



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

5/5/2022

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 4 (Residential 4).

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. 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. See attached addendum.

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

On April 7, 2022, the Board of County Commissioners remanded the request back to the Local Planning Agency meeting, on April 18, 2022, at the request of the applicant.

On April 18, 2022, the Local Planning Agency voted 10:1 to approve the requested RES 4 Future Land Use designation.

Clerk to the Board Instructions:

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 10, 2022

Honorable Rachel M. Sadoff
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-15, which was filed in this office on May 10, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/mas



May 6, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.7., Small Scale Comprehensive Plan Amendment (22S.02) to Change the Future Land Use Designation from Residential 1 (RES) to RES 4 (22PZ00003)

The Board of County Commissioners, in regular session on May 5, 2022, conducted the public hearing and adopted Ordinance No. 22-15, setting forth the seventh Small Scale Comprehensive Plan Amendment of 2022, (22S.02), changing the Future Land Use designation from Residential 1 to Residential 4. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Donna Scott
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

ORDINANCE NO. 22- 15

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

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON MAY 10, 2022.

WHEREAS, on April 18, 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 May 5, 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,

H7
2/2

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 5 day of May, 2022.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


By: _____
Kristine Zonka, Chair

As approved by the Board on May 5, 2022.

EXHIBIT A
22S.02 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

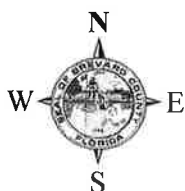
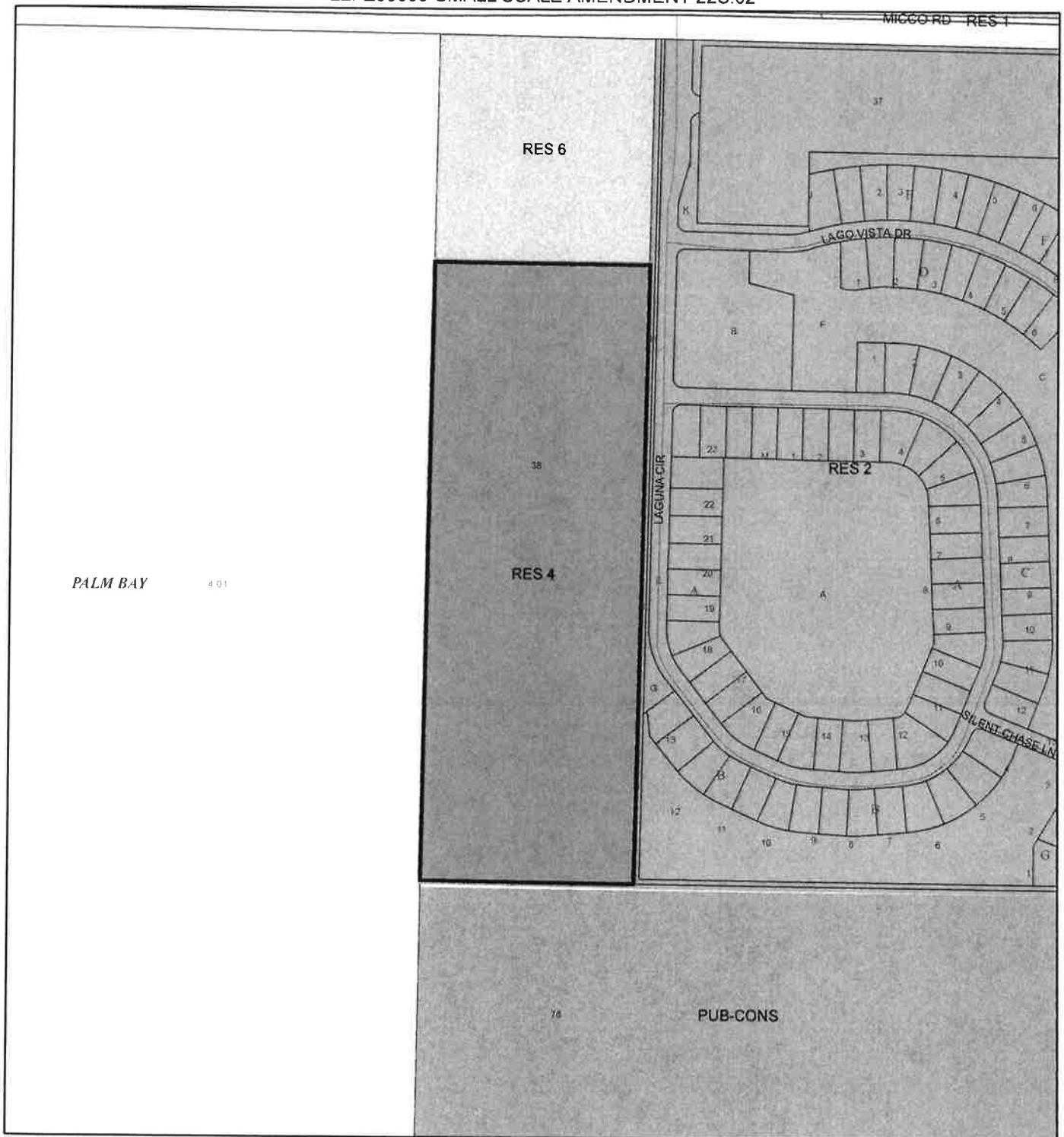
Contents

1. Proposed Future Land Use Map

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

PUBLIC HEARING NOTICE

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 (Blending 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 04, 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, Miami).

DISTRICT 2 2. (22200002) CLAIR JOHN JAUSSE AND JANET HAMILTON JAUSSE REVOCABLE TRUST request a CUP (Conditional Use Permit) for goats, on property described as follows: A portion of Section 22, Township 24S, Range 36E, 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, a distance of 501deg46'55"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 1,100.91 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) S88deg20'41"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) S24deg48'11"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) S23deg14'15"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) Northwestwardly 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. (1658 N. Tropical Trail, Merritt Island).

3. (21PZ00089) STORSAFE 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) STORSAFE OF ROCKLEDGE, LLC requests a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to RU-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. (22PZ00003) 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 with the centerline of a 26-ft. wide canal; the following six courses are along the center line 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 281.88 ft.; thence run N61deg57'04"W, a distance of 361.59 ft.; thence run N84deg23'53"W, a distance of 240.82 ft.; thence run S89deg13'20"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 run 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; thence run 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. Barry'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.)

DISTRICT 1 7. (22200005) BRIAN G. & DEBRA S. LAWSON (Kim Rezanika) request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential) with a BDP (Binding Development Plan) on property described as follows: Lot 4, Block 14, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida; and Lots 2, 3, 5, 23, 24, 25, and 26, Block 16, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida, Section 35, Township 23, Range 35, (11.80 +/- acres) Located on the west side of Grissom Pkwy., approx. 620 ft. south of Perouka Lane, (Lot 23 = 4680 Grissom Pkwy., Cocoa; Lot 25 = 4700 Grissom Pkwy., Cocoa; Remaining Lots = No assigned address. In the Cocoa area.)

DISTRICT 2 8. (22200002) JOHN JOHANSON requests a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on property described as Lots 6, 7, and 8, Block 8, Riverbend, according to the map or plat thereof, as recorded in Plat Book 3, Page 56, of the Public Records of Brevard County, Florida, Section 02, Township 25, Range 36, (0.65 acres) Located on the northwest corner of S. Tropical Trail and Victoria Street, (887 S. Tropical Trail, Merritt Island) 9. (21200050) **SOUTH BEACH COVE DEVELOPMENT CORP. AND ROBERT A. BAUGHER, TRUSTEE** (David Menzel) request a change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) to BU-1 (General Retail Commercial), on property described as follows: A parcel of land located in Government Lot 1 of Section 26, Township 25S, Range 37E, being a part of the lands described in ORB 3419, Page 1288, Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the point of intersection of the westerly right-of-way line of S.R. A1A with the south line of the subdivision known as the Plat of Burchfield's and Bruner's Addition to Crescent Beach, as shown by the plat recorded in Deed Book V, Page 694, and transcribed to Plat Book 1, Page 38, Public Records of Brevard County, Florida, which point is 1,825.80 ft. south of the north line of Section 26; thence along said westerly right-of-way line and along the arc of a radial circular curve concave to the west having a radius of 1,880 ft. and a central angle of 01deg36'11" for an arc distance of 52.04 ft. (chord bearing: S15deg24'28"E, chord distance: 52.04 ft.) to the point of beginning; thence N89deg18'49"W, a distance of 144.73 ft.; thence S00deg41'11"W, a distance of 176.78 ft. to the south line of the lands described in aforesaid ORB 3419, Page 1288; thence S89deg18'49"E, along said south line, a distance of 183.93 ft. to said westerly right-of-way line of S.R. A1A; thence along said westerly right-of-way line along the arc of a radial circular curve concave to the west having a radius of 1,880.08 ft. and a central angle of 05deg34'47" for an arc distance of 181.14 ft. (chord bearing: N11deg08'59"W, chord distance: 181.07 ft.) to the point of beginning. (0.67 acres) Located on the west side of S. Orlando Ave., approx. 185 ft. north of Crescent Beach Dr. (2206 & 2210 S. Atlantic Ave., Cocoa Beach) **DISTRICT 4**

10. (21200095) **MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC.** (Vaheed Teimouri) requests a Small Scale Comprehensive Plan Amendment (215.11), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108; of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida, Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.11: 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.

11. (21200049) **MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC.** (Vaheed Teimouri) request a change of zoning classification from RU-1-A (Restricted Neighborhood Commercial) to BU-1 (General Retail Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108, of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida, Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge)

DISTRICT 1 12. (22200001) THE HEATHER CALLIGAN TRUST (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (225.01) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4), on property described as a portion of land lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, being more particularly described as follows: Parcel R-1: Commencing at the SW corner of said Section 13; thence N89deg27'18"E along the south line of said Section 13, a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 275.48 ft. to an intersection with the south right-of-way line of Hammock Trail as described in ORB

Notice of Meetings

1212, Page 917 of the Public Records of Brevard County, Florida; thence N57deg09'30"E along said south right-of-way line a distance of 372.95 ft.; thence S00deg00'00"E a distance of 474.76 ft. to an intersection with the said south line of Section 13; thence S89deg27'18"W along said south line a distance of 313.35 ft. to the point of beginning. Containing 117,539.22 square feet, or 2.6983 acres, more or less. Together with Parcel R-2: Commencing at the SW corner of said Section 13; thence N00deg00'00"E along the west line of said Section 13 a distance of 394.82 ft.; thence N94deg00'00"E a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 834.74 ft. to an intersection with that certain property described in ORB 2674, Page 2777, of the Public Records of Brevard County, Florida; thence N89deg20'20"E along said property a distance of 133 ft.; thence N58deg49'19"E along said property a distance of 69.61 ft.; thence N00deg00'00"E along said property a distance of 82.85 ft. to an intersection with the south line of Bar C Ranches Subdivision as recorded in Plat Book 24, Page 58 of the Public Records of Brevard County, Florida; thence N89deg20'20"E along said south line a distance of 120.80 ft.; thence S00deg00'00"E a distance of 687.98 ft. to an intersection with the north right-of-way line of Hammock Trail as described in ORB 1212, Page 917, of the Public Records of Brevard County, Florida; thence S34deg59'40"W along said north right-of-way line a distance of 102.71 ft.; thence S57deg09'30"W along said north right-of-way line a distance of 302.84 ft. to the point of beginning. Containing 241,968.16 square feet, or 5.55 acres, more or less. (8.25 acres total) Located on the northeast corner of Turpentine Rd. and Wherry Rd., on the north and south sides of Hammock Trail. (No assigned address. In the Mims area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 225.01: 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.

