



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

11/5/2020

Subject:

2354 Talmadge Drive, LLC (Aldon Bookhardt) requests a change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres on the RU-1-9 portion. (20Z00023) (Tax Account 2103831) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A (Restricted Neighborhood Commercial) on 0.98 acres; and a BDP (Binding Development Plan) limited to 4 units per acre on 2.29 acres on the RU-1-9 portion.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-9 and BU-1 to BU-1-A on the easterly 0.98 acre portion of the parcel for the purpose of developing a 4,275 square-foot retail store. The applicant is also seeking a Binding Development Plan on the westerly 2.29 acres of RU-1-9 limiting the density to 4 units per acre as the RU-1-9 zoning is not consistent with the RES 4 Future Land Use.

A companion Small Scale Comprehensive Plan Amendment application for a Future Land Use designation change from RES 4 to NC (Neighborhood Commercial) was submitted accompanying this zoning request to be consistent with the proposed BU-1-A zoning for the BU-1 portion of the property.

The character of the area is a mixture of single-family residential, multi-family residential, retail commercial, and institutional (low intensity) zoning classifications. The Mims Small Area Study acknowledges the subject's existing commercial zoning. Furthermore, the study states that commercial need should focus on providing goods and services to the Mims residents.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located along the east side of U.S. Highway 1, approximately 915 feet west of the westerly property line of the subject parcel as measured along Main Street.

The Board may wish to consider whether this request for RU-1-9 and BU-1-A are consistent and compatible with the surrounding area and whether the Binding Development Plan mitigates potential impacts caused by

the request.

On October 5, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of the resolution, please execute and return to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20Z00023

2354 Talmadge Drive, LLC

RU-1-9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A and BDP (Binding Development Plan) Limited to 4 units/acre on RU-1-9.

Tax Account Number: 2103831
Parcel I.D.: 21-35-17-53-*-1
Location: No address assigned, on the southwest corner of E. Main Street and Harry T. Moore Avenue, in the Mims area (District 1)
Acreage: 3.04 acre

Planning and Zoning Board: 10/05/2020

Board of County Commissioners: 11/05/2020

Consistency with Land Use Regulations

- Current zoning cannot 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	RU-1-9 & BU-1	RU-1-9 with BDP and BU-1-A
Potential*	9 single-family units and 7,318 sq. ft. Commercial	8 single-family units and 4,275 sq. ft. commercial
Can be Considered under the Future Land Use Map	No, RES 4	No, RU-1-9 requires RES 6** No, BU-1-A requires NC*** (Neighborhood Commercial)

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

** The applicant has submitted a BDP (Binding Development Plan) limiting the RU-1-9 portion of the parcel to 4 units per acre density.

*** The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to NC (Neighborhood Commercial) under **20PZ00079** on the easterly 0.98 acres of the parcel.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A (Restricted Neighborhood Retail Commercial) on the easterly 0.98 acre portion of the parcel for the purpose of developing a 4,275 sq. ft. retail store. The applicant is also seeking a Binding Development Plan on the westerly 2.29 acres of RU-1-9 limiting the density to 4 units per acre as the RU-1-9 zoning is not consistent with the RES 4 FLU.

The applicant has provided a site plan showing the location, size, access and parking for the proposed retail store.

December 6, 1962, zoning action **Z-876** changed the zoning from RU-1 (Single Family Residential) to RU-2 (Two Family Residential). This zoning action was on Lots 8 thru 13, Jones Ward Plat of Mims.

December 8, 1966, zoning action **Z-2018** changed the zoning from RU-1 and RU-2 to BU-1 (Neighborhood Retail Business) for shopping center. This zoning action was on Lots 1 thru 9 and 12 and 13, Jones Ward Plat of Mims.

July 3, 1975, Administrative zoning action **AZ-11** changed the zoning from RU-2 to RU-1-9.

Land Use

The subject property retains the RES 4 (Residential 4) FLU designation. The current zoning of RU-1-9 and BU-1 on the subject property is not consistent with the RES 4 FLU per 62-1255 (2). The proposed zoning of BU-1-A is consistent with the Proposed FLU designation of NC. A companion Small-Scale, Comprehensive Plan Amendment (SSCPA) application, **20S.06 (20PZ00079)** for a Future Land Use designation changing the FLU from RES 4 to NC (Neighborhood Commercial) was submitted accompanying this zoning request to be consistent with the proposed BU-1-A zoning for the BU-1 portion of the property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between Dairy Road and State Road 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 40.58% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV

utilization by 3.13%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 43.71% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

According to the School Impact Analysis Capacity Determination (CD-2020-08) dated August 6, 2020, the proposed development for the subject property is projected to generate 3 elementary students, 1 middle school student, and 1 high school student. CD-2020-08 concludes: "At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the [proposed development on the subject property]."

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located along the east side of Highway US-1 approximately 915 feet west of the westerly property line of the subject parcel as measured along Main Street.

The parcel can be serviced by Brevard County water. The closest available Brevard County water line is located across from the parcel along the north side of E. Main Street.

Land Use Policy 1.2 addresses residential density requirements for sewer and potable water. This policy does not address commercial development requiring sewer and potable water.

Land Use Policy 1.2 D addresses 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. The requested BDP limits residential density to four units per acre.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The proposed change to the FLUM from RES 4 to NC lies on the easterly 0.98 acres of this parcel. The proposed change to the zoning from BU-1 to BU-1-A is consistent with the proposed change to the FLUM to NC.

Policy #3C Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development approved within the past three year but not yet constructed.

There has not been any approved development in the surrounding area with in the last three years.

The BDP request is to limit the density on the RU-1-9 portion of the parcel to 4 units per acre to be consistent with the Residential 4 FLUM. This BDP request is on the westerly 2.29 acres of the site and the BDP proposal is for 4 units per acre single-family usage.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The subject parcel is currently undeveloped RU-1-9 and BU-1 that abuts E. Main Street to the north, Harry T. Moore Avenue to the west, Jefferson Street and RU-1-9 parcels to the south and abuts Myrtle Ave. to the west. There is a commercial developed BU-1-A and BU-1 parcel, for a retail store, located on the

northwest corner of E. Main Street and Harry T. Moore Ave. located directly north across Harry T. Moore Ave. from the subject parcel. The northeast corner of E. Main Street and Harry T. Moore Ave. is zoned IN(L) (Institutional Low Intensity) which is developed as a church. There are also developed BU-1 parcels east of this church along the north side of E. Main Street which uses are for a Fraternal Organization Clubhouse and a restaurant. The parcel to the west across Harry T. Moore Ave. is zoned RU-2-30 (High-Density Multi Family Residential) and is a multi-family residential development. The parcels abutting to the south and south across Jefferson Street are zoned RU-1-9 and are developed with single-family homes. The parcels to the west across Myrtle Avenue are zoned RU-1-9 and RU-1-11 (single-family residential) and are developed with single-family homes.

All the surrounding area around the subject parcel has a FLU (Future Land Use) designation of RES 4 which is not consistent with the RU-1-9, RU-2-30, BU-1-A or BU-1 zoning classifications. The proposed BU-1-A zoning may be considered to be consistent with the Future Land Use designation NC (Neighborhood Commercial).

Surrounding Properties

There have been four zoning actions within a half-mile of the subject property within the last four years.

On May 05, 2016, application **16PZ00017** changed the zoning from RU-1-7 to RR-1 on a 1.4 acre parcel located on the west side of Railroad Avenue, westerly of Highway US-1, approximately 1,835 feet southwest of the subject property.

On October 13, 2016, application **16PZ00070** changed the zoning from AU (Agricultural Residential) to SR (Suburban Residential) on a 0.55 acre parcel located on the west side of Folsom Road, westerly of Highway US-1, approximately 2,600 feet northwest of the subject property.

On August 24, 2017, application **17PZ00009** changed the zoning from BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale) on the east 200 feet of the parcel with a Binding Development limited to business units, trailer/truck/boat storage, located on the west side of Highway US-1 approximately 2,115 feet northwest of the subject property.

On August 24, 2017, application **18PZ00147** changed the zoning from RU-1-7 (single-family residential) to SR (Suburban Residential) with a Binding Development Plan on a 0.81 acre parcel limiting development to located on the east side of N. Singleton Avenue approximately 2,798 feet southwest of the subject property.

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

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

The proposed BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

The 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.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

For Board Consideration

The Board may wish to consider whether this request for RU-1-9 and BU-1-A are consistent and compatible with the surrounding area and whether Binding Development Plan mitigates potential impact caused by the request.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00023

Applicant: Aldon Bookhardt

Zoning Request: RU1-9 & BU-1 to RU1-9 & BU-1-A with BDP

Note: Applicant wants to develop a retail store on corner of Main St. and Harry T. Moore Ave., and limit residential development to 4 units per acre on remainder of parcel.

