



Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321) 633-2069

**BOARD OF COUNTY COMMISSIONERS**

TO: Planning & Zoning Board Members  
FROM: Cindy Fox, Planning & Zoning Manager  
SUBJ: Planning and Zoning Staff Comments  
August 11, 2014  
DATE: July 16, 2014

The following comments are compiled by the Planning and Zoning staff and are reflections of a combination of technical reviews. These are presented to the Planning and Zoning Board and the Board of County Commissioners as a collection of known facts surrounding each proposal and their relationship to the policies of the Comprehensive Plan. It is hoped that these known facts and policy statements will assist each member in their individual decision-making efforts as additional information is received through the public hearing process. The material contained in these comments will be provided to the Commissioners in staff briefings. Any matter discussed in staff briefings not contained in this review will be disclosed at the Board of County Commissioners meeting.

**STAFF COMMENTS PREPARED BY:**

Planning & Zoning Office  
NATURAL RESOURCES MANAGEMENT DEPARTMENT

**Legend of Terms:**

FLU Map - Future Land Use Map of Comprehensive Plan  
FLUE - Future Land Use Element

## **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 and 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 zoning 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 zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### **Criteria:**

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS):** Acceptable Level of Service currently adopted by the County.

**Current 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 LOS that a proposed development may generate on a roadway.

**III.B.2.**

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 14S.06*  
**Township 24, Range 36, Section 30**

---

**Property Information**

Owner / Applicant: **Siriporn Peskowitz, Trustee**

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 1.24 +/- acres Tax Account #: 2423780

Site Location: North side of Lake Drive, approx. 0.24 miles west of Clearlake Road.

Current Zoning: RU 1-7

Requested Zoning: BU-2

---

**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant Property	RU 1-7	NC
<b>South</b>	Vacant Property (Across Lake Drive)	AU	NC
<b>East</b>	Vacant Commercial	BU-1	CC
<b>West</b>	Vacant Commercial	BU-1	CC

---

**General Analysis**

The subject property is vacant with a Neighborhood Commercial (NC) future land use designation. The proposed amendment will amend the NC future land use designation and provide for a Community Commercial (CC) designation. The proposed CC future land use along with a companion rezoning request to BU-2 will increase the range of permitted uses and intensity of commercial development, including allowing outside storage. The subject property is located on the north side of Lake Drive, west of Clearlake Road.

The subject property has vacant commercial property on all sides, with CC future land use designations to the east and west, and NC future land use designations to the north and south.

### Environmental Resources

*Note: The Natural Resources Management Office will provide a detailed analysis at the time of a the future request for rezoning for of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management Office concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.*

---

### Historic Resources

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

---

### Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

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

### **Policy 2.1**

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

**Criteria:**

- A. Overall accessibility to the site;

*The subject parcel has direct access to Lake Drive and is less than ¼ mile west of Clearlake Road, a minor arterial roadway.*

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

*The subject parcel is adjacent to other Neighborhood Commercial and Community Commercial land uses. The development of the subject parcel will increase the intensity of development from NC to CC for a vacant commercial lot.*

C. Existing commercial development trend in the area;

*Along the north side of the street, this segment of Lake Drive is commercial in character; all other abutting properties have commercial Future Land Uses but are undeveloped. There is developed commercial warehousing, storage, and trucking facilities along Lake Drive between the subject parcel and the Clearlake Road intersection to the east.*

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

*There are no fundamental changes in the character of the area as a result of infrastructure improvements.*

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

*Lake Drive in this segment has been assigned a level of service of D. The roadway is currently operating at 22% capacity for a LOS of B. The proposed amendment will maintain the B LOS with an estimated 23% of the roadway capacity utilized. Any future site development will require an application for a certificate of concurrency.*

F. Spacing from other commercial activities;

*The subject parcel is adjacent to other undeveloped commercial lands. The existing commercial activity further to the east along Lake Drive consists of commercial warehousing, storage and commercial trucking facilities.*

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

*The subject parcel has a designation of Neighborhood Commercial. The requested change in land use would increase the FAR from 0.75 to 1.00.*

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

*An environmental analysis will be required by NRMD at the time of a request for rezoning.*

I. Integration of open space; and

*Open space requirements are addressed during the site plan review stage.*

J. Impacts upon strip commercial development.

*The subject parcel currently has Neighborhood Commercial land use assigned. Community Commercial would also allow infill development in a mixed use area.*

**Strip Commercial Development  
Policy 2.15**

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Refer to Figure 1 in the Appendix, "Illustrative Examples of Commercial Infill vs. Extension of Strip Development." Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

**Criteria:**

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

*The Board should consider the adequacy of access and buffering.*

**Activities Permitted in Community Commercial (CC) Future Land Use Designations  
Policy 2.7**

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

*The applicant has not stated a proposed use for the subject property. Therefore, the Manufacturing land use was utilized for traffic generation which would be typical of the land use on the north side of Lake Drive under the Community Commercial FLU designation. There is an associated application for rezoning from RU 1-7 to BU-2.*

### **Locational and Development Criteria for Community Commercial Uses**

#### **Policy 2.8**

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

#### **Criteria:**

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

*The subject parcel has an existing Neighborhood Commercial land use and is requesting an increase in intensity to Community Commercial. The subject parcel is 1.24 acres and is located on a collector roadway within ¼ mile of a minor arterial roadway.*

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

*The subject parcel is 1.24 acres.*

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

*The subject parcel is 1.24 acres with an existing NC future land use designation.*

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

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

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

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

## **Transitional Commercial Activities**

### **Policy 2.14**

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below, as summarized by Table 2.3, should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies 2.6 and 2.8 must be maintained to qualify for consideration as a transitional activity under this policy. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

#### **Criteria:**

- A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Heavy Industrial or Light Industrial activities.
Lower Intensity Uses:	Community Commercial, Planned Industrial Park or Planned Business Park uses.
Future Land Use designations:	Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).
Roadway Access Requirements:	Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

*The subject parcel is located in a mixed use areas with vacant commercial Future Land Uses and residential uses. The Board should evaluate this location's consistency with transitional use criteria for a nonretail commercial use.*

### Summary

The proposed change in Future Land Use on 1.24 acres from NC to CC. The subject parcel is a vacant commercial parcel available and abuts by other NC and CC vacant parcels. While there are developed commercial warehouse, storage and trucking facilities to the east along Lake Drive, the area to the north and south are zoned for residential use.

