



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.1.

2/1/2024

Subject:

3955 Kings Hwy, LLC (Bryan Potts) requests a Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 and CC to all CC. (23SS00011) (Tax Account 2423666) (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 Amendment (23S.11) to change the Future Land Use designation from RES 8 (Residential 8) and CC (Community Commercial) to all CC.

Summary Explanation and Background:

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 8 Directive (RES 8 DIR) on a 0.47 acre portion of the 2.99 acre property. The proposed BU-2 zoning is not consistent with the Res 8 (DIR) Future Land Use. This request will allow the parcel to be rezoned to BU-2 to build a mini-warehouse. The subject parcel is located on the south side of Kings Highway between the railroad and Capron Rd. Kings Highway is a County maintained roadway.

The applicant has a companion rezoning application, 23Z00049, requesting a change from AU (Agricultural Residential) and BU-2 (Retail, Warehousing and Wholesale Commercial) to all BU-2 (Retail, Warehousing and Wholesale Commercial).

This area can be characterized as a commercial corridor with several CC FLU designations. Existing commercial development includes an automotive shop, dumpster roll off location and a dog groomer on the northeastern parcels. Additional commercial uses are located east along Kings Highway.

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

On January 3, 2024, the Port St. John Dependent Special District Board heard the request and unanimously recommended approval.

On January 8, 2024, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the ordinance 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

February 2, 2024

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item G.1., Small Scale Comprehensive Plan Amendment (23S.11)

The Board of County Commissioners, in regular session on February 1, 2024, conducted the public hearing and adopted Ordinance No. 24-02, setting forth the fourteenth Small Scale Comprehensive Plan Amendment (23S.11) to change the Future Land Use designation from RES 8 and CC to CC (23SS00011). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 24-02

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTEENTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.11, 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 2024 as Plan Amendment 23S.11; 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.11; 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 February 5, 2024.

WHEREAS, on January 08, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.11, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 01, 2024, 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.11; and

WHEREAS, Plan Amendment 23S.11 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.11 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.11 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.11, 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.

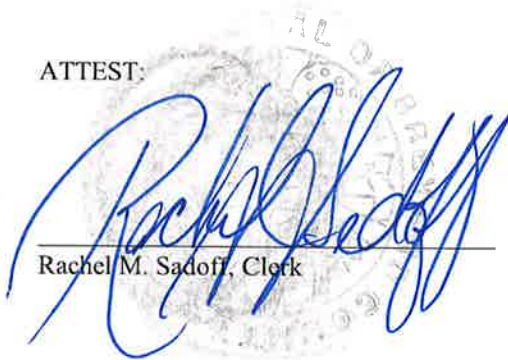
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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 1st day of February, 2024.

ATTEST:

A large, stylized blue ink signature of Rachel M. Sadoff is written over a faint circular official seal. The signature is fluid and cursive, with the first name 'Rachel' being particularly prominent.

Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Jason Steele, Chair

As approved by the Board on February 1, 2024.

EXHIBIT A
23S.11 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

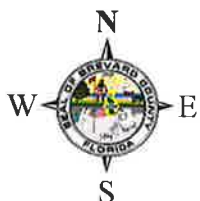
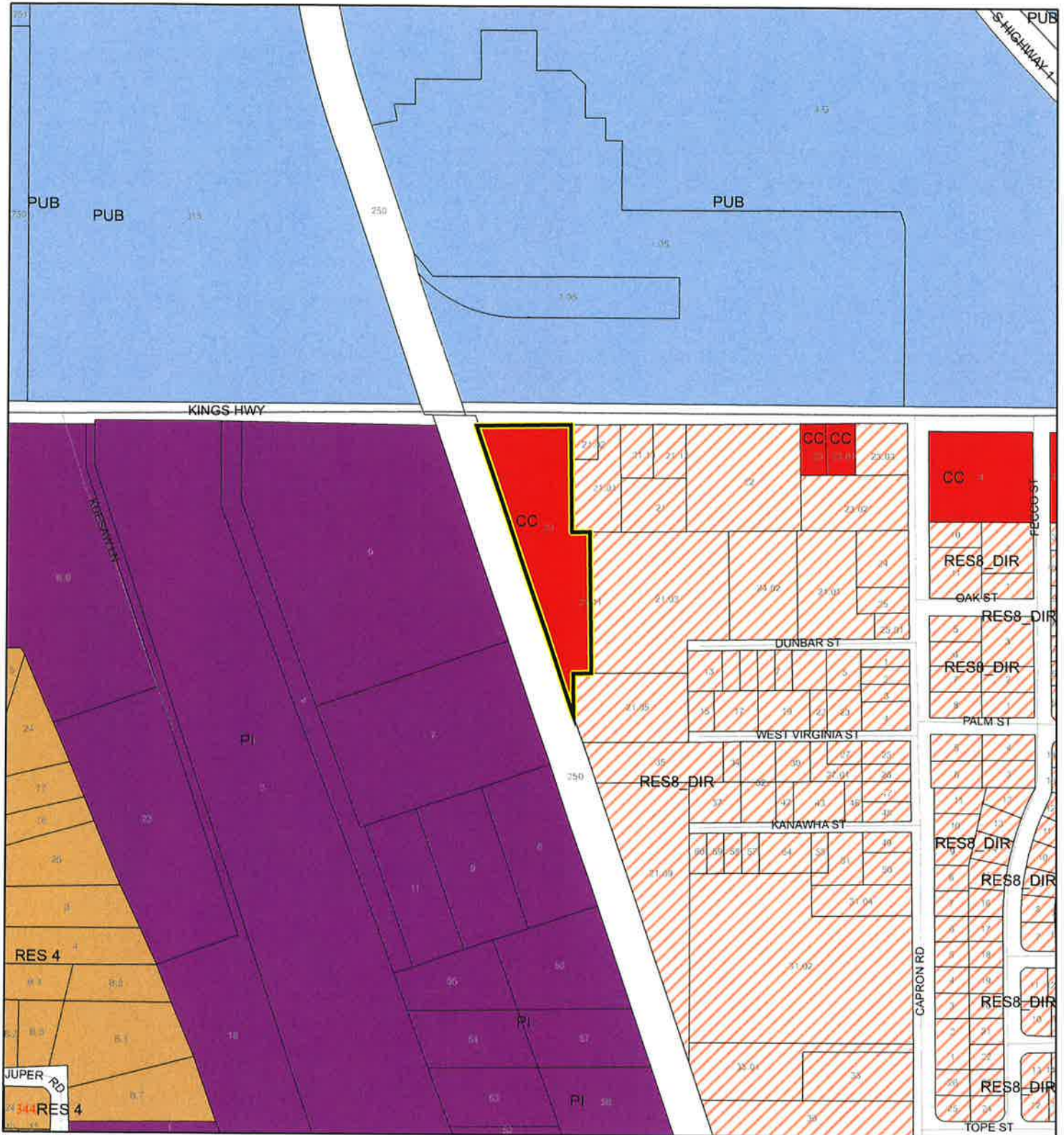
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

3955 KINGS HWY LLC

23SS00011



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: 10/24/2023

EXHIBIT B

Contents

1. Legal Description

DISTRICT 1

(23SS00011) 3955 Kings Hwy, LLC (Bryan Potts) requests a Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 (Residential 8) and CC (Community Commercial) to all CC, on property described as Lot 20, Block A, Delespine on Indian River, as recorded in ORB 9907, Pages 2243 - 2245, of the Public Records of Brevard County, Florida. **Section 13, Township 23, Range 35.** (3.5 +/- acres) Located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.11: 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.



