



AGENDA REPORT
September 5, 2019

JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. (19PZ00062) (District 1)

SUBJECT:

JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 miles west of Grissom Parkway. (19PZ00062) (District 1)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking to amend the FLU (Future Land Use) designation from RES 4 (Residential 4) to RES 6 (Residential 6) on a 9.79 acre parcel of land. The subject parcel is located on the north side of Ranch Road, approximately .25 miles west of Grissom Parkway.

The subject property currently has a density allowance of four units per acre, which has been in place since Brevard County adopted the Comprehensive Plan in September 1988. The majority of parcels within this area of Port Saint John retain the RES 4 FLU designation. Along Grissom Parkway, a small number of parcels retain the Community Commercial FLU designation.

Pursuant to Future Land Use 1.6, RES 6 FLU designation provides a transition in density between the higher urbanized area and lower intensity land uses. The policy contains general locational criteria where the area is adjacent to existing RES 6 or serves as a transition between greater than 6 units per acre and less than 6 units to the acre. Also, in the RES 6 FLU designation, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development. While potable water is currently available to the subject property, the applicant has indicated their intent to provide sewer

service concurrent with development.

The Board may wish to consider the consistency and compatibility of the RES6 surrounding area, which primarily retains a FLU designation of RES 4. In addition, whether the RES6 serves as a transition between the Community Commercial FLU parcels approximately 700 feet to the east of the subject, abutting Grissom Parkway. Another consideration, whether the existing transportation infrastructure is adequate to support the RES 6 FLU.

The Board may also wish to consider that the majority of the property is located within wetlands and nearly the entirety of the property is located within a Special Flood Hazard Area (See attached Natural Resources Management comments).

A companion rezoning application (19PZ00063) was submitted accompanying this request for Future Land Use designation change, proposing to change the zoning classification from RRMH-1 to RA-2-6.

On July 8, 2019, the Planning and Zoning Board tabled the request to the August 5, 2019, Planning and Zoning Board meeting, at the request of the applicant.

On August 5, 2019, the Planning and Zoning Board voted 5:3 to approve the request.

ATTACHMENTS:

Description

- **Administrative Policies**
- **Staff Comments**
- **GIS Maps**
- **School Concurrency**
- **Planning and Zoning Board Minutes 07/08/19**
- **Planning and Zoning Board Minutes 08/05/19**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.
- (c) General Standards of Review.
 - (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

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STAFF COMMENTS

19PZ00062

**JSFS Land Trust; Jacob and Faye Shapiro, Trustees
 Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6**

Tax Account Number: 2304560
 Parcel I.D.: 23-35-15-BB-*-147.01
 Location: North side of Ranch Road, approximately 0.25 mile west of Grissom Parkway (No assigned address) (District 1)
 Acreage: 9.79 acres

Planning and Zoning Board: 07/08/19
 Board of County Commissioners: 08/01/19

Consistency with Land Use Regulations

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

	Existing Land Use	Zoning	Future Land Use
North	Vacant Residential Common Area	RU-1-13 (Single-Family Residential)	Residential 4
South	Single-Family Residences	RU-1-7 (Single-Family Residential)	Residential 4
East	Single-Family Residences	RU-1-13	Residential 4
West	Single-Family Residences	RU-1-13	Residential 4

Background and Purpose of Request

The applicant is seeking to amend the FLU (Future Land Use) designation from RES 4 (Residential 4) to RES 6 (Residential 6) on a 9.79 acre parcel of land. The subject parcel is located on the north side of Ranch Road, approximately .25 miles west of Grissom Parkway.

The subject property currently has a density allowance of four units per acre, which has been in place since Brevard County adopted the Comprehensive Plan in September 1988. The parcel originally retained a FLU designation of Residential and a Residential Density designation of Urban Fringe, allowing for development of up to four units per acre. The RES 4 Future Land Use designation has been in place since Brevard County combined the Future Land Use Map with

the Residential Density Map during an Evaluation and Appraisal Report in 2001. The density allowance on the subject property and in the surrounding area of four units per acre has remained unchanged.

The subject property abuts a vacant residential common area for the Cypress Woods single-family residential subdivision with a RES 4 (Residential 4) FLU (Future Land Use) designation to the north, single-family residences to the east, west and south across Ranch Road with a RES 4 FLU designation. There are no RES 6 (Residential 6) Future Land Use designations located within this area.

A companion rezoning application (19PZ00063) was submitted accompanying this request for Future Land Use designation change, proposing to change the zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential).

Environmental Resources

A majority of the property is located within mapped Saint Johns River Water Management District (SJRWMD) wetlands, designated as FLUCCS code 6170 – Mixed Wetland Hardwoods; and has mapped hydric soils classified as Samsula muck. Residential land uses within wetlands are limited to not more than one dwelling unit per 5 acres. This may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the project area for subdivisions and multi-family parcels greater than 5 acres. A wetland determination/delineation was not provided by the applicant. Without a wetlands determination/delineation, it is unknown how wetlands will affect development on the 9.79-acre subject parcel. A SJRWMD-approved wetlands determination/delineation will be required for development.

Nearly the entirety of the property is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency (FEMA). The floodplain was determined to be isolated. Per Section 62-3724(3), Floodplain Protection, compensatory storage shall be required for fill in excess of one-third acre within the isolated floodplain, and development shall be elevated to or above the 100-year Base Flood Elevation. There is insufficient information (e.g. topographic survey, drainage calculation) to determine how much of the property may require compensatory storage, and how that may affect development. Applicant will be required to provide topographic maps for development.

Please refer to comments provided by the Natural Resources Management Department for additional information about the subject property.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies and staff findings are indicated below.

Note: 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 1.6

The Residential 6 land use designation affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided within this element. The RES 6 (Residential 6) 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 6 land use designation; or

Staff's Findings of Fact: The subject parcel does not abut RES 6 to the north, south, east or west.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

Staff's Findings of Fact: The subject parcel is not located in an area that is transitioning between existing land use designations with a density greater than six units per acre and areas of less than six units per acre. The subject parcel is not located within a transitional area between higher urbanized areas and lower intensity land uses. With that said, the adjacent developed single-family residential parcel between the subject property and Grissom Parkway are not provided access from Ranch Road and instead are accessed from internal subdivision streets.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for RES 6.

Staff's Findings of Fact: The subject parcel is in an unincorporated area, but is not adjacent to an incorporated area.

- D. Up to 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the PUD (Planned Unit Development) concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with the surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Staff's Findings of Fact: A PUD concept is not proposed for this 9.79 acre parcel of land. Minimum infrastructure requirements as set forth in Policy 1.2 of the Comprehensive Plan, such as paved roads, drainage, water and sewer services. The subject parcel has access to City of Cocoa water (see below). Currently there is no sewer service to this parcel. The road abutting this parcel to the south is presently unpaved.

Policy 1.2, Public Facilities and Services Requirements

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:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

Staff's Findings of Fact: The preliminary transportation concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service. This portion of Grissom Parkway from Fay Boulevard to Kings Highway is at 62.05 percent of the maximum acceptable volume (MAV) and would increase to 65.59 percent if the Future Land Use and subsequent Rezoning were to be approved.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of the Future Land Use Element.
- 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.

Staff's Findings of Fact: The subject parcel has access to City of Cocoa water.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

Staff's Findings of Fact: Currently there is no sewer service to this parcel. The applicant has indicated their intent to provide sewer service concurrent with development.

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

Staff's Findings of Fact: Not applicable, as public water is available.

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential

1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

Staff's Findings of Fact: Not applicable.

For Board Consideration

The applicant is seeking to amend the FLU (Future Land Use) designation from RES 4 (Residential 4) to RES 6 (Residential 6) on a 9.79 acre parcel of land. The subject parcel is located on the north side of Ranch Road, approximately .25 miles west of Grissom Parkway.

The subject property currently has a density allowance of four units per acre, which has been in place since Brevard County adopted the Comprehensive Plan in September 1988. The majority of parcels within this area of Port Saint John retain the RES 4 FLU designation. Along Grissom Parkway, a small number of parcels retain the Community Commercial FLU designation.

The majority of zoning classifications in the area are RU-1-7 (Single-Family Residential) with a minimum lot size of 6,600 square feet, RU-1-9 (Single-Family Residential) with a minimum lot size of 5,000 square feet, RU-1-13 (Single-Family Residential) with a minimum lot size of seven 7,500 square feet, and RRMH-1 (Rural Residential Mobile Home) with a minimum lot size of one (1) acre. Along Grissom Parkway, there are a small number of parcels with the BU-1 (General Retail Commercial) zoning classification to the east of the subject property.

In the RES 6 FLU designation, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development. While potable water is currently available to the subject property, the applicant has indicated their intent to provide sewer service concurrent with development.