**III.B.2.**

**Commission District # 2 (14PZ-00063)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: SIRIPORN PESKOWITZ, TRUSTEE**

**Request: Small Scale Plan Amendment (14S.06) from NC to CC; and RU-1-7 to BU-2**

**Subject Property:**

**Parcel ID#: 24-36-30-76-A-8**  
**Tax Acct#: 2423780**  
**Location: North side of Lake Dr., approx. 0.24 mile west of Clearlake Rd.**  
**Address: No assigned address. In the Cocoa area.**  
**Acreage: 1.24 acres.**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

NO\*\* Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-7	BU-2
<b>Potential*</b>	5 SFR units (potential)	20,255 sq. ft. manufacturing
<b>Can be Considered under FLU MAP</b>	YES NEIGHBORHOOD COMMERCIAL	NO**

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

\*\*Requires a Small Scale Comprehensive Plan Amendment to Community Commercial

Trips from Existing Zoning	47.85	5.05	Segment Number	62
Trips from Proposed Zoning	77.37	15.19	Segment Name	Range to Clearlake
Maximum Acceptable Volume (MAV)	15,600	1,419.6	Acceptable LOS	D
Current Volume	3,470	315.70	Directional Split	
Volume With Proposed Development	3,547.37	330.89	ITE CODE 210 (Existing) 814 (Proposed) Applicant has not indicated future land use, manufacturing used as default future use.	
Current Volume / MAV	22.24%	22.23%		
Volume / MAV with Proposal	22.73%	23.30%		
Current LOS	B	B		
LOS With Proposal	B	B		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the BU-2 zoning classification. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. The surrounding properties are zoned RU-1-7 to the north, BU-1 to the east and west and AU to the south, across Lake Drive. This area of Cocoa is a mixture of commercial, residential and agricultural zonings and uses. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMO's comments follow these staff comments.

**Other Considerations:** The applicant is seeking BU-2 zoning for the purposes of establishing warehousing and manufacturing on the subject property. The subject property and all abutting properties are undeveloped. This area west of Cocoa has a mixture of uses and zoning classifications. The properties to the east and west of the subject property are zoned BU-1 and have Community Commercial Future Land Use designations. The existing Future Land Use Designation of Neighborhood Commercial is not consistent with BU-2 zoning. Therefore a Small Scale Comprehensive Plan Amendment accompanies this request.

The request for BU-2 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

- Existing strip commercial;
- Transient commercial uses;
- Tourist commercial uses;
- Professional offices;
- Personal service establishments;
- Retail establishments;
- Non-retail commercial uses;
- Residential uses;
- Institutional uses;
- Recreational uses;
- Public facilities;
- Transitional uses pursuant to Policy 2.17; and
- Planned Industrial Park development (as permitted by PIP zoning).

This request for BU-2 zoning should be evaluated within the context of **Policy 2.14** of the Future Land Use Element which identifies "transitional commercial activities".

"As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points etc. in order to minimize impact upon adjacent lower intensity uses..." "Once a transition is achieved between higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands."

Criteria:

- A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses: Heavy Industrial or Light Industrial activities.

Lower Intensity Uses: Community Commercial, Planned Industrial Park or Planned Business Park Uses.

Future Land Use designations: Community Commercial, Heavy/Light Industrial or Planned Industrial

Roadway Access Requirements: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

Non-retail commercial uses a transitional use does not appear to meet the locational criteria of this policy in that Bu-2 zoning permits an array of intensive non-retail commercial activities, compatibility of BU-2 zoning with adjacent residential RU-1-7 zoning to the north and Bu-1 zoning to the east and west should be considered. Staff notes that the nearest BU-2 zoning is approximately 400' to 600' to the east. Said properties were rezoned in 1984 and 1961, respectively.

**Summary:** The applicant is seeking BU-2 zoning for the purposes of establishing warehousing and manufacturing on the subject property. The subject property and all abutting properties are undeveloped. This area of Cocoa has a mixture of uses and zoning classifications. The properties to the east and west of the subject property are zoned BU-1 and have Community Commercial Future Land Use designations while RU-1-7 zoning abuts to the north. The existing Future Land Use Designation of Neighborhood Commercial is not consistent with BU-2 zoning. Therefore a Small Scale Comprehensive Plan Amendment accompanies this request. The Board should consider the compatibility issues associated with the higher intensity BU-2 uses given the abutting RU-1-7 and BU-1 zoning.

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 14PZ-00063</b>	<b>Owner: Siriporn Peskowitz</b>
<b>Zoning Request: NC to CC and RU-1-7 to BU-2</b>	<b>BCC Hearing Date: 09/04/14</b>
<b>P &amp; Z Hearing Date: 08/11/14</b>	

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 30; Tax ID No. 2423780**

The subject parcel contains mapped NWI/SJRWMD wetlands and hydric soils, an indicator that wetlands may be present on the property. Currently, wetland impacts for commercial land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Recently adopted Conservation Element Policy 5.2.E.3 has certain allowances for wetland impacts for commercial uses; some of which may be implemented prior to codification. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

Portions of the property are mapped as being within floodplain as identified by the Federal Emergency Management Agency; and are subject to the development criteria in Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to the 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.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

**III.B.3.**

**Commission District # 3 (14PZ-00060)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: HARBORVIEW MOTEL & EFFICIENCIES, INC.**

**Request: CUP for Alcoholic Beverages for On-Premises Consumption (full liquor),  
 in a TU-1 zoning classification**

**Subject Property:**

**Parcel ID#: 30-38-14-HH-8-1**  
**Tax Acct#: 3006435**  
**Location: Northwest corner of U.S. 1 and 13<sup>th</sup> St.**  
**Address: 8820 U.S. 1, Micco**  
**Acreage: 0.43 acre.**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	TU-1	TU-1 with CUP (Beer, Wine & Liquor)
<b>Potential*</b>	1,764 s.f. 60 seat restaurant	1,764 s.f. 250 member lodge
<b>Can be Considered under FLU MAP</b>	YES COMMUNITY COMMERCIAL	YES

