




Meeting Date
September 16, 2014



AGENDA	
Section	Public Hearing
Item No.	III.E

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2014 – 2 PLAN AMENDMENTS (DISTRICTS 1 – 5)						
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT						
Requested Action:							
It is requested that the Board conduct a public hearing and consider transmittal of the 2014 - 2 Comprehensive Plan Amendment including one private application for Eagle Properties of Viera LLC (2014-2.1).							
Summary Explanation & Background:							
<p>The Brevard County Zoning Code Chapter 62-502 (b)(3) establishes a twice a year application deadline. The 2014-2 Comprehensive Plan amendment fall cycle is the year's first amendment package. There is one amendment being considered for transmittal in this cycle: 2014 – 2.1 is a private application submitted by Eagle Properties of Viera, LLC., listed below and more fully described in the attached staff report. The Local Planning Agency held a public hearing on August 25, 2014 and unanimously recommended the amendment to the Commission for approval.</p> <p><u>Plan Amendment 2014-2.1</u> - a proposal initiated by Eagle Properties of Viera, LLC, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 2 for approximately 45.04 acres located on the south side of Viera Blvd and west of Silicon Avenue.</p>							
<p>Staff Contact: Stuart Buchanan, Planner III/Grants Administrator, Planning & Development Dept. Tel: 633-2069 e-mail: stuart.buchanan@brevardcounty.us</p>							
Clerk to the Board instruction: Ordinances are drafts for transmittal – Do not execute							
Exhibits Attached: 2014-2 Fall Transmittal Package							
Contract /Agreement (If attached): Reviewed by County Attorney <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td>Yes</td> <td><input type="checkbox"/></td> <td>No</td> <td><input type="checkbox"/></td> <td>PR</td> <td><input type="checkbox"/></td> </tr> </table>		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>		
County Manager  Stockton Whitten	Assistant County Manager  Mel Scott	Department Director / Extension  Robin M. Sobrino, AICP Planning & Development Department Ext. 5-2069					



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 17, 2014

M E M O R A N D U M

TO: Robin Sobrino, Planning and Development Director Attn: Stuart Buchanan

RE: Item III.E., Transmittal of Comprehensive Plan Package 2014-2 Plan Amendments

The Board of County Commissioners, in regular session on September 16, 2014, conducted a public hearing and approved transmittal of the 2014-2 Comprehensive Plan Amendment, as follows:

Plan Amendment 2014-2.1 – a proposal initiated by Eagle Properties of Viera, LLC, to amend Part XI, the future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 2 for approximately 45.04 acres located on the south side of Viera Boulevard and west of Silicon Avenue.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2014-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2014-2.1
LSCPA FLU Map Amendment

Owner / Applicant: Eagles Properties of Viera, LLC/
Jake Wise, P.E.

Location: Legal Description On file
Tax Acct Parcel #2534780/2626179

Acreeage: ± 45.04 acres

**Existing Zoning
Classification:** Planned Industrial Park (PIP)

**Proposed Zoning
Classification:** (Rezoning to be filed for review at future Adoption Hearing)
Planned Unit Development (PUD)

**Existing Land
Use Designation:** Planned Industrial Park (PLNIP)

**Proposed Land
Use Designation:** Residential 2

FUTURE LAND USE MAP AMENDMENT

Description:

The subject property consists of 45.04 acres located on the south side of Viera Boulevard. The existing Planned Industrial Park (PLNIP) Future Land Use was adopted with the initial Comprehensive Plan in 1988 due to access to rail and U.S. 1. These were general locational criteria used for the designation of Industrial lands at the time. There has been no request to utilize the subject property as Industrial land use since the 1988 adoption. The proposed Future Land Use of Residential 2 will allow the subject property to be developed at a density less than the typical 4 dwelling units per acre subdivisions located along the south side of Viera Blvd to the west and south.

A companion rezoning application will be filed and heard at the future adoption hearing of this amendment request after transmittal and State review.

The vacant property abutting to the west has an adopted Future Land Use of Residential 4. The abutting subdivision to the south is developed at approximately 4 single family dwelling units per acre and is designated Residential 4.

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Commercial Office (Across Viera Blvd) Vacant Industrial	PIP	PLNIP
East	Vacant Industrial (Across Silicon Avenue)	PIP	PLNIP
South	Residential Single Family dwellings	PUD	RES 4
West	Conservation Tracts and Data Center	EA, PUD & RP	RES 4

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. City Utilities reports that it has excess capacity available for future residential and commercial use.

