

III. PUBLIC HEARINGS
C. ADMINISTRATIVE REZONINGS
PLANNING & ZONING BOARD and LOCAL PLANNING AGENCY AGENDA
MONDAY, May 4, 2015 – 3:00 P.M.
&
BOARD OF COUNTY COMMISSIONERS
THURSDAY, May 28, 2015- 5:00 P.M.
&
Both at the
BREVARD COUNTY GOVERNMENT CENTER
2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

DISTRICT 4

III.C.1 (15PZ00020) Section 12, Township 26, Range 36, Subdivision DE, Block 43, Lot 1, owned by KMM-FL, LLC – 0.55 acres, located on the north side of Bluefish Way, approx. 420 ft. east of Waelti Dr.. (No assigned address. In the Merritt Island area.)

Current Zoning: IU (Light Industrial)

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

P&Z Recommendation:

BCC ACTION:

III. PUBLIC HEARINGS

**B. PLANNING & ZONING BOARD
MONDAY, May 4, 2015 – 3:00 P.M.**

&

**BOARD OF COUNTY COMMISSIONERS
THURSDAY, May 28, 2015 – 5:00 P.M.**

**Both at the
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The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

DISTRICT 1

III.B.1. (15PZ00018) – GRANVILLE MARION AND ELEANOR JOY BRADY, CO-TRUSTEES - request a Small Scale Plan Amendment (15S.05) to change the Future Land Use from Residential 1 to Residential 4, and a change of classification from AU to RU-1-11 on 0.41 acre, located approx. 0.11 mile east of U.S. 1, and approx. 111.5 ft. south of Belmont Ave. (No assigned address. In the Cocoa area.)

LPA Recommendation:

P&Z Recommendation:

BCC ACTION:

III. PUBLIC HEARINGS

**B. PLANNING & ZONING BOARD
MONDAY, April 6, 2015 – 3:00 P.M.**

&

**BOARD OF COUNTY COMMISSIONERS
THURSDAY, May 7, 2015 – 5:00 P.M.**

**Both at the
BREVARD COUNTY GOVERNMENT CENTER
2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida**

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

DISTRICT 4

III.B.1. (15PZ00003) – FMKT MEL OWNER, LLC – (Troy Cox) – requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP to CC, and a change of classification from PIP to BU-1 on 7.444 acres; and a change of classification from PIP to BU-2 on 9.957 acres, located on the east side of N. Wickham Rd., approx. 0.20 mile south of Pineda Court. (No assigned address. In the Melbourne area.)

LPA Recommendation:

P&Z Recommendation:

BCC ACTION:

DISTRICT 5

III.B.2. (15PZ00005) BREVARD COUNTY – (Bruce Moia) – requests a Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 2 to CC, and a change of classification from GML to BU-1 on 0.51 acres, located on the northwest corner of Minton Rd., and Hield Rd. (4090 Minton Rd., Melbourne)

LPA Recommendation:

P&Z Recommendation:

BCC ACTION:

DISTRICT 1

III.B.3. (15PZ00013) – EMCORP, INC. AND DONALD W. RENFROE SR., TRUSTEE – (Robert E. Harmeyer) – request a Small Scale Plan Amendment (15S.03) to change the Future Land Use Map from Residential 15 to CC on the western 428.53 ft. (2.5 acres); and requests a CUP for Commercial Entertainment and Amusement Enterprises, with a waiver to the requirement that no outdoor attraction or other commercial amusement as indicated in subsection (a) shall be permitted within 300 ft. of an existing residential development or an area designated by the County Comprehensive Land Use Plan for residential development (62-1921(b)), in BU-1 and BU-2 zoning classifications, on 10.23 acres, located on the west side of S. Range Rd., approx. 0.17 mile north of Pluckebaum Rd. (No assigned address. In the Cocoa area)

LPA Recommendation:

P&Z Recommendation:

BCC ACTION:

III.B.4. (15PZ00015) – BBC INVESTMENTS IV, LLC – (Steve Stevens) – requests a change of classification from AU to BU-1-A on 1.31 acres, located on the east side of U.S. Hwy 1, approx. 0.19 mile north of Roundtree Dr. (No assigned address. In the Cocoa area.)

P&Z Recommendation:
BCC ACTION:

DISTRICT 3

III.B.5. (15PZ00016) – PENCE LAND MATERIALS II, INC. – (Bill Alcock) – requests a Small Scale Plan Amendment (15S.04) to change the Future Land Use Map from Residential 1 to CC, and a CUP for Land Alteration on 9.87 acres +/-, located on the northeast corner of SE Babcock St. and Micco Rd. (No assigned address. In the Palm Bay area.)

LPA Recommendation:
P&Z Recommendation:
BCC ACTION:



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2069

BOARD OF COUNTY COMMISSIONERS

TO: Planning & Zoning Board Members
FROM: Cindy Fox, Planning & Zoning Manager
SUBJ: Planning and Zoning Staff Comments
April 6, 2015
DATE: March 17, 2015

The following comments are compiled by the Planning and Zoning staff and are reflections of a combination of technical reviews. These are presented to the Planning and Zoning Board and the Board of County Commissioners as a collection of known facts surrounding each proposal and their relationship to the policies of the Comprehensive Plan. It is hoped that these known facts and policy statements will assist each member in their individual decision-making efforts as additional information is received through the public hearing process. The material contained in these comments will be provided to the Commissioners in staff briefings. Any matter discussed in staff briefings not contained in this review will be disclosed at the Board of County Commissioners meeting.

STAFF COMMENTS PREPARED BY:

Planning & Zoning Office

Legend of Terms:

FLU Map - Future Land Use Map of Comprehensive Plan
FLUE - Future Land Use Element

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 zoning 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 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 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.

III.B.1.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

Small Scale Plan Amendment 15S.02
Township 26, Range 36, Section 13

Property Information

Owner / Applicant: FMKT, LLC

Adopted Future Land Use Map Designation: PLNIP

Requested Future Land Use Map Designation: CC

Acreage: 7.44 +/- acres Tax Account #: 2602755, 2605991, 2605036

Site Location: On the east side of Wickham Road, approximately 1,040 ft south of Pineda Court.

Current Zoning: PIP

Requested Zoning: BU-1

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Medical Offices & ALF (under construction)	PIP	PNLIP
South	Vacant	PIP	PNLIP
East	Co-op Retirement Manufactured Home Park	TR-3 (Across FEC)	NC
West	Bank, McDonalds, Professional Offices and Shopping Center	BU-1 (Across Wickham Rd)	CC

General Analysis

The subject property is vacant with a Planned Industrial Park (PLNIP) future land use designation. The proposed amendment will amend the PLNIP future land use designation and provide for a Community Commercial (CC) designation for the 7.44 acres along the Wickham Road corridor. The proposed CC future land use will remove the industrial land uses along the roadway and provide a transitional use between Wickham Road and the remaining PLNIP portion of the parent parcel.

There are medical offices and an assisted living facility currently under construction on the abutting parcel to the north, and vacant PLNIP abutting to the south. To the west across Wickham Road are several commercial uses including a professional office complex, bank, shopping center and a fast food restaurant. A residential manufactured home complex is to the east across the FEC.

Environmental Resources

Note: The Natural Resources Management Department will provide a detailed analysis at the time of a the future request 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 Department concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.

Historic Resources

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

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 direct access North Wickham Road to the west, and the Pineda Causeway is approximately 1 mile to the south and Saint Andrews Blvd to the north.

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

The subject parcel of 7.44 acres is a portion of the larger parent parcel of 17.40 acres, with an existing PLNIP future land use designation. The proposed Future Land Use amendment will promote consistency of commercial land uses along Wickham Road. The parent parcel is abutting an area of PLNIP to the north and south, Neighborhood Commercial to the east and Community Commercial to the west.