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

Trips from Existing Zoning	289.8	49.2	Segment Number	416
Trips from Proposed Zoning	72.5	7.5	Segment Name	County-line to Micco
Maximum Acceptable Volume (MAV)	48,000	4,368	Acceptable LOS	E
Current Volume	20,138	1,832.55	Directional Split	
Volume With Proposed Development	19,920.7	1,790.85	ITE CODE 932 (Existing 60 seat restaurant) 591 (Proposed 250 member Lodge) Net reduction in trips.	
Current Volume / MAV	41.95%	41.95%		
Volume / MAV with Proposal	41.50%	40.99%		
Current LOS	D	D		
LOS With Proposal	D	D		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for a Conditional Use Permit for the on-premises consumption of alcohol (beer, wine & liquor) in the TU-1 zoning classification. TU-1 is a general tourist commercial zoning classification which permits hotels and motels among its listed uses. It also permits BU-1-A type retail uses in conjunction with and accessory to a hotel or motel with a minimum of 25 rooms. The minimum lot size is 15,000 with a minimum width of 100' and minimum depth of 150'. Maximum density allowances range from 8 units per acre (in the South Beaches area) to 30 units per acre (in the North Beaches, Mainland and Merritt Island Redevelopment Area). The surrounding properties are zoned TU-1 to the north, RU-1-7 to the south across 13<sup>th</sup> Street, TR-1 to the west and SR to the east across Highway US 1. The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet. TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet. 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. A mixture of single-family, manufactured housing and commercial zonings and uses characterizes this area of Micco. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

NA

**Other Considerations:** The request is for a Conditional Use Permit (CUP) for the on-premises consumption of alcohol (beer, wine & liquor) for a fifty seat bar, occupied by the Fraternal order of the Eagles, Aerie 4527. The Property Appraiser's records indicate that the existing retail center was constructed in 1954 prior to the adoption of the Zoning Regulations. The bar will occupy Unit 1 of the existing retail center. Historically, the subject property was rezoned (Z-4408) from TU-1 and BU-1 to TU-1 (25) in 1978. In 2005, a request was denied rezoning to BU-1 to accommodate an arcade use. In 2011, a sixty seat restaurant in the center was granted a CUP for the on-premises consumption of alcohol for beer and wine (Z-11567).

The Land Development Regulations require one space for every 100 s.f. including any outside seating. The required parking for the 2,100 square foot bar is 21 spaces. Existing parking on the site shows 10 parking spaces in front of the building, along Highway US 1, 30 unpaved spaces to the rear of the building and 10 spaces to the north of the building which would be shared with the motel use occupying the property.

Section 62-1906 requires that no alcoholic beverages shall be served within 300 feet of a church or school. There are no churches or schools within 300 feet of the existing strip center.

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 11 – 15 of these comments. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901. The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

### Section 62-1901(c)(1)(a) Impact upon adjacent and nearby properties from the proposed use:

Number of persons using property;  
Noise, odor, particulates, smoke, fumes and other emissions; and  
Increase in traffic within the vicinity.

**The membership is about 200. Not all members will be on premises at one time. Average of 10-20 people at one time. No live band and no noise. No other nuisances. No big increase in traffic.**

Section 62-1901(c)(1)(b) Compatibility with the character of adjacent and nearby properties with regard to use:

Adjacent properties;  
Operating hours;  
Amount of traffic generated;  
Building size and setbacks; and  
Parking availability.

**The hours of operation will be Monday, Tuesday, Wednesday and Thursday from 10 a.m. to 8:00 p.m. Friday and Saturday 10 a.m. to 10:00 p.m. Sunday 10:00 a.m., to 7 p.m. Parking is okay. Membership Club. No more traffic than normal.**

*The subject property and the property to the north share access and parking. The bar use will occupy approximately 2,100 square feet of the existing strip center. The center itself was constructed in 1954 and is non-conforming to setbacks.*

Section 62-1901(c)(1)(c) Impact upon property values of abutting residential properties:

**This is a membership Fraternal Order of Eagles. We are a charity club, raising money for charity. This will not lower the value of residential property.**

*A mixture of single-family, manufactured housing and commercial zonings and uses characterize this area of Micco. There are other commercial uses, such as a marina, to the north and across Highway US 1. However, to the east across Highway US 1 is a single-family residence and to the south is a single-family mobile home.*

Section 62-1901(c)(2)(a) Adequacy of ingress and egress to serve the use without burdening adjacent and nearby uses:

**The building is on US 1.**

*It appears that the existing strip center is accessed via Highway US 1 by two driveways. There also appears to be access through the motel parking lot to the north.*

Section 62-1901(c)(2)(b) Noise, glare, odor, particulates, smoke, fumes, etc.:

**There will not be any outside music. No other conditional use will be done outside to interfere with adjacent and nearby properties.**

*The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.*

Section 62-1901(c)(2)(c) Actual Noise Levels:

**The Fraternal Order of Eagles will comply with the time period and sound pressure levels.**

*The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.*

Section 62-1901(c)(2)(d) Impact upon solid waste disposal level of service:

**The Eagles will not cause a higher use of service for solid waste disposal.**

Section 62-1901(c)(2)(e) Impact upon potable water and waste water levels of service:

**The Eagles will be taking care of the water supply and have the water tested there will not be a higher level of use of the water.**

Section 62-1901(c)(2)(f) Screening and buffering:

**No proposed screening needed.**

*The bar use is in the north end of the strip center, closest to the motel.*

Section 62-1901(c)(2)(g) Signage and glare from lighting:

**The sign is a wood sign that will not cause a glare or traffic hazard or unsafe condition.**

Section 62-1901(c)(2)(h) Hours of operation:

**The hours of operation will not exceed the time set by Section 62-190(c)(2)(c).**

Section 62-1901(c)(2)(I) Height of proposed use:

**No additional building height is needed.**

Section 62-1901(c)(2)(J) Impact of off-street parking and loading areas upon adjacent properties:

**See Attached picture.**

*It appears that the area in the rear of the building has an asphalt driveway with unpaved parking.*

**Summary:** The applicants are seeking a Conditional Use Permit (CUP) for the on-premises consumption of alcohol (beer, wine and liquor) for a 50 seat bar occupied by the Fraternal Order of the Eagles. The space was previously occupied by a restaurant and was approved for a CUP for beer and wine in 2011 (Z-11567).

