considered under the Future Land Use Map	No Residential 15	YES Residential 15

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from High-Density Multi-Family Residential (RU-2-30) to Medium-Density Multiple-Family Residential (RU-2-15). The purpose of this rezoning is to make the property's zoning consistent with the Future Land Use designation of Residential 15 (RES 15) per Section 62-1255 (b) in order to develop the site with single-family attached residential dwelling units or multi-family residential dwelling units.

Section 62-1343 of Brevard County Zoning Regulations limits the single-family attached housing type in RU-2-15 to a maximum of ten units per acre.

The original zoning of the property was Single Family Residential (RU-1), adopted May 22, 1958. On November 25, 1963, the property was rezoned to RU-3 by zoning action **Z-1224**. The Zoning Ordinance adopted February, 1988 refers to the RU-3 zoning classification as "high density multiple-family residential" This classification was officially changed to High Density Multiple Family Residential (RU-2-30) with the Zoning Regulation adopted March, 1990.

Land Use

The property retains the RES 15 (Residential 15) Future Land Use (FLU) designation. The current RU-2-30 zoning classification is not consistent with the current RES 15 FLU designation. The proposed RU-2-15 zoning classification is consistent with the FLU designation.

Applicable Land Use Policies

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This request may be considered consistent with the proposed RES 15 FLUM. The property is bordered by RES 15 and Residential 10 (RES 10) FLU designations on its north sides, RES 15 on its east and west sides, and RES 10 across the right-of-way (Houston Lane) to the south. The existing use abutting on the north is multifamily. The abutting property to the west is vacant and the abutting property to the east is developed Quadruplexes. To the south, across Houston Lane, is a stormwater Tract. Development and zoning actions, in the recent past in the surrounding area, were not in the immediate vicinity of the subject property, and were limited to requests related to single-family.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The immediate surrounding area is a combination of single-family residential, multi-family residential, and institutional uses. Adjacent and surrounding multi-family residential lots have duplexes and quadruplexes. There are no apartment complexes or condominiums in the vicinity. The applicant has expressed the intention to develop the property as single-family townhomes. The closest townhome developed property is approximately 875 feet southeast of the subject property and was developed prior to current townhome regulations limiting density of townhomes in RU-2-15 zoning.

The proposed RU-2-15 zoning classification permits multifamily dwellings with a maximum density of 15 units per acre on 7,500 square foot lots with a minimum lot width and depth of 75 feet. Single-Family Attached dwelling units [townhomes] are also permitted in this zoning classification as long as they are developed to the Single-Family Attached (RA-2-10) density and development standards of Section 62-1343.

The existing RU-2-30 classification permits high density multi-family residential development of up to 30 units per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are

permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth. Single-Family Attached dwelling units are also permitted in this zoning classification as long as they are developed to the Single-Family Attached (RA-2-10) density and standards of Section 62-1343.

Surrounding Area

This lot abuts a roadway on its south perimeter. Across this roadway is a Brevard County drainage facility and six vacant lots zoned Single-Family Residential (RU-1-7). To the north are four duplexes and one single-family residence zoned RU-2-30. Also to the north, are two single-family residences zoned RU-1-7. To the east are two quadruplexes zoned RU-2-30. To the west is an RU-1-7 zoned vacant lot.

Zonings of the surrounding area are: Single-Family Residential (RU-1-7) and High-Density Multiple-Family Residential (RU-2-30).

The RU-1-7 zoning classification permits single-family dwellings on 5,000 sq. ft. lots, with a minimum lot width of 50 feet and a minimum depth of 100 feet. The minimum house size in RU-1-7 is 700 square feet.

There have been two zoning actions within a half-mile radius of the subject property within the last three years.

On October 10, 2018, zoning action **18PZ00130** changed the zoning from RU-1-9 and Low-Density Multi-Family Residential (RU-2-4) to all RU-1-9 with Binding Development Plan (BDP) to limit to two lots, with one single-family residence and one guest house with full kitchen facility on each lot, and require connection to central sewer, on a 2.92 acre parcel located approximately 2,550 feet south of, and across Tropical Trail from, the subject property.

On May 3, 2018, zoning action **18PZ00007** changed the zoning from EU (Estate Use Residential) to SEU (Suburban Estate Use) "approved for five (5) single-family homes" on a 7.04 acre parcel located approximately 850 feet west of, and across Tropical Trail from, the subject property.

Environmental Constraints

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The parcel is currently under a site plan review as Joseph Place Townhomes.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Tropical Trail, between Lucas Road and Crockett Blvd., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, Level of Service (LOS) of E, and currently operates at 24.82% of capacity daily (LOS C). The maximum development potential from the proposed rezoning is projected to increase the percentage of MAV utilization from 24.82% to 25.79%. The proposal is not anticipated to create a deficiency in LOS E.

The request is not anticipated to create any deficiencies in school concurrency. The School Board

reserves the right to make additional comments during the site plan review process.

City of Cocoa water and Brevard County sewer services are available to service the property.

For Board Consideration

The Board may wish to consider whether the requested RU-2-15 zoning classification is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 21Z00007**

Applicant: Kyle Lantz – Joseph Place (21SP00004)

Zoning Request: RU-2-30 to RU-2-15

Note: Applicant wants zoning to be consistent with Future Land Use of Res 15.

P&Z Hearing Date: 05/03/21; **BCC Hearing Date:** 05/27/21

Tax ID No: 2416989

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected Species
- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The parcel is currently under a site plan review as Joseph Place Townhomes.

Land Use Comments:

Aquifer Recharge Soils

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

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. However, the parcel is currently under site plan review, and plans show the project to be connected to sewer.

Protected Species

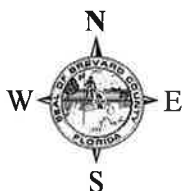
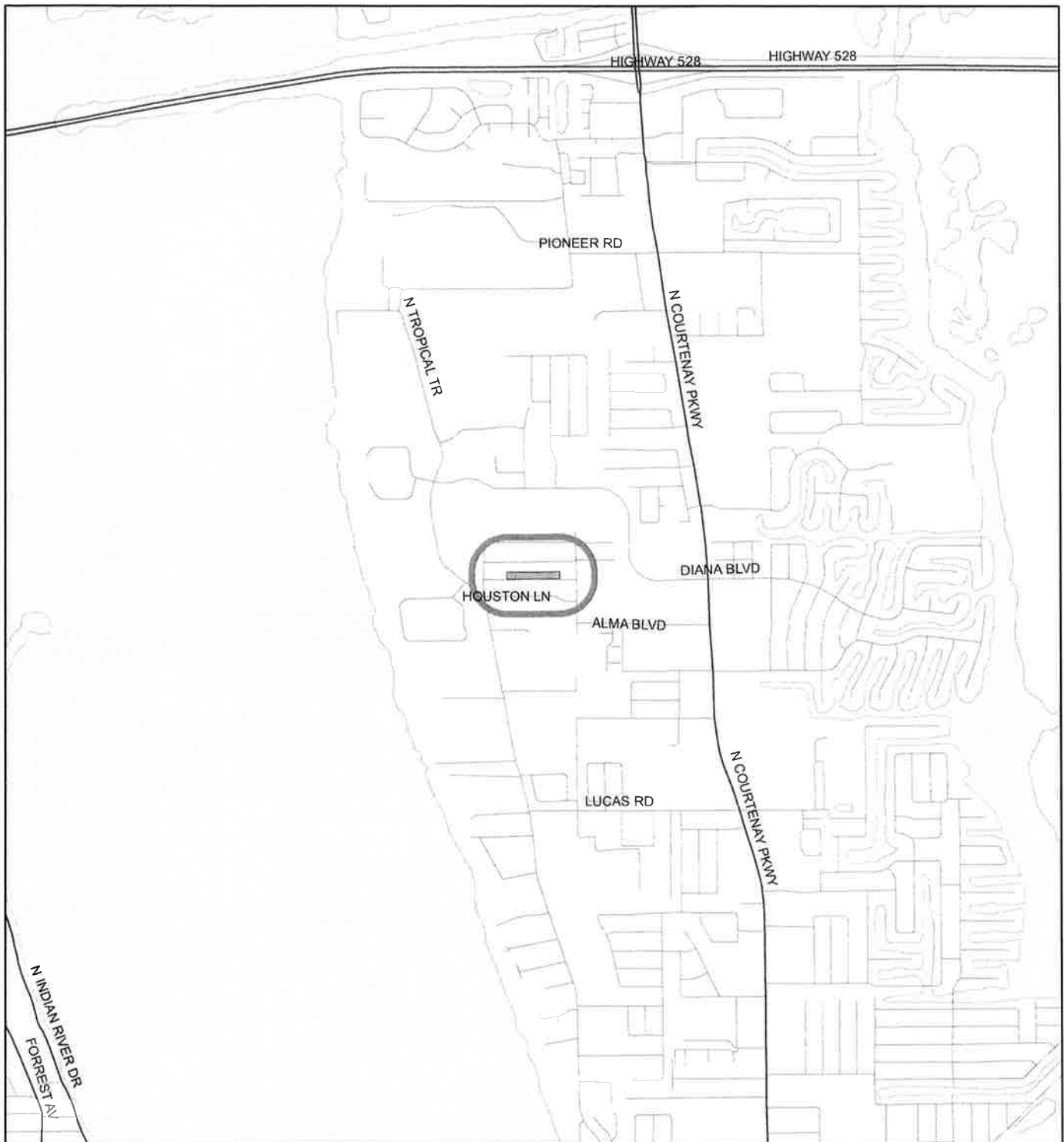
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should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

Land Clearing and Landscape Requirements

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.

