

Continued

2725 Judge Fran Jamieson
Way
Viera, FL 32940



Agenda Report

Public Hearing

H.5.

4/7/2022

Subject:

Rushing Wind, LLC (Steven Austin) requests a Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 to RES 4. (22PZ00003) (Tax Account 3008616) (District 3)

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 Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2), as amended by the applicant at the March 14, 2022, Planning and Zoning Board meeting.

Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use designation on 24 acres of land from RES 1 to RES 4 to build up to a ninety-six (96) unit single-family subdivision. The RES 4 land use designation affords an additional step down in density from more highly urbanized areas. Res 4 requires the connection to central sewer, which is not available at this time. This land use designation permits a maximum density of up to four (4) units per acre. A companion application for a change of zoning classification from RR-1 (Rural Residential) and IN(L) (Institutional Use, Low-Intensity) to RU-1-11 (Single-Family Residential) accompanies this request.

To the north of the subject property is grazing land, to the east is the Lakes at St. Sebastian Common Area and The Lakes at St. Sebastian Preserve subdivision, to the south is State-owned land being used by St. John's River Water Management District, and to the west is grazing land within the City of Palm Bay.

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

On March 14, 2022, the Local Planning Agency voted 6:2 to approve the request as RES 2, as amended by the applicant during the meeting.

Clerk to the Board Instructions:

Once executed and filed with the State, please return a certified copy of the ordinance to Planning and Development.

ORDINANCE NO. 22- ____

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2022, 22S.02, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2022 as Plan Amendment 22S.02; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 22S.02; and

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

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

WHEREAS, on March 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 22S.02, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 7, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 22S.02; and

WHEREAS, Plan Amendment 22S.02 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 22S.02 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 22S.02 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 22S.02, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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

DONE AND ADOPTED in regular session, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Kristine Zonka, Chair

As approved by the Board on _____, 2022.

EXHIBIT A
22S.02 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

EXHIBIT B

Contents

1. Legal Description

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WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2022 as Plan Amendment 22S.02; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 22S.02; and

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

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

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WHEREAS, on April 7, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 22S.02; and

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DONE AND ADOPTED in regular session, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Kristine Zonka, Chair

As approved by the Board on _____, 2022.

EXHIBIT A
22S.02 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

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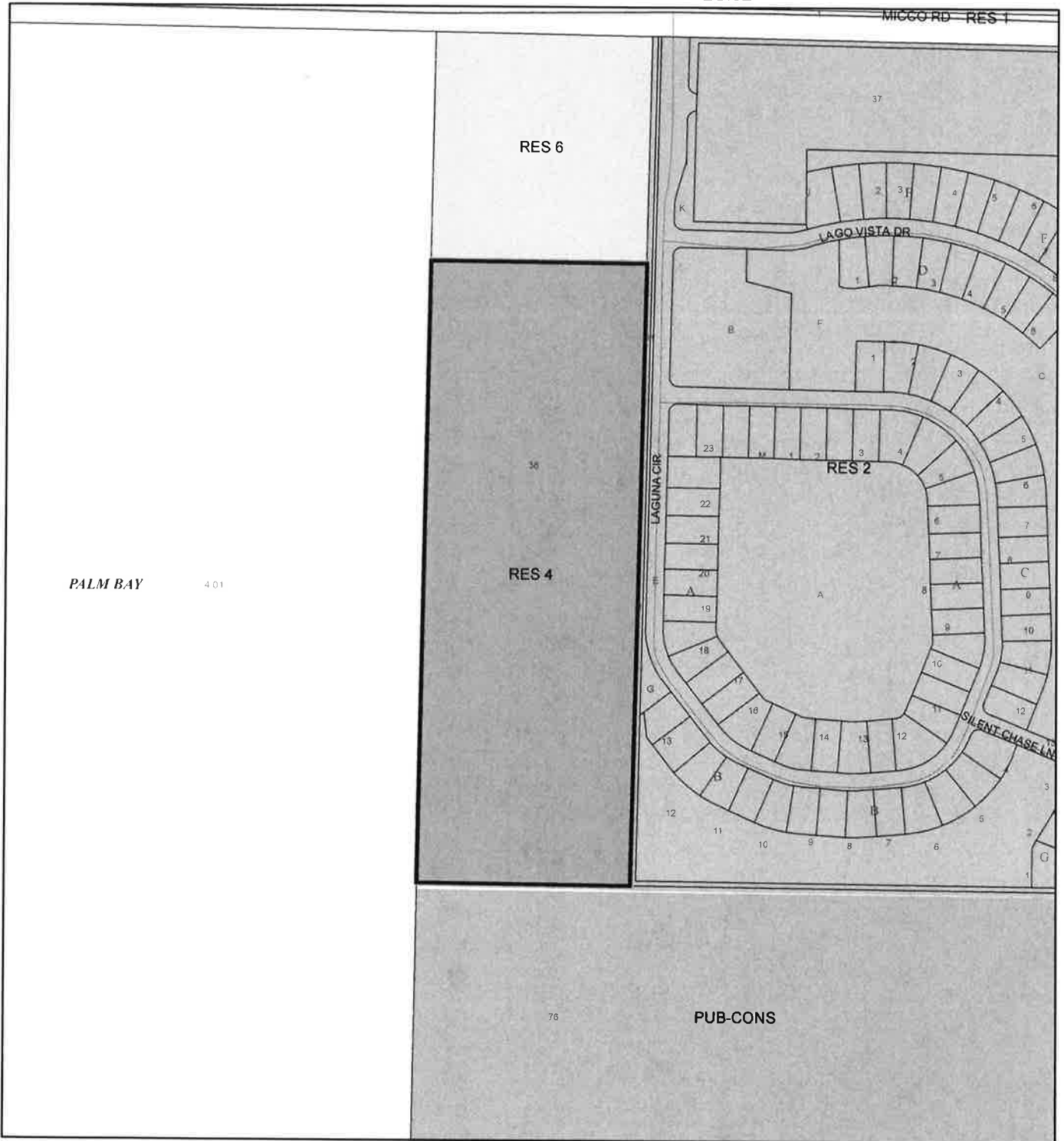
1. Proposed Future Land Use Map

DRAFT



PROPOSED FUTURE LAND USE MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



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: 1/20/2022

EXHIBIT B

Contents

1. Legal Description

DRAFT

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board, Local Planning Agency and the Board of County Commissioners will consider the following requests on MONDAY, MARCH 14, 2022, and THURSDAY, APRIL 7, 2022.

DISTRICT 1 1. (22200003) SCOTT MINNICK requests a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP (Binding Development Plan), on property described as a portion of Block 8, Indian River Park, Section 2, Plat Book 2, Page 33, Public Records of Brevard County, Florida; more particularly described as follows: Commence at the northeast corner of said Block 8; thence S16deg44'03"E along the east line of said Block 8, a distance of 685.20 ft.; thence S76deg20'36"W, a distance of 2504 ft. to the point of beginning; thence S16deg44'03"E along the west right of way line of Dixie Way (a 50-ft. wide public right of way) a distance of 134.12 ft.; thence S76deg19'51"W, a distance of 899.83 ft.; thence N16deg45'56"W, a distance of 134.32 ft.; thence N76deg20'36"E, a distance of 899.92 ft. to the point of beginning. Section 02, Township 20G, Range 35, (3.38 +/- acres) Located on the west side of Dixie Way, approx. 500 ft. north of Wheeler Rd. (5170 Dixie Way, Mims)

DISTRICT 2 2. (22200002) CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST request a CUP (Conditional Use Permit) for goats, on property described as follows: A portion of Section 22, Township 24S, Range 38E, Brevard County, Florida, also being that portion of the lands described in deed recorded in ORB 7943, Page 2262, of the Public Records of Brevard County, Florida, lying west of North Tropical Trail and being more particularly described as follows: Commence at the NE corner of the NW 1/4 of the NE 1/4 of said Section 22; thence S01deg46'55"E, along the east line of the west 1/2 of said Section 22; thence S01deg46'55"E, along the east line of the west 1/2 of the NE 1/4 a distance of 1,573.43 ft., to the north line of lands described in ORB 410, Page 416; thence S89deg40'49"W, along said north line, a distance of 619.09 ft., to a 5/8 inch diameter iron rod on the west line of North Tropical Trail and point of beginning of the herein described parcel; thence continue S89deg40'49"W, along north line, a distance of 1,118.67 ft., to and into the waters of the Indian River Lagoon; thence meander the shore of the Indian River Lagoon the following 13 courses: (1) S58deg07'03"E, a distance of 11.44 ft.; (2) S83deg20'41"W, a distance of 2.55 ft.; (3) S11deg01'08"E, a distance of 36.98 ft.; (4) S14deg15'50"E, a distance of 74.22 ft.; (5) S24deg46'11"E, a distance of 23.47 ft.; (6) S20deg13'55"E, a distance of 9.96 ft.; (7) S25deg53'40"E, a distance of 29.77 ft.; (8) S28deg22'42"E, a distance of 37.65 ft.; (9) S28deg29'59"E, a distance of 29.72 ft.; (10) S23deg11'15"E, a distance of 34.59 ft.; (11) S21deg24'53"E, a distance of 3.69 ft.; (12) S02deg43'07"E, a distance of 3.22 ft.; (13) S07deg48'47"W, a distance of 9.83 ft., to a line lying 280 ft. south of the north line of said lands described in ORB 410, Page 416; thence N89deg40'49"E, along said line, a distance of 1,118.67 ft., to the west line of North Tropical Trail; thence the following 3 courses along the west line of North Tropical Trail: (1) N39deg03'18"W, a distance of 40.80 ft., to the point of curvature of a curve, concave northeasterly, having a radius of 429 ft. and a central angle of 17deg22'22"; (2) Northwesterly, along the arc of said curve to the right, a distance of 130.08 ft., to a point of intersection with a non-tangent line; (3) N12deg57'12"W, a distance of 139.38 ft., to the point of beginning. Containing 7.04 acres, more or less. (7.04 acres +/-) Located on the west side of N. Tropical Trail, approx. 635 ft. north of Easy St. (1655 N. Tropical Trail, Merritt Island).

3. (21P2006B3) STORSFAE OF ROCKLEDGE, LLC (Nathan Lee) requests a Small Scale Comprehensive Plan Amendment (225.03) to change the Future Land Use designation from RES 4 (Residential 4), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC, on property described as Tax Parcel 251, as recorded in ORB 3479, Page 585, of the Public Records of Brevard County, Florida; Tax Parcel 256, as recorded in ORB 3479, Pages 587 - 588, of the Public Records of Brevard County, Florida; and Tax Parcel 500, portion lying east of U.S. 1, only, as recorded in ORB 2279, Page 2902, of the Public Records of Brevard County, Florida. Section 23, Township 25, Range 36, (12.19 +/- acres) Located on the east side of U.S. Hwy 1, approx. 192 ft. north of Barnes Blvd. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Hwy 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 225.03: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

4. (22200004) STORSFAE OF ROCKLEDGE, LLC requests a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 251, as recorded in ORB 3479, Page 585, of the Public Records of Brevard County, Florida; Tax Parcel 256, as recorded in ORB 3479, Pages 587 - 588, of the Public Records of Brevard County, Florida; and Tax Parcel 500, portion lying east of U.S. 1, only, as recorded in ORB 2279, Page 2902, of the Public Records of Brevard County, Florida. Section 23, Township 25, Range 36, (12.19 +/- acres) Located on the east side of U.S. Hwy 1, approx. 192 ft. north of Barnes Blvd. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Hwy 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.)