DISTRICT 5 13. (22200006) NORFOLK PARKWAY, LLC (Bruce Molai) requests a change of zoning classification from GU (General Use) with CUP (Conditional Use Permit) for Tower & Antenna to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of CUP for Tower & Antenna, on property described as follows: A portion of the lands described in ORB 3277, Page 924, of the Public Records of Brevard County, Florida, said lands lying in Section 15, Township 28S, Range 36E, and being more particularly described as follows: Beginning at the SW corner of Tract ST-1, Sawgrass Lakes Phase One, according to the plat thereof, as recorded in Plat Book 60, Pages 52 - 62 of the said public records, said point being the Point of Beginning; thence S89deg32'31"W, along the north right-of-way line of Norfolk Parkway, per said Sawgrass Lakes Phase One, a distance of 662.33 ft. to the easterly line of said Sawgrass Lakes Phase One; thence N01deg30'06"E, along said east line, a distance of 1,151.77 ft.; thence leaving said line, N89deg32'54"E, a distance of 682.19 ft. to the east line of Parcel 1 of said ORB 3277, Page 924; thence S01deg29'41"W, along the east line of said Parcel 1 and the east line of Parcel 2 of ORB 3277, Page 924, a distance of 1,191.69 ft. to the Point of Beginning. (17.5 acres) Located on the north side of Norfolk Pkwy., approx. 1,200 ft. west of Minton Road, (Parcel 755 - 3545 Carnegie Gate Dr. Unit Tower, Melbourne; Parcel 758 (part) = No assigned address. In the Melbourne area.)

Public Hearing before the Planning and Zoning Board/Local Planning Agency will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on **MONDAY, MARCH 14, 2022, at 3:00 p.m.** A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on **THURSDAY, APRIL 7, 2022, at 5:00 p.m.** All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at these meetings or hearings, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director, By: Jennifer Jones, Special Projects Coordinator.

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.

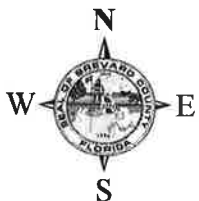
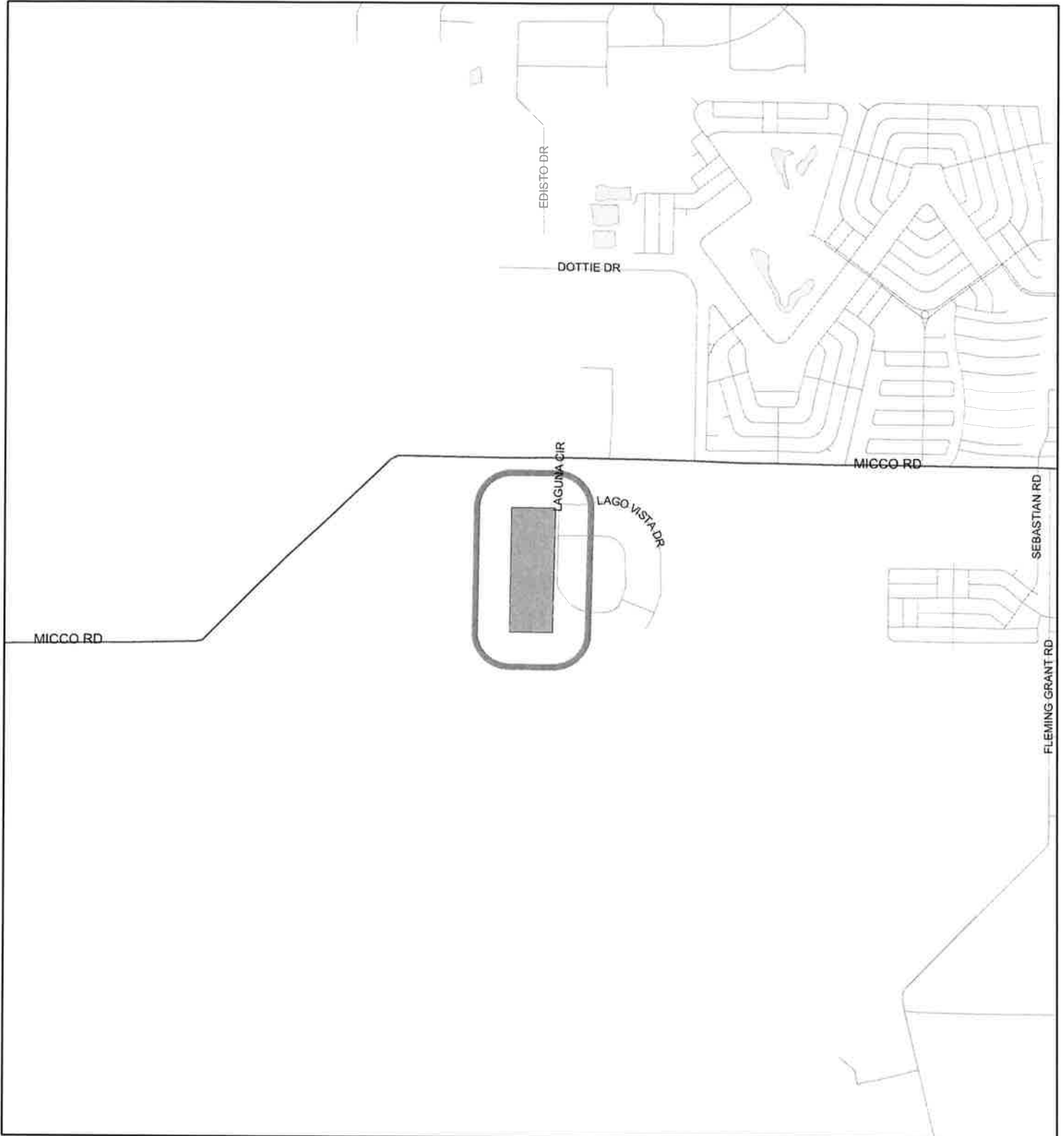
Protected Species

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

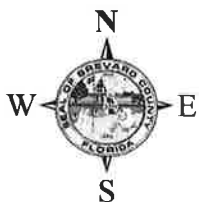
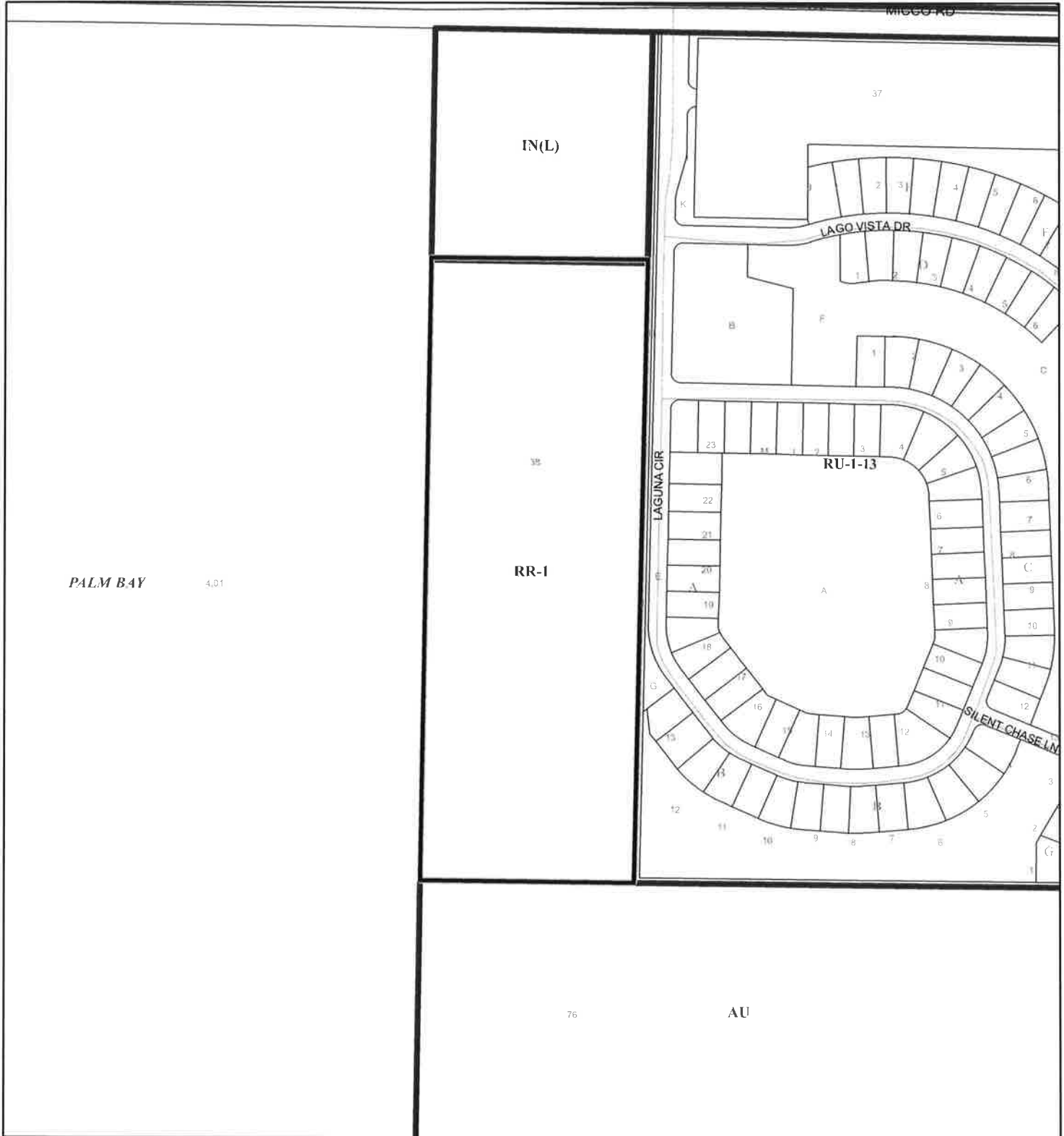
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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.

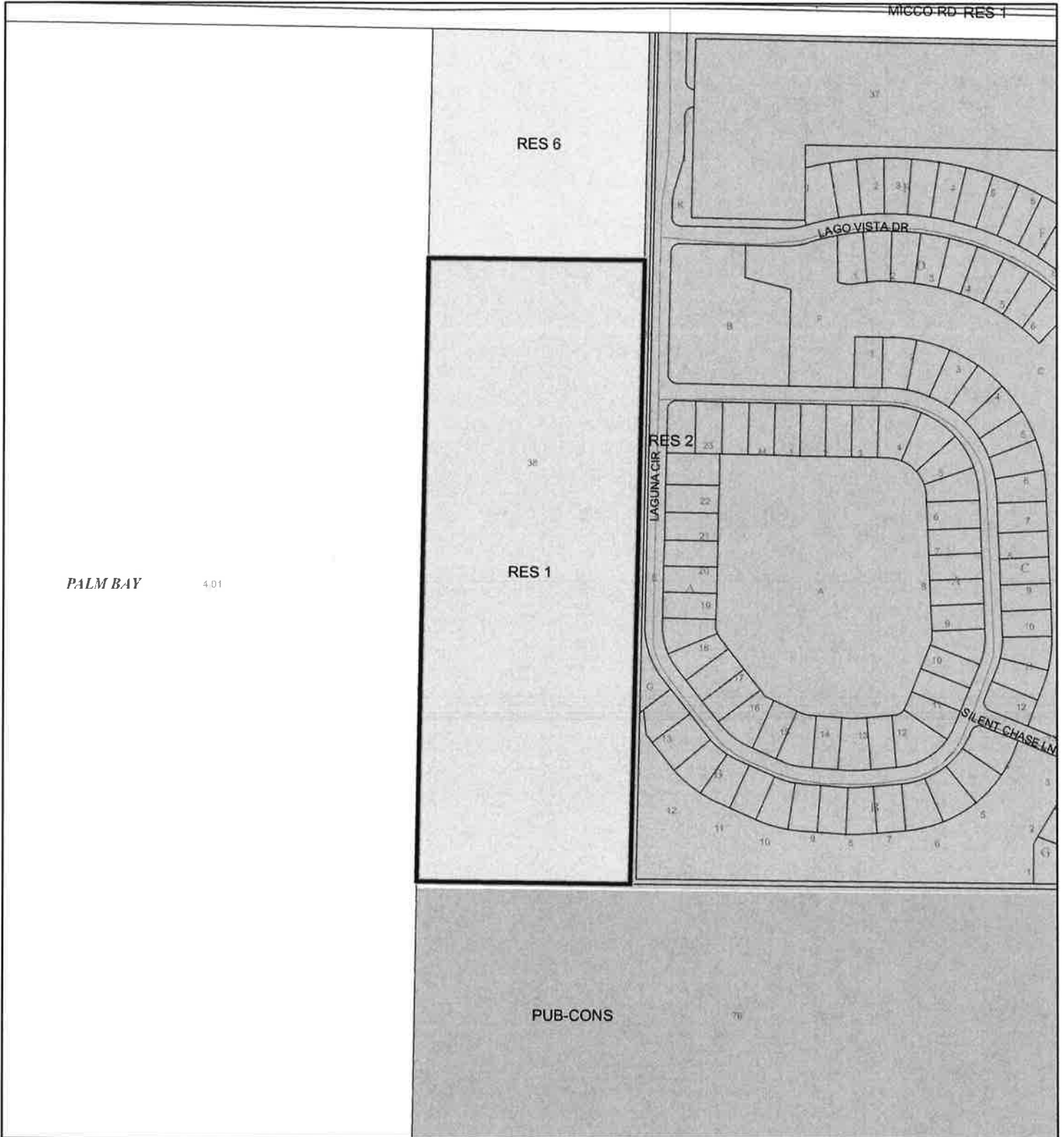
Produced by BoCC - GIS Date: 1/21/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



