

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 24S.09 (24SS00011)  
Township 30, Range 37, Section 09*

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**Property Information**

Owner / Applicant: **Judith Baker**

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

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

Acreage: 14.14 +/- acre

Tax Account #: 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, 3000414

Site Location: North side of Willowbrook Street approximately 400 feet west of Babcock Street

Commission District: 5

Current Zoning: General Use (GU)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2) (24Z00036)

**Background & Purpose**

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from RES 1:2.5 on 16 vacant parcels totaling approximately 14.14 acres to CC. The applicant has a companion rezoning application, **24Z00036**, requesting a change from GU to BU-2 (Retail, Warehousing and Wholesale Commercial) with a Binding Development Plan (BDP) limiting the BU-2 uses to self-storage mini-warehouse and outdoor storage of recreational vehicles and boats. The current adopted FLUM is not consistent with the requested zoning.

Within the County limits, this area is under significant development pressures to transition from rural to urban with little or inadequate infrastructure (roadway, sewer and water) in place to handle the current development trends.

The subject parcel is located on the northside of Willowbrook Street, a County maintained roadway. The road pavement is in poor condition and needs resurfacing for it to support any commercial development. Other planned developments such as 11 residential subdivision with approximately 27,000 residential units and potential public future school, that may be accessing

off of this road. If the right-of-way width for Willowbrook is not the minimum of 50-feet, the applicant/owner will need to dedicate sufficient right-of way to make it 50 feet wide. Geometry of the subject property has limited development potential.

South of the subject property is a pending Large Scale FLUM amendment application on approximately 1,109 acres which includes 27 acres of Community Commercial accessing off of Babcock Street. Current infrastructure is not in place to support commercial development along this roadway segment.

An additional Community commercial cluster is located south of the subject property on the east side of Babcock St., with a conditional use permit that limits its use to a borrow pit. The CC cluster encompasses 9.87 acres.

Approximately 0.5 mile to the north within the City of Palm Bay, surrounding the St. Johns Heritage Parkway, are multiple commercial developments either planned or in construction. This segment of Babcock within the City of Palm Bay proposes approximately 133 acres of commercial on the westside of Babcock and another 13 acres on the eastside.

Pursuant to Chapter XI of the Brevard County Comprehensive Plan FLUE Policy 2.8, 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.

All parcels within the subject property retains the original RES 1:2.5 FLUM and GU zoning.

Previous zoning actions applicable to the subject property include:

On July 3, 1989, zoning action **Z-8432** approved a Conditional use permit for a Commercial Borrow Pit (CUP) with a Binding Concept Plan in GU zoning.

On May 22, 2003, zoning action **Z-10817(24)** approved removal of the CUP for Commercial Borrow Pit.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Undeveloped	PUD	RES 4
<b>South</b>	Undeveloped/ROW	GU	RES 1:2.5
<b>East</b>	Undeveloped	GU	RES 1:2.5
<b>West</b>	Undeveloped	AU, GU	RES 1:2.5

North is 41.39 acre undeveloped parcel with PUD (Planned Unit Development) zoning with a gross density cap of three (3) dwelling units per acre and RES 4 FLU designation approved under application # **23PUD00003** on July 11, 2024.

At the time of this report, the south is undeveloped with pending actions under **23LS00001 & 23PUD00005** (September 5, 2024 BOCC hearing) from RES 1:2.5 to RES 4 & CC and GU & AU to PUD zoning on approximately 1,100 acres to allow residential and commercial development.

East are 2 properties 0.86 acres (undeveloped) and 14.86 acres (classified by the BCPAO as a agriculture use) with RES 1:2.5 FLU and GU zoning.

West are 2 properties, 1.02 acres and 0.86 acres, both undeveloped with AU and GU zoning classifications, respectively.

## Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

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

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

Criteria:

- A. Overall accessibility to the site;

**The subject parcel is located on the northside of Willowbrook Street**

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

**This request includes sixteen parcels which surrounds four parcels, owned by a different owner, which is not included with this request. The four parcels have a FLUM designation of RES 1 with GU zoning classification. A FLUM and zoning enclave would result upon approval of this request. FLUM and zoning enclaves contain parcels that are designated and zoned in a manner that is not currently compatible with the adjacent land use designations and zoning classifications which may result in disjointed development.**

- C. Existing commercial development trend in the area;

**Within the County limits, this area is under significant development pressures to transition from rural to urban with smaller residential lots and commercial uses.**

**There is no existing commercial development in this area. However, a pending application for the property located to the south with access off of Babcock Street includes over 3,200 residential units and 27 acres of commercial development with BU-1 uses permitted. Specific commercial uses were not indicated.**

**Additional commercial zoning of BU-1 is located south of the subject property on the east side of Babcock St., with a conditional use permit that limits its use to a borrow pit. The property is undeveloped with approximately 7 acres of the 74.86 acres having commercial zoning.**

**Approximately half mile to the north within the City of Palm Bay, surrounding the St. Johns Heritage Parkway, are multiple commercial developments either planned or in construction. This segment of Babcock within the City of Palm Bay proposes approximately 133 acres of commercial on the westside of Babcock and another approximate 13 acres on the eastside.**

**Overall, there are eleven (11) development plans, under County and City of Palm Bay, which includes a school, residential (approximately 27,000 residential units) and commercial either approved, pending approval and or in construction potential accessing Babcock Street and Willowbrook Street. Two (2) of which include a commercial component.**

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

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

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

**Although the preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service there are other factors that should be considered.**

**The parcels are not serviced by public sewer or within the Brevard County service area for potable water.**

- F. Spacing from other commercial activities:

**There is no existing commercial development in this area. However, a pending application for the property located approximately 0.50 miles to the south with access off of Babcock Street includes over 3,200 residential units and 27 acres of commercial development with BU-2 uses permitted. Specific commercial uses were not indicated.**

**Additional commercial zoning of BU-1 is located 1 mile south of the subject property on the east side of Babcock St., with a conditional use permit that limits its use to a borrow pit. The property is undeveloped with approximately 7 acres of the 74.86 acres having commercial zoning.**

**Approximately 0.5 mile to the north within the City of Palm Bay, surrounding the St. Johns Heritage Parkway, are multiple commercial developments either planned or in construction. This segment of Babcock within the City of Palm Bay proposes approximately 133 acres of commercial on the westside of Babcock and another approximate 13 acres on the eastside.**

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

**A market study was not provided nor required.**

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

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

- I. Integration of open space; and

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

- J. Impacts upon strip commercial development.

**FLUE Policy 2.12 discourages strip commercial development. This request is not an extension of strip commercial development.**

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

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

Criteria:

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

**The proposed CC encompasses approximately 14 acres. Willowbrook Street is classified as a local road. Babcock Street SE, located approximately 400 feet to the east, is classified as a major collector roadway. The CC FLU designation locational criteria states “For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections. Neither Babcock Street SE or Willowbrook Street are classified as principal arterial/principal arterial intersections.**

**Babcock Street SE, located approximately 400 feet to the east, is classified as a major collector roadway. The CC FLU designation locational criteria states “For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections. Neither Babcock Street SE or Willowbrook Street are classified as principal arterial/principal arterial intersections.**

**South of the subject property is a pending Large Scale FLUM amendment application on approximately 1,109 acres which includes 27 acres of Community Commercial accessing off of Babcock Street. Current infrastructure is not in place to support commercial development along this roadway segment.**

**An additional Community commercial cluster is located south of the subject property on the east side of Babcock St., with a conditional use permit that limits its use to a borrow pit. The CC cluster encompasses 9.87 acres.**

**Approximately 0.5 mile to the north within the City of Palm Bay, surrounding the St. Johns Heritage Parkway, are multiple commercial developments either planned or in construction. This segment of Babcock within the City of Palm Bay proposes approximately 133 acres of commercial on the westside of Babcock and another 13 approximate acres on the eastside.**

**Pursuant to Chapter XI of the Brevard County Comprehensive Plan FLUE Policy 2.8, community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.**

**The proposed amendment does not meet the locational and development criteria set forth by FLUE Policy 2.8.**

- B. Community commercial complexes should not exceed 40 acres at an intersection.  
**The subject site is not located at an intersection and will not exceed 40 acres.**
- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

**Within County limits, located to the south of the subject property is an 1,109 acre large-scale FLUM amendment which includes 27 acres of community commercial cluster along Babcock Street.**

