



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.12.

7/13/2023

### Subject:

Afficap Cocoa, LLC (Javier Fernandez) requests a change of zoning classification from AU to RU-2-10. (23Z00028) (Tax Accounts 2424005 & 2441241) (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 AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential).

### Summary Explanation and Background:

The applicants are requesting a change of zoning classification from AU to RU-2-10 for the purpose of a unified zoning across the entire proposed project area which includes 2 parcels to the east that are not included in this request. The proposed project is an approximate 300-unit townhome development directly east of the subject property. The need for additional land came about during the site plan process when it was determined that a larger stormwater retention facility would be required. Existing structures on-site include a pole barn, outbuilding, and a single-family residence. A companion application, 23SS00003, would amend the Future Land Use designation from NC and RES 4 to RES 15 (Residential 15).

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

The developed character of the surrounding area is agricultural residential, rural residential, commercial, and multi-family. A 288-unit townhome development immediately east of the subject property is currently under site plan review.

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

On June 12, 2023, the Planning and Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

**Resolution 23Z00028**

On motion by Commissioner Tobia, seconded by Commissioner Feltner, the following resolution was adopted by a unanimous vote:

**WHEREAS, Afficap Cocoa, LLC** requests a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential), on property described as Tax Parcel 505 & 515, as recorded in ORB 9757, Page 850, of the Public Records of Brevard County, Florida. **Section 31, Township 24, Range 36.** (14.82 acres) Located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (450 S. Range Rd., Cocoa); and

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

**WHEREAS,** the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to RU-2-10 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of July 13, 2023.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida

Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on July 13, 2023.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – June 12, 2023

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, 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 zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other 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 development 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:**

- 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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Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
23Z00028**

**Afficap Cocoa, LLC**

**AU (Agricultural Residential) to RU-2-10 (Medium-density Multiple-family Residential)**

Tax Account Number: 2424005 & 2441241  
Parcel I.D.: 24-36-31-00-515 & 24-36-31-00-505  
Location: Eastside of Range road approximately 700 feet north of Pluckebaum (District 1)  
Acreage: 19.48 +/- acre

Planning & Zoning Board: 6/12/2023  
Board of County Commissioners: 7/13/2023

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	AU	RU-2-10
<b>Potential*</b>	7	190 units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 4 & NC	NO, RES 4** YES, NC**

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

\*\*The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 4 & NC to RES 15 (Residential 15) under **23SS00003**.

**Background and Purpose of Request**

The applicants are requesting a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium-density Multiple-family Residential) on 2 parcels totaling 19.48 acres for the purposes of a unified zoning across the entire proposed

project area which includes 2 parcels to the east that are not included in this request. The proposed project is an approximate 300-unit townhome development located directly east of the subject property. The need for additional land came about during the site plan process when it was determined that a larger stormwater retention facility would be required. Existing structures on-site include one pole barn, outbuilding and single-family residence.

At this time, there are no active code enforcement associated with the subject parcels.

### **Land Use**

The subject property is currently designated as Neighborhood Commercial (NC) and Residential 4 (RES 4) FLU. The existing AU zoning can be considered consistent with the existing RES 4 FLU designation. AU may also be considered consistent with NC, if permitted by Policy 2.10

The parcel associated with Tax account 2424005 totaling 14.82 acres is located in the Neighborhood Commercial (NC) and Residential 4 (RES 4 - maximum of 4 dwelling units per acre) designations Approximately 9 acres of the 14.82 acres is located in the RES 4 District. The remainder of the property is located in the NC.

The parcel associated with Tax account 2441241 totaling 4.66-acre is located in the Neighborhood Commercial.

The proposed RU-2-10 zoning cannot be considered consistent with the existing RES 4 but may be considered consistent with NC, if permitted by Policy 2.10.

A companion application, **23SS00003**, would amend the Future Land Use designation from NC and RES 4 to Residential 15 (RES 15 – maximum of 15 dwelling units per acre).

### **Applicable Land Use Policies**

#### **FLUE Policy 1.4**

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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 applicant has proposed to only use these properties for a stormwater retention facility and recreational area for the 300-unit townhome development. The subject properties are located between single-family residential zoned properties. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use Map change be approved.**

- 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 (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.**

- 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;

**The character of the surrounding area is mix of low-density residential on parcels (1) acre or larger in size and non-retail commercial uses. FLU designations within 500 feet of the subject property includes NC and RES 4. RES 15 land use are located to the east abutting the subject property and further to the west on the east side of I-95 Highway.**

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

**Over the preceding three years, the Cocoa Grand apartments (City of Cocoa) and Boniface Chrysler Dodge dealership was constructed. Harvest Landing subdivision is in the beginning phases of construction (City of Rockledge). These developments are within ½ mile of the subject property.**

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

**To the southeast, Harvest Landing subdivision is in the beginning phases of construction.**

**FLUM amendments within one-half mile:**

**21PZ00062, request to amend Future Land Use Map (FLUM) from RES 4 to CC, approved by the Board on May 7, 2020 on 40 acres located immediately east of the subject properties.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**No material violation of relevant policies has been identified.**

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

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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The developed character of the surrounding area agricultural residential, rural residential commercial and multi-family to the east. A 288-unit townhome development with RU-2-10 zoning is under site plan review (22SP00026) immediately east of the subject property. That project was originally approved by the Board on December 2, 2021 under zoning action **21Z00032** which changed AU (Agricultural Residential) to RU-2-10 (Medium-Density Multi-Family Residential) on 2 parcels totaling 40-acres.

#### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family/multi-family	GU/City of Cocoa	NC/ Medium-Density Residential District (15 units/acre)
<b>South</b>	Single-family	AU	RES 4/NC
<b>East</b>	Single-family	RU-2-10	RES 15

<b>West</b>	Junk yard/single-family	BU-1, BU-2, AU	RES 15, CC, NC
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There are 2 properties abutting the subject property to the north; a single-family residential on 5.61 acres with GU zoning designation and multi-family residential (280 units) on 94.9 acres within the City of Cocoa. Other properties further north are approximately 0.5-acre to 3-acres in size with GU and RR-1 zoning developed as single-family residential.

The property to the immediate south has AU zoning and developed as single-family residential with Pole Barns, horse run and an outbuilding on 18-acres. South across Pluckebaum Rd, uses include an AM radio station, borrow pits (within City of Rockledge boundary), low-lying vacant lands, junk yard/open storage, and a farm with horse runs. Continuing east across Pluckedbaum Rd, within the City of Rockledge, is Harvest Landing Subdivision, currently under construction, with 364-units developed under Planned Unit Development (PUD) zoning on approximately 156-acres.

A 300-unit townhome development is proposed on 2 properties, approximately 40-acres, directly east of the subject properties. Both properties are zone RU-2-10 which permits up to 10-units/acre. The subject properties and the 2 properties to the east will be part of the same development project.

To the west, existing businesses include; an auto towing and junk yard, auto repair, auto-body/auto paint shop and a business plaza. Zonings classification for these properties include BU-1, BU-2, and AU. Continuing west are vacant properties, small strip center type retail, neighborhood convenience store, Brevard County park facility, single-family residential, club/lodge and other businesses. GML, BU-1, BU-2 and IN(L) can be found in this area.

The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ 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

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

Previous zoning actions the properties include **Z-6801** (Conditional Use Permit - Security trailer 1984), **Z-5936** (Suburban residential - SR to AU 1982), **Z-4657** (Single-family mobile home TR-1 to SR 1978), **Z-3655** (Light Industrial IU to TR-1 1974) & **Z-2343** (General Use GU to IU 1968).

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Pluckebaum Rd, between Clearlake Rd and Fiske Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 38.67% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 7.08%. The corridor is anticipated to operate at 45.74% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject site is within the City of Cocoa's service area for potable water. The closest Brevard County sewer line is approximately 0.80 miles northwest on Parrish Road.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Saturn Elementary School, McNair Middle School, and Rockledge High School for the total of projected and potential students from this development.

## **Environmental Constraints**

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

- Wetlands Protection/Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

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

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** Chapter 62, Article X, Division 6



states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT**  
**Zoning Review & Summary**  
**Item #23Z00028**

**Applicant:** Javier Fernandez

**Land Use Request:** Res-4 & NC to Res-15

**Note:** Wants to develop a 300-unit townhome community

**LPA Hearing Date:** 06/12/2023; **BCC Hearing Date:** 07/13/2023

**Tax ID Nos:** 2424005 & 2441241

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

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

- Wetlands Protection/Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

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

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** Chapter 62, Article X, Division 6

states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Land Use Comments:**

#### **Wetlands Protection/Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils (Holopaw sand, 0 to 2 percent slopes, and Ancloste sand ), indicators that wetlands may be present on the property. A wetland delineation is required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.

#### **Floodplain Protection**

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.

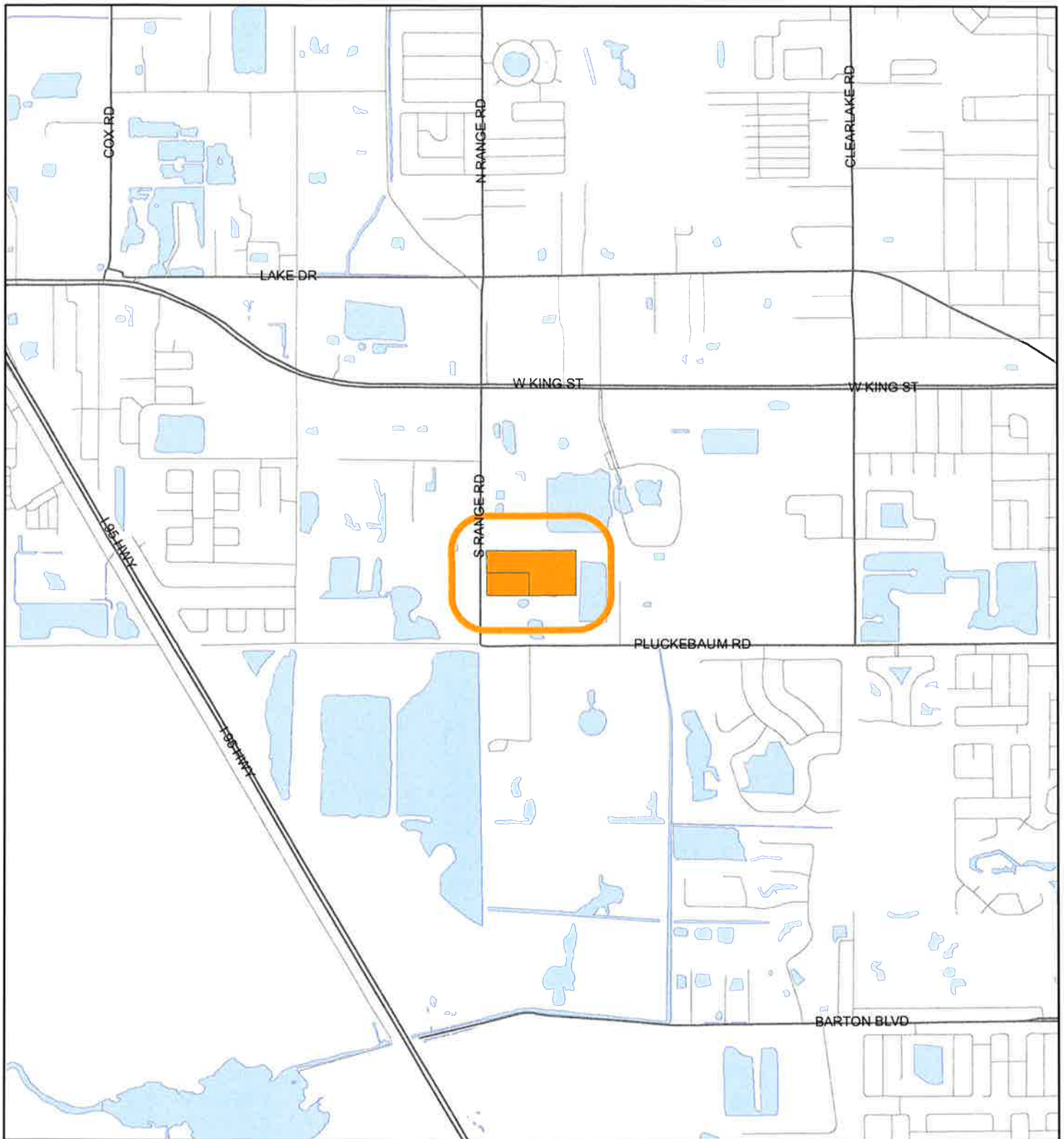
**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

# LOCATION MAP

Afficap Cocoa LLC

23Z00028



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.

