



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.6.

12/2/2021

### Subject:

Burnett Parrish, LLC (Javier Fernandez) requests a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. (21Z00031) (Tax Account 2409609) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10.

### Summary Explanation and Background:

The applicant is seeking a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10 for the purpose of unifying the zoning classification on both parcels. The west portion (retention pond) is zoned RU-1-9. This request will allow for a proposed 260-unit single-family attached residential development. The retention pond will be used as the recreation and drainage for the proposed development.

The RU-2-10, a Medium-Density Multiple-Family residential zoning classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

The developed character of the surrounding area is single-family residential. There is no multi-family development in the area, although there is multi-family zoning in the area. The abutting parcels to the north are zoned RU-1-9 and developed with single-family homes. The abutting parcel to the west is a 56-unit duplex development owned by the Housing Authority of Brevard County.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

On November 15, 2021, the Planning & 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 21Z00031

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

**WHEREAS, Burnett Parrish, LLC** have requested a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10, on property described as Tax Parcel 265, as recorded in ORB 5637, Page 4411, as recorded in the Public Records of Brevard County, Florida. **Section 36, Township 24, Range 35.** (27.06 acres) Located on the northwest corner of Burnett Rd. and Parrish Rd. (No assigned address. In the Cocoa area.); and

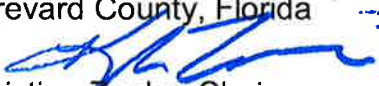
**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**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-1-9 and RU-2-10 to all RU-2-10, 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 December 2, 2021.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Kristine Zonka, Chair  
Brevard County Commission

As approved by the Board on December 2, 2021.

ATTEST:

  
RACHEL SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 15, 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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Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**21Z00031**

**Burnett Parish, LLC (Javier E. Fernandez, Esq.)**

**RU-1-9 (Single-Family Residential) and RU-2-10 (Medium-Density Multiple-Family Residential)  
to all RU-2-10**

Tax Account Number: 2409609  
Parcel I.D.: 24-35-36-00-\*-265  
Location: No address assigned, Northwest corner of Parrish Road and S. Burnett Road (District 1)  
Acreage: 27.06 acre

Planning and Zoning Board: 11/15/2021  
Board of County Commissioners: 12/02/2021

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-9 & RU-2-10	RU-2-10
<b>Potential*</b>	39-Single-Family Units and 178 Multi-family Units	260 Multi-Family Units
<b>Can be Considered under the Future Land Use Map</b>	Yes RES 15/NC	Yes RES 15/NC

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

**Background and Purpose of Request**

The applicant is seeking a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium-density Multiple-Family Residential) to all RU-2-10 for the purpose of having the zoning consistent with the RU-2-10 zoning that is on the east portion of the parcel. This request is for a proposed 260 unit Single-family attached residential development on the parcel with the current RU-1-9 (9.186 acres) portion of the parcel being used as recreation and drainage for the proposed multi-family development. The applicant did not provide staff with a proposed development plan or a Binding Development Plan (BDP) that would limit the development potential or offer other mitigations with this application.

The west 1/3 portion of the parcel was originally zoned GU (General Use) and was rezoned to RU-1 (Single Family Residential) on June 27, 1962, per zoning action **Z-766**.

On August 07, 1973, Administrative rezoning **AZ-39** per Ordinance **1973-13**, change the zoning from RU-1 to RU-1-9.

### **Land Use**

The subject property retains the Residential 15 (RES 15) FLU designation on 22.76 acres and Neighborhood Commercial (NC) FLU designation on 4.3 acres.

The RES 15 FLU designation permits a density of 15 units per acre.

Per Future Land Use Element Policy 2.13: Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map.

### **Applicable Land Use Policies**

The parcel is located in the RES 15 Future Land Use Designation and NC Future Land Use Designation.

The current zoning of RU-1-9 as well as the proposed RU-2-10 zoning classification is consistent with the RES 15 FLU designation and the NC FLU designation per Policy 2.13.

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

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.

FLUE Policy 2.13: Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map.

### **Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

The subject property is vacant land and lies within the RES 15 (Residential 15) Future Land Use designation and NC Neighborhood Commercial) Future Land Use Designation. The abutting parcels to the north lie within the RES 15 Future Land Use designation. The abutting parcel to the west has a REC (Recreational) Future Land Use designation. The RES 15 Future Land Use designation is compatible with the current RU-1-9 zoning. The proposed RU-2-10 zoning is also considered consistent with the RES 15 Future Land Use designation.

There has been no FLU change to the RES 15 designation of the area in the past 5 years. Existing development of the surrounding area is generally described as single-family homes on lots that are 0.17 acre or larger.

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

The subject parcel is an undeveloped RU-1-9 and RU-2-10 zoning.

The developed character of the surrounding area is a mixture developed residential properties and of vacant multi-family property. The Housing Authority of Brevard County is abutting the parcel to the west and developed with 56 duplex and single-family units and recreational area upon 16.04 acres of land. The adjacent parcels to the north are developed with single-family homes on lots 1/4 acre in size.

#### **Surrounding Properties**

The developed character of the surrounding area is single-family residential. There is no multi-family development in the area, although there is multi-family zoning in the area. The abutting parcels to the north are zoned RU-1-9 and developed with single-family homes. The abutting parcel to the west is The Housing Authority of Brevard County and is zoned AU (Agricultural Residential) which is developed with a recreational area and 56 duplex and single-family units upon 16.04 acres of land.

The RU-1-9, a Single-Family Residential zoning classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

The RU-2-10, a Medium-Density Multiple-Family residential zoning classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

The AU, an Agricultural Residential zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet.

There have been no zoning actions within a half-mile of the subject property within the last three years.

#### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is W. King Street (Highway 520), between I-95 to S. Burnett Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 57.91% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 3.75%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 61.66% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Townhomes

development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Townhomes development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School.

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Townhomes development.

The parcel can be serviced by City of Cocoa water. The parcel can be serviced by Brevard County sewer, located on Parrish Road in front of the parcel. Central water and sewer will be required.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands/Hydric Soils
- Protected Species
- Specimen and Protected Trees

The subject parcel contains areas of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

The property contains a large area of upland forest. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design/engineering. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Land clearing is not permitted without prior authorization by NRM.

**For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Rezoning Review & Summary  
Item # 21Z00031**

**Applicant:** Fernandez for Burnett Parrish, LLC

**Zoning Request:** RU-1-9 & RU-2-10 to RU-2-10

**Notes:** Applicant wants to develop 260 townhome units.

**P&Z Hearing Date:** 11/15/21; **BCC Hearing Date:** 12/02/21

**Tax ID No:** 2409609

- 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:**

- Wetlands/Hydric Soils
- Protected Species
- Specimen and Protected Trees

The subject parcel contains areas of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

The property contains a large area of upland forest. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design/engineering. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Land clearing is not permitted without prior authorization by NRM.

## **Land Use Comments:**

### **Wetlands/Hydric Soils**

The subject parcel contains areas of mapped NWI wetlands (Freshwater forested/shrub wetlands), SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Eau Gallie sand, Turnbull & Riomar soils, and Anclote sand frequently ponded) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

### **Specimen and Protected Trees**

The subject property contains a large mapped area of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Forest. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are likely found on the project area. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

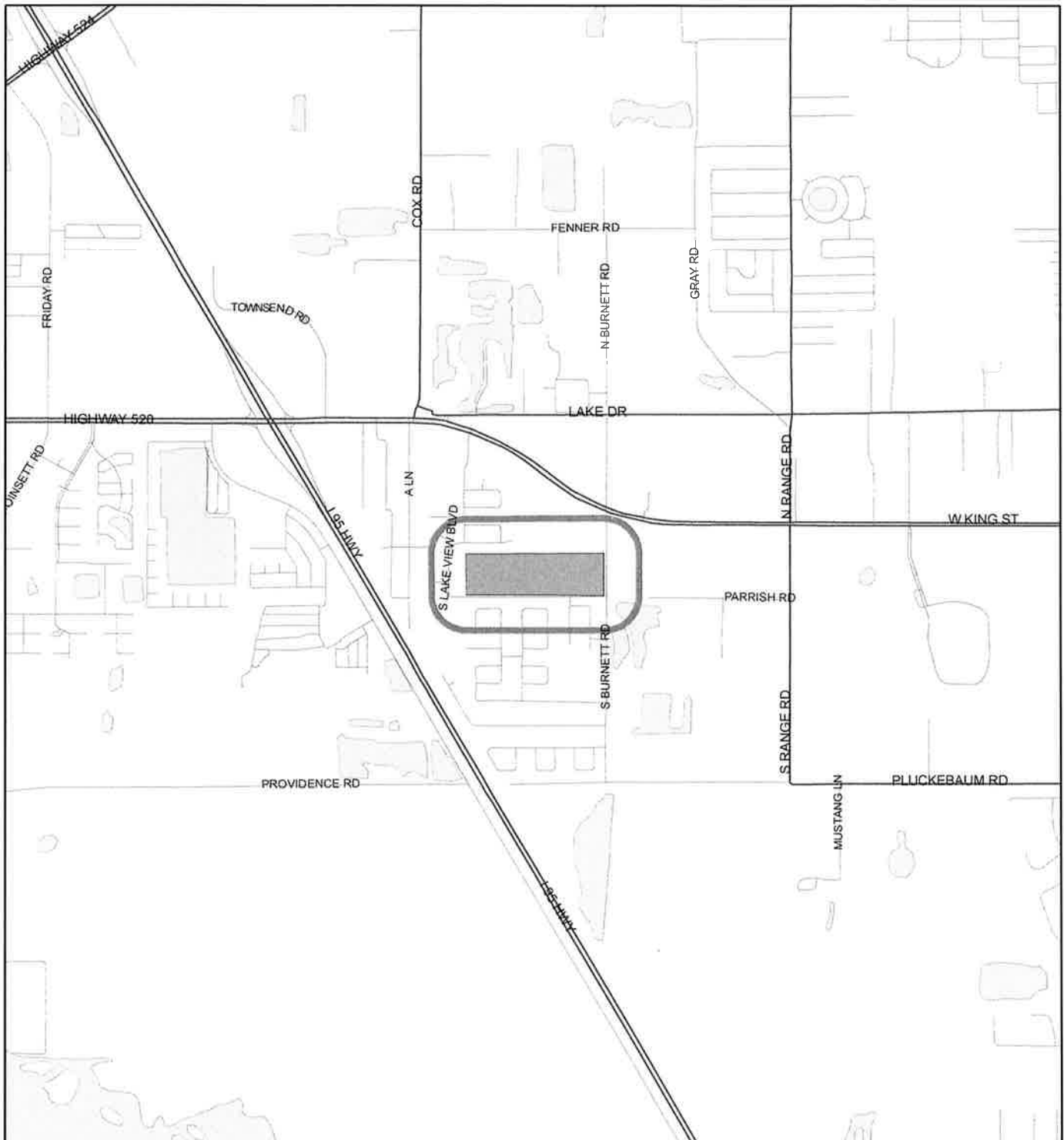
### **Protected Species**

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



# LOCATION MAP

BURNETT PARRISH, LLC  
21Z00031



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.

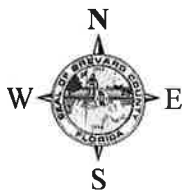
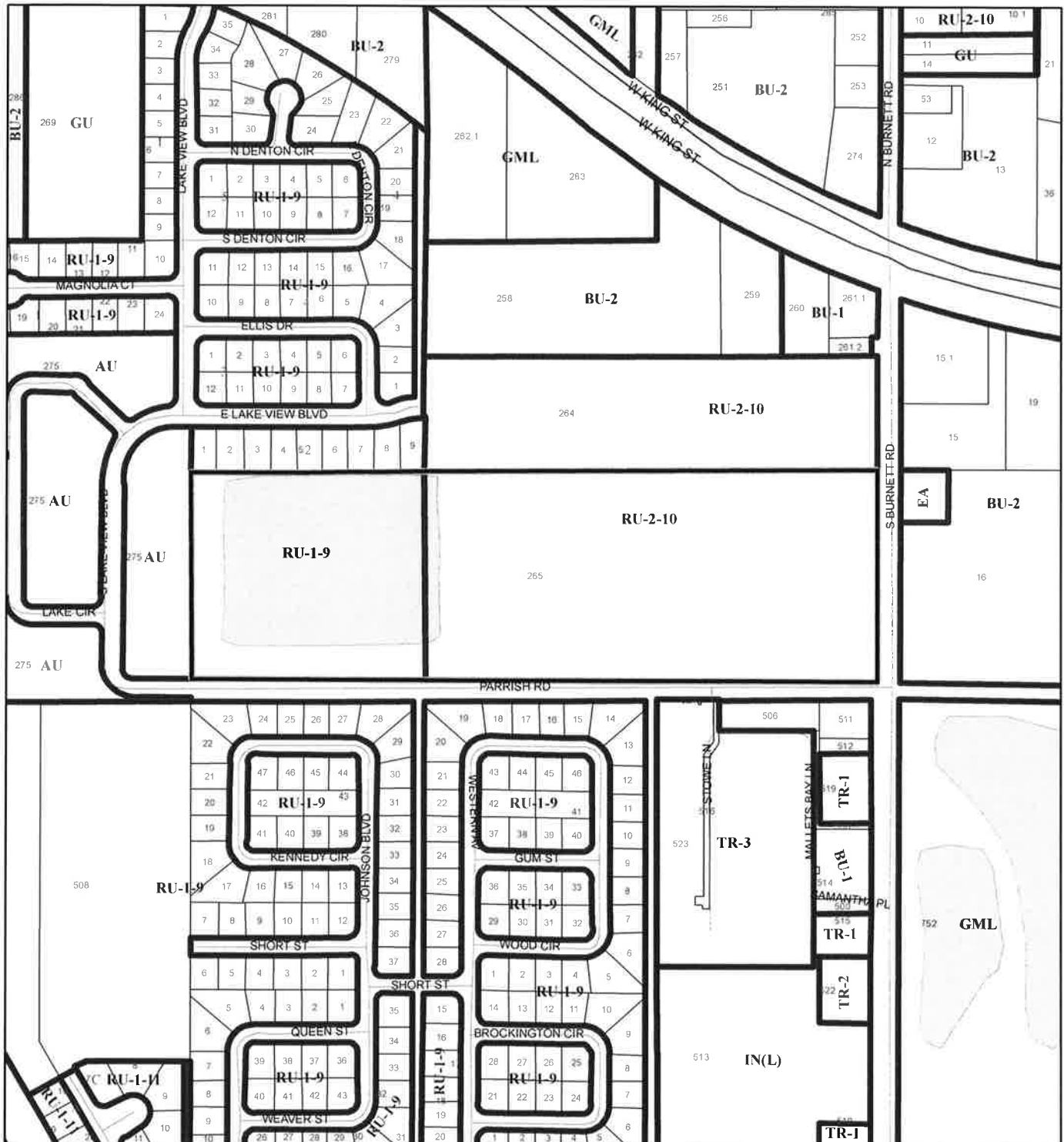
Produced by BoCC - GIS Date: 9/10/2021