**An additional Community commercial cluster is located south of the subject property on the east side of Babcock St., with a conditional use permit that limits its use to a borrow pit. The CC cluster encompasses 9.87 acres.**

**The proposed amendment does not meet the locational and development criteria set forth by FLUE Policy 2.8.**

- 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 subject property is greater than 10 acres, therefore the gross floor area shall not exceed 400,000 square feet.**

- 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 does not accompany a PUD zoning request therefore the FAR will be limited to 1.00.**

- 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.**

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

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

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

**The applicant proposes to develop the site with mini storage and outdoor parking/storage of boats and recreational vehicles. There is currently no commercial development in this area.**

**The proposed use will be evaluated pursuant to performance standards during site plan review. Specifically, performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage.**

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

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

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

- 1. historical land use patterns;

**Historically, this area is mostly undeveloped with some residential development on large lots of 2.5 acres or greater. There are four (4) FLU**



**designations within 500 feet of the subject site: RES 4, RES 1, RES 1:2.5 and PUB-CONS.**

**Please note, this analysis only includes unincorporated areas of Brevard County.**

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

**There has been no new development within half mile, under County jurisdiction, of the subject property within the last three years.**

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

**23PUD00002 and 23SS00022, approved a request to rezone the property from GU to PUD for residential development with a companion FLUM from RES 1:2.5 and RES 1 to RES 4 approved on July 11, 2024; and**

**23PUD00005 and 23LS00001, a request to rezone the property from GU and AU to PUD for residential and commercial development with a companion FLUM amendment from RES 1:2.5 to RES 4 and CC pending approval, September 5, 2024 BOCC hearing.**

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

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

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

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

##### **Criteria:**

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

**Staff analysis indicates the request is not located within an existing neighborhood; but rather a mostly undeveloped rural area with single family residential.**

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

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service based on the proposed use.

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.

**Located south of the subject property, the Deer Run subdivision is the only established residential neighborhood in the area. However, staff analysis indicates the subject property is not located in an established residential neighborhood.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**Staff analysis indicates the subject property is not located in an established 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.

**There has been one (1) request for commercial use, pending approval, in this area during the previous five (5) years within the County's jurisdiction. Application 23PUD00005, a request to rezone the property from GU and AU to PUD for residential with commercial component. Pending approval, September 5, 2024 hearing. Development activity has occurred within the City of Palm Bay approximately half-mile away to the north.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Babcock Street, between Micco Road and Grant Road which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 40.99% of capacity daily. The proposed rezoning increases the percentage of MAV utilization by 6.28%. The corridor

is anticipated to operate at 47.27% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The concurrency analysis was only for a mini self storage facility as proposed. Any other future commercial development was not part of this analysis and will be reviewed under a separate site plan application.

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

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.

## **Environmental Constraints**

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

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

The subject property contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) 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.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Willowbrook Street is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this section of Willowbrook Street to the MQR map and the associated MQR table.

Additionally, if wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted

for commercial or industrial use. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Historic Resources**

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

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 24SS00011**

**Applicant:** Judith A. Baker (Owner: Judith A. Baker Revocable Living Trust)

**Land Use Request:** RES 1:2.5 to CC

**Note:** for construction of mini storage and outdoor parking

**LPA Hearing:** 09/16/2024; **BCC Hearing:** 10/03/2024

**Tax ID No.(s):** 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, 3000414

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

The subject property contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) 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.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Willowbrook Street is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this section of Willowbrook Street to the MQR map and the associated MQR table.

Additionally, if wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted

only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Land Use Comments:**

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

The subject property contains mapped NWI wetlands, SJRWMD wetlands, and hydric soils (EauGallie sand; and Pineda sand, 0 to 2 percent slopes), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Willowbrook Street is not a MQR at this location. MQRs are depicted and identified in a table on map 8 of the comprehensive plan conservation element. An amendment to the comprehensive plan shall be required to add a mitigation qualified roadway to map 8 and the associated table.

Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

Additionally, if wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

#### **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.**

### **Protected Species**

Federally and/or state protected species may be present on properties with wetlands. There is a large area of mapped Florida Scrub Jay occupancy within a mile of the property, and there is potential for existence of Gopher Tortoises on site. 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. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.