



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

9/5/2024

Subject:

Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC. (24SS00008) (Tax Account 2317736) (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 Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial).

Summary Explanation and Background:

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 2 (RES 2) on 2.86 acres to CC.

A companion application 24Z00023, if approved, will amend the zoning classification from TR-3 to BU-1 and include the removal of a BSP.

The applicant is proposing to construct a multi-business flex space to permit retail, office and personal service uses upon their entire site; the western portion of which has BU-1 zoning and CC for the FLU designation. As a combined site, access will be provided by the US Highway 1 corridor.

To the north is developed as Fairglen Elementary School, under the AU zoning classification and a RES 1 Future Land Use designation. South is developed as the Tradewinds Mobile Home Park under the TR-3 zoning classification and RES 2 Future Land Use designation. East, the adjacent lots are zoned for single-family use and each lot is developed with a homesite under the AU and EU zoning classifications with RES 2 Future Land Use designation. To the west, the unimproved portion of the lot is developed with a nonconforming billboard and is zoned BU-1 with a CC Future Land Use designation.

The Board may wish to consider if the request to expand the CC to the East is consistent with the Comprehensive Plan and compatible with the surrounding area.

On August 12, 2024, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 6, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball

RE: Item H.8., Small Scale Comprehensive Plan Amendment (24S.08)

The Board of County Commissioners, in regular session on September 5, 2024, conducted the public hearing and adopted Ordinance No. 24-22, setting forth the eighth Small Scale Comprehensive Plan Amendment of 2024 (24S.08) to change the Future Land Use designation from RES 2 to CC (23SS00008). Enclosed is the fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: County Attorney

ORDINANCE NO. 24-22

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE NINTH SMALL SCALE PLAN AMENDMENT OF 2024, 23S.05, 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 163.34 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 2024 as Plan Amendment 23S.05; 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 23S.05; 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

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
Officially filed with the Secretary of State on September 10, 2024.

WHEREAS, on August 12, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.05, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 5, 2024, 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 23S.05; and

WHEREAS, Plan Amendment 23S.05 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.05 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 23S.05 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 23S.05, 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.

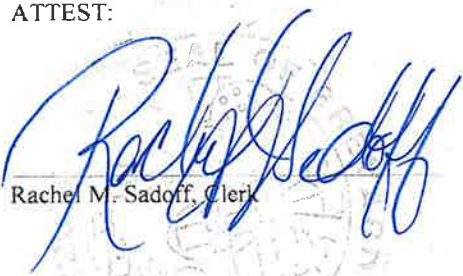
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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 Economic Opportunity, 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 5 day of September, 2024.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Jason Steele, Chair

As approved by the Board on September 5, 2024.

EXHIBIT A
23S.05 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

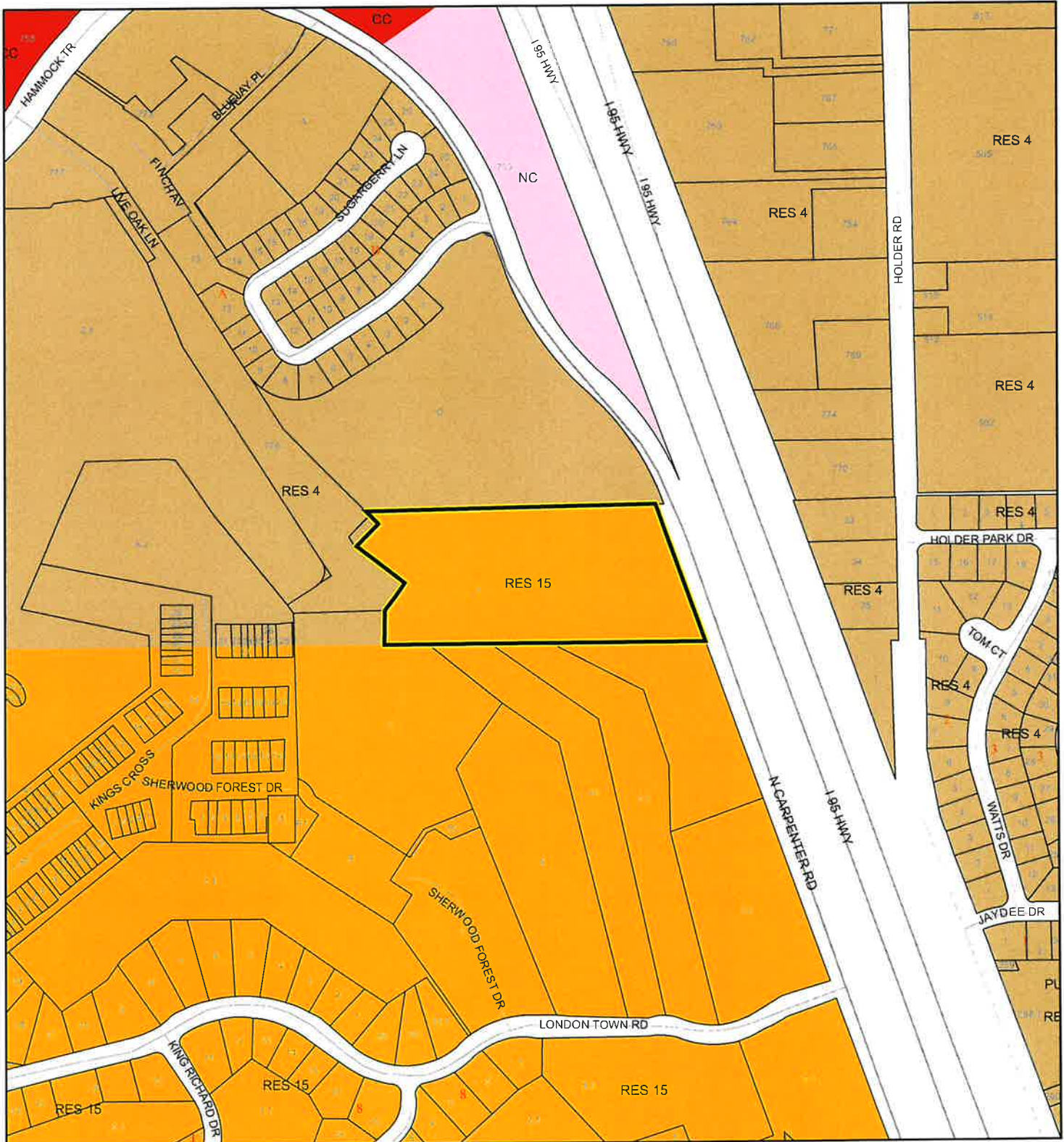
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

Villas of Sherwood Titusville Inc & Sherwood Golf Club Inc

23SS00005



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: 6/2/2023

EXHIBIT B

Contents

1. Legal Description

(23SS00005) Villas of Sherwood, Inc. & Sherwood Golf Club, Inc. (Jorge Ballarena) request a Small-Scale Comprehensive Plan Amendment (23S.05) to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15), on property described as a parcel of land lying in the NE ¼ of **Section 24, Township 21S, Range 35E**, Brevard County, Florida, and being more particularly described as follows: Commence at the NE corner of said Section 24 and run S88deg50'30"W along the north line of said Section, a distance of 715.07 ft. to the intersection with the westerly right-of-way line of Carpenter Rd., a 66-ft. wide public right-of-way as described in ORB 785, Page 251 of the Public Records of Brevard County, Florida, said intersection also being the Point of Beginning of the herein described parcel; thence S19deg56'40"E along the said westerly right-of-way line of Carpenter Rd., a distance of 415.17 ft.; thence S89deg29'50"W, 943.09 ft.; thence N00deg00'00"E, 95.94 ft. to the intersection with the north line of Parcel 102 as described in ORB 3692, Page 1915; thence N35deg48'56"E, along said north line, a distance of 114.87 ft. to the intersection with the south line of Parcel G-3 as described in ORB 3692, Page 1915; thence N54deg00'28"W, along said south line, a distance of 164.91 ft. to the north line of said Parcel G-3; thence N43deg46'29"E along said north line of Parcel G-3, a distance of 88.93 ft. to the intersection with the west line of those lands described in ORB 8306, Page 2402; thence N46deg13'28"W along said west line, a distance of 45.34 ft. to the intersection with the north line of said lands described in ORB 8306, Page 2402 and the north line of Section 24; thence N88deg50'30"E, along said north line, a distance of 839.03 ft. to the Point of Beginning. (7.75 +/- acres) Located on the west side of N. Carpenter Rd., approx. 0.20 mile north of London Town Rd. (No assigned address. In the Titusville area.)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 10, 2024

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 24-22, which was filed in this office on September 10, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

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

Administrative Policy 2

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

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development 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:

- 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 24S.08 (24SS00008)
Township 23, Range 36, Section 31

Property Information

Owner / Applicant: **Ibrahim and Haroon Realestate, Inc.**

Adopted Future Land Use Map Designation: Residential 2 (RES 2)

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

Acreage: 2.86

Tax Account #: 2317736

Site Location: North side of Canada Drive, 254 feet east of US Highway 1

Commission District: 1

Current Zoning: Mobile Home Park (TR-3)

Requested Zoning: General retail commercial (BU-1) (24Z00023)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 2 (RES 2) on 2.86 acres to CC for the proposed BU-1 zoning request to be consistent with the Future Land Use Element. The subject parcel is located on the North side of Canada Drive, 254 feet east of US Highway 1. US Highway 1 is a state-maintained roadway. The property under ownership is 4.88 acres in area and includes the portion along the US Highway 1 frontage.

The applicant is proposing to construct a multi-business flex space to permit retail, office and personal service uses upon their entire site; the western portion of which has BU-1 zoning and CC for the FLU designation. As a combined site, access will be provided by the US Highway 1 corridor.

There is a residential development potential of 30 units per acre pursuant to F.S. 125.01055 (Live Local Act) for commercial and industrial zoned properties. Board Policy (BCC-100) evaluates residential development under the Live Local Act.

Comprehensive Plan Policies/Comprehensive Plan Analysis

The BU-1 zoning classification is not considered consistent with the existing RES 2 Future Land Use designation; however, the proposed BU-1 zoning classification may be considered consistent with the requested Community Commercial (CC) Future Land Use Map designation. Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

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 FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel is located along the north side of Canada Drive lying 254 feet easterly of US Highway 1. The applicant proposes to access the property through the existing commercial US Highway 1 frontage, which they own.

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

This parcel lies between an existing elementary school to the north which is under the RES 1 FLU; an existing mobile home park to the south which is under the RES 2 FLU; single-family detached homes to the east under RES 1 and RES 2 FLU designations. No interconnectivity is proposed.

