



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.5.

5/7/2020

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### **Subject:**

Troy Yates requests a Small Scale Comprehensive Plan Amendment from Residential 4 to Community Commercial. (20PZ00020) (Tax Account 2400600) (District 1)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 (Residential 4) to CC (Community Commercial).

### **Summary Explanation and Background:**

The applicant is seeking to amend the Future Land Use designation from RES 4 to CC on a vacant .44-acre parcel of land located on the east side of Grissom Parkway, approximately .23 mile south of Canaveral Groves Boulevard. The CC Future Land Use designation provides an array of retail, personal, and professional uses intended to serve several neighborhoods, sub-regional, and regional areas. A rezoning application from GU (General Use) to BU-1 (General Retail Commercial) accompanies this Small Scale Comprehensive Plan Amendment.

The surrounding parcels mostly contain Future Land Use designations of RES 4 and RES 1:2.5. There are four parcels to the north of the subject property designated as CC; however, they are not contiguous to the subject property.

The Board may wish to consider whether the request is consistent with Policy 2.7 of the Comprehensive Plan which encourages contiguous commercial development. The Board may also wish to consider whether commercial Development should be expanded further south on Grissom Parkway.

On April 6, 2020, the Local Planning Agency heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

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



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

May 8, 2020

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director      Attn: Cheryl Campbell

**RE:** Small Scale Plan Amendment 20S.01

The Board of County Commissioners, in regular session on May 7, 2020, adopted Ordinance No. 20-07, setting forth the first Small Scale Plan Amendment of 2020.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Kimberly Powell, Deputy Clerk

\cmw

Encl. (1)



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

May 8, 2020

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

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-07, which was filed in this office on May 8, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 20-07

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST SMALL SCALE PLAN AMENDMENT OF 2020, 20S.01, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2020 as Plan Amendment 20S.01; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 20S.01; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

Officially filed with the Secretary of State on May 8, 2020.

WHEREAS, on April 6, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 7, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 20S.01; and

WHEREAS, Plan Amendment 20S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.01 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 20S.01 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 20S.01, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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

DONE AND ADOPTED in regular session, this 7 day of MAY, 2020.

ATTEST:

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

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on MAY 7, 2020.

**EXHIBIT A**  
**20S.01 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

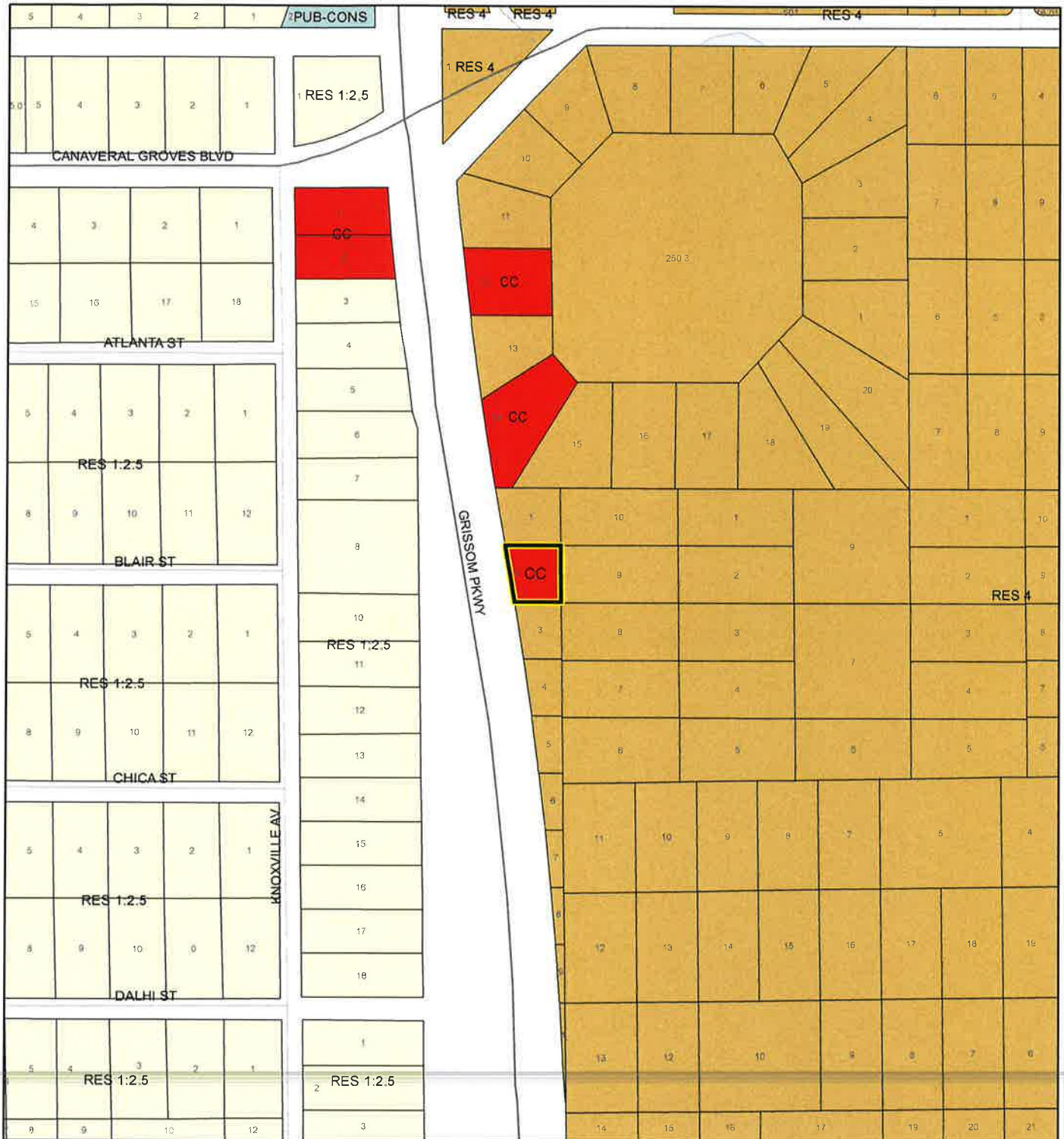
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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

Produced by BoCC - GIS Date: 2/4/2020



## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

ADM4121749 3/23/2020

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, APRIL 6, 2020, and THURSDAY, MAY 7, 2020. DISTRICT 1 1. (20PZ00024) THEODORE GOODENOW (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from P1 (Planned Industrial) to RES 2 (Residential 2), on property described as the south 1/2 of the NE 1/4 of the SW 1/4 of Section 21, Township 21S, Range 35E, Brevard County, Florida, lying east of Hammock Rd. (4.85 acres) Located on the east side of Hammock Rd., approx. 650 ft. south of Parrish Rd. (1930 Hammock Rd., Titusville) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.02: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with those amendments; providing legal status; providing a severability clause; and providing an effective date. 2. (19PZ00158) THEODORE C. GOODENOW (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units, on property described as Tax Parcel 501, as recorded in ORB 2422, Page 803, of the Public Records of Brevard County, Florida, Section 21, Township 21, Range 35, (31.43 acres) Located at 1930 Hammock Rd., Titusville, Florida. (Tax Account 2105262) DISTRICT 2 3. (20PZ00015) JAMES AND MARY MURRAY (Dan Quattrocchi) request a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), on property described as Tax Parcel 31.1, as recorded in ORB 7082, Pages 1972 - 1976, of the Public Records of Brevard County, Florida, Section 24, Township 25S, Range 36, (0.57 +/- acres) Located on the east side of S. Tropical Trail, approx. 850 ft. north of Old Settlement Road. (3720 S. Tropical Trail, Merritt Island) (Tax Account 2511451) 4. (20PZ00019) RIVER FLY-IN CONDOMINIUM, INC. (Kim Rezanka) requests an amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification, on property described as Tax Parcel 254, as recorded in ORB 8631, Pages 1087 - 1088, of the Public Records of Brevard County, Florida, Section 01, Township 25S, Range 36, (13.03 acres) Located on the south side of Cone Rd., approx. 150 ft. east of Kemp St.; and on the east side of Kemp St., approx. 145 ft. south of Cone Rd. (735 and 741 Pilot Lane, Merritt Island) (Tax Account 2501008) DISTRICT 1 5. (20PZ00020) TROY YATES requests a Small Scale Comprehensive Plan Amendment (205.01) to change the Future Land Use from RES 4 (Residential 4) to CC (Community Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24S, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (Tax Account 2400600) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.01: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with those amendments; providing legal status; providing a severability clause; and providing an effective date. 6. (20PZ00021) TROY YATES requests a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24S, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) 7. (20PZ00022) MICHAEL RICHARD AND CARINA EMMA HUGOBLOOM request a change of zoning classification from GU (General Use) to AU(1) (Agricultural Residential, Low-Intensity), on property described as the east 145 ft. of the west 805 ft. of the north 1/2 of the north 1/2 of the south 1/2 of the north 1/2 of Section 11, Township 24S, Range 35E, less the south 30 ft. for road, as recorded in ORB 8596, Page 194, of the Public Records of Brevard County, Florida, (1 acre) Located on the north side of Oneida St., approx. 304 ft. east of Dakota Ave. (3656 Oneida St., Cocoa) (Tax Account 2404041) 8. (20PZ00026) BREVARD COUNTY (Euri Rodriguez) requests the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands - High-Intensity); 2.) CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of 400-ft. setbacks; 5.) request to limit building height to 55 feet, on property described as Lots 97, 98, 99, and 100, less and except the 1.95 right-of-way, as recorded in ORB 3274, Pages 2407 - 2408, of the Public Records of Brevard County, Florida, Section 18, Township 22S, Range 35, (17.5 acres) Located on the west side of South St., due west of S. Park Ave. (3600 South St., Titusville) (Tax Account 2209623) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, APRIL 6, 2020, at 3:00 p.m. The final Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, MAY 7, 2020, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings, and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.4121749