Sanitary Sewer: The subject property is located within Brevard County's sanitary sewer service area. Brevard County Utilities reports that it has excess capacity available for future residential use.

Solid Waste: Brevard County provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

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

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

Transportation: The proposed amendment is located on Viera Blvd Road Segment 537 Holiday Springs to U.S. 1 with a current 2013 traffic count of 12,130 Average Daily Trips (ADT) and a Maximum Allowable Volume (MAV) of 15,600. The roadway has a current operating volume 77.75%. The proposed project if approved would increase the Average Daily Trip Count to an estimated 13,048.72 ADT for the proposed residential dwelling which will increase the operating volume to 83.64%.

The Planning & Development has notified Public Works Traffic Operations Management of the future subdivision submittal for purpose of requiring a Traffic Impact Study to review required roadway improvements.

Public Schools: A Brevard County School Board concurrency determination will be required prior to the adoption hearing of proposed amendment.

Environmental Resources:

Any future use will require review and compliance with all relevant County regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

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

Residential 2 (maximum of 2 units per acre)

Policy 1.8

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.
- D. A 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements

set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The subject parcel is adjacent to Residential 4 to the south and west. The proposed amendment would allow Residential 2 land uses between the existing Residential 4 and Industrially designated land to the east. The subject parcel is not located in the CHHA.

Summary

The proposed amendment creates a transition between the existing Residential 4 Future Land Use to the west and south and the existing Industrial land to the east and north. The subject property has direct access to Viera Blvd, designated as an Urban Major Collector roadway, and is within approximately 1/4 mile of U.S. 1, avoiding use of local roadways to reach the major transportation network.

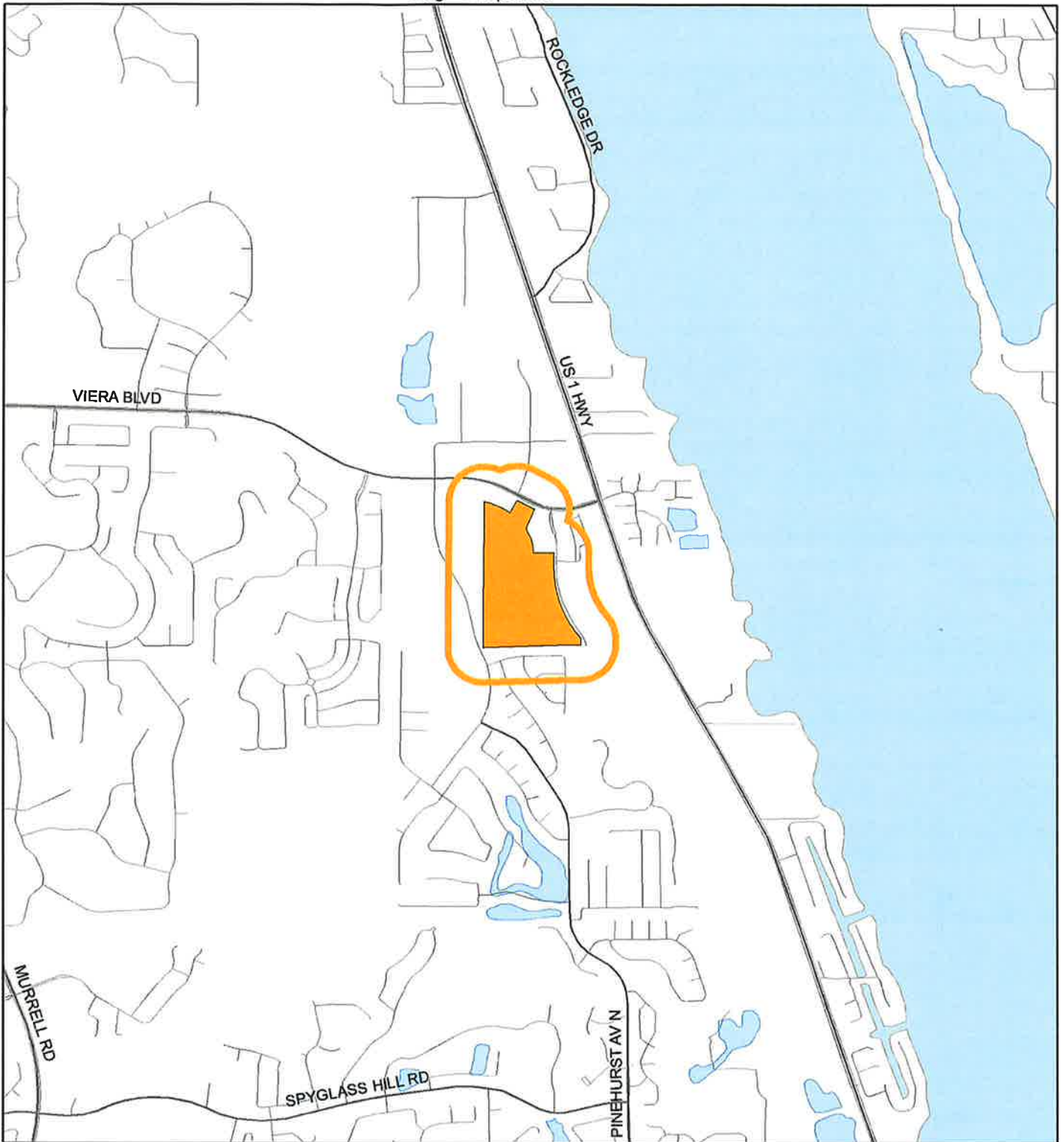
The applicant will submit a rezoning application for a change from existing PIP to PUD for public hearing at the adoption of this proposed amendment.

