



Planning and Zoning Board / Local Planning Agency
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Monday, March 18, 2024

Call To Order - 3:00 p.m.

Approval of Minutes - February 12, 2024

G. Public Hearings

- G.1.** Quality RV Florida, LLC requests a Small-Scale Comprehensive Plan Amendment (23S.24) from Res 6 to CC. (23SS00024) (Tax Account 2702826) (District 5)
- G.2.** Quality RV Florida, LLC requests a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP. (23Z00083) (Tax Account 2702826) (District 5)
- G.3.** West Malabar Properties, LLC requests a Small-Scale Comprehensive Plan Amendment (24S.1) from NC/RES 2 to CC. (24SS00001) (Tax Account 2806110, 2806111, 2806115, 2808112) (District 5)
- G.4.** West Malabar Properties, LLC requests a change of zoning classification from RP and AU to all BU-2 with a BDP. (24Z00004) (Tax Account 2806110, 2806111, 2806115, 2808112) (District 5)
- G.5.** Transmittal of the Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan to the Florida Department of Commerce. (All Districts)

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.1.

3/18/2024

Subject:

Quality RV Florida, LLC requests a Small-Scale Comprehensive Plan Amendment (23S.24) from Res 6 to CC. (23SS00024) (Tax Account 2702826) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to consider a Small-Scale Comprehensive Plan Amendment (23S.24) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial).

Summary Explanation and Background:

The applicant requests an amendment to the Future Land Use Map designation from RES 6 to CC on a 5.32-acre parcel to allow an existing non-conforming use to become consistent with FLUM and zoning regulations. The RES 6 FLUM designation was established in the 2010-1 Comprehensive Plan Amendments that were adopted to implement the recommendations of the South Mainland Small Area Study.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-Family Mobile Home) to BU-2 (Retail, Warehousing and Wholesale) on the 5.32-acre subject property (23Z00083). This request would allow the existing use to be consistency with the Comprehensive Plan and zoning classification.

The developed character along this segment of Aurora Road is single- family residential, single-family mobile homes, and mobile home parks. The only commercial use along this segment of Aurora Road is a convenience store with gas pumps which abuts the subject property to the north.

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

The Board of County Commissioners will consider the request on Thursday, April 4, 2024. Beginning at 5:00 p.m. The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

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.

FUTURE LAND USE MAP SERIES
PLAN AMENDMENT

STAFF COMMENTS

Small Scale Plan Amendment 23S.24 (23SS00024)
Township 27, Range 36, Section 14

Property Information

Owner / Applicant: Quality RV Florida, LLC

Adopted Future Land Use Map Designation : Residential 6 (RES 6)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage : 5.32

Tax Account #: 2702826

Site Location: South side of Aurora Road between John Rodes Blvd. and
Turtlemound Road

Commission District: 5

Current Zoning: Single-family Residential (RU-1-7) on 4.22 acres
Single-Family Mobile Home (TR-1) on 1.10 acres

Requested Zoning : BU-2 (Retail, Warehousing and Wholesale Commercial) (23Z00083)

Background & Purpose

The applicant requests an amendment to the Future Land Use Map designation from RES 6 to CC on a 5.32-acre parcel to allow an existing non-conforming use to become consistent with FLUM and zoning regulations. The RES 6 FLUM designation was established in the 2010-1 Comprehensive Plan Amendments that were adopted to implement the recommendations of the South Mainland Small Area Study.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-Family Mobile Home) to BU-2 (Retail Commercial) on the 5.32-acre subject property (23Z00083). The rezoning is necessary for the existing non-conforming use of the property as a new and used recreational vehicle dealer with long-term storage of recreational vehicles owned by third parties to become consistent with current zoning regulations.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Mobile Homes Mobile Home Park Convenience Store	TR-1 TR-3 BU-1-A	RES 4 RES 4 RES 6
South	Single-Family Residences	AU	RES 6
East	Mobile Home Single-Family Residence Single-Family Residence	TR-1 RU-1-9 RR-1	RES 6
West	Single-Family Residences	RU-1-7	RES 6

To the north, on the southeast corner of property is a 0.62-acre parcel developed as a convenience store with gas pumps. It has a RES 6 FLU designation although the use is Neighborhood Commercial. On the north side of Aurora Road there are single-family residential site-built and mobile homes. All have a RES 4 FLUM designation.

To the south are two 4.4 acre lots with single-family residences with RES 6 FLUM designation.

To the east there is a mix of single-family manufactured homes and a single-family residence on a 1.91-acre lot. All have RES 6 FLUM designation.

To the west is a single-family subdivision with 0.14-acre lots with RES 6 FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands

FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject property has frontage on Aurora Road which provides access to Wickham Road and US 1. Aurora Road also provides access to US 192 via John Rodes Blvd.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

This segment of Aurora Road is characterized by single-family and mobile home park development. The request could be considered an introduction of commercial activity into a residential area; however, the request would recognize the existing, non-conforming use on the property.

- C. Existing commercial development trend in the area;

The subject property abuts a convenience store with gas pumps zoned BU-1-A. This is the only commercial development along this segment of Aurora Road.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change.

The subject parcel is within the City of Melbourne utilities service area for water and sewer. The proposed development is not anticipated to have an impact on the LOS for solid waste disposal.

- F. Spacing from other commercial activities;

The closest commercial activity is in the City of Melbourne at the intersection of Aurora Road and Wickham Road, approximately 1.4 miles to the east.

- G. Size of proposed commercial designation compared with current need for commercial lands;

The applicant has not provided data supporting the need for additional commercial land in this area.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

The provisions of this Criterion will be addressed at the site plan review stage, if required.

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan review stage, if required.

- J. Impacts upon strip commercial development.

The subject property is currently a non-conforming, commercial enterprise located in a residential land use and zoning classification. The proposal would not be considered an expansion of strip development.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations

FLUE Policy 2.7

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant is proposing to continue to utilize the subject property as a recreational vehicle dealership with long-term storage of recreational vehicles owned by third parties. If this FLUM amendment is approved, and the existing use is discontinued, all the uses identified above may be allowed but may require rezoning.

Locational and Development Criteria for Community Commercial Uses FLUE

Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject site is not located at an arterial/arterial intersection or a collector/arterial intersection.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

This request, if approved, would represent an increase of 5.32 acres of CC.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The subject property is located approximately 1.4 miles west of the intersection of Aurora Road and Wickham Road.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

This criterion will be addressed at the site plan review stage of development, if required.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

The overall subject site has the potential for a 231,739 sq. ft. of commercial based on a FAR of 1.00. The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. The applicant has not requested PUD zoning.

FLUE 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 not provided hours of operation, a lighting plan, or a traffic analysis. 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 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The developed character along this segment of Aurora Road is single-family residential, single-family mobile homes and mobile home parks. The only commercial use along this segment of Aurora Road is a convenience store with gas pumps and it abuts the subject property.

The request could be considered an introduction of CC into the residential development that characterizes this area.

The Aurora Oaks subdivision abuts the subject property to the west and was built in 2006 after the existing use of the subject property had been established.

There are three (3) FLU designations within 500 feet of the subject site: RES 15, RES 6 and RES 4. The predominant FLU designation south of this segment of Aurora Road is RES 6.

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

No changes to the immediate area have occurred within the last three years.

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

There has not been any development approved in the past three years that has not been constructed.

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

Policy 2.8 of the Future Land Use Element establishes locational and development criteria for community commercial uses. Criteria A states that: community commercial clusters of up to 10 acres should be located at arterial/arterial intersections; collector/arterial intersections are acceptable provided the collector serves multiple neighborhoods; and intrusion of these land uses into surrounding residential areas shall be limited.

The subject property is not located at an intersection.

Criteria C states that community commercial clusters should be spaced at least 2 miles apart. The subject property is located 1.4 miles from the commercial development at the intersection of Aurora Road and Wickham Road, which is within the City of Melbourne.

FLUE 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 continued use of this property as a recreational vehicle dealership with long-term storage of recreational vehicles owned by third parties should not materially or adversely impact the established residential character of this neighborhood since this use was established more than 40 years ago. In the event the use of the property is changed to another permitted use in the BU-2 zoning classification, the potential for material and adverse impacts could exist.

- 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.

Aurora Road between John Rodes Blvd. and Turtle mound Road is an established residential corridor. The Indian River Groves and Gardens subdivision forms the southern boundary of this residential neighborhood.

- 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.

This non-conforming, commercial use on the subject property pre-dates some but not all residential development in this neighborhood.

- 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.

4. 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.

There have not been multiple commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area should not be considered transitional.

Concurrency

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts, the current capacity utilization should not change. It is difficult to determine the maximum development potential from the proposed rezoning due to the competition from better established commercial areas along Wickham Road that enjoy higher traffic volumes

Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the City of Melbourne water and sewer service area.

Environmental Constraints

No noteworthy environmental constraints were identified. Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

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

For Board Consideration

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area. The Board may also consider recognizing the existing development trends.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary

Item No. 23SS00024

Applicant: David John Mancini (Owner: Quality RV Florida LLC) Zoning

Request: RU-1-7 and TR-1 to BU-2

Note: to establish commercial zoning for existing business (since 1977) LPA

Hearing: 01/08/2024; BCC Hearing: 02/01/2024

Tax ID No.: 2702826

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:

- Land Clearing and Landscape Requirements

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

Land Use Comments:

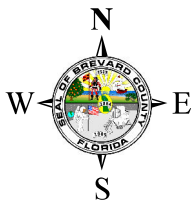
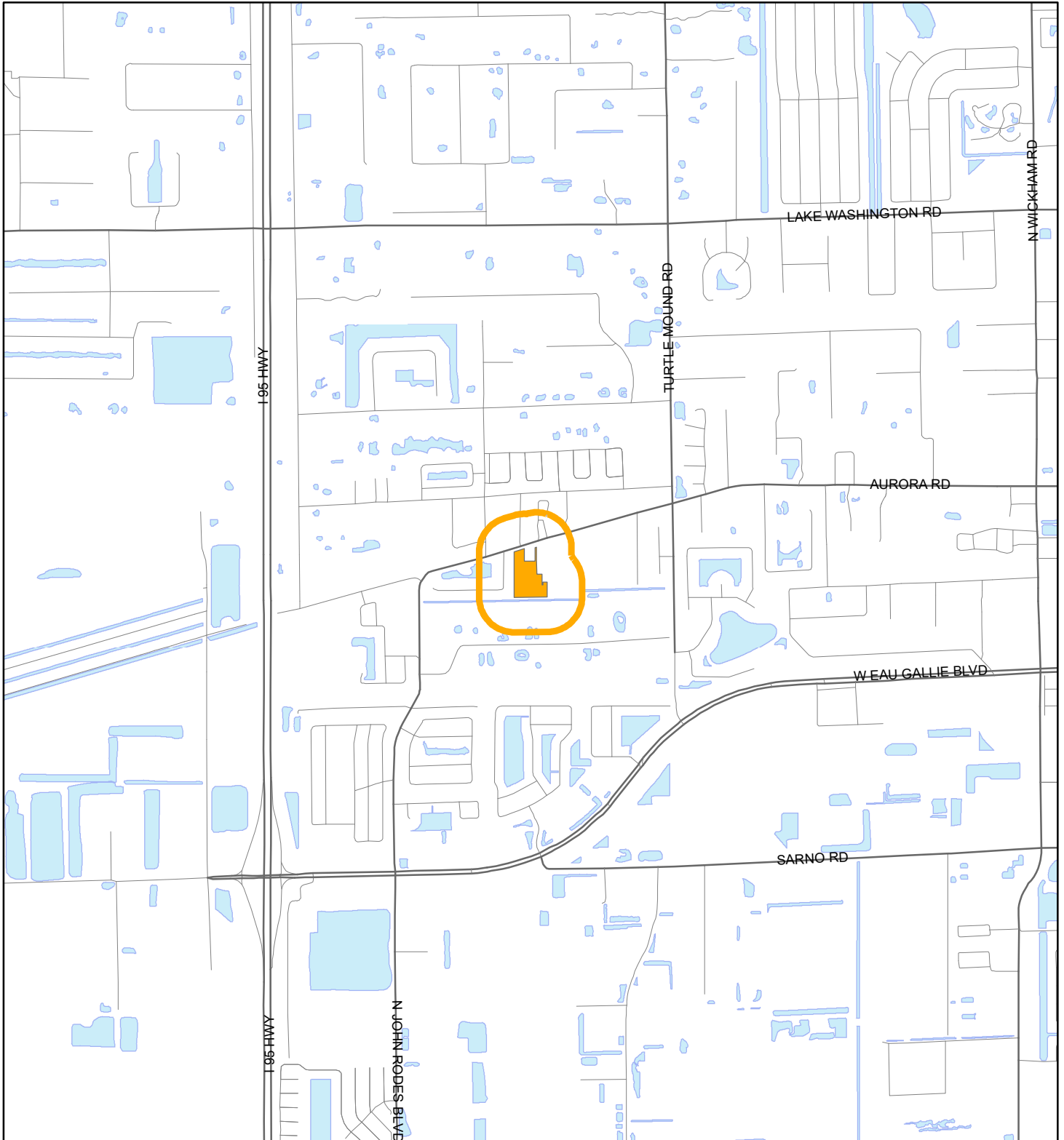
Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, canopy coverage requirements, and buffer requirements. Specifically, Section 62-4342 sets out vegetative buffering requirements to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

QUALITY RV FLORIDA LLC

23SS00024





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: 11/7/2023

-  Buffer
-  Subject Property

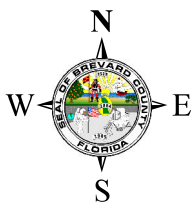
ZONING MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

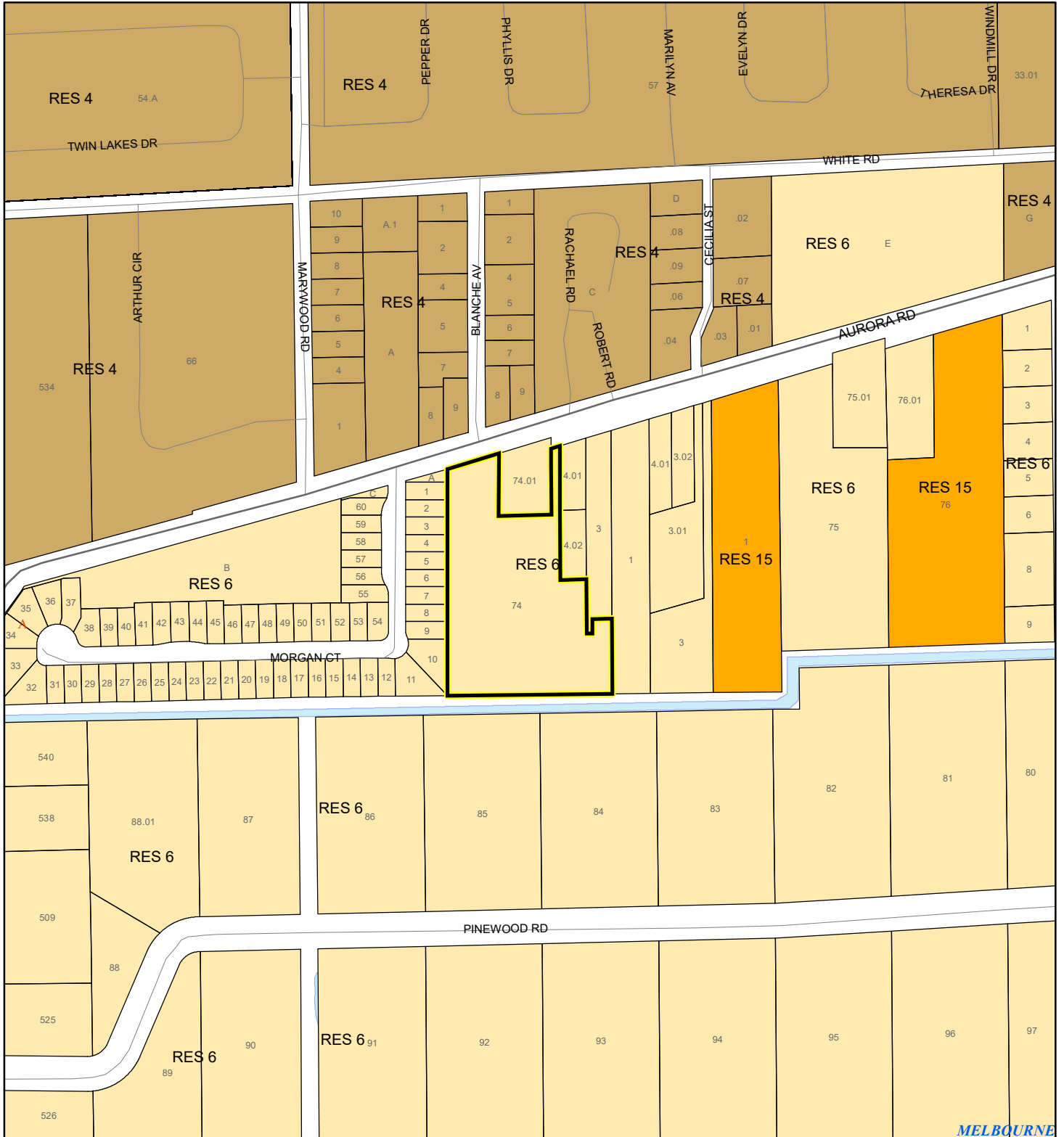
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/7/2023

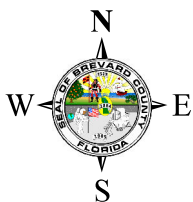
FUTURE LAND USE MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

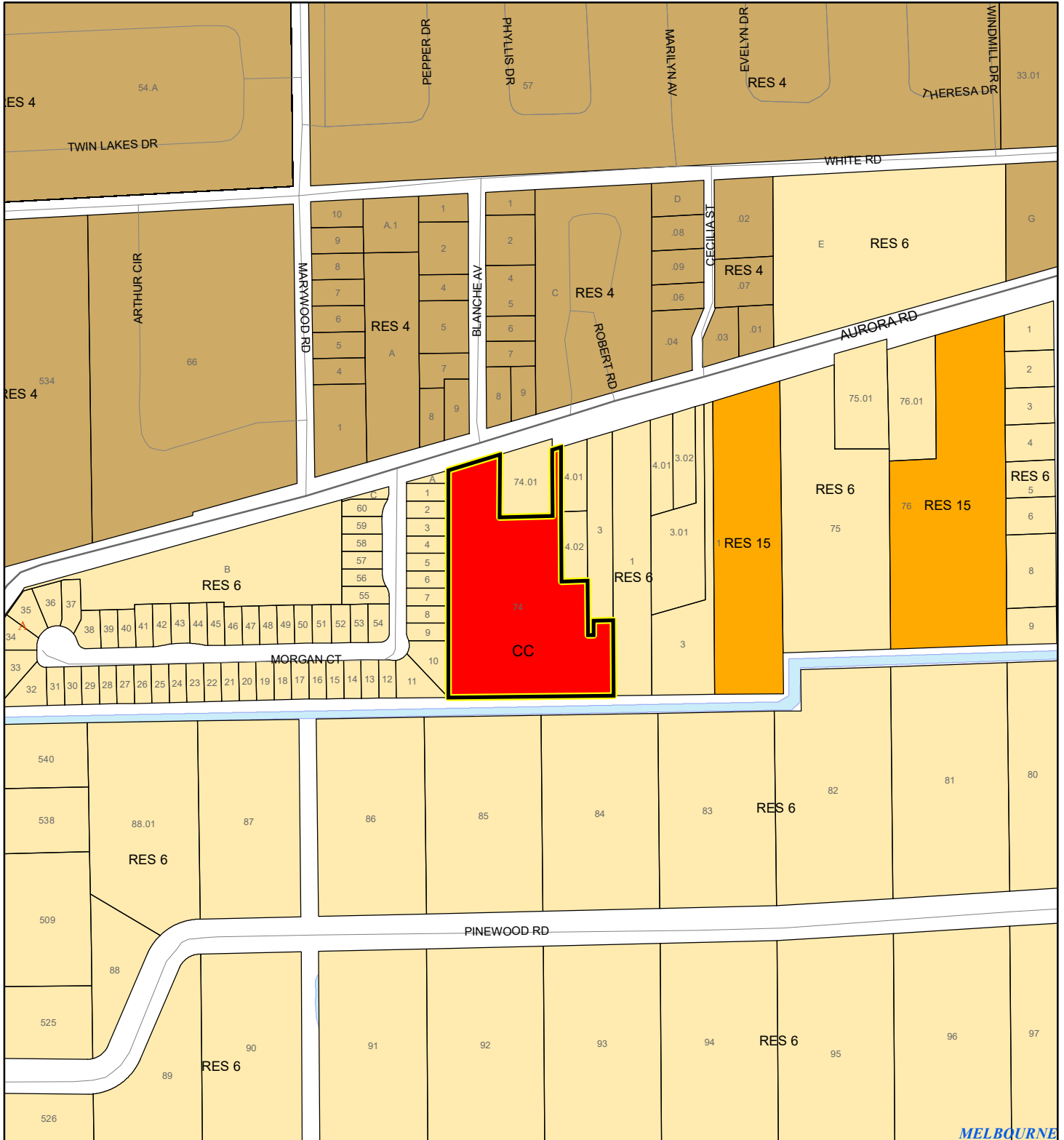
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Produced by BoCC - GIS Date: 11/7/2023

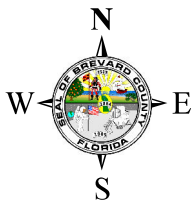
PROPOSED FUTURE LAND USE MAP

QUALITY RV FLORIDA LLC



23SS00024



MELBOURNE



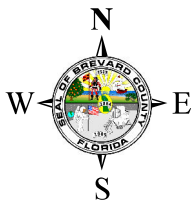
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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AERIAL MAP
QUALITY RV FLORIDA LLC
23SS00024





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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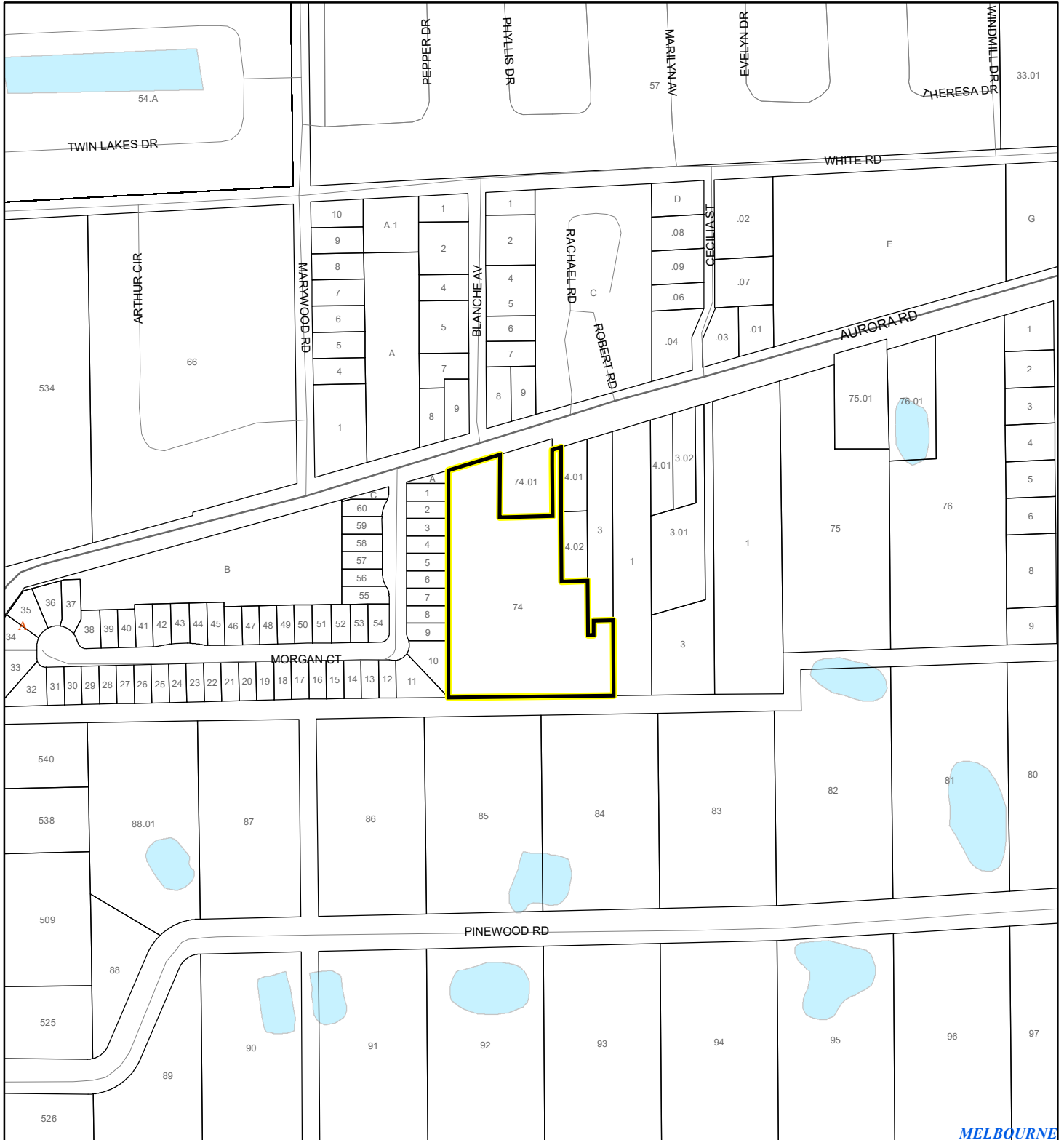
Produced by BoCC - GIS Date: 11/7/2023

-  Subject Property
-  Parcels

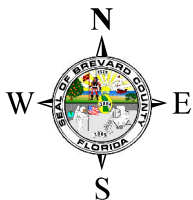
NWI WETLANDS MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

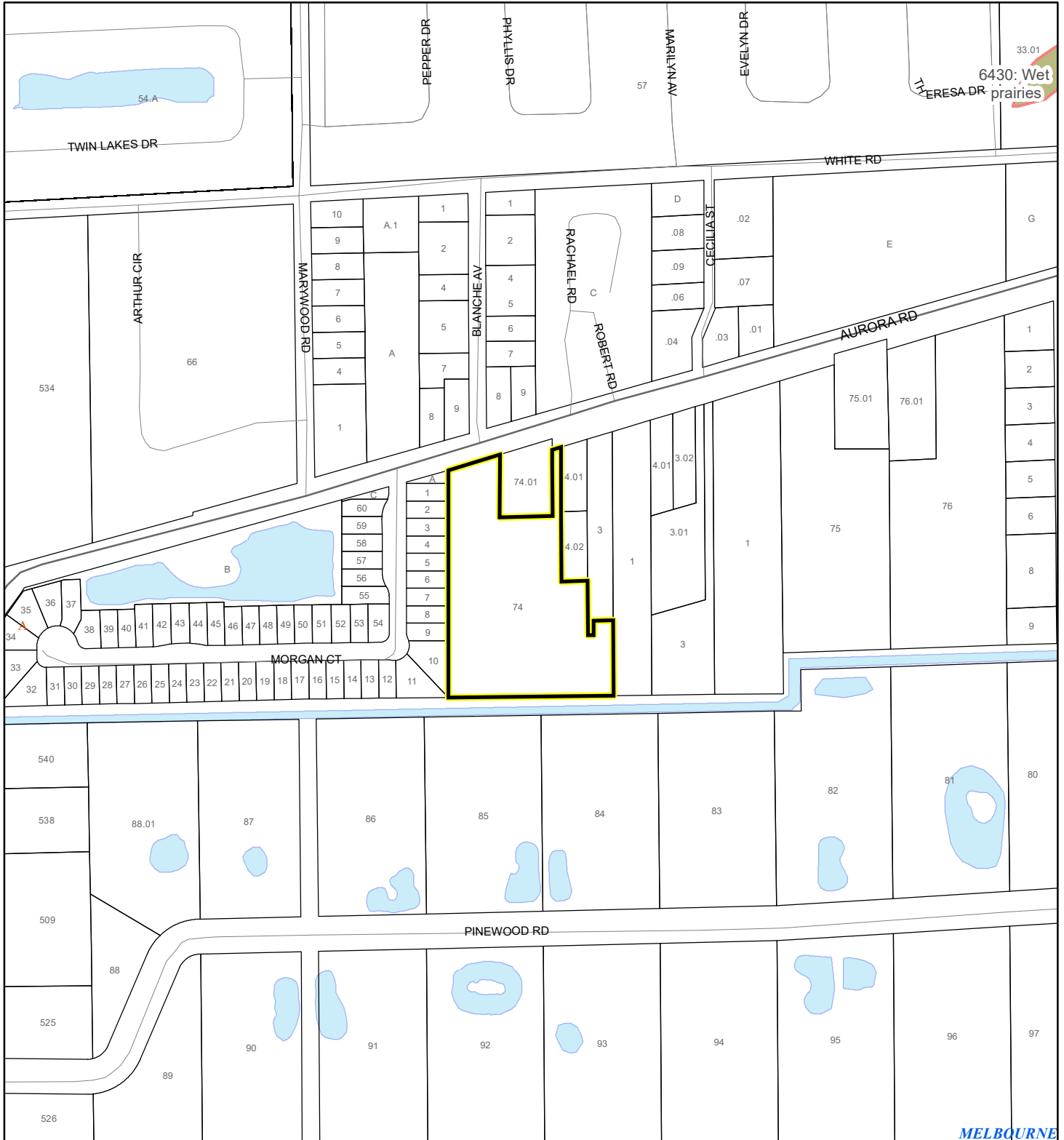
National Wetlands Inventory (NWI)

- | | |
|--|--|
|  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

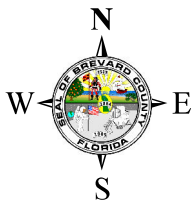
QUALITY RV FLORIDA LLC

23SS00024



33.01
6430: Wet
ERESA DR prairies

MELBOURNE



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

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

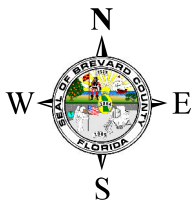
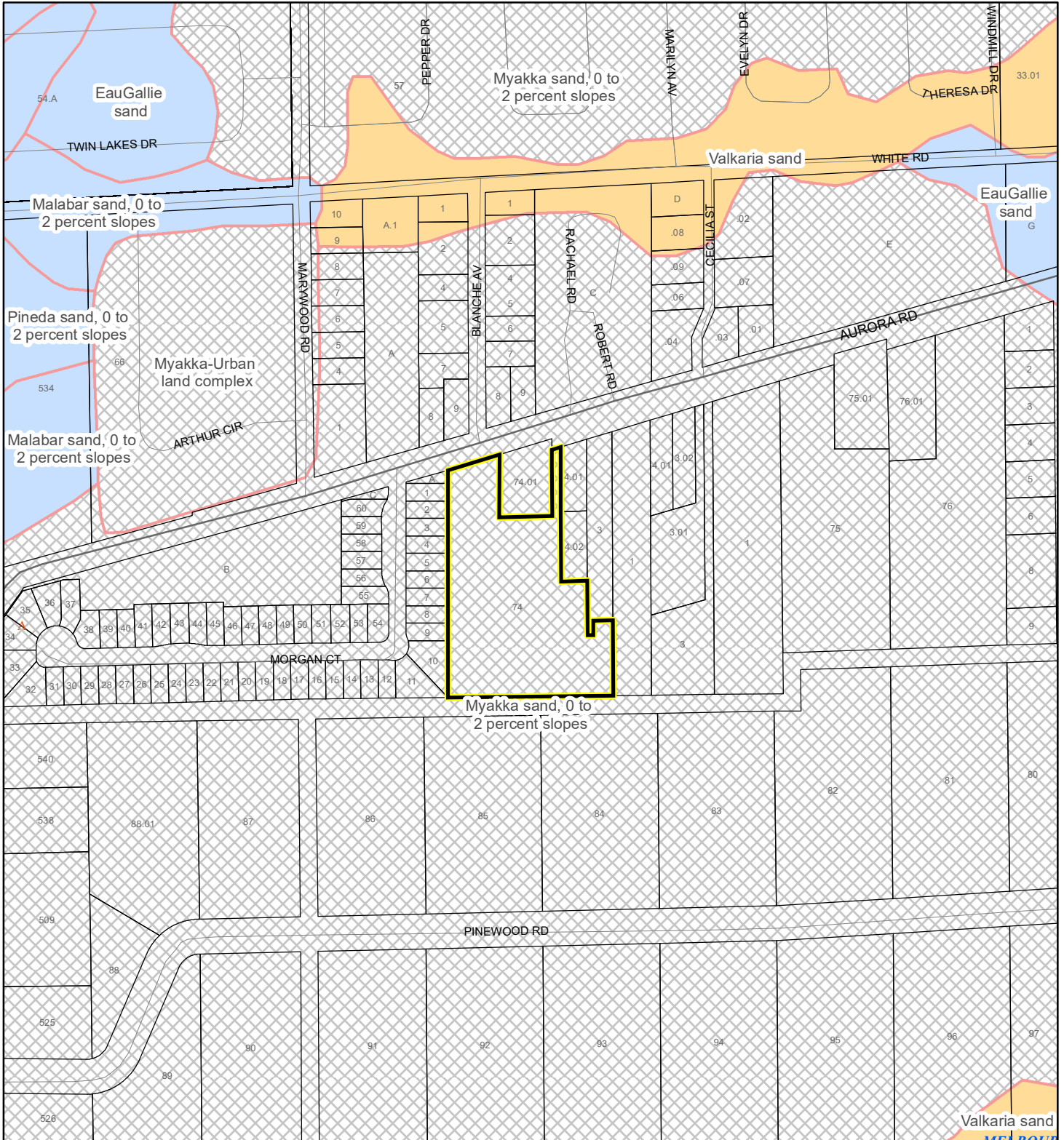
Subject Property

Parcels

USDA SCSSS SOILS MAP

QUALITY RV FLORIDA LLC

23SS00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

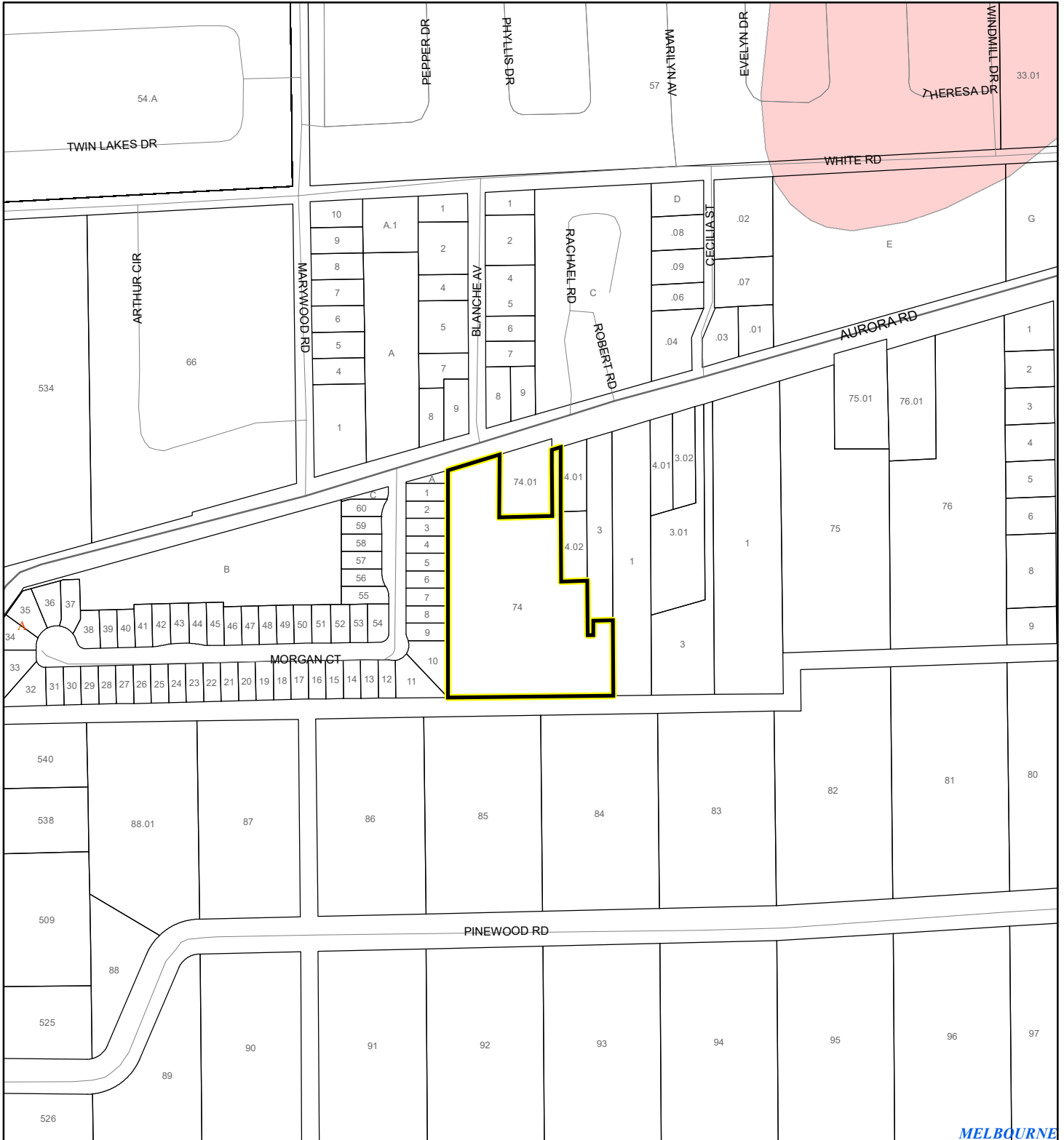
USDA SCSSS Soils

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

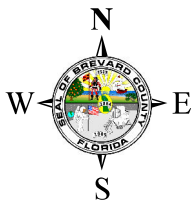
FEMA FLOOD ZONES MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet

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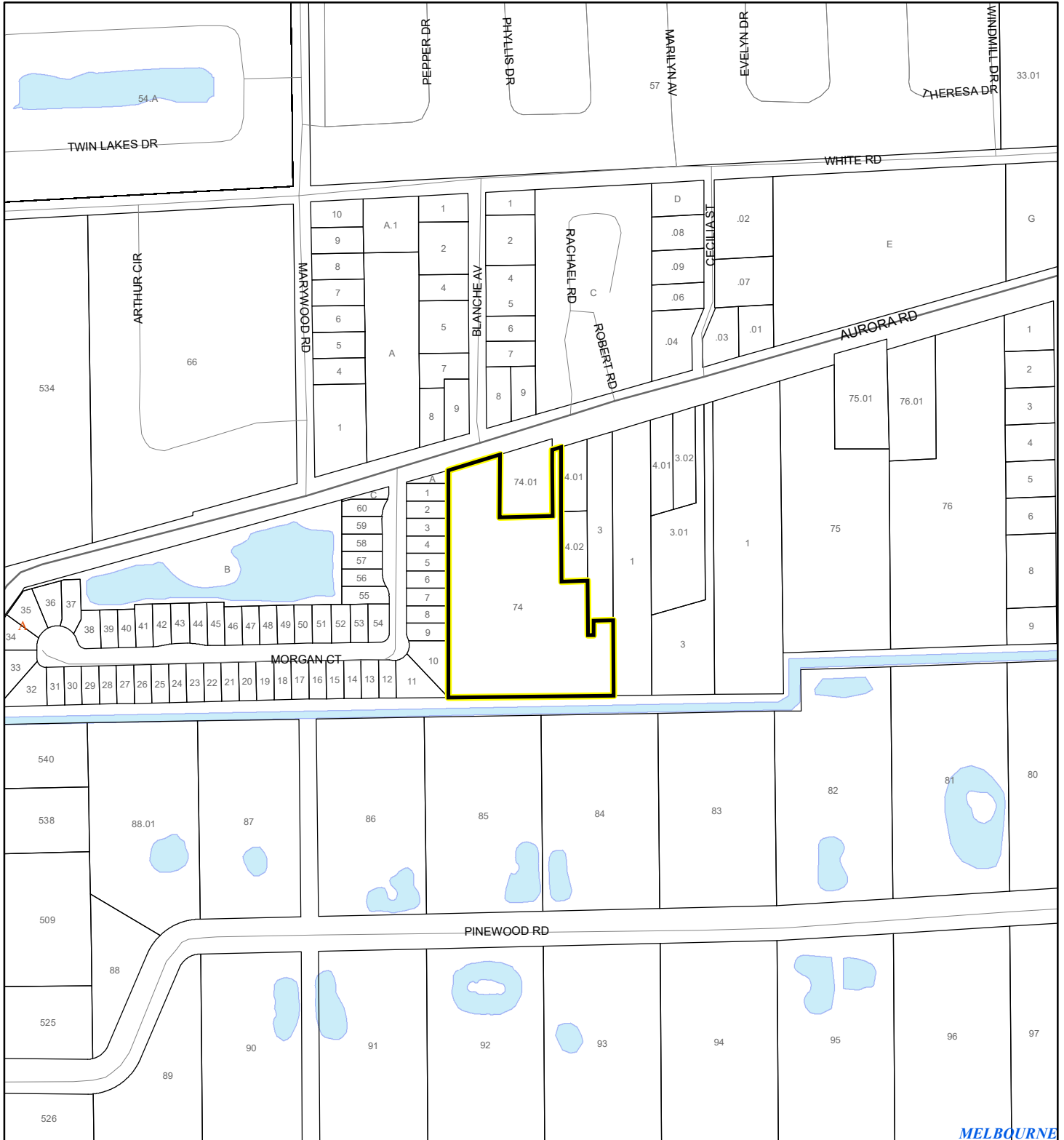
Produced by BoCC - GIS Date: 11/7/2023

- FEMA Flood Zones**
- A
 - AE
 - AH
 - AO
 - Open Water
 - VE
 - X
 - Subject Property
 - Parcels

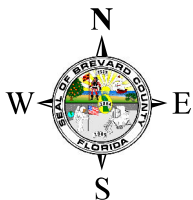
COASTAL HIGH HAZARD AREA MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

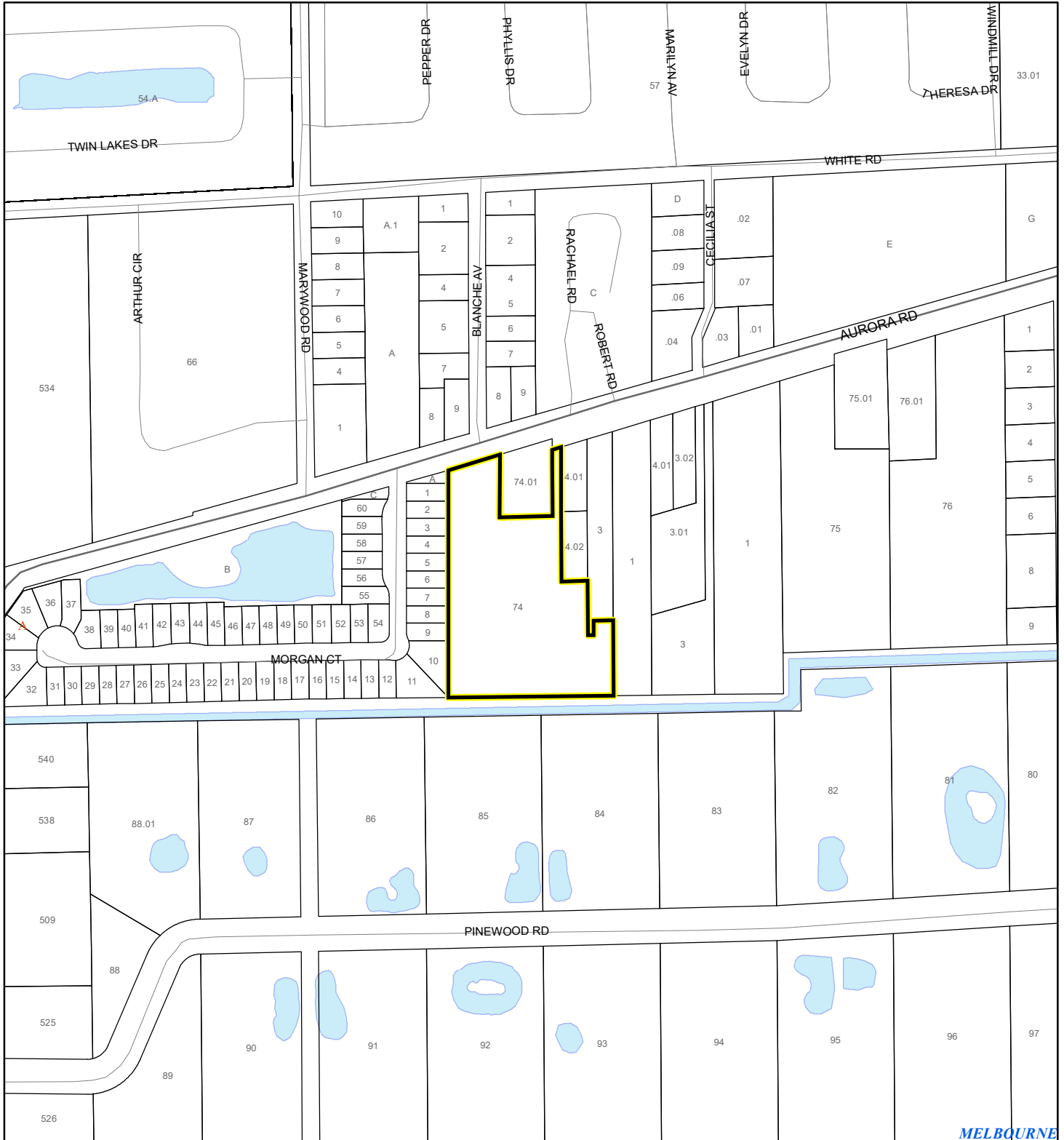
Coastal High Hazard Area

 SurgeZoneCat1

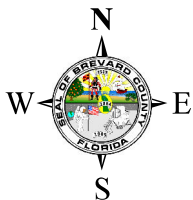
INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet

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Subject Property

Parcels

Septic Overlay

40 Meters

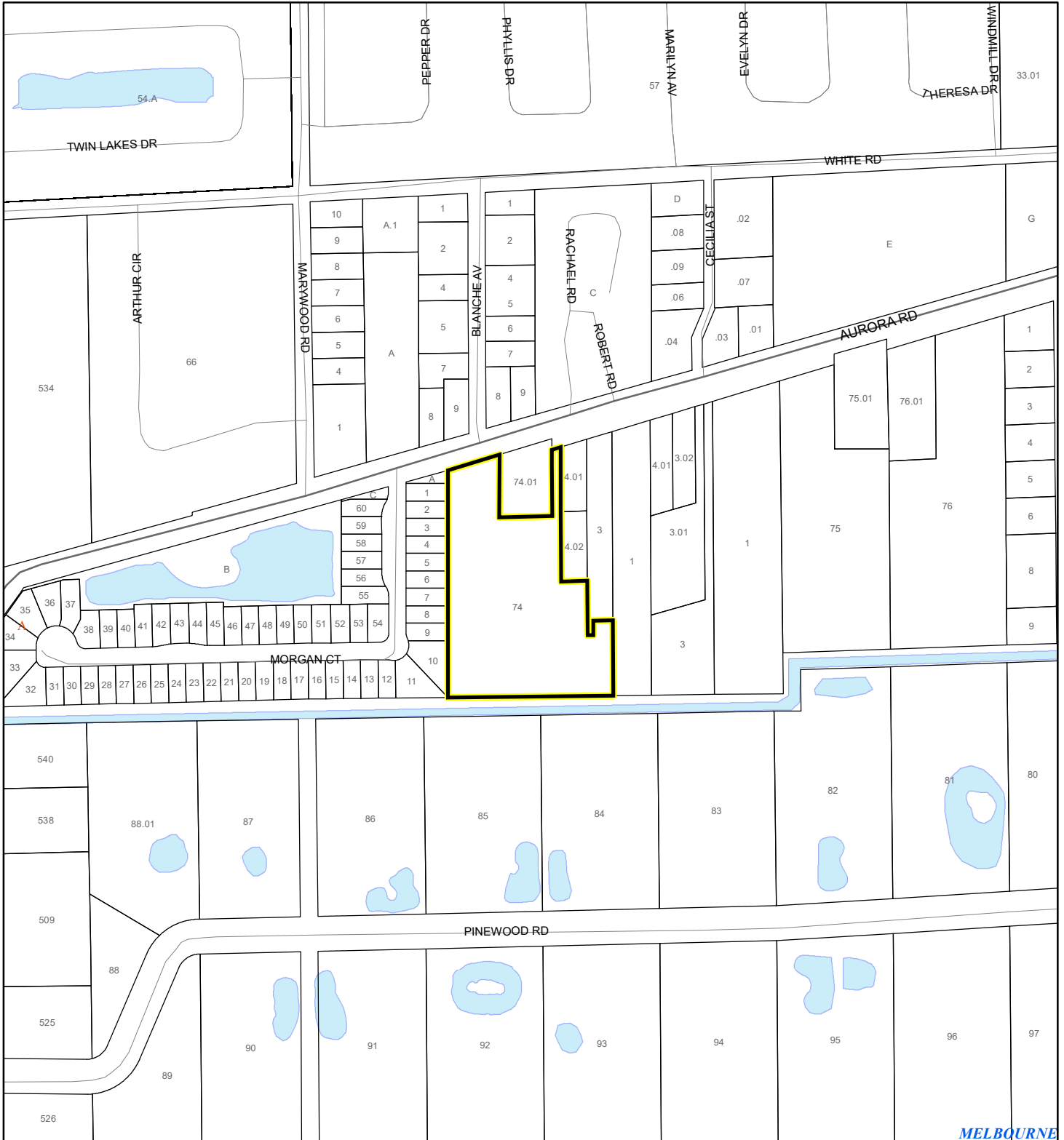
60 Meters

All Distances

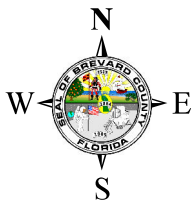
EAGLE NESTS MAP

QUALITY RV FLORIDA LLC

23SS00024



MELBOURNE



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

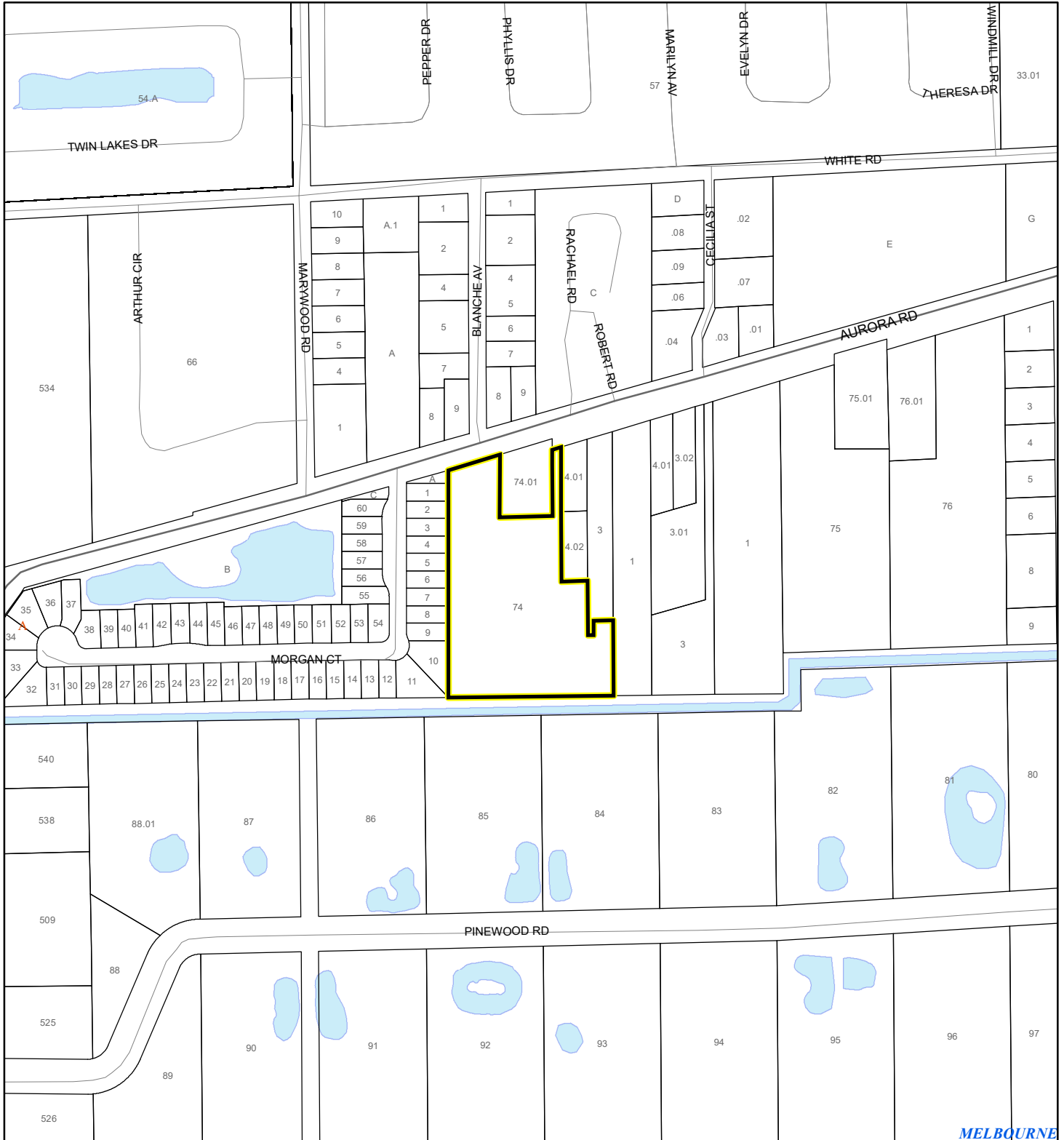
 Parcels

 Eagle Nests
FWS

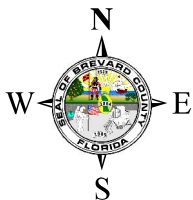
SCRUB JAY OCCUPANCY MAP

QUALITY RV FLORIDA LLC

23SS00024






MELBOURNE



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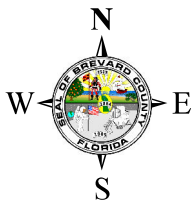
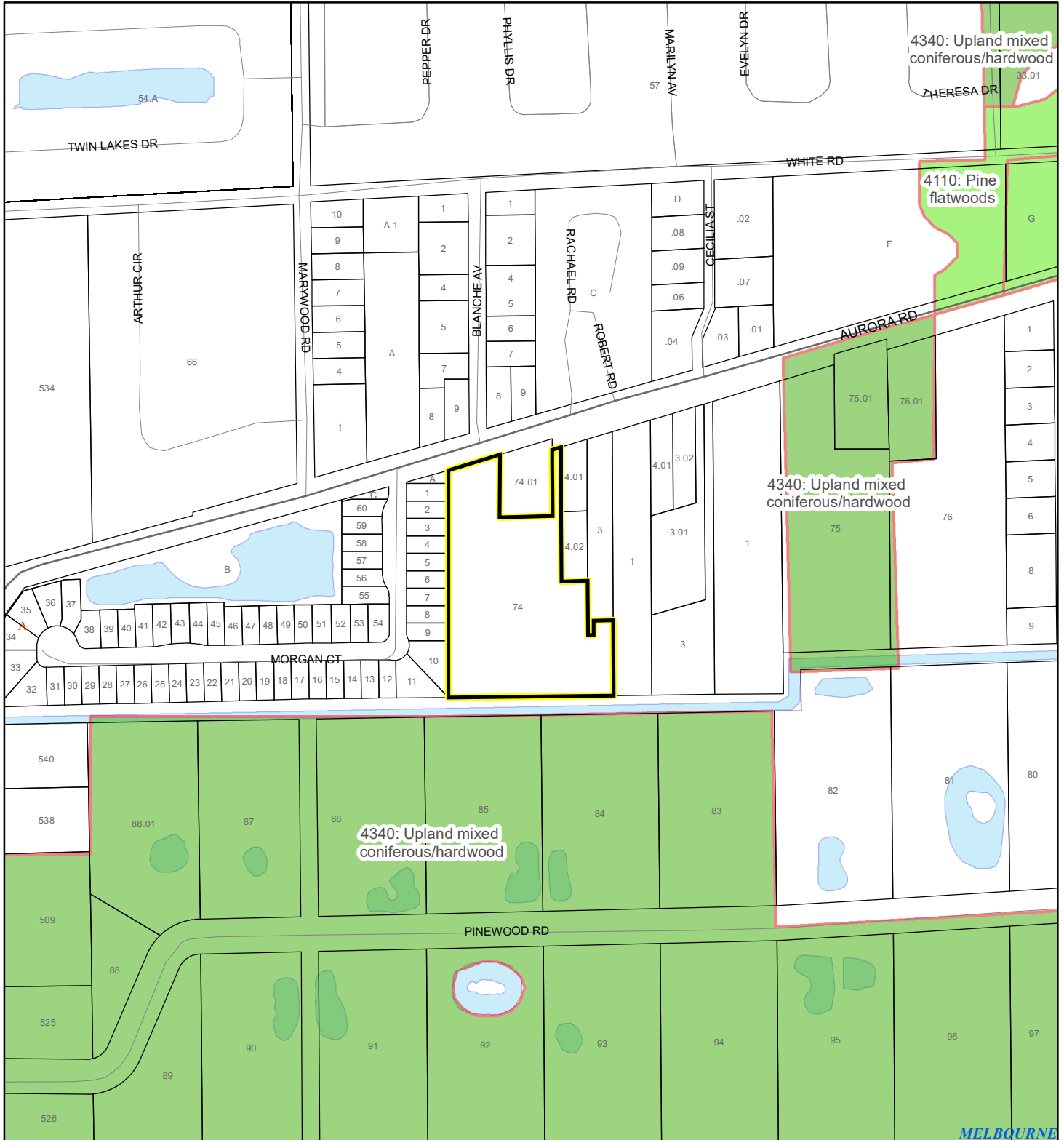
Produced by BoCC - GIS Date: 11/7/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

QUALITY RV FLORIDA LLC

23SS00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

SJRWMD FLUCCS Upland Forests

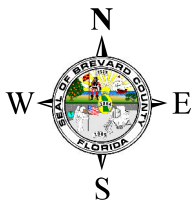
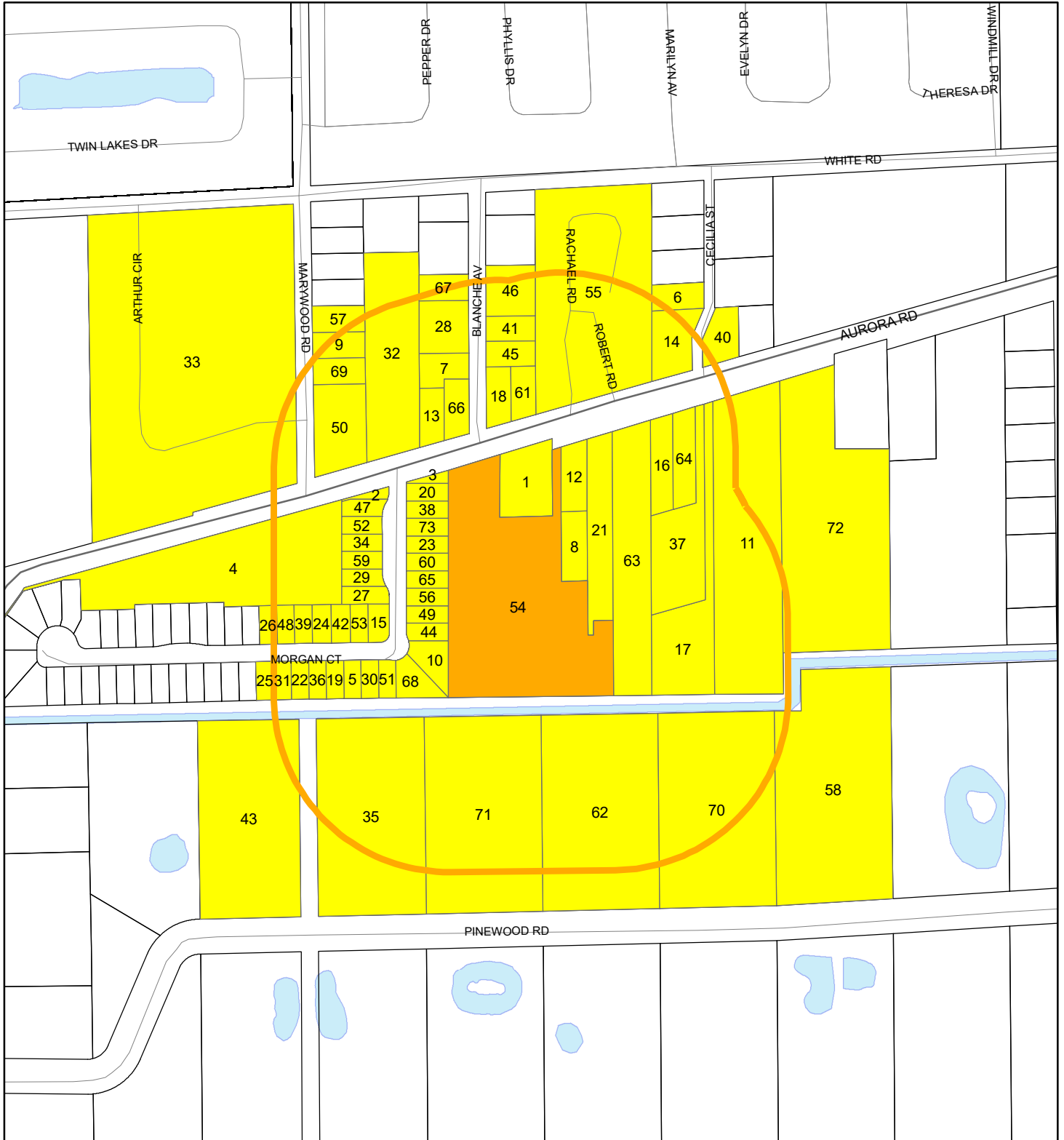
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

QUALITY RV FLORIDA LLC

23SS00024







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 11/7/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

3/18/2024

Subject:

Quality RV Florida, LLC requests a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP. (23Z00083) (Tax Account 2702826) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-family Mobile Home) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP (Binding Development Plan).

Summary Explanation and Background:

The applicant has requested a change of zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-family mobile home) to BU-2 (Retail, Warehousing and Wholesale Commercial) and a FLUM amendment to make the existing, non-conforming use of the property consistent with the zoning regulations. The Brevard County Property Appraisers Office database classifies the subject property as recreational vehicle or mobile home sales - new or used as well as the storage of third-party RV's and boats.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00024 to change the Future Land Use Map designation from RES 6 (Residential 6 to Community Commercial (CC).

The applicant has provided a Binding Development Plan (BDP) limiting the uses of the property to BU-1 uses and limiting the BU-2 uses to RV, and boat storage only.

The subject property is on an established residential corridor along Aurora Road from John Rodes Blvd. to Turtle Mound Road. The current use of the property was established prior to 1981.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

The Board of County Commissioners will consider the request on Thursday, April 4, 2024. Beginning at 5:00 p.m. The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way,

Commission Room, Viera, Florida.

Clerk to the Board Instructions:

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

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

**STAFF COMMENTS
 23Z00083**

Quality RV Florida, LLC

**RU-1-7 (Single-Family Residential) and TR-1 (Single-family Mobile Home)
 to BU-2 (Retail, Warehousing and Wholesale Commercial) with a
 Binding Development Plan (BDP)**

Tax Account Number: 2702826
 Parcel I.D.: 27-36-14-01-*-74
 Location: Southside of Aurora Road between John Rodes Blvd. and
 Turtle Mound Road (District 5)
 Acreage: 5.32 acres
 Planning & Zoning Board: 03/18/2024
 Board of County Commissioners: 04/04/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-7 and TR-1	BU-2
Potential* RU-1-7 on 4.22 acres TR-1 on 1.10 acres	24 single-family units 7 mobile homes	(FAR) of 1.00 159 dwelling units***
Can be Considered under the Future Land Use Map	Yes, RES 6	Yes Community Commercial (CC)**

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

**Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00024 proposes to change the Future Land Use Map Designation from RES 6 to Community Commercial (CC) pending approval.

*** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

Background and Purpose of Request

The applicant has requested a change of zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-family mobile home) to BU-2 (Retail, Warehousing and Wholesale Commercial).

On June 28, 1965, the Board considered a rezoning request for BU-1 on the north 200 feet of the property with a trailer subdivision on the balance of the property. This request was deferred by Zoning Resolution Z-1769 until an overall plan for the area was approved and a temporary permit for trailer sales was issued subject to dedication of additional right-of-way for the Hopkins Ditch and a 25- foot setback from the ditch.

The applicant has offered a Binding Development Plan that stipulates that use of the property will be limited to all BU-1 uses with BU-2 uses being limited to RV and boat storage.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from RES 6 (Residential 6 units per acre) to CC (Community Commercial).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Convenience store	BU-1-A	RES 6
South	Single-family residences	AU	RES 6
East	Single-family mobile home Single-family residences	TR-1 RU-1-7 & RR-1	RES 6 RES 6
West	Single-family residences	RU-1-7	RES 6

The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots, with a minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The RR-1 classification permits single-family residences on one acre lots with a minimum width and depth of 125 feet. The minimum house size is 750 square feet.

The AU classification permits single-family residences on a minimum of 2.5 acres with a minimum width of 150 feet and depth of 150 feet. The minimum house size is 750 square feet.

The TR-1 classification permits single-family mobile homes and single-family residences on minimum 7,500 square foot lots with a minimum width of 65 feet and depth of 100 feet. The minimum living area is 600 square feet.

The BU-1-A classification permits single-family residences and many commercial uses on 7,500 square foot lots with a minimum width and depth of 75 feet. Commercial uses must have a minimum floor area of 300 square feet.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial

zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

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

Future Land Use

The subject property has a Future Land Use Map designation of Residential 6 (RES 6). The existing RU-1-7 and TR-1 zoning classifications may be considered consistent with the RES 6 FLUM designation. However, the existing use is not consistent with zoning or FLUM.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from Residential 6 (RES 6) to Community Commercial (CC). The proposed BU-2 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLUM designation.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to retail, wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building.

- B. Existing commercial zoning trends in the area;

The only commercial land use along this segment of Aurora Road is the convenience store with gas pumps, zoned BU-1-A, abutting the subject property on its northeast quadrant.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The land use in the surrounding area is single-family residential and single-family mobile homes. There are no industrial uses and commercial uses are limited to the adjacent convenience store.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal.

The preliminary concurrency analysis did not indicate that the current use of the property has the potential to cause a deficiency in the transportation adopted level of service. In the event, that a different commercial use is established on the property, a new concurrency analysis will be required.

The subject property is served by City of Melbourne water and sanitary sewer. It is

not expected to have an impact on the LOS for solid waste disposal because the applicant proposes to continue the existing use of the property.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

No noteworthy land use issues were identified. Please see NRM Report.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-2251 through 62-2271 of Brevard County Code.

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 proposes to continue to utilize the subject parcel as a recreational vehicle dealership with outside storage of recreational vehicles owned by third parties. No noteworthy issues have been identified.

- 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 historical land use patterns in the vicinity of the subject property are residential in character including single-family residences, single-family mobile-homes, and mobile home parks. A few vacant residential properties remain.

The subject property and the adjacent convenience store under different ownership, which abuts the subject property to the northeast are the only commercial uses along this segment of Aurora Road.

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

There has not been any development within a half-mile of the subject property within the last three years.

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

There has not been any development approved within this area in the preceding three (3) years that has yet to be constructed.

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

Policy 2.8 of the Future Land Use Element establishes locational and development criteria for community commercial uses. Criteria A states that: community commercial clusters of up to 10 acres should be located at arterial/arterial intersections; collector/arterial intersections are acceptable provided the collector serves multiple neighborhoods; and intrusion of these land uses into surrounding residential areas shall be limited. The subject property is not located at an intersection.

Criteria C states that community commercial clusters should be spaced at least 2 miles apart. The subject property is located 1.4 miles from the commercial development at the intersection of Aurora Road and Wickham Road, which is within the City of Melbourne. However, this request would reconcile the existing use on the property.

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The subject property is in an established residential corridor along Aurora Road from John Rodes Blvd. to Turtle Mound Road. The current use of the property was established prior to 1981. If approved, the Board should recognize the potential to allow other BU-2 uses which may have the potential to impact the surrounding residential neighborhood. Whether or not market factors would support a different, more intensive commercial use is unknown. The proposed BDP would limit BU-2 uses and would need Board approval.

- 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.

Much of this area was platted prior to the adoption of zoning regulations or the Comprehensive Plan. The primary boundaries are the road network.

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.

The subject property is not located within a residential neighborhood, rather a residential area. The Aurora Oaks subdivision which abuts the subject property on the west was platted in December 2004 and most homes within that subdivision were built in 2006. The commercial use abutting the subject property to the northeast was established in 1979.

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.

There have not been any non-residential uses approved within the past five (5) years. The area remains a residential corridor.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change. It is difficult to determine the maximum development potential from the proposed rezoning due to the competition from better established commercial areas along Wickham Road that enjoy higher traffic volumes ... Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the City of Melbourne utilities service area for water and sanitary sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Land Clearing and Landscape Requirements

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

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may consider reconciling the existing development. The Board may consider a Binding Development Plan to help mitigate potential off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 23ZS00083

Applicant: David John Mancini (Owner: Quality RV Florida LLC)

Zoning Request: RU-1-7 and TR-1 to BU-2

Note: to establish commercial zoning for existing business (since 1977)

LPA Hearing: 03/18/2024; BCC Hearing: 04/04/2024

Tax ID No.: 2702826

-);>- 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:

- Land Clearing and Landscape Requirements

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

Land Use Comments:

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, canopy coverage requirements, and buffer requirements.

Specifically, Section 62-4342 sets out vegetative buffering requirements to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses. Land clearing is not permitted without prior authorization by NRM.

Prepared by: Jennifer Altreche, Esq.
Address: 508 N. Harbor City Blvd, Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of March, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and QUALITY RV FLORIDA, LLC (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 BU-2 zoning classification(s) and desires to develop the Property as an RV, Trailer, Boat, hitch, and recreational vehicle sales and storage business, 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 impacts 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. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. 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.

3. Developer/Owner retains all BU-1 uses, and limits the BU-2 uses to third-party RV and boat storage.

4. 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 Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.

5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.

6. 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 shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.

8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a

violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

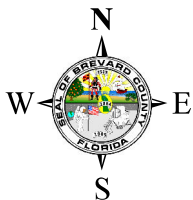
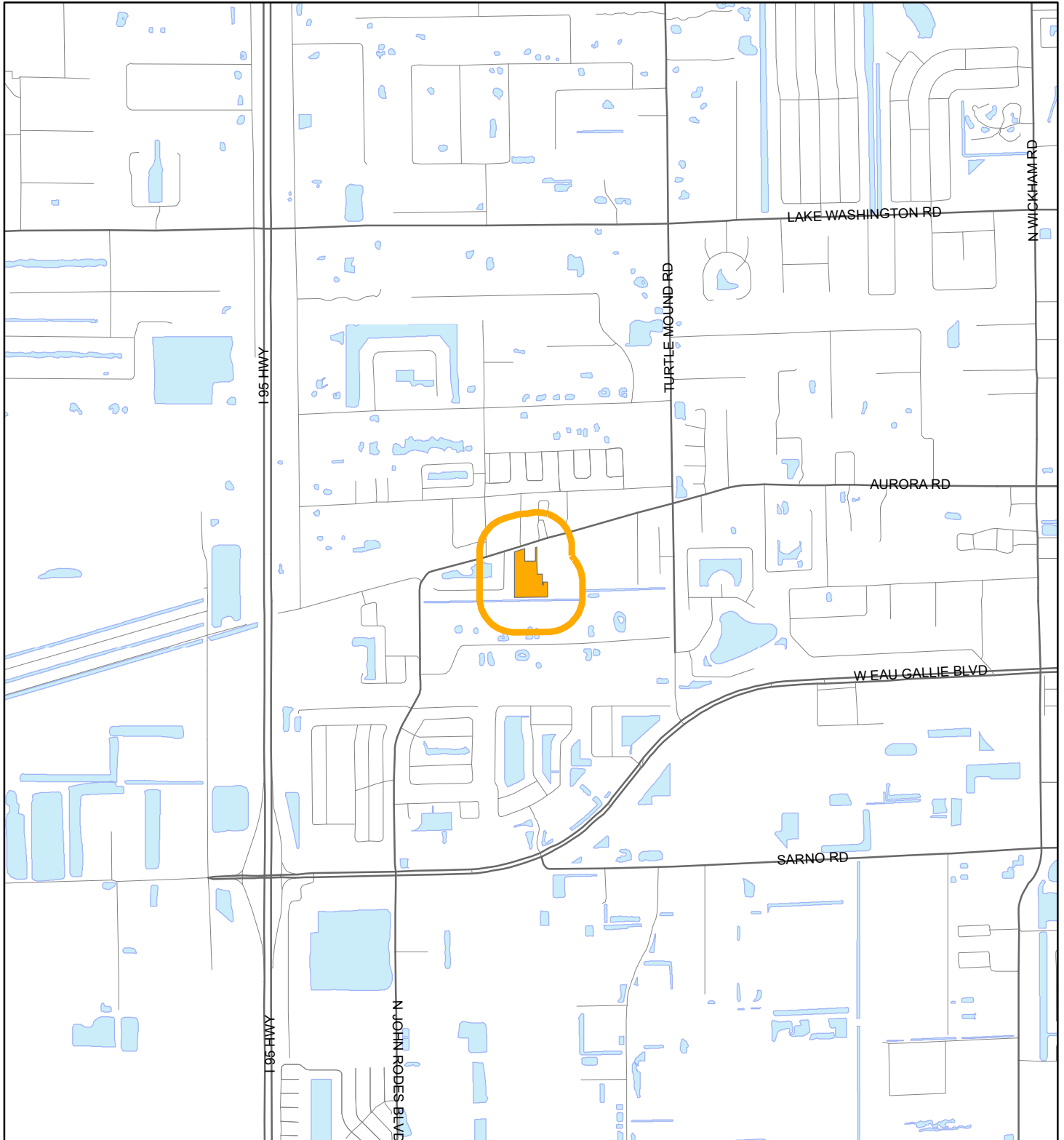
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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LOCATION MAP

QUALITY RV FLORIDA LLC

23Z00083





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.

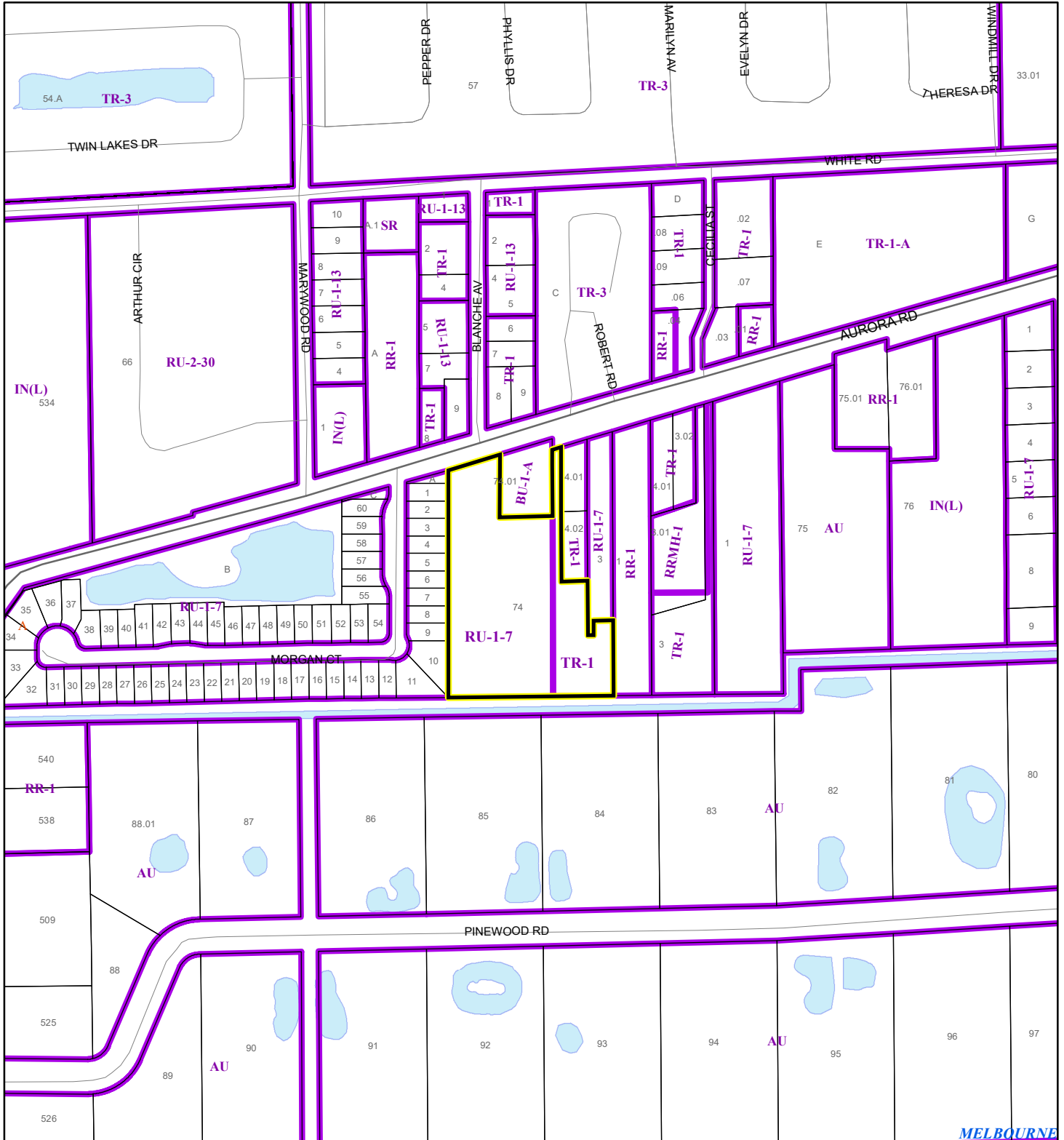
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-  Buffer
-  Subject Property

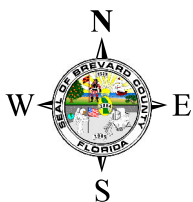
ZONING MAP

QUALITY RV FLORIDA LLC


23Z00083



MELBOURNE



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Zoning

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Produced by BoCC - GIS Date: 11/7/2023

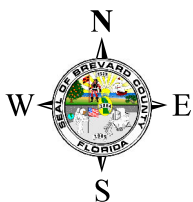
FUTURE LAND USE MAP

QUALITY RV FLORIDA LLC



23Z00083



MELBOURNE



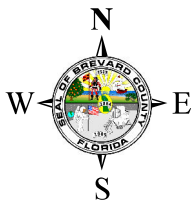
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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AERIAL MAP
QUALITY RV FLORIDA LLC
23Z00083





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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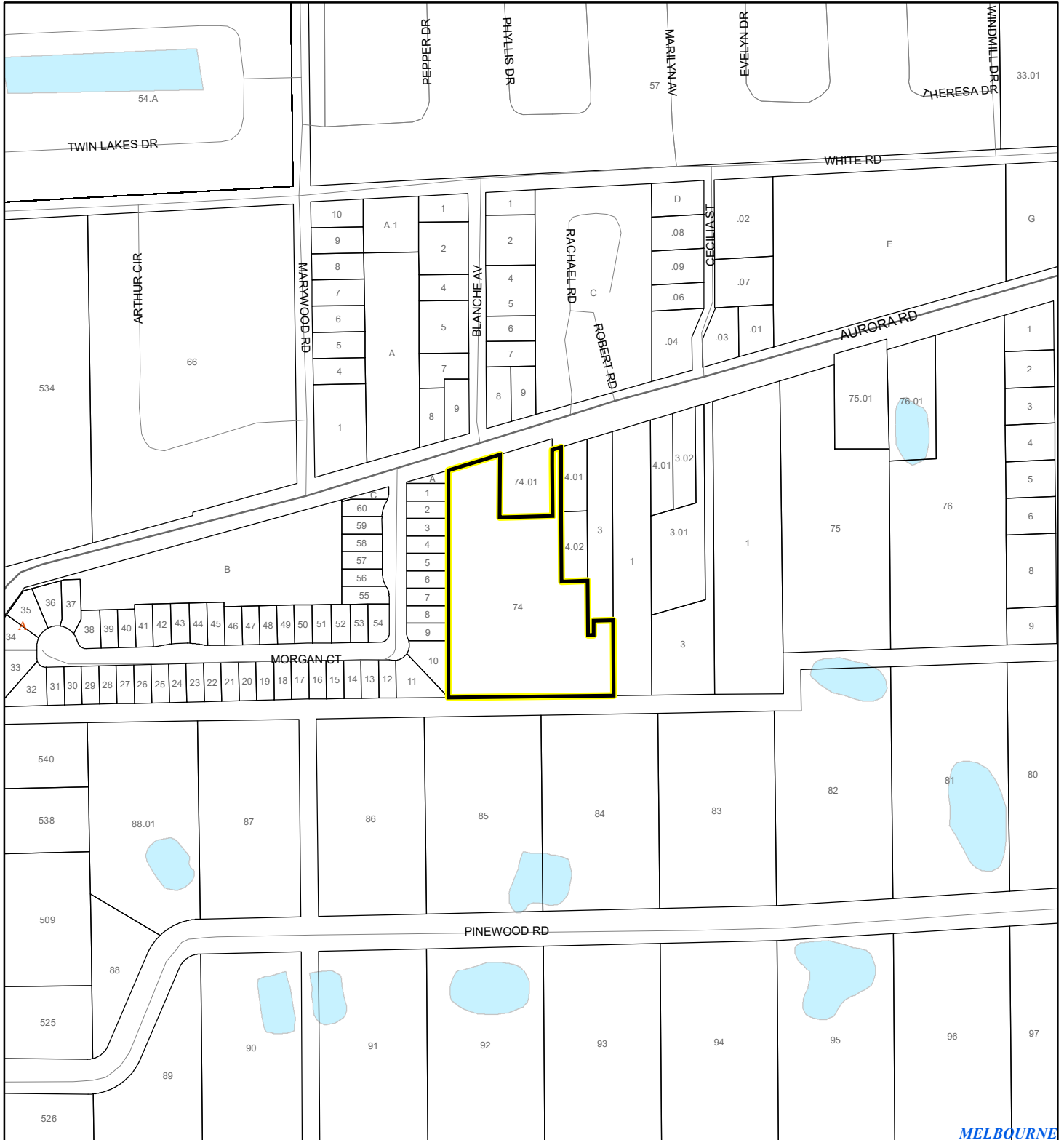
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 Subject Property
 Parcels

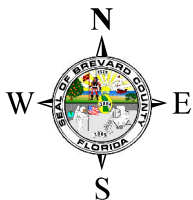
NWI WETLANDS MAP

QUALITY RV FLORIDA LLC

23Z00083



MELBOURNE













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: 11/7/2023

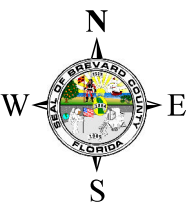
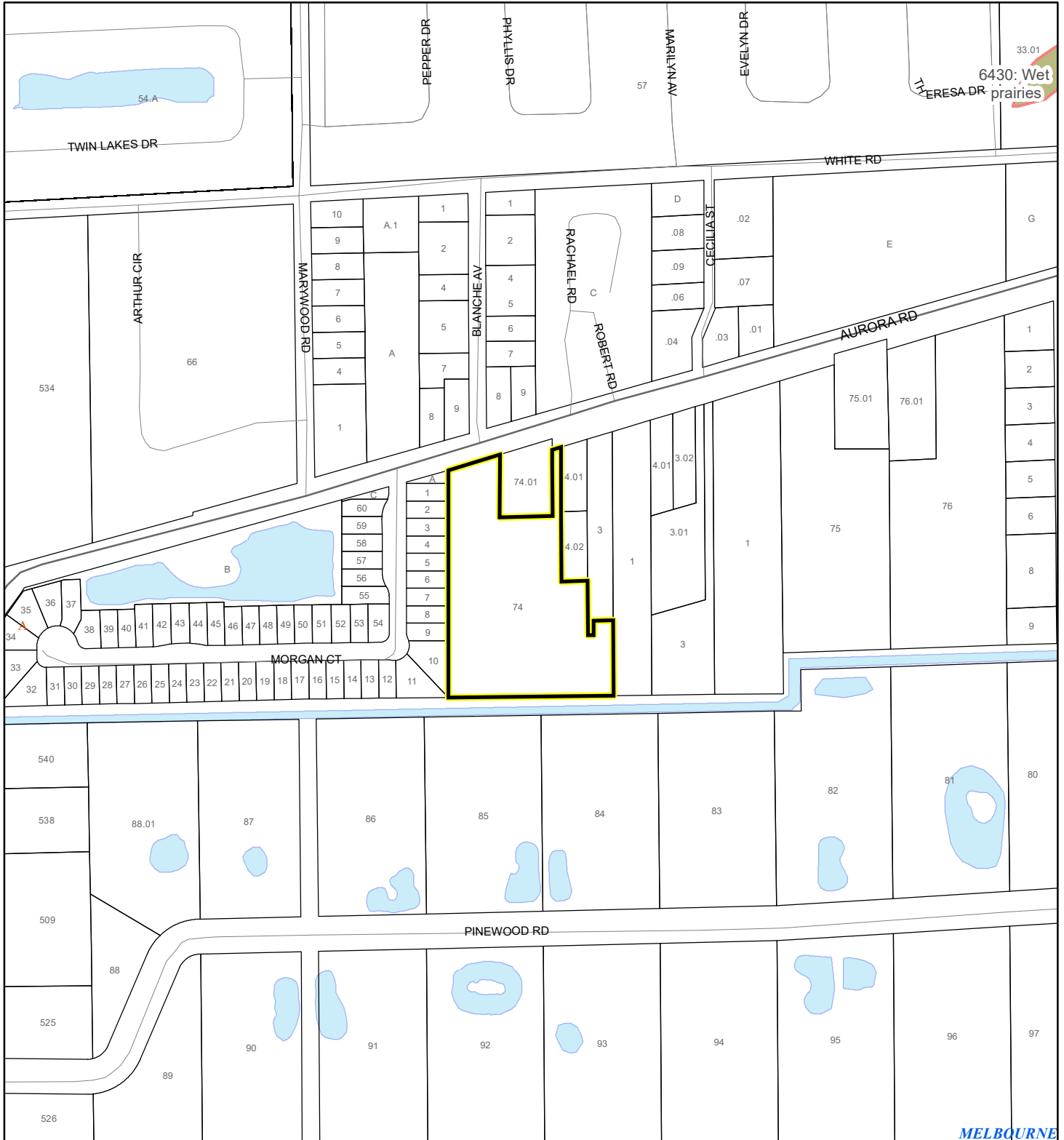
National Wetlands Inventory (NWI)

- | | |
|--|--|
|  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

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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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

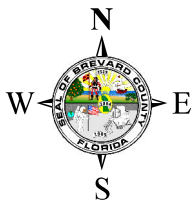
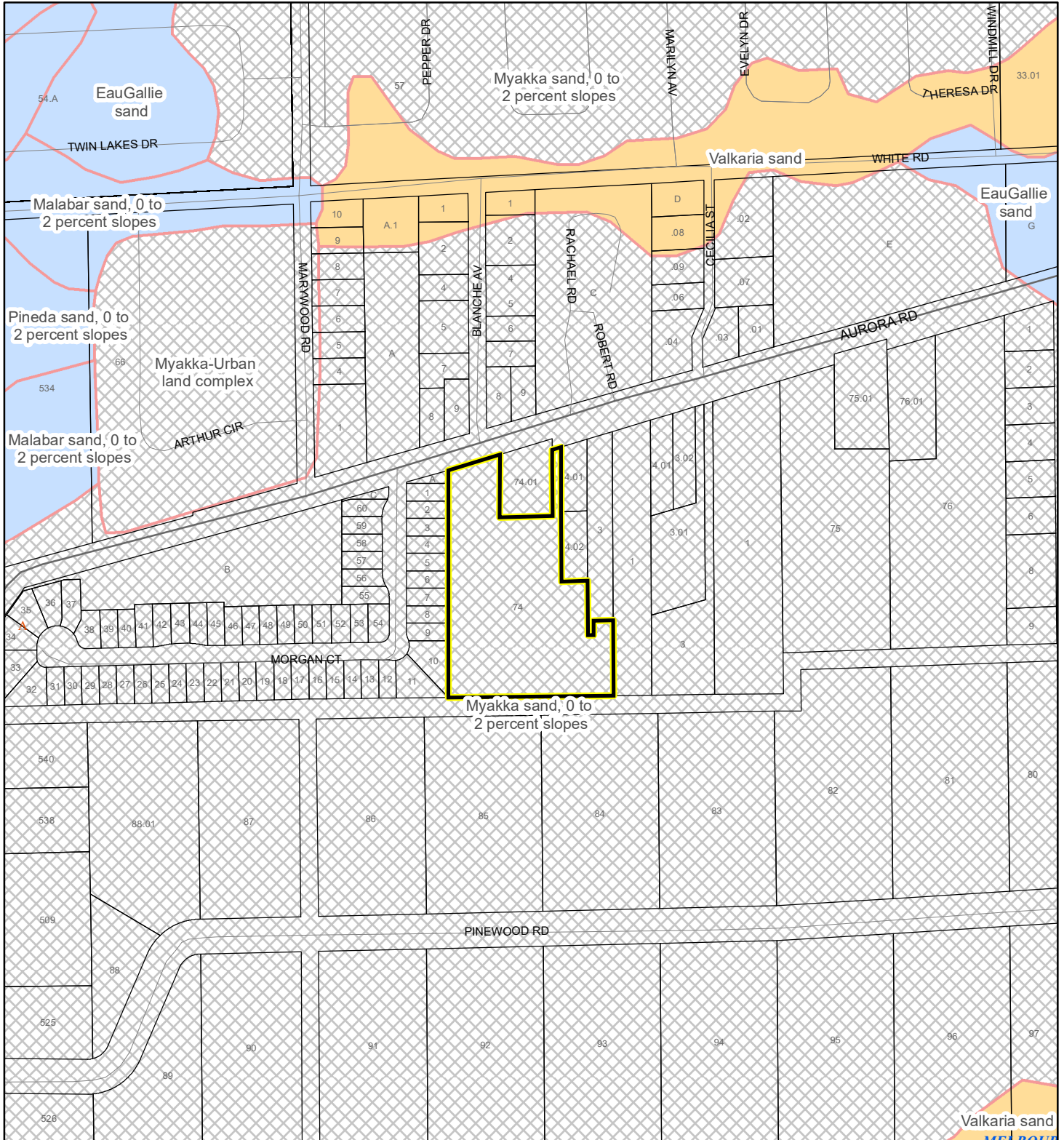
Subject Property

Parcels

USDA SCSSS SOILS MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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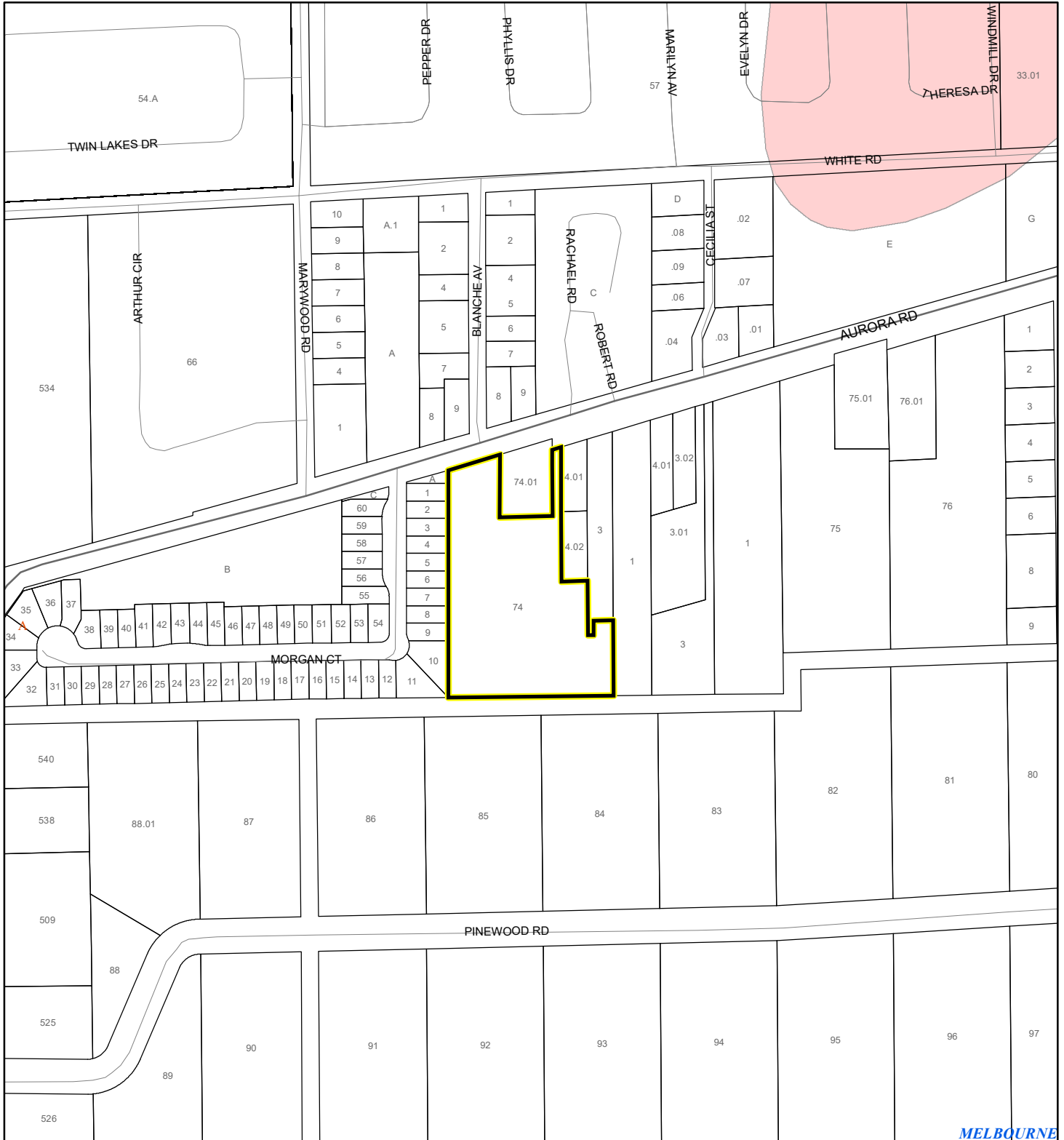
USDA SCSSS Soils

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

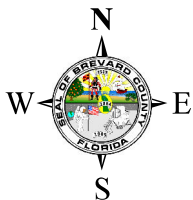
FEMA FLOOD ZONES MAP

QUALITY RV FLORIDA LLC

23Z00083













MELBOURNE



1:4,800 or 1 inch = 400 feet

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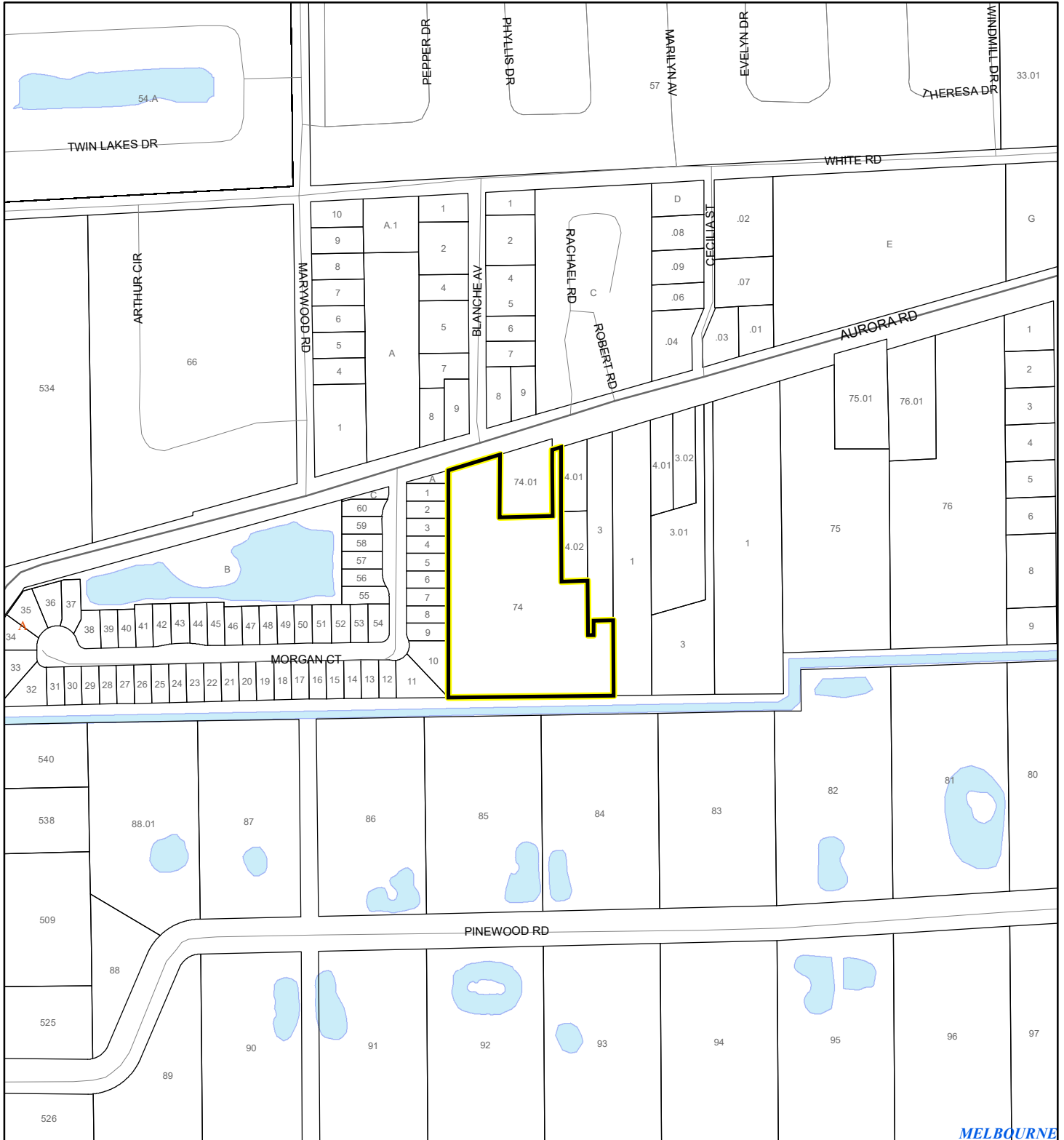
Produced by BoCC - GIS Date: 11/7/2023

FEMA Flood Zones			
	A		X
	AO		AE
	AE		Open Water
	AH		VE
	Subject Property		Parcels

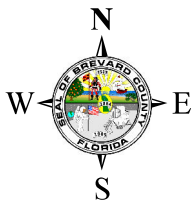
COASTAL HIGH HAZARD AREA MAP

QUALITY RV FLORIDA LLC

23Z00083




MELBOURNE



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

 Parcels

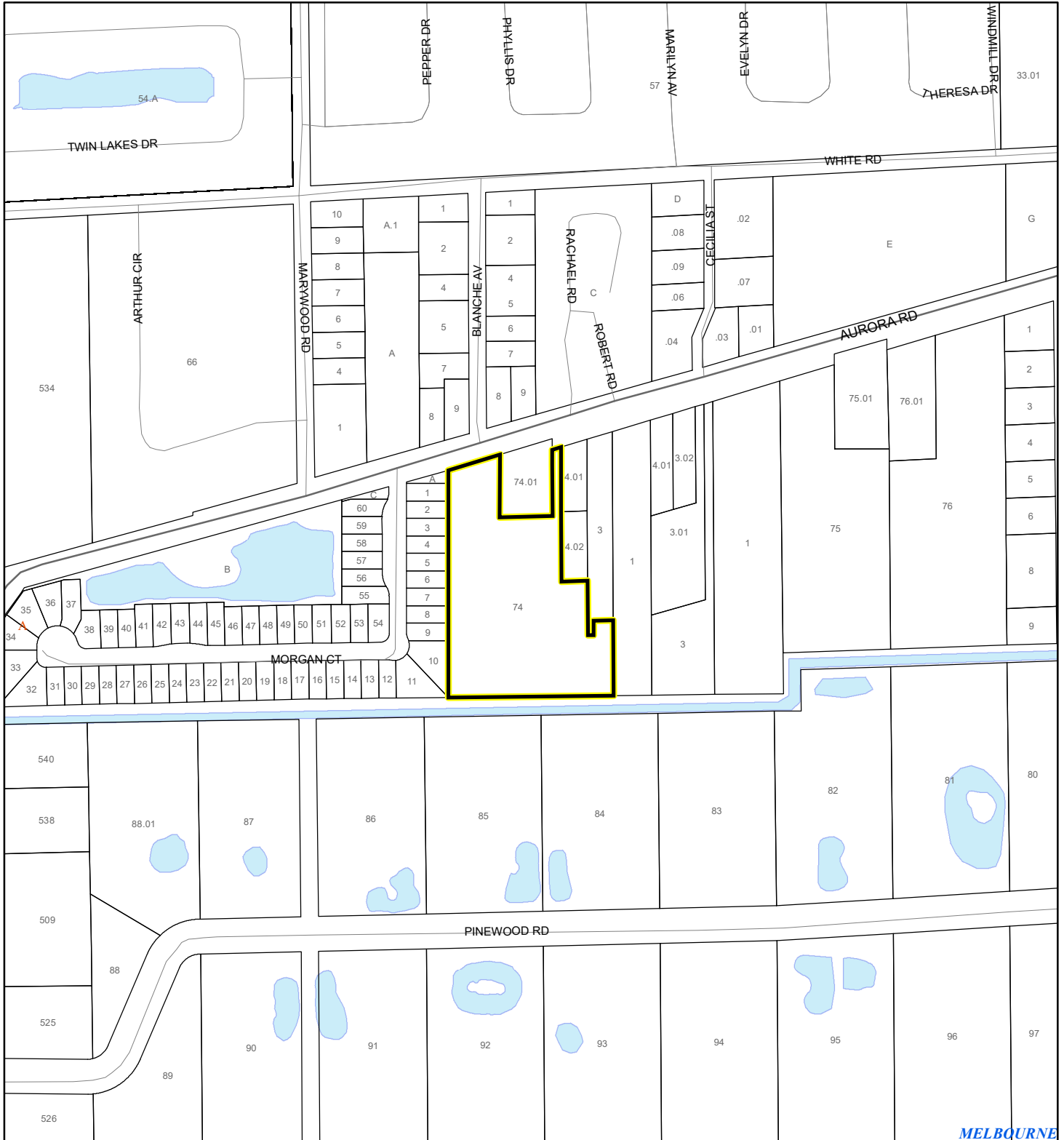
Coastal High Hazard Area

 SurgeZoneCat1

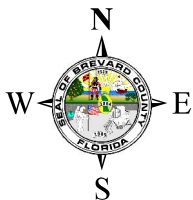
INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