DISTRICT 3 5. (22P200003) RUSHING WIND, LLC (Steven Austin and William Buchman) request a Small Scale Comprehensive Plan Amendment (225.02) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4), on property described as a parcel of land lying within the Fleming Grant, as recorded in Plat Book 1, Page 73, of the Public Records of Brevard County, Florida, and A.A. Berry's Plat of Certain Land in Fleming Grant, as recorded in Plat Book 2, Page 25, of said Public Records, and being a portion of

Notice of Meetings

those lands described in ORB 4291 at page 1289 of said Public Records, more particularly described as follows: Commence at the NE corner of Section 16, Township 30S, Range 38E; thence S00deg22'29"E along the east line thereof, a distance of 1,333.69 ft. to the NW corner of Barefoot Bay, Unit One, as recorded in Plat Book 22, Pages 100 - 104, inclusive, of the Public Records of Brevard County, Florida; thence run S00deg26'18"E along the west line of said plat, a distance of 993.88 ft.; thence run 44deg22'12"E along the SW line of said plat, a distance of 475.13 ft.; thence run N89deg56'08"E along the south line of said plat, a distance of 2,284.09 ft. to the west right-of-way line of Fleming Grant Road, a 100-ft. wide right-of-way as presently occupied; thence run S00deg21'44"E along said west right-of-way line, a distance of 2,733.18 ft.; thence run S45deg05'16"W along said west right-of-way line, a distance of 229.88 ft. to the intersection of the centerline of a 26-wide canal; the following six courses are along the centerline of said canal; thence run N89deg26'38"W, a distance of 3,297.37 ft.; thence run N57deg32'28"W, a distance of 55.75 ft.; thence run N25deg48'54"W, a distance of 721.88 ft.; thence run N48deg57'04"W, a distance of 361.59 ft.; thence run N84deg23'53"W, a distance of 240.82 ft.; thence run N88deg13'20"W, a distance of 348.44 ft.; thence run N89deg37'39"W, a distance of 63.17 ft. to the intersection with the centerline of the San Sebastian Drainage Main Canal, a 100-ft. wide canal at this location; thence run S00deg22'21"W, a distance of 497.33 ft. along the centerline of said canal to the intersection with the easterly extension of the centerline of a 66-ft. wide canal; thence run N89deg24'54"W along said centerline, a distance of 2,509.31 ft.; thence run N00deg27'40"E, a distance of 3,043.69 ft. to the Point of Beginning; thence continue N00deg27'40"E, a distance of 2,453.55 ft. to the south right-of-way line of Micco Rd., a 100-ft. wide right-of-way as presently occupied.

S89deg32'45"E along said south right-of-way line, a distance of 618.97 ft.; thence run S00deg36'19"W, a distance of 2,448.30 ft.; thence run S89deg57'46"W, a distance of 612.83 ft. to the Point of Beginning. Less and except the north 636 feet, as measured perpendicular to the south right-of-way of Micco Road, (24 acres) Located on the south side of Micco Rd., approx. 37 miles west of Dottie Dr. (No assigned address. In the Micco area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 225.02: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

6. (22200001) RUSHING WIND, LLC (Steven Austin) requests a change of zoning classification from RR-1 (Rural Residential) and IN(L) (Institutional Use, Low-Intensity), to RU-1-11 (Single-Family Residential), on property described as Lot 38, A. A. Berry's Plat of Certain Land in Fleming Grant, as recorded in ORB 4492, Pages 3390 - 3392, of the Public Records of Brevard County, Florida. Section 01, Township 30G, Range 38, (34.65 acres). Located on the south side of Micco Rd., approx. 0.37 miles west of Dottie Dr. (No assigned address. In the Micco area.)

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.10 (22PZ00003)
Township 30G, Range 38, Section 01*

Property Information

Owner / Applicant: **Rushing Wind, LLC**

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

Requested Future Land Use Map Designation: Residential 4 (RES 4)

Acreage: 24 acres

Tax Account #: 3008616

Site Location: Approximately .37 miles west of the intersection of Dottie Drive and Micco Road

Commission District: 3

Current Zoning: Rural Residential 1 (RR-1)

Requested Zoning: Single-family Residential (RU-1-11)

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 24 acres of land from Residential 1 (RES 1) to Residential 4 (RES 4) to build up to ninety-six (96) unit single-family subdivision.

To the north is grazing land with a Future Land Use designation of Residential 6 (RES 6) which received a Future Land Use designation change from RES 1 to RES 6 on September 4, 2008 with a companion Zoning change from Agricultural Residential (AU) and Rural Residential (RR-1) to Institutional Use-Low Intensity IN(L). Access to Micco Road will be required through the property to the north.

A companion rezoning application was submitted accompanying this request for a zoning change from RR-1 (Rural Residential), IN(L) (Institutional Use, Low Intensity) to RU-1-11 (Single-Family Residential).

Surrounding Land Use Analysis

| | Existing Land Use | Zoning | Future Land Use |
|--------------|--|------------------------------------|--|
| North | Grazing Land | IN(L) | RES 6 |
| South | State Owned Land | AU | PUB-CONS |
| East | Residential Common Area and Single-Family Residences | GU | RES 1 |
| West | City of Palm Bay Grazing Land | City of Palm Bay Rural Residential | City of Palm Bay Micco Park Village (MPVD) |

To the north of the subject property is grazing land, to the east is the Lakes at St. Sebastian Common Area and The Lakes at St. Sebastian Preserve Phase 1 Single-Family Residences, to the south is State Owned Land being use by St. John’s River Water Management District and to the west is grazing land within the City of Palm Bay.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

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

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

Connection to centralized potable water and wastewater treatment is required. The nearest potential potable water connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this property.

Residential 4 (maximum of 4 units per acre)

Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject site is not immediately adjacent to RES 4 land use designation; however, it is located adjacent to RES 6 immediately to the north which is a higher density than what is being proposed on the subject site.

The closest RES 4 land use designation is approximately .4 miles to the east on the north side of Micco Road at Barefoot Bay.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject site does not serve as a transition between densities greater than four (4) units per acre and areas with density of less than four (4) units per acre.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject site is adjacent to the incorporated area of Palm Bay along the west side.

- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and

promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The applicant is not proposing a Planned Unit Development.

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:

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There has been a historical pattern of residential development along Micco Road.

Approximately .4 miles east of the subject site is the Barefoot Bay manufactured home community with a RES 4 Future Land Use designation with development beginning in the 1970's and continuing up to the present.

Directly adjacent to the east of the subject site is The Lakes at St. Sebastian Preserve, a single-family development with houses constructed in 2019 through the present.

2. actual development over the immediately preceding three years; and

There has not been any development immediately adjacent to the subject parcel in the preceding three (3) years.

3. development approved within the past three years but not yet constructed.

There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.

The nearest potential potable water connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this site.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

Environmental Resources

Mapped resources include Hydric Soils/Wetlands, Indian River Lagoon Nitrogen Reduction Overlay and Protected Species.

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

The Florida Master Site File Department cannot find a record of this site.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 22PZ00003**

Applicant: Rushing Wind

FLU Request: RES-1 to RES-4

Note: Applicant wants to increase density for a subdivision

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID No: 3008616

- 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:

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

Land Use Comments:

Hydric Soils/Wetlands

The entire parcel contains mapped hydric soils (Eau Gallie sand, Riviera sand, and Pineda sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. 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 subdivisions 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 will require mitigation in accordance with Section 62-3696. At time of site plan review, a wetland determination/delineation will be required.

Indian River Lagoon Nitrogen Reduction Overlay

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

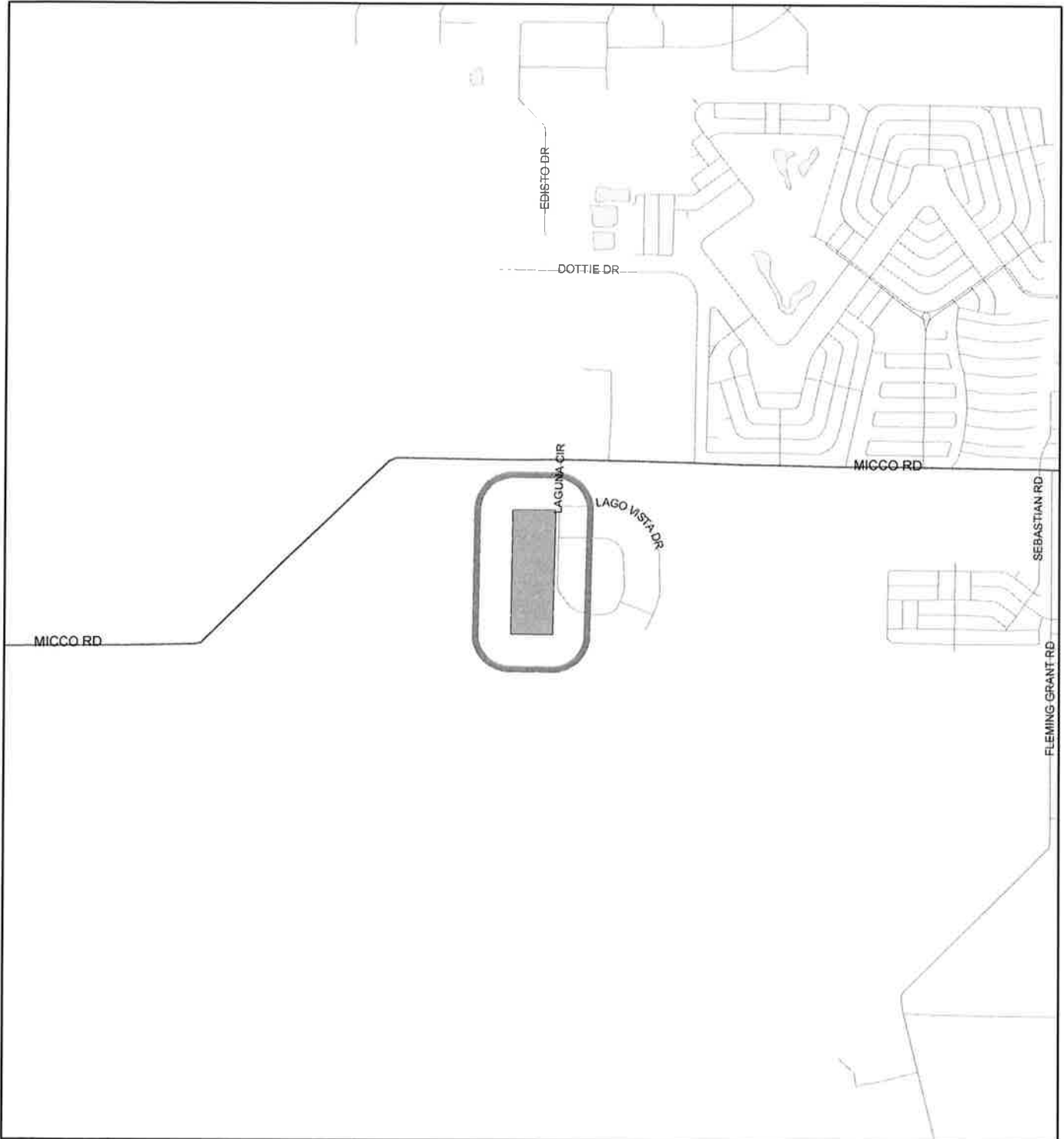
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. Septic systems may limit tree planting locations.