— Buffer  
■ Subject Property

# ZONING MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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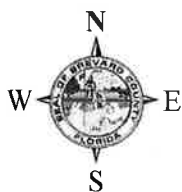
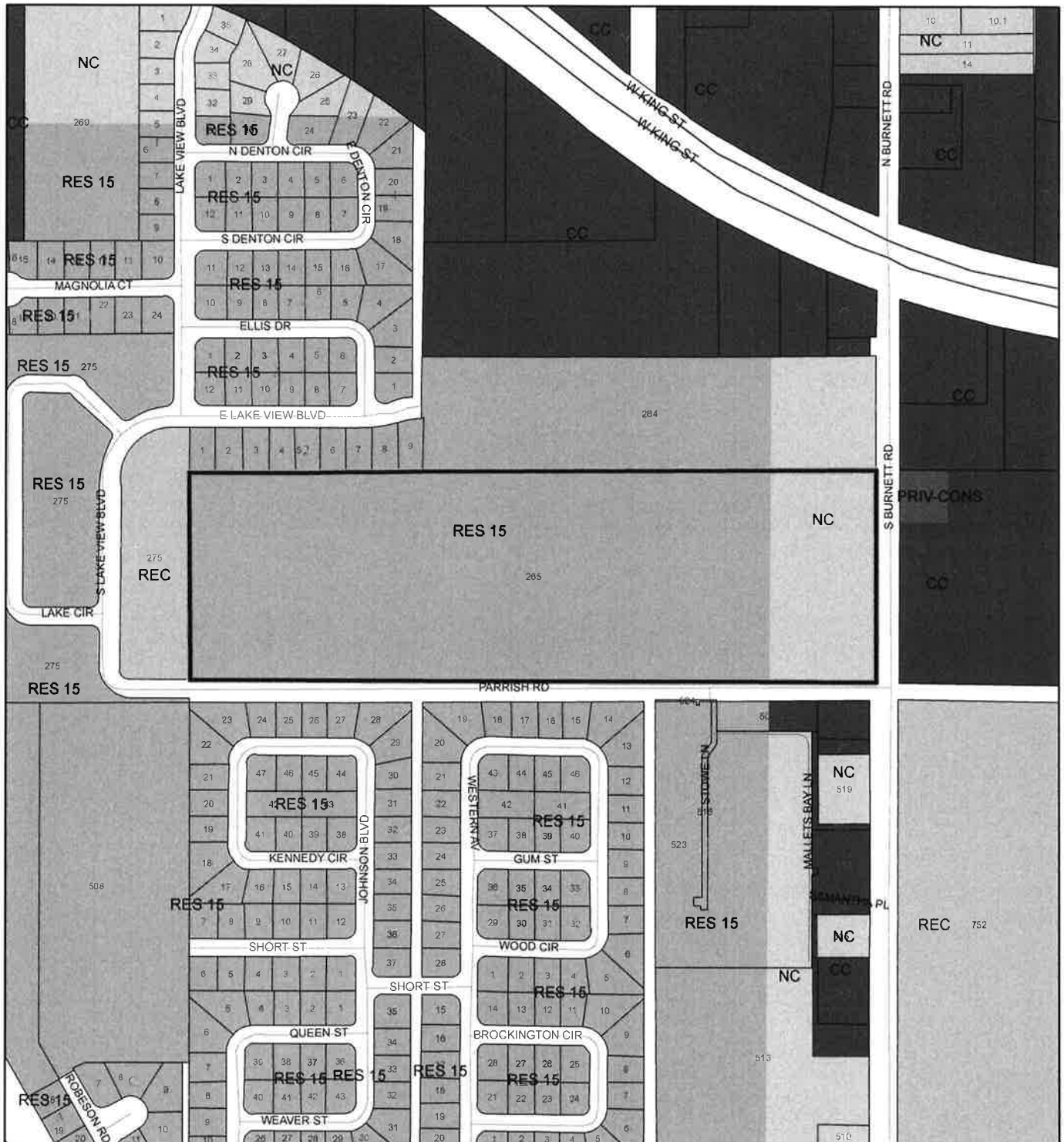
Produced by BoCC - GIS Date: 9/10/2021

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

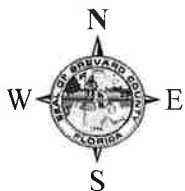
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/10/2021

# AERIAL MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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: 9/10/2021

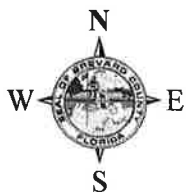
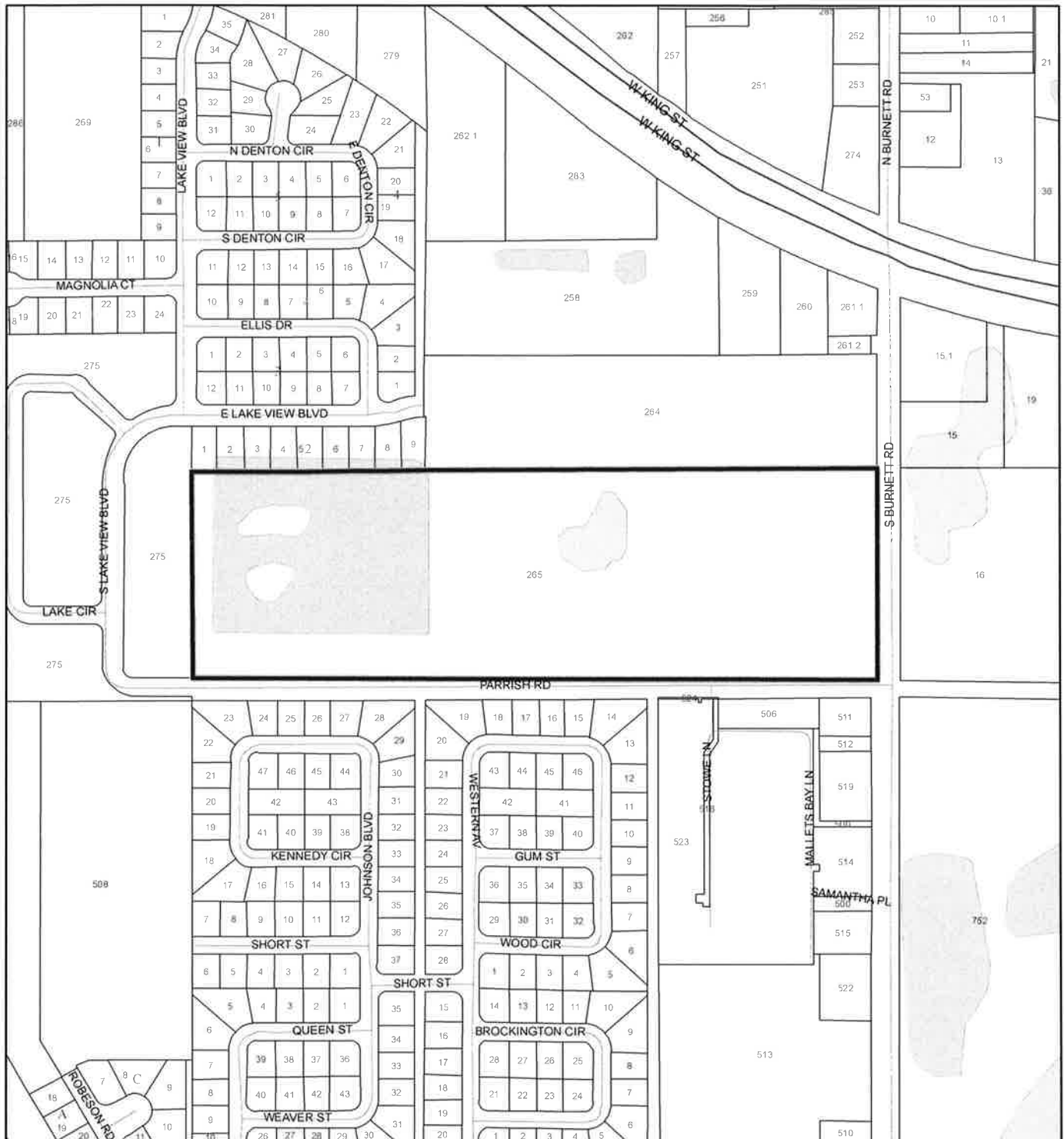
— Subject Property

□ Parcels

# NWI WETLANDS MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

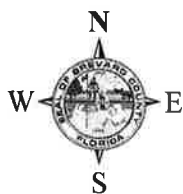
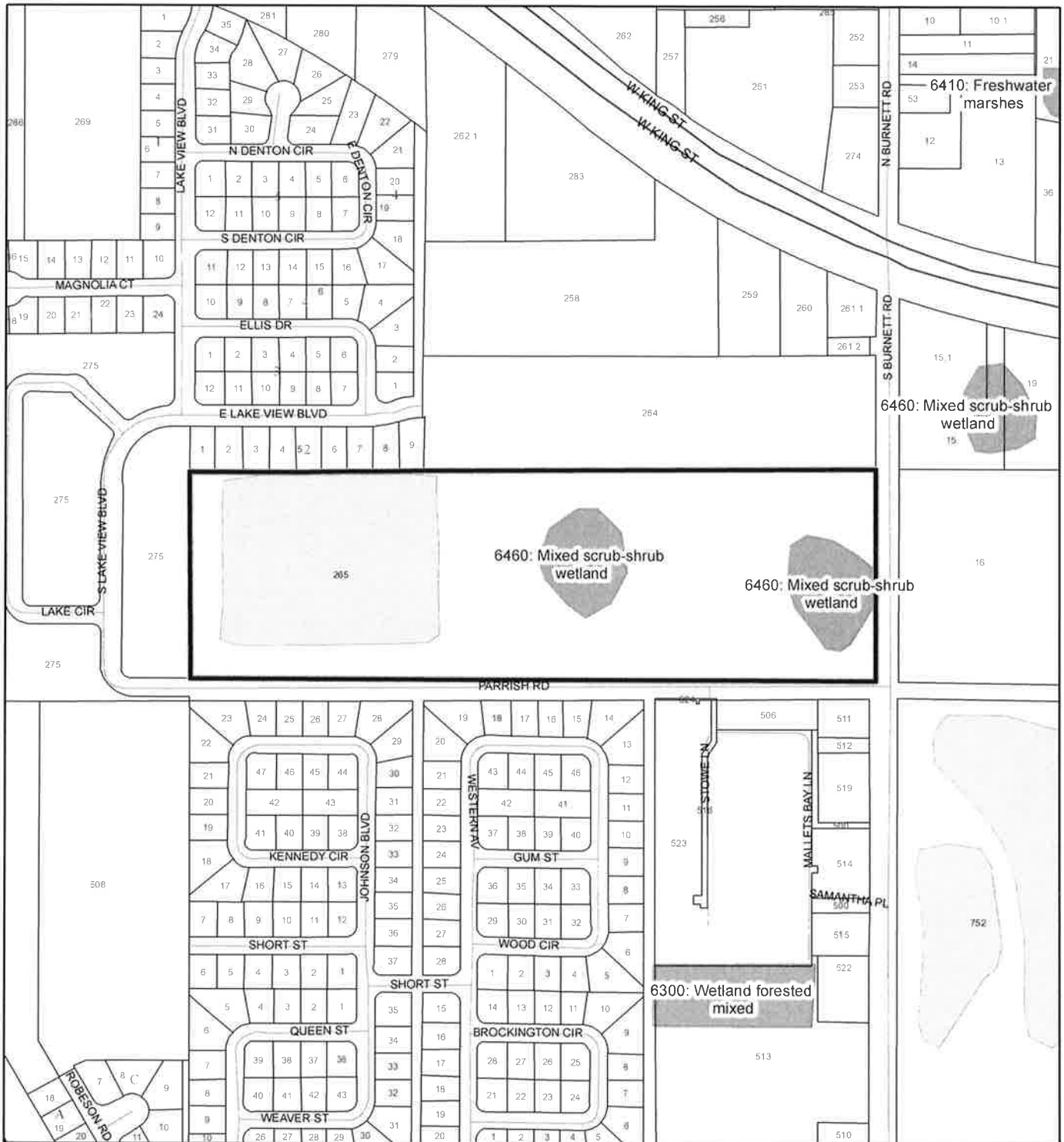
## National Wetlands Inventory (NWI)