The Board may wish to consider the surrounding area, which primarily retains a FLU designation of RES 4, with the exception of the Community Commercial parcels abutting Grissom Parkway to the east of the subject property.

The Board may also wish to consider that the majority of the property is located within wetlands and nearly the entirety of the property is located within a Special Flood Hazard Area (See attached Natural Resources Management comments).

A companion rezoning application (19PZ00063) was submitted accompanying this request for Future Land Use designation change, proposing to change the zoning classification from RRMH-1 to RA-2-6.

Natural Resources Management Department Zoning Review and Summary

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 zoning 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.

Substantial Natural Resources Land Use Issues

A majority of the property is located within mapped SJRWMD (Saint John's River Water Management District) wetlands, designated as FLUCCS (Florida Land Use and Cover Classification System) code 6170, Mixed Wetland Hardwoods; and has mapped hydric soils classified as Samsula muck. Residential land uses within wetlands are limited to not more than one dwelling unit per 5 acres. This may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the project area for subdivisions and multi-family parcels greater than 5 acres. A wetland determination/delineation was not provided by the applicant. Without a wetlands determination/delineation, it is unknown how wetlands will affect development on the 9.79-acre subject parcel. A SJRWMD-approved wetlands determination/delineation will be required for development.

Nearly the entirety of the property is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency (FEMA). The floodplain was determined to be isolated. Per Section 62-3724(3), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the isolated floodplain, and development shall be elevated to or above the 100-year Base Flood Elevation. There is insufficient information (e.g. topographic survey, drainage calculation) to determine how much of the property may require compensatory storage, and how that may affect development. Applicant will be required to provide topographic maps for development.

The applicant is strongly encouraged to contact Natural Resources Management at 321-633-2016 prior to site plan design.

Summary of Mapped Natural Resources Present on the Subject Property

NWI Wetlands

SRJWMD Wetlands – Mixed Wetland Hardwoods

Hydric Soils

Floodplain

Land Use Comments

Wetlands

The subject parcel contains large mapped areas of NWI and SJRWMD wetlands and hydric soils (Samsula muck – frequently ponded 0 to 1% slopes) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively. 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. 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), for subdivisions and multi-family parcels greater than 5 acres in area, New Town Overlays, Planned Unit Developments and if applicable, mixed-use land development activities as specified in Section 62-3694(c)(5). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Floodplain

A majority of the property is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(5), development in isolated floodplain areas shall ensure that off-site post development stormwater discharge rates shall not exceed off-site predevelopment discharge rates. Per Section 62-3724(3)(a) & (d), development within an isolated floodplain shall not negatively impact adjacent properties or receiving water body quality, and compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Section 62-3724(3)(b) requires that development of a lot or parcel within an isolated floodplain provide a contiguous area that includes the primary structure and perimeter buffer, accessory structures, onsite sewage disposal system and buffer, access to the primary and accessory structure. These areas shall be elevated to or above the 100-year base flood elevation.

Impervious areas increase stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." National Flood Insurance Program (NFIP) regulations [44 CFR § 60.3(b)(3)] require submittal of drainage calculations report for proposed development in the Special Flood Hazard Area (greater than 50 lots or 5 acres, whichever is the lesser). Report may result in a revised Base Flood Elevation based upon "best available data", as directed by FEMA. The north property line of subject parcel abuts two platted storm water retention tracts and a platted conservation tract for the Cypress Woods subdivision. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern."

Heritage Specimen Trees

The parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 6170, Mixed Wetland Hardwoods. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside in the project area. Per Brevard County

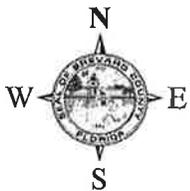
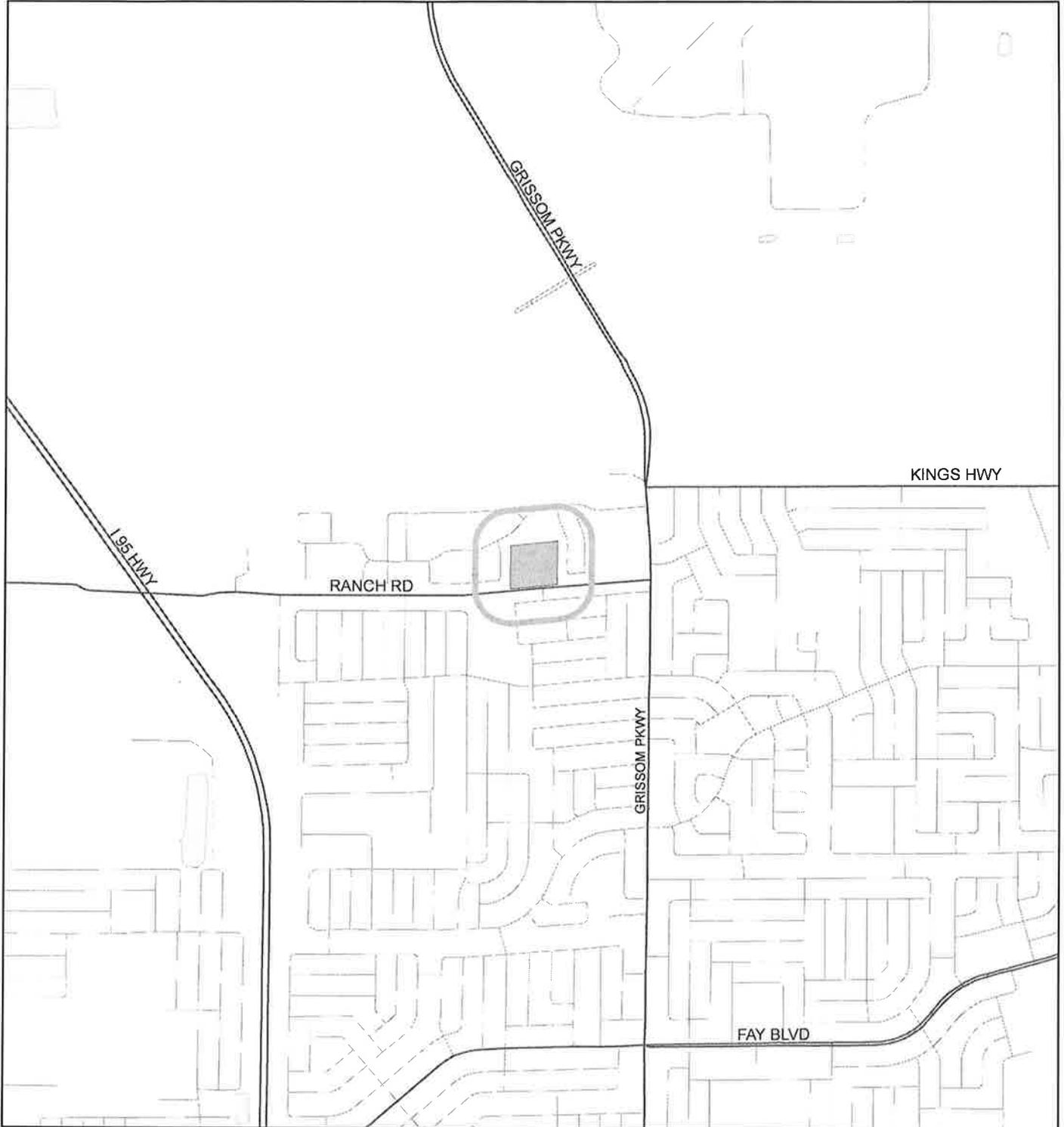
Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62 4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. However, this site has been developed since 1964. Should any protected species be present, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



