



**AGENDA REPORT**  
**November 1, 2018**

**Public Hearing, Re: Vinings Palm Bay Investment, LLC (Tom Cabrerizo/Bruce Moia) requests a Small Scale Comprehensive Plan Amendment from Res 15 to CC. (18PZ00060) (District 4)**

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**SUBJECT:**

Public Hearing, Re: Vinings Palm Bay Investment, LLC (Tom Cabrerizo/Bruce Moia) requests a Small Scale Comprehensive Plan Amendment changing the Future Land Use Designation from Residential 15 (RES 15) to Community Commercial (CC). The property is 3.43 +/- acres, located on the east side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr. (No assigned address. In the Melbourne area.) (18PZ00060) (District 4)

**FISCAL IMPACT:**

None.

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment proposing to change the Future Land Use designation from Res 15 to CC.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking to amend the Future Land Use designation from RES 15 to CC on a 3.43 acre piece of the greater 7.27 acre parcel of land for the purpose of developing commercial outparcel(s). The remaining 3.84 acre piece of the greater parent parcel will retain the RES 15 Future Land Use designation. The subject property is located within unincorporated Brevard County on the east side of North Wickham Road approximately 340 feet south of Jordan Blass Drive.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation could generate traffic that would cause deficiency of adopted roadway levels of service. The Space Coast Transportation Planning Organization's (TPO) 2016 traffic counts indicate that North Wickham Road is at 74.52% of the maximum acceptable volume (MAV). Proposed development will be required to submit a Traffic Impact Analysis when submitting a site plan. By utilizing a cross-access aisle at the commercial property to the north, vehicles will be able to turn left or right onto North Wickham Road via the signalized intersection at Jordon Blass Drive. North Wickham Road is currently operating

at a Level of Service (LOS) of C with a maximum allowable LOS of D. This proposed Future Land Use change to CC could cause this section of North Wickham Road to have a deficient LOS of F.

The applicant should be aware that if this request were to be approved, that median openings on Wickham Road have the potential to be modified to be more restrictive when the proposal for commercial development proceeds through the site plan review process. A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, proposing to change the zoning classification from Medium-Density Multiple-Family Residential (RU-2-15) to General Retail Commercial (BU-1). A Binding Development Plan associated with the rezoning request has been submitted and revised several times throughout this process.

The Board may wish to consider ways to improve access management to this site, restrict the uses to those that produce fewer trips or limit the number of driveways gaining access to North Wickham Road as a part of the associated rezoning request.

On July 9, 2018, the Local Planning Agency heard the request and unanimously recommended approval.

On August 2, 2018, the Board tabled the request to the September 6, 2018, BCC meeting.

On September 6, 2018, the Board tabled the request to the October 4, 2018 BCC meeting.

On October 4, 2018, the Board tabled the request to the November 1, 2018, BCC meeting.

**CLERK TO THE BOARD INSTRUCTIONS:**

Please return a fully-executed ordinance to Planning and Development

**ATTACHMENTS:**

**Description**

- Staff Comments**
- Administrative Policies**
- Maps**
- Revised Trip Generation Memo 09-26-18**
- Ordinance**
- Disclosure - District 1**
- Disclosure - District 3**
- Revised Trip Generation Memo 10-04-18**
- Disclosure - District 3 10-24-18**
- Planning and Zoning Board Minutes**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 13, 2018

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

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of Brevard County Ordinance No. 18-25, which was filed in this office on November 13, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 18-25

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2018, 18S.04, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2018 as Plan Amendment 18S.04; 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 18S.04; 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 Secretary of State on November 16, 2018

WHEREAS, on July 9, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 18S.04, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 1, 2018, 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 18S.04; and

WHEREAS, Plan Amendment 18S.04 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 18S.04 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 18S.04 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 18S.04, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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

DONE AND ADOPTED in regular session, this 1 day of November, 2018.

ATTEST:



\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



By: \_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on November 1, 2018.

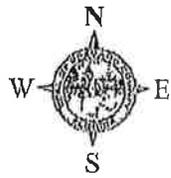
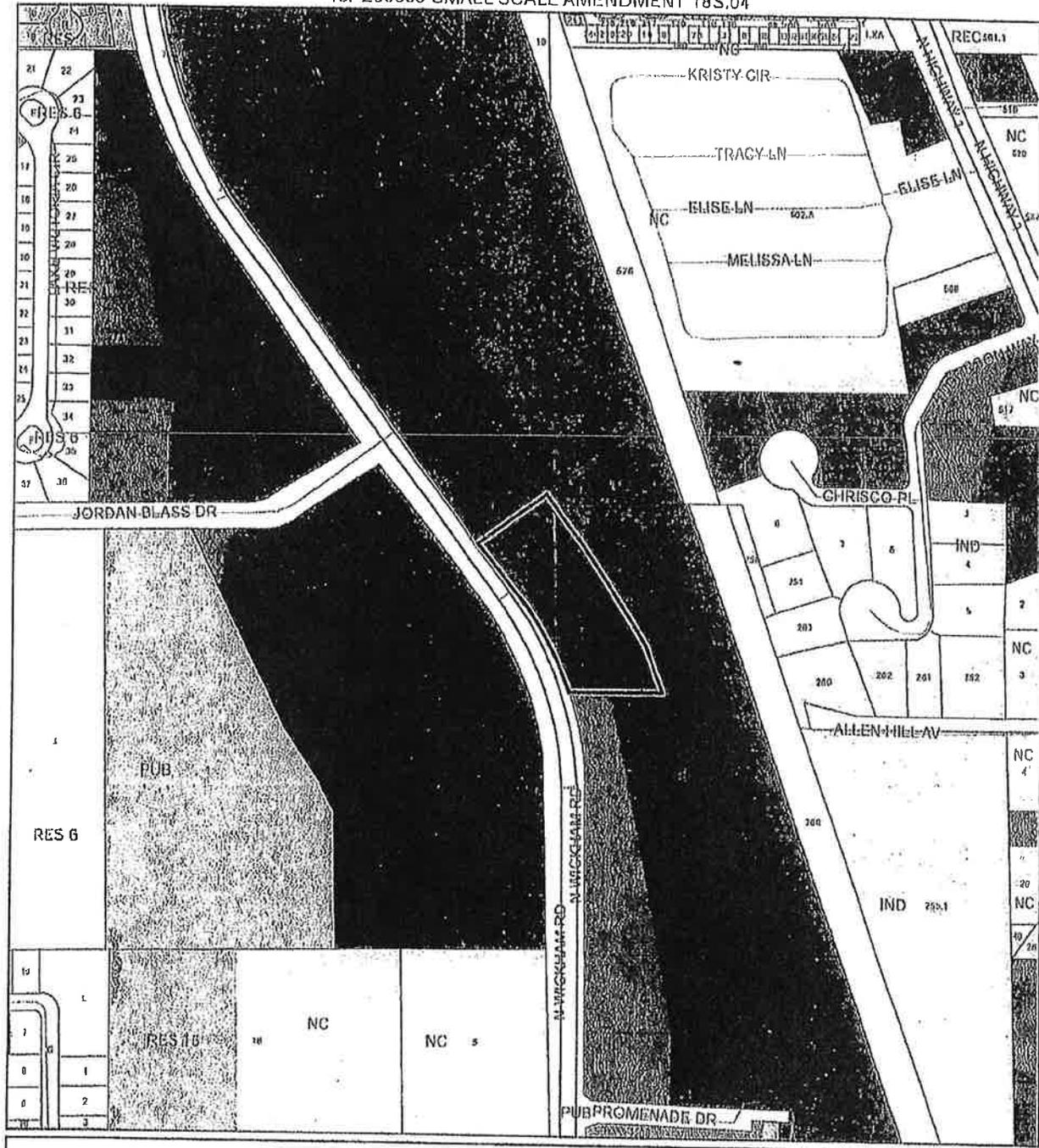
**EXHIBIT A**  
**18S.04 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



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: 6/17/2018

**EXHIBIT B**  
**FINDINGS OF FACT**

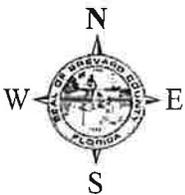
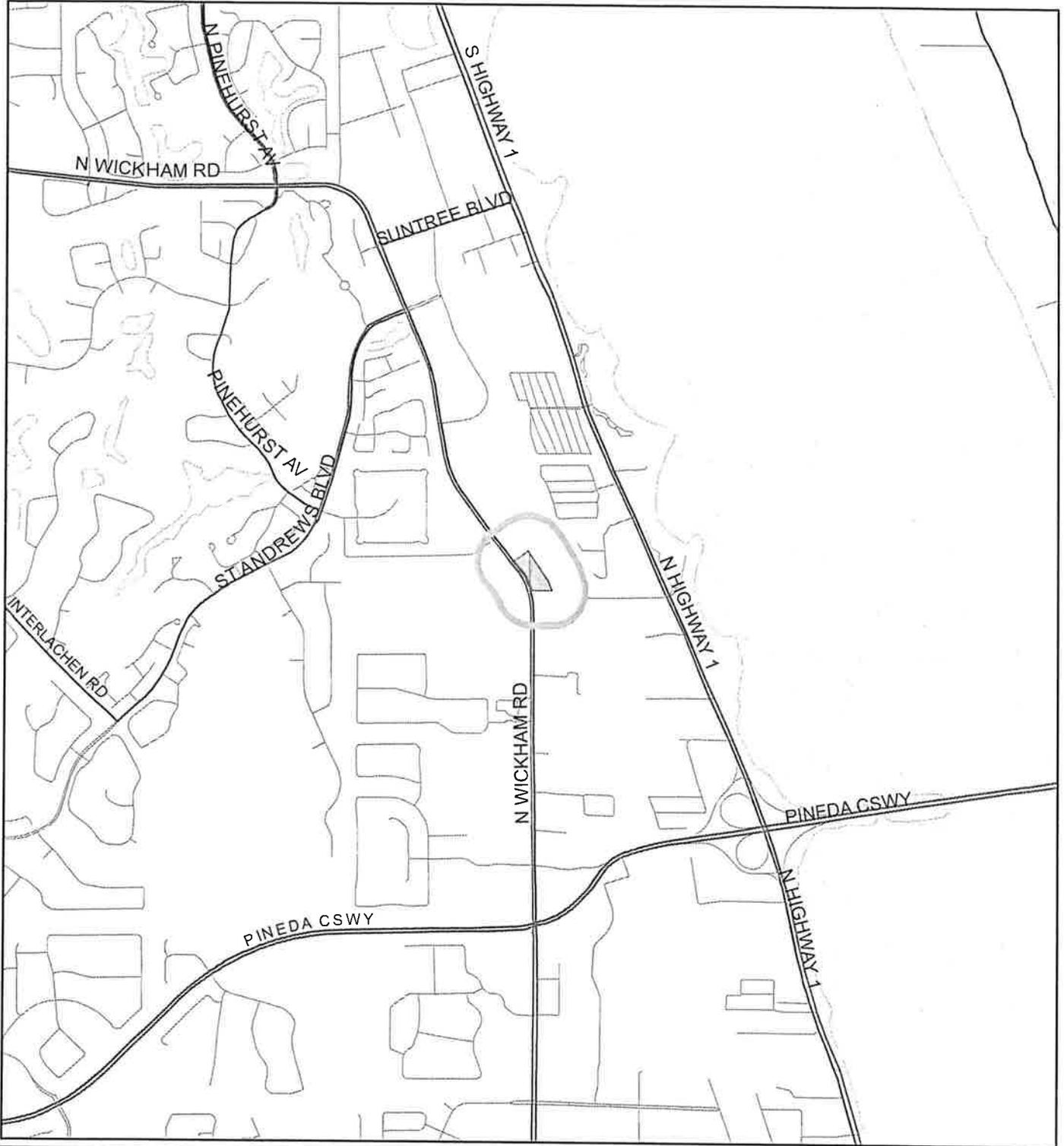
**Contents**

**1. Legal Description**



# LOCATION MAP

VININGS PALM BAY INVESTMENT, LLC  
18PZ00060 SMALL SCALE AMENDMENT 18S.04



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.

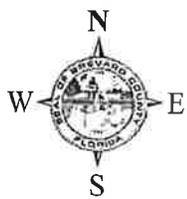
Produced by BoCC - GIS Date: 5/18/2018

 Buffer

 Subject Property

# ZONING MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

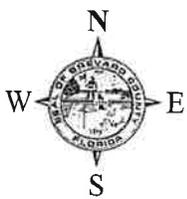
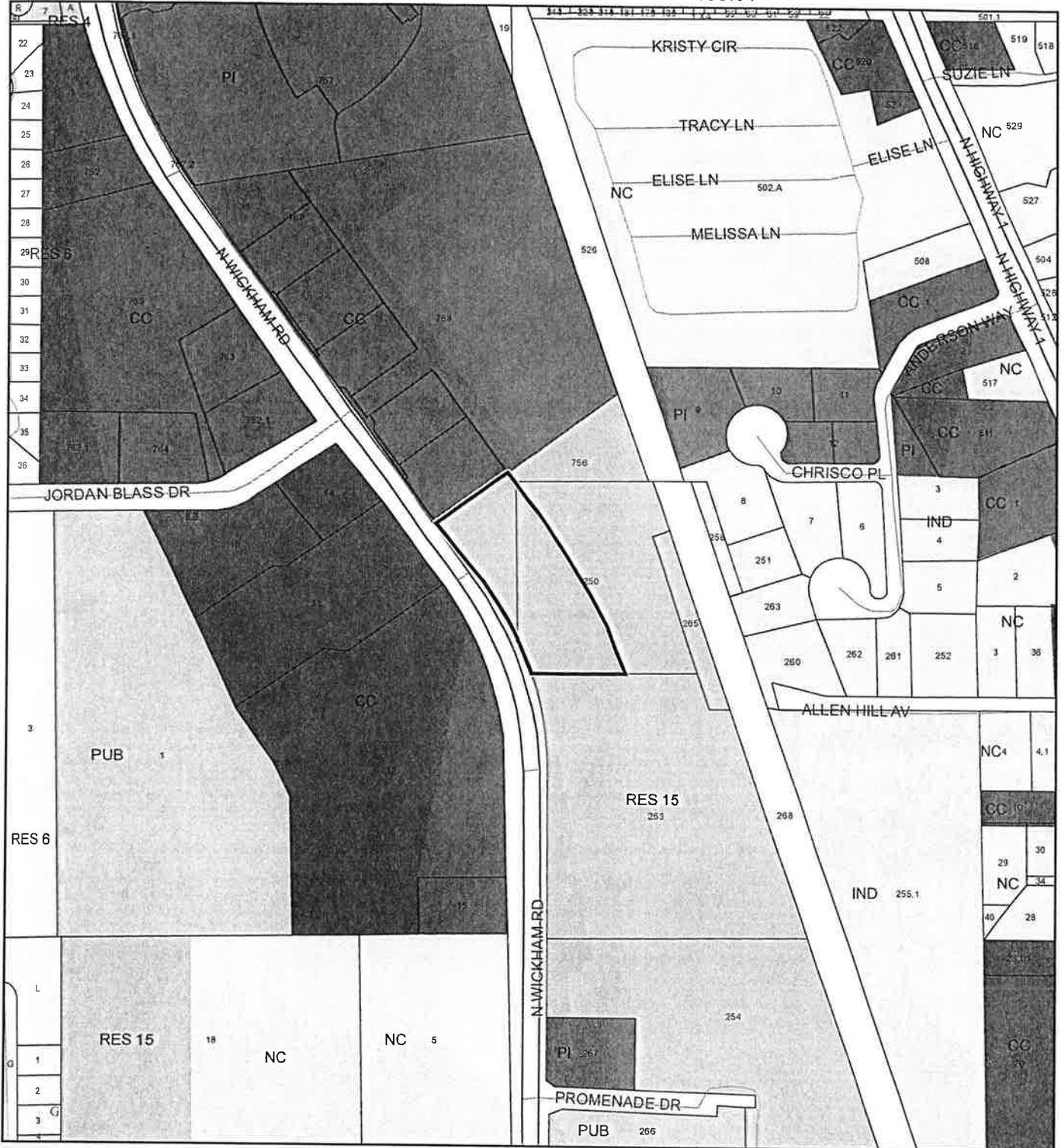
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/18/2018

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

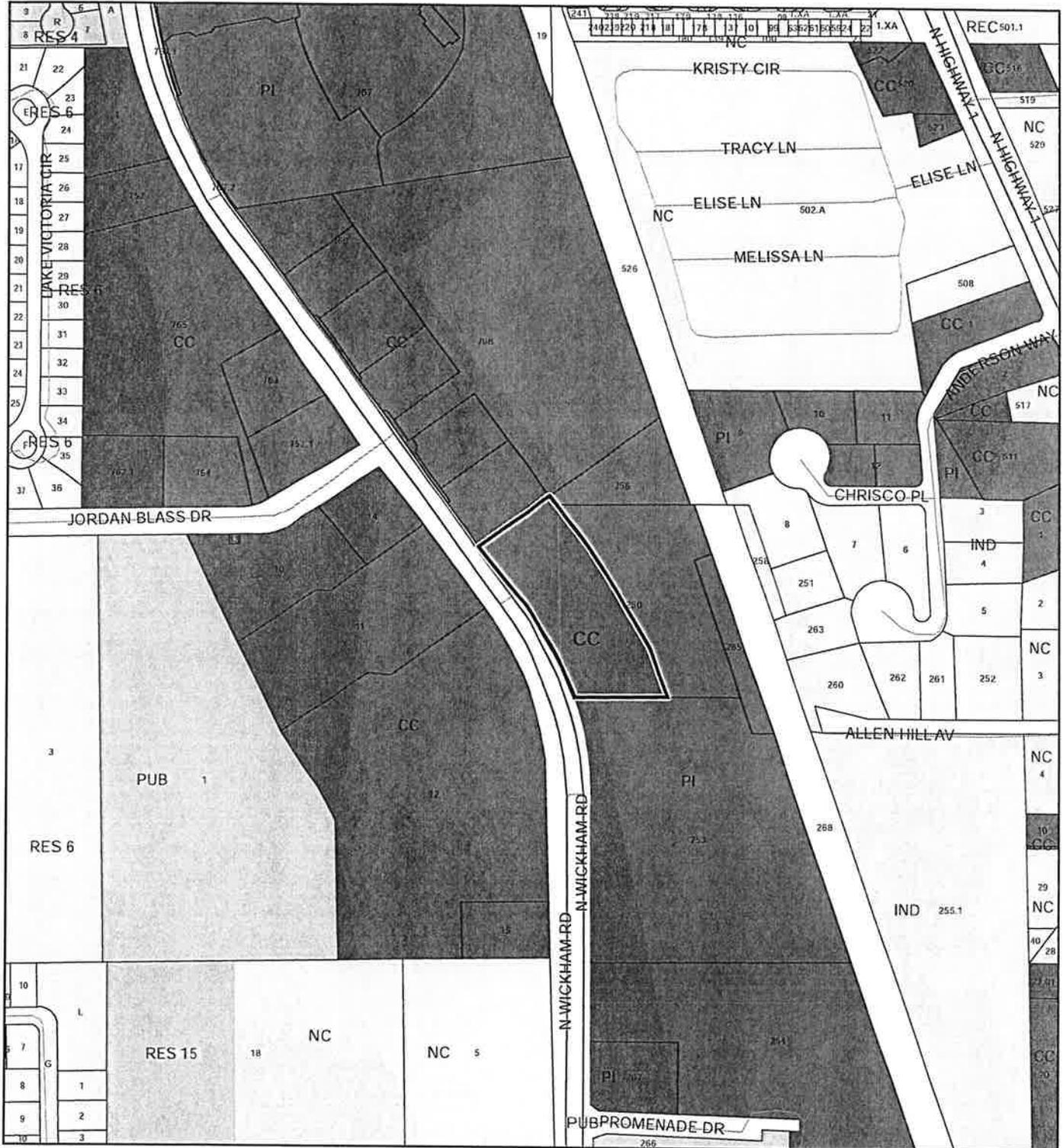
— Subject Property  
 □ Parcels

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: 5/23/2018

# PROPOSED FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

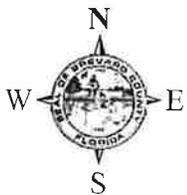
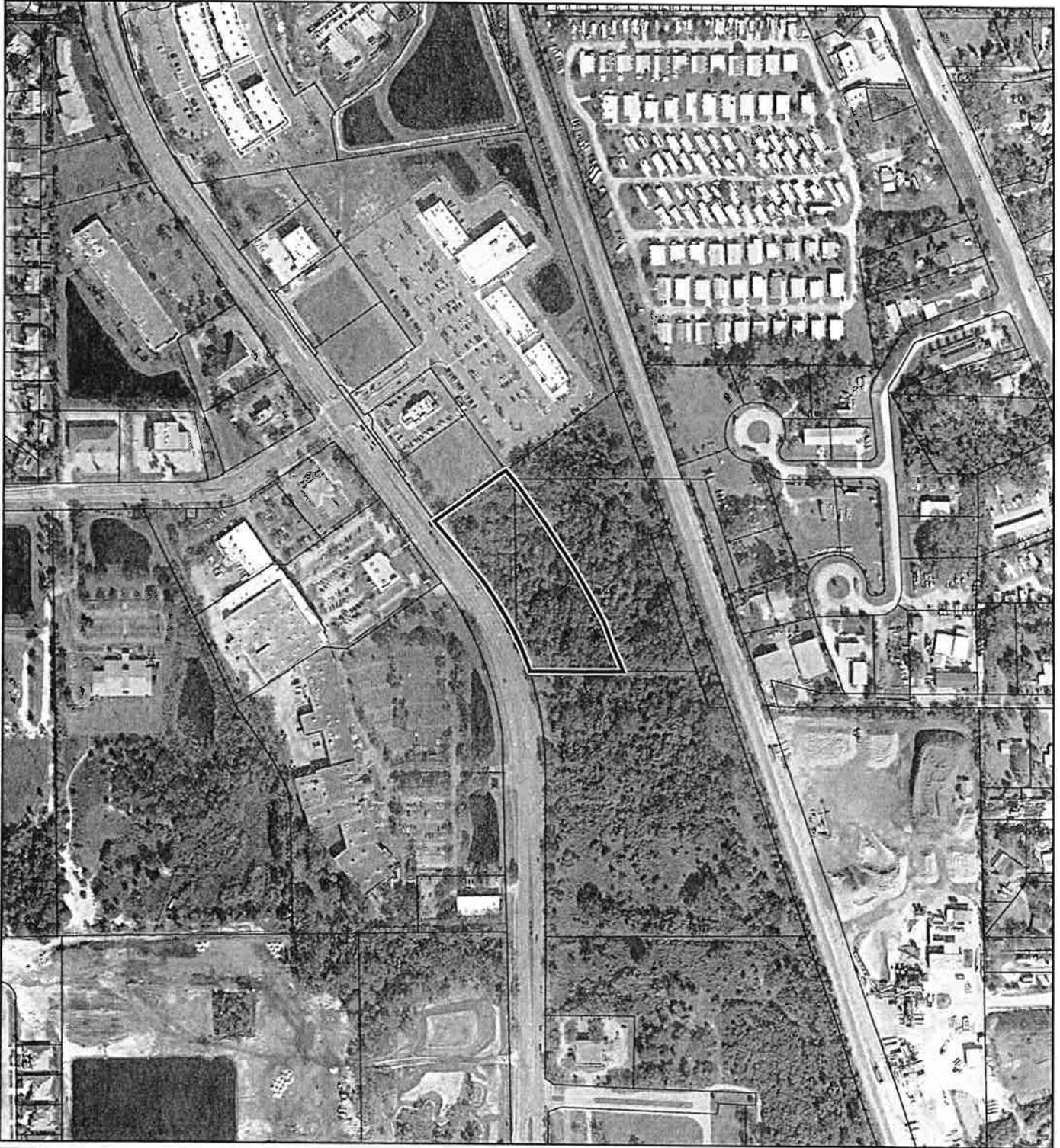
- Subject Property
- Parcels

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: 5/17/2018

# AERIAL MAP

VININGS PALM BAY INVESTMENT, LLC  
18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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: 5/17/2018

 Subject Property

 Parcels



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

November 2, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Erin Sterk

RE: Item H.6., Vinings Palm Bay Investment, LLC Small Scale Comprehensive Plan Amendment (18S.04) from Res 15 to CC – (18PZ00060)

The Board of County Commissioners, in regular session on November 1, 2018, conducted the public hearing for Vinings Palm Bay Investment, LLC; and adopted Ordinance No. 18-25, amending the Small Scale Comprehensive Plan (18S.04) to change the Future Land Use designation from Residential 15 (Res 15) to Community Commercial (CC) for property located on the east side of North Wickham Road, approximately 340 feet south of Jordan Blass Drive - (18PZ00060). Enclosed is a fully-executed Ordinance for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 18S.04 (18PZ00060)*  
**Township 21, Range 35, Section 9**

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**Property Information**

Owner / Applicant: **Vinings Palm Bay Investment, LLC**

Adopted Future Land Use Map Designation: RES 15

Requested Future Land Use Map Designation: CC

Acreage: 3.43 +/- acres Tax Account #: a portion of 2606089 & 2602755

Site Location: East side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr.

Current Zoning: RU-2-15

Requested Zoning: BU-1

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**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Pineda Landings Commercial Plaza and a vacant outparcel	BU-1 and BU-2	RES 15, CC and PI
<b>South</b>	Vacant	RU-2-12	RES 15
<b>East</b>	Vacant	RU-2-12	RES 15
<b>West</b>	Commercial Plaza	BU-1	CC

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**General Analysis**

The applicant is seeking to amend the Future Land Use designation from Residential 15 (RES 15) to Community Commercial (CC) on a 3.43 acre piece of the greater 7.27 acre parcel of land. The remaining 3.84 acre pieces of the greater parent parcels will retain the Residential 15 (RES 15) Future Land Use designation. The subject parcel is located within Unincorporated Brevard County on the east side of North Wickham Road approximately three hundred forty feet (340') south of Jordan Blass Drive.

The subject parcel abuts property developed as a commercial plaza with a fast food restaurant on the closest developed outparcel to the north, a vacant parcel to the south, a vacant parcel to the east and a Commercial Plaza to the west across North Wickham Road. The parcels to the south and east currently have a Future Land Use designation of Residential 15 (RES 15) with a current zoning of Medium-Density Multiple-Family Residential (RU-2-15). The applicant has indicated that the proposed use will include a hotel and restaurant.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, proposing to change the Zoning classification from Medium-Density Multiple-Family Residential (RU-2-15) to General Retail, Commercial (BU-1).

## Environmental Resources

*Note: The Natural Resources Management Office will provide a detailed analysis at the time of the future for rezoning for of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management Office concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.*

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## Historic Resources

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

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## Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

## **Role of the Comprehensive Plan in the Designation of Commercial Lands**

### **Policy 2.1**

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

#### **Criteria:**

- A. Overall accessibility to the site;

*The subject parcel has frontage on North Wickham Road, which is a major north-south corridor, functionally classified as an urban major collector. The subject parcel is located approximately three hundred forty feet (340') south of the intersection of Jordan Blass Drive and North Wickham Road. There is potential for cross-access between this parcel and the vacant commercial properties to the north. The subject parcel is located just less than a mile north of the intersection of Pineda Causeway and North Wickham Road. Pineda Causeway is an east-west, principal arterial road that connects to the barrier islands to the east and to Interstate 95 (I-95) to the west.*

*The nearest intersection is Jordan Blass Drive and North Wickham Road approximately three hundred and forty feet (340') to the north of the subject parcel and is a minor urban collector road of which could provide connectivity through the commercial properties to the north to the commercial plaza and the other commercial outparcels that have frontage on North Wickham Road. This cross-access connectivity could save unnecessary trips onto North Wickham Road.*

*The Easement & Operating Agreement between the subject property and the commercial parcels to the north indicates on page 78 that cross-access connectivity will be provided, allowing for the newly proposed commercial development to have access to the Jordan Blass signalized intersection. As a part of the request for Rezoning, the applicant has indicated that they would be willing to memorialize a commitment to provide cross-access within the 3 newly proposed commercial outparcels via a Binding Development Plan.*

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

*The area between Jordan Blass Drive to the north of the subject site and Pineda Causeway to the south along the North Wickham Road corridor is interspersed with mainly Neighborhood (NC) and Community Commercial (CC) Future Land Use designations. To the north of the commercial plaza there is a parcel with a Future Land Use designation of Planned Industrial (PI), which is developed as a medical complex. To the south of the subject site is a parcel with a Future Land Use designation of Planned Industrial (PI), which is currently developed as a market and to the south of that is a parcel with a Future Land Use designation of Public Facilities (PUB), which has been developed as a Post Office.*

**C. Existing commercial development trend in the area;**

*The North Wickham Road corridor between Jordan Blass Drive to the north and Pineda Causeway to the south is characterized mainly by Neighborhood Commercial (NC) and Community Commercial (CC) Future Land Use designations. Current development trends along this portion of the corridor are parcels developed as a medical office park, commercial plazas and fresh markets as well as professional offices with a convenient store with gasoline sales, located on the northeast corner of the major intersection of North Wickham Road and Pineda Causeway to the south.*

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

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

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

*The subject parcel is served by the Cocoa Utilities' potable water supply. There are existing Brevard County Utilities sewer lines that run along the east side of North Wickham Road.*

*The preliminary transportation concurrency analysis indicates that the North Wickham Road corridor from Jordan Blass Drive to Pineda Causeway has a maximum acceptable volume (MAV) of 39,800. Brevard County defers to the Space Coast Transportation Planning Organization's (TPO's) traffic count program, which indicates that in 2016 the roadway's trips were at 74.52% of the MAV. With this Future Land Use change to Community Commercial (CC) the subject parcel at its highest use would increase the Maximum Acceptable Volume (MAV) to 138.00%. Currently, North Wickham Road has a Level of Service (LOS) of C. The Future Land Use change to Community Commercial (CC) would create a Level of Service (LOS)*

*of F. This segment of North Wickham Road has a maximum Acceptable Level of Service (LOS) of D.*

*The Board may wish to consider ways to improve access management to this site, restrict the uses to those that produce less trips or limit the number of driveways gaining access to Wickham Road.*

**F. Spacing from other commercial activities;**

*The subject parcel is adjacent to a vacant outparcel and a developed commercial plaza to the north. To the east and south are vacant parcels of land that recently received a Future Land Use change from Planned Industrial (PI) to Residential 15 (RES 15). Across North Wickham Road to the west is a developed commercial plaza.*

*The majority of the area between Jordan Blass Drive and Pineda Causeway along the North Wickham Road corridor maintains neighborhood and community commercial land uses.*

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

*The Future Land Use designation change from Residential 15 (RES 15) to Community Commercial (CC) is proposed on 3.43 acres.*

*In this area south of Jordan Blass Drive and north of Pineda Causeway, there are approximately 55.67 acres of Community Commercial (CC) parcels and approximately 22.75 acres of Neighborhood Commercial (NC) parcels. The subject site is one of the few remaining undeveloped parcels along this segment of the Wickham Road corridor.*

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

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

**I. Integration of open space; and**

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

**J. Impacts upon strip commercial development.**

*This area of the North Wickham Road Corridor is comprised of a mixture of Community Commercial (CC) and Neighborhood Commercial (NC) land uses. The promotion of strip pattern commercial development is discouraged within the Future Land Use Element for Community Commercial (CC) property. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern.*

## Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

*The applicant has indicated that the proposed use will include a hotel and restaurant.*

## Locational and Development Criteria for Community Commercial Uses

### Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

#### Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple Residential areas. Intrusion of these land uses into the surrounding Residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

*The subject parcel is less than 10 acres, but parcels with the Community Commercial (CC) Future Land Use designation are clustered at the intersection of Jordan Blass Drive and North Wickham Road. Currently there is a cluster of Community Commercial (CC) approximately 36.45 acres in size. This cluster of over ten (10) acres is not on a principal arterial/principal arterial intersection but on a collector/principal arterial intersection.*

*This cluster of community commercial serves multiple residential areas to include Suntree Planned Unit Development (PUD) to the west, a residential community of over one hundred homes on a golf course. Suntree PUD has connectivity to this intersection both at Jordan Blass Drive and North Wickham Road.*

*The 36.45 acre cluster is mainly located at the northeast, northwest and southwest corners of the intersection. There are limited Community Commercial (CC) parcels on the southeast corner of Jordan Blass Drive and Wickham Road where the subject property is located.*

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

*The subject parcel is 3.43 total acres in size and has not exceeded 40 acres. The subject parcel is located approximately three hundred forty feet (340') south of the intersection of Jordan Blass Drive and North Wickham Road and is not located directly at an intersection.*

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

*The subject parcel is less than 10 acres and is less than 40 acres in size when combined with the parcels adjacent to it to the north with the Community Commercial (CC) Future Land Use designation. There is an existing community commercial cluster of approximately 31.47 acres located close to one mile south of the subject property at the intersection of Pineda Causeway and Wickham Road.*

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

*The gross floor area is regulated through the land development regulations at the time of site plan review.*

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

*The maximum building square footage will be 41,835 s.f. The FAR is regulated through the land development regulations at the time of site plan review.*

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

*This parcel does meet the criteria to be developed as a recreational vehicle park because it does have access to an interstate exchange from North Wickham Road via Pineda Causeway to I-95 to the east.*

#### **For Board Consideration**

This request is seeking a change in Future Land Use designation from Residential 15 (RES 15) to Community Commercial (CC) on 3.43 acres of the greater 7.27 acre parcels. This area of Unincorporated Brevard County is comprised of a mixture of Neighborhood Commercial (NC) and Community Commercial (CC) development. The subject site is undeveloped.

The subject parcel is located approximately three hundred forty feet (340') south of a collector/ principal arterial intersection. This intersection has developed commercial properties on the northeast, northwest and the southwest corners with few developed commercial parcels on the southeast corner of this intersection where the subject site is adjacent to. This intersection serves neighboring residential communities to include the Suntree Planned Unit Development (PUD) to the west with connectivity via Jordan Blass Drive to North Wickham Road.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation could generate traffic that would cause deficiency of adopted roadway levels of service. Today, the Space Coast TPO's 2016 traffic counts indicate that North Wickham Road is at 74.52% of the maximum acceptable volume (MAV). Proposed development will be required to submit a Traffic Impact Analysis when submitting a site plan.

The Board may wish to consider requesting that the applicant create cross-access to the adjacent commercial property to the north to reduce the number of trips generated on North Wickham Road. By utilizing a cross-access aisle at the commercial property to the north, vehicles will be able to turn left or right onto North Wickham Road via the signalized intersection at Jordan Blass Drive. North Wickham Road is currently operating at a Level of Service (LOS) of C with a maximum allowable LOS of D. This proposed Future Land Use change to Community Commercial (CC) could cause this section of North Wickham Road to have a deficient LOS of F.

This request is accompanied by a companion proposal for a change of Zoning classification from Medium-Density Multiple-Family Residential (RU-2-15) to General Retail Commercial (BU-1).

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review**

**SUMMARY**

<b>Item #: 18PZ00060</b>	<b>Applicant: Vinings Palm Bay Investment, LLC</b>
<b>Future Land Use Request: RES15 to CC</b>	
<b>P&amp;Z Hearing Date: 07/09/18</b>	<b>BCC Hearing Date: 08/02/18</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 26S, Rng. 36, 37E, Sec. 13, 19 & 24; Tax ID Nos. 2606089 & 2602755**

The subject parcel contains mapped aquifer recharge soils (Tavares fine sand) as shown on the United States Department of Agriculture (USDA) Soils Conservation Service Soils Survey (SCSSS) Map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, a large Florida Scrub Jay polygon is mapped to the west of the parcel. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The subject parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4200 – Upland Hardwood Forest. Heritage Specimen Trees (greater than 24 inches in diameter) are included in this FLUCCS code and may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping,

and Tree Protection, for additional preservation and canopy coverage standards required for plat approval. Land clearing is not permitted without prior authorization by NRM.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

### **Administrative Policy 5**

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

**Criteria:**

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

### **Administrative Policy 6**

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

### **Administrative Policy 7**

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

### **Administrative Policy 8**

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

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

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

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

### **CONDITIONAL USE PERMITS (CUPs)**

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

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

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

(c) *General standards of review.*

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

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

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

### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

### **DEFINITIONS OF CONCURRENCY TERMS**

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

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

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

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

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

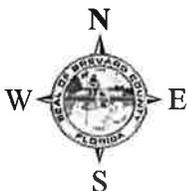
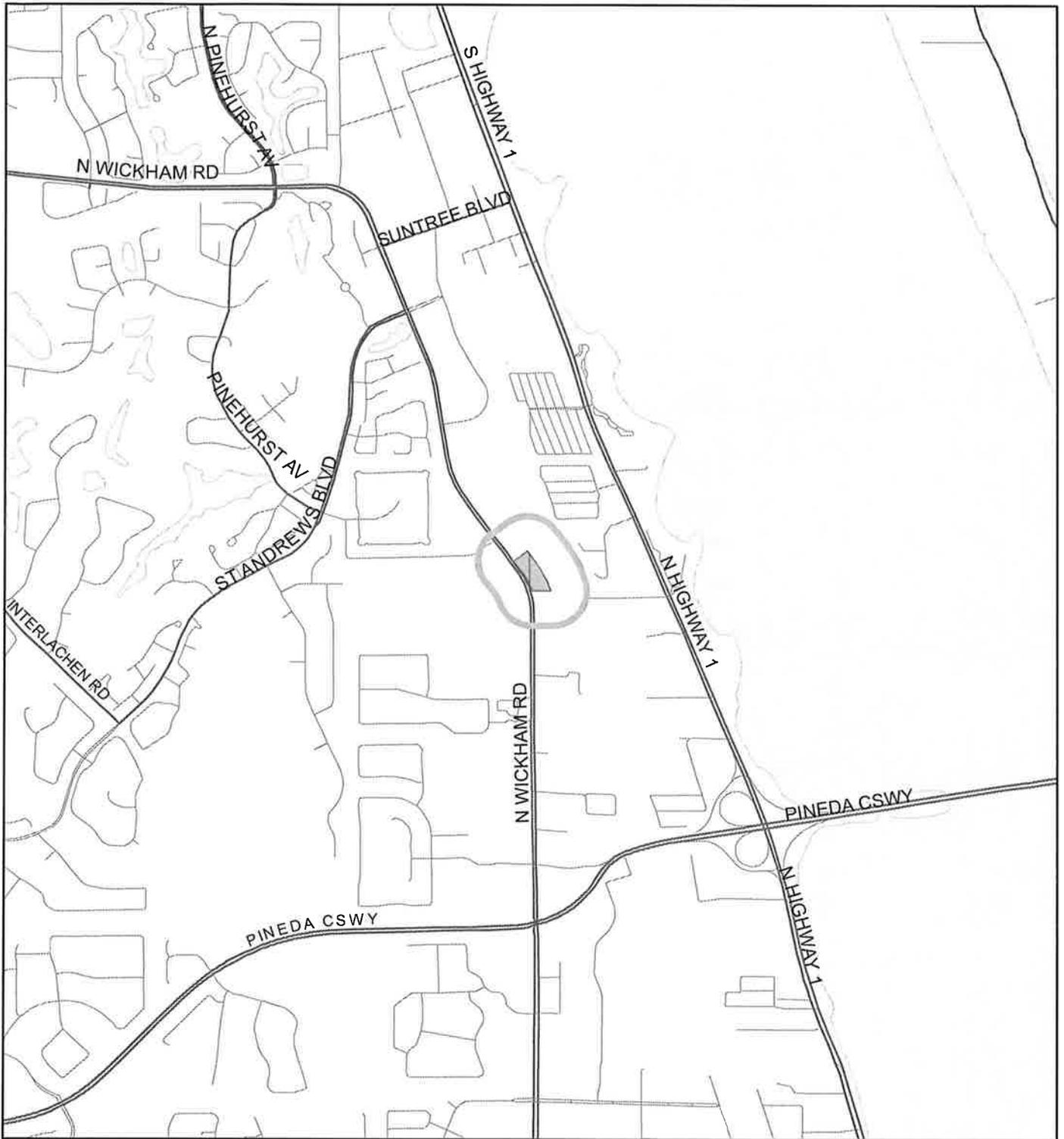
**Acceptable Level of Service (ALOS):** Acceptable Level of Service currently adopted by the County.

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

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

# LOCATION MAP

VININGS PALM BAY INVESTMENT, LLC  
18PZ00060 SMALL SCALE AMENDMENT 18S.04



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

Buffer Distance: 500 feet

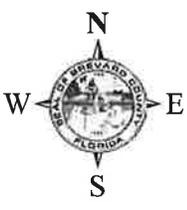
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/18/2018

-  Buffer
-  Subject Property

# ZONING MAP

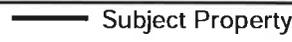
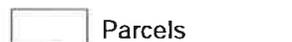
VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

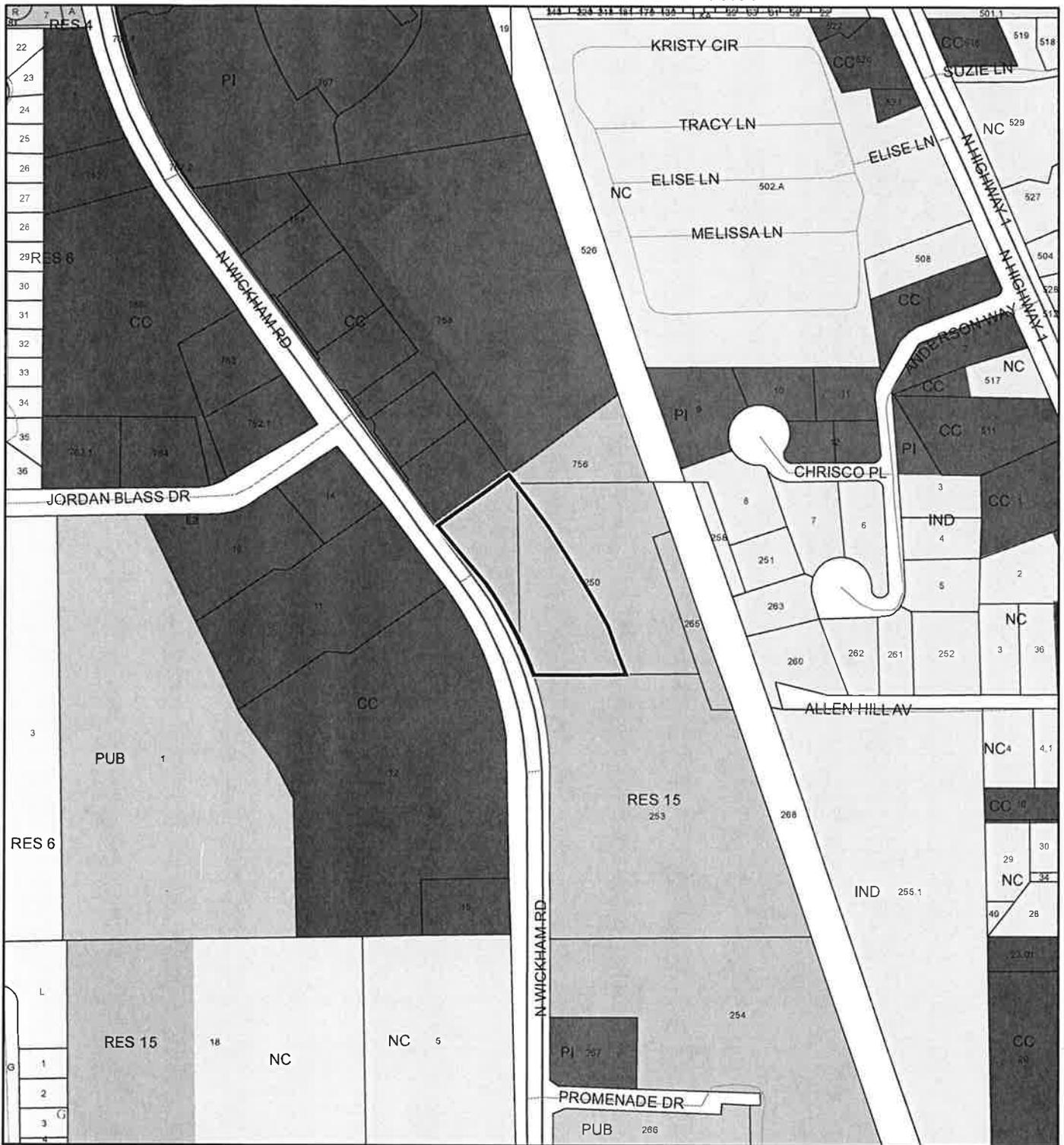
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/18/2018

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

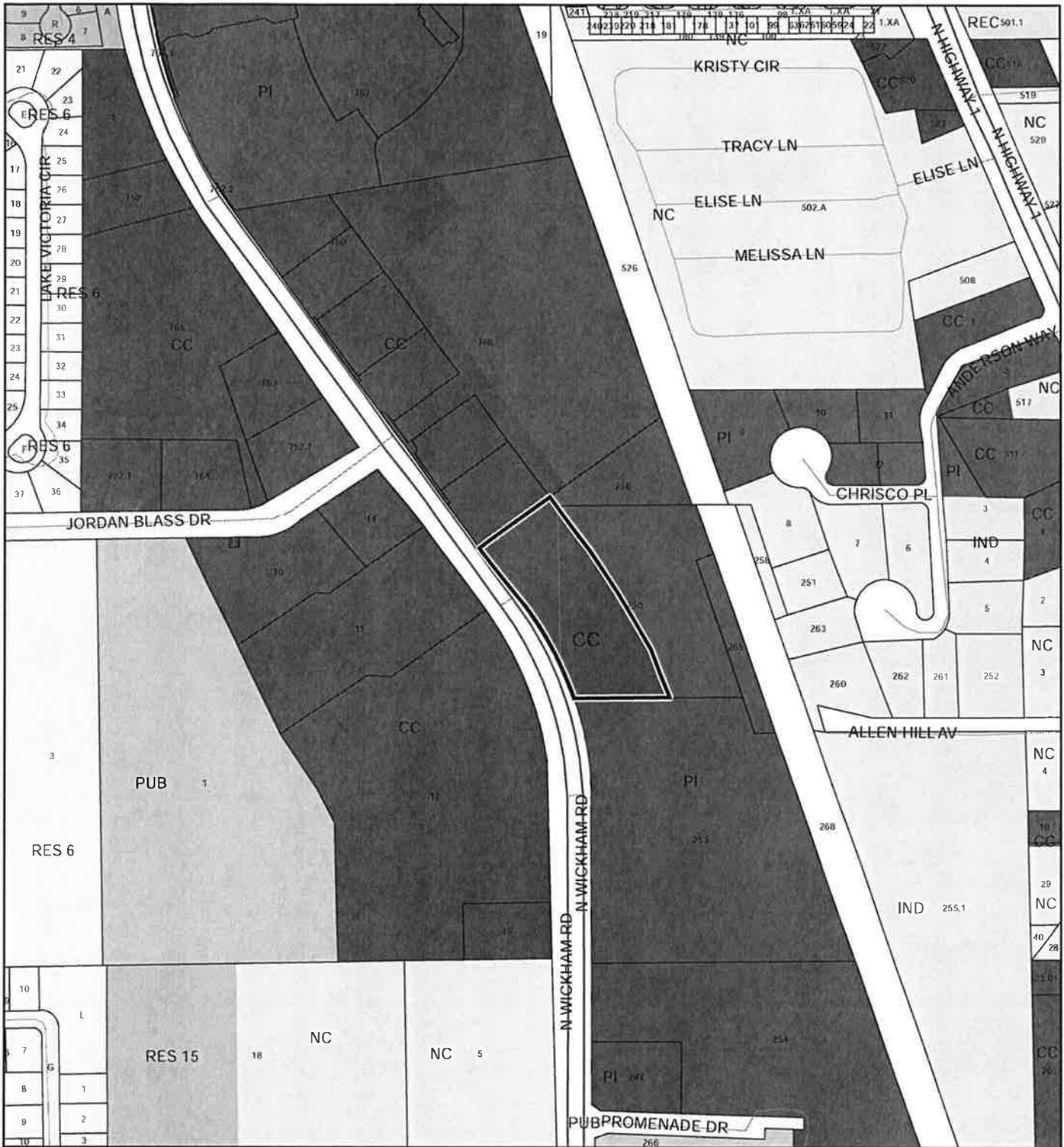
**—** Subject Property  
**□** Parcels

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: 5/23/2018

# PROPOSED FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

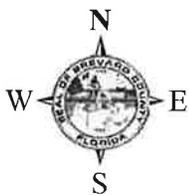
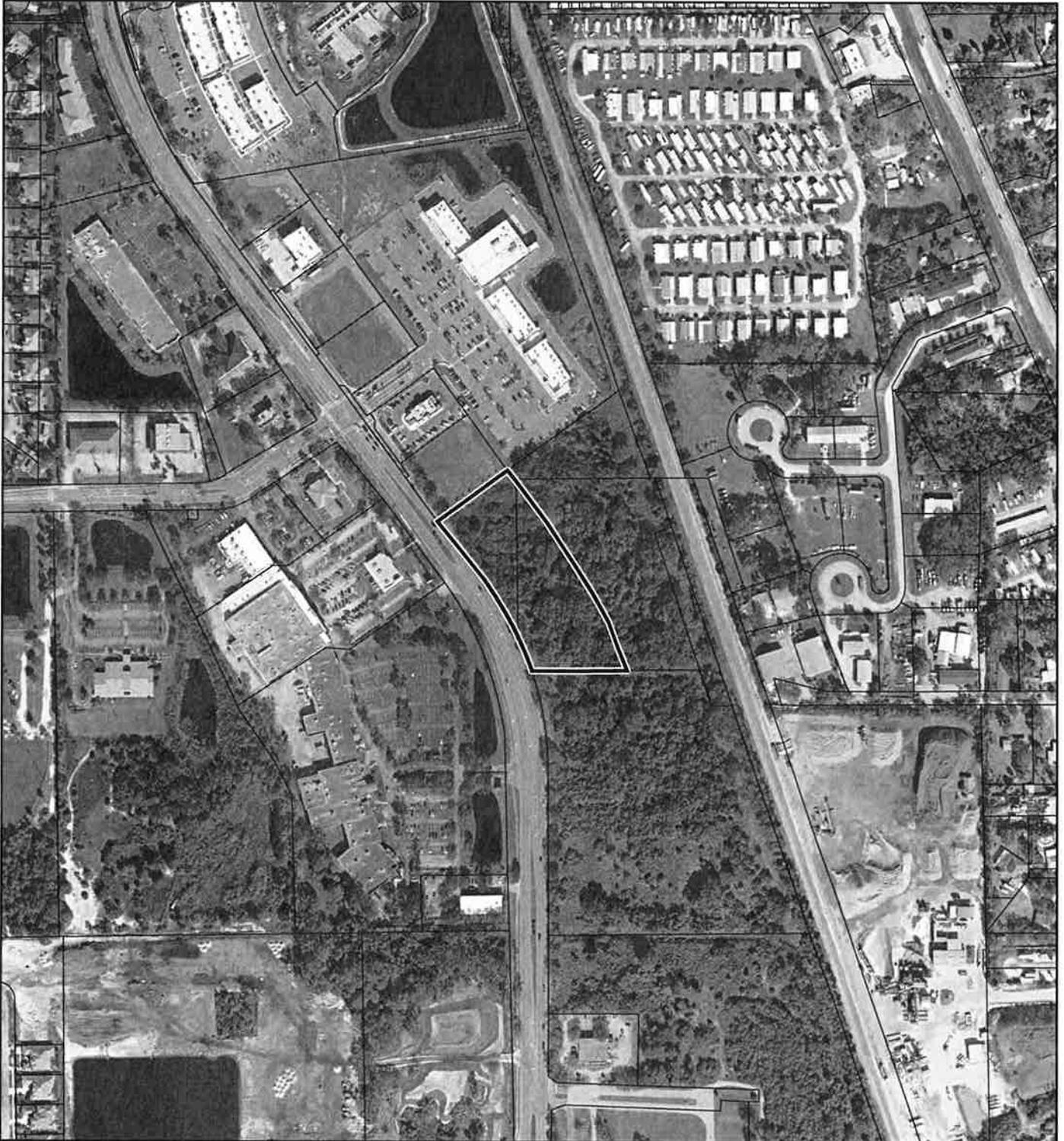
-  Subject Property
-  Parcels

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: 5/17/2018

# AERIAL MAP

VININGS PALM BAY INVESTMENT, LLC  
18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

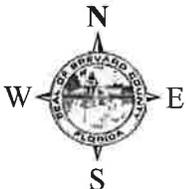
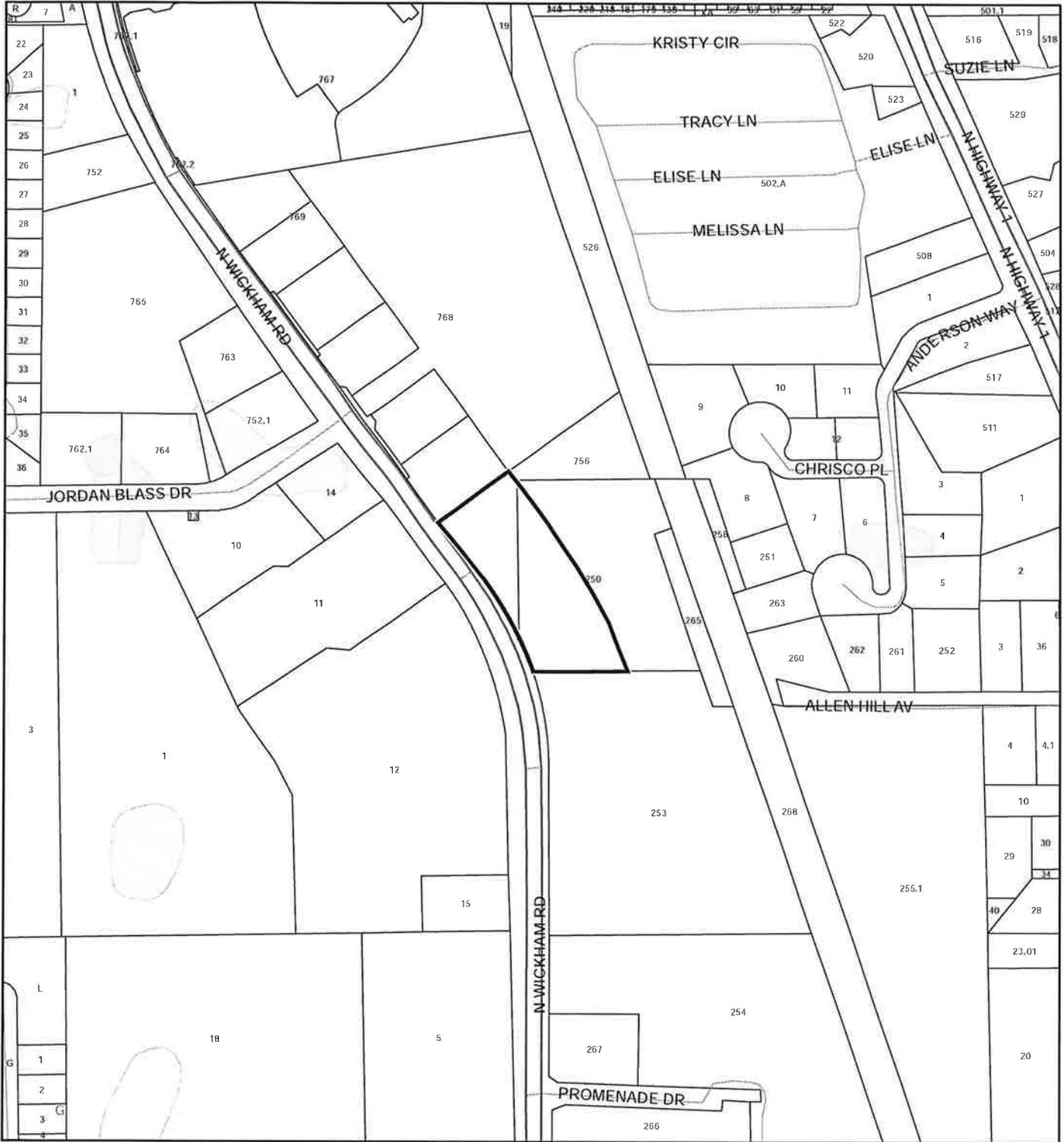
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/17/2018

-  Subject Property
-  Parcels

# NWI WETLANDS MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

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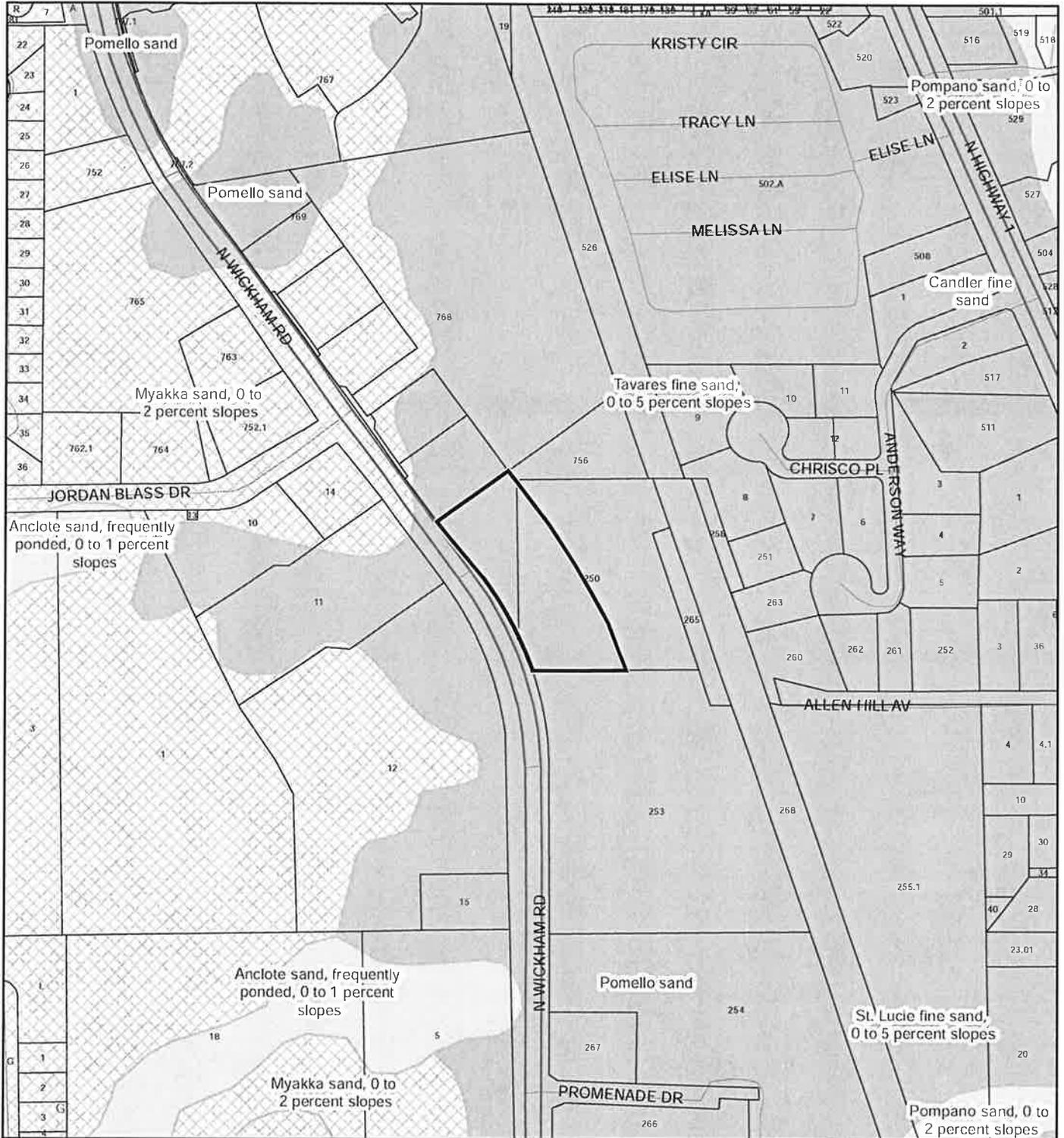
Produced by BoCC - GIS Date: 5/17/2018

### National Wetlands Inventory (NWI)

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

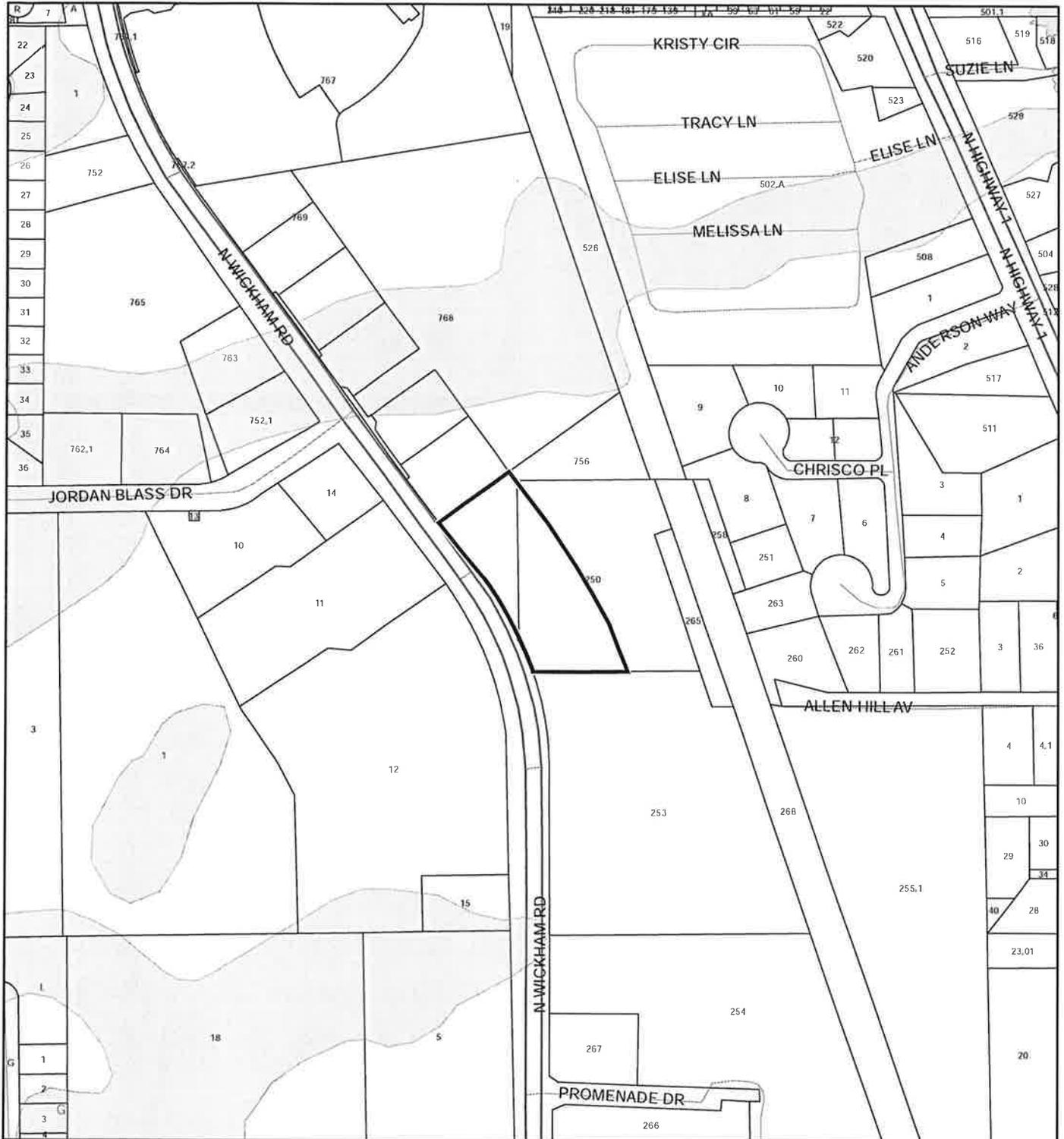
# USDA SCSSS SOILS MAP

VININGS PALM BAY INVESTMENT, LLC  
18PZ00060 SMALL SCALE AMENDMENT 18S.04



# FEMA FLOOD ZONES MAP

VININGS PALM BAY INVESTMENT, LLC  
 18PZ00060 SMALL SCALE AMENDMENT 18S.04



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/17/2018

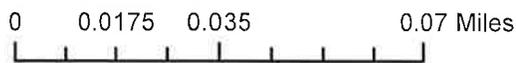
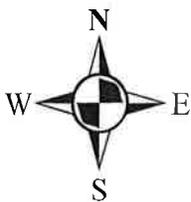
### FEMA Flood Zones

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





SJRWMD FLUCCS MAP  
Code 4200 - Upland Hardwood Forest  
18PZ00060



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 herein.

Legend	
LCCODE	
4200	

Ref: 4580.01

## TECHNICAL MEMORANDUM

**To:** Mr. Nathan Vedrani, CFH Group, LLC

**From:** Matthew West, AICP

**Subject:** Grand Oaks Outparcel Comprehensive Plan Amendment (CPA) and Rezoning – Brevard County, FL

**Date:** September 26, 2018

### INTRODUCTION

LTG, Inc. (LTG) has been retained by CFH Group LLC to conduct traffic engineering and transportation planning on behalf of the proposed 3.32-acre commercial development associated with Grand Oaks Apartments. The proposed future land use comprehensive plan amendment (CPA) will change the future land use designation of the property from Residential 15 (RES-15) to Community Commercial. The proposed CPA is accompanied by a related rezoning application to change the zoning from Medium Density Multiple Family Residential (RU-2-15) to (General Retail Commercial) BU-1. RU-2-15 zoning mirrors the RES-15 future land use density standard, and BU-1 zoning provides for the same intensity of development as Community Commercial. Therefore, this technical memorandum will examine the future land use potential impacts which will also suffice for the rezoning analysis. It should be noted that the property will be subject to a Binding Development Plan (BDP) which limits the site to a floor area ratio (FAR) of 0.3, places a 10,000 square foot total limit on Fast Food with drive through uses, and prohibits gas stations with convenience stores. The subject property is located on the east side of Wickham Road just south of Jordan Blass Drive in unincorporated Brevard County, Florida.

The methodology and procedures used in this analysis are consistent with the guidelines for Brevard County, the Florida Department of Transportation (FDOT) and the Department of Economic Opportunity (DEO).

### TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing Future Land Use (FLU) designations and the proposed FLU designation were calculated using the nationally accepted trip generation software, *TripGen* (10<sup>th</sup> Edition), prepared by the Institute of Transportation Engineers (ITE).

The analysis is based on the existing FLU designation of RES-15, and the requested FLU designation of Community Commercial as outlined in the Future Land Use element of the Brevard County's Comprehensive Plan. According to the Future Land Use element, RES-15 has a maximum density of fifteen (15) dwelling units per acre. Therefore, the maximum development scenario under the existing RES-15 FLU for the 3.32-acre property is forty-nine (49) dwelling units. The maximum development scenario for the FLU designation of Community Commercial in the County's Comprehensive Plan is a Floor Area Ratio (FAR) of 1.0, but a BDP is proposed which reduces the FAR to 0.3. This reduced intensity level permits 43,386 square feet of commercial/retail uses.

As indicated in Table 1, the existing FLU's maximum development scenario for the property could produce 265 gross daily trips and 22 gross p.m. peak-hour trips based on the ITE Land Use Code of Multi-Family Mid-Rise (ITE Land Use Code 221).

Next, the maximum development potential of the requested Community Commercial was calculated with a cap of 0.3 FAR based on the proposed BDP. As proposed, the maximum intensity permitted for Community Commercial generates 43,386 square feet of commercial uses. For purposes of this analysis, Shopping Center (ITE Land Use Code 820), and Fast Food Restaurant with Drive Through Window (ITE Land Use Code 934) with a limit of 10,000 square feet were used after consulting the ITE TripGen software (10<sup>th</sup> edition). These uses are some of the most intense uses permitted in Community Commercial. As indicated in Table 1, the requested FLU (Community Commercial) potentially produces on a daily trip basis 3,407 for shopping center and 4,709 for fast food. Gross p.m. peak-hour trip projections are 293 for shopping center and 327 for fast food with drive through window.

**Table 1  
 Gross Trip Generation Comparison  
 Grand Oaks – Comprehensive Plan Amendment**

Time Period	Future Land Use	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Requested: Community Commercial	Shopping Center	820	$\ln(T) = 0.68\ln(X) + 5.57$	43,386	KSF	50%	50%	1,704	1,704	3,407
		Fast-Food Restaurant w/ Drive-Thru	934	$T = 470.95(X)$	10,000	KSF	50%	50%	2,355	2,355	4,709
	Existing: RES-15	Mid-Rise Multifamily	221	$T = 5.45(X) - 1.75$	49	Units	50%	50%	133	133	265
PM Peak-Hour	Requested: Community Commercial	Shopping Center	820	$\ln(T) = 0.74\ln(X) + 2.89$	43,386	KSF	48%	52%	141	152	293
		Fast-Food Restaurant w/ Drive-Thru	934	$T = 32.67(X)$	10,000	KSF	52%	48%	170	157	327
	Existing: RES-15	Mid-Rise Multifamily	221	$T = 0.44(X)$	49	Units	61%	39%	13	9	22

Due to the nature of the commercial uses, a portion of the trips, known as pass-by trips, will be attracted to each land use from traffic on adjacent roadways. The pass-by percentages per the ITE Trip Generation Handbook, 3<sup>rd</sup> Edition were applied as follows for each use: thirty-four (34) percent for shopping center land use, and forty-nine (49) percent for fast food with drive through window. The pass-by capture is limited to fourteen (14) percent of the adjacent roadway volume which in this case is Wickham Road. Therefore, the maximum pass-by capture utilized for the p.m. peak-hour is 373 trips and for daily trips it is 4,152 based on the Space Coast Transportation Planning Organization Traffic Counts: 2007 – 2016 (see Table 2).

**Table 2**  
**Net External Trip Generation Comparison**  
**Grand Oaks - Comprehensive Plan Amendment (CPA)**

Time Period	Future Land Use	Land Use	Total Trips			Pass-by Trips			New External Trips		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Daily	Requested: Community Commercial	Shopping Center	1,704	1,704	3,407	579	579	1,158	1,125	1,125	2,250
		Fast-Food Restaurant w/ Drive-Thru	2,355	2,355	4,709	1,154	1,154	2,308	1,201	1,201	2,402
	Existing: RES-15	Mid-Rise Multifamily	133	133	265	0	0	0	133	133	266
Time Period	Future Land Use	Land Use	Total Trips			Pass-by Trips			New External Trips		
PM Peak-Hour	Requested: Community Commercial	Shopping Center	141	152	293	48	52	100	93	100	193
		Fast-Food Restaurant w/ Drive-Thru	170	157	327	83	77	160	87	80	167
	Existing: RES-15	Mid-Rise Multifamily	13	9	22	0	0	0	13	9	22

\*Limited to 14 percent of adjacent street traffic for Wickham Road.

Note: RES-15 uses are yellow highlighted rows. All other rows not highlighted are uses permitted in Community Commercial.

The net change between the proposed future land use and the existing future land use designation is determined by subtracting trips generated by the existing RES-15 from the trips generated by one of the proposed Community Commercial uses. The proposed development program potentially will increase daily trips as much as 2,136 and p.m. peak-hour trips as much as 171.

**CONCLUSION**

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment and Rezoning would have on area roadways. Based on this analysis, there could be a net increase in potential traffic over what is currently allowed by the City's Comprehensive Plan. The Community Commercial FAR of 1.0 is not consistent with the development patterns in the vicinity, which exhibit a much lower intensity. The BDP more accurately reflects the type of intensity along Wickham Road and in Brevard County. More likely the property will be developed with a suburban character. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process. Therefore, this Comprehensive Plan Amendment is recommended for adoption.

---

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West, AICP



Signature: \_\_\_\_\_

Date: September 26, 2018

ORDINANCE NO. 18-\_\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2018, 18S.04, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2018 as Plan Amendment 18S.04; 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 18S.04; 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

WHEREAS, on July 9, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 18S.04, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 1, 2018, 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 18S.04; and

WHEREAS, Plan Amendment 18S.04 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 18S.04 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 18S.04 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 18S.04, 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,

**EXHIBIT A**  
**18S.04 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

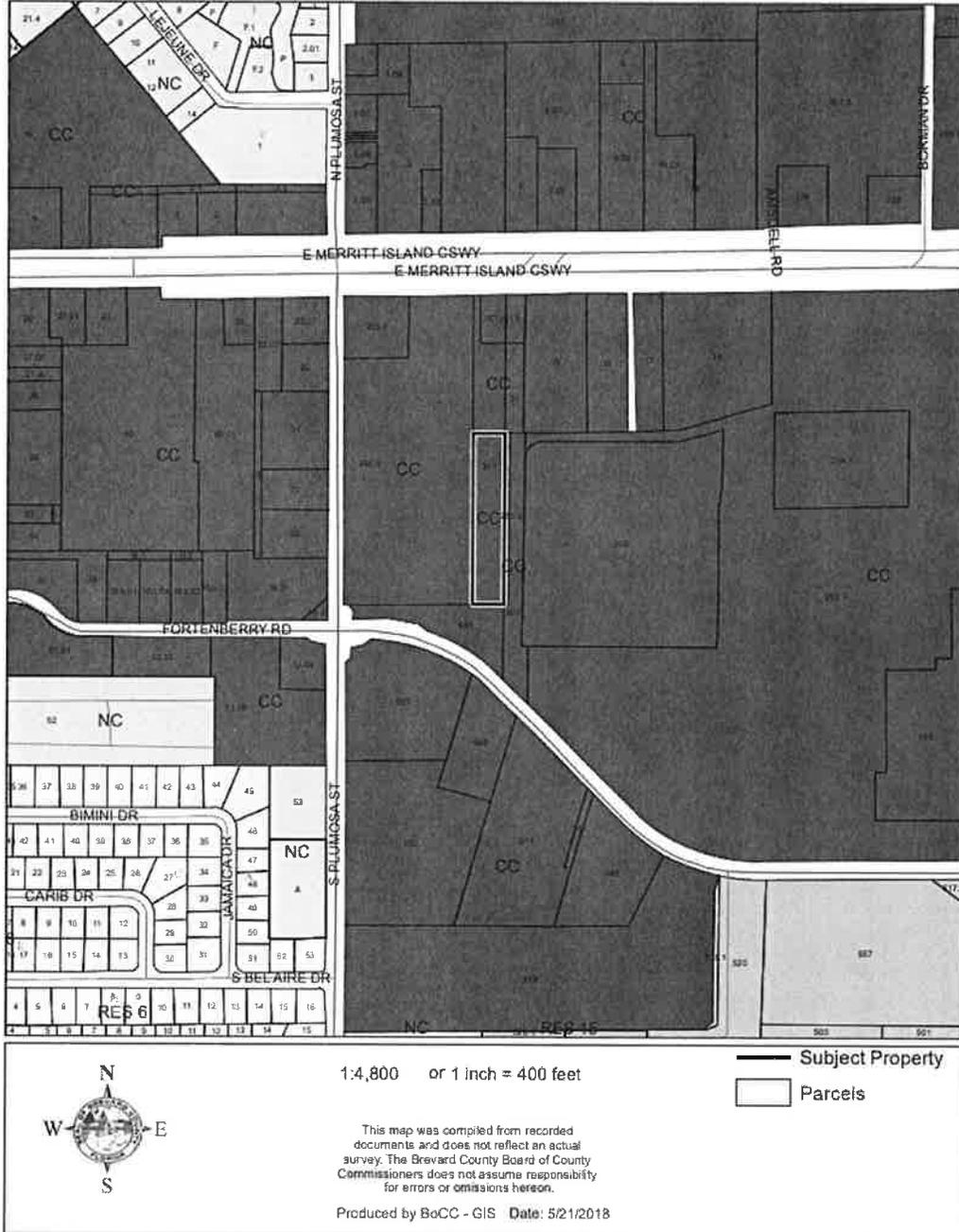
**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

VININGS PALM BAY INVESTMENT, LLC

18Z0060 SMALL SCALE AMENDMENT 18S.04



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: 5/21/2018

**EXHIBIT B**  
**FINDINGS OF FACT**

**Contents**

**1. Legal Description**

**From:** [Commissioner, D1](#)  
**To:** [Sterk, Erin](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** FW: Vinings Commercial Rezoning  
**Date:** Tuesday, October 2, 2018 2:57:08 PM  
**Attachments:** [image001.png](#)

---

FYI

Regards,

*Marcia Newell*

Legislative Aide to Commissioner Rita Pritchett

[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



District 1 Commission Office

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Bruce M [mailto:[brucem@mbveng.com](mailto:brucem@mbveng.com)]  
**Sent:** Monday, October 01, 2018 4:57 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Vinings Commercial Rezoning

Dear Commissioners,

Per the tabling of my item 18PZ00059 and 18PZ00060 on Sept.6, we have made the following concessions in order to address staff concerns and prevent the warrant for a signal at the parcel driveway:

1. Gas stations with convenience stores will not be allowed (revised BDP Item #3);
2. Fast food restaurants will be limited to a total of 10,000 sq.ft. (revised BDP Item #4);
3. The overall Floor-Area Ratio (F.A.R.) will be limited to 0.3 (revised BDP Item #5);
4. Once warranted, the owner/develop will construct a directional median opening at the current full access median opening (revised BDP Item #6).

We feel this is a very pro-active resolution to allowing the commercial zoning and limiting the developability to discourage a traffic signal warrant. I hope you agree. Should you have any questions at all, please feel free to contact me prior to the agenda meeting this Thursday.

Thank you for your consideration.

***Bruce A. Moia. P.E.***

President , MBV Engineering, Inc.

1250 W. Eau Gallie Blvd., Unit L, Melbourne, FL 32935

P: 321.253.1510 C: 321.243.0583 F: 321.253.0911

Conference:218.895.1236 Passcode:723343

[BruceM@mbveng.com](mailto:BruceM@mbveng.com) [www.mbveng.com](http://www.mbveng.com)

[www.linkedin.com/pub/bruce-moia/14/6a7/58a](http://www.linkedin.com/pub/bruce-moia/14/6a7/58a)

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**2013 Consultant of the Year – APWA**

Also with offices in Vero : 772.569.0035 and Ft. Pierce: 772.468.9055



**From:** [Sterk, Erin](#)  
**To:** [Tobia, John](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** RE: Communications Disclosure H.9. & H.10  
**Date:** Monday, October 01, 2018 4:50:57 PM

---

Commissioner Tobia,

Thanks for forwarding the disclosure – we'll include it in the record.

Regards,  
Erin

---

**From:** Tobia, John  
**Sent:** Monday, October 1, 2018 4:26 PM  
**To:** Sterk, Erin  
**Subject:** Communications Disclosure H.9. & H.10

October 1, 2018

To: Erin Sterk, Interim Planning & Zoning Manager  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Communications Disclosure

Ms. Sterk:

In regards to the upcoming agenda items H.9. and H.10. (The Vinings Palm Bay Investment, LLC) for the Planning & Zoning meeting on October 4<sup>th</sup>, 2018, please be advised in advance that on September 6<sup>th</sup>, 2018, I communicated via cell phone with Bruce Moia regarding information on the applicant's desired change in zoning classification.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

Ref: 4580.01

## TECHNICAL MEMORANDUM

**To:** Mr. Nathan Vedrani, CFH Group, LLC

**From:** Matthew West, AICP

**Subject:** Grand Oaks Outparcel Comprehensive Plan Amendment (CPA) and Rezoning – Brevard County, FL

**Date:** October 3, 2018

### INTRODUCTION

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The trip generation for the maximum development scenarios for both the existing Future Land Use (FLU) designations and the proposed FLU designation were calculated using the nationally accepted trip generation software, *TripGen* (10<sup>th</sup> Edition), prepared by the Institute of Transportation Engineers (ITE).

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Due to the nature of the commercial uses, a portion of the trips, known as pass-by trips, will be attracted to each land use from traffic on adjacent roadways. The pass-by percentages per the ITE Trip Generation Handbook, 3<sup>rd</sup> Edition were applied as follows for each use: thirty-four (34) percent for shopping center land use, and forty-nine (49) percent for fast food with drive through window. The pass-by capture is limited to ten (10) percent of the adjacent roadway volume which in this case is Wickham Road. Therefore, the maximum pass-by capture utilized for the p.m. peak-hour is 373 trips and for daily trips it is 2,837 based on the Space Coast Transportation Planning Organization Traffic Counts: 2017 (see Table 2). The 2017 count for Wickham Road in the vicinity of the site is 28,379 ADT. Ten percent of that number is 2,837. Applying a K factor of 0.09 to the ADT yields a p.m. peak-hour count of 2,554 trips. Ten percent of that number is 255 p.m. peak-hour trips. In this case, neither the pass-by capture of the shopping center nor the fast food uses exceeds the ten percent cap from the Wickham Road volume.

**Table 2**  
**Net External Trip Generation Comparison**  
**Grand Oaks - Comprehensive Plan Amendment (CPA)**

Time Period	Future Land Use	Land Use	Total Trips			Pass-by Trips			New External Trips		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Daily	Requested: Community Commercial	Shopping Center	1,704	1,704	3,407	579	579	1,158	1,125	1,125	2,250
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	Existing: RES-15	Mid-Rise Multifamily	133	133	265	0	0	0	133	133	266
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	Existing: RES-15	Mid-Rise Multifamily	13	9	22	0	0	0	13	9	22

\*Limited to 10 percent of adjacent street traffic for Wickham Road.

Note: RES-15 uses are yellow highlighted rows. All other rows not highlighted are uses permitted in Community Commercial.

The net change between the proposed future land use and the existing future land use designation is determined by subtracting trips generated by the existing RES-15 from the trips generated by one of the proposed Community Commercial uses (shopping center or fast food). The proposed development program potentially will increase daily trips as much as 2,136 and p.m. peak-hour trips as much as 171.

**CONCLUSION**

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment and Rezoning would have on area roadways. Based on this analysis, there could be a net increase in potential traffic over what is currently allowed by the City's Comprehensive Plan. The Community Commercial FAR of 1.0 is not consistent with the development patterns in the vicinity, which exhibit a much lower intensity. The BDP more accurately reflects the type of intensity along Wickham Road and in Brevard County. More likely the property will be developed with a suburban character. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process. Therefore, this Comprehensive Plan Amendment is recommended for adoption.

---

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West, AICP

Signature: 

Date: October 3, 2018

Disclosure  
18PZ00060  
Vinings Palm Bay

**From:** [Sterk, Erin](#)  
**To:** [Commissioner, D3](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** Re: Vinings Commercial Rezoning  
**Date:** Wednesday, October 24, 2018 10:42:23 AM

---

Billy,

Will do!

Erin

On Oct 24, 2018, at 9:35 AM, Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)> wrote:

Erin,

I know you received this, but if it hasn't already been put in the file, please do so as a disclosure.

Thank you,

Billy M. Prasad  
Chief of Staff to Commissioner Tobia, District 3  
[Billy.Prasad@BrevardFL.gov](mailto:Billy.Prasad@BrevardFL.gov)  
(321) 633-2075  
2539 Palm Bay Rd.  
Suite 4  
Palm Bay, FL 32905

---

**From:** Commissioner, D3  
**Sent:** Monday, October 22, 2018 6:22 PM  
**To:** Denninghoff, John P  
**Subject:** Fwd: Vinings Commercial Rezoning

FYI

---

**From:** Bruce M <[brucem@mbveng.com](mailto:brucem@mbveng.com)>  
**Sent:** Monday, October 22, 2018 6:20 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Cc:** Sterk, Erin  
**Subject:** RE: Vinings Commercial Rezoning

Dear Commissioners,

Per the last tabling of my item 18PZ00059 and 18PZ00060, we submitted all revised

information requested to staff the day after the BCC meeting. Staff has confirmed receipt. I have not received any comments or requests for revisions since then, so I am assuming we have addressed all concerns. Should any of you, as commissioners, have any need to discuss any concerns at all, please feel free to contact me.

Thank you for your consideration.

***Bruce A. Moia, P.E.***

President, MBV Engineering, Inc.

1250 W. Eau Gallie Blvd., Unit L, Melbourne, FL 32935

P: 321.253.1510 C: 321.243.0583 F: 321.253.0911

Conference:218.895.1236 Passcode:723343

[BruceM@mbveng.com](mailto:BruceM@mbveng.com) [www.mbveng.com](http://www.mbveng.com)

[www.linkedin.com/pub/bruce-moia/14/6a7/58a](http://www.linkedin.com/pub/bruce-moia/14/6a7/58a)

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**2013 Consultant of the Year – APWA**

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<image001.jpg>

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 9, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair, Robert LaMarr, Vice Chair; Ron Bartcher; Rochelle Lawandales; Andy Barber; Brian Hodgers; and Mark Wadsworth.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Christine Valliere, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, August 2, 2018, at 5:00 p.m.

Excerpt of complete agenda

- 7. VININGS PALM BAY INVESTMENT, LLC** (Tom Cabrerizo/Bruce Moia) – requests a Small Scale Comprehensive Plan Amendment from Res 15 to CC. The property is 3.43 +/- acres, located on the east side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr. (No assigned address. In the Melbourne area.) (18PZ00060) (District 4)

Bruce Moia, 1250 Eau Gallie Boulevard, representing the applicant, stated the board probably remembers this parcel when he came in to rezone the whole thing to Medium Density Multi-Family Residential (RU-2-15) for residential. He said since then, the subject property has been sold, and the new buyers are going to reduce the density on the apartment complex property and build some more commercial to line up with what's already going on by Fresh Market. He said one reason for that is because there is a major power line that runs along the south property line of this new carved out parcel, from the railroad tracks to Wickham Road; there are some extremely large oak trees that are going to be on the residential part to the east of the subject property that are going to be kept as a park area with a lake and some amenities. He noted it was all one piece of property back in the day, so there are interconnected easements for access to this parcel through the commercial parcel to the north.

No Public Comment

Rochelle Lawandales stated one of the questions that staff raised was about access management and concurrency. Mr. Moia replied his client has no problem granting an access easement. He said they will possibly divide the property, and if they do they will make sure everybody has access to the north to connect to that easement that comes from the back of the commercial to the north, and they'll have pedestrian connectivity from the apartment complex to get to the commercial. He stated his client is fine with the condition to provide the access so everybody can get back and forth. As far as traffic, staff has to report the worst case scenario, but it will not be the worst case, it will be typical of what is there currently.

Erin Sterk clarified that they have an operating agreement that gives them access into this property, but there's a binding development plan in the package because staff wanted to make sure people can get out at the signalized intersection. She noted there's nothing requiring them, if they subdivide, to provide further access, so that's what the binding development plan does.

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the Small Scale Comprehensive Plan amendment from Residential 15 to Community Commercial (CC). The motion passed unanimously.

8. **VININGS PALM BAY INVESTMENT, LLC** (Tom Cabrerizo/Bruce Moia) requests a change of zoning classification from RU-2-15 to BU-1 and removal of existing BDP. The property is 3.43 +/- acres, located on the east side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr. (No assigned address. In the Melbourne area.) (18PZ00059) (District 4)

Erin Sterk stated the board could restrict uses if it felt like the concurrency was an issue, but the zoning itself has a binding development plan proposed by the applicant, specifically dedicating the access connectivity through the parcels if they were to be subdivided.

No Public Comment

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the change of zoning classification from Medium Density Multi-Family (RU-2-15) to General Retail Commercial (BU-1). The motion passed unanimously.