



## **Zoning**

**Brevard County Board Of County Commissioners Governing Board Of The Brevard Mosquito Control District Governing Board Of The Barefoot Bay Water And Sewer District**

**2725 Judge Fran Jamieson Way**

**Viera, FL 32940**

**Agenda**

**Thursday, April 15, 2021**

**If you wish to speak to any item on the agenda, please fill out a speaker card. Persons addressing the Board shall have three minutes to complete his/her comments on each public hearing agenda item for which he/she has filled out a card.**

**The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. It is the responsibility of the Chair to determine the time limit on comments under Public Comment and other agenda items that are not Quasi-Judicial Public Hearings. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.**

- A. CALL TO ORDER 5:00 PM**
- B. INTENTIONALLY OMMITTED**
- C. PLEDGE OF ALLEGIANCE - Commissioner John Tobia, District 3**
- D. MINUTES FOR APPROVAL:**
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS**
- F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)**

## **Development and Environmental Services Group**

### **Planning and Development**

- F.1. Waiver Request, Re: Waiver of wall requirement for Cypress Trust Company (21AD00003)(District 4)**

## **Administrative Services Group**

### **Miscellaneous**

- F.2. Appointment(s) / Reappointment(s)**

## **G. PUBLIC COMMENTS**



**H. PUBLIC HEARINGS**

- H.1.** All Space Storage requests a change of zoning classification from BU-1 to BU-2. (20Z00043) Tax Account 2317234) (District 1)
- H.2.** Kaydenlew, LLC (David Menzel) requests a change of zoning classification from BU-1 to BU-2. (21Z00003) (Tax Account 2605988) (District 4)
- H.3.** SDLD, LLC (Scott Demasso) requests a change of zoning classification from AU to EU. (21Z00001) (Tax Accounts 2501421 and 2501422) (District 2)
- H.4.** Robert Van Horn and Gerald K. Houck request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (21PZ00001) (Tax Account 2501307) (District 2)
- H.5.** Robert Van Horn and Gerald K. Houck request a change of zoning classification from RU-1-9 to BU-2. (21Z00004) (Tax Account 2501307) (District 2)
- H.6.** Scott W. and Debora A. Speer request a change of zoning classification from RR-1 to AU. (21Z00002) (Tax Account 2316763) (District 2)
- H.7.** Port St. John Small Area Study

**I. UNFINISHED BUSINESS**

**J. NEW BUSINESS**

**Add Ons**

**K. PUBLIC COMMENTS**

**L. BOARD REPORTS**

- L.1. Frank Abbate, County Manager
- L.2. Eden Bentley, County Attorney
- L.3. Rita Pritchett, Commissioner District 1, Chair
- L.4. Bryan Lober, Commissioner District 2
- L.5. John Tobia, Commissioner District 3
- L.6. Curt Smith, Commissioner District 4
- L.7. Kristine Zonka, Commissioner District 5, Vice Chair



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 County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

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 County Commission 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>

In accordance with Resolution 2014-219 Section VIII (8.1) the agenda shall provide a section for public comment limited to thirty (30) minutes following approval of the consent agenda during each regular County Commission meeting. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. During this thirty (30) minute segment of public comment, speakers will be heard in the order in which they turned in a speaker card asking to be heard. Any speaker not heard during the first thirty (30) minute segment will be heard during a second public comment segment held at the conclusion of business specified on the regular Commission agenda. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda.

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.1.

4/15/2021

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### **Subject:**

Waiver Request, Re: Waiver of wall requirement for Cypress Trust Company (21AD00003)(District 4)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

The applicant is requesting that the Board of County Commissioners grant a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments within BU-1, BU-2, or Industrial zoning classifications are adjacent to residential zoning.

### **Summary Explanation and Background:**

#### **Clerk to the Board Instructions:**

Section 62-3202(h)(10) stipulates that site plans within BU-1, BU-2, or Industrial zoning classifications shall construct a minimum 6-foot high masonry or solid wall, including, but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the property abuts a residential zoning classification.

The applicant states that the property of the Cypress Trust Bank is the site of the old Petty's Meat Market, and the developer of the recent multi-family development to the north and east is constructing a landscape buffer, and has already installed an enhanced fence along both property lines. The fence is six feet tall and has concrete columns spaced to enhance the appearance and durability.

The applicant claims that the presence of the fence adds to the hardship of constructing a wall along the property lines as it would be in conflict for access and maintenance. The applicant also states that there is an existing dry retention pond along the east property line that has a narrow bank and height, and that the shape and topography of the area would add to the hardship for construction of the wall and potentially have a negative impact on the site drainage. Lastly, the applicant offers that there are existing power lines, and existing pavement within three feet of the north property line that is being maintained and striped for emergency access to the Cypress Trust building.

The Natural Resources Management and Planning and Development Departments concur that the existing enhanced six-foot fence and vegetative buffer being provided on the adjacent property, in lieu of a wall, would allow for reduced impact and preservation of the functionality of the site drainage. The Board's waiver



approval, if granted, would apply specifically to the conditions of site plan application 21AD00003. Any future development, redevelopment, or alteration of the subject property that modifies the aforementioned site plan or reduces the vegetative buffer along the east and north sides of the subject property will void the wall waiver.





BOARD OF COUNTY COMMISSIONERS

**Planning and Development  
Planning and Zoning**  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321) 633-2070 Phone

### LAND DEVELOPMENT WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Code of Ordinances, Section 62, as it relates to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

Office Use Only	
Request Date	Fees
Board Date	
Original Project Number	Waiver Number
Coordinator Initials	Reference Files
County Manager/Designee Approval	

**APPLICATION TYPE:** ☐ Subdivision Waiver ☐ Site Plan Waiver ☒ Other

**Wall Waiver**

If other, please indicate

**Tax Parcel Identification:**

26	37	19	00	267	
Township	Range	Section	Subdivision	Block/Parcel	Lot

**Tax Account Numbers** (list all) 2618593

Cypress Trust Company Cypress Trust Company

Project Name

Property Owner



**Site Address:**

6115 N Wickham Road	Melbourne	FL	32940
Street	City	State	Zip Code

**CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:**

Dana Kilbourne		Cypress Trust Company	
Applicant Name		Company	
6115 N Wickham Road	Melbourne	FL	32940
Street	City	State	Zip Code
	561-820-2938		dana.kilborne@cypresstrust.com
Phone Number	Cell Phone Number	Fax Number	Email Address

**ENGINEER/CONTRACTOR (if different from applicant)**

Trauger Consulting Engineers, Inc.		Erin Trauger	
Company		Engineer or Project Manager	
PO Box 360253	Melbourne	FL	32936
Street	City	State	Zip Code
	321-652-5316		erin.trauger@gmail.com
Phone Number	Cell Phone Number	Fax Number	Email Address

**DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:**

Waiver of wall per code Section 62-3202(h)(10) between PIP zoning and RU-2-15

	Dana Kilborne
Owner/Applicant Signature	Print Name

If you wish to appeal any decision made by the county staff on the waiver, you may request the Board of County Commissioners to make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



**LAND DEVELOPMENT APPLICATION DOCUMENT SUBMITTAL REQUIREMENTS**

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

**WAIVER CRITERIA FOR SUBDIVISIONS AND SITE PLANS**

For a waiver to be considered and approved by staff, your request must comply with all of the following criteria. Please explain, in detail, how your request meets the following conditions.

1. The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.  
See Attached
  
2. The granting of the waiver will not be injurious to the other adjacent property.  
See Attached
  
3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.  
See Attached
  
4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.  
See Attached



5. Delays attributed to state or federal permits.

NA

6. Natural disasters.

NA

7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by county staff)



1. The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

*The property of the Cypress Trust Bank is an existing commercial development as it used to be the old Petty's meat market. It has laid dormant for some time but is under renovation to bring the property back to life. To address this item there are existing conditions that should be considered for this property and along the property lines for which the wall waiver is requested. They are as follows:*

- ✓ *The recent multifamily construction project to the north and east of the Cypress Trust property is constructing a Type A buffer and has already installed an enhanced fence along both property lines. The fence is 6' tall and has concrete columns spaced to enhance the appearance and durability. The fence construction adds to the hardship of constructing a wall along these property lines as it would be in conflict for access and maintenance. (see photos)*
  - ✓ *There are existing overhead power lines and existing parking pavement that runs within three feet of the property line to the north. This pavement is being maintained and striped out for emergency access around the building. These details would add to the hardship of construction of a wall due to spacing for footers and excavation for installation. (see attached photos).*
  - ✓ *There is an existing dry retention pond along the east property line that has a narrow bank and height. The shape and topography of the dry retention pond would add to the hardship for construction of the wall as it could negatively impact the slope, stabilization or volume of the dry retention pond as there is not an open top of bank area for the wall construction (see attached photos).*
2. The granting of the waiver will not be injurious to the other adjacent property.
    - ✓ *Granting a waiver of the wall will not be injurious to the adjacent property as they included a fence with landscaping as part of their proposed development which shall remain.*
  3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.
    - ✓ *The Cypress Trust property was permitted and constructed as Petty's Meat Market many years ago. At that time the surrounding zoning classification was the same as the Cypress Trust property PIP (Planned Industrial Park) and therefore a wall was not required around the perimeter. During a rezoning action in 2018 (17PZ00109), the property surrounding the existing commercial development was approved to be RU-2-15. This action created a nonconforming situation for the existing property that was not a result of the actions of the existing property owner or applicant. The proposed development does not expand on the footprint of the building but proposes inclusion of a*



*teller window, ATM and driveway pavement along the north of the building. The site is existing with the previously mentioned pavement, overhead power lines and existing stormwater retention that conflict with construction of a new wall. These considerations in combination with the condition that there is a very new existing enhanced fenced buffer along the same property lines are unique to this site, not generally applicable to other properties and do not result from the actions of the applicant.*

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.
  - ✓ *Approval of the requested waiver is consistent with the intent and purpose of the county zoning regulations, the County land use plan and the requirements of this article.*



## PROPERTY LINE PHOTOS





NORTH PROPERTY LINE





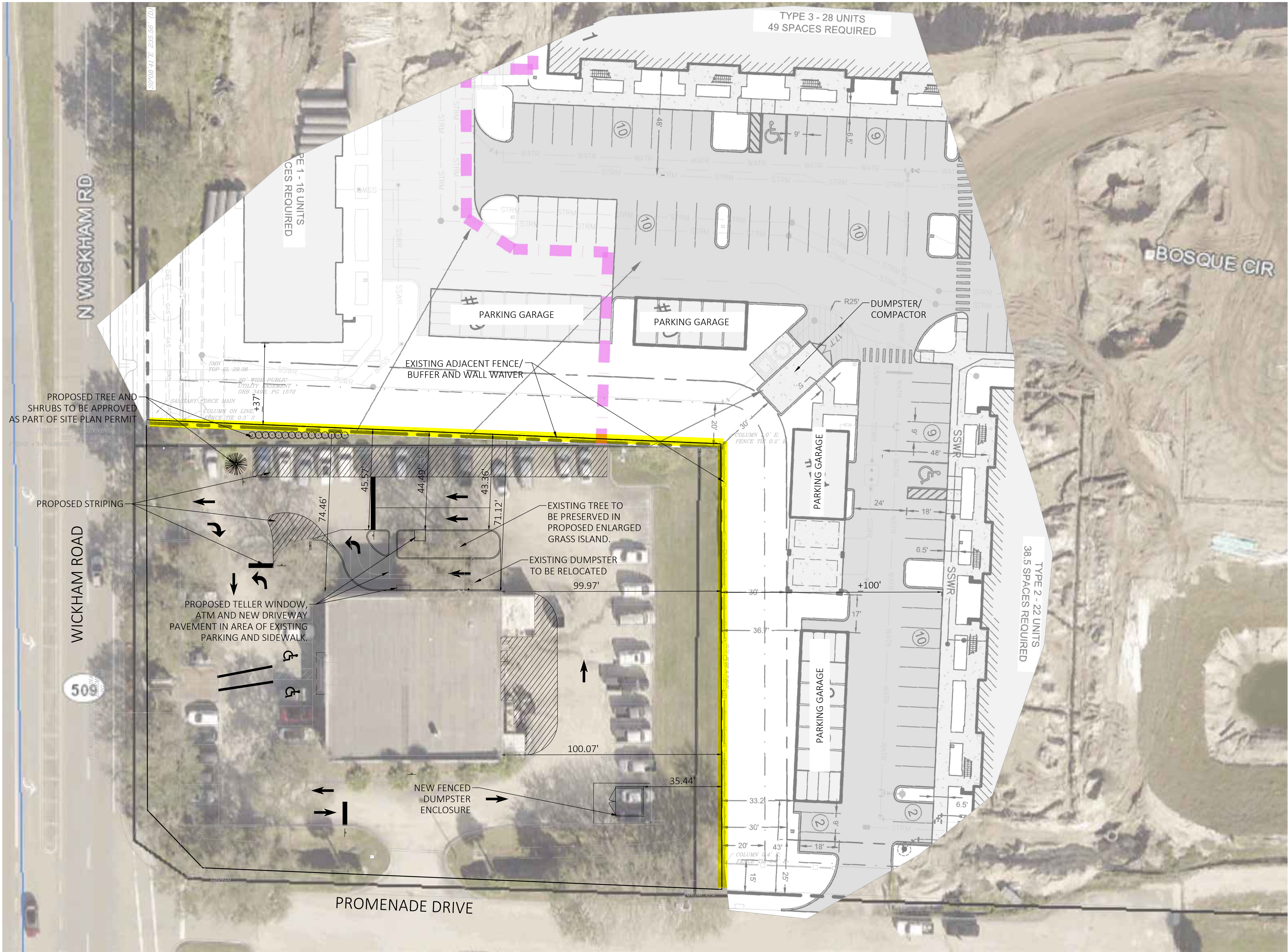
FENCE POST AND POWER POLE EXISTING





EAST PROPERTY LINE





WALL WAIVER EXHIBIT



REV#	DATE	REVISION

TRAUGER CONSULTING ENGINEERS  
P.O. BOX #360253, MELBOURNE FL 32936-0253  
email - ern.trauger@gmail.com direct - (321) 652-5316

CYPRESS TRUST COMPANY  
BREVARD COUNTY, FL  
WALL WAIVER EXHIBIT

ERIN L. TRAUGER  
FL P.E. #66026

THESE DOCUMENTS AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF TRAUGER CONSULTING ENGINEERS. NO PART OF THESE DOCUMENTS OR THE INFORMATION CONTAINED HEREIN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN PERMISSION OF ERIN L. TRAUGER.

DATE:	1-1-21
SECTION:	19
TOWNSHIP:	26S
RANGE:	37E
SCALE:	1"=20'
DRAWING NO.:	C-3
PROJECT:	20-148



# Location Map

Jordan Blass Drive

Subject Property

Wickham Road

US 1





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.2.

4/15/2021

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**Subject:**

Appointment(s) / Reappointment(s)

**Fiscal Impact:**

n/a

**Dept/Office:**

County Manager's Office

**Requested Action:**

It is requested the Board of County Commissioners approve the District appointment(s) / reappointment(s).

**Summary Explanation and Background:**

**Clerk to the Board Instructions:**





BOARD OF COUNTY COMMISSIONERS

FROM THE DISTRICT 4 COMMISSION OFFICE  
ADVISORY COMMITTEE APPOINTMENT CANDIDATE

Name of Committee: CHARTER REVIEW

Name of Appointee: Tom Jenkins

Home Address: 592 Deerfield Dr. Melbourne 32940

Cell Number:

Home Number: 321-403-9619

Email Address: bjenk1017@aol.com

Reappointment: Yes ( ) or No ( X )

Replacing:

Term of Appointment: 01/01/21 – 12/31/21

Office Contact: Christine Bellak

Date of Request: 4/15/2021

A waiver of the term limit is recommended due to difficulty to fill the appointment? Yes ( ) or No ( X )





BOARD OF COUNTY COMMISSIONERS

FROM THE DISTRICT 4 COMMISSION OFFICE  
ADVISORY COMMITTEE APPOINTMENT CANDIDATE

Name of Committee: CHARTER REVIEW

Name of Appointee: Sue Schmitt

Home Address: 511 Royston Ln Melbourne 32940

Cell Number: 321-266-8591

Home Number:

Email Address: seschmitt@aol.com

Reappointment: Yes ( ) or No ( X )

Replacing:

Term of Appointment: 01/01/21 – 12/31/21

Office Contact: Christine Bellak

Date of Request: 4/15/2021

A waiver of the term limit is recommended due to difficulty to fill the appointment? Yes ( ) or No ( X )





BOARD OF COUNTY COMMISSIONERS

FROM THE DISTRICT 4 COMMISSION OFFICE  
ADVISORY COMMITTEE APPOINTMENT CANDIDATE

Name of Committee: CHARTER REVIEW

Name of Appointee: Cole Oliver

Home Address: 1901 South Harbor City Melbourne 32901

Cell Number:

Home Number: 321-948-2700

Email Address: [coliver@rosswayswan.com](mailto:coliver@rosswayswan.com)

Reappointment: Yes ( ) or No ( X )

Replacing:

Term of Appointment: 01/01/21 – 12/31/21

Office Contact: Christine Bellak

Date of Request: 4/15/2021

A waiver of the term limit is recommended due to difficulty to fill the appointment? Yes ( ) or No ( X )





BOARD OF COUNTY COMMISSIONERS

**COMMISSIONER BRYAN LOBER, DISTRICT 2**

2575 North Courtenay Parkway

Suite 200

Merritt Island, Florida 32953

D2.Commissioner@Brevardfl.gov

FROM THE DISTRICT 2 COMMISSION OFFICE

ADVISORY COMMITTEE APPOINTMENT CANDIDATE

Name of Committee: **Merritt Island Redevelopment Agency**

Name of Appointee: **Nicole Morgan**

Address: **285 N. Courtenay Parkway  
Merritt Island, FL 32953**

Cell Number: **(321) 454-9600**

Home Number:

Email Address: **sales@firehousebrevard.com**

Reappointment: Yes ( ) or No (X)

Replacing:

Term of Appointment: **04/16/21 – 12/31/24**

Office Contact: **Fritz VanVolkenburgh**

Date of Request: **04/15/21**

A waiver of the term limit is recommended due to difficulty to fill the appointment? Yes ( ) or No (X)





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

4/15/2021

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### **Subject:**

All Space Storage requests a change of zoning classification from BU-1 to BU-2. (20Z00043) Tax Account 2317234) (District 1)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

### **Summary Explanation and Background:**

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) on 1.7 acres for the purpose of having a storage yard for storage containers and converting the existing commercial building into an Ice making facility. The parcel is currently developed with 4,485 square feet of commercial buildings. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots with a lot width and lot depth of 75 feet.

The proposed zoning change from BU-1 to BU-2 may be considered consistent with the Community Commercial Future Land Use designation.

The parcel to the north directly across MacArthur Circle is zoned BU-2 and has been approved for development of a septic office facility. To the east is U.S. Highway 1. The abutting parcel to the south is zoned BU-2 and is developed with a church and related amenities. The abutting parcel to the west is zoned TR-1 (Single-Family Mobile Home) and is developed with a 732 square-foot mobile home.

The Board may wish to consider whether this request for BU-2 is consistent and compatible with the surrounding area.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**



Once resolution is received, please execute and return to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **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**

**20Z00043**

**All Space Storage, Inc.**

**BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2317234  
Parcel I.D.: 23-36-30-03-\*-A  
Location: 5175 N. Highway 1, Cocoa 32927, on the southwest corner of Highway US-1 and MacArthur Circle, in the North Cocoa area (District 1)  
Acreage: 1.7 acre

Planning and Zoning Board: 03/08/2021

Board of County Commissioners: 04/15/2021

**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>	BU-1	BU-2
<b>Potential*</b>	74,052 sq. ft.	74,052 sq. ft.
<b>Can be Considered under the Future Land Use Map</b>	Yes, CC (Community Commercial)	Yes, CC (Community Commercial)

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) on 1.7 acres. The applicant requests the zoning change for the purpose of having a storage yard for storage containers and converting the existing commercial building into an Ice making facility.

The applicant has not provided a site plan showing the location of the storage yard. However, the applicant did provide a survey of the parcel dated 12/03/2003.



The parcel was rezoned from Trailer Subdivision and GU (General Use) to BU-1 (Neighborhood Retail Commercial per zoning action **Z-855** on November 8, 1962. The parcel is currently developed with 4,485 sq. ft. of commercial buildings.

## **Land Use**

The subject property retains the CC (Community Commercial) FLU designation. The current BU-1 zoning on the subject property and the proposed BU-2 zoning are consistent with the CC (Community Commercial) FLU per 62-1255 (2).

## **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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

The parcel to the north directly across MacArthur Circle and the abutting parcel south have FLU designation of CC (Community Commercial). The abutting subdivision to the west, MacArthur Heights, has a FLU designation of RES8 DIR (Residential 8 Directive). The proposed zoning change from BU-1 to BU-2 may be considered consistent with the CC (Community Commercial) FLU designation.

Policy #3C Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development approved within the past three year but not yet constructed.

There has been a commercial site plan (18SP00010) and commercial building permit (19BC18715) approved for development of The Coastal Septic Office Facility on the parcel to the north directly across MacArthur Circle. This parcel was rezoned from BU-1 to BU-2 on December 06, 2018 per zoning application **18PZ00101**.

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

The subject parcel is currently developed with BU-1 zoning.

The parcel to the north directly across MacArthur Circle is zoned BU-2 and has a commercial site plan (18SP00010) and commercial building permit (19BC18715) approved for development of The Coastal Septic Office Facility. The abutting parcel to the east is Highway US-1. The abutting parcel to the south is zoned BU-2 and is developed with a Church and Church related amenities. The abutting parcel to the west is zoned TR-1 a Single-Family Mobile Home zoning classification developed with a 732 sq. ft. mobile home.

The area to the north and south of the subject parcel has a FLU (Future Land Use) designation of CC (Community Commercial which is consistent with the current BU-1 zoning and proposed BU-2 zoning classification. The abutting TR-1 parcel to the west has a FLU (Future Land Use) designation of RES8 DIR (Residential 8 Directive).



The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots with a lot width and lot depth of 75 feet. The BU-1 classification does not permit warehousing or wholesaling.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots with a lot width and lot depth of 75 feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

### **Surrounding Properties**

There have been three zoning actions within a half-mile of the subject property within the last three years.

On December 06, 2018, application **18PZ00101** changed the zoning classification from BU-1 to BU-2. This parcel is located on the northwest corner of N. Highway US-1 and MacArthur Circle, directly across MacArthur Circle, 50 feet north of the subject property.

On December 13, 2019, application **19PZ00079** changed the zoning classification from RU-2-10 (Multi-Family Medium Density) and RU-1-13 (Single-Family Residential) to RU-2-12 (Multi-Family Medium Density) on four separate parcels. These parcels are located on the east side of N. Highway US-1 and, 140 feet directly east of the subject property across Highway US-1.

On December 03, 2020, application **20PZ00032** approved an amended to an existing PUD zoning as follows, approved third access, with two additional waivers to reduce the active open space acreage requirement, and partial waiver of the subdivision code's 15-foot perimeter landscape/buffer tract requirement with the previously approved waivers to lot width and lot area. This parcel is located on the west side of N. Highway US-1, 317 feet north of the subject property.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway US-1, between Camp Road and Broadway Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 72.48% of capacity daily. The development potential from the proposed rezoning increases the percentage of MAV utilization by 0.63%. With the development potential request from the proposed rezoning, the corridor is anticipated to operate at 73.11% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a proposed commercial development.

The parcel is not serviced by Brevard County sewer or the City of Cocoa sewer. The closest available Brevard County sewer line is located approximately 5,967 feet north of the parcel on the east side of Highway US-1.

The parcel is serviced by City of Cocoa water.



## **Environmental Constraints**

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

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

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

### **For Board Consideration**

The Board may wish to consider whether this request for BU-2 is consistent and compatible with the surrounding area and the potential impacts caused by the request.



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item # 20Z00043**

**Applicant:** John Campbell for Bob Brozman

**Zoning Request:** BU-1 to BU-2

**Note:** Applicant needs storage yard.

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID No:** 2317234

- 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:**

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

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

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire subject parcel is mapped with aquifer recharge soils (Paola-Urban land complex) as shown on the USDA Soil Conservation Service Soils Survey map. 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**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may exist on the property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

**Protected Species**

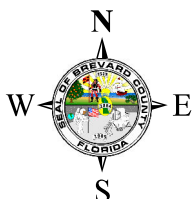
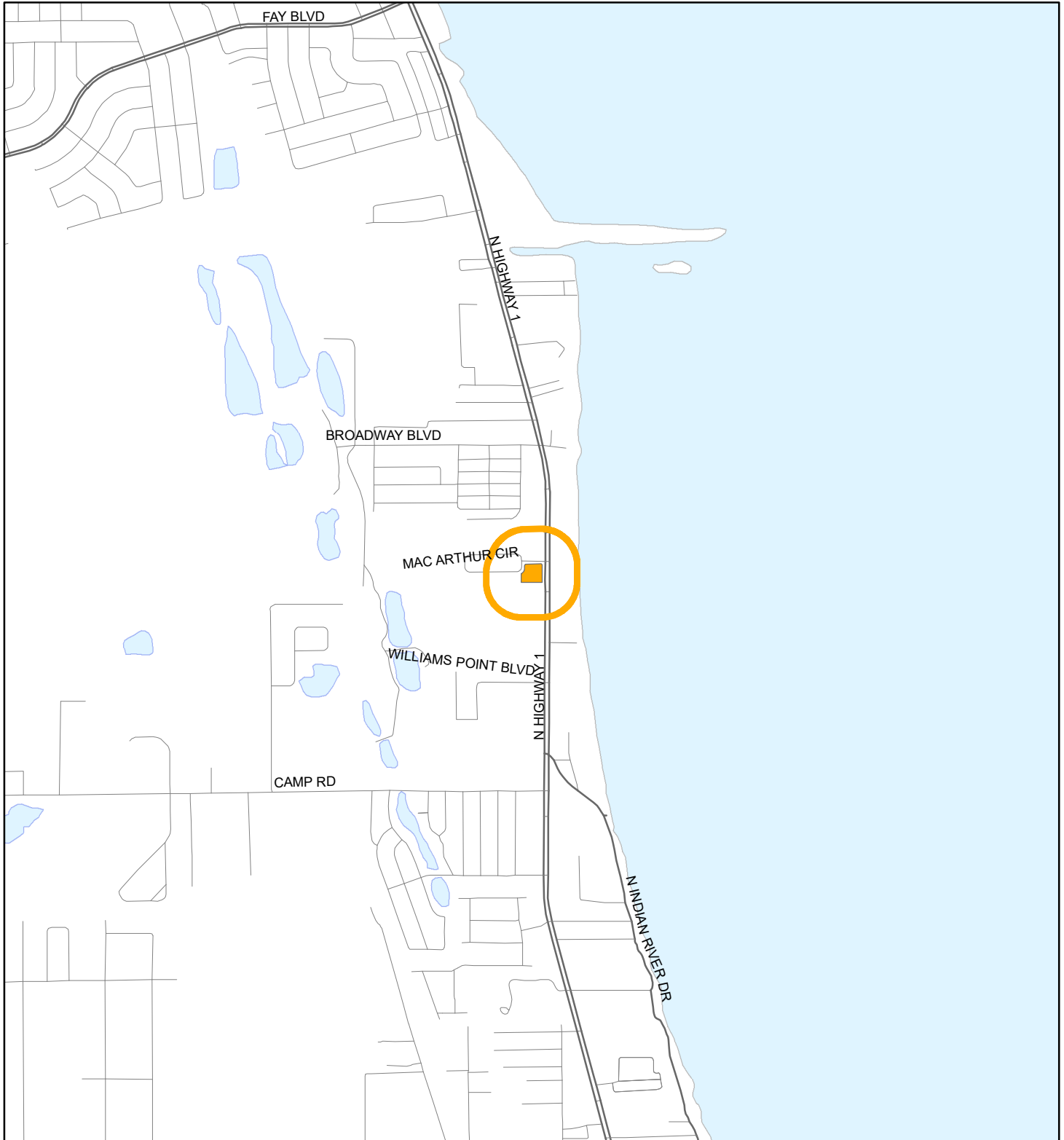
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

ALL SPACE STORAGE, INC.

20Z00043



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: 12/22/2020

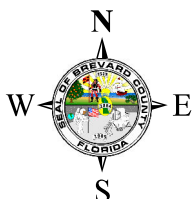
— Buffer  
— Subject Property



# ZONING MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

Subject Property

Parcels

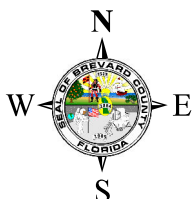
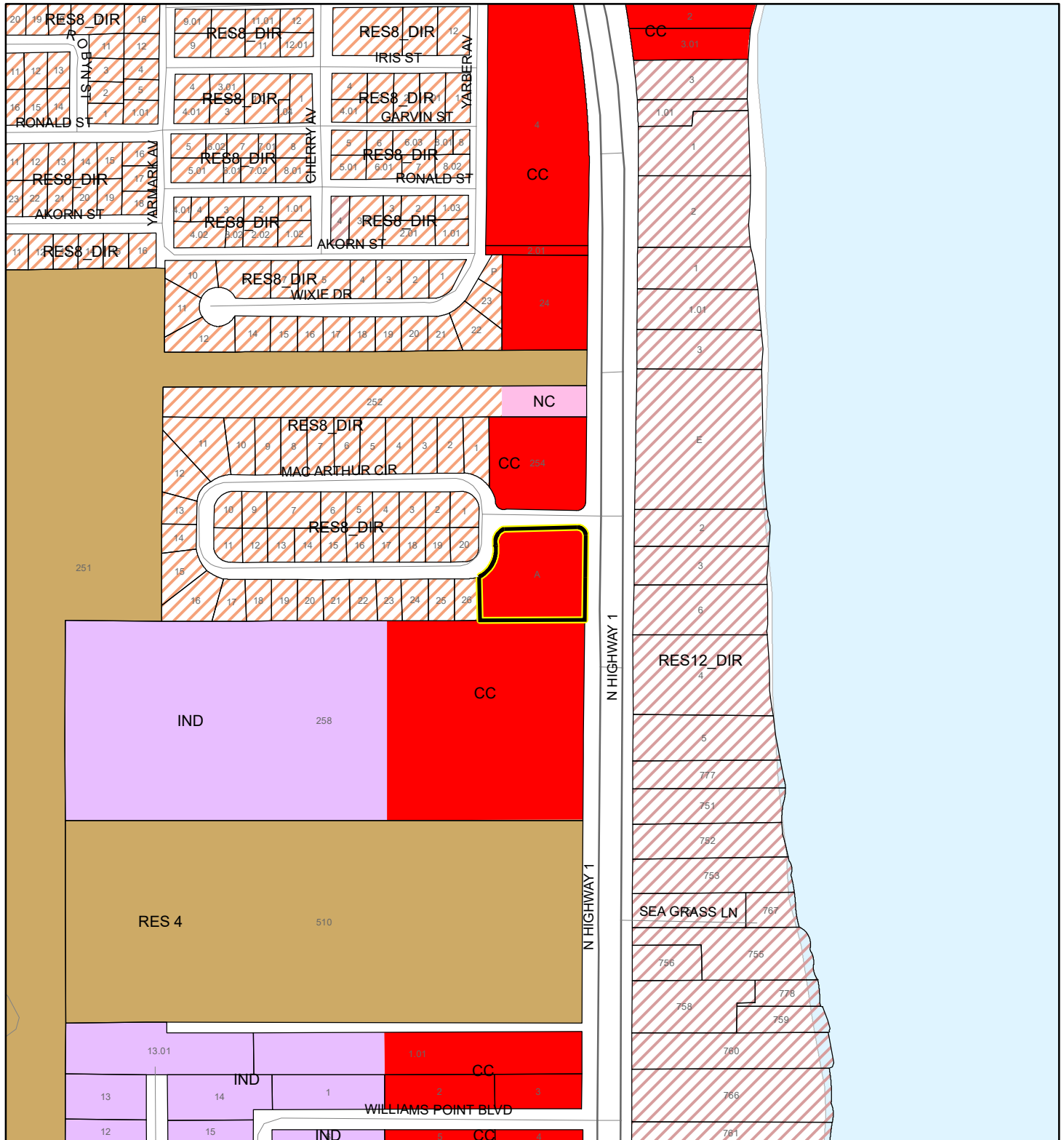
Zoning



# FUTURE LAND USE MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

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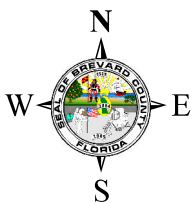
Produced by BoCC - GIS Date: 12/22/2020



# AERIAL MAP

ALL SPACE STORAGE, INC.

20Z00043




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 12/22/2020

 Subject Property

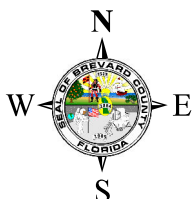
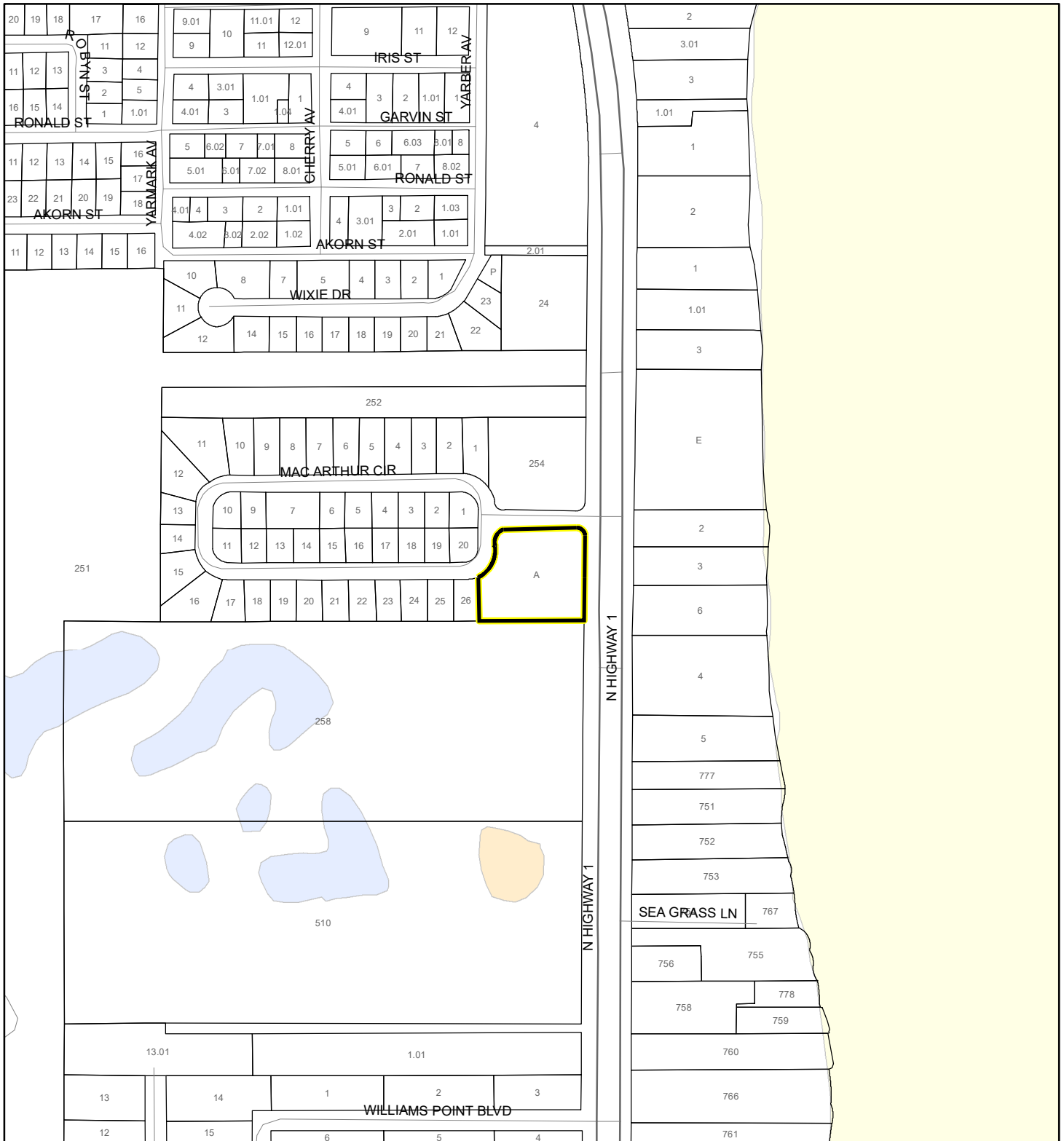
 Parcels



# NWI WETLANDS MAP

ALL SPACE STORAGE, INC.

20Z00043













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

## National Wetlands Inventory (NWI)

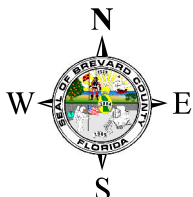
 Estuarine and Marine Deepwater	 Freshwater Pond
 Estuarine and Marine Wetland	 Lake
 Freshwater Emergent Wetland	 Other
 Freshwater Forested/Shrub Wetland	 Riverine
	 Subject Property
	 Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

## 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

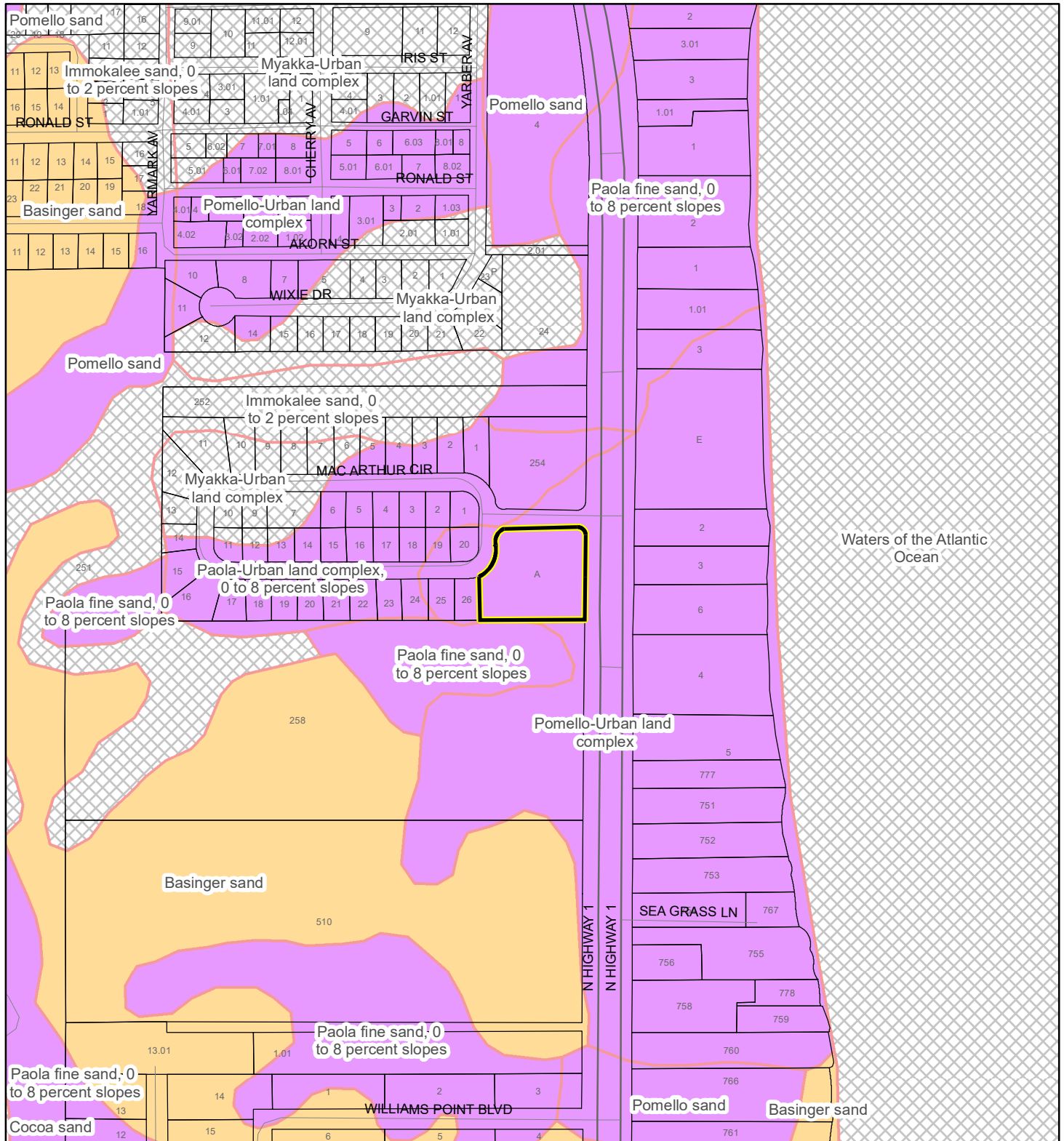
Parcels



# USDA SCSSS SOILS MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

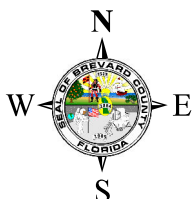
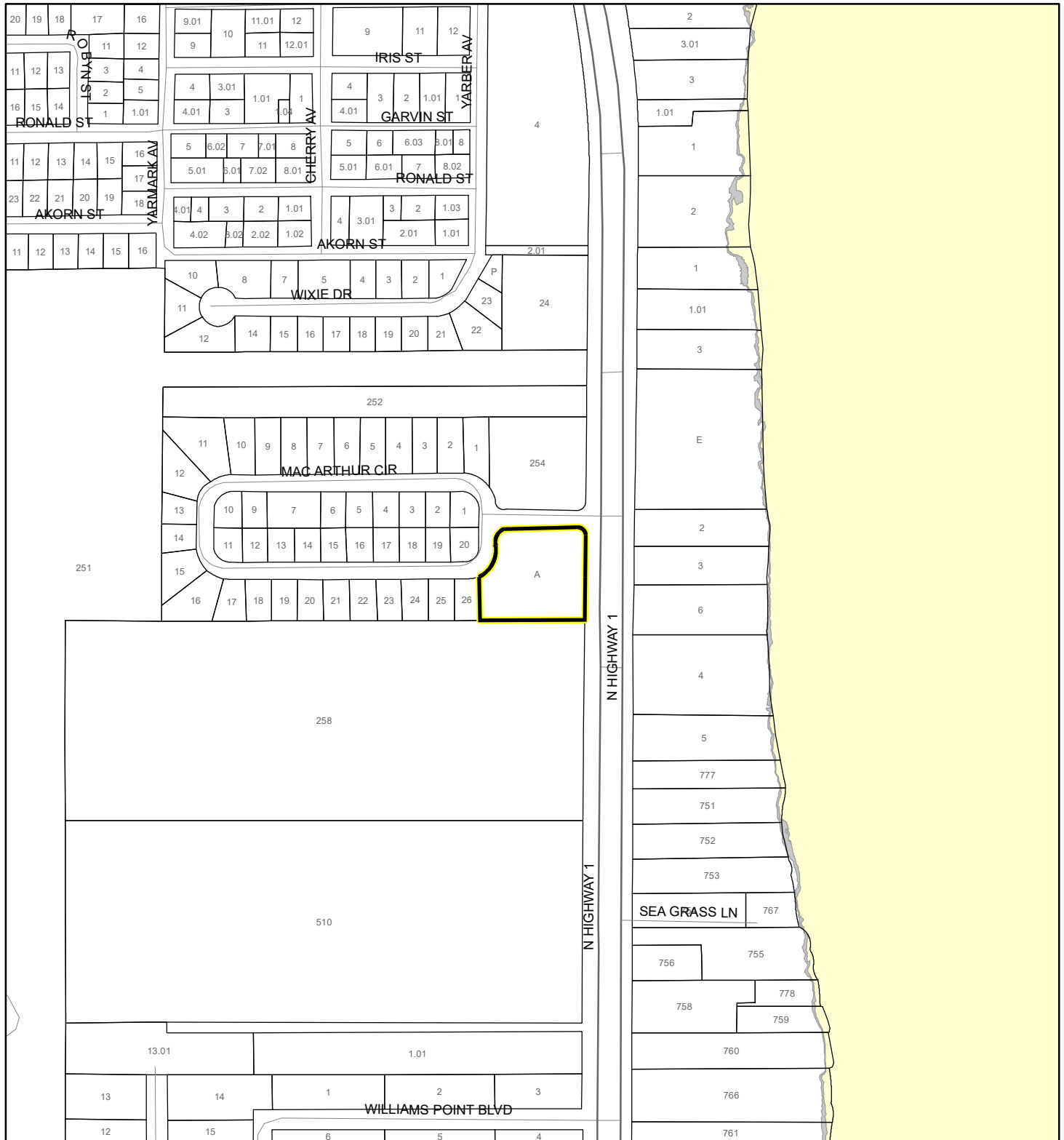
Parcels



# FEMA FLOOD ZONES MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            | Parcels              |



# COASTAL HIGH HAZARD AREA MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

**Coastal High Hazard Area**

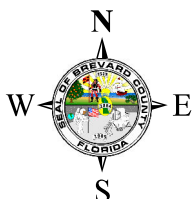
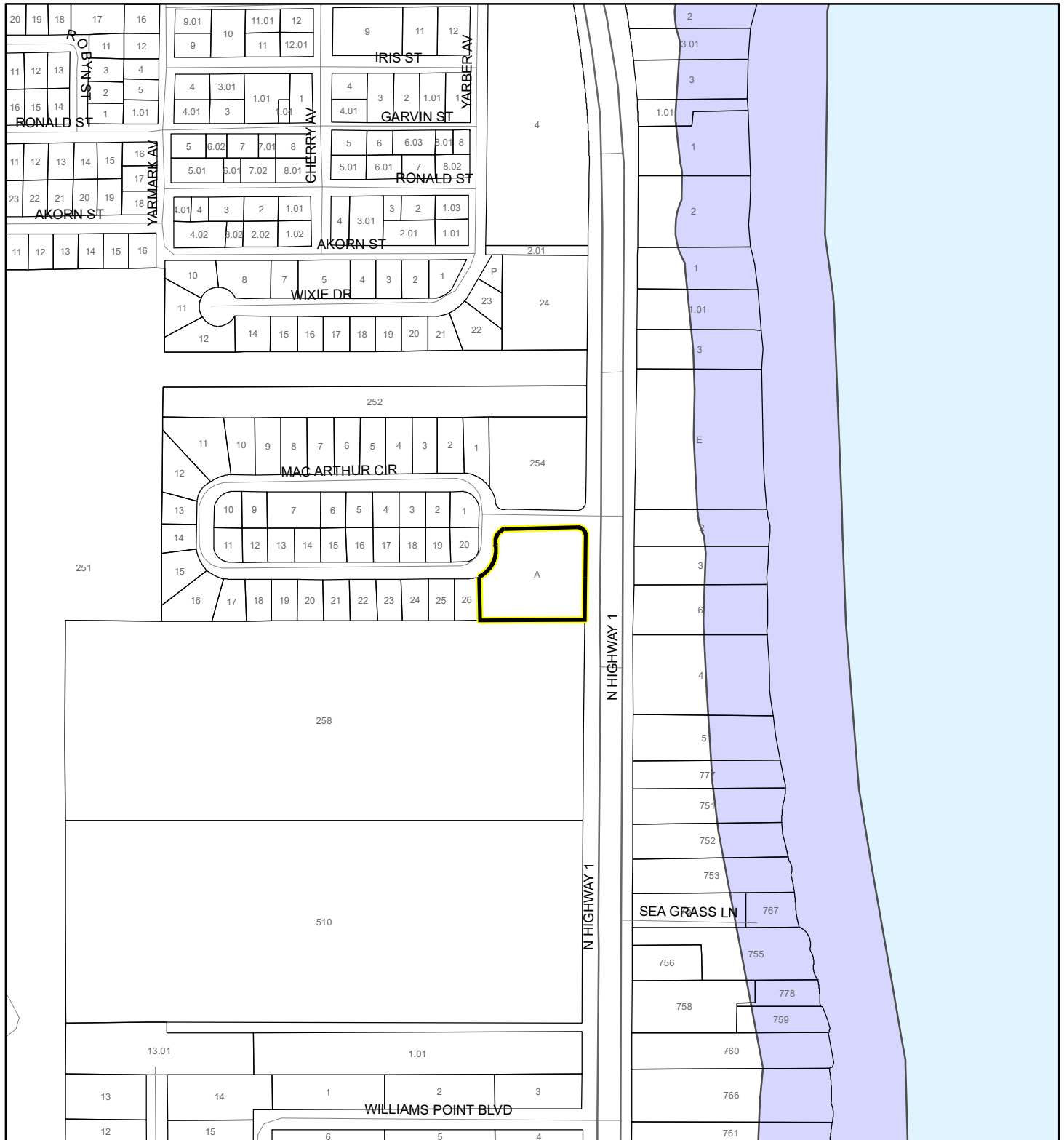
 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

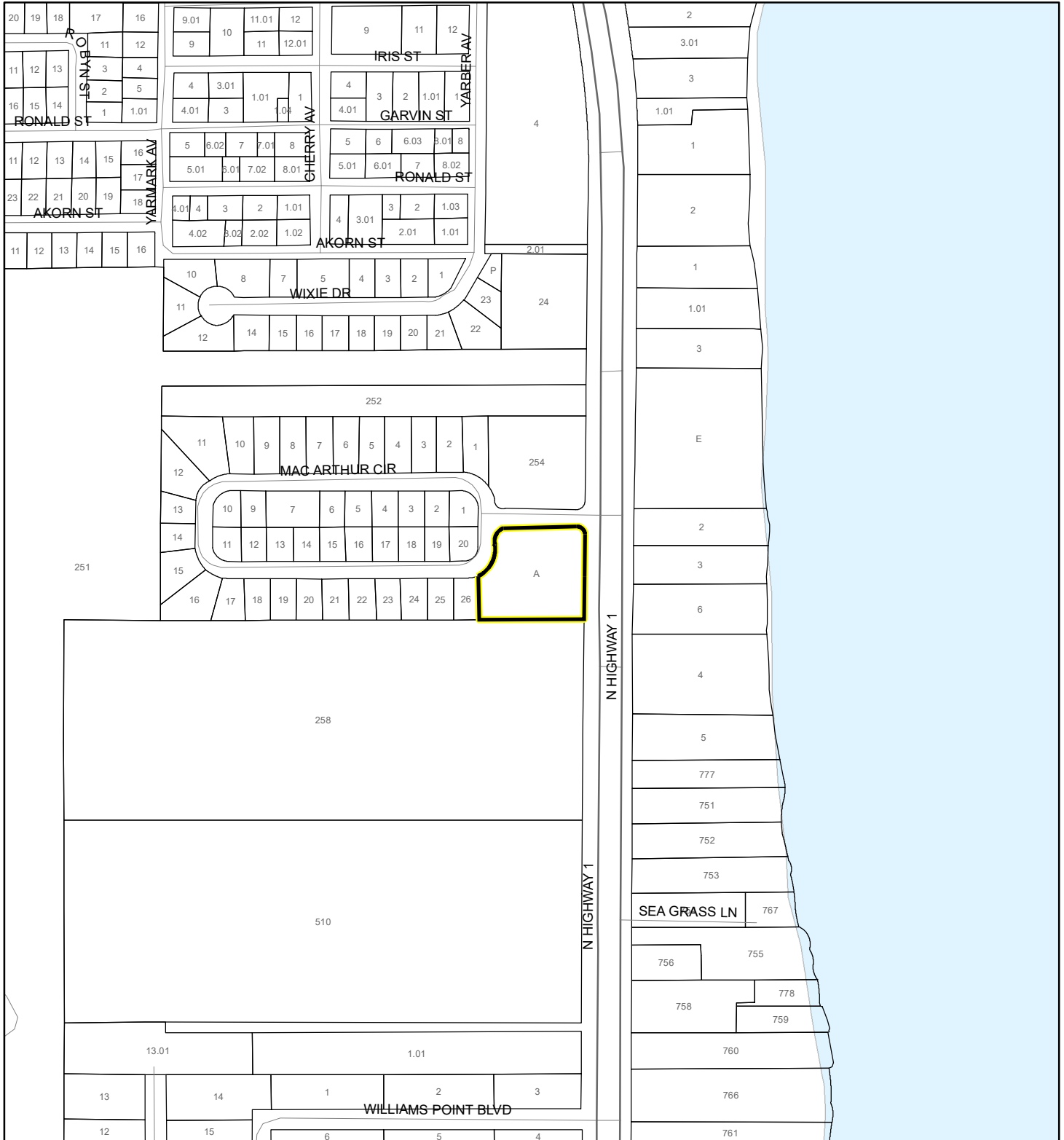
 All Distances



# EAGLE NESTS MAP

ALL SPACE STORAGE, INC.

20Z00043




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

 Subject Property

 Parcels

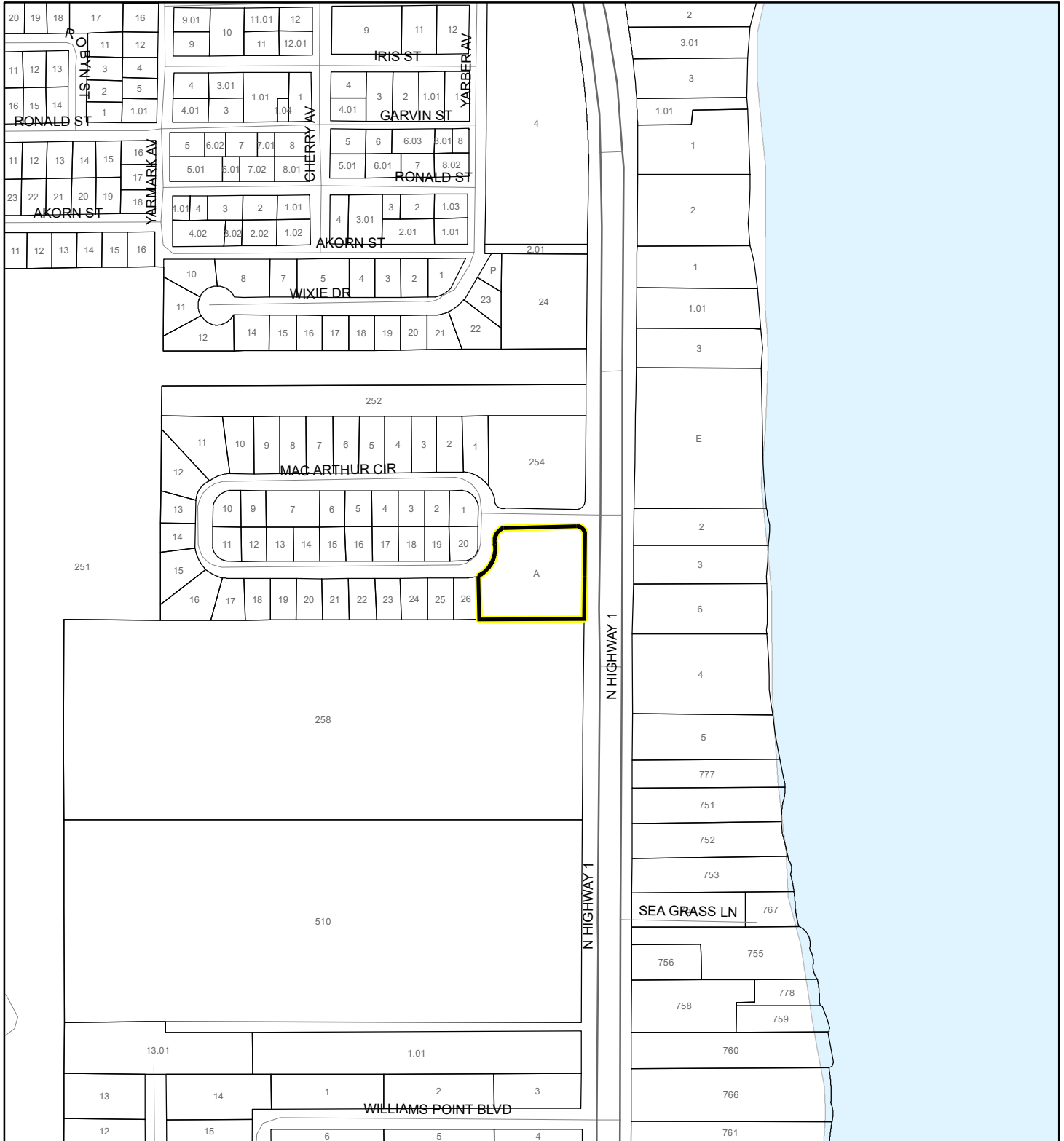
 Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

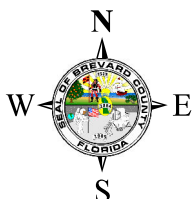
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ALL SPACE STORAGE, INC.

20Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/22/2020

## 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





BOARD OF COUNTY COMMISSIONERS

**Planning and Development**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20Z00043

Existing FLU: CC Existing Zoning: Bu1

Proposed FLU: CC Proposed Zoning: Bu2

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

Bob Brozman All Space Storage Inc  
Name(s) Company

5175 N. Hwy 1 Cocoa FL 32927  
Street City State Zip Code

John C Campbell Surveying.com 321-507-4811 321-514-6920  
Email Phone Cell

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☒ Agent ☐ Contract Purchaser ☐ Other Professional  
Land Surveyor

John R. Campbell J.R. Campbell Surveying LLC  
Name(s) Company

115 Alma Boulevard Merritt Island FL 32953  
Street City State Zip Code

John C Campbell Surveying.com 321-507-4811 321-514-6920  
Email Phone Cell



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 1.7

Reason for Request:

The owner wishes to store storage containers on site for a short time then convert the existing building into a Ice making facility



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☒ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

John R. Campbell  
Signature of Property Owner or  
Authorized Representative

12-22-2020  
Date

*See attached Notarized Authorization  
to act as the Owners Representative*

State of Florida

County of Brevard

Subscribed and sworn before me, by ☒ physical presence or \_\_\_\_\_ online notarization,

this 21<sup>st</sup> day of, December, 20 20, personally appeared

John Campbell, who is personally known to me or produced

FDL as identification, and who did / did not take an oath.

Kristen Champion  
Notary Public Signature

Seal





Office Use Only:

Accela No. 20200043 Fee: \$1,532 Date Filed: 12-21-2020 District No. 1

Tax Account No. (list all that apply) 2317234

Parcel I.D. No.

23 36 36 03 X A  
Twp Rng Sec Sub Block Lot/Parcel

Planner: PB Sign Issued by: \_\_\_\_\_ Notification Radius: 500

MEETINGS

DATE

TIME

<input checked="" type="checkbox"/> P&Z	<u>March 8, 2021</u>	<u>3:00 p.m.</u>
<input type="checkbox"/> PSJ Board	_____	_____
<input type="checkbox"/> NMI Board	_____	_____
<input type="checkbox"/> LPA	_____	_____
<input type="checkbox"/> BOA	_____	_____
<input checked="" type="checkbox"/> BCC	<u>April 15, 2021</u>	<u>5:00 p.m.</u>

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials AM

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes ☒ No If yes, list \_\_\_\_\_

Location of subject property: Southwest corner of Highway 451 and MacArthur Circle.

Description of Request: Rezone from B4-1 to B4-2



## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

John C. Campbell Surveyors, Inc. N/A or U.S. Mail \_\_\_\_\_  
e-mail address fax number

Yes/No

I have received a copy of this notice:

John R. Campbell  
(APPLICANT SIGNATURE)



# MAP OF SURVEY

Survey  
20Z00043  
All Space Storage

**Blevins**  
Land Surveying, Inc.

145 Corrigan Blvd  
Merritt Island, FL 32952  
Office: (321) 452-3339  
Fax: (321) 452-2398  
e-mail: blevinss@blevinssurveying.com

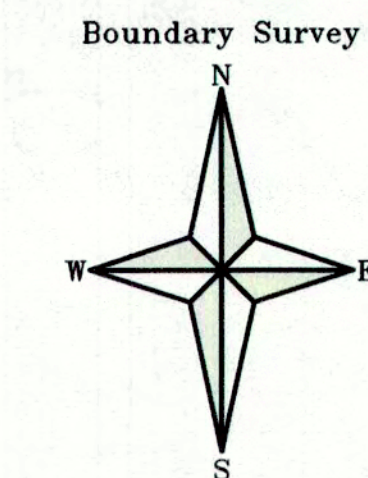
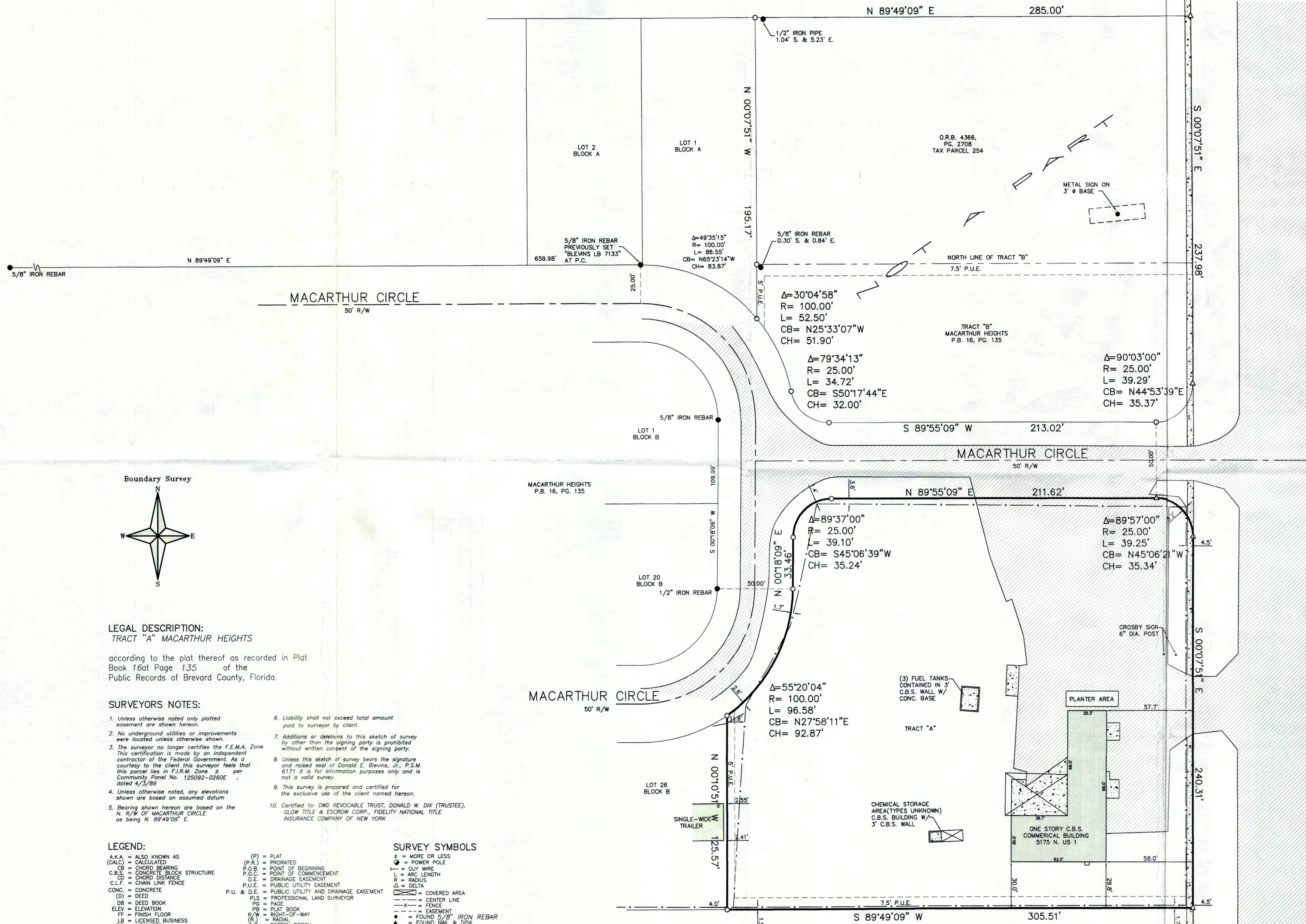
I hereby certify that this survey meets the  
Minimum Technical Standards as set forth by  
the Florida Board of Professional Surveyors  
in Chapter 61G07-6 Florida Administrative Code  
Pursuant to section 472.027, Florida Statutes.

*Donald E. Blevins, Jr.*  
12/16/03  
Donald E. Blevins, Jr.  
P.S.M. 6171  
LB 7133

DWD REVOCABLE TRUST  
DONALD W. DIX

BOUNDARY SURVEY PREPARED FOR:

U.S. HIGHWAY NO. 1



LEGAL DESCRIPTION:  
TRACT "A" MACARTHUR HEIGHTS

according to the plat thereof as recorded in Plat  
Book 16at Page 135 of the  
Public Records of Brevard County, Florida.

## SURVEYORS NOTES:

- Unless otherwise noted only platted easement are shown hereon.
- No underground utilities or improvements were located unless otherwise shown.
- The surveyor no longer certifies the F.E.M.A. Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client this surveyor feels that this parcel lies in F.I.R.M. Zone X per Community Panel No. 125092-0260E dated 4/3/89.
- Unless otherwise noted, any elevations shown are based on assumed datum.
- Bearing shown hereon are based on the N. 7/4° OF MACARTHUR CIRCLE as being N. 89°49'09" E.
- Liability shall not exceed total amount paid to surveyor by client.
- Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.
- Unless this sketch of survey bears the signature and raised seal of Donald E. Blevins, Jr., P.S.M. 6171 it is for information purposes only and is not a valid survey.
- This survey is prepared and certified for the exclusive use of the client named hereon.
- Certified to: DWD REVOCABLE TRUST, DONALD W. DIX (TRUSTEE), GLOW TITLE & ESCROW CORP., FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

## LEGEND:

A.K.A. = ALSO KNOWN AS  
(CALC) = CALCULATED  
CB = CHORD BEARING  
C.B.S. = CONCRETE BLOCK STRUCTURE  
CD = CHORD DISTANCE  
C.L.F. = CHAIN LINK FENCE  
CONC. = CONCRETE  
(D) = DEED  
DB = DEED BOOK  
ELEV = ELEVATION  
FF = FINISH FLOOR  
L.B.S. = LICENSED BUSINESS  
(M) = MEASURED  
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM  
ORB = OFFICIAL RECORDS BOOK  
OHV = OVERHEAD WIRE  
(P) = PLAT  
(P.R.) = PRORATED  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
D.E. = DRAINAGE EASEMENT  
P.U.E. = PUBLIC UTILITY EASEMENT  
P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT  
P.L.S. = PROFESSIONAL LAND SURVEYOR  
PB = PLAT BOOK  
R/W = RIGHT-OF-WAY  
(R) = RADIAL  
S.P. = SCREEN PORCH  
W.F. = WOOD FENCE  
WM = WATER METER  
WV = WATER VALVE

## SURVEY SYMBOLS

± = MORE OR LESS  
● = POWER POLE  
— = GUY WIRE  
L = ARC LENGTH  
R = RADIUS  
Δ = DELTA  
— = COVERED AREA  
— = CENTER LINE  
— = FENCE  
— = EASEMENT  
● = FOUND 5/8" IRON REBAR  
● = FOUND NAIL & DISK  
● = FOUND CONCRETE MONUMENT  
○ = SET 5/8" IRON ROD "BLEVINS LS 6171"  
Δ = SET NAIL & DISK "BLEVINS LS 6171"



Owner's Name: ALL Space Storage Inc.  
Hearing Date: March 08, 2021

20200043

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

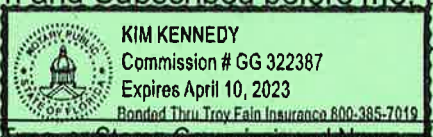
STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, MARC SMITH,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Marc Smith  
Signature

Sworn and Subscribed before me, this 22nd day of Feb.



(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: \_\_\_\_\_

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **All Space Storage (John Campbell)**

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.70 acres, located on the southwest corner of U.S. Highway 1 and MacArthur Circle. (5175 N. U.S. Highway 1, Cocoa.) (20Z00043) (Tax Account 2317234) (District 1)

John Campbell, 115 Alma Boulevard, Merritt Island, stated he is representing Mr. Bob Brozman of All Space Storage. [Mr. Campbell distributed a handout to the board. The handout can be found in file 20Z00043, located in the Planning and Development Department] He stated the first page of the handout is an aerial photo of the subject property and surrounding area, which is a business corridor along U.S. Highway 1. The second page of the handout shows the surrounding zoning, which is mostly business use, with BU-2 to the north and BU-1 to the south. He said U.S. Highway 1 has the capacity to handle traffic, and water will be provided by the City of Cocoa. The survey shows the location of the existing building, along with what his client plans to bring forth. The existing site has been used for commercial purposes since 2002 with BU-1 zoning, and the reason for requesting BU-2 is for the wholesale sale of ice.

Bob Brozman stated he also does storage, but has an ice company that manufactures ice for over thirty stores; he is running out of room at the current location and would like to move to the building on the subject property since he already owns it.

Ron Bartcher asked if he makes ice in the existing facility or if he makes it someplace else. Mr. Brozman replied it is made someplace else. Mr. Campbell stated ice is presently being made at Mr. Brozman's facility, All Space Storage, about three-quarters of a mile south of the subject property, but it has outgrown its capacity and needs more room.

Peter Filiberto asked for clarification that he is going to continue to make ice at the current facility and then transport it to the new facility. Mr. Brozman replied no, the building on the subject property is not currently being used for making ice. Mr. Filiberto asked if he would store ice there after making it at the current location. Mr. Brozman replied the ice will be made at the subject property, and will no longer be made at the storage facility.

Mr. Bartcher stated the only ice making process he is familiar with uses ammonia, and asked if Mr. Brozman uses the same kind of process. Mr. Brozman replied he is not using ammonia at this time. There are two different methods and one is ammonia, but there is another method as well when manufacturing large quantities of ice. Right now, he has five ice machines and will probably add



another four to five machines. He said he would like automate the ice making, but at this time it's manual.

Mr. Bartcher asked if he is using a new technology and if he uses carbon dioxide. Mr. Brozman replied he has ice makers that dump ice into a bin and are manually bagged, so it's just a water process right now. Mr. Bartcher asked if he will be using the existing buildings, or constructing new buildings. Mr. Brozman replied he will be using the existing 3,500 square-foot building, so right now it would be adequate, but it is possible he would need to add another building in the future.

No public comment.

Motion by Ron Bartcher, seconded by Joe Buchanan, to approve the requested change of zoning classification from BU-1 to BU-2. The motion passed unanimously.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

4/15/2021

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### **Subject:**

Kaydenlew, LLC (David Menzel) requests a change of zoning classification from BU-1 to BU-2. (21Z00003) (Tax Account 2605988) (District 4)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

### **Summary Explanation and Background:**

The applicant is requesting a change of zoning classification from BU-1 to BU-2 zoning for the purpose of developing a warehouse and mini-warehouse use upon the western portion of the overall lot. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. The property is located on the west side of U.S. Highway 1, approximately 280 feet south of Andersen Way.

The developed character of the surrounding area is a mixture of BU-1, BU-2, and Industrial zoned land together with remnant single-family detached dwellings located in the GU (General Use) zoning classification lying to the north and south of this parcel. There is also a large mobile home and RV community located 550 feet to the north of this site. The proposed warehouse use appears to be consistent with the commercial/industrial character of the area.

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that BU-2 abuts the north and south portions of this lot.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Once resolution is received, please execute and return to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **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

21Z00003

Kaydenlew, LLC

#### BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial)

Tax Account Number: 2605988  
Parcel I.D.: 26-37-18-00-511 (western portion)  
Location: 280 feet south of Anderson Way on west side of U.S. Highway 1  
(District 4)  
Acreage: 1.34 acres

Planning and Zoning Board: 3/08/2021  
Board of County Commissioners: 4/15/2021

#### 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 not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)\*\*

	CURRENT	PROPOSED
<b>Zoning</b>	BU-1	BU-2
<b>Potential*</b>	58,370.4 square feet of commercial use	58,370.4 square feet of commercial use**
<b>Can be Considered under the Future Land Use Map</b>	YES CC	YES CC

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*A Binding Development Plan would be needed to limit the scope of uses and square footage of the commercial development.

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial) zoning for the purpose of developing a warehouse and mini-warehouse use upon the western portion of the overall lot.

The current BU-1 zoning was adopted on August 18, 1986 under zoning action **Z-7533**. This zoning request changed the original zoning from GU (General Use) to BU-1 zoning. There was also a stipulation within that resolution requiring the applicant to construct a wall abutting the residential property. This condition is a current requirement identified in the site plan development code where commercial use abut residential sites.



Future Land Use Policy 2.14 A, states that non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristic are established or planned so as to protect residential areas from their influence. Additionally, under the roadway access requirements subsection, the policy states: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors. The applicant proposes to limit the zoning request to the western portion of the overall lot as a way to satisfy the required visual buffer. The applicant/owner may also propose future BU-1 commercial improvements onto the retained BU-1 frontage which would further assist in buffering the storage uses allowed within the BU-2 zoning request. The retained BU-1 area meets the code requirements for minimum lot width, depth and minimum lot area.

## **Land Use**

The subject property is currently designated as Community Commercial (CC). Both BU-1 and the proposed BU-2 zoning classifications are consistent with the CC FLU designation.

## **Applicable Land Use Policies**

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

This parcel is located with frontage along the west side of U.S. Highway 1, a distance of 280 feet south of Anderson Way. The vicinity contains multiple land use designations. To the north are the Community Commercial (CC) and Neighborhood Commercial (NC) designations. To the south are the CC and Heavy/Light Industrial designations (IND). To the west is the Planned Industrial designation (PI). This mixture of FLU designations seems to be consistent with the administrative criterion (C) of Policy #3 as no re-zonings or FLU amendments have been processed in this immediate area over the last three years. The proposed warehouse use is an activity which would be permitted within the CC, PI and IND FLU designations.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area is a mixture of BU-1, BU-2, Industrial (IU) zoned land together with remnant single-family detached dwellings located in the General Use (GU) zoning classification lying to the north and south of this parcel. There is also a large mobile home and RV community located 550 feet to the north of this site. The proposed warehouse use appears to be consistent with the commercial/industrial character of the area. The proposed activity will be operated from the proposed BU-2 portion, which if approved, creates a limited buffer between the adjacent residence located along the northeastern property boundary. Review of Policy #4 B. 3. may justify that the area may be presumed to be a transitional area due to multiple commercial , industrial or other non-residential uses existing in the immediate area.

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



## Surrounding Area

The abutting parcels to the north and east are mostly developed residential lots. The two properties to the south are developed with a warehouse use and office flex space. The southeastern lot similarly has split zoning of BU-1 along the roadway with BU-2 zoning to the west, which this owner wishes to emulate. Lying to the west of this site, abutting Andersen Way, is a retention pond.

The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots.

The IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

There has been six zoning actions within a half-mile radius of the subject property within the last three years. The most recent action, **20Z00014**, was for a change of zoning from PUD and PIP to all PUD with retention of a CUP for alcoholic beverages at an Assisted Living Facility adopted on September 30, 2020. This location lies 1,720 feet in a northwesterly direction of the proposed commercial site. The second action, **20Z00007**, was for a CUP for alcoholic beverages accessory to an indoor family entertainment center adopted on August 06, 2020. This location lies 2,550 feet in a northerly direction of the proposed commercial site lying upon the western U.S. Highway 1 right-of-way. The third action, **19PZ00064**, was for a conditional use permit for mitigating a nonconforming mobile home park adopted on July 31, 2019. This location lies less than 100 feet in a northwesterly direction. The fourth action, **19P00004**, was for a CUP for on-premise alcoholic beverage consumption in conjunction with an Assisted Living Facility. This action was the precursor to **20Z00014**. **19PZ00004** was adopted on April 4, 2019. This location lies 1,720 feet in a northwesterly direction of the proposed commercial site. The fifth action, **18PZ00059**, was for a change of zoning from RU-2-15 to BU-1 with Binding Development Plan adopted on January 9, 2019 and recorded in ORB 8345, Pages 662 - 666. It is located 1,050 feet in a southwesterly direction from this property located on the east side of Wickham Road. The sixth action, **17PZ00109**, was for a change of zoning from PIP to RU-2-15 with Binding Development Plan adopted on April 25, 2019 and recorded in ORB 8148, Pages 974 – 982. This action was the precursor to **18PZ00059** adopted on January 9, 2019. It is located 770 feet in a southwesterly direction from this property located on the east side of Wickham Road.

## Environmental Constraints

Aerials indicate the subject parcel may contain wetlands. Section 6210--3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. A wetland determination may be required. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.



## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is U.S. Highway 1, between Pineda Causeway and Suntree Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 89.83% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 69.29%. The corridor is anticipated to operate at 159.12% of capacity daily. The proposal is anticipated to create a deficiency in LOS. If limited by Binding Development Plan (BDP) to warehouse use, the trip generation is reduced from 41,790 to 208 daily trips which potentially increases MAV utilization 0.5% which would allow the corridor to continue to operate at 90.33% of capacity daily. Under the BDP for warehouse use, the proposal is anticipated to not create a deficiency in LOS. Concurrency will be addressed at the site plan review.

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 parcel is could be provided public water by Cocoa Utilities. The potential sewer connection is on the east side of the U.S. Highway 1 right-of-way.

## **For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that BU-2 abuts the north and south portions of this lot.



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

**Item # 21Z00003**

**Applicant:** Menzel for Lew

**Zoning Request:** BU-1 to BU-2

**Note:** Applicant wants warehouse use.

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID No:** 2605988

- 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

Aerials indicate the subject parcel may contain wetlands. Section 6210--3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. A wetland determination may be required. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

**Land Use Comments:**

**Wetlands**

Aerials indicate the subject parcel may contain wetlands on the west side of the parcel. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along MQRs. U.S. Highway 1 is



an MQR at this location. If wetlands exist, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any wetland impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

### **Aquifer Recharge Soils**

The entire parcel contains mapped aquifer recharge soils (Candler fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. 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**

The entire parcel is overlaid within a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Native trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code 4340 and are likely found on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM.

### **Protected Species**

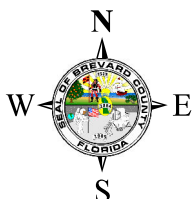
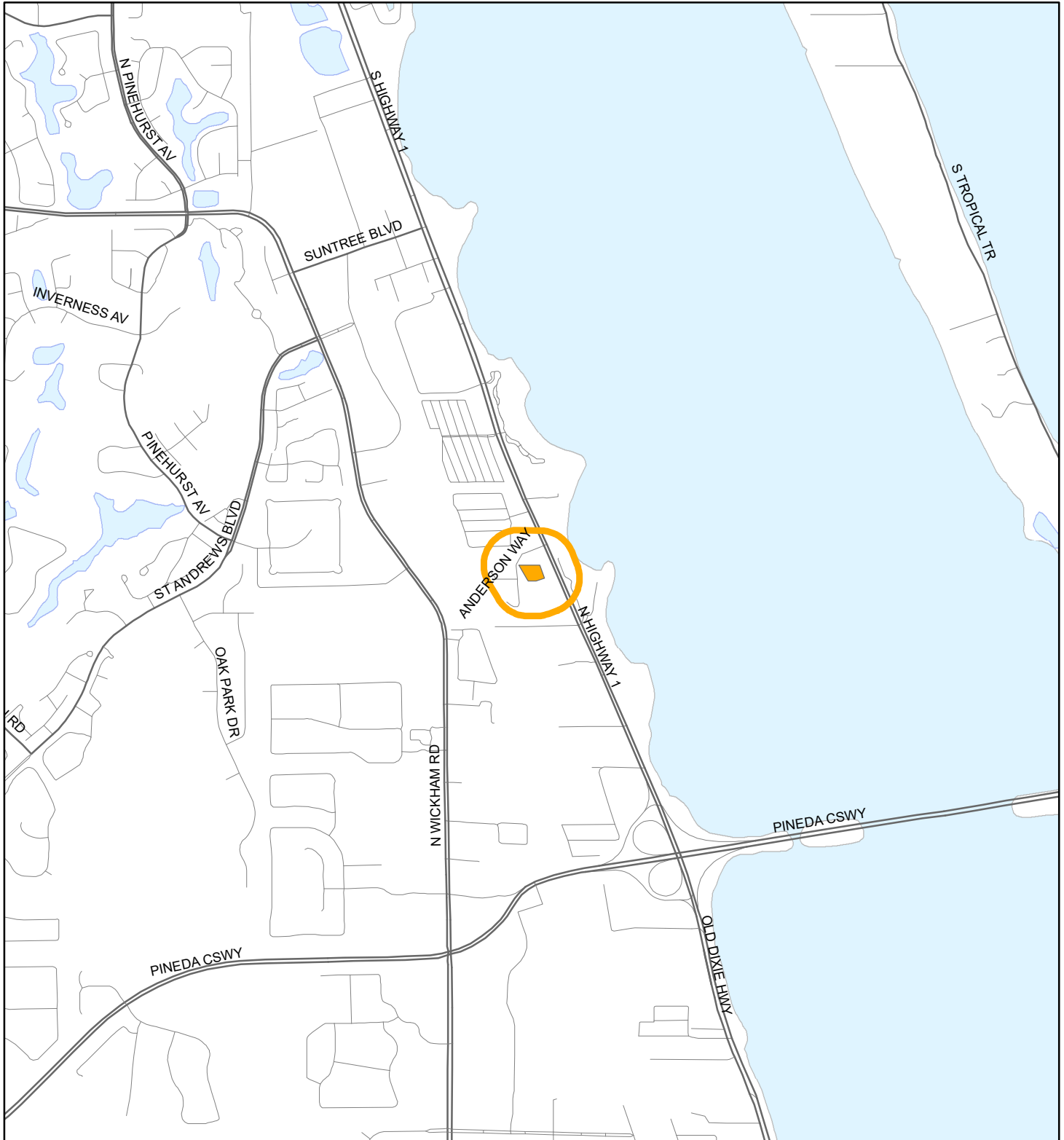
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

KAYDENLEW, LLC

21Z00003



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: 1/11/2021

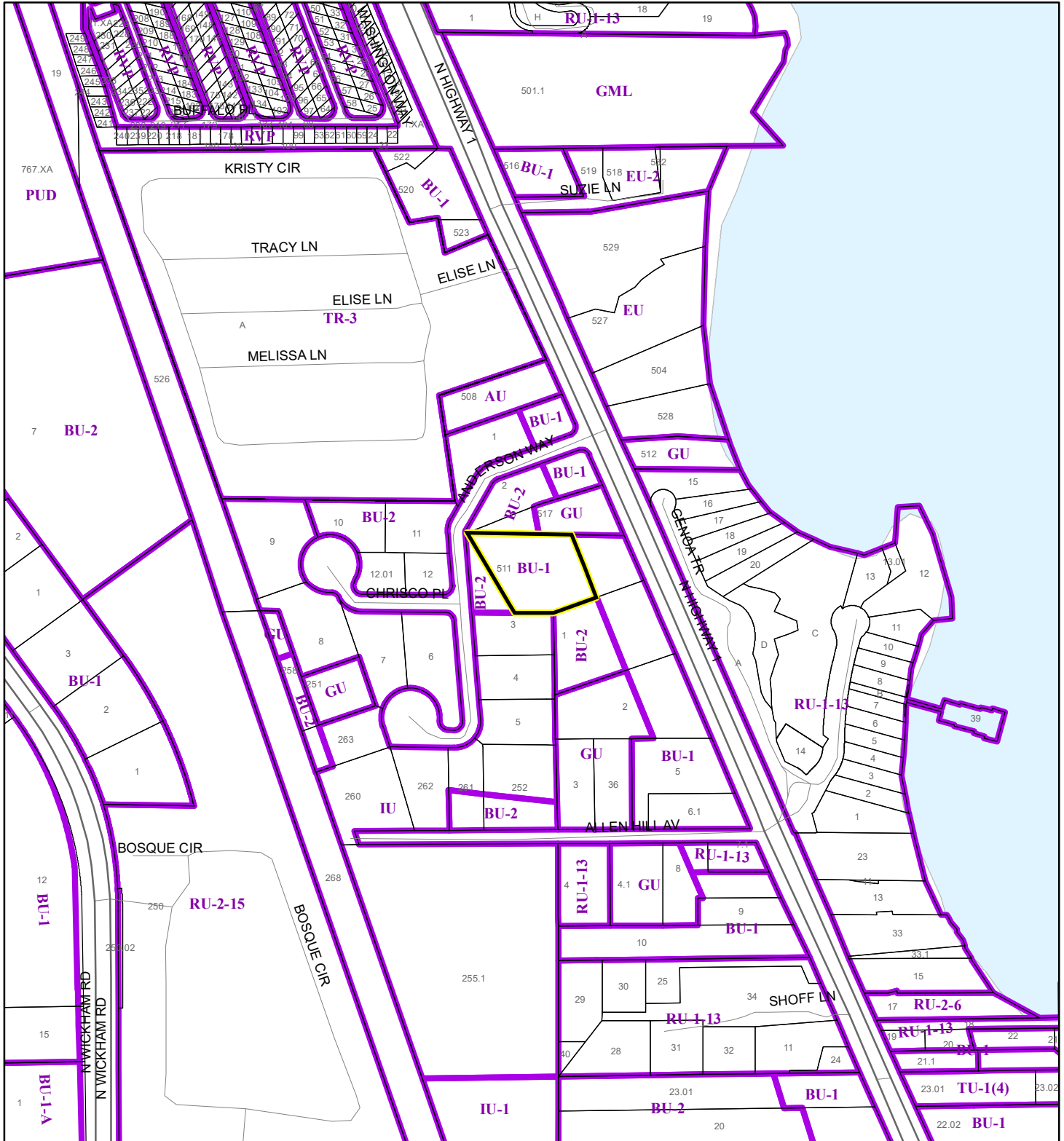
Buffer  
Subject Property



# ZONING MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Subject Property

Parcels

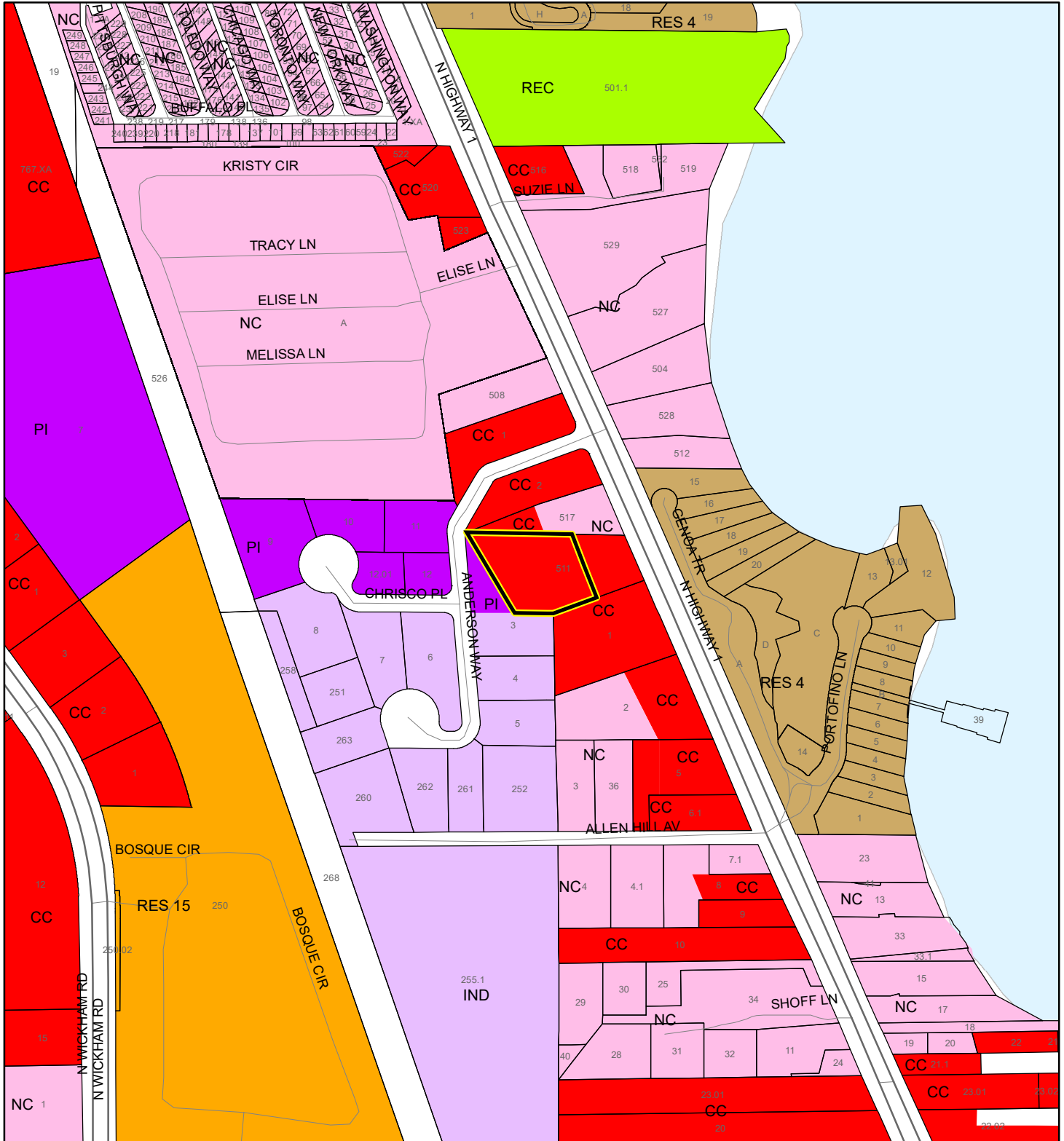
Zoning



# FUTURE LAND USE MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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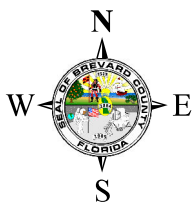
Produced by BoCC - GIS Date: 1/11/2021



# AERIAL MAP

KAYDENLEW, LLC

21Z00003




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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 Subject Property

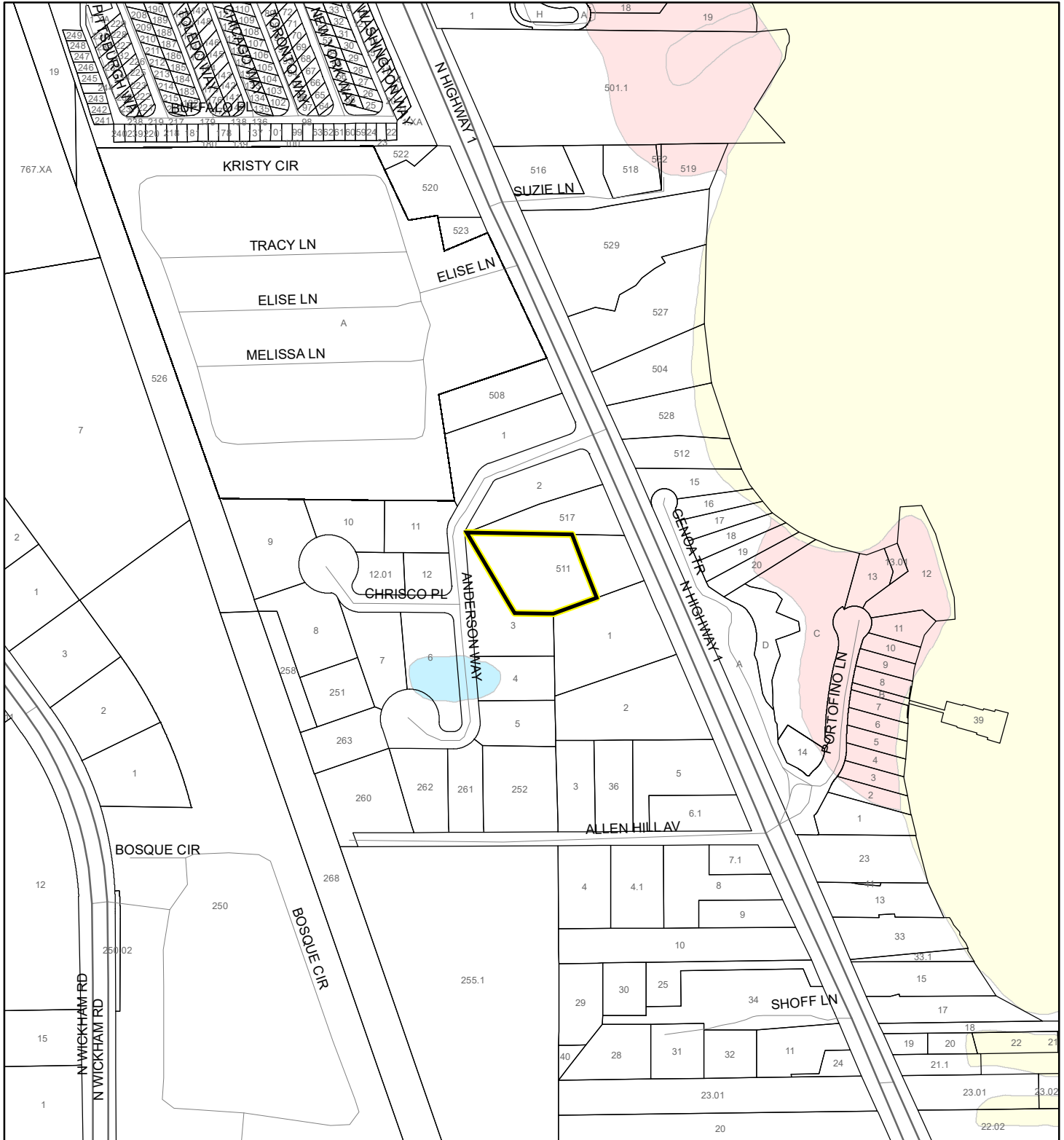
 Parcels



# NWI WETLANDS MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

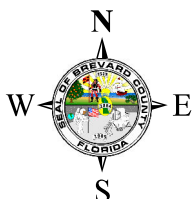
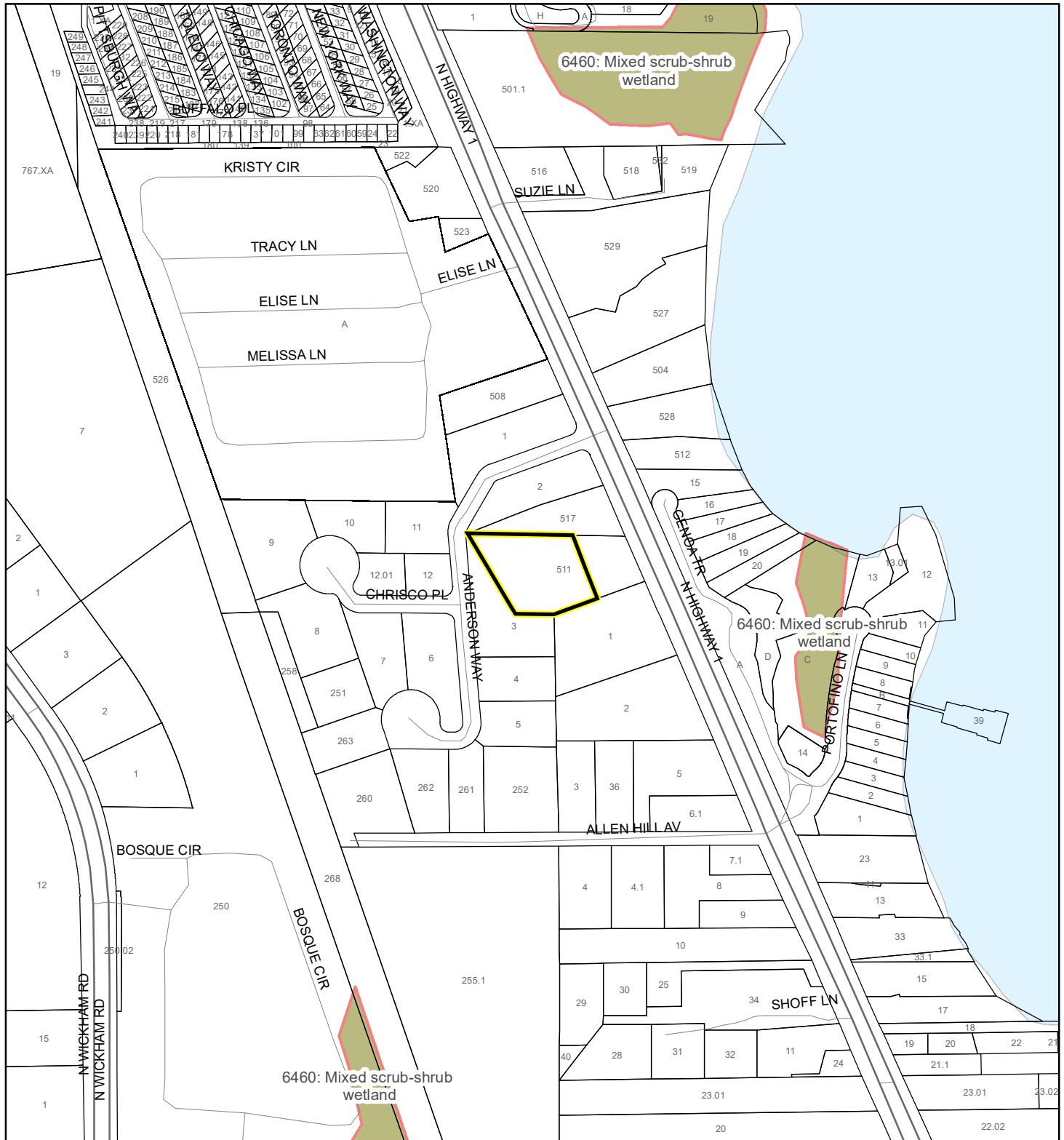
- |                                   |                  |
|-----------------------------------|------------------|
| Estuarine and Marine Deepwater    | Freshwater Pond  |
| Estuarine and Marine Wetland      | Lake             |
| Freshwater Emergent Wetland       | Other            |
| Freshwater Forested/Shrub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



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

KAYDENLEW, LLC

21Z00003



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

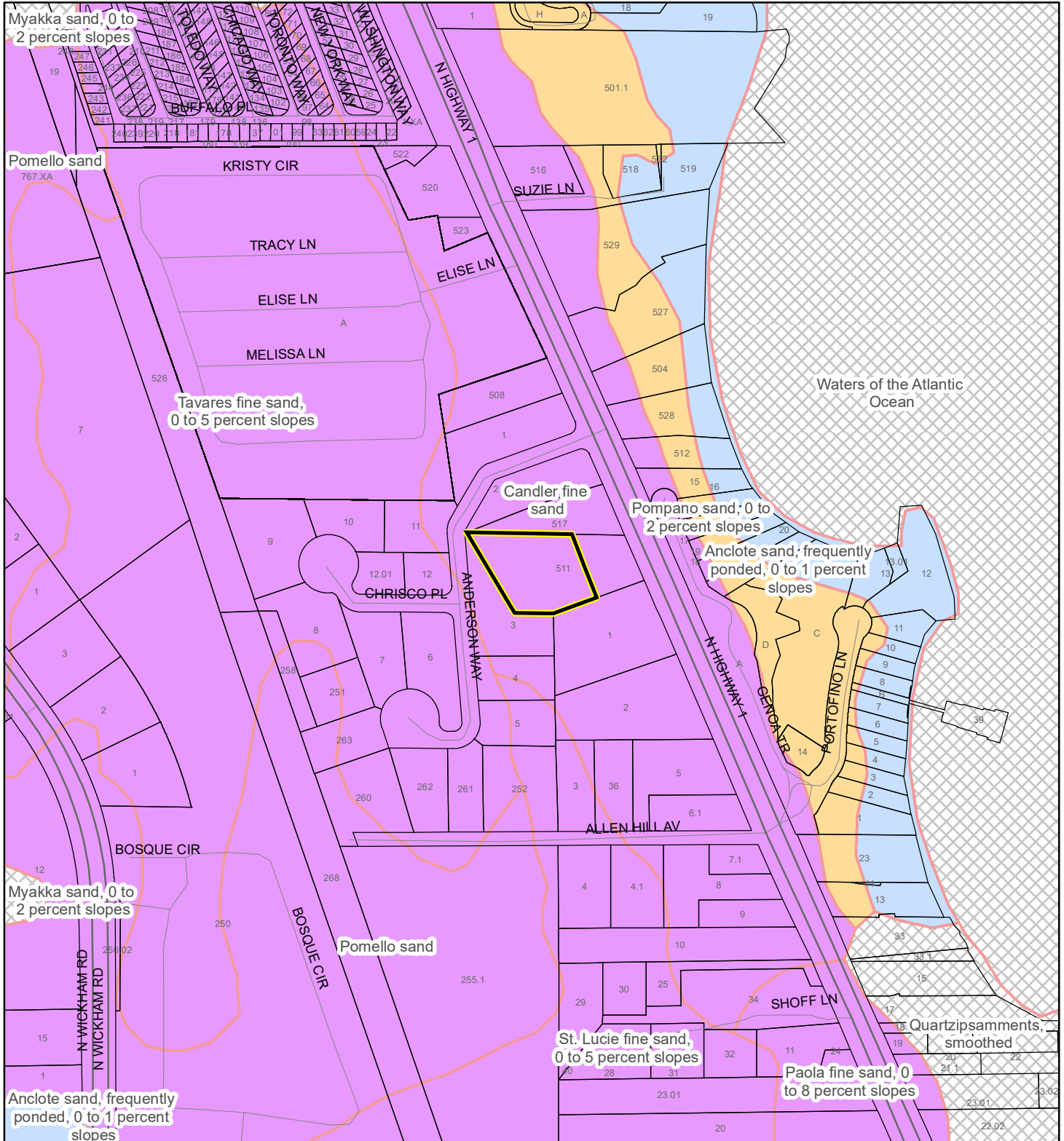
Parcels



# USDA SCSSS SOILS MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

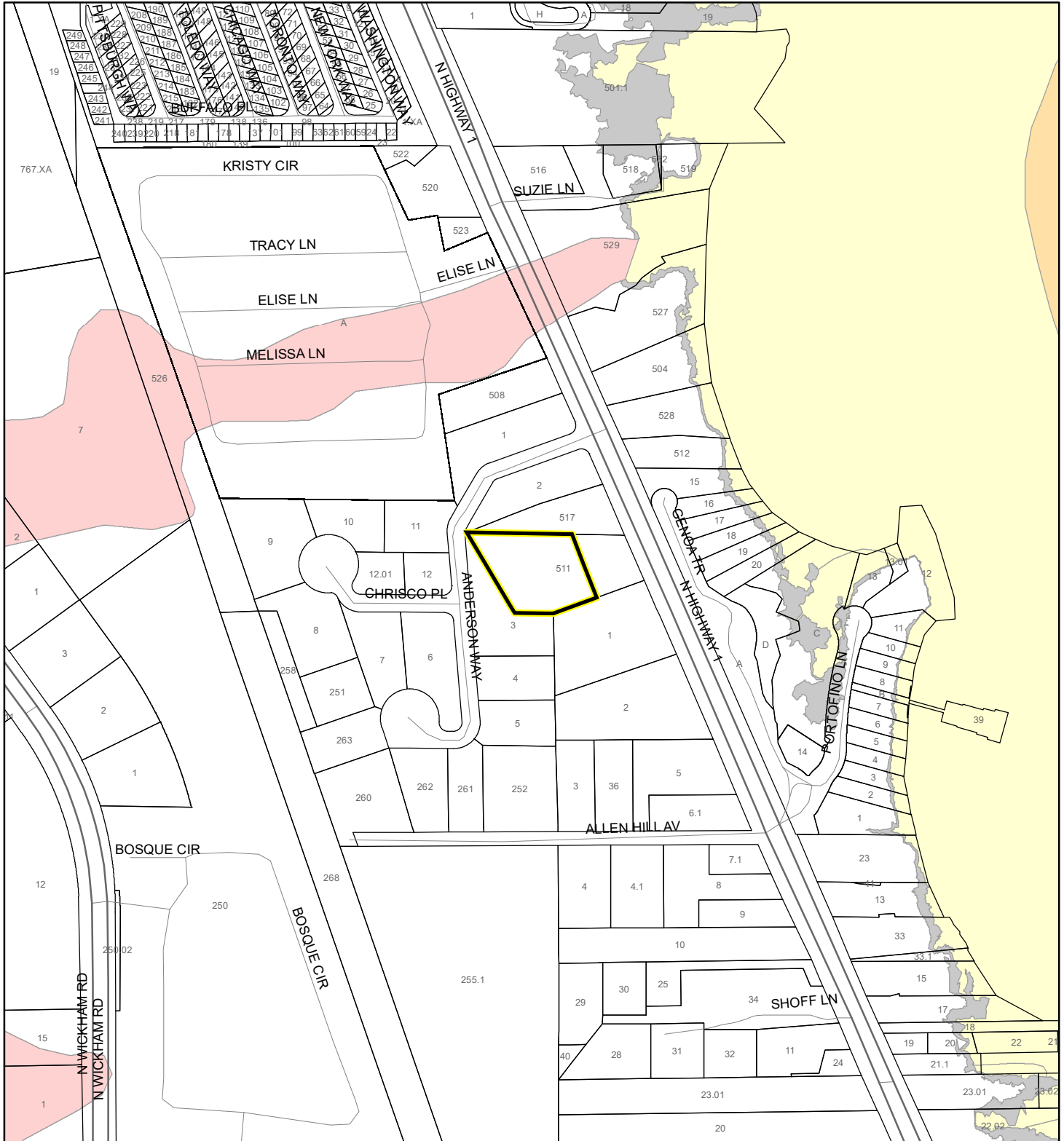
Parcels



# FEMA FLOOD ZONES MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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## FEMA Flood Zones

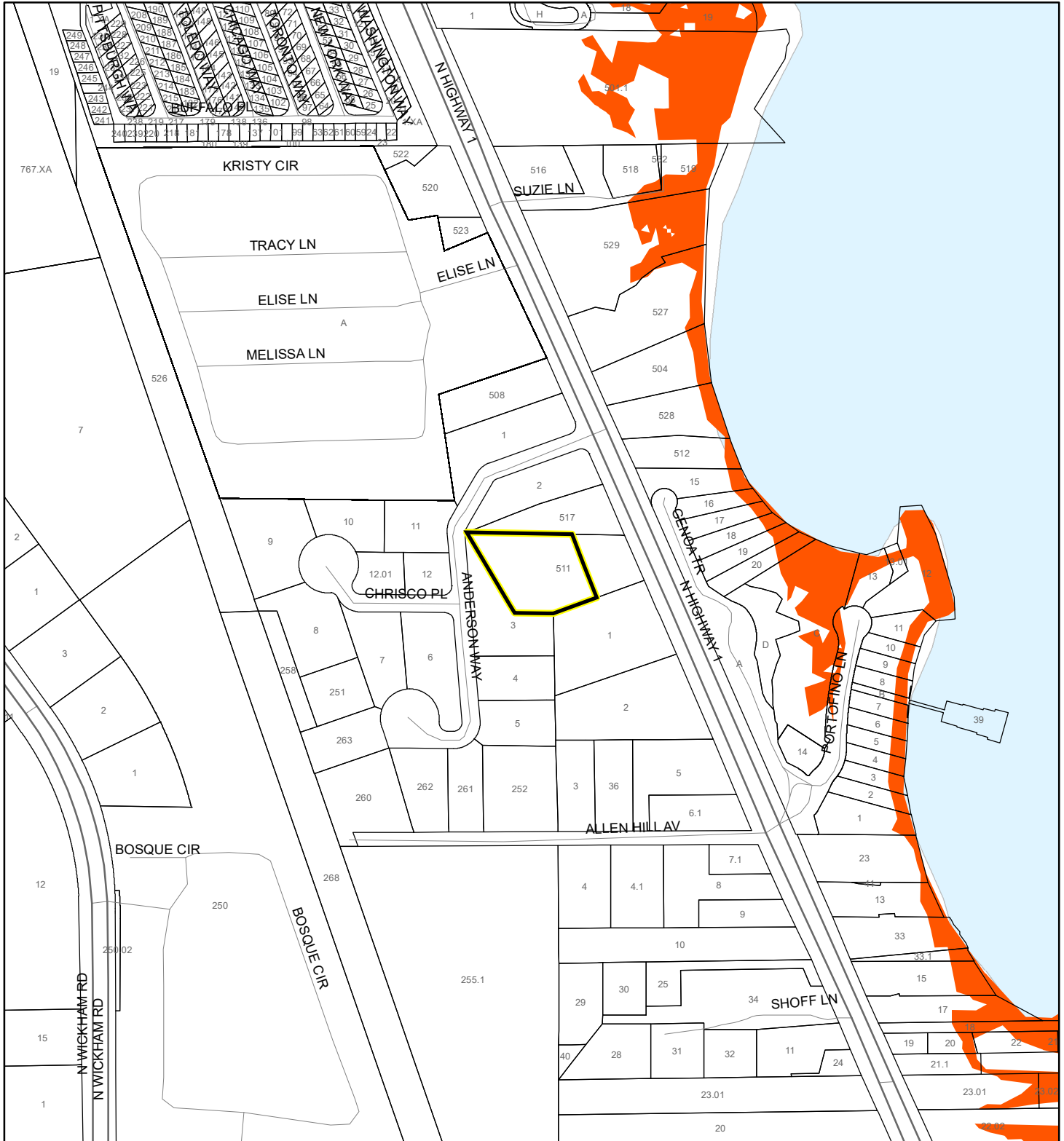
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|--|--|--|
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| <span style="display:inline-block; width:15px; height:15px; background-color:lightyellow; border:1px solid black;"></span> AE  | <span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> Open Water | <span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> X Protected By Levee |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> AH  | <span style="display:inline-block; width:15px; height:15px; background-color:lightorange; border:1px solid black;"></span> VE    |  |
| <span style="display:inline-block; width:15px; height:15px; background-color:gray; border:1px solid black;"></span> 0.2 Percent Annual Chance Flood Hazard                           |  |  |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgray; border:1px solid black;"></span> 0.2 Percent Annual Chance Flood Hazard Contained in Channel |  |  |
| <span style="display:inline-block; width:15px; height:15px; border-bottom:2px solid yellow;"></span> Subject Property  |  |  |
| <span style="display:inline-block; width:15px; height:15px; border:1px solid black;"></span> Parcels   |  |  |



# COASTAL HIGH HAZARD AREA MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/11/2021

 Subject Property

 Parcels

**Coastal High Hazard Area**

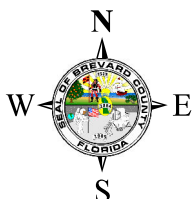
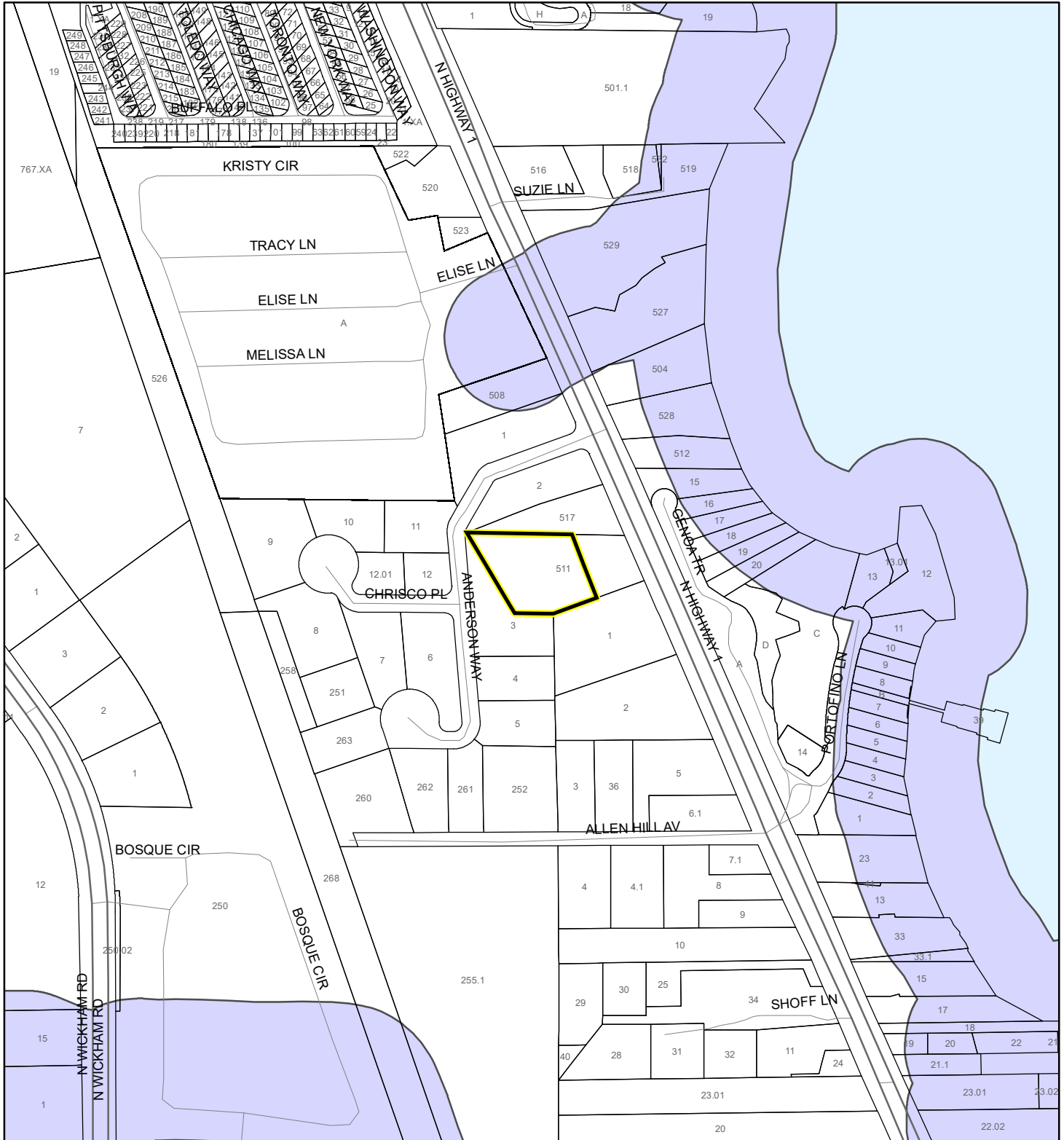
 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

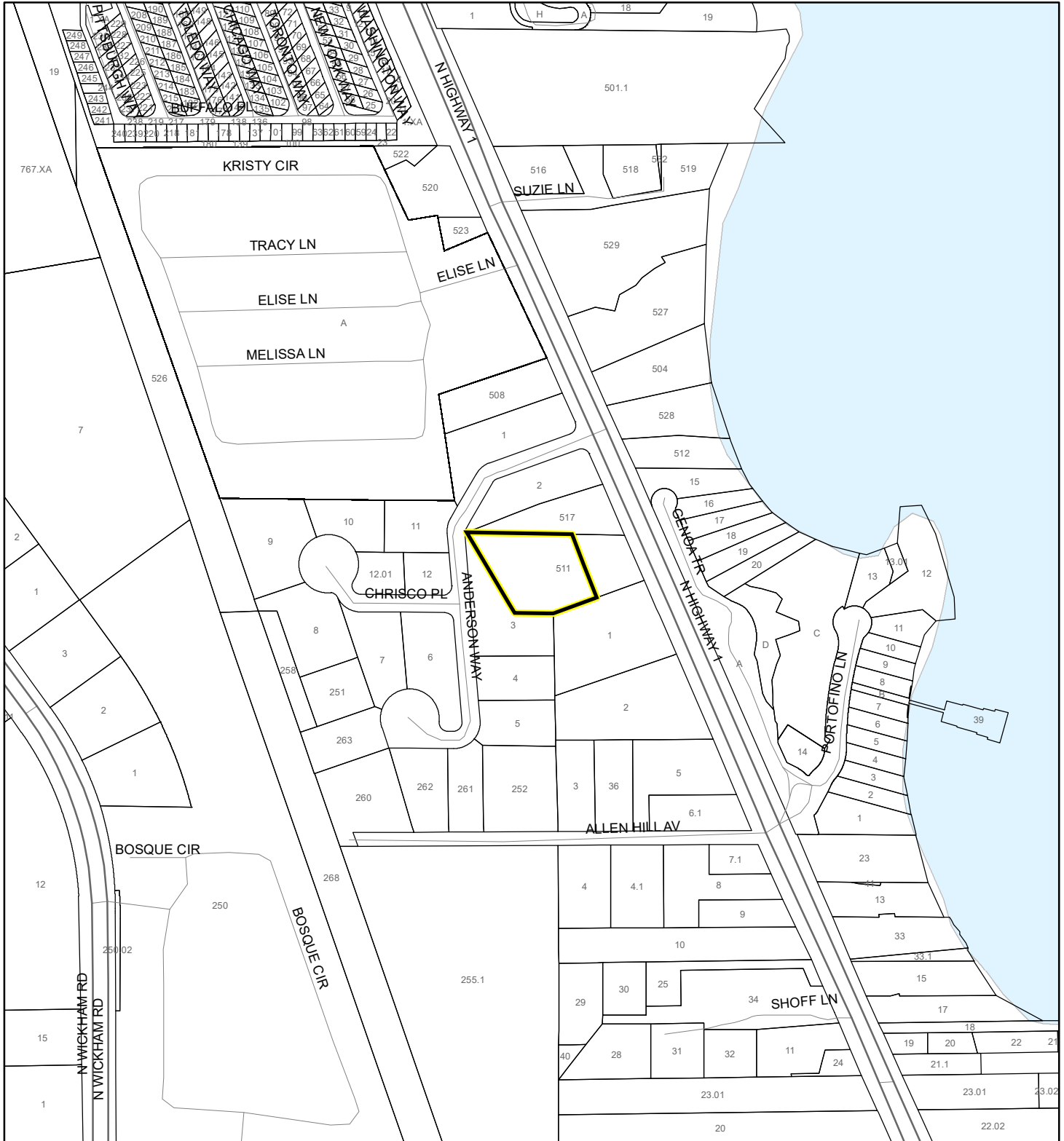
 All Distances



# EAGLE NESTS MAP

KAYDENLEW, LLC

21Z00003




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

 Subject Property

 Parcels

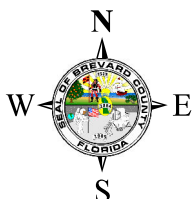
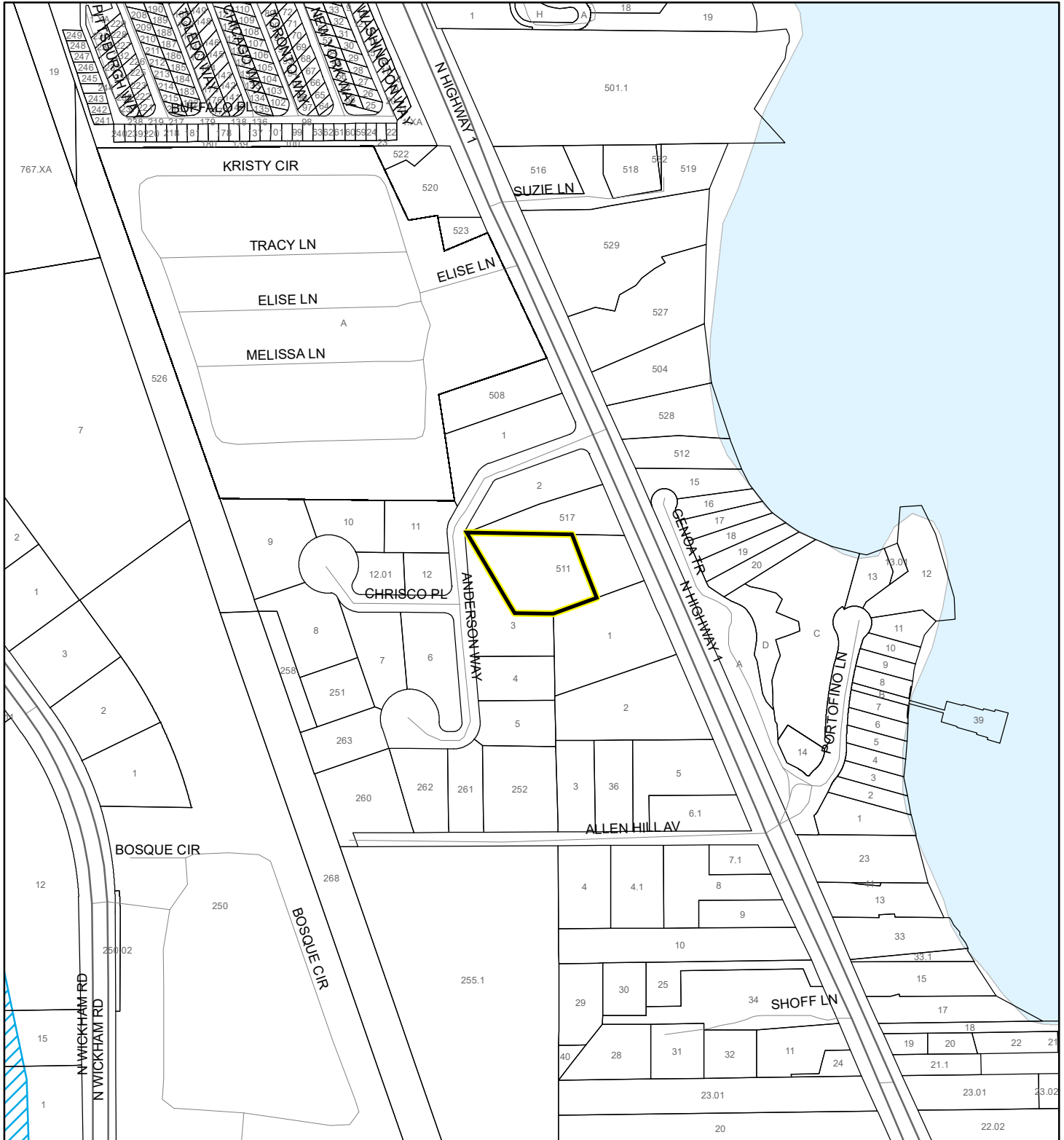
 Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

KAYDENLEW, LLC

21Z00003



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: 1/11/2021

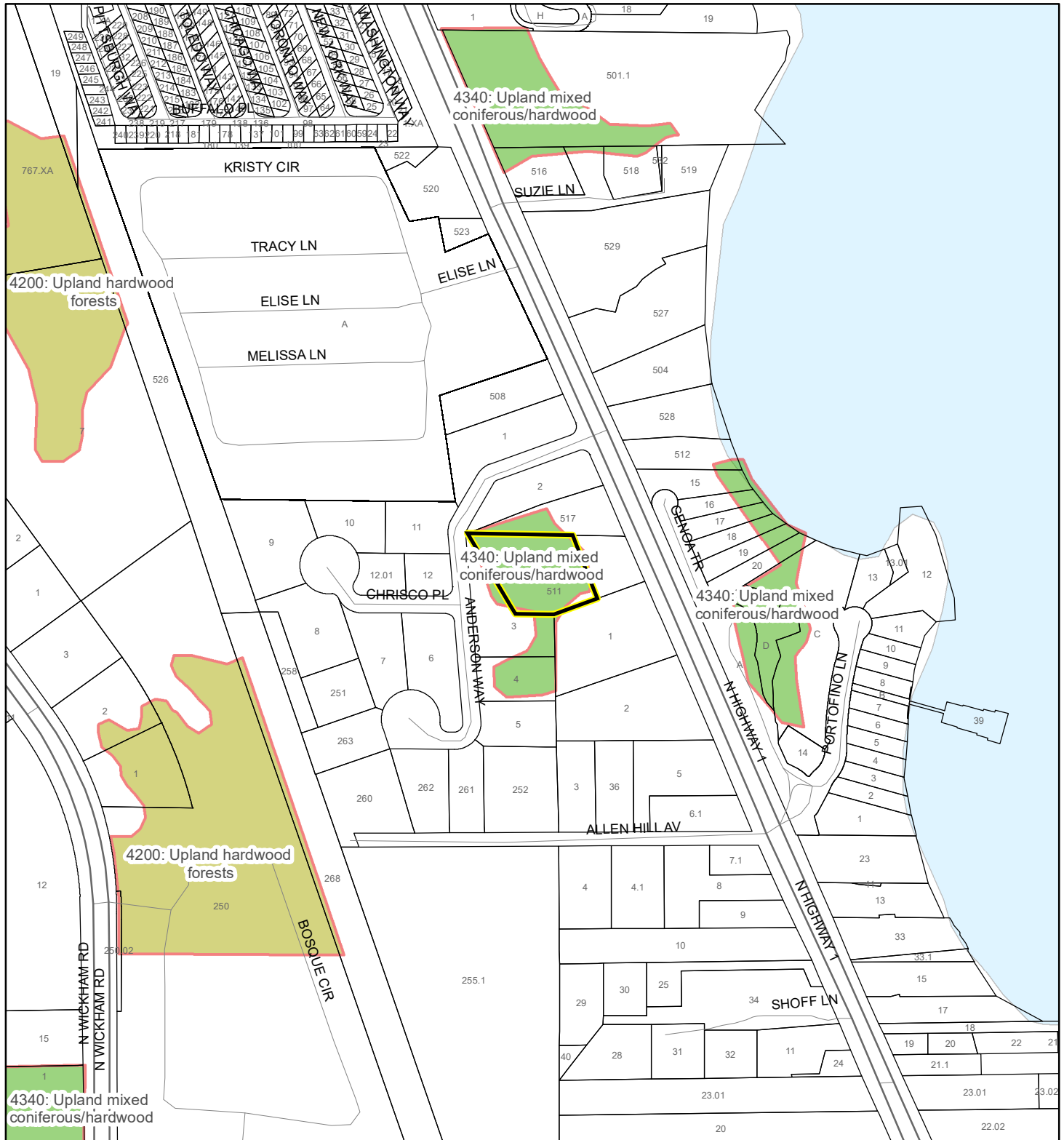
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

KAYDENLEW, LLC

21Z00003



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: 1/11/2021

## 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





BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 26200003

Existing FLU: CC Existing Zoning: BU-1

Proposed FLU: CC Proposed Zoning: BU-2

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

AARON LEW KAYDEN LEW LLC  
Name(s) Company  
6780 STILL POINT DR. MELBOURNE FL 32940  
Street City State Zip Code  
KAYDENLEW3@GMAIL.COM 321-427-4935  
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☒ Other ENGINEER

DAVID T. MENZEL MAI DESIGN BUILD LLC  
Name(s) Company  
395 STAN DR SUITE B MELBOURNE FL 32904  
Street City State Zip Code  
DMENZEL@MAIDESIGNBUILD.COM 321-863-2809  
Email Phone Cell



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

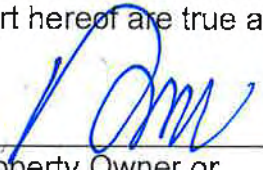
Acreage of Request: 1.34 ACRES OF A 1.92 ACRE SITE

Reason for Request: REZONE TO BE COMPATIBLE  
WITH ADJACENT PROPERTIES  
FOR WAREHOUSES



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☒ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☒ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

  
Signature of Property Owner or  
Authorized Representative

X 12-31-20  
Date

X State of Florida

X County of Brevard

Subscribed and sworn before me, by X physical presence or \_\_\_\_\_ online notarization,

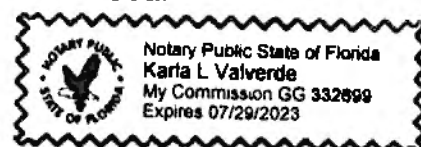
this 31<sup>st</sup> day of, December, 20 20, personally appeared

David Menzel, who is personally known to me or produced

\_\_\_\_\_ as identification, and who did / did not take an oath.

X Karla L Valverde  
Notary Public Signature

Seal





21200003

Office Use Only:

Accela No. ~~2605588~~ Fee: 1,508.00 Date Filed: 1/8/21 District No. 4

Tax Account No. (list all that apply) 260 5588

Parcel I.D. No.

26 37 18 00 511  
Twp Rng Sec Sub Block Lot/Parcel

Part of

Planner: GCR Sign Issued by: GCR Notification Radius: 500'

MEETINGS

DATE

TIME



P&Z

3/8/21

3pm



PSJ Board



NMI Board



LPA



BOA



BCC

4/15/21

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials \_\_\_\_\_

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes

☒ No

If yes, list \_\_\_\_\_

Location of subject property:

West side of US Hwy 1 280 feet south of Ardenson Way  
& setback from roadway 150' west.

Description of Request:

Rezone BU-1 TO BU-2



## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

kaydenlew3@gmail.com or ( ) \_\_\_\_\_ or U.S. Mail \_\_\_\_\_  
e-mail address fax number

Yes/No

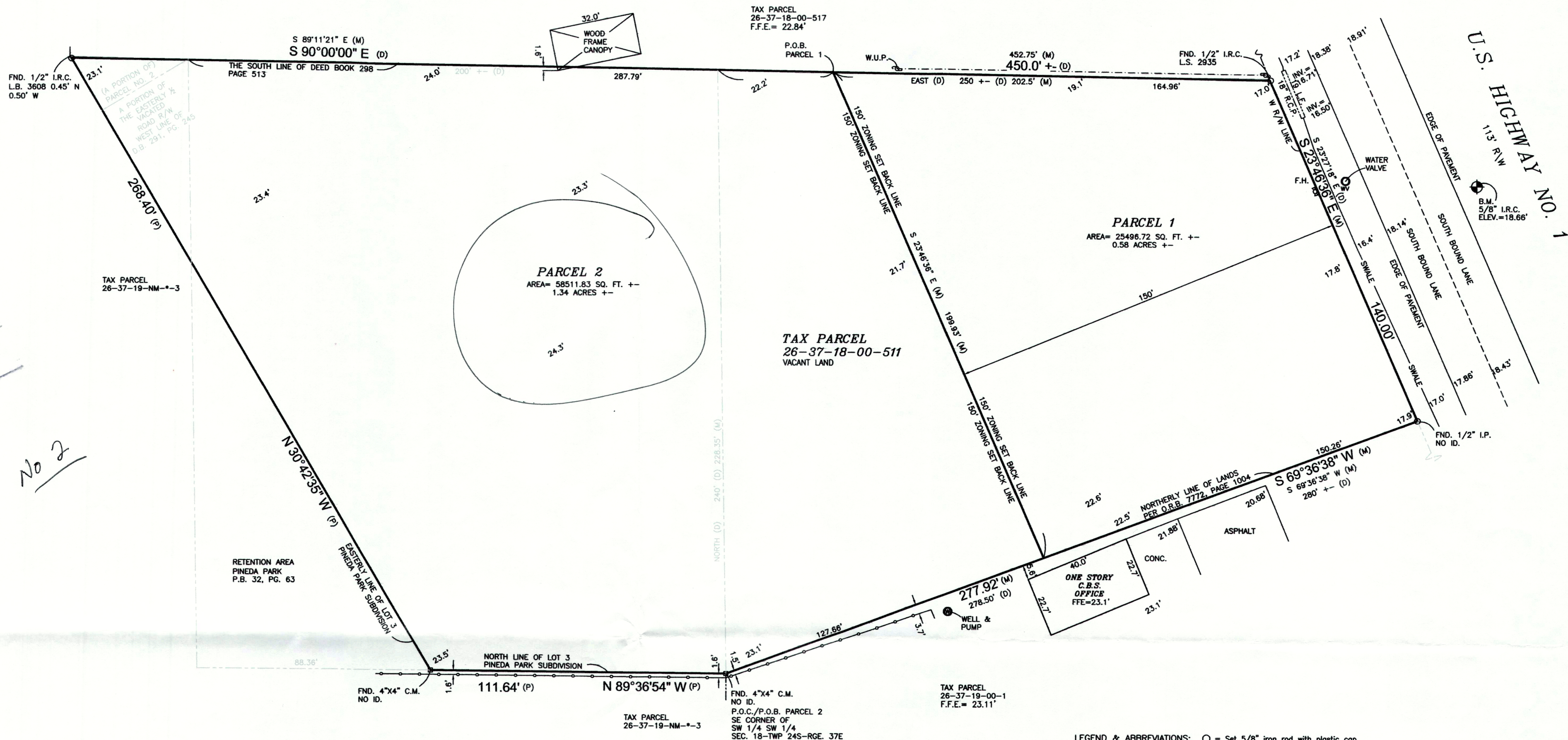
I have received a copy of this notice:

Alex J...  
(APPLICANT SIGNATURE)

Also TE MAIL TO:

DMENZELCMAIDDESIGNBUILD.COM





DESCRIPTION: (AS PROVIDED)

PARCEL NO. 1:  
COMMENCING AT A STAKE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3, PINEDA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 63, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89°36'54" W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 111.64 FEET; THENCE RUN N 30°42'33" W, ALONG THE EASTERLY LINE OF SAID PINEDA PARK, A DISTANCE OF 268.40 FEET; THENCE RUN S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 287.79 FEET TO A POINT BEING 150.00 FEET WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 164.96 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); THENCE RUN S 23°46'36" E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, A DISTANCE OF 140.17 FEET, TO THE NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004; THENCE RUN S 69°36'38" W, ALONG SAID NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004, A DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:  
THE EASTERLY 1/2 OF THE VACATED OLD DIXIE HIGHWAY ADJACENT ON THE WEST TO THE ABOVE DESCRIBED PROPERTY; VACATED IN ACCORDANCE WITH RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, RECORDED IN O.R. BOOK 2444, PAGE 0188, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DESCRIPTION OF PARENT PARCEL: (PER SURVEYOR)

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3, PINEDA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 63, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89°36'54" W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 111.64 FEET; THENCE RUN N 30°42'33" W, ALONG THE EASTERLY LINE OF SAID PINEDA PARK, A DISTANCE OF 268.40 FEET; THENCE RUN S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 287.79 FEET TO A POINT BEING 150.00 FEET WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); THENCE RUN S 23°46'36" E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, A DISTANCE OF 140.17 FEET, TO THE NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004; THENCE RUN S 69°36'38" W, ALONG SAID NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004, A DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 1: DESCRIPTION (PER SURVEYOR)

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3, PINEDA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 63, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89°36'54" W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 111.64 FEET; THENCE RUN N 30°42'33" W, ALONG THE EASTERLY LINE OF SAID PINEDA PARK, A DISTANCE OF 268.40 FEET; THENCE RUN S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 287.79 FEET TO A POINT BEING 150.00 FEET WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 164.96 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); THENCE RUN S 23°46'36" E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, A DISTANCE OF 140.17 FEET, TO THE NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004; THENCE RUN S 69°36'38" W, ALONG SAID NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004, A DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2: DESCRIPTION (PER SURVEYOR)

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3, PINEDA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 63, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89°36'54" W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 111.64 FEET; THENCE RUN N 30°42'33" W, ALONG THE EASTERLY LINE OF SAID PINEDA PARK, A DISTANCE OF 268.40 FEET; THENCE RUN S 89°11'21" E, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 298, PAGE 513, A DISTANCE OF 287.79 FEET TO A POINT BEING 150.00 FEET WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, (AS MEASURED PERPENDICULAR THERETO); THENCE RUN S 23°46'36" E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. ONE, A DISTANCE OF 140.17 FEET, TO THE NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004; THENCE RUN S 69°36'38" W, ALONG SAID NORTHERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 7772, PAGE 1004, A DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

- 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. — x = 6" VINYL FENCE  
— = OHPL
- (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, (IRC)=Iron Rod with Cap, (I.P.)=Iron Pipe  
(G.M.)=Gas Meter, (L.B.)=Licensed Business, (L.S.)=Licensed Surveyor, (W)=Measured  
(W.E.S.)=Measured End Section, (N&D)=Nail & Disc, (O.R.B.)=Official Records Book,  
(OHPL)=Over Head Power Line, (P.C.P.)=Permanent Control Point, (P)=Plot  
(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, (WUP)=Wood Utility Pole, (W.F.S.)=Wood Frame Structure, (W.M.)=Water Meter

SURVEYOR'S NOTES:

- This property is located in Flood Zone(s) X. The Structure is lying in Flood Zone(s) X, Map No. 12009C0510G, Panel No. 510, Suffix G, Community No. 125092, Effective Date, March 17, 2014.
- The bearings shown are based on an Assumed North Meridian, Being S 24° 23' 30" E along the West R/W line of U.S. Highway NO. 1.
- This is Real Property being situated in Section 18, Township 26S, 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.
- Elevations shown hereon based on NAVD 88. Originating Benchmark is Brevard County P.I.D. BM 7, Elevation= 23.89'



JOB NO. 20-309-08		REVISIONS	
DRAWN	TN	DATE	DESCRIPTION
CHECKED	EN	11-17-20	VERIFY REMOVAL OF ENCROACHMENTS
DATE	08-11-2020	01-07-21	DESCRIPTION FOR PARCELS 1 & 2
SCALE	1" = 30'		
SHEET NO.	1 OF 1		

MAP OF BOUNDARY SURVEY

PREPARED FOR: AARON LEW

SITE ADDRESS: \_\_\_\_\_

N U.S. HIGHWAY NO. 1 MELBOURNE, FL 32940

PREPARED BY:

*Eric Nielsen Land Surveying, Inc.*

L.S. 6916

12 STONE STREET, COCOA, FL. 32922  
PHONE: (321) 631-5654  
email: nielsensurveying@bellsouth.net

Certified By: \_\_\_\_\_ Signature Date: 1-8-21

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.

UNLESS IT BEARS THE SEAL & SIGNATURE OF A FLORIDA LICENSED SURVEYOR THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY.



21200003

Owner's Name: Kayden Law LLC  
Hearing Date: March 8, 2021

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, MARC SMITH,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Marc Smith

Signature

Sworn and Subscribed before me, this

22nd

day of

Feb



(Print, Type, or Stamp Commissioned Name of Notary Public)

Kim Kennedy

Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: \_\_\_\_\_

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodggers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Kaydenlew, LLC (David Menzel) (continued)**

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.34 +/- acres, located approx. 150 ft. west of U.S. Highway 1, approximately 280 ft. south of Anderson Way. (No assigned address. In the Melbourne area) (21Z00003) (Tax Account 2605988) (District 4)

David Menzel, 395 Stan Drive, Melbourne, stated the applicant is requesting to rezone a piece of property currently zoned BU-1, to BU-2 to be compatible with the adjacent zonings. He noted the front will stay BU-1; the back is surrounded by BU-2, IU, and a small portion of GU; and there is a residence to the north. He said an environmental study revealed there are no wetlands on the property. He said his client plans to do warehousing, which will create minimal traffic on U.S. Highway 1; they are looking at a couple of warehouse buildings of 9,000 square feet each, with two parking spaces for every 1,000 square feet. He noted there are no plans to do anything on the front BU-1 portion.

Mark Wadsworth asked if the front portion goes all the way to U.S. 1. Mr. Menzel replied yes, it fronts U.S. 1, and it extends back to the west 150 feet and then the whole back end of the property would be BU-2. That's where the zoning change occurs on the south property, so they will maintain that line.

Public comment.

Robert Paul Higgins, with Electric Picture [Display Systems], stated he occupies the property to the southwest of the subject property. The vegetation on the property is overgrown, and he has tried to keep the vines off of fences and thin things out because he has to take care of a large retention pond, and he would like to improve the area around the retention pond. He said he doesn't have a problem with the warehousing, but he would like to see a site map if available.

End of public comment.

Peter Filiberto asked the applicant if he plans to clean up the property. Mr. Menzel replied they are going to clean it up.

Motion by Brian Hodggers, seconded by Peter Filiberto to approve the change of zoning classification from BU-1 to BU-2. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:34 p.m.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

---

H.3.

4/15/2021

---

### **Subject:**

SDLD, LLC (Scott Demasso) requests a change of zoning classification from AU to EU. (21Z00001) (Tax Accounts 2501421 and 2501422) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential).

### **Summary Explanation and Background:**

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential) on two lots totaling 0.99 acres. The lots do not meet the minimum lot size for the AU zoning classification. The applicant submitted building permit applications for each lot, but the permits cannot be approved until rezoning. The proposed EU zoning classification may be considered to be consistent with the current Residential 15 Future Land Use, and permits detached single-family residential land uses on minimum 15,000 square-foot lots, with a minimum width and depth of 100 feet, and a minimum living area of 2,000 square feet.

In addition to rezoning, the applicant must show how the lots satisfy the access requirements in Sec. 62-102 to obtain a building permit. The lots are located adjacent to a 30-foot wide easement that extends from the riverfront parcel to the west, also owned by the applicant, out to South Tropical Trail. The existing homes along the easement obtained building permits before the effective date of this ordinance.

The Board may wish to consider whether this request for EU is consistent and compatible with the surrounding area, given the surrounding lots are zoned AU and RU-1-13.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Once the resolution is received, please execute and return to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **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

**21Z00001**  
**SDLD, LLC**

#### **AU (Single-Family Agricultural) to EU (Estate Use Residential)**

Tax Account Number: 2501422 & 2501421  
Parcel I.D.: 25-36-02-00-266.3 & 25-36-02-00-266.4  
Location: West side of S Tropical Trail, approximately 759 feet south of River Cliff Lane (District 2)  
Acreage: 0.99 acre

Planning and Zoning Board: 03/08/2021  
Board of County Commissioners: 04/15/2021

#### **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	EU
<b>Potential*</b>	0 single-family units	0 single-family units**
<b>Can be Considered under the Future Land Use Map</b>	RES 15	RES 15

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\* The lot currently does not have access to a county-maintained road.

#### **Background and Purpose of Request**

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential) on two lots totaling 0.99 acres. The lots do not meet the minimum lot size for the AU zoning district. The applicant submitted building permit applications for each lot, but the permits cannot be approved until rezoning. The minimum lot size in the EU zoning classification is 15,000 sq. ft., which both lots meet.

In addition to rezoning, the applicant must show how the lots satisfy the access requirements in Sec. 62-102 to obtain a building permit. The lots are located adjacent to a 30' wide easement that extends from the riverfront parcel to the west also owned by the applicant out to South Tropical Trail. The existing homes along the easement obtained building permits before the effective date of this ordinance.



The AU zoning is the original zoning for the parcel as established by Brevard County in 1958.

## **Land Use**

The subject property retains the RES 15 (Residential 15) FLU designation. The current zoning of AU on the subject property is consistent with the RES 15 FLU per 62-1255 (2). The proposed zoning of EU is consistent with the RES 15 FLU per 62-1255 (2).

## **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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

The abutting parcels to the south have a FLU designation of RES 6 (Residential 6). The abutting parcels to the east, west, and north have a FLU designation of RES 15. The proposed zoning change from AU to EU is consistent with the RES 15 FLU designation, as well as the adjacent RES 6 FLU designation.

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

The subject parcels are currently undeveloped with AU zoning.

The abutting parcels to the south are part of a subdivision zoned RU-1-13. The abutting parcels to the north, east, and west are zoned AU. The AU zoned parcels do not meet the minimum lot requirement for the AU zoning classification.

The current AU zoning classification permits a single-family residence 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.

The proposed EU classification permits detached single-family residential land uses on minimum 15,000 sq. ft. lots, with a minimum width and depth of 100 feet. The minimum house size is 2,000 square feet.

Sec. 62-102 establishes the criteria for issuance of a residential building permit for lots without direct access to a county-maintained road. Access by easement or license allows for building permits to be obtained on parcels created before January 1, 2011, when it can be shown that the lot has access to a public street through a county approved access easement. The subject lots do not have county approved access easement.

Unpaved road agreements occur when the board of county commissioners and a single or multiple property owners whose property abuts a right-of-way which is not maintained by the county may enter into an agreement to allow the issuance of a permit to construct an unpaved road within country right-of-way and obtain a permit for the consideration of one or more single-family residences.



## **Surrounding Properties**

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

The most recent construction along the easement was the house built in 1973. The existing homes that use the access along the easement were built before zoning review of access was required as established by Ordinance No. 80-50 on December 10, 1980. Prior to this ordinance, owners of the lots were required to appear before the Board of County Commissioners for approval to build, with no specific cap on the number of lots that could be developed. Ordinance No. 80-50 established that no more than two building permits may be issued along an easement and did not include a grandfathering provision. The current code Sec. 62-102(a)5 states “[t]hat the access easement is for the exclusive use of the parcel for which the building permit is to be issued.”

## **Environmental Constraints**

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

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is South Tropical Trail, between South Courtenay and SR 520, which has a Maximum Acceptable Volume (MAV) of 12,480 trips per day, a Level of Service (LOS) of D, and currently operates at 10.61% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.15%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 10.76% of capacity daily (LOS D). 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.

The parcels are not serviced by Brevard County sewer or the City of Cocoa sewer.

The parcels are serviced by City of Cocoa water.

## **For Board Consideration**

The Board may wish to consider whether this request for EU is consistent and compatible with the surrounding area, given the surrounding lots are zoned AU and RU-1-13.

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

**Item # 21Z00001**



**Applicant:** SDLD, LLC

**Zoning Request:** AU to EU

**Note:** Applicant wishes to fix lot size in order to build a single-family home.

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID Nos:** 2501422

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

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

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire parcel contains mapped aquifer recharge soils (Paola fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.



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

The entire parcel is 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**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the 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 landscape requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM.

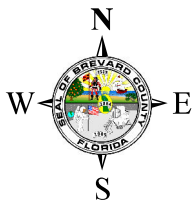
## **Protected Species**

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 and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

SDLD, LLC  
21Z00001





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.

