

ADD-ON

Meeting Date
November 7, 2017



AGENDA	
Section	Public Hearing
Item No.	IV.B

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

<b>SUBJECT:</b>	<b>VITAS Healthcare Corporation – Public Interest Determination for Wetland Impacts for Commercial Development (D-4)</b>
<b>DEPT/OFFICE:</b>	Natural Resources Management Department (NRM)

Requested Action:

In accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b, it is requested that the Board of County Commissioners consider wetland impacts for VITAS Healthcare Corporation (VITAS), an in-patient hospice facility, to be in the Public Interest.

Summary Explanation & Background:

The VITAS facility is located at the northeast corner of U.S. Highway 1 and Robles Ln (Tax Acct. No. 2512038). The proposed project (currently under review as Site Plan 17SP00019) includes the construction of a one-story building and associated parking, septic system, and stormwater management (Attachment B). The subject parcel contains 0.834 acres of a wetland system that extends offsite to the north and east. The applicant proposes to impact 0.082 acres of the wetland's lower quality perimeter, with off-site mitigation to meet the no-net-loss criteria of Section 62-3694(e) and Section 62-3696.

The subject parcel has a Future Land Use designation of Community Commercial. Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b allows wetland impacts for commercial development along mitigation qualified roadways (MQRs). Conservation Element Map 8 specifies U.S. Highway 1 as an MQR. Section 62-3694(c)(3)b further states that wetlands proposed for impact shall be assessed using methodologies established in the Countywide Wetlands Study, to determine if they meet the criteria of High Functioning Wetlands or Landscape Level Wetlands. Impacts to High Functioning and Landscape Level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest.

Atlantic Environmental Solutions (AES) assessed the wetland using the Brevard County Wetlands Assessment Method (Attachment C). The wetland scored 0.749; thus, it is a High Function wetland as defined by Brevard County (i.e., score of 0.66 or higher). Additionally, the wetland is located within a Landscape Level Polygon, and the wetland is hydrologically connected to the Indian River Lagoon system. Thus, it is a Landscape Level wetland as defined by Brevard County. AES has requested an expedited Public Interest Determination for the proposed wetland impacts (Attachment C).

It is requested that the Board consider the wetlands impact, as presented in the attached Staff Report and applicant submittal (Attachments A and C), to be in the Public Interest. This action only addresses the wetland components of the development and does not convey any approvals or assurances with regard to zoning, site plan approval, or building permits.

**Fiscal Impact:** FY 17-18 – No Impact  
FY 18-19 – No Impact

**Name:** Virginia Barker or Darcie McGee, Natural Resources Management Department  
**Phone:** (321) 633-2016

Clerk to the Board instruction:

Exhibits Attached:  
**Attachment A – Staff Report      Attachment B – Conceptual Site Plan      Attachment C – Applicant Submittal**

<b>Contract /Agreement (If attached):</b> Reviewed by County		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	PR	<input type="checkbox"/>
<b>Attorney</b>							
County Manager	Assistant County Manager	Department Director / Extension					
Frank Abbate 	John Demminghoff 			Virginia Barker /x52435			



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

November 8, 2017

**M E M O R A N D U M**

**TO:** Virginia Barker, Natural Resources Management Director Attn: Darcie McGee

**RE:** Item IV.B., Public Interest Determination for Wetland Impacts for Commercial Development for VITAS Healthcare Corporation

The Board of County Commissioners, in regular session on November 7, 2017, considered wetland impacts for VITAS Healthcare Corporation (VITAS), an in-patient hospice facility, and determined it to be in the Public Interest, in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

## ATTACHMENT A



BOARD OF COUNTY COMMISSIONERS

### Natural Resources Management Department

2725 Judge Fran Jamieson Way  
Building A, Room 219  
Viera, Florida 32940

## Staff Report

**SUBJECT:** VITAS Healthcare Corporation (VITAS), Northeast Corner of U.S. Highway 1 & Robles Lane, Public Interest Determination for Wetland Impacts for Commercial Activity (D-4)

**DATE:** November 7, 2017

**AUTHORS:** Natural Resources Management Department (NRM)

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Atlantic Environmental Solutions (AES), on behalf of VITAS, is requesting an expedited public interest determination for wetland impacts for commercial activity. VITAS has been issued a Certificate of Need (CON) by the Florida Agency for Healthcare Administration (AHCA) to operate a hospice inpatient facility. Construction must be substantially commenced by the end of November, when the CON expires. Failure to do so will result in financial loss and a seven month delay in the construction of the needed hospice capacity.

