



Planning and Zoning Board / Local Planning Agency  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida  
Agenda  
Monday, April 15, 2024

**Call To Order - 3:00 P.M.**

**Approval of Minutes - March 18, 2024**

**G. Public Hearings**

- G.1.** Christopher Strozier requests a change of zoning classification from RU-1-9 to RU-1-11. (23Z00086) (Tax Account 2104016) (District 1)
- G.2.** Jonathan & Emily Schoolfield requests a change of zoning classification from AU to RRMH-1. (24Z00001) (Tax Account 2443960) (District 1)
- G.3.** William & Jeanette Gonedridge requests a changes of zoning classification from RR-1 to AU(L) and removal of an existing BDP. (24Z00003) (Tax Account 2000372) (District 1)
- G.4.** Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2)
- G.5.** JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

**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.

4/15/2024

### Subject:

Christopher Strozier requests a change of zoning classification from RU-1-9 to RU-1-11. (23Z00086) (Tax Account 2104016) (District 1)

### 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-1-9 (Single-Family Residential) to RU-1-11 (Single Family Residential).

### Summary Explanation and Background:

The applicant is requesting to rezone the property from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential) to have the zoning classification consistent and compatible with the RES 4 (Residential 4) Future Land Use Map designation. This will allow for future development of one single family residence. Currently, the existing RU-1-9 zoning classification is not consistent with the RES 4 (FLUM) designation per 62-1255. Rezoning this property will correct this inconsistency.

The subject property is currently a vacant lot. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record. It is the only vacant lot in this small neighborhood. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

Additionally, the applicant applied for variance for the lot width, to permit a 13% deviation for the lot width in a RU-1-11 zoning classification. The variance was approved on March 20, 2024, by the Board of Adjustment (BOA).

There are no parcels with RU-1-11 zoning located within the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning). However, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends.

The Board may wish to consider if the 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.

**Clerk to the Board Instructions:**

None

# 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  
23Z00086**

**Christopher Strozier**

**RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential)**

Tax Account Number: 2104016  
Parcel I.D. 21-35-18-00-779  
Location: 2466 Kaiser Road, Mims, FL 32754 (District 1)  
Acreage: 0.31 acres

Planning & Zoning Board: 02/12/2024  
Board of County Commissioners: 03/07/2024

**Consistency with Land Use Regulations**

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

|                                                        | <b>CURRENT</b>  | <b>PROPOSED</b> |
|--------------------------------------------------------|-----------------|-----------------|
| <b>Zoning</b>                                          | RU-1-9          | RU-1-11         |
| <b>Potential*</b>                                      | 1 single-family | 1 single-family |
| <b>Can be Considered under the Future Land Use Map</b> | No<br>RES 4     | Yes<br>RES 4    |

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

**Background and Purpose of Request**

The applicant has requested a change of zoning classification from RU-1-9 (Single-family Residential) to RU-1-11 (Single-family residential) to allow a zoning consistent with the RES 4 FLUM designation. The applicant intends to construct a new single-family residence on this property.

On May 22, 1958, Brevard County adopted the zoning code, and the subject parcel was established with the zoning classification of RU-1, Single-Family Residential Zone. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record.

This lot has not been platted. It is the only vacant lot in this small neighborhood. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

On June 1, 1972, the zoning classification RU-1 was replaced with the RU-1-9, Single-Family Residential zoning classification.

On September 8, 1988, Brevard County established the Comprehensive Plan and the Future Land Use Map (FLUM) and the parcel was established with the RES 4 Future Land Use. The RES 4 FLU is not consistent/compatible with the RU-1-9 zoning classification. Per section 62-1188(5) the parcel was considered nonconforming to the RES 4 FLU as the parcel was of record in the Official Record Books of the County when the Comprehensive Plan was established.

On March 20, 2024, the Board of Adjustment approved a 10-foot variance to the minimum lot width requirement of 75 feet required by RU-1-11 zoning regulations under Variance application (**23V00047**).

**Surrounding Area**

|              | <b>Existing Land Use</b>                        | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|-------------------------------------------------|---------------|------------------------|
| <b>North</b> | Single-family residence                         | RU-1-9        | RES 4                  |
| <b>South</b> | Single-family residence                         | RU-1-9        | RES 4                  |
| <b>East</b>  | Single-family residences.                       | RU-1-9        | RES 4                  |
| <b>West</b>  | Vacant single-family property<br>FPL substation | AU            | RES 1                  |

The current RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 700 square feet. It was rezoned administratively by the Board of County Commissioners under zoning file Z2980 which became effective June 1, 1972.

The proposed RU-1-11 classification permits single-family residences on a minimum of 7,500 square foot lots with a minimum width of 75 feet and depth of 75 feet. The minimum house size is 1,100 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.

**Future Land Use**

The subject property is currently designated as Residential 4 (RES 4) FLUM designation. The current RU-1-9 zoning is not consistent with the existing RES 4 FLUM designation. The proposed RU-1-11 zoning 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 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 intends to construct a single-family residence on this vacant property. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential area.**

- 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 (Master Appraiser 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 of the surrounding development can be characterized as single-family residences on properties 0.24 acres to 1.61 acres in size.**

**There are four (4) FLU designations (RES 1, RES 4, NC, and CC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area although commercial land uses are prominent along the US Highway 1 corridor which is within the 0.5-mile radius of the subject.**

**There are multiple zoning classifications within a 0.5-mile radius of the subject. They include AU, RR-1, SR, RU-1-7, RU-1-9 and RU-1-13 residential zones, BU-1 and BU-2 commercial zoning classifications, IN(L) institutional low intensity and GML government managed land classifications.**

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

**There has been no development within 0.5 miles during the preceding three years.**

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

**While there has been no development approved within the past three years that has not been constructed, there have been two zoning actions, 23Z00006 and 23Z00041, within a half-mile of the subject property within the last three years. These are adjacent properties located on US Highway 1 which were rezoned to BU-2, Retail, Warehousing and Wholesale Commercial with Binding Development Plans that allow a self-storage, mini-warehouse with outdoor storage of recreational vehicles and boats.**

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

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

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

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

##### **Criteria:**

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

**There are no parcels with RU-1-11 zoning located with the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning), however, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends. RU-1-11 requires a larger lot and dwelling size than RU-1-9.**

**The request is not anticipated to materially or adversely impact the surrounding**



**established residential 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.

**The property is not located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Smith Road to the north, Folsom Road (Singleton Ave extension) to the east, West Main Street.**

**(State Road 46) to the south and the Florida Power and Light substation to the west.**

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 is not for commercial use. It is for single-family residential zoning in an existing single-family residential 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.

**The area is primarily single-family residential with commercial zoning located exclusively along the US Highway 1 corridor to the east.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is SR46 from Interstate 95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 78% of capacity daily. The addition of one single-family dwelling unit will have a minimal impact on level of service. Specific concurrency issues will be addressed at the time of building permit review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

There is a County sanitary sewer force main along Smith Road, just to the north of the property. There are County potable water service lines along Kaiser Road that will serve

the property.

## **Environmental Constraints**

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

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

The Board should 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.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 23Z00086**

**Applicant:** Christopher Strozier (Owner: Universal Investment & Solutions LLC)

**Zoning Request:** RU-1-9 to RU-1-11

**Note:** To be consistent with RES 4 FLU

**Zoning Hearing:** 02/12/2024; **BCC Hearing:** 03/07/2024

**Tax ID No.:** 2104016

- 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:**

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

**Land Use Comments:**

**Protected and Specimen Trees**

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. 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. The confirmation of unpermitted land clearing activities may result in code enforcement action. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

**Protected Species**

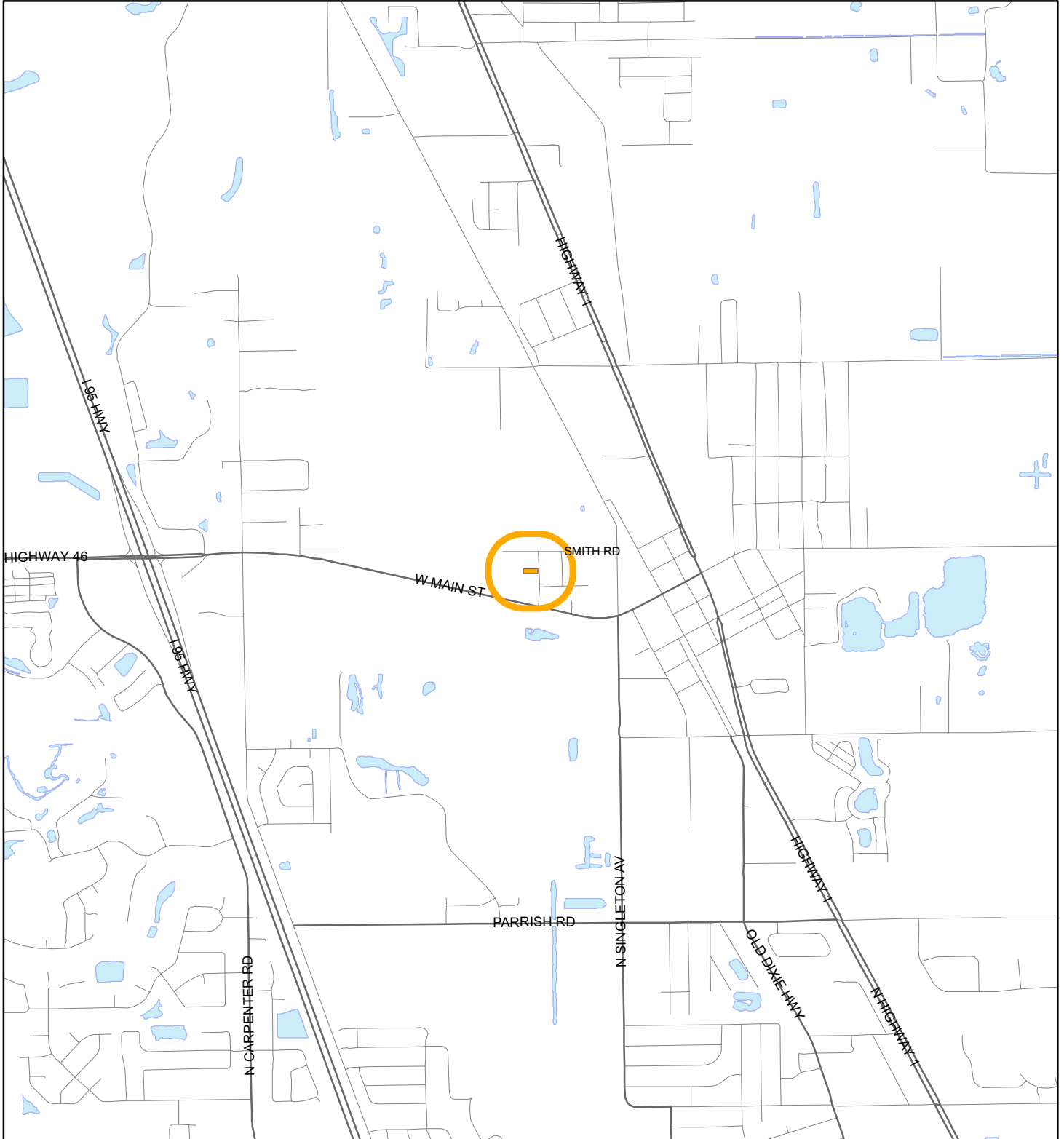
Federally and/or state protected species may be present on the property. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida

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

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086





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.

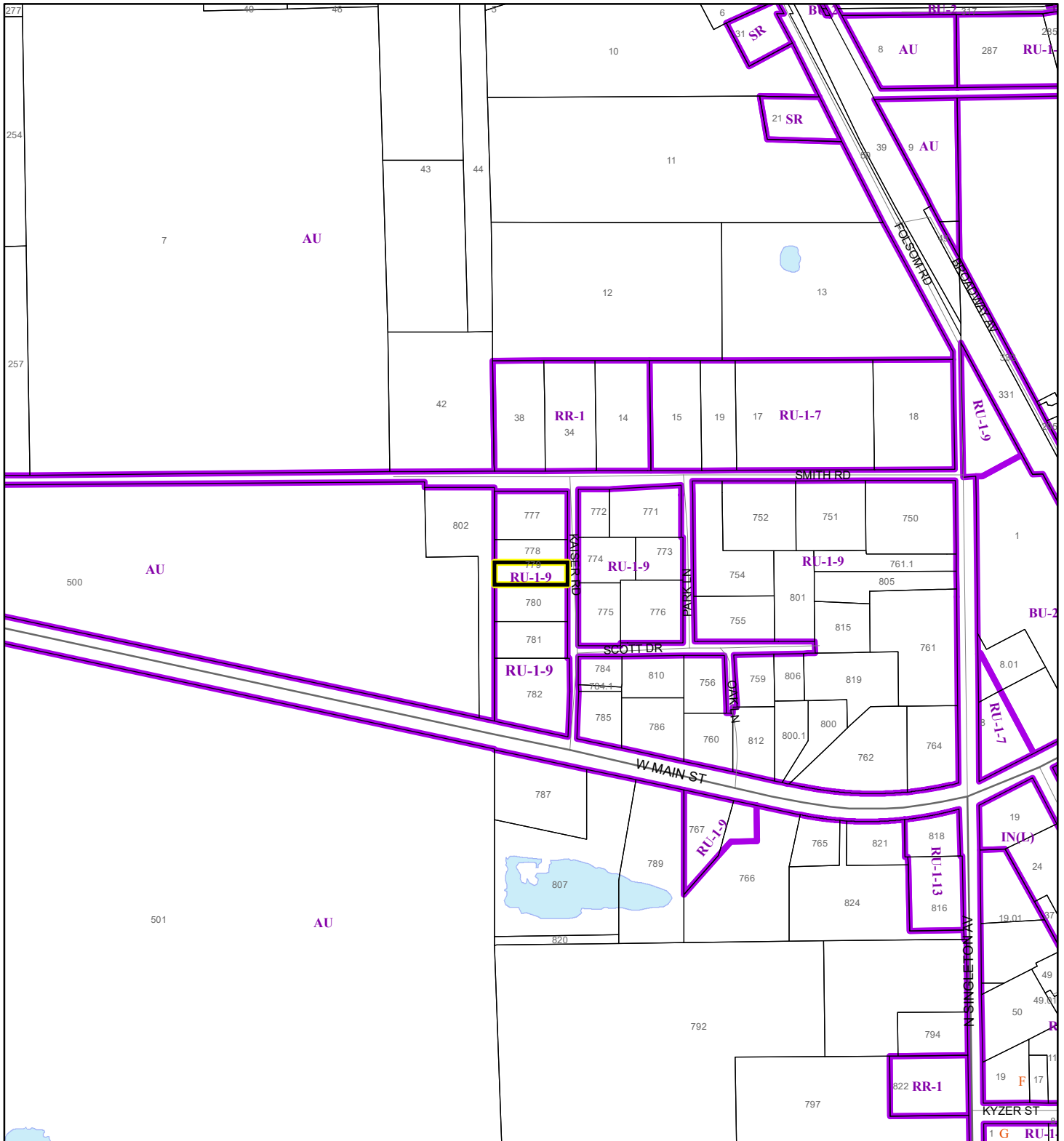
Produced by BoCC - GIS Date: 12/5/2023

-  Buffer
-  Subject Property

# ZONING MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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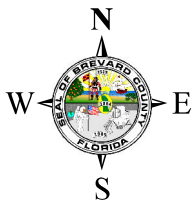
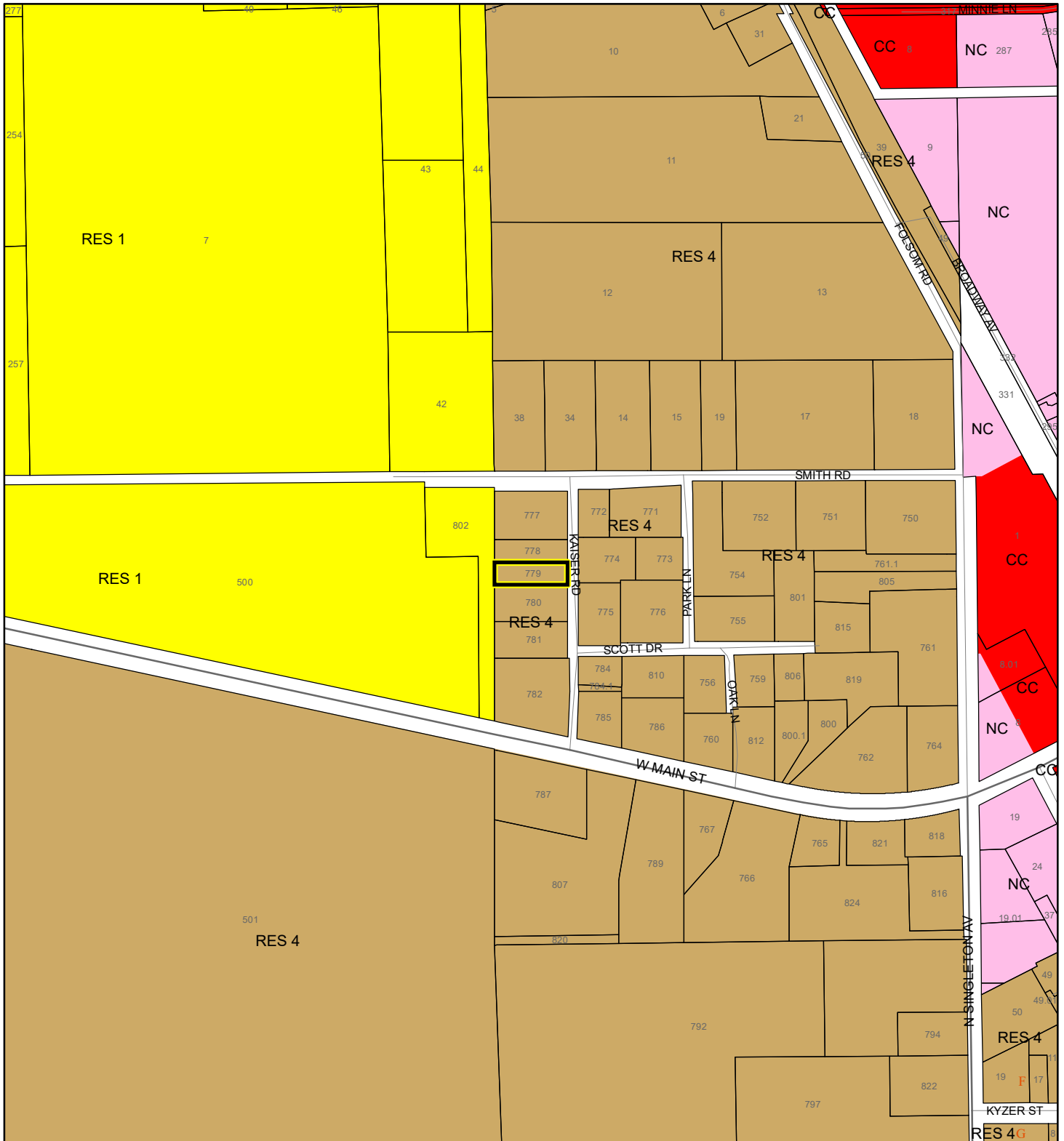
Produced by BoCC - GIS Date: 12/5/2023

- Subject Property
- Parcels
- Zoning



# FUTURE LAND USE MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

 Subject Property  
 Parcels

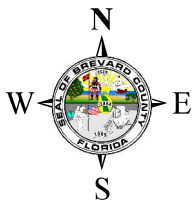
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/5/2023

# AERIAL MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

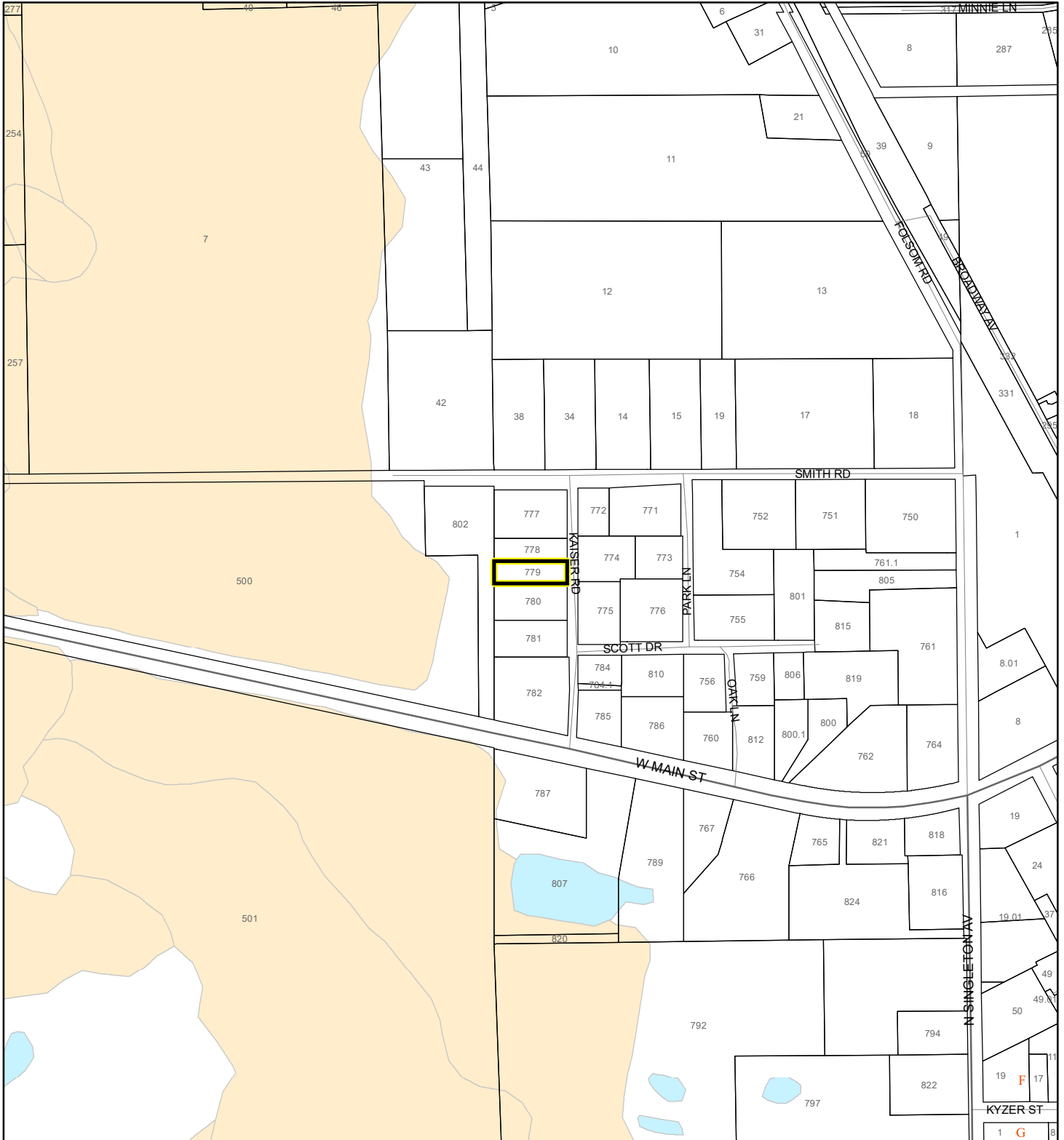
 Parcels



# NWI WETLANDS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

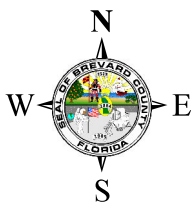
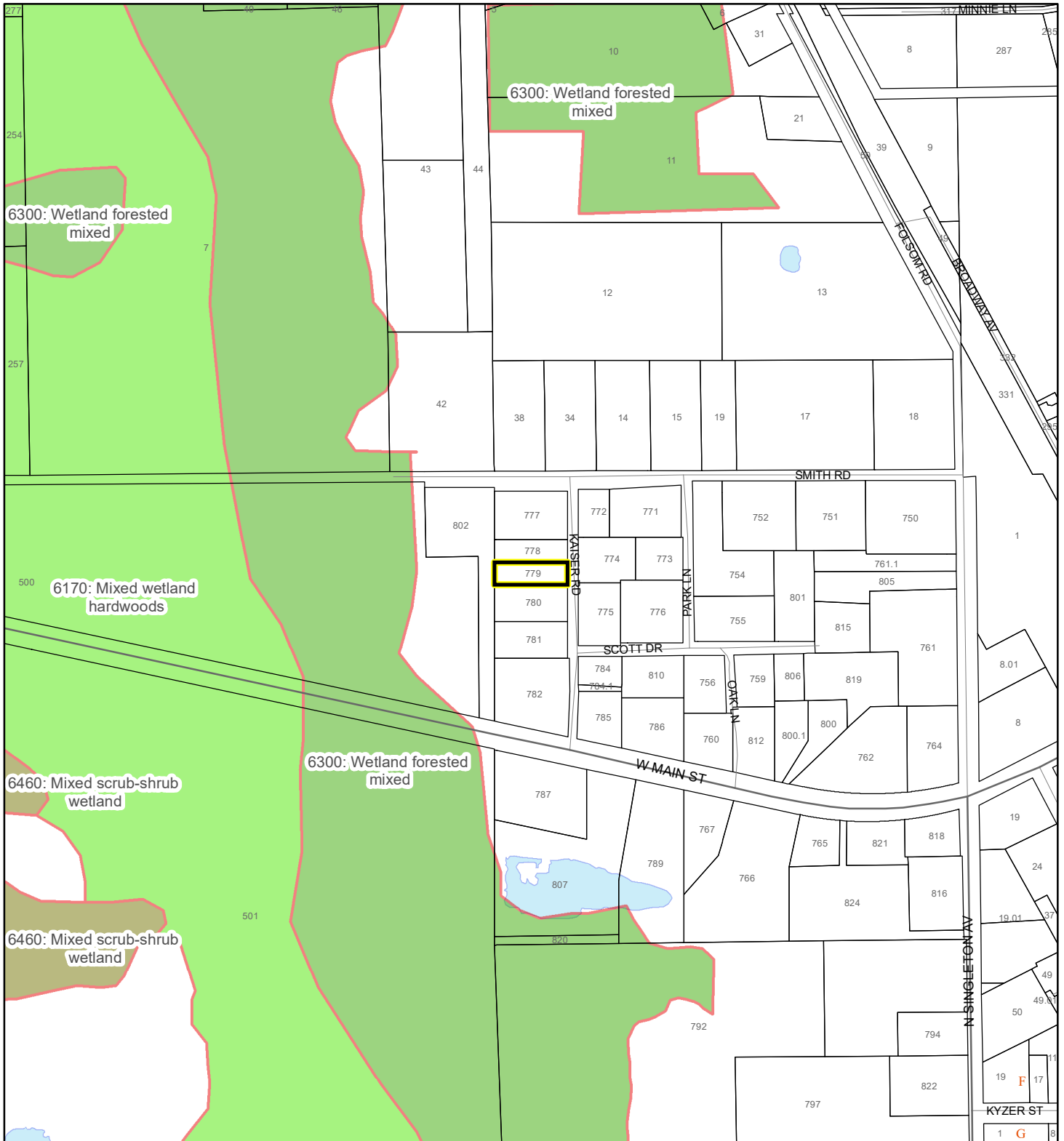
### National Wetlands Inventory (NWI)

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

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

## 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

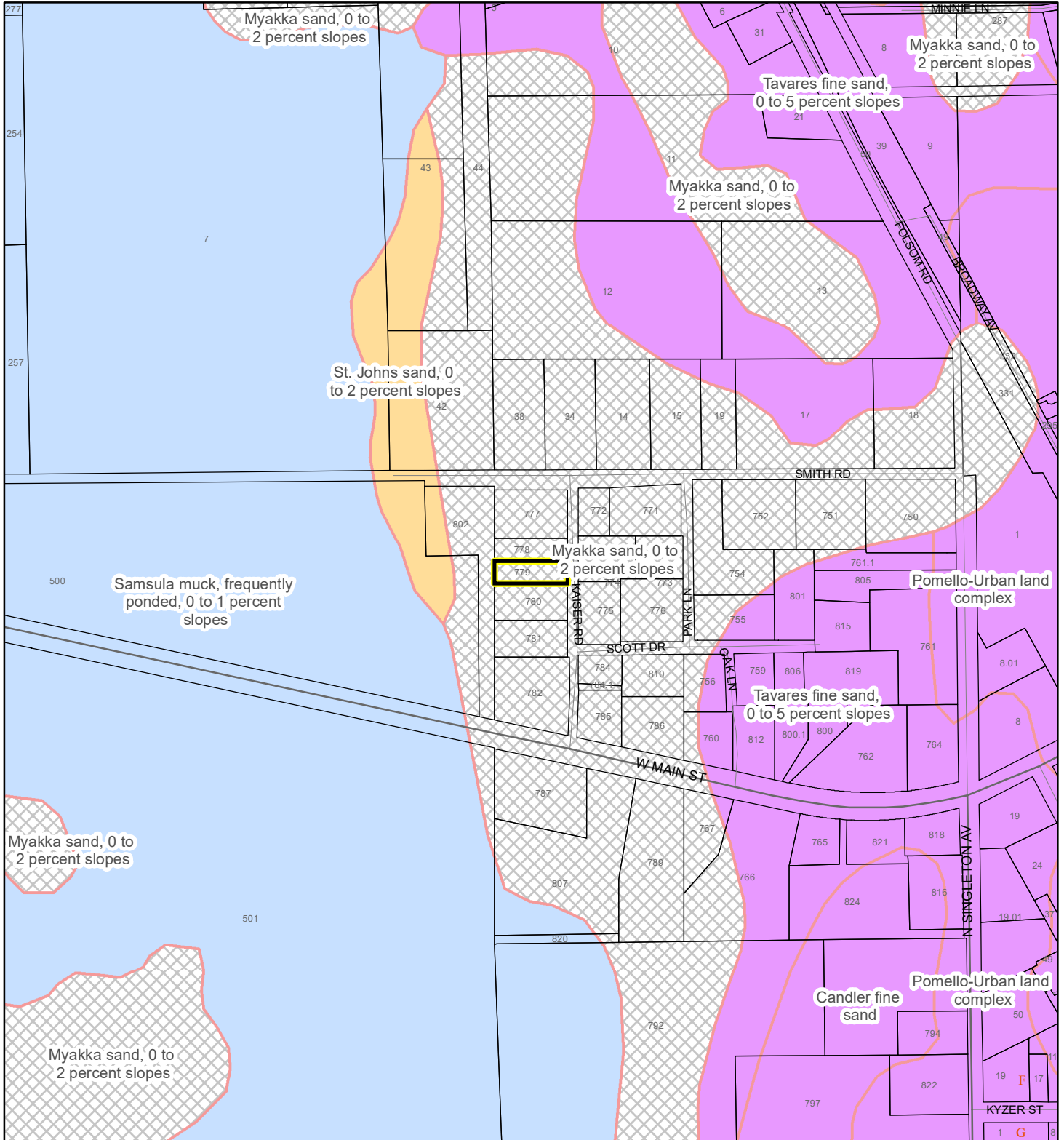
Subject Property

Parcels

# USDA SCSSS SOILS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

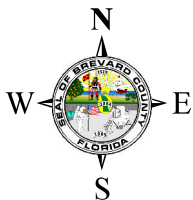
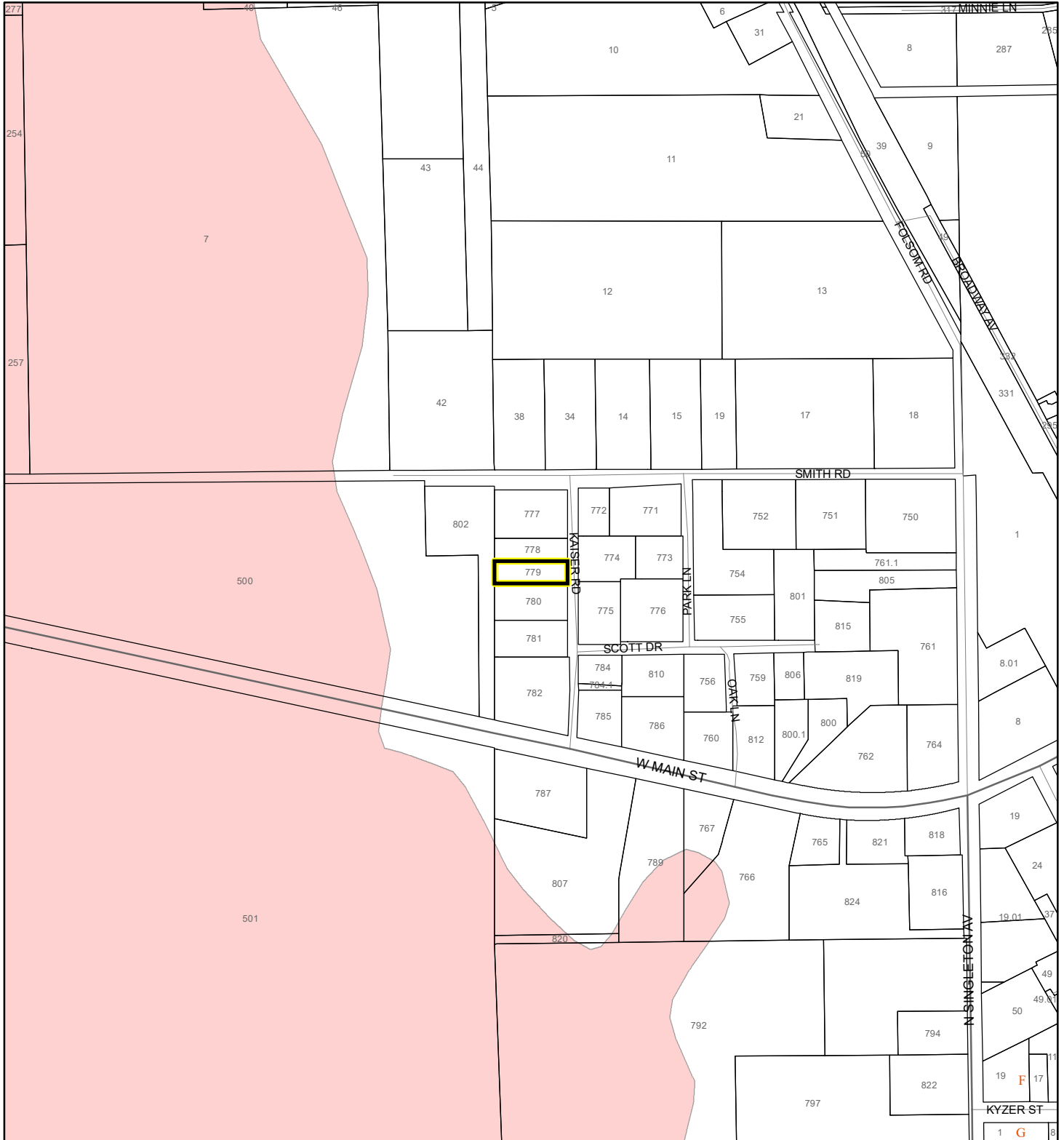
### USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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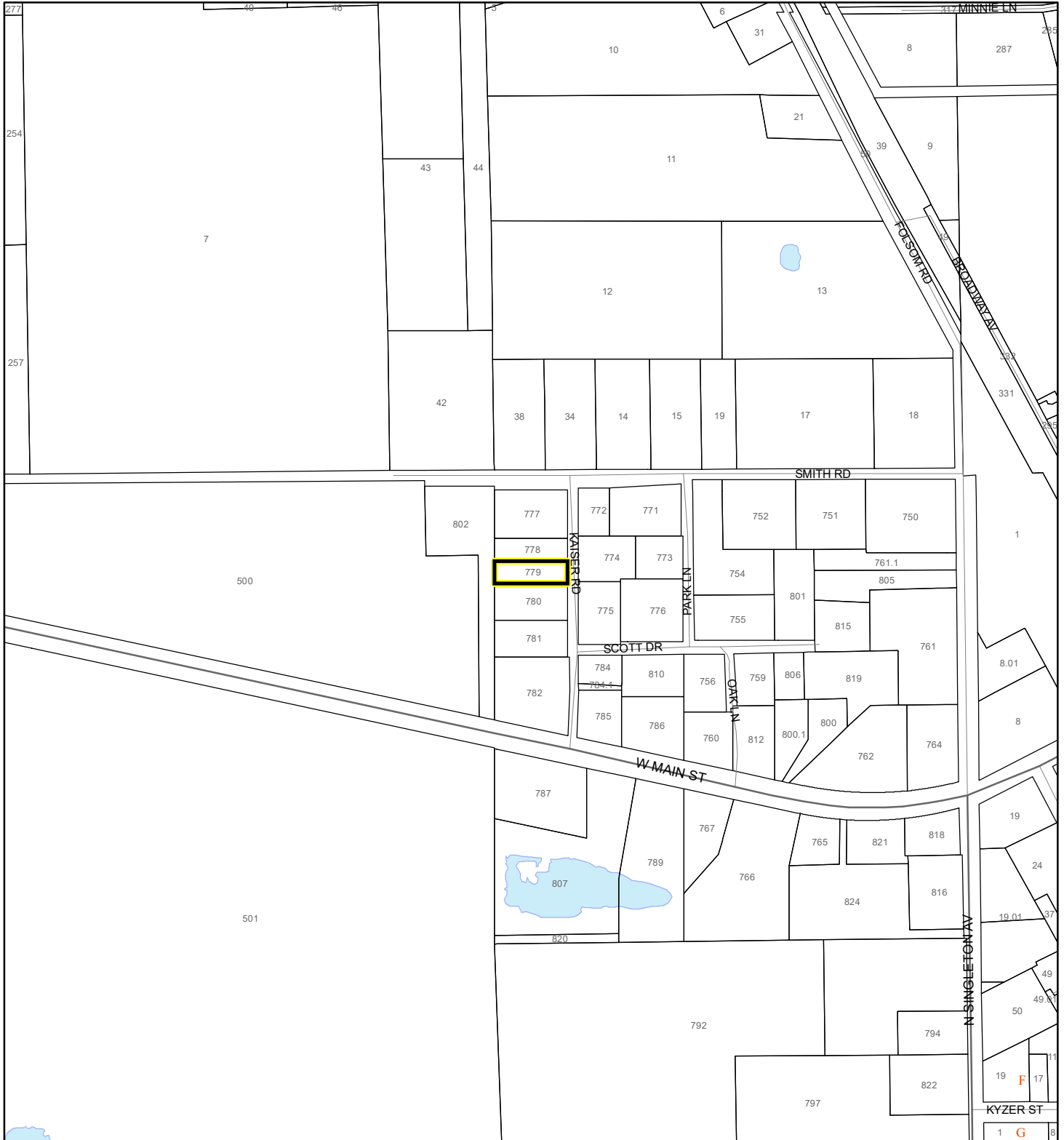
Produced by BoCC - GIS Date: 12/5/2023

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

# COASTAL HIGH HAZARD AREA MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

 Parcels

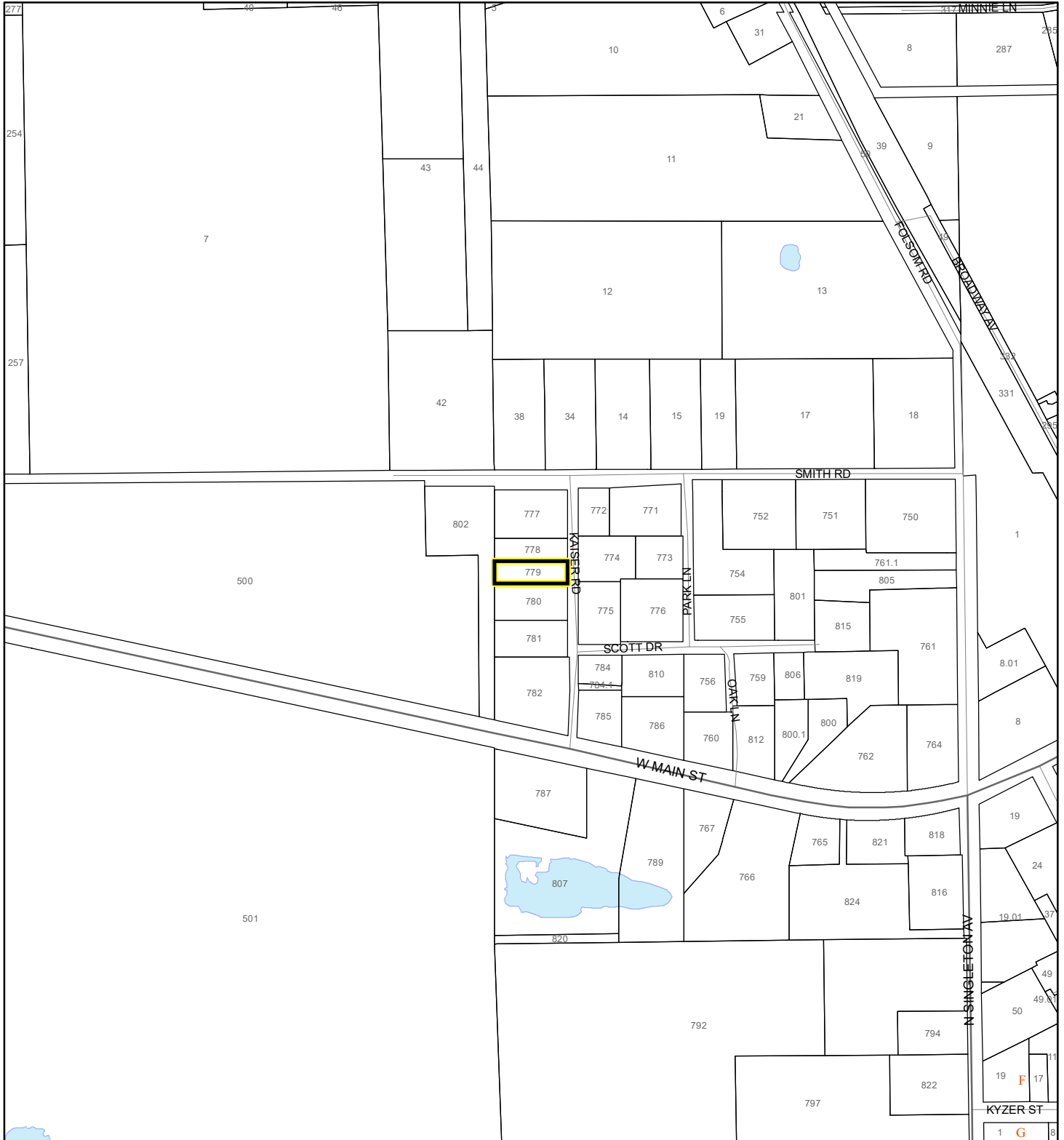
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

**Septic Overlay**

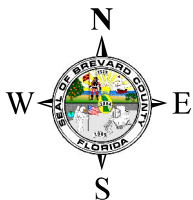
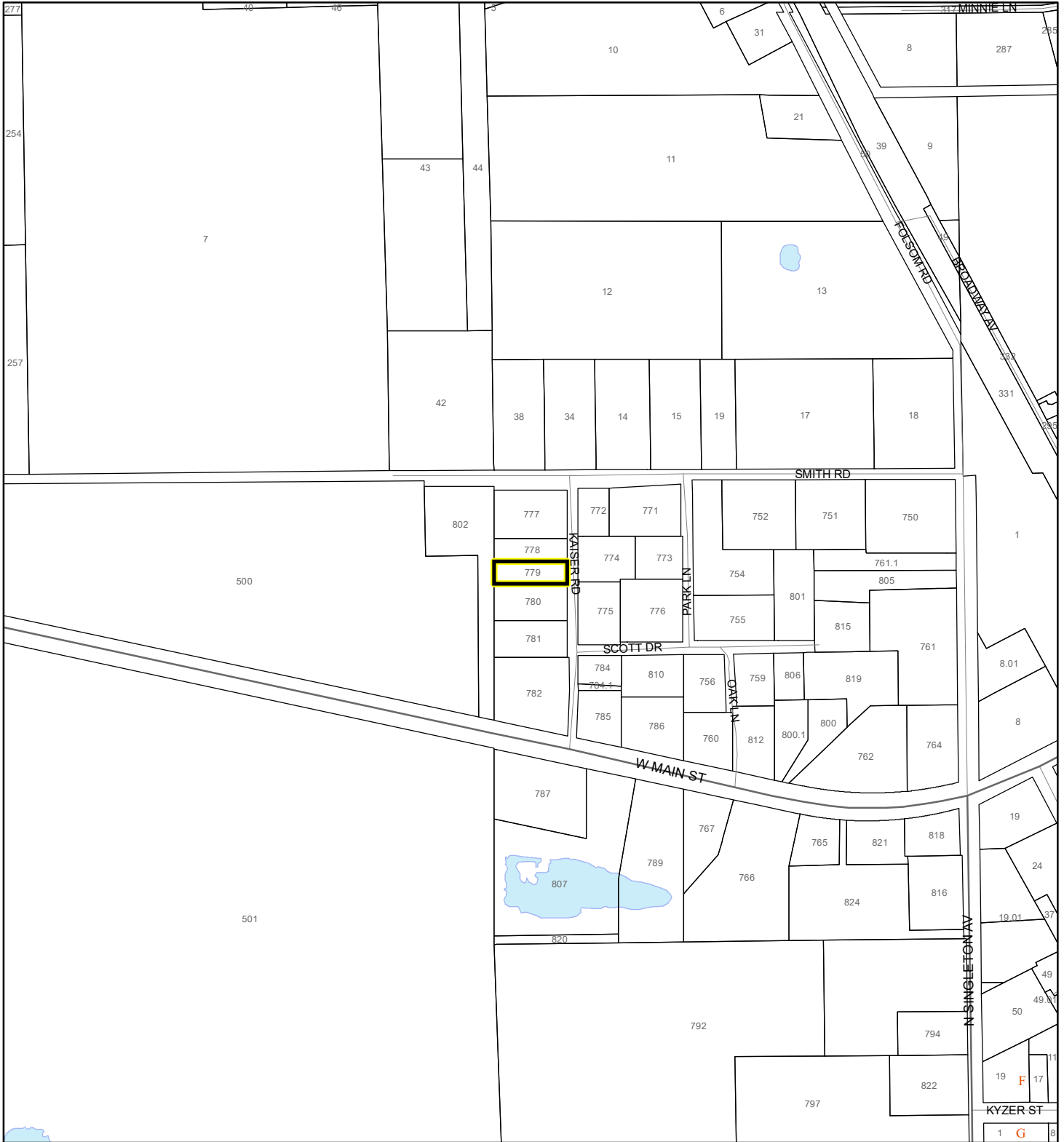
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

Subject Property

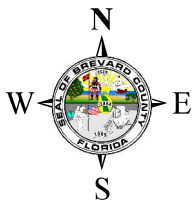
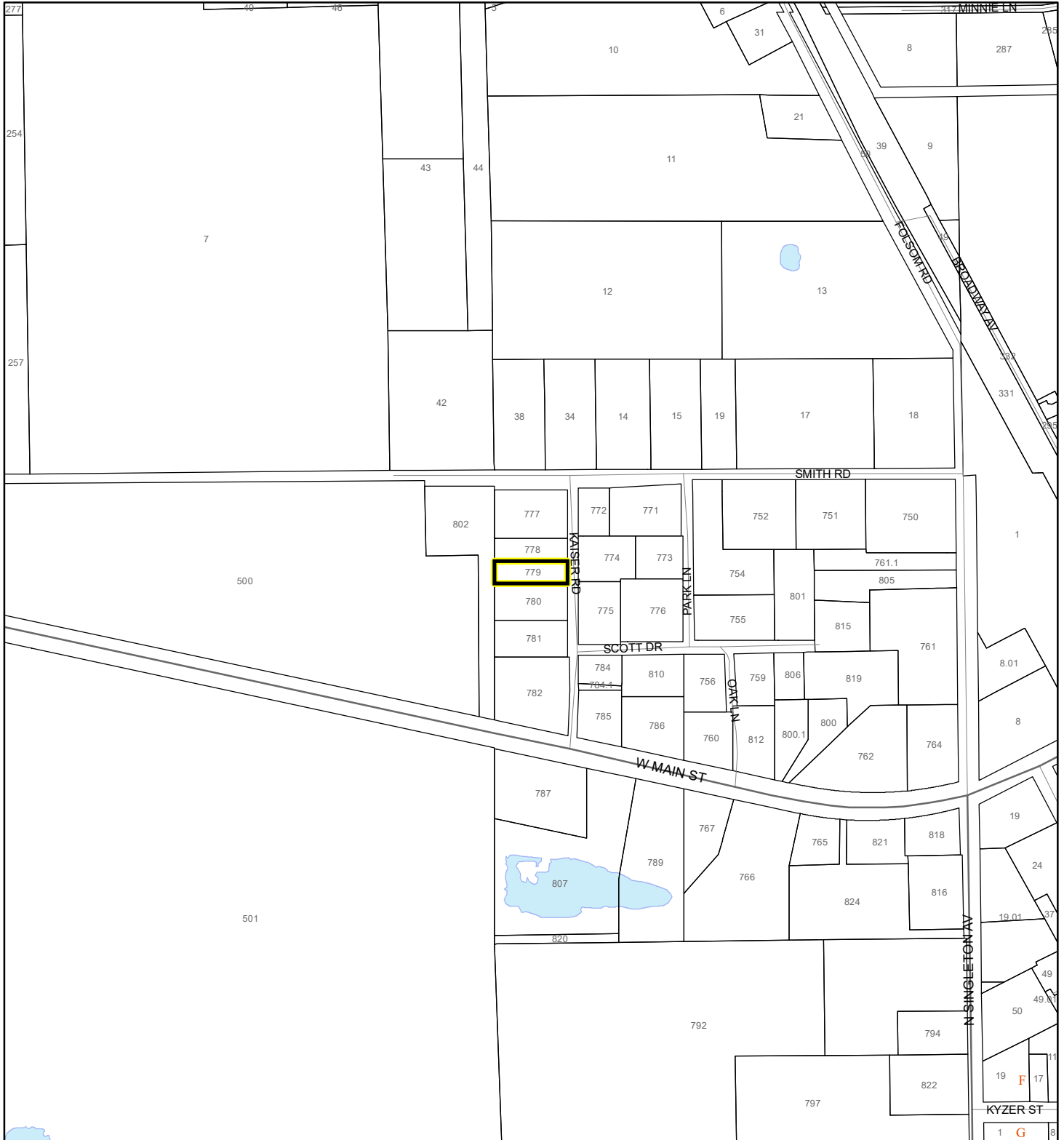
Parcels

Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC




23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

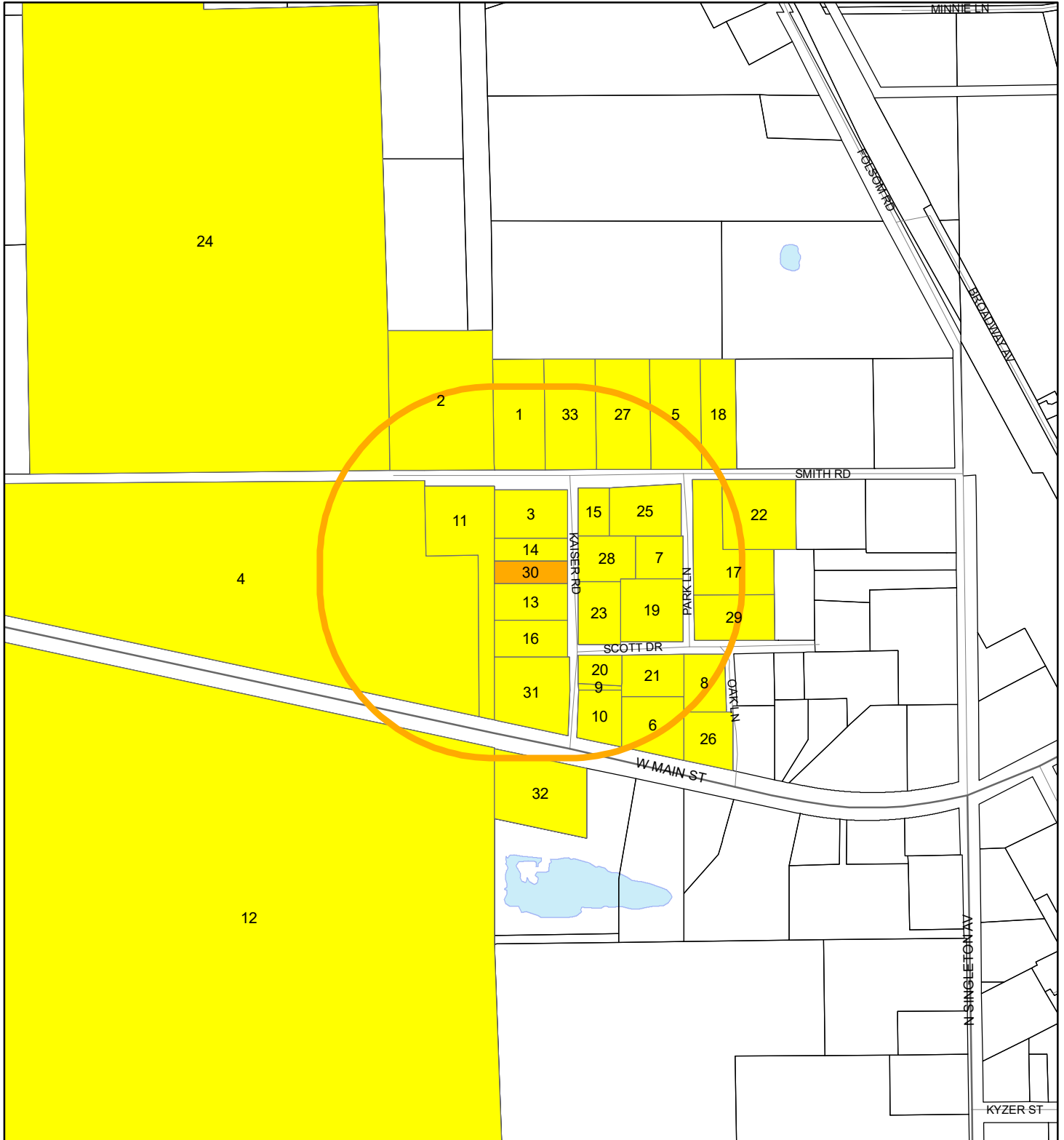




# RADIUS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 12/5/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.2.