FLORIDA DEPARTMENT of STATE

RON DESANTIS

Governor

CORD BYRD

Secretary of State

February 5, 2024

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

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. 24-02, which was filed in this office on February 5, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

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.11 (23SS00011)
Township 23, Range 35, Section 13*

Property Information

Owner / Applicant: 3955 Kings Hwy, LLC.

Adopted Future Land Use Map Designation: Residential 8 Directive (RES 8 DIR) and Community Commercial (CC)

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

Acreage: 3.46

Tax Account #: 2301890

Site Location: Southeast corner of Kings Highway and Florida East Coast Railway

Commission District: 1

Current Zoning: Agricultural Residential (AU) and Retail, Warehousing and Wholesale Commercial (BU-2)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2) (23Z00049)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 8 Directive (RES 8 DIR) on 0.47 acres which allows 8 units per acre and Community Commercial (CC) on 2.99 acres to all CC for the proposed BU-2 zoning to be consistent with the Future Land Use Element. This request will permit the entire parcel to be rezoned to BU-2 to build a mini warehouse. The subject parcel is located on the south side of Kings Highway, a County maintained roadway.

On August 6, 1992, the Port St. John Directives were an adopted designating a portion this area as Residential 8 Directive (RES 8 DIR).

The applicant has a companion rezoning application, **23Z00049**, requesting a change from AU (Agricultural Residential) and BU-2 (Retail, Warehousing and Wholesale Commercial) to all BU-2 (Retail, Warehousing and Wholesale Commercial).

The western portion of parcel retains a zoning classification of BU-2. On September 24, 1998, The Board approved rezoning action **Z-10150**, changing the zoning from BU-1 to BU-2.

The original zoning of the AU zoned portion of the parcel was GU (General Use). On August 7, 2003, zoning action **Z-10827** rezoned the GU portion to AU (Agricultural Residential).

On October 12, 2023, the parcel was combined with the west parcel as one parcel per Quit Claim Deed recorded in Official Records Book 9907, Pages 2243 thru 2245 in order to support the proposed development.

Comprehensive Plan Policies/Comprehensive Plan Analysis

The BU-2 zoning classification may not be considered consistent with the existing RES 8 Directive Future Land Use designation; however, the proposed BU-2 zoning classification may be considered consistent with the requested Community Commercial (CC) Future Land Use Map designation.

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 parcel is located on the south side of Kings Highway, a County maintained roadway. The applicant has not provided a proposed site plan. This is not a requirement for rezoning nor Future Land Use Map change and the site plan has not been reviewed for compliance with the land development codes and other County departments.

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

With the adjacent residential to the east, there is no interconnectivity as there is a separate development along with the Florida East Coast Railway to the west.

- C. Existing commercial development trend in the area;

This area can be characterized as a commercial corridor with several CC FLU designations. Existing commercial development includes an automotive shop, dumpster roll off location and a dog groomer on the northeastern parcels. Additional commercial uses are located east along Kings Highway.

- 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 maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The subject property has access to City of Cocoa potable water and septic. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The closest Community Commercial activities are located on the west portion of subject parcel with frontage on Kings Highway. Additional commercial activities can be found 660 feet east along the south of Kings Highway. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart.

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

A market study was not provided nor required.

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

The applicants will work with Natural Resources to ensure conformance with the Conservation Element. No noteworthy land use issues were identified.

- 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 applicant is proposing to develop a mini warehouse facility. Kings Highway is an existing commercial corridor, the proposal would not extend strip commercial development, which is discouraged within the Future Land Use element of the Comprehensive Plan. This request could be considered infill 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's proposed use can be considered consistent with these uses.

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 within an existing commercial cluster but, rather along an existing commercial corridor along Kings Highway, which functions as an Urban Major Collector Road. The use of infill development maybe considered the best use of resources, and it provides an alternative to new development by reducing loss of critical and resource lands to new development by focusing on strengthening older areas.

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

The subject site is not located at an intersection and will not 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.

Kings Highway, is a major arterial roadway, is an existing commercial corridor serving the community and the surrounding region.

- 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.

The gross floor area is regulated through the land development regulations and reviewed at the time of site plan review.

- 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 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.

- 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.

The request is not for a recreational vehicle park.

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

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

Criteria:

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

The applicant proposes to utilize subject parcel for parking and a stormwater retention pond accessory to a mini warehouse. The hours of operation, lighting and traffic is not anticipated to affect the quality of life in the existing neighborhood. There is no anticipation of odor, noise level or site activity more so than already exists. However, CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses which may. This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.

- 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 (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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

1. historical land use patterns;

There are undeveloped and developed single-family residential and commercial parcels along the Kings Highway corridor from the Railroad tracks to S. Highway 1. The developed character of the surrounding area on the south side of Kings Highway is single-family residential abutting the east. To the west is the Florida East Coast Railway. West of the East Coast Railway is a parcel with Planned Industrial uses. To the south of the subject property is a single-family mobile home. To the north across Kings Highway is Electric Utility.

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

There has been one recent zoning action within 0.5 miles of the subject property within the last three years.

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

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

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

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

Analysis of 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.

Staff analysis indicates the request is not located within an existing neighborhood. However, there is a pattern of existing single-family residential surrounding the property to the east and south. The subject property is also abutting the Florida East Coast Railway property along the west.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, and contractor storage yards). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of MAV by 0.12%.

- 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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor.

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.

Staff analysis indicates that the surrounding area to the east is residential in character.

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.

The subject parcel is located along corridor of commercial and residential uses further east. The subject parcel is proposed to be rezoned from BU-2 and AU to all BU-2. As the immediate area is commercially and single-family zoned, the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located approximately 815-feet east of the subject property, along the south side of Kings Highway.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Electric Utility, across Kings Highway	IU	PUB
South	Single-family mobile home	RRMH-1	RES 8 DIR
East	Single-family residence	GU, AU & RU-1-7	RES 8 DIR
West	Planned Industrial uses west of the Florida East Coast Railway	PIP	PI

The developed character of the surrounding area on the south side of Kings Highway is single-family residential abutting the east with GU, AU, and RU-1-7 (single-family residential) zoning. To the west is the Florida East Coast Railway. To the south of the subject property is a single-family mobile home with RRMH-1 zoning.

The current AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The RU-1-7 zoning classification allows one single-family residence on minimum 5,000 square foot lots. The minimum floor area is 700 sq. ft.