The proposed VITAS inpatient hospice facility is located at the northeast corner of U.S. Highway 1 & Robles Lane (Tax Account No. 2512038). The proposed project (currently under review as Site Plan No. 17SP00019) includes the construction of a one-story building and associated parking, septic system, and stormwater management (Attachment B). The subject parcel contains 0.834 acres of a wetland system that extends offsite to the north and east. The applicant proposes to impact 0.082 acres of the wetland's lower quality perimeter for site development.

The subject parcel has a Future Land Use designation of Community Commercial. Section 62- 3694(c)(3)b allows wetland impacts for commercial development along mitigation qualified roadways (MQRs):

*On properties with frontage on mitigation qualified roadways, commercial, or industrial land development activities may be permitted in wetlands if the property is designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map 8 of the Comprehensive Plan Conservation Element. An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to Map 8 and the associated table.*

Conservation Element Map 8 specifies U.S. Highway 1 from the Rockledge city boundary to Post Road (Melbourne city boundary) as an MQR. Section 62-3694(c)(3)b further states:

Main Line (321) 633-2016 • Stormwater/Illicit Discharge Hotline (321) 633-2014  
Mosquito Control North Operations (321) 264-5032 • Mosquito Control South Operations (321) 952-4523  
Fax (321) 633-2029 • Website: [BrevardCounty.us/NaturalResources](http://BrevardCounty.us/NaturalResources)

*Wetlands proposed for impact shall be assessed using methodologies established in the Countywide Wetlands Study, prepared BKI, Inc. Consulting Ecologists (September 30, 2013), to determine if they meet the criteria of High Functioning Wetlands or Landscape Level Wetlands. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or of overriding public benefit.*

A high functioning wetland is defined in Section 62-3691 as a wetland that scores 0.66 or above as determined by the Brevard County Wetlands Assessment Method. AES assessed the wetland using the Brevard County Wetlands Assessment Method (Attachment C). The wetland scored 0.749; thus, it is a High Function wetland as defined by Brevard County.

A landscape level wetland is defined in Section 62-3691 as a wetland that is EITHER 1) five (5) acres or larger; OR 2) located within a Landscape Level Polygon depicted on Map 9 of the Brevard County Comprehensive Plan Conservation Element, AND the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System. The wetland system is located within a Landscape Level Polygon, and is hydrologically connected to Waters of the U.S. (Indian River Lagoon System). Thus, the wetland is a landscape level wetland as defined by Brevard County.

Therefore, impacts are prohibited unless found to be in the public interest. Section 62-3691 defines Public Interest:

*Public Interest means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.*

The applicant provided the following information regarding public interest for the Board's consideration:

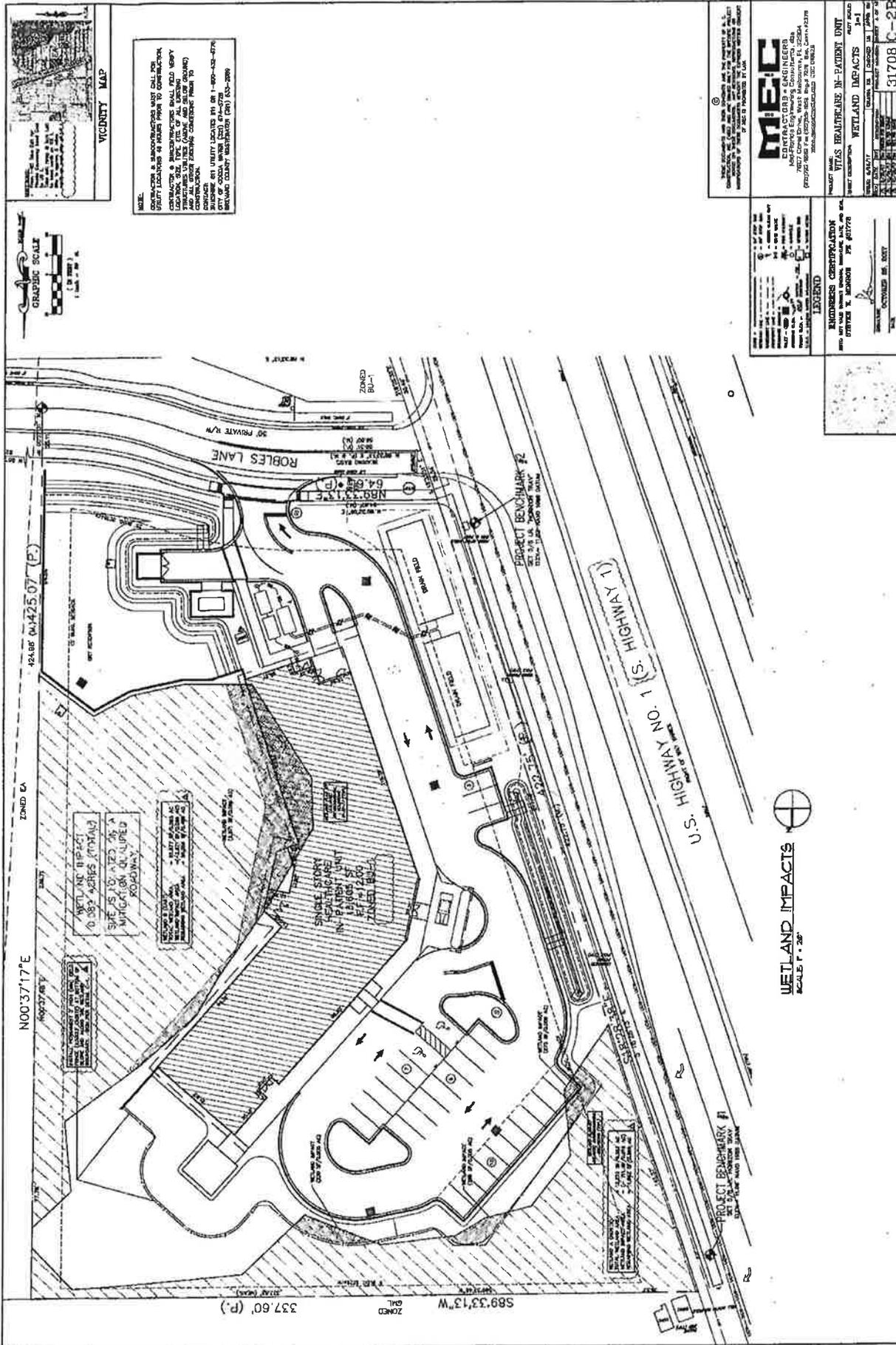
*"The construction of a hospice healthcare center will benefit the public in several meaningful ways. The project represents a replacement of a 14 bed hospice inpatient unit that was recently closed at Merritt Island. That closure deprived the community of end-of-life care of an inpatient nature for on average 14 patients every day of the year. The project is a six million dollar project that represents construction activity in the county as well as it will preserve approximately 12 jobs which would otherwise be*

*lost due to the closure of the earlier facility on Merritt Island. This project will be one of only four inpatient units for hospice care in the county. The project also creates tax revenue for the county as this unit is a corporate owned structure as opposed to a non-profit. The need for the service was certified with a certificate of need from the agency for healthcare administration (AHCA) in Tallahassee."*

All required permits and mitigation will be obtained from the US Army Corps of Engineers and St. Johns River Water Management District (SJRWMD). Mitigation will be provided by preserving high quality forested wetlands and uplands within Cape Atlantic Estates, as approved by SJRWMD. Mitigation shall meet Brevard County's no-net-loss criteria established in Sections 62-3694(e) and 62-3696.