P&Z Hearing Date: 10/05/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2103831

- 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:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Paola fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

The parcel contains 100% mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and likely reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or

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

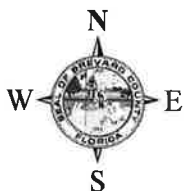
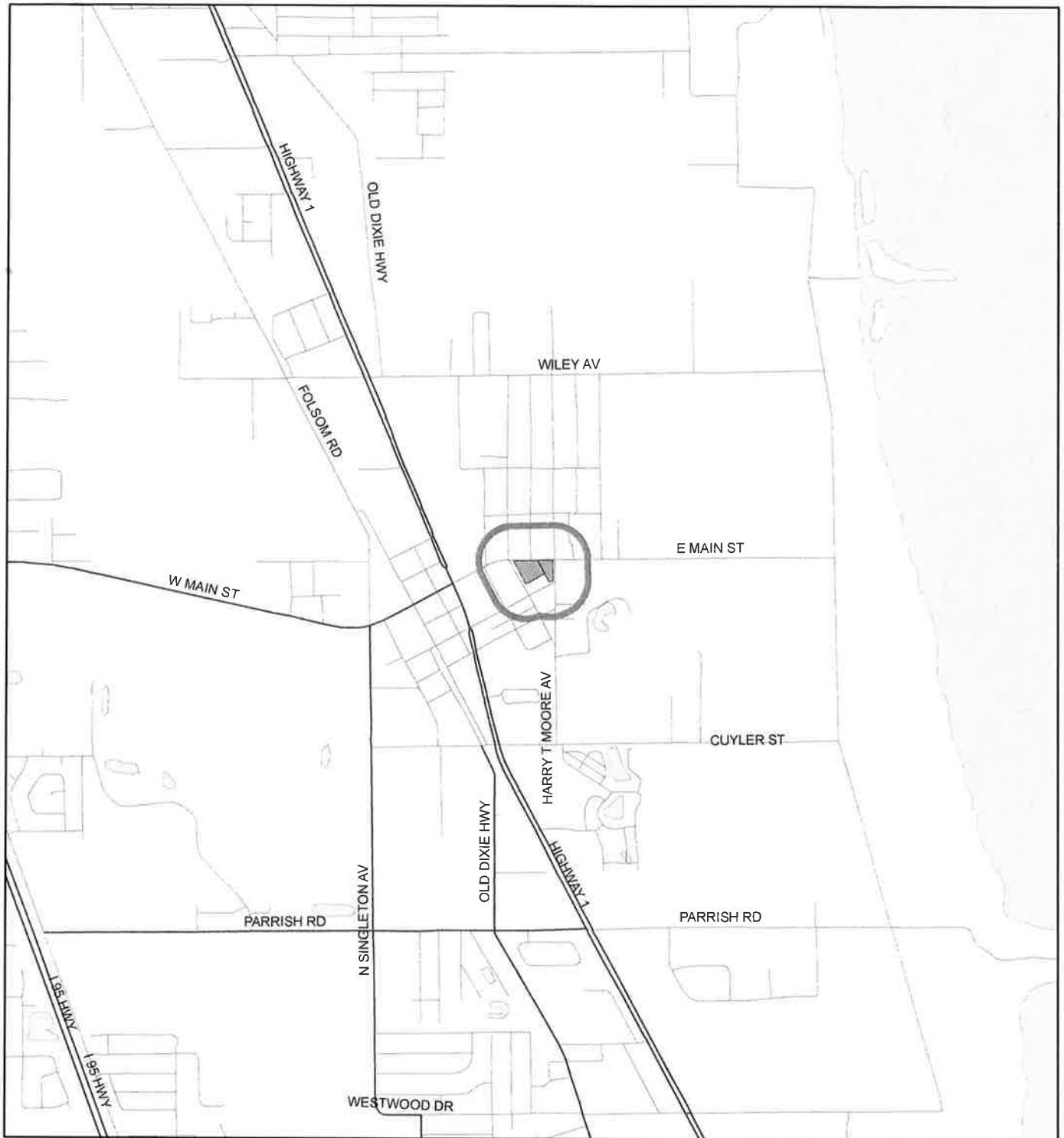
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. 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

2354 TALMADGE DRIVE, LLC

20Z00023



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: 8/12/2020

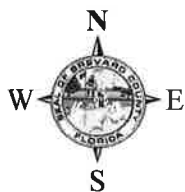
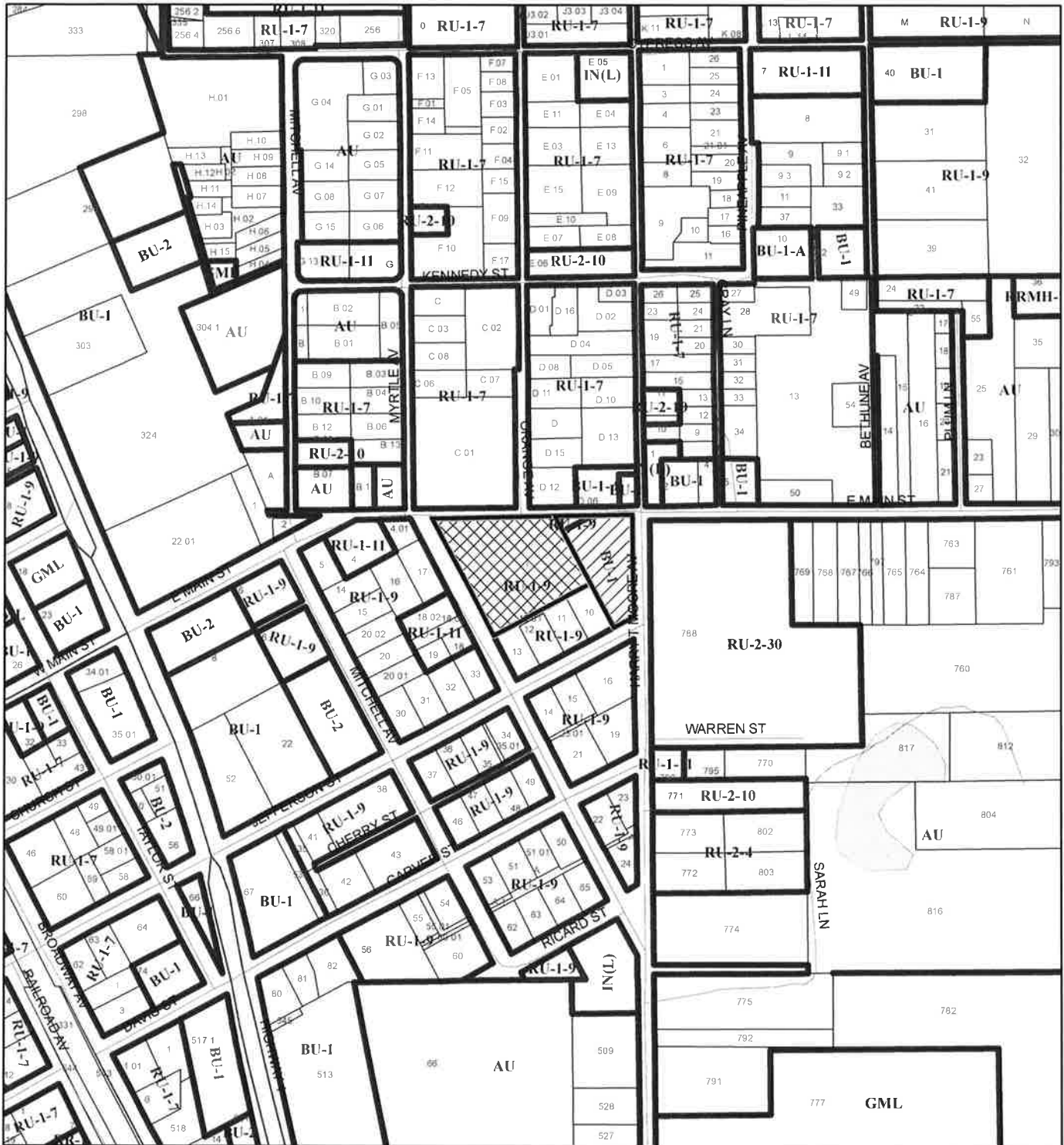
— Buffer