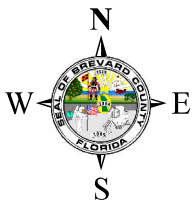
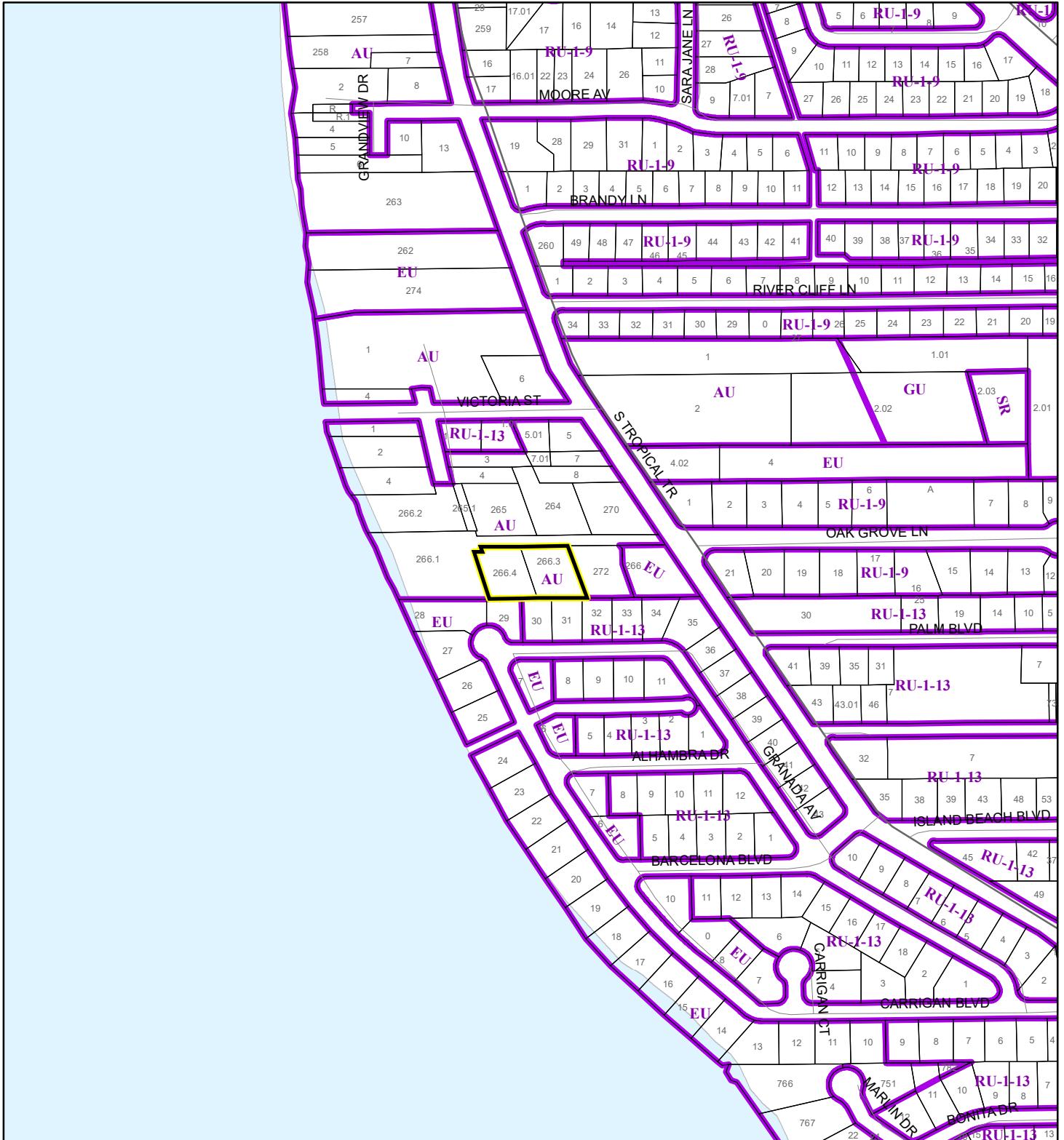
Produced by BoCC - GIS Date: 1/15/2021

 Buffer  
 Subject Property



# ZONING MAP

SDLD, LLC  
21Z00001



1:4,800 or 1 inch = 400 feet

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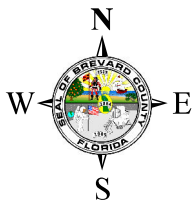
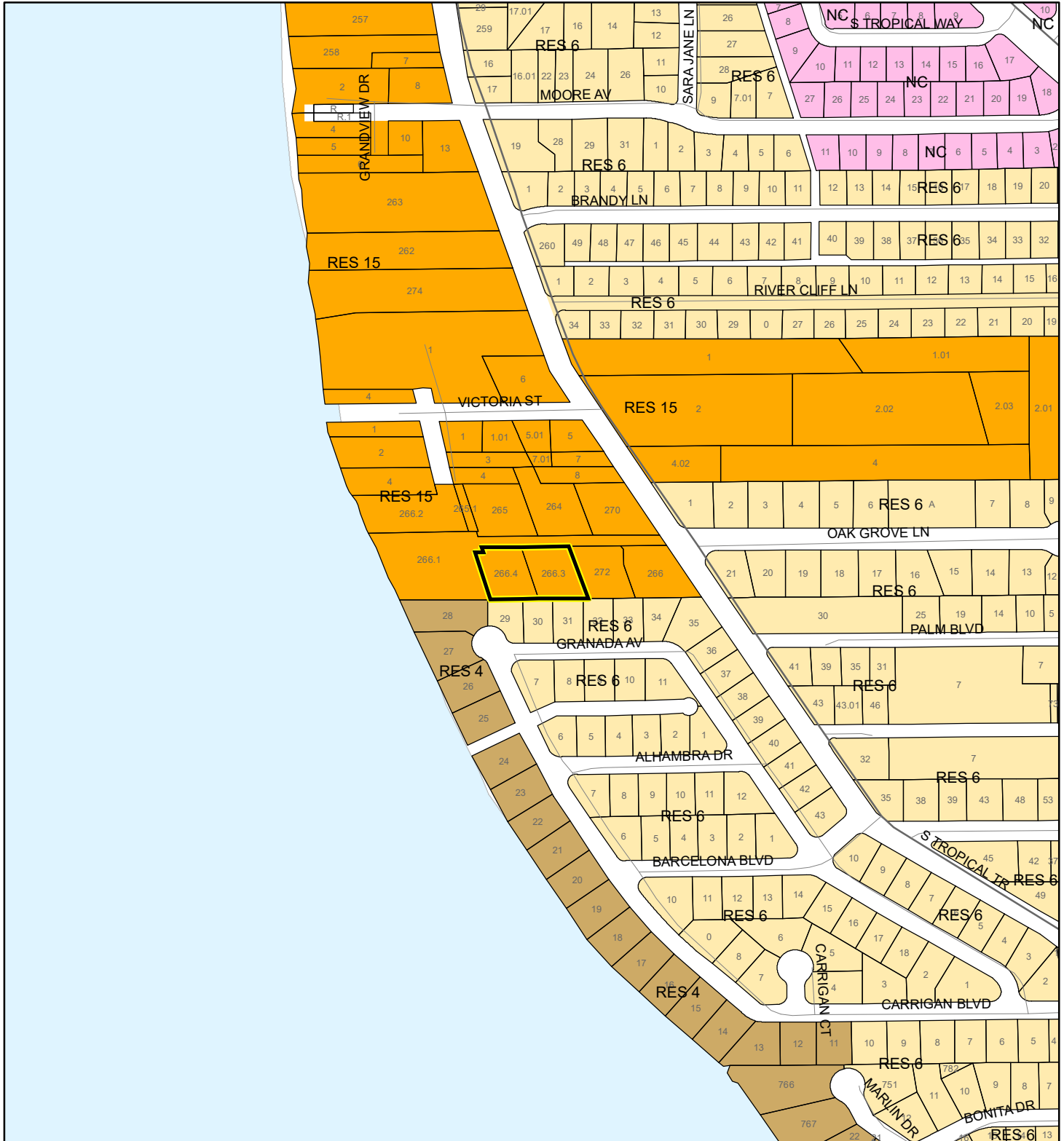
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- Subject Property
- Parcels
- Zoning



# FUTURE LAND USE MAP

SDLD, LLC  
21Z00001



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

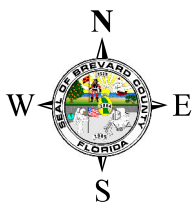
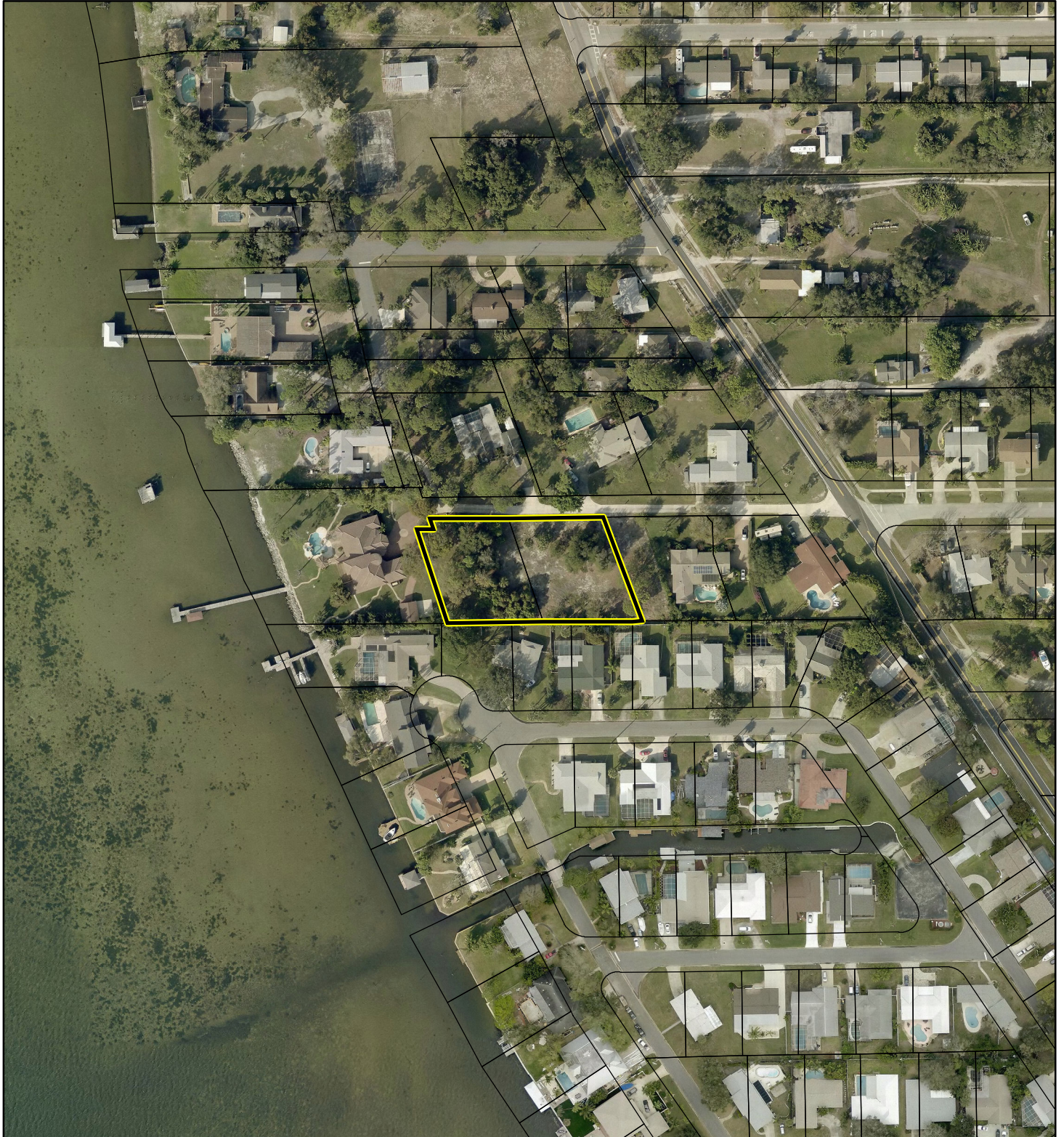
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# AERIAL MAP

SDLD, LLC  
21Z00001





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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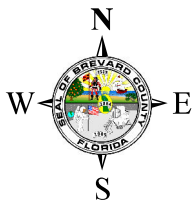
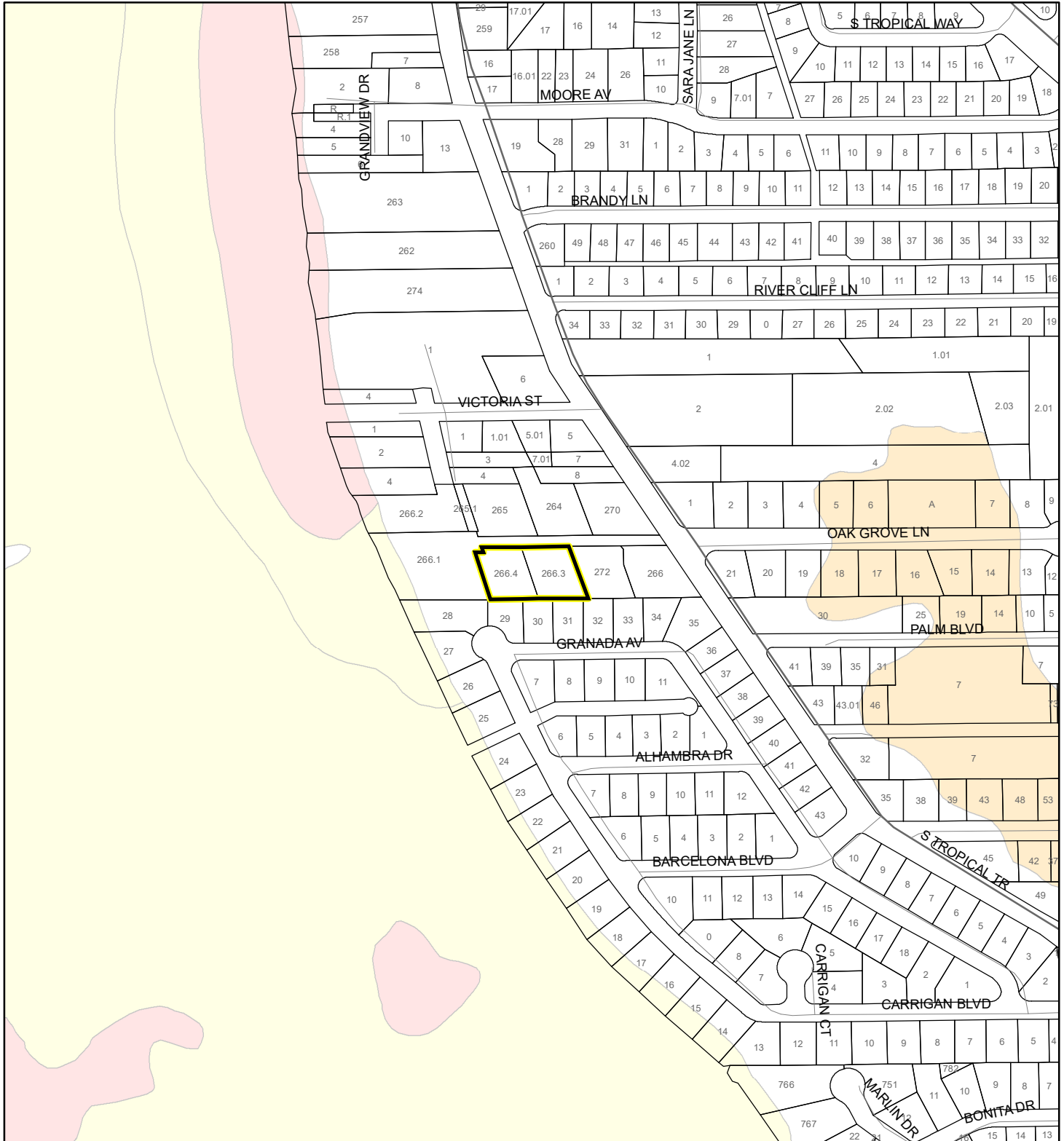
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 Subject Property  
 Parcels



# NWI WETLANDS MAP

SDLD, LLC  
21Z00001













1:4,800 or 1 inch = 400 feet

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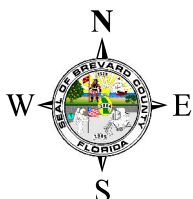
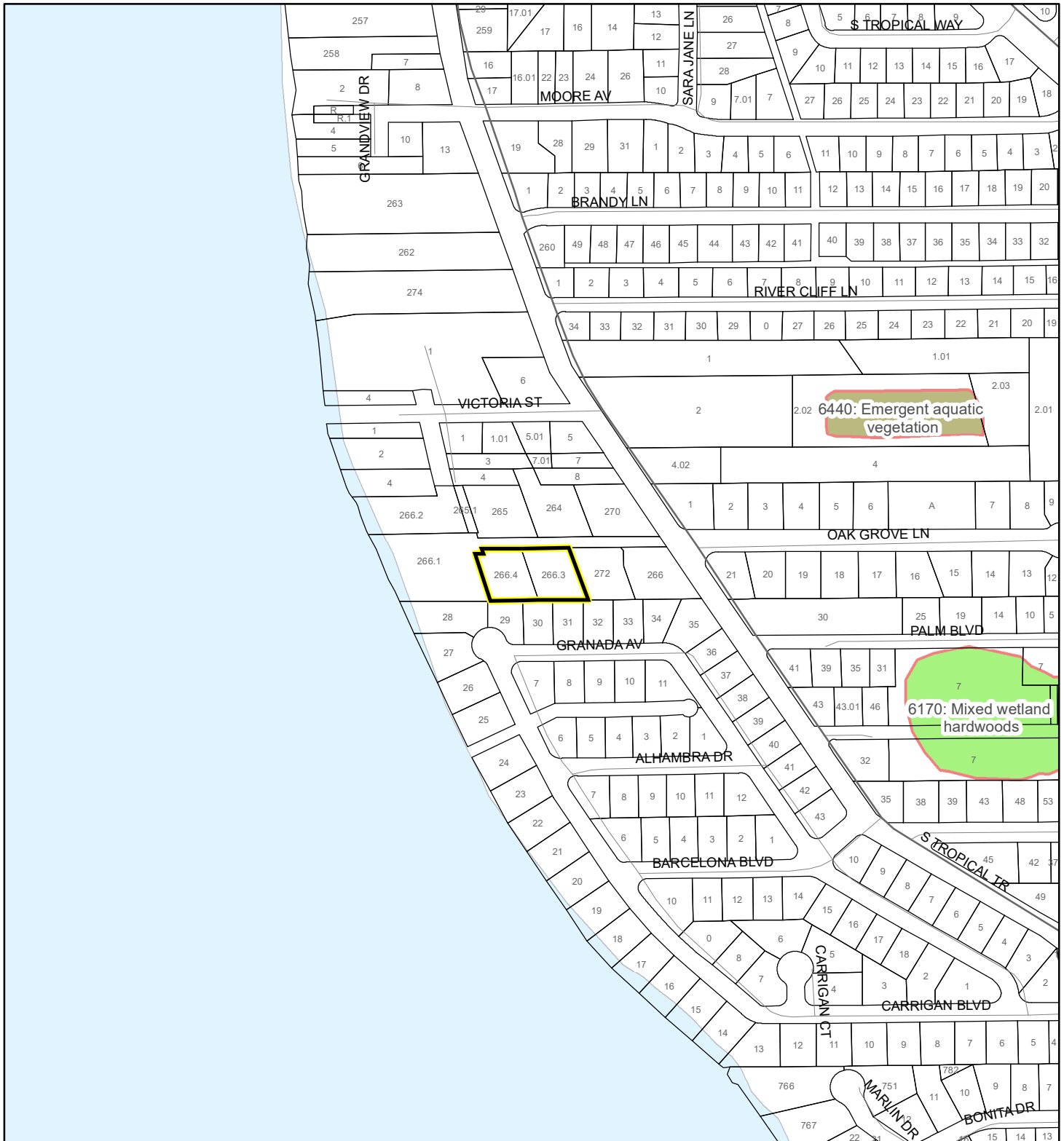
## National Wetlands Inventory (NWI)

 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

SDLD, LLC  
21Z00001



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

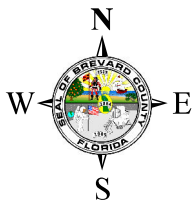
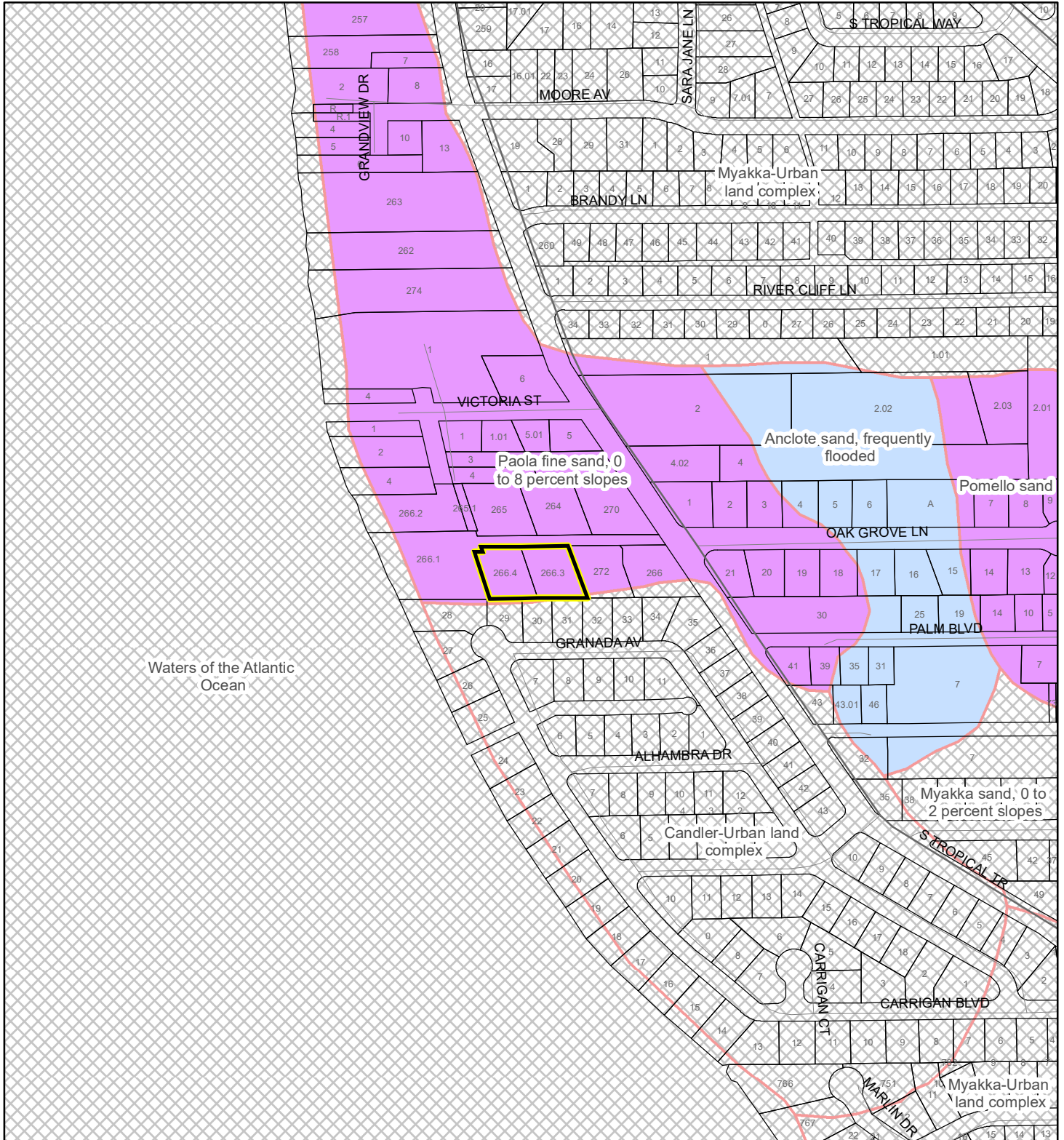
Subject Property

Parcels



# USDA SCSSS SOILS MAP

SDLD, LLC  
21Z00001



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.

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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

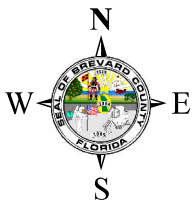
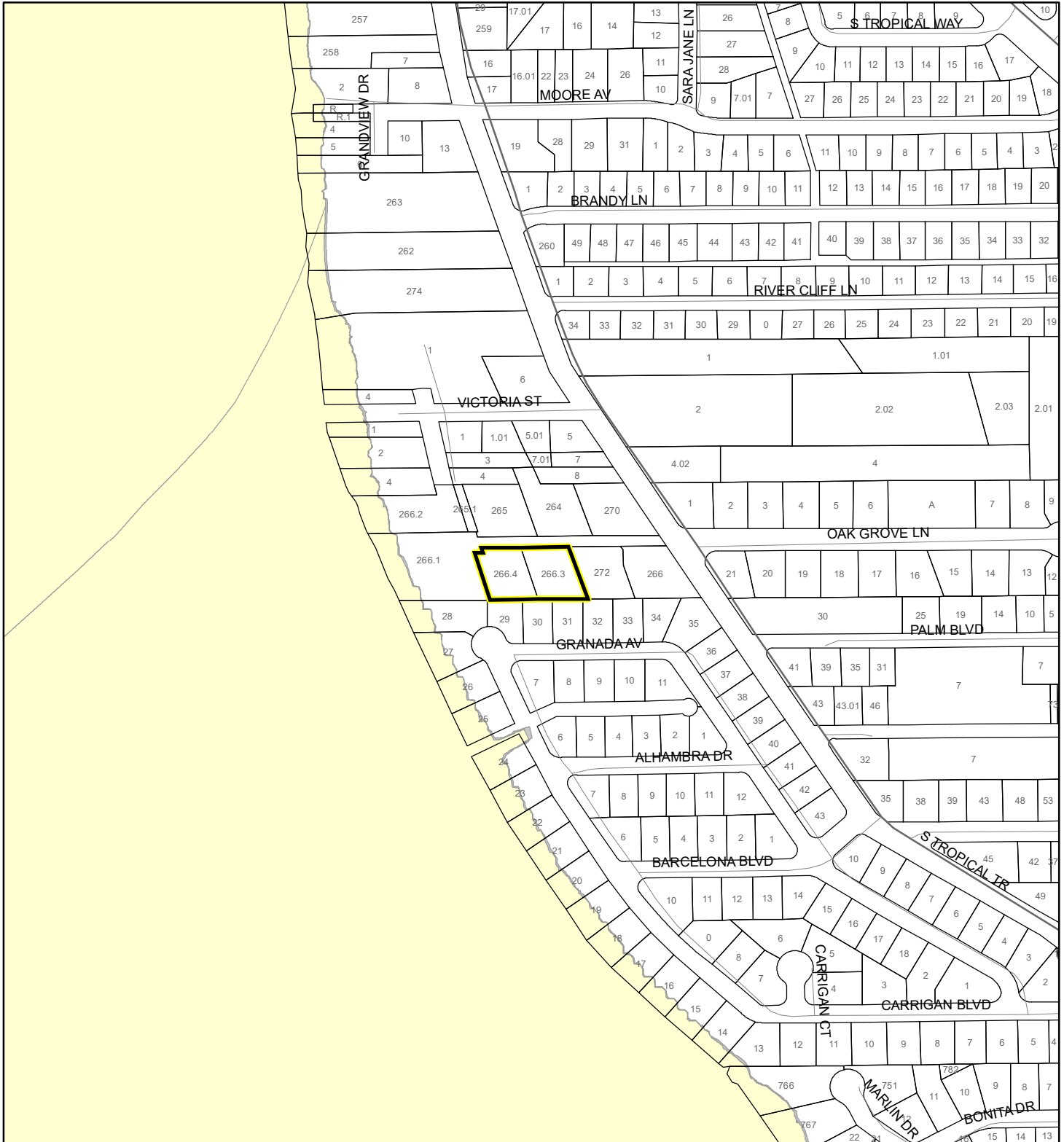
Subject Property

Parcels



# FEMA FLOOD ZONES MAP

SDLD, LLC  
21Z00001



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: 1/14/2021

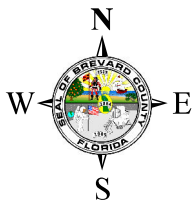
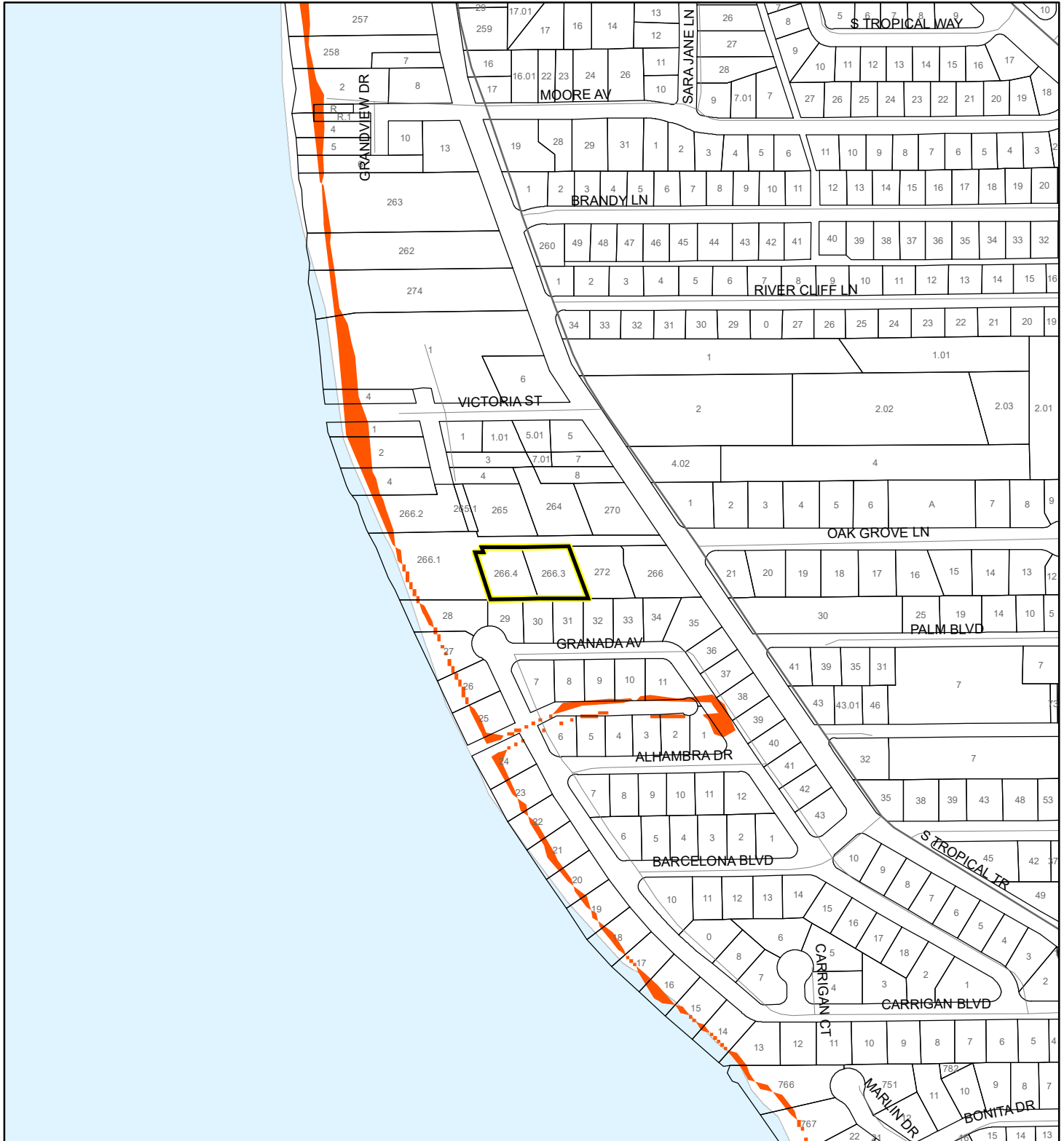
## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            | Parcels              |



# COASTAL HIGH HAZARD AREA MAP

SDLD, LLC  
21Z00001



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/14/2021

 Subject Property

 Parcels

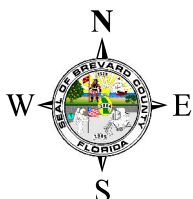
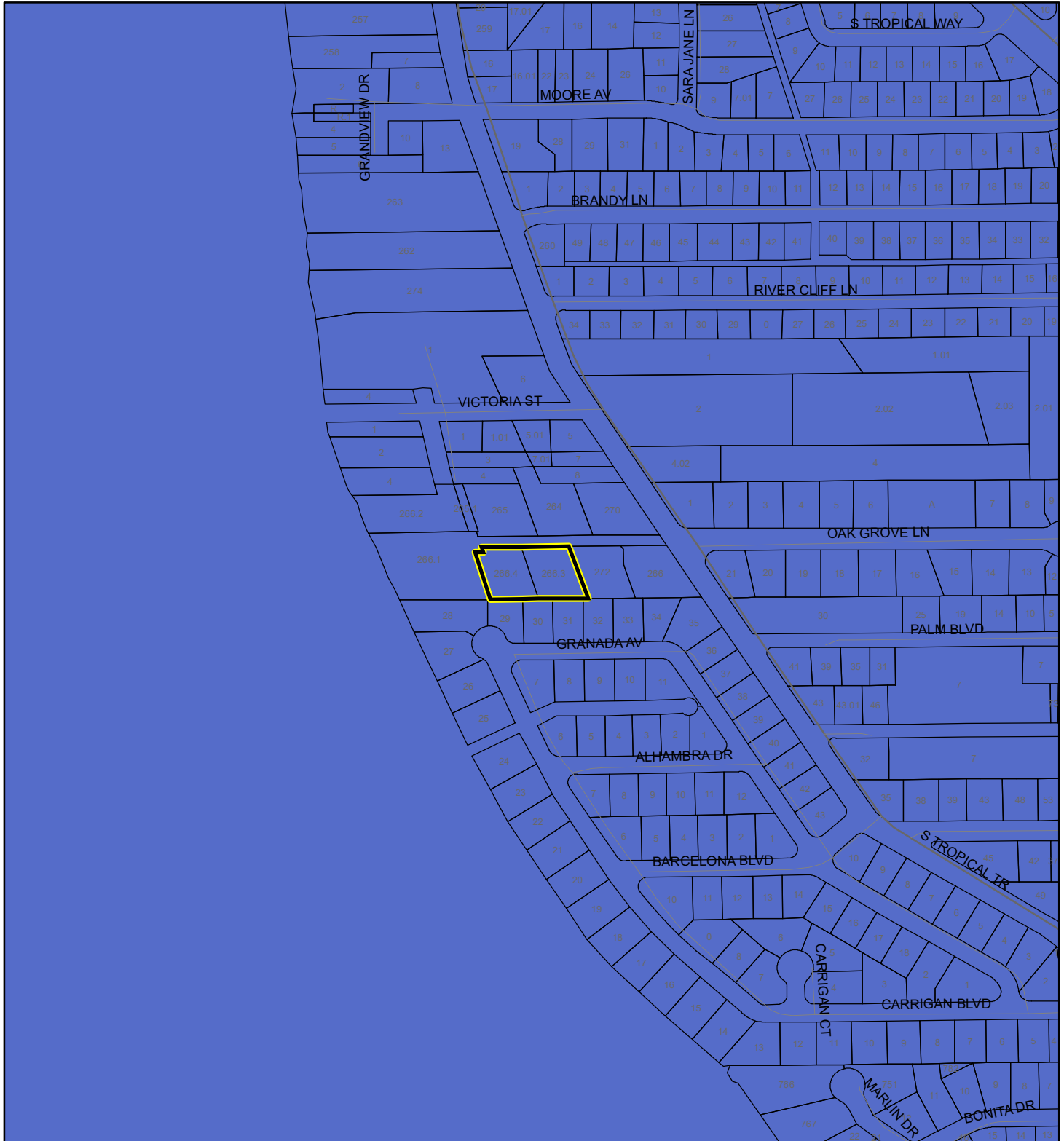
**Coastal High Hazard Area**

 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SDLD, LLC  
21Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/14/2021

 Subject Property

 Parcels

## Septic Overlay

 40 Meters

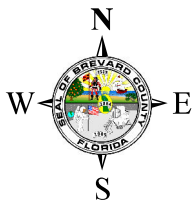
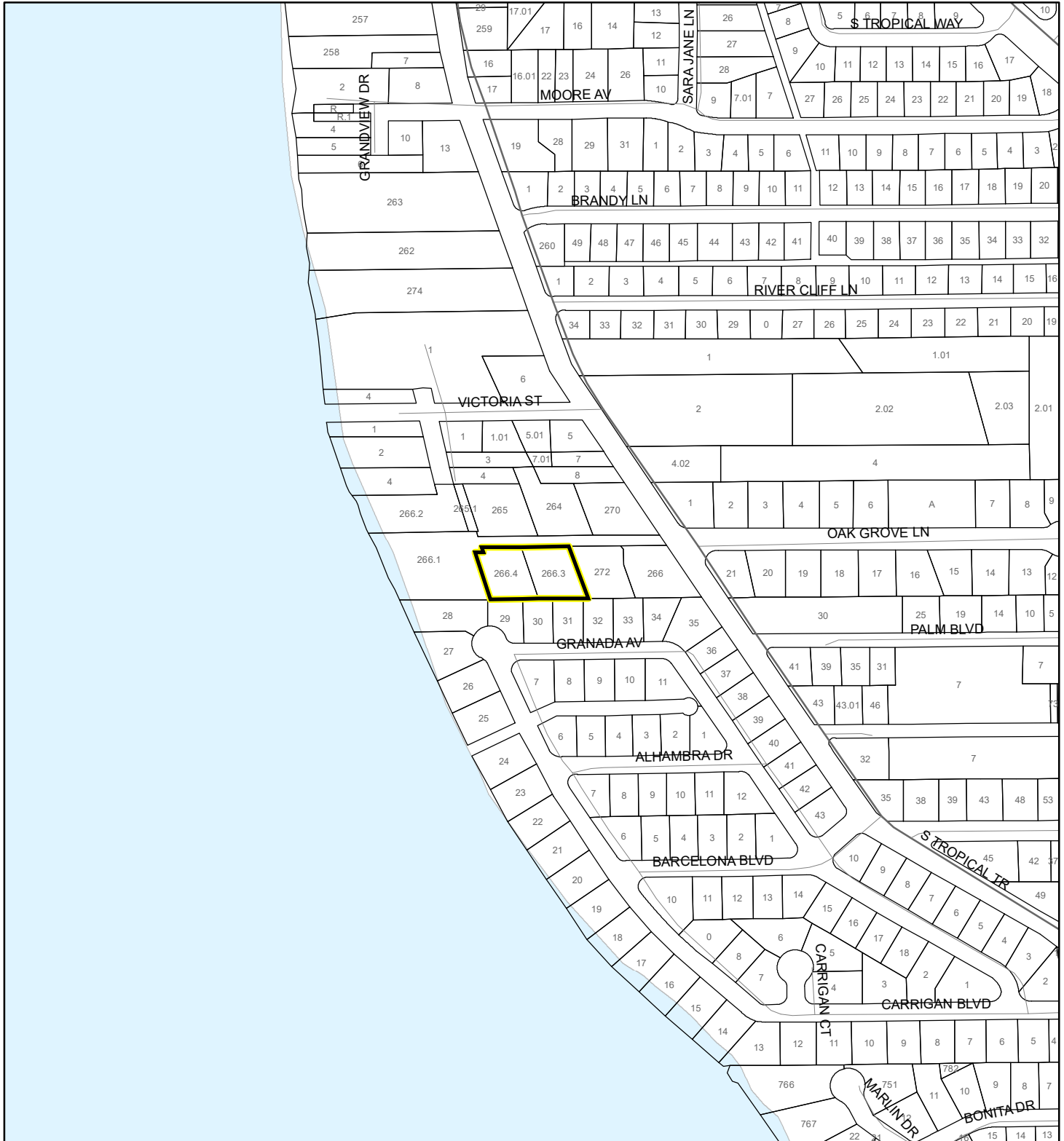
 60 Meters

 All Distances



# EAGLE NESTS MAP

SDLD, LLC  
21Z00001




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/14/2021

 Subject Property

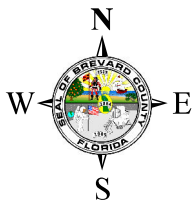
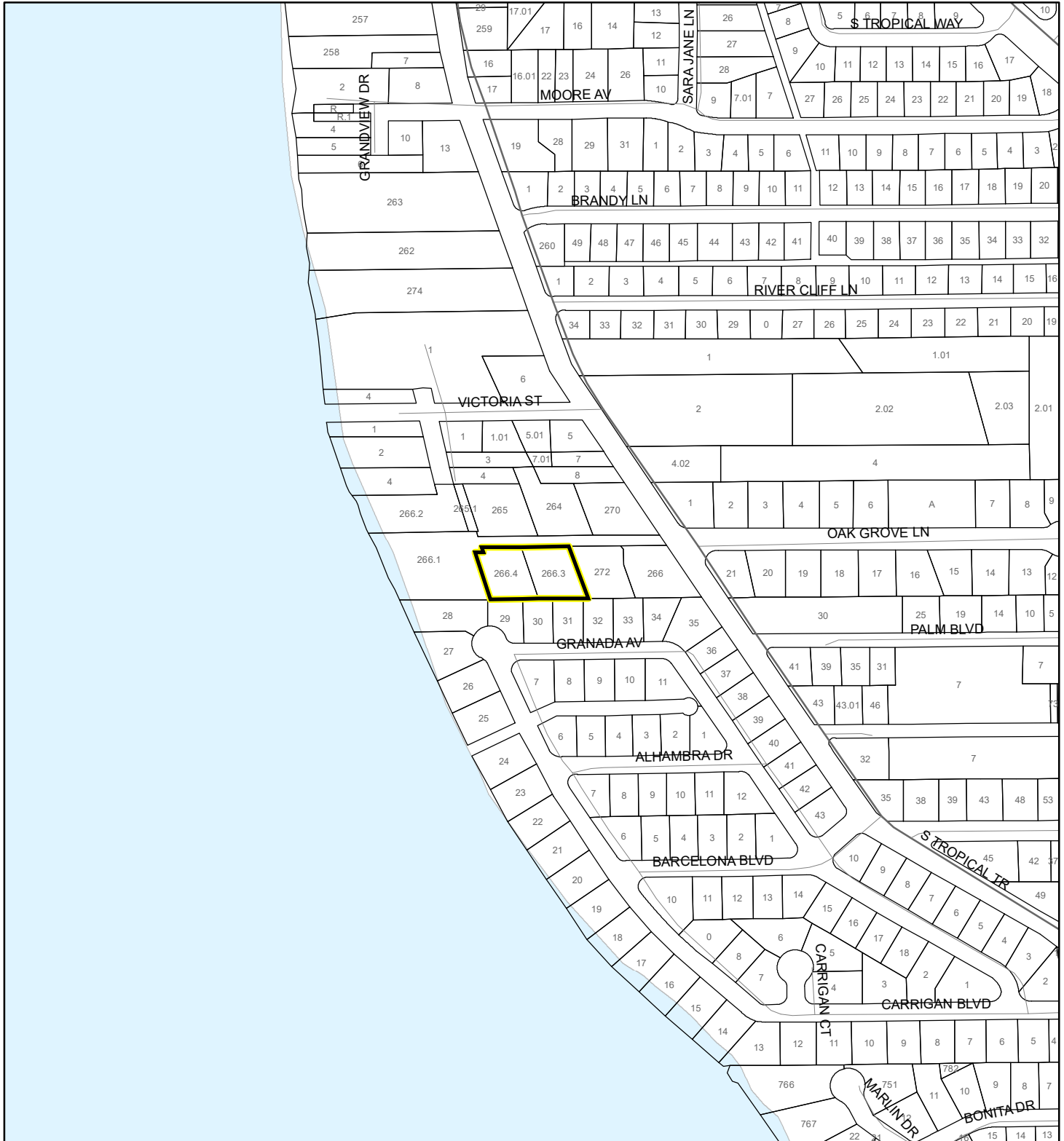
 Parcels

 Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

SDLD, LLC  
21Z00001



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.

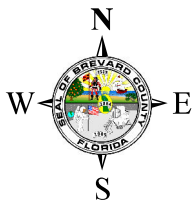
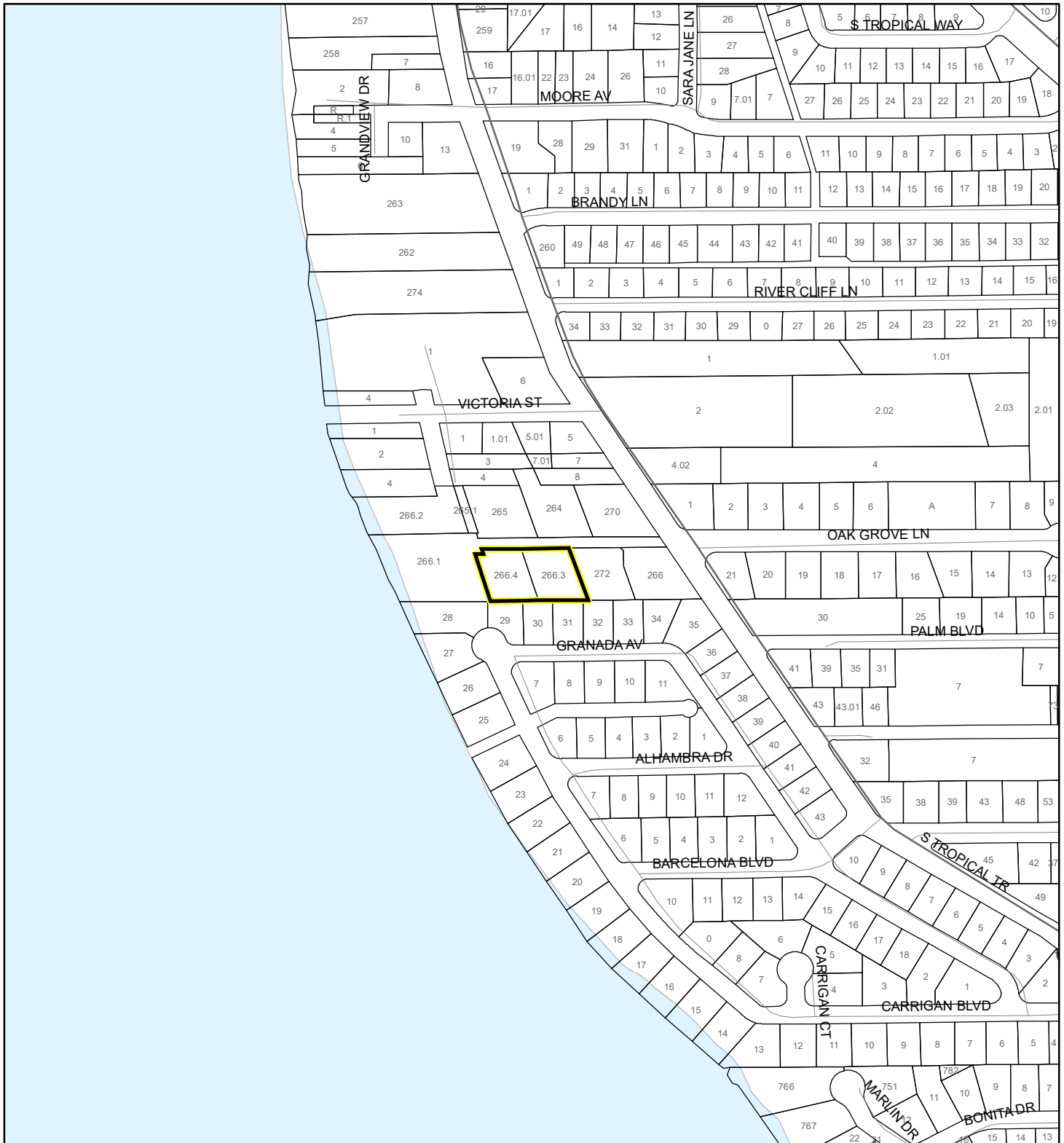
Produced by BoCC - GIS Date: 1/14/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SDLD, LLC  
21Z00001



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: 1/14/2021

## 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





BOARD OF COUNTY COMMISSIONERS

**Planning and Development**  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 21200001

Existing FLU: Res 15 Existing Zoning: AU

Proposed FLU: Res 15 Proposed Zoning: EU

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

Name(s) SDLD LLC Company  
977 S. TROPICAL TR MERRITT ISLAND FL 32952  
Street City State Zip Code  
SDEMASSO@SPACECOASTHONDA.COM 321-544-1111  
Email Phone Cell

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

Name(s) \_\_\_\_\_ Company \_\_\_\_\_  
Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone \_\_\_\_\_ Cell \_\_\_\_\_

981 S TROPICAL TR  
2501422

(1)



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 0.99

Reason for Request:

*Rezone AU to EU to fix lot size issue*



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]  
Signature of Property Owner or  
Authorized Representative

1/4/21  
Date

State of Florida

County of Brevard

Subscribed and sworn before me, by X physical presence or \_\_\_\_\_ online notarization,

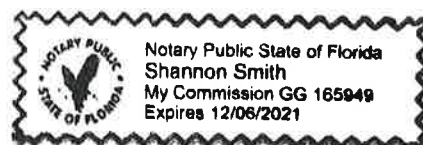
this 4 day of, January, 20 21, personally appeared

Scott DeMasso, who is personally known to me or produced

\_\_\_\_\_ as identification, and who did / did not take an oath.

[Signature]  
Notary Public Signature

Seal





**Office Use Only:**

Accela No. 20200001 Fee: 1149.00 Date Filed: 1/5/2021 District No. 2

Tax Account No. (list all that apply) 2501422 + 2501421

Parcel I.D. No.

25 36 02 00 266.4 + 266.3  
Twp Rng Sec Sub Block Lot/Parcel

Planner: KH Sign Issued by: KH Notification Radius: 500'

**MEETINGS**

**DATE**

**TIME**

☒ P&Z 3/8/21 3:00pm

☐ PSJ Board \_\_\_\_\_

☐ NMI Board \_\_\_\_\_

☐ LPA \_\_\_\_\_

☐ BOA \_\_\_\_\_

☒ BCC 4/15/21 5:00pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials KH

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes ☒ No If yes, list \_\_\_\_\_

Location of subject property:

West side of S Tropical Trail, approx 759 feet  
south of River Cliff Lane

Description of Request:

Rezone AU → EU



Owner's Name: SDLD, LLC

Hearing Date: March 8, 2021

212 000001

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

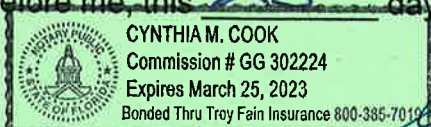
STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Denny Long,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

[Signature]  
Signature

Sworn and Subscribed before me, this 23 day of February.



(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: n/a

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**



## REZONING NOTICE

21700001

The Brevard County Planning and Zoning Board will hold a public hearing at 2:00 P.M. on March 8, 2021, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL, to consider the proposed zoning action on this property as indicated below:

Owner: STAD LLC

Present Zoning: AU Acreage: 0.99

Requested Action: Rezone parcels from AU to EU

The recommendations from the aforementioned public hearing will be presented to the County Commission at 6:00 P.M. on April 15, 2021, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera. All interested parties are invited to appear and be heard. Written comments filed with the Brevard County Zoning Official, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940 will be considered.

Removal of this sign prior to April 15, 2021 is illegal and subject to prosecution.



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **SDLD, LLC (Scott Demasso)**

A change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential). The property is 0.99 +/- acres, located on the on the west side of S. Tropical Trail, approximately 0.14 mile south of River Cliff Lane. (No assigned address. In the Merritt Island area.) (21Z00001) (Tax Accounts 2501421 and 2501422) (District 2)

Scott Demasso, 977 S. Tropical Trail, stated the reason for the request is to build two houses on two lots.

Peter Filiberto stated the staff comments state the applicant must show how the lots satisfy the access requirements of Section 62-102 to obtain a building permit. Mr. Demasso replied he is aware of that and is working with Planning and Development. He noted there is a road there and he owns another piece of property at the end of the road; it is an old egress/ingress easement that is 30 feet and he owns 30 feet, so there is 60 feet. He said the first step is to change the zoning because without changing the zoning a house cannot be built, and then he will figure out the next step.

No public comment.

Mr. Filiberto stated with the applicant acknowledging the access requirement, he supports the request.

Motion by Peter Filiberto, seconded by Brian Hodgers, to approve the change of classification from AU to EU. The motion passed unanimously.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.4.

4/15/2021

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### **Subject:**

Robert Van Horn and Gerald K. Houck request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (21PZ00001) (Tax Account 2501307) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial).

### **Summary Explanation and Background:**

The applicant is seeking to amend the Future Land Use designation on .53 acres of land from NC (Neighborhood Commercial) to CC (Community Commercial). Currently, the subject parcel has a vacant single-family residence, built in 1954.

A companion rezoning application was submitted accompanying this request for a zoning change from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

To the north of the subject property, across Cone Road, is Brevard County-owned land and a single-family residence, to the east is a used auto sales business and a vacant commercial property, to the south is vacant commercial land and to the west is a warehouse and an office building. The subject .53 acre parcel is adjacent to CC to the south, east and west and adjacent to CC land uses across Oleander Drive to the east.

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

On March 8, 2021, the Local Planning Agency heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Once filed with the State, please return two certified copies of the ordinance to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;



- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

#### **Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

#### **Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

#### **Administrative Policy 8**

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.



- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

### **CONDITIONAL USE PERMITS (CUPs)**

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

(b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon



a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.



- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.



- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

## DEFINITIONS OF CONCURRENCY TERMS

**Maximum Acceptable Volume (MAV):** Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**Volume/Maximum Acceptable Volume (VOL/MAV):** Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

**Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV):** Ratio of volume with development to the Maximum Acceptable Volume.

**Acceptable Level of Service (CURRENT LOS):** The Level of Service at which a roadway is currently operating.

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



**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 21S.1 (21PZ00001)*  
**Township 25, Range 36, Section 02**

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**Property Information**

**Owner / Applicant: Robert Van Horn / Gerald K. Houck**

**Adopted Future Land Use Map Designation:** Neighborhood Commercial (NC)

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

**Acreage:** .53 acres

**Tax Account #:** 2501307

**Site Location:** On the south side of Cone Road approximately 898 feet west of South Plumosa Street

**Commission District:** 2

**Current Zoning:** Single-Family Residential (RU-1-9)

**Requested Zoning:** Retail, Warehousing & Wholesale Commercial (BU-2)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on .53 acres of land from Neighborhood Commercial (NC) to Community Commercial (CC).

This segment of Cone Road had a Mixed Use (MIX) Future Land Use designation prior to 1988. In 2001, the Future Land Use designations were changed from MIX to NC and CC along this segment of Cone Road when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has a vacant single-family residence built in 1954.

A companion rezoning application was submitted accompanying this request for a zoning change from Single-Family Residential (RU-1-9) to Retail, Warehousing, and Wholesale Commercial (BU-2).



## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-Family Residence and Brevard County owned land	RU-1-9	RES 6
<b>South</b>	Vacant Commercial Land	BU-2	CC
<b>East</b>	Used Auto Sales and Vacant Commercial Land	BU-2	CC
<b>West</b>	Warehouse and Office Building	BU-2	CC

To the north of the subject property, across Cone Road, is Brevard County owned land and a single-family residence, to the east is a used auto sales business and a vacant commercial property, to the south is vacant commercial land and to the west is a warehouse and an office building.

## Environmental Resources

*Mapped resources include Indian River Lagoon Nitrogen Reduction Overlay, protected and specimen trees and 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 historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.*

## Comprehensive Plan Policies/Comprehensive Plan Analysis

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



**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.

### **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 foresee ably be affected by the proposed use;

*There is a seventy-five foot (75') right-of-way between the subject site and the residential neighborhood to the north. The applicant has not stated a specific commercial use but the effects of lighting, site activity and traffic will be evaluated at the time of site plan review.*

- 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 has been a historical existing commercial use pattern established along this segment of Cone Road, more specifically on the south side from S. Courtenay Parkway east to S. Plumosa Street.*

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

*There has not been any actual development within this area in the preceding three (3) years.*

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

*There have not been any development approvals within the past three (3) years.*



## **Role of the Comprehensive Plan in the Designation of Commercial Lands**

### **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 .53 acre parcel has frontage on Cone Road to the north and access to Oleander Drive to the east.*

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

*The subject .53 acre parcel is adjacent to CC to the south, east and west and adjacent to CC land uses across Oleander Drive to the east. Inter-connectivity could be provided between the subject site and the vacant commercial parcel to the south if warranted.*

- C. Existing commercial development trend in the area;

*There is a historical existing commercial use pattern along Cone Road from S. Courtenay Parkway and S. Plumosa Street to the east.*

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

*There are no fundamental changes in character within this area prompted by County infrastructure improvements.*

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

*The parcel is serviced by Brevard County sewer and potable water by the City of Cocoa. Based upon Floor Area Ration (FAR) used for traffic analysis when considering Future Land use changes, Cone Road would be operating below the Acceptable Level of Service (LOS) of E. Specific concurrency issues will be addressed at the time of Site Plan review.*

- F. Spacing from other commercial activities;

*This segment of Cone Road from S. Courtenay Parkway and S. Plumosa Street has commercial activities abutting the property to the south, east and west. The subject parcel is already located within an existing commercial area.*

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



*The subject parcel is .53 acres. Currently there is approximately 1.3 acres of vacant commercial property within this 10 acre commercial cluster along the south side of Cone Road from S. Courtney Parkway to S. Plumosa Street.*

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

*The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary on pages 8 and 9).*

- I. Integration of open space; and

*Open space will be evaluated during the site plan review process.*

- J. Impacts upon strip commercial development.

*The subject .53 acre site would be considered infill rather than extend strip commercial development. The subject site is located within an existing commercial area.*

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

### **Policy 2.7**

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

- a) Existing strip commercial;

*This segment of Crone Road has a historic pattern of commercial development, the majority of which is along the south side of the road. In addition, Cone Road from S. Courtenay Boulevard east to S. Plumosa Street has had a Future Land Use designation of MIX since 1988. When the Density Map was combined with the Future Land Use Map in 2001, the Future Land Use designations changed from MIX to NC and CC based upon the Density Map. This segment of Cone Road is not considered strip commercial.*

## **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 subject parcel is located at the intersection of Cone Road and Oleander Drive, an Urban Minor Collector Road/Local Road intersection. Currently, there is a commercial cluster of approximately ten (10) acres of CC Future Land Use designations on the south, east and west sides. Crone Road.*

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

*The subject site is a minor intersection with an approximate 10 acre commercial cluster that runs along the south side of Cone Road from S. Courtenay Boulevard to S. Plumosa Street to the east.*

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

*The subject site is located within an approximately 10 acre commercial cluster along Cone Road. The nearest commercial cluster is approximately .70 miles north along the W. Merritt Island Causeway.*

*This is an existing community commercial corridor along Cone Road. With the exception of two parcels to include this one, the entire 10 acre cluster has a CC Future Land Use designation.*

- 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.

*The gross floor area is regulated through the land development regulations at the time of site plan review.*

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.



*The overall subject site has the potential for a twenty-three thousand eighty-six square foot (23,086 s.f.) building. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.*

### **For Board Consideration**

The Board may wish to consider that the subject site is located in an area that establishes CC Future Land Uses as the predominant land use.

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



**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 21PZ00001**

**Applicant:** Van Horn - Houck

**Future Land Use Request:** NC to CC

**Note:** Applicant wants CC and BU-2 use

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID Nos:** 2501307

- 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:**

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

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

**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is 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**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may exist on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or



relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM. Applicant should contact Merritt Island Redevelopment Agency (MIRA) at 321-454-6610 for other landscape requirements.

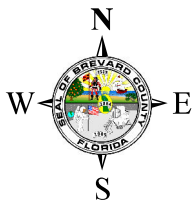
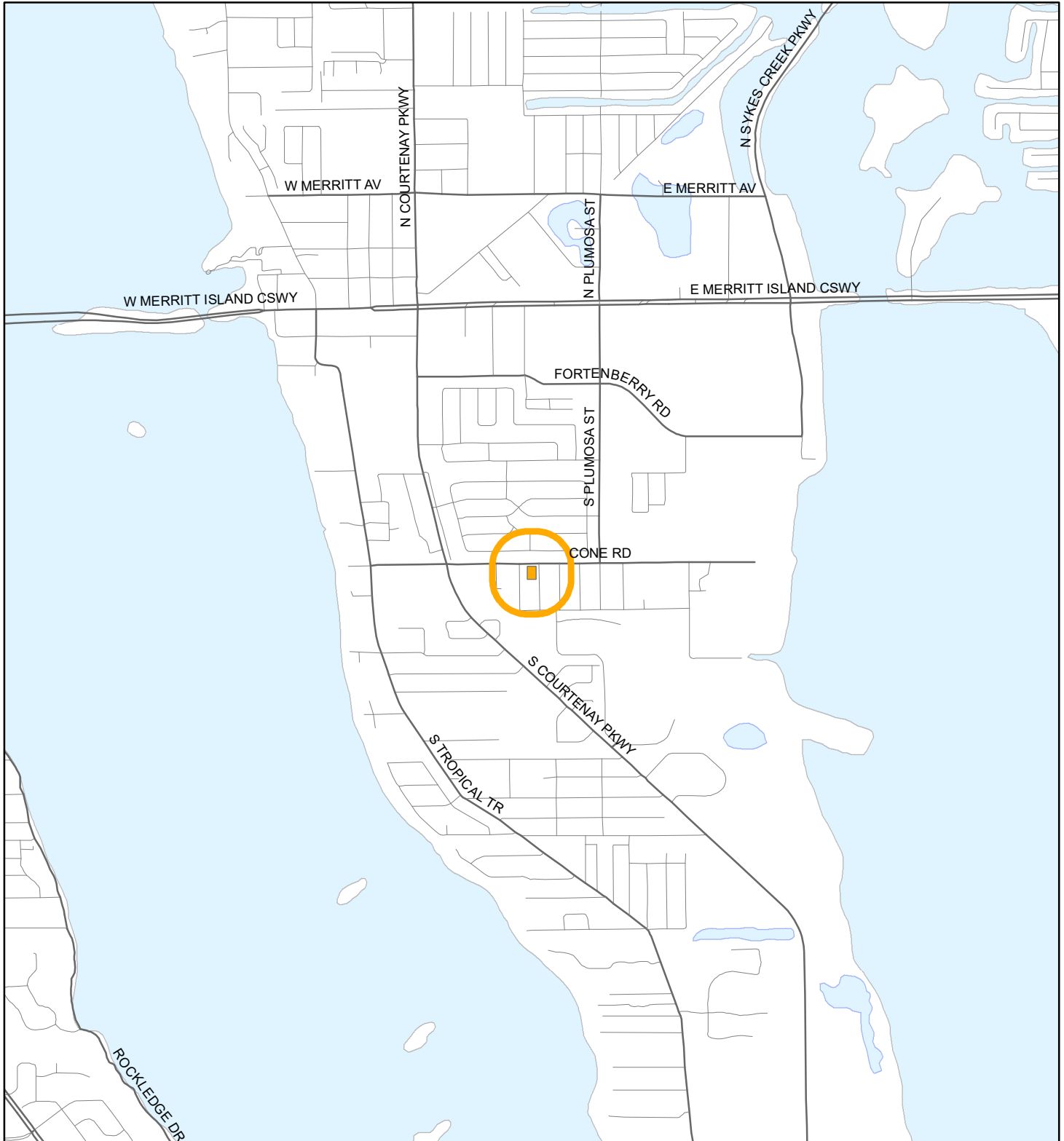
**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



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.

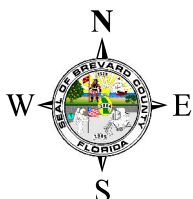
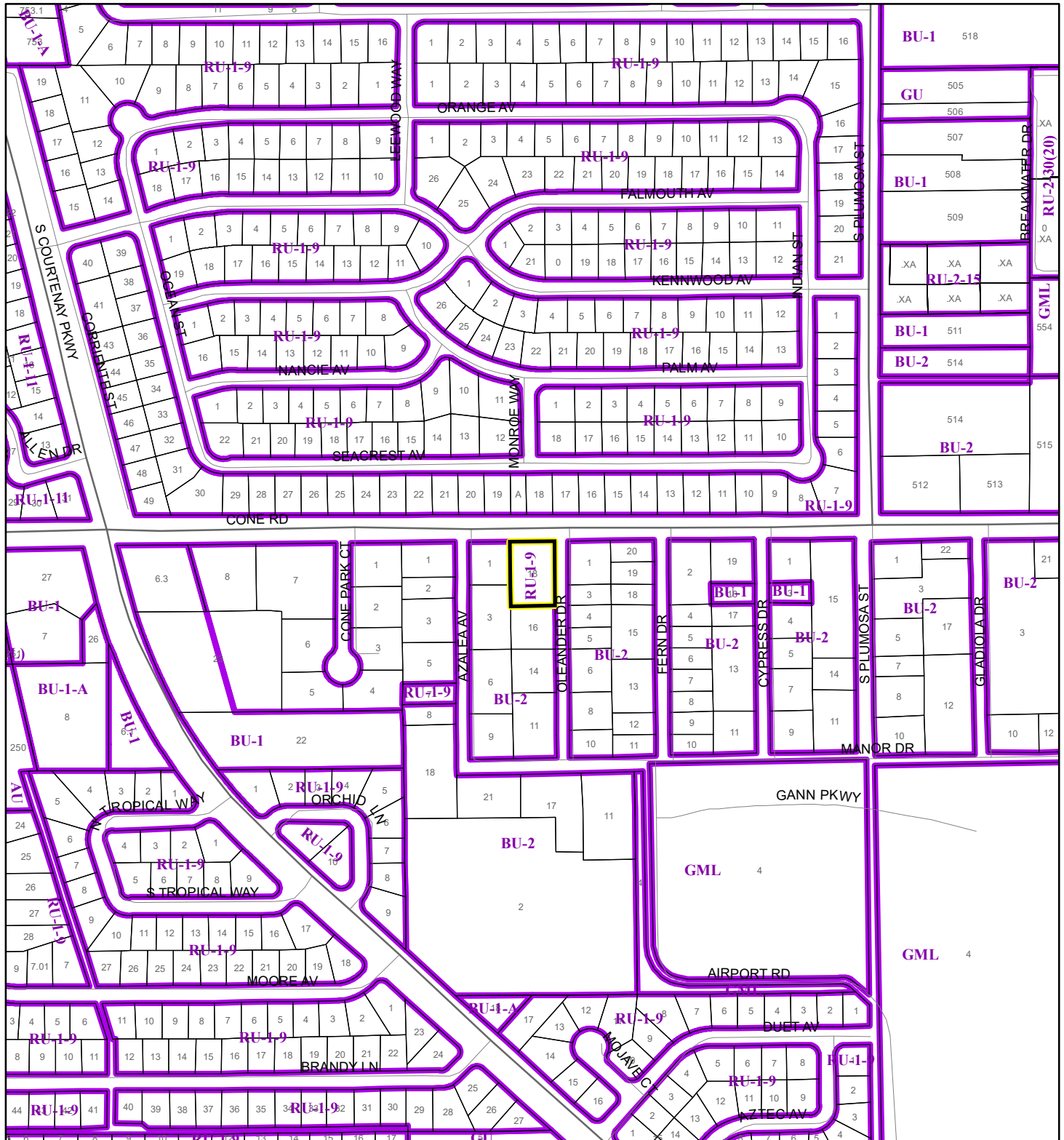
Produced by BoCC - GIS Date: 1/22/2021

Buffer  
Subject Property



# ZONING MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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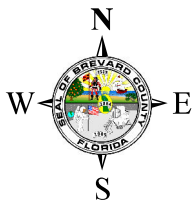
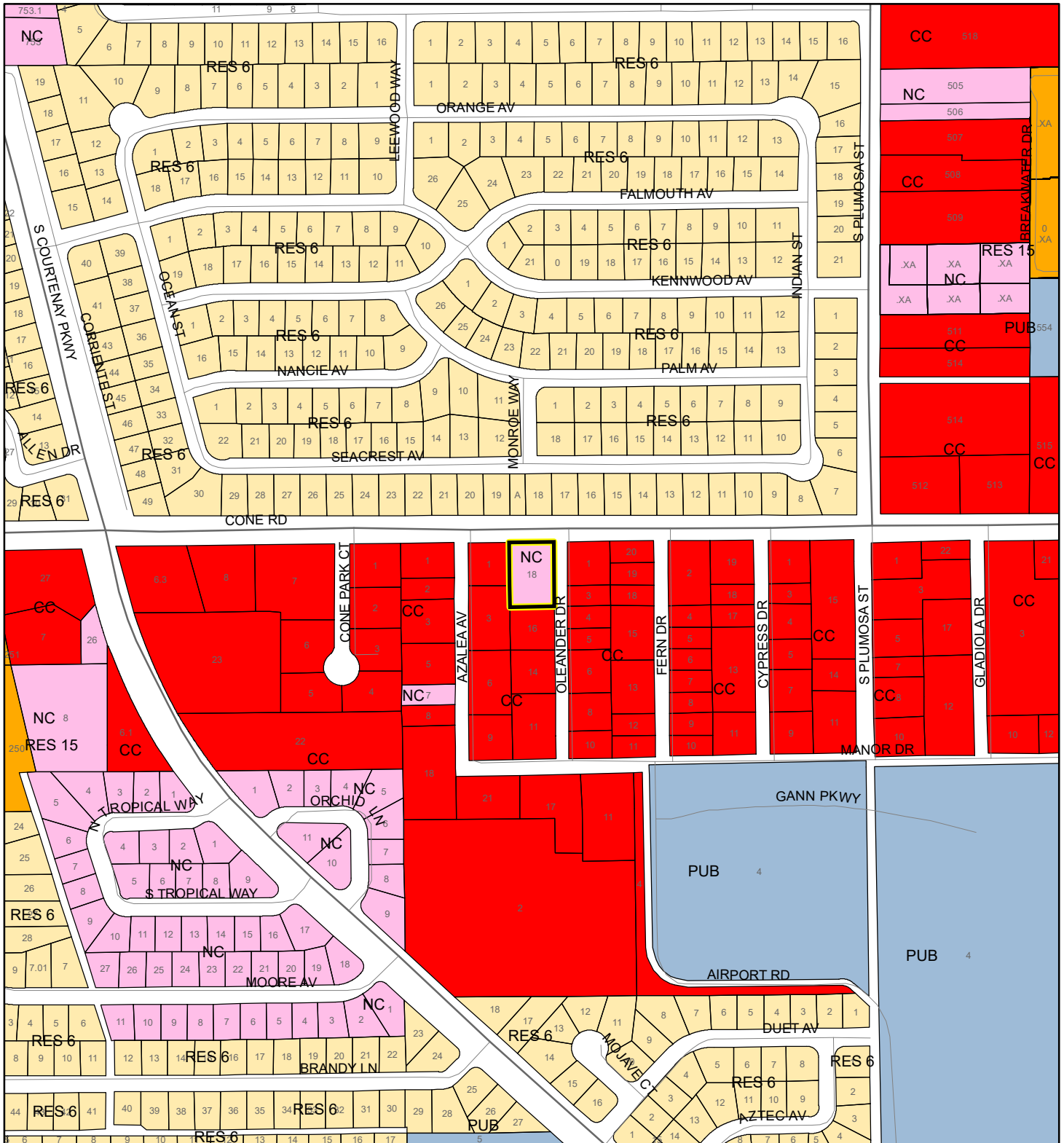
Produced by BoCC - GIS Date: 1/22/2021

- Subject Property
- Parcels
- Zoning



# FUTURE LAND USE MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

Subject Property  
 Parcels

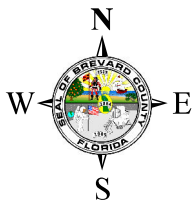
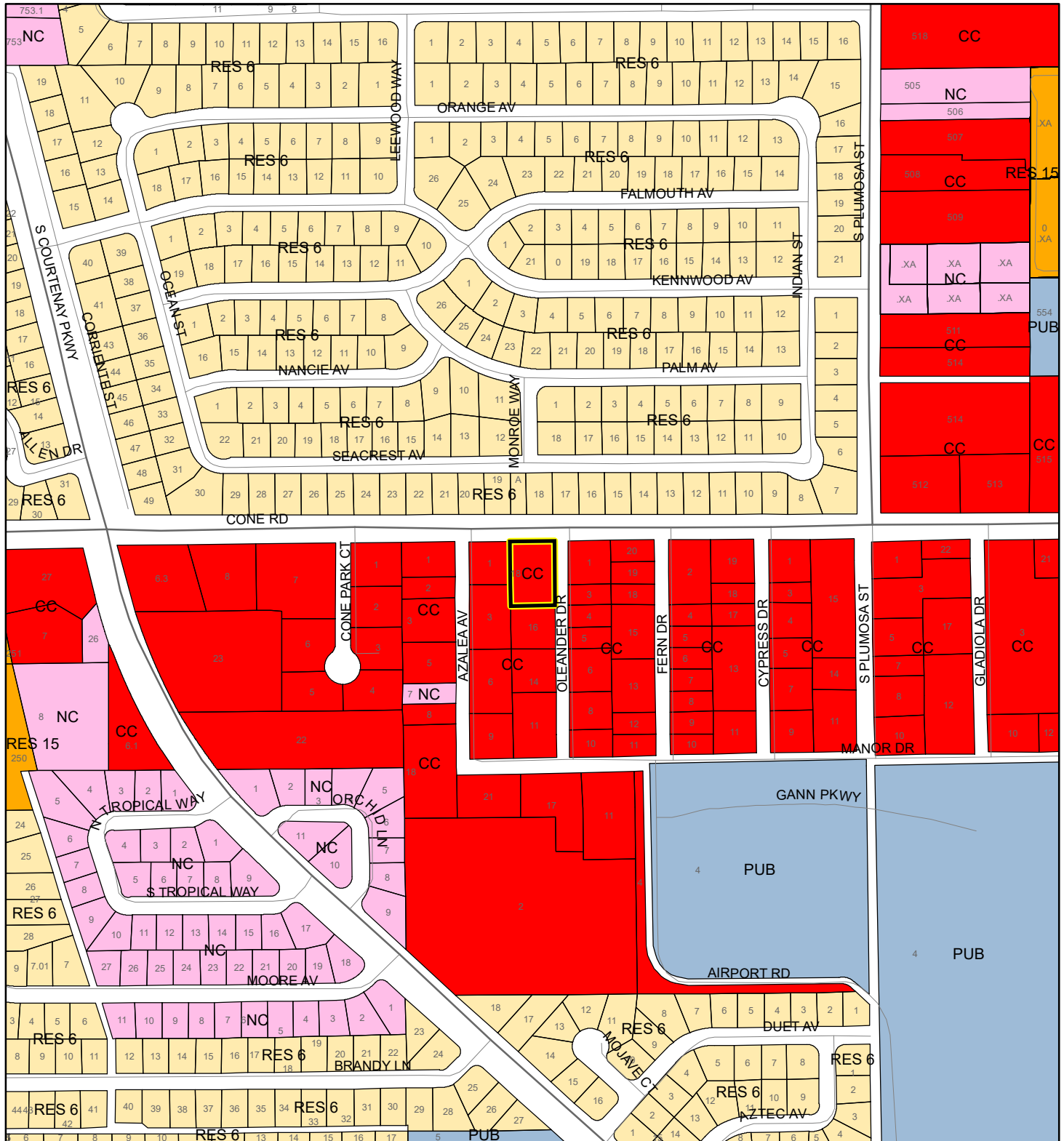
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Produced by BoCC - GIS Date: 1/22/2021



# PROPOSED FUTURE LAND USE MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

Subject Property  
 Parcels

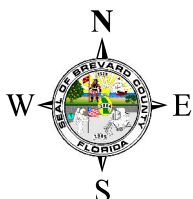
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Produced by BoCC - GIS Date: 1/22/2021



# AERIAL MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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

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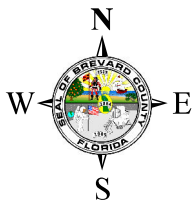
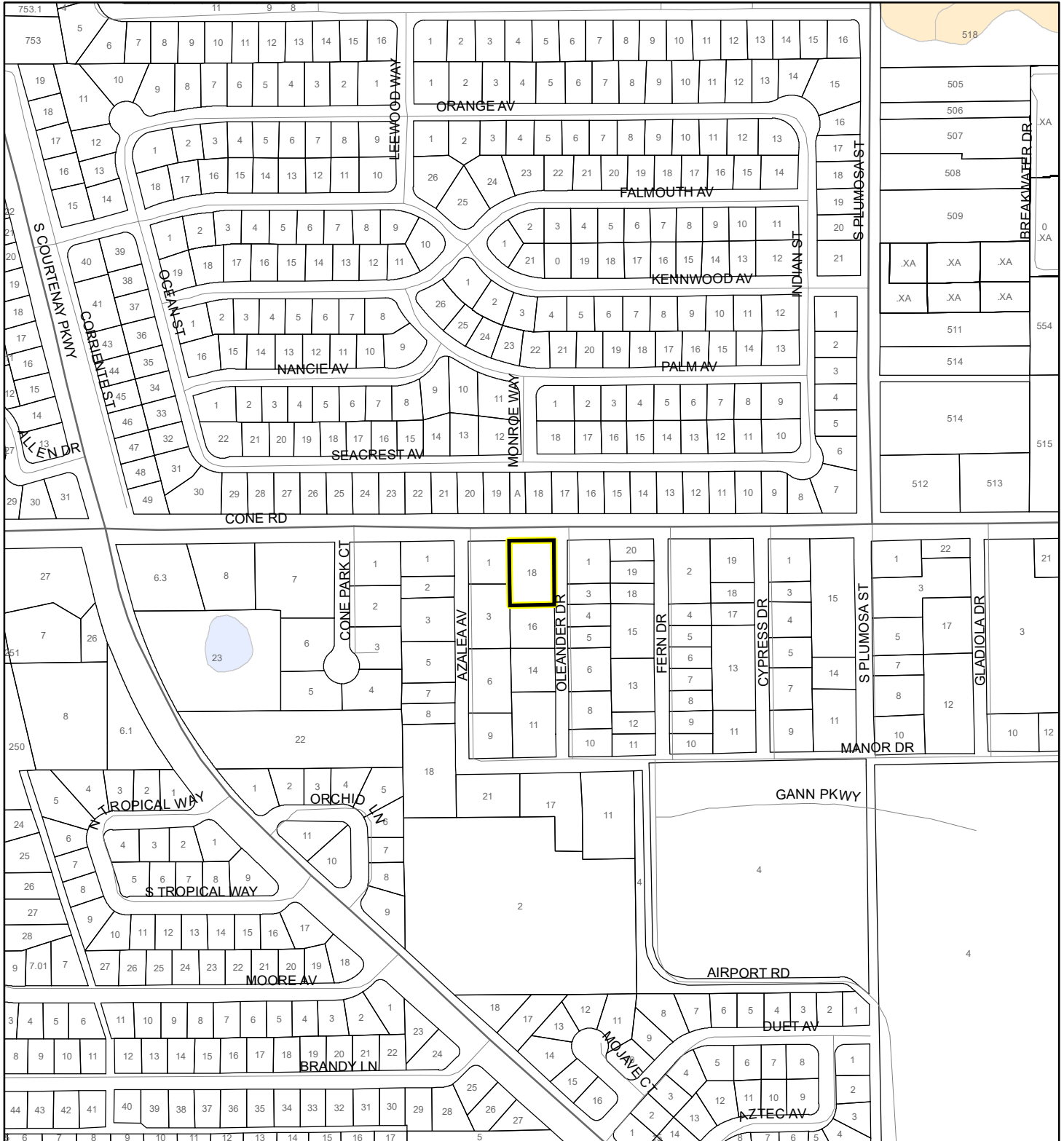
 Subject Property