4/15/2024

### Subject:

Jonathan & Emily Schoolfield requests a change of zoning classification from AU to RRMH-1. (24Z00001) (Tax Account 2443960) (District 1)

### 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 AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home).

### Summary Explanation and Background:

The applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres, however, requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 1 mobile home and meet the development standards for RRMH-1.

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation. There is only one Future Land Use Designation, RES 1, within 500-feet of the subject property.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. The predominate zoning classification in the surrounding area is AU. There are 2 properties zoned RRMH-1.

There are two active Code Enforcement cases (20CE-01724 & 20CE-01411) associated with the property related to work without permits, (1) alteration of swale (filled in) along county-maintained roadway, (2) land clearing, placement of fill, and wetland impacts. The resulting zoning action will have no effect on the code enforcement cases. These cases were issued to the prior owners of the subject property.

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

### Clerk to the Board Instructions:

---

G.2.

4/15/2024

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None

## **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  
 24Z00001**

**Jonathan and Emily Ann Schoolfield**

**AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home)**

Tax Account Number: 2443960  
 Parcel I.D.: 24-35-08-01-10-11  
 Location: South side of Cherven Avenue, approximately 1635 feet east of Satellite Blvd and 352.7 feet northwest of Palmetto Av. (District 1)  
 Acreage: 4.7 acres  
 Planning & Zoning Board: 04/15/2024  
 Board of County Commissioners: 05/02/2024

**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 Future Land Use Designation, Section 62-1255. The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

|                                                        | <b>CURRENT</b>  | <b>PROPOSED</b> |
|--------------------------------------------------------|-----------------|-----------------|
| <b>Zoning</b>                                          | AU              | RRMH-1          |
| <b>Potential*</b>                                      | 1 single-family | 2 single-family |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>RES 1    | YES<br>RES 1    |

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

**Background and Purpose of Request**

The applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres however, requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 2 single mobile homes and meet the development standards for RRMH-1.

The subject parcel was recorded in Survey Book 2, Page 61 on September 1960. Lots 11 and 12 were combined and considered a single lot with its size of 4.7 acres. The subject parcel has a concrete pad on site with a storage type shed or container.

There are two Code Enforcement cases (20CE-01724 & 20CE-01411) associated with the property related to work without permits, (1) alteration of swale (filled in) along county-maintained roadway, (2) land clearing, placement of fill, and wetland impacts. The resulting zoning action will have no effect on the code enforcement cases. These cases were issued to the prior owners of the subject property.

**Future Land Use**

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation. There is only one Future Land Use Designation, RES 1, within 500-feet of the subject property.

**Surrounding Area**

|              | Existing Land Use       | Zoning    | Future Land Use |
|--------------|-------------------------|-----------|-----------------|
| <b>North</b> | Single-family residence | GU        | RES 1           |
| <b>South</b> | Vacant                  | GU        | RES 1           |
| <b>East</b>  | Vacant                  | GU/RRMH-1 | RES 1           |
| <b>West</b>  | Vacant                  | GU        | RES 1           |

AU zoning is an agricultural classification that allows for a single-family home on a minimum 2.5-acre site with a minimum 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.

GU zoning allows for rural single-family development, or unimproved land for which there is not a definite current proposal for development, or land in areas lacking specific development trends.

RRMH-1 zoning permits a mobile home or single-family residence on a minimum lot size of 1 acre with a width and depth of 125 feet. The minimum living area is 600 square feet.

**Applicable Land Use Policies**

**FLUE Policy 1.9** –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

**This request is not anticipated to significantly diminish the enjoyment or safety or quality of life if developed with a single-family home. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.**

- 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;

**There is one (1) FLU designation (RES-1) within a 0.5-mile radius of the subject property. The general area is undeveloped in character with larger lots.**

**Properties in the area range in size from approximately 1 acre to 9.4 acres.**

**There have been no zoning actions within a half-mile radius of the subject property within the last three years other than the subjects' rezoning from GU to AU via Resolution 23Z00037 dated August 3, 2023.**

2. actual development over the immediately preceding three years; and  
3. development approved within the past three years but not yet constructed.

**There has been no development approved within the last three years.**

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

**The proposed use would not result in a material violation in any elements of the Comprehensive Plan.**

## **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 proposed rezoning is for a classification of RRMH-1 which requires 1 acre of land. The site is suitable for a mobile home. The surrounding land uses include GU (General Use) which requires 5 acres to develop, AU which requires 2.5 acres to develop, but 10 acres for a manufactured home and RRMH-1 which requires a single acre for a manufactured home.**

**There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.**

- 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 subject is located within West Canaveral Groves area which according to Sec 62-510 is defined as all land laying within Sections 8, 17, 20, 29, Township 24, Ranch 35, south of SR 528 and north of SR 520 herein referred to as the West Canaveral Groves 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 is not for commercial 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.



**There are two parcels zoned RRMH-1. The first abuts the subject on the southeast corner and is undeveloped. The second is located approximately 1,405 feet southwest of the subject and is improved with a mobile home. The proposed RRMH-1 would allow the splitting of the lot, allowing for 2 single family homes.**

### **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 wetland, water bodies or habitat for listed species.

**A re-zoning to RRMH-1 is not anticipated to impact of drainage to surrounding properties nor have signification impact on wetland, water bodies or habitat for listed species. The subject has two code enforcement cases pending. The first is 20CE-01411 which is for unpermitted land clearing and filling including wetlands. The second is 20CE-01724 which is for work without permits. These cases were filed against the previous property owner.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Adamson Road, from Pine Street to Highway SR-524, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 31.92% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 32.03% of capacity daily. 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 falls below the minimum number of new residential lots that would require a formal review.

Water will be provided by the city of Cocoa. There are no sewer lines. The applicant will be installing septic.

### **Environmental Constraints**

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

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

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

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

**Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).**

### **For Board Consideration**

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

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

**Item No. 24Z00001**

**Applicant:** Jonathon Mark Schoolfield (Owner: Jonathon Mark Schoolfield)

**Zoning Request:** AU to RRMH-1

**Note:** 20CE -01411: Lot cleared and fill brought in (2020)

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

**Tax ID No.:** 2443960

- 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.**
- **During review of this parcel, information indicates that there are two open code enforcement cases. The first case is 20CE-01411 for unpermitted land clearing and unpermitted filling, including in wetlands. The second case is 20CE-01724 for work without permits. Both cases are pending.**

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

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

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

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

**Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).**

### **Land Use Comments:**

#### **Wetlands and Hydric Soils**

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Pompano sand, 0 to 2 percent slopes; Malabar sand, 0 to 2 percent slopes; and Terra Ceia muck, 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. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

#### **Aquifer Recharge Soils**

This property contains Basinger sand which may function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### **Land Clearing and Landscape Requirements**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. 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, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

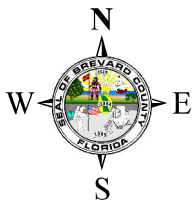
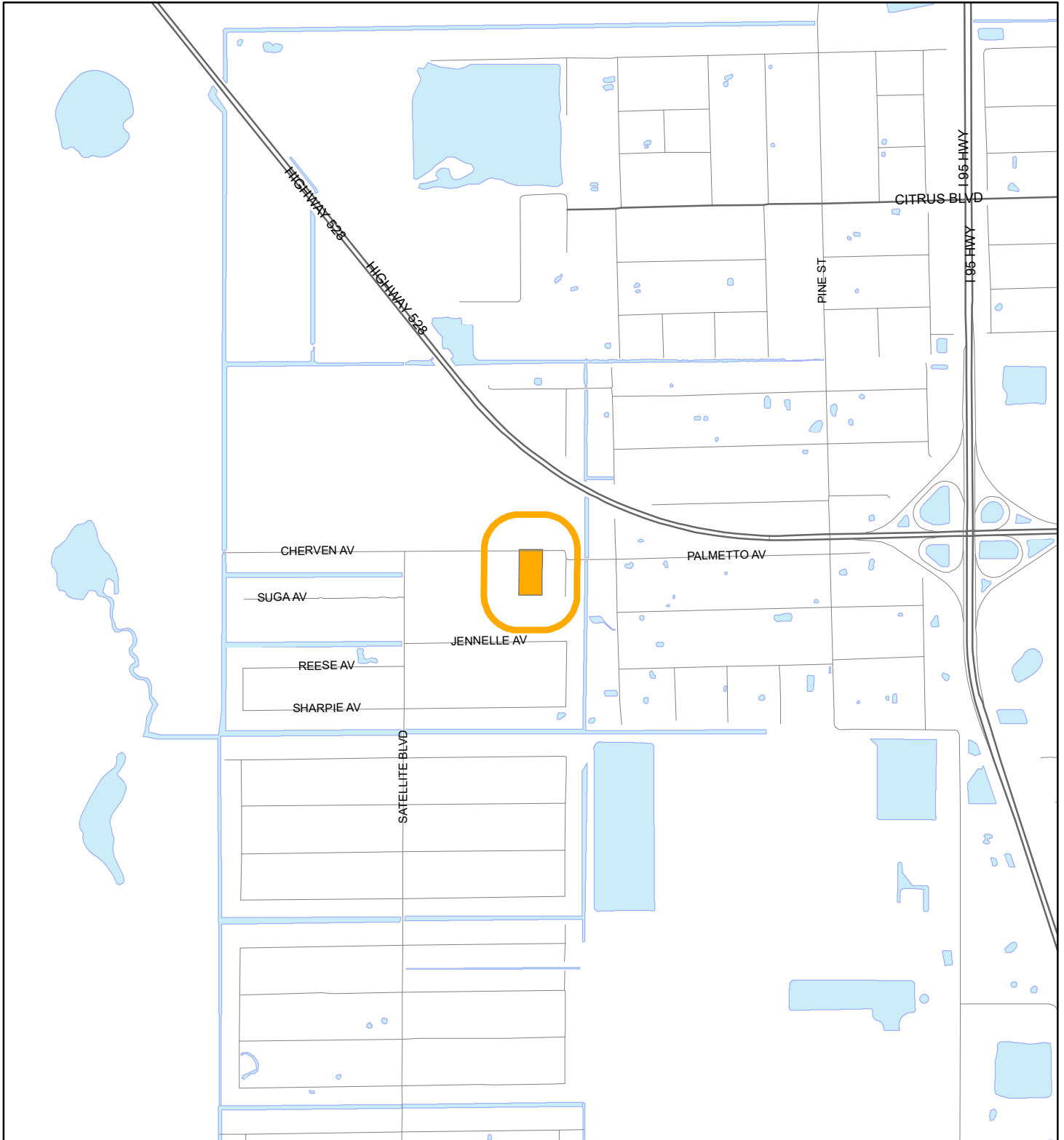
**Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. Brevard County code enforcement cases 20CE-01411 and 20CE-01724 are pending.**

### **Protected Species**

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. 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

Schoolfield, Jonathan & Emily  
24Z00001





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

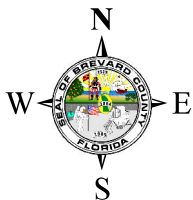
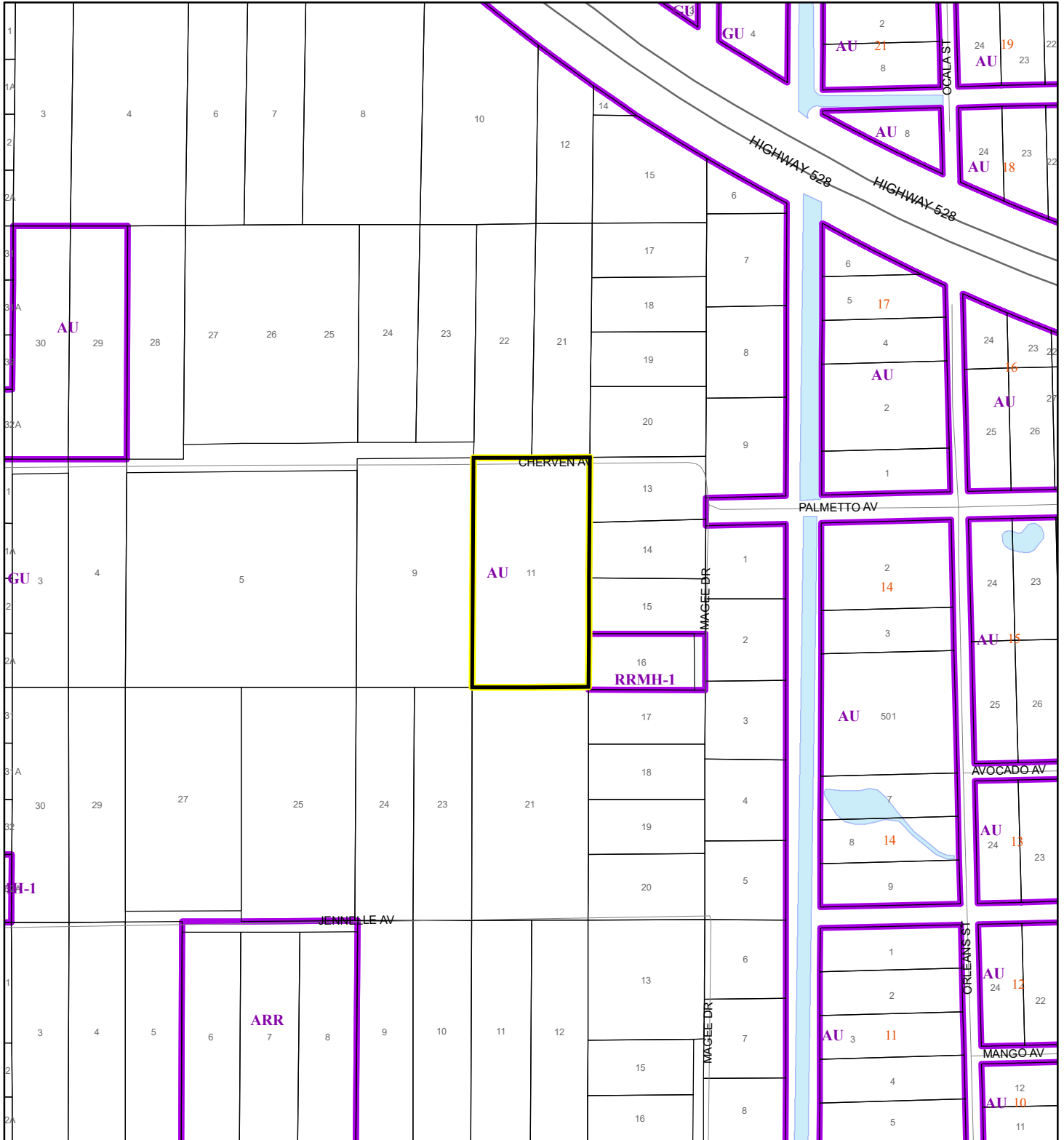
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

-  Buffer
-  Subject Property

# ZONING MAP




Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

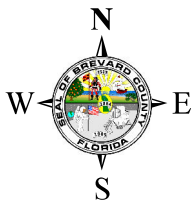
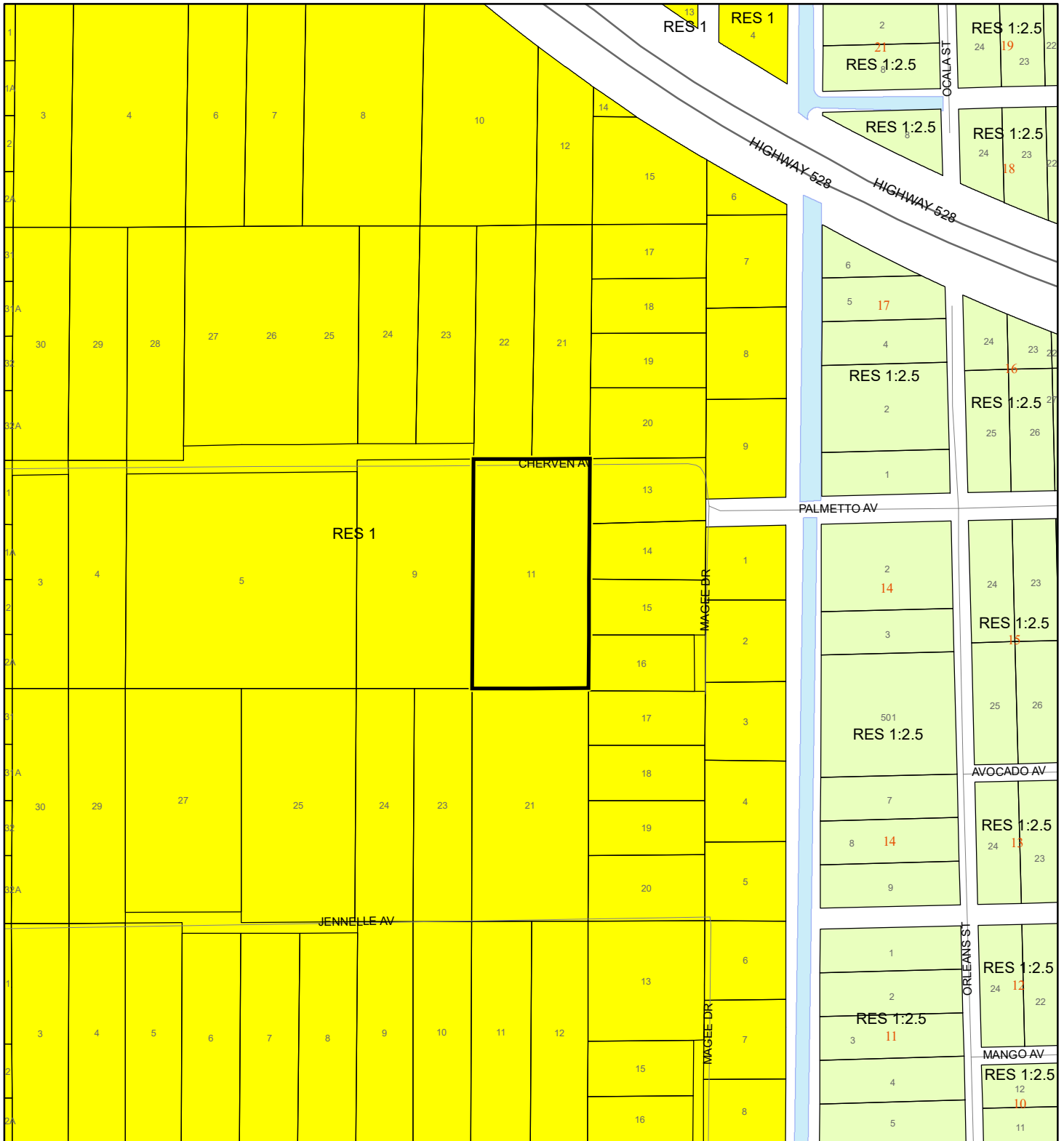
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Produced by BoCC - GIS Date: 2/8/2024



-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

 Subject Property  
 Parcels

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# AERIAL MAP

Schoolfield, Jonathan & Emily  
24Z00001




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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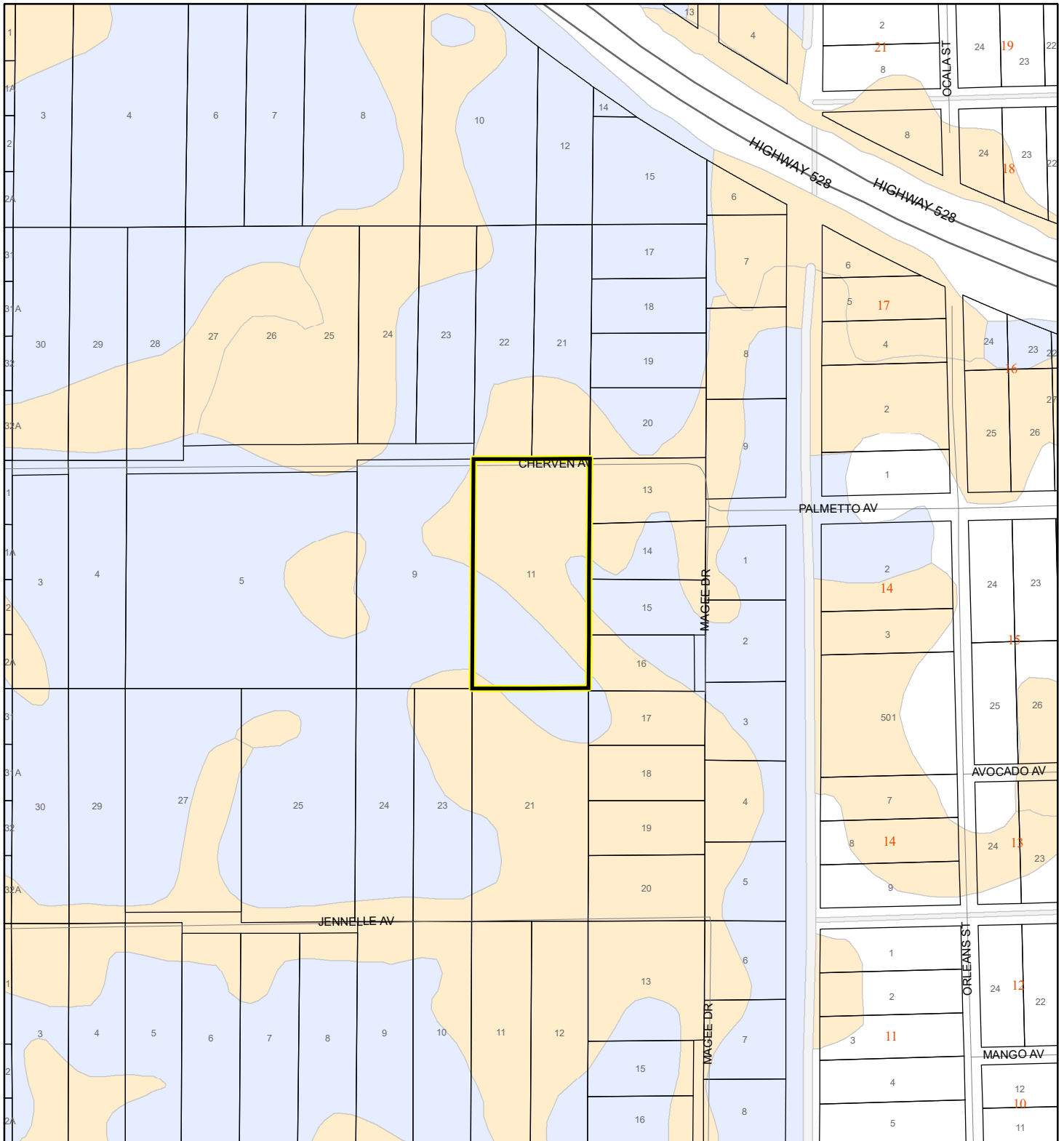
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 Subject Property

 Parcels

# NWI WETLANDS MAP

Schoolfield, Jonathan & Emily  
24Z00001













1:4,800 or 1 inch = 400 feet

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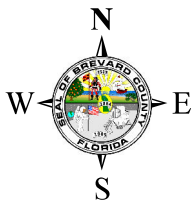
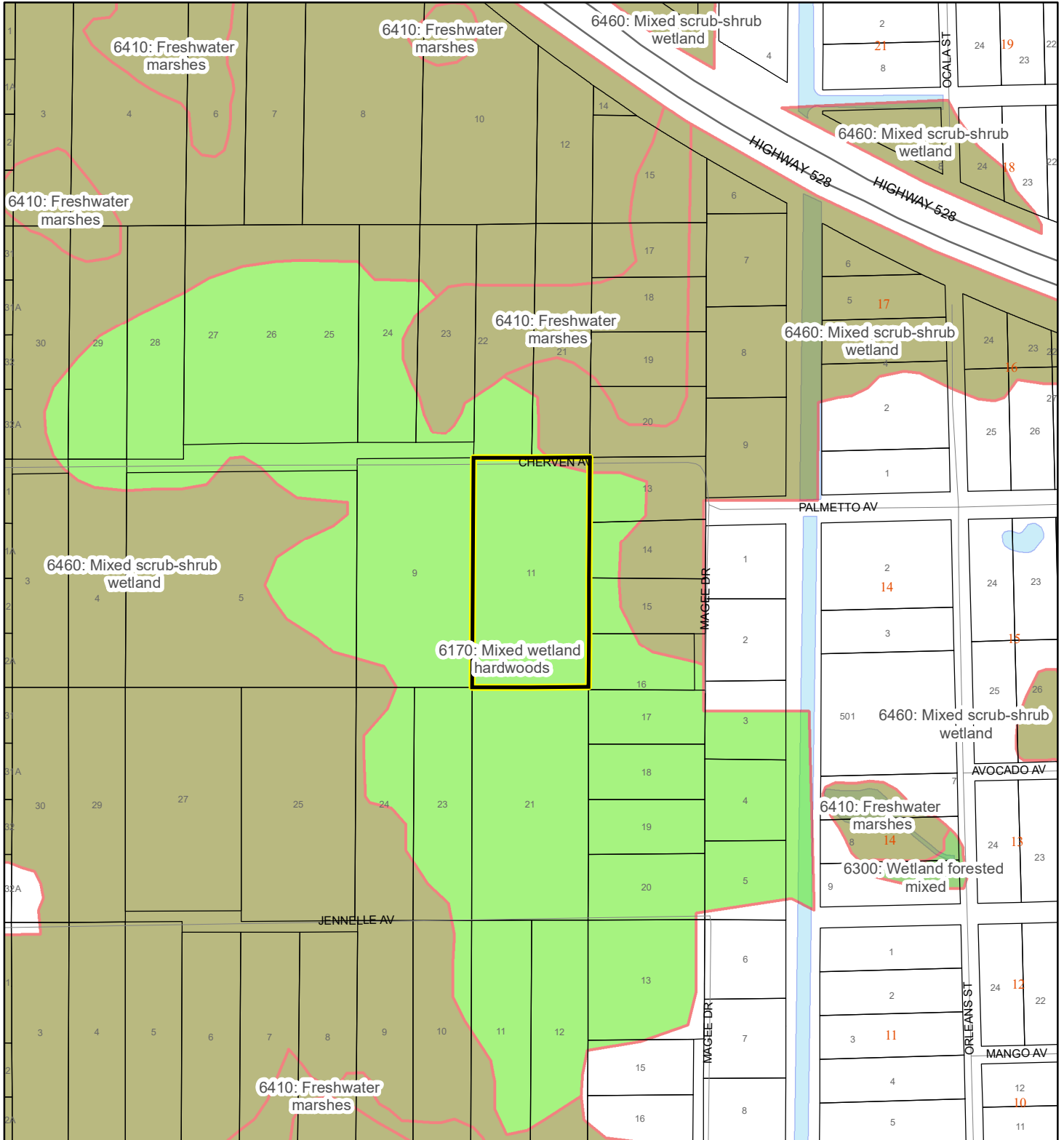
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## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS WETLANDS

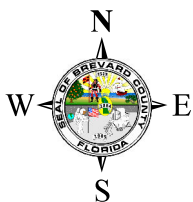
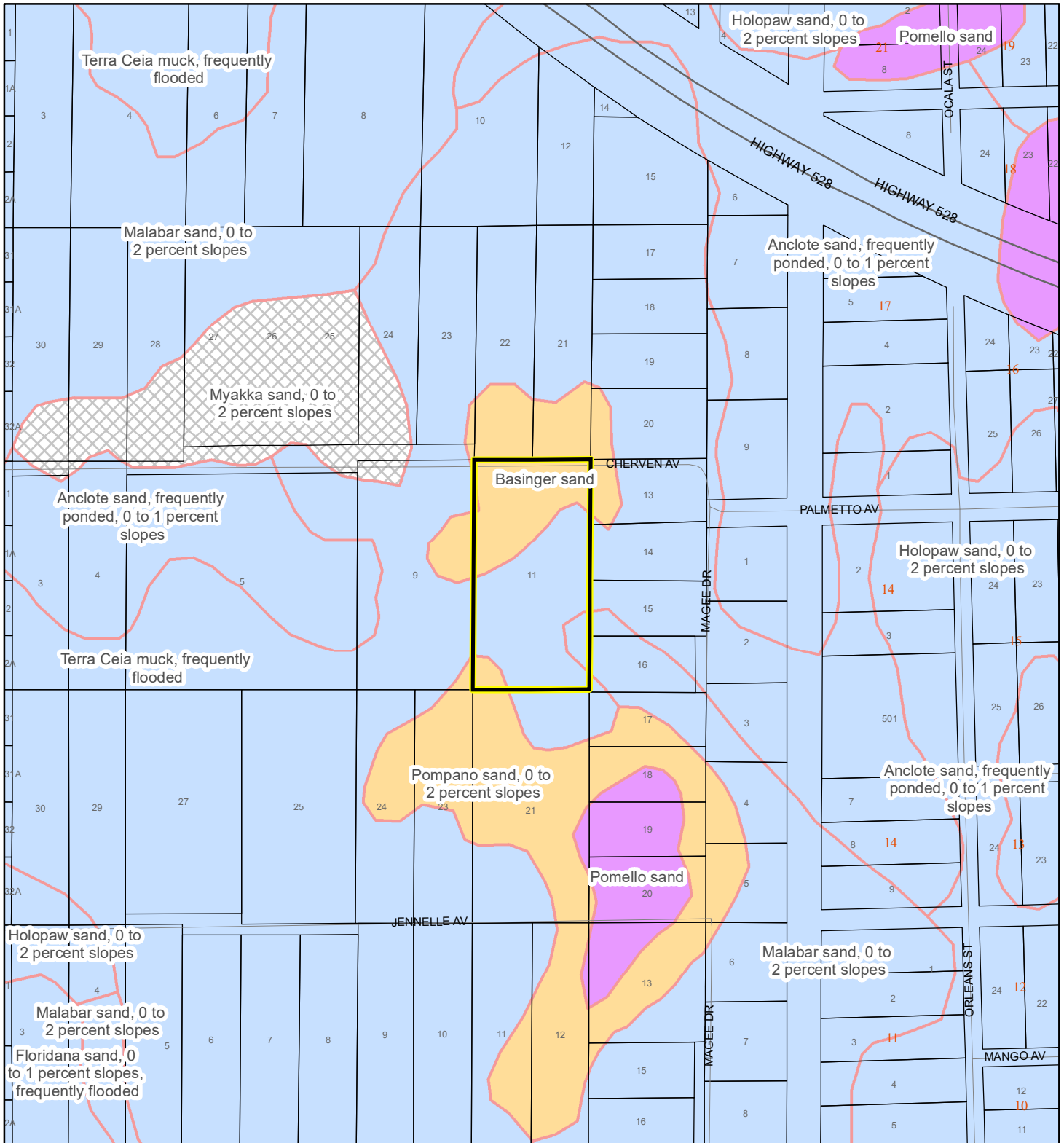
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

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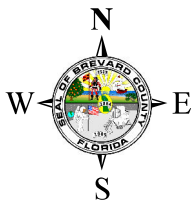
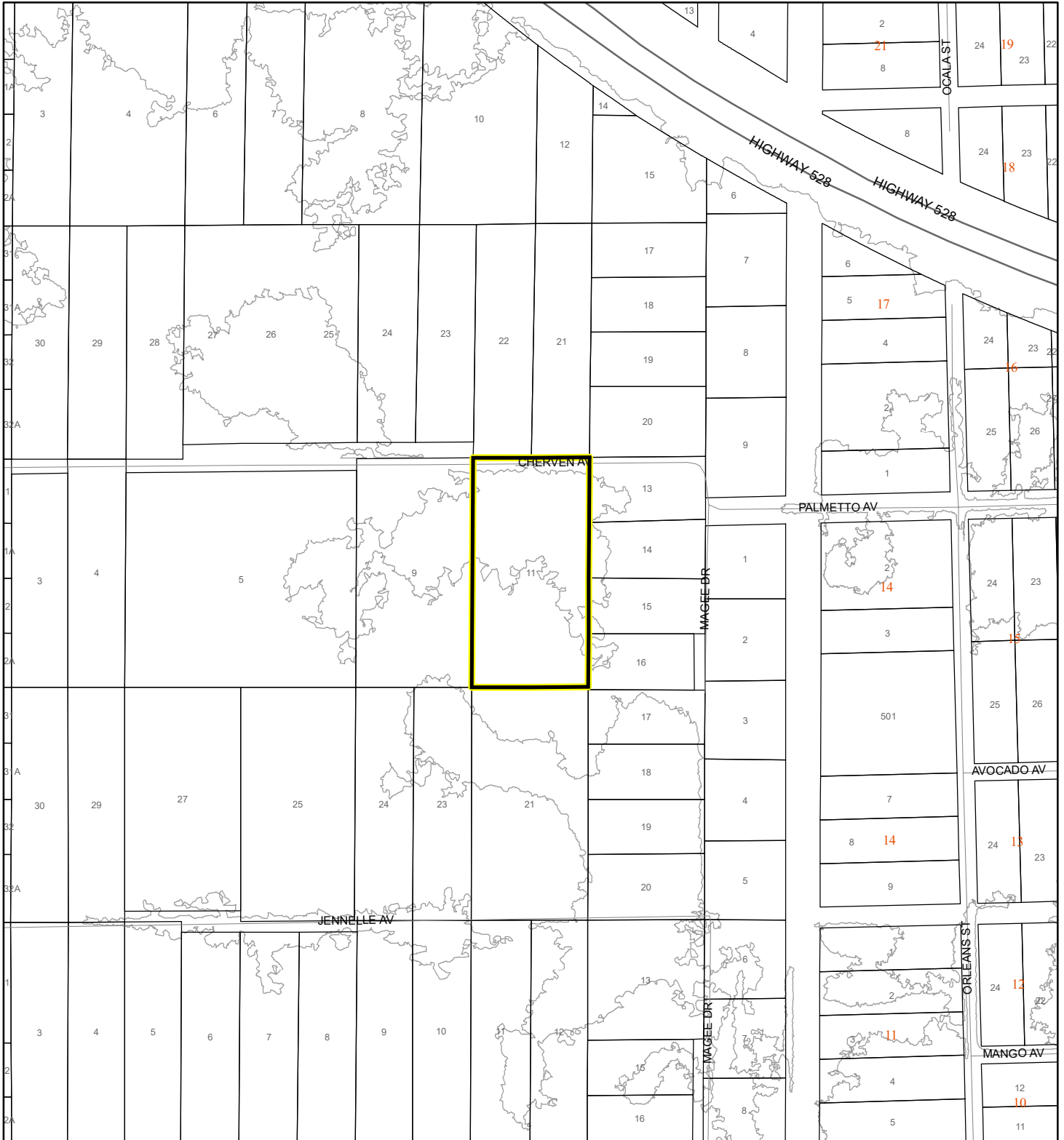
Produced by BoCC - GIS Date: 2/8/2024

## USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

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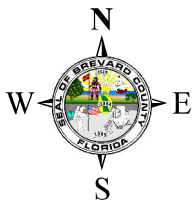
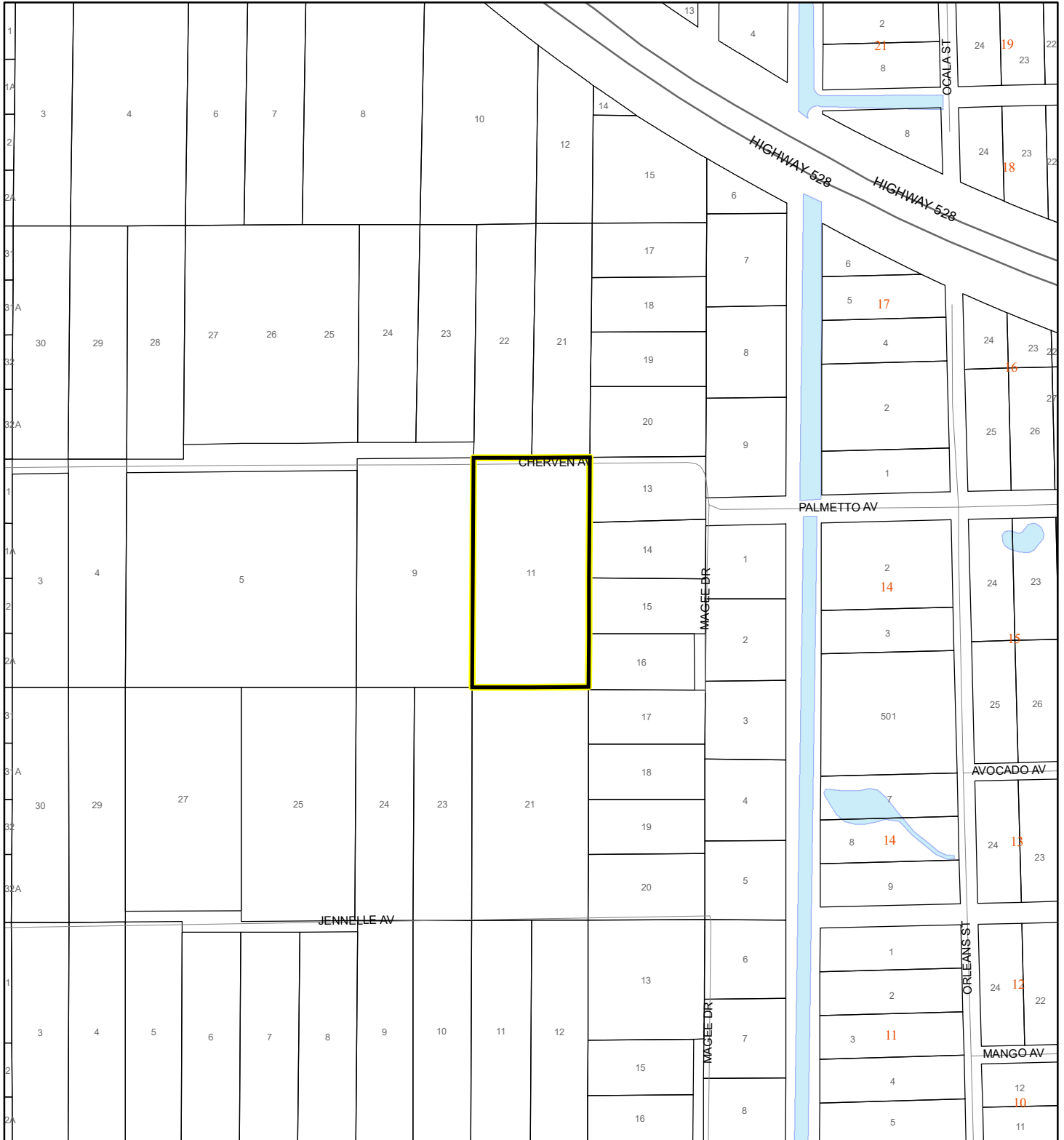
Produced by BoCC - GIS Date: 2/8/2024

### FEMA Flood Zones

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

# COASTAL HIGH HAZARD AREA MAP


Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet


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 Subject Property

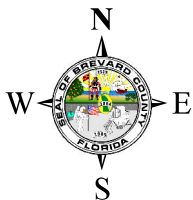
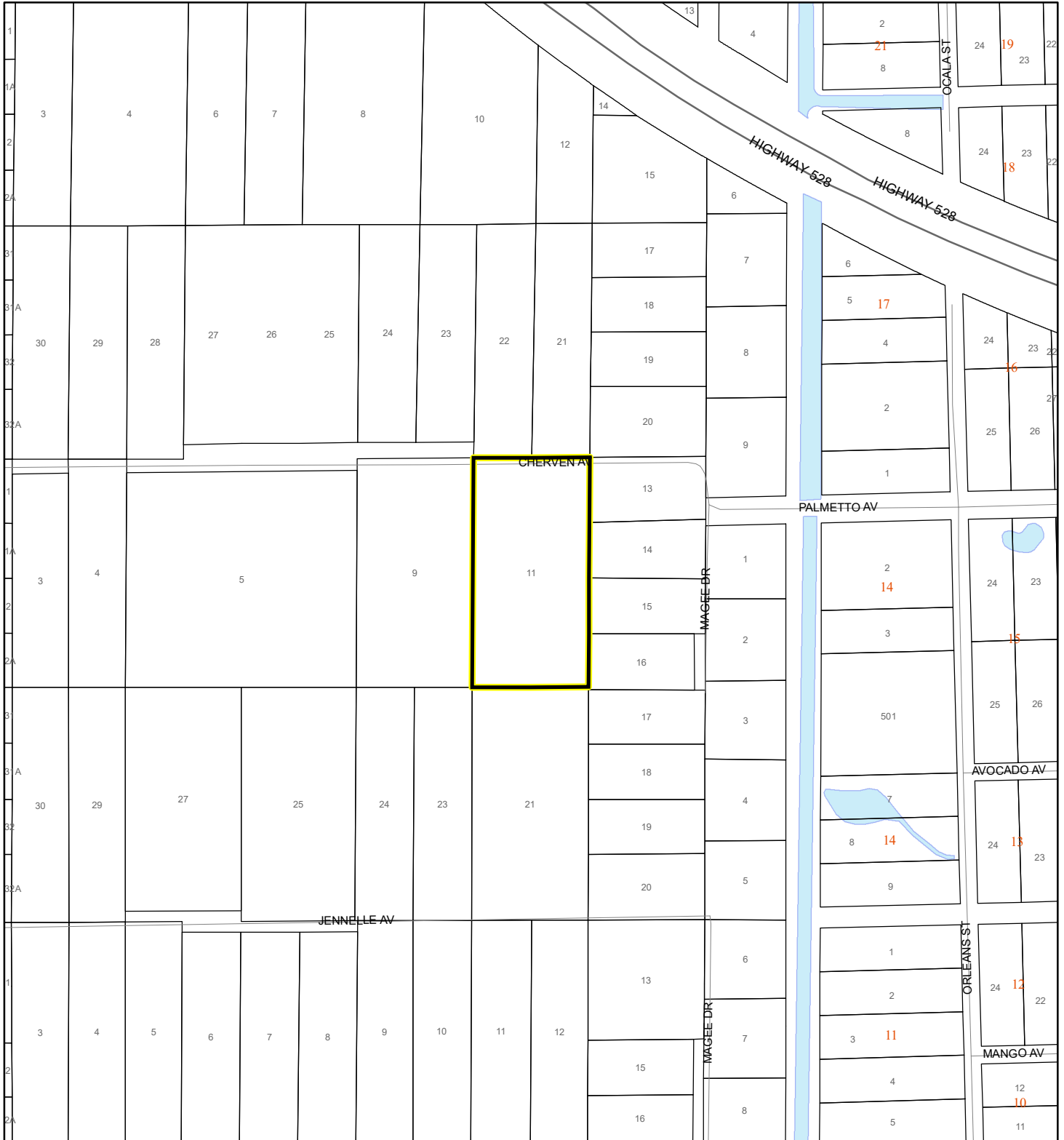
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Schoolfield, Jonathan & Emily  
24Z00001



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**

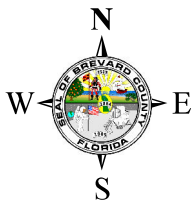
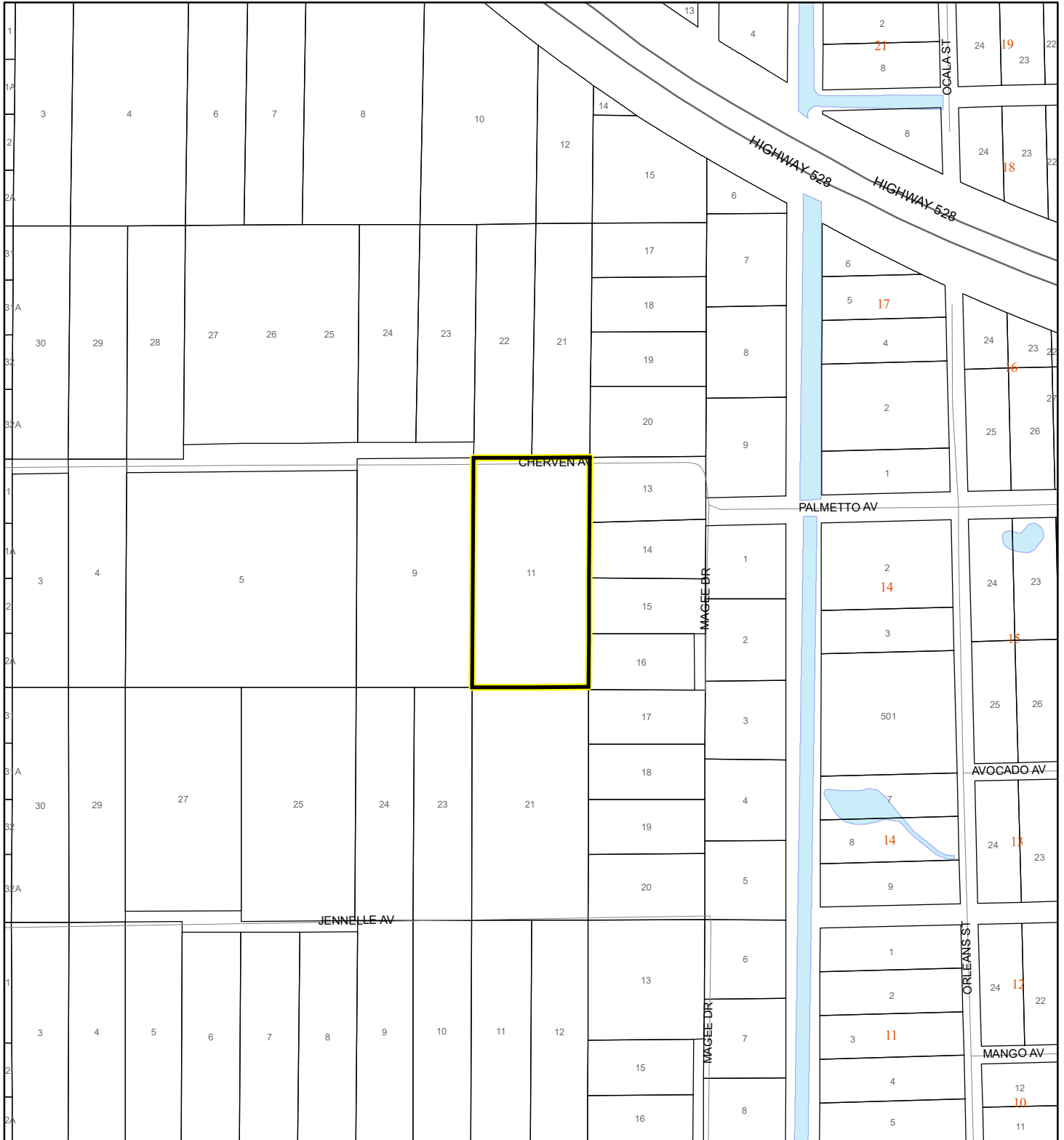
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