## **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.

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.01 (20PZ00020)*  
**Township 24, Range 35, Section 01**

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**Property Information**

Owner / Applicant: **Troy Yates**

Adopted Future Land Use Map Designation: Residential 4 (RES 4)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage: .44 acres Tax Account #: 2400600

Site Location: East side of Grissom Parkway, 0.23 miles south of Canaveral Groves  
Boulevard

Current Zoning: General Use (GU)

Requested Zoning: General Retail Commercial (BU-1) (20PZ00021)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation from Residential 4 (RES 4) to Community Commercial (CC) on a .44 acre parcel of land. The subject property is currently vacant and has a Future Land Use designation of RES 4 which has been in place since 2001 when Brevard County combined the Future Land Use Map with the Density Map during an Evaluation and Appraisal Review (EAR). Prior to 2001, the subject parcel had a density area designation of Urban Fringe four (4) units per acre since Brevard County adopted the Comprehensive Plan in September of 1988.

The subject parcel is not contiguous to a parcel with a Future Land Use designation of CC.

The CC Future Land Use designation provides an array of retail, personal and professional uses intended to serve several neighborhoods, sub-regional and regional areas.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change from General Use (GU) to General Retail Commercial (BU-1).

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Vacant Single-Family	GU	RES 4
<b>South</b>	Vacant Single-Family	GU	RES 4
<b>East</b>	Vacant Single-Family	GU	RES 4
<b>West</b>	Across Grissom Parkway, two (2) Single-Family residences	AU, GU	RES 1:2.5

To the north, south and east of the subject property is vacant land with a Future Land Use designation of RES 4 (RES 4), to the west across Grissom Parkway are two (2) single-family residences with a Future Land Uses designation of Residential 1:2.5 (RES 1:2.5).

### Environmental Resources

*Based on the summary proved by the Natural Resource Management Department, it has been determined that the following are present on the subject property:*

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

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

### 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.

### **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:**

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

*There is a historical land use pattern of commercial approximately one quarter (1/4) mile north of the subject parcel at the corner of Canaveral Groves Boulevard and Grissom Parkway.*

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

*There has not been any actual development within the preceding three (3) years.*

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

*There have been no development approvals within the past three (3) years that have not yet been constructed.*

### **Administrative Policy 4**

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

**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.

*Based upon a traffic analysis, this segment of Grissom Parkway from Industry Road to Canaveral Groves Boulevard will not be negatively impacted by a commercial use. Currently this segment is operating at a level of service (LOS) of C. With a commercial use, the LOS will remain the same.*

*Approximately one quarter mile north of the subject site is the intersection of Canaveral Groves Boulevard and Grissom Parkway which has a historic pattern of commercial development. There has been no new development of commercial businesses within the past three (3) years.*

## **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 .44 acre parcel has frontage on Grissom Parkway, an urban minor arterial roadway which runs north and south at this segment between Industry Road and Canaveral Groves Boulevard.*

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

*The subject .44 acre parcel is not adjacent to Community Commercial (CC) designated land to the north, south, east and west. The subject parcel is adjacent to Residential 4 (RES 4) to the north, south and east and Residential 1:2.5 (RES 1:2.5) on the west across Grissom Parkway. The parcels to the north, south and east of the subject site are undeveloped single-family parcels which would not have inter-connectivity between uses. The parcels to the west of the subject site across Grissom Parkway are developed single-family homes and there would be no inter-connectivity between these parcels.*

- C. Existing commercial development trend in the area;

*There are six (6) parcels of land with commercial uses in a scattered pattern on the southeast and southwest corner of Canaveral Groves Boulevard and Grissom Parkway approximately one quarter (1/4) mile north of the subject parcel. The uses range from a convenience store with gas pumps to storage/junk yard and a cafeteria style restaurant with an approximate total acreage of six (6) acres.*

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

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

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

*The subject parcel is not served by Brevard County Utilities' Sewer Services. The City of Cocoa provides water to this subject parcel.*

*The .44 acre parcel has direct access to Grissom Parkway to the west approximately one quarter (1/4) of a mile south of the Canaveral Groves Boulevard/Grissom Parkway intersection. Both of these roads are classified as urban minor arterial roadways. Currently this section of Grissom Parkway from Industry Road to the south and Canaveral Groves Boulevard to the north is operating at a Level of Service (LOS) of C. The additional impact to the roadway resulting from the development of this site would remain at a LOS of C. The maximum capacity for this segment of Grissom Parkway is LOS category E.*

- F. Spacing from other commercial activities;

*The subject parcel is approximately one hundred seventy-four feet (174') south of an existing cafeteria restaurant and approximately six hundred sixty-eight feet (668') south of an open storage/junk yard located on the southeast corner of Grissom Road and Canaveral Groves Boulevard.*

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

*The FLU designation change from RES 4 to CC is proposed on a .44 acre parcel of land is Consistent with Policy 2.7 of the Future Land Use Element of the Comprehensive Plan. Community commercial development is intended to serve several neighborhoods and provide commercial uses.*

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

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

- I. Integration of open space; and

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

J. Impacts upon strip commercial development.

*The promotion of strip pattern commercial development is discouraged within the Future Land Use Element for property with a FLU designation of CC. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern. The subject property would not be considered infill within an established strip commercial area but would be considered an extension of the strip commercial pattern and not contiguous to existing CC.*

**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;

*The Future Land Use designation change from RES 4 to CC does not meet all of the guidelines listed in Table 2.2 as follows:*

- There is not inter-connectivity of the proposed CC site with adjacent adopted Future Land Uses. The adopted Future Land Uses are Residential (RES 4 and RES 1:2.5) which would not be conducive to inter-connectivity.*
- A minimum spacing to the nearest CC land use of two (2) miles has not been met since there is a cluster of CC land uses approximately  $\frac{3}{4}$  mile to the south.*
- There would be an expansion of strip commercial development rather than infill strip commercial development.*

*There is existing strip commercial development to the north of the subject site at the intersection of Canaveral Groves Boulevard and Grissom Parkway. Because the subject site is not contiguous to property with a CC land use designation, the development of this parcel would be considered expanding the strip commercial development rather than as an infill commercial use within existing strip commercial development.*

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**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 located approximately one quarter (1/4) of a mile south of the intersection of Canaveral Groves Boulevard and Grissom Parkway. These two roads are both considered to be urban minor arterial roads.*

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

*The subject site is .44 acres and would not constitute a community commercial complex that would exceed 40 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 located approximately one quarter (1/4) mile south of the intersection of Canaveral Groves Boulevard and Grissom Parkway where there is an existing commercial cluster of approximately six (6) acres. Approximately two (2) miles to the north at the intersection of Port St. John Parkway and Grissom Parkway there is a commercial cluster of approximately thirty-four (34) acres.*

- 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 overall subject site has the potential for a 19,166 square foot building. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.*

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of



recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

*This parcel does meet the criteria to be developed as a recreational vehicle park because it does have access to an interstate interchange from Grissom Parkway.*

### **Policy 2.15**

Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross-access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

*This parcel has frontage on Grissom Parkway, an urban arterial roadway which connects to Canaveral Groves Boulevard approximately .25 miles north. The surrounding adjacent parcels have a residential future land use designation and will not provide connectivity between uses.*

- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.

*When developed with a community commercial use, the site plan associated with it will be reviewed for setbacks, landscape and buffering as part of that review to meet the current Land Development Regulations at the time of development.*

- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

*At the time of Site Plan review, the proposed commercial development will be reviewed taking into consideration the integration of both vehicular and non-vehicular access into the site. Currently there is no sidewalk along Grissom Parkway in place today.*

### **For Board Consideration**

This request is seeking a change in Future Land Use (FLU) designation from RES 4 to CC on a .44 acre parcel of land. This area of Unincorporated Brevard County is comprised of mainly residential development along the east and west sides of Grissom Parkway. At the intersection of Canaveral Groves Boulevard and Grissom Parkway there is a historical pattern of development that is strip commercial.