 Parcels



# NWI WETLANDS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

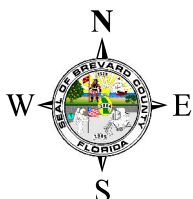
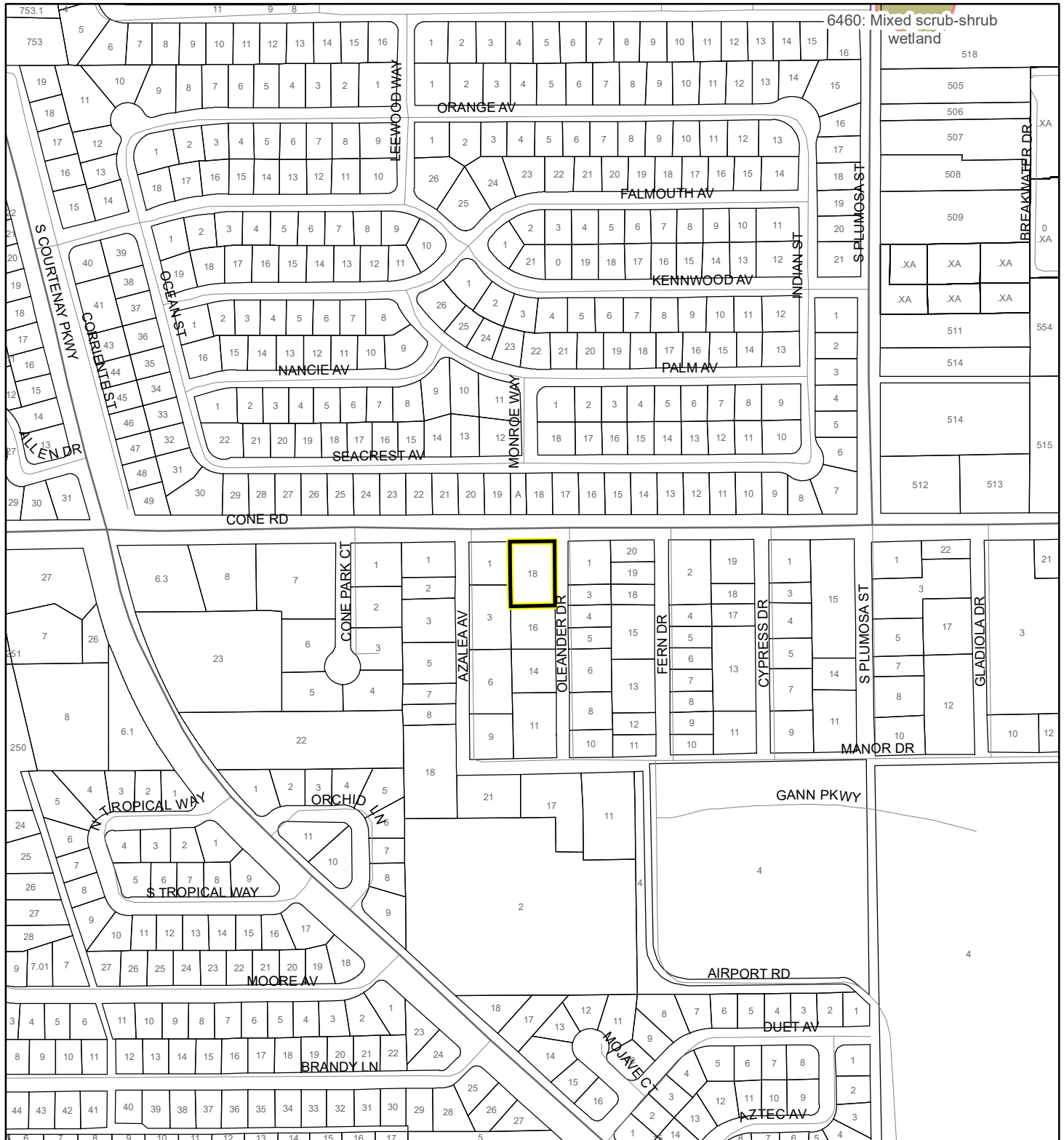
## National Wetlands Inventory (NWI)

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

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

## 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

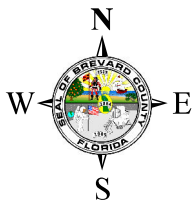
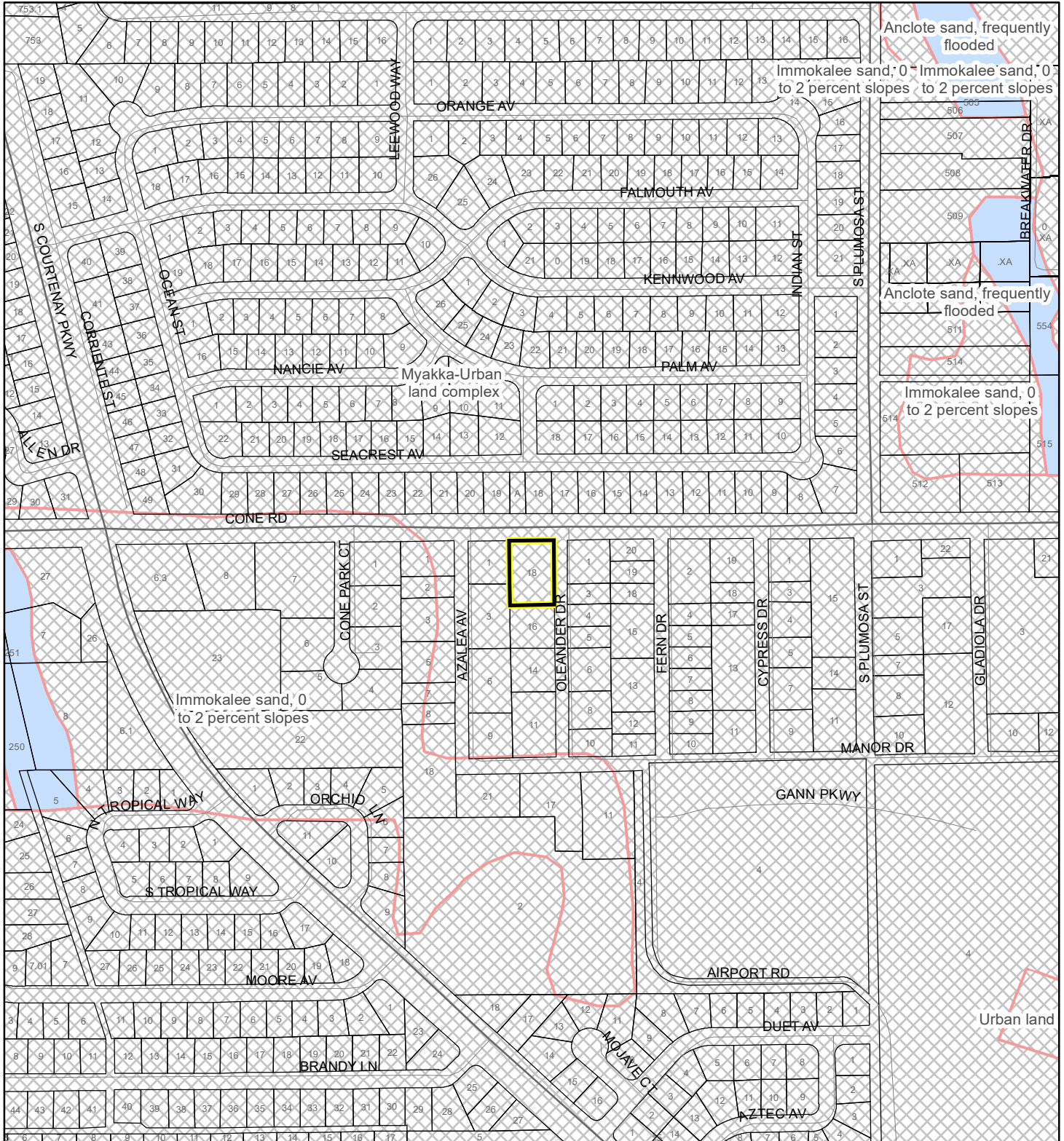
Subject Property

Parcels



# USDA SCSSS SOILS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

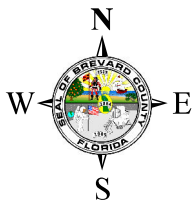
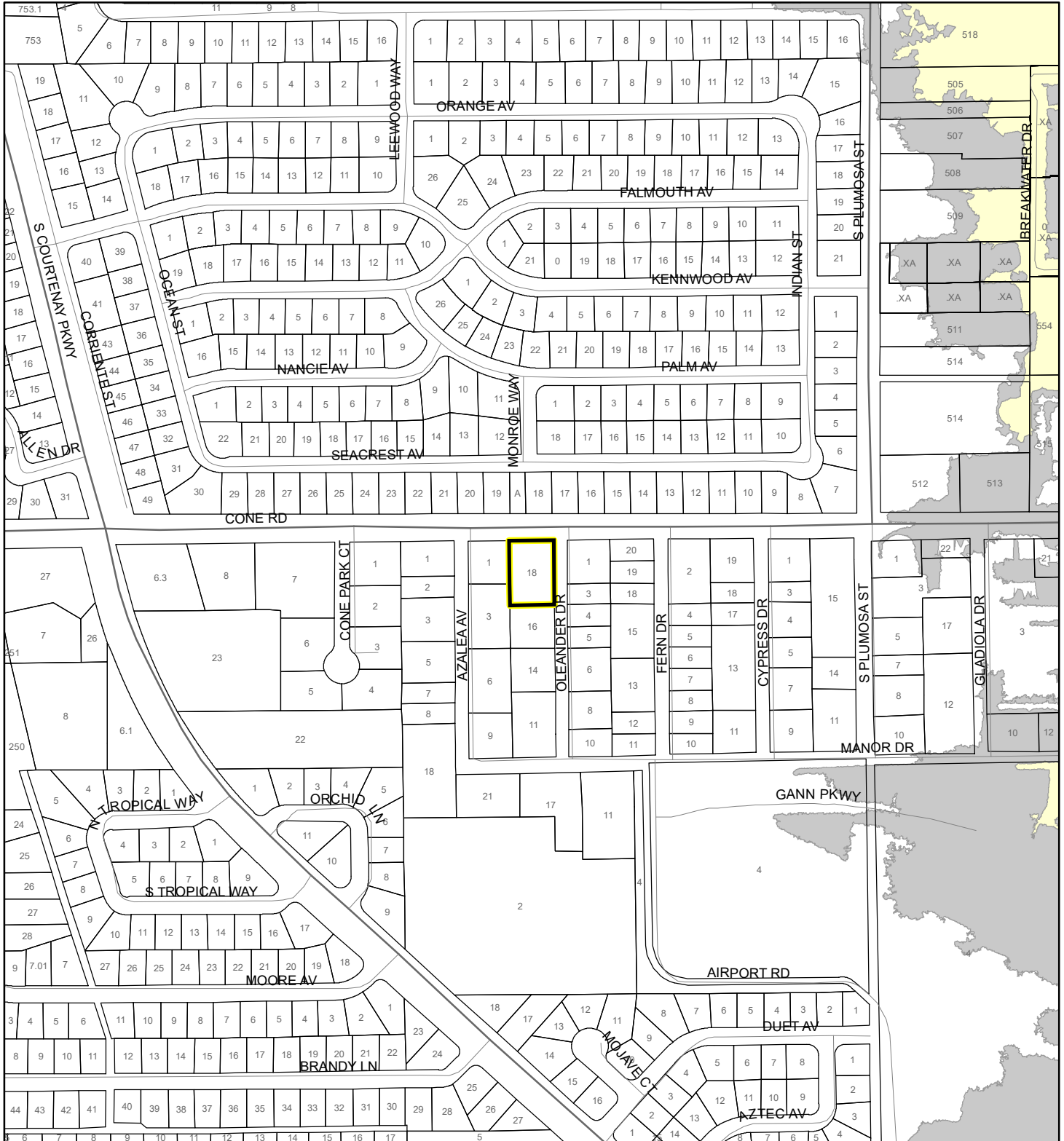
Subject Property

Parcels



# FEMA FLOOD ZONES MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

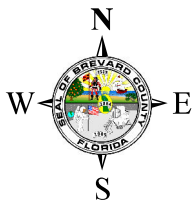
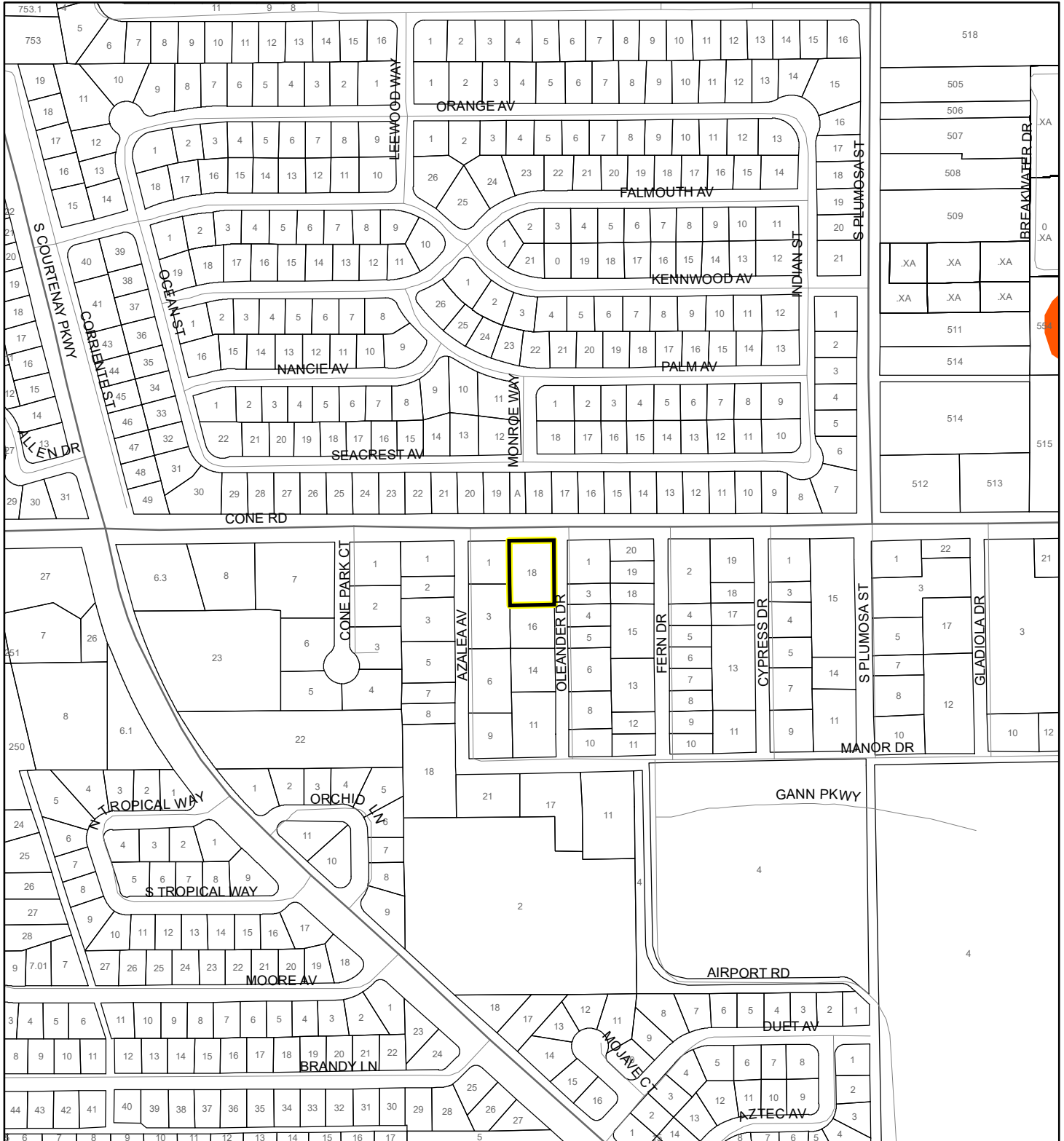
## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            | Parcels              |



# COASTAL HIGH HAZARD AREA MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/22/2021

 Subject Property

 Parcels

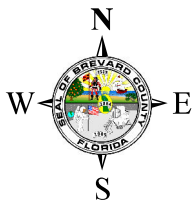
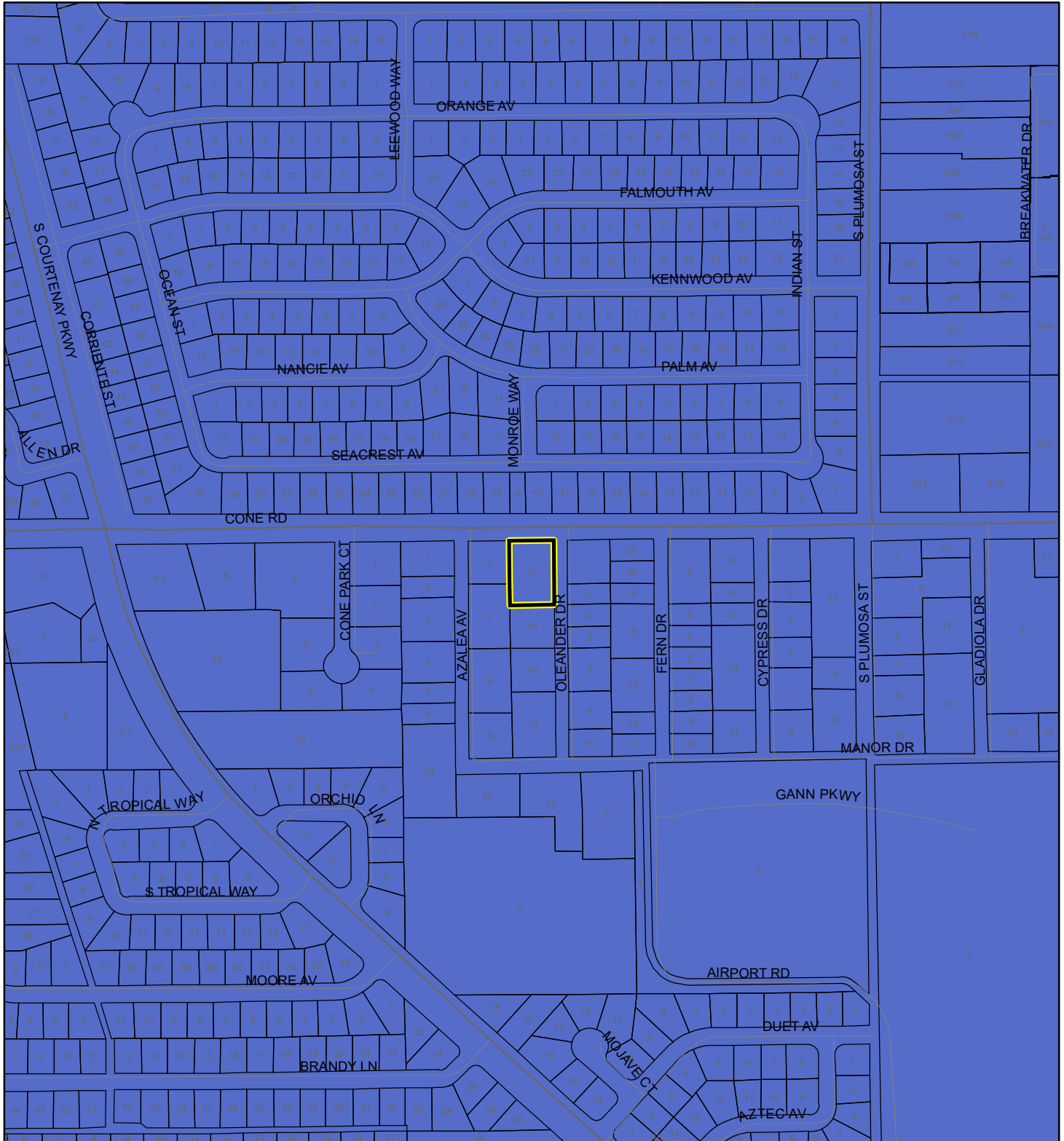
**Coastal High Hazard Area**

 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

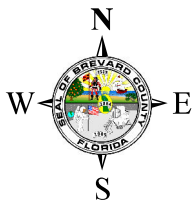
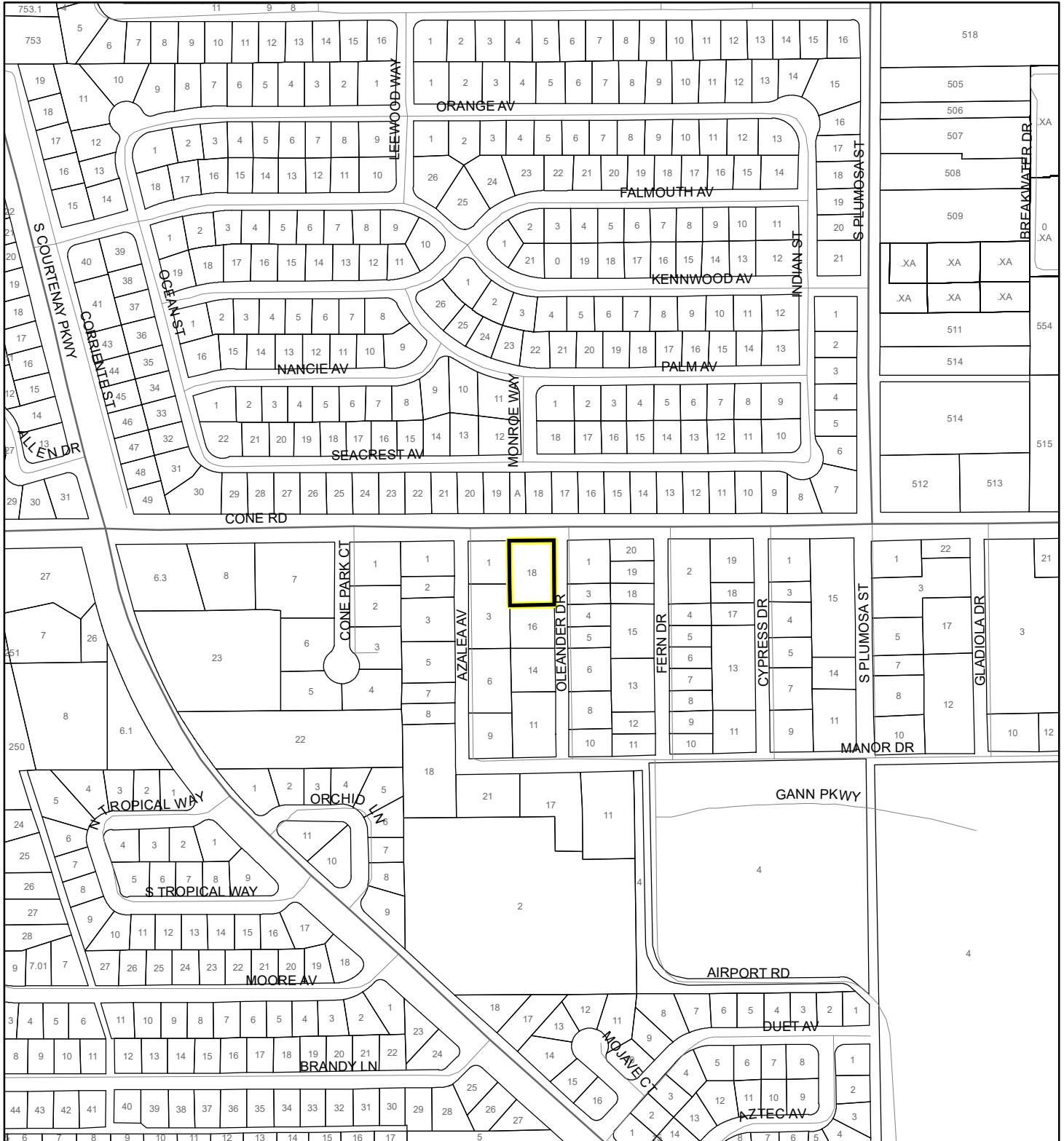
 60 Meters

 All Distances



# EAGLE NESTS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



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: 1/22/2021

 Subject Property

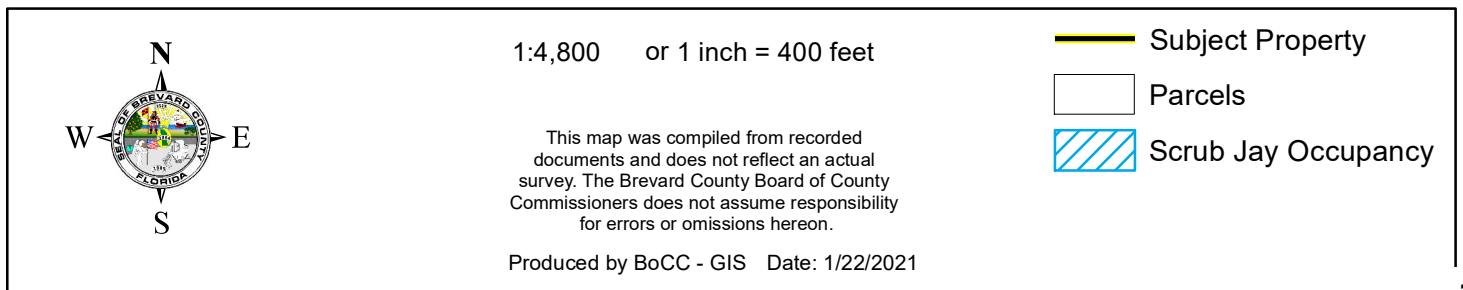
 Parcels



Eagle Nests  
FWS 2010



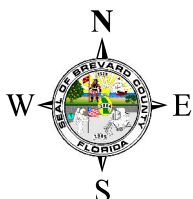
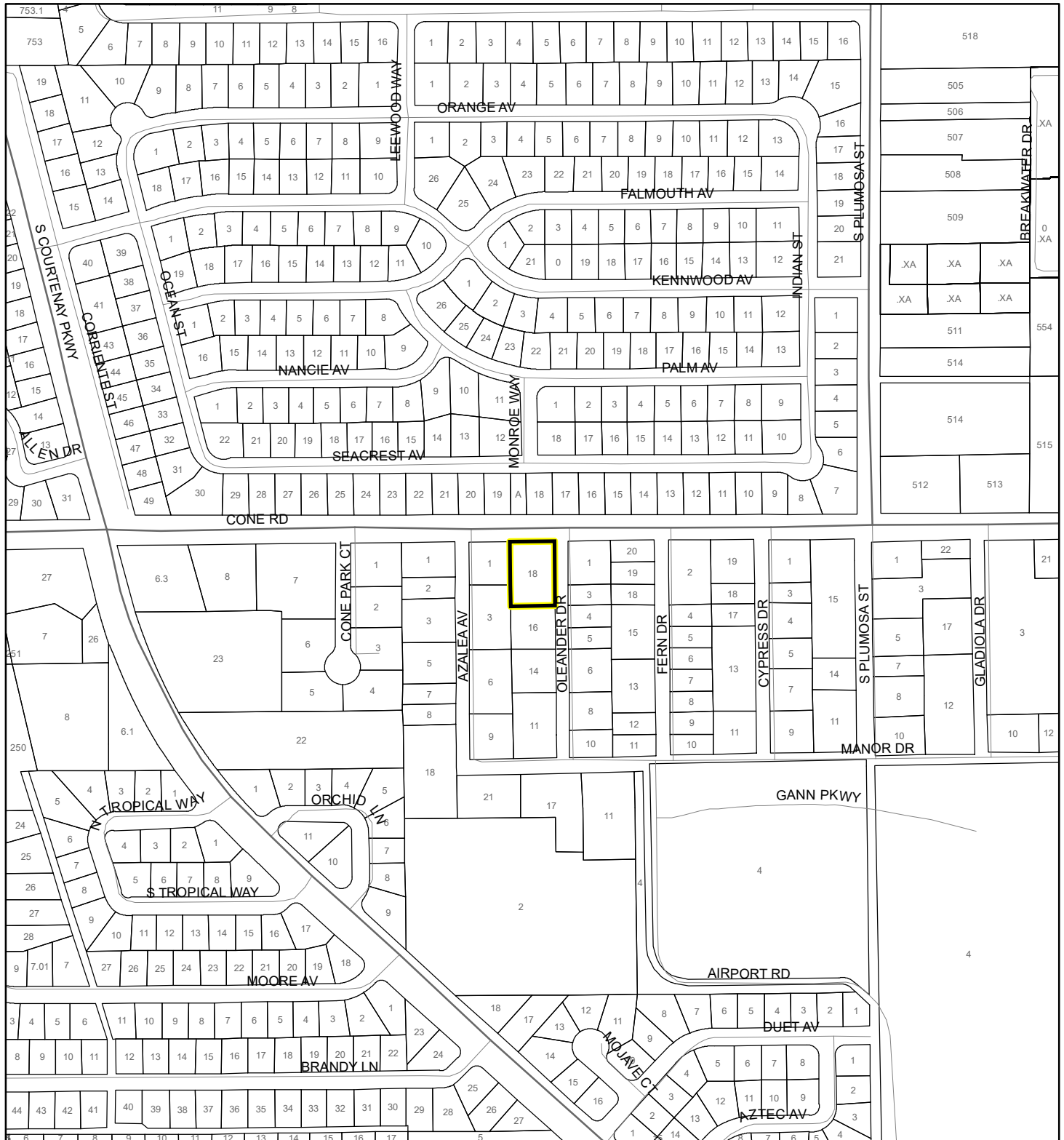
VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01





# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

## 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





BOARD OF COUNTY COMMISSIONERS

MIRA

215.01

Planning and Development  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

### Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 21PZ00001

Existing FLU: ON NE Existing Zoning: R-1-9

Proposed FLU: CC Proposed Zoning: \_\_\_\_\_

#### PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

Robert Van Horn \ Gerald K. Houck

Name(s)	Company		
<u>640 N. Tropical Tr.</u>	<u>Merritt Island</u>	<u>FL</u>	<u>32953</u>
Street	City	State	Zip Code
<u>bobandmarybeachside@yahoo.com</u>	<u>321-266-0291</u>	<u>321-266-0291</u>	
Email	Phone	Cell	

#### APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

Name(s)	Company		
Street	City	State	Zip Code
Email	Phone	Cell	



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☒ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres) 215.01
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☐ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: .53

### Reason for Request:

The property has, to our knowledge, never been used for any other reason than a single-family residence. The current building is extremely functionally obsolete and dated. The amount of deferred maintenance is immense and likely precludes restoration of the residence. The property sits in an industrial area in which every parcel for 2-3 blocks on three sides are zoned BU-2. The north side is Cone Road and a wide grassy right-of-way. With the passing of the long-time owner, it would be far from the highest and best use of the property to remain a residence. The future possible uses include medical offices/clinic, retail, or light manufacturing. From a property tax standpoint, changing the zoning would be advantageous to the county.



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Donald L. Beach      Robert Van Arman

Signature of Property Owner or  
Authorized Representative

1-8-21  
Date

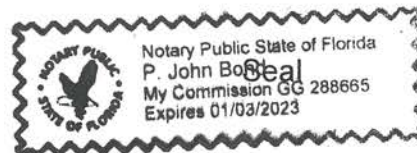
State of FLORIDA

County of BREVARD

Subscribed and sworn before me, by ✓ physical presence or \_\_\_\_\_ online notarization,  
this 8 day of, JANUARY, 20 21, personally appeared

\_\_\_\_\_, who is personally known to me or produced  
\_\_\_\_\_ as identification, and who did / did not take an oath.

[Signature]  
Notary Public Signature





**Office Use Only:**

Accela No. 21P200000 Fee: 1219.00 Date Filed: 1/8/21 District No. 2

Tax Account No. (list all that apply) 2501307

Parcel I.D. No.

25 36 02 CM 2 18  
Twp Rng Sec Sub Block Lot/Parcel

Planner: KH Sign Issued by: KH Notification Radius: 500'

**MEETINGS**

**DATE**

**TIME**

<input checked="" type="checkbox"/> P&Z	<u>3/8/2021</u>	<u>3:00pm</u>
<input type="checkbox"/> PSJ Board	_____	_____
<input type="checkbox"/> NMI Board	_____	_____
<input type="checkbox"/> LPA	_____	_____
<input type="checkbox"/> BOA	_____	_____
<input checked="" type="checkbox"/> BCC	<u>4/15/21</u>	<u>5:00pm</u>

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials KH

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☒ Yes ☐ No If yes, list MIRA

Location of subject property:

South side of Cone Rd, approx. 896 feet west of  
S. Plumosa St.

Description of Request:

Rezone RU-1-9 → BU-2 (20200004)  
SSCP NC → CC (20P200001)



**Brevard County**

**Supplement to Comprehensive Plan Amendment Application**

Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940  
(321) 633-2069



**1. Type of Application:**

- ☒ Small-scale Comprehensive Plan Future Land Use Map Amendment
- ☐ Large-scale Future Land Use Map Amendment
- ☐ Comprehensive Plan Text Amendment  
Plan Element(s) of Text Amendment request: \_\_\_\_\_

**2. Applicant:** Robert Van Horn \ Gerald K. Houck **Staff Planner :** \_\_\_\_\_

**3. Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: NC  
Requested Future Land Use Designation: CC  
Existing Zoning: RU-1-9

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

**4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.**

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

The property has, to our knowledge, never been used for any other reason than a single-family residence. The current building is extremely functionally obsolete and dated. The amount of deferred maintenance is immense and likely precludes restoration. The parcel sits in an industrial area in which every parcel for 2-3 blocks on three sides are zoned BU-2. The north side is Cone Road and a wide, grassy right-of-way. With the passing of the long-time owner, it would be far from the highest and best use of the property to remain a residence. The future possible uses include medical offices, retail, or light manufacturing.

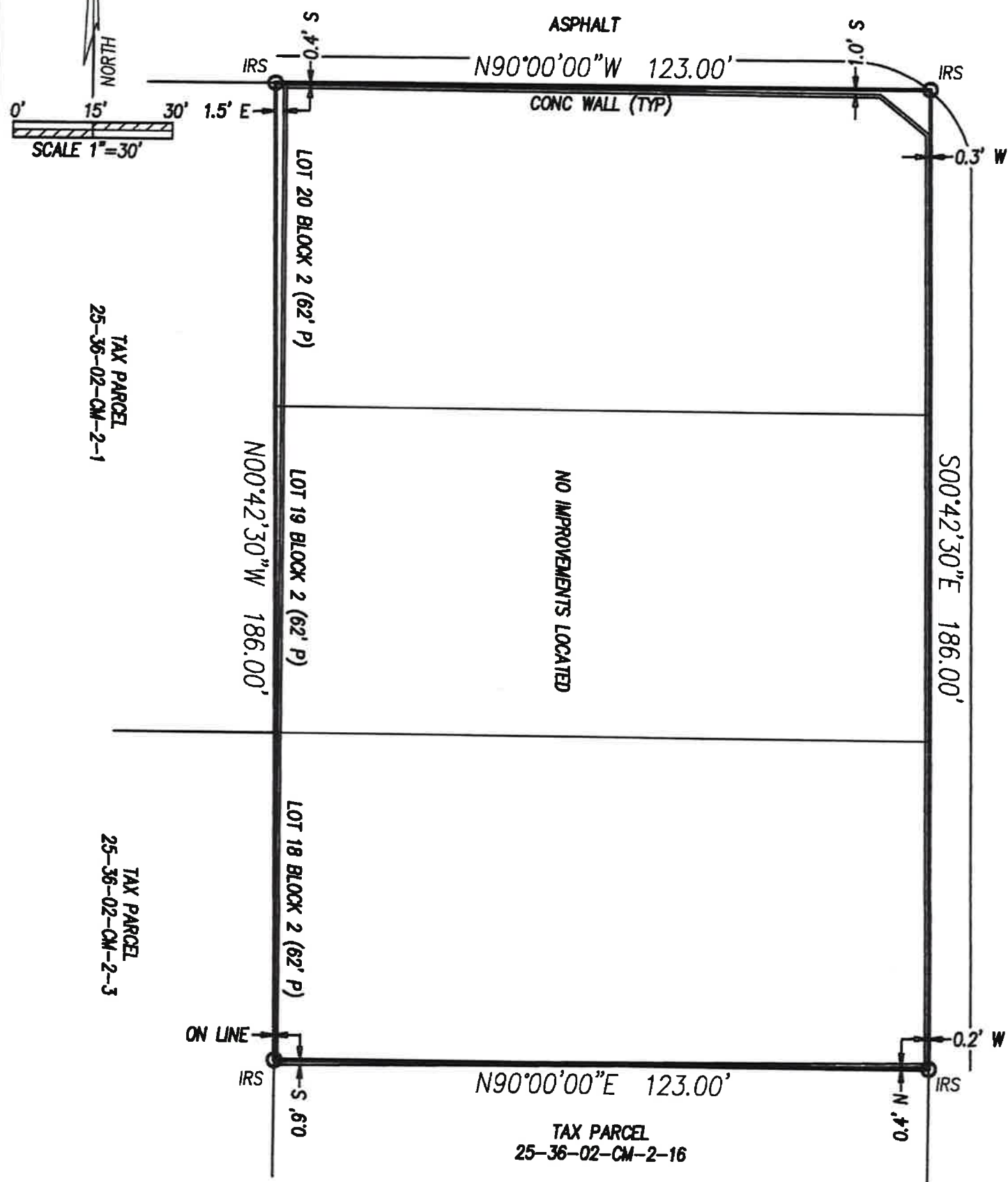
(use additional sheets if necessary)



# MAP OF BOUNDARY SURVEY

## CONE ROAD

PUBLIC RIGHT OF WAY



OLEANDER DRIVE  
40' PUBLIC RIGHT OF WAY

ASPHALT

NOTE: WALL DIMENSIONS TO OUTSIDE EDGE OF WALL

### LEGEND

C=CALCULATED C/L=CENTERLINE CLF=CHAIN LINK FENCE  
 CMF=CONCRETE MONUMENT FOUND CONC=CONCRETE  
 COR=CORNER (D)=DEED ESMT=EASEMENT  
 FFE=FINISHED FLOOR ELEVATION FNC=FENCE FND=FOUND  
 ID=IDENTIFICATION IPF=IRON PIPE FOUND  
 IRF=IRON ROD FOUND  
 IRS= 5/8" IRON ROD SET LB 7928

LB=LICENSED BUSINESS NUMBER (M)=MEASURED  
 NAD 83=NORTH AMERICAN DATUM OF 1983  
 NAVD=NORTH AMERICAN VERTICAL DATUM 1988  
 NDF=NAIL & DISK FOUND NDS = NAIL & DISK SET LB 7928  
 ORB=OFFICIAL RECORDS BOOK (P)=PLAT PB=PLAT BOOK  
 TYP=TYPICAL WD=WOOD WIT-COR=WITNESS CORNER  
 NDS=NAIL & DISK SET GAI LB 7928

PG=PAGE PCP=PERMANENT CONTROL POINT  
 PC=POINT OF CURVATURE  
 PLS=PROFESSIONAL LAND SURVEYOR  
 POB=POINT OF BEGINNING  
 POC=POINT OF COMMENCEMENT  
 PUE=PUBLIC UTILITY ESMT  
 PUDE=PUBLIC UTILITY&DRAINAGE ESMT

### LEGAL DESCRIPTION: (AS FURNISHED)

Lot 18, 19 and 20, Block 2, San Lin Manor, according to the map or plat thereof, as recorded in Plat Book 10, Page(s) 69, of the Public Records of Brevard County, Florida.

### NOTES

1. BEARINGS BASED ON SAID PLAT (SEE MAP)
2. ELEVATIONS BASED ON \_\_\_\_\_
3. FLOOD ZONE "X", MAP NO. 12009C0430G COMMUNITY NO. 125092, MARCH 17, 2014
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA ADMINISTRATIVE CODE 5J-17
5. VERTICAL CLOSURE: NOT APPLICABLE
6. BEARINGS, DISTANCES AND ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BOUNDARY

DATE: 15 JAN 21

### GAI SURVEYORS

LB. No. 7928

A. EARL GORDON, JR, PSM No. LS 2866  
 EARL K. GORDON, PSM No. LS 5363

1 OLEANDER ST. COCOA, FL 32922  
 (321) 806-3908 GAI@CFLRR.COM

### CERTIFIED TO:

Robert Van Horn and Gerald K Houck  
 Countywide Title & Escrow Corp  
 Fidelity National Title Insurance Company

### CERTIFICATION:

I HEREBY CERTIFY: THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

EARL K. GORDON PROFESSIONAL LAND SURVEYOR AND MAPPER STATE OF FLORIDA NO. LS 5363

CALCULATIONS/DRAWN/CHECKED BY: AEG/EGJ/EKG



ORDINANCE NO. 21-\_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST SMALL SCALE PLAN AMENDMENT OF 2021, 21S.01, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2021 as Plan Amendment 21S.01; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 21S.01; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and



WHEREAS, on March 8, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 15, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 21S.01; and

WHEREAS, Plan Amendment 21S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.01 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 21S.01 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 21S.01, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,



invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel M. Sadoff, Clerk

By: \_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on \_\_\_\_\_, 2021.



**EXHIBIT A**  
**21S.01 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

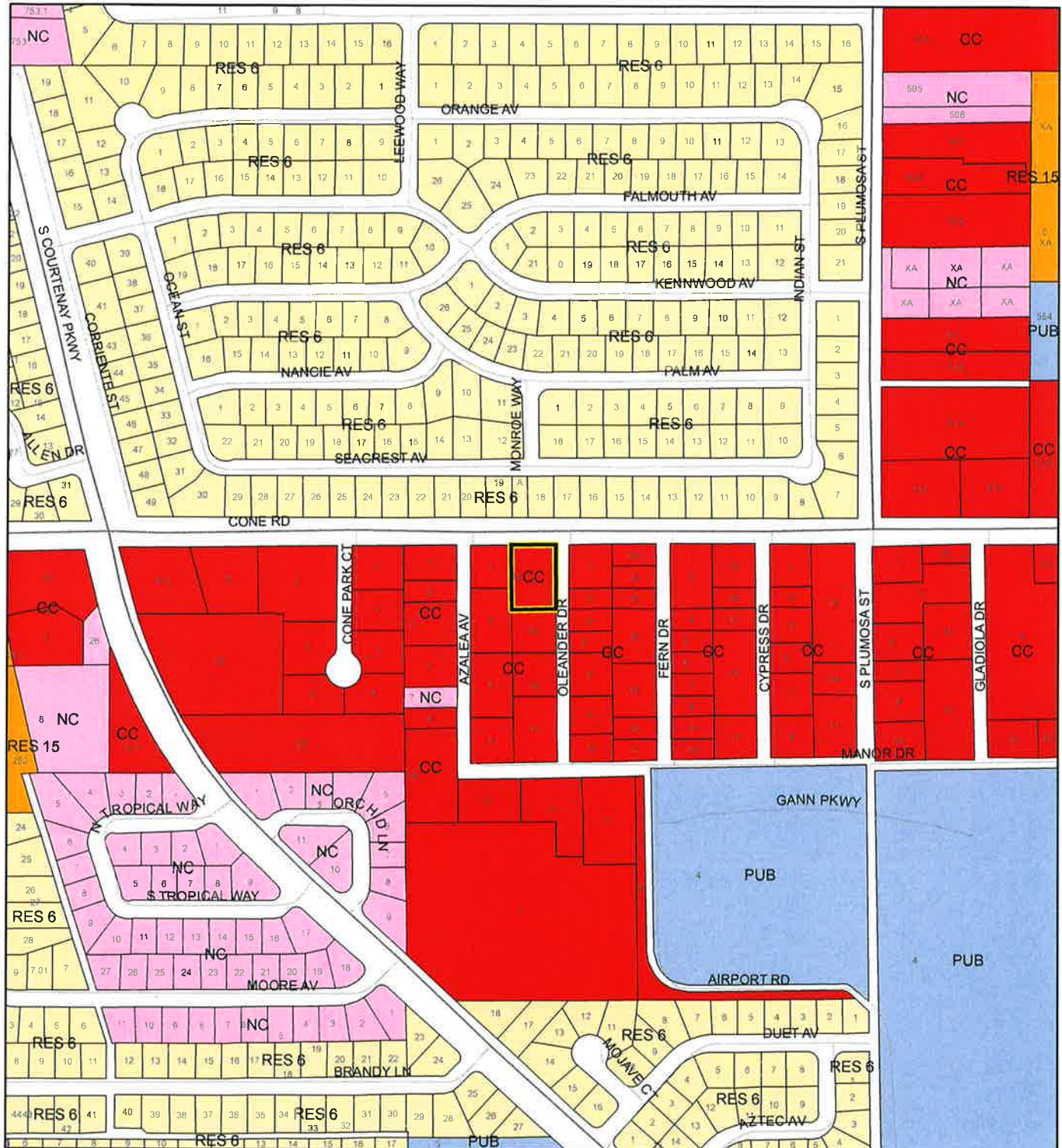
**Contents**

**1. Proposed Future Land Use Map**



# PROPOSED FUTURE LAND USE MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.  
21PZ00001 SMALL SCALE AMENDMENT 21S.01



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: 1/22/2021



## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**







## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Robert Van Horn and Gerald K. Houck**

A Small Scale Comprehensive Plan Amendment (21S.01) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 0.53 acres, located on the northwest corner of Cone Rd. and Oleander Dr. (605 Oleander Dr., Merritt Island) (21PZ00001) (Tax Account 2501307) (District 2)

#### **Robert Van Horn and Gerald K. Houck**

A change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 0.53 acres, located on the northwest corner of Cone Rd. and Oleander Dr. (605 Oleander Dr., Merritt Island) (21Z00004) (Tax Account 2501307) (District 2)

Gerald Houck, 640 N. Tropical Trail, stated he would like to let his representative speak on his behalf.

John Bond, 8931 Lake Drive, Cape Canaveral, stated he is friends with the applicants and also their real estate broker. He said the applicants own several buildings in the area, and the house on the subject property has been there for 60 years and it's the only one in the area; it is completely surrounded by BU-2. He stated Mr. Van Horn and Mr. Houck produce world class antique automobiles, and they would like to upgrade, so the plan at this point is to consolidate into one facility that would be commensurate to the area and up to code.

Mark Wadsworth asked if the plan is to construct a new building. Mr. Bond replied yes.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the Small Scale Plan Amendment change from NC to CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from RU-1-9 to BU-2. The motion passed unanimously.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

---

H.5.

4/15/2021

---

### Subject:

Robert Van Horn and Gerald K. Houck request a change of zoning classification from RU-1-9 to BU-2. (21Z00004) (Tax Account 2501307) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on a 0.53-acre lot. The applicant currently has no plans to develop the site, but wishes to change the zoning and FLU (Future Land Use) to match the surrounding area. The surrounding area is primarily BU-2 zoning with the CC FLU designation. The site is located within the Merritt Island Redevelopment Area (MIRA) and approximately 500 feet north of the Merritt Island Airport.

BU-2 zoning allows for intensive retail and wholesale businesses, as well as heavy repair services and warehousing activities. Conditional uses in BU-2 include overnight commercial parking and automobile sales and storage (under one acre in MIRA). The applicant has indicated medical offices/clinic, retail, or light manufacturing as potential uses. The subject parcel is currently developed with a single-family residence built in 1954 that is not currently in use, and would be removed in the event the site is redeveloped.

The abutting parcels to the west are zoned BU-2 and are developed with a 3,492 square-foot warehouse/flex space on the northwestern parcel and a 13,456 square-foot office building on the southwestern parcel. The abutting parcel to the south is an undeveloped BU-2 parcel. The parcel is abutted by roads on the north and east sides.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

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



**Clerk to the Board Instructions:**

Once resolution is received, please execute and return to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **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**

**21Z00004**

**Robert Van Horn and Gerald K. Houck**

**RU-1-9 (Single-Family Agricultural) to BU-2 (Retail, Warehousing, and Wholesale Commercial)**

Tax Account Number: 2501307  
Parcel I.D.: 25-36-02-CM-2-18  
Location: South side of Cone Road, approximately 898 feet west of S Plumosa Street  
in the North Cocoa area (District 1)  
Acreage: 0.53 acre

Planning and Zoning Board: 03/08/2021

Board of County Commissioners: 04/15/2021

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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	BU-2
<b>Potential*</b>	2 single-family units	23,087 sq. ft. based on FAR
<b>Can be Considered under the Future Land Use Map</b>	YES NC	NO NC**

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\* The applicant has submitted a companion Small Scale Comprehensive Plan Amendment (**21PZ00001**) to change the FLU from NC to CC.

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on a 0.53 acre lot. The applicant currently has no plans to develop the site, but wishes to change the zoning and FLU to match the surrounding area. The surrounding area is primarily BU-2 zoning with CC FLU designation. The site is located within the Merritt Island Redevelopment Area (MIRA) and approximately 500 feet north of the Merritt Island Airport.



BU-2 zoning allows for intensive retail and wholesale businesses, as well as heavy repair services and warehousing activities. Conditional uses in BU-2 include overnight commercial parking and automobile sales and storage (under one acre in MIRA). The applicant has stated medical offices/clinic, retail, or light manufacturing as potential uses.

The original zoning for the parcel was RU-1 as established by Brevard County in 1958. Zoning action **Z-2980** replaced RU-1 zoning with new zoning classifications, changing this parcel to RU-1-9 on June 1, 1972.

## **Land Use**

The subject property retains the NC (Neighborhood Commercial) FLU designation. The current zoning of RU-1-9 on the subject property is consistent with the NC FLU per 62-1255 (2). The proposed zoning of BU-2 is not consistent with the NC FLU designation per 62-1255 (2). The companion application, a Small Scale Comprehensive Plan Amendment changing the FLUM from NC to CC (**20PZ00001**), must be approved in order for this zoning to be considered.

## **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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

The abutting parcels to the west and south have the FLU designation of CC (Community Commercial). Abutting the parcel to the north and east are Cone Road and Oleander Drive, respectively. The proposed zoning change from RU-1-9 to BU-2 is not consistent with the NC FLU designation. The companion application, a Small Scale Comprehensive Plan Amendment changing the FLUM from NC to CC (**21PZ00001**), must pass in order for this zoning request to be considered.

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

The subject parcel is currently developed with a single-family residence built in 1954 that is not currently in use. The home would be removed in the event the site is redeveloped.

The abutting parcels to the west are zoned BU-2 and are developed with a 3,492 sq. ft. warehouse/flex space on the northwestern parcel and a 13,456 sq. ft. office building on the southwestern parcel. The abutting parcel to the south is an undeveloped BU-2 parcel. The parcel is abutted by roads on the north and east sides.

The current RU-1-9 zoning classification permits a single-family residence on 6,600 sq. ft. lots, with a minimum lot width of 66 feet and a minimum lot depth of 100 feet. The minimum house size in RU-1-9 is 900 square feet.

The proposed BU-2 classification permits intensive retail and wholesale businesses, as well as heavy repair services and warehousing activities. Conditional uses in BU-2 include overnight commercial parking and automobile sales and storage (under one acre in MIRA). Contractors' offices, plants, and



storage yards are permitted with the condition that storage yards must be enclosed with a six-foot opaque wall or fence. Automobile repairs must be done in an enclosed structure with no bay door openings located in the front face of the building. At this time, the applicant has not indicated a proposed use for the property.

### **Surrounding Properties**

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

The Merritt Island Airport is located approximately 500 feet to the south of the property. The most common uses on the BU-2 parcels in the area are warehouse/flex space, multi-tenant office buildings, and automobile repair. Across Cone Road to the north is a subdivision zoned RU-1-9. Generally, the parcels to the north of Cone Road are residential while the parcels on the south side are commercial. This lot is one of only two residential lots in the area.

### **Environmental Constraints**

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Cone Road, between S Courtenay and Plumosa, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 38.46% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.52%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 38.98% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

The parcel is serviced by Brevard County sewer.

The parcel is serviced by City of Cocoa water.

### **For Board Consideration**

The Board may wish to consider the existing development trends of the surrounding area, as this lot is one of only two residential lots in the area, which is primarily zoned BU-2.



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

**Item # 21Z00004**

**Applicant:** Van Horn - Houck

**Zoning Request:** RU-1-9 to BU-2

**Note:** Applicant wants BU-2

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID Nos:** 2501307

- 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:**

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

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

**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Overlay**



The entire parcel is 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**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may exist on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM. Applicant should contact Merritt Island Redevelopment Agency (MIRA) at 321-454-6610 for other landscape requirements.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004





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: 1/22/2021

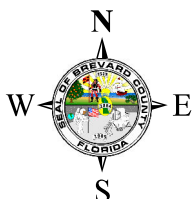
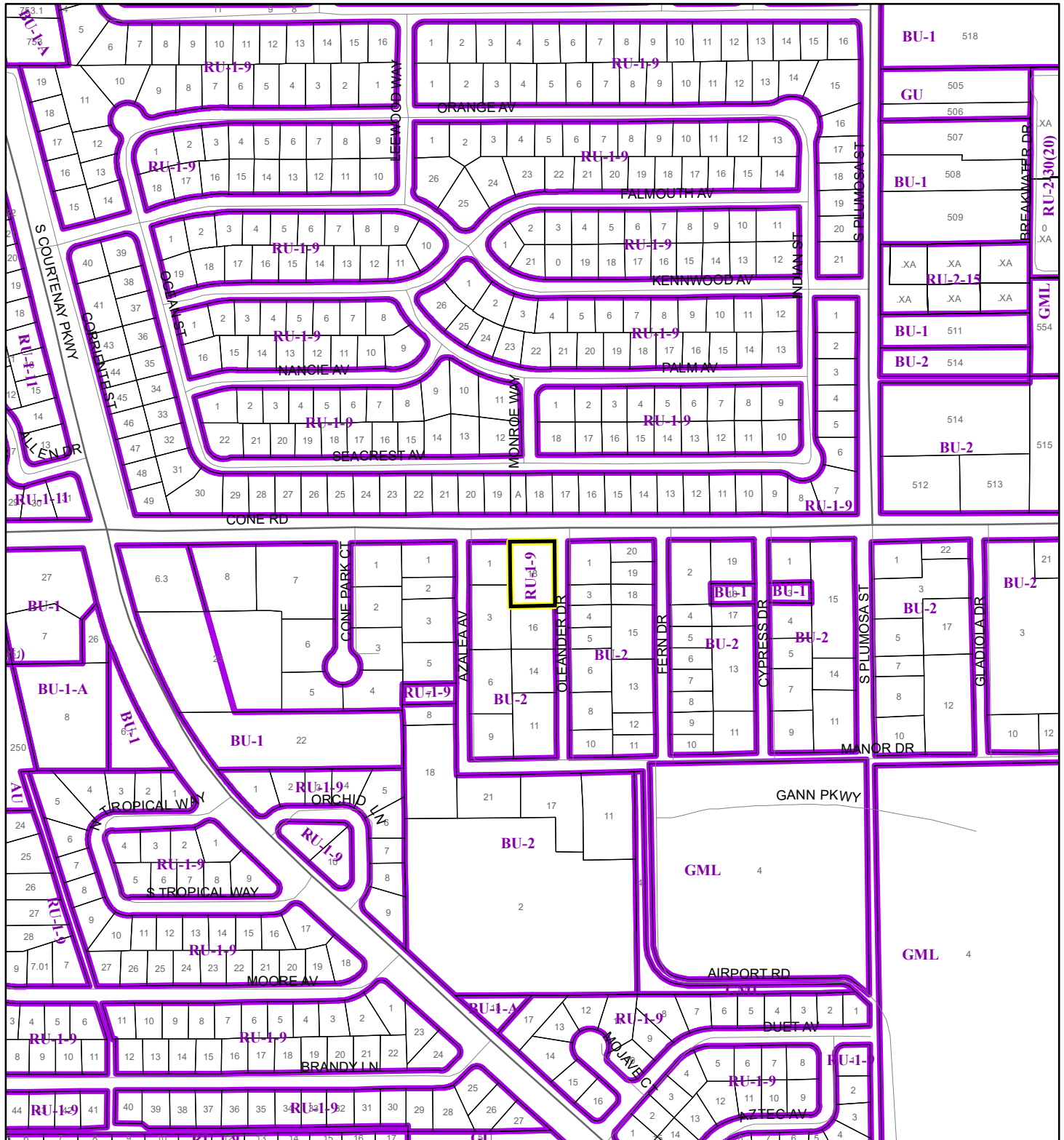
 Buffer  
 Subject Property



# ZONING MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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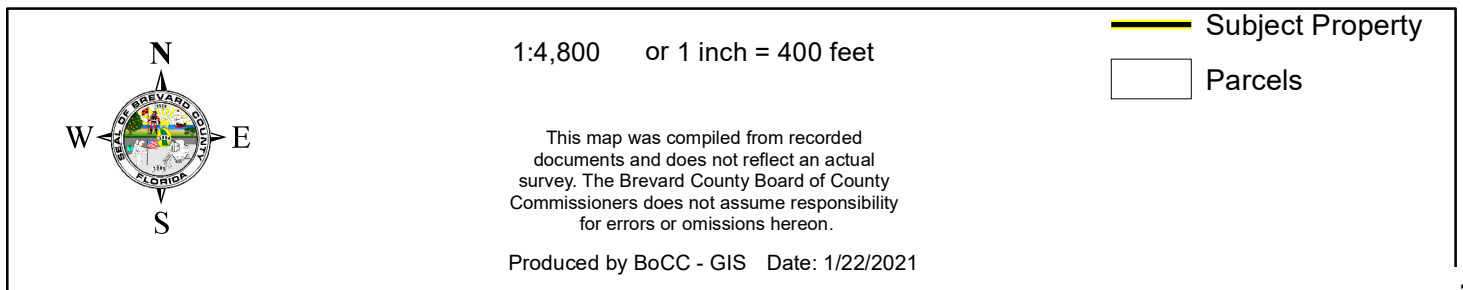
Subject Property

Parcels

Zoning



21Z00004

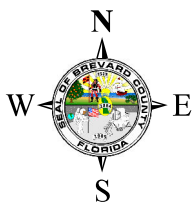
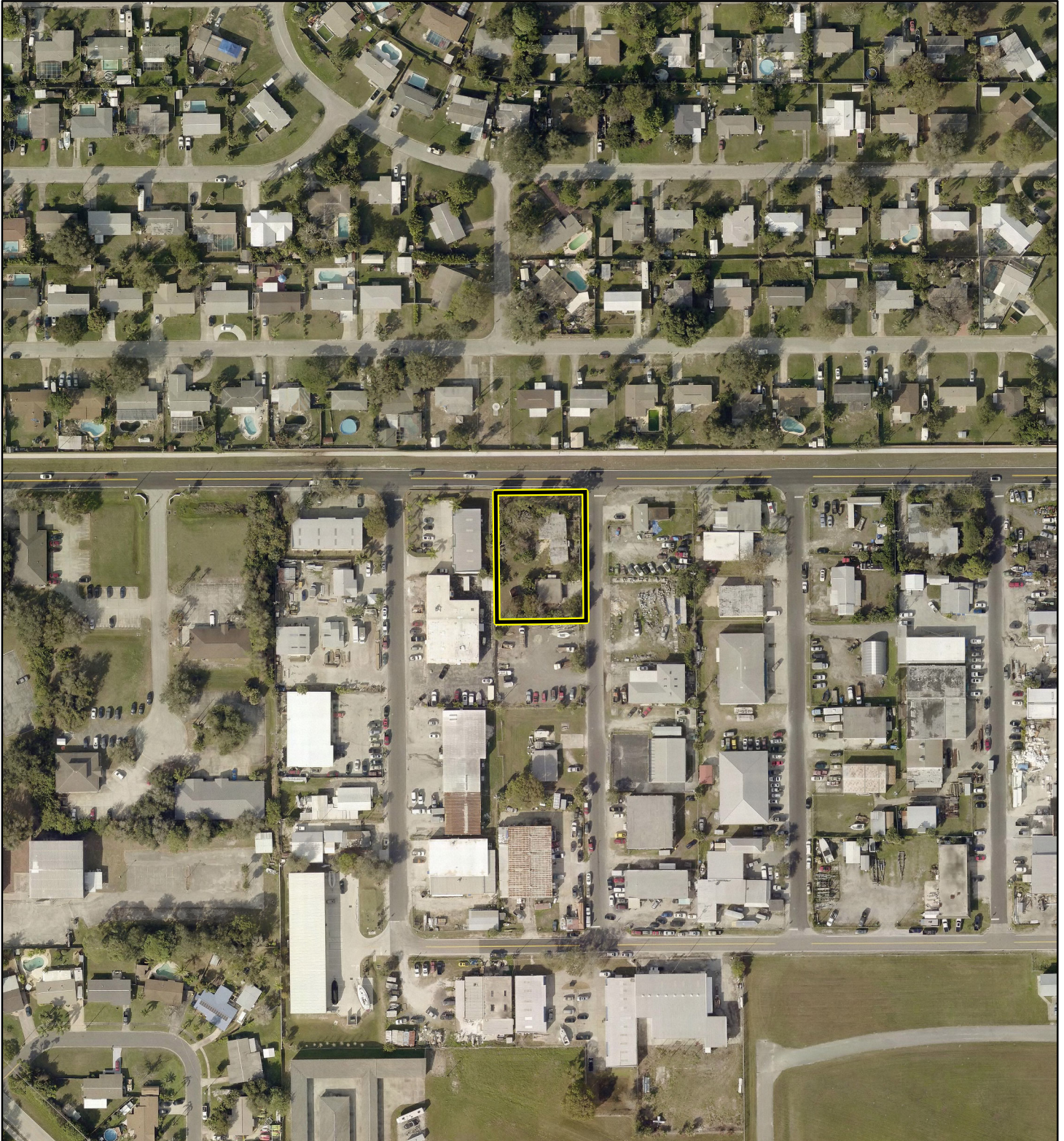




# AERIAL MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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 Subject Property

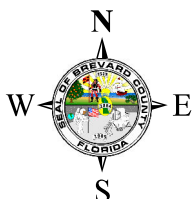
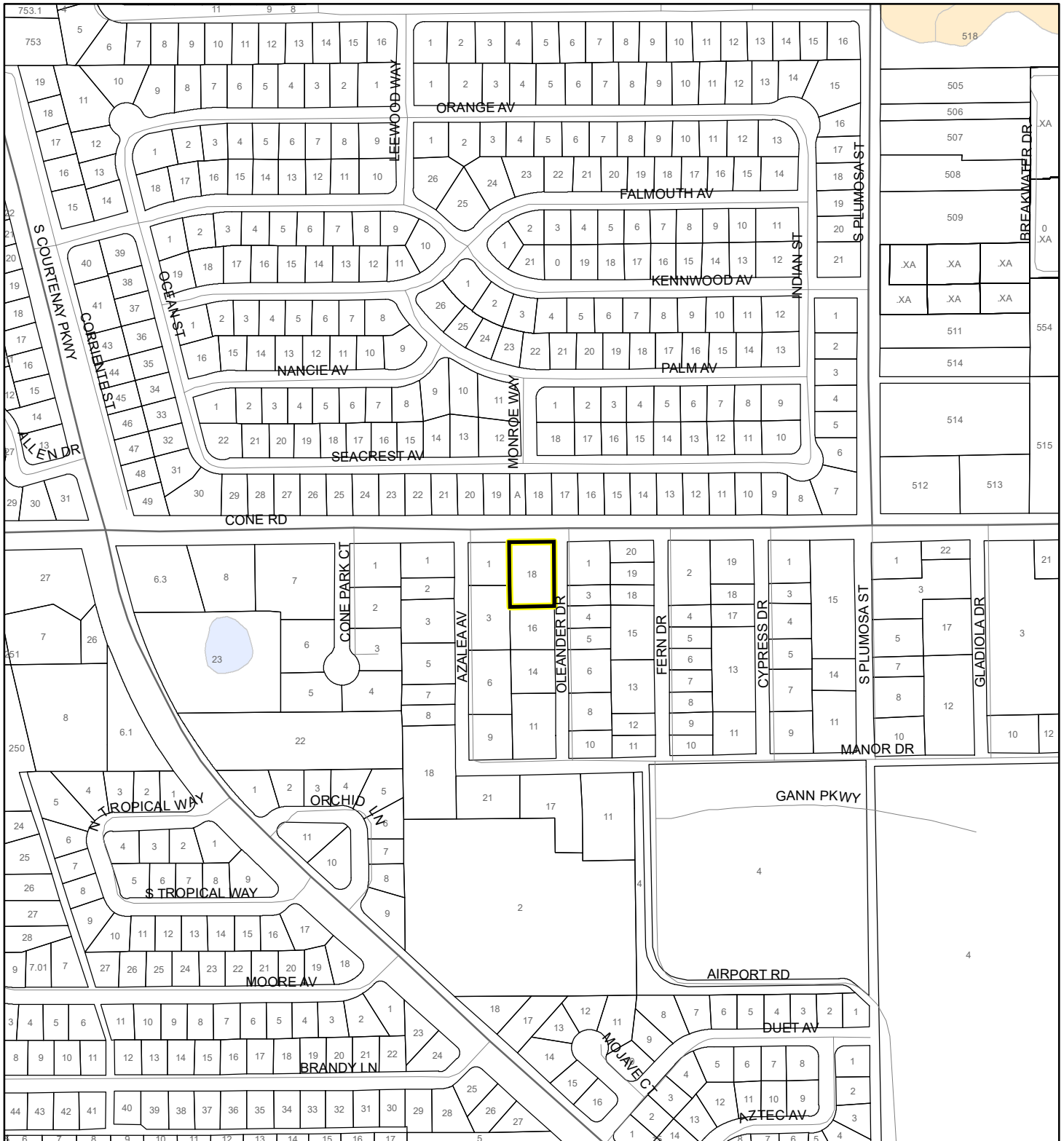
 Parcels



# NWI WETLANDS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

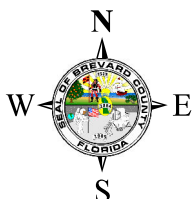
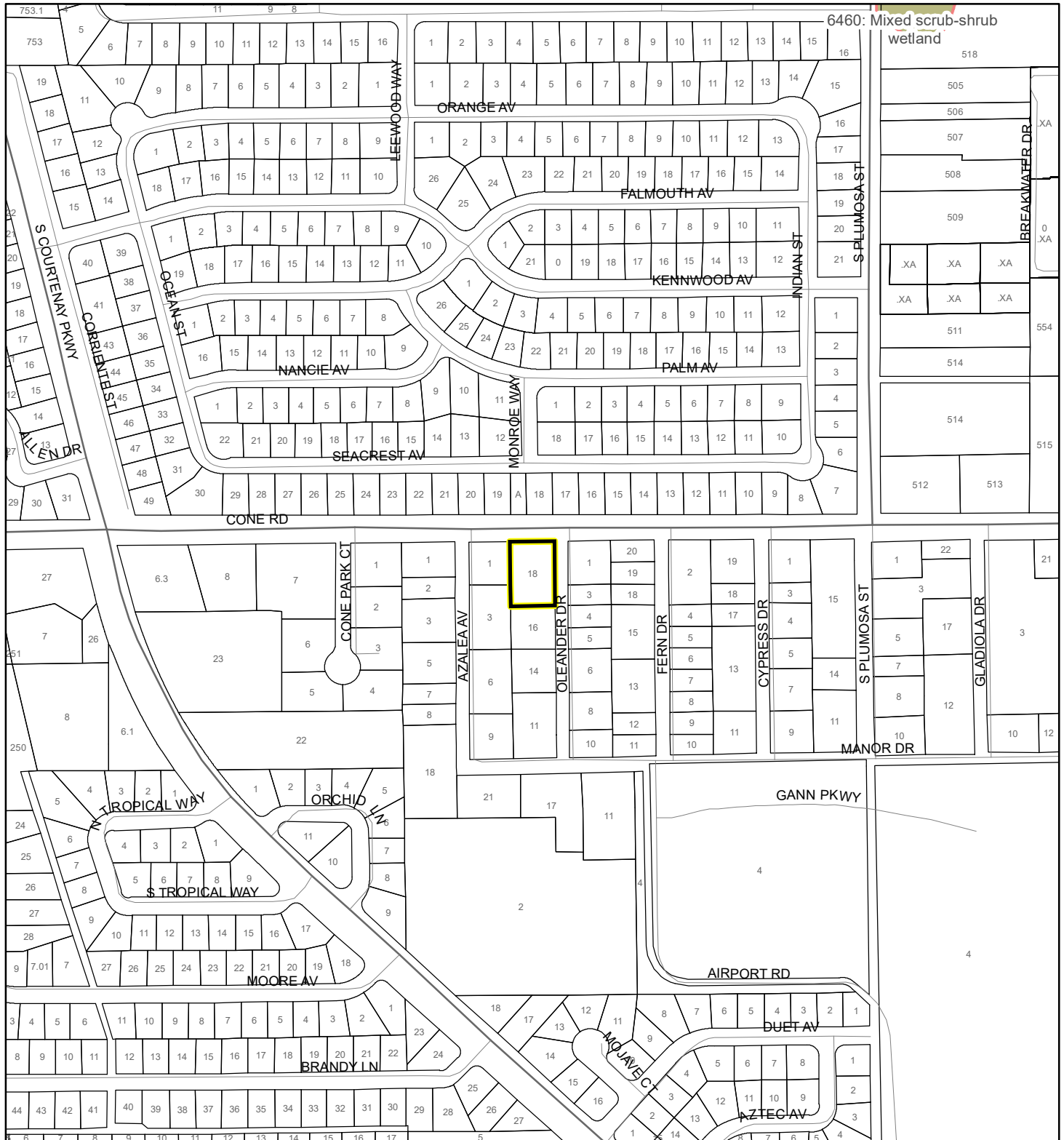
- |                                   |                 |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater    | Freshwater Pond |
| Estuarine and Marine Wetland      | Lake            |
| Freshwater Emergent Wetland       | Other           |
| Freshwater Forested/Shrub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



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



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

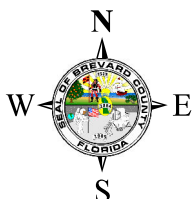
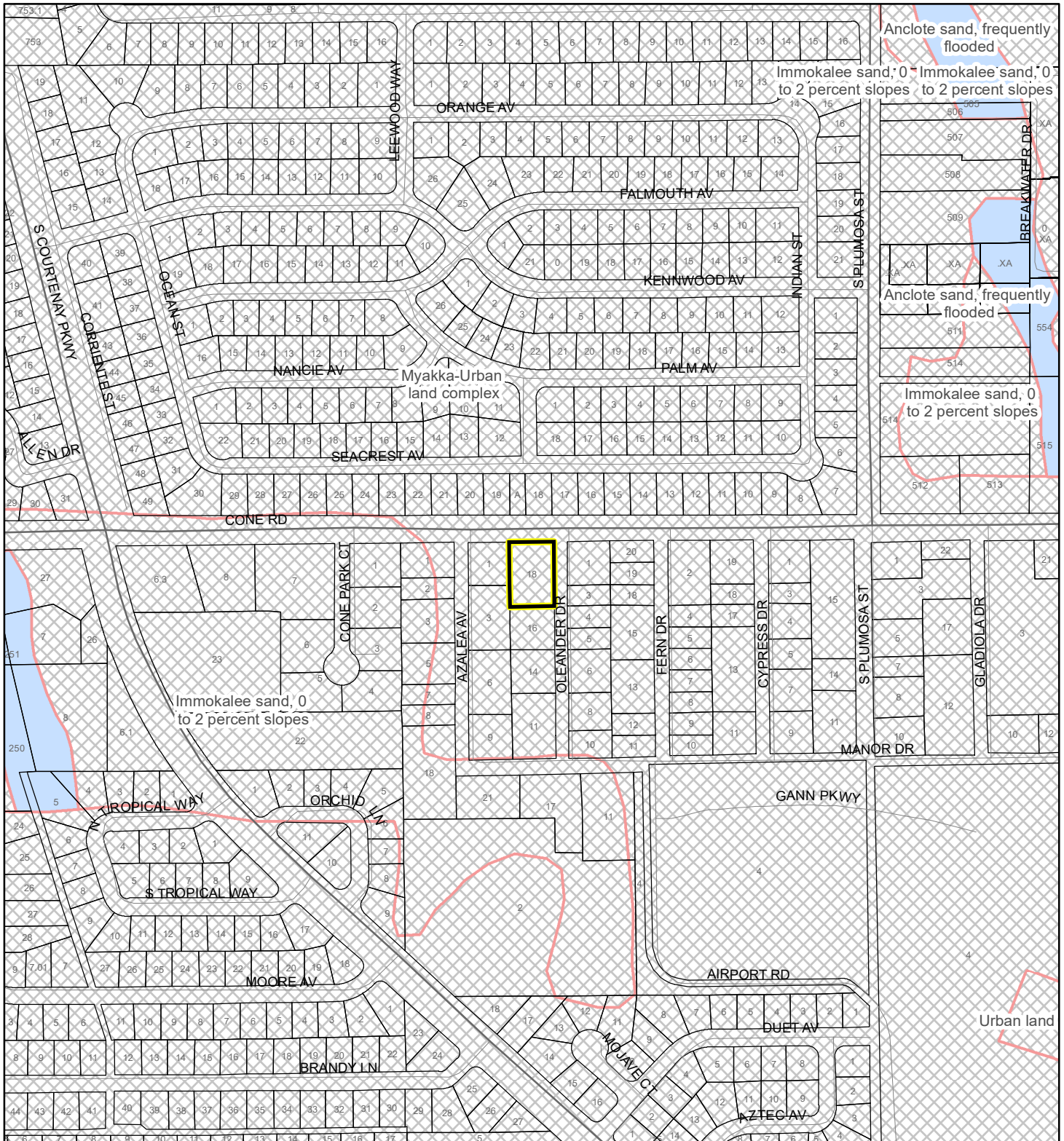
Parcels



