



**Planning & Development Department**  
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(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 8, 2016  
**DATE:** July 18, 2016

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.

**IV.B.1.**

**Commission District # 2 (16PZ00064)**  
**Initial Hearing Dates: P&Z 08/08/16 BCC 09/01/16**

**REZONING REVIEW WORKSHEET**

**Applicant Name: JANICE RENK**

**Request: AU & GU to RU-2-8**

**Subject Property:**

**Parcel ID#: 25-36-07-27-5-1**  
**Tax Acct#: 2501521**  
**Location: East side of South Tropical Trail, approx. 200 ft. south of River Cliff Lane**  
**Address: 892 S. Tropical Trail, Merritt Island**  
**Acreage: 1.89 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>	AU & GU	RU-2-8
<b>Potential*</b>	1 SFR Unit	14 Multi-family Units
<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	10	1	Segment Number	350A
Trips from Proposed Zoning	81	7	Segment Name	S. Tropical Trail
Maximum Acceptable Volume (MAV)	12,480	1,123	Acceptable LOS	E
Current Volume	4,508	406	Directional Split	0.52
Volume With Proposed Development	4,589	413	<b>ITE CODE</b>  230	
Current Volume / MAV	36.12%	36.12%		
Volume / MAV with Proposal	36.77%	36.77%		
Current LOS	B	B		
OS With Propos	B	B		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## Land Use Compatibility

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

The request is for the RU-2-8 zoning classification. The RU-2-8 classification is an eight unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to eight units per acre on 7,500 square foot lots. The surrounding properties are zoned RU-1-9 to the north, AU to the south, GU to the east and AU across S. Tropical Trail to the west. This area of S. Tropical Trail is primarily developed with single-family homes. 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 NRM'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 (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:** The subject property is currently developed with a single-family home constructed in 1967. The applicant is requesting the RU-2-8 multi-family zoning classification for the purposes of constructing 7 duplexes, for a total of 14 units. The RU-2-8 zoning classification allows up to eight units per acre and is consistent with the Future Land Use Designation of Residential 15.

There are no other multi-family zoning classifications in this area of south Merritt Island along S. Tropical Trail. Given that the area is predominately zoned single-family, the Board may wish to evaluate the compatibility of multi-family zoning in this area and enhance landscaping or setbacks to prevent incompatibilities between single-family and multi-family uses.

It is noteworthy to mention that Resort Dwellings, which are rentals of 90 days or less, are a permitted use within the multi-family zoning classifications. Therefore, the transient nature of resort dwellings should be evaluated when considering the location of the subject property and the proposed use.

**Summary:** The applicant is requesting the RU-2-8 zoning classification that allows up to eight units per acre for the purposes of developing 7 duplexes on the subject property, yielding a total of 14 units. Given the lack of multi-family zoning in the area, the Board should evaluate the compatibility of the request.

The applicant has stipulated the construction is for duplexes, the Board may wish to consider a Binding Development Plan (BDP) to ensure the scale and type of duplex is within character of the area, provide enhanced landscaping on the north side of the property and prohibit the units from being used as Resort Dwellings.

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

<b>Item #: 16PZ00064</b>	<b>Applicant: Janice Renk</b>
<b>Zoning Request: AU &amp; GU to RU-2-8</b>	
<b>P&amp;Z Hearing Date: 08/08/16</b>	<b>BCC Hearing Date: 09/01/16</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. 25, Rng. 36, Sec. 02; Tax ID No. 2501521**

The subject parcel contains mapped hydric soils (Anclote Sand, frequently flooded), an indicator that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6), for subdivisions and multi-family parcels greater than five acres in area. 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.

The subject parcel also contains mapped aquifer recharge soils (Paolo Fine Sand, 0-Candler-Urban Land Complex). 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 NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM (321-633-2016).

THIS ITEM WAS TABLED FROM THE 7/11/2016 P&Z MEETING

**IV.B.2.**

**Commission District # 1 (16PZ00046)**  
**Initial Hearing Dates: P&Z 08/08/16 BCC 09/01/16**

**REZONING REVIEW WORKSHEET**

**Applicant Name: EDWARD A. (III) & JENNIFER J. OSTOPOVICH**

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

**Subject Property:**

**Parcel ID#: 20G-34-03-AI-8-4.03**  
**Tax Acct#: 2000758**  
**Location: East side of International Ave., approx. 700 ft. north of Golden Shores Blvd.**  
**Address: 5175 International Ave., Mims**  
**Acreage: 2.89 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>	GU & RR-1	AU (Beehives for honey, apiary)
<b>Potential*</b>	1	1
<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.

**ADT PM**

Trips from Existing Zoning	0	0	Segment Number	360W
Trips from Proposed Zoning	10	1	Segment Name	US-1 Highway
Maximum Acceptable Volume (MAV)	40,300	3,627	Acceptable LOS	C
Current Volume	3,000	270	Directional Split	0.51
Volume With Proposed Development	3,010	271	ITE CODE  210	
Current Volume / MAV	7.44%	7.44%		
Volume / MAV with Proposal	7.47%	7.47%		
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 are zoned AU to the north, RR-1 and GU to the south, GU to the east and GU 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. 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 keeping of horses and agricultural pursuits are accessory to a principle residence within the RR-1, rural residential zoning classification. This area of Mims is characterized by single-family development with agricultural pursuits on property of at least one acre or more 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 NRM'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	Mapped Scrub Jay Occupancy

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:** The subject property is developed with a single-family home and accessory structures. The applicants' are making this request for AU to have agricultural pursuits, specifically bee hives/apiary for the production of honey. This area of Mims is characterized by accumulations or assemblages of smaller parcels for single-family and agricultural pursuit development. It is typical for ownership patterns in the area to consist of several lots put under one ownership for the purposes of developing a single-family home or to have small scale agricultural pursuits.

The Florida Department of Agriculture and Consumer Service Division of Plant Nursery, in compliance with Florida Statute , Chapter 586.10 (1) F.S. /Rule 5B-54.0105, FAC, requires a "Beekeeper Compliance Agreement – Best Management Requirements (BMR) for Maintaining European (Not African) Honey Bee Colonies". The requirements of the Statute and the agreement limits colony density in areas not classified as agricultural pursuant to Section 193.461 of the Florida Statutes to minimize potential conflict between people and honey bees and beekeepers following the BMRs. The honey bee colony requirements/densities may not be exceeded except under a special permit issued by the Director of the Division of Plan Nursery in ordinance with the requirements of Rule 5B-54.0105(3), FAC. The applicants are seeking AU, which would allow agricultural pursuits, and bee hives/apiaries would be considered an agricultural pursuit. Beekeepers keeping bees in areas that are not classified as agricultural must adhere to these guidelines. These same "guidelines" are recommended but not required for beekeepers in areas classified as agricultural pursuant to Section 193.461, Florida Statutes.

**Summary:** This request represents the applicants' desire to add bee hives/apiary to the subject property. The applicants are seeking AU, which would allow agricultural pursuits, bee hives/apiaries would be considered an agricultural pursuit. The same rules which apply to bee hives/apiaries on non-agricultural lands use the same rules as agricultural, however they are to be used as "guidelines are recommended but not required by beekeepers keeping bees in areas classified as agricultural pursuant to Section 193.461, Florida Statutes".

The property is currently developed with a single-family home. This area of Mims is characterized by accumulations or assemblages of smaller parcels for single-family and agricultural pursuit development with a mixture of GU, AU and RR-1 zoning classifications. Given the proximity of other single-family residences, the Board may wish to consider limiting the agricultural pursuit to beehives/apiary as the only agricultural pursuit on the subject property.

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

<b>Item #: 16PZ00046</b>	<b>Applicant: Edward &amp; Jennifer Ostopovich</b>
<b>Zoning Request: GU to AU</b>	
<b>P&amp;Z Hearing Date: 07/11/16;</b>	<b>BCC Hearing Date: 08/04/16</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	Mapped scrub jay occupancy

**Comments:**

**This review relates to the following property: Twp. 20G, Rng. 34, Sec. 03; Tax ID No. 2000758**

The subject parcel has mapped hydric soils (Basinger Sand) over most of the property and a small area of mapped NWI wetlands on the southeast portion of the property. Section 62-3694 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 at 321-633-2016 prior to performing any activities, plan or permit submittal.

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

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

Information available to NRM indicates that federally and/or state protected species may be present on the property - specifically, scrub jays and 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, as applicable.

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

THIS ITEM WAS TABLED FROM THE 7/11/16 P&Z MEETING  
**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**IV.B.3.**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 16S.05  
Township 25, Range 36, Section 26*

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**Property Information**

Owner / Applicant: Banana Riverfront, LLC

Adopted Future Land Use Map Designation: RES 15 & CC

Requested Future Land Use Map Designation: CC

Acreage: 1.26 +/- acres Tax Account #: 2520254

Site Location: West tside of S. Orlando Ave., approximately 415 Ft north of Crescent Beach Dr.

Current Zoning: RU-2-15

Requested Zoning: BU-1

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**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Road	N/A	N/A
<b>South</b>	Multifamily Residential	RU-2-15	RES 15/CC
<b>East</b>	Road	N/A	N/A
<b>West</b>	River	N/A	N/A

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**General Analysis**

The subject property has an existing restaurant, with a RES 15 Future Land Use designation. This request will amend the RES 15 Future Land Use designation and provide for a Community Commercial (CC) designation for approximately 1.26 acres of parent parcel located on the eastside of S. Orlando Avenue. The proposed CC small scale amendment and companion rezoning will allow for commercial uses on the property and conformity with the Comprehensive Plan.

The aforementioned parcel abuts an unnamed street to the north, multifamily residential development to the south, S. Orlando Avenue to the east which has a NC future land use designation, vacant land to the south and east and Banana River to the west. The character

of the area is mixture of multifamily residential and commercial land uses. The existing restaurant can continue to operate as a nonconforming use in the footprint that existed prior to 2016. The applicant, however, seeks to legalize an expansion of the restaurant and therefore, requires a Community Commercial land use designation along with a rezoning to BU-1.

### 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.*

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### 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.*

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### 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 2200 Orlando Avenue and SR A1A, an Urban Principal Arterial roadway.*

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

*This request represents approximately 1.26 acres of parent parcel, which has both RES 15 and CC Future Land Use designation.*

C. Existing commercial development trend in the area;

*There is an existing node of community commercial development within the area.*

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

*There have not been 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;

*The SR A1A is a state facility. The preliminary concurrency analysis did not indicate that the proposed development may cause a deficiency of adopted levels of service.*

F. Spacing from other commercial activities;

*The subject parcel is adjacent to other developed commercial land uses.*

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

*This request represents approximately 1.26 acres of parent parcel.*

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

*The Board should note NRMCO's analyses included in the zoning staff comments. A 50 Feet surface water protection buffer is required from Class II waters of the Indian River lagoon. The addition that the applicant seek to legalize through this comprehensive plan amendment encroaches in the buffer area.*

I. Integration of open space; and

*This will be evaluated during site plan review.*

J. Impacts upon strip commercial development.

*There is no other existing commercial development adjacent to this property.*

### **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 indicated that the proposed use will be an expansion of the existing restaurant use.*

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

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

**Criteria:**

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

*The subject parcel is less than 10 acres.*

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

*The subject parcel is approximately 1.26 acres and is not located at an intersection.*

- 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 less than 10 acres.*

- 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.*

### Summary

The proposed change in Future Land Use on 1.26 acres of parent parcel from RES 15 to CC located is located on the east side of S. Orlando Avenue. There are existing commercial and multifamily residential development on the west and east side of said road. The applicant seeks this comprehensive plan amendment in order to expand commercial uses associated with the existing restaurant. A 50 feet surface water protection buffer is required from Class II waters, per Policy 3.3 (a) of the Conservation Element.

The companion rezoning to BU-1 will allow for expansion the existing restaurant. The applicant is advised that should the Comprehensive Plan amendment and rezoning application be approved, it does not vest the owner from meeting all requisite Comprehensive Plan policies and Land Development regulations. Furthermore, it does not guarantee that the illegal expansion of the use can remain.

**THIS ITEM WAS TABLED FROM THE 7/11/16 MEETING**

**IV.B.3.**

**Commission District # 2 (16PZ00055)**  
**Initial Hearing Dates: P&Z 08/08/16 BCC 09/01/16**

**REZONING REVIEW WORKSHEET**

**Applicant Name: BANANA RIVERFRONT, LLC**

**Request: Small Scale Plan Amendment (16S.05) from Res 15 & CC to all CC; and a change from RU-2-15 to BU-1 with a CUP for alcohol**

**Subject Property:**

**Parcel ID#: 25-37-26-28-00-1**  
**Tax Acct#: 2520254**  
**Location: West side of Orlando Ave., approx. 415 ft. north of Crescent Beach Dr.**  
**Address: 2200 S. Orlando Ave., Cocoa Beach**  
**Acreage: 2.44 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-2-15	BU-1
<b>Potential*</b>	6 Residential Units	20,038 s.f
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 15	NO**

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

\*\*Requires a Small Scale Plan Amendment from Residential 15 to all Community Commercial

Trips from Existing Zoning	40	4	Segment Number	335G
Trips from Proposed Zoning	1,799	150	Segment Name	SR A1A
Maximum Acceptable Volume (MAV)	19,440	1,750	Acceptable LOS	D
Current Volume	9,900	891	Directional Split	1
Volume With Proposed Development	11,699	1,041	ITE CODE 931	
Current Volume / MAV	50.93%	50.93%		
Volume / MAV with Proposal	60.18%	60.18%		
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 zoning classification. 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 surrounding properties are zoned RU-2-15 to the north, south and west. The RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. The subject property is located on the west side of A1A, south of the City of Cocoa Beach along the Banana River. This area of Cocoa Beach is characterized by a mixture of single-family, multi-family and commercial 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 NRM'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	Class II, Aquatic Preserve
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (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 request represents the applicant's desire to re-establish the existing restaurant, "Squid Lips", also known previously as the "Lobster Shanty". In 2006, the subject property was rezoned to RU-2-15 and the Future Land Use designation was changed to Residential 15, for the development of a multi-family project (Z-11289). However it appears that there is no longer a desire to develop the property as multi-family. Historically, the property was zoned BU-1 for the restaurant use with a CUP for alcohol in 1974 (Z-3712).

As the restaurant continued to operate and the use was never abandoned, the restaurant has been able to continue as a "non-conforming" use, as defined in Section 62-1181. Without seeking County approval, the current owner has expanded the restaurant footprint to provide additional seating space including an outside covered patio, enclosed previously open areas and added asphalt in areas of the parking lot that were previously serving as heat islands and landscaping. Since non-conforming structures cannot be expanded pursuant to Section 62-1182, it is necessary for the property to be rezoned to commercial (BU-1) in order for the restaurant use to be continued and expanded as the applicant desires. Additionally, the CUP for alcoholic beverages needs to be re-established pursuant to section 62-1901 (e).

The Land Development Regulations require one parking space for every 100 square feet of the establishment including any outside seating areas. Until the appropriate permits and site plan revisions are made to the subject property showing the improvements, it is not clear how many seats or outside seating areas will be required/provided. However, the subject property as a stand-alone restaurant has designated parking available on the east side of the property.

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** 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 and Section 62-1906, on-premises consumption of alcohol. 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 requested "renewal" of the conditional use for on-premises consumption of alcoholic beverages will not result in a substantial or adverse impact on adjacent or nearby properties as the restaurant is only expanding its outside seating that faces the Indian River Lagoon. The property has been used as a restaurant since 1952. Outdoor seating has been a part of the property for at least 30 years. The anticipated expansion of outdoor seating is 50 seats. "Exhibit A" reveals the expanded elevated dock and walkway; Exhibit B shows the extent of the deck and walkway before expansion. The hours of operation and outdoor entertainment will remain the same as the historical use, with closing hours of 10 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday. The restaurant will meet all performance standards.**

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 renewal of the conditional use will be compatible with the character of the adjacent and nearby properties as it has since the Property operated as a restaurant in 1952. The Conditional Use Consumption on Premises of Liquor, Beer & Wine was approved by the County Commission on July 11, 1974. See "Exhibit C".**

**Furthermore, the County acknowledged on January 15, 2016, that the property complied with the County zoning requirements for the sale of alcoholic beverages on the property. See "Exhibit D".**

*Staff has received complaints from neighboring residential property owners regarding the overflow of restaurant parking onto their properties.*

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

**The renewal of the conditional use will not cause any diminution in value of the multi-family property to the north as the restaurant (and 1974 CUP) is not expanding its hours and will meet all performance standards.**

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

**There will be no change to the ingress and egress to the property or the restaurant due to the renewed conditional use.**

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

**The renewal of the conditional use will not create any additional noise, glare, odor, particulates, smoke, fumes or other emissions.**

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

**The restaurant will continue to comply with the County noise standards.**

*The applicant has expressed an intent to have outside music, which may impact adjacent residential properties.*

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

**There will be no need for additional solid waste disposal due to the renewed conditional use.**

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

**There will be no additional need for potable water or wastewater-due to the renewed conditional use.**

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

**There will be no additional screening or buffering due to the renewed conditional use.**

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

**There will be no additional signage or due to the renewed conditional use. There will be additional lighting on the expanded deck and walkway that will be directed into the seating area or shielded so it does not cause spillage on adjoining properties.**

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

**The hours of operation will remain the same as the current restaurant hours and will not adversely affect the multi-family residents to the north.**

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

**The building already exists and meets County height limitations.**

*The existing building is one story.*

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

**The parking and loading areas have existed in the same configuration since 1955, when the smaller building was constructed. This requested CUP will not increase the need for parking spaces or loading zones as the interior seating has been reduced to accommodate the additional exterior seating. Additionally, Banana Riverfront has entered into an agreement with Living Bread Christian Fellowship, Inc., to provide additional parking of approximately 45 spaces for use by the property's employees and customers. See "Exhibit E"**

*From historical aerial photos it appears that the parking lot has removed previously existing landscaped heat islands and other non-asphalted areas to add parking spaces. Staff has received complaints from neighboring residential property owners regarding the overflow of restaurant parking onto their properties.*

This request should be evaluated in the context of **Section 62-1906** which governs alcoholic beverages for the on-premises consumption of alcohol which states in, specifically 62-1906 (3) and (5)

- 3) Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes.

*The existing restaurant has more than 50 seats and is not subject to this requirement.*

- 5) Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for on-premises consumption of alcoholic beverages. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.

*The Board may wish to impose operating hour limitations on outside music given the proximity of residential uses.*

**Summary:** In 2006 the subject property, home of the existing "Squid Lips" restaurant, was rezoned to RU-2-15 for the purposes of developing a multi-family project. The property was not redeveloped as a multi-family project, and the restaurant remained open. The property owner was therefore able to keep the restaurant as a non-conforming use. However, the applicant desires to legalize the expanded seating space and the enclosed areas that have recently been added without permits. The code prohibits non-conforming uses from expanding pursuant to Section 62-1182 and it is therefore necessary to change the zoning back to BU-1 for the restaurant use and re-establish the Conditional Use Permit for on-premises consumption of alcohol.

A Small Scale Comprehensive Plan Amendment accompanies this request to change the existing Future Land Use from Residential 15 to Community Commercial.

These comments address only the zoning and land use regulations. Other code provisions (such as environmental regulations) may apply but are not addressed in these comments. The applicant should note that the Comprehensive Plan Amendment and rezoning applications, if approved, do not vest the owner from meeting all requisite land development regulations and does not guarantee that the illegal additions can remain.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
 Rezoning Review  
 SUMMARY**

<b>Item #: 16PZ00055</b>	<b>Applicant: Banana Riverfront, LLC</b>
<b>Zoning Request: Res 15/CC to CC and RU-2-15 to BU-1</b>	<b>BCC Hearing Date: 08/04/16</b>
<b>P&amp;Z: 07/11/16</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.

<b>Natural Resource</b>	<b>Preliminary Assessment</b>	<b>Natural Resource</b>	<b>Preliminary Assessment</b>
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	Class II, Aquatic Preserve, OFW
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 25, Rng. 37, Sec. 26; Tax ID No. 2520254**

The subject parcel contains mapped hydric soils (Canaveral-Anclote Complex, gently undulating) and SJRWMD wetlands, an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). Orlando Avenue is an MQR. The applicant would be required to complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to performing any activities, plan, or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Canaveral-Palm Beach-Urban Land Complex and Canaveral-Anclote Complex, gently undulating (also hydric)). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The western portion of the property is located on surfaces waters classified as Aquatic Preserve, Class II, and Outstanding Florida Water. A 50-foot surface water protection buffer is required. The applicant is hereby notified of development restrictions within Policy 3.3 of the Conservation Element. Accessory structures within the buffer are permissible with conditions (e.g., stormwater management provided, avoidance/minimization of impacts, maximum 30% impervious). The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, sit plan or permit submittal.

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

Per Section 62-3666(13) of the Surface Water Protection ordinance; redevelopment or expansion of existing or development of new residential/recreational, commercial/recreational and commercial/industrial marinas shall not be located in Aquatic Preserves or Outstanding Florida Waters so as to substantially and materially have a negative impact on these waters. All marinas shall affirmatively demonstrate compliance with Policy 9.9 of the Conservation element and Objective 5 and subsequent policies of the Coastal Management element of the Brevard County Comprehensive Plan, as amended. The affirmation shall include, but not be limited to, siting, habitat, and water quality criteria.

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

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM prior to performing any land clearing activities.

There are recent unpermitted site development activities on subject property. Staff has not had the opportunity to assess these activities. Potential non-compliance issues include impacts related to surface water protection, wetlands protection, floodplain protection, and land clearing. A meeting with the applicant's engineer of record is scheduled. A detailed assessment will be performed at that time.

THIS ITEM WAS TABLED FROM THE 7/11/16 P&Z MEETING  
**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**IV.B.4.**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 16S.06*  
**Township 25, Range 36, Section 35**

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**Property Information**

Owner / Applicant: Riverside Commons, LLC

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 2.52 +/- acres Tax Account #: 2512040/2512044

Site Location: Eastside of US-1 Highway, approximately 780 feet north of Rockledge Dr.

Current Zoning: RP

Requested Zoning: BU-1

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**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Non-Profit (Goodwill)	RP&EA	NC
<b>South</b>	Vacant	BU-1	CC
<b>East</b>	Vacant	EA	NC
<b>West</b>	Roadway	N/A	N/A

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**General Analysis**

The subject property is vacant, with a NC Future Land Use designation. This request will amend the NC Future Land Use designation and provide for a Community Commercial (CC) designation for 2.52 acres located on the eastside of US-1 Highway. The proposed CC small scale amendment and companion rezoning will allow for commercial uses on the property. The proposed use as a child and adult daycare is desired by the applicant.

The aforementioned parcel abuts a Goodwill store to the north, which has a NC future land use designation, vacant land to the south and east with CC and NC future land use designation correspondingly and US-1 Highway to the west. The character of the area is mixture of commercial and industrial land uses. The industrial land uses are located on the

west side of the FEC railway and commercial land uses are located on the east side of the US-1 Highway.

### 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.*

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### 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.*

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### 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 US-1 Highway, an Urban Principal Arterial roadway.*

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

*The subject parcel is 2.52 acres with an existing NC future land use designation, and abut CC future land use designation to the south.*

- C. Existing commercial development trend in the area;

*There are existing heavy and light industrial parcels located on the west side of US-1 Highway and developed commercial properties with either neighborhood commercial or Community Commercial land use designations located on the east side of said roadway.*

- 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;

*The US-1 highway is a state facility. The preliminary concurrency analysis indicated that the proposed development may cause a deficiency of adopted levels of service.*

- F. Spacing from other commercial activities;

*The subject parcel is adjacent to other developed commercial land uses.*

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

*The subject parcel is 2.52 acres, it has a NC Future Land Use designation. The requested change to CC and associated rezoning to BU-1 would allow higher intensity commercial development.*

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

*The environmental impact of the proposed development is additionally regulated by an existing BDP. The Natural Resources Department will provide a preliminary report as part of the staff comments for the rezoning application.*

- I. Integration of open space; and

*This will be evaluated during site plan review.*

- J. Impacts upon strip commercial development.

*The subject parcel would not impact strip commercial development.*

**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 indicated that the proposed use will be a child and adult daycare facility. A daycare center is a non-retail commercial use.*

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

#### **Policy 2.8**

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

#### **Criteria:**

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

*The subject parcel is less than 10 acres.*

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

*The subject parcel is 2.52 acres and is not located at an intersection.*

- 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 less than 10 acres.*

- 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.*

### Summary

The proposed change in future land use of 2.52 acres of land from NC to CC is located on the east side of US-1 Highway, which is an arterial roadway. There are existing industrial and commercial development on the west and east side of said road. The proposed amendment to Community Commercial is needed to allow for the companion rezoning to BU-1.

THIS ITEM WAS TABLED FROM THE 7/11/16 P&Z MEETING **IV.B.4.**

**Commission District # 4 (16PZ00057)**  
**Initial Hearing Dates: P&Z 08/08/16 BCC 09/01/16**

**REZONING REVIEW WORKSHEET**

**Applicant Name: RIVERSIDE COMMONS, LLC**

**Request: Small Scale Plan Amendment from NC to CC; and a change from RP to BU-1**

**Subject Property:**

**Parcel ID#: 25-36-35-00-33**  
**Tax Acct#: 2512040**  
**Location: East side of U.S. Hwy 1, approx. 780 ft. north of Rockledge Dr.**  
**Address: No assigned address. In the Rockledge area.**  
**Acreage: 1.53 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)

	CURRENT	PROPOSED
<b>Zoning</b>	RP	BU-1
<b>Potential*</b>	66,647 s.f	66,647 s.f
<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 from Neighborhood Commercial to Community Commercial.

**FDOT TRAFFIC**

**SCTPO**

	ADT	PM PEAK		
Trips from Existing Zoning	985	164	Segment Number	360L
Trips from Proposed Zoning	985	164	Segment Name	US-1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	41,100	3,699	Directional Split	0.51
Volume With Proposed Development	42,085	3,863	ITE CODE	
Current Volume / MAV	98.35%	98.35%	565	
Volume / MAV with Proposal	100.71%	100.71%		
Current LOS	D	D		
LOS With Proposal	D	D		
<b>Findings</b>	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

	ADT	PM PEAK		
Trips from Existing Zoning	985	164	Segment Number	360L
Trips from Proposed Zoning	985	164	Segment Name	US-1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	31,849	2,866	Directional Split	0.51
Volume With Proposed Development	32,834	3,030	ITE CODE	
Current Volume / MAV	76.21%	76.21%	565	
Volume / MAV with Proposal	78.57%	78.57%		
Current LOS	C	C		
LOS With Proposal	C	C		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## 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 zoning classification. 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 surrounding properties are zoned RP and EA to the north, BU-1 to the south, EA and EU to the east and IU-1 to the west across Highway US1. RP is professional office zoning classification which also permits residential uses at up to 5 units per acre. Minimum lot size requirements are 7,500 square feet of lot area and minimum lot width and depth of 75 feet. The EA environmental area zoning classification recognizes the natural resource components as defined and provided for by the provisions of the Comprehensive Plan. The purpose of this classification is to conserve natural resource functions and features by retaining lands and waters in their pristine character and condition, but permit uses which are compatible with or which shall enhance or restore the functions and features of such natural resources. The EA classification permits single-family detached residential dwellings units and passive recreation. Minimum lot area is ten (10) acres with width and depth of 125 feet. This classification includes wetlands identified on the National Wetlands Inventory Maps, naturally formed or man-made islands and the dune beach. The EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet. IU-1 is the heaviest industrial zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet. This area of Rockledge is characterized by the commercialized Highway US 1 corridor with single-family development east towards 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	Mapped Wetlands	Coastal Protection	NA
Aquifer Recharge Soils	Not 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:** This request represents the applicant's desire to develop the subject property as a child care and adult day care facility. "The concept and goal is to build and develop Space Coast Intergenerational Care center which is composed of a preschool and adult day care." The subject property is currently vacant and in an area of Rockledge that is characterized by the commercialized Highway US 1 corridor.

There is an existing Binding Development Plan (Z-10987), which stipulates that the developer/owner shall provide a vegetative buffer on the east portion of the property, removal of exotic plant, provide fence or wall on the east lot line and locate north building foot print as far from the north east side of the property line. The subject site abuts, Environmental Areas (EA) to the east. This classification recognizes the natural resource components as defined and provided for by the provisions of the conservation element of the comprehensive plan.

A conceptual plan associated with this request, depicts three structures that will be located on the south east portion of the subject parcel, adhering to the existing stipulations of the BDP. Abutting the property on the east side is a single-family subdivision. There is an existing stormwater pond for the abutting subdivision that is approximately 65 feet wide. If undisturbed, existing vegetation and the stormwater pond could provide a partial buffer to the proposed commercial use. The subject property is also abutting property zoned EA which includes wetlands identified on the National Wetlands Inventory Maps. The next closest BU-1 property is to the south and is vacant, to the north is RP zoning and EA zoning. The RP portion north of the subject property is used as the parking lot for the Goodwill facility.

The request for BU-1 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).

The request for BU-1 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area 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 intersections.
- B. Community Commercial complexes should not exceed 40 acres at an intersection.
- 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.
- 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.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

*The subject parcel is less than 10 acres.*

*The subject parcel is 2.52 acres and is not located at an intersection.*

*The floor area ratio is reviewed at the time of site planning.*

**Summary:** The applicant wishes to rezone the property from RP to BU-1 for the purposes of developing the subject property as an “intergenerational” care facility with both child and adult day care. The subject property is currently vacant and in an area of Rockledge that is characterized by the commercialized Highway US 1 corridor. If undisturbed, existing vegetation and the stormwater pond provide a partial buffer to the proposed commercial use. Given its proximity to single-family development, and the wide array of retail uses available under the BU-1 zoning classification, the Board may wish to limit the use to that proposed by the applicant through a Binding Development Plan.