



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

12/7/2023

Subject:

Paulk Family Trust requests a Small Scale Comprehensive Plan Amendment (23S.19), to change the Future Land Use designation from RES 1 to RES 2. (23SS00019) (Tax Account 2100923) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (23S.19), to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from RES 1 to RES 2 on 0.75 acres for the purposes of establishing consistency with the proposed SR zoning request. The subject property is currently vacant, and has frontage on Turpentine Road, which is county-maintained. The proposed SR zoning classification may not be considered under the current RES 1; however, it may be considered consistent with the proposed RES 2 designation.

A companion application 23Z00063, if approved, would amend the zoning classification from AU(Agricultural Residential) to SR (Suburban Residential).

To the north are 2 parcels; a 0.5-acre parcel developed as un-platted single-family residential, and a 0.25-acre un-platted vacant parcel, both designated as RES 1. To the east are 3 un-platted parcels, two of which are flag lots of 1.51 acres each, and one 1.02-acre parcel, all developed as single-family residential with RES 1 Future Land Use designation. To the south is a 1.75-acre un-platted vacant parcel designated as RES 1. To the west is a 3.76-acre un-platted parcel developed as single-family residential and designated as RES 1.

The Board may consider the request as an introduction of Res 2 and if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

On November 13, 2023, the Local Planning Agency considered the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please return a copy of the filed ordinance 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

December 8, 2023

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

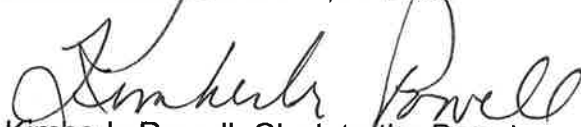
RE: Item G.2., Small Scale Comprehensive Plan Amendment (23S.19)

The Board of County Commissioners, in regular session on December 7, 2023, conducted the public hearing and adopted Ordinance No. 23-32, setting forth the twelfth Small Scale Comprehensive Plan Amendment (23S.19) to change the Future Land Use designation from RES 1 to RES 2 CC. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

ORDINANCE NO. 23- 32

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TWELFTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.19, 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 2023 as Plan Amendment 23S.19; 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.19; 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 December 13, 2023.

WHEREAS, on November 13, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.19, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 7, 2023, 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.19; and

WHEREAS, Plan Amendment 23S.19 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.19 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.19 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.19, 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 7th day of December, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk


By: _____
Jason Steele, Chair

As approved by the Board on Dec. 7, 2023.

EXHIBIT A
23S.19 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

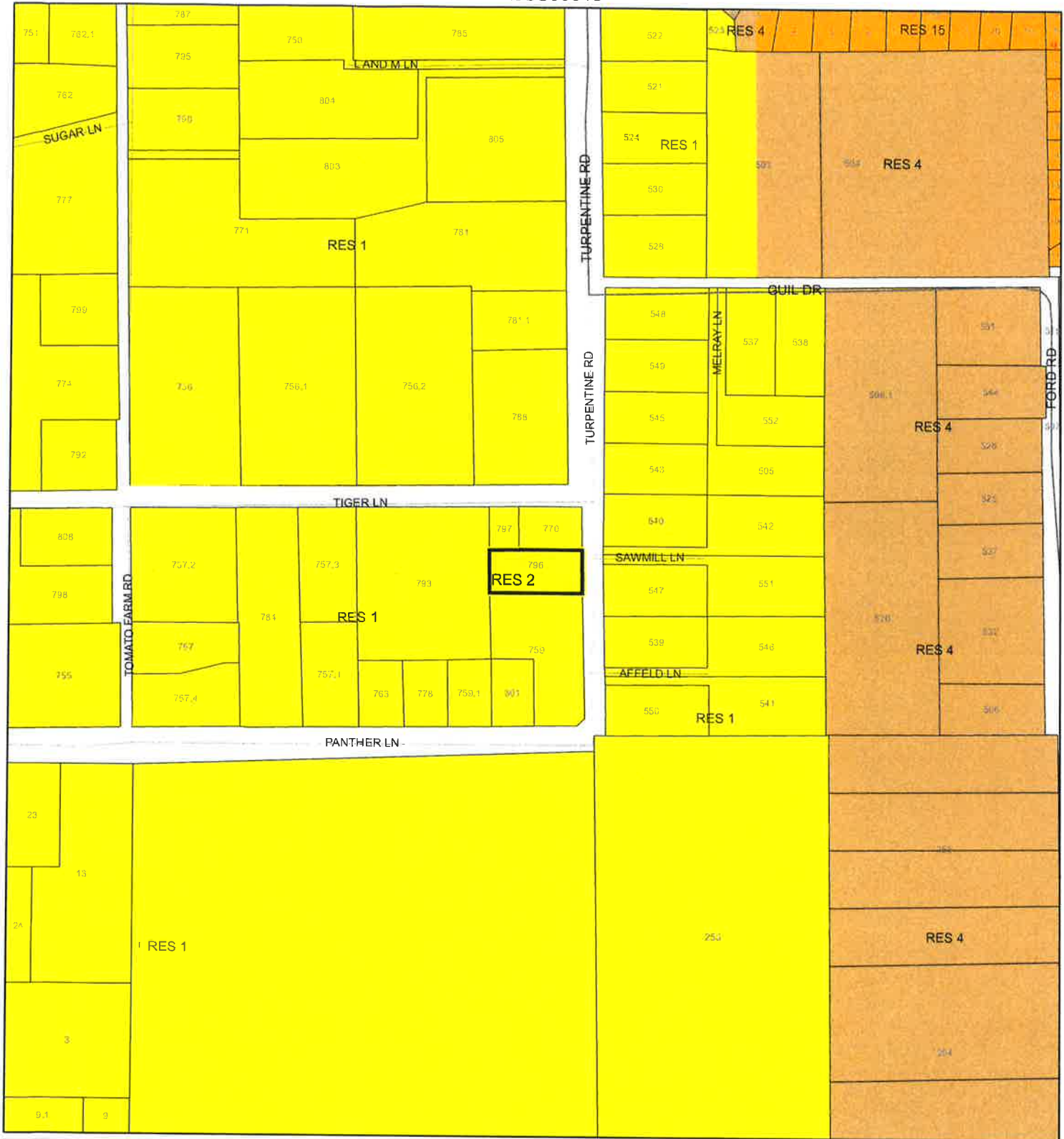
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

PAULK FAMILY TRUST

23SS00019



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: 8/23/2023

EXHIBIT B

Contents

1. Legal Description

Notice of Hearing

Published in Brevard County on October 26, 2023

DISTRICT 1

(23SS00019) Paulk Family Trust requests a Small Scale Comprehensive Plan Amendment (23S.19), to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2), on property described as Tax Parcel 796, as recorded in ORB 9277, Pages 1642 1645, of the Public Records of Brevard County, Florida. **Section 23, Township 21, Range 34** . (0.75 acres) Located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.19: An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled The Comprehensive Plan , amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, 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.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 20, 2023

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. 23-32, which was filed in this office on December 13, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/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 23S.19 (23SS00019)
Township 21, Range 34, Section 23

Property Information

Owner / Applicant: Tracey A. Drake & Wilbur L. Paulk, as trustees of Paulk Family Trust / Wilbur L. Paulk

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

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

Acreage: .75 +/- acres

Tax Account #: 2100923

Site Location: West side of Turpentine Road approximately 125 feet south of Tiger Lane.

