



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

### STAFF COMMENTS

24Z00017

#### Brevard County BoCC

#### AU with CUP for Private Club and GML to All GML(I) and Removal of CUP for Private Club

Tax Account Number: 2500007  
Parcel I.D.: 25-35-01-00-253  
Location: 2955 Pluckebaum Road, Cocoa, FL 32926. (District 2)  
Acreage: 48.92 acres

Planning and Zoning Board: 06/10/2024

Board of County Commissioners: 07/11/2024

#### Consistency with Land Use Regulations

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

|  | CURRENT                              | PROPOSED                                       |
|--|--------------------------------------|--|
| <b>Zoning</b>  | AU with CUP for Private Club and GML | All GML(I) and Removal of CUP for Private Club |
| <b>Potential*</b>                                      | Training facility                    | Training facility                              |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>Residential 4                 | YES<br>Residential 4                           |

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

#### Background and Purpose of Request

The owner is requesting to rezone the property to combine and update the current zoning classifications. In 1999, the zoning code was updated to include sub-classifications within the GML zoning classifications. The GML(I) was created to allow a wide array of institutional uses.

This site currently functions as a training facility with a farm, outdoor gun range, classrooms, and offices operated by the Brevard County Sheriff's Office. The property currently has split zoning AU and GML. The AU portion limits the property utilized as a training facility. This request would allow the entire property to be utilized as a training facility. Under the GML zoning classification Section 62-1572, parking lots and police stations require the Institutional (I) suffix designation.

This property is located at the southeast corner of Pluckebaum Road and Highway I-95.

The property's original zoning was General Use (GU). It was rezoned to AU under Zoning Resolution **Z-6183** on November 4, 1982, for use by the Sheriff for farming. At that time, the property was leased to the Sheriff. This property was later rezoned to add a (CUP) for a Private Club under Zoning Resolution **Z-7325** on November 18, 1985. The request from the Sheriff was to allow construction of a pistol range for use in mandatory firearms instruction of law enforcement officers. The next zoning action approved by the Board was on June 26, 1989, under Zoning Resolution **Z-8418** for tower and antenna use. On April 22, 1991, the Board approved a rezoning of a portion of the site from AU with CUP to GML under Zoning Resolution **Z-8777(A)**. Lastly, the Board removed the unused CUP for towers and antenna use but retained the CUP for Private Club under Zoning Resolution **Z-10775(11)** on February 6, 2003.

## Surrounding Area

|              | Existing Use                           | Zoning | Future Land Use                            |
|--------------|--|--------|--|
| <b>North</b> | Single-family residential use          | RU-1-9 | RES 15                                     |
| <b>South</b> | Highway I-95                           | N/A    | N/A  |
| <b>East</b>  | Borrow pit (pond)<br>City of Rockledge | PUD    | Low Density Residential<br>(<3 units/acre) |
| <b>West</b>  | Highway I-95                           | N/A    | N/A  |

To the north, across Pluckebaum Road, is a 32 unit single-family development, Catalina Village Sixth Addition, (the plat is approximately 10.06 acres in area).

To the south is the intersection of Highway I-95 running from the NW to SE direction.

To the east is a borrow pit under the City of Rockledge's jurisdiction. No active plan for residential development has been submitted to the City at this time.

To the west, is Highway I-95. West of I-95 is land under the jurisdiction of the City of Rockledge.

## Future Land Use

The subject property is currently designated as Residential 4 (RES 4) FLUM designation. The current AU and GML zonings are consistent with the RES 4 FLUM designation. The proposed zoning request to GML(I) is consistent with the existing RES 4 FLUM designation.

The applicant's request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

Compatibility 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;

**Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.**

- 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 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 surrounding area since 2010 is single-family to the north. To the east is a borrow pit / pond. To the west and south is I-95 borders that borders the property.**

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

**No external development noted.**

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

**One zoning action has been approved within one-half mile:**

- **21Z00038, approved by the Board on February 3, 2022, was a request to rezone from GU to AU on 4.81 acres located approximately 1,390 feet west of the subject property on the south side of Providence Road located on the west side of Highway I-95. Zoning change legitimized a substandard GU lot. The AU zoning would allow the property owner to build a single-family home, a barn, and to keep farm animals.**

**There are two pending zoning actions within one-half mile of the subject property.**

- **Pending Actions: 23Z00046 and 23SS00009 and 23Z00047 and 23SS00010, have been on hold since June 7, 2023. These requests are for commercial storage. These**

**properties are located approximately 1,670 feet northeasterly of the subject property on the west side of Range Road.**

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

**No material violation of relevant policies of the Comprehensive Plan has been identified.**

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

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The proposal is not anticipated to create a deficiency in LOS.**

- 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.

**Staff analysis indicates the property is not located within an established neighborhood or area.**

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 request does not allow for commercial uses.**

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.

**Withing the County's jurisdiction, no requests have been applied or approved during the previous five (5) years that would change the character of the area.**

GML classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing

economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. Activities encompassed within this classification include but are not limited to aviation, education and public services. Emphasis is on protecting existing and future public and private investments, as well as ensuring that such activities are managed in accordance with the comprehensive plan and any regulations or ordinances relating to such activity. A concept plan may be required.

*Permitted uses.* Each application for government managed lands zoning shall designate the intended use of the property as either Parks and Conservation (P), Institutional (I), Utility (U), or High-Intensity (H). The parks and conservation designation shall include active and passive recreational uses as well as permanent or temporary conservation uses. The institutional use designation shall include offices, schools, meeting rooms, parking garages, police and fire stations, and hospitals. The utility designation shall include electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission. The high-intensity designation includes industrial activities, correctional facilities, ports, airports or other transportation hubs and other high-intensity activities which are not considered institutional uses. Proposed conversions of any property zoned GML but not containing the (P), (I), (U), or (H) suffix designation to a more intense use will require a rezoning.

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

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway 520, between S. Burnett Road and Highway I-95, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 54.73% of capacity daily. The maximum development potential from the proposed rezoning reduces the percentage of MAV utilization by 0.09%. The corridor is anticipated to continue to operate at 54.64% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site was initially reviewed back in 2006.

The subject property is served by potable water provided by the City of Cocoa. The subject property is on septic.

### **Environmental Constraints**

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

- Wetlands and Hydric Soils

- Floodplain Protection

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

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item No. 24Z00017**

**Applicant:** Vaheed Teimouri for Brevard County Sherriff Department (Owner: Brevard County)

**Zoning Request:** AU with CUP & GML to All GML(I) and removal of CUP

**Note:** For driver training course and parking

**Zoning Hearing:** 06/10/2024; **BCC Hearing:** 07/11/2024

**Tax ID No.:** 2500007

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

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

- Wetlands and Hydric Soils
- Floodplain Protection

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:**

**Wetlands and Hydric Soils**

Portions of the subject parcel contains mapped National Wetlands Inventory (NWI) and the entire parcel contains hydric soils (Riviera sand, 0 to 2 percent slopes; and Floridana sand, 0 to 1 percent slopes, frequently flooded); indicators 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.**

Section 62-3695 (d)(5) states that public facilities may be located within wetland areas if the facilities are found to be in the public interest and there is no feasible alternative. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Floodplain Protection**

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

NRM met with the Applicant prior to submittal to discuss strategies for compliance with Chapter 62, Article X, Division 6 and Division 5, Section 62-3723 (2). **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**