If the Board finds it appropriate to approve this request, it may wish to require that the parking in front of the building be striped, and that a shared parking agreement between the subject property and the motel property to the north be executed prior to the alcoholic beverage license sign off. The Board may also wish to limit its approval to a maximum 50 seats.

**III.B.4.**

**Commission District # 3 (14PZ-00065)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: JOHN TULLY PROPERTIES LLC**

**Request: RR-1 and GU to AU**

**Subject Property:**

**Parcel ID#:** 30-38-22-00-4; 30-38-22-00-5; 30G-38-11-HK-33; 30G-38-11-HL-40; 30G-38-11-HL-40.01; 30G-38-11-HL-56; 30G-38-11-HL-57; 30G-38-11-HL-58; 30G-38-11-HL-59; 30G-38-11-HL-64; 30-38-23-00-252; 30-38-23-00-254; 30-38-23-00-255; 30G-38-11-HK-00-10; 30G-38-11-HK-00-24  
**Tax Acct#:** 3007879; 3007880; 3008644; 3008658; 3008659; 3008666; 3008667; 3008668; 3008669; 3008670; 3008194; 3008195; 3008196; 3008690; 3008642; 3008643  
**Location:** East side of Fleming Grant Rd., approx. 1.65 mile south of Micco Rd.  
**Address:** Tax Acct. 3008667: 9101 Fleming Grant Rd. All others located in the Micco area, no assigned address.  
**Acreage:** 440.95 acres. (375.89 acres RR-1/65.06 acres GU)

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1 & GU	AU
<b>Potential*</b>	389 SFR (potential)	176 SFR (potential) Cattle Ranch (proposed)
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 1	YES

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

Trips from Existing Zoning	3,727.73	349.93	Segment Number	556
Trips from Proposed Zoning	1,684.32	158.32	Segment Name	Kiwi Dr to Micco
Maximum Acceptable Volume (MAV)	11,900	1,118.6	Acceptable LOS	D
Current Volume	1,327	124.73	Directional Split	
Volume With Proposed Development	3,011.32	283.06	ITE CODE 210 - Net reduction of potential 213 dwelling units, proposed use as Cattle Ranch with 3 employees will further reduce trip generation at site planning.	
Current Volume / MAV	11.15%	11.15%		
Volume / MAV with Proposal	25.30%	25.30%		
Current LOS	A	A		
LOS With Proposal	B	B		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the AU zoning classification. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The surrounding properties are zoned AU and GU to the north, SEU to the south, RU-1-7 and SR to the east and AU and RR-1 to the west. 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. SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area. The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 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. This area of Micco is characterized by a mixture of rural, agricultural and single-family home development. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\_\_\_\_\_ \* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMO's comments follow these staff comments.

**Other Considerations:** The applicant is requesting the AU zoning classification for the purposes of locating an agricultural (cattle) operation on the subject property. The existing RR-1 zoning classification does not permit agricultural uses except through the Conditional Use Permit for farm animals and fowl.

**Summary:** This request represents the applicant's desire to locate an agricultural (cattle) operation on the subject property. This area of Micco is characterized by a mixture of rural, agricultural and single-family home development. Staff notes that a single family home site under different ownership will be surrounded by the proposed cattle farm (Parcel 258).

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 14PZ-00065</b>	<b>Owner: John Tully Properties, LLC</b>
<b>Zoning Request: RR-1/GU to AU</b>	
<b>P &amp; Z Hearing Date: 08/11/14</b>	<b>BCC Hearing Date: 09/04/14</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following properties: Tax ID Nos. 3008194, 3008195, 3008196, 3007880, 3007879, 3008690, 3008644, 3008643, 3008642, 3008659, 3008658, 3008669, 3008668, 3008667, 3008666, & 3008670**

The subject parcel contains mapped hydric soils and NWI/SJRWMD wetlands. Currently, wetland impacts for commercial/agricultural land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Recently adopted Conservation Element Policy 5.2.E.3 has certain allowances for wetland impacts for commercial/agricultural uses; some of which may be implemented prior to codification. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The subject parcel contains areas of mapped aquifer recharge soils (Pomello sand and St. Johns sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Portions of the property are mapped as being within floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to the 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.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is permitted without prior authorization by NRM if the activity is a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute.

**III.B.5.**

**Commission District # 1 (14PZ-00057)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: ANITA TRICOLI**

**Request: GU to AU(L)**

**Subject Property:**

**Parcel ID#: 23-35-33-01-15-13**  
**Tax Acct#: 2314054**  
**Location: North side of Areca Palm St., approx. .087 mile west of Florida Palm Ave.**  
**Address: 5480 Areca Palm St., Cocoa**  
**Acreege: 1.08 acres.**

**Consistency with Land Use Regulations**

<b>YES</b>	<b>Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255</b>
<b>YES**</b>	<b>Proposal can be considered under the Future Land Use Designation. Sec. 62-1255</b>
<b>YES</b>	<b>Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)</b>

	CURRENT	PROPOSED
<b>Zoning</b>	GU	AU(L)
<b>Potential*</b>	1 Unit	1 Unit
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 1:2.5	YES**

\*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.  
 \*\*Section 62-1188(8) permits consideration of rezoning of non-conforming lots of record to classifications that are consistent with the density allowances of the Comprehensive Plan.

