



**AGENDA REPORT**  
**August 1, 2019**

**Sunshine State Wildlife Conservation, LLC (Scott Knox) requests a CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres. (19PZ00061) (District 5)**

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**SUBJECT:**

Sunshine State Wildlife Conservation, LLC (Scott Knox) requests a CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres. The property is 326.97 acres (216.89 acres for CUP request), located on the west side of Babcock Street, north of the C-54 canal. (9550 Babcock Street, Fellsmere) (19PZ00061) (District 5)

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP for Land Alteration.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is requesting a CUP (Conditional Use Permit) for land alteration (excavating, filling and reclaiming lands) of 216.89 acres on a parcel totaling 326.98 acres in size for the purpose of consolidating 9 individual land alteration operation permits currently occurring on the same property today. The existing permits are under 5 acres which do not require a CUP, and these activities are regulated by the Natural Resources Management (NRM) Department. The applicant has been working with the NRM Department and the Saint Johns River Water Management District (SJRWMD) to avoid impacts to natural resources. Those areas have been excluded from the area of the CUP request.

This property retains the AU (Agricultural Residential) zoning classification and is developed with a single-family residence and contains barns, a kennel, and horses, and has historically utilized sod and cattle operations on a rotation basis. The existing 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, and a 750 square-foot minimum house size. This parcel had a prior CUP for tenant dwelling mobile homes approved under Z-5138 on December 6, 1979, which was removed under Z-10749(11) on November 7, 2002.

The parcel is adjacent to vacant lands within Brevard County with the GU (General Use) zoning classification to the west and the Saint Sebastian River State Park Preserve to the east, which is comprised of 21,629.35 acres, and is managed by the State of Florida's Department of Environmental Protection, Division of Recreation and Parks. To the south of the subject property lies the C-54 canal and the Indian River County line, with large lot residential development south of that.

A CUP may be: 1) approved subject to the conditions of Section 62-1936; 2) approved subject to the conditions of 62-1936 and conditions imposed by the Board above and beyond the requirements of Section 62-1936; or 3) denied.

Condition 62-1936(g) states: 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.

The Board should consider whether the proposed CUP's large-scale land alteration activities are compatible with surrounding vacant lands with GU zoning and the adjacent Saint Sebastian River Preserve State Park (GML(P) (Government Managed Lands – Parks)) zoning classifications.

The Board may also wish to consider whether any information regarding the future landscape restoration of the site or timing of the restoration should be provided by the applicant in order to demonstrate that such large-scale land alteration activities are returned to safe environmental conditions in a reasonable manner.

Another potential consideration for the Board is whether the hours of operation should be adjusted beyond the code limitation of dawn until dusk and prohibition on Sundays to mitigate potential noise issues that could arise from the proposed crushing activities. The Board should note that the applicant has indicated that explosives, blasting, and detonating are not intended to be used at this land alteration site.

On July 8, 2019, the Planning and Zoning Board heard the request and unanimously recommended approval.

**ATTACHMENTS:**

**Description**

- ▣ **Administrative Policies**
- ▣ **Staff Comments**
- ▣ **GIS Maps**
- ▣ **Overall CUP Plan**
- ▣ **P&Z Minutes**



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**  
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Planning and Development  
Zoning Meeting August 1, 2019  
Sunshine State Wildlife Conservation LLC (19PZ00061)

Commissioner Pritchett met with Attorney Scott Knox, who represents Sunshine State Wildlife Conservation, Jeff Murray and Nathan Melle on July 29, 2019.

Items discussed at the meeting were that there will be self-imposed conservation areas. There will be mining, dirt and coquina activities on the property, however there will not be any blasting. Company has a reclamation plan in place for the property.

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for 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 percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
  2. actual development over the immediately preceding three years; and
  3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

##### **Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

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

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

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

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**Resolution 19PZ00061**

On motion by Commissioner Pritchett, seconded by Commissioner Lober, the following resolution was adopted by a unanimous vote:

**WHEREAS, Sunshine State Wildlife Conservation, LLC** has requested a CUP (Conditional Use Permit) for Land Alteration on 216.89 acres out of a total of 326.97 acres, on property described as Tax Parcel 2, as recorded in ORB 8227, Pages 177 – 179, and ORB 8213, Pages 1794 – 1796, as recorded in the Public Records of Brevard County, Florida. Section 34, Township 30, Range 37. (326.97 acres. 151.78 acres for CUP request) Located on the west side of Babcock St., north of the C-54 Canal. (9550 Babcock St., Fellsmere); and

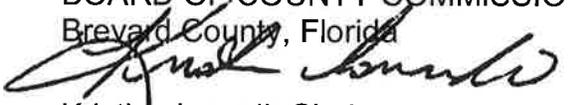
**WHEREAS**, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**WHEREAS**, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of August 1, 2019.

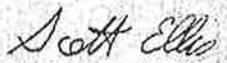
BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Kristine Isnardi, Chair

Brevard County Commission

As approved by the Board on August 1, 2019.

ATTEST:

  
SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – July 8, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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 Viera, Florida 32940  
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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**19PZ00061**

**Sunshine State Wildlife Conservation, LLC  
 CUP (Conditional Use Permit) for Land Alteration**

Tax Account Number: 3001213  
 Parcel I.D.: 30-37-34-00-2  
 Location: 9550 Babcock Street, Fellsmere (District 5)  
 Acreage: 216.89 acres for CUP request; 326.97 acres total

Planning and Zoning Board: 07/08/19  
 Board of County Commissioners: 08/01/19

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	AU (Agricultural Residential)	AU with CUP for Land Alteration
<b>Potential*</b>	106 Single-Family Units	106 Single-Family Units
<b>Can be Considered under the Future Land Use Map</b>	Yes, Residential 1:2.5	Yes, Residential 1:2.5

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

**Background and Purpose of Request**

The applicant is requesting a CUP (Conditional Use Permit) for land alteration of 216.89 acres on a parcel totaling 326.98 acres in size for the purpose of consolidating multiple land alteration operations occurring on the same property today. Section 62-4391 defines "land alteration" as the process of excavating, filling, and reclaiming lands. If the CUP for land alteration activities were to be granted by the Board, the nine individual LAPs (Land Alteration Permits) for approximately 45 total acres would be closed and a LAP on the greater 216.89 acres would be reviewed to potentially replace the current permits. A SJRWMD (Saint Johns River Water Management District) permit will also be required for land alteration activities to commence.