Commission District: 1

Current Zoning: AU (Agricultural residential)

Requested Zoning: SR (Suburban residential)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Residential 1 (RES 1) to Residential (RES 2) on 0.75 acres for the purposes of establishing consistency with the proposed SR zoning request.

The subject property is currently vacant. The size of the property is approximately .75 acres. The parcel has frontage on Turpentine Rd., which is a county-maintained road.

A companion application **23Z00063**, if approved, would amend the zoning classification from AU to SR.

In October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a Small Area Study (SAS) for the Mims community in northern Brevard County in order to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's

ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that by reducing FLUM densities in parts of Mims would reduce potential buildout number by 30%. The Mims Small Are Study was approved by the Commissioners on April 10, 2007. As a result of the study, recommendations were developed which included reducing the FLUM residential densities by one designation. In August 2008, the subject property and the area surrounding the subject property were amended to the RES 1 designation.

The RES 1 FLUM can be considered consistent with zoning classifications requiring a minimum lot size of not less than one acre. Zoning classifications in the area include RR-1, AU & GU which are compatible with RES 1 FLU designation. However, AU zoning requires a minimum 2.5 acres and GU zoning requires a minimum of 5 acres.

The subject property has retained the original AU zoning classification. The AU classification is the original zoning established in 1958. After March 6, 1975, AU zoning lot size requirements changed from 1 acre to 2.5 acres. The subject property's current configuration of 0.75 acres was recorded in Orb Book 2577, Page 2889 in 1985, therefore requiring a lot size of 2.5 acres. This action by the owner of the subject property at that time, created a substandard lot.

The proposed SR zoning classification may not be considered under the current RES 1. However, the proposed SR zoning classification may be considered consistent with the proposed RES 2 FLU designation.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-family Residential	AU	RES 1
South	Vacant land	AU	RES 1
East	Single-family Residential	RR-I	RES 1
West	Single-family Residential	AU	RES 1

To the north are 2 parcels; 0.5-acre (developed as unplatted single-family residential) and 0.25-acre (unplatted vacant land) with RES 1 FLU designation.

To the east are 3 parcels; 1.51-acre flag lot parcel, 1.51-acre flag lot parcel and 1.02-acre parcel, all developed as unplatted single-family residential with RES 1 FLU designation.

To the south is a 1.75-acre parcel developed as unplatted vacant land with RES 1 FLU designation.

To the west is a 3.76-acre parcel developed as unplatted single-family residential with RES 1 FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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.

FLUE Policy 1.8 – The Residential 2 Future Land Use designation. The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use Element.

Criteria:

- A. Areas adjacent to existing Residential 2 land use designation; or

There is no existing RES 2 in the surrounding area.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

There is no established transition. Request could be considered an introduction of Res 2 into the area that is all designated as Res 1.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Not applicable.

- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to

maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Not applicable

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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;

The applicant proposes to construct a single-family residence in an existing residential area. The proposed use will not significantly diminish the enjoyment of, safety or quality of life in this existing residential area.

- 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.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).

- 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;

Staff analysis has determined the proposed residential use is consistent with the existing pattern of surrounding development.

However, in 2006, the Small Area Study (SAS) for the Mins community in northern Brevard County administratively amended the FLUM in the area from RES 2 to RES 1.

October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a Small Area Study (SAS) for the Mims community in northern Brevard County in order to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that by reducing FLUM densities in parts of Mims would reduce potential buildout number by 30%. The Mims Small Area Study was approved by the Commissioners on April 10, 2007. As a result of the study, recommendations were developed which included reducing the FLUM residential densities by one designation. In August 2008, the subject property and the area surrounding the subject property was amended to the RES 1 designation.

With the exception of six lots, the residential development in the surrounding area has been and continues to be developed on lots of 1+ acre size.

Six lots in the surrounding area are either non-conforming and/or inconsistent with the zoning and/or FLUM.

Parcel 1 located to the south within the same block, being approximately 0.5-acre in size and created in 1980. AU zoning was applicable and required a lot size of 2.5 acres. The property was rezoned to SR zoning classification under action Z-9163 in 1993 requiring a lot size of one-half acre. RES 2 FLU designation was adopted in 1988. This property can be considered non-conforming due to the RES 1 administrative FLUM change in 2008.

Parcel 2 located to the south within the same block, being approximately 0.5-acre in size and created in 1980. AU zoning was applicable and required a lot size of 2.5 acres. The property was rezoned to RR-1 zoning classification in March, 1987 under action Z-7739. February 1987 under action V-1778, a variance of 0.43 acres from the minimum one-acre lot size was approved. RES 2 FLU designation was adopted in 1988. This property can be considered non-conforming due to the RES 1 administrative FLUM change in 2008.

Parcel 3 and 4 located to the south within the same block, both being approximately 0.5-acre in size and created in 1980. AU zoning is applicable and requires a lot size of 2.5 acres. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. These properties are inconsistent with the

AU zoning classification because at the time the lots were created, AU zoning required a lot size of 2.5 acres. The properties are considered non-conforming to the FLUM.

Parcel 5 abutting the subject property to the north, approximately 0.5-acre in size and created in 1964. AU zoning is applicable and required a lot size of one-acre. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. This property is non-conforming with the AU zoning classification because at the time the lots were created, AU zoning required a lot size of 1 acre. The property is considered non-conforming to the FLUM.

Parcel 6 abutting the subject property to the north, approximately 0.25-acre in size and created in 1985. AU zoning is applicable and required a lot size of 2.5 acres. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. This property is inconsistent with the AU zoning classification because at the time the lots were created, AU zoning required a lot size of 2.5 acre. The property is considered non-conforming to the FLUM.

RES 1 is the only FLU designation within the immediate surrounding area and to the east is RES 4. The Board may consider if introduction of RES 2 is consistent with Comprehensive Plan and compatible with the surrounding area.

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

Five houses were constructed to the east of the subject property on the west side of Ford Rd.

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

Based on staff analysis, there does not appear to be any approved development project within the past three (3) years that have not yet been constructed.

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:

No FLUM amendments have been approved within the past three (3) years within one-half mile.

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 has determined the area can be categorized as a residential which features 1 acre or larger lots with the exception of six lots that preceded the Mims SAS.

The proposed use is will allow for an increase in densities within the surrounding areas which can be considered contrary to the Mims SAS adopted in 2007 by the Board of County Commissioners.

The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 74.36% of capacity daily. The maximum development potential will not create a deficiency in LOS. This is only a preliminary review and is subject to change.

