



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

20PZ00026

Brevard County

1. **Change of zoning classification from Government Managed Lands (GML) to Government Managed Lands – High-Intensity GML(H);**
2. **Request a Conditional Use Permit (CUP) for a Solid Waste Management Facility;**
3. **Request to remove the existing Binding Development Plan (BDP) recorded in ORB 3273 PG 4186;**
4. **Request a waiver of 300-feet of the required 400-ft. setback from all property lines for the transfer station use;**
5. **Request to increase building height of the transfer station from 35-feet to 55-feet.**

Tax Account Number: 2209623
Parcel I.D.: 22-35-18-AV-*-97
Location: 3600 South Street, Titusville (District 1)
Acreage: 17.5 acres

Planning and Zoning Board: 04/06/20

Board of County Commissioners: 05/07/20

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	GML with BDP	GML(H) with CUP for Solid Waste Management Facilities – Transfer Station
Potential*	213,444 square feet	213,444 square feet
Can be Considered under the Future Land Use Map	YES Planned Industrial	YES Planned Industrial

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

Background and Purpose of Request

The owner, Brevard County Solid Waste Management Department, wishes to consolidate two existing facility operations onto one site. It appears the southern site developed with a transfer station use located at 4366 South Street is to be shuttered and those operations moved onto this site. The County is requesting to add a transfer station use to the existing facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility. In order to add the new use to the existing site, the County needs to submit the following requested actions:

- Request to remove the existing Binding Development Plan (BDP) recorded in ORB 3273 PG 4186. (Removal of the BDP will allow the owner/applicant to apply for additional uses upon this property.)
- Change of zoning classification from Government Managed Lands (GML) to Government Managed Lands – High-Intensity GML(H) in conjunction with a request for a Conditional Use Permit (CUP) for a Solid Waste Management Facility. (This will allow the transfer station use to be added to the property).
- Request a waiver of 300-feet of the required 400-ft. setback from all property lines for the transfer station use;
- Request to increase building height of the transfer station from 35-feet to 55-feet.

The current zoning of GML with a BDP was adopted on March 12, 1993 under Zoning action # **Z-9102**. The property was purchased by Brevard County in ORB 3274 PG 2407 on March 16, 1993. The BDP contained nine conditions and will be discussed further in the Applicable Land Use Policy section below.

Land Use

The current and proposed zoning classification of GML and GML(H) are both consistent with the Planned Industrial Future Land Use designation. Land Use Policies of concern are Policy 3.2 and Policy 3.3.

Policy 3.2 - Role of Zoning Regulations in the Designation of Industrial Lands

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

Criteria:

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal; and
- E. Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.

F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

Policy 3.3 - Role of Land Development Regulations in the Designation of Industrial Lands

Once a proposed project is designed, site plan/land development regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities.

Criteria include:

Criteria:

- A. Accessibility of site for vehicular and non-vehicular modes;
- B. Buffering from adjacent existing/potential uses in terms of setbacks, landscaping, and open space as well as the arrangement of access and parking for the site;
- C. Open space provisions and balance of proportion between gross floor area and site size;
- D. Adequacy of pervious surfaces in terms of drainage requirements;
- E. Safety of onsite vehicular circulation patterns (patrons, employees, and delivery vehicles) including loading facilities, truck parking and points of conflict;
- F. Storage locations and buffering from the surrounding area;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Building placement/arrangement on the site;
- I. Provision of breezeway/visual corridor for riverfront properties;
- J. Placement of signage;
- K. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance.
- L. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design;
- M. Suitability of mixture of uses (if multiple uses proposed);
- N. Blending of the project with the character of the area; and
- O. Landscaping conforms with the policies of the Comprehensive Plan and land development code.

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

Environmental Constraints

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

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is SR 405 (South), between SR-50 and Fox Lake Road, which has a Maximum Acceptable Volume (MAV) of 18,590 trips per day, a Level of Service (LOS) of D, and currently operates at 100.97% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 8.01%. The corridor is anticipated to continue to operate at 108.98% of capacity daily (LOS E). The proposal has the potential to increase the deficiency in LOS.

No school concurrency information has been provided as the development potential of this site does not include residential development.

The subject property is served by potable water and sewer by the City of Titusville.

Applicable Land Use Policies

The owner, Brevard County Solid Waste Management Department, is requesting to add a transfer station use to an existing Solid Waste Management Facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility. The applicant has advised that the transfer station use is being moved to this location so that the county can close the existing operations center located south of this site (4366 South Street). The applicant is also requesting the removal of the existing BDP from this new location.