If you have any questions, please contact Stuart Buchanan of the Planning & Development Department at (321) 633-2069 or via email to stuart.buchanan@brevardcounty.us

LOCATION MAP

Comprehensive Plan Amendment 2014-2.1

Eagle Properties of Viera LLC



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

Buffer Distance: 500 feet

 Buffer

 Subject Property

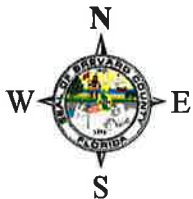
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/3/2014

AERIAL MAP

Comprehensive Plan Amendment 2014-2.1

Eagle Properties of Viera LLC



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2014

 Subject Property

 Parcels

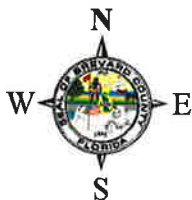
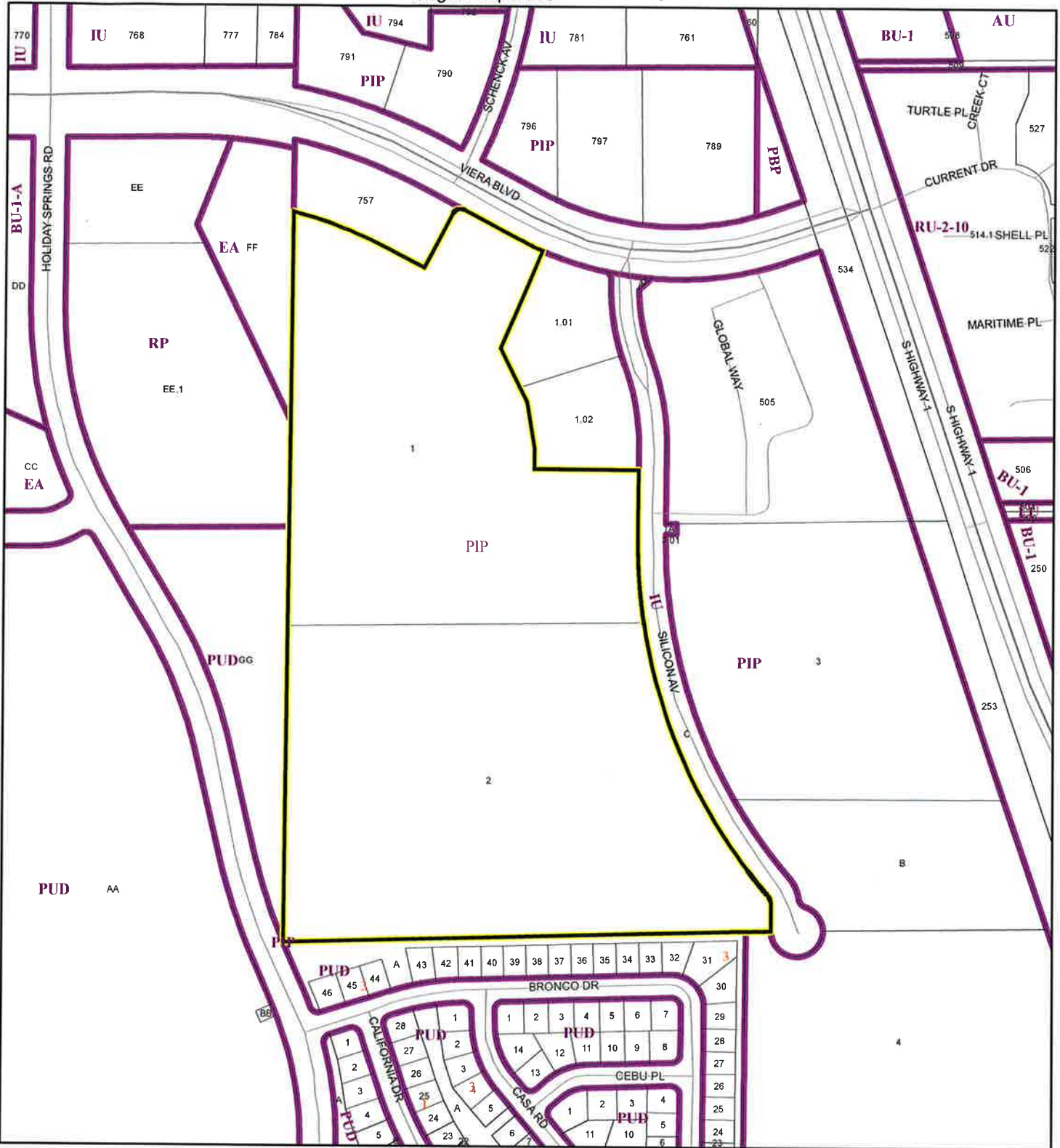
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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/10/2014