MCCO RD RES 1

PALM BAY

4.01

RES 6

RES 1

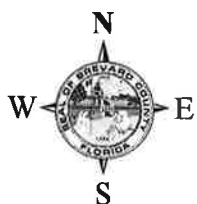
RES 2

PUB-CONS

LAGO VISTA DR

LAGUNA CIR

SILENT CHASE LN



1:4,800 or 1 inch = 400 feet

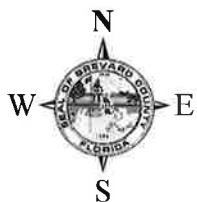
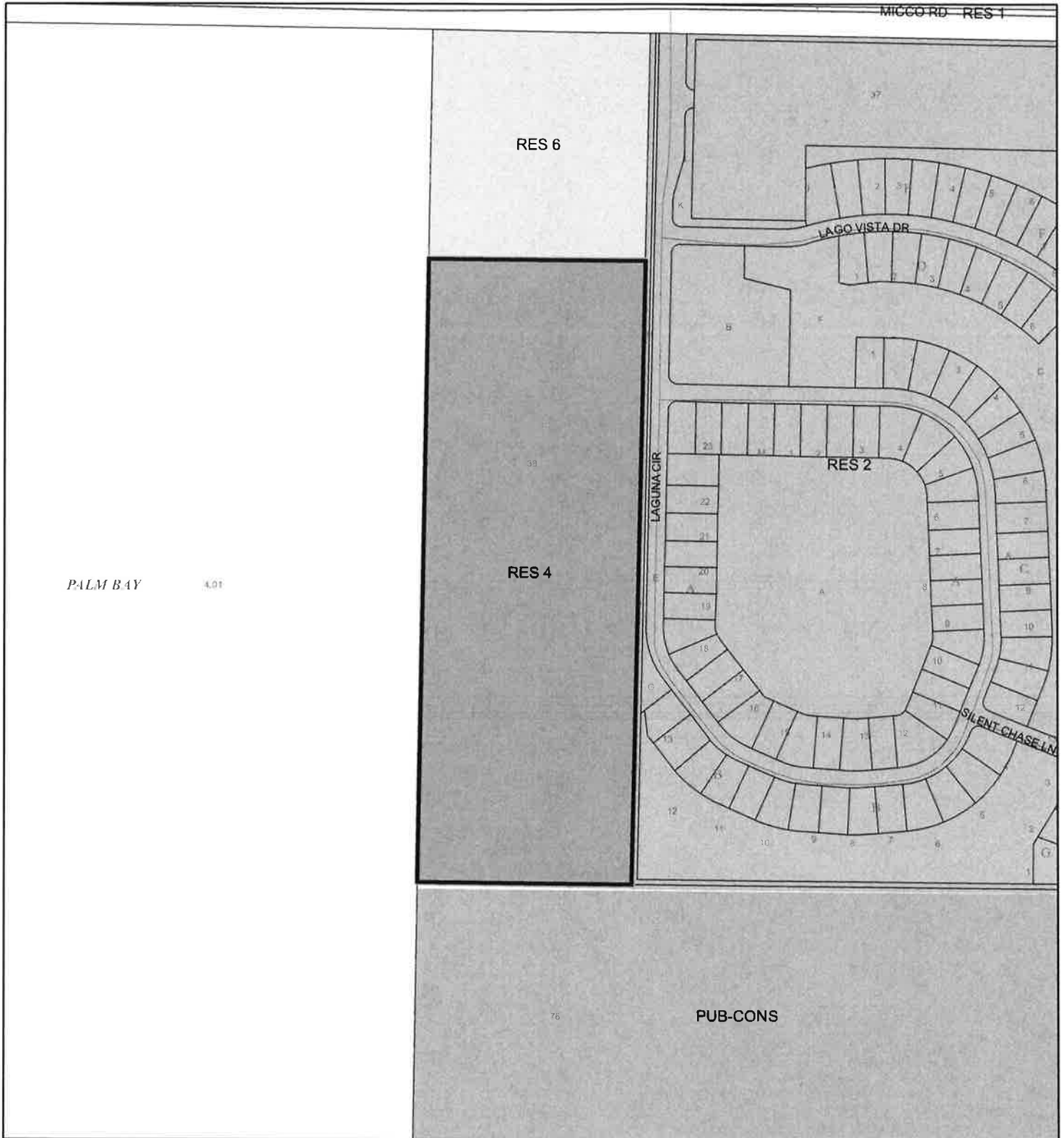
— Subject Property
 □ Parcels

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

PROPOSED FUTURE LAND USE 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.

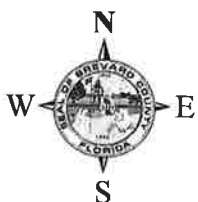
Produced by BoCC - GIS Date: 1/20/2022

— Subject Property
□ Parcels

AERIAL MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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

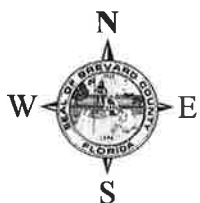
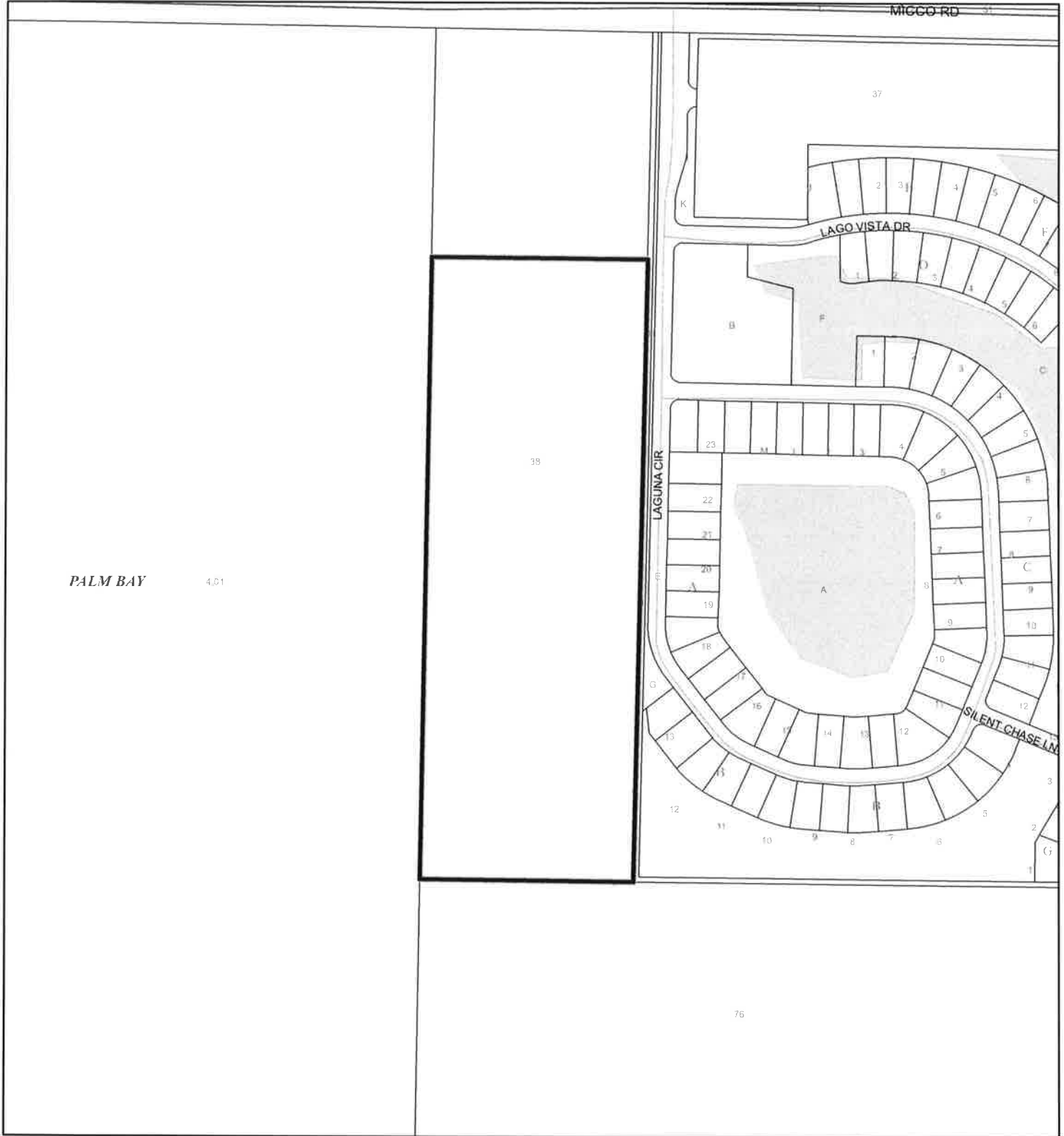
Produced by BoCC - GIS Date: 1/20/2022