QUALITY RV FLORIDA LLC

23Z00083



MELBOURNE



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

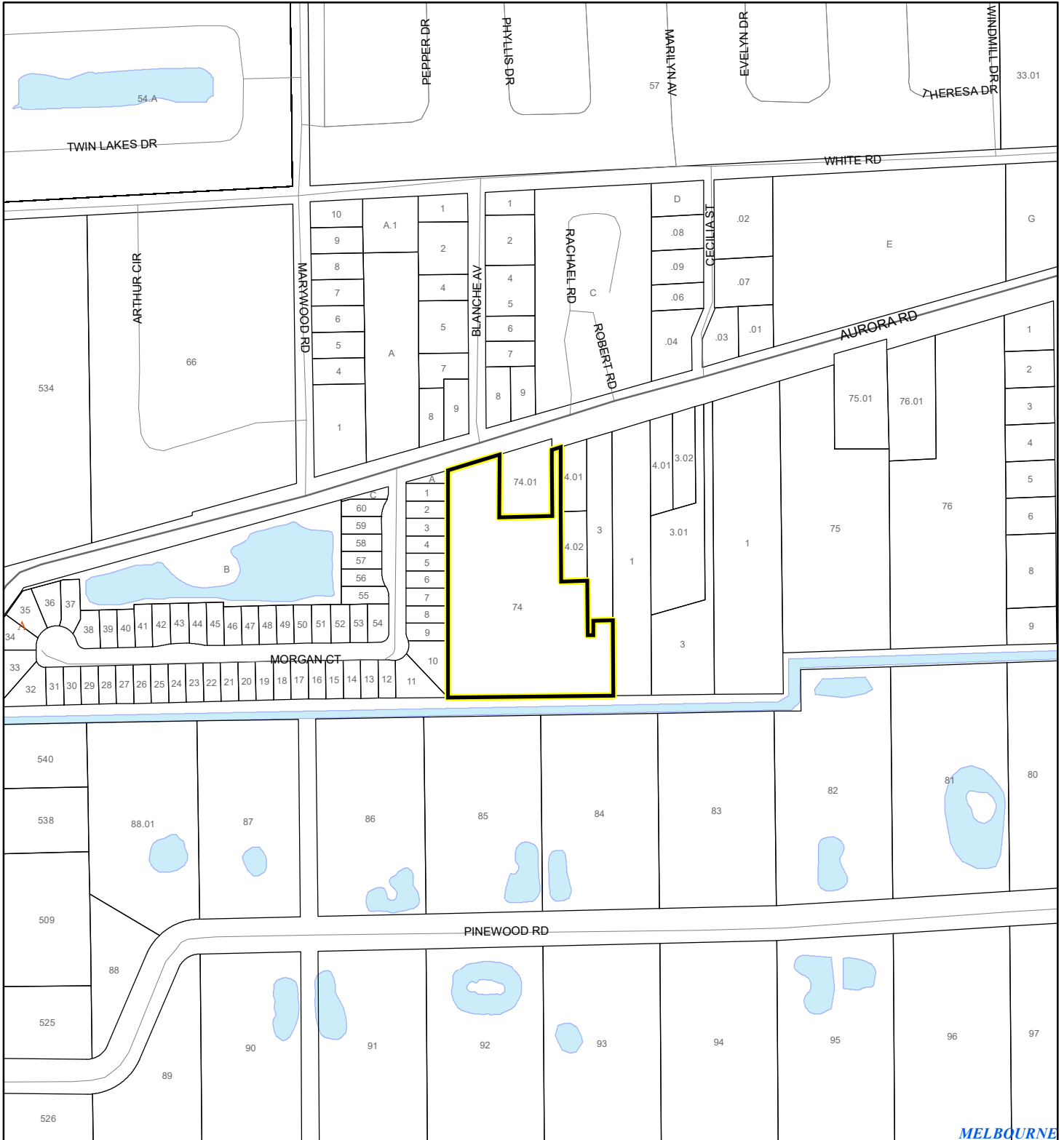
 60 Meters

 All Distances

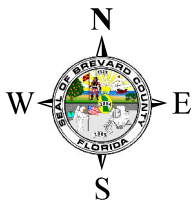
EAGLE NESTS MAP

QUALITY RV FLORIDA LLC

23Z00083



MELBOURNE



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

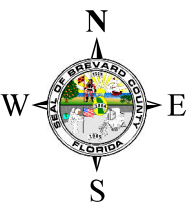
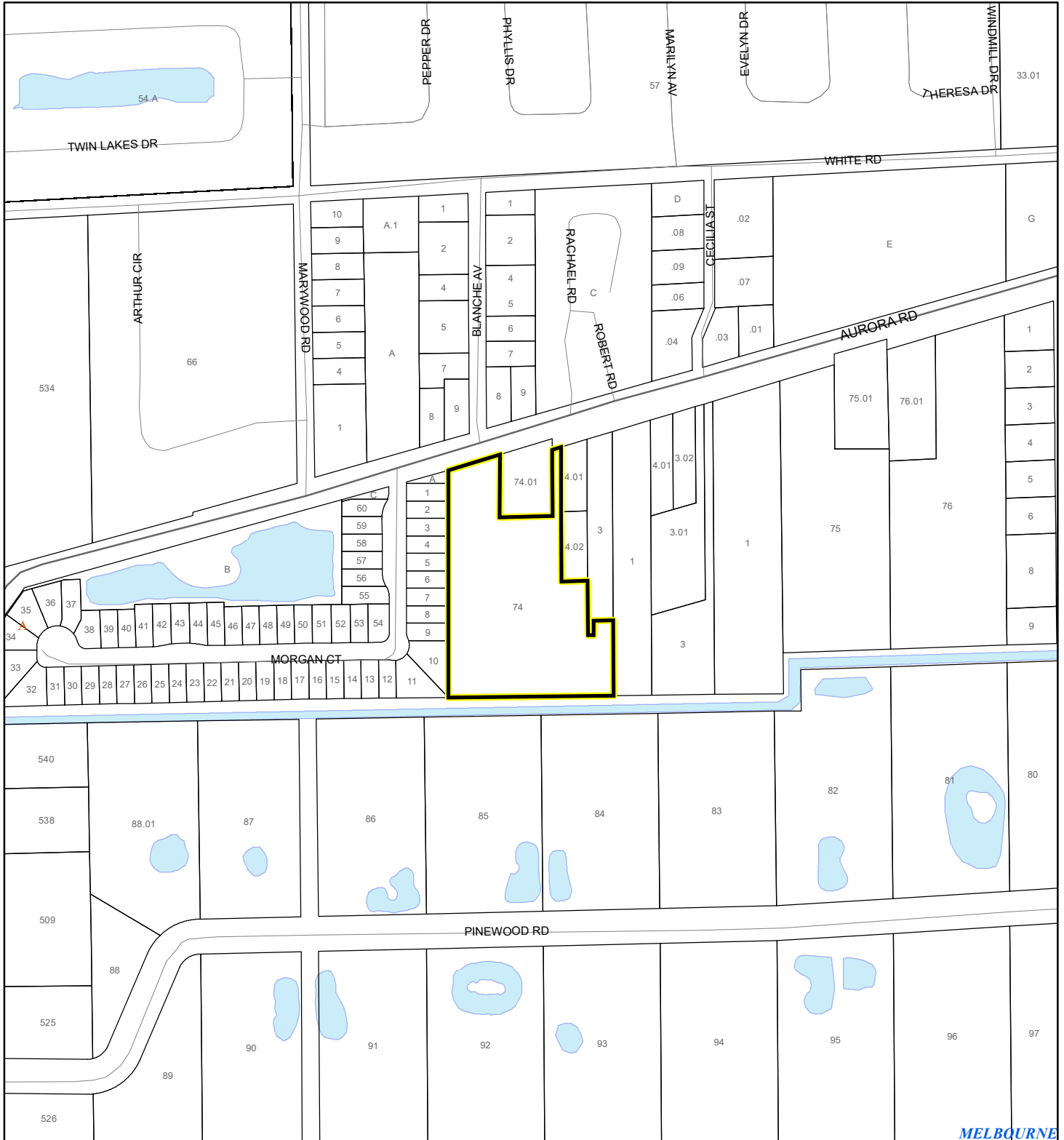
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

QUALITY RV FLORIDA LLC




23Z00083



1:4,800 or 1 inch = 400 feet

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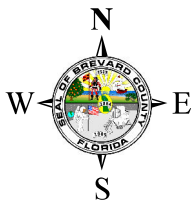
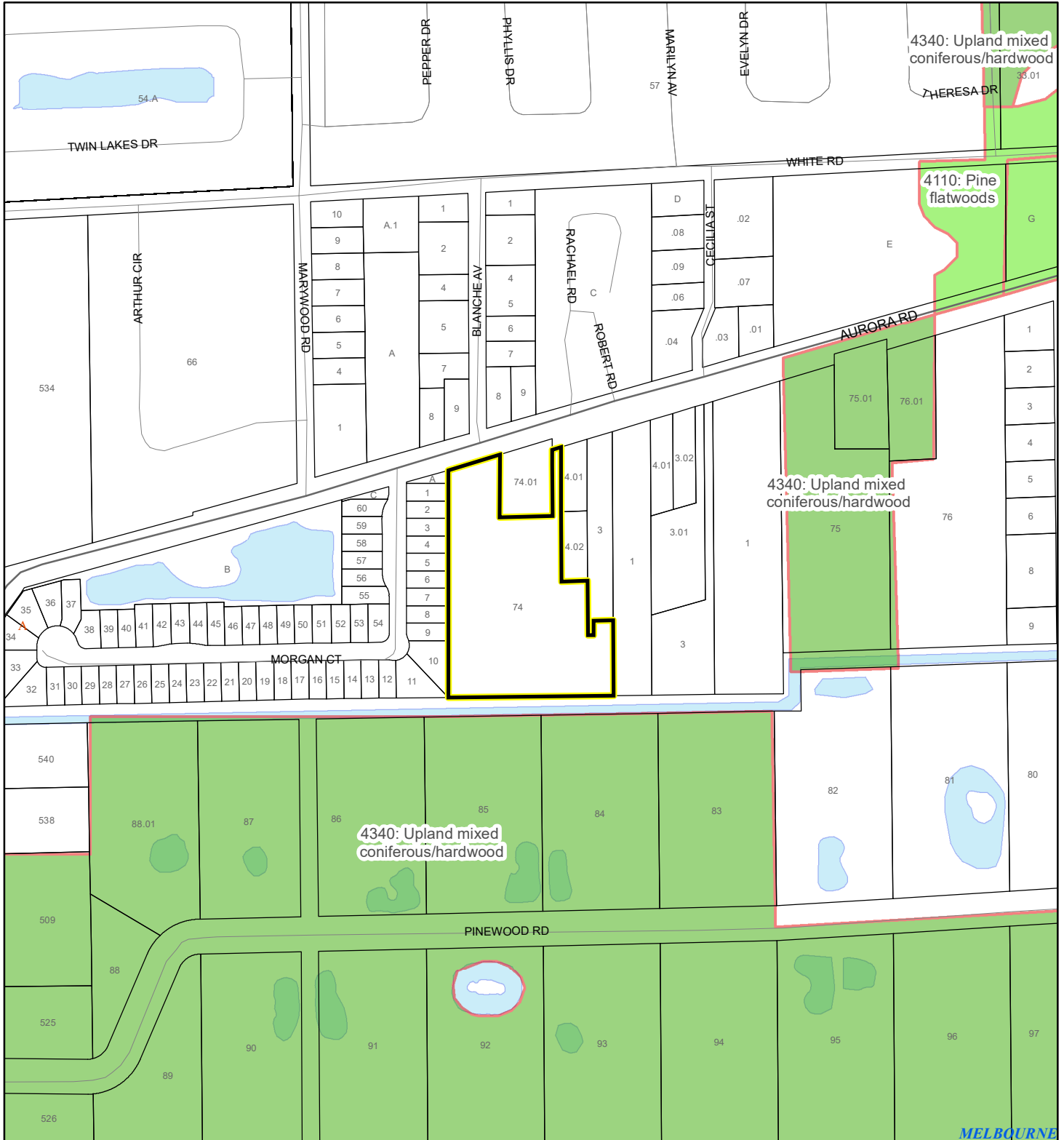
Produced by BoCC - GIS Date: 11/7/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

SJRWMD FLUCCS Upland Forests

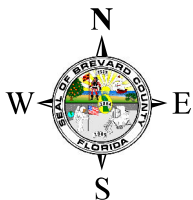
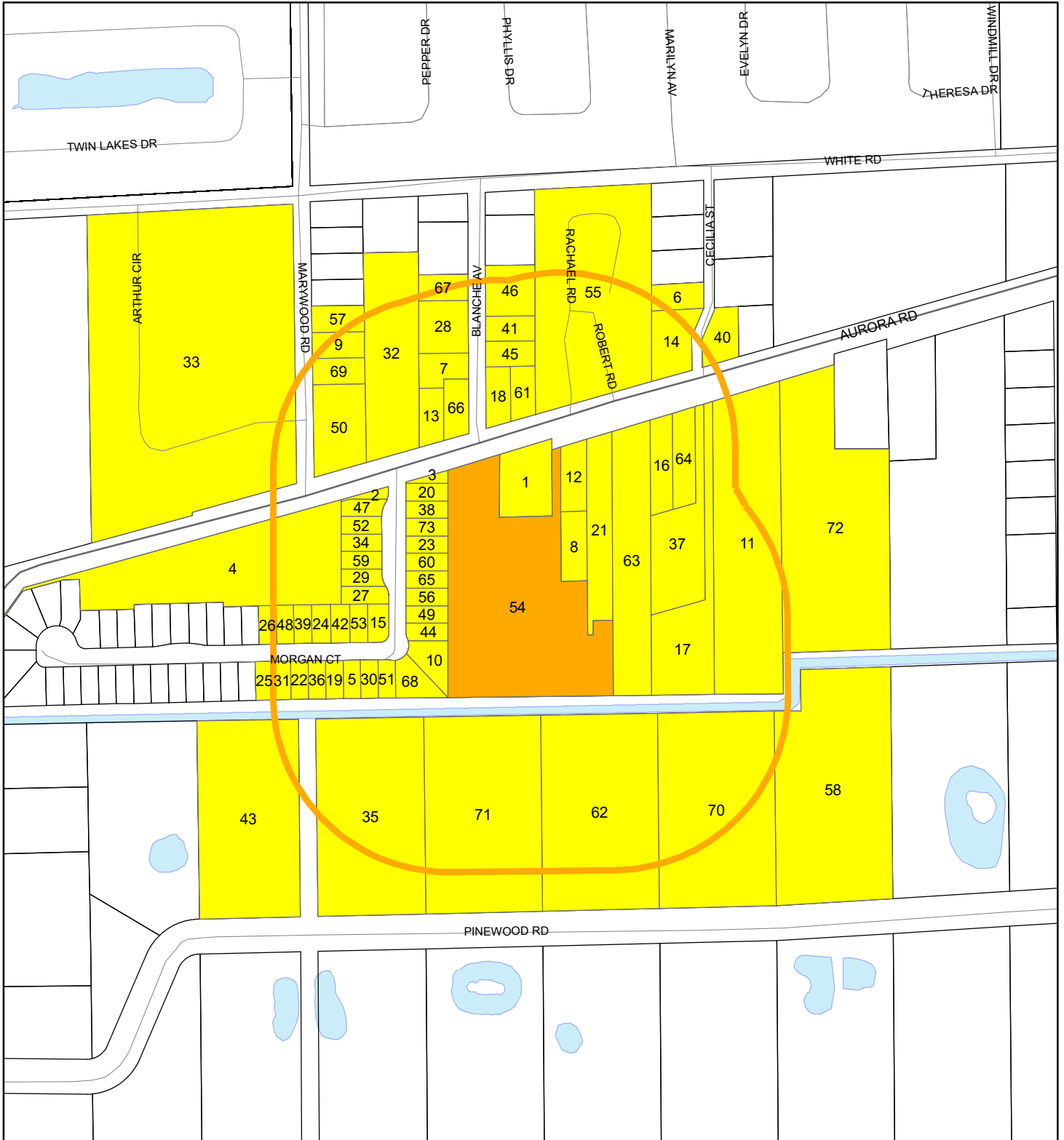
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

RADIUS MAP

QUALITY RV FLORIDA LLC
23Z00083



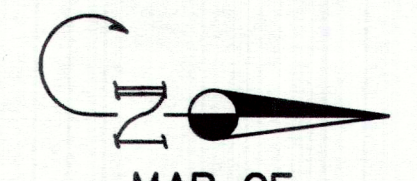
1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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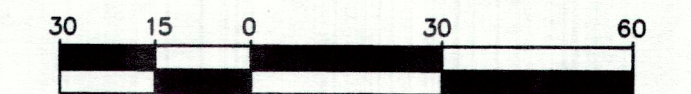
- Buffer
- Subject Property
- Notify Property
- Parcels



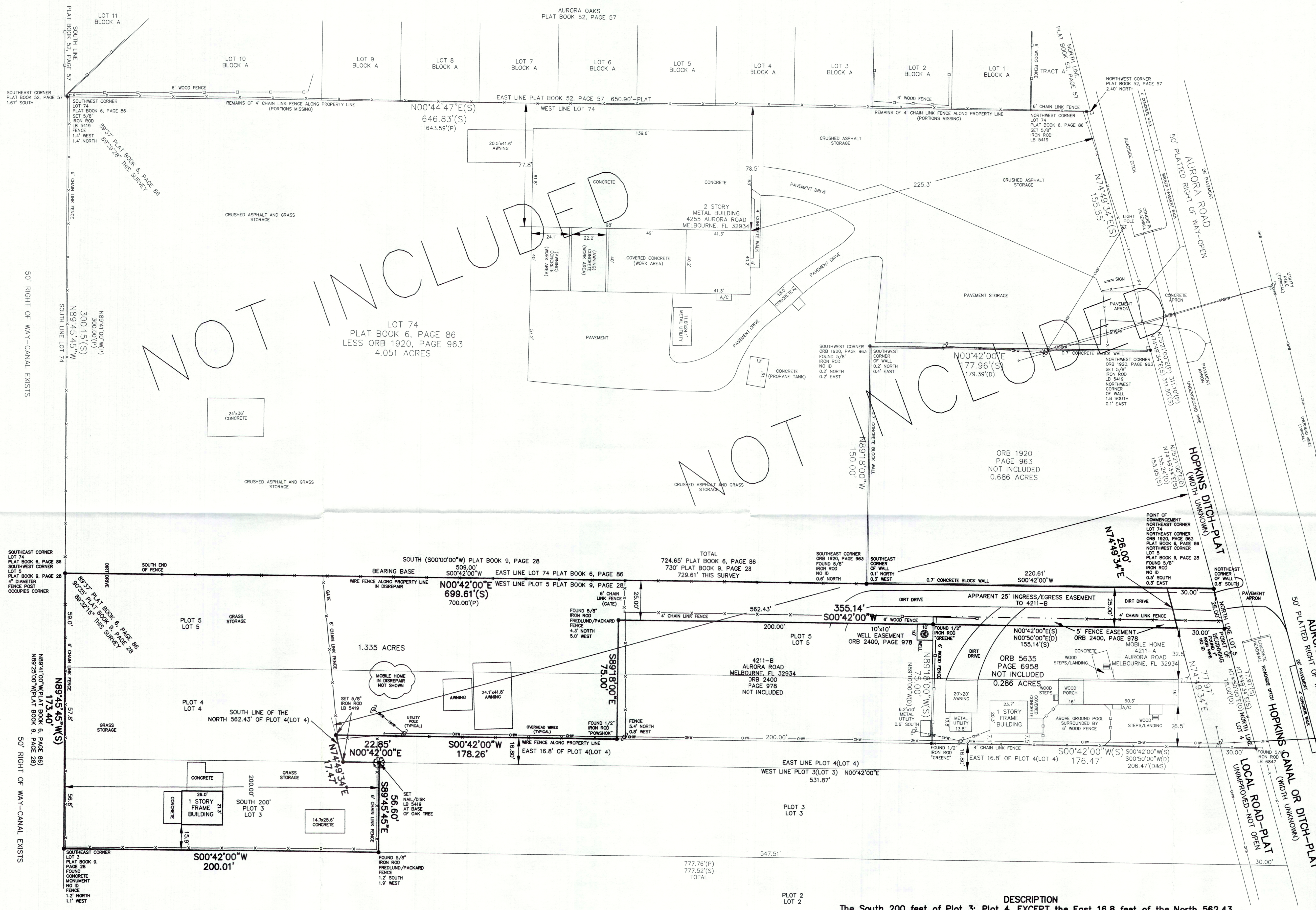
MAP OF BOUNDARY SURVEY

F.A.C CHAPTER 5J-17

GRAPHIC SCALE



(IN FEET)
1 INCH = 30 FEET
CERTIFIED TO:
Quality RV Florida, LLC, a Florida limited liability company
Quality RV, Inc., a Florida corporation
E Title Services, LLC
Old Republic National Title Insurance Company
Volk Law Offices, P.A.



NOT INCLUDED

NOT INCLUDED

- NOTES:
- 1.) BEARINGS ARE BASED ON THE ASSUMPTION THAT THE EAST LINE OF LOT 74, PLAT BOOK 6, PAGE 86, BEARS S00°42'00"W.
 - 2.) FLOOD ZONE "X" FLOOD INSURANCE RATE MAP NUMBER 12009C0514G.
 - 3.) NO ID DENOTES NO IDENTIFICATION.
 - 4.) ORB DENOTES OFFICIAL RECORDS BOOK.
 - 5.) DIMENSIONS SHOWN HEREON ARE AS PER PLAT(P), AS DESCRIBED(D) OR AS SURVEYED(S).
 - 6.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.
 - 7.) PROPERTY LIES WITHIN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

DESCRIPTION

The South 200 feet of Plot 3; Plot 4, EXCEPT the East 16.8 feet of the North 562.43 feet and all of Plot 5, BLAKE PLAT NO. 4, according to the plat thereof as recorded in Plat Book 9, Page 28, Public Records of Brevard County, Florida, LESS AND EXCEPT THE FOLLOWING: A portion of Lots 4 and 5, BLAKE PLAT NO. 4, as recorded in Plat Book 9, Page 28, Public Records of Brevard County, Florida, being more particularly described as follows: From the N.W. corner of Lot 5, BLAKE PLAT NO. 4, as recorded in Plat Book 9, Page 28, Brevard County Public Records; run North 74 deg. 50' East along the Northerly line of said Lot 5, a distance of 26.0 feet to the POINT OF BEGINNING of the herein described parcel; thence continue North 74 deg. 50' East along the Northerly line of said Lots 4 and 5, a distance of 78.0 feet; thence South 0 deg. 50' West 406.47 feet; thence North 89 deg. 10' West 75 feet; thence North 0 deg. 50' East 384.97 feet to the Point of Beginning.

SURVEY DATE: DECEMBER 22, 2020 JOB NO: 19-200
SCALE: 1" = 30' FIELD BOOK: N/A PAGE: N/A

WJS WILLIAM J. SUITER
LAND SURVEYING, INC.

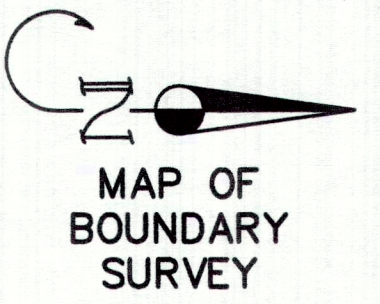
1849 CANOVA STREET S.E.
PALM BAY, FLORIDA 32909
WSUITER@ATTNET
WJSUITER.COM
(321) 728-0993

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
WILLIAM J. SUITER FLORIDA CERTIFICATE NO. 4210
CERTIFICATE OF AUTHORIZATION #LB 5419

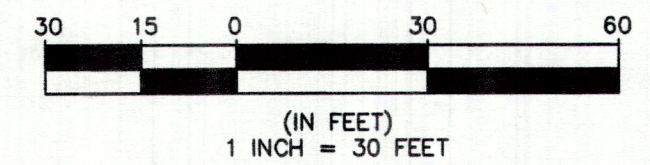
DATE OF SIGNATURE

COPYRIGHT © 2020 WILLIAM J. SUITER LAND SURVEYING, INC. ALL RIGHTS RESERVED

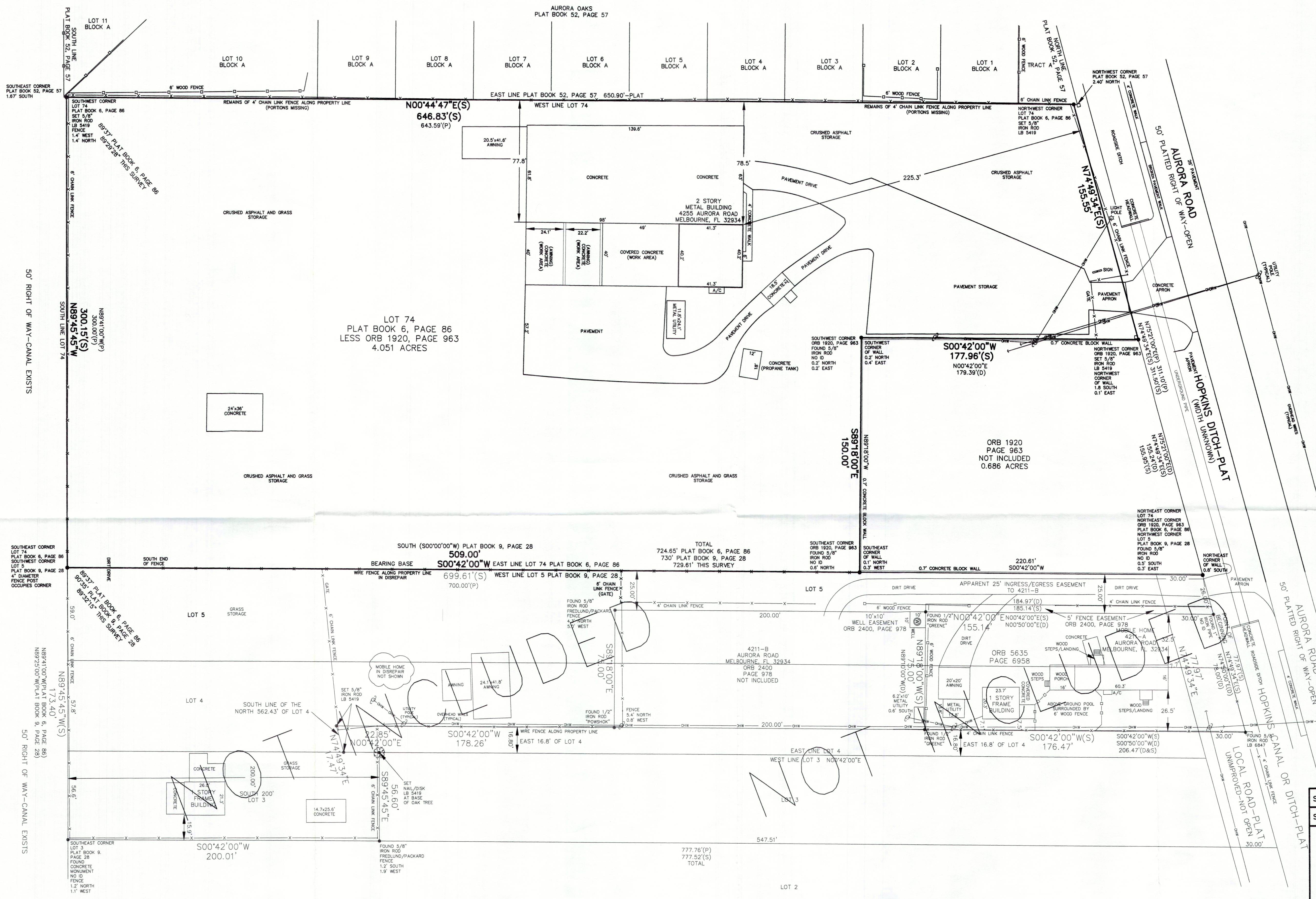


MAP OF BOUNDARY SURVEY

F.A.C. CHAPTER 5J-17
GRAPHIC SCALE



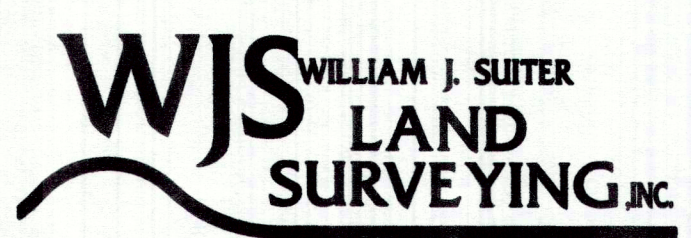
CERTIFIED TO:
Quality RV Florida, LLC, a Florida limited liability corporation
Quality RV, Inc., a Florida corporation
E Title Services, LLC
Old Republic National Title Insurance Company
Volk Law Offices, P.A.



DESCRIPTION
LOT 74, INDIAN RIVER GROVES & GARDENS, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 6, PAGE 86, LESS AND EXCEPT LAND DESCRIBED
IN OFFICIAL RECORDS BOOK 1920, PAGE 963, PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA.

- NOTES:
- 1.) BEARINGS ARE BASED ON THE ASSUMPTION THAT THE EAST LINE OF LOT 74, PLAT BOOK 6, PAGE 86, BEARS S00°42'00"W.
 - 2.) FLOOD ZONE "X" FLOOD INSURANCE RATE MAP NUMBER 12009C0514G.
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 - 6.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.
 - 7.) PROPERTY LIES WITHIN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY DATE: DECEMBER 22, 2020 JOB NO: 19-198
SCALE: 1" = 30' FIELD BOOK: N/A PAGE: N/A



1849 CANOVA STREET SE. WJSUTLER@ATT.NET
PALM BAY, FLORIDA 32909 WJSUTLER.COM
(321) 728-0553

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PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
WILLIAM J. SUITER FLORIDA CERTIFICATE NO. 4210
CERTIFICATE OF AUTHORIZATION #LB 5419

DATE OF SIGNATURE



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

3/18/2024

Subject:

West Malabar Properties, LLC requests a Small-Scale Comprehensive Plan Amendment (24S.1) from NC/RES 2 to CC. (24SS00001) (Tax Account 2806110, 2806111, 2806115, 2808112) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to consider a Small-Scale Comprehensive Plan Amendment (24S.1) to change the Future Land Use designation from NC (Neighborhood Commercial) and RES 2 (Residential 2) to all CC (Community Commercial).

Summary Explanation and Background:

The applicant requests an amendment to the Future Land Use Map designation from NC and RES 2 to CC on a 4.58-acre parcel for the proposed BU-2 zoning to be consistent with the Future Land Use Element.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from RP (Residential Professional) and AU (Agricultural Residential) to BU-2 (Retail, Warehousing and Wholesale Commercial) on the 4.58-acre subject property (24Z00004).

Properties within the County’s jurisdiction along the west side of Minton Road can be characterized as a commercial with Residential Professional zoning and CC FLU designation. Existing commercial development includes trailer service & supply on the abutting south parcel. Additional commercial uses are located south along Minton Road. The east side of Minton Road is in the jurisdiction of the City of West Melbourne, and further south along Minton Road is in the jurisdiction of the City of Palm Bay.

The applicant has also included a proposed site concept plan with the rezoning application. This concept plan depicts a self-storage facility with future access to Minton Road and Hield Road. However, this site plan has not been reviewed for compliance with the land development codes or other County departments and is not included on the Board’s action on this application.

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

The Board of County Commissioners will consider the request on Thursday, April 4, 2024. Beginning at 5:00

p.m. The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 24S.01 (24SS00001)
Township 28, Range 36, Section 24*

Property Information

Owner / Applicant: **West Malabar Properties, LLC.**

Adopted Future Land Use Map Designation: Residential 2 (RES 2) and Neighborhood Commercial (NC)

Requested Future Land Use Map Designation: All Community Commercial (CC)

Acreage: 4.58

Tax Account #: 2806110, 2806111, 2806112 & 2806115

Site Location: Southwest corner of Minton Road and Hield Road

Commission District: 5

Current Zoning: Agricultural Residential (AU) and Residential Professional (RP)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2) (24Z00004)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 2 (RES 2) on 3.58 acres and Neighborhood Commercial (NC) on 1.0 acre to all CC for the proposed BU-2 zoning to be consistent with the Future Land Use Element. The subject parcel is located on the southwest corner of Minton Road and Hield Road, both are county-maintained roadways. The city of West Melbourne is on the east side of Minton Road and further south along the west side of Minton Road.

The applicant has a companion rezoning application, **24Z00004**, requesting a change from AU (Agricultural Residential) and RP (Residential Professional) to all BU-2 (Retail, Warehousing and Wholesale Commercial). The applicant is proposing to construct a mini storage facility on a portion of the property.

Tax account: 2806112 has its original zoning of AU (Agricultural Residential).

The original zoning of the RP zoned parcels was AU.

Tax account: 2806115 was rezoned on August 24, 1987, per zoning action **Z-7867** from AU to RP (Residential-Professional).

Tax account: 2806111 was rezoned on June 22, 1992, per zoning action **Z-8979** from AU to RP (Residential-Professional).

Tax account: 2806110 was rezoned on August 29, 1996, per zoning action **Z-9766** from AU to RP (Residential-Professional).

Comprehensive Plan Policies/Comprehensive Plan Analysis

The BU-2 zoning classification is not considered consistent with the existing RES 2 or NC Future Land Use designations; however, the proposed BU-2 zoning classification may be considered consistent with the requested Community Commercial (CC) Future Land Use Map designation.

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcels are located on the southwest corner of Minton Road and Hield Road, both are county-maintained roadways. The applicant has provided a proposed site plan included with the rezoning application. This is not a requirement for rezoning nor Future Land Use Map change. The site plan has not been reviewed for compliance with the land development codes and other county departments and is not included on the Board's action on this application.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

With the adjacent residential to the west, there is no interconnectivity as this is a separate development with access to Minton Road from Hield Road.

- C. Existing commercial development trend in the area;

The west side of Minton Road can be characterized as a commercial corridor with Residential Professional zoning and CC FLU designation abutting to the south and to the north across Hield Road. Existing commercial development includes trailer service & supply on the abutting south parcel. Additional commercial uses are located south along Minton Road.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

The preliminary concurrency analysis did not indicate that the maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by a well and septic. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The closest Community Commercial activities are located abutting the subject parcel to the south with frontage along the east side of Minton Road. Additional commercial activities can be found 50 feet north across Hield Road. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads.

- G. Size of proposed commercial designation compared with current need for commercial lands;

A market study was not provided nor required.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

The applicants will work with Natural Resources to ensure conformance with the Conservation Element.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of site plan submittal.

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

- J. Impacts upon strip commercial development.

The applicant is proposing to develop a self-storage mini-warehouse facility. The west side along Minton Road is an existing commercial corridor, the proposal would not extend strip commercial development, which is discouraged within the Future Land Use element of the Comprehensive Plan. This request could be considered infill development.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations FLUE Policy 2.7

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;

- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant’s proposed use can be considered consistent with these uses.

**Locational and Development Criteria for Community Commercial Uses
FLUE Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject site is not located within an existing commercial cluster but, rather along an existing commercial corridor on the west side of Minton Road, which functions as an Urban Principal Arterial Road. The east side of Minton Road is in the city of West Melbourne with commercial uses and multi-family uses. The use of infill development maybe considered the best use of resources, and it provides an alternative to new development by reducing loss of critical and resource lands to new development by focusing on strengthening older areas.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject site is located at an intersection of Minton Road and Hield Road and will not exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

Minton Road is an Urban Principal Arterial roadway, is an existing commercial corridor serving the community and the surrounding region. Hield Road is a Urban Local roadway.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but

less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The gross floor area is regulated through the Land Development regulations and reviewed at the time of site plan review.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. The applicant has not requested PUD zoning.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The request is not for a recreational vehicle park.

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 CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses. This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1845 of Brevard County Code. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning 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 developed character of the surrounding area along the west side of Minton Road is a mix of residential and commercial. To the west of the subject parcel is residential. To the south of the subject property is commercial. To the north across Hield Road is commercial and residential.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.

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

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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.

Staff analysis indicates the request is not located within an existing neighborhood; however, there is a pattern of existing single-family residential surrounding the property to the west. The subject property could be considered as transitional use with BU-1 zoning abutting to the south.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, contractor storage yards restaurants, fast food restaurants and coffee shops). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2

activities should be considered. BU-2 also permits single-family residence or a Mixed Use of commercial and single-family of multi-family use.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of MAV by 0.75%.

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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor on the west side of Minton Road and south of Hield Road.

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.

Staff analysis indicates that the surrounding area along Minton Road to the south and to the north across Hield Road is a commercial corridor.

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.

The subject parcel is located in a commercial corridor along the west side of Minton and to the north across Hield Road. The subject parcel is proposed to be rezoned from RP and AU to all BU-2. As the immediate area along the west side of Minton Road is commercial the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located approximately 1,830 feet northwest of the subject property, along the north side of Norfolk Pkwy.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Per Natural Resource Management Department:

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of site plan submittal.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Commercial & Single-Family Residence, across Hield Road	BU-1 and RU-1-13	CC & RES 2
South	Commercial Trailer service	BU-1	CC
East	Across Minton Road	City of West Melbourne	City of West Melbourne
West	Single-Family Residences	AU and EU-1	RES 2

The developed character of the surrounding area on the west side of Minton Road and south of Hield Road is commercial and residential. The abutting parcel to the south is BU-1 (General Retail Commercial) zoning. To the west is Residential with AU and EU-1 zoning.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The RP is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

The 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 EU-1 zoning classification is an estate single family residential zoning classification. The minimum lot size is 12,000 square feet with minimum lot width and lot depth of 100'. The minimum living area is 1,800 square feet.

There has been one zoning action within a half-mile of the subject property within the last three years: 22Z00006 located 1,830 feet northwest of the subjected parcels, along the north side of Norfolk Pkwy, was rezoned from GU with a CUP (Conditional Use Permit) for a tower to BU-2 with a BDP and removal of the CUP.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Eber Blvd. and Palm Bay Road, which has a Maximum Acceptable Volume (MAV) of 36,800 trips per day, a Level of Service (LOS) of D north of Hield Road and a Level of Service (LOS) of E south of Hield Road, and currently operates at 76.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.75%. The corridor is anticipated to operate at 77.24% of capacity daily. The maximum development potential of the proposal is not anticipated to 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 concurrency analysis was only for a 110,000 sq ft. mini self-storage facility as proposed. Any other future commercial development was not part of this analysis and will be reviewed under a separate site plan application.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by well and septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required

for impacts. 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 site plan design or permit submittal.**

Historic Resources

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00001

Applicant: Cole Oliver (Owner: West Malabar Properties, LLC)

Zoning Request: RP and AU to all BU-2 with BDP (NC and RES 2 to all CC)

Note: to develop a multi-story climate controlled mini-storage facility (only BU-2 use)

LPA Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID Nos.: 2806110, 2806111, 2806115, 2806112

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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 site plan design or permit submittal.**

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand and Malabar sand, high), as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland assessment shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern and eastern portions of this property are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, 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 as well as buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

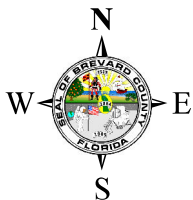
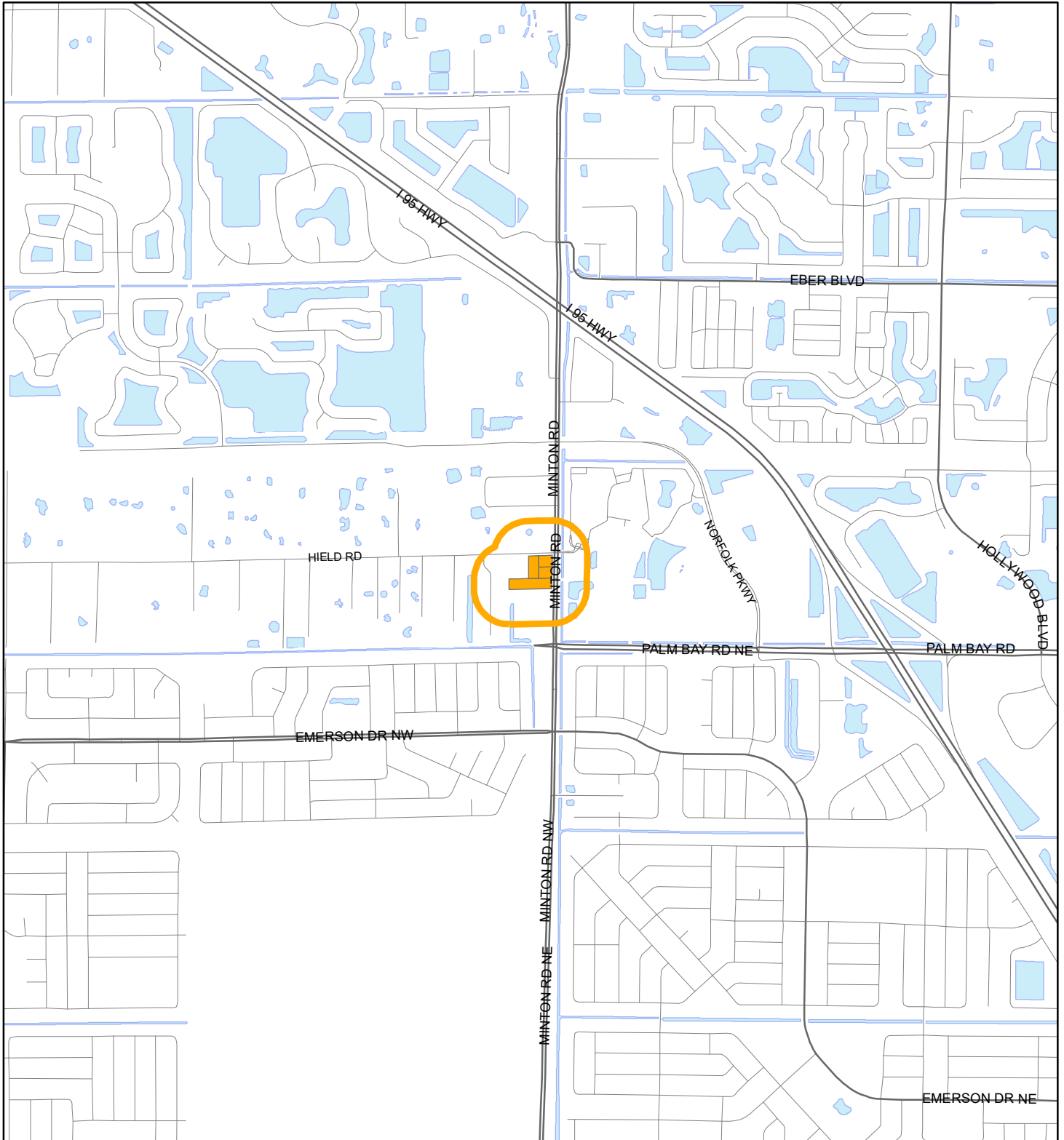
Protected Species

Federally and/or state protected species may be present on properties with wetlands. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

WEST MALABAR PROPERTIES LLC

24SS00001





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.

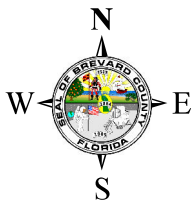
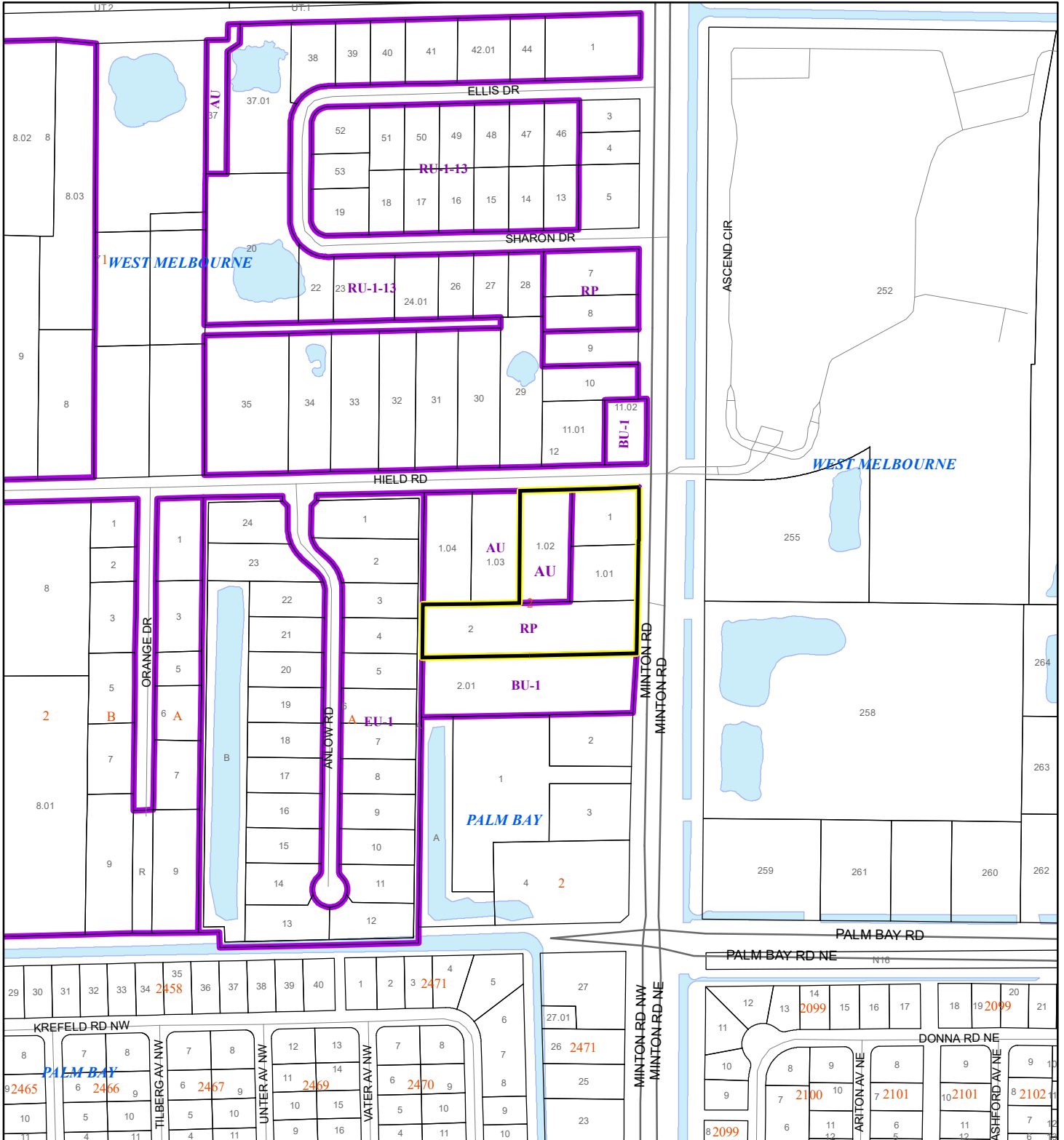
Produced by BoCC - GIS Date: 2/8/2024

-  Buffer
-  Subject Property

ZONING MAP

WEST MALABAR PROPERTIES LLC

24SS00001



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.