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

RUSHING WIND, LLC
22PZ00003 SMALL SCALE AMENDMENT 22S.02





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

Buffer Distance: 500 feet

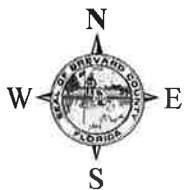
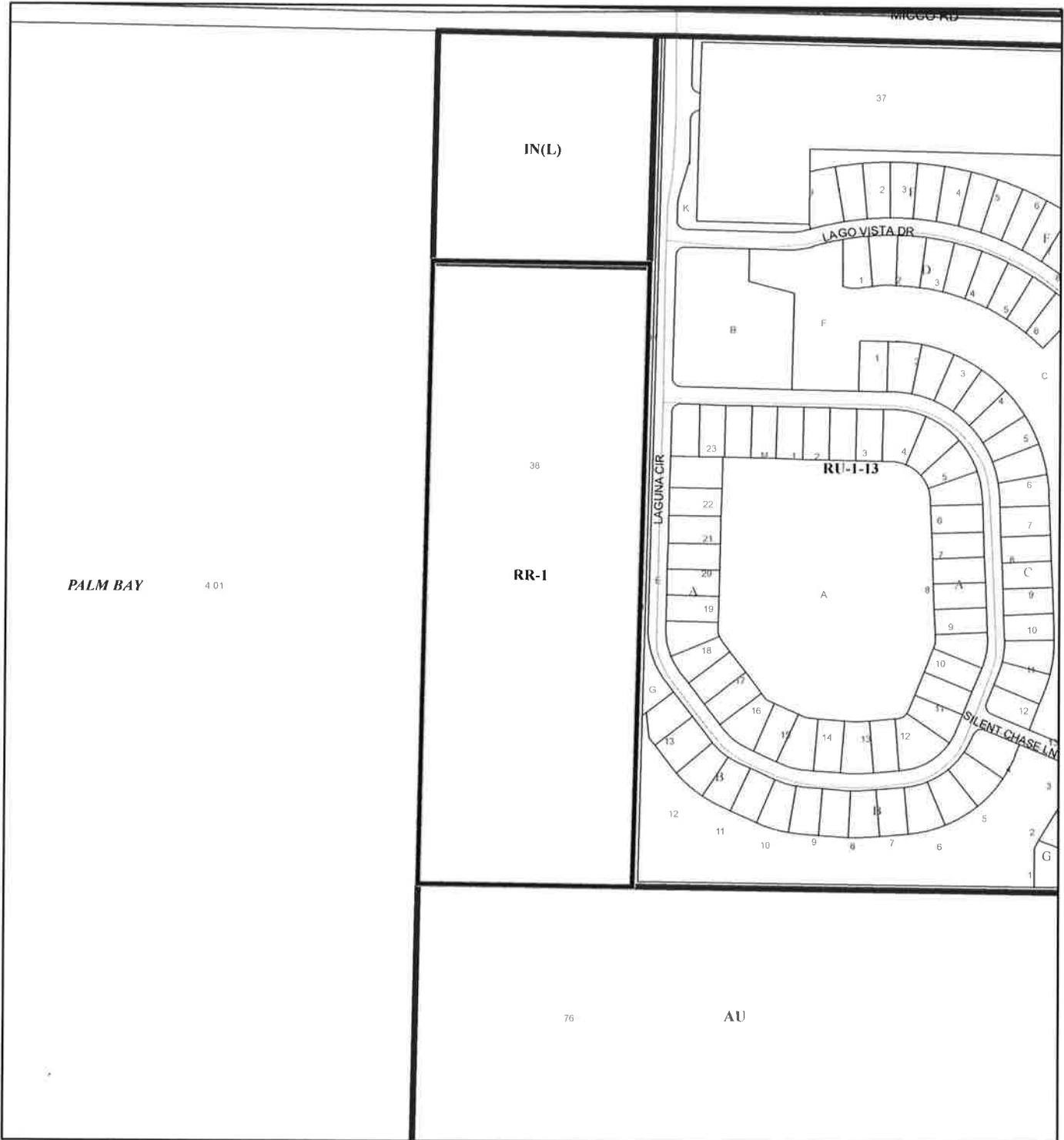
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/21/2022

-  Buffer
-  Subject Property

ZONING MAP




RUSHING WIND, LLC
 22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

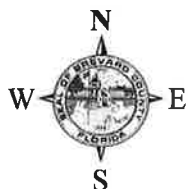
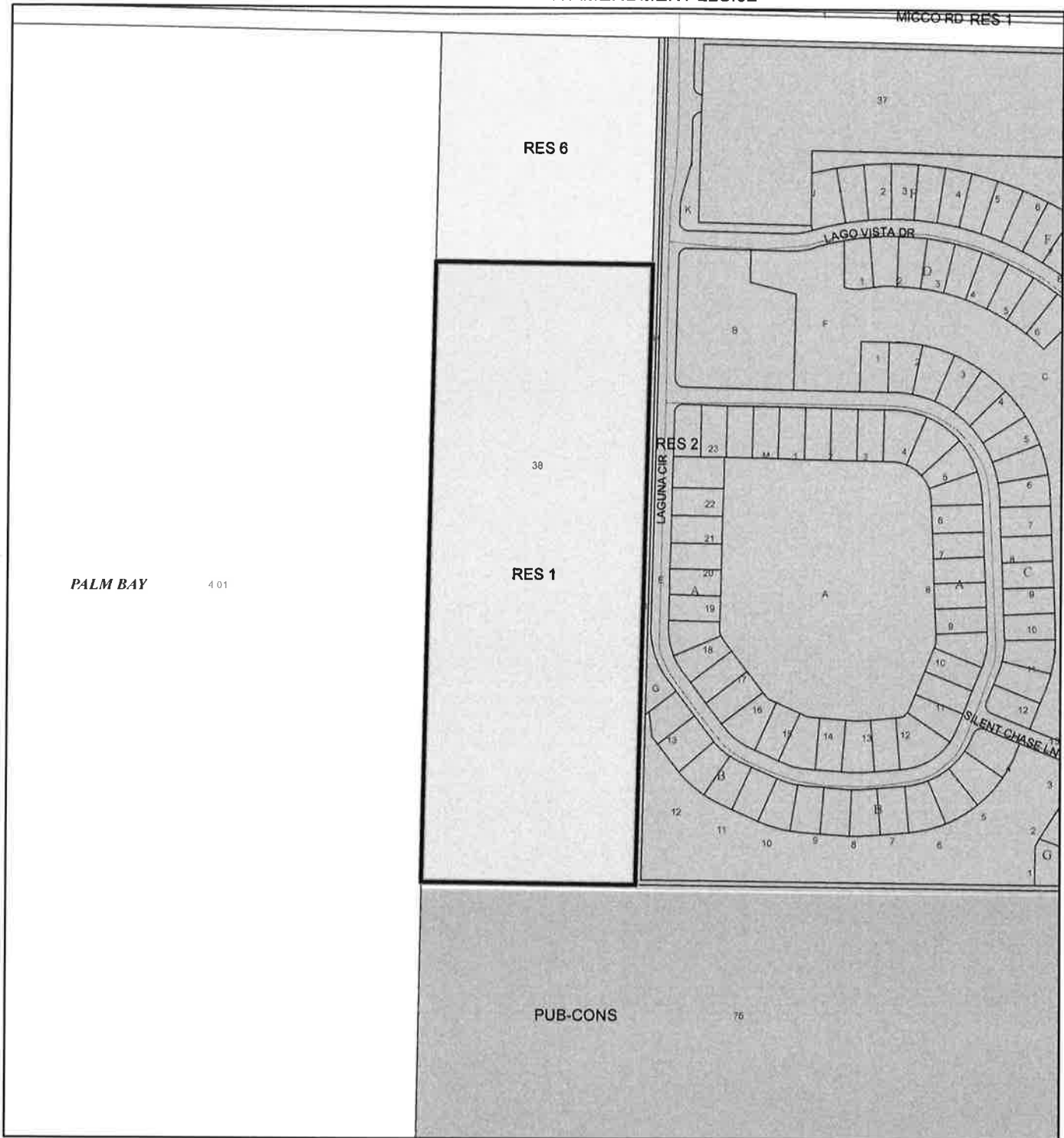
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/21/2022

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

RUSHING WIND, LLC
 22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

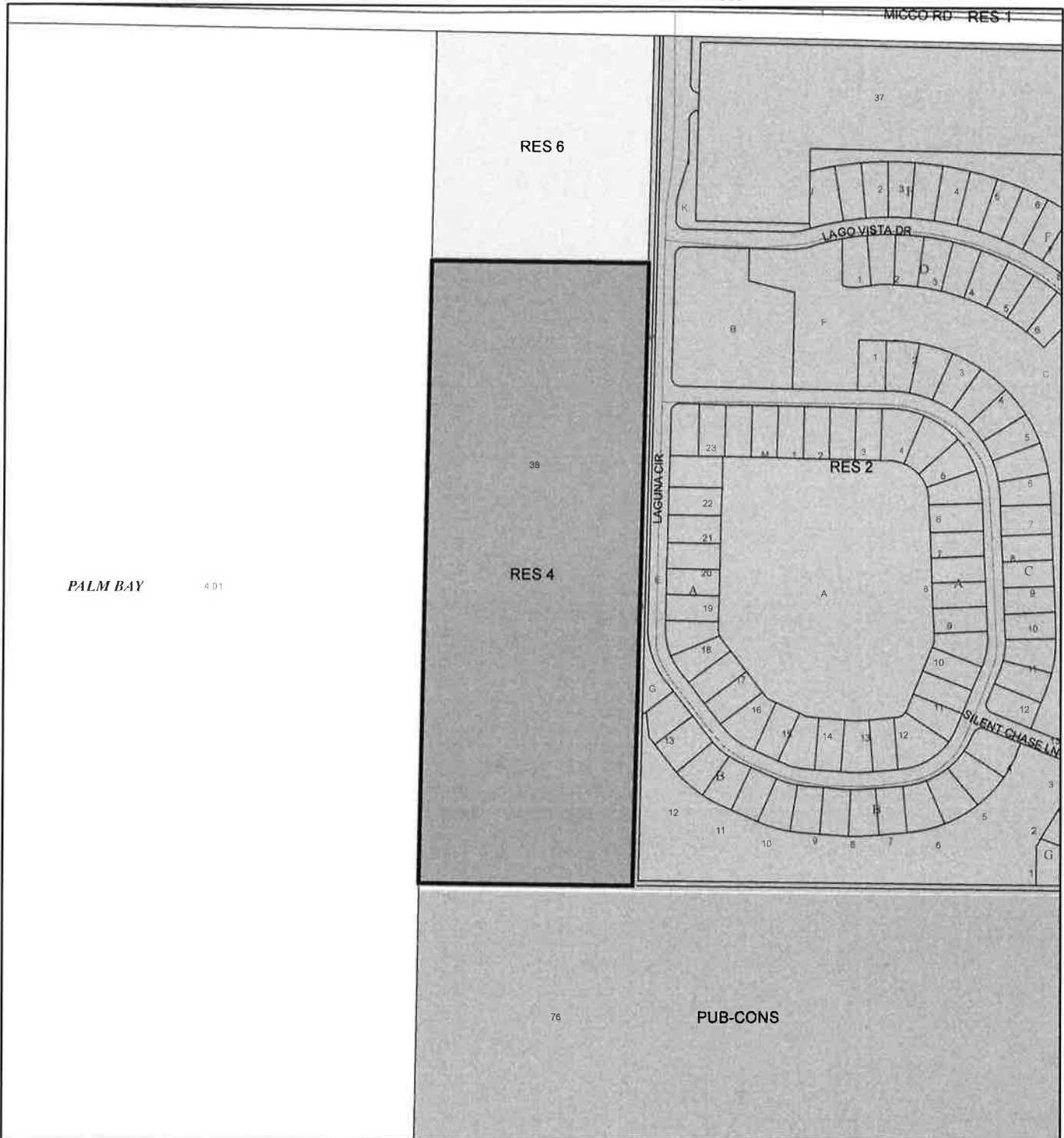
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PROPOSED FUTURE LAND USE MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