The RRMH-1 zoning classification permits one single-family mobile home or detached dwelling unit of spacious character. It requires a minimum lot size of one (1) acre with a width and depth of no less than 125-feet. It requires a minimum living area of 600 sq. ft.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Kings Highway, between Grissom Pkwy. and Highway 1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of D, and currently operates at 34.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.12%. The corridor is anticipated to operate at 34.41% 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 proposed project is a commercial development and not intended for residential uses.

The subject property has access to the City of Cocoa potable water and on sewer.

Environmental Constraints

- Aquifer Recharge Soils
- 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.

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 # 23SS00011**

Applicant: Tannath Design (Owner: Zinser Properties LLC)

Land Use Request: RES 8 to CC

Note: Consistent zoning with surrounding property and allowance of parking

PSJ Board: 8/9/2023; **BCC Hearing Date:** 9/7/2023

Tax ID No: 2323666

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected 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:

Aquifer Recharge Soils

This entire parcel contains mapped aquifer recharge soils (Pomello Sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations (~22 to 26 feet NAVD) indicate the soils may consist of Type 2 or Type 3 Aquifer Recharge soils, which have impervious area restrictions. A topographic survey should be completed prior to development to confirm elevations. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely 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.

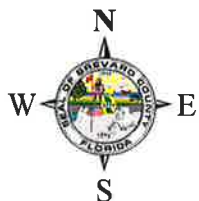
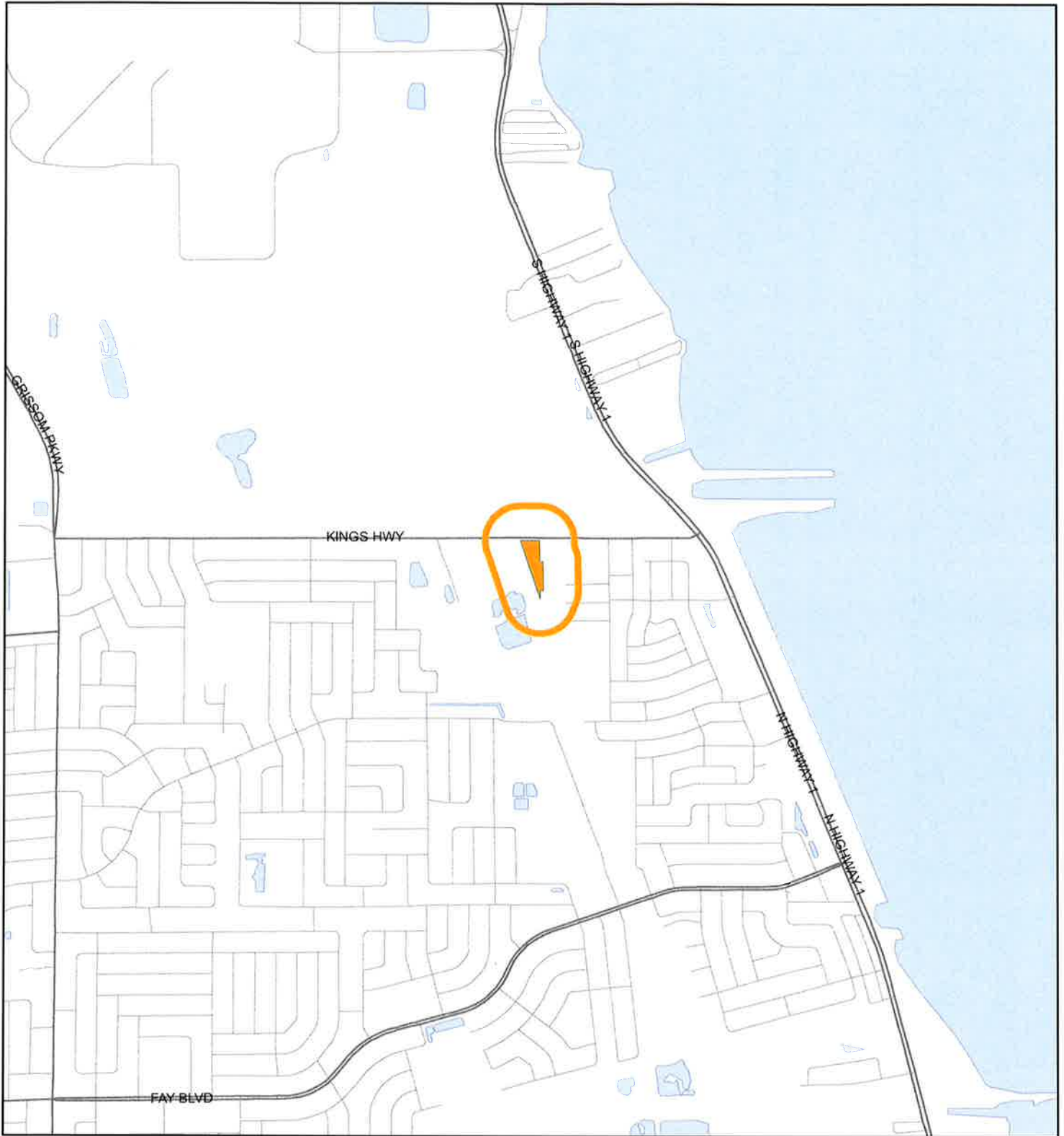
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay habitat west of the property, and there is potential for existence of Gopher Tortoises on site. 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