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

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

## 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

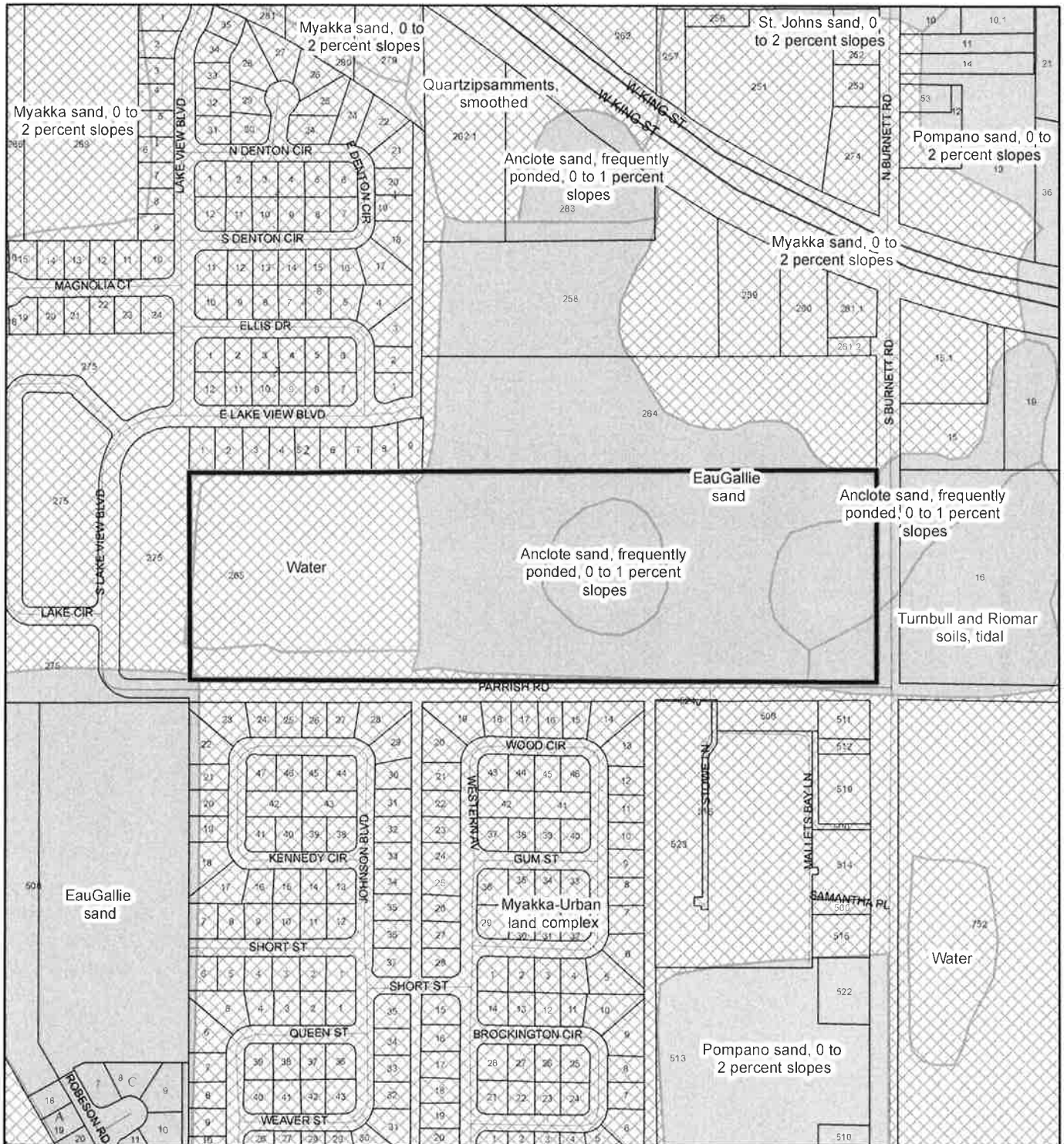
Parcels



# USDA SCSSS SOILS MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

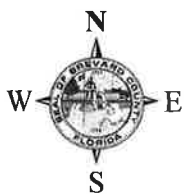
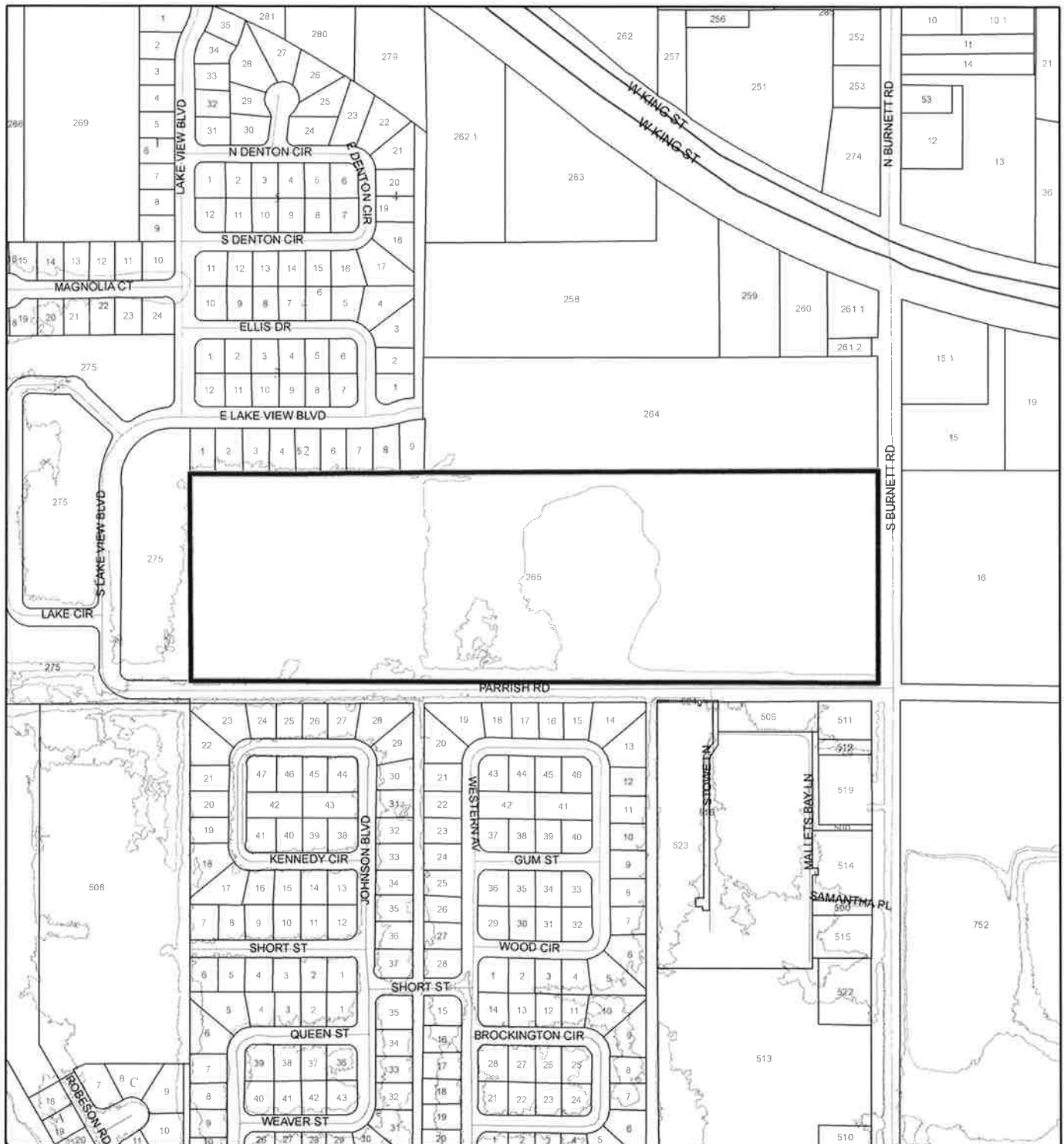
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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## FEMA Flood Zones

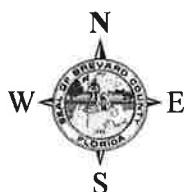
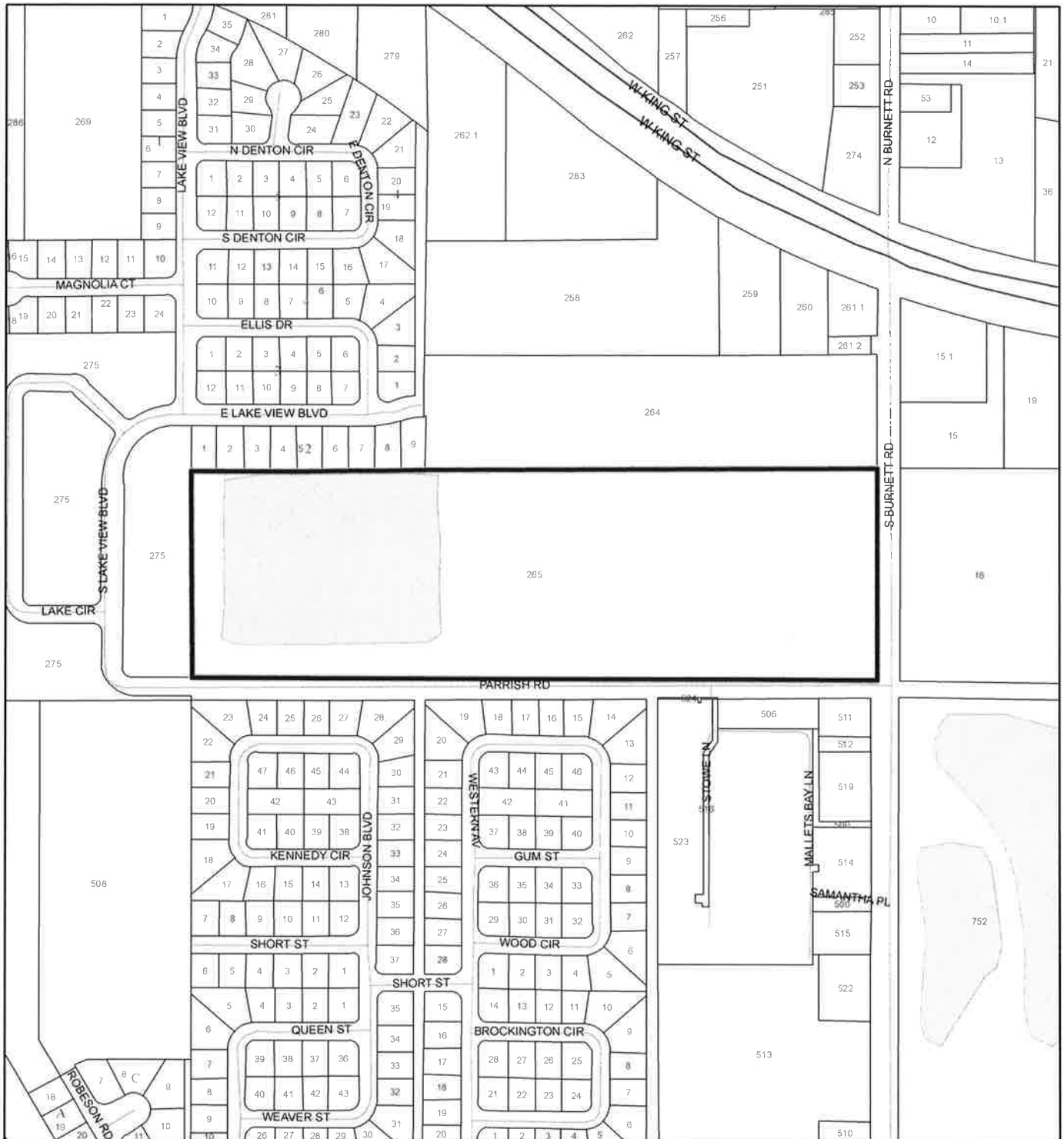
	A		AO		X
	AE		Open Water		VE
	AH		Subject Property		Parcels



# COASTAL HIGH HAZARD AREA MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

— Subject Property

□ Parcels

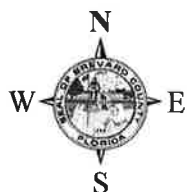
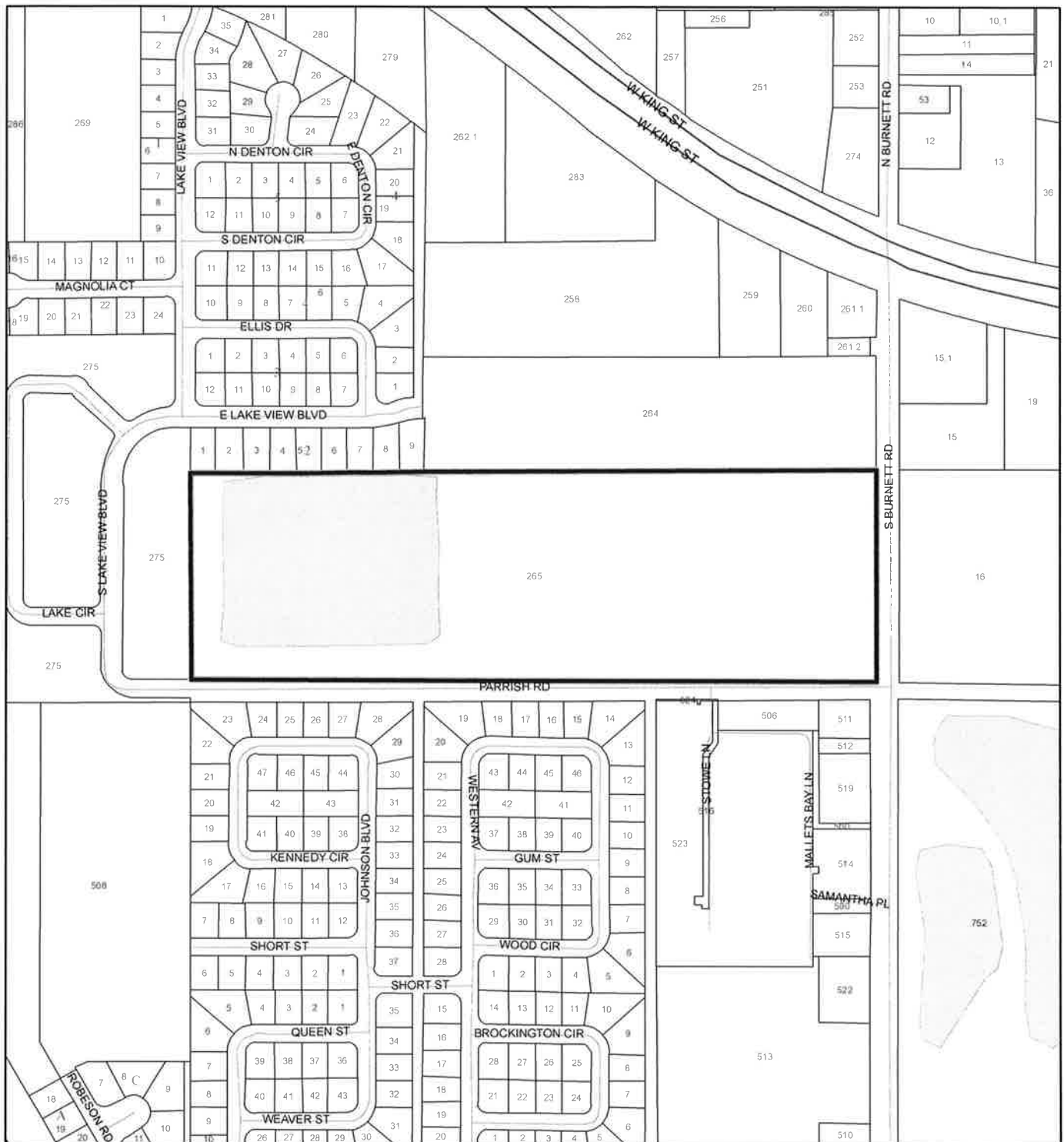
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