**ADT PM Peak**

	ADT	PM Peak		
Trips from Existing Zoning	9.57	1.01	Segment Number	None Assigned
Trips from Proposed Zoning	9.57	1.01	Segment Name	N/A
Maximum Acceptable Volume (MAV)	None Assigned	None Assigned	Acceptable LOS	None assigned
Current Volume	Unknown	Unknown	Directional Split	
Volume With Proposed Development	1.01	9.57	ITE CODE 210 Zoning action does not increase SFR dwelling unit allowance De Minimus Exempt	
Current Volume / MAV	Unknown	Unknown		
Volume / MAV with Proposal	Unknown	Unknown		
Current LOS	N/A	N/A		
LOS With Proposal	N/A	N/A		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the AU(L) zoning classification. The AU(L) zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots for personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities. The surrounding properties are zoned RR-1 to the north, AU to the south, GU to the east and west. The 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. This area of Canaveral Groves is characterized by single-family development with agricultural pursuits on parcels 1 acre or greater. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\* \_\_\_\_\_ Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Not Mapped

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMO's comments follow these staff comments.

**Other Considerations:** The applicant is requesting the AU(L) zoning classification for the purposes of having more than 4 dogs and other uses permitted in the AU(L) zoning classification. Historically the property was approved for a conditional use permit for agricultural pursuits (horses and a barn) in a GU zoning classification in 1996 (Z-9756). This area of Canaveral Groves is characterized by single-family development with agricultural pursuits.

This area of Canaveral Groves is characterized by single-family home sites and agricultural activities on 1+ acre properties. Section 62-1188(8) permits consideration of rezoning of non-conforming lots of record to classifications that are consistent with the density allowances of the Comprehensive Plan. The property consists of one non-conforming lot of record and the Future Land Use Map designates this area as Residential 1:2.5.

**Summary:** The applicant is seeking the AU(L) zoning classification for the purposes of having more than four dogs and other unspecified agricultural pursuits. Section 62-1188(8) permits consideration of rezoning of non-conforming lots of record to classifications that are consistent with the density allowances of the Comprehensive Plan. The GU and AU zoning classifications are prevalent in this area.

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 14PZ-00057</b>	<b>Owner: Anita Tricoli</b>
<b>Zoning Request: GU to AU(L)</b>	
<b>P &amp; Z Hearing Date: 08/11/14</b>	<b>BCC Hearing Date: 09/04/14</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Not mapped

**Comments:**

**This review relates to the following property: Twp. 23, Rng. 35, Sec. 33; Tax ID No. 2314054**

The subject parcel contains mapped SJRWMD wetlands and hydric soils, an indicator that wetlands may be present on the property. Currently, wetland impacts for commercial/agricultural land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Recently adopted Conservation Element Policy 5.2.E.3 has certain allowances for wetland impacts for commercial/agricultural uses; some of which may be implemented prior to codification. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is permitted without prior authorization by NRM if the activity is a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute.

**III.B.6.**

**Commission District # 1 (14PZ-00061)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: BRIAN BURT AND LINDA GRZYBOWICZ**

**Request: RR-1 to AU, and removal of existing BDP**

**Subject Property:**

**Parcel ID#: 21-35-20-00-39**  
**Tax Acct#: 2104643**  
**Location: North side Parrish Rd., approx. 0.20 mile east of U.S. 1**  
**Address: No assigned address. In the Mims area**  
**Acreage: 14.43 acres.**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1 with BDP	AU without BDP
<b>Potential*</b>	14 SFR (Potential)	5 SFR 10 horse Stable proposed
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 2	YES

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

Trips from Existing Zoning	133.98	14.14	Segment Number	None assigned
Trips from Proposed Zoning		5.05	Segment Name	N/A
Maximum Acceptable Volume (MAV)	None Assigned	None Assigned	Acceptable LOS	N/A
Current Volume	Unknown	Unknown	Directional Split	
Volume With Proposed Development	Net Reduction	Net Reduction	ITE CODE 210 (Existing) Proposed zoning action would cause a net reduction in trip Generation.	
Current Volume / MAV	Unknown	Unknown		
Volume / MAV with Proposal	Reduction	Reduction		
Current LOS	Unknown	Unknown		
LOS With Proposal	Unknown	Unknown		

**Land Use Compatibility**

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the AU zoning classification and the removal of a Binding Development Plan. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The surrounding properties are zoned GML(H) to the north, TR-2 to the south across Parrish Road, GML(H) and AU to the east with RVP and TR-2 to the west. The GML classification allows a variety of land uses for governmental purposes. The GML(H) zoning classification allows heavy industrial uses. The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. TR-2 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on one-half acre lots. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

**Environmental Constraints**

\* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMO's comments follow these staff comments.

**Other Considerations:** The applicants are seeking the AU zoning classification with the removal of an existing Binding Development Plan (BDP) for the purposes of allowing boarding of horses and horses for hire. The subject property is a portion of property that was rezoned from AU to RR-1 with a BDP in 2006 (Z-11149).

The BDP that was approved in conjunction with the rezoning to RR-1 for the development of a single-family subdivision, stipulated that there "will be no request for the open space ordinance" If developed under the open space subdivision, the developer would have been able to cluster home sites and reduce minimum lot sizes in exchange for providing open space. Since the proposed request is for the boarding of horses and horses for hire there is no need to retain the BDP approved in 2006 on the subject property. The property was never developed and the applicant does not desire to develop the property as a subdivision.

Further, the property abutting to the east was rezoned from RR-1 with the same request to remove the BDP to AU in 2013 (12PZ-00077) and is owned by one of the applicants.

In the AU zoning classification, boarding of horses and horses for hire is a Conditional Use Permit. However pursuant to Section 62-1913 which governs the conditional use permit, it states that "a minimum lot area of five acres shall be required for boarding of horses and horses for hire and all structures for the permanent or temporary housing of horses shall meet the setback requirements for such structures in the AU zoning

classification. A conditional use permit shall not be required where the number of horses does not exceed four per acre." The subject property is approximately 14 acres and is not subject to the CUP process.

**Summary:** This request represents the applicants' desire to board horses and have horses for hire. The subject property is a portion of property that is subject to a Binding Development Plan that prohibits the property from being developed with the open space allowances that would cluster home sites and reduce minimum lot sizes. As the applicants do not desire to develop the property with a single-family subdivision, there is no need to retain the BDP previously approved.