- 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 established county-maintained roads. Lots within the surrounding area are developed as single-family residential.

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.

The proposed is not a request for a neighborhood commercial 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.

There have been no commercial, industrial or other non-residential uses applied for and approved during the previous five years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR 46 between Fawn Lake to I-95, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, a Level of Service (LOS) of D, and currently operates at 74.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 74.36% of capacity daily. The proposal will not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permittable uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above-mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is below the threshold.

The closet Brevard County water node is located approximately 1735 feet to the north. The closest Brevard County gravity main is approximately 2000 feet to the northeast on Longbow Dr.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

A majority of the subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

Should wetlands be discovered, Section 62-3694(c)(2) states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. The subject property measures 0.75 acres. Therefore, if the parcel was legally established prior to September 9, 1988, any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no-net-loss mitigation in accordance with Section 62-3696. Any wetland impact authorized for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and necessary ingress and egress.

Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.

Historic Resources

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

For Board Consideration

The Board may consider the request as an introduction of Res 2 and if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 23SS00019

Applicant: Wilbur Paulk (Owners: Paulk Family Trust)

Zoning Request: RES 1 to RES 2

Note: To establish consistent zoning and FLU to build SFR on lot

LPA Hearing: 11/13/2023; **BCC Hearing:** 12/07/2023

Tax ID No.: 2100923

- 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:

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

A majority of the subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

Should wetlands be discovered, Section 62-3694(c)(2) states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. The subject property measures 0.75 acres. Therefore, if the parcel was legally established prior to September 9, 1988, any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no-net-loss mitigation in accordance with Section 62-3696. Any wetland impact authorized for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and necessary ingress and egress.

Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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 Use Comments:

Hydric Soils

A majority of the subject parcel is mapped with hydric soils (Delray sand, occasionally flooded) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

Should wetlands be discovered, Section 62-3694(c)(2) states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The subject property measures 0.75 acres. Therefore, if the parcel was legally established prior to September 9, 1988, any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no-net-loss mitigation in accordance with Section 62-3696. Any wetland impact authorized for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and necessary ingress and egress.

If the parcel was legally established after September 9, 1988, application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. 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.

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.

Aquifer Recharge Soils

A small area in the northwestern portion of this property contains mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. 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.

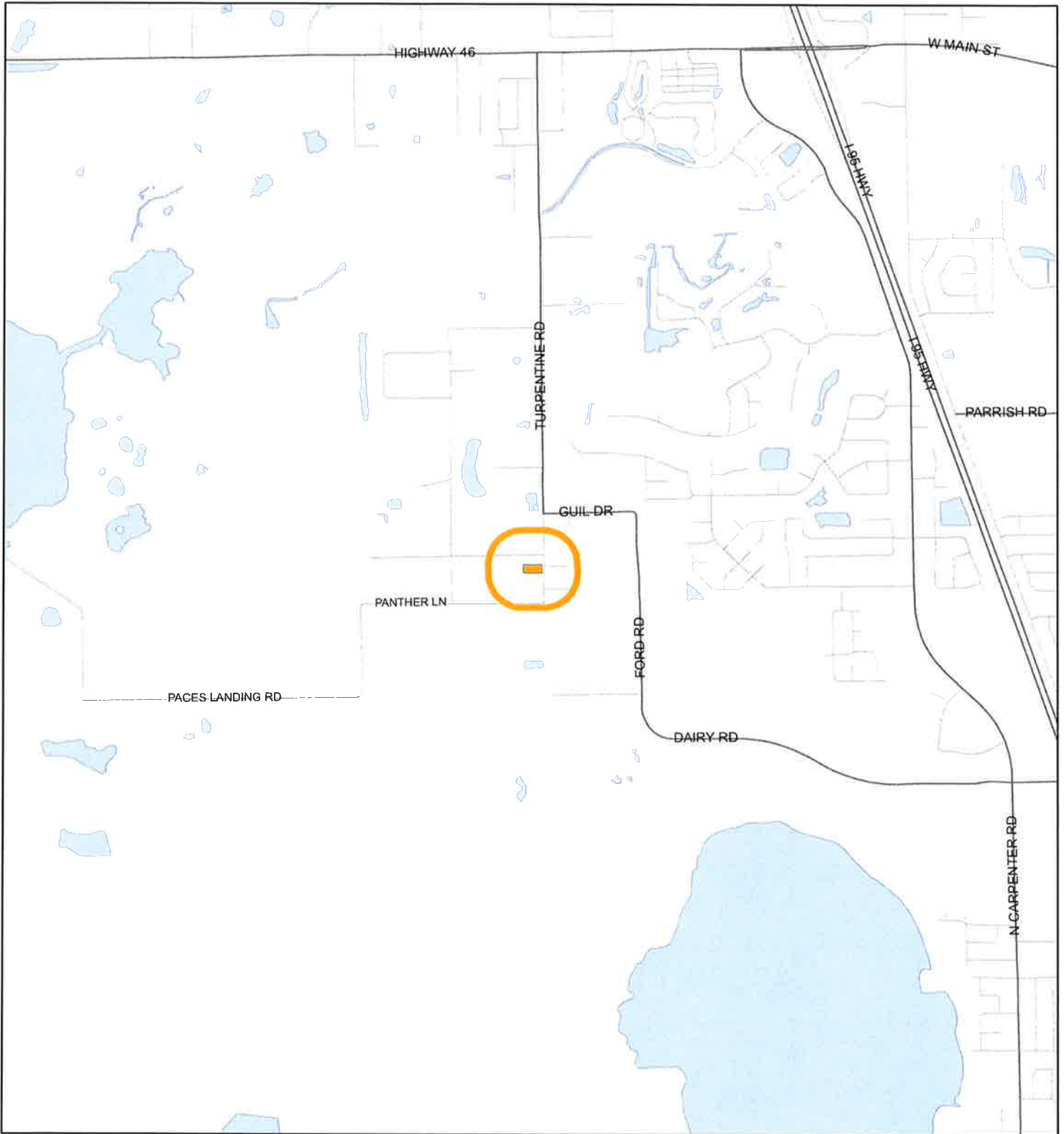
Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Specifically, Gopher Tortoises may be found where there are aquifer recharge soils. Should any protected species be present, 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, as applicable.