C. Existing commercial development trend in the area;

There are Medical Offices and Assisted Living Facility under construction to the north of subject parcel and professional office complex, bank, shopping center and fast food restaurant across Wickham Road to the west. The parcel located to the south are undeveloped.

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

There are no fundamental changes in the character of the area as a result of infrastructure improvements.

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

North Wickham Road is an arterial road which intersects St. Andrews Blvd to the north, which is a collector road and Pineda Causeway to the south, which is an arterial road. The applicant has included a traffic impact analysis dated December 2014, which is evaluated in the companion rezoning staff report.

F. Spacing from other commercial activities;

The subject parcel is adjacent to other developed and developing commercial land uses. The existing commercial activity in the immediate area consists of professional office complex, and restaurants.

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

The subject parcel has a future land use designation of PLNIP. The requested change to CC would allow the remainder of the parent parcel to become developable and consistent with abutting parcels.

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

An environmental analysis will be required by NRMCO at the time of a request for conditional use permit (CUP).

I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

J. Impacts upon strip commercial development.

The development of the subject parcel would promote infill development on one of 3 vacant parcels in the immediate area. This development will require new access along North Wickham Road.

Activities Permitted in Community Commercial (CC) Future Land Use Designations Policy 2.7

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

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

The applicant states that the proposed use will consist of mixed commercial development. There is an associated re-zoning that will allow various permitted commercial uses under proposed BU-1 zoning.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

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

Criteria:

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

Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject parcel has an existing PLNIP future land use and is requesting a change to Community Commercial. The subject parcel is 7.44 acres and is located along an arterial roadway.

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

The subject parcel is 7.44 acres

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 7.44 acres with and existing PLNIP future land use designation.

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 FAR is regulated through the land development regulations at the time of site plan review.

Summary

The proposed change in future land use of 7.44 acres of undeveloped land from PLNIP to CC located on North Wickham Road, which is an arterial roadway. Commercial development is under construction to the north of subject property, existing mixed commercial to the west, co-op retirement manufactured home park across FEC railroad to the east and parcel to the south is vacant.

The development of this parcel will promote infill development on 1 of 3 vacant parcels in the immediate area. The proposed amendment will provide a transitional land use separating the industrial land uses adjacent to the railroad corridor from the Wickham Road corridor.

III.B.1.

Commission District # 4 (15PZ00003)
Initial Hearing Dates: P&Z 04/06/15 BCC 05/07/15

REZONING REVIEW WORKSHEET

Applicant Name: FMKT MEL OWNER, LLC

Request: Small Scale Plan Amendment (15S.02) from PLNIP to CC, and PIP to BU-1 on 7.444 acres; and PIP to BU-2 on 9.957 acres

Subject Property:

Parcel ID#: 26-37-18-514; 26-36-13-756; 26-36-24-9

Tax Acct#: 2605991; 2602755; 2605036

Location: West side of N. Wickham Rd., approx. 0.20 mile south of Pineda Court

Address: No assigned address. In the Melbourne area.

Acreage: 17.401 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- **NO Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- Yes Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	PIP	BU-1 (7.444 acres) BU-2 (9.957 acres)
Potential*	Vacant Parcels Unknown	75,448 sq. ft. Shopping Center
Can be Considered under FLU MAP	YES PLANNED INDUSTRIAL PARK	NO **

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.**Requires a Small Scale Plan Amendment from PLNIP to CC on 7.444 acres.

	ADT	PM Peak	
Trips from Existing Zoning	Unknown	Unknown	Segment Number 403
Trips from Proposed Zoning	5,655	496	Segment Name Pineda Cswy to Jordan Blass
Maximum Acceptable Volume (MAV)	35,700	3,248.7	Acceptable LOS E
Current Volume	26,574	2,418	Directional Split
Volume With Proposed Development	30,062	2,735.6	ITE CODE 820 75,448 sq. ft. Shopping Center This report is based upon the 12/2014 Traffic Impact Analysis provided by applicant (attached)
Current Volume / MAV	74.4%	74.4%	
Volume / MAV with Proposal	84.2%	84.2%	
Current LOS	E	E	
LOS With Proposal	E	E	

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the BU-1 and BU-2 zoning classifications. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot 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. The surrounding properties are zoned PIP to the north and south, BU-1 to the west across N. Wickham Road and TR-3 to the east across the FEC rail road right of way. TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet. This area of Melbourne is characterized by a mixture of commercial and industrial uses with single-family residential on the west side of Wickham Road. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

_____ * Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) 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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The applicant is requesting the BU-1 and BU-2 zoning classifications for the purposes of developing the subject property with retail and mixed commercial development. The proposed development includes several buildings with associated parking, driveways and site infrastructure. Among the commercial uses will be a 21,850 square foot grocery store "Fresh Market", other retail, restaurant and office uses.

The subject property is currently undeveloped. Construction is proposed to be completed in eight phases as the Pineda Landings project also known as the Wickham Road Retail under site plan number 14PZ-00455. The site plan was previously approved under PIP zoning which allows all BU-1 and BU-2 uses however PIP requires larger setbacks. Given that the overall site plan proposes to subdivide portions of the 17 acre tract, the setbacks would preclude development on several outparcels along Wickham Road.

The current Future Land Use designation on the property is Planned Industrial Park and is not consistent with the BU-1 and BU-2 zoning classifications. Therefore, a Small Scale Comprehensive Plan Amendment accompanies this request to change the Future Land Use designation from Planned Industrial Park to Community Commercial.

The request for BU-1 and BU-2 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;
Transient commercial uses;
Tourist commercial uses;
Professional offices;
Personal service establishments;
Retail establishments;
Non-retail commercial uses;
Residential uses;
Institutional uses;
Recreational uses;
Public facilities;
Transitional uses pursuant to Policy 2.17; and
Planned Industrial Park development (as permitted by PIP zoning).

Summary: This request for rezoning is for the purposes of developing the subject property with retail, restaurant and office uses. The 17 acre property is currently undeveloped. Proposed construction will occur over 8 phases with outparcels along Wickham Road. The largest retail tenant (Fresh Market) will be approximately 21,850 square feet.

This area of Melbourne is characterized by a mixture of commercial and industrial uses with single-family residential to the west of Wickham Road. The subject property abuts the FEC rail road rights of way to the east. Commercial and industrial zoning classifications are prevalent along the Wickham Road corridor.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00003

Owner: FMKT MEL Owner, LLC

Zoning Request: PLNIP to CC & PLNIP and PIP to BU-1 & BU-2

BCC Hearing Date: 05/07/15

P&Z Hearing Date: 04/06/15

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) 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
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

This review relates to a portion of the following properties: Twp. 26, Rng. 36/37, Sec. 33/18/24; Tax ID Nos. 2602755, 2605991, & 2605036

Environmental issues, including wetland impacts, addressed under Site Plan 14SP-00455, Wickham Retail. Requested FLU and zoning are consistent with previous site plan approval. However, please note that per Section 62-3694(c)(3)b, wetland impacts are permitted only on lots with direct frontage on Wickham Road, a Mitigation Qualified Roadway (MQR). Therefore, any site plan revisions should reflect this requirement in order for NRM to reapprove wetland impacts.

