



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.8.

9/7/2023

Subject:

Island Cremations, Inc. (Kent Bush) requests a Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 to CC. (23SS00014) (Tax Account 2427231) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners consider a Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from RES 6 to CC on a 0.25-acre parcel to develop a parking lot for an existing funeral home located to the north of the subject parcel (across Mark Avenue). The vacant subject property was single-family residential and designated as RES 6 on the Future Land Use Map (FLUM). This request would provide a unified FLU on both properties.

A companion rezoning application was submitted accompanying this request to change the zoning classification from RU-1-11 (Single-family Residential) to BU-1 (General Retail Commercial) on the 0.25-acre subject property (22Z00054).

The developed character of the surrounding area is single-family residential with RU-1-11 zoning along S. Courtenay Parkway and transitions to commercial to the north. The proposed commercial use of the subject property may be considered compatible with the existing pattern of commercial development along S. Courtenay Parkway. It may also be considered an encroachment into the existing residential development located south and west of the subject site.

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

On August 14, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please provide two copies of the executed Ordinance to the Planning and Development Department.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 19, 2023

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of corrected Brevard County Ordinance No. 23-21, which was filed in this office on September 15, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh



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

September 8, 2023

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item G.8., Small Scale Comprehensive Plan Amendment (23S.14)

The Board of County Commissioners, in regular session on September 7, 2023, conducted the public hearing and adopted Ordinance No. 23-21, setting forth the ninth Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 to CC. (23SS00014). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, appearing to read "Kimberly Powell", is written over the typed name.

Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 23- 21

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE NINTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.14, 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 2023 as Plan Amendment 23S.14; 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 23S.14; 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 the State on September 15, 2023.

WHEREAS, on August 14, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.14, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 7, 2023, 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 23S.14; and

WHEREAS, Plan Amendment 23S.14 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.14 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 23S.14 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 23S.14, 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 Opportunity, 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 7th day of September, 2023.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Rita Pritchett, Chair

As approved by the Board on SEP 07 2023, 2023.

EXHIBIT A
23S.14 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

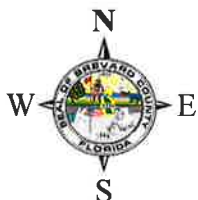
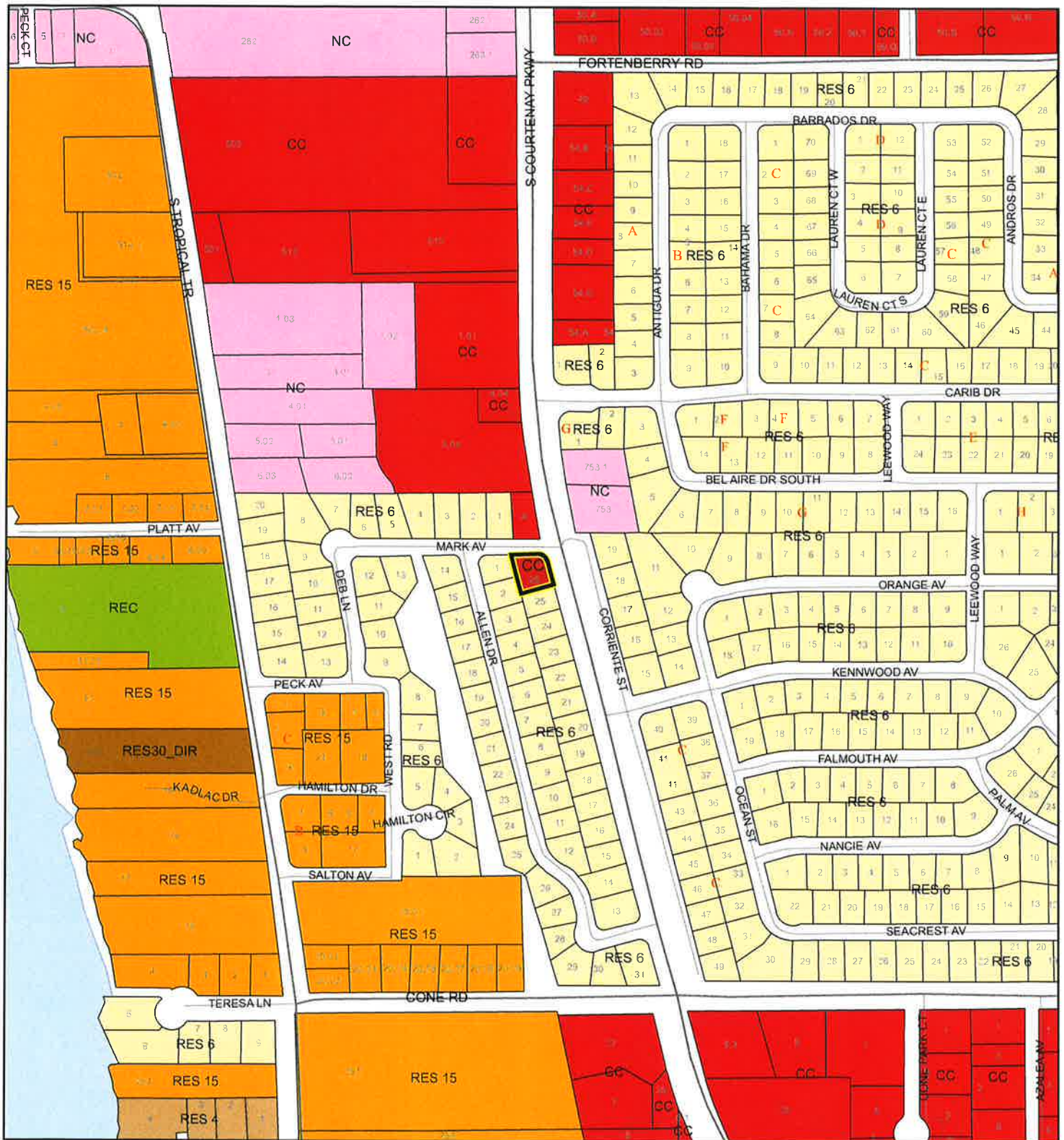
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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

Produced by BoCC - GIS Date: 6/8/2023

EXHIBIT B

Contents

1. Legal Description

(23SS00014) Island Cremations, Inc. (Kent Bush) requests a Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial), on property described as Lot 26, Block N, Merritt Ridge Subdivision Sheet 5, according to the Plat thereof, as recorded in Plat Book 14, Page 13, of the Public Records of Brevard County, Florida. **Section 35, Township 24, Range 36** . (0.25 acres) Located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.14: 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 these amendments; providing legal status; providing a severability clause; and providing an effective date.

Donna Scott

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Wednesday, September 20, 2023 11:56 AM
To: Donna Scott
Subject: RE: Brevard County, FL Code of Ordinances - 1993(10473)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

SVj (she/her/hers)

Production Support Specialist Supplement Department • **CivicPlus**
civicplus.com



Powering and Empowering Local Governments

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Tuesday, September 19, 2023 11:16 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: Ordinances to file with Municode
Importance: Low

You don't often get email from donna.scott@brevardclerk.us. [Learn why this is important](#)

Hello,

Attached is Ordinance Nos. 23-19, 23-20, 23-21, 23-22, and 22-23 to be filed with Municode.

Thank you,
Donna Scott
Assistant Clerk to the Board
321-637-2001



Brevard County, Florida

Clerk of the Court

Rachel M. Sadoff

This email was scanned by Bitdefender

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This email was scanned by Bitdefender

Helen Seaman

To: 'CountyOrdinances@dos.myflorida.com'
Cc: Clerk to the Board
Subject: BRE20230905_ORDINANCE2023_21 (Corrected)
Attachments: 0910_001.pdf

Good Morning:

Due to a scrivener error, attached is the corrected Ordinance No. 2023-21 to be filed with the State.

Please accept apologies for the inconvenience.

Helen Seaman

Administrative Assistant

Clerk to the Board

(321) 637-2001

Helen.Seaman@brevardclerk.us

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.14 (23SS00014)
Township 24, Range 36, Section 35*

Property Information

Owner / Applicant: Island Cremations, LLC

Adopted Future Land Use Map Designation: Residential 6 (RES 6)

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

Acreage: 0.25

Tax Account #: 2427231

Site Location: Southwest corner of S. Courtenay Parkway and Mark Avenue

Commission District: 2

Current Zoning: Single-family Residential (RU-1-11)

Requested Zoning: BU-1 (General Retail Commercial) (23Z00054)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from RES 6 to CC on a 0.25-acre parcel to develop a parking lot for an existing funeral home located to the north of the subject parcel (across Mark Avenue). The vacant subject property was single-family residential and designated as RES 6 on the Future Land Use Map (FLUM). This request would provide a unified FLUM on both properties.

A companion rezoning application was submitted accompanying this request to change the zoning classification from RU-1-11 (Single-family Residential) to BU-1 (General Retail Commercial) on the 0.25-acre subject property (**22Z00054**).

The existing RU-1-11 zoning classification may be considered consistent with the existing RES 6 FLU; however, proposed BU-1 zoning classification cannot be considered consistent with the existing RES 6 FLU designation.

The proposed BU-1 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE 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 property has frontage on Mark Avenue and S. Courtenay Parkway.

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

There is CC Future Land Use Map designation adjacent to the north of the subject property, across Mark Avenue.