■ Subject Property

ZONING MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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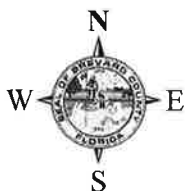
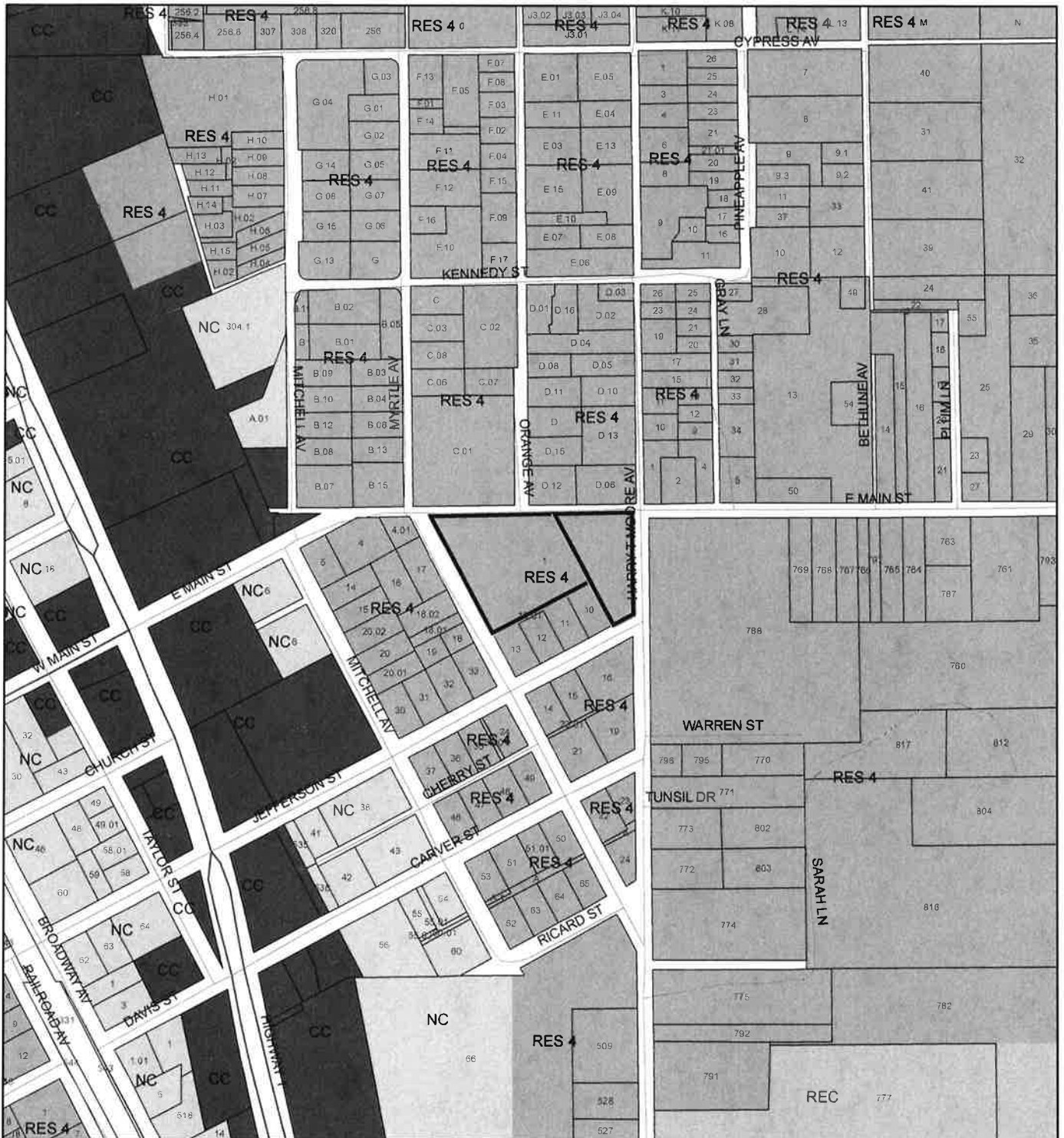
Produced by BoCC - GIS Date: 8/12/2020

- Subject Property
- Parcels
- Zoning
- RU-1-9- and BU-1 To BU-1-A
- Add BDP

FUTURE LAND USE MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

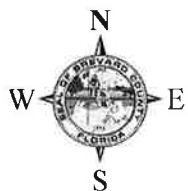
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/11/2020

AERIAL MAP

2354 TALMADGE DRIVE, LLC

20Z00023




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 8/12/2020

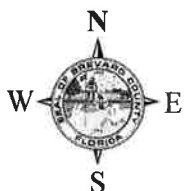
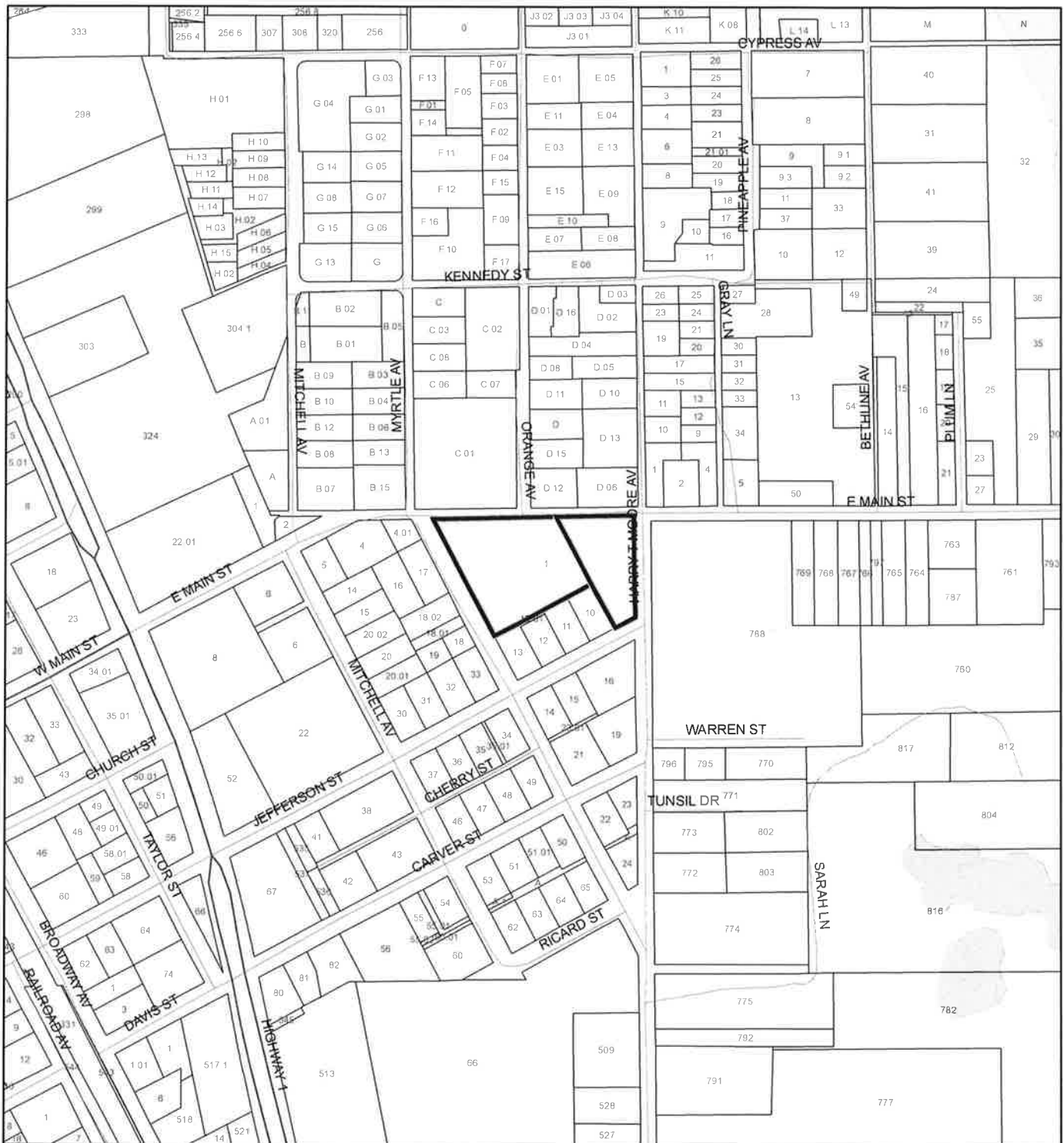
 Subject Property