III.B.2.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

*Small Scale Plan Amendment 15S.01
Township 28, Range 36, Section 24*

Property Information

Owner / Applicant: **Brevard County/Nana's House**

Adopted Future Land Use Map Designation: RES-2

Requested Future Land Use Map Designation: CC

Acreage: 0.51 +/- acres Tax Account #: 2806930

Site Location: Northwest corner of Minton Road and Hield Road

Current Zoning: GML

Requested Zoning: BU-1

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single Family Residential	RU 1-13	RES-2
South	Professional Office (Across Hield Rd)	RP	RES-2
East	Commercial Development under construction (Across Minton Rd)	Incorporated	Incorporated
West	Single Family Residential	RU 1-13	RES-2

General Analysis

The subject property is leased from Brevard County and will be used as a thrift store by Nana's House. The proposed amendment will amend the RES-2 future land use designation and provide for a Community Commercial (CC) designation for 0.51 acres located on the northwest corner of Minton Road and Hield Road intersection. The proposed future CC small scale land use amendment (SSCPA) will allow for commercial uses on the property.

The current use is a vacant single family residential dwelling. The applicant intends to use the property as a commercial thrift store to support Nana's House, a local non-profit organization. There is commercial development under construction across the street on the east side of Minton Road and residential professional to the south. Residential dwellings are located to the north and west of subject parcel.

Environmental Resources

Note: The Natural Resources Management Office will provide a detailed analysis at the time of a the future request 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.

Historic Resources

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

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 direct access to Minton Road a principal arterial roadway to the east and Hield Road, a local roadway, to the south.

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

The subject parcel is 0.51 acres with an existing RES-2 future land use designation. The subject parcel is abutting RES-2 to the north, south and west. The parcel across the street on the east side of Minton Road is incorporated in the City of West Melbourne and is being developed as commercial use. Existing non-residential uses along the west side of Minton Road are largely office uses that are permitted in a Residential land use designation as a transitional use.

C. Existing commercial development trend in the area;

The parcel across the street on the east side of Minton Road is incorporated in the City of West Melbourne and is being developed as commercial use. There is a residential professional office located south of subject parcel.

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

There are no fundamental changes in the character of the area as a result of infrastructure improvements.

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

Minton Road is an arterial roadway which intersects Hield Road to the south and Sharon Drive to the north. Hield Road and Sharon Road are both local roads. The existing infrastructure is sufficient to support the new development. There are two existing access points, one on Minton Road and the other on Hield Road.

F. Spacing from other commercial activities;

The subject parcel is adjacent to other developed and developing commercial land uses.

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

The subject parcel has a future land use designation of RES-2. The requested change to CC and associated rezoning to BU-1 would allow the parcel to be used for commercial activity.

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

The subject parcel is developed.

I. Integration of open space; and

This will be evaluated during site plan review.

J. Impacts upon strip commercial development.

There is no strip development along Minton Road. Re-development of the subject parcel would introduce commercial land use on this block face.

Activities Permitted in Community Commercial (CC) Future Land Use Designations Policy 2.7

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

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

The applicant states that the proposed use will be a Thrift Shop. The companion rezoning that will allow various permitted commercial uses under proposed BU-1 zoning.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

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

Criteria:

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

The subject parcel has an existing RES-2 future land use and is requesting a change to Community Commercial. The subject parcel is 0.51 acres and is located along an arterial

roadway.

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

The subject parcel is 0.51 acres.

- 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 0.51 acres with an existing RES-2 future land use designation.

- 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 FAR is regulated through the land development regulations at the time of site plan review.

Summary

The proposed change in future land use of 0.51 acres of land from RES-2 to is CC located on Minton Road, which is an arterial roadway. Commercial development is under construction to the east of subject property across Minton Road. The abutting uses are existing residential dwellings to the west and north. There is a developed professional office to the south.

The re-development of the subject parcel will introduce commercial use designation along this residential block face. The proposed amendment is needed to allow for the companion rezoning to BU-1.

III.B.2.

Commission District # 5 (15PZ00005)
Initial Hearing Dates: P&Z 04/06/15 BCC 05/07/15

REZONING REVIEW WORKSHEET

Applicant Name: BREVARD COUNTY

Request: Small Scale Plan Amendment (15S.01) from Residential 2 to CC; and GML to BU-1

Subject Property:

Parcel ID#: 28-36-24-01-11.02
Tax Acct#: 2806930
Location: Northwest corner of Minton Rd., and Hield Rd.
Address: 4090 Minton Rd., In the West Melbourne area
Acreage: 0.51 acres

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
NO** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GML	BU-1
Potential*	Vacant SFR dwelling	2,989 sq. ft. Thrift Store
Can be Considered under FLU MAP	YES RESIDENTIAL 2	NO**

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

**Requires a Small Scale Plan Amendment from Residential 2 to Community Commercial on .51 acres.

		ADT	PM Peak		
Trips from Existing Zoning	9.52	1.0	Segment Number	486	
Trips from Proposed Zoning	166	14	Segment Name	Hield to Eber	
Maximum Acceptable Volume (MAV)	44,500	4,049.5	Acceptable LOS	E	
Current Volume	28,289	2,574.2	Directional Split		
Volume With Proposed Development	28,445.4	2,587.2	ITE CODE	210 (Existing)	
Current Volume / MAV	63.6%	63.6%		815 (Proposed)	
Volume / MAV with Proposal	63.9%	63.9%		2,989 sq. ft. Thrift Store	
Current LOS	E	E			
LOS With Proposal	E	E			

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the BU-1 zoning classification. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The surrounding properties are zoned RU-1-13 to the north and west, RP to the south across Hield Road, and City of West Melbourne to the east across Minton Road. RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture. RP is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth. This area of West Melbourne along the Minton Road corridor is a transitional area from single-family to office and mixed commercial uses. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Hydric Soils Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Not Mapped

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) 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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: This request represents the applicant's desire to use the property as a retail thrift store business. The subject property is currently developed with a 3,618 square foot building constructed in 1979 as a single-family home. The subject property is owned by Brevard County and is leased to a non-profit organization. The proposed use as a thrift store is consistent with the terms of the County's lease agreement.

This area of West Melbourne along the west side of the Minton Road corridor is predominantly single-family residential in character with limited professional office uses.. The subject property will be reviewed under the Land Development Regulations for change of use since the existing structure will be used commercially. Improvements to parking, stormwater and other infrastructure will likely be required. Given the limited size o the property and footprint of the existing structure, adding the necessary commercial infrastructure may be a challenge.

The request for BU-1 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;
 Transient commercial uses;
 Tourist commercial uses;
 Professional offices;

Personal service establishments;
Retail establishments;
Non-retail commercial uses;
Residential uses;
Institutional uses;
Recreational uses;
Public facilities;
Transitional uses pursuant to Policy 2.17; and
Planned Industrial Park development (as permitted by PIP zoning).

Summary: This area of West Melbourne along the west side of Minton Road corridor is principally single-family residential in character with some professional office uses. The subject property is owned by Brevard County and is leased to a non-profit organization. The proposed use as a thrift store is consistent with the terms of the County's lease agreement. The new use as a thrift store will require that the site be reviewed for a change of use pursuant to the Land Development Regulations. Improvements to parking, stormwater and other infrastructure will likely be required.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00005	Owner: Brevard County
Zoning Request: Res 2 to CC and GML to BU-1	
P&Z Hearing Date: 04/06/15	BCC Hearing Date: 05/07/15

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) 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
Wetlands Potential/Hydric Soils	Hydric soils mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Not mapped

Comments:

This review relates to a portion of the following property: Twp. 28, Rng. 36, Sec. 24; Tax ID No. 2806930

The subject parcel contains mapped hydric soils (Malabar sand, high), an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR. The applicant would be required to complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

III.B.3.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

*Small Scale Plan Amendment 15S.03
Township 24, Range 36, Section 36*

Property Information

Owner / Applicant: **EMCORP, INC**

Adopted Future Land Use Map Designation: RES – 15 & CC

Requested Future Land Use Map Designation: CC

Acreage: 2.21 +/- acres Tax Account #: 2409641

Site Location: On the west side of S. Range Road 960 feet north of Pluckebaum Road.