The subject site is not contiguous to commercial property but is contiguous to residential property on all four (4) sides. The majority of the Future Land Use designations are RES 4 and RES 1:2.5 surrounding this site. The Comprehensive Plan discourages the expansion of strip commercial uses but encourages it when it is an infill use. The subject site would expand the strip commercial uses that are just north of the subject site at the intersection of Canaveral Groves Boulevard and Grissom Parkway.

A preliminary concurrency analysis indicates that with a CC land use designation, the Level of Service (LOS) will not be affected. Currently this segment of Grissom Parkway is operating at Level C. The acceptable LOS for this segment is Level E. Should this parcel be developed as commercial, the LOS would remain the same at Level C. The site has direct access onto Grissom Parkway and has water service provided by the City of Cocoa.

The Board may wish to consider that Policy 2.15 of the Comprehensive Plan encourages infill commercial development and discourages the extension of strip commercial development. The subject parcel is not located adjacent to land designated with a Future Land Use of CC but rather residential (RES 4 and RES 1:2.5) on all 4 sides.

This request is accompanied by a companion proposal for a change of Zoning classification from General Use (GU) to General Retail Commercial (BU-1).



**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 20PZ00020**

**Applicant:** Troy Yates

**Future Land Use Request:** Res 4 to CC

**Note:** Applicant wants to rezone for lawn and garden center

**LPA Hearing Date:** 04/06/20; **BCC Hearing Date:** 05/07/20

**Tax ID No:** 2400600

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact Natural Resources Management (NRM) at 321-633-2016 prior to any land clearing activities, plan, or permit submittal.

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

The northern half of the parcel is mapped as being within the isolated floodplain. Development of a lot within an isolated floodplain shall provide a contiguous area of structures, elevated to or above the 100-year base flood elevation. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size. A topographic survey and engineered site plan delineating floodplain limits on the property, and compensatory storage calculations are required at time of permitting.

**Land Use Comments:**

**Wetlands**

Information available to NRM indicates 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). This section of Grissom Parkway is an MQR. If wetlands are present, the applicant shall 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.

**Floodplain**

The northern half of the parcel is mapped as being within the isolated floodplain, as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the isolated floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Development within an isolated floodplain shall not negatively impact adjacent properties or receiving water body quality.

Development of a lot within an isolated floodplain shall provide a contiguous area that includes the primary structure and perimeter buffer, accessory structures, onsite sewage disposal system and buffer, and access to the primary and accessory structures. These areas shall be elevated to or above the 100-year base flood elevation. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size. Compensatory storage calculations for proposed development shall be submitted and approved by engineering staff prior to final approval of site plan. All site plans shall meet the criteria in Chapter 62, Division 6, Stormwater Criteria specific to CLOMR requirements, and increase(s) in flood elevations must be investigated by detailed hydraulic modeling in volume-sensitive floodplains (e.g. lakes, closed basins). The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan, or permit submittal.

#### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

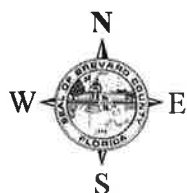
#### **Heritage Specimen Trees**

The parcel contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4110 – Pine Flatwoods. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal.

# LOCATION MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01





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

Buffer Distance: 500 feet

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

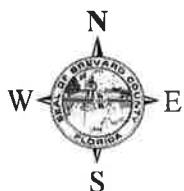
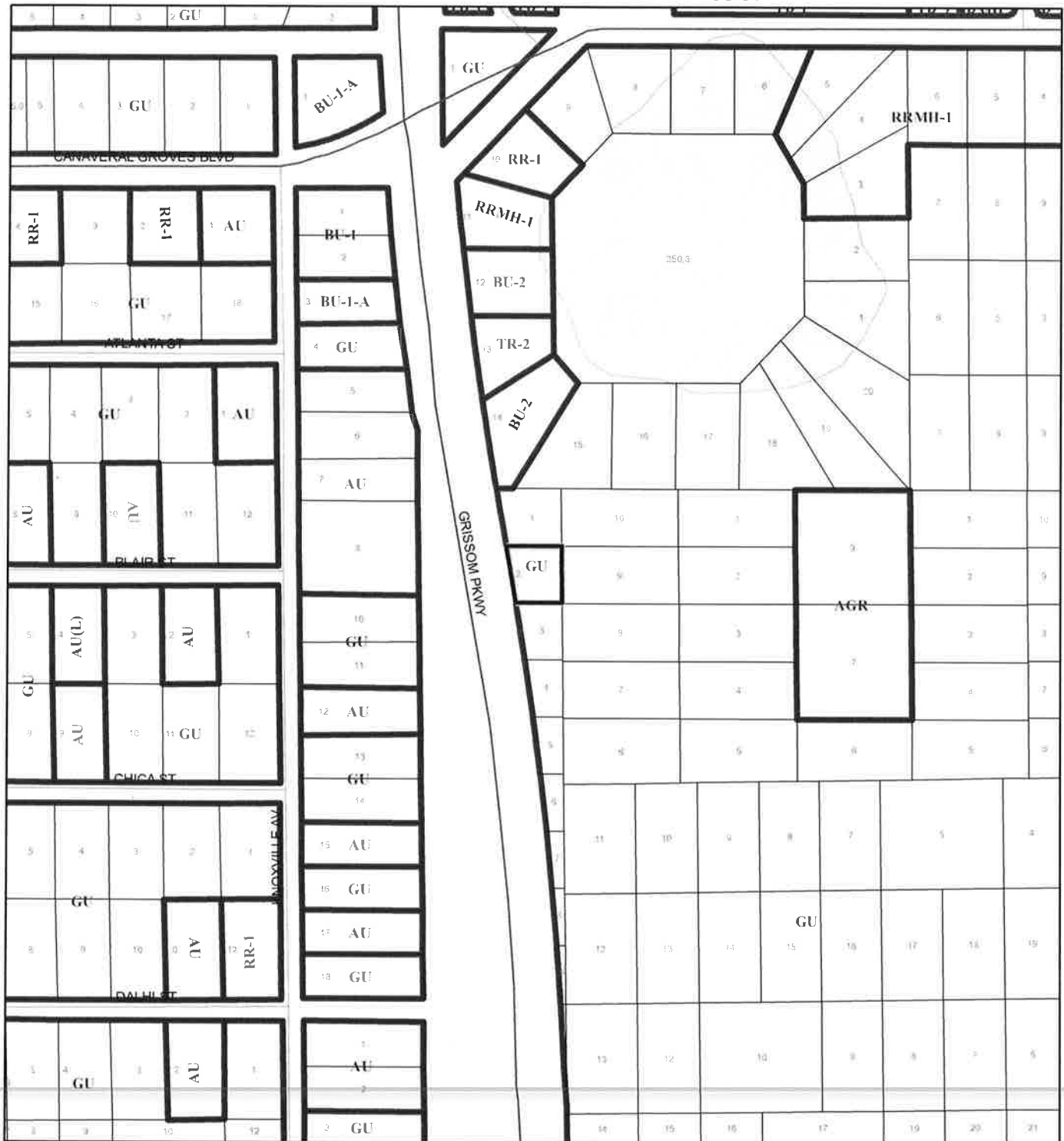
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-  Buffer
-  Subject Property

# ZONING MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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Subject Property