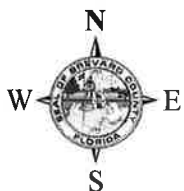
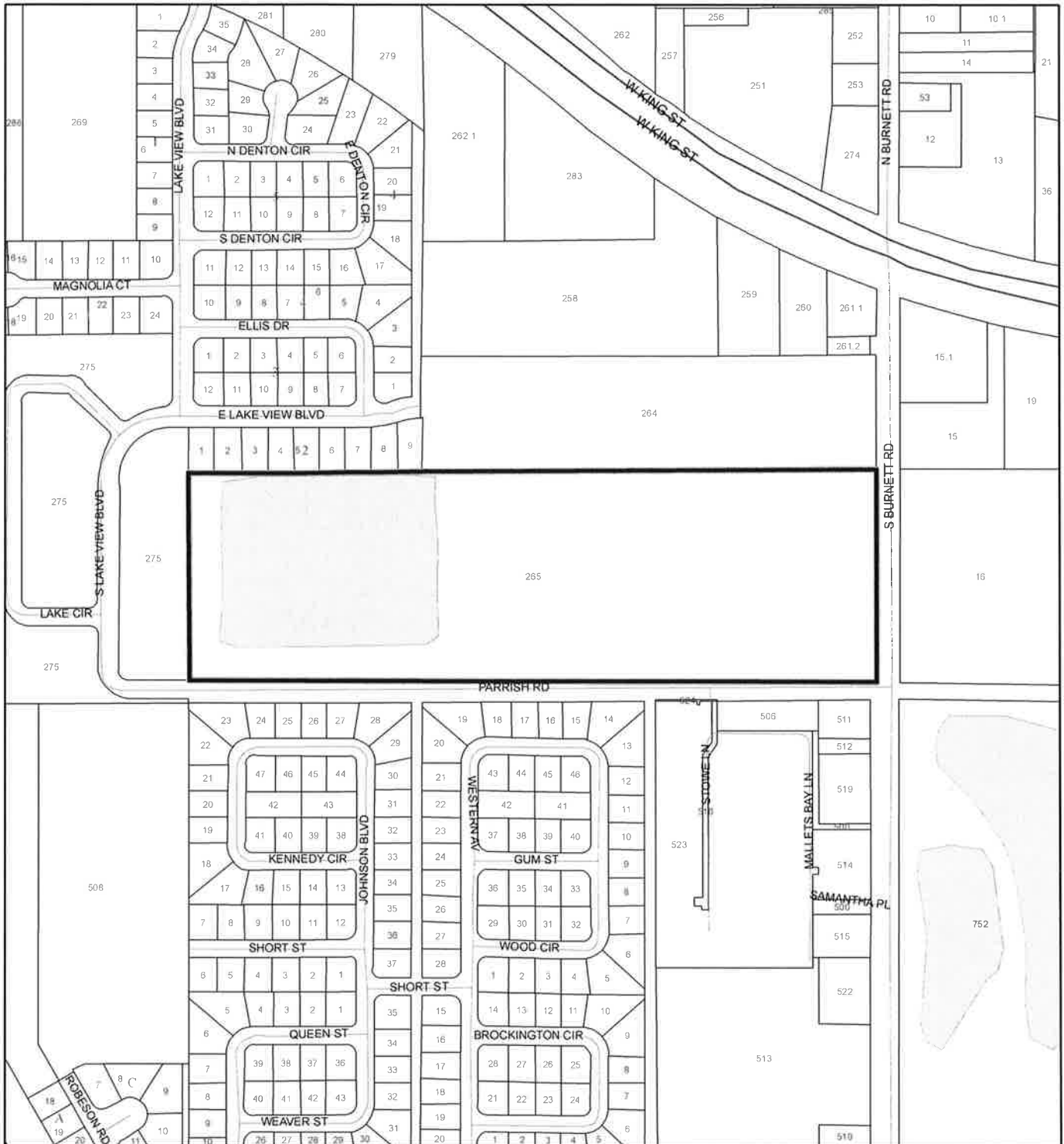
■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

 Subject Property

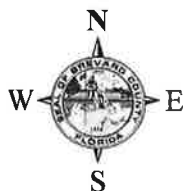
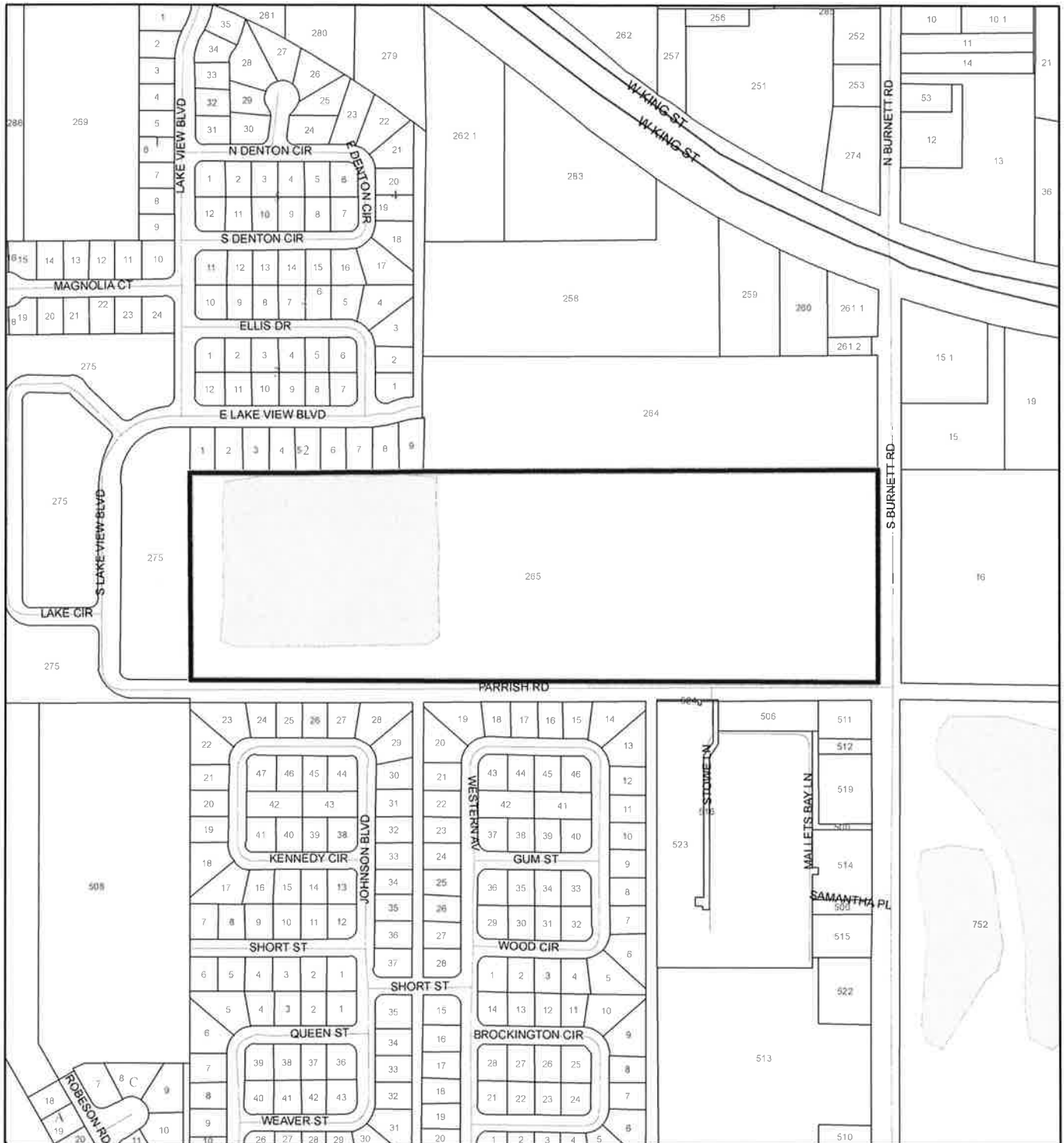
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

 Subject Property

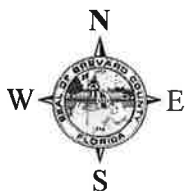
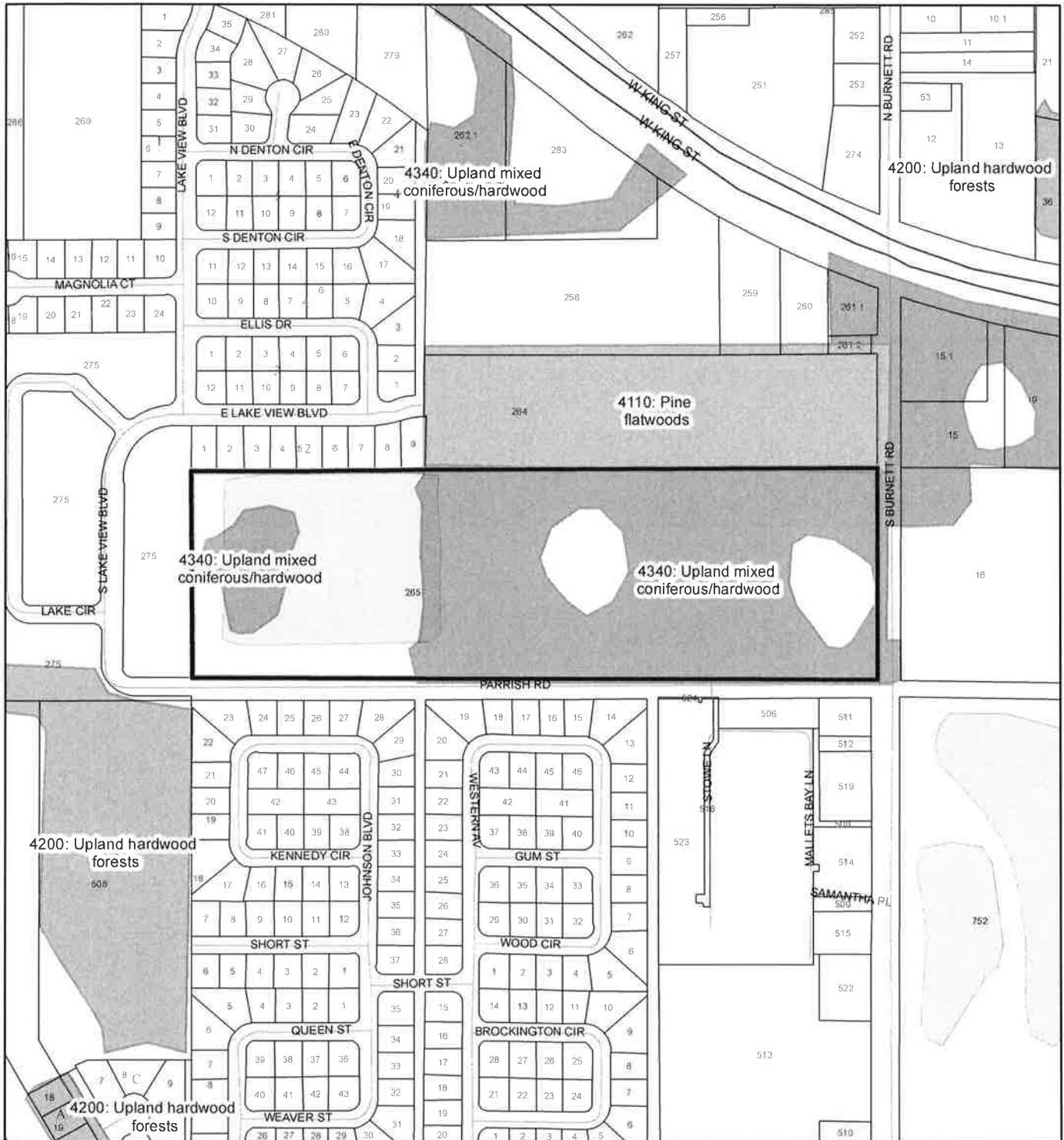
 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

## 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



September 3, 2021

*Via Hand-Delivery*

Planning & Development Department  
Brevard County  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

**Re: Parcel ID #24-35-36-00-265 / Tax Account #240609 - Request to Rezone Property from RU-1-9 to RU-2-10**

To whom it may concern:

Our firm represents Affinity Capital, LLC (hereinafter, "Applicant" or "Contract Purchaser"). Applicant has placed under contract to purchase two properties -Tax Account #240609 and #240608 - totaling approximately 35 acres (+/-) for the purpose of developing a 260-unit townhome community. Presently, the combined assemblage has a split zoning designation of RU-1-9 and RU-2-10 with the westernmost portion of the property, which totals approximately 9.186 acres (+/-), zoned RU-1-9 (the "Subject Property"). The Contract Purchaser seeks approval from Brevard County ("County") to rezone the Subject Property from RU-1-9 to RU-2-10.

s. 62-1151.(c) of the County Code of Ordinances ("Code") sets forth the criteria for the approval or denial of a rezoning. Applicant's request to rezone the Subject Property is consistent with or advances each of the enumerated criteria as follows:

- **The character of the land use of the property surrounding the property being considered.**

The Subject Property is surrounded by residential land uses in each cardinal direction. To the Subject Property's immediate South and Northwest, the parcels are predominantly improved with single-family residential uses. To the Subject Property's immediate East and Northeast, the balance of the Contract Purchaser's assemblage has a zoning designation of RU-2-10 which is consistent with the Applicant's request. Therefore, Applicant's requested designation is consistent with character of the land use surrounding the property.

