



AGENDA REPORT
February 7, 2019

LTM of Florida Holding, LLC (Kim Rezanka) requests a change of zoning classification from GU to RU-2-12. (18PZ00086) (District 4)

SUBJECT:

Public Hearing, Re: LTM of Florida Holding, LLC (Kim Rezanka) requests a change of zoning classification from GU to RU-2-12. The property is 2.90 acres, located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1. (No assigned address. In the Palm Shores area.) (18PZ00086) (District 4)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from GU to RU-2-12.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from General Use (GU) to Medium-Density Multiple-Family Residential (RU-2-12), for the purpose of developing townhouses up to 12 units per acre. The maximum development potential that the 2.90 acre parcel would allow for is 34 multi-family units. This parcel abuts the Florida East Coast (FEC) Railway to its west, but is otherwise surrounded by parcels within the Town of Palm Shores' jurisdiction.

The Board may wish to consider whether the proposed multi-family zoning application is compatible with the adjacent developed single-family subdivision to the south, the developed commercial parcel to the east and the undeveloped residential agriculture parcel to the north.

The Board may wish to consider additional buffering from any adjacent development, including the single-family residential subdivision to the south.

The Board should be aware that the subject parcel is located abutting parcels in the City

of Palm Shores and that Miller Cove Road, the access to this parcel, is in legal litigation.

The applicant requested automatic tabling from the October 22, 2018, Planning and Zoning Board meeting, to the January 7, 2019, meeting.

On January 7, 2019, the applicant appeared before the Planning and Zoning Board and requested tabling to the March 11, 2019, meeting while awaiting a settlement agreement with the Town of Palm Shores regarding an access issue. The Planning and Zoning Board voted unanimously to table the request to March 11, 2019. At the Planning and Zoning Board meeting the applicant indicated that if the settlement agreement is approved by the Town of Palm Shores, they will withdraw this rezoning request. The Town of Palm Shores at their regular Council meeting on January 29, 2019 discussed and approved the settlement agreement.

ATTACHMENTS:

Description

- ☐ **Administrative Policies**
- ☐ **Staff Comments**
- ☐ **Maps**
- ☐ **Palm Shores Zoning**
- ☐ **Palm Shores Future Land Use**
- ☐ **P&Z Minutes - January**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning and land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the planning and development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

Administrative Policy 2

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

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations."

Section 62-1151 (c) of the Code of Ordinances of Brevard County directs "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) *Approval procedure.* An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use...

...In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odor, glare and noise, particulates, smoke, fumes and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) *General standards of review.*

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The Board shall make the determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
 - a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the

numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“...The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare...”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest MPO traffic counts.

Volume with Development (VOL W/DEV.): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (ALOS): Acceptable Level of Service currently adopted by the County.

Current Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The LOS that a proposed development may generate on a roadway.

REZONING REVIEW WORKSHEET

18PZ00086

Commission District # 4

Hearing Dates:

P&Z 10/22/18

BCC 11/01/18

Owner Name: LTM OF FLORIDA HOLDING, LLC

Request: GU TO RU-2-12

Subject Property:

Parcel ID# 26-37-30-00-10

Tax Acct.# 2609832

Location: North end of Dixie Hwy., approx. 0.22 mile west of U.S. Hwy 1

Address: No assigned address. Located in the Palm Shores area.

Acreage: 2.90 +/- 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)

	CURRENT	PROPOSED
Zoning	GU	RU-2-12
Potential*	1 Single Family Unit	34 Multi Family Units
Can be Considered under FLU MAP	YES Residential 15	YES Residential 15

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

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	360K
Trips from Proposed Zoning	198	18	Segment Name	Post to Pineda
Maximum Acceptable Volume (MAV)	59,900	5,391	Acceptable LOS	D
Current Volume	46,020	4,142	Directional Split	0.5
Volume With Proposed Development	46,218	4,159	ITE CODE	
Current Volume / MAV	76.83%	76.83%	230	
Volume / MAV with Proposal	77.16%	77.14%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of zoning classification from General Use (GU) to Medium-Density Multiple-Family Residential (RU-2-12), for the purpose of developing townhouses up to 12 units per acre. The maximum development potential that the 2.90 acre parcel would allow for is 34 multi-family units. This parcel abuts the Florida East Coast (FEC) Railway to its west, but is otherwise surrounded by parcels within the Town of Palm Shores' jurisdiction.