# USDA SCSSS SOILS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

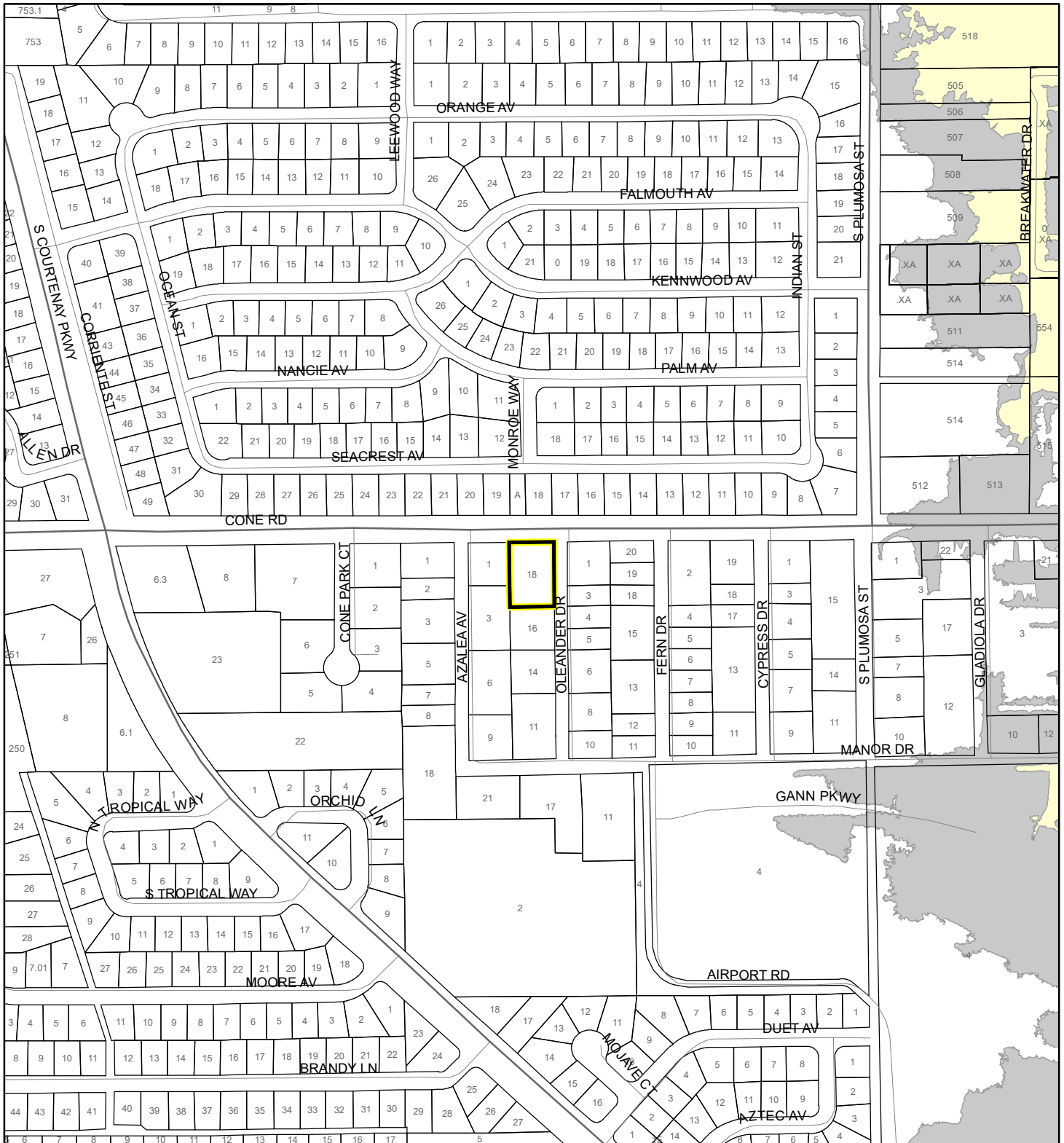
Parcels



# FEMA FLOOD ZONES MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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## FEMA Flood Zones

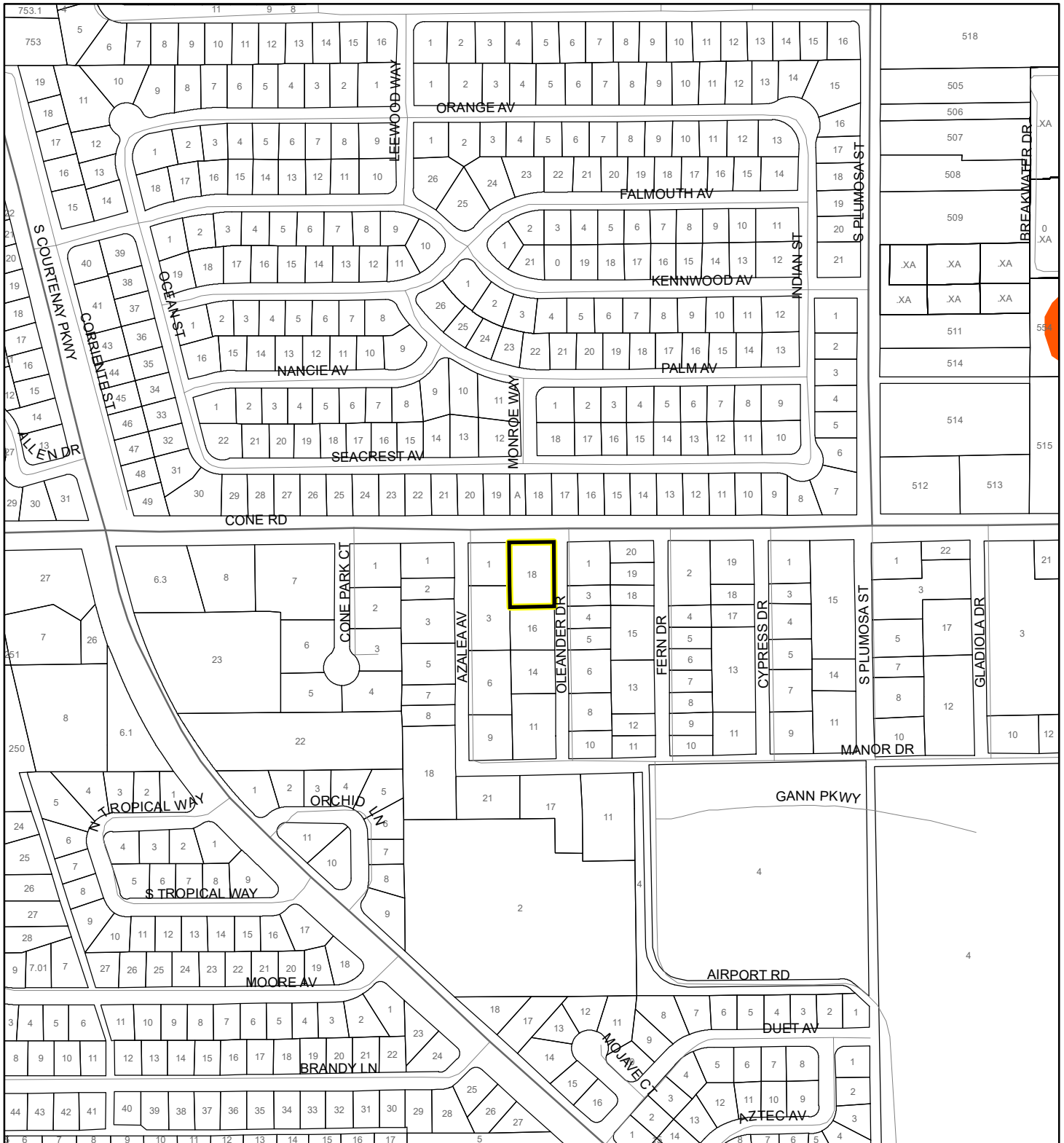
- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            | Parcels              |



# COASTAL HIGH HAZARD AREA MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/22/2021

 Subject Property

 Parcels

**Coastal High Hazard Area**

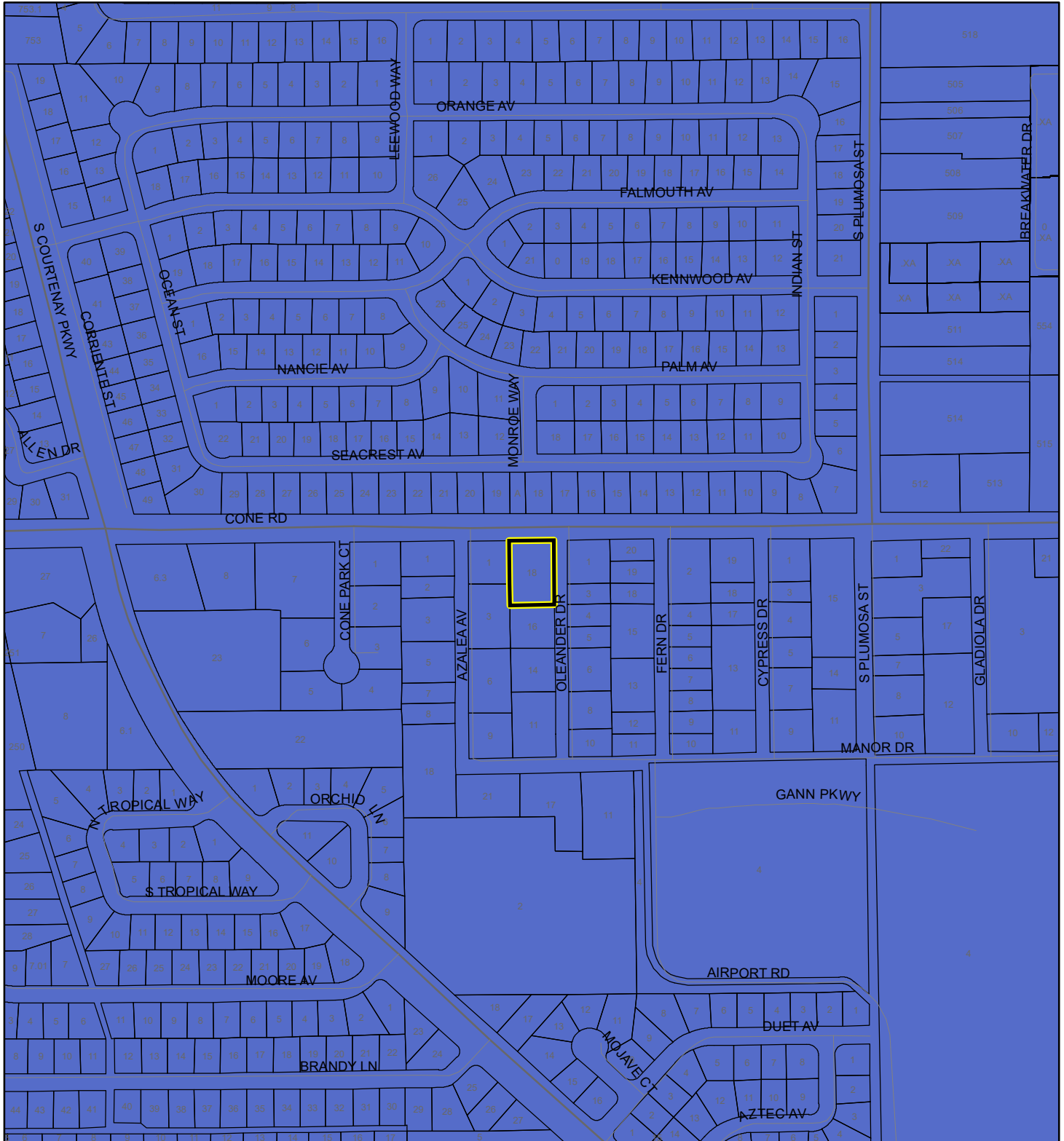
 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021


 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

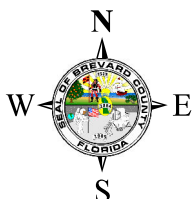
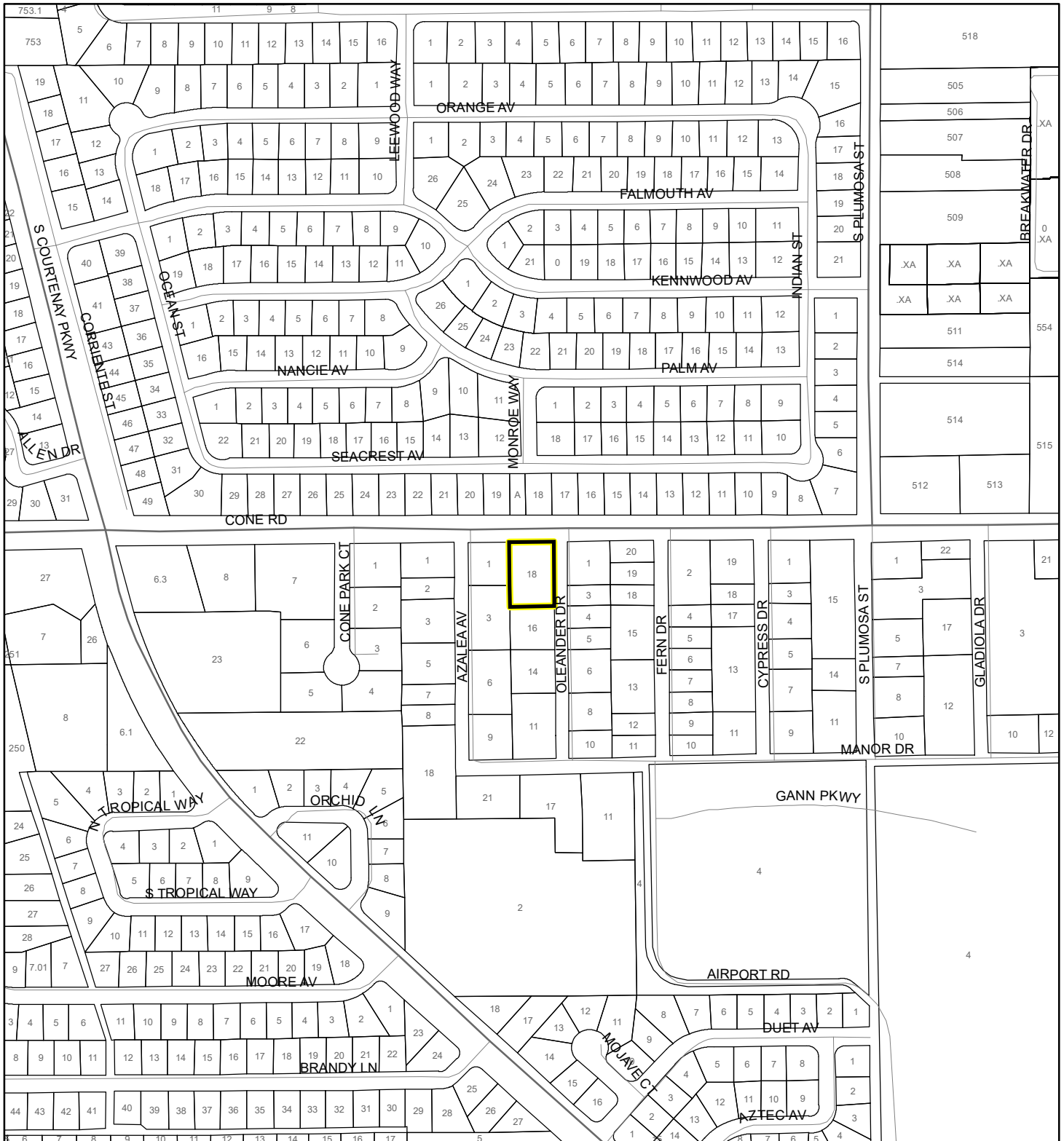
 All Distances



# EAGLE NESTS MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

 Subject Property

 Parcels

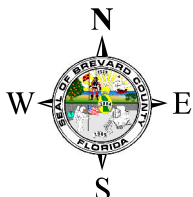
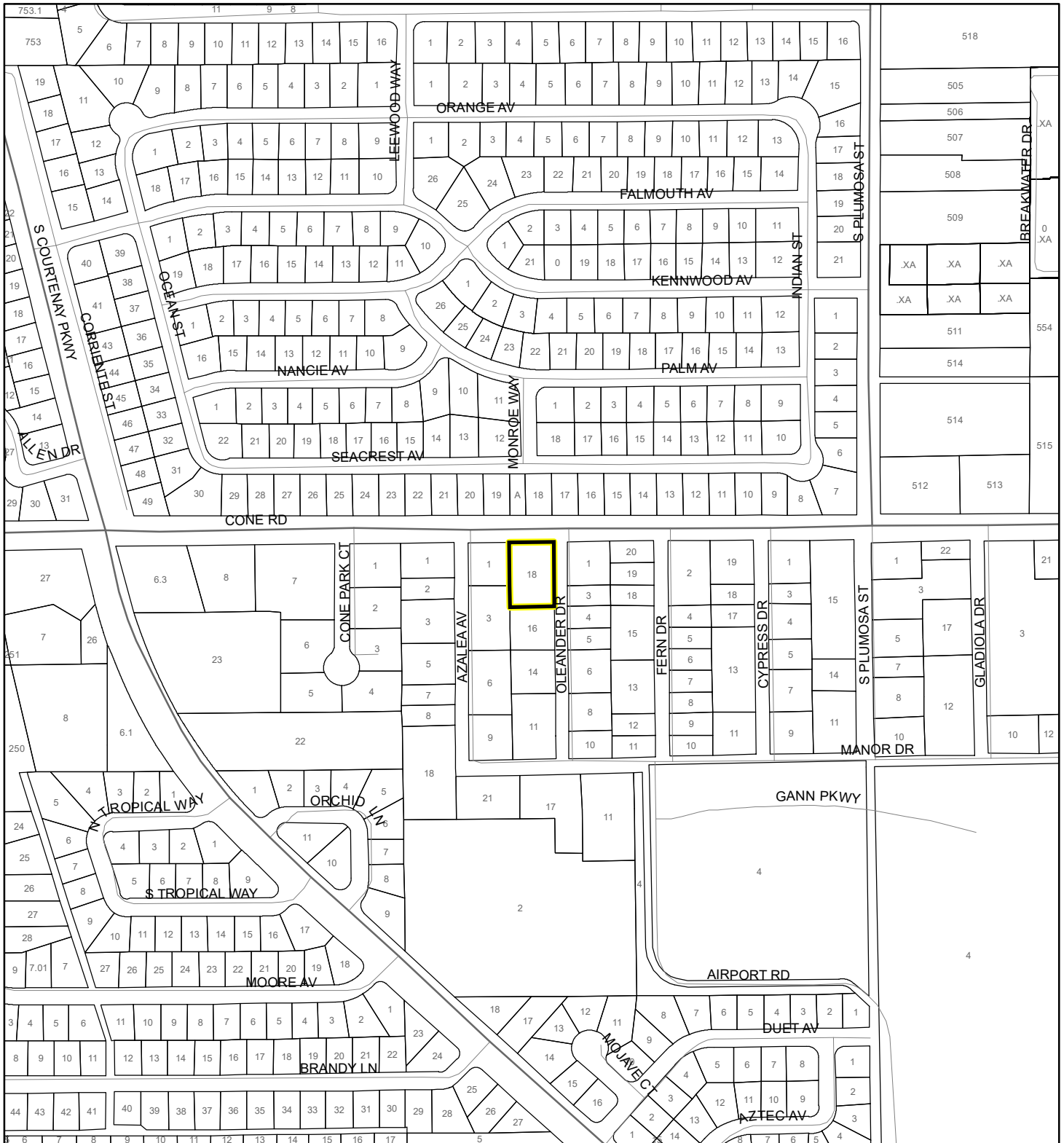
 Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



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: 1/22/2021

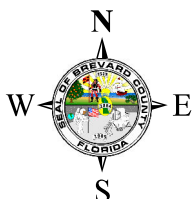
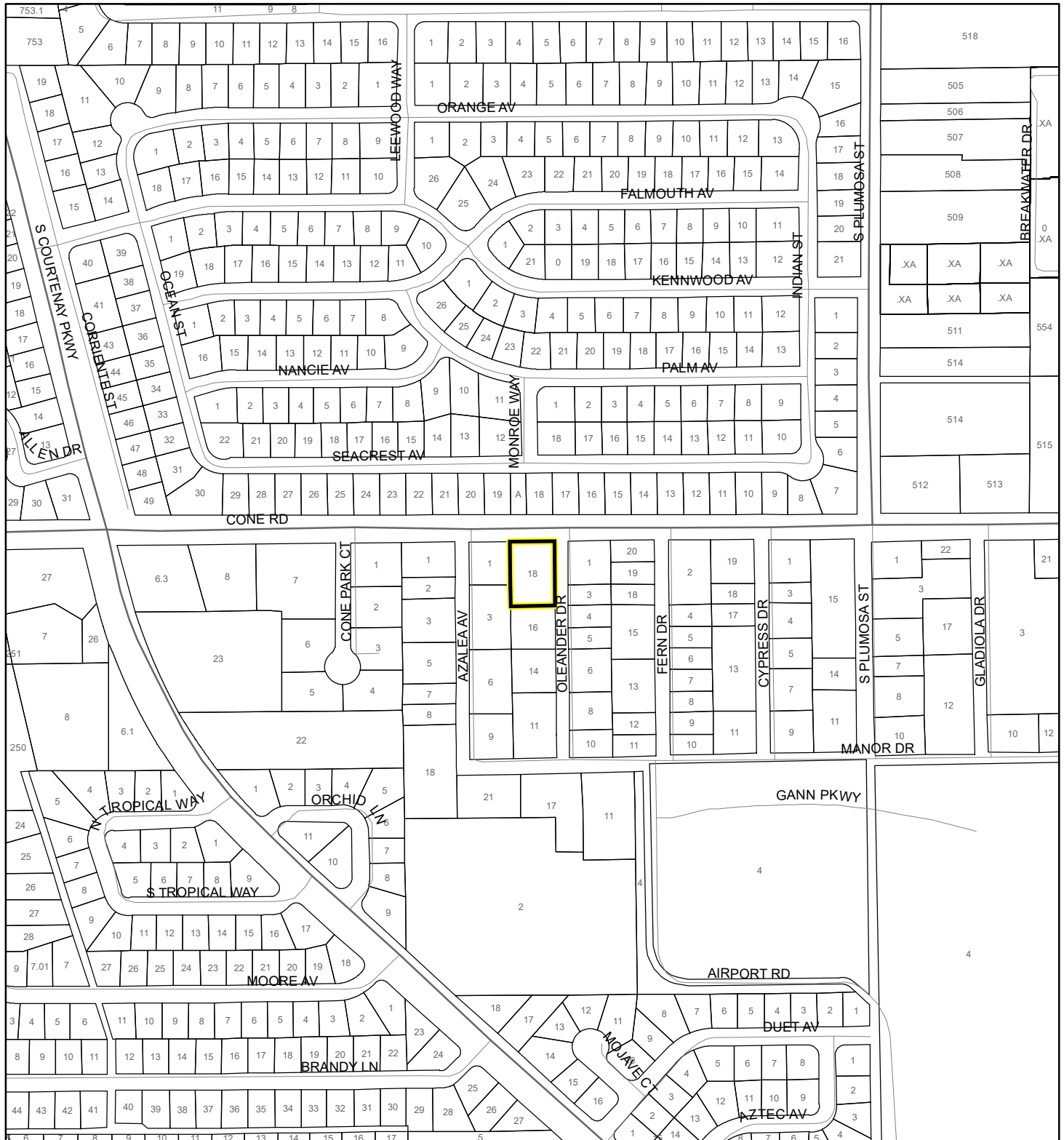
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

VAN HORN, ROBERT AND HOUCK, GERALD K.

21Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/22/2021

## 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





BOARD OF COUNTY COMMISSIONERS

**Planning and Development**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 21200004

Existing FLU: ON NC Existing Zoning: R-1-9 RU-1-9

Proposed FLU: \_\_\_\_\_ Proposed Zoning: BU-2

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

Robert Van Horn \ Gerald K. Houck

Name(s)	Company		
<u>640 N. Tropical Tr.</u>	<u>Merritt Island</u>	<u>FL</u>	<u>32953</u>
Street	City	State	Zip Code
<u>bobandmarybeachside@yahoo.com</u>	<u>321-266-0291</u>	<u>321-266-0291</u>	
Email	Phone	Cell	

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

\_\_\_\_\_  
Name(s) Company

\_\_\_\_\_  
Street City State Zip Code

\_\_\_\_\_  
Email Phone Cell



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: .53

### Reason for Request:

The property has, to our knowledge, never been used for any other reason than a single-family residence. The current building is extremely functionally obsolete and dated. The amount of deferred maintenance is immense and likely precludes restoration of the residence. The property sits in an industrial area in which every parcel for 2-3 blocks on three sides are zoned BU-2. The north side is Cone Road and a wide grassy right-of-way. With the passing of the long-time owner, it would be far from the highest and best use of the property to remain a residence. The future possible uses include medical offices/clinic, retail, or light manufacturing. From a property tax standpoint, changing the zoning would be advantageous to the county.



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Robert L. Horn Chad L. Hancock

Signature of Property Owner or  
Authorized Representative

1/8/2021  
Date

State of FLORIDA

County of BREVARD

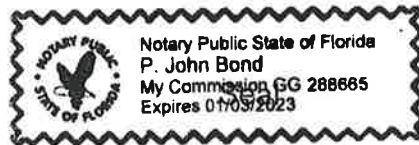
Subscribed and sworn before me, by ✓ physical presence or \_\_\_\_\_ online notarization,

this 8 day of, JANUARY, 20 21, personally appeared

\_\_\_\_\_, who is personally known to me or produced

\_\_\_\_\_ as identification, and who did / did not take an oath.

P. John Bond  
Notary Public Signature





**Office Use Only:**

Accela No. 21200004 Fee: 1484.00 Date Filed: 1/8/21 District No. 2

Tax Account No. (list all that apply) 2501307

Parcel I.D. No.

25 36 02 CM 2 18  
Twp Rng Sec Sub Block Lot/Parcel

Planner: KH Sign Issued by: KH Notification Radius: 500'

**MEETINGS**

**DATE**

**TIME**



P&Z

3/8/2021

3:00pm



PSJ Board

\_\_\_\_\_

\_\_\_\_\_



NMI Board

\_\_\_\_\_

\_\_\_\_\_



LPA

\_\_\_\_\_

\_\_\_\_\_



BOA

\_\_\_\_\_

\_\_\_\_\_



BCC

4/15/21

5:00pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials KH

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?



Yes



No

If yes, list MIRA

Location of subject property:

South side of Cone Rd, approx. 896 feet west of  
S. Plumosa St.

Description of Request:

Rezone RU-1-9 → BU-2



Owner's Name:

Robert Van Horn &  
Merald Houck

Hearing Date:

March 8, 2021

21200004  
**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

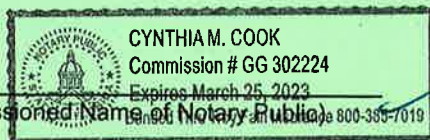
STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Denny Long,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

[Signature]  
Signature

Sworn and Subscribed before me, this 19TH day of February, 2021.



(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: n/a

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**



## REZONING NOTICE

21200004

The Brevard County Planning and Zoning Board will hold a public hearing at 3:00 P.M. on March 8, 2021, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL, to consider the proposed zoning action on this property as indicated below:

Owner: Robert VanHorn & Gerald K. Houck  
Present Zoning: RU-1-9 Acreage: 0.53  
Requested Action(s): BU-2

The recommendations from the aforementioned public hearing will be presented to the County Commission at 5:00 P.M. on April 15, 2021, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera. All interested parties are invited to appear and be heard. Written comments filed with the Brevard County Zoning Official, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940 will be considered.

Removal of this sign prior to April 15, 2021, is illegal and subject to prosecution.



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Robert Van Horn and Gerald K. Houck**

A Small Scale Comprehensive Plan Amendment (21S.01) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 0.53 acres, located on the northwest corner of Cone Rd. and Oleander Dr. (605 Oleander Dr., Merritt Island) (21PZ00001) (Tax Account 2501307) (District 2)

#### **Robert Van Horn and Gerald K. Houck**

A change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 0.53 acres, located on the northwest corner of Cone Rd. and Oleander Dr. (605 Oleander Dr., Merritt Island) (21Z00004) (Tax Account 2501307) (District 2)

Gerald Houck, 640 N. Tropical Trail, stated he would like to let his representative speak on his behalf.

John Bond, 8931 Lake Drive, Cape Canaveral, stated he is friends with the applicants and also their real estate broker. He said the applicants own several buildings in the area, and the house on the subject property has been there for 60 years and it's the only one in the area; it is completely surrounded by BU-2. He stated Mr. Van Horn and Mr. Houck produce world class antique automobiles, and they would like to upgrade, so the plan at this point is to consolidate into one facility that would be commensurate to the area and up to code.

Mark Wadsworth asked if the plan is to construct a new building. Mr. Bond replied yes.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the Small Scale Plan Amendment change from NC to CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from RU-1-9 to BU-2. The motion passed unanimously.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.6.

4/15/2021

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### **Subject:**

Scott W. and Debora A. Speer request a change of zoning classification from RR-1 to AU. (21Z00002) (Tax Account 2316763) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential)

### **Summary Explanation and Background:**

The applicants are seeking a change of zoning classification from RR-1 to AU for the purpose of having farm animals (2 pigs and two donkeys) and a small orchard. The parcel is located at 1465 Bishop Road, Merritt Island, and is developed with a 3,294 sq. ft. single-family residence. The applicant has not provided staff with a proposed development plan for the location of the proposed orchard or where the farm animals will be located. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence, but does not permit other farm animals.

The developed character of the surrounding area along Bishop Road is RR-1 (Rural Residential) and AU which are developed with single-family houses. The subject parcel and the surrounding area along Bishop Road have a Future Land Use (FLU) designation of RES 1 which is compatible with the current RR-1 zoning and the proposed AU.

The proposed 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, plant nurseries and all agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises are a permitted use in AU zoning.

The Board may wish to consider whether the request is consistent and compatible with the surrounding RR-1 single-family residences and AU zoning Classifications. The Board may also wish to consider the potential effects of Agritourism adjacent to single-family residential.

On March 11, 2021, the North Merritt Island Dependent Special District Board heard the request and



unanimously recommended approval.

**Clerk to the Board Instructions:**

Once resolution is received, please execute and return to Planning and Development.



# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **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

21Z00002

Scott W. Speer and Debora A. Speer

RR-1 (Rural Residential) to AU (Agricultural Residential)

Tax Account Number: 2316763  
Parcel I.D.: 23-36-25-75-\*-1  
Location: South side of Bishop Road, approximately 305 feet west of Board Acres Street (District 2)  
Acreage: 2.50 acres

North Merritt Island Board: 03/11/2021

Board of County Commissioners: 04/15/2021

### 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)

	CURRENT	PROPOSED
<b>Zoning</b>	RR-1	AU
<b>Potential*</b>	Two single-family units	One single-family unit
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1	YES RES 1

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

### Background and Purpose of Request

The applicants are seeking a change of zoning classification from RR-1 (Rural Residential) to AU (Agriculture Residential) for the purpose of having a few farm animals (2 pigs and two donkeys) and a small orchard. The parcel is developed with a 3,294 sq. ft. single-family home that is the applicants' single family residence. The portion of Bishop Road that the parcel abuts is paved and maintained by Brevard County Public Works Department. The applicant did not provide staff with a proposed development plan submitted with this application for the location of the proposed orchard or where the farm animals will be located. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence but does not permit other farm animals.

July 6, 1987, zoning action **Z-7850** changed the zoning from AU to RR-1 along with the approval of one flag lot pursuant to Section 61. Although one flag lot was approved with this rezoning application, the parcel has been recombined to the original configuration of Lot 1 as recorded in the plat "The North Forty" Plat Book 28, Page 75.



## Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification RR-1 and the proposed AU are consistent with the RES 1 Future Land Use designation.

### 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.

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.

The subject property is developed with a 3,324 sq. ft. single-family residence and lies within the Residential 1 Future Land Use designation. The abutting parcels and the surrounding area have a Residential 1 Future Land Use designation.

Policy #3C Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development approved within the past three year but not yet constructed.

There has been one rezoning application (**20Z00005**) in the surrounding area, approximately 350 feet west of the subject parcel, approved on October 09, 2020 which changed the zoning from RR-1 to AU with a Binding Development Plan (BDP) limiting the business use to a plant nursery.

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

The subject parcel is zoned RR-1 and developed with a 3,324 sq. ft. single-family residence.

The developed character of the surrounding area along Bishop Road is RR-1 (Rural Residential) and AU which are developed with single-family houses. The subject parcel and the surrounding area along Bishop Road have a Future Land Use (FLU) designation of RES 1 which is compatible with the current RR-1 zoning and the proposed AU.

The parcels to the north directly across Bishop Road are zoned RR-1 and are developed with single-family residence. The abutting parcels to the east are zoned RR-1 and are developed with single-family residence. The parcels to the south and west are two flag lots with AU zoning and are developed with single-family residence. The parcels west of the flag lots are zoned RR-1 and are developed with single-family residence.

The current RR-1 classification permits single-family residential land uses on minimum one acre lots, 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 but does not permit other farm animals. The minimum house size is 1,200 square feet.



The proposed 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, plant nurseries and all agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises are a permitted use in AU zoning.

## **Surrounding Area**

There has been one zoning action within a half-mile of the subject property within the last three years.

On October 06, 2020, application **20Z00005** changed the zoning classification from RR-1 to AU with a Binding Development Plan (BDP) waving any and all Developer/Owner claims to Agritourism, and limiting the business use to a plant nursery. This parcel is a Flag Lot located on the south side of Bishop Road, approximately 350 feet west of the subject parcel.

## **Environmental Constraints**

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

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Floodplain
- Protected and Specimen Trees
- Protected Species

Per Section 62-3724(4) of the floodplain ordinance, the parcel may be subject to compensatory storage for fill brought onto the parcel. Please see floodplain section in NRM comments for more information.

## **Preliminary Transportation Concurrency**

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Hall Road and North Tropical Trail, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 35.49% of capacity daily. The maximum development potential from the proposed rezoning does not increase the percentage of MAV utilization. The corridor is anticipated to continue to operate at 35.49% of capacity daily (LOS D). 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.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly across North Courtenay Parkway along the west side of North Courtenay Parkway approximately 1.8 miles west of the parcel.

The parcel is serviced by City of Cocoa water.



### **For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the surrounding RR-1 single-family residences and AU zoning Classifications.

The Board may also wish to consider the effect of Agritourism adjacent to single-family residential and waving any and all Developer/Owner claims to Agritourism.



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item # 21Z00002**

**Applicant:** Scott and Debora Speer

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

**Note:** Applicant wants farm animals and a small orchard.

**NMI Hearing Date:** 03/11/21; **BCC Hearing Date:** 04/15/21

**Tax ID No:** 2316763

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Floodplain
- Protected and Specimen Trees
- Protected Species

Per Section 62-3724(4) of the floodplain ordinance, the parcel may be subject to compensatory storage for fill brought onto the parcel. Please see floodplain section in NRM comments for more information.

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire parcel contains mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. Upon further development of the parcel for which the ordinance is applicable, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required, if sewer is not available.



**Floodplain**

Per Section 62-3724(4) of the floodplain ordinance, any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. Sealed pre-existing topographic survey or engineered site plan delineating floodplain limits on the property, if any, with base flood elevation using best available flood elevation data. Delineation of floodplains shall use best available pre-alteration ground elevation data. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Please call NRM at 321-633-2016 prior to any grading, filling or land alteration activities.

**Protected and Specimen Trees**

The entire parcel is overlaid within a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Native trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code 4340 and are likely found on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM.

**Protected Species**

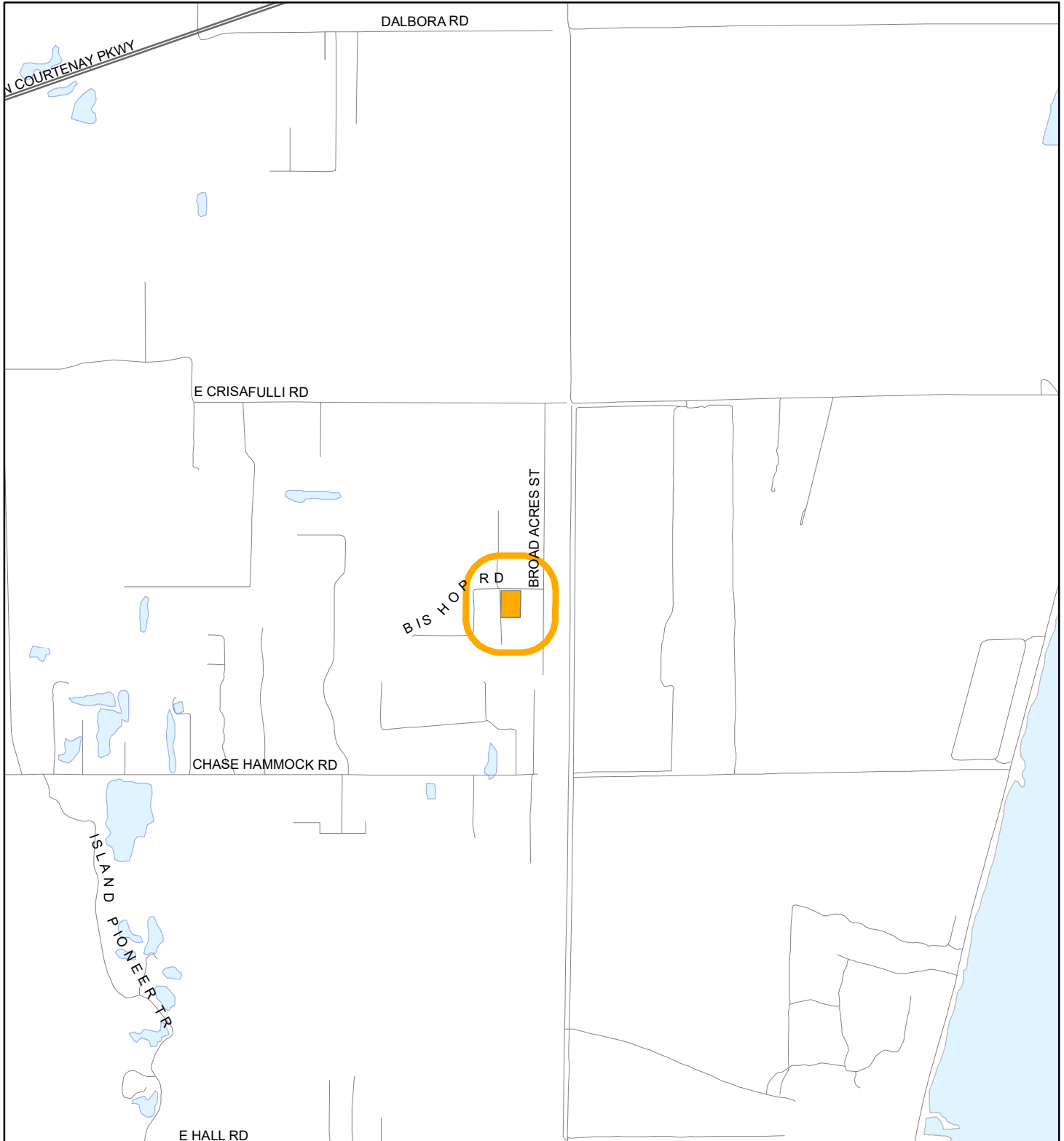
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002





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: 1/8/2021

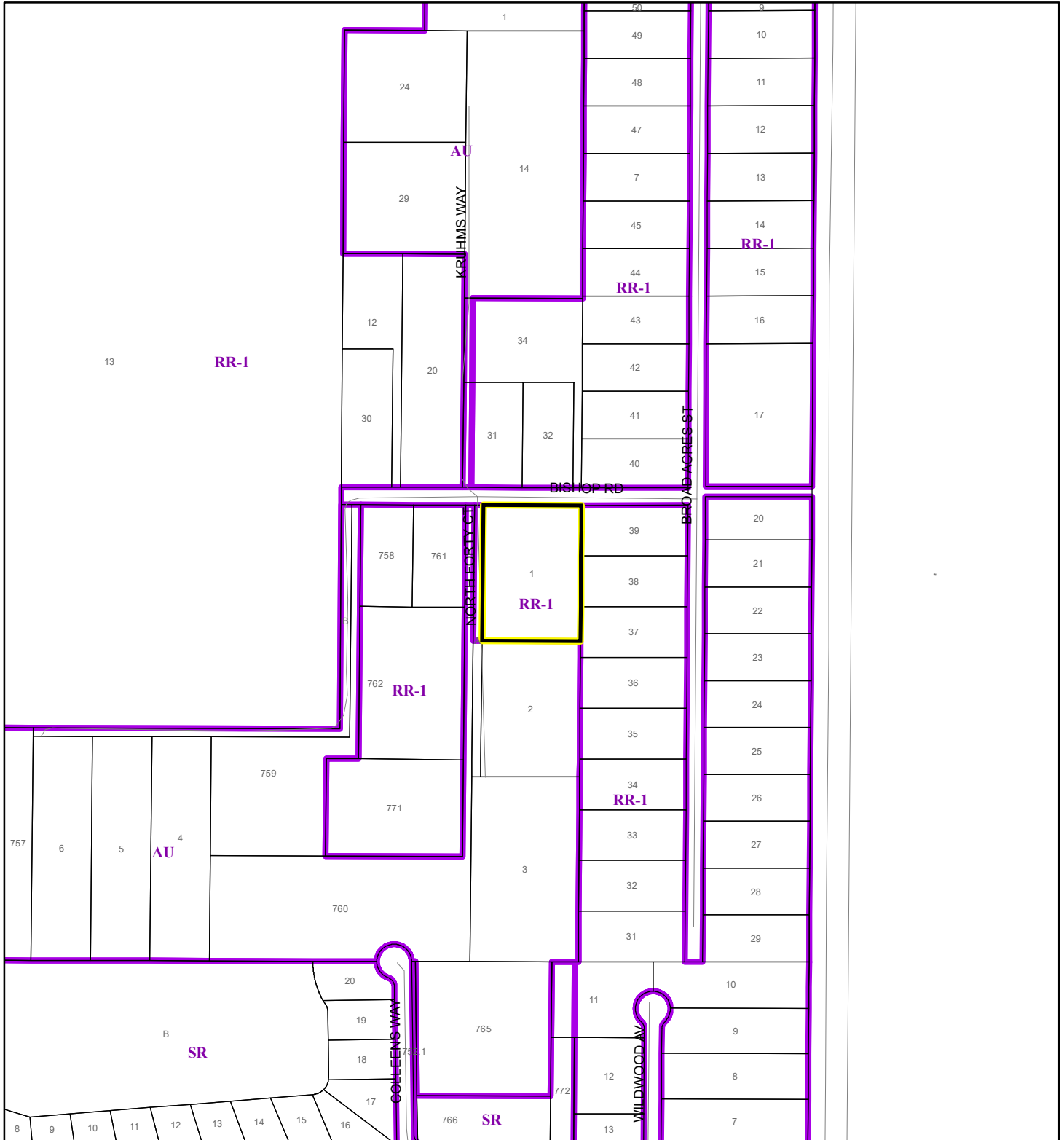
 Buffer  
 Subject Property



# ZONING MAP

SPEER, SCOTT W. AND DEBORAA.


21Z00002



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: 1/8/2021

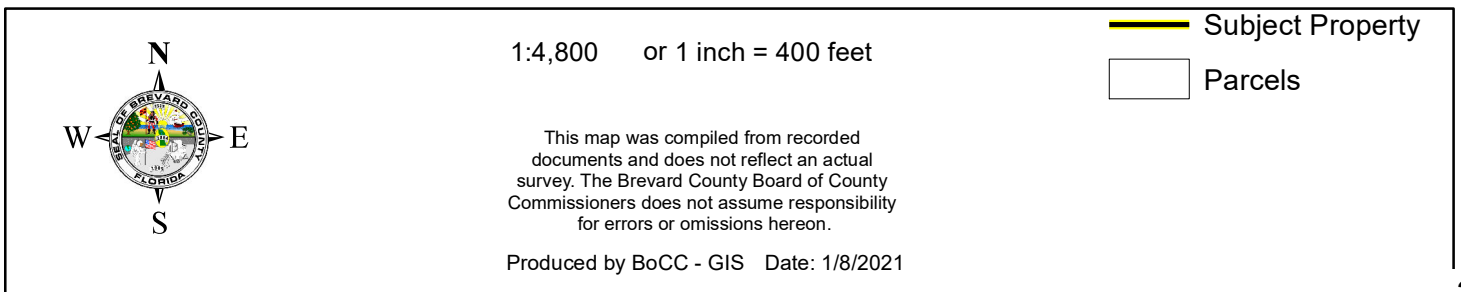
 Subject Property

 Parcels

 Zoning



## 21Z00002

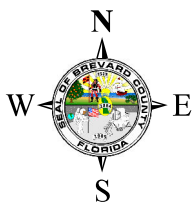




# AERIAL MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 1/8/2021

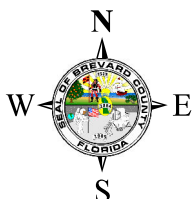
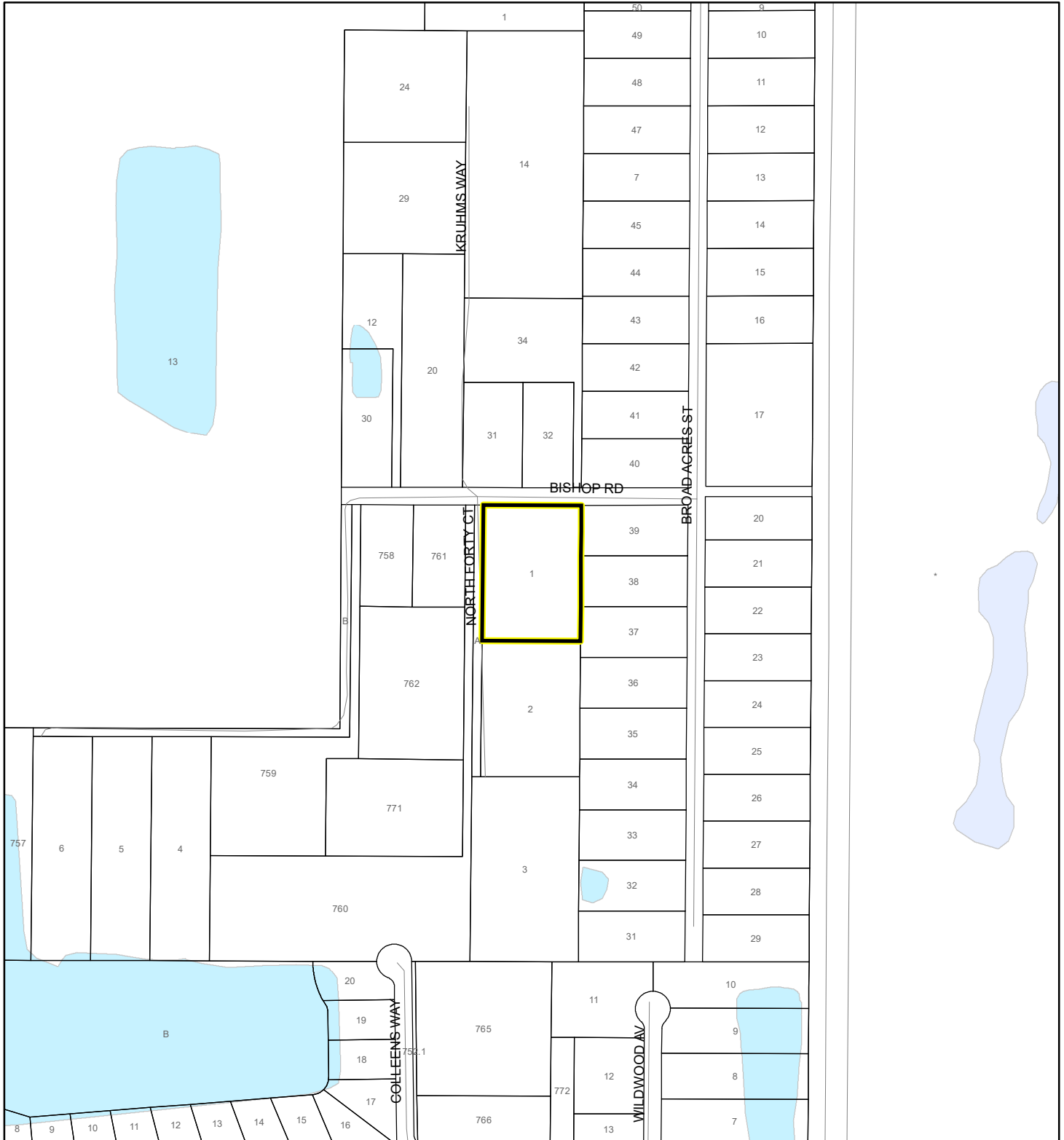
 Subject Property  
 Parcels



# NWI WETLANDS MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/8/2021

## National Wetlands Inventory (NWI)

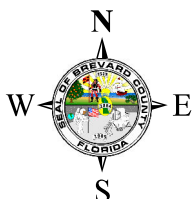
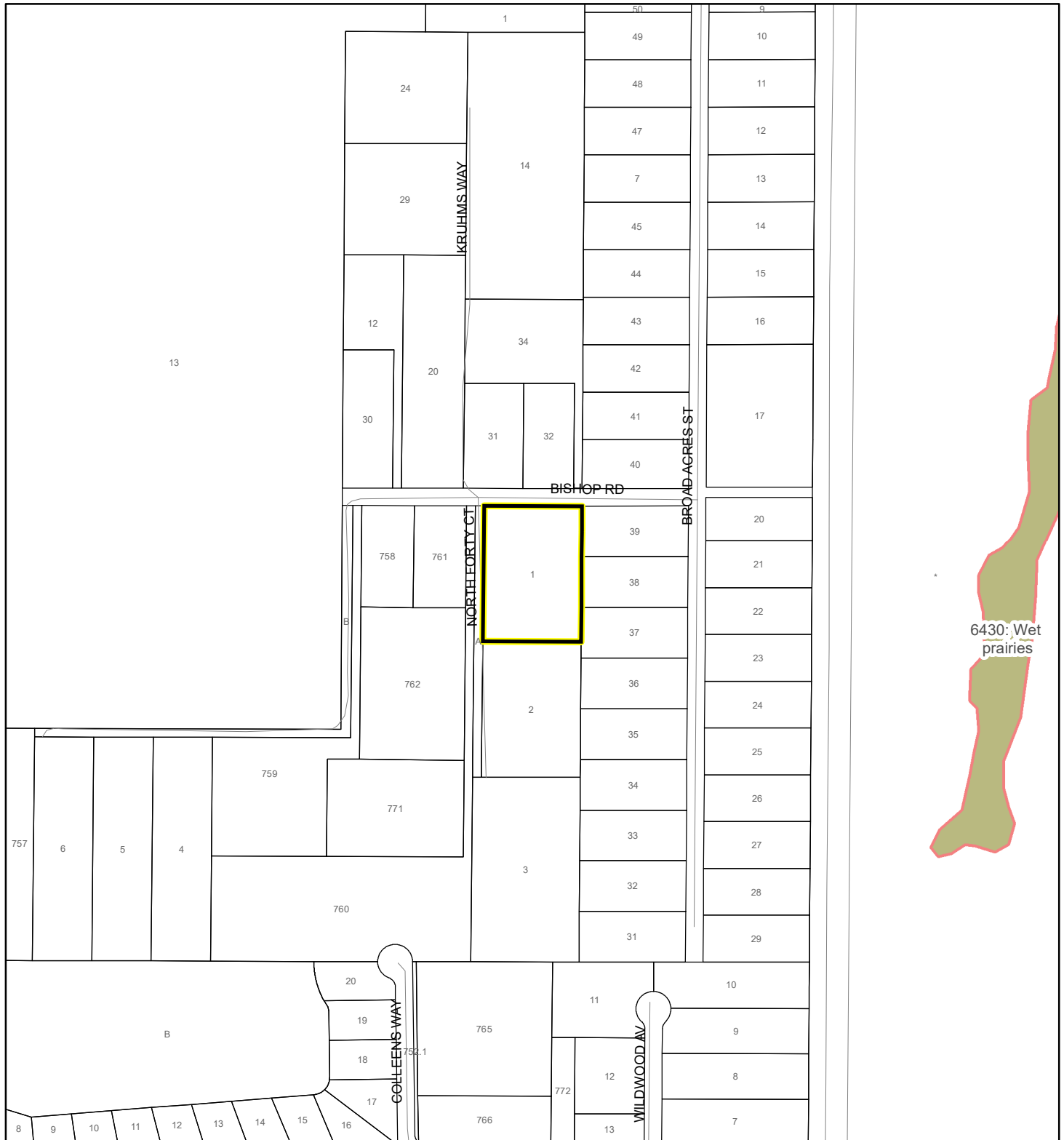
 Estuarine and Marine Deepwater	 Freshwater Pond
 Estuarine and Marine Wetland	 Lake
 Freshwater Emergent Wetland	 Other
 Freshwater Forested/Shrub Wetland	 Riverine
	 Subject Property
	 Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



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: 1/8/2021

## 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

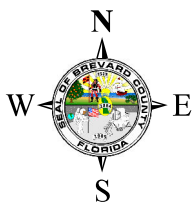
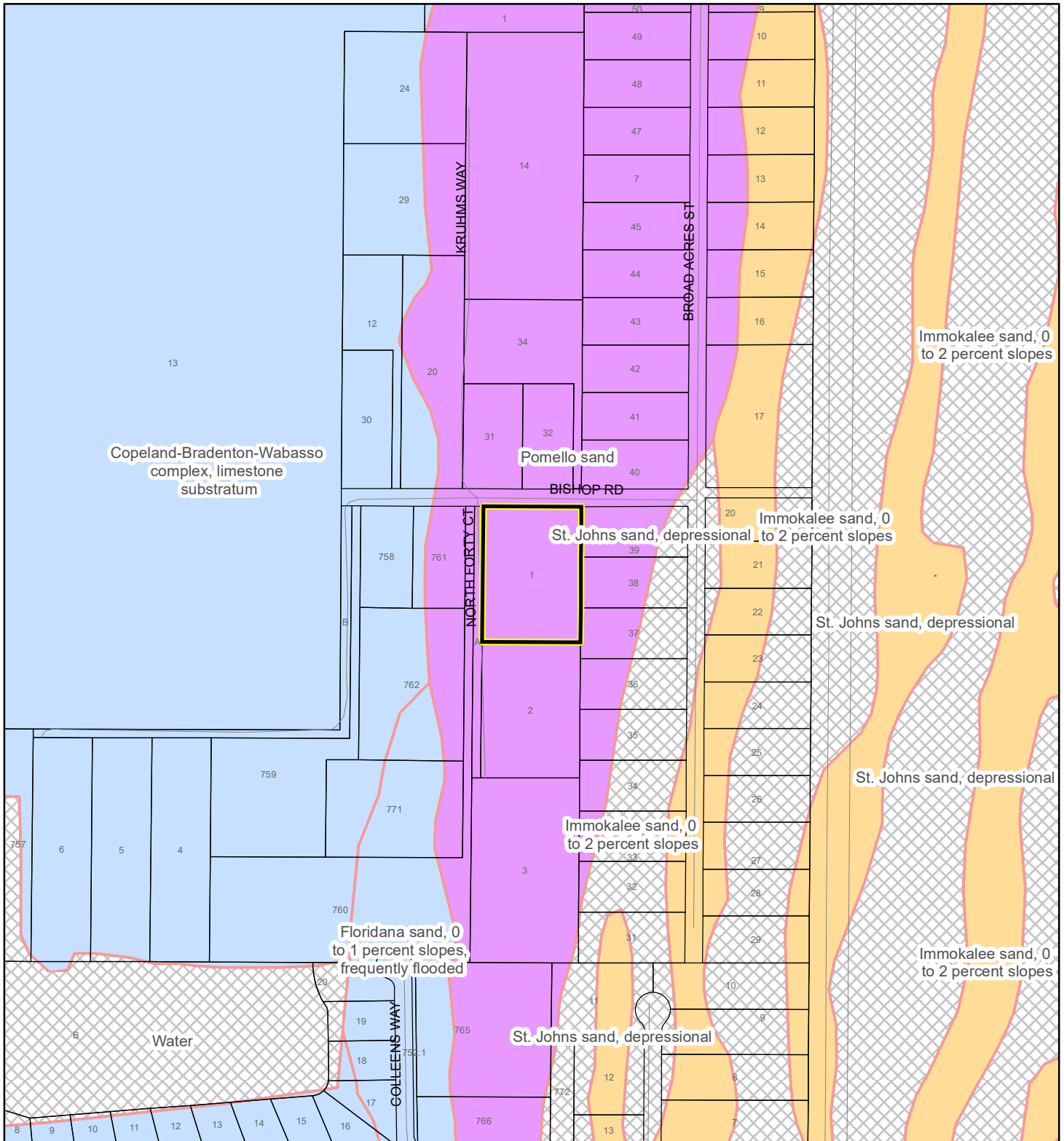
Parcels



# USDA SCSSS SOILS MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



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: 1/8/2021

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

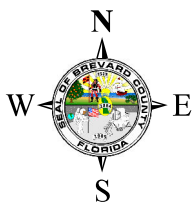
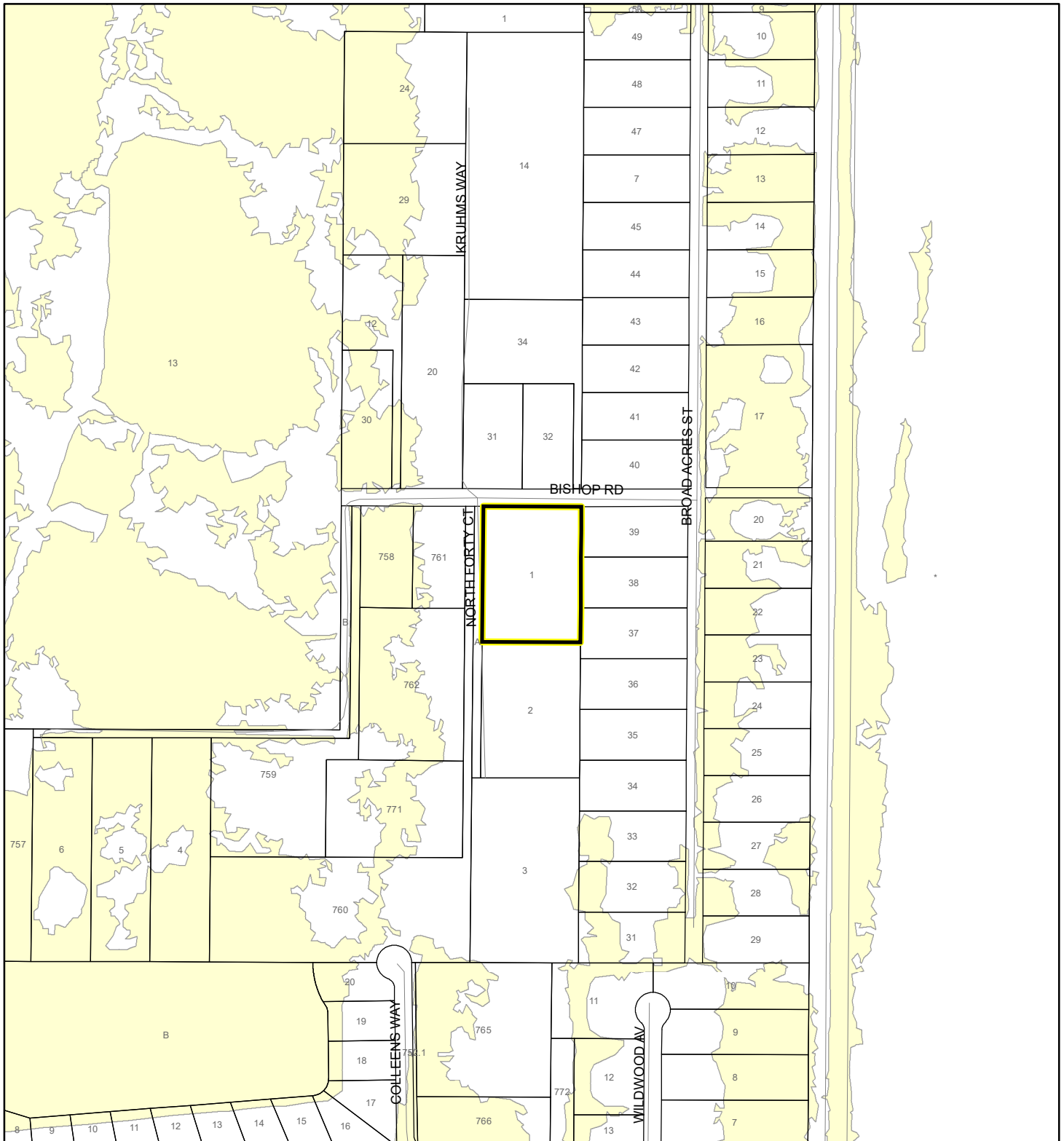
Parcels



# FEMA FLOOD ZONES MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



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: 1/8/2021

## FEMA Flood Zones

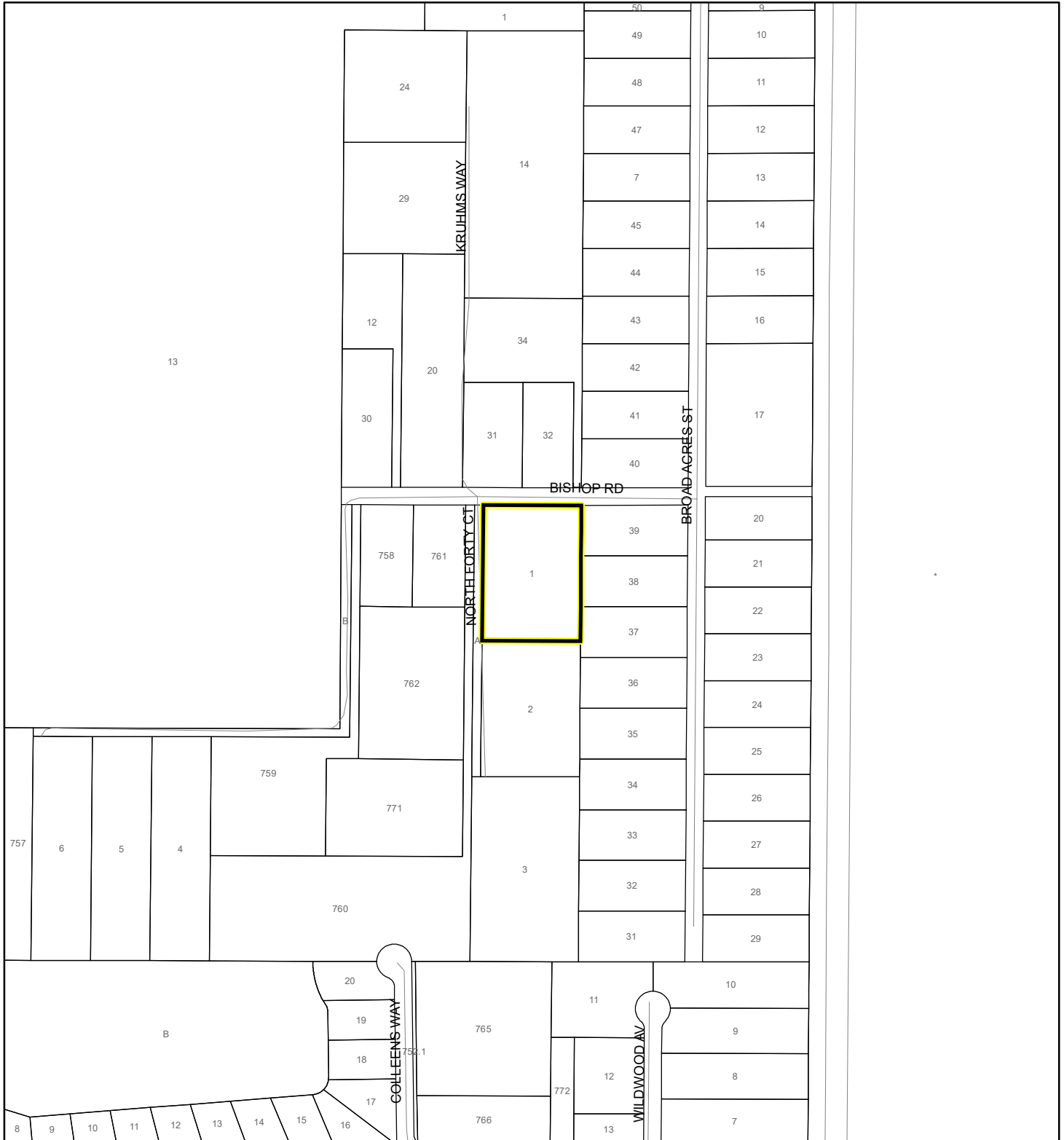
- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            |                      |
|   | Parcels    |                      |



# COASTAL HIGH HAZARD AREA MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



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: 1/8/2021

 Subject Property

 Parcels

**Coastal High Hazard Area**

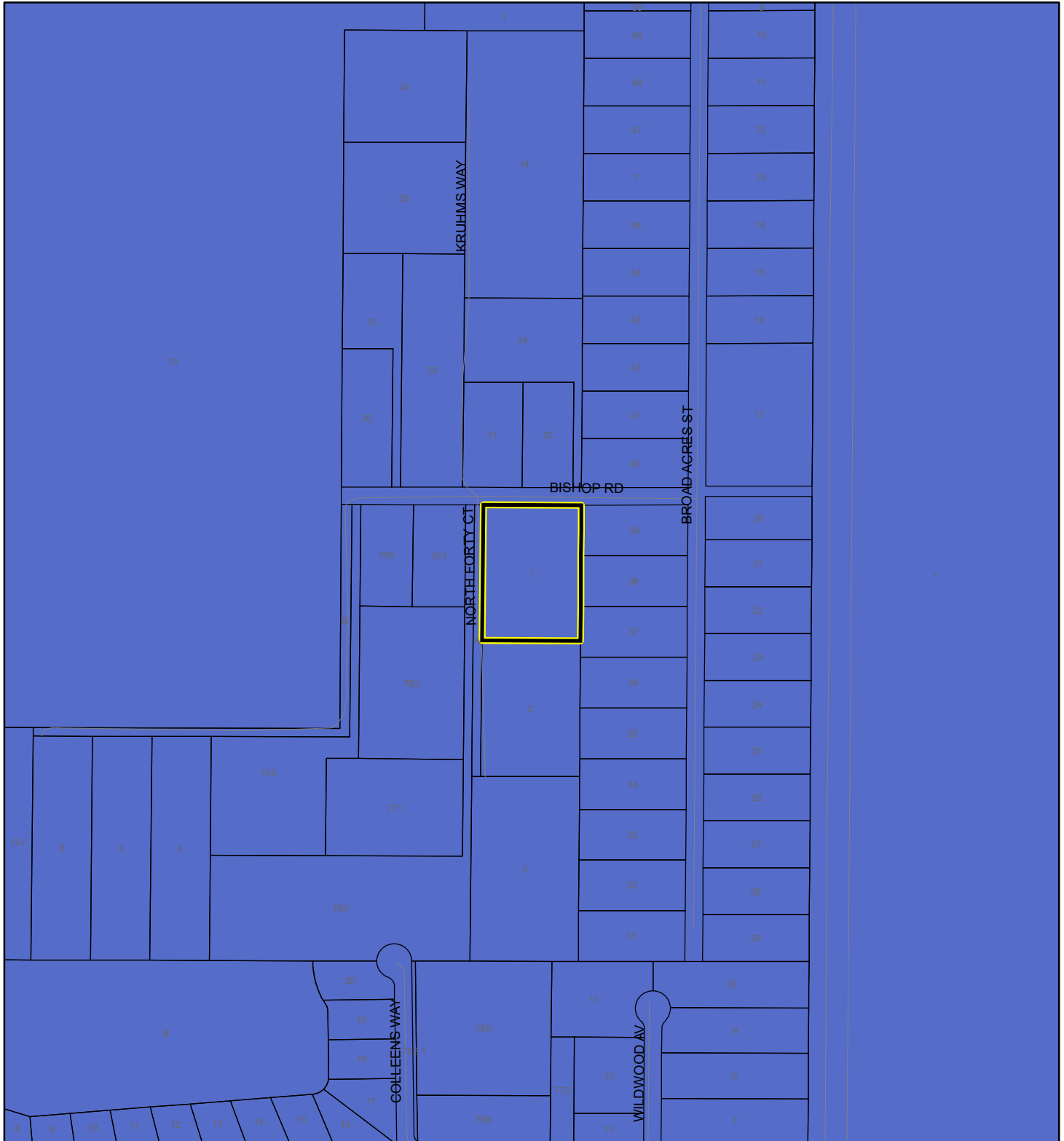
 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/8/2021

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

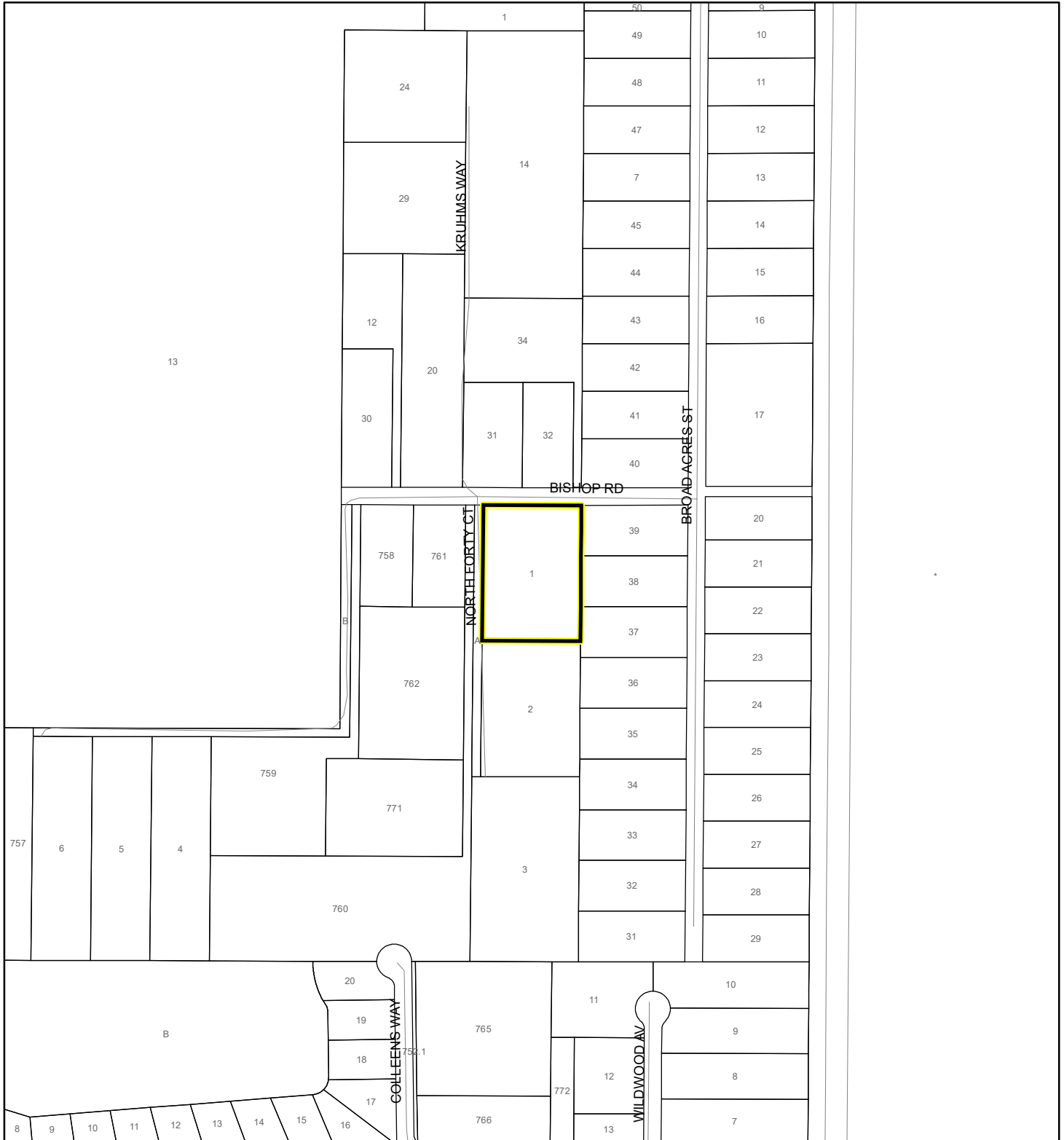
 All Distances



# EAGLE NESTS MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/8/2021

 Subject Property

 Parcels



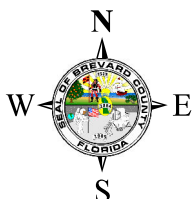
Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

SPEER, SCOTT W. AND DEBORAA.




21Z00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/8/2021

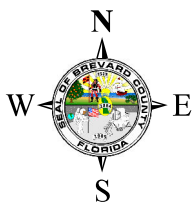
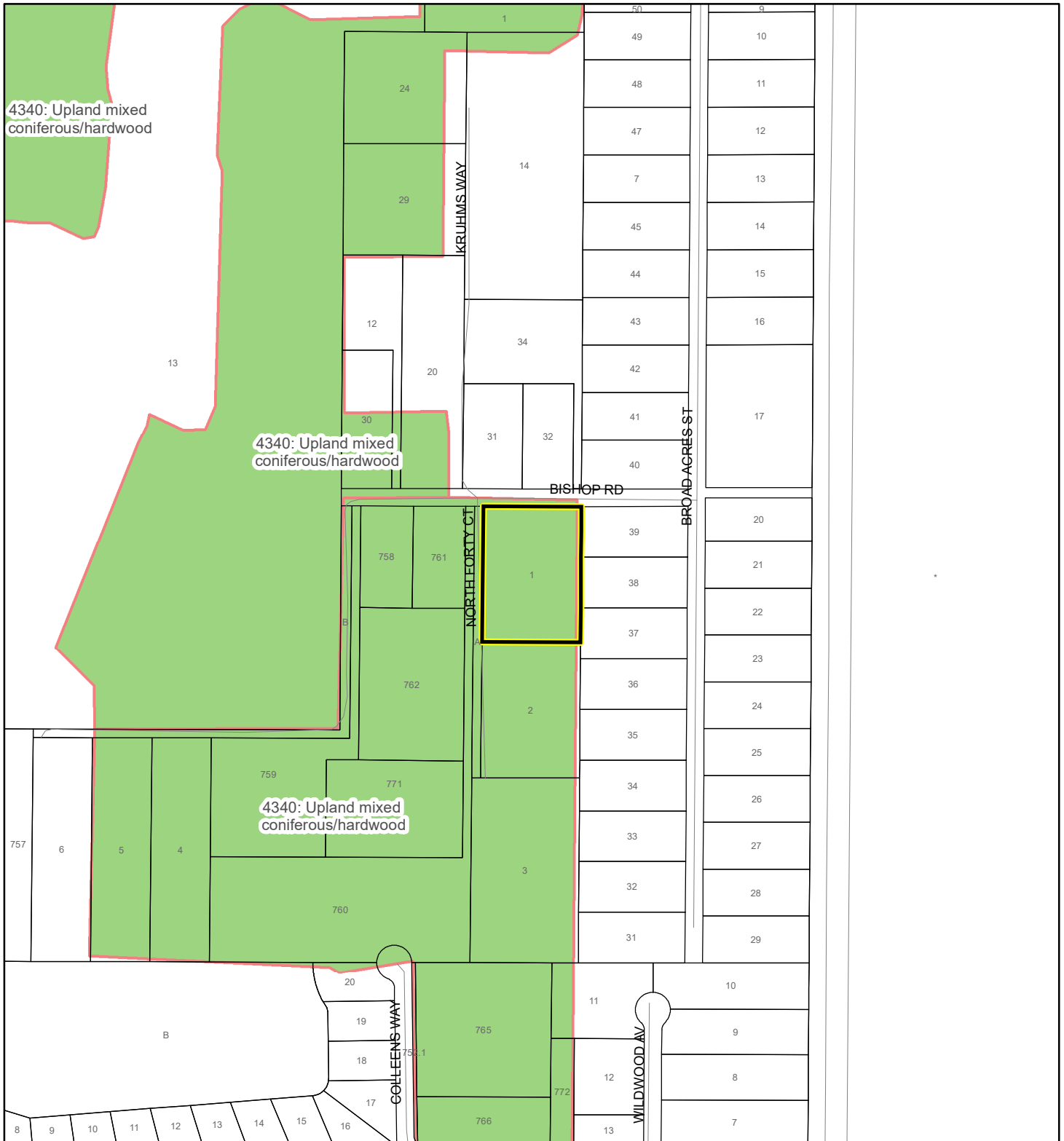
-  Subject Property
-  Parcels
-  Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SPEER, SCOTT W. AND DEBORAA.