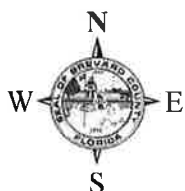
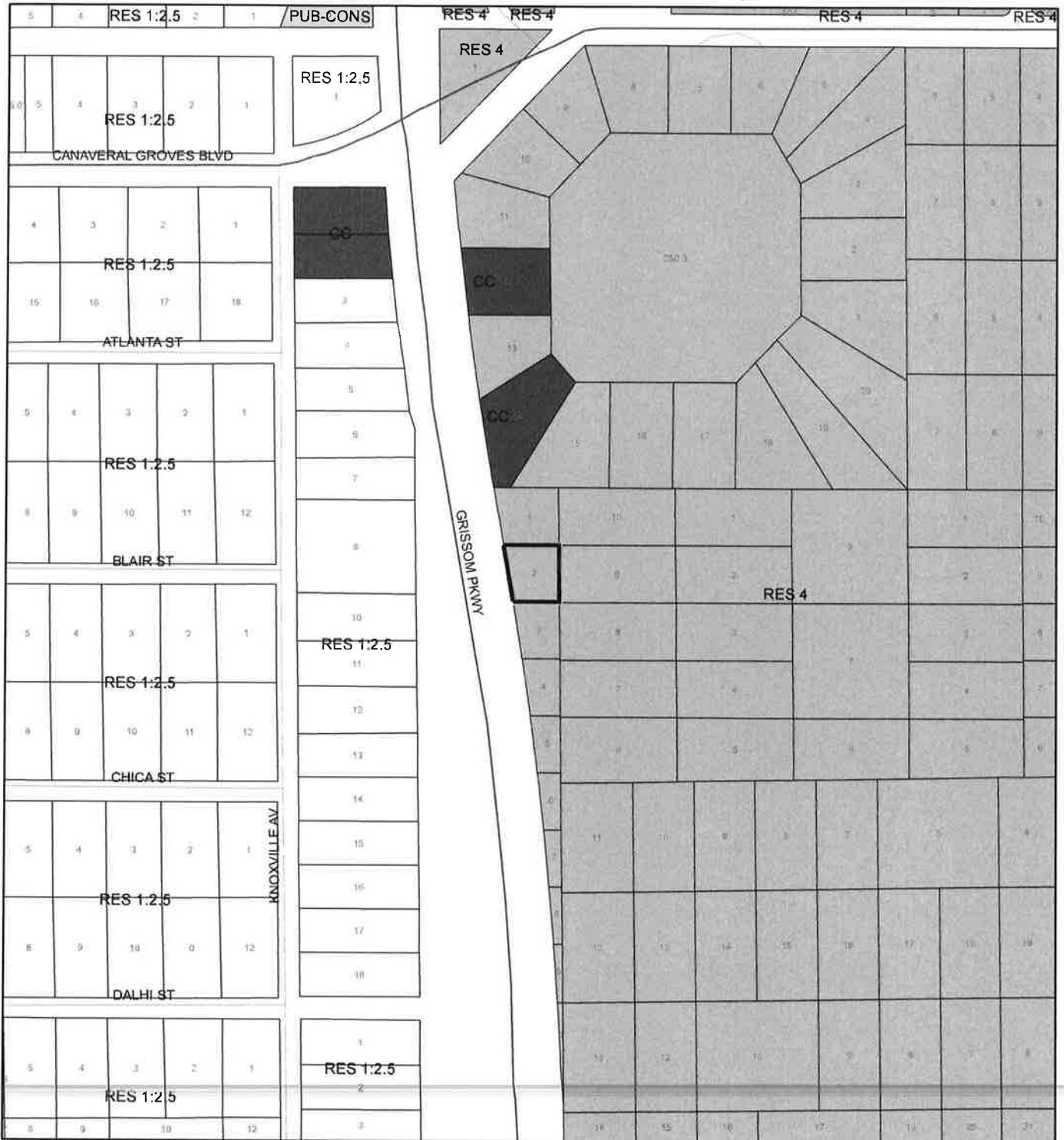
Parcels

Zoning

# FUTURE LAND USE MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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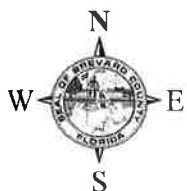
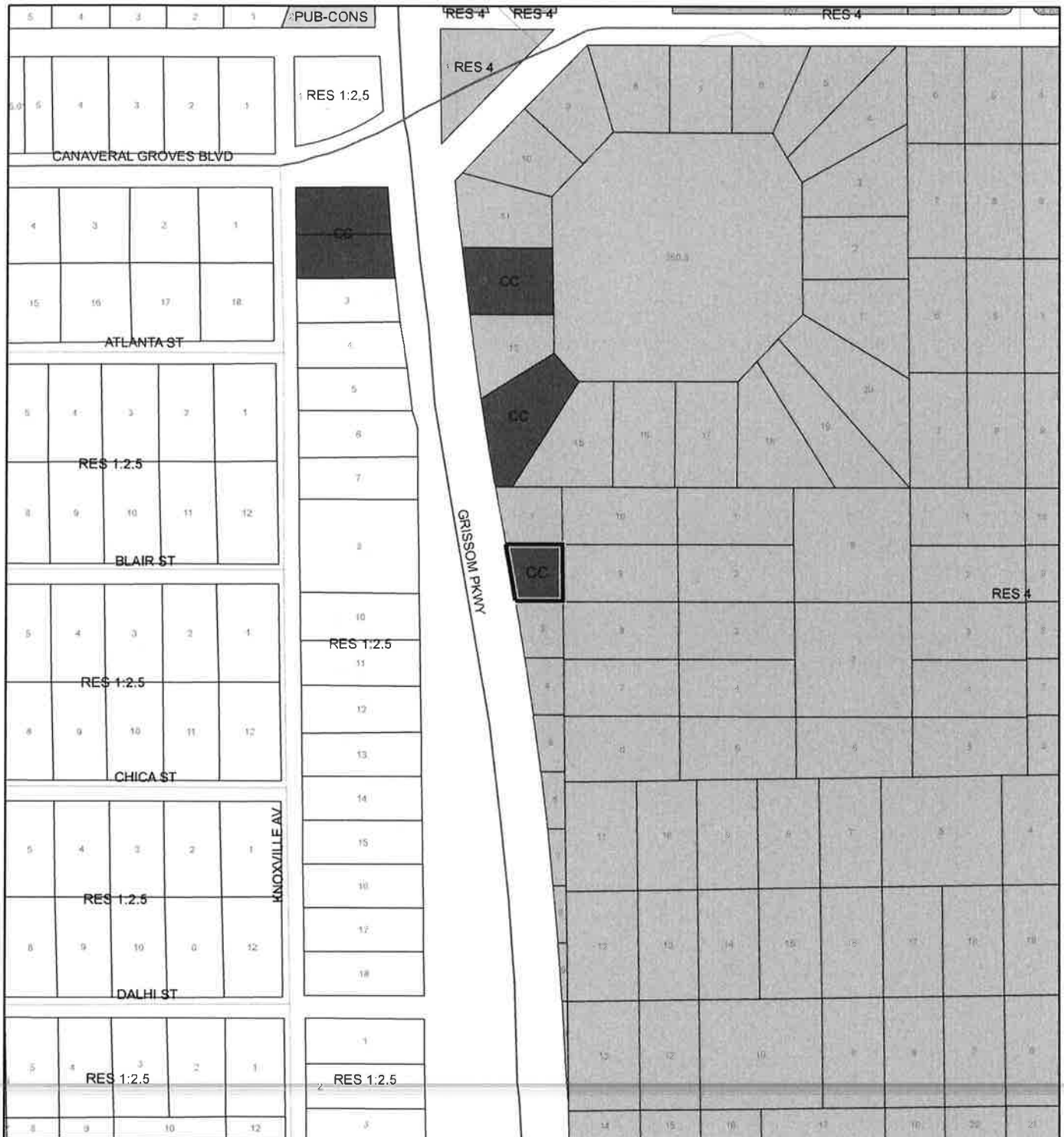
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# PROPOSED FUTURE LAND USE MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

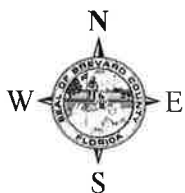
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# AERIAL MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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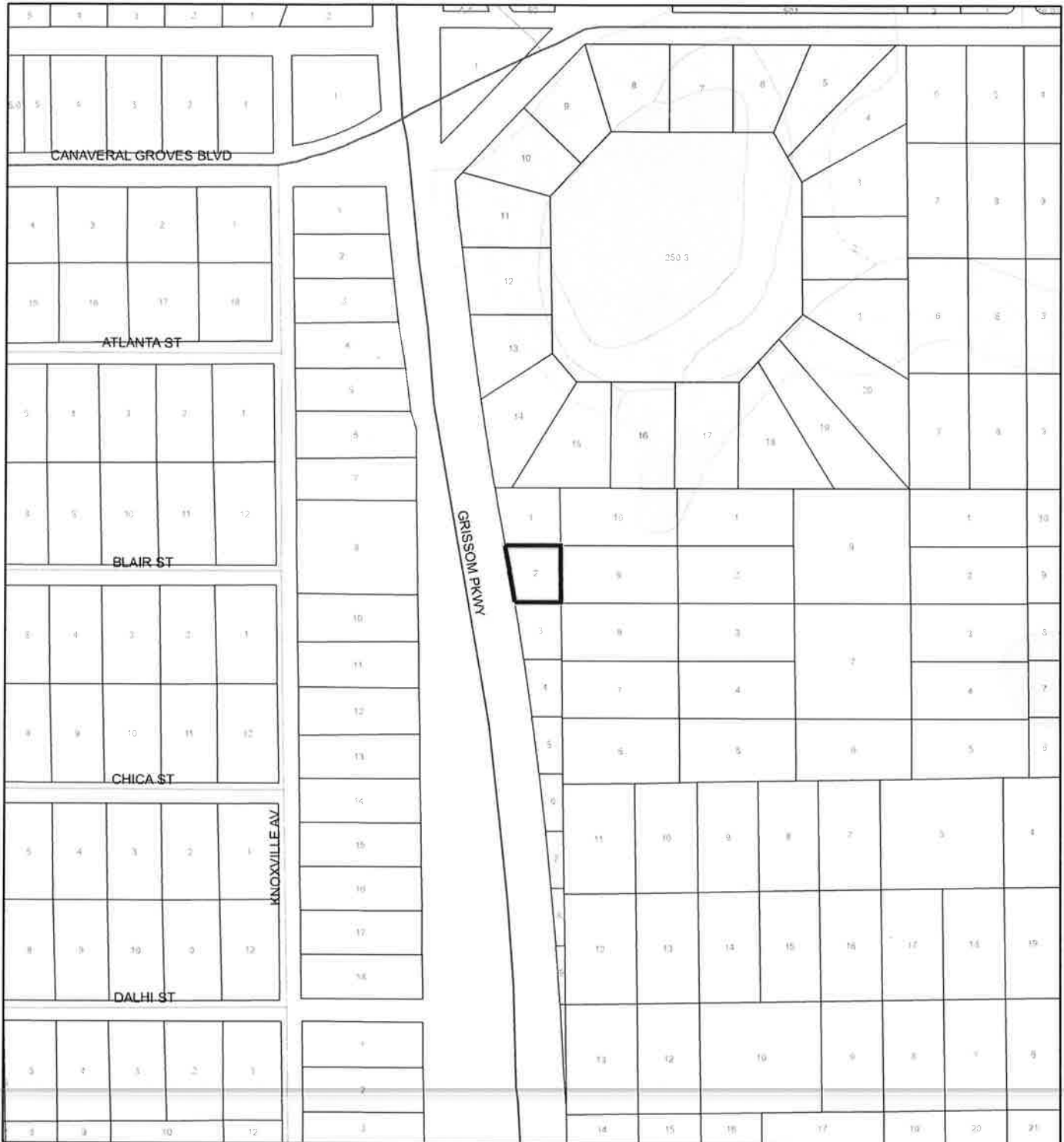
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— Subject Property  
□ Parcels