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

Buffer Distance: 500 feet

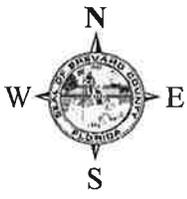
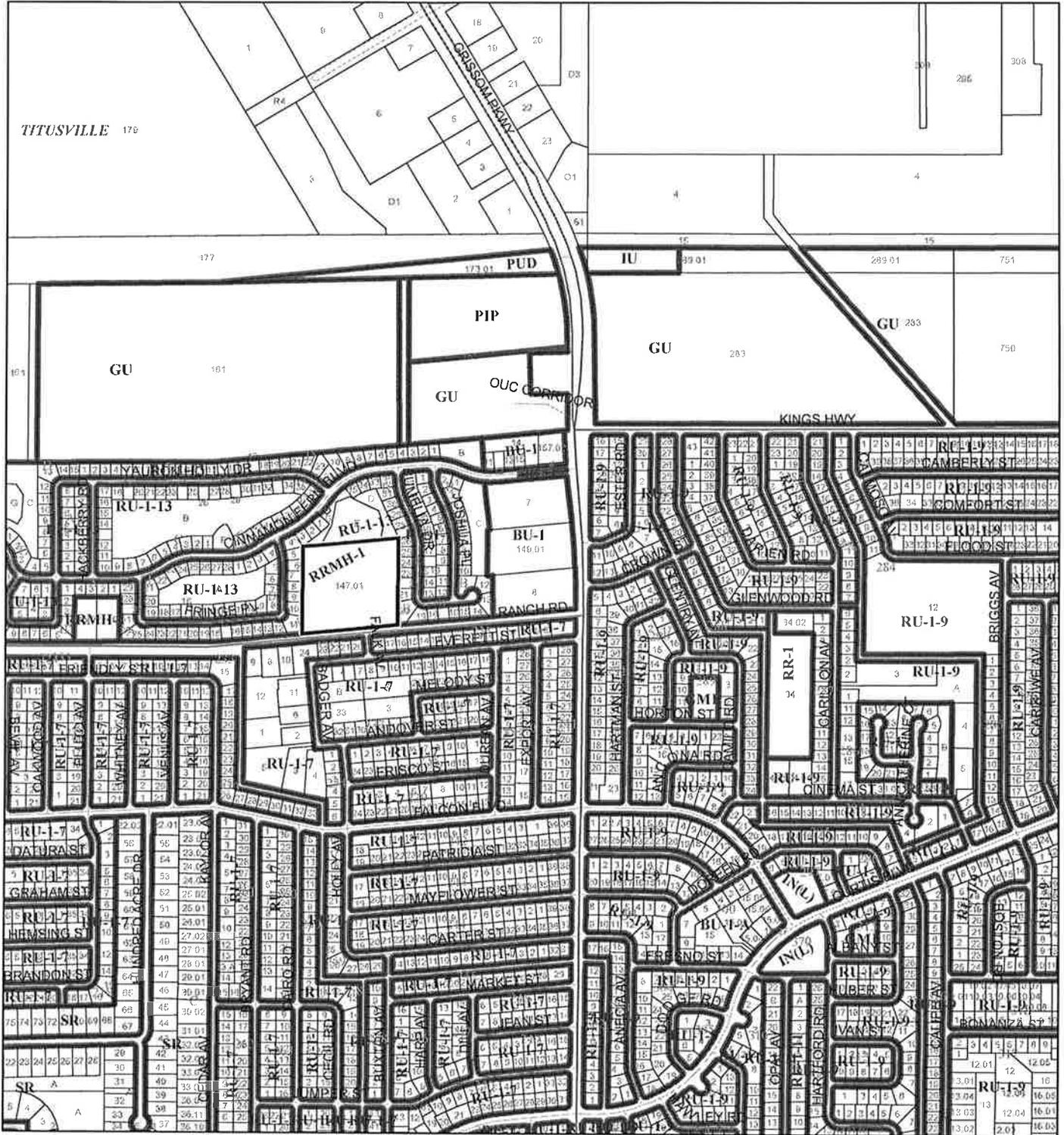
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/7/2019

-  Buffer
-  Subject Property

ZONING MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ0062 SMALL SCALE AMENDMENT 19S.10



1:12,000 or 1 inch = 1,000 feet

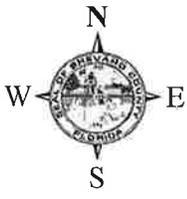
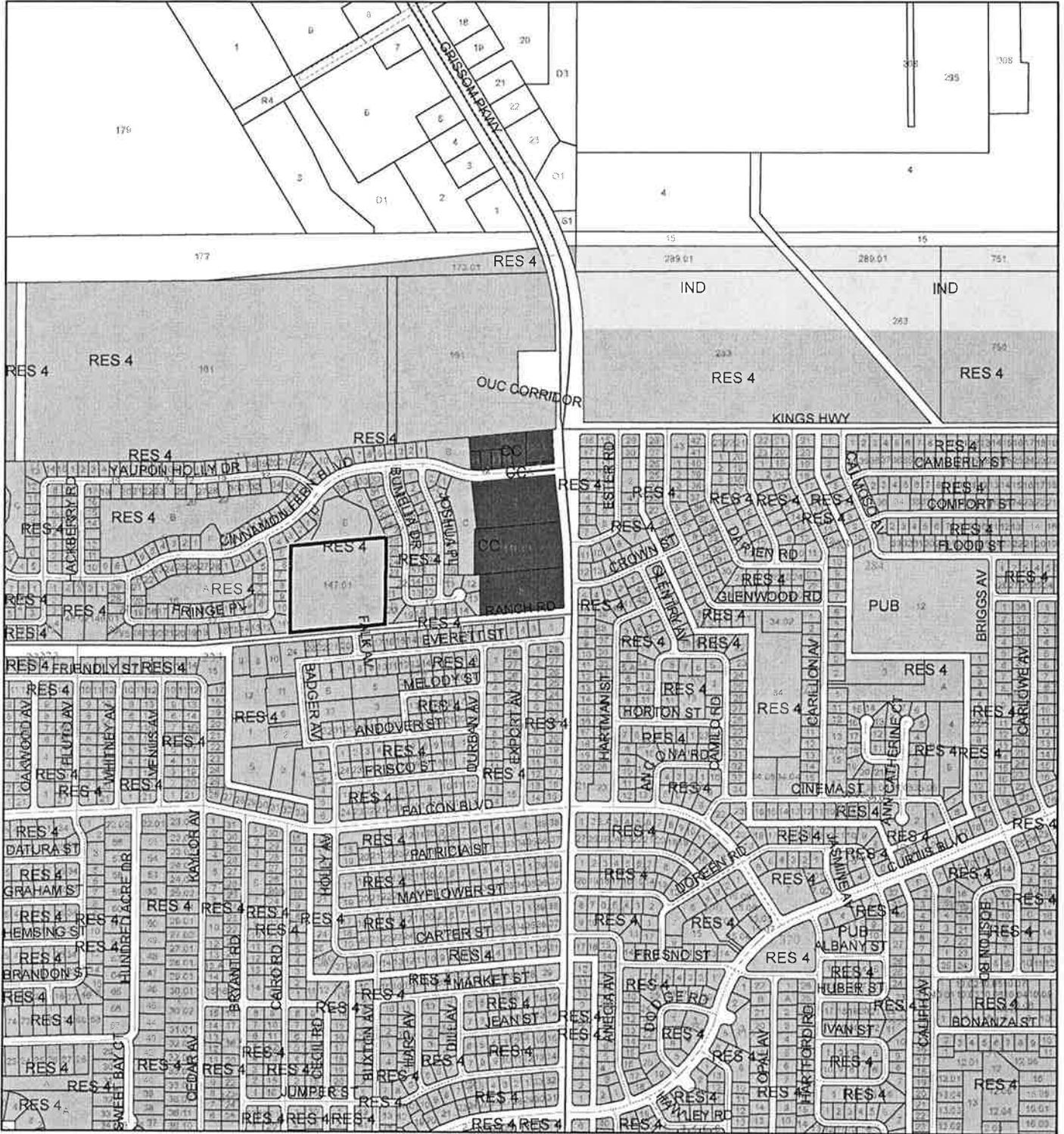
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/21/2019

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:12,000 or 1 inch = 1,000 feet