It is therefore requested that the Board consider the wetland impact for VITAS to be in the Public Interest. This action only addresses the wetland components of the development and does not convey any approvals or assurances with regard to site plan approval or building permits.

ATTACHMENT B



**VICINITY MAP**

CONTRACTOR & SUBCONTRACTORS MUST CALL FOR ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION. CONTRACTOR & SUBCONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE PROPERTY OWNER AND THE CITY OF COVINA PRIOR TO CONSTRUCTION. CONTRACTOR & SUBCONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE PROPERTY OWNER AND THE CITY OF COVINA PRIOR TO CONSTRUCTION. CONTRACTOR & SUBCONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE PROPERTY OWNER AND THE CITY OF COVINA PRIOR TO CONSTRUCTION.

CONTRACTOR: VITAS BEAUFORTRE INC. 101 W. 1<sup>ST</sup> ST. SUITE 200  
CITY OF COVINA, CALIFORNIA 91724  
PHONE: (909) 922-1111  
FAX: (909) 922-1112  
WWW.VITASBEAUFORTRE.COM

**LEGEND**

WETLAND IMPACTS

SCALE 1" = 20'

**ENGINEER'S CERTIFICATION**

I, THE ENGINEER, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: OCTOBER 18, 2017

BY: [Signature]

**PROJECT INFORMATION**

PROJECT NAME: VITAS BEAUFORTRE IN-PATENT UNIT

CLIENT: VITAS BEAUFORTRE

PROJECT NUMBER: 31708 C-2B

DATE: OCTOBER 18, 2017

**WETLAND IMPACTS**

SCALE 1" = 20'

**PROJECT BENCHMARK #1**

SET IN 2x4x8 WOOD NAIL IN CONCRETE

**PROJECT BENCHMARK #2**

SET IN 2x4x8 WOOD NAIL IN CONCRETE

**U.S. HIGHWAY NO. 1 (S. HIGHWAY 1)**

**CONTRACTOR & SUBCONTRACTORS MUST CALL FOR ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.**

## ATTACHMENT C



657 Montreal Avenue • Melbourne, FL 32935  
ph 321.676.1505 • fax 321.676.1730

October 26, 2017

Ms. Darcie McGee  
Brevard County Natural Resources Management Department  
2725 Judge Fran Jamieson Way  
Building A  
Viera, FL 32940

Re: Wetland Toolbox Submittal  
VITAS Healthcare – BC Application No. 17SP00019  
US 1 & Robles Lane, Melbourne, Florida  
AES File No. 1797

Dear Ms. McGee:

Atlantic Environmental Solutions, Inc. (AES) has completed a Brevard County Wetland Assessment Method on the above-referenced project which is seeking to impact a very small portion of an on-site wetland. Below you will find information regarding the wetlands proposed for impact, assessment matrix calculations, and a discussion on the project's benefits to the public.

### **Public Interest**

This project includes the addition of a hospice, parking lots, and stormwater. The construction of a hospice healthcare center will benefit the public in several meaningful ways.

The project represents a replacement of a 14 bed hospice inpatient unit that was recently closed at Merritt Island. That closure deprived the community of end-of-life care of an inpatient nature for on average 14 patients every day of the year. The project is a six million dollar project that represents construction activity in the county as well as it will preserve approximately 12 jobs which would otherwise be lost due to the closure of the earlier facility on Merritt Island. This project will be one of only four inpatient units for hospice care in the county. The project also creates tax revenue for the county as this unit is a corporate owned structure as opposed to a non-profit. The need for the service was certified with a certificate of need from the agency for healthcare administration (AHCA) in Tallahassee.

### **Proposed Wetland Impacts**

The site is currently undeveloped and contains an on-site wetland (0.834-acres) which extends off-site to the north and east and eventually to the Indian River (Figure 1). This forested wetland is hydrologically impacted due to run-off from US Highway 1 and is dominated by red maple, cabbage palm, American elm, Brazilian pepper, wax myrtle, swamp fern, and Virginia chain fern.