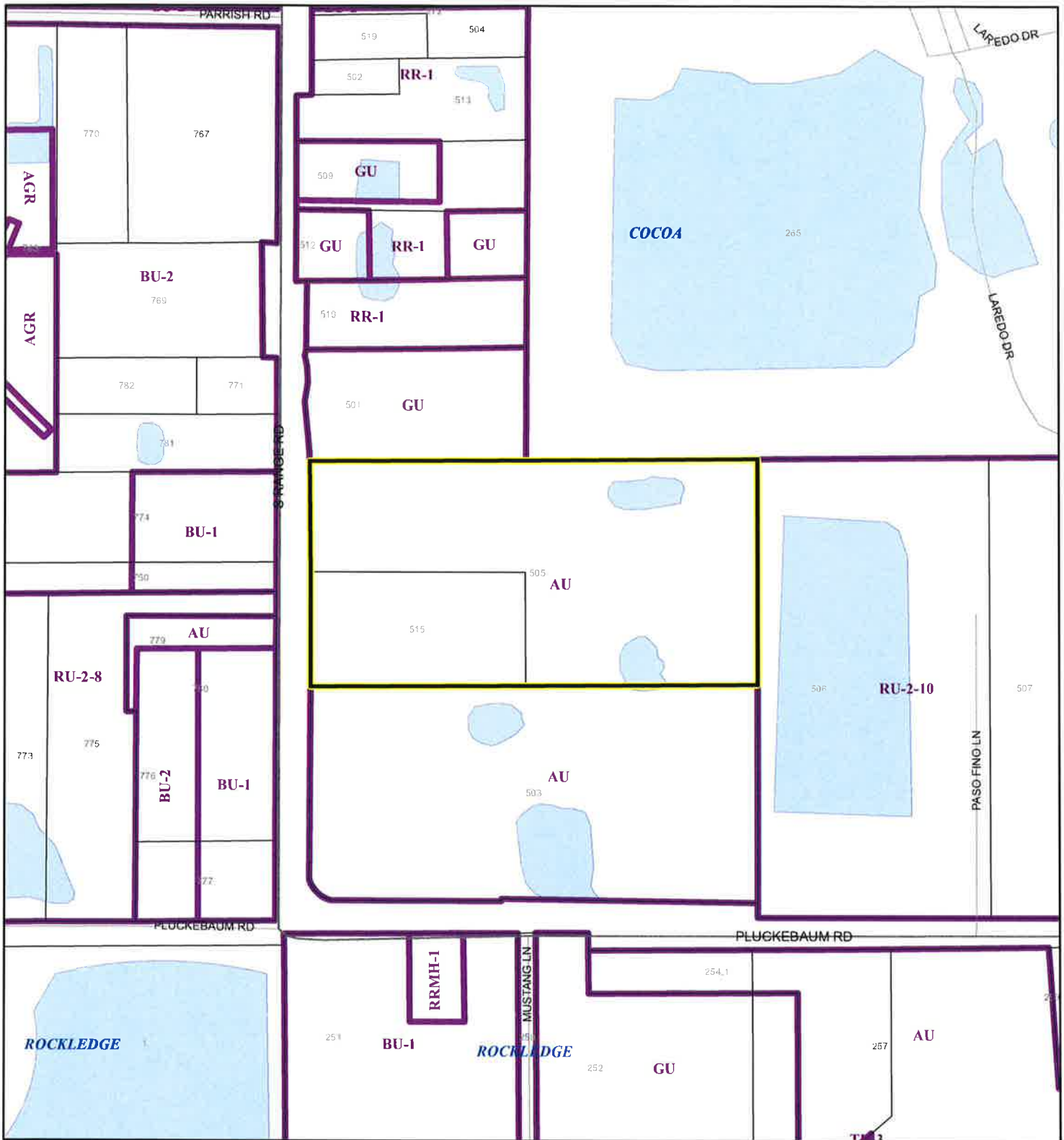
Produced by BoCC - GIS Date: 4/13/2023

— Buffer  
— Subject Property

# ZONING MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

Zoning

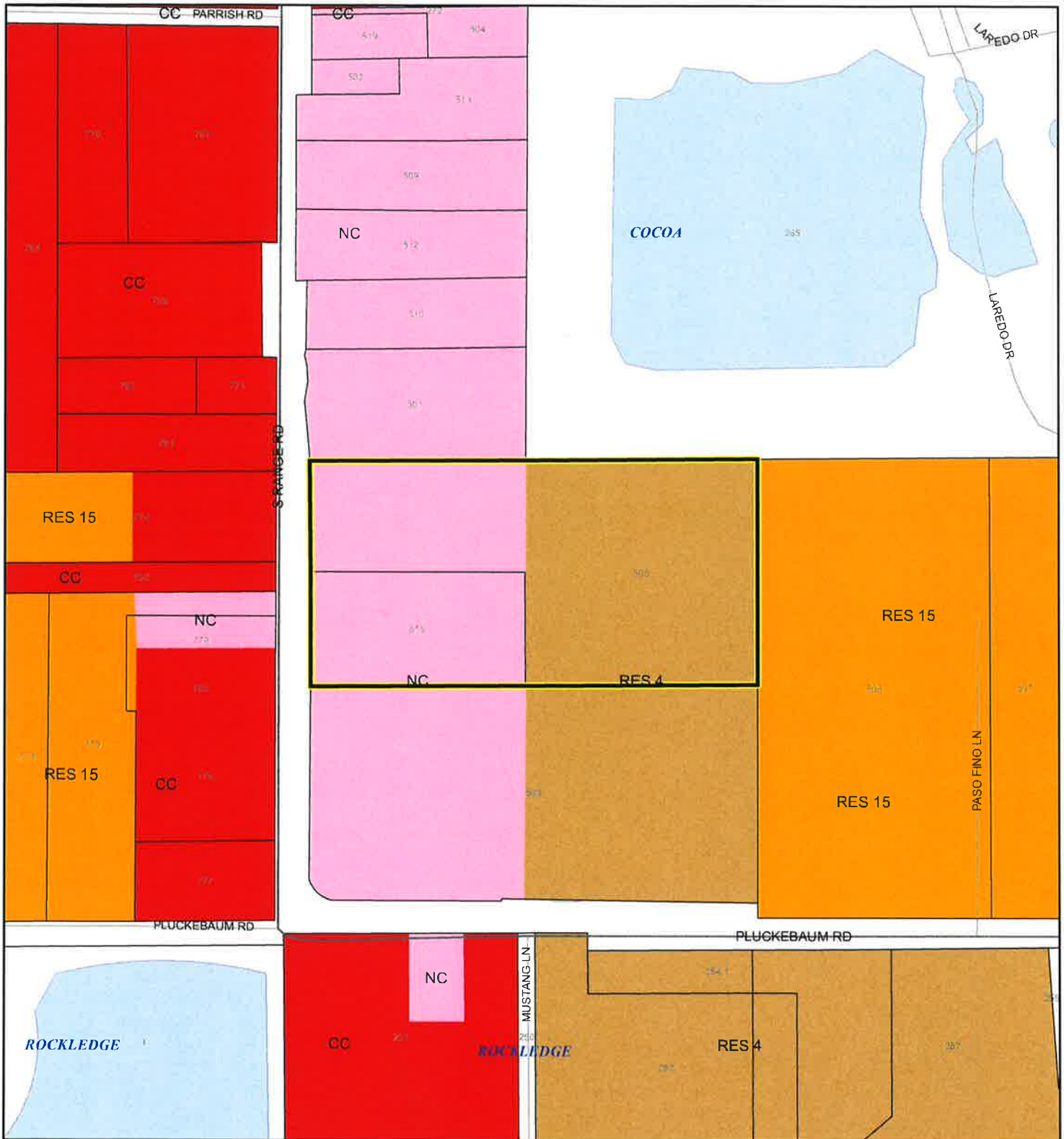
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/2/2023

# FUTURE LAND USE MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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Produced by BoCC - GIS Date: 4/13/2023



