



**Planning & Development Department**  
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**BOARD OF COUNTY COMMISSIONERS**

**TO:** Planning & Zoning Board Members  
**FROM:** Cindy Fox, Planning & Zoning Manager  
**SUBJ:** Planning and Zoning Staff Comments  
January 9, 2017  
**DATE:** December 15, 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.2.**

**Commission District # 1 (16PZ00098)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: DAVID & MICHELLE MURPHY**

**Request: RU-1-9 to RU-1-11**

**Subject Property:**

**Parcel ID#: 21-35-06-00-758.1**  
**Tax Acct#: 2102112**  
**Location: Located on the southeast corner of Irwin Ave., and Old Dixie Hwy.**  
**Address: 3485 Old Dixie Hwy., Mims**  
**Acreege: 0.94 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>	RU-1-9	RU-1-11
<b>Potential*</b>	6 Units	5 Units
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 4	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	360V
Trips from Proposed Zoning	48	5	Segment Name	US-1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	9,537	858	Directional Split	0.5
Volume With Proposed Development	9,585	863	ITE CODE  210	
Current Volume / MAV	22.82%	22.82%		
Volume / MAV with Proposal	22.94%	22.94%		
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 addresses residential land use designations and maximum density thresholds.

The request is for the RU-1-11 zoning classification. The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture. The surrounding properties are zoned RU-1-9 to the north, south and east with RU-1-9 and BU-1 to the west, across Old Dixie Highway. The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet. 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. This area of Mims is characterized by single-family development on parcels of land that vary in size from .25 in acre to 2 or more acres of holdings. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

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 applicant is requesting the RU-1-11 zoning classification for the purposes of subdividing the property into three lots. Currently the parcel as it is configured, contains one single-family home which was constructed in 1955. The applicant owns approximately .96 acres and could potentially yield 5 lots. However, given the odd shape and limited access via either Old Dixie Highway or Irwin Avenue to the north, the applicant is only seeking three lots/units. Subdivisions are defined as any subdivision of land from one parcel into any number greater than two. This will require that the applicant follow the minor subdivision regulations of the County found in Chapter 62 of the County's Land Development Regulations.

This area of Mims is characterized by single-family development on parceled land and not part of an existing subdivision. Ownership patterns in this area show that parcel sizes vary from .25 of an acre to two acres or more in area. The highway US 1 commercialized corridor characterizes this area with single-family abutting towards the east.

Both the existing RU-1-9 and proposed RU-1-11 zoning classifications are consistent with the Residential 4 Future Land Use Designation for the subject property.

**Summary:** This request for rezoning is for the purposes of reconfiguring and subdividing the applicant's property into three lots for the purposes of building three single-family homes. Currently the lot as it is configured, contains one single-family home which was constructed in 1955. The applicant owns approximately .96 acres and could potentially yield 5 parcels. However, given the odd shape and limited access via either Old Dixie Highway or

Irwin Avenue to the north, the applicant is only seeking three lots/units. This will require that the applicant follow the minor subdivision regulations of the County found in Chapter 62 of the County's Land Development Regulations.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00098</b>	<b>Applicant: David and Michelle Murphy</b>
<b>Zoning Request: RU-1-9 to RU-1-11</b>	<b>BCC Hearing Date: 02/02/17</b>
<b>P&amp;Z Hearing Date: 01/09/17</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	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. 21, Rng. 35, Sec. 06; Tax ID Nos. 2102111 & 2102112**

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

Information available to 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 specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

**IV.B.3.**

**Commission District # 1 (16PZ00103)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: JAMIE & HOLLY K. BUNNELL**

**Request: AU to RR-1**

**Subject Property:**

**Parcel ID#: 24-35-28-00-767**  
**Tax Acct#: 2408322**  
**Location: North side of S.R. 524, approx. 0.21 mile northeast of S.R. 520**  
**Address: 6300 Hwy. 524, Cocoa**  
**Acreage: 1 acre**

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	AU	RR-1
<b>Potential*</b>	0 Units	1 Unit
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 2	YES

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

	<b>ADT</b>	<b>PM PEAK</b>		
Trips from Existing Zoning	0	0	Segment Number	325A
Trips from Proposed Zoning	10	1	Segment Name	SR 524
Maximum Acceptable Volume (MAV)	24,200	2,178	Acceptable LOS	D
Current Volume	5,370	483	Directional Split	0.51
Volume With Proposed Development	5,380	484	ITE CODE	
Current Volume / MAV	22.19%	22.19%	210	
Volume / MAV with Proposal	22.23%	22.23%		
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 addresses residential land use designations and maximum density thresholds.

The request is for the RR-1 zoning classification. 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 surrounding properties are zoned RVP to the north, west and east. To the south, across SR524 is BU-1 zoning. The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. 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. This area is characterized by the intersection of SR520 and SR524 with scattered single-family, agricultural and commercial uses. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

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 applicants' desire to build a single-family residence. This property is currently zoned AU which requires a minimum lot size of 2.5 acres. The subject property is approximately 1 acre and is therefore a substandard lot.

It appears that this parcel is one of several substandard remnant AU parcels that was previously part of a 1968 rezoning from GU to AU, that encompassed multiple sections of land. Historically, in the AU zoning classification, lots that were at least one acre in size prior to 1975 were only required to be one acre. After May 1975 the minimum size was changed to 2.5 acres. Any legally established AU lot that was less than the 2.5 acre minimum became nonconforming. The subject lot however, was not subdivided until after 1975 and cannot be considered non-conforming but is substandard in lot size. The requested RR-1 zoning classification in comparison requires only one acre and allows horses for the personal use of the property owner or tenant, with no commercial activities, and accessory to a single-family residence.