Currently, the applicant has 9 LAPs on 5 acre sites, totaling 45 acres. Each of these existing operations is less than the 5 acre size limit requiring a CUP, with the individual permits and

associated activities regulated by the Natural Resources Management (NRM) Department. For each current LAP, the 5 acre allowance includes only the digging pit and storage of equipment; staging of trucks and other ancillary activities are not included in the land alteration area. Each 5-acre LAP on file includes a reclamation plan, which are on file with the NRM (Natural Resources Management) Department.

A reclamation plan will be required as a part of the future LAP (Land Alteration Permit) on the 216.89 acres proposed within this CUP (Conditional Use Permit) by the NRM Department. The reclamation plan submitted to the county with the permit and reviewed administratively describes the filling, backfilling, restructuring, reshaping, and revegetation of a land alteration-site and describes the proposed activities which are intended to occur on the property after land alteration ceases and reclamation has been completed. This plan will set forth the process of restoration to be followed, provide the required details of how and when reclamation will be accomplished and demonstrate how the property may be utilized as productive land after land alteration has been completed.

Reclamation of altered land can be conducted along the life of the project or at the end. Section 62-4398(1) clarifies that in all types of land alteration, reclamation, including revegetation of upland areas, shall be completed within 180 days of completion of the altering activity. Revegetation of littoral zones of lakes shall be completed within one year of completion of the altering activity.

This property retains the AU (Agricultural Residential) zoning classification and is developed with a single-family residence and contains barns, a kennel, and horses. It has historically been utilized on a rotation basis between sod and cattle operations. The existing AU zoning classification permits single-family residences and agricultural pursuits on 2.5 acre lots, with a minimum lot width and depth of 150 feet, and a 750 square-foot minimum house size. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

This parcel had a prior CUP for tenant dwelling mobile homes approved under **Z-5138** on December 6, 1979 which was removed under **Z-10749(11)** on November 7, 2002.

The 326.97 acre parcel is adjacent to vacant lands within Brevard County with GU (General Use) zoning to the west and the Saint Sebastian River State Park Preserve to the east, which is comprised of 21,629.35 acres, and is managed by the State of Florida's Department of Environmental Protection, Division of Recreation and Parks. The purpose of Saint Sebastian River Preserve State Park is to limit the development in the area to provide a water quality buffer for the Saint Sebastian River and Indian River Lagoon and to protect the critical habitats of imperiled species particularly the Florida Manatee. To the south of the subject property lies adjacent to the C-54 canal and the Indian River County line, with large lot residential development south of that.

### **Land Use Compatibility**

The subject property retains the RES 1:2.5 (Residential 1:2.5) FLU (Future Land Use) designation.

Future Land Use Element Policy 1.10 addresses the RES 1:2.5 FLU designation. The RES 1:2.5 land use designation, which establishes the lowest density of all the residential future land

use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The existing AU zoning classification is consistent with this FLU designation.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

### **Environmental Constraints**

No substantial natural resource land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development, including the land alteration permit and landscape restoration plan. Applicant has been working closely with NRM and Saint John's River Water Management District to avoid impacts to natural resources.

Please refer to comments provided by the Natural Resources Management Department for additional information.

### **Preliminary Transportation Concurrency**

The subject property is on the concurrency management segment of Babcock Street, between Indian River County and Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 17.14% of capacity daily. The trip generation from the proposed land alteration activities are not anticipated to produce more trips than the maximum development potential within the AU (Agricultural Residential) zoning classification could, which is 2,434 trips per day and 219 trips during the PM peak hour. The trips anticipated from this CUP activity are not create a deficiency in LOS.

### **Applicable Land Use Policies**

The applicant is requesting a Conditional Use Permit (CUP) for a 216.89 acre Land Alteration Permit in order to consolidate multiple land alteration operations. The overall parcel size is 326.98 acres. This property is developed with a single-family residence and contains barns, a kennel, and horses. The applicant purchased this lot in July 2018. The property is currently utilized on a rotating basis between sod and cattle operations.

The adjacent zoning to the north is GU (General Use). Across Babcock Street to the east, the property is zoned GML(P) (Government Managed Lands - Parks), which is operated as the Saint Sebastian River Preserve State Park, and managed by the state of Florida's Department of Environmental Protection, Division of Recreation and Parks. To the south lies the C-54 canal and T.M. Goodwin Road. To the west, this lot abuts property zoned GU. The character of the area is mostly under agriculture or conservation uses. This site lies outside of the Palm Bay Joint Planning Area review area.

This request should be evaluated in the context of Section 62-1936, governing land alterations 5.0 acres in area or larger, as follows: Staff's analysis of the CUP conditions are indicated below.

- a) The minimum size for land alteration is five acres.  
Staff's Analysis: The applicant's request is for 216.89 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.  
Staff's Analysis: The applicant has multiple concurrent land alteration permits (LAPs) at this time and proposes to merge the permits under this application into a future revised LAP.
- 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.  
Staff's Analysis: The applicant has submitted drawings which show compliance with required setbacks.
- 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.  
Staff's Analysis: The area of alteration is planned to be 216.89 acres of the total 326.97 acres of the subject property. 110.08 acres are identified as being off limits to land alteration activities, as depicted on the concept plan included in the Board's package.
  - (2) The location of any equipment and equipment storage.  
Staff's Analysis: Please see the operations and staging areas identified on the concept plan included in the Board's package.
  - (3) The points of ingress and egress.  
Staff's Analysis: Please see the ingress/egress location identified on the concept plan included in the Board's package.
  - (4) The extent of buffering, and other associated operational components.  
Staff's Analysis: A 75-foot buffer adjacent to the road and south property line, and 250-foot setback from the north and west property line are depicted on the concept plan in the Board's package. The applicant is also voluntarily omitting 110.08 acres from the land alteration activities that may be environmentally sensitive areas.
  - (5) Rock crushing operations must be specified and the exact location described during application submittal.  
Staff's Analysis: Please see locations identified on the concept plan included in the Board's package.

- (6) Identify the maximum number of truck trips per day to and from the site.  
Staff's Analysis: Between 92 and 150 trips per day are estimated 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.  
Staff's Analysis: A concept plan has been included within the Board's package and identifies that the haul route is anticipated to head north on Babcock street and that the route extends approximately 6 miles from the Site to the St. Johns Heritage Parkway Interchange #166 and from there, the materials are anticipated to be distributed to projects north and south of the site.
- (8) Location of areas where explosives, blasting agents, or detonators may be used in conjunction with land alteration activities.  
Staff's Analysis: The applicant has indicated that explosives are not intended to be used at this land alteration site.
- e) Land alteration activity must be located with direct access to collector or arterial roads except for projects within commercial and industrial zoned properties.  
Staff's Analysis: The Space Coast Transportation Planning Organization lists the abutting road segment as a Rural Major Collector.
- f) Land alteration activities shall be limited to operations between dawn to dusk and prohibited on Sundays.  
Staff's Analysis: The applicant states compliance with these operational hours.
- 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.  
Staff's Analysis: Potential impacts have not yet been quantified.
- h) Such conditional use may be limited to a time specific duration as set by the Board of County Commissioners.  
Staff's Analysis: Time limitations have not been set by the Board outside of the conditions stated above. Should the Board wish to limit the impacts beyond the current code limitations, such conditions would need to be determined at the public hearing.
- 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.  
Staff's Analysis: Intent to use such materials has not been disclosed.