LOCATION MAP

LANTZCOM MI, LLC
21Z00007



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.

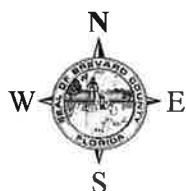
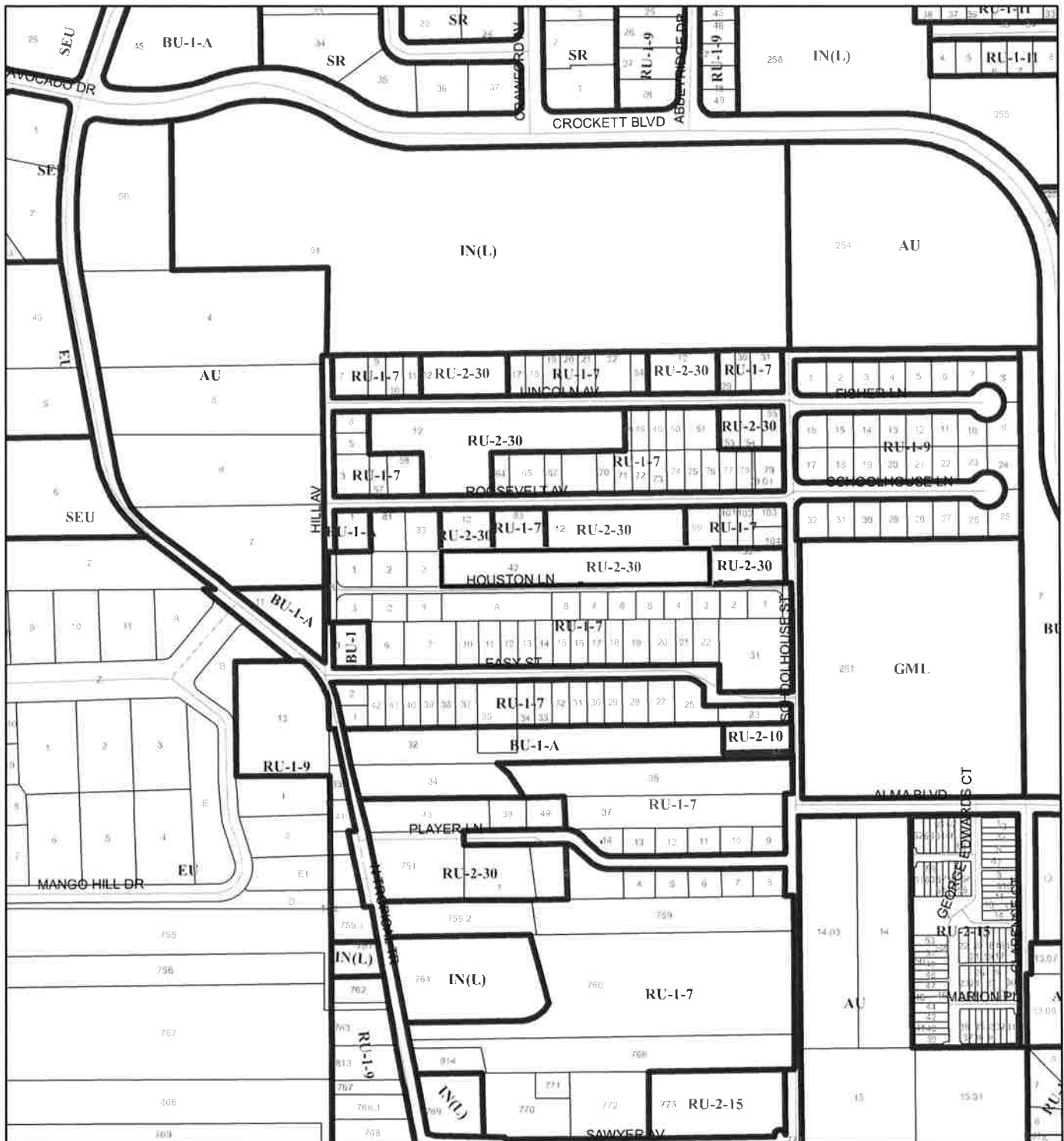
Produced by BoCC - GIS Date: 3/3/2021

— Buffer
■ Subject Property

ZONING MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

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Subject Property

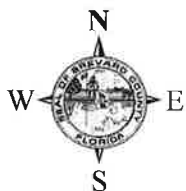
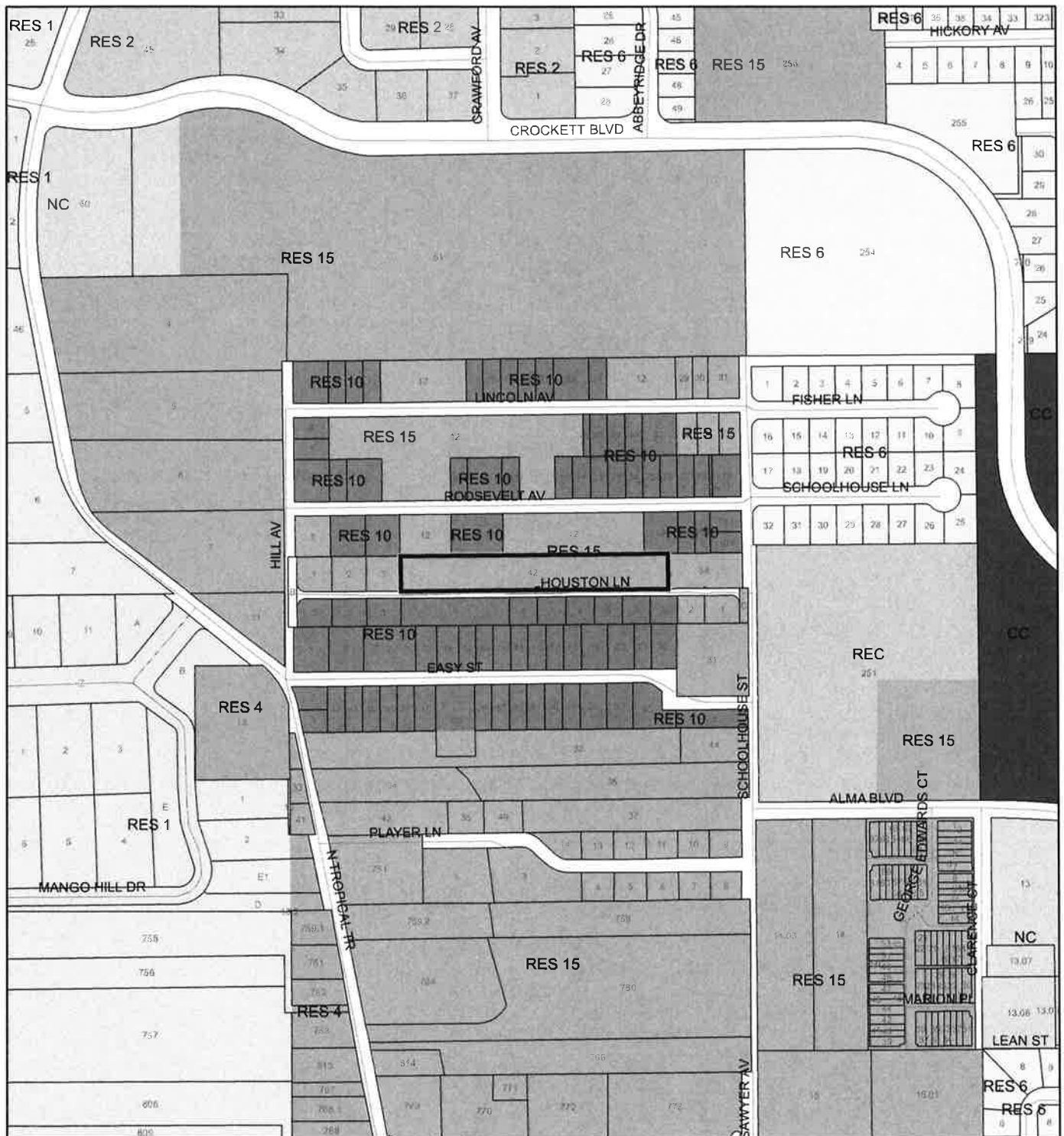
Parcels

Zoning

FUTURE LAND USE MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

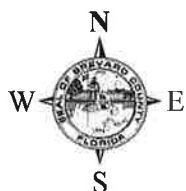
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/3/2021