C. Existing commercial development trend in the area;

Existing commercial development in the immediate area includes a commercial building to the north. Additional commercial uses are located along S. Courtenay Parkway.

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

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

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

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposal increases the percentage of MAV utilization by 0.77%. The corridor is anticipated to operate at 86.67% of capacity daily.

The subject parcel is within the City of Cocoa utilities service area for public water. Brevard County sewer lines are located adjacent to the subject site on the south side of Mark Avenue and also along S. Courtenay Parkway. The proposed development is not anticipated to have an impact on the LOS for potable water service, sanitary sewer or solid waste disposal.

F. Spacing from other commercial activities;

The closest Community Commercial facility is located immediately to the north of the subject site. Additional commercial activities can be found along S. Courtenay Parkway.

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

The request for CC across the subject site represents an increase of approximately 0.25-acre of CC. Approximately 18 acres of CC is located to the north of the subject site on S. Courtenay Parkway.

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

The provisions of this Criterion will be addressed at the site plan stage.

I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

J. Impacts upon strip commercial development.

The subject property is currently a vacant residential lot. The proposal would not be considered an expansion of strip development.

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

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;

- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant is proposing to utilize the subject property for parking associated with an adjacent funeral home across Mark Avenue.

Locational and Development Criteria for Community Commercial Uses FLUE 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 site is not located at an arterial/arterial intersection. S. Courtenay Parkway is classified as an urban minor arterial; however, Mark Avenue is a local roadway that is not classified as an arterial or collector.

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

The Community Commercial properties immediately adjacent to the north of the subject property total approximately 18 acres. This request, if approved, would represent an increase of 0.25 acres of CC.

- 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.

S. Courtenay Parkway is a commercial corridor serving the community and the surrounding region. As such, this area represents a historical strip development pattern and does not lend itself to cluster commercial analysis.

- 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 unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

This criterion will be addressed at the site plan review stage of development.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

The overall subject site has the potential for a 10,890 sq. ft. of commercial based on a FAR of 1.00. The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. The applicant has not requested PUD zoning.

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

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

Criteria:

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

The applicant requests to change the Future Land Use designation on 0.25 acres from RES 6 to CC for additional parking for an existing funeral home business. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use change be approved.

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

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

The developed character along S. Courtenay is single-family residential. Commercial uses are located north of the subject site along S. Courtenay Parkway, a commercial corridor that serves local markets.

The proposed commercial use of the subject property may be considered compatible with the existing pattern of commercial development along S. Courtenay Parkway. It may also be considered an encroachment into the existing residential development (Merritt Ridge subdivision) located south and west of the subject site.

There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 15 and RES 6. The predominant FLU designation south of Mark Avenue along S. Courtenay Parkway is RES 6. The closest CC FLU is located immediately north of the subject property, across Mark Avenue.

This request could be considered an introduction of CC south of Mark Avenue.

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

It appears no changes to the immediate area have occurred within the last three years.

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

While there has not been any actual development within this area in the preceding three (3) years, two zoning actions have been approved within one-half mile:

22Z00062, approved by the Board on February 2, 2023, was a request to rezone from BU-1 and BU-2 to PUD for a 365-unit multi-family residential apartment development on 15.11 acres located approximately 2,600 feet east of the subject property on Fortenberry Road.

21Z00004, approved by the Board on July 6, 2021, was a request to rezone from RU-1-9 to BU-2 with BDP on 0.53 acres located approximately 1,950 feet southeast of the subject property on Cone Road.

There are three pending zoning actions within one-half mile of the subject property:

23Z00029 is a request to rezone from TR-3 to RVP on 4.18 acres located approximately 1,785 feet northeast of the subject property on Imperial Street.

23Z00053 is a request to rezone from BU-1-A to BU-2 with a BDP for mini-storage warehouse with indoor storage of RVs and boats on 1.86 acres located approximately 1,500 feet south of the subject property on S. Courtenay Parkway. A companion request, 23SS00015, proposes to amend the FLU designation from NC and CC.

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

No material violation of relevant policies has been identified.

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

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.

The developed character of the surrounding area is single-family residential with RU-1-11 zoning that transitions to commercial along S. Courtenay Parkway. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding neighborhood.

The proposed commercial use of the subject property may be considered compatible with the existing pattern of commercial development along S. Courtenay Parkway. It may also be considered an encroachment into the existing residential development located south and west of the subject site. It can also be considered an introduction of CC south of Mark Avenue.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

- a. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The vacant subject property is located within the Merritt Ridge subdivision, an established neighborhood platted in 1959 and recorded in Plat Book 14, page 13.

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

The commercial use adjacent to the north of the subject property does not pre-date the surrounding residential use. The request could be considered an expansion of strip commercial along the westside of S. Courtenay Parkway.

- c. 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.

The subject parcel is located along S. Courtenay Parkway, a commercial corridor with residential uses to the south and west of the subject property.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Commercial Building (across Mark Ave.)	BU-1	CC
South	Single-Family Residence	RU-1-11	RES 6
East	Single-Family Residence (across S. Courtenay Parkway and across Corriente Street)	RU-1-9	RES 6
West	Single-Family Residences	RU-1-11	RES 6

To the north is a 0.23-acre parcel developed as a commercial building (cremation service business) with CC FLU designation.

To the south is a 0.17-acre parcel developed as a single-family residence with RES 6 FLU designation.

To the east, across S. Courtenay Parkway and across Corriente Street, is a 0.21-acre parcel developed as a single-family residence with RES 6 FLU designation.

To the west are two parcels (0.18-acre and 0.17-acre) each developed as a single-family residence with RES 6 FLU designation.

Preliminary Concurrency

The closest concurrency management segment to the subject property is S. Courtenay Parkway from Cone Road to Fortenberry Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 85.90% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.77%. The corridor is anticipated to operate at 86.67% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific

concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject parcel is within the City of Cocoa utilities service area for public water. Brevard County sewer lines are located adjacent to the subject site on the south side of Mark Avenue and also along S. Courtenay Parkway.

Environmental Constraints

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item # 23SS00014

Applicant: IME Civil and Surveying LLC (Owner: Island Cremations LLC)

Zoning Request: RU-1-11 to BU-1

Note: Develop a small overflow parking lot with up to 16 parking spaces

LPA Hearing Date: 8/14/2023; **BCC Hearing Date:** 9/7/2023

Tax ID No: 2427231

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

This property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. Per Section 62-4341(18) of the Brevard County Landscaping, Land Clearing, and Tree Protection ordinance, Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The

applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Federally and/or state protected species may be present on the property. 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.

LOCATION MAP

Island Cremations, LLC

23SS00014



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

Buffer Distance: 500 feet

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

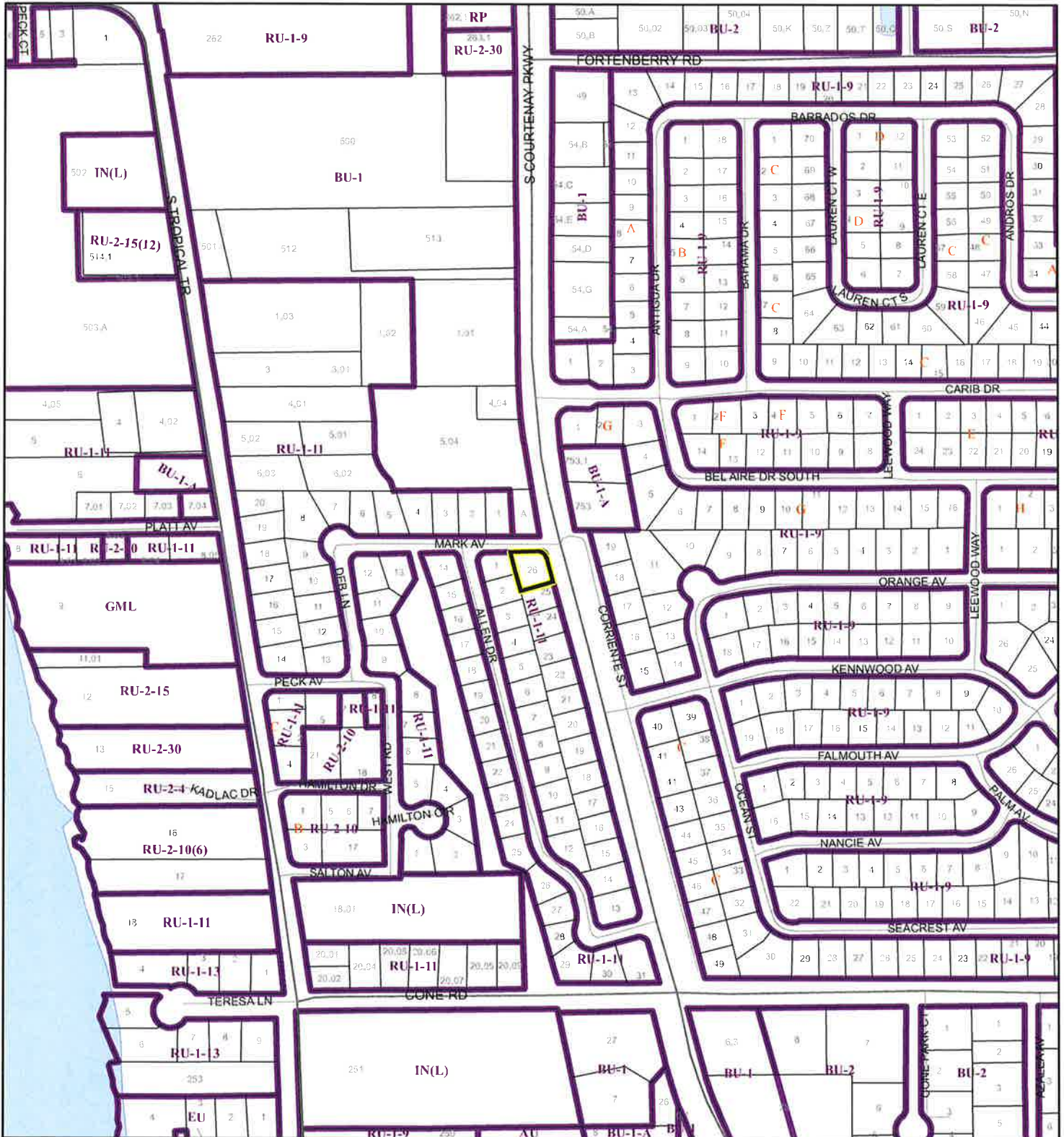
Produced by BoCC - GIS Date: 6/8/2023

- Buffer
- Subject Property

ZONING MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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