Current Zoning: BU-1 & BU-2

Requested Zoning: No Change

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Automotive Garage & Paint Shop and Animal Sanctuary	AGR & BU-2	CC
South	Automotive Outside Storage	RU 2-8 & AU	RES-15
East	Vacant (Owned by Applicant)	BU-1	CC
	Vacant (Across Range Road)	AU (Across Range Road)	NC (Across Range Road)
West	Vacant (Owned by Applicant)	BU-2	CC
	Vacant	GU	RES-15

General Analysis

The subject property is vacant with a Community Commercial (CC) and Residential 15 (RES 15) future land use designations. The proposed amendment will amend the RES 15 Future Land Use designation and provide for a Community Commercial (CC) designation for the entire parcel. The proposed CC future land use will increase the range of permitted uses and intensity of commercial development, including allowing the companion Conditional Use Permit (CUP) application as an outdoor gun range. The subject property is located on the west side of S. Range Road.

The property is surrounded by commercial and vacant multi-family parcels with NC, CC, or RES-15 future land use designations. Adjacent land uses include automotive repair and outside storage uses. There are several residential dwellings on the east side of S. Range Road.

Environmental Resources

Note: The Natural Resources Management Office will provide a detailed analysis at the time of a the future request 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.

Historic Resources

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

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 direct access to S. Range Road and is less than ½ mile in distance to S.R. 520.

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

The subject property of 2.21 acres is a portion of the larger 10.23 acre parent parcel with an existing Community Commercial Future Land Use. The proposed Future Land Use

amendment will remove the inconsistency of the parcel as a whole. The parent parcel is abutting an area of exclusively Community Commercial to the north, Neighborhood Commercial to the east across S. Range Road, and undeveloped multi-family to the south.

C. Existing commercial development trend in the area;

There is an existing commercial property as well as an animal sanctuary to the north of subject parcel. Parcels located to the south and west are undeveloped.

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

There are no fundamental changes in the character of the area as a result of infrastructure improvements.

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

South Range Road is an arterial road which intersects State Road 520 to the north. State Road 520 is a collector road and is approximately ½ mile from subject parcel. Pluckebaum Road is a collector road located less than ¼ mile south of subject property.

F. Spacing from other commercial activities;

The subject parcel is adjacent to other developed commercial land uses. The existing commercial activity in the immediate area consists of a garage/auto body/paint shop.

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

The subject parcel has a future land use designation of RES-15. The requested change to CC would allow the remainder of the parent parcel to become developable for commercial uses.

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

An environmental analysis will be required by NRMO at the time of a request for conditional use permit (CUP).

I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

J. Impacts upon strip commercial development.

The development of the subject parcel would provide for commercial infill rather than promoting strip development. The requested amendment would unify the future land use designation for parent parcel.

**Activities Permitted in Community Commercial (CC) Future Land Use Designations
Policy 2.7**

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

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

The applicant states that the proposed use is an outdoor gun range. There is an associated conditional use permit, without re-zoning to allow recreational, commercial entertainment and amusement enterprises.

**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 has an existing RES-15 land use and is requesting a change to Community Commercial. The subject parcel is 2.21 acres and is located on an arterial roadway.

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

The subject parcel is 2.21 acres.

- 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 2.21 acres with an existing RES-15 future land use designation.

- 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 FAR is regulated through the land development regulations at the time of site plan review.

Summary

The proposed change in future land use of 2.21 acres of undeveloped land from RES-15 to CC is located on South Range Road, which is an arterial roadway. Commercial development and an animal sanctuary are located north of subject property. There are residential dwellings located approximately ¼ mile east of subject property, on the eastern side of South Range Road. Property located to the south is designated RES-15 and has a Binding Development Plan for a maximum of 7 residential units per acre.

The development of this parcel will enable commercial infill in this mixed use area and would unify consistency with the future land use designation on the parent parcel.

III.B.3.

Commission District # 1 (15PZ00013)
Initial Hearing Dates: P&Z 04/06/15 BCC 05/07/15

REZONING REVIEW WORKSHEET

Applicant Name: EMCORP, INC. AND DONALD W. RENFROE SR., TRUSTEE

Request: Small Scale Plan Amendment (15S.03) from Residential 15 to CC on 2.21 +/- acres; and a CUP for Commercial Entertainment and Amusement Enterprises, with a waiver to the requirement that no outdoor attraction or other commercial amusement as indicated in subsection (a) shall be permitted within 300 ft. of an existing residential development or an area designated by the County Comprehensive Land Use Plan for residential development (62-1921(b)), in BU-1

Subject Property:

Parcel ID#: 24-35-36-00-750
Tax Acct#: 2409641
Location: West side of S. Range Rd., approx. 0.17 mile north of Pluckebaum Rd.
Address: No assigned address. In the Cocoa area.)
Acreeage: 10.23 acres.

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- NO** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1	BU-1 with CUP Entertainment & Amusement Enterprises (Gun Range)
Potential*	Vacant	Gun Range
Can be Considered under FLU MAP	NO** RESIDENTIAL 15	NO**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.
 **Requires a Small Scale Plan Amendment from Residential 15 to Community Commercial on 2.21 acres.

	ADT	PM Peak		
Trips from Existing Zoning	Unknown	Unknown	Segment Number	532
Trips from Proposed Zoning	19	36	Segment Name	Lake to Rosentine
Maximum Acceptable Volume (MAV)	15,600	1,420	Acceptable LOS	E
Current Volume	5,150	468.6	Directional Split	
Volume With Proposed Development	5,169	504.6	ITE CODE 411 Outdoor Gun Range 10.23 acres	
Current Volume / MAV	33%	33%		
Volume / MAV with Proposal	33.1%	35.5%		
Current LOS	C	C		
LOS With Proposal	C	C		

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for a Conditional Use Permit for Commercial Entertainment and Amusement Enterprises in a BU-1 zoning classification. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The surrounding properties are zoned AGR and BU-2 to the north, RU-2-8 to the south, AU to the east across Range Road and GU to the west. The AGR classification permits single-family or mobile home residences and agricultural pursuits on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot 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. The RU-2-8 classification is an eight unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to eight units per acre on 7,500 square foot lots. The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. This area of Cocoa is characterized by scattered commercial, agricultural and single-family development. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

_____ * Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Not Mapped

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) 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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: This request for a Conditional Use Permit (CUP) for Entertainment and Amusement Enterprises represents the applicant's desire to develop the property as an outdoor gun range. An outdoor gun range is considered a small scale commercial entertainment and amusement enterprise and is a CUP in the existing BU-1 zoning classification. The facility will provide a multi-functional shooting range to allow for air-gun, archery and black powder (primitive weapons) as well as hand gun and rifle (modern weapons) shooting at this site.

The site design for the proposed construction is based upon the National Rifle Association's 2012 Source Book which is used throughout the nation for designing shooting ranges. All of the firing positions will be located outside. Each shooting position will be under an open-sided overhead shelter. Each firing line will position the shooter to aim and fire their weapon into a twenty feet tall impact berm. The segregation of the types of weapon being fired will be via an eight feet to ten feet tall side (separator) berms. (See Attached Site Plan).

The typical use for this shooting range will be for hand gun and rifle firing. The proposed handgun range will have fourteen shooting positions. At each position the shooter may only stand. The proposed rifle range will have four shooting positions. At each position the shooter may stand or fire from a seated bench position. No

lying down (prone) shooting position will be allowed. As the site becomes more popular with the general public the applicant expects a twice a day turnover for these shooting positions.