 Subject Property
 Parcels

NWI WETLANDS 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

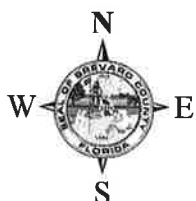
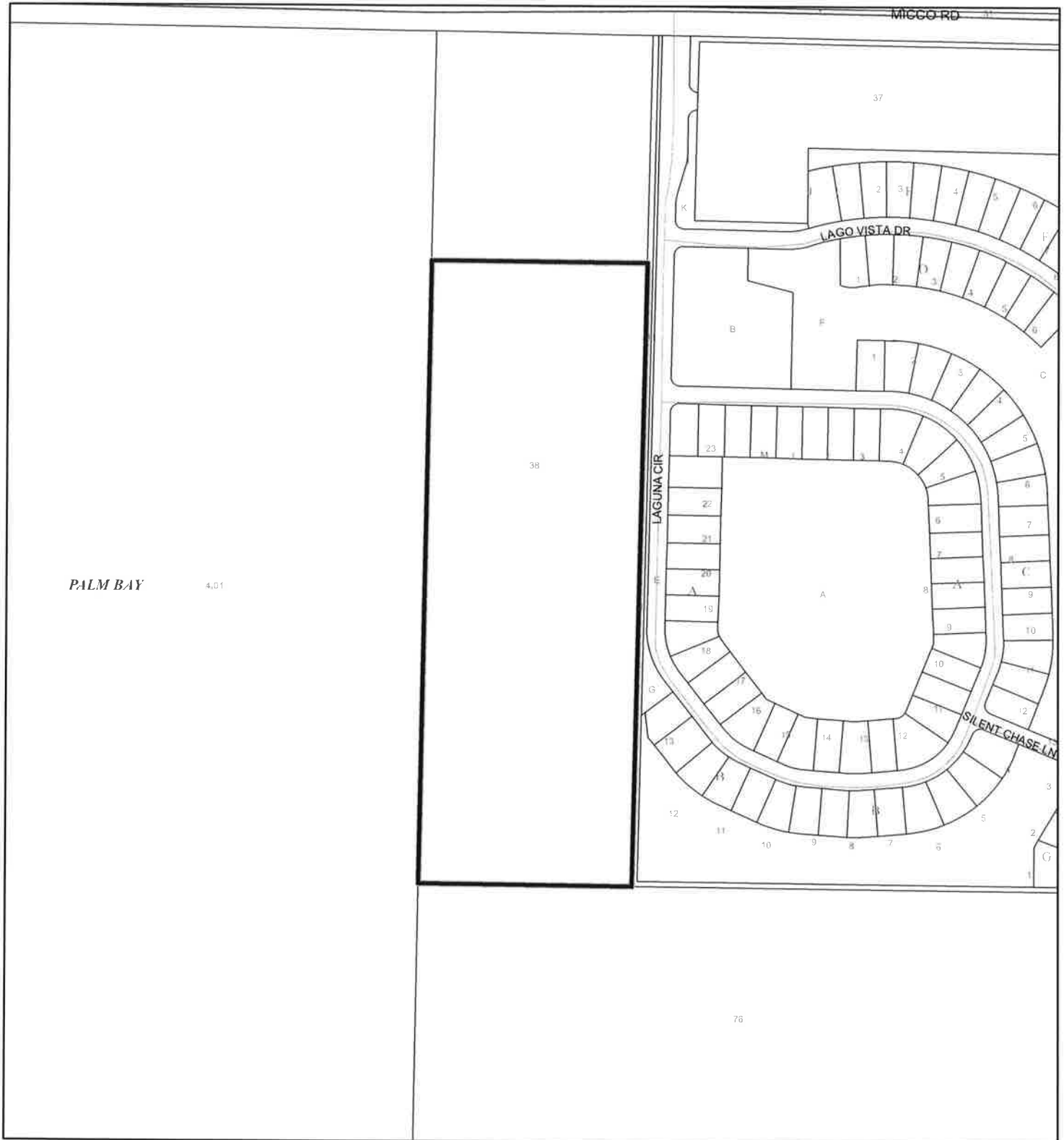
National Wetlands Inventory (NWI)

	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

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 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

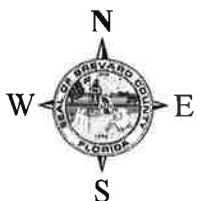
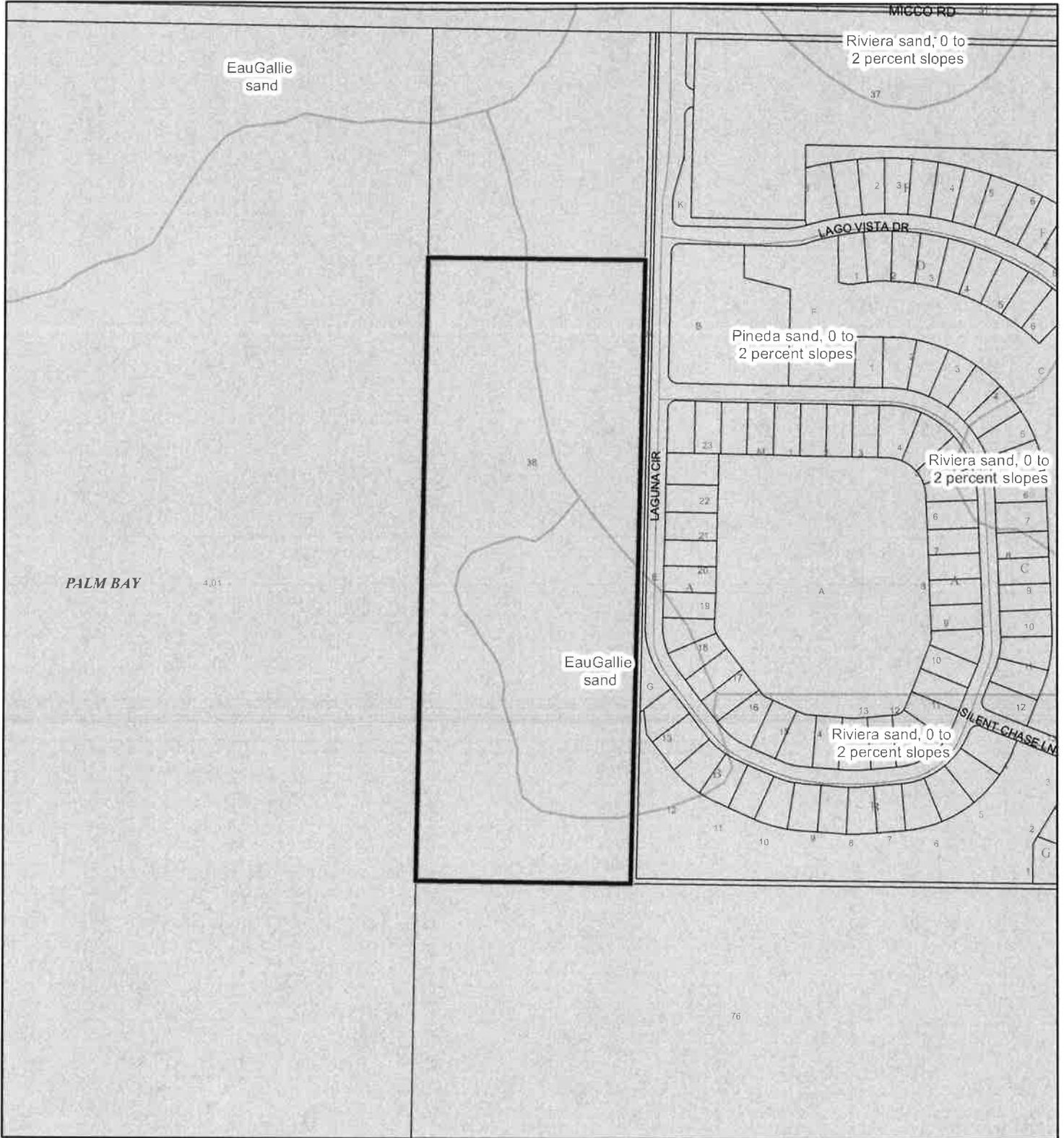
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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

USDA SCSSS Soils

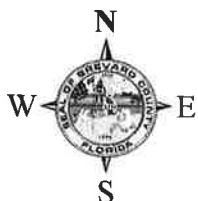
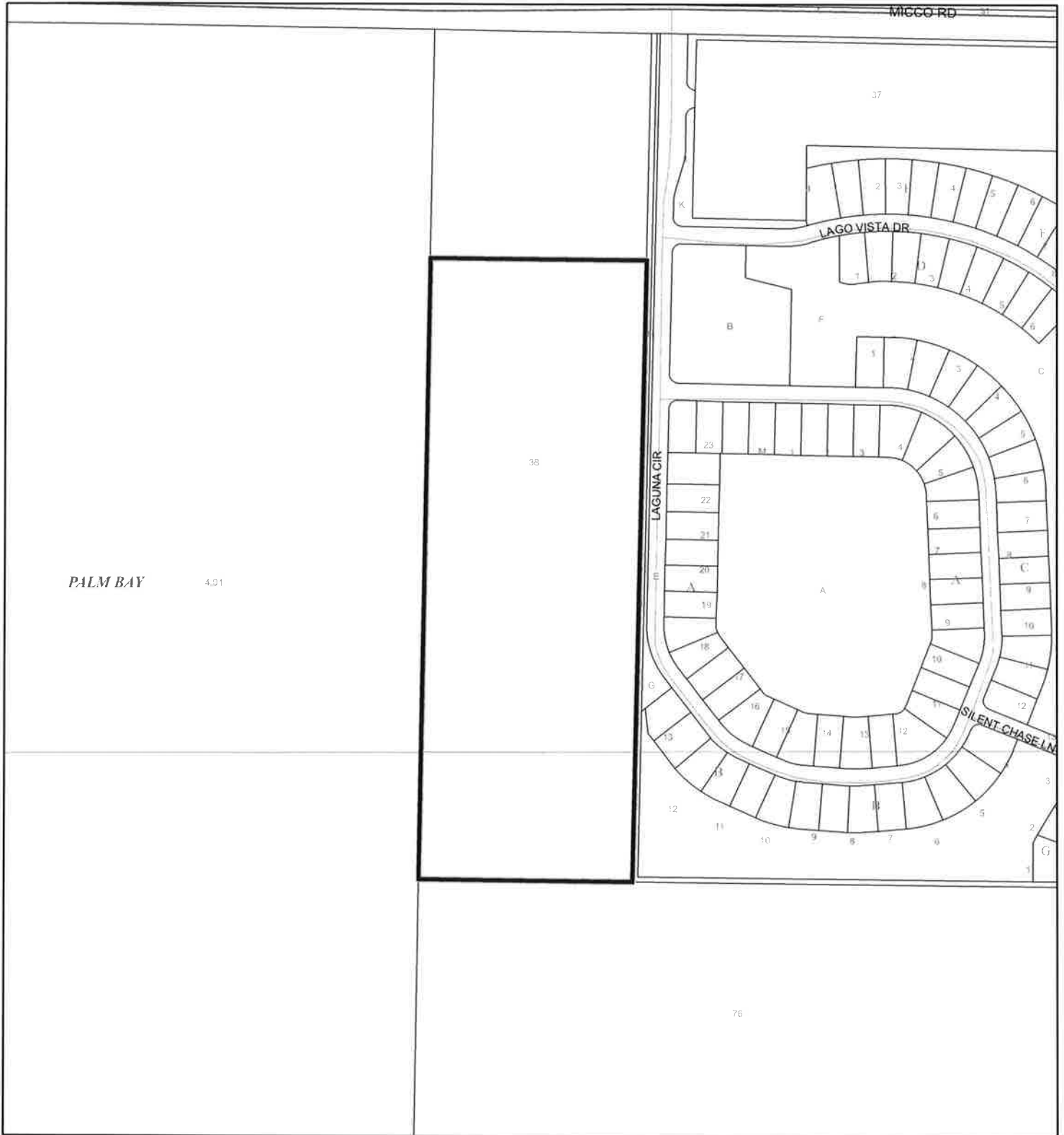
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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