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Subject Property

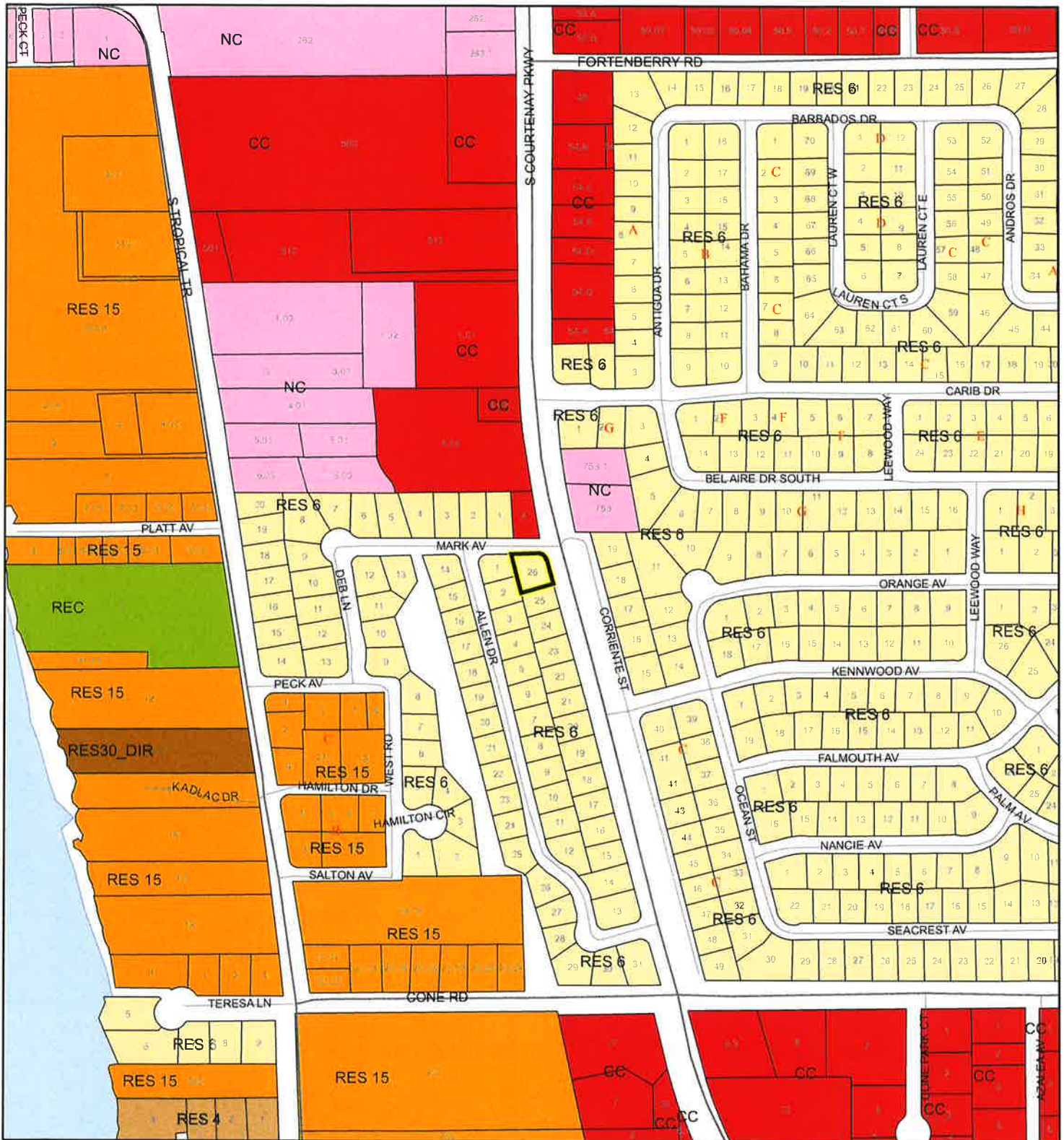
Parcels

Zoning

FUTURE LAND USE MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

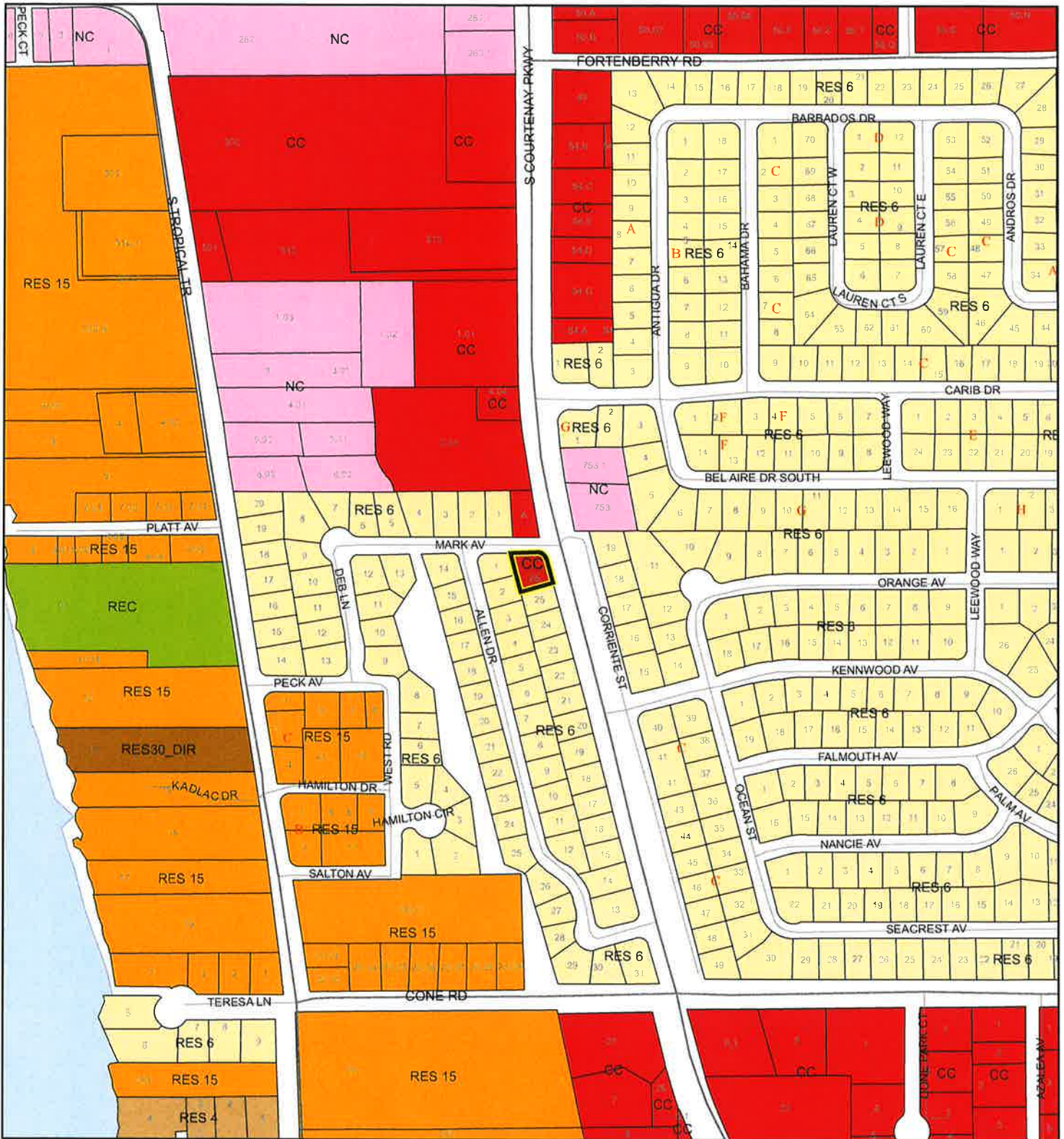
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/8/2023