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 14PZ-00061</b>	<b>Owner: Brian Burt &amp; Linda Grzybowicz</b>
<b>Zoning Request: RR-1 to AU and removal of BDP</b>	
<b>P &amp; Z Hearing Date: 08/11/14</b>	<b>BCC Hearing Date: 09/04/14</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 21, Rng. 35, Sec. 20; Tax ID No. 2104643**

The subject parcel contains mapped hydric soils and SJRWMD wetlands around the western, northern, and eastern edges of the property. Currently, wetland impacts for commercial/agricultural land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Recently adopted Conservation Element Policy 5.2.E.3 has certain allowances for wetland impacts for commercial/agricultural uses; some of which may be implemented prior to codification. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The subject parcel contains areas of mapped aquifer recharge soils (Tavares fine sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is permitted without prior authorization by NRM if the activity is a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute.

**III.B.7.**

**Commission District # 1 (14PZ-00064)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: MARY ELLEN R. WILLIAMS**

**Request: RR-1 to AU**

**Subject Property:**

**Parcel ID#: 24-35-14-00-13**  
**Tax Acct#: 2405071**  
**Location: Southwest corner of Quail Path and Cox Rd., approx. 0.20 mile south of James Rd.**  
**Address: 2520 Cox Rd., Cocoa**  
**Acreage: 2.75 acres.**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1	AU
<b>Potential*</b>	2 Units	1 Unit
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 1	YES

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

	<b>ADT</b>	<b>PM Peak</b>		
Trips from Existing Zoning	19.14	2.02	Segment Number	69
Trips from Proposed Zoning	9.57	1.01	Segment Name	SR 524 to James
Maximum Acceptable Volume (MAV)	15,600	1,435.2	Acceptable LOS	D
Current Volume	2,580	237.36	Directional Split	
Volume With Proposed Development	2,570.43	236.35	ITE CODE 210 Zoning action reduces allowable 2 SFR to 1 SFR dwelling unit De Minimus Exempt	
Current Volume / MAV	16.53%	16.53%		
Volume / MAV with Proposal	16.47%	16.46%		
Current LOS	B	B		
LOS With Proposal	B	B		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the AU zoning classification. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The surrounding properties to the north, south, and west are zoned RR-1. The property to the east, across Cox Road is zoned AU. The 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. This area of Cocoa is rural and single-family residential in character with the ownership patterns consisting of one acre or greater in area. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\_\_\_\_\_ \* Does the project appear to meet county use or density restrictions based upon:

\* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Hydric soils mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Not Mapped

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMO's comments follow these staff comments.

**Other Considerations:** The applicant is seeking the AU zoning classification for the purposes of beekeeping and honey production on the property. The existing RR-1 zoning classification permits horses and horticulture for the personal use of the occupant of the property and would not permit beekeeping or honey production. The subject property is developed with single-family home and accessory buildings.

**Summary:** The applicant is requesting the AU zoning classification for the purposes of establishing beekeeping and honey production on the property. The existing RR-1 zoning classification does not permit beekeeping or honey production. The RR-1 zoning classification is prevalent in this area with only scattered AU zoned parcels. On the west side of Cox Road, the properties are nearly exclusively zoned RR-1. The Board may wish to consider the compatibility of AU zoning in this area and limit the uses to those requested by the applicant.

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 14PZ-00064</b>	<b>Owner: Mary Ellen R. Williams</b>
<b>Zoning Request: RR-1 to AU</b>	
<b>P &amp; Z Hearing Date: 08/11/14</b>	<b>BCC Hearing Date: 09/04/14</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Hydric soils mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Not mapped

**Comments:**

**This review relates to the following property: Twp. 24, Rng. 35, Sec. 14; Tax ID No. 2405071**

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. Currently, wetland impacts for commercial/agricultural land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Recently adopted Conservation Element Policy 5.2.E.3 has certain allowances for wetland impacts for commercial/agricultural uses; some of which may be implemented prior to codification. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

Portions of the property are mapped as being within floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is permitted without prior authorization by NRM if the activity is a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute.

**III.B.8.**

**Commission District # 1 (13PZ-00098)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: FLORIDA RIVER RAT**

**Request: EU-2 with a BDP to BU-1 on the west 400 ft. (3.43 acres), and AU on the remaining 7.26 acres, with removal of existing BDP**

**Subject Property:**

**Parcel ID#: 24-36-06-00-754**  
**Tax Acct#: 2410814**  
**Location: East side of U.S. 1, approx. .23 mile north of Silver Hill Lane**  
**Address: No assigned address. In the Cocoa area.**  
**Acreage: 10.69 acres.**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	EU-2 & AU	BU-1 (3.43 acres) AU (7.26 acres)
<b>Potential*</b>	14 Units	Retail Store (Potential) Plant Nursery (Proposed)
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 1 COMMUNITY COMMERCIAL	YES

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

Trips from Existing Zoning	133.93	14.28	Segment Number	226
Trips from Proposed Zoning	585	30	Segment Name	SR528 to Canaveral Groves
Maximum Acceptable Volume (MAV)	42,800	3,894.8	Acceptable LOS	D
Current Volume	31,371	2,884.7	Directional Split	.51
Volume With Proposed Development	31,956	2,884.7	ITE CODE 210 - 14 dwelling units (Current) 826 - 3.43 acres 817 - 7.26 acres	
Current Volume / MAV	73.2%	73.2%		
Volume / MAV with Proposal	74.6%	74.0%		
Current LOS	D	D		
LOS With Proposal	D	D		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the BU-1 and AU zoning classifications and the removal of a Binding Development Plan. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The property to the north is zoned BU-2, RU-2-4 and AU. The property to the south is zoned BU-1, EU-2 and AU. The property the east is zoned AU and the property to the west, across Highway US1, is zoned BU-1. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. The RU-2-4 classification is a four unit per acre multiple-family residential zoning classification. It permits multi-family residential development or single family residences at a density of up to four units per acre on 7,500 square foot lots. The EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet. This area of Cocoa includes scattered commercial uses along the Highway US 1 corridor and single-family residences east of Highway US 1 along the Indian River. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Wetlands Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	Class II
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

**Other Considerations:** This item was heard by the Board on February 6, 2014. The Board approved the rezoning to AU subject to a Binding Development Plan (BDP) that limits the uses to a nursery operation and beekeeping. The applicant appeared before the Board on April 15, 2014 to request that the BDP instead provide that "there shall be no commercial hog farming or commercial dog kennels on the property. Rather than accept the requested amendment to the BDP as an unfinished business item,, the Board moved to reopen the public hearing and to continue it to a later date following readvertisement and renoticing. This application is back before the Board for additional consideration.