ZONING MAP

Comprehensive Plan Amendment 2014-2.1

Eagle Properties of Viera LLC



1:4,800 or 1 inch = 400 feet

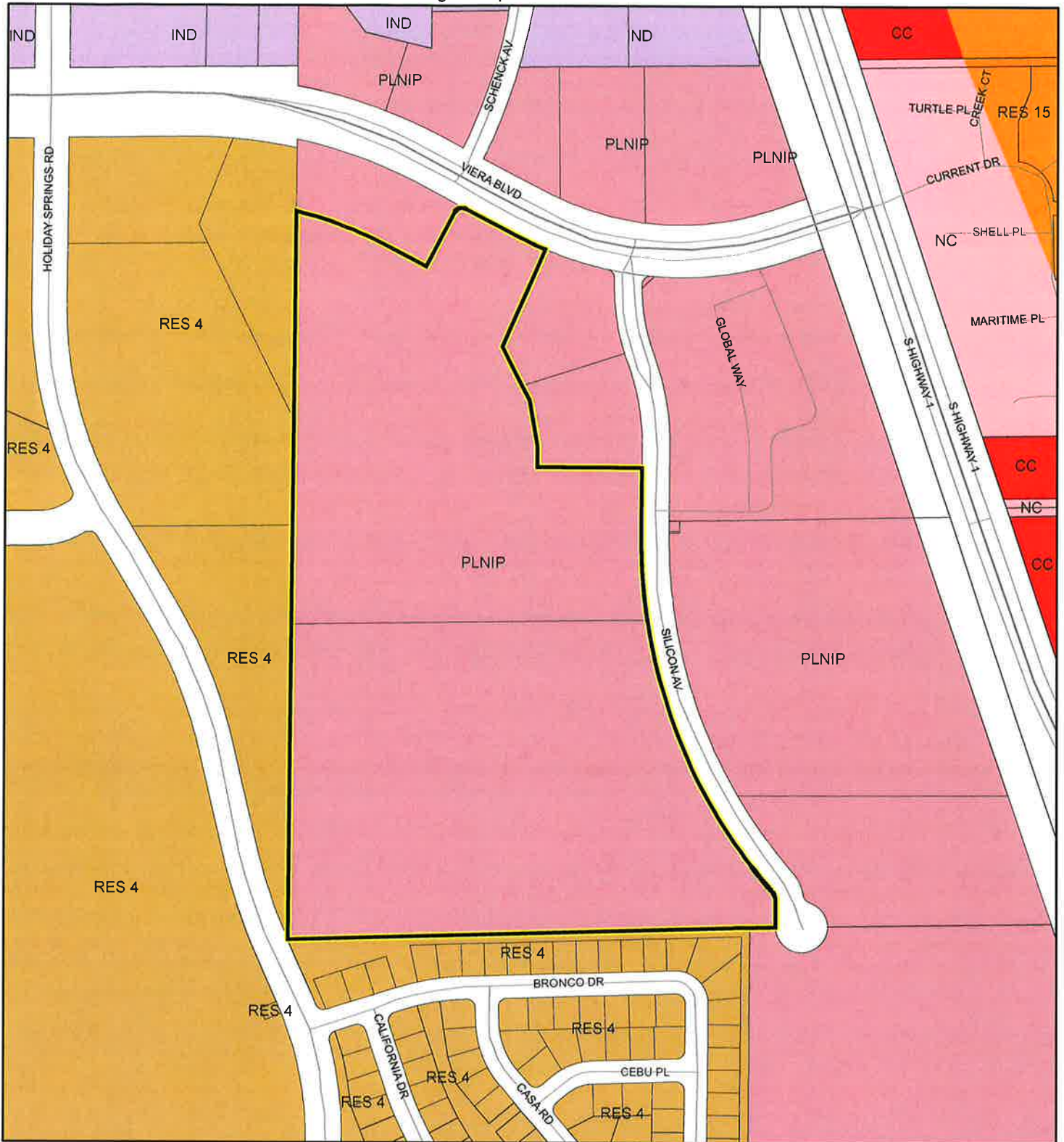
- Subject Property
- Parcels
- Zoning

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FUTURE LAND USE MAP

Comprehensive Plan Amendment 2014-2.1

Eagle Properties of Viera LLC



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/10/2014

ORDINANCE NO. 14-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2014-2.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL 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 Community Affairs; and

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