PROPOSED FUTURE LAND USE MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

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AERIAL MAP

Island Cremations, LLC

23SS00014



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 6/8/2023

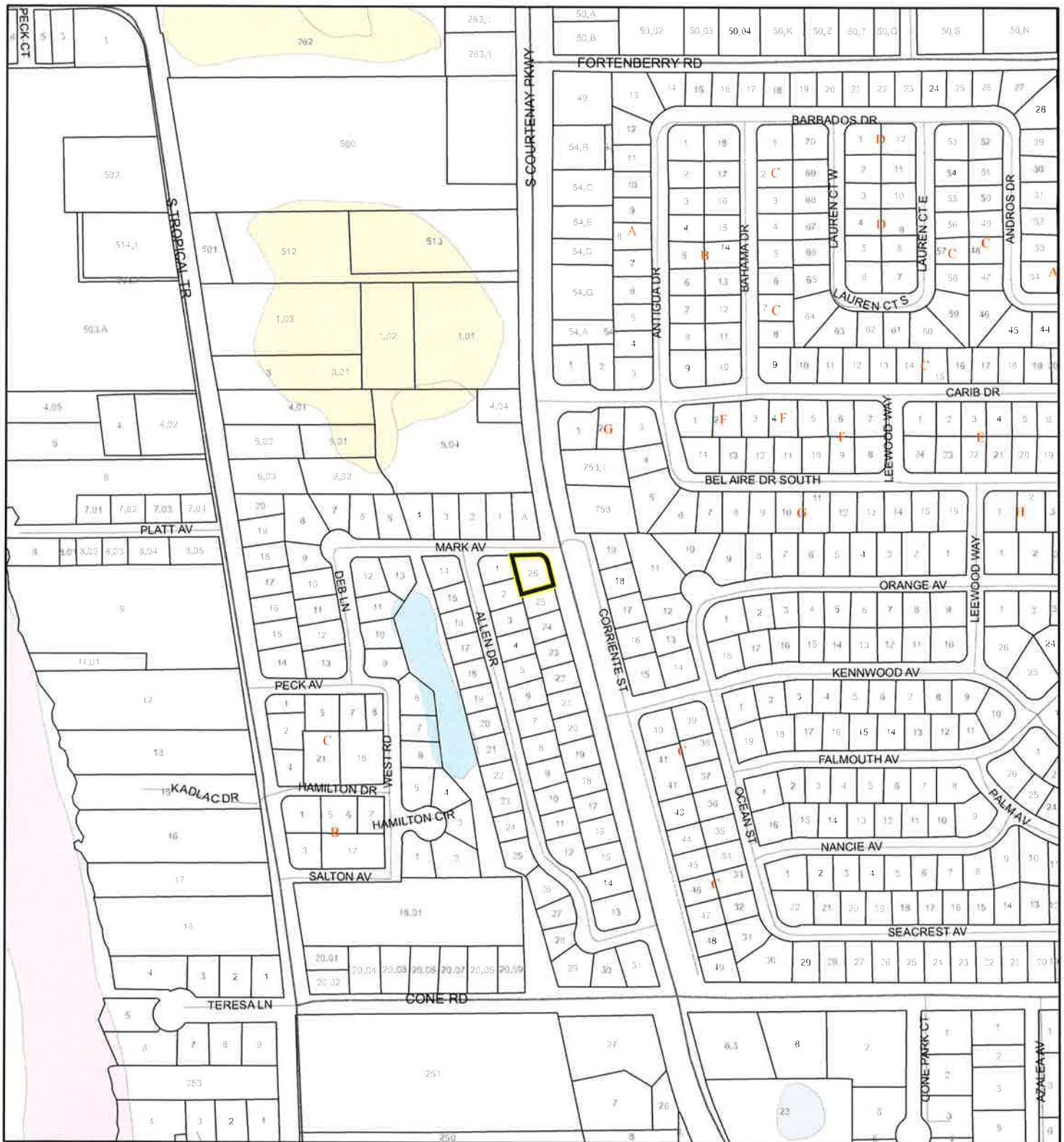
 Subject Property

 Parcels

NWI WETLANDS MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

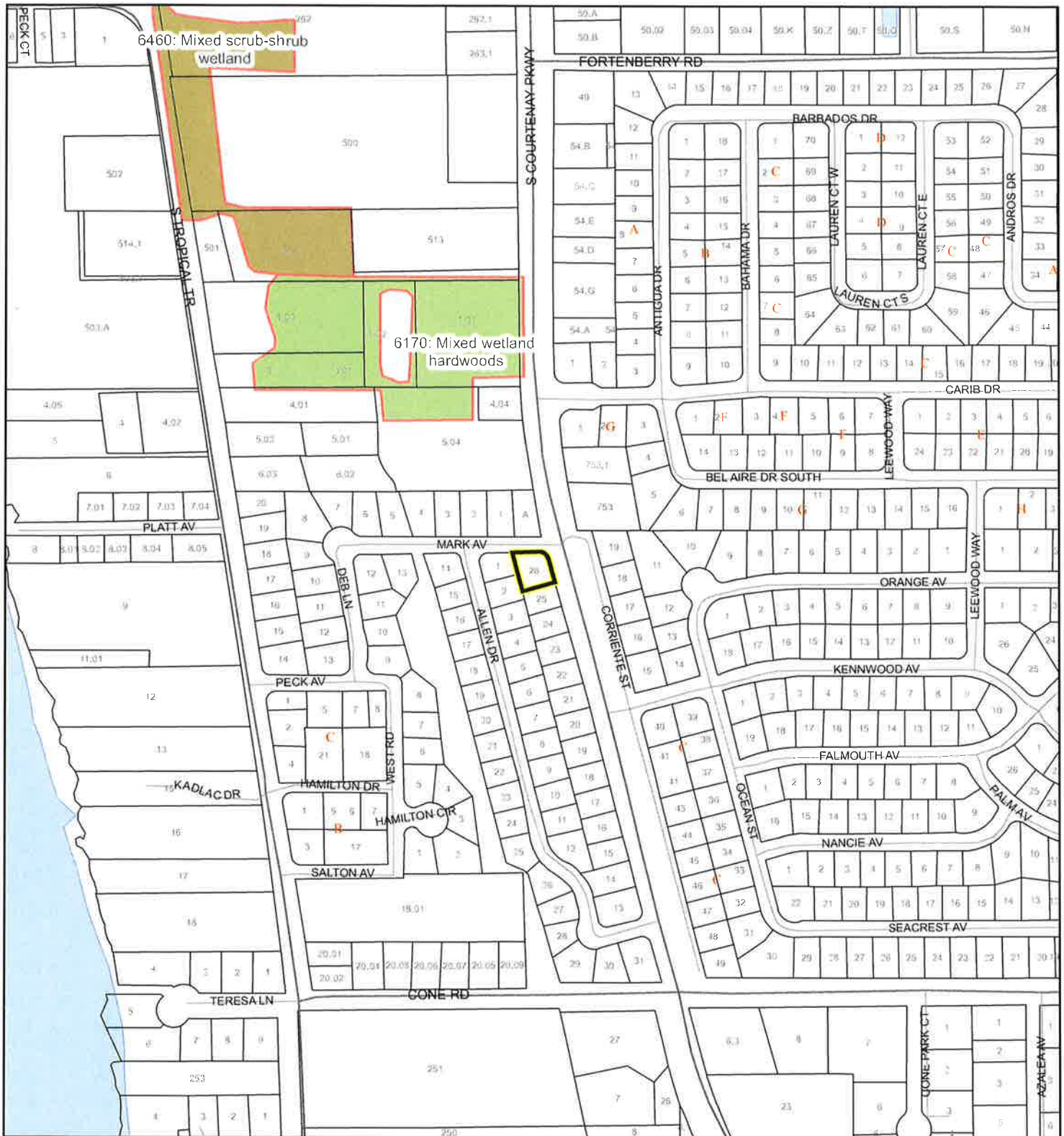
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Island Cremations, LLC