### **Special Considerations for CUP (Conditional Use Permit)**

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 – 8 of these comments. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

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 and Section 62-1936, Land Alterations.

### ***General Standards of Review***

Section 62-1901(c)(1)(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.

Applicant's Response: The proposed use is a land alteration over 5 acres. It is anticipated that there will not be an adverse impact on adjacent and nearby properties as the surrounding uses have similar traffic, activities, and employment numbers as the requested conditional use.

Staff's Observation: Any noise generated in conjunction with the operation of the business would need to comply with the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271.

Section 62-1901(c)(1)(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.

Applicant's Response: Yes. The proposed use is strongly compatible with the surrounding properties with regard to use, function, operation hours of operation, type, setbacks necessary buildings/structures and amount of traffic generated. There are and have been other uses such as this in the surrounding area.

Staff's Observation: The applicant has proposed their intent to comply with code provisions. If the Board desires additional information or commitments beyond traditional standards, these requests should be identified at the public hearing. The nearest large borrow pit in unincorporated Brevard is 2.25 miles north of this property and is approximately 50 acres in size.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable 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.

Applicant's Response: The property use under this CUP is a preferred location for a use such as this. The abutting property is of an agricultural use. The value of these abutting properties will not be substantially reduced by the proposed use.

Staff's Observation: The parcel is located near property under agricultural operations at this time; should this neighboring use change due to proposed residential development of the abutting sites; it may be necessary to re-evaluate the potential impacts that this site may propose.

Section 62-1901(c)(2)(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 percent, or ten percent 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 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.

Applicant's Response: The site has an approved land alteration permit and has met all listed items. A study from October of 2017 by the Space Coast TPO stated that about 2,430 cars per day use Babcock Street. We do not anticipate traffic increasing by more than ten percent and the road is currently well below the Maximum Acceptable Volume of 14,200.

Staff's Observation: The site has direct access to Babcock Street. The applicant has estimated the truck volume hauling materials from the site to be between 92-150 trips per day. The proposed removal route is to the north and extends for approximately six (6) miles and exits onto the Saint John's Heritage Parkway Interchange.

Section 62-1901(c)(2)(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.

Applicant's Response: The property use will be compatible with adjacent uses as explained in the previous questions. Any "emissions" (as identified in the above question) will be within acceptable levels and will not substantially interfere with the use of the state park nor the agricultural lands.

Staff's Observation: The applicant was advised that potential noise issues could arise from the proposed crushing activities and to conduct themselves accordingly.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: The proposed use will be within the permitted noise level.

Section 62-1901(c)(2)(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.

Applicant's Response: The land alteration on the property will not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service to be exceeded.

Section 62-1901(c)(2)(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.

Applicant's Response: The land alteration on the property will not cause the adopted level of service for potable water or wastewater for the property or area covered by such level of service to be exceeded.

Section 62-1901(c)(2)(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.

Applicant's Response: The property has existing screening and buffering to reduce any potential impacts to nearby properties containing less intrusive uses.

Section 62-1901(c)(2)(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.

Applicant's Response: Project signage will meet all current county codes and ordinances. No exterior lighting is anticipated. Signage, if any will not interfere nor cause glare or hazards to traffic safety.

Section 62-1901(c)(2)(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.

Applicant's Response: The hours of use will be in accordance with all current County codes and ordinances. Dawn to dusk and prohibited on Sundays.

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: The height of the proposed use is compatible with surrounding structures.

Section 62-1901(c)(2)(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.

Note: 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.

Applicant's Response: All parking and loading areas will be on site. No off-street parking and loading areas are anticipated.

### **For Board Consideration**

The applicant is requesting a CUP (Conditional Use Permit) for land alteration of 216.89 acres on a parcel totaling 326.98 acres in size for the purpose of consolidating multiple land alteration operations occurring on the same property today. Section 62-4391 defines "land alteration" as the process of excavating, filling and reclaiming lands. If the CUP for land alteration activities were to be granted by the Board, the 9 individual permits would be closed and a LAP (Land Alteration Permit) on the greater 216.89 acres would replace the current permits. A SJRWMD (Saint Johns River Water Management District) permit will also be required for land alteration activities to commence.

Currently, the applicant has 9 LAPs (Land Alteration Permits on 5 acre sites, totaling 45 acres. Each of these existing operations is less than the 5 acre size limit requiring a CUP (Conditional Use Permit), with the individual permits and associated activities regulated by the Natural Resources Management (NRM) Department. For each current LAP, the 5 acre allowance includes only the digging pit and storage of equipment, staging of trucks and other ancillary activities are not included in the land alteration area. Each 5-acre LAP on file includes a reclamation plan, which are on file with the NRM Department.

A reclamation plan will be required as a part of the future LAP on the 216.89 acres proposed within this CUP by the NRM Department. The reclamation plan submitted to the county with the permit and reviewed administratively describes the filling, backfilling, restructuring, reshaping and revegetation of a land alteration-site and describes the proposed activities which are intended to occur on the property after land alteration ceases and reclamation has been completed. This plan will set forth the process of restoration to be followed, provide the required details of how and when reclamation will be accomplished and demonstrate how the property may be utilized as productive land after land alteration has been completed.

Reclamation of altered land can be conducted along the life of the project or at the end. Section 62-4398(1) clarifies that in all types of land alteration, reclamation, including revegetation of upland areas, shall be completed within 180 days of completion of the altering activity. Revegetation of littoral zones of lakes shall be completed within one year of completion of the altering activity.

This property retains the AU (Agricultural Residential) zoning classification and is developed with a single-family residence and contains barns, a kennel and horses and has historically utilized on a rotation basis between sod and cattle operations. The existing 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, and a 750 square-foot minimum house size. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

This parcel had a prior CUP for tenant dwelling mobile homes approved under **Z-5138** on December 6, 1979 which was removed under **Z-10749(11)** on November 7, 2002.