# AERIAL MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 4/13/2023

 Subject Property

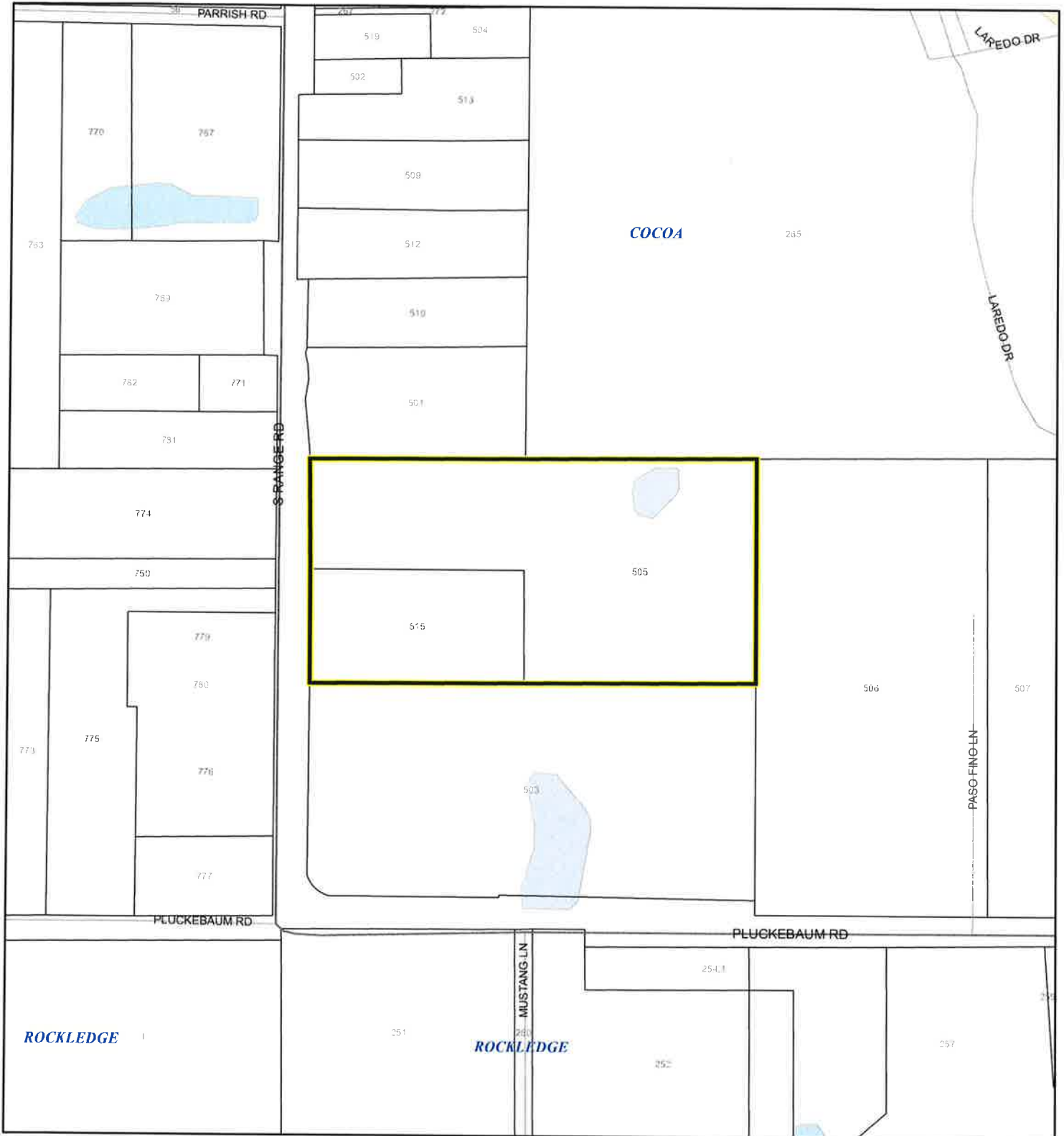
 Parcels



# NWI WETLANDS MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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## 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

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

## 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

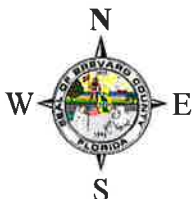
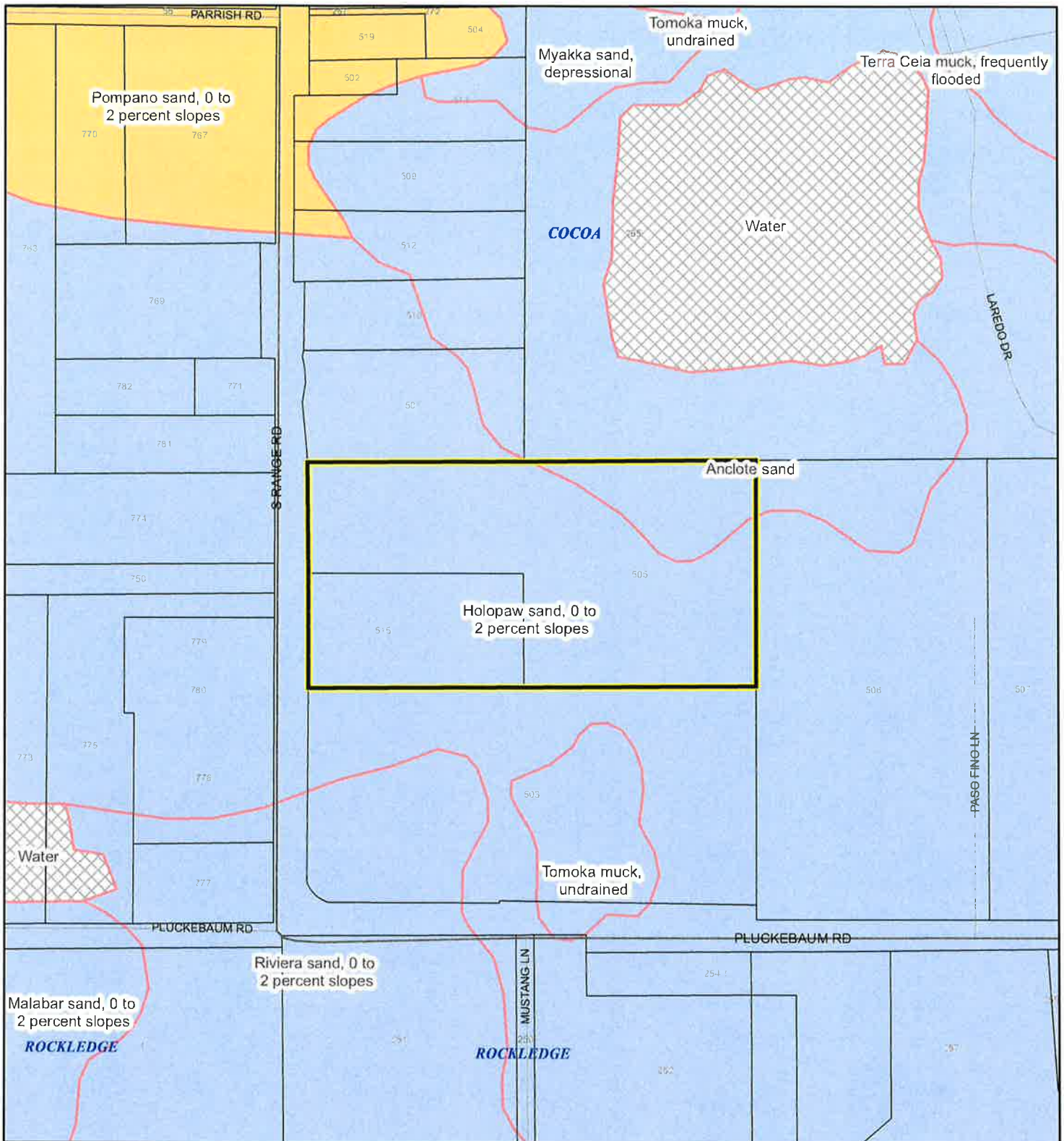
Subject Property

Parcels

# USDA SCSSS SOILS MAP

Afficap Cocoa LLC

23Z00028



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: 4/13/2023

## USDA SCSSS Soils

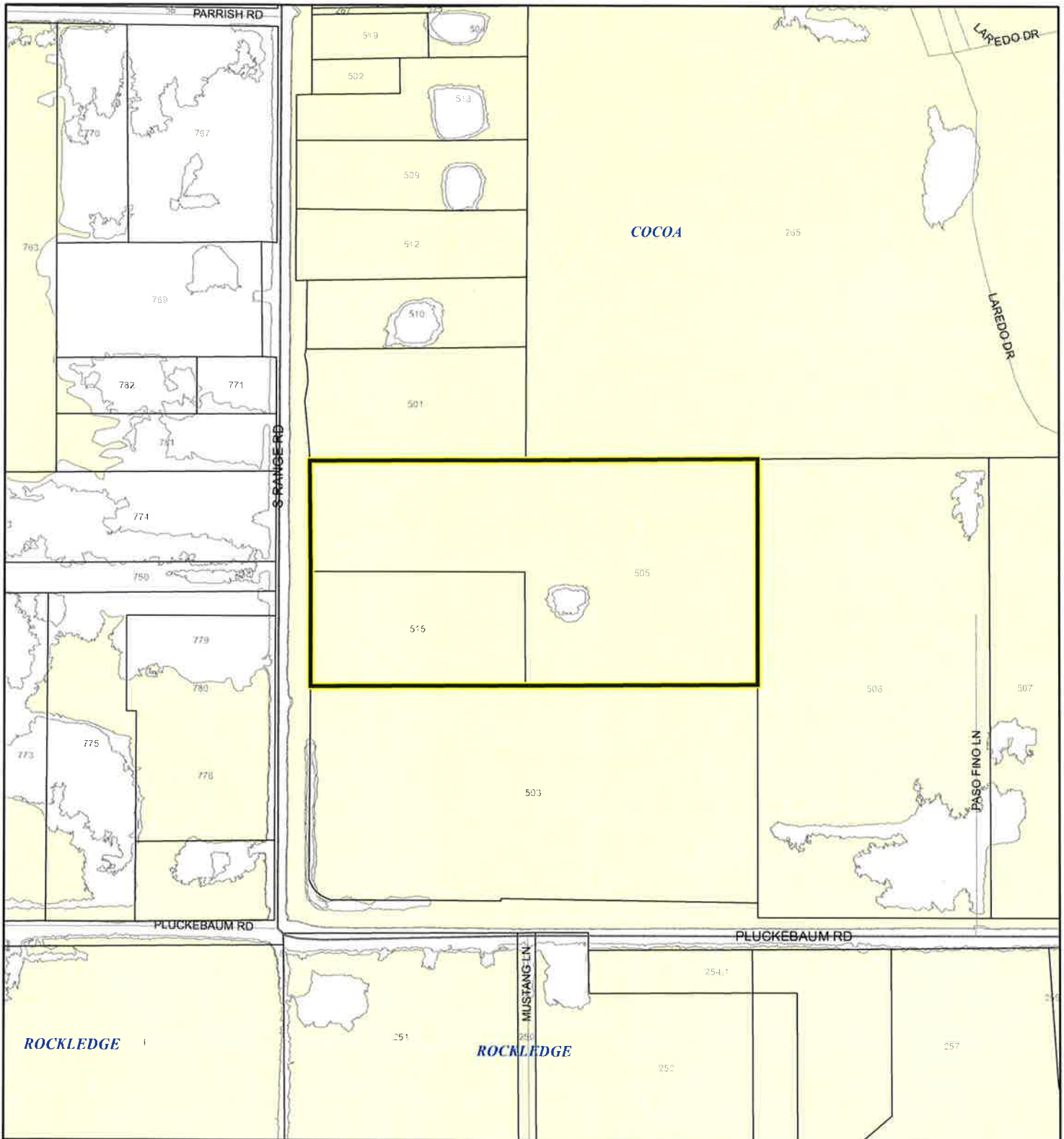
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