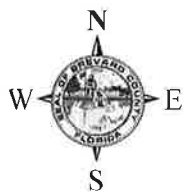
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AERIAL MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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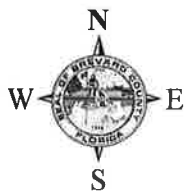
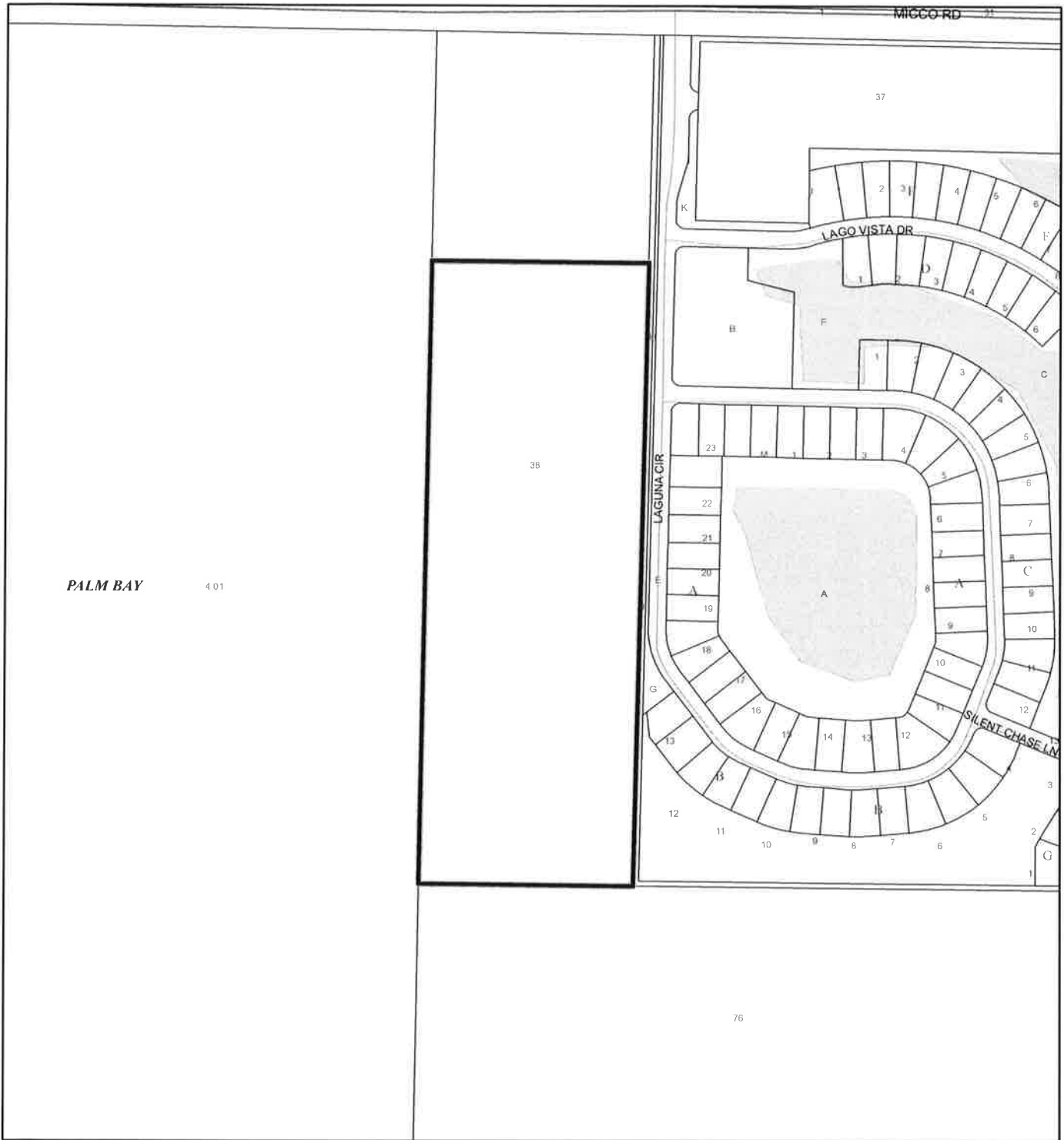
— Subject Property

□ Parcels

NWI WETLANDS MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

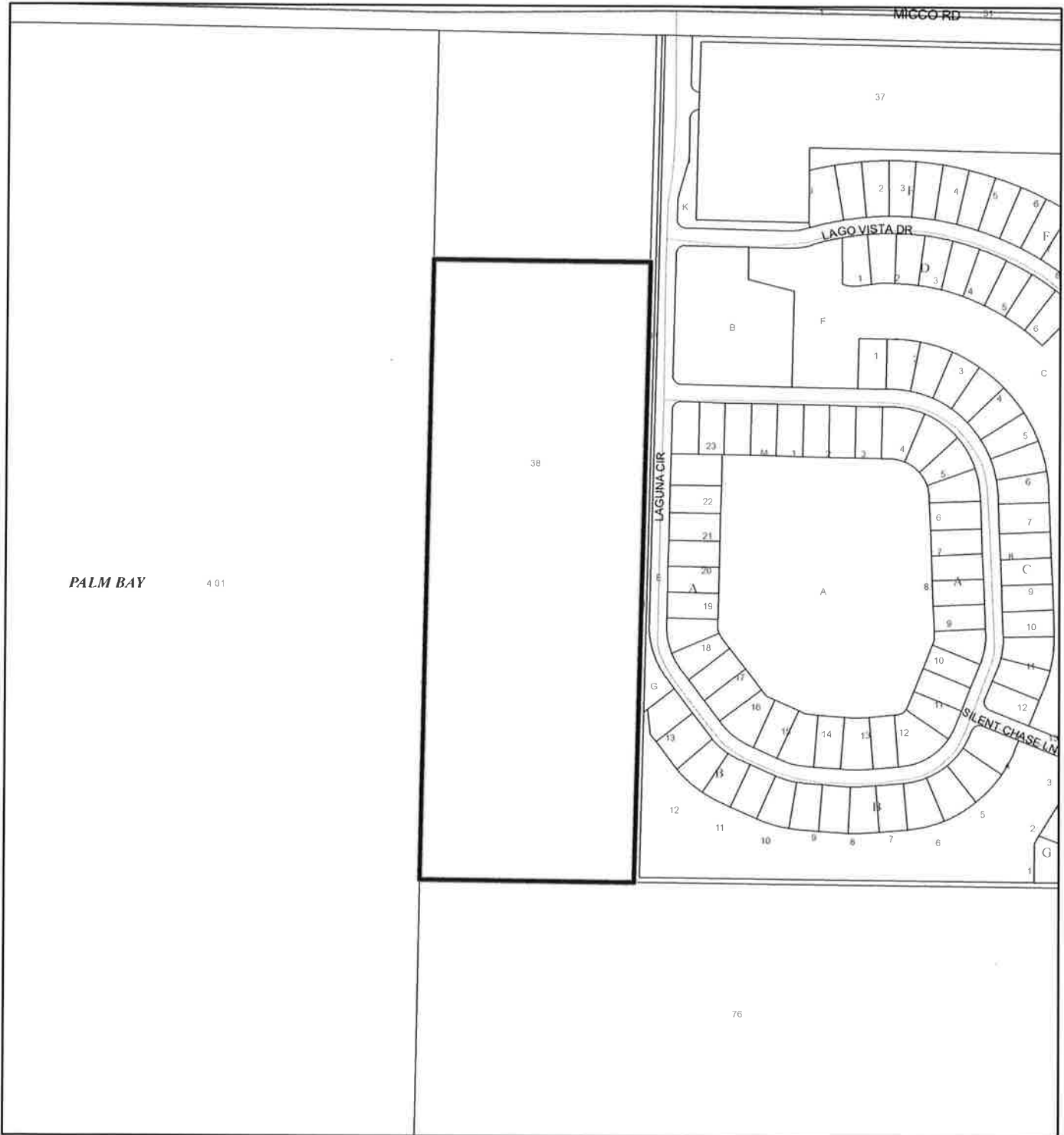
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Produced by BoCC - GIS Date: 1/20/2022

| 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

RUSHING WIND, LLC
22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/20/2022

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

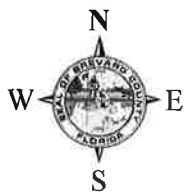
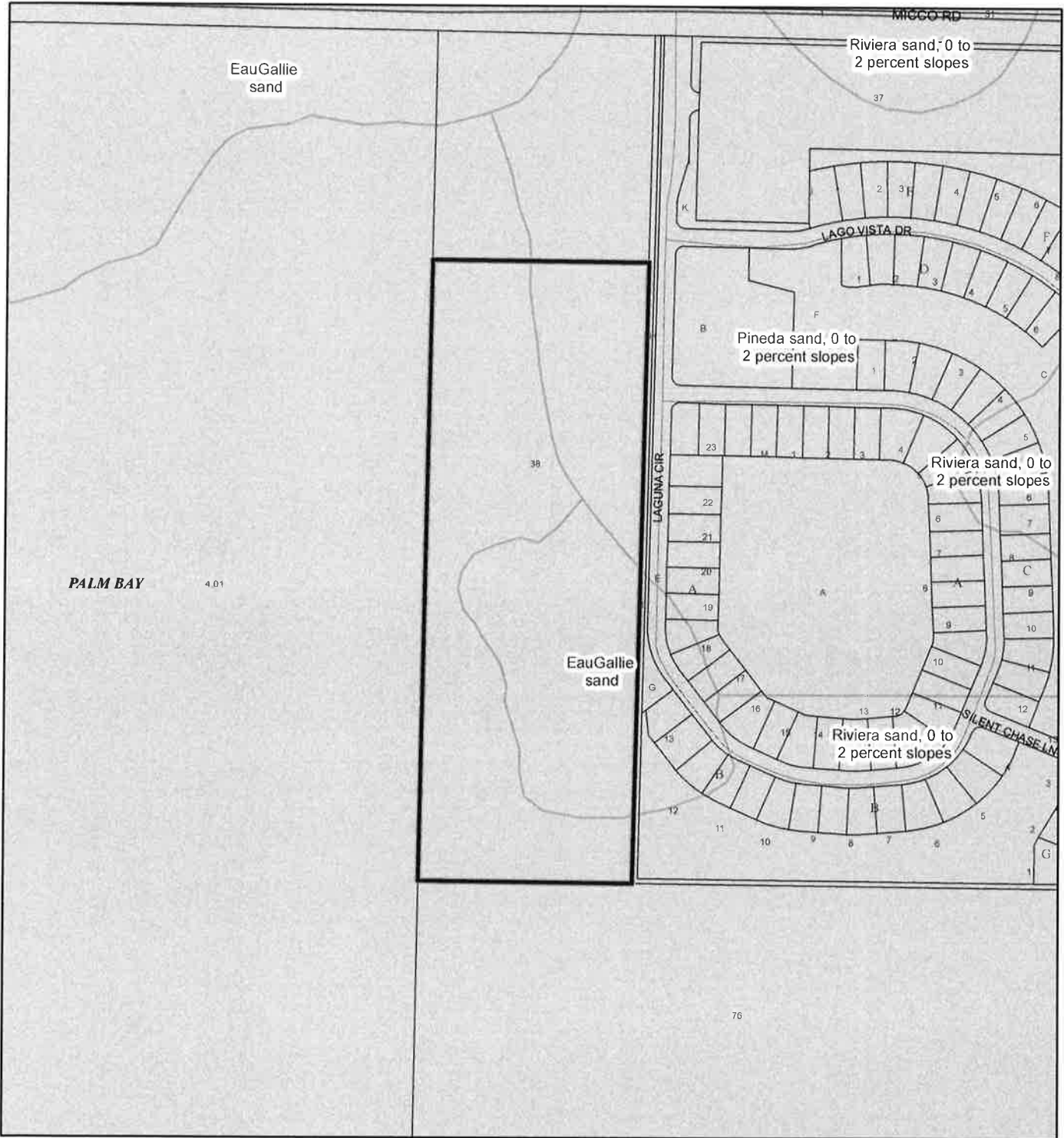
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02