- Subject Property
- Parcels

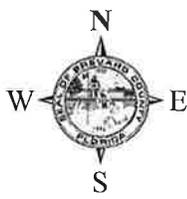
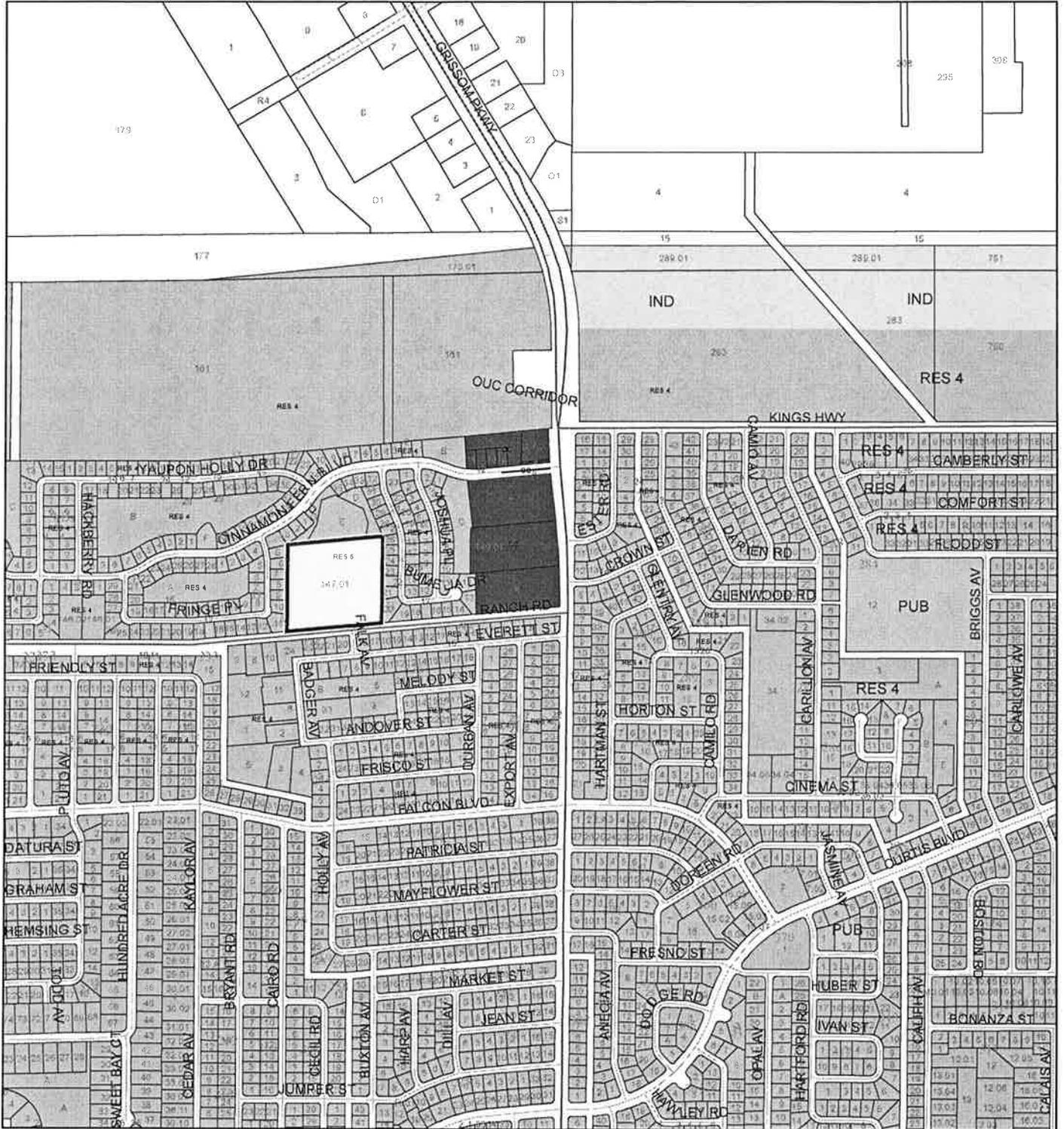
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Produced by BoCC - GIS Date: 6/21/2019

PROPOSED FUTURE LAND USE MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE

19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:12,000 or 1 inch = 1,000 feet

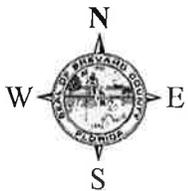
- Subject Property
- Parcels

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: 6/21/2019

AERIAL MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:12,000 or 1 inch = 1,000 feet

PHOTO YEAR: 2018

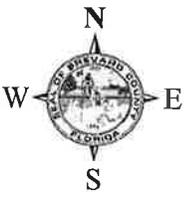
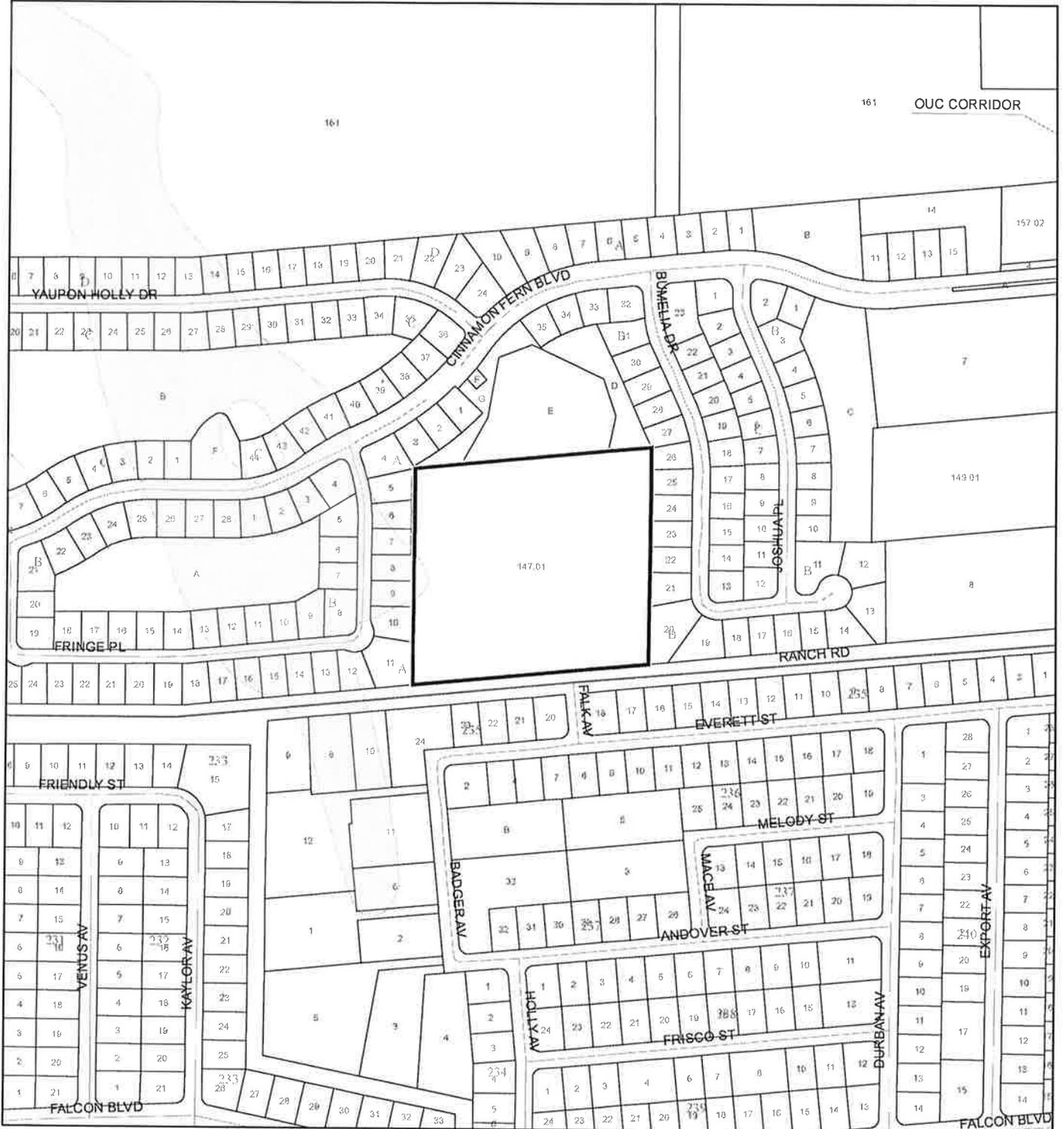
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/21/2019

-  Subject Property
-  Parcels

NWI WETLANDS MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:4,800 or 1 inch = 400 feet

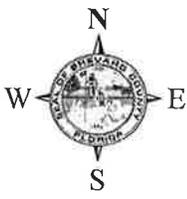
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/7/2019

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

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
 19PZ00062 SMALL SCALE AMENDMENT 19S.10