23SS00014



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

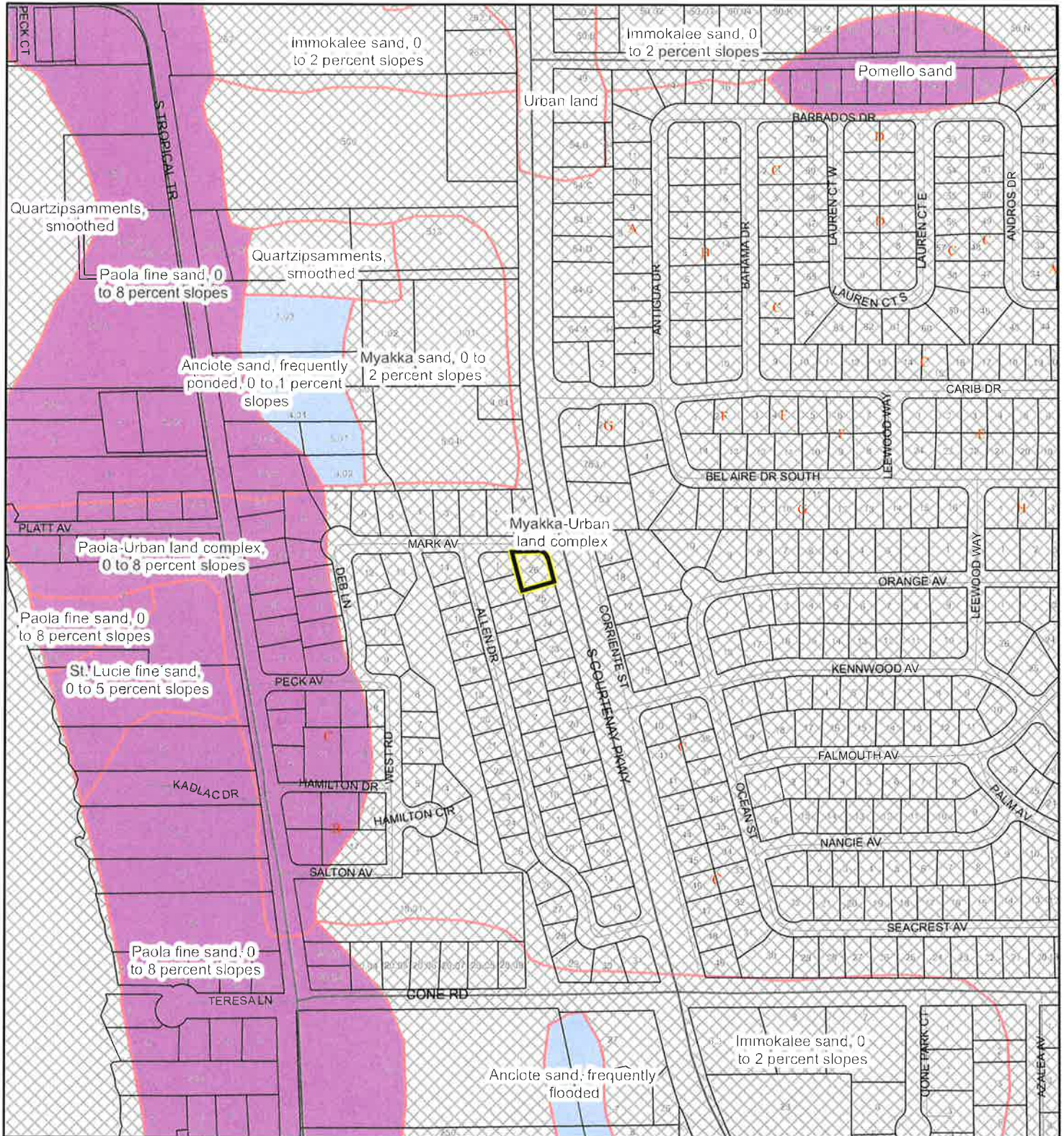
Subject Property

Parcels

USDA SCSSS SOILS MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

USDA SCSSS Soils

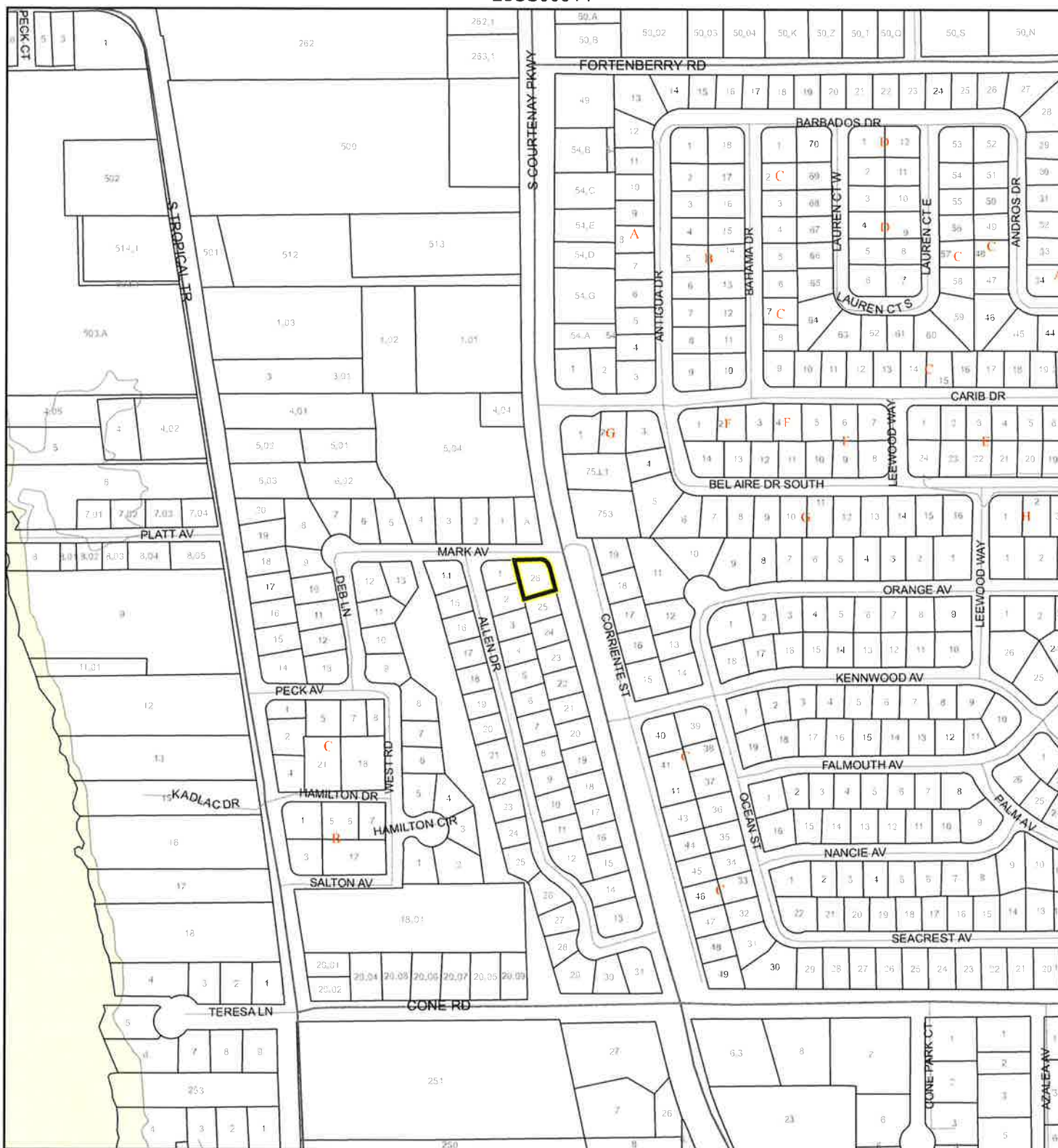
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

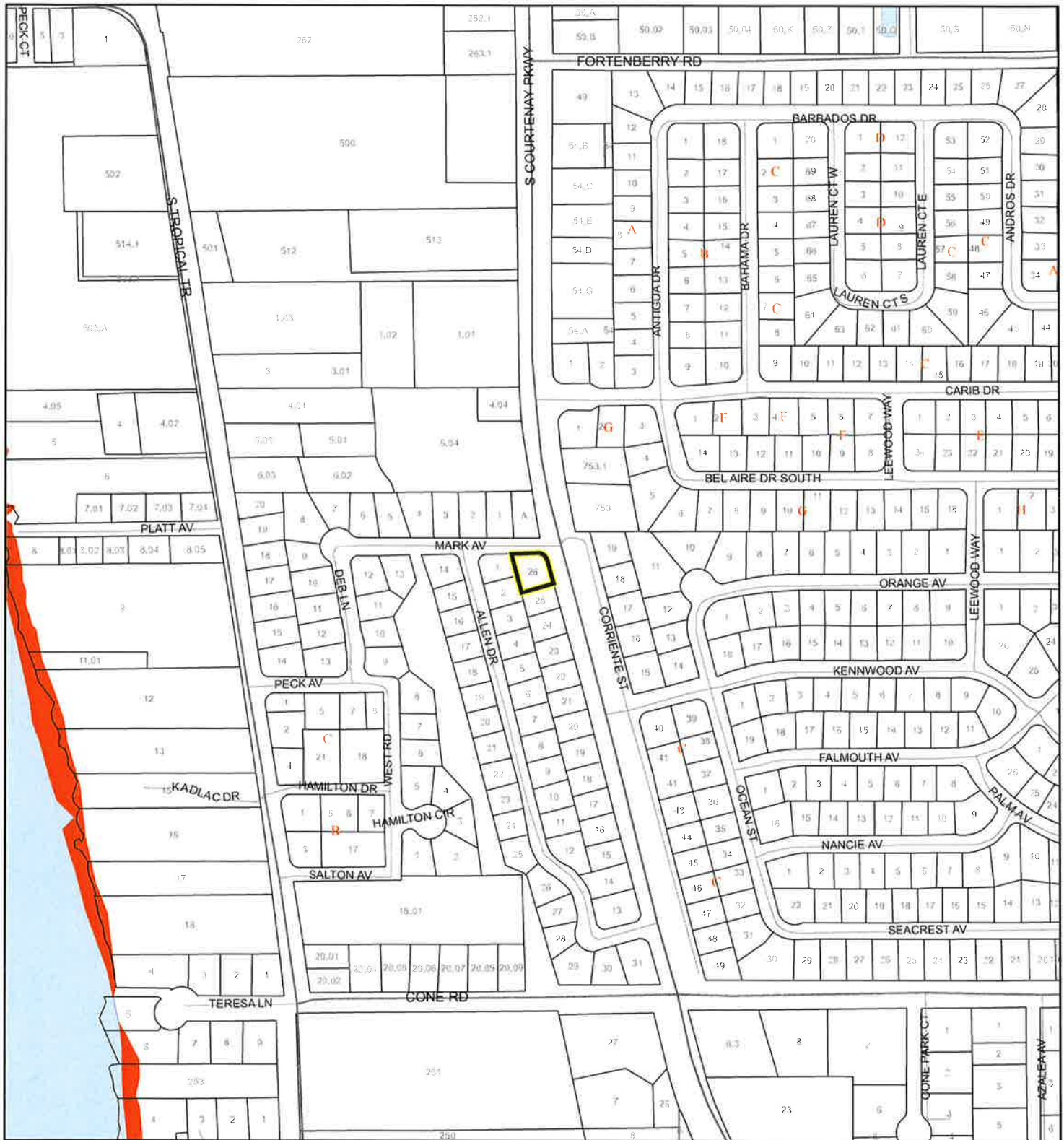
FEMA Flood Zones



COASTAL HIGH HAZARD AREA MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

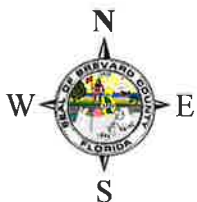
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