21Z00002



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: 1/8/2021

## 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





BOARD OF COUNTY COMMISSIONERS

**Planning and Development**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 21Z00002

Existing FLU: RES 1 Existing Zoning: RR-1

Proposed FLU: NA Proposed Zoning: A4

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

Scott Speer, Deborah Speer n/a  
Name(s) Company

1465 Bishop Rd Merritt Island FL 32953  
Street City State Zip Code

Scott.W.Speer@Gmail.com 776-990-2668  
Email Phone Cell

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

n/a  
Name(s) Company

\_\_\_\_\_  
Street City State Zip Code

\_\_\_\_\_  
Email Phone Cell

(1)



## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 2.5

Reason for Request:

*few farm animals & a small orchard  
2 pigs + 2 donkeys*



The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

5   
Signature of Property Owner or  
Authorized Representative

1-5-2021  
Date

State of Florida

County of Brevard

Subscribed and sworn before me, by ☒ physical presence or \_\_\_\_\_ online notarization,

this 5<sup>th</sup> day of, January, 20 21, personally appeared

Scott Spicer, who is personally known to me or produced

FLDL as identification, and who did / did not take an oath.

  
Notary Public Signature

Seal





**Office Use Only:**

Accela No. 21200002 Fee: \$588.00 Date Filed: 1-7-21 District No. 2

Tax Account No. (list all that apply) 2316763

Parcel I.D. No.

23 36 25 25 X 1  
Twp Rng Sec Sub Block Lot/Parcel

Planner: PB Sign Issued by: \_\_\_\_\_ Notification Radius: 500

**MEETINGS**

**DATE**

**TIME**

☐ P&Z

\_\_\_\_\_

\_\_\_\_\_

☐ PSJ Board

\_\_\_\_\_

\_\_\_\_\_

☒ NMI Board

March 11, 2021

6:00 pm

☐ LPA

\_\_\_\_\_

\_\_\_\_\_

☐ BOA

\_\_\_\_\_

\_\_\_\_\_

☒ BCC

April 15, 2021

5:00 pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials PB

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☒ Yes

☐ No

If yes, list North Merritt Island

Location of subject property: South side of Bishop Road  
305 feet west of Broad Acres Street

Description of Request: Rezone from RR-1 to AL



## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

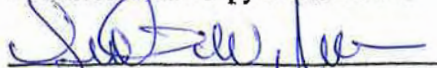
- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

Scott W. Speer (A) Gmail.com: ( ) or U.S. Mail  
e-mail address fax number

Yes/No

I have received a copy of this notice:

  
(APPLICANT SIGNATURE)



Owner's Name: Scott & Debora Speer  
Hearing Date: March 11, 2021

21200002

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

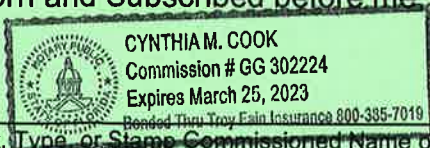
STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, RICKY MAY,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

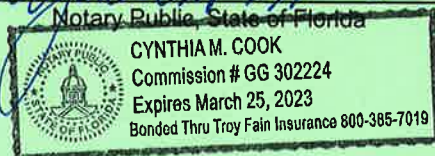
Ricky L. May  
Signature

Sworn and Subscribed before me, this 18<sup>th</sup> day of February 2021



(Print, Type, or Stamp Commissioned Name of Notary Public)

Cynthia M. Cook  
Notary Public, State of Florida



Personally known QR Produced Identification

Type of I.D. Produced: n/a

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**



## NORTH MERRITT ISLAND

### DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, March 11, 2021**, at 6:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

**Board members present were:** Mary Hillberg, Chair; Gina Lindhorst; Catherine Testa; Chris Cook; Jim Carbonneau; and Ted Balke.

**Planning and Development staff present were:** Jeffrey Ball, Planning and Zoning Manager; Paul Body, Planner II; and Jennifer Jones, Special Projects Coordinator.

#### **Approval of January 7, 2021, Minutes**

Motion by Gina Lindhorst, seconded by Jim Carbonneau, to approve the minutes from January 7, 2021. The motion passed unanimously.

#### **Scott W. and Deborah A. Speer**

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential). The property is 2.5 acres, located on the south side of Bishop Road, approximately 305 feet west of Broad Acres Street. (1465 Bishop Road, Merritt Island) (District 2)

Scott Speer - Scott Speer, 1465 Bishop Road, Merritt Island. I'm requesting that the County allow us to switch our property back from residential to agriculture. We are in the process of planning on lemon and lime trees, as well as having a couple of donkeys.

Mary Hillberg - In your application, it says two donkeys and two pigs.

Scott Speer - I don't know what's going on with the pig, but it's definitely two donkeys.

Mary Hillberg - Two donkeys are one thing, but I'm asking about the pigs. You're familiar with pig pens, hopefully on the leeward side of wherever you are, they can be interesting to live near.

Scott Speer - We had a pig a while ago, and then we moved, and the pig is now living with our friends over in Canaveral Groves.

Mary Hillberg - It's a pet pig?

Scott Speer - Yes, it's a pet pig. It's not a wild boar.

Mary Hillberg - And you're not going to have a big pen with pigs?

Scott Speer - No, it's like a family dog.

Mary Hillberg - Like a potbellied pig?

Scott Speer - Yes, it is a potbellied pig.

Mary Hillberg - I was concerned with having a pig pen with pigs. If you've ever been downwind of that you wouldn't want it.

Scot Speer - I know exactly what you're saying.



Gina Lindhorst - Is it your intention to have a lot of animals, or just those two?

Scott Speer - Just those two. It's primarily going to be lemons and limes as far as wanting to go the agriculture route. The Crisafulli family is going to help me with some of that.

Gina Lindhorst - No plans for any other animals?

Scott Speer - No, we have our dogs and that's the extent of it. I'm not getting into horses or cows, that's not my thing.

Gina Lindhorst - So, no farm animals to sell for their meat?

Scott Speer - No, not at all.

Chris Cook - Have you had any comments from your neighbors, either pro or con?

Scott Speer - No, they're all for it. My neighbor behind me, he's retired from NASA and he grows mangoes, so he's in support of it. The people beside us are in support of it, and they are happy to see someone want to get back into agriculture in the area. I reached out to the Crisafulli family and Chuck Crisafulli said he would help me with this and he is happy to see someone who wants to plant lemons and limes.

Chris Cook - Have we received any comments?

Mary Hillberg - I haven't received any comments, have you, Jennifer?

Jennifer Jones - No, ma'am.

No public comment.

Motion by Jim Carbonneau, seconded by Ted Balke, to approve the change of classification from RR-1 to AU. The motion passed unanimously.

Upon consensus, the meeting adjourned at 6:08 p.m.





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.7.

4/15/2021

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### **Subject:**

Port St. John Small Area Study

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider the Port St. John Small Area Study.

### **Summary Explanation and Background:**

On October 4th, 2018, the Board of County Commissioners directed Planning and Development Department staff to conduct a Small Area Study of Port St. John. The study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. Seven residents of Port St. John were officially appointed on July 18th, 2019 by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study. The first Citizens Committee meeting took place on August 15, 2019. Due to the pandemic, the final committee meeting took place on September 24, 2020.

The Small Area Study focused on providing data and information to the Citizens Committee for the purpose of formulating recommendations for future improvement projects, land development regulations or amendments to the Comprehensive Plan. The study addressed long-term concerns by examining the Character of the Community; Population, Demographics and Housing; Land Use and Zoning; Infrastructure and Service Demand; Safety and Emergency Management; and Environmental and Ecological Factors. Final recommendations were developed during the course of the Study, and the top five (5) recommendations were selected by vote at the final meeting of the Citizens Committee.

Attached is the final report of the 2020 Port St. John Small Area Study for Board consideration. The top recommendations of the 2020 Port St. John Small Area Study Citizens Committee are as follows:

**Recommendation 1:** Relocate Brevard County Fire Station from Fay and Carole Avenue to the west which is more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Boulevard and Adams Place (Funding source could be a combined MSTU and MSBU within the boundary). The PSJ Dependent Special District recommended removing this item from the list of recommendations.



**Recommendation 2:** Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

**Recommendation 3:** Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 2.92 acres located on Fay Boulevard (tax account #s: 2309950, 2309949, 2309948). No changes to zoning recommended.

**Recommendation 4:** Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 0.30 acres located at the intersection of Fay Boulevard and Grissom Parkway (tax account #: 2310247). No changes to zoning recommended.

**Recommendation 5:** No changes recommended in the area of Fay Boulevard and US Highway 1. Current Future Land Use and Zoning designations are consistent.

On March 3, 2021, the Port St. John Dependent Special District Board acknowledged the Small Area Study with the exception of Recommendation 1.

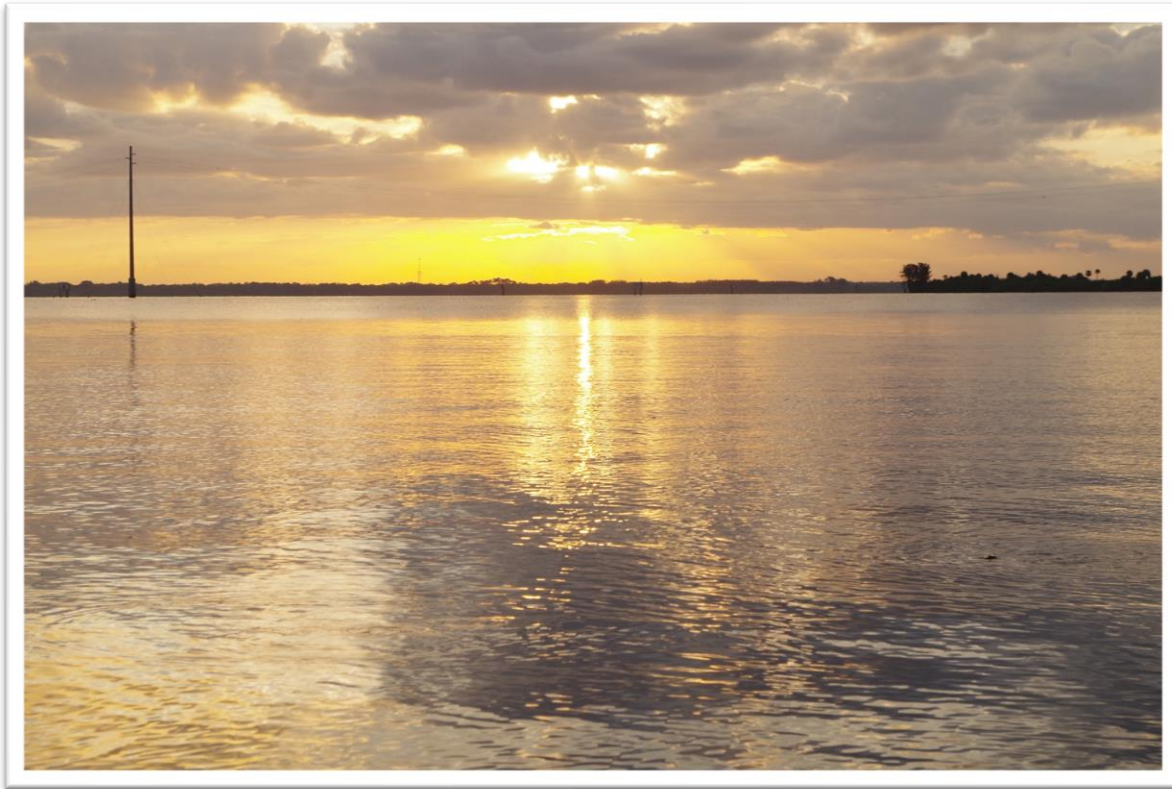
On March 8, 2021, the Planning and Zoning Board acknowledged the Small Area Study with the exception of Recommendation 1.

### **Clerk to the Board Instructions:**

None



# PORT ST. JOHN SMALL AREA STUDY



Sunrise view from the Port St. John Boat Ramp. Photo taken by K. Shropshire.

**BREVARD COUNTY, FLORIDA**  
**Planning and Development Department**  
**October, 2020**





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## EXECUTIVE SUMMARY

On October 4<sup>th</sup>, 2018, the Board of County Commissioners directed Planning and Development Department staff to conduct a Small Area Study of Port St. John. The study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. Seven residents of Port St. John were officially appointed on July 18<sup>th</sup>, 2019 by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study. The first Citizens Committee meeting took place on August 15, 2019.

The Small Area Study focused on providing data and information to the Citizens Committee for the purpose of formulating recommendations for future improvement projects, land development regulations or amendments to the Comprehensive Plan. The study addressed long-term concerns by examining the Character of the Community; Population, Demographics and Housing; Land Use and Zoning; Infrastructure and Service Demand; Safety and Emergency Management; and Environmental and Ecological Factors. Final recommendations were developed during the course of the Study, and five (5) recommendations were selected by vote at the final meeting of the Citizens Committee on September 24, 2020.

### **The top recommendations of the 2020 Port St. John Small Area Study Citizens Committee are as follows:**

**Recommendation 1:** Relocate Brevard County Fire Station from Fay and Carol Avenue to the west which is more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Avenue and Adams Place (Funding source could be a combined MSTU and MSBU within the boundary).

**Recommendation 2:** Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

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**Recommendation 5:** No changes recommended in the area of Fay Boulevard and US Highway 1. Current Future Land Use and Zoning designations are consistent.



**Citizens Committee Members**

Vaughan Kimberling, Chair

Carmine Ferraro, Vice Chair

Steven Darling

Matt Denyer

Chris Kane

Maureen Rupe

Chuck Wortham

**Brevard County Staff**

Tad Calkins, Planning & Development Director

Jeffrey Ball, AICP, Planning & Zoning Manager

Cheryl Campbell, Planner III

Jane Hart, Associate Planner

Anne Rembert, GIS Analyst II – GIS & Mapping

In coordination with various County departments and State agencies



# INTRODUCTION

## Purpose of the Small Area Study

On October 4<sup>th</sup>, 2018, the Board of County Commissioners (BCC) directed staff to conduct a study of Port St. John (PSJ) after a Small Scale Comprehensive Plan Amendment and rezoning request with a Binding Development Plan (BDP) in PSJ was approved after much discussion and public comment. The subject parcel was 1.68 acres located on the south side of Fay Boulevard. On July 18<sup>th</sup>, 2019, seven residents of Port St. John were officially appointed by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study (herein after known as The Study). The first PSJ Citizens Committee meeting was held on August 15, 2019.

The Study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. The Study focused on providing data and information to the Citizens Committee for the purpose of formulating recommendations for future improvement projects, land development regulations or amendments to the Comprehensive Plan. The Study addressed long-term concerns by examining the Character of the Community; Population, Demographics and Housing; Land Use and Zoning; Infrastructure and Service Demand; Safety and Emergency Management; and Environmental and Ecological Factors.

## Study Area and Boundaries

The Port St. John Study Area is an irregularly-shaped polygon (please refer to **Map 1** on page 5) generally bordered by the City of Titusville to the north, Canaveral Groves Boulevard to the south, the Indian River Lagoon to the east, and Challenger Memorial Parkway (SR 407) to the west. The study area is approximately 8,450 acres.

## Planning History in Port St. John

In 2005, a Small Area Study was proposed to investigate planning and zoning issues in regards to the area in and surrounding the intersection of Port St. John Parkway and Grissom Parkway. Five public meetings were held during September and October of 2005 to discuss the proposed Small Area Study and development issues. Topics discussed per the recorded meeting minutes included zoning, natural resources, stormwater, and roadway maintenance. Draft recommendations were composed; however, a formal SAS was not finalized.

Draft recommendations of the 2005 proposed SAS:

- Create a commercial corridor along Grissom Parkway and Port St. John Parkway, mixing light retail and low-density residential uses.
- Limit driveway access on Port St. John Parkway.
- Encourage access roads along Port St. John Parkway.
- Avoid using wetter soils for commercial uses; use these areas for low-density residential.
- Encourage closures for state owned "paper roads" to discourage use as shortcuts.



- Address visibility issue at the Camp Road connector; encourage traffic study to create alternative road intersection design to provide traffic safety and speed control.
- Encourage traffic feasibility study for turn lanes in Community commercial area and both sides of Canaveral Grove Boulevard intersection, as well as south of intersection; address safety concerns and accident-prone areas.
- Request that natural resources provide an updated Scrub Jay habitat map.
- Target City of Cocoa utilities for future growth.
- Encourage architectural and landscaping review for new commercial development.
- Encourage extension of public transportation and stations near Medical Center.
- Encourage retention and maintenance of existing parks and recreational facilities.
- Encourage study for locating a possible ATV trail network.
- Encourage the creation of a sidewalk/bike trail network on east side of Grissom.
- Encourage connectivity to areas of recreation and community use, and to planned greenway and nature trails near study area.

In addition to the 2005 proposed SAS, the citizens Port St. John have historically been active with the decision-making process on matters affecting their community. Examples of this citizen involvement<sup>1</sup> include:

**1987:** The Port St. John Homeowner's Association (PSJHOA) worked with County officials to plan a Port St. John Fire Station and Library. Both were completed in 1988.

**1988:** The PSJHOA began lobbying State and County officials for a Port St. John I-95 Interchange. Their efforts were realized when the new interchange opened in 1999.

**1990:** The PSJHOA coordinated with State and County agencies concerning septic tank issues and allowed residential build-out.

**1992:** The PSJHOA served as the community liaison between area residents, County staff, and contractors during the expansion of Fay Boulevard to four lanes.

**1994:** Various community organizations lobbied for a special self-imposed Parks and Recreation MSTU to build additional and expand existing recreational facilities. Port St. John Residents approved the MSTU referendum.

**1995:** The PSJHOA coordinated with County staff to expand the Parks and Recreational MSTU to include purchasing additional property and building the Fay Lake Wilderness Park. Port St. John residents approved the MSTU expansion.

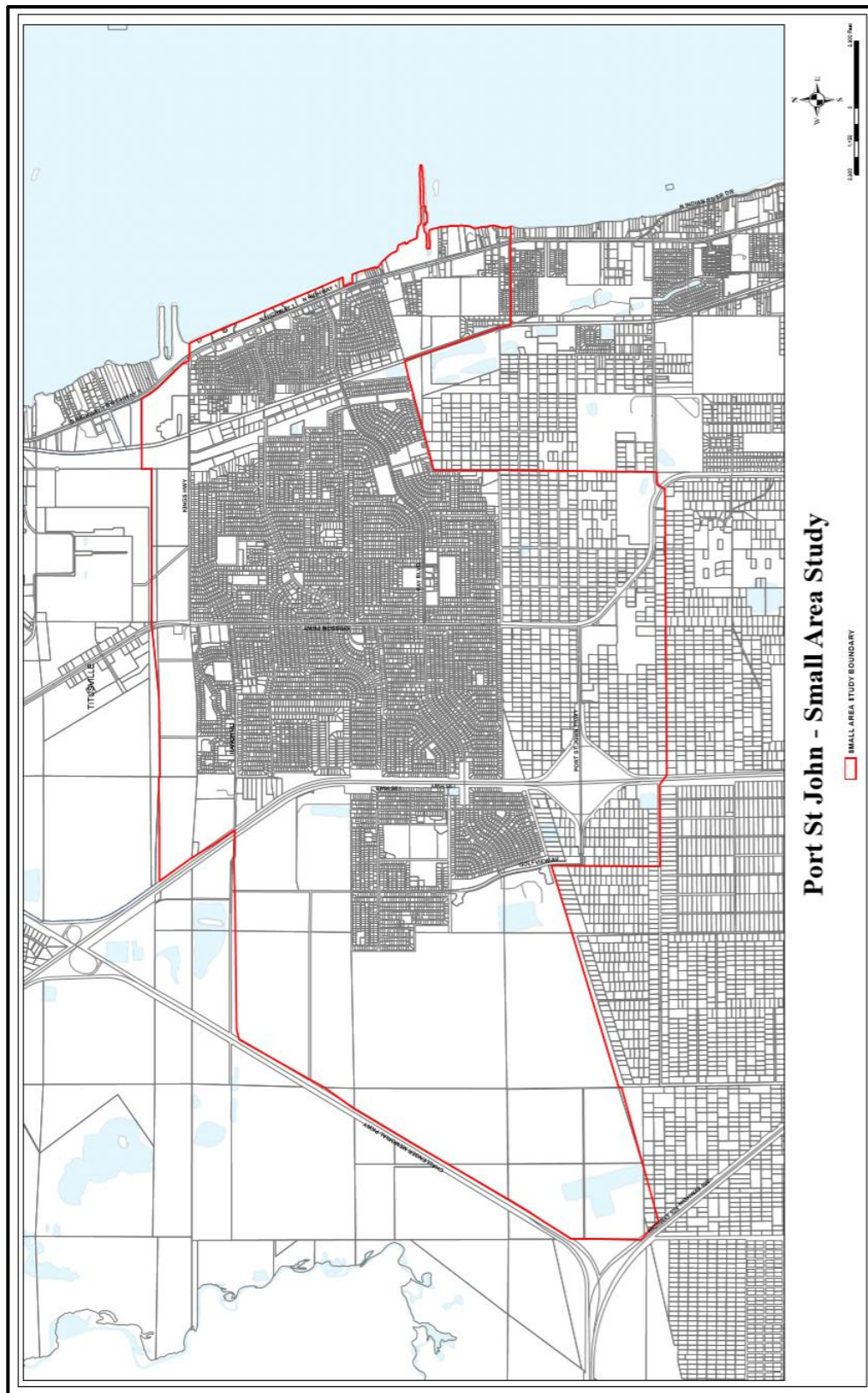
**1996:** The PSJHOA lobbied Brevard County Commissioners for a Port St. John Advisory Board. On July 2, 1996 the Brevard County Commission created the Port St. John Dependent Special District, and the first members were elected November 1996.

**1998-99:** Various community organizations and citizens lobbied the County to perform a Municipal Incorporation Feasibility study. The issue was placed on the November 2000 ballot, and approximately 73% of voters favored a feasibility study to be performed. Subsequently, the Brevard County Commission unanimously approved funding the study. While results of the study indicated proposed incorporation of the City of Port St. John was feasible, incorporation never moved forward.

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<sup>1</sup> D.L. Laney, "Port St. John Incorporation Feasibility Study", University of Central Florida, Department of Public Administration, October, 2001.







# CHARACTER OF THE COMMUNITY

## Community Background

The community of Port St. John is located in the north central portion of Brevard County, immediately south of the City of Titusville and approximately 1.8 miles north of the City of Cocoa. Port St. John is bordered to the east by the Indian River Lagoon (IRL) and to the west by Challenger Memorial Parkway (SR 407) and Highway 528 (SR 528). Port St. John is primarily a residential community, often described as having a “small town” nature that many Port St. John citizens wish to preserve.

## Historical Aspects

### PRE-1900s

The Port St. John area, along with much of the region surrounding the Indian and Banana rivers in east Florida, was home to the group of native North American Indians known as the Ais. The Ais were first encountered at a village south of what is now Cape Canaveral by Spanish explorer Juan Ponce de Leon in 1513, the same year he named Florida. The Ais tribe was comprised of several hundred thousand hunter and gatherer people that lived in small villages along the shores of the Indian River Lagoon from what is now Brevard County down to northern Martin County until the late eighteenth century. The long, stable culture of the Ais was facilitated by the rich marine resources of the Indian River region and endured almost two hundred years after the first contact with European explorers.<sup>2</sup>

Following several unsuccessful attempts to settle Florida, and a brief attempt at settlement by the French, Spain finally claimed rule of Florida in 1565. The east coast of Florida was a strategic asset for the Spanish and remained mostly unsettled except for native Indian populations during their 200-year rule. By the time the Spanish left in 1763, most of the Ais population had been eradicated by disease, warfare, and malnutrition.<sup>3</sup>

After two brief decades of British rule, the second Spanish period began in 1784. During Spain's second period of rule, the King permitted non-Catholics to settle in Florida and only required an oath of loyalty to the crown for land ownership. As such, the population of East Florida during this period was mixed, being comprised of people of Spanish, Minorcan, Indian, Anglo-European, and African (both free and slave) descent.<sup>4</sup>

Privately owned land in and around is now northern Brevard County included two major tracts known as the Reyes Grant and the Delespine Grant. Domingo Reyes owned the

---

<sup>2</sup> Historic Property Associates, “Historical Development of Titusville”, *North Brevard Historical Society*, accessed December, 2019, <https://nbbd.com/godo/history/NBrevHist/>.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



1000-acre Reyes Grant, located north of Titusville, and operated a sugar mill and sugar cane plantation on the land from about 1804 to 1835. The other privately-owned tract was the Delespine Grant, a 43,000-acre tract of land located south of Titusville which encompassed the area that is today known as Port St. John.<sup>5</sup>

The Delespine Grant, one of the largest tracts of land ever granted by the Spanish in Florida, was conceded to Joseph Delespine in 1817 by the East Florida Governor for the King of Spain. When the United States acquired the Territory of Florida from Spain in 1821, the U.S. Supreme Court started reviewing the numerous existing Spanish land grant claims for confirmation, and in 1838 the Court adjudged in favor of Joseph Delespine's heirs that their claim was valid.<sup>6</sup> A survey of the Delespine tract was conducted in 1851 (**Figure 1** on page 10).<sup>7</sup>

Mary Boye, the granddaughter of Joseph Delespine, inherited the land, and together with her husband Captain James Pritchard, moved to the area and became an important pioneering family in Brevard County. The Pritchards settled on part of the grant located just north of Highway 50 where they grew sugar cane and citrus until the freeze of 1886. The Pritchard family then moved to Titusville where Captain Pritchard sold real estate, owned a hardware store, established the first bank in Titusville and even built the first electric generating plant in Titusville. The Pritchard's ancestral home, built in 1891, still stands in Titusville and is on the U.S. National Register of Historic Places. The Pritchards made significant contributions to the development of northern Brevard, and their original tract of land (the Delespine Grant) connects the area of Port St. John to one of the oldest pioneer families in Brevard County.<sup>8</sup>

## 1900 to PRESENT

The area that is today known as Port St. John remained relatively undeveloped until the mid-twentieth century. The earliest aerial photography of Brevard County available for review was taken in 1943 (**Figure 2** on page 11) and shows the study area as mostly pristine with some development appearing in proximity to U.S. Highway 1 (U.S. 1) and the existing Florida East Coast Railway. The topography and natural features of the study area in existence prior to large scale development are depicted on a historic United States Geologic Service (USGS) topographic map from 1951 (**Figure 3** on page 12). The general area of the Delespine Grant (from which the study area originated) is noted on

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<sup>5</sup> Historic Property Associates, "Historical Development of Titusville", *North Brevard Historical Society*, accessed December, 2019, <https://nbhd.com/godo/history/NBrevHist/>.

<sup>6</sup> United States Supreme Court, "The United States, Appellants, v. Joseph Delespine's Heirs et al.", *Cases Adjudged in the Supreme Court, Volume 37*, (1838), 654-655.

<sup>7</sup> State of Florida Archives, *Florida Memory Project*, accessed December, 2019.

[https://www.floridamemory.com/FMP/SLG/doc\\_images/Delespine\\_Joseph\\_35x1/35x1\\_6\\_10\\_Delespine\\_Joseph\\_026.jpg](https://www.floridamemory.com/FMP/SLG/doc_images/Delespine_Joseph_35x1/35x1_6_10_Delespine_Joseph_026.jpg).

<sup>8</sup> Michael Boonstra, "Titusville's Pritchard House", *Michael's Genealogy and Brevard County History* (blog), May 2011, accessed December, 2019, <http://mylibraryworld-michaelb.blogspot.com/2011/05/>.



the map. Several wetland areas are shown and transportation is primarily via unimproved dirt roads with the exception of U.S. 1.

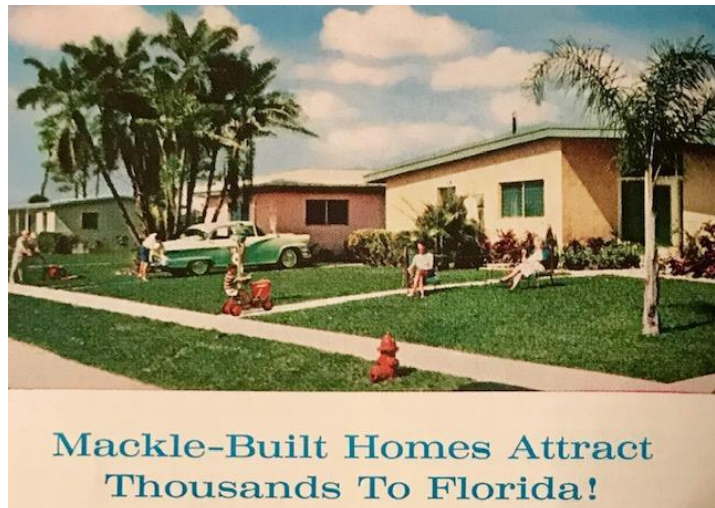
During the late 1950s and early 1960s, residential development in Brevard County began to ramp up due to the employment opportunities provided by the growing space race and nearby Air Force Missile Test Center. Thousands of acres were purchased by General Development Corporation (GDC) in cooperation with the Mackle Company to develop planned communities in Florida, with two located in Brevard: Port St. John in the northern portion of the county and Port Malabar in the south.

In December 1957, GDC purchased 2,707 acres of land that would eventually become the nucleus of the Port St. John community.<sup>9</sup> The grand opening of the Port St. John was held in July 1960 proposing to build custom homes in the \$13,000 to \$17,000 range on 9,000 platted lots.<sup>10</sup> A major addition of acreage was acquired in 1960, increasing GDC holdings to 5,400 acres.<sup>11</sup>

The 1960 GDC Annual Report describes their newest community – Port St. John:

"In the heart of the Cape Canaveral missile area, midway between the thriving cities of Cocoa (9 miles to the south) and Titusville, the county seat (10 miles to the north), lies General Development's newest planned community - 5,400 acre Port St. John. The nearby Air Force Missile Test Center alone employs 47,500 persons. In the fiscal year of 1958 it spent \$87 million for the purchase of supplies, services and maintenance of facilities and \$408 million in salaries.....

The tract, divided by U.S. Highway 1, borders the Indian River in the east and the St. Johns River in the west. Layout of a complete community (home sites, home areas, school and shopping center sites, parks, recreational area) was completed early in 1960."<sup>12</sup>



"Reader's Digest" ad, November 1959

1970 aerial photography shows the progress made by GDC in their Port St. John planned community during the first ten years of development (**Figure 4** on page 13).

<sup>9</sup> The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.

<sup>10</sup> David L. Laney, *Port St. John Feasibility Study*, (University of Central Florida, 2001).

<sup>11</sup> The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.

<sup>12</sup> Ibid.



By 1985, the total size of Port St. John had increased to 5,500 acres (**Figure 5** on page 14). Steady growth in the community was attributed to the close proximity to the Space Center and high technology industries that were coming into the area. However, restrictions on septic tanks and water wells began to limit growth during this time period as GDC was unable to meet its obligation to provide water distribution and waste treatment services. GDC offered to give control over these utilities to the City of Cocoa and Brevard County, and also pay \$1.5 million to install a 3 mile main water pipe to connect Port St. John to the city's water system.<sup>13</sup>

While lack of public water and sewer infrastructure temporarily restricted development of many existing lots in the area, builders began to target land west of Interstate 95. Because lots greater than half acre were exempt from the septic tank and water well density restrictions, residential growth began to expand on the western side of Port St. John. Commercial developers, in anticipation of city water connection and a second boom of residential growth, began moving into the eastern portion of Port St. John.<sup>14</sup>

In 1990, GDC filed for bankruptcy, turning over all remaining functional assets in the various GDC developments to their respective governments<sup>15</sup>. Brevard County and the City of Cocoa both continue to provide waste treatment and water distribution service in the Port St. John area.

To this day Port St. John remains primarily a residential community due to its historical beginnings as a planned GDC development. Nearly 8,000 housing units were located in the general Port St. John study area during the 2010 census (see **Table 3** on page 25), remarkably close to GDC's original projection of 9,000 platted residential lots at the grand opening of the Port St. John Planned Community fifty years earlier. Aerial imagery taken in 2019 (**Figure 6** on page 15) shows the Port St. John area as it mostly exists today...a residential "small town" community in northern Brevard County, Florida.



The Port St John Christmas Parade is a tradition that brings the whole community together each year. Photo source: City of Titusville.

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<sup>13</sup> Orlando Sentinel, "Wilted Growth in Port St. John Waits For Cocoa's Water", September 10, 1985, accessed December, 2019, <https://www.orlandosentinel.com/news/os-xpm-1985-09-10-0330000257-story.html>.

<sup>14</sup> Ibid.

<sup>15</sup> The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.





**Figure 1. 1851 Survey of the Delespine Grant. Source: State Archives of Florida.**



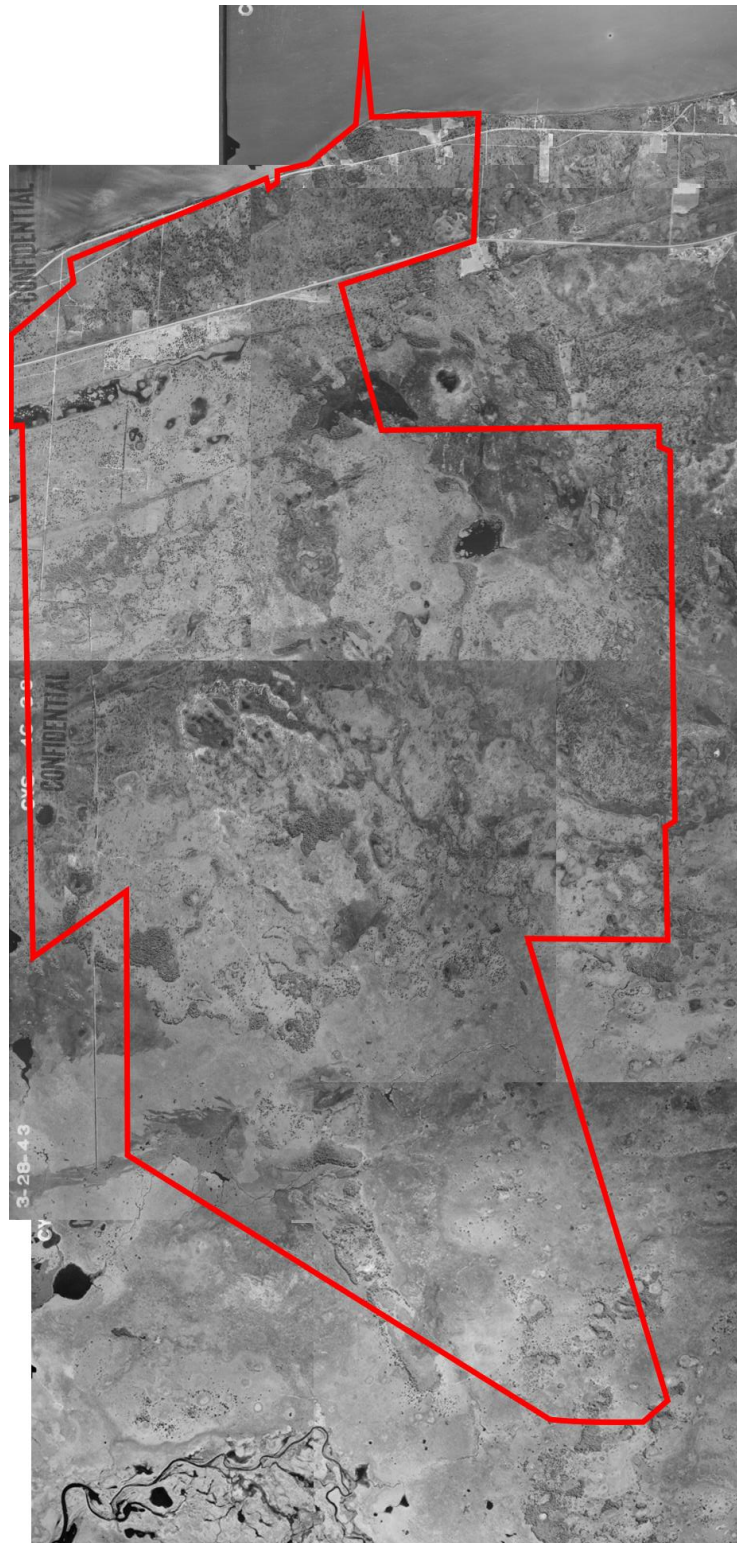
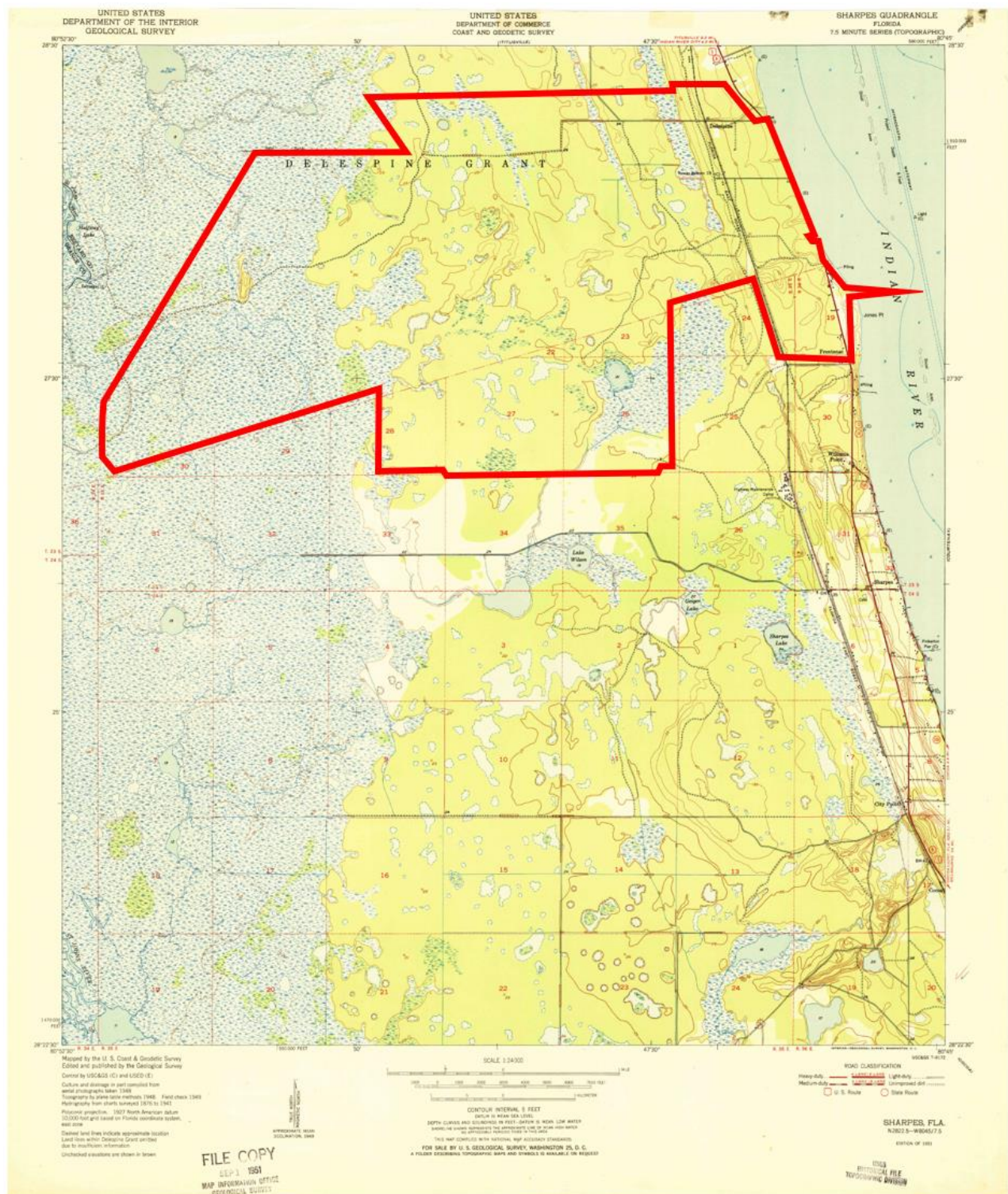


Figure 2. 1943 aerial photograph (with approximate study boundary superimposed).  
Source: University of Florida Digital Collections, George A. Smathers Libraries.









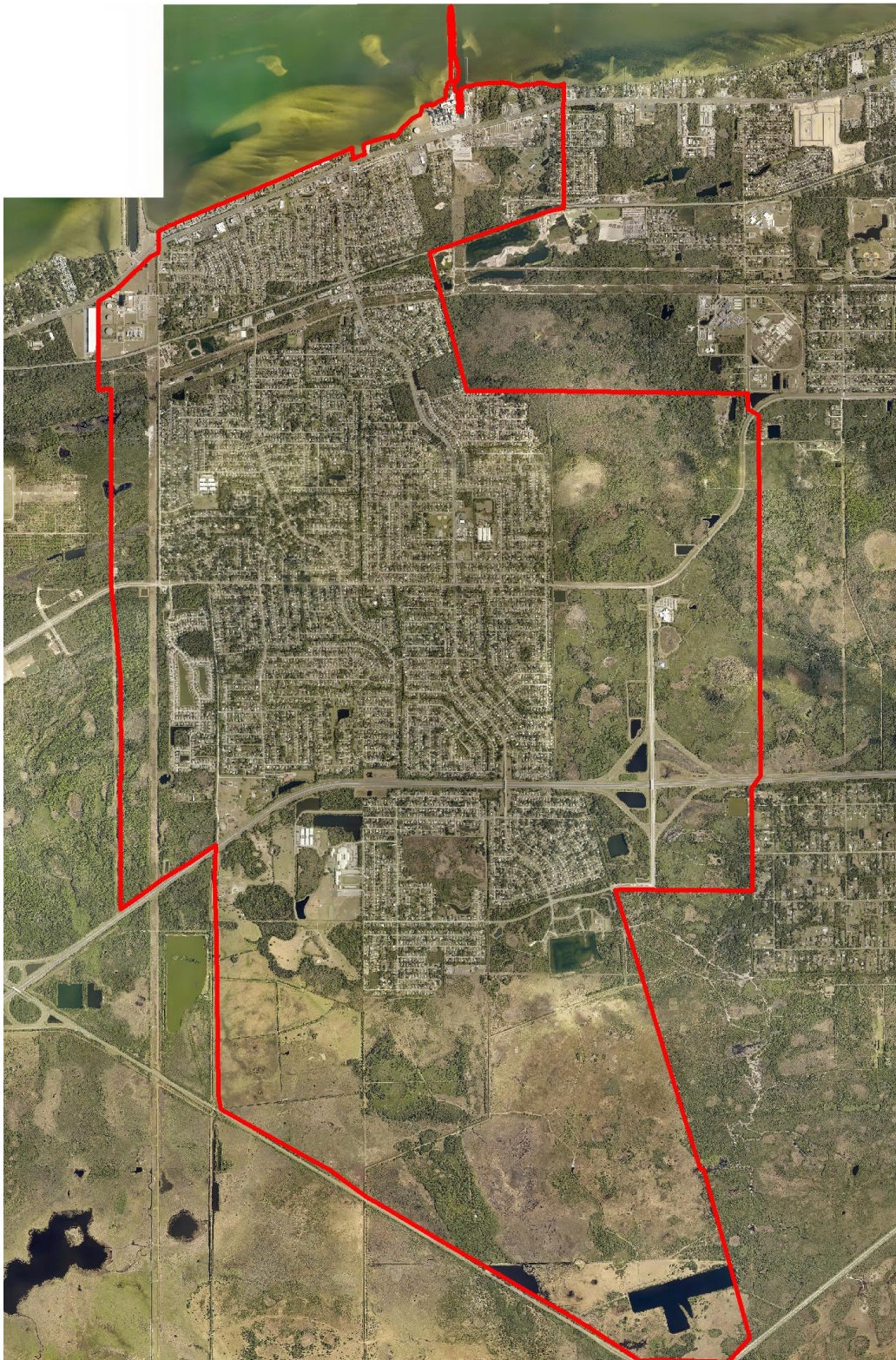
**Figure 4. 1970 aerial photography (with approximate study boundary superimposed).**  
Photo image source: University of Florida Digital Collections, George A. Smathers Libraries.





Figure 5. 1985 satellite imagery (with approximate study boundary superimposed).  
Satellite image source: Google Timelapse.





**Figure 6. 2019 aerial imagery (with approximate study boundary superimposed).**  
Image source: Brevard County Planning and Development Department.



## Access

Vehicular access into Port St. John is via two major north-south transportation arterials in Brevard County (Interstate I-95 and U.S. 1). Port St. John Parkway, Grissom Parkway, and Fay Boulevard are major connectors within the study area.

## Commercial

The primary shopping and business area for Port St. John residents is along U.S. 1. Additional commercial properties are located along Curtis Boulevard, Fay Boulevard, Grissom Parkway and Port St. John Parkway. Outside of the study area, the City of Titusville to the north provides additional retail opportunities, as well as the City of Cocoa to the south. Refer to Map 5 on page 32 in the Land Use and Zoning section of this report.

## Residential

The Port St. John area is primarily a residential community. Over 90% of occupied housing units are single detached. Please refer to the Population and Demographics section of this report (Housing Types on page 23).

## Wayfinding

Because Port St. John is not a city it does not have clear defining signage at its north and south entry points. There is limited signage along the two commercial corridors of U.S. 1 and Port St. John Parkway that would help direct residents and visitors to the main recreational areas and facilities.

## Urban Facilities

Urban facilities refer to the various basic services and facilities found throughout the Port St. John area to serve the needs of the community. These include fire stations, law enforcement, medical facilities, community centers, libraries, hurricane shelters, schools, parks, and cemeteries.

A Community Characteristics Inventory prepared by the Brevard Metropolitan Planning Organization (MPO) in 2007 listed urban facilities throughout Brevard County by zip code. Brevard County Planning and Development staff updated the MPO inventory during this study through internet research to better represent facilities currently present in the Port St. John study area.

### Fire Stations

Brevard County Fire Station #26 - 6655 Carole Avenue

### Law Enforcement

Brevard County Sheriff, Port St. John Sub-Station - 4700 Fay Blvd



### Medical Facilities

Port St John MedFast Urgent Care - 5005 Port Saint John Pkwy  
Parrish Medical Group - 5005 Port Saint John Pkwy  
Port St John Family Practice - 5005 Port Saint John Pkwy  
North Brevard Medical Support - 5005 Port Saint John Pkwy  
Health First Medical Group, - 7227 N Highway 1  
Brevard Health Alliance - 7227 N Highway 1  
Wuesthoff Medical Center - 7227 N Highway 1  
Steward Health Center, Physical therapy - 7227 N Highway 1  
Port St John Eye Care - 3720 Curtis Blvd  
Family Health Center at Port St John - 3740 Curtis Blvd  
North Brevard Children's Medical - 3750 Curtis Blvd

### Community Centers/Hurricane Shelters

Port St John Community Center - 6650 Corto Road

### Libraries

Port St. John Public Library – 6500 Carole Ave

### Schools

Atlantis Elementary School - 7300 Briggs Ave  
Challenger 7 Elementary School - 6135 Rena Drive  
Enterprise Elementary School - 7000 Enterprise Road  
Space Coast Junior/Senior High School - 6150 Banyan Street

### Parks

Fay Lake Wilderness Park - 6300 Fay Boulevard  
Fay Park - 6315 Depot Avenue  
Friendship Park - 1055 Barclay Drive  
Robert Nicol Park - 6660 N Highway 1  
Port St. John Boat Ramp - 6650 N Highway 1

### Cemeteries

Brevard Memorial Park Cemetery 320 Spring Street



## Community Survey

A non-scientific community survey was conducted at the start of the Small Area Study to assess current opinions of the Port St. John community regarding issues like amenities, neighborhood integrity/appearance, and growth management/development. Planning and Development staff prepared an 18 question survey (Appendix A) that was available online through the Survey Monkey website. Paper versions were available and distributed to the Port St. John Community Center and the District 1 Commissioner's office. Information regarding the community survey including a web link to access the online questionnaire was posted on the District 1 Commissioner's social media page (i.e., Facebook) on August 16th. The survey was shared on social media by some of the Citizens Committee members.

A total of 739 responses were collected between August 15 and August 26, 2019. Most (737) were collected through the online Survey Monkey site. Community survey results were provided to the Citizens Committee and are summarized below.

Top two important issues indicated on the survey for meeting resident's needs were Schools (70%) and Neighborhood services: banks, post-offices, doctor's offices, convenient stores for daily activities (58%). Entertainment/Restaurant choices (48%) and more recreational choices (44%) ranked 3rd and 4th highest, respectively.

Survey respondents selected shaded playgrounds (62%) and bike lanes (55%) as the top two Parks and Recreation amenities they would like to see in Port St. John. Two-thirds of respondents indicated in favor of a non-motorized (kayak) launch area on the Indian River Lagoon.

Police, Fire, Waste management, and Improved drainage services ranked the highest (over 80% each) on the survey for improving the street and neighborhood environment in PSJ, with improvement of sidewalks, street lighting and traffic congestion next highest (over 70%).

Preservation of the Indian River Lagoon (90%) is a very important issue in Port St. John according to survey responses, as well as preservation of green space and native plants (75%) and coordinating land uses that are in harmony with the character of the community (72%). Almost 60% of respondents indicated they did not want large discount or home improvement stores like Lowes or Walmart to develop. It is important to note that at least 38 people commented that they did not want another Dollar Store in Port St. John.



## POPULATION, DEMOGRAPHICS AND HOUSING

Brevard County was founded in 1844 by Theodorus W. Brevard. The County's first recorded population was 139 in 1850. As of 2018, Brevard County's estimated population is 583,563, with a projected 2020 population of 598,500.<sup>16</sup>

### Population

The Port St. John Study Area encompasses the Port St. John Census Designated Place (CDP) along with portions of several Census Tracts, including 621.04, 621.06, 621.08, 621.09, and 712. For the purpose of evaluating the demographic makeup of the Study Area, the Port St. John Census Designated Place (CDP) plus Census Tract 621.04 was utilized because these areas appear to capture the majority of developed area within the Study Area as can be seen in the Census Tract Boundary Map (**Map 2**, page 21). It is important to note that census tract data for the Port St. John area is only available beginning with the 2000 Census. Prior to 2000, only data for the Port St. John CDP was collected by the decennial census and was utilized in this demographic analysis to best represent the Study Area's population.

Historical and current population data has been used to evaluate the pace of growth within the study area. The percent of change calculation is a simple mathematical concept that represents the degree of change over time by making a comparison between two values expressed as a percent increase. **Table 1** on page 20 examines the population and change over time within Florida, Brevard County, and Port St. John.

From 1980 to 2010, Florida's population almost doubled, growing by 97%. With that said, the pace of growth has begun to level out, steadily declining over the last several decades. Brevard County's population increased at almost exactly the same rate as the state, growing 99% over the same 30-year period.

In 1980, the population within the Port St. John CDP was 1,837. By 2010, the population bloomed to 12,267, or a 568% growth over the 30-year period evaluated – a rate that was almost 6 times higher than the State or County growth rate. The Port St. John CDP experienced a 386% increase for the 10-year period between 1980 and 1990, but since that time the rate of growth has decreased significantly.

Between 1990 and 2000, the Port St. John CDP was still experiencing moderate growth at a rate of 36%, but the pace of growth had declined by 350% from the prior 10-year period. From 2000 to 2010, the growth rate slowed to 1%, while Brevard County and Florida continued to grow at 14% and 18% respectively.

The rapid population growth in the Port St. John area from 1980 to 1990 appears to coincide with the Space Transportation System (STS) program that launched thirty-two

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<sup>16</sup> BEBR – Projections of Florida Population by county, 2020-2045, with Estimates for 2018, accessed November 2019, <https://www.bebr.ufl.edu/population/data>.



(32) space shuttle flights during the decade and brought high-paying tech jobs to Brevard.

The Kennedy Space Center (KSC) went through several layoff periods with the first major workforce reduction occurring at the end of the Apollo program in 1972.<sup>17</sup> A smaller layoff period occurred in 1986 after the explosion of the space shuttle Challenger when a temporary two and a half year launching hiatus resulted in ten (10) percent reduction in the shuttle workforce (approximately 1,110)<sup>18</sup>; however, KSC “closed out the 1980s as busy as ever”, launching five shuttle missions in 1989.<sup>19</sup> Another significant layoff period (~6-9,000) began in 2010 near the end of the Space Shuttle program as the Kennedy Space Center reduced its workforce and repurposed facilities and infrastructure to support NASA’s Space Launch System and a variety of commercial launch vehicles in the next decade.<sup>20</sup>

Currently, development is occurring in the Port St. John area as reflected in new residential permits issued during the past few years. In 2017, Brevard County building permits were issued for forty-eight (48) new residential, detached single-family construction in the 32927 zip code. In 2018, building permits were issued for ten (10) residential manufactured homes and fifty-eight (58) new residential, detached single-family homes in the 32927 zip code. Source: Brevard County Planning and Development Department.

**Table 1. Population Change**

Population Change								
	Florida (total population) % change		Brevard (total population) % change		PSJ CDP (total population) % change		PSJ CDP + Census Tract 621.04 (total population) % change	
1980 Census (USCB)	9,746,961		272,959		1,837			
1990 Census (USCB)	12,937,926	33%	398,978	46%	8,933	386%	no data	
2000 Census (USCB)	15,982,378	24%	476,230	19%	12,112	36%	18,657	
2010 Census (USCB)	18,801,310	18%	543,376	14%	12,267	1%	19,256 3%	
2017 ACS estimates (USCB)	20,278,447	8%	568,183	5%	11,489	-6%	19,217 0%	
2018 estimates (BEBR)	20,840,568	3%	583,563	3%	no data		no data	
2020 projection (BEBR)	21,517,600	3%	598,500	3%	no data		no data	
Sources: United States Census Bureau (USCB) and Bureau of Economic and Business Research (BEBR)								

Sources: United States Census Bureau (USCB) and Bureau of Economic and Business Research (BEBR)

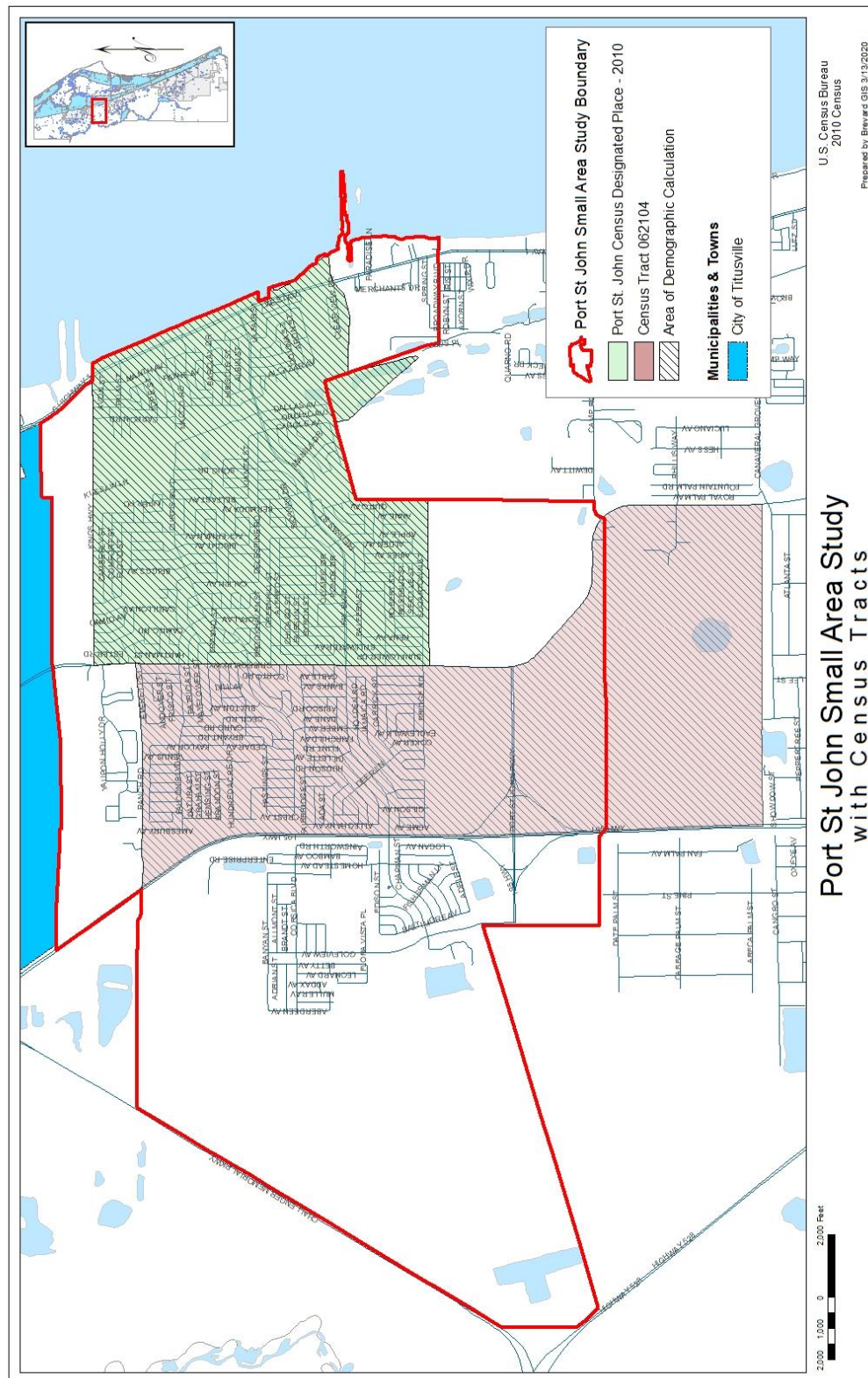
<sup>17</sup> NASA, Spaceport News, June 29, 2012, accessed November, 2019, [https://www.nasa.gov/centers/kennedy/pdf/664283main\\_jun29-2012.pdf](https://www.nasa.gov/centers/kennedy/pdf/664283main_jun29-2012.pdf).

<sup>18</sup> NY Times, “NASA Cutting Work Force At Space Center In Florida”, September 5, 1986, accessed November 2019, <https://www.nytimes.com/1986/09/05/us/nasa-cutting-work-force-at-space-center-in-florida.html>.

<sup>19</sup> NASA, Kennedy Space Center Historical Timeline, June 29, 2012, accessed November 2019, <https://www.nasa.gov/centers/kennedy/about/history/timeline/80s-decade.html>.

<sup>20</sup> NASA, Spaceport News, June 29, 2012, accessed November, 2019, [https://www.nasa.gov/centers/kennedy/pdf/664283main\\_jun29-2012.pdf](https://www.nasa.gov/centers/kennedy/pdf/664283main_jun29-2012.pdf).





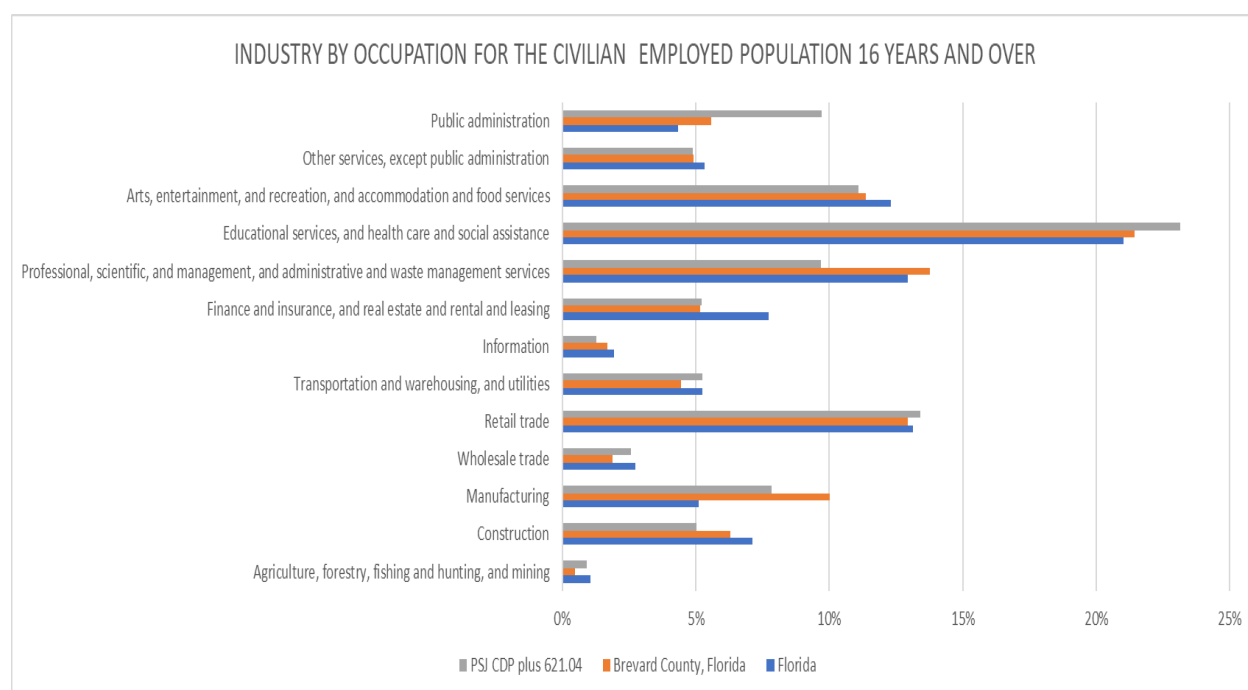
Map 2. Census Tract Boundary



## Demographics

### EMPLOYMENT:

According to five year estimates provided by the US Census Bureau's American Community Survey (ACS) for 2013-2017, the top occupational industry category for the civilian employed population in Port St. John was Educational Services, Health Care, and Social Assistance. The next highest employment industry during that time period in Port St. John was Retail Trade (**Figure 7**).



**FIGURE 7. Source: C24050 INDUSTRY BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER, Universe: Civilian employed population 16 years and over, 2013-2017 American Community Survey 5-Year Estimates.**

### AGE-SEX:

US Census Bureau's ACS estimates for 2013-2017 indicate the population in Port St. John appears to be a younger community compared to Brevard County as a whole. The median age of residents in Port St. John is 43.0 years, while Brevard County's median age is 47.1 years. The higher median age in Brevard County reflects the larger number of retirees in the County.

Port St. John also appears to have a more diverse range of ages living in the community compared to Brevard County and the State of Florida. One noticeable difference is that the Port St. John community contains a smaller proportion of retirees (residents aged 65 years or older) than Brevard County or Florida. In fact, compared to Brevard County, Port St. John has a larger 30 to 60 year old population. Port St. John also has a higher



percentage of 20 to 24 year old community members and children (9 and younger) in its population compared to the County. This indicates that the Port St. John area is a family oriented, working community and less of a retirement destination than other areas of Brevard County.

While the State of Florida and Brevard County both have slightly less males than females, 49% and 51%, respectively, Port St. John estimates reflect an even split at 50% for each gender.

## Households

Household is defined as set forth in Florida Statutes 196.075, "a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling." As shown in **Table 2**, census data indicates the household count in the Port St. John CDP has changed from 3,191 in 1990 to 4,709 in 2010 for an increase of 48% during that 20-year period which was just slightly higher than Brevard County and the State of Florida. However, the majority of that increase in the Port St. John area occurred during the first decade (1990 – 2000). The 10-year period between 2000 and 2010 showed a much smaller increase of approximately 10% in households in the Port St. John area, while Brevard County and the State of Florida increased by 16% and 17% respectively.

According to five year estimates provided by the US Census Bureau's ACS for 2013-2017, most households moved into their Port St. John homes between 2000 and 2014.

**Table 2. Household Change**

	Household Change							
	Florida (total households)	% Change	Brevard (total households)	% Change	PSJ CDP (total households)	% Change	PSJ CDP + Census Tract 621.04 (total households)	% Change
1990 Census	5,134,869		161,365		3,191		no data	
2000 Census	6,337,929	23%	198,195	23%	4,307	35%	6,545	
2010 Census	7,420,802	17%	229,692	16%	4,709	9%	7,263	11%

Source: United States Census Bureau (USCB)

## Housing Types

A single-family dwelling is defined as a private residence building used or designed for use as a home or residence, in which the use and management of all sleeping quarters and all appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one family unit. Typically, all rooms within the building must have internal access and the building shall have only one kitchen and one electrical meter. Multi-family dwelling units are defined as a residential building designed for or occupied by more than two families, with the number of families in residence not exceeding the number of dwelling units provided.

A mobile home means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. Ch. 320, and is built



on an integral chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. Ch. 320. Further, all regulations contained in F.S. Ch. 319 shall apply.

Manufactured home shall have the same meaning as "manufactured home" in Florida Statutes 320.01(2) (b). Manufactured Home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

There are various types of zoning classifications in Port St. John, which define the minimum floor area of the living area. Single-family dwelling units can vary from 750 square feet to 2000 square feet. Multi-family dwelling units include duplexes and apartments. Duplexes require a minimum floor area of 1,150 square feet with a minimum of 575 square feet per unit. One bedroom apartments require a minimum floor area of 500 square feet, two bedrooms - 750 square feet plus 100 square feet for each additional bedroom, and efficiencies - 400 square feet.

According to ACS housing characteristics data, the Port St. John area consists predominately of single, detached residential housing with most structures having been built between 1980 and 1989.

## Household Ownership

One measurement of a community's stability is the amount of housing that is owner-occupied. This generally implies a strong vested interest in the community. Residents who own their homes take pride in their property, which is outwardly reflected in the upkeep and maintenance of homes and neighborhoods. The percentage of homeowners versus renters is known as homeownership rate. The homeownership rate is derived by the number of owner-occupied units divided by the total number of occupied household units.

In addition to homeownership, a rental component is an essential aspect of a vital housing market. There are many reasons why individuals need or desire to rent, such as younger couples saving for their first home, individuals without children, or working professionals with a preference for a management company to be responsible for building and outdoor maintenance. The demand for rental housing does not diminish when limited apartments are available. Instead, the market reacts by landlords purchasing single-family homes and then leasing them as rental units. For this reason, a component of well managed rental communities rather than individually managed single-family housing rental units is desirable.



**Table 3. Housing Units**

Housing Units															
	2000						2010						Percent change 2000-2010		
	Brevard totals    % of total		PSJ CDP totals    % of total		PSJ CDP + Census Tract 621.04    % of total		Brevard totals    % of total		PSJ CDP totals    % of total		PSJ CDP + Census Tract 621.04    % of total				
													Brevard	PSJ CDP	PSJ CDP + Census Tract 621.04
Total housing units	222,072		4,544		6,841		269,864		5,183		7,922		22%	14%	16%
Owner Occupied	147,885	75%	3,738	87%	5,764	88%	168,841	74%	3,995	85%	6,269	86%	14%	7%	9%
Renter Occupied	50,310	25%	569	13%	781	12%	60,851	26%	714	15%	994	14%	21%	25%	27%
Vacant	23,877	11%	237	5%	296	4%	40,172	15%	474	9%	659	8%	68%	100%	123%
Source: United States Census Bureau (USCB)															

Source: United States Census Bureau (USCB)

As **Table 3** demonstrates, total housing units in the Port St. John CDP plus Census Tract 621.04 area increased 16% from 2000 to 2010. As of 2010, 86% of the 6,269 housing units in the area were owner occupied, compared to 88% in 2000, decreasing slightly in the Study Area and Brevard County as a whole.

Renter occupied housing units in the Study Area increased slightly between 2000 and 2010, whereas Brevard saw relatively no change with regards to percentage of housing units used as rental properties. Overall, renter occupied housing units in the Port St. John CDP plus Census Tract 621.04 increased by 27% from 2000 to 2010, whereas Brevard County saw an increase of 21%.

Although the percentage of vacant housing units increased twofold in the Port St. John area between 2000 and 2010, the 9% vacancy rate in the Port St. John CDP plus Census Tract 621.04 area in 2010 was still lower than the 15% vacancy rate within Brevard County as a whole.

**Table 4. Median Household Income**

Median Household Income				
	Florida	Brevard	PSJ CDP	PSJ CDP + Census Tract 621.04 (averaged)
2010 ACS	\$ 47,661	\$ 49,523	\$ 56,953	\$ 59,442
2011 ACS	\$ 47,827	\$ 50,068	\$ 57,294	\$ 59,856
2012 ACS	\$ 47,309	\$ 49,099	\$ 56,188	\$ 59,110
2013 ACS	\$ 46,956	\$ 48,039	\$ 50,228	\$ 55,206
2014 ACS	\$ 47,212	\$ 48,483	\$ 52,733	\$ 54,823
2015 ACS	\$ 47,507	\$ 48,925	\$ 49,042	\$ 52,388
2016 ACS	\$ 48,900	\$ 49,914	\$ 49,371	\$ 55,892
2017 ACS	\$ 50,883	\$ 51,536	\$ 57,530	\$ 61,666

Source: United States Census Bureau, American Community Survey (ACS): 2010-2017

As **Table 4** demonstrates, as of 2017, the median household income, defined as half of households making less than this amount and half making more, was \$61,666 in the Port St. John CDP plus Census Tract 621.04. The data indicates the median household income has been significantly higher than Florida's and Brevard County's between the years of 2010 to 2017. Most recently, the median household income in the Port St. John CDP plus Census Tract 621.04 was 20% higher than Brevard County and 21% higher than Florida as



a whole. This trend indicates that the average household income in the Port St. John area is reflective of the large percentage of the Port St. John population in their peak earning years (ages 45-54) and also possibly associated with growth in aerospace manufacturing and other high paying technology jobs within Brevard County.

### Trends in Brevard and Port St. John

Since 1844, Brevard County has proven to be an attractive place to live. With a projected 2020 population of 598,500, it can be expected that the Port St. John Study Area will see its share of growth. Between 1980 and 1990, Port St. John experienced its highest growth in population. Port St. John population growth was nearly 6 times higher than the County and the State of Florida between that 10-year time period; however, growth in the Port St. John CDP has slowed considerably since that time as the CDP area has built out.

Owner occupied housing represents 86% of the housing units in Port St. John area, having a greater percentage of homesteaded properties than the County overall. Areas with high homeownership rates typically demonstrate stability and social solidarity. Furthermore, the Port St. John area consistently has a higher median household income when compared to the County and the State, which implies that the area is likely to continue to maintain stable conditions. Port St. John's "small-town" appeal, access to the Indian River Lagoon, and convenient location within the county, make it great place to live.



# LAND USE AND ZONING

## General Pattern of Land Use

The Port St. John Study Area contains a mix of commercial and residential development. The Study Area is predominately made up of single-family residential with most commercial land uses in close proximity to U.S. 1. An examination of the general land use pattern is critical to understanding what zoning classifications are appropriate.

## Future Land Use

Originally established in 1988, the purpose of the Future Land Use Map (FLUM) is to delineate Brevard County's vision of how the communities within it are developed and maintained. The FLUM is required as part of the Comprehensive Plan authorized by Chapter 163, Florida Statutes. The FLUM identifies the goals of development of an area by assigning each parcel of land in Brevard County a Future Land Use designation, which defines and establishes densities (the number of residential dwelling units in a given land area per acre) and intensities (amount of nonresidential development per acre). Density is an important characteristic in relationship between land use, transportation and Level of Service (LOS) standards.

Port St. John has experienced a number of density reductions and land use changes in the last few decades. **Maps 3 and 4** (pages 29 and 30) and the narrative below demonstrate the changes over time.

The 1988 Brevard County Comprehensive Plan was prepared in accordance with Chapter 163, Part II, Florida Statutes, "The Local Government Comprehensive Planning and Land Development Regulation Act of 1985", and Florida Administrative Code Rule 9J-5, "Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance". The 1988 Brevard County Comprehensive Plan replaced the County Comprehensive Plan which was adopted in July of 1981 as mandated by the Local Government Comprehensive Planning Act of 1975. Residential density established in 1988 is shown on **Map 3**, page 29.

On November 21, 1991 a Port St. John Small Area Plan (SAP) was completed by County staff at the direction of the Brevard County Board of County Commissioners. From the SAP, a list of recommendations was prioritized. The amendments that were proposed by Brevard County Staff and Adopted by the County Commission based upon these recommendations (92A.3.1-3.9) resulted in changes to the Density Map reducing density by 35,668 dwelling units over 5,412 acres. Commercial uses were concentrated along the US 1 corridor and were reduced by 84 acres. Heavy/light industrial areas were reduced by 35 acres as this land was converted to residential and planned industrial park uses. Planned industrial parks were utilized to better buffer existing industrial and residential areas. Additional density reductions of 624 dwelling units over 800 acres were adopted in 1992 (92B.6.1-6.2). Refer to **Map 3**, page 29.



In 2001, Brevard County received approval by the Department of Community Affairs (DCA) through the Evaluation and Appraisal Report (EAR), to amend the Future Land Use Map. Prior to the Future Land Use Map Amendment in 2001, the County utilized both a Density Map and a Future Land Use Map. When this amendment was completed, the County had combined the two maps into one map calling it the Future Land Use Map which created twenty-two (22) different Future Land Use (FLU) categories (see **Map 4**, page 30).

In 2006, Brevard County Board of Commissioners adopted Comprehensive Plan Amendment 2006A.2 to update the Future Land Use Map and Future Land Use Element to depict publicly owned conservation lands and federal lands. The amendment consisted of two sub-portions:

#### Plan Amendment 2006A.2.1

A proposal initiated by Brevard County to change the Future Land Use Map series designation from various Future Land Uses to Public Conservation, Municipal Conservation and Federal Lands on approximately 105,000 acres of property. These lands are distributed county-wide and include acreage within the Port St. John study area.