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: 5/7/2019

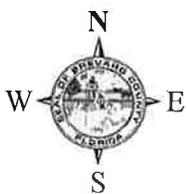
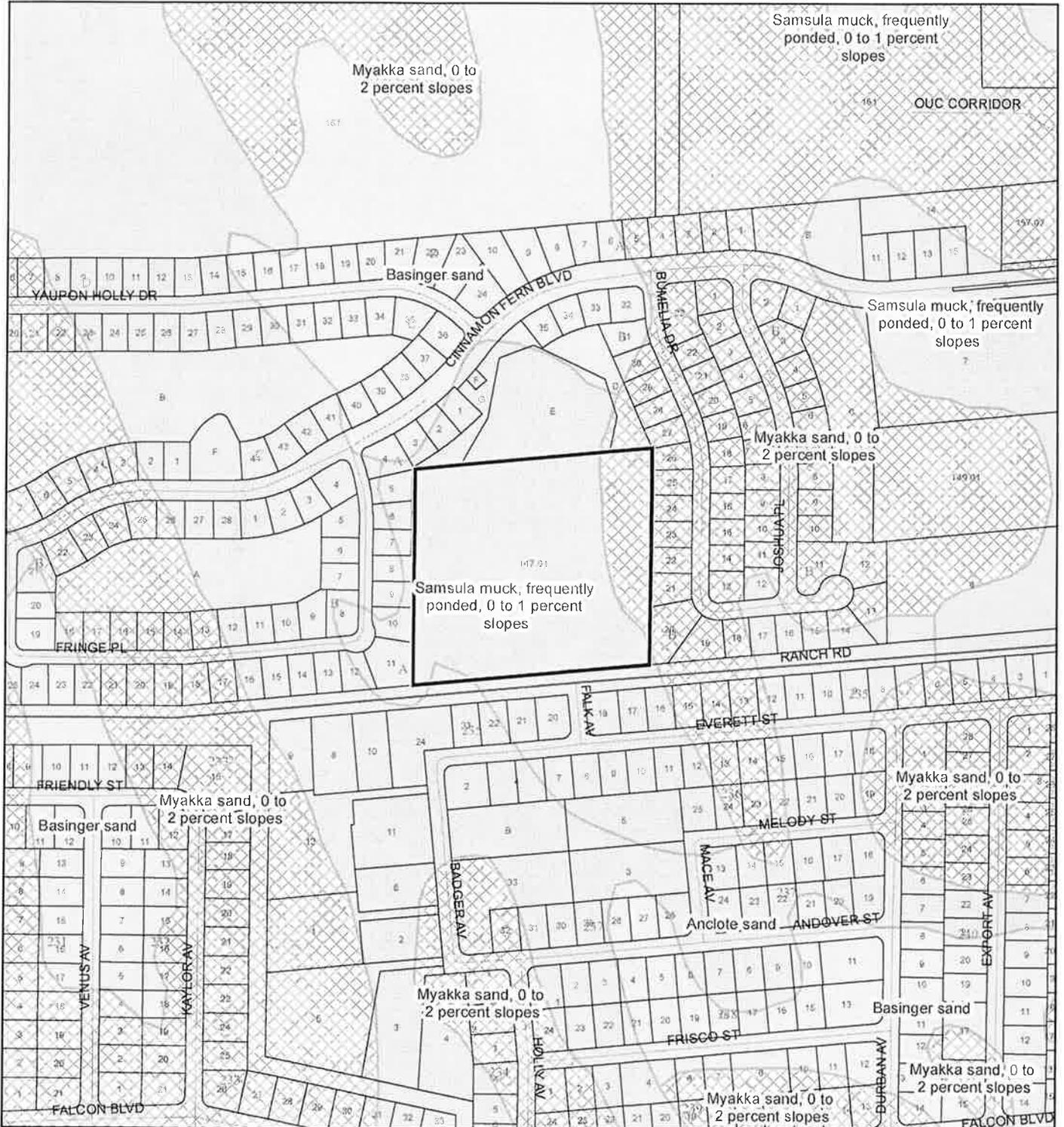
SJRWMD FLUCCS WETLANDS

- 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

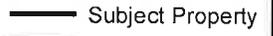
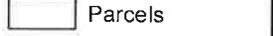
USDA SCSSS SOILS MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  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: 5/7/2019

FEMA FLOOD ZONES MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
 19PZ00062 SMALL SCALE AMENDMENT 19S.10



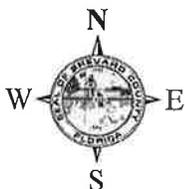
1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/7/2019

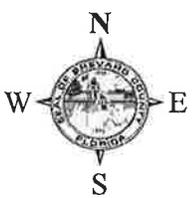
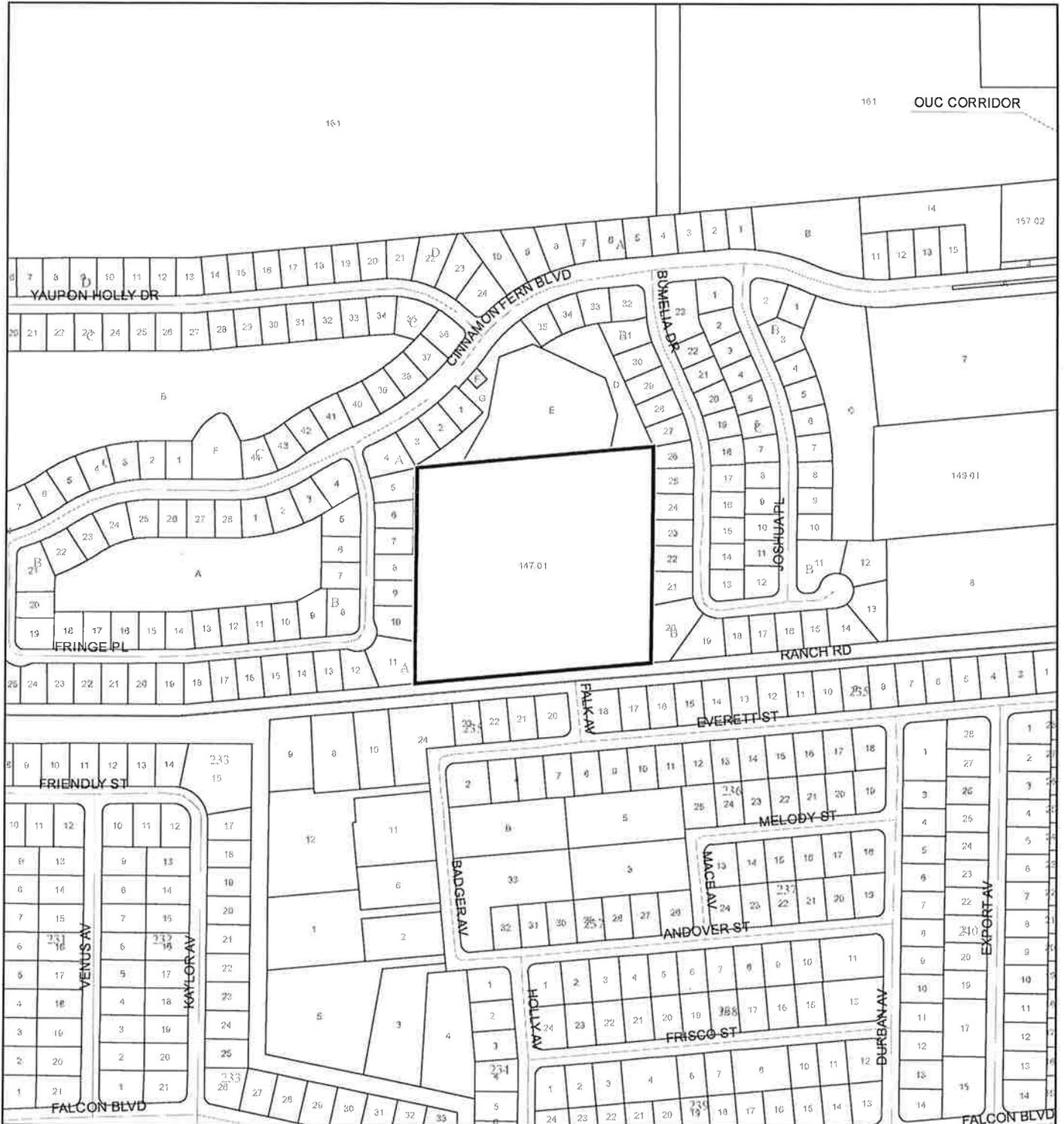
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |



INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
 19PZ00062 SMALL SCALE AMENDMENT 19S.10



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: 5/7/2019

 Subject Property

 Parcels

Septic Overlay

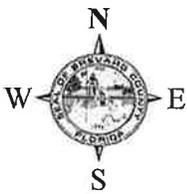
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