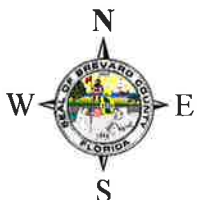
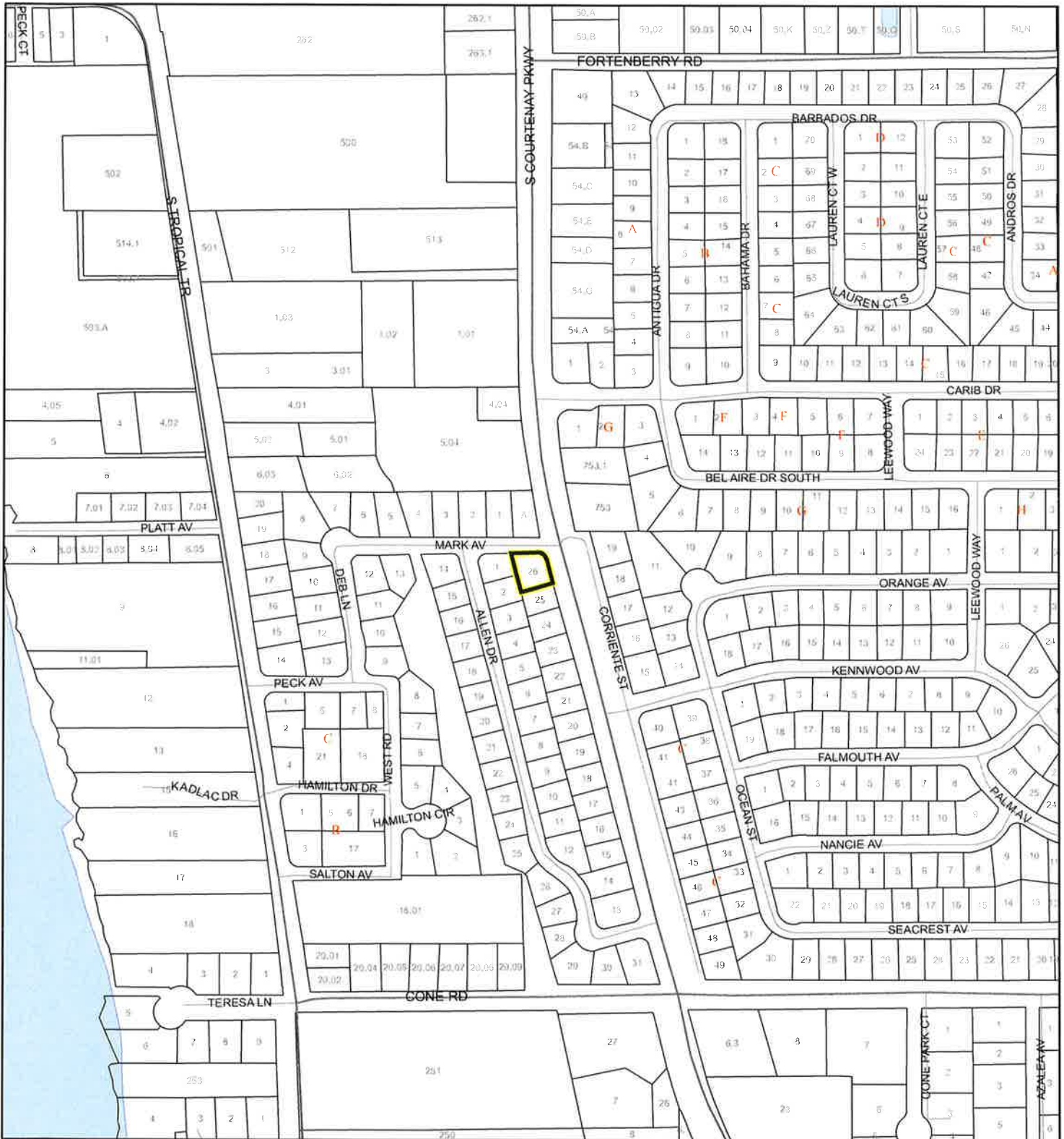
 60 Meters

 All Distances

EAGLE NESTS MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

 Subject Property

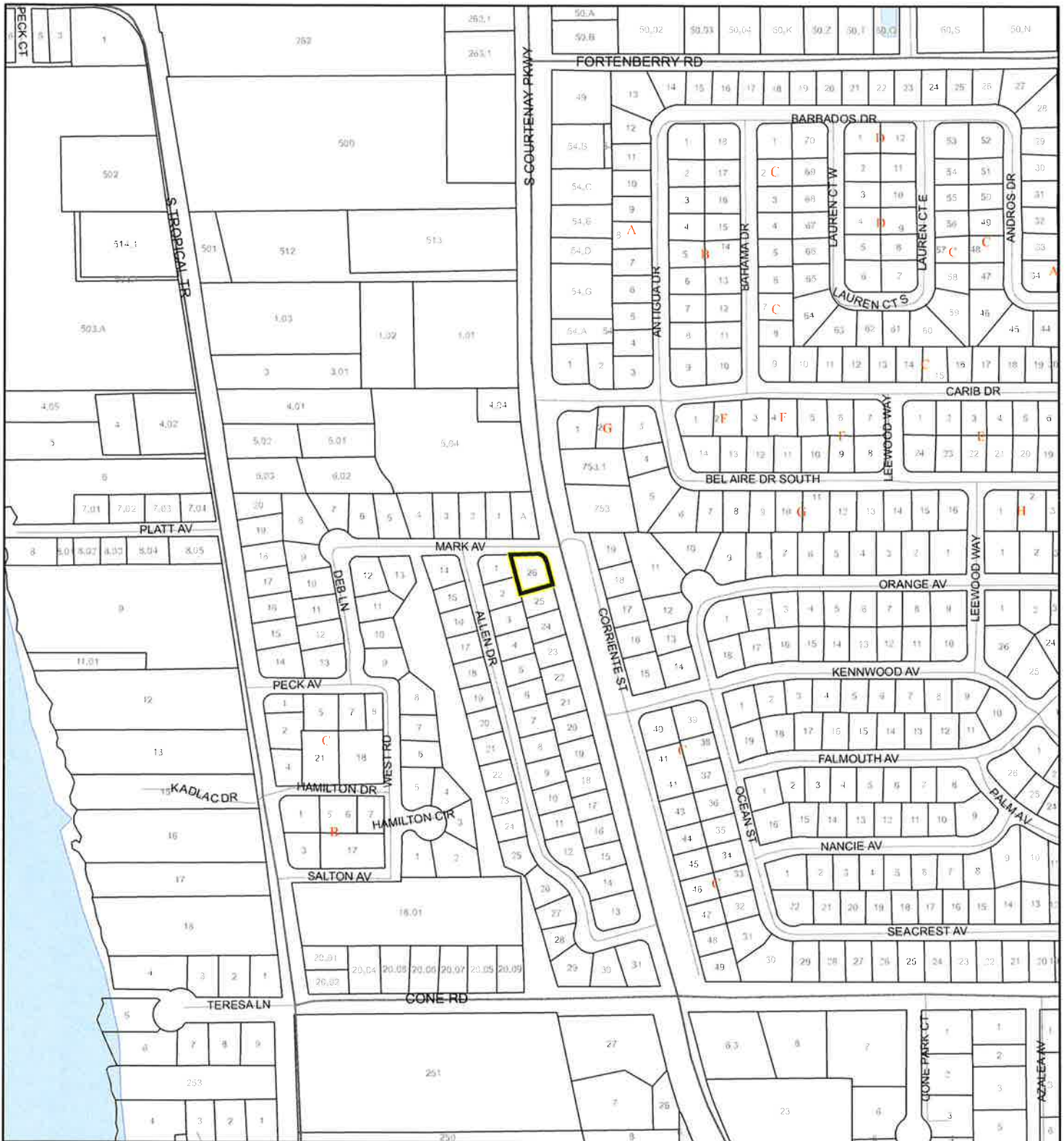
 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Island Cremations, LLC