AERIAL MAP

LANTZCOM MI, LLC

21Z00007



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 3/3/2021

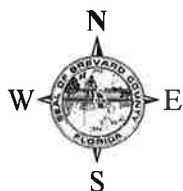
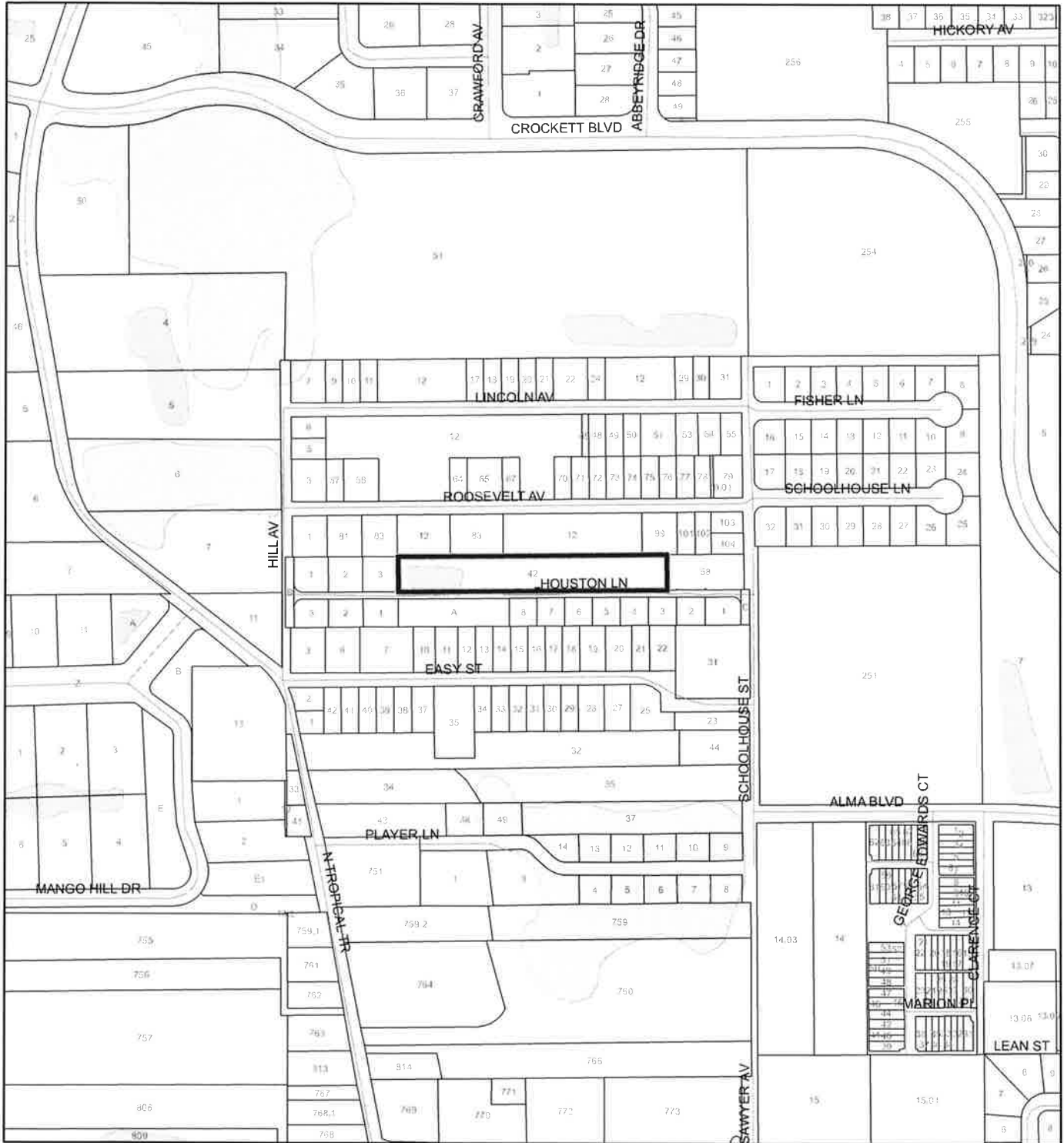
 Subject Property

 Parcels

NWI WETLANDS MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/3/2021

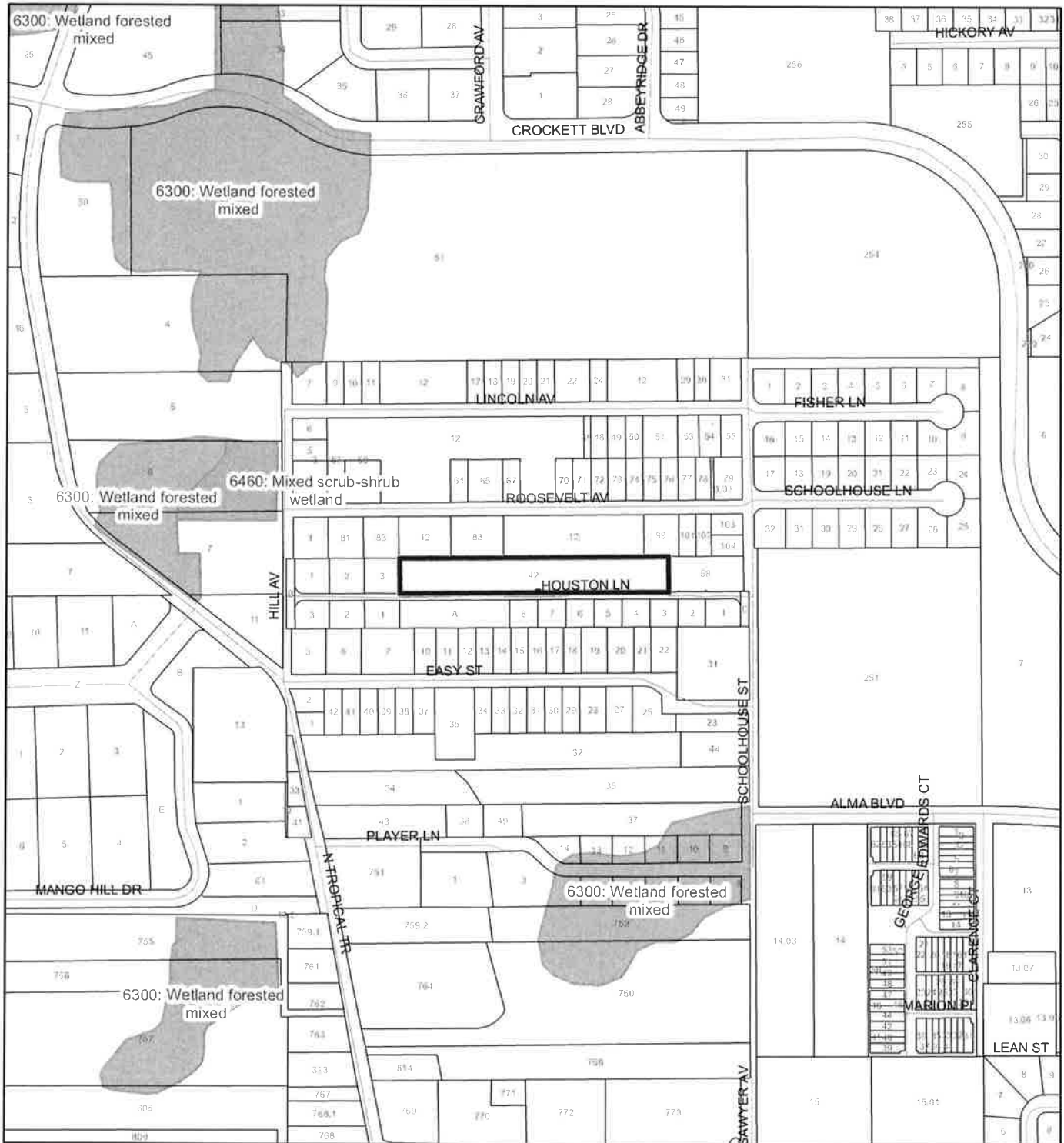
National Wetlands Inventory (NWI)