 Parcels

NWI WETLANDS MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

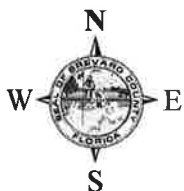
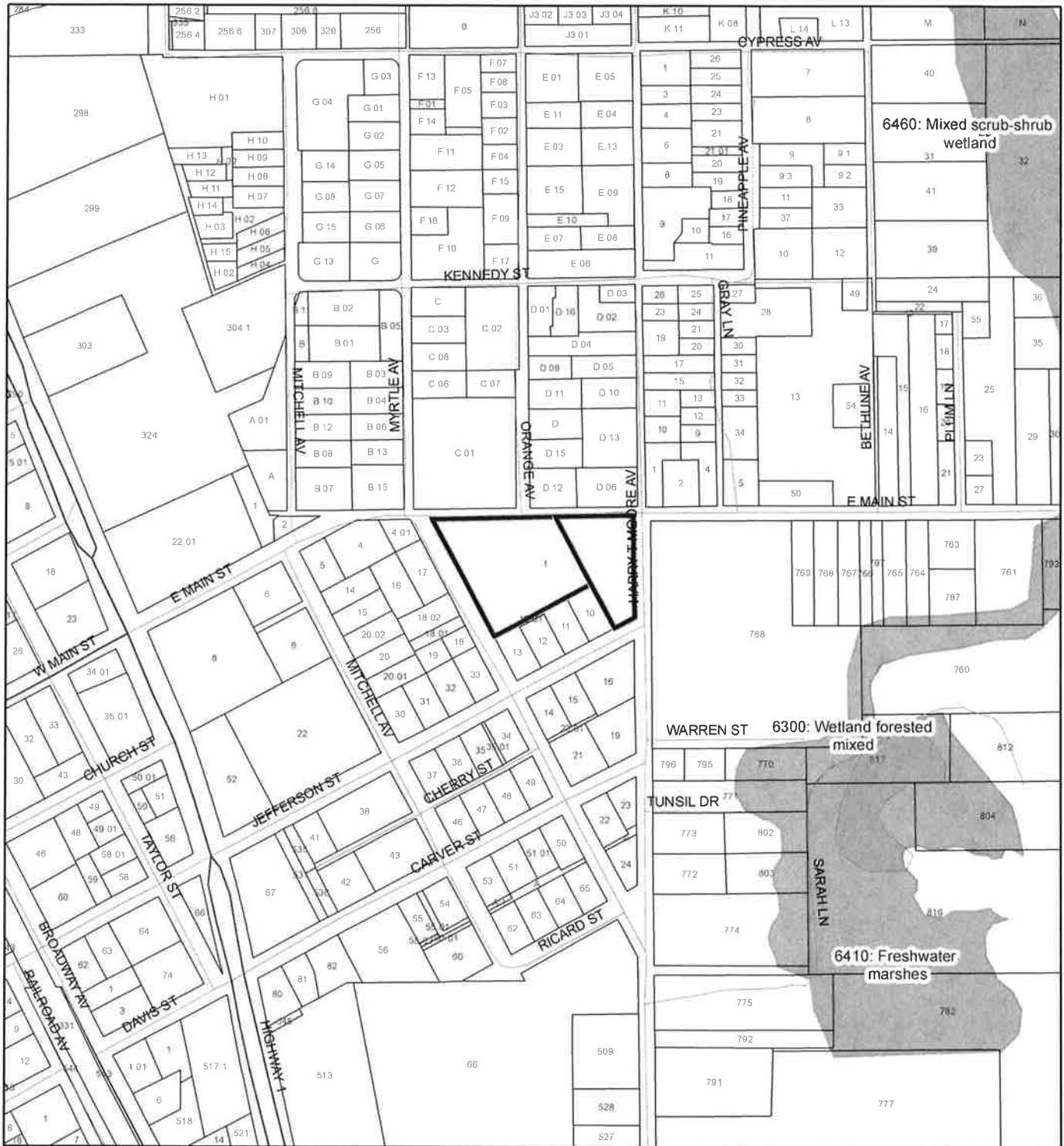
National Wetlands Inventory (NWI)

	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

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

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

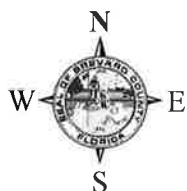
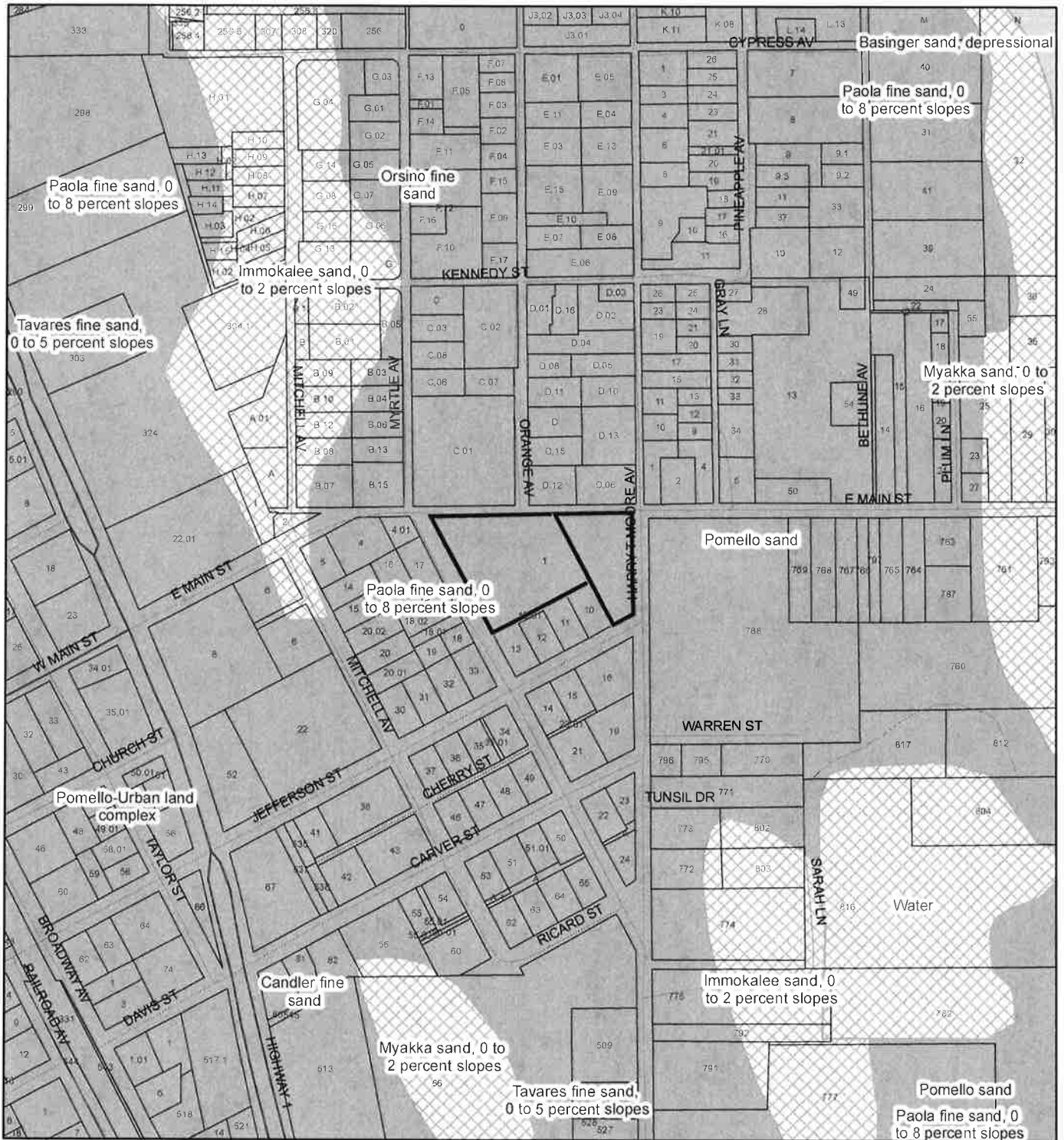
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

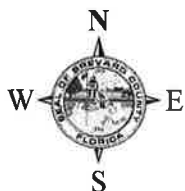
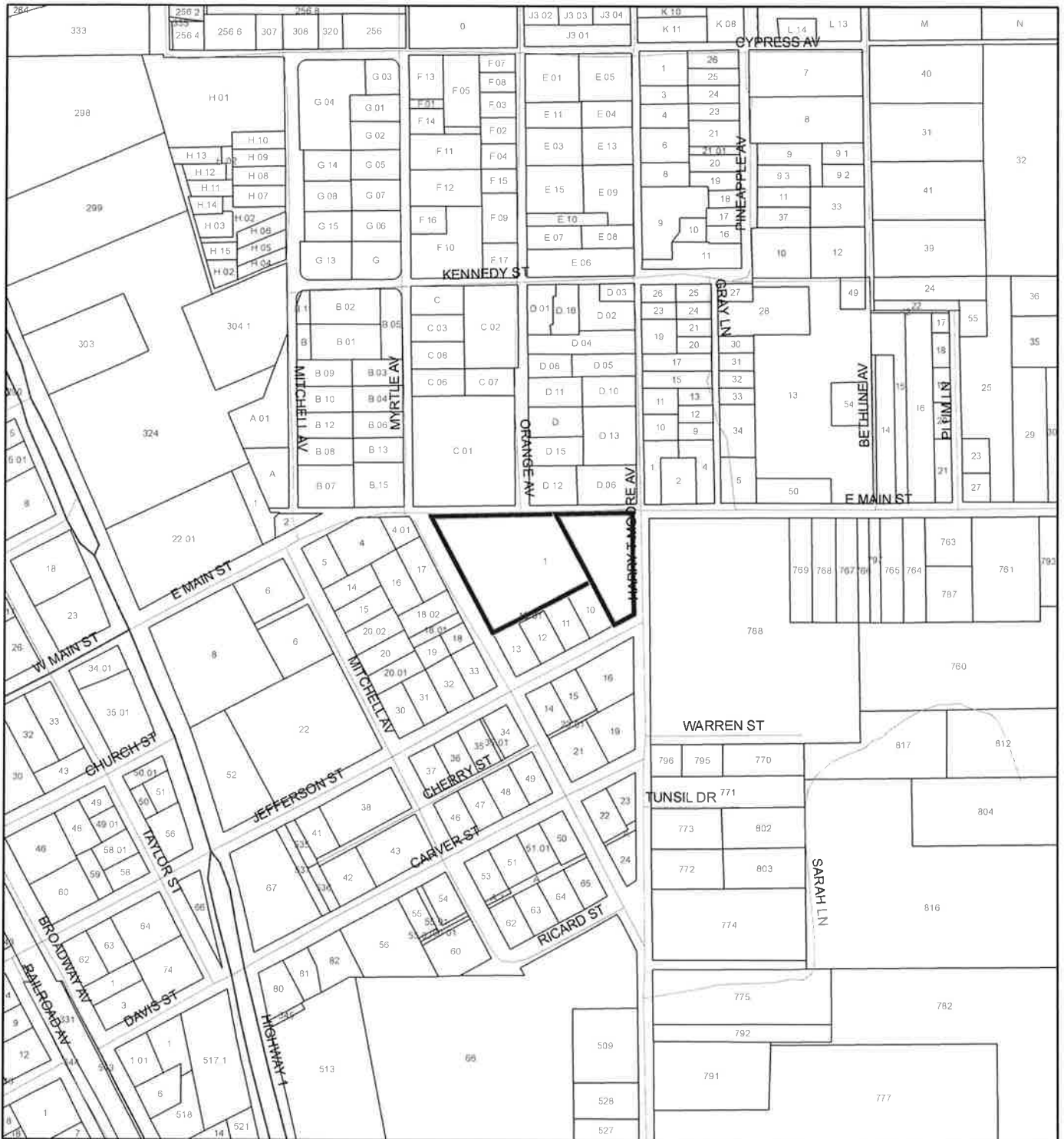
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