1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/20/2022

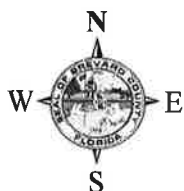
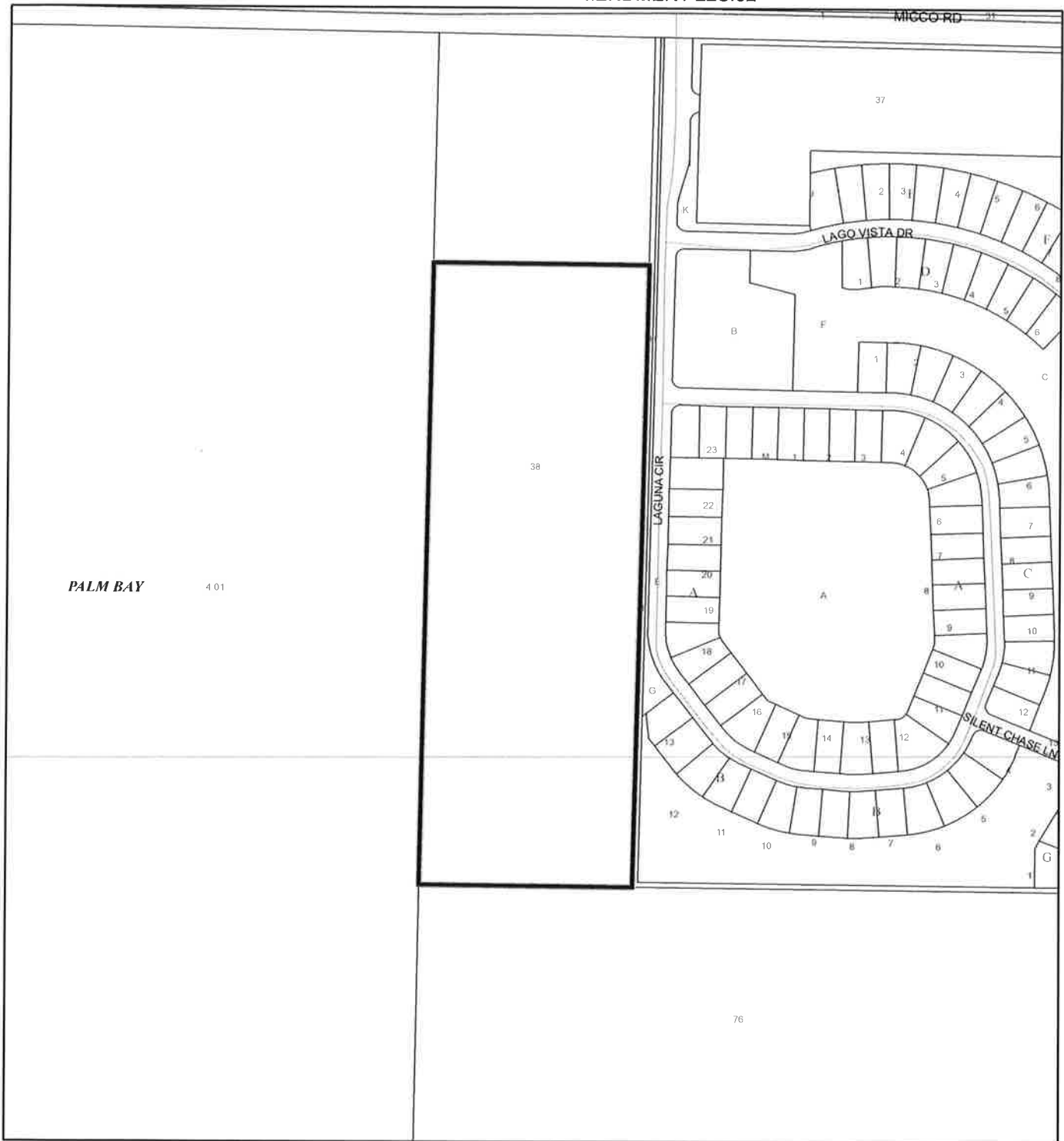
USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None

-  Subject Property
-  Parcels

FEMA FLOOD ZONES MAP

RUSHING WIND, LLC
 22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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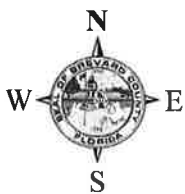
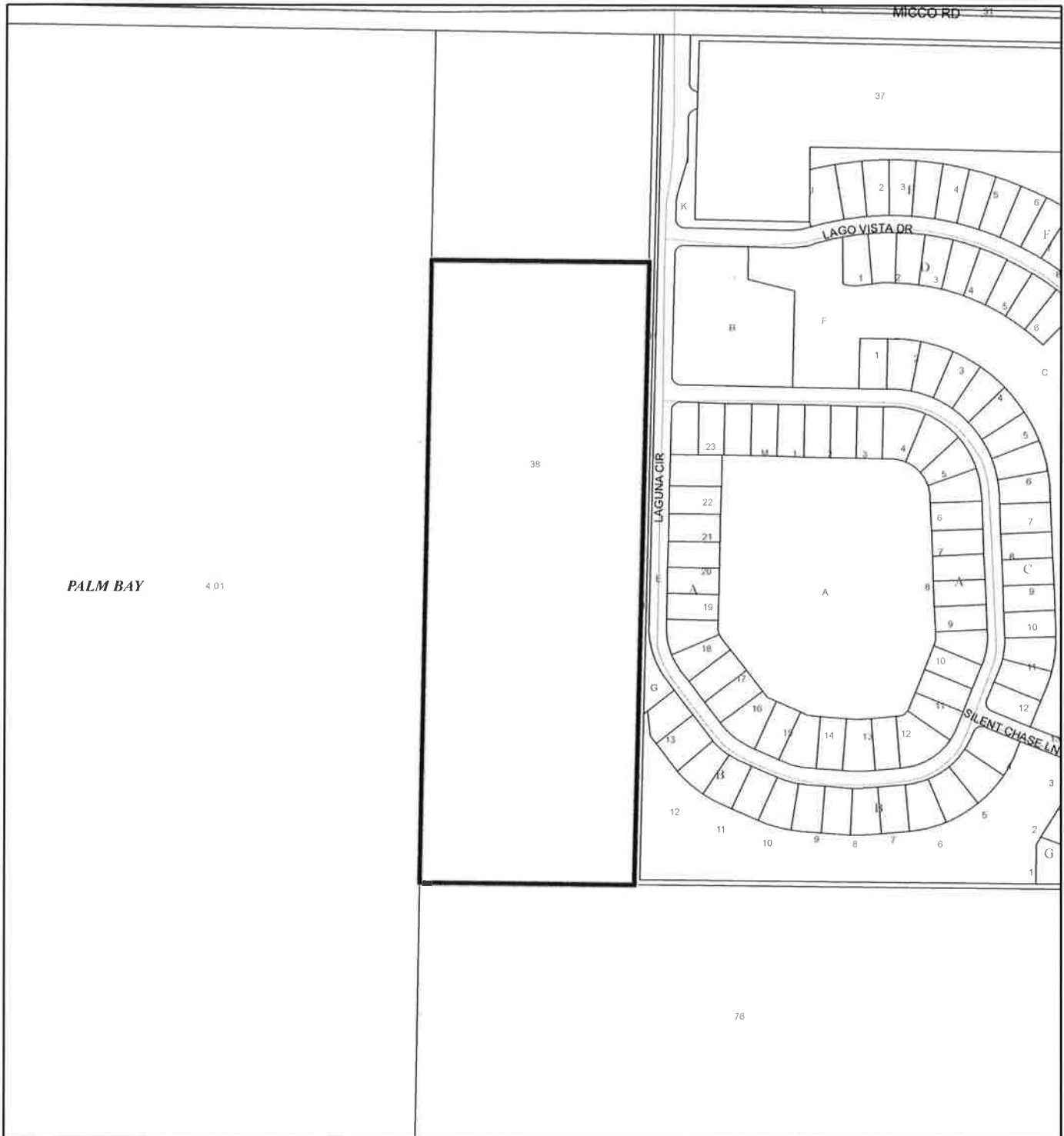
Produced by BoCC - GIS Date: 1/20/2022

| FEMA Flood Zones | | |
|------------------|--|--|
| | | |
| | | |
| | | |
| | | |

COASTAL HIGH HAZARD AREA MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



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: 1/20/2022

 Subject Property

 Parcels

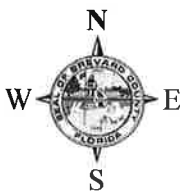
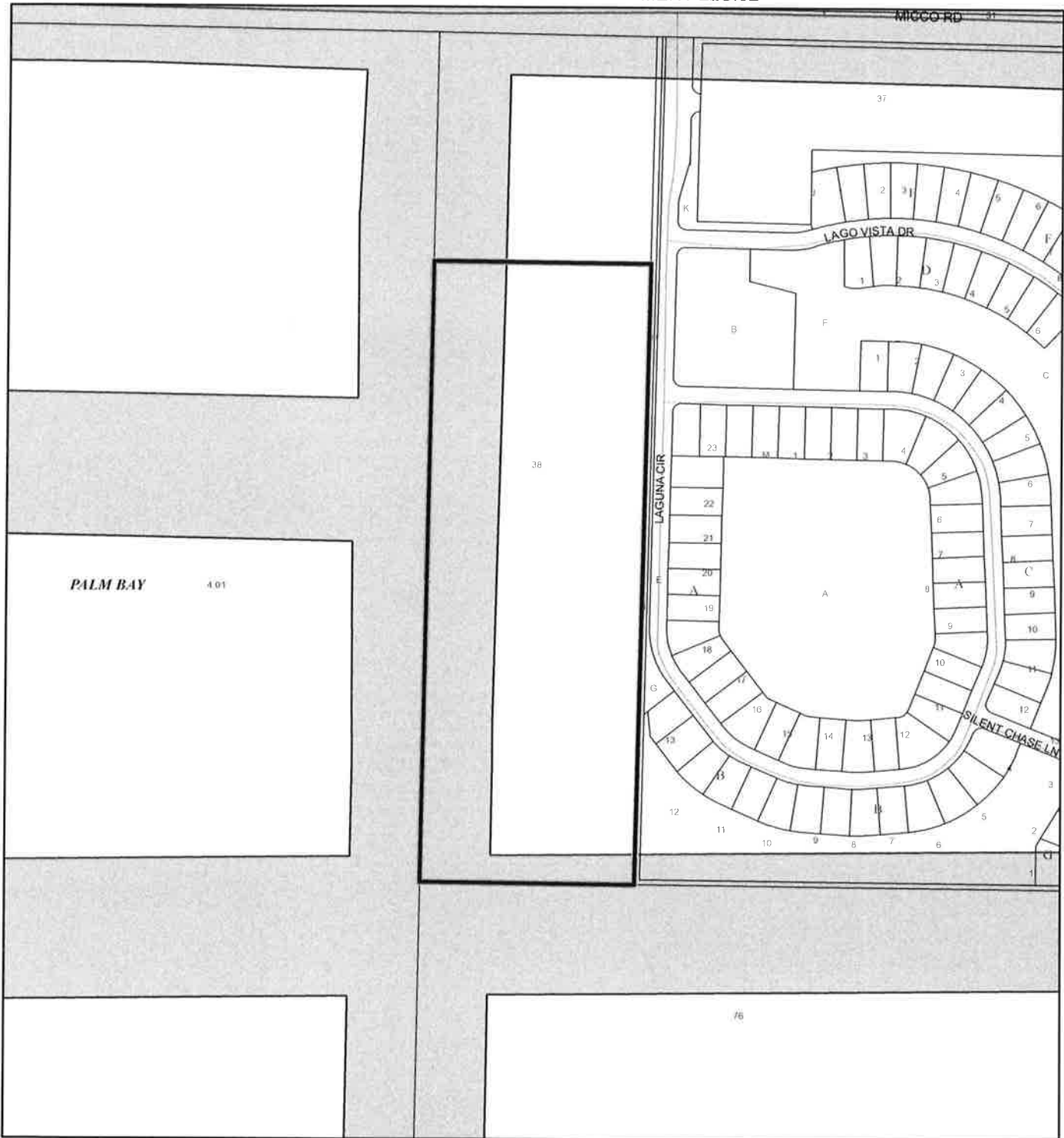
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/20/2022