# NWI WETLANDS MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/4/2020

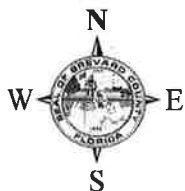
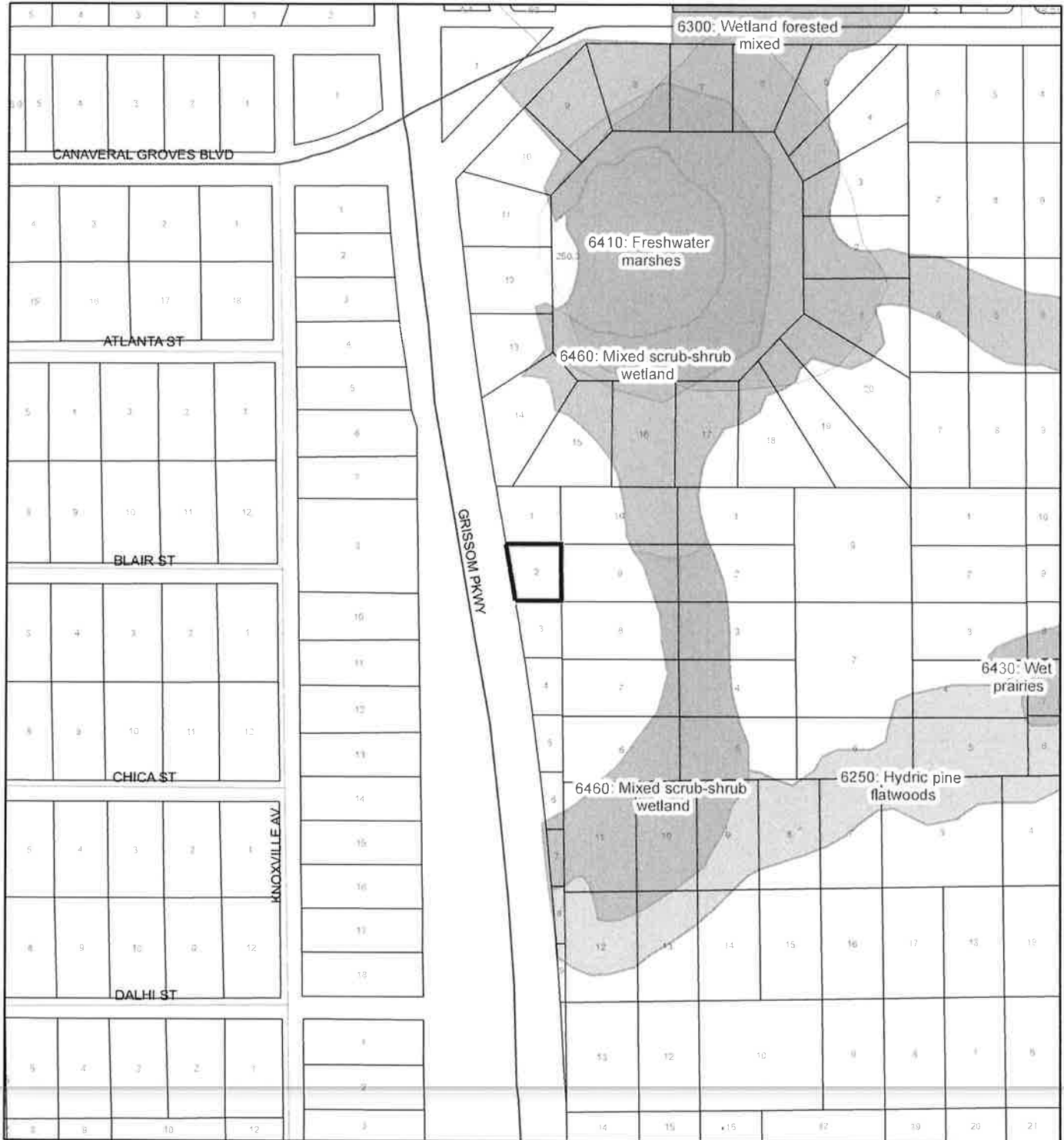
## National Wetlands Inventory (NWI)

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

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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## 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

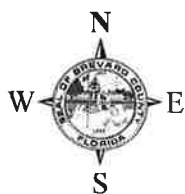
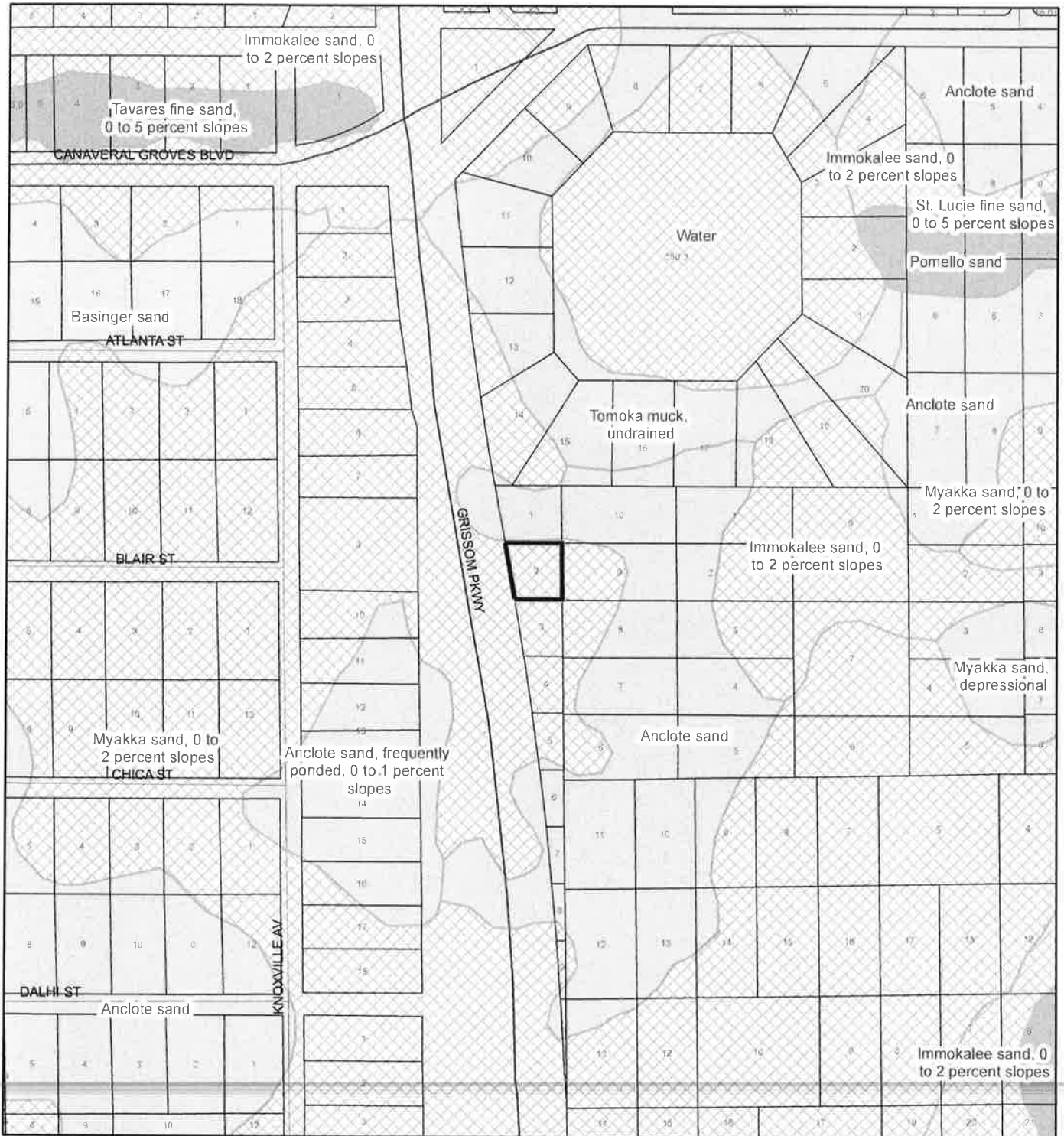
Subject Property

