



North Merritt Island Dependent Special District Board

Brevard County Government Center  
2725 Judge Fran Jamieson Way  
Building C, 1st Floor  
Viera, FL 32940  
Agenda  
Thursday, October 8, 2020

**Call To Order**

**Approval of Minutes - July 9, 2020**

**H. Public Hearings**

- H.1.** St. Luke's Episcopal Church of Courtenay FL, Inc. requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 1. (20Z00018) (Tax Account 2317060) (District 2)
- H.2.** St. Luke's Episcopal Church of Courtenay FL, Inc. requests a change of zoning classification from IN(L) to RR-1. (20Z00019) (Tax Account 2317060) (District 2)

**Public Comment**

**Adjournment**

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

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

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



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

10/8/2020

### Subject:

St. Luke's Episcopal Church of Courtenay FL, Inc. requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 1. (20Z00018) (Tax Account 2317060) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the North Merritt Island Dependent Special District Board conduct a public hearing to consider a request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1).

### Summary Explanation and Background:

The applicant requests to amend the FLU (Future Land Use) designation from RES 1:2.5 to RES 1 on a 1.50 acre parcel located east of North Tropical Trail, approximately 257 feet south of Church Road. The subject property is currently developed with one single-family residence that was built in 1967 and served as an on-site residence for the abutting property to the west which has been operated as a church. The subject parcel is a smaller portion of the overall 7.06 acre parcel which is located on both sides of North Tropical Trail.

The subject property has retained the FLU designation of RES 1:2.5 since the 2009 adoption of a Comprehensive Plan Amendment implemented from the recommendations of the North-North Tropical Trail Small Area Study. Amendment 2009-1.9 resulted in the designation of over 505 acres within the study area as RES 1:2.5. The subject parcel originally retained a FLU designation of RES 2 at the adoption of the Comprehensive Plan in 1988.

A companion rezoning application was submitted accompanying this FLU amendment requesting to change the zoning classification of the 1.50-acre subject parcel from IN(L) (Institutional Use - Low intensity) to RR-1 (Rural Residential). The applicant wants to make the subject parcel conforming, so it can be sold as a stand-alone single-family lot.

To the north of the subject property is 1 single-family residence with a FLU designation of RES 1:2.5. To the south is undeveloped land with a FLU designation of RES 1:2.5. To the east is 1 single-family residence with a FLU designation of RES 2. To the west is a church and cemetery with a FLU designation of RES 1:2.5.

The Board may wish to consider that the proposed RES 1 FLU designation would be consistent with FLU Policy 1.9 which states that the Residential 1 land use designation may be considered for lands and serves as a transition between higher and lower land use densities. In addition, if the request is consistent and compatible with the surrounding RES 1, RES 2, and RES 1:2.5 FLU designations.

The Board may also consider the recommendations of the 2009 North-North Tropical Trail Small Area Study that resulted in the FLU designation of RES 1:2.5 on the subject property.

The Local Planning Agency will consider the request on **Monday, October 19, 2020**, at **3:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

The Board of County Commissioners will consider the request on **Thursday, November 5, 2020**, at **5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

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

None.

# **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

## **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the Planning and Development 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 20S.05 (20Z00018)*  
**Township 23, Range 36, Section 27**

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**Property Information**

Owner / Applicant: **St. Lukes Episcopal Church of Courtenay Fla, Inc.**

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

Requested Future Land Use Map Designation: Residential 1 (RES 1)

Acreage: 1.50 acres

Tax Account #: 2317060

Site Location: East side of North Tropical Trail, approximately two hundred fifty-seven feet (257') south of Church Road

Current Zoning: Institutional Use – Low intensity (IN(L))

Requested Zoning: Rural Residential (RR-1) (20Z00019)

**Background & Purpose**

The applicant requests to amend the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 1.50 acre parcel located east of North Tropical Trail, approximately two hundred fifty-seven feet (257') south of Church Road. The subject property is currently developed with one (1) single-family residence that was built in 1967 and served as an on-site residence for the abutting property to the west. The subject parcel is a smaller portion of the overall 7.06 acre parcel which is located on both sides of North Tropical Trail.

The subject property has retained the FLU designation of RES 1:2.5 since the 2009 adoption of a Comprehensive Plan Amendment implemented from the recommendations of the North-North Tropical Trail Small Area Study. Amendment 2009-1.9 resulted in the designation of over five hundred five (505) acres within the study area as RES 1: 2.5. The subject parcel originally retained a FLU designation of RES 2 at the adoption of the Comprehensive Plan in 1988.

A companion rezoning application (20Z00019) was submitted accompanying this FLU amendment requesting to change the Zoning classification of the 1.50 acre subject parcel from Institutional Use – Low intensity (IN(L)) to Rural Residential (RR-1). The

applicant wants to make the subject parcel conforming, so it can be sold as a stand-alone single-family lot.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. Potable water service to the subject parcel is currently provided by the City of Cocoa Utilities. Sanitary sewer is not currently available for the subject parcel; however, a Brevard County sanitary sewer line exists approximately eight hundred sixty-five feet (865') east of the property. No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

### **Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	One (1) Single-Family residence	GU	RES 1:2.5
<b>South</b>	Vacant	GML(H)	RES 1:2.5
<b>East</b>	One (1) Single-Family residence	SR	RES 2
<b>West</b>	Across North Tropical Trail - Church	IN(L)	RES 1:2.5

To the north of the subject property is one (1) single-family residence with a Future Land Use designation of RES 1:2.5. To the south is undeveloped land with a FLU designation of RES 1:2.5. To the east is one (1) single-family residence with a FLU designation of RES 2. To the west (across North Tropical Trail) is a church and cemetery with a FLU designation of RES 1:2.5.

### **Environmental Resources**

*Preliminary review of mapped resources indicates five (5) noteworthy land use issues:*

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

*Please refer to the attached comments provided by the Natural Resources Management Department.*

## Historic Resources

*There are no recorded historic or archaeological sites on the 1.50 acre property associated with this application according to the Master Site File (MSF) from the Florida Division of Historic Resources; however, one (1) standing structure (church) and a cemetery located on the western portion of the 7.06 acre overall parcel (across North Tropical Trail) are listed on the MSF.*

## 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.

## Future Land Use Element – Policies/Analysis:

### Residential Land Use Designations Policy 1.1

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

#### **Criteria:**

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

*Portions of the subject property are mapped as being within the floodplain as identified by the Federal Emergency Management Agency (FEMA) as shown on the FEMA Flood Zones Map. Please refer to attached comments provided by the Natural Resources Management Department.*

- B. Land use compatibility pursuant to Administrative Policy 3;

*Analysis of historical future land use indicates that the subject parcel has retained a FLU designation of RES 1:2.5 since 2009. The subject parcel originally retained a future land use designation of RES 2 at the adoption of the FLU map in 1988. The proposed land use of RES 1 is compatible with the existing land uses surrounding the subject property.*

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element; Character of the general area, pursuant to Administrative Policy 4;

*The subject parcel is not currently serviced by County or municipal sanitary sewer; however, Brevard County Utilities provides sanitary sewer approximately 865 feet east of the property. Potable water is provided to the subject parcel by the City of Cocoa Utilities.*

### **Residential 1 (maximum of 1 dwelling unit per acre)**

#### **Policy 1.9**

The Residential 1 land use designation permits lower density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

*The subject parcel serves as a transition between land uses with a density greater than one (1) units per acre and areas with lesser density. The subject parcel is currently adjacent to a RES 2 land use designation to the east and a RES 1:2.5 land use designation to the north, south and west (across North Tropical Trail).*

### **For Board Consideration**

The Board may wish to consider that the proposed RES 1 FLU designation would be consistent with FLU Policy 1.9 which states that Residential 1 land use designation may be considered for lands and serves as a transition between higher and lower land use densities. In addition, if the request is consistent and compatible with the surrounding RES 1, RES 2, and RES 1:2.5 FLU designations.

The Board may also consider the recommendations of the 2009 North-North Tropical Trail Small Area Study that resulted in the FLU designation of RES 1: 2.5 on the subject property.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use Review & Summary**  
**Item # 20Z00018**

**Applicant:** St. Lukes Episcopal Church

**Future Land Use Request:** RES 1:25 to RES 1

**Note:** Applicant wants to make the lot on east side of N Tropical Trail conforming, so it can be sold as SFR.

**NMI Hearing Date:** 10/08/2020; **LPA Hearing Date:** 10/19/20; **BCC Hearing Date:** 11/05/20

**Tax ID No:** 2317060 – the portion on east side of N. Tropical Trail

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

**Land Use Comments:**

**Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Tavares 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.

**Floodplain**

Portions of the property located are mapped as being within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

**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 applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

### **Protected and Specimen Trees**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen (greater than or equal to 24 inches in diameter) trees may reside 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. Land clearing is not permitted without prior authorization by NRM.

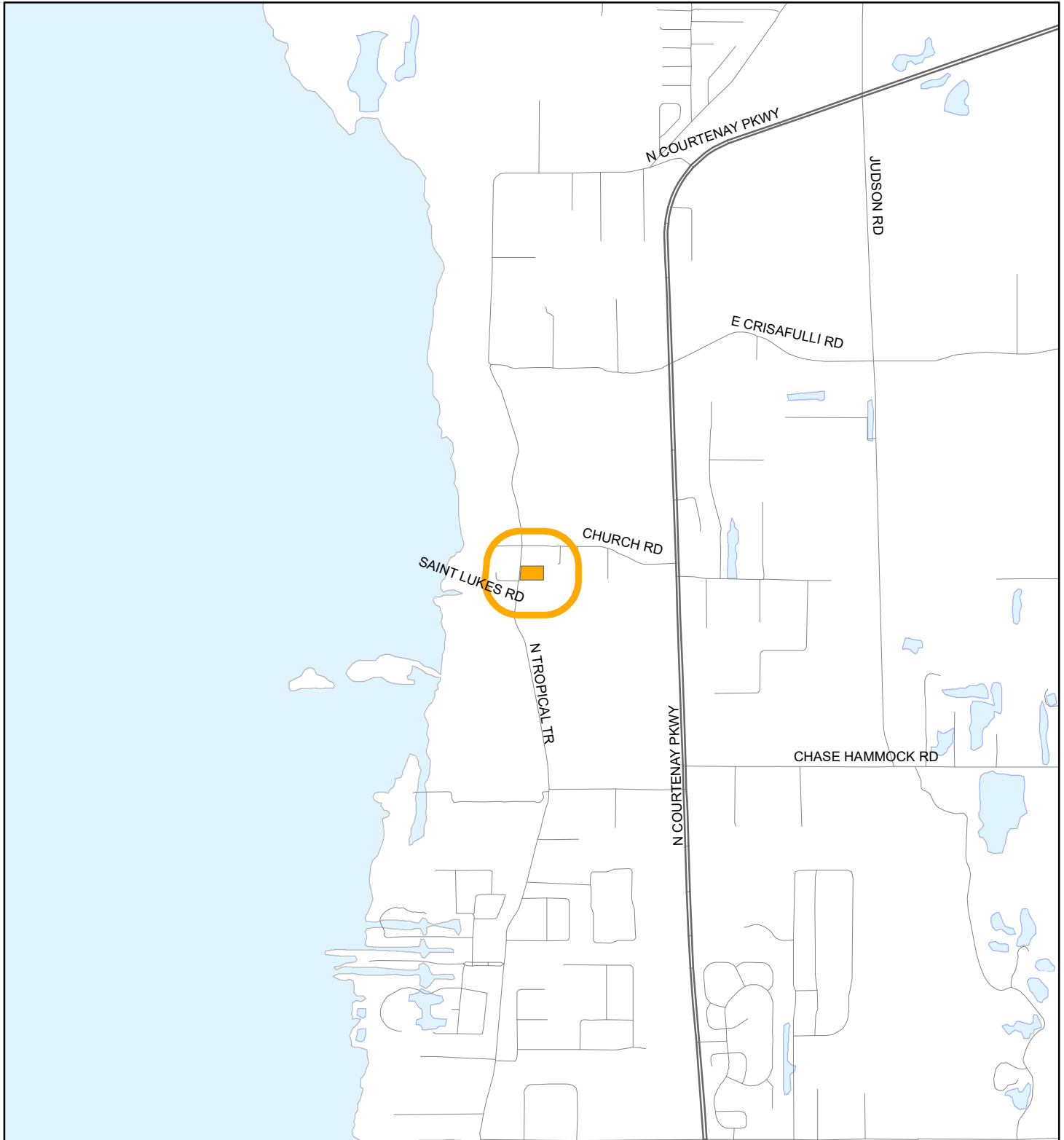
### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