 Subject Property

 Parcels

Septic Overlay

 40 Meters

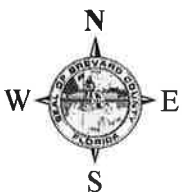
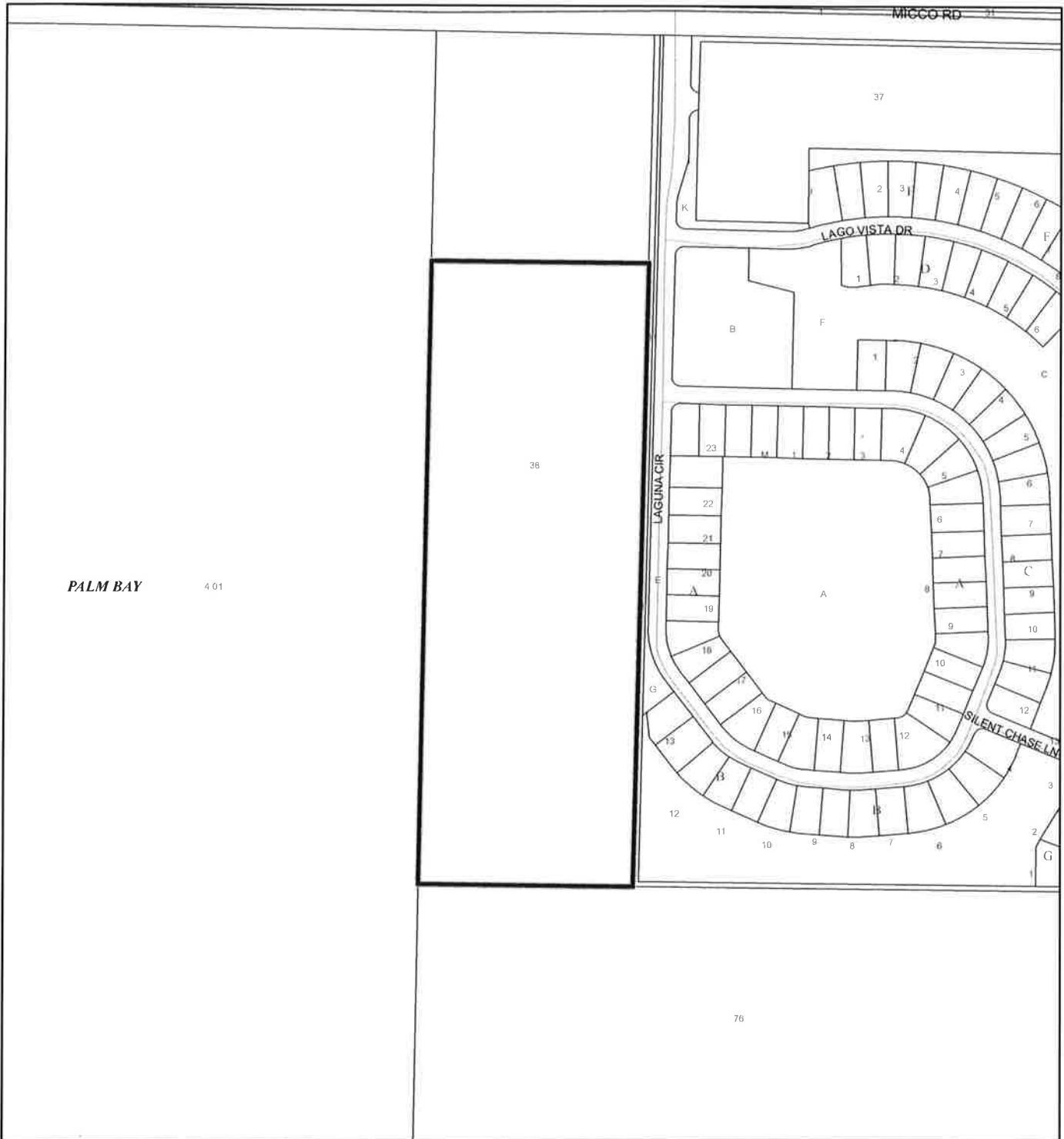
 60 Meters

 All Distances

EAGLE NESTS MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/20/2022

 Subject Property

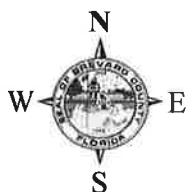
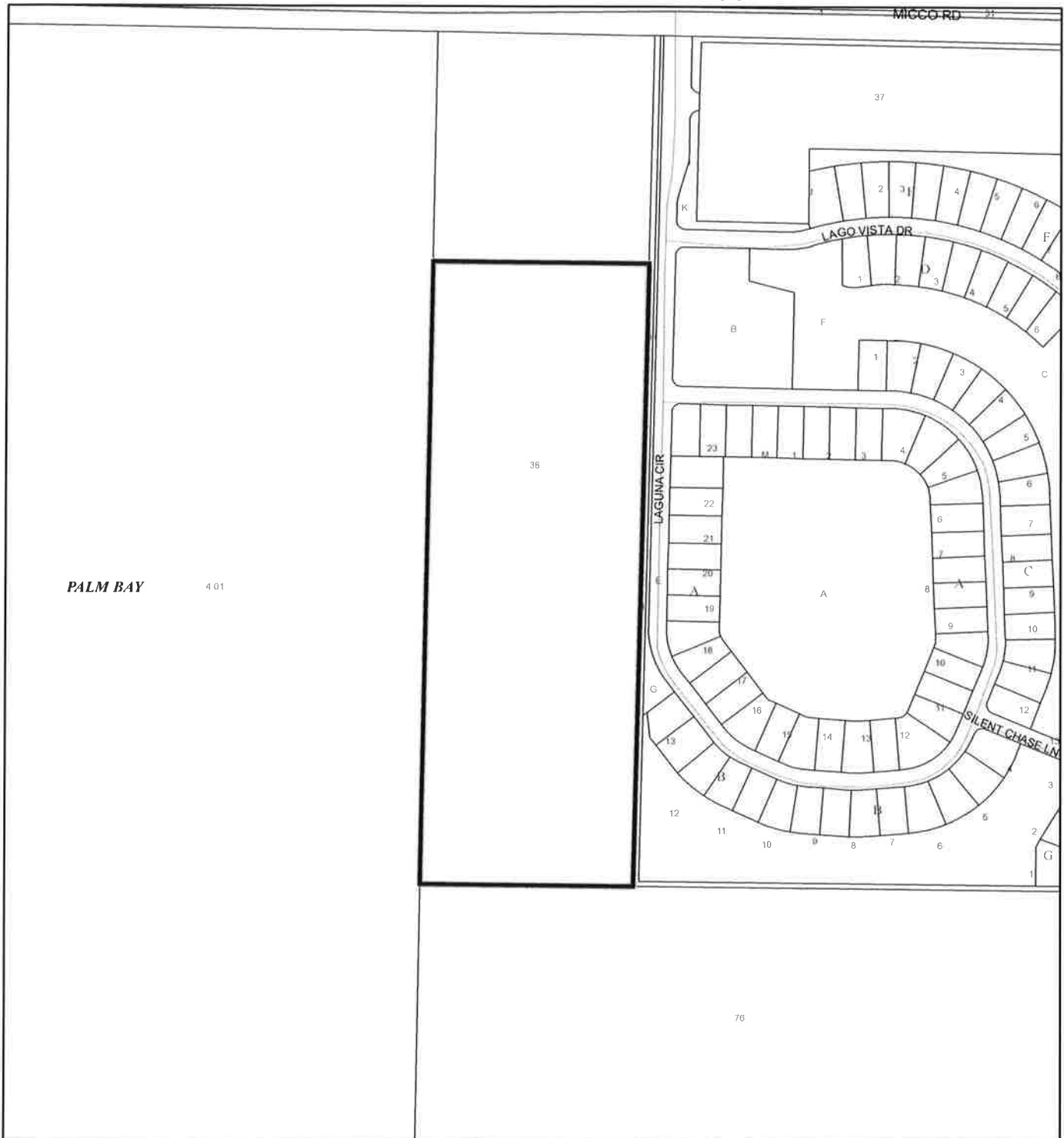
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

RUSHING WIND, LLC




22PZ00003 SMALL SCALE AMENDMENT 22S.02



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.

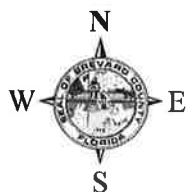
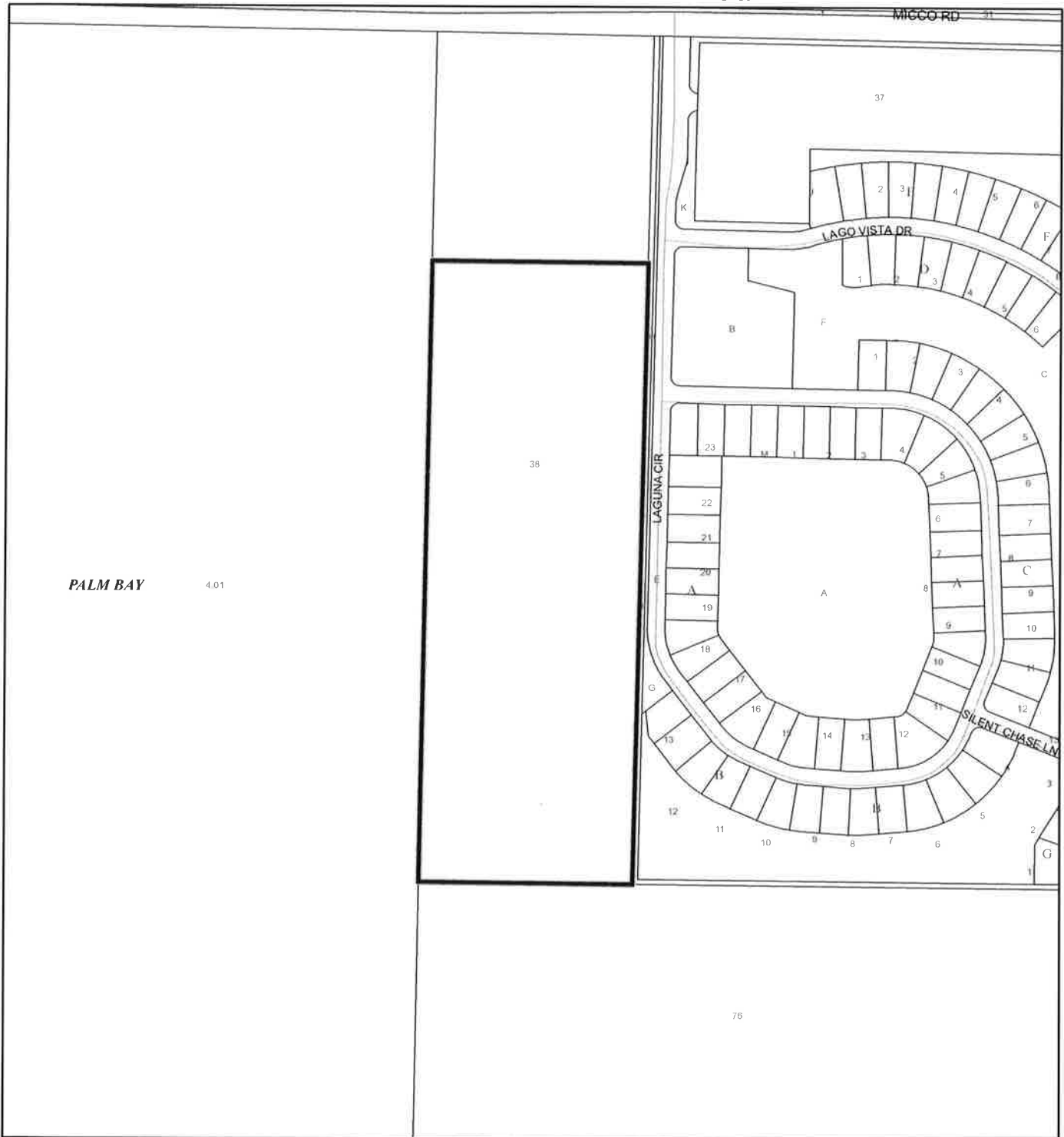
Produced by BoCC - GIS Date: 1/20/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



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: 1/20/2022

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



1. Type of Application:

- Small-scale Comprehensive Plan Future Land Use Map Amendment
 - Large-scale Future Land Use Map Amendment
 - Comprehensive Plan Text Amendment
- Plan Element(s) of Text Amendment request: _____

2. Applicant: Steven Austin **Staff Planner:** Cheryl X Campbell

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: Res #1
Requested Future Land Use Designation: Res 4
Existing Zoning: RR-1

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

(4) Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

We would like to increase our density to 4 units per acre and surrounding properties. Our goal is to market homes using a builder like ~~the~~ similar to homes next door.