1:4,800 or 1 inch = 400 feet

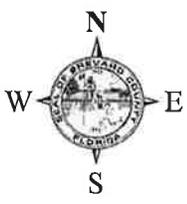
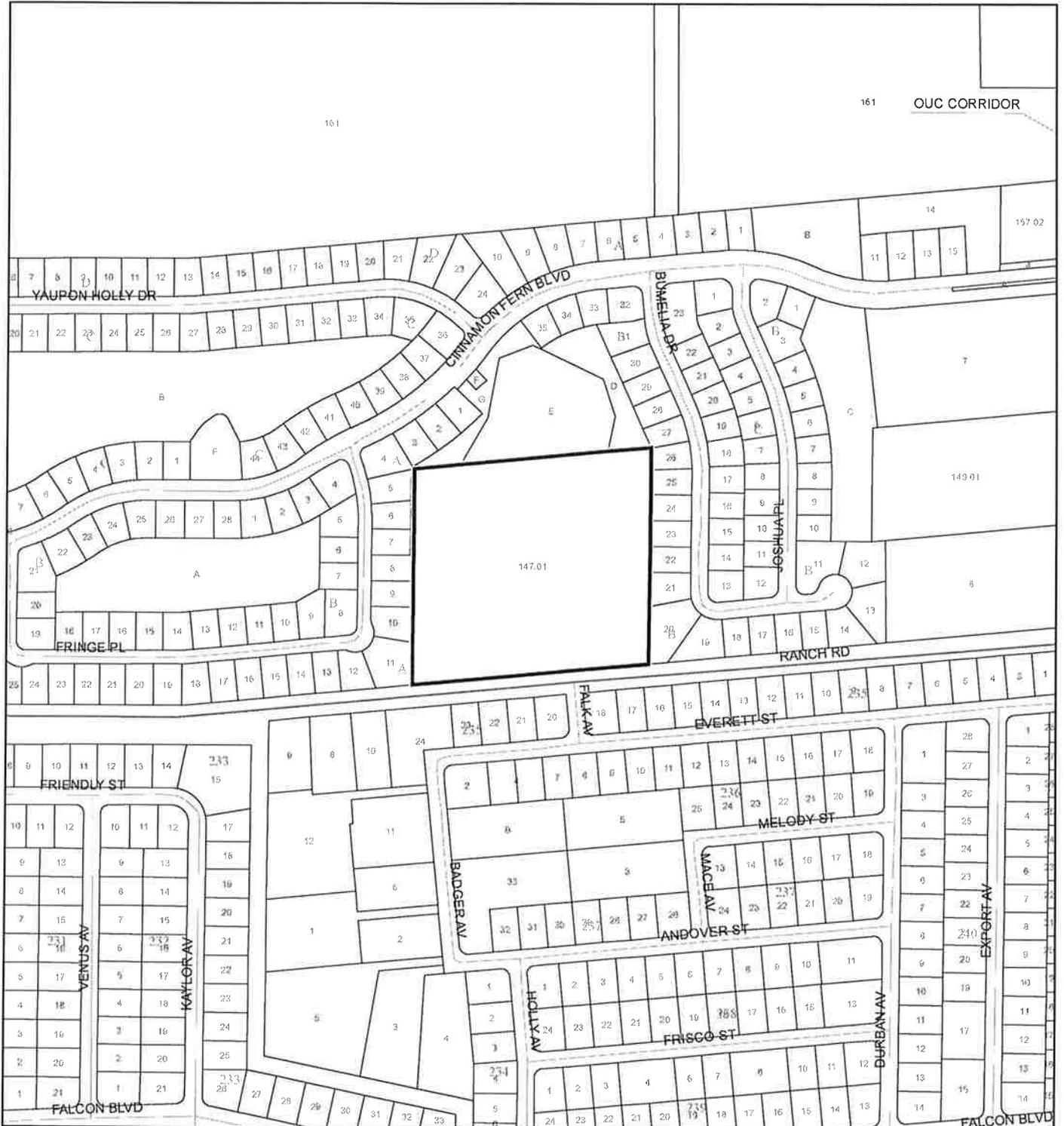
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/7/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE
19PZ00062 SMALL SCALE AMENDMENT 19S.10



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.

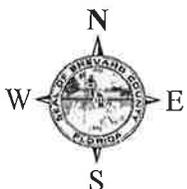
Produced by BoCC - GIS Date: 5/7/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JSFS LAND TRUST; JACOB SHAPIRO AS TRUSTEE, AND FAYE SHAPIRO AS TRUSTEE

19PZ00062 SMALL SCALE AMENDMENT 19S.10



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: 5/7/2019

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



School Board of Brevard County

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

May 23, 2019

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

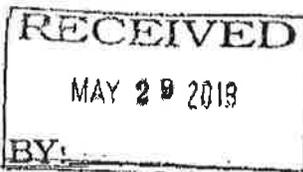
**RE: Proposed Ranch Road Subdivision
School Capacity Availability Determination Letter CD-2019-07**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property includes Tax Account 2304560 (Parcel ID: 23-35-15-BB*-147.01) containing approximately 9.79 acres in Brevard County, Florida. The proposed single-family development includes 58 residential units. 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 2019-20 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24* which is attached for reference.

Single-Family Homes		58	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	16.24	16
Middle	0.08	4.64	5
High	0.16	9.28	9
Total	0.52		30



Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-1546

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2018-19 to 2023-24**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	739	739	739	739	739
Space Coast	1,857	1,857	1,857	1,857	1,857

Projected Student Membership

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	693	668	669	658	641
Space Coast	1,590	1,588	1,556	1,513	1,507

Students Generated by Previously Issued SCADL Reservations

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	-	-	-	-	-
Space Coast	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	-	8	16	16	16
Space Coast	-	7	14	14	14

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	693	676	685	674	657
Space Coast	1,590	1,595	1,570	1,527	1,521

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Atlantis	46	63	54	65	82
Space Coast	267	262	287	330	336

At this time, Atlantis Elementary School and Space Coast Jr./Sr. High School are projected to have enough capacity for the total of projected and potential students from the Ranch Road Subdivision development.

This is a **non-binding** review; a *Concurrency Determination* must to 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,

A handwritten signature in black ink, appearing to read "David G. Lindemann". The signature is fluid and cursive, with a long horizontal stroke at the end.

David G. Lindemann, AICP
Manager - Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

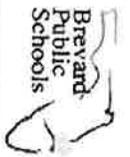
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2022-24*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2019-07

Brevard County Public Schools

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

Data and Analysis for School Years 2018-19 to 2023-24

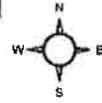


School	Type	Grades	Utilization Factor	2018-19		2019-20		2020-21		2021-22		2022-23		2023-24	
				FSH Capacity	100% Member-ship	Future FSH Capacity	Student Projection								
...

Elementary School Concurrency Service Areas

School	Type	Grades	Utilization Factor	2018-19		2019-20		2020-21		2021-22		2022-23		2023-24	
				FSH Capacity	100% Member-ship	Future FSH Capacity	Student Projection								
Abraham Lincoln	Elementary	K-6	100%	751	711	751	717	751	725	751	768	814	870	786	814
Adams	Elementary	K-6	100%	884	720	884	706	884	696	884	725	776	884	751	703
...
Elementary Totals				41,810	33,158	41,854	32,732	42,896	32,653	43,044	33,156	43,264	33,282	43,264	33,282

Ranch Road Subdivision Location Map



Ranch Road Subdivision
58 Units

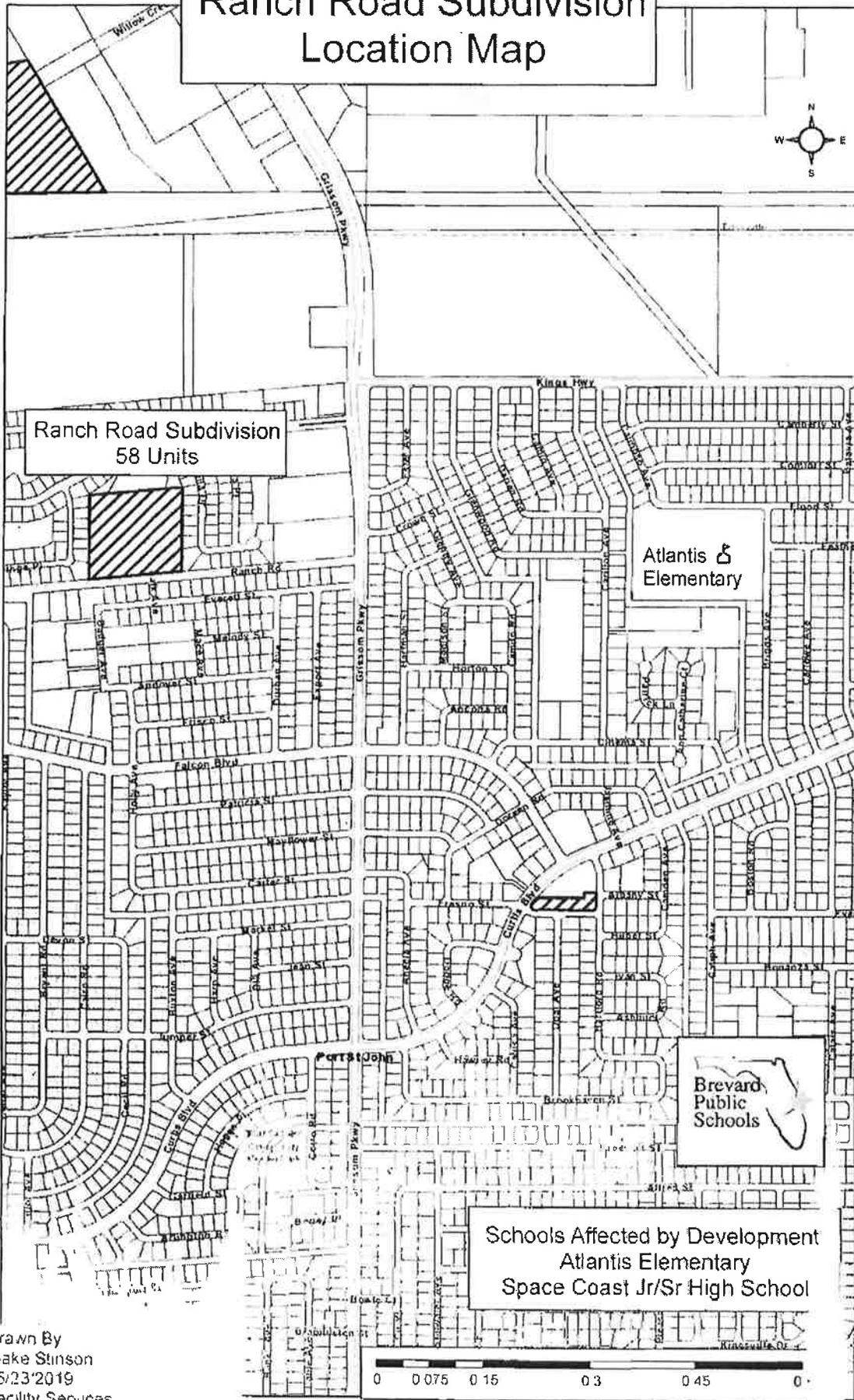
Atlantis Elementary

Brevard
Public
Schools

Schools Affected by Development
Atlantis Elementary
Space Coast Jr/Sr High School

Drawn By
Blake Stinson
05/23/2019
Facility Services

0 0.075 0.15 0.3 0.45 0.6



PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 30, 2019, at 5:00 p.m.