- **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.**

Conditions surrounding the Subject Property have substantially evolved in recent years. In addition to the continued development of single-family residential units within the immediate submarket, low-scale and garden-style, multi-family residential development is becoming increasingly commonplace. Contract Purchaser's requested rezoning will allow for the adjoining parcel to be developed as a townhome community and expand the diversity of housing types within the submarket.

- **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.**

Applicant's request will have no adverse impact on available and projected traffic patterns and other public facilities & utilities and the established character of the surrounding property. All future development proposed by the Contract Purchaser – which development is preliminary planned to include a maximum of 260 townhome units – will occur on the adjoining parcels which are already zoned RU-2-10 and permits development at the contemplated density. Applicant contemplates using the Subject Property exclusively for drainage and recreational facilities in support of the proposed townhome development on the adjoining parcels. While the Applicant's request will result in a rezoning to a more intense residential designation, the Subject Parcel will effectively serve as a transitional parcel from the more intense parcels adjoining the Subject Parcel to the East and Northeast to the less intense parcels located to the Subject Parcel's immediate North, Northwest, West, and South.

- **The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.**

As noted hereinabove, the Applicant's proposed zoning classification is compatible with the existing land use plans for the affected area. Single-family residential development continues to the property's East toward Range Road and further to the Southeast along Pluckebaum and Range Roads. In addition, new, multi-family residential development projects, like the Cocoa Grand southeast of King Street and Range Road, are becoming increasingly common within the sub-area.

- **The appropriateness of the proposed zoning classification 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.**

Applicant's request is appropriate and will have no adverse impact on the public health, safety and welfare. Applicant's will request will also serve to advance several goals, objectives and policies of the County's Comprehensive Plan, including the following:

#### **FUTURE LAND USE ELEMENT**

##### **Objective 1**

*County shall facilitate the development of residential neighborhoods that offer the highest quality of life to citizenry through implementation of policies that accomplish the following:...A. Ensure the compatibility of new development with its surroundings;...E. Produce neighborhoods that complement adjacent land uses;...G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.*

Applicant's request meets the public's social and economic needs through the development of residential neighborhoods that offer the highest quality of life to the citizenry. The County is experiencing incredible growth that substantially increased demand for housing resulting in significant price escalations and inventory shortages. A normal or balanced housing market typically has an inventory supply of 6

months.<sup>1</sup> Recent reports from May 2021 indicate that the available inventory for townhomes and condos have decreased 71.4% over the prior year from 3.5 months of available supply to 1.0 month of available supply.<sup>2</sup> The current inventory levels represent a historic low and the continuation of a three-year trend.<sup>3</sup> Similarly, median and average sales prices increased by 36.9% and 33.9%, respectively, over the prior year.<sup>4</sup>

Given the state of the County's job market, it is likely that demand for housing of all types will likely continue to increase. In March of 2021, the County's total nonagricultural employment increased to 230,000 representing a gain of 2,400 jobs above the prior month. The 1.1% job gain in Brevard was the seventh-highest percentage increase of the state's 25 metropolitan areas.<sup>5</sup> Employee recruitment has remained challenging across all sectors, including aerospace, health care, manufacturing, and retail.<sup>6</sup> The lack of available housing may negatively impact employer recruitment efforts in the County. Approval of the requested rezoning will facilitate the development of needed housing.

Further, the Applicant's request will provide for the development of housing inventory that is increasingly compatible with its surroundings and that is not in conflict with any of the surrounding land uses. Finally, Applicant's proposed project will incorporate open space within the residential development and to promote interconnectivity with surrounding land uses.

## **HOUSING ELEMENT**

### **Objective 3**

*Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.*

### **Objective 4**

*Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types, housing pricing levels and broad geographic choices to meet the needs of all existing and anticipated residents in the County.*

### **Policy 4.1**

*The zoning ordinance of the Land Development Regulations shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in location...*

As noted above, presently the County's housing market is presently unbalanced due to historic lows in available housing inventory. Approval of the Applicant's requested change will result in the production of needed units that will help correct the current inventory imbalance, expand geographic choices for quality housing, and further diversity the variety of housing types available within the County. Townhome style units are not presently available in the immediate housing market and Applicant's

<sup>1</sup> <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

<sup>2</sup> <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

<sup>3</sup> <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

<sup>4</sup> Ibid.

<sup>5</sup> <https://www.floridatoday.com/story/money/business/2021/04/20/economy-improving-brevard-employers-having-tough-time-filling-jobs/7276130002/> Last viewed: September 1, 2021.

<sup>6</sup> Ibid.

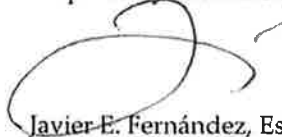


proposal will fill said niche and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction in the immediate sub-market.

Further, approval of the request will also expand housing affordability as the median and average sales prices for townhome and condominium units within the County are substantially lower than for single-family residential units.<sup>7</sup>

For the foregoing reasons, we look forward to the department's favorable recommendation of the Applicant's requested rezoning for the Subject Property.

Respectfully submitted,



Javier E. Fernández, Esq.  
For the Firm

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<sup>7</sup> <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.



1. **Legend:**  
 2. **1950**  
 3. **1960**  
 4. **1970**  
 5. **1980**  
 6. **1990**  
 7. **2000**  
 8. **2010**  
 9. **2020**  
 10. **2030**  
 11. **2040**  
 12. **2050**  
 13. **2060**  
 14. **2070**  
 15. **2080**  
 16. **2090**  
 17. **2100**  
 18. **2110**  
 19. **2120**  
 20. **2130**  
 21. **2140**  
 22. **2150**  
 23. **2160**  
 24. **2170**  
 25. **2180**  
 26. **2190**  
 27. **2200**  
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 29. **2220**  
 30. **2230**  
 31. **2240**  
 32. **2250**  
 33. **2260**  
 34. **2270**  
 35. **2280**  
 36. **2290**  
 37. **2300**  
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 39. **2320**  
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 45. **2380**  
 46. **2390**  
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 48. **2410**  
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 107. **3000**  
 108. **3010**  
 109. **3020**  
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 113. **3060**  
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 115. **3080**  
 116. **3090**  
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JAN 22 1961  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

LITERATURE CITED (in Russian)

The land referred to herein below is situated in the County of Brevard, State of Florida, and described as follows:

the South  $1/2$  of the Southeast  $1/4$  of the Northeast  $1/4$  and the East  $1/2$  of the Southwest  $1/4$  of the Northeast  $1/4$ , south of Plot Block 11, page 150, must 222 in Section 36, Township 24 South, Range 35 East, Kane County, Florida, except road right of way to Highway Road, and Tunnel Lane.

COA DESCRIPTION (N.F. No. 348-348924)

The bond relates to item below in divided in the County of BREVARD, State of FLORIDA and distributed as follows:

A tract of land situated on the South  $1/2$  of the North  $1/2$  of the  $34^{th}$   $1/4$  east 1000 north of  $2^{nd}$   $2^{nd}$  of Sec 36, Township 36, Range 35, E. Brecken County, Minnesota

## REFERENCES

BEARINGS SHOWN HEREIN ARE ASSUMED AND BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 26 SOUTH, RANGE 35 EAST, AS HAVING AN ASSUMED BEARING OF NORTH 89°12'30" EAST.

2. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS BUYER/YOU OR SHOWN ON THIS BOUNDARY SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY.

THIS SERVICE WAS PERFORMED WITH THE BENEFIT OF THE NUMBER 102-2469405 AND COMPANY 002-5650-2525. THE COMPANY, EFFECTIVE

THE LEGAL DESCRIPTION HEREON HAS BEEN PROVIDED BY THE ABOVE REFERENCED FIVE COMPLAINANTS

THESE MAY BE ENVIRONMENTAL ISSUES AND/OR OTHER MATTERS REQUESTED BY VARIOUS DEPARTMENTS OF FEDERAL, STATE OR LOCAL GOVERNMENTS AFFECTING THE SUBJECT PROPERTY NOT SHOWN ON THIS SURVEY.

[illegible][illegible]

CAN NOBIS-CAIN ET AL IN Q JNTHN BASFORDS DVE BTOS 3-NDJ QMJCZSC SWV A3068E SML

SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHO SIGNED THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RE-SEALED SEAL OF A FLORIDA LICENSED COUNSELOR AND NOTARIZED

UNLESS OTHERWISE NOTED OF SHOWN HEREON, THERE ARE NO APPARENT AND/OR UNOBSERVED, ABOVE-GROUND ENCROACHMENTS. THE DISPOSITION OF ANY POTENTIAL ENCROACHING IMPROVEMENTS SHOWN IS

UNLESS OTHERWISE NOTED OR SHOWN HEREON, "AS-PAINT" AND/OR VISIBLE UNDERSTRIES ABOVE GROUND IMPROVEMENTS WERE LOCATED, INTERFERED, IMPROVEMENTS, SUCH AS FOUNDATIONS, UTILITIES, WERE BEYOND PROFESSIONAL EXAMINATION AND SUBJECT TO UTILITY INTERFERENCE.

NO LOCATED

11 LAST DATE OF RE-EXAMINATION JULY 14, 202

12. SUBJECT PROPERTY CONTAINS APPROXIMATELY 1,42,251.11 SQUARE FEET OR 32.41 ACRES.

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SHEET 2 OF 2

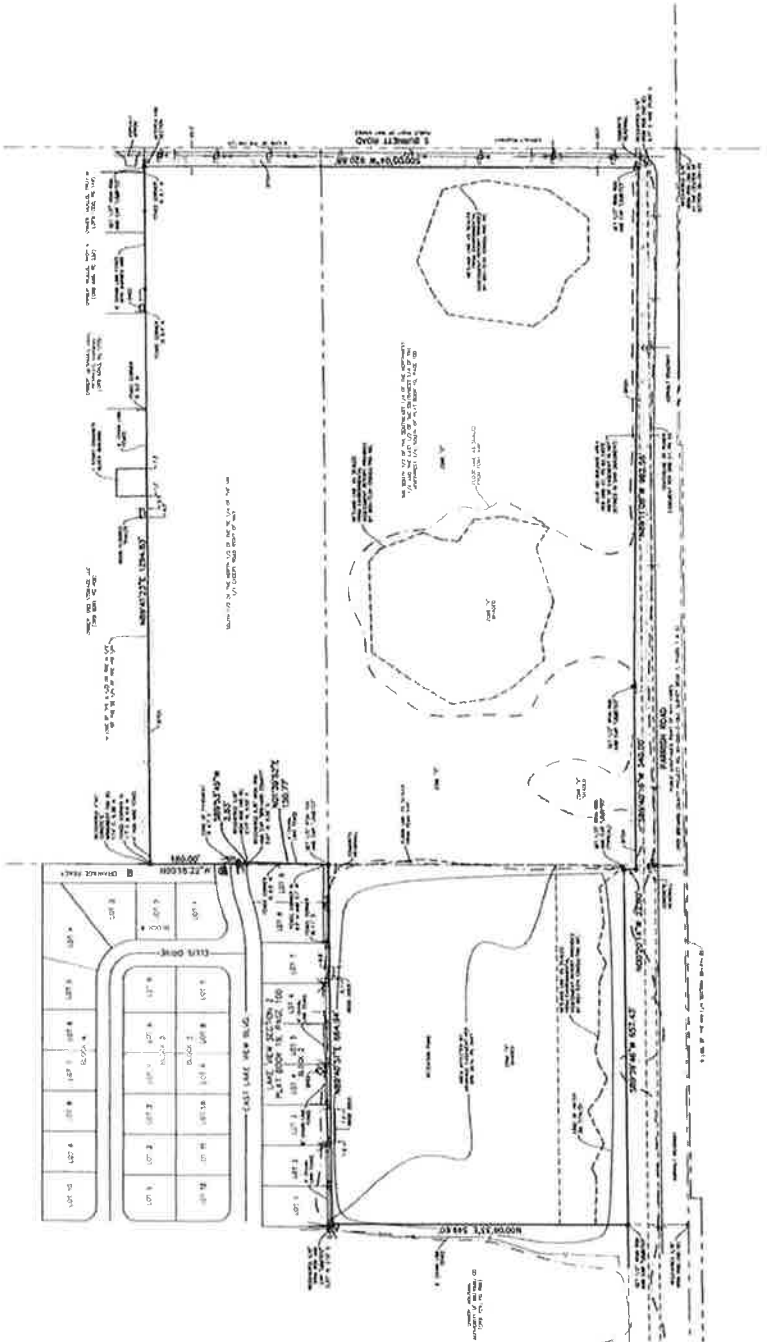
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FOR:  
AFFINITY CAPITAL

ALTA / NSPS LAND TITLE SURVEY  
OF  
PARRISH ROAD PARCELS  
SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
HARRIS COUNTY, TEXAS

**ALLEN COMPANY**  
SURVEYING & CONSULTING SERVICES  
11111 WEST PLANT STREET  
HOUSTON, TEXAS 77044  
713.865.1234  
www.allencompany.com



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# School Board of Brevard County

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

School Concurrency  
21Z00031  
Burnett Parrish



September 20, 2021

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

**RE: Proposed Affinity Capital Townhomes Development  
School Impact Analysis – Capacity Determination CD-2021-22**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2409609 (Parcel ID: 24-35-36-00-265), containing approximately 27.06 acres in District 1, Brevard County, Florida. The proposed single-family development includes 260 single-family homes to be developed on 9.186 acres of the overall tract. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	260		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	72.8	73
Middle	0.08	20.8	21
High	0.16	41.6	42
<b>Total</b>	<b>0.52</b>		<b>136</b>

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



An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to  
2025-26**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		976	976	1,042	1,042	1,042
McNair		611	611	611	611	611
Rockledge		1,701	1,701	1,701	1,701	1,701

**Projected Student Membership**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	825	1,039	1,020	997
McNair		390	438	448	440	455
Rockledge		1,570	1,624	1,664	1,676	1,663

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	-	-	-	-
McNair		-	15	29	29	29
Rockledge		-	29	58	58	58

**Cumulative Students Generated by  
Proposed Development**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	36	73	73	73
McNair		-	10	21	21	21
Rockledge		-	21	42	42	42

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

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	861	1,112	1,093	1,070
McNair		390	463	498	490	505
Rockledge		1,570	1,674	1,764	1,776	1,763

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

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		135	115	(70)	(51)	(28)
McNair		221	148	113	121	106
Rockledge		131	27	(63)	(75)	(62)

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Townhomes development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Townhomes development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of Affinity Capital Townhomes development is shown:

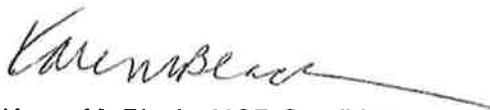
<b>FISH Capacity (including relocatables) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to 2025-26</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		777	777	777	777	777
Cocoa		2,084	2,084	2,084	2,084	2,084
<b>Projected Student Membership</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	528	522	537	545
Cocoa		1,578	1,668	1,857	1,966	2,005
<b>Students Generated by Newly Issued SCADL Reservations Since FFP</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	51	102	102	102
Cocoa		-	13	13	13	13
<b>Cumulative Students Generated by Proposed Development</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	36	73	73	73
Cocoa		-	21	42	42	42
<b>Total Projected Student Membership (includes Cumulative Impact of Proposed Development)</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	615	697	712	720
Cocoa		1,578	1,702	1,912	2,021	2,060
<b>Projected Available Capacity = FISH Capacity - Total Projected Student Membership</b>						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		327	162	80	65	57
Cocoa		506	382	172	63	24

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Townhomes development.