The requested AU zoning classification is consistent with the Residential 2 Future Land Use Designation.

**Summary:** This property is currently zoned AU which requires a minimum lot size of 2.5 acres. The subject property is approximately 1 acre and is therefore a substandard lot. The applicants are requesting the RR-1 zoning classification for the purposes of constructing a single-family residence.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00103</b>	<b>Applicant: Jamie and Holly Bunnell</b>
<b>Zoning Request: AU to RR-1</b>	
<b>P&amp;Z Hearing Date: 01/09/17</b>	<b>BCC Hearing Date: 02/02/17</b>

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

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

**Comments:**

**This review relates to the following property: Twp. 24, Rng. 35, Sec. 28; Tax ID No. 2408322**

The subject parcel contains mapped hydric soils (Eau Gallie sand and Anclote Sand, depressionnal) with the northern portion of parcel also containing mapped SJRWMD wetlands, an indicator that the wetlands may be present on the property. Per Section 62-3694(c)(2), 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). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696 of the Wetland Protection ordinance. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land activities, plan or permit submittal.

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.

**IV.B.4.**

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 16S.10*  
**Township 20G, Range 34, Section 22**

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**Property Information**

Owner / Applicant: **Gary R. Smith**

Adopted Future Land Use Map Designation: AGRIC

Requested Future Land Use Map Designation: RES 1

Acreage: 2.06 +/- acres Tax Account #: 2002212

Site Location: South side of Gandy Road, approx. 0.38 mi east of Hog Valley Rd.

Current Zoning: GU

Requested Zoning: RR-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>	Roadway	N/A	N/A
<b>South</b>	1-95 South Rest Area	GML (I)	PUB
<b>East</b>	Roadway	N/A	N/A
<b>West</b>	Vacant	GU	AGRIC

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**General Analysis**

The subject property is located within the Mims Small Area Study boundary. The Mims Small Area Study was accepted by the Board in 2007. Based upon the large lot ownership patterns in this area, the study recommended its continued Future Land Use designation of Agricultural, which permits 1 unit per 5 acres. The aforementioned parcel is 2.06 acres, with a GU zoning classification and an AGRIC Future Land Use Designation. The subject parcel is a substandard lot, since the 2.06 acres lot does not meet the 5 acres minimum requirement for

GU zoning classification. It appears that this parcel became substandard when the balance of the platted lot was sold to the State in 1980 for an I-95 rest area. The current owner purchased the property in this configuration in August 2015. The adjacent parcel to the west is owned by the State of Florida. Therefore, the owner cannot acquire additional land to meet the 5 acre requirement. This request will amend the AGRIC Future Land Use designation and provide for an RES 1 Future Land Use designation.

This area of Mims is sparsely developed, with properties ranging in size from 1 to 10 acres. Similar to the subject property, many of these other smaller parcels predate the 1998 Comprehensive Plan. The subject property is bordered by roadway to the north and east, I-95 rest stop to the south and a vacant lot to the west. The proposed amendment will allow for the companion change of classification from GU to RR-1, which may permit the development of a single family residence.

### Environmental Resources

*Note: Please refer to the attached report from the Natural Resources Management Office for a detailed analysis 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 Residential Lands**

### **Residential Land Use Designations**

#### **Policy 1.1**

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

#### **Criteria:**

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

*An environmental analysis was required by NRMD at the time of a request for rezoning, please see associated rezoning staff report.*

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

*The subject parcel is predominantly surrounded by AGRIC Future Land Use designation. This land use designation was affirmed through the Mims Small Area Study, given the large lot ownership pattern and rural character of this area. There are, however, smaller parcels in the area that appear to predate the 1998 Comprehensive Plan. The Board may wish to consider whether the proposed RES 1 Future Land Use designation would be compatible with the surrounding area.*

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

*As a result of the rural nature of the area, infrastructure is limited. Development will have to rely upon well and septic tank.*

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

### **Policy 1.9**

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

#### **Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or

*There is scattered one acre parcelization in the area, however, there is no RES 1 Future Land Use within close proximity to the subject parcel.*

- B. Areas which serve as a transition between existing land uses or land use

*This area is characterized primarily by AGRIC Future Land Use designated land.*

- C. designations with density greater than one (1) unit per acre and areas with lesser density; or

*The proposed amendment is for an RES 1 Future Land Use designation.*

- D. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

*The subject parcel is bordered completely by unincorporated parcels. Abutting Properties to the west and south are owned by the State of Florida Department of Transportation.*

- E. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

*The subject parcel is not within a Planned Unit Development (PUD).*

### Summary

This request will amend the AGRIC Future Land Use designation and provide for a RES 1 Future Land Use designation. This area of Mims is comprised of mainly AGRIC Future Land Use designation. The Board may wish to consider whether the proposed RES 1 Future Land Use designation is compatible with the area. The subject parcel is a substandard lot, since the 2.06 acres size lot does not meet the 5 acres minimum requirement for GU zoning classification. It became substandard when the balance of the platted lot was sold to the State in 1980 for an I-95 rest area. Given the unique history of this parcel, the current owner has limited options for future development. Therefore, the applicant is seeking to legitimize the lot.

The companion rezoning application from GU to RR-1 will allow for consistency with the County's Comprehensive Plan, which may permit the development of a single family residence.

**IV.B.4.**

**Commission District # 1 (16PZ00106)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: GARY R. SMITH**

**Request: Agricultural to Residential 1; and GU to RR-1**

**Subject Property:**

**Parcel ID#: 20G-34-22-AI-7-1**  
**Tax Acct#: 2002212**  
**Location: South side of Gandy Rd., approx. 0.38 mile east of Hog Valley Rd.**  
**Address: No assigned address. In the Mims area.**  
**Acreage: 2.06 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>	GU	RR-1
<b>Potential*</b>	0 Units	2 Units
<b>Can be Considered under FLU MAP</b>	YES AGRICULTURAL	NO**

\*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.\*\*Requires a Small Scale Plan Amendment Comprehensive Plan Amendment from Agricultural (Agric) to Residential 1 (Res 1).