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

Buffer Distance: 500 feet

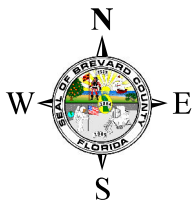
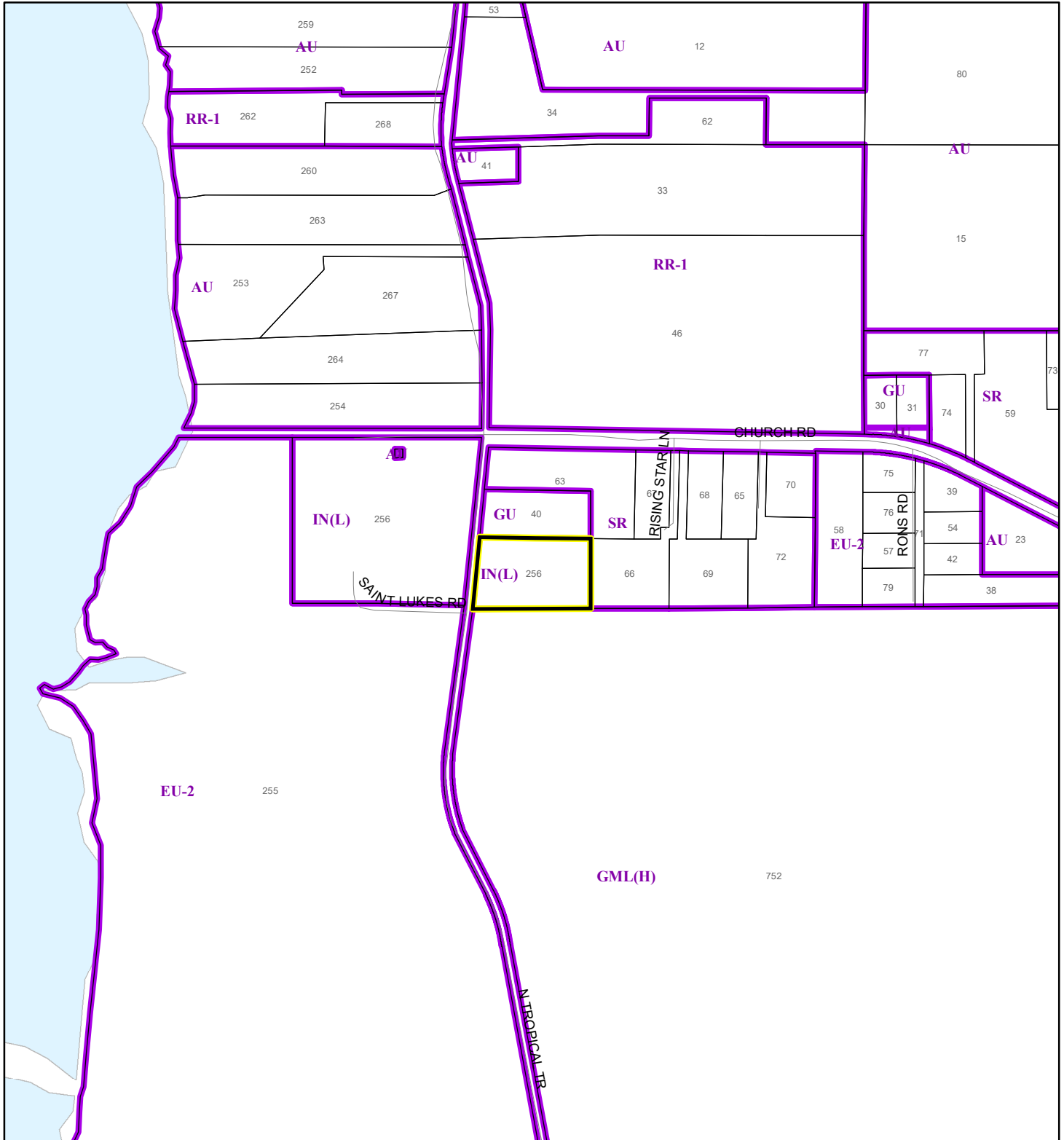
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2020

— Buffer  
— Subject Property

# ZONING MAP


ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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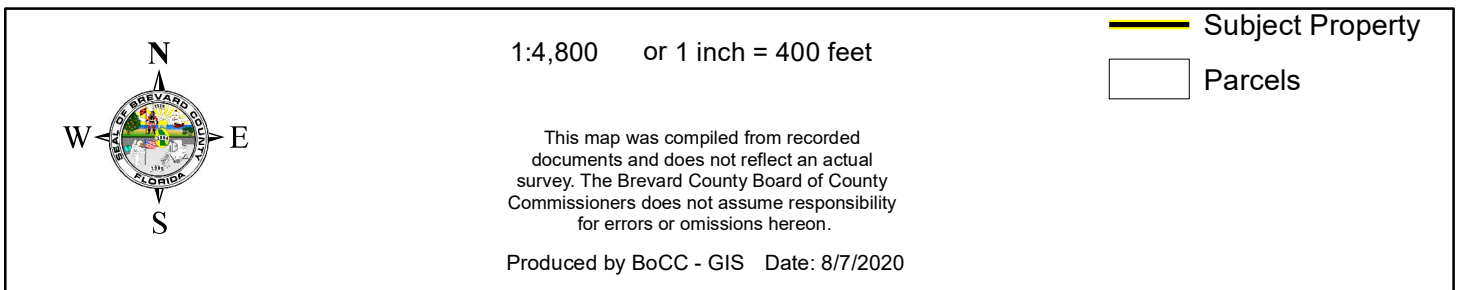
Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

 Parcels

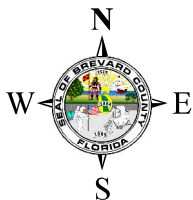
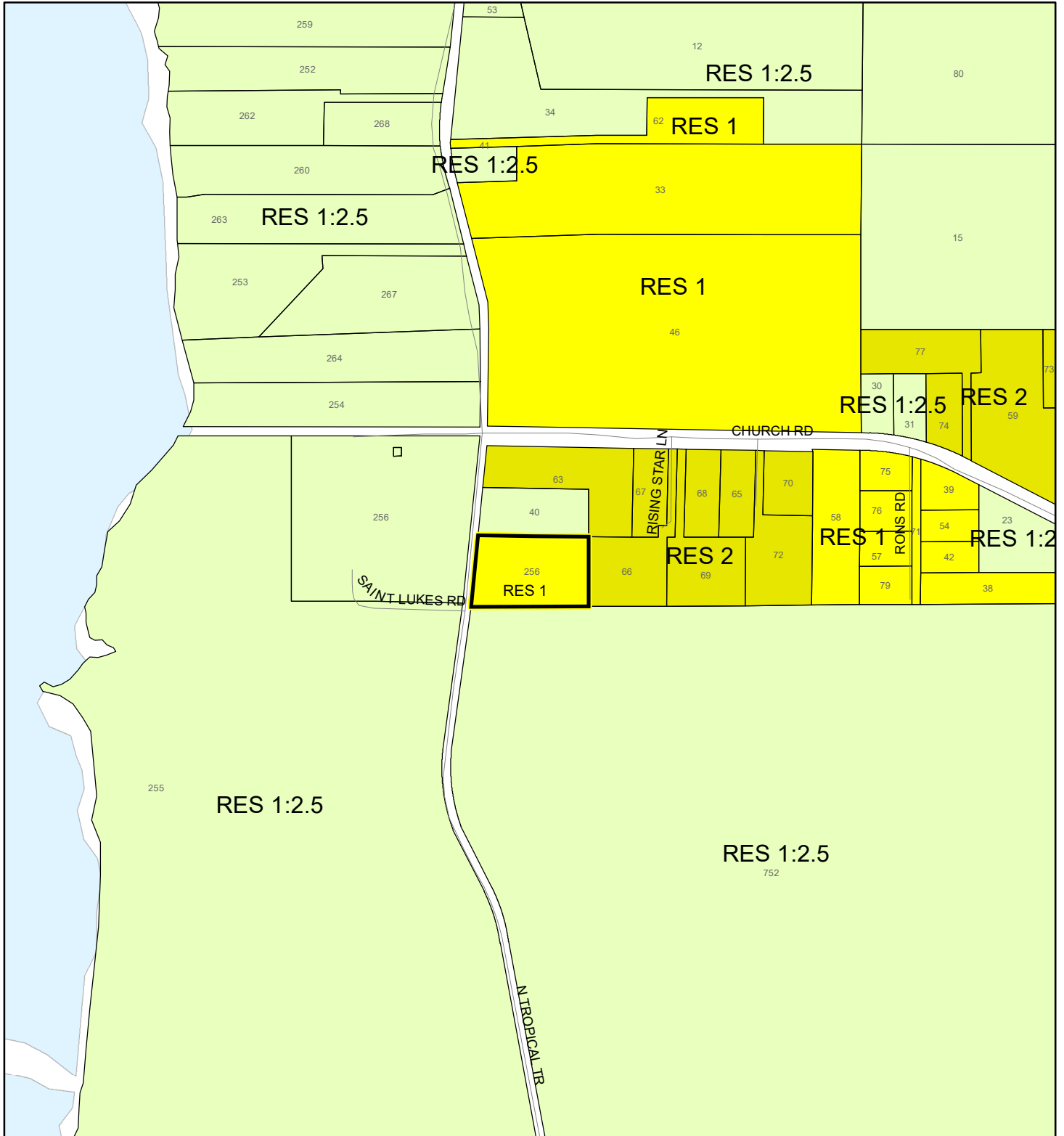
 Zoning

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



# PROPOSED FUTURE LAND USE MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

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# AERIAL MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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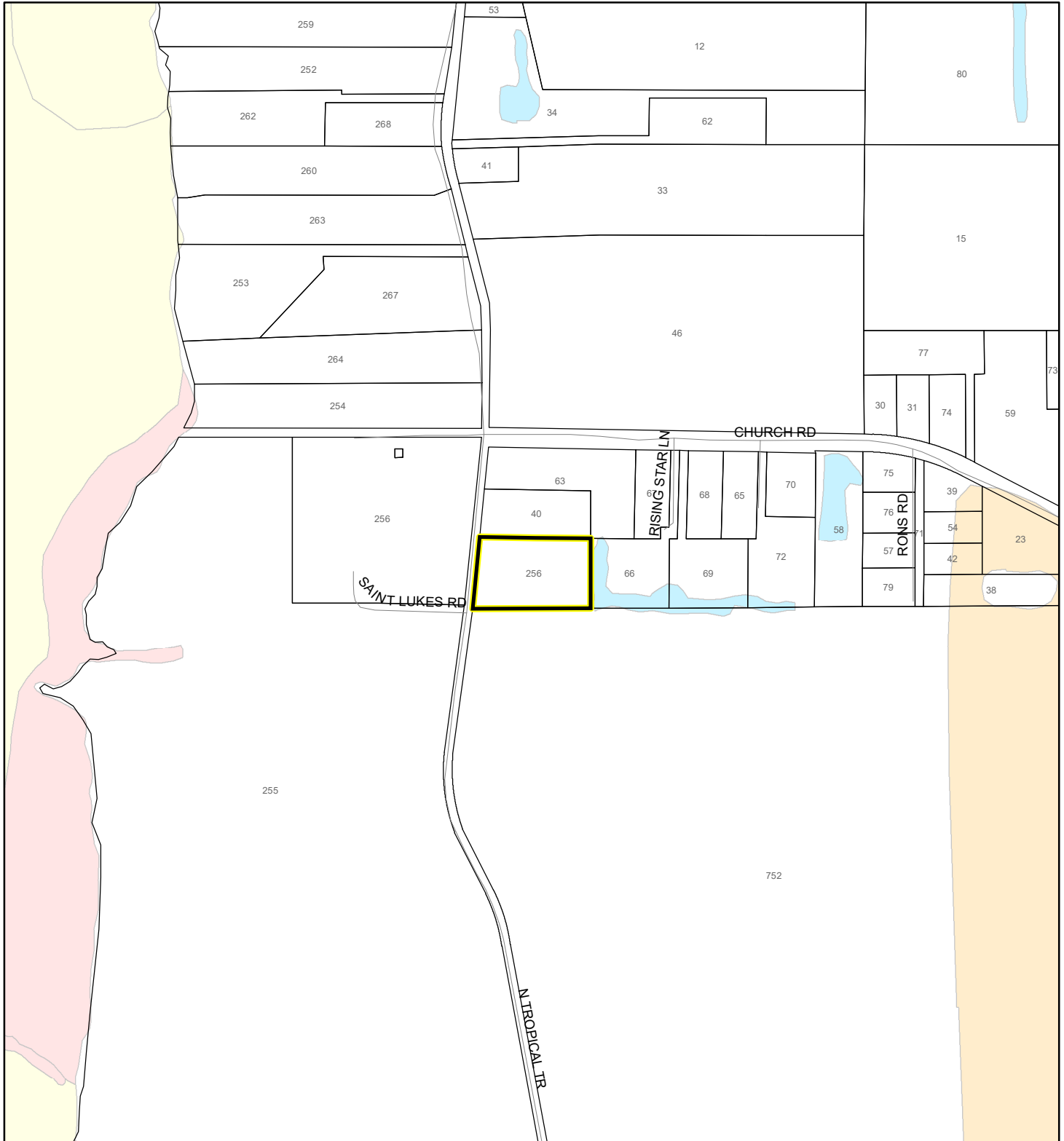
 Subject Property

 Parcels



# NWI WETLANDS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

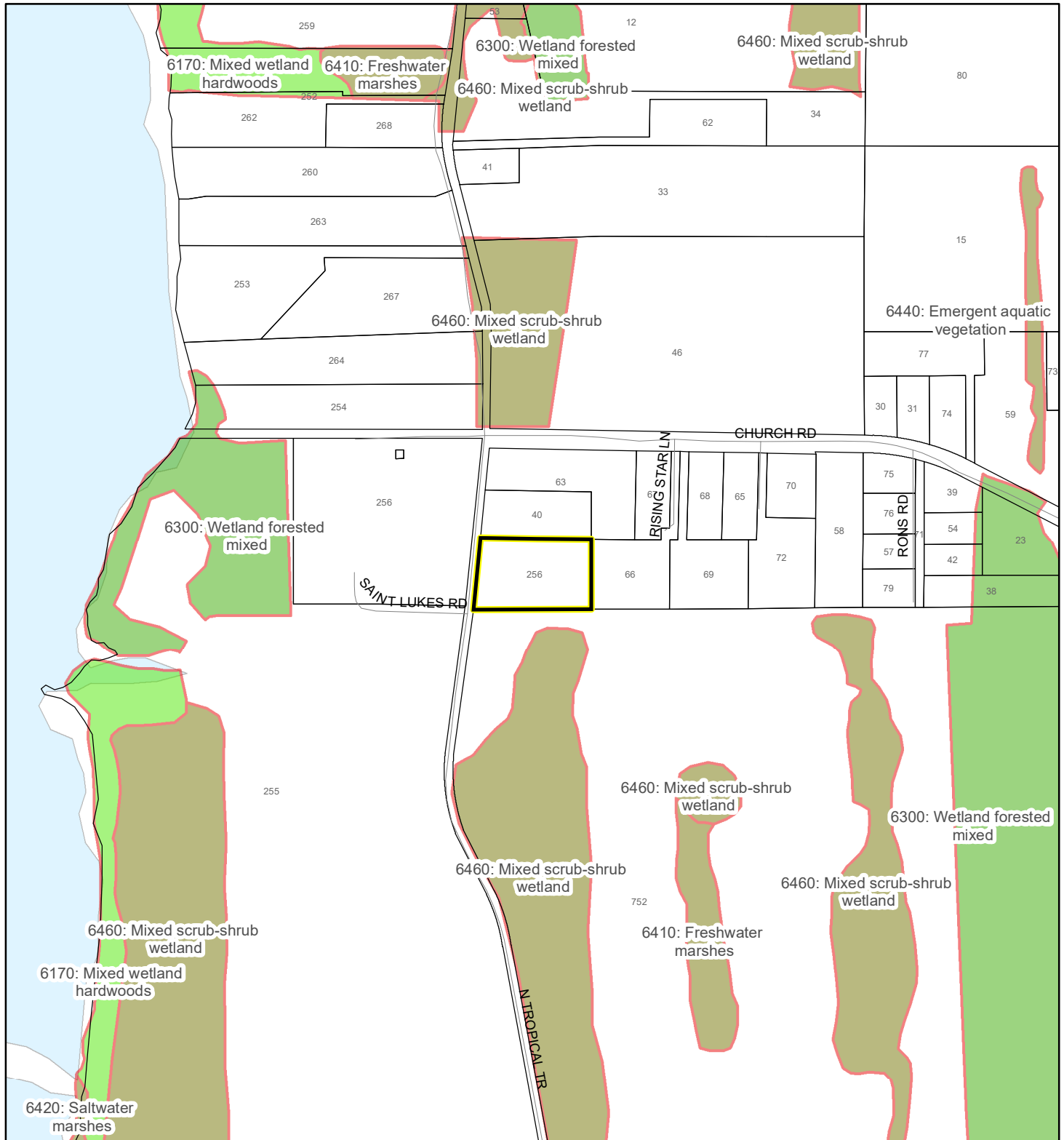
## National Wetlands Inventory (NWI)