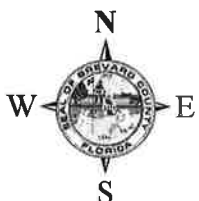
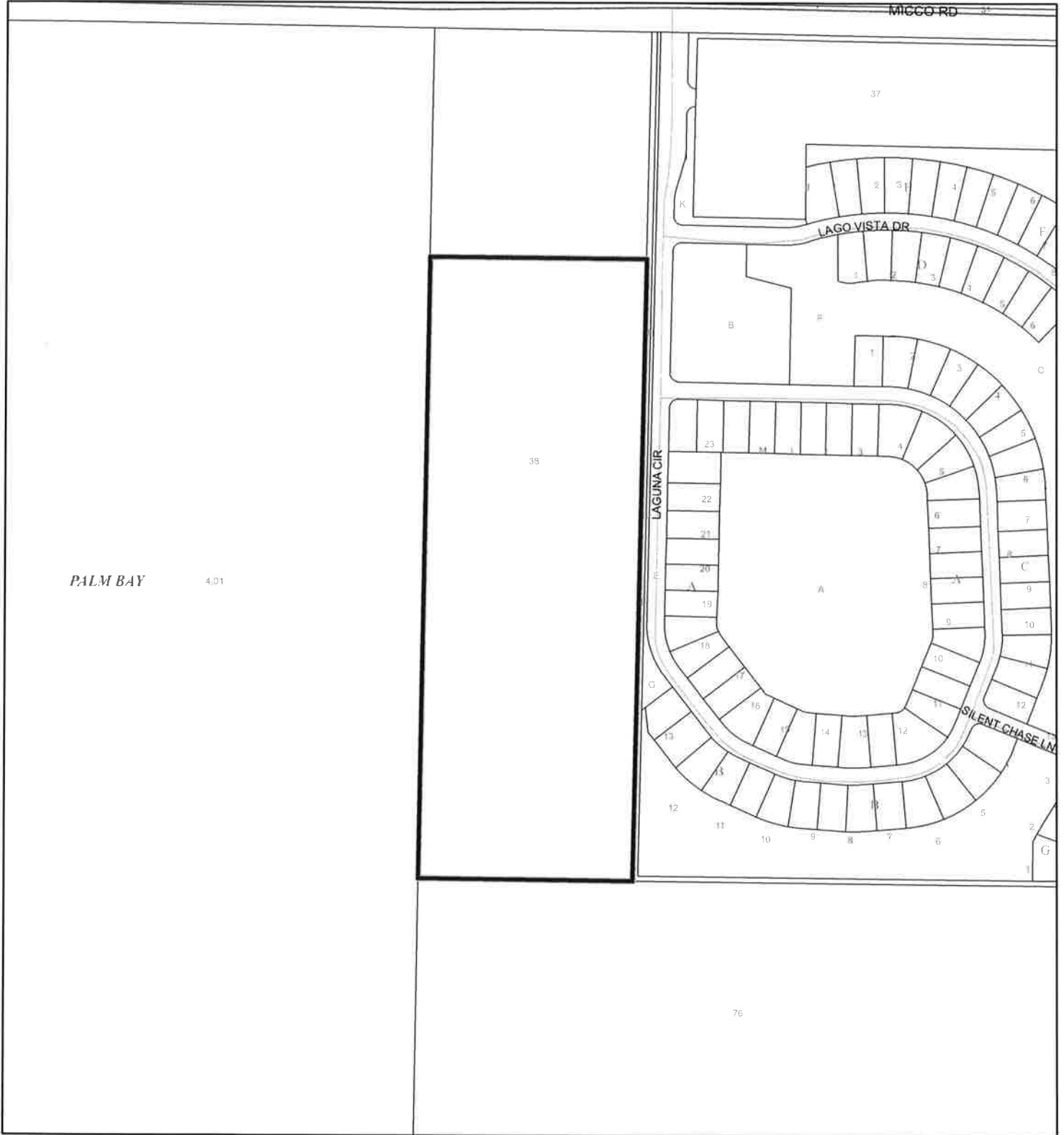
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

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

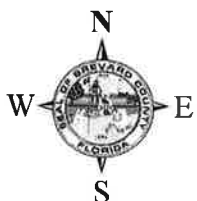
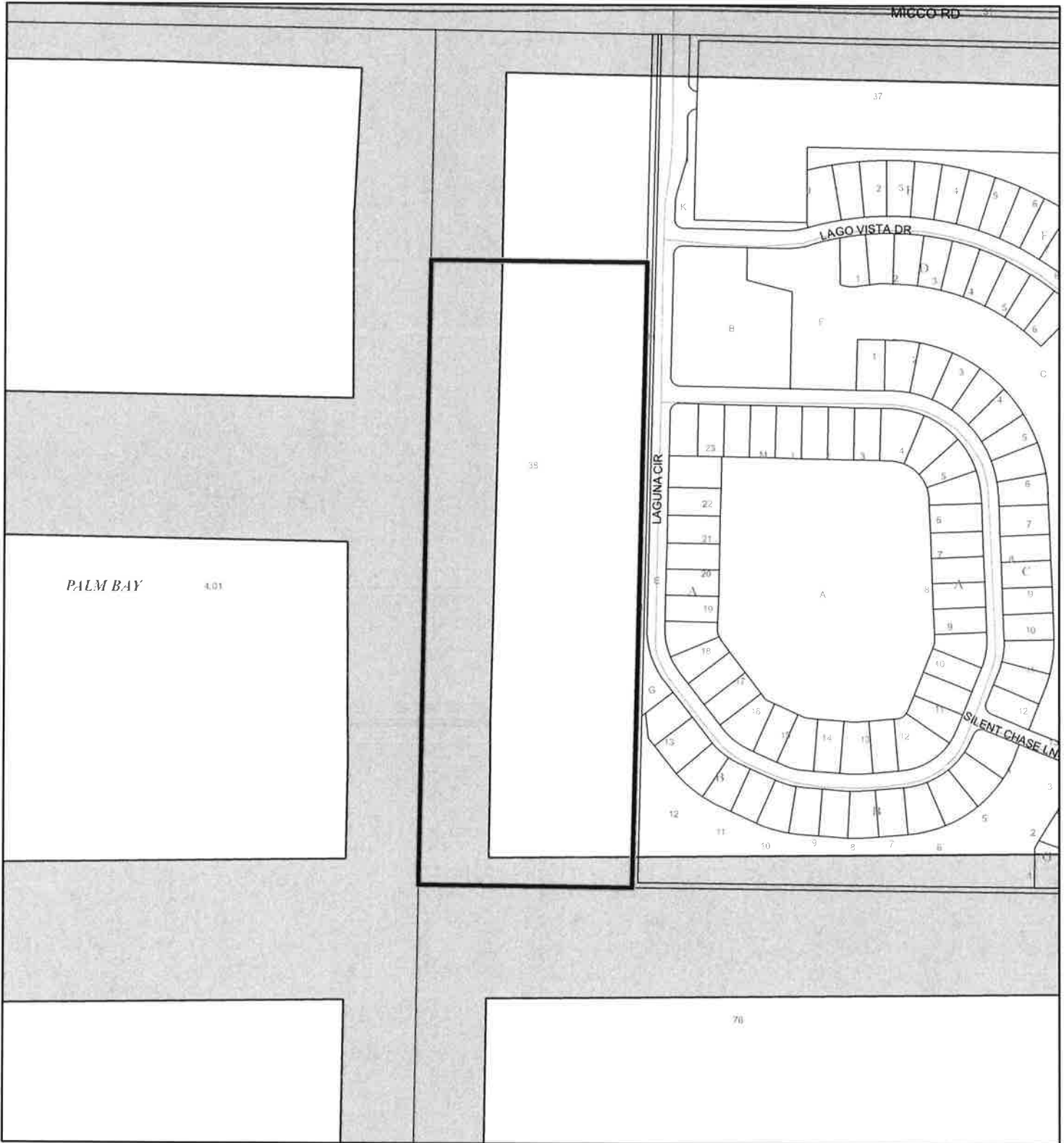
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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

Septic Overlay

 40 Meters

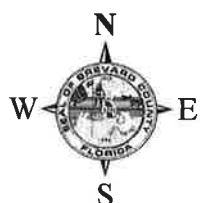
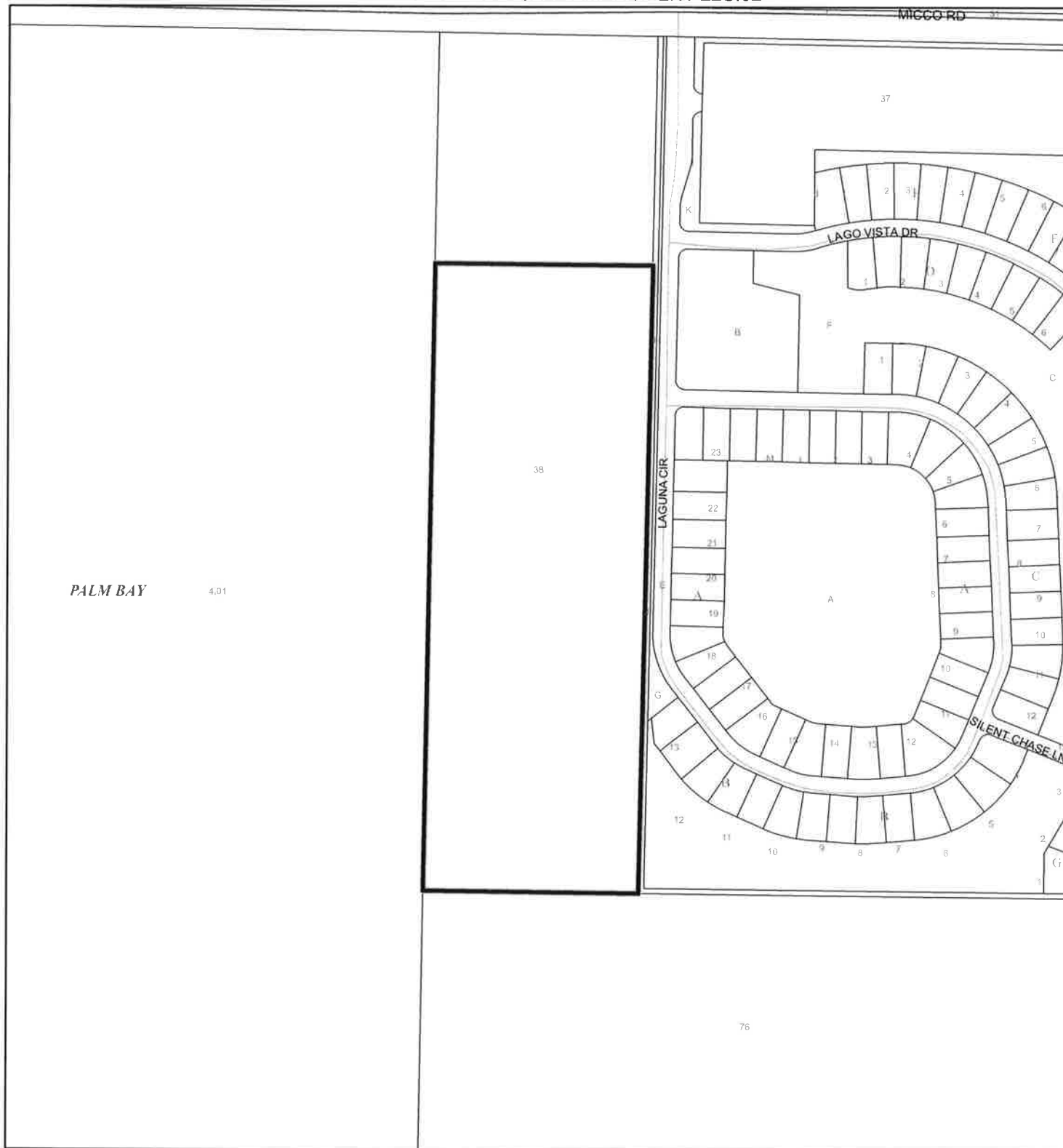
 60 Meters