Due to the small size of the lot and large elevation changes, impacts to the on-site wetland is not avoidable. However, impacts were minimized to the fullest extent possible. The proposed impacts

are to 0.082-acres of the wetland's lower quality perimeter. All required permits and mitigation will be obtained from the US Army Corps of Engineers and St. Johns River Water Management District. US Highway 1 is a Brevard County listed Mitigation Qualified Roadway (MQR). Below are additional details regarding the results of the Brevard County Wetland Assessment Method for all three on-site wetlands.

Wetland 1 (Figure 2)

The eastern portion of this wetland is within a Brevard County Landscape Level Wetland (Figure 1). The Brevard County Wetland Assessment Method calculated the assessment score of this wetland at a **0.749**. Thus, Wetland 1 is considered a high functioning wetland as defined by Brevard County even though it is located along US Highway 1 and surrounded by development. Even though a portion of this wetland is located within a Landscape Level Wetland, the proposed impacts should be within the public interest as detailed above.

In summary, impacts to the on-site wetland are minimal and to the lowest quality portion of the wetland. Also, the public benefits resulting from this project is justification for allowing the minimal impact to the on-site wetland which can be authorized through permitting and adequate mitigation. Mitigation will be provided by preserving high quality forested wetlands and uplands within Cape Atlantic Estates, a concept that SJRWMD has agreed to.

Should you require additional information or have any questions, please do not hesitate to contact our office.