(use additional sheets if necessary)

School Board of Brevard County

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

School Concurrency
Revised Page 4
22PZ00003 & 22Z00001
Rushing Wind



March 15, 2022

Mr. Kyle Harris, Planner 1
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Rushing Wind Development,
City Project No. 3008616
School Impact Analysis – Capacity Determination CD-2022-04**

Dear Mr. Harris,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 3008616 (Parcel ID number: 30G-38-01-HJ-*-38), containing approximately 34.65 acres in unincorporated District 3, Brevard County, Florida. The proposed development includes 96 single-family homes. 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 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

| Single-Family Homes | | 96 | |
|---------------------|--------------------------|-------------------------------|----------------------------|
| Students Generated | Student Generation Rates | Calculated Students Generated | Rounded Number of Students |
| Elementary | 0.28 | 26.88 | 27 |
| Middle | 0.08 | 7.68 | 8 |
| High | 0.16 | 15.36 | 15 |
| Total | 0.52 | | 50 |

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



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | 913 | 913 | 935 | 1,001 | 1,067 |
| Southwest | 1,211 | 1,211 | 1,211 | 1,211 | 1,211 |
| Bayside | 2,263 | 2,263 | 2,263 | 2,263 | 2,263 |

Projected Student Membership

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | 690 | 738 | 824 | 929 | 1,061 |
| Southwest | 940 | 922 | 1,000 | 1,119 | 1,157 |
| Bayside | 1,728 | 1,850 | 1,942 | 2,002 | 2,069 |

Students Generated by Newly Issued SCADL Reservations Since FFP

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | - | - | - | - | - |
| Southwest | - | 7 | 7 | 7 | 7 |
| Bayside | - | 14 | 14 | 14 | 14 |

**Cumulative Students Generated by
Proposed Development**

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | - | 6 | 11 | 17 | 27 |
| Southwest | - | 2 | 3 | 5 | 8 |
| Bayside | - | 3 | 6 | 10 | 15 |

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

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | 690 | 744 | 835 | 946 | 1,088 |
| Southwest | 940 | 931 | 1,010 | 1,131 | 1,172 |
| Bayside | 1,728 | 1,867 | 1,962 | 2,026 | 2,098 |

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

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|-----------|---------|---------|---------|---------|---------|
| Sunrise | 223 | 169 | 100 | 55 | (21) |
| Southwest | 271 | 280 | 201 | 80 | 39 |
| Bayside | 535 | 396 | 301 | 237 | 165 |

At this time, Sunrise Elementary School is not projected to have enough capacity for the total of projected and potential students from the Rushing Wind development. Because there is a shortfall of available capacity in the concurrency service areas of the Rushing Wind development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Port Malabar Elementary School, Columbia Elementary School, and Westside Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Rushing Wind development is shown:

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | 852 | 852 | 852 | 852 | 852 |
| Columbia | 751 | 751 | 751 | 751 | 751 |

Projected Student Membership

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | 636 | 630 | 636 | 645 | 632 |
| Columbia | 484 | 546 | 568 | 569 | 572 |

Students Generated by Newly Issued SCADL Reservations Since FFP

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | - | - | - | - | - |
| Columbia | - | - | - | - | - |

**Cumulative Students Generated by
Proposed Development**

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | - | 6 | 11 | 17 | 27 |
| Columbia | - | 6 | 11 | 17 | 27 |

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

| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | 636 | 636 | 647 | 662 | 659 |
| Columbia | 484 | 552 | 579 | 586 | 599 |

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


| School | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 |
|--------------|---------|---------|---------|---------|---------|
| Port Malabar | 216 | 216 | 205 | 190 | 193 |
| Columbia | 267 | 199 | 172 | 165 | 152 |

Considering the adjacent elementary school service areas, there is sufficient capacity for the total projected student membership to accommodate the Rushing Wind 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
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

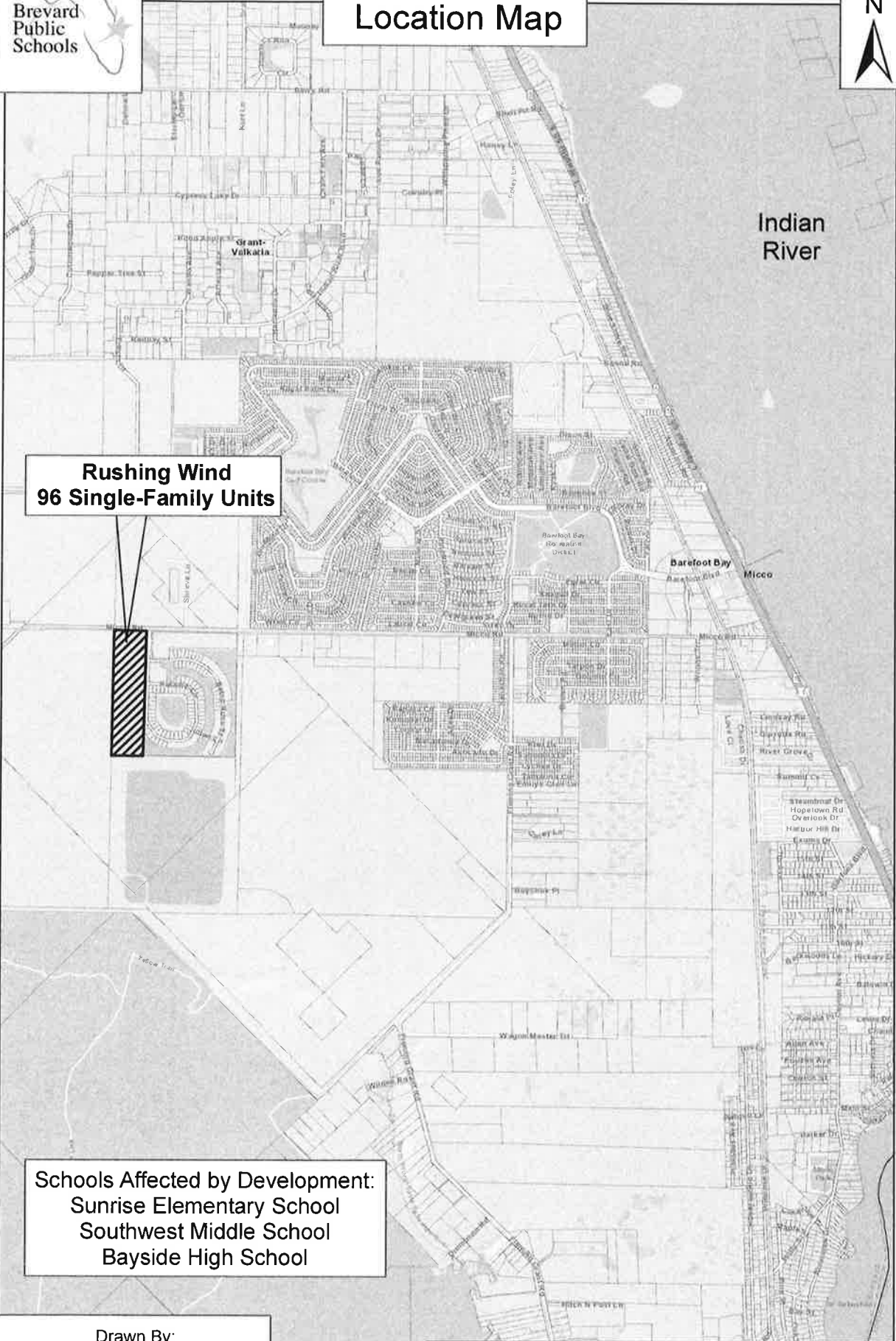
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-04

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2022-04



Rushing Wind Location Map

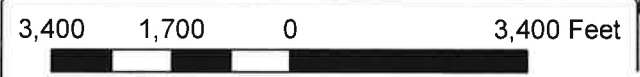


**Rushing Wind
96 Single-Family Units**



Schools Affected by Development:
Sunrise Elementary School
Southwest Middle School
Bayside High School

Drawn By:
Planning & Project Management
Karen M. Black
01/07/2022



| Middle School Concurrency Service Areas | | | | | | | | | | | | | | | | | | | | | |
|---|--------|-----|-----|---------------|--------------|------------|---------------|--------------|------------|---------------|--------------|------------|---------------|--------------|------------|---------------|--------------|------------|---------------|--------------|------------|
| Central | Middle | 7-8 | 90% | 1,514 | 1,171 | 77% | 1,514 | 1,171 | 77% | 1,514 | 1,217 | 80% | 1,514 | 1,238 | 82% | 1,514 | 1,319 | 87% | 1,514 | 1,360 | 90% |
| DuSaur | Middle | 7-8 | 95% | 960 | 843 | 88% | 960 | 829 | 86% | 960 | 829 | 86% | 960 | 854 | 89% | 960 | 816 | 85% | 960 | 787 | 82% |
| Hovner | Middle | 7-8 | 90% | 680 | 510 | 75% | 680 | 510 | 75% | 680 | 485 | 71% | 680 | 560 | 82% | 680 | 560 | 81% | 680 | 539 | 79% |
| Jefferson | Middle | 7-8 | 90% | 660 | 574 | 87% | 660 | 574 | 87% | 660 | 594 | 90% | 660 | 558 | 84% | 660 | 540 | 82% | 660 | 531 | 80% |
| Johnson | Middle | 7-8 | 90% | 873 | 622 | 71% | 873 | 583 | 67% | 873 | 583 | 67% | 873 | 580 | 66% | 873 | 563 | 64% | 873 | 535 | 61% |
| Kennedy | Middle | 7-8 | 90% | 1,064 | 690 | 65% | 1,064 | 707 | 66% | 1,064 | 752 | 71% | 1,064 | 752 | 71% | 1,064 | 795 | 75% | 1,064 | 813 | 76% |
| Madison | Middle | 7-8 | 90% | 869 | 682 | 78% | 869 | 641 | 74% | 869 | 617 | 71% | 869 | 617 | 71% | 869 | 628 | 72% | 869 | 668 | 75% |
| McNair | Middle | 7-8 | 90% | 781 | 480 | 61% | 781 | 471 | 60% | 781 | 460 | 59% | 781 | 460 | 59% | 781 | 457 | 59% | 781 | 446 | 57% |
| Southwest | Middle | 7-8 | 90% | 611 | 336 | 55% | 611 | 359 | 59% | 611 | 353 | 58% | 611 | 353 | 58% | 611 | 362 | 59% | 611 | 349 | 57% |
| Stone | Middle | 7-8 | 90% | 1,211 | 940 | 78% | 1,211 | 922 | 76% | 1,211 | 922 | 76% | 1,211 | 1,000 | 83% | 1,211 | 1,119 | 92% | 1,211 | 1,157 | 96% |
| Middle Totals | | | | 10,247 | 7,595 | 73% | 10,247 | 7,514 | 73% | 10,247 | 7,681 | 75% | 10,247 | 7,941 | 77% | 10,247 | 7,941 | 77% | 10,247 | 8,019 | 78% |

| Junior / Senior High School Concurrency Service Areas | | | | | | | | | | | | | | | | | | | | | |
|---|--------------|----------|-----|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|
| Cocoa | Jr / Sr High | PK, 7-12 | 90% | 2,084 | 1,517 | 73% | 2,084 | 1,578 | 76% | 2,084 | 1,527 | 73% | 2,084 | 1,627 | 78% | 2,084 | 1,637 | 79% | 2,084 | 1,626 | 78% |
| Cocoa Beach | Jr / Sr High | PK, 7-12 | 90% | 1,445 | 943 | 65% | 1,445 | 917 | 63% | 1,445 | 890 | 62% | 1,445 | 890 | 62% | 1,445 | 821 | 57% | 1,445 | 782 | 54% |
| Space Coast | Jr / Sr High | 7-12 | 90% | 1,852 | 1,556 | 84% | 1,852 | 1,528 | 82% | 1,852 | 1,511 | 82% | 1,852 | 1,511 | 82% | 1,852 | 1,465 | 79% | 1,852 | 1,448 | 78% |
| Jr / Sr High Totals | | | | 5,381 | 4,015 | 75% | 5,381 | 4,021 | 75% | 5,381 | 4,028 | 75% | 5,381 | 4,028 | 75% | 5,381 | 3,923 | 73% | 5,381 | 3,856 | 72% |