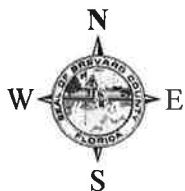
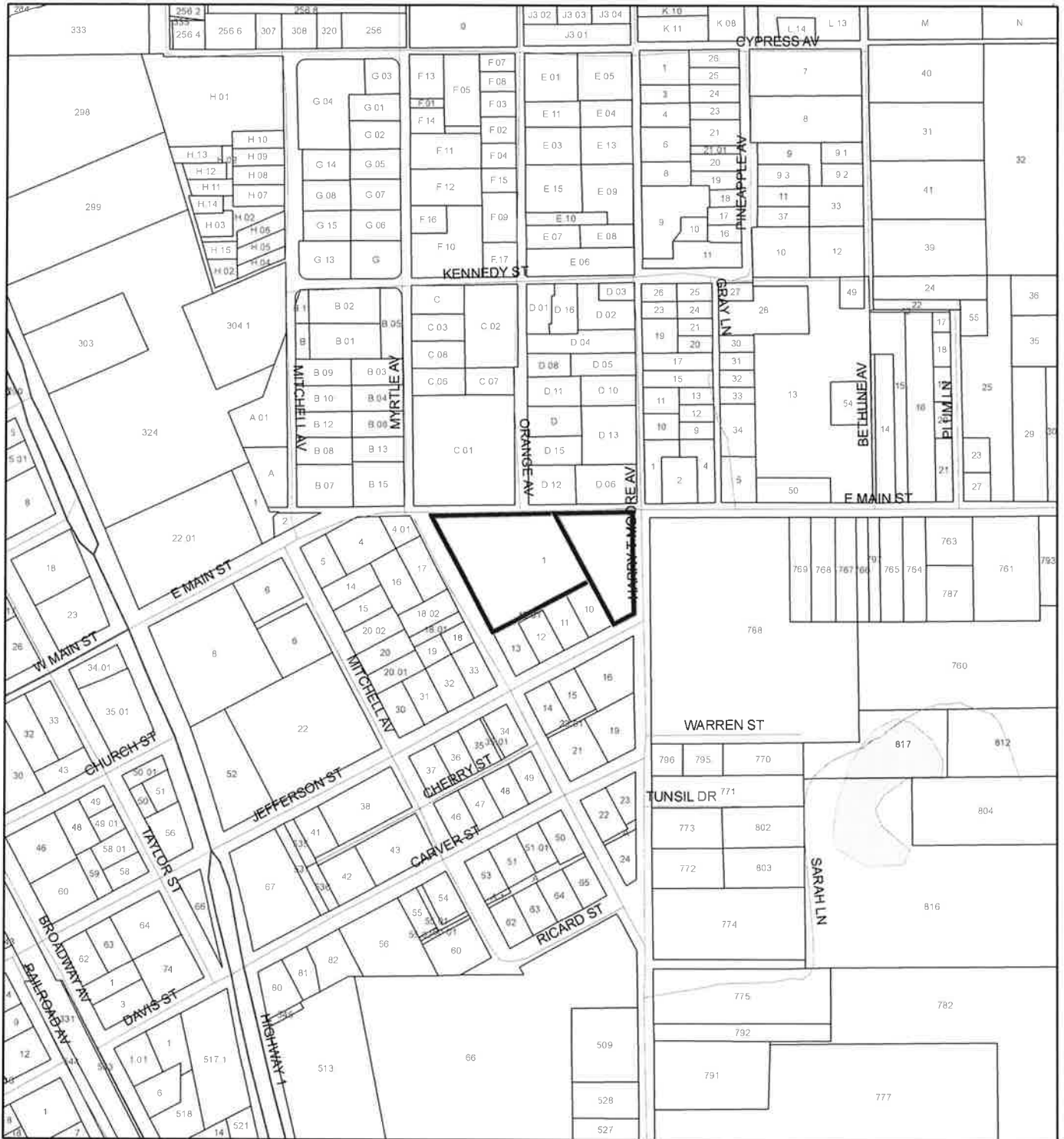
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 8/11/2020

 Subject Property

 Parcels

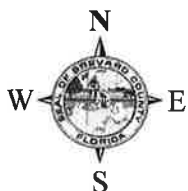
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

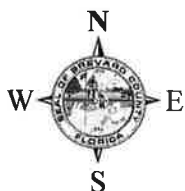
 60 Meters

 All Distances

EAGLE NESTS MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

 Subject Property

 Parcels

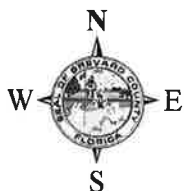
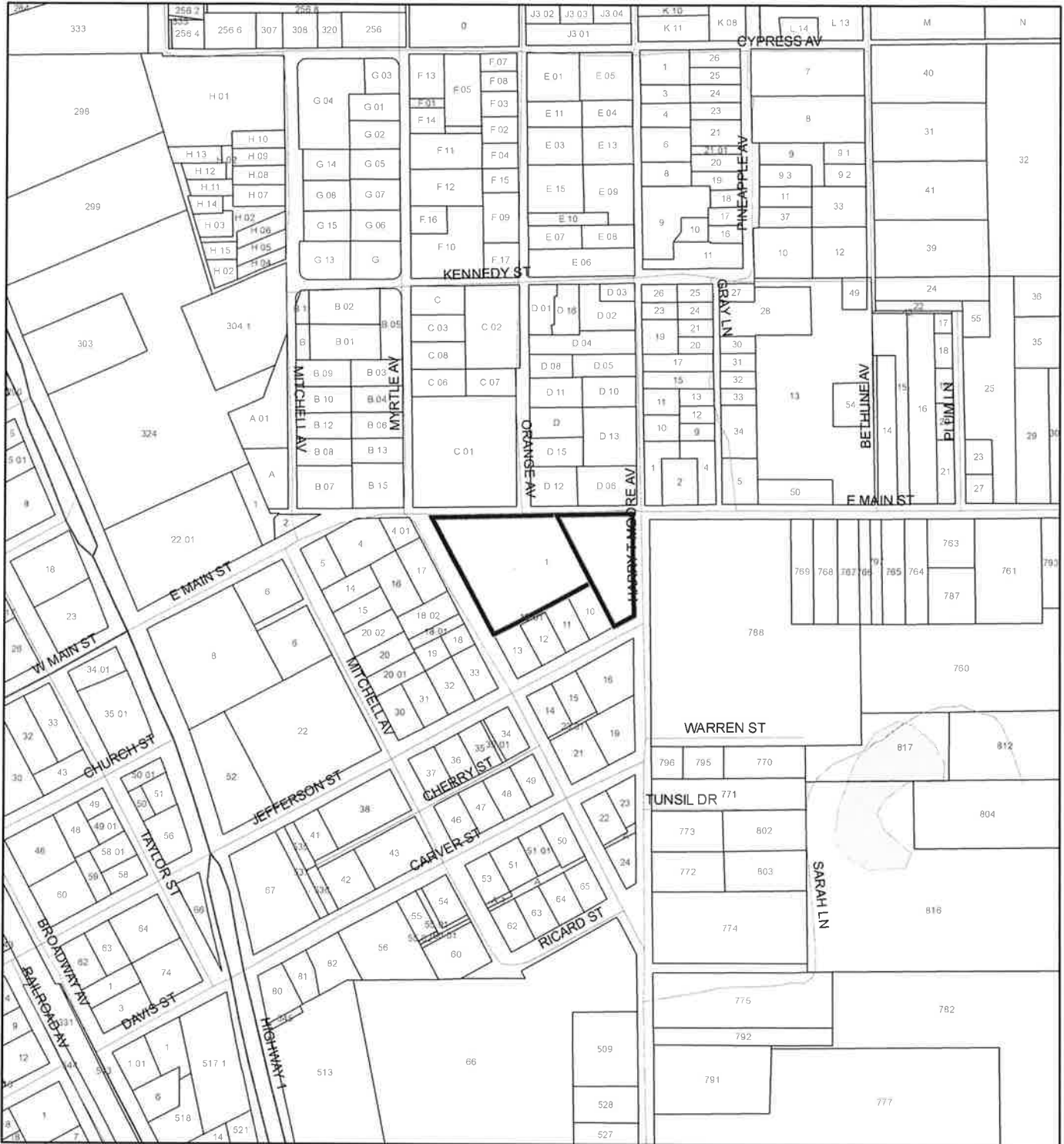