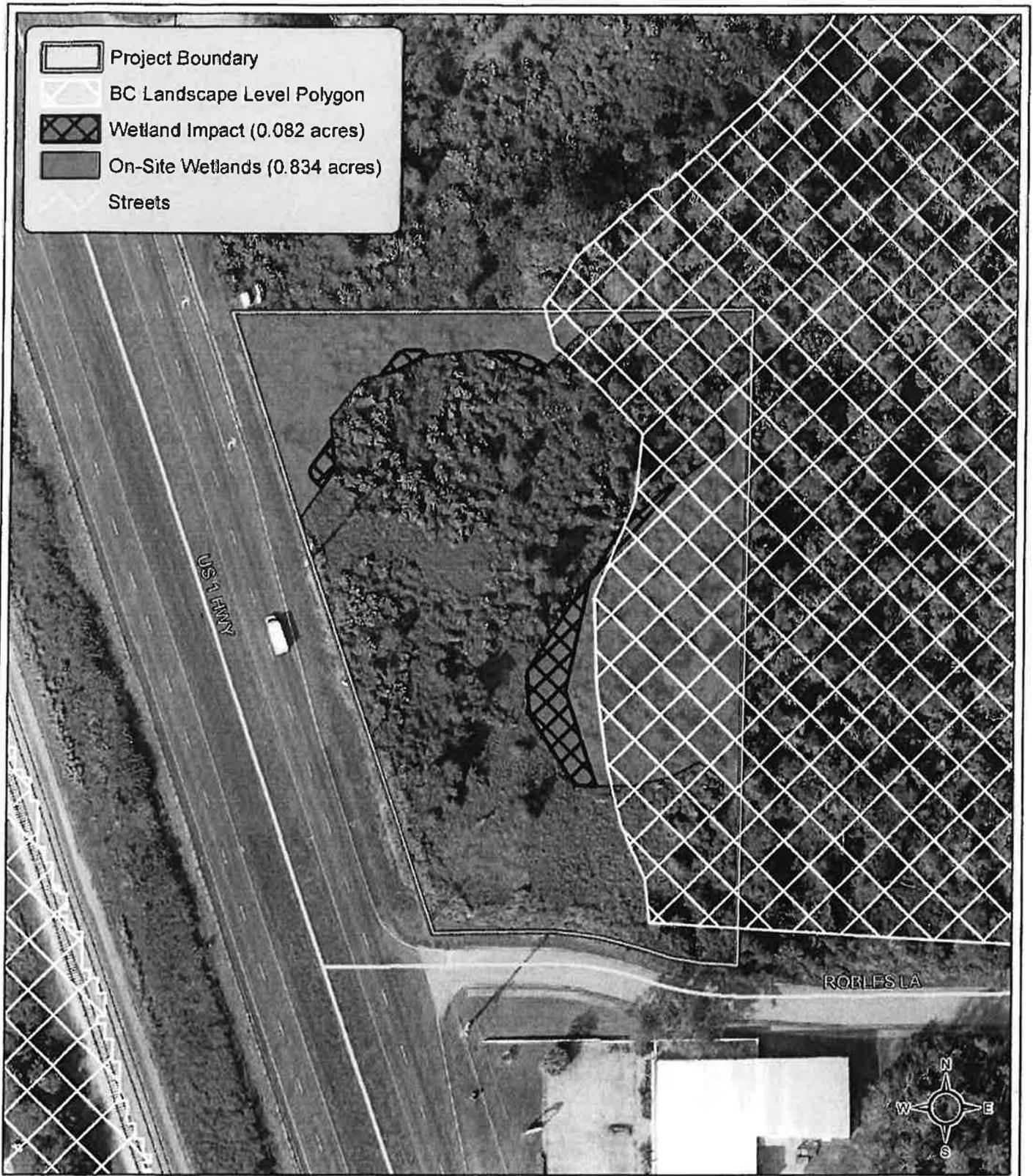
Sincerely,



David G. Purkerson, MS, PWS  
Senior Ecologist

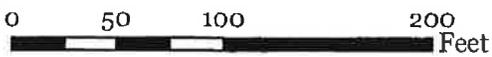


Jon H. Shepherd, MS, PWS  
President/Ecologist

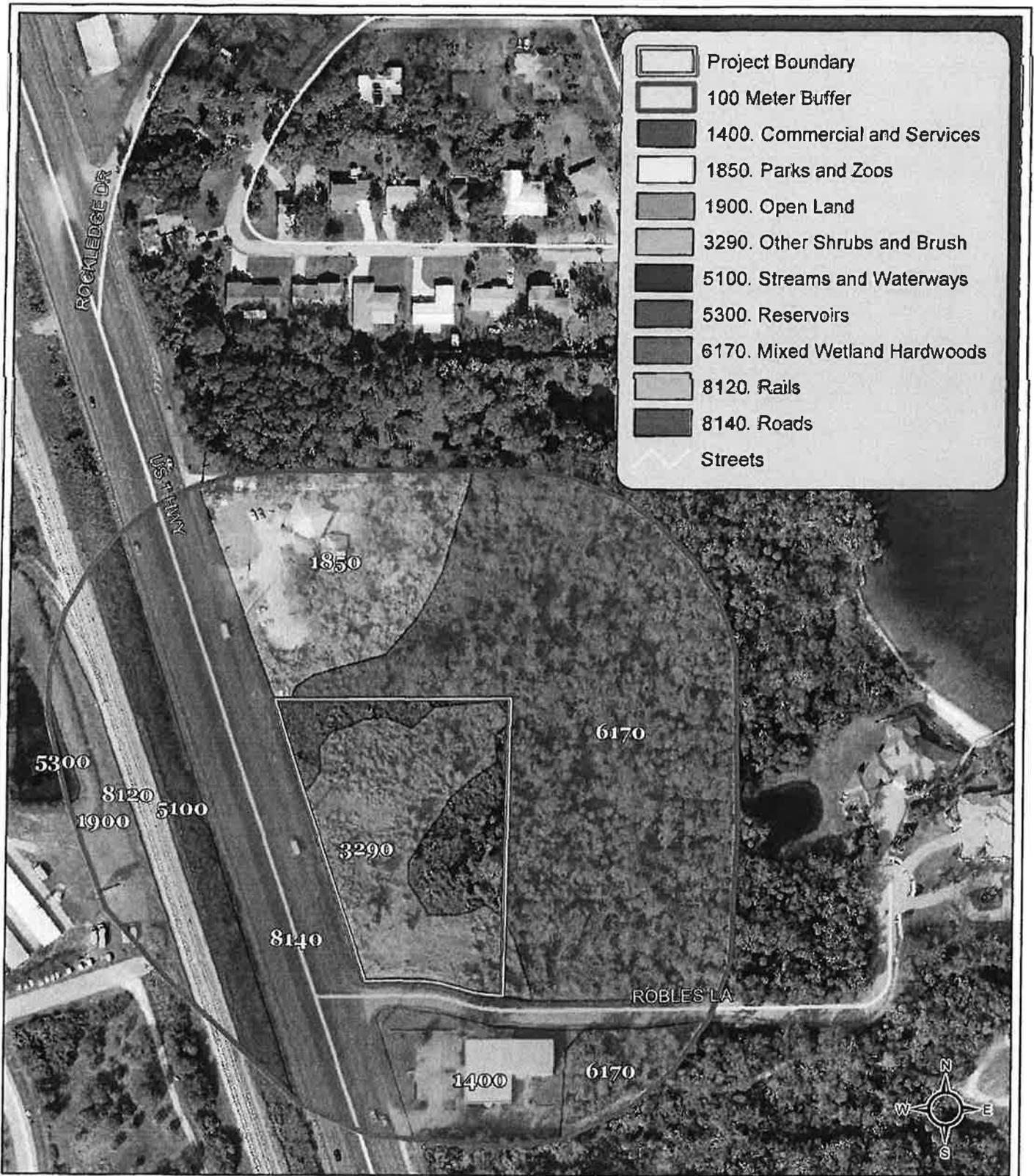


**Project: VITAS (Brevard IPU)**

**Figure 1: Aerial Map**



2017 Aerial, Brevard County, Florida

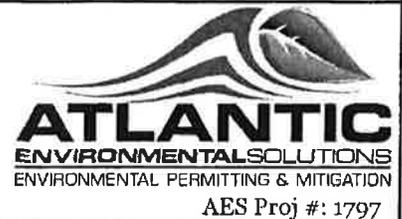


**Project: VITAS (Brevard IPU)**

**Figure 2: Wetland Assessment Area Map**



2017 Aerial, Brevard County, Florida



## Landscape Location Score

<i>Enter FLUCFCS_legend</i>	<i>Enter Sum of Acres</i>	<i>LSI_Value</i>	<i>Landcover Percent</i>	<i>Landscape Location Score (=LSI_Value* Landcover Percent)</i>
1100-Low Density Urban		2.22	0.000	0.000
1100-Residential, Low Density		3.57	0.000	0.000
1200-Residential, Medium Density		2.81	0.000	0.000
1300-High Density Urban		0.91	0.000	0.000
1300-Residential, High Density		2.72	0.000	0.000
1400-Commercial and Services	0.99	0.91	0.057	0.052
1500-Industrial		1.87	0.000	0.000
1660-Holding Ponds		9.08	0.000	0.000
1700-Institutional		2.14	0.000	0.000
1820-Golf courses		3.42	0.000	0.000
1850-Parks and Zoos	1.95	3.42	0.113	0.385
1900-Open Land	0.78	3.42	0.045	0.154
2110-Improved Pasture		6.96	0.000	0.000
2120-Unimproved/Woodland Pasture		8.03	0.000	0.000
2130-Woodland Pastures		8.87	0.000	0.000
2210-Citrus		7.02	0.000	0.000
2240-Abandoned Groves & Orchards		8.87	0.000	0.000