| Senior High School Concurrency Service Areas | | | | | | | | | | | | | | | | | | | | | |
|--|------|----------|-----|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|
| Astronaut | High | 9-12 | 95% | 1,451 | 1,077 | 74% | 1,451 | 1,084 | 75% | 1,451 | 1,085 | 75% | 1,451 | 1,078 | 74% | 1,451 | 1,078 | 74% | 1,451 | 1,066 | 75% |
| Bayside | High | 9-12 | 95% | 2,263 | 1,653 | 73% | 2,263 | 1,850 | 82% | 2,263 | 1,942 | 86% | 2,263 | 2,002 | 88% | 2,263 | 2,002 | 88% | 2,263 | 2,059 | 91% |
| Eau Gallie | High | PK, 9-12 | 95% | 2,221 | 1,610 | 72% | 2,221 | 1,634 | 74% | 2,221 | 1,655 | 75% | 2,221 | 1,660 | 76% | 2,221 | 1,660 | 76% | 2,221 | 1,700 | 77% |
| Heritage | High | 9-12 | 95% | 2,314 | 1,991 | 86% | 2,314 | 2,149 | 93% | 2,314 | 2,193 | 95% | 2,314 | 2,179 | 94% | 2,314 | 2,179 | 94% | 2,314 | 2,248 | 97% |
| Melbourne | High | 9-12 | 95% | 2,370 | 2,210 | 93% | 2,370 | 2,201 | 93% | 2,370 | 2,200 | 93% | 2,370 | 2,151 | 91% | 2,370 | 2,151 | 91% | 2,370 | 2,185 | 92% |
| Merritt Island | High | PK, 9-12 | 95% | 1,962 | 1,523 | 78% | 1,962 | 1,494 | 76% | 1,962 | 1,454 | 74% | 1,962 | 1,401 | 71% | 1,962 | 1,401 | 71% | 1,962 | 1,389 | 71% |
| Palm Bay | High | PK, 9-12 | 95% | 2,631 | 1,286 | 49% | 2,631 | 1,467 | 56% | 2,631 | 1,573 | 60% | 2,631 | 1,645 | 63% | 2,631 | 1,645 | 63% | 2,631 | 1,643 | 63% |
| Rockledge | High | 9-12 | 95% | 1,836 | 1,568 | 85% | 1,836 | 1,641 | 89% | 1,836 | 1,658 | 90% | 1,836 | 1,638 | 89% | 1,836 | 1,638 | 89% | 1,836 | 1,620 | 88% |
| Sebastian | High | PK, 9-12 | 95% | 1,527 | 1,513 | 99% | 1,527 | 1,533 | 99% | 1,527 | 1,470 | 95% | 1,527 | 1,438 | 93% | 1,527 | 1,438 | 93% | 1,527 | 1,387 | 89% |
| Titusville | High | 9-12 | 95% | 1,849 | 1,231 | 67% | 1,849 | 1,295 | 70% | 1,849 | 1,313 | 71% | 1,849 | 1,330 | 72% | 1,849 | 1,330 | 72% | 1,849 | 1,270 | 69% |
| Viera | High | PK, 9-12 | 95% | 2,203 | 2,216 | 101% | 2,203 | 2,272 | 103% | 2,203 | 2,396 | 109% | 2,203 | 2,411 | 110% | 2,203 | 2,411 | 110% | 2,203 | 2,469 | 112% |
| High Totals | | | | 22,627 | 17,878 | 79% | 22,627 | 18,630 | 82% | 22,627 | 18,930 | 84% | 22,627 | 18,953 | 84% | 22,627 | 18,953 | 84% | 22,627 | 19,066 | 85% |

| Schools of Choice (Not Concurrency Service Areas) | | | | | | | | | | | | | | | | | | | | | |
|---|--------------|------|------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|---------------|---------------|------------|
| Freedom 7 | Elementary | K-6 | 100% | 475 | 414 | 87% | 475 | 414 | 87% | 475 | 414 | 87% | 475 | 414 | 87% | 475 | 414 | 87% | 475 | 414 | 87% |
| South Lake | Elementary | K-6 | 100% | 481 | 398 | 82% | 481 | 417 | 87% | 481 | 417 | 87% | 481 | 417 | 87% | 481 | 417 | 87% | 481 | 417 | 87% |
| Stevenson | Elementary | K-6 | 100% | 569 | 498 | 88% | 569 | 508 | 89% | 569 | 508 | 89% | 569 | 508 | 89% | 569 | 508 | 89% | 569 | 508 | 89% |
| West Melbourne | Elementary | K-6 | 100% | 618 | 544 | 88% | 618 | 552 | 89% | 618 | 552 | 89% | 618 | 552 | 89% | 618 | 552 | 89% | 618 | 552 | 89% |
| Edgewood | Jr / Sr High | 7-12 | 90% | 1,077 | 921 | 85% | 1,077 | 960 | 88% | 1,077 | 950 | 88% | 1,077 | 950 | 88% | 1,077 | 950 | 88% | 1,077 | 950 | 88% |
| West Shore | Jr / Sr High | 7-12 | 90% | 1,284 | 946 | 73% | 1,284 | 946 | 73% | 1,284 | 946 | 73% | 1,284 | 946 | 73% | 1,284 | 946 | 73% | 1,284 | 946 | 73% |
| Schools of Choice | | | | 4,484 | 3,711 | 83% | 4,484 | 3,787 | 84% | 4,484 | 3,787 | 84% | 4,484 | 3,787 | 84% | 4,484 | 3,787 | 84% | 4,484 | 3,787 | 84% |
| Brevard Totals | | | | 85,210 | 63,089 | 74% | 85,282 | 63,743 | 75% | 85,514 | 64,697 | 76% | 85,658 | 65,450 | 76% | 85,768 | 65,794 | 76% | 85,878 | 66,275 | 77% |

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for AIGIS 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
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant
 - Non-scooped student addresses are assumed to continue in their attendance schools.
 - Charter School Growth
- 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.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary Relocatable Classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) Relocatable Classrooms = 22 student stations, and High School (Grades 9-12) Relocatable Classrooms = 25 student stations
 - Intermediate Relocatable Classrooms are proposed to be added at Roy Allen Elementary, Juniper Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school Relocatable Classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 2022**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

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

Excerpt of Complete Minutes

Rushing Wind, LLC (Steven Austin and William Buchman)

A Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4). The property is 24 acres, located on the south side of Micco Rd., approx. .37 miles west of Dottie Dr. (No assigned address. In the Micco area) (Tax Account 3008616) (District 3)

Rushing Wind, LLC (Steven Austin and William Buchman)

A change of zoning classification from RR-1 (Rural Residential) and IN(L) (Institutional Use, Low-Intensity), to RU-1-11 (Single-Family Residential). The property is 34.65 acres, located on the south side of Micco Rd., approx. 0.37 miles west of Dottie Dr. (No assigned address. In the Micco area.) (Tax Account 3008616) (District 3)

Steve Austin, 409 Pelican Key, Melbourne Beach, stated the subject property is next to a 100-acre development that used to be RR-1 and is now one-quarter-acre lots, and they would like to have similar zoning.

Ben Glover noted the street coming in looks like part of the community. Mr. Austin replied it is the same drive they had for the one-acre lots, but they are not part of the other development.

William Buchman stated they own the property on the west side and it was permitted in 2006. The project on the east side is completed at four units per acre, and they would like to market their land, which is why they want the comp plan change.

Jeffrey Ball stated the board should not focus on the access, because access will have to meet code at the time the site plan is addressed. They will need to provide access to a county-maintained road. He added, the property adjacent to the east is RES 2, and the zoning was approved with a BDP to cap the density at two units per acre.

Mr. Buchman noted the west boundary line is in the City of Palm Bay.

John Hopengarten asked if the lots in the development to the east are build-to-suit lots? Mr. Austin replied they are all sold and built-out. Mr. Buchman stated the builders have bought the lots and houses are being built.

Mr. Hopengarten asked if they are planning on doing the same thing on their property. Mr. Buchman replied they plan to sell to builders and they will come back with engineers.

Motion by Ben Glover to approve the request. He explained the area needs more housing, and if someone wants to sell land to build on it, it's not like the lots next door are small lots.

Liz Alward asked where they will be getting the water and sewer for the subdivision. Mr. Austin replied water is not an issue, but they will have to use septic unless the capacity is increased in Barefoot Bay.

Ms. Alward asked if they are within the Barefoot Bay Water and Sewer District. Mr. Buchman replied no, they would have to annex into Barefoot Bay, but that is up to the builders to figure out. Ms. Alward stated she is concerned about the sewer and not having the capacity for the land use change. Mr. Buchman stated according to Environmental Health, they can do three units per acre.

Ms. Alward stated if they are not in the Barefoot Bay Water and Sewer District boundary, they can't approach the district unless there is capacity. Mr. Buchman replied they are not hooking up to sewer. Ms. Alward asked if they are going to use septic tanks on four units per acre. Mr. Buchman replied yes.

Ms. Alward stated according to the School Board there is not enough capacity for the total projected and potential students for the Rushing Wind development. She asked if they have had any correspondence with the school board. Mr. Buchman replied they submitted it all to the County, and they said it is fine. Ms. Alward stated according to the school board, the only capacity is schools many miles away, but the schools closer do not have capacity.

Ms. Alward stated she is not willing to support the motion to approve until she has a better understanding of what they plan on doing as far as septic. She said she supports development, but she doesn't support something that doesn't seem planned.

Mr. Bartcher stated a portion of the area is in the septic overlay, and asked if they will be using the high-performance septic tanks. Mr. Buchman replied yes, 246 nitrogen reduction units.

Mr. Bartcher asked if the board's School Board representative have anything to offer about the school concurrency. Mr. Hopengarten stated they have an issue because Sunrise Elementary is over capacity. Mr. Bartcher stated any children in the subdivision will have to be bused quite a distance.

Ms. Alward stated the comprehensive plan and the zoning accounted for 34.6 acres, which is 25 units, and septic on 25 units is a lot different than 138 units, which is what is being proposed.

Mr. Buchman stated they do not think they're going to get that. He said it was an option of two units per acre or four units per acre. He said the property next door is one-third acre lots, and they were hoping to get the four so they could give it to the engineers and they could come back with a plan.

Mr. Austin stated the builders will have to do some engineering. If they get quarter-acre lots they may not be able to get enough houses with septic.

Mr. Ball explained Policy 1.2 says, "In Residential 30, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be

available concurrent with the impact of the development.” He said he is hearing that wastewater is not available, but the RES 4 requires connection to central water and sewer. When considering a land use change, the board can consider the availability of infrastructure and that can mean water, sewer, roads, and school capacity. He said the comp plan requires connection to wastewater if RES 4. If the board is more inclined to approve RES 2 to not have the requirement for central sewer, then a BDP would need to be placed on the zoning to restrict the density because the zoning request is for RU-1-11, and RES 2 is not consistent with that zoning classification.

Mr. Bartcher stated it seems the board doesn't have much choice but to deny the request. He said there is a school concurrency problem, they have to meet the RES 4 requirement and they are saying they can't do that, and the board wouldn't want to recommend something that is against the comp plan.

Mr. Ball stated the board can recommend a lesser intense land use category, such as RES 2. Mr. Buchman pointed out they already have RES 6 on the front. Mr. Ball replied RES 6 is already out there, and he's not sure how that was established, but that is not being considered. He said the applicants are requesting a RES 4 land use designation and the comp plan requires central water and sewer.

Mr. Bartcher asked the applicants if they are willing to change their request to RES 2. Mr. Austin replied they will, but they are trying to be consistent with the development next door.

Ms. Alward asked staff how many units they can get with RES 2. Mr. Ball replied at 24 acres, it would be 48 units.

Mr. Glover withdrew his motion to approve RES 4.

Mr. Bartcher asked if the applicants are willing to change their request to RES 2. Mr. Austin replied yes.

No Public comment.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1 to RES 2, as amended by the applicant. The motion passed 6:2, with Liz Alward and Lorraine Koss voting nay.

Mr. Ball noted that since the board's recommendation on the land use was for RES 2, the applicants would need to agree to a BDP to cap the density at two units per acre, which would give them the ability to design the subdivision according to the RU-1-11 standards, but cap the density at two units per acre.

Ms. Alward asked how many units that would be. Mr. Ball replied 48 units.

Mr. Bartcher asked the applicants if they would agree to a binding development plan. Mr. Buchman and Mr. Austin agreed to a binding development plan.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval of a change of zoning classification from RR-1 and IN(L), to RU-1-11, with a BDP limiting density to two units per acre. The motion passed 6:2, with Liz Alward and Lorraine Koss voting nay.