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

LANTZCOM MI, LLC

21Z00007



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: 3/3/2021

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

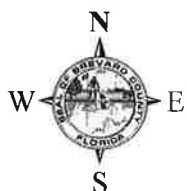
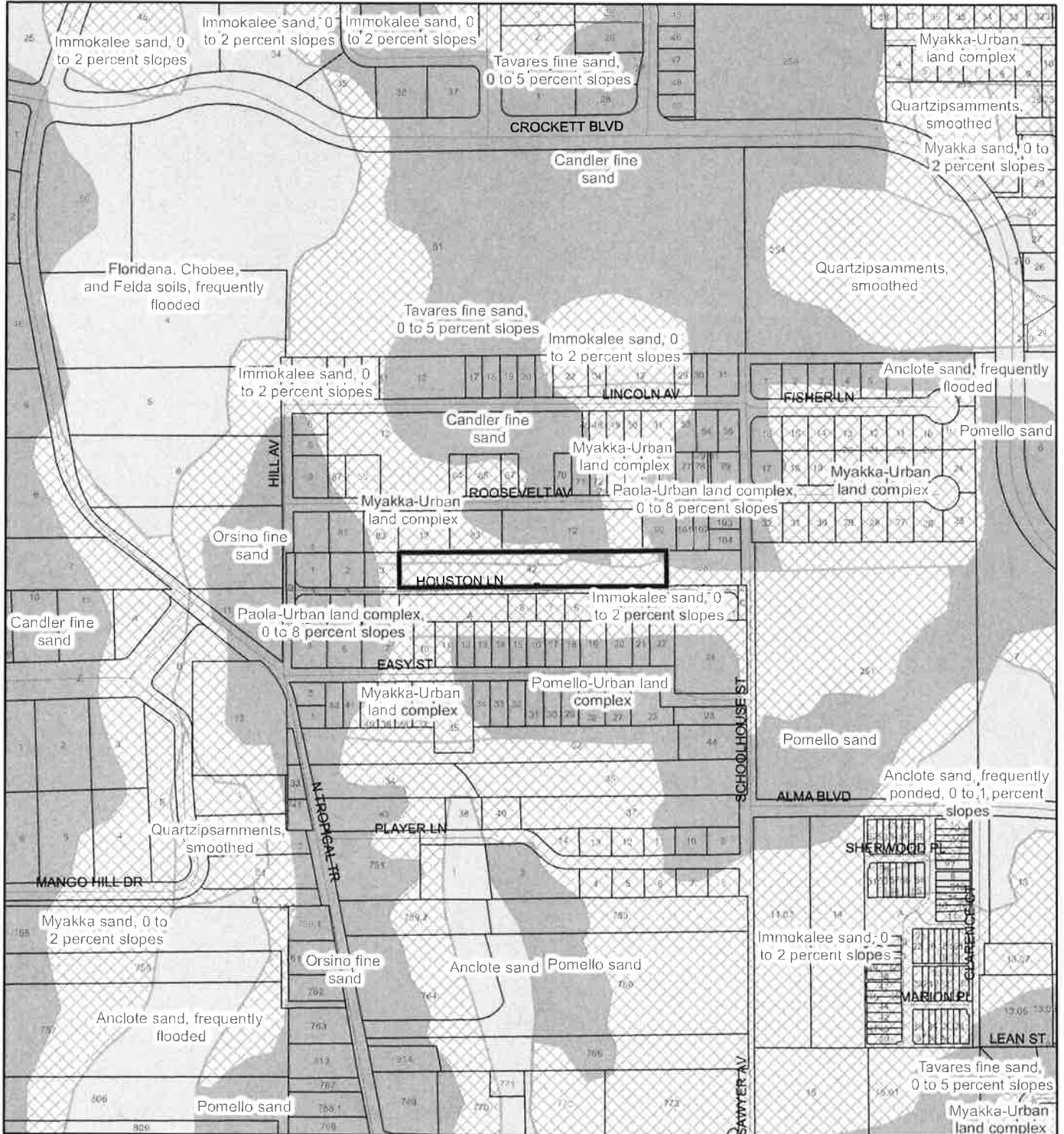
Subject Property

Parcels

USDA SCSSS SOILS MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/3/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

National Flood Hazard Layer FIRMette



80°42'55"W 28°23'23"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
	With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee. See Notes, <i>Zone X</i>
	Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS	NO SCREEN
	Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRPs
GENERAL STRUCTURES	Area of Undetermined Flood Hazard <i>Zone D</i>
	Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
MAP PANELS	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

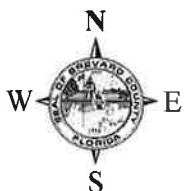
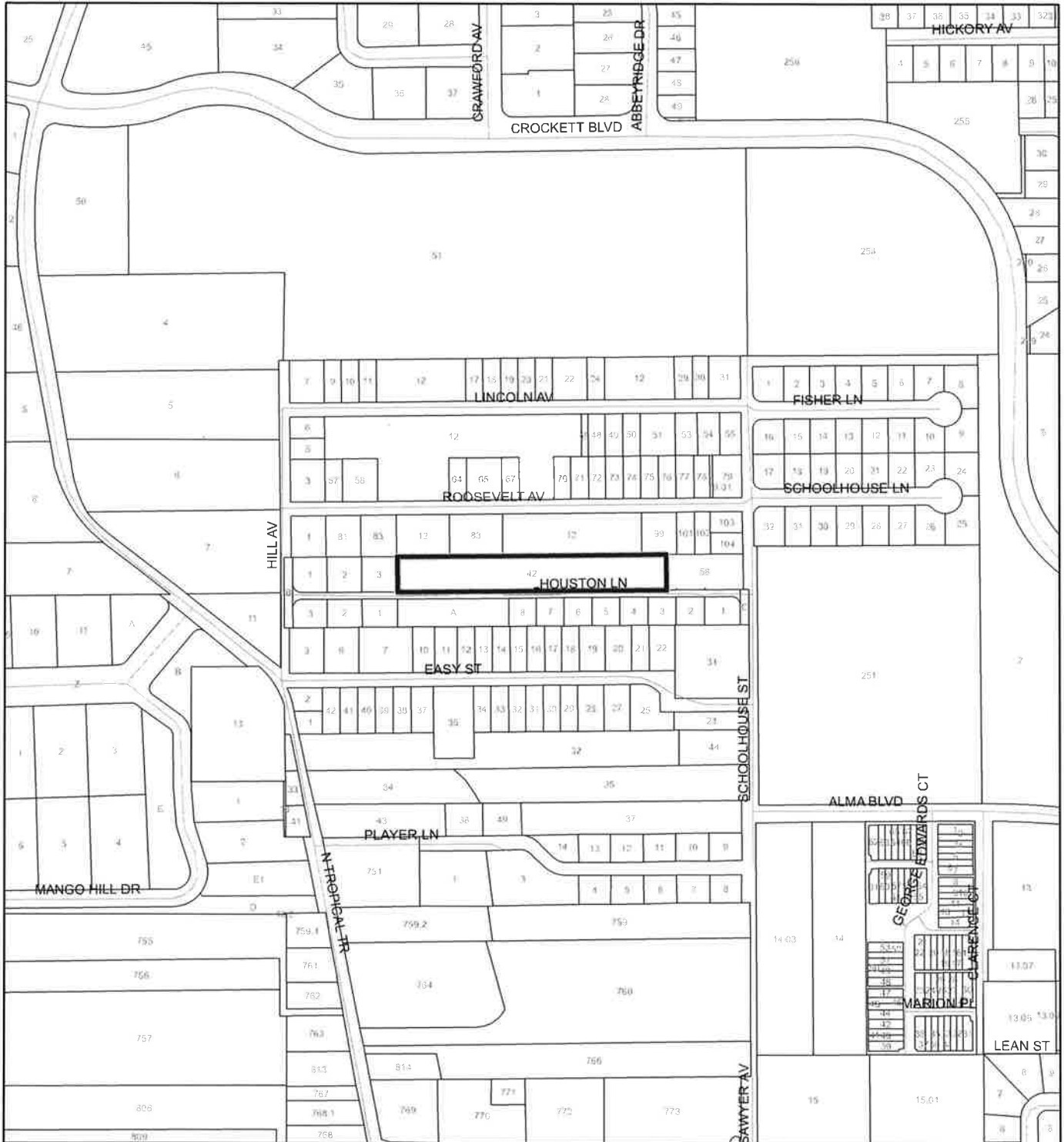
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/3/2021 at 2:55 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

COASTAL HIGH HAZARD AREA MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/3/2021

— Subject Property

□ Parcels

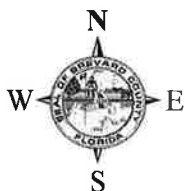
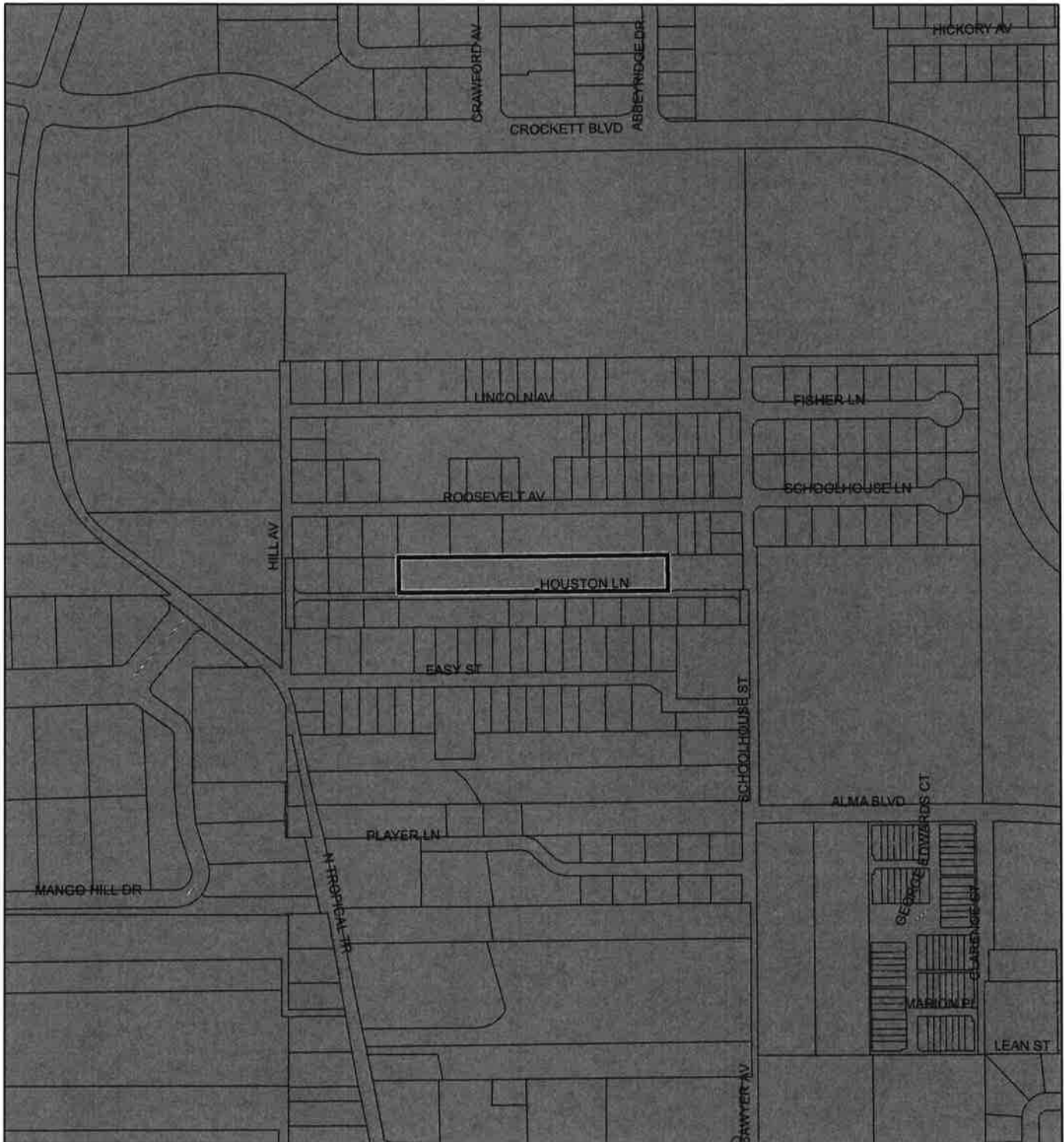
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