2500-Specialty Farms		3.33	0.000	0.000
3290-Other Shrubs and Brush	1.79	10	0.103	1.035
4110-Pine Flatwoods		10	0.000	0.000
4120-Longleaf Pine - Xeric Oak		10	0.000	0.000
4200-Upland Hardwood Forest		10	0.000	0.000
4280-Cabbage Palm		10	0.000	0.000
4320-Sand Live Oak		10	0.000	0.000
4340-Hardwood - Coniferous Mixed		10	0.000	0.000
4360-Upland Scrub, Pine and Hardwoods		10	0.000	0.000
4370-Australian Pine		8.87	0.000	0.000
4410-Coniferous Plantations		9.36	0.000	0.000
5100-Streams and Waterways	0.99	10	0.057	0.572
5200-Natural Lakes & Ponds		10	0.000	0.000
5300-Reservoirs	0.05	10	0.003	0.029
5420-Estuarine		10	0.000	0.000
5700-Major Bodies of Water		10	0.000	0.000
6110-Bay Swamps		10	0.000	0.000
6120-Mangrove Swamp		10	0.000	0.000
6150-Streams and Lake Swamps (Bottomland)		10	0.000	0.000
6170-Mixed Wetland Hardwoods	6.54	10	0.378	3.780
6210-Cypress		10	0.000	0.000
6240-Cypress - Pine - Cabbage Palm		10	0.000	0.000
6250-Hydric Pine Flatwoods		10	0.000	0.000
6270-Slash Pine Swamp Forest		10	0.000	0.000
6280-Wet Coniferous Plantations		10	0.000	0.000
6300-Wetland Forested Mixed		10	0.000	0.000
6310-Wetland Shrub		10	0.000	0.000
6410-Freshwater Marshes		10	0.000	0.000
6420-Saltwater Marsh		10	0.000	0.000
6430-Wet Prairie		10	0.000	0.000
6440-Freshwater Marshes		10	0.000	0.000
6500-Non-Vegetated		10	0.000	0.000
6510-Tidal Flats		10	0.000	0.000