The existing BDP (that the applicant wishes to remove) contains nine conditions and are noted as follows. The Board may wish to retain some or all of the noted conditions:

- Developer/owner shall locate the yard waste processing, curing and open storage areas not less than four hundred (400) feet from the southern, eastern and northern property limits and not less than one hundred (100) feet from the western property line.
- Developer/owner shall locate stormwater retention areas not less than two hundred (200) feet from southern, eastern and northern property limits.
- The developer/owner shall locate parking areas not less than two hundred (200) feet from property line.
- The developer/owner shall provide separate loading/unloading areas for commercial and residential users of the facility.
- Developer/owner shall designate an area which may be used by local organizations and the general public for a public garden demonstration area. Such area will be located in the northeastern portion of the property not less than one hundred seventy-five (175) feet from property limits. Developer/owner will provide markers to identify the designated area.
- Developer/owner shall limit ingress and egress to a single access road to be located to form the westbound departure and eastbound approach lanes for a new intersection to be constructed for realignment of the intersection of Park Avenue and State Road 405.

- Developer/owner shall provide landscaping for the facility entrance way designed to provide screening of facility operations.
- Developer/owner shall not clear existing natural vegetation from undeveloped portions of the property except as required for maintenance. However, nothing herein shall prevent clearing vegetation as necessary at the time of development.
- Developer/owner shall not adversely impact or fill major wetlands systems within the property that are contiguous to off-site wetlands.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This portion of property (N 1/3 of site) is currently undeveloped and lies within the Planned Industrial Future Land Use designation. The site abuts industrial zoning along its northern boundary (City of Titusville) and against existing county facilities to its south identified as a land use of Planned Industrial. The applicant (County) is proposing to add a new use to an existing site in order to support centralized garbage collection which will then be hauled away to a disposal facility. The proposed use is as a Solid Waste Transfer Station. This site shares a driveway with the development to its south. This portion of property is also bounded by roads along its western and eastern sides.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. This site has been part of the overall County land holdings since 1993. The applicant states that this new use will utilize the same hours of operation that the existing Mockingbird Mulching Facility currently uses. The area has not had a zoning application change of land use within the last five (5) years. The character of the area is a mixture of developed warehouse and industrial type uses.

To the north of this site lies property within the City of Titusville. It contains M-1 zoning for a depth of approximately 400 feet from South Street. The remaining northern portion is zoned with city zoning of M-2.

Titusville Code excerpts:

- The Light Industrial Services and Warehousing (M-1) District is intended to provide areas for service and repair establishments, personal storage facilities and warehousing, light manufacturing processing and distribution. It is further intended that new development within this district (M-1) will accommodate limited industrial and support facilities. This district is only appropriate in areas convenient to collector or higher classification roadways and served by public service and facilities.
- The Industrial (M-2) District is established to preserve such districts for the function of various heavy and extensive industrial activity, wholesaling, warehousing and distribution without creating hazards or property devastation to surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low intensity commercial uses.

To the east of this site lies undeveloped M-1 zoning also located within the City of Titusville.

To the south of this site is the remainder of Solid Waste's existing operations - developed industrial site under the GML designation.

To the west of this site is Interstate I-95.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of the administrative policies. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare.

This request should be evaluated in the context of Section 62-1949 which governs solid waste management facilities under the following conditions:

Sec. 62-1949. Solid waste management facilities.

All solid waste management facilities shall be subject to the site plan requirements of this chapter and the requirements of chapter 94 of this Code. Both of the listed conditional uses "composting facility" and "mulching facility" may be applied for in addition to the remaining facilities defined in section 62-1102, specifically "air curtain incinerators," "biomedical waste incinerators," "materials recovery facility," "transfer station" and "volume reduction plant" from this conditional use; however, the application for the conditional use "hazardous waste facility" shall be required to be applied for from its own section, labelled section 62-1933 of this Code. The following conditions are the minimum conditions necessary to meet the intent of this section.

- (1) Sites shall be located with direct access to roadways designated as minor arterial or principal arterial roadways, or be located such that access is through areas designated by the comprehensive plan as Heavy or Light Industrial.*
- (2) A minimum lot size of ten acres shall be required for transfer stations, materials recovery facilities, or incinerators; all other approved activities shall require a minimum lot size of 40 acres.*
- (3) An eight-foot high visually opaque vegetative buffer shall be required to be developed and maintained along the perimeter of a site approved and developed under this conditional use permit request where the adjacent lot is not zoned Heavy Industrial (IU-1).*
- (4) All activities and structures (except office and equipment storage buildings) shall meet a minimum setback of 400 feet from all property lines. The applicant may submit justification to the board during the application of this conditional use permit to reduce the required setbacks to 100 feet.*
- (5) Office and equipment storage building setbacks shall be consistent with the standard setbacks imposed by that specific zoning classification.*