The 326.97 acre parcel is adjacent to vacant lands within Brevard County with the GU Zoning classification to the west and the Saint Sebastian River State Park Preserve to the east, which is comprised of 21,629.35 acres, and is managed by the state of Florida's Department of Environmental Protection, Division of Recreation and Parks. The purpose of Saint Sebastian River Preserve State Park is to limit the development in the area to provide a water quality buffer for the St. Sebastian River and Indian River Lagoon and to protect the critical habitats of imperiled species particularly the Florida Manatee. To the south of the subject property lies the C-54 canal and the Indian River County line, with large lot residential development south of that.

The applicant has been working closely with the Natural Resources Management (NRM) Department and the SJRWMD (Saint Johns River Water Management District) to avoid impacts to natural resources. Those areas have been excluded from the area of the CUP request. The applicant has indicated that land alteration activities will be prohibited on 110.08 acres of the 326.97 acre parcel, as depicted on the concept plan included in the Board's package. The concept plan also depicts the location of equipment staging areas, points of ingress and egress to the adjacent Babcock Street, a rural major collector County-maintained roadway, buffering and setbacks and rock crushing operation locations.

The applicant has indicated that explosives, blasting and detonating are not intended to be used at this land alteration site. The applicant was advised that potential noise issues could arise from the proposed crushing activities and to conduct themselves accordingly. Operational hours will be limited to dawn till dusk and will be prohibited on Sundays. The Board may wish to consider limitation of a time specific duration.

A concept plan included within the Board's package identifies that the haul route is anticipated to head north on Babcock street and that the route extends approximately 6 miles from the Site to the Saint John's Heritage Parkway Interchange #166, and from there, the materials are anticipated to be distributed to projects north and south of the site. 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.

Such CUP (Conditional Use Permit) may be: 1.) approved subject to the conditions of Section 62-1936; 2.) approved subject to the conditions of 62-1936 and conditions imposed by the Board above and beyond the requirements of Section 62-1936; or 3.) denied.

The Board should consider whether the proposed CUP's large-scale land alteration activities are compatible with surrounding vacant lands with GU (General Use) zoning and the adjacent Saint

Sebastian River Preserve State Park GML(P) (Government Managed Lands – Parks) zoning classifications.

The Board may also wish to consider whether any information regarding the future landscape restoration of the site or timing of the restoration should be provided by the applicant, in order to demonstrate that such a large-scale land alteration activities are returned to safe environmental conditions in a reasonable manner.

### **Natural Resources Management Department Zoning Review and Summary**

This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.

In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the zoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State, or County regulations.

This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.

### **Substantial Natural Resources Land Use Issues**

No substantial natural resource land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The applicant has been working closely with NRM and Saint John's River Water Management District to avoid impacts to natural resources.

### **Summary of Mapped Natural Resources Present on the Subject Property**

NWI Wetlands

SJRWMD Wetlands

Hydric Soils

Floodplain

Indian River Lagoon Septic Overlay

### **Land Use Comments**

#### ***Wetlands and Hydric Soils***

The subject parcel contains mapped areas of NWI and SJRWMD wetlands, and hydric soils as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively. Applicant is working closely with NRM

and SJRWMD to avoid impacts to wetlands. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

### ***Floodplain***

A majority of the property is mapped as being within a floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

### ***Indian River Lagoon and Septic Overlay***

Portions of parcel are located within the 60-meter nitrogen reduction overlay. This parameter is not applicable since the land alteration activities do not propose any structures requiring a septic system.

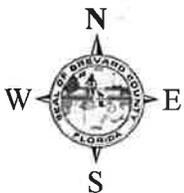
### **Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. As part of the land alteration permit, a landscape restoration plan is required.

### **Protected Species**

Federally and/or state protected species may be present on properties with aquifer recharge soils. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP  
SUNSHINE STATE WILDLIFE CONSERVATION, LLC  
19PZ00061



1:36,000 or 1 inch = 3,000 feet

Buffer Distance: 500 feet

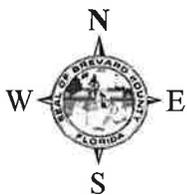
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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-  Buffer
-  Subject Property

# ZONING MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC  
19PZ00061



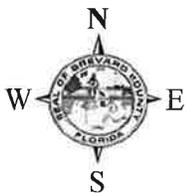
1:24,000 or 1 inch = 2,000 feet

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

Produced by BoCC - GIS Date: 6/21/2019

-  Subject Property
-  Parcels
-  Zoning

**FUTURE LAND USE MAP**  
**SUNSHINE STATE WILDLIFE CONSERVATION, LLC**  
**19PZ00061**



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

- Subject Property
- Parcels

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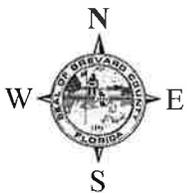
# AERIAL MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



BREVARD / INDIAN RIVER COUNTY LINE



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

PHOTO YEAR: 2018

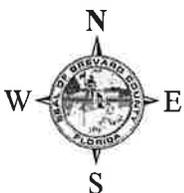
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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— Subject Property