3955 KINGS HWY LLC

23SS00011





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: 10/24/2023

-  Buffer
-  Subject Property

ZONING MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

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Subject Property

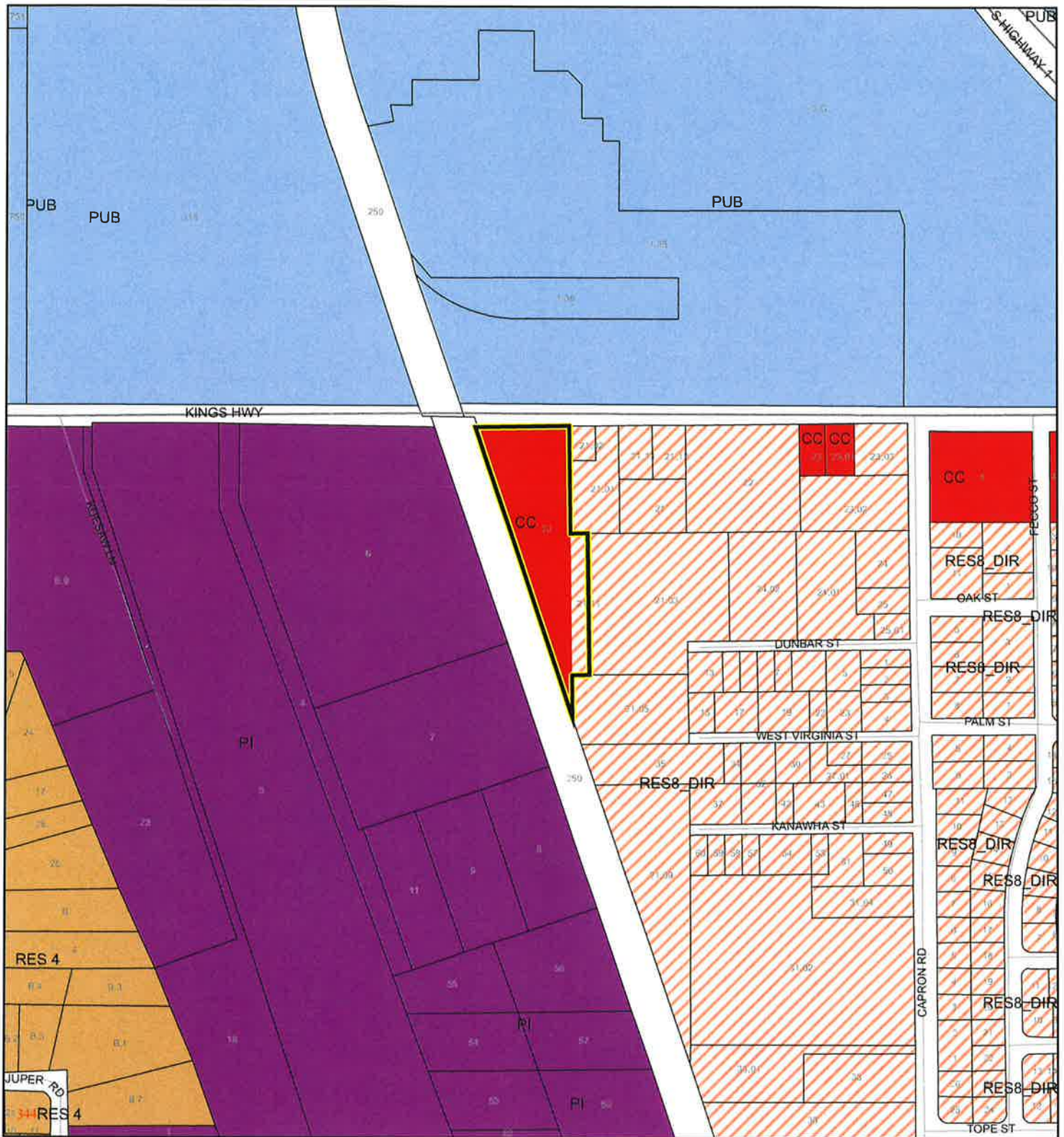
Parcels

Zoning

FUTURE LAND USE MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

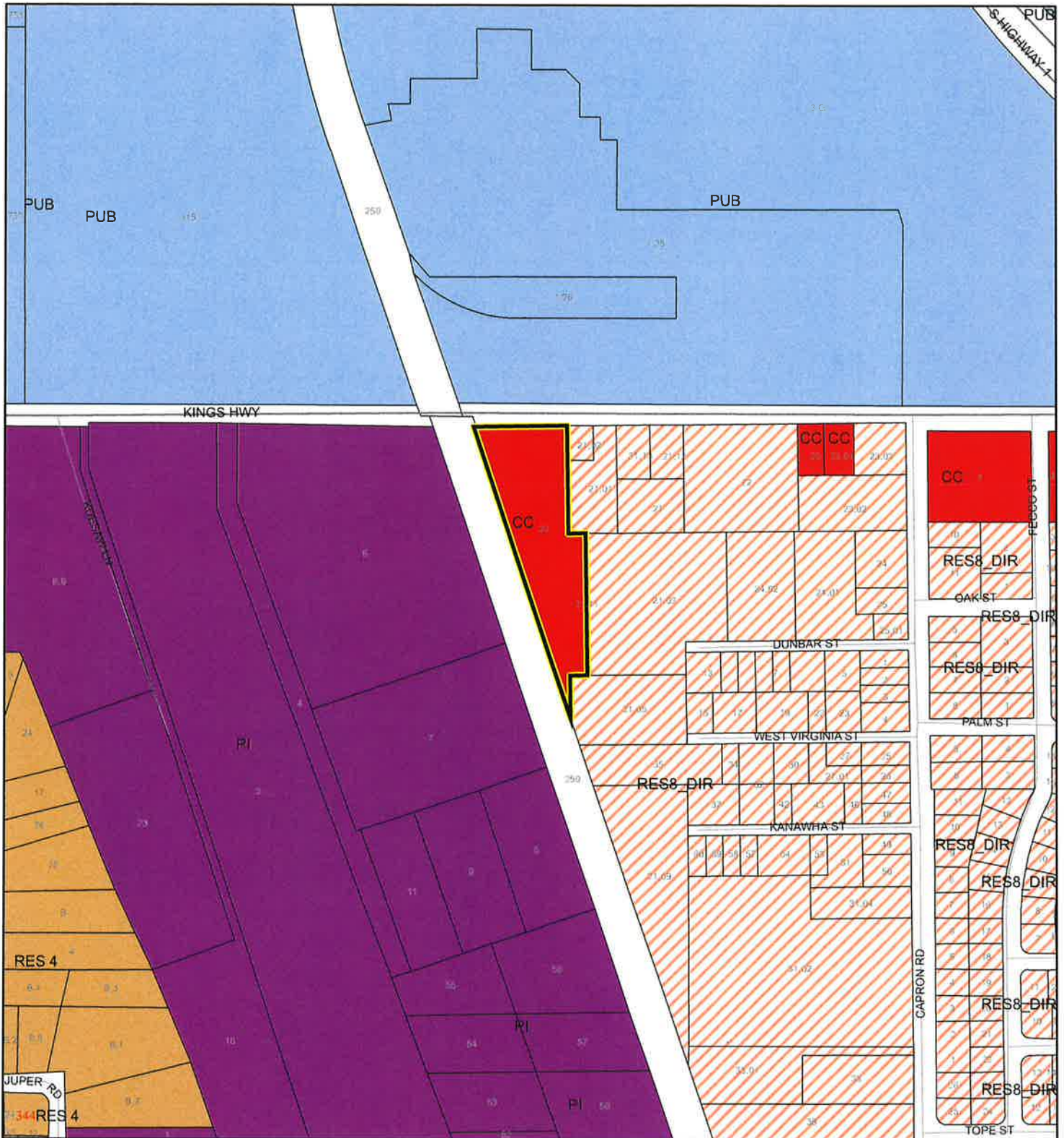
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PROPOSED FUTURE LAND USE MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