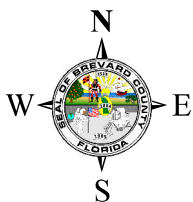
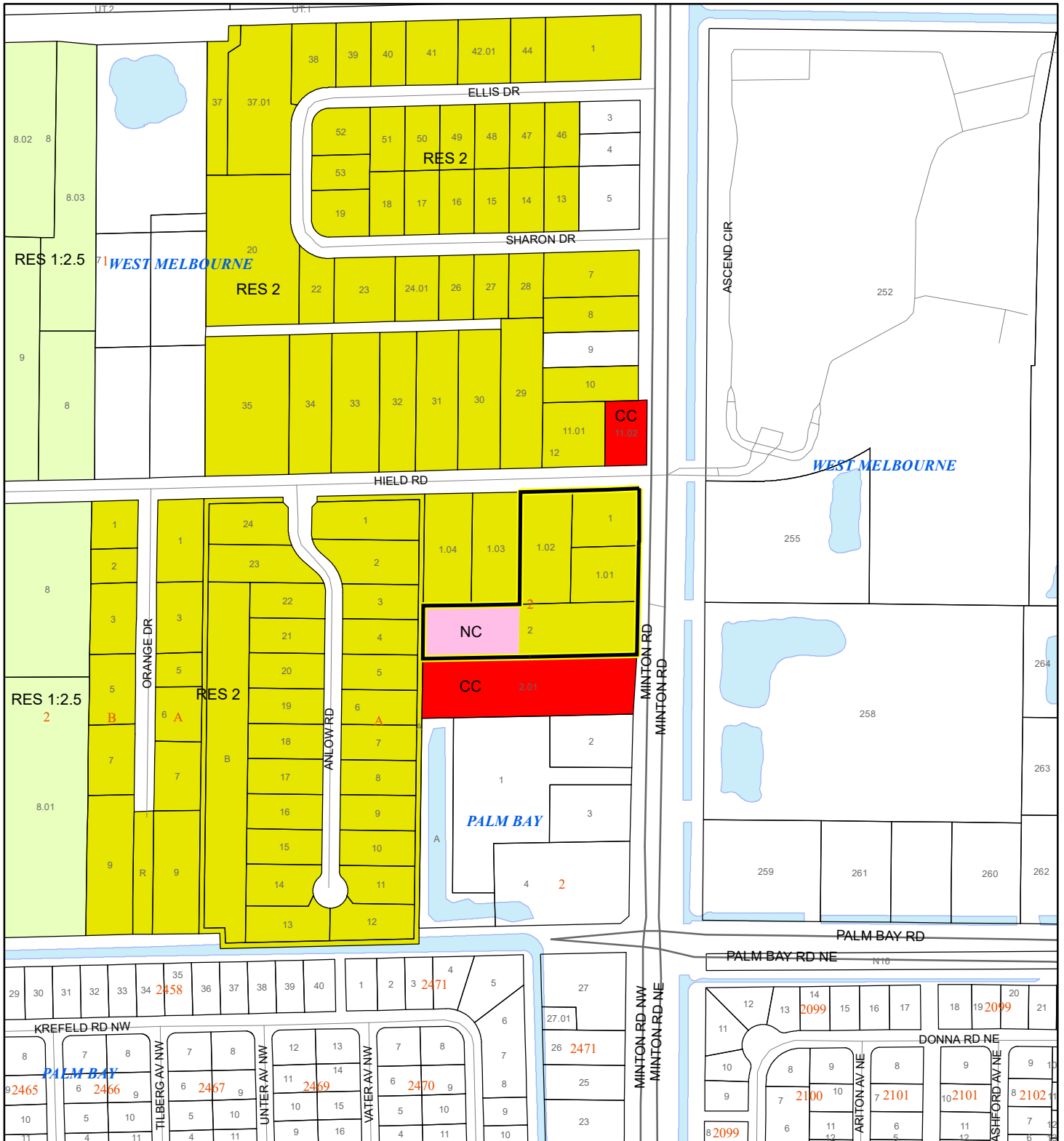
Produced by BoCC - GIS Date: 2/8/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

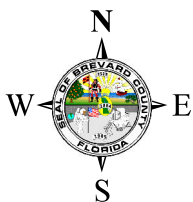
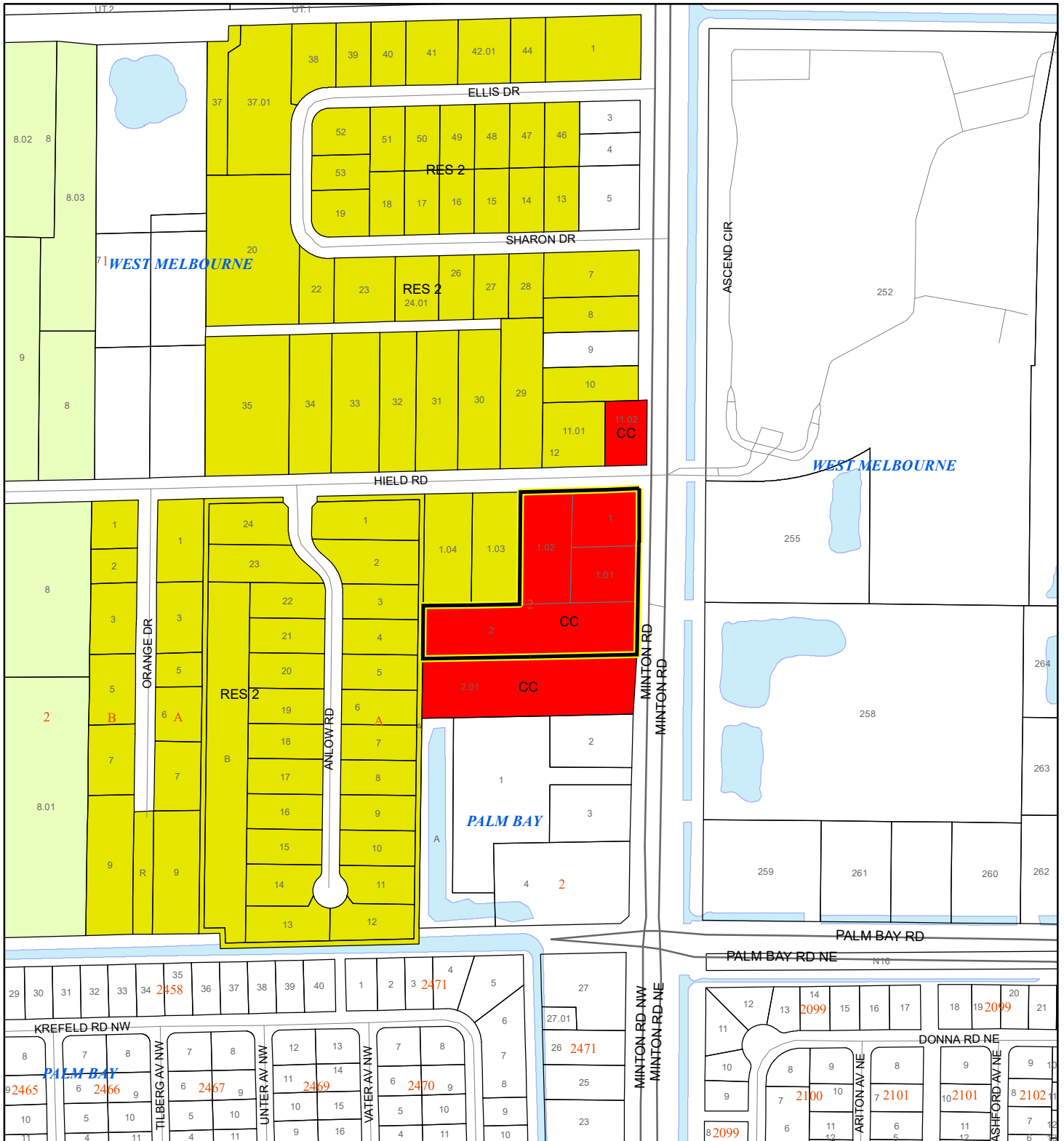
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

PROPOSED FUTURE LAND USE MAP

WEST MALABAR PROPERTIES LLC

24SS00001



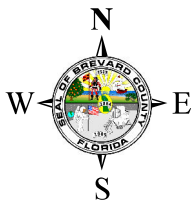
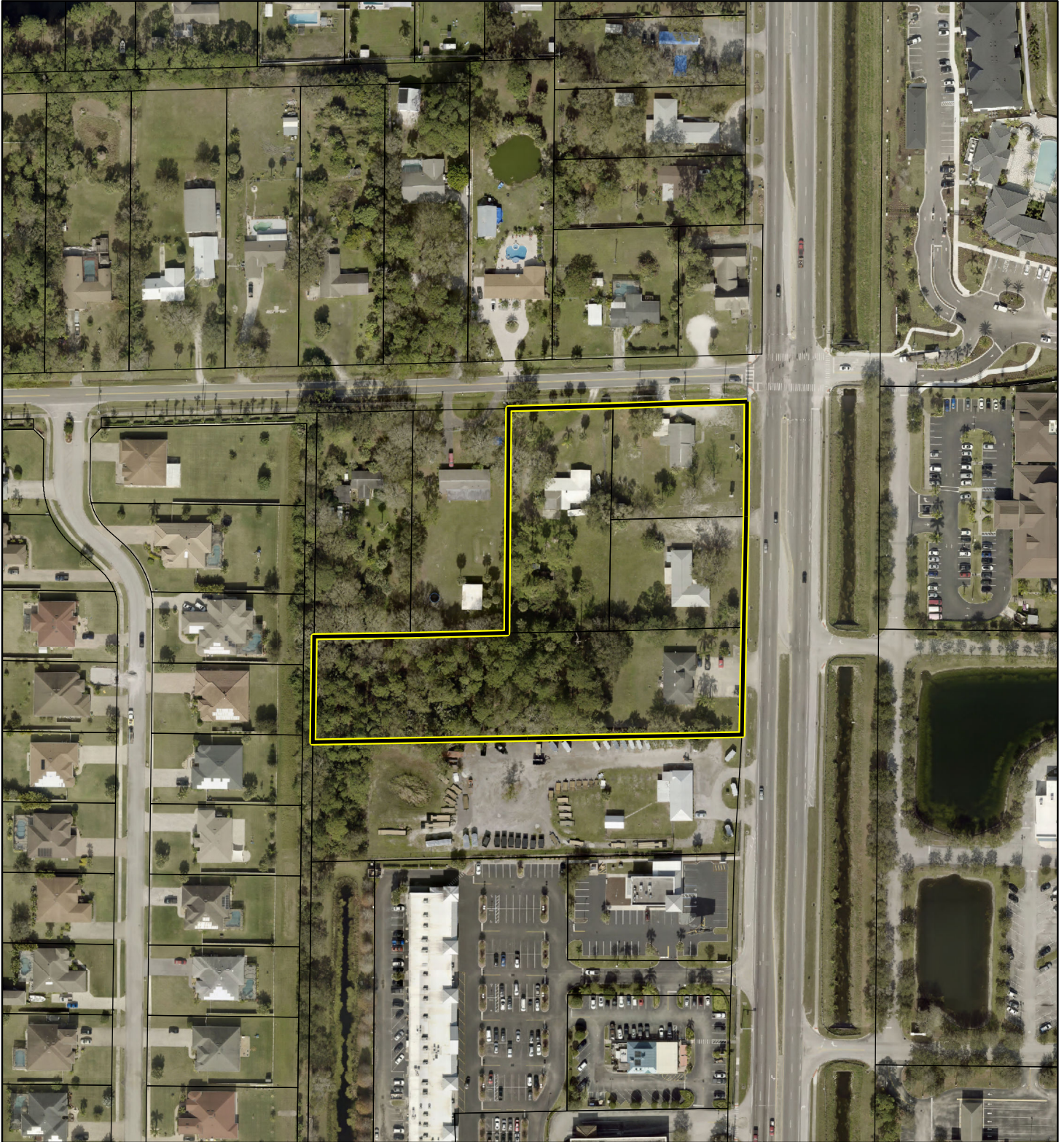
1:4,800 or 1 inch = 400 feet

- 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: 2/8/2024

AERIAL MAP
WEST MALABAR PROPERTIES LLC
24SS00001





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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.

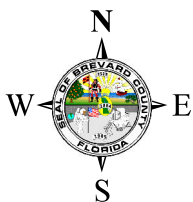
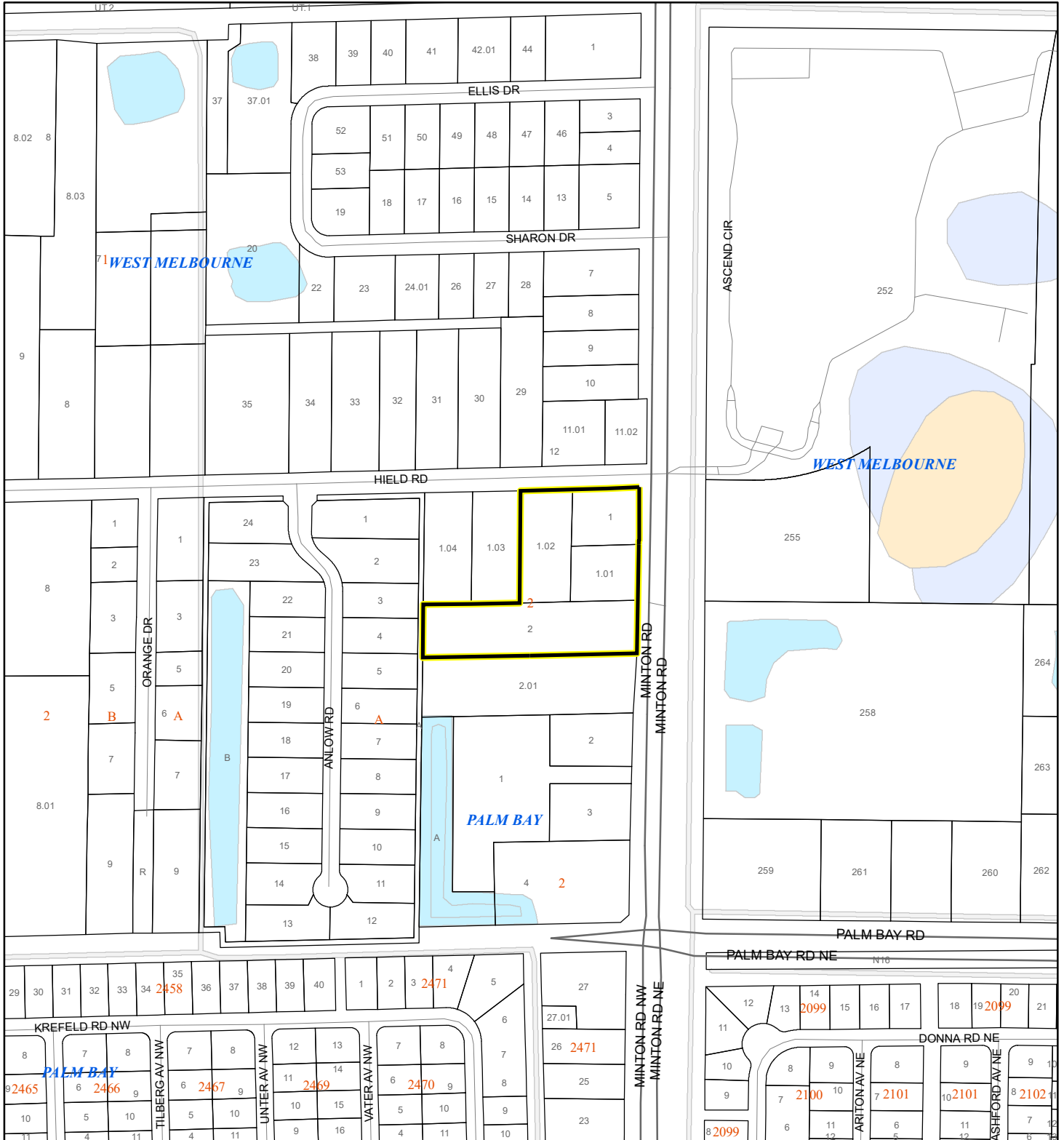
Produced by BoCC - GIS Date: 2/8/2024

-  Subject Property
-  Parcels

NWI WETLANDS MAP

WEST MALABAR PROPERTIES LLC

24SS00001













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: 2/8/2024

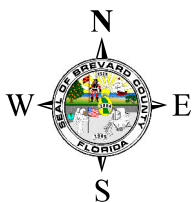
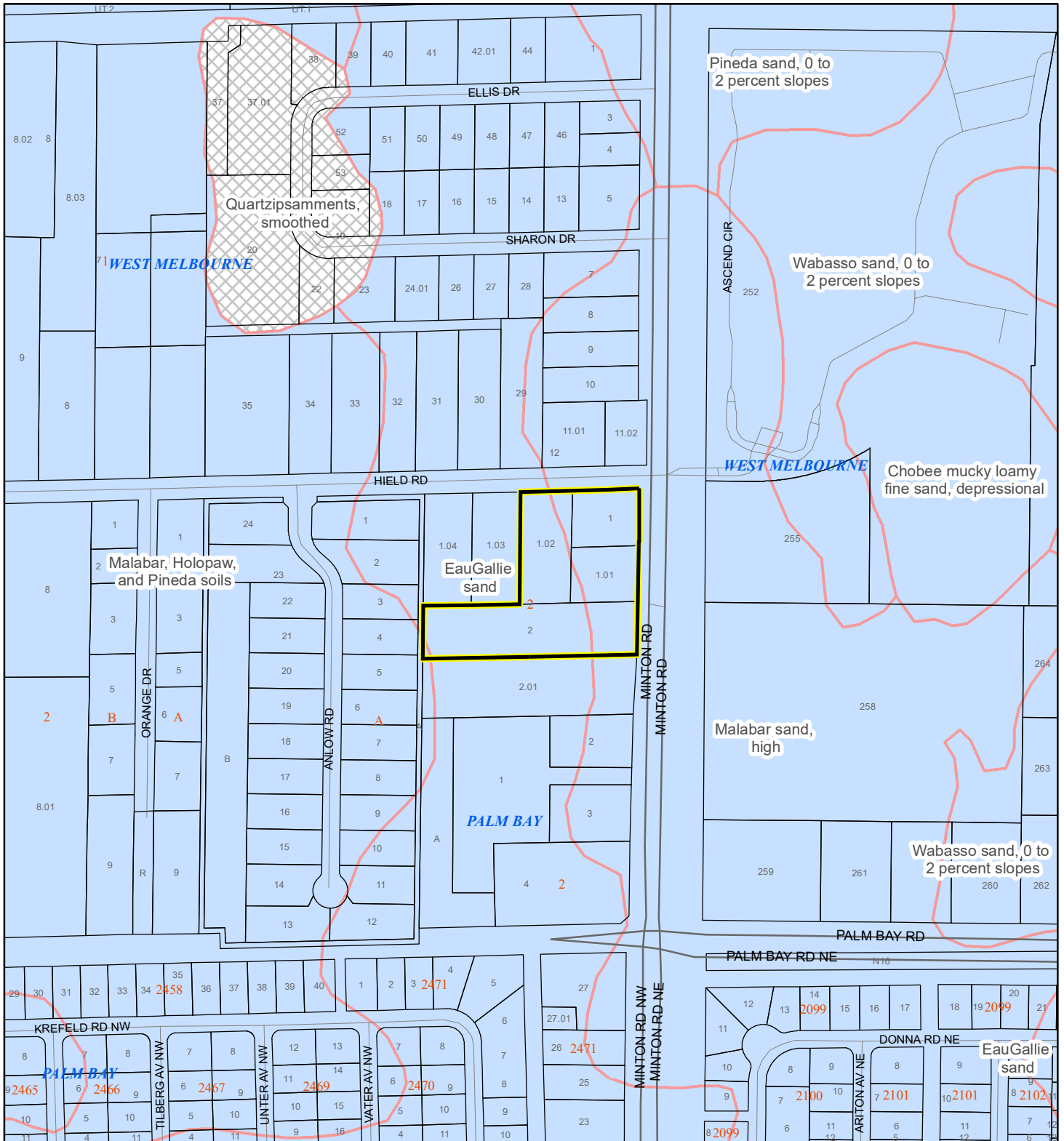
National Wetlands Inventory (NWI)

- | | |
|--|--|
|  Estuarine and Marine Deepwater |  Freshwater Pond |
|  Estuarine and Marine Wetland |  Lake |
|  Freshwater Emergent Wetland |  Other |
|  Freshwater Forested/Shrub Wetland |  Riverine |
| |  Subject Property |
| |  Parcels |

USDA SCSSS SOILS MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

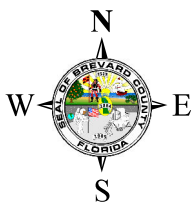
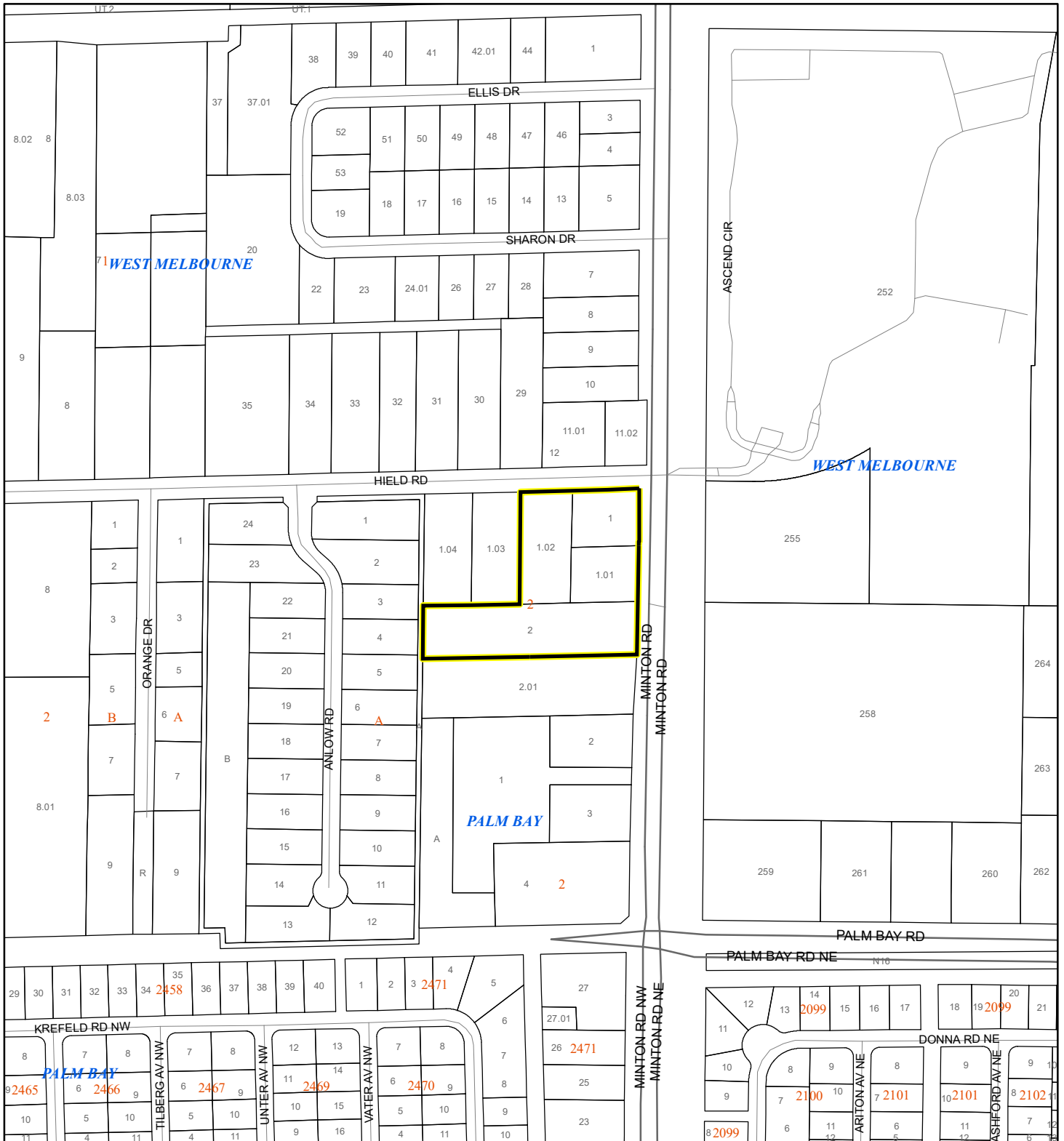
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

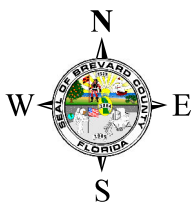
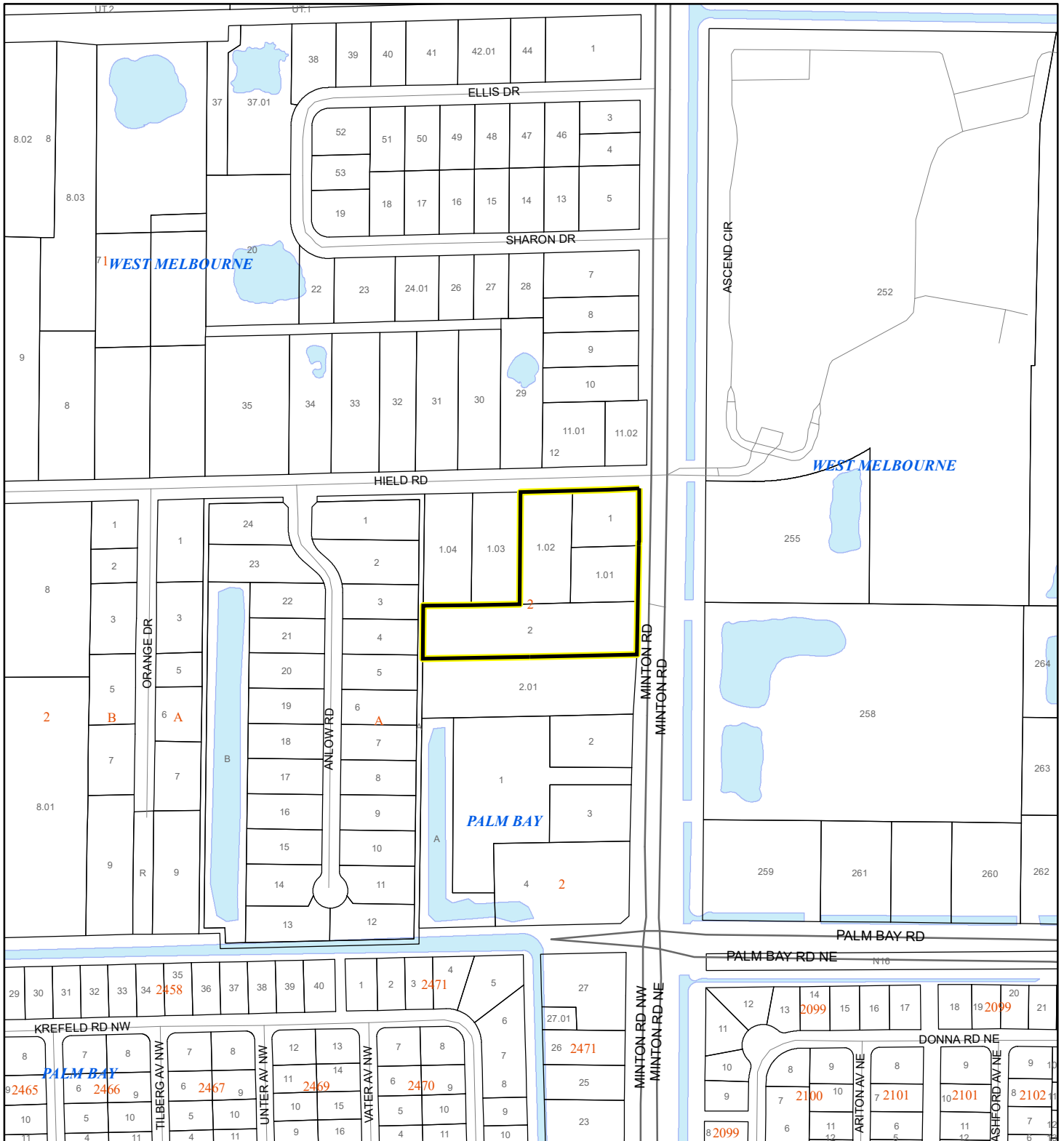
FEMA Flood Zones

- A
- AE
- AH
- AO
- Open Water
- VE
- X
- Subject Property
- Parcels

COASTAL HIGH HAZARD AREA MAP

WEST MALABAR PROPERTIES LLC

24SS00001



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: 2/8/2024

 Subject Property

 Parcels

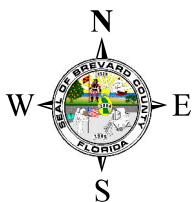
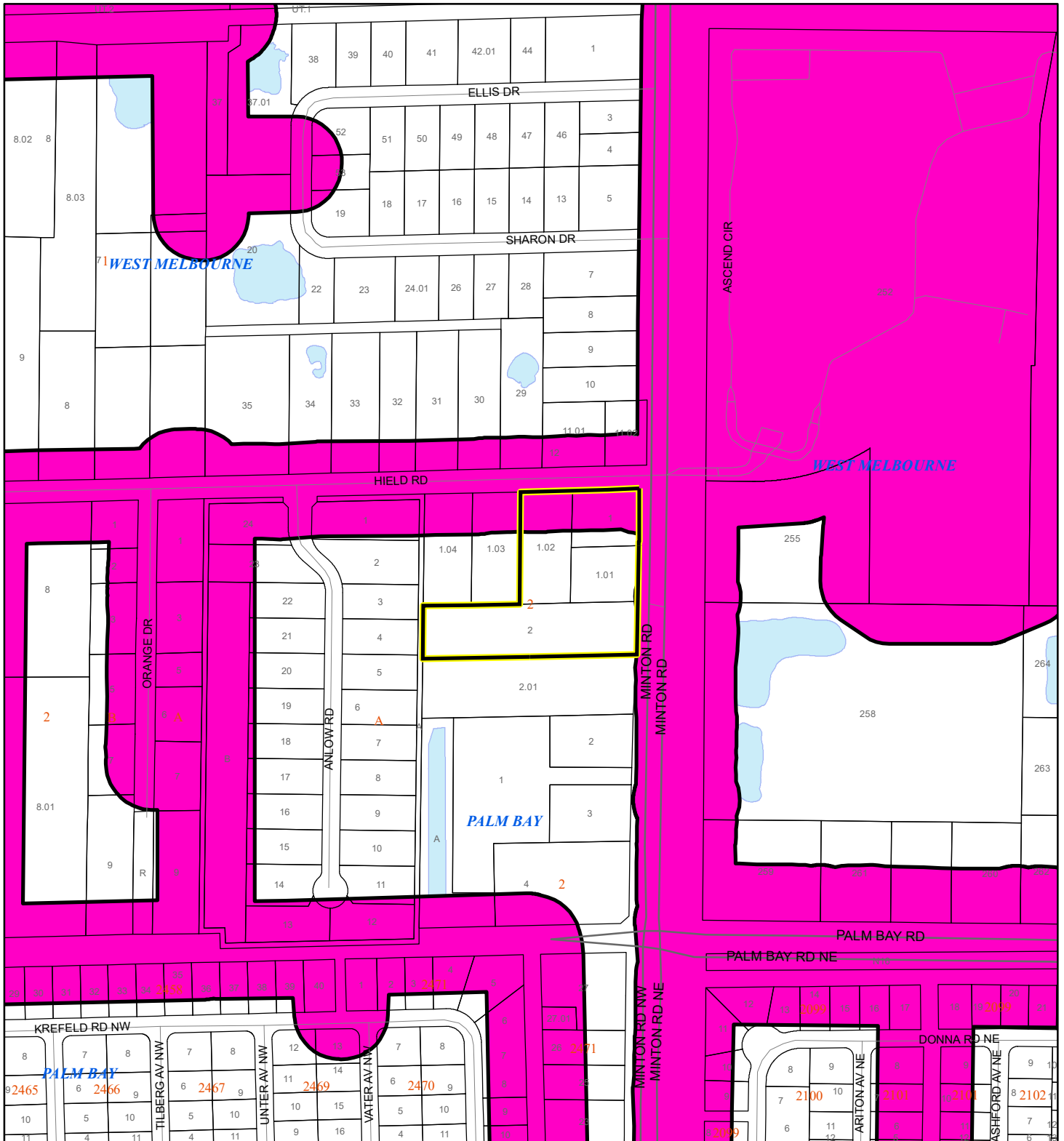
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024


 Subject Property

 Parcels

Septic Overlay

 40 Meters

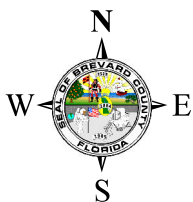
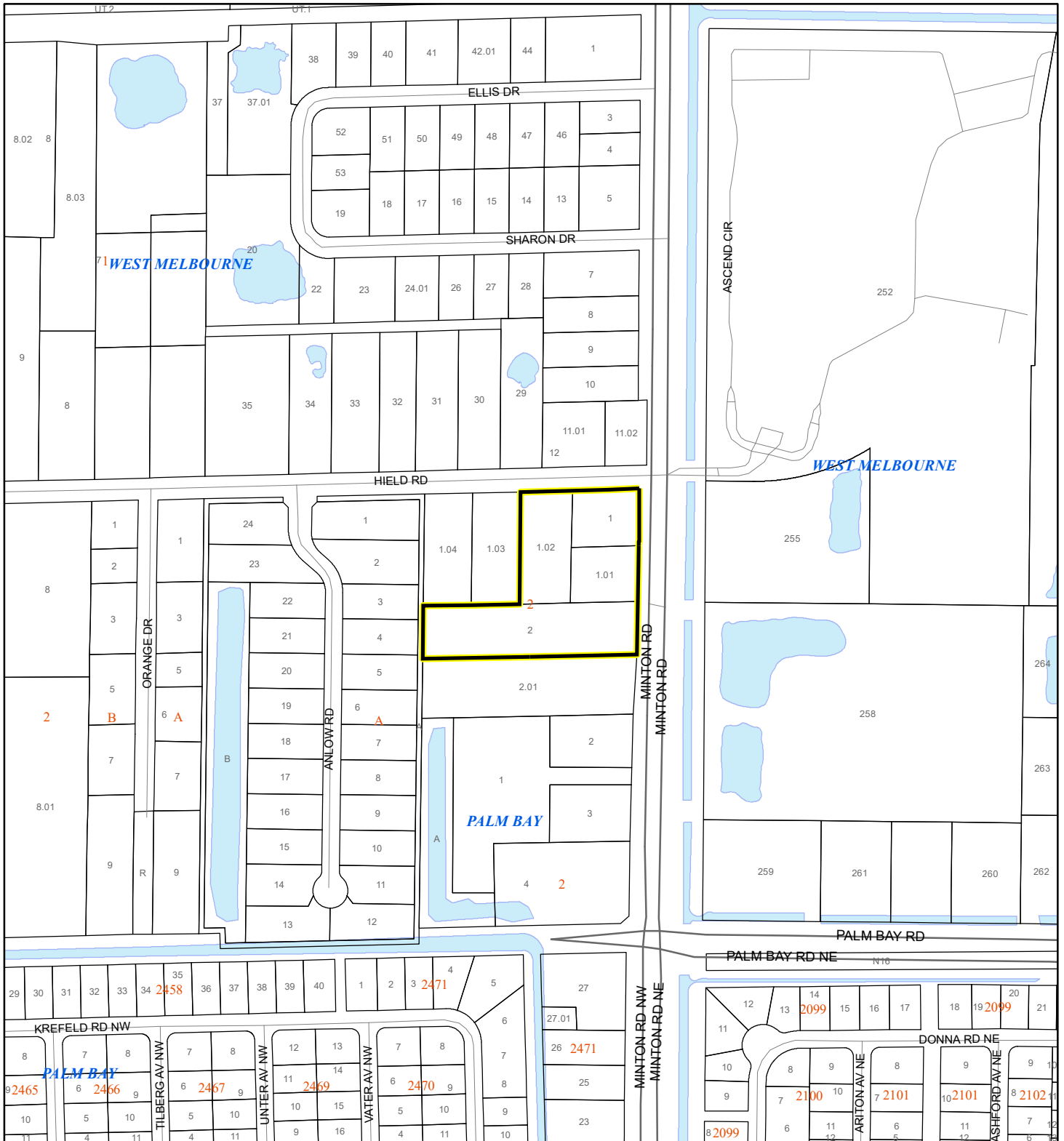
 60 Meters

 All Distances

EAGLE NESTS MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests
FWS

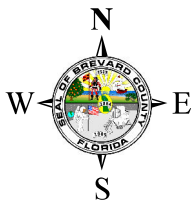
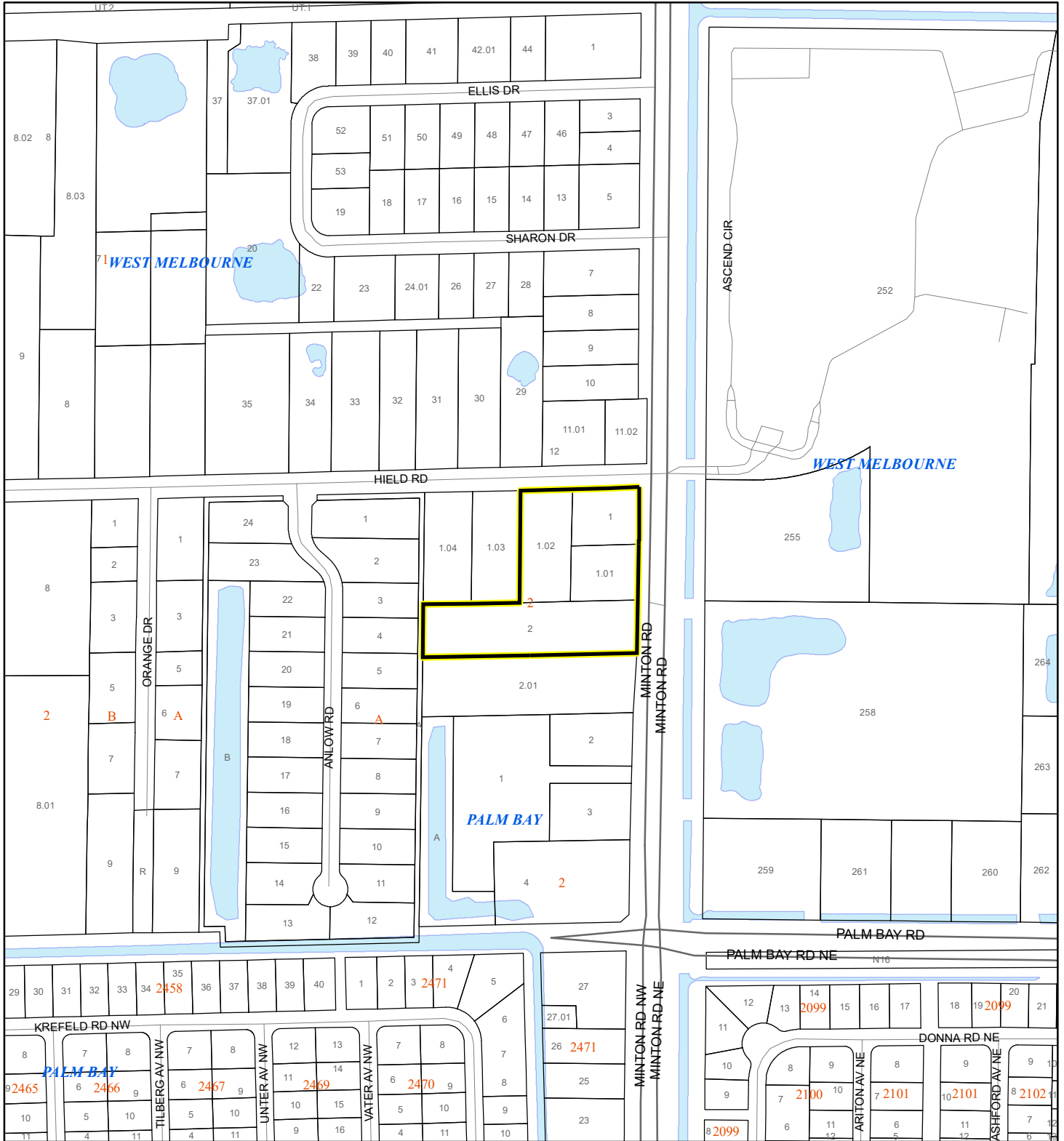
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

SCRUB JAY OCCUPANCY MAP

WEST MALABAR PROPERTIES LLC




24SS00001



1:4,800 or 1 inch = 400 feet

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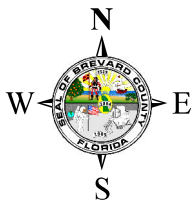
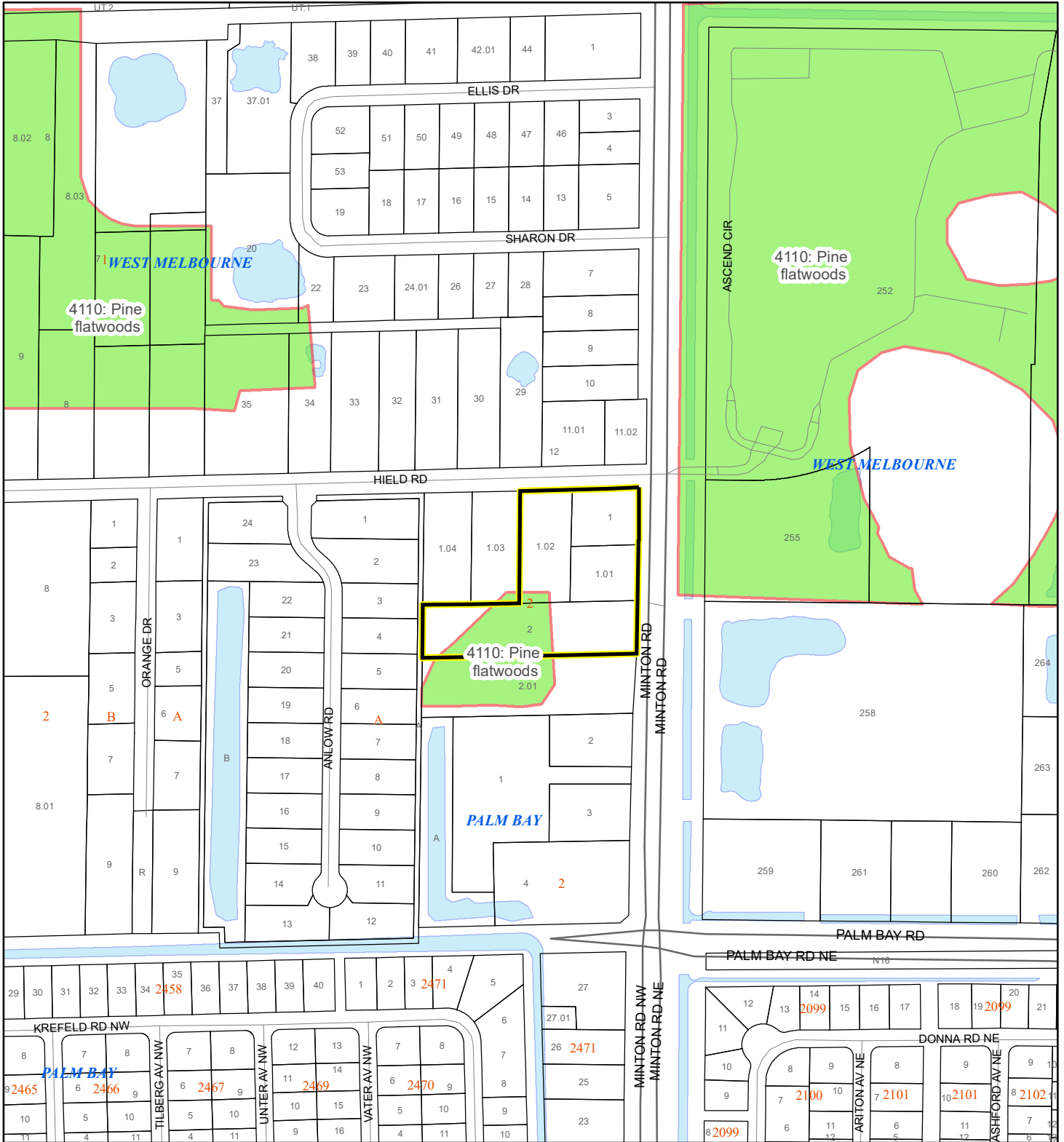
Produced by BoCC - GIS Date: 2/8/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

SJRWMD FLUCCS Upland Forests

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

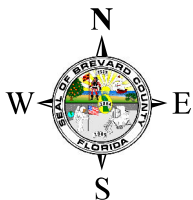
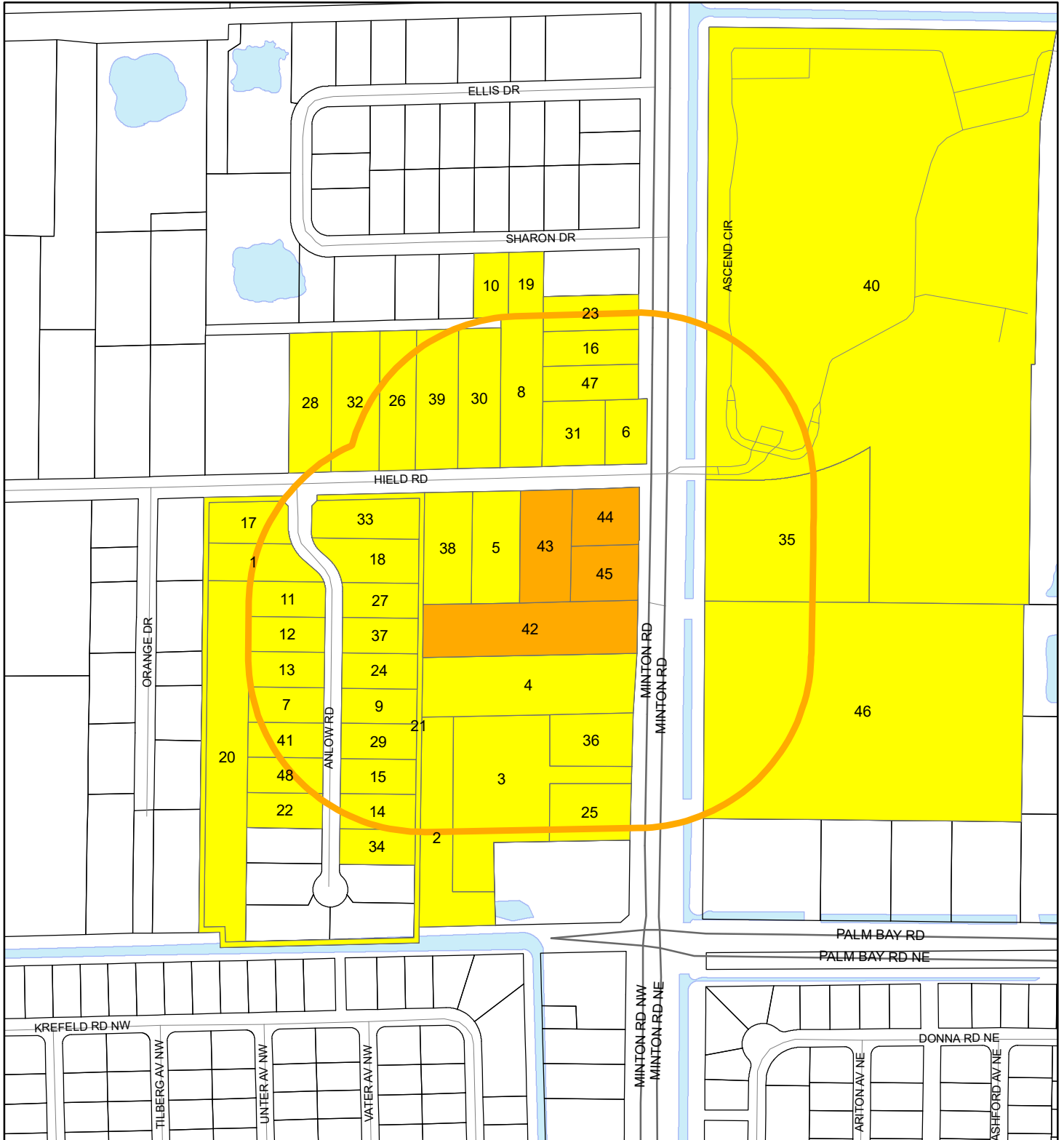
Subject Property

Parcels

RADIUS MAP

WEST MALABAR PROPERTIES LLC

24SS00001



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 2/8/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

Oliver, Cole
516 Delannoy Ave
Cocoa, FL 32922

43 W 46TH STREET LLC
4847 VERONA CIR
MELBOURNE FL 32940-7152

AFFORDABLE TRAILER SERVICE
& SUPPLY INC
6240 73RD ST
VERO BEACH FL 32967-5100

BRAMLETT, BETTY J TRUSTEE
3075 HIELD RD
C/O MICHAEL BRAMLETT
MELBOURNE FL 32904-9510

CARPER, ANDREW
CARPER, DANA
4128 ANLOW RD
W MELBOURNE FL 32904-

CASTILLO, RAMON D
3060 HIELD RD
MELBOURNE FL 32904-9505

CHAPARRO-ACEVEDO, MARINES
VAZQUEZ-LOPEZ, VICTOR
4127 ANLOW RD
WEST MELBOURNE FL 32904-7589

COX, JOHN T,JR
3085 SHARON DR
MELBOURNE FL 32904-9533

DODDI, SARASWATHI
4116 ANLOW RD
MELBOURNE FL 32904-7524

DSHALALOW, EUGENE H
WOLYNEZ-DSHALALOW, IRINA
4120 ANLOW RD
MELBOURNE FL 32904-7524

FALBO, CHRISTOPHER P
4124 ANLOW RD
MELBOURNE FL 32904-7524

GILBERT, JOSEPH EDWARD
GILBERT, MONIQUE MARIE
4139 ANLOW RD
MELBOURNE FL 32904-7589

HAROLD & KELLY MELLE REVOCABLE
TRUST
4135 ANLOW RD
MELBOURNE FL 32904-7589

HESTER, HARVEY A
HESTER, YVONNE D TRUSTEES
4050 MINTON RD
MELBOURNE FL 32904-

HOILMAN, DAVID SCOTT
4108 ANLOW RD
MELBOURNE FL 32904-7524

HOK, HENG
LY, VANDETH
4111 ANLOW RD
MELBOURNE FL 32904-7589

HUGHES, JENNIFER
HUGHES, MICAH G
3065 SHARON DR
MELBOURNE FL 32904-9533

JASMINE ESTATES HOMEOWNERS
ASSOCIATION
5099 INDUSTRY DR STE C105
MELBOURNE FL 32940-

KAUFMAN, DEBORAH
WINCHOCK, TINA M
4140 ANLOW RD
MELBOURNE FL 32904-7524

LAUGHING CLOWN LLC
2620 KIRBY CIR NE
PALM BAY FL 32905-3404

LAYNE, MATTHEW
LAYNE, TANYA
4123 ANLOW RD
MELBOURNE FL 32904-7589

LONG DOGGERS EATERIES INC
2060 HWY A1A STE #308
INDIAN HBR BCH FL 32937-

LONGALLEYNE, ANGELICA
LONGALLEYNE, CHRISTOPHER
3120 HIELD RD
MELBOURNE FL 32904-9540

MALDONADO, EDWIN
FLOREZ-MALDONADO, GRACE A
4115 ANLOW RD
MELBOURNE FL 32904-7589

MAPP-MAYER, G JOANN
ZAHNER, HEATHER C
3160 HIELD RD
W MELBOURNE FL 32904-

MCKEE, DANIEL
4131 ANLOW RD
W MELBOURNE FL 32904-7589

MILLS, KEVIN J
MILLS, LISA F
3080 HIELD RD
MELBOURNE FL 32904-9505

NORMAN, HEATHER
3030 HIELD RD
MELBOURNE FL 32904-9505

NORRIS, RICHARD L
NORRIS, JACQUELYN M
606 SUGAR PINE DR
MELBOURNE FL 32904-1962

24SS00001
Page2

PATEL, BHUPENDRA
PATEL, VASUDHABEN
4107 ANLOW ROAD
W MELBOURNE FL 32904-

PATEL, DEVVRAT SARVADAMAN
PATEL, KHUSHBU
4143 ANLOW RD
MELBOURNE FL 32904-7589

PINEAPPLE COVE ACADEMY NORTH
SHORE INC
1785 ELDRON BLVD SE
PALM BAY FL 32909-6832

PIZZAVOLA REAL ESTATE LLC
4250 MINTON RD
MELBOURNE FL 32904-9564

POWSHOK, TRACY
4119 ANLOW RD
W MELBOURNE FL 32904-

SONDEJ, JAMES M
3105 HIELD RD
W MELBOURNE FL 32904-

VICKERIE, TENNESSEE A
VICKERIE, OLGA M
3100 HIELD RD
MELBOURNE FL 32904-

VR HAMMOCK LP
1725 16TH AVE STE 201
RICHMOND HILL, ON L4B 4C6 -

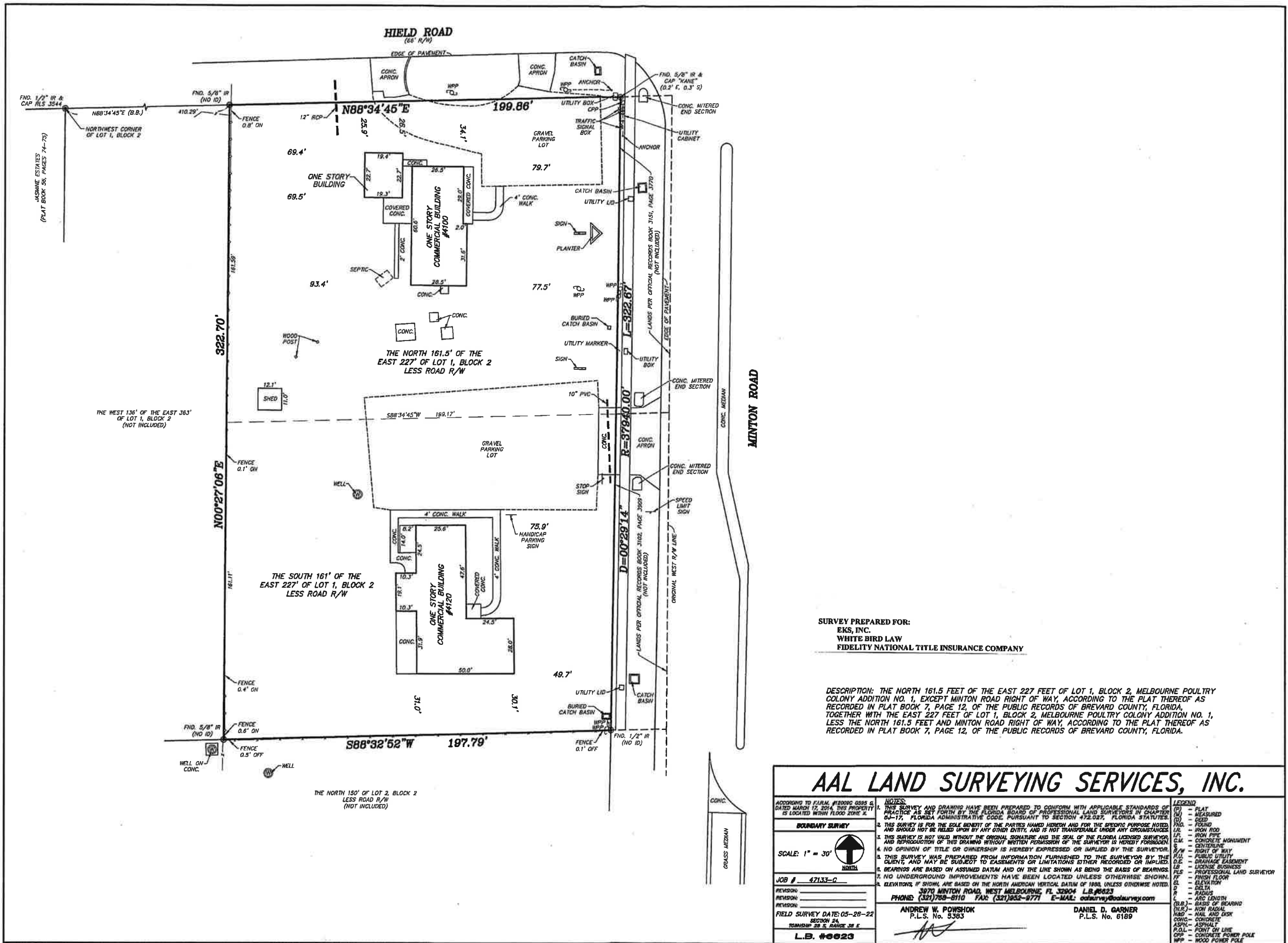
WARD, KEVIN M
WARD, NATALIE J
4132 ANLOW RD
W MELBOURNE FL 32904-

WEST MALABAR PROPERTIES LLC
516 DELANNOY AVE
COCOA FL 32922-7814

WEST MELBOURNE ASSOCIATES LC
120 WHITE PLAINS RD, STE 110
TARRYTOWN NY 10591-5522

WILLIAM KING & CYNTHIA KING
LIVING TRUST
304 SETTLECROFT LN
HOLLY SPRINGS NC 27540-5617

WYATT, KERRY R
WYATT, BRENDA G
4136 ANLOW RD
MELBOURNE FL 32904-7524

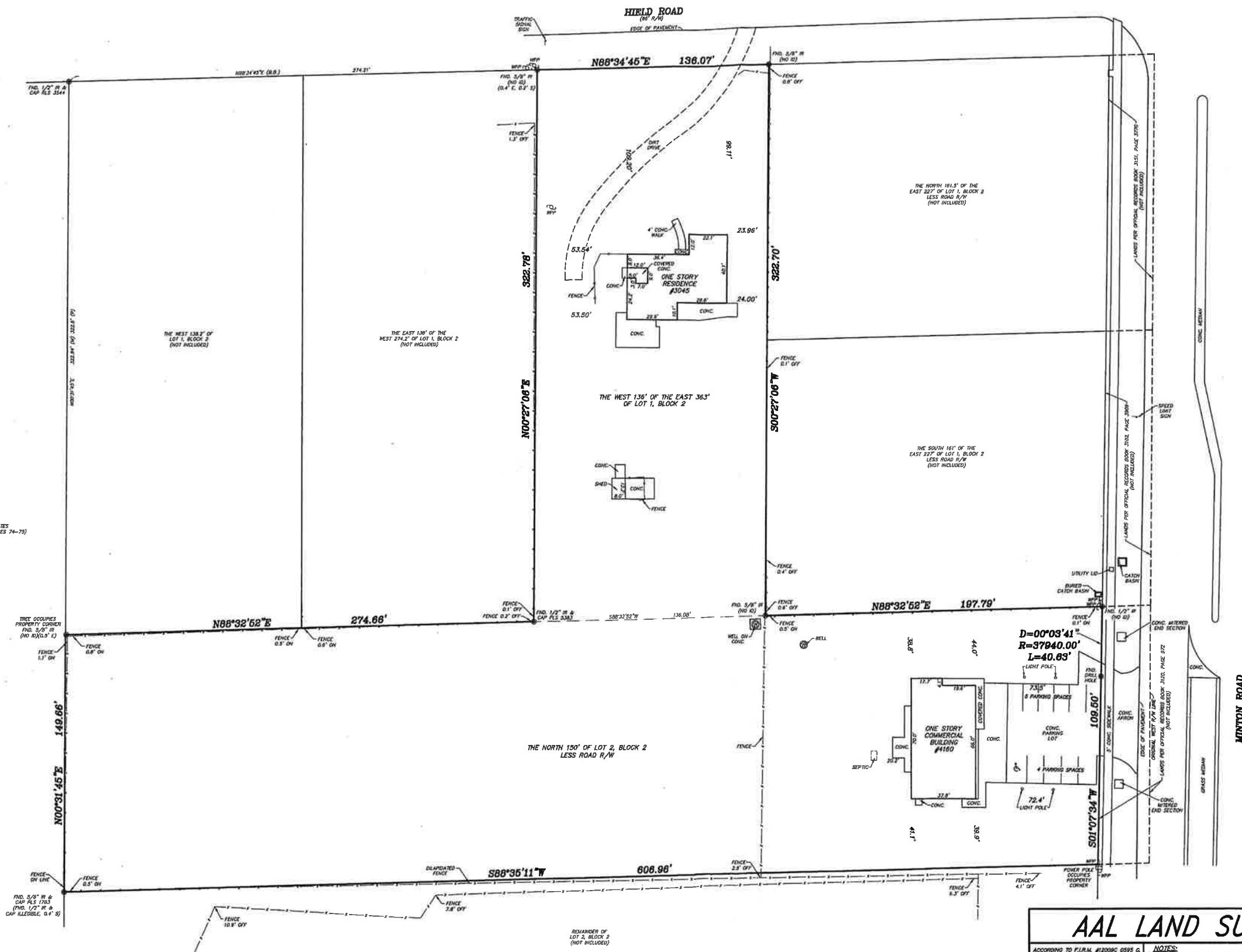


SURVEY PREPARED FOR:
EKS, INC.
WHITE BIRD LAW
FIDELITY NATIONAL TITLE INSURANCE COMPANY

DESCRIPTION: THE NORTH 161.5 FEET OF THE EAST 227 FEET OF LOT 1, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, EXCEPT MINTON ROAD RIGHT OF WAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, TOGETHER WITH THE EAST 227 FEET OF LOT 1, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, LESS THE NORTH 161.5 FEET AND MINTON ROAD RIGHT OF WAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AAL LAND SURVEYING SERVICES, INC.