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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## SJRWMD FLUCCS WETLANDS

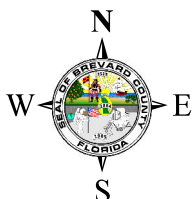
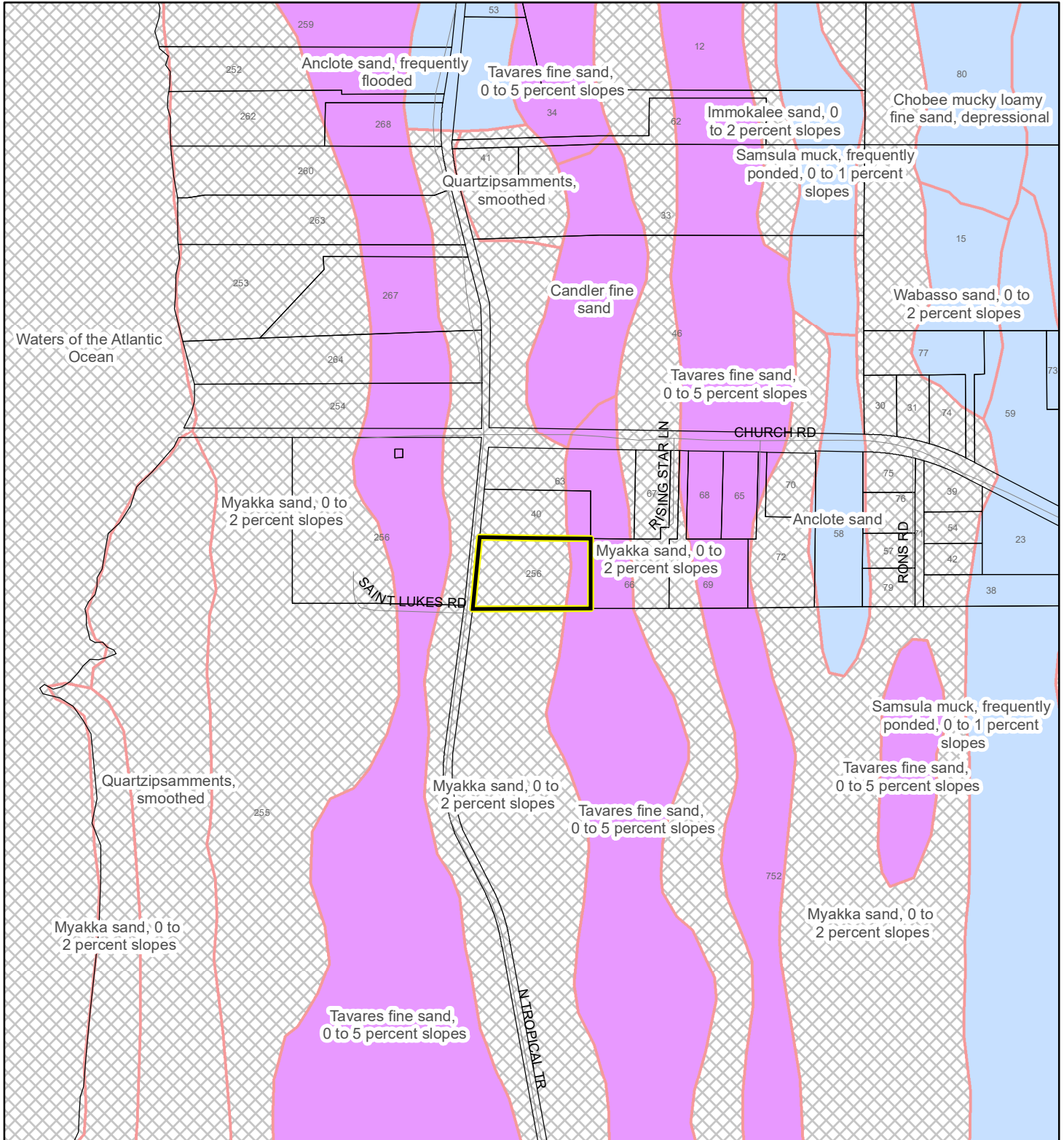
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

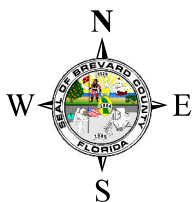
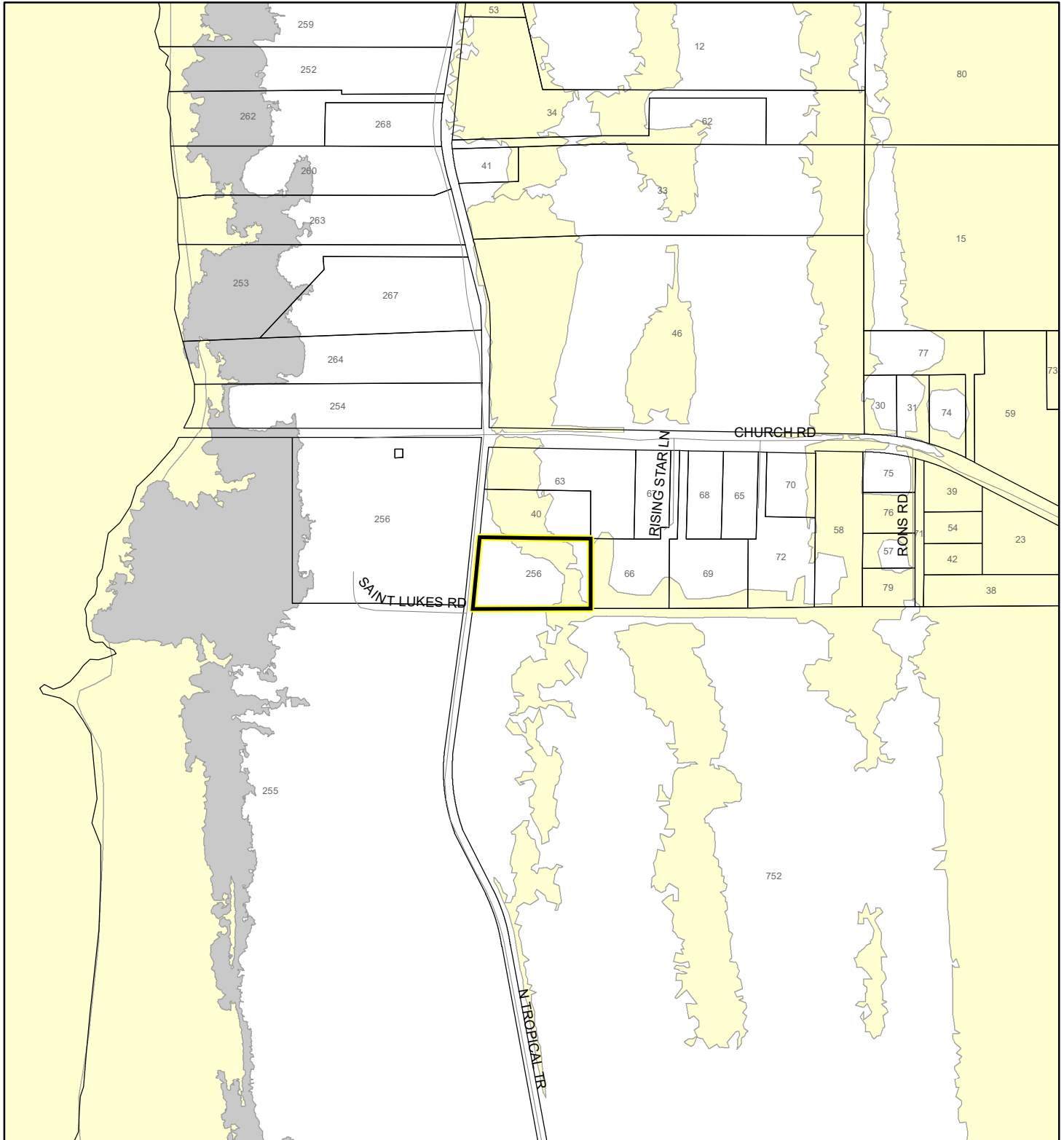
Subject Property

Parcels



# FEMA FLOOD ZONES MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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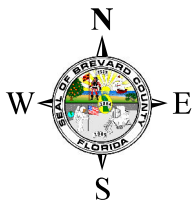
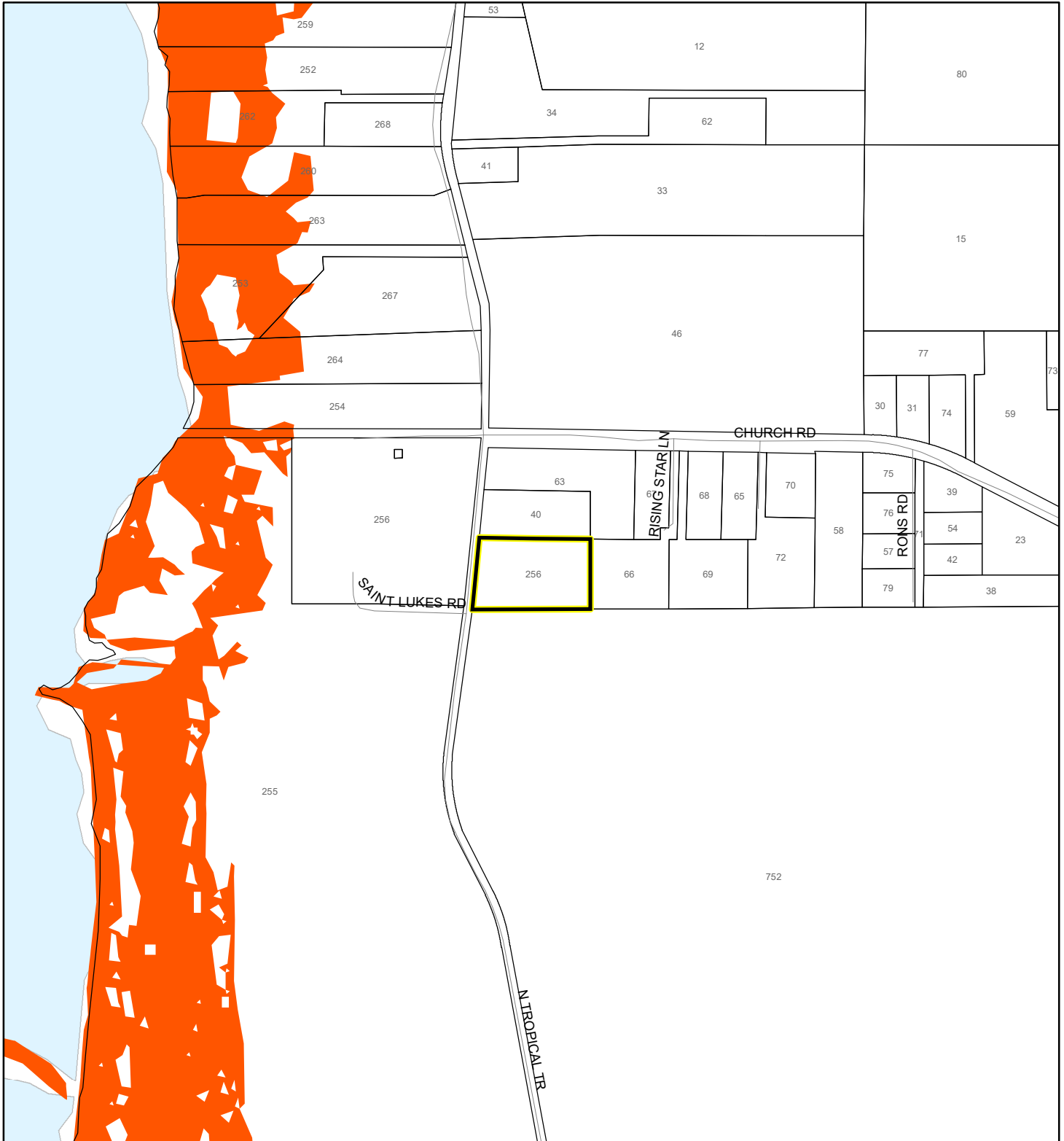
Produced by BoCC - GIS Date: 8/7/2020