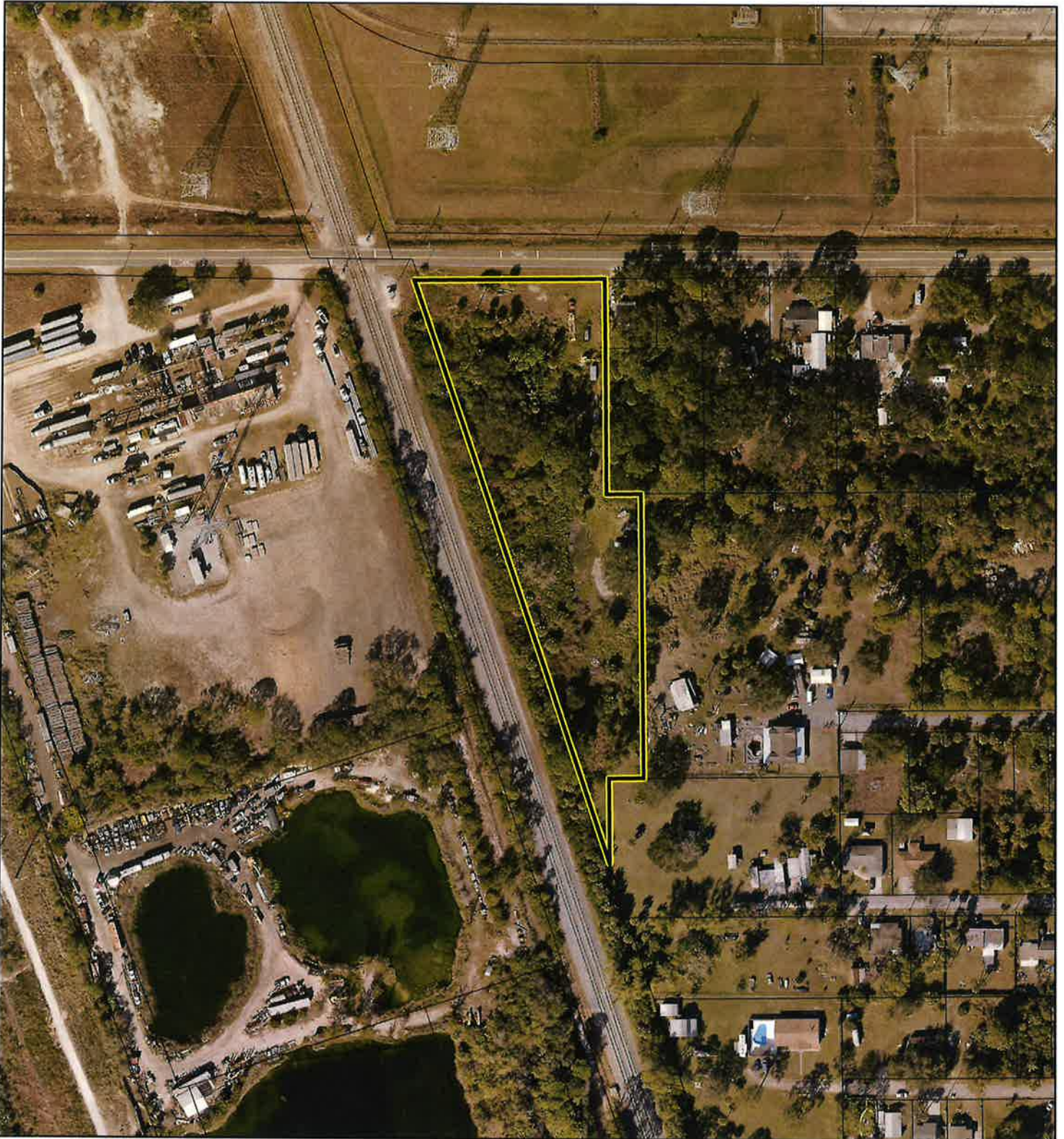
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AERIAL MAP

3955 KINGS HWY LLC

23SS00011



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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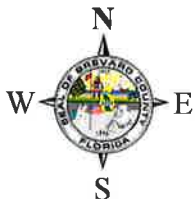
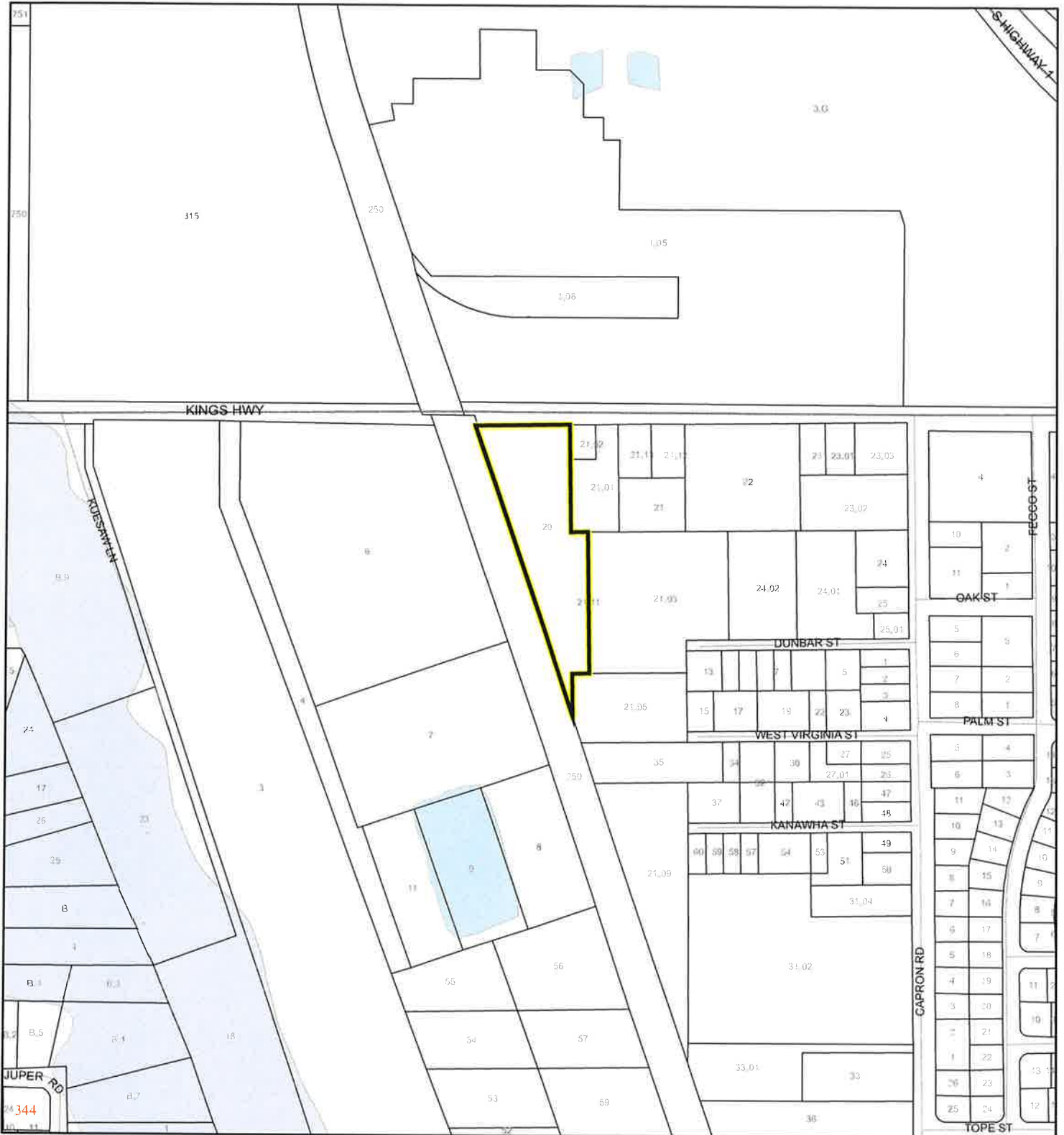
 Subject Property