Parcels

# USDA SCSSS SOILS MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

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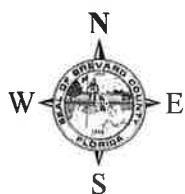
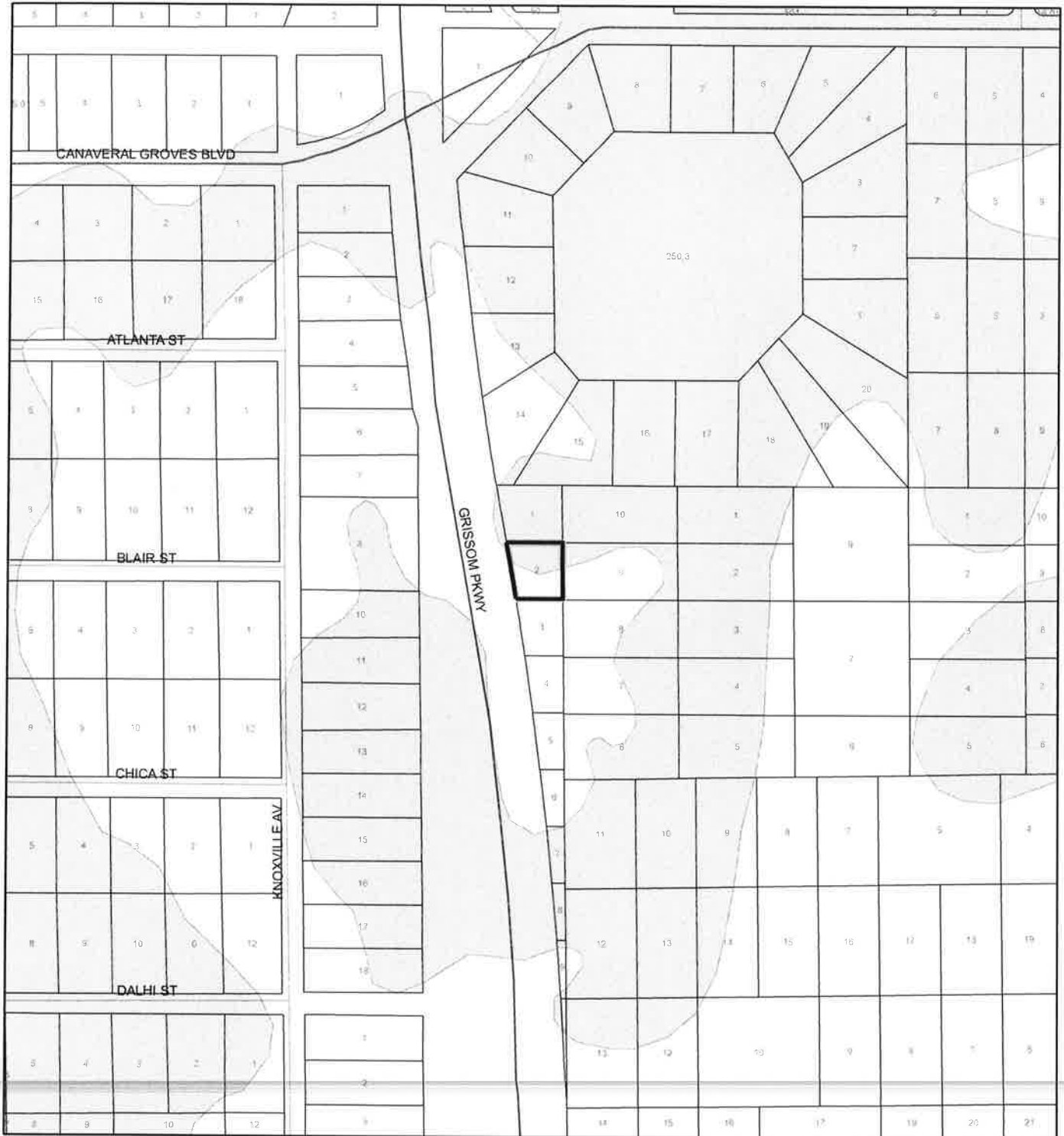
Produced by BoCC - GIS Date: 2/4/2020



# FEMA FLOOD ZONES MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



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Produced by BoCC - GIS Date: 2/4/2020

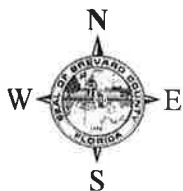
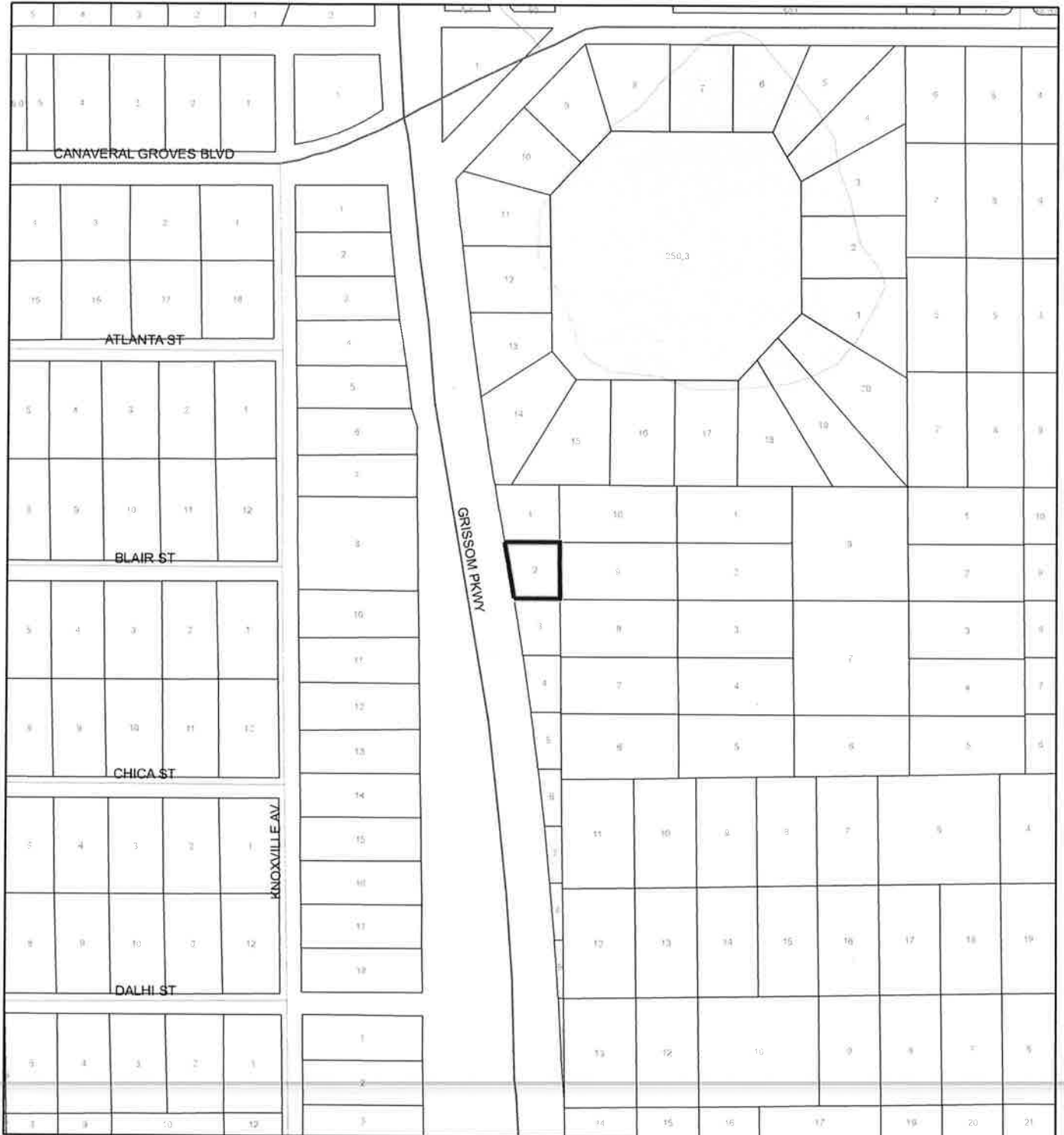
## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| 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              |