These firing positions will be managed and monitored, at all time, with a certified Range Safety Officer (RSO). There will never be a time that these firing lines will be "hot", ready for people to discharge their weapons without an RSO on the line. The applicant already has four RSOs under their employment at this time and will add additional RSO as greater usage of the facility requires.

Each of the RSO's under the employment of the applicant has an average of twenty years of experience based upon their service as United States Military, Special Operations, U.S. Federal Marshall and Municipal Police Officers background. Some of the ROS have a combination of these life experiences.

The proposed building will contain a commercial area, a gun smith area and training rooms to support the patrons that choose to shoot at this range. There are thirty-six parking spaces and a single access drive to support these activities.

This area of Cocoa is characterized by scattered commercial, agricultural and single-family development. The Board approved an animal sanctuary use on the abutting property to the north. The applicant is seeking a waiver to the provision that requires a 300 foot setback of an existing residential development or an area designated by the county on the comprehensive land use plan for residential development.

This request should be evaluated in the context of Section **62-1921** governing commercial entertainment. Pursuant to this section, "commercial entertainment and amusement enterprises are defined as commercial recreational facilities, including but not limited to golf driving ranges, amusement parks, attractions, amphitheaters, arenas, stadiums and exhibits, which take place in an open area with a minimal number of structures."

- (b) *Location.* No outdoor attraction or other commercial amusement as indicated in subsection (a) shall be permitted within 300 feet of an existing residential development or an area designated by the county comprehensive land use plan for residential development.

The subject property is within 300 feet of undeveloped residentially zoned and designated properties and therefore are requesting a waiver to the 300 foot setback. There is residential zoning and land uses abutting the property to the south. However the closest single-family structure is approximately 412 feet from the southwest corner of the subject parcel.

- (c) *Minimum lot area.* Uses permitted under this section shall provide a minimum lot area of one-half-acre for small scale enterprises, and five acres for large scale enterprises.

The subject property is approximately 10.23 acres.

- (d) *Performance standards.* The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and the performance standards of this article. Upon request by the board of county commissioners, the applicant may be required to provide appropriate studies of similar or comparable uses relating to specific performance standards to support compliance.

The design, construction, operation and maintenance of private gun ranges have been based upon the years of knowledge compiled into the on the National Rifle Association's 2012 Range Source Book. This Source book is the standard for shooting range developments in the United States.

Brevard County's Performance Standards, specifically Section 62-2271(2)(n) regarding noise defines it as "any sound produced in such quantity and for such duration (15 minutes) "that it annoys, disturbs or may injure a reasonable man or woman of normal sensitivities."

Further, pursuant to this section, (c)(3) states that "impulsive sound shall not exceed the maximum sound levels" contained in the following table during the hours of 7 a.m. to 10 p.m.. Impulsive sound is not permitted during the hours of 10 p.m. and 7 a.m.

Table 1
 Maximum Permissible Time Averaged (Leq)
 A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

The applicant has provided a noise analysis from selected locations surrounding the proposed use. Future noise impacts upon surrounding area should be evaluated by the Board, particularly the sound level impact upon single-family residential uses and the animal sanctuary abutting the subject property to the north.

(e) *Fencing and screening.* Where deemed necessary by the board of county commissioners to protect the general public and abutting property, additional fencing or landscape screening beyond that which is specified by the land development regulations may be required.

The eight (8) feet tall and ten (10) feet tall side berms are stabilized and vegetated surfaces. The neighbors to the north, south and the west will see a green covered mound of earth. The parking lot and pro-shop building will meet the Brevard County Landscaping requirements set forth in the land development code.

(f) *Perimeter setbacks.* No building, mobile home, trailer, vehicle or mechanical equipment shall be located closer to the property line than 75 feet.

There are no proposed structures within 75 feet.

(g) *Parking and loading.* All uses authorized shall be subject to the off-street parking requirements as set forth in article VIII, with the following requirements:

- (1) Parking areas shall be stabilized or hard surfaced.
- (2) Outdoor attractions, with or without grandstands, shall provide one parking space for each three fixed seats, and one parking space for each 20 square feet of seating or spectator area where no fixed seats exist, plus one space for each two employees.

- (3) Privately operated recreation areas or structures shall provide five spaces for each acre of outdoor attractions, plus one space for each 50 square feet of total floor area, plus one space for every two employees.
- (h) *Scoreboards and other similar or associated outdoor video displays.* All scoreboards or other similar or associated outdoor video displays shall be limited in height to the height of the tallest structure on the property, excluding towers, and shall be set back a distance equal to or greater than 1.25 times its height from the nearest nonresidential property line, and twice its height from the nearest residential property line pursuant to section 62-2101.5. Such scoreboards or other outdoor video displays shall be subject to all performance standards regarding lighting pursuant to section 62-2257. A scoreboard or other outdoor video display shall not be considered an off premise sign unless it is used for off premise advertising when there is no ongoing event on the premises.
- (i) *Site plan.* A detailed site plan shall be submitted in conjunction with the application for a conditional use permit in accordance with the requirements of this section and article VIII.

The applicant has submitted a four page, preliminary site plan showing the details of the proposed shooting facility.

- (j) *Waivers.* A waiver to any of the conditions enumerated in subsections: (b), (c), (f), (g) or (h) may be considered by the board of county commissioners through a conditional use permit (CUP) application, provided the general section 62-1901(c) CUP standards are met and the applicant demonstrates that proposed location, lot size, setbacks and parking provided will satisfy safety and aesthetic concerns that subsections (b), (c), (f), and (g) are intended to address.

The applicant is seeking a waiver from the 300 foot from residential setback which is required since the property abuts residential land use. However, the closest residential structure is approximately 412 feet from the Southeast corner of the site.

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section **62-1901**, as outlined on pages 6-9 of these comments. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901. The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

Section 62-1901(c)(1)(a) Impact upon adjacent and nearby properties from the proposed use:

Number of persons using property;
Noise, odor, particulates, smoke, fumes and other emissions; and
Increase in traffic within the vicinity.

Six daily employees, potentially 48 members of the public per day.

Intermittent noise from gunfire, preliminary noise study shows the average ambient noise level 49 dB and the average noise level for the discharge of a rifle is 73 over an open field without the attenuation of the NRA design manuals required berms and sky masks.

Section 62-1901(c)(1)(b) Compatibility with the character of adjacent and nearby properties with regard to use:

Adjacent properties; **the closest residential building is approximately 412 feet from the Southeast corner of the site.**

Operating hours; **9:00am until 6:00pm daily and until 9:00pm during classroom and training sessions.**

Amount of traffic generated; **(6+48) x 2 = 104 trips per day.**

Building size and setbacks; and

Parking availability.

4,000 Square Feet Building with thirty-six (36) proposed parking spaces all exceeding the required setbacks and providing for landscaping buffers along the right-of-way for South Range Road and the north/south neighbors.

The Brevard County Sheriff's gun range is approximately 2,000 feet south and 2,600 feet west of project site location.

The neighbor to the south on the parcel zoned RU-2-8 indicated verbally to the applicant that they have no intentions of developing their property into a residential community.

The property to the north was approved by the board for the purposes of establishing an animal sanctuary on the subject property (14PZ0070). The applicant is aware that an animal sanctuary is under construction for a parcel of land abutting the north property line. Compatibility should be evaluated by the Board.

The applicant is seeking a waiver from the 300 foot from residential setback which is required since the property abuts residential land use. However, the closest residential structure is approximately 412 feet from the Southeast corner of the site.