23SS00014




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

 Subject Property

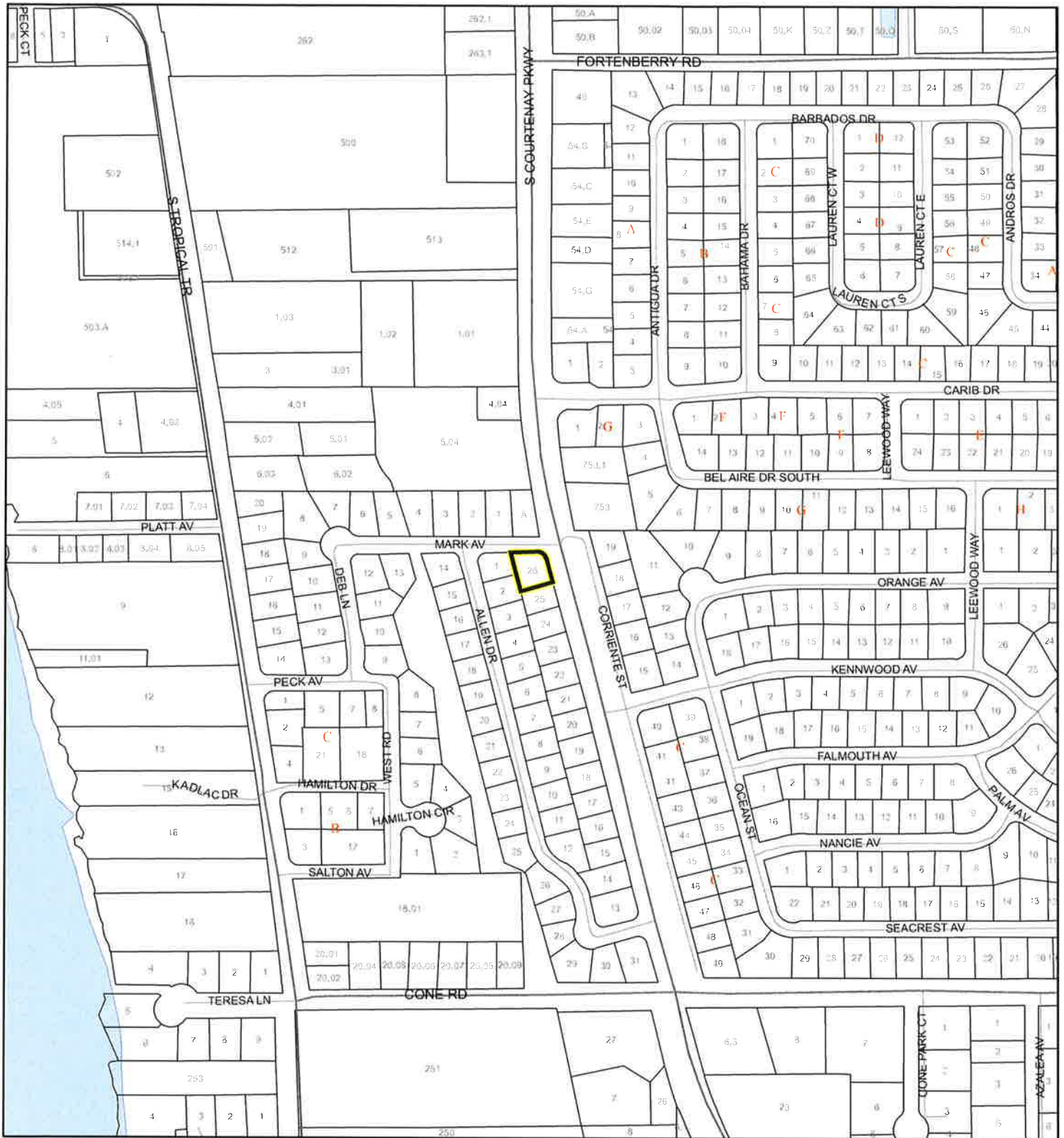
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Island Cremations, LLC

23SS00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

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

LEGEND

- BUT = SITE BENCHMARK
⑤ = SANITARY SEWER MANHOLE
□ = EXISTING WATER METER
■ = FOUND BROKEN CONCRETE MONUMENT
□ = FOUND 1/2" IRON ROD LB#5117
● = SET 1/2" IRON ROD LB#8139
● = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION
⊕ = EXISTING GROUND ELEVATIONS
○ = EXISTING TREE
(10.0) = EXISTING ELEVATION
CHAIN LINK FENCE
= CONCRETE

SURVEYOR'S NOTES:

- Legal Description has been furnished by client and/or his/her agents.
- No Title Opinion or Abstract of Matters Affecting the Title or Boundary to the Subject Property have been provided. It is possible that there could exist Deeds of Record, Unrecorded Deeds, Easements (especially any easements/documents recorded AFTER Plat Recording) or other instruments that could affect this property.
- Measurements hereon are in accordance with U.S. Standard Feet, data acquired with Theodolite and Steel Tape, or with Technologically Superior Equipment utilizing Redundant Techniques.
- Bearings hereon are based on RBL AS SHOWN OR STATED HEREON.
- Contiguous lots lie in some block, unit, phase, section etc., unless noted.
- Type of Survey: BOUNDARY SHOWING TOPO AND TREE.
- Stated Legal Purpose of Survey: Acquisition, Sale, Mortgage, Permits, Planning.
- No Flood Zone Determination has been made or requested for this property during the course of this Survey.
- This Survey is not intended to locate any subsurface/underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.
- This Survey Does NOT Reflect or Determine Ownership of land or fences.
- This Survey is NOT Insured for Multiple uses. Fiduciary and all other obligations are limited to Certificates listed herein utilizing Survey for purposes listed in item 7. Above, See Note Above Signature Block.
- Construct Improvements to Iron Markers as Described Only. Wooden Stakes/Wire Flags are NOT Property Corners.
- All Above-ground Evidences of Utilities lie Within their respective easements unless noted.
- Proposed Building Dimensions and their ties to adjacent property or other lines are copied from provided plans.
- Elevations if shown are based on the North American Vertical Datum of 1988.
- Dimensions for the proposed residence shown hereon are from the provided foundation plan.
- See house plans for additional details.
- Current FLMA F.I.R. Maps show property in FLOOD ZONE "X", according to flood insurance rate map panel: #12003C0427H(01/29/2021).

CURVE IDENTIFICATION TABLE			
CURVE	RADIUS	DELTA	ARC LENGTH
C1(P)	25.00'	76°54'06"	33.56'
C2(P)	2914.79'	01°06'44"	56.58'
C1(M)	25.00'	76°46'28"	33.50'
C2(M)	2914.79'	01°06'44"	56.58'

MEASURED BEARINGS HEREON ARE BASED ON A FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK "BART" AND "PEDR", WHICH WERE DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS) REAL-TIME KINEMATIC (RTK) SURVEY. A SOKKIA GCX3 GPS RECEIVER WAS USED AS A ROVER, RTK CORRECTIONS WERE OBTAINED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN). COORDINATES OBTAINED FROM THE GPS SURVEY ARE REFERENCE TO NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000).

- A/C = AIR CONDITIONER ON PAD
ADA = AMERICANS WITH DISABILITIES ACT
BRL = BUILDING RESTRICTION LINE (SETBACK) LINE
CODOM = CO-DOMINANT
DB = DEED BOOK
EP = EDGE OF PAVEMENT
FPE = FINISHED FLOOR ELEVATION
FPL = FLORIDA POWER AND LIGHT
GWA = GUY WIRE ANCHOR
LB = LICENSED SURVEY BUSINESS
LS = LICENSED SURVEYOR
OHW = OVERHEAD WIRE/LINE
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PE = POOL EQUIPMENT
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PROFESSIONAL REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
RBL = REFERENCE BEARING LINE
R/W = RIGHT-OF-WAY LINE
STY = STORY
TBR = TO BE REMOVED
TYP = TYPICAL
(P) = PLAT CALL
(M) = FIELD MEASURED VALUE
(D) = DEED CALL
(C) = CALCULATED VALUE, FROM FIELD MEASUREMENTS
(R) = RECORD VALUE

LOT	LOT AREA TABLE, ft ²
LOT 1	10360.1

LINE IDENTIFICATION TABLE		
LINE	BEARING	DISTANCE
L1(P)	N 89°50'04" E	94.26'
L2(P)	N 14°40'02" W	14.85'
L3(P)	N 75°37'26" E	100.00'
L4(P)	S 14°22'34" E	116.78'
L1(M)	S 89°32'36" W	84.27'
L2(M)	N 14°40'02" W	14.85'
L3(M)	N 75°19'38" E	100.00'
L4(M)	S 14°40'02" E	116.78'





MERRITT ISLAND

REDEVELOPMENT AGENCY

In Favor
23SS00014 & 23Z0005
Island Cremations

DATE: July 31, 2023

TO: Jeffrey Ball, Planning & Zoning Manager
Tim Craven, Site Plan Coordinator - Land Development/Platting Jennifer Jones,
Special Projects Coordinator
Desiree Jackson, Associate Planner

FROM: Larry Lallo, Executive Director on behalf of the
Merritt Island Redevelopment Agency Board of Directors
RE: **Tax Account No.: 2427231 Parcel ID:24-36-35-50-N-26**
ISLAND CREMATIONS LLC
415 S COURTENAY PKWY MERRITT ISLAND FL 32952

The MIRA is entering into a collaborative project with Brevard County Public Works to widen South Courtenay Pkwy. The above referenced property though not in the MIRA CRA boundary, is directly adjacent to, and is important to the corridor to be redeveloped in such a way as to improve the curb appeal and serve the business purposes of Island Cremations LLC. Mr. Paul Mazzoni, owner, addressed the MIRA Board on July 27, 2023, at their regular meeting during public comments. He explained that our widening project will negatively impact his business parking. He explained that he is being proactive to continue to serve his customers by purchasing and redeveloping the above referenced severely blighted site, which is now an unsafe, dilapidated eye sore. There will not be a need for this project to come to the MIRA Board for any review. There was consensus, however, that the purchase and appropriate redevelopment, buffering and landscaping of 415 Courtenay Pkwy for use as a parking lot, will be a positive improvement for the neighborhood, and enable Island Cremations LLC business to carry on, well into the future. We would like to see this redevelopment project, and all necessary zoning approvals be approved, and review processes move forward. We appreciate the efforts of Mr. Mazzoni in taking the initiative to solve this problem, and request your favorable consideration of our comments.