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

2354 TALMADGE DRIVE, LLC




20Z00023



1:4,800 or 1 inch = 400 feet

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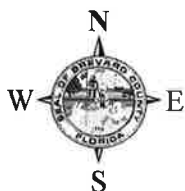
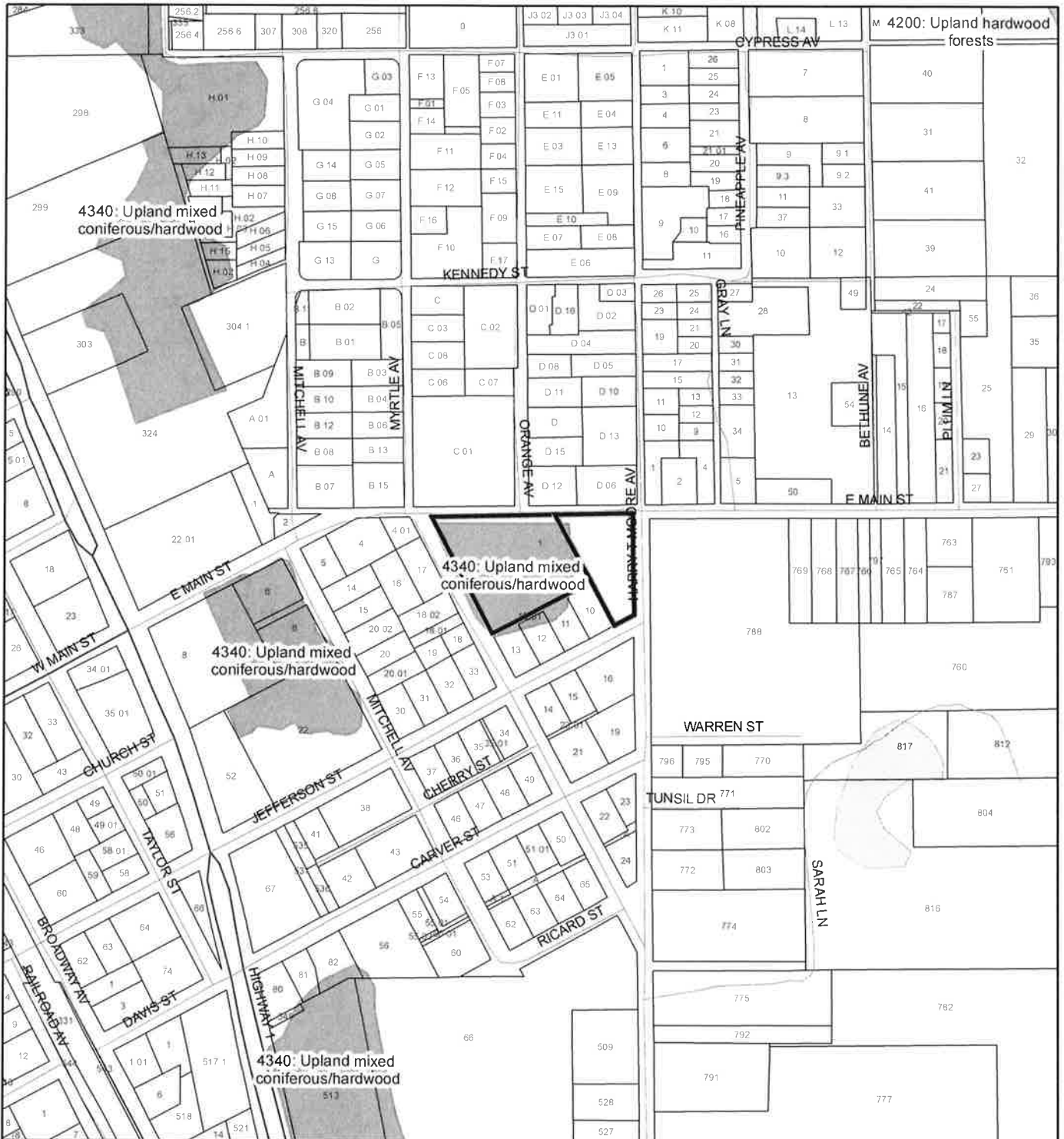
Produced by BoCC - GIS Date: 8/11/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

2354 TALMADGE DRIVE, LLC

20Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/11/2020

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Mark W. Mullins, Ed.D., Superintendent

August 6, 2020

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

**RE: Proposed Main Street & Harry T. Moore Avenue Development
School Impact Analysis – Capacity Determination CD-2020-08**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2103831 (Parcel ID: 21-35-17-53-*1) containing approximately 3.04 acres in District 1, Brevard County, Florida. The proposed single-family development includes 9 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 2019-20 to 2024-25 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2019-2020 to 2024-25* which is attached for reference.

Single-Family Homes		9	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	2.52	3
Middle	0.08	0.72	1
High	0.16	1.44	1
Total	0.52		5

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

An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2019-20 to 2024-25**

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	725	725	725	725	725
Madison	713	713	713	713	713
Astronaut	1,416	1,416	1,416	1,416	1,416

Projected Student Membership

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	183	500	523	538	550
Madison	518	191	171	180	527
Astronaut	1,111	1,153	1,113	1,105	1,091

Students Generated by Previously Issued SCADL Reservations

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	6	6	6	6	6
Madison	20	20	20	20	20
Astronaut	76	90	102	102	102

**Cumulative Students Generated by
Proposed Development**

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	-	1	2	3	3
Madison	-	0	0	1	1
Astronaut	-	0	1	1	1

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

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	189	507	531	547	559
Madison	538	511	491	501	518
Astronaut	1,187	1,243	1,246	1,208	1,191

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

School	2020-21	2021-22	2022-23	2023-24	2024-25
Mims	236	218	191	178	166
Madison	205	229	249	212	195
Astronaut	259	203	200	238	252

At this time Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the Main Street & Harry T. Moore Avenue development

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

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

Sincerely,



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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2019-2020 to 2024-25*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2020-08

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2020-08

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the
Data and Analysis for School Years 2019-20 to 2024-25

Level of Service

**Brevard
Public
Schools**

Summary				2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Highest Utilization Elementary Schools				104%	99%	100%	99%	100%	100%
Highest Utilization Middle Schools				90%	93%	93%	92%	90%	94%
Highest Utilization Jr / Sr High Schools				85%	85%	88%	86%	89%	93%
Highest Utilization High Schools				95%	88%	95%	96%	97%	100%