Section 62-1901(c)(1)(c) Impact upon property values of abutting residential properties:

Local values will increase based upon a quality commercial development of this site.

The applicant is seeking a waiver from the 300 foot from residential setback.

Section 62-1901(c)(2)(a) Adequacy of ingress and egress to serve the use without burdening adjacent and nearby uses:

Yes. The project site is served by South Range Road. The area of Phase 1 and the area of Phase 2 each have access to a driveway connection to South Range Road.

Section 62-1901(c)(2)(b) Noise, glare, odor, particulates, smoke, fumes, etc.:

Noise will be attenuated by a combination of earth berms and structural sky-masking baffles.

The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.

Section 62-1901(c)(2)(c) Actual Noise Levels:

A preliminary noise study has been performed for this application submittal. These preliminary data sets are as follows:

LOCATION	SEPARATION DISTANCE	AMBIENT SOUND LEVEL	FIREARM DISCHARGED SOUND LEVEL	% INCREASE INSTANTEOUS
Pluckebaum Rd & S. Burnett Road	2,127 Feet	57dB	81 dB	29%
Catalina Dr. & S. Burnett Road	1,835 Feet	58 dB	72 dB	21%
Kyle Lane (Animal Shelter Entrance) and Parrish Rd	1,433 Feet	37 dB	54 dB	29%
SW Corner of Site	448 Feet	43 dB	77 dB	44%
NW Corner of Site	383 Feet	42 dB	79 dB	44%
Behind Six Feet Tall Dirt Berm	75 Feet	52 dB	72 dB	29%

Note that these preliminary reading are from discharging the AR-15, short barrel, rifle into a 6 feet tall dirt berm. The shooter was standing in an open field.

The NRA design guidelines require the impact berm to be twenty (20) feet in height, also there is a design requirement to "mask" the sky from the firing line. These physical masks prevent the shooter and thereby their muzzle from seeing blue sky at the firing lines. These physical masks at the firing line also attenuate the muzzle noise (sound) as well as the eight (8) feet and ten (10) feet tall side berms. The firing line masks effectively direct the noise wave down and back at the shooters feet. The twenty (20) feet tall impact berm absorbs and reflects the noise wave up when it strikes the berm.

Brevard County's Performance Standards, specifically Section 62-2271(2)(n) regarding noise, defines noise as "any sound produced in such quantity and for such duration" (15 minutes) "that it annoys, disturbs or may injure a reasonable man or woman of normal sensitivities." Intermittent gunfire that occurs as part of a gun range use will not likely trigger a violation due to the duration of time required for noise measurement to ensure compliance with the performance standard.

Future noise impacts upon surrounding area should be evaluated by the Board, particularly the intermittent noise level impact upon single-family residential uses and the animal sanctuary abutting the subject property to the north.

Section 62-1901(c)(2)(d) Impact upon solid waste disposal level of service:

None. Waste stream will be similar to a small <1,800 square feet retail store.

Section 62-1901(c)(2)(e) Impact upon potable water and waste water levels of service:

The sites are served with municipal water. Each phase of development will need to comply with 64E-6 of the Florida Administrative Code (FAC) for onsite sewage treatment and disposal system (septic).

Section 62-1901(c)(2)(f) Screening and buffering:

The proposed side berms are eight (8) to ten (10) feet tall and the impact berms are twenty (20) feet tall. The berms substantially reduce the noise generated from the site and will provide a stabilized surface landscape screen.

Section 62-1901(c)(2)(g) Signage and glare from lighting:

The proposed site will have a lighted sign on the building, facing S. Range Road and a small lighted entry sign at the two (2) driveways. All signage shall meet the Brevard County Land Development code.

Section 62-1901(c)(2)(h) Hours of operation:

The proposed site will have a lighted sign on the building, facing S. Range Road and a small lighted entry sign at the two (2) driveways. All signage shall meet the Brevard County Land Development code.

Section 62-1901(c)(2)(I) Height of proposed use:

Building proposed is less than 35 feet in height. Berms are less than 35 feet in height.

Section 62-1901(c)(2)(J) Impact of off-street parking and loading areas upon adjacent properties:

All parking required shall be provided on site.

Summary: This request is for a Conditional Use Permit (CUP) for Entertainment and Amusement Enterprises for the purposes of developing the site as an outdoor gun range. The facility will provide a multi-functional shooting range for air-gun and archery as well as hand guns and rifles shooting. The site design for the proposed construction is based upon the National Rifle Association's 2012 Source Book which is used throughout the nation for designing shooting ranges.

The applicant is seeking a waiver from the 300 foot from residential setback which is required since the property abuts residential land use. However, the closest residential structure is approximately 412 feet from the Southeast corner of the site.

Brevard County's Performance Standards, specifically Section 62-2271(2)(n) regarding noise, defines noise as "any sound produced in such quantity and for such duration" (15 minutes) "that it annoys, disturbs or may injure a reasonable man or woman of normal sensitivities." Intermittent gunfire that occurs as part of a gun range use will not likely trigger a violation due to the duration of time required for noise measurement to ensure compliance with the performance standard.

P&Z Staff Comments
April 6, 2015
Page 40

Future noise impacts upon surrounding area should be evaluated by the Board, particularly the intermittent noise level impact upon single-family residential uses and the animal sanctuary abutting the subject property to the north.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00013

Zoning Request: Res 15 & CC to CC with CUP

P&Z Hearing Date: 04/06/15

Owner: EmCorp, Inc.

BCC Hearing Date: 05/07/15

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) 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
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Not mapped

Comments:

This review relates to a portion of the following properties: Twp. 24, Rng. 35, Sec. 36; Tax ID Nos. 2409665 & 2409641

The subject parcels contain mapped wetlands and hydric soils (Holopaw sand), an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Range Road is an MQR. The applicant would be required to complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

A portion of the property is mapped as being within floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

III.B.4.

Commission District # 1 (15PZ00015)
Initial Hearing Dates: P&Z 04/06/15 BCC 05/07/15

REZONING REVIEW WORKSHEET

Applicant Name: BBC INVESTMENTS IV, LLC

Request: AU to BU-1-A

Subject Property:

Parcel ID#: 24-36-08-00-270
Tax Acct#: 2411231
Location: East side of U.S. Hwy 1, approx. 0.19 mile north of Roundtree Dr.
Address: No assigned address. In the Cocoa area.
Acreage: 1.31 acres.

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	BU-1-A
Potential*	Vacant Unknown	Storm water and Parking
Can be Considered under FLU MAP	YES NEIGHBORHOOD COMMERCIAL	YES

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

ADT PM Peak

Trips from Existing Zoning	Unknown	Unknown	Segment Number	226
Trips from Proposed Zoning	383	64	Segment Name	SR528 – Canaveral Groves
Maximum Acceptable Volume (MAV)	42,800	3,895	Acceptable LOS	E
Current Volume	30,782	2,801	Directional Split	
Volume With Proposed Development	31,165	2,865	ITE CODE Subject parcel provides parking and storm water retention for new 15,435 sq. ft. Tire Store	
Current Volume / MAV	72%	72%		
Volume / MAV with Proposal	73%	73.5%		
Current LOS	D	D		
LOS With Proposal	D	D		

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the BU-1-A zoning classification. The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. The surrounding properties are zoned BU-1 to the north, BU-2 to the south, RU-1-13 to the east and BU-1 to the west across Highway US 1. This area of Cocoa is characterized by the commercialized Highway US 1 corridor with single-family development to the east. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* _____ Does the project appear to meet county use or density restrictions based upon:

* Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Not Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) 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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: This request represents the applicant's desire to develop the subject property with stormwater retention, driveway access, dumpster placement and parking accessory to a proposed retail tire establishment on the BU-2 zoned property abutting to the south. On the abutting property, the proposed retail tire store will be over 15,000 square feet. The subject property is currently zoned AU and is undeveloped.