6520-Shorelines		10	0.000	0.000
7400-Disturbed Land		9.08	0.000	0.000
7430-Spoil Area		9.08	0.000	0.000
8120-Rails	0.69	2.43	0.040	0.097
8140-Roads	3.52	1.91	0.203	0.389
8300-Utilities		2.43	0.000	0.000
<b>TOTAL</b>	<b>17.3</b>	<b>0.91</b>	<b>1.000</b>	<b>6.493</b>

**Water Quality Treatment**

<b>Enter Percentage of surrounding landcover that contributes to the Water Quality Treatment</b>	<b>Category</b>	<b>Coefficient</b>	<b>Water Quality Treatment Score</b>
75	Natural	5	3.75
	Only rainfall - no contributing basin	4.6	0
	Wet detention with swales	4.2	0
	Wet detention with dry detention	4.2	0
	Combination grass swales with dry detention	3.3	0
25	Grass swales only / vegetative buffer strip	1.7	0.425
	Dry Detention only	1.7	0
	No treatment	0	0
100	Correct		4.175

<b>Enter Hydrologic Indicator Score</b>
3.3

<i>Water Environment</i>	<i>Score</i>		<i>Thresholds</i>
Water Quality Treatment	4.175		a perfect water environment would have a maximum score of 10
Hydrologic Indicator	3.3		
Sum	7.475	<i>Water Environment Score</i>	

<b>Vegetative Score</b>	<b>Percentages (from other tabs)</b>	<b>Score</b>		<b>Thresholds</b>
Wetland Vegetation	80	10		a perfect wetland would have a maximum score of 10
Exotic Vegetation	15	7		
Total Percentage	95	8.5	<b>Vegetative Community Score</b>	The Vegetative Community Score is calculated as the average of the wetland vegetation score and the exotic vegetation score unless; 1) the wetland vegetation is < 30% or 2) if the percent of exotic vegetation is > the percent of wetland vegetation. If either of these two conditions exist the Community Vegetative Score will = 0.

8.5 Average

<b><i>Wetland Criteria</i></b>	<b><i>Score</i></b>	<b><i>Thresholds</i></b>
Landscape	6.49	a perfect landscape would have a maximum score of 10
Water Environment	7.475	a perfect water environment would have a maximum score of 10
Vegetative Community	8.5	a perfect vegetative community would have a maximum score of 10
<b>Assessment Score</b>	<b>0.749</b>	a perfect wetland would have a score of 1.0

RECEIVED  
NOV 06 2017  
County Manager's Office