<p>ACCORDING TO FLA. STAT. § 403.08 G. DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.</p> <p>BOUNDARY SURVEY</p> <p>SCALE: 1" = 30'</p> <p>↑ NORTH</p> <p>JOB # 47133-0</p> <p>REVISION: _____</p> <p>REVISION: _____</p> <p>FIELD SURVEY DATE: 05-26-22 SECTION 34, TOWNSHIP 28 S. RANGE 38 E</p> <p>L.B. #6623</p>	<p>NOTES:</p> <ol style="list-style-type: none"> THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS BY CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. <p>3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623 PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: aal@survey@aalsurvey.com</p> <p>ANDREW W. POWSHOK P.L.S. No. 5363</p> <p>DANIEL D. GARNER P.L.S. No. 6189</p>	<p>LEGEND</p> <p>(P) - PLAT (M) - MEASURED (C) - CDS FND. - FOUND I.R. - IRON ROD I.P. - IRON PIPE C.M. - CONCRETE MONUMENT S - CENTERLINE R/W - RIGHT OF WAY P.U. - PUBLIC UTILITY D.E. - DRAINAGE EASEMENT L.B. - LICENSE BUSINESS P.L.S. - PROFESSIONAL LAND SURVEYOR FL - FLOOR EL - ELEVATION D - DEPTH R - RADIUS (T.B.) - BASIS OF BEARING (N.R.) - NON RADIAL N&D - NAIL AND DISK CONC. - CONCRETE ASPH. - ASPHALT P.O.L. - POINT ON LINE C.P. - CONCRETE POWER POLE W.P.P. - WOOD POWER POLE</p>
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JASMINE ESTATES
(PLAT BOOK 56, PAGES 74-75)

TREE OCCUPIES
PROPERTY CORNER
FIG. 5/8" IR &
CAP PLS 1763
(NO. 33)(15.1')

SURVEY PREPARED FOR:
EKS, INC.
ROSSWAY SWAN TIERNEY BARRY & OLIVER
COMMONWEALTH LAND TITLE INSURANCE COMPANY

DESCRIPTION: THE WEST 136 FEET OF THE EAST 227 FEET OF LOT 1, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, TOGETHER WITH THE NORTH 150 FEET OF LOT 2, BLOCK 2, LESS ROAD MINYON RIGHT OF WAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO FIRM #10006 0599 G DATED MARCH 15, 2004, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

BOUNDARY SURVEY

SCALE: 1" = 30'

NOTE: THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 62-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.

NOTE: NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.

NOTE: ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.

NOTE: 3670 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623

PHONE: (321)768-8110 FAX: (321)652-8771 E-MAIL: aalsurvey@aalsurvey.com

ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND:
 (PL) - PLAT
 (M) - MEASURED
 (D) - DEED
 (F) - FLOOD
 I.R. - IRON ROD
 I.P. - IRON PIPE
 C.M. - CONCRETE MONUMENT
 S - CENTERLINE
 R/W - RIGHT OF WAY
 P - PUBLIC
 U - UTILITY
 D - DRAINAGE
 F - FASCEMENT
 FF - FINISH FLOOR
 EL - ELEVATION
 D - DITCH
 P - POND
 L - ARC LENGTH
 (B.R.) - BASIS OF BEARING
 (N.R.) - NON RADIAL
 NAD - NAIL AND DISK
 CONC - CONCRETE
 ASPH - ASPHALT
 P.O.L. - POINT ON LINE
 W.P.P. - WOOD POWER POLE

21



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

3/18/2024

Subject:

West Malabar Properties, LLC requests a change of zoning classification from RP and AU to all BU-2 with a BDP. (24Z00004) (Tax Account 2806110, 2806111, 2806115, 2808112) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RP (Residential Professional) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP (Binding Development Plan).

Summary Explanation and Background:

The applicant has requested a change of zoning classification from RP (Residential Professional) and AU (Agricultural Residential) to BU-2 (Retail, Warehousing and Wholesale Commercial) and a FLUM amendment.

The subject parcel is in a commercial corridor along the westside of Minton Road with RP and BU-1 zoning within the County’s jurisdiction. The closest BU-2 zoning classification is located approximately 1,830 feet northwest of the subject property, along the north side of Norfolk Pkwy. The subject property could be considered as transitional use with BU-1 zoning abutting to the south. Additional commercial uses are located south along Minton Road. The east side of Minton Road is in the jurisdiction of the City of West Melbourne, and further south along Minton Road is in the jurisdiction of the City of Palm Bay.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 24SS00001, to change the Future Land Use Map designation from NC (Neighborhood Commercial) and RES 2 (Residential 2) to all CC (Community Commercial).

The applicant has provided a Binding Development Plan which stipulates limiting the use of the property to climate-controlled mini-storage as allowed in BU-2 zoning classification and other uses as allowed in the BU-1 zoning district. In addition, the applicant has provided a concept plan. This plan has not been reviewed for compliance with county code. It should be considered informative only and is not included in the Board approval.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area and if the Binding Development Plan mitigates any off-site impacts.

The Board of County Commissioners will consider the request on Thursday, April 4, 2024. Beginning at 5:00 p.m. The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

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

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

**STAFF COMMENTS
 24Z00004**

West Malabar Properties, LLC

AU (Agricultural Residential) and RP (Residential-Professional) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with BDP (Binding Development Plan)

Tax Account Number: 2806110, 2806111, 2806112 & 2806115
 Parcel I.D.: 28-36-24-FA-2-1, 28-36-24-FA-2-1.01, 28-36-24-FA-2-1.02 & 28-36-24-FA-2-2
 Location: Southwest corner of Minton Road and Hield Road (District 5)
 Acreage: 4.58 acres

Planning & Zoning Board: 3/18/2024
 Board of County Commissioners: 4/04/2024

Consistency with Land Use Regulations

- Current RP 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	RP and AU	All BU-2 **
Potential*	4 Residential Units	FAR of 1.0
Can be Considered under the Future Land Use Map	No, RP requires RES 4 & NC AU yes RES 2	Yes CC

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

** Commercial Zoning permits 30 units per the State of Florida Statute 125.01055 Live Local Act.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) on one acre portion and RP (Residential Professional) on the remaining 3.58 acres to all BU-2 (Retail, Warehousing and Wholesale Commercial).

In addition, the proposed Binding Development Plan contains a concept plan depicting a self-storage facility with future access to Minton Road and Hield Road, which are county-maintained roads. This plan has not been reviewed for compliance with county code. It should be considered informative only and is not included in the Board approval.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 24SS00001 to change the Future Land Use Element from Residential 2 (RES 2) and Neighborhood Commercial (NC) to all Community Commercial (CC).

The proposed BDP states:

- The developer/Owner shall limit the use of the property to climate-controlled mini-storage as allowed in BU-2 zoning classification and other uses as allowed in the BU-1 zoning district. The attached Exhibit A demonstrates the proposed development conceptual site plan.

The applicant has provided a BDP which limits the use of the property to a climate controlled mini-storage as allowed in BU-2 zoning classification and other uses as allowed in BU-1 zoning. The BU-1 classification allows retail commercial land uses, such as coffee shops, restaurants, fast food with drive thru, banks and convenience stores, with or without gasoline sales, on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The applicant states that he is requesting BU-2 zoning as the BU-1 zoning restricts the height of a self-storage mini-warehouse and does not permit them to be climate controlled.

Self-storage mini-warehouse is a permitted use with conditions in BU-1 zoning.

The conditions for a self-storage mini-warehouses in BU-1 include:

- (1) No unit within a self-storage mini warehouse shall be utilized as a place of business. No business tax receipt, other than that of the self-storage mini-warehouse operator, shall be approved for a business operation on the property.
- (2) No utilities, namely, electricity, water, telephone, cable TV, or gas, will be provided to the individual units. Lighting and air conditioning may be located in the hallways only.
- (3) In addition to height restrictions as described in the BU-1 zoning classification, structural heights shall be further limited by the heights of adjacent off-site buildings to the side or rear of the property. Where only one structure is contemplated on site, height is limited to the height of the lowest principal structure on any adjacent parcel. Where more than one structure is proposed on site, the height of each structure is limited to the height of the lowest principal structure on the closest parcel. Where the adjacent parcel is vacant, the height of the proposed structure shall be limited to one story.
- (4) No outside storage of commercial vehicles or heavy equipment as defined in and regulated by section 62-2117 shall be permitted. Recreational vehicles and recreational equipment so defined shall be permitted to be stored on site if screened from view from the

street and from adjacent parcels by a minimum eight-foot opaque visual barrier, except that such vehicles and equipment shall not be permitted to be stored outside where said property is adjacent to a parcel zoned residential or used for residential purposes.

(5) The use of generators of any kind is prohibited.

(6) The use or storage of hazardous materials is prohibited.

(7) Signage shall be placed on each building indicating that no hazardous materials use, or storage or generator use is permitted and that units cannot be occupied for business or industrial use.

(8) The entrance gate shall be so designed and located to allow for a 33-foot-long vehicle to queue without extending into the public right-of-way.

(9) Minimum lot size. An area not less than 20,000 square feet, having a minimum width of 100 feet, and a minimum depth of 200 feet.

(10) Landscaping and screening. A landscape buffer and screening strip shall be provided within each side and rear setback. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six-foot high visual barrier. Where said property is contiguous to a parcel zoned residential, or used for residential purposes, the landscape buffer and screening strip shall be completely opaque to a height of six feet pursuant to chapter 62, articles VIII and XIII. A four-foot-high irrigated and landscaped berm shall be provided along the front property line (excepting the entranceway) and the side property lines for a minimum depth of the required front setback. Additional vegetation shall be added to the berm to achieve a total height of at least six feet. Chain link fence is prohibited.

(11) Architectural requirements. The site shall be designed so that no mini-warehouse overhead doors are visible from the street or from any adjacent parcel zoned residential or used for residential purposes. Perimeter structures shall have trussed roofs. Perimeter walls shall be designed with physical breaks, windows (real or not), façade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall. Metal buildings are prohibited.

(12) Maximum structural coverage. Forty percent of total lot area.

The existing AU zoning classification does not permit commercial uses. The existing RP zoning permits single-family residences, multiple-family dwellings and professional offices. The RP zoning permits does not permit other commercial uses. BU-2 zoning classification requires a building of at least 300 sq. ft. as their principal structure.

The subject parcels have access to both Minton Road and Hield Road, which are county-maintained roadways.

Tax account: 2806112 has its original zoning of AU (Agricultural Residential).

The original zoning of the RP zoned parcels was AU.

Tax account: 2806115 was rezoned on August 24, 1987, per zoning action **Z-7867** from AU to RP (Residential-Professional).

Tax account: 2806111 was rezoned on June 22, 1992, per zoning action **Z-8979** from AU to RP (Residential-Professional).

Tax account: 2806110 was rezoned on August 29, 1996, per zoning action **Z-9766** from AU to RP (Residential-Professional).

The applicant is requesting to change the zoning from AU and RP to all BU-2 to build a multi-story climate controlled mini-warehouse with a Binding Development Plan (BDP).

The subject parcels are located on the southwest corner of Minton Road and Hield Road, County maintained roadways.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Commercial & Single-Family Residence, across Hield Road	BU-1 and RU-1-13	CC & RES 2
South	Commercial	BU-1	CC
East	Across Minton Road	City of West Melbourne	City of West Melbourne
West	Single-Family Residences	AU and EU-1	RES 2

The developed character of the surrounding corridor on the west side of Minton Road and south of Hield Road is commercial and residential. The abutting parcel to the south is BU-1 (General Retail Commercial) zoning. To the west is Residential with AU and EU-1 zoning.

The current AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The current RP is the Residential-Professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The requested BDP restricts BU-2 use to ministorage. While the BU-1 classification allows retail commercial land uses such as coffee shops, restaurants, fast food with drive thru, banks and convenience stores, with or without gasoline sales on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The EU-1 zoning classification is an estate single family residential zoning classification. The minimum lot size is 12,000 square feet with minimum lot width and lot depth of 100'. The minimum living area is 1,800 square feet.

There has been one zoning action within a half-mile of the subject property within the last three years: 22Z00006 located 1,830 feet northwest of the subjected parcels, along the north side of Norfolk Pkwy, was rezoned from GU with a CUP (Conditional Use Permit) for a tower to BU-2 with a BDP and removal of the CUP.

Future Land Use

The subject property is currently designated as Residential 2 (RES 2) and Neighborhood Commercial (NC) FLUM designation. The existing AU and RP as well as the proposed BU-2 zoning classifications can be considered consistent with the proposed CC FLUM designation. The proposed BU-2 zoning is not consistent with the existing RES 2 and NC designations.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence or chain-link fence.

- B. Existing commercial zoning trends in the area;

The west side of Minton Road is an existing commercial corridor with residential to the west of the subject parcels. The east side of Minton Road is in the city of

West Melbourne with commercial uses and multi-family uses. Across to the north side of Hield Road is Commercial and residential.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The surrounding area along the west side of Minton Road is characterized a mixture of commercial, single-family residential with agricultural residential west of the subject parcels. The applicant's request can be considered compatible with the existing commercial uses along Minton Road.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. Future development has not been evaluated.

The parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by a well and septic.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The following land use issues were identified:

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of site plan submittal.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Standards noted within Section 62-1483 and 62-1845 of Brevard County Code. The proposed use is not anticipated to require performance standards beyond the zoning criteria. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning change be approved.

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 CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses which may increase these standards. This property will need to comply with Brevard County Standards noted within Section 62-1483 and 62-1845 of Brevard County Code.

- 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 developed character of the surrounding area along the west side of Minton Road is a mix of residential and commercial. To the west of the subject parcel is residential. To the south of the subject property is commercial. To the north across Hield Road is commercial and residential. The east side of Minton Road is in the city of West Melbourne with commercial uses and multi-family uses.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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

There has not been any development approved within this area in the preceding three (3) years that has yet to be constructed.

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

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates the request is not located within an existing neighborhood. However, there is a pattern of existing single-family residential surrounding the property to the west. The subject property could be considered as transitional use with BU-1 zoning abutting to the south.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, contractor storage yards, restaurants, fast food restaurants and coffee shops). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of Maximum Acceptable Volume (MAV) by 0.75%. The proposed access improvements will be reviewed for code compliance during subsequent site plan application. The applicant will need to provide a traffic impact analysis with the site plan.

- 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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor on the west side of Minton Road and south of Hield Road.

- 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.

Staff analysis indicates that the surround area along Minton Road to the south and to the north across Hield Road is a commercial corridor.

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.

The subject parcel is located in a commercial corridor along the west side of Minton Road and to the north across Hield Road. The subject parcel is proposed to be rezoned from RP and AU to all BU-2. As the immediate area along the west side of Minton Road is commercial the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located approximately 1,830 feet northwest of the subject property, along the north side of Norfolk Pkwy.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Per Natural Resource Management Department:

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of site plan submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Eber Blvd. and Palm Bay Road, which has a Maximum Acceptable Volume (MAV) of 36,800 trips per day, a Level of Service (LOS) of D north of Hield Road and a Level of Service (LOS) of E south of Hield Road, and currently operates at 76.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.75%. The corridor is anticipated to operate at 77.24% of capacity daily. The maximum development potential of the proposal is not anticipated to 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 concurrency analysis was only for a 110,000 sq ft. mini self-storage facility as proposed. Any other future commercial development was not part of this analysis and will be reviewed under a separate site plan application.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by well and septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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 site plan design or permit submittal.**

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area and if the Binding Development Plan mitigates any off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00004

Applicant: Cole Oliver (Owner: West Malabar Properties, LLC)

Zoning Request: RP and AU to all BU-2 with BDP (NC and RES 2 to all CC)

Note: to develop a multi-story climate controlled mini-storage facility (only BU-2 use)

Zoning Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID Nos.: 2806110, 2806111, 2806115, 2806112

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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 site plan design or permit submittal.**

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand and Malabar sand, high), as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland assessment shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern and eastern portions of this property are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, 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 as well as buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

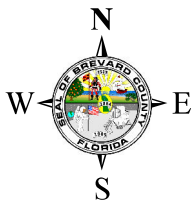
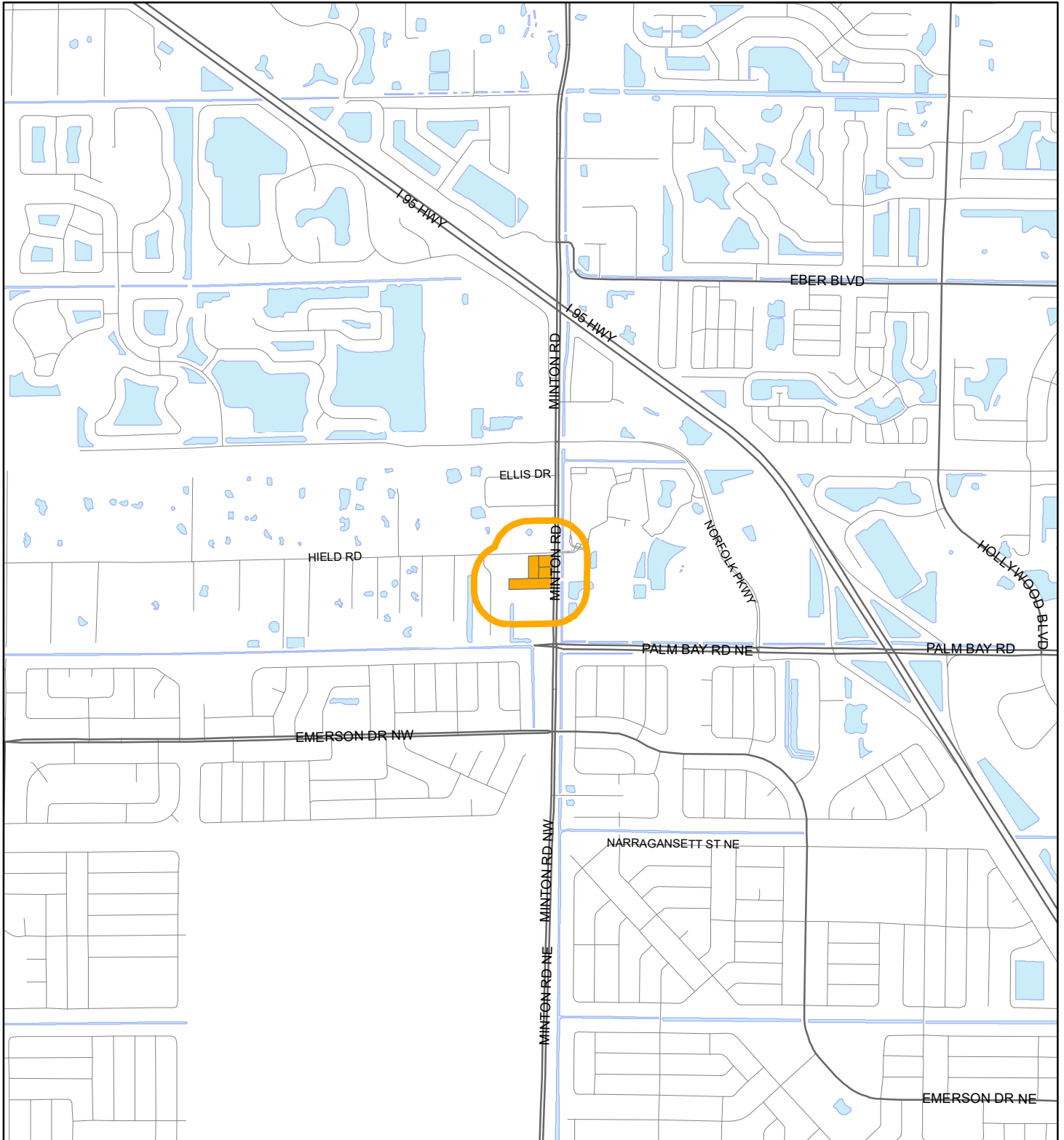
Protected Species

Federally and/or state protected species may be present on properties with wetlands. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

WEST MALABAR PROPERTIES LLC

24Z00004





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.

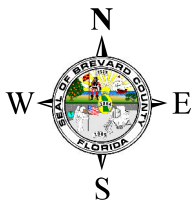
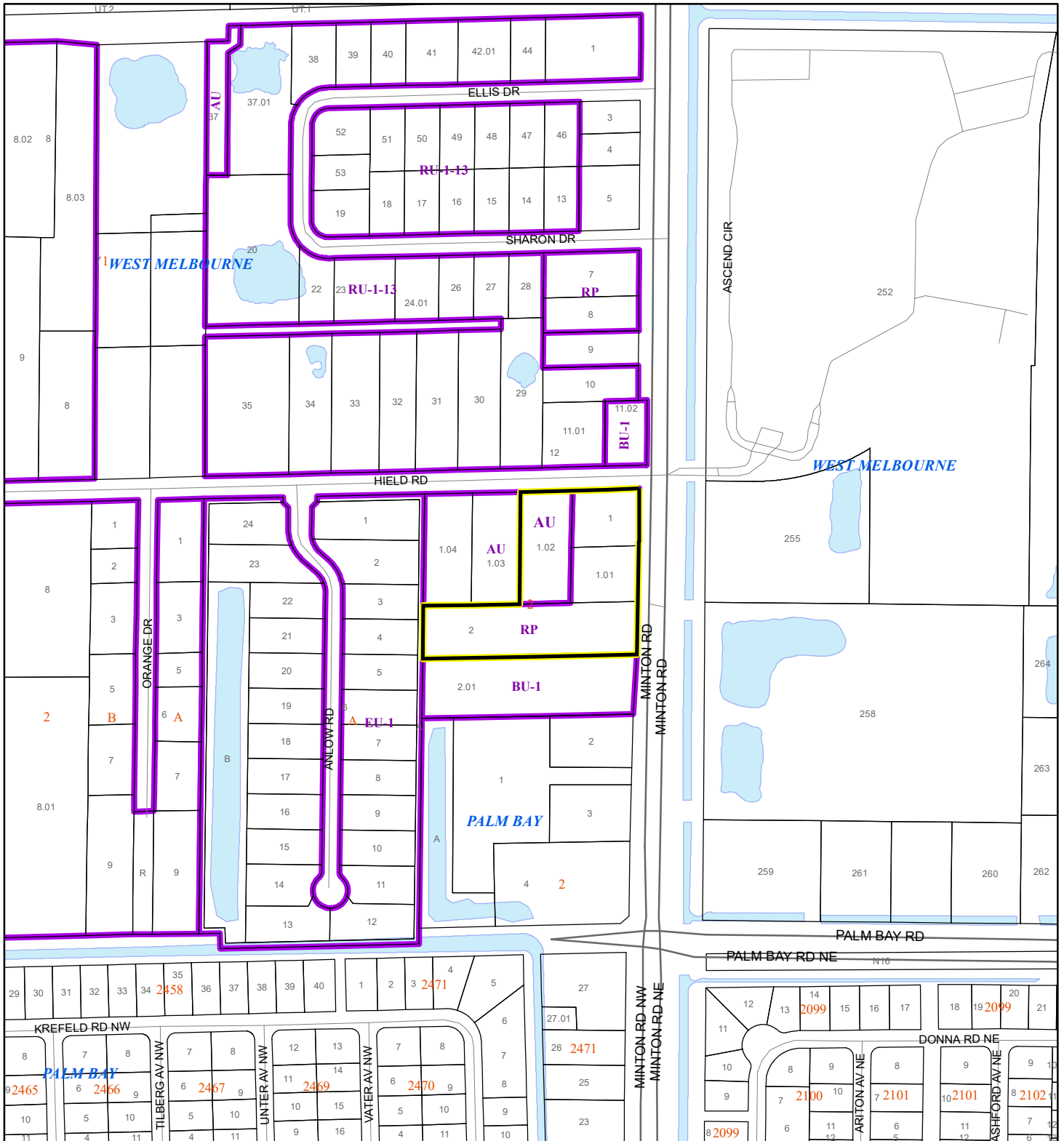
Produced by BoCC - GIS Date: 2/8/2024

-  Buffer
-  Subject Property

ZONING MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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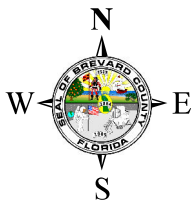
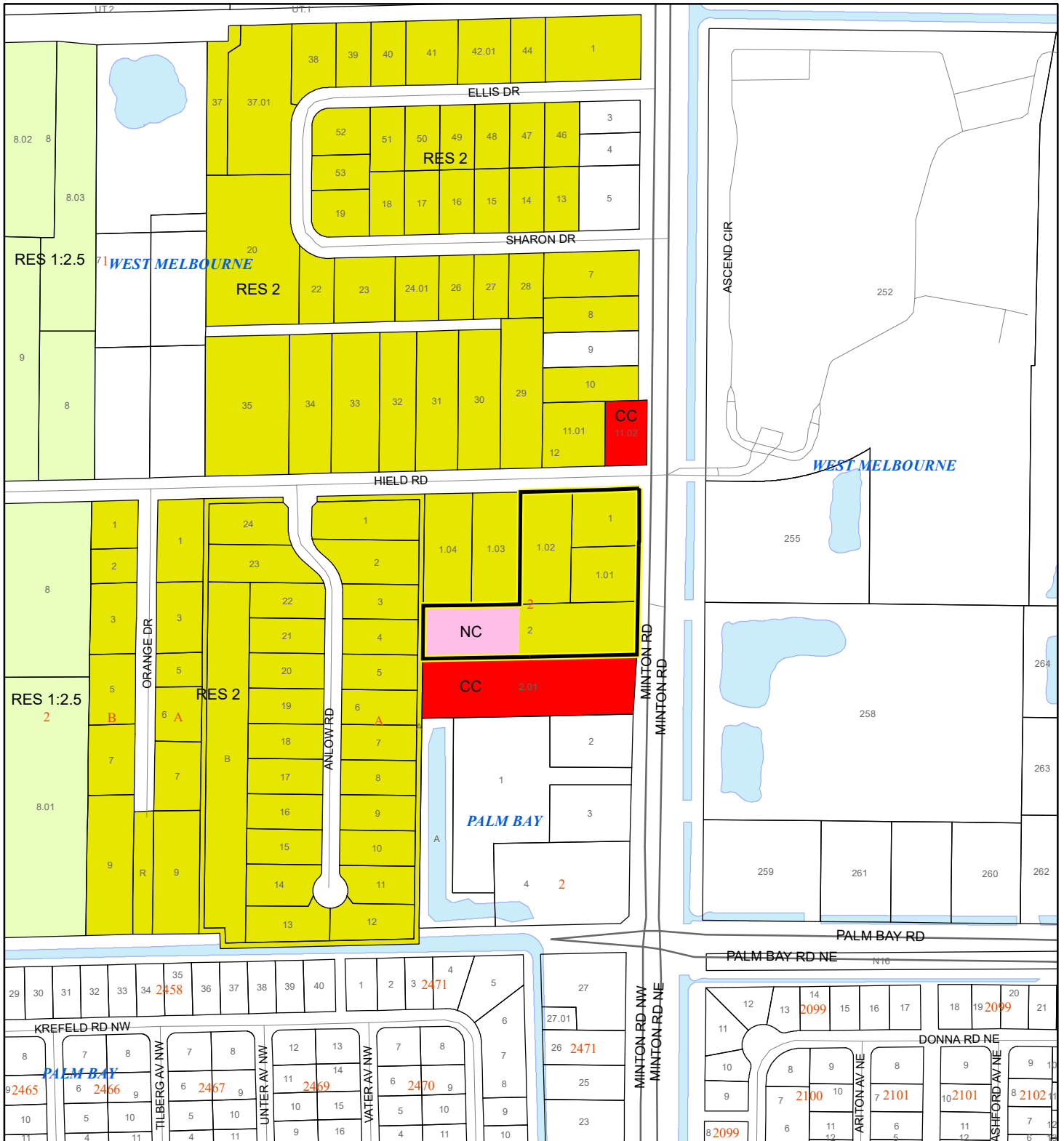
Produced by BoCC - GIS Date: 2/8/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

WEST MALABAR PROPERTIES LLC

24Z00004



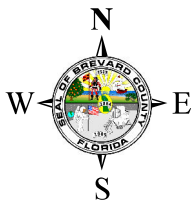
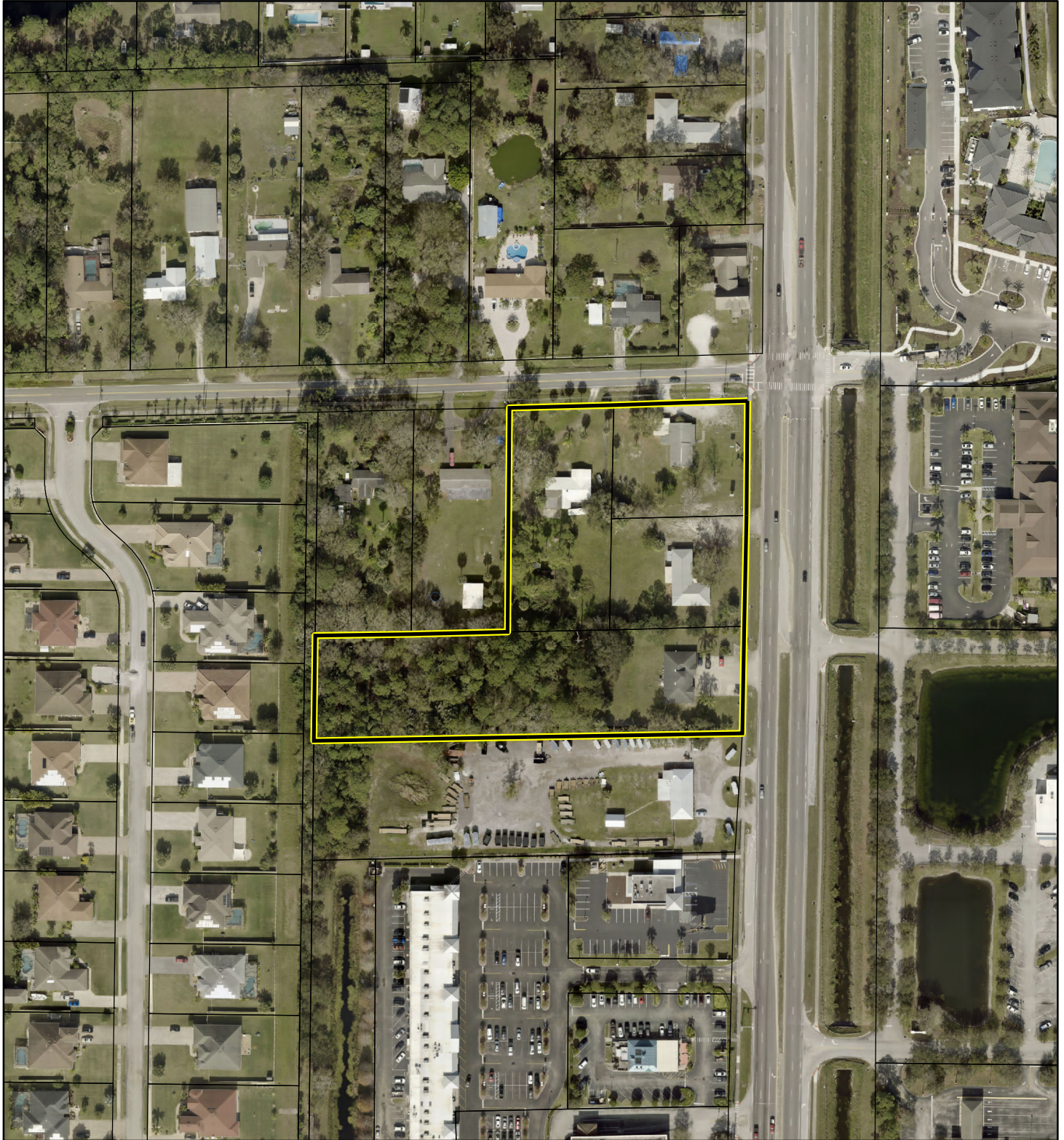
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 2/8/2024

AERIAL MAP
WEST MALABAR PROPERTIES LLC
24Z00004





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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.

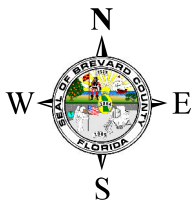
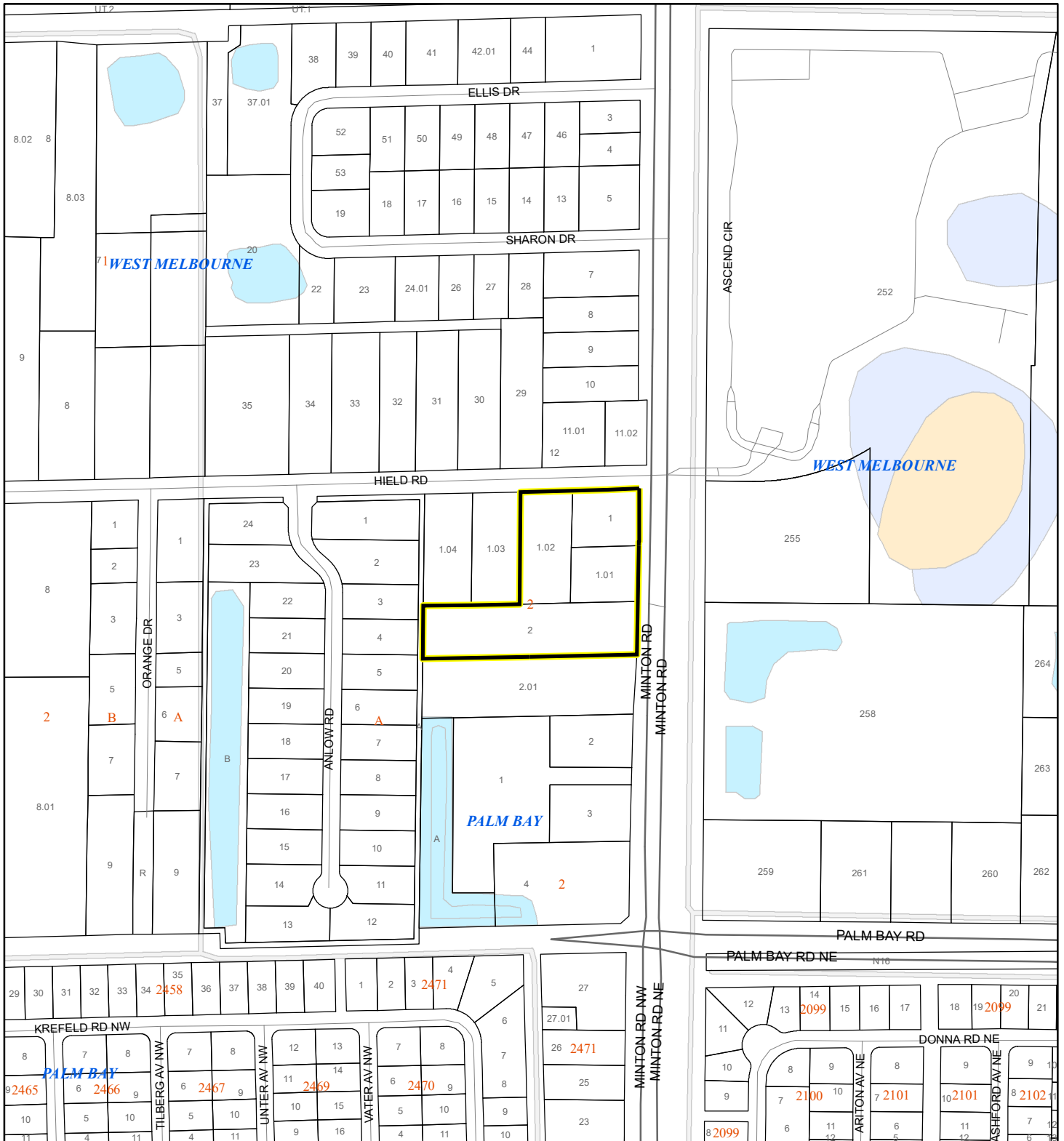
Produced by BoCC - GIS Date: 2/8/2024

 Subject Property
 Parcels

NWI WETLANDS MAP

WEST MALABAR PROPERTIES LLC

24Z00004













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: 2/8/2024

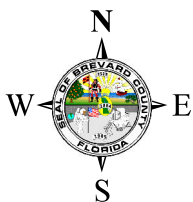
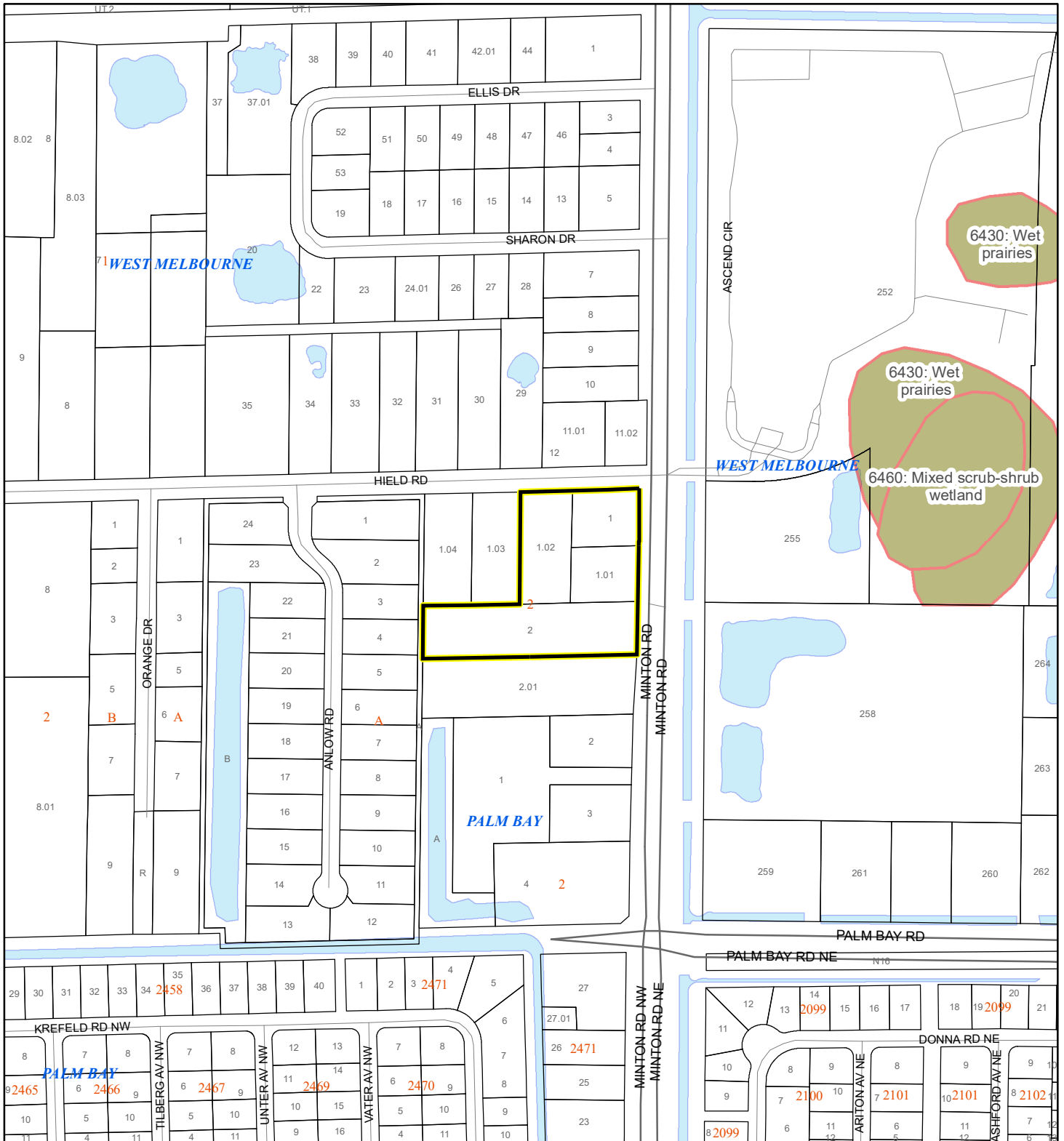
National Wetlands Inventory (NWI)

- | | |
|--|--|
|  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

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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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

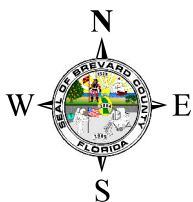
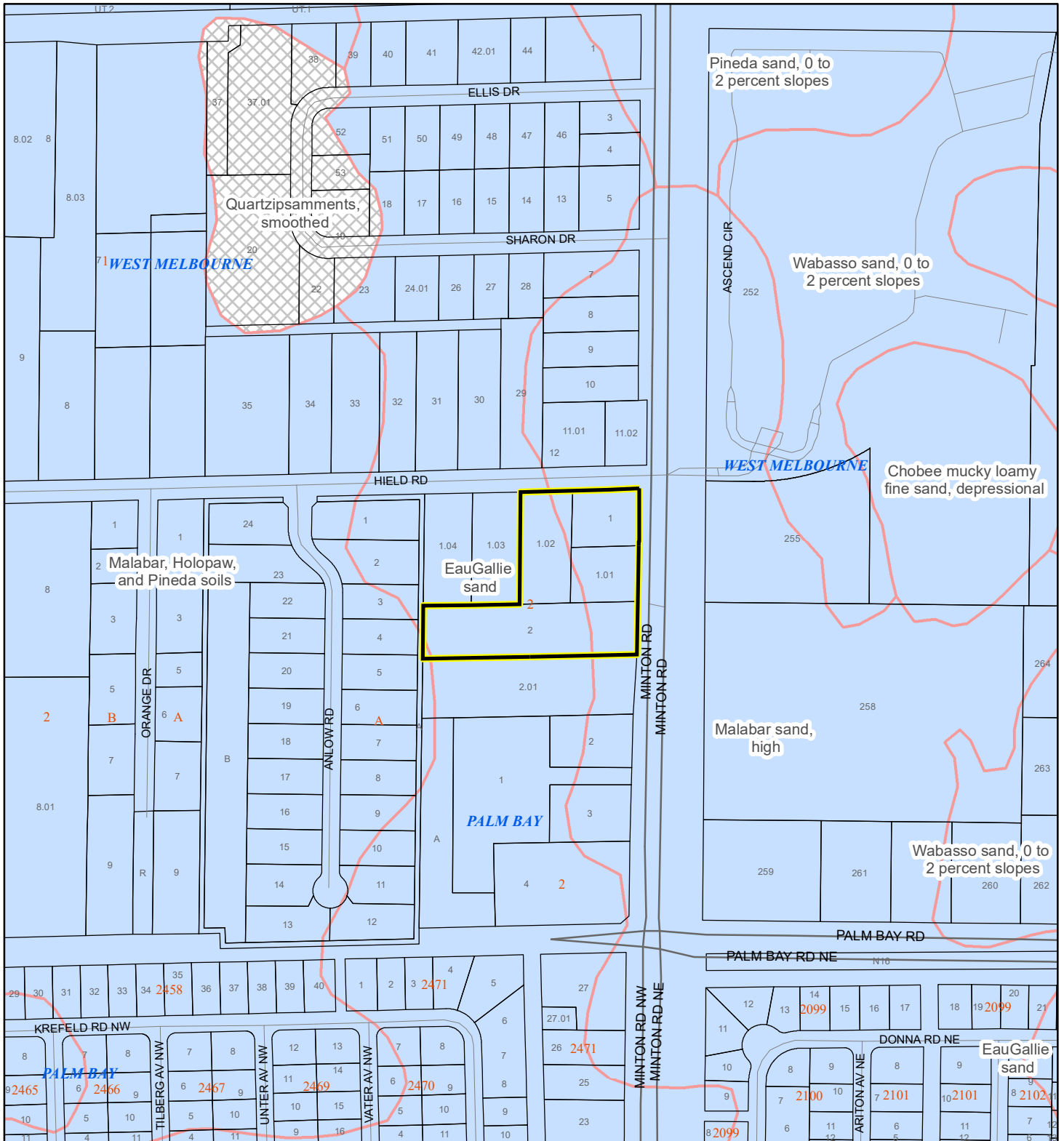
Subject Property