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2014, for adoption as the Plan Amendment Cycle 2014-2; 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 _____, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2014-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on _____, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2014-2.1; and

WHEREAS, Plan Amendment 2014-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2014-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2014-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2014-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ___th day of _____, 2014.

ATTEST:

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

Scott Ellis, Clerk

By, _____
Mary Bolin Lewis, Chairman

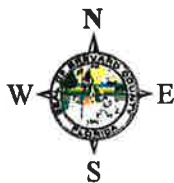
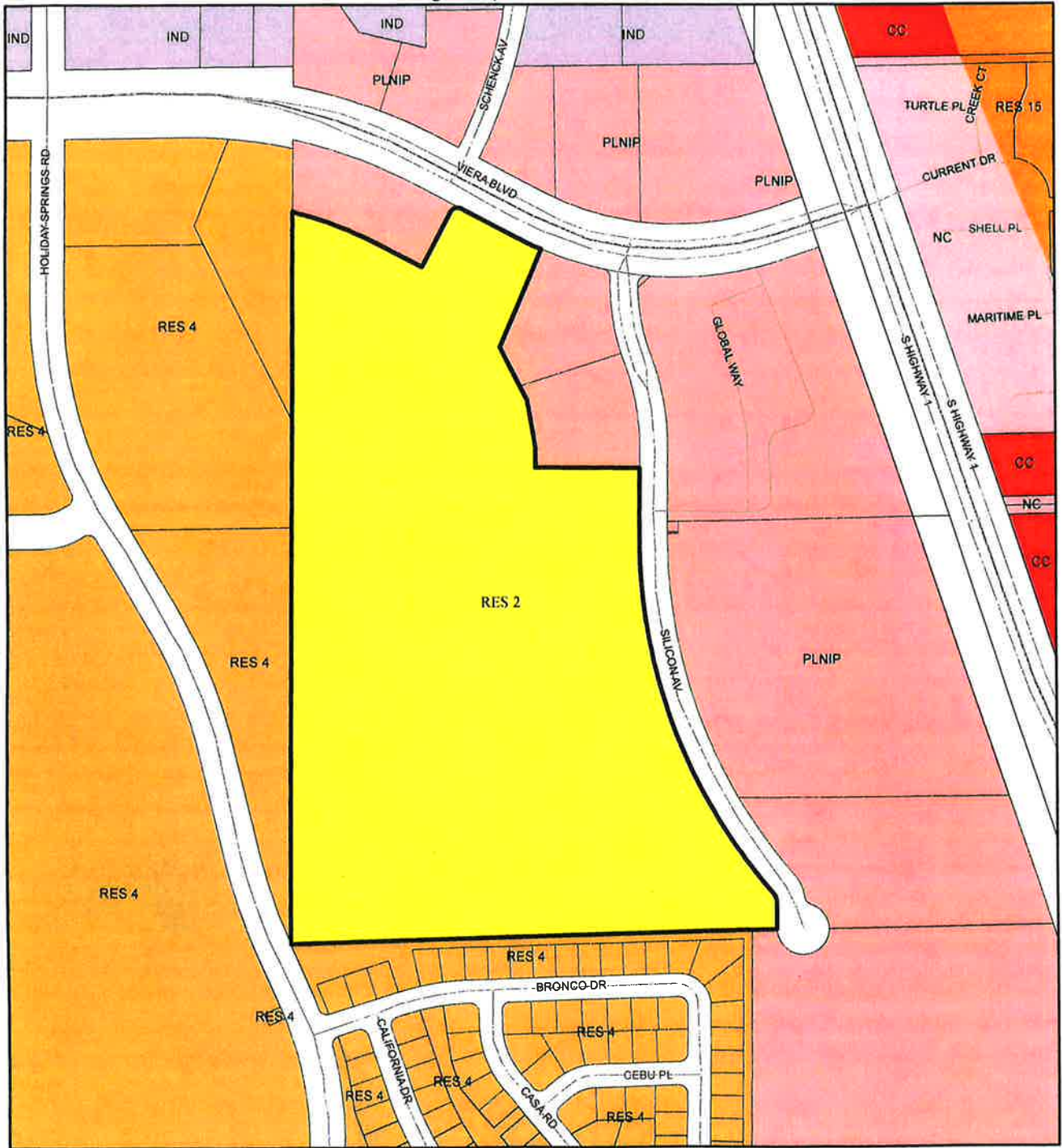
Approved by the Board on _____, 2014.