The requested BU-1-A zoning is a restricted neighborhood retail commercial classification and does not permit the same uses as those under the abutting BU-2 zoning classification where the proposed structure will be located. Given that the applicant has submitted a conceptual site plan reflecting that the subject property will be developed with support infrastructure for the retail business, the Board may wish to consider a BDP limiting the property uses to stormwater retention, driveway access, dumpster placement and parking accessory to the retail tire business.

Summary: This request for rezoning is for the purposes of developing the property with accessory infrastructure to support a proposed retail tire business on the property abutting to the south which is currently zoned BU-2 a general retail and wholesale zoning classification. Given that the subject property will be developed with accessory infrastructure for to the retail business, the Board may wish to consider a BDP limiting the property uses to stormwater retention, driveway access, dumpster placement and parking accessory to the retail tire business.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00015	Owner: BBC Investments IV, LLC
Zoning Request: AU to BU-1A	
P&Z Hearing Date: 04/06/15	BCC Hearing Date: 05/07/15

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) 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
Wetlands Potential/Hydric Soils	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to a portion of the following properties: Twp. 24, Rng. 36, Sec. 8; Tax ID No. 2411231

The subject parcel contains mapped aquifer recharge soils (Paola fine sand, 0 to Candler-Urban land). 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 properties. The applicant should obtain any necessary permits from the U.S. Fish and Wildlife Service (904-232-2580) and the Florida Fish and Wildlife Conservation Commission (352-732-1225).

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM

III.B.5.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

*Small Scale Plan Amendment 15S.04
Township 30, Range 37, Section 15*

Property Information

Owner / Applicant: **PENCE, INC**

Adopted Future Land Use Map Designation: RES – 1

Requested Future Land Use Map Designation: CC

Acreage: 9.87 +/- acres Tax Account #: 3000727

Site Location: Northeast corner of Babcock St. & Micco Rd.

Current Zoning: AU & RRMH

Requested Zoning: No Change

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Borrow Pit	GU	RES 1
South	Borrow Pit	GU	NC & RES 1
East	Conservation	GU	Public Conservation
West	Borrow Pit	GU	RES 1

General Analysis

The subject property is vacant with a RES-1 future land use designation. The proposed amendment will amend the RES-1 future land use designation and provide for a Community Commercial (CC) designation for the subject parcel. The proposed CC future land use will increase the range of permitted uses and commercial development, allowing the companion Conditional Use Permit (CUP) application for a Borrow Pit. The subject parcel is located on the east side of Babcock Street SE and north side of Micco Road.

Conservation Element Wetlands Objective 5, Policy 5.2 (3)(b) requires a commercial future land use designation for wetland impacts.

Policy 5.2 (3)

b. In mitigation qualified roadways, commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map 8.

The parent property is surrounded by vacant GU parcels with PUB-CONS and RES1:2.5 future land use designations. There are no residential dwellings within 1,000 feet from subject parcel.

Environmental Resources

Note: The Natural Resources Management Office will provide a detailed analysis at the time of a the future request 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.

Historic Resources

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

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 direct access to Babcock Road to the north and Micco Road to the south.

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

The subject property of 9.87 acres is a portion of the larger 74.86 acres parent parcel with an existing RES-1 Future Land Use. The proposed Future Land Use amendment will remove the inconsistency for the subject parcel. The parent parcel is abutting an area of exclusively PUB-CONS to the north, south and east and RES 1:2.5 to the west, all of which are undeveloped.

- C. Existing commercial development trend in the area;

This development will result in the expansion of a Borrow Pit that has existed for several years. All abutting parcels are undeveloped.

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

There are no fundamental changes in the character of the area as a result of infrastructure improvements.

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

Babcock Street is a collector road which intersects Willowbrook Street, a local road to the north and Micco Road, a collector road to the south. The property is located at the intersection of Babcock Street and Micco Road, both are classified as Rural Major Collectors.

- F. Spacing from other commercial activities;

The subject parcel is surrounded predominately by publicly owned undeveloped land and is a minor expansion of an existing borrow pit.

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

The subject parcel has a future land use designation of RES-1. The requested change to CC would allow for the expansion of existing use and the companion CUP.

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

An environmental analysis will be required by NRM at the time of a request for conditional use permit (CUP).

I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

J. Impacts upon strip commercial development.

The development of the subject parcel is an expansion of an existing use.

**Activities Permitted in Community Commercial (CC) Future Land Use Designations
Policy 2.7**

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

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

The application is an expansion of existing Borrow Pit. The associated conditional use permit requires Natural Resources Management review.

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 over 9.87 acres in size. The parent parcel includes CC & NC Future Land Uses.

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

The subject parcel is 9.87 acres.

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 9.87 acres with an existing RES-1 future land use designation.

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.

This development does not include the construction of a permanent structure. The associated CUP is for the expansion of land alteration to be done on site.

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

The FAR is regulated through the land development regulations at the time of site plan review.

Summary

The proposed change in future land use of 9.87 acres of land from RES 1 to CC is located on the east side of Babcock Road, which is a Rural Major Collector roadway. The proposed use is an expansion of existing borrow pit that has been in operation for several years.

The subject parcel is predominately bordered by publicly owned vacant conservation property. Vacant residential land is located to the west.

The requested amendment has a companion CUP application which requires Natural Resources Management review for a Land Alteration.

III.B.5.

Commission District # 3 (15PZ00016)
Initial Hearing Dates: P&Z 04/06/15 BCC 05/07/15

REZONING REVIEW WORKSHEET

Applicant Name: PENCE LAND MATERIALS II, INC.

Request: Small Scale Plan Amendment (15S.04) from Residential 1 to CC, and CUP for Land Alteration in RRMH-1 and AU

Subject Property:

Parcel ID#: 30-37-15-00-250
Tax Acct#: 3000727
Location: Northeast corner of SE Babcock St. and Micco Rd.
Address: No assigned address. In the Palm Bay area.
Acreage: 9.87 acres.

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
YES** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RRMH-1 AU	RRMH-1 AU
Potential*	Wetlands 9.87 acres	Land Alteration 9.87 acres
Can be Considered under FLU MAP	YES RESIDENTIAL 1	YES**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.
 **Requires a Small Scale Comprehensive Plan Amendment from Residential 1 to Community Commercial for consideration under 62-3694(c)3b.

ADT PM Peak

Trips from Existing Zoning	0	0	Segment Number	370
Trips from Proposed Zoning	511	74	Segment Name	Micco to Grant
Maximum Acceptable Volume (MAV)	13,800	1,297	Acceptable LOS	E
Current Volume	3,359	315.7	Directional Split	
Volume With Proposed Development	3,870	389.7	ITE CODE 110 9.87 acre borrow pit expansion	
Current Volume / MAV	24.0%	24.3%		
Volume / MAV with Proposal	28%	30%		
Current LOS	E	E		
LOS With Proposal	E	E		

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for a Conditional Use Permit for a Land Alteration in the RRMH-1 and AU zoning classifications. The 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. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ 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. The surrounding properties are zoned AU and RRMH-1 to the north, BU-1 and RRMH-1 to the south, GU to the east and GU to the south across Babcock Street. This area is largely undeveloped with the Deer Run Subdivision to the southwest from the subject property. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) 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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The request is for a Conditional Use Permit for a Land Alteration exceeding five acres in the RRMH-1 and AU zoning classifications. The property is currently developed with a 32 acre land alteration approved in 1990 (Z-10108). This request is an expansion of the previously approved borrow pit. The subject area of this request was historically considered an isolated wetland and any impacts were prohibited. However, the Land Development Regulations have been amended and pursuant to Section 62-3694(c)(3)b, allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs) are available. Micco Road is considered a MQR however the subject area is zoned and designated residential on the Future Land Use Map. Therefore, a request to change the Future Land Use to Community Commercial accompanies this request for a Conditional Use Permit for the Land Alteration for the purposes of complying with Section 62-3694(c)3(b) which will allow for wetland impacts pursuant to this section.

