




BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

**TO:** Board of County Commissioners

**FROM:** Tad Calkins, Director 

**Cc:** Frank Abbate, County Manager  
John Denninghoff, P.E., Assistant County Manager

**DATE:** November 22, 2021

**SUBJECT:** **21Z00030 The Heather Calligan Trust (Chad Genoni) Addendum to Staff Comments**

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This memo provides an analysis of the proposed stipulations contained in the Binding Development Plan (BDP) that the applicant submitted a during the November 15, 2021, P&Z meeting. The limitations contained within BDP are to support the applicant's rezoning request to change the current zoning from RU-1-11 to RU-1-7. According to the applicant, the proposed BDP updates and carries forward the conditions within the two existing BDPs which affect the subject property. Should the Board accept the proposed BDP it will replace the existing ones.

The Board may wish to consider whether the following stipulations support the applicant's request and mitigate potential impacts to the surround area. The numbering associated with the following paragraphs represents the numbering in the BDP. This memo only evaluated the provisions unique to proposed BDP and does not include the standard paragraphs.

2. Developer/Owner shall limit gross density on the property to 2.5 dwelling or a maximum units per acre or 198 units. Minimum unit size shall be eighteen hundred (1800) square feet or larger except for the one-acre lot parcels. The average lot size for the project shall be a minimum of or above 6,000 square feet. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida.

*Analysis: This condition is primarily a carryover from the existing BDP with the exception of the 6,000 square feet average lot size. The RU1-7 minimum lot size is 5,000 square feet and the minimum living area size is 700 square feet. The requested RU-1-7 and future land use would potentially allow the property to be developed with 301 units without a BDP cap.*

3. The Developer/Owner shall construct a berm with an average height of four (4) feet (varies from three (3) feet to five (5) feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also

include a six (6) foot high wood fence or opaque vegetative landscaped buffer. The berm will be irrigated and maintained by the Developer/Owner and or its assigns. The berm will be constructed along with the initial phase of construction.

*Analysis: This condition is a carryover from the existing BDP. The subdivision code requires a 15-foot natural buffer tract along the perimeter of a development.*

4. The Developer/Owner shall provide a 300-foot-wide buffer along the east approximately 1,600 feet of the South Property line. The east approximately 1,600 feet 300-foot-wide of the South Property line shall be placed in a conservation easement. The conservation easement may be used for mitigation of wetlands with the St. Johns River Water Management District (SRJWMD). In that case the easement will be in favor of the SJRWMD only. The remaining (western) portion of the South Property line shall keep a minimum 30' buffer between the property line and the nearest home.

*Analysis: This condition is primarily a carryover from the existing BDP. The exception being the insertion of the "approximately" in the 1,600 distance requirements and the provision establishes a 30-foot minimum between property line and the nearest home.*

5. The Developer/Owner shall provide a twenty-five (25) foot wide buffer along the south Property line of Bar "C" Ranchettes (as recorded in plat book 24, page 58 of the public records of Brevard County, Florida) where it is contiguous to the Property and along the contiguous property line of the Property with the two (2) parcels as recorded in Official Record Book 298, page 409 and Official Record Book 2314 page 2137 or the public records of Brevard County, Florida. The Developer/Owner shall install a six (6) foot high opaque wooden fence along this contiguous property line and along the southeast three hundred and fifty (350) feet of Bar "C" Ranchettes east of boundary line which is contiguous to the Property. In addition to the wood fence, a six (6) foot high landscaped buffer will be provided along Bar-C Ranchettes south property line where it is contiguous to the Property. A buffer area for the undisturbed area will be provided no less than fifty (50) feet extending south from the north three hundred (300) feet of Bar "C" Ranchettes east property line which is contiguous to the Property. The area between the north three hundred (300) feet and the south three hundred and fifty (350) feet on east property line shall be a minimum of a fifty (50) foot buffer. Property abutting S.R. 46 will provide an opaque vegetative buffer no less than fifty (50) feet east of the one hundred and fifty (150) buffer and extend from the south side of S.R. 46 which is contiguous to the property. Existing vegetations shall remain intact in the buffer area unless invasive are required to be removed. The Developer/Owner shall provide replacement vegetation in this area if the existing non- invasive vegetation is destroyed.

*Analysis: This condition is primarily a carryover from the existing BDP. The exception being an apparent typo correction with clarifying reducing the buffer area for the undisturbed area will be provided no less than fifty (50) feet extending south from the north three hundred (300) feet of Bar "C" Ranchettes. In addition, the proposed condition allows for the removal of invasive vegetation. The subdivision code requires a 15-foot natural buffer tract along the perimeter of a development.*

11. This BDP shall replace the 1999 and 2005 BDPs recorded on 12-10-99 at OR Book 4100 Page 3354 and 5-25-2005 at OR Book 5472 Page 3172.

*Analysis: This condition is not carry-over from the existing BDP.*