## FEMA Flood Zones

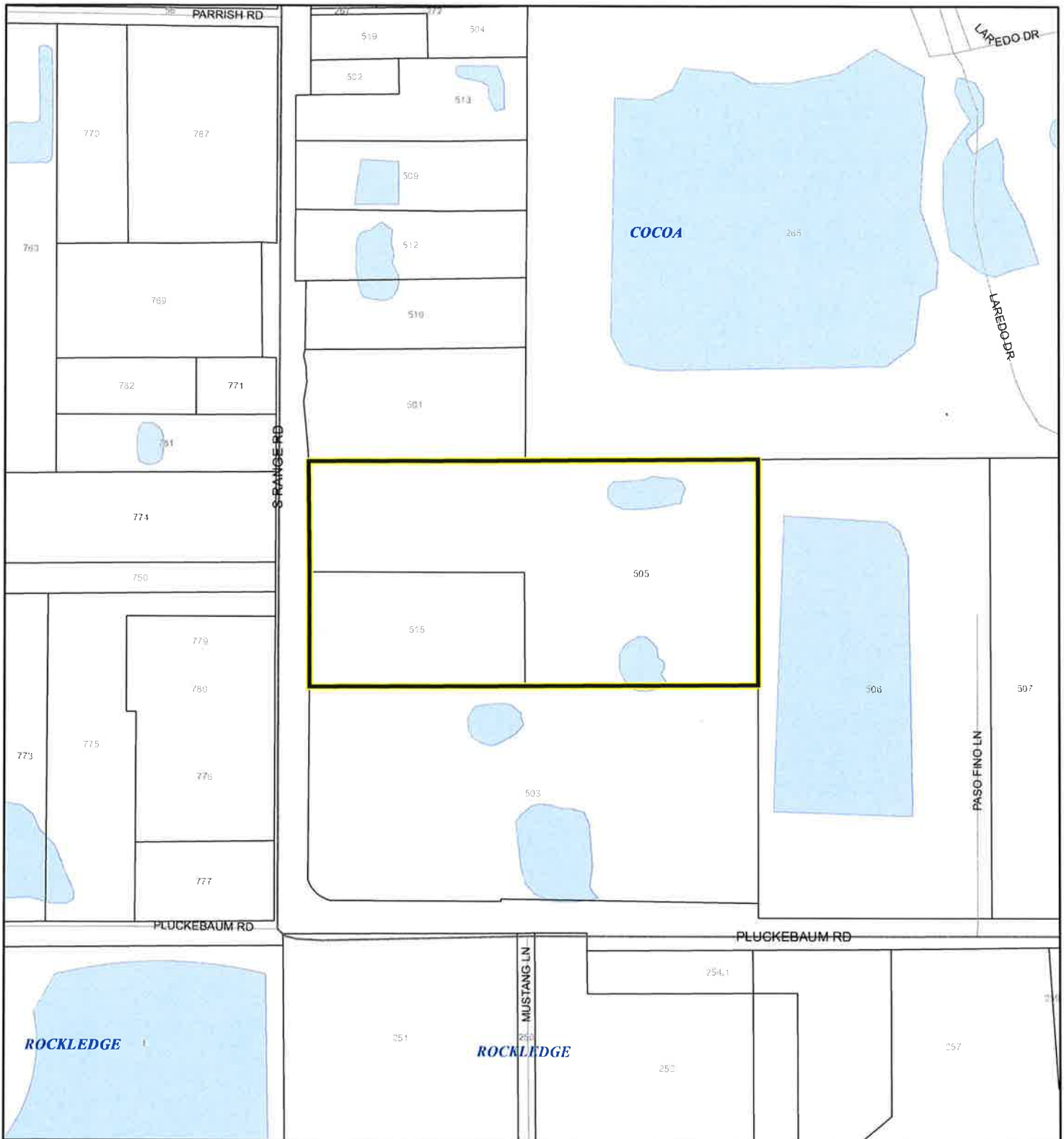
A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	



# COASTAL HIGH HAZARD AREA MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 4/13/2023

 Subject Property

 Parcels

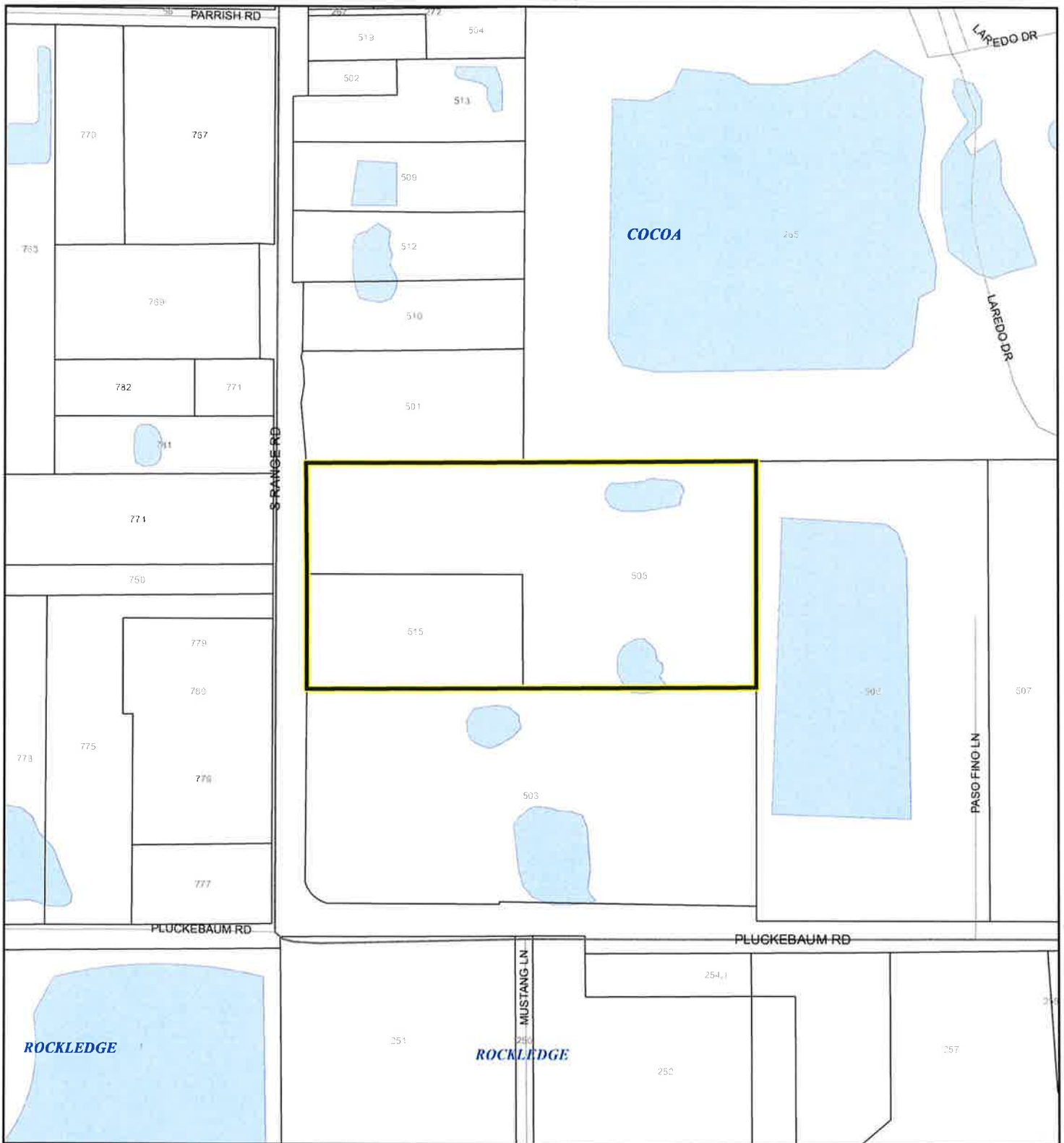
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