## 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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

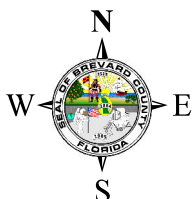
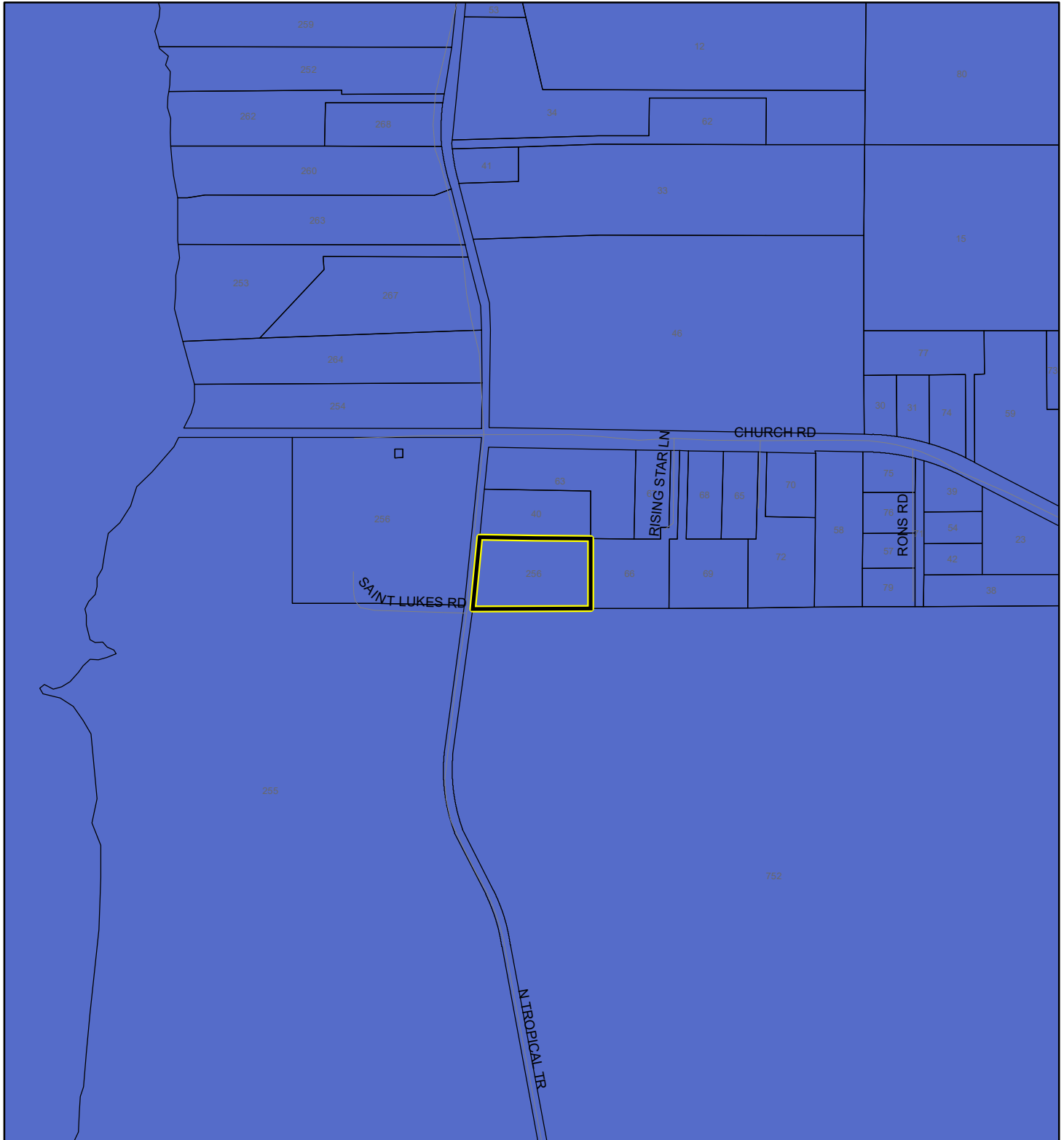
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

 Parcels

**Septic Overlay**

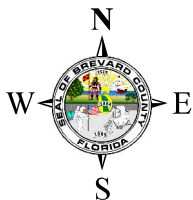
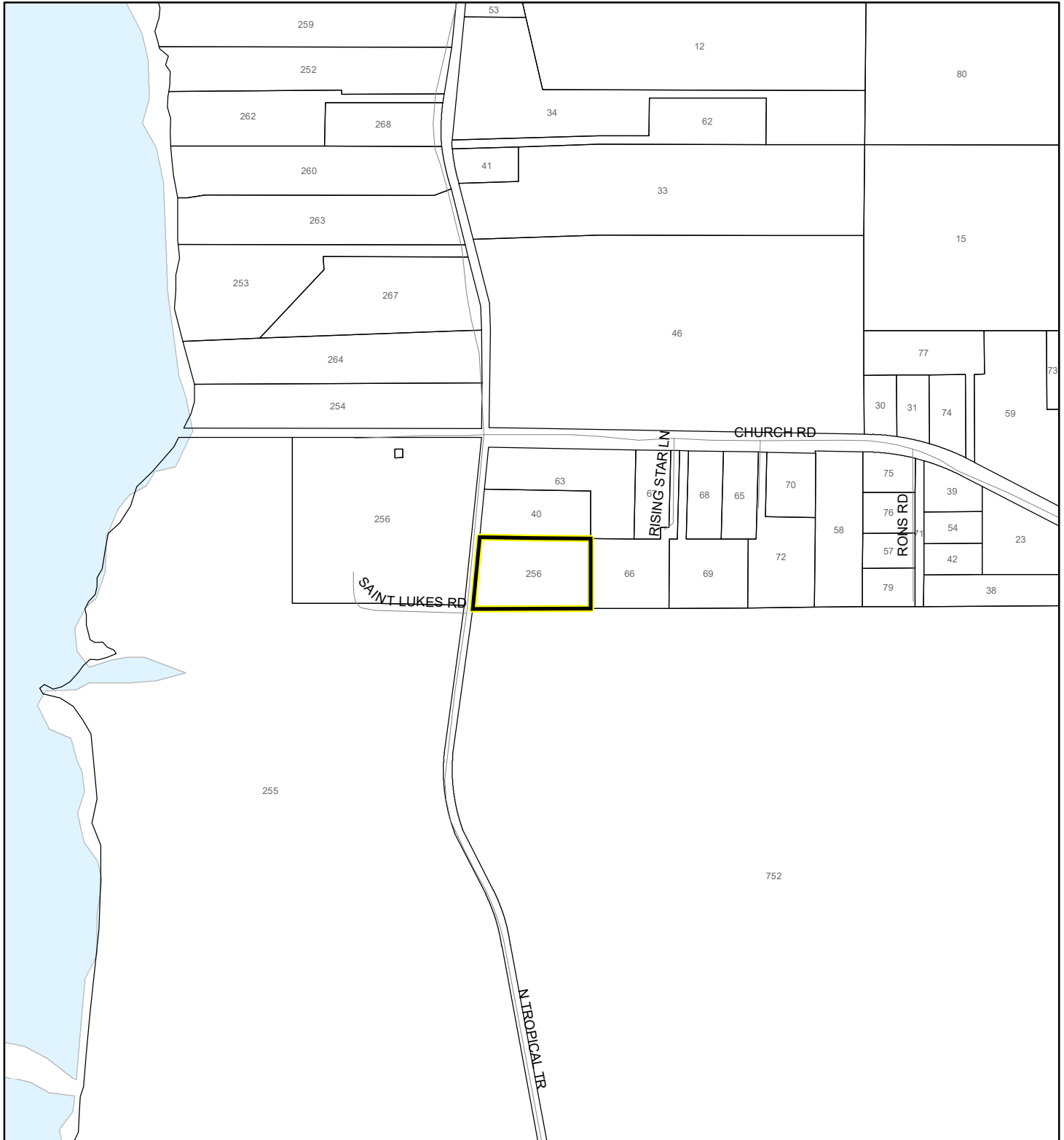
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05




1:4,800 or 1 inch = 400 feet

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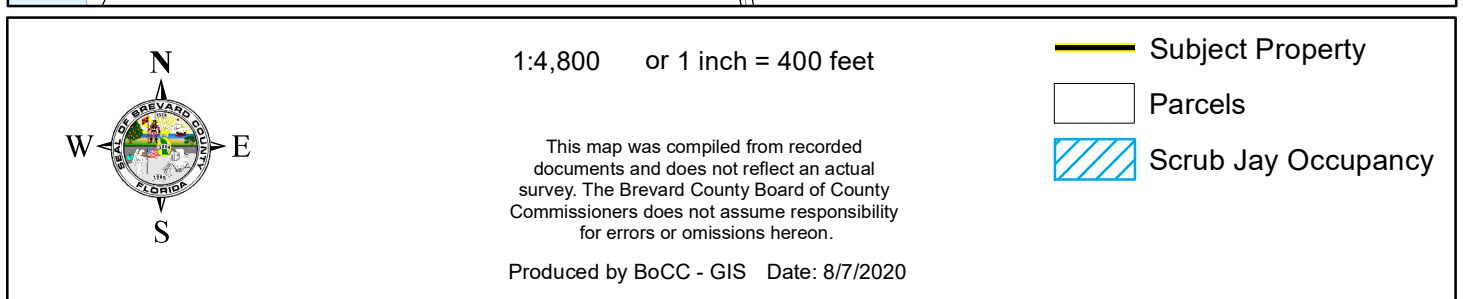
Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

 Parcels

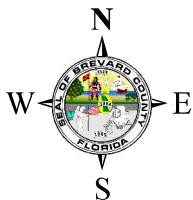
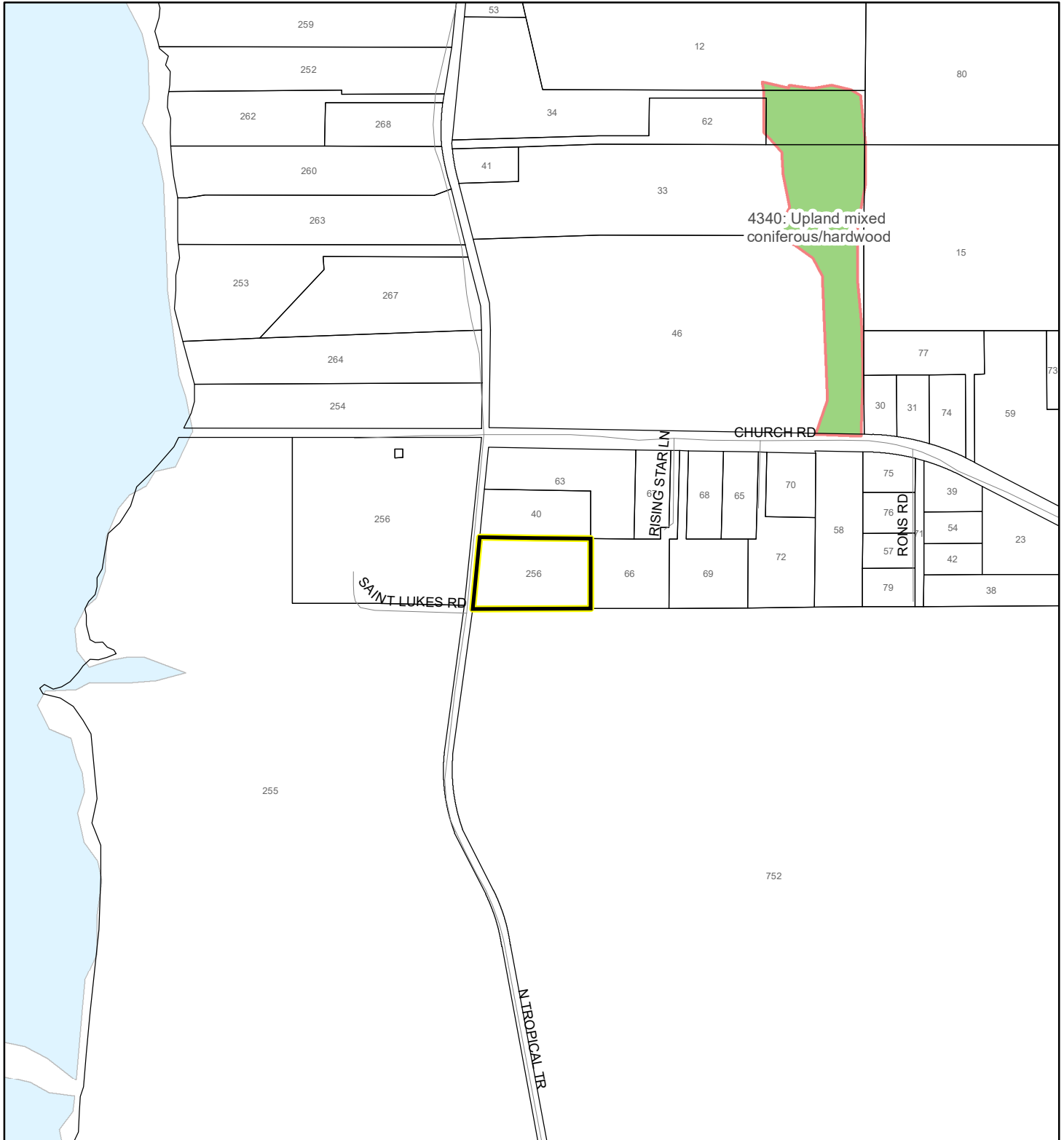
 Eagle Nests  
FWS 2010

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00018 SMALL SCALE AMENDMENT 20S.05



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## 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



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

10/8/2020

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### **Subject:**

St. Luke's Episcopal Church of Courtenay FL, Inc. requests a change of zoning classification from IN(L) to RR-1. (20Z00019) (Tax Account 2317060) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the North Merritt Island Dependent Special District Board conduct a public hearing to consider a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential).

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

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential) in order to sell the portion of the parcel east of North Tropical Trail. The property is developed with a single-family home used as a Pastor's residence in conjunction with the church across the street. A single-family residence use for a Pastor's house is permissible as an accessory to a Place of Worship; however, single-family residences are not permitted in IN(L). The RR-1 zoning will allow the existing residential house to remain on the property with or without being accessory to the church.

The developed character of the surrounding area is mostly single-family residential, with zoning classifications of GU, AU, RR-1, SR, and GML(H). The abutting property to the south is a 95.81 acre undeveloped vacant parcel that is zoned GML(H) (Governmental Managed Lands, High-Intensity).

The current IN(L) is a low-intensity industrial zoning classification intended to promote low impact private, non-profit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health, or cultural nature.

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

The Board may wish to consider whether the request is consistent and compatible with the SR, GU, GML(H), AU and RR-1 zoning classifications within the area.

The Board of County Commissioners will consider the request on **Thursday, November 5, 2020**, at **5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

**Clerk to the Board Instructions:**

None.



# **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

## **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the Planning and Development 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

20Z00019

#### St. Luke's Episcopal Church of Courtenay Fla, Inc. (John Campbell) IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential)

Tax Account Number: 2317060 (portion of parcel east of North Tropical Trail)  
Parcel I.D.: 23-36-27-00-256  
Location: East side of North Tropical Trail, approximately 257 feet south of Church Road (District 2)  
Acreage: 1.50 acres

North Merritt Island Board: 10/08/2020  
Local Planning Agency Board: 10/19/2020  
Board of County Commissioners: 11/05/2020

### 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)

	CURRENT	PROPOSED
<b>Zoning</b>	IN(L)	RR-1
<b>Potential*</b>	One single-family unit	One single-family unit
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1:2.5	No requires RES 1**

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

\*\*The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1) under 20Z00018.