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

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

Sincerely,



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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services  
File CD-2021-22

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2021-22

# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

### Data and Analysis for School Years 2020-21 to 2025-26



Summary		2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Highest Utilization Elementary Schools:		87%	90%	100%	100%	100%	100%
Highest Utilization Middle Schools:		87%	89%	90%	93%	98%	99%
Highest Utilization Jr./Sr High Schools:		81%	81%	80%	85%	94%	96%
Highest Utilization High Schools:		55%	59%	59%	55%	58%	100%

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			
				FISH Capacity	100% Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	
Elementary School Concurrency Service Areas																						
Allen	Elementary	PK-K6	100%	751	596	79%	751	679	90%	751	652	87%	751	681	91%	751	758	95%	751	791	91%	
Anderson	Elementary	K-6	100%	884	618	70%	884	617	70%	884	637	78%	884	686	79%	884	884	79%	884	884	713	81%
Apollo	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	753	84%	902	757	84%	902	744	82%	
Atlantis	Elementary	PK-6	100%	739	633	86%	739	600	81%	739	625	85%	739	624	84%	739	616	83%	739	610	83%	
Audubon	Elementary	PK-6	100%	761	489	62%	761	475	62%	761	471	62%	761	476	63%	761	484	64%	761	484	64%	
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	484	63%	765	489	64%	765	489	64%	
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	259	47%	570	254	45%	570	254	45%	
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	560	74%	
Chalenger 7	Elementary	PK-6	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	399	69%	
Columbia	Elementary	K-6	100%	751	405	54%	751	532	71%	751	455	61%	751	514	68%	751	533	71%	751	547	73%	
Coquina	Elementary	K-6	100%	711	489	70%	711	532	75%	711	475	67%	711	514	73%	711	539	76%	711	577	81%	
Crest	Elementary	PK-6	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	748	64%	
Croton	Elementary	PK-6	100%	755	480	64%	755	530	70%	755	615	81%	755	622	82%	755	627	82%	755	635	83%	
Discovery	Elementary	PK-6	100%	980	560	57%	980	580	59%	980	494	50%	980	500	51%	980	507	52%	980	503	51%	
Endeavour	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	589	59%	990	581	58%	990	528	53%	990	527	53%	
Enterprise	Elementary	K-6	100%	729	535	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%	
Fairleigh	Elementary	PK-6	100%	789	577	73%	789	590	75%	789	598	76%	789	589	75%	789	578	73%	789	700	85%	
Gemin	Elementary	K-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%	
Golfview	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%	
Harbor City	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	379	60%	629	416	66%	629	412	66%	629	402	64%	
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	417	69%	
Imperial Estates	Elementary	K-6	100%	729	605	83%	729	608	83%	729	615	84%	729	629	86%	729	644	88%	729	648	89%	
Indalantic	Elementary	K-6	100%	798	662	83%	798	684	87%	798	683	86%	798	675	85%	798	688	84%	798	649	81%	
Jupiter	Elementary	PK-6	100%	930	678	73%	930	655	71%	930	705	76%	930	806	87%	930	876	94%	930	900	97%	
Lockmar	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%	
Longleaf	Elementary	PK-6	100%	790	568	72%	790	577	73%	790	585	74%	790	585	75%	790	603	76%	790	602	76%	
Manatee	Elementary	K-6	100%	998	683	69%	998	888	90%	998	788	79%	998	748	75%	998	714	72%	998	714	72%	
McAuliffe	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	584	63%	918	561	61%	918	570	62%	
Meadowdale Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	983	90%	
Meadowdale Primary	Elementary	K-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	659	85%	
Mills	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	419	59%	707	408	58%	
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	498	69%	725	514	71%	725	515	71%	
Oak Park	Elementary	PK-6	100%	668	603	90%	668	542	81%	668	542	81%	668	584	88%	668	484	50%	668	482	50%	
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	65%	
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	598	61%	983	653	68%	983	773	79%	983	793	81%	983	793	79%	
Pinewood	Elementary	PK-6	100%	569	470	83%	569	466	82%	569	493	87%	569	504	90%	569	510	90%	569	518	91%	
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	682	80%	852	616	72%	852	612	72%	852	617	72%	852	625	73%	
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	831	73%	1,152	821	72%	1,152	852	74%	1,152	847	73%	1,152	875	76%	
Riviera	Elementary	PK-6	100%	777	561	72%	777	578	74%	777	569	73%	777	569	73%	777	569	73%	777	569	73%	
Rosevelt	Elementary	PK-6	100%	559	263	47%	559	247	44%	559	242	43%	559	230	41%	559	207	37%	559	193	35%	
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	584	75%	785	584	74%	785	581	74%	
Seabreeze	Elementary	PK-6	100%	461	272	59%	461	268	58%	461	287	62%	461	288	62%	461	284	62%	461	288	62%	
Shenwood	Elementary	PK-6	100%	609	393	65%	609	416	68%	609	379	62%	609	381	63%	609	386	63%	609	379	62%	
South Lake	Elementary	K-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	387	76%	481	387	76%	
Sunrise	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	913	957	104%	913	1,023	112%	913	1,096	119%	
Surfside	Elementary	K-6	100%	765	594	78%	765	616	81%	765	571	75%	765	578	75%	765	546	72%	765	535	71%	
Tropical	Elementary	K-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%	
Turner	Elementary	PK-6	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%	
University Park	Elementary	PK-6	100%	874	528	61%	874	525	60%	874	602	69%	874	675	77%	874	720	82%	874	733	84%	
Viera Elem	Elementary	K-6	100%	1,012	811	80%	1,012	843	83%	1,012	811	80%	1,012	811	80%	1,012	748	74%	1,012	741	73%	
Westside	Elementary	K-6	100%	857	671	78%	857	657	77%	857	617	72%	857	617	72%	857	663	77%	857	663	77%	
Williams	Elementary	PK-6	100%	715	432	61%	715	494	69%	715	463	65%	715	444	62%	715	425	59%	715	396	55%	
Elementary Totals				42,956	29,621		42,956	30,567		43,040	30,387		43,194	31,384		43,282	31,433		43,392	31,487		

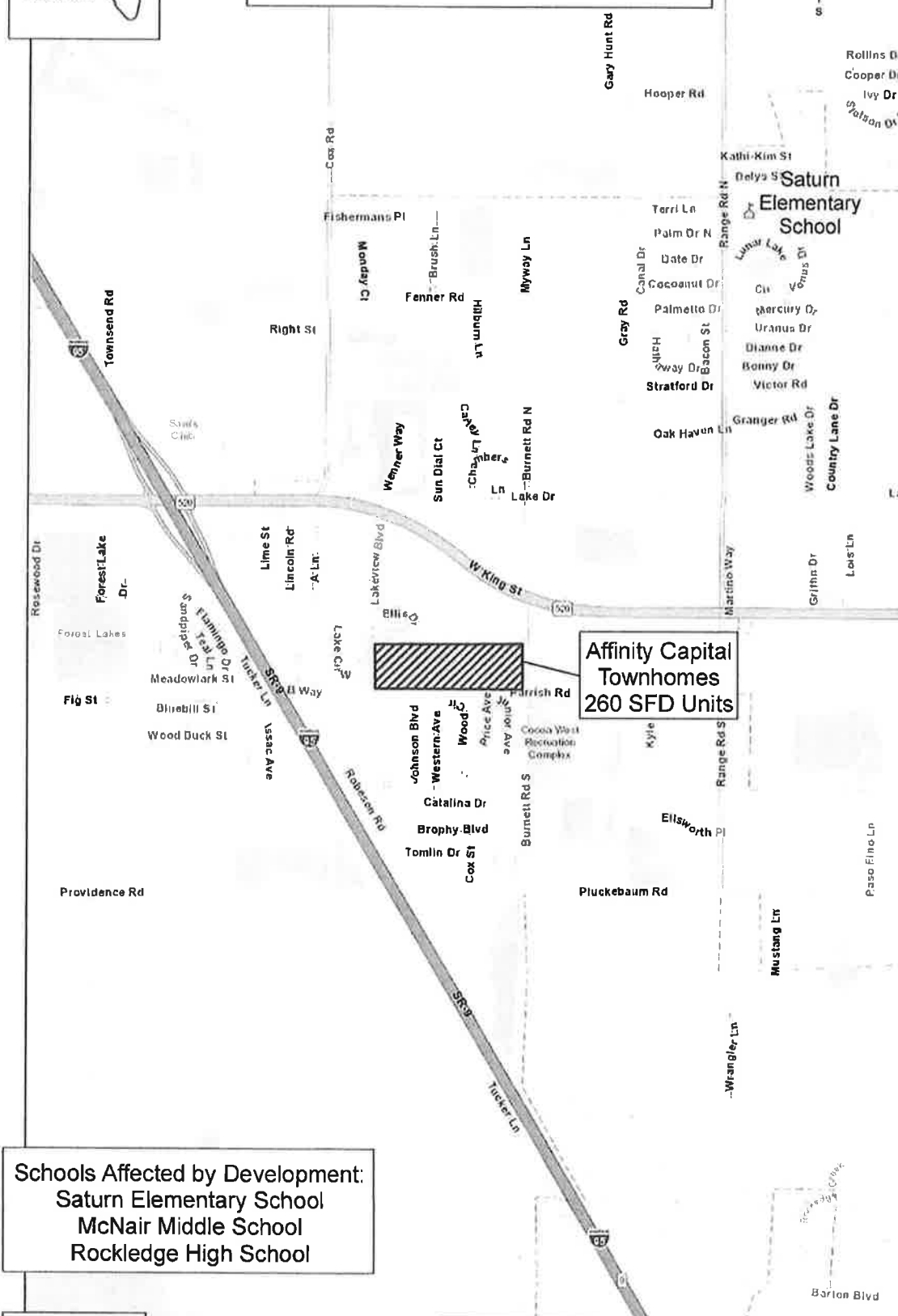
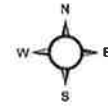


Middle School Concurrency Service Areas												
Central	Middle	7-8	90%	1,505	1,335	75%	1,505	1,136	75%	1,305	1,076	71%
DeLauro	Middle	7-8	90%	939	800	85%	939	787	84%	939	873	93%
Hoover	Middle	7-8	90%	680	468	69%	680	493	73%	680	468	69%
Jackson	Middle	7-8	90%	654	568	87%	654	583	89%	654	583	89%
Jefferson	Middle	7-8	90%	854	647	76%	854	640	75%	854	609	71%
Johnson	Middle	7-8	90%	997	731	73%	997	710	71%	997	727	73%
Kennedy	Middle	7-8	90%	813	668	82%	813	636	78%	813	606	75%
Radison	Middle	7-8	80%	781	607	78%	781	475	61%	781	445	57%
McNair	Middle	7-8	90%	611	407	67%	611	390	64%	611	448	73%
Stonewall	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	879	75%
Stonewall	Middle	7-8	90%	1,024	754	74%	1,024	754	74%	1,024	927	91%
<b>Middle Totals</b>				<b>10,035</b>	<b>7,570</b>	<b>76%</b>	<b>10,035</b>	<b>7,432</b>	<b>74%</b>	<b>10,035</b>	<b>7,730</b>	<b>76%</b>
Junior / Senior High School Concurrency Service Areas												
Coosa	Jr / Sr High	PK 7-12	90%	2,084	1,572	75%	2,084	1,576	75%	2,084	1,658	80%
Coosa Beach	Jr / Sr High	PK 7-12	90%	1,466	1,000	68%	1,466	1,000	68%	1,466	914	62%
Spice Coast	Jr / Sr High	PK 7-12	90%	1,857	1,301	70%	1,857	1,305	70%	1,857	1,455	78%
<b>Jr / Sr High Totals</b>				<b>5,407</b>	<b>4,037</b>	<b>73%</b>	<b>5,407</b>	<b>4,083</b>	<b>75%</b>	<b>5,407</b>	<b>4,226</b>	<b>78%</b>
Senior High School Concurrency Service Areas												
Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,092	75%
Bayville	High	9-12	95%	2,257	1,568	69%	2,257	1,625	72%	2,257	2,010	89%
Elm Grove	High	9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,741	78%
Heritage	High	9-12	95%	2,314	1,889	82%	2,314	1,953	84%	2,314	2,081	90%
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,354	99%
Melbourne Island	High	9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,617	86%
Palm Bay	High	9-12	95%	2,602	1,336	51%	2,602	1,286	50%	2,602	1,827	70%
Rockledge	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,664	98%
Satellite	High	9-12	95%	1,516	1,412	93%	1,516	1,496	99%	1,516	1,543	102%
Thurston	High	9-12	95%	1,848	1,200	65%	1,848	1,200	65%	1,848	1,416	77%
Vero	High	9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,275	2,377	104%
<b>High Totals</b>				<b>22,441</b>	<b>17,352</b>	<b>77%</b>	<b>22,441</b>	<b>17,845</b>	<b>79%</b>	<b>22,441</b>	<b>19,484</b>	<b>87%</b>
Schools of Choice (Not Concurrency Service Areas)												
Freedom 7	Elementary	K-5	100%	475	395	83%	475	414	87%	475	395	83%
Stevenson	Elementary	K-5	100%	959	871	91%	959	805	84%	959	486	51%
Wright Melbourne	Elementary	K-5	100%	1,072	937	87%	1,072	852	79%	1,072	531	50%
Wright Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	956	76%	1,264	967	77%
<b>Schools of Choice</b>				<b>3,998</b>	<b>3,317</b>	<b>83%</b>	<b>3,998</b>	<b>3,323</b>	<b>83%</b>	<b>3,998</b>	<b>3,323</b>	<b>83%</b>
<b>Brevard Totals</b>				<b>84,877</b>	<b>61,897</b>	<b>73%</b>	<b>84,877</b>	<b>64,464</b>	<b>76%</b>	<b>84,877</b>	<b>66,940</b>	<b>79%</b>

## Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
2. Student Membership is reported from the Fall Final Membership Count (10/09/20).
3. Davis Demographics Schools/IE Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by 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 Front/To attendance patterns are assumed to remain constant
  - Nonrelocated student addresses are assumed to continue in their attendance schools.
  - Charter School Growth
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
  - Primary relocatable classrooms (Grades K-5) = 16 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - High school relocatable classrooms are proposed to be added at Roy Allen Elementary, Sunrise Elementary, Sunrise Elementary, and Stone Middle School (Total of 11 Classrooms)
  - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 14 Classrooms)
  - 7. Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.

# Affinity Capital Townhomes Location Map



Schools Affected by Development:  
Saturn Elementary School  
McNair Middle School  
Rockledge High School

Drawn By:  
Blake Stinson  
09/20/2021  
Facility Services

2,400 1,200 0 2,400 Feet

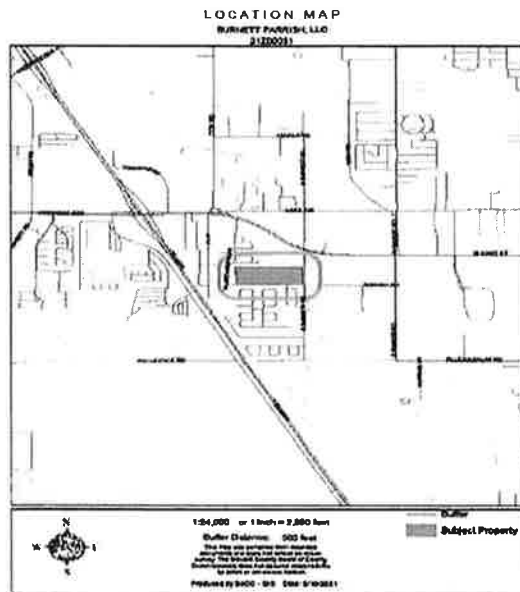
## Affinity Capital, LLC Parrish Road Rezone Application No. 21Z00031

By: Javier E. Fernández, Esq.



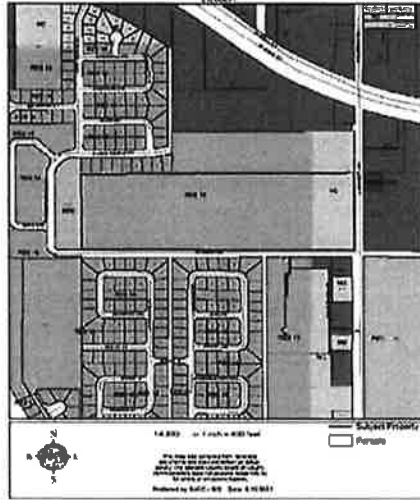
### Application Summary

- Applicant, Affinity Capital, is the contract purchaser of a 35-acre assemblage.
- The combined assemblage presently has a split zoning designation of RU-2-10 (East) and RU-1-9 (West).
- Westernmost portion of assemblage is approximately 9.186 acres and consists almost entirely of a water retention area.
- Applicant is seeking the County's approval to rezone the property to RU-2-10 consistent with the balance of the assemblage.

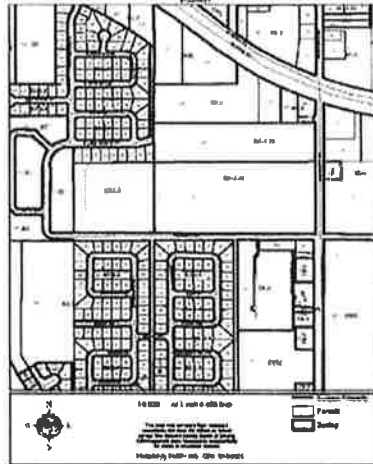




FUTURE LAND USE MAP  
BURNETT PARKWAY LLC  
1/20/2017



ZONING MAP  
BURNETT PARKWAY LLC  
1/20/2017



## Rezone Criteria – s. 62-1151.(c)

- I. Character of the land use of the property being considered.
- II. Conditions surrounding the property have substantially evolved.
- III. Impact on available & project traffic, water & sewer systems, other public facilities & utilities, and established character of area.
- IV. Appropriateness of proposed zoning classification based upon consideration of applicable provisions and conditions of this article and other applicable laws, ordinances and regulations related to zoning and land use regulations, and public health, safety & welfare.



## Rezone Criteria – s. 62-1151.(c)

### I. Character of the land use of the property being considered.

□ Property is surrounded in each cardinal direction by land designated for residential use.

- ❖ Brevard Housing Authority parcel to West – developed with 56 duplex and single-family units.
- ❖ Multi-family zoning found throughout the area.

□ Requested designation of RU-2-10 is consistent with the designation of the balance of the assemblage.

- ◆ Designation requested is consistent with underlying FLUM designation of RES 15.



## Rezone Criteria – s. 62-1151.(c)

### II. Conditions surrounding the property have substantially evolved.

□ With rapid escalation of the housing market, conditions within the sub-area have and continue to evolve.

- ❖ Substantial single-family residential development occurring within the sub-market. Ex. Harvest Landing (City of Rockledge) and Lakeside Palms (City of Cocoa).
- ❖ Townhome development also occurring within the sub-market (approx. 2 miles) within the City of Cocoa. Ex. Lakeside Palms Condominium (Clearlake Road, just south of SR 520).
- ❖ Multifamily development now occurring on nearby sites which already possess multifamily zoning designation. Ex. Cocoa Grand Project (Range Rd. & Parrish Rd.) (City of Cocoa).







## Rezone Criteria – s. 62-1151.(c)

### III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

#### □ Traffic

- ◆ Applicant does not intend to develop any units on the subject property. Rezoning required to develop the eastern 2/3 of the assemblage.
- ❖ Even assuming maximum development scenario, staff report indicates that no deficiency in LOS.

#### □ Public Schools

- ❖ Brevard County Public Schools has determined that there is sufficient capacity to accommodate the total projected student membership to accommodate the project.



## Rezone Criteria – s. 62-1151.(c)

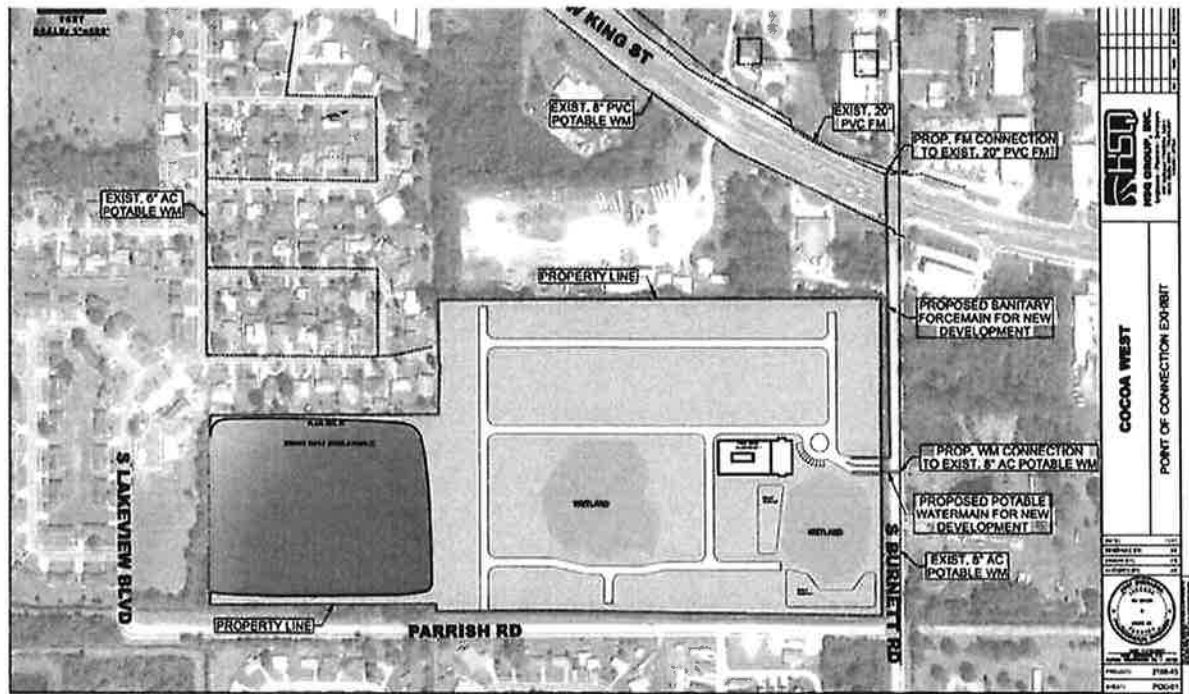
### III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

#### □ Water & Sewer Service

- ❖ Water service is available through the City of Cocoa's utility. Connection to occur from existing 8" main on Burnett Road.
- ❖ Sewer service is available through Brevard County. Existing sewer line to be extended down Burnett Road from King Street.

#### □ Established Character

- ❖ The proposed request is consistent with the adjacent zoning designation and will provide a transitional residential use from the more intense designations to the East and Northeast to the less intense parcels located North, Northwest, West & South.



## Rezone Criteria – s. 62-1151.(c)

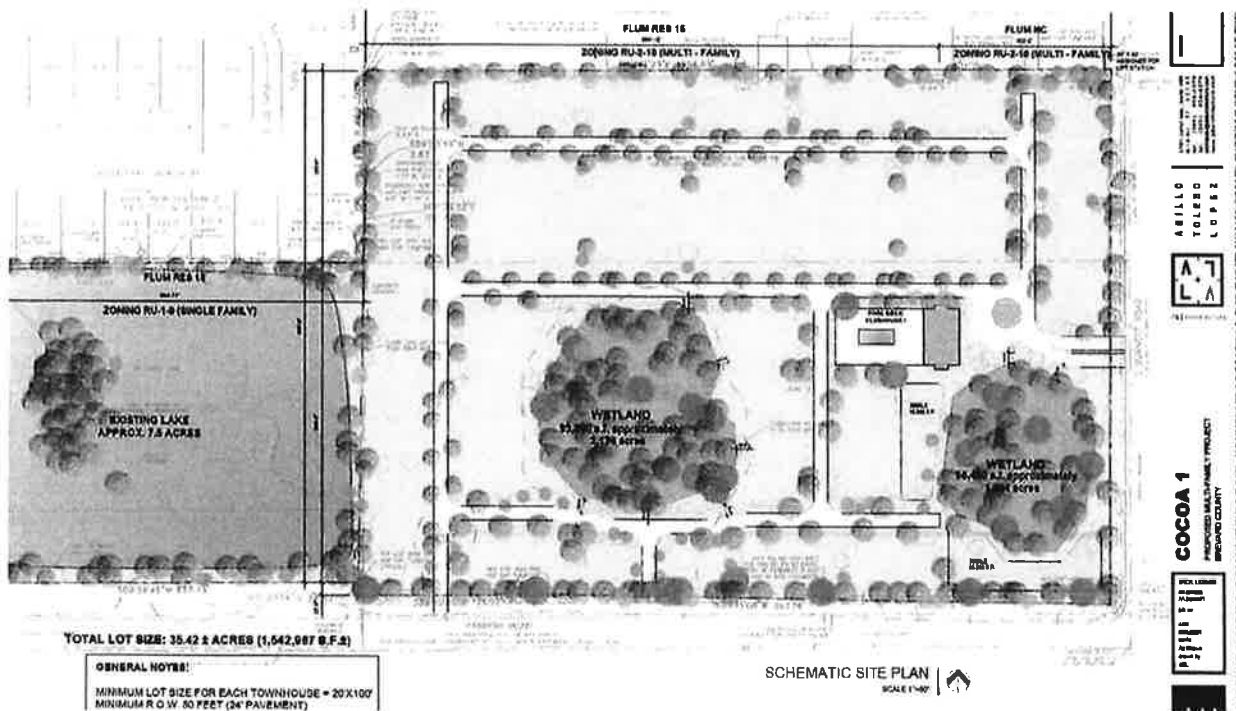
- IV. Appropriateness of proposed zoning classification provisions of the applicable provisions & conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning & land use regulations and public health, safety and welfare.
- FLUM Objective #1: Facilitate the development of residential neighborhoods that offer highest quality of life to citizenry...produce neighborhoods that complement adjacent land uses...encourage open space within residential districts....
- ❖ The proposal will expand the range of available housing choices in the marketplace and when available inventory has decreased 71% to less than 1 month of supply. Inventory represents continuing 3-year decline & lowest amount in county's history.
  - ❖ Median and average sales price increases in excess of 33% making housing affordability & lack of inventory an impediment to economic growth complicating difficulties in market to recruit employees in aerospace, healthcare & other sectors.