 Subject Property

 Parcels

## Septic Overlay

 40 Meters

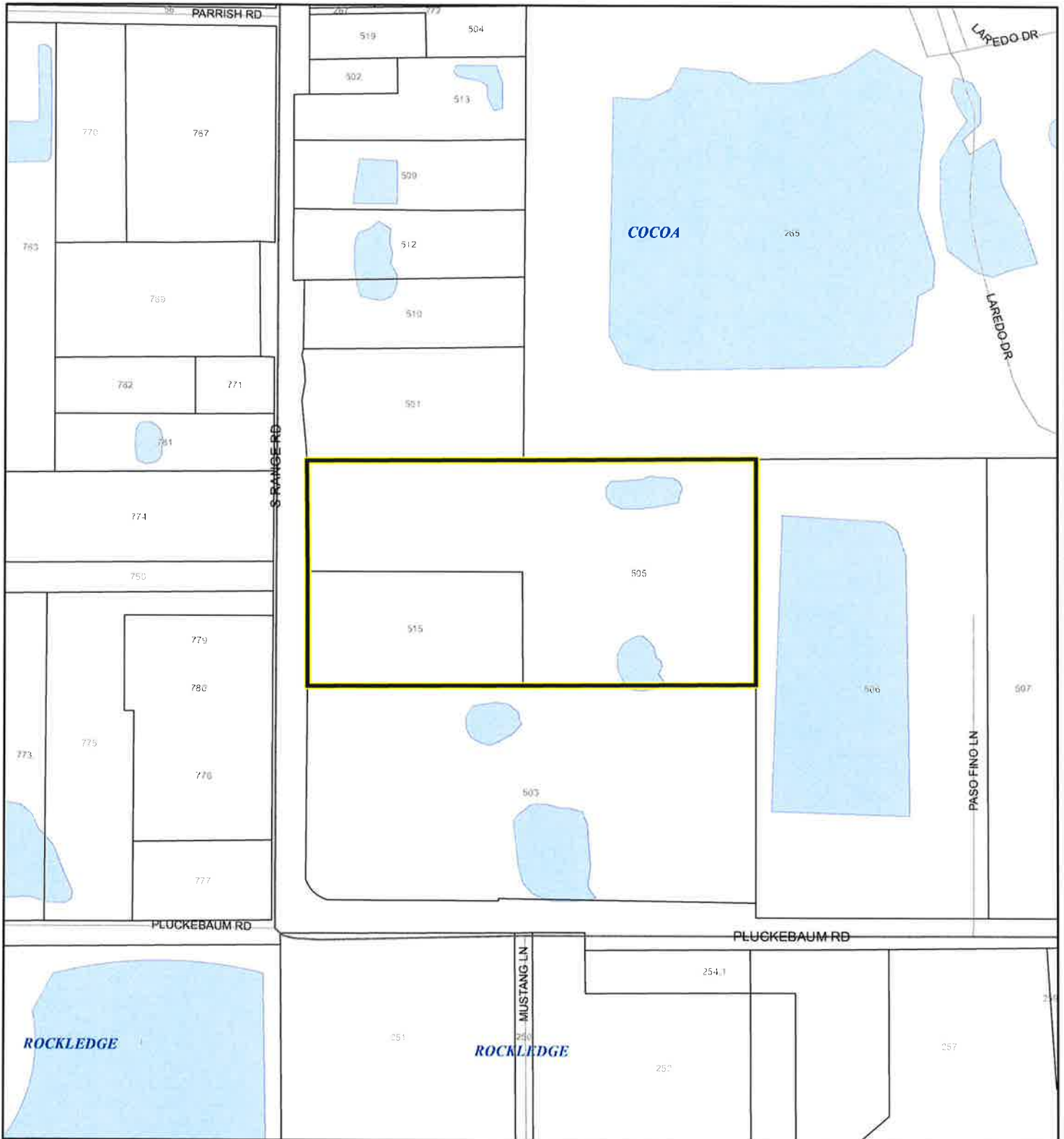
 60 Meters

 All Distances

# EAGLE NESTS MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

 Subject Property

 Parcels

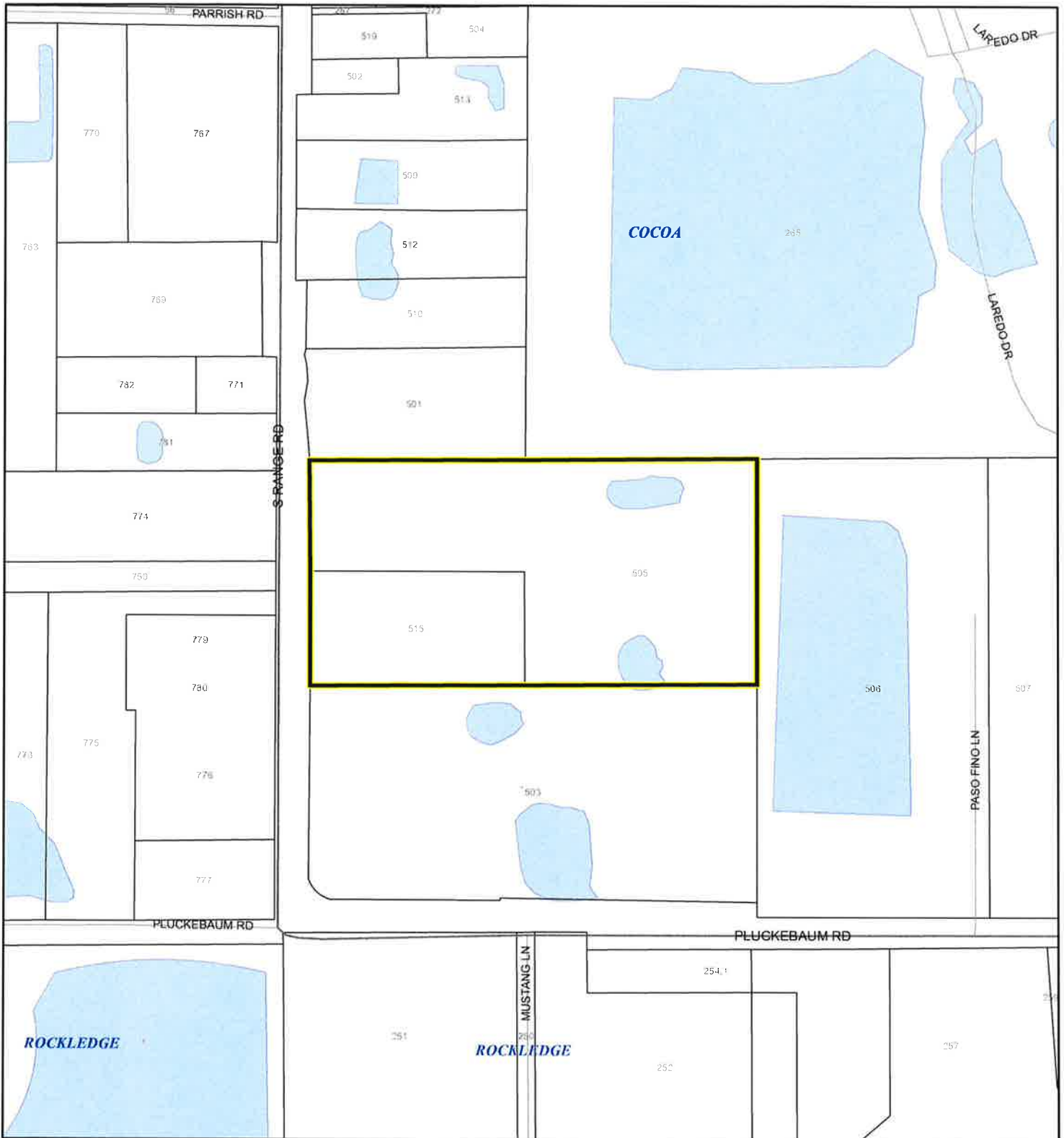


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

Afficap Cocoa LLC




23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

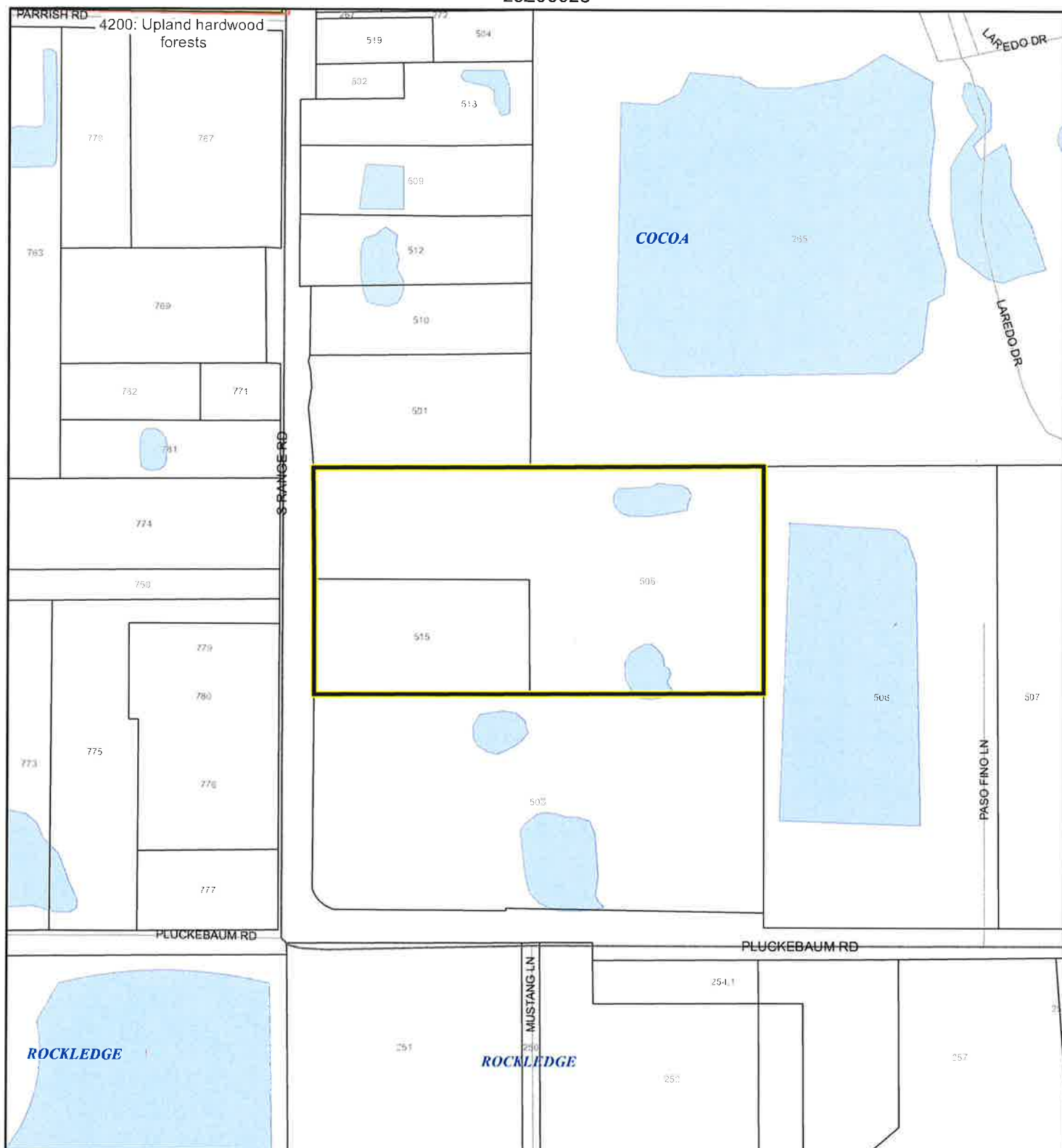
-  Subject Property
-  Parcels
-  Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Afficap Cocoa LLC

23Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/13/2023

## 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  
Dr. Robert E. Schiller, Ed.D., Interim Superintendent



March 27, 2023

Mr. Tim Craven, Planner II  
Land Development Section  
Planning & Development Department  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**RE: Proposed Range Road Development  
School Impact Analysis – Capacity Determination CD-2023-10**

Dear Mr. Tim Craven,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2441241 (Parcel ID number: 24-36-31-00-515) and Tax Account number 2424005 (Parcel ID number: 24-36-31-00-505) containing a total of approximately 20 acres in District 1, Brevard County, Florida. The proposed development includes 100 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 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) 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 2023-24 to 2027-28 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

Single-Family Homes 100			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.24	24	24
Middle	0.07	7	7
High	0.12	12	12
<b>Total</b>	<b>0.43</b>		<b>43</b>

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 2023-24 to  
2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	998	998	998	998	998
McNair	616	616	616	616	616
Rockledge	1,836	1,836	1,836	1,836	1,836

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	649	677	821	794	786
McNair	369	346	354	337	347
Rockledge	1,559	1,640	1,699	1,693	1,620

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	-	-	-	-	-
McNair	-	-	-	-	-
Rockledge	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	-	-	12	24	24
McNair	-	-	4	7	7
Rockledge	-	-	6	12	12

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	649	677	833	818	810
McNair	369	346	358	344	354
Rockledge	1,559	1,640	1,705	1,705	1,632

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	349	321	165	180	188
McNair	247	270	259	272	262
Rockledge	277	196	131	131	204

At this time, Saturn Elementary School, Ronald McNair Magnet Middle School, and Rockledge Senior High School are projected to have enough capacity for the total of projected and potential students from the Range Road 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 2022-23 to 2027-28*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2023-10