### Background and Purpose of Request

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential) on the portion of the parcel located on the east side of North Tropical Trail.

This application is to change the IN(L) zoning in order to sell the portion of the parcel east of North Tropical Trail. It has an existing single-family home used as the Pastor's residence for the church across the street. A single-family residence uses for a Pastor's house is permissible as accessory to a Place of Worship. However single-family residences are not permitted in IN(L) zoning. The RR-1



zoning will allow the existing residential house to remain on the property with or without being accessory to the church.

The subject parcel was Administratively rezoned from AU to IN(L) per zoning action **Z-10985(69)** on December 02, 2004.

## **Land Use**

The subject property retains the RES 1:2.5 (Residential 1:2.5) Future Land Use designation. The existing zoning classification IN(L) is consistent with the Future Land Use Designation. The proposed zoning classification of RR-1 is not consistent with the current RES 1:2.5 Future Land Use Designation.

The applicant has submitted a Small Scale Comprehensive Plan Amendment application to change the FLUM from RES 1:2.5 to RES 1 under **20Z00018**. Should the proposed Future Land Use designation of RES 1 be approved, then this request to RR-1 can be considered.

## **Environmental Constraints**

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

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

Please see NRM comments at the end of this report for further details.

## **Preliminary Transportation Concurrency**

The closest concurrency management segment to the subject property is North Tropical Trail, between Hall Road and West Crisafulli Road, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 10.96% 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 10.96% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential is considered de minimis and is 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 sewer line is located 865 feet east along the west side of North Courtenay Parkway.

The parcel is serviced by City of Cocoa water.

### **Applicable Land Use Policies**

**Current Future Land Use: FLUE Policy 1.10** – The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

**Proposed Future Land Use: 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.** This parcel is located on the east side of North Tropical Trail, is currently developed with a single-family home that is being used as the Pastor's residence and lies within the Residential 1:2.5 Future Land Use (FLU) designation. The parcel abuts a nonconforming GU (General Use) parcel along its northern boundary with a FLU of RES 1:2.5. The abutting parcels to the east are zoned SR (Suburban Residential) with a FLU of RES 2. The parcel to the south is zoned GML(H) (Governmental Managed Lands High-Intensity) with a FLU of RES 1:2.5. This property is also bounded by North Tropical Trail along the west side. The proposed RR-1 zoning is compatible with the proposed RES 1 Future Land Use designation. The closest RR-1 zoning classification is approximately 312 feet north of the subject parcel on north side of Church Road.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area: the parcel to the north is zoned GU and is developed with a single-family home with 1,984 sq. ft. of living area. The parcel to the east is zoned SR and is developed with a single-family home with 3,469 sq. ft. of living area. Although these are different zonings abutting the subject parcel, they are all single-family zonings and developed with single-family homes. The abutting property to the south is a 95.81 acre undeveloped vacant parcel that is zoned GML(H) (Governmental Managed Lands High-Intensity).

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

The proposed 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. The minimum house size is 1,200 square feet.

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

The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The purpose of the GML (Government Managed Lands) zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. The GML(H) zoning classification allows heavy industrial uses.

### **Surrounding Area**

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

April 06, 2017, application **17PZ00006** rezoned an 8 acre parcel from IN(L) to BU-1-A located approximately 1,356 feet east of the subject property, on the west side of North Courtenay Pkwy.

April 06, 2017, application **17PZ00070** rezoned a 21.59 acre parcel from AU to BU-1 BU-1-A and changed the FLUM from NC (Neighborhood Commercial) to CC (Community Commercial) on the BU-1 portion of the parcel, located approximately 1,800 feet south east of the subject property, on the west side of North Courtenay Pkwy.

July 09, 2020, application **20PZ00017** rezoned a 2.23 acre parcel from GU to SEU located approximately 2,120 feet easterly of the subject property, on the east side of North Courtenay Pkwy.

### **For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the SR, GU, GML(H), AU and RR-1 zoning classifications within the area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item # 20Z00019**

**Applicant:** St. Luke's Episcopal Church

**Zoning Request:** IN(L) to RR-1

**Note:** Applicant wants to make the lot on east side of N Tropical Trail conforming, so it can be sold as SFR.

**NMI Hearing Date:** 10/08/2020; **LPA Hearing Date:** 10/19/20; **BCC Hearing Date:** 11/05/20

**Tax ID No:** 2317060 – the portion on east side of N. Tropical Trail

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

**Land Use Comments:**

**Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Tavares 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.

**Floodplain**

Portions of the property located are mapped as being within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

**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 applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

**Protected and Specimen Trees**

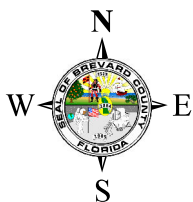
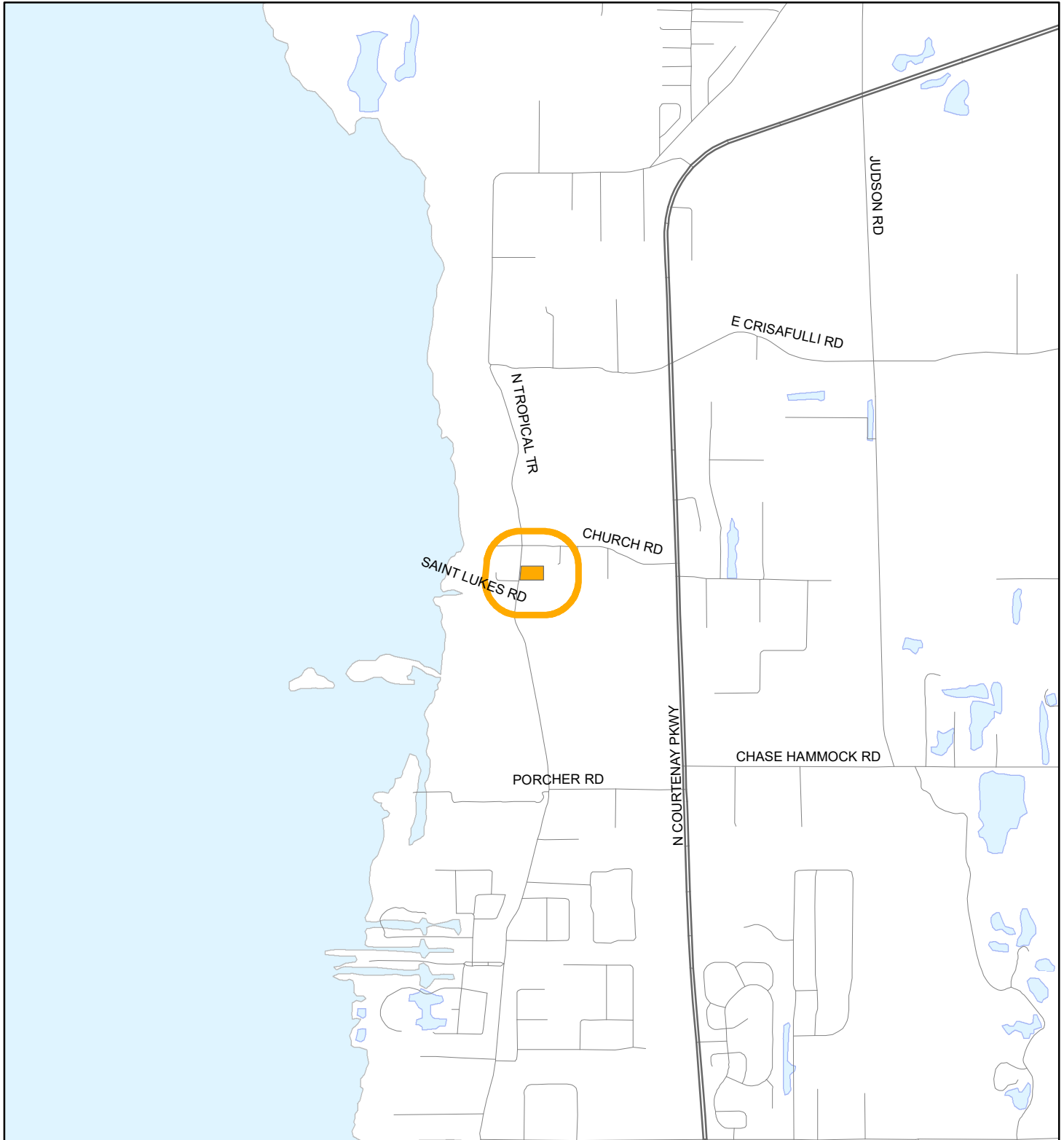
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen (greater than or equal to 24 inches in diameter) trees may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019



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

Buffer Distance: 500 feet

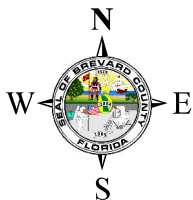
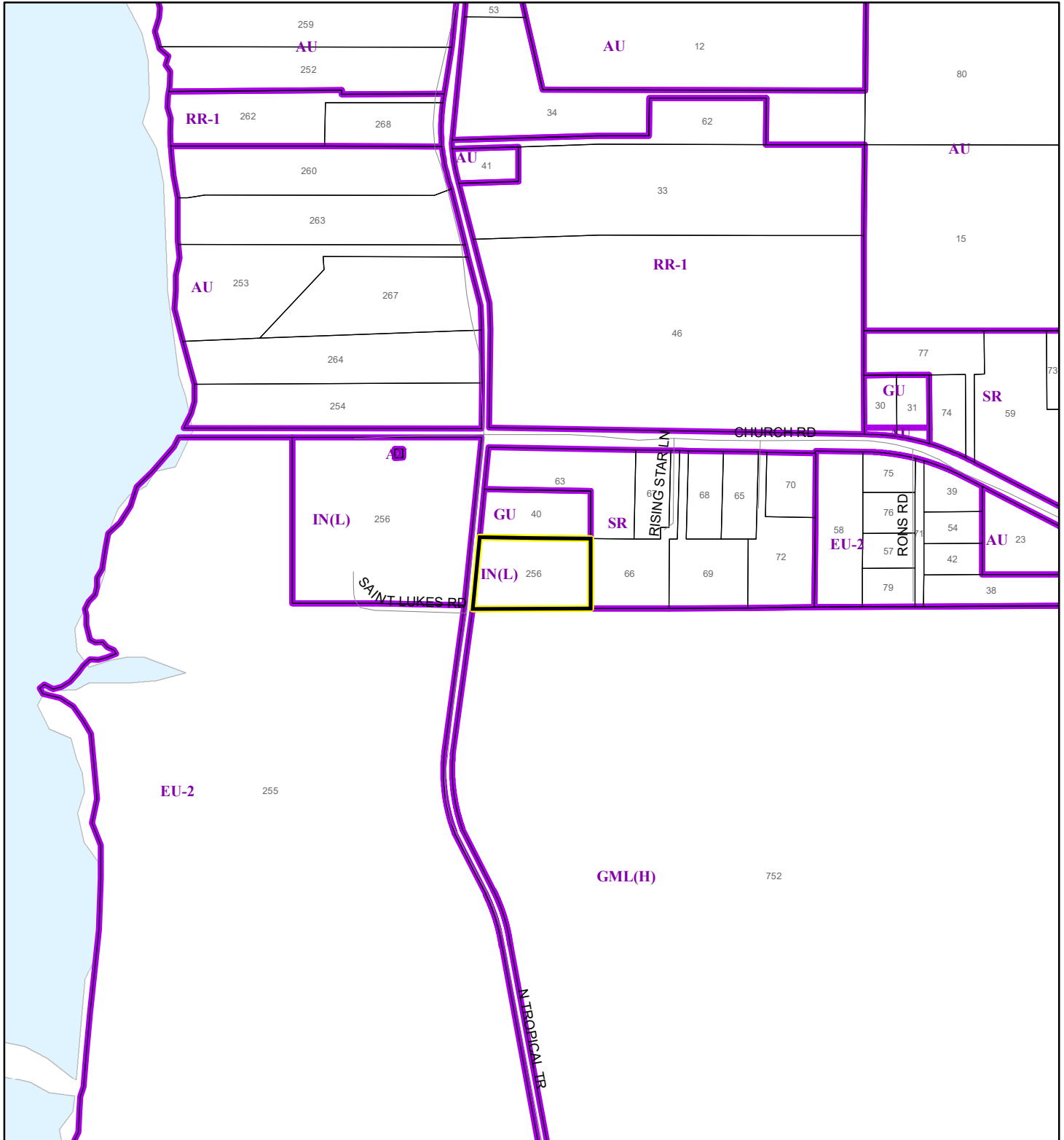
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2020