 All Distances

EAGLE NESTS MAP

RUSHING WIND, LLC

22PZ00003 SMALL SCALE AMENDMENT 22S.02



1:4,800 or 1 inch = 400 feet

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

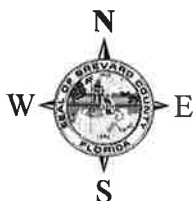
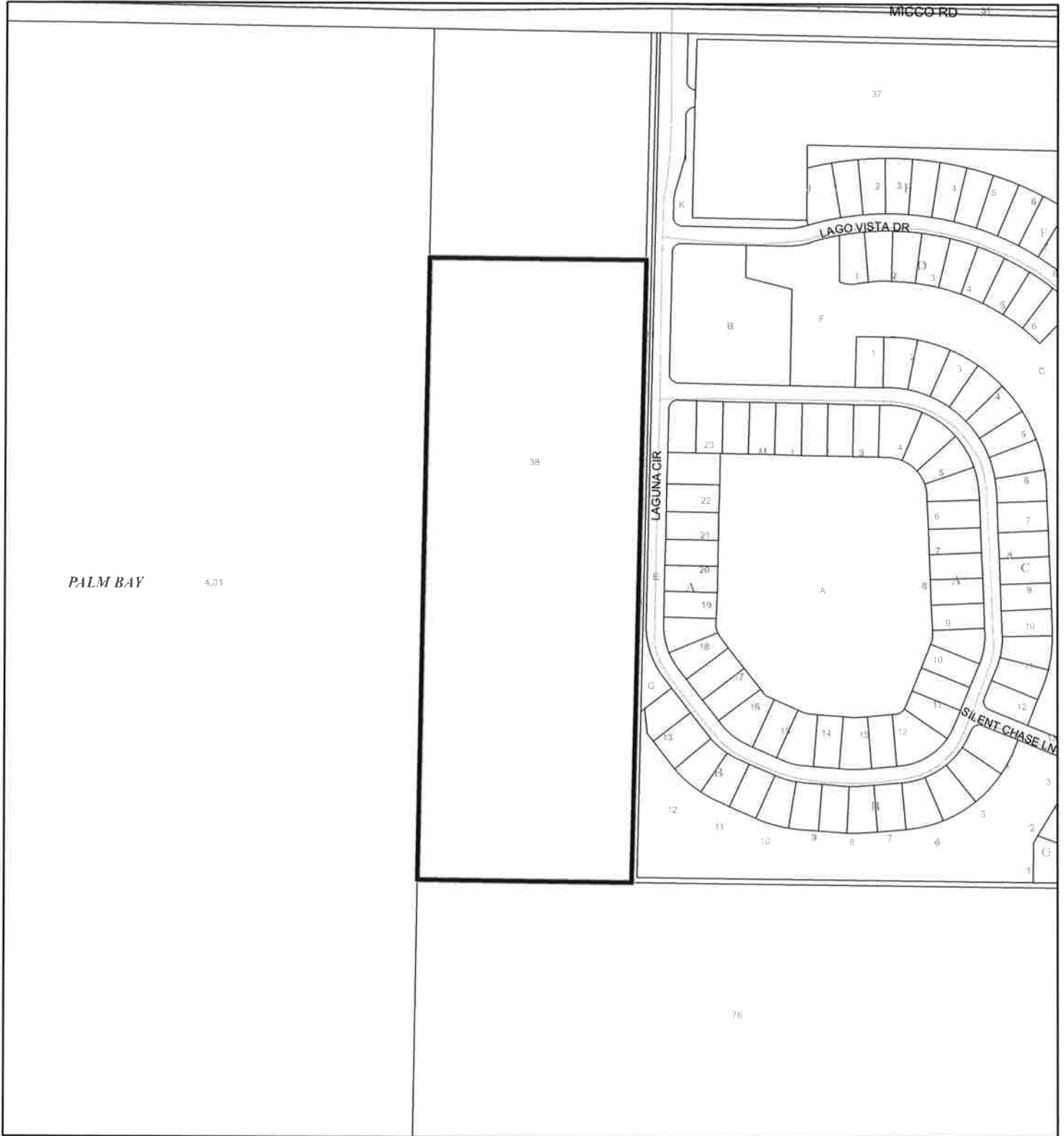
 Parcels

 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.

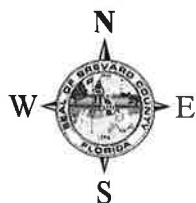
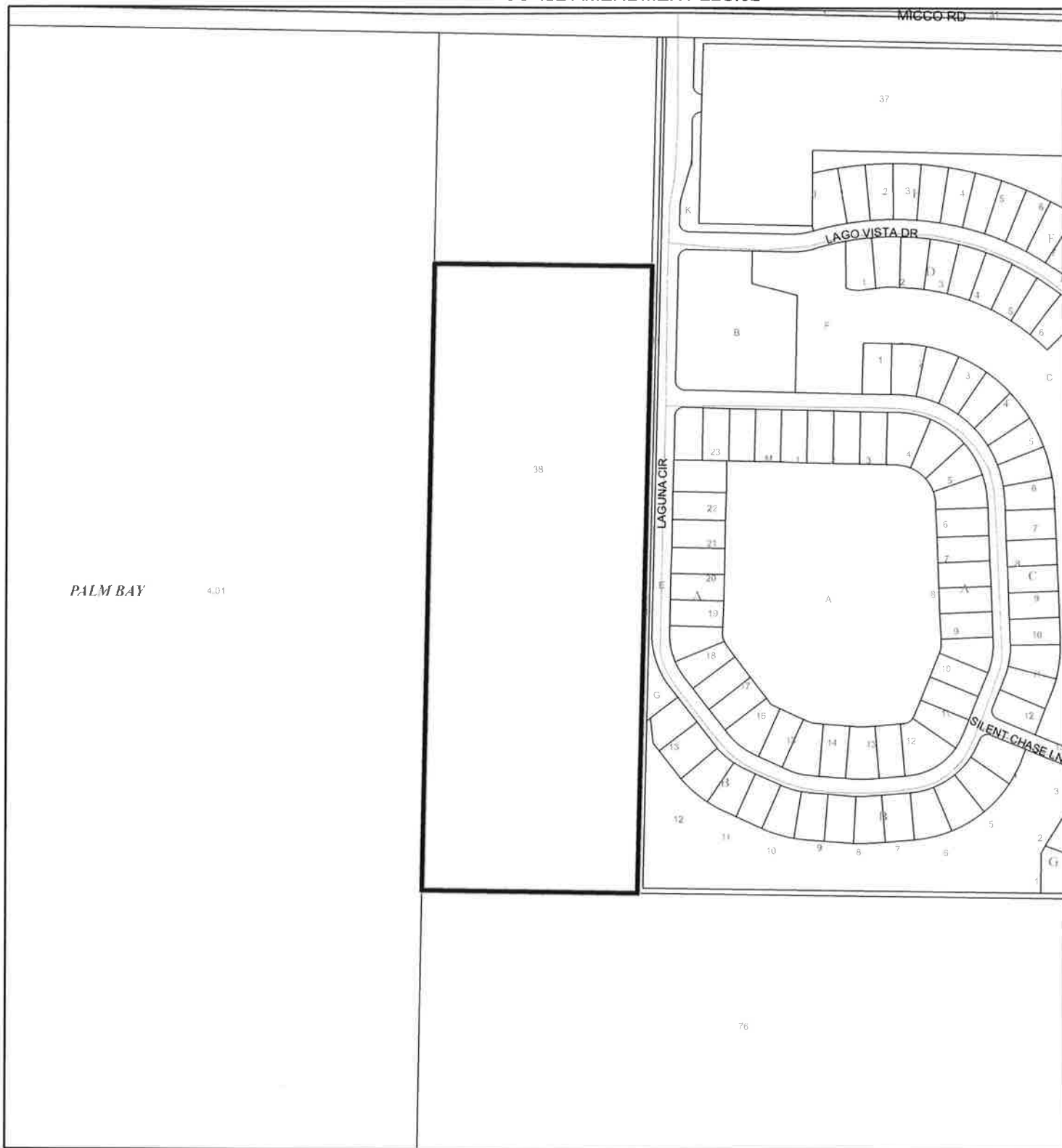
Produced by BoCC - GIS Date: 1/20/2022

-  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:

X 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 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

January 7, 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 Generated
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

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

From: [Steven Austin](#)
To: [Commissioner, D3](#)
Subject: Re: Notes of meeting and school report
Date: Monday, March 21, 2022 12:32:22 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ok. Thanks.

Thanks,
Steven Austin President
Austin Financial Group, Inc.
409 Pelican Key
Melbourne Beach, FL 32951
Office: 321-725-5600
Fax: 321-725-5625
Email: SAustin@ksifa.com

The information contained in this report or information provided does not purport to be a complete description of the securities, markets, or developments referred to in this material. The information has been obtained from sources considered reliable, but we do not guarantee that the foregoing material is accurate or complete. Expressions of opinion are as of this date and are subject to change without notice. This information is not intended as a solicitation of an offer to buy or sell any security referred herein. Past performance may not be indicative of future result. No buy or sell orders may be given using the email, please call the above number to contact your Advisor. Steven Austin is registered with and securities offered through Kovack Securities, Inc. Member FINRA/SIPC. 6451 N. Federal Highway, Suite 1201, Ft. Lauderdale, FL 33308 (954) 782-4771. Investment Advisory services are offered through Kovack Advisors, Inc. Austin Financial Group, Inc. is not affiliated with Kovack Securities, Inc. or Kovack Advisors, Inc.

On Mar 21, 2022, at 11:53 AM, Commissioner, D3
<d3.commissioner@brevardfl.gov> wrote:

Mr. Austin,

Commissioner Tobia has asked that I inform you he will be meeting with staff to discuss the matter further before the next zoning meeting on April 7th.

Sincerely,



<!--[if !vml]--><!--[endif]--> **Katelynne Prasad**
Constituent Affairs Director
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

From: Steven Austin <saustin@ksifa.com>
Sent: Friday, March 18, 2022 5:00 PM
To: Commissioner, D3 <d3.commissioner@brevardfl.gov>
Subject: Notes of meeting and school report

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello John:

Here are the notes and recommendations to the board as well as the minutes. The only recommendation they made was on school capacity and I sent the note on the last page there is plenty of school capacity Mrs. Black bolded that in red for us.

The second recommendation was for Res 2 because we did not have verification of water capacity which we will be getting from Ed or so I hope in the future especially based on this new system you said they are developing?

Next door is ru-1-11 with a BDP of res 2.

We would still like to do ru-1-11 and could do a BDP of third acre lots but we will be limited anyway by the lot size and septic as Bill stated would be a 246 nitrogen unit limiting capacity third acre parcels or pretty close to that.

On page 1 Cheryl Campbell with zoning stated as long as we have water we can have densities no greater than 4 units per acre. Section 1 c

I believe he was quoting 1 d where water is not available residential development with densities greater than 2 units per acres shall be required to connect to a centralized sewer system but we should have water and be able to put in septic.

Thanks for your help hope we addressed all of their concerns as I do not see any others in the notes if you do let me know. Please feel free to call me at 321-794-8111 or email me at stevenaustin84@gmail.com.

Thanks

Thanks,
Steven Austin
President
Austin Financial Group, Inc.
409 Pelican Key
Melbourne Beach, FL 32951
Office 321-794-8111
Fax 321-725-5625
Email: SAustin@ksifa.com

The information contained in this report or information provided does not purport to be a complete description of the securities, markets, or developments referred to in this material. The information has been obtained from sources considered reliable, but we do not guarantee that the foregoing material is accurate or complete. Expressions of opinion are as of this date and are subject to change without notice. This information is not intended as a solicitation of an offer to buy or sell any security referred herein. Past performance may not be indicative of future result. No buy or sell orders may given using the email, please call the above number to contact your Advisor. Steven Austin is registered with and securities offered through Kovack Securities, Inc. Member FINRA/SIPC. 6451 N. Federal Highway, Suite 1201, Ft. Lauderdale, FL 33308 (954) 782-4771. Investment Advisory services are offered through Kovack Advisors, Inc. Austin Financial Group, Inc. is not affiliated with Kovack Securities, Inc. or Kovack Advisors, Inc.

This email message is intended for the sole use of the addressee and may contain confidential information. If you are not the intended recipient or otherwise authorize to view such information, you are hereby notified that viewing such information, as well as any disclosure, copying, distribution or use of any of the information contained in or attached therein is strictly prohibited. If you received this email in error, please reply to the sender and delete the original message. We may retain and reproduce any email for federal, state, or other regulatory agencies as required by applicable law. Email transmissions cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. If your communication contains sensitive information (including but not limited to Social Security number, driver's license number, state issued identification card number, financial account number, credit or debit card number), it is recommended that you provide it via secure mail.