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2023-10



# Brevard County Public Schools

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

### Data and Analysis for School Years 2022-23 to 2027-28



Summary		2022-23		2023-24		2024-25		2025-26		2026-27		2027-28			
Highest Utilization Elementary Schools:		93%		99%		100%		99%		99%		100%			
Highest Utilization Middle Schools:		88%		88%		81%		88%		91%		100%			
Highest Utilization Jr / Sr High Schools:		83%		83%		97%		77%		76%		100%			
Highest Utilization High Schools:		107%		99%		99%		99%		100%		100%			
School	Type	Grades	Utilization Factor	School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28	
				FISH Capacity	10/14/22 Membership	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Total Capacity Utilization
Elementary School Concurrency Service Areas															
Allen	Elementary	PK-6	100%	751	598	751	635	85%	751	704	84%	751	720	773	766
Andersen	Elementary	K-6	100%	884	568	884	549	64%	884	537	61%	884	530	884	501
Apollon	Elementary	K-6	100%	902	731	902	749	83%	902	736	82%	902	718	902	718
Atlantic	Elementary	PK-6	100%	739	620	739	608	82%	739	566	77%	739	535	739	512
Audubon	Elementary	PK-6	100%	761	450	761	405	53%	761	419	55%	761	419	761	426
Cambridge	Elementary	PK-6	100%	787	495	787	511	65%	787	505	64%	787	510	787	524
Cape View	Elementary	PK-6	100%	570	305	570	309	54%	570	314	55%	570	315	570	329
Carroll	Elementary	K-6	100%	751	626	751	643	86%	751	619	82%	751	619	751	628
Challenger I	Elementary	PK-6	100%	573	503	573	474	83%	573	462	81%	573	433	573	413
Columbia	Elementary	PK-6	100%	751	595	751	585	79%	751	522	70%	751	538	751	538
Coquina	Elementary	PK-6	100%	1,114	626	1,114	668	60%	1,114	687	60%	1,114	687	1,114	658
Croton	Elementary	PK-6	100%	785	488	785	514	65%	785	528	68%	785	542	785	542
Discovery	Elementary	PK-6	100%	980	664	980	675	69%	980	720	73%	980	720	980	761
Endeavour	Elementary	PK-6	100%	968	750	968	717	74%	968	707	73%	968	674	968	671
Enterprise	Elementary	K-6	100%	728	597	728	578	79%	728	552	76%	728	538	728	539
Fargless	Elementary	PK-6	100%	789	617	789	617	78%	789	632	80%	789	635	789	625
Gemini	Elementary	K-6	100%	711	477	711	465	65%	711	468	66%	711	455	711	457
Goldview	Elementary	PK-6	100%	777	441	777	481	62%	777	489	63%	777	503	777	503
Harbor City	Elementary	PK-6	100%	629	405	629	457	73%	629	494	75%	629	509	629	509
Holland	Elementary	PK-6	100%	605	432	605	451	75%	605	442	73%	605	431	605	431
Imperial Estates	Elementary	K-6	100%	729	684	729	712	98%	729	724	99%	729	742	729	742
Indalantic	Elementary	PK-6	100%	798	686	798	685	86%	798	671	84%	798	676	798	651
Jupiter	Elementary	PK-6	100%	930	729	930	801	86%	930	882	97%	930	940	1,040	1,030
Lookman	Elementary	PK-6	100%	892	585	892	562	64%	892	552	62%	892	553	892	559
Longleaf	Elementary	PK-6	100%	790	631	790	613	78%	790	590	75%	790	578	790	578
Manatee	Elementary	K-6	100%	988	910	988	889	90%	988	845	85%	988	881	988	881
Mauldin	Elementary	PK-6	100%	838	621	838	580	69%	838	568	68%	838	553	838	528
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	1,114	779	70%	1,114	773	69%	1,114	805	1,114	843
Meadowlane Primary	Elementary	K-6	100%	824	666	824	660	80%	824	630	76%	824	618	824	704
Mia	Elementary	PK-6	100%	707	435	707	439	62%	707	396	56%	707	383	707	382
Mims	Elementary	PK-6	100%	725	464	725	481	66%	725	512	71%	725	525	725	513
Oak Park	Elementary	PK-6	100%	968	505	968	471	49%	968	478	49%	968	475	968	447
Ocean Breeze	Elementary	PK-6	100%	654	554	654	542	83%	654	533	81%	654	534	654	531
Palm Bay Elem	Elementary	PK-6	100%	983	613	983	610	62%	983	627	64%	983	630	983	631
Pineview	Elementary	PK-6	100%	593	521	591	541	92%	591	572	94%	591	598	613	600
Port Malabar	Elementary	PK-6	100%	852	640	852	683	80%	852	746	88%	852	780	852	785
Quest	Elementary	PK-6	100%	932	693	932	684	73%	932	681	73%	932	685	932	697
Riviera	Elementary	PK-6	100%	777	714	777	718	92%	777	780	94%	777	843	777	887
Rosewell	Elementary	K-6	100%	599	288	599	269	45%	599	239	40%	599	239	599	220
Sabal	Elementary	PK-6	100%	785	500	785	503	64%	785	516	66%	785	534	785	535
Salton	Elementary	PK-6	100%	998	649	998	677	68%	998	621	62%	998	798	998	798
Sea Park	Elementary	PK-6	100%	461	337	461	327	71%	461	326	71%	461	329	461	329
Shenwood	Elementary	PK-6	100%	609	459	609	459	75%	609	459	75%	609	441	609	441
Surfside	Elementary	PK-6	100%	913	789	913	836	92%	913	808	88%	1,023	1,004	1,067	1,034
Sunrise	Elementary	K-6	100%	755	602	755	581	77%	755	541	72%	755	516	755	480
Surfside	Elementary	K-6	100%	541	442	541	425	79%	541	418	77%	541	417	541	407
Tropical	Elementary	K-6	100%	910	669	910	614	67%	910	600	65%	910	572	910	545
Turner	Elementary	PK-6	100%	874	555	874	589	67%	874	647	74%	874	675	874	691
University Park	Elementary	PK-6	100%	811	487	811	545	67%	811	592	73%	811	642	811	688
Viera Elem	Elementary	K-6	100%	1,030	695	1,030	724	70%	1,030	657	65%	1,030	968	1,074	1,061
Westside	Elementary	K-6	100%	857	769	857	792	92%	857	974	99%	857	1,033	1,099	1,100
Williams	Elementary	PK-6	100%	715	450	715	414	58%	715	414	57%	715	415	715	415
Elementary Totals				42,215	30,465	42,237	30,778		42,303	30,996		42,435	31,549	43,007	32,280



School	Type	Grades	Utilization Factor	School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28	
				FISH Capacity	10/14/22 Member-ship	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
Middle School Concurrency Service Areas															
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,228	81%	1,514	1,289	85%
Delaura	Middle	7-8	90%	960	844	88%	960	902	94%	960	920	96%	960	789	82%
Hoover	Middle	7-8	90%	680	505	74%	680	534	79%	680	574	84%	680	577	85%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	538	82%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	600	69%	873	609	70%	873	563	64%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%
Kennedy	Middle	7-8	90%	869	671	77%	869	697	79%	869	670	77%	869	669	77%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	452	58%	781	476	61%
McNair	Middle	7-8	90%	616	369	60%	616	346	56%	616	354	57%	616	337	55%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	91%	1,289	1,174	91%
Stone	Middle	7-8	90%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	977	91%
Middle Totals				10,323	7,367		10,323	7,729		10,323	7,893		10,382	8,072	
Junior / Senior High School Concurrency Service Areas															
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%
Jr / Sr High Totals				5,394	4,062		5,394	4,060		5,394	3,916		5,394	3,874	
Senior High School Concurrency Service Areas															
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,184	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%
Eau Gallie	High	9-12	95%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,055	89%	2,314	2,085	89%	2,314	2,048	89%	2,314	2,099	91%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	96%	2,370	2,284	97%
Merri Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%
Palm Bay	High	PK, 9-12	95%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,693	63%	2,657	1,704	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	92%	1,836	1,693	92%
Satellite	High	9-12	95%	1,527	1,518	99%	1,527	1,433	94%	1,527	1,413	93%	1,527	1,359	89%
Titusville	High	9-12	95%	1,813	1,313	73%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%
Viera	High	PK, 9-12	95%	2,241	2,269	101%	2,241	2,291	102%	2,241	2,417	107%	2,241	2,478	109%
High Totals				22,555	18,528		22,512	18,945		22,512	19,178		23,007	19,441	
Schools of Choice (Not Concurrency Service Areas)															
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	509	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	481	471	98%	481	489	102%	481	507	105%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	570	92%	618	588	95%	618	606	98%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	960	89%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				4,484	3,760		4,484	3,853		4,436	3,899		4,436	3,935	
Brevard Totals				84,971	64,712		85,768	65,593		85,900	66,435		86,240	67,227	

## Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
- Student Membership is reported from the Fall Final Membership Count (10/14/2022).
- 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
- 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.
  - Nonrelocated student addresses are assumed to continue in their attendance schools.
  - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established. If student projections are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
  - Primary relocatable classrooms (Grades K-3) = 18 student stations. Intermediate (Grades 4-6) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
- For school year 2023-24, no additional capacity is needed. For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School. For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riviera (1), Sunrise (1) and Westside (2) Elementary Schools. For school year 2026-27, a total of 15 intermediate classrooms are projected for Royal Estates (1), Jupiter (2), Riviera (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School. For school year 2027-28, a total of 15 intermediate classrooms are projected for Royal Estates (2), Jupiter (3), Riviera (2), Sunrise (2), and Westside (3) Elementary Schools. 3 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
- 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.
- A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
- A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
- Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.





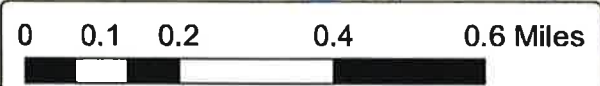
# Range Road Development Location Map



**Range Road Development  
CD-2023-10  
100 Single-Family Units**

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

Drawn By:  
Planning & Project Management  
Blake Stinson  
March 25, 2023



## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 12, 2023**, 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); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodggers (D2); Lorraine Koss (D2-Alt.); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Agenda**

#### **Afficap Cocoa, LLC (Javier Fernandez)**

A Small Scale Comprehensive Plan Amendment (23S.03), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial), to RES 15 (Residential 15). The property is 19.48 +/- acres, located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (Tax Parcel 515 = No assigned address. In the Cocoa area. Tax Parcel 505 = 450 S. Range Rd., Cocoa) (23SS00003) (Tax Accounts 2424005 & 2441241) (District 1)

#### **Afficap Cocoa, LLC (Javier Fernandez)**

A change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 14.82 acres, located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (450 S. Range Rd., Cocoa) (23Z00028) (Tax Accounts 2424005 & 2441241) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated in 2021, the property owner was before the board for a similar zoning and land use change on the property to the east, on Pluckebaum Road. The applicant began the site plan process throughout 2022, and during that process it was discovered that the existing lake could not be used for both open space and water retention because the water quality standards could not be met. He stated two of the investors acquired the adjoining property that is the subject today, and they are asking to have the property rezoned so it is consistent with the zoning and land use designation next door. He said the subject property will be used solely for stormwater retention. He noted the developers will be preserving an existing wetland on the eastern half of the property.

Henry Minneboo asked if the property is contiguous to the City of Cocoa. Mr. Fernandez replied yes, it is just to the south of Cocoa and will be utilizing the City's water and sewer facilities.

Mr. Minneboo asked if the property will be annexed into Cocoa. Mr. Fernandez replied that is not the intention at this time, unless it is a condition of water and sewer.

No public comment.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 4 and NC to RES 15. The motion passed unanimously.



Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from AU to RU-2-10. The motion passed unanimously.