The applicant seeks to rezone the western 400' of the property, consisting of 3.43 acres to BU-1, for an unspecified commercial use. The remainder of the property to AU would be rezoned for the purposes of having a plant nursery. Also included in this request is the removal of an existing Binding Development Plan approved in 2005 (Z-11031).

In 2005, the subject property was rezoned from BU-1 and AU to EU-2 with a Binding Development Plan (BDP) that limited the maximum number of lots to 14 with no through access to Indian River Drive from Highway US 1. Additionally, a limitation of one lot abutting Indian River drive, with a depth of no less than one hundred feet and no less than 10,000 square feet with a minimum of 2,000 square feet of living space under air was included in the BDP. The BDP further stipulated that the subdivision was to be designed as an open space subdivision with a conservation easement over the jurisdictional existing wetlands prohibiting the wetlands from being filled but reserving rights to use them for access, trail development, boardwalks and nature study consistent with permits issued by St. John's Management District.

**Summary:** The BU-1 and AU zoning classifications are requested by the applicant. In 2005, a rezoning for an open space subdivision was approved with a BDP, however the property has remained undeveloped. It is the applicant's desire to return to the previous zoning classifications and remove the existing BDP as it relates to the development of a single-family subdivision. The applicant is proposing to use the AU portion of the property as a plant nursery and the BU-1 portion along US 1 for future commercial use. AU is prevalent in this area to the north and east however there is an EU-2 subdivision to the south. Compatibility of agricultural uses and suburban residential development should be evaluated by the Board.

**NATURAL RESOURCES MANAGEMENT OFFICE**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 13PZ-00098</b>	<b>Owner: Jay Schenck, FL River Rat, LLC</b>
<b>Zoning Request: EU-2 &amp; AU to BU-1 &amp; AU</b>	
<b>P &amp; Z Hearing Date: 08/11/14</b>	<b>Hearing Date: 09/04/14</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Wetlands mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	Class II
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 06; Tax ID No. 2410814**

The subject parcel contains mapped wetlands. Currently, wetland impacts for commercial or agricultural land uses at this site are not consistent with Chapter 62, Article X, Division 4, entitled Wetland Protection. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Recently adopted Conservation Element Policies 5.2.E.3 and 5.2.F have certain allowances for wetland impacts for commercial or agricultural uses; some of which may be implemented prior to codification. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The site contains mapped aquifer recharge soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The eastern portion of the property is located partially within floodplain as identified by the Federal Emergency Management Agency and; therefore, is subject to criteria within Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance.

The property is located on a Class II water body (the Indian River Lagoon). A 50-foot surface water protection buffer (Buffer) is required along the shoreline. The Buffer is measured from the Brevard County Buffer Establishment Line or the safe upland line, as agreed upon by the applicant. Additionally, mean high water line or ordinary high water line may be used if the applicant can provide documentation that the line and associated elevation is specifically approved by FDEP. Development within the surface water protection buffer is subject to criteria within Conservation Objective 3, its subsequent policies, and the Surface Water Protection Ordinance.

Protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the owner should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is permitted without prior

authorization by NRM if the activity is a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute.

**III.B.9**

**Commission District # 2 (14PZ-00047)**  
**Initial Hearing Dates: P&Z 08/11/14 BCC 09/04/14**

**REZONING REVIEW WORKSHEET**

**Applicant Name: JOHN E. AND LAURAY AITCHESON**

**Request: RU-1-13 to IN(L)**

**Subject Property:**

**Parcel ID#: 25-36-17-01-00-30**  
**Tax Acct#: 2509876**  
**Location: Southwest corner of Green Rd., and Fiske Blvd.**  
**Address: 1003 Green Rd., Rockledge**  
**Acreage: 0.29 acre.**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-13 Group Home	IN(L) Assisted Living Facility
<b>Potential*</b>	6 residents	8 residents
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 15	YES

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

	<b>ADT</b>	<b>PM Peak</b>		
Trips from Existing Zoning	14.22	1.8	Segment Number	44
Trips from Proposed Zoning	18.96	2.4	Segment Name	I-95/Barnes to Eyster
Maximum Acceptable Volume (MAV)	35,000	3,185	Acceptable LOS	E
Current Volume	21,880	1,991	Directional Split	
Volume With Proposed Development	N/A	N/A	ITE CODE 620 6 existing beds increasing to 8. Less than 5 ADT increase De Minimus Exempt	
Current Volume / MAV	62.5%	62.5%		
Volume / MAV with Proposal	No change	No change		
Current LOS	E	E		
LOS With Proposal	E	E		

## Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the IN(L) zoning classification. 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 surrounding properties are zoned RU-1-13 to the north and west with RU-1-11 to the south. To the west, the subject property abuts Fiske Blvd. This area of Rockledge is characterized by single-family residential development. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

\* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRMD's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Not Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Not Mapped

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRMD's comments follow these staff comments.

**Other Considerations:** The subject property is currently developed with a 2,205 square foot single-family home. Currently the home is being utilized as a group home, level 1 with a maximum of six residents. The zoning regulations define a group home as "a facility in which the owners or operators are subject to licensing and approval by the state department of children and families, and where the owners or operators provide basic care, personal services and supervision necessary to meet the physical, emotional and social needs of assigned residents..."

A group home level 2 which would allow up to 14 residents is not permitted in single-family residential zoning and would require rezoning the property to multi-family zoning. A change to multi-family would likely be incompatible with the existing development patterns. Therefore the applicants are requesting the institutional light zoning classification, IN(L), which would allow an assisted living facility or a group home with up to 14 residents for their eight desired residents.