From: [Steven Austin](#)
To: [Commissioner, D3](#)
Subject: Notes of meeting and school report
Date: Friday, March 18, 2022 5:00:59 PM
Attachments: [county commisson notes.pdf](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello John:

Here are the notes and recommendations to the board as well as the minutes. The only recommendation they made was on school capacity and I sent the note on the last page there is plenty of school capacity Mrs. Black bolded that in red for us.

The second recommendation was for Res 2 because we did not have verification of water capacity which we will be getting from Ed or so I hope in the future especially based on this new system you said they are developing?

Next door is ru-1-11 with a BDP of res 2.

We would still like to do ru-1-11 and could do a BDP of third acre lots but we will be limited anyway by the lot size and septic as Bill stated would be a 246 nitrogen unit limiting capacity third acre parcels or pretty close to that.

On page 1 Cheryl Campbell with zoning stated as long as we have water we can have densities no greater than 4 units per acre. Section 1 c

I believe he was quoting 1 d where water is not available residential development with densities greater than 2 units per acres shall be required to connect to a centralized sewer system but we should have water and be able to put in septic.

Thanks for your help hope we addressed all of their concerns as I do not see any others in the notes if you do let me know. Please feel free to call me at 321-794-8111 or email me at stevenaustin84@gmail.com.

Thanks

Thanks,

Steven Austin

President

Austin Financial Group, Inc.

409 Pelican Key

Melbourne Beach, FL 32951

Office 321-794-8111

Fax 321-725-5625

Email: SAustin@ksifa.com

The information contained in this report or information provided does not purport to be a complete description of the securities, markets, or developments referred to in this material. The information has been obtained from sources considered reliable, but we do not guarantee that the foregoing material is accurate or complete. Expressions of opinion are as of this date and are subject to change without notice. This information is not intended as a solicitation of an offer to buy or sell any security referred herein. Past performance may not be indicative of future result. No buy or sell orders may be given using the email, please call the above number to contact your Advisor. Steven Austin is registered with and securities offered through Kovack Securities, Inc. Member FINRA/SIPC. 6451 N. Federal Highway, Suite 1201, Ft. Lauderdale, FL 33308 (954) 782-4771. Investment Advisory services are offered through Kovack Advisors, Inc. Austin Financial Group, Inc. is not affiliated with Kovack Securities, Inc. or Kovack

Advisors, Inc.

This email message is intended for the sole use of the addressee and may contain confidential information. If you are not the intended recipient or otherwise authorize to view such information, you are hereby notified that viewing such information, as well as any disclosure, copying, distribution or use of any of the information contained in or attached therein is strictly prohibited. If you received this email in error, please reply to the sender and delete the original message. We may retain and reproduce any email for federal, state, or other regulatory agencies as required by applicable law. Email transmissions cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. If your communication contains sensitive information (including but not limited to Social Security number, driver's license number, state issued identification card number, financial account number, credit or debit card number), it is recommended that you provide it via secure mail.

Public Facilities and Services Requirements

Policy 1.2

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

Criteria:

- 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.
- 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, Concurrence and Growth' section of this 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.
- 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.
- 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.
- 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 MSBL's, NSIT's and other means through which the recipients pay for the service or facility.

From: William Buchanan <bill@treantill.gov>
Sent: Tuesday, March 15, 2022 12:38 PM

COES
CONFUSION
WHAT HE
THINKS



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00001

Rushing Wind LLC

RR-1 (Rural Residential) and IN(L) (Institutional – Low Intensity) to RU-1-11 (Single-Family Residential)

Tax Account Numbers: 3008616
Parcel I.D.s: 30G-38-01-HJ-*-38
Location: South side of Micco Rd. approximately 0.37 miles west of Dottie Drive
(District 3)
Acreage: 34.65

Planning & Zoning Board: 3/14/2022
Board of County Commissioners: 4/07/2022

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)

	CURRENT	PROPOSED
Zoning	RR-1 and IN(L)	RU-1-11
Potential*	<ul style="list-style-type: none">• 25 SFR units (RR-1 portion)• Low-intensity institutional uses	138 SFR units
Can be Considered under the Future Land Use Map	YES RES 1 & RES 6	YES** RES 4 & RES 6

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request **22PZ00003** which proposes to change the Future Land Use Designation from Residential 1 (RES 1) to Residential 6 (RES 6).

Background and Purpose of Request

The applicants are requesting to change the zoning of a 34.65-acre property from RR-1 (Rural Residential) and IN(L) (Institutional – Low Intensity) to RU-1-11 (Single-Family Residential) in order to develop a subdivision. The parcel is currently vacant.

The site has access along Micco Road, which is a paved county-maintained road. In order to develop the parcel at a density of four units per acre or higher, the applicants will be required to connect to potable water and sewer.

The original zoning of the property was AU (Agricultural Residential). On November 3, 2005, 28.866 acres of the parcel were rezoned from AU to RR-1 as part of zoning action Z-11135. On September 4, 2008, 9.026 acres were rezoned from AU and RR-1 to IN(L) as part of zoning action Z-11440.

Land Use

The subject property is currently designated as Residential 1 (RES 1) and Residential 6 (RES 6) FLU. The proposed RU-1-11 zoning is consistent with the existing Residential 6 (RES 6) FLU designation, but not with the existing Residential 1 (RES 1) FLU designation. A companion application, **22PZ00003**, if approved, would change the Future Land Use designation on the RES 1 portion of the parcel to RES 4.

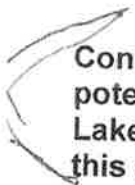
Applicable Land Use Policies

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:



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 site.

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.

Policy 2.7 – Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met.

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

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

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;

The proposed use (residential subdivision) is not anticipated to have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly

diminish the quality of life in the existing neighborhood in the area. Currently the only other subdivision in the area is located to the east of the subject property.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- 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 actual development within this area 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 within the past three (3) years.

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

In general, the character of the area is rural with a low-density residential neighborhood to the east. Across Micco Road to the north is property within the City limits of Palm Bay. To the east of the subject property is the Lakes at St. Sebastian Preserve, a subdivision with RU-1-13 zoning that was approved in August 2013. Lot sizes in this subdivision are around 0.25 acres. The site has a Binding Development Plan limiting the overall density to 2 units per acre in order to be consistent with the RES 2 land use. To the south of the subject property is state-owned land that is undeveloped. The area to the west of the subject property is entirely undeveloped, with some of it within the jurisdiction of Palm Bay. The City of Palm Bay has stated that there are currently no plans to develop these large parcels to the west.

There is no RU-1-11 in the area, with the RU-1-13 directly to the east being the closest similar zoning classification. RU-1-11 and RU-1-13 have the same requirements for minimum lot size, lot width, and lot depth, and have the same setback requirements. RU-1-13 requires a minimum living area of 1,300 sq. ft. whereas RU-1-11 requires a minimum living area of 1,100 sq. ft. The rezoning to RU-1-13 on the adjacent property included a Binding Development Plan limiting development to two units per acre.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	City of Palm Bay Vacant Orchard Groves	GU & AU	RES 1
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)

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

TRC-1 encompasses lands devoted to planned single-family mobile home development which permits mobile homes or residences on lots of minimum 6,500 square feet with a lot width of 65 feet and a lot depth of 80 feet.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Micco Rd., between Babcock and Dottie Dr., which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of C, and currently operates at 16.33% of capacity daily. This rezoning is anticipated to increase the MAV utilization by 6.44%. The corridor is anticipated to operate at 22.77% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

The applicants provided a school impact analysis letter dated January 7, 2022, that indicates there is sufficient capacity for 96 single-family homes.

The subject property is not connected to potable water or sewer. 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.

Environmental Constraints

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 parcel 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.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 22Z00001

Applicant: Rushing Wind

Zoning Request: RR-1 and IN(L) to RU-1-11

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 parcel 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 parcel 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.

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

not sewer w/ water

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. 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.

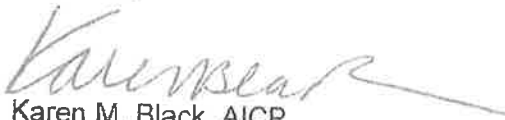
MR Black School CAPACITY IS GOOD

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



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Planning and Zoning Board/Local Planning Agency

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager *JB*

Cc: Tad Calkins, Director

DATE: April 8, 2022

SUBJECT: 22PZ00003 Rushing Wind LLC Addendum to Staff Comments

This addendum is to provide an update with recent Board of County Commissioner actions on the above referenced applications and provide a clarification in regards to Policy 1.2 of the Future Land Use element of the Comprehensive Plan and the requirement for central sewer.

Since the Applicant amended their application to a lower density (Res 2) during the March 14, 2022, LPA meeting, the Board of County Commissioners cannot consider Res 4 as previously requested. The applicant requested the Board of County Commissioners remand 22PZ00003, (Rushing Wind LLC) Small Scale Comprehensive Plan Amendment (SSCPA) and the 22Z00001 Rezoning back to the Local Planning Agency (LPA) & Planning and Zoning Board's April 18, 2022 meeting. This will allow the boards to reconsider a density of up to four units to the acre.

During the March 14, 2022, LPA meeting, the discussion focused on Policy 1.2 of the Future Land Use element of the Comprehensive Plan which establishes minimum criteria for public facilities and services associated with increases to residential density allowances. Criteria C and D relate to the requirement for central sewer:

- Criterion C - In the Residential 30 Directive, 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.
- Criterion 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.

Criterion C requires centralized potable water and wastewater treatment are available concurrent with the impact of the development for the aforementioned land use categories. The "impact of the development" will occur with the construction of the homes within the subdivision. This allows the developers to extend service to the project sites as part of the development infrastructure. The

developer has indicated they will connect to the water service in the area. While Criterion D further clarifies the requirements of Criterion C which stipulates that densities greater than four units per acre shall be required to connect to a centralized sewer system when public water service is available. This would align with FDOH requirements to allow ¼ acre lots when centralized potable water is available.

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 Esseeesse, 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.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 18, 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: Board members present were: Henry Minneboo (D1); Mr. Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Mr. Moia (D5); David Bassford (Alt. D5); and John Hopengarten (BPS).

Staff members present were: Mr. 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 from Complete Agenda

Rushing Wind, LLC

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

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)

Jeffrey Ball stated since the applicant amended their request at the March 14th meeting to RES 2, it was requested at the County Commission that the item be returned to the Local Planning Agency to make a recommendation for the original request of RES 4. An addendum to the staff comments has been provided to the board that notes a discrepancy in the criteria for C and D. Criterion C states that in RES 30 Directive, RES 15, RES 10, and RES 6 and RES 4 land uses designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of development. Criterion D states that where water service is available, residential development proposals with densities greater than 4 units per acre, shall be required to connect to centralized sewer. He said the applicant is requesting a residential density of 4 units per acre, which is not more than 4.

Bruce Moia disclosed that the applicant contacted him with questions because he is the engineer of record on the adjacent property to the east.

Steve Austin, 409 Pelican Key, Melbourne Beach, stated he requested RES 4 because he wanted a little more density. He noted he is working with Holiday Builders on the property to the east. He said he would like to clarify some of the objections from the last meeting. One was the School Board issue, so he called Karen Black who said she had forgotten to add the addendum to the school concurrency, but said considering the adjacent elementary school service areas there is sufficient capacity for the total student membership to accommodate Rushing Wind development. The second objection was public water service availability; residential development proposals with densities greater than 4 units per acre shall be required to connect to the centralized sewer system. He stated

he has a request to go into the Barefoot Bay water and sewer district because there is a main water line at the corner of the lot, and he was told there was plenty of water. He noted there is 112 sewer units available on a first come/first served basis. The third issue from the last meeting, with the adjacent property owner to the east, he's at RU-1-13 but he is open to RU-1-11, which is a slightly smaller house size. He said he will probably not go to the full RES 4 but he would like to have it in order to do a greater density than 2.