**AFFICAP COCOA, LLC  
FLUM and Rezone Request  
Application No(s):  
23SS00003 & 23Z00028**

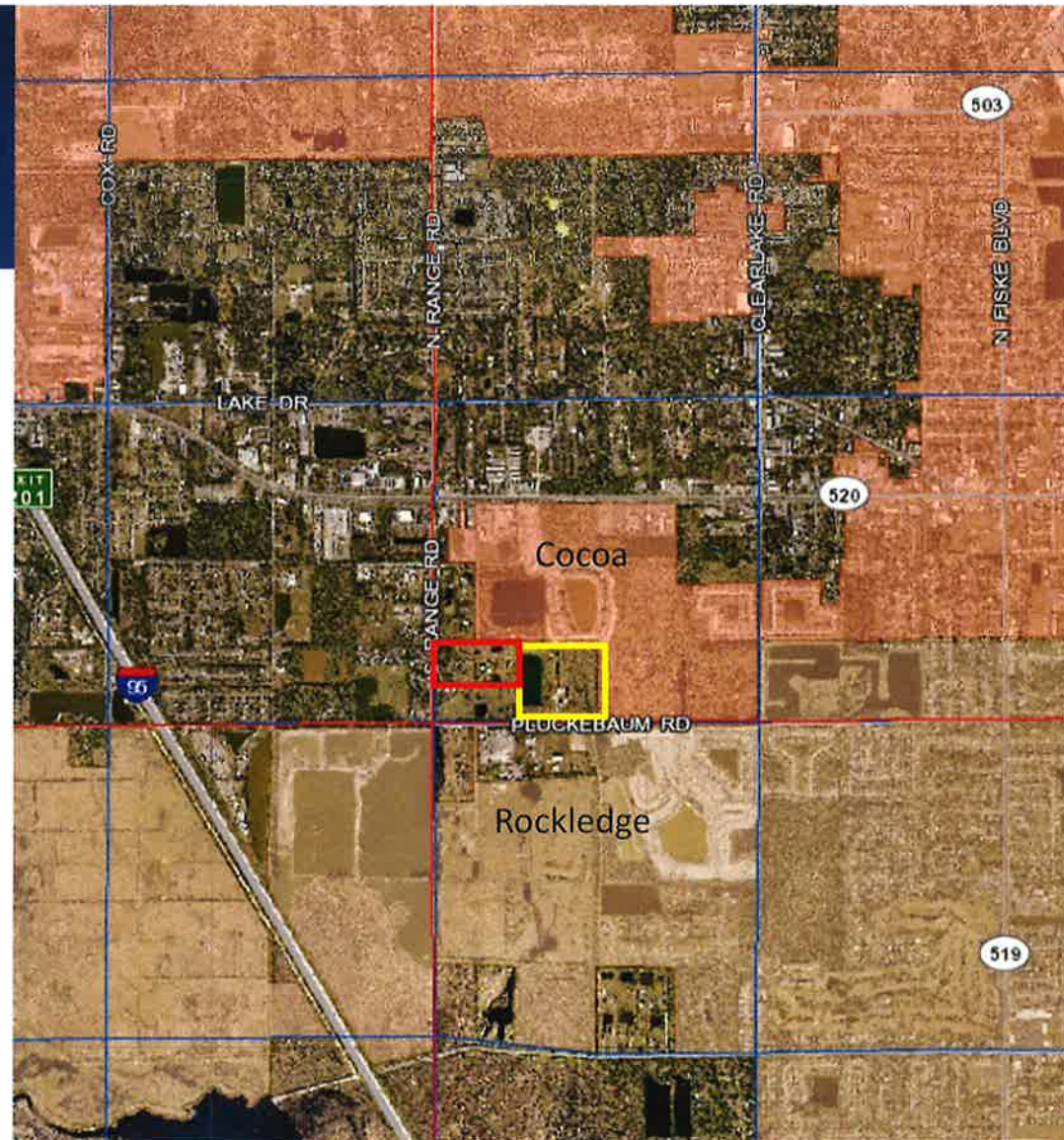
By: Javier E. Fernández, Esq.



ATTORNEYS | [SMGQLAW.COM](http://SMGQLAW.COM)

# Location

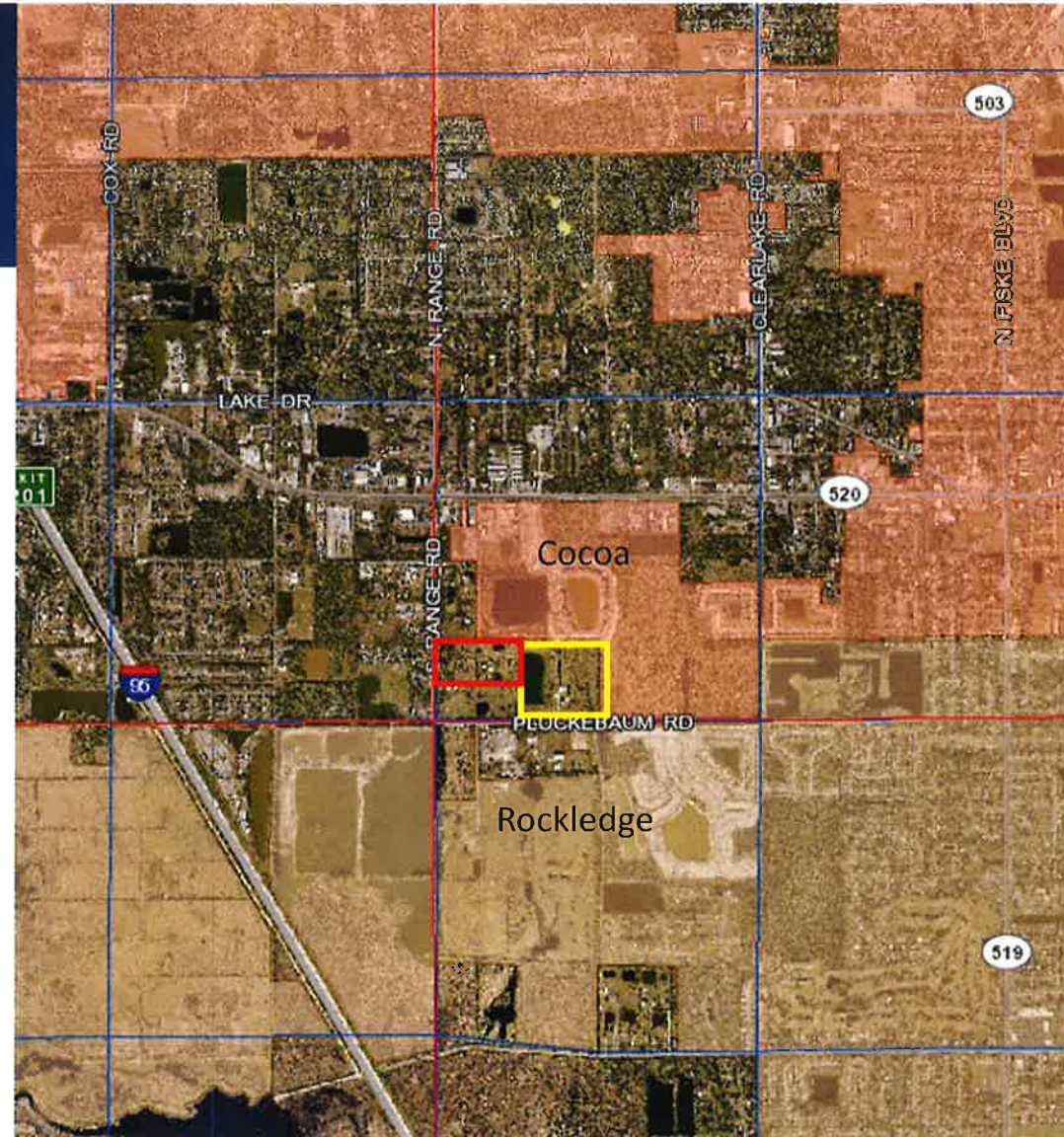
- Subject property located east of Range Road, approximately 700 ft North of Pluckebaum (red outline).
- Unincorporated area between the city limits of Cocoa and Rockledge.





# History

- 2021:
  - Developer purchased yellow property.
  - Changed future land use and zoning to RES 15 / RU-2-10 to build a ~300 unit townhome community with the support of the Brevard County Planning & Zoning Board and County Commission.
- 2022:
  - Developer began site plan approval process.
  - Determined a larger stormwater pond would be needed and more land needed to be acquired.
- Subject property (red) was placed under contract to fulfill stormwater and open space needs.
- Site plan is currently pending approval of these future land use map amendment and rezoning requests.



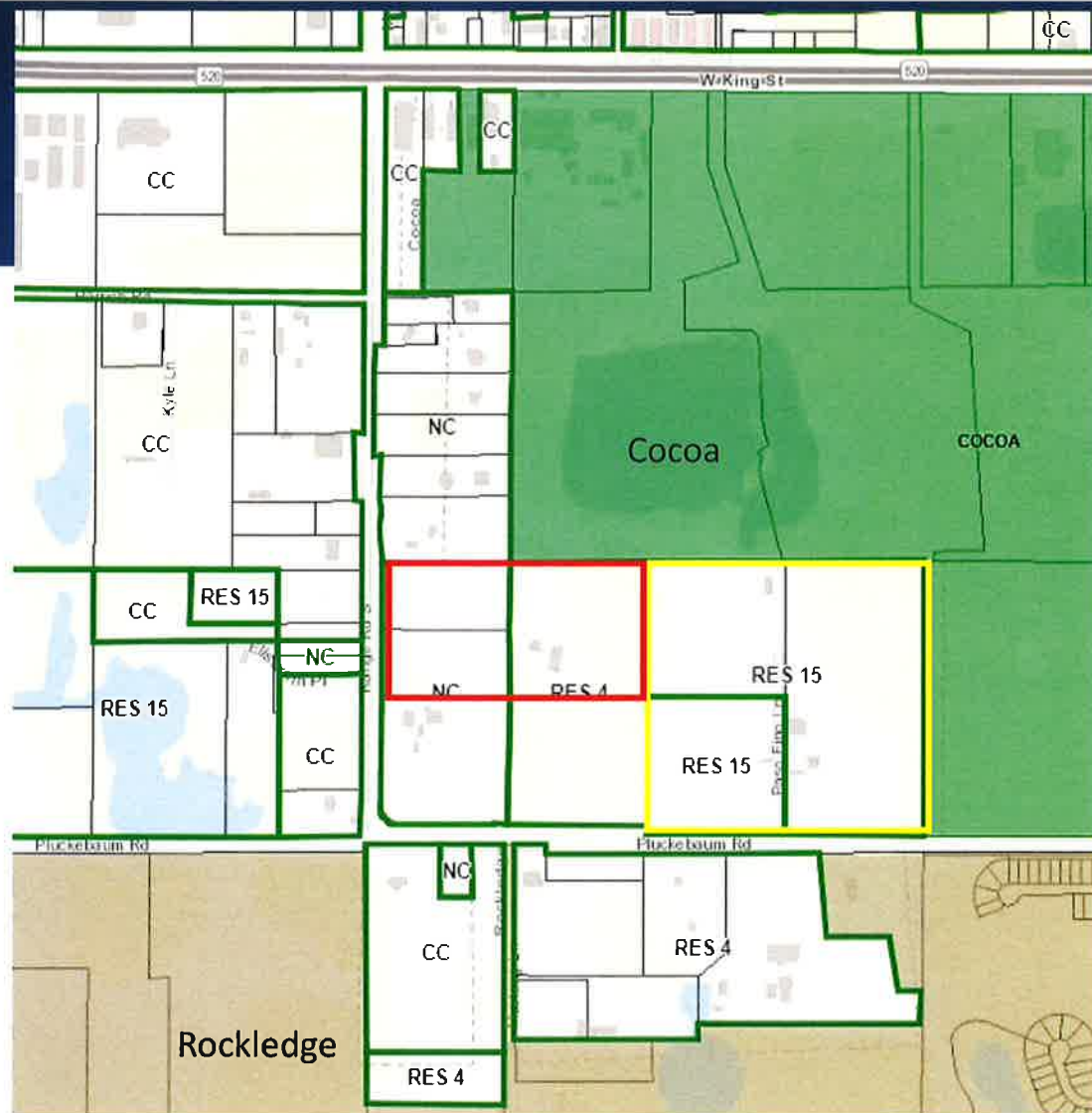




- The subject property (red) will provide open space and drainage facilities necessary to support the development parcel (yellow).
- Staff requires that all parcels have the same future land use and zoning.
- Applicant does not intend to construct any residential dwelling units on the Subject Property.