 Parcels

NWI WETLANDS MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

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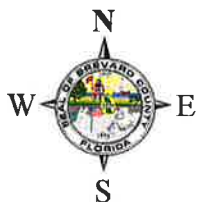
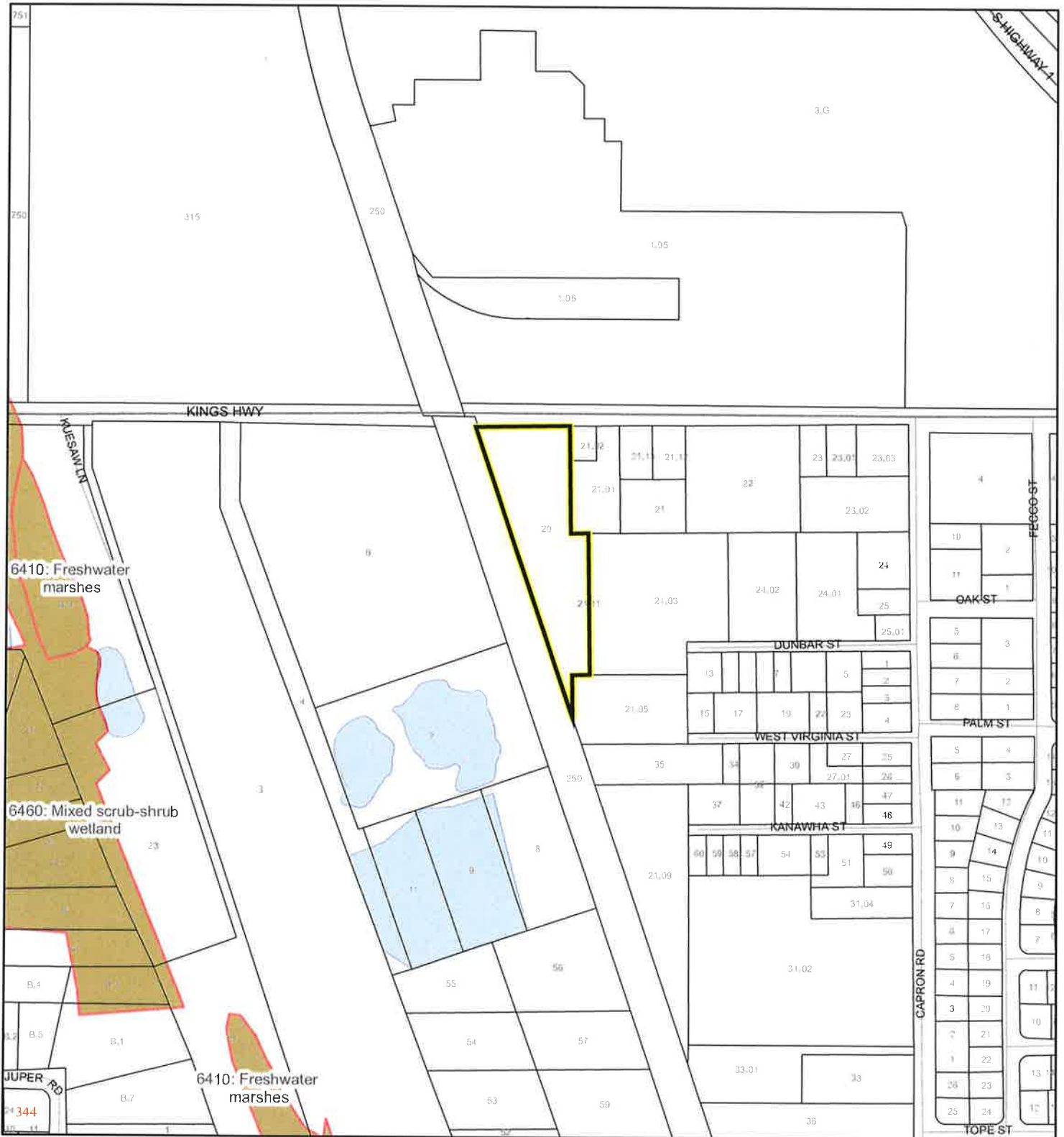
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