# COASTAL HIGH HAZARD AREA MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/4/2020

— Subject Property

□ Parcels

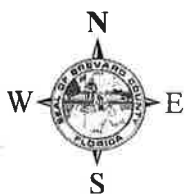
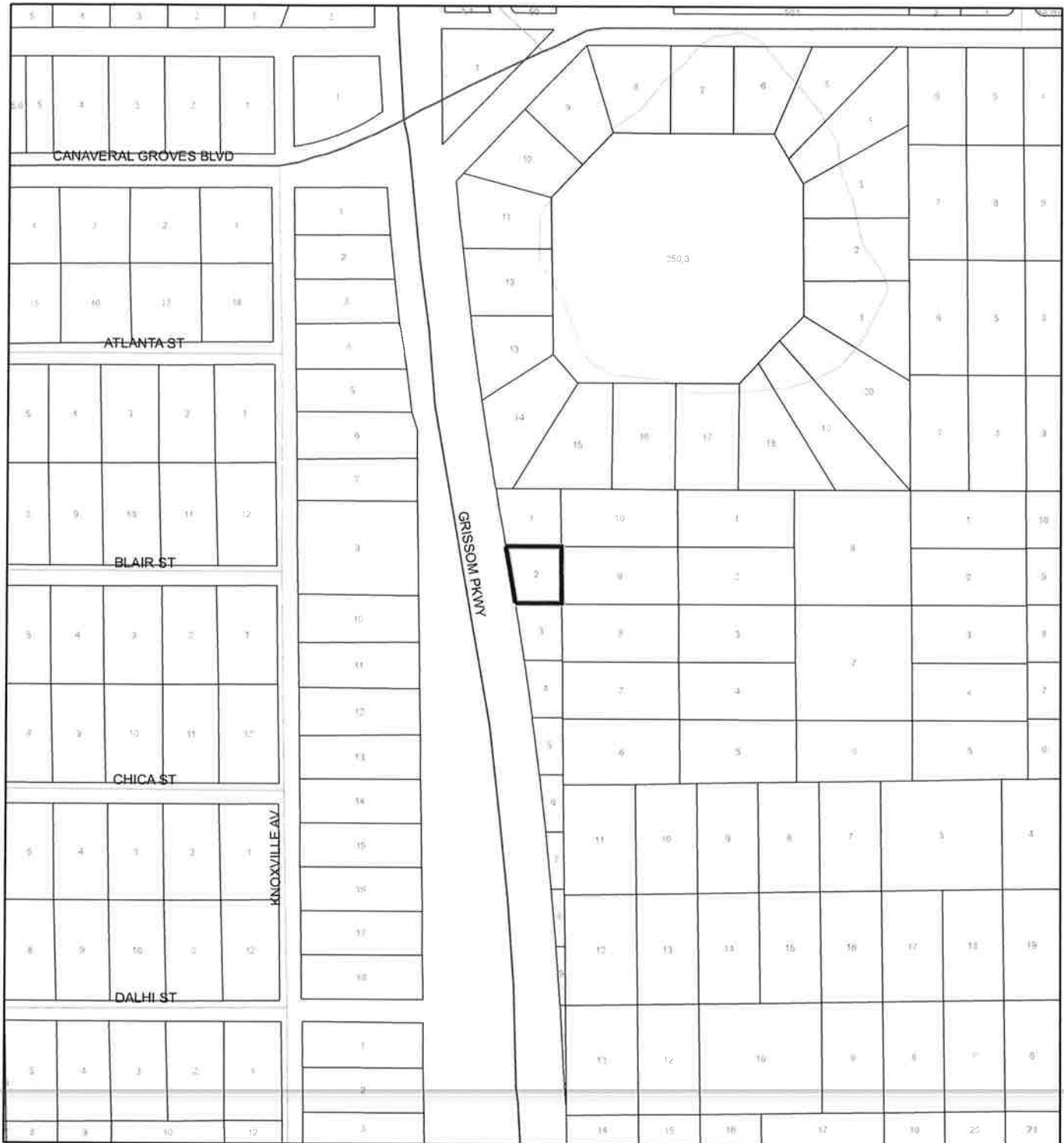
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

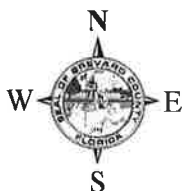
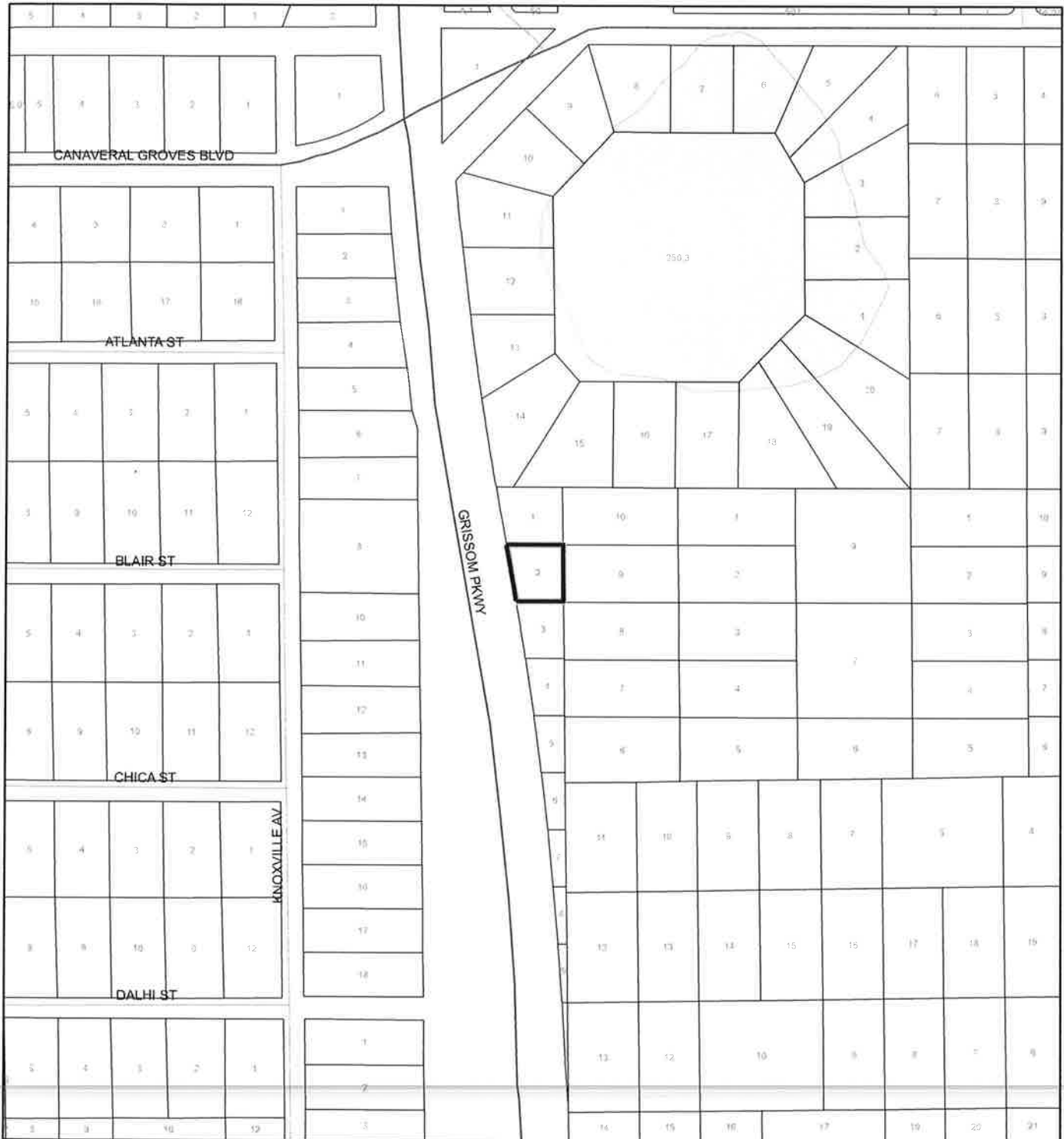
■ All Distances