- C. Existing commercial development trend in the area;

The east side of US Highway 1 has a commercial depth between 200 to 400 feet established. A portion of this overall parcel is developed with a billboard use. To the south is an existing retail business in operation.

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

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

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

The preliminary concurrency analysis did not indicate that the maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The lot can be serviced by the City of Cocoa for potable water. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The eastward expansion encroaches into existing residential designations. The expansion of Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads. This parcel is not located at the intersection of arterial roads.

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

A market study was not provided nor required.

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of

any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

- J. Impacts upon strip commercial development.

The applicant is proposing to develop a multi-business flex space concept to permit retail, office and personal service uses. This proposal could be considered as infill commercial development, however, the depth of the proposal could negatively impact the abutting properties to the north, east and south of the project limits.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

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;

The CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses. This property will need to comply with Brevard County Performance Standards noted within Section 62-1482 of Brevard County Code. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning change be approved.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

- 1. historical land use patterns;

The historical land use pattern along the east side of the US Highway 1

corridor is a commercial component ranging from 200 to 400 feet in depth followed by residential zoning classifications. In the vicinity of the subject property request, the residential character includes single-family zonings and mobile home park use. A few vacant residential properties remain within the area between US Highway 1 and the Indian River. A majority of the properties abutting the east side of US Highway 1 in this segment have BU-1 or BU-1-A zoning.

2. actual development over the immediately preceding three years; and

There has been no new development within 0.5 miles of the subject property within the last three years.

3. development approved within the past three years but not yet constructed.

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies of the Comprehensive Plan has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates the subject property is not located in an established residential neighborhood but can be considered a residential area. The subject property abuts single-family residential to the east. The Tradewinds mobile home park is developed to the south under a BDP limiting density to 3.4 units per acre recorded in ORB 3249 PG 4775. The elementary school (Fairglen Elementary) to the north requested a buffer from the prior mobile home zoning request. With the requested removal of the Binding Site Plan as part of the zoning request under

24Z00023, the potential building setback from the school board property will reduce to 15 feet.

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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor on the east side of US Highway 1.

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.

Staff analysis indicates that the surrounding area along US Highway 1 is a commercial corridor. The request, if approved, would extend the potential commercial usage another 640 feet further east of US Highway 1. The request could be considered an encroachment into a residential area.

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.

This area has not seen recent commercial changes during the previous five years.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Based on Natural Resources analysis, the presence of wetlands and hydric soils on the property may inhibit development of the property to not more than one (1) dwelling unit per five (5) acres or as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Elementary School	AU	RES 1
South	Mobile home park	TR-3	RES 2
RES 2	Single-family residential	AU and EU	RES 2
West	Nonconforming billboard	BU-1	CC

The applicant has a companion rezoning application, **24Z00023**, requesting a change from TR-3 (Mobile Home Park) with BSP to BU-1 (General retail commercial) with removal of BSP. Each unit within this concept plan would range from 1,000 – 1,500 square feet.

Tax account: 2317736 was rezoned on June 22, 1987, per zoning action **Z-7827** from TR-1 (Single-Family Mobile Home) and RRMC-1 (Rural Residential Modular Coach) to TR-3 subject to a Section 77 Binding Site Plan (BSP).

The developed character of the surrounding area on the east side of US Highway 1 is a mixture of commercial and residential. To the north, the area is developed as Fairglen Elementary School. To the south, the area is developed as the Tradewinds Mobile Home Park. To the east the adjacent lots are zoned for single-family use and each lot is developed with a homesite. To the west, the unimproved portion of the lot is developed with a nonconforming billboard and is zoned BU-1.

To the north is a 12.69 acre parcel developed as Fairglen Elementary School under the RES 1 FLU designation.

To the south is a 7.89 acre parcel developed as the Tradewinds Mobile Home Park under the RES 2 designation.

To the east are multiple single-family sites ranging in size from 0.63 – 0.67 acres under the RES 1 designation.

To the west the unimproved portion of the lot is developed with a nonconforming billboard under the CC designation.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Hwy 528 to Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 66.94% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 11.03%. The corridor is anticipated to continue to operate

at 77.97% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

The concurrency analysis was for a 124,000 sq ft. shopping center (<150,000 square foot) as the baseline of the multi-business flex space concept to permit retail, office and personal service uses.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property can be served potable water by the City of Cocoa. Sewer does not appear to be available and the site may need to utilize septic systems.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.**

Historic Resources

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

The Board may wish to consider if the request to expand to the east is consistent with the Comprehensive Plan and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00008

Applicant: Kimberly Rezanka (Owner: Ibrahim and Haroon Real Estate, Inc)

Land Use Request: RES 2 to CC

Note: to develop multi-unit business flex space with each unit being from 1,000-1,500 sf

LPA Hearing: 08/12/2024; **BCC Hearing:** 09/05/2024

Tax ID No.: 2317736

- 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.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped SJRWMD wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. Pompano sand, 0 to 2 percent slopes may also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

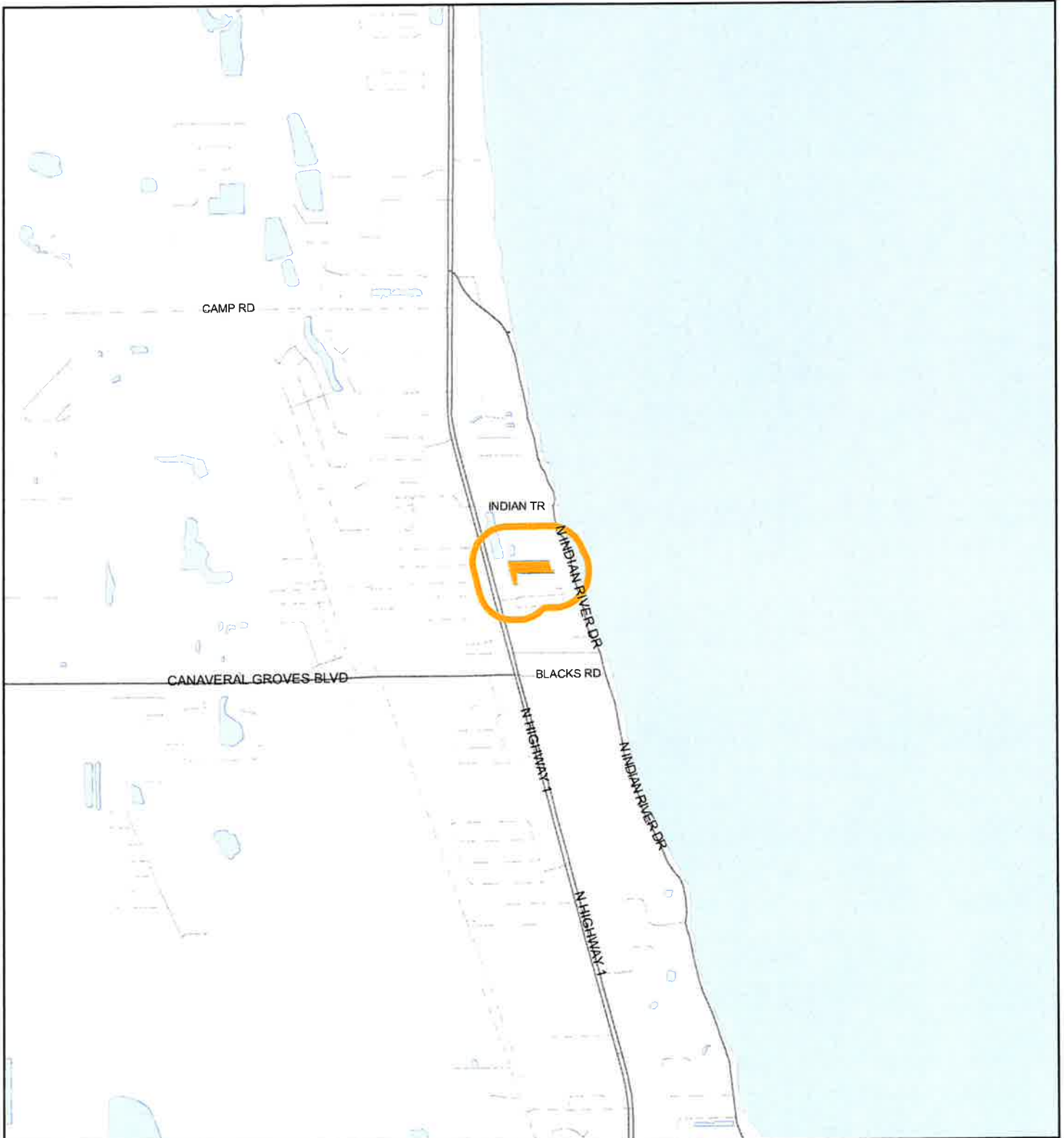
Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing.

LOCATION MAP
IBRAHIM & HAROON REALESTATE INC
24SS00008



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

Buffer Distance: 500 feet

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

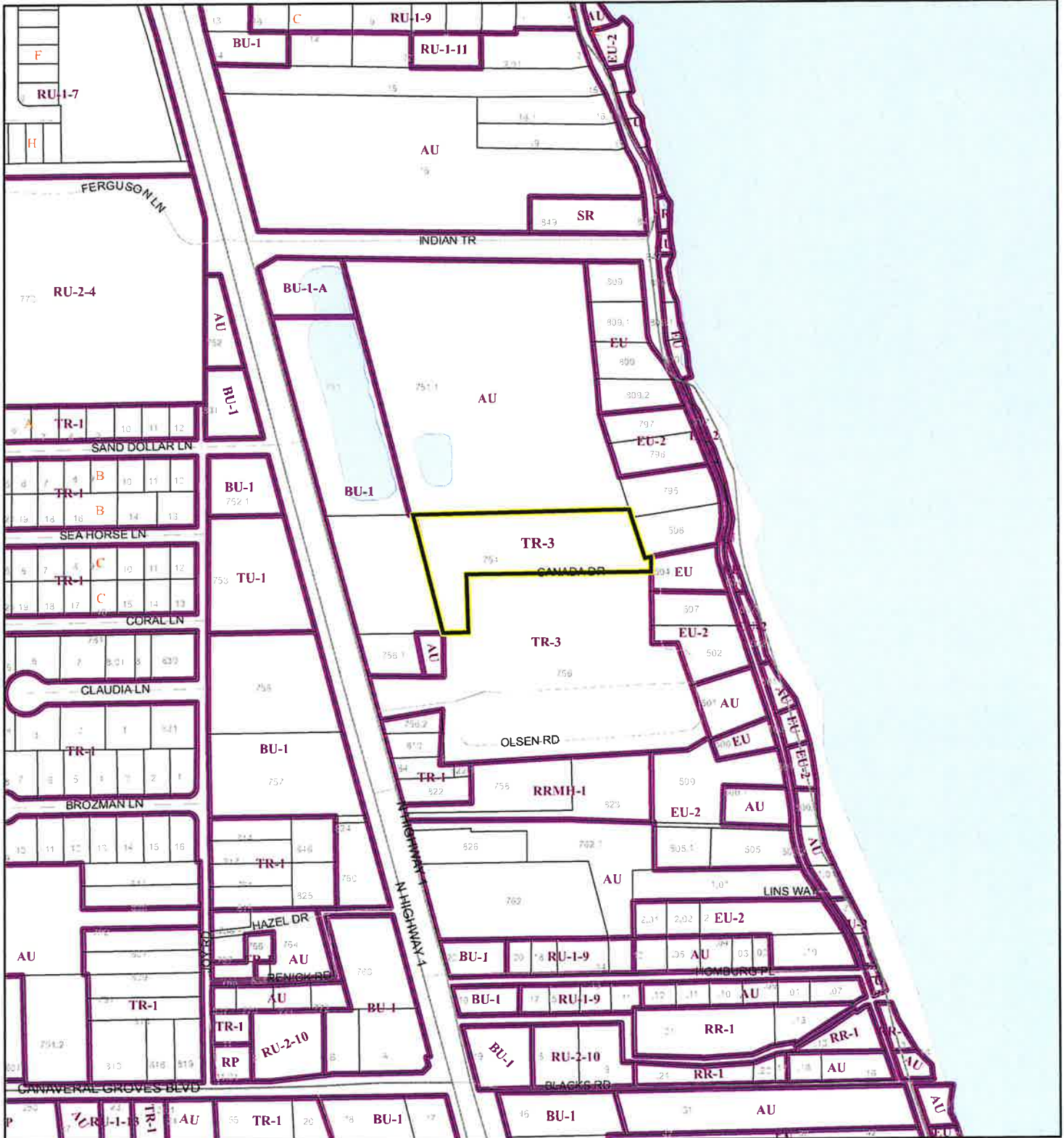
Produced by BoCC - GIS Date: 5/21/2024

Buffer
Subject Property

ZONING MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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Subject Property

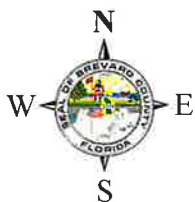
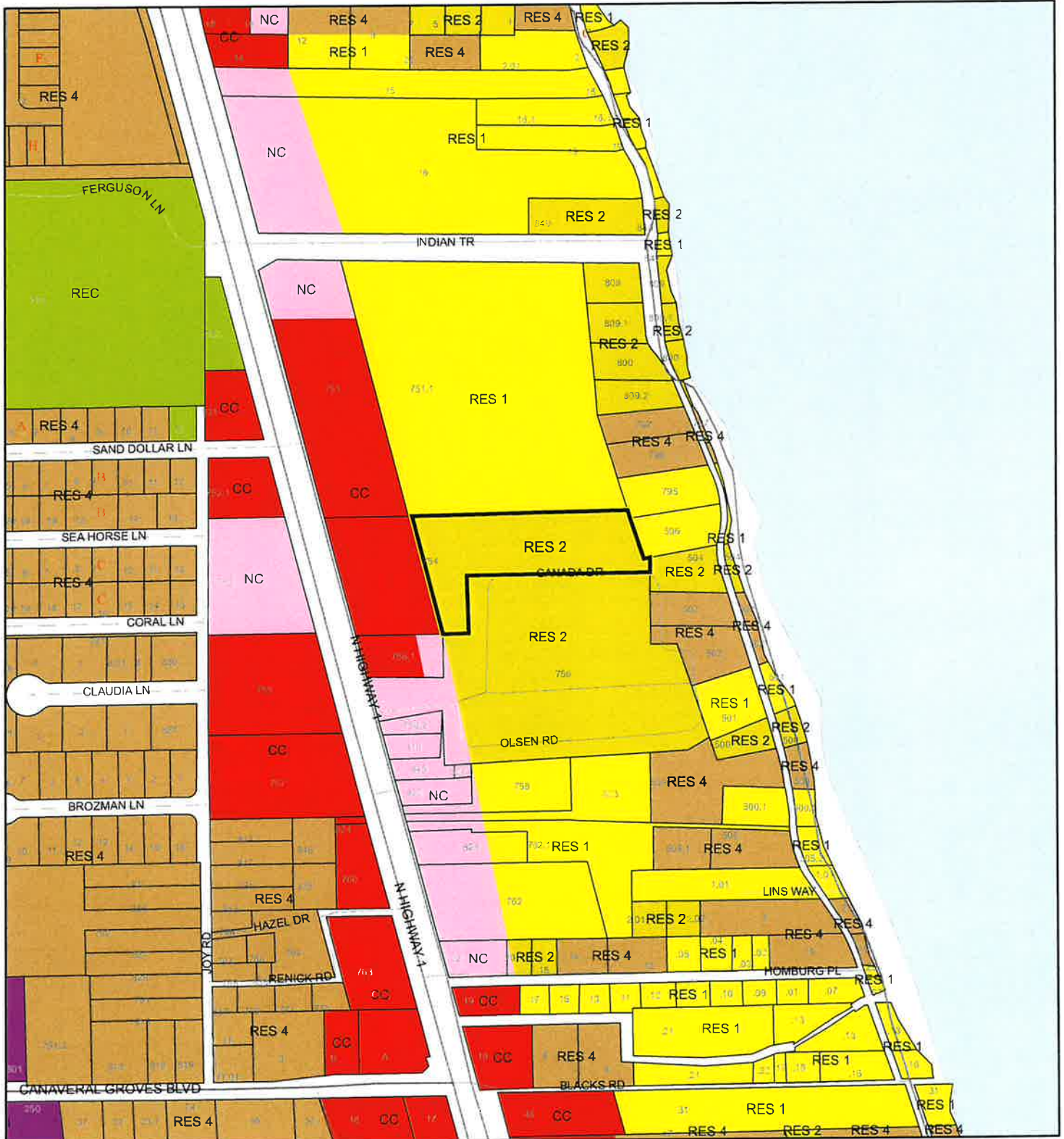
Parcels

Zoning

FUTURE LAND USE MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

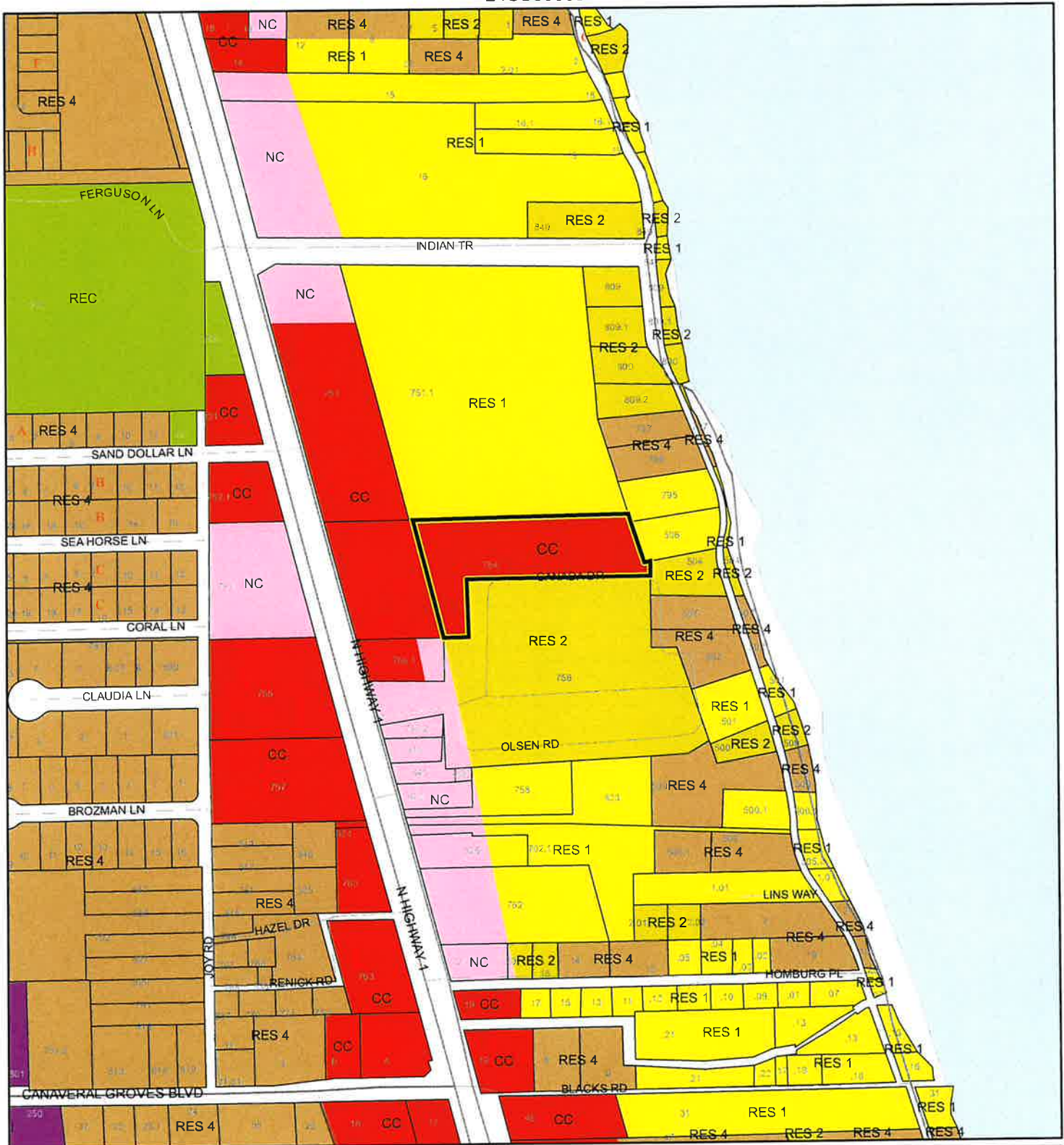
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PROPOSED FUTURE LAND USE MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

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AERIAL MAP
IBRAHIM & HAROON REALESTATE INC
24SS00008



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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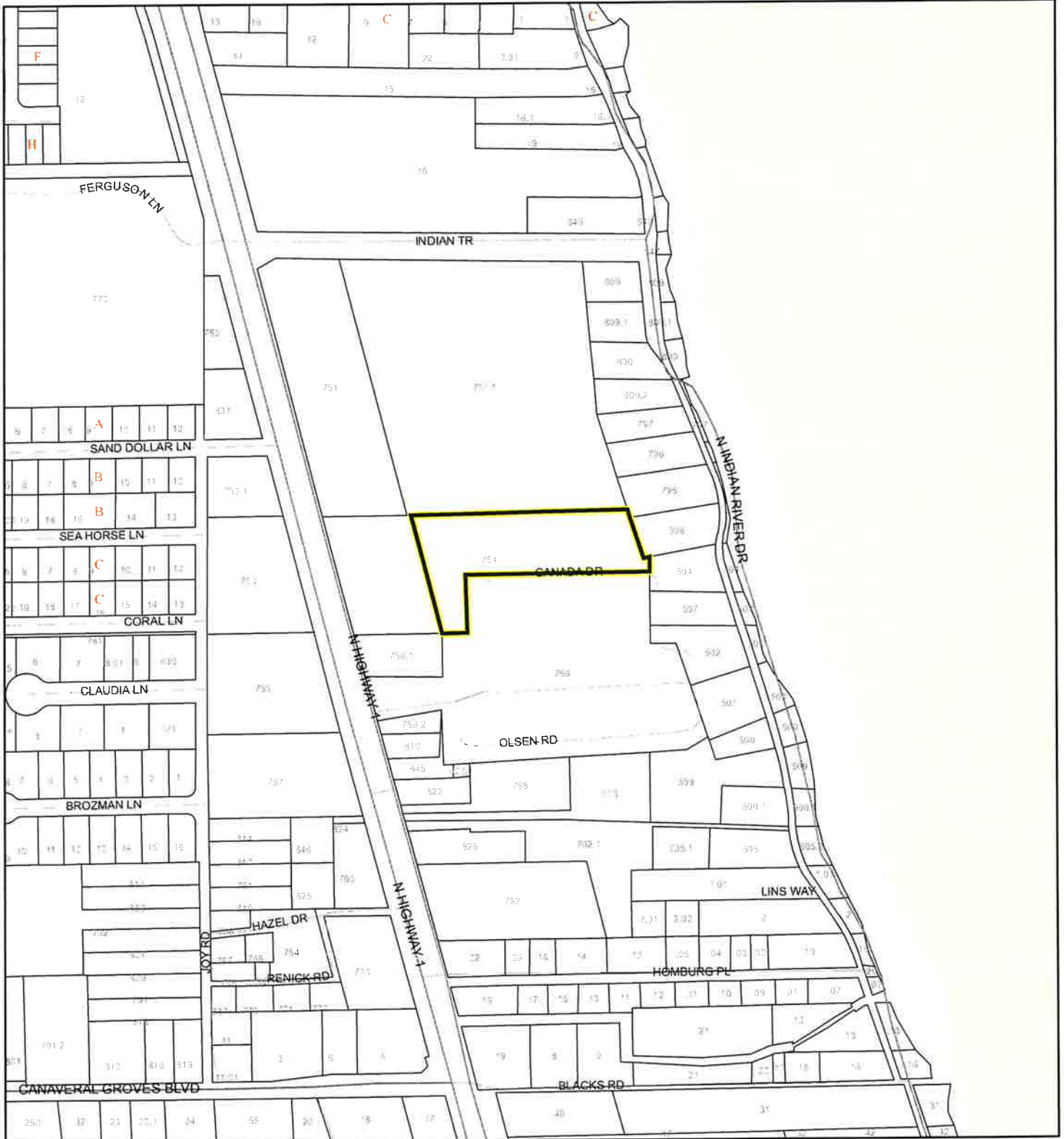
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— Subject Property
□ Parcels

NWI WETLANDS MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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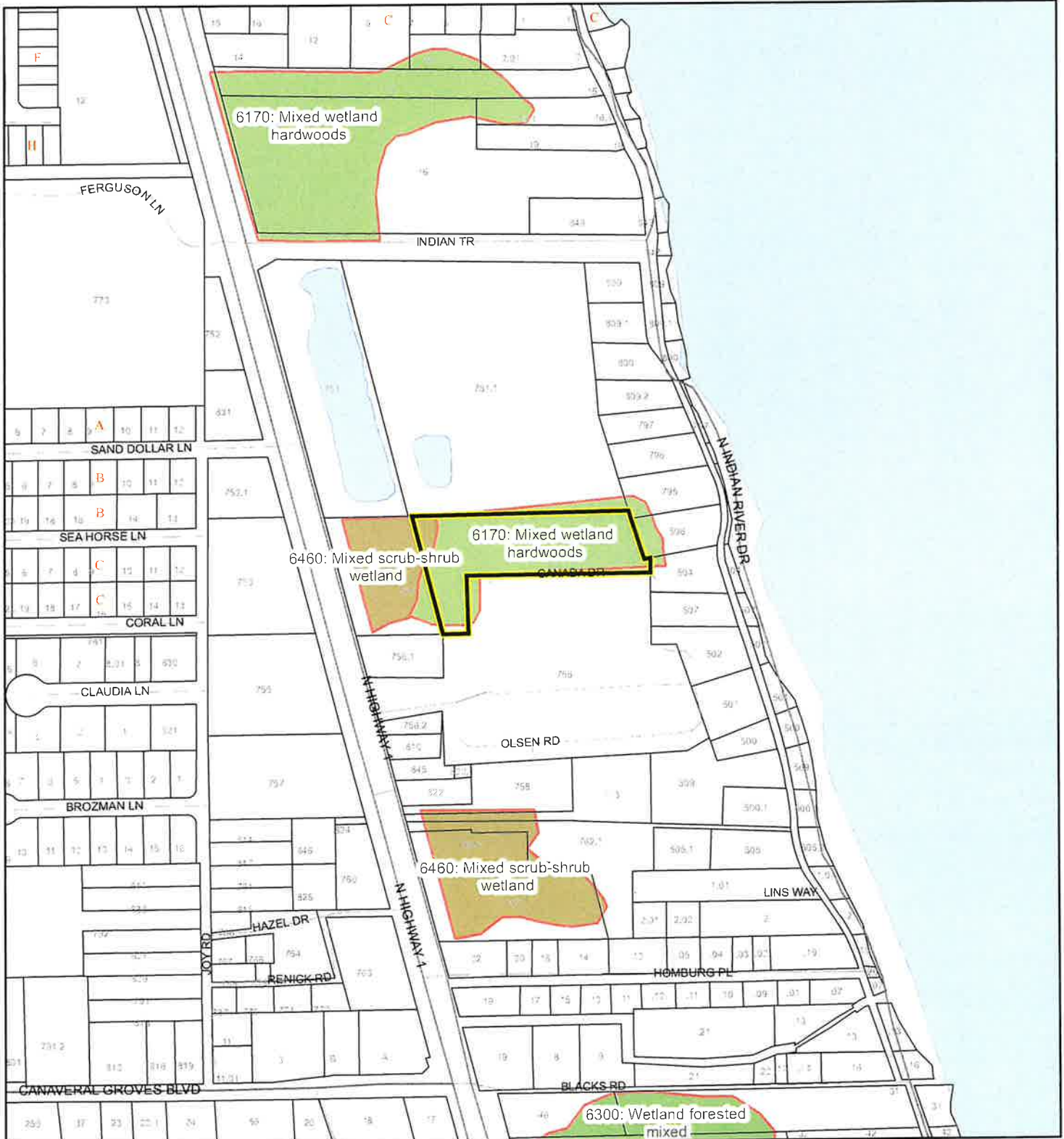
National Wetlands Inventory (NWI)

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

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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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

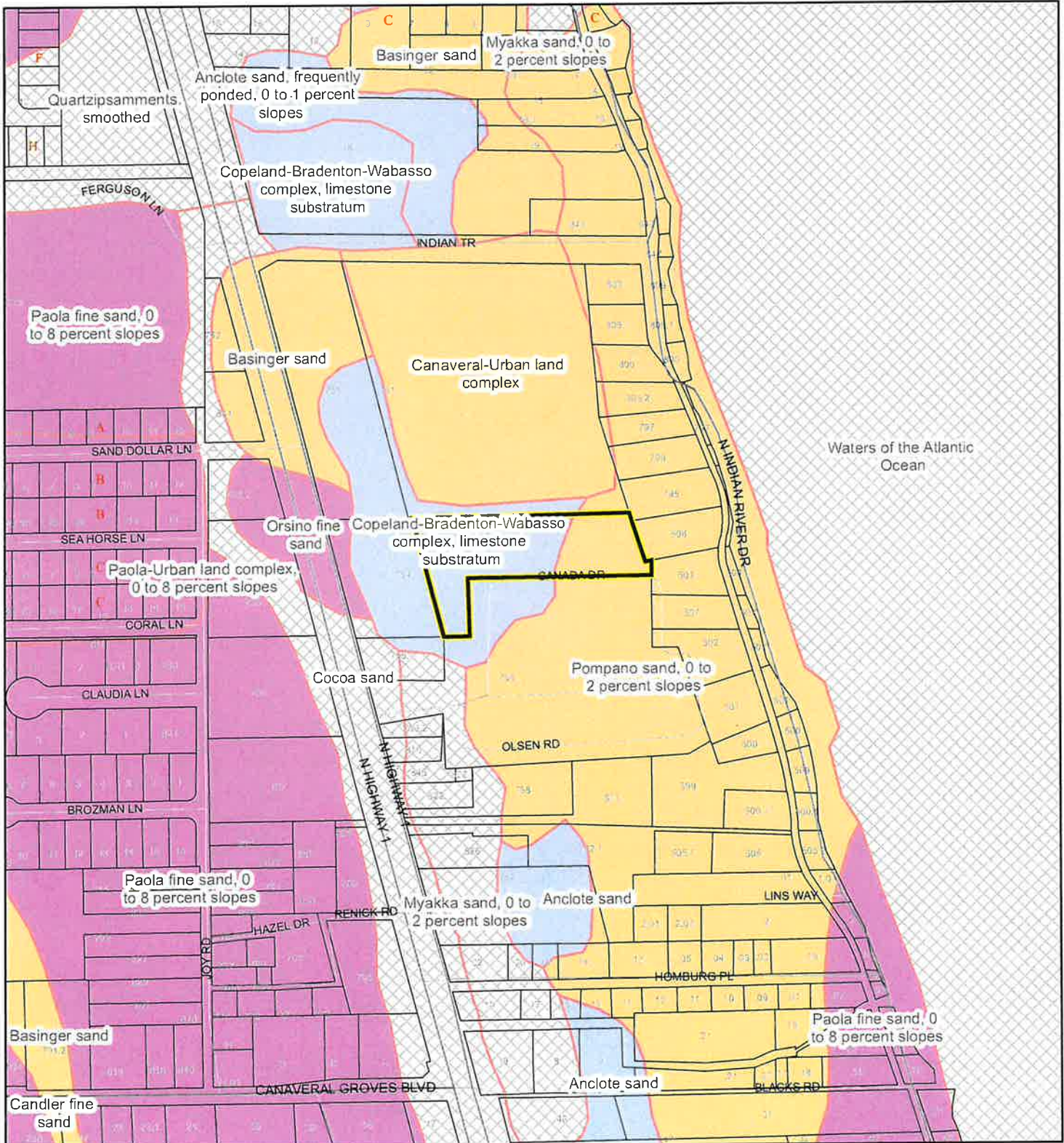
Subject Property

Parcels

USDA SCSSS SOILS MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

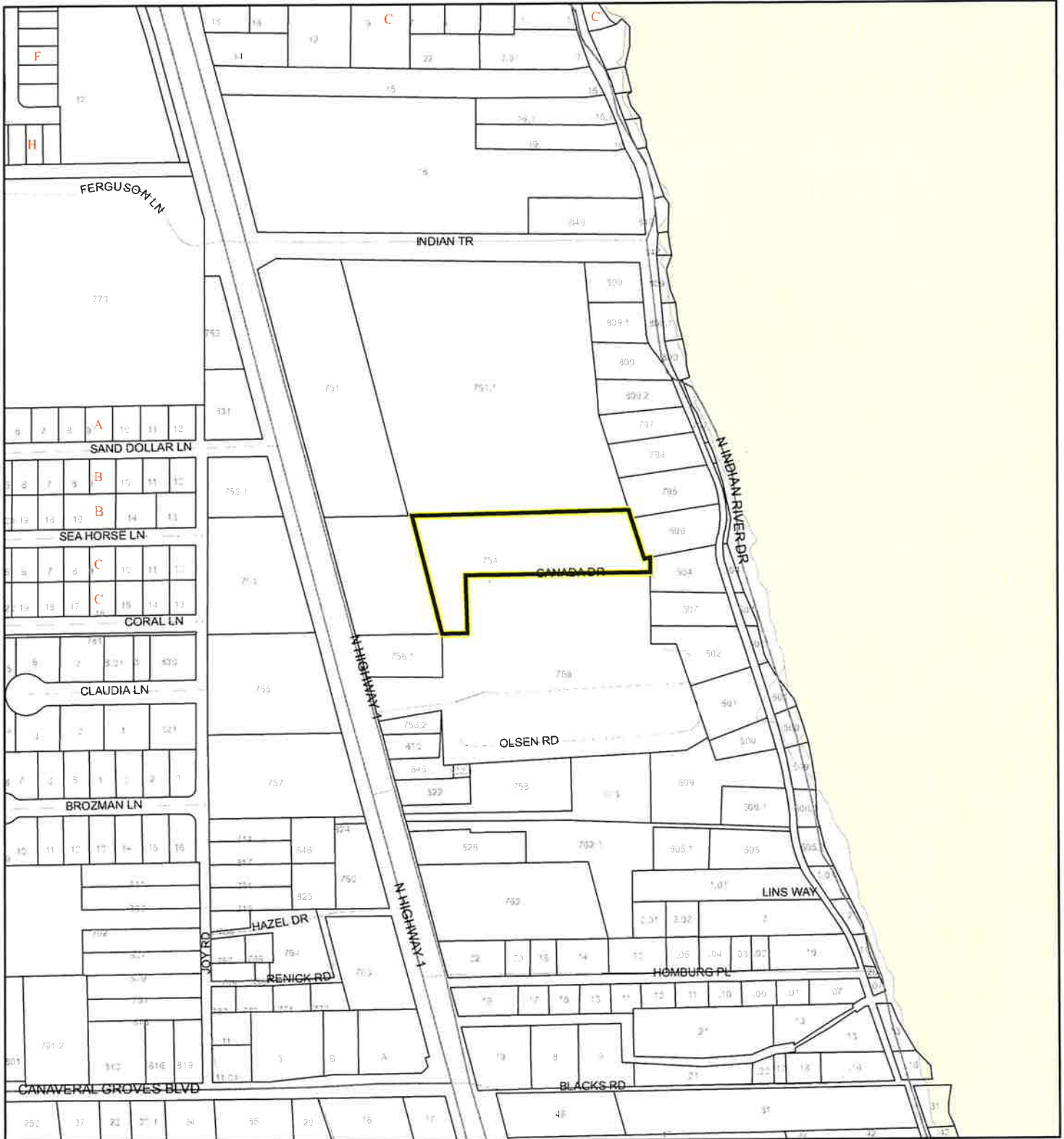
Subject Property

Parcels

FEMA FLOOD ZONES MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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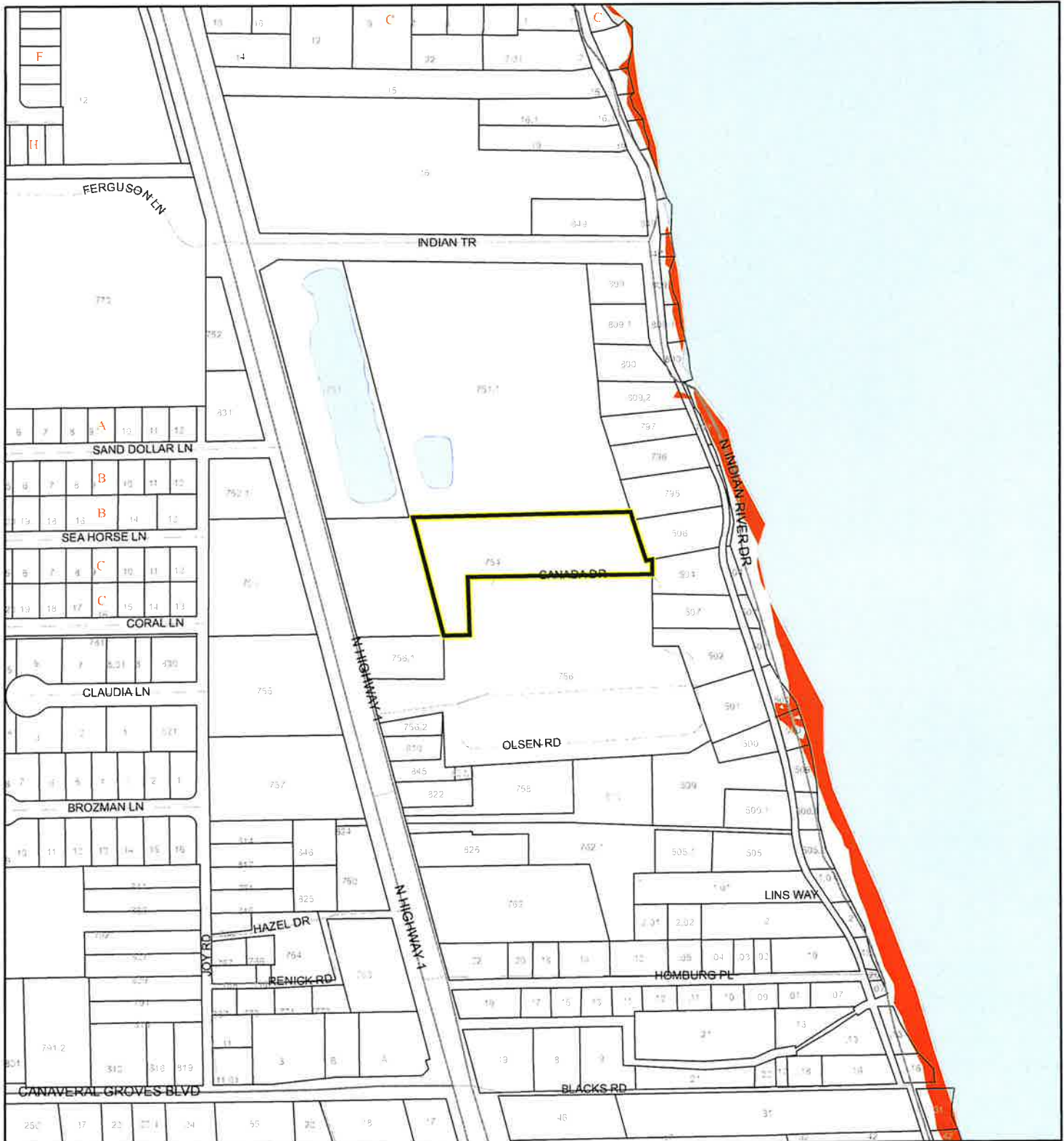
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

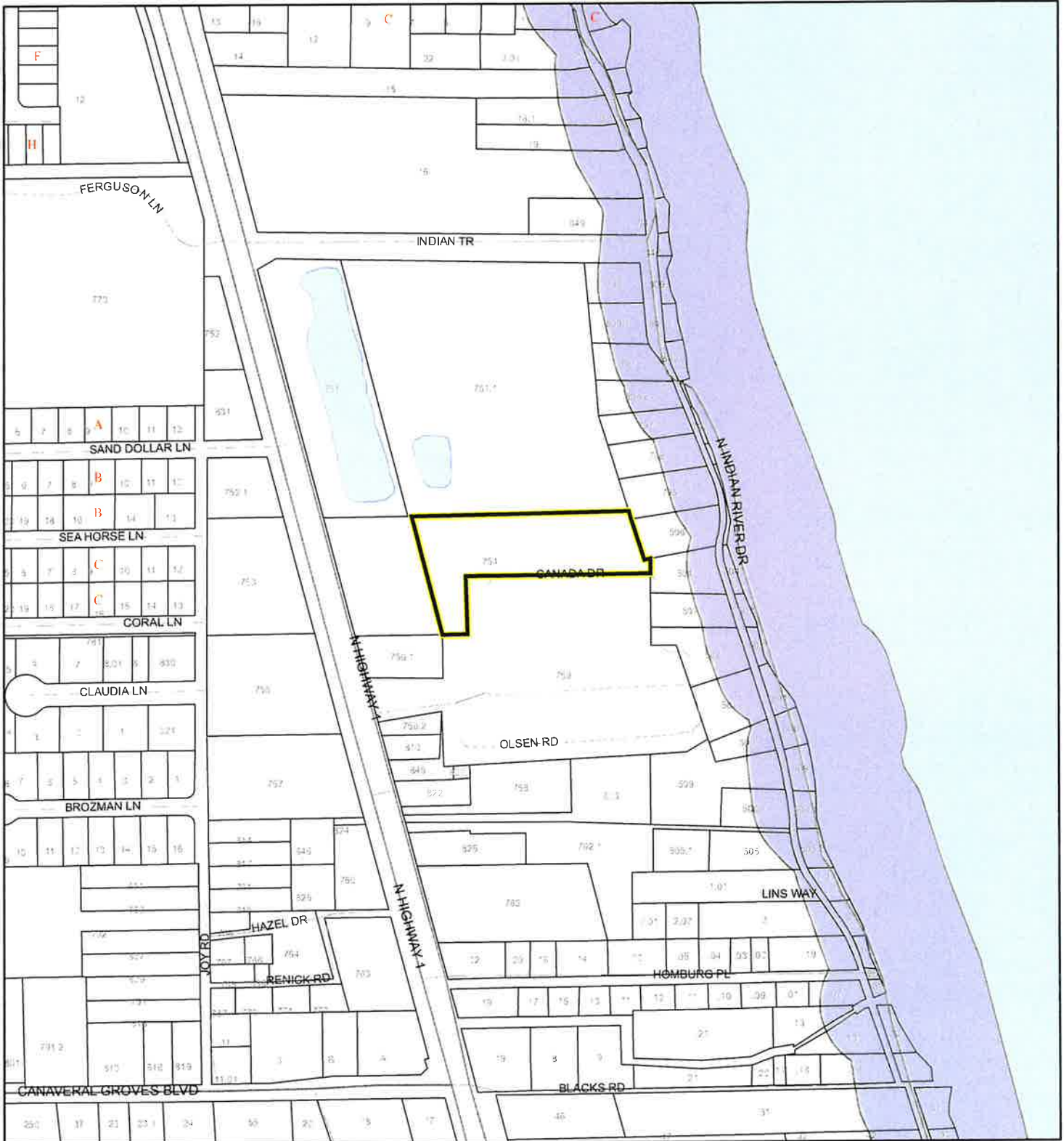
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

40 Meters

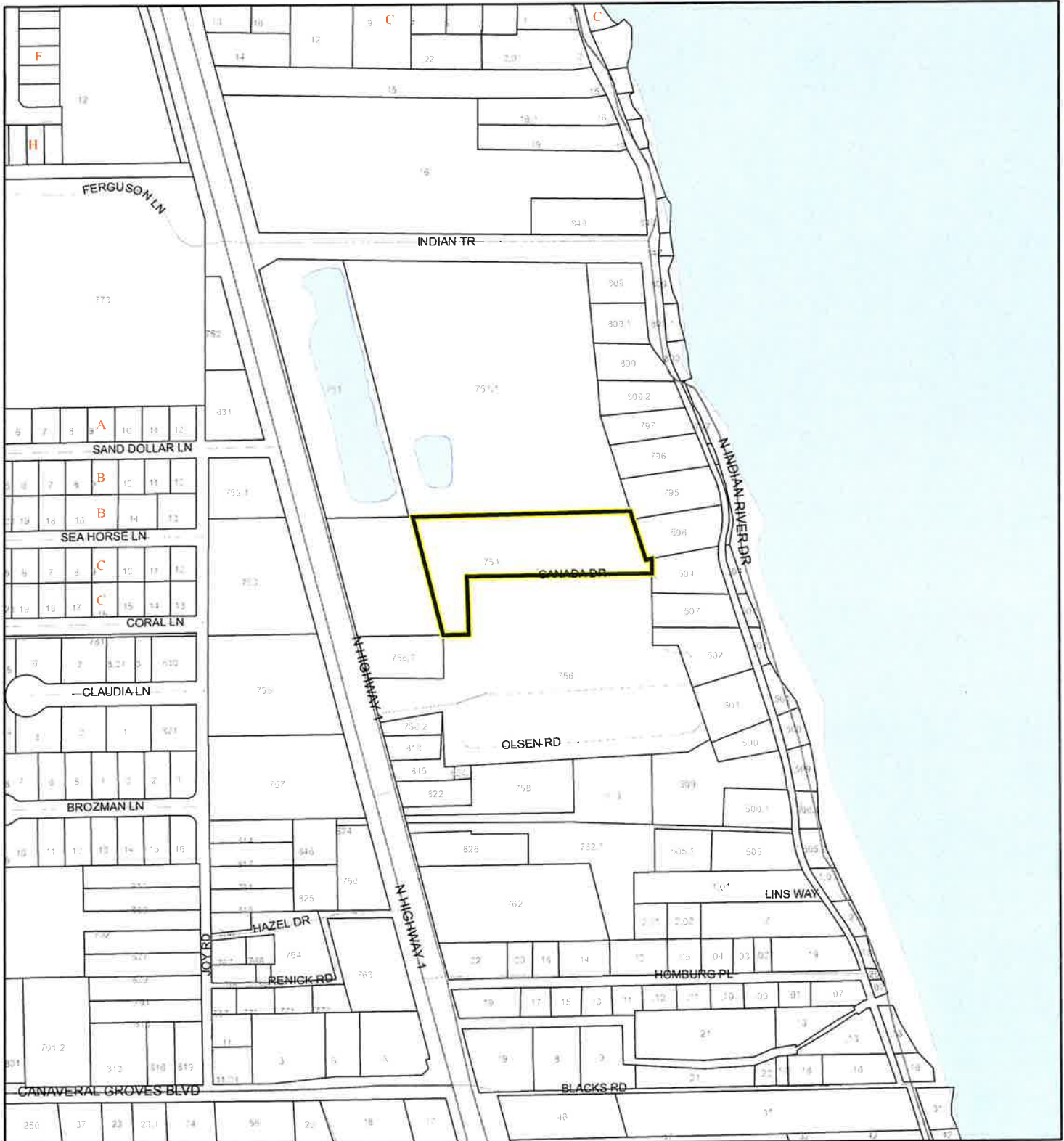
60 Meters

All Distances

EAGLE NESTS MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

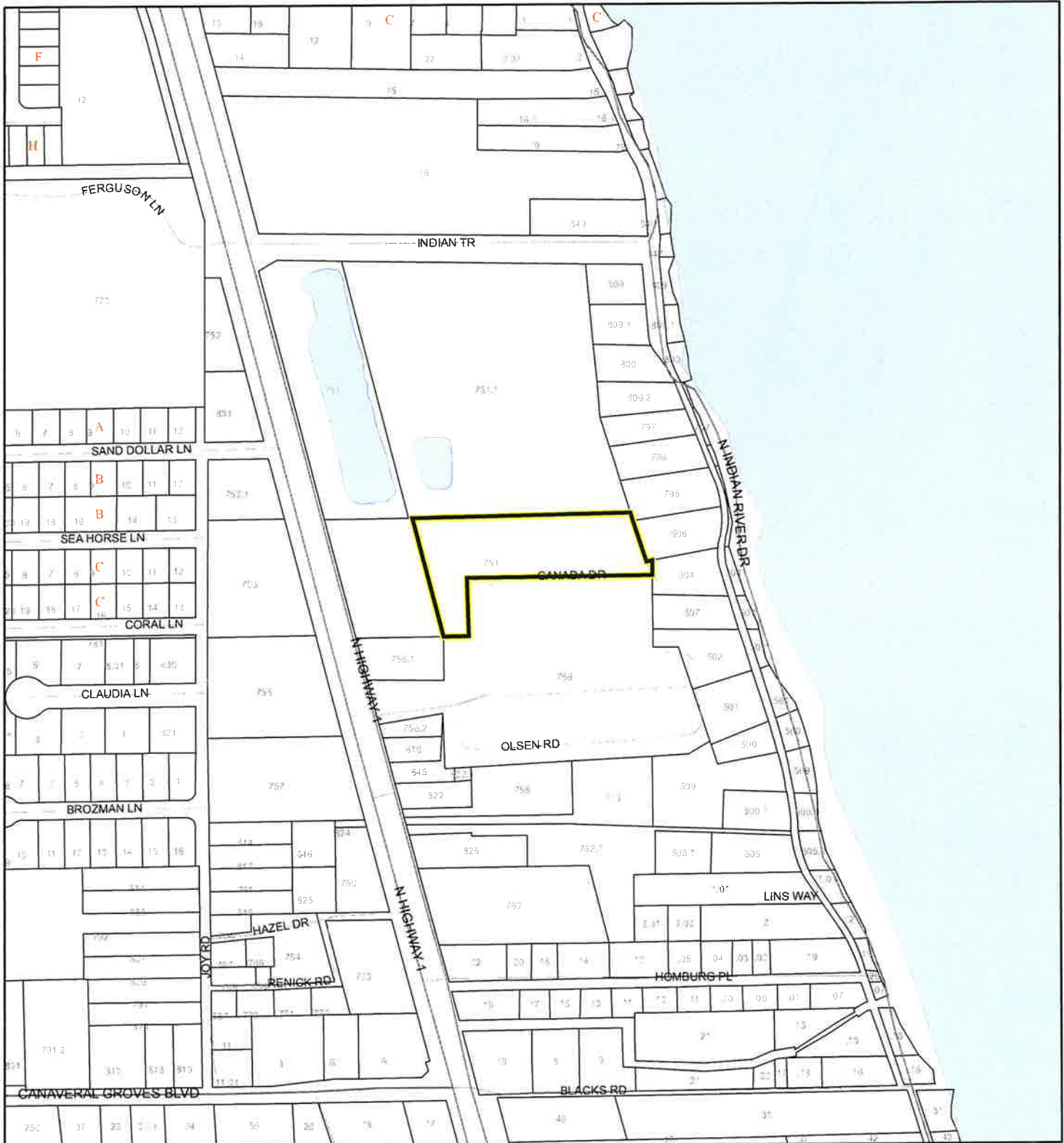


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



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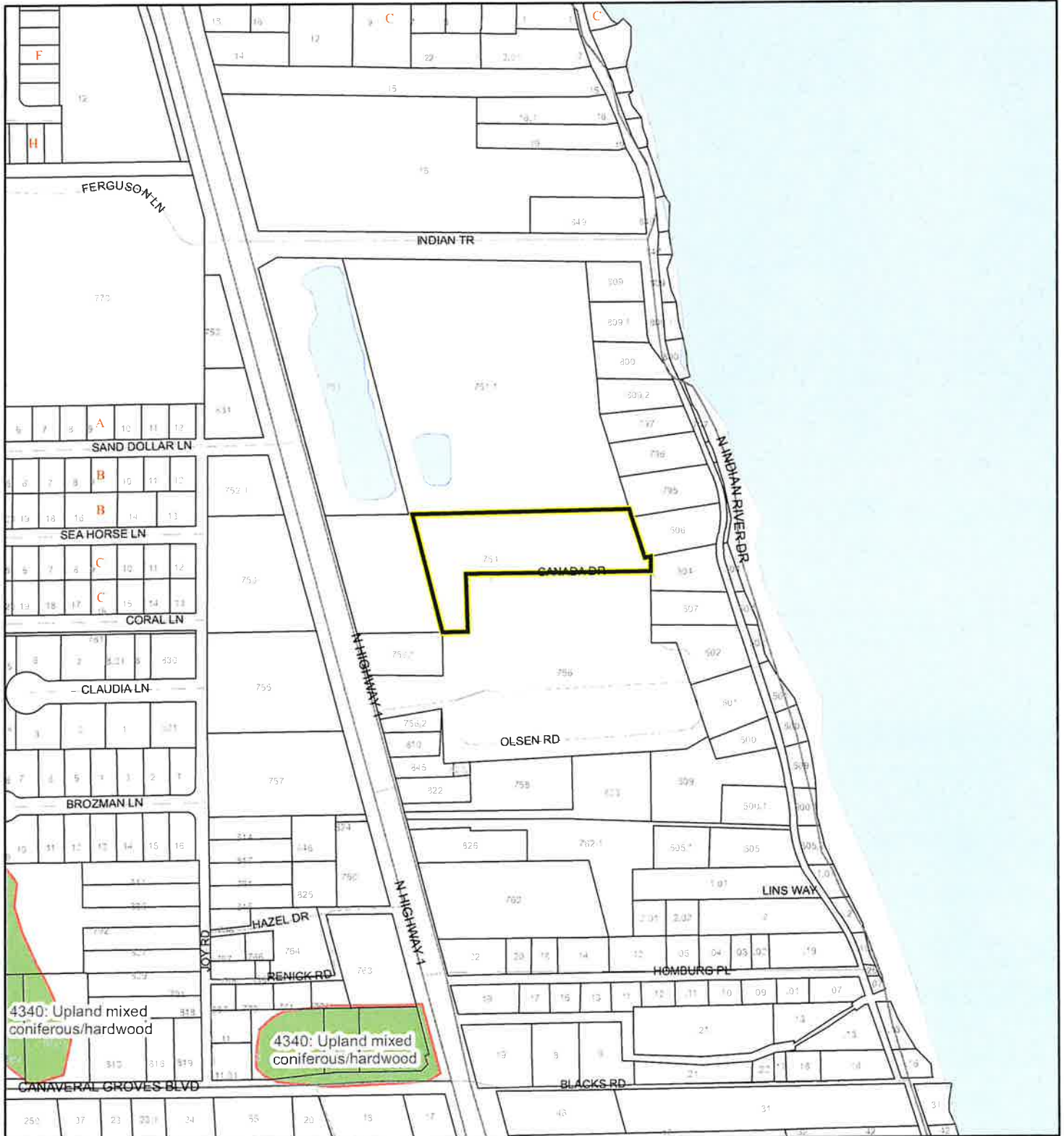
Produced by BoCC - GIS Date: 5/21/2024


- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008





1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

SJRWMD FLUCCS Upland Forests

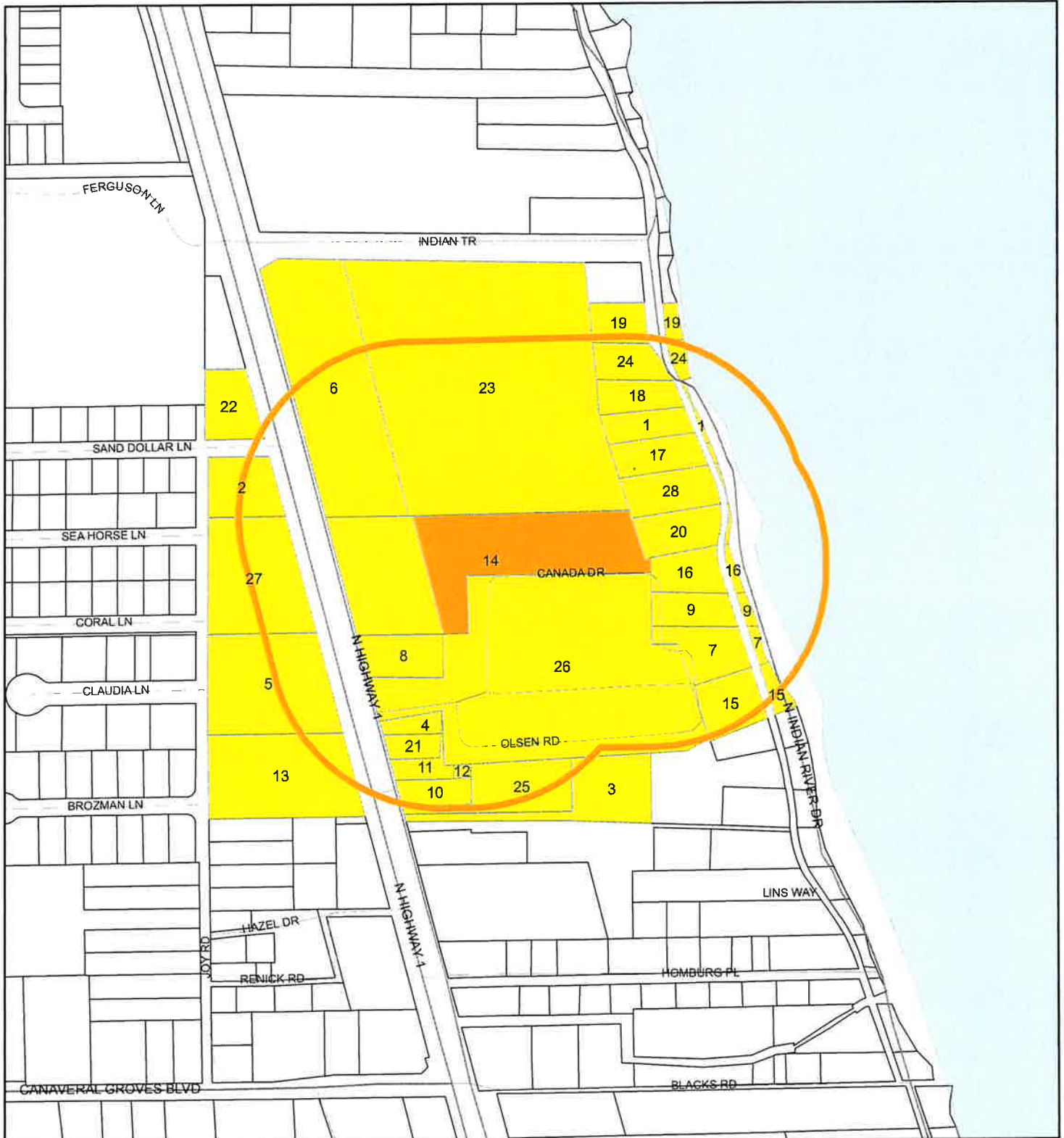
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 5/21/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 2024**, 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: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

G.11. (24SS00008) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24SS00008)** (No address assigned. In the Cocoa area.) (Tax Account 2317736) (District 1)

G.12. (24Z00023) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24Z00023)** (No address assigned. In the Cocoa area.) Tax Account (Tax Account 2317736) (District 1)

Jeffrey Ball read companion items G.11. and G.12. into the record. He referred to the information that Ms. Rezanka had provided which included a concept plan. He noted that staff had not reviewed the concept plan for code compliance or regulations. In addition, the provided zoning map notes GML. That property with a public school on it is actually zoned AU.

Kim Rezanka, on behalf of Ibrahim and Haroon Realestate, noted the information had been provided to show what she believes to be inconsistencies in the zoning and future land use on the map. Fair Glenn Elementary School to the north of this property has a zoning of AU and future land use of RES-1. She believes it should have a future land use of government managed lands institutional by the county code. The land to the west of that is owned by Brevard County and looks like it's mostly just for storm water. To the south of this property is a mobile home park. It's a rental property with Res 2 and it has TR-3 zoning even though it's not big enough and should have 10 acres to have a TR-3 zoning. As discussed, it can't be subdivided so it's a rental community which could be considered commercial. There are three homes to the east of this proposed development. This subject property is accessible from US 1. She went on with explaining that 2.86 acres isn't big enough to be developed, therefore it can't be used right now in its current TR-3 zoning. Ms. Rezanka then noted what the applicant wishes to do and made reference to the concept site plan that was drafted by

Aaron McDonald, the engineer of record. They're looking to do 27 units. They would have office hour time so they would end by 6:00 at night and meet performance standards to make sure they did not impact the residential homes to the east.

Henry Minneboo wondered if the piece that abuts US1 was under same ownership. He also asked to confirm if sewer and water would be available.

Ms. Rezanka confirmed that the 250 feet is owned by the same entity and be used by the entirety of the property. Sewer and water were noted to be available.

John Hopengarten asked how big the lot to the west is.

Kim Rezanka responded by stating under two acres and that the two lots together are almost five acres.

Ron Bartcher asked for the applicant to describe the buffering.

Kim Rezanka noted there would be a 25-foot type A buffer with a six-foot high completely opaque visual buffer. Actually, she believes it's going to be larger than that based upon the placement of the driveway. For the property to the east there's a substantial natural buffer on the owner's property that's going to be preserved.

Ron Bartcher recommends the condition of a BDP that restricts him to BU-1 uses such as the mentioned retail, office, and personal services.

Jeffrey Ball stated to clarify that the current BSP. It's limited to seven lots of at least 15,000 square feet provides a 50-foot buffer to the east and a 75-foot buffer to the north.

Ron Bartcher stated he was concerned less concern of buffering to the north because they have their own fence. He was more concerned about the buffering to the east where its residential and to the south. He'd like to see as much buffering as possible there. He understood that there isn't enough room for a 50-foot buffer but also enough for 20-25 foot. Mr. Bartcher went on to ask whether a six-foot wall, because its commercial to residential, would be required to the south and east.

Tad Calkins said yes.

Ron Bartcher and Henry Minneboo discussed the aerials and whether the existing vegetation that's depicted were Brazilian peppers.

Public Comment:

Jennifer Parish, 1260 Old Dixie Highway, Titusville, Florida. Ms. Parish has little kids. She had a question as to whether there were any restrictions to what commercial stores, or anything could go there right next to a school.

End Public Comment:

Jeffrey Ball went on to explain what uses are allowed in BU-1 zoning and the BDP runs with the land. Therefore, even if the property is sold those restrictions would still apply unless there's a request and approved by the board to remove those restrictions.

Kim Rezanka added that there couldn't be any alcohol sales or adult entertainment there either because it's so close to a school so those would be restrictions also.

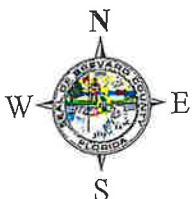
Motion to recommend approval of item G.11 by Ron Bartcher, seconded by Debbie Thomas. The vote passed unanimously.

Motion to recommend approval of item G.12, on the condition of entering into in a BDP that requires a 20-foot buffer along the east and south and restricts the restrict the BU-1 uses to retail, office, and personal service, by Ron Bartcher and seconded by Debbie Thomas. The vote passed unanimously.

AERIAL MAP

IBRAHIM & HAROON REAL ESTATE INC
24SS00008 | 24Z00023

4.8



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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

Produced by BoCC - GIS Date: 5/21/2024

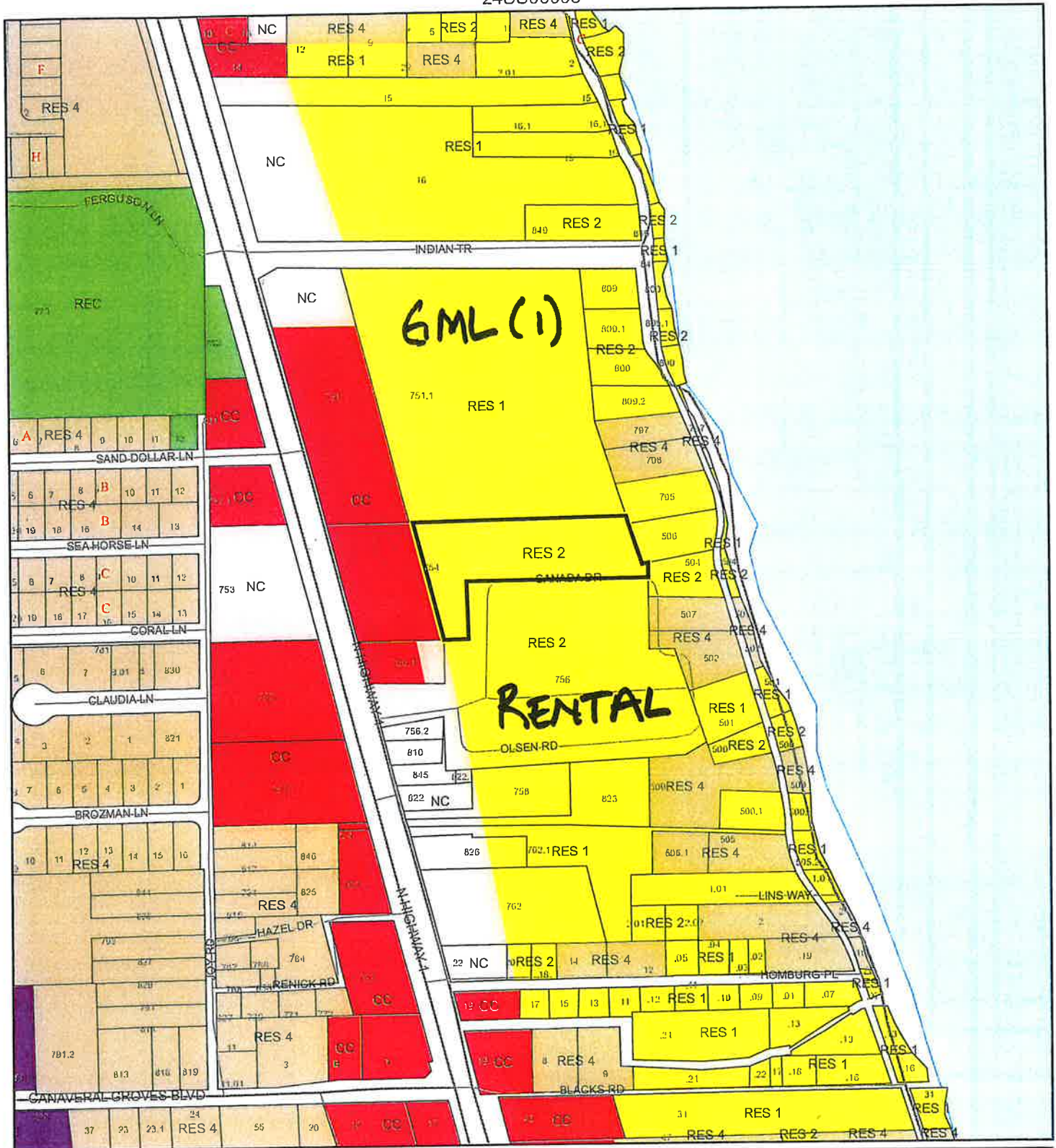
— Subject Property

□ Parcels

FUTURE LAND USE MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

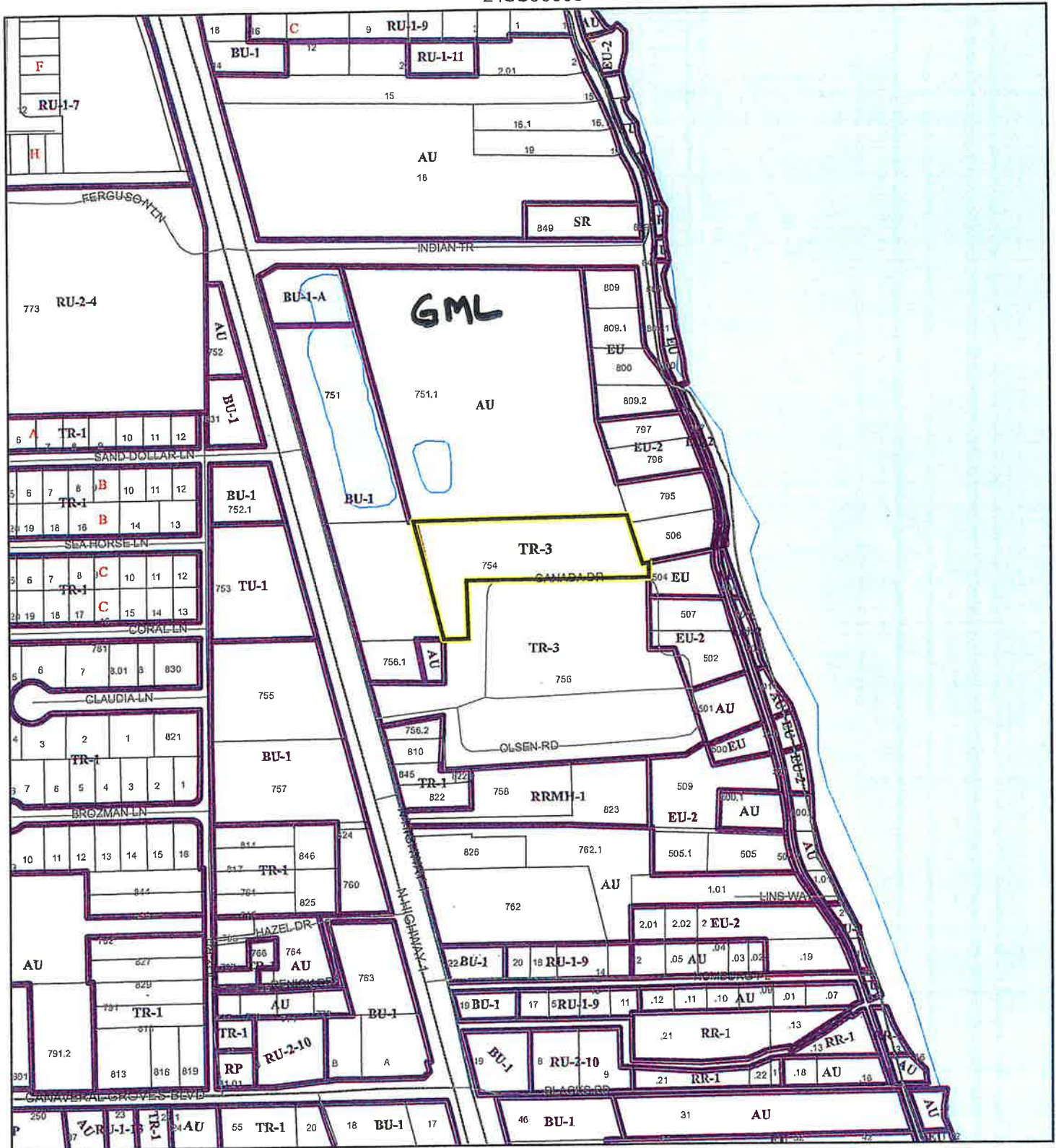
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ZONING MAP

IBRAHIM & HAROON REALESTATE INC

24SS00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

Subject Property

Parcels

Zoning

- j. *Private conservation.* Conservation land uses include lands under private ownership and are zoned (EA) zoning classification. Residential densities shall not exceed one unit per ten acres.
- k. *Developments of Regional Impact (DRI).* DRI land uses include lands that have an adopted Development Order pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-12 and 28-24 Florida Administrative Code and applicable local ordinances.
- (2) *Consistency with future land use map.* The following table depicts where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan. Where an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted on the following table, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations													
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB CON
GU, PA, AGR, RRMH-5, PUD, RPUD, THPUD, RVP					Y					Y*		N		N
AU, REU, RRMH-2.5	N				Y					Y*		N		N
ARR, RR-1, SEU, RRMH-1		N				Y				Y*		N		N
SR, TR-2		N					Y			Y*		N		N
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4		N					Y			Y*		N		N
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6		N						Y		Y*		N		N
RU-2-8, RA-2-8, RA-2-10, RU-2-10		N						Y		Y*		N		N
RU-2-12, RU-2-15				N					Y	Y*		N		N
RU-2-30				N					Y	Y*		N		N
BU-1-A, IN					Y**					Y**		N		N
RP		N					Y**			Y		N		N
BU-1, TU-1, TU-2				N						N	Y	N		N
BU-2				N						N	Y	Y**		N
PBP				N						N	Y	Y		N
PIP				N						N		Y		N
IU, IU-1				N						N		N	Y	N