LOCATION MAP

PAULK FAMILY TRUST

23SS00019



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

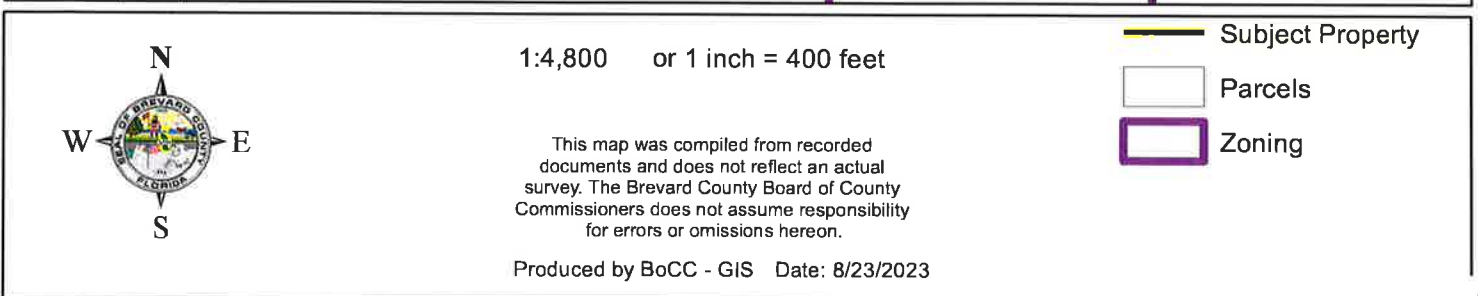
Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 8/23/2023

— Buffer
— Subject Property

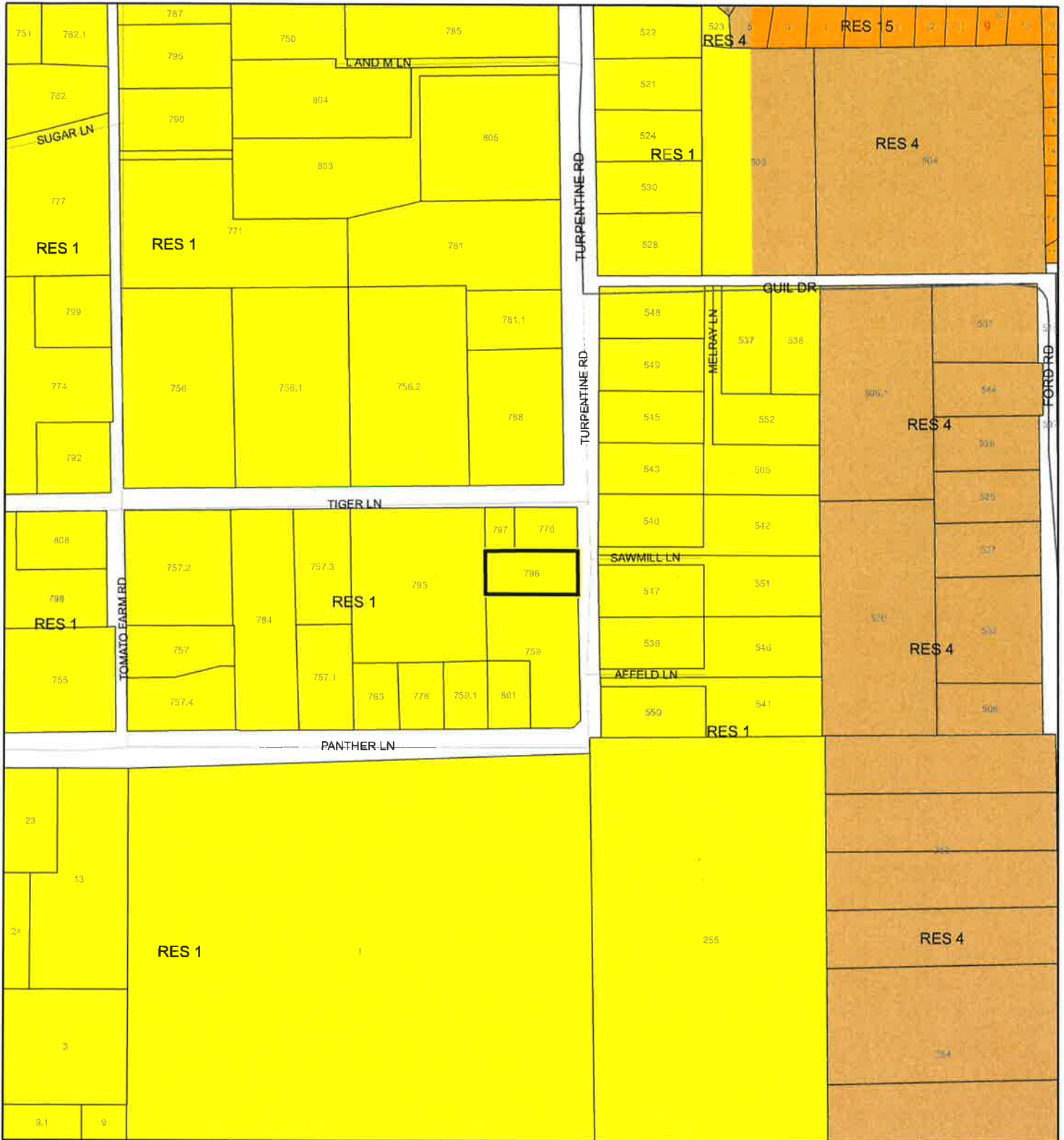
23SS00019



FUTURE LAND USE MAP

PAULK FAMILY TRUST

23SS00019



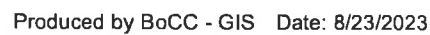
1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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23SS00019



AERIAL MAP

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1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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 Subject Property

 Parcels

NWI WETLANDS MAP

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23SS00019



1:4,800 or 1 inch = 400 feet

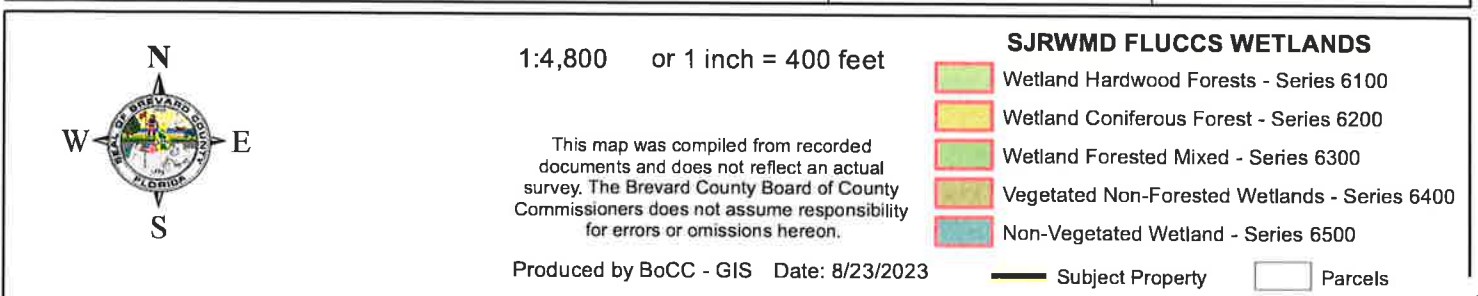
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National Wetlands Inventory (NWI)