Staff's Observation: SR 405 is designated as an urban minor arterial roadway; site contains over 10 acres of area; the applicant states that they will preserve a 30-foot deep perimeter buffer of existing vegetation along the north property line to provide a visual buffer; waiver of setback has been requested and building location meets standard setbacks imposed by the GML zoning classification.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: The number of persons using/residing/working at the site will increase by approximately 5 to 10 employees and 100 user/haulers per day. Since this new transfer station will replace the Titusville Transfer Station approximately ½ mile south of the site, traffic will not significantly increase within the general vicinity. The potential for noise, odor, particulates, smoke, fumes, and other emissions are being minimized by containing all waste transfer operations within the enclosed facility. Impacts from vehicles are being minimized by providing a 48-foot setback for new roadways along the north (nearest) property line.

Staff's Observation: One hundred new users per day equal 200 trips (ingress /egress).

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: The historical and present activities on the adjacent County-owned parcel to the south are industrial in nature (waste processing), and the parcels to the north are zoned by the City of Titusville as M-1 and M-2 (industrial). The northwest-adjacent property use code is 4300 (Lumber yard, sawmill, planing mill), and the northeast-adjacent property use code is 4830 (Warehouse - Flex Space); both operate during similar hours as the proposed transfer station. This request is for a building height variance to allow for a 60-foot building height, and for approval for the setback to be decreased to 100 feet.

Staff's Observation: The proposed CUP for Transfer Station use is an additional function at a developed Solid Waste Management Facility.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: There are no adjacent residential properties. The property to the

immediate south is zoned GML. Properties to the north are zoned by the City of Titusville as M-1 and M-2 (industrial) 1-95 is to the west, and South Street is to the east.

Staff's Observation: No comment.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: Vehicular ingress and egress to the property will be via SR 405 (South Street) at its intersection with South Park Avenue. This is the current Mockingbird facility entrance/exit. The entrance/exit is at a signalized intersection with left-turn, straight, and right-turn lanes on the north and south lanes on SR 405 - the primary ingress and egress routes to the site. We expect no adverse impacts to traffic flow, traffic control, or emergency response access. No burdens to adjacent and nearby uses are expected.

No roadway improvements are expected to be needed and, therefore, not proposed on SR 405 or South Park Avenue. Reconfiguration of the internal Mockingbird facility roads are proposed to accommodate the new transfer station traffic flow. These new roads are configured to streamline access into the facility and not impede traffic on SR 405. The roads will be designed to County standards.

No pedestrian facilities are in the general area of the project; therefore, pedestrian safety and convenience will not be affected.

Staff's Observation: Although the traffic generation proposed is less than a ten (10) percent increase, the roadway is over capacity. Additionally, the applicant states that an estimated 100 vehicle trips would be anticipated to enter the site (200 round trips).

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: The proposed solid waste transfer station is an enclosed facility, and all trash transfer operations will occur within the facility. Therefore, nuisance activities such as

noise, glare, particulates, smoke, fumes, or other emissions are expected to be minimized and not substantially interfere with the use of the adjacent and nearby properties.

Additionally, operations staff will minimize nuisance conditions by keeping wastes within their containment systems and moving wastes through the facility as efficiently as possible. For instance, priority tipping will be used to minimize the amount of time putrescible wastes are in the transfer station and on site.

Staff's Observation: No comment.

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

Applicant's Response: The hours of operation for the proposed facility are Monday through Saturday from 7:30am to 5:30pm. Operation staff will limit the amount of noise generated through efficient operations and shutting down equipment not in use. The maximum sound pressure level is expected to be 75dB(A).

Staff's Observation: Decibel level is consistent with Section 62-2271 of Brevard County Code.

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

Applicant's Response: The proposed solid waste transfer station will improve the current level of service for solid waste disposal for the property or area covered.

Staff's Observation: No comment.

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

Applicant's Response: The new facility will generate approx. 650 gallons per day (gpd) of wastewater based on relocation of users from the old transfer station facility. Approx. 200 gpd of wastewater will be generated from leachate and washing operations from the facility. These new flows will be conveyed via new piping and a new pump station to the existing on-site sanitary sewer collection system that discharges to an existing on-site lift station connected to the City of Titusville's wastewater system, which has sufficient capacity to accept the new wastewater flows and will not appreciably impact the wastewater facility treatment system or affect the areas' level of service. Additional potable water use is expected to match the additional wastewater generated and is not expected to exceed the areas' level of services.

Staff's Observation: No comment.

