



AGENDA REPORT
August 2, 2018

**Public Hearing, Re: Julian and Martha Goldsmith request a change of
Zoning classification from GU to RU-1-7. (18PZ00055) (District 4)**

SUBJECT:

Public Hearing, Re: Julian and Martha Goldsmith request a change of Zoning classification from General Use (GU) to Single-Family Residential (RU-1-7). The property is 0.33 acres, located at 3165 Ernest Sands Rd., Rockledge. (18PZ00055) (District 4)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of Zoning classification from GU to RU-1-7.

SUMMARY EXPLANATION and BACKGROUND:

The purpose of the request is to allow the applicant to construct a detached garage closer to the lot lines than the 15-foot side and rear setbacks required for accessory buildings in the GU zoning classification. The RU-1-7 Zoning classification requires 5-foot side and rear setbacks for accessory buildings. This allows existing single family residence to have an a garage on the same property.

The Board may wish to consider that the transitional character of this neighborhood that was originally platted November 9, 1894, and established as one of the county's oldest residential neighborhoods, is transitioning to commercial, consistent with FLU of NC and CC, due to its land and soil characteristics, proximity to U.S. 1 and the F.E.C. railroad, and surrounding commercial development trends.

On July 9, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**

H3

RESOLUTION NO. 18PZ00055

On motion by Commissioner Smith, seconded by Commissioner Barfield, the following resolution was adopted by a unanimous vote: (Commissioners Tobia and Isnardi absent)

WHEREAS, JULIAN AND MARTHA GOLDSMITH have applied for a change of classification from GU (General Use) to RU-1-7 (Single-Family Residential), on property described as Lots 1 & 2, Block 28, Plan of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida, together with the W ½ of the abutting portion of Third Street vacated under Resolution recorded in ORB 3931, Page 225, of the Public Records of Brevard County, Florida; and together with the N ½ of the portion of Freeman Lane vacated under Resolution recorded in ORB 4514, Page 1594 and re-recorded in ORB 5039, Page 3989, of the Public Records of Brevard County, Florida, abutting said Lots 1 & 2, Block 28 and abutting the said W ½ of the portion of vacated Third Street abutting said Lot 1, Block 28. (0.33 acres) Located on the south side of Ernest Sands Rd., approx. 0.26 mile west of U.S. Hwy 1. (3165 Ernest Sands Rd., Rockledge); and

Section 12, Township 26S, Range 36E, and,

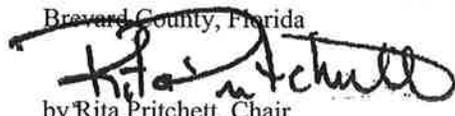
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU to RU-1-7 be APPROVED as recommended. The Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 2, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission

As approved by Brevard County Commission on August 2, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – July 9, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

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 development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for 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.

REZONING REVIEW WORKSHEET

18PZ00055

Commission District # 4

Hearing Dates: P&Z 07/09/18

BCC 08/02/18

Owner Name: JULIAN AND MARTHA GOLDSMITH

Request: GU to RU-1-7

Subject Property:

Parcel ID# 26-36-12-DE-28-1

Tax Acct.# 2601574

Location: South side of Ernest Sands Rd., approx. 0.26 mile west of U.S. Hwy 1

Address: 3165 Ernest Sands Rd., Rockledge

Acreage: 0.33

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)

	CURRENT	PROPOSED
Zoning	GU	RU-1-7
Potential*	1 SF lot in GU as a Nonconforming Lot of Record	1 SF lot in RU-1-7
Can be Considered under FLU MAP	YES, NC allows GU	YES, NC allows RU-1-7

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

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	360L
Trips from Proposed Zoning	10	1	Segment Name	US 1 SUNTREE BLVD.-VIERA BLVD.
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	31,360	2,822	Directional Split	0.5
Volume With Proposed Development	31,360	2,822	ITE CODE	
Current Volume / MAV	75.04%	75.04%	210	
Volume / MAV with Proposal	75.04%	75.04%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from the original Zoning of General Use (GU) to Single-Family Residential (RU-1-7) for the purpose of constructing a detached garage closer to the lot lines than the 15 foot side and rear setbacks required for accessory buildings in the GU district would allow for. The garage will be accessory to their existing single-family residence on the same property.