3955 KINGS HWY LLC

23SS00011



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

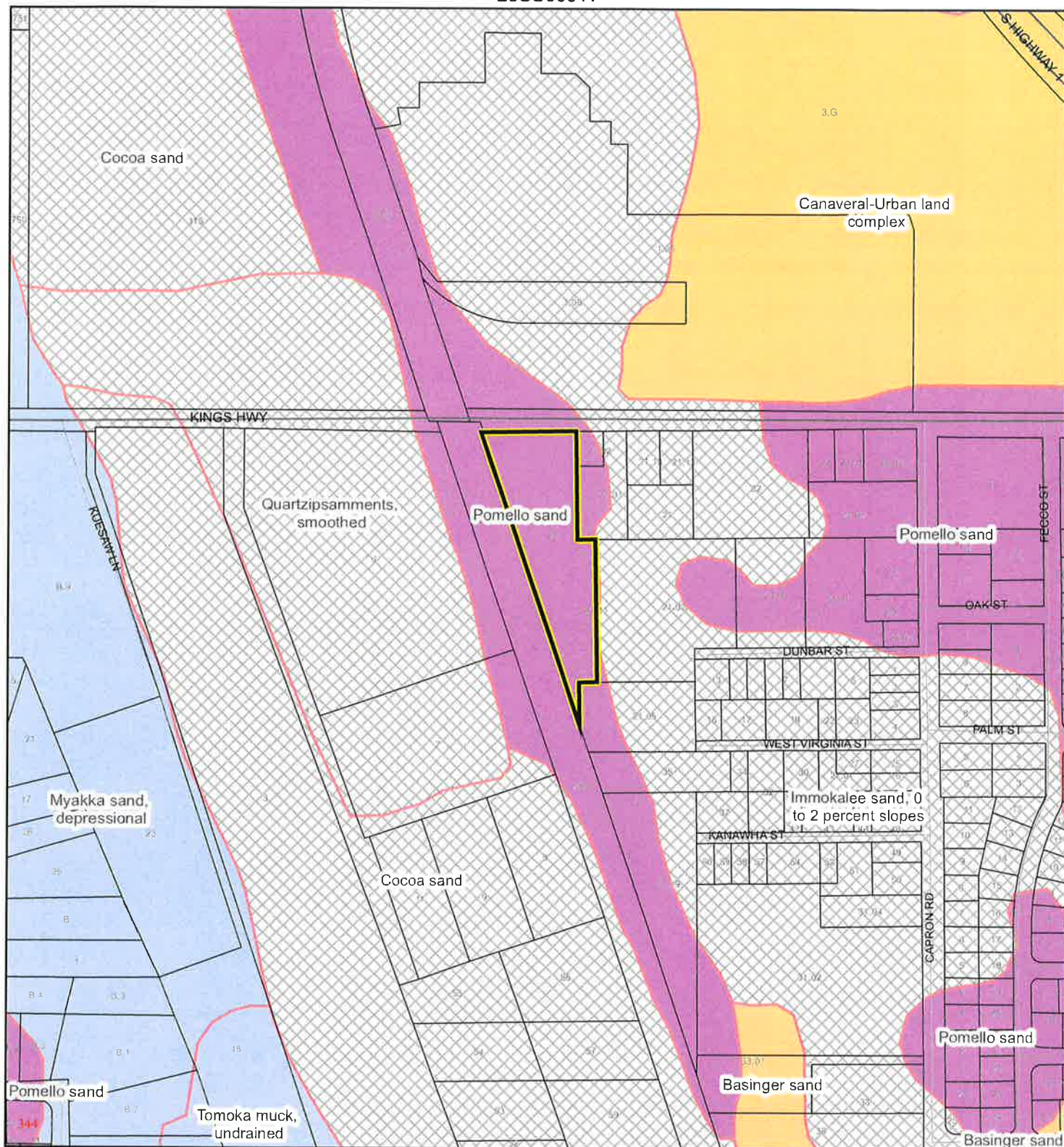
Subject Property

Parcels

USDA SCSSS SOILS MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

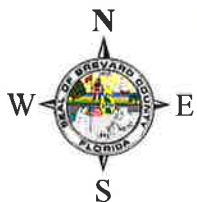
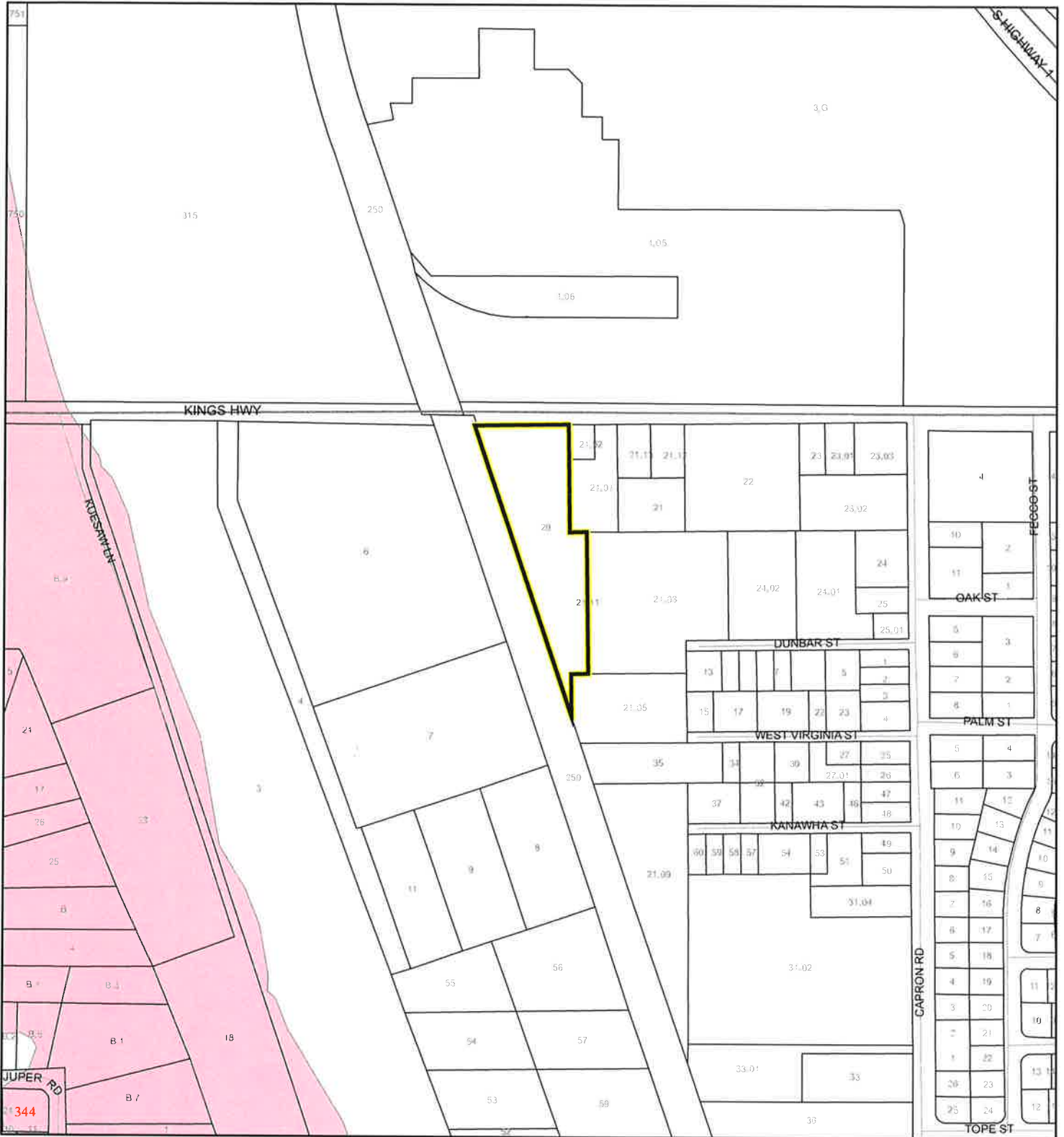
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

