



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

8/6/2020

Subject:

Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1.
(20Z00003) (Tax Account 2000354) (District 1)

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 a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial) for the purpose of combining the parcel with the abutting 5.24-acre BU-1 zoned parcel. A companion Small-Scale, Comprehensive Plan Amendment (SSCPA) (20PZ00051) for a Future Land Use designation changing the FLU from NC to CC (Community Commercial) was submitted accompanying this zoning request. The subject parcel is a remnant 1.32-acre of undeveloped property, located on the northwest corner of U.S. 1 and McCullough Road in Mims, and it is nonconforming to the current AU size requirements of 2.5 acres and a minimum width and depth of 150 feet.

The character of the surrounding area along the west side of U.S. 1 is BU-1 and BU-2 and is developed with various commercial uses. There is also developed and undeveloped AU along the west side of U.S. 1. The developed AU parcels have single-family homes.

The Board may wish to consider whether the request is consistent and compatible with the surrounding.

On July 6, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return to Planning and Development.

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 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 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 percent 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 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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), 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 services 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, odors, 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 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 M A I 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 35 feet higher than the highest residence within 1,000 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 this 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 TPO (Transportation Planning Organization) 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 (CURRENT LOS): The Level of Service at which a roadway is currently operating.

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20Z00003

Richard R. Wrubel Jr. and Gina M. Wrubel Trust

AU (Agricultural Residential) to BU-1 (General Retail Commercial)

Tax Account Number: 2000354
Parcel I.D.: 20-35-31-00-506
Location: No address assigned, on the northwest corner of Highway US-1 and McCullough Road in the Mims area (District 1)
Acreage: 1.32 acre

Planning and Zoning Board: 07/06/2020

Board of County Commissioners: 08/06/2020

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	BU-1
Potential*	1 Single Family Unit	16,100 sq. ft.
Can be Considered under the Future Land Use Map	Yes, NC (Neighborhood Commercial)	No, Current FLU is NC BU-1 requires CC (Community Commercial)

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial) for the purpose of combining the parcel with the abutting 5.24 acre BU-1 zoned parcel. The applicant did not provide staff with a proposed development plan submitted with this application.

The subject parcel is a remnant undeveloped AU parcel along Highway US-1 which has its original AU zoning from when zoning was established in 1958 and is a nonconforming parcel to current AU size requirements. Before March 6, 1975, AU required a minimum lot width and depth of 125 feet with a minimum lot size of one acre. The abutting BU-1 parcel to west the applicants also own and the abutting BU-1 parcel to the north were both rezoned on September 5, 1963 from AU to BU-1 per zoning action **Z-1114**.

Land Use

The subject property retains the NC (Neighborhood Commercial) FLU designation. The current zoning of AU on the subject property is consistent with the NC FLU per 62-1255 (2). The proposed zoning of BU-1 is not consistent with current FLU designation of NC. A companion Small-Scale, Comprehensive Plan Amendment (SSCPA) application, 20S.04 (20PZ00051) for a Future Land Use designation changing the FLU from NC to CC (Community Commercial) was submitted accompanying this zoning request to be consistent with the proposed BU-1 zoning.

Environmental Constraints

No noteworthy environmental issues were identified for subject parcel. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. Please see NRM comments at the end of this report for further details.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between Lionel Road and Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 41,300 trips per day, a Level of Service (LOS) of D, and currently operates at 23.82% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 32.70%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 56.52% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a proposed commercial development.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is approximately 2.78 miles south of McCullough Road located along the west side of Highway US-1.

The parcel is not serviced by Brevard County water. The closest available Brevard County water line is approximately 1,570 feet south of McCullough Road located along the east side of Highway US-1.

Land Use Policy 1.2 addresses residential density requirements for sewer and potable water. This policy does not address commercial development requiring sewer and potable water.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The subject parcel is a remnant undeveloped AU parcel along Highway US-1 that is abutting BU-1 to the west and north. The developed commercial character of the surrounding area along the west side of Highway US-1 is a mix of BU-1, and BU-2 zoning developed with various commercial uses. The closest developed commercial parcel to the north lies 600 feet north. This parcel is zoned BU-2 and is developed with

an office building for a single tenant. The closest developed commercial parcel to the south lies 560 feet south. This parcel is zoned BU-2 and developed with a motor inn and has a BDP (Binding Development Plan) limiting the BU-2 use to the manufacturing and outdoor storage of concrete yard ornamental figurines and statues. The surrounding area along the west side of Highway US-1 has a Future Land Use (FLU) designation of Community Commercial (CC) which may be considered to be consistent with BU-1 zoning. The proposed BU-1 zoning may be considered to be consistent with the Future Land Use designation Community Commercial (CC).

Surrounding Properties

The developed character of the surrounding area along the west side of Highway US-1 is BU-1 and BU-2 zoning and is developed with various commercial uses. There is also developed and undeveloped AU (Agricultural Residential) along the west side of Highway US-1. The developed AU parcels have single-family homes. There is also developed and undeveloped AU (Agricultural Residential) and along both sides of McCullough Road. The parcel and the surrounding area along Highway US-1 and McCullough Road have a Future Land Use (FLU) designation of CC which is required for a proposal of BU-1 zoning.

The current AU 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 subject parcel has its original AU zoning established in 1958 and is a nonconforming parcel to current AU size requirements.

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 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 abutting parcels to the west and north are zoned BU-1 and are vacant land. The abutting parcel to the east is Highway US-1. The abutting parcel to the South is McCullough Road. The parcel south directly across McCullough Road is zoned AU and is undeveloped.

There have been three zoning actions within a half-mile of the subject property within the last three years.

On November 02, 2017, application **17PZ00120** changed the zoning from RU-1-9 to GML(I) on a 15 acre parcel located approximately 1,205 feet southeast of the subject property.

On March 09, 2018, application **17PZ00118** changed the zoning from BU-1 to BU-2 with a Binding Development Plan limiting the BU-2 use to the manufacturing and outdoor storage of concrete yard ornamental figurines and statues on a 2.98 acre parcel located approximately 490 feet south of the subject property.

On April 09, 2020, application **19PZ00127** changed the zoning from AU to RR-1 with a Binding Development Plan on a 2 acre parcel limiting development to one single-family residence located approximately 600 feet westerly of the subject property.

For Board Consideration

The Board may wish to consider whether request is consistent and compatible with surrounding area given the fact BU-1 zoning is adjacent to the subject parcel.

NATURAL RESOURCES MANAGEMENT DEPARTMENT

Zoning Review Summary

Item # 20Z00003

Applicant: RICHARD R WRUBEL JR & GINA M WRUBEL TRUST

Zoning Request: Rezone from AU to BU-1

Brevard County Planning 07/06/2020 3:00 p.m.
& Zoning Board

Brevard County Board of 08/06/2020 5:00 p.m.
County Commissioners

Tax ID No: 2000354

Summary of Mapped Resources and Noteworthy Land Use Issues

No noteworthy land use issues were identified for subject parcel. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Heritage Specimen Trees

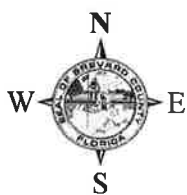
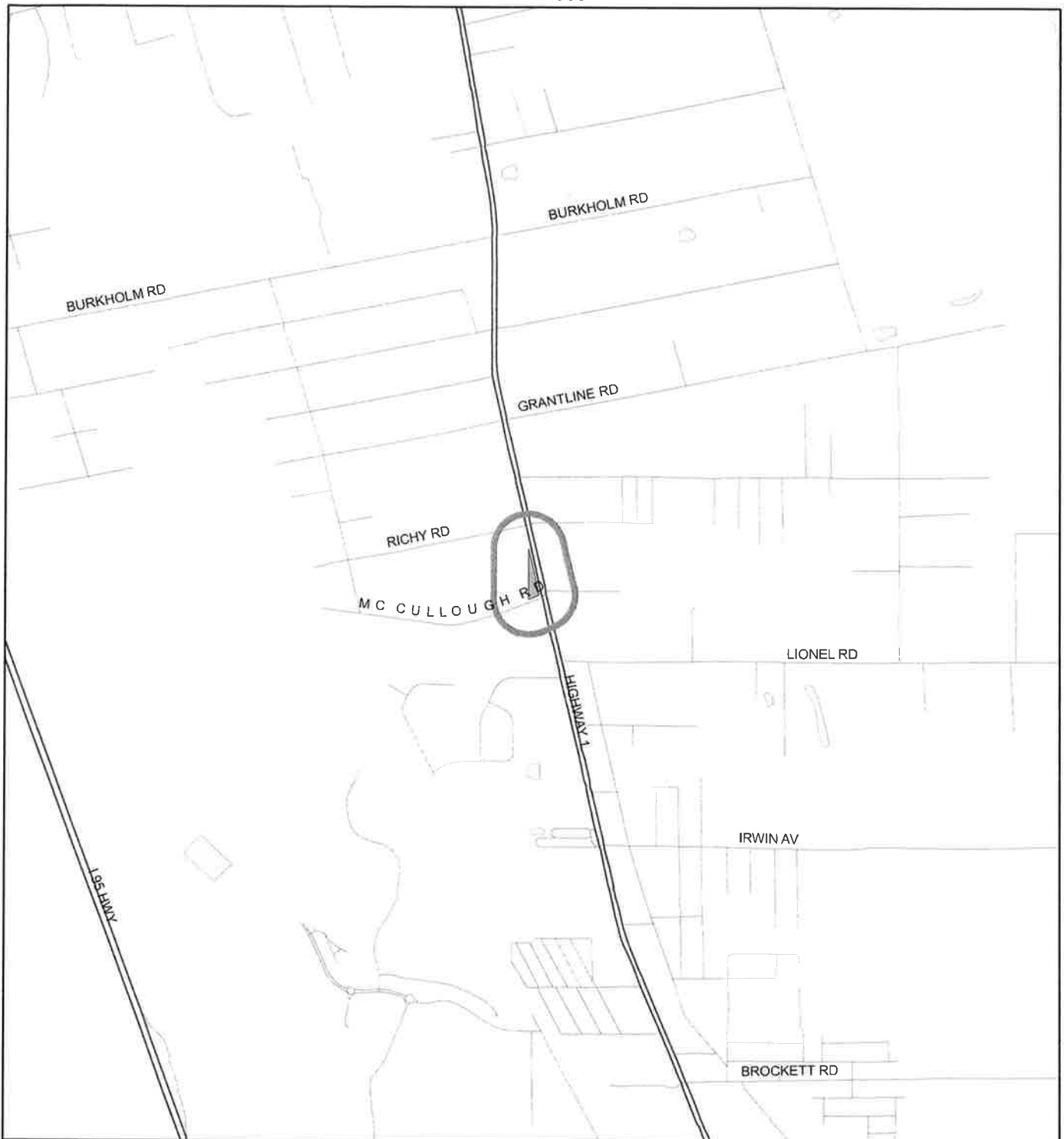
The entire parcel is mapped with SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4110 – Pine Flatwoods. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62 4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal.

Protected Species

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.

LOCATION MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



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

Buffer Distance: 500 feet

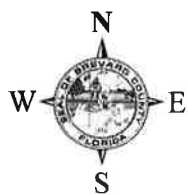
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/30/2020

— Buffer
■ Subject Property

ZONING MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



1:4,800 or 1 inch = 400 feet

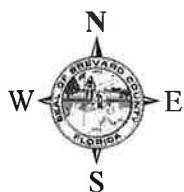
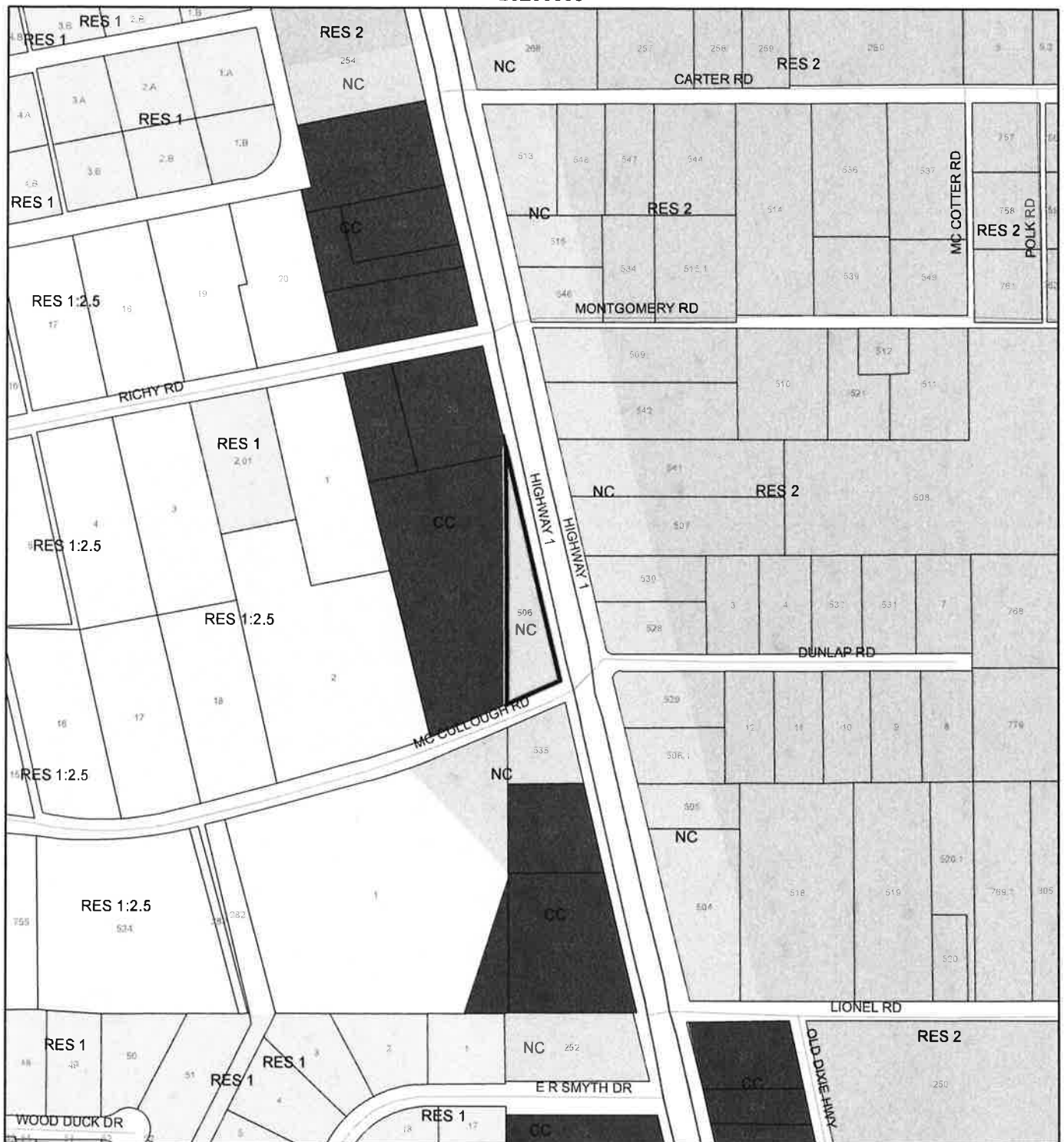
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Produced by BoCC - GIS Date: 4/30/2020

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



1:4,800 or 1 inch = 400 feet

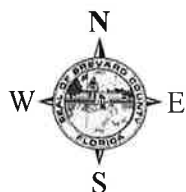
Subject Property
Parcels

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Produced by BoCC - GIS Date: 4/30/2020

AERIAL MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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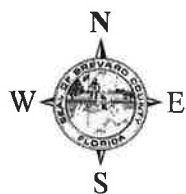
Produced by BoCC - GIS Date: 4/30/2020

— Subject Property

□ Parcels

NWI WETLANDS MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/30/2020

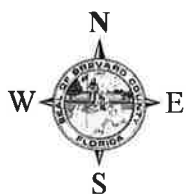
National Wetlands Inventory (NWI)

	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

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES

20Z00003



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: 4/30/2020

SJRWMD FLUCCS WETLANDS

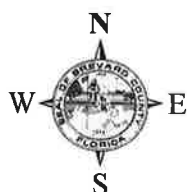
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

USDA SCSSS SOILS MAP

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20Z00003



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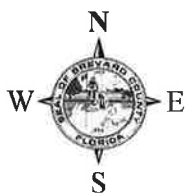
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES

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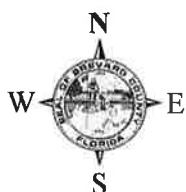
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| 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 | |

COASTAL HIGH HAZARD AREA MAP

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— Subject Property

□ Parcels

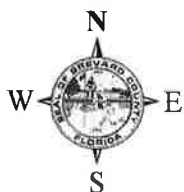
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES

20Z00003



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Produced by BoCC - GIS Date: 4/30/2020

— Subject Property

□ Parcels

Septic Overlay

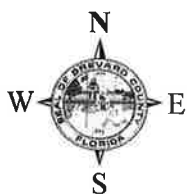
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES
20Z00003



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Produced by BoCC - GIS Date: 4/30/2020

 Subject Property

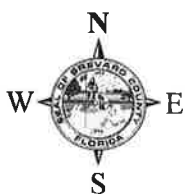
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES




20Z00003



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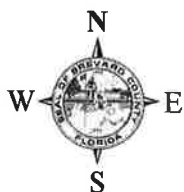
Produced by BoCC - GIS Date: 4/30/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

WRUBEL, RICHARD R., JR., AND GINA M., TRUSTEES

20Z00003



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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

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 7, 2020**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Brian Woltz; Ron Bartcher; Ian Golden; Brian Hodgers; Joe Buchanan; Peter Filiberto, Vice Chair; and Bruce Moia.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Vice Chair Filiberto appointed Brian Hodgers as Chair Pro Tem. Mr. Filiberto excused himself from the meeting.

Richard R. Jr., and Gina M. Wrubel

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.32 acres, located on the northwest corner of McCullough Road and U.S. Highway 1. (No assigned address. In the Mims area) (20PZ00051) (Tax Account 2000354) (District 1)

Richard R. Jr., and Gina M. Wrubel

A change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial). The property is 1.32 acres, located on the northwest corner of McCullough Road and U.S. Highway 1. (No assigned address. In the Mims area) (20Z00003) (Tax Account 2000354) (District 1)

Richard Wrubel, 3885 Richy Road, Mims, stated they purchased a piece of property on the corner of McCullough and U.S. 1, and they would like to rezone it to BU-1 because they own the property to the west of it and it's all BU-1.

Ron Bartcher asked if Mr. Wrubel has any plans for the property. Mr. Wrubel replied they own a water, fire, and mold restoration business, and he would like to use the building for vehicle storage.

Brian Hodgers called for public comment, and seeing none, he brought the item back to the board.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the requested Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The motion passed unanimously.

Motion by Bruce Moia, seconded by Ron Bartcher, to approved the requested change of zoning classification from AU to BU-1. The passed unanimously.