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

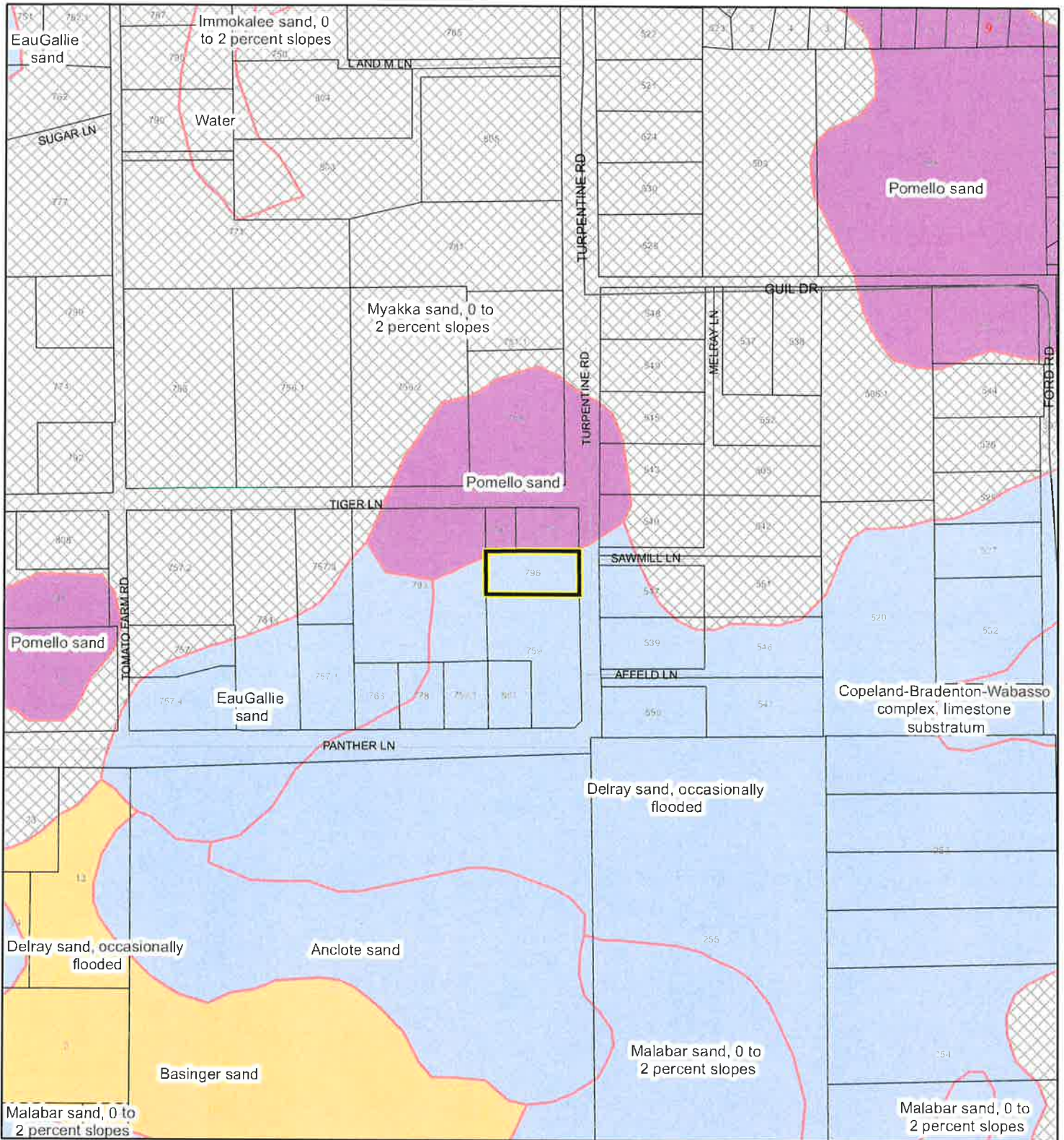
23SS00019



USDA SCSSS SOILS MAP

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23SS00019



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

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23SS00019



1:4,800 or 1 inch = 400 feet

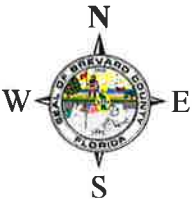
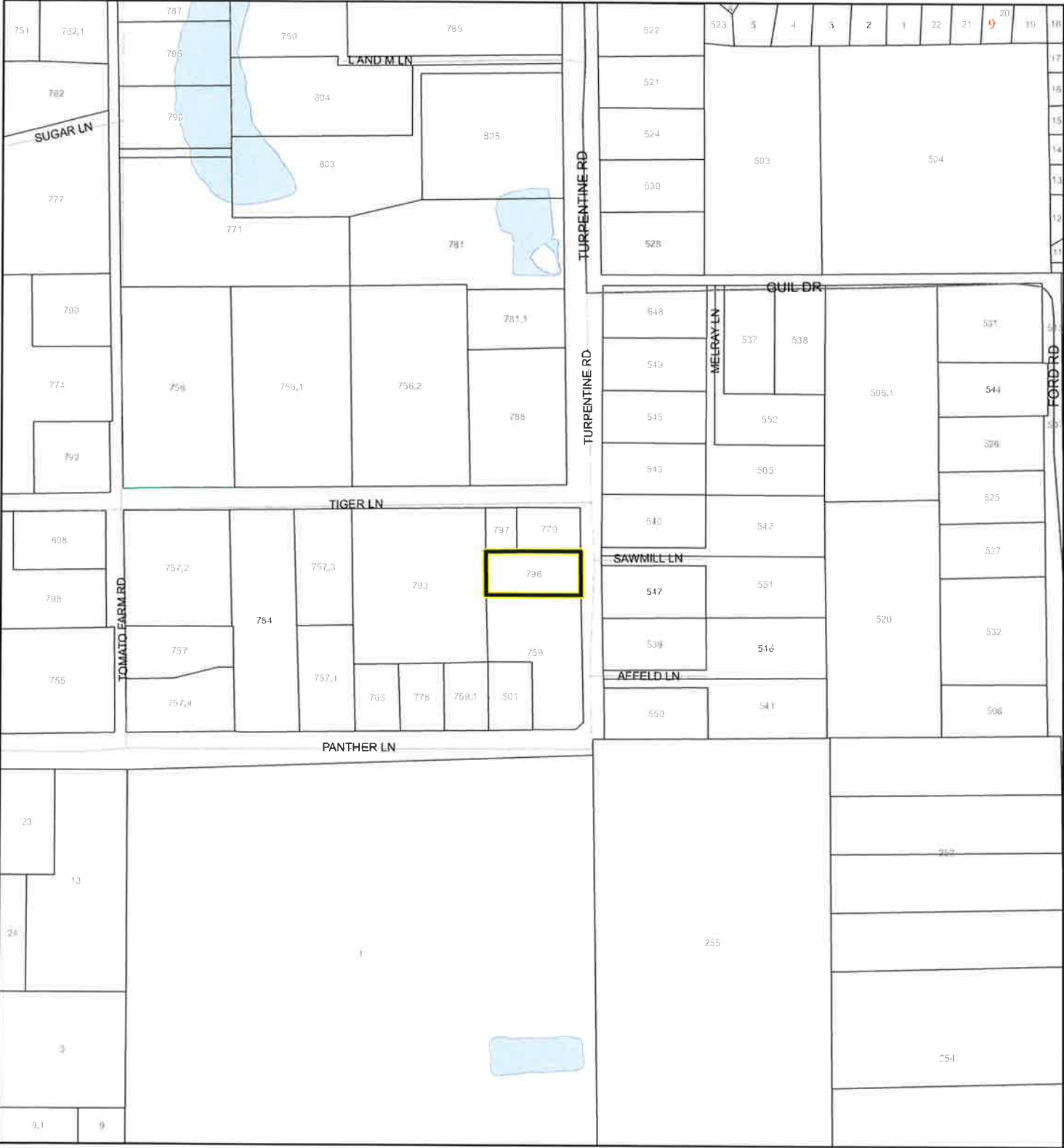
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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FEMA Flood Zones		
A	AO	X
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

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23SS00019



1:4,800 or 1 inch = 400 feet

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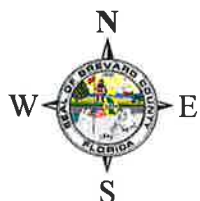
— Subject Property

□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

23SS00019



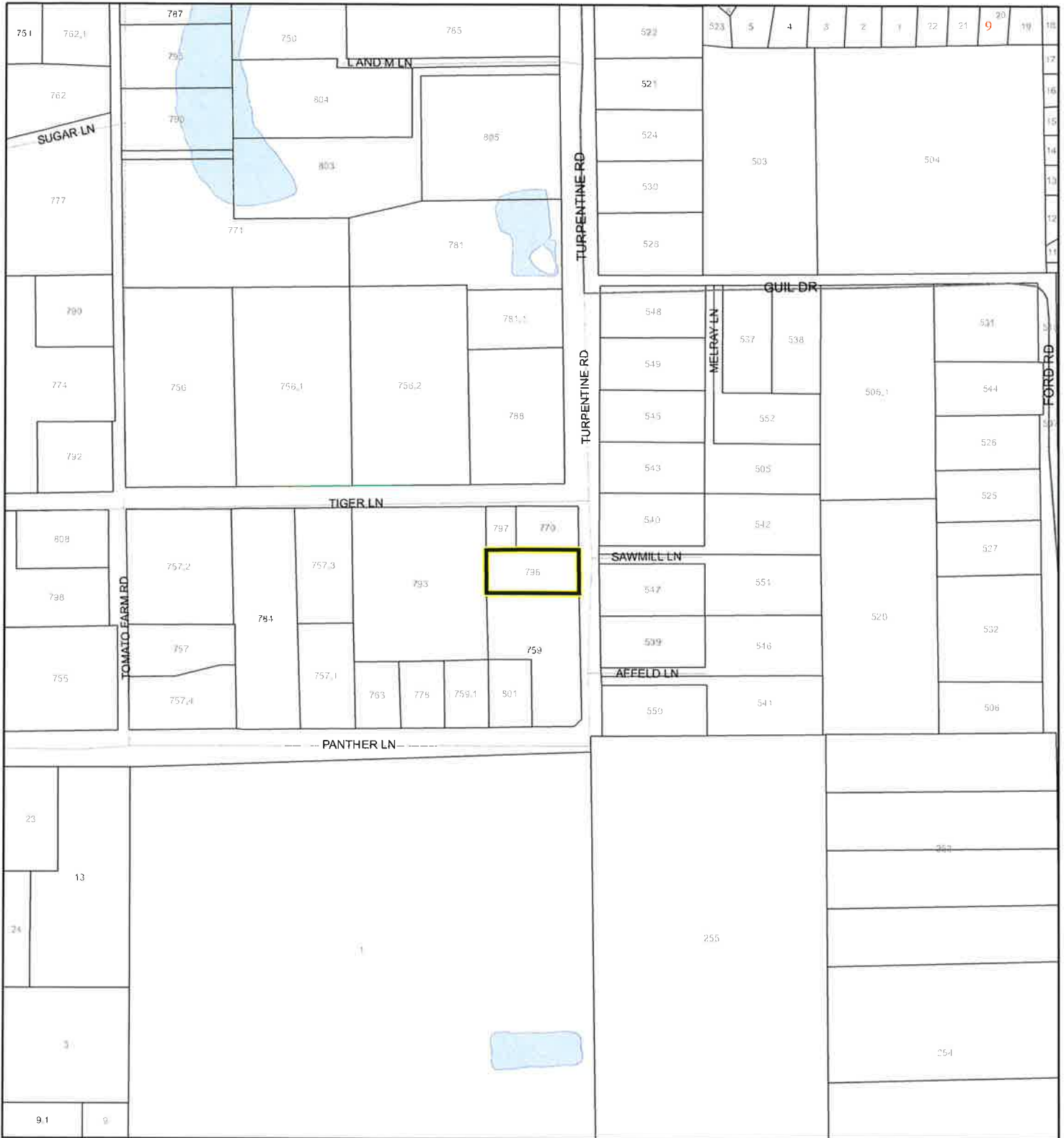
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 All Distances

EAGLE NESTS MAP

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 Subject Property

 Parcels

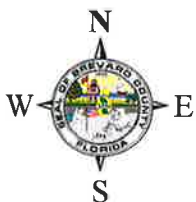
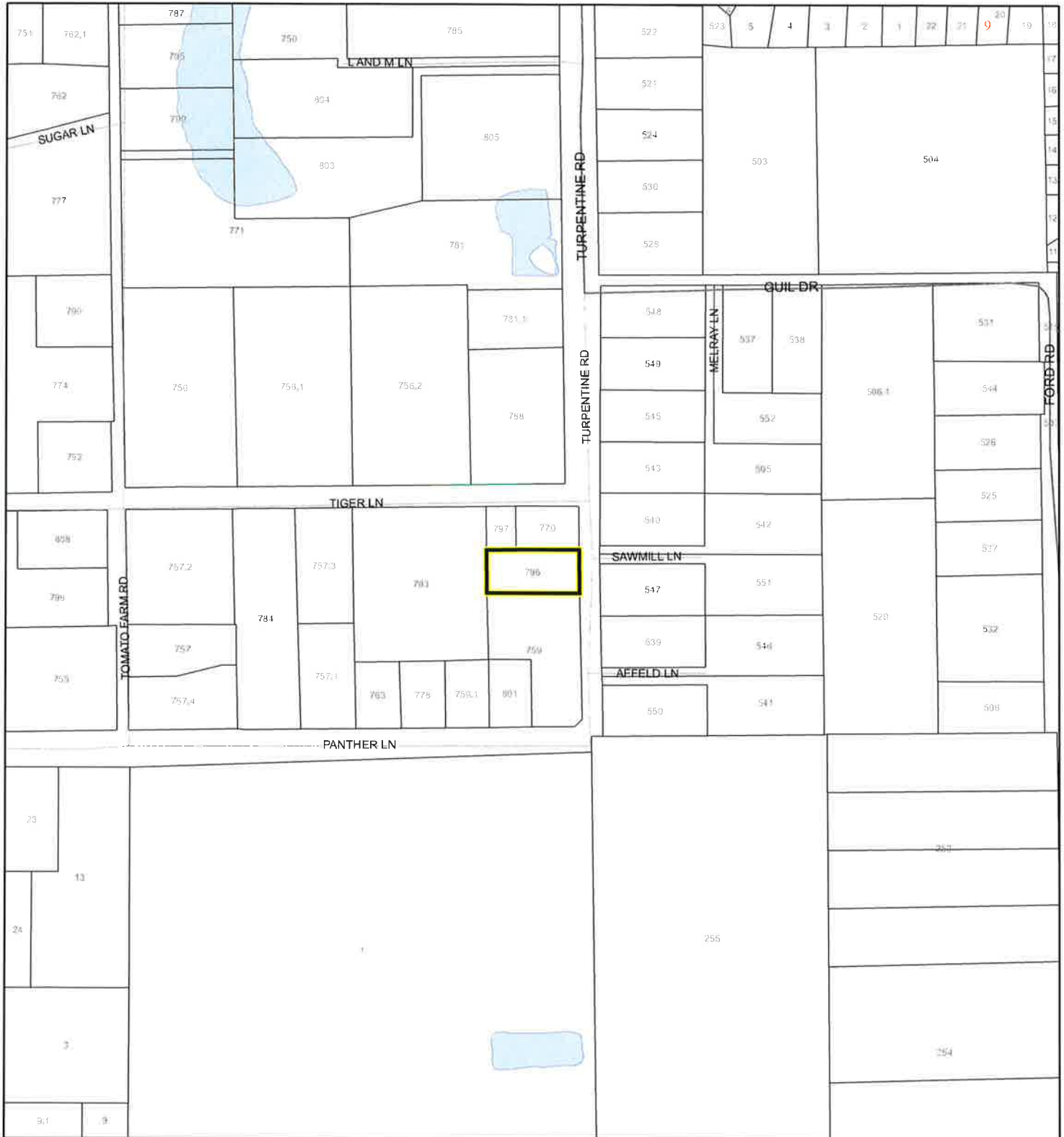


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

PAULK FAMILY TRUST

23SS00019



1:4,800 or 1 inch = 400 feet

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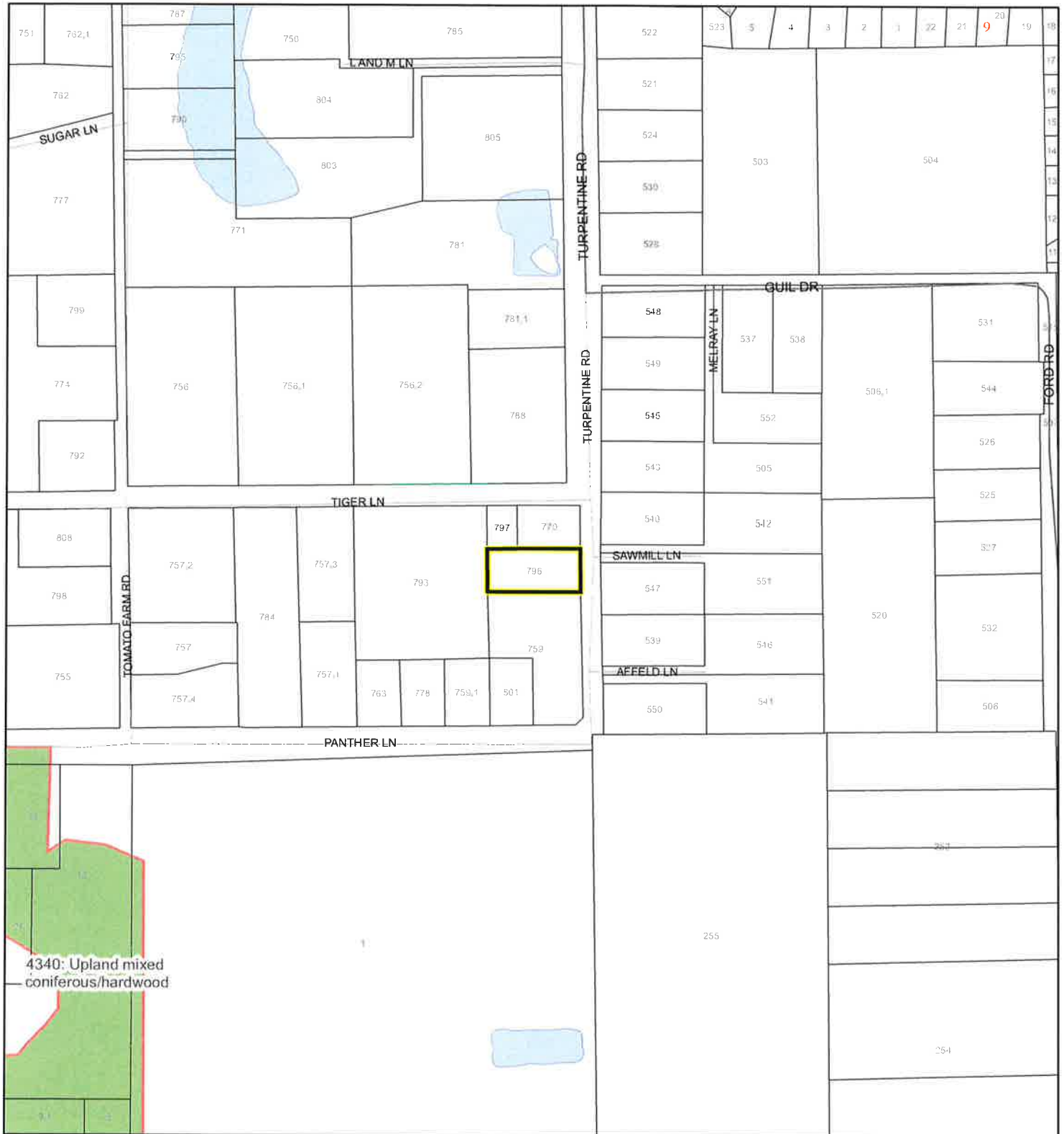
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- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PAULK FAMILY TRUST

23SS00019



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

From: [randy heber](#)
To: [Jones, Jennifer](#)
Subject: Rezoning 23SS00019 & 23Z00063
Date: Tuesday, October 31, 2023 1:11:37 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Subject: Strong Opposition to Proposed Zoning Change ID# 23SS00019 & 23Z00063

I hope this letter finds you well. I am writing to express my strong opposition to the proposed zoning change from Residential 1 and Agricultural Residential to Residential 2 and Suburban Residential in our beautiful rural area. As a concerned resident and homeowner, I firmly believe that this zoning change would have detrimental effects on the character, tranquility, and quality of life in our community.

Our neighborhood has long been cherished for its serene environment, offering spacious properties with single-family homes. The current zoning regulations have effectively preserved the rural charm and ensured that the area remains an ideal place for families seeking a peaceful and close-knit community. However, the proposed zoning change threatens to disrupt this delicate balance and introduce a more densely populated and urbanized environment.