LANTZCOM MI, LLC

21Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/3/2021

 Subject Property

 Parcels

Septic Overlay

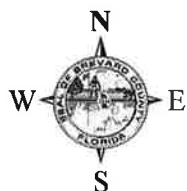
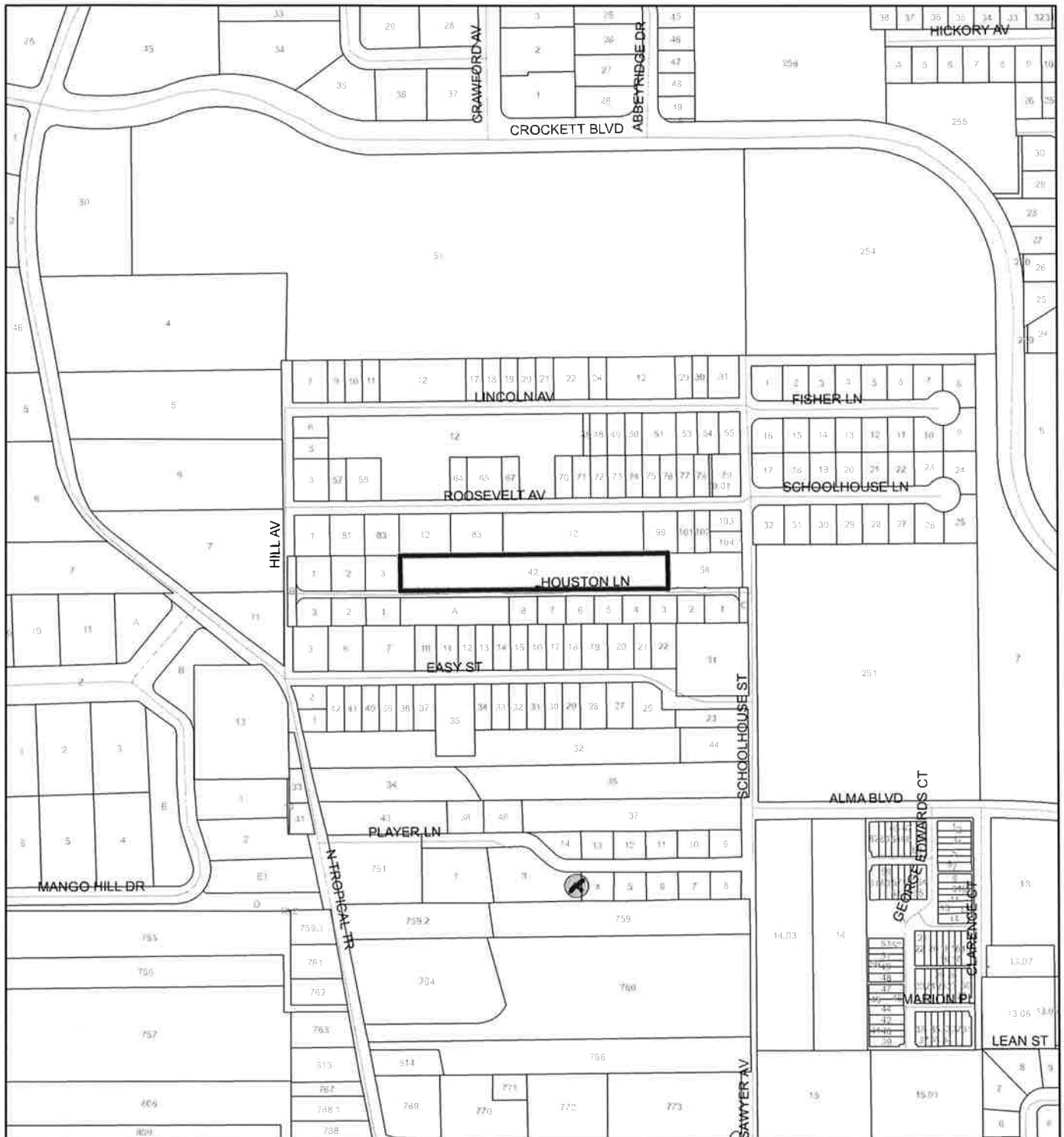
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

LANTZCOM MI, LLC
21Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/3/2021

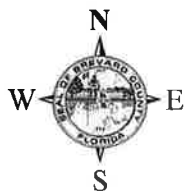
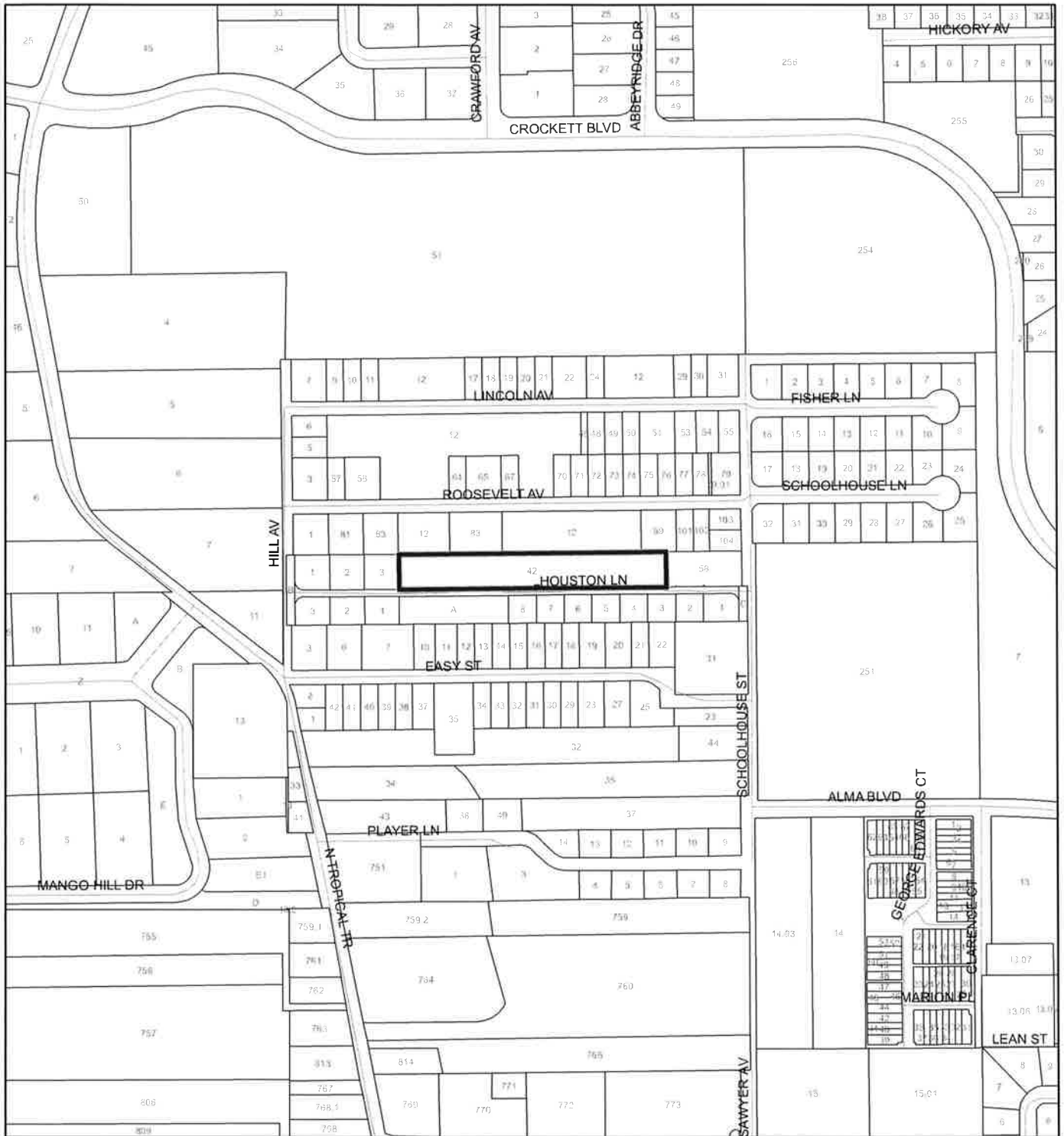
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