EXHIBIT A

2014-2.1 COMPREHENSIVE PLAN AMENDMENT

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2014-2.1
Eagle Properties of Viera LLC



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/10/2014

Suntree Community Developers, Inc.
2060 N. Highway A1A, Suite 308
Indian Harbour Beach, Florida 32937

July 15, 2014

To Whom it May Concern,

As the Owner of Tract GG of The Springs of Suntree as recorded in Plat Book 44, Page 26, we agree with the rezoning of Lots 1 and 2 of the Plat for Viera Boulevard Commerce Park as recorded in Plat Book 50, Page 30 from it's current zoning of PIP to Res-2.

Sincerely,



Keith Buescher
Director



Carroll Distributing Company

PO Box 561290
Rockledge, FL 32956-1290
(321) 636-2377



June 19, 2014

To Whom it May Concern,

As the Owner of Lot 4 of the Plat for Viera Boulevard Commerce Park as recorded in Plat Book 50, Page 30, we agree with the rezoning of Lots 1 and 2 of the Plat for Viera Boulevard Commerce Park as recorded in Plat Book 50, Page 30 from it's current zoning of PIP to Res-2.

Sincerely,

A handwritten signature in blue ink that reads "Mike Eubank".

Mike Eubank
President



The Springs Suntree. POA

Property Owner Association

8300 Holiday Springs Rd.

Melbourne, FL 32940

321-242-1734

The Coy A Clark Company
330 N Babcock St Ste 103
Melbourne, FL 32935

May 28th 2014

Re: Rezoning and Development of the Property Northeast of Hidden Springs Subdivision.
26 3602TG 2 VIERA BOULEVARD COMMERCE PARK LOT 2

Dear Michael Maguire,

The Board of Directors for the Springs of Suntree appreciated The Coy A Clark Company's time in attending the Board of Directors meeting on May 19th, 2014 to present their tentative plans for the 45 acres Northeast of the Hidden Springs subdivision, within the Springs of Suntree POA. It is understood rezoning of the area needs to be approved in order to progress with the development plans for a 90 single family gated community as proposed at the meeting. Based on the information provided, with access off Viera Boulevard and only a gated emergency access of Holiday Spring Road, along with the explanation of the proposed development's consideration for the eco and environment areas' stability, the Springs of Suntree POA, Board of Directors unanimously supports the rezoning and proposed development by The Coy Clark and Company.

We look forward to the pending project and will be happy to support the rezoning of the area to make it possible.

Sincerely,

Peter Sacco, President
Springs of Suntree POA