Excerpt of Complete Agenda

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the minutes of May 6, 2019.

JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00062) (District 1)

JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential). The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00063) (District 1)

Kim Rezanka thanked Mr. Minneboo for his service to Brevard County and the Planning and Zoning Board for the last 15 years. She began her presentation by stating she and her clients held a meeting with the neighbors, who raised several issues, such as buffering, retention, access issues, and privacy issues. She stated her clients would like to do more research, and they'd like to get a topographical survey. She noted they have learned that six of the 10 acres of the subject property are wetlands, which has changed the request from duplexes to townhomes, and they need to know how many units they really need in order to know if they even need a change of land use. She stated in addition to those reasons, her client is ill and is not able to be present. She asked for a continuance of the requests until the August 5th Planning and Zoning meeting so they can get more information for the neighbors.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to table both items to the August, 2019 Planning and Zoning meeting. The vote was unanimous.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 5, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Bartcher, Rochelle Lawandales; Ben Glover; Ron McLellan; Mark Wadsworth; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Amanda Elmore, Interim Planning and Zoning Manager; Tad Calkins, Planning and Development Director; Jad Brewer, Assistant County Attorney; Paul Body, Planner II, and Jennifer Jones, Special Projects Coordinator II.

Excerpt from Complete Minutes

5. JSFS Land Trust, Jacob Shapiro and Faye Shapiro, as Trustees (Kim Rezanka):

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00062) (District 1) This item was tabled from the July 8, 2019, Planning and Zoning meeting at the request of the applicant.

6. JSFS Land Trust, Jacob Shapiro and Faye Shapiro, as Trustees (Kim Rezanka):

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential). The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00063) (District 1) This item was tabled from the July 8, 2019, Planning and Zoning meeting at the request of the applicant.

The board heard both the small scale comprehensive plan amendment and the rezoning request simultaneously. Any documents submitted by the applicant or the public can be found in file 19PZ00063, located in the Planning and Development Department.

Kim Rezanka, Cantwell and Goldman, P.A., 96 Willard Street, Cocoa, stated the subject property is unique and previous owners have never attempted to develop; there is sewer that will be brought to the project, and it does have access to city water. She stated the reason they do not have a topographical survey yet is because of the weather, but an environmental engineer has looked at portions of the site and have found that of 9.79 acres, 6.1 of them are wetlands, so it is a very difficult site to develop. She said the initial plan was for duplexes, but because of the immense amount of wetlands it's not possible to do that. She said the lot is heavily wooded and is the last residential area to be developed; the lot is on a county road, which is Ranch Road, and it is a stabilized road, but not a paved road; it's a bumpy dirt and rock road. She stated the proposal is for townhomes. (Ms. Rezanka submitted a proposed concept plan to the board and staff). She continued by stating the concept plan was provided to citizens at a community meeting on June 25th. She stated the access will be split around the wetlands; there will be three buildings on the east side and three buildings on the west side, and it will be transgressed through the wetlands to make the project possible. She said the most they believe that can be built is 49 units, which is why they are requesting a change to the Comprehensive Plan to Residential 6 to make it a feasible development with townhomes. She stated it will take 1,400 feet of roadway on site, and it will be built up with retaining walls. She said the project will be single-family, and each townhome will be under its own ownership, and the prices are anticipated to be between \$250,000 and \$300,000. She said the current RRMH-1 zoning is

inconsistent with the current Residential 4 Future Land Use, and as the staff report states, this was rezoned in the '70's, and nothing has been attempted to be built on the property. She stated one-acre lots cannot be built on the property because of the wetlands. She said the owners are willing to enter into a binding development plan to limit development to 49 units, and even that will be tough, but that is what the developer is asking. She said there were approximately 40 neighbors present at the community meeting who were interested and concerned about how the property would be developed; they are concerned about traffic, buffering and privacy, property values, and access. There are approximately 9 homes that will be able to see the two-story townhomes; and the traffic will not go through the Cypress Wood subdivision. She stated she is still working on the access issue with the County; on July 9th she sent a request to the County for information, and she has not yet received a response. She stated the trips would be reduced with a maximum of 49 from the 58 that would be potential, and it is 460 trips as opposed to the 552 projected trips. She stated the project will provide housing options, and the housing comprehensive plan states that Brevard County shall ensure there is housing available other than single-family homes. She said the shape and physical characteristics of the property make it unique and should be considered in determining the reasonableness of the zoning classification, and changes of conditions can justify a rezoning. She said non-development because of wetlands can be a change of condition, or a condition that is unexpected, to justify a rezoning. She said the project is an in-fill project and has extenuating circumstances, and because it hasn't been developed, that is the reason for the request.

Ron Bartcher asked the proposed size of the townhomes. Ms. Rezanka replied 1,500 square feet to 2,200 square feet; they will be as big, if not bigger, than the homes next to them.

Bruce Moia stated the current zoning of RRMH-1 (Rural Residential Mobile Home) could be mobile homes, and the requested RA-2-6 is good because it is ownership as opposed to renter multi-family, and that is more desirable than mobile homes. He said he is very familiar with the property because he was originally involved in Cypress Woods when it was developed, and the property is completely in an isolated flood plain, so the developer has his work cut out for him to try to get compensated storage because of the wetlands. He assumes Ranch Road will be required to be paved in order to get access to the development. Ms. Rezanka stated that is the issue they are having, and all the County Code requires is that it has access onto a paved road, which it does off of Falk Avenue directly to the south; there is nothing in the Code that says you cannot access off of a local road, and that's what she is waiting on clarification from the County. Mr. Moia asked if the developer wants to go directly south for access, and asked where that road goes. Ms. Rezanka replied it meets Everett Street, which goes to Grissom Parkway. Mr. Moia stated Ranch Road doesn't have any houses that have access, for the most part. Ms. Rezanka replied no, not legal access.

Public comment:

Linda Donoghue, Cypress Woods, stated the neighborhood is not against the project, nor are they in favor of it, they are just concerned with drainage, barriers, and townhomes looking over their homes into their backyards. She stated the developer of the nearby storage unit project is proposing an 18-foot barrier, and she hopes that is the case with the townhome developer. She stated people need to know that the access will not be from Ranch Road, but will be off of the side street. She said Cypress Woods has had a lot of flooding, so having barriers between Cypress Woods is important. She said she is not concerned with townhomes because unless they are affecting the homes in Cypress Woods, it could be a good thing. She asked the height of the proposed townhomes.

Peter Filiberto replied the height will be 35 feet maximum.

Ms. Donoghue asked if there is a specific barrier requirement. Mr. Filiberto replied there seems to be a vegetative barrier. Mr. Moia stated single-family to single-family does not require a buffer. Ms. Elmore responded the Natural Resources Management Office would not require a vegetative buffer between the residential uses, but there is a subdivision buffer in the Land Development Code. She said regarding height, the townhomes could be 45 feet with additional breezeway requirements, so it would be between 35 feet and potentially 45 feet if they can meet additional breezeway requirements, but the applicant stated 35 feet was the intent. Mr. Moia stated there will be a 15-foot buffer tract requirement around the property. Ms. Donoghue stated the homeowners in Cypress Wood are against the project if there is not a buffer.

Ms. Elmore clarified that the townhomes would be limited to 35 feet because it will be single-family abutting single-family. Ms. Lawandales asked the size requirement for a buffer. Mr. Body replied a 15-foot buffer.