LANTZCOM MI, LLC
21Z00007



1:4,800 or 1 inch = 400 feet

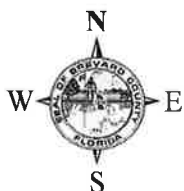
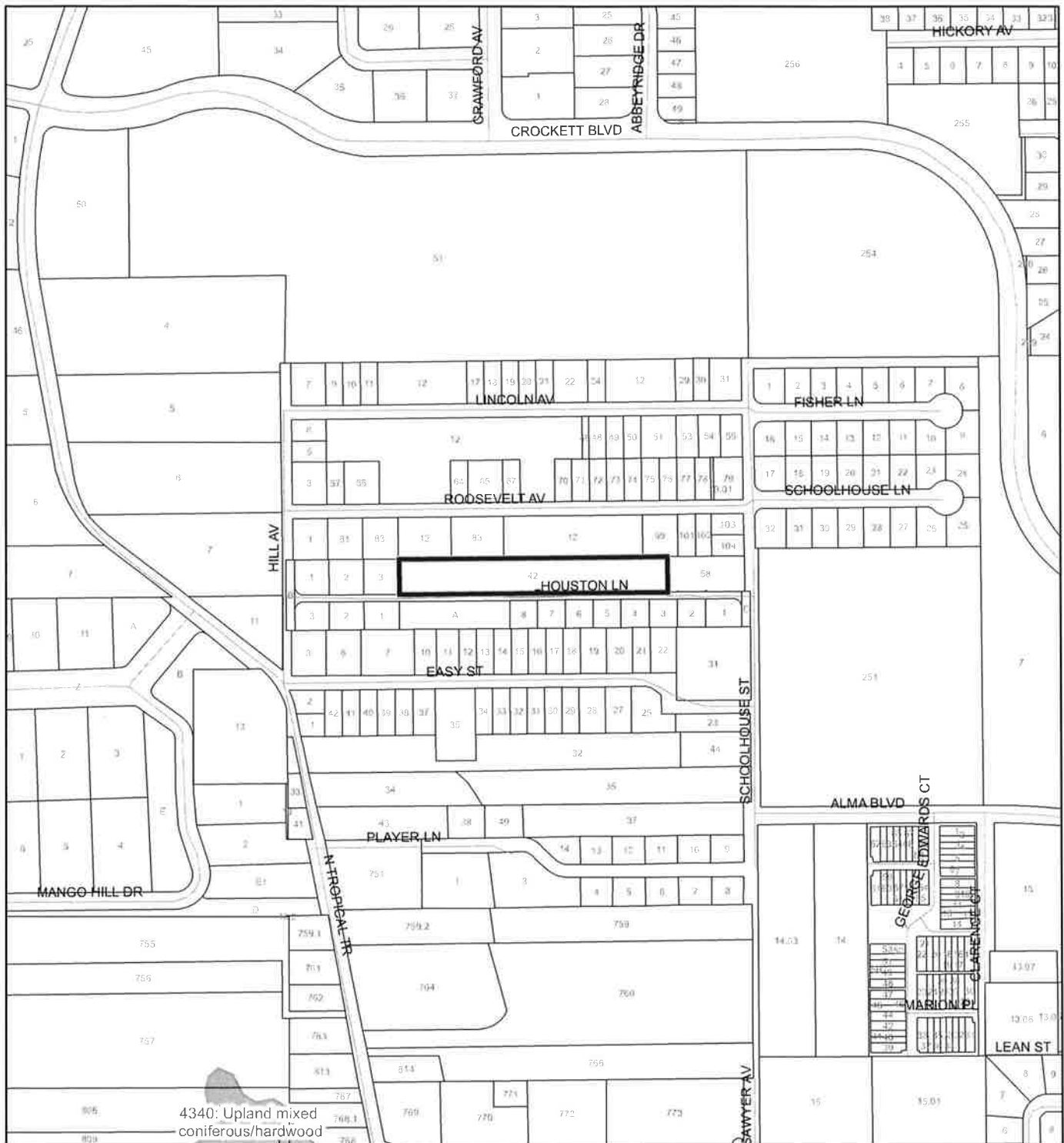
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/3/2021

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

LANTZCOM MI, LLC
21Z00007



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: 3/3/2021

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 212 00007

Existing FLU: RES 15 Existing Zoning: RU-2-30

Proposed FLU: RES 15 Proposed Zoning: RU-2-15

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

<u>Kyle Lantz</u>	<u>Lantzcom MI LLC</u>		
Name(s)	Company		
<u>315 Surf Dr</u>	<u>Cape Canaveral</u>	<u>FL</u>	<u>32920</u>
Street	City	State	Zip Code
<u>KLantz03@gmail.com</u>	<u>321.730.6223</u>	<u>843.609.5257</u>	
Email	Phone	Cell	

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other _____

_____ Name(s)		_____ Company	
_____ Street	_____ City	_____ State	_____ Zip Code
_____ Email	_____ Phone	_____ Cell	

APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element _____
- ☐ Other Amendment (CP): _____
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: _____

Acreage of Request: 1.78


Reason for Request:

Per the Brevard County Planning & Development Department, "this property cannot be developed under a zoning classification which is not consistent with the Future Land Use designation. A rezoning to lower the intensity will be required."

Requesting to amend the zoning of this property to RU-2-15 to bring in-line with the FLU designation. Thank you.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☒ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.



Signature of Property Owner or
Authorized Representative

1 Mar 21

Date

State of Florida

County of Brevard

Subscribed and sworn before me, by ✓ physical presence or _____ online notarization,

this 1st day of, March, 20 21, personally appeared

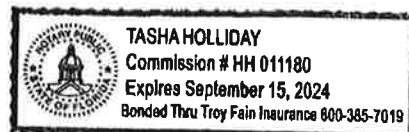
Kyle Everett Lantz, who is personally known to me or produced

FLDL 1532 505850630 as identification, and who did / did not take an oath.



Notary Public Signature

Seal



Office Use Only:

Accela No. 21Z00007 Fee: \$1,884.00 Date Filed: 3/1/21 District No. 2
Tax Account No. (list all that apply) 2416989

Parcel I.D. No.

24 36 22 00 — 42
Twp Rng Seq Sub Block Lot/Parcel

Planner: Peter Martin Sign Issued by: Code Ent - pm Notification Radius: 500 ft.

MEETINGS

- ☒ P&Z
☐ PSJ Board
☐ NMI Board
☐ LPA
☐ BOA
☒ BCC

DATE

5/3/21

TIME

3:00pm

Wetland survey required by Natural Resources ☐ Yes

☒ No

Initials Jellison

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes

☒ No

If yes, list

N/A

Location of subject property:

North side of Houston Lane, approximately 2,000 feet west of the intersection of North Courtney Parkway and Crockett Boulevard.

Description of Request:

Rezone from RU-2-30 to RU-2-15 to develop property consistent with RES 15 Future Land Use designation.

Notice to Applicants for Change of Land Use

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

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

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

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

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

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

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

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

NOTES:

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

Please transmit staff's comments via:

KLantz03@gmail.com or () or U.S. Mail _____
e-mail address fax number

(Yes/No)

I have received a copy of this notice:

[Signature]
(APPLICANT SIGNATURE)

School Board of Brevard County

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

February 3, 2021

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

**RE: Former Island Chase Apartments Development
School Capacity Availability Determination Letter SCADL-2019-15**

Dear Mr. Paul Body,

We have been informed by Mr. Chris Pontello of Allen Engineering that the above referenced project, Island Chase Apartments, is in the process of site plan review under new ownership. The subject property consist of Tax Account 2416989 (Parcel ID: 24-36-22-00-42) containing approximately 1.7 acres in Unincorporated District 2, Brevard County, Florida.

The previously approved School Concurrency Determination of this proposed development was performed on August 28, 2019 for Fifteen (15) multi-family dwelling units. The calculated number of students generated is 7 students. The new plan consist of Eighteen (18) multi-family dwelling units, which are planned to be constructed in three 6-unit buildings over three years, 2021-2023. A net increase of Three (3) multi-family dwelling units. The calculated increase in the number of students generated is less that one student per school type.

Per the Interlocal Agreement, Uniform School Concurrency Process, Section 13.1(d)(7) for De minimis impact, "any residential development which based on the Student Generation Rate (SGM) established in this agreement that will not exceed one (1) student for any type of school" is exempt from the requirements of school concurrency. In this case, an increase of Three (3) multi-family units does not exceed one student for any type of school; therefore, a revised application is not necessary as the existing School Capacity Reservation is valid until August 28, 2021.

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



An Equal Opportunity Employer

At this time, there is projected to be sufficient capacity at every school level for the proposed (former) Island Chase Apartments development.

A School Capacity Reservation at Mila Elementary School, Jefferson Middle School, and Merritt Island High School is currently valid until August 28, 2021. At that time, if the project has not received approval from Brevard County, a Time Extension application can be submitted to the School Board through Brevard County. A maximum of 2 additional years can be requested. If the final approval has not been completed after the 2-year Time Extension is granted, a new application for School Concurrency must be submitted.