## Rezone Criteria – s. 62-1151.(c)

### IV. Appropriateness of proposed zoning classification provisions of the applicable provisions & conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning & land use regulations and public health, safety and welfare.

□ Housing Objectives #3 & #4: Housing market that is fair and balanced and provides equal housing opportunities for all residents; provide adequate lands for residential land uses with a wide variety of housing types, housing price levels, and geographic choices to meet the needs of residents.

- ❖ Housing market is substantially unbalanced at present with inventory decreasing by 71% from 2020 to less than 1 month of supply. Approval of the requested rezoning will help deliver more inventory to help right the present imbalance.
- ❖ Approval will also facilitate greater diversity of housing types via introduction of townhome style units which will also be priced more affordably than single-family homes and provide alternative to existing multifamily & single-family units available in market.



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 15, 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 (D1); Brian Rodgers (D2); Ben Glover (D3); William Capote (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4 - Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and David Bassford (D5 - Alt).

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

### **Excerpt of Complete Minutes**

#### **Burnett Parrish, LLC (Javier Fernandez)**

A change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10. The property is 27.06 acres, located on the northwest corner of Burnett Rd. and Parrish Rd. (No assigned address. In the Cocoa area.) (Tax Account 2409609) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated he represents the contract purchaser, who is requesting the zoning change in order to unify the zoning on the property. He said his clients would like to develop the uplands portion, avoiding the wetlands, with a townhome project, and use the existing lake as water retention and a residential amenity. He stated he believes the request is consistent with the existing RES 15 Future Land Use designation and other elements of the Comprehensive Plan.

Ron Bartcher asked if the units would be rentals. Mr. Fernandez replied the intent is for the townhomes be for sale, which is consistent with the area. There is a single-family development to the south and to the north and west. Mr. Bartcher asked if they will they be multi-story units. Mr. Fernandez replied they will be single-story. Mr. Bartcher asked the square footage of the units. Mr. Fernandez replied they will be between 1,600 to 1,800 square feet.

Mr. Fernandez stated the principal access would be on Burnett Road, and there would also be ingress and egress off of Parrish Road.

Mr. Bartcher asked if homes are planned around the wetland area. Mr. Fernandez replied there is a swale on the southeast corner, but they are still trying to figure out the layout; theoretically, they could do 260 units, but it is early in the conceptual design phase.

Liz Alward stated where the water is on the west side, that is where they want the RU-2-10, and currently there is no construction that could take place on that property. Mr. Fernandez replied no, and there are no plans for construction on that portion. Ms. Alward noted that by making that portion RU-2-10 it makes the density on the whole property increase. Mr. Fernandez stated his clients are not looking to use that portion for additional density. He said there is 27 acres on the non-lake portion, and at 10 units per acre currently, 260 is the maximum number of units on that portion of the site. He stated his understanding of the land development regulations is that they have to unify the zoning in order to use this retention area for water and a residential amenity.

Ms. Alward asked for clarification that by making the whole property RU-2-10 it increases 43 units on the property. Paul Body replied that's correct.

Jeffrey Ball pointed out that staff has not vetted the concept plans, and the developer will still have to meet Code requirements and go through the permitting process.

No public comment.

Motion by Ron Bartcher, seconded by Brian Hodgess, to recommend approval of the change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. The motion passed unanimously.

H.6

Affinity Capital, LLC  
Parrish Road Rezone  
Application No. 21Z00031

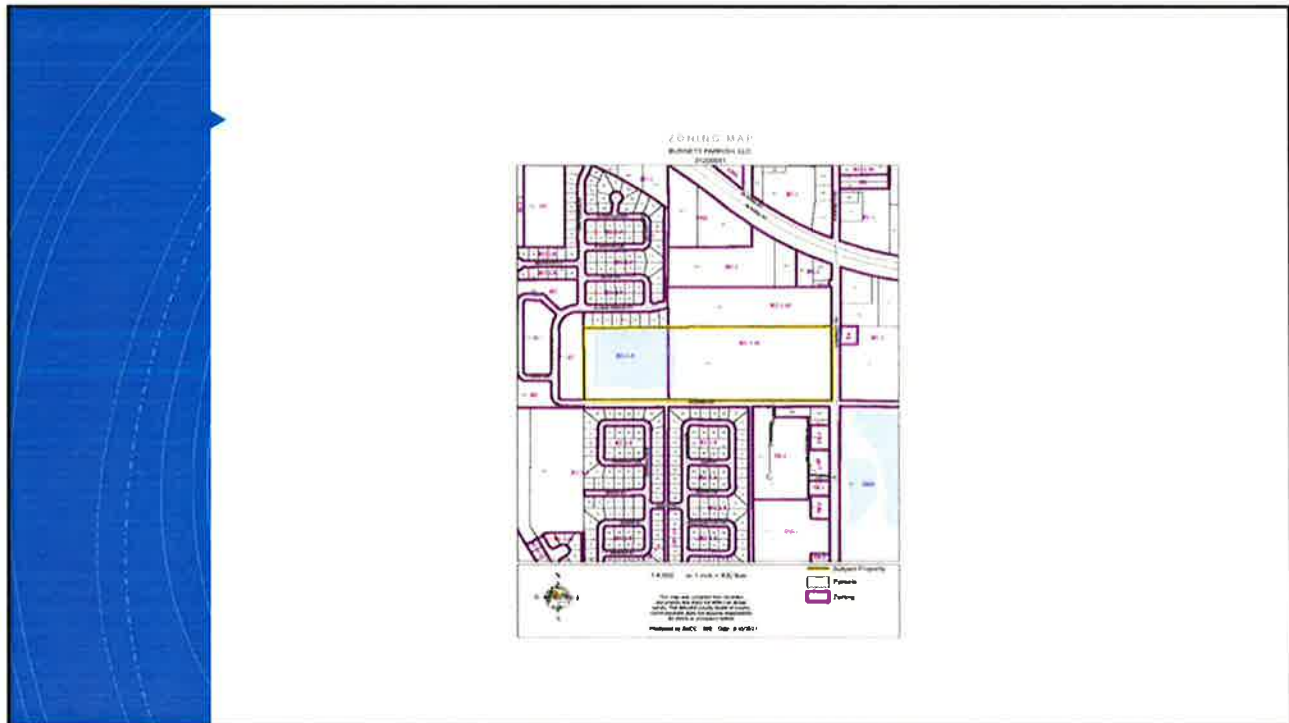
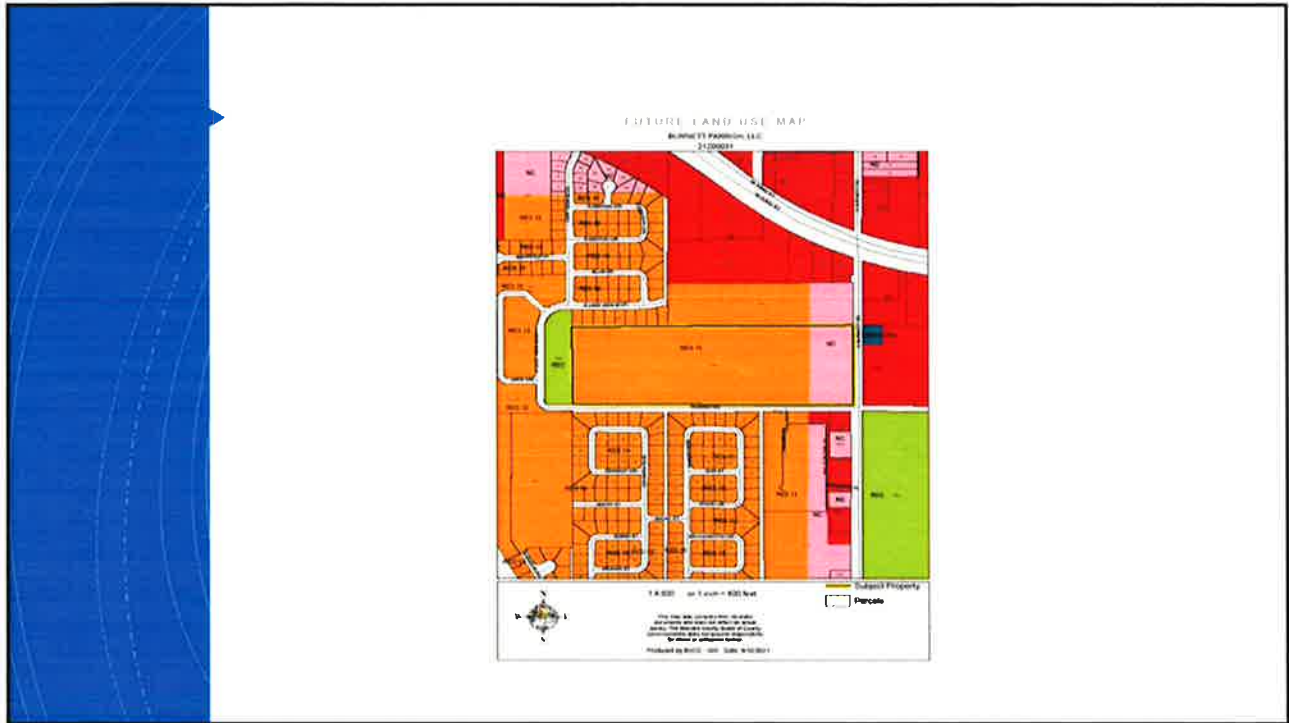
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## Application Summary

- Applicant, Affinity Capital, is the contract purchaser of a 35-acre assemblage.
- The combined assemblage presently has a split zoning designation of RU-2-10 (East) and RU-1-9 (West).
- Westernmost portion of assemblage is approximately 9.186 acres and consists almost entirely of a water retention area.
- Applicant is seeking the County's approval to rezone the property to RU-2-10 consistent with the balance of the assemblage.







## Rezone Criteria – s. 62-1151.(c)

- I. Character of the land use of the property being considered.
- II. Conditions surrounding the property have substantially evolved.
- III. Impact on available & project traffic, water & sewer systems, other public facilities & utilities, and established character of area.
- IV. Appropriateness of proposed zoning classification based upon consideration of applicable provisions and conditions of this article and other applicable laws, ordinances and regulations related to zoning and land use regulations, and public health, safety & welfare.



## Rezone Criteria – s. 62-1151.(c)

### I. Character of the land use of the property being considered.

➤ Property is surrounded in each cardinal direction by land designated for residential use.

❖ Brevard Housing Authority parcel to West – developed with 56 duplex and single-family units.

❖ Multi-family zoning found throughout the area.

➤ Requested designation of RU-2-10 is consistent with the designation of the balance of the assemblage.

❖ Designation requested is consistent with underlying FLUM designation of RES 15.



## Rezone Criteria – s. 62-1151.(c)

### II. Conditions surrounding the property have substantially evolved.

➤ With rapid escalation of the housing market, conditions within the sub-area have and continue to evolve.

- ❖ Substantial single-family residential development occurring within the sub-market. Ex. Harvest Landing (City of Rockledge) and Lakeside Palms (City of Cocoa).
- ❖ Townhome development also occurring within the sub-market (approx. 2 miles) within the City of Cocoa. Ex. Lakeside Palms Condominium (Clearlake Road, just south of SR 520).
- ❖ Multifamily development now occurring on nearby sites which already possess multifamily zoning designation. Ex. Cocoa Grand Project (Range Rd. & Parrish Rd.) (City of Cocoa).





## Rezone Criteria – s. 62-1151.(c)

### III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

#### ➤ Traffic

- ❖ Applicant does not intend to develop any units on the subject property. Rezoning required to develop the eastern 2/3 of the assemblage.
- ❖ Even assuming maximum development scenario, staff report indicates that no deficiency in LOS.

#### ➤ Public Schools

- ❖ Brevard County Public Schools has determined that there is sufficient capacity to accommodate the total projected student membership to accommodate the project.

## Rezone Criteria – s. 62-1151.(c)

### III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

#### ➤ Water & Sewer Service

- ❖ Water service is available through the City of Cocoa's utility. Connection to occur from existing 8" main on Burnett Road.
- ❖ Sewer service is available through Brevard County. Existing sewer line to be extended down Burnett Road from King Street.

#### ➤ Established Character

- ❖ The proposed request is consistent with the adjacent zoning designation and will provide a transitional residential use from the more intense designations to the East and Northeast to the less intense parcels located North, Northwest, West & South.



## Rezone Criteria – s. 62-1151.(c)

IV. Appropriateness of proposed zoning classification provisions of the applicable provisions & conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning & land use regulations and public health, safety and welfare.

➤ FLUM Objective #1: Facilitate the development of residential neighborhoods that offer highest quality of life to citizenry...produce neighborhoods that complement adjacent land uses...encourage open space within residential districts....

- ❖ The proposal will expand the range of available housing choices in the marketplace and when available inventory has decreased 71% to less than 1 month of supply. Inventory represents continuing 3-year decline & lowest amount in county's history.
- ❖ Median and average sales price increases in excess of 33% making housing affordability & lack of inventory an impediment to economic growth complicating difficulties in market to recruit employees in aerospace, healthcare & other sectors.



## Rezone Criteria – s. 62-1151.(c)

### IV. Appropriateness of proposed zoning classification provisions of the applicable provisions & conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning & land use regulations and public health, safety and welfare.

➤ Housing Objectives #3 & #4: Housing market that is fair and balanced and provides equal housing opportunities for all residents; provide adequate lands for residential land uses with a wide variety of housing types, housing price levels, and geographic choices to meet the needs of residents.

❖ Housing market is substantially unbalanced at present with inventory decreasing by 71% from 2020 to less than 1 month of supply. Approval of the requested rezoning will help deliver more inventory to help right the present imbalance.

❖ Approval will also facilitate greater diversity of housing types via introduction of townhome style units which will also be priced more affordably than single-family homes and provide alternative to existing multifamily & single-family units available in market.