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

 Subject Property

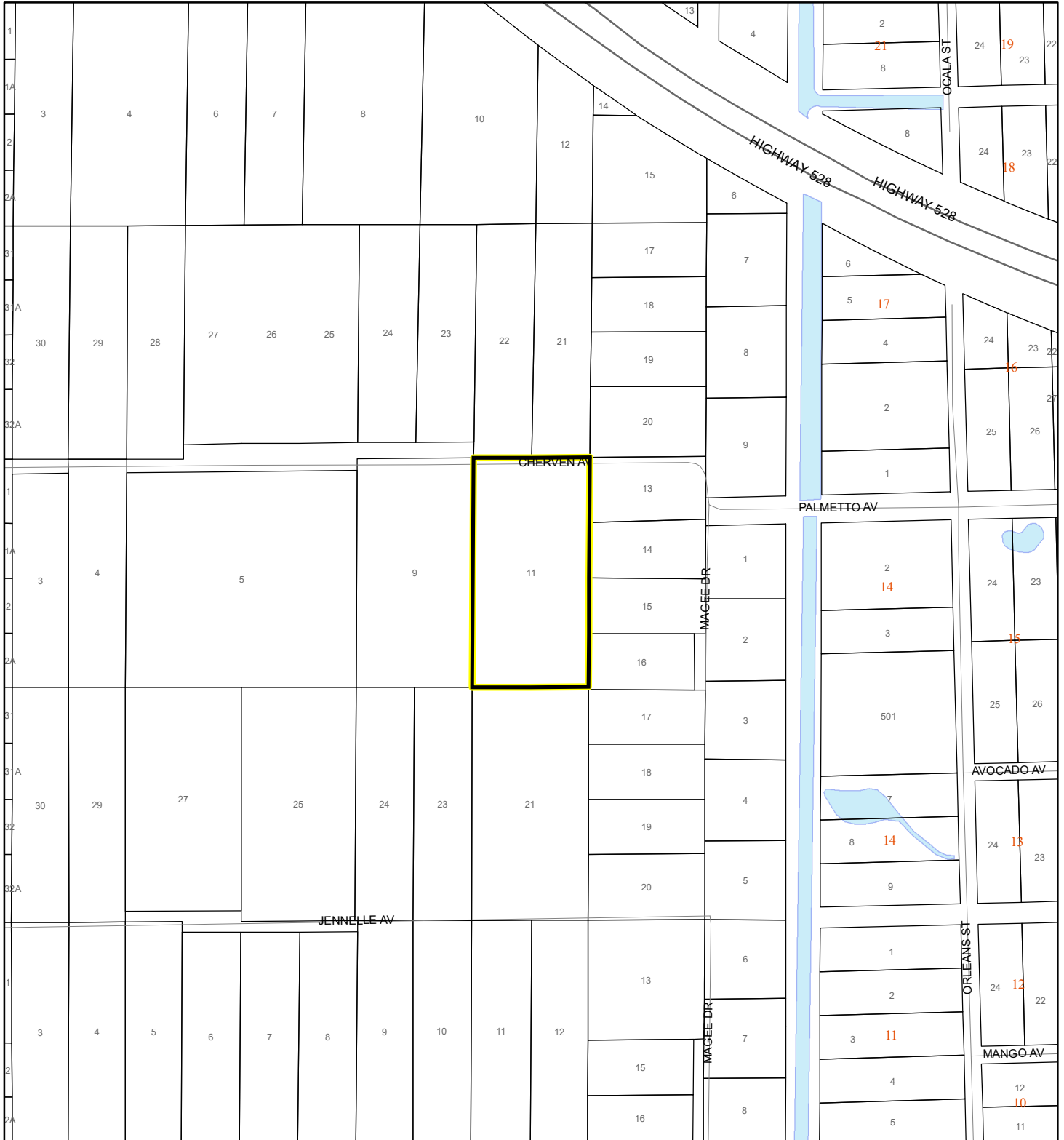
 Parcels

 Eagle Nests FWS



# SCRUB JAY OCCUPANCY MAP




Schoolfield, Jonathan & Emily  
24Z00001



1:4,800 or 1 inch = 400 feet

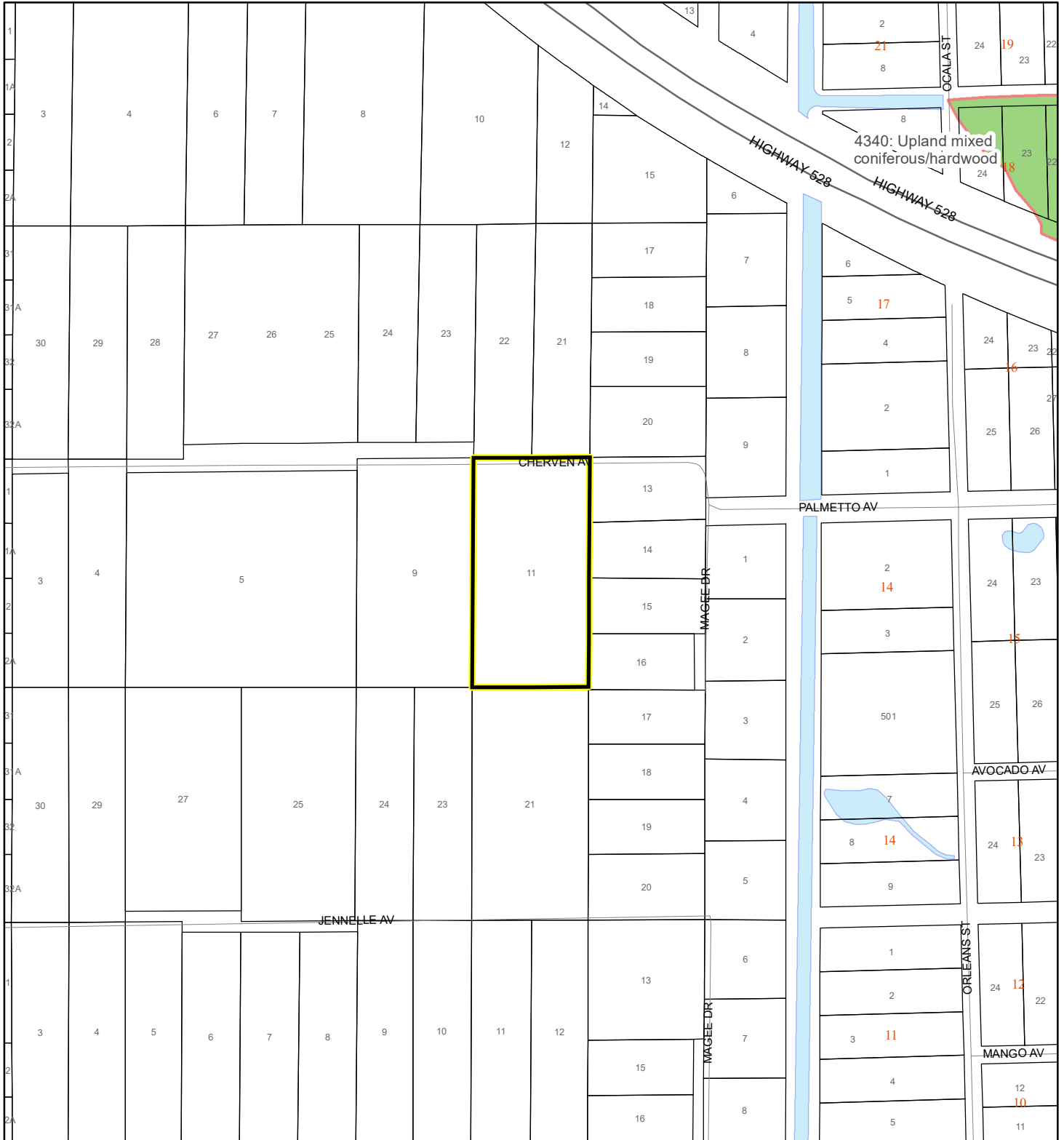
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Schoolfield, Jonathan & Emily  
24Z00001



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

## SJRWMD FLUCCS Upland Forests

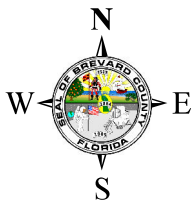
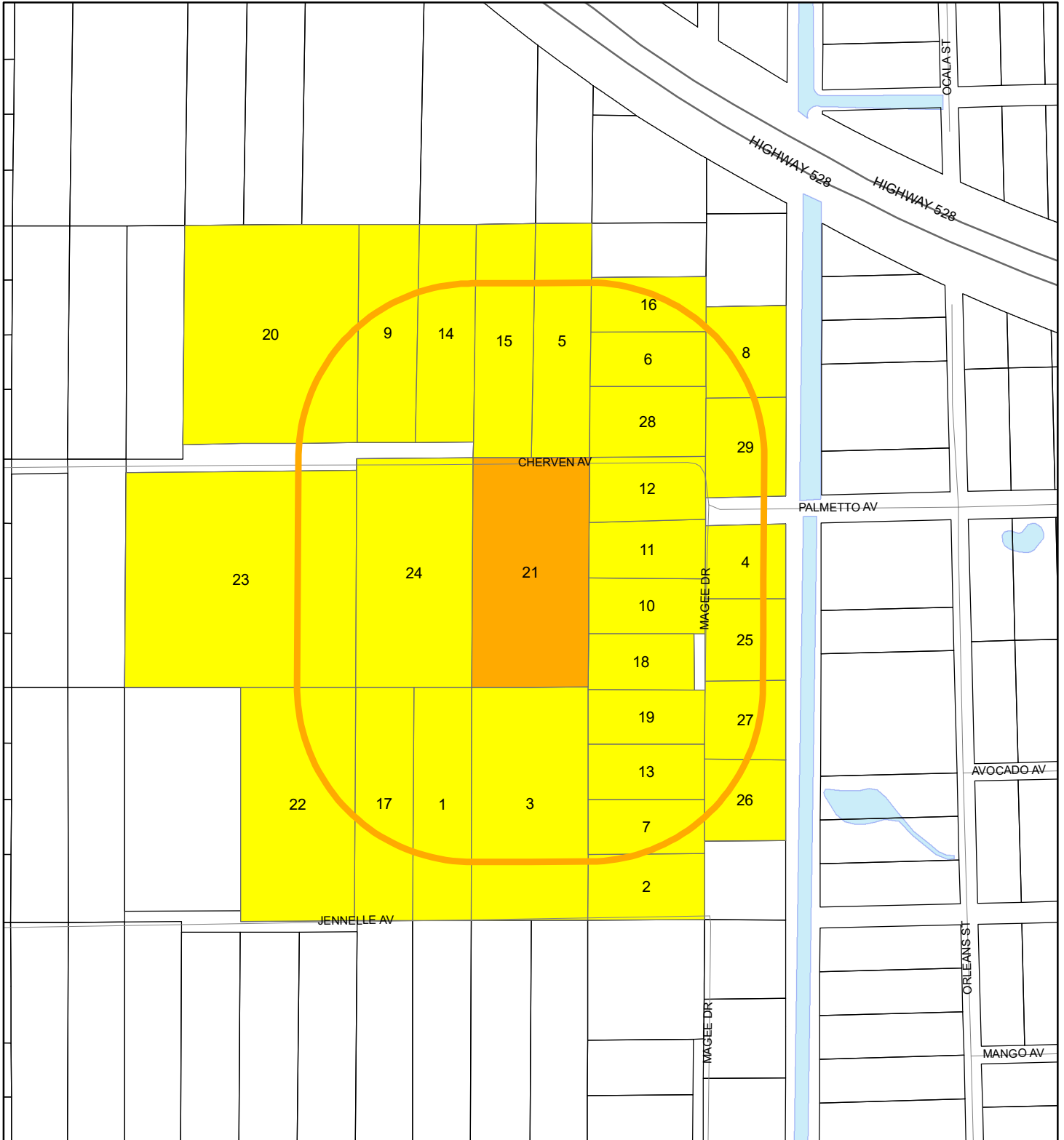
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

# RADIUS MAP

Schoolfield, Jonathan & Emily  
24Z00001







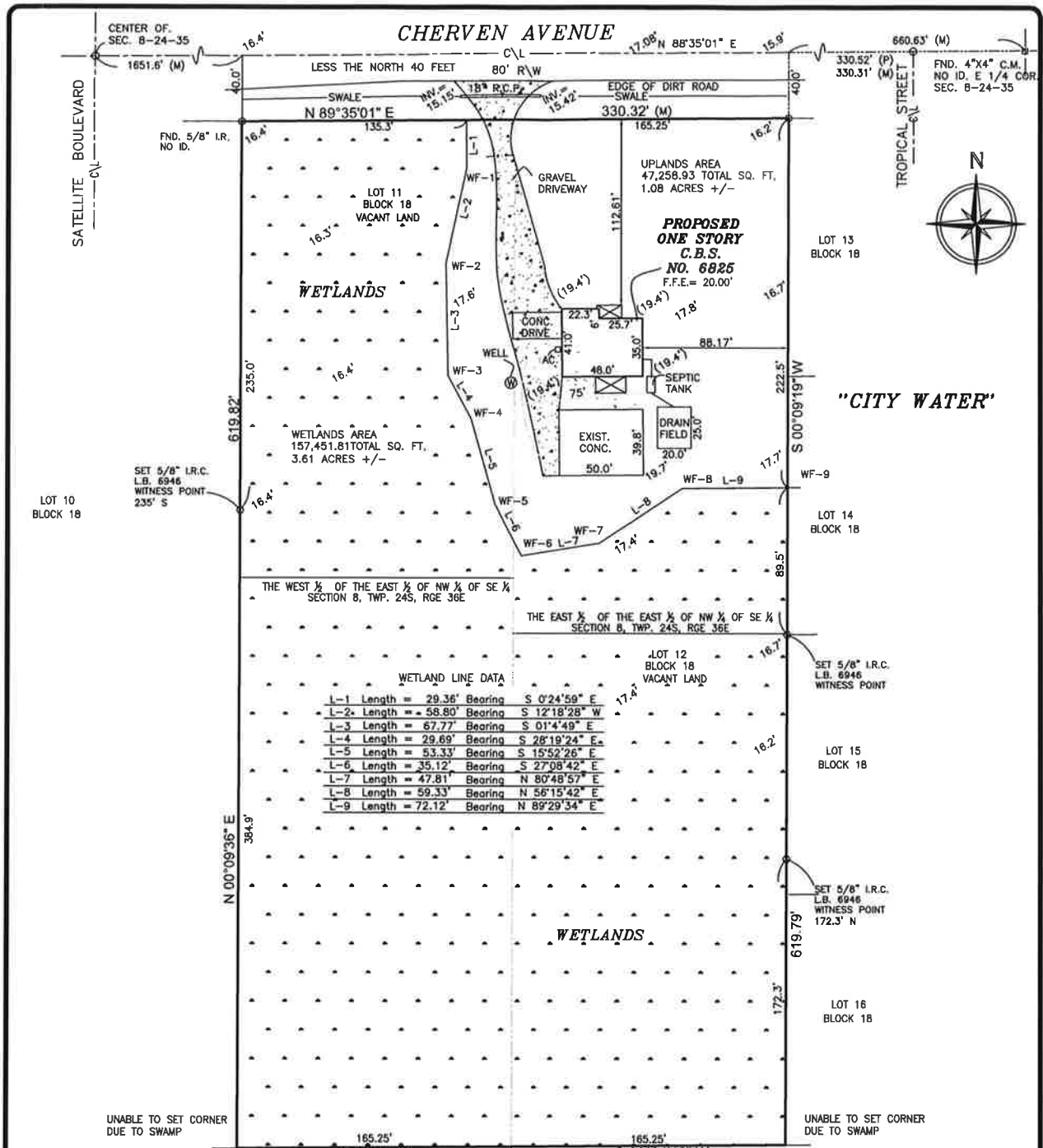
1:4,800 or 1 inch = 400 feet

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
-  Notify Property
-  Parcels



WETLAND LINE DATA

|     |                 |                       |
|-----|-----------------|-----------------------|
| L-1 | Length = 29.36' | Bearing S 0°24'59" E  |
| L-2 | Length = 58.80' | Bearing S 12°18'28" W |
| L-3 | Length = 67.77' | Bearing S 01°4'49" E  |
| L-4 | Length = 29.69' | Bearing S 28°19'24" E |
| L-5 | Length = 53.33' | Bearing S 15°52'26" E |
| L-6 | Length = 35.12' | Bearing S 27°08'42" E |
| L-7 | Length = 47.81' | Bearing N 80°48'57" E |
| L-8 | Length = 59.33' | Bearing N 56°15'42" E |
| L-9 | Length = 72.12' | Bearing N 89°29'34" E |

**DESCRIPTION:**  
 The West 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 8, Township 24 South, Range 35 East, LESS the North 40 feet thereof, lying and being in Brevard County, Florida,  
 and  
 The East 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4, of Section 8, Township 24 South, Range 35 East, LESS the North 40 feet thereof, lying and being in Brevard County, Florida.

**MAP OF BOUNDARY SURVEY**

- SURVEYORS' NOTES:**
- This property is located in Flood Zone(s) X, The Residence is lying in Flood Zone(s) X, Map No. 12009C03250, Panel No. 325, Suffix G, Community No. 125092, Effective Date, March 17, 2014.
  - The bearings shown are based on an Assumed North Meridian, Being N 88° 59' 52" W along the South R/W line of Cherven Avenue.
  - This is Real Property being situated in Section 8, Township 24S, Range 35E, Brevard County, Florida.
  - The Surveyor has not abstracted the property. Only plotted or furnished easements or encumbrances that may restrict the property are shown.
  - Underground Improvements are not located unless requested.
  - Elevations shown hereon based on NAVD88.



**LEGEND & ABBREVIATIONS:**

- = Set 5/8" iron rod with plastic cap
- △ = Set nail with metal disc
- = Set concrete monument with disc
- = 4" C.L.F.
- = Center Line
- = 6" W.F.
- XXX = Existing Elevations
- (XXX) = Proposed Elevations
- (B.M.) = Benchmark, (CONC.) = Concrete, (C.L.) = Centerline, (C.B.) = Concrete Block
- (C.B.S.) = Concrete Block Structure, (C.&S.) = Covered and Screened,
- (C.M.) = Concrete Monument, (C.M.P.) = Corrugated Metal Pipe, (C.L.F.) = Chain Link Fence
- (D) = Deed, (E.M.) = Electric Meter, (F.F.E.) = Finished Floor Elevation, (Fnd.) = Found,
- (F.P.R.) = Fixed Point of Reference, (I.R.C.) = Iron Rod with Cap, (I.P.) = Iron Pipe
- (G.M.) = Gas Meter, (L.B.) = Licensed Business, (L.S.) = Licensed Surveyor, (M) = Measured
- (M.E.S.) = Metered End Section, (M&D) = Nail & Disc, (O.R.B.) = Official Records Book,
- (O.H.P.L.) = Over Head Power Line, (P.C.P.) = Permanent Control Point, (P) = Plat
- (P.O.B.) = Point of Beginning, (P.O.C.) = Point of Commencement
- (P.R.M.) = Permanent Reference Monument, (P.U. & D.E.) = Public Utility & Drainage Easement,
- (RNG.) = Range, (R.C.P.) = Reinforced Conc. Pipe, (R/W) = Right of Way, (SEC.) = Section
- (TWP.) = Township, (W.U.P.) = Wood Utility Pole, (W.F.S.) = Wood Frame Structure, (W.M.) = Water Meter

**CERTIFIED TO:** JONATHAN SCHOOLFIELD

**Eric Nielsen** Digitally signed by Eric Nielsen  
 Date: 2023.04.17 17:35:45

**Eric Nielsen Land Surveying, Inc.**  
 12 STONE STREET, COCOA, FL. 32922  
 Pn: (321) 631-5654  
 email: nielsenlandsurveying@bellsouth.net

**Revisions:**  
 SITE PLAN 09/16/21  
 REV. SITE PLAN & WETLANDS  
 ADDED 02-23-2022  
 RECERTIFICATION 04-13-23

**SCALE:** 1" = 60'  
**DATE:** 06-14-2021  
**JOB NO.:** 21-317-06

114



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.3.

4/15/2024

### Subject:

William & Jeanette Gonedridge requests a changes of zoning classification from RR-1 to AU(L) and removal of an existing BDP. (24Z00003) (Tax Account 2000372) (District 1)

### 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 RR-1 (Rural Residential) to AUL (Agricultural Residential Low Intensity) with the removal of an existing BDP (Binding Development Plan).

### Summary Explanation and Background:

The applicants are requesting to rezone the property from RR-1 (Rural Residential) to AU(L) (Agriculture Residential Low Intensity) with the removal of an existing BDP limiting the development to two (2) lots. The applicants propose to construct a barn for personal use without an existing principal structure.

In 2022, the home on the property was demolished and the subject parcel was rezoned from AU to RR-1 (via 22Z00018) for the purpose of having two lots. The applicants are now requesting the removal of the existing Binding Development Plan (BDP) and a change to AU(L) on the 3.33-acre site.

The requested zoning of AU(L) zoning classification permits single-family residences and agricultural pursuits. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities.

The predominate zoning classification in the surrounding area is RR-1 with AU zoning to the west and SR (Suburban Residential) and RU-1-9 (Residential Single-Family) zoning to the east.

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

### Clerk to the Board Instructions:

None

# 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  
 24Z00003**

**William and Jeanette Gonedridge**

**RR-1 (Rural Residential) with BDP to AU(L) (Agricultural Residential Low Intensity) and removal of BDP**

Tax Account Number: 2000372  
 Parcel I.D.: 20-35-31-00-519  
 Location: 3660 Lionel Rd, Mims, FL 32754 (District 1)  
 Acreage: 3.33 acres

Planning & Zoning Board: 04/15/2024  
 Board of County Commissioners: 05/02/2024

**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 Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

|                                                        | <b>CURRENT</b>  | <b>PROPOSED</b>          |
|--------------------------------------------------------|-----------------|--------------------------|
| <b>Zoning</b>                                          | RR-1 with BDP   | AU(L) and removal of BDP |
| <b>Potential*</b>                                      | 2 single-family | 1 single-family          |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>RES 2    | YES<br>RES 2             |

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

**Background and Purpose of Request**

The applicants are requesting to rezone the property from RR-1 (Rural Residential) to AU(L) (Agriculture Low Intensity) and the removal of existing BDP limiting development to two (2) lots. The applicants propose to construct a barn for personal use without an existing principal structure.

In 2022, the home on the property was demolished and the subject parcel was rezoned from AU to RR-1 (via 22Z00018) for the purpose of having two lots. The applicants are now requesting the removal of the existing Binding Development Plan (BDP) and a change to AU(L) on the 3.33 acre site.

The subject parcel was recorded into the Official Record Book 882, page 584, in July 1966.

The 3.33 acre subject parcel meets the requirements for the RES 2 FLU designation as residential densities in residential land use designations cannot exceed two dwelling units per 1 acre.

The subject property is undeveloped and has frontage on Lionel Rd, a county-maintained roadway. At this time, there are no active code enforcement cases associated with the subject parcel.

**Surrounding Area**

|              | <b>Existing Land Use</b>         | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|----------------------------------|---------------|------------------------|
| <b>North</b> | Single Family Residential        | RR-1          | RES 2                  |
| <b>South</b> | Road Right-of-Way/ Public School | GML(I)        | RES 2                  |
| <b>East</b>  | Single Family Residential        | SR & RU-1-9   | RES 2                  |
| <b>West</b>  | Vacant                           | AU            | RES 2                  |

The subject property’s current zoning of RR-1 permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet.

The requested zoning of AU(L) zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots for personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities.

The 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 permits all agricultural pursuits, including the raising/grazing of animals, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration. The keeping of horses and agricultural uses are accessory to a principal residence within RR-1 zoning.

Florida Statute 570.86 defines “agritourism activity” as “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.” Local government is prohibited from adopting ordinances,

regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. At this time, there is no agricultural exemption on the subject property.

The SR zoning classification permits single-family residential land uses on a minimum one-half acre lot, with a minimum width of 100 feet and minimum depth of 150 feet. The minimum house size is 1,300 square feet. The SR zoning classification permits one single-family residential detached dwelling.

The RU-1-9 zoning classification permits single-family residential land uses on a minimum area of 6,600 square feet, with a minimum width of 66 feet and a minimum depth of 100 feet. The minimum house size is 900 square feet. The RU-1-9 zoning classification permits one single-family residential detached dwelling.

The GML(I) zoning classification for government managed lands designated as institutional, permits schools, hospitals, and fire stations. The minimum lot size required is 7,500 square feet, with a width and depth of 75 feet. The minimum building area required is 300 square feet.

## **Land Use**

The subject property is currently designated as Residential 2 (RES 2) FLU. The proposed AU(L) zoning can be considered consistent with the existing RES 2 FLU designation.

**FLUE Policy 1.8** –The Residential 2 Future land use designation. The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicants' request can be considered consistent with the existing Future Land Use.

## **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

**The proposal is not anticipated to diminish the enjoyment of, safety, or quality of life in existing neighborhoods within the area.**



**In the RR-1 zoning classification, the raising of farm animals and fowl for personal, non-commercial use is allowed as a conditional use. On lots larger than 2 ½ acres, cattle, fowl, goats, bees, rabbits, and one hog are permitted.**

**In the AU(L) zoning classification, agricultural pursuits of a personal, non-commercial nature are permitted. Structures for the housing of livestock and animals is permitted a maximum of 100 feet from an existing residence under a different ownership.**

- 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.

**Only a certified MAI (Master Appraisers 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;

**There are six (6) FLU designations (RES 1, RES 1:2.5, RES 2, RES 4, CC, and NC) within one-half mile of this site. The predominant FLU designation is RES 2. There is one (1) pending FLU change within one-half mile, recorded as 22SS00013 to CC.**

**Property sizes in the immediate area range from 0.5 acres to 19 acres. The immediate surrounding area is developed as single-family residential homes, with a school to the south and general retail to the south and west.**

**There has been one (1) zoning change approved within one-half mile over the preceding three (3) years:**

**22Z00050 was a zoning change from AU and RU-1-9 to SR, for the purpose of a single-family home, with a resolution date of December 1, 2022.**

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

**There have been two (2) single-family residences constructed in this area within the preceding three (3) years, one of which directly abuts the subject parcel to the east. There has been one retail store and one warehouse constructed within this area within the preceding three (3) years.**

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

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

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

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

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

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

Criteria:

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

**The predominate zoning classification in the area is RR-1. The proposed use, a barn for personal use, is not anticipated to adversely impact the area.**

- 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 does not have clearly defined boundaries to establish a residential neighborhood. The area is predominantly developed as residential with RR-1 zoning.**

- 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 parcel is not requesting to be rezoned 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.

**The subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.**

**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.

**The subject parcel contains mapped wetlands; 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 building permit.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US-1, from Lionel Rd. to Burkholm Rd., which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 25.91% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 25.89% of capacity daily. The proposal is not anticipated to create any deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is located in the Mims Water service area for potable water. The subject property is not serviced by Brevard County sewer. The closest sewer line is approximately 0.7 miles to the west.

### **Environmental Constraints**

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

The subject parcel contains mapped wetlands; 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 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** 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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This**

**density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

### **Aquifer Recharge Soils**

This property contains Candler fine sand and Pomello sand, classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 or Type 3 Aquifer Recharge soils that have impervious area restrictions. **The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.**

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey may be required at time of building permit submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

**Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, between 2022 and 2023. The discovery of unpermitted activities may result in code enforcement action.**

### **For Board Consideration**

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

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

**Item No. 24Z00003**

**Applicant:** William and Jeanette Gonedridge (Owners: William and Jeanette Gonedridge)

**Zoning Request:** RR-1 to AU(L) and removal of existing BDP

**Note:** To have barn on parcel without principal structure and remove BDP (limiting development to total of two lots)

**Zoning Hearing:** 3/18/2024; **BCC Hearing:** 4/04/2024

**Tax ID No.:** 2000372

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

The subject parcel contains mapped wetlands; 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.

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## Land Use Comments:

### Wetlands

The subject parcel contains mapped National Wetlands Inventory (NWI); 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.** Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** 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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

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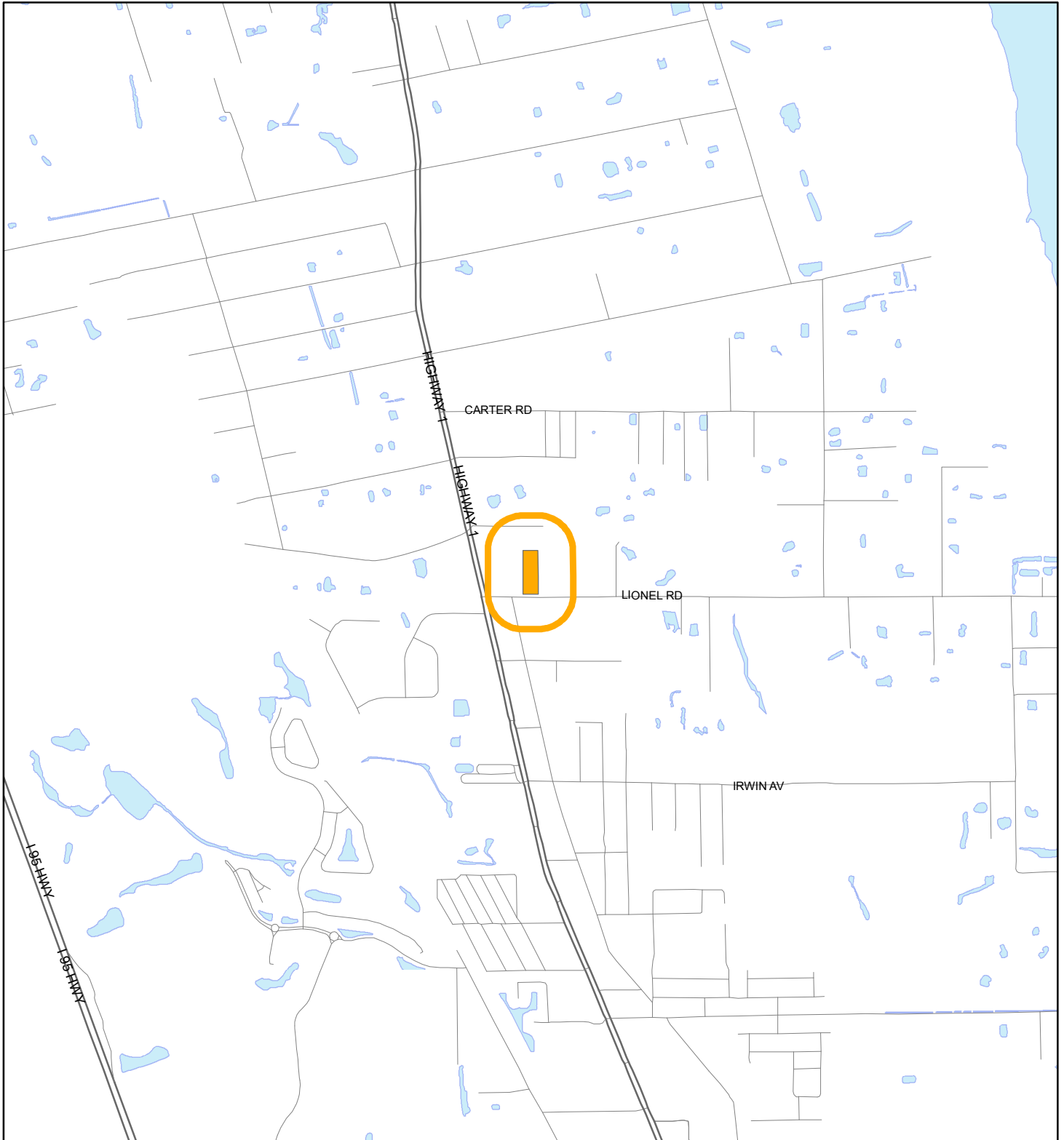
### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. **Gopher tortoises may have been impacted as a result of the land alteration activities. The applicant is advised to call Valeria Guerrero at 561-882-5714 or 561-365-5696 with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.**



# LOCATION MAP

Gonedridge, William & Jeanette  
24Z00003





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

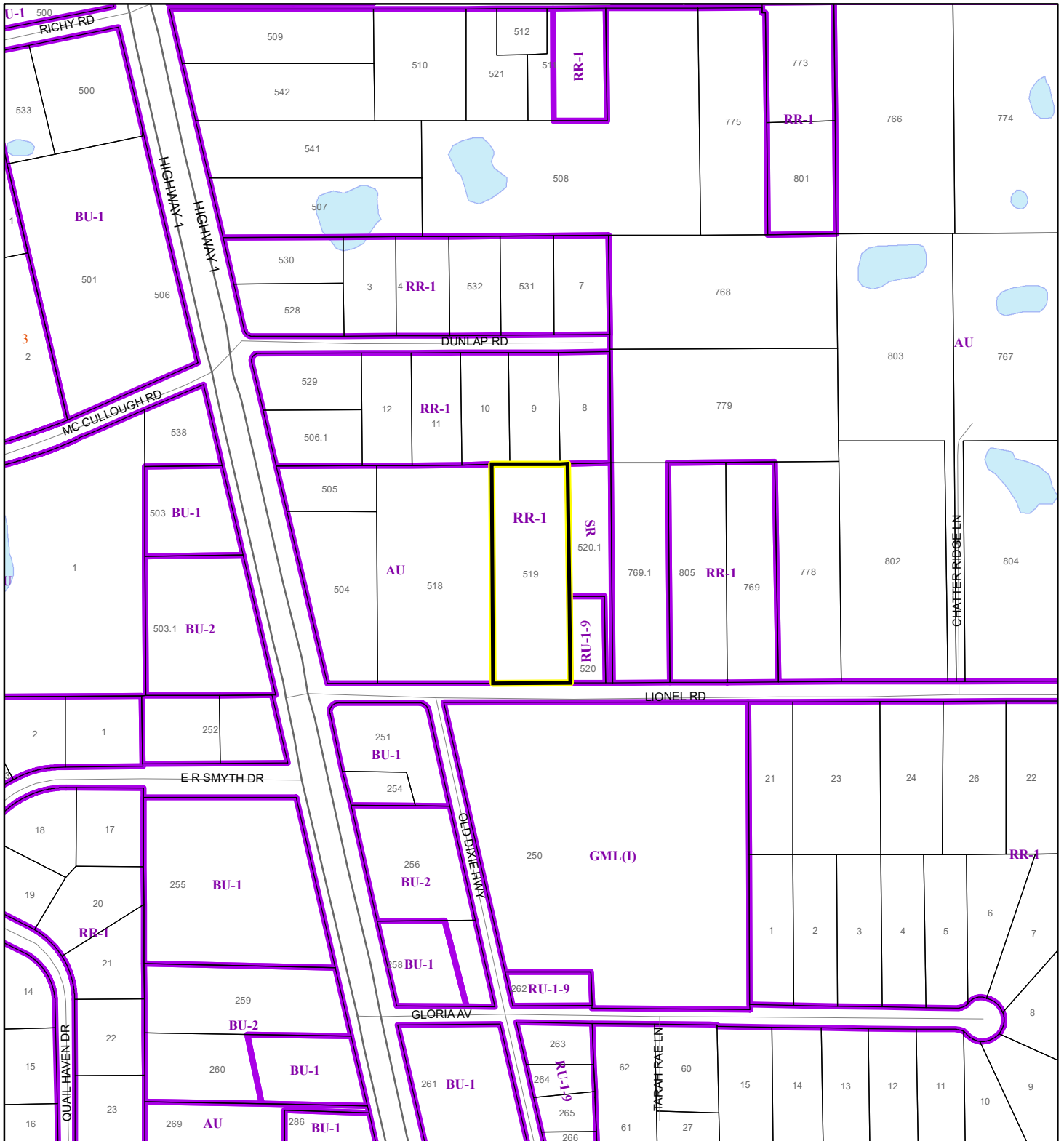
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/29/2024


-  Buffer
-  Subject Property

# ZONING MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

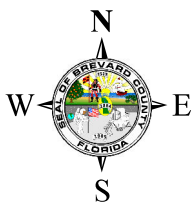
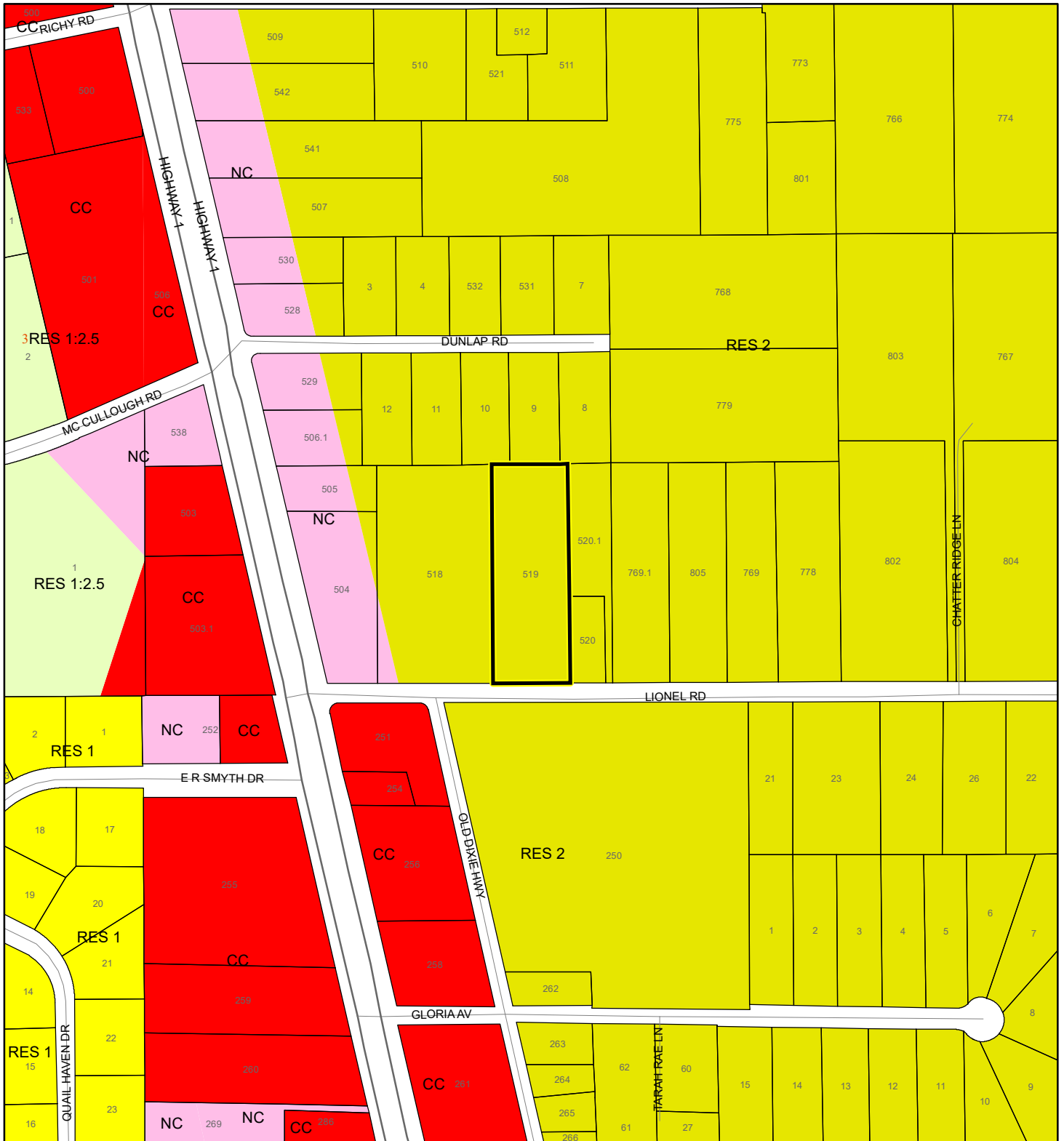
 Zoning

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: 1/29/2024

# FUTURE LAND USE MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

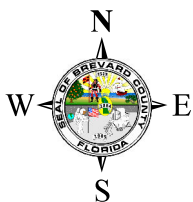
 Subject Property  
 Parcels

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Produced by BoCC - GIS Date: 1/29/2024

# AERIAL MAP

Gonedridge, William & Jeanette  
24Z00003





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

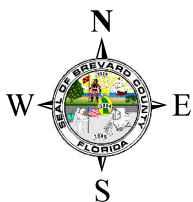
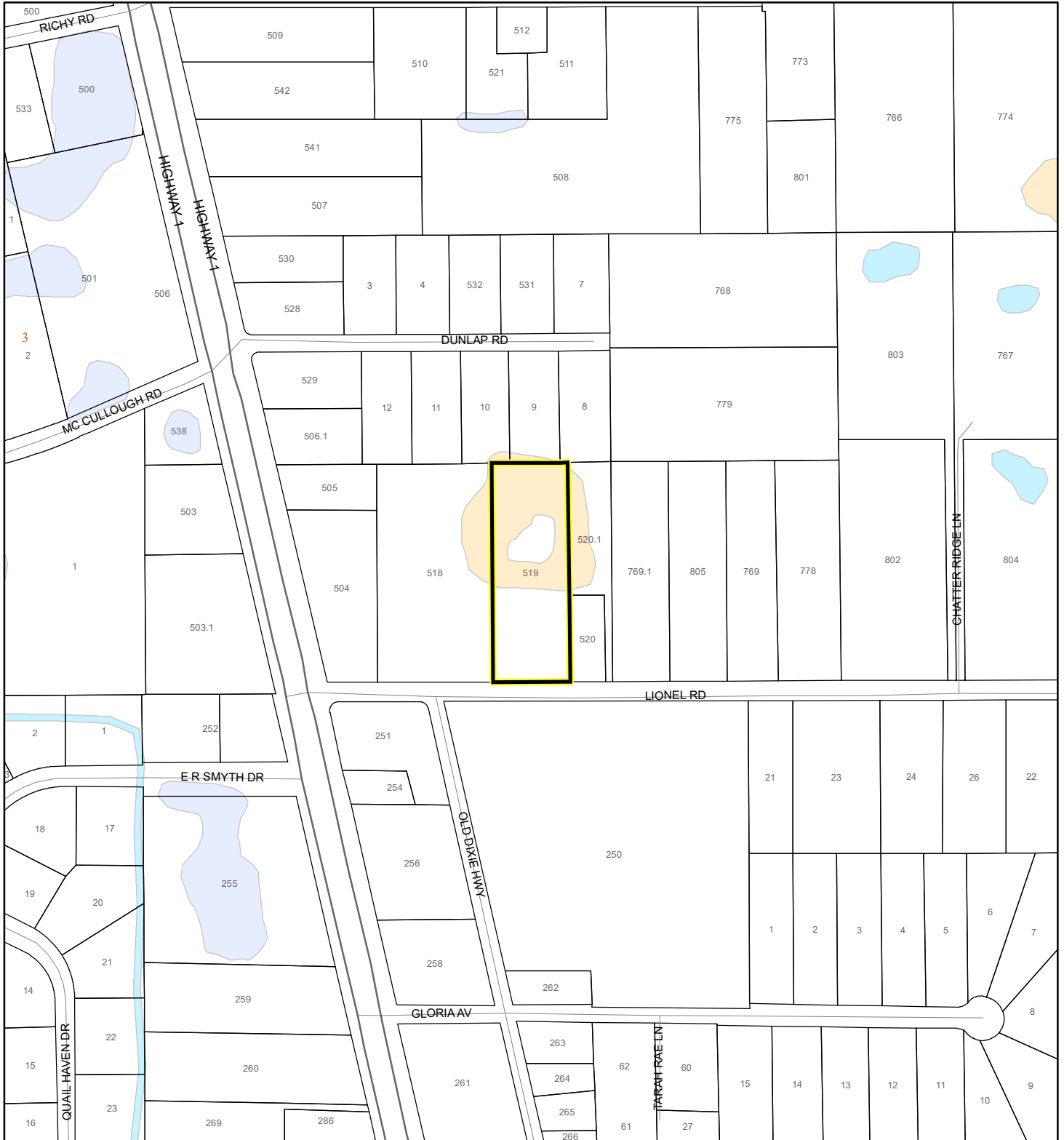
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Produced by BoCC - GIS Date: 1/29/2024

-  Subject Property
-  Parcels

# NWI WETLANDS MAP

Gonedridge, William & Jeanette  
24Z00003













1:4,800 or 1 inch = 400 feet

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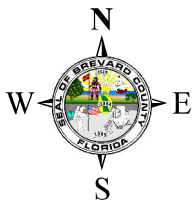
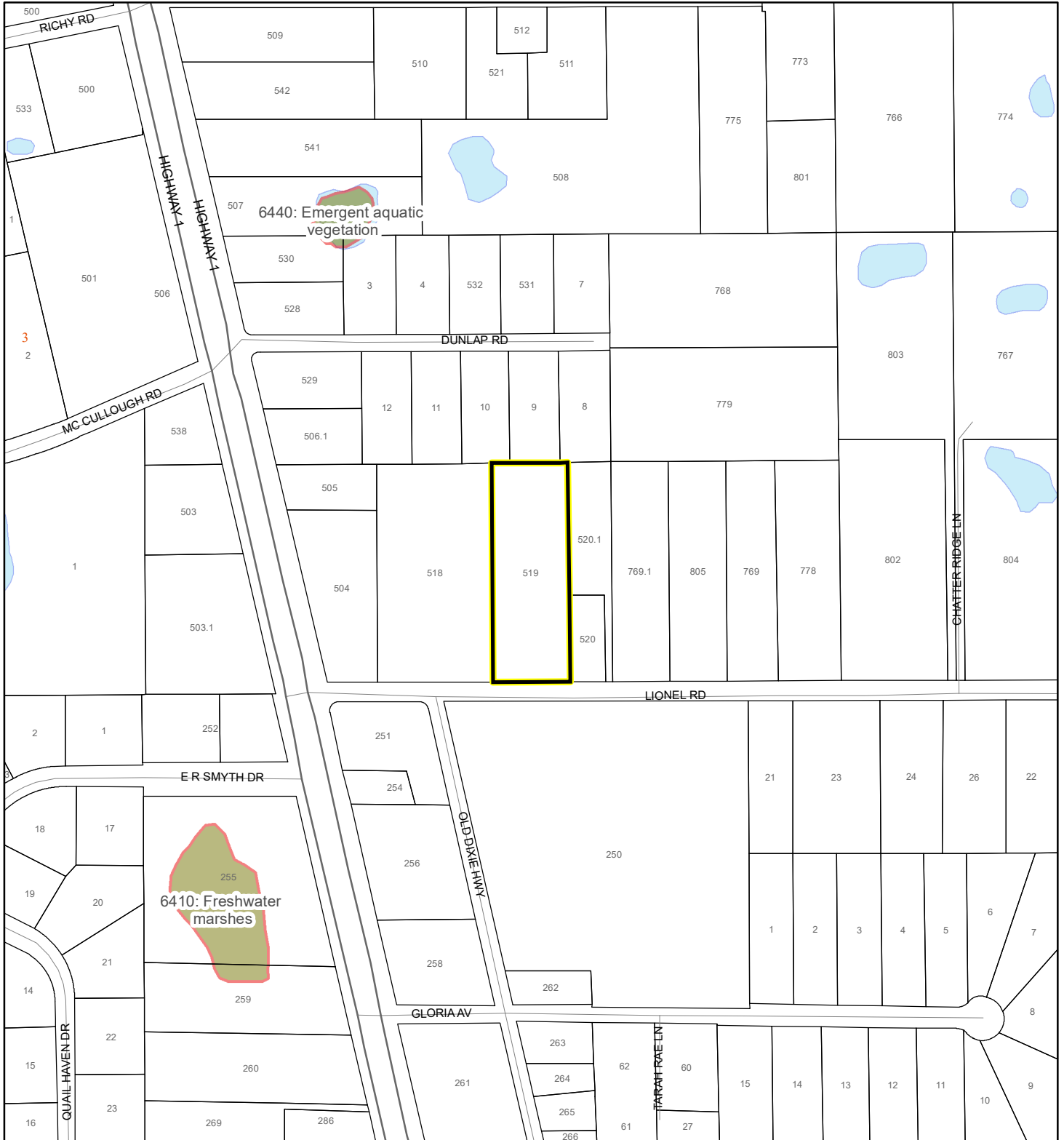
Produced by BoCC - GIS Date: 1/29/2024

### 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

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

## SJRWMD FLUCCS WETLANDS

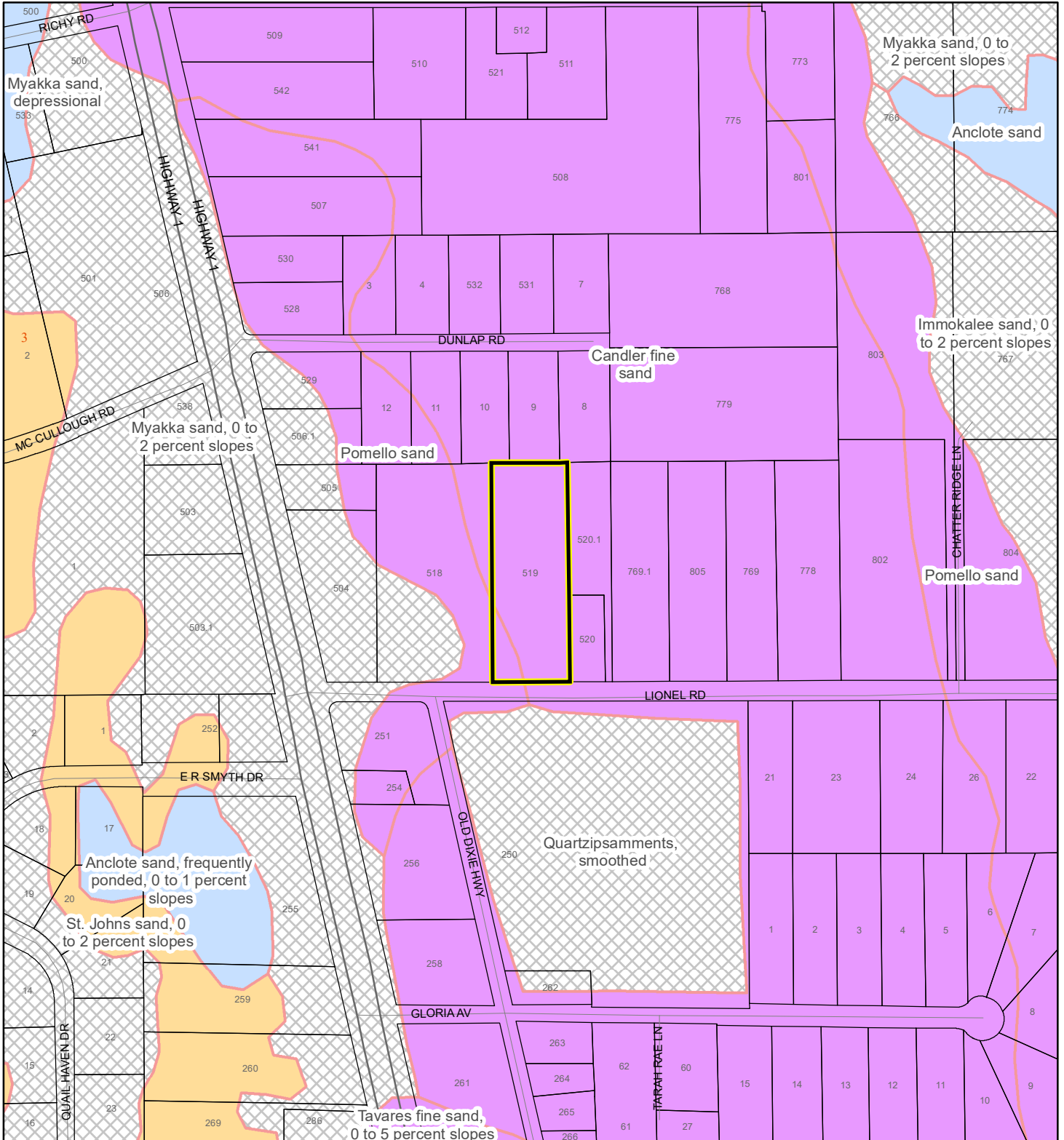
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