A group home, level 1 use with a maximum of six residents is a permitted use with conditions pursuant to **section 62-1835.9** in all single-family zoning classifications.

All group homes shall comply with the following, as applicable:

- (1) *Dispersal of facilities and notification to the county.*
  - a. The minimum distance between level I facilities in single-family or multi-family zoned areas shall be 1,000 feet. Notification to the county shall occur at the time of home occupancy pursuant to F.S. § section 419.001(2).

- b. The minimum distance between level II facilities in multi-family zoned areas and other group homes shall be 1,200 feet. Such facilities shall also maintain a radius of 500 feet from an area of single-family residential zoning.

*The subject property does not meet the condition that the facilities maintains a radius of 500 feet from single-family zoning. However, per section 3 (below) a request for reasonable accommodation can be sought and evaluated pursuant to section 62-305.*

- c. All distance requirements, stated in subsections a and b above, shall be measured from the nearest point of the existing home or area of single family zoning to the nearest point of the proposed home.
- d. Written notification to the county for a level II facility shall be provided at the time of site selection, pursuant to F.S. § 419(3)(a). Notification shall contain the specific address or legal description of the site, the residential licensing category, the number of residents and community support requirements. Notification shall also contain a statement from the state indicating the need for and licensing status of the facility and the most recently published data identifying all similar facilities in the county.
- e. The owner or operator of a group home shall notify the county within 15 days of the discontinued use to enable the county to maintain accurate dispersal record keeping.

(2) *County procedures for level II group homes.* Pursuant to F.S. § 419(3)(b), the county may:

- a. Determine whether the siting of the level II group home is in accordance with county regulations;
- b. Deny the siting of the level II group home, based upon one or more of the following:
  - 1. The use does not otherwise conform to existing zoning regulations applicable to other multi-family uses;
  - 2. The use does not meet applicable licensing criteria established by the state;
  - 3. The use would result in such a concentration of level II group homes in the area in proximity to the selected site or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within the minimum standards set forth in subsection (1)(b) shall be considered over concentration that substantially alters the nature and character of the area.
  - 4. Nothing in this section shall permit persons to occupy a group home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
  - 5. In the event that the county fails to respond to the notification within sixty (60) days of receipt, then the group home may be established at the selected site.

(3) *Procedures for considering reasonable accommodation.* In circumstances where the standards set forth in this section cannot be met, a request for reasonable accommodation can be sought. Such requests may be evaluated pursuant to section 62-305 or other applicable relief procedures set forth in this chapter.

(4) *Compliance with state regulations.* Violations of applicable statutes and regulations of the state shall be deemed violations of this division.

This request should be evaluated pursuant to **section 62-305** for reasonable accommodation standards and procedures. It is the policy of the county to provide fair access to housing for persons with disabilities and all other persons protected by the Federal Fair Housing Act, including providing reasonable accommodation in the application of the zoning regulations governing residential uses pursuant to federal and state law.

- (1) The persons requesting relief must demonstrate that the requested accommodation is appropriate and that, without the accommodation, they would be denied the opportunity to enjoy housing of their choice in the community of their choice. Once this standard is met, the burden shifts to the county to determine whether the requested accommodation is unreasonable.
- (2) In making a determination as to whether a requested accommodation is reasonable, the following standards shall be applied:
  - a. Whether the requested accommodation imposes an undue financial or administrative burden on county services, such as but not limited to, law enforcement, utilities, public works, traffic safety, public safety and public transportation; or
  - b. Whether the requested accommodation requires a fundamental alteration of the ordinance, zoning regulations, comprehensive plan and the neighborhood; or
  - c. Whether the requested accommodation undermines legitimate purposes and effects of existing zoning.
- (3) The following factors shall be weighed in considering reasonable accommodation:
  - a. Special needs created by the disability;
  - b. Potential benefit that can be accomplished by the requested modification, which may include:
    1. Opportunity to enjoy support, security, location, services, proximity to work or friends provided in a group home in the community of choice;
    2. Opportunity to plan a residential community with special amenities;
  - c. Potential impact on surrounding uses;
  - d. Physical attributes of the property and structures thereon;
  - e. Choice of alternative accommodations which may provide an equivalent level of benefit; and
  - f. Whether, in the case of a determination involving a single family dwelling, the household would be considered a single housekeeping unit if it were not using special services that are required because of the disabilities of the residents.
  - g. Other considerations when evaluating requests for reasonable accommodation:
    1. Character of the neighborhood and zoning classification (residential or non-residential);
    2. Residential character of the house (consistency of interior and exterior with single-family usage); and
    3. Parking needs of residents.
- (4) Procedures for evaluating reasonable accommodation.
  - a. Requests for reasonable accommodation shall follow the application and public hearing procedure set forth in Article II, Division 6 of this chapter.
  - b. In the event that a request for reasonable accommodation is not decided within 60 days of the date of application, the request shall be automatically granted. This time period may be extended upon agreement of both parties.

The applicants have not yet demonstrated that the facility complies with State requirements. It is anticipated that exterior site work, such as parking for employees and visitors will be required.

**Summary:** The applicants wish to rezone the property to IN(L) for the purposes of having a group home with eight residents. The subject property does not meet the condition that the facilities maintains a radius of 500 feet from single-family zoning. However, per section 62-1835.9, a request for reasonable accommodation can be sought and evaluated pursuant to section 62-305. At this time, a request for reasonable accommodation has not been submitted.

Given the single-family development in the area, the Board may wish to cap the total number of residents and limit the use of the property as a group home given the character of the single-family subdivision.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review**  
**SUMMARY**

**Item #: 14PZ-00047**

**Owner: John & Lauray Aitcheson**

**Zoning Request: RU-1-13**

**P & Z Hearing Date: 08/11/14**

**BCC Hearing Date: 09/04/14**

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

<b>Natural Resource</b>	<b>Preliminary Assessment</b>	<b>Natural Resource</b>	<b>Preliminary Assessment</b>
Wetlands Potential/Hydric Soils	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Not Mapped

**Comments:**

**This review relates to the following property: Twp. 25, Rng. 36, Sec. 17; Tax ID No. 2509876**

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.