□ Parcels

**NWI WETLANDS MAP**  
**SUNSHINE STATE WILDLIFE CONSERVATION, LLC**  
**19PZ00061**



1:9,600 or 1 inch = 800 feet

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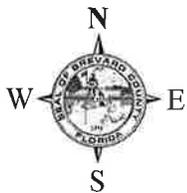
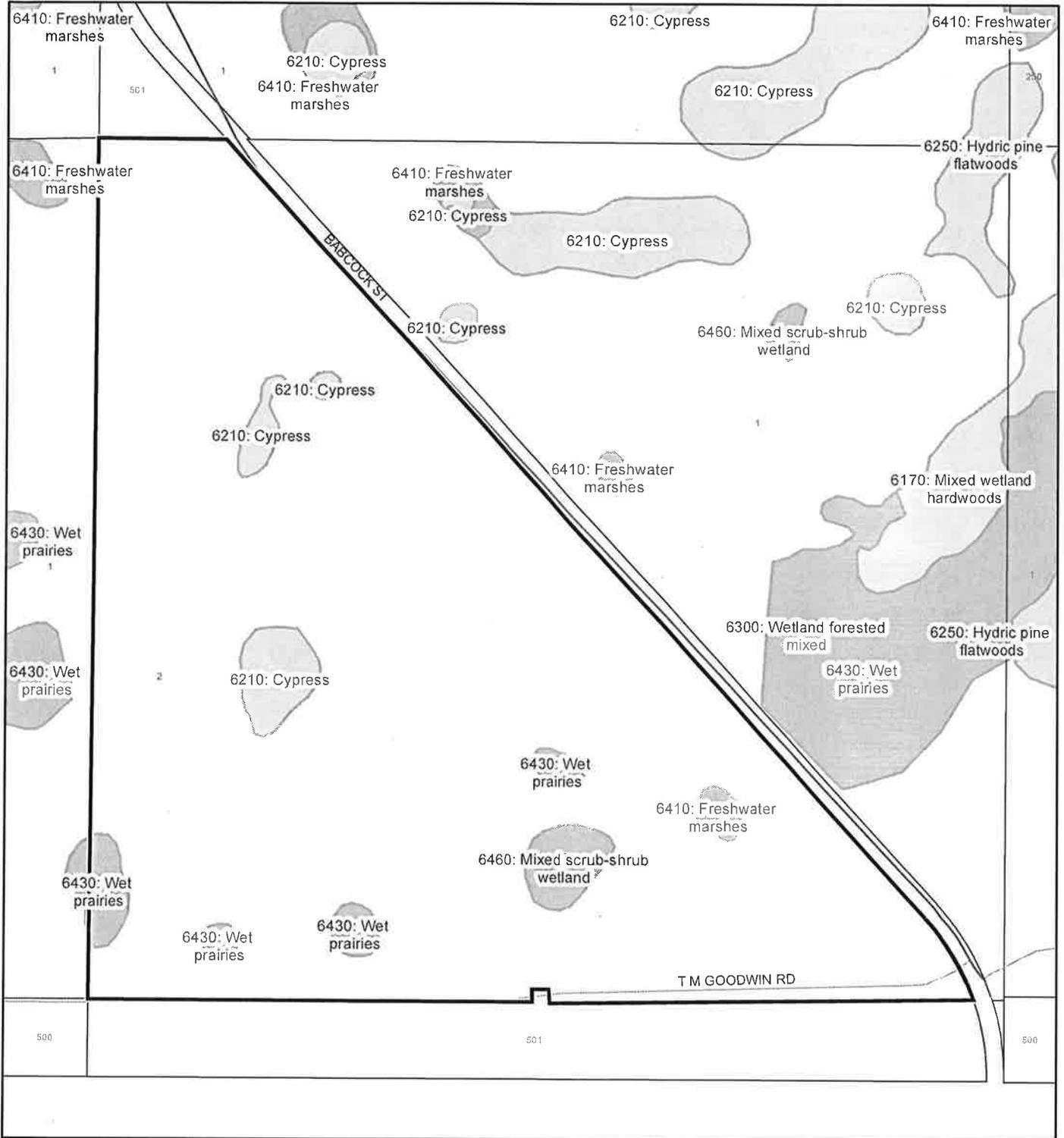
**National Wetlands Inventory (NWI)**

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



1:9,600 or 1 inch = 800 feet

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Produced by BoCC - GIS Date: 5/20/2019

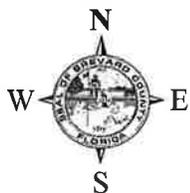
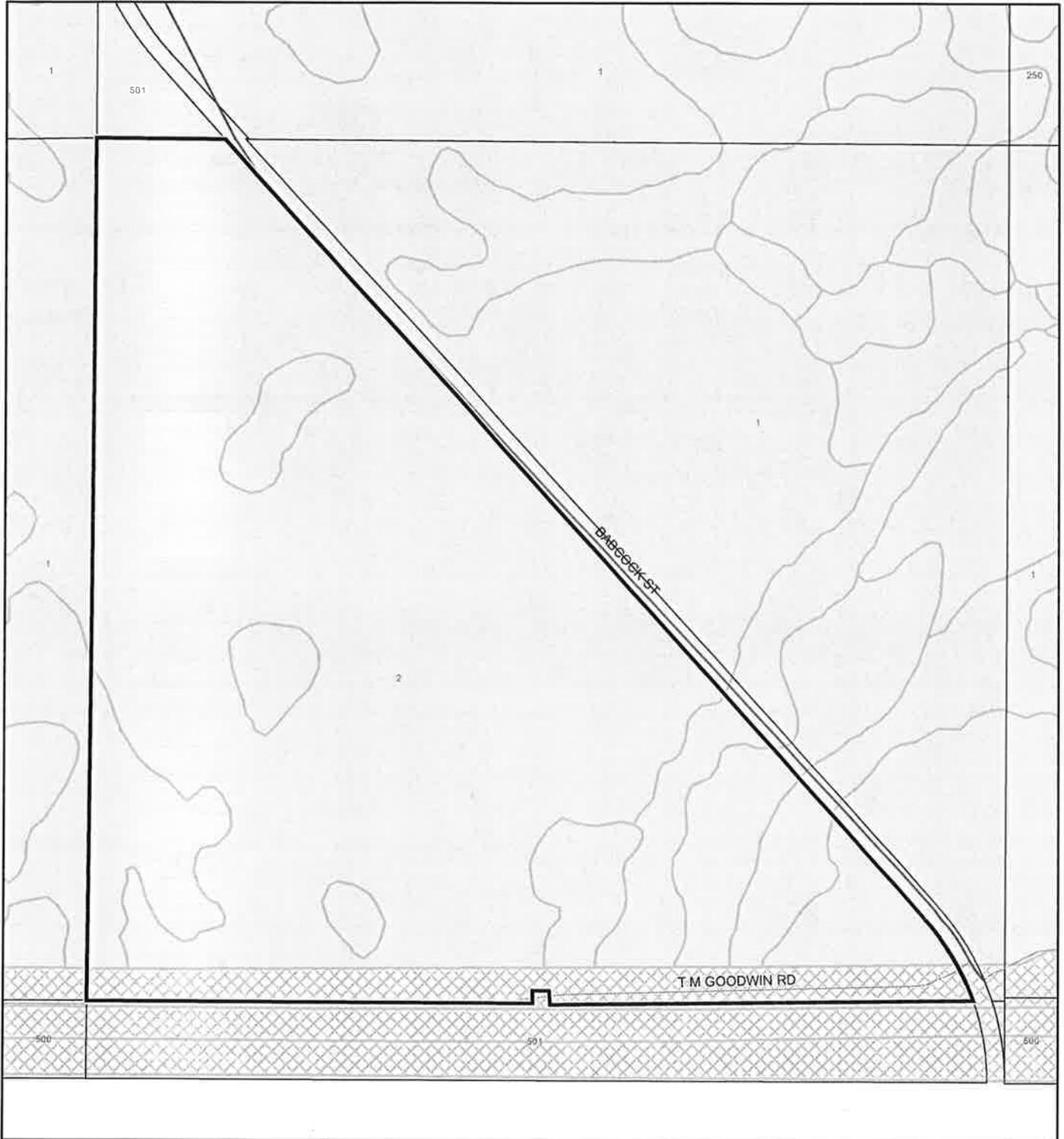
## SJRWMD FLUCCS WETLANDS