The RU-1-7 Zoning classification requires 5 foot side and rear setbacks for accessory buildings. The applicant initially considered rezoning to RU-1-13, with 7.5 foot side and rear setbacks for accessory buildings, but when they discovered that their Lots 1 and 2, Block 28, Plan of Town of Pineda, platted November 9, 1894 were nonconforming lots of record and that these lots conform to the minimum lot size of 5,000 square feet and minimum dimensions 50 feet wide and 100 feet deep for RU-1-7 per Section 62-1342 (4), the applicants chose to request to rezone to RU-1-7 instead of RU-1-13.

Land Use Compatibility

This site retains the Neighborhood Commercial (NC) Future Land Use (FLU) designation.

FLUE 2.5 outlines activities permitted in the Neighborhood Commercial (NC) FLU Designations as BU-1-A uses and FLUE 2.5 (d) includes "Residential uses."

FLUE 2.13 specifies criteria for permitting residential development or the integration of residential development with commercial development in areas with NC FLU. These criteria include:

- 1) "Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street."

There are no residentially designated areas on the FLUM on either side of the street on which the subject property is located. All properties on the subject property's street are either designated NC or Community Commercial (CC) on the FLUM. Therefore, the residential density requested by the applicant is well below the maximum density permitted by the FLUE.

- 2) "Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of way...smaller lot sizes...reduced lot line setbacks..."

Smaller lot sizes and reduced lot line setbacks such as those that would become conforming to the present code by the applicant's zoning classification change request are encouraged by the FLUE.

- 3) "Residential density bonuses...may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and reintegration..."

The applicant is not requesting density bonuses and the requested action is consistent with this policy which is designed to incentivize redevelopment.

The request is compatible with Future Land Use Element (FLUE) policies.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the FLUE, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

The property to the north and across Ernest Sands Rd. from the subject property has a Zoning of GU and is developed as single-family residential. The property immediately adjacent to the east has a zoning of BU-1 and is developed as mixed commercial and residential. The property adjacent to the south has a zoning of BU-1 and is developed as a campus style medical center with a landscaped parking lot immediately abutting the subject property. The property adjacent to the west has a zoning of GU and is vacant. This parcel consists of Lots 3 and 4, Block 28, which are two non-conforming lots of record that are of lot size compatible with RU-1-7 zoning, similar to the subject property and is under the same ownership. The properties around the corner on the east side of Turner Rd. all have original zoning of AU and are developed as SFR on lots approximately $\frac{3}{4}$ of an acre in size. The lots on north and south sides of Ernest Sands Rd. abutting the US 1 ROW both have zoning of BU-1, with the lot on the north side developed as commercial and the lot on the south side developed as an office with single-family residential features.

Zoning actions in the vicinity of the subject property indicate some change from both industrial and residential uses toward commercial uses. On 5/28/18, 0.6 acres located 925 feet northwest of the subject property on the west side of F.E.C. railroad was administratively rezoned from IU to BU-2 (**15PZ00020**). On 3/23/15, 1.38 acres located 950 feet northwest of the subject property between the F.E.C. railroad and Waelti Drive FLU was changed from NC to CC via small scale FLU Amendment and rezoned from GU and RU-2-10 to BU-2 (**14PZ-00095**). On 2/6/14, 1.09 acres located 935 feet west of subject property on the south side of Freeman Lane FLU was changed from NC to CC via small scale FLU Amendment and rezoned from GU to BU-2 with a Binding Development Plan (BDP) by zoning action: **13PZ00095**.

For Board Consideration

The Board may wish to consider:

- The transitional character of this neighborhood that was originally platted November 9, 1894 and established as one of the county's oldest residential neighborhoods, but is transitioning to commercial, consistent with FLU of NC and CC, due to its land and soil characteristics, proximity to US 1 and the F.E.C. railroad, and surrounding commercial development trends.
- That the requested zoning classification change from GU to RU-1-7, to allow a detached garage to be developed with 5 foot side and rear setbacks, is consistent with the Future Land Use Map and with Future Land Use Element's policies and is compatible with surrounding land uses.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review**

SUMMARY

Item #: 18PZ00055	Applicant: Julian & Martha Goldsmith
Zoning Request: GU to RU-1-7	
P&Z Hearing Date: 07/09/18	BCC Hearing Date: 08/02/18

This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) 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 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
Hydric Soils/Wetlands	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

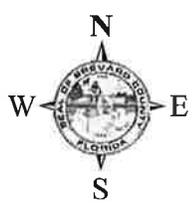
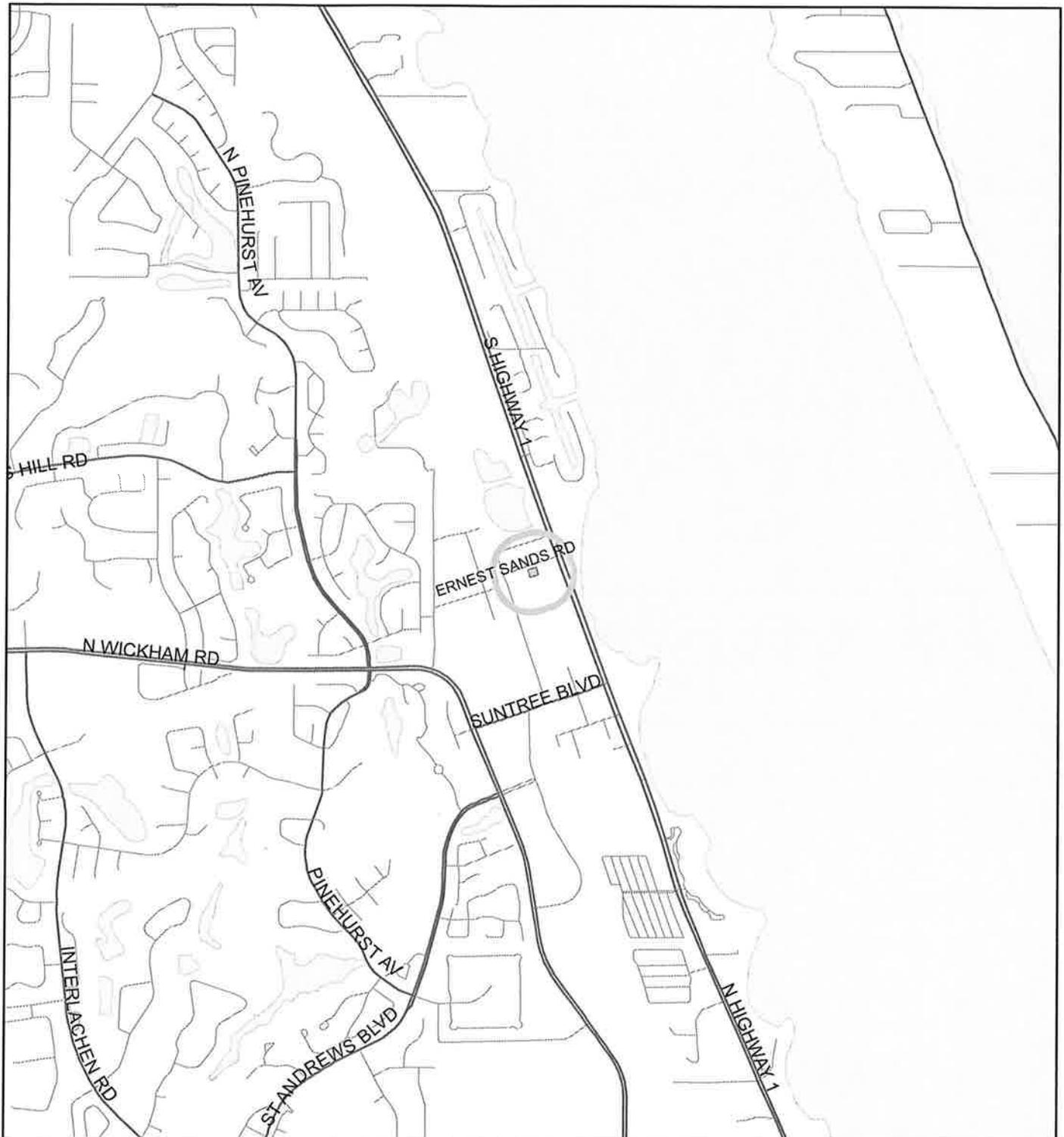
**This review relates to the following property: Twp. 26, Rng. 36, Sec. 12;
Tax ID No. 2601574**

The subject parcel contains mapped aquifer recharge soils (St. Lucie fine sand 0 to 5% slopes, and Pomello sand) as shown on the United States Department of Agriculture (USDA) Soils Conservation Service Soils Survey (SCSSS) Map. 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. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

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

LOCATION MAP
GOLDSMITH, JULIAN AND MARTHA
18PZ00055



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

Buffer Distance: 500 feet

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

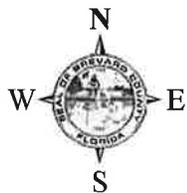
Produced by BoCC - GIS Date: 5/15/2018

- Buffer
- Subject Property

ZONING MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ00055



1:4,800 or 1 inch = 400 feet

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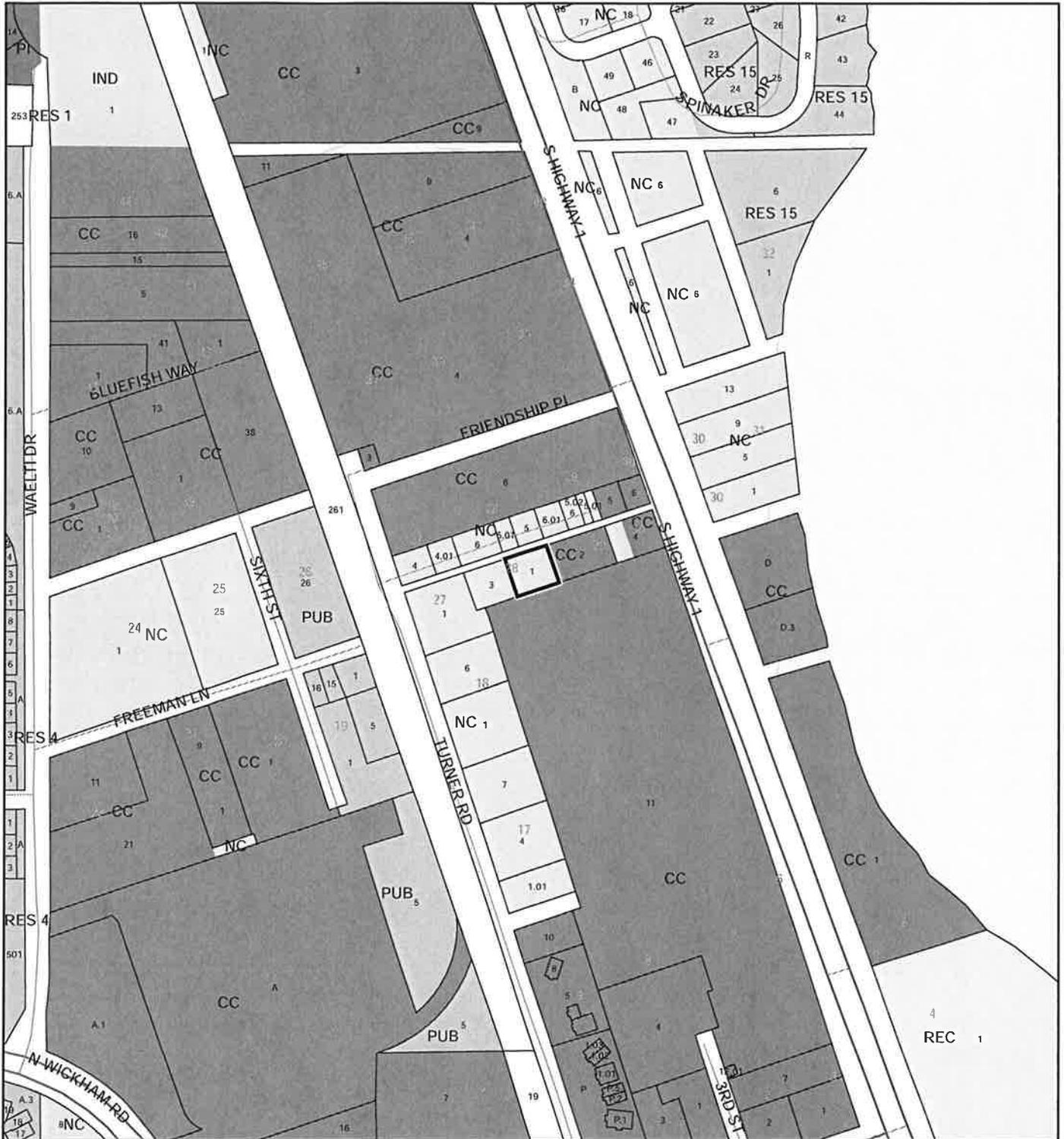
Produced by BoCC - GIS Date: 5/15/2018

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ0055



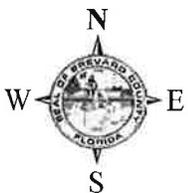
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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Produced by BoCC - GIS Date: 5/15/2018

AERIAL MAP
GOLDSMITH, JULIAN AND MARTHA
18PZ00055



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2018

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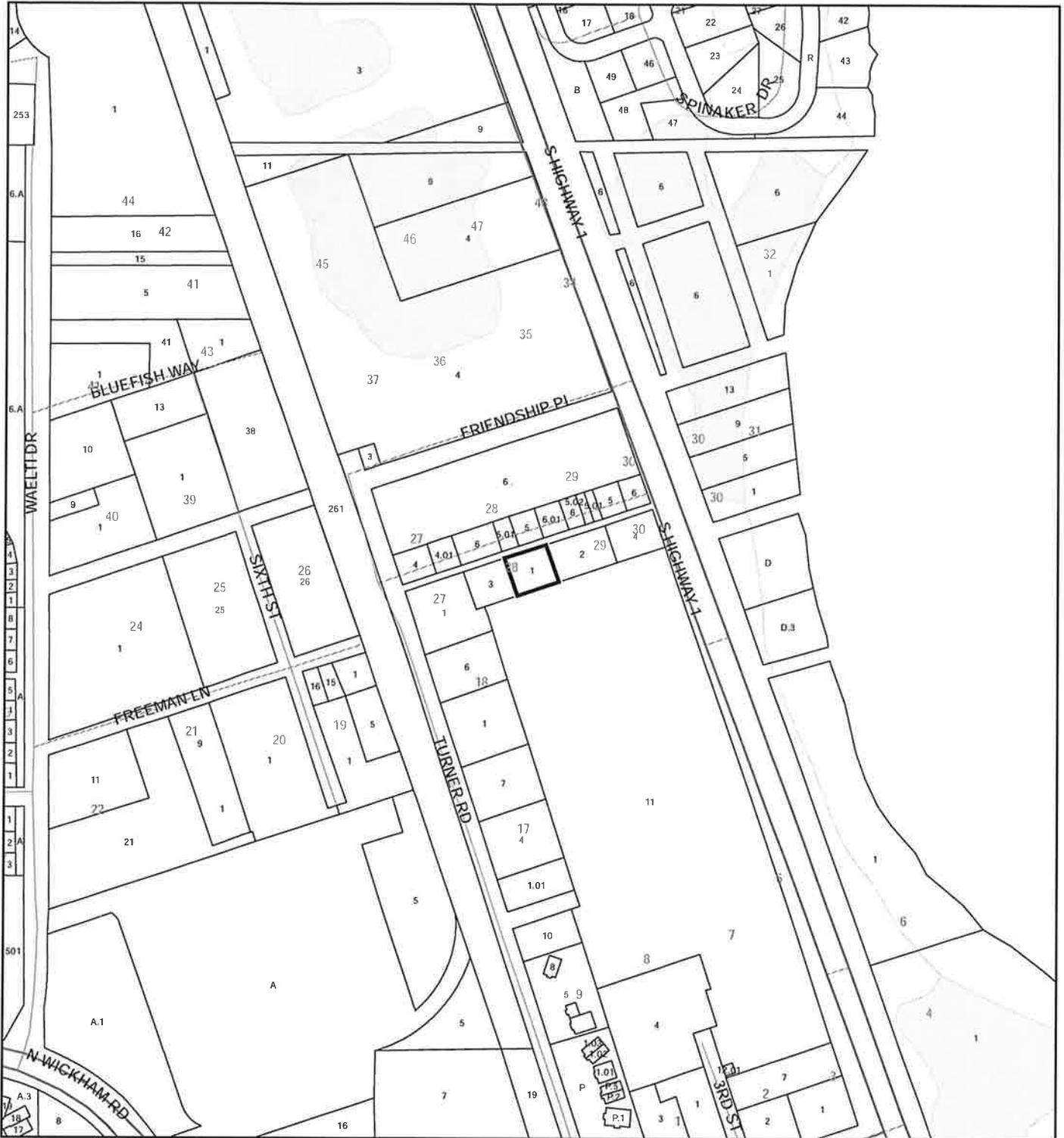
Produced by BoCC - GIS Date: 5/15/2018

— Subject Property
□ Parcels

NWI WETLANDS MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ00055



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/15/2018

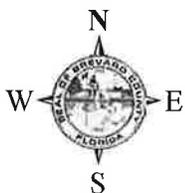
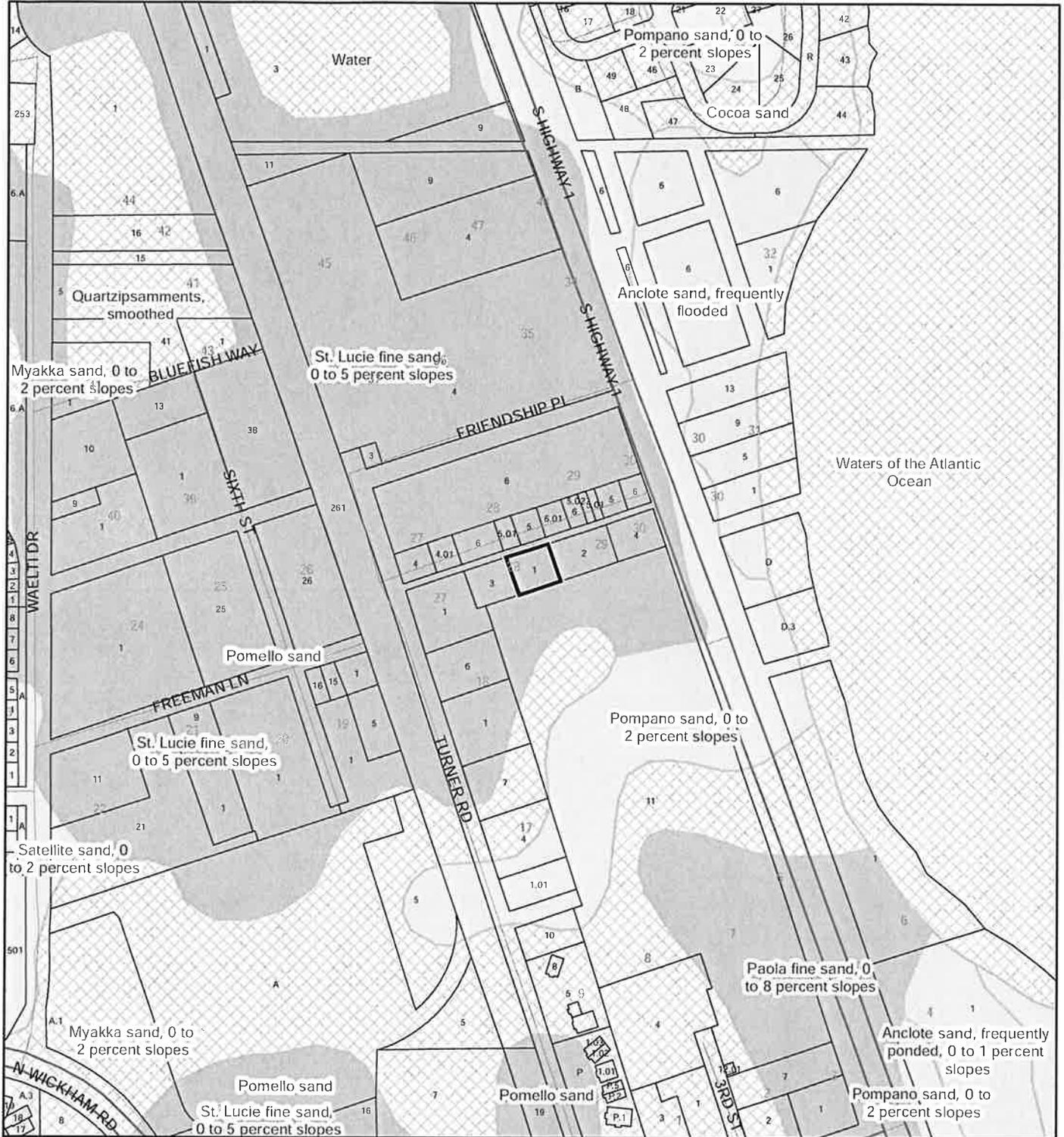
National Wetlands Inventory (NWI)

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

USDA SCSSS SOILS MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ0055



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/15/2018

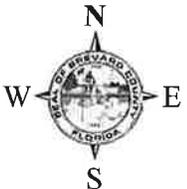
USDA SCSSS Soils

- | | | | |
|--|--------------------|---|------------------|
|  | Aquifer and Hydric |  | Subject Property |
|  | Aquifer |  | Parcels |
|  | Hydric | | |
|  | None | | |

FEMA FLOOD ZONES MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ00055



1:4,800 or 1 inch = 400 feet

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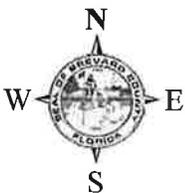
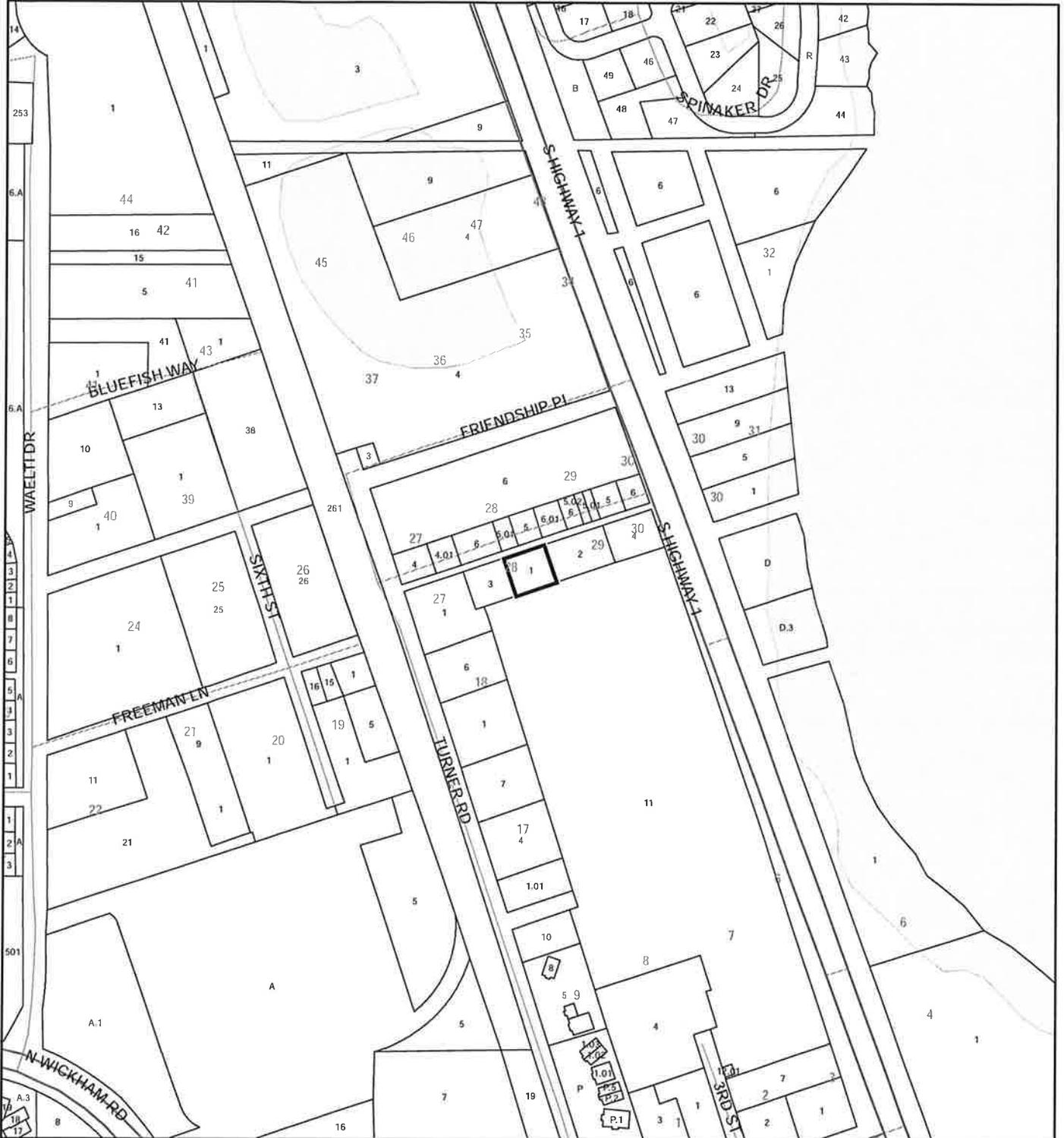
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FEMA Flood Zones		

EAGLE NESTS MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ00055



1:4,800 or 1 inch = 400 feet

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 Subject Property

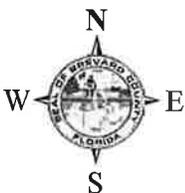
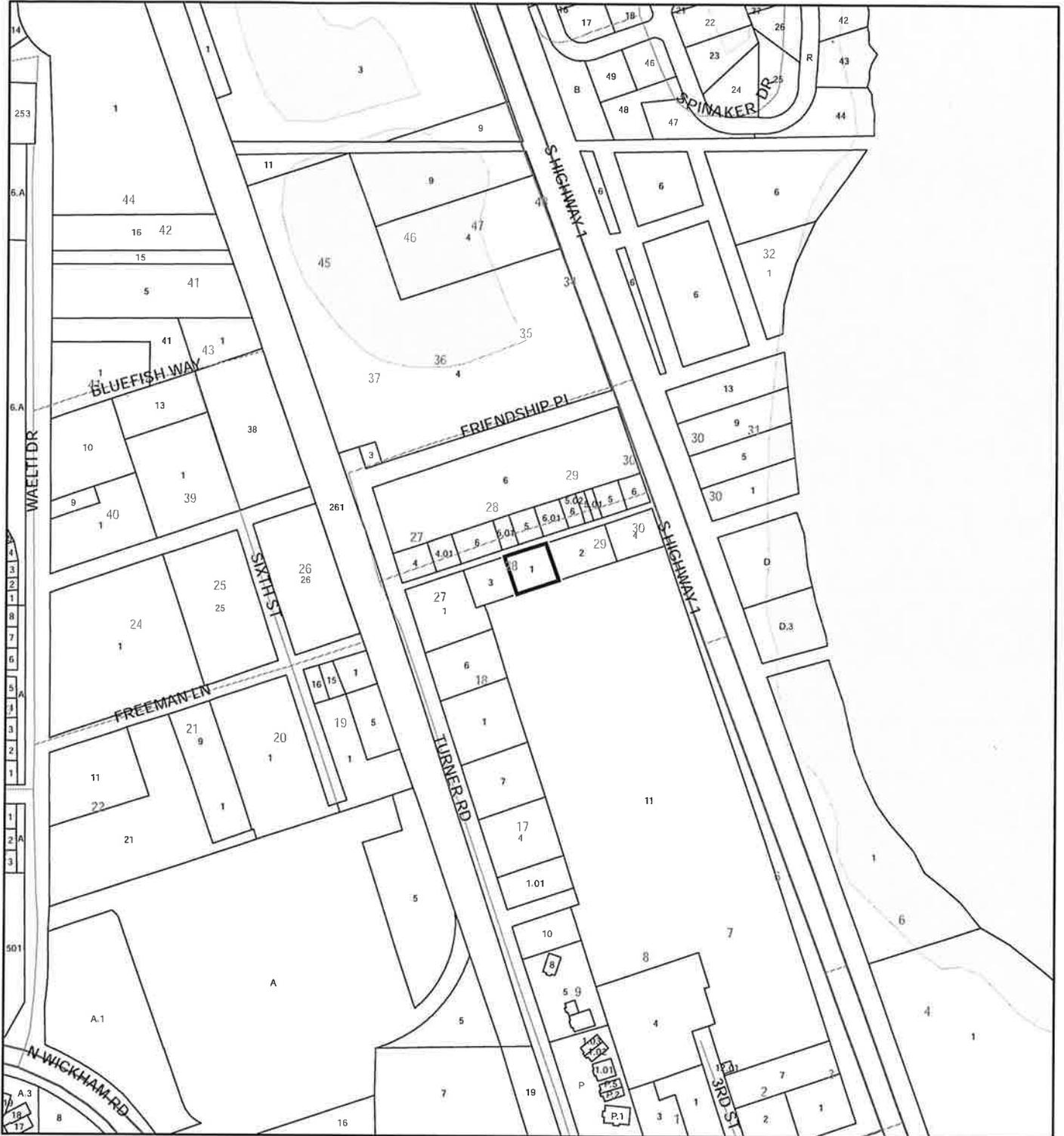
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

GOLDSMITH, JULIAN AND MARTHA

18PZ00055



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

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