Please let us know if you require additional information.

Sincerely,



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

Enclosure: *Island Chase Apartments-School Concurrency Letter-SCADL-2019-15*

Copy: Chris Pontello, Allen Engineering, via e-mail cpontello@alleneng.net

Susan Hann, P.E., AICP, Assistant Superintendent of Facilities Services
File SCADL-2019-15

David G. Lindemann, AICP, Director of Planning & Project Management, Facilities Services
File SCADL-2019-15

School Board of Brevard County

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

Brevard
Public
Schools

August 28, 2019

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

**RE: Proposed Island Chase Apartments Development
School Capacity Availability Determination Letter SCADL-2019-15**

Dear Mr. Paul Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property consists of Tax Account 2416989 (Parcel ID: 24-36-22-00-42) containing approximately 1.7 acres in Unincorporated District 2, Brevard County, Florida. Fifteen (15) multi-family dwelling units are planned for completion. The School Concurrency Determination 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 2018-19 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-2019 to 2023-24* which is attached for reference.

Multi Family Homes		15	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	4.05	4
Middle	0.06	0.9	1
High	0.10	1.5	2
Total	0.43		7

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



An Equal Opportunity Employer

**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
Mila	707	707	707	707	707
Jefferson	854	854	854	854	854
Merritt Island	1,915	1,915	1,915	1,915	1,915

Projected Student Membership

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mila	449	442	447	447	483
Jefferson	662	631	595	573	530
Merritt Island	1,555	1,571	1,577	1,598	1,583

Students Generated by Previously Issued SCADL Reservations

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mila	12	27	42	57	69
Jefferson	45	61	67	71	74
Merritt Island	87	120	131	138	145

**Cumulative Students Generated by
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mila	-	4	4	4	4
Jefferson	-	1	1	1	1
Merritt Island	-	2	2	2	2

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mila	461	473	493	508	556
Jefferson	707	693	663	645	605
Merritt Island	1,642	1,693	1,710	1,738	1,730

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mila	246	234	214	199	151
Jefferson	147	161	191	209	249
Merritt Island	273	223	206	178	186

At this time, there is projected to be sufficient capacity at every school level for the proposed Island Chase Apartments Development.

The School Capacity Reservation at Mila Elementary School, Jefferson Middle School and Merritt Island High School is valid for 24 months from the date of this letter. At that time, if the project has not received approval from Brevard County, a Time Extension application can be submitted to the School Board through Brevard County. A maximum of 2 additional years can be requested. If the final approval has not been completed after the 2 year Time Extension is granted, a new application for School Concurrency must be submitted.

Also in accordance with Section 13.2(f) of the ILA, so that the school district can track capacity reservations, please provide notification:

1. When this residential development has received a Concurrency Evaluation Finding of Nondeficiency or functional equivalent.
2. The date the development order expires, is extended or is revoked.
3. When the concurrency reservations become vested.
4. When the school impact fees have been paid.

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 Utilization 2018-19 to 2023-24*

Copy: Susan Hann, P.E., AICP, Assistant Superintendent of Facilities Services
File SCADL-2019-15

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**

**Brevard
Public
Schools**

Summary	2018-19		2019-20		2020-21		2021-22		2022-23		2023-24	
	Highest Utilization Elementary Schools:	107%	105%	99%	99%	100%	100%	100%	100%	96%	96%	
	Highest Utilization Middle Schools:	87%	86%	86%	86%	86%	86%	86%	86%	86%	86%	
	Highest Utilization Jr / Sr High Schools:	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	
	Highest Utilization High Schools:	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	

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	
				FISH Capacity	10/12/18 Member-ship	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection
Elementary School Concurrency Service Areas															
New Central Elementary	Elementary	K-5	100%												
Allen	Elementary	PK-6	100%	751	711	751	711	751	711	751	711	751	711	751	711
Anderson	Elementary	K-6	100%	884	824	884	824	884	824	884	824	884	824	884	824
Apple	Elementary	K-6	100%	902	842	902	842	902	842	902	842	902	842	902	842
Atlantic	Elementary	PK-6	100%	739	713	739	713	739	713	739	713	739	713	739	713
Audubon	Elementary	PK-6	100%	761	736	761	736	761	736	761	736	761	736	761	736
Campbell	Elementary	PK-6	100%	765	741	765	741	765	741	765	741	765	741	765	741
Cape View	Elementary	PK-6	100%	768	743	768	743	768	743	768	743	768	743	768	743
Carroll	Elementary	PK-6	100%	751	691	751	691	751	691	751	691	751	691	751	691
Chapman 7	Elementary	PK-6	100%	573	513	573	513	573	513	573	513	573	513	573	513
Chapman 8	Elementary	PK-6	100%	761	716	761	716	761	716	761	716	761	716	761	716
Coquina	Elementary	PK-6	100%	711	645	711	645	711	645	711	645	711	645	711	645
Crest	Elementary	PK-5	100%	1,154	945	1,154	945	1,154	945	1,154	945	1,154	945	1,154	945
Green	Elementary	PK-6	100%	765	552	765	552	765	552	765	552	765	552	765	552
Discovery	Elementary	PK-6	100%	980	844	980	844	980	844	980	844	980	844	980	844
Enterprise	Elementary	PK-6	100%	940	962	940	962	940	962	940	962	940	962	940	962
Enterprise	Elementary	K-6	100%	729	569	729	569	729	569	729	569	729	569	729	569
Farleigh	Elementary	PK-5	100%	789	881	789	881	789	881	789	881	789	881	789	881
Gemin	Elementary	K-5	100%	711	489	711	489	711	489	711	489	711	489	711	489
Govtview	Elementary	PK-5	100%	777	555	777	555	777	555	777	555	777	555	777	555
Harbor City	Elementary	PK-5	100%	629	371	629	371	629	371	629	371	629	371	629	371
Holand	Elementary	PK-5	100%	805	497	805	497	805	497	805	497	805	497	805	497
Imperial Estates	Elementary	K-6	100%	729	539	729	539	729	539	729	539	729	539	729	539
Indian Creek	Elementary	K-6	100%	798	740	798	740	798	740	798	740	798	740	798	740
Jupiter	Elementary	PK-5	100%	930	836	930	836	930	836	930	836	930	836	930	836
Lockhart	Elementary	PK-5	100%	882	699	882	699	882	699	882	699	882	699	882	699
Longleaf	Elementary	PK-5	100%	790	647	790	647	790	647	790	647	790	647	790	647
Manatee	Elementary	K-6	100%	954	949	954	949	954	949	954	949	954	949	954	949
McAuliffe	Elementary	PK-6	100%	918	777	918	777	918	777	918	777	918	777	918	777
Meadowdale Intermediate	Elementary	K-6	100%	1,114	868	1,114	868	1,114	868	1,114	868	1,114	868	1,114	868
Mila	Elementary	PK-5	100%	824	526	824	526	824	526	824	526	824	526	824	526
Mims	Elementary	PK-5	100%	707	465	707	465	707	465	707	465	707	465	707	465
Oak Park	Elementary	PK-5	100%	725	479	725	479	725	479	725	479	725	479	725	479
Ocean Breeze	Elementary	PK-6	100%	968	732	968	732	968	732	968	732	968	732	968	732
Palm Bay	Elementary	PK-6	100%	654	532	654	532	654	532	654	532	654	532	654	532
Pinewood	Elementary	PK-6	100%	1,005	615	1,005	615	1,005	615	1,005	615	1,005	615	1,005	615
Port Malabar	Elementary	PK-6	100%	569	517	569	517	569	517	569	517	569	517	569	517
Quail	Elementary	PK-6	100%	852	688	852	688	852	688	852	688	852	688	852	688
Riviera	Elementary	PK-6	100%	1,022	1,089	1,022	1,089	1,022	1,089	1,022	1,089	1,022	1,089	1,022	1,089
Roosevelt	Elementary	PK-6	100%	777	692	777	692	777	692	777	692	777	692	777	692
Sabal	Elementary	K-6	100%	599	380	599	380	599	380	599	380	599	380	599	380
Seal	Elementary	PK-6	100%	785	538	785	538	785	538	785	538	785	538	785	538
Seal Park	Elementary	PK-6	100%	461	321	461	321	461	321	461	321	461	321	461	321
Shenwood	Elementary	PK-6	100%	809	456	809	456	809	456	809	456	809	456	809	456
South Lake	Elementary	K-6	100%	913	311	913	311	913	311	913	311	913	311	913	311
Surfside	Elementary	PK-6	100%	755	675	755	675	755	675	755	675	755	675	755	675
Surfside	Elementary	K-6	100%	541	480	541	480	541	480	541	480	541	480	541	480
Tropical	Elementary	K-6	100%	910	825	910	825	910	825	910	825	910	825	910	825
Turner	Elementary	PK-6	100%	874	562	874	562	874	562	874	562	874	562	874	562
University Park	Elementary	PK-6	100%	811	473	811	473	811	473	811	473	811	473	811	473
Westside	Elementary	K-6	100%	857	769	857	769	857	769	857	769	857	769	857	769
Williams	Elementary	PK-6	100%	715	592	715	592	715	592	715	592	715	592	715	592
Elementary Totals				41,810	33,169	41,854	32,732	42,026	32,877	42,556	32,693	43,044	33,156	43,264	33,392

Notes

1. FSH: Capacity is the sum of the factored permanent capacity and the factored releasable capacity. Permanent and releasable capacities for 2018-19 are reported from the FISH database as of October 19, 2018.