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

 Subject Property

 Parcels

USDA SCSSS SOILS MAP  
 SUNSHINE STATE WILDLIFE CONSERVATION, LLC  
 19PZ00061



1:9,600 or 1 inch = 800 feet

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

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USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

# FEMA FLOOD ZONES MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 5/16/2019

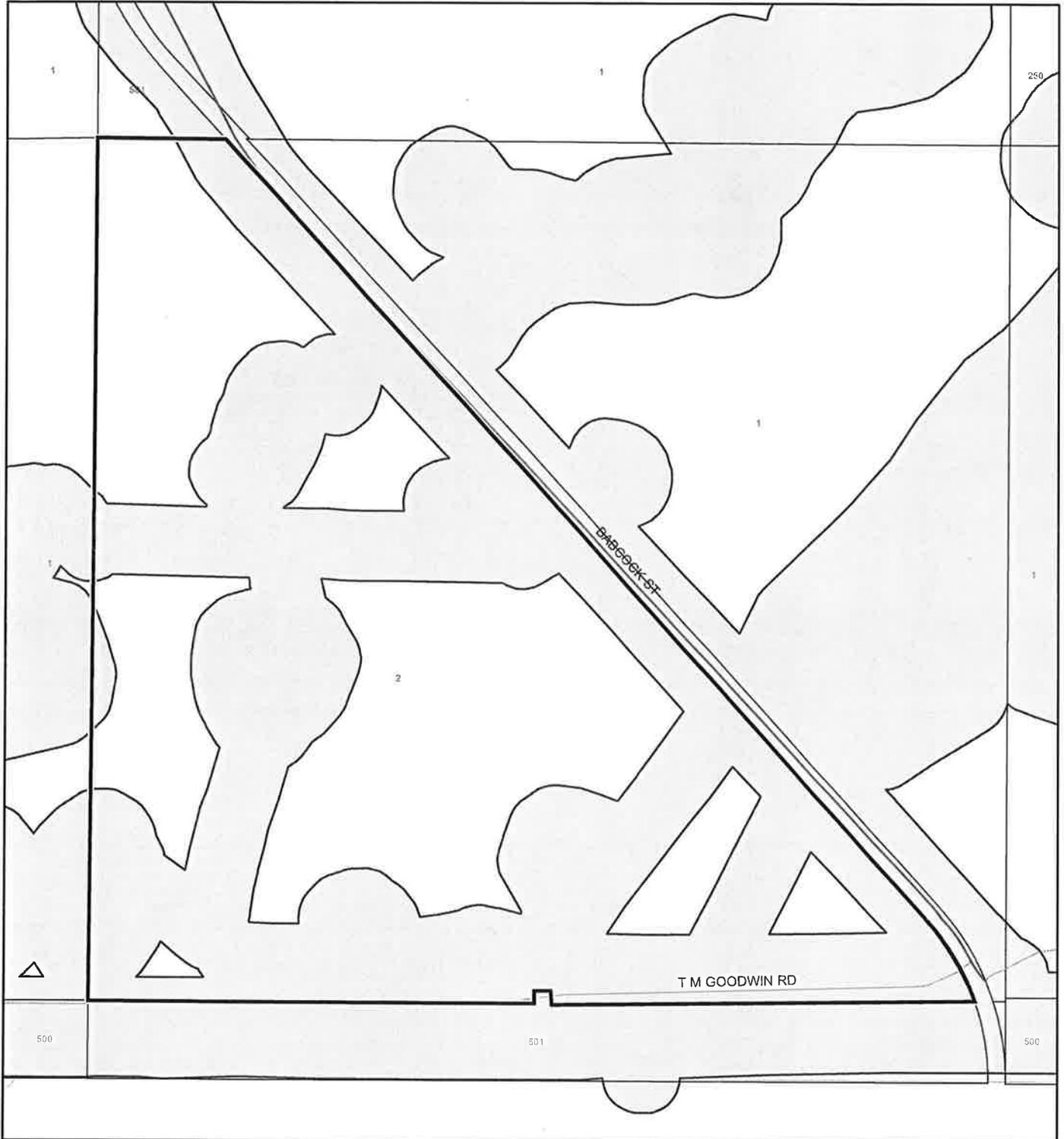
## FEMA Flood Zones

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

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 5/20/2019

— Subject Property

□ Parcels

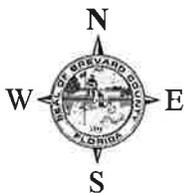
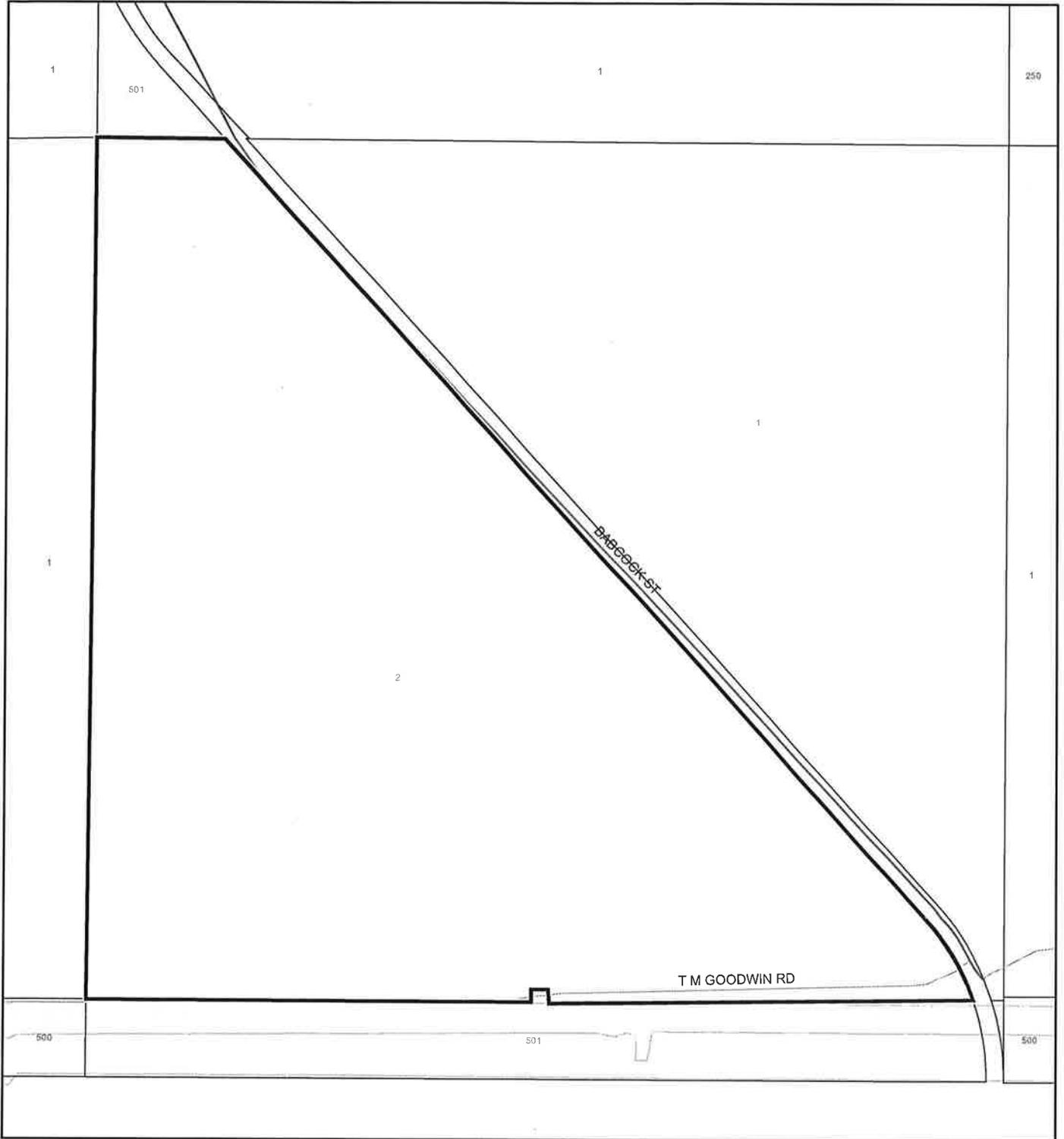
**Septic Overlay**