From: [Kristi Jensen](#)
To: [Gene Jensen](#); [Jones, Jennifer](#)
Subject: ID# 23SS00014 & 23Z00054
Date: Thursday, August 3, 2023 5:25:59 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

As a current resident of 420 Allen Dr, the property directly behind the proposed property requesting a change of zoning, I wanted to voice my approval of this move.

I rent a room from my Father, Gene Jensen, who is the property owner. He is currently recovering from minor surgery so I have included him in the email so he could know where to send his personal feelings on the matter.

As for my opinion, the request is a welcome one. The lot as it is now is an overgrown nightmare of weeds, strangling birch blocking our view of the launches, and hidden nooks homeless people come use as toilets.

As long as the property line running along our backyard is fenced or walled so I don't have to see the lot any longer, I believe a nicely maintained parking lot with adequate lighting, camera monitoring and beautiful landscaping Island Cremations already displays on their current location, would be preferred to what is there now.

Island Cremations has been in our neighborhood almost as long as my family has. They have even taken care of our loved ones when they've passed. They are good neighbors and I'm pleased their business is prospering and willing to beautify our neighborhood, ridding it of an eyesore.

Sincerely

Kristi R Jensen
Resident

Brevard County Planning and Zoning Board and the Board of County Commissioners

August 4, 2023

RE: ID# 23SS00014 & 23Z00054

Context:

I have lived in Merritt Island for 35 years. I have served as the Pastor of Faith Lutheran Church, 280 East Merritt Island, for 32 years. I have been retired for three years. I have a PhD in Counseling. I started a retirement community off Hall Road in Merritt Island called the Cedar Creed Assisted Living Facility. I also started a group home for mentally challenged people called the Reaves Home North of the church property. At my church we had a Preschool, Daycare and Before and After School Care. I have been very involved in the community and have raised four children in the community. Two of them are Doctors, one is a teacher with a Masters Degree in Wisconsin and the other owns, his own business in Gainesville, Florida.

I am in favor of the proposed change in zoning for the following reasons:

1. The lot in question is an eyesore. The house burned down some 20 years ago and nothing has been done to improve the property. I drive past it every day. It is only 4 houses down from my house. The yard is a mess, the trees are overgrown, the fence is in disrepair. It would be a great improvement to the neighborhood if the lot was finally cleaned up.
2. Island Cremations does a service to our community. I have conducted over 300 funeral services in our community. Because of that, I have worked with many funeral homes and the families that need their services. Over the years, a Corporation named Dignity, has purchased several local funeral homes in central Brevard. My search says Dignity owns:

Brevard Memorial – Rockledge.
North Brevard Funerary Home, Titusville
Beckman-Williamson Funeral Homes, Cocoa Beach
Wylie Baxley Funeral Home, Merritt Island and Rockledge
Florida Memorial, Rockledge
Fountain Head, Palm Bay

Some of the funeral directors I know on a first name basis. Some of them now work for Island Cremations. Why is that? The cost for a Dignity Cremation is \$4200. The cost at Island Cremations is \$695. Do the math. Some families simply cannot afford the cost of a Dignity cremation. Island Cremations offers an affordable alternative. That is why people from Southern Brevard, North Brevard, and Orlando come to Island Cremations. It is not in the best interest of Brevard County to allow a company, namely Dignity, to monopolize the funeral industry. Therefore, anything you can do to support Island Cremations is in the best interest of Brevard County.

3. Island Cremations cares about people. When a loved one dies it is the most vulnerable time of their life. It is a time when they can be taken advantage of. Island Cremations tries to really help people. I can speak from experience. I will give you a couple of examples. One time a person died. I knew them. They were not a member of my church. I called Island Cremations and told them that the deceased did not have the money for the cremation and that the church would be paying for their

cremation. Paul Mazzoni, the owner of Island Cremations, told me, "Don't worry about it, we will take care of it." And they did.

Another time a family had their oldest son commit suicide at their family home. His siblings wanted to have an open casket viewing at the church before the memorial service. I told them that was not a good idea. They should call Island Cremations and arrange for a private viewing and I was sure Island Cremations would make that happen. They did. And Island Cremations told those siblings they could take as much time as they wanted to be with their brother.

This is what Island Cremations does to take care of people. This is a very important service to our community. This is why I think it is very important to do whatever we can to support Island Cremations. I do not receive money from Island Cremations. I am not being paid to write this statement. I care about people and have found Island Cremations to be a valuable asset in caring for people when a loved one dies.

4. Lack of impact on parking issues. As I said before, I live four houses down the street from Island Cremations. I have never seen a parking problem or a traffic problem when services at Island Cremations are being conducted. Island Cremations has been very respectful of our neighborhood and our street. I only see the proposed change to zoning and our community to be an improvement, not a detriment.

I believe anyone who opposes this change in zoning is misinformed and does not know the facts. I do not understand why anyone would oppose what would be such a helpful business to our community. I have been with many people when a loved one dies. I care about them deeply and go through the process of death and grieving with them. Island Cremations has been a tremendous asset in that process. I urge the Zoning Board and the Board of County Commissioners to approve this change in zoning request for the benefit of those who are grieving the death of a loved one and for the benefit of our community.

Sincerely,

Rev. Russell Frahm, PhD
40 Mark Avenue
Merritt Island, Florida 32952

Yvette M. Witherell
465 Allen Drive
Merritt Island, FL 32952

Brevard County Board of County Commissioners
Planning & Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

RE: ID# 23SS00014 & 23Z00054

Commissioners:

This letter is in response to the notice I received regarding Island Cremations, Inc., and their request to change the zoning classification in my residential neighborhood. (415 S. Courtenay Parkway., Merritt Island) I am not in favor of converting any part of Merritt Ridge, a single-family residential neighborhood, to commercial/retail use. The forethought of purchasing the crematory never made any sense to me and the business is not well suited to the location. I do understand why they want to rezone the property for their use, but I am adamantly against it. I do not want them to turn a residential lot in my neighborhood into a parking lot.

I am unable to attend the public hearing on August 14, 2023, at 3:00pm to voice my objection. This letter addresses my concerns and I hope it will be considered in making the proper decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yvette M. Witherell', written over a horizontal line.

Yvette M. Witherell

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Morris Richardson, County Attorney; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Island Cremations, Inc. (Kent Bush)

A Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial). The property is 0.25 acres, located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island) (23SS00014) (Tax Account 2427231) (District 2)

Island Cremations, LLC (Kent Bush)

A change of zoning classification from RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial). The property is 0.25 acres, located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island) (23Z00054) (Tax Account 2427231) (District 2)

Paul Mazzoni, 405 S. Courtenay Parkway, Merritt Island, stated he would like to change the zoning to make the subject property a parking lot for the funeral home. He said the new lot would provide 14 to 16 new parking spaces which will allow more chairs inside the funeral home. He explained, the majority of the business is cremation, and they do 1,400 per year; no other funeral home in Florida does that many. He said they are known for doing cremations at a low rate, which helps families. He stated currently, he can only have 20 to 25 chairs in the chapel, and adding a parking lot on the subject property will allow more chairs. He said he's been in business at that location since 2010 and has over \$1 million in the drawer in pre-arrangements. He added, a parking lot on the subject property will clean up the lot, which has been overgrown and currently has a pool on it that is sinking and has to be removed.

Public comment.

John Hopengarten asked what type of vehicles will be parked on the lot. Mr. Mazzoni replied they will be vehicles that belong to families that come to the funeral home, and maybe some employees.

Motion by Henry Minneboo, seconded by Brian Hodgers, to recommend approval of a change of zoning classification from RU-1-11 to BU-1. The motion passed unanimously.

Helen Seaman

old

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Wednesday, September 13, 2023 10:18 AM
To: Helen Seaman; County Ordinances
Cc: Clerk to the Board
Subject: RE: BRE20230905_ORDINANCE2023_21
Attachments: Brevard20230913_Ordinance23_21_Ack.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good morning,

Please find the attached acknowledgment letter for Brevard County Ordinance No. 23-21, which was filed in this office on September 13, 2023.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Helen Seaman <Helen.Seaman@brevardclerk.us>
Sent: Wednesday, September 13, 2023 9:17 AM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: BRE20230905_ORDINANCE2023_21

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good Morning:

Attached please find Ordinance No. 2023-21 to be filed with the State.

Thank you

Helen Seaman
Administrative Assistant
Clerk to the Board
(321) 637-2001
Helen.Seaman@brevardclerk.us



old

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 13, 2023

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 23-21, which was filed in this office on September 13, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh