



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

7/11/2024

Subject:

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a request a change of zoning classification from BU-1 and AU to all BU-2. (24Z00021) (Tax Account 2102561) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial).

Summary Explanation and Background:

The applicant is requesting to change the zoning classification from AU (Agricultural Residential) and BU-1 (General retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) for the purposes of a unified zoning across the entire property and to establish consistency with the proposed FLUM. The BU-1 portion includes approximately 1.9 acres and 0.1 acres of AU. The applicant proposes to develop the site for automobile and mobile home sales. The BU-2 zoning classification allows for outside storage.

A companion application 24SS00007, if approved, would amend the FLUM designation from CC (Community Commercial) and NC (Neighborhood Commercial) to all CC FLUM.

To the north is developed with a mix of single-family homes with BU-1 zoning, an auto body shop zoned BU-2 zoning and single-family home with TR-1 zoning. To the east is vacant with AU zoning. To the south is vacant with RU-1-11 zoning. To the west across Highway 1, is developed as a retail store.

BU-2 zoning is the County's most intense commercial zoning classification due to the intensive nature of commercial activities permitted such as major automotive repair, warehousing, and outdoor storage.

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

On June 10, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limiting the use to all BU-1 and only automobile and mobile home sales with 6-foot wall along east boundary, including the right-of-way, and adjacent to any residential use.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

24Z00021

Alexis DeJesus

AU & BU-1 (Agricultural Residential) to all BU-2 (Retail, warehousing and wholesale commercial)

Tax Account Number: 2102561
Parcel I.D.: 20G-34-22-AI-2-2.05
Location: East side of Highway US 1 approximately 400 feet south of Andre Road. (District 1)
Acreage: 2 acres

Planning & Zoning Board: 6/10/2024
Board of County Commissioners: 7/11/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU and BU-1	BU-2
Potential*	FAR 1	FAR 1 60 dwelling units***
Can be Considered under the Future Land Use Map	YES NC and CC	NO** & YES NC & CC

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

Approval is pending approval of companion request **24SS00007.

*** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting to change the zoning classification from AU (Agricultural Residential) and BU-1 (General retail Commercial) to BU-2 (Retail, warehousing and

wholesale commercial) for the purposes of a unified zoning across the entire proposed project area and to establish consistency with the proposed FLUM. The BU-1 portion includes approximately 1.9 acres and 0.1 acres of AU. The applicant proposes to develop the site for automobile and mobile home sales. The BU-2 zoning classification allows for outside storage.

The parcel has access to Highway US 1. According to the survey there least three frame buildings (one used as a single family residence), one concrete pad and two carports on the subject property.

The northerly east corner of the subject property retains the original AU zoning classification. There have been several zoning actions on different portions of the property.

West and south of the portion describe above was approved on March 10, 1966 under zoning action **Z-1865** from AU to BU-2. Subsequently the zoning was administratively changed July 3, 1975 to BU-1 under **AZ-0008**.

South of the portion describe above was approved on February 4, 1960 under zoning action **Z-290** from AU to BU-2. Subsequently the zoning was administratively changed July 3, 1975 to BU-1 under **AZ-0008**.

On November 8, 1973, the southern most portion of subject property was denied a request to change from AU to BU-2 under zoning action **Z-3434**, BU-1 was approved.

A companion application **24SS00007**, if approved, would amend the FLUM designation from CC (Community Commercial) and NC (Neighborhood Commercial) to all CC FLUM.

There is one (1) active code enforcement associated with the subject parcel: Case number 24CE-00510, opened 04/09/2024, removed vegetation without a permit.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single family dwellings/auto body shop	BU-1, BU-2, TR-1	CC, NC
South	undeveloped	RU-1-11	CC
East	Single family dwellings	TR-1, RRMH-1, AU, RU-1-11	RES 4
West	Highway/retail store/undeveloped	BU-1, BU-2	CC

To the north are 3 parcels; single family with BU-1 zoning, classified by Brevard County Property Appraiser as auto body shop with CC FLU designation and BU-2 zoning and single family with NC FLU designation and TR-1 zoning.

To the east is 1 parcel; 0.41-acre (unplatted residential vacant land) with RU-1-7 zoning.

To the south is 1 parcel; 30 acres vacant land with RU-1-1 zoning.

To the west is Highway 1, 0.72 acres of undeveloped land and 0.66 acres developed as a retail store, according to the Brevard County Property Appraiser.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

RRMH-1 classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

BU-1 classification permits retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

BU-2 retail, warehousing and wholesale commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services, outdoor storage yards, warehousing activities, and outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes on minimum 7,500 square foot lots.

BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted such as dry cleaning plants; Seafood processing plants not located within 300 feet of any residential zone boundary; and Testing laboratories. Other activities permitted with conditions in BU-2; Establishments with drive-through lanes; Crematoriums; Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products such as: Electronic assembly, Food, beverage and tobacco products, Pottery and figurines, Professional, scientific, photographic and optical instruments, Technical and scientific products and materials; and Recovered materials processing facility.

Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered.

Future Land Use

The subject property is currently designated as Community Commercial (CC) and Neighborhood Commercial (NC) on the FLUM. The existing BU-1 cannot be considered consistent with the existing CC FLU designation. The AU zoning can be considered consistent with the existing and Neighborhood Commercial (NC) FLU designation. The proposed BU-2 zoning classification can be considered consistent with the existing CC FLU designation, however, cannot be consider with the existing NC FLU designation.

Applicable Land Use Policies

FLUM Policy 2.2 Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

BU-2 zoning classification permits outdoor storage yards, wholesale and warehousing uses on minimum 7,500 square feet lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards).

B. Existing commercial zoning trends in the area;

The existing commercial uses are sparse in this area. Most commercial development is located along Highway 1. There are some single-family residential located along this segment of Highway 1. The west side of Highway 1 and to the North are developed with commercial uses. All of the commercial uses in the area have been established for at least 2 years. Commercial uses in the area includes, but not limited to a garage and auto body shop, a small light manufacturing plant, warehousing and truck terminal, a retail store, fraternal organization clubhouse and vacant commercial land.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The proposed use will need to comply with Brevard County Performance Standards noted within Section 62-1483, 62-1833.5, and 62-2251-62-2272 of Brevard County Code and subject to a site plan review.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The proposed development increases the percentage of MAV utilization by 6.90%. The corridor is anticipated to operate at 34.19% of capacity daily. The proposed development will not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

Potable water service may be provided by Brevard County Utility Water service. A Brevard County water node and line is located directly fronting the property on Highway 1. The closest Brevard County sewer line is approximately one and one-third (1.3) miles west across other properties to Indian River Parkway. An approved Concurrency Application, including potable water service capacity, Sanitary sewer service capacity and solid waste capacity is required upon a formal site plan submission.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

None identified.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.

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

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant has not provided hours of operation, a lighting plan, or a traffic analysis.

The Board should consider the array of intense uses permitted under the BU-2 zoning classification and the potential impacts to the abutting residential lots to the north and east.

Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning and Future Land Use change be approved.

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

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

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

1. historical land use patterns;

There are three (3) FLU designations within 500 feet of the subject site: CC, NC and RES 4. Predominant FLU designations CC and RES 4.

Within this segment of Highway 1, CC extends at least a quarter mile to the north and south of the subject. Located along the west side of Highway 1 is a mix of smaller clusters of land uses including CC, NC AND RES 4.

FLUM amendments within one-half mile within the past three years:

- **22SS00007 request to amend FLUM designation from REC to RES 4 on 2.12 acres, approved 09/01/2022 located approximately 735 feet east of the subject property.**

Zoning actions within one-half mile within the past three years:

- **22Z00029 – RU-1-11 with BDP, SR with BDP, GML & AU to RU-1-7 with BDP on 76.52 acres, approved 09/01/2022 located approximately 735 feet east of the subject property.**
- **21Z00026 – AU to SR on 0.5 acres, approved 11/04/2021 located approximately .25 mile north west of the subject property**

- **21Z00025 – AU to RR-1 on 1.15 acres, approved 03/03/2022 located approximately 652 feet north west of the subject property**
- **There are no pending zoning actions within one-half mile of the subject property.**

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

Construction of one single family home has occurred within the immediate preceding three years approximately 625 feet north west of the subject property.

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

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

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

No material violation of relevant policies has been identified.

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

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates the subject property is not located within an established residential neighborhood or area. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. The proposed development increases the percentage of MAV utilization by 6.90%. The corridor is anticipated to operate at 34.19% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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.

Staff analysis indicates the subject property is not located in an established residential neighborhood or area.

- 2) Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The east side corridor of Highway 1 has existing FLU designation of commercial. This request does not encroach into the existing the residential area.

- 3) An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Along the east side of Highway 1 is a mix of commercial uses, single-family residential and vacant land.

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.

Based on Natural Resources analysis, the proposed use is not anticipated to 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. However, development of the property may be limited due to Type 2 Aquifer Recharge soils that have impervious area restrictions.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Hwy 1, from Lionel Rd. to State Road 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 27.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 6.90%. The corridor is anticipated to operate at 34.19% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the Brevard County Water utilities service area for potable water. A Brevard County water node and line is located directly fronting the property on Highway 1. The closest Brevard County sewer line is approximately one and one-third (1.3) miles west across other properties to Indian River Parkway. An approved Concurrency Application, including potable water service capacity, Sanitary sewer service capacity and solid waste capacity is required upon a formal site plan submission.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 24Z00021

Applicant: Alexis DeJesus (Owners: Alexis DeJesus, Rosemary DeJesus, Brandon DeJesus)

Zoning Request: BU-1 & AU to all BU-2

Note: To sell mobile homes and automobiles

Zoning Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024

Tax ID No.: 2102561

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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

Land Use Comments:

Aquifer Recharge Soils

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

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit

Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. The confirmation of unpermitted land clearing activities may result in code enforcement action. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Enforcement

There is an active Code Enforcement case (24CE-00510) for unpermitted land clearing on the property in 2023/2024. The case is pending.

AERIAL MAP

DeJesus, Alexis & Rosemary & Brando
24Z00021





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

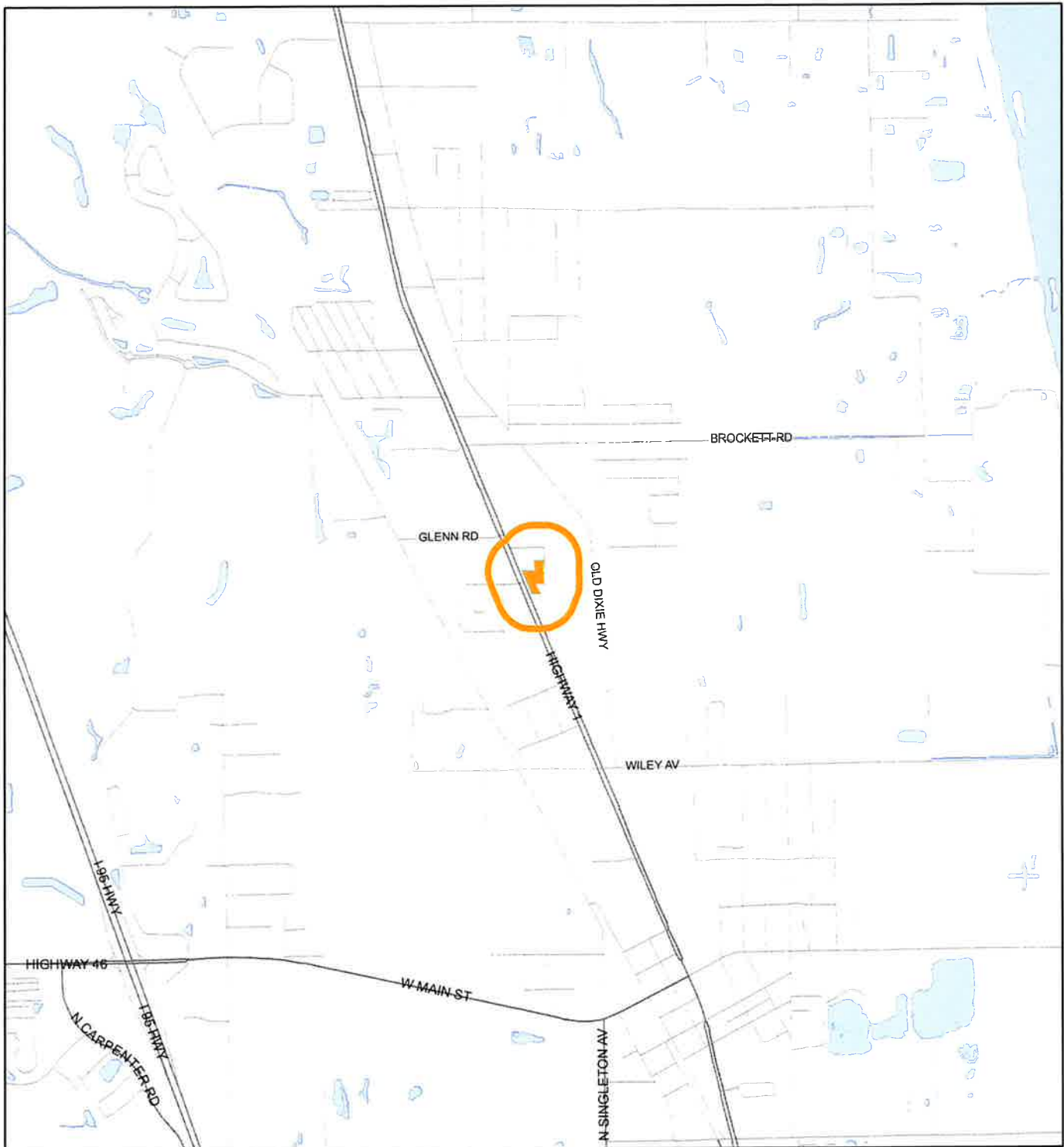
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/17/2024

 Subject Property
 Parcels

LOCATION MAP

DeJesus, Alexis & Rosemary & Brando
24Z00021



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

Buffer Distance: 500 feet

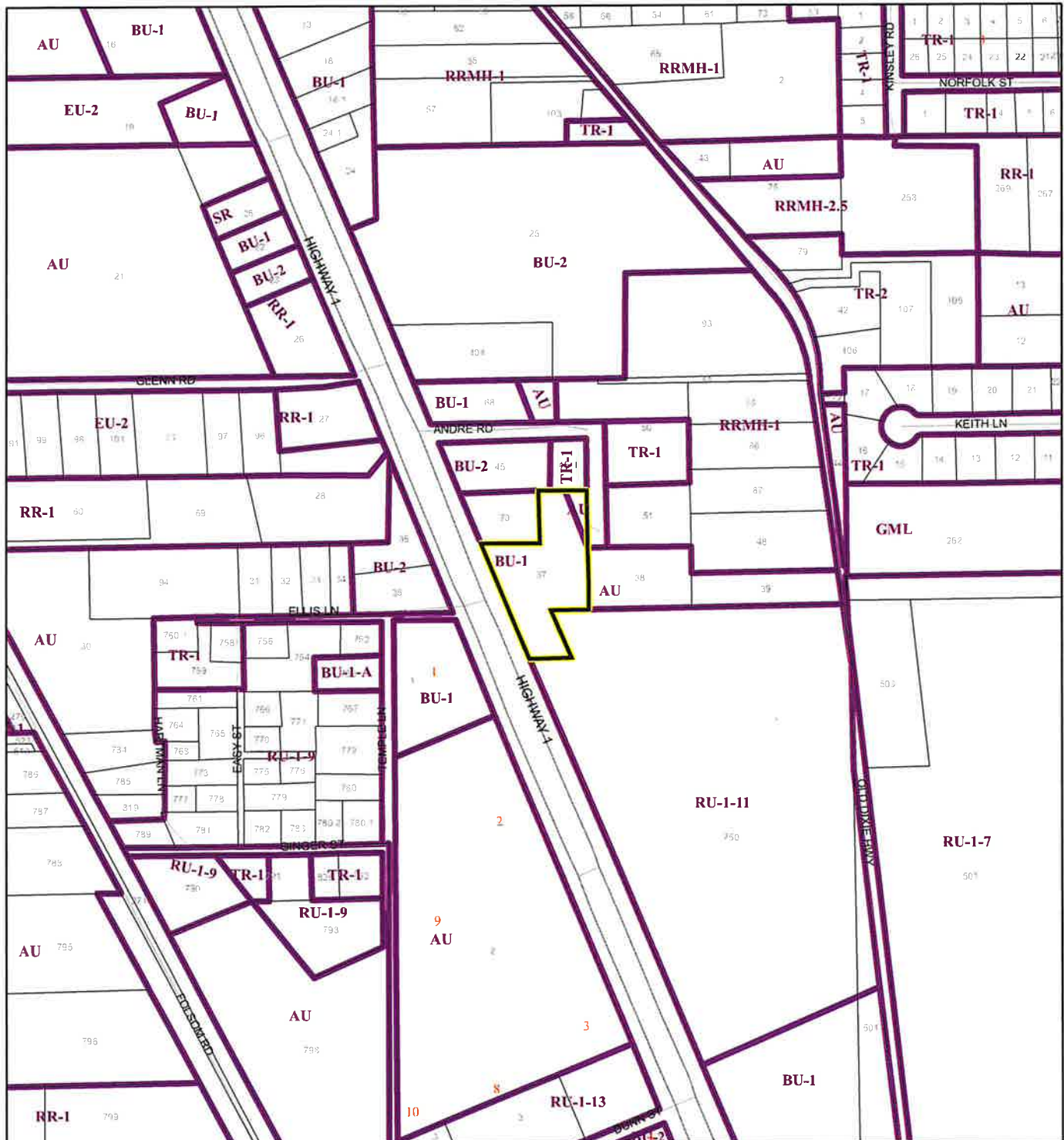
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/16/2024

Buffer
Subject Property

ZONING MAP

DeJesus, Alexis & Rosemary & Brando
24Z00021



1:4,800 or 1 inch = 400 feet

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

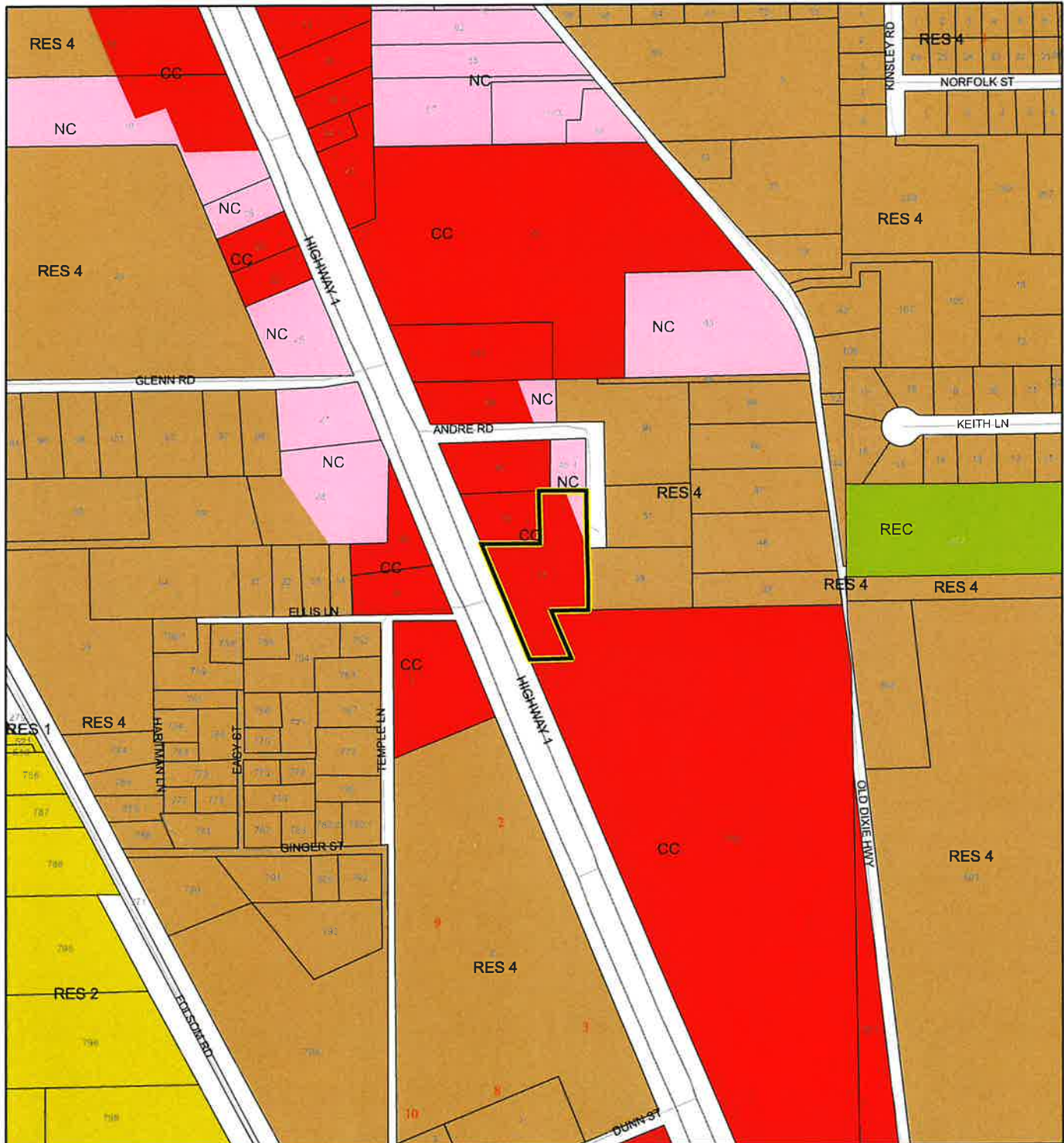
Produced by BoCC - GIS Date: 4/16/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



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: 4/16/2024

NWI WETLANDS MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

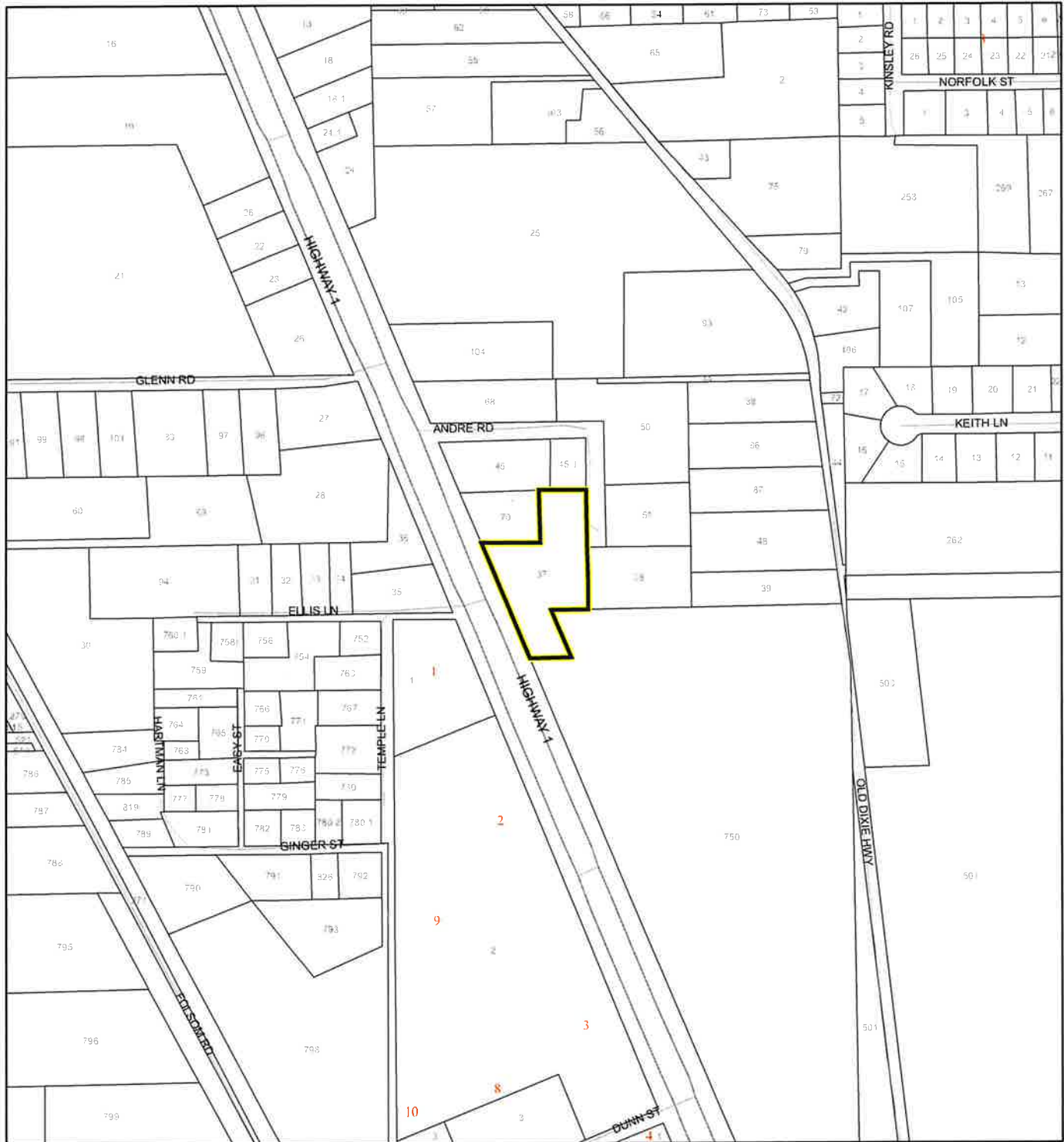
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

SJRWMD FLUCCS WETLANDS

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

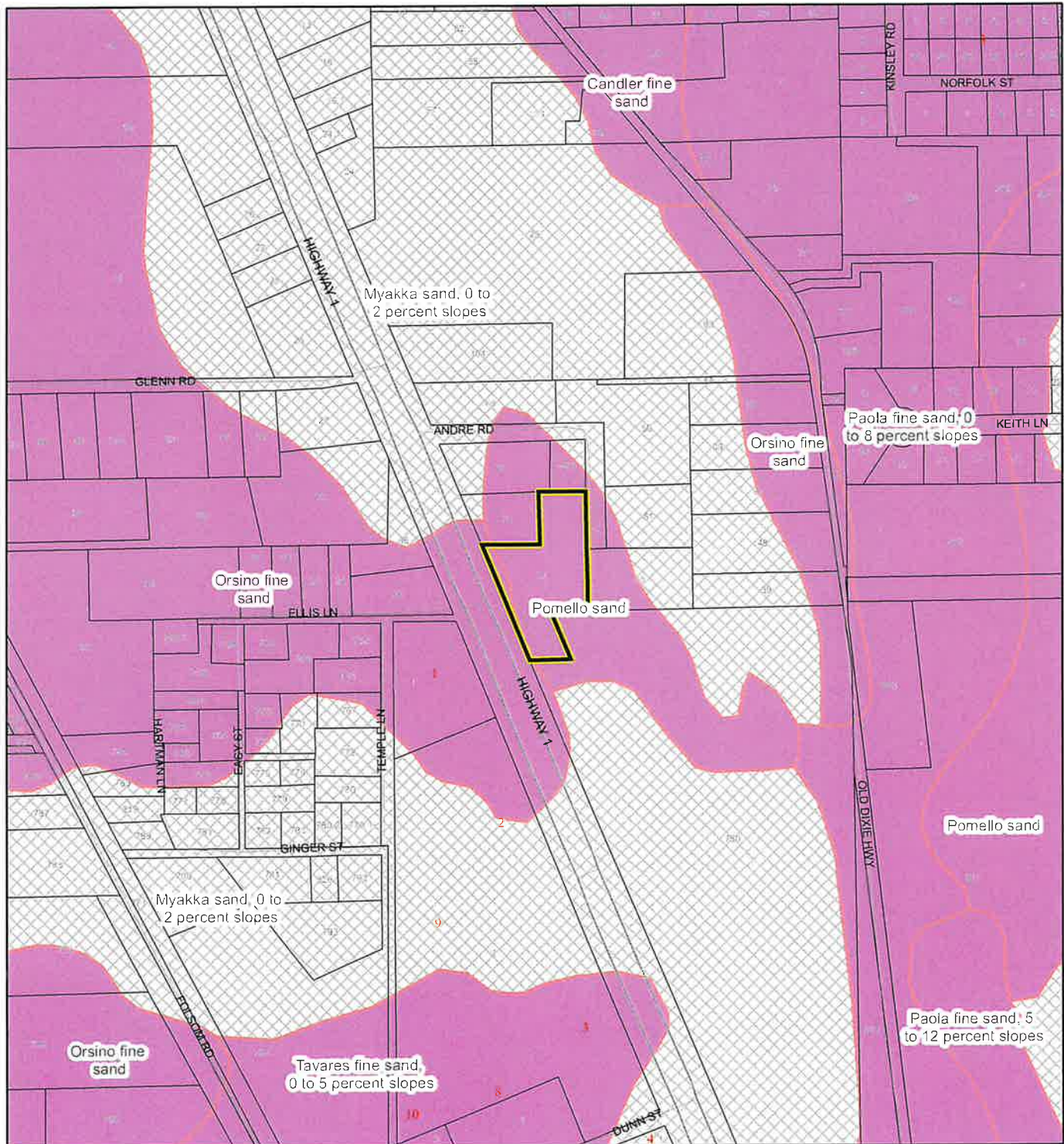
Subject Property

Parcels

USDA SCSSS SOILS MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021

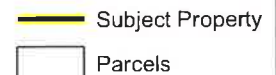


1:4,800 or 1 inch = 400 feet

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 herein.

Produced by BoCC - GIS Date: 4/16/2024

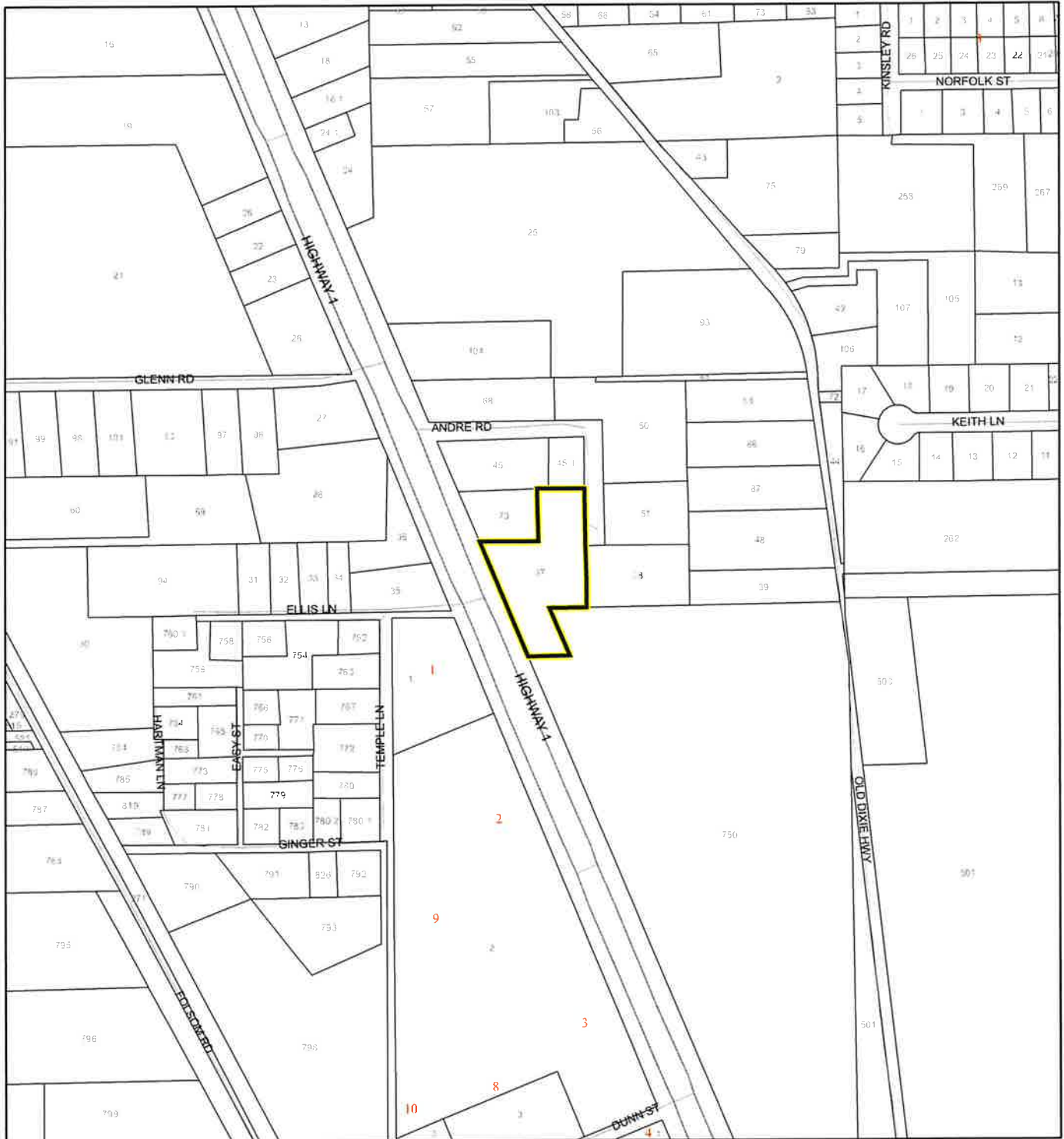
USDA SCSSS Soils



FEMA FLOOD ZONES MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

 Subject Property

 Parcels

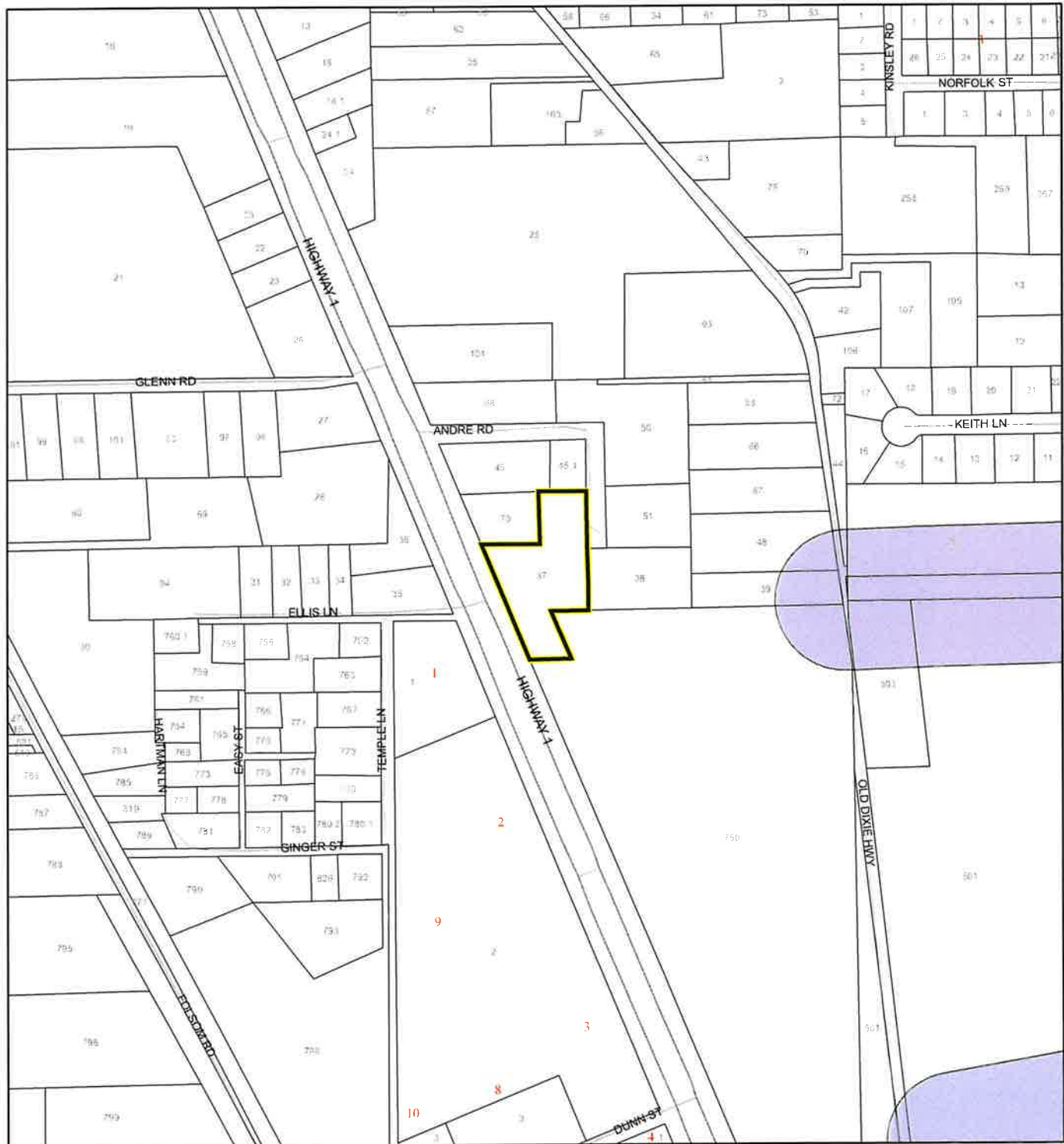
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

Subject Property

Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/16/2024

 Subject Property

 Parcels

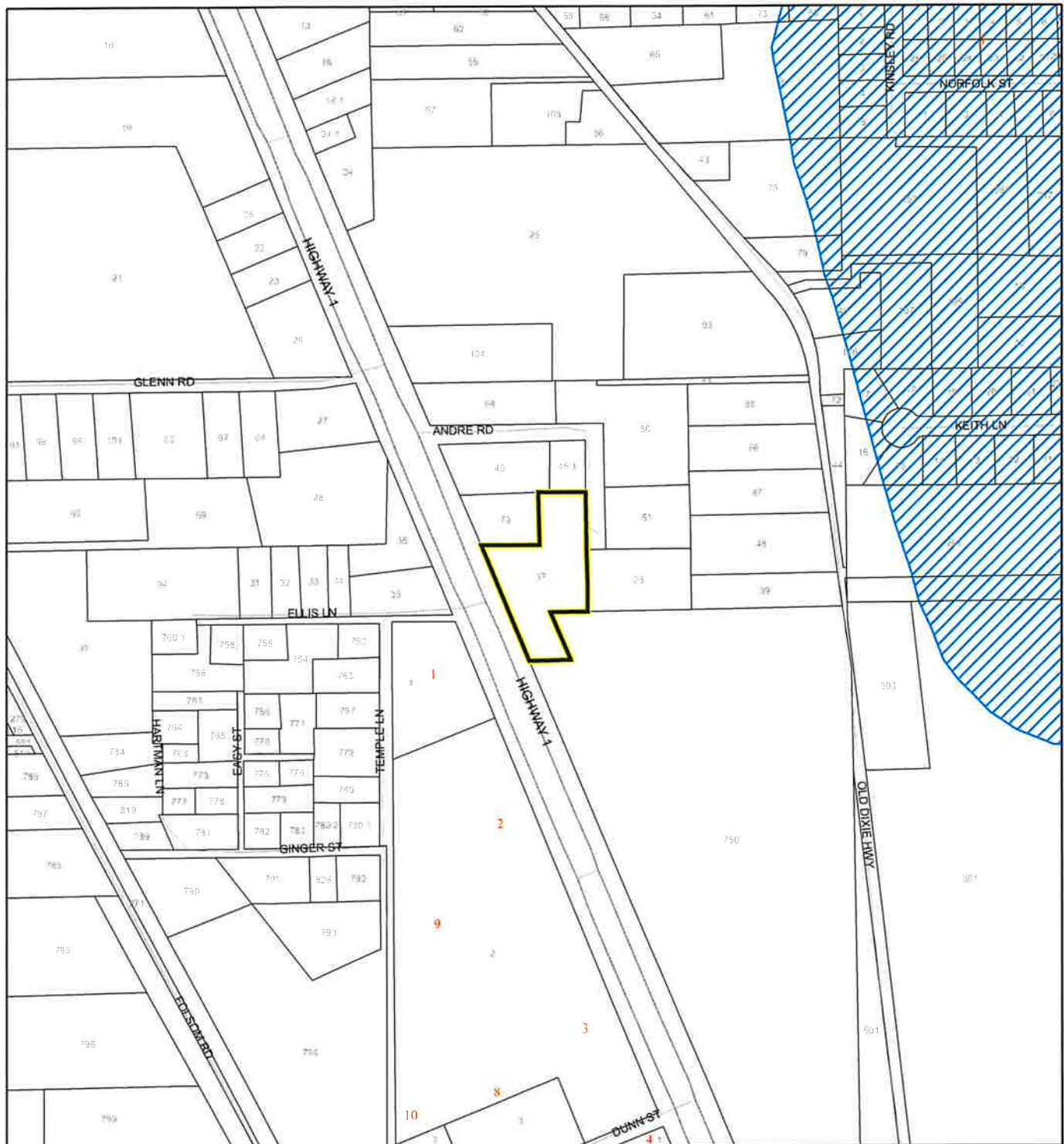


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021




1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/16/2024

SJRWMD FLUCCS Upland Forests

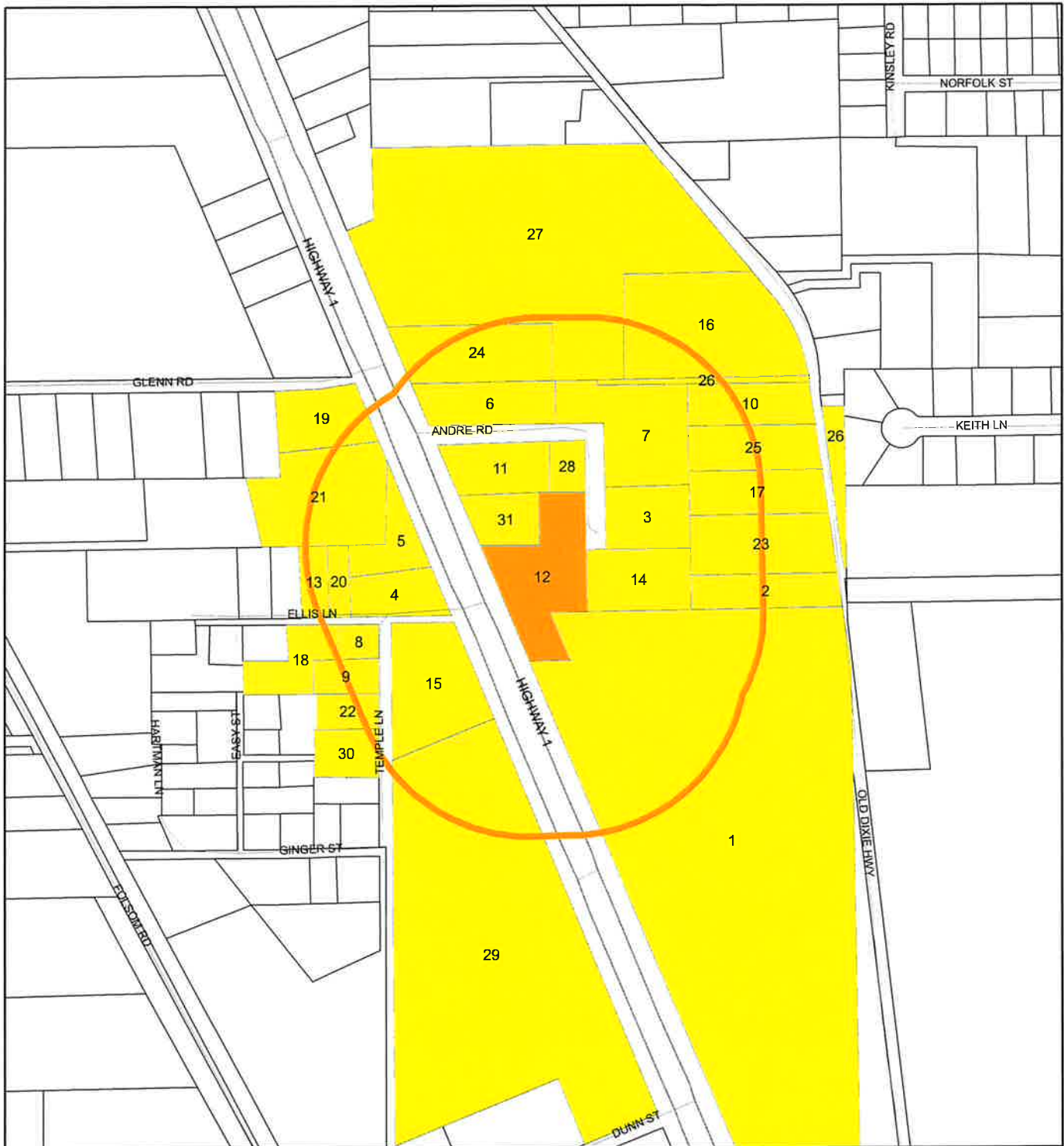
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

RADIUS MAP

DeJesus, Alexis & Rosemary & Brando
24Z00021



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 4/16/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 299, PAGE 295, A DISTANCE OF 750 FEET, TO A POINT OF BEGINNING; THENCE RUN WEST AND CONTINUING ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT DESCRIBED IN DEED BOOK 299, PAGE 295, TO THE EAST BOUNDARY LINE OF RIGHT-OF-WAY OF U.S. HIGHWAY 1; THENCE RUN NORTH ALONG SAID EAST BOUNDARY LINE OF U.S. HIGHWAY 1 RIGHT-OF-WAY, A DISTANCE OF 107 FEET; THENCE RUN EAST AND PARALLEL TO SAID SOUTH BOUNDARY LINE OF SAID TRACT DESCRIBED IN DEED BOOK 299, PAGE 295, TO A POINT DUE NORTH OF THE POINT OF BEGINNING; THENCE RUN SOUTH TO POINT OF BEGINNING. ALL LYING IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

JOB NUMBER: 2201-210

FIELD WORK DATE: 01/28/2022

PROPERTY ADDRESS:

3003 HIGHWAY 1, MIMS, FL 32754

FLOOD INFORMATION:

PANEL NUMBER: 12009C0115H

FIRM DATE: JANUARY 29, 2021

FLOOD ZONE: X

BASE FLOOD ELEVATION: NA

COMMUNITY NAME: BREVARD COUNTY

COMMUNITY NUMBER: 125092

AERIAL PHOTOGRAPH**SURVEYOR'S LEGEND**

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
C = CURVE
CATV = CABLE T.V. RISER
CB = CATCH BASIN
CL = CENTERLINE
CLP = CHAIN LINK FENCE
CLP = CONCRETE LIGHT POLE
CONC = CONCRETE
CP = CONTROL POINT
CPP = CONCRETE POWER POLE
D = DEED
DF = DRAINFIELD
ELEV = ELEVATION
EM = ELECTRIC METER
EOW = EDGE OF WATER
EP = EDGE OF PAVEMENT
F = FIELD
PCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE

FPE = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIPC = FOUND IRON PIPE AND CAP
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FND = FOUND NAIL
FND & D = FOUND NAIL AND DISC
FND = FOUND
FPK = FOUND PK NAIL
FPKD = FOUND PK NAIL AND DISC
FRRSPPK = FOUND RAILROAD SPIKE
GAR = GARAGE
HYD = FIRE HYDRANT
ID = IDENTIFICATION
L = LENGTH
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
M = MEASURED
MB = MAP BOOK
MES = MITERED END SECTION
MH = MANHOLE
MLP = METAL LIGHT POLE
OHW = OVERHEAD WIRES
P = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS
RNG = RANGE
R/W = RIGHT OF WAY
S = SEPTIC
SEC = SECTION
SIR = SET IRON ROD AND CAP
SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

— = BOUNDARY LINE
— = STRUCTURE LINE
— = CENTERLINE
— = EASEMENT LINE
— = FENCE LINE
— = OLD LOT LINE

SYMBOLS

⊙ = FIRE HYDRANT
⊙ = WATER METER
⊙ = POWER POLE
⊙ = GAS SERVICE
⊙ = LIGHT POLE
⊙ = WELL
⊙ = BENCHMARK
⊙ = CATCH BASIN
⊙ = SANITARY MANHOLE
⊙ = CABLE T.V. SERVICE
⊙ = ELECTRIC SERVICE
⊙ = TELEPHONE SERVICE
⊙ = DRAINAGE MANHOLE
⊙ = SANITARY SERVICE

SURVEYOR'S NOTES

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
8. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
9. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
10. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
11. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
12. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
13. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.025, FLORIDA STATUTES, THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BILL H. HYATT JR.
No. 4636
STATE OF FLORIDA
SURVEYOR

BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

2.1.22

DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

CERTIFIED TO:

THOMAS N. HORTON
TITLE SOLUTIONS OF FLORIDA, LLC
ALLIANT NATIONAL TITLE INSURANCE COMPANY

KNOW IT NOW, INC.

PROFESSIONAL SURVEYING AND MAPPING

5220 US HIGHWAY 1, #104

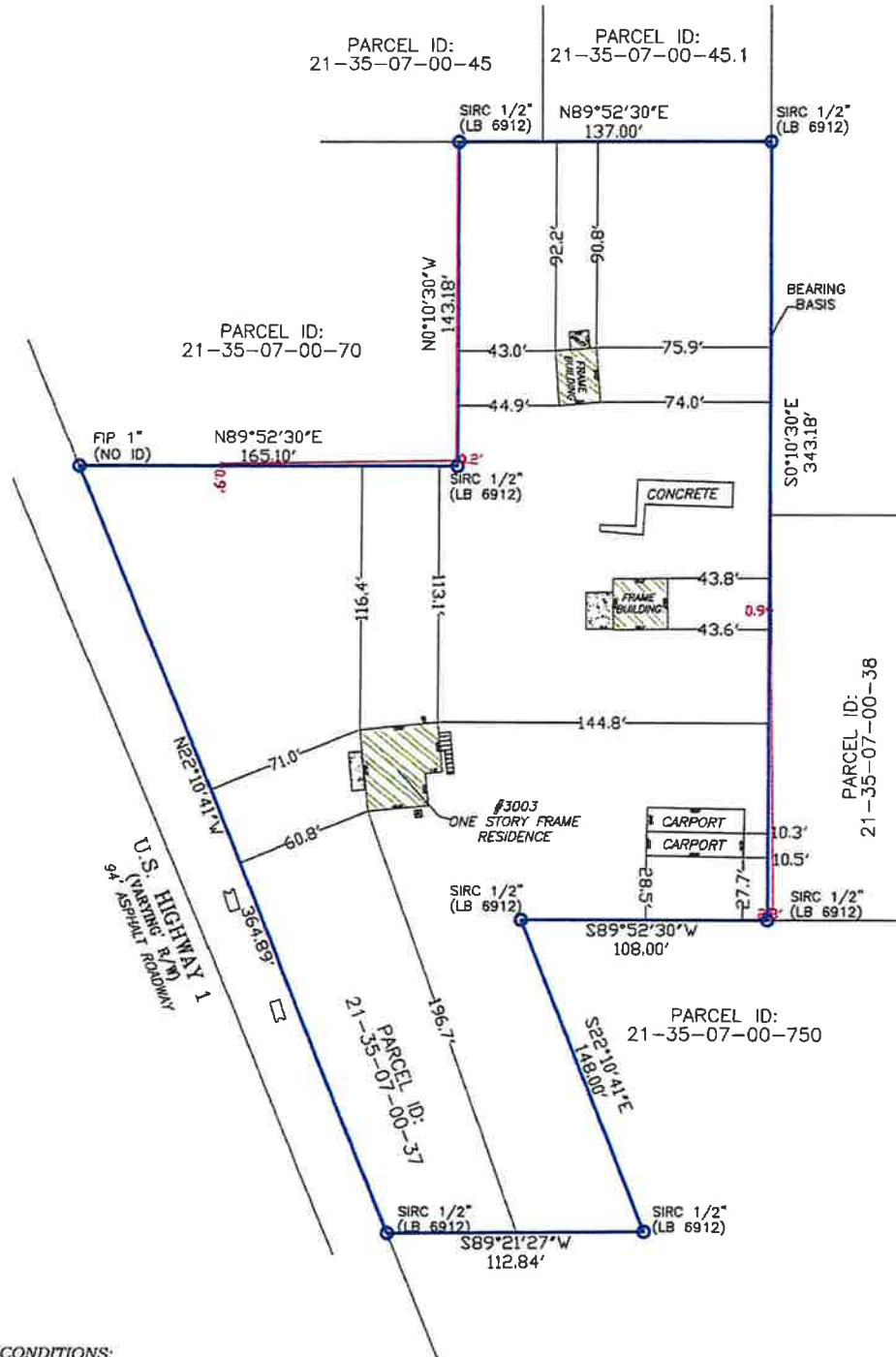
VERO BEACH, FL 32967

PHONE - (888) 396-7770

WWW.KINSURVEY.COM



SHEET 1 OF 2 (SURVEY SKETCH) — SURVEY NOT COMPLETE WITHOUT ALL SHEETS
 MAP OF BOUNDARY SURVEY PREPARED FOR THOMAS N. HORTON



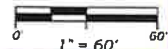
NOTABLE CONDITIONS:

NOTES:

ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE EAST LOT LINE.



NORTH ARROW &
 GRAPHIC SCALE



JOB # - 2201-210

FIELD DATE - 01/28/2022

DRAWN BY - D.B.

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

KNOW IT NOW, INC.

PROFESSIONAL SURVEYING AND MAPPING

5220 US HIGHWAY 1, # 104

VERO BEACH, FL 32967

PHONE - (888) 396-7770

WWW.KINSURVEY.COM



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Ian Golden (D1 Alternate); Robert Sullivan (D2); Brian Hodggers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of complete agenda.

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a Small-Scale Comprehensive Plan Amendment (24S.07), to change the Future Land Use Designation from CC (Community Commercial) and NC (Neighborhood Commercial) to all CC (Community Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24SS00007) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24Z00021) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Trina Gilliam read the companion applications into the record.

Alexis DeJesus, 1900 Corbett Rd., Orlando, FL, stated that the property is currently BU-1, which allows everything but mobile home sales. They're currently renting it to a gentleman who does mobile home sales and he would like to do it there but he's not currently permitted to under is current zoning allowances.

Ron Bartcher asked if he was going to be doing used car sales and Mr. DeJesus replied that's allowed under the BU-1 it has. Ron Bartcher asked him to clarify what his plan is and Mr. DeJesus stated that they want to continue to rent it, but allow RV and mobile home sales.

Ron Bartcher asked if he knows what manufacturer he's going to be using for sales? Mr. DeJesus replied that his renter obtained a contract with Disney to sell the campers that Disney has at their campground and there's currently about 360 units.

Ron Bartcher asked if he was who the article in the paper was about in reference to Fort Wilderness and Mr. DeJesus replied yes.

His renter got a contract to remove those recreational vehicles. They're on wheels, they're not stationary.

Ron Bartcher asked if he would be willing to have a Binding Development Plan to restrict the BU-2 uses to only automobile and mobile home sales.

Alexis DeJesus asked what are the other allowances for BU-2? That's the only thing that's missing from the article, which is to sell RVs, trailers, and mobile homes.

Ron Bartcher stated that some of the things you can put in a BU-2 are dry-cleaning plants, ice plants, painting/body shops. These are things that I don't think I'd like to see in that neighborhood.

Mr. DeJesus stated that in Mims, there's nothing. It's a ghost town, it needs everything. It needs us to get in there and bring it forward.

Ron Bartcher stated that he lives in Mims and Mr. DeJesus replied "oh, so you're familiar that there's nothing around."

Ron Bartcher stated that nonetheless, I would like to not see those kinds of things. What you're proposing, I don't have a problem with, but what I would like is that if you decide you want to sell the property to someone else and they decide they'd like to put in an ice plant or a dry-cleaning plant then they can. That's why I'd like to have BDP that says you can only have these certain BU-2 uses, like mobile home sales or used car sales.

Mr. DeJesus stated that he's fine with that. We're fine with just having the mobile home sales and no dry cleaning or anything.

Ron Bartcher asked if staff can work with the applicant to come up with the BDP and Jeffrey Ball replied with yes, absolutely. Just for clarification, you want to do a BDP to limit the BU-1 uses and BU-2 uses, automobile and mobile home sales?

Mr. Bartcher replied that is correct and Mr. Ball stated that they will work with the applicant to explain the process and what the next steps are.

Bruce Moia asked if any of the four BU-2 properties shown on the map, do any of those have a BDP?

Jeffrey Ball replied not that he's aware of.

John Hopengarten asked the applicant about repairs.

Alexis DeJesus stated no, no repairs.

John Hopengarten stated for clarification that they're just going to bring them over from Disney and Mr. DeJesus said that's correct.

John Hopengarten asked the Board if they want to allow repairs.

Mr. DeJesus said that he thinks they should add that amendment for repairs in case they need it. Maybe later on we should add a building to spruce up the property because it's lacking a little out there.

I own two properties in Mims on US1, so I'm very familiar and I know that Mims needs everything. There's no school, there's nothing there.

They did acknowledge that a new school is supposed to be coming.

Public Comment:

Karen Rowe, 3427 Andre Rd., Mims, stated that her property is right behind the applicants, and it's been a trainwreck since he moved in these cabins.

These cabins have come in, he's cleared it. Every morning I wake up I look at 7 dump truck loads of dirt. There's debris. Debris has been buried. It's It hasn't been a pleasant experience. It's always been residential over there until the (previous) people passed away and now it's been turned into commercial. There's no fence. His property buffers/adjoins residential areas where there's children.

There's been fences damaged and still no repairs. It's just been sitting there, so yes, I do oppose this.

Katie Delaney stated she's not too familiar with the specific project but just from hearing that conversation that's just happened, she wanted to say something. I would feel very uncomfortable with just an open BU-2 change. I think there needs to be clear boundaries to that if that's done. Or I don't know if it's possible, to keep it BU-1 but then add in the mobile home sales allowance. I just had to say some things about Mims, and I know the people who live in Mims love it the way it is.

Mark Wadsworth brought it back to the Board.

Henry Minneboo stated to Ron Bartcher that he lives fairly close to the site doesn't he, and Ron Bartcher replied yes, he drives by there every day.

Henry Minneboo asked if he was satisfied with all the information he's heard on this development plan. Mr. Bartcher replied yes, I don't think there's a problem unless he's doing something he shouldn't be doing and then I believe that's a Code Enforcement issue.

Henry Minneboo replied that he didn't want to approve a combat zone either.

Ron Bartcher said that he believes that having the BDP to restrict it to just the sales and repairs of these particular items is necessary.

Henry Minneboo asked Jeffrey Ball if they've left anything out of that BDP in light of this information.

Jeffrey Ball informed the Board, just so they're aware, there is a code enforcement case against the property owner for the removal of vegetation without a permit and that's going through the Code Enforcement process.

What I would tell you is some of the uses for BU-2. It allows for it allows for major automotive repair, it allows for warehousing and outdoor storage. Those are the big things in a zoning official's things to be concerned with. As far as the BDP to limit those uses, just be aware that BU-1 allows for minor automotive repairs and that would be a use that is already allowed on the property. Anything that's listed in the BU-1 would also be allowed.

John Hopengarten asked the applicant if there's currently a fence around his property.

Mr. DeJesus replied no, there's currently not a fence but I have applied for the permit and Mr. Hopengarten clarified that he is going to be installing a fence? Mr. DeJesus said yes.

John Hopengarten asked staff if there are any buffer requirements.

Jeffrey Ball responded that during the site plan process, they'll have to provide the appropriate buffering between commercial and residential. Between commercial and commercial, there are no buffer requirements.

John Hopengarten asked Mr. DeJesus if they can make this a user-friendly development and Mr. DeJesus replied yes.

Bruce Moia stated that they have commercial against residential which is to a portion of the North, all of the East, and all of the South, but also on the East you have that unimproved right-of-way, that little dirt road, Andre Rd., that comes down. He would be required to put a wall where he abuts residential, correct?

Jeffrey Ball said yes, the code requires that if it's adjacent to residential, but if it's right-of-way then I believe there's a separate code for that.

Bruce Moia said that what he thinks would be appropriate is, obviously he's not going to access that dirt road unless he paves the whole thing, so he's got to put the wall and then that wall should continue along that right-of-way. Add into the BDP that he cannot access that road and that we'd have to put a wall there.

Alexis DeJesus stated that there's no entrance adjacent to that road.

Bruce Moia added that he understands but someone could come in there and pave it and access it and I don't think we want to bring trailers back through there and I think it would make sense to have a complete wall to completely separate them from the residential area.

Alex DeJesus said they're going to be putting a fence all the way around.

Jeffrey Ball stated for clarification for writing up the report for the BDP, it's to limit the use of BU-1 and within the BU-2 zoning automobile and mobile home sales and require a 15-foot buffer along the rear of the property.

Bruce Moia stated no, he has to put the required 6-foot wall along the entire east boundary, including the right-of-way, and anywhere it abuts residential.

Ron Bartcher added that he's good with that.

Alexis DeJesus asked what does the buffer require and Bruce Moia responded that the buffer is whatever the code says the buffer has to be, but there would be a hole in the wall when you abut the road, and I don't think that's appropriate.

Karen Rowe said she's unclear about the wall and Bruce Moia explained that it'll be anywhere that abuts a residential use. Which is all to the East, all to the South, and that little bit of the northernmost piece.

Karen Rowe stated that she's to the east, so that wall is going to face her property and Bruce Moia said yes ma'am and Ms. Rowe asked how tall is the wall going to be and Bruce Moia told her 6 ft., so that way you're not looking into the back of his building.

Motion to approve small-scale comprehensive plan amendment from CC to NC with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Joh Hopengarten stated that was for item G.9. and Bruce Moia clarified that the BDP should go with the rezoning, not the land use, correct?

Jeffrey Ball stated yes, that's correct. That would've been for item G.10.

Mark Wadsworth asked what we needed to do, and Bruce Moia added on to that with, do we need to redo the first motion?

Staff said yes that they needed to redo the first motion.

Motion to approve small-scale comprehensive plan amendment (as requested) from CC to NC by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Motion to approve rezoning from BU-1 and AU to all BU-2 with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.