■ 40 Meters

■ 60 Meters

■ All Distances

**EAGLE NESTS MAP**  
**SUNSHINE STATE WILDLIFE CONSERVATION, LLC**  
**19PZ00061**



1:9,600 or 1 inch = 800 feet

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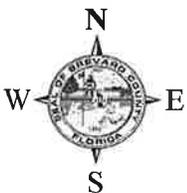
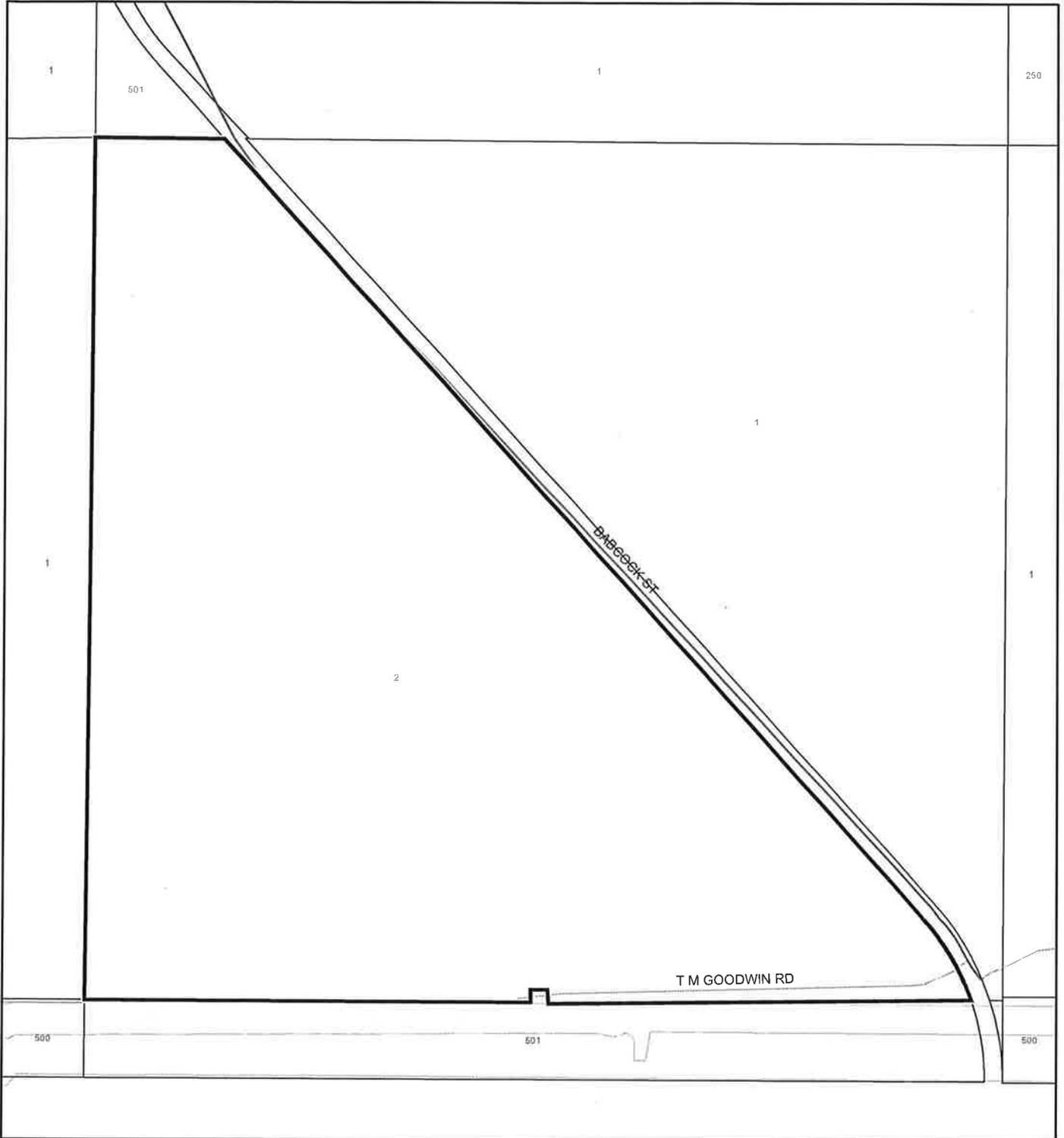
Produced by BoCC - GIS Date: 5/16/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