	<b>ADT</b>	<b>PM PEAK</b>		
Trips from Existing Zoning	10	1	Segment Number	N/A
Trips from Proposed Zoning	N/A	N/A	Segment Name	N/A
Maximum Acceptable Volume (MAV)	N/A	N/A	Acceptable LOS	N/A
Current Volume	N/A	N/A	Directional Split	N/A
Volume With Proposed Development	N/A	N/A	ITE CODE  210	
Current Volume / MAV	N/A	N/A		
Volume / MAV with Proposal	N/A	N/A		
Current LOS	N/A	N/A		
LOS With Proposal	N/A	N/A		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## Land Use Compatibility

FLUE Policy 1.1 addresses residential land use designations and maximum density thresholds.

The request is for the RR-1 zoning classification. 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 surrounding properties are zoned GML (I) and AU. The GML classification allows a variety of land uses for governmental purposes. 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 Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

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 parcel is a substandard lot. The parcel is only 2.06 acres in size and does not meet the 5 acres minimum lot size requirement for GU zoning classification. The applicant wishes to rezone to RR-1, which requires a minimum of one acre for the purposes of constructing one single-family residence. It appears that this parcel became substandard when the balance of the platted lot was sold to the State in 1980 for an I-95 rest area. The current owner purchased the property in this configuration in August 2015. The adjacent parcel to the west is owned by the State of Florida. Therefore, the owner cannot acquire additional land to meet the 5 acre requirement.

The subject property is located within the Mims Small Area Study boundary which was accepted by the Board in 2007. This area of Mims is sparsely developed with lots ranging in size from 1 to 10 acres. The companion Small Scale application from AGRIC to Res-1 accompanies this request for consistency with the County's Comprehensive Plan, which may allow the development of a single family residence if approved.

**Summary:** The subject parcel is a substandard lot. With 2.06 acres it does not meet the minimum GU zoning classification minimum lot size of five acres. In this area of Mims, a Small Area Study was conducted in 2007 that recommended that the AGRIC Future land Use remain. This requires parcels or lots that are at least five acres in size for the development of a single-family home. Ownership patterns in the area are often less than the five acres required. Given the ownership patterns, the Board may wish to limit the development to one single-family residence.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00106</b>	<b>Applicant: Gary Smith</b>
<b>Zoning Request: AG to Res-1 and GU to RR-1</b>	<b>BCC Hearing Date: 02/02/17</b>
<b>P&amp;Z Hearing Date: 01/09/17</b>	

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

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

**Comments:**

**This review relates to the following property: Twp. 20G, Rng. 34, Sec. 22; Tax ID No. 2002212**

The subject parcel contains mapped hydric soils and SJRWMD wetlands on the western portion of the parcel, 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. For subdivisions greater than five acres in area, 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). The applicant is encouraged to contact NRM prior to any plan or permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696 of the Wetland 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.

**IV.B.6.**

**Commission District # 1 (16PZ00109)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: ALL SPACE STORAGE**

**Request: PIP to BU-2**

**Subject Property:**

**Parcel ID#: 24-36-06-00-30; 24-36-06-00-39**  
**Tax Acct#: 2410741; 2410750**  
**Location: West side of N. U.S. Hwy 1, approx. 0.34 miles south of Canaveral Groves Blvd.**  
**Address: Tax Parcel 30 = No assigned address. In the Cocoa area; Tax Parcel 39 = 3855 N. U.S. Hwy 1.**  
**Acreage: 6.27 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>	PIP	BU-2
<b>Potential*</b>	98,324 s.f.	76,474 s.f.
<b>Can be Considered under FLU MAP</b>	YES PLANNED INDUSTRIAL PARK	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	36	3	Segment Number	36002
Trips from Proposed Zoning	190	20	Segment Name	US-1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	25,369	2,283	Directional Split	0.51
Volume With Proposed Development	25,559	2,303	<b>ITE CODE</b>  151	
Current Volume / MAV	60.71%	60.71%		
Volume / MAV with Proposal	61.16%	61.16%		
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 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

This request is for the BU-2 zoning classification. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. The surrounding zoning classifications are PIP and BU-1 to the north, PIP and BU-1 to the south, BU-1 to the east across North Highway US 1 and PIP to the west. 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. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. This area of Cocoa is characterized by the industrial uses along the Rail Road to the west, with vacant property to the south and east across North Highway 1. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

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

**Other Considerations:** This request is for the purposes of developing the site with additional mini-storage. The current PIP zoning classification requires larger setbacks than the BU-2 zoning classification. The PIP setbacks are 40 feet from the front, rear and sides. The BU-2 zoning classification is 25 feet from the front, 5 on the sides, or 15 where it abuts residentially designated property and 15 feet from the rear property line. By rezoning to BU-2, the applicant is able to reduce his setbacks and utilize more of his property for the development of the mini-storage facility. A subsection of the parent parcel is currently being utilized as a self-storage facility.

This request for BU-1 zoning classification should be evaluated within the context of **Policy 2.14 (A)** of the Future Land Use element, which addresses transitional commercial activities.

## Transitional Commercial Activities Policy 2.14

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below, as summarized by Table 2.3, should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies 2.6 and 2.8 must be maintained to qualify for consideration as a transitional activity under this policy. Once a

transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

**Criteria:**

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

Higher Intensity Uses: Heavy Industrial or Light Industrial activities.

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

Future Land Use designations: Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).