Parcels

USDA SCSSS SOILS MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

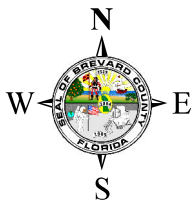
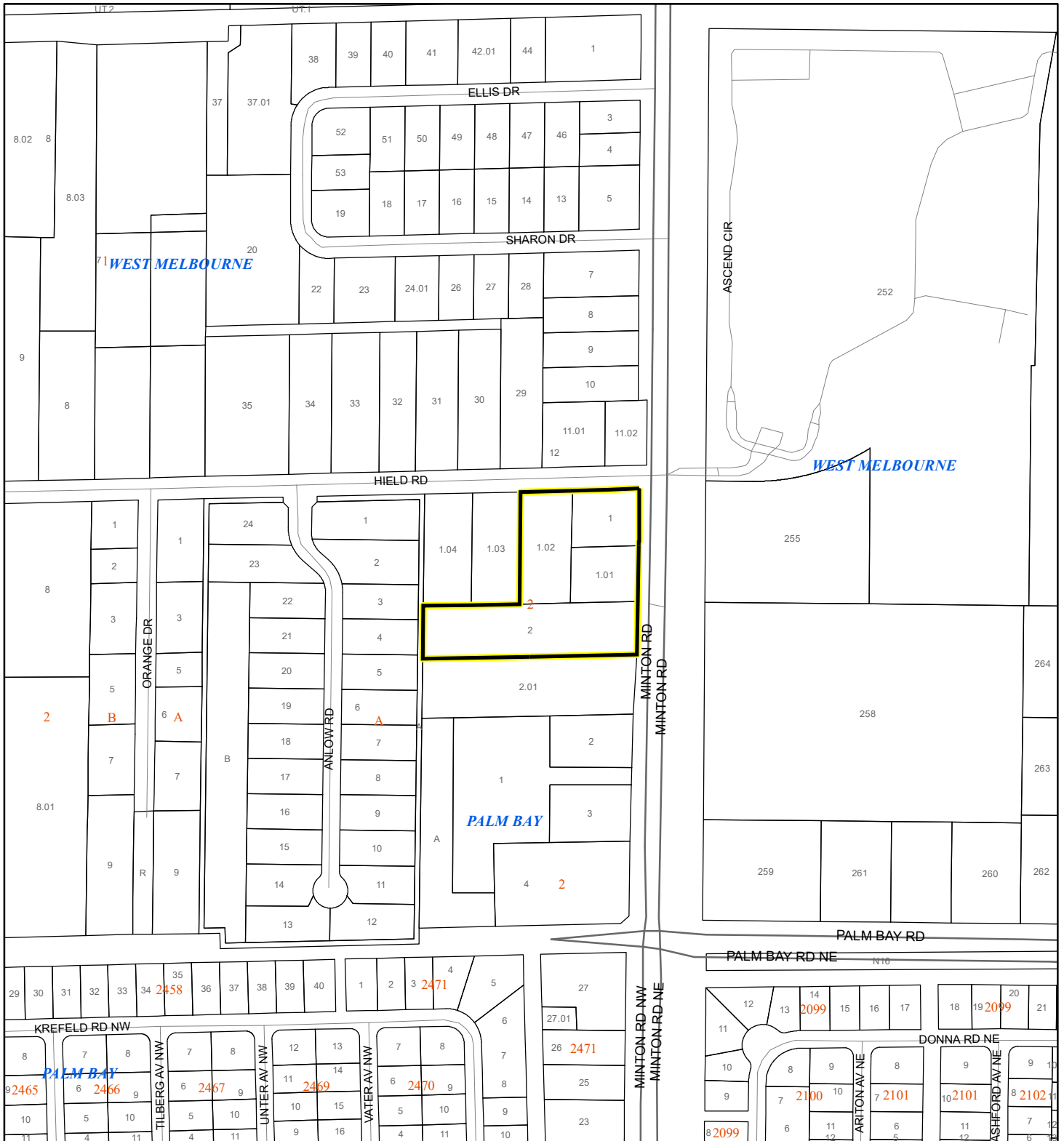
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

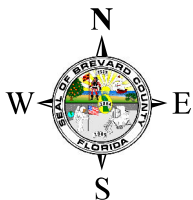
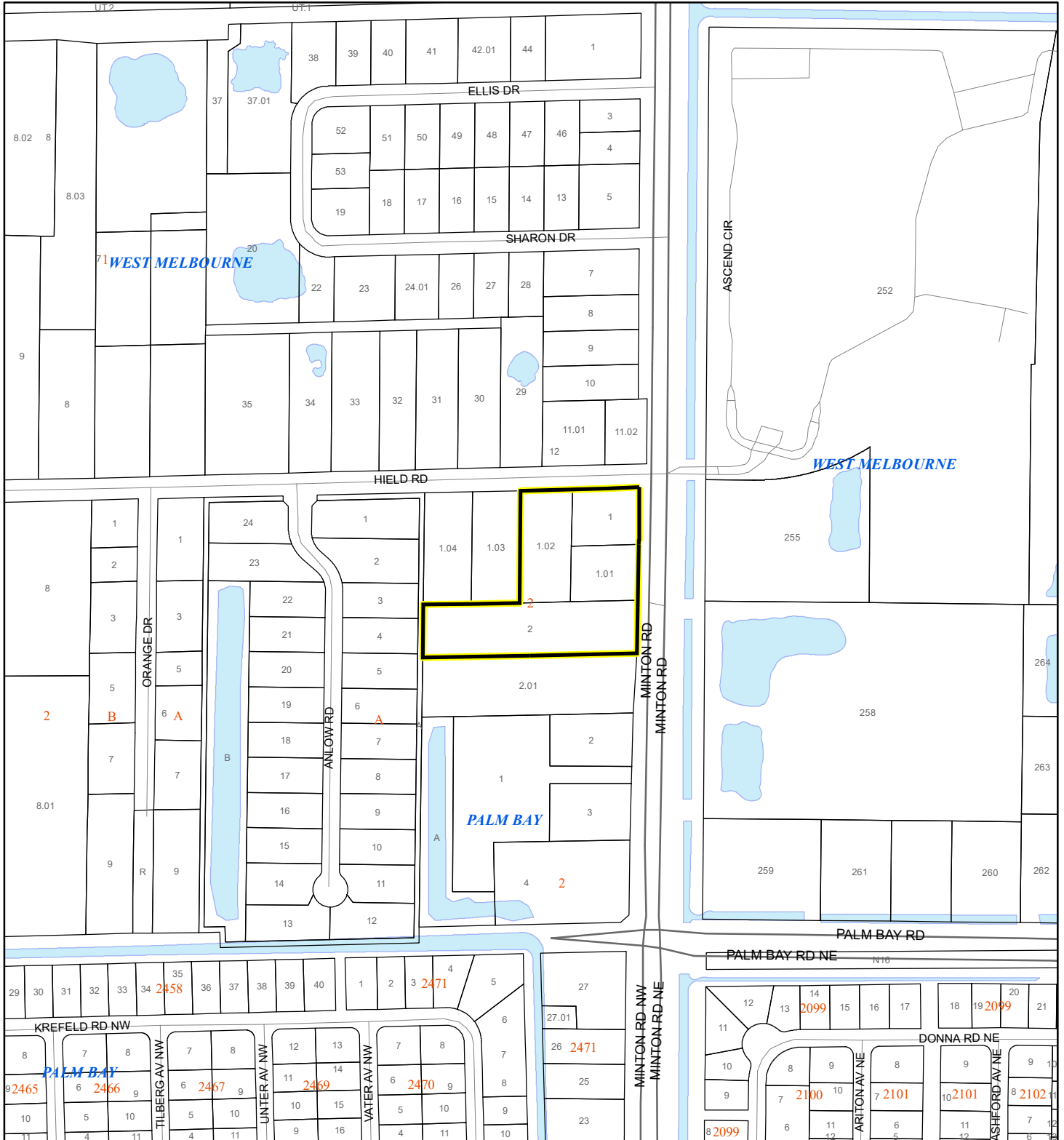
FEMA Flood Zones

- | | | |
|------------------|------------|---|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

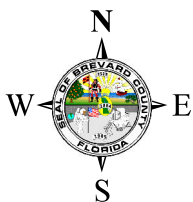
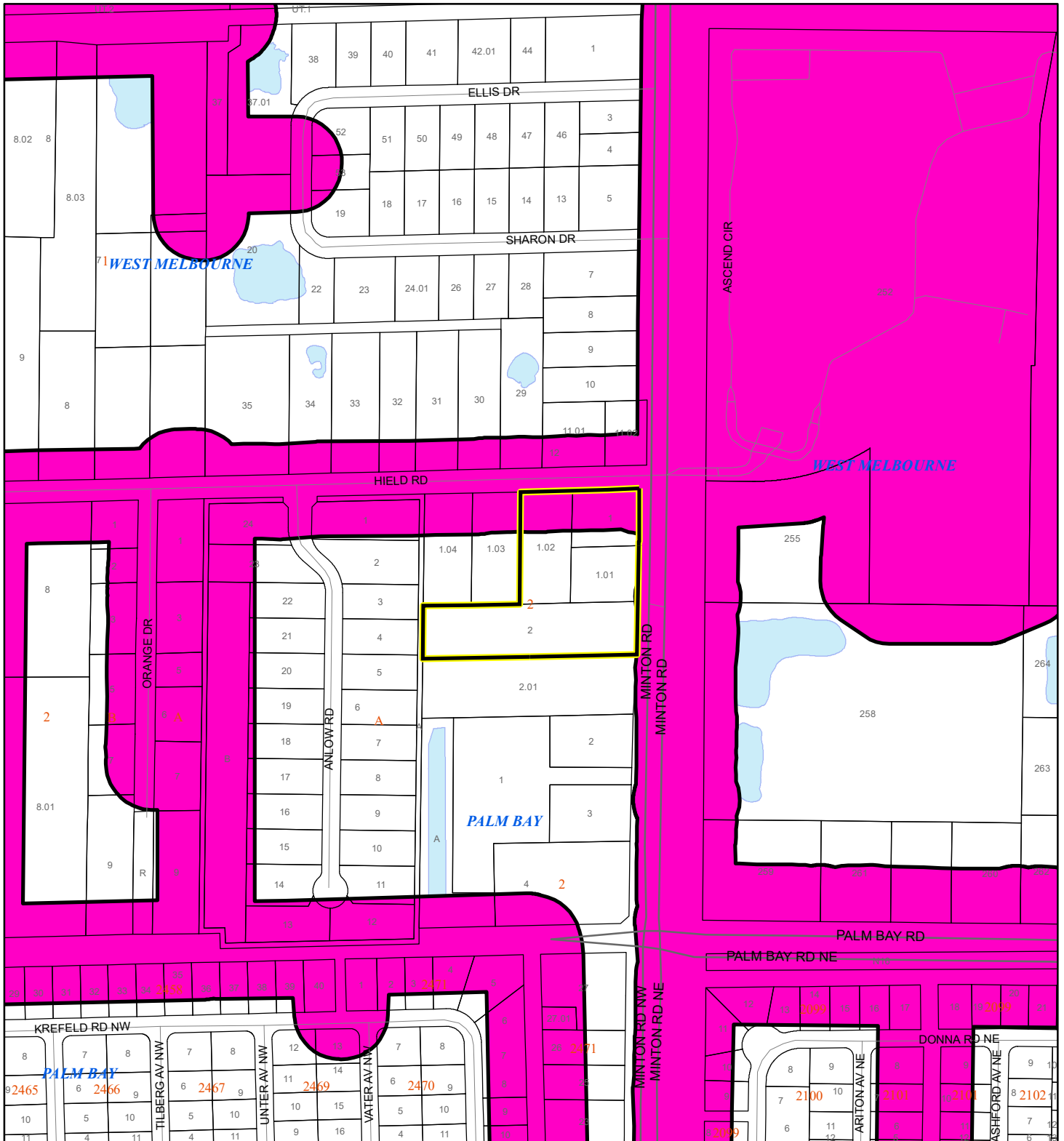
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

 Subject Property

 Parcels

Septic Overlay

 40 Meters

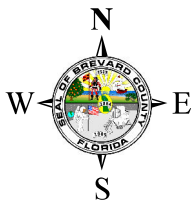
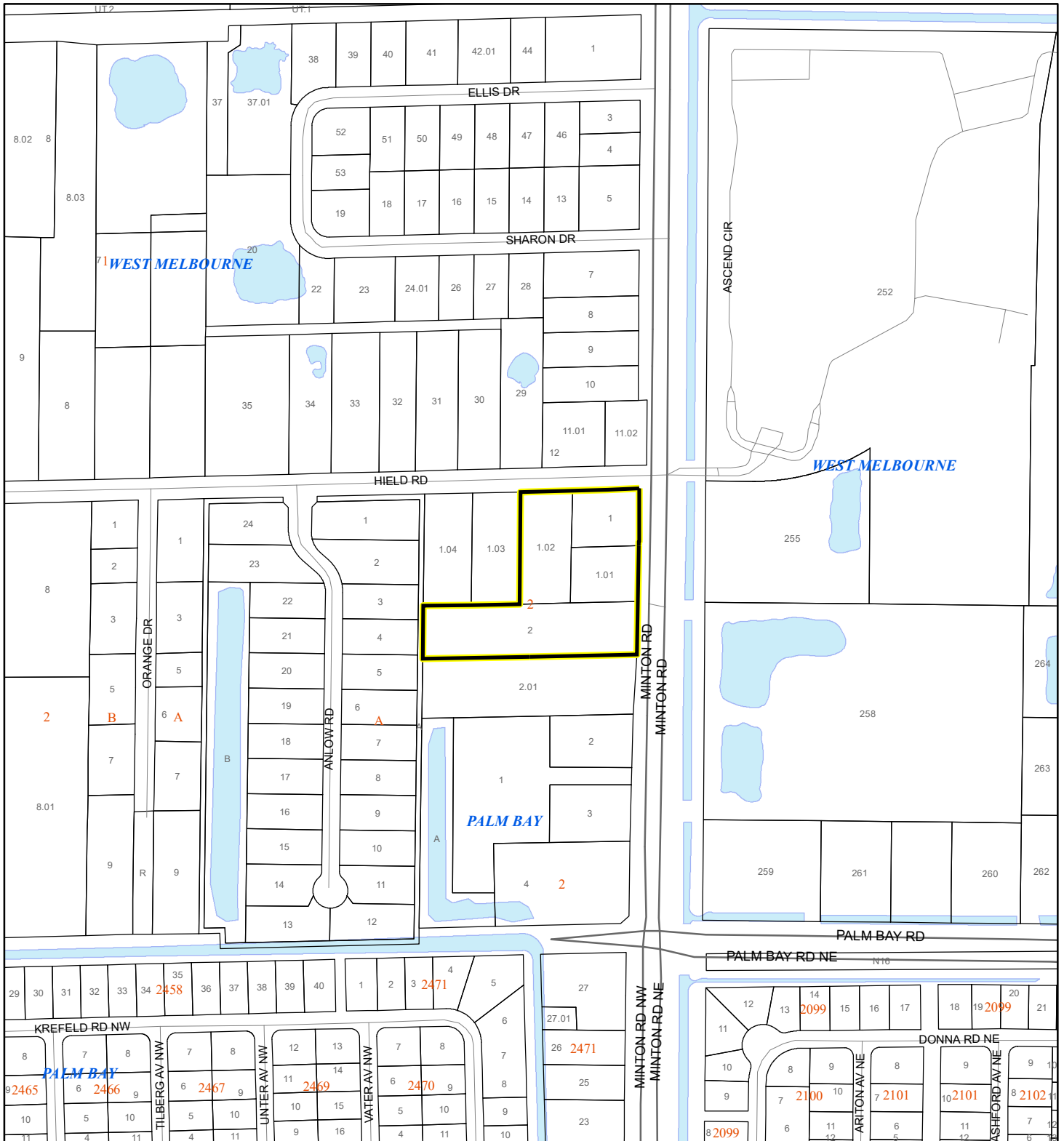
 60 Meters

 All Distances

EAGLE NESTS MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests
FWS

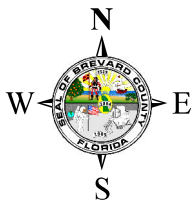
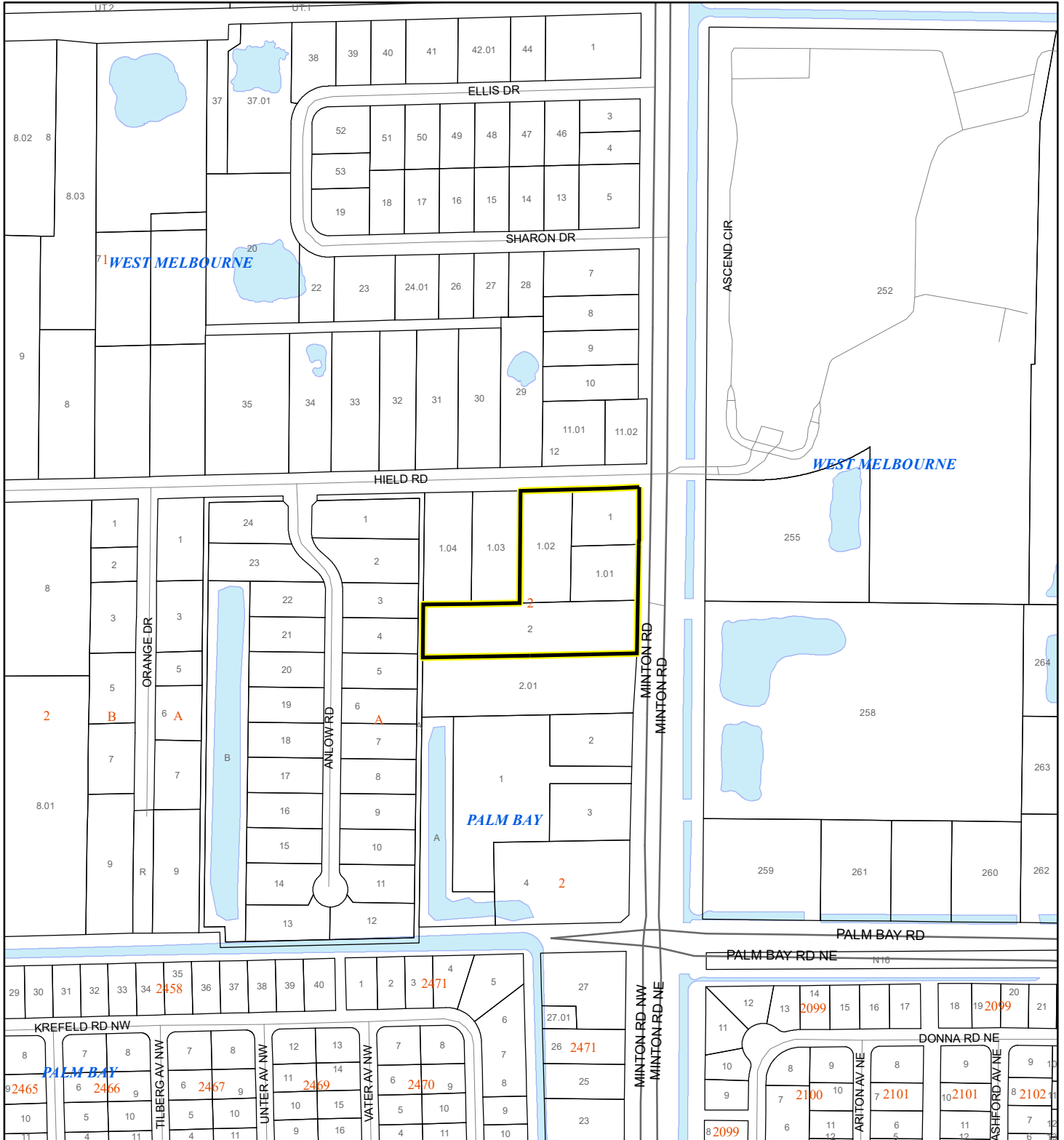
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

SCRUB JAY OCCUPANCY MAP

WEST MALABAR PROPERTIES LLC




24Z00004



1:4,800 or 1 inch = 400 feet

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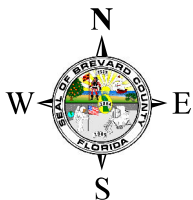
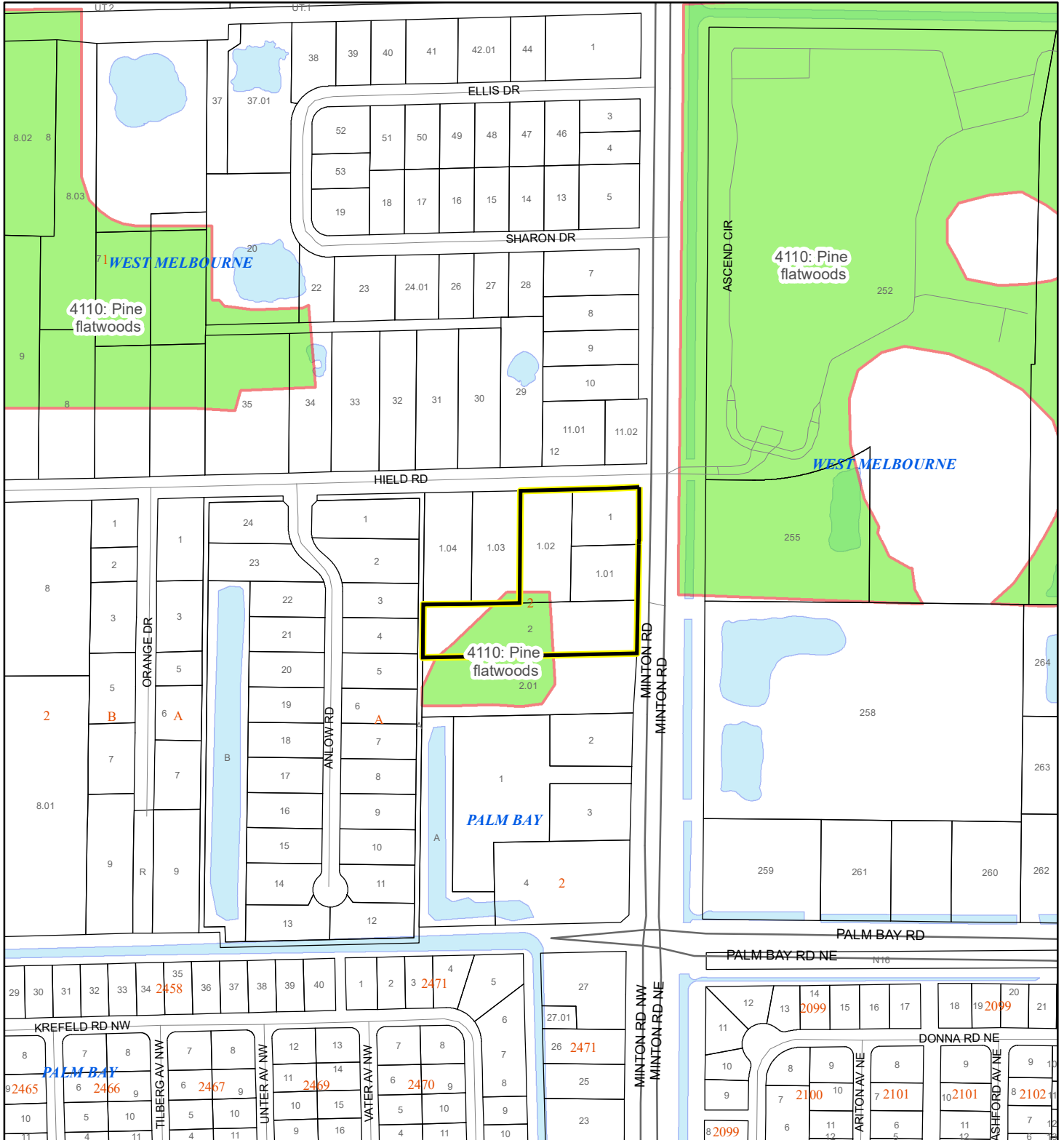
Produced by BoCC - GIS Date: 2/8/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

WEST MALABAR PROPERTIES LLC

24Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

SJRWMD FLUCCS Upland Forests

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

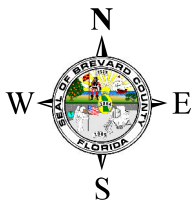
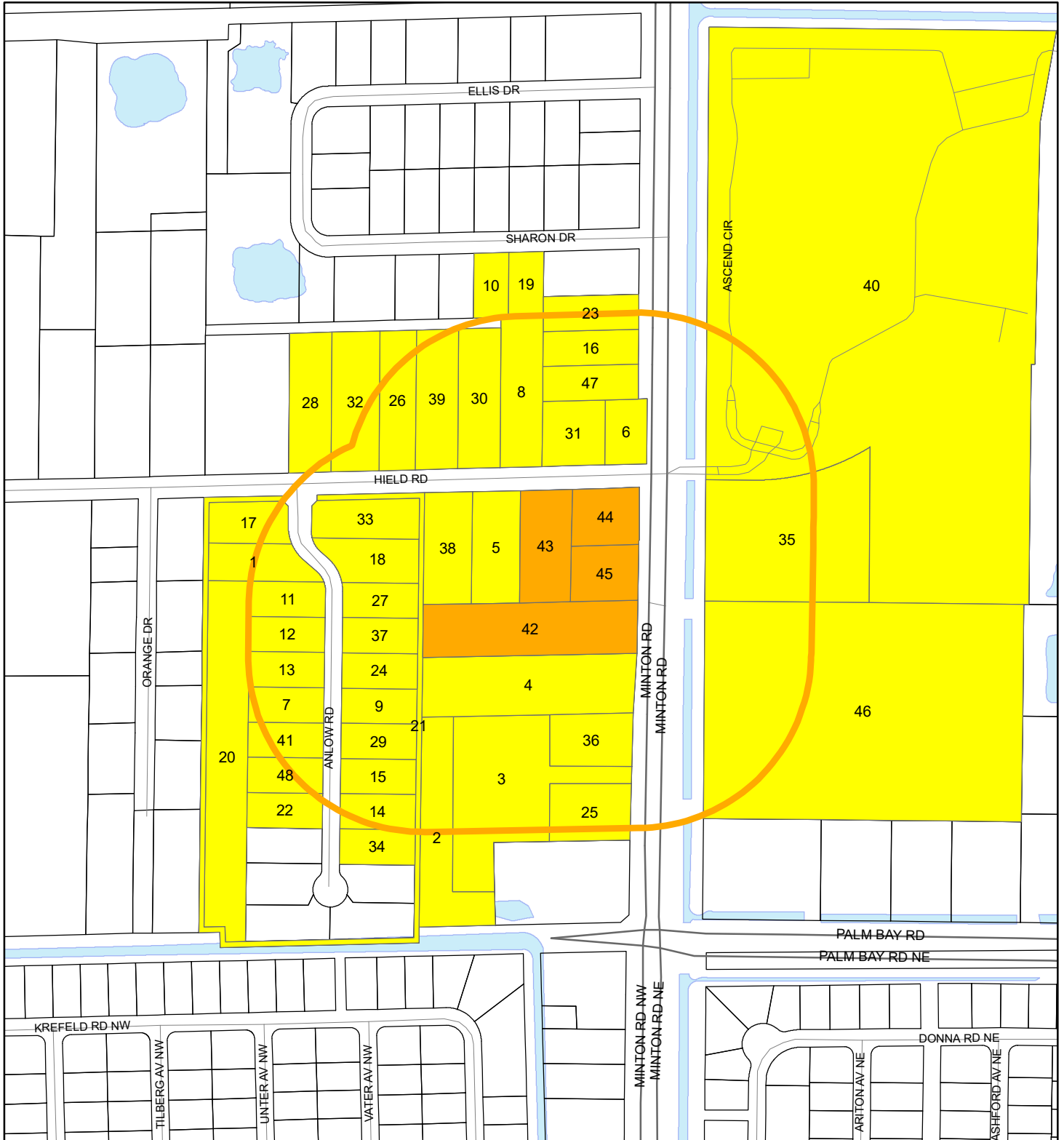
Subject Property

Parcels

RADIUS MAP

WEST MALABAR PROPERTIES LLC

24Z00004



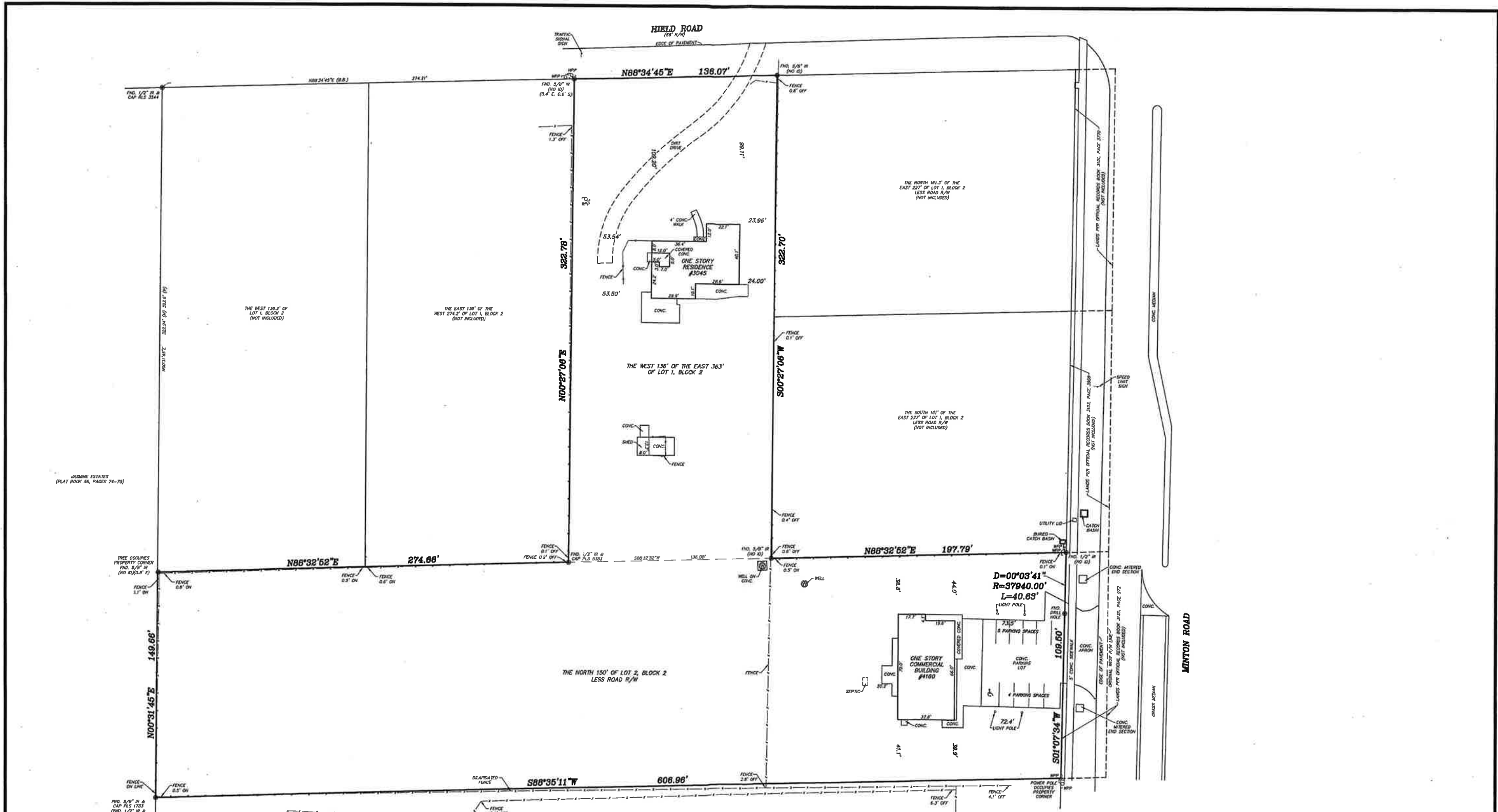
1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 2/8/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



JASMINE ESTATES
(PLAT BOOK 56, PAGES 74-75)

NO. 5/8\"/>

SURVEY PREPARED FOR:
EKS, INC.
ROSSWAY SWAN TIERNEY BARRY & OLIVER
COMMONWEALTH LAND TITLE INSURANCE COMPANY

DESCRIPTION: THE WEST 136 FEET OF THE EAST 227 FEET OF LOT 1, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, TOGETHER WITH THE NORTH 150 FEET OF LOT 2, BLOCK 2, LESS ROAD MINTON RIGHT OF WAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AAL LAND SURVEYING SERVICES, INC.	
ACCORDING TO F.L.M. #12090 0895 G. DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X-1.	NOTES: 1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS BY CHARTER 63-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 473.027, FLORIDA STATUTES. 2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED AND SHOULD NOT BE RELED UPON BY ANY OTHER PARTY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. 3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN. 4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. 5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. 6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. 7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. 8. ELEVATIONS IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. 9. 3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623 PHONE: (321)788-8110 FAX: (321)952-8771 E-MAIL: aal@surveyaalservices.com
BOUNDARY SURVEY SCALE: 1" = 30' JOB # 47133-M REVISION: _____ REVISION: _____ REVISION: _____ FIELD SURVEY DATE: 05-26-22 SECTION 24, TOWNSHIP 28 S, RANGE 38 E L.B. #6623	LEGEND: PLAT - PLAT (P) - MEASURED (M) - DEED (D) - DEED FND - FOUND L.R. - IRON ROD L.P. - IRON PIPE C.M. - CONCRETE MORTARMENT S - CENTERLINE R/W - RIGHT OF WAY P - PUBLIC U - UTILITY D - DRAINAGE E - EASEMENT FF - FRESH FLOOR EL - ELEVATION DELTA - DELTA R - RADIUS L - ARC LENGTH (B.S.) - BASIS OF BEARING (N.C.) - NON RADIAL N&D - NAIL AND DISK CONC. - CONCRETE ASPH. - ASPHALT P.O.L. - POINT ON LINE W.P. - WOOD POWER POLE

Prepared by: _____

Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this __ day of _____, 2023 between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **West Malabar Properties, LLC**, a Florida limited liability company (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, pursuant to the Brevard County Code, Section 62-1157, a rezoning of the property to a BU-2 zoning classifications with a binding development agreement, desiring to develop a portion of the Property as multi-story climate controlled mini-storage as more particularly described herein, and;

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

NOW, THEREFORE, the Parties agree as follows:

1. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct, 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.
3. The Developer/Owner shall limit uses to climate-controlled mini-storage as allowed in BU-2 zoning district and other uses as allowed in the BU-1 zoning district. The attached Exhibit A demonstrates the

proposed development conceptual site plan.

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
5. 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 shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____ . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.
8. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel M. Sadoff, Clerk of Court

Jason Steel, Chair

(SEAL)

As approved by the Board on _____

Witness 1 Signature

Witness 1 Printed Name

Witness 2 Signature

Witness 2 Printed Name

West Malabar Properties, LLC

By: _____
J. Cole Oliver, manager

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of _____ physical presence or _____ online notarization, this _____ day of _____, 2024, by J. Cole Oliver, as Manager of West Malabar Properties, LLC, who is personally known to me or who has produced _____ as identification.

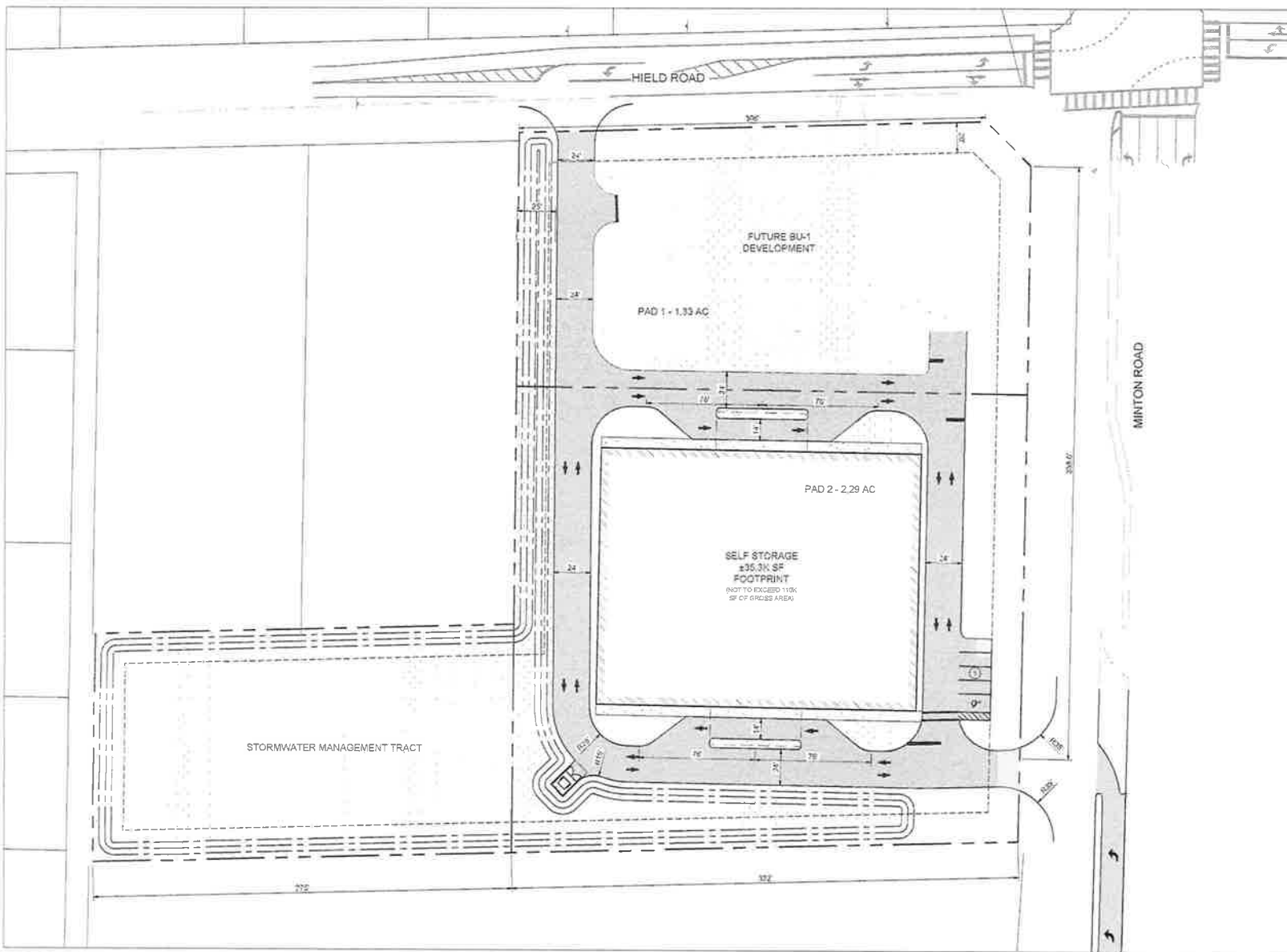
My commission expires

Notary

Public SEAL

Commission No.:

(Name typed, printed or stamped)



- SITE DETAILS:**
- MAXIMUM LOT COVERAGE: 35%
 - BUILDING SETBACKS:
 - FRONT: 35FT
 - SIDE INTERIOR: 5FT
 - SIDE CORNER: 15FT
 - REAR: 15FT
 - LANDSCAPE BUFFERS:
 - FRONT: 15FT
 - SIDE INTERIOR: 20FT
 - SIDE CORNER: 20FT
 - REAR: 20FT

PARKING:
STANDARD PARKING DIMENSION - 8FT X 20FT

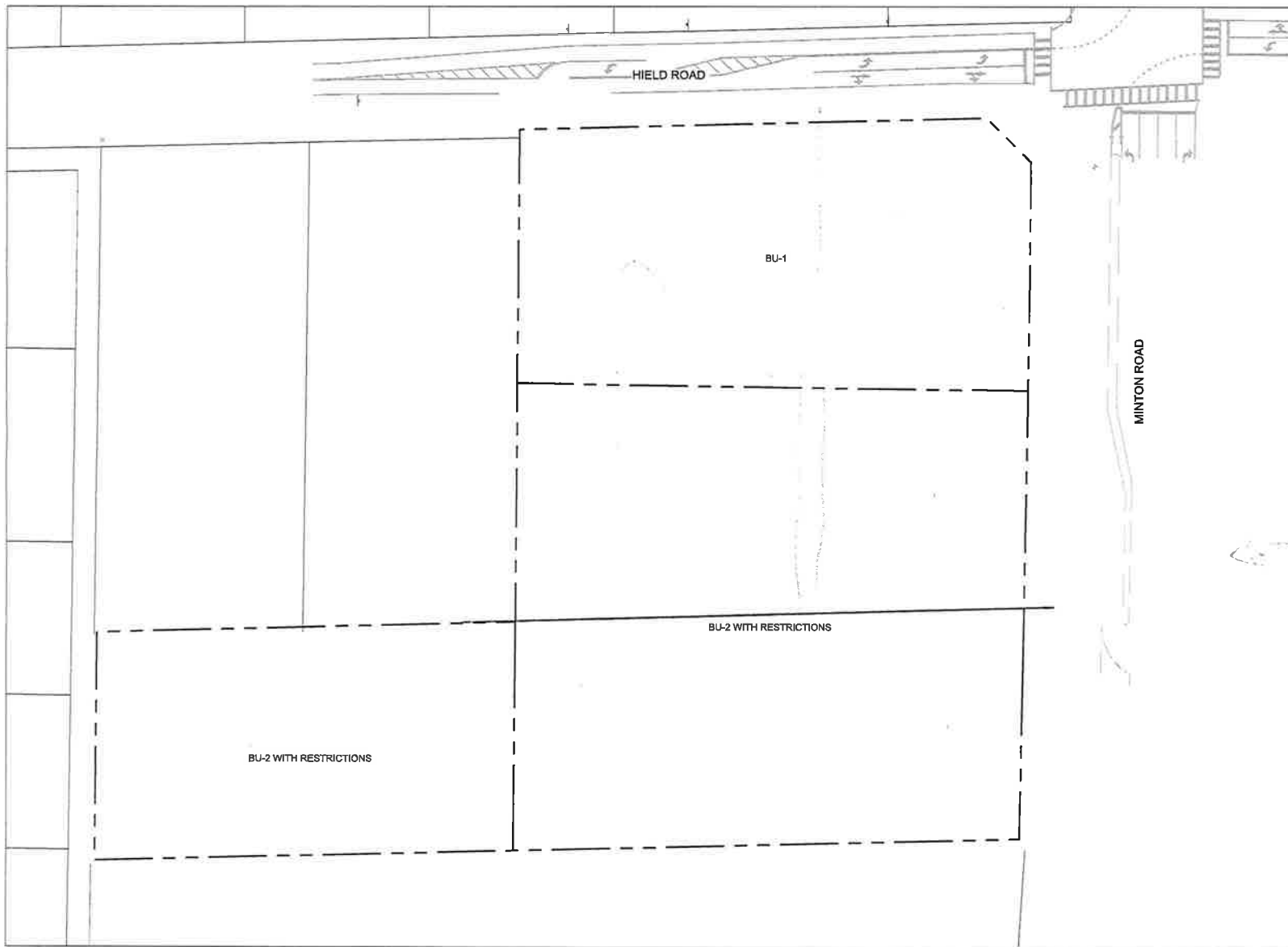
NOTES:
DRIVE AISLES, BUILDING LOCATIONS, STORMWATER ARE CONCEPTUAL LOCATIONS

19 SELF STORAGE
BREVARD COUNTY, FL

CONCEPTUAL SKETCH



62



SITE DETAILS:

- MAXIMUM LOT COVERAGE: 35%
- BUILDING SETBACKS:
 - FRONT: 25FT
 - SIDE INTERIOR: 5FT
 - SIDE CORNER: 5FT
 - REAR: 15FT
- LANDSCAPE BUFFERS:
 - FRONT: 15FT
 - SIDE INTERIOR: 20FT
 - SIDE CORNER: 20FT
 - REAR: 20FT

PARKING:

STANDARD PARKING DIMENSION - 9FT X 20FT

NOTES:

DRIVE AISLES, BUILDING LOCATIONS, STORMWAT ARE CONCEPTUAL LOCATIONS





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.5.

3/18/2024

Subject:

Transmittal of the Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan to the Florida Department of Commerce. (All Districts)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency recommend transmittal of the Water Supply Facilities Work Plan (WSFWP) and related Comprehensive Plan Amendments to the Florida Department of Commerce.

Summary Explanation and Background:

Sec. 163.3177(6)(c)4, FS, states that “within 18 months after the governing board approves an updated regional water supply plan, the [Potable Water] element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b) [...] The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government’s jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan must be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan.”

To comply with statutory requirements, the attached Ordinance amends the Potable Water Element of the Comprehensive Plan to append an updated 2035 Water Supply Facilities Work Plan (WSFWP) and amends various policies within the Conservation, Potable Water, Sanitary Sewer, Intergovernmental Coordination, and Capital Improvements Elements of the Comprehensive Plan for consistency with the WSFWP.

The Board may wish to consider the recommendation of the transmittal of the Water Supply Facilities Work Plan (WSFWP) and related Comprehensive Plan Amendments to the Florida Department of Commerce for their review and acceptance.

The Building Construction Advisory Committee will consider the request on Wednesday, March 13, 2024.

The Board of County Commissioners will consider the request on Thursday April 4, 2024. Beginning at 5:00

p.m. The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Local Planning Agency

THRU: Tad Calkins, Director, Planning and Development Department *JLL*

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

CC: Edward Fontanin, Director, Utility Services Department

DATE: March 18, 2024

SUBJECT: Transmittal of the Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan to the Florida Department of Commerce.

Requested Action:

It is requested that the Local Planning Agency recommend transmittal of the Water Supply Facilities Work Plan (WSFWP) and related Comprehensive Plan Amendments to the Florida Department of Commerce.

Background:

Sec. 163.3177(6)(c)4, FS, states that "within 18 months after the governing board approves an updated regional water supply plan, the [Potable Water] element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b) [...] The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan must be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan."

To comply with statutory requirements, the attached Ordinance amends the Potable Water Element of the Comprehensive Plan to append an updated 2035 Water Supply Facilities Work Plan (WSFWP) and amends various policies within the Conservation, Potable Water, Sanitary Sewer, Intergovernmental Coordination, and Capital Improvements Elements of the Comprehensive Plan for consistency with the WSFWP.

The Conservation Element has been amended to incorporate Low Impact Development and Green Stormwater Infrastructure in publicly funded capital improvement projects. The second policy states



Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

that the County should look for potable water conservation opportunities in its infrastructure operations and maintenance activities.

The Sanitary Sewer element was amended to promote potable water conservation by utilizing reuse of treated wastewater.

The Intergovernmental Coordination Element was amended to encourage the County to maintain interlocal agreements with the municipalities.

The Capital Improvements Element was amended to include two new policies that address the inclusion of WSFWP projects and projects from SJRWMD Regional Water Supply Plan into the County's Capital Improvements Program. Two other policies were amended to update the Level of Service standard for potable water and update policy language regarding municipal water providers.

The Glossary was amended to include new definitions.

The Brevard County 2035 WSFWP coordinates with the St. Johns River Water Management District's (SJRWMD) Regional Water Supply Plans that include Brevard County. It demonstrates that the Brevard County Utility Services Department (BCUSD) has adequate groundwater withdrawal allocation and water treatment facility capacity to satisfy water demand through 2035 as projected based on current service areas.

The LPA considered this item at its February 12th meeting. After the meeting staff determined that it had inadvertently included an older version of the WSFWP. The Board of County Commissioners will hear this item on April 4, 2024. Pending their approval, it will be transmitted to the Florida Department of Commerce for review. Upon return, the public hearing process for adoption will be scheduled.

Attachments:

Ordinance 24-__

Exhibit A: Water Supply Facilities Work Plan, February 2024 version

Exhibit B: Proposed Amendments to the Comprehensive Plan and Glossary

ORDINANCE NO. 24-

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE ADOPTION OF THE WATER SUPPLY FACILITES WORK PLAN AS AN APPENDIX TO THE COMPREHENSIVE PLAN AND AMENDMENTS NECESSARY TO IMPLEMENT THE WATER SUPPLY FACILITES WORK PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART I, ENTITLED CONSERVATION ELEMENT TO ADOPT NEW POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART VI, ENTITLED POTABLE WATER ELEMENT TO REVISE PREVIOUSLY ADOPTED POLICIES AND ADOPT NEW POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART VII, ENTITLED SANITARY SEWER ELEMENT TO REVISED PREVIOUSLY ADOPTED POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART XII, ENTITLED INTERGOVERNMENTAL COORDINATION ELEMENT TO REVISE PREVIOUSLY ADOPTED POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART XIII, ENTITLED CAPITAL IMPROVEMENTS ELEMENT TO REVISE PREVIOUSLY ADOPTED POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART XVI, ENTITLED GLOSSARY TO ADD NEW DEFINITIONS; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3177 (6) (c) (4), Florida Statutes requires local governments to update their Water Supply Facilities Work Plan (WSFWP) within eighteen (18) months of the approval of the regional water supply plan by the water management districts; and

WHEREAS, the St. Johns River Water Management District (SJRWMD) approved an updated Regional Water Supply Plan in 2022; and

WHEREAS, in November 2023, the WSFWP for the planning period of 2020-2035 was completed; and

WHEREAS, on February 7, 2024, the Building and Construction Advisory Committee considered the WSFWP and related Comprehensive Plan; and

WHEREAS, on February 12, 2024, the Local Planning Agency reviewed the WSFWP and related Comprehensive Plan amendments and recommended transmittal to the Florida Department of Commerce; and

WHEREAS, on (a date to be determined) the Local Planning Agency considered the comments from the Florida Department of Commerce and recommended adoption; and

WHEREAS, the County desires to make amendments to the Conservation, Potable Water, Sanitary Sewer, Intergovernmental Coordination, Capital Improvements Elements and Glossary of the Comprehensive Plan to be consistent with the 2020-2035 Work Plan as recommended by the SJRWMD.

NOW, THEREFORE, BE IT ENACTED by Brevard County, Florida as follows:

SECTION 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, the Work Plan, “Exhibit A”, shall be incorporated into Brevard’s County Comprehensive Plan as an appendix to the Comprehensive Plan.

SECTION 3. Brevard County’s Comprehensive Plan, “Exhibit B,” is also hereby amended to include policies to support the Work Plan”.

SECTION 4. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 5. Repeal of Prior Inconsistent Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. Effective Date. The effective date of this plan amendment shall be when the Florida Commerce finds the amendment in compliance in accordance with Section 163.3177, Florida Statutes.

DONE AND ADOPTED, this ____ day of _____, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Jason Steele, Chair

As approved by the Board on _____

EXHIBIT A

POTABLE WATER ELEMENT APPENDIX A: BREVARD COUNTY WATER SUPPLY FACILITIES WORK PLAN

February 2024

Prepared for:



Prepared by:

BONNIE LANDRY
& ASSOCIATES Professional Planning Services

Kimley»Horn
Expect More. Experience Better.

Updated February 20, 2024



EXECUTIVE SUMMARY

The purpose of the Water Supply Facilities Work Plan (WSFWP) is to establish future water demands and potential water sources and facilities to meet those demands for the 2035 planning horizon. Brevard County’s WSFWP has been prepared in accordance with Section 163.3177 and Section 373.709, F.S.

Unincorporated Brevard County is served by several potable water suppliers, including the Brevard County Utility Services Department (BCUSD), the utilities of the Cities of Cocoa, Melbourne, Palm Bay, Titusville, and West Melbourne, and a number of neighborhood-scale plants. BCUSD and Municipal utilities draw and treat groundwater as well as surface water from Lake Washington and Taylor Creek Reservoir.

Brevard County’s unincorporated population is projected to rise 17% to 261,809 by 2035. Most of this population growth is projected to be served by municipal water utilities and Domestic Self-Supply (DSS).

Brevard County	2020	2035	Delta	% Increase
Unincorporated Population	223,591	261,809	38,218	17.1%
BCUSD Population	17,769	20,806	3,037	17.1%
BCUSD Water Demand	1.30 MGD	1.74 MGD	0.44 MGD	34.2%

Recent historical production data from BCUSD’s three Water Treatment Plants (WTP) – Mims, Barefoot Bay, and San Sebastian - shows that current potable water consumption falls well within adopted Level of Service (LOS) standards, design capacities, and Consumptive Use Permit (CUP) allocations. Further, there is adequate CUP allocation and capacity to serve projected BCUSD customer demand through 2035.

		2020	2025	2030	2035
Mims WTP	Population	7,958	8,548	8,989	9,318
	Permitted Surplus (MGD)	0.26	0.16	0.08	0.03
	Design Surplus (MGD)	1.46	1.36	1.28	1.23
Barefoot Bay WTP	Population	9,665	10,382	10,917	11,317
	Permitted Surplus (MGD)	0.34	0.25	0.18	0.13
	Design Surplus (MGD)	0.40	0.31	0.24	0.19
San Sebastian WTP	Population	146	157	165	171
	Permitted Surplus (MGD)	0.033	0.032	0.031	0.030
	Design Surplus (MGD)	0.027	0.025	0.024	0.024

The St. Johns River Water Management District’s (SJRWMD) most recent 2020 Regional Water Supply Plan (RWSP) finds that traditional groundwater supply is insufficient to meet projected increasing demands region-wide. This plan highlights conservation and reuse policies to mitigate local demand.

As required by statute, this plan lists and amends as necessary Comprehensive Plan policies which coordinate the WSFWP with all applicable Elements and the SJRWMD RWSP, and also includes adopted and proposed potable and reuse water Capital Improvement Plan (CIP) projects.

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PURPOSE

The purpose of this document is to assess and plan for adequate water supply for the County's future unincorporated population. This Water Supply Facilities Work Plan (WSFWP) has been prepared in accordance with Chapter 163, Part II, Florida Statutes (F.S.) and 373.709, F.S. The F.S. requires local governments to maintain a WSFWP to assess the water supply sources and facilities necessary to meet existing and projected water use demands for a minimum planning period of 10 years in coordination with the Regional Water Supply Plan (RWSP) of their Water Management District(s). This WSFWP addresses projected supply and demand for the years 2020-2035.

INTRODUCTION

An important role of the St. Johns River Water Management District is to ensure there are adequate and sustainable water supplies to meet future needs while protecting the environment. In addressing water supply, the District divided its water supply planning into three plan areas: Central Florida Water Initiative (CFWI); Central Springs/East Coast (CSEC) Planning Area and North Florida Regional Water Supply Partnership. Brevard County is in the CSEC Regional Water Supply Plan (RWSP) area which includes all or part of six counties — Volusia, Lake, Marion, Brevard (excluding the City of Cocoa, which is included in the CFWI), Indian River and Okeechobee counties. This plan is coordinated with the CSEC 2020 RWSP and the CFWI 2020 RWSP to assess all of Brevard County including the City of Cocoa. There are six public providers of potable water for Brevard County's unincorporated areas: the Cities of Cocoa, Melbourne, Palm Bay, Titusville and West Melbourne, and Brevard County.



PLANNING PERIOD

The Planning Horizon for the Brevard Water Supply Facilities Work Plan (WSFWP) is 2020-2035. Florida Statutes require local governments plan to a 10-year horizon at minimum.

RWSPs are based on available data at the time of plan development. The base year for both the CSEC and CFWI RWSPs is 2015, which was the most current year with population and water use data available at the time the projections were developed. RWSP demand projections were based on actual use data over the 2011-2015 period to incorporate per-capita trends. For BCUSD's own Water Treatment Plants (WTP), demand projections were based on more current actual use data (2018-2023).

Pursuant to Chapter 163, F.S., local governments are required to update their WSFWP and Comprehensive Plan every 5 years, within 18 months of an update to their related Water Management District RWSP. For governments comprised of more than one RWSP area, updates must be made within 18 months of the most recent RWSP update. Brevard County is included in two RWSP areas: the CSEC, covering all of Brevard except for the City of Cocoa, and the CFWI, covering the City of Cocoa.

STATUTORY REQUIREMENTS

FLORIDA REGULATIONS FOR WATER SUPPLY AND FACILITY PLANNING

Brevard County is required by Florida Statutes to adopt a Water Supply Facilities Work Plan that complies with the following regulations for water supply and facility planning and related Comprehensive Elements:

- I. {163.3177(4)(a), F.S.}: **Coordinate with the St. Johns River Water Management District**
Coordinate aspects of the comprehensive plan with the associated regional water supply plan and adjacent utilities.
- II. {163.3177(6)(a), F.S.}: **Ensure the Future Land Use Plan is based upon availability of adequate water supplies and public facilities and services.** Data and analyses demonstrating adequate water supplies and public facilities available to meet project growth demands. **(Future Land Use)**
- III. {163.3180(2), F.S.}: **Consult with the water supplier, ensure adequate water supplies and potable water facilities are available to serve new development** no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. **(Future Land Use)**
- IV. {163.3177(6)(c), F.S.}: **Work plan will cover at least a 10-year planning period** to meet existing and projected demand. The work plan must address those facilities that provide service within the local government jurisdiction and include any facilities needed to develop alternative water supplies. The work plan must also identify conservation and reuse measures to meet future needs identified in the RWSP. **(Potable Water)**
- V. {163.3177(3)(a)4, F.S.}: **Identify water supply capital projects over next 5 years** for which the county is responsible (both publicly and privately funded) needed to achieve and maintain adopted levels of service. The projects would include funded and unfunded projects. If unfunded include the level of priority for funding. **(Capital Improvements)**
- VI. {163.3177(6)(d)3, F.S.} & {163.3167(9), F.S.}: **Assess current and projected water needs and sources for at least a 10-year planning period** considering existing levels of water conservation, use and protection, and applicable policies of the water management district. Address water supply sources for existing and projected water use demand. **(Conservation)**
- VII. {163.3177(6)(h)1}: **Ensure internal consistency between the Comprehensive Plan and the Water Supply Plan.** **(Intergovernmental Coordination)**

DATA & ANALYSIS

SOURCES AND METHODS

Population projection trends are derived from the most recent 2023 University of Florida Bureau of Economic Business Research (BEBR) reports. The Unincorporated County population is based on 2022 UF BEBR data. County-wide water demand projections are sourced from the SJRWMD CSEC 2020 RWSP and CFWI 2020 RWSP. Brevard County Utilities Services Department (BCUSD) WTP population and water demands are based on 5-year analyses of Monthly Operation Reports (MORs).

WATER SUPPLY FACILITIES WORK PLAN SCHEDULES

Municipal water utilities are planned for and managed in accordance with their respective WSWFPs. The dates of the most current Work Plan (at the time this plan was drafted) are summarized in **Table 1** below.

TABLE 1 – WATER SUPPLY FACILITIES WORK PLAN DATES

Municipal Utility	Last WSWFP
City of Cocoa	2009
City of Melbourne	2021
City of Palm Bay	N/A
City of Titusville	2023
City of West Melbourne	N/A

Due to recent changes in state law requiring regular 5-year updates to all WSWFPs, Brevard County anticipates that the less recent municipal Work Plans will be updated within the next Fiscal Year.

WATER INFRASTRUCTURE

Potable water is provided to unincorporated Brevard County by several large and small suppliers, including three (3) BCUSD Water Treatment Plants (WTP), five (5) municipal utilities, and eight (8) other suppliers comprised of mostly smaller, neighborhood-specific plants. The majority of potable water is supplied by BCUSD and Municipal utilities. Maps of the existing BCUSD and Municipal potable water utility service areas, as well as the proposed BCUSD potable water area expansion, are included in this report.

The BCUSD potable water distribution facilities include more than 121 miles of pipe ranging from smaller than 4 inches to 24 inches in diameter. Throughout the potable water service areas identified, the existing water mains are composed mostly of PVC pipe. There are also small areas of BCUSD water mains constructed of ductile iron, asbestos, or high-density polyethylene (HDPE).

Descriptions of the potable water infrastructure maintained by the municipal suppliers to unincorporated Brevard County are included in their respective Work Plans.

POPULATION

By 2035, the population of unincorporated Brevard County is projected to rise by 38,218 (+17.1%) to a total of 261,809. This population analysis can be found later in **Tables 7 and 8** of this document. This plan addresses these trends in the population projections and anticipated demands, identifying conservation initiatives to accommodate additional users while conserving water supply.

DEMAND AND LOS

The SJRWMD RWSPs analyze prior actual use data against BEBR population projections to estimate demand into the future. The most recent RWSPs estimate demand through 2040 based on use data from 2011-2015. These figures represent projections for total Public Supply demand and use rates in Gallons/Capita/Day in Brevard County, served by BCUSD, Municipal, and other large public supply utilities.

TABLE 2 - RWSP PUBLIC SUPPLY POPULATION, DEMAND, AND RATE 2020-2035

Planning Area	2020	2025	2030	2035
CSEC – Brevard PS Population	419,811	441,484	455,304	472,027
CSEC – Brevard PS Demand (MGD)	37.51	39.00	39.95	41.07
CSEC – Brevard Rate (GPCD)	89	88	88	87
CFWI – Cocoa PS Population*	190,375	199,285	206,178	211,309
CFWI – Cocoa PS Demand (MGD)*	25.13	29.91	30.82	31.49
CFWI – Cocoa Rate (GPCD)*	132	150	149	149

Sources: CSEC and CFWI 2020 RWSP; *Cocoa’s utility included as it serves some unincorporated County

Level of Service (LOS) standards are adopted by Brevard County to ensure sufficient water supply for existing and future development. LOS standards are used in land use decisions to estimate increased demand from development; and they are an important measure for estimating the necessity of utility expansion. Brevard County proposes to amend its LOS standards in the Potable Water Element and Capital Improvements Element to align with current rate resolutions, shown below in **Table 3A**. Service areas are proposed to be reorganized into two groups, one comprising the Barefoot Bay Water and Sewer District service area, which also includes the San Sebastian WTP, and the other comprising all other BCUSD potable water facilities.

TABLE 3A – PROPOSED BCUSD POTABLE WATER LEVEL OF SERVICE STANDARDS

Service Area	LOS
BCUSD (Countywide)	200 GPD / ERC
Barefoot Bay Water and Sewer District	150 GPD / ERC

Source: BCUSD Rate Resolutions

To calculate per-capita rates for the following updated demand projection analysis, proposed LOS are divided by the current BEBR Average Household Size for Brevard (2.33), resulting in a per-capita LOS of 86 GPCD for BCUSD and 64 GPCD for Barefoot Bay.

Municipal Utility per capita LOS are included per their respective Comp Plans, shown in **Table 3B**.

TABLE 3B – MUNICIPAL POTABLE WATER LEVEL OF SERVICE (LOS)

Service Area	LOS (Avg Daily Demand)	LOS (Max Daily Demand)
City of Cocoa	340 GPD / ERC 122 GPCD	510 GPD / ERC
City of Titusville	96.4 GPCD	-
City of Melbourne	100 GPCD	-
City of Palm Bay	225 GPD / ERC	-
City of West Melbourne	210 GPD / ERC	575 GPD / ERC

Source: Comprehensive Plans of City of Cocoa, City of Titusville, City of Melbourne, City of Palm Bay, and City of West Melbourne

Because Brevard County cannot manage municipal utility LOS, it relies upon intergovernmental coordination to ensure sufficient facilities for unincorporated Brevard County within municipal utility service areas. Brevard County maintains agreements with municipalities for potable and wastewater services and maintains Comprehensive Plan policies outlining concurrency analysis for development decisions in municipal service areas. As specified in Intergovernmental Coordination and Capital Improvements Elements, Brevard County requires (1) written acknowledgement of sufficiency within a municipal water service area prior to permits and (2) requires availability of water service at levels within the adopted LOS prior to issuance of certificate of occupancy.

TABLE 4 – POTABLE WATER AGREEMENTS BETWEEN BREVARD COUNTY AND MUNICIPAL UTILITIES

Agreement With	Type	Established	Expiration	Recommendation
City of Cocoa	Merritt Island Agreement	1982	-	Maintain
City of Melbourne	Franchise Agreement	2000	2030	Maintain
City of Melbourne	Joint Settlement Agreement	2001	-	Maintain
City of Palm Bay	Joint Settlement Agreement	2001	-	Maintain
City of Titusville	Interconnect ILA	1997	-	Maintain
City of West Melbourne	Joint Settlement Agreement	2001	-	Maintain

WATER USE PERMIT INFORMATION

The SJRWMD issues Consumptive Use Permits (CUPs) authorizing withdrawal of ground and surface waters for public supply within Brevard County.

Table 5 below is a summary of the primary BCUSD and Municipal potable water utilities serving unincorporated Brevard County and their source allocations.

TABLE 5 – PUBLIC WATER PROVIDERS TO UNINCORPORATED BREVARD COUNTY

Provider	CUP Allocation (MGY)	Source	Permit #	Permit Expiration
Barefoot Bay WTP*	291.72	Groundwater from surficial aquifer, with backup from Upper Floridan Aquifers (UFA)	236	2029
Mims WTP*	383.3	Groundwater from surficial aquifer	233	2038
San Sebastian WTP*	29.15	Groundwater from surficial aquifer	1742	2031
City of Titusville	2,193.65	Groundwater from surficial aquifer	10647, 99052	2031
City of Palm Bay	6,267.05	Groundwater from surficial aquifer and Floridan Aquifers	202	2029
City of Melbourne	8,592.23	Surface water from Lake Washington and groundwater from the brackish Upper Floridan aquifer (UFA)	50301	2049
City of West Melbourne	1,372.40	Groundwater from the Upper Floridan Aquifers (UFA).	173509	2041
City of Cocoa	14,537.95	Surface water from the Taylor Creek Reservoir, Groundwater from the intermediate aquifer system and UFA	50245	2052

Source: OCULUS, FL Department of Environmental Protection (DEP) 2023 Current consumptive use permits
* = BCUSD Facilities

INVENTORY OF EXISTING WATER SUPPLY & FACILITIES

BCUSD WATER TREATMENT PLANTS

MIMS WATER TREATMENT PLANT (WTP) (FACID: 3050834, CUP PERMIT #: 233)

The Mims WTP is a 1.05 million gallon per day (MGD) annual average daily flow (AADF) permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located in the Mims area through aeration, lime softening, secondary clarification, tertiary filtration, and high-level disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 383.3 MGY, with source water obtained from the surficial aquifer. This WTP is permitted by SJRWMD through 2038 to serve a population of 9,700.

BAREFOOT BAY WATER TREATMENT PLANT (WTP) (FACID: 3050057, CUP PERMIT #: 236)

The Barefoot Bay WTP is a 0.8 MGD AADF permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located in Barefoot Bay through softening, filtration, and primary disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 291.72 MGY, with source water obtained from the surficial aquifer and Upper Floridian aquifer as a backup. This WTP is permitted by SJRWMD through 2029 to serve a population of 10,600.

SAN SEBASTIAN WATER TREATMENT PLANT (WTP) (FACID: 3054170, CUP PERMIT #: 1742)

The San Sebastian WTP is a 0.08 MGD AADF permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located at the facility through aeration and disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 29.15 MGY, with source water obtained from the surficial aquifer. This WTP is permitted by SJRWMD through 2031 to serve a population of 330.

MUNICIPALLY OWNED WATER TREATMENT PLANTS (WTP):

CITY OF TITUSVILLE (CUP PERMIT #: 10647)

The City of Titusville owns 61 wells. It has a SJRWMD CUP authorization of 6.01 MGD (2,193.65 MGY) of groundwater from the surficial aquifer system and the Floridan aquifer. The city is permitted by SJRWMD through 2031 to serve a population of 63,369.

CITY OF PALM BAY (CUP PERMIT #: 202)

The City of Palm Bay owns 59 wells. It has a SJRWMD CUP authorization of 4.9 MGD of groundwater from the surficial aquifer system and 12.27 MGD of groundwater from the Floridan aquifer (6267.05 MGY total). The city is permitted by SJRWMD through 2029 to serve a population of 144,867.

CITY OF MELBOURNE (CUP PERMIT #: 50301)

The City of Melbourne owns 12 wells. It has a SJRWMD CUP authorization of 23.54 MGD (8,592.1 MGY) of surface water from Lake Washington and groundwater from the brackish Upper Floridan aquifer (UFA). The city is permitted by SJRWMD through 2049 to serve a population of 233,937.

CITY OF WEST MELBOURNE (CUP PERMIT #:173509)

The City of West Melbourne owns 5 wells. It has a SJRWMD CUP authorization of 3.76 MGD (1372.4 MGY) of groundwater from the Upper Floridan Aquifer (UFA). The city is permitted by SJRWMD through 2041 to serve a population of 41,570.

CITY OF COCOA (CUP PERMIT #: 50245)

The City of Cocoa owns 63 wells. It has a SJRWMD CUP authorization of 8.83 MGD of surface water from the Taylor Creek Reservoir, 3 MGD of groundwater from the intermediate aquifer system and 28 MGD of groundwater from the Upper Floridan Aquifer (UFA) (14,537.95 MGY total). The city is permitted by SJRWMD through 2052 to serve a population of 256,385.

OTHER LARGE AND SMALL PUBLIC SUPPLY UTILITIES SERVING UNINCORPORATED COUNTY

Portions of unincorporated Brevard County are served by other CUP-permitted suppliers listed in Table 6, the majority of which are neighborhood-scale providers.

Some larger utilities are located primarily outside Brevard County, but have service territory extensions within the unincorporated County. Farmton Services LLC is not yet active, but it will serve a portion of northwest Brevard County within the “Farmton Local Plan”. Similarly, Deseret Ranches extends into western Brevard County from Orange and Osceola Counties, though the majority of its public-supply use allocation is for seasonal camp residents primarily outside of Brevard County.

SJRWMD defines “Large” suppliers as those producing at least 0.1 MGD and “Small” suppliers as those producing less than 0.1 MGD potable water. CUP allocations below reflect quantities for public supply type use only; some CUPs have additional allocations for non-potable uses such as irrigation.

TABLE 6 – OTHER POTABLE WATER SUPPLIERS TO BREVARD COUNTY

Utility	Size	CUP PS Allocation (MGY)	Source	Permit #	Permit Expiration
Farmton Services LLC*	Large	5.0 MGD	Groundwater from the Floridan aquifer	127579	2034
CSWR-Florida Utility Operating Company, LLC (aka Aquarina Utilities)	Large	156.7	Groundwater from the Upper Floridan aquifer	1719	2039
South Brevard County Utilities (aka South Brevard Water CO-OP)	Large	46.355	Groundwater from the Upper Floridan aquifer	1606	2041
South Shores Utility Assoc	Small	29.2	Groundwater from the Floridan aquifer	1749	2032
East Central Florida Services Inc (aka Deseret Ranches)	Small	16.41	Groundwater from the surficial and Floridan aquifers	3426	2032
Pelican Bay Communities LLC	Small	10.95	Groundwater from the surficial aquifer	1738	2042
River Grove mobile Home Village 1 & 2	Small	10.22	Groundwater from the surficial aquifer	1804	2024
Sebastian Inlet State Park	Small	6.95	Groundwater from the Upper Floridan aquifer	1807	2041
Summit Cove Condo Assoc	Small	3.25	Groundwater from the surficial aquifer	1808	2043

Source: Current SJRWMD CUPs; * Farmton Services LLC is not yet active and has varying annual allocations of varying sources for varying uses. 5.0 MGD is the maximum public supply type use allocation.

UNINCORPORATED BREVARD COUNTY POPULATION ANALYSIS

As required by all Comprehensive Plan amendments, the WSFWP must be based upon data relevant to Brevard County. Per Section 163.3177, F.S., comprehensive plans shall be based upon permanent and seasonal population estimates. However, RWSPs are based on the University of Florida’s Bureau of Economic and Business Research (BEBR) “medium” projections as required by 373.709(2)(a)1a, F.S., and as such they do not include seasonal or other types of temporary residents.

The CSEC and CFWI RWSPs identify the “Public Supply Population” as a discrete portion of the overall population, since not all developments receive public water services. Table 7 provides the estimated Public Supply Population in the RWSPs across the 2020 – 2035 planning horizon including customers for all BCUSD, Municipal, and other large and small public water suppliers. These projections were based on BEBR publications from 2016-2017, which were the most up-to-date reports available at that time. Note that CFWI - City of Cocoa includes a Public Supply Population larger than the municipal population, due to its utility’s service to non-Cocoa areas, including portions of unincorporated Brevard County.

TABLE 7 – 2020 RWSP PUBLIC SUPPLY POPULATION PROJECTIONS 2020-2035

Public Supply Population	2020	2025	2030	2035
CSEC (Brevard)	421,797	443,557	457,385	474,114
CFWI (City of Cocoa)	190,375	199,285	206,178	211,309
Total Brevard - All RWSP	612,172	642,842	663,563	685,423
% Growth 5-Year		+ 5.0%	+ 3.2%	+ 3.3%
% Growth over 2020		+ 5.0%	+ 8.4%	+ 12.0%

Source: CSEC 2020 RWSP Appendix B; CFWI 2020 RWSP Appendices

To account for known increases in population growth trends over time since the publication of the RWSP, more recent BEBR projections are used in this WSFWP. Table 8 provides the “Medium” BEBR growth trend projections released in April 2023 for Brevard County through 2035 and associated projections for unincorporated County population. These increased growth rates are used in the BCUSD demand projections later in this WSFWP to estimate future demand more accurately.

TABLE 8 - 2023 BEBR POPULATION PROJECTIONS 2020-2035

Brevard County	2020	2025	2030	2035
Total Population	606,612	651,600	685,200	710,300
% Growth 5-Year		+ 7.4%	+ 5.2%	+ 3.7%
% Growth over 2020		+ 7.4%	+ 13.0%	+ 17.1%
Unincorporated Population	223,591	240,173	252,558	261,809

Sources: BEBR: Projections of Florida Population by County, 2025–2050, Medium, (April 2023)

BCUSD WTP POTABLE WATER PER CAPITA DEMAND

Monthly Operation Reports (MOR) covering January 2018 – April 2023 from each Water Treatment Plant (WTP) were used to establish the rates of water demand across the populations served in each service area. These figures were based on the actual water produced by each WTP by month and include the populations served by each.

MORs were analyzed for both Average and Maximum monthly production to project both typical and maximum demands over the planning horizon.

Tables 9A and 9B analyze MOR data for each BCUSD WTP to establish Average and Maximum demand per capita per day.

TABLE 9A - AVERAGE DEMAND PER DAY FROM MOR DATA (2018-2023)

WTP	Average Month Demand (GPM)	Average Total WTP GPD	Average Per Capita GPD	Population Served	AAFD Permitted (GPD)
Mims	23,723,071	780,261	99	7,947	1,050,000
San Sebastian	1,417,650	46,612	320	146	80,000
Barefoot Bay	13,998,466	461,569	48	9,636	800,000
TOTAL	39,139,187	1,288,442	73	17,729	1,930,000

TABLE 9B - MAXIMUM DEMAND PER DAY FROM MOR DATA (2018-2023)

WTP	Maximum Month Demand (GPM)	Max Total WTP GPD	Max Per Capita GPD	Population Served	Design Capacity (GPD)
Mims	28,907,000	932,484	118	7,947	2,400,000
San Sebastian	2,270,000	73,226	502	146	100,000
Barefoot Bay	18,244,000	588,516	62	9,636	1,000,000
TOTAL	49,421,000	1,594,226	91	17,729	2,700,000

**Tables 9A & 9B were calculated using maximum demand per day from January 2018-April 2023 MOR data for each BCUSD WTP.*

The per capita use rates were calculated by determining both the average and maximum volume of potable water produced by the BCUSD WTPs from January 2018 to April 2023 and dividing it by the population served. Using this method, the Mims WTP averaged 99 GPD per capita (GPCD) with a max day of 118 GPCD; the Barefoot Bay WTP averaged 48 GPCD with a max day of 62 GPCD; and the San Sebastian WTP averaged 320 GPCD with a max day of 502 GPCD. Overall, the total demand across the three BCUSD WTPs averaged 73 GPCD with a max day of 91 GPCD.

BCUSD WTP LEVEL OF SERVICE (LOS)

Brevard County has adopted Level of Service (LOS) standards to ensure sufficient water quantity for current and future development. Per the County’s Comp Plan, LOS considers maximum daily demand. There are separate LOS standards for Mims and South Brevard. Mims’ LOS varies across Residential and Non-Residential uses, ranging from 400 gallons per Residential Unit per day for residential uses to 250 gallons per Equivalent Unit per day for non-residential uses. Because the scope of this Work Plan contemplates per capita consumption, Brevard’s per-capita LOS can be calculated using BEBR Average Household Size for Brevard (2.33), resulting in a per-capita LOS of 172 GPCD. South Brevard LOS is a standard 125 GPCD. This Work Plan defines the South Brevard region as comprising the Barefoot Bay and San Sebastian WTPs combined.

TABLE 10 - CURRENT DEMAND LEVEL OF SERVICE COMPARISON

BCUSD Service Area	Average GPCD	Max GPCD	Current Level of Service GPCD	Meets LOS?
Mims	99	118	172	Yes
South Brevard	52	68	125	Yes

**This table was calculated using maximum demand per day over 5 years of MOR data from each BCUSD WTP. LOS from Brevard County Comp Plan, adjusted with BEBR average Household Size of 2.33*

As shown, current maximum daily demand falls well below adopted LOS for both regions. It is recommended that the Comprehensive Plan be amended to revise LOS standards to reflect current ERC rate resolutions for BCUSD and Barefoot Bay Water and Sewer District.

BCUSD POTABLE WATER PROJECTIONS

BEBR population figures and projections were used to establish overall growth rates in 5-year increments through 2035. These rates as shown previously in **Table 7** are applied to each current BCUSD WTP service area population.

The projected demand is calculated by multiplying the current GPCD average and max use rates from **Tables 9A & 9B** for the existing population as of 2020 and multiplying all incremental population by adopted LOS for each service area as shown in **Table 3A**. Because LOS standards are used for concurrency planning, it is appropriate to plan for new users at those standards while assuming existing users are likely to consume at historical rates.

MIMS WTP FUTURE WATER DEMAND

FIGURE 1 - MIMS WTP FUTURE DAILY WATER DEMAND

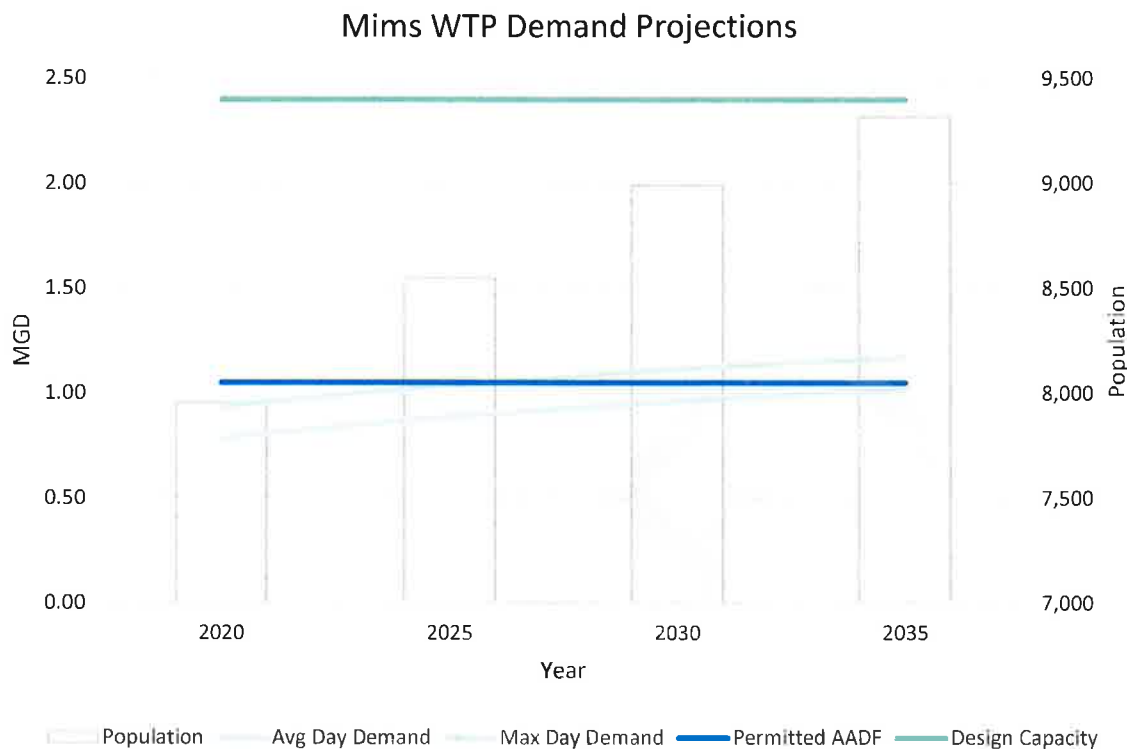


TABLE 11 - MIMS WTP FUTURE POTABLE WATER DEMAND (2020-2035)

Year	Total Population Estimated	Average Gal. Per Capita (GPCD)	Average Day Demand (MGD)	Maximum Gal. Per Capita (GPCD)	Maximum Day Demand (MGD)	Permitted Surplus on Average Day (MGD)	Design Surplus on Max. Day (MGD)
2020	7,958	99	0.79	118	0.94	0.26	1.46
2025	8,548	104	0.89	122	1.04	0.16	1.36
2030	8,989	107	0.97	124	1.12	0.08	1.28
2035	9,318	110	1.02	126	1.17	0.03	1.23

As shown in **Table 11**, Mims WTP is projected to have an average daily demand of 1.02 MGD and a maximum daily demand of 1.17 MGD across 9,318 customers by 2035. With 1.05 MGD CUP allocation through 2038 and 2.4 MGD design capacity, It is estimated to be able to accommodate estimated demand through 2035.

BAREFOOT BAY WTP FUTURE WATER DEMAND

FIGURE 2 - BAREFOOT BAY WTP FUTURE DAILY WATER DEMAND

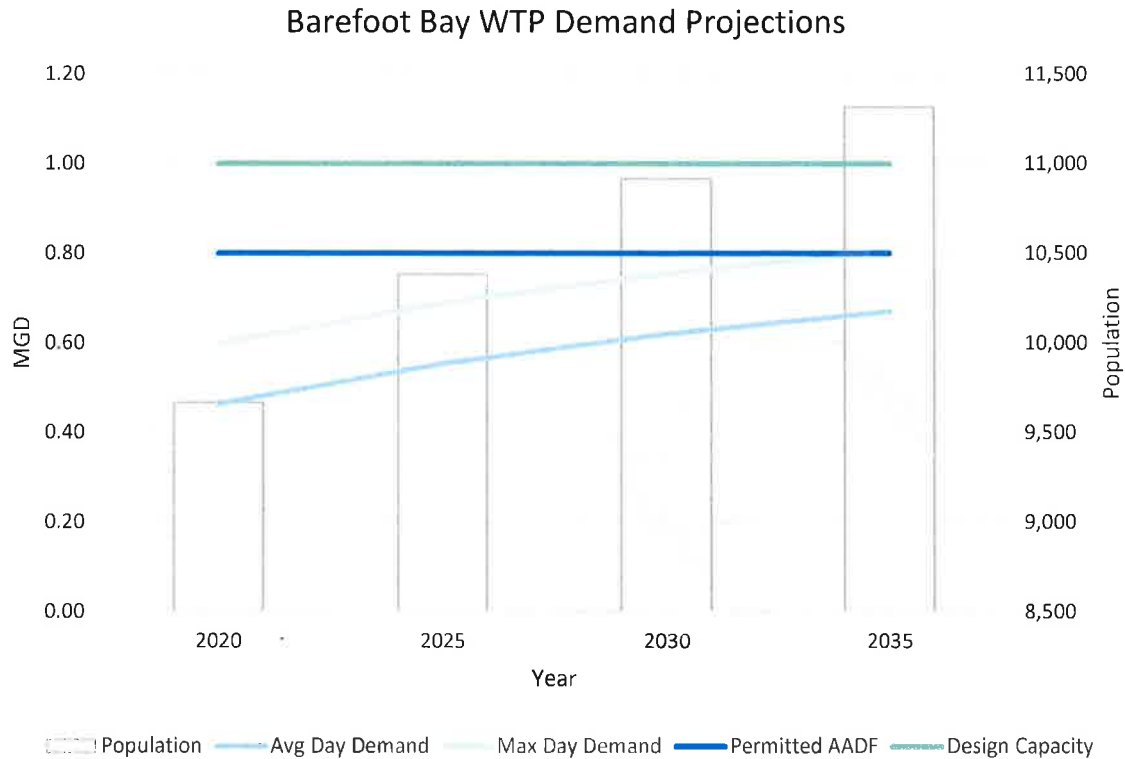


TABLE 12 - BAREFOOT BAY WTP FUTURE POTABLE WATER DEMAND (2020-2035)

Year	Total Population Estimated	Average Gal. Per Capita (GPCD)	Average Day Demand (MGD)	Maximum Gal. Per Capita (GPCD)	Maximum Day Demand (MGD)	Permitted Surplus on Average Day (MGD)	Design Surplus on Max. Day (MGD)
2020	9,665	48	0.46	62	0.60	0.34	0.40
2025	10,382	53	0.55	66	0.69	0.25	0.31
2030	10,917	57	0.62	69	0.76	0.18	0.24
2035	11,317	59	0.67	71	0.81	0.13	0.19

As shown in **Table 12**, the Barefoot Bay WTP is projected to have an average daily demand of 0.67 MGD and a maximum daily demand of 0.81 MGD by 2035, serving 11,317 customers. As it is currently permitted for 0.8 MGD through 2029 with a design capacity of 1.0 MGD, Barefoot Bay is projected to be able to satisfy demand through the expiration of its CUP and beyond, assuming maintained allocation.

SAN SEBASTIAN WTP FUTURE WATER DEMAND

FIGURE 3 - SAN SEBASTIAN WTP FUTURE DAILY WATER DEMAND

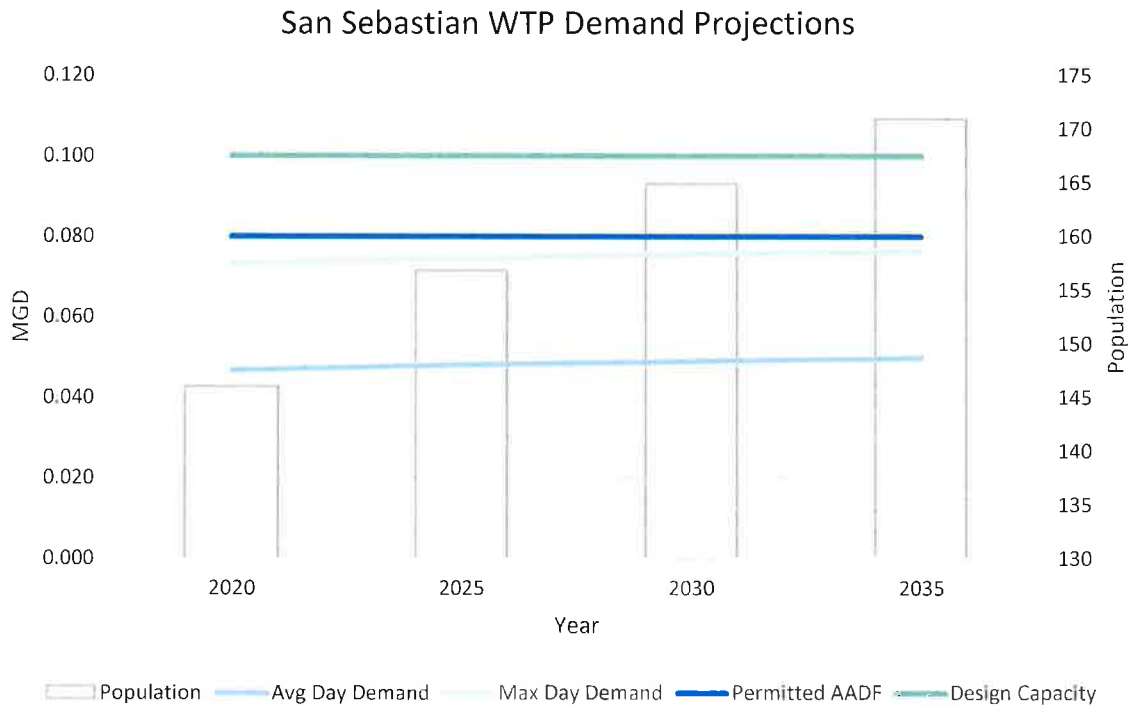


TABLE 13 - SAN SEBASTIAN WTP FUTURE POTABLE WATER DEMAND (2020-2035)

Year	Total Population Estimated	Average Gal. Per Capita (GPD)	Average Day Demand (MGD)	Maximum Gal. Per Capita (GPD)	Maximum Day Demand (MGD)	Permitted Surplus on Average Day (MGD)	Design Surplus on Max. Day (MGD)
2020	146	320	0.047	502	0.073	0.033	0.027
2025	157	307	0.048	476	0.075	0.032	0.025
2030	165	298	0.049	459	0.076	0.031	0.024
2035	171	292	0.050	447	0.076	0.030	0.024

As shown in **Table 13**, the San Sebastian WTP is projected to have an average daily demand of 0.050 MGD and a maximum daily demand of 0.076 MGD by 2035, serving a projected 171 residents. As it is permitted for 0.08 MGD through 2031 with a design capacity of 0.10 MGD, it can accommodate projected future demands through the expiration of its CUP and beyond, assuming maintained allocation.

San Sebastian currently exceeds South Brevard LOS. Despite the relatively small size of the San Sebastian WTP service territory, its per capita consumption is significantly higher than other BCUSD areas and in the region. This may be due to irrigation of large single-family lots, or other non-potable or non-residential uses. Water conservation measures are recommended.

POTABLE WATER SERVICE AREA BOUNDARIES AND DOMESTIC SELF-SUPPLY

This WSFWP addresses demands for potable water within the established planning horizon of 2020-2035. Demand is driven by general population growth trends and changes to utility service area boundaries. For the purposes of this Work Plan, BCUSD demand projections assume static service area boundaries. As Brevard County does not govern municipal utilities, it is possible that unincorporated areas near current municipal utility service areas may be provided service within this planning horizon. However, any service expansion is properly accounted for during the plan review process by capacity verification prior to issuance of permit and certificate of occupancy.

Portions of Brevard County do not receive potable water service by public or small utilities and are instead served by Domestic Self-Supply (DSS). These include both unincorporated and incorporated municipal areas. Per the SJRWMD Central Springs/East Coast (CSEC) 2020 RWSP, there was a DSS population of more than 41,242 in 2020 with an estimated water use of 2.80 MGD. There were no DSS attributable to Brevard County in the SJRWMD Central Florida Water Initiative (CFWI) 2020 RWSP. The projected DSS growth rate is similar to the RWSP public supply population growth rate, but it is anticipated to be reduced due to new state regulation of septic systems and extension of utilities.

TABLE 14 – BREVARD COUNTY DOMESTIC SELF-SUPPLY POPULATION AND DEMAND 2020-2035

CSEC 2020 RWSP – Brevard County	2020	2025	2030	2035
DSS Population	41,242	43,305	44,946	46,130
DSS Pop 5-Year Growth Rate	-	+ 5.0%	+ 3.8%	+ 2.6%
DSS Water Use (MGD)	2.80	2.94	3.06	3.14
DSS Use Rate (GPCD)	67.9	67.9	68.1	68.1

Source: SJRWMD CSEC 2020 RWSP Appendix B – Population and Water Demand Projections

The Indian River Lagoon Protection Program (IRLPP), established in 2023, will impact BCUSD and unincorporated County DSS. The IRLPP sets deadlines for sewer hookup or septic system upgrade within IRL Basin Management Action Plan areas, which include much of the unincorporated area surrounding existing BCUSD service territories. As such, BCUSD will begin master planning in FY 2024 to respond to this regulation. Significant service area expansions are anticipated, which will include coordination with SJRWMD for new and revised permitting.

CONSERVATION MEASURES

Although not necessary to meet projected potable water demand through 2035, Brevard County has established and continues to develop a variety of conservation programs including outreach and educational programs, irrigation restrictions, leak detection audits, and water reuse.

BCUSD’s reuse water systems help to significantly offset unnecessary use of potable water for non-potable uses such as landscape irrigation. The following table displays the reuse capacity permitted for BCUSD’s

wastewater treatment facilities and 10-year average daily reuse. Note that reuse demand varies by season; average daily reuse figures do not fully communicate seasonal demand highs. In dry season, demand exceeds available reuse supply.

TABLE 15 - BCUSD WASTEWATER FLOW AND REUSE INFORMATION

Wastewater Treatment Facility	Permitted Reuse (MGD)	Average Daily Flow (MGD)	Average Daily Reuse (MGD)	Reuse %
Barefoot Bay	1.041	0.700	0.538	77%
Mims (North Brevard) aka John D. Wright	2.000	0.330	0.271	82%
Port St. John	0.606	0.470	0.368	78%
South Beaches	3.000	6.400	1.446	48%*
South Central	10.700	4.003	4.003	81%
Sykes Creek	4.500	1.466	1.466	43%

Source: OCULUS, FL Department of Environmental Protection (DEP) 2023

*South Beaches reuse % based on permitted rather than total flow.

SJRWMD 2020 RWSP PROJECT OPTIONS

One important aspect of the SJRWMD RWSP updates is to organize water resource development project options, water supply development project options, and water conservation project options for the various public and large private water users in the planning regions. The Water Supply Facilities Work Plan process requires local governments include all projects identified in the RWSP that correspond to the government listed as an implementing entity.

According to the most recent CSEC 2020 RWSP, Brevard County is listed as an implementing entity for one water resource development project option: the “Brevard County Abandoned Artesian Well Plugging Program (FY 2020 – FY 2022)”. This project, in partnership with the SJRWMD, provides for abandonment of artesian wells throughout Brevard County resulting in an additional water resource capacity of 4.5 MGD. This project was completed as of FY 2022.

CAPITAL IMPROVEMENTS

The County established funding plans for potable and reuse water infrastructure in the annual Capital Improvement Plan (CIP) for Fiscal Year 2022-2023 to Fiscal year 2026-2027. It is a requirement that the WSWFP include all potable water, reuse, and water conservation CIP projects. **Table 16** includes applicable BCUSD capital improvement projects included in the County’s CIP and proposed projects to meet future water demand.

TABLE 16 - 5-YEAR CAPITAL IMPROVEMENT PLAN THROUGH FY 2027 – POTABLE AND REUSE WATER PROJECTS

Timeline	Project Cost	Program Name	Project Name	Project Description	Funded Program	District
Oct 2019-Sept 2027	\$11,229,439	County Water and Wastewater	Mims: Watermain Asbestos Cement Pipe	This project will replace the asbestos cement and thin-walled PVC pipe in the Mims water distribution system and includes changing over the water service connections to the new pipes.	6980111	1
Oct 2019-Sept 2024	\$3,200,500	County Water and Wastewater	Mims: Plant Additional Wells	This project consists of installing new water wells to the Mims water system. Current wells have been underperforming in their water withdrawal resulting in the installation of new wells to meet customer water demand.	6983105	1
Oct 2019-Sept 2024	\$1,600,000	County Water and Wastewater	South Central: Additional Plant Reject Pond	Install additional reject pond and pumping system north of the two existing storage ponds needed to optimize reclaimed water production at SCWWTF and provide additional capacity.	6540423	4
Oct 2019-Sept 2024	\$992,741	County Water and Wastewater	Sykes: Reclaimed Water Improvements	This is phase 1 of 3 providing necessary improvements to the reclaimed water production facility to meet future demands of a growing population in the north Merritt Island region.	6300236	2
Aug 2023-	\$50,000,000	Barefoot Bay Water and Wastewater	*PROPOSED: New Water Treatment Plant in South Brevard	This proposed project will build a new water treatment facility in South Brevard to serve customers in the Barefoot Bay and San Sebastian service areas.	N/A	3
Aug 2023-	\$65,000,000	Barefoot Bay Water and Wastewater	*PROPOSED: Barefoot Bay: South Brevard Advanced WWTP (SF 1410) (HF 1586)	This proposed project will build an advanced wastewater treatment facility to serve customers in the Barefoot Bay service area so they may switch from septic tanks to a centralized system as required by subparagraph 403.067(7)(a)9. a. of the Florida Statutes. The County has received \$1,500,000 in state allocations for this project.	N/A	3
Aug 2023-	\$45,000,000	County Water and Wastewater	*PROPOSED: Mims Water: North WTP Expansion and Potable Water Wells (SF 1629) (HF 1040)	This proposed project consists of expanding the Mims Water Treatment Plant (WTP) and installing new potable water wells in order to increase plant capacity and be able to accommodate future demand after the desired expansion of the WTP's service area. The County has received \$1,500,000 in state allocations for this project.	N/A	1

*Proposed projects related to eventual expansion of BCUSD WTPs and service areas, not obtained from Brevard County Annual CIP

RELEVANT REGIONAL WATER SUPPLY ISSUES

The SJRWMD 2020 Central Springs/East Coast (CSEC) Regional Water Supply Plan (RWSP) does foresee water quality issues impacting traditional supply region-wide, primarily due to aquifer saltwater intrusion. District UFA monitoring wells in addition to public utility well water quality monitoring reports show increasing salinity concentrations, especially along the Indian River Lagoon, likely due to lateral intrusion as well as to vertical intrusion. Lateral intrusion is mostly due to coastal geography and sea-level rise, whereas vertical intrusion is due to excessive withdrawal. The District estimates that many of these wells already do or will exceed Secondary Drinking Water Standard chloride limits by 2040, its RWSP planning horizon. While this is unlikely to result in impacts to most municipal utilities due to existing Reverse Osmosis (RO) water treatment infrastructure, increasing withdrawals may compromise water quality for neighboring DSS systems and BCUSD WTP surficial wells.

Data from Surficial Aquifer System (SAS) public supply wells show that while saltwater intrusion is increasingly compromising this resource overall, adoption and adherence to wellfield protection plans are demonstrated to reduce and even reverse chloride concentration trends, as has been demonstrated around the Titusville wellfield protection area.

Brevard County is encouraged to consider investigation of alternative water supply projects including Reverse Osmosis treatment, and to continue to adopt and expand water conservation policies, wellfield protection plans, land conservation for groundwater recharge, Low-Impact Design (LID) and Green Stormwater Infrastructure (GSI) incentives or requirements, and reuse projects in line with the SJRWMD recommendations.

CONSERVATION, REUSE, AND SOURCE PROTECTION MEASURES

Although additional measures are not necessary to meet projected potable water demand through 2035 as demonstrated previously, Brevard County has established and continues to develop a variety of water conservation, reuse, and source protection practices and programs, some of which are enabled by Comprehensive Plan policies.

WATER CONSERVATION

Water conservation is important to ensure water supply is used in a sustainable way. The County's water conservation practices include the following:

- Implementation of the BCUSD Water Conservation Plans submitted to SJRWMD as part of the Consumptive Use Permit process.
- Increasing public awareness and acceptance of water conservation techniques
- Requiring that certain irrigation systems utilize micro-irrigation techniques.
- Requiring new development to utilize waterwise landscaping principles.
- Implementation of various water conservation-related programs including the following:
 - Showerhead exchange program
 - Toilet rebate program
 - Water main replacement program
 - Requiring low flow plumbing fixtures
 - Provision of leak detection/water conservation kits
 - Provision of water conservation and restriction messages on utility bills
- Development of a water conservation program in the Code of Ordinances including plumbing feature requirements and water shortage emergency regulations
- Implementing a conservation rate structure in the Mims/North Brevard service area
- Promoting information on water conservation strategies via the BCUSD website

REUSE

Utilization of non-potable (reuse) water is important to reduce potable water demand. The County's reuse practices include the following:

- Maximizing reuse water to reduce the demand of potable water.
- Implementation of the wastewater reuse ordinance
- Requiring certain irrigation systems to be designed to use reuse water.
- Requiring dual piping for reclaimed water

SOURCE PROTECTION

Water source protection is important to ensure the sustainability of the County's water supplies. The County water source protection practices include the following:

- Implementing an aquifer protection ordinance
- Coordination with the City of Titusville on aquifer protection
- Conducting public education on importance of protecting the surficial and Floridan aquifers
- Regulating septic tanks, underground storage tanks, hazardous materials and other substances in certain aquifer recharge areas

CONCLUSION AND RECOMMENDATIONS

Unincorporated Brevard County’s population is expected to increase by more than 17% cumulatively by 2035. This population will be served primarily by public supply utilities including BCUSD and municipal utilities. The BCUSD potable water customer population is expected to increase to an estimated 20,806 customers, and overall water demand will increase 34% to 1.74 MGD on average, by 2035.

	2020	2035	Delta	% Increase
BCUSD Population	17,769	20,806	3,037	17.1%
BCUSD Water Demand	1.30 MGD	1.74 MGD	0.44 MGD	34.2%

Current CUP allocations and infrastructure are projected to be sufficient to accommodate future water demands through 2035 for all three BCUSD WTPs. Portions of unincorporated Brevard County served by municipal potable water utilities are planned for in those respective WSFWPs. Concurrency for all unincorporated County development, whether served by BCUSD or other utilities, is managed during the development review process as verification of facility capacity is required prior to permit and CO issuance.

		2020	2025	2030	2035
Mims WTP	Population	7,958	8,548	8,989	9,318
	Potable Water Demand (MGD)	0.79	0.89	.097	1.02
	CUP Allocation (MGD)	1.05	1.05	1.05	1.05
	Design Capacity (MGD)	2.40	2.40	2.40	2.40
Barefoot Bay WTP	Population	9,665	10,382	10,917	11,317
	Potable Water Demand (MGD)	0.46	0.55	0.62	0.67
	CUP Allocation (MGD)	0.80	0.80	0.80	0.80
	Design Capacity (MGD)	1.00	1.00	1.00	1.00
San Sebastian WTP	Population	146	157	165	171
	Potable Water Demand (MGD)	0.047	0.048	0.049	0.050
	CUP Allocation (MGD)	0.080	0.080	0.080	0.080
	Design Capacity (MGD)	0.100	0.100	0.100	0.100

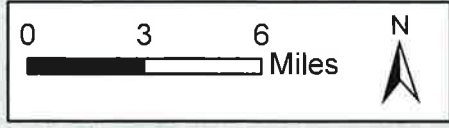
Current BCUSD potable water use falls within adopted LOS standards overall, however, despite its relatively low population, San Sebastian WTP customers exceed South Brevard LOS, where additional investigation and conservation measures are recommended. It is also recommended that Brevard County’s LOS standards be revised downward to reflect actual use trends, as well as amended to include non-residential per-ERC rates for the South Brevard region to plan for other land uses.

The Brevard County Comprehensive Plan includes policies which enable coordination and implementation of this WSFWP and the SJRWMD RWSP. Additional Comprehensive Plan amendments have been proposed with this WSFWP to ensure consistency.

The 2023 Indian River Lagoon Protection Program requires expedited utility extension to unincorporated County areas. BCUSD will begin master planning to address these and other new regulations in FY 2024.

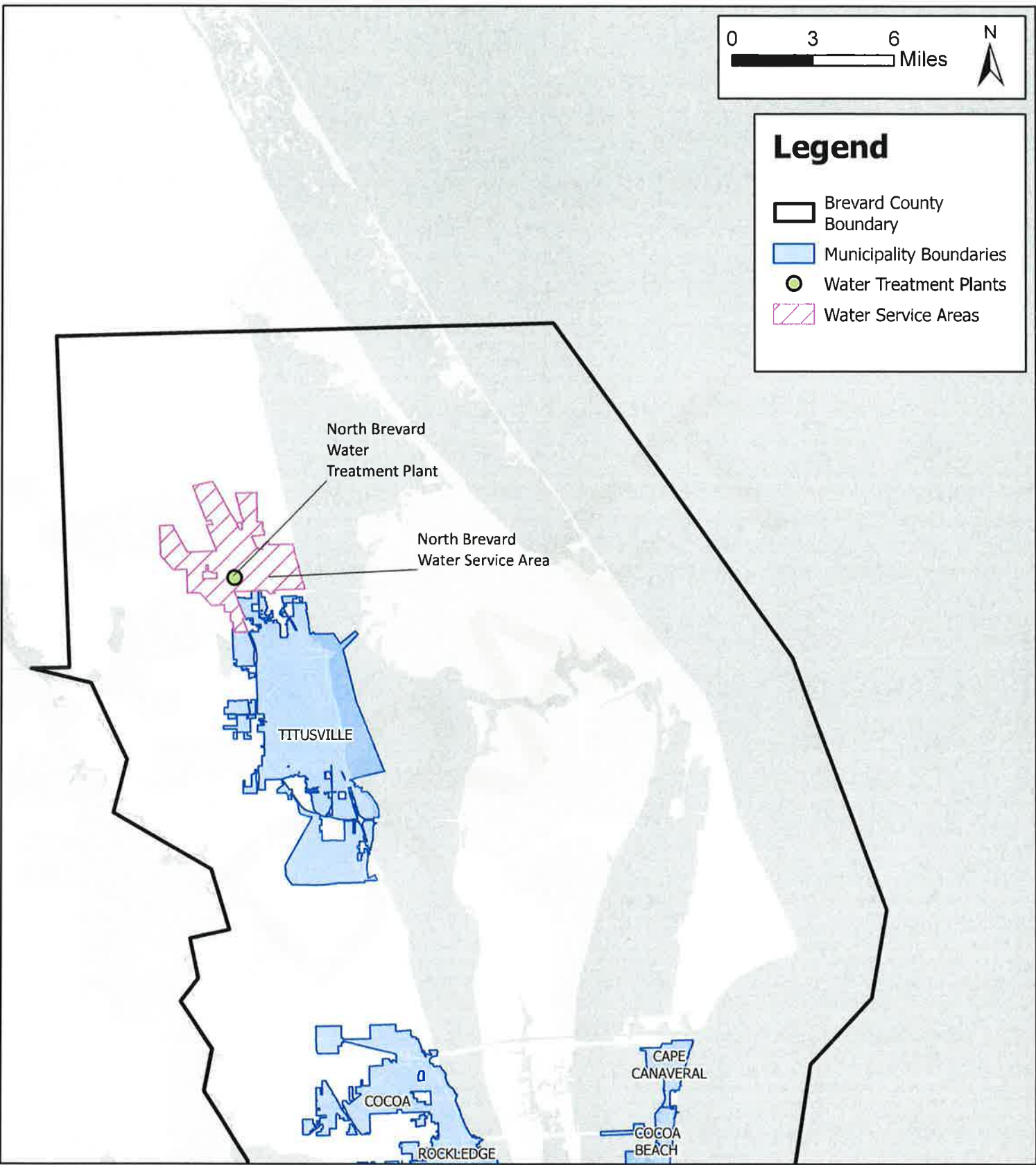


EXISTING WATER SERVICE AREA BOUNDARY MAPS




Legend

- Brevard County Boundary
- Municipality Boundaries
- Water Treatment Plants
- Water Service Areas

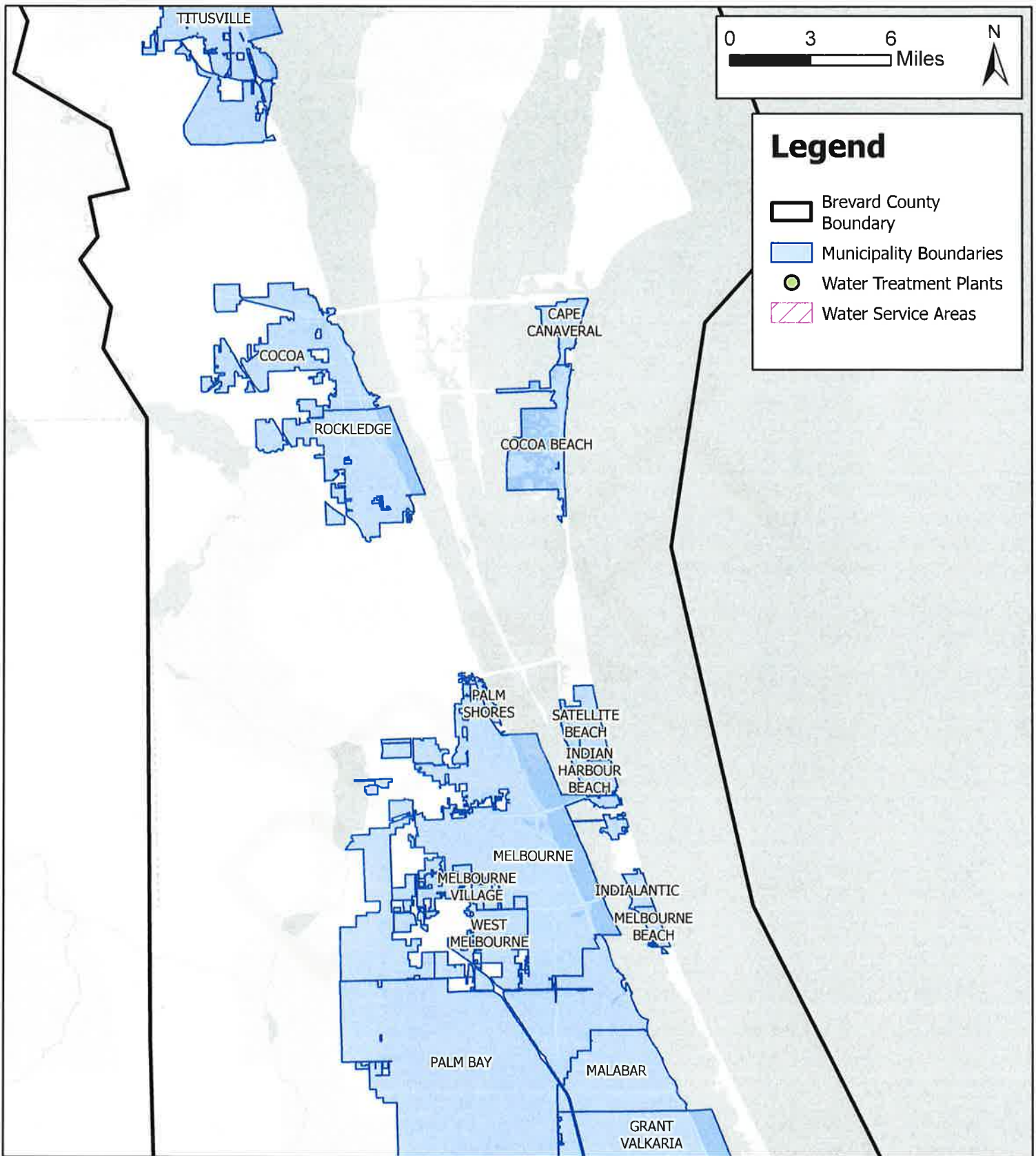


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Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

 <p>© 2022 Kimley-Horn and Associates, Inc. 2619 Centennial Boulevard, Suite 200 Tallahassee, FL 32308 Phone (850) 553-3500 www.kimley-horn.com</p>	Existing Water Service Area Boundary (North)		
	Brevard County Utility Service Area Map		
1 inch = 4.7 miles	PROJECT NUMBER: 140600003.1.300	FEBRUARY 2024	

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Existing Water Service Area Boundary (Central)

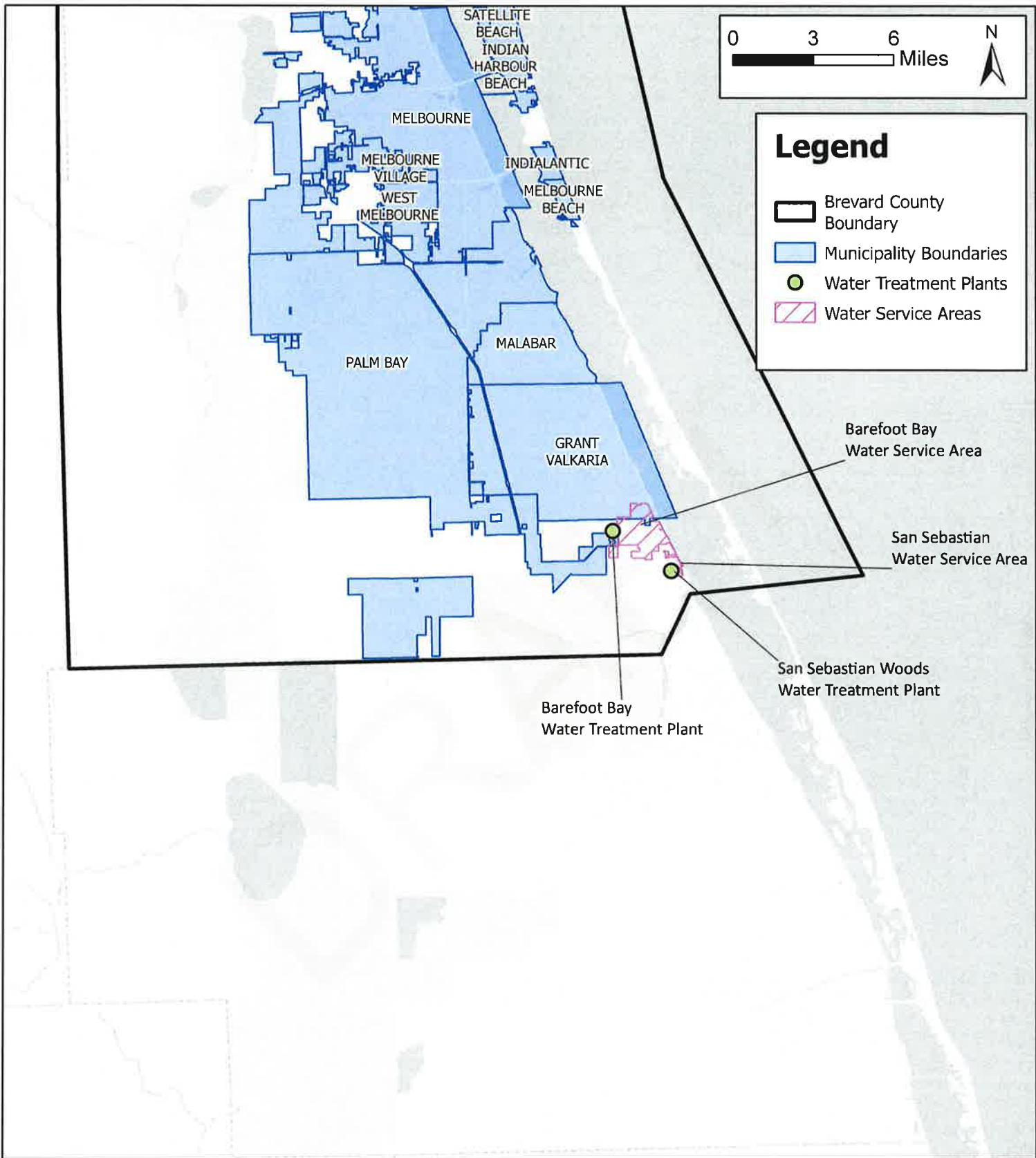
**Brevard County
Utility Service Area Map**

1 inch = 4.7 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024

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Existing Water Service Area Boundary (South)

Brevard County Utility Service Area Map

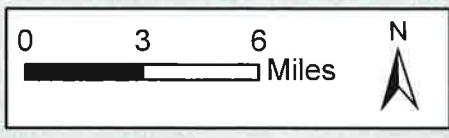
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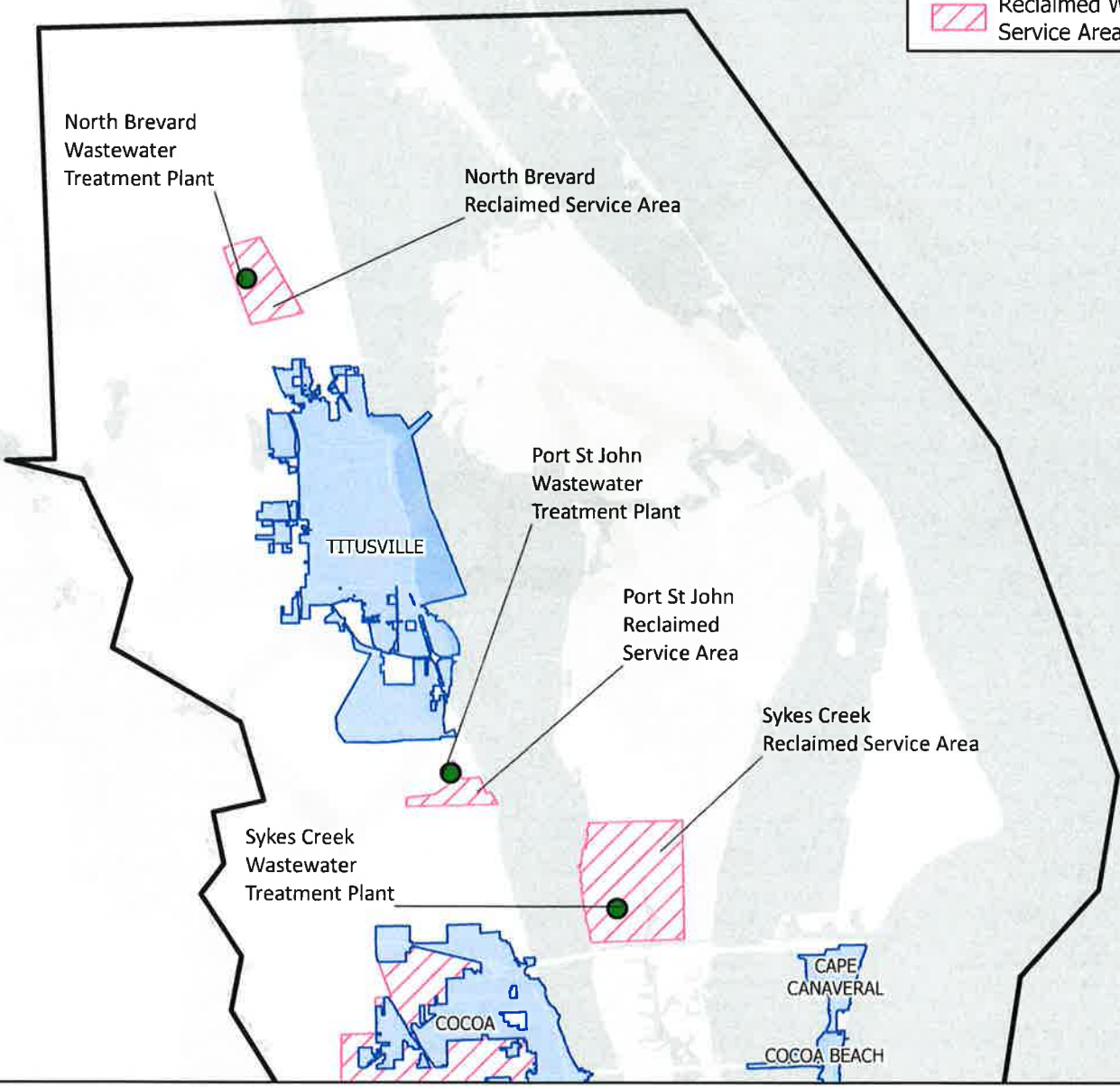


EXISTING RECLAIMED SERVICE AREA BOUNDARY MAPS



Legend

- Brevard County Boundary
- Municipality Boundaries
- Wastewater Treatment Plant
- Reclaimed Water Service Area



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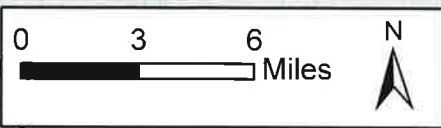
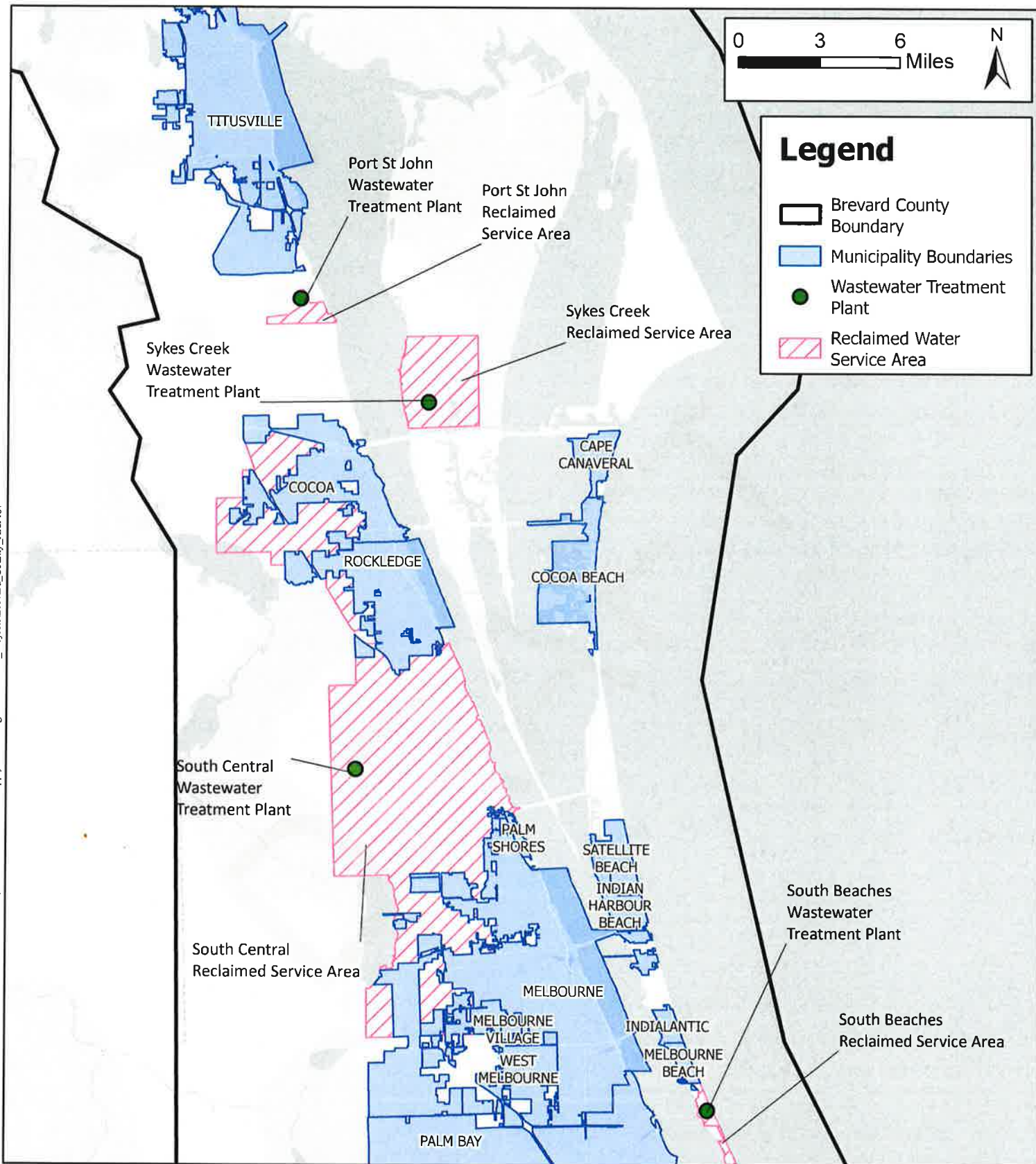
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Existing Reclaimed Service Area Boundary (North)

**Brevard County
 Utility Service Area Map**

1 inch = 4.7 miles PROJECT NUMBER: 14060003.1.300 FEBRUARY 2024

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Legend

- Brevard County Boundary
- Municipality Boundaries
- Wastewater Treatment Plant
- Reclaimed Water Service Area

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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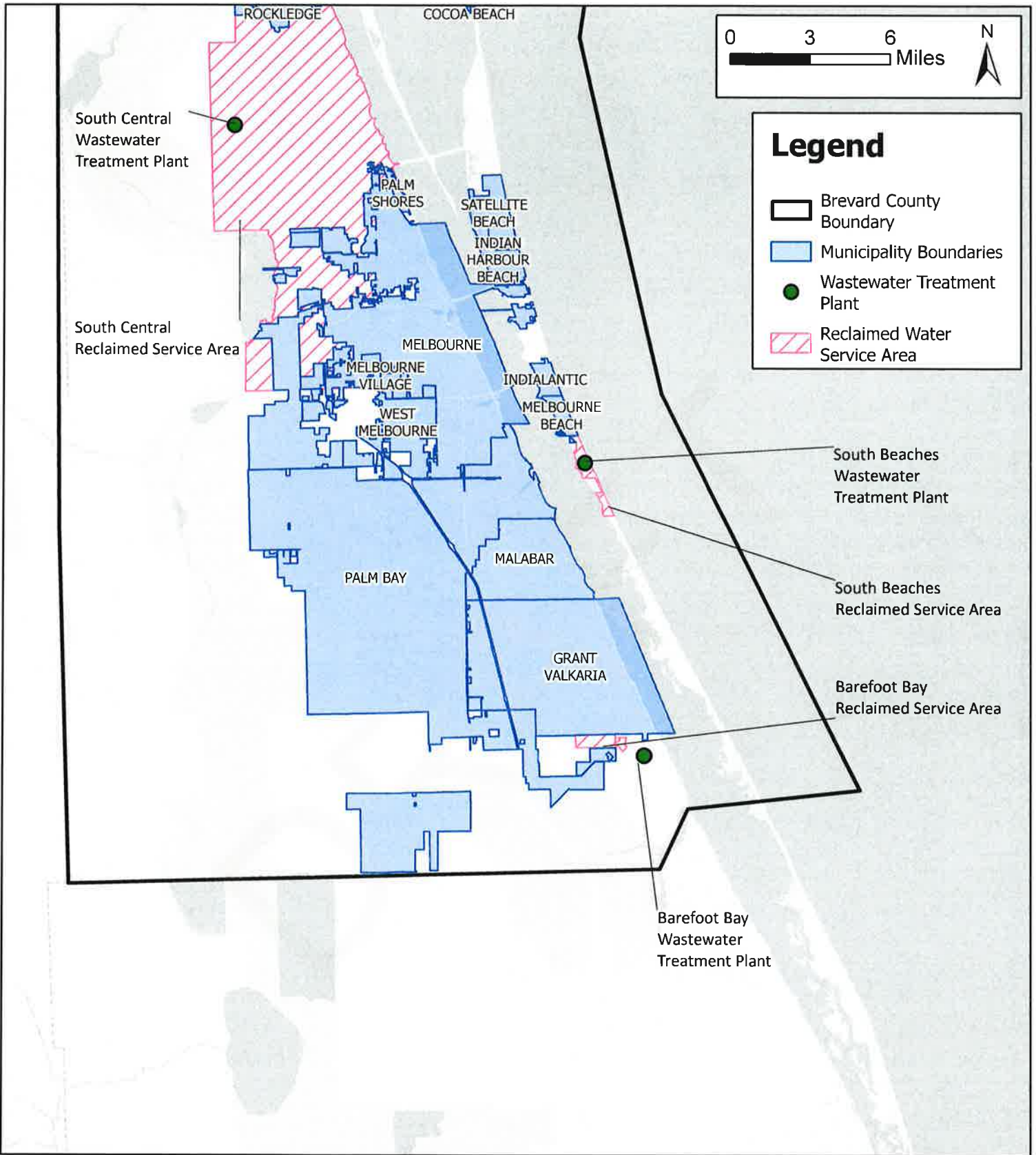
Existing Reclaimed Service Area Boundary (Central)

**Brevard County
Utility Service Area Map**

1 inch = 4.7 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024



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Existing Reclaimed Service Area Boundary (South)

**Brevard County
 Utility Service Area Map**

1 inch = 4.7 miles

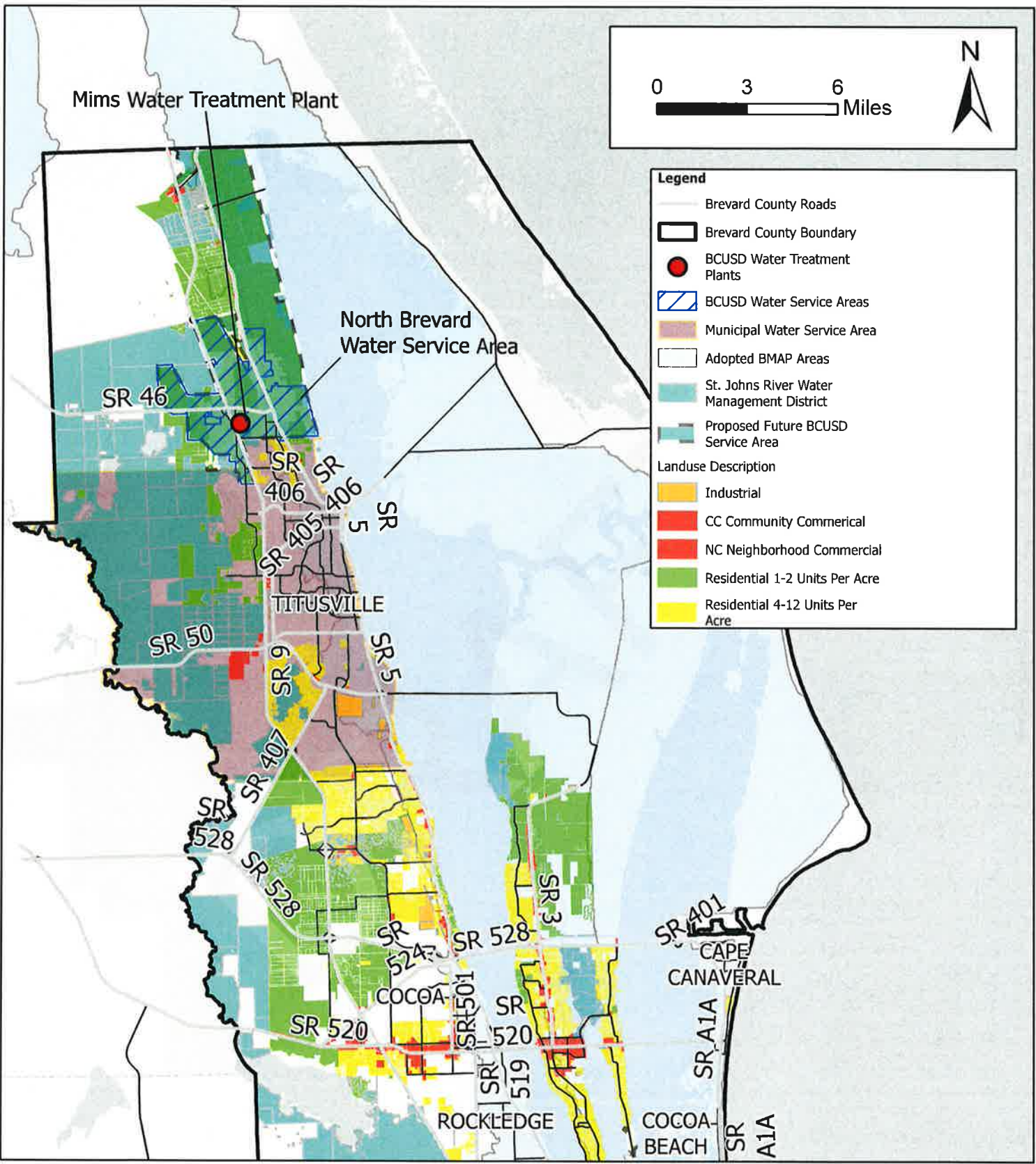
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PROPOSED WATER SERVICE AREA BOUNDARY MAPS

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Future Water Service Area Boundary (North)

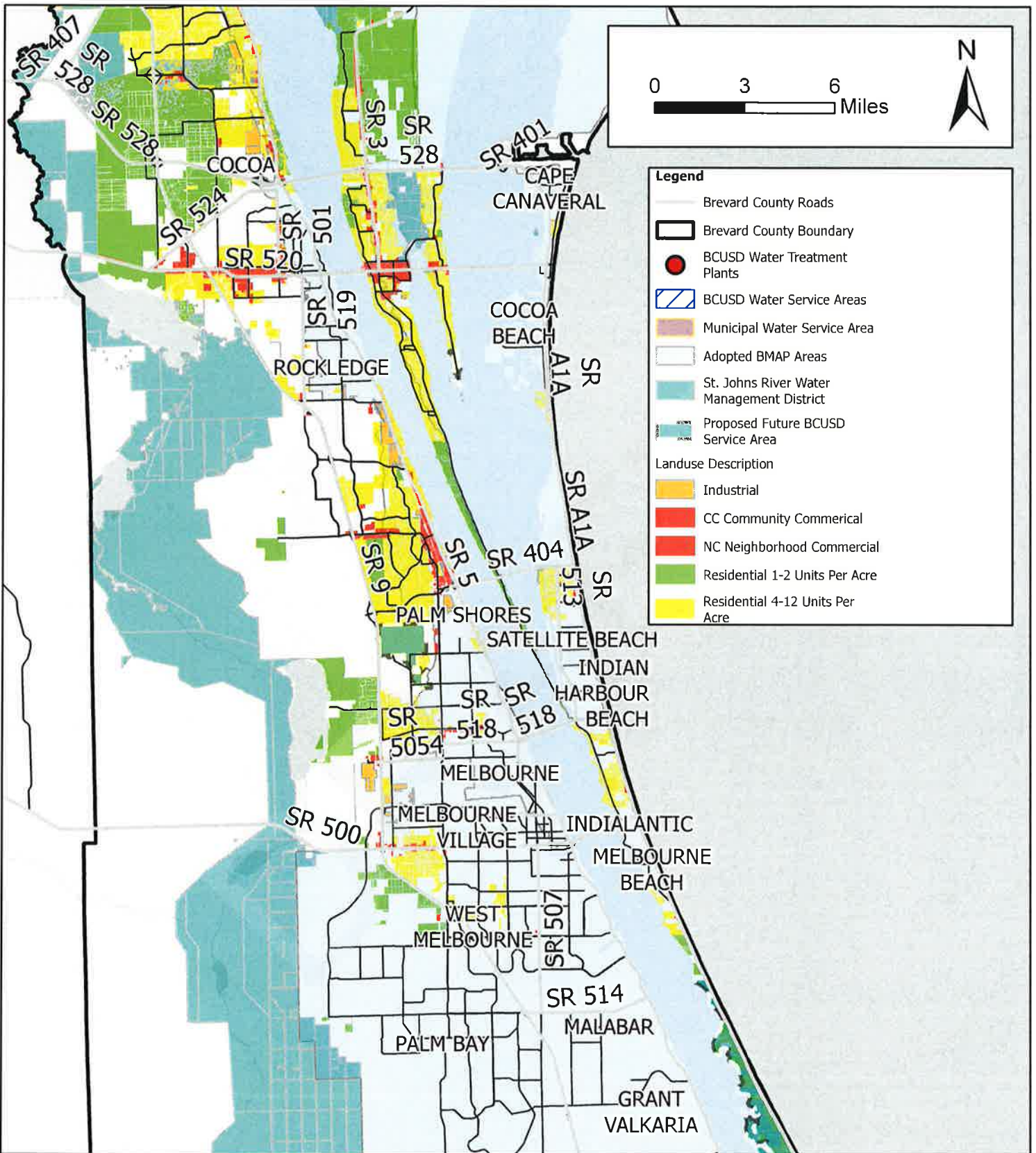
**Brevard County
 Utility Service Area Map**

1 inch = 4.2 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024

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Future Water Service Area Boundary (Central)

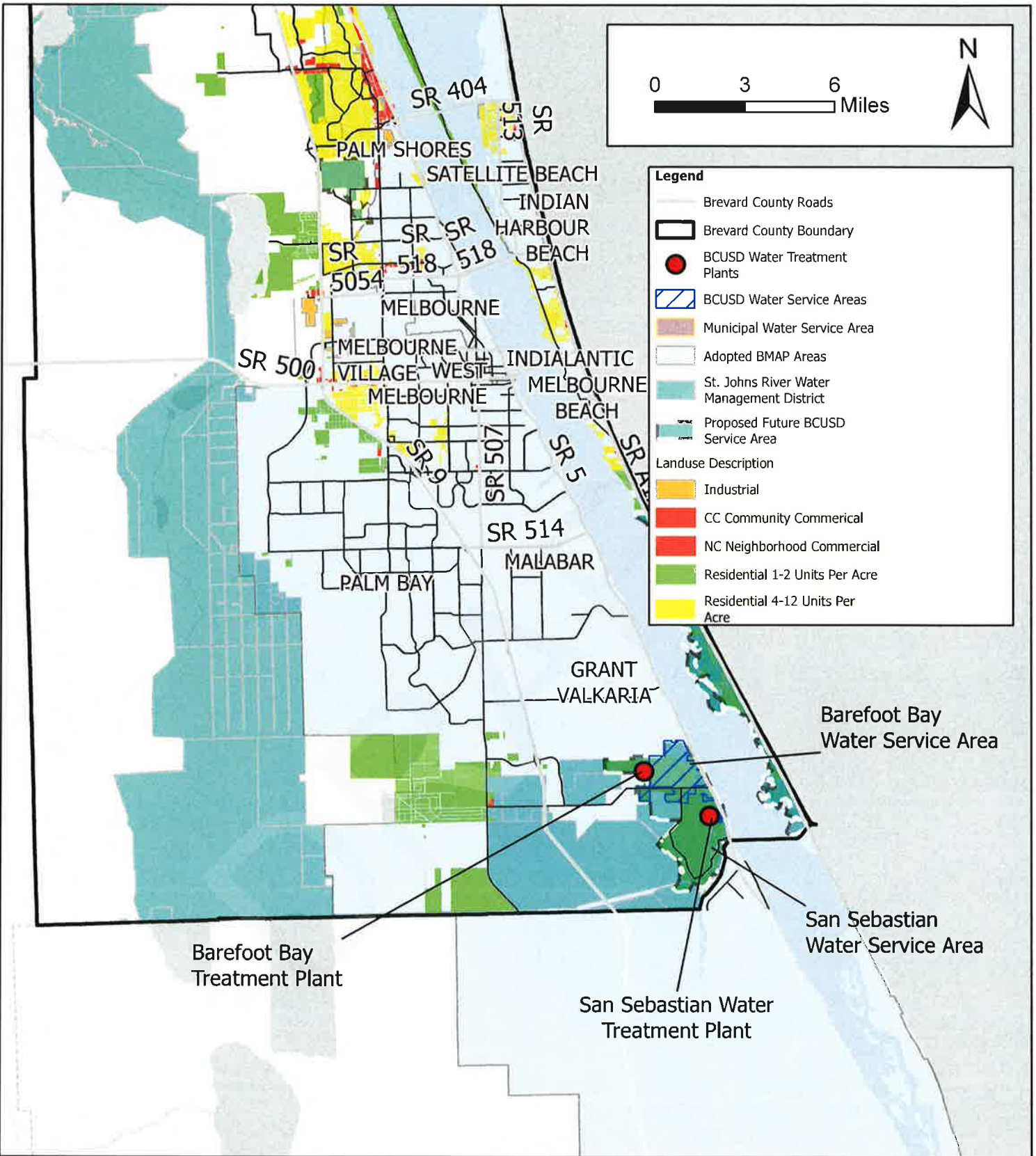
**Brevard County
 Utility Service Area Map**

1 inch = 4.2 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024

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Future Water Service Area Boundary (South)

Brevard County Utility Service Area Map

1 inch = 4.2 miles

PROJECT NUMBER: 14060003.1.300

FEBRUARY 2024

EXHIBIT B

Conservation

NEW Policy 10.7 Brevard County should include LID and GSI design principles in public capital projects and prioritize stormwater retention projects that seek to recharge the aquifer where feasible and fiscally prudent.

NEW Policy 10.8 Brevard County shall review its public facilities infrastructure and operations for potable water conservation opportunities.

Potable Water

Policy 1.2 ~~By 2011,~~ The County shall include the following provisions within Land Development Regulations as they pertain to subdivision and site plan reviews in an effort to reduce per capita consumption:

- A. ~~New~~ Irrigation systems ~~installed after January 1, 2010,~~ shall be designed to use non-potable water or reclaimed water as the source when a reclaimed water supply source is available. ~~Connection to a reclaimed water system is required when available,~~ in accordance with Potable Water Element Policy 1.4
- B. New industrial or commercial development that does not require water meeting potable water quality standards shall be designed to use non-potable water or reclaimed water when a non-potable water or reclaimed water supply source is available. ~~Connection to a reclaimed water system is required when available,~~ in accordance with Potable Water Element Policy 1.4
- C. ~~New~~ Irrigation systems ~~installed after January 1, 2010,~~ shall utilize micro-irrigation techniques to the greatest extent practical.
- D. Landscaping for new development shall utilize waterwise landscaping principles including limits on the use of landscaping that requires irrigation.
- E. Brevard County shall maintain at a minimum, but not limited to, the following practices and provisions:
 - a. Showerhead exchange program;
 - b. Toilet rebate program;
 - c. ~~Maintain w~~ Water main replacement program;
 - d. Require low flow plumbing fixtures;
 - e. Require dual piping for reclaimed water in reclamation areas.;
 - f. Provision of leak detection/water conservation kits;
 - g. Provision of water conservation and restriction messages on utility bills.

Policy 1.5 ~~By 2011,~~ Brevard County shall continue to collaborate with SJRWMD and consider adopt land development regulations aimed at to conserving water and further reducing per capita consumption demand of potable water.

NEW Policy 1.7 Brevard County shall conserve water by continually seeking ways to improve efficiency in the design, maintenance, operation of its public water facilities.

NEW Policy 1.8 The County shall cooperate with St. Johns River Water Management District (SJRWMD) during declared water shortage emergencies by conserving water resources and

assisting SJRWMD with enforcement of water shortage emergency declaration, orders, and plans (Rule 40C-21, F.A.C., SJRWMD water shortage plan).

NEW Policy 1.9 The County shall continue to implement its Water Conservation Plan submitted to SJRWMD as part of the consumptive use permitting process.

Policy 3.1 The following acceptable level of service (LOS) standards ~~based on the maximum daily demand~~ are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development within the respective service areas. Potable water service areas are those areas depicted in Map 1.

POTABLE WATER

SERVICE AREA	LEVEL OF SERVICE STANDARD
MIMS	Residential — 400 gal/residential unit /day
	Non-Residential — 250 gal/equivalent unit/day
TITUSVILLE	104 gal/capita/day
COCOA	234 gal/ERC/day
SOUTH BREVARD	125 gal/capita /day
BCUSD	200 gal/ERC/day
Barefoot Bay Water & Sewer District	150 gal/ERC/day
City of Cocoa	340 gal/ERC/day or 122 gal/capita/day
City of Melbourne	100 gal/capita/day
City of Palm Bay	225 gal/ERC/day
City of Titusville	96.4 gal/capita/day
City of West Melbourne	210 gal/ERC/day

Policy 3.3 Recognizing that acceptable level of service standards may not be achieved in practice and to avoid the possibility of curtailment of potable water service, the Brevard County water service agency shall initiate action (including introduction into the Capital Improvement Element), utilizing a lead time based on a calculated number of years before the design capacity has been reached using the following formulas to ensure additional capacity is on-line within five years:

(design capacity - actual capacity)/growth rate = # of years to design capacity

years to design capacity - 5 years = # of years before necessary inclusion within the CIE

growth rate = percentage capacity increase per year.

~~Brevard County shall pursue agreements with the other water suppliers in Brevard to adopt and utilize this or a similar procedure.~~

~~**Policy 3.4** Newly proposed service areas, expanding restricted service areas, or Public Service Commission (PSC) regulated service areas shall be reviewed and approved by Brevard County and applicable agencies.~~

Policy 3.54 Potable water facilities and services intended to serve future development needs that are not located in the 0-20 year future potable water service area (see Map 1) shall not be permitted or provided unless the potable water service area is amended in the Potable Water Element of the Comprehensive Plan or a non-governmental entity is the provider of the potable water facilities, so long as the private potable water service is consistent with the Brevard County Comprehensive

Plan, the Water Supply Plans of the County, the St. Johns River Water Management District, the City of Cocoa, the City of Melbourne, the City of Palm Bay, the City of Titusville, and the City of West Melbourne. Nothing in this element will prevent a private property owner from utilizing on-site water sources, such as a well, for individual and personal potable water use.

Objective 4 - Provide the facilities necessary to meet the projected needs of the County-operated public water supply system for the next twenty years ~~by implementing the Brevard County Water Supply Plan dated 2009.~~

Policy 4.1 ~~Brevard County shall continue to implement an wellfield expansion program to increase the safe yield of the surficial aquifer in the north county area,~~ in order to provide an adequate and dependable water supply source to meet the current and future needs of the County-operated water system.

Policy 4.2 ~~Brevard County supports the efforts of the Brevard Water Supply Board to meet the future needs of Brevard County which is consistent with and supportive of the provisions found in the Brevard County Comprehensive Plan, the Water Supply Plans of the County, the St. Johns River Water Management District, the City of Cocoa, the City of Titusville, and the City of Melbourne.~~

Policy 4.3 ~~4.2~~ Brevard County shall continue cooperative efforts with other governmental entities, both within the County and outside of the County, for the planning, implementation, and management of water resources and supplies.

Policy 4.4 ~~A potable water interconnect should be established and maintained between all of the publicly owned water systems in order to provide potable water during emergencies.~~

Policy 4.5 ~~4.3~~ For potable water uses, Brevard County should utilize the highest quality water source, whenever economically and environmentally feasible.

Policy 4.6 ~~Brevard County shall evaluate the Water Supply Plan and its projections at least every five years and amend the Water Supply Plan and Comprehensive Plan as may be necessary. Brevard County shall also update the Water Supply within 18 months after the St. Johns River Water Management District approves an update to the regional water supply plan if the changes to the regional water supply plan affect Brevard County.~~

Policy 4.7 ~~4.4~~ Brevard County shall continue to participate in the development of updates to the St. Johns River Water Management District Regional Water Supply Assessment and Water Supply Plan Central Springs / East Coast Regional Water Supply Plan and any other water supply development-related initiatives facilitated by the District that would affect the County.

NEW Policy 4.5 The County will monitor and participate, as necessary, in its water service providers' water supply planning process to ensure that these entities account for and meet the County's current and future water needs for the respective unincorporated areas.

NEW Policy 4.6 The County shall maintain a Water Supply Facilities Work Plan (Work Plan) that is coordinated with SJRWMD's Central Springs / East Coast Regional Water Supply Plan (CSEC RWSP). The Work Plan and related comprehensive plan policies will be updated, as necessary, within 18 months of an update of the CSEC RWSP that affects the County.

NEW Policy 4.7 The County's Water Supply Facilities Work Plan (2023-2035) is incorporated into the comprehensive plan as Appendix A of the Potable Water Element.

NEW Policy 4.8 The Water Supply Facilities Work Plan shall identify the traditional and alternative water supply projects and programs, along with the water conservation and reuse practices, necessary to meet existing and future water demands.

NEW Policy 4.9 The Water Supply Facilities Work Plan shall identify those projects (if any) contained in the CSEC RWSP and selected by the County for implementation (if any).

Sanitary Sewer

Policy 3.4 Maximize reuse of treated wastewater and ~~other water~~ conservation techniques to recover and diminish the demand for ~~fresh~~potable water.

Intergovernmental Coordination

Policy 1.6 Brevard County shall maintain active coordination and cooperation with all water service providers to the public, and continue to coordinate the provision of potable water with the St. Johns River Water Management District, the Brevard County Utility Services Department, the Cities of Titusville, Cocoa, Palm Bay, West Melbourne, and Melbourne, and the ~~Brevard Water Supply Board~~ other water suppliers within the County.

Criteria:

- ~~A. Maintain active coordination and cooperation with all water service providers to the public.~~
- ~~B. Continue to participate in the Taylor Creek Reservoir Alternative Water Supply multi-jurisdictional project.~~
- ~~C. Ensure the provisions of potable water services are consistent with the Water Supply Plans of Brevard County, the City of Titusville, the City of Cocoa, the City of Melbourne, and the St. Johns River Water Management District.~~

Intergovernmental Coordination

Policy 1.10 Brevard County shall continue to coordinate with municipalities to establish and maintain interlocal agreements and joint planning areas for use in coordinating public service delivery and facility maintenance subsequent to municipal annexation procedures. Interlocal planning, annexation and maintenance agreements should, at a minimum, address the topics set forth in the criteria below:

Criteria:

- A. Existing and future service areas for public services and facilities.

- B. Methodology for advance notification to the County by municipalities conducting annexation procedures and hearings pursuant to Chapter 171, Florida Statutes.
- C. Issues of land use compatibility and consistency with the Brevard County Comprehensive Plan.
- D. Public participation and notification of all affected land owners of the land to be annexed.
- E. Notification of affected adjoining properties in the unincorporated areas.
- F. Available level of services and facilities and identification of the provider of those services.

Policy 2.1 Annually, with respect to each municipality, Brevard County should ~~pursue~~ establish and maintain interlocal agreements, ~~or the modifications of existing agreements,~~ for the purpose of refining the process of:

Criteria:

- A. Reviewing land development proposals pursuant to the following:
 - 1. Rezoning proposals within 660 feet of jurisdictional boundaries.
 - 2. The provision of public facilities and services which are provided by other governmental entities.
- B. Assessing the impact of land development proposals on traffic circulation with respect to:
 - 1. A method of notification of the affected local government regarding traffic impacts must be established providing sufficient time for the affected local government to respond.
 - 2. A method of "recording" or "tracking" projected trips on roadways for mutual use should be established.
 - 3. Resolving any discrepancies in the acceptable levels of service if having different levels of service causes intergovernmental problems.
- C. Standardization of all related land development regulations:
 - 1. Standard format, language and criteria should be considered, however, modifications should be permitted to address unique local conditions.

2. Workshops should be held between the County and municipalities for the purpose of identifying and resolving problematic inconsistencies.
 3. Maintain the Planning Coordination Committee.
- D. Annexation and or contraction notification, review and reporting:
1. Joint planning and interlocal annexation agreements shall be encouraged for all annexation or contractions in order to support a smooth transition and enhanced development coordination.
 2. Municipalities proposing a voluntary or involuntary annexation or contraction shall be encouraged to notify and coordinate a County review of the proposed annexation or contraction area prior to commencing annexation procedures. The County notification information should include:
 - a) A schedule of any municipal annexation or contraction public hearings including the subject municipality's schedule for amending its Comprehensive Plan.
 - b) The reporting prerequisites stated within Chapter 171.042, Florida Statutes or, at a minimum, a copy of the municipality's staff annexation report to be considered during municipal public hearing including:
 - A metes and bounds legal description of the property(ies) to be annexed or contracted.
 - The subject property's proposed future land use, zoning designations and, if possible, the intended use for the proposed annexation area.
 - The limits of post-annexation municipal maintenance of adjacent street right-of-way and drainage facilities.
 3. Prior to the adoption of an interlocal enclave annexation agreement between the County and any municipality under F.S. 171.046 (2A), the municipality proposing the annexation should provide written notice to property owners within 500' of the proposed enclave to be annexed no later than 30 days prior to the first public hearing in which the municipality is to consider the enclave annexation interlocal agreement.

Policy 3.2 In order to ensure efficient, cost effective, and environmentally sound public facilities and services, Brevard County should initiate and maintain interlocal agreements with the municipalities and other service providers that provide public facilities and services in the

unincorporated area, to formalize the designation of facility service areas and acceptable levels of service.

Capital Improvements

Policy 1.1 As a part of the Capital Improvements Plan (CIP) development process, Brevard County shall utilize the acceptable level of service standards for transportation, potable water, sanitary sewer, solid waste, drainage, recreation and open space, and public schools as adopted in other elements of the Comprehensive Plan and shown below to evaluate the need for public facility improvements.

B. Potable Water: Acceptable LOS Standards

SERVICE AREA	LEVEL OF SERVICE STANDARD
MIMS — Residential	400 gal/residential unit /day
Non-Residential	250 gal/equivalent unit/day
TITUSVILLE	104 gal/capita/day
COCOA	234 gal/ERC/day
SOUTH BREVARD	125 gal/capita /day
BCUSD	200 gal/ERC/day
Barefoot Bay Water & Sewer District	150 gal/ERC/day
City of Cocoa	340 gal/ERC/day or 122 gal/capita/day
City of Melbourne	100 gal/capita/day
City of Palm Bay	225 gal/ERC/day
City of Titusville	96.4 gal/capita/day
City of West Melbourne	210 gal/ERC/day

NEW Policy 1.5 Brevard County shall include in its CIP all projects identified in its WSFWP to commence or continue within the 5-year horizon.

NEW Policy 1.6 Brevard County shall include in its CIP all Water Resource Development, Water Supply Development, and Water Conservation Project Options identified in the SJRWMD RWSP assigned to the County as an implementing entity within the 5-year horizon.

Policy 5.5 Brevard County shall coordinate the provision of potable water from the Cities of Cocoa, Titusville, Palm Bay, West Melbourne, and Melbourne and any other applicable potable water provider, including the County itself, by requiring property owners development applicants located in unincorporated areas of the County to provide written verification from the applicable potable water provider that the facility capacity and adequate water supply are currently available or will be available at the time of development. Prior to approval of a building permit or its functional equivalent, Brevard County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by Brevard County of a certificate of occupancy or its functional equivalent. No building or construction permit shall be issued unless the applicable potable water supplier has provided a written statement of committed capacity and water supply availability for the proposed development. Adequate water supplies and potable water facilities shall be in place

and available to serve new development no later than issuance by Brevard County of a certificate of occupancy or its functional equivalent.

Glossary

Central Springs/East Coast Regional Water Supply Plan (CSEC RWSP) - Recognizes the unique local challenges and resource constraints facing the central region springs and coastal areas of the St. Johns River Water Management District. The planning region encompasses three sub-regions that include Marion and north Lake counties, Volusia County and Brevard, Indian River and Okeechobee counties. The plan is updated every 5 years and is adopted by the by the St Johns River Water Management District Governing Board.

Florida Department of Environmental Protection (FDEP) - The Florida Department of Environmental Protection is the state's lead agency for environmental management and stewardship, protecting our air, water and land.

Green Stormwater Infrastructure (GSI) – Plants, soils systems, permeable pavement or other permeable materials that filter and absorb stormwater where it falls and reduce flows of stormwater runoff to sewer systems or into surface waters.

Low Impact Development or Design (LID) - Refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater to protect water quality and associated aquatic habitat. LID is used to preserve, restore and create green space using soils, vegetation, and rainwater harvest techniques. LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

St. Johns River Water Management District (SJRWMD) - An environmental regulatory agency of the state of Florida whose work is focused on ensuring a long-term supply of drinking water, and to protect and restore the health of water bodies in the district's 18 counties in northeast and east-central Florida. While the district works closely with utilities on water supply issues, the district is not a water supplier. SJRWMD was established in 1972 by the state Legislature through passage of the Water Resources Act (Chapter 373, Florida Statutes, as it may be amended from time to time).

Water Supply Facilities Work Plan (WSFWP) - A plan to establish future water demands and potential water sources and facilities to meet those demands for a 10-year planning horizon. This plan is developed in collaboration with SJRWMD, adopted by reference in the Brevard County Comprehensive Plan and must be updated within 18 months after the SJRWMD approves an update to the Regional Water Supply Plan (RWSP) affecting Brevard County.



Water Supply Facilities Work Plan February 2024

Presentation Key Topics



Why update the Water Supply Facilities Work Plan (WSWSP)?

- Snap-shot in time of water supply for current and future residents
- Strengthen position to compete for funding assistance
- Plan for alternative sources that take time to develop and finance
- Ensure local needs are considered by SJRWMD
- The applicable Regional Water Supply Plan (RWSP) has been updated
- Meet statutory requirements (Chapter 163, Florida Statutes)

Presentation Key Topics



How is the Work Plan updated?

- As a Comprehensive Plan amendment, pursuant to Chapter 163, F.S.
 - o Incorporated into the Comprehensive Plan in one of three ways:
 - o Incorporated as a standalone document adopted by reference,
 - o Incorporated as a separate element or sub-element, or
 - o Incorporated into applicable elements.
- Combined and submitted with other Comprehensive Plan amendments

Presentation Key Topics



What is included in the Work Plan update?

- Population estimates and projections
- Water demand estimates and projections
- Identification of viable water sources to meet demands
- Capital improvement needs to meet existing and future demands
- Conservation efforts
- Planning time frames
- Changes since the original Work Plan was adopted (e.g., water supplier, service area, planned facilities, water suppliers, water users, level of service standards)

Presentation Key Topics



Other Key Points

- WSFWP is a “snapshot” in time.
- Can be revised prior to adoption to address review agency concerns or updated information from Brevard County Utility Services Department
- After adoption, WSFWP does not need to be amended until the next update of the RWSP
- There are no projects in the RWSP that need to be included in the WSFWP
- Adoption is anticipated in the fall of 2024