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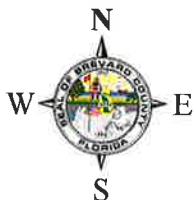
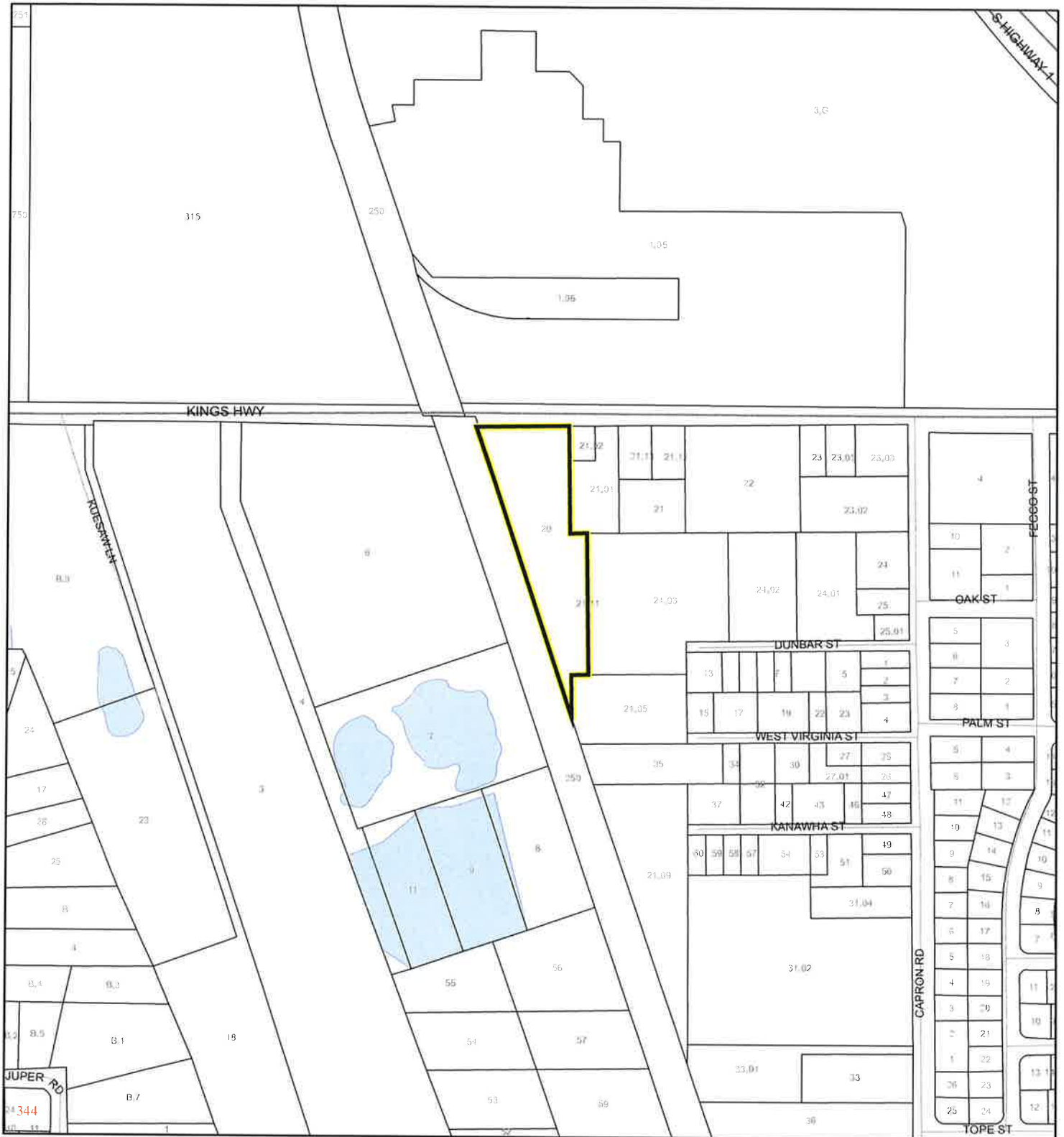
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

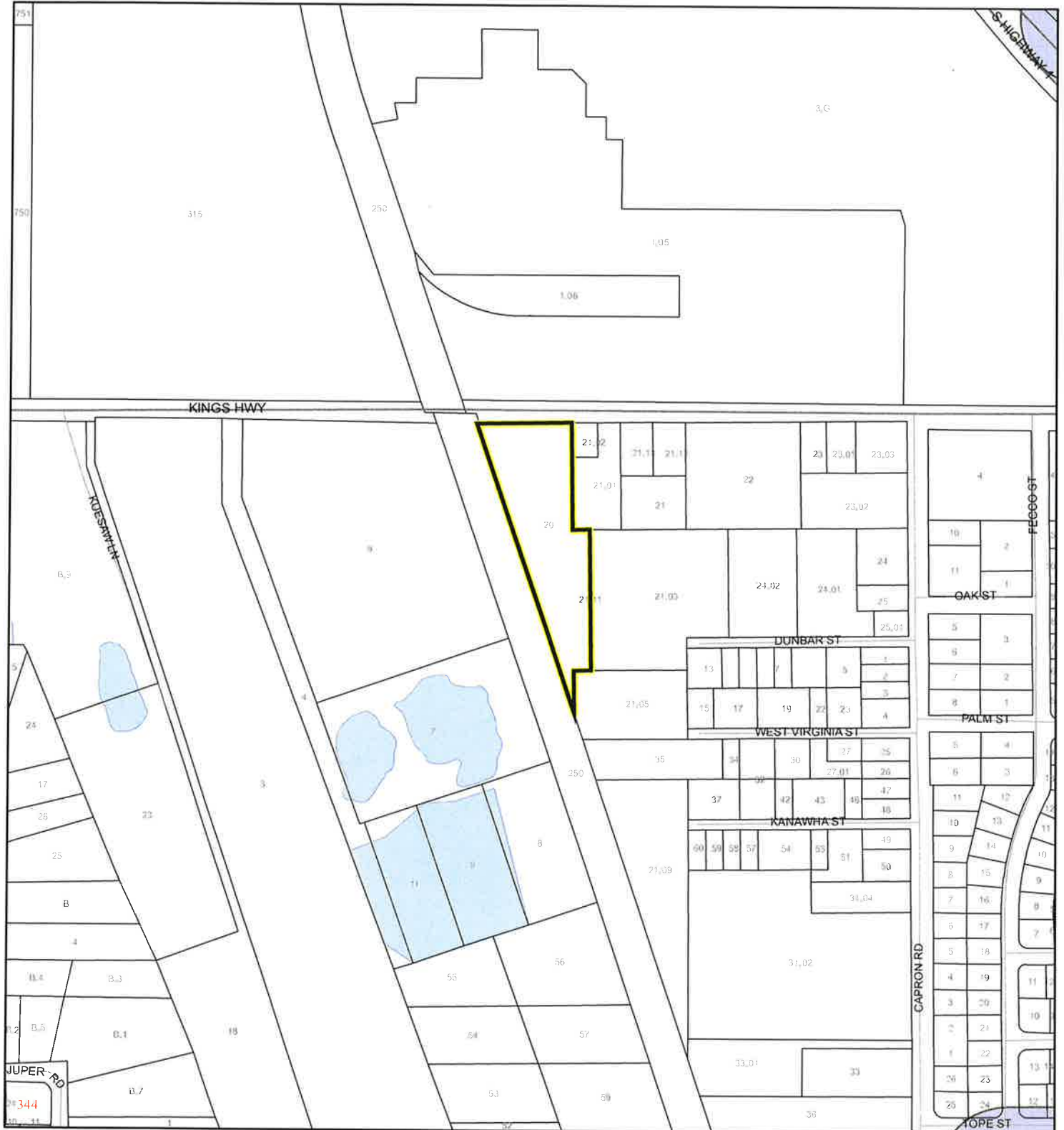
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

3955 KINGS HWY LLC

23SS00011



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

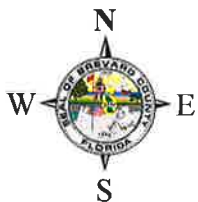