Buffer  
Subject Property

# ZONING MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

       Subject Property

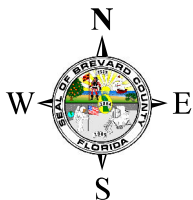
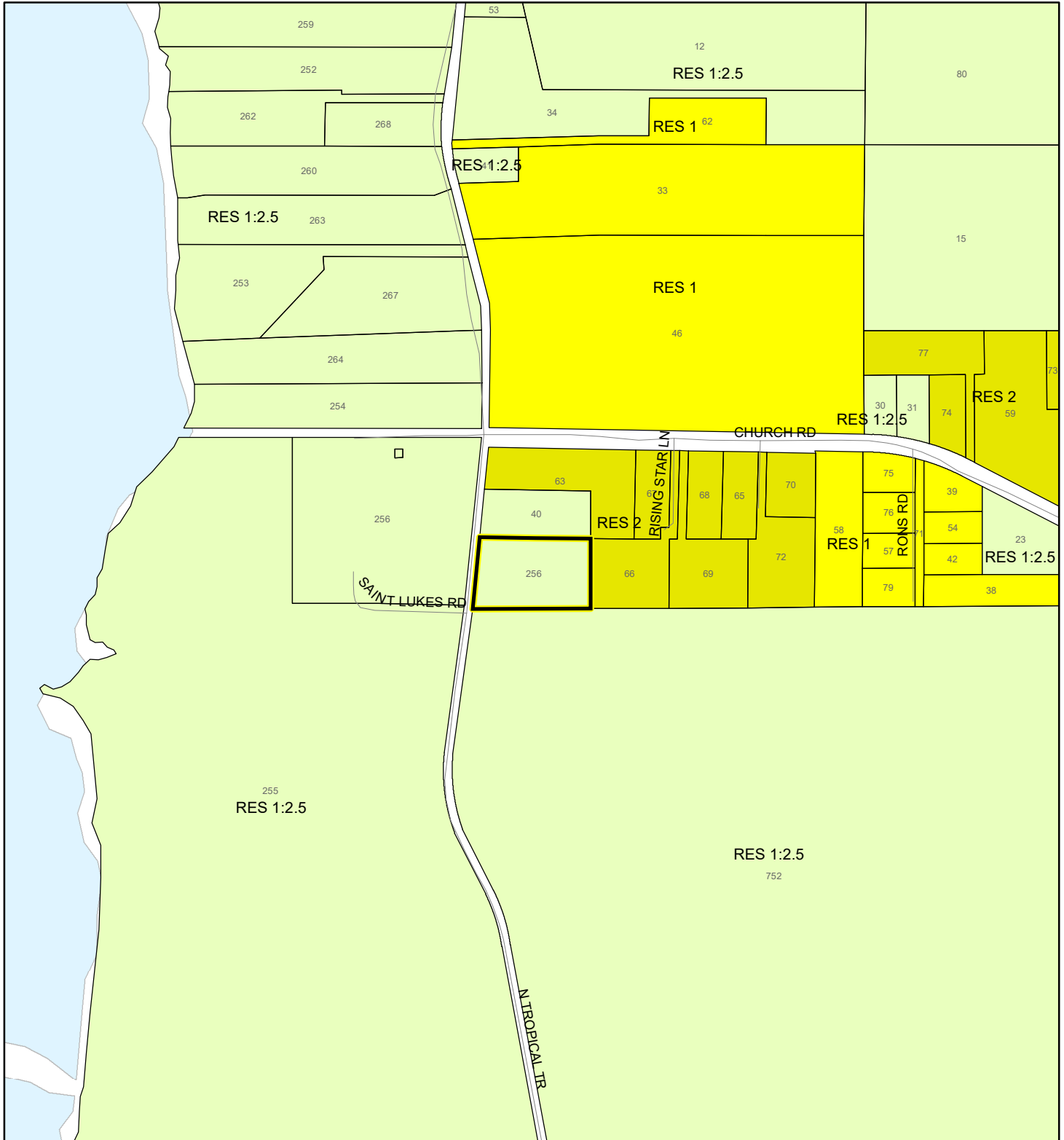
Parcels

Zoning

# FUTURE LAND USE MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

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# AERIAL MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 8/7/2020

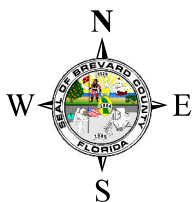
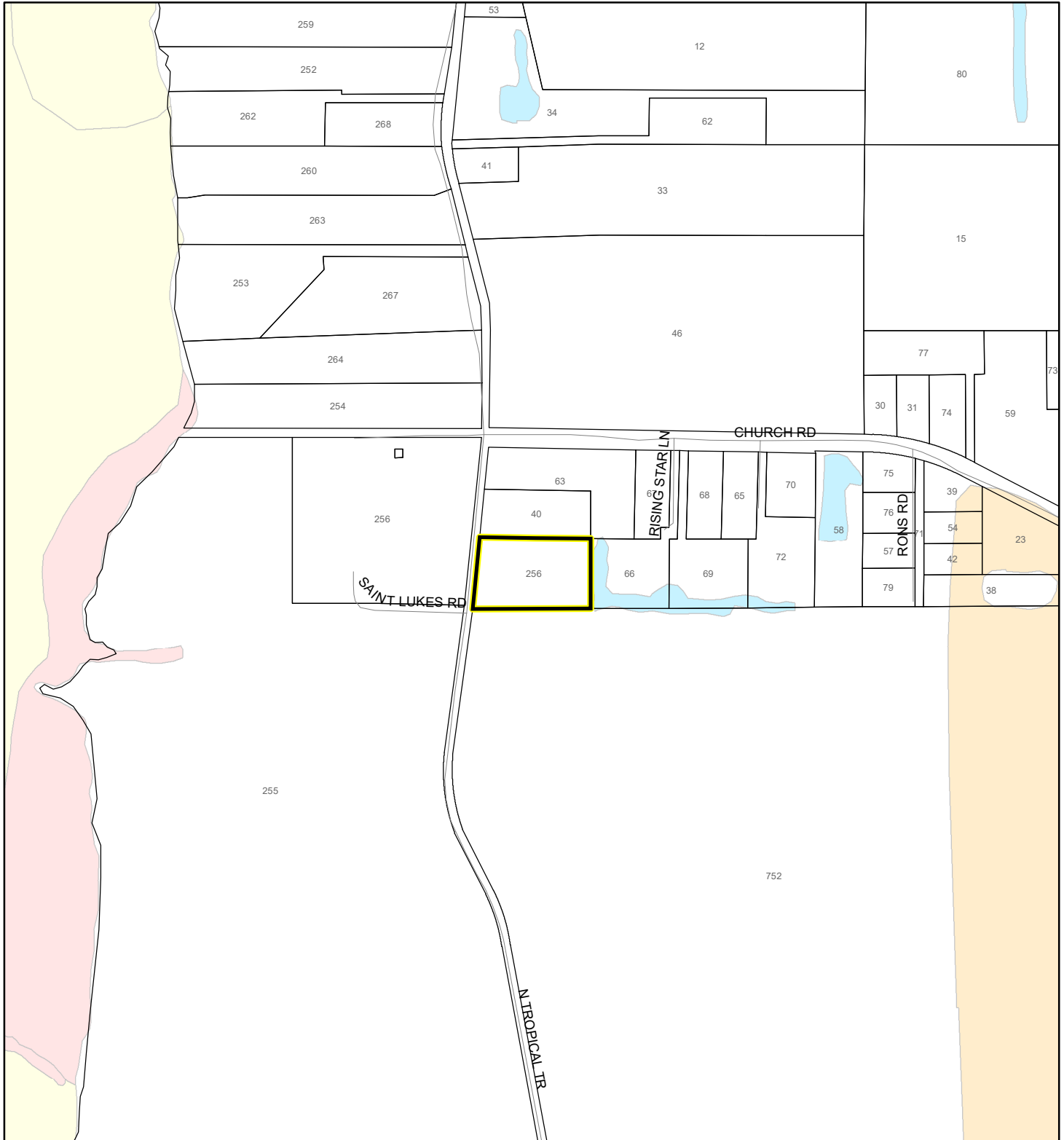
 Subject Property

 Parcels



# NWI WETLANDS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

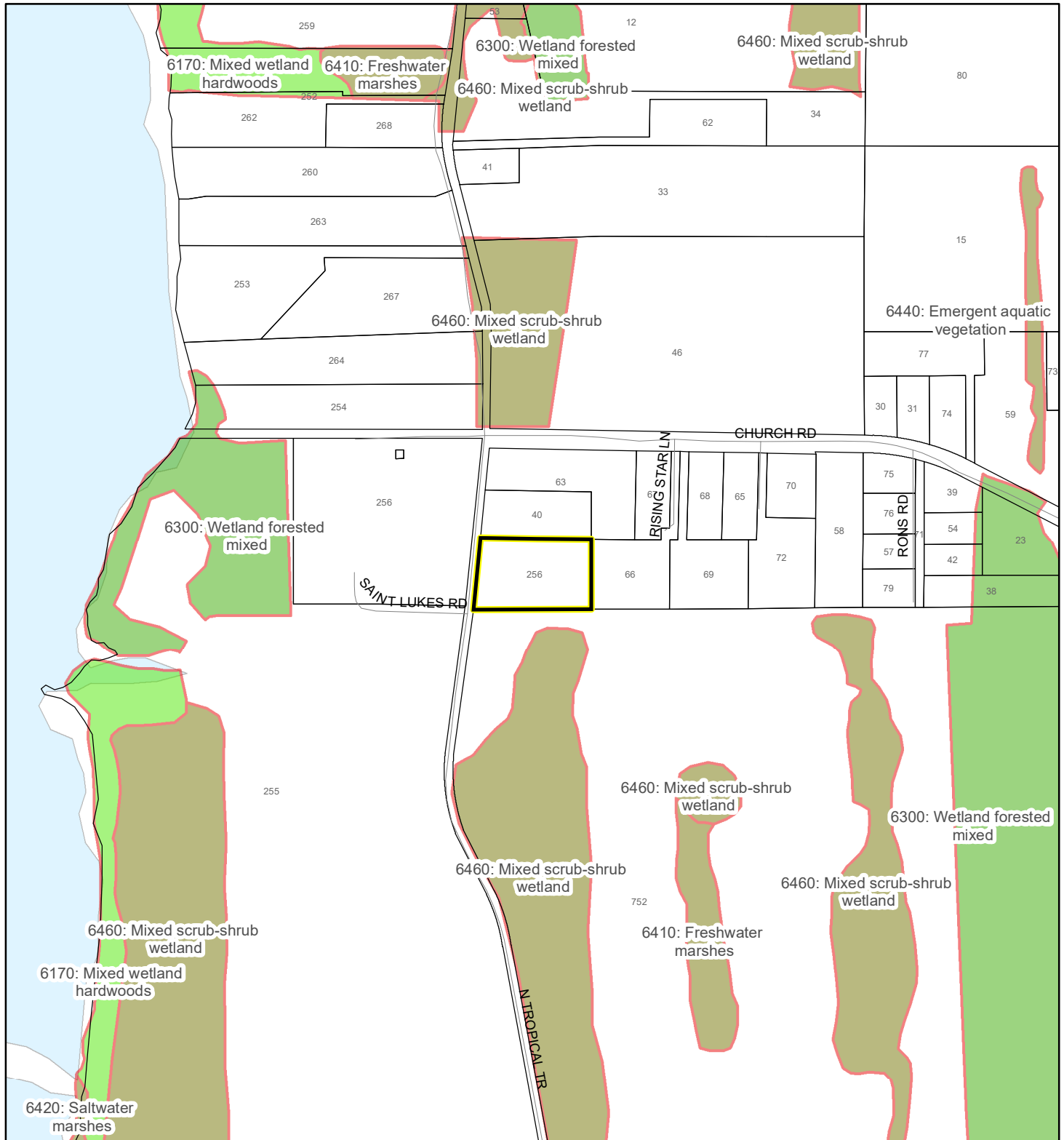
## National Wetlands Inventory (NWI)

 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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## 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

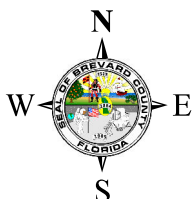
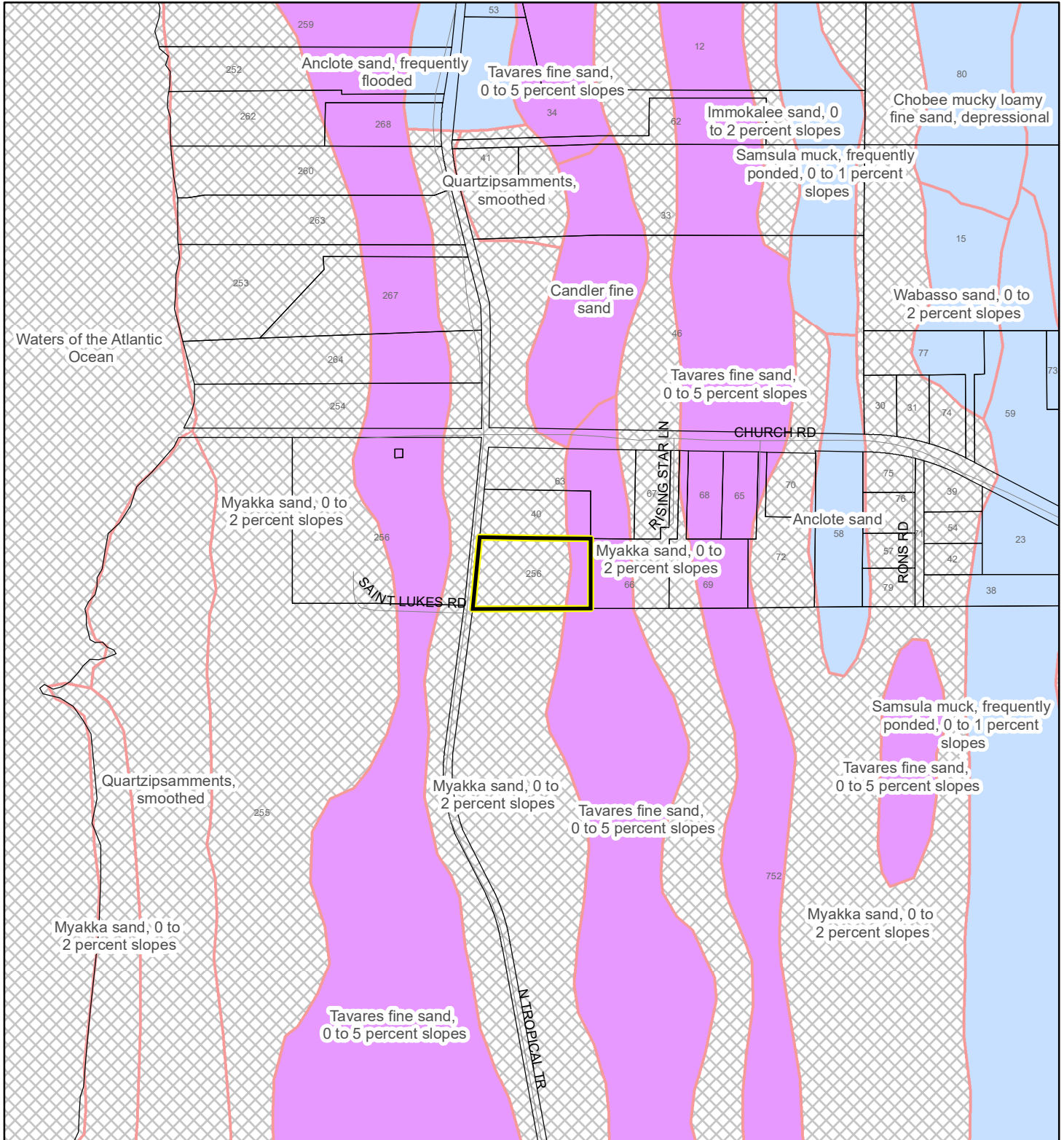
Subject Property