Notes

1. F-50: Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2018-19 are reported from the FISH database as of October 10, 2018.
2. Student Membership is reported from the Fall Final Membership Count (10/12/18).
3. Davis Demographics Scenario Enrollment Forecasting Extension for ArcGIS estimates July's student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrent Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Concurrent Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK, (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From-To attendance patterns are assumed to remain constant.
 - Non-geocoded student addresses are assumed to continue in their attendance schools
 - Charter Student Growth
5. In order to maintain utilization rates lower than the ~100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary
6. Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations
 - Intermediate Relocatable classrooms (Grades 4-8) = 20 student stations; and High School (Grades 9-12) = 25 student stations
 - Newwood Elementary classrooms are proposed to be added at Apple Elementary, Elementary, Elementary, Elementary, Comins Elementary, Imperial Estates Elementary, and Newwood Elementary
 - Intermediate Relocatable Classrooms are proposed to be added at Apple Elementary, Elementary, Elementary, Elementary, Comins Elementary, Imperial Estates Elementary, and Newwood Elementary
 - Newwood Elementary Classrooms are proposed to be added at Apple Elementary, Elementary, Elementary, Elementary, Comins Elementary, Imperial Estates Elementary, and Newwood Elementary
 - High School classrooms are proposed to be added at Apple High (Total of 6 Classrooms)
7. Restricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21
8. The following proposals for additional permanent capacity are included in this analysis:
 - A 12 classroom addition at Citrus High School is assumed to add 300 student stations starting in 2019-20
 - A new central area elementary is assumed to add 970 student stations starting in 2020-21
 - Student enrollment projections were assumed for the 2020-21 school year

MAP OF SURVEY

Survey
21Z00007
Lantzcom MI

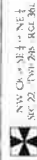
IN A PORTION OF SECTION 22, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

WASHINGTON PARK
P.B. 3, PG. 86

RETENTION POND

RETENTION POND

SUBJECT PROPERTY
Remainder of
ORB 3499, Page 2887



N 0° 00' 00" W
1/4 SECTION 22, TWP 24S, R36E, S36E

CAMPBELL SURVEYING
N 0° 00' 00" W
1/4 SECTION 22, TWP 24S, R36E, S36E

HILL AVENUE

SHEET 1
MATCH LINE

SHEET 2

Lot 91
Houston Lane Estates
Plat Book 62 Pages 46 & 47

Lot 90

Lot 89

Lot 88

Lot 87

Lot 86
Houston Lane Estates
Plat Book 62 Pages 46 & 47

Lot 85

Lot 84

Lot 83

Lot 82

Lot 81

Lot 2

Lot 1

Lot 91
Houston Lane Estates
Plat Book 62 Pages 46 & 47

Lot 90

Lot 89

Lot 88

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Lot 86
Houston Lane Estates
Plat Book 62 Pages 46 & 47

Lot 85

Lot 84

Lot 83

Lot 82

Lot 81

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Plat Book 62 Pages 46 & 47

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Plat Book 62 Pages 46 & 47

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Plat Book 62 Pages 46 & 47

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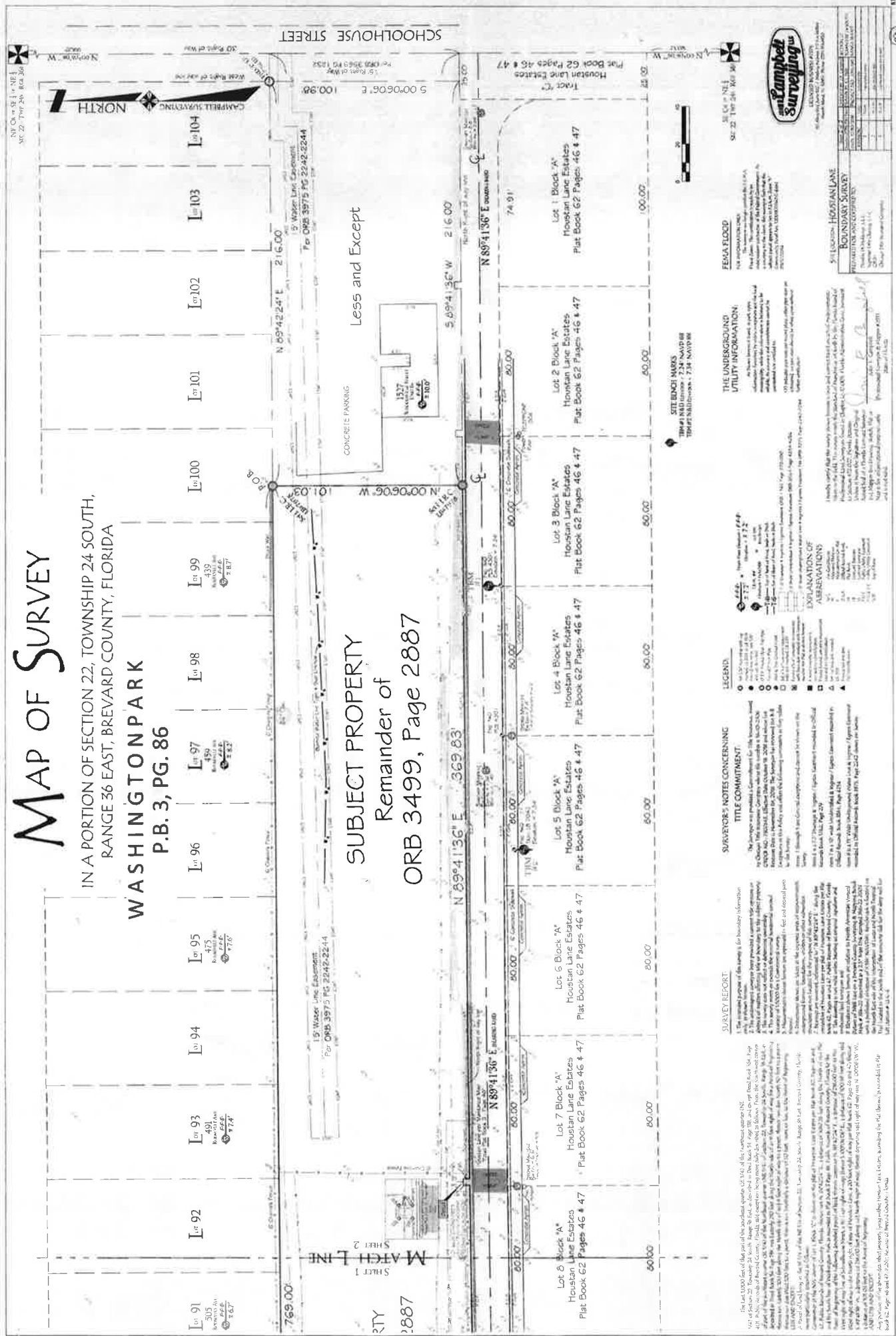
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Houston Lane Estates
Plat Book 62 Pages 46 & 47

WASHINGTON PARK
P.B. 3, PG. 86

SUBJECT PROPERTY
Remainder of
ORB 3499, Page 2887



SURVEY REPORT

SURVEYORS' NOTES CONCERNING

LEGEND

THE UNDERGROUND

FEMA FLOOD

SEMA FLOOD

520

SEE US AT NITE

Owner's Name: Lantzam M. F.

Hearing Date: May 3, 2021

21200007

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

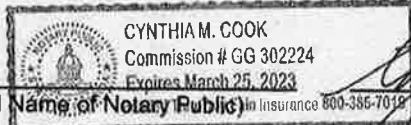
STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, RICKY MAY,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Ricky L. May
Signature

Sworn and Subscribed before me, this 16TH day of April, 2021



(Print, Type, or Stamp Commissioned Name of Notary Public) Cynthia M. Cook Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: N/A

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

ZONING NOTICE

7000007

Planning and Zoning Board will hold a
public hearing on May 3, 2021 at the
Government Center, 2725 Judge Fran

in FL, to consider the proposed zoning

as indicated below:

1260m MI LLC

1.2-30 Acreage: 1.78

Rezone from RU-2-30

15

from the aforementioned public hearing
the County Commission at 5:00 P.M. on
at the Brevard County Government
Center, 2725 Judge Fran Jamieson Way, Viera, FL
appear and be heard. Written comments
County Zoning Official, Brevard County

May 27, 2021 is

notice

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, May 3, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Bartcher; Brian Hodgers; Bruce Moia; Mark Wadsworth, Chair; William Capote; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Peter Martin, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Lantzcom MI, LLC (Kyle Lantz)

A change of zoning classification from RU-2-30 (High Density Multi-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential). The property is 1.78 acres, located on the northwest corner of Schoolhouse St. and Houston Ln. (No assigned address. In the Merritt Island area). (21Z00007) (Tax Account 2416989) (District 2)

Kyle Lantz, 315 Surf Drive, Cape Canaveral, stated he would like to rezone to RU-2-15 for the purpose of building three, single-family attached townhomes.

No public comment.

Bruce Moia stated the request is a down-zoning to make the property compatible, and he is in favor.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from RU-2-30 to RU-2-15. The motion passed unanimously.