Zoning action # **Z-648** adopted on February 8, 1962 approved a change from GU to General Retail Commercial (BU-1) zoning with a Beer Permit on a portion of the property and Trailer Park zoning classification on the remainder. The Trailer Park zoning classification has since been replaced with Mobile Home Park (TR-3). Zoning action # **Z-989** was adopted on April 4, 1963 which reversed the prior zoning action, reverting the property's zoning back to GU. Per a letter from the Zoning Director in Zoning File # **Z-989**, dated March 6, 1963, the Board took this action due to the lack of progress in construction of the Trailer Park for which approval was given on February 8, 1962.

March 09, 2017: a zoning application, **17BC00041**, was applied for to change the zoning classification from GU to Retail, Warehousing and Wholesale Commercial (BU-2) and change the Future Land Use designation from Residential 15 (RES 15) to Community Commercial (CC). This zoning application was withdrawn by the applicant on March 22, 2018. A companion request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation to Community Commercial (CC) was similarly withdrawn.

Miller Cove Road, the name for the right of way providing access to this parcel, is not a County maintained road and is in legal litigation. Per County Attorney's office: The declaratory judgment action to determine the status of Miller Cove Road has been filed and is in the initial stages of discovery. No trial date has been set.

Land Use Compatibility

The subject property retains the Residential 15 (Res 15) Future Land Use designation.

FLUE Policy 1.4 – addresses the Res 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

The proposed RU-2-12 zoning classification is consistent with the FLUM and, based upon the site acreage of 2.8952 acres, would allow for single-family or multi-family development of up to 34 units.

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

Environmental Constraints

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

Applicable Land Use Policies

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. Prior to May 20, 1975; GU zoning required a one acre lot with a minimum width and depth of 150 feet.

The RU-2-12 classification permits multi-family residential uses or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots. The proposed RU-2-12 zoning classification based upon the site acreage of 2.8952 acres, would allow a multi-family development of up to 34 units.

The subject parcel is an undeveloped 2.90 acre tract of land that abuts the town limits of Palm Shores on three sides (North, East and South). The applicant states that this parcel, purchased on February 10, 2017, is a remnant from a larger FDOT parcel. The abutting parcel to the north is vacant land owned by and the same owner as this rezoning request has the City of Palm Shores zoning of Residential Agriculture (RA). The abutting parcel to the East is a developed commercial parcel with an existing commercial building has the City of Palm Shores zoning of Commercial Parkway (CP). The abutting parcels to the south are residential lots in the Palm Shores Estates subdivision with single-family residences on the lots and have the City of Palm Shores zoning Single Family Residential (R1A). The abutting parcel to the west is the Florida East Coast Railroad and has no zoning. See the attached map for the City of Palm Shore's zoning map and the RA and R1A zoning codes.

The half-mile radius around this site has seen only two zoning changes within the last 10 years.

May 29, 2014; **14PZ-00027**, changed the zoning from GU to Residential Professional (RP). This zoning change was on a 0.45 acre parcel located on the East side of Highway US-1 on the Indian River, approximately 0.35 miles north of the subject parcel.

October 13, 2016; **16PZ00071**, changed zoning from Government Managed Lands (High-Intensity) (GML (H)) to General Retail Commercial (BU-1). . This zoning change was on a 1.1 acre parcel located on the north side of Pineda Cswy, between Wickham Rd. and Highway US-1, approximately 0.6 miles northerly of the subject parcel.

For Board Consideration

The applicant is seeking a change of zoning classification from General Use (GU) to Medium-Density Multiple-Family Residential (RU-2-12), for the purpose of developing townhouses up to 12 units per acre. The maximum development potential that the 2.90 acre parcel would allow for is 34 multi-family units. This parcel abuts the Florida East Coast (FEC) Railway to its west, but is otherwise surrounded by parcels within the Town of Palm Shores' jurisdiction.

The Board may wish to consider whether the proposed multi-family zoning application is compatible with the adjacent developed single-family subdivision to the south, the developed commercial parcel to the east and the undeveloped residential agriculture parcel to the north.

The Board may wish to consider additional buffering from any adjacent development, including the single-family residential subdivision to the south.

The Board should be aware that the subject parcel is located abutting parcels in the City of Palm Shores and that Miller Cove Road, the access to this parcel, is in legal litigation.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review**

SUMMARY

Item #: 18PZ00086	Applicant: LTM of FL Holdings, LLC
Zoning Request: GU to RU-2-12	
P&Z Hearing Date: 09/17/18	BCC Hearing Date: 10/04 /18

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	Upland Hardwood Forest	Mapped
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 26, Rng. 37, Sec. 30;
Tax ID No. 2609832**

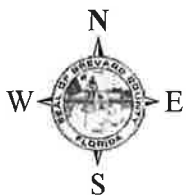
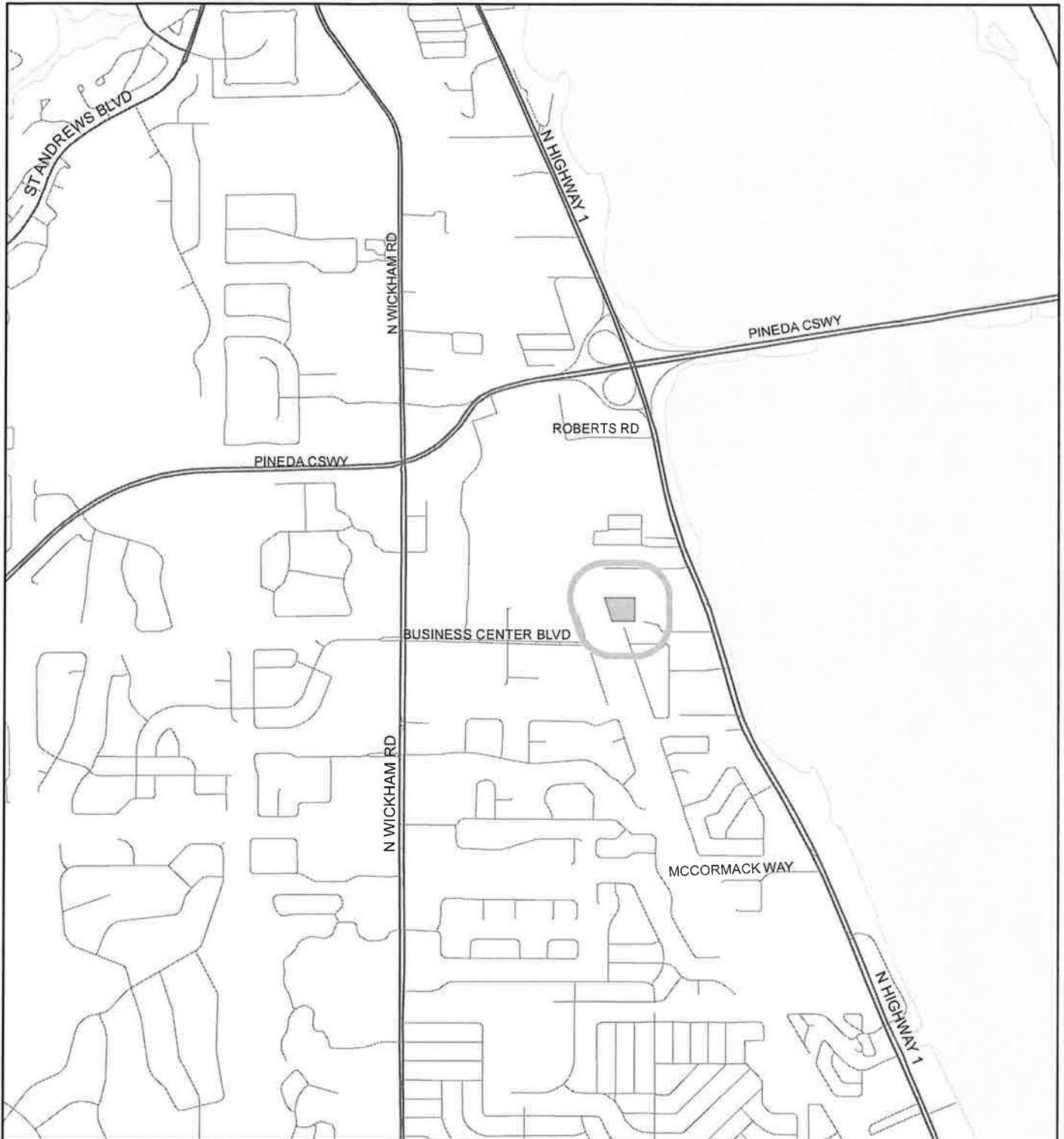
The western portion of the property is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Additional impervious area, often associated with increased density, increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

The entire project is mapped within the polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code: 4340 - Upland Mixed Coniferous/Hardwood trees. Protected trees (greater than or equal to 10 inches in diameter) and Heritage Specimen Trees (greater than or equal to 24 inches in diameter) are included in this code. Based on aerial photographs, Protected and Heritage Specimen trees may reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

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09/17/18 PZ // 10/04/18 BCC

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 shall obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service (FWS), as applicable.

LOCATION MAP
LTM OF FLORIDA HOLDING, LLC
18PZ00086



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

Buffer Distance: 500 feet

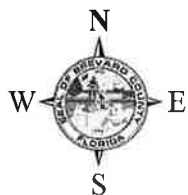
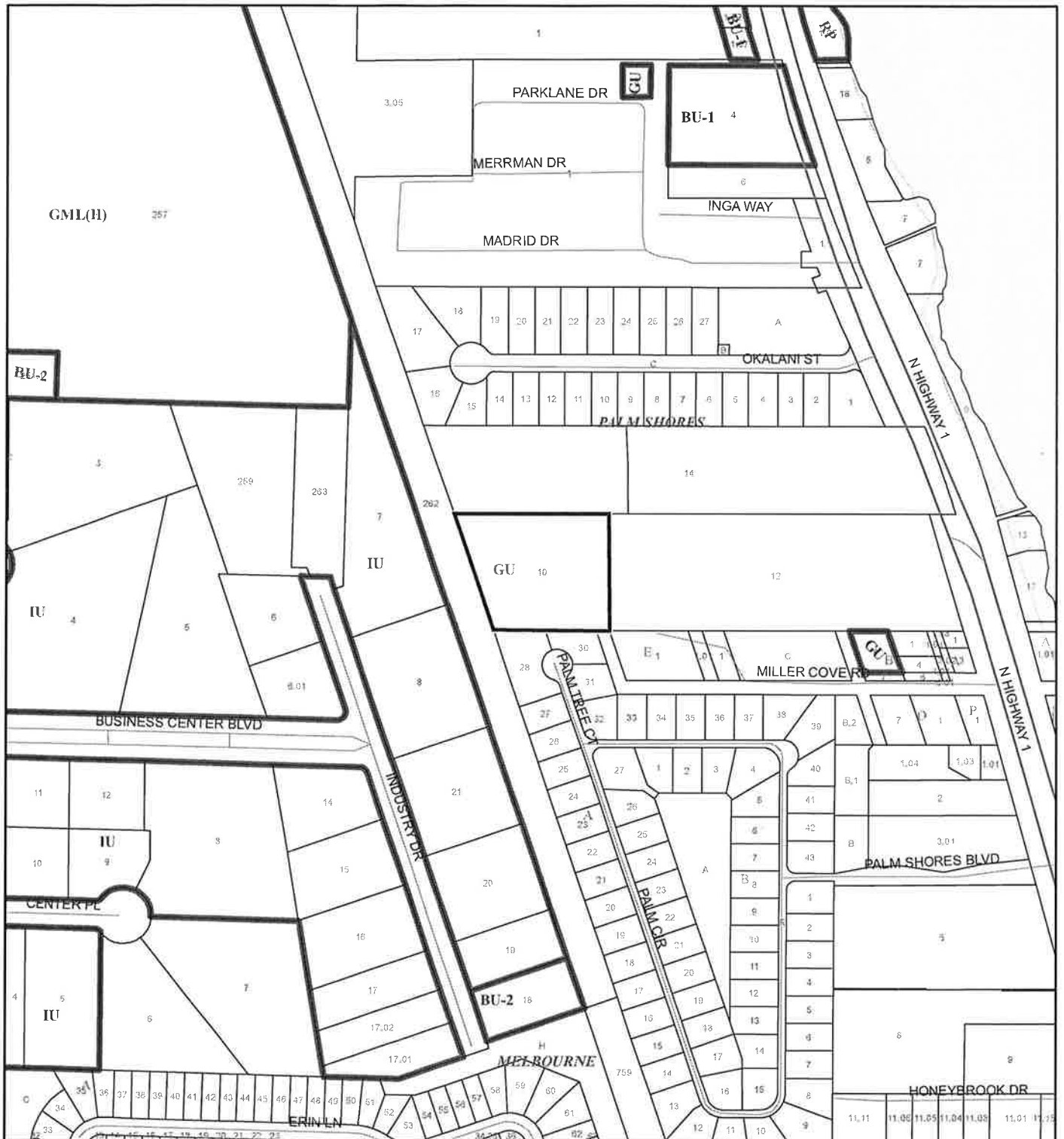
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/6/2018

— Buffer
■ Subject Property

ZONING MAP

LTM OF FLORIDA HOLDING, LLC
18PZ00086



1:4,800 or 1 inch = 400 feet

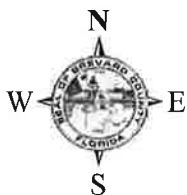
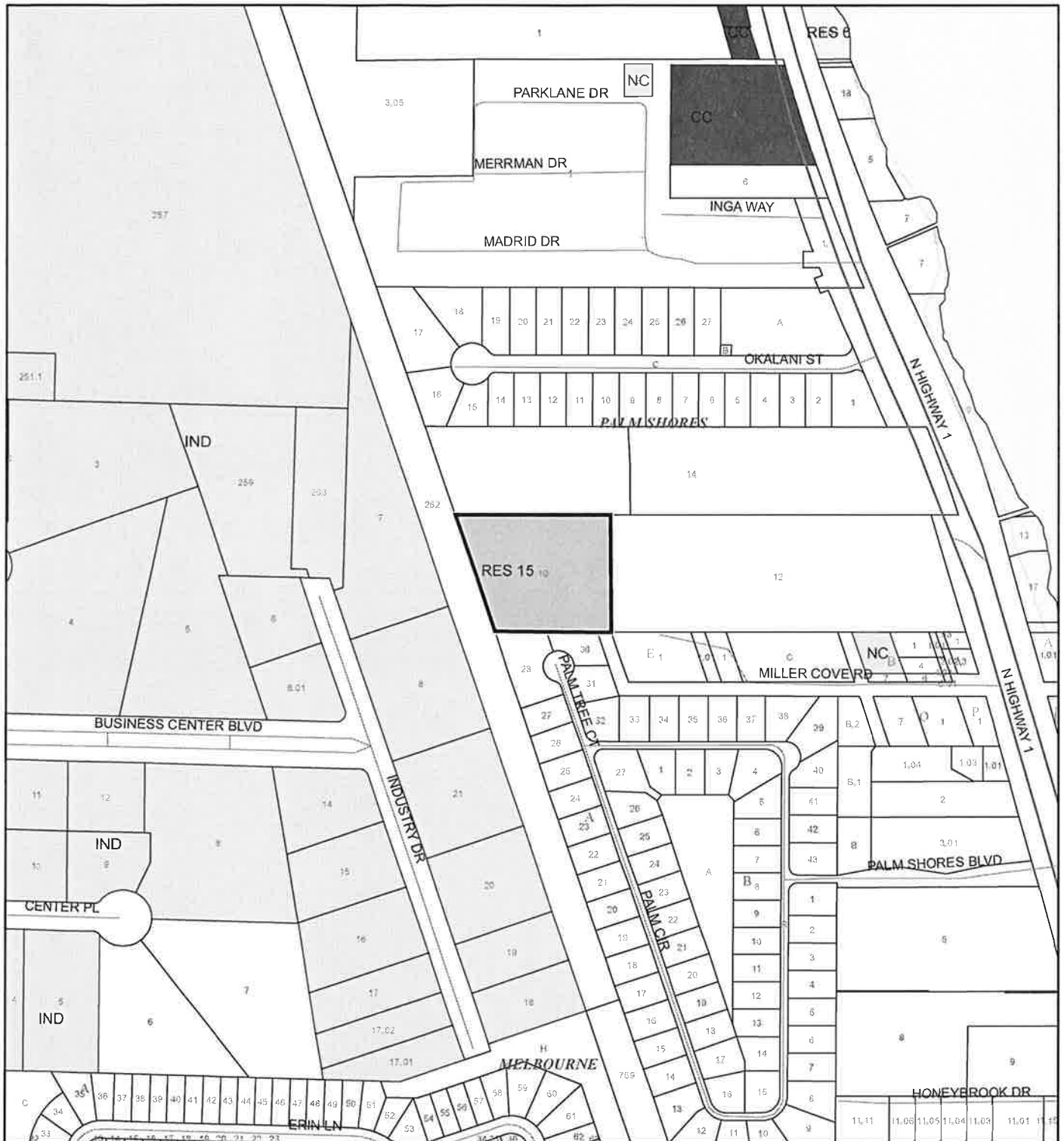
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/11/2018

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

LTM OF FLORIDA HOLDING, LLC
18PZ00086



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

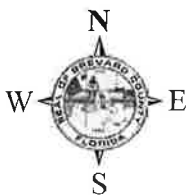
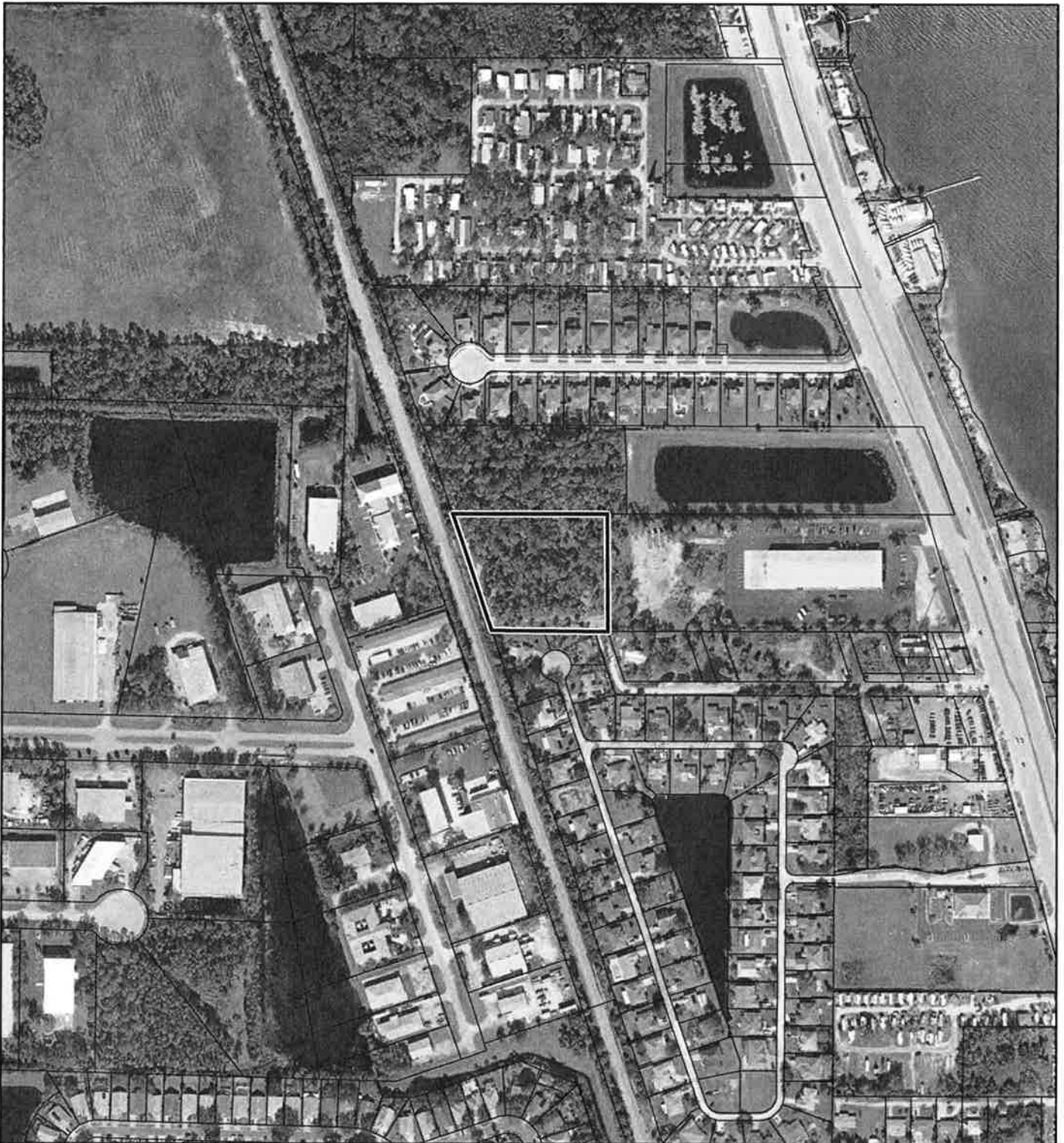
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/5/2018

AERIAL MAP

LTM OF FLORIDA HOLDING, LLC

18PZ00086



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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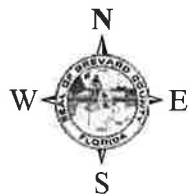
Produced by BoCC - GIS Date: 7/5/2018

— Subject Property

▭ Parcels

NWI WETLANDS MAP

LTM OF FLORIDA HOLDING, LLC
18PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/5/2018

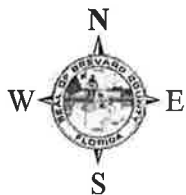
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

LTM OF FLORIDA HOLDING, LLC

18PZ00086



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Produced by BoCC - GIS Date: 7/5/2018

SJRWMD FLUCCS WETLANDS

-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

USDA SCSSS SOILS MAP

LTM OF FLORIDA HOLDING, LLC

18PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/5/2018

USDA SCSSS Soils

	Aquifer and Hydric
	Aquifer
	Hydric
	None

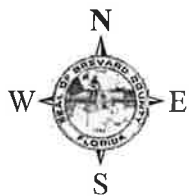
Subject Property

Parcels

FEMA FLOOD ZONES MAP

LTM OF FLORIDA HOLDING, LLC

18PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/5/2018

FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | | |
| Parcels | | |

EAGLE NESTS MAP

LTM OF FLORIDA HOLDING, LLC

18PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/5/2018

 Subject Property

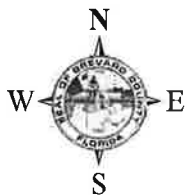
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




LTM OF FLORIDA HOLDING, LLC
18PZ00086



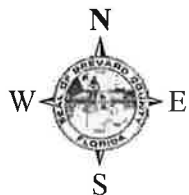
1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/5/2018


-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

18PZ00086



Produced by BoCC - GIS Date: 7/5/2018

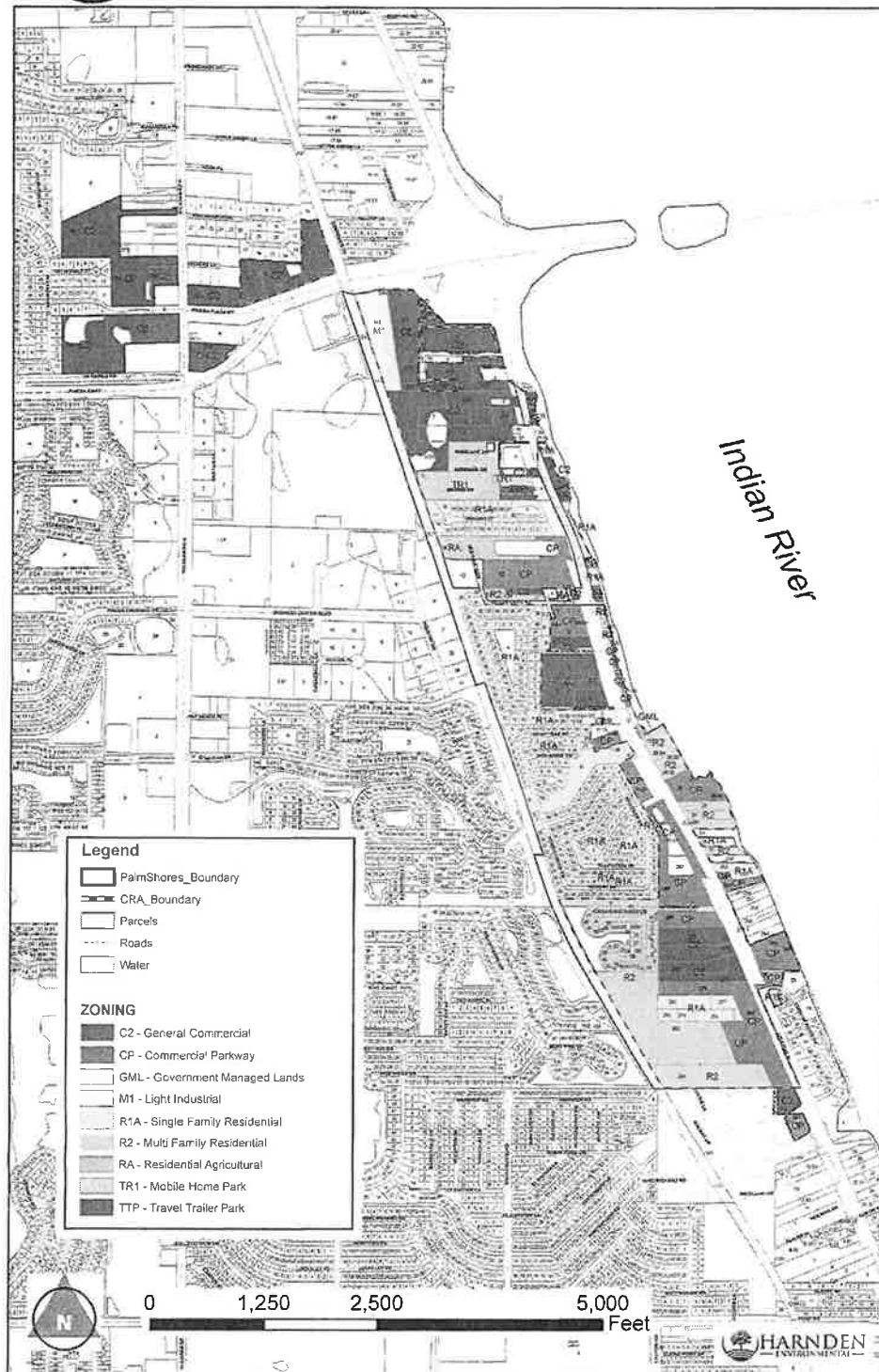
SJRWMD FLUCCS Upland Forests

-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

— Subject Property  Parcels



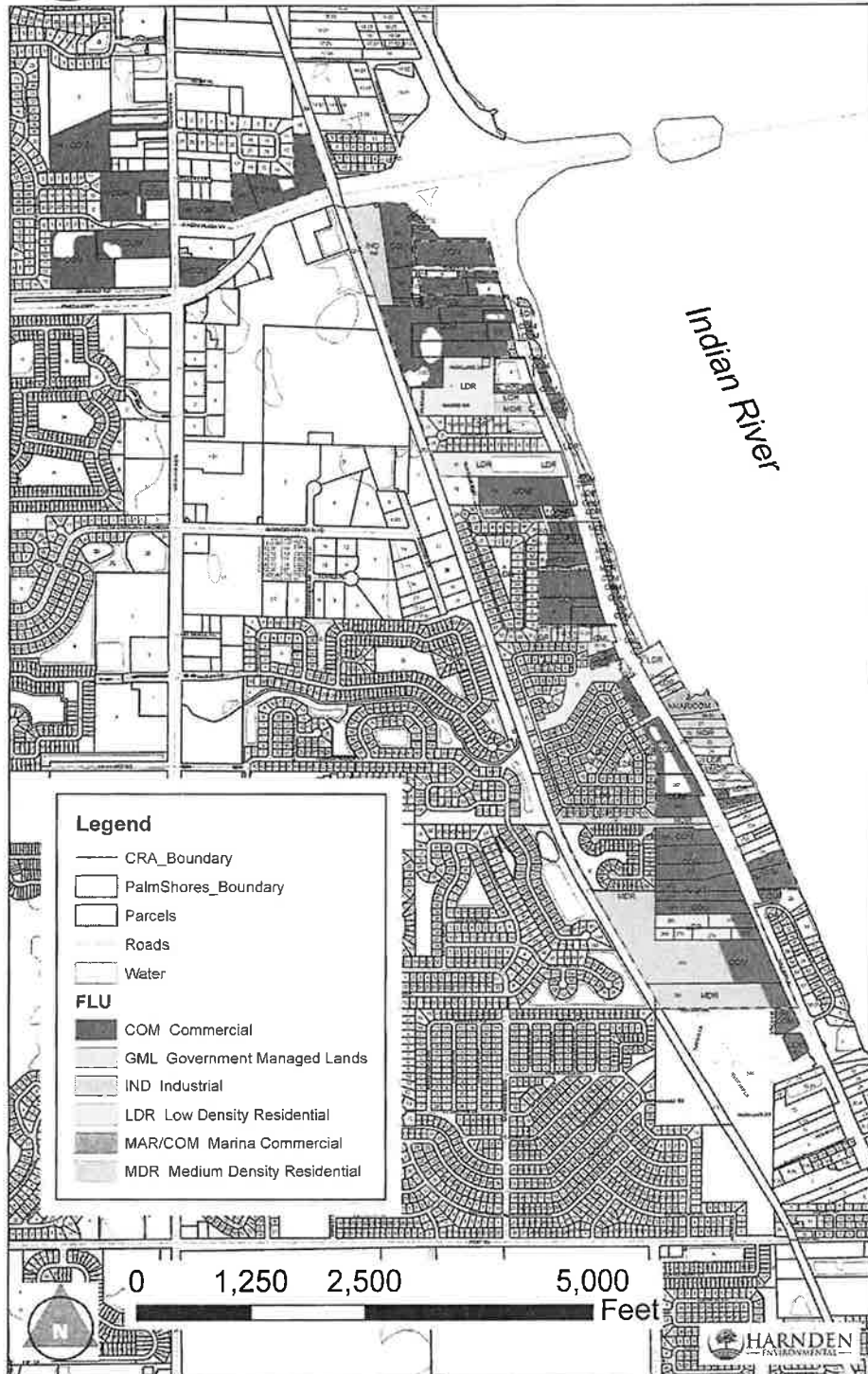
Town of Palm Shores - Zoning



Notes: This map was compiled from various data sources including the property boundaries from the Brevard County Property Appraisers (2016) office. Map revised March 2017.



Town of Palm Shores - Future Land Use



Notes: This map was compiled from various data sources including the property boundaries from the Brevard County Property Appraisers (2016) office

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 7, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales, Brian Hodgers, Ben Glover; Ron McLellan; Scott Langston; Mark Wadsworth; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner II; Darcie McGee, Assistant Director, Natural Resources Management; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, February 7, 2019, at 5:00 p.m.

Excerpt of complete minutes.

3. LTM of Florida Holding, LLC:

(Kim Rezanka) requests a change of zoning classification from GU (General Use) to RU-2-12 (Medium Density Multi-Family Residential). The property is 2.90 +/- acres, located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1. (No assigned address. In the Palm Shores area.) (18PZ00086) (District 4)

Kim Rezanka – Good afternoon, Chairman, and the members of the Planning and Zoning Board. This matter came before you on a commercial rezoning about a year ago; there is an access issue with this property and litigation involving this. We have reached a settlement agreement with the Town of Palm Shores and the County Commission. It will go to the Town of Palm Shores on January 29th for approval, and if approved we will be withdrawing this request completely, but we would like to have time to get that through the system, so we are requesting a continuance to March 11, 2019.

Motion by Rochelle Lawandales, seconded by Ron McLellan, to table the request to the March 11, 2019, Planning and Zoning Board meeting. The motion passed unanimously.