Parcels

# USDA SCSSS SOILS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

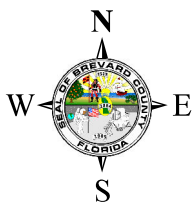
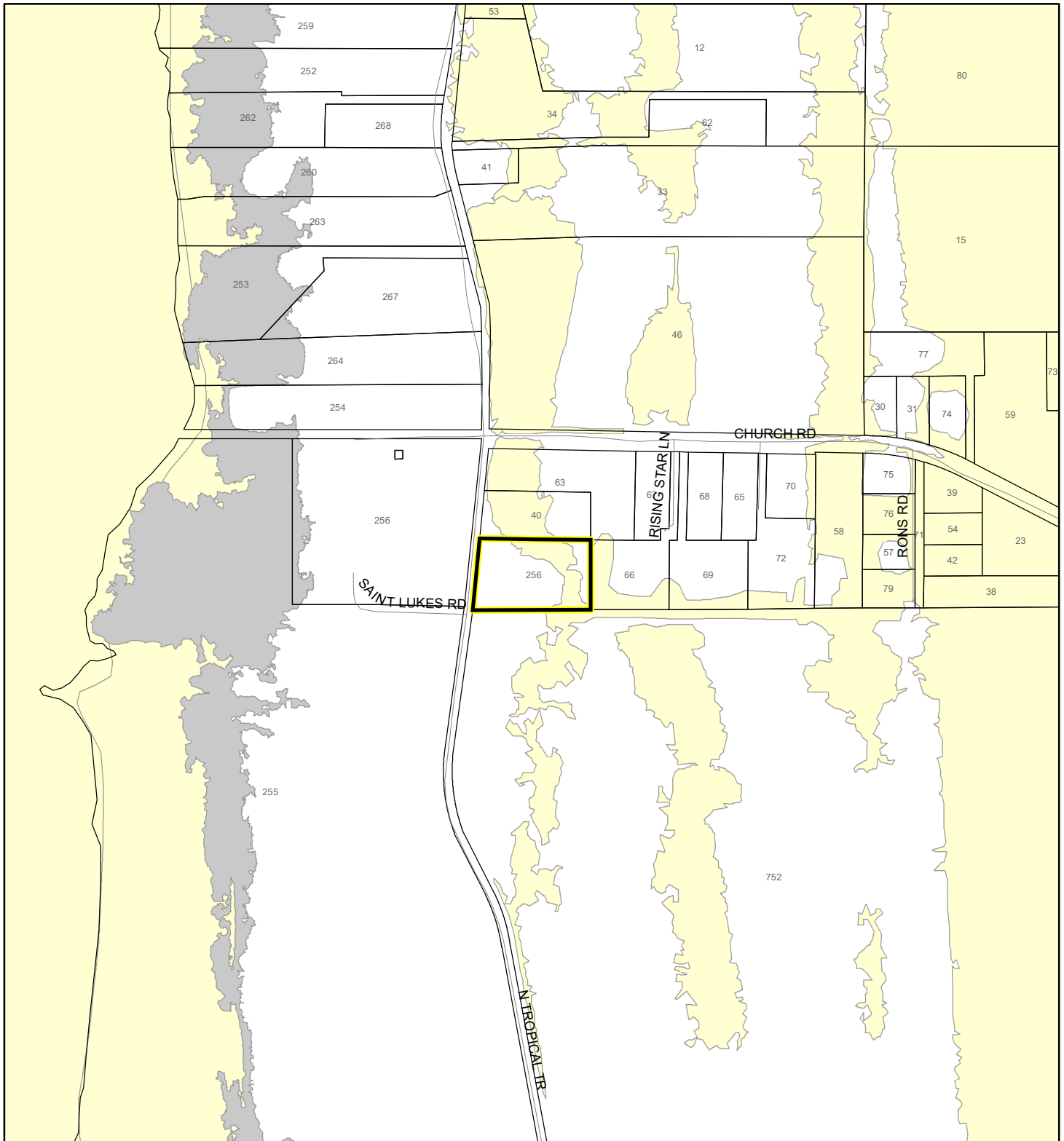
Subject Property

Parcels

# FEMA FLOOD ZONES MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

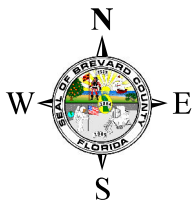
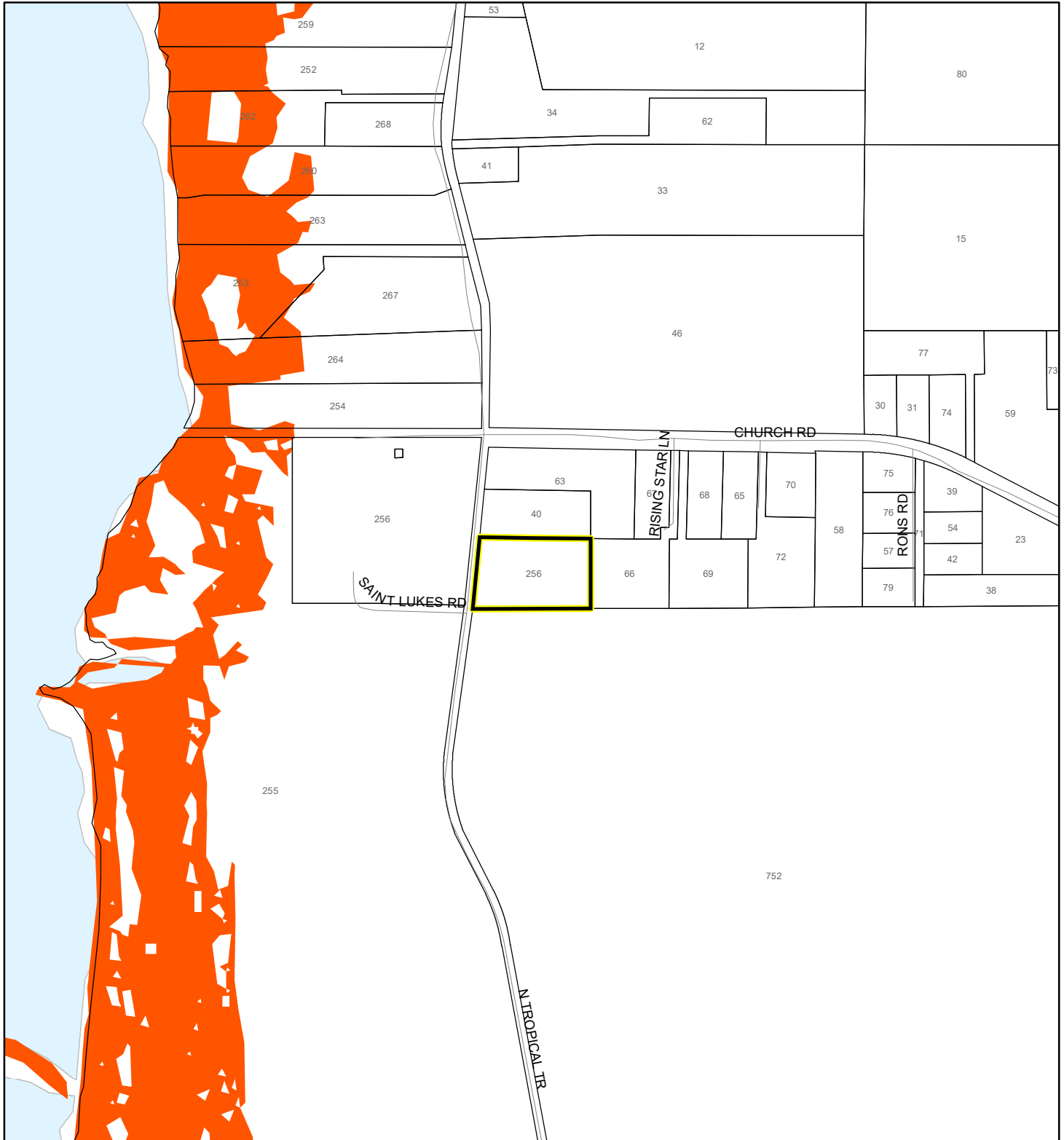
## FEMA Flood Zones

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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

 Parcels

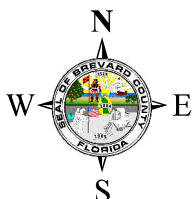
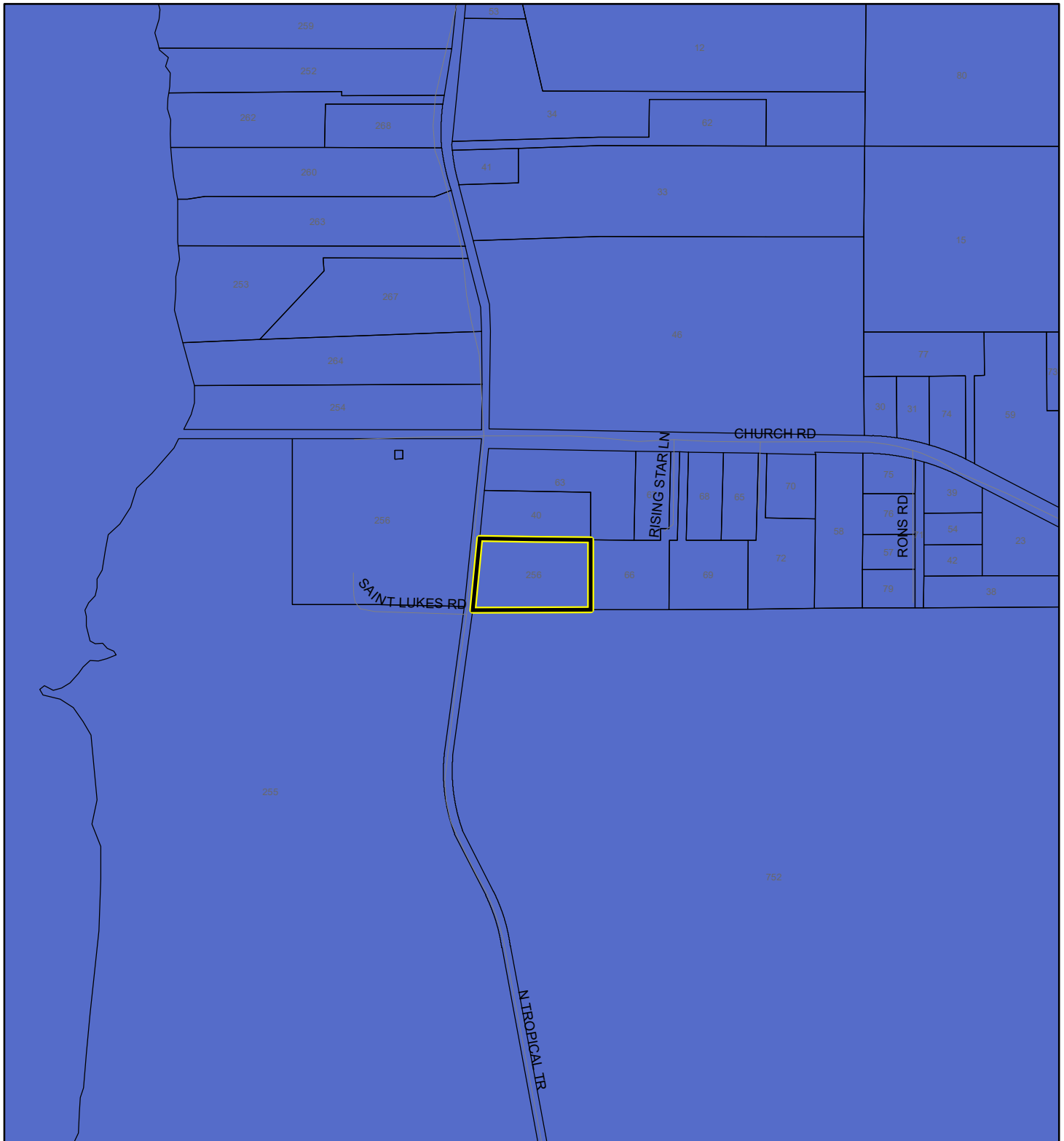
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

 Parcels

**Septic Overlay**

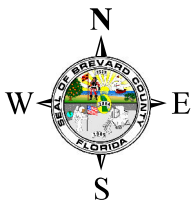
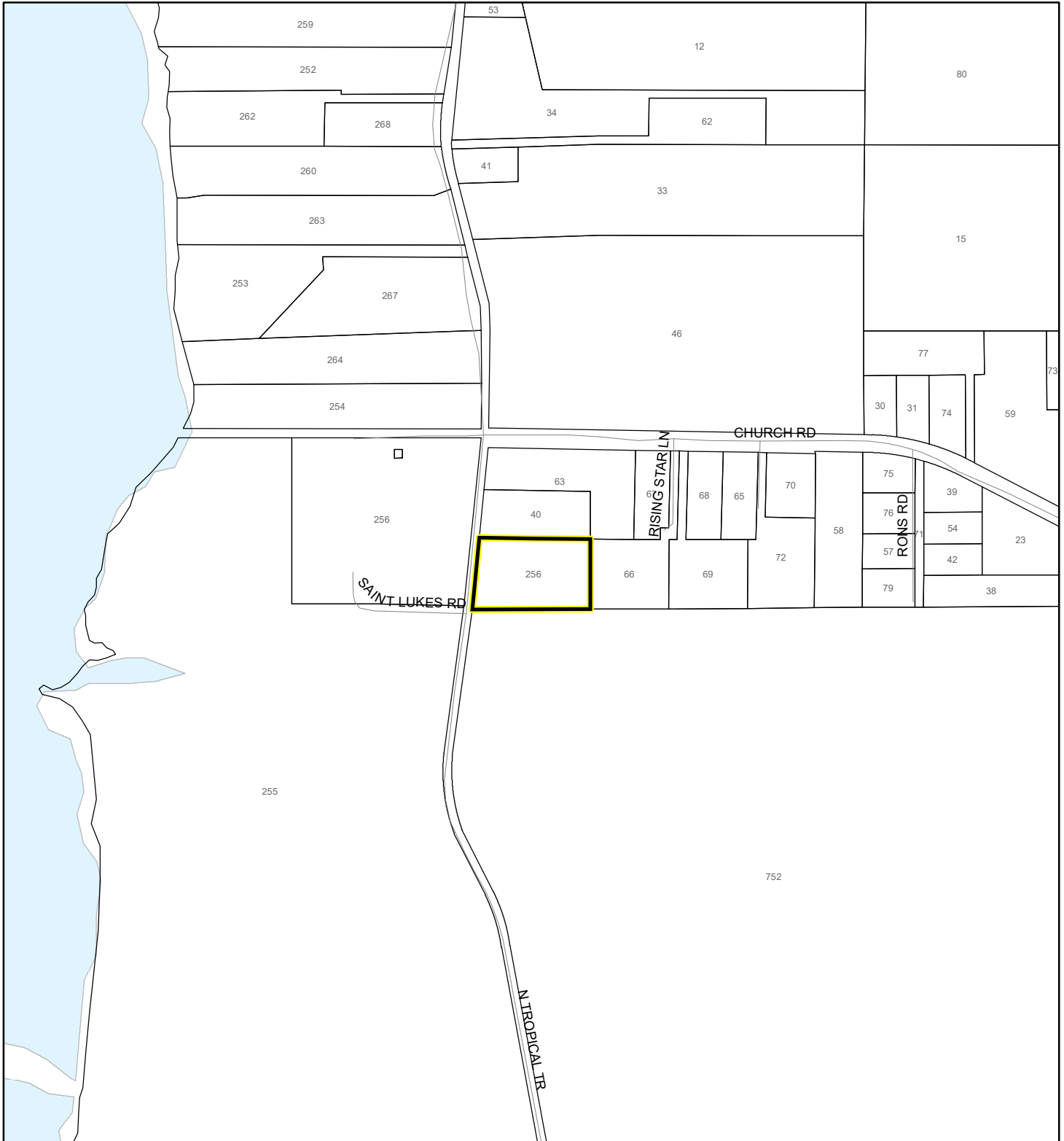
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