# EAGLE NESTS MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/4/2020

— Subject Property

□ Parcels

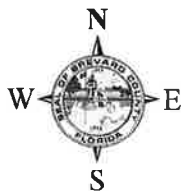
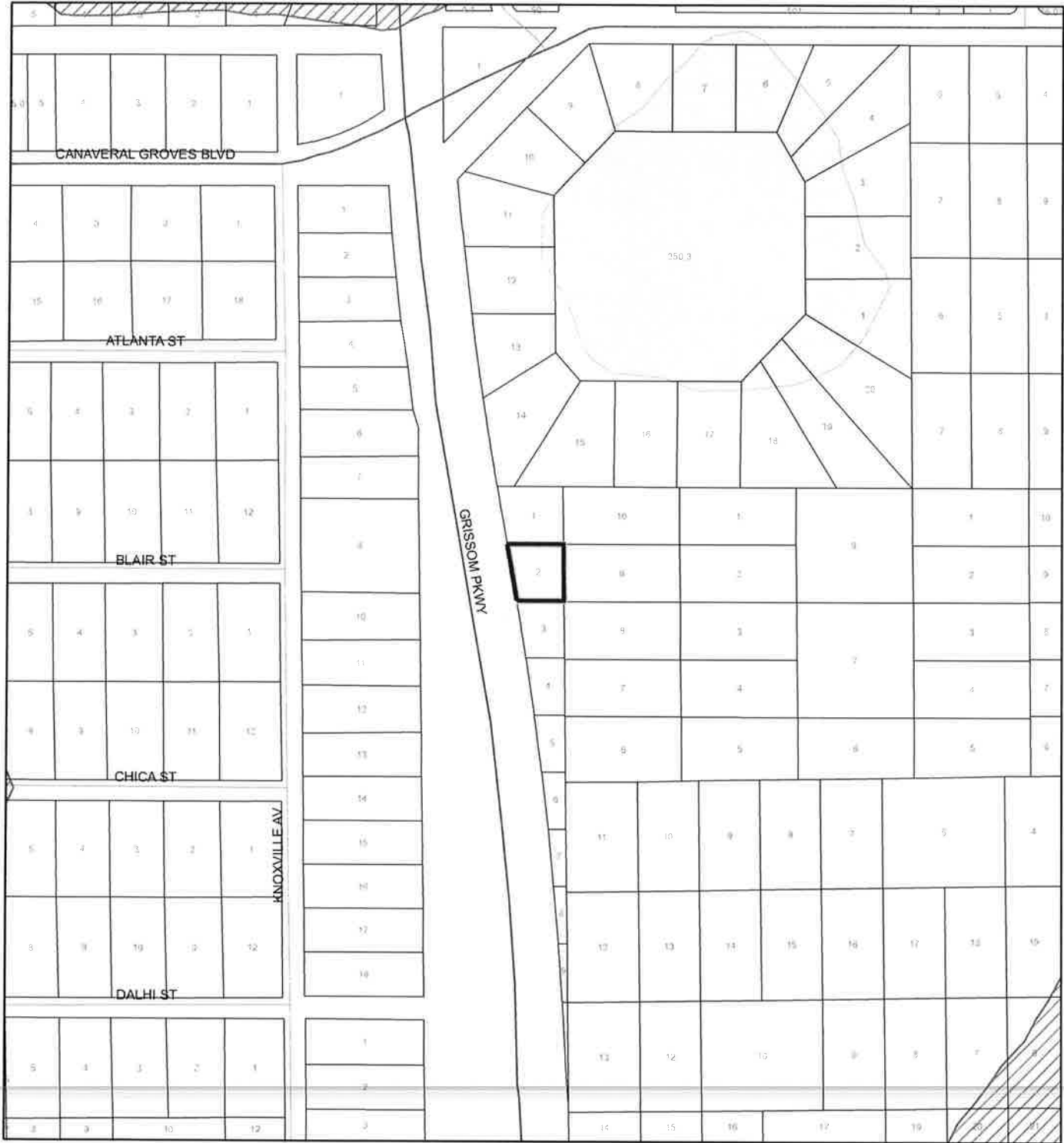


Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- ▨ Scrub Jay Occupancy

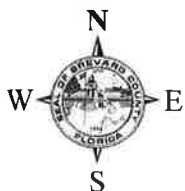
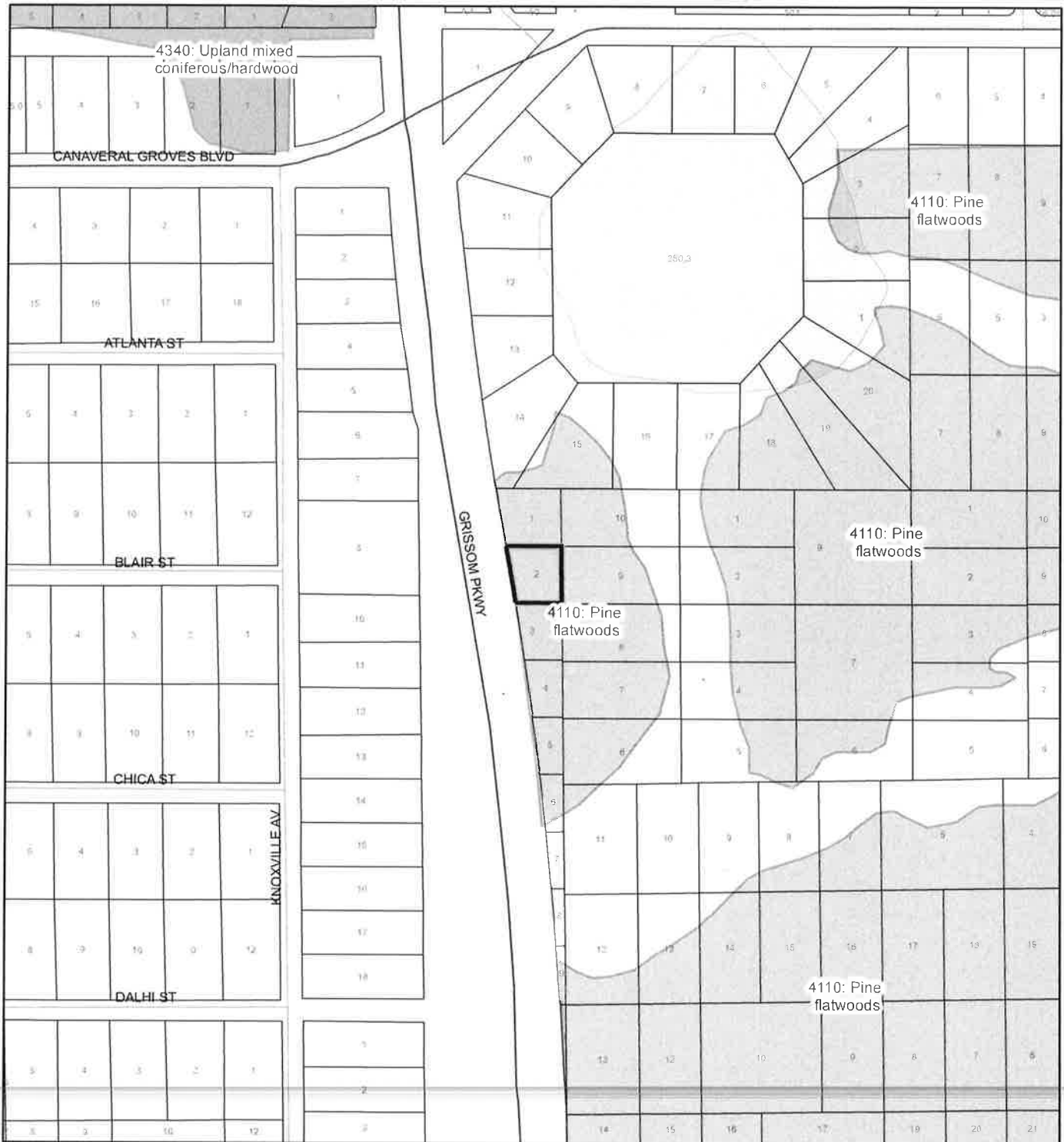
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Produced by BoCC - GIS Date: 2/4/2020

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

YATES, Troy

20PZ00020 SMALL SCALE AMENDMENT 20S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/4/2020

## 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

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 6, 2020**, 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 at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Woltz; Mark Wadsworth, Chair; Bruce Moia; Peter Filiberto, Vice Chair; Joe Buchanan; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Agenda**

Motion by Bruce Moia, seconded by Peter Filiberto, approve the minutes of February 10, 2020. The motion passed unanimously.

#### **Troy Yates**

A Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use designation from RES 4 (Residential 4) to CC (Community Commercial). The property is 0.44 acres, located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (20PZ00020) (Tax Account 2400600) (District 1)

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use designation from RES 4 to CC. The vote was unanimous.

#### **Troy Yates**

A change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial). The property is 0.44 acres, located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (20PZ00021) (Tax Account 2400600) (District 1)

Troy Yates, 4020 Royal Palm Avenue, Cocoa, stated he would like to have a metal building on the property to do lawn mower repair and sales.

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the change of zoning classification from GU to BU-1. The vote was unanimous.