Here are several key reasons why I believe this zoning change should be reconsidered:

1. **Preservation of Rural Character:** Our community's rural character and large properties are the very essence of its appeal. Introducing higher density residential zones would fundamentally alter the landscape, leading to overcrowding, increased noise pollution, and a loss of natural beauty. It is crucial to protect the unique identity and charm that our neighborhood offers.
2. **Strain on Infrastructure:** Implementing Residential 2 and Suburban Residential zoning would place an enormous strain on our existing infrastructure, including roads, schools, utilities, and emergency services. The current infrastructure was designed to accommodate a lower population density and would not be able to adequately support the increased demands that would come with the proposed zoning change.
3. **Traffic Congestion and Safety Concerns:** The influx of additional residents and potential multi-unit housing developments would undoubtedly lead to heightened traffic congestion on our already narrow and winding roads. This increased traffic poses serious safety risks for pedestrians, cyclists, and families with children who are currently accustomed to a safe and peaceful environment.
4. **Negative Impact on Property Values:** The proposed zoning change could have a detrimental impact on property values for existing homeowners. The introduction of higher density

developments and a potential loss of privacy and tranquility would likely decrease the desirability of our neighborhood, leading to a decline in property values that many residents have worked hard to maintain.

5. Environmental Impact: Our rural area is home to diverse wildlife and contains valuable green spaces. The proposed zoning change could result in the destruction of vital habitats, deforestation, and the loss of clean air and water resources. It is crucial to prioritize the preservation of our environment and ensure sustainable development practices.

In light of the aforementioned concerns, I respectfully urge you to reconsider the proposed zoning change and instead explore alternatives that align with our community's values and aspirations. I believe that maintaining the current Residential 1 and Agricultural Residential zoning will enable us to preserve the unique character and integrity of our neighborhood, ensuring a sustainable and prosperous future for all residents.

I kindly request that my objections and the concerns of other residents be taken into serious consideration during the decision-making process.

Thank you for your attention to this matter. I trust that you will carefully evaluate the long-term consequences of the proposed zoning change and make the decision that best serves the interests of our community as a whole.

Yours
Randy Heber

Sent from my iPhone

From: [Kimberly Heber](#)
To: [Jones, Jennifer](#)
Subject: Paula Family Trust Small Scale Plan Amendment
Date: Thursday, November 2, 2023 7:40:32 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning,

This email is in reference to ID# 23SS00019 and 23Z00063. I am writing to you to inform you that I am a property owner in Mims and am in complete disagreement with the request for a change of zoning classification. This would disrupt the entire flow, atmosphere, and way of living that we have created here in Mims. We have chosen to live out here to avoid high-traffic areas, developments, and larger populations. If this change of zoning were to be approved, it would completely counteract what so many of us have created out here. It would further disrupt our roads, schools, churches, grocery stores, etc. If this zoning change were to be approved, it would be a disgrace to the Mims area and redefine the beautiful, low-key way of living that we have created here. Furthermore, it would leave many residents enraged as it would also decrease our property values. Some of us have lived out here for generations and it would be a catastrophe if zoning changes, such as the requested, pushed these generations out of the area. Mims needs to be left alone so we can continue to live our lives exactly how we have been- peacefully, quietly, slowly, and with much content.

Thank you,
Kimberly Heber

Sent from my iPhone

From: [M Joyner](#)
To: [Jones, Jennifer](#)
Subject: Property on south end of Turpentine Rd (lost my reference number)
Date: Friday, November 3, 2023 8:44:22 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

I apologize for losing my reference number to the property I am writing about. It is the 2nd property, on the right side of the road, when you are heading south and pass Tiger Ln. It is a ¾ acre plot and SHOULD be considered wetlands, as it is almost always covered in water and is one of the lowest pieces in that section.

I live at 4860 Tiger Ln and am concerned about drainage, if anyone is allowed to build on that property and the next one south of it. There are no ditches, drainage areas or places for any water to go, when and if those 2 properties and in particular the one the meeting is for, are filled for building, and it would take a tremendous amount of dirt/fill to bring them up to buildable levels. Someone needs to assess the drain issues before ANYONE is allowed to start putting in fill. The road at that location, floods anytime we have a real good rain and washes out that particular section, as it tries to cross the road into the ditch on the other side. Not to mention the surrounding homes connected to those particular properties. They would sustain tremendous amounts of damage.

My wife and I vote NO for any builds of any kind on that property and the one south of it for any reason, until something is done for drainage in that area. NO change for zoning please.

Mackey D Joyner
Karen A Joyner
4860 Tiger Ln, Mims 32754



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From: [Denice Carmody](#)
To: [Jones, Jennifer](#)
Subject: Reference ID #23SS00019 & 23Z00063
Date: Sunday, November 12, 2023 7:31:57 PM

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Dear Ms. Jones,

Please include the following as part of the public hearing scheduled for Monday, November 13th regarding reference ID #23SS00019 & 23Z00063, the zoning classification code change request by the Paulk Family Trust. The north side of the Paulk Family Trust property abuts approximately 266 ft of a property owned by my mother and my property and home owned by me at 1790 Turpentine Rd. I have lived at this address since birth minus a few years while my husband was in the U.S. Navy. Over the last 49 years there has never been an instance when I have had standing water in my own yard. There is a ditch on the North side of my lot and another one across the street to the East providing drainage for my lot and for my neighbors across to the East. I am assuming that the Paulk Family Trust is requesting the Small Scale Plan Amendment and the change of zoning classification in order to build on their lot in the future. If their request is granted I sincerely hope that it is documented as their responsibility to provide enough drainage from their property as to not create any standing water on my property at 1790 Turpentine Rd.

Thank you for taking this into consideration. I am sorry I was unable to be present at the public hearing on the 13th of November, 2023. I will be in attendance on the 7th of December 2023 for the final hearing on this matter.

Regards,
Denice Carmody
207-319-9645
denicecarmody@gmail.com

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 13, 2023**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Paul Body, Senior Planner; Trina Gilliam, Senior Planner; Darcie McGee, Assistant Director, Natural Resources Management; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Paulk Family Trust

A Small Scale Comprehensive Plan Amendment (23S.19), to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2). The property is 0.75 acres, located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (No assigned address. In the Mims area.) (23SS0019) (Tax Account 2100923) (District 1)

Paulk Family Trust

A change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential). The property is 0.75 acres, located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (No assigned address. In the Mims area.) (23Z00063) (Tax Account 2100923) (District 1)

Wilbur Paulk, 4370 Fletcher Lane, Titusville, stated he would like to rezone in order to build a single-family residence.

No public comment.

Motion by Ben Glover, seconded by Logan Luse, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1 to RES 2. The motion passed unanimously.

Motion by Ben Glover, seconded by Bruce Moia, to recommend approval of a change of zoning classification from AU to SR. The motion passed unanimously.