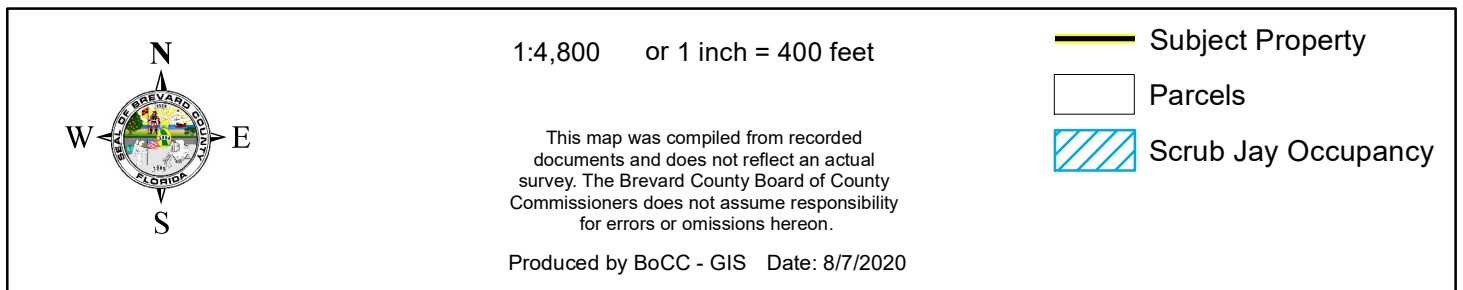
 Parcels



Eagle Nests  
FWS 2010



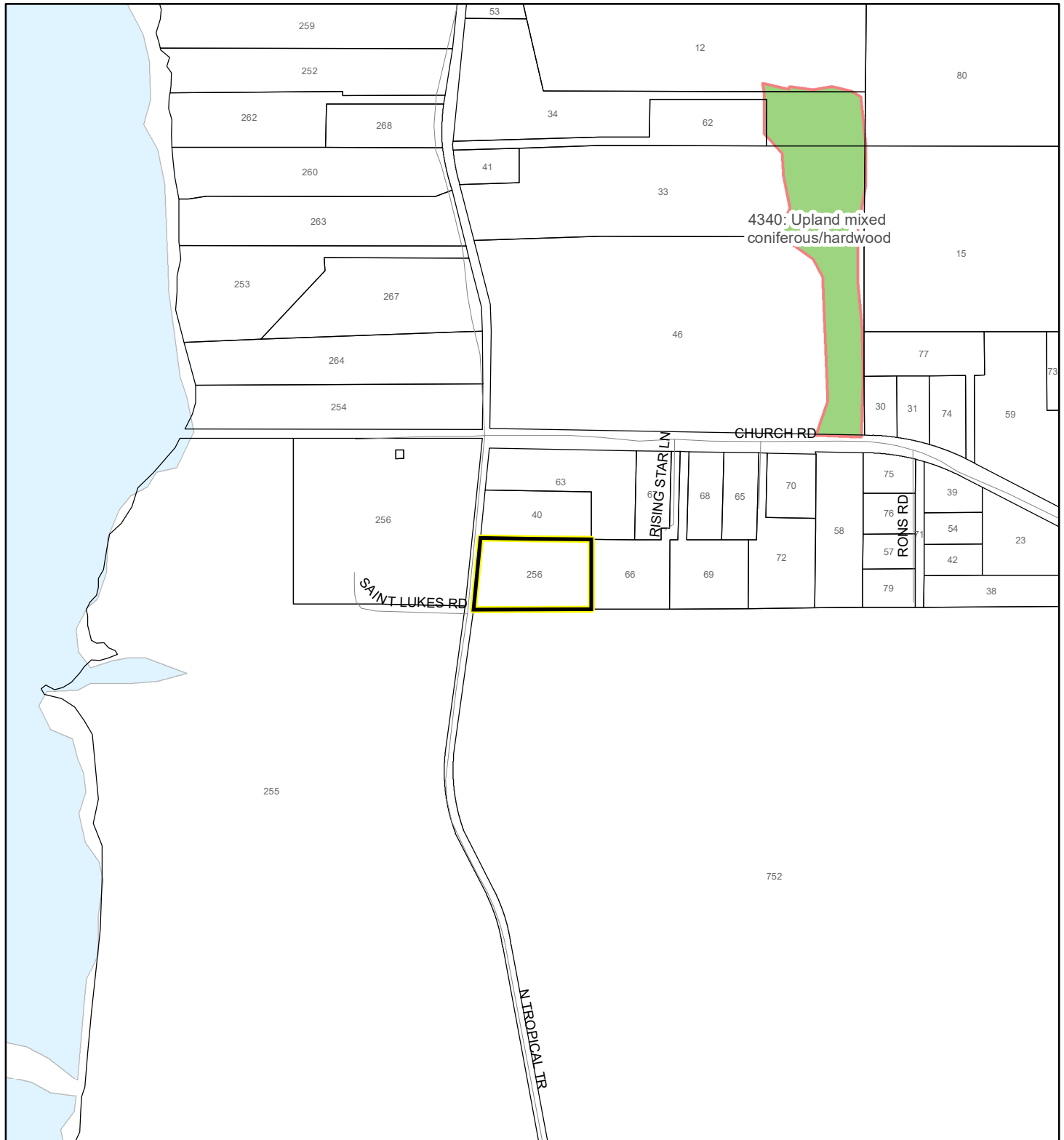
ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC  
20Z00019



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

## 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

LEGAL DESCRIPTION:

LEGAL DESCRIPTION SAINT LUKE'S CHURCH

A parcel of land lying Section 27, Township 23 South, Range 36 East, Brevard County, Florida, the same being a portion of those lands described in Official Records Book 1232 at Page 740 of the Public records of Brevard County, Florida, the same being more particularly described as follows:  
Commence at the mid Section corner of said Section 27 as described in Official Records Book 1232 at Page 740; thence run S 89°53'43" E along the South line of the NE 1/4 of said Section 27 for 209.86 feet to a point that is marked with a 1/2 inch iron rod driven in the physical centerline of NORTH TROPICAL TRAIL, said point being the Point of Beginning of the following described Parcel of Land; thence continue S 89°53'43" E along said South line for 333.33 feet to the Southwest corner of the land described in Official Records Book 4266 at Page 4521 of the Public Records of Brevard County, Florida; thence run N 00°01'54" E along the West line of said Official Records Book 4266 at Page 4521 for 200.00 feet to the Southeast of that certain parcel of land described in Official Records Book 996 at Page 424 of the Public Records of Brevard County, Florida; thence run N 89°53'43" W along the South line thereof for 322.48 feet to a formally set nail and disc marked PLS 2351 located on the physical centerline of NORTH TROPICAL TRAIL; Thence run S 03°08'14" W along the physical centerline of NORTH TROPICAL TRAIL for 200.28, feet more or less, to the Point of Beginning, SUBJECT TO the Public Interest in the maintained limits of NORTH TROPICAL TRAIL, said parcel contains 1.456 acres more or less.

SURVEY REPORT:

1. The intended purpose of this survey is for boundary information only, as shown hereon.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
5. Measurements shown hereon are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. Bearings are assumed, referenced to the South line of the NE 1/4 of Section 27-23-36 with a Bearing of S 89°53'43" E.
8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.

LEGEND:

- Set 5/8" iron rebar with cap marked: LB 7978
- Found iron rebar - size and identification noted
- △ Set nail and disk marked: LB 2351
- ▲ Found nail and disk, identification noted

EXPLANATION OF ABBREVIATIONS

F.F.E.	Finished Floor Elevation
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
A/C	Air Conditioner
M	Measured Distance
P	Measurement On Plat
O.R.B.	Official Record Book
PB	Plat Book
LB	Licensed Business
LS	Licensed Surveyor
P.U.E.	Public Utility Easement
P.U. & D.E.	Public Utility Easement
CL	Centerline of Roadway

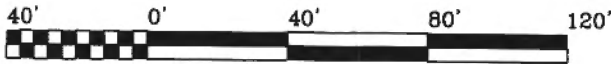
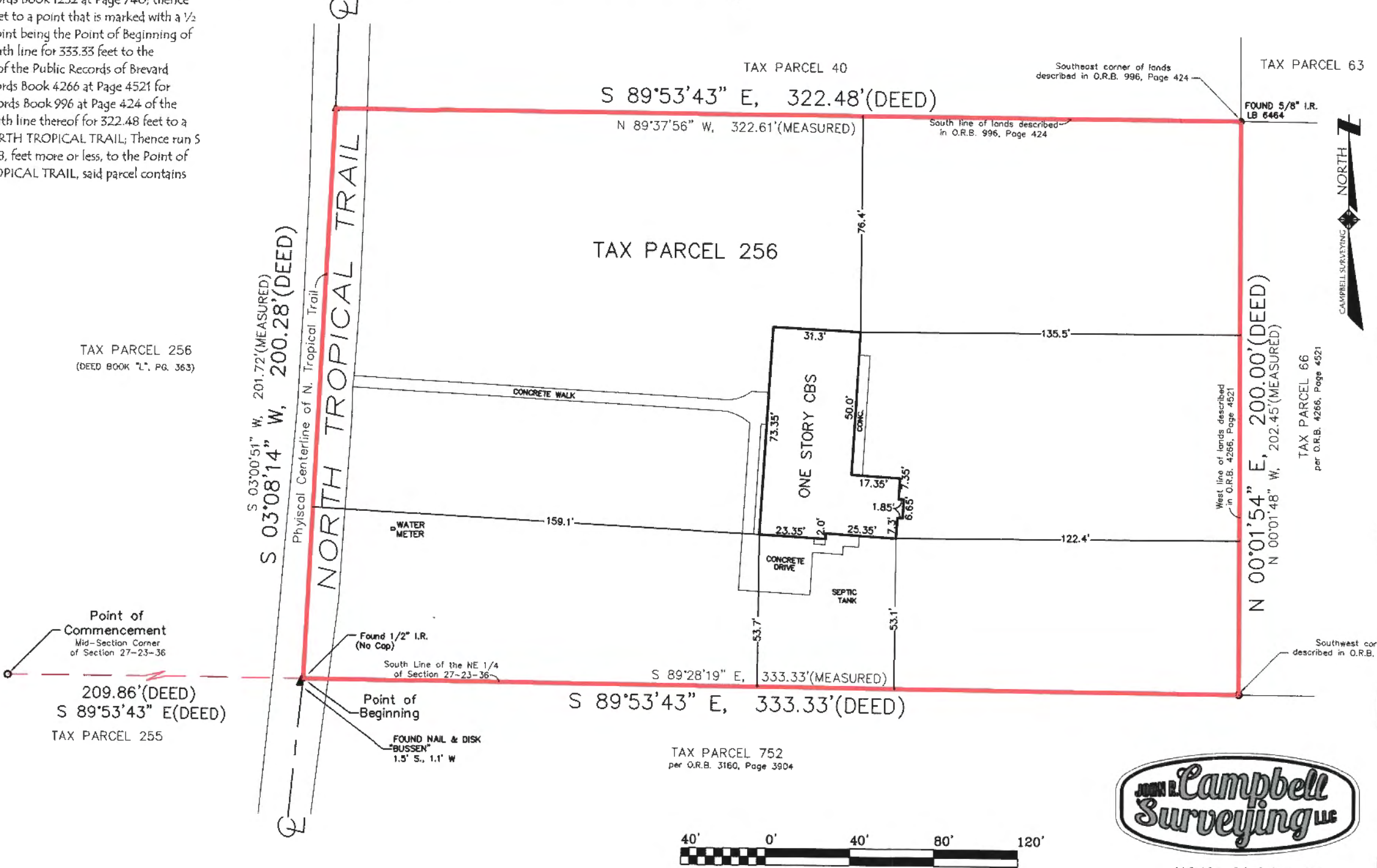
I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors found in Chapter 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

*John R. Campbell*  
John R. Campbell  
Professional Surveyor & Mapper #2351  
State of Florida

FEMA FLOOD FOR INFORMATION ONLY:  
The surveyor no longer certifies the F.E.M.A. Flood Zones. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that the subject parcel appears to lie in F.I.R.M. Zone "X & AE el. 3.7" Community Panel No. 12009C0329G dated 03/17/2014.

# Sketch of Survey



Scale: 1" = 40'

Street Address : 5555 N. Tropical Trail, Unit C,  
Merritt Island, FL 32953



115 Alma Blvd., Suite 102  
Mailing Address: P.O. Box 541866  
Merritt Island, FL. 32954  
Phone: (321) 507.4811  
LICENSED BUSINESS #7978

Sketch of Survey		DRAWING: SKETCH		CHECKED BY: J.R. Campbell	SECTION 27 TOWNSHIP 23 SOUTH RANGE 36 EAST
PREPARED FOR AND CERTIFIED TO: St Lukes Episcopal Church of Courtenay Fla, Inc		PROJECT NO. 2020-208		DRAWN BY: Z.A. Dyer	
		DATE: 07/29/2020			
		REVISIONS	DATE	DESCRIPTION	