School	Type	Grades	Utilization Factor	School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25		
				FISH Capacity	1041119 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
New Vista	Elementary	K-6	100%				970	400		970	446		970	479		970	516		970	547	
Allen	Elementary	PK-6	100%	751	733		751	741		773	780		795	785		817	813		839	835	
Andersen	Elementary	K-6	100%	834	718	311	834	667		854	649		864	663		894	657		884	644	
Asolo	Elementary	K-6	100%	902	836		902	878		924	920		946	936		968	955		990	969	
Atlanta	Elementary	PK-6	100%	739	675		739	691		759	720		779	722		799	733		739	705	
Audubon	Elementary	PK-6	100%	781	533		781	489		781	477		781	475		781	465		761	458	
Cambridge	Elementary	PK-6	100%	765	632		765	601		765	596		765	591		765	597		765	598	
Cape View	Elementary	PK-6	100%	570	360		570	343		570	334		570	347		570	344		570	346	
Canal	Elementary	K-6	100%	751	670		751	710		751	695		751	707		751	727		773	771	
Chapman 7	Elementary	PK-6	100%	873	843		873	844		873	850		873	866		895	876		985	989	
Columbia	Elementary	PK-6	100%	751	432		751	407		751	430		751	453		751	468		751	478	
Coquina	Elementary	K-6	100%	711	520		711	564		711	571		711	578		711	581		711	580	
Coral	Elementary	PK-6	100%	1,154	825		1,154	843		1,154	828		1,154	831		1,154	813		1,154	815	
Croton	Elementary	PK-6	100%	790	523		790	523		790	523		790	523		790	523		790	523	
Discovery	Elementary	PK-6	100%	990	846		990	839		990	839		990	839		990	839		990	839	
Endeavour	Elementary	PK-6	100%	990	652		990	640		990	617		990	617		990	617		990	617	
Enterprise	Elementary	K-6	100%	729	607		729	598		729	511		729	609		729	614		729	613	
Farquhar	Elementary	PK-6	100%	719	667		719	625		719	655		719	675		719	671		719	664	
Genito	Elementary	K-6	100%	711	475		711	502		711	491		711	488		711	497		711	510	
Golfview	Elementary	PK-6	100%	777	508		777	472		777	470		777	548		777	542		777	554	
Harbor City	Elementary	PK-6	100%	829	366		829	361		829	378		829	403		829	405		829	398	
Island	Elementary	PK-6	100%	605	502		605	502		605	501		605	495		605	484		605	462	
Island Estates	Elementary	K-6	100%	729	629		729	610		729	604		729	618		729	625		729	638	
Jupiter	Elementary	K-6	100%	729	722		729	729		729	714		729	709		729	702		729	694	
Lookmar	Elementary	PK-6	100%	892	592		892	582		892	585		892	652		892	656		892	659	
Longleaf	Elementary	PK-6	100%	780	846	52	780	862		780	844		780	878		780	881		780	881	
Manatee	Elementary	K-6	100%	998	995		998	995		998	995		998	995		998	995		998	995	
McAuliffe	Elementary	PK-6	100%	916	740		916	719		916	731		916	709		916	710		916	698	
Meadowdale Intermediate	Elementary	3-5	100%	1,114	836		1,114	834		1,114	810		1,114	968		1,114	1,070		1,114	1,165	
Meadowdale Primary	Elementary	K-6	100%	824	580		824	739		824	754		824	767		824	812		824	850	
Mike	Elementary	PK-6	100%	707	483		707	469		707	488		707	487		707	500		707	509	
Mims	Elementary	PK-6	100%	725	452		725	432		725	500		725	523		725	539		725	560	
Oak Park	Elementary	PK-6	100%	968	842		968	837		968	822		968	848		968	861		968	881	
Ocean Breeze	Elementary	PK-6	100%	654	559		654	568		654	578		654	585		654	595		654	600	
Palm Bay	Elementary	PK-6	100%	983	841		983	827		983	844		983	858		983	871		983	796	
Pinewood	Elementary	PK-6	100%	569	486		569	501		569	517		569	533		569	546		569	562	
Port Malabar	Elementary	PK-6	100%	852	713		852	680		852	694		852	696		852	777		852	802	
Quest	Elementary	PK-6	100%	1,152	1,196		1,152	969		1,152	980		1,152	945		1,152	1,021		1,152	1,051	
Riverside	Elementary	PK-6	100%	777	696		777	737		821	735		831	765		1,019	1,014		1,085	1,000	
Sabal	Elementary	K-6	100%	599	345		599	317		599	311		599	287		599	275		599	252	
Sabal	Elementary	PK-6	100%	785	583		785	557		785	560		785	584		785	592		785	581	
Salem	Elementary	PK-6	100%	978	845		978	845		978	856		978	857		978	857		978	857	
Sea Park	Elementary	PK-6	100%	481	338		481	328		481	319		481	341		481	342		481	317	
Shenwood	Elementary	PK-6	100%	609	461		609	438		609	428		609	421		609	427		609	435	
South Lake	Elementary	K-6	100%	481	351		481	372		481	372		481	372		481	372		481	372	
Sunrise	Elementary	PK-6	100%	913	796		913	746		913	773		913	781		913	817		913	835	
Sunrise	Elementary	K-6	100%	755	675		755	619		755	560		755	582		755	586		755	607	
Surfside	Elementary	K-6	100%	541	461		541	460		541	442		541	450		541	436		541	424	
Tropical	Elementary	K-6	100%	810	594		810	603		810	792		810	757		810	745		810	708	
Turner	Elementary	PK-6	100%	874	595		874	577		874	556		874	538		874	528		874	543	
University Park	Elementary	PK-6	100%	811	479		811	454		811	553		811	544		811	544		811	561	
Westside	Elementary	K-6	100%	857	773		857	734		857	698		857	702		857	709		857	750	
Williams	Elementary	PK-6	100%	715	574		715	499		715	501		715	494		715	480		715	474	
Elementary Totals				41,984	33,013		42,886	32,376		42,954	32,793		43,108	33,238		43,306	34,083		43,504	34,980	

Middle School Concurrency Service Areas													
Central	Male	7-8	90%	1,505	1,181	1,505	1,184	1,505	1,075	1,505	1,042	1,505	1,170
DeLaura	Male	7-8	90%	939	844	939	872	939	875	939	882	939	884
Hoover	Male	7-8	90%	859	494	859	500	859	509	859	504	859	500
Jackson	Male	7-8	90%	854	537	854	570	854	571	854	558	854	594
Jefferson	Male	7-8	90%	854	688	854	684	854	630	854	618	854	590
Johnson	Male	7-8	90%	997	744	997	747	997	723	997	660	997	714
Kennedy	Male	7-8	90%	813	657	813	713	813	586	813	709	813	683
Madison	Male	7-8	90%	743	528	743	518	743	494	743	474	743	527
McNeil	Male	7-8	90%	811	489	811	481	811	479	811	514	811	545
Southwest	Male	7-8	90%	1,177	696	1,177	900	1,177	883	1,177	800	1,177	781
Store	Male	7-8	90%	1,024	758	1,024	792	1,024	554	1,024	790	1,024	888
Middle Totals				9,976	7,830	9,976	7,841	9,976	7,797	9,976	7,439	9,976	7,884
Junior / Senior High School Concurrency Service Areas													
Coosa	Jr / Sr High	9-12	90%	2,587	1,813	2,587	1,832	2,587	1,783	2,587	1,322	2,587	1,813
Coosa Beach	Jr / Sr High	9-12	90%	1,486	1,003	1,486	1,002	1,486	988	1,486	951	1,486	885
Coosa Coast	Jr / Sr High	9-12	90%	1,857	1,584	1,857	1,577	1,857	1,596	1,857	1,552	1,857	1,513
Jr / Sr High Totals				5,930	4,411	5,930	4,211	5,930	4,347	5,930	4,225	5,930	4,311
Senior High School Concurrency Service Areas													
Astronaut	High	9-12	95%	1,448	1,055	1,448	1,111	1,448	1,153	1,448	1,143	1,448	1,091
Bayside	High	9-12	95%	2,237	1,646	2,237	1,654	2,237	1,758	2,237	1,768	2,237	1,778
Eau Galle	High	PK-9-12	95%	2,232	1,688	2,232	1,650	2,232	1,718	2,232	1,682	2,232	1,723
Heritage	High	9-12	95%	2,314	1,889	2,314	1,927	2,314	1,989	2,314	1,955	2,314	1,957
McMourne	High	9-12	95%	2,356	2,112	2,356	2,112	2,356	2,237	2,356	2,263	2,356	2,348
Memor Island	High	PK-9-12	95%	1,915	1,527	1,915	1,567	1,915	1,553	1,915	1,499	1,915	1,388
Palm Bay	High	PK-9-12	95%	2,602	1,413	2,602	1,388	2,602	1,537	2,602	1,629	2,602	1,838
Rockledge	High	9-12	95%	1,701	1,516	1,701	1,540	1,701	1,548	1,701	1,530	1,701	1,600
Satellite	High	PK-9-12	95%	1,516	1,422	1,516	1,489	1,540	1,520	1,540	1,484	1,540	1,390
Truville	High	9-12	95%	1,848	1,310	1,848	1,285	1,848	1,295	1,848	1,321	1,848	1,329
Viera	High	PK-9-12	95%	2,277	2,154	2,277	2,135	2,277	2,187	2,277	2,185	2,277	2,305
High Totals				22,484	17,783	22,484	17,866	22,488	18,504	22,488	18,468	22,559	18,885
Schools of Choice (Not Concurrency Service Areas)													
Freedom 7	Elementary	K-8	100%	475	404	475	414	475	414	475	414	475	414
Stevenson	Elementary	K-8	100%	569	504	569	508	569	508	569	508	569	508
West Melbourne	Elementary	K-8	100%	818	548	818	552	818	552	818	552	818	552
Edgewood	Jr / Sr High	9-12	90%	1,072	942	1,072	950	1,072	940	1,072	950	1,072	950
West Shore	Jr / Sr High	9-12	90%	1,264	951	1,264	856	1,264	956	1,264	956	1,264	956
Schools of Choice				3,998	3,349	3,998	3,380	3,998	3,380	3,998	3,380	3,998	3,380
Brevard Totals				85,812	66,152	85,854	66,988	85,860	66,821	85,860	66,904	85,874	68,003

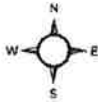
Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2019-20 are reported from the FISH database as of October 9, 2019.
2. Student Membership is reported from the Fall Final Membership Count (10/11/19).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-K/Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant.
 - Current From/To attendance patterns are assumed to remain constant.
 - Non-coded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth
5. In order to maintain utilization rates over the 100% level of service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. 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.
 - High School (Grades 9-12) relocatable classrooms = 25 student stations.
 - Immediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 7 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Sunset Elementary, Sunrise Elementary, DeLaura Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms).
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms).
7. Redistricting was approved for the 2020-21 school year and the projected enrollment for 2020-21 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
8. The following proposals for additional permanent capacity are included in this analysis:
 - A new central area elementary is assumed to add 970 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