Ms. Alward stated she understands going to RES 4, and the BDP that was discussed last month was to cap the density at 48 units. Mr. Austin replied it was to cap it at 2 units per acre.

Ms. Alward stated the total density was 48 units.

Mr. Austin stated he thinks he can get 2.5 units per acre possibly, even though he may not use it, he'd like to have that ability.

Ms. Alward stated she does not like doing spot zoning. The board has increased the value of the property and there is nothing that shows what he is doing. She said she is uncomfortable approving a zoning when the board has no idea what's going to be out there, or how many septic tanks.

Mr. Austin stated he will be limited by a lot of the engineering, septic, water, and various other things. Now is when he will go to the engineers to see what kind of houses can be put on the property and meet the zoning requirements. He said he wants to keep it somewhat rural, so they are going to keep it almost to the exact dimensions as the property next door but some of the homes will be a little smaller. He said he has a rough site plan and it is 46 units, but he'd like the ability to possibly go to 2.5 units per acre, which means he needs RES 4 and then if the board wants to put a BDP on it for 3 units, he's okay with that.

Mr. Ball stated the only difference between RU-1-13 and RU-1-11 is the size of the house. RU-1-13 requires a minimum house size of 1,300 square feet and RU-1-11 requires a minimum house size of 1,100 square feet.

Mr. Moia stated on the property to the east, the board approved RES 2 and had a BDP on the zoning, even though that applicant didn't ask for RES 4, he asked for RES 2. He said whatever the board gives him, he may not ever get it but he wants to try.

Mr. Bartcher stated at the last meeting he proposed the request be amended to RES 2 because it was his understanding that it was not possible because of the comp plan, to have 4 units per acre without having a public sewer system. Now that he understands, that was incorrect, and he doesn't see a reason to not give them RES 4, and he would recommend approval. As far as the density goes, the difference between RU-1-11 and RU-1-13 is only 200 square feet. The lot size is the same and it's not going to make a difference being in a rural area or not. He pointed out that the board has approved three or four subdivisions recently where the developer specifically requested RU-1-11 in order to have that flexibility. The applicant hasn't said anything about wanting to do low income housing or affordable housing, and RU-1-11 gives him that as an option more so than RU-1-13. He stated the land use is RES 4, so the most he can get is 96 units, and after taking out the roads and drainage, the chance of getting 96 units is slim.

Mr. Moia stated the only way they could get it is if they brought in sewer, and even if they get sewer, they still won't be able to get 96 units.

Motion by Mr. Bartcher, seconded by Ben Glover, to recommend approval of a approve Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 to RES 4. The motion passed 10:1 with Liz Alward voting nay.

Motion by Mr. Bartcher, seconded by Robert Sullivan, to recommend approval of a change of zoning classification from RR-1 and IN(L), to RU-1-11. The motion passed 10:1 with Liz Alward voting nay.

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

**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**

Indian
River

Barefoot Bay

Micco

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

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

3,400 1,700 0 3,400 Feet



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2021-22 to 2026-27



Summary		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:		88%	88%	95%	88%	97%	99%
Highest Utilization Middle Schools:		88%	88%	90%	89%	92%	96%
Highest Utilization Jr./Sr. High Schools:		84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:		101%	100%	99%	95%	94%	97%

School	Type	Grades	Utilization Factor	School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
				FISH Capacity	10/15/21 Member-ship	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Allen	Elementary	PK-6	100%	751	630	84%	751	694	92%	751	694	92%	751	694	92%	751	694	92%	751	694	92%
Andersen	Elementary	K-6	100%	884	592	67%	884	597	68%	884	597	68%	884	597	68%	884	597	68%	884	597	68%
Apollo	Elementary	PK-6	100%	902	782	87%	902	755	84%	902	755	84%	902	755	84%	902	755	84%	902	755	84%
Allantis	Elementary	PK-6	100%	739	629	85%	739	616	83%	739	616	83%	739	616	83%	739	616	83%	739	616	83%
Audubon	Elementary	PK-6	100%	761	464	61%	761	458	60%	761	458	60%	761	458	60%	761	458	60%	761	458	60%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	513	67%	765	513	67%	765	513	67%	765	513	67%	765	513	67%
Cape View	Elementary	PK-6	100%	570	278	49%	570	287	50%	570	287	50%	570	287	50%	570	287	50%	570	287	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	605	81%	751	605	81%	751	605	81%	751	605	81%	751	605	81%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	476	83%	573	476	83%	573	476	83%	573	476	83%	573	476	83%
Columbia	Elementary	PK-6	100%	751	462	62%	751	456	61%	751	456	61%	751	456	61%	751	456	61%	751	456	61%
Coquina	Elementary	K-6	100%	711	534	75%	711	557	78%	711	557	78%	711	557	78%	711	557	78%	711	557	78%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	812	73%	1,114	812	73%	1,114	812	73%	1,114	812	73%	1,114	812	73%
Croton	Elementary	PK-6	100%	795	487	61%	795	530	67%	795	530	67%	795	530	67%	795	530	67%	795	530	67%
Discovery	Elementary	PK-6	100%	980	615	63%	980	639	65%	980	639	65%	980	639	65%	980	639	65%	980	639	65%
Endeavour	Elementary	PK-6	100%	968	567	59%	968	568	59%	968	568	59%	968	568	59%	968	568	59%	968	568	59%
Enterprise	Elementary	PK-6	100%	729	605	83%	729	587	81%	729	587	81%	729	587	81%	729	587	81%	729	587	81%
Fairglens	Elementary	PK-6	100%	769	581	74%	769	597	76%	769	597	76%	769	597	76%	769	597	76%	769	597	76%
Gemini	Elementary	K-6	100%	711	427	60%	711	440	62%	711	440	62%	711	440	62%	711	440	62%	711	440	62%
Golfview	Elementary	PK-6	100%	777	454	58%	777	467	60%	777	467	60%	777	467	60%	777	467	60%	777	467	60%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	386	61%	629	386	61%	629	386	61%	629	386	61%	629	386	61%
Holland	Elementary	PK-6	100%	605	444	73%	605	471	78%	605	471	78%	605	471	78%	605	471	78%	605	471	78%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	628	86%	729	628	86%	729	628	86%	729	628	86%	729	628	86%
Indianatic	Elementary	K-6	100%	798	671	84%	798	658	82%	798	658	82%	798	658	82%	798	658	82%	798	658	82%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	817	88%	930	817	88%	930	817	88%	930	817	88%	930	817	88%
Lockmar	Elementary	PK-6	100%	862	632	71%	862	594	67%	862	594	67%	862	594	67%	862	594	67%	862	594	67%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	587	74%	790	587	74%	790	587	74%	790	587	74%	790	587	74%
Manatee	Elementary	K-6	100%	998	843	84%	998	815	82%	998	815	82%	998	815	82%	998	815	82%	998	815	82%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	624	68%	918	624	68%	918	624	68%	918	624	68%	918	624	68%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	902	81%	1,114	902	81%	1,114	902	81%	1,114	902	81%	1,114	902	81%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	731	89%	824	731	89%	824	731	89%	824	731	89%	824	731	89%
Mia	Elementary	PK-6	100%	707	438	62%	707	430	61%	707	430	61%	707	430	61%	707	430	61%	707	430	61%
Mims	Elementary	PK-6	100%	725	431	59%	725	433	60%	725	433	60%	725	433	60%	725	433	60%	725	433	60%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	554	57%	968	554	57%	968	554	57%	968	554	57%	968	554	57%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	524	80%	654	524	80%	654	524	80%	654	524	80%	654	524	80%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	571	58%	983	571	58%	983	571	58%	983	571	58%	983	571	58%
Pinewood	Elementary	PK-6	100%	569	495	87%	569	517	91%	569	517	91%	569	517	91%	569	517	91%	569	517	91%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	630	74%	852	630	74%	852	630	74%	852	630	74%	852	630	74%
Quest	Elementary	PK-6	100%	1,152	673	59%	1,152	694	60%	1,152	694	60%	1,152	694	60%	1,152	694	60%	1,152	694	60%
Riviera	Elementary	PK-6	100%	777	524	68%	777	581	75%	777	581	75%	777	581	75%	777	581	75%	777	581	75%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	241	40%	599	241	40%	599	241	40%	599	241	40%	599	241	40%
Sabal	Elementary	PK-6	100%	785	516	66%	785	516	66%	785	516	66%	785	516	66%	785	516	66%	785	516	66%
Saturn	Elementary	PK-6	100%	976	678	69%	976	731	75%	976	731	75%	976	731	75%	976	731	75%	976	731	75%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	324	70%	461	324	70%	461	324	70%	461	324	70%	461	324	70%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	429	70%	609	429	70%	609	429	70%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	738	81%	913	738	81%	913	738	81%	913	738	81%	913	738	81%
Sunrise	Elementary	K-6	100%	765	595	79%	765	584	77%	765	584	77%	765	584	77%	765	584	77%	765	584	77%
Surfside	Elementary	K-6	100%	541	408	75%	541	372	69%	541	372	69%	541	372	69%	541	372	69%	541	372	69%
Tropical	Elementary	K-6	100%	910	641	70%	910	635	70%	910	635	70%	910	635	70%	910	635	70%	910	635	70%
Turner	Elementary	PK-6	100%	874	579	66%	874	521	61%	874	521	61%	874	521	61%	874	521	61%	874	521	61%
University Park	Elementary	PK-6	100%	811	466	57%	811	496	61%	811	496	61%	811	496	61%	811	496	61%	811	496	61%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	671	65%	1,030	671	65%	1,030	671	65%	1,030	671	65%	1,030	671	65%
Westside	Elementary	K-6	100%	857	728	85%	857	815	95%	857	815	95%	857	815	95%	857	815	95%	857	815	95%
Williams	Elementary	PK-6	100%	715	494	69%	715	483	68%	715	483	68%	715	483	68%	715	483	68%	715	483	68%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,525	31,190		42,735	31,547	

Middle School Concurrency Service Areas																		
Central	Middle	7-8	90%	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%
DeLaura	Middle	7-8	90%	960	843	88%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	485	71%	680	508	74%	680	350	51%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	607	56%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	471	60%	781	480	61%	781	457	58%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	359	59%	611	353	58%	611	382	63%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	95%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	705	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,049	

Junior / Senior High School Concurrency Service Areas																		
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,637	79%	2,084	1,628	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,558	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,028		5,381	4,021		5,381	4,028		5,381	3,856	

Senior High School Concurrency Service Areas															
		9-12	95%	1,451	1,077	74%	1,451	1,078	74%	1,451	1,094	75%	1,451	1,078	74%
Astronaut	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,451	75%
Bayside	High	9-12	95%	2,221	1,610	72%	2,221	1,608	72%	2,221	1,634	74%	2,263	2,002	85%
Eau Gallie	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,221	1,680	76%
Heritage	High	9-12	95%	2,370	2,210	93%	2,370	2,268	95%	2,370	2,370	100%	2,314	2,179	94%
Merbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,268	95%	2,370	2,201	93%	2,370	2,151	91%
Merri Island	High	9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,401	71%
Palm Bay	High	9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	58%	2,631	1,645	63%
Roadside	High	9-12	95%	1,836	1,568	85%	1,836	1,636	89%	1,836	1,641	89%	1,836	1,638	89%
Satellite	High	9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	98%	1,551	1,438	93%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,330	72%
Viera	High	9-12	95%	2,203	2,216	101%	2,251	2,253	102%	2,583	2,272	89%	2,583	2,411	95%
High Totals				22,627	17,878		22,699	18,126		23,031	18,530		23,031	18,953	

Schools of Choice (Not Concurrency Service Areas)															
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	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%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	85%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,558	65,450		85,798	65,275	

Notes

1. 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.
2. Student Membership is reported from the Fall Final Membership Count (10/15/2021).
3. Davis Demographics School/Site 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)
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nonrelocated student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 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, Jupiter 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)
7. 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.