# SCRUB JAY OCCUPANCY MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



1:9,600 or 1 inch = 800 feet

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

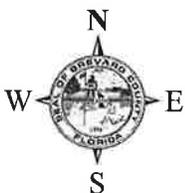
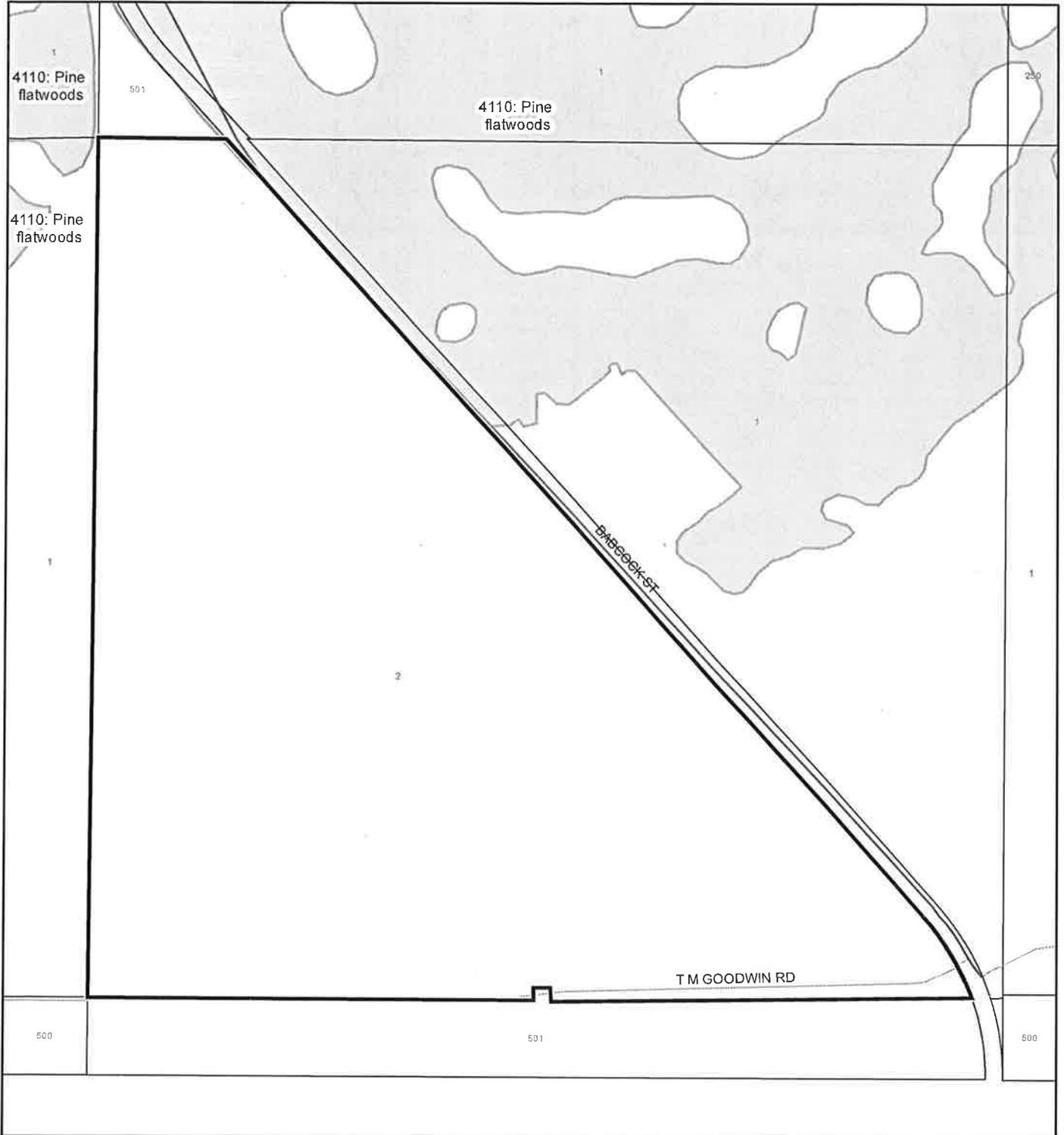
Produced by BoCC - GIS Date: 5/20/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

19PZ00061



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## SJRWMD FLUCCS Upland Forests

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

 Subject Property

 Parcels



North

### CUP for Land Alteration Permit Modification A-1

326.97 acres: Parcel Size  
 110.08 acres: Off Limits to Land Alteration Activities (Hatched and Outlined Areas-see Key below)  
 216.89 acres: Potential area of Land Alteration Activities

**KEY**

Red Outgoing Traffic  
 Yellow Incoming Traffic

- Operations and Staging Areas.  
(Equipment and Equipment Storage Areas)
- Off Limits to Land Alteration- Self Imposed Buffer Areas
- Set Back and Property Line and Existing Buffer
- General Location of Crushing Operations.

250' Set Back from Property Line

Entrance/Exit using Existing Apron, Scale House and Office Location.

75' Set Back from ROW Existing Vegetative Buffer

**Hours of Operation:** Dawn to Dusk. No Operations on Sunday  
**Maximum Number of Truck Trips Per Day To and From The Site:** Between 92 and 150 trips per day are estimated. The October 2017 Space Coast TPO study states that approximately 2,430 cars per day use Babcock Street. Traffic is not anticipated to increase by more than 10% (as estimated above) and the road is well below the Maximum Acceptable Volume of 14,200 trips per day.  
**Removal Routes:** Routes extend approximately 6 miles from the Site to the St. Johns Heritage Parkway Interchange #166. It is anticipated that this will be the most efficient and expeditious route for material removal.  
**Explosives/Blasting Agents:** These items are not requested in this CUP. This operation does not intend to use explosives.

<p>Overall CUP</p>	<p>Ralph K Brown PE                  Florida Reg # 44635</p>	<p>DATE : 7/11/18                  PROJ # : 1828e                  DRAWN BY: kwn                  APPD. BY : kwn                  PLOT BY :                  REF.# Rev-6-10-19                  SCALE 1"=750'</p>	<p>Sunshine State Wildlife Conservation LLC                  Brevard County, Florida                  Land Alteration Permit                  CUP Application- Mod A-1</p>	<p>SHEET                  1 of 1                  Dwg. #</p>
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## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

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

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 30, 2019, at 5:00 p.m.

### Excerpt from Complete Agenda

#### **Sunshine State, LLC** (Scott Knox)

An amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units. The property is 8.49 acres, located on the southwest corner of Berkeley Street and Highway A1A. (50 Berkeley Street, Satellite Beach) (19PZ00060) (District 4)

Scott Knox, Widerman – Malek Law Firm, 1900 West New Haven Avenue, Melbourne, stated the application consolidates nine existing land alteration permits so the applicant can have a cohesive effort to the work they've been doing for the last several years. He stated eventually, the approval will also allow a reclamation program where they can do some kind of development at the end of their projected 10-year project. He stated the area subject to the land use alteration CUP (Conditional Use Permit) is the 216.89 acres, and of that, the County will reserve 110 acres to set boundaries for the dirt removal and the lime rock that will be removed from the site. He noted explosives will not be used, access from the property will be on Babcock Road, and the material taken from the site will generally be used in the area around Viera where there are some large projects underway.

No public comment.

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres. The vote passed unanimously.