The surrounding properties are largely undeveloped with scattered single-family development on the west side of Babcock Road.

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate

consistency with the standards set forth in Section 62-1901. The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

Section 62-1901(c)(1)(a) Impact upon adjacent and nearby properties from the proposed use:

Number of persons using property;
Noise, odor, particulates, smoke, fumes and other emissions; and
Increase in traffic within the vicinity.

The proposed use will not result in adverse impacts to adjacent and nearby properties as it is a continuation of the existing borrow pit that has been in operation for many years.

The existing borrow pit was approved in 1990.

Section 62-1901(c)(1)(b) Compatibility with the character of adjacent and nearby properties with regard to use:

Adjacent properties;
Operating hours;
Amount of traffic generated;
Building size and setbacks; and
Parking availability.

The proposed use will be compatible as it is a minor expansion of the existing use.

Section 62-1901(c)(1)(c) Impact upon property values of abutting residential properties:

The proposed use will have no effect on the value of abutting residential; one, there is no abutting residential property and two, this is the continuation of an existing use.

Section 62-1901(c)(2)(a) Adequacy of ingress and egress to serve the use without burdening adjacent and nearby uses:

The proposed use will utilize the existing driveway established for the original borrow pit operation.
There is an existing driveway/haul route from Babcock into the borrow pit from the west.

Section 62-1901(c)(2)(b) Noise, glare, odor, particulates, smoke, fumes, etc.:

The proposed use is consistent with the original borrow pit, therefore, the above items will not change.
The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.

Section 62-1901(c)(2)(c) Actual Noise Levels:

Will comply with accepted noise levels.

The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.

Section 62-1901(c)(2)(d) Impact upon solid waste disposal level of service:

The proposed use will have no impact on the solid waste level of service.

Section 62-1901(c)(2)(e) Impact upon potable water and waste water levels of service:

The proposed use has no effect on the level of service for potable water toilets for the few workers on-site.

Section 62-1901(c)(2)(f) Screening and buffering:

All adjacent lands to the east are conservation lands.

All lands to the east remain undeveloped.

Section 62-1901(c)(2)(g) Signage and glare from lighting:

The proposed use will require no lighting or signage.

The property is subject to the performance standards found in sections 62-2251 through 2271 of the Zoning regulations.

Section 62-1901(c)(2)(h) Hours of operation:

The proposed use will operate from sunrise to sunset Monday through Saturday, consistent with the original borrow pit.

Section 62-1901(c)(2)(I) Height of proposed use:

There are no buildings within 1000 feet of the site.

There will be no construction of permanent buildings on site that will be over one story.

Section 62-1901(c)(2)(J) Impact of off-street parking and loading areas upon adjacent properties:

There are only a few employees who will park on a temporary stabilized area as required.

This request should be evaluated pursuant to Section **62-1936** governing land alterations which outlines the following criteria:

- (a) The minimum size for land alteration is five acres.

The application encompasses approximately 9.87 acres.

- (b) The approval of a conditional use permit for a land alteration shall be subject to the applicant's obtaining a land alteration permit meeting the requirements and conditions of article XIII, division 4, of this chapter, or a private lake permit meeting the requirements and conditions of article XIII, division 5, of this chapter, from the office of natural resources management.

The property is currently developed with a land alteration (borrow pit) . This request is an expansion of a previously approved land alteration. An additional Land Alteration application is required for approval from the Natural Resources Management Department prior to any additional excavation.

- (c) A land alteration shall be set back 50 feet from all property lines, and 75 feet from any right-of-way or major arterial street as defined in article VII of this chapter. A land alteration shall be set back 250 feet from all residentially zoned properties and AU and GU zoned properties which are not owned by the applicant. A minimum side slope shall be no steeper than five feet horizontal to one foot vertical (5:1) to a mean water depth of five feet. Slopes deeper than five feet shall be no steeper than 2:1.

- (d) A conceptual site plan, binding on the property owner, shall be submitted which shows the following:

- (1) The size and location of the land alteration.

Depicted on the site plan.

- (2) The location of any equipment and equipment storage.

Depicted on the site plan.

- (3) The points of ingress and egress.

Existing, as depicted on the site plan.

- (4) The extent of buffering, and other associated operational components.

Depicted on the site plan.

- (5) Rock crushing operations must be specified and the exact location described during application submittal.

Depicted on the site plan.

- (6) Identify the maximum number of truck trips per day to and from the site.

- (7) A vicinity map shall be provided that reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

Depicted on the site plan.

- (8) Location of areas where explosives, blasting agents, or detonators may be used in conjunction with land alteration activities.

The applicant has indicated that there will be no explosives, blasting agents or detonators used.

- (e) Land alteration activity must be located with direct access to collector or arterial roads except for projects within commercial and industrial zoned properties.

The existing site is located at the north east intersection of Babcock Road and Micco Road which are considered arterial roadways.

- (f) Land alteration activities shall be limited to operations between dawn to dusk and prohibited on Sundays.

The applicant indicates that the proposed use will operate from sunrise to sunset Monday through Saturday, consistent with the original borrow pit.

- (g) If deemed necessary by the county manager or designee, where the intensity of the operation would have a potential to damage an existing paved public road or street, a performance bond to guarantee repair of the road or street shall be required.

- (h) Such conditional use may be limited to a time specific duration as set by the board of county commissioners.

- (i) In the event that explosive, blasting agents or detonators, as defined in section 62-4391, may be used in conjunction with land alteration activities, the notice required pursuant to subsection 62-1151(b) must disclose the intent to use such materials.

The applicant indicates that these devices will not be used in conjunction with the land alteration activities.

Summary: The applicant is seeking a conditional use permit (CUP) for a land alteration exceeding five acres in the AU and RRMH-1 zoning classifications. The property is currently developed with a land alteration dating back to 1990. This is an expansion of a previously permitted borrow pit. The surrounding properties are largely undeveloped with scattered single-family residential development on the west side of Babcock Road.

The subject area of this request was historically considered an isolated wetland and any impacts were prohibited. However, the Land Development Regulations have been amended and pursuant to Section 62-3694(c)(3)b, allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs) are available. Micco Road is considered a MQR however the subject area is zoned and designated residential on the Future Land Use Map. Therefore, a request to change the Future Land Use to Community Commercial accompanies this request for a Conditional Use Permit for the Land Alteration for the purposes of complying with Section 62-3694(c)3(b) which will allow for wetland impacts pursuant to this section.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00016	Owner: Roy Pence
Zoning Request: Res 1 to CC	
P&Z Hearing Date: 04/06/15	BCC Hearing Date: 05/07/15

This is a preliminary review based on environmental maps available to the (NRM) 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
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to a portion of the following property: Twp. 30, Rng. 37, Sec. 15; Tax ID No. 3000727

The subject parcel contains mapped wetlands and hydric soils, an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Micco Road is an MQR. The applicant would be required to complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Information available to NRM indicates that federally and/or state protected species may be present on the properties. The applicant should obtain any necessary permits from the U.S. Fish and Wildlife Service (904-232-2580) and the Florida Fish and Wildlife Conservation Commission (352-732-1225).

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.