1146

Brevard
Public
Schools

Main Street & Harry T. Moore Ave. Development Location Map



MIMS

Mims
Elementary
School

Main Street &
Harry T. Moore Ave.
Development
9 Units

Schools Affected by Development:

Mims Elementary
Madison Middle School
Astronaut High School

Drawn By:
Blake Stinson
08/06/2020
Facility Services

690 345 0 690 Feet



147

Prepared by: 2354 Talmadge Drive, LLC
Address: 2050 White Sand Drive, Titusville, FL 32780

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 6th day of August, 2020 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and 2354 Talmadge Drive, LLC, a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU-1-9 zoning classification(s) and desires to develop the Property as Be limited to a density of 4 units per acre and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

Rev. 11/25/2019

2. Developer/Owner shall provide a 0 foot buffer on the no portion of the Property.
3. The Developer/Owner shall limit density to 4 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall limit ingress and egress to
Not applicable
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on to be determined. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory

for the owner and holder of that certain Mortgage dated OCTOBER 11, 2019, given by

2354 TALMADGE DRIVE, LLC, as mortgagor, in favor of the undersigned,

JACQUELINE BOYCE MELLOR, TRUSTEE OF THE
JACQUELINE BOYCE MELLOR LIVING TRUST, DTD 9/5/18, as mortgagee, recorded in Official Records Book 8543

Page 749, of the Public Records of Brevard County, Florida, and encumbering lands described in said

Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the

change of property use and development requirements as set forth therein.

MORTGAGEE CORPORATION NAME AND ADDRESS

JACQUELINE BOYCE MELLOR LIVING TRUST, DTD 9/5/18

Mortgagee Corporation Name

P.O. BOX 152 EDGEWATER FL 32132

Street

City

State

Zip Code

*Authorized Agent Signature

JACQUELINE BOYCE MELLOR, TRUSTEE
Authorized Agent Printed Name and Title

*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.

AFFIX CORPORATE SEAL

WITNESSES

Signature

Print Name

Signature

Print Name

STATE OF FLORIDA

COUNTY OF VOLUSIA

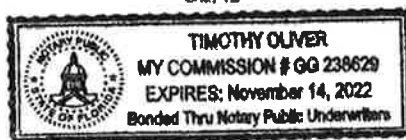
The foregoing instrument was acknowledged before me this 6th day of AUGUST, 20 20,
by JACQUELINE BOYCE MELLOR, TRUSTEE, who is personally known to me or who has produced
_____ as identification.

[Signature]

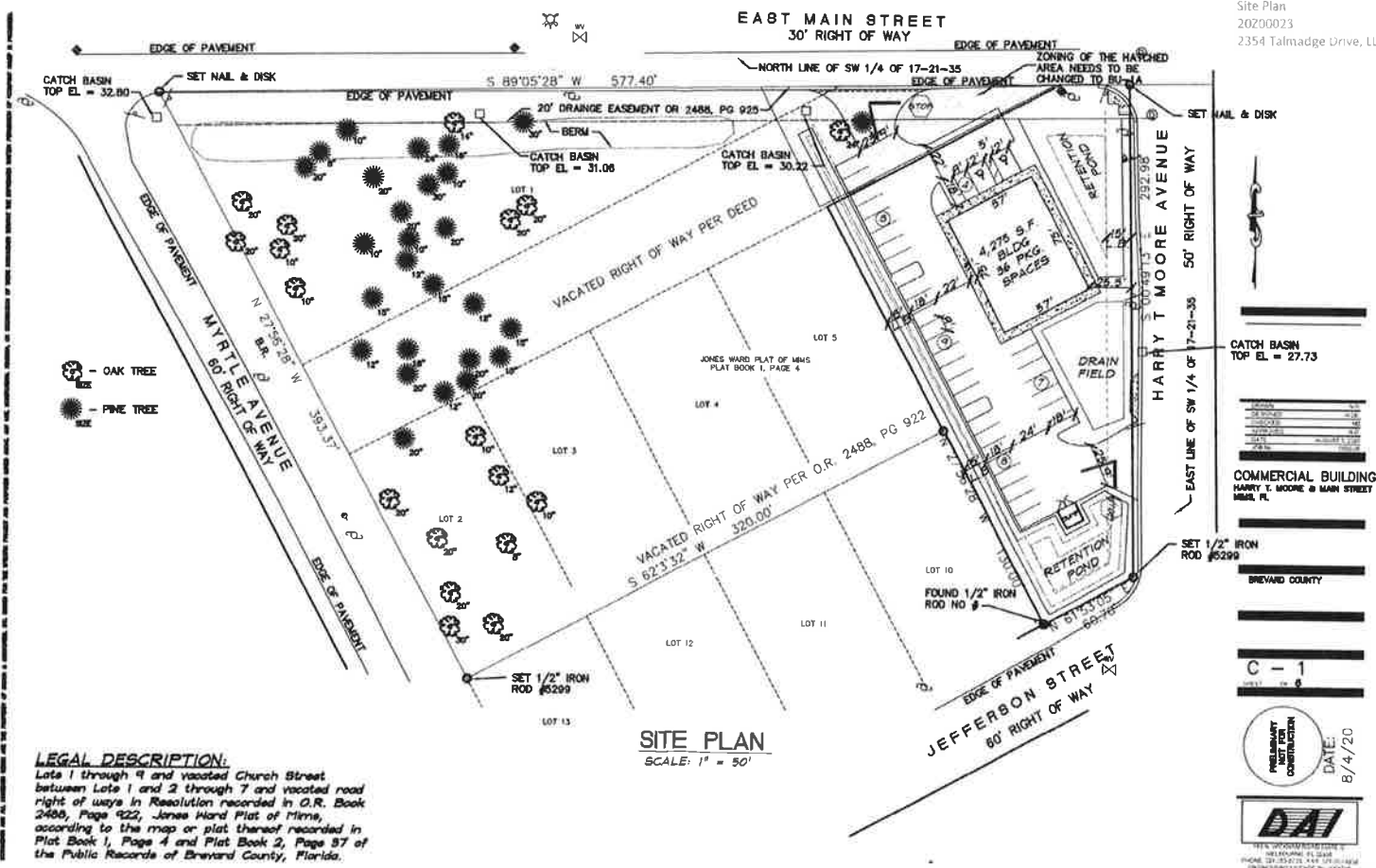
Notary Public Signature

TIMOTHY OLIVER
Name Printed

SEAL



Site Plan
20200023
2354 Talmadge Drive, LLC



PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 5, 2020**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Bartcher; Brian Woltz; Ian Golden; Brian Rodgers; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Bruce Moia.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

2354 Talmadge Drive, LLC (Aldon Bookhardt / Debbie Joyce)

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 (Residential 4) to NC (Neighborhood Commercial). The property is 0.98 acres, located on the southwest corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area) (20PZ00079) (Tax Account 2103831) (District 1)

2354 Talmadge Drive, LLC (Aldon Bookhardt / Debbie Joyce)

A change of zoning classification from RU-1-9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A (Restricted Neighborhood Commercial) on 0.98 acres; and a BDP (Binding Development Plan) limited to 4 units per acre on 2.29 acres. The property is located on the southwest corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area.) (20Z00023) (Tax Account 2103831) (District 1)

Debbie Joyce, 3231 Nottingham Lane, Cocoa, stated the first application is to make the Future Land Use consistent with the zoning. The current zoning is BU-1 and they would like to change it to BU-1-A, which is neighborhood community commercial, in order to develop a retail store. The parcel across the street is also BU-1 and BU-1-A. The second application is to change the zoning from RU-1-9 to BU-1-A, and the plan is to develop single-family homes at four units per acre. Both parcels are owned by the LLC and they would like to develop them, but before they can do that they need these changes made to the land use and zoning. She said they would like to bring some single-family home ownership opportunity to the Mims area.

No public comment.

Peter Filiberto asked if they plan on having commercial on the bottom and residential on top. Ms. Joyce replied the plan is for commercial on one floor only, on the .98 acres. The plan is for a retail store, as well as a community meeting facility adjacent to the retail store.

Ron Bartcher asked what kind of retail store. Ms. Joyce replied a convenience store. Mr. Ball noted a convenience store in BU-1-A would require a conditional use permit; they can have retail, but if they call it a convenience store, that requires a conditional use, which is a public hearing process. Ms. Joyce replied it will be a retail store, because that was their understanding.

Brian Rodgers stated he sees mostly Residential 4 in the area, and not any commercial.

Mr. Ball stated the property on the corner retains the BU-1 zoning classification and when that was done it established commercial uses. The Comprehensive Plan was never updated to recognize that,

so this change to Neighborhood Commercial will recognize that and allow that corner to be developed. There is a small portion just to the north of that corner piece zoned BU-1 that is incorporated into the Neighborhood Commercial, so staff thought it would be appropriate and allow for more commercial area to be developed. The RU-1-9 will remain the Residential 4 land use, and that is the reason for the BDP to limit the four units per acre.

Motion by Ron Bartcher, seconded by Brian Rodgers, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use from RES 4 to NC. The motion passed unanimously. (Bruce Moia absent)

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve the change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres. The motion passed unanimously. (Bruce Moia absent)