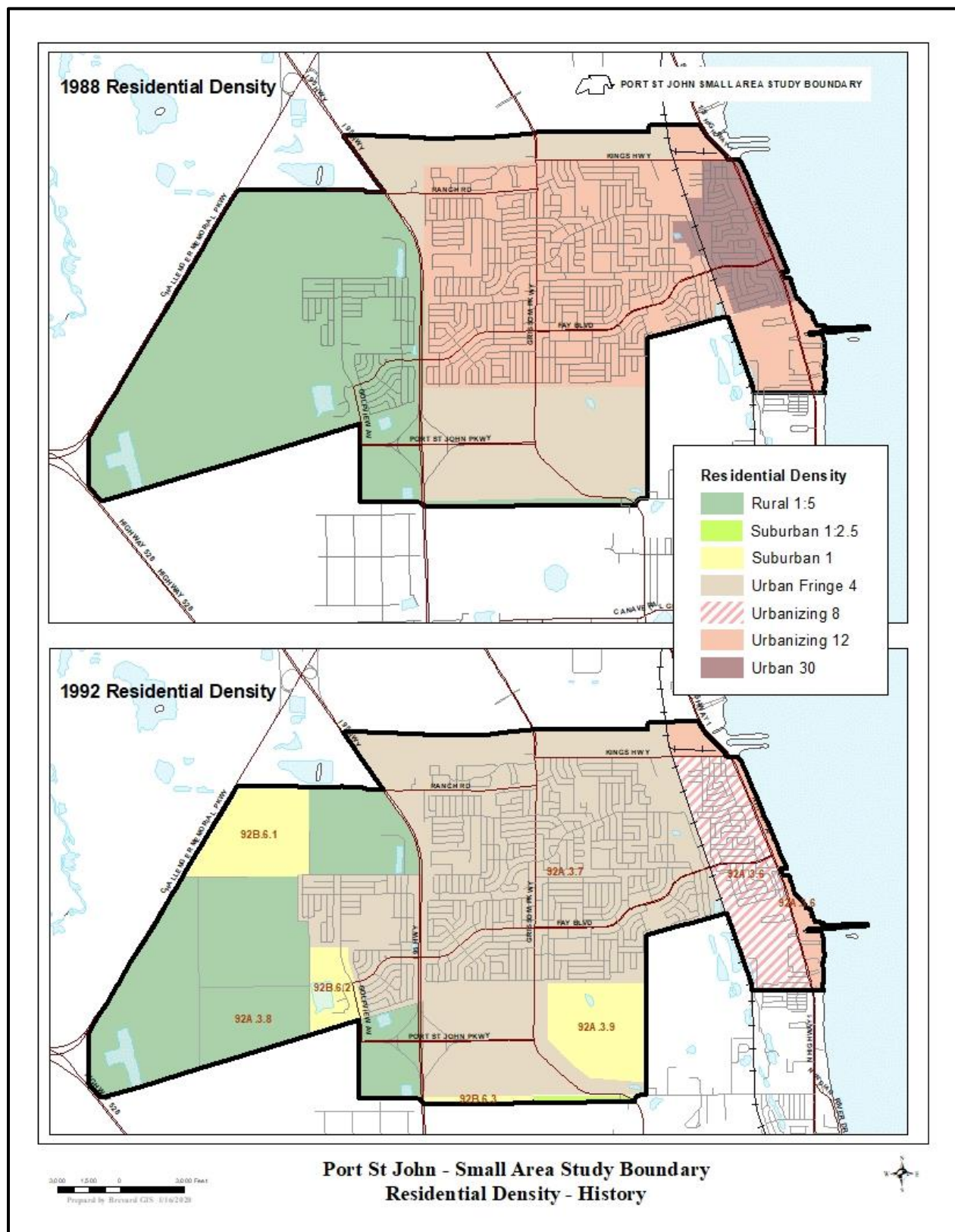
#### Plan Amendment 2006A.2.2

A proposal was initiated by Brevard County to amend Policy 5.1 and add Objective 16 and Policy 16.1 within the Future Land Use Element of the Comprehensive Plan. These proposed modifications created one new Future Land Use designation; Federal Lands. This amendment also provided language that state Federal Lands shall not be subject to authority by Brevard County.

Several additional small scale (<10 acres) and large scale (>10 acres) comprehensive plan amendments have been adopted by Brevard County since the inception of the Future Land Use Map in 2001. FLU changes through 2014 are shown on **Map 4** on page 30.

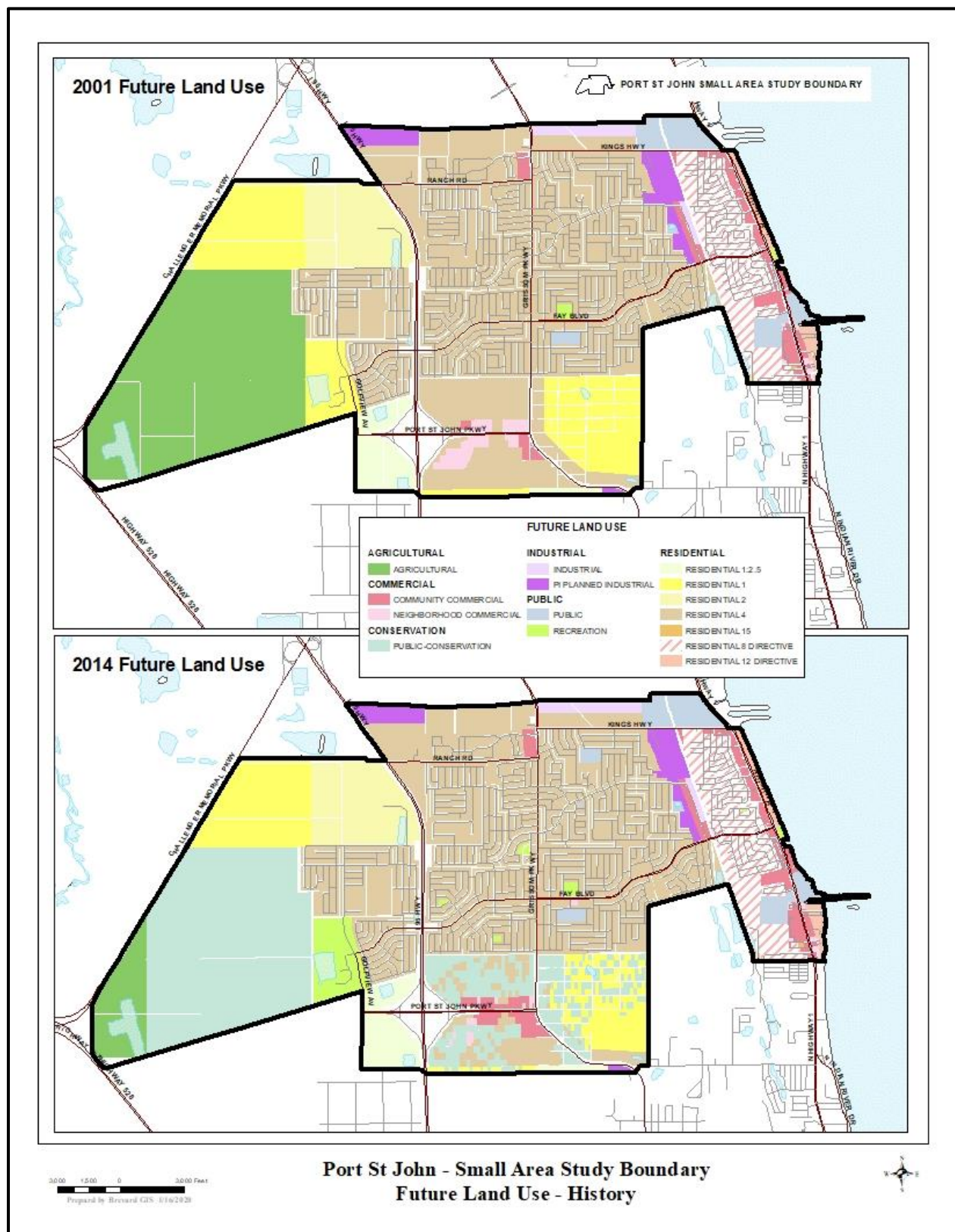
The current (December 2019) adopted Future Land Use Map for the Port St. John area is provided as **Map 5** on page 32 of this report. **Table 5** on page 31 lists all Future Land Use Map designations for the Study Area and provides a breakdown of total acreage and vacant acreage. Zoning Land Use Map designations for the Study Area as of December 2019 are shown in **Table 6** on page 34 of this report.





Map 3. Residential Density - History: 1988 and 1992





Map 4. Future Land Use History: 2001 and 2014



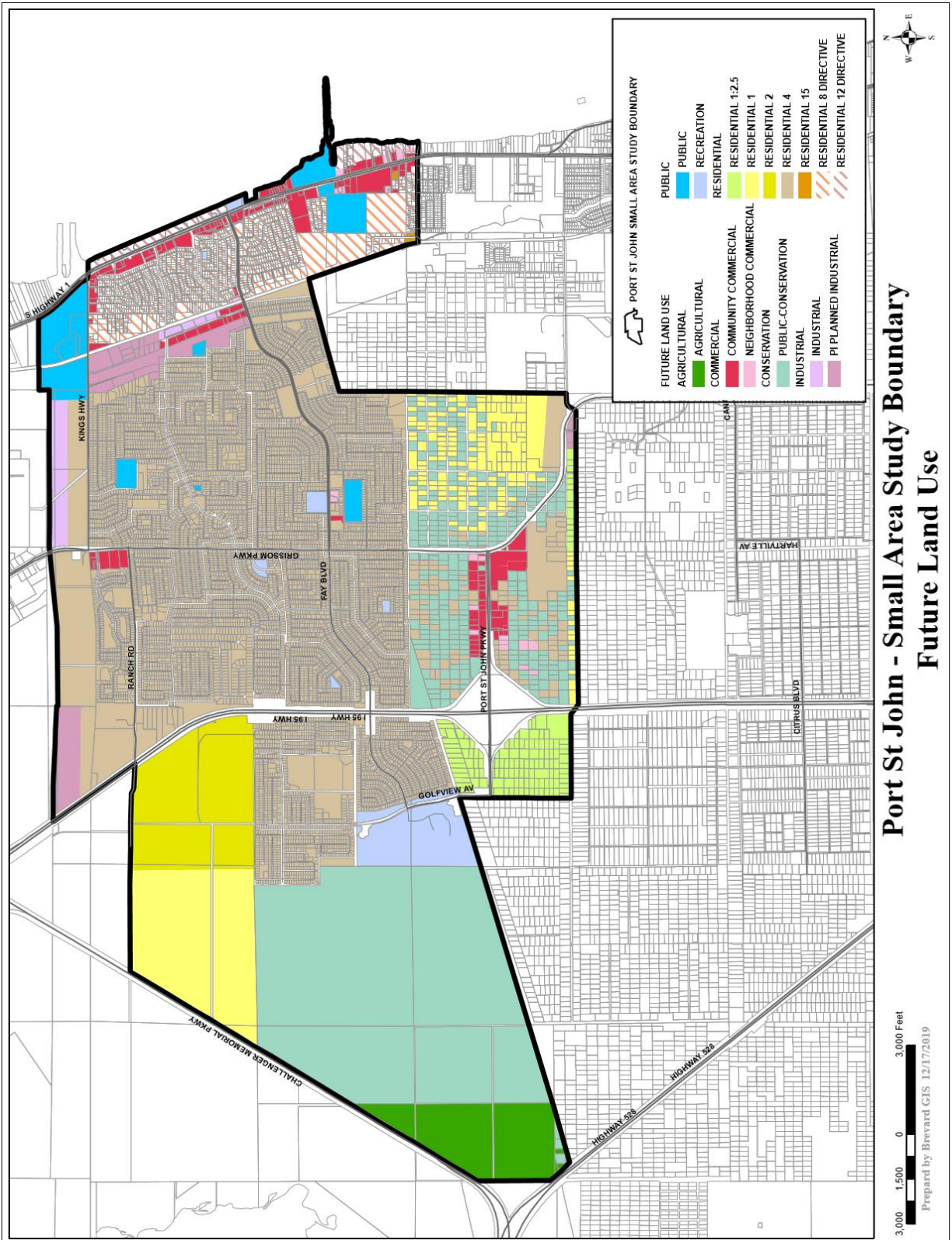
Table 5. All Future Land Use Map Designations for Study Area

Future Land Use Designation		Total Acreage	% of Total Acreage	Vacant Acreage	% of Future Land Use Designation Vacant
<b>Residential Land Uses</b>		<b>5182</b>	<b>61.30%</b>	<b>1255</b>	<b>82.52%</b>
RES 1:2.5	Residential 1:2.5	222	2.63%	195	12.81%
RES 1	Residential 1	732	8.66%	214	14.04%
RES 2	Residential 2	416	4.93%	0	0.00%
RES 4	Residential 4	3293	38.95%	764	50.25%
RES 15	Residential 15	3	0.04%	0	0.00%
RES 8_DIR	Residential 8 Directive	449	5.32%	81	5.34%
RES 12_DIR	Residential 12 Directive	66	0.78%	1	0.08%
<b>Commercial Land Uses</b>		<b>284</b>	<b>3.35%</b>	<b>117</b>	<b>7.69%</b>
CC	Community Commercial	252	2.98%	100	6.57%
NC	Neighborhood Commercial	31	0.37%	17	1.11%
<b>Industrial Land Uses</b>		<b>261</b>	<b>3.08%</b>	<b>101</b>	<b>6.66%</b>
IND	Industrial	79	0.93%	31	2.01%
PI	Planned Industrial	182	2.15%	71	4.65%
<b>Conservation Land Uses</b>		<b>2007</b>	<b>23.74%</b>	<b>2</b>	<b>0.16%</b>
PUBCONS	Public-Conservation	2007	23.74%	2	0.16%
<b>Public Facilities &amp; Recreation Land Uses</b>		<b>445</b>	<b>5.26%</b>	<b>41.8</b>	<b>2.75%</b>
PUB	Public Facilities	240	2.84%	42	2.75%
REC	Recreation	205	2.42%	0	0.00%
<b>Agricultural Land Uses</b>		<b>275</b>	<b>3.26%</b>	<b>3</b>	<b>0.22%</b>
AGRIC	Agriculture	275	3.26%	3	0.22%
<b>Total under County Jurisdiction</b>		<b>8454</b>	<b>100%</b>	<b>1520</b>	<b>100%</b>

Source: Brevard County Planning &amp; Zoning Office December 2019

Note: Vacancy derived from State of Florida Department of Revenue Use Codes





Map 5. Adopted Future Land Use



The Port St. John Study Area is estimated to include 8,454 acres. Overall 1,520 acres, or 17.98% of the land in the Study Area remains vacant. Residential Future Land use designations represent 5,182 acres, or 61.30% of the Study Area. Of the Residentially designated land, Residential 4 FLU is the most represented designation at 3,293 acres, or 38.95% of the Study Area, with density limited to four units to the acre. Within Brevard County, there are eight FLU designations, Residential 30 being the highest which allows up to 30 dwelling units per acre. Presently in Port St. John, Residential 15 is the highest FLU designation, allowing up to 15 dwelling units per acre.

<b>Residential Future Land Use</b>	<b>Maximum Density</b>
Residential 15	15 dwelling units per acre
Residential 12 Directive	12 dwelling units per acre
Residential 8 Directive	8 dwelling units per acre
Residential 4	4 dwelling units per acre
Residential 2	2 dwelling units per acre
Residential 1	1 dwelling unit per acre
Residential 1:2.5	1 dwelling unit per 2.5 acres

Residential development potential in Port St. John is limited by 29.01% of the Study Area being made up of Conservation, Public Facilities, and Recreation Land Uses, accounting for almost one third of all acreage in the Study Area.

Commercial and industrial development (non-vacant) is mostly located along US 1 and when combined, constitutes a mere 3.86% of the Study Area. Of the 284 acres of land in Port St. John designated as Commercial FLU, 41.21% remains undeveloped. Of the 261 acres of land with Industrial FLU designations, 38.89% remains undeveloped in the Study Area.

Per Policy 2.16 of the Future Land Use Element of the Brevard County Comprehensive Plan, the allocation of commercial acreage in the Future Land Use Map is periodically reviewed as part of the Evaluation and Appraisal Report (EAR) submitted to the State of Florida Department of Economic Opportunity (DEO, formerly DCA) every seven years as required by Chapter 163 of the Florida Statutes. Evaluation of commercial allocations is based upon the following minimum criteria: commercial development trends; the types, intensities, locations, and land areas of commercial land use designations; and commercial acreage allocations shall consider all commercial development, whether within or outside of commercial land use designations.



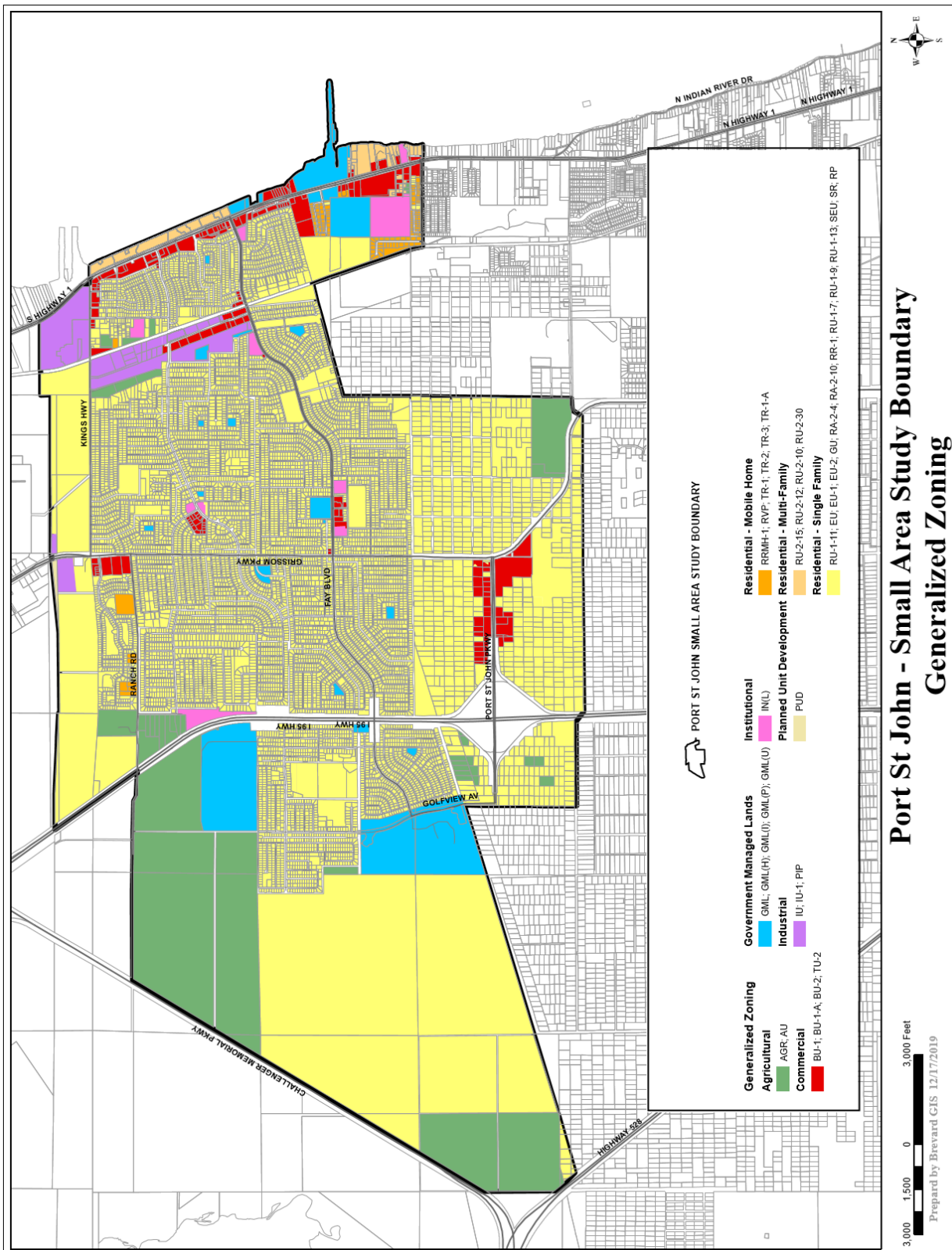
## Zoning

**Table 6. All Zoning Land Use Map Designations for Study Area**

Zoning Classification		Total Acreage	% of Total Acreage	Vacant Acreage	% Vacant of Zoning Class.
<b>Unimproved, Agricultural &amp; Residential Zonings</b>		<b>7289</b>	<b>86.31%</b>	<b>1270</b>	<b>83.52%</b>
GU	General Use	2951	34.94%	796.12	52.37%
AGR	Agriculture	6	0.08%	0	0.00%
AU	Agricultural Residential	1139	13.48%	34.71	2.28%
RR-1	Rural Residential	14	0.17%	3.82	0.25%
EU-2	Estate Use Residential	1	0.02%	0.68	0.04%
RU-1-7	Single-Family Residential	293	3.47%	30.58	2.01%
RU-1-9	Single-Family Residential	2285	27.06%	263.23	17.32%
RU-1-11	Single-Family Residential	371	4.39%	100.29	6.60%
RU-1-13	Single-Family Residential	98	1.16%	29.96	1.97%
RA-2-10	Single-Family Attached Residential	1	0.01%	0	0.00%
RP	Residential Professional	3	0.03%	0.19	0.01%
SR	Suburban Residential	127	1.51%	10.06	0.66%
<b>Multiple-Family Residential Zonings</b>		<b>69</b>	<b>0.82%</b>	<b>4</b>	<b>0.25%</b>
RU-2-10	Medium-Density Multiple-Family Residential	23	0.27%	3.29	0.25%
RU-2-12	Medium-Density Multiple-Family Residential	12	0.14%	0.46	0.03%
RU-2-15	Medium-Density Multiple-Family Residential	34	0.41%	0	0.00%
<b>Mobile Home Residential &amp; Rec. Vehicle Park Zonings</b>		<b>63</b>	<b>0.74%</b>	<b>14</b>	<b>0.91%</b>
RRMH-1	Rural Residential Mobile Home	20	0.24%	9.80	0.64%
TR-1	Single-Family Mobile Home	23	0.27%	3.11	0.20%
TR-1-A	Single-Family Mobile Home	0	0.01%	0	0.00%
TR-2	Single-Family Mobile Home	17	0.20%	1.00	0.07%
TR-3	Mobile Home Park	2	0.02%	0	0.00%
<b>PUD Zonings</b>		<b>5</b>	<b>0.06%</b>	<b>0</b>	<b>0.00%</b>
PUD	Planned Unit Development	5	0.06%	0	0.00%
<b>Commercial Zonings</b>		<b>258</b>	<b>3.06%</b>	<b>105</b>	<b>6.88%</b>
BU-1-A	Restricted Neighborhood Retail Commercial	18	0.22%	4.73	0.31%
BU-1	General Retail Commercial	155	1.83%	53.29	3.51%
BU-2	Retail, Warehousing and Wholesale Commercial	52	0.61%	15.22	1.00%
TU-2	Transient Tourist Commercial	34	0.40%	31.30	2.06%
<b>Industrial Zonings</b>		<b>192</b>	<b>2.27%</b>	<b>87</b>	<b>5.72%</b>
PIP	Planned Industrial Park	101	1.19%	80.51	5.30%
IU	Light Industrial	91	1.08%	6.40	0.42%
<b>Special Zonings</b>		<b>569</b>	<b>6.74%</b>	<b>41</b>	<b>2.72%</b>
GML	Government Managed Lands	196	2.32%	0	0.00%
GML(H)	Government Managed Lands High-Intensity	0	0.00%	0	0.00%
GML(I)	Government Managed Lands Institutional	0	0.00%	0	0.00%
GML(P)	Government Managed Lands Parks & Conservation	193	2.28%	0	0.00%
GML(U)	Government Managed Lands Utility	92	1.09%	40.92	2.69%
IN(L)	Institutional Use Low	88	1.04%	0.46	0.03%
<b>Total under County Jurisdiction</b>		<b>8445</b>	<b>100%</b>	<b>1520</b>	<b>100%</b>

Source: Brevard County Planning & Zoning Office December 2019





Map 6. Zoning Map



Land uses are divided by residential, commercial and industrial districts. Zoning districts function for the purpose of defining a list of rules. These rules typically establish a list of land uses permitted in each district and a series of development standards governing lot size, building height, and required setback provisions. The Port St. John Study Area encompasses a variety of zoning classifications requiring as much as 5 acres down to 5,000 square feet per parcel.

Residential Zoning classifications make up 87.7% of the Study Area. Typically made up of single-family homes, the total acreage of unimproved, agricultural & residential zonings is 7,289 acres or 64.94% of the Study Area, of which 17.42% remains undeveloped.

The zoning classification having the most acreage in the study area is General Use (GU), which makes up 34.94% of the Study Area and about 40% of the Unimproved, Agricultural & Residential Zonings. The GU zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends. Of the GU Zoned acreage in Port St. John, 26.98% remains undeveloped. Additionally, a large percentage of the study area is classified as Single-Family Residential RU-1-9 zoning (27.06%). The RU-1-9 zoning classification encompasses lands devoted to single-family residential development of a spacious character. The RU-1-9 zoned acreage in Port St. John that remains undeveloped is only 11.52%.

Original Agricultural Residential (AU) zoning for Brevard County was established May 2, 1958 [Lot sizes were required to be a minimum lot size of 5,000 square feet, having a minimum width of 50 feet and a minimum depth of 75 feet]. On March 6, 1975, AU zoning classifications were required to be an area of not less than one acre, having a minimum width of 125 feet and a minimum depth of 125 feet. After 1975, AU requirements were amended to a minimum lot size of two and one-half acres, having a minimum width of 150 feet and a minimum depth of 150 feet. Lots are determined as "Nonconforming lots of record" if they do not meet today's standards and had been recorded or platted prior to or on March 6, 1975.

Multi-Family Residential Zonings make up only 69 acres and 5.42% of that land remains vacant. While a majority of the land zoned for Mobile Home Residential and Recreational Vehicle Park (63 acres) is utilized, 22.17% remains vacant.

Five acres of land in Port St. John is zoned Planned Unit Development (PUD) which may contain mixed uses; however, none of this designated zoning remains undeveloped.

Commercial and Industrial Zoning classifications account for 5.33% of the total land area. However, about 40% of commercial land is vacant and approximately 45% of industrial land is vacant. Conservation, Public Facilities and Recreation are considered Special Zoning and account for 6.74% of the Study Area's lands.



# INFRASTRUCTURE AND SERVICE DEMAND

## Transportation Network

### TRAFFIC VOLUMES

The Space Coast Transportation Planning Organization (SCTPO) maintains a traffic count database to monitor traffic volumes on arterial and collector roadways in Brevard County. Within the study area, the SCTPO performs annual traffic counts for seventeen roadway segments. Within the Study Area, existing traffic volumes were reviewed to evaluate the current operating conditions of the overall roadway network. **Table 7** provides a summary of the 2018 Annual Average Daily Traffic (AADT) and current Maximum Acceptable Volume (MAV) published by the SCTPO on May 31, 2019.

**Table 7. Port St. John 2018 AADT Summary Table**

Roadway	Segment		2018 AADT	MAV	% MAV	LOS
	From	To				
FAY	GOLFVIEW	HOMESTEAD	3,157	15,600	20%	D
FAY	HOMESTEAD	DEER	6,743	15,600	43%	D
FAY	DEER	GRISSOM	8,775	15,600	56%	D
FAY	GRISSOM	AREQUIPPA	13,094	33,800	39%	D
FAY	AREQUIPPA	CAROLE	12,856	33,800	38%	D
FAY	CAROLE	US 1	15,670	33,800	46%	D
GRISSOM	CANAVERAL GRVS	CAMP	9,140	17,700	52%	C
GRISSOM	CAMP	PORT ST. JOHN PKWY	10,288	17,700	58%	C
GRISSOM	PORT ST. JOHN PKWY	BRIDGE	14,147	17,700	80%	C
GRISSOM	BRIDGE	FAY	12,667	17,700	72%	C
GRISSOM	FAY	CURTIS	9,678	15,600	62%	D
GRISSOM	CURTIS	KINGS HWY	11,161	15,600	72%	D
GOLFVIEW	PORT ST. JOHN PKWY	FAY	5,680	15,600	36%	D
KINGS HWY	GRISSOM	US 1	5,064	15,600	32%	D
PT ST JOHN PKWY	I-95	GRISSOM	11,028	39,800	28%	C
US 1	BROADWAY BLVD.	FAY	28,470	41,790	68%	C
US 1	FAY	KINGS HWY.	25,038	41,790	60%	C

The MAV indicates the maximum traffic volumes allowed based on the Level of Service (LOS) desired. Comparing the AADT with the MAV, **all segments of the major roadway network are currently operating at an acceptable level of service** (see **Table 7**). The 10 year AADT data collected by the SCTPO is summarized in **Table 8** (page 38) and shows a 76% increase in traffic volumes for Port St. John Parkway from I-95 to Grissom Parkway; however, traffic volumes for most other roadways within the study area have decreased.



**Table 8. Port St. John 10 Year AADT Summary Table**

Roadway	Segment		AADT									
	From	To	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
FAY	GOLFVIEW	HOMESTEAD	2,770	2,660	2,740	-	2,680	-	2,880	-	3,160	-
FAY	HOMESTEAD	DEER	7,900	7,250	6,990	6,780	-	6,460	-	6,640	-	6,740
FAY	DEER	GRISSOM	10,400	9,720	9,470	9,350	8,920	9,150	8,770	10,890	9,390	8,780
FAY	GRISSOM	AREQUIPPA	-	12,830	-	12,380	-	12,830	13,400	13,590	-	13,090
FAY	AREQUIPPA	CAROLE	13,880	-	13,410	-	12,230	-	12,350	-	12,860	-
FAY	CAROLE	US 1	17,310	16,280	16,520	15,570	15,230	14,510	15,020	15,340	15,700	15,670
GRISSOM	CANAVERAL GRVS	CAMP	9,710	8,940	9,320	8,980	8,960	9,010	9,490	8,660	9,360	9,140
GRISSOM	CAMP	PORT ST. JOHN PKWY	10,720	10,160	10,760	9,940	9,620	10,120	9,430	10,140	10,550	10,290
GRISSOM	PORT ST. JOHN PKWY	BRIDGE	13,050	12,890	13,680	12,670	12,720	13,840	NC	14,940	13,920	14,150
GRISSOM	BRIDGE	FAY	11,800	11,290	11,750	11,380	12,130	12,390	12,740	13,700	12,070	12,670
GRISSOM	FAY	CURTIS	11,080	-	10,940	-	9,870	-	9,600	-	9,680	-
GRISSOM	CURTIS	KINGS HWY	-	11,410	-	11,010	-	10,430	-	13,710	-	11,160
GOLFVIEW	PORT ST. JOHN PKWY	FAY	-	4,640	-	4,610	-	4,830	-	-	5,570	5,680
KINGS HWY	GRISSOM	US 1	4,940	-	4,710	-	4,300	-	4,060	-	5,060	-
PT ST JOHN PKWY	I-95	GRISSOM	8,440	8,410	8,570	8,210	8,890	9,960	10,550	10,370	10,990	11,030
US 1	BROADWAY BLVD.	FAY	31,190	29,750	30,660	28,620	27,830	25,530	27,110	27,820	29,560	28,470
US 1	FAY	KINGS HWY.	29,920	27,480	26,860	26,580	25,320	23,960	25,870	27,610	27,240	25,040

The surrounding roadway network adjacent to Port St. John exhibits similar growth characteristics as shown in **Table 9**. The roadways are below the maximum allowable volume and are operating at an acceptable LOS, with the exception of the segment of SR 407 from SR 528 to I-95 which is exceeding the MAV by 13%. This segment of roadway is maintained by the Florida Department of Transportation (FDOT).

**Table 9. Adjacent Roadway Network 10 Year AADT Summary Table**

Roadway	Segment		AADT										MAV
	From	To	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
SR 407	SR 528	I-95	6,360	6,660	6,990	6,340	6,140	6,830	7,220	8,750	9,150	9,970	8,820
SR 407	I-95	SHEPARD DR	7,060	6,630	6,500	6,320	6,290	7,460	7,660	9,190	8,980	10,090	24,200
US 1	CAMP	BROADWAY BLVD.	31,400	29,310	28,210	27,760	27,080	24,890	24,300	28,130	29,170	29,210	41,790
US 1	KINGS	SR 405	24,890	23,500	23,630	22,770	20,730	20,250	20,890	22,830	22,810	23,690	41,790
GRISSOM	KINGS HIGHWAY	SHEPARD	10,480	10,010	9,890	-	8,970	-	9,320	-	10,080	-	30,400
GRISSOM	CANAVERAL GRVS	CAMP	9,710	8,940	9,320	8,980	8,960	9,010	9,490	8,660	9,360	9,140	17,700
CAMP	GRISSOM	US 1	2,920	2,800	2,650	2,450	2,290	2,370	2,150	2,670	2,730	2,690	15,600

## PUBLIC WORKS TRANSPORTATION CONSTRUCTION

The Brevard County Transportation Construction Management Program is part of the Public Works Department and oversees the design, acquisition, and construction of all Public Works Capital Improvement Projects (CIP), such as new roadways, road widening, turn lanes, sidewalks, and traffic signals. Current CIP projects in Port St. John include Grissom Parkway and Fay Boulevard intersection safety improvements and Curtis Boulevard improvements.

Safety Improvements at the intersection of Grissom Parkway and Fay Boulevard will include the replacement of the existing span wire signal with mast arm signal supports; installation of lighting at each corner of the intersection; replacement of existing sidewalk curb ramps; and upgrading pedestrian crossings. Construction cost for this project is estimated at \$550,000, and a preconstruction meeting is to be scheduled in November 2020.

Improvements at Curtis Boulevard include new concrete sidewalk construction on the west side of Curtis Boulevard from Fay Boulevard to Song Drive for a cost of \$276,000;



evaluating street lighting (\$33,000 estimated initial cost to install); and future intersection improvements at Fay Boulevard and Curtis Boulevard.

### **PUBLIC WORKS ROAD MAINTENANCE**

The Road and Bridge Program in the Brevard County Public Works Department administers the maintenance of all County roadways, drainage structures, ditches and canals, and the design, installation, and maintenance of landscaping projects on County roads and facilities. Additionally, the Road and Bridge Program is responsible for bridge operation/maintenance and emergency response throughout unincorporated Brevard County.

During fiscal year 2018-2019, over 20 miles of road resurfacing was completed in Brevard County Commission District 1, with 13 of those miles located in Port St. John. Roads resurfaced in Port St. John include the following:

Aledo	Carillon Av	Kimball Av
Ancona Rd	Carter St	Kings Highway
Andover St	Cinema St	Mace Av
Anecia	Dill Av	Mayflower St
Ann Catherine Ct	Dodge Rd	Melody St
Bamboo Av	Doreen Rd	Milton Av
Barbara Rd	Falcon Blvd	Miraflores Av
Bartow Av	Freeport Rd	Patricia St
Bridge Rd	Frisco St	Patrick Ln
Briggs Av	Grissom Parkway	Walton Av

Currently in fiscal year 2019-2020, there are 18 miles of resurfacing projects funded in District 1 with 11 miles to be completed in Port St. John. Road resurfacing planned in Port St. John\* (June 2020) include the following:

Airlift St	Bright Av	Fairfax St
Bayfront Rd	Buxton Av	Greenhill St
Bentley Rd	Caliph Av	Haddington Dr
Bismarck Rd	Camden Av	Huber St
Bonanza St	Carlowe Av	Hunt Rd
Boston Rd	Depot Av	Sunflower Dr
Bowie Ct	Everglades St	W Baker Cir

\*Note: At the time of this Study, Public Works noted that the final plan was in progress, and that additional roads were to be added.



## PUBLIC WORKS DRAINAGE MAINTENANCE

Road and Bridge performs drainage maintenance to improve drainage and reduce flooding in Brevard County. In Port St. John, drainage maintenance projects target fifteen (15) phases/areas, and include ditch/outfall clearing during wet season; swale rehabilitation during dry season; and replacement of failing metal pipes and concrete gutters. **Map 7** on page 41 shows the Phase 1 and Phase 2 areas in Port St. John and the types of drainage maintenance projects that have been completed or are planned to be completed.

## PUBLIC WORKS TRAFFIC OPERATIONS

The Brevard County Public Works Department's Traffic Operations Program oversees all signage, signalization, and striping throughout the unincorporated areas of the County, including the maintenance of 350 traffic signals, 130 school zone flashers, and approximately 600 streetlights. The Program's traffic system is monitored in real-time through an Intelligent Transportation System (ITS) that is managed and operated at the county government center in Viera.

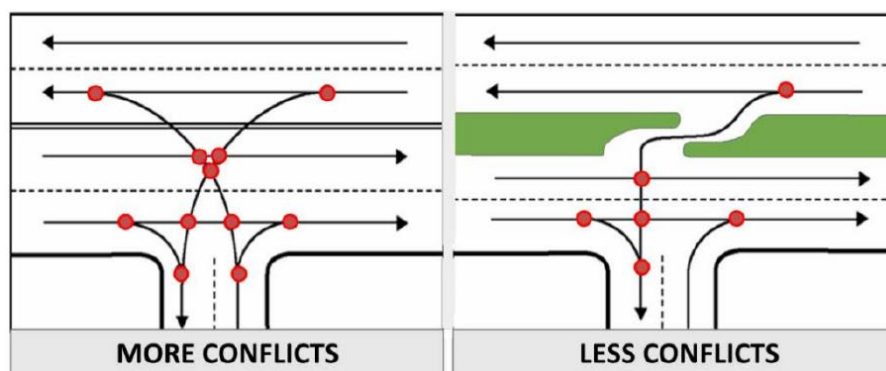
Traffic Operations is currently addressing the needs of an aging population in Brevard by installing larger print on signs and LED (light-emitting diode) lighted signs. Additional Traffic Operations initiatives include the following:

- Traffic Signal Re-timing
- Uninterruptible Power Sources
- Intelligent Transportation Systems
- Traffic Management Center, for centralizing control of traffic signals
- Improve travel time, minimize delays

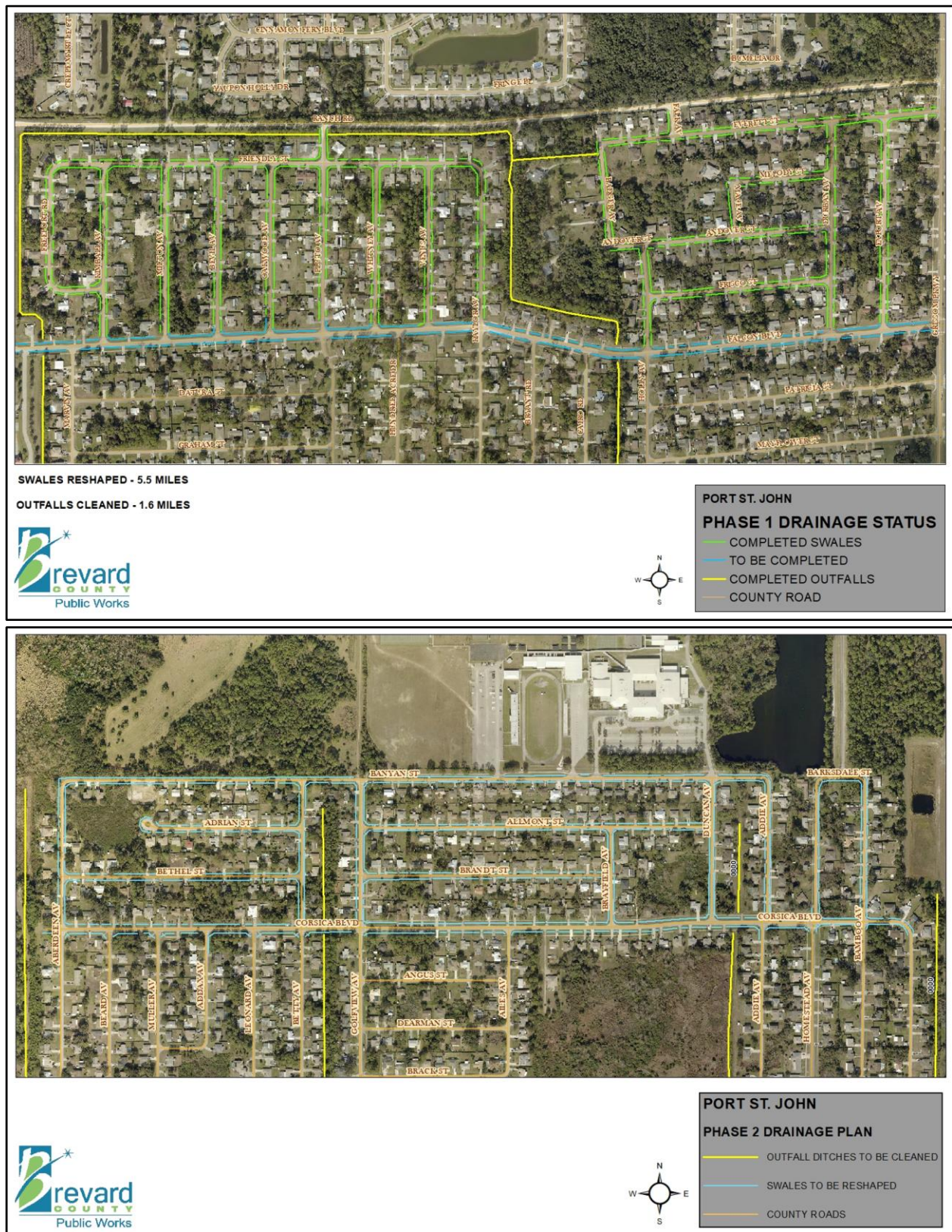
## PUBLIC WORKS TRAFFIC ENGINEERING

Traffic studies are conducted to determine traffic engineering needs in regards to Speed Limits, Stop Sign Warrants, Speed Humps, Sign Installations, Pavement Markings, Left and Right Turn Lanes, Pedestrian Crossings, Traffic Signal Warrants, and Street Lighting. Currently, a traffic safety study is taking place at Curtis Boulevard and Fay Boulevard.

"Draft" Study recommendations include changing to a Directional Median Opening at this intersection to reduce conflict points. Refer to diagram below showing how Directional Median Openings result in less intersection conflicts. Note: Directional Median opening depicted on right. Diagram provided by Brevard County Public Works.









## Stormwater

The Brevard County Stormwater Program was created in 1990 by the Board of County Commissioners to prevent flooding and address stormwater related pollution problems. Although regulations implemented in 1978 as part of the County's growth management required stormwater treatment for all newly developed subdivisions and commercial sites, many areas in Brevard County had already been developed and had little or no stormwater treatment facilities. As additional measures were required to store water runoff volumes to reduce flooding of downstream properties in these areas and to treat stormwater runoff to reduce pollutants carried to surface waters, Brevard County adopted an ordinance in 1990 establishing a Stormwater utility, thereby providing a dedicated source of funding for the Stormwater Program.

Today, the Stormwater Program is part of the Natural Resources Management Department and has proven to be a leader in stormwater management in the state of Florida. The program is comprised of four sections: Stormwater Utility, Stormwater Engineering and Design, Water Quality, and National Pollutant Discharge Elimination System (NPDES) and Best Management Practice (BMP) Compliance.

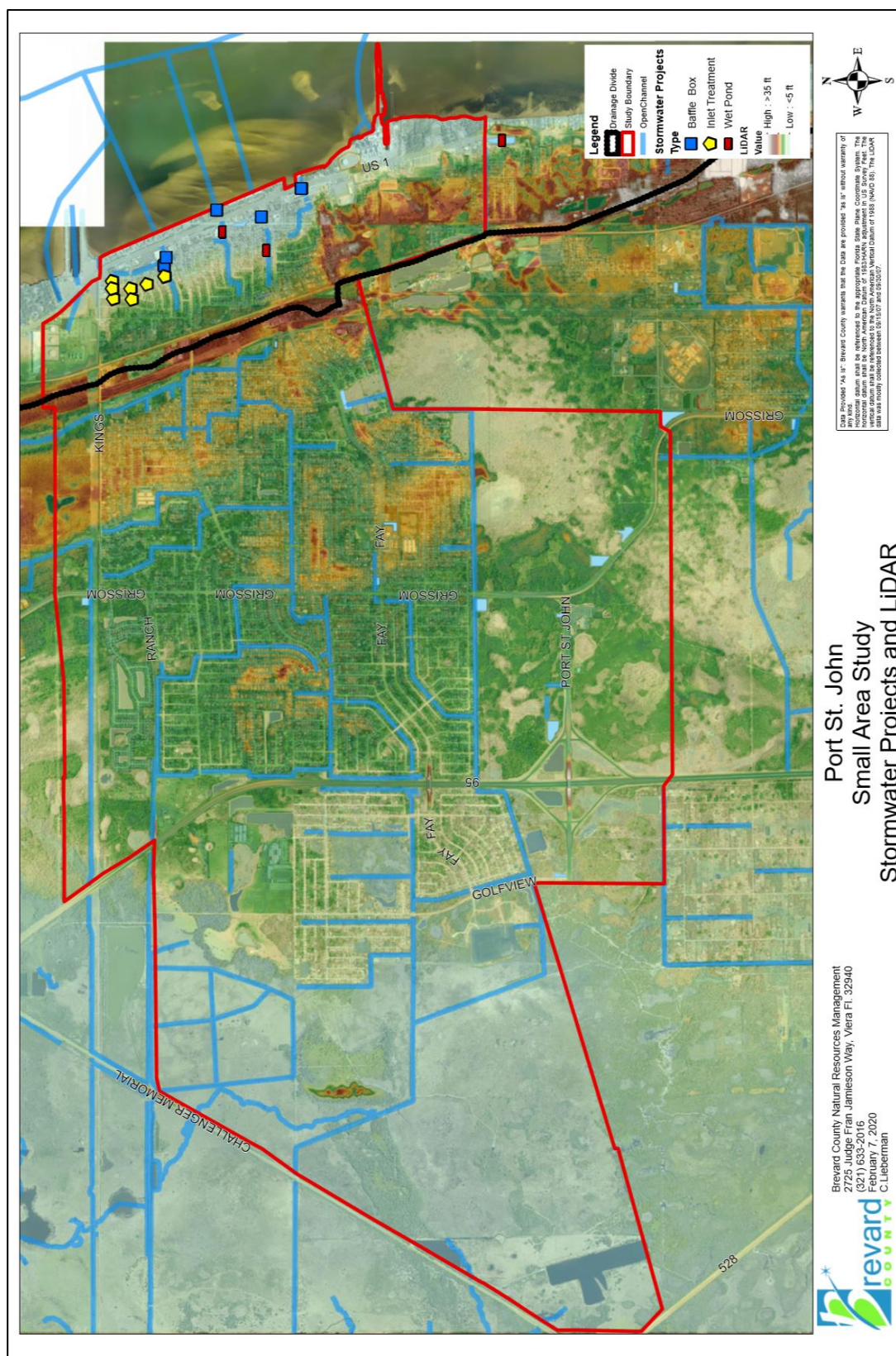
According to the Department, thousands of individual outfalls in Brevard County drain untreated stormwater into either the Indian River Lagoon or St. Johns River. The Stormwater Program has numerous projects planned for the next several years that will help alleviate flooding issues in identified areas and provide treatment to stormwater before it reaches its final destination, the Indian River Lagoon or St. Johns River.

In Port St. John, the Stormwater Program has completed several drainage, flood abatement, and water quality projects. Project types constructed throughout the Study Area include: channel stabilization, culvert replacement, and sediment traps and baskets. In addition, the Stormwater Program has constructed a dry pond at Cottrell Avenue, a stormwater pond at Albin Street and drainage swales at Fay Lake Wilderness Park. Pending Stormwater Program projects in Port St. John include water quality and culvert improvements at Fay Lake Wilderness Park.

**Map 8** on the following page (provided by Brevard County Natural Resources Department) shows locations of some of the stormwater projects described above as well as land elevations in the Port St. John Study Area as portrayed by Light Detection and Ranging (LiDAR) imaging. LiDAR was collected in 2007 and made available to the County in 2009. LiDAR is a method of collecting elevation information from an aircraft or ground vehicle and has been found to be quite accurate in Brevard County, even in areas with dense vegetation. As can be seen from the map it is quite detailed and is very useful for planning and evaluation purposes.

The land surface in Port St. John varies in elevation between a maximum of 52 feet and minimum of 0 feet in the North American Vertical Datum of 1988 (NAVD88), excluding the ponds and canals which can extend to minus 12 feet. A dividing ridge runs north-south which determines the direction of drainage to either the Indian River Lagoon to the east or the St. Johns River to the west of Port St. John (refer to **Map 8** on page 43).







## Public Water and Wastewater

### PUBLIC WATER SERVICE

Public water service is provided to the Port St. John area by the City of Cocoa Utilities. Currently, the City serves 8,534 residential customers and 170 commercial customers (i.e., meter connections) in Port St. John, and total monthly water consumption is over 43 million gallons each month (refer to **Table 10** below).

City of Cocoa Utilities Department has confirmed that they have existing capacity to meet the future needs of Port St. John. According to the City, the Dyal Water Treatment Plant (WTP) currently produces about 22 million gallons per day (mgd) and has the capacity and permits to treat 60 mgd. Safe well field management practices advise an operating rate that allows for well rotation to alleviate stress on the aquifer and provide down time for well and pump repair and maintenance. Such management practices allow Cocoa to operate the well field safely at 27.31 mgd for average flows. Cocoa supplements its ground water supply with surface water from the Taylor Creek Reservoir. The constructed capacity of the surface water treatment system is 24 mgd and it is currently equipped to deliver 12 mgd. Cocoa also supplements its ground water supply with an Aquifer Storage and Recovery (ASR) system. Last year Cocoa injected 0.32 billion gallons of treated water into the ASR wells and recovered 0.07 billion gallons. The current FDEP-permitted capacity of the Dyal WTP, 60 mgd, is greater than the predicted maximum day demand (MDD) through 2040. The installed treatment capacity of the current infrastructure at the Dyal WTP can achieve the predicted 2040 MDD.

**Table 10. Water Generation in Port St. John**

Description	# of Units	Average GPD	Total Consumption Monthly
Residential Customers	8,534	147.8	37,842,000
Commercial Customers	170	1,014.5	5,174,000
<b>Total Current Demand</b>			<b>43,016,000</b>
<i>Source: City of Cocoa Utilities Department</i>			

\* Customers = meter connections.

### PUBLIC WASTEWATER (SANITARY SEWER) SERVICE

The Brevard County Utility Services Department operates six wastewater treatment plants and three drinking water plants within the County, providing quality drinking water, reclaimed irrigation water, and wastewater services for its customers. The system operates 24 hours a day, seven days a week, and must meet numerous State and Federal regulations. The Utility is an enterprise operation, funded entirely from customer user fees.

One of the wastewater treatment plants owned and operated by Brevard County Utility Services is located in Port St. John. The Port St. John plant treats 490,000 gallons of wastewater per day, and is currently operating at approximately 80% of its permitted



hydraulic capacity. Although there are no capacity issues servicing the existing 1,500 customers in Port St. John, sewer service is not available for a majority of the Study Area at this time. Much of Port St. John is outside the Utility's sewer service area (refer to Map 9 on page 46).

The wastewater treatment plant in Port St. John treats influent wastewater to Florida Department of Environmental Protection (FDEP) Standards, as a condition of the Utility's Operation Permit, and has two effluent disposal alternatives: Reclaim water customers or deep well injection. The Port St. John plant provides reclaimed water to 12 customers located in the vicinity of Curtis Boulevard.

Within the north central portion of the Study Area, one residential subdivision (Cypress Woods, approximately 28 acres) is serviced by the City of Titusville's Water Resources Department for sanitary sewer.

## SEPTIC

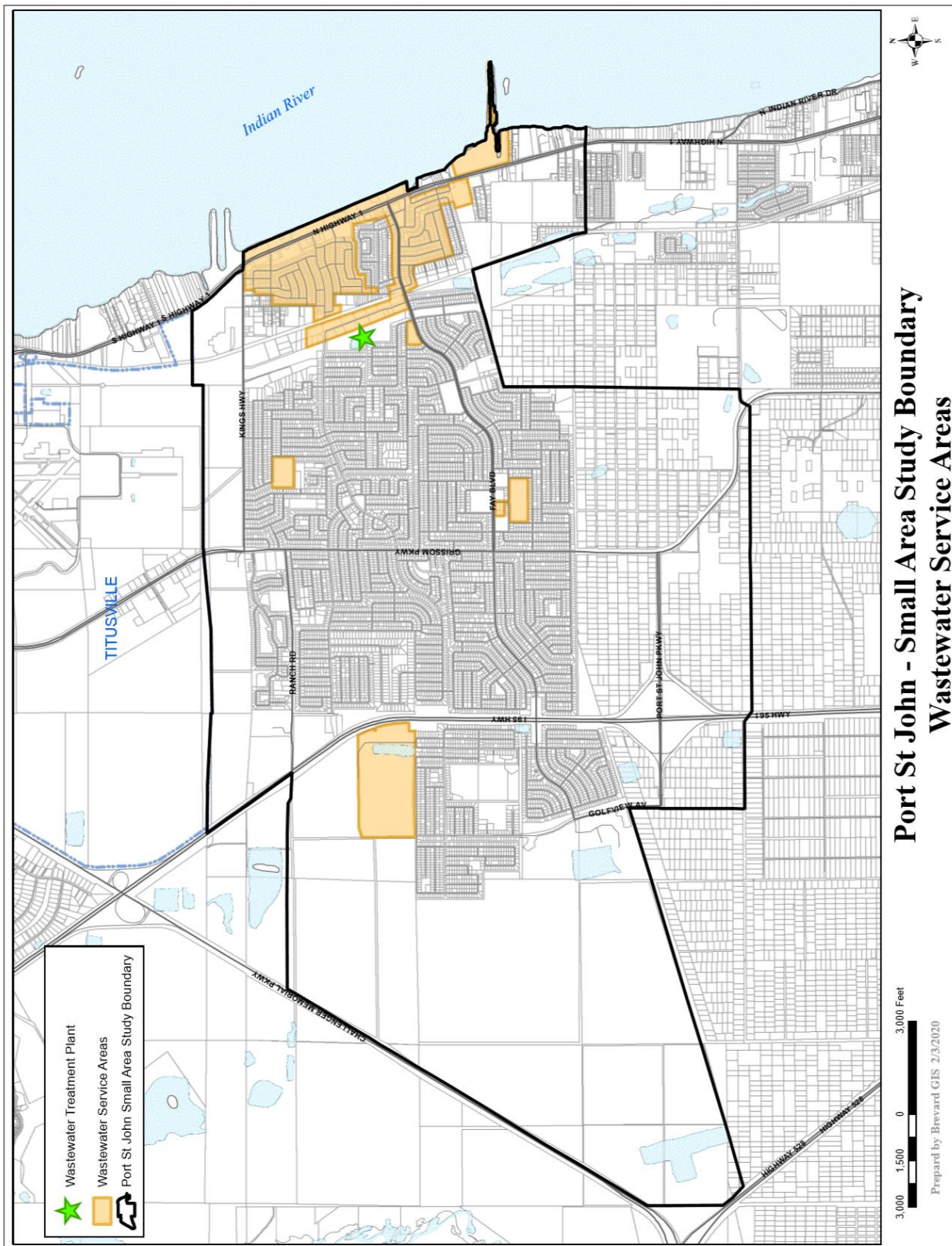
Where sewer is not available and vacant parcels in the study area are developed, an Onsite Sewage Treatment and Disposal Systems (OSTDS) Construction Permit must be obtained. The Florida Department of Health (DOH) regulates OSTDS, commonly known as septic systems. Permitting and inspections of all OSTDS are handled by the County Health Department's Environmental Health Section. All parcels where sewer systems are not available as defined in Section 381.0065(2) (a), Florida Statutes, may apply to the department to install a septic system. All septic systems must be installed meeting all requirements of Section 381.0065, Florida Statutes (F.S.) and Chapter 64E-6, Florida Administrative Code (F.A.C.). Additionally, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required for areas in Brevard County that are included within the Indian River Lagoon septic overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay (refer to Septic Overlay Map on page 65).

The Florida Department of Health's Florida Water Management Inventory (FLWMI) has identified 9,244 parcels possibly served by septic systems in the 32927 zip code (refer to **Table 11** below). The FLWMI map of the study area (**Map 10** on page 47) was created from DOH data and shows parcels known or likely to have septic systems. The map also shows parcels known or likely to be serviced by sanitary sewer. More information about the FLWMI can be found on the Florida Department of Health's website at: <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/flwmi/index.html>

**Table 11. FLMWI septic data for 32927 zip code**

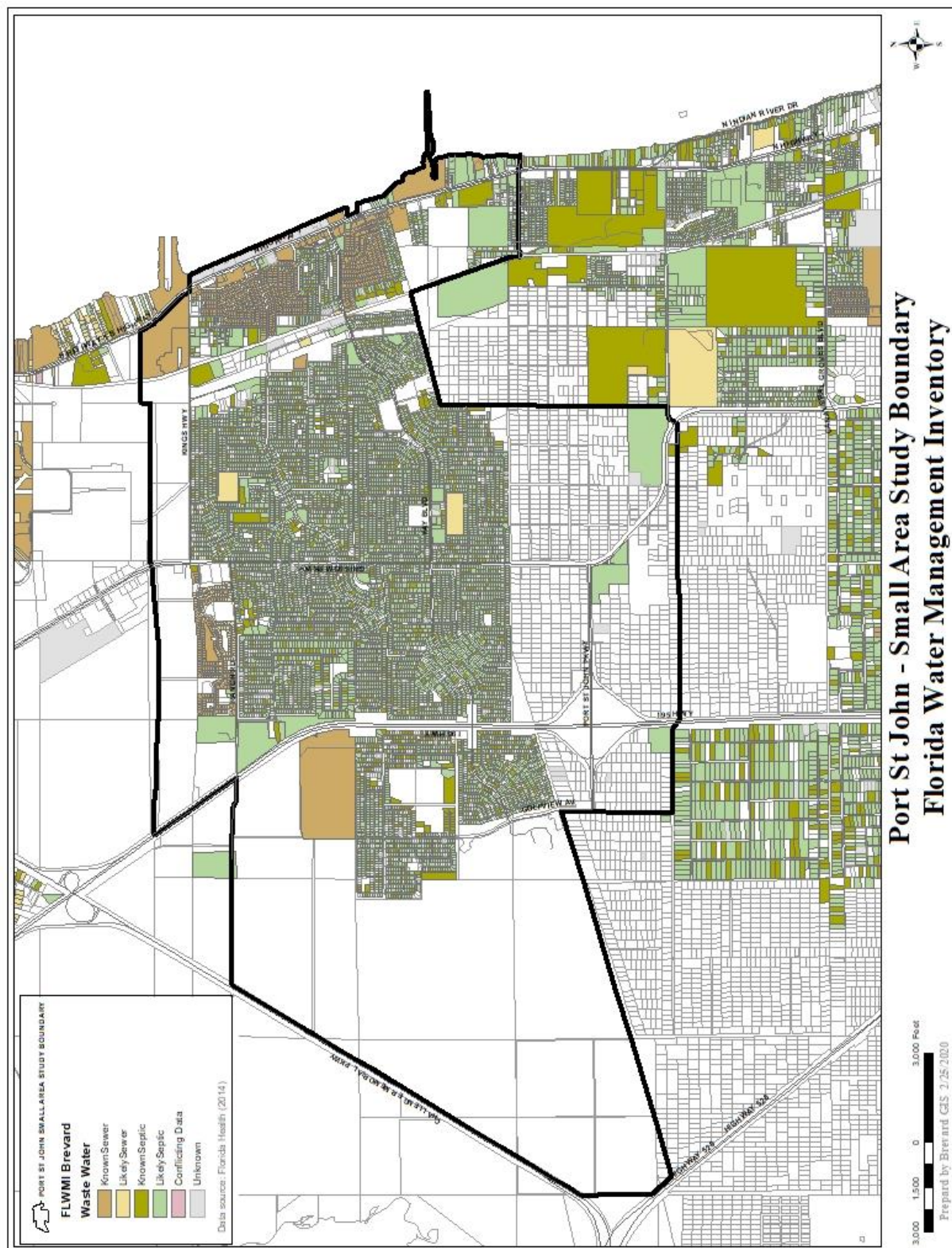
<b>FLWMI Septic Systems in zipcode 32927</b>	<b>count</b>
Known Onsite Septic Systems	1,427
Likely Onsite Septic Systems	7,666
Somewhat Likely Onsite Septic Systems	151
<b>Total possible septic systems</b>	<b>9,244</b>





Map 9. Brevard County Utility Services Wastewater Service Area – Port St. John





Map 10. Septic Systems (OSTDS) locations and Sewer Service locations in Port St. John



## Parks and Recreation

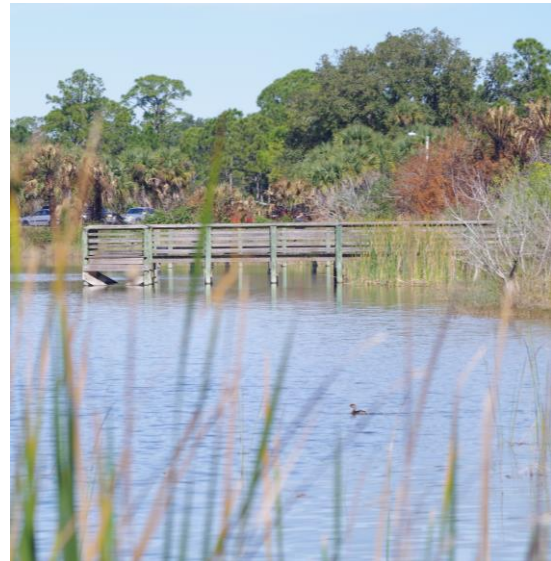
### PUBLIC PARKS

Brevard County Parks and Recreation Department manages numerous parks and facilities, providing residents and visitors a variety of recreational opportunities throughout the County. In addition to managing 108 parks, 3 campgrounds, 3 golf courses, 6 nature centers, 42 beach access sites, and 13 school athletic sites, the Department oversees more than 18,000 acres of Environmentally Endangered Lands (EELs) sanctuaries and conservation areas. Land management activities conducted by the Department serve to mitigate fire and flooding. Parks and Recreation community centers also serve as shelters and multi-agency coordination centers during disasters.

In Port St. John, Brevard County Parks and Recreation Department manages and maintains six park sites. The section below describes the location, size and amenities of each park within the Study Area.

#### **Fay Lake Wilderness Park - 6300 Fay Boulevard**

Fay Lake Wilderness 192.7-acre community park located at the west end of Fay Boulevard. This park offers access to a 27-acre fishing lake with fishing piers and launch area for small non-motorized boats. Facilities include two playgrounds, pavilions, and a dog park.



**Photo of Fishing Pier at Fay Lake Wilderness Park. Source: K. Shropshire**

#### **Fay Park - 6315 Depot Avenue**

Located at the intersection of Fay Boulevard and Depot Avenue is the 11.1-acre Fay Park. This park is a center of activity for the Port St. John area and features family picnic shelters with grills near a playground and restrooms. Athletic facilities include a concession building, basketball court, tennis and racquetball courts. Tennis Courts open 8:00 a.m. to 10:00 p.m. daily.

#### **Friendship Park - 1055 Barclay Drive**

Friendship Park is a 0.96-acre neighborhood park located north of Fay Boulevard off of Barclay Drive. The public park is shaded by palm and pine trees and includes a small green area, playground equipment and a park bench to serve the local Port St. John community. At the time of this Study, Friendship Park is closed due to damage caused by recent hurricanes and is in the process of being repaired. No scheduled reopen date has been set. The Parks and Recreation Department will provide updates on the progress of the park reopening on their website at <https://www.brevardfl.gov/ParksRecreation/> in the North Area Parks Section.



**Nicol Park - 6660 N Cocoa Boulevard (US Hwy 1)**

Nicol Park is a 5.03-acre community river park that is easily accessible from North U.S. Hwy 1. This park offers picnicking at picnic shelters with grills, benches, and an attractive playground for children. Facilities include restrooms and a drinking fountain. Shoreline fishing is a popular activity at this park, and a paved walkway invite leisurely strolls. Nicol Park is a great site to view a rocket launch. The park and restrooms will stay open to the public when a launch is scheduled after normal hours.

**Port St. John Boat Ramp - 6650 N Cocoa Boulevard (US Hwy 1)**

The popular 1.17-acre Port St. John Boat ramp is conveniently located near the Fay Boulevard and U.S. 1 intersection and provides boat access to the Indian River Lagoon. The park is open 24 hours a day, and can accommodate 40 cars and boat trailers. It is a great site to sit and relax by the water, and also serves a nice viewing location for launches out of Kennedy Space Center.

**Port St. John Community Center - 6650 Corto Road**

Port St. John Community Center is a 5.48-acre community park located on Corto Road off of Grissom Parkway. This facility features a large activity room, kitchen and stage popular for rentals, fitness classes and youth programs. The center also includes two activity rooms with two pool tables, a ping pong table and foosball table. Additionally, the center has a computer room that is open to the public for use and an arts and craft room. Outdoor features include a playground and basketball court. The Port St. John Community Center also serves as a hurricane shelter during evacuations. For information on evacuation and how to receive emergency alerts, visit Brevard County Emergency Management's website at <https://www.brevardfl.gov/EmergencyManagement/>.



**Photo of the Port St. John Community Center.**  
**Source: Brevard County Parks and Recreation Department**

In addition to the 216.4 acres of public parks in the Study Area, Brevard County owns ten (10) vacant lots scattered throughout Port St. John that were originally owned by General Development Corporation and subsequently acquired by the County. Most of these vacant lots are wooded, providing a total of 14.89 acres of natural green space in the community.

Policy 1.3 of the Recreation and Open Space element of the Brevard County Comprehensive Plan establishes an acceptable level of service for Parks and Recreation as a total of 3.0 acres of developed County-owned or managed by agreement parks per 1,000 people living in the unincorporated areas of each Parks Operations Area. Port St. John is located in the North Area Parks Operations Area which has an acceptable



level of service with 1,048.91 acres park land per the Recreation and Open Space element.

## CONSERVATION AND WILDLIFE

There are many properties within the Study Area that have been acquired through local, state, or federal programs and serve as conservation sanctuaries. Most of these sites have little or no public access, but function to conserve natural resources and biological diversity in the Study Area.

The Brevard County Environmentally Endangered Lands (EEL) Program was established in 1990 to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, passive recreation, and environmental education. This was made possible by citizens who voted to tax themselves up to \$55 million for the acquisition and maintenance of Brevard County's natural areas. Residents reaffirmed the EEL Program in 2004 under a second referendum to use the same tax that is currently being collected for the Beach and Riverfront Program to protect the natural habitats within Brevard County. This would be accomplished by the acquisition of environmentally sensitive lands through a willing-seller program for the purposes of conservation, passive recreation, and environmental education.

EEL Program properties are managed to conserve native habitats and the plants and animals that utilize them. Each sanctuary or management area has a site-specific comprehensive management plan developed by EEL staff and the selection and management committee. The EEL program strives to maintain a regional approach to managing the EEL Sanctuary Network through the guidance provided in the Sanctuary Management Manual and through management partnerships with local, state, regional, and federal conservation agencies and private-sector conservation programs.

The St. Johns National Wildlife Refuge (NWR), located on the floodplain of the Upper St. Johns River Basin, is administered by the U.S. Fish and Wildlife Service as part of the National Wildlife Refuge System. Established in 1971 to provide habitat for threatened and endangered species, the St. Johns NWR is comprised of two management units: the 2,016-acre Bee Line Unit (located within the Study Area) and the 4,241-acre State Road 50 Unit (located north of Port St. John near Titusville).

According to the 2011 Comprehensive Conservation Plan for the St. Johns NWR, at least 19 federal- and state-listed species and species of management concern are known to occur at the refuge. These include four federally listed (threatened) wildlife species: the wood stork (*Mycteria americana*); crested caracara (*Caracara cheriway*); eastern indigo snake (*Drymarchon corais couperi*); and American alligator (*Alligator mississippiensis*). Over 90 percent of the refuge consists of wetlands which support these and other imperiled species, as well as native wildlife diversity. Only 3 percent of the refuge's native habitat is upland.

EEL Program properties and St. Johns NWR lands that are located in the Port St. John Area are depicted as Public-Conservation areas on the Future Land Use Map of Port St. John (refer to **Map 5** on page 32).



## Public Schools

As of 2017, there was an estimated 3,149 students ranging from ages five to nineteen years of age living within The Study Area<sup>21</sup>. Students residing in the Study Area attend either Atlantis, Challenger 7, Enterprise, or Fairglen Elementary Schools. Students in 7<sup>th</sup> through 12<sup>th</sup> grade attend either Space Coast Junior/Senior High School or Cocoa Junior/Senior High School. All of these public schools are located within the Study Area with the exception of Fairglen Elementary and Cocoa Junior/Senior High School.

When a new development application or building permit is submitted for review, the Brevard Public Schools under the Facilities Planning Department receives notification of the project for the purposes of completing a school concurrency review. The concurrency review is cumulative to ensure sufficient student capacity. Redistricting of schools occurs when a threshold is tripped, however, none of the schools mentioned have exceeded any thresholds with the current development. Refer to **Table 12** below.

**Table 12. Projected School Enrollment and Capacity.**

Table recreated from data provided in Brevard County School Board 2019-2020 Student Accommodation Plan. Source: Brevard County School Board Facilities Services, 2019.

# School Years 2018-19 to 2023-24

## Student Enrollment Projections and School Capacity Analysis (Total Factored Capacity)

School Information and Capacity						Projected Student Membership								Projected Capacity in Use				
School Information				Total Capacity	Current Year	(Note 4)						Current Year	(Note 5)					
School	Type	Grades	Utilization Factor (Note 1)	2018-19 Student Stations (Note 2)	2018-19 Factored Capacity (Note 3)	2018-19 Actual	2019-20	2020-21	2021-22	2022-23	2023-24	2018-19 Actual	2019-20	2020-21	2021-22	2022-23	2023-24	
Atlantis	Elementary	PK-6	100%	739	739	713	693	668	669	658	641	97%	94%	90%	91%	89%	87%	
Challenger 7	Elementary	PK-6	100%	573	573	571	577	541	526	518	502	100%	101%	94%	92%	90%	88%	
Enterprise	Elementary	K-6	100%	729	729	599	620	605	615	632	643	82%	85%	83%	84%	87%	88%	
Fairglen	Elementary	PK-6	100%	789	789	681	675	680	705	732	745	86%	86%	86%	89%	93%	94%	
Space Coast	Jr / Sr High	7-12	90%	2,063	1,857	1,586	1,590	1,588	1,556	1,513	1,507	85%	86%	86%	84%	82%	81%	
Cocoa	Jr / Sr High	PK, 7-12	90	**2,280	2,052	1,577	1,582	1,670	1,762	1,882	1,929	89%	77%	81%	86%	92%	94%	

Notes:

Note 1: Utilization Factors are established by the Florida Department of Education's (FDOE) State Requirements for Educational Facilities (SREF).

Note 2: Permanent Student Stations for 2018-19 are based on the information contained in the FDOE Florida Inventory of School Houses (FISH) database on 10/10/2018.

Note 3: Factored Capacity is calculated by multiplying Satisfactory Student Stations by the Utilization Factor. Total Factored Capacity is the addition of the Permanent Factored Capacity plus the Relocatable Factored Capacity.

Note 4: Projected Student Membership figures based on Finance 2019-20 Budget Projections combined with Growth Management Projections for 2020-21 to 2022-23.

Note 5: Projected Capacity in Use is calculated by dividing the Projected Student Membership by the 2018-19 Total Factored Capacity (See Note 2 exceptions).

\*\* An addition at Cocoa Jr/Sr High school adds 300 student stations for the 2019-2020 school year.

School Capacity Analysis data shows that Challenger 7 Elementary is projected to exceed capacity by four students in 2019-20; however five-year projections indicate enrollment will decrease, and Challenger 7 Elementary is projected to be at only 88% of capacity by 2023-24.

<sup>21</sup> U.S. Census Bureau, American Community Survey (ACS), 2017.



## SAFETY AND EMERGENCY MANAGEMENT

### Fire Rescue

Brevard County Fire Rescue (BCFR) is the largest fire and emergency medical service (EMS) provider in the County providing emergency services from 32 fire stations. Emergency response resources include 18 class-A fire engines, 5 ladder trucks, 31 ambulances, 3 special operations units and other command and wildfire units. All primary emergency response units are capable of providing patient care at the paramedic level (ALS). Each year, over 50,900 emergency medical patients are cared for and transported to area hospital. More information about Brevard County Fire Rescue can be found on their website at [brevardfire.us](http://brevardfire.us).

The Port St. John area is served by BCFR Engine 26: the station is located at 6655 Carole Avenue. The fire station is staffed 24/7 with three firefighters; the engine provides advanced life support (ALS) emergency medical care at the paramedic level. Initial fire engine response to building structure fires is Engine 26, Engine 29 (3950 Canaveral Groves Blvd.), Truck 24 (2280 Columbia Boulevard, TVL), Truck 13 (City of Titusville), Engine 28 (if staffed by the volunteers). Rescue 26, housed at station 26, is the primary ambulance dispatched to transport emergency medical patients to the area hospitals.

Engine 26's primary response area consists of US1 from Broadway Blvd on the South to Golden Knights Blvd on the North, Grissom Pkwy from Willow Creek Blvd on the North to Bridge Road on the South and West to all of the area West of I-95 off of Fay Blvd. and Golfview. They are second due to the Canaveral Groves area.

BCFR includes additional fire rescue services such as a Special Operation Team for hazardous materials and technical rescue responses, Fire prevention, 911 Dispatch and Ocean Rescue. Additionally, safety information can be found on the department's website at [www.brevardfire.us](http://www.brevardfire.us).

**Table 13. Calls for Service in Station 26's Area for 2019**

Type of Call	Total for Engine 26	Average On Scene Time
Total Medical/EMS Calls	1,957	13:14
Total Fire Calls	123	47:39
Other Type Calls	340	8:46
<b>Total Calls</b>	<b>2,420</b>	<b>14:38</b>
Fire Alarms	77	8:50
Brush Fires	29	36:15
HAZMAT	19	18:24
Miscellaneous Fires	2	38:03
Structure Fires	24	111:33
Vehicle Fires	7	61:17
Average Turn Out Time	00:01:16	
Average Response Time	00:05:30	

Source: Brevard County Fire Rescue



## Law Enforcement

The Brevard County Sheriff's Office North Precinct provides the north Brevard area unincorporated law enforcement services. The Precinct is located at 2290 Columbia Boulevard in Titusville. Furthermore, the North Precinct also has a Port St. John Substation located at 6305 Depot Avenue in Cocoa. The North Precinct covers zones 14, 15, and 16 and has a service responsibility of Port St. John, which encompasses north to Kings Highway, south to Port St. John Parkway, east to the Indian River and west to Challenger Memorial Parkway. In addition, a new zone (Zone 19) was created in Port St. John in January 2020, which encompasses north to Fay Boulevard, south to Camp Road, east to the Indian River and west to Grissom Parkway. The Table below depicts calls for service in both 2018 and 2019 for Zones 14, 15, and 16 of the North Precinct and the percentage change in calls over that time.