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

Applicant's Response: The following provisions and features will be provided to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent properties:

- *A 30-foot wide buffer containing existing vegetation will be provided along the north property line.*
- *The proposed transfer station building and scale house will have a 165-foot setback from the north property line.*
- *All operation will occur within the enclosed transfer station facility.*

Staff's Observation: The applicant was advised the visual buffer also need to include that portion west of the site abutting I-95 right-of-way and upon the east property line buffering SR 405 right-of-way. Applicant states that they will comply.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: Any new signs and exterior lighting will be installed in such a manner that they will not cause unreasonable glare or hazard to traffic safety or interfere with the use or enjoyment of adjacent and nearby properties.

Staff's Observation: No comment.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: There are no adjacent surrounding residential communities. The nearest residential structure is at 3655 S. Park Avenue (parcel 22-25-17-AV--114.02), and it is more than 1,200 feet from the proposed transfer station building; therefore, we do not expect any adverse impacts. Hours are Monday – Saturday from 7:30AM – 5:30PM.*

Staff's Observation: No comment.

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: The nearest habitable (residential) structure is at 3655 S. Park Avenue, and it is more than 1,200 feet from the proposed transfer station building. However, the height of this structure (Building No. 16 in Exhibit 3) is 25 feet, and a proposed transfer station building height of 60 feet would be permissible if the setback distance was 1,000 feet or less. The proposed transfer station building will be a two-level operation for open-top transfer trailers and will have a height of approximately 55 feet. An allowable building height of 60 feet is requested. Please review Exhibit 3 for building heights within 1,000 feet of the property in question.

Staff's Observation: The Board needs to determine should the building height be limited to 35 feet as stated in Section 62-1572 (7) (a) for properties abutting GML zoning or can additional height up to 60 feet be allowed if determined to be an "industrial use".

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: The proposed transfer station was designed to accommodate parking for facility employees, visitors, and solid waste trailers. Therefore, off-street parking and loading areas will not adversely impact or impair the use and enjoyment of adjacent and nearby properties.

Staff's Observation: No comment.

For Board Consideration

Brevard County Solid Waste Management Department, is requesting to relocate a transfer station use to an existing Solid Waste Management Facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility. The applicant has advised that the existing transfer station operation is being moved to this location so that the county can close the existing operations center located south of this site (4366 South Street). The applicant is also requesting the removal of the existing BDP from this new location.

The Board should consider the compatibility of the proposed zoning change, removal of the existing BDP, waiver of setback and additional building height requests together with the proposal of CUP for transfer station use and potential traffic impacts to the surrounding developed properties. Due to a parcel size of (17.5 acres) and the development potential that this area could potentially generate (213,444 square feet of industrial use) the Board may wish to limit the proposed impacts that this site will generate onto the over-capacity roadway segment.

Such CUP may be: 1.) approved subject to the conditions of Section 62-1949; 2.) approved subject to the conditions of 62-1949 and conditions imposed by the Board above and beyond the requirements of Section 62-1949; or 3.) denied.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item # 20PZ00026

Applicant: Brevard County – Mockingbird Way Facility

Zoning Request: GML to GML(H)

Note: Applicant wants to use facility to operate a mulching facility, and use as transfer station to store household hazardous waste

P&Z Hearing Date: 04/06/20; **BCC Hearing date:** 05/07/20

Tax ID No: 2209623

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Protected Species
- Specimen Trees

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

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped NWI wetlands and hydric soils (Pineda, Pompano, and Holopaw sands) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps. A site assessment of wetlands was conducted in June 2019 by Jones Edmunds and Associates, Inc., and found 0.041 acres of wetlands on the subject site. On January 28,

2020, the Florida Department of Environmental Protection issued an Environmental Resource Permit (ERP) - Number 383352-0010EI, to allow direct impacts to the isolated wetland. A permit through the US Army Corps of Engineers is not required. Per Section 62-3695(d)(5), Public facilities should not be located within wetland areas unless the facilities are found to be in the public interest and there is no feasible alternative. Any permitted wetland impacts must meet wetland impact avoidance, minimization and mitigation requirements of Sections 62-3694(e) and 62-3696. Prior to any plan design or permit submittal, the applicant is encouraged to contact NRM at 321-633-2016.

Aquifer Recharge Soils

Pompano sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

In June 2019, an assessment of protected species was conducted by Jones Edmunds and Associates, Inc., and found no protected species on the project site. A protected species clearance letter was issued by the Florida Fish and Wildlife Conservation Commission (FWC) on February 6, 2020.

Protected and Specimen Trees

In June 2019, a tree survey was conducted by Jones Edmunds and Associated, Inc. and found the site to be covered with a mix of exotic invasives, and native, temperate hardwood trees. The survey indicates that Protected and Specimen trees reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected 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. A landscape plan and mitigation requirements will be required at time of site plan permit application submittal.