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

*The applicant has indicated that the proposed use of the subject property will be mini-warehouse. A mini-warehouse is non-retail commercial use. There is established Community Commercial and Planned Industrial uses along the US-1 Hwy. corridor. This request may be considered transitional.*

This area of Cocoa is characterized by scattered industrial and commercial uses along the rail road to the west of the subject property. There also appears to be some single-family residences within this scattered industrial and commercial node along North Highway US 1 to the north.

Since the BU-2 zoning classification is consistent with the Future Land Use Designation of Planned Industrial and therefore it is not necessary to change the Future Land Use Designation on the subject property.

**Summary:** The applicant desires to change the zoning on the property to enjoy the smaller setbacks in the BU-2 zoning classification rather than the larger setbacks so that he may utilize more of his land for the mini-warehouse. The mini-warehouse use is permitted in both the BU-2 zoning classification as well as the existing PIP zoning classification. The applicant has indicated that the proposed use of the subject property will be mini-warehouse. A mini-warehouse is non-retail commercial use. There is established Community Commercial and Planned Industrial uses along the US-1 Hwy. corridor. This request may be considered transitional.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00109</b>	<b>Applicant: All Space Storage</b>
<b>Zoning Request: PID to BU-2</b>	
<b>P &amp; Z Hearing Date: 01/09/17;</b>	<b>BCC Hearing Date: 02/02/17</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>
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. 24, Rng. 36, Sec. 06; Tax ID Nos. 2410741 & 2410750**

The subject parcel contains mapped hydric soils (Pompano sand), 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). Highway US1 is an MQR between Titusville and Cocoa City limits. The applicant would be required to complete High Function and Landscape Level wetlands assessments prior to the allowance of any wetland 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 subject parcel also contains mapped aquifer recharge soils (Paola fine sand, 0 to Candler - urban land; Paola fine sand, Candler urban land complex; Candler fine sand and Pompano sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Information available to 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 specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

**IV.B.7.**

**Commission District # 4 (16PZ00104)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: C&L BAYTREE, LLC**

**Request: CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with Restaurant Use, in a BU-1 zoning classification**

**Subject Property:**

**Parcel ID#: 26-36-11-00-528**  
**Tax Acct#: 2627126**  
**Location: North side of Wickham Rd., approx. 220 ft. east of Baytree Dr.**  
**Address: No assigned address. In the Melbourne area.**  
**Acreage: 7.53 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>	BU-1	BU-1 with CUP for beer, wine & liquor
<b>Potential*</b>	65,340 s.f	16,170 s.f (retail) & 8,030 (restaurant)
<b>Can be Considered under FLU MAP</b>	YES COMMUNITY COMMERCIAL	YES

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

	<b>ADT</b>	<b>PM PEAK</b>		
Trips from Existing Zoning	5,901	491	Segment Number	370G
Trips from Proposed Zoning	2,792	186	Segment Name	N Wickham Rd.
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	29,618	2,666	Directional Split	0.51
Volume With Proposed Development	32,410	2,852	ITE CODE  931	
Current Volume / MAV	74.42%	74.42%		
Volume / MAV with Proposal	81.43%	81.43%		
Current LOS	D	D		
OS With Propos	D	D		
<b>Findings</b>	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

## Land Use Compatibility

FLUE 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

The request is for a Conditional Use Permit for the On-premises consumption of alcohol (beer, wine & liquor) in a 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-2-10 and BU-1 to the north, BU-1 to the south and east with BU-2 across Baytree Dr. This area of Melbourne is characterized by the commercialized Wickham Road Corridor. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

NA

**Other Considerations:** This request is for a Conditional Use Permit for the on-premises on alcohol (beer, wine & liquor) in conjunction with a restaurant. The restaurant's site plan is currently being reviewed.

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 shopping center will have 3 to 5 restaurants that will qualify for onsite consumption of alcoholic beverages. The anticipated number of customers has been accounted for in the preparation of the traffic study and adequate parking has been provided. The design of the restaurants will adhere to good design practice in controlling odor.**

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

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 area has ample residents and commercial activity to support the restaurants with on-site consumption of alcohol. Access to the project is provided by a full service drive way on Wickham Road**

and cross access through Wuesthoff Medical to Baytree Road. The project is designed for 16,170 square feet of retail and 8,030 square feet of restaurant and 950 square feet of outside seating. The required parking is 150 spaces. Total provided is 167 spaces. The hours of operation will be 11:30 a.m. to 11:00 p.m. All building setbacks, building size and building height are in accordance with the BU-1 zoning requirements.

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

The property is to be developed as a fully functional shopping and eating experience, the property values of the adjacent commercial buildings will not be diminished in any way.

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

As a condition of the project's site plan approval, a traffic impact statement has been completed and submitted to Brevard County for approval. Per the Study, the project does not adversely affect the LOS in the after development condition. The traffic impact statement report and sheet C4.1 site vehicular movements are attached to this request.

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

The project will not generate any excess noise, glare, odor, particulates, smoke, fumes or other emissions as part of its operation.

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

The project will meet the County's sound level requirements.

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

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

The project has received a solid waste capacity reservation certificate dated 8/17/16.

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

The project has received Potable Water 8/15/16 and Sanitary Sewer (7/29/16) Service Capacity Availability letters from Brevard County for Sewer and City of Cocoa for water.

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

The project's landscape and buffer plan has been designed in accordance with Brevard County's Landscape and Buffer Ordinance.

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

All signage and site lighting will be designed to Brevard County standards minimizing off site light pollution.

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

The project is located on Wickham Road a commercial corridor, minimizing the impact on residences to the north. Shops and restaurants will operate under normal operating hours and will not adversely impact adjacent residential uses.

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

The project is being designed to not exceed the maximum height of 35 feet.