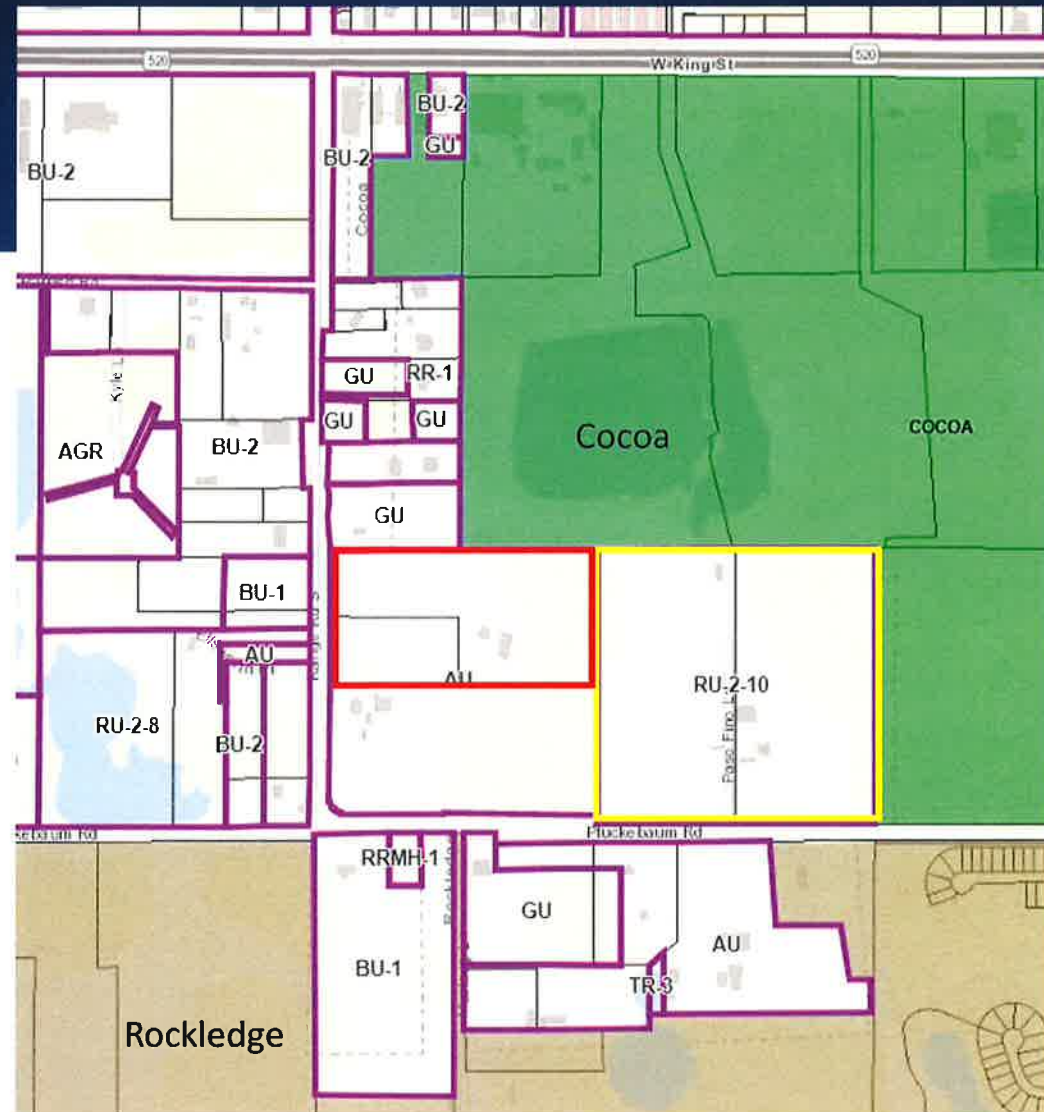
# FLU Request

- Current FLU: NC & RES 4
- Proposed FLU: RES 15



# Zoning Request

- Current Zoning: AU
- Proposed Zoning: RU-2-10
- Proposed FLU and Zoning Amendments will result in unified designations across the entire development site, consistent with Brevard County requirements.





**Consistency with Criteria in  
Section 62-1151(c) –  
Amendments to Official Zoning  
Map**



## Rezoning Criteria – 62-1151(c)

1. Character of land use being considered.
2. Change in conditions of the land use of the subject property and surrounding properties.
3. Impact of rezoning on available & projected traffic, water & sewer systems, other public facilities & utilities, and established character of area.
4. Compatibility of zoning with existing land use plans for area.
5. Appropriateness of proposed zoning based upon consideration of applicable provisions and conditions and other applicable laws, ordinances and regulations, and public health, safety & welfare.

# Character of Land Use Being Considered

- Subject Property and neighboring properties to its immediate south and west can be characterized as a pocket of agriculturally designated parcels which are increasingly surrounded by residential communities, including recently completed multi-family and single-family residential developments on adjacent and close-by properties.
- Area has experienced a substantial transition as most recently evidenced by applicant's successful rezoning of the neighboring property to east to RU-2-10.

## Conditions Surrounding Property Have Substantially Evolved

- Conditions surrounding Subject Property have substantially evolved in recent years.
- Continued development of:
  - Single-family residential units within the immediate submarket.
  - Low-scale and garden-style, multi-family residential development.
- Requested change in future land use and zoning will provide support for the parcel to the east to be developed as a townhome community and expand the diversity of housing types within the submarket.

## Compatibility of Proposed Zoning with Existing Land Use Plans for the Affected Area

- Proposed zoning is compatible with the existing land use plans for the affected area.
- Multi-family residential development continues to the property's east along Range Road and further to the southeast along Pluckebaum Road.
- New multi-family residential development projects - like the Cocoa Grand - located southeast of King Street and Range Road, are becoming increasingly common within the sub-area.

# FLUM Objective I

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

# Conclusion

- Approval of requested future land use map amendment and rezoning will result in much needed residential units abutting the Subject Property.
- This will help correct the current inventory shortage, expand geographic choices for quality housing, and further diversify the variety of housing types available.
- Townhome-style units are not presently available in the immediate housing market and the proposal will help fill this need and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction.



**Thank You**



**From:** [Chase, Beatrice Mae](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Meeting Request - Friday, July 14th  
**Date:** Tuesday, July 11, 2023 9:59:01 AM  
**Attachments:** [image001.png](#)

---

Please add to the Zoning meeting comments 7/13/23.

*Thank you,*

Beatrice Chase  
Administrative Secretary  
Brevard County/Planning & Development  
321-633-2069 P x58302  
321-633-2074 F



**From:** Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>  
**Sent:** Tuesday, July 11, 2023 9:57 AM  
**To:** Chase, Beatrice Mae <Beatrice.Chase@brevardfl.gov>  
**Cc:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** FW: Meeting Request - Friday, July 14th

Good morning Ms. Chase,

On behalf of Commissioner Pritchett, I am forwarding an email chain which may need disclosed for the July 13 meeting agenda items G.11. (23SS00003) and G.12. (23Z00028). Thank you for your support of her office.

Kind Regards,

*Adrienne Schmadeke*

**Adrienne Schmadeke**  
Legislative Aide  
Brevard County Commission, District 1  
Commissioner Rita Pritchett  
[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)



7101 S. US Hwy 1  
Titusville, FL 32780

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.*

**From:** Commissioner, D1

**Sent:** Tuesday, July 11, 2023 9:54 AM

**To:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>

**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Schmadeke, Adrienne <[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>

**Subject:** RE: Meeting Request - Friday, July 14th

Good morning Mr. Fernandez,

On behalf of Commissioner Pritchett, thank you for the offer to meet. Due to schedule constraints, she is unavailable for a meeting this Friday.

Kind Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

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Titusville, FL 32780

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**From:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>  
**Sent:** Monday, July 10, 2023 3:54 PM  
**To:** Schmadeke, Adrienne <[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>  
**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Alward, Keith A <[Keith.Alward@brevardfl.gov](mailto:Keith.Alward@brevardfl.gov)>;  
Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>  
**Subject:** RE: Meeting Request - Friday, July 14th

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

Adrienne:

Thank you. We appreciate your timely response and look forward to hearing back from you regarding Commissioner Pritchett's availability.

All the best,

Javier

**JAVIER E. FERNÁNDEZ, ESQ.**



**SANCHEZ-MEDINA, GONZALEZ, QUESADA,  
LAGE, GOMEZ & MACHADO LLP**

1200 Brickell Avenue | Suite 950 | Miami, Florida 33131

Office: 305.377.1000 Ext. 116 | Cell: 305.761.2274

[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com) | [SMGQLAW.com](http://SMGQLAW.com)

**From:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>  
**Sent:** Monday, July 10, 2023 3:52 PM  
**To:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>  
**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Schmadeke, Adrienne  
<[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>; Alward, Keith A <[Keith.Alward@brevardfl.gov](mailto:Keith.Alward@brevardfl.gov)>  
**Subject:** RE: Meeting Request - Friday, July 14th

SECURITY NOTE: \*This email has originated from OUTSIDE of SMGQ Law. Please exercise caution with attachments and links.\*

Good afternoon Mr. Fernandez,

On behalf of Commissioner Pritchett, I want to acknowledge receipt of your request for a meeting. Once we have had an opportunity to review the schedule with the Commissioner, we will be in touch.

Kind Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

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**From:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>

**Sent:** Monday, July 10, 2023 2:20 PM

**To:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>

**Cc:** [jmalabet@afficap.com](mailto:jmalabet@afficap.com); [asherman@AffiCap.com](mailto:asherman@AffiCap.com)

**Subject:** Meeting Request - Friday, July 14th

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

Madame Chairwoman:

Good afternoon. I trust this message finds you well.

Our firm represents Affinity Capital, LLC ("Affinity"). Affinity owns a 60-acre assemblage located on Pluckebaume Road and Range Road. We have a rezoning that this on your agenda on Thursday evening

but will be staying over in Brevard on Thursday evening to attend to other business Friday morning. Therefore, we were hopeful we might be able to arrange a short 45-minute meeting with you Friday, July 14<sup>th</sup> to discuss with you the status of our project. Please let us know what your schedule may accommodate by way of a meeting Friday morning or early afternoon.

We look forward to seeing you again later this week.

Sincerely,

Javier

**JAVIER E. FERNÁNDEZ, ESQ.**



**SANCHEZ-MEDINA, GONZALEZ, QUESADA,  
LAGE, GOMEZ & MACHADO LLP**

1200 Brickell Avenue | Suite 950 | Miami, Florida 33131

Office: 305.377.1000 Ext. 116 | Cell: 305.761.2274

[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com) | [SMGQLAW.com](http://SMGQLAW.com)