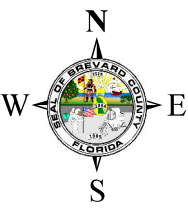
Subject Property

Parcels

# USDA SCSSS SOILS MAP

Gonedridge, William & Jeanette  
24Z00003





1:4,800 or 1 inch = 400 feet

**USDA SCSSS Soils**

- Aquifer and Hydric
- Aquifer
- Hydric
- None

**Subject Property**

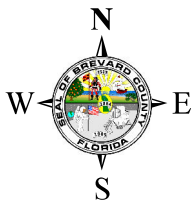
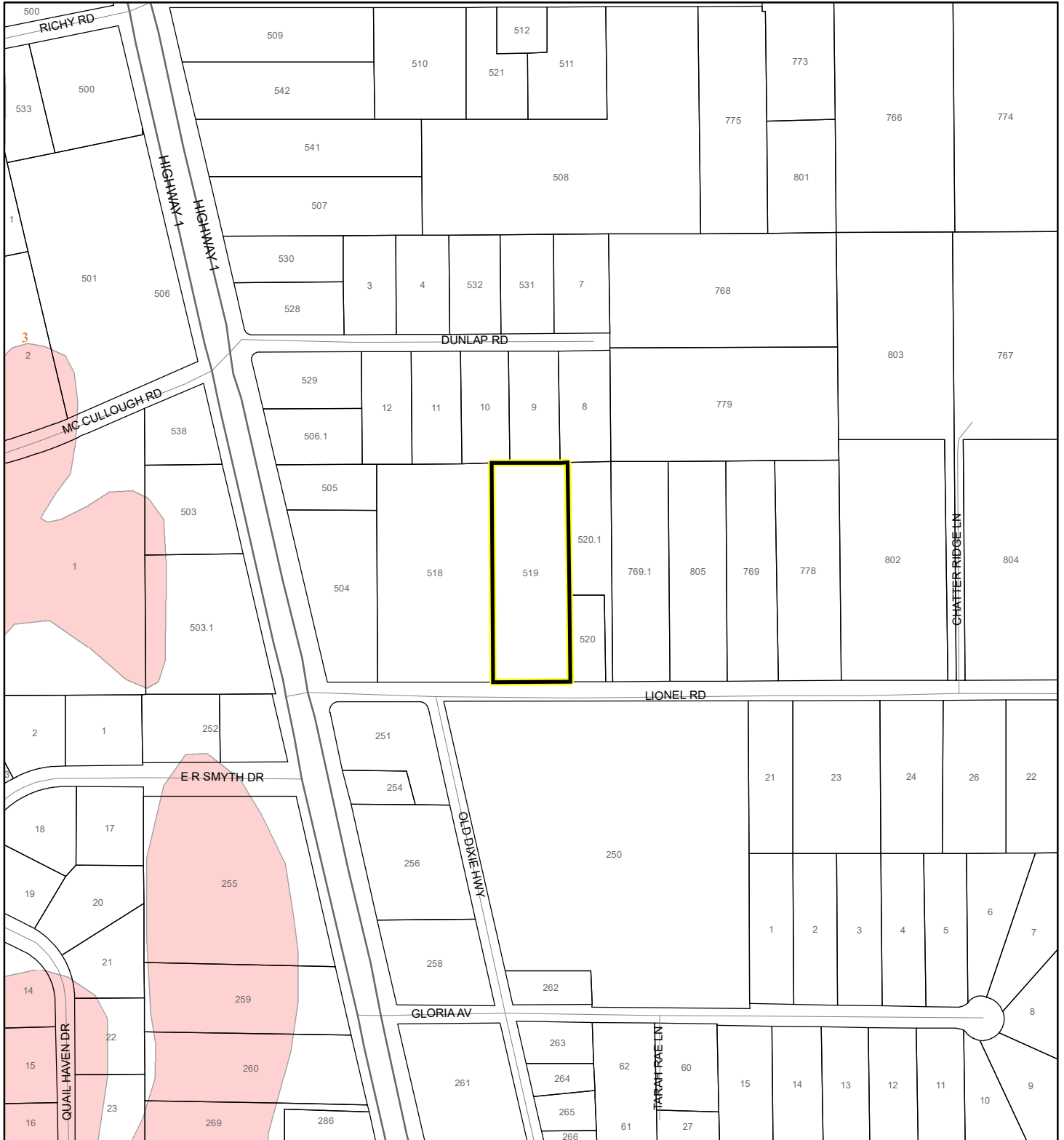
- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 1/29/2024

# FEMA FLOOD ZONES MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

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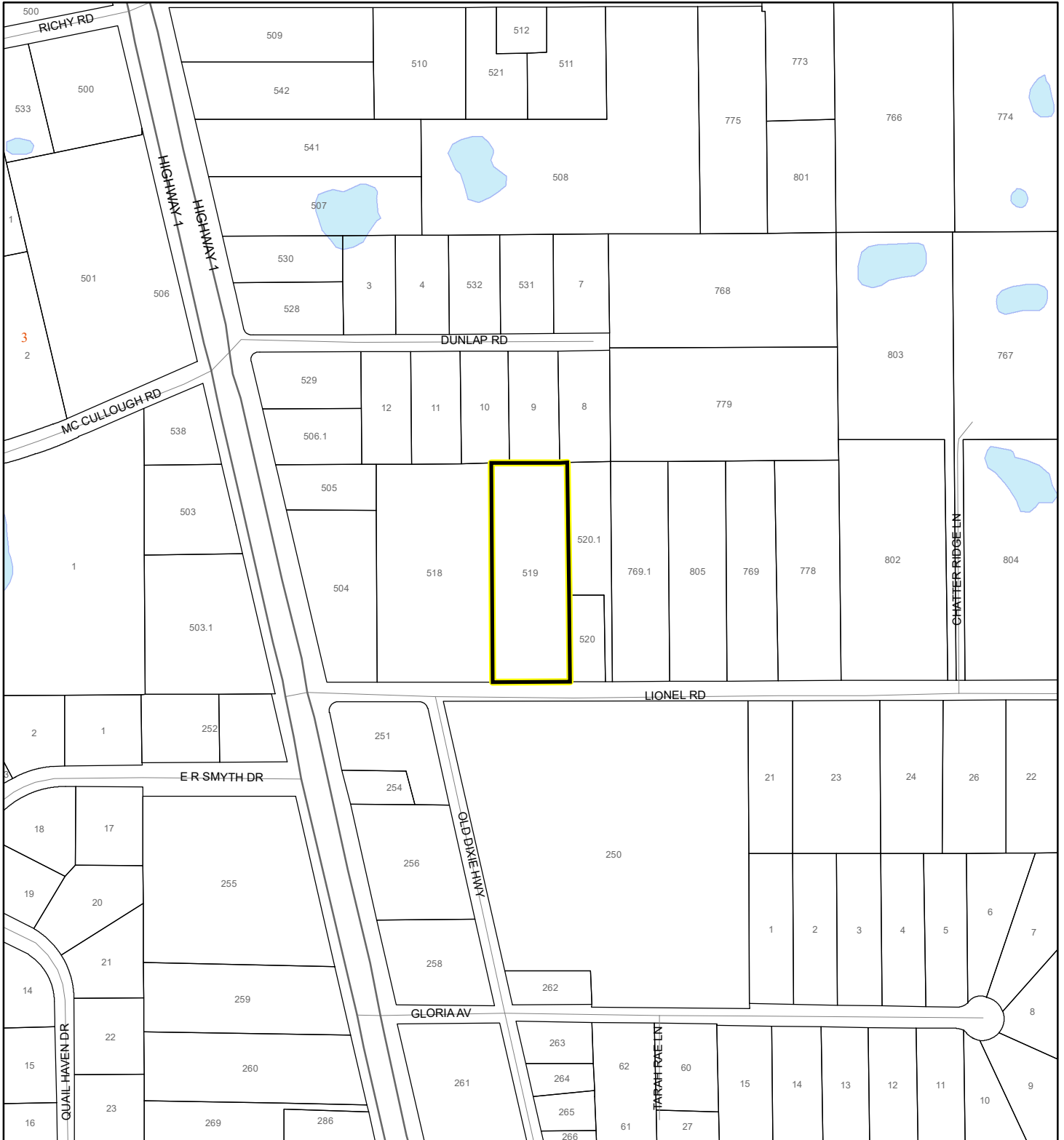
### FEMA Flood Zones

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



# COASTAL HIGH HAZARD AREA MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/29/2024

 Subject Property

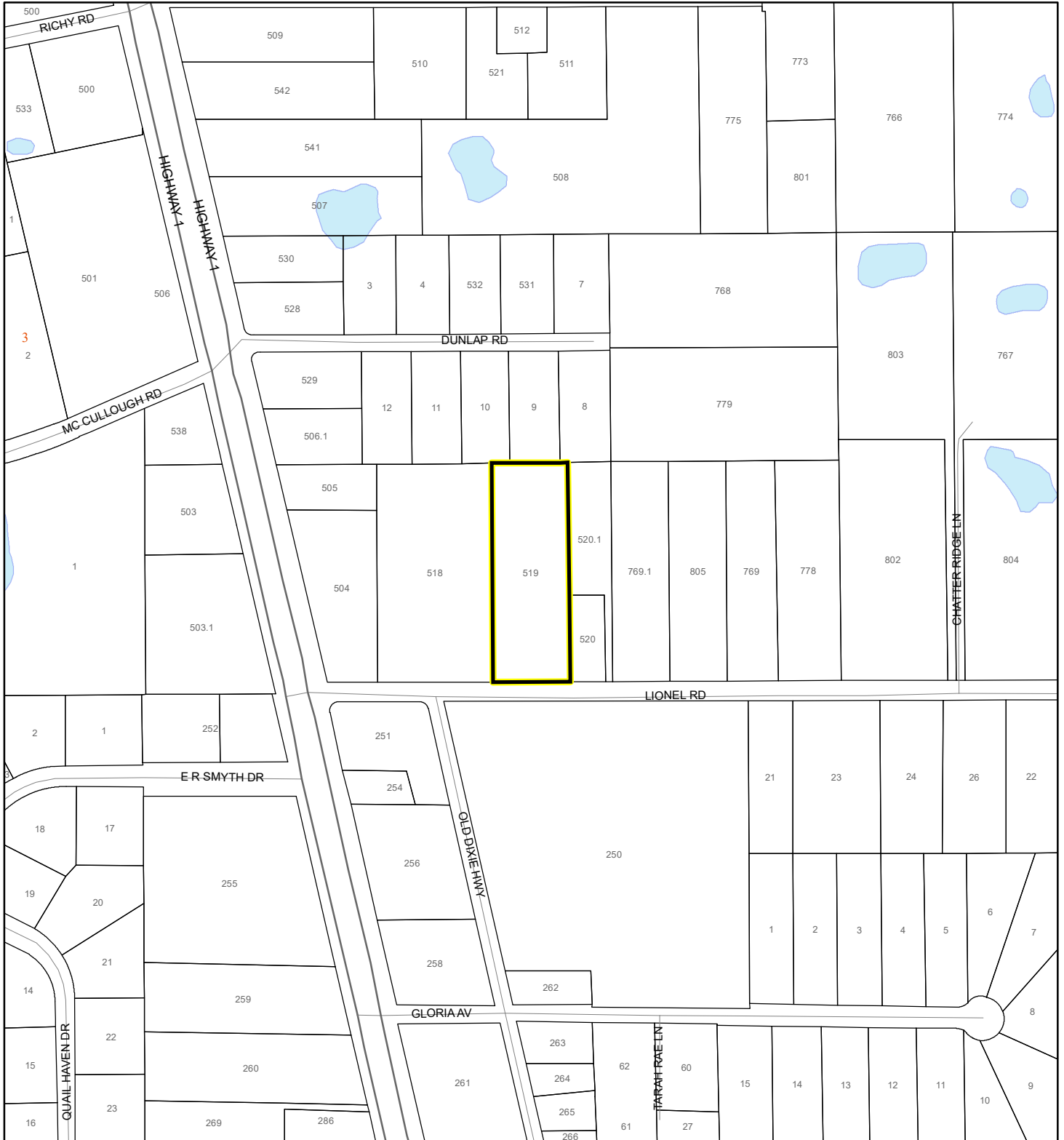
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

 Subject Property

 Parcels

**Septic Overlay**

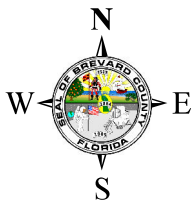
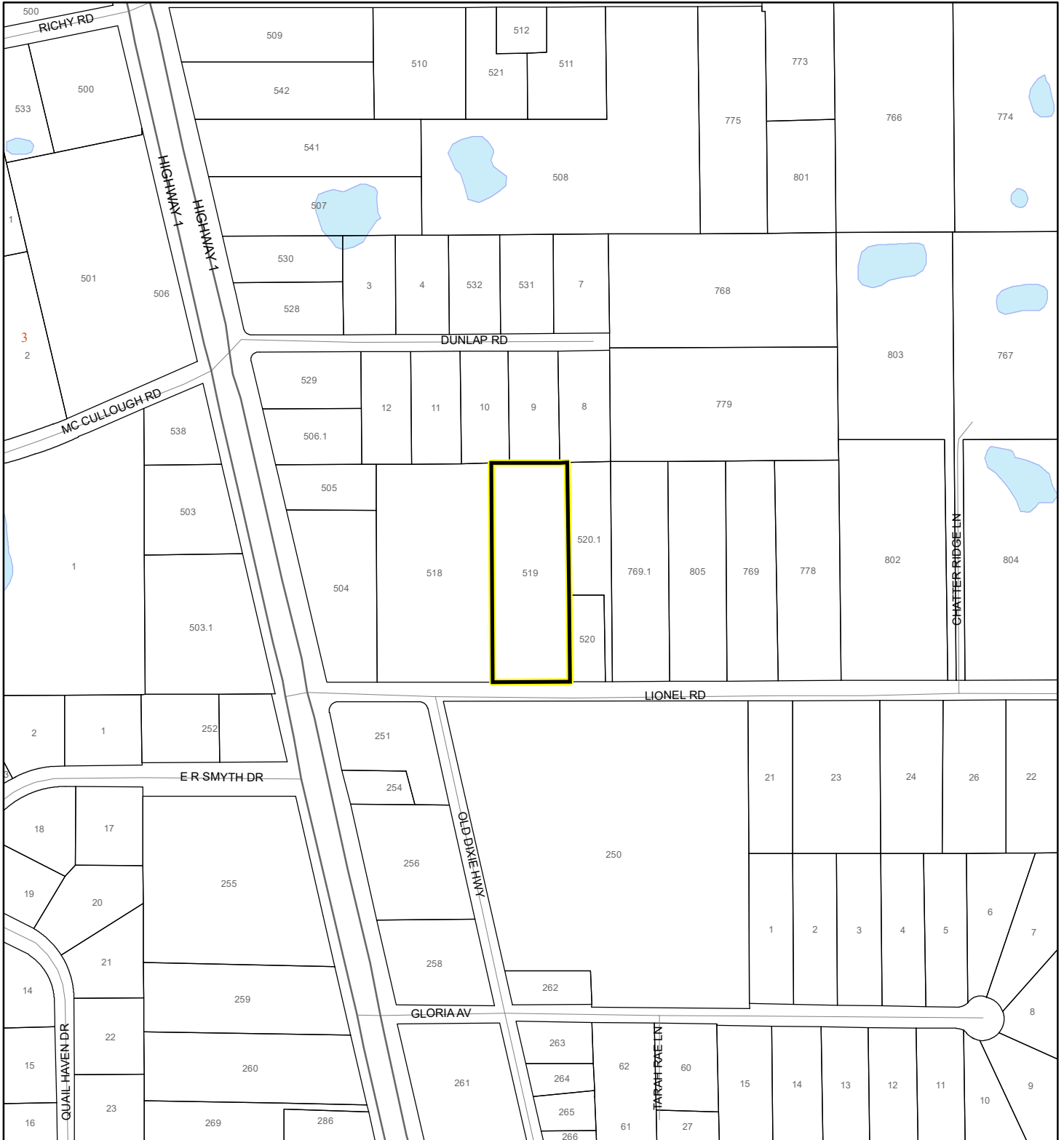
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

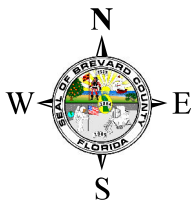
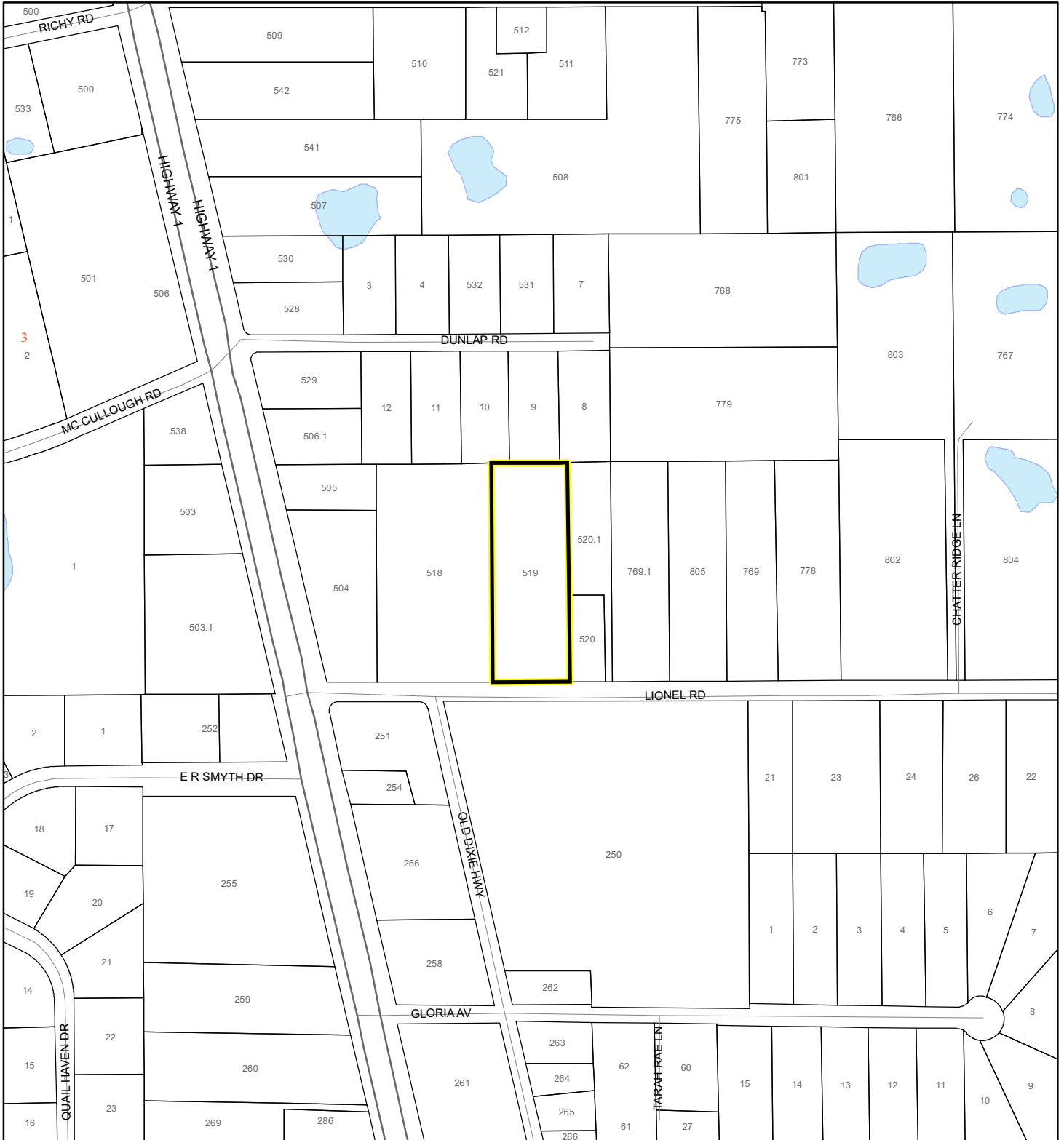
 Subject Property

 Parcels

 Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP




Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

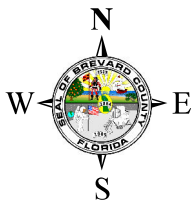
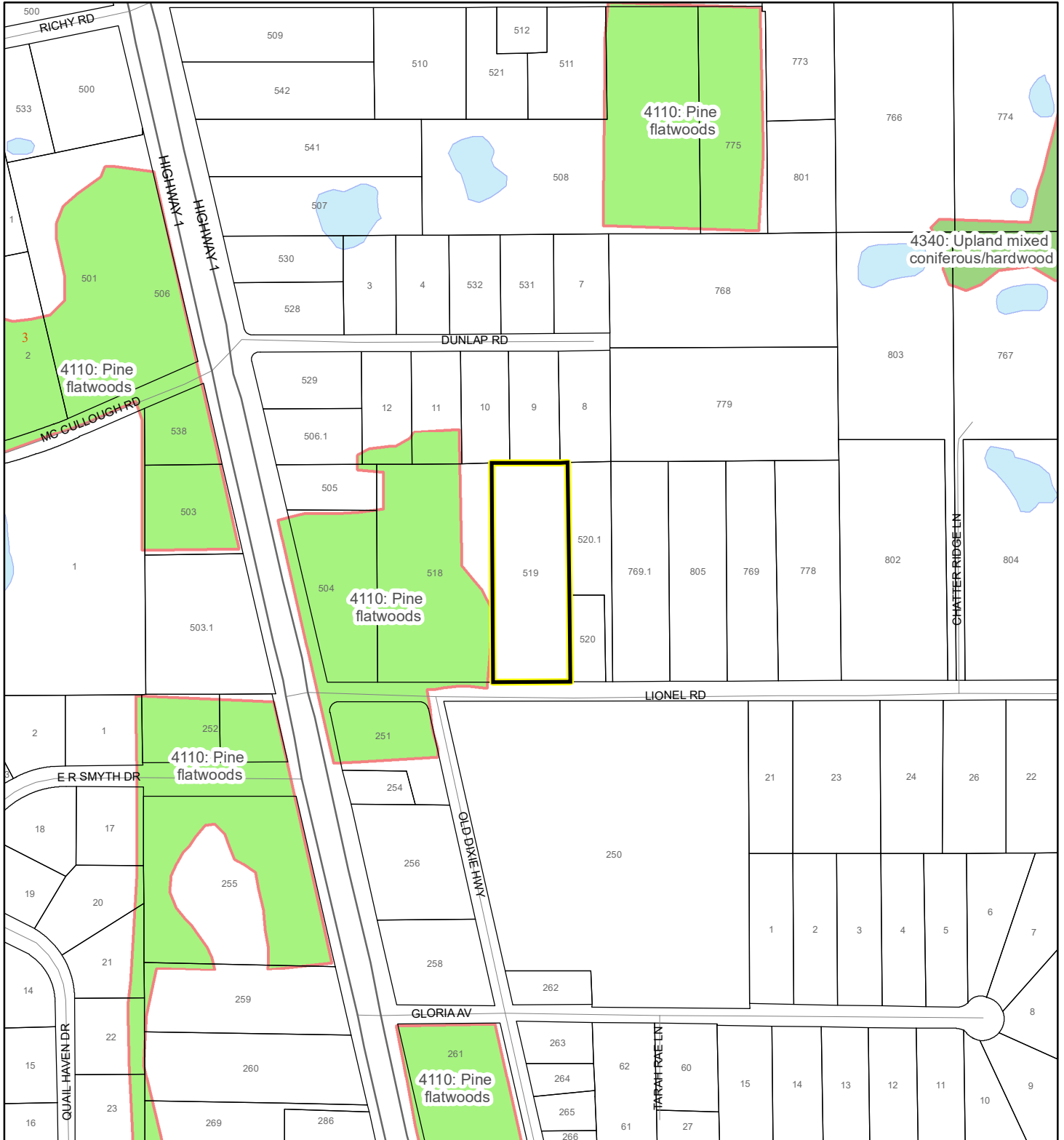
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-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Gonedridge, William & Jeanette  
24Z00003



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS Upland Forests

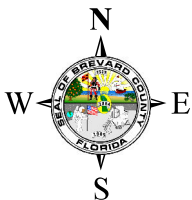
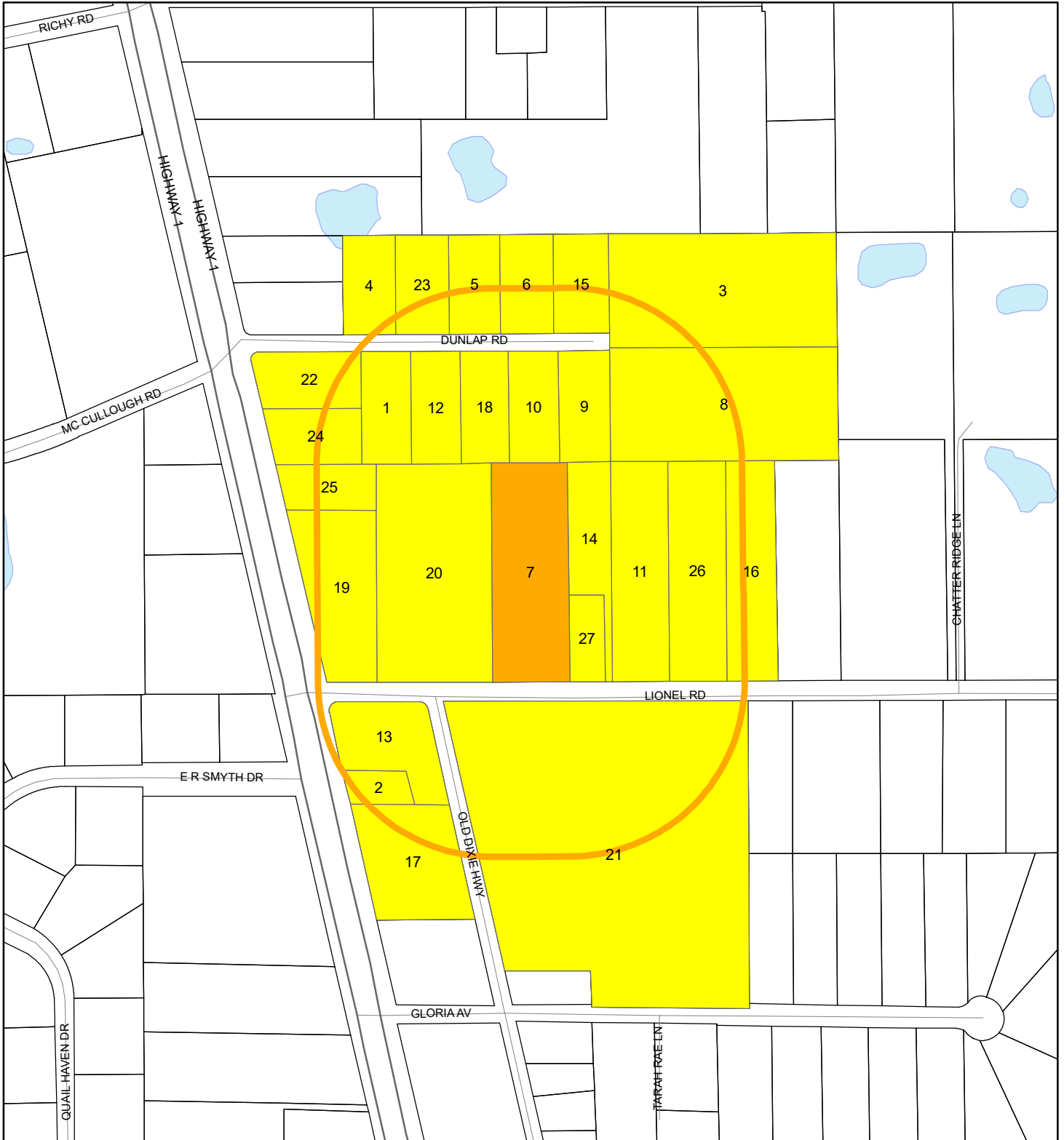
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

# RADIUS MAP

Gonedridge, William & Jeanette  
24Z00003







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.4.

4/15/2024

### Subject:

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2)

### 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 CUP (Conditional Use Permit) for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification.

### Summary Explanation and Background:

The property owner is seeking a Conditional Use Permit (CUP) to allow a guesthouse without kitchen facilities in the RU-1-13 zoning classification. Per section 62-1932(c): A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one-acre in size. The parcel contains 0.60 acres and does not meet the one-acre size requirement to have a kitchen facility. A guesthouse shall meet the following conditions:

- The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
- The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
- The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
- The structure shall not be used for rental purposes.
- The structure shall be set back a minimum of ten feet from the side and rear lot lines.

To the north are single-family homes on parcels less than one acre lots with RU-1-13 zoning. Abutting to the south is a religious facility with IU(L) (Institutional Use Low intensity) zoning. West across N. Banana River Drive is zoned RP (Residential Professional) and developed with a Group Home. East across the canal is GU (General Use) zoning and developed with a single-family home.

The applicants included a set of plans for the proposed structure in their CUP application showing the proposed location, layout, and size of the structure.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.

**Clerk to the Board Instructions:**

None



## **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.

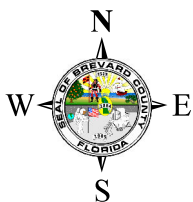
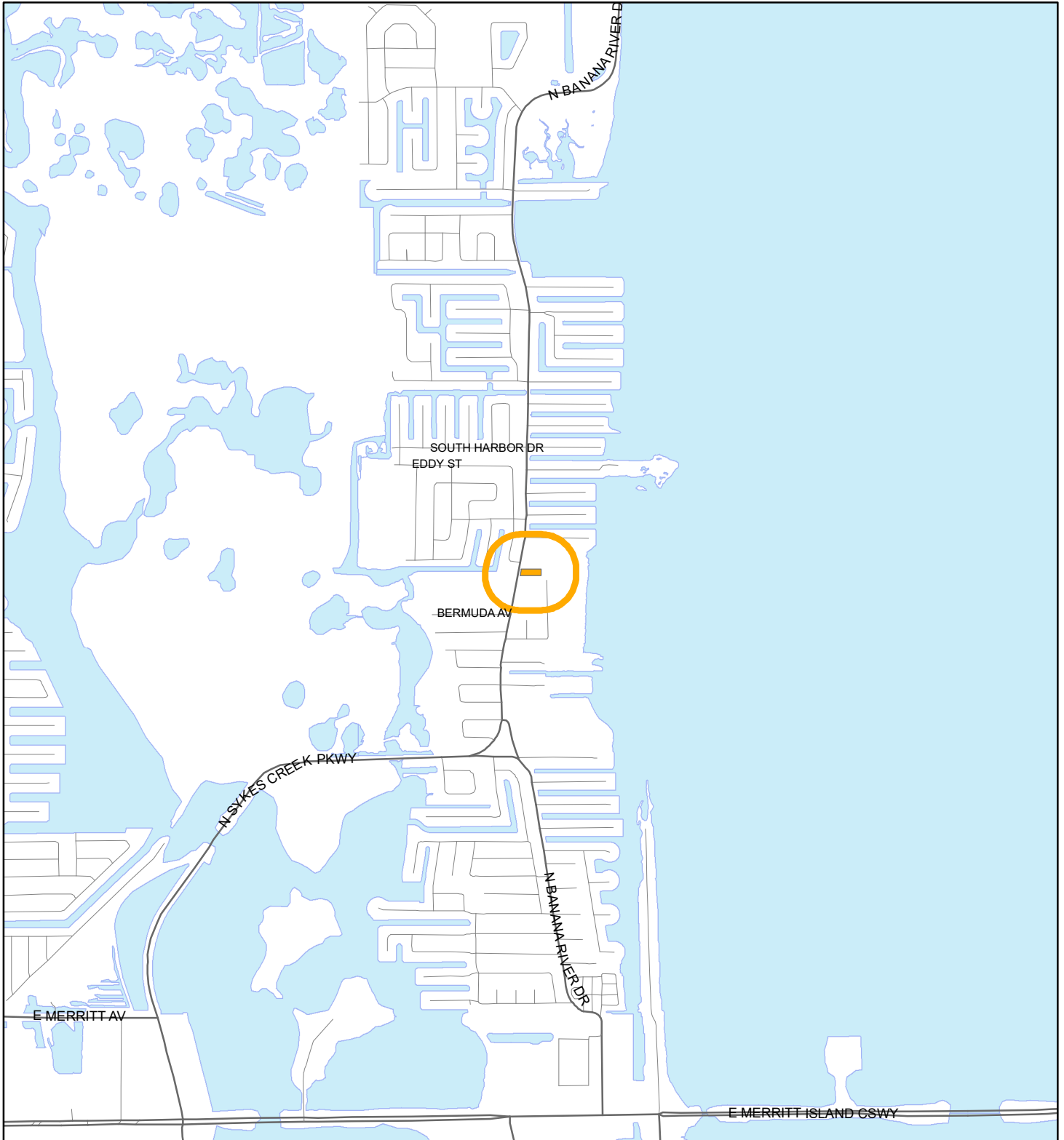
**Level of Service with Development (LOS W/DEV):** The Level of Service that a proposed development may generate on a roadway.



# LOCATION MAP

COOK, SUSANNE K TRUSTEE

24Z00007





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.

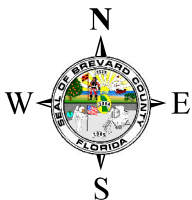
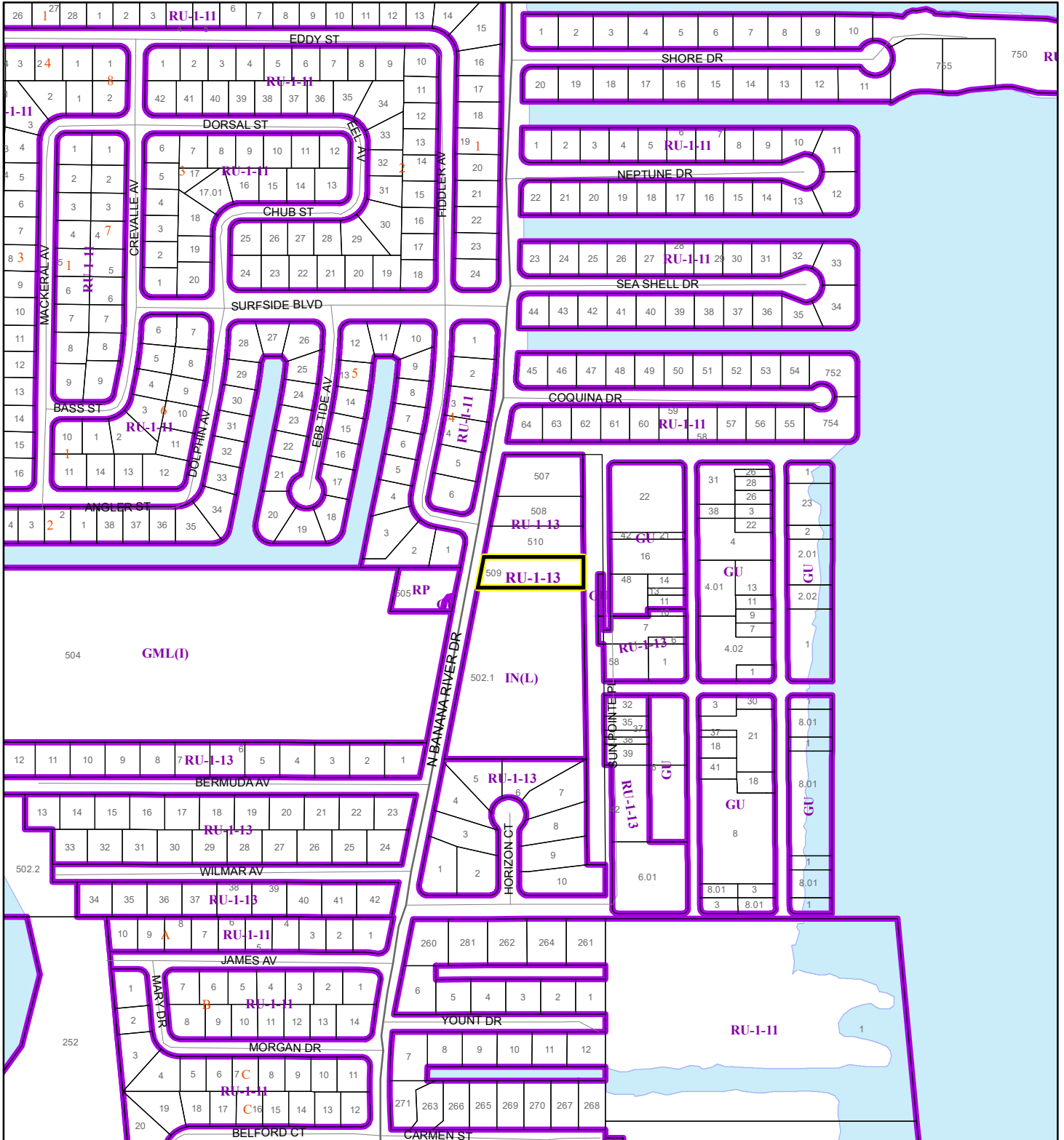
Produced by BoCC - GIS Date: 2/21/2024

-  Buffer
-  Subject Property


# ZONING MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Zoning

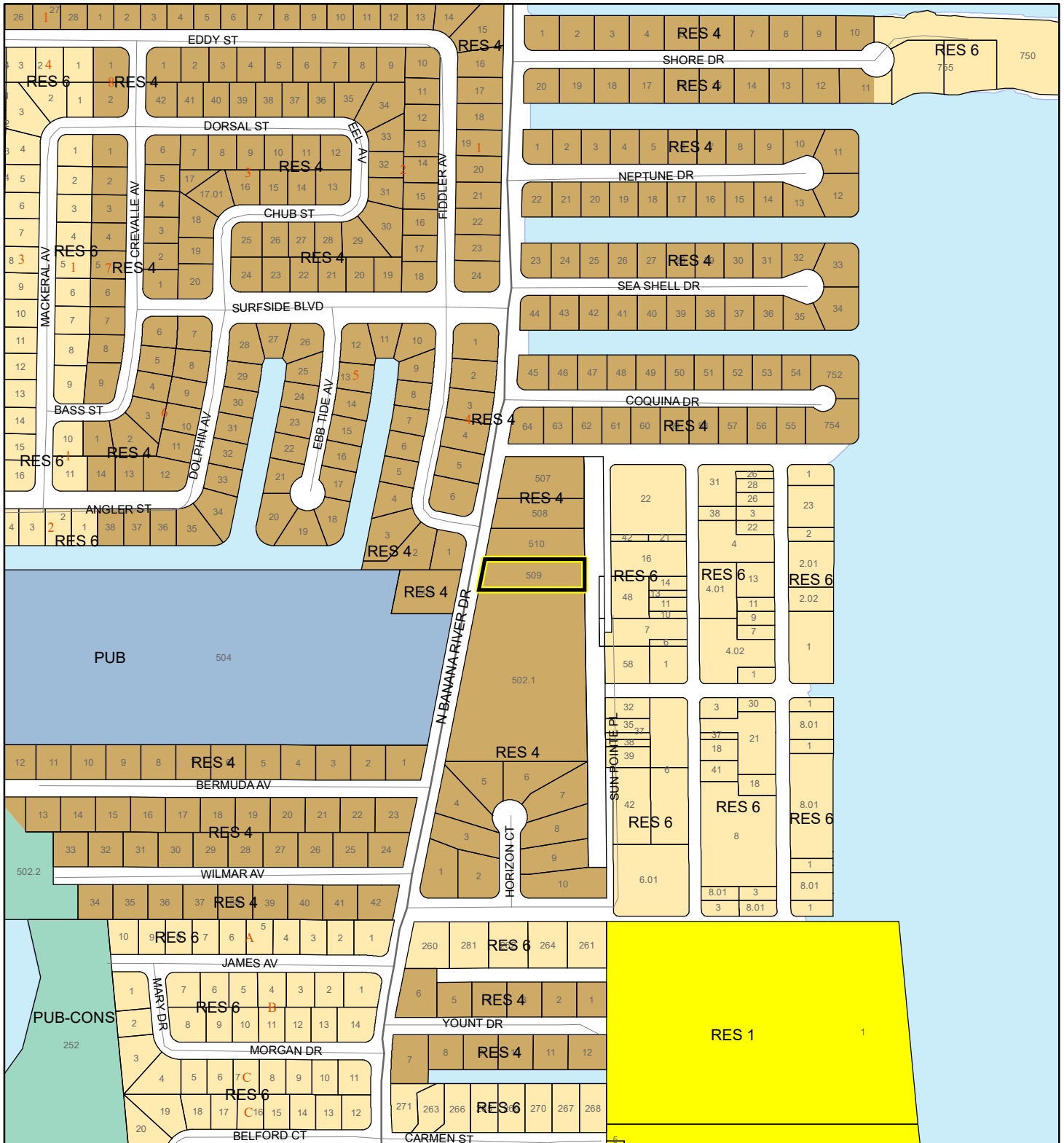
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# FUTURE LAND USE MAP

COOK, SUSANNE K TRUSTEE

24Z00007



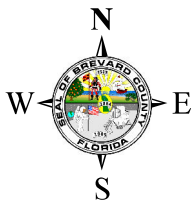
1:4,800 or 1 inch = 400 feet

 Subject Property  
 Parcels

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AERIAL MAP  
COOK, SUSANNE K TRUSTEE  
24Z00007





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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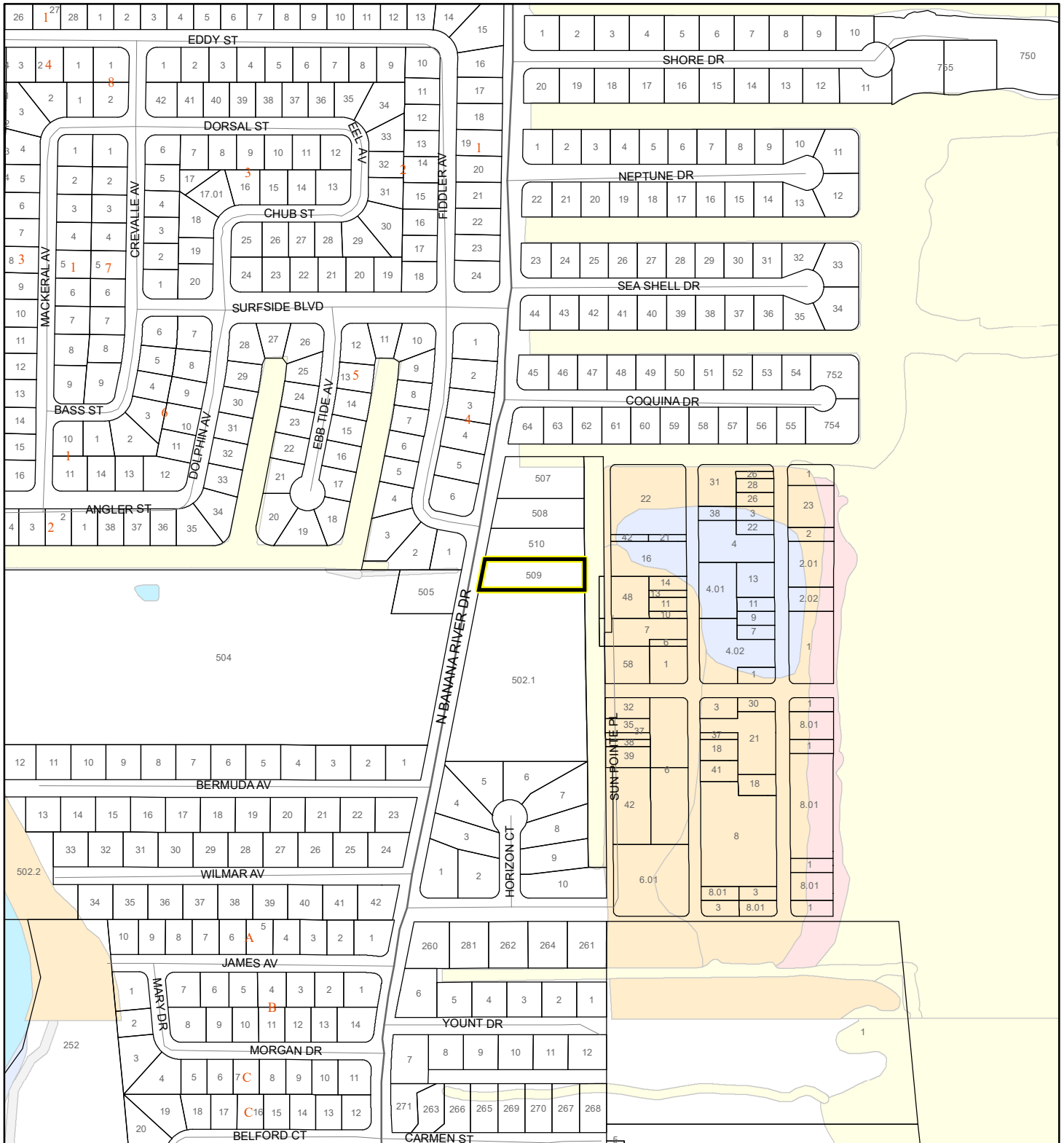
Produced by BoCC - GIS Date: 2/21/2024

-  Subject Property
-  Parcels

# NWI WETLANDS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

### National Wetlands Inventory (NWI)

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

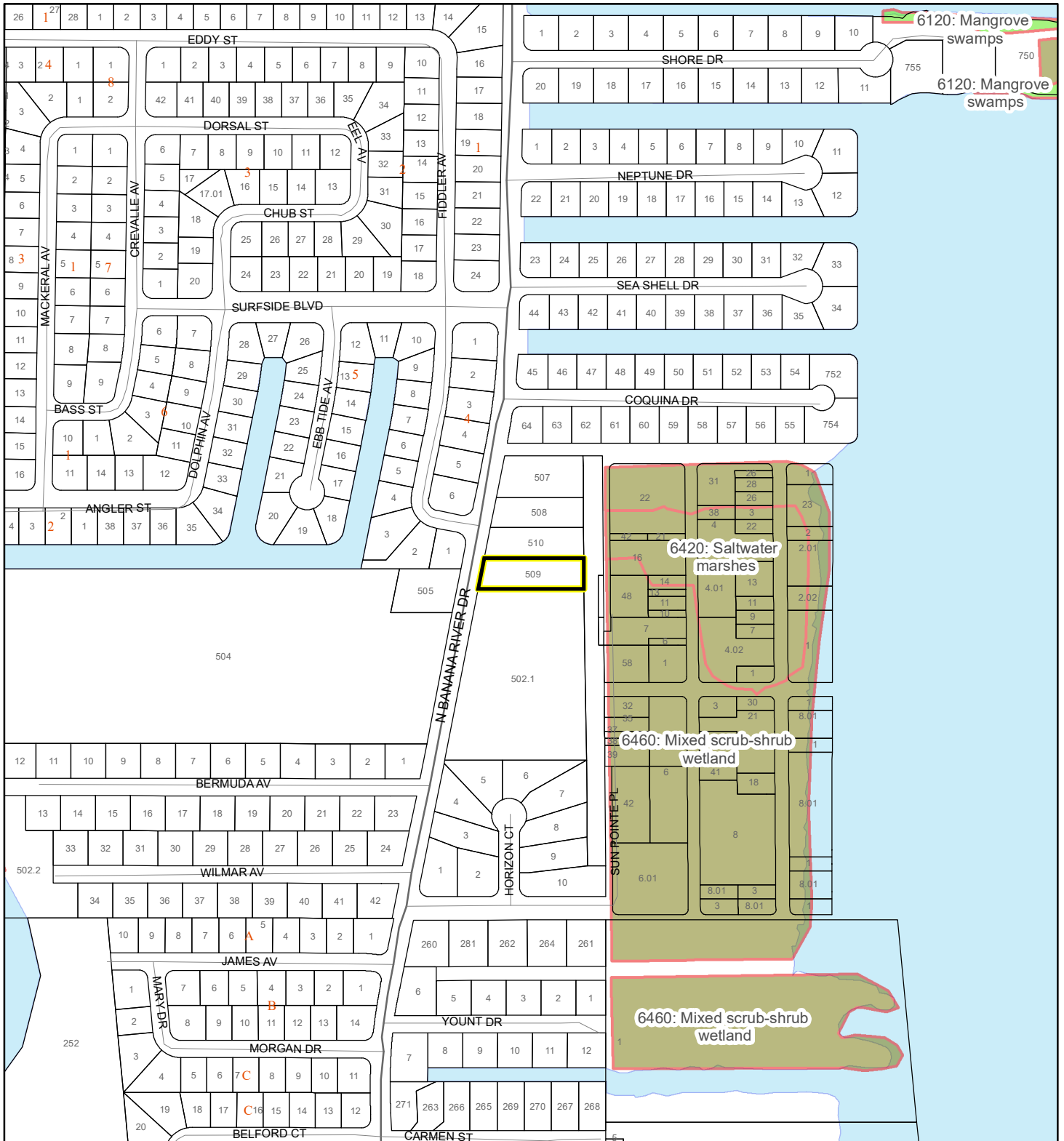
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Produced by BoCC - GIS Date: 2/21/2024

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

COOK, SUSANNE K TRUSTEE

24Z00007



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

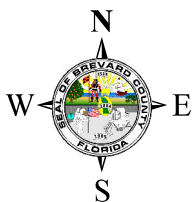
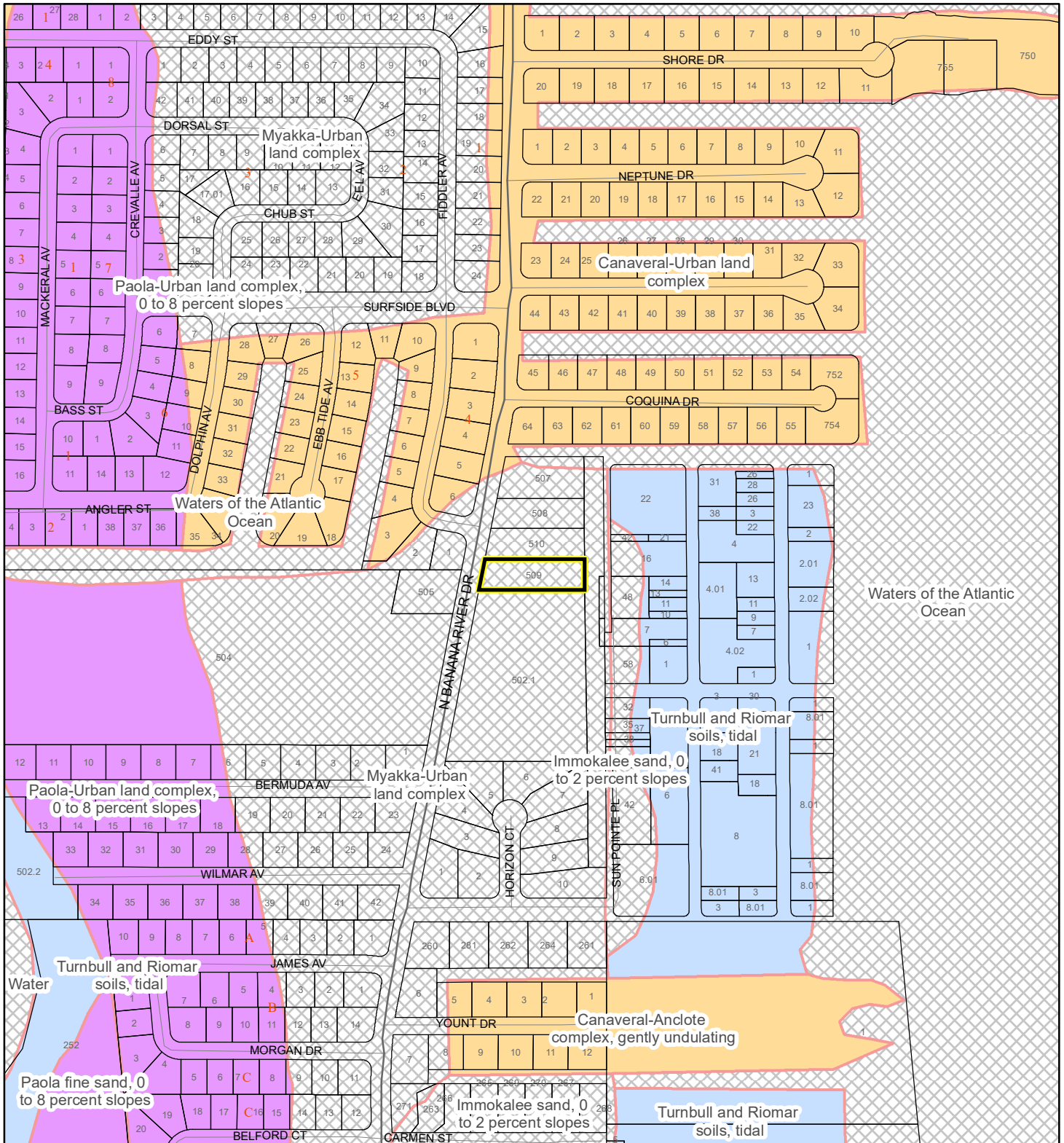
Subject Property

Parcels

# USDA SCSSS SOILS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

## USDA SCSSS Soils

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

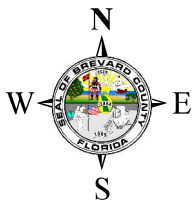
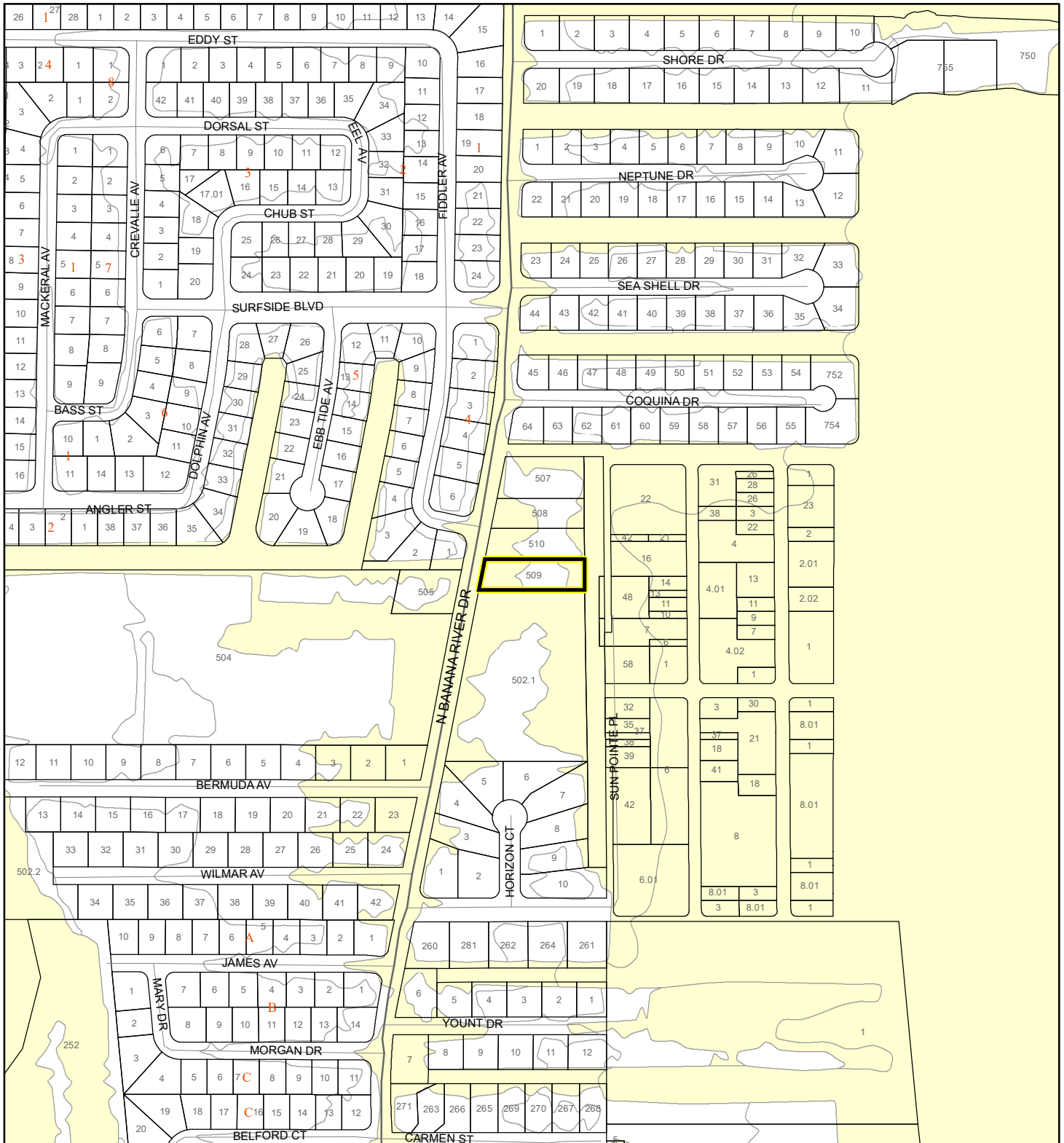
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Produced by BoCC - GIS Date: 2/21/2024

# FEMA FLOOD ZONES MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

### FEMA Flood Zones

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

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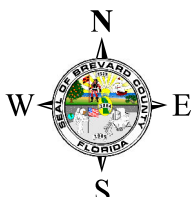
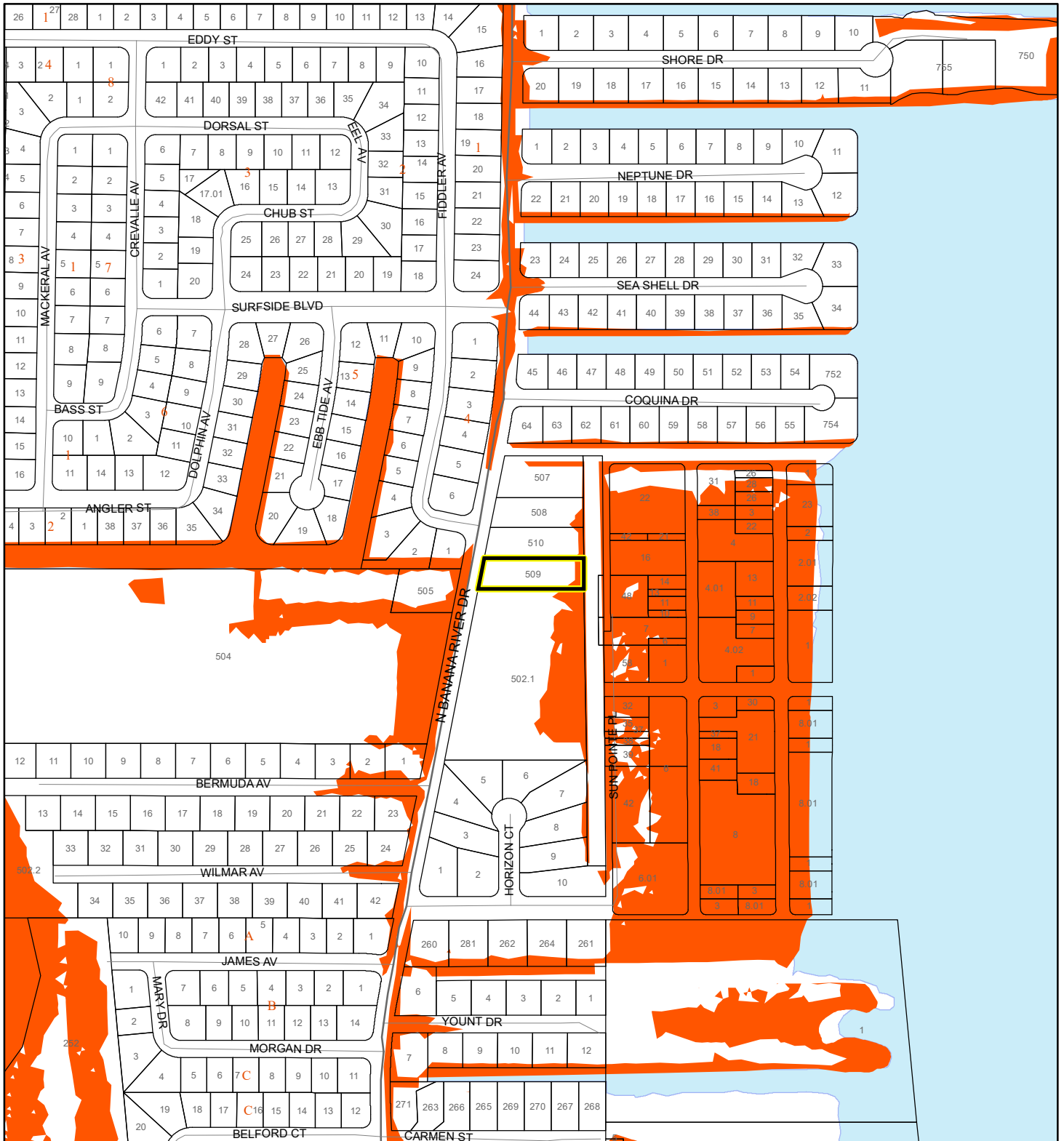
Produced by BoCC - GIS Date: 2/21/2024



# COASTAL HIGH HAZARD AREA MAP

COOK, SUSANNE K TRUSTEE

24Z00007



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: 2/21/2024

 Subject Property

 Parcels

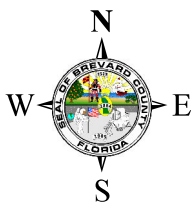
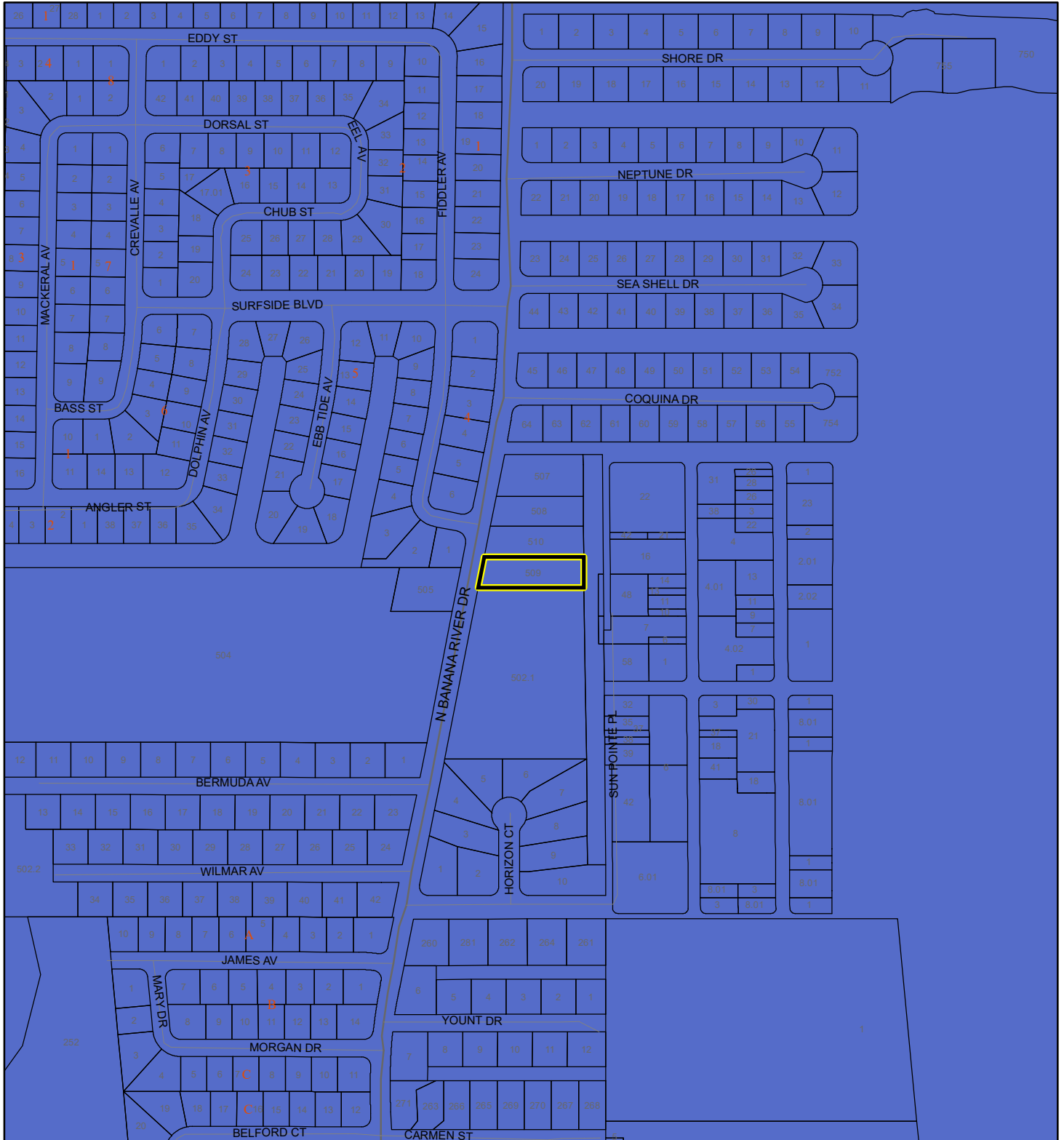
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/21/2024

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

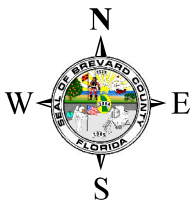
 60 Meters

 All Distances

# EAGLE NESTS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests  
FWS

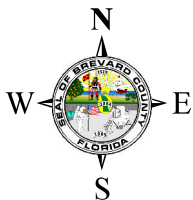
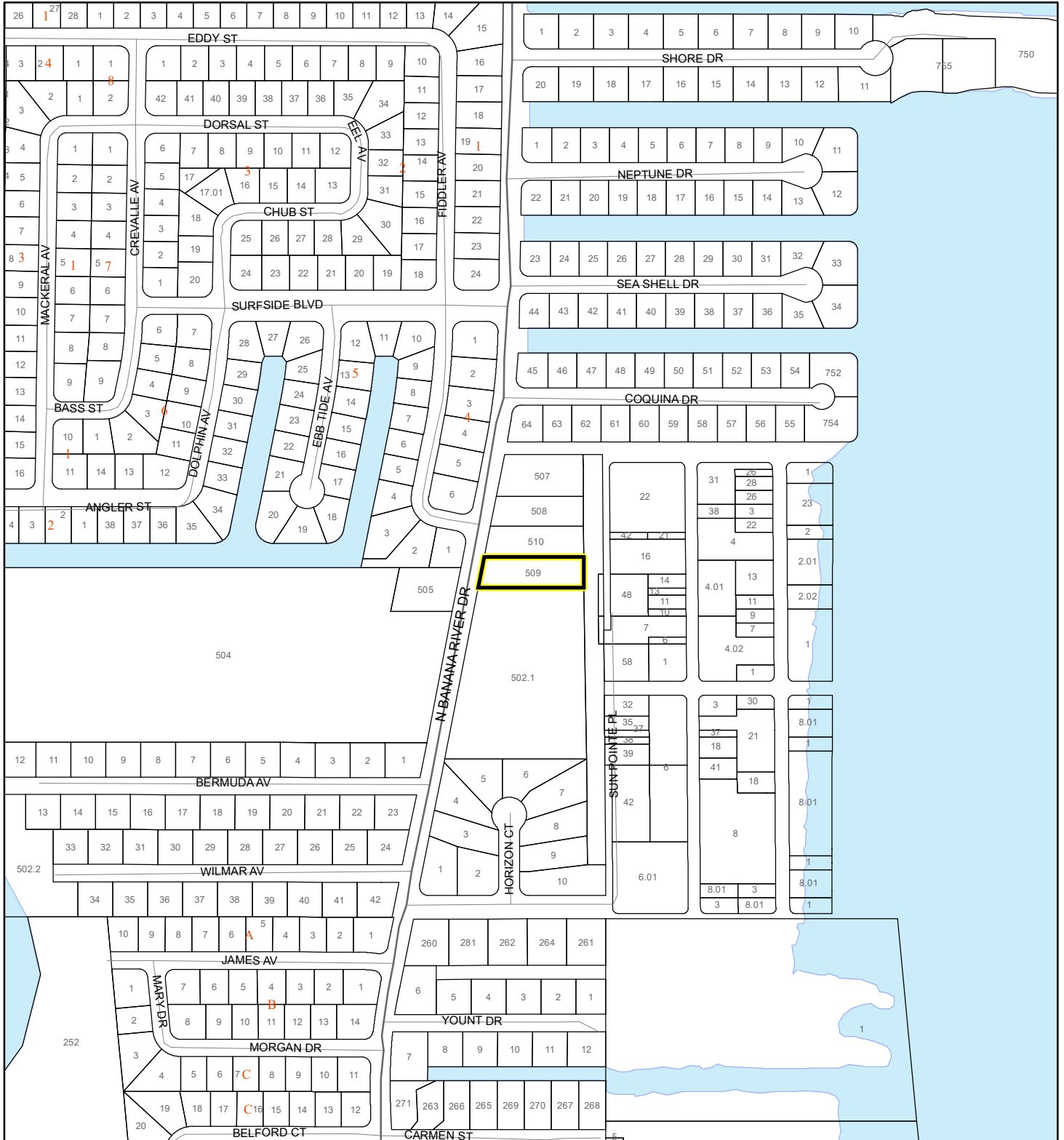
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/21/2024

# SCRUB JAY OCCUPANCY MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Scrub Jay Occupancy

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: 2/21/2024

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

COOK, SUSANNE K TRUSTEE

24Z00007



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: 2/21/2024

**SJRWMD FLUCCS Upland Forests**

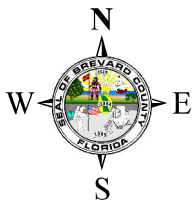
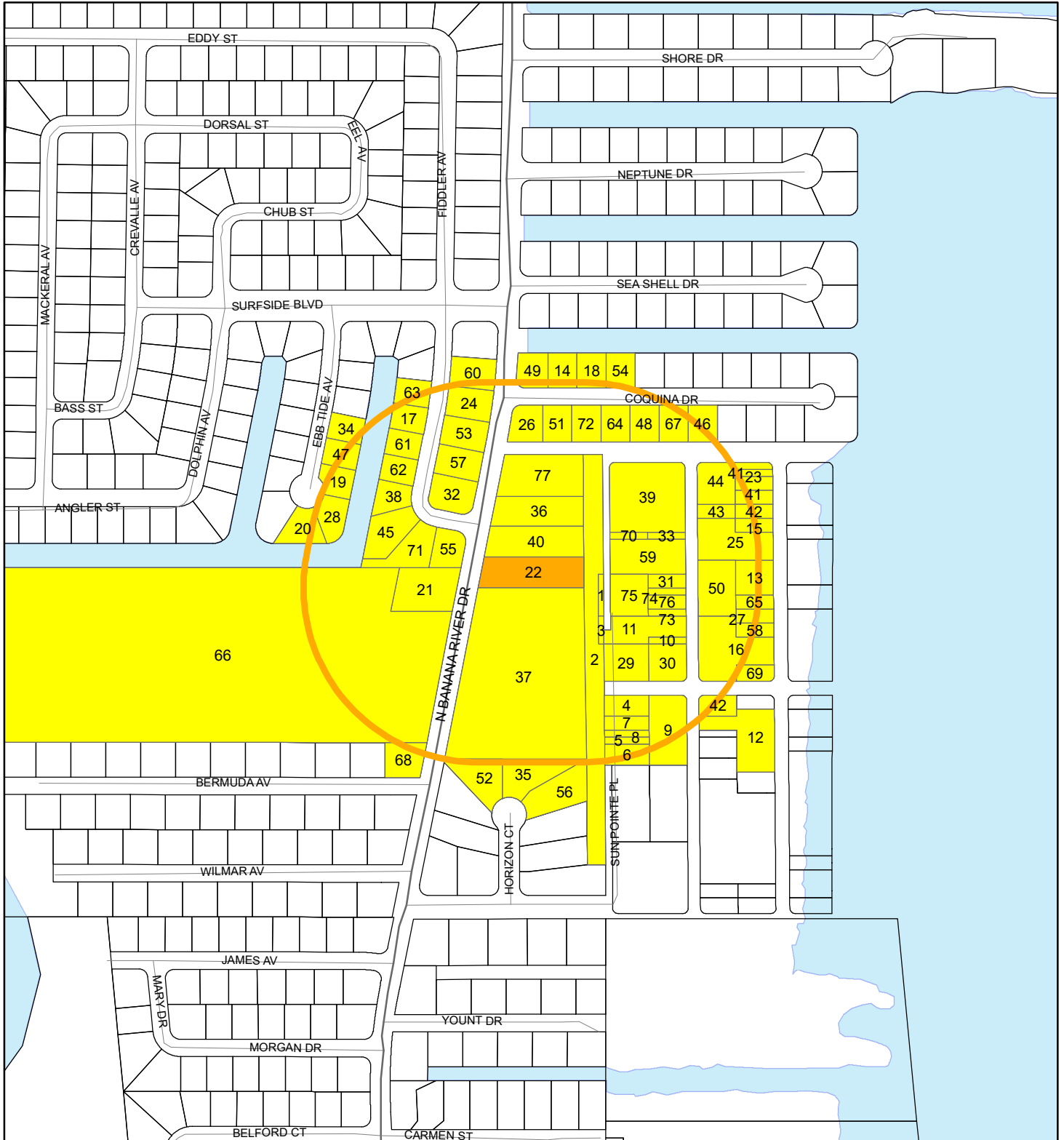
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

# RADIUS MAP

COOK, SUSANNE K TRUSTEE  
24Z00007







1:4,800 or 1 inch = 400 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: 2/21/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



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**

**24Z00007**

**Susanne K. Cook, Trustee (Daniel Banker)**

**Conditional Use Permit (CUP) for a guesthouse in Single-Family Residential (RU-1-13)**

Tax Account Number: 2431745  
 Parcel I.D.: 24-37-19-00-509  
 Location: East side of N. Banana River Drive, 445 feet south of Coquina Drive.  
 (District 2)  
 Acreage: 0.60 acres

Planning and Zoning Board: 04/15/2024  
 Board of County Commissioners: 05/02/2024

**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 Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

|                                                        | <b>CURRENT</b>         | <b>PROPOSED</b>                                               |
|--------------------------------------------------------|------------------------|---------------------------------------------------------------|
| <b>Zoning</b>                                          | RU-1-13                | RU-1-13 with CUP for guesthouse                               |
| <b>Potential*</b>                                      | One single-family home | One single-family home w/ guesthouse without kitchen 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 property owner is seeking a Conditional Use Permit (CUP) to allow a guesthouse without kitchen facilities in the RU-1-13 zoning classification as per Section 62-1932. Per section 62-1932(c): A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size. The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility. The lot currently contains a single-family home. The parcel abuts N. Banana River Drive a county maintained roadway.

The original zoning of this property was GU (General Use). On July 6, 1978, it was rezoned under zoning action **Z-4560** from GU to RU-1-13.

The applicants included a set of plans for the proposed structure in their CUP application showing the proposed location, layout, and size of the structure. The set of plans for the proposed structure has only been reviewed for purposes related to the CUP application. The plan set has not been reviewed to compliance with other County code requirements. A building permit, 23BC24759, has been submitted for construction of the guesthouse. The building permit is on hold until the CUP has been approved or denied.

Section 62-1932 allows an application for a CUP for guesthouses subject it to the following minimum requirements:

(a) Guesthouses or servants' quarters are subject to the following minimum requirements:

- (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.

**Section 62-1102, Definition of Kitchen, means a room or area within a room whose primary purpose is to store, prepare and cook food. A kitchen will have a refrigerator to store food, counter space and a sink to prepare food, and a stove and/or range to cook food.**

**Floor plan does not include a stove and/or range to cook food.**

- (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
  - (3) The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
  - (4) The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
  - (5) The structure shall not be used for rental purposes.
  - (6) The structure shall be set back a minimum of ten feet from the side and rear lot lines.
- (b) This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.
- (c) A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.

**The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility.**

**Section 62-1102. Definitions** *Guesthouse* means living quarters within a detached accessory building located on the same premises as the main building, to be used for housing members of the family occupying the main building or their temporary guests. Such quarters shall be subject to the provisions of section 62-1932, shall have no separate utility meters, and shall not be rented or otherwise used as a separate dwelling.



**The guesthouse will not have separate utility meters, utilities will be run from existing single family house on the parcel.**

## **Land Use**

The subject property is currently designated as Residential 4 (RES 4) FLU. The current RU-1-13 zoning can be considered consistent with the existing RES 4 FLU designation

## **Applicable Land Use Policies**

**Policy 1.7** –The Residential 4 Future land use designation. The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits low density residential development with a maximum density of up to four (4) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

**The proposed guesthouse is not anticipated to have any minimum impact on hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in the surrounding area.**

- 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 historic land use pattern along N. Banana River Drive has been the development of single-family homes on lots less than one acre in size.**

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

**It appears 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.

**It appears there has been no development approved within the past three years that has not yet been constructed.**

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

**The proposed use would not result in a material violation of relevant policies in any elements of the Comprehensive Plan. No kitchen facility is allowed.**

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

The developed character of the surrounding area consists of lots less than one-acre in size zoned RU-1-13 and RU-1-11 developed with single-family homes and IN(L) (Institutional Use Low intensity) developed with a church.

**Surrounding Area**

|              | <b>Existing Use</b>                      | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|------------------------------------------|---------------|------------------------|
| <b>North</b> | Single-family residence                  | RU-1-13       | RES 4                  |
| <b>South</b> | Place of Worship (Church)                | IN(L)         | RES 4                  |
| <b>East</b>  | Across Canal, Single-family residence    | GU            | RES 6                  |
| <b>West</b>  | Across N. Banana River Drive, Group Home | RP            | RES 4                  |

The subject property is surrounded to the north by single-family homes on parcels less than one acre lots with RU-1-13 zoning, which is consistent with the FLU designation of RES 4.

Abutting to the south is a religious facility on 3.95 acre parcel with IU(L) (Institutional Use Low intensity) zoning.

West across N. Banana River Drive is zoned RP (Residential Professional) and developed with a Group Home.

East across the canal is GU (General Use) zoning and developed with a single-family home.

RU-1-13 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

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

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.

GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There have been no zoning actions within a half-mile radius around this site within the last 3 years.

### **Special Considerations for CUP (Conditional Use Permit)**

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906, on-premises consumption of alcohol.

This request should be evaluated in the context of **Section 62-1932** which outlines conditions for guesthouses or servants' quarters which states:

*(a) Guesthouses or servants' quarters are subject to the following minimum requirements:*

- (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.*

**Staff's analysis: Guesthouse can not have a kitchen, see (c) below.**

- (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.*

**Staff's analysis:** Per plot plan provided with the application, the guesthouse will be to the rear of the principal structure and will not be attached to any other accessory structure.

- (3) *The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.*

**Staff's analysis:** The existing single-family house has 2,836 sq. ft. of living area. Each detached accessory building or structure shall not exceed 600 square feet or 50 percent of the living area of the principal building, whichever is greater. Per the proposed plan the Guesthouse will be 2 stories high and 800 sq. ft. and will meet accessory size requirement.

- (4) *The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.*

**Staff's analysis:** The guesthouse will be for family members only.

- (5) *The structure shall not be used for rental purposes.*

**Staff's analysis:** The guesthouse will be for family members and not rented. Code does not allow guesthouse to be rented out.

- (6) *The structure shall be set back a minimum of ten feet from the side and rear lot lines.*

**Staff's analysis:** Proposed plot plan shows guesthouse will be setback 10 feet off the side (south) property line and 43.2 feet off the rear (east) property line.

- (b) *This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.*

**Staff's analysis:** The parcel contains 0.60 acre which requires the CUP.

- (c) *A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.*

**Staff's analysis:** The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility, therefore not subject to the density requirements for kitchen facility. Per the proposed plan provided the guesthouse will not have a kitchen.

## **General Standards of Review**

Section 62-1901(c)(1)(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.

*Applicant's Response: Will not have an impact on any of these listed above.*

**Staff analysis: The CUP will not permit the guesthouse to be used for any commercial purposes. The CUP is not anticipated to result in excessive noise, odor, or traffic and meet Performance Standards of section 62-2251 through 62-2271.**

Section 62-1901(c)(1)(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.

*Applicant's Response: Will be compatible with the above statement.*

**Staff analysis: Guesthouse will meet setbacks and building size per proposed plans.**

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable 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 a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

*Applicant's Response: As stated the project will not cause a substantial diminution in value.*

**Staff analysis: Evidence from an appraiser has not been provided by the applicant.**

Section 62-1901(c)(2)(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.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent 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 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.

*Applicant's Response: Will not burden adjacent properties as stated above.*

**Staff analysis: This property will remain residential and therefore will have a minimal increase on traffic.**

Section 62-1901(c)(2)(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.

*Applicant's Response: As stated above project will no interfere with nearby properties.*

**Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.**

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

*Applicant's Response: Project will not exceed above DB. levels.*

**Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code parameters or a violation will be created.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Solid waste disposal will not increase from this project.*

**Staff analysis: Proposed guesthouse is not anticipated to exceed level of service.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Water use will not increase from this project.*

**Staff analysis: The subject property is serviced by the City of Cocoa for potable water and is serviced by Brevard County for sewer. The guthouse will have not have seperate utility meters, utilities will be run from existing single family house on the parcel.**

Section 62-1901(c)(2)(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.

*Applicant's Response: We will comply with the above statement.*

**Staff analysis: Proposed CUP does not require these.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Project will not cause any of the above statements.*

**Staff analysis: No signage or exterior lighting have been proposed.**

Section 62-1901(c)(2)(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.

*Applicant's Response: It's just a normal living space.*

**Staff analysis: This property will remain residential use and the proposed guesthouse will be for family members only and consient with residential use.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Project will be under 35 feet in height.*

**Staff analysis: The proposed guesthouse will be two stories high per proposed plans.**

Section 62-1901(c)(2)(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.

Note: 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.

*Applicant's Response: Driveway parking is original since 1994 and will not change.*

**Staff analysis: Additional parking is not required for a guesthouse beyond the minimum requirements of two spaces per unit for single-family residential cited in Ch. 62-3206(d)(32).**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Newfound N. Banana River Drive, between Sykes Creek Pkwy. and Central Avenue, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 74.87% of capacity daily. The CUP is not anticipated to increase the MAV utilization. The corridor is anticipated to operate at 74.94% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this proposal is below the minimum number of new residential lots that would require formal review.

The subject property is within the City of Cocoa's service area for potable water and on Brevard County's service area for sewer.

## **Environmental Constraints**

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 the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.



**Conditional Use Permit (CUP) Application Worksheet**

- 1) Owner(s): SUZANNE K. COOK TRUST  
Applicant(s): DANIEL BANKER
- 2) Property Location: 1276 N. BANNA RIVER DR.
- 3) Type of CUP requested: GUEST HOUSE
- 4) If CUP is for Alcoholic Beverages for On-Premises Consumption, is it in conjunction with a restaurant? \_\_\_\_\_
- 5) Type of Plan Required by Section 62-1901[b] (refer to attached CUP Checklist):  
 Reproducible Site Plan signed by a registered engineer, land surveyor or architect  
 Scaled Dimensional Sketch Plan

**NOTE: IF FULL SIZE DRAWINGS ARE SUBMITTED, PLEASE SUBMIT ONE COPY OF A REDUCED SIZE VERSION OF THE PLANS (8 1/2" X 11", 8 1/2" X 14" OR 11" X 17").**

Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable: 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.** Prepare responses to address how the requested CUP will meet these standards and submit this completed worksheet along with your application for public hearing for a CUP. You may attach additional pages or documentation, if needed.

**General Standards of Review**

Section 62-1901(c)(1)(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.

WILL NOT HAVE AN IMPACT ON ANY OF THESE LISTED ABOVE.

Section 62-1901(c)(1)(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.

WILL BE COMPATIBLE WITH THE ABOVE STATEMENTS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: 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.

AS STATED THE PROJECT WILL A SUBSTANTIAL DIMINUTION IN VALUE.  
\_\_\_\_\_  
\_\_\_\_\_

**Specific Standards**

Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as 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 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.

WILL NOT BURDEN ADJACENT PROPERTIES AS STATED ABOVE  
\_\_\_\_\_  
\_\_\_\_\_

Section 62-1901(c)(2)(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.

AS STATED ABOVE PROJECT WILL NOT INTERFERE WITH NEARBY PROPERTIES

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code, which includes the following:

Maximum Permissible Time Averaged (Leq)  
A-Weighted Sound Pressure Limits for Receiving Uses

| Type of Use | Time Period             | Maximum Allowable Sound Pressure Level |
|-------------|-------------------------|----------------------------------------|
| Residential | 7:00 a.m. to 10:00 p.m. | 60 dB(A)                               |
|             | 10:00 p.m. to 7:00 a.m. | 55 dB(A)                               |
| Commercial  | 7:00 a.m. to 10:00 p.m. | 65 dB(A)                               |
|             | 10:00 p.m. to 7:00 a.m. | 55 dB(A)                               |
| Industrial  | 7:00 a.m. to 10:00 p.m. | 75 dB(A)                               |
|             | 10:00 p.m. to 7:00 a.m. | 65 dB(A)                               |

Note: Additional requirements may apply. Refer to Section 62-2271 for full noise specifications.

PROJECT WILL NOT EXCEED ABOVE DB LEVELS.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded.

SOLID WASTE DISPOSAL WILL NOT INCREASE FROM THIS PROJECT.

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

WATER USE WILL NOT INCREASE FROM THIS PROJECT.

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

WE WILL COMPLY WITH THE ABOVE STATEMENT.

Section 62-1901(c)(2)(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.

PROJECT WILL NOT CAUSE ANY OF THE ABOVE STATEMENTS

Section 62-1901(c)(2)(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.

ITS JUST A NORMAL LIVING SPACE.

Section 62-1901(c)(2)(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 thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.

Note: A survey of building heights within 1000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

PROJECT WILL BE UNDER 35' IN HEIGHT

Section 62-1901(c)(2)(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.

Note: 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.

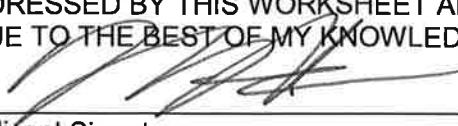
DRIVE WAY PARKING IS ORIGINAL SINCE 1994 AND WILL NOT CHANGE.

**Note to Applicant:** Per Section 62-1901(f), *Expiration*, Conditional use permits approved after the effective date of Ordinance No. 99-43 (8/3/99) shall expire within three years from the date of approval if the approved use is not constructed or under substantial and continuous construction.

I HAVE READ THE ABOVE NOTE TO APPLICANT. ALL THE ANSWERS TO THE STANDARDS ADDRESSED BY THIS WORKSHEET AND ALL ACCOMPANYING PLANS AND DOCUMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

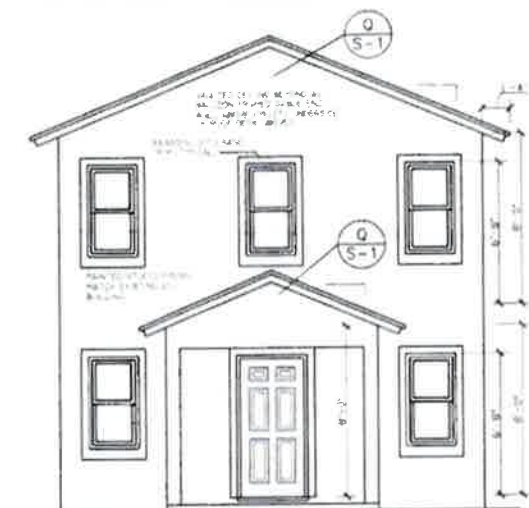
Applicant Signature

Date

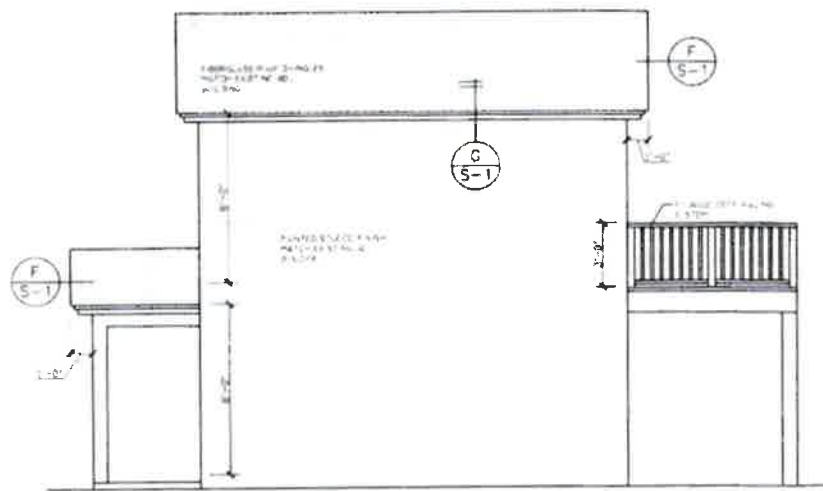
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Submittal checked by

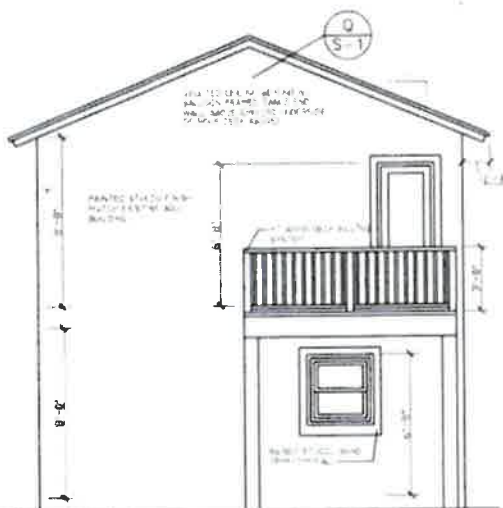




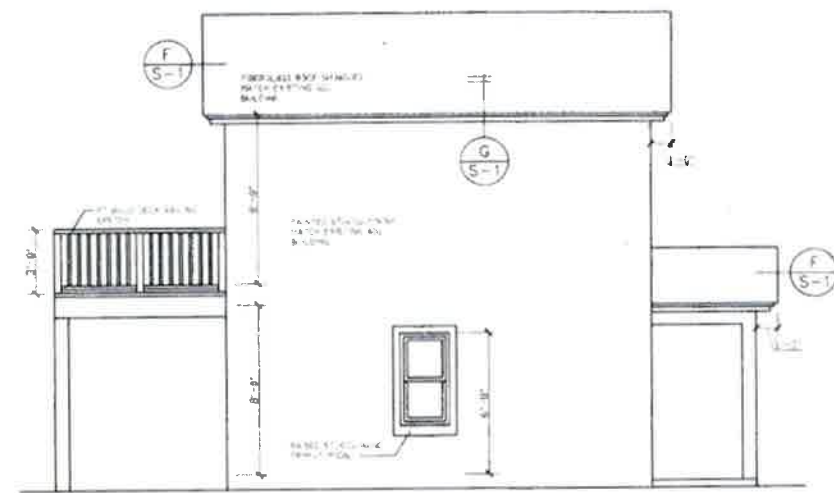
FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

**7203 FLASHING**  
APPROVED METAL FLASHING, VINYL FLASHING, SELF-ADHERED MEMBRANES AND MECHANICALLY ATTACHED FLEXIBLE FLASHING SHALL BE APPLIED SHINGLE-FASHION OR IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. METAL FLASHING SHALL BE CORROSION RESISTANT. FLUID-APPLIED MEMBRANES USED AS FLASHING SHALL BE APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL FLASHING SHALL BE APPLIED IN A MANNER TO PREVENT THE ENTRY OF WATER INTO THE WALL CAVITY OR PENETRATION OF WATER TO THE BUILDING STRUCTURAL FRAMING COMPONENTS. SELF-ADHERED MEMBRANES USED AS FLASHING SHALL COMPLY WITH AAMA 711. ALL EXTERIOR PENETRATION PRODUCTS SHALL BE SEALED AT THE JUNCTURE WITH THE BUILDING WALL WITH A SEALANT COMPLYING WITH AAMA 995 OR ASTM C920 CLASS 25 GRADE NS OR GREATER FOR PROPER JOINT EXPANSION AND CONTRACTION. ASTM C920, AAMA 995, OR OTHER APPROVED STANDARD AS APPROPRIATE FOR THE TYPE OF SEALANT FLUID-APPLIED MEMBRANES USED AS FLASHING IN EXTERIOR WALLS SHALL COMPLY WITH AAMA 714. THE FLASHING SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL. FINISH APPROVED FLASHINGS SHALL BE INSTALLED AT THE FOLLOWING LOCATIONS:

- EXTERIOR WINDOW AND DOOR OPENINGS FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER-RESISTIVE BARRIER COMPLYING WITH SECTION 703.2 FOR SUBSEQUENT DRAINAGE. MECHANICALLY ATTACHED FLEXIBLE FLASHINGS SHALL COMPLY WITH AAMA 712. FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL BE INSTALLED IN ACCORDANCE WITH ONE OR MORE OF THE FOLLOWING:
  - THE PENETRATION MANUFACTURER'S INSTALLATION AND FLASHING INSTRUCTIONS, OR FOR APPLICATIONS NOT ADDRESSED IN THE PENETRATION MANUFACTURER'S INSTRUCTIONS WHERE FLASHING INSTRUCTIONS OR DETAILS ARE NOT PROVIDED, PAN FLASHING SHALL BE INSTALLED AT THE SILL OF EXTERIOR WINDOW AND DOOR OPENINGS. PAN FLASHING SHALL BE SEALED OR SLOPED IN SUCH A MANNER AS TO DIRECT WATER TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER-RESISTIVE BARRIER FOR SUBSEQUENT DRAINAGE. OPENINGS USING PAN FLASHING SHALL INCORPORATE FLASHING OR PROTECTION AT THE HEAD AND SIDES.
  - IN ACCORDANCE WITH THE FLASHING DESIGN OR METHOD OF A REGISTERED DESIGN PROFESSIONAL.
  - IN ACCORDANCE WITH OTHER APPROVED METHODS.
  - IN ACCORDANCE WITH FMA/AAMA 130; FMA/AAMA 250; FMA/AAMA 250; FMA/AAMA/VDMA 300; OR FMA/AAMA/VDMA 400.
- AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION WITH FRAME OR STUCCO WALLS, WITH PROJECTING LIPS ON BOTH SIDES UNDER STUCCO COPINGS.
- UNDER AND AT THE ENDS OF MASONRY, WOOD OR METAL COPINGS AND SILLS.
- CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
- WHERE EXTERIOR PORCHES, DECKS OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD-FRAME CONSTRUCTION.
- AT WALL AND ROOF INTERSECTIONS.
- AT BUILT-IN GUTTERS.

THE MAIN WIND RESISTANCE FOR THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE 2020 FLORIDA RESIDENTIAL BUILDING CODE (7TH EDITION) TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM WIND SPEED OF 150 MILES PER HOUR EXPOSURE "D" STRUCTURE.

THE COMPONENTS AND CLADDING HAVE BEEN SELECTED AND THEIR USE INCORPORATED INTO THE DESIGN AND SPECIFICATIONS IN ACCORDANCE WITH THE 2020 FLORIDA RESIDENTIAL BUILDING CODE (7TH EDITION) TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM WIND SPEED OF 150 MILES PER HOUR EXPOSURE "B" STRUCTURE.

- ULTIMATE WIND SPEED = 150 MILES PER HOUR / NOMINAL WIND SPEED = 116 MILES PER HOUR
- WIND IMPORTANCE FACTOR = 1 / BUILDING CATEGORY = 2 / ENCLOSED (FULLY)
- WIND EXPOSURE = EXPOSURE "D"
- INTERNAL PRESSURE COEFFICIENT = 0.18 / 0.18
- COMPONENTS & CLADDING = 37.5 PSF / 50.3 PSF

ALL DOOR AND WINDOW UNITS SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS (WHERE APPLICABLE).

THIS STRUCTURE HAS BEEN DESIGNED AS A FULLY ENCLOSED STRUCTURE. THIS STRUCTURE IS LOCATED IN A WIND BORNE DEBRIS ZONE PER FLORIDA BUILDING CODE. GLAZING PROTECTION (IMPACT GLASS AND/OR HURRICANE SHUTTERS) IS REQUIRED TO BE INSTALLED.

ALL GLAZING SHALL BE PROTECTED IN ACCORDANCE WITH FLORIDA BUILDING CODE. BUILDER SHALL PROVIDE MANUFACTURER'S DOCUMENTATION FOR ANY PRE-MANUFACTURED SHUTTER SYSTEM OR IMPACT RESISTANT GLAZING IN WINDOW/DOOR UNITS PRIOR TO PERMITTING.

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE FOLLOWING PLANS COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE 2020 FLORIDA RESIDENTIAL BUILDING CODE 7TH EDITION AND LATEST ADOPTED SUPPLEMENTS

**STUCCO EXTERIOR FINISH NOTES**

EXTERIOR USE OF PORTLAND CEMENT PLASTER SHALL COMPLY WITH THE APPLICATION REQUIREMENTS OF ASTM C 926.  
INSTALLATION OF EXTERIOR LATHING AND FRAMING SHALL COMPLY WITH THE APPLICATION REQUIREMENTS OF ASTM C 1063.  
WHERE CEMENT PLASTER (STUCCO) IS TO BE APPLIED TO LATH OVER FRAME CONSTRUCTION, MEASURES SHALL BE TAKEN TO PREVENT BONDING BETWEEN THE CEMENT PLASTER AND THE WATER-RESISTIVE BARRIER. A BOND BREAK SHALL BE PROVIDED BETWEEN THE WATER-RESISTIVE BARRIER AND THE CEMENT PLASTER (STUCCO) CONSISTING OF ONE OF THE FOLLOWING:  
1. TWO LAYERS OF AN APPROVED WATER RESISTANT BARRIER MATERIAL, OR  
2. ONE LAYER OF AN APPROVED WATER-RESISTANT BARRIER OVER AN APPROVED PLASTIC HOUSE WRAP, OR  
3. OTHER APPROVED METHODS OR MATERIALS APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

NOTE:  
COORDINATE ALL FINAL BEARING HEIGHTS WITH ROOF FRAMING LAYOUT PRIOR TO CONSTRUCTION

NOTE:  
COORDINATE ALL ROUGH OPENINGS FOR EXTERIOR DOORS AND WINDOWS WITH MANUFACTURER'S SPECS.

**BUILDING INFORMATION**

|                            |             |
|----------------------------|-------------|
| Single Unit House          | Residential |
| Wind Velocity Zone         | 1           |
| Exposure                   | 3           |
| Minimum Seismic            | 2           |
| Design Wind Altitude (ft.) | 3.3         |
| Design Wind Height (ft.)   | 12.8        |
| Mean Roof Height (ft.)     | 12.8        |
| Building Width (ft.)       | 28.8        |
| Roof Slope (ft./ft.)       | 12/12       |
| Roof Height (ft.)          | 12.8        |
| Roof Height (ft.)          | 12.8        |
| Roof Height (ft.)          | 12.8        |
| Roof Height (ft.)          | 12.8        |

ASCE 7-16  
Wall Openings  
Not wind bearing, unless otherwise noted.  
Wind Load Program  
701 - 1000 B  
WindLoad@edc.com

**WIND LOAD DESIGN INFORMATION**

| APPLICABLE WIND LOAD JOB    | ZONE | OPENING ELEVATION (ft.) | WIDTH (ft.) | LENGTH (ft.) | EFFECTIVE WIND AREA (sq.ft.) | Normal Wind Load Pressure       |                                 |
|-----------------------------|------|-------------------------|-------------|--------------|------------------------------|---------------------------------|---------------------------------|
|                             |      |                         |             |              |                              | MAXIMUM POSITIVE PRESSURE (psf) | MAXIMUM NEGATIVE PRESSURE (psf) |
| 1. 10' x 10' EXTERIOR DOOR  | 1    | 5                       | 10          | 10           | 25.0                         | 9.8                             | 19.0                            |
| 2. 6' x 2' 6" WINDOW        | 1    | 5                       | 2.5         | 6.0          | 9.0                          | 37.5                            | 16.2                            |
| 3. 1' x 1' 6" WINDOW        | 1    | 5                       | 1.5         | 4.5          | 6.8                          | 47.8                            | 40.1                            |
| 4. 1' x 1' 6" WINDOW        | 1    | 5                       | 1.5         | 3.8          | 5.6                          | 57.4                            | 38.0                            |
| 5. 1' x 1' 6" WINDOW        | 1    | 15                      | 2.3         | 5.5          | 10.1                         | 37.5                            | 30.1                            |
| 6. 1' x 1' 6" WINDOW        | 1    | 15                      | 2.3         | 6.5          | 15.0                         | 37.5                            | 28.8                            |
| 7. 1' x 1' 6" WINDOW        | 1    | 15                      | 2.3         | 4.5          | 10.2                         | 37.5                            | 30.1                            |
| 8. 1' x 1' 6" EXTERIOR DOOR | 1    | 15                      | 2.7         | 6.7          | 17.8                         | 36.1                            | 47.5                            |
| 9. 1' x 1' 6" WINDOW        | 1    | 15                      | 2.3         | 4.5          | 9.0                          | 37.5                            | 30.1                            |

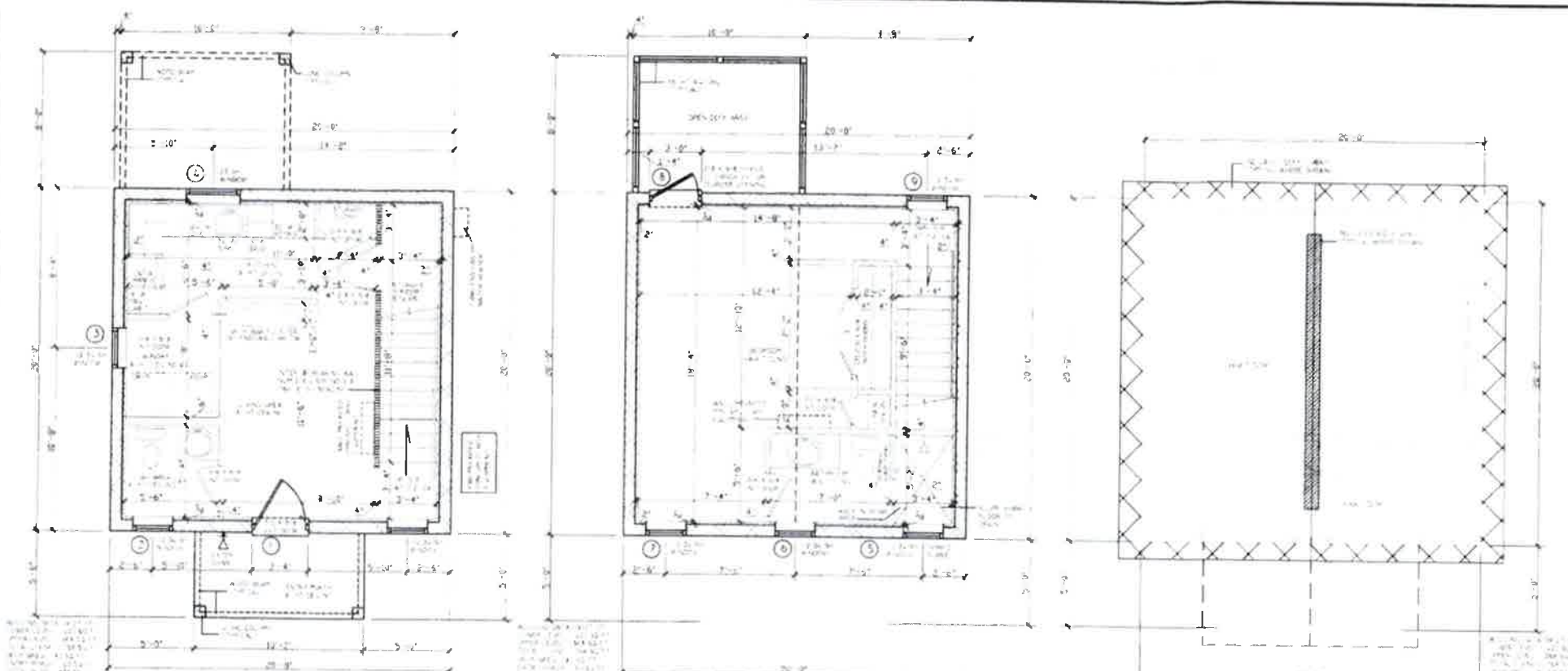
RECEIVED  
DEC 2, 9 2023  
BY: [Signature]

STATE OF FLORIDA  
EDWARD F. SHINSKIE, PE  
REGISTERED PROFESSIONAL ENGINEER  
NO. 47388  
1270 NE BAYVIEW BLVD DR. MERRITT ISLAND, FL 32753  
PH. 321-863-3333

DESIGN CRITERIA  
FULLY ENCLOSED  
WIND SPEED 150  
EXPOSURE D  
BUILDING CATEGORY TWO (2)

AI  
SHEET 1 OF 1  
DRAWN BY: [Signature]

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY EDWARD F. SHINSKIE, PE ON THE DATE AND/OR TIME STAMP SHOWN USING A DIGITAL SIGNATURE.  
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPY.



LOWER LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"

UPPER LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"

ROOF VENTILATION PLAN  
SCALE: 1/4" = 1'-0"

### ATTIC VENTILATION CALCULATION

REQUIRED ATTIC VENTILATION IS  $\frac{1}{30}$  SQ. FT. OF THE TOTAL CEILING SQUARE FOOTAGE. BASED ON AN APPROXIMATE CEILING SQUARE FOOTAGE OF 400 SQ. FT., A TOTAL OF 2.66 SQ. FT. OF ATTIC VENTILATION IS REQUIRED. OWNER/BUILDER SHALL INSTALL 99 SQ. FT. CONTINUOUS VENTED SOFFIT WHERE SHOWN PROVIDING +/- 5.17 SQ. FT. OF VENTILATION. OWNER/BUILDER SHALL ALSO INSTALL 16 LINEAR FEET OF RIDGE VENT PROVIDING +/- 1.92 SQ. FT. OF VENTILATION.

TOTAL PROVIDED VENTILATION = 7.09 SQ. FT. EXCEEDS THE REQUIRED 2.66 SQ. FT. OF VENTILATION REQUIRED.

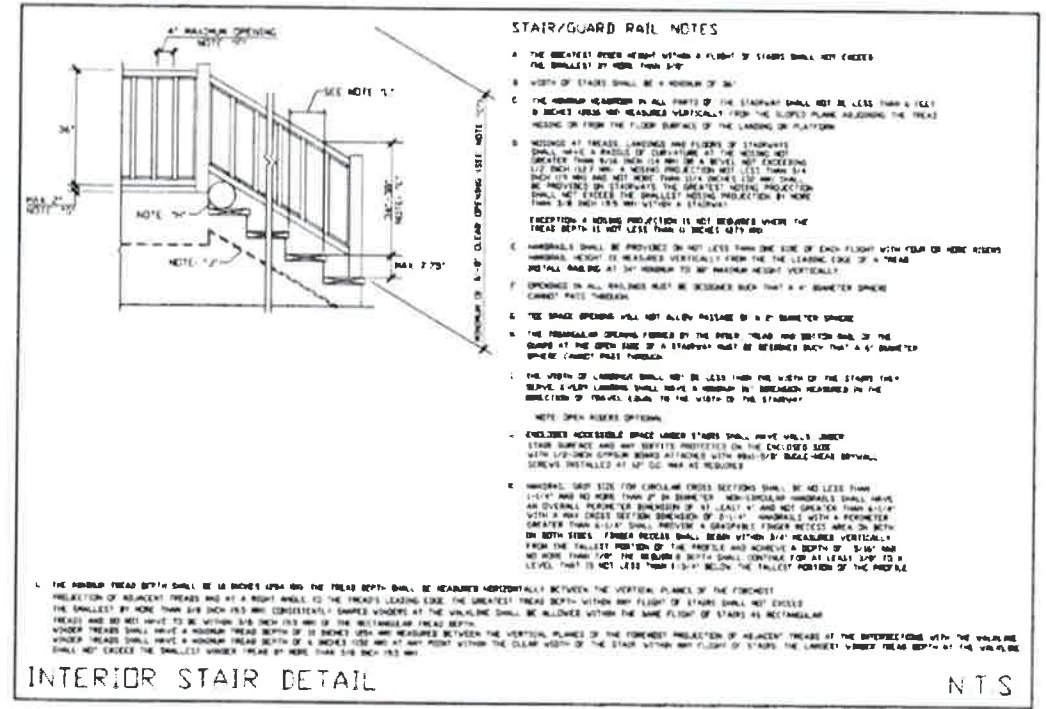
NOTE:  
CALCULATIONS FOR SOFFIT VENTILATION IS BASED ON A VENTED SOFFIT PROVIDING 7.53 SQ. IN OF VENTILATION PER SQ. FT.

NOTE:  
CALCULATIONS FOR RIDGE VENTS IS BASED ON A VENT PROVIDING .12 SQ. FT. OF VENTILATION PER LINEAR FT. OF RIDGE VENT

R302.2 WINDOW FALL PROTECTION  
WINDOW FALL PROTECTION SHALL BE PROVIDED IN ACCORDANCE WITH SECTIONS R302.2.1 AND R302.2.2.

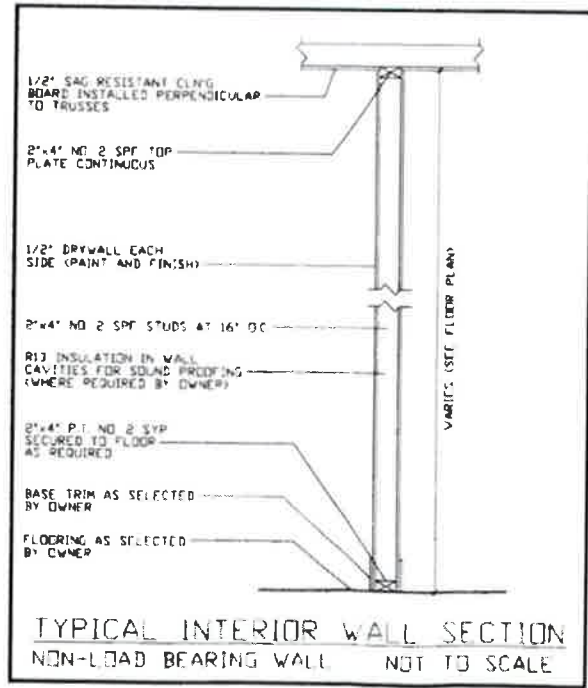
R302.2.1 WINDOW SILLS  
IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES (610 MM) ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES (1829 MM) ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL COMPLY WITH ONE OF THE FOLLOWING:

1. OPERABLE WINDOWS WITH OPENINGS THAT WILL NOT ALLOW A 4-INCH-DIAMETER (102 MM) SPHERE TO PASS THROUGH THE OPENING WHEN THE OPENING IS IN ITS LARGEST OPENED POSITION.
2. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2096.
3. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R302.2.2.



INTERIOR STAIR DETAIL

N.T.S



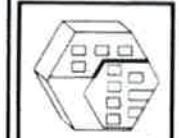
NOTE:  
COORDINATE ALL ROUGH OPENINGS FOR EXTERIOR DOORS AND WINDOWS WITH MANUFACTURER'S SPECS.

CABINETRY NOTE:  
CABINET LAYOUT SHOWN AT KITCHEN, BATHROOMS, AND ANY OTHER LOCATIONS ARE DIAGRAMMATIC ONLY. COORDINATE FINAL CABINET DESIGN WITH OWNER/BUILDER PRIOR TO ANY FABRICATION/INSTALLATION.

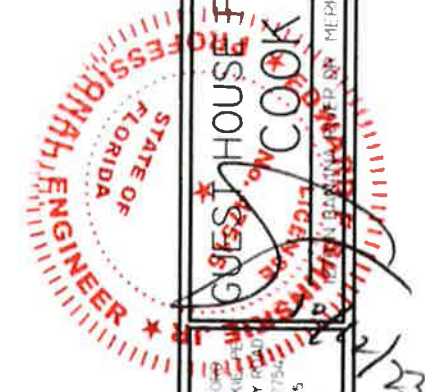
NOTE:  
COORDINATE ALL FINAL BEARING HEIGHTS WITH FINAL ROOF SYSTEM LAYOUT PRIOR TO CONSTRUCTION.

| REVISIONS |  |
|-----------|--|
|           |  |
|           |  |
|           |  |
|           |  |

1515 W. BAY ROAD STE 100  
FORT MYERS, FL 33901  
TEL: (823) 724-0740  
FAX: (823) 941-4206  
EMAIL: INFO@MEDC.COM  
WWW.MEDC.COM



**MEDC**  
ENGINEERING AND DESIGN CONCEPTS, INC.



ENGINEER OF RECORD  
EDWARD F. SHINKO, P.E.  
6707 WILD TURKEY ROAD  
MIMS, FLORIDA 33754  
FLORIDA PE # 12117  
PH: 371-863-3225

**A2**  
SHEET 2 OF 2

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY EDWARD F. SHINKO, P.E. ON THE DATE AND/OR TIME STAMP SHOWN USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPY.

| DESIGN CRITERIA   |         |
|-------------------|---------|
| FULLY ENCLOSED    |         |
| WIND SPEED        | 150     |
| EXPOSURE          | D       |
| BUILDING CATEGORY | TWO (2) |





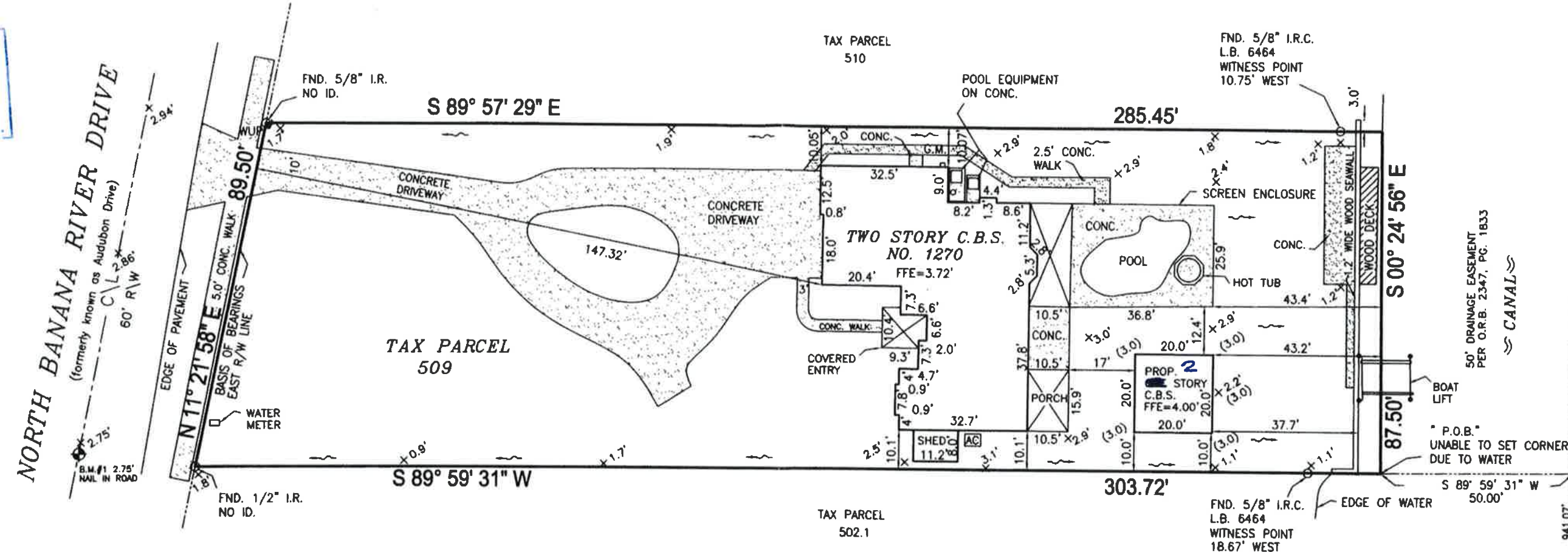
MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION:

A parcel of land lying in the Southwest one-quarter of Section 19, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:  
Commence at the Southeast corner of said Southwest one-quarter of Section 19, and run North 00 degrees 24 minutes 56 seconds West, along the East line of said Southwest one-quarter, a distance of 941.07 feet; thence South 89 degrees 59 minutes 31 seconds West, a distance of 50.00 feet to the point of beginning; thence continue South 89 degrees 59 minutes 31 seconds West, a distance of 303.72 feet to a point on the Easterly right of way line North Banana River Drive (a 60 foot wide right of way formerly known as Audubon Road); thence North 11 degrees 21 minutes 58 seconds East, along said Easterly right of way line a distance of 89.50 feet; thence South 89 degrees 57 minutes 29 seconds East, a distance of 285.45 feet; thence South 00 degrees 24 minutes 56 seconds East, parallel to said East line of Southwest one-quarter, a distance of 87.50 feet to the point of beginning.



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DEC 29 2023  
BY: [Signature]



**SURVEYORS NOTES:**

- This property is located in Flood Zone(s) X&AE. The Residence is in Flood Zone(s) AE, Map No. 12009C0295E, Panel No. 295, Suffix E, Community No. 125092, Effective Date, April 3, 1989. BFE=3.0'
- The bearings shown are based on an Assumed North Meridian, Being N 11° 21' 58" E along the EAST R/W line of N Banana River Dr.
- This is Real Property being situated in Section 19, Township 24S, Range 37E.
- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
- Underground improvements are not located unless requested.
- The elevations shown here are under NAVD 1988. Elevations shown hereon based on benchmark BC PID E7A07

**LEGEND & ABBREVIATIONS:**

- = Set 5/8" iron rod with plastic cap
- △ = Set nail with metal disc
- = Set concrete monument with disc
- = 4' C.L.F.
- = Center Line
- = 6' W.F.
- XXX = Existing Elevations
- (XXX) = Proposed Elevations
- (B.M.)=Benchmark,(CONC.)=Concrete,(C.L.)=Centerline,(C.B.S.)=Concrete Block Structure
- (C.B.S.)=Concrete Block Structure,(C.&S.)=Covered and Screened,
- (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
- (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
- (F.P.R.)=Fixed Point of Reference,(I.R.C.)=Iron Rod with Cap,(I.P.)=Iron Pipe
- (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M)=Measured
- (M.E.S.)=Mitered End Section,(N&D)=Nail & Disc,(O.R.B.)=Official Records Book,
- (OHPL)=Over Head Power Line,(P.C.P.)=Permanent Control Point, (P)=Plat
- (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
- (P.R.M.)=Permanent Reference Monument,(P.U. & D.E.)=Public Utility & Drainage Easement,
- (RNG.)=Range,(R.C.P.)=Reinforced Conc. Pipe,(R/W)=Right of Way,(SEC.)=Section
- (T.)=Township,(WUP)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

**CERTIFIED TO:** SUZANNE K. COOK

Certified By: [Signature] Signature Date: 10/2/23

I, Eric Nielsen Professional Surveyor & Mapper, No. 5386, L.B. 6946, State of Florida certify this map of survey meets the standards set per Florida Administrative Code 5J-17.051 pursuant to Chapter 472.027 per Florida Statutes.

**Eric Nielsen Land Surveying, Inc.**

Revisions: 12 STONE STREET, COCOA, FL. 32922  
Ph: (321) 631-5654 Fax: (321) 631-5974

RECERTIFICATION & TOPOGRAPHIC DATA ADDED 09-25-2023

|                 |                  |                   |
|-----------------|------------------|-------------------|
| SCALE: 1" = 30' | DATE: 08-08-2012 | JOB NO. 12-133-06 |
|-----------------|------------------|-------------------|

POINT OF COMMENCEMENT  
SE CORNER OF  
SW 1/4 SEC.19-24S-37E  
FND. 5/8" I.R. NO ID.

N 00° 24' 56" W 941.07'  
EAST LINE OF SW 1/4 SEC. 19-24S-37E





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.5.

4/15/2024

### Subject:

JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (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 Large-Scale Comprehensive Plan Amendment (2023-2) to change the Future Land Use designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial).

### Summary Explanation and Background:

The applicant is requesting an amendment to the Future Land Use Map designation from RES 1:2.5 to RES 4 and a portion of CC on a 1,109.57-acre parcel. The Res 4 designation would allow up to 4,329 single-family homes and 27.33 acres of Community Commercial (CC). The subject parcel is currently undeveloped and has frontage only along Babcock Street. This segment of Babcock St. is county-maintained roadway.

The applicant has voluntarily limited the density to 3 dwelling units to the acre (3,246 single-family units). At this time until the PUD zoning receives approval, the maximum density allowed would be 4 units to the acre.

The subject property is not adjacent to any existing Residential 4 land use designation. The closest Res 4 is approximately 5 miles to the east in the County’s jurisdiction.

Analysis indicates the Comprehensive Plan Polices identifies several deficiencies. Staff recognizes that there maybe multiple potential solutions to the concerns listed below:

- Compatibility with the surrounding area
- Transportation network infrastructure
- Availability of central water and sewer
- Level of Service (LOS) for fire rescue
- Public schools

There are no planned improvements in the Capital Improvement Program (CIP). Impact fees alone will not

cover the cost of the needed infrastructure to support the proposed uses. An alternative funding source will be needed. At this time, there have not been any resolutions identified.

This request will transmit this application to the Department of Commerce under the State Coordinated review process for Large-Scale Comprehensive Plan Amendments. The adoption hearing date will be scheduled at future date which will allow time for the applicant to address any comments or responses from any of the state reviewing agencies, prior to adoption.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from GU (General Use) and AU (Agricultural Residential) to PUD (Planned Unit Development) on the entire 1,109.57-acre subject property (23PUD00005). This application will be heard at a future adoption meeting.

The Board may consider transmitting this request to the Department of Commerce for their review and comments.

**Clerk to the Board Instructions:**

None

## **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**

*Large Scale Plan Amendment 24LS.01 (23LS00001)  
Township 30, Range 37, Section 8, 9, 16, 17*

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**Property Information**

Owner / Applicant: **JEN Florida 48 LLC / Poulos and Bennett LLC**

Adopted Future Land Use Map Designation: Residential 1:2.5 (RES 1:2.5)

Requested Future Land Use Map Designation: Residential 4 (RES 4) and  
Community Commercial (CC)

Acreage : 1,109.57 acres

Tax Account #: 3000277, 3000368, 3000827 & 3000829

Site Location: West of Babcock St. and south of Willowbrook St.  
North and east of Deer Run

Commission District: 5

Current Zoning: GU (General Use) and AU (Agricultural Residential)

Requested Zoning: PUD (Planned Unit Development) (**23PUD00005**)

**Background & Purpose**

The applicant is requesting an amendment to the Future Land Use Map designation from RES 1:2.5 to RES 4 and a portion of CC on a 1,109.57 acre parcel. The Res 4 designation would allow up to 4,329 single-family homes and 27.33 acres of Community Commercial (CC). The subject parcel is currently undeveloped and has frontage only along Babcock Street. This segment of Babcock St. is county-maintained roadway. The applicant has indicated that the density will be limited to 3 dwelling units to the acre (3,246 single-family units).

This request will transmit this application to the Department of Commerce under the State Coordinated review process for Large-Scale Comprehensive Plan Amendments. The adoption hearing date will be scheduled at future date which will allow time for the applicant to address any comments or responses from any of the state reviewing agencies, prior to adoption.

In 1988, Brevard County Comprehensive Plan went into effect applying the RES 1:2.5 Future Land Use (FLU) to the subject property and the surrounding area west of Babcock Street to the north and south. Included in the minimum criteria governing activities in this land use designation calling for residential densities not to exceed one dwelling unit per two and half (2.5) acres. The subject property has retained the FLU designation of RES 1:2.5 since the adoption of the Future Land Use map (FLUM) in 1988. The current density limits the development to 432 residential units. No infrastructure improvements have been made or are planned to suggest otherwise.

The subject parcel’s GU and AU zoning classification (requires lot sizes of 5 and 2.5 acres respectively) is consistent with the RES 1:2.5 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

The requested RES 4 FLU designation permits low density residential development with a maximum density of up to four (4) units per 1 acre, except as otherwise may be provided for within the FLU element. The subject parcel’s existing GU and AU zoning can be considered consistent with the requested RES 4 FLU designation. This request is a 10x net increase in density.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from GU (General Use) and AU (Agricultural Residential) to PUD (Planned Unit Development) on the entire 1,109.57 acre subject property (**23PUD00005**). The requested zoning classification can be considered consistent with the requested RES 4 FLU designation. This application will be heard at a future adoption meeting.

**Surrounding Land Use Analysis**

|              | <b>Existing Land Use</b>                                     | <b>Zoning</b>        | <b>Future Land Use</b>  |
|--------------|--------------------------------------------------------------|----------------------|-------------------------|
| <b>North</b> | Vacant South of Willowbrook St. (owned by Willowbrook Farms) | GU                   | RES 1:2.5               |
| <b>South</b> | Single-family subdivision                                    | AU                   | RES 1:2.5               |
| <b>East</b>  | Vacant State-owned Land, Borrow Pit                          | GU, RRMH-1, AU, BU-1 | PUB-CONS, RES 1, NC, CC |
| <b>West</b>  | Single-family subdivision                                    | AU                   | RES 1:2.5               |

Future Land Use (FLU) designations within the county's Comprehensive Plan establishes the intended use and development density for a particular area. The zoning classification specifies specific uses and contains development standards for those intended uses. The county's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the FLUM.

To the north of the subject property on the southside of Willowbrook St. is a two-mile long, linear strip of property owned by Willowbrook Farms. It varies in width from approximately 100 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St. There is also a canal to the north of this strip. The FLUM designation of this strip is Residential 1:2.5 (RES 1:2.5). The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the County's Comprehensive Plan. Per Resolution 2021-168, the Rolling Meadows Ranch development was approved at 2 units per acre.

To the south and west is the Deer Run single-family subdivision is a large lot development with single-family, site-built homes with AU zoning and a RES 1:2.5 FLUM designation developed with 433 lots.

To the east across Babcock St., there is vacant State owned property with a FLUM designation of PUB-CONS and GU zoning. There is also a privately-owned, borrow pit with FLUM designations of RES 1, NC and CC with RRMH-1, AU, and BU-1 zoning. Zoning Resolution #3529, approved BU-1 zoning. Zoning resolution 15PZ00016 approved a small-scale Comprehensive Plan amendment and a conditional use permit for land alteration limiting use of the property to a borrow pit.

### **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.

### **Residential 4 (maximum of 4 dwelling units per acre) FLUE Policy 1.7**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum

density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

A. Areas adjacent to existing Residential 4 land use designation; or

**The subject property is not adjacent to any existing Residential 4 land use designation. The closest Res 4 is approximately 5 miles to the east.**

B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

**The subject property does not serve as a transition between areas with land use designations greater than four (4) units per acre and land use designations that are lower in density. Rolling Meadows Ranch was approved at a density of two (2) units per acre to the northwest.**

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**The subject property is not adjacent to any incorporated areas.**

D. Up to a 25% density bonus to permit up to five (5) dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The subject property has requested PUD zoning (23PUD00005). The subject property is not within the CHHA. At Res 1:2.5, current density would allow 443 units. Specific density bonuses, should be deferred to the PUD zoning should Policy 1.2 be met. Res 5 would allow 5,547 residential units.**

**FLUE 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;

**Traffic from the proposed development will have significant impacts on the surrounding area. Capacity of Babcock St. will be exceeded and no planned capacity expansion is anticipated. Please see Admin Policy # 5 below.**

- 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 character of this area is mostly undeveloped with some residential development on large lots 2.5 acres or greater. There is an existing borrow pit at the intersection of Babcock St. and Micco Rd. Higher density developments have been proposed on the vacant properties in this area to the north by the same applicant.**

**Rolling Meadows Ranch has a FLUM designation of RES 2 and PUD zoning. Willowbrook Farms has FLUM designations of AGRIC and RES 1:2.5 and GU zoning.**

**There are seven (7) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 1:2.5, AGRIC, NC, CC, and PUB-CONS.**

**The Deer Run development, encompassing 1,602 acres, is the only established residential development in the vicinity of the subject property. The adopted density of Deer Run is 1 unit per 2.5 acres. There are 433 platted lots with an average lot size of 2.9 acres. Lot sizes range from 1.02 acres to 8.44 acres. These parameters indicate that the actual density of Deer Run is 1 unit per 3.7 acres.**

**Rolling Meadows Lakes, encompassing 1,331 acres, was de-annexed from the City of Palm Bay on May 10, 2019. Brevard County has vested development of this project at a maximum of 2 units per acre.**

**Adopted densities of adjoining residential developments within a 1/2 mile radius of the subject property range from approximately 1 unit per 2.5 acres to 2 units per acre.**

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

**Although the St. Johns Heritage Parkway between Babcock St. and the interchange with Interstate 95 has recently been completed, there have not been any development approvals or construction activity in the previous three years within unincorporated Brevard County.**

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

**There has not been any development approved within the vicinity of the subject property in the unincorporated Brevard County 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.

**FLUE Administrative Policy #3 Compatibility with existing or proposed land uses; The Board shall make this determination.**

**FLUE Administrative Policy #4 regarding the character of the area; The Board shall make this determination.**

**FLUE Administrative Policy #5 regarding roadway infrastructure; The Board shall make this determination.**

**FLUE Administrative Policy #6 regarding the future land use elements of the comprehensive plan; The Board shall make this determination.**

**FLUE Policy 1.1, Criteria C regarding roadway, potable water, sanitary sewer, public school facilities and fire protection and emergency medical services infrastructure deficiencies; Shall be provided concurrent with development.**

**FLUE Policy 1.2 regarding public facilities and services requirements; Shall be provided concurrent with development.**

**FLUE Policy 1.7 regarding the RES 4 FLUM designation; The Board shall make this determination.**



**FLUE Policy 2.1, Criteria E, regarding availability of required infrastructure for commercial development; Shall be provided concurrent with development.**

**FLUE Policy 2.8, Criteria A, regarding locational criteria for CC land uses greater than 10 acres in size; The Board shall make this determination.**

**CIE Policy 1.3 Criteria D, regarding advisory level of service for fire/protection; Shall be provided concurrent with development.**

#### **FLUE 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 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.

**At a residential density of four (4) units per acre will introduce traffic volumes that exceed the capacity of Babcock St.**

- 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 Deer Run subdivision is the only established residential neighborhood to the south. Platted in 1980, with a FLUM of RES 1:2.5 and AU zoning. This subdivision was approved for 433 single-family lots on 1,602.**

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.

**There is an existing borrow pit at the northeast corner of Babcock St. and**

**Micco Rd. The property encompasses 74.86 acres and has RES 1, NC and CC FLUM designations and RRMH-1, AU and BU-1 zoning. A small-scale Comprehensive Plan amendment and conditional use permit limiting the use to a borrow pit were approved by Zoning Resolution 15PZ00016.**

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 has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction. Development activity has occurred within the City of Palm Bay approximately 1/2 mile away to the north.**

### **FLUE 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 service will be compromised;

**Based on the existing roadway capacities and vehicle trips that the proposed land use and intensities will generate, the level of service (LOS) will be compromised and anticipated to fall below the Acceptable LOS Standards defined in the Capital Improvement Element Policy 1.1.**

**The adopted LOS volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2024 Annual Average Daily Traffic (AADT) is 5,494 vpd. Per the TIA methodology letter dated January 24, 2024, the project proposes to add a maximum volume of 18,490 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 1.30. The existing v/c ratio is 0.39.**

- 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;

**A road system condition assessment must be conducted by the applicant to assess the physical quality of the existing pavement and structural condition of affected roadways and identify necessary improvements, such as road resurfacing or road reconstruction, to support the proposed development**

**without significant road system 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;

**The road system condition assessment must include an inventory of the existing affected roadways and identify necessary improvements, such as road widening or other modifications, to support the proposed development.**

- 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;

**The road system condition assessment must include an evaluation of potential impacts on public safety that could result from the proposed development. Separately, a Traffic Calming Study must be conducted by the applicant for the affected roadways and will identify necessary improvements, as appropriate based on the roadways' functional and context classifications, to mitigate speeding and encourage preferred routing of traffic.**

- 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;

**The development is anticipated to impact the road system's volume-to-capacity ratios, and design capacities along Babcock Street will be exceeded. This project proposes adding 16,313 vpd over the allotment. Options for a project or phase requiring services or facility capacity in excess of the maximum capacity allotment are outlined in Sec. 62-602(f)(6)(c).**

**The required Traffic Impact Analysis will determine the degree of the impacts and whether Babcock Street should be classified as an arterial road. This study will be reviewed in conjunction with the PUD application.**

- 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;

**The road system condition assessment must include an inventory of the existing affected roadways and an evaluation of the potential physical deterioration to the surrounding road system, as well as the identification of the necessary improvements to support the proposed development.**

- 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.

**An increase in traffic volumes is anticipated to result in the speed at or below which 85% of the drivers travel on a road segment. The required Traffic Calming Study will determine the prevailing existing and anticipated driving behaviors in the area.**

### **FLUE 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.

**The applicant has not demonstrated compliance with: FLUE Administrative Policy 5, FLUE Policies 1.1., 1.2, 1.7, 2.1 and 2.8; or CIE Policy 1.3.**

### **Residential Land Use Designations**

#### **FLUE Policy 1.1**

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

#### **Criteria:**

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

**The Natural Resources Management Department identified the following environmental constraints: Wetlands and Hydric Soils; Protected and Specimen Trees; Indian River Lagoon Nitrogen Reduction Septic Overlay; Flood Prone Area and Protected Species.**

- B. Land use compatibility pursuant to Administrative Policy 3;  
**See the analysis of this request pursuant to FLUE Administrative Policy 3 above.**
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements

Element;

**The existing capacity of Babcock St. is inadequate to accommodate the traffic generated by the proposed development and no public funding is available to increase capacity.**

**Centralized potable water and sanitary sewer service is currently not available to the subject property. The applicant has represented that these services will be provided by the City of Palm Bay but, the City has no capacity to provide these services.**

**The Brevard County School Board staff projects that with 3,246 residential units the proposed development will generate 1,396 students and that there will be insufficient school capacity at the elementary, middle school, and high school levels to accommodate the projected demand in the school concurrency area that includes the subject property. It will be necessary to adjust school attendance boundaries in the adjacent school concurrency area to accommodate the projected student demand. However, an anticipated shortage of elementary school capacity will remain.**

**A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.**

D. Character of the general area, pursuant to Administrative Policy 4;

**See the analysis of this request pursuant to FLUE Administrative Policy 4 above.**

E. Hurricane evacuation capabilities; and;

**The subject property is not located on a barrier island. The completion of the westward segment of St. Johns Heritage Parkway linking Babcock St. with US 192 will provide additional evacuation capacity.**

F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

**The South Mainland Small Area Study did not make recommendations that specifically pertain to this area or the subject property.**

**Public Facilities and Services Requirements  
FLUE Policy 1.2**

**Minimum public facilities and services requirements should increase as residential density allowances become higher.** The following criteria shall serve as guidelines for approving new residential land use designations:

**Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

**There is insufficient roadway capacity on Babcock St. to maintain the adopted Level of Service. There are no public funds available for roadway capacity expansion needed to maintain the adopted Level of Service concurrent with development.**

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

**A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.**

- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

**Centralized potable water and sanitary sewer are not currently available to the subject property. The applicant has represented that the City of Palm Bay will provide these services. At this time, there is not sufficient capacity.**

**Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".**

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**Public water service is not currently available, and the applicant has not**

**requested a density greater than 4 units per acre.**

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

**Centralized potable water and sanitary sewer are not currently available to the subject property.**

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

**The applicant has not demonstrated that there would be an overriding public benefit from their proposed development.**

#### **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 commercial portion of the subject property will only have direct access to Babcock St. and internal access to the residential units on the property.**

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

**Other than internal, inter-connectivity with the proposed residential use on the subject property, the development proposal does not demonstrate inter-connectivity to adjacent Future Land Use designations or land uses.**

**The proposed residential density is a 10-fold increase relative to the density of the established Deer Run development (RES 1:2.5) to the west and south of the subject property. It is double the density approved for Rolling Meadows Ranch (RES 2) and a 20-fold increase relative to Willowbrook Farms (1 unit per 5 acres), both located to the north of the subject property.**

- C. Existing commercial development trend in the area;

**The only existing commercial development in this area is the existing borrow pit that is sited at the northeast quadrant of Babcock St. and Micco**

**Road.**

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

**The County has not made significant infrastructure improvements outside of the St. Johns Heritage Parkway interchange. This was a collaborative effort between the City of Palm Bay and the County.**

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

**There is insufficient roadway capacity on Babcock St. to accommodate this development and other currently approved developments.**

**The subject property is not served by centralized potable water and sanitary sewer.**

**Brevard County Fire/Rescue indicates that it cannot meet the advisory Level Of Service contained in Policy 1.3 of the Capital Improvements Element.**

- F. Spacing from other commercial activities;

**The nearest, existing commercial facilities are located within the City of Palm Bay at a considerable distance to the subject property.**

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

**The applicant has not provided any information regarding the need for additional commercial property in this area.**

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

**The Natural Resources Management Department's analysis indicates the applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street.**



**Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board 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.**

- I. Integration of open space; and

**The integration of open space with the CC portion of the site will be address in the Preliminary Development Plan associated with the PUD zoning request.**

- J. Impacts upon strip commercial development.

**Currently, there is no strip commercial development along Babcock St. south of the St. Johns Heritage Parkway. Although the CC component of the subject property is not located at an intersection, the nearest intersection is also the entrance to the Deer Run subdivision and the current offset from the intersection may be more desirable from the perspective of area residents.**

### **Locational and Development Criteria for Community Commercial Uses 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 proposed community commercial (CC) portion of the subject property encompasses 27.33 acres with a Floor Area Ratio (FAR) of 1.75. It is not located at a principal arterial/principal arterial intersection.**

**There is CC land use on the east side of Babcock St., opposite the commercial portion of the subject property, with a conditional use permit that limits its use to a borrow pit. The CC FLUM designation encompasses 9.87 acres.**

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

**The proposed Community Commercial portion of the subject property encompasses 27.33 acres and is not located at an intersection. An additional 9.87 acres of community commercial exists at the northeast corner of Babcock St. and Micco Road. These two properties combined do 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.

**This community commercial cluster is located at least five miles from the nearest existing community commercial cluster.**

- 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 community commercial portion of the subject property is greater than 10 acres and less than 400,000 square feet in size. It is included in the companion application for rezoning for this property to the PUD zoning classification.**

**These two CC parcels combined would be less than 40 acres in size but would likely exceed the limits on the size of the footprint required by this policy even though the subject property will be located in a PUD.**

- 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.

**This application has a companion PUD and would be limited to a FAR of 1.75, if approved.**

- 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 applicant has not proposed a recreational vehicle park on the subject property.**

**Capital Improvements Element  
Policy 1.3**

As a part of the Capital Improvements Plan development process, Brevard County should utilize the following advisory level of service standards for public libraries, law enforcement, correctional facilities, fire protection, emergency medical services, and public education shown below as planning guidelines to evaluate the need for public facility improvements.

- A. Public Libraries:           0.6 sq. ft. of library building space per capita;  
                                          2.16 volumes per capita;  
                                          1.5 titles per capita.
  
- B. Law Enforcement:        2.0 deputies per 1,000 residents;
- C. Correctional Facilities: .003 inmate spaces per capita.
- D. Fire Protection:
  - 1. 6 minute average response time county wide.
  - 2. 90% of Brevard County within 3 miles of a station.
  - 3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
  - 4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
  - 5. Develop an attack force that can advance 2 standard fire stream hand lines.
  - 6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
  - 7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long relays and extended pumping operations.
  - 8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
  - 9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
  - 10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time.
  - 11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.
  - 12. Manpower:
 

| Unincorporated<br>Population | No. Fire Fighters<br>Per 1,000 Residents | % Supervisory<br>Fire Fighters |
|------------------------------|------------------------------------------|--------------------------------|
| 100,000 - 249,999            | 1.89                                     | 20.4                           |
| 250,000 - 499,999            | 1.84                                     | 25.5                           |
| 500,000 +                    | 1.81                                     | 21.7                           |
- E. Emergency Medical Establish effective Advanced Life Support response within six minutes to 90% of the population.

**Brevard County Fire/Rescue indicates that it cannot meet the advisory level of service contained in Policy 1.3 of the Capital Improvements Element.**

**Concurrency**

The concurrency management segment for the subject property is Babcock Street from the Grant Road to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 average daily trips, an Acceptable Level of Service (ALOS) of D, and currently operates at approximately 40% of daily capacity. At the currently adopted FLUM designation of RES 1:2.5, 3,978 average daily trips would be generated which would require approximately 45% of the remaining daily capacity of Babcock St.

At the requested residential density of RES 4 on 1,082.24 acres and CC on 27.33 acres, 44,247 annual average daily trips would be generated which would significantly exceed available capacity on Babcock St. There are no publicly funded infrastructure improvements anticipated that could create the additional roadway capacity needed for the proposed development.

Centralized potable water service is not available to this property. The applicant has represented that the City of Palm Bay will provide this service but the City has not yet confirmed its intention to do so. The lack of centralized potable water service also has an impact on the provision of adequate flow rates for fire protection.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time

A non-binding, school capacity determination letter, dated March 25, 2024, was prepared by the School Board staff indicating that with 3,246 residential dwelling units, the project would generate 779 elementary school students, 227 middle school students and 390 high school students. The analysis also found the Sunrise Elementary, Southwest Middle School and Bayside Senior High School would not have enough capacity for projected and potential students.

The school capacity determination letter notes that there is sufficient capacity for middle and high school students in the adjacent school concurrency area, but that there is an anticipated shortage of capacity for elementary school students.

**Applicant's Response Letter Dated April 1, 2024 and Staff Analysis**

The Planning and Development staff has reviewed the applicant's response letter dated

April 1, 2024 and offer the following responses:

- Specific Comprehensive Plan amendment polices need to be addressed for compliance at the transmittal stage of the Comprehensive Plan amendment not the zoning (PUD) stage.
- The surrounding area Future Land Use Map (FLUM) density within the unincorporated Brevard County is 1: 2.5 acres within a half-mile of the subject property.
- Although the City property is not adjacent, property within the City of Palm Bay outside of the half-mile radius may include pockets of up to 20 units to the acre. However, the predominate overall FLUM density is 5 units to the acre. The platted projects include Waterstone Plat One PUD with 220 lots on 145.41 acres; Gardens at Waterstone Phase 1, 2 and 3a with 387 lots on 144.71 acres; and Cypress Bay West – Phase II and III with 1,116 units on 376.03 acres. The platted densities for these parcels range from 1.5 units per acre for Waterstone Plat One PUD to 3.0 for the Cypress Bay West development.
- Preliminary concurrency analysis indicates a deficiencies with no planned improvements in the Capital Improvement Program (CIP) relating to transportation, fire rescue, and schools.
- Impact fees alone will not cover the cost of the needed infrastructure to support the uses. An alternative funding source will be needed.

## **Environmental Constraints**

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

The Natural Resources Management Department identified the following environmental constraints.

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

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 consider transmitting this request to the Department of Commerce for their review and comments.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 23LS00001**

**Applicant:** Jesse Anderson (Owner: Jen Florida 48 LLC)

**Zoning Request:** RES 1:2.5 to RES 4 FLU

**Note:** Proposing mixed-use development of SFRs (3,246 units on 1082.24 ac) and Commercial (398,000 sf on 27.33 ac)

**LPA Hearing:** TBD; **BCC Hearing:** TBD

**Tax ID No.(s):** 3000277, 3000827, 3000829, 3000368

- 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
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

A majority of the subject parcel contains mapped wetlands and the entire site contains mapped hydric soils; indicators that wetlands are likely 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.

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board 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.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

### **Land Use Comments:**

#### **Wetlands and Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Pineda sand, 0 to 2 percent slopes; EauGallie sand; Riviera sand, 0 to 2 percent slopes; Floridana sand, frequently ponded, 0 to 1 percent slopes; Malabar sand, 0 to 2 percent slopes; and EauGallie, Winder, and Riviera soils, depressional); indicators that wetlands are likely present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has

allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board 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.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may 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 and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

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. **However, the PDP provided by the applicant indicates that sanitary sewer service will be provided by Palm Bay Utilities.**

### **Flood Prone Areas**

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

### **Protected Species**

Federally and/or state protected species may be present on the property, as indicated on the provided Environmental Assessment report dated 1/26/2023. Specifically, gopher tortoises have been observed on-site. The applicant should obtain any

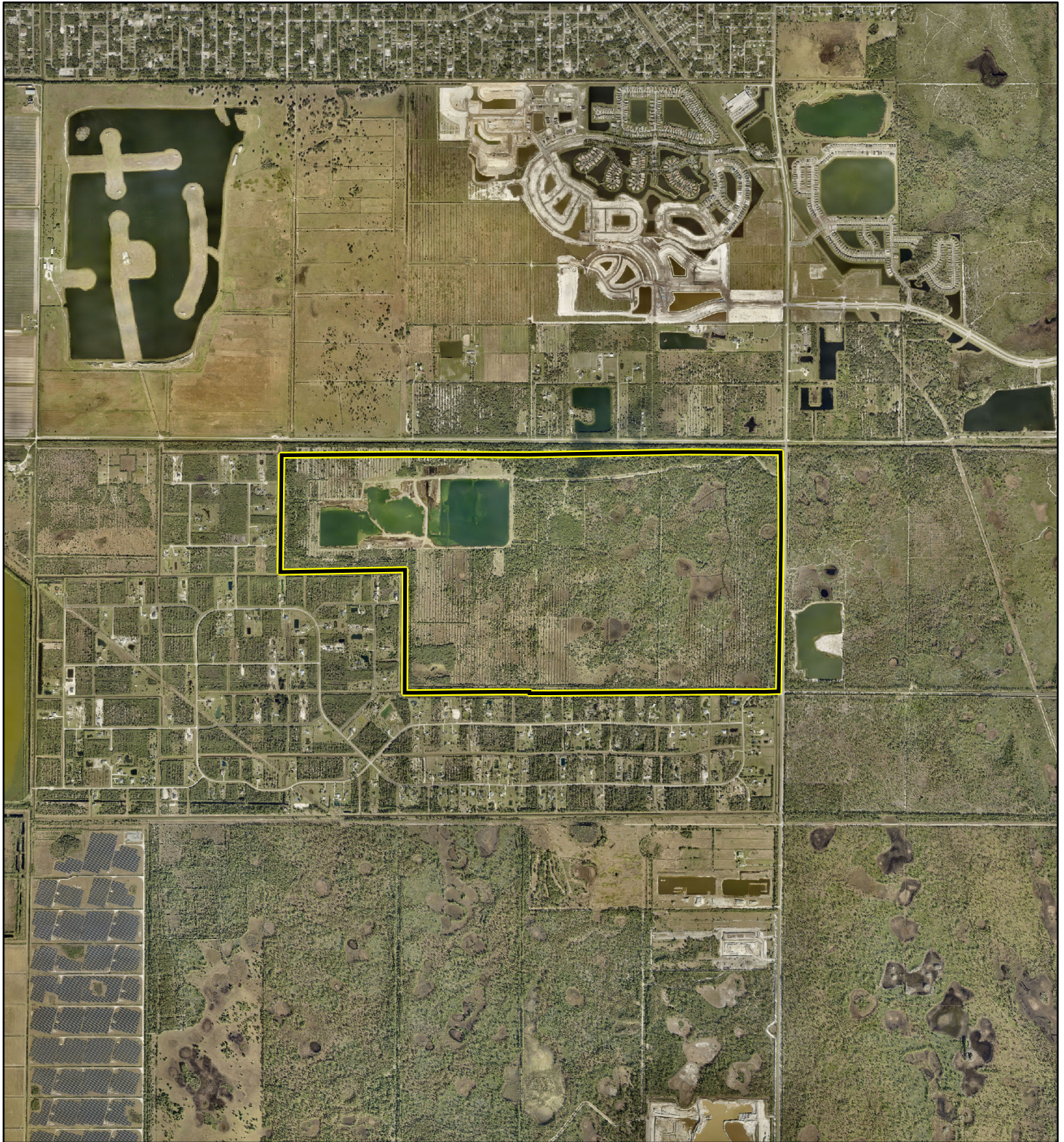


necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

# AERIAL MAP

BORUCH-DAVID LLC

23LS00001




1:36,000 or 1 inch = 3,000 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: 3/15/2024

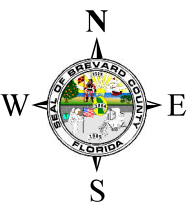
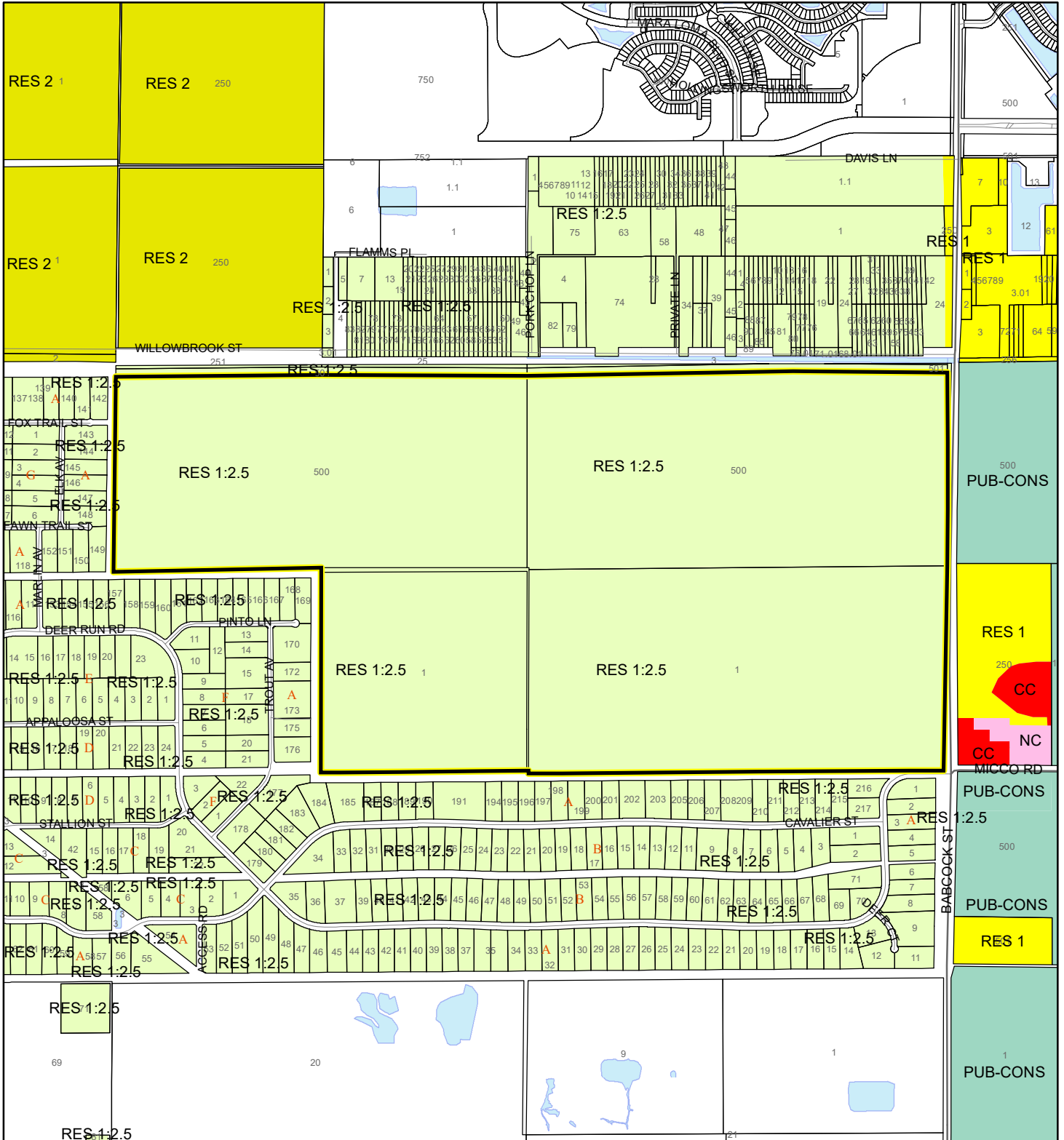
 Subject Property

 Parcels

# FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

- Subject Property
- Parcels

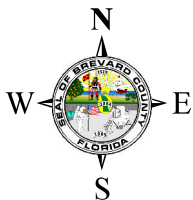
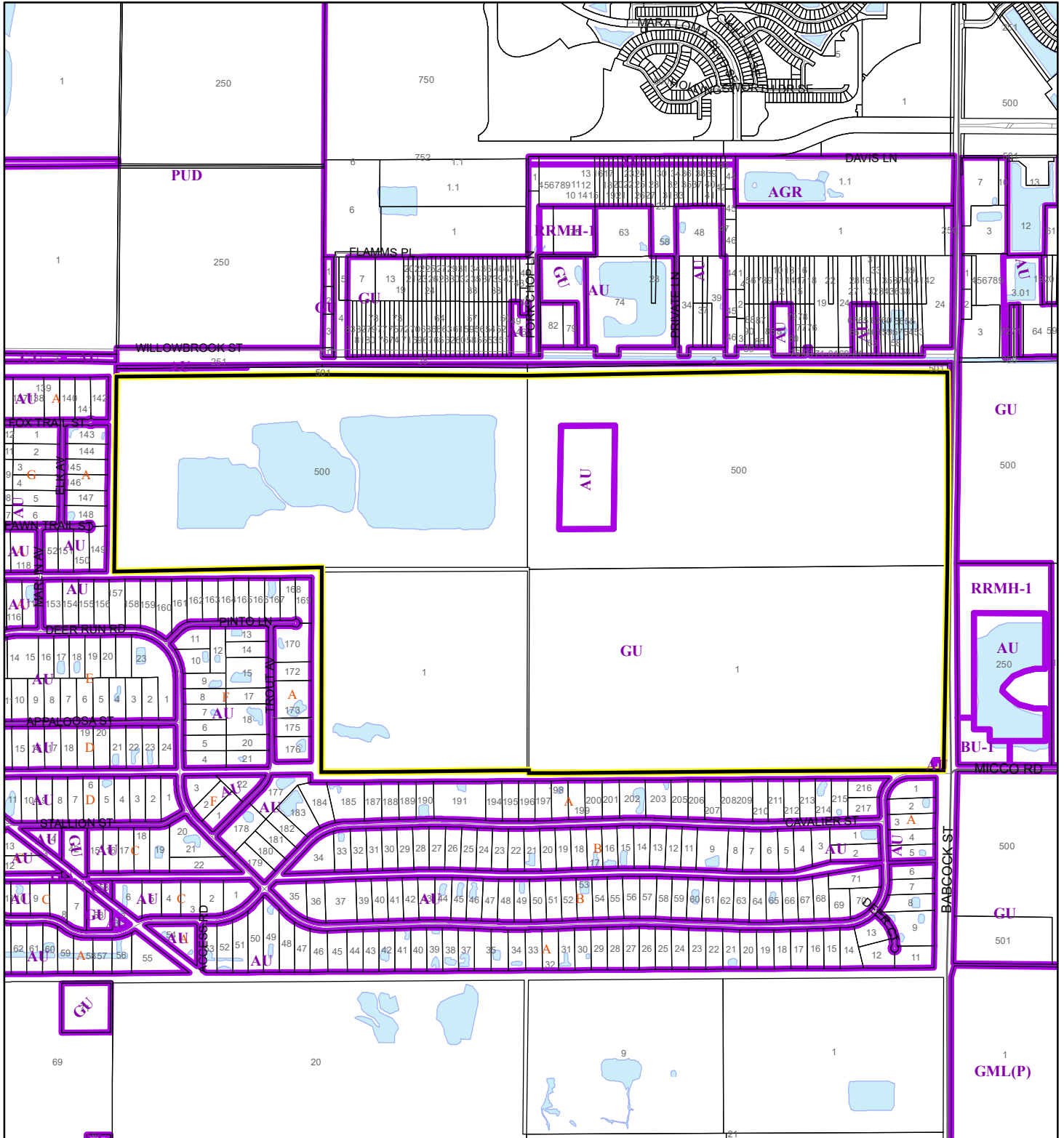
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Produced by BoCC - GIS Date: 3/15/2024


# ZONING MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

 Subject Property

 Parcels

 Zoning

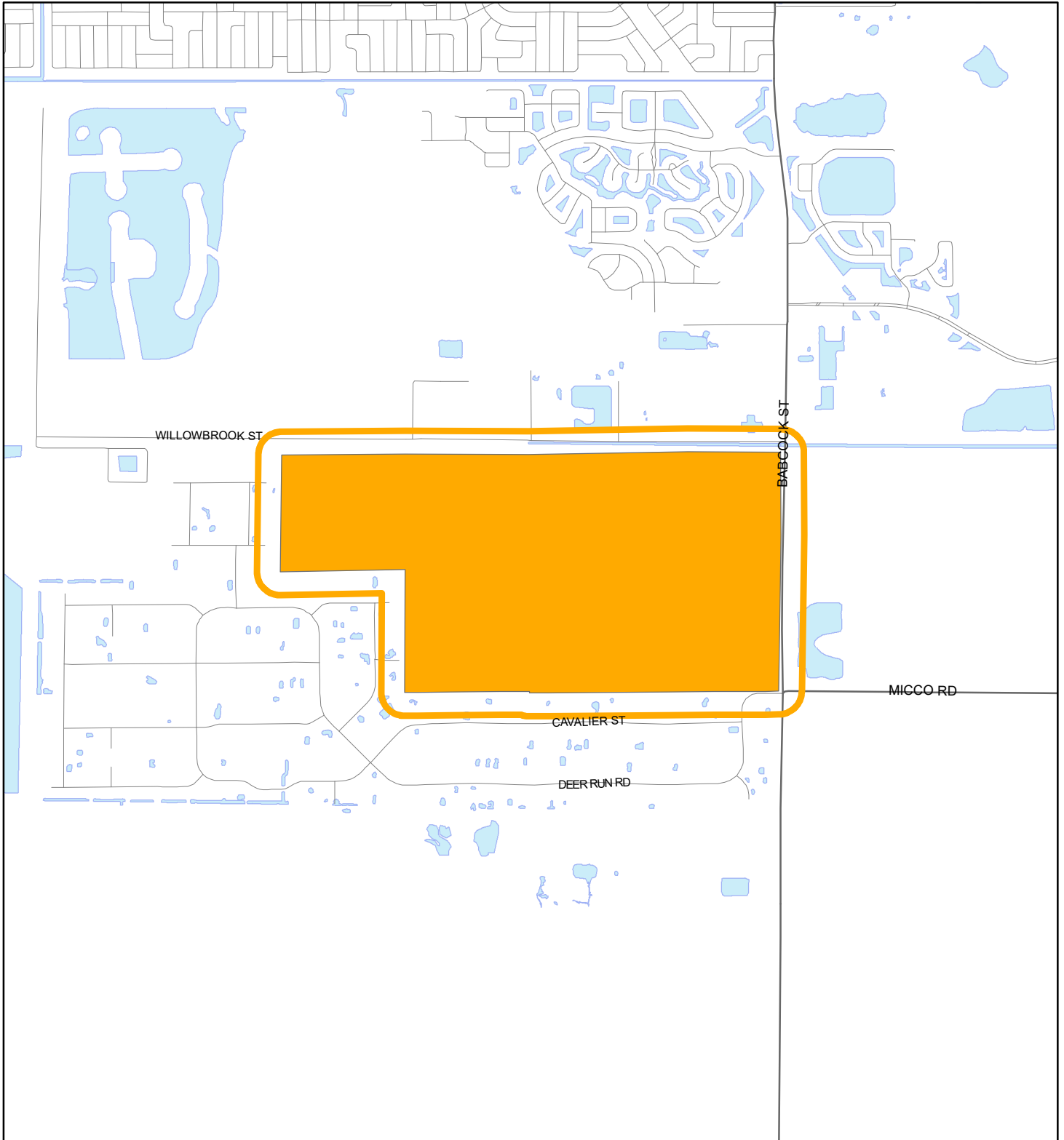
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# LOCATION MAP

BORUCH-DAVID LLC

23LS00001





1:36,000 or 1 inch = 3,000 feet

Buffer Distance: 500 feet

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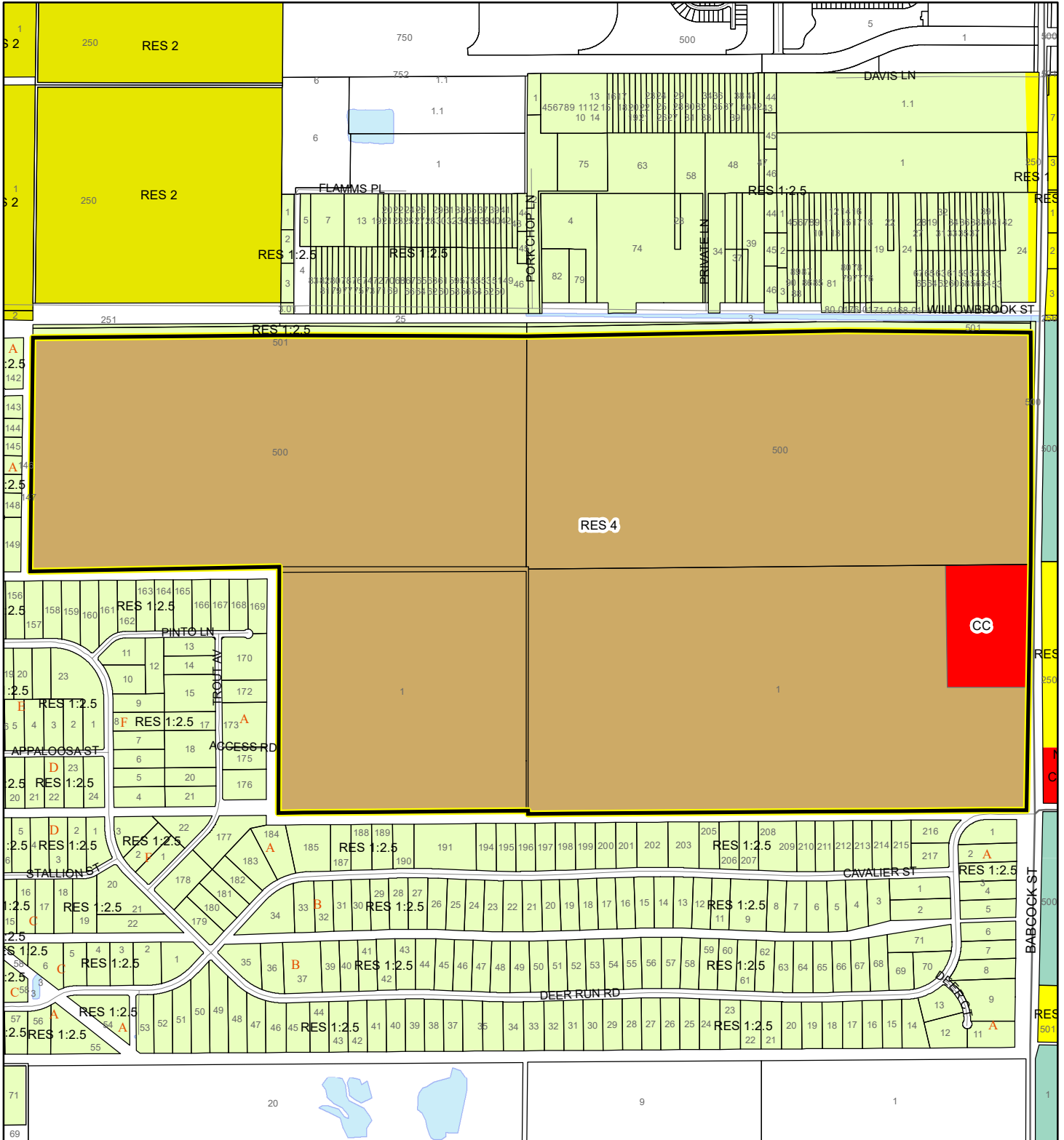
Produced by BoCC - GIS Date: 3/5/2024

-  Buffer
-  Subject Property

# PROPOSED FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

**Subject Property**  
**Parcels**

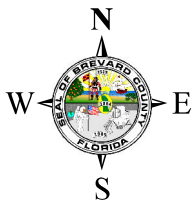
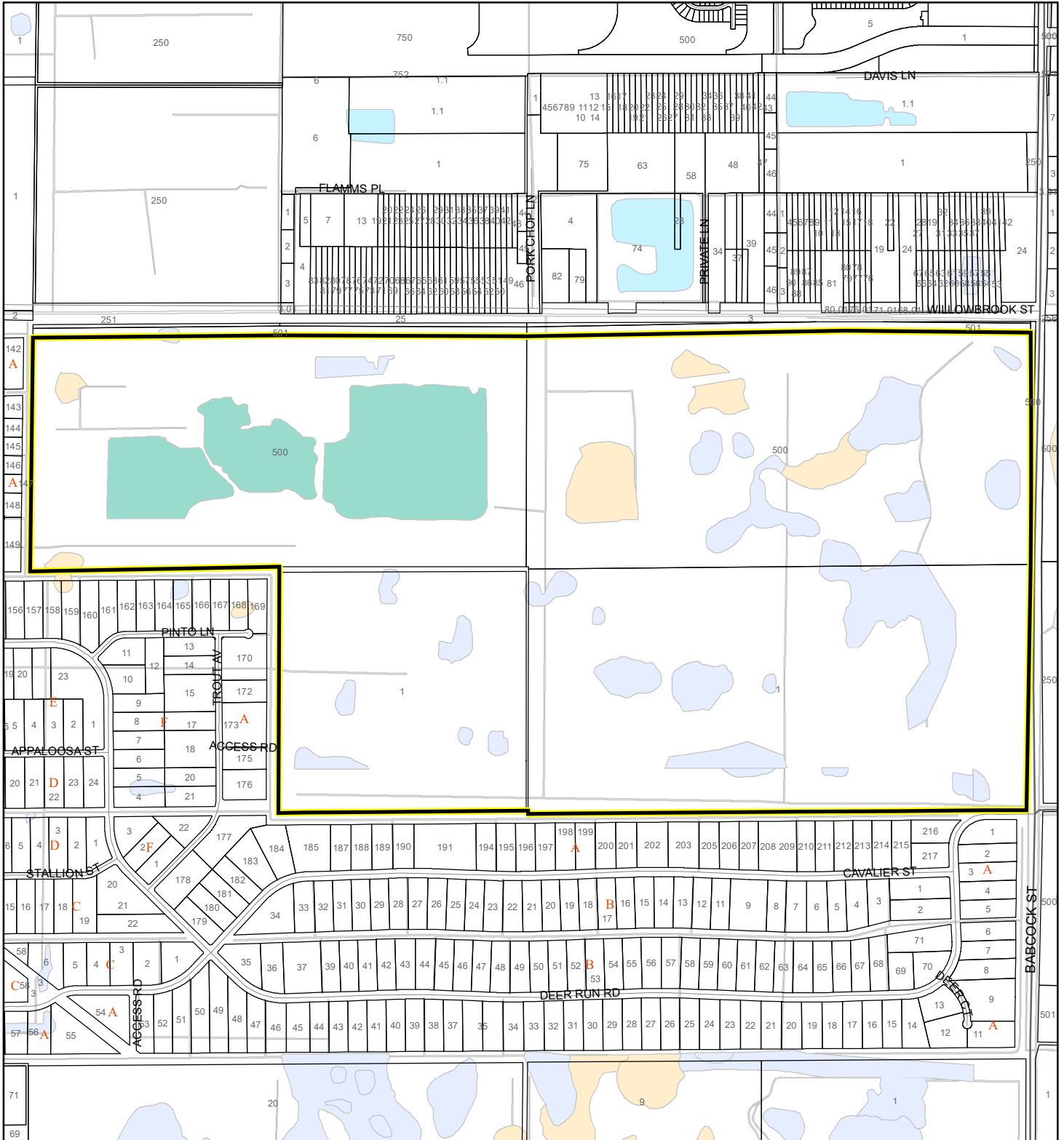
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/5/2024

# NWI WETLANDS MAP

BORUCH-DAVID LLC

23LS00001













1:18,000 or 1 inch = 1,500 feet

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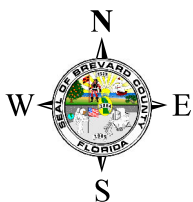
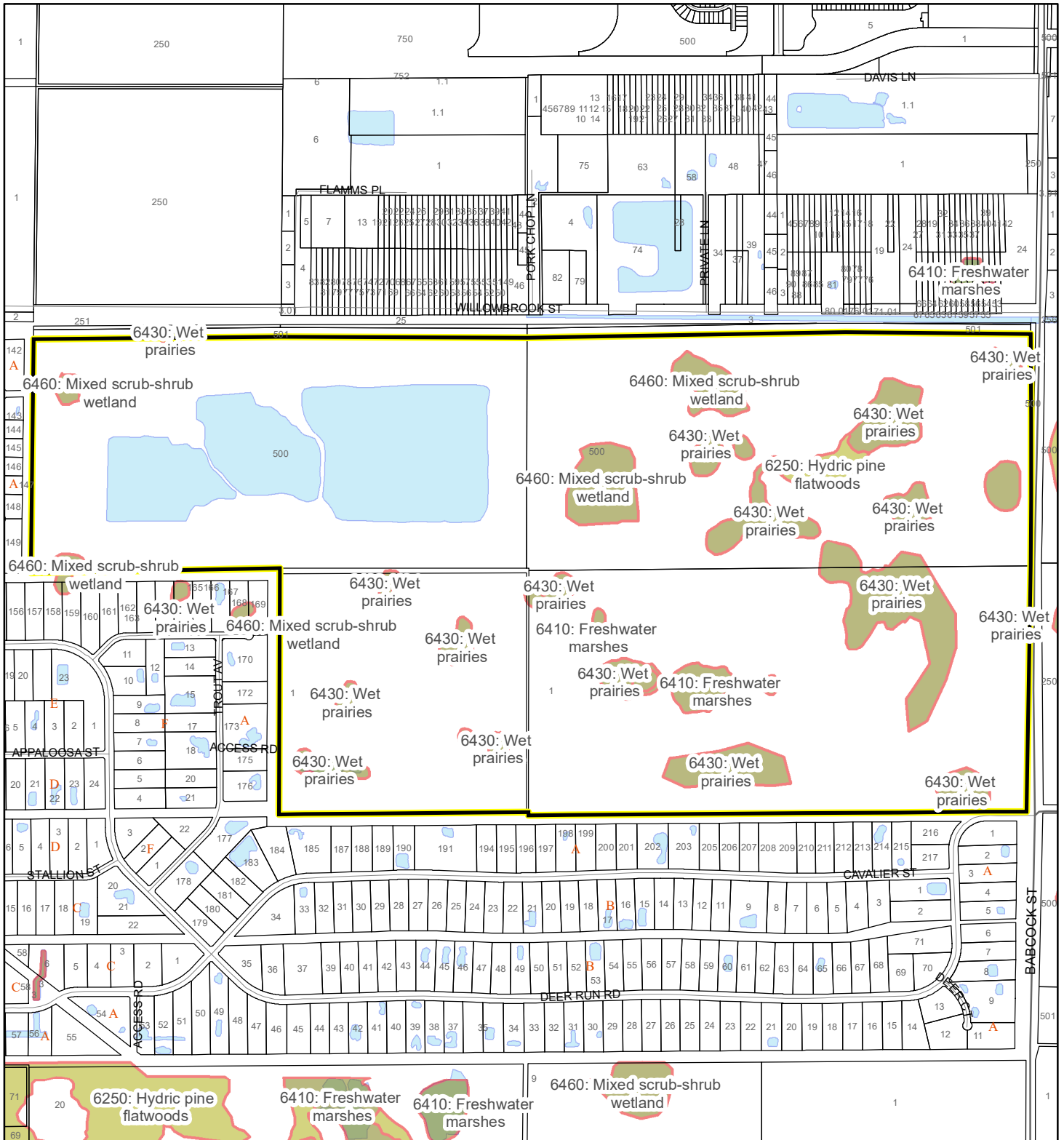
### National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 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

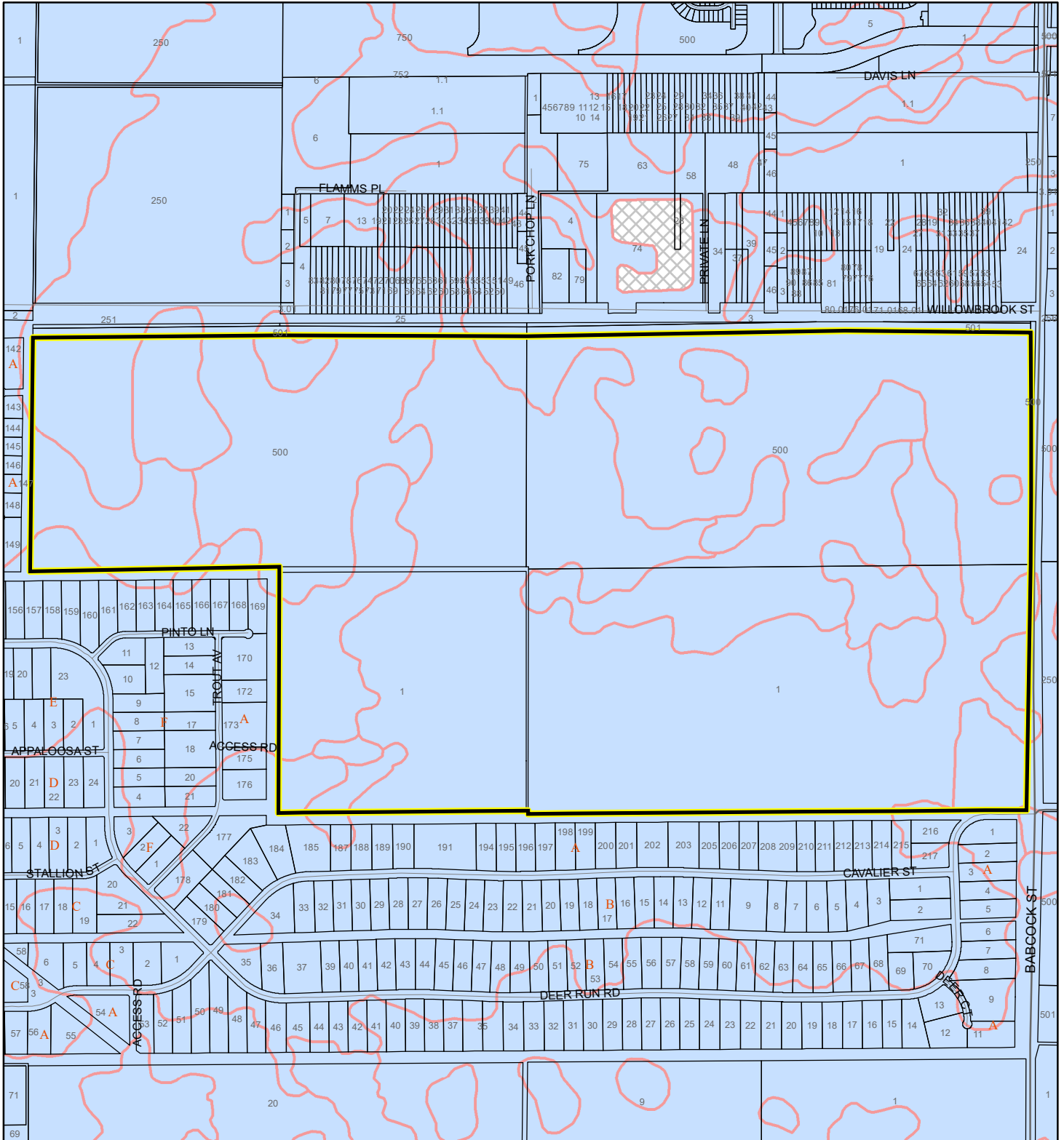
Parcels



# USDA SCSSS SOILS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

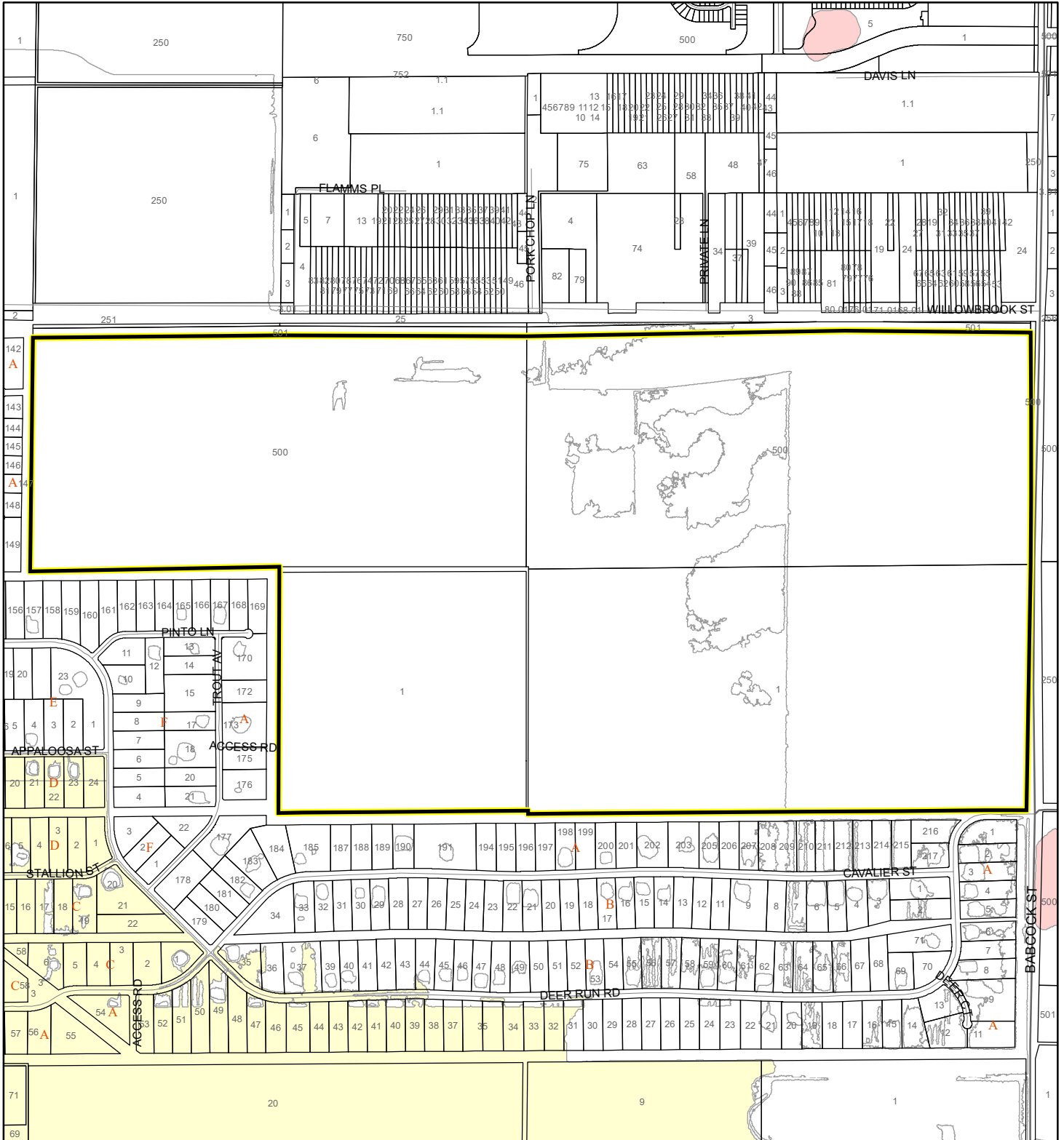
## USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

BORUCH-DAVID LLC











23LS00001



1:18,000 or 1 inch = 1,500 feet

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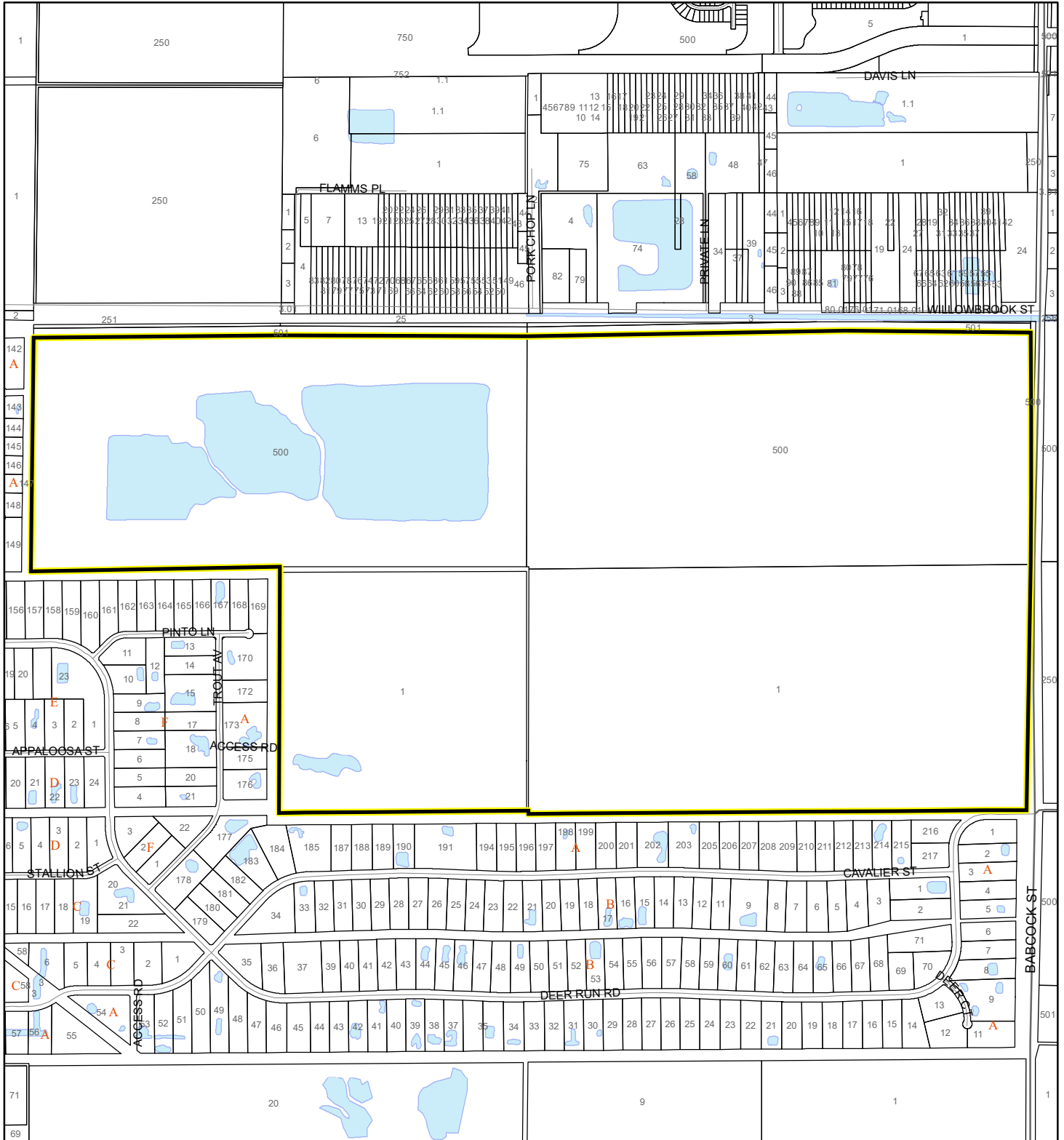
Produced by BoCC - GIS Date: 3/5/2024

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

# COASTAL HIGH HAZARD AREA MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet


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Produced by BoCC - GIS Date: 3/5/2024

 Subject Property

 Parcels

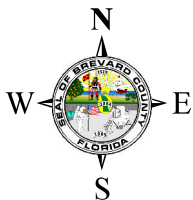
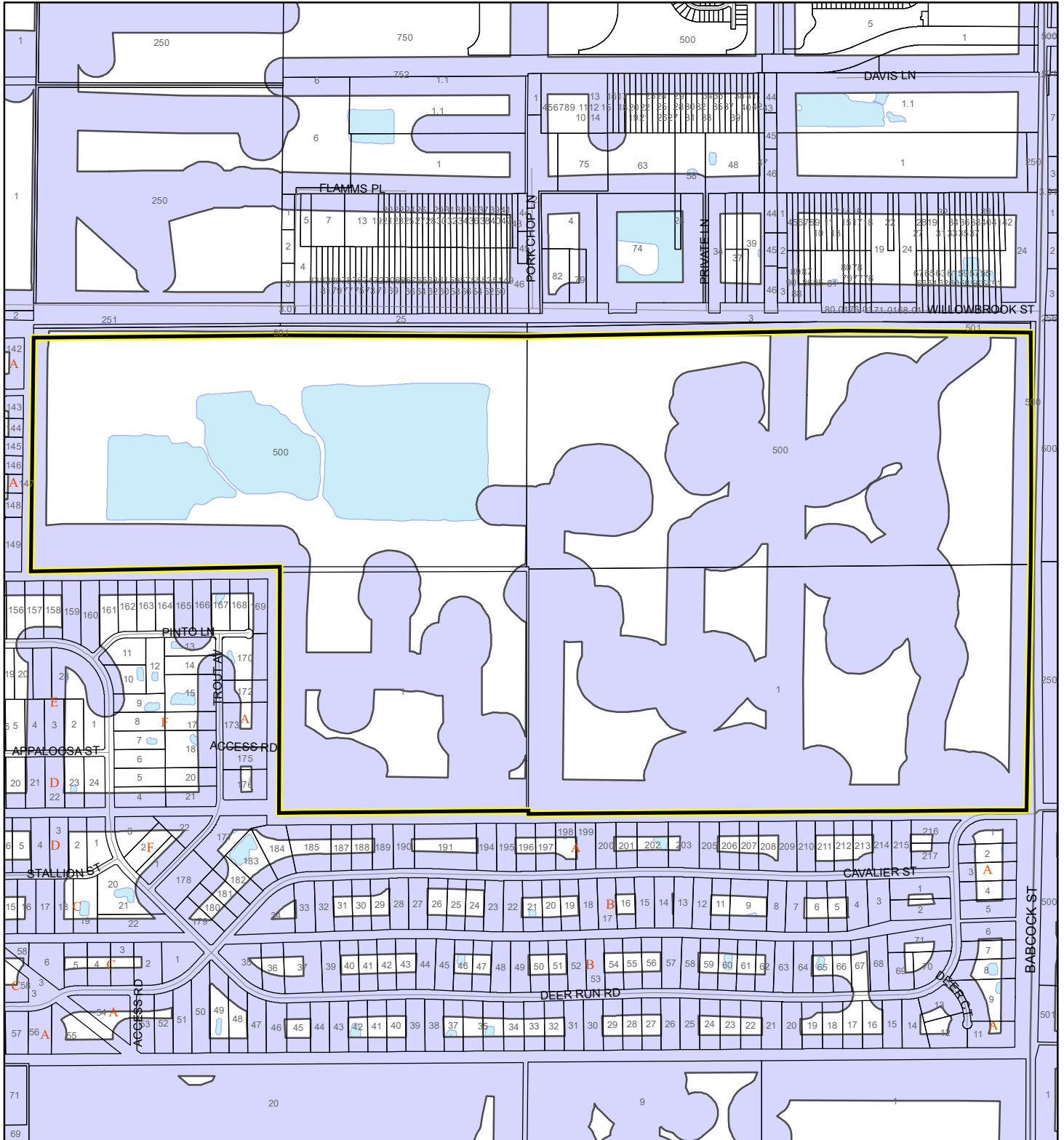
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

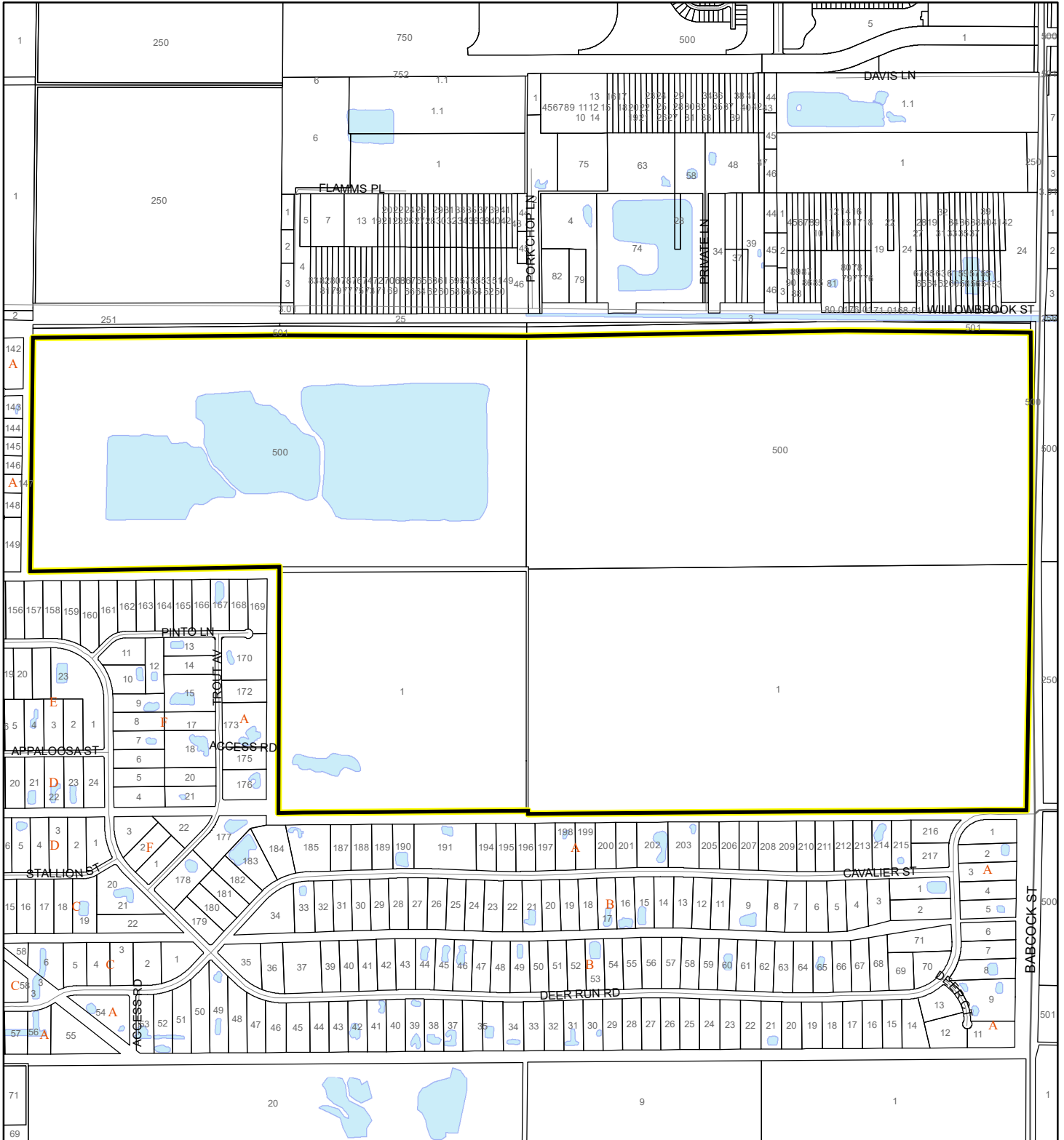
 60 Meters

 All Distances

# EAGLE NESTS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

 Subject Property

 Parcels

 Eagle Nests  
FWS

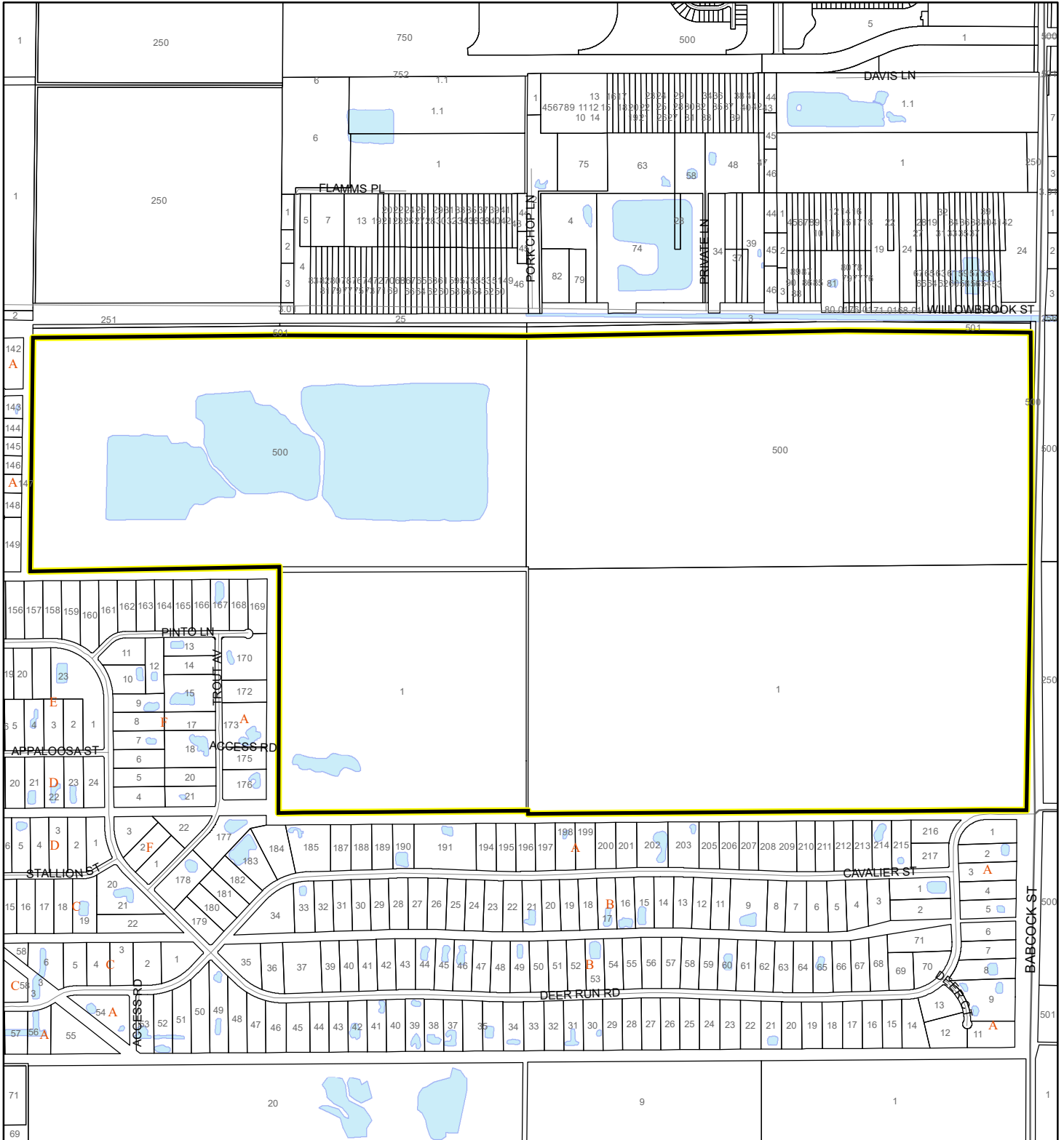
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Produced by BoCC - GIS Date: 3/5/2024

# SCRUB JAY OCCUPANCY MAP

BORUCH-DAVID LLC




23LS00001



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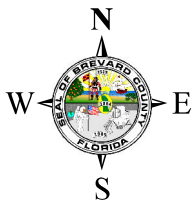
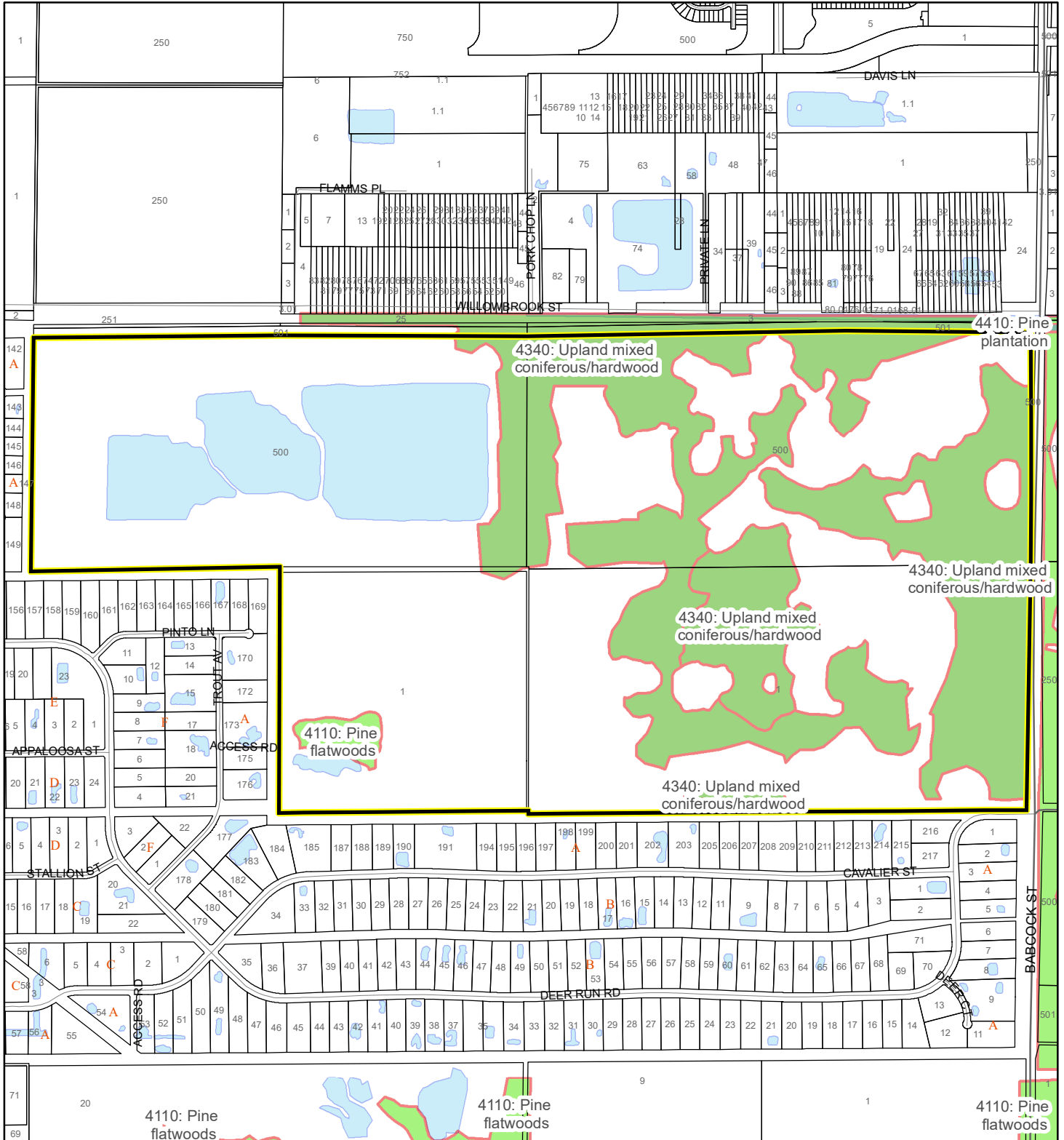
Produced by BoCC - GIS Date: 3/5/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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## SJRWMD FLUCCS Upland Forests

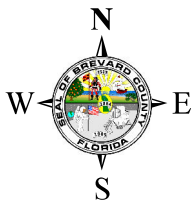
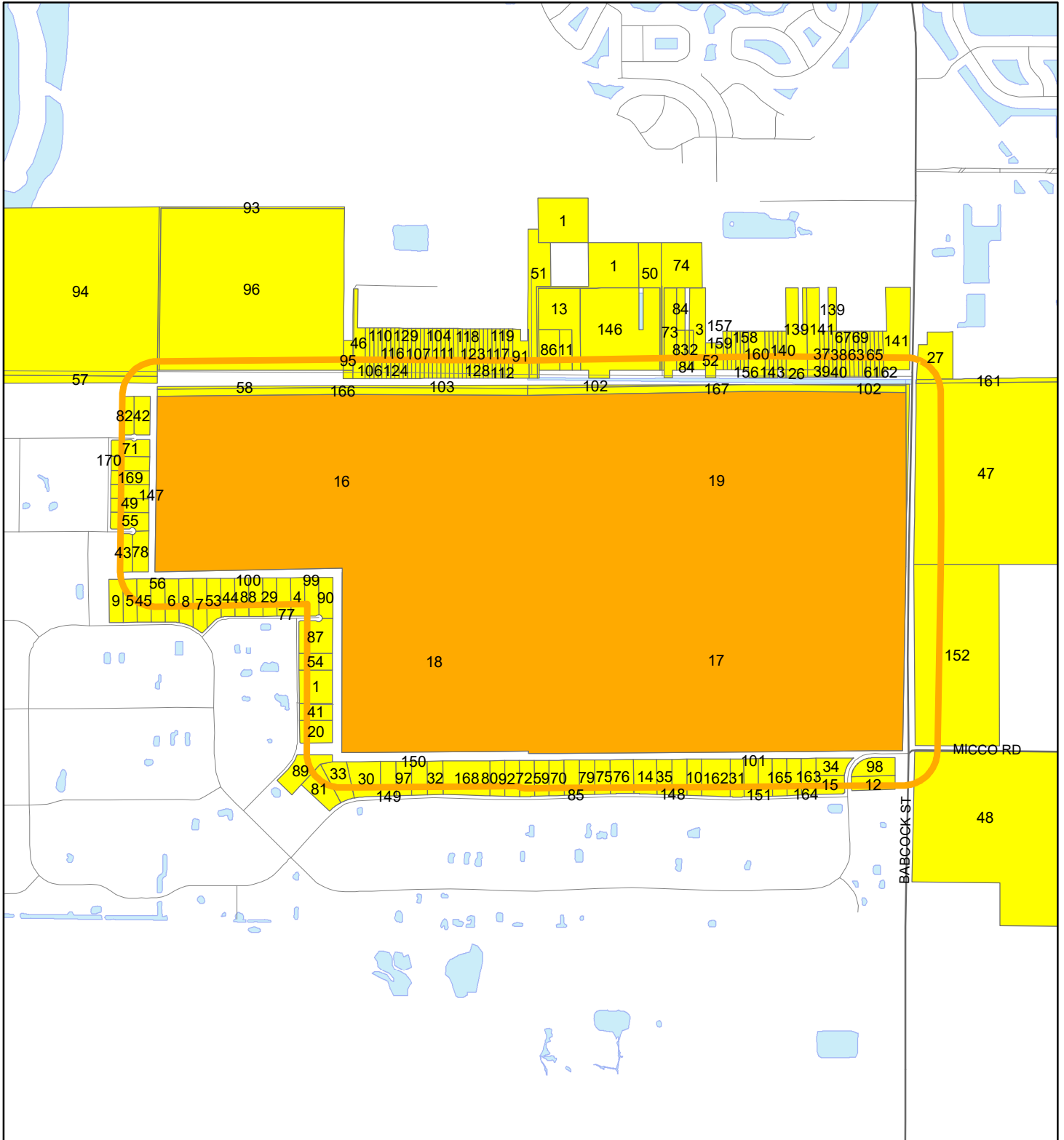
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

# RADIUS MAP

BORUCH-DAVID LLC  
23LS00001







1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 3/5/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels





Nicole Sealy  
2602 E. Livingston St.  
Orlando, FL 32803

We are sending you this letter in response to your request on Feb. 14, 2024 for a formal letter stating the conditions of providing service to a specific property in Brevard County with parcel IDs 30-37-09-00-500, 30-37-08-HF-500, 30-37-17-HF-1, and 30-37-16-00-1.

Please note that this portion of the City is undergoing significant development and conditions may change in the future. The City does not currently have capacity for commercial fire flow demands in this area nor any additional sewer capacity. Various projects are being coordinated to accommodate the growth including water main and force main installations and the construction and expansion of a new water reclamation facility.

It is the intent of the City to serve this property with water and sewer services with the understanding of the aforementioned conditions.

*Daniel Cardona*

4/1/2024

Thank you,

Daniel R. Cardona, P.E.

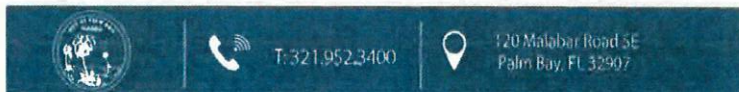
Palm Bay Utilities

Engineer II

Office: 321-952-3410 Ext. 7076

Cell: 321-474-8373

*Down to Earth* And Up To Great Things



April 1, 2024

Brevard County Planning and Development  
2725 Judge Fran Jamieson Way  
Building A Room 114  
Viera, FL 32940

Subject: Large-Scale Comprehensive Plan Amendment  
Consistency and Compatibility with Brevard County’s Comprehensive Plan  
Application #23PUD00005  
Poulos & Bennett Job No. 23-081

The Property is generally located on the west side of Babcock Street, south of Willowbrook Street in unincorporated Brevard County, Florida. It is owned by Jen Florida 48, LLC and consists of parcels 30-37-08-HF-500; 30-37-09-00-500; 30-37-17-HF-1; 30-37-16-00-. Please see Exhibit A for the Legal Description of the Property. The Property is approximately **1,109.57** acres in size. The proposed development plan (Exhibit B) projects 1082.24 acres of the 1,109.57 acres to be residential, while the remaining 27.33 acres is to be designated as commercial.

The applicant requests approval for a Large-Scale Future Land Use Map amendment to change the Future Land Use Designation of the Property from RES 1:2:5 (Residential 1 Unit per 2.5 Acres) to Residential 4 (Residential 4 Units per Acre) and CC (Community Commercial) with the intent to cap the density of the development to three (3) dwelling units per acre and develop through the Planned Unit Development zoning district. The proposed development program includes 3,246 single-family residential units, along with 398,000 square feet of accompanying and supporting nonresidential uses (Exhibit B).

**Brevard County Comprehensive Plan Policies**

Below is a justification statement for the proposed amendment summarizing consistency and compatibility with each element of the County’s Comprehensive Plan.

**1. Conservation Element**

The goal of the Conservation Element is to protect, conserve, enhance, maintain and appropriately use natural resources and environmental systems, maintaining their quality and contribution to the quality of life and economic well-being of Brevard County.

***Policy 1.3 Criteria A***

The County shall reduce the potential for mobile source emissions by the following means:

Criteria A: Promote appropriate Planned Unit Development and multi-use developments or use centers.

**Justification:**

**The proposed site will be developed through the Planned Unit Development Zoning district standards and processes per the Site-Specific Policies listed in Exhibit C. Furthermore, the proposed development is to consist of both residential and nonresidential uses to provide convenient access to goods and services for the residents. The provisioning of goods and services in close proximity to residents and within the Planned Unit Development will reduce**

the traditional daily trips needed by residents and, thus, reduce projected Vehicle Miles Traveled (VMT). Furthermore, the development will be amenitized with interconnected walking trails to further promote a sustainable, multimodal development that minimizes mobile source emissions.

***Policy 2.1 Criteria A***

Policy 2.1 states that Brevard County shall address various energy saving methods including:

Criteria A: Encouraging appropriate Planned Unit Development and multi-use developments.

**Justification:**

**The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density would create inefficient sprawl. As such, the current Future Land Use Designation is in conflict with Conservation Element Policy 2.1. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit C that requires this development to proceed through the Planned Unit Development process, while providing multiple uses within the development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents.**

**2. Surface Water Element**

The Goal of the Surface Water Element is for a safe, efficient, environmentally sound and comprehensive surface water management system in Brevard County.

**Justification:**

**If developed, a drainage plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the County during the site plan review process.**

**3. Recreation and Open Space Element**

The Goal of the Recreation and Open Space Element is to provide a park and open space system which offers opportunities for a variety of passive and active recreation, promotes visual appeal and provides relief from expanses of development.

***Parks and Open Space Policy 1.2***

A system of parks and recreational facilities meeting the needs of the population shall be maintained to provide for the acceptable levels of service.

***Recreation Element Policy 5.1***

Development of residential areas shall provide active recreation and open space areas, to augment public recreational facilities and to provide direct, convenient facilities to meet the recreational needs of the residents.

Recreation/Open Space: Acceptable LOS Standard 3.0 acres of developed park land per 1,000 people living in the unincorporated areas of each planning area.

Max Allowable Dwelling Units – 3,246

Required Recreation/Open Space –  $3,246/1,000 = 3.246$  Acres

Provided Recreation/Open Space – 140.8 Acres of Active Recreation; 328.46 Acres of Passive Recreation.

**Justification:**

**The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density, beyond Level of Service established for the area. However, extending County resources to this area is not conducive with current available services. As such, to accommodate for this influx in density, a condition on making parks in the development available for public access, while being maintained privately is listed in this report below.**

**The development will have a series of interconnected parks, open space and recreation facilities. Active recreation space will exceed 140 acres, while passive recreation space will exceed 328 acres for a total of over 460 acres of open space and recreation areas. These areas will be comprised of an existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.**

**4. Historic Preservation Element**

The goal of the Historic Preservation Element is to identify, protect, preserve, recognize, and mitigate impacts upon the resources which are significant in terms of historic, archaeological, architectural and cultural values, and serve as reminders of Brevard County's heritage.

**Justification:**

**The proposed FLU amendment does not adversely impact the ability and continuation of the County to identify, protect, preserve, recognize, and mitigate impacts on historically or culturally significant resources and values.**

**5. Housing Element**

The goal of the Housing Element is to produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County.

**Justification:**

**The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing for very low, low and moderate income residents within the county. The proposed conceptual plan (Exhibit B) depicts a mixture of single-family units with convenient access to commercial and civic/open space.**

## 6. Potable Water Element

The Goal of the Potable Water Element is that Brevard County shall pursue a potable water supply which does not deplete the freshwater resource and is safe, environmentally sound, and efficient.

Currently, there are no County water facilities near the Property resulting in a Level of Service Analysis that conveys the level of service provisioned in the area will be deficient.

### Justification:

**Brevard County does not have a potable water facility within the vicinity of the Property. As such, the Developer will provide the Development with central water by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1<sup>st</sup>, 2024.**

## 7. Sanitary Sewer Element

The Goal of the Sanitary Sewer Element is that Brevard County shall operate and maintain an environmentally sound, and efficient wastewater collection, treatment, and disposal system that protects the public health.

Sanitary Sewer: Acceptable LOS Standards Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 210 gallons per day per equivalent unit.

### Justification:

**Brevard County does not have a wastewater treatment facility for sanitary sewer services within the vicinity of the Property. As such, the Developer will provide the Development with sanitary sewer services by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1<sup>st</sup>, 2024.**

## 8. Solid Waste and Hazardous Materials Element

The Goal of the Solid Waste and Hazardous Materials Element is that Brevard County shall ensure an environmentally sound and efficient solid waste management system which utilizes resource recovery, recycling, and source reduction.

### Justification:

**If developed, a Solid Waste Removal plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies. Any proposed solid waste removal services needed will be reviewed and approved by the County during the Site Plan review process.**

## 9. Transportation Element

The Goal of the Transportation Element is for a safe, convenient and energy efficient transportation system in Brevard County that supports the community defined by this comprehensive plan and enhances the mobility of people and goods while reducing reliance upon the automobile and minimizing impacts to neighborhoods, cultural resources and natural habitats.

Policy 3.3 - Brevard County recognizes that land uses outside the jurisdiction of Brevard County have significant impacts on Brevard County roadways.

Transportation: Acceptable LOS Standards Brevard County arterial and collector roadways within the urban area boundary: Level of Service E. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D. State arterial roadways (excluding Florida Intrastate Highway System), within the urban area boundary: Level of Service E. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): Level of Service D.

**Justification:**

**The Transportation Level of Service (LOS) analysis, performed by Kimley Horn & Associates, Inc. in accordance with the Comprehensive Plan's Transportation Element, finds that the proposed Sun Terra development will impact the existing 2 lane roadway capacity of Babcock Street and is anticipated to exceed the adopted LOS due to the addition of anticipated traffic from the proposed FLU designation. To accommodate future traffic volumes, the widening of Babcock Street from Micco Road to Davis Lane and from Capital Drive to Grant Road from two lanes to four lanes is recommended. A traffic impact analysis will be required to determine any project impacts on the existing transportation system along with any suggested mitigation, which will be taken under consideration during the Development Plan or Site Plan review/approval process, if developed.**

**10. Coastal Management Element**

The goal of the Coastal Management Element is to establish growth management strategies that will allow growth to continue within the coastal zone which does not damage or destroy the function of coastal resources, protects human life and limits public expenditures in areas subject to destruction by natural disasters.

**Justification:**

**The Property is not located within the Coastal Management Area.**

**11. Future Land Use Element**

The Goal of the Future Land Use element is to manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

***Future Land Use Element – Residential 4 (maximum of 4 dwelling units per acre) Policy 1.7***

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation

may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

**Criteria B:**

Areas which serve as a transition between existing land uses or land use designations with density greater than four units per acre and areas with density of less than four units per acre.

**Justification:**

**Exhibit C provides a 2-mile radius map for the Property to more thoroughly examine the compatibility of the Residential 4 Future Land Use Designation with the general surrounding area. Looking at the 2-mile radius map provided in Exhibit C, there are several development projects with substantially higher density and intensity than that currently entitled to the properties within this application. Please see the summary of the Future Land Use Designations of abutting properties as well as Large-Scale Developments below.**

**Future Land Use of Abutting Properties:**

- North: RES 1:2.5; RES 2; R-1 County (City of Palm Bay)**
- East: PUB-CON; RES 1; CC**
- South: RES 1:2.5**
- West: RES 1:2.5**

**Nearby Large-Scale Developments:**

- Waterstone**                      **Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)**
- Cypress Bay**                      **Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)**
- Emerald Lakes**                      **Special Planning Area (SPA) (City of Palm Bay)**  
**Dwelling Units - 3,760**  
**Nonresidential Square Footage - 2,820,000**
- Lulfs Parcel**                      **Parkway Mixed Use (City of Palm Bay)**  
**Density – 10 du/ac**  
**Intensity – 40 Sqft of nonresidential per unit**
- Ashton Park**                      **Special Planning Area (SPA) (City of Palm Bay)**  
**Dwelling Units – 5,484**  
**Commercial – 78.64 Acres**  
**Police/Fire – 2.4 Acres**  
**School Site – 30.0 Acres**

|                              |                                                             |
|------------------------------|-------------------------------------------------------------|
|                              | <b>Town Center – 41.27 Acres</b>                            |
| <b>Calumet Farms</b>         | <b>Special Planning Area (SPA) (City of Palm Bay)</b>       |
|                              | <b>Dwelling Units – 3,184</b>                               |
|                              | <b>Nonresidential Square Footage – 180,000</b>              |
|                              | <b>*Undergoing a FLU Amendment to increase entitlements</b> |
| <b>Rolling Meadows Lakes</b> | <b>RES 2 (County)</b>                                       |
|                              | <b>Dwelling Units – 2,820</b>                               |
|                              | <b>Nonresidential Square Acreage – 50.7 acres</b>           |

In addition to these new developments is the supporting infrastructure that catalyzed the overall development of the general area. Specifically, the newer I-95 exit and the establishment and continual expansion of the St. John's Heritage Parkway has dramatically improved the transportation network, affording travelers multiple route options to their destinations.

This application further supports Objective 1 of the Future Land Use Element by ensuring compatibility of new development with its surroundings, discouraging the occurrence of inefficiencies inherent in urban sprawl, produce neighborhoods that complement adjacent land uses, permitting mixed use developments juxtaposing neighborhood services with residential uses to promote efficient uses of land, and encouraging open space within developments, with interconnectivity with surrounding land uses.

Moreover, it supports Objective 2 of the Future Land Use Element by creating accessibility to the commercial site, with compatibility and interconnectivity adjacent land uses.

The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density is emblematic of significantly inefficient suburban sprawl. As such, the current Future Land Use Designation is in conflict with Objective 1 of the Future Land Use Element. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit D that requires this Development to proceed through the Planned Unit Development process and caps density at 3 dwelling units per acre, while providing multiple uses within the Development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents. Furthermore, Exhibit D is proposed to be entered in as a site-specific policy that will require Planned Development zoning.

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

***Criteria:***

- A. Per Future Land Use Policy 2.8(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."



- B. Community commercial complexes should not exceed 40 acres at an intersection.
- 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.
- D. Furthermore, Policy 2.8(D) states “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.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.

**Justification:**

The location of the Property abuts an arterial road in Babcock Street. The Community Commercial area is under 40 acres, with only 27.33 acres proposed to be designated as Community Commercial. The proposed Community Commercial cluster is the only one within a 5-mile radius in Brevard County that is greater than 10 acres in size. The total square feet proposed through site specific policies and Exhibit B (attached) is 398,000 square feet, 2,000 under the maximum allotted without PUD zoning designation. Furthermore, the Property will be developed through PUD development process via site-specific policies, while maintaining under the 400,000 square feet threshold for Community Commercial nodes. The Floor Area Ratio will not exceed the potential 1.75 FAR allowed for in PUD developments.

**12. Intergovernmental Coordination Element**

Brevard County shall initiate and/or participate in intergovernmental coordination efforts necessary to establish governmental relationships which improve the coordination, effectiveness, and efficiency of public policymaking bodies within Brevard County.

***Policy 1.3 Coordinated Public School Facility Siting***

Brevard County shall encourage the Brevard County School Board to mutually agree on, promote and support high-quality community and neighborhood development by coordinating site searches, planning and design of public educational facilities as well as assuring the consistency of those facilities with the Comprehensive Plan and Land Development Regulations.

**Justification:**

The proposed Future Land Use Map amendment alters the distribution of entitled residential land. The Development under review increases the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated. Considering the adjacent concurrency service areas, there is sufficient capacity at the high school level. However, there is an anticipated shortfall of capacity within the adjacent concurrency areas for the elementary and middle school levels. Nevertheless, the school district condition is to have the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination. The applicant has been in discussions with the School District to initiate this process.

### 13. Capital Improvements Element

The goal of the Capital Improvements Element is that Brevard County shall develop and periodically update a capital improvements plan to coordinate and implement public facility improvements which support the goals, objectives, and policies of the Brevard County Comprehensive Plan and encourage efficient utilization of its public facilities.

**Justification:**

**The proposed Future Land Use amendment does not inhibit the County to develop and periodically update the Capital Improvements Plan. Furthermore, the proposed amendment supports the notion of encouraging efficient utilization of public facilities by providing convenient access to goods and services for future residents of the project area, while also efficiently utilizing land by mixing uses and utilizing the Planned Unit Development zoning designation to maximize utilization and conservation of the Property.**

### 14. Public School Facilities Element

The goal of the Public School Facilities Element is to provide a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand within a financially feasible school district's five-year capital facilities work program.

**Justification:**

**The applicant is in discussions with the Brevard County School District and will sufficiently address capacity mitigation concerns, per the determination and guidance of the School District, if any are to emerge.**

### 15. Property Rights Element

The goal of the Property Rights Element is to ensure consideration of private property rights in the local decision making process.

**Justification:**

**The proposed land-use change does not infringe upon the property rights of the applicant.**

### **CONSISTENCY AND COMPATIBILITY WITH ABUTTING PROPERTIES AND SURROUNDING LARGE SCALE DEVELOPMENTS**

The proposed Future Land Use Designations of Residential 4 and Community Commercial are consistent and compatible with the Comprehensive Plan and the general surrounding area. For example, policy 1.7.B of the Future Land Use Element lists criteria regulating the Residential 4 Future Land Use designation to be located in areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. The criteria further cite adjacency to incorporated areas in Policy 1.7.C as rationale for utilizing Residential 4 as a logical transition.

The general surrounding area is composed of significantly varying densities and intensities, with those in the County substantially less dense and intense than those in the city. For instance, the south-adjacent subdivision, Deer Run (County), contains the Res 1:2.5 future land use designation. To the north, in the City of Palm Bay, is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use Designations Low Density Residential (Maximum 4 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). As such, this property serves as the transition between the incorporated portions of the City to the north and to the south, which is in direct alignment with the proposed Residential 4 Future Land Use designation, as it serves as a rational transition from the higher densities to the north and the lower densities to the south. Therefore, the proposed development is an ideal location to utilize Residential 4 to logically transition and buffer in between more densely developed and incorporated developments. Moreover, through Exhibit C and associated site-specific policies, density is to be capped at 3 dwelling units per acre to more appropriately provide a transitional development in an area where city jurisdictions are present to the north and south, while lower density county land is to the east, necessitating such transition in the area.

In addition to the compatibility of the Residential 4 Future Land Use, the Community Commercial Future Land Use request is also consistent and compatible with the general area, as commercial Future Land Use designations and land uses, within both the City of Palm Bay and Brevard County, are found within the surrounding area, as depicted on the approximately 2-mile buffer map provided below. Moreover, the arterial classification of Babcock Street, along with the future developments of the St. Johns Heritage Parkway, and the new interchange off of I-95 (St. Johns Heritage Parkway) has transformed the transportation network and connectivity of the region, which may stimulate economic development in the area. The proposed Community Commercial Future Land Use designation is compatible with the surrounding area and is intended to support existing and proposed developments within the region.

Furthermore, while transportation infrastructure is present and increasing in capacity for the area, the increasing density of the region, as shown in the 2-mile buffer map, will require accessibility to goods and services. Therefore, the Community Commercial Future Land Use designation will provide direct commercial access for surrounding residential developments, while minimizing potential trip duration.

Finally, the proposed development is anticipated to have extensive parks and trails within its open space system. Thus, the proposed development directly promotes Policy 2.1.A and Policy 1.3.A of the Conservation Element, which promotes multi-use developments. For example, Comprehensive Plan Policy 1.2 Park and Open Space System and Policy 5.1 Recreation Element calls for a system of parks and recreational facilities meeting the demand of the population while providing active recreation and open space areas to augment public recreational facilities. In this regard, the proposed development will have a series of interconnected parks, open space and recreation facilities. An existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.

**LEGEND/ABBREVIATIONS**

- B.C.R. – BREVARD COUNTY RECORDS
- L.B. – LICENSED BUSINESS
- O.R.B. – OFFICIAL RECORDS BOOK
- P.B. – PLAT BOOK
- P.O.C. – POINT OF COMMENCEMENT
- P.O.B. – POINT OF BEGINNING
- PG. – PAGE
- PSM – PROFESSIONAL SURVEYOR AND MAPPER
- R/W – RIGHT-OF-WAY
- R – RANGE
- T – TOWNSHIP

**SURVEYOR’S NOTES:**

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N89°23’59”E, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST. RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 21, 2023. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

---

DAVID P. LINDLEY, PSM  
STATE OF FLORIDA NO. 5005

**THIS IS NOT A SURVEY**

**SHEET 1 OF 4**



CAULFIELD & WHEELER, INC.  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7900 GLADES ROAD - SUITE 100  
BOCA RATON, FLORIDA 33434  
PHONE (561)-392-1991 / FAX (561)-750-1452

|           |           |
|-----------|-----------|
| DATE      | 8/25/2023 |
| DRAWN BY  | dl        |
| F.B./ PG. | N/A       |
| SCALE     | NONE      |
| JOB NO.   | 204       |

SUNTERRA – BREVARD  
PARCEL 1  
SKETCH OF DESCRIPTION

**DESCRIPTION:**

BEING A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89°35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00°11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00°40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89°29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE, NORTH 89°23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89°23'59" EAST, 3415.39 FEET; THENCE SOUTH 89°04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°08'35" EAST, 2368.17 FEET; THENCE NORTH 90°00'00" WEST, 918.01 FEET; THENCE SOUTH 01°31'07" EAST, 1315.56 FEET; THENCE SOUTH 88°26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID SAID WEST RIGHT OF WAY LINE, SOUTH 00°34'06" WEST, 1423.17 TO THE POINT OF BEGINNING.

SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS.

**THIS IS NOT A SURVEY**

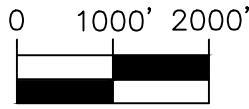
**SHEET 2 OF 4**



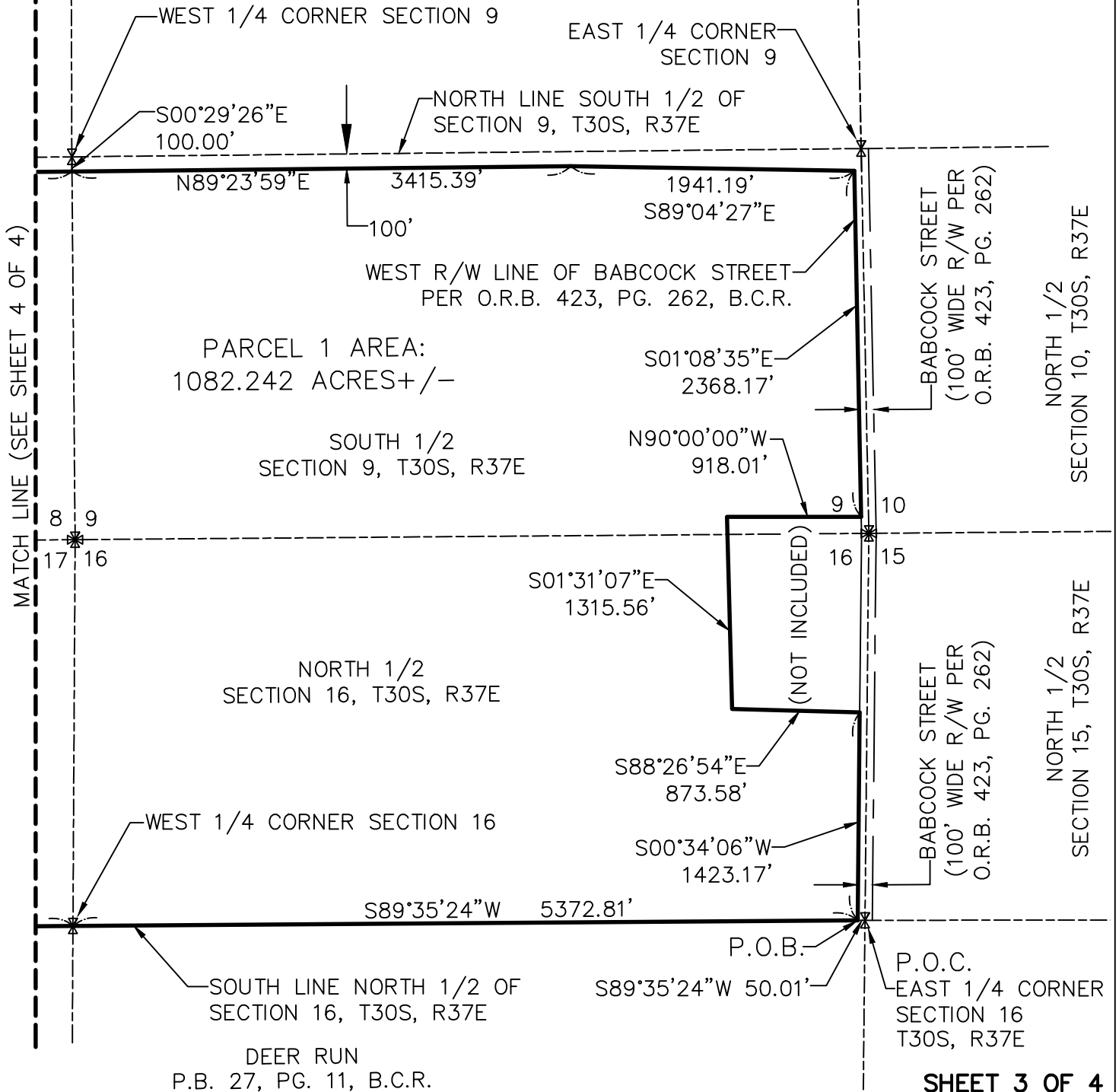
CAULFIELD & WHEELER, INC.  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7900 GLADES ROAD - SUITE 100  
BOCA RATON, FLORIDA 33434  
PHONE (561)-392-1991 / FAX (561)-750-1452

|           |           |
|-----------|-----------|
| DATE      | 8/25/2023 |
| DRAWN BY  | dl        |
| F.B./ PG. | N/A       |
| SCALE     | NONE      |
| JOB NO.   | 205       |

SUNTERRA - BREVARD  
PARCEL 1  
SKETCH OF DESCRIPTION



1 INCH = 1000 FEET



SHEET 3 OF 4



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7900 GLADES ROAD - SUITE 100  
BOCA RATON, FLORIDA 33434  
PHONE (561)-392-1991 / FAX (561)-750-1452

SUNTERRA - BREVARD  
PARCEL 1  
SKETCH OF DESCRIPTION

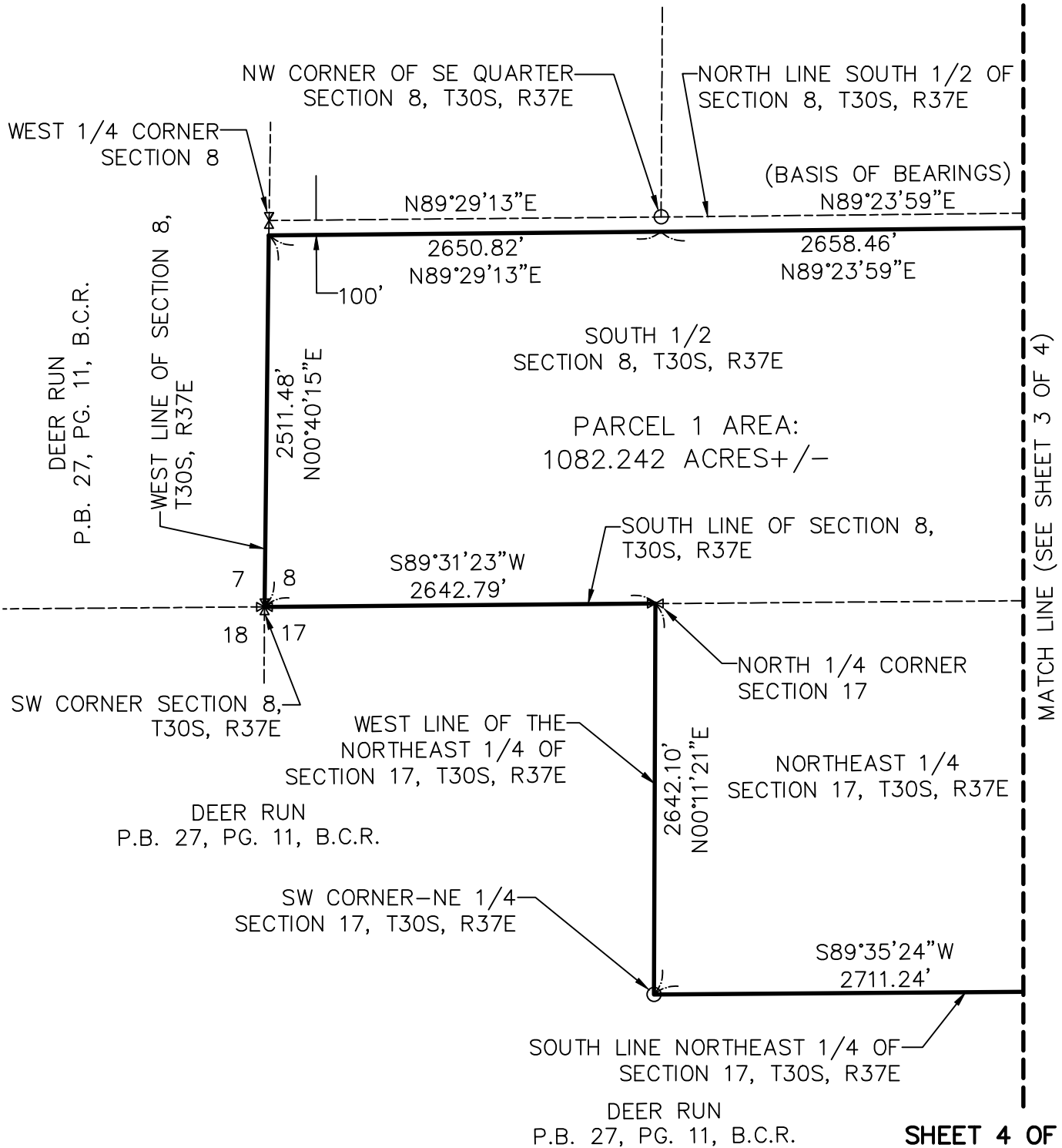
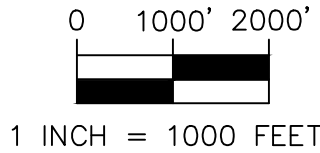
DATE 8/25/2023

DRAWN BY dl

F.B./ PG. N/A

SCALE 1"=1000'

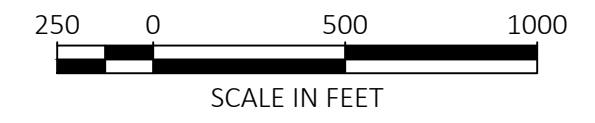
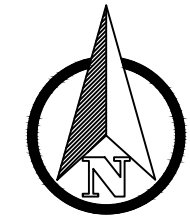
JOB NO. 206



**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7900 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561)-392-1991 / FAX (561)-750-1452

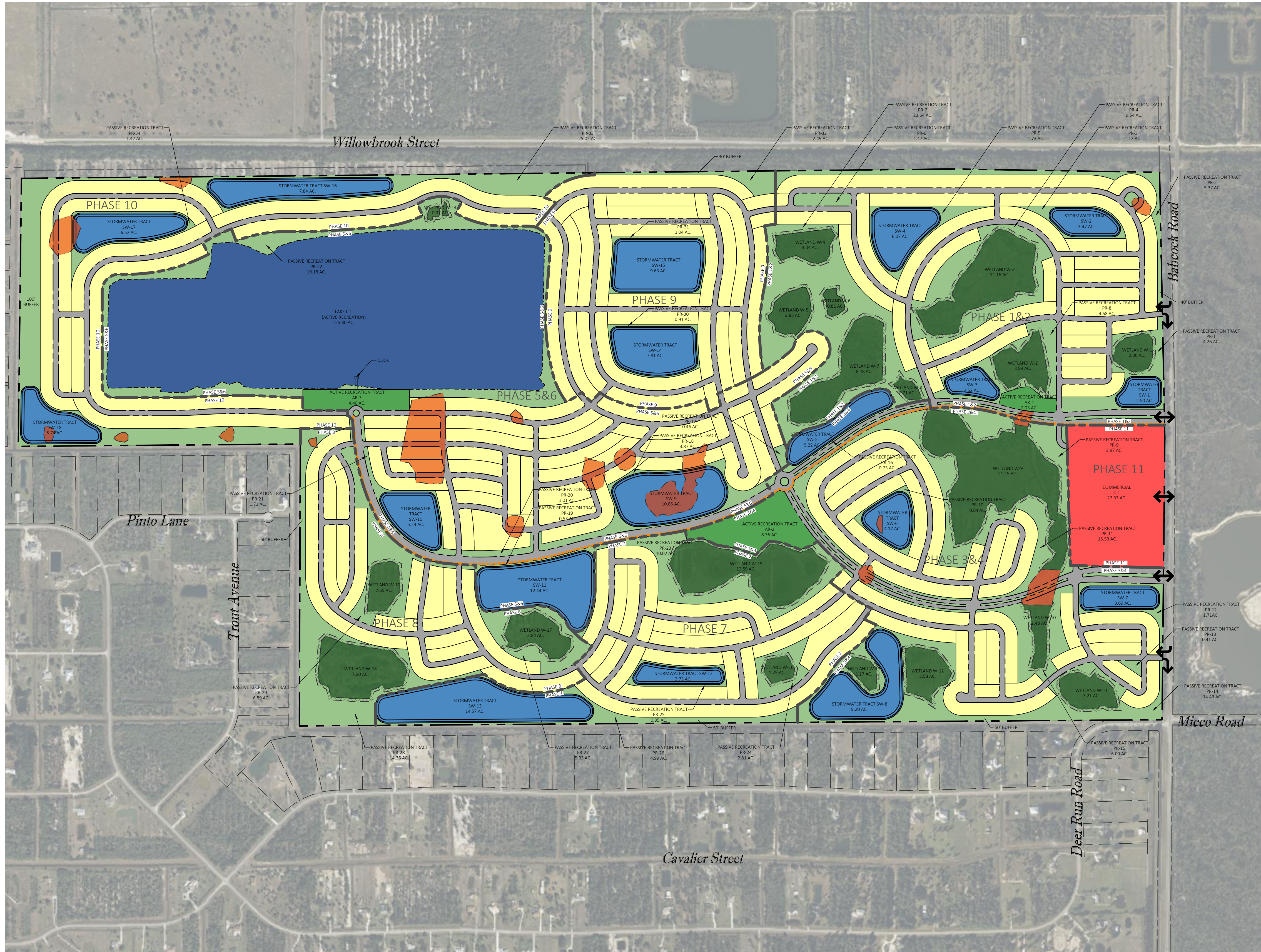
|           |           |
|-----------|-----------|
| DATE      | 8/25/2023 |
| DRAWN BY  | dl        |
| F.B./ PG. | N/A       |
| SCALE     | 1"=1000'  |
| JOB NO.   |           |

SUNTERRA - BREVARD  
 PARCEL 1  
 SKETCH OF DESCRIPTION



LEGEND

- Project Boundary (Survey)
- 12' Multi-Use Trail
- Residential
- Passive Recreation
- Active Recreation
- Wetland
- Impacted Wetland
- Stormwater
- Lake (Active Recreation)
- Full Access Point
- Right In/Out



Development Data

|                                                                         |                                                                     |
|-------------------------------------------------------------------------|---------------------------------------------------------------------|
| Jurisdiction                                                            | Unincorporated Brevard County                                       |
| Future Land Use                                                         | Residential 4 (1,082.24 acres) & Community Commercial (27.33 acres) |
| Zoning (Proposed)                                                       | PUD                                                                 |
| Site Details                                                            |                                                                     |
| Gross Site Area                                                         | 1109.57 Acres                                                       |
| Gross Residential Area                                                  | 1082.24 Acres                                                       |
| Gross Commercial Area                                                   | 27.33 Acres                                                         |
| Total Impacted Wetlands*                                                | 19.83 Acres                                                         |
| Developable Area                                                        | 1015.88 Acres                                                       |
| Developable Residential Area                                            | 988.55 Acres                                                        |
| Developable Commercial Area                                             | 27.33 Acres                                                         |
| Common Recreation & Open Space Required (10% of Gross Residential Area) | 108.22 Acres                                                        |
| Common Recreation & Open Space Provided* (1.5 acres per 100 units)      | 468.54 Acres                                                        |
| Active Recreation Required**                                            | 48.69 Acres                                                         |
| 3,246/100*1.5 = 48.69 acres                                             |                                                                     |
| Active Recreation Provided**                                            | 140.08 Acres                                                        |
| Remaining Passive Recreation Required**                                 | 0.00 Acres                                                          |
| Passive Recreation Provided*                                            | 328.46 Acres                                                        |
| Stormwater Provided*                                                    | 35.71 Acres                                                         |
| Wetlands*                                                               | 93.69 Acres                                                         |
| Passive Recreation Tracts*                                              | 199.06 Acres                                                        |
| Proposed Residential Development                                        |                                                                     |
| Maximum Allowable Dwelling Units                                        | 3246 Units                                                          |
| Maximum Allowable Gross Residential Density                             | 3.00 DU/Ac                                                          |
| Proposed Commercial Development                                         |                                                                     |
| Maximum allowable commercial square feet in Commercial Tract C-1        | 398,000 Sq. ft                                                      |

- Notes
- See waiver # 9, requesting lake acreage to be included as active recreation.
  - Stormwater provides only 1/3 of the required Common Recreation & Open Space acreage.
  - Wetlands are included in the Total Provided Passive Recreation, in accordance with LDR Sec. 62-1102.
  - The provided acreages are subject to change and will be determined on the Final Development Plan. The Final Development Plan shall adhere to the minimum required acreages for Common Recreation & Open Space set forth in LDR sections 62-1446 and 62-1102.
- \*\* The required active and passive recreation acreages are calculated by the maximum allowable 3,246 dwelling units (3 dwelling units per gross residential acre). The required active and passive recreation acreages are subject to change, per the actual amount of residential units developed. The required active and passive recreation acreages shall adhere to the minimum required acreages for Common Recreation & Open Space set forth in LDR sections 62-1446 and 62-1102.

|                       |                          |
|-----------------------|--------------------------|
| NO. DATE              | DESCRIPTIONS             |
| 10/27/23              | Submit to Brevard County |
| SUBMISSIONS/REVISIONS |                          |
| VERTICAL DATUM:       | NAVD 88                  |
| JOB NO.:              | 23-081                   |
| DESIGNED BY:          | DG                       |
| DRAWN BY:             | DG                       |
| CHECKED BY:           | PM                       |
| APPROVED BY:          | JE                       |
| SCALE IN FEET:        | 1" = 500'                |

Project Name:  
**SunTerra**  
**Brevard County**  
**Mixed Use**

Jurisdiction:  
**Brevard County, FL**

Sheet Title:  
**LAND USE PLAN**

Sheet No.:  
**C2.00**

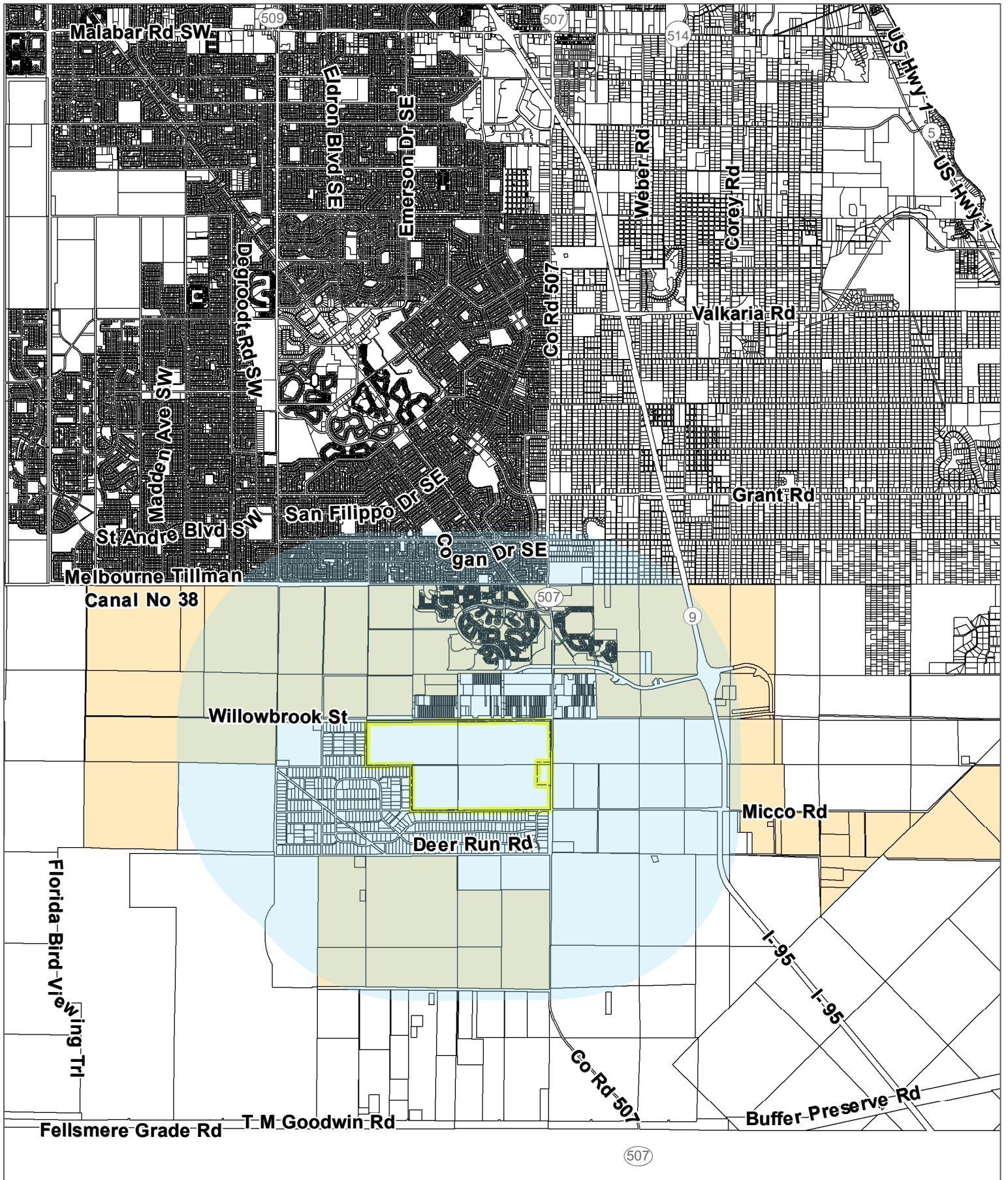
Seal:

DATE: **October 27, 2023**



**Poulos & Bennett, LLC**  
 2602 E. Livingston St., Orlando, FL 32803  
 Tel. 407.487.2594 www.poulosandbennett.com  
 Eng. Bus. No. 28567





SOURCE: Brevard County, FL

- Legend**
- Subject Property Updated Extent
  - 2 Mile Buffer
  - Surrounding Large-Scale Developments

2 Mile Buffer Map

SunTerra - Brevard Co

**POULOS & BENNETT**

(50,000,000)  
FEET



**Exhibit D.**  
**Sun Terra Babcock Street Property Site Specific Conditions**

**Density and Intensity Regulations**

1. Any development associated with this Comprehensive Plan Future Land Use Map amendment must be commenced through a Planned Development zoning district in substantial conformance with the submitted conceptual plan (Exhibit C), subject to developer-initiated adjustments not to exceed a 10% change in acreage for any given place type identified in Exhibit C (PUD Development Plan Sheet).

**Parks and Open Space Level of Service Analysis Requirements**

2. All park and trail space, excluding active lake amenities, clubhouses, and pools, shall be publicly accessible but privately maintained by the developer or any successors.

**Transportation Level of Service Analysis Requirements**

Babcock street will need to be improved or an agreed upon Proportionate Faire Share Agreement shall be entered into at the time of PUD zoning. If improvements to other Rights of way providing access to the project site are planned for prior to the development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development zoning district application process.



Nicole Sealy

2602 E. Livingston St.

Orlando, FL 32803

We are sending you this letter in response to your request on Feb. 14, 2024 for a formal letter stating the conditions of providing service to a specific property in Brevard County with parcel IDs 30-37-09-00-500, 30-37-08-HF-500, 30-37-17-HF-1, and 30-37-16-00-1.

Please note that this portion of the City is undergoing significant development and conditions may change in the future. The City does not currently have capacity for commercial fire flow demands in this area nor any additional sewer capacity. Various projects are being coordinated to accommodate the growth including water main and force main installations and the construction and expansion of a new water reclamation facility.

It is the intent of the City to serve this property with water and sewer services with the understanding of the aforementioned conditions.

*Daniel Cardona*

*4/1/2024*

Thank you,

Daniel R. Cardona, P.E.

Palm Bay Utilities

Engineer II

Office: 321-952-3410 Ext. 7076

Cell: 321-474-8373

*Down to Earth* And Up To Great Things

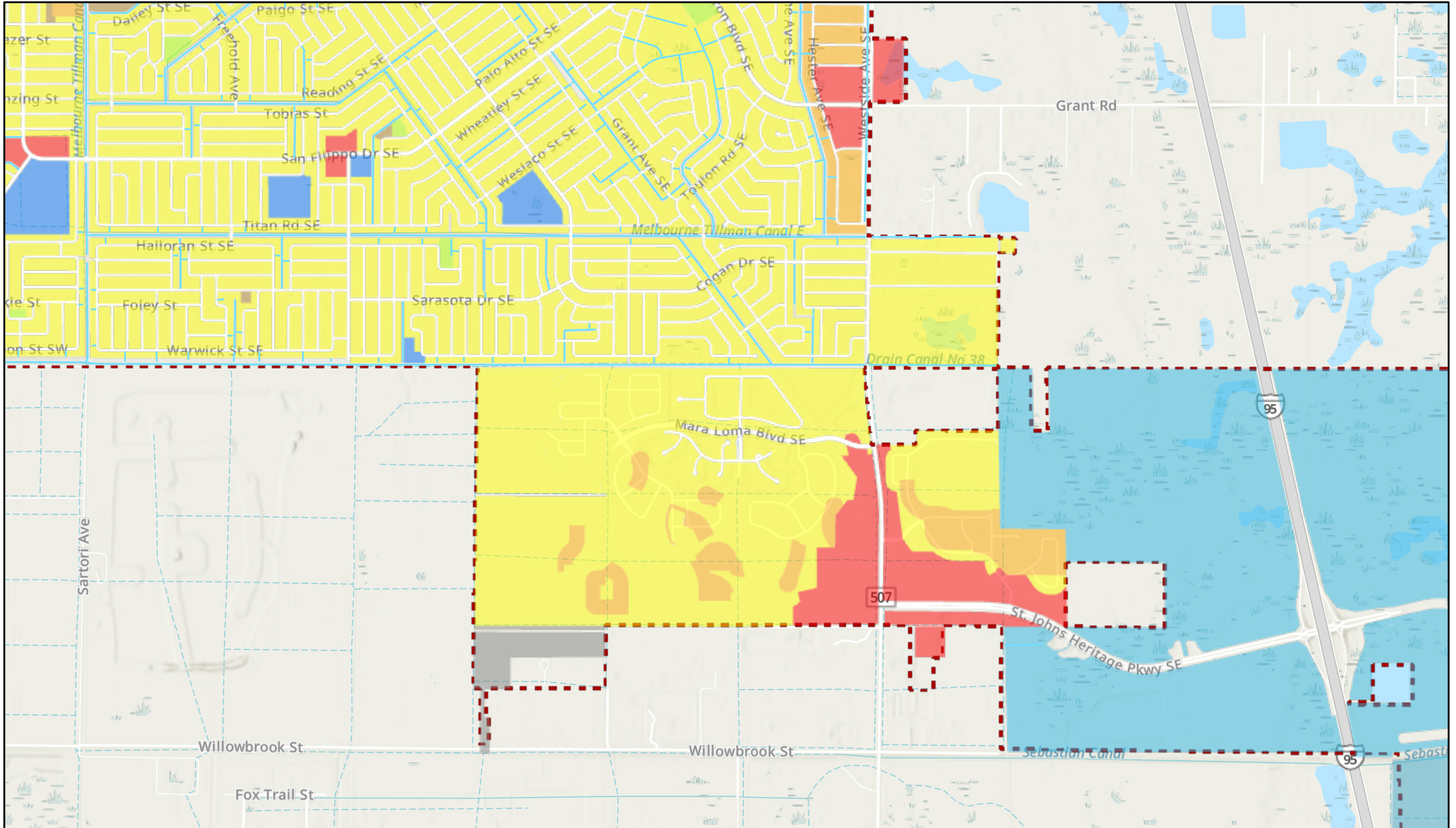


T: 321.952.3400



120 Malabar Road SE  
Palm Bay, FL 32907

# FLUE Babcock/SJHP Vicinity



4/3/2024, 8:48:36 AM

- Canals
- Low Density Residential
- Special Planning Area: Emerald Lakes
- Public/Semi-Public
- Special Planning Area: Micco Park Village
- Commercial
- Residential, Medium Density
- High Density Residential
- Recreation & Open Space
- City Limits
- Utilities