**Table 14. Percent of Increase/Decrease North Precinct Calls for Service – Zones 14, 15, & 16**

Zones 14, 15, & 16			% Change
Type of Call	2018	2019	2018-2019
Assist Motorist/Disabled Vehicle	291	277	-5%
Battery	751	990	32%
Burglary	103	76	-26%
Burglary Vehicle	120	124	3%
Fraud/Forgery	153	145	-5%
Injured/Ill Person	1,894	1,821	-4%
Intoxicated Driver	17	28	65%
Narcotics	147	117	-20%
Reckless Driving	588	548	-7%
Robbery	9	3	-67%
Sex Offense	53	37	-30%
Shooting in Area	68	64	-6%
Theft	246	204	-17%
Traffic Enforcement	235	309	31%
Traffic Stops	3,613	3,542	-2%
Vehicle Stolen	60	49	-18%

These do not represent all of the calls for service, but many of the categories that directly affect the residents within the Study area. The residents' complaints about speeding vehicles and traffic violations are also reflected in the number of citations and traffic stops performed by the Sheriff's Office. Out of the 16 types of calls within the area, 12 of the types of calls depict a decrease between the years 2018 and 2019 by as much as 67%. Calls related to burglaries decreased by 26% and 4 out of the 16 types of calls depict a percentage increase between 2018 and 2019. The North Precinct's General Crimes Unit has been aggressive in the ability to solve burglary related crimes.

The North Precinct has taken an active role in reducing the amount of crime while also taking in consideration the need to assist the public in their needs no matter what the event may be.



## Emergency Management

Brevard County Emergency Management is responsible for the disaster preparedness of all residents in the County. This department provides communication and coordination of emergency services before, during, and after a disaster and has three divisions: Emergency Management Operations, Public Safety Radio Systems, and Enhanced 9-1-1 Administration/Address Assignment. The mission of the Emergency Management Department is to provide Brevard County residents, businesses and industries, non-profit organizations, and local governments the education and support necessary to reduce the loss of life and human suffering; to minimize property damage; and to protect environmentally sensitive areas from all types of disasters through a comprehensive, risk-based, all-hazard emergency management program.

Brevard County implements emergency response actions in two ways: through field operations and through support operations conducted by the activated County emergency support functions (ESFs) operating from the County's Emergency Operations Center (EOC). Brevard County Emergency Management serves as the coordinating group for County agencies, municipal governments, and community organizations during pre-disaster planning and programming, as well as during actual emergency response and disaster recovery operations. Each ESF is managed by a primary agency that is assisted by several designated support agencies.

Brevard County Emergency Management is the lead organization "in-charge" through the coordination and direction of the Policy Group and ESF recommendations. The Policy Group is responsible for major, county-wide policy and planning decisions during and after disasters. This group includes the:

- County Commission Chairperson
- County Manager
- County Emergency Management Director
- County Public Safety Director
- County Fire Chief
- County Attorney
- County Sheriff
- Superintendent of Brevard Public Schools
- Space Coast Public Management Assoc. Rep.

In the event of an emergency, Brevard County Emergency Management is the official source of information on evacuation orders and shelter openings. Maps 11 and 12 (on pages 55 and 56, respectively) show evacuation zones and evacuation routes in Port St. John. Brevard County Emergency Management also provides information on disaster preparedness and options to receive emergency alerts on their website at <https://www.brevardfl.gov/EmergencyManagement/> or call 321-637-6670 for more information.



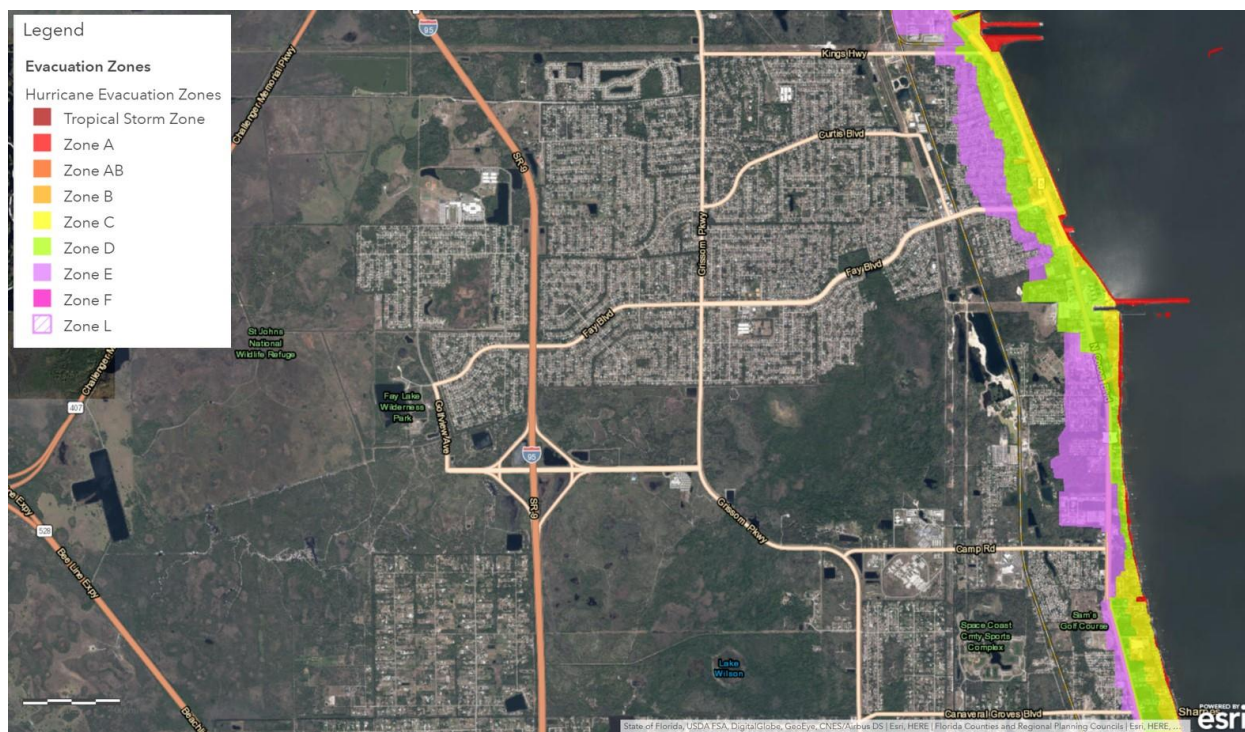
## Evacuation

Most coastal Florida counties have designated evacuation zones because they are susceptible to storm surge from tropical storms and hurricanes. All residents within evacuation zones should be aware of their primary and alternate evacuation routes. It is important that local emergency management always be consulted regarding evacuation orders during an emergency. Brevard County Emergency Management provides information on how to register to receive emergency alerts on their website at <https://www.brevardfl.gov/EmergencyManagement/> or call 321-637-6670 for more information.

### EVACUATION ZONES

Zone A (Red): When an Atlantic-approaching hurricane threatens Brevard County, a mandatory evacuation will be called for Zone A, which includes the barrier islands, Merritt Island and some mainland low-lying areas. Evacuation zones for Port St. John are shown below (**Map 11**). In addition, those who live in mobile or manufactured homes, or in low-lying or flood-prone areas are also vulnerable and should also evacuate, whether on the mainland or the barrier islands.

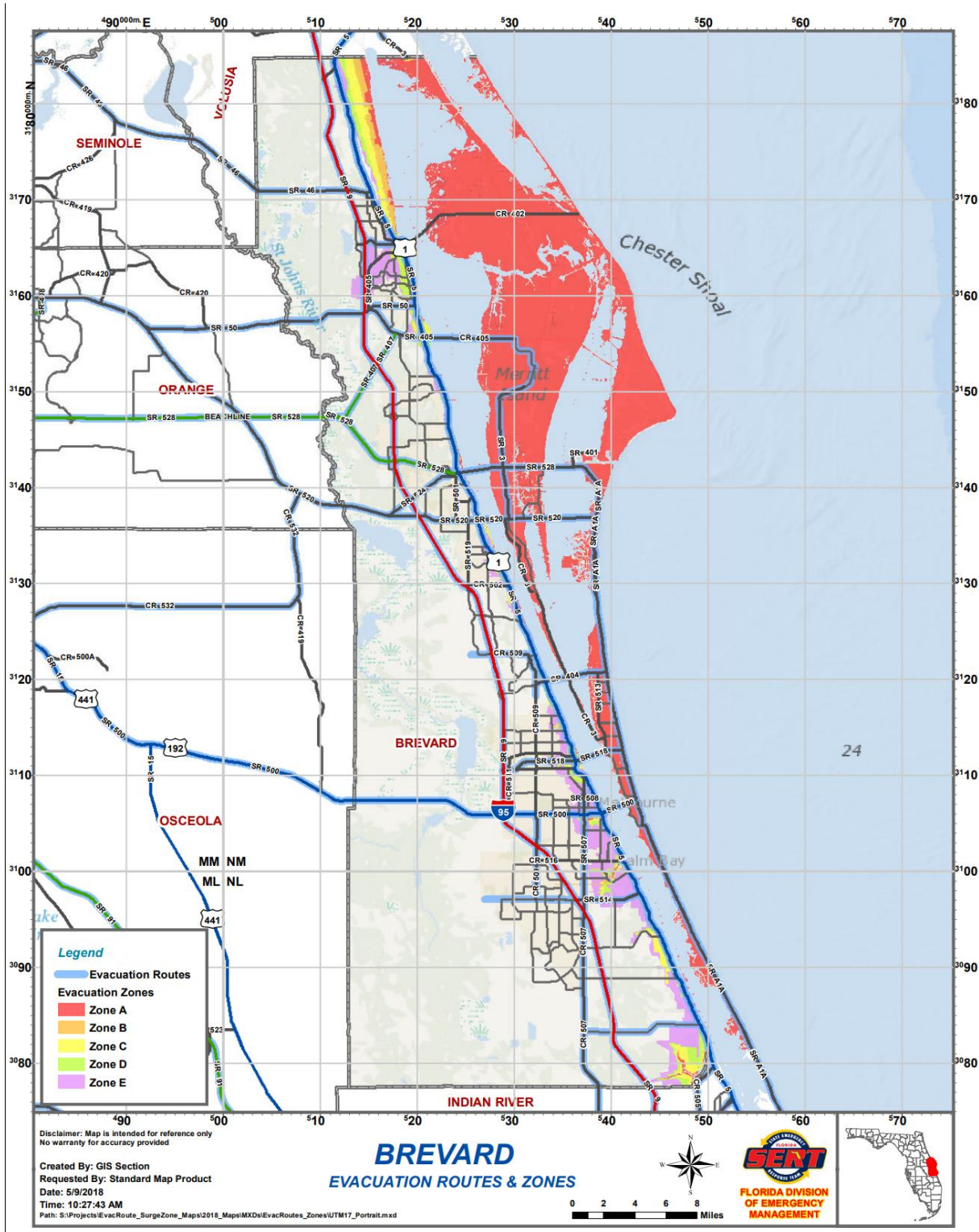
County-wide evacuation route and zone maps (**Map 12** on page 56) are based upon the most up-to-date regional evacuation studies and are intended for general reference. Additional information and address specific (Know Your Zone) evacuation zones and evacuation routes can be found at the Florida Division of Emergency Management's website at <https://www.floridadisaster.org/planprepare/disaster-preparedness-maps/>.



Map 11. Evacuation Zones in Port St. John.



## EVACUATION ROUTES



Map 12. Evacuation Routes in Brevard County.



## ENVIRONMENTAL AND ECOLOGICAL FACTORS

### Coastal High Hazard Area / Storm Surge

Brevard County has lands designated as Coastal High Hazard Areas (CHHA's), which are defined in Florida Statutes Chapter 163.3178(2)(h) as areas below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Objective 7.0 of the Coastal Management Element in Brevard County's Comprehensive Plan seeks to limit densities within the coastal high hazard zone and direct development outside of this area. The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area per Policy 7.6 of the Coastal Management element.

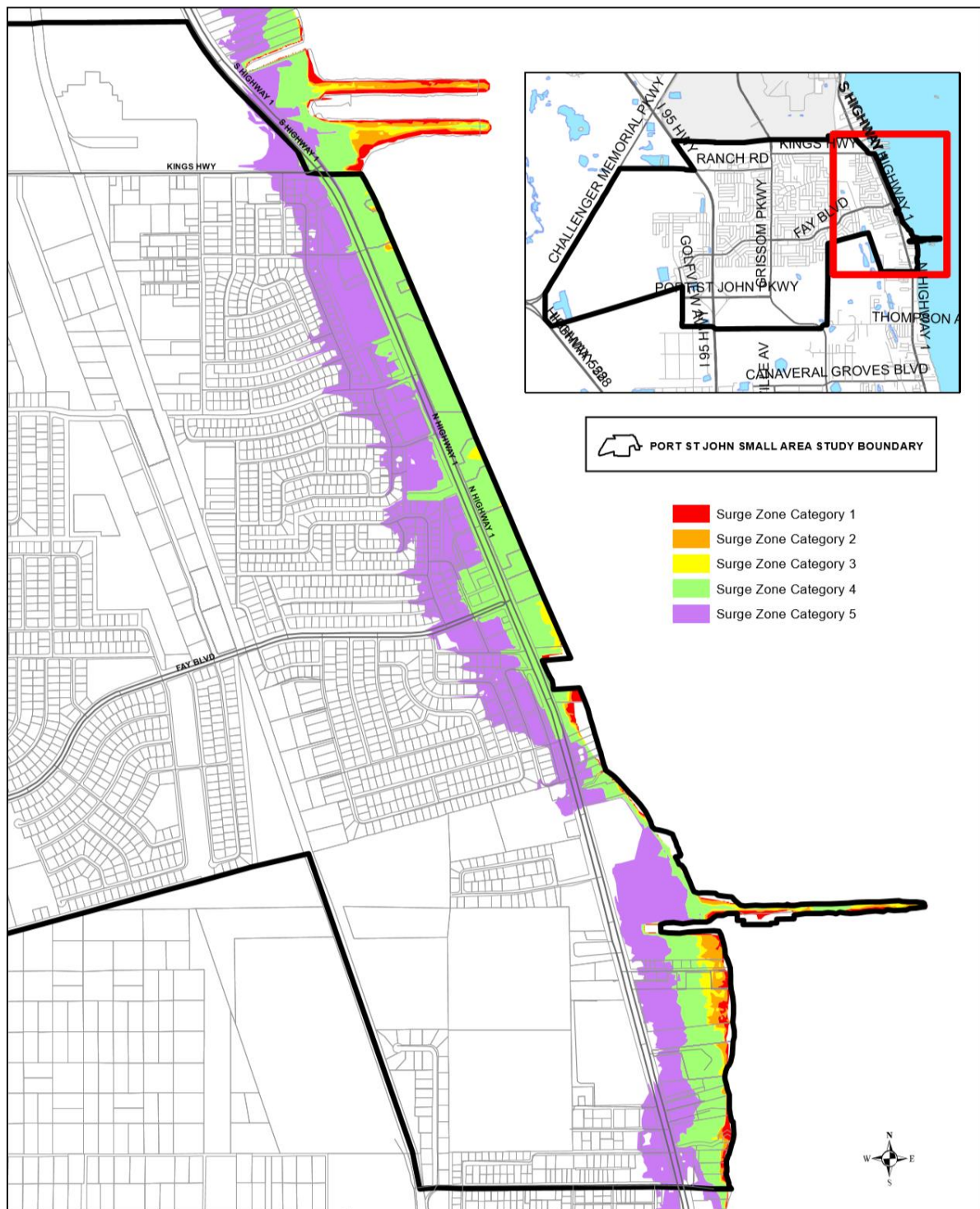
Within the designated Coastal High Hazard Areas, the County does not support or finance new local transportation corridors nor locate sewer and water transmission lines except where there are no other cost-feasible alternatives. If County utility lines are relocated for any purpose, they are relocated outside of the Coastal High Hazard Area, except where there is no cost-feasible alternative.

Public facilities, except recreational facilities, will not be located by Brevard County within the Coastal High Hazard Area, except where there are no cost-effective alternatives. The County will continue to implement the Transfer of Development Rights program, which has been established to transfer density from transfer districts within the coastal high hazard area to receiving districts outside of the Coastal High Hazard Area.

In 2015, the State Legislature amended Chapter 163.3178(1) (f) to enumerate requirements of a redevelopment component in the Coastal Management Element. The County is currently in the process of amending the Coastal Management Element of the Comprehensive Plan to address how to minimize or eliminate inappropriate and unsafe development in the Coastal High Hazard Areas when opportunities arise.

The storm surge map (**Map13** on page 58), created as part of the Statewide Regional Evacuation Study (SRES) Tide Atlas series published in 2010, identifies those areas subject to potential storm surge flooding from the five categories of hurricane on the Saffir Simpson Hurricane Wind Scale as determined by NOAA's numerical storm surge model, SLOSH. Areas that flood from the surge of a Category 1 hurricane are designated as Coastal High Hazard Areas. Designated CHHAs in Port St. John are shown as red areas in Surge Zone Category 1 on **Map13** (page 58).





**Port St John - Small Area Study Boundary**  
**Storm Surge - Coastal High Hazard Area**

Map 13. Storm Surge map



## FEMA Flood Zones and Flood Hazard Areas

The Federal Emergency Management Agency (FEMA) produces flood maps, known as Flood Insurance Rate Maps (FIRMs), that support the National Flood Insurance Program (NFIP) and provide the basis for community floodplain management regulations and flood insurance requirements. On Flood Insurance Rate Maps, flood hazard areas are identified as a Special Flood Hazard Area (SFHA), commonly referred to as “flood zone”.

The FEMA Flood Insurance Rate Map (**Map 14** on page 60) depicts the Special Flood Hazard Area within the Port St. John Study Area. These “flood zone” areas are labeled as Zone A and Zone AE and are referred to as the base flood or 100-year flood.

Definitions of the FIRM zones identified within the Study Area on **Map 14** are as follows:

- Zone A – An area inundated by 1% annual chance flooding, for which no Baseline Flood Elevations (BFEs) have been determined
- Zone AE – An area inundated by 1% annual chance flooding, for which Baseline Flood Elevations (BFEs) have been determined
- Zone 0.2 PCT ANNUAL CHANCE FLOOD HAZARD - An area inundated by 0.2% annual chance flooding (or 500-year) flood hazard
- Zone X – An area of minimal flood hazard

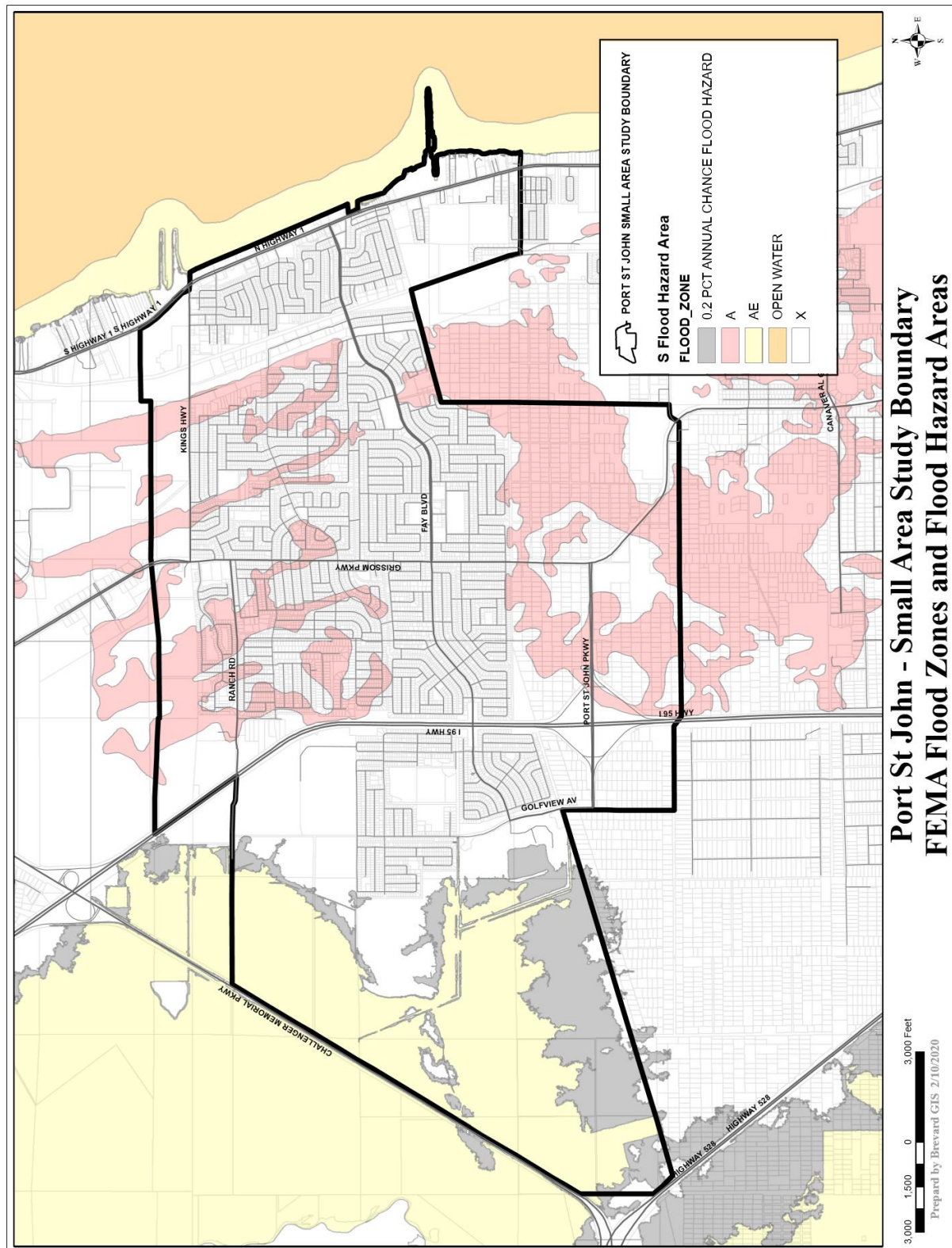
While a large portion of the developed area in Port St. John is located outside the Special Flood Hazard Area and labeled as Zone X (area of minimal flood hazard), a majority of the western boundary of the Study Area is within SFHA Zone AE, and subject to inundation by the 1 percent annual chance flood event. Similarly, much of the southern border of the Study Area is within SFHA Zone A, including a section of Port St. John Parkway, and is also subject to the 1 percent annual chance flood. Mandatory flood insurance purchase requirements apply to both Zone AE and Zone A.

Additional information on flood hazard mapping and flood zone information for specific addresses can be viewed on the FEMA Flood Map Service Center website at <https://msc.fema.gov/portal/home>.

## Soils

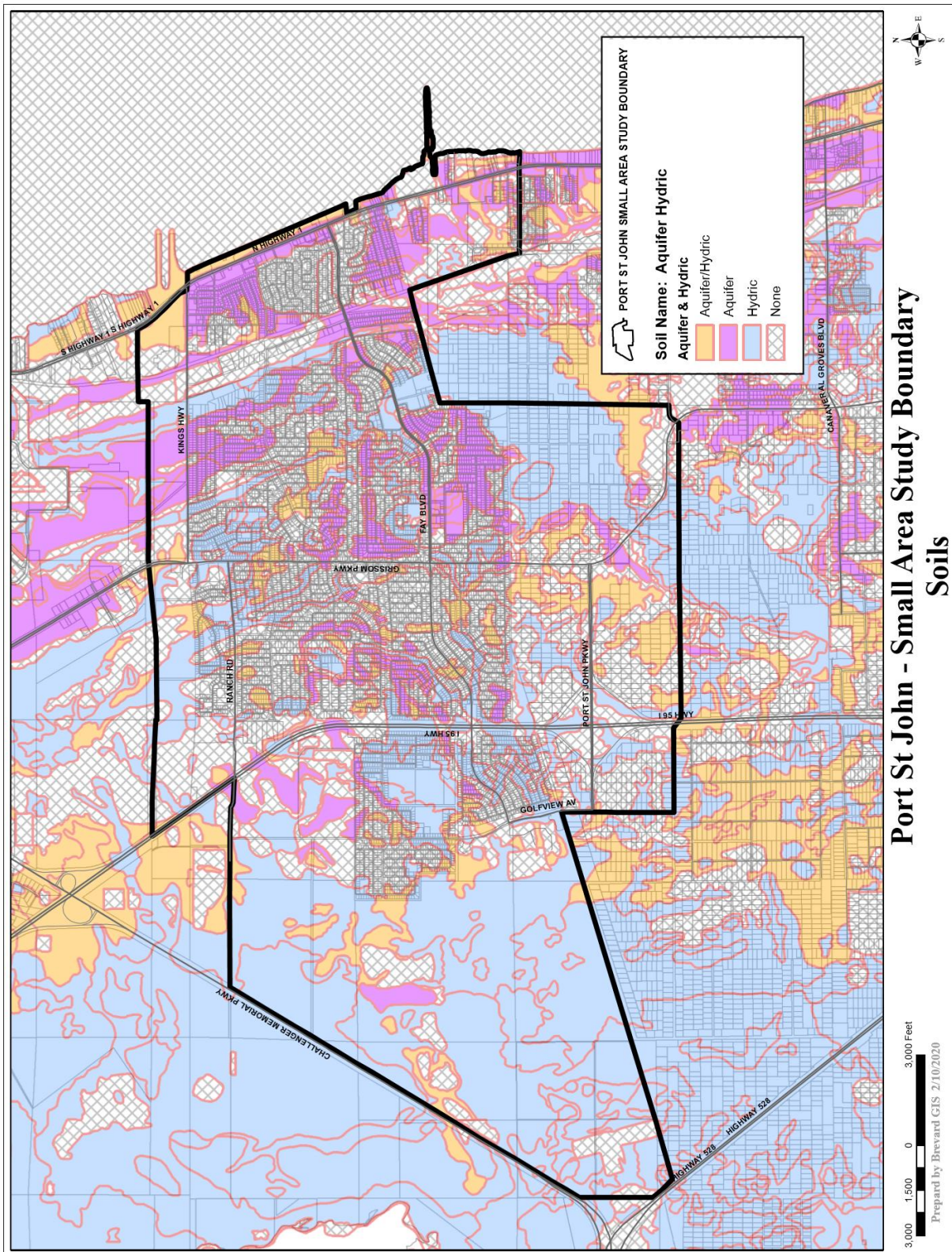
The Study Area contains mapped aquifer recharge soils and hydric soils as shown on the USDA Soil Conservation Service Soils Survey map (**Map 15** on page 61). Areas containing these soils may be subject to development and impervious restrictions as defined in Brevard County's Conservation Element Policy 10.2, the Aquifer Protection Ordinance (89-12), and the Wetlands Protection Ordinance (2000-47).





Map 14. Flood Zones and Flood Hazard Areas





Map 15. Soils map



## Wetlands

The natural wetlands of Port St. John tend to be located in the same locations as the flood zones (**Map 14** page 60) and hydric soils (**Map 15** page 61); which all correspond to the lower elevations. The National Wetlands Inventory map (**Map 16** on page 63) depicts the following wetlands types in the Study Area:

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake

Confirmation of wetlands would require field verification, and may be larger or smaller than depicted on **Map 16**. Objective 5 of the Conservation Element of the Brevard County Comprehensive Plan is to preserve, protect, restore, and replace wetlands to achieve no net loss of functional wetlands in Brevard County after September, 1990. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority.

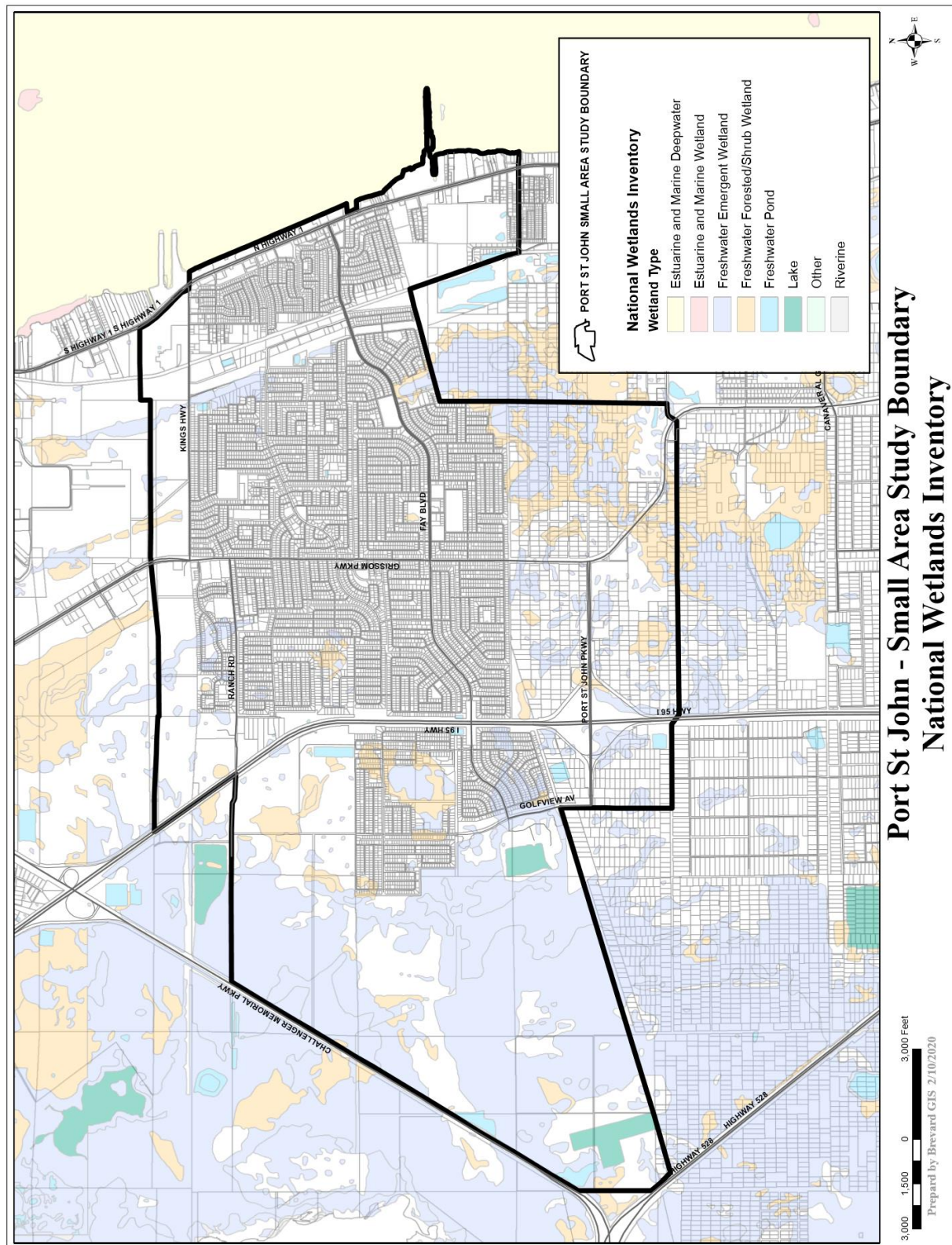
Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of 9/9/88, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Section 62-3694(c)(3) contains criteria for commercial and industrial development within wetlands. Per 62-3694(c)(3), commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided in 62-3694(c)(3) for (a) I-95 interchanges, (b) mitigation qualified roadways, (c) abutting properties, and (d) access to uplands. Where the state does not require a buffer, wetland buffers shall be established in accordance with section 62-3694(c)(10). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives. Where the state does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in section 62-3696.

The Conservation Element identifies six (6) Mitigation Qualified Roadway segments in the Port St. John area of unincorporated Brevard County:

- U.S. Highway 1 from Titusville City Boundary to City of Cocoa Boundary
- Grissom Parkway from Titusville City Boundary to City of Cocoa Boundary
- Port St. John Parkway from I-95 interchange area to Grissom Parkway
- Kings Highway from U.S. Highway 1 to approximately 325 feet west of Kuesaw Lane
- Curtis Boulevard from Fay Boulevard to approximately 210 feet east of Song Drive
- Fay Boulevard from Carole Avenue to Adobe Avenue





Map 16. National Wetlands Inventory (NWI) map



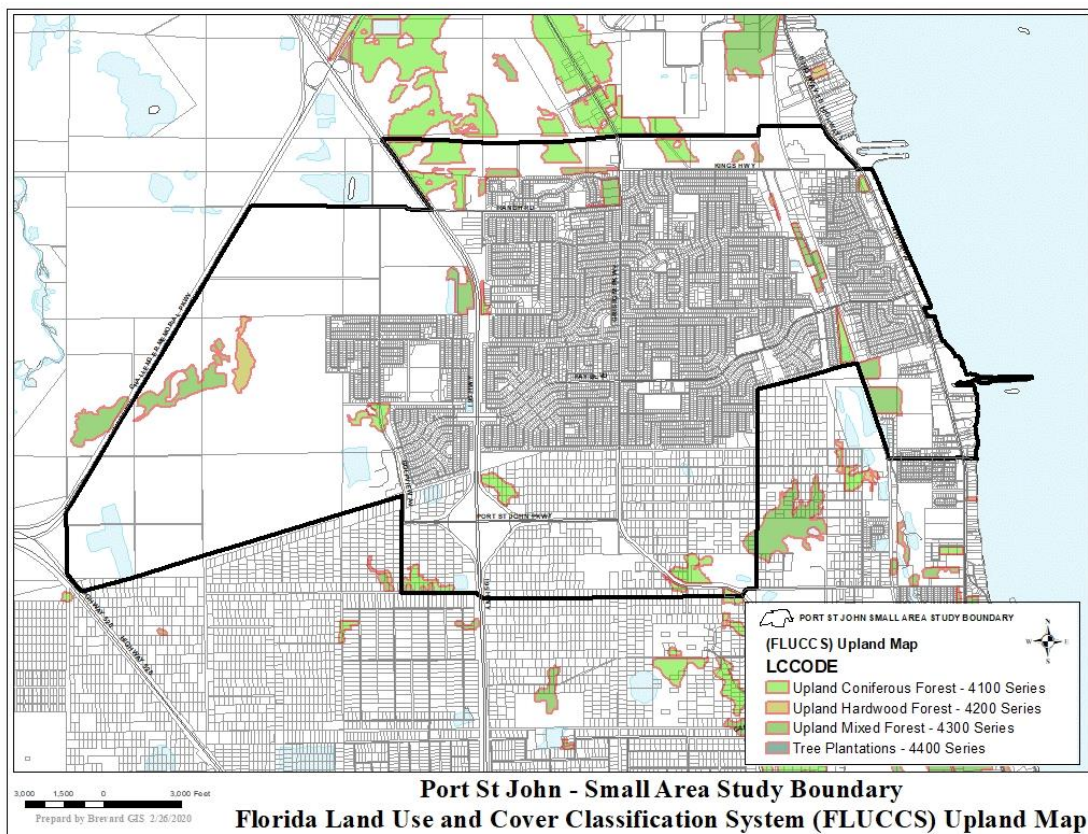
## Land Use and Cover – Upland FLUCCS

The Study Area contains the following mapped polygons of Florida Land Use and Cover Classification System (FLUCCS) Upland Forest 4000 series codes:

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

Heritage Specimen trees (greater than or equal to 24 inches in diameter) are included in 4000 series FLUCCS codes and may reside in the Port St. John area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 Upland FLUCCS map (**Map 17** below) depicts the mapped upland forest areas in Port St. John.

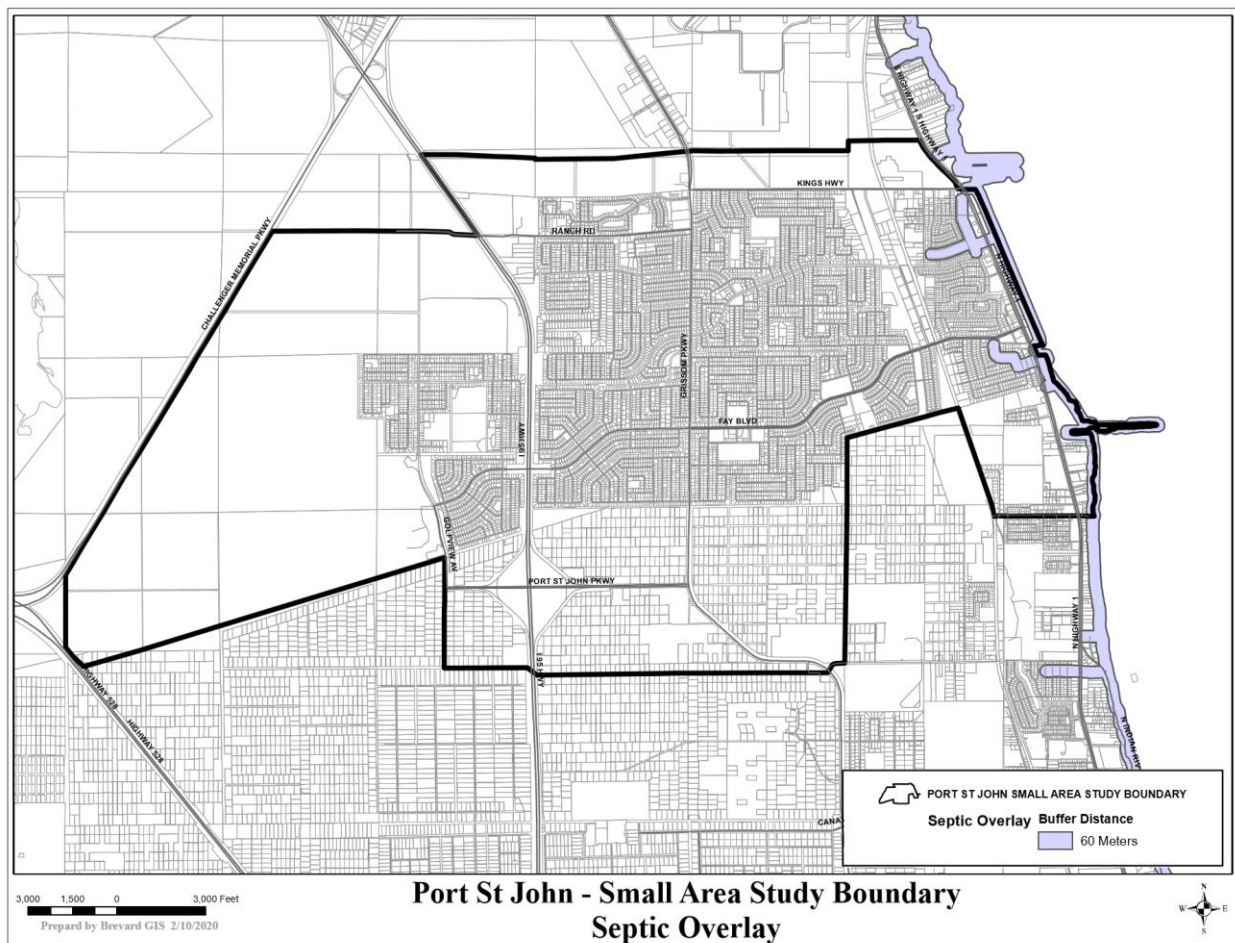


**Map 17. Florida Land Use Cover and Forms Classification System - Upland map**



# Indian River Lagoon – Septic Overlay

In October 2018, the Board of County Commissioners approved septic tank restrictions to protect the Indian River Lagoon (IRL) from harmful nitrogen inputs by prohibiting the installation of new conventional septic tanks along the beachside, on Merritt Island, and in mainland areas close to the IRL and its tributaries. Portions of the Study Area are within the restricted areas as shown on the Nitrogen Reduction Septic Overlay (**Map 18**) below. Per Chapter 46, Article II, Division IV of the Brevard County Code, no building permits shall be issued or site plans approved after May 22, 2018, for properties located within the overlay area unless the property is being serviced by a central sewage treatment facility or an Onsite Sewage Treatment and Disposal System (OSTDS) is used that meets or exceeds a 65 percent reduction in total nitrogen and complies with Florida Statutes 381.0065, Chapter 64E-6, Florida Administrative Code, and Chapter 46 of Brevard County Code.

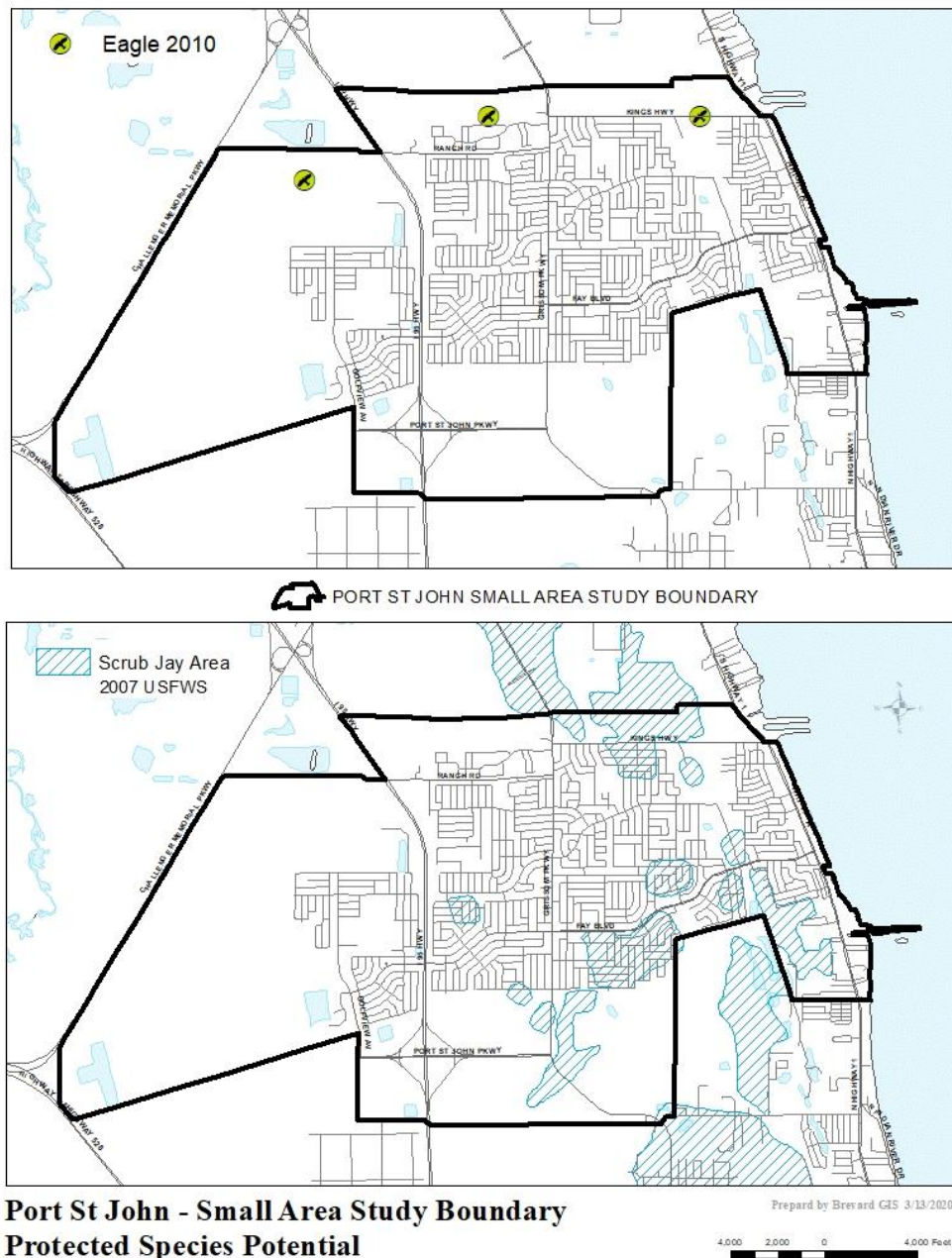


### Map 18. Nitrogen Reduction Septic Overlay map



## Protected Species Potential

**Map 19** (below) shows areas of potential Scrub Jay occupancy, as well as locations of Eagles Nests as mapped by U.S. Fish and Wildlife Service (USFWS) in 2010, indicating that federally and/or state protected species may be present on lands within the Study Area. Prior to any plan, permit submittal, or development activity, including land clearing, all necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or USFWS should be obtained, as applicable.



Map 19. Eagle Nests and Scrub Jay Areas map



## CITIZENS COMMITTEE RECOMMENDATIONS

The Recommendations below are ranked in order of priority and were selected as the top recommendations by the Citizen's Committee for staff to present to the Brevard County Board of County Commissioners (BOCC).

**Recommendation 1:** Relocate Brevard County Fire Station from Fay and Carol Avenue to the west which is more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Avenue and Adams Place (Funding source could be a combined MSTU and MSBU within the boundary).

**STAFF RESPONSE, FIRE RESCUE DEPARTMENT:** Station 26, currently located at 6655 Carole Avenue in Port St. John, was built in 1988. Prior to that time, the area was served by Brevard County Fire Rescue via the building located at 4870 N. US Highway 1 which currently houses the Four Community Volunteer Fire Department. The recommendation to relocate Station 26 west to the area of Fay and Adams Place would gain approximately 1.4 miles or two minutes to the west. Brevard County Fire Rescue is a regional response system with a run area that includes US1 north to Golden Knights Boulevard and south to the area of Camp Road.

Brevard County Fire Rescue is currently taking a comprehensive look at the location of all fire stations from many aspects, including age, structural integrity, proper size for current staff requirements, and location within the run area to most efficiently serve a regional response area. This review of Fire Rescue operations will also take a look at expanding service as a response to community needs, for example the consideration of a Port St. John station west of I95.

**Recommendation 2:** Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

**STAFF RESPONSE, PLANNING AND DEVELOPMENT:** The geographical boundaries of the Port St. John Dependent Special District were established in 1996 by BOCC adoption of Brevard County Ordinance 96-30. The recommendation to expand the geographical boundaries of the Port St. John Dependent Special District would require BOCC approval and adoption of an ordinance.

**Recommendation 3:** Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 2.92 acres located on Fay Boulevard (tax account #s: 2309950, 2309949, 2309948). No changes to zoning recommended.

**STAFF RESPONSE, PLANNING AND DEVELOPMENT:** Changing the Future Land Use designation to NC on the parcels described in Recommendation #3 would establish consistency with the current zoning classifications. A Small Scale Comprehensive Plan Amendment would be required.

**Recommendation 4:** Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 0.30 acres located at the intersection of



Fay Boulevard and Grissom Parkway (tax account #: 2310247). No changes to zoning recommended.

**STAFF RESPONSE, PLANNING AND DEVELOPMENT:** Changing the Future Land Use designation to NC on the parcel described in Recommendation #4 would establish consistency with the current zoning classification. A Small Scale Comprehensive Plan Amendment would be required.

**Recommendation 5:** No changes recommended in the area of Fay Boulevard and US Highway 1. Current Future Land Use and Zoning designations are consistent.



# Port St. John Small Area Study (SAS)



September 24, 2020

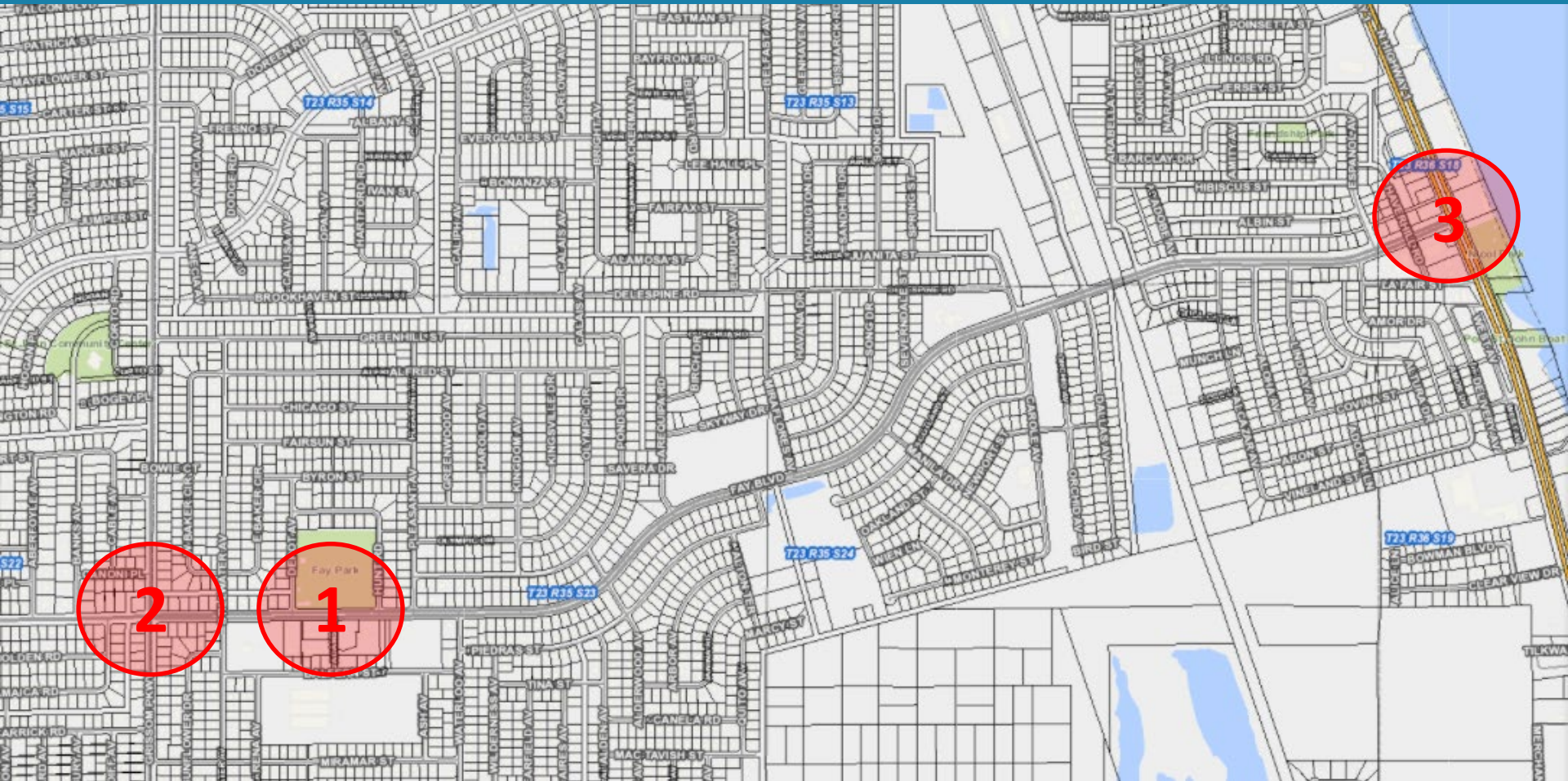


# Recommendations

- Staff has identified three areas for consideration:
  - Fay Blvd. (Stillwater Ave. to Waterloo Ave.)
  - Intersection at Fay Blvd. and Grissom Pkwy.
  - Intersection at Fay Blvd. and US 1.
- Future Land Use and Zoning should be changed to meet the current development trends in the area and to correct inconsistencies.



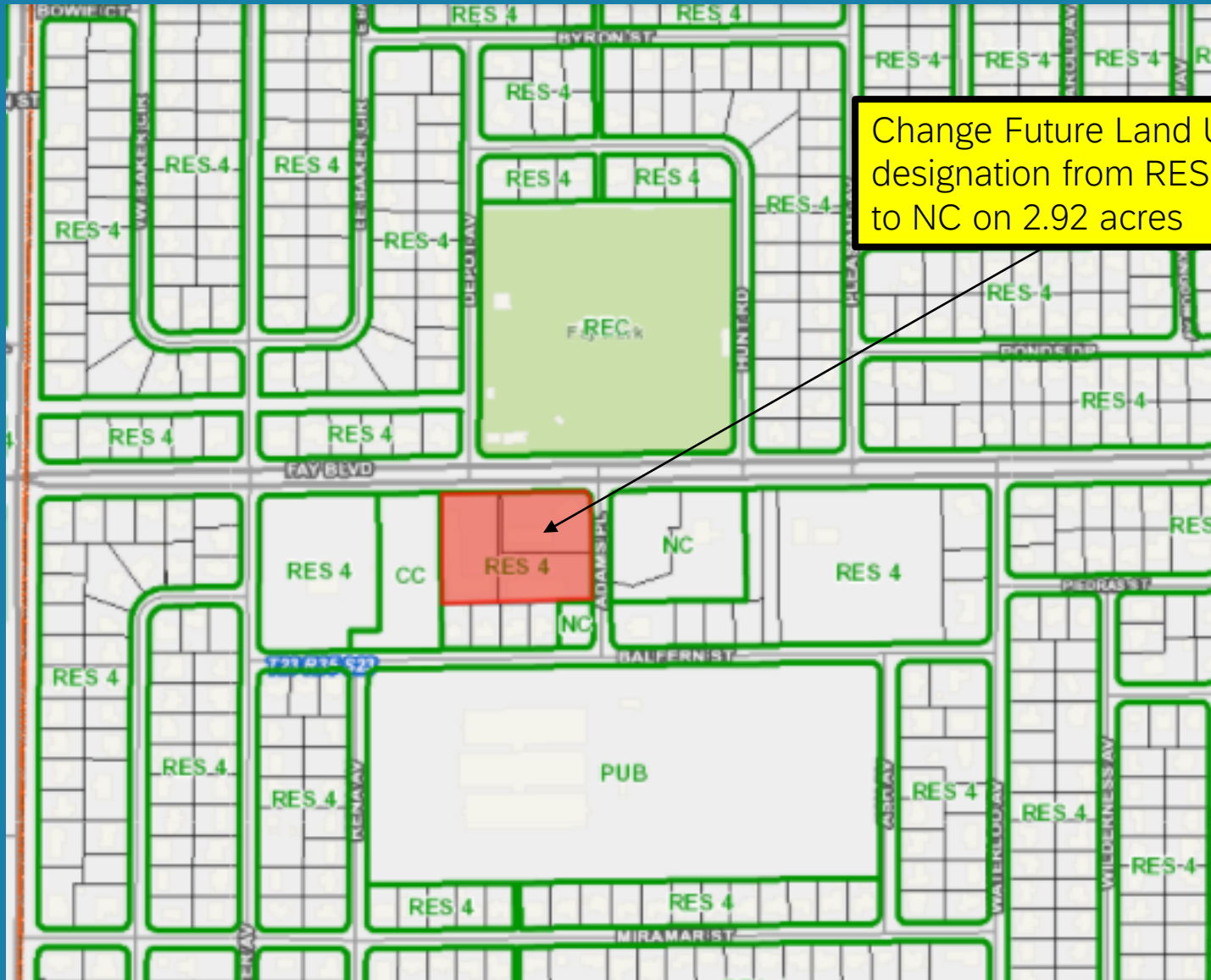
# Recommendations



# Map of three areas for consideration



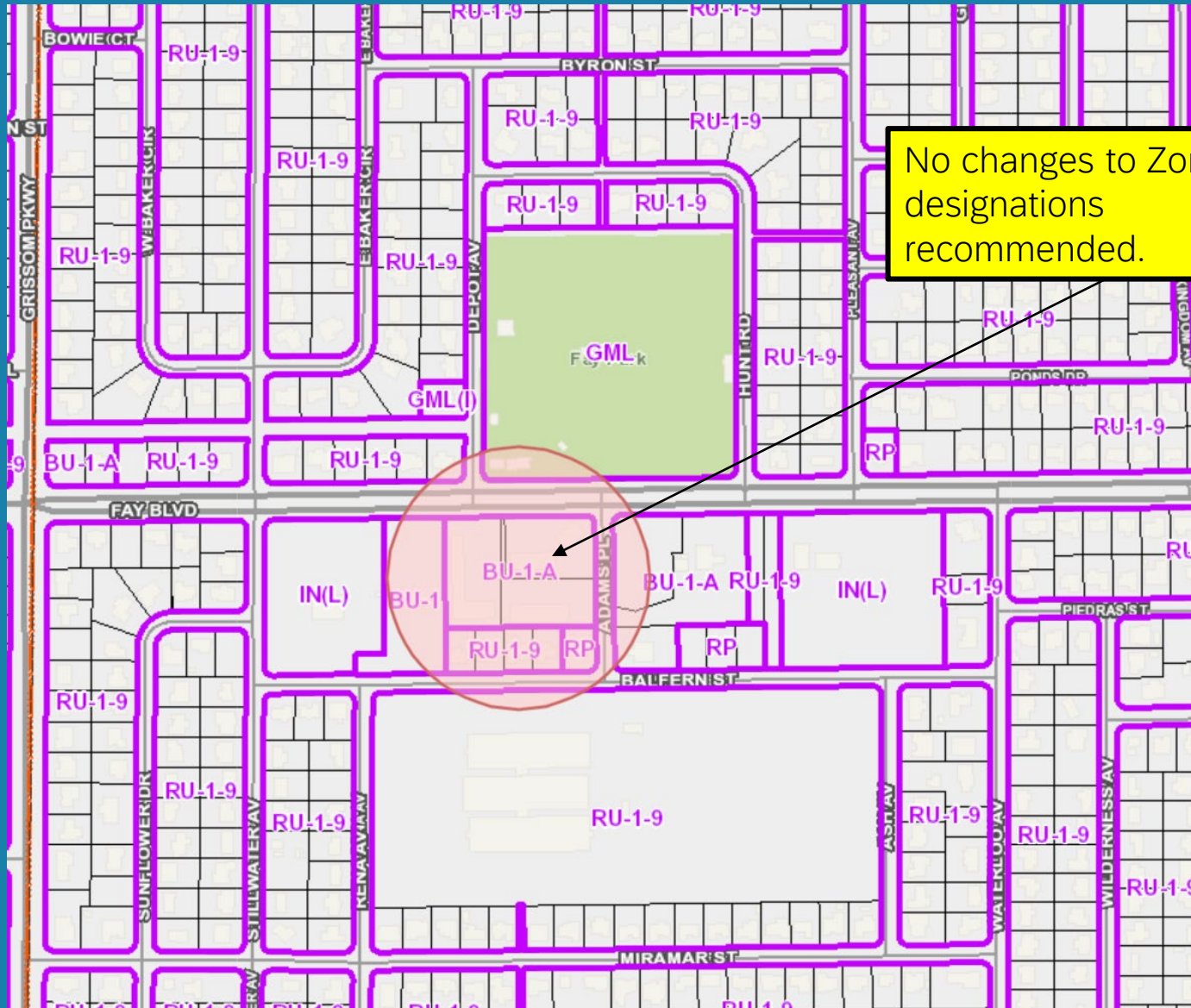
# Recommendation 1



Change Future Land Use designation from RES 4 to NC on 2.92 acres

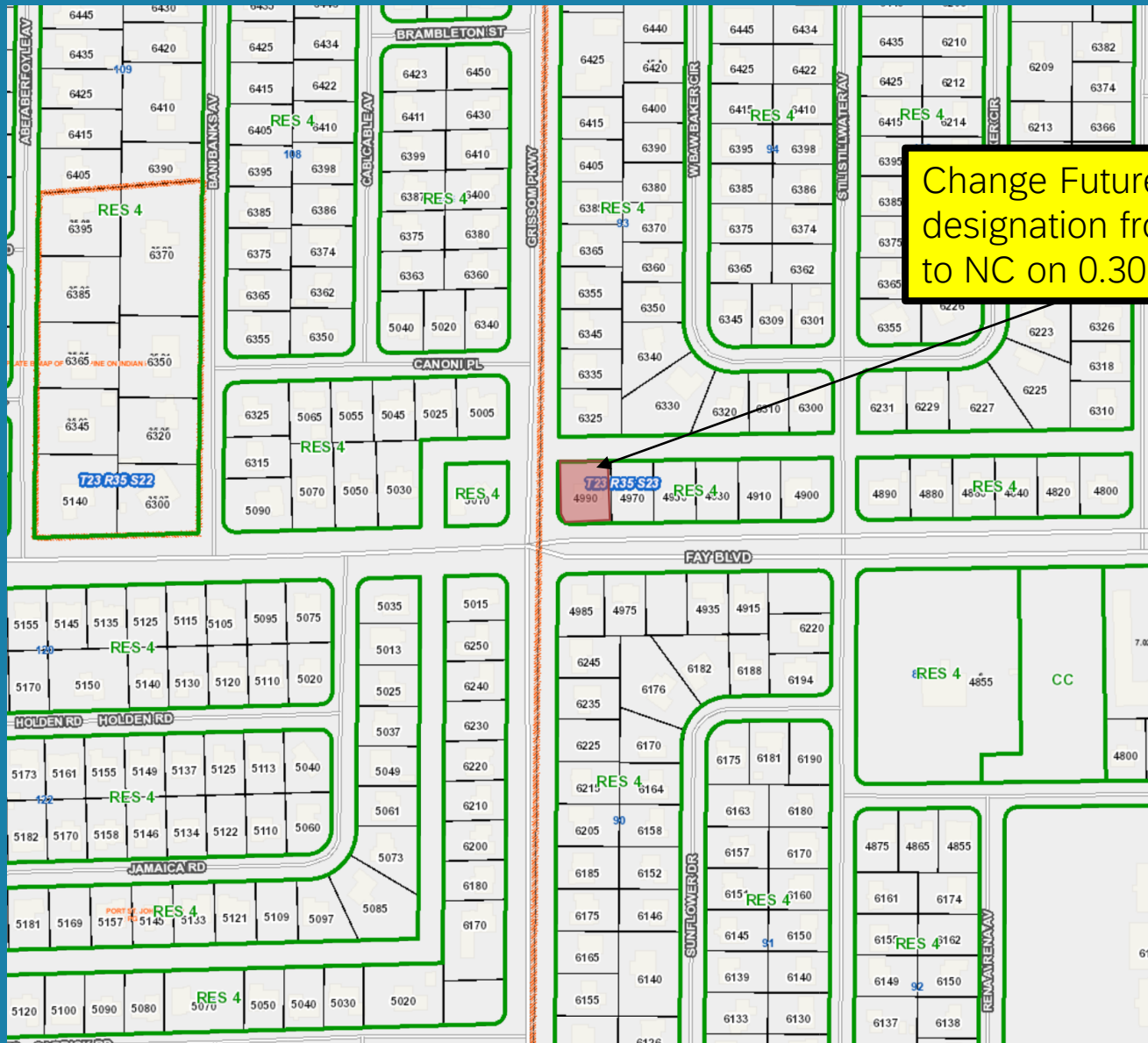


# Recommendation 1



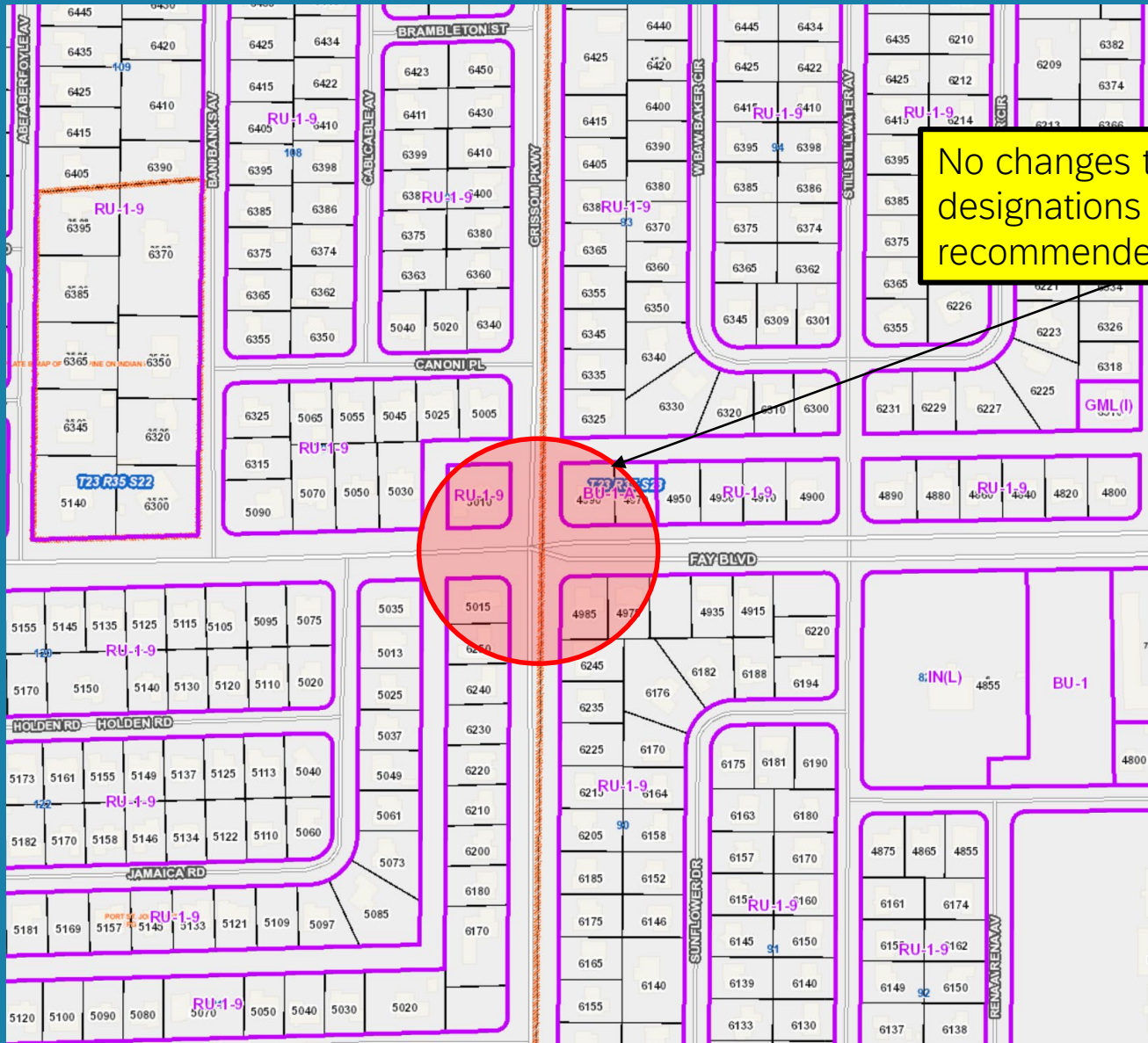


# Recommendation 2



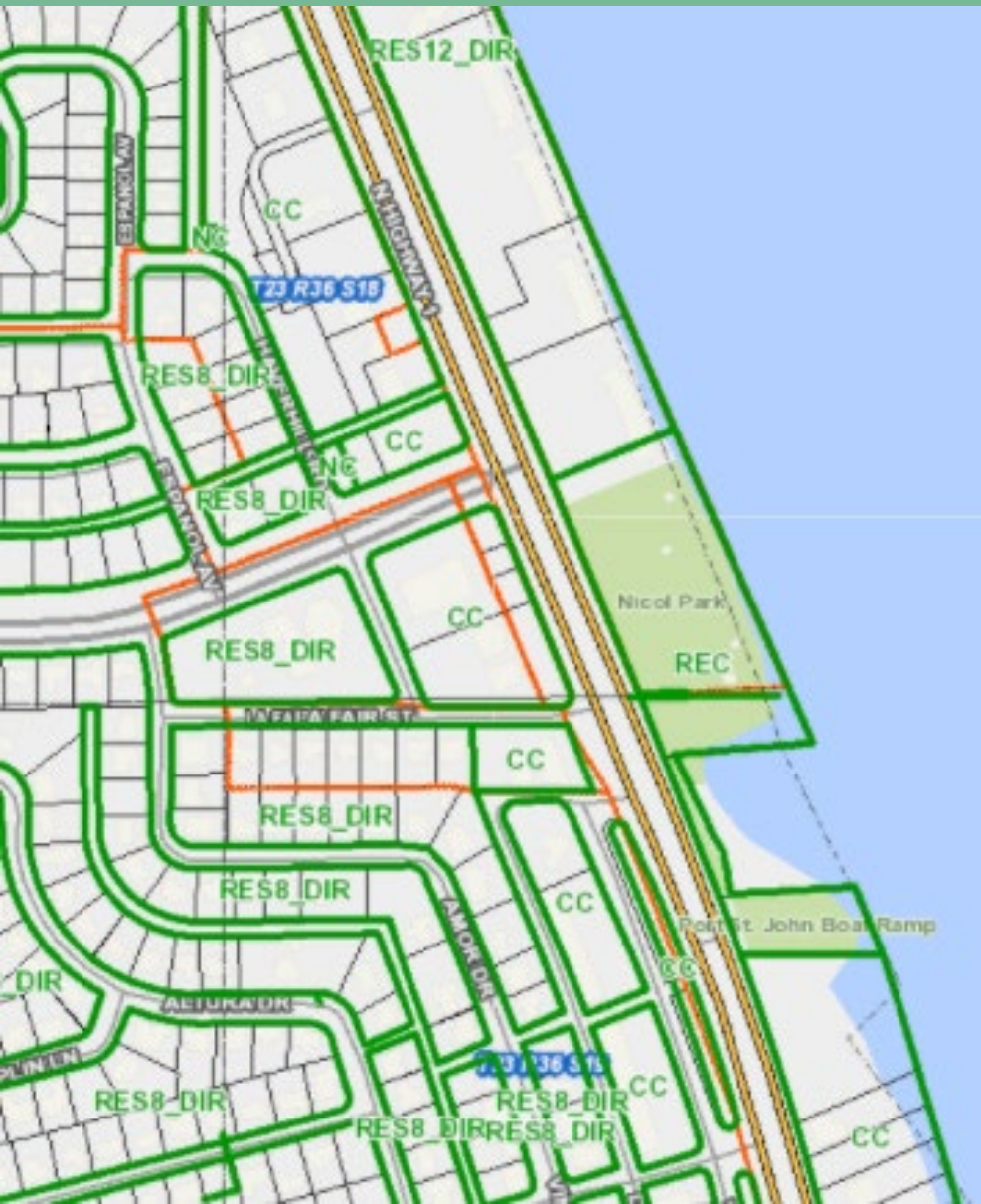


# Recommendation 2





# Recommendation 3

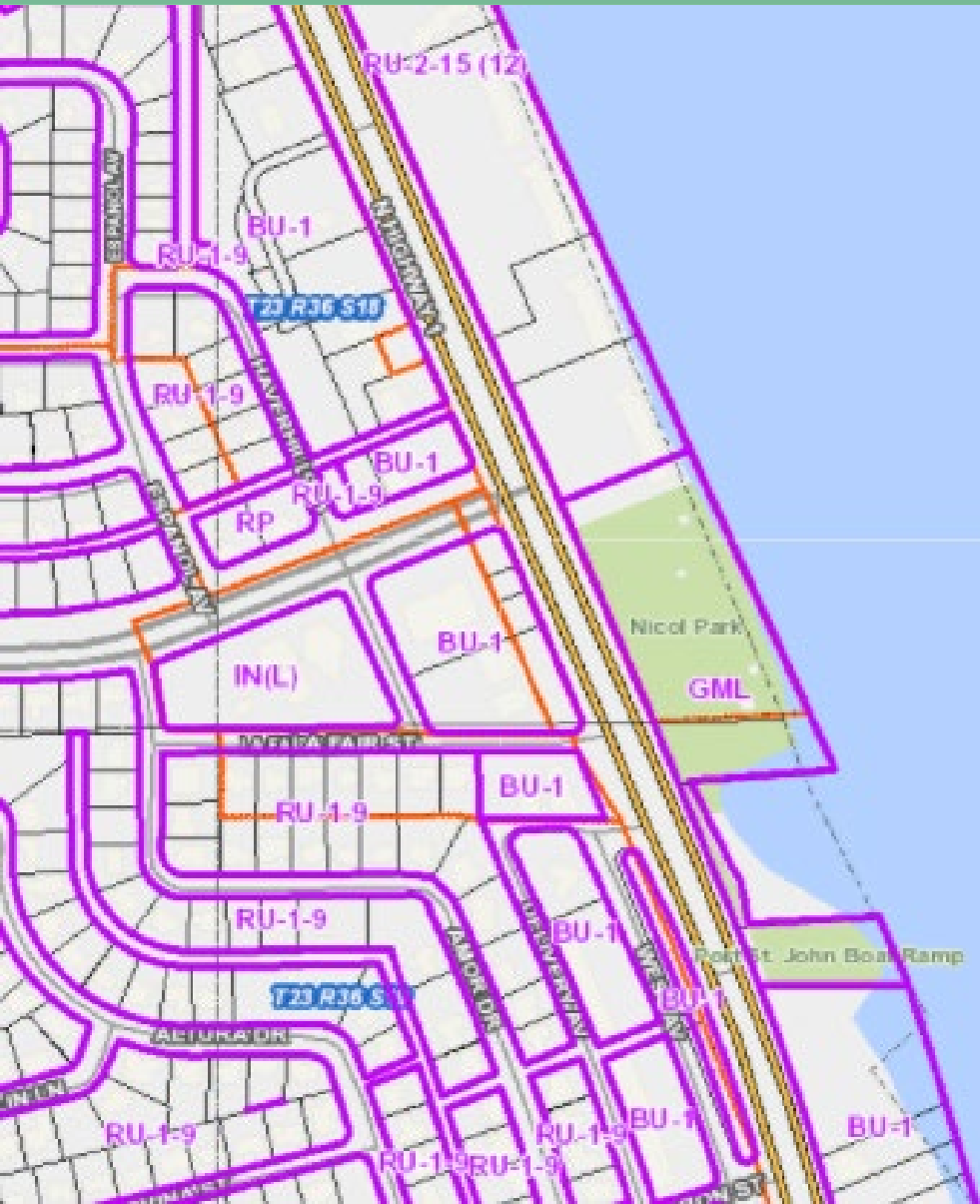


- No changes recommended in the area of Fay Blvd and US 1.
- Current FLU and Zoning designations are consistent.

		FLU
US 1 - north (from Fay Blvd to Kings Hwy)	East side US 1	RES 12 Dir
	West side US 1	CC
US 1 - south (from Fay Blvd to Broadway Blvd)	East side US 1	CC, NC, PUB, REC
	West side US 1	CC, PUB



# Recommendation 3



- No changes recommended in the area of Fay Blvd and US 1.
- Current FLU and Zoning designations are consistent.

		ZONING
US 1 - north (from Fay Blvd to Kings Hwy)	East side US 1	RU-2-15
	West side US 1	BU-1
US 1 - south (from Fay Blvd to Broadway Blvd)	East side US 1	BU-1, BU-2, GML, RU-2-12, IN-L
	West side US 1	BU-1, BU-2, GML-U