Christine Barber, 7565 Fringe Place, Cypress Woods, stated her property backs up to the proposed development. She said Port Saint John is a single-family residential community; the only multi-family development is east of the Indian River. She said the neighbors she has spoken to do not want the development because they will lose their privacy. She said single-family homes cannot be compared to townhomes. She said there is a lot of flooding in Cypress Woods because of the wetlands on the subject property; when there is a hurricane the retention ponds drain into the ditch along Ranch Road when they overflow; and that ditch has never been able to keep up with the drainage. If the proposed project is brought into a wetlands area, it will impact the area. She said the neighbors were told at an informational meeting that if the project was approved they would give the neighbors a 35-foot barrier of trees. She noted there are no two-story homes in Cypress Woods, so there will be a privacy issue. She said the biggest issue is the flooding, and stated she would prefer to see mobile homes because they are not two-story and it would be less of an impact on the wetlands.

Tom Wells, 7586 Fringe Place, stated he is opposed to the project as it is out of character for the surrounding neighborhood. He asked where the nearest development is that is close to what the developer is proposing, because he is not aware of any. (Mr. Wells provided a handout to the board and staff). He said the neighbors were told the developer would pave Ranch Road as the access to the project, and he is proposing the access be on the easterly boundary. He noted the developer's proposal also makes use of their ability to buy into use of wetlands, which is something he objects to, because it's an inadequate approach. He said the drainage on Ranch Road is not adequate and the proposed development would add to the problem. He stated the developer shouldn't be able to use the wetlands to create the numbers to allow them to build whatever they want on the uplands; the developer is going into the wetlands, but the buyout is not going to help the drainage situation, it will exacerbate it. He said it is improper to allow them to not make use of what's there and not get into an arithmetic game of using a buyout to increase their number of units.

Ms. Lawandales stated under RA-2-6, it looks like there is a perimeter setback of 25 feet. Mr. Body replied the perimeter setback is 25 feet. Mr. Moia stated that would be a building setback and not landscaping. Mr. Filiberto asked if it was 15 feet plus 25 feet, or 25 feet total. Ms. Lawandales replied it would be 25 feet total. Tad Calkins clarified it would be a 25-foot total perimeter setback; the 15-foot buffer tract that was mentioned earlier would be inside the 25 feet. Ms. Lawandales stated the 15 feet would go away and it would essentially be 25 feet. Mr. Calkins stated the 15 feet would be a tract that

has to be in its natural state, so the remaining 10 feet would be able to be impacted in some way. Mr. Moia asked the rear setback for the lots. Mr. Body replied its 25 feet for the perimeter setback, and the setback for interior lots is 20 feet, except for screen enclosures which have a setback of not less than 10 feet. Mr. Calkins stated it would be a 35-foot setback from the property line, except for screen enclosures.

Ms. Rezanka stated Ms. Barber is Lot 10 and that area of the subject property will not be developed, and it also cannot be used for retention, so that can be part of the binding development plan as well. She said regarding the flooding and drainage, both of those will have to be addressed at site planning. She said the flooding will not increase and the drainage will not change towards Cypress Woods. The developer does not want to impact wetlands, but they do not know where the roads are going to be at this point. As to the wetlands, there is a nominal amount that can be impacted by the Code and Comprehensive Plan at 1.8%, and that would have to be mitigated, but the developer cannot buy six acres of wetland credits. She said she would ask that the board approve the density change to Residential 6 and the rezoning to RA-2-6 (Single-Family Attached Residential), with a binding development plan limiting density to 49 units and prohibiting development of the area on the western portion of the property marked 425 on the proposed concept plan. She noted the concept plan is not final, but it does depict the area marked 425 as to what they would stipulate that there will be no development in that area because of the wetlands.

Mr. Moia stated the request is for 49 attached residential units as opposed to what could be developed today, which could be 39 mobile home units. Ms. Rezanka stated they would have to request a rezoning because right now the zoning is inconsistent with the Future Land Use, so it could be nine mobile homes because of the one-acre lot requirement in that zoning classification.

Ms. Lawandales stated in the Comprehensive Plan there are certain criteria that have to be met in order to consider a change of land use classification from Residential 4 to Residential 6, and noted she has not heard any testimony that addresses that criteria. Ms. Elmore stated the Residential 6 designation is a transition in density between higher urbanized areas and more intensity land uses. Residential 6 permits a maximum density of up to six units per acre except as otherwise may be provided in the Future Land Use Element.

Ms. Rezanka stated she believes the Comprehensive Plan has specific provisions for in-fill development. Mr. Calkins stated staff would not consider the development as in-fill because it talks about transition and the siting requirement talks specifically about it being a transition between more intense land uses to less intense, and in the area the land use is Residential 4, and there is no other intensity or a different transition between the two.

Dane Theodore stated the concept plan shows the road coming off of Ranch Road, and asked if there is any intention to not do that. Ms. Rezanka stated at this point the County will not allow the subdivision to be off of a non-paved road; Ranch Road is a stabilized road which residents use now; however, County Code merely states it has to be off of a paved road. At this point, she does not have clarification from the County as to whether Ranch Road has to be paved, so at this point it is connected to Falk Avenue until she gets additional information.

Mr. Theodore addressed Mr. Moia and stated Ms. Rezanka said they were obligated to receive historical runoff onto the site from neighbors, and asked if that was correct. Mr. Moia replied yes, and they cannot have any drainage that comes off of their property. Mr. Theodore stated they would not

block flow from adjacent homes. Mr. Moia stated that is correct. Mr. Theodore stated the request is for Residential 6 which is kind of a spot zoning, and Residential 4 will get the developer 39 or so units, and the developer deems that not sufficient. Ms. Rezanka stated originally the developer though they could get 58 units, but after getting the preliminary wetlands, they went to 49 units. She stated she does not think it is spot zoning.

Ms. Lawandales asked if there will be seven units in each building. Ms. Rezanka replied yes, that is correct.

Ms. Rezanka stated regarding Residential 6, the Comprehensive Plan is a policy decision, and it even states in Policy 6, "May be considered for lands within the following generalized locations", and she believes that based upon the condition of the subject property, and the fact that it hasn't been developed because of the wetlands, that it can be changed to Residential 6. She said she does believe it is infill development, and she would cite the Housing Comprehensive Plan which states Objective 4 is to have adequate lands for residential land uses in a wide variety of housing types. She said there are probably no townhomes in Port Saint John, but a half-mile north in Titusville there are townhomes along U.S. 1, so there are other developments in the area that are townhomes.

Ms. Lawandales stated the easiest thing to have happen is that the applicant live with the Residential 4 and they develop as RA-2-4, or RU-2-4; either of those zoning classifications allow the ability to build an attached unit, but it's at a much more reasonable number. She asked if there is an opportunity for Ms. Rezanka's client to consider that in moving forward. Ms. Rezanka replied her client has asked for Residential 6 and RA-2-6, and the board can deny that and recommend RA-2-4, but she believes the evidence for the request of RA-2-6 is adequate and necessary because of the unique criteria of the property.

Ms. Lawandales stated she doesn't have a problem with the property being developed, and she doesn't have a problem with townhomes; the land can be made suitable for development without impacting the surrounding areas, but she cannot support Residential 6. She said the entire area is Residential 4 and there is ample opportunity using an existing zoning classification of RA-2-4 or RU-2-4 that would give them the ability to have 39 units and that's probably the carrying capacity of the property.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to deny the Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6 based on inconsistency with the criteria to change to Residential 6.

Mr. Moia stated the current zoning of RRMH-1 is a spot zoning; the project will be difficult to develop; they will be limited by Code for the wetlands impact, which means they will probably have to build bridges to cross the wetlands, and the expense of that would basically kill the project. The tradeoff for having an increased density and ensuring a single-family product would be better than the possibility of a multi-family rental property. Between the flood plain conservation, the wetlands, and the sheer expense of what they will have to do to ensure they there are no drainage impacts, if they don't get some density to make this project a reality, it's never going to happen. The offset of single-family as opposed to multi-family rental is worth the extra 10 units.

Ms. Lawandales stated she is in favor of the attached single-family versus multi-family, but she thinks 49 is a big number and its inconsistent with the Comprehensive Plan. Mr. Moia stated having mobile homes on the property would de-value the surrounding properties.

Mr. Filiberto called for a vote on the motion as stated, and it failed 3:5, with McLellan, Wadsworth, Moia, Glover, and Filiberto voting nay.

Motion by Bruce Moia, seconded by Ben Glover, to approve the Small Scale Comprehensive Plan Amendment from Residential 4 to Residential 6. The motion passed 5:3, with Rochelle Lawandales, Dane Theodore, and Ron Bartcher, voting nay.

Motion by Bruce Moia, seconded by Ron McLellan, to approve the requested change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential) with a BDP (Binding Development Plan) limited to a maximum 49 units, the area marked as 425 on the conceptual plan submitted 08/05/19 shall not be developed and shall be left in its natural state, and that access be on Falk Road. The motion passed 6:2, with Rochelle Lawandales and Ron Bartcher voting nay.