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

Parking areas as maximized to the front of the project with employee parking and deliveries being made at the rear of the project. There is not a major big box tenant planned for this project and deliveries will be made during daylight hours.

**Summary:** The request is for a Conditional Use Permit for the On-premises consumption of alcohol (beer, wine & liquor) in conjunction with a restaurant a BU-1 zoning classification. This area of Melbourne, and the Wickham Road Corridor is highly congested. The county's preliminary concurrency analysis has determined that the additional trips potentially generated by this use would push the MAV to over 89%.

The project is designed for 16,170 square feet of retail and 8,030 square feet of restaurant and 950 square feet of outside seating. The required parking is 150 spaces. Total provided is 167 spaces. The hours of operation will be 11:30 a.m. to 11:00 p.m. All building setbacks, building size and building height are in accordance with the BU-1 zoning requirements.

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 16S.09  
Township 28, Range 36, Section 02*

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**Property Information**

Owner / Applicant: **G.T. Motors Inc.**

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 1.4 +/- acres Tax Account #: 2800990

Site Location: Eastside of Valencia Rd., approx. 400 ft. north of W. New Haven Ave.

Current Zoning: RU-1-9

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>	SFR	RU-1-9	RES 6
<b>South</b>	Car Dealership	BU-1	CC
<b>East</b>	Roadway	N/A	N/A
<b>West</b>	Roadway	N/A	N/A

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**General Analysis**

The subject property is developed with a single family residence, and has an NC Future Land Use designation. This request will amend the NC Future Land Use designation and provide for a Community Commercial (CC) designation on 1.4 acres located on the eastside of Valencia Road. The proposed CC Small Scale Amendment and companion rezoning will allow for the expansion of commercial activities associated with the existing car dealership that is located to the south of the subject parcel. An active code enforcement violation exist on the subject parcel. Based on findings from an investigation it appears that the existing car dealership was utilizing the residential lot for commercial parking and storage. Commercial parking and storage is not a permitted use in the RU-1-9 zoning classification (16CE02089).

The above mentioned parcel abuts a single family residence to the north, which has an RES 6 Future Land Use designation, car dealership to the south with CC Future Land Use designation and local roads to the east and

west. The character of the area is mixture of commercial and residential land uses. A companion rezoning from RU-1-9 to BU-1, would permit the expansion of commercial development into a single family residential area.

### 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 Valencia Road, a local roadway. The abutting parcel to south has direct access to US 192, an Urban Principal Arterial roadway. Activities associated with the car dealership may likely increase traffic and commercial intrusion along Valencia Rd.*

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

*The subject parcel is 1.4 acres, with an existing NC Future Land Use designation, and abuts CC Future Land Use designation to the south.*

- C. Existing commercial development trend in the area;

*The subject parcel abuts an existing car dealership to the south.*

- 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 preliminary concurrency analysis indicated that the proposed development would not cause a deficiency of adopted levels of service.*

- F. Spacing from other commercial activities;

*With the exception of the dealership to the south, the subject parcel is not adjacent to other developed commercial land uses.*

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

*The subject parcel has a NC Future Land Use designation. The requested amendment from NC to CC and associated rezoning from RU-1-9 to BU-1 will allow for the expansion of the existing car dealership.*

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

*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 an expansion of the existing car dealership.*

## **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 and is located along a local roadway, Valencia Road.*

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

*The subject parcel is 1.4 acres.*

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

*The subject parcel is 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 1.4 acres from NC to CC is located on the east side of Valencia Road, which is a local roadway. On the other hand, the existing car dealership has direct access to US 192, an urban principal arterial roadway. There is existing commercial development along the US 192 frontage; the subject property, however, abuts single family residential uses to the north and across Valencia Road to the west. Activities associated with the car dealership may likely increase traffic and commercial intrusion along Valencia Rd, and into the residential neighborhood. An active code enforcement violation exist on the subject parcel. Based on findings from an investigation it appears that the existing car dealership was utilizing the residential lot for commercial parking and storage. Commercial parking and storage is not a permitted use in the RU-1-9 zoning classification (16CE02089).

The applicant seeks this Comprehensive Plan Amendment in order to expand the commercial activities associated with the existing car dealership, which is located to the south of the subject parcel. The proposed amendment is needed to allow for the companion rezoning from RU-1-9 to BU-1.

**IV.B.8.**

**Commission District # 5 (16PZ00094)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: G.T. MOTORS**

**Request: NC to CC; and RU-1-9 to BU-1**

**Subject Property:**

**Parcel ID#: 28-36-02-25-00-3**  
**Tax Acct#: 2800990**  
**Location: East side of Valencia Rd., approx. 400 ft. north of W. New Haven Ave.**  
**Address: 108 Valencia Rd., Melbourne**  
**Acreage: 1.4 acres**

**Consistency with Land Use Regulations**

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
NO\*\* Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-9	BU-1
<b>Potential*</b>	6 Units	60,984 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 plan amendment from Neighborhood Commercial to Community Commercial.

	<b>ADT</b>	<b>PM PEAK</b>		
Trips from Existing Zoning	10	1	Segment Number	365B
Trips from Proposed Zoning	1,970	160	Segment Name	US 192
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	29,008	2,611	Directional Split	0.51
Volume With Proposed Development	30,978	2,771	ITE CODE	
Current Volume / MAV	72.88%	72.88%	841	
Volume / MAV with Proposal	77.83%	77.83%		
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 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

This 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-1-9 to the north, the City of West Melbourne to the east and RU-1-9 to the west. The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet. The character of the area is mixture of commercial and residential land uses.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (NRMD) 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 residence. The applicant is requesting rezoning from RU-1-9, a single-family zoning classification, to BU-1 a general retail zoning classification for the purposes of expanding the existing car dealership to the south. The subject property abuts a single family residence to the north. The subject parcel has direct access to Valencia Road, a local roadway. The abutting parcel to south has direct access to US 192, an Urban Principal Arterial roadway. Activities associated with the car dealership may likely increase traffic and commercial intrusion along Valencia Rd.

