



AGENDA REPORT
May 30, 2019

Mark D. Hansson requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC. (19PZ00032) (District 1)

SUBJECT:

Mark D. Hansson requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC (Community Commercial). The property is 3.01 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00032) (District 1)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC (Community Commercial)

SUMMARY EXPLANATION and BACKGROUND:

This request is seeking a change in Future Land Use (FLU) designation from Residential 4 (RES 4) to Community Commercial (CC) on a 3.01 acre parcel of land. This area of Unincorporated Brevard County is comprised of industrial and residential development along the east side of East Railroad Drive abutting the subject site on the west side of the majority of the parcel. The parcel is divided by East Railroad Avenue and the F.E.C. Railway, leaving a .37 acre portion of the parcel inaccessible on the west side of the railway. The remaining 2.64 acres portion of the overall parcel to the east of the F.E.C. Railway is accessible off of East Railroad Avenue, an urban local road.

Along the east side of the F.E.C. Railway and East Railroad Avenue, the majority of the Future Land Use designations are Planned Industrial (PI), IND and RES 4. The majority of the Future Land Use designations along the west side of East Railroad Avenue and the F.E.C. Railway are Industrial (IND) and RES 4.

A preliminary transportation concurrency analysis indicates that the proposed change in Future Land Use designation would generate traffic that would not cause deficiency of adopted roadway levels of service. The additional impact to the roadway resulting from

the development of this site would fall within the Level of Service (LOS) standards of D for this urban principle arterial road.

The Board may wish to consider whether the proposed Residential 4 (RES 4) Future Land Use designation is appropriate at the location proposed, adjacent to other RES 4 and Neighborhood Commercial (NC) designations.

The Board may also wish to consider whether a change to CC should be applied to the entire parcel, or just to the eastern 2.64 acre portion of the overall 3.01 acre parcel, leaving the .37 acre portion, west of the F.E.C. Railway, with the RES 4 designation. To the north and south of this portion of the overall parcel the Future Land Use designation is RES 4 and to the west is IND. If this .37 acre portion of the overall parcel received a Future Land use change from RES 4 to CC, this would be the only portion on the west side of the F.E.C. Railway with this Future Land Use designation.

This request is accompanied by a companion proposal (**19PZ00033**) for a change of Zoning classification from Rural Residential Mobile Home (RRMH-2.5) to Retail, Warehousing and Wholesale Commercial (BU-2).

On May 20, 2019, the Local Planning Agency heard the request and approved, excluding the portion of property west of East Railroad Avenue.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **LPA/PZ Minutes 05/20/19**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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Tammy.Rowe@brevardclerk.us

May 31, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item H.7., Ordinance for Small Scale Plan Amendment 19S.08

The Board of County Commissioners, in regular session on May 30, 2019, adopted Ordinance No. 19-13, setting forth Small Scale Plan Amendment 19S.08. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 31, 2019

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 19-13, which was filed in this office on May 31, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 19-13

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE EIGHTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.08, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2019 as Plan Amendment 19S.08; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 19S.08; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

Officially filed with the Secretary of State on May 31, 2019.

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on May 20, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.08, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 30, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.08; and

WHEREAS, Plan Amendment 19S.08 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.08 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 19S.08 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive

Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 19S.08, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 30 day of May, 2019.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Kristine Isnardi, Chair

As approved by the Board on May 30, 2019.

EXHIBIT A
19S.08 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

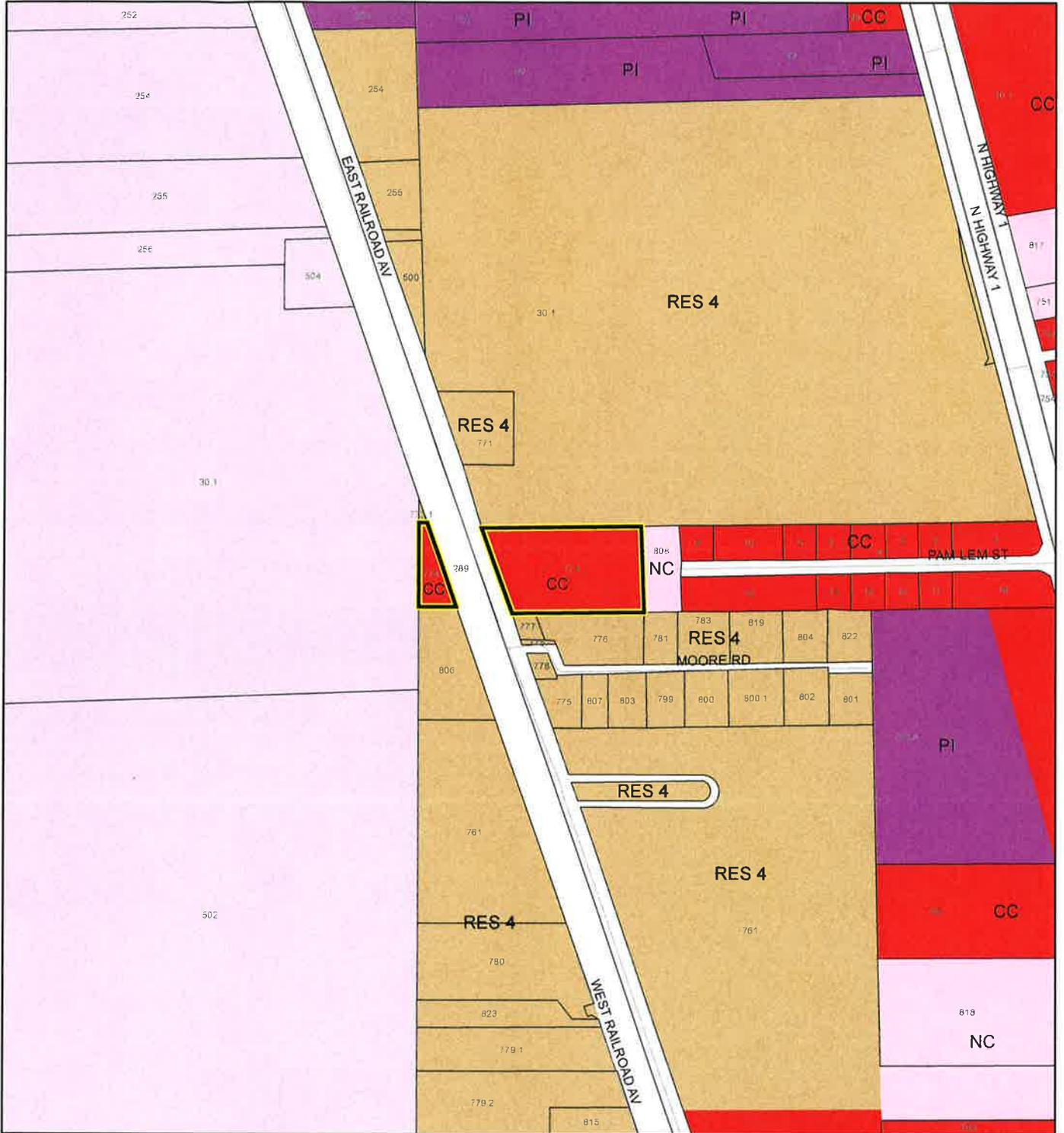
Contents

- 1. Proposed Future Land Use Map**

PROPOSED FUTURE LAND USE MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



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: 3/14/2019

EXHIBIT B

Contents

1. Legal Description

AD#353266, 5/2/2019

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, MAY 20, 2019, and THURSDAY, MAY 30, 2019, at 3:00 p.m. (19P200166) **MACK O. HANSSON** - requests a Small Scale Comprehensive Plan Amendment (195.08) to change the Future Land Use designation from Residential 4 to CC (Community Commercial), on property described as Tax Parcel 774, as recorded in ORB 7856, Page 860, of the Public Records of Brevard County, Florida, Section 06, Township 24, Range 25, (3.01 acres) located on the east and west sides of E. Railroad Ave., approx. 150 ft. north of Moore Rd. (3845 E. Railroad Ave., Cocoa) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.62: an ordinance amending Article 15, Chapter 62, of the Code of Ordinances of Brevard County, entitled: "The Comprehensive Plan", amending Section 62.041, entitled: Contents of the Plan, specifically amending Section 62.501, Part 29, entitled: Future Land Use Element and Future Land Use Map Series, and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 2. (19P205333) **MACK O. HANSSON** - requests a change of zoning classification from SMH-2.5 (Rural Residential Mobile Home) to RL-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 774, as recorded in ORB 7856, Page 860, of the Public Records of Brevard County, Florida, Section 06, Township 24, Range 25, (3.01 acres) located on the east and west sides of E. Railroad Ave., approx. 150 ft. north of Moore Rd. (3845 E. Railroad Ave., Cocoa)

DISTRICT 3 3. (19P200166) An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled: "The Comprehensive Plan", setting forth the adoption of the Plan Amendment Cycle 2019-1.; amending Section 62.501, entitled: Contents of the Plan; specifically amending Section 62.501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. a. Plan Amendment 2019-1.1 - a proposal initiated by Douglas and Cindy Robertson, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 on 20.39 acres located on the southwest corner of Fleming Grant Road and Seabird Lane, 4. (18P200167) **DOUGLAS AND CINDY ROBERTSON** - (Bruce Moia) - requests a BDP (Binding Development Plan) for consistency with the Future Land Use designation of Res 1 (Residential 1), on property described as Lots 10 & 11, Frank H. Allen Subdivision of 136 acre tract of Fleming Grant, according to the map or plat thereof, as recorded in Plat Book 1, Page 77, of the Public Records of Brevard County, Section 19, Township 30G, Range 38, (20.39 acres) Located on the southwest corner of Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area.) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, MAY 20, 2019, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, MAY 30, 2019, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2859 for assistance. Brevard County Planning & Development Department, Pat. Tai Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator II.

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 19S.08 (19PZ00032)
Township 24, Range 36, Section 06

Property Information

Owner / Applicant: **Mark D. & Michele L. Hansson**

Adopted Future Land Use Map Designation: Residential 4 (RES 4)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage: 3.01 acres Tax Account #: 2410827

Site Location: East and west sides of East Railroad Avenue approximately .76 miles north of Cross Road

Current Zoning: Rural Residential Mobile Home (RRMH-2.5)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2)

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant	RU-1-7	RES 4
South	Mobile Homes	AU	RES 4
East	Single-Family Residence, Mobile Home	TR-1, RU-1-9	NC
West	East Railroad Avenue, FEC Railroad and Vacant land	IU	IND

Background & Purpose

The applicant is seeking to amend the Future Land Use designation from Residential 4 (RES 4) to Community Commercial (CC) on a 3.01 acre parcel of land. This parcel is

split by the Florida East Coast (FEC) Railway and Railroad Avenue, with .37 acres lying west of the railroad tracks and the majority of the parcel lying east of the unpaved roadway.

The subject property currently has a density allowance of four units to the acre which has been in place since Brevard County adopted of the Comprehensive Plan in September of 1988. The Future Land Use designation of RES 4 has been in place since 2001 when Brevard County combined the Future Land Use Map with the Residential Density Map during an Evaluation and Appraisal Review (EAR).

To the north of the subject property is land that is under development as a single-family residential subdivision that retains a Future Land Use designation of RES 4, to the east is a single-family residence and a mobile home with a Neighborhood Commercial (NC) Future Land Use designation, to the south are several mobile homes with a Future Land Use designation of RES 4 and to the west across East Railroad Avenue and the Florida East Coast (F.E.C.) Railway, is a .37 portion of the overall site that is adjacent to a vacant parcel of land with a Future Land Use designation of Industrial (IND).

A companion rezoning application (**19PZ00033**) was submitted accompanying this request for a Future Land Use designation change, to change the Zoning classification from Rural Residential Mobile Home (RRMH-2.5) to Retail, Warehousing and Wholesale Commercial (BU-2).

Environmental Resources

Please refer to comments provided by the Natural Resource Management Department attached to these staff comments as an addendum, for further information.

Historic Resources

There is one resource group of historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources. At the time of site plan review the applicant is required to submit a description of the ground disturbing activities to the Compliance and Review Division of the Florida Department of State Division of Historical Resources.

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;

A 2.64 acre portion of the subject parcel has frontage on East Railroad Avenue, an unpaved local roadway to the west, adjacent to the Florida East Coast (F.E.C.) Railway. The remaining .37 acre portion of the overall site that is split by the F.E.C. Railway is not accessible from a roadway.

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

The 2.64 acre portion of the subject parcel is adjacent to a parcel to the east with a NC Future Land Use designation. Currently, the parcel to the east is developed with a single-family residence and a mobile home with no inter-connectivity between the two parcels. Connectivity to the east to the paved Pam-Lem Street could be obtained.

To the north is an approximately 45.83 acre portion of a 78.59 total acre single-family residential subdivision under development, with a RES 4 Future Land Use designation, which has no access planned to this portion of the overall parcel. To the south the property is currently developed with mobile homes with a RES 4 Future Land Use designation with no inter-connectivity between the parcels.

- C. Existing commercial development trend in the area;

There is an approximately 5.9 acre node of commercial development approximately one hundred (100') feet east of the subject site. This commercial node is Pam-Lem Industrial Park, with developed retail

businesses, such as auto body and auto paint shops, open storage, new and used building supplies and junk yards. The Industrial Park parcels have frontage on Pam-Lem Street which connects with Highway U.S. 1 (U.S. 1) to the east.

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

There are no fundamental changes in character within this area prompted by County infrastructure improvements.

- E. Availability of required infrastructure at/above adopted levels of service;

The subject parcel is not served by Brevard County Utilities' sewer services, but the City of Cocoa has sewer services in the area and is providing service to the subdivision to the north of the subject property. The City of Cocoa provides water to this subject parcel.

The 2.64 acre portion of the overall 3.01 acre parcel has direct access to East Railroad Avenue which connects with Cross Road, approximately .76 miles to the south. Cross Road connects to U.S. 1 approximately .25 miles to the east. The remaining .37 acre portion of the overall parcel on the west side of the F.E.C. Railway has no access to a roadway. The additional impact to the roadway resulting from the development of this site would fall within the Level of Service (LOS) standards of D for this local road. Connectivity to the paved Pam-Lem Street to the east could be feasible in the future, if the parcel to the east currently being used for residential uses converted to commercial use.

A preliminary transportation concurrency analysis indicates that the proposed change in Future Land Use designation would generate traffic that would not cause deficiency of adopted roadway levels of service.

- F. Spacing from other commercial activities;

The subject parcel is located adjacent to NC to the east and near other commercial activities approximately 100' to the east with a Future Land Use (FLU) designation of CC. The adjacent parcel to the east is currently developed with a single-family residence and a mobile home.

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

The FLU designation change from RES 4 to CC is proposed on a 3.01 acre parcel of land is Consistent with Policy 2.7 of the Future Land Use Element of the Comprehensive Plan. Community Commercial

development is intended to serve several neighborhoods and provide commercial uses.

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

The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary).

- I. Integration of open space; and

Open space will be evaluated during the site plan review process.

- J. Impacts upon strip commercial development.

The promotion of strip pattern commercial development is discouraged within the Future Land Use Element for property with a FLU designation of CC. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern. The east 2.64 portion of the overall subject site lies west of an industrial park on the east and the F.E.C. Railway on the west. This portion of the overall parcel could be considered infill in that it is the last remaining parcel without a commercial land use designation between U.S. 1 and the railway.

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).

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 not located at an intersection. The closest principal arterial/principal arterial intersection is approximately 1.6 miles to the south at U.S. 1 and State Road 528 (S.R. 528).

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

The subject parcel is not located at an intersection.

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

The subject parcel is less than ten (10) acres. Along U.S. 1 to the east there are parcels with NC and CC Future Land Use designations. The character of development along U.S. 1, a principal arterial road, is commercial in nature with businesses such as general retail stores and nurseries.

- 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 overall subject site has the potential for 131,115 square foot of development, as governed by the FAR of up to 1.00 permitted for CC designated sites. The FAR is regulated through the land development regulations at the time of site plan review.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

This parcel does meet the criteria to be developed as a recreational vehicle park because it does have access to an interstate interchange from US 1.

Policy 2.15

Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

Criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross-access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

This parcel has frontage on East Railroad Avenue, an urban unpaved local roadway connecting to Cross Road, an urban paved local road approximately .76 miles to the south. There is a parcel to the east with a NC Future Land Use designation that if developed as a commercial use an opportunity exists for cross-access.

- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.

When developed with a community commercial use, the Site Plan associated with it will be reviewed for setbacks, landscape and buffering as part of that review to meet the current Land Development Regulations at the time of development.

- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

At the time of Site Plan review, the proposed commercial development will be reviewed taking into consideration the integration of both vehicular and non-vehicular access into the site. Currently there is no sidewalk along Waelti Drive in place today.

For Board Consideration

This request is seeking a change in Future Land Use (FLU) designation from Residential 4 (RES 4) to Community Commercial (CC) on a 3.01 acre parcel of land. This area of Unincorporated Brevard County is comprised of industrial and residential development along the east side of East Railroad Drive abutting the subject site on the west side of the majority of the parcel. The parcel is divided by East Railroad Avenue and the F.E.C. Railway, leaving a .37 acre portion of the parcel inaccessible on the west side of the railway. The remaining 2.64 portion of the overall parcel to the east of the F.E.C. Railway is accessible off of East Railroad Avenue, an urban local road.

This area of Unincorporated Brevard County is comprised of industrial and residential development along the east side of East Railroad Drive abutting the subject site on the west side of the majority of the parcel.

Along the east side of the F.E.C. Railway and East Railroad Avenue, the majority of the Future Land Use designations are Planned Industrial (PI), IND and RES 4. The majority of the Future Land Use designations along the west side of East Railroad Avenue and the F.E.C. Railway are Industrial (IND) and RES 4. The eastern 2.64 acres of the subject property is accessed by the unpaved County-maintained East Railroad Avenue, which has access from Cross Road, approximately .76 acres to the south, which connects to US 1.

A preliminary transportation concurrency analysis indicates that the proposed change in Future Land Use designation would generate traffic that would not cause deficiency of adopted roadway levels of service. The additional impact to the roadway resulting from the development of this site would fall within the Level of Service (LOS) standards of D for this urban principle arterial road.

The Board may wish to consider whether the proposed Residential 4 (RES 4) Future Land Use designation is appropriate at the location proposed, adjacent to other RES 4 and Neighborhood Commercial (NC) designations.

The Board may also wish to consider whether a change to CC should be applied to the entire parcel, or just to the eastern 2.64 acre portion of the overall 3.01 acre parcel, leaving the .37 acre portion, west of the F.E.C. Railway, with the RES 4 designation. To the north and south of this portion of the overall parcel the Future Land Use designation is RES 4 and to the west is IND. If this .37 acre portion of the overall parcel received a Future Land use change from RES 4 to CC, this would be the only portion on the west side of the F.E.C. Railway with this Future Land Use designation.

This request is accompanied by a companion proposal (**19PZ00033**) for a change of Zoning classification from Rural Residential Mobile Home (RRMH-2.5) to Retail, Warehousing and Wholesale Commercial (BU-2).

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 19PZ00032

Applicant: Mark and Michele Hansson

Future Land Use Request: RES-4 to CC

Note: Applicant wants to utilize property for commercial business

LPA/P&Z Hearing Date: 05/06/19; **BCC Hearing Date:** 05/30/19

Tax ID No: 2410827

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Substantial Natural Resources Land Use Issues:

No substantial natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Summary of Mapped Natural Resources Present on the Subject Property:

- Aquifer Recharge Soils
- Upland Mixed Coniferous/Hardwood Forest

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Candler fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Upland Mixed Coniferous/Hardwood Forest

The northern portion of the parcel contains a small mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Mixed Upland Coniferous/Hardwood Forest. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside in the area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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.

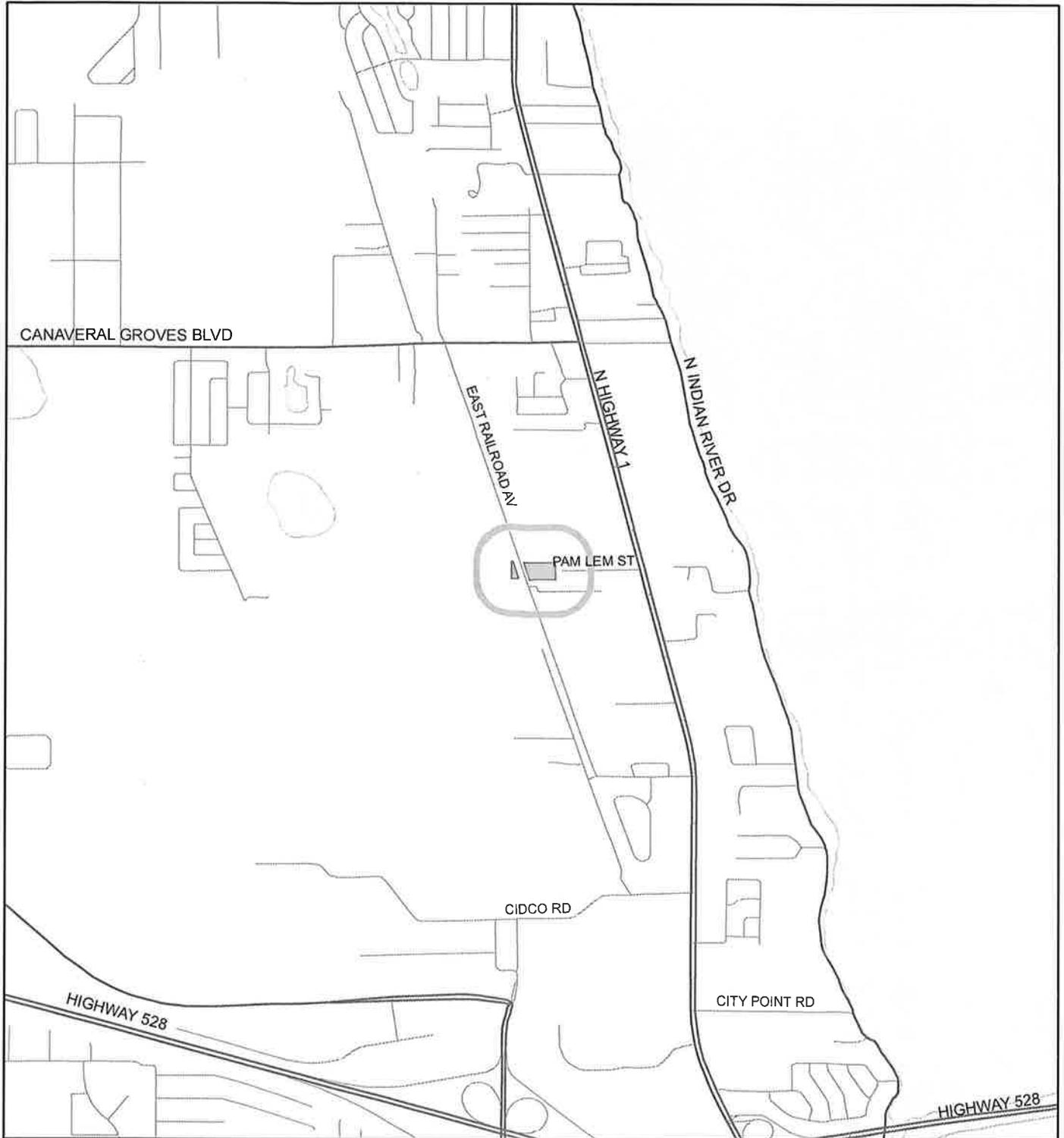
Protected Species

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.

LOCATION MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



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.

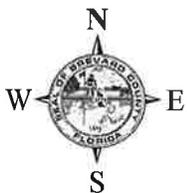
Produced by BoCC - GIS Date: 3/14/2019

-  Buffer
-  Subject Property

ZONING MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/14/2019

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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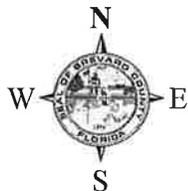
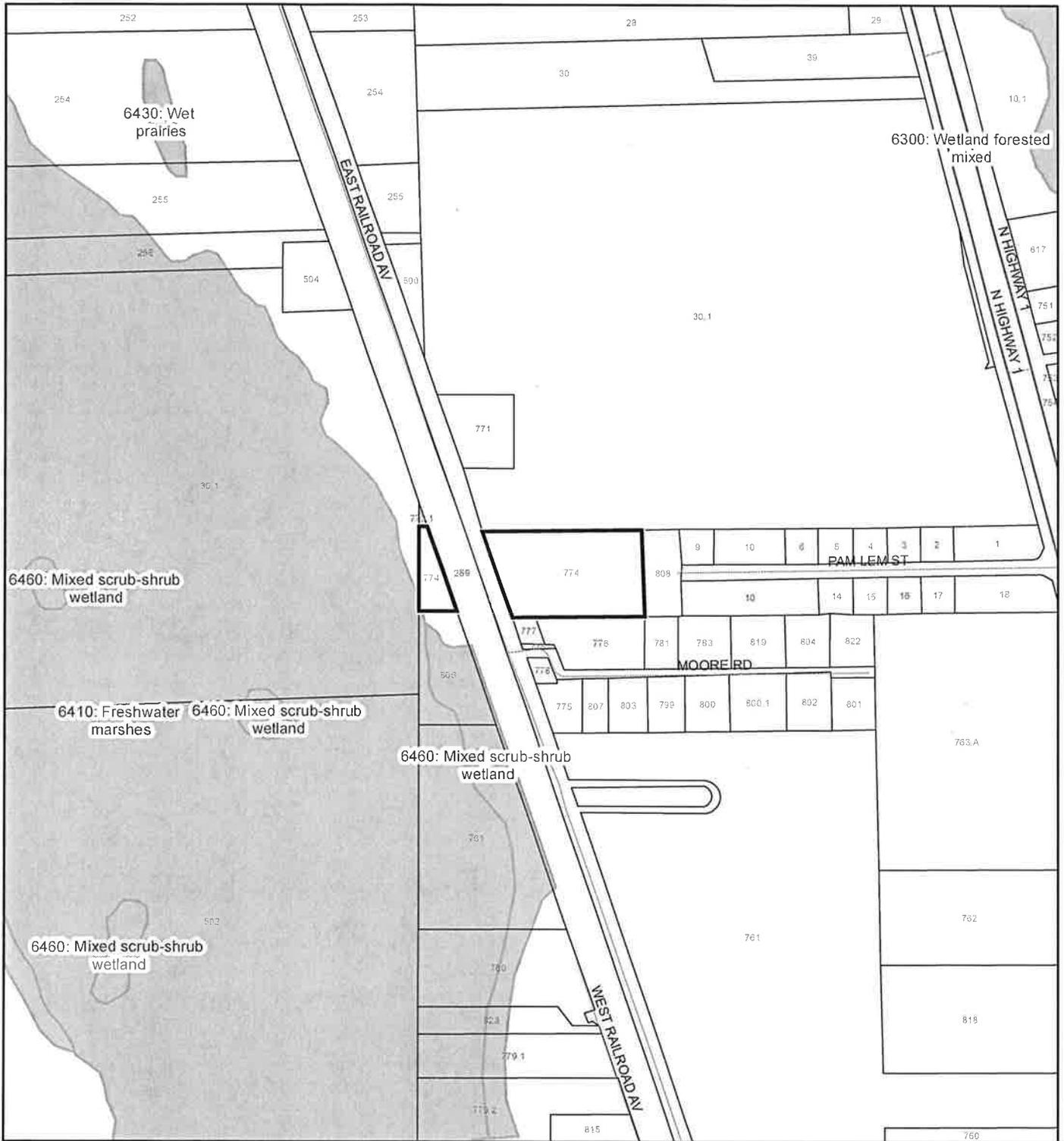
— Subject Property

▭ Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/14/2019

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

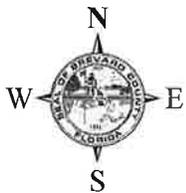
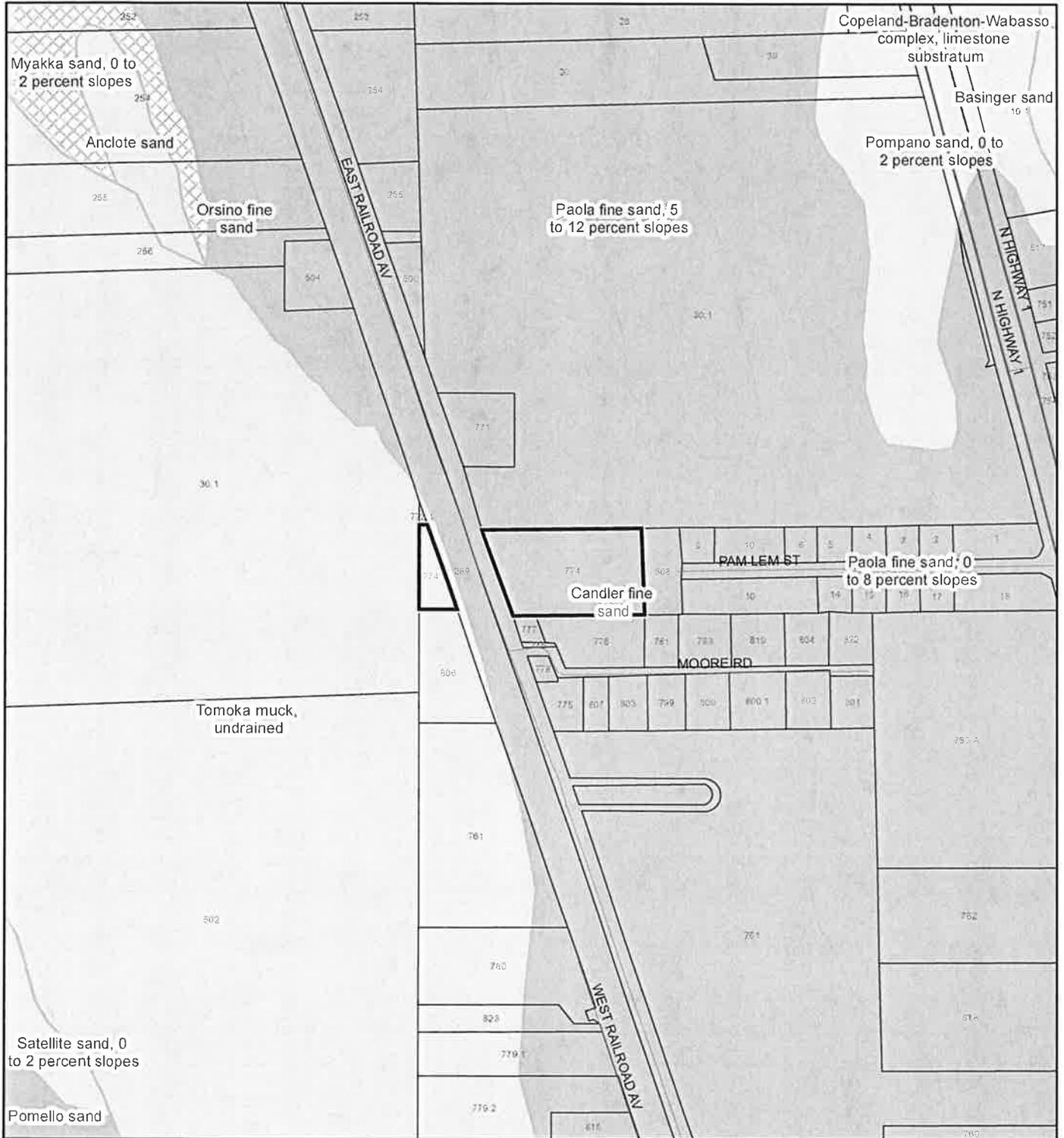
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

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

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Produced by BoCC - GIS Date: 3/14/2019

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

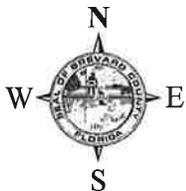
 60 Meters

 All Distances

EAGLE NESTS MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/14/2019

 Subject Property

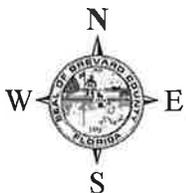
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



1:4,800 or 1 inch = 400 feet

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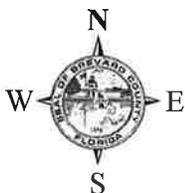
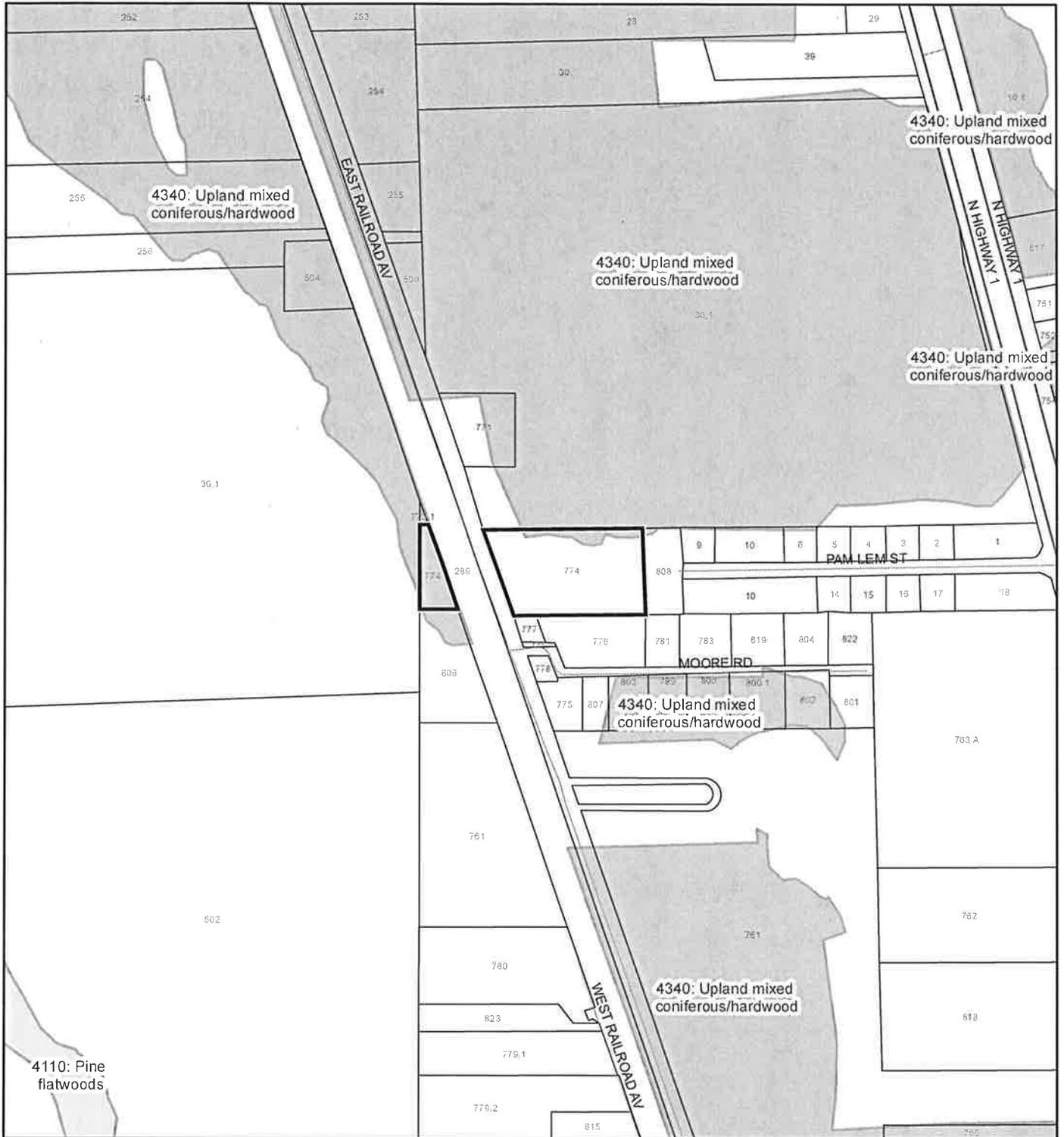
Produced by BoCC - GIS Date: 3/14/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HANSSON, MARK D.

19PZ00032 SMALL SCALE AMENDMENT 19S.08



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: 3/14/2019

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

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Local Planning Agency (Planning & Zoning Board) met in regular session on Monday, May 20, 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 Rodgers; Ben Glover; Ron McLellan; Scott Langston, Vice Chair; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator II.

Excerpt from complete minutes.

Mark Hansson

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC (Community Commercial). The property is 3.10 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00032) (District 1)

A change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.01 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00033) (District 1)

Mark Hansson – Mark Hansson, 3845 East Railroad Avenue, Cocoa. We own a 3-acre parcel of land on East Railroad Avenue that is currently zoned RRMH-2.5 (Rural Residential Mobile Home) with a single residence on it and we are looking to pursue a recreational vehicle, boat, and trailer storage yard. In the surrounding area there are a lot of people who have those items and cannot park them in a residential area. It's a very rural area on an unimproved road. There are no other residences with a postal address on the road. We think it's compatible with the surrounding business ventures that are nearby, as it's not intrusive to any neighbors. We don't plan on having any buildings, only fencing for security, and lighting. We just want to change the zoning and land use classifications in order to make this storage yard for people with boats, lawn equipment, or similar items.

Rochelle Lawandales – Are there going to be any site planning requirements? Is he going to have to provide for stormwater management, buffering, and landscaping?

Erin Sterk – Yes, there are requirements for a wall adjacent to the subdivision to the north; they will have to site plan the area with the existing residence if it's to be used as the 300 square-foot building required for the office for the storage yard. There are also requirements in site planning for access for commercial properties to a paved road, so either Railroad Avenue would have to be paved to this point, which may be a challenge because it's a long distance they need to go, or access to Pam-Lem Street to the east, which would need to be negotiated with those property owners. There are some challenges at site plan, but they are not related to the zoning action, and the applicant is still working diligently on all of those things and is aware of those issues.

Mark Hansson – I'm not sure of any other ventures I could use it for that don't require as much site planning or paved roads, I just want to do some sort of business on the property. The paved road is an issue and I already talked to Commissioner Pritchett's office concerning getting an agreement with

my neighbors, I guess they have a 10-year plan where you can split the cost of road improvements. I'm pursuing that if I can, but it will take time. I will pursue it as I can afford it to accomplish the venture.

Rochelle Lawandales – Is this your residence?

Mark Hansson – It is now.

Rochelle Lawandales – Can you access it from Pam-Lem Street?

Mark Hansson – Only if I purchase the single parcel adjacent to me, and I have not asked them for an easement; it used to be part of this parcel, so it would be great if I could pursue that.

Rochelle Lawandales – There were some other uses in BU-2 (Retail, Warehousing, and Wholesale Commercial) that I think might have a negative impact on the residential subdivision to the north. Erin, there were welding shops and several heavier commercial quasi-industrial uses in BU-2 that I wanted to see if the applicant would be willing to also add to the BDP (Binding Development Plan) to restrict them out of the area. Uses such as auto body shops, welding shops, and mortuaries.

Mark Hansson – I would be willing to add those restricted uses to the BDP. On Pam-Lem Street there are similar uses already and there is a fence place that is always loading things and making noise.

Rochelle Lawandales – I'm talking about manufacturing kinds of uses.

Mark Hansson – There is a 40-foot natural vegetative barrier on the subdivision to the north that is already embedded in that development. The north side of our lot is also where most of the trees are, which we intend to leave. I'll let the building department assess the concrete wall. Whatever the code requires we will accomplish. We do not want to have an intrusive impact.

Ron McLellan – What is to the east of you?

Mark Hansson – Directly to the east is a lot with two mobile homes.

Ron McLellan – Past that, there is a building.

Mark Hansson – That is a fence company, and there is also a boat manufacturing business. Everything on Pam-Lem Street is some kind of light industrial.

Ron McLellan – I don't understand how that house got in the center of it.

Mark Hansson – It is an isolated and unique area. On the south side is a cemetery.

Ron McLellan – It's impossible to get to your property across the railroad tracks unless you have a horse.

Mark Hansson – The west side is not usable, it's next to a wetland. Staff told me that only this board and the Commissioners can make that any zoning you want. It will never be developed and there is no access to it. I have no concern with that half-acre on the west side of the tracks.

No public comment.

Ron McLellan – I move for approval.

Rochelle Lawandales – I'll second the motion with some conditions.

Erin Sterk – The proposal is actually with a BDP (Binding Development Plan) to limit two uses, so if you are approving it as proposed it would be limiting the use of a convenience store/gas station and drive-thru restaurant, and if the road were to be paved that would be crazy with the level of service. As proposed, there is already a BDP in your packet limiting those two uses.

Henry Minneboo – One of the issues on that road is that it's not a defined right of way, it's prescriptive. Parts of that road are 14 feet wide.

Rochelle Lawandales – My conditions would be to eliminate the piece on the west side of the railroad tracks and to further eliminate uses in the BDP. Do you want us to wait until we get to the rezoning?

Erin Sterk – They are both read into the record, so if this is the motion for the comprehensive plan amendment, then I guess this would be all that's applicable.

Rochelle Lawandales – I'll second the motion to approve the small scale comprehensive plan amendment.

Erin Sterk – With the restriction on the proposal on the west side?

Rochelle Lawandales – Yes.

Ron McLellan – Doesn't that hurt him in the future if he ever wants to sell this property?

Mark Hansson – No, sir. I might work on separating that parcel west of the railroad tracks, but only to sell it to the people that own the piece next to it.

Ron McLellan – I just don't want to see this action split on the parcels. If we are going to do it, we should do it on the whole property.

Henry Minneboo called for a vote on the motion as stated and it passed unanimously.

Rochelle Lawandales – I move approval of the rezoning with a BDP (Binding Development Plan) to eliminate the four uses that are currently in there, the drive-through fast food, convenience store, and add in no dry-cleaning plants, dying and carpet cleaning, paint and body shop, seafood processing, sharpening and grinding shop, a ship chandlery, welding, and crematorium.

Mark Hansson – I agree and have no objection to eliminating those uses.

Erin Sterk – Rochelle, can you clarify that you are intending to eliminate the piece on the west side from the proposal.

Rochelle Lawandales – From the zoning, correct.

Erin Sterk – From the zoning as well, okay.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated and it passed unanimously.
board, the meeting adjourned at 5:05 p.m.