An active code enforcement violation exist on the subject parcel. Based on findings from an investigation, it appears that the residential lot for was being used commercial parking and storage. Commercial parking and storage is not a permitted use in the RU-1-9 zoning classification (16CE02089).

Accompanying this request is a small scale comprehensive plan amendment from Neighborhood Commercial to Community Commercial. The BU-1 zoning classification is consistent with the Community Commercial Future Land Use Designation.

**Summary:** The proposed companion rezoning to BU-1 will allow for the expansion of commercial activities associated with the existing car dealership that is located to the south of the subject parcel. Activities associated with the car dealership may likely increase traffic and commercial intrusion along Valencia Rd, and into the residential neighborhood. There is an active code enforcement case on the subject site. The parcel was being used for commercial parking and storage, these uses are not permitted in the RU-1-9 zoning classification.

Accompanying this request is a small scale comprehensive plan amendment from Neighborhood Commercial to Community Commercial. The BU-1 zoning classification is consistent with the Community Commercial Future Land Use Designation.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00094</b>	<b>Applicant: GT Motors, Inc</b>
<b>Zoning Request: RU-1-9 to BU-1</b>	
<b>P&amp;Z Hearing Date: 01/09/17</b>	<b>BCC Hearing Date: 02/02/17</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	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 28S, Rng. 36E, Sec. 02; Tax ID No. 2800990**

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.

**IV.B.9.**

**Commission District # 5 (16PZ00107)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: ROBERT C. & MARION L. BAUMAN**

**Request: RR-1 & RU-1-7 to all RU-1-7**

**Subject Property:**

**Parcel ID#:** 28-36-12-25-31-12; 28-36-12-25-31-15  
**Tax Acct#:** 2802497; 2802498  
**Location:** East side of Washington St., approx. 0.17 mile south of Milwaukee Ave.  
**Address:** Lot 12 = No assigned address. In the Melbourne area; Lot 15 = 2685 Washington St., Melbourne  
**Acreage:** 1.52 acres

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1 & RU-1-7	RU-1-11
<b>Potential*</b>	2 units	5 units
<b>Can be Considered under FLU MAP</b>	YES RESIDENTIAL 4	NO

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

	<b>ADT</b>	<b>PM PEAK</b>		
Trips from Existing Zoning	19	2	Segment Number	210C
Trips from Proposed Zoning	76	8	Segment Name	Minton
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	30,675	2,761	Directional Split	0.5
Volume With Proposed Development	30,751	2,769	ITE CODE	
Current Volume / MAV	77.07%	77.07%	210	
Volume / MAV with Proposal	77.26%	77.26%		
Current LOS	D	D		
OS With Propos	D	D		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

**Land Use Compatibility**

FLUE Policy 1.1 addresses residential land use designations and maximum density thresholds.

Initially, the applicant was seeking a RU-1-7 zoning classification. Upon further review, it was determined that this request is not consistent with the RES 4 Future Land Use Designation. The request is for the RU-1-11 zoning classification. The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture. The surrounding properties are zoned RR-1 to the north, City of West Melbourne to the south, RU-1-11 to the west and RU-1-7 to the east. 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 RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture. This area of Melbourne is characterized by single-family development on parcels of .5 acres or more in area. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

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

**Other Considerations:** This request for rezoning is for the purposes of subdividing the subject property into two lots. Currently the subject property is zoned both RU-1-7 which requires a minimum of 5,000 s.f. in area and RR-1, which requires one acre. It was determined that the original request for RU-1-7 would not be consistent with the 1988 Comprehensive Plan, however, the RU-1-11 zoning classification is consistent. The applicant has no objection to the RU-1-11 zoning classification. The RU-1-11 zoning classification would allow the applicant to subdivide the property. The Board can approve the RU-1-11 zoning classification in lieu of RU-1-7 per Section 62-1151 (h).

Subdivisions are defined as any subdivision of land from one parcel into any number greater than two. This will require that the applicant follow the minor subdivision regulations of the County found in Chapter 62 of the County's Land Development Regulations if the applicant is able to subdivide the subject property into two or more lots.

This area of Melbourne is characterized by single-family development on parcels of .5 acres or more in area. The RR-1 zoning classifications are consistent with the Residential 4 Future Land Use Designation, however, the RU-1-7 zoning is not consistent with the Residential 4 designation. The RU-1-7 zoning classification predates the 1988 Comprehensive Plan.

**Summary:** The request represents the applicant's desire to rezone the entire parcel to RU-1-11 for the purposes of subdividing the property into two lots. The Board can approve the RU-1-11 zoning classification in lieu

of RU-1-7, per Section 62-1151 (h). The applicant has no objection to the RU-1-11 zoning classification. The two current zoning classifications on the subject property make subdividing difficult. Therefore the applicant is requesting the RU-1-11 zoning for subdividing the subject property into two lots. This will require that the applicant follow the minor subdivision regulations of the County found in Chapter 62 of the County's Land Development Regulations if the applicant is able to subdivide the subject property into two or more lots.

**NATURAL RESOURCES MANAGEMENT OFFICE  
 Rezoning Review**

**SUMMARY**

<b>Item #: 16PZ00107</b>	<b>Applicant: Robert and Marion Bauman</b>
<b>Zoning Request: RR-1 &amp; RU-1-7 to RU-1-7</b>	
<b>P &amp; Z Hearing Date: 01/09/17;</b>	<b>BCC Hearing Date: 02/02/17</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
Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 28, Rng. 36, Sec. 25; Tax ID Nos. 2802498 & 2802497**

The subject parcel contains mapped hydric soils (Malabar sand), 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. For subdivisions greater than five acres in area, 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). The applicant is encouraged to contact NRM prior to any plan or permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696.

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.

**IV.B.10.**

THIS ITEM WAS TABLED FROM THE 11/07/16 P&Z AND 12/01/16 BCC MEETINGS

**Commission District # 2 (16PZ00084)**  
**Initial Hearing Dates: P&Z 01/09/17 BCC 02/02/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: HOME DEPOT USA, INC.**

**Request: CUP for Trailer & Truck Rental Service in BU-1**

**Subject Property:**

**Parcel ID#: 24-36-35-00-1**  
**Tax Acct#: 2426525**  
**Location: East side of N. Courtenay Pkwy., approx. 340 ft. north of S.R. 520**  
**Address: 200 N. Courtenay Pkwy., Merritt Island**  
**Acreage: 9.37 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>	BU-1	BU-1 with CUP for trailer & truck rental service
<b>Potential*</b>	104,721 s.f.	104,721 s.f.
<b>Can be Considered under FLU MAP</b>	YES COMMUNITY COMMERCIAL	YES

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

	<b>FDOT</b>		<b>VS</b>		<b>SCTPO</b>				
	<b>ADT</b>	<b>PM PEAK</b>			<b>ADT</b>	<b>PM PEAK</b>			
Trips from Existing Zoning	3,197	242	Segment Number	060A	Trips from Existing Zoning	3,197	242	Segment Number	060A
Trips from Proposed Zoning	3,197	242	Segment Name	SR 3	Trips from Proposed Zoning	3,197	242	Segment Name	SR 3
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D	Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	31,100	2,799	Directional Split	0.5	Current Volume	33,418	3,008	Directional Split	0.5
Volume With Proposed Development	34,297	3,041	ITE CODE		Volume With Proposed Development	36,615	3,250	ITE CODE	
Current Volume / MAV	78.14%	78.14%	862		Current Volume / MAV	79.97%	79.97%	862	
Volume / MAV with Proposal	86.17%	86.17%			Volume / MAV with Proposal	87.62%	87.62%		
Current LOS	D	D			Current LOS	D	D		
LOS With Proposal	D	D			LOS With Proposal	D	D		
<b>Findings</b>	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency		<b>Findings</b>	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

## Land Use Compatibility

FLUE 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

This request is for a Conditional Use Permit (CUP) for trailer and truck rental in a 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 also zoned BU-1. This area of Central Merritt Island is just south of the commercialized corridors of Courtenay Parkway and Merritt Avenue. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

## Environmental Constraints

NA

**Other Considerations:** The BU-1 general retail zoning classification allows for a Conditional Use Permit for Trailer and Truck Rental pursuant to section 62-1954. The conditions are that they be parked within the confines of the lot, tract or parcel of land. No trailers or trucks shall be permitted to be parked or stored on any public streets, roads or rights of way, or on or across public sidewalks. All parking areas shall be paved

The subject property where the truck and trailer rental would take place is proposed to be located on a portion of the existing parking lot, towards the north east side of the property. It is important to note that a large portion, more than 20 to 30 parking spaces, are regularly occupied by and are the permanent location for overflow from the garden center and heavy equipment rental. This permanent overflow storage of inventory in the parking lot already limits the amount of parking available adjacent to the Home Depot and is not consistent with the BU-1 zoning classification regulations regarding outside storage and display.

The Board should evaluate the current intense retail use of the Home Depot combined with a new truck and trailer rental service that will share the already cramped parking lot with customers who need to safely ingress and egress the retail store. The applicants indicate that they would have between 8 and 10 trucks with the largest truck being 26' in length. In that the parking lot is already difficult to navigate by vehicles and customers, on busy weekend days it is anticipated that the parking situation in this shopping center will be further impacted by the new truck and trailer rental. Pursuant to section 62-1901, the Board may find that the impact upon the infrastructure and in the context of public safety and welfare find that the proposed additional use to this already intense commercial use, further intensifies the site and can impact the safety of the public.

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 proposed Penske rental operation will not result in a substantial or adverse impact on adjacent or nearby properties. There will be no building or parking lot modifications. No new employees will be hired. Any increase in emissions, noise, traffic etc. will be minimal and incidental. The proposed conditional use will only result in approximately 10-15 vehicle trips per day on average. Please refer to the attached sheet for explanation of the Penske rental operation.**

*The applicant testified at the MIRA meeting that they would be using a portion of the parking lot to house and store the trailers and trucks for rent.*

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.

**Home Depot store #234 is zoned BU-1 (General Retail Commercial) with a CC (Community Commercial) future land use designation. The proposed Penske rental operation will be an accessory use to the Home Depot, and is compatible with both the zoning district and future land use designation. The existing Home Depot is surrounded by adjacent properties that are zoned commercial with a commercial future land use designation. Please refer to the attached sheet for additional information.**

*The applicant testified at the MIRA meeting that they would be using a portion of the parking lot to house and store the trailers and trucks for rent.*

*In that the parking lot is already difficult to navigate by vehicles and customers, on busy weekend days it is anticipated that the parking situation in this shopping center will be further impacted by the new truck and trailer rental. Pursuant to section 62-1901, the Board may find that the impact upon the infrastructure and in the context of public safety and welfare, find that the proposed additional use to this already intense commercial use, further intensifies the site and can impact the safety of the public.*

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

**The proposed Penske rental operation will not cause a substantial diminution in value of abutting residential property since surrounding properties are zoned commercial with a commercial future land use designation.**

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

**As previously mentioned, the proposed Penske rental operation will generate approximately 10 to 15 additional vehicle trips per day. The additional trip generation will not affect ingress or egress to the shopping center, no burden the existing road network.**

*The ingress/egress located at the south west side of the parking lot should not be used for ingress and egress of trucks and trailers due to the proximity of the garden center and pedestrian traffic. It is already an intensely used entrance.*

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

**The noise, glare, odor, particulates, smoke, fumes or other emissions from the proposed Penske rental operation will not substantially interfere with the use or enjoyment of the attached sheet for further information.**

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

**Noise levels for the proposed Penske operation will comply with the Commercial standards established in Section 62-2271.**

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

**As previously mentioned, there will be no expansion of the building and no new employees hired. Therefore, the proposed Penske rental operation will not increase demand for solid waste disposal.**

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

**As previously mentioned there will be no expansion of the building and no new employees hired. Therefore the proposed Penske rental operation will not increase demand for solid waste disposal.**

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

**As previously mentioned, the proposed Penske rental operation will be an accessory use to the existing Home Depot store, which is located in and surrounded by commercially zoned properties. Therefore there will be no negative impact to nearby properties.**

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

**Not applicable – no new signs or changes to the existing exterior lighting are proposed.**

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

**As previously mentioned, the existing Home Depot store is located in and surrounded by commercially zoned properties. The hours of operation will be consistent with the Home Depot store. Therefore, there will be no adverse impact to nearby properties.**

*The applicant indicates that the hours of operation are 6 a.m. to 10 p.m. Monday through Saturday and 7 a.m. to 8 p.m. on Sunday.*

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

**Not applicable – no changes to the existing Home Depot building are proposed.**

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

**The existing Home Depot site has adequate parking; therefore, there will be no impact to adjacent or nearby properties. The site has 571 parking spaces (1 per 230 s.f., or 45 more than the required amount of 526 spaces at 1 per 250 s.f. The designated Penske rental parking spaces are shown on the site plan.**

This request should be evaluated in the context of **Section 62-1954** which governs trailer and truck rental. Section 62-1954 states that "All trailers and trucks for a trailer and truck rental use shall be parked within the confines of the lot, tract or parcel of land. No trailers or trucks shall be permitted on public streets, roads or rights-of-way, or on or across public sidewalks. All parking areas shall be paved."

This property is within the Merritt Island Redevelopment Area. On September 29<sup>th</sup>, 2016, the Merritt Island Redevelopment Board of Directors unanimously voted to recommend the approval of the CUP zoning request for a Penske Truck Rental Center to be operated as an accessory use to the existing Tool Rental Center. The Board recommends approval with three conditions: (1) Home Depot agrees to park all rental equipment with the Penske trucks in the designated area that is to be clearly marked with signage and striping, 2) There is to be no more than 10 Penske trucks at any given time; 3) After hour drop off of vehicles must be in the designated area and any outside the area will be moved at the start of business. And for clarification purposes, it was the intent of the MIRA Board to move all the existing equipment stored in the parking lot currently, into this new area for the trailer and truck rental.

**Summary:** This request is for a Conditional Use Permit (CUP) for trailer and truck rental in a BU-1 zoning classification. This request should be evaluated in the context of **Section 62-1954** which governs trailer and truck rental. Section 62-1954 states that "All trailers and trucks for a trailer and truck rental use shall be parked within the confines of the lot, tract or parcel of land. No trailers or trucks shall be permitted on public streets, roads or rights-of-way, or on or across public sidewalks. All parking areas shall be paved.

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10 Penske trucks at any given time; 3) After hour drop off of vehicles must be in the designated area and any outside the area will be moved at the start of business. And for clarification purposes, it is also the intent of the MIRA Board to move all the existing equipment stored in the parking lot currently, into this new area for the trailer and truck rental.

The Board should evaluate the current intense retail use of the Home Depot combined with a new truck and trailer rental service that will share the already cramped parking lot with customers who need to safely ingress and egress the retail store. The applicants indicate that they would have between 8 and 10 trucks with the largest truck being 26' in length. In that the parking lot is already difficult to navigate by vehicles and customers, on busy weekend days it is anticipated that the parking situation in this shopping center will be further impacted by the new truck and trailer rental. Pursuant to section 62-1901, the Board may find that the impact upon the infrastructure and in the context of public safety and welfare find that the proposed additional use to this already intense commercial use, further intensifies the site and can impact the safety of the public.

**IV. PUBLIC HEARINGS**  
**B. NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD**

**Thursday, January 12, 2017 – 6:00 P.M.**  
Merritt Island Service Complex  
2575 N. Courtenay Pkwy., 2<sup>nd</sup> Floor, Merritt Island, Florida

&

BOARD OF COUNTY COMMISSIONERS  
**THURSDAY, February 2, 2017 – 5:00 P.M.**  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Bldg. C, Viera, FL

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

THE FOLLOWING ITEM WAS TABLED FROM THE 10/13/16 & 11/10/16 NMI and 11/03/16 & 12/01/16 BCC MEETINGS

**DISTRICT 2**

**IV.B.11. (16PZ00082) – GERALD CRAYTON, TRUSTEE** – (Antron Cotman) – requests removal of an existing BDP, to retain all BU-1 & BU-2 uses, in a BU-2 zoning classification, on 6.07 acres, located on the west side of N. Courtenay Pkwy., approx. 560 ft. north of Crisafulli Rd. (No assigned address for Parcels 751.1 & 798. Parcel 758 = 6025 N. Courtenay Pkwy, Merritt Island.)

NMI Recommendation:

**BCC ACTION:**

V. Presentation by County Attorney's Office, Re: Government in the Sunshine/Florida's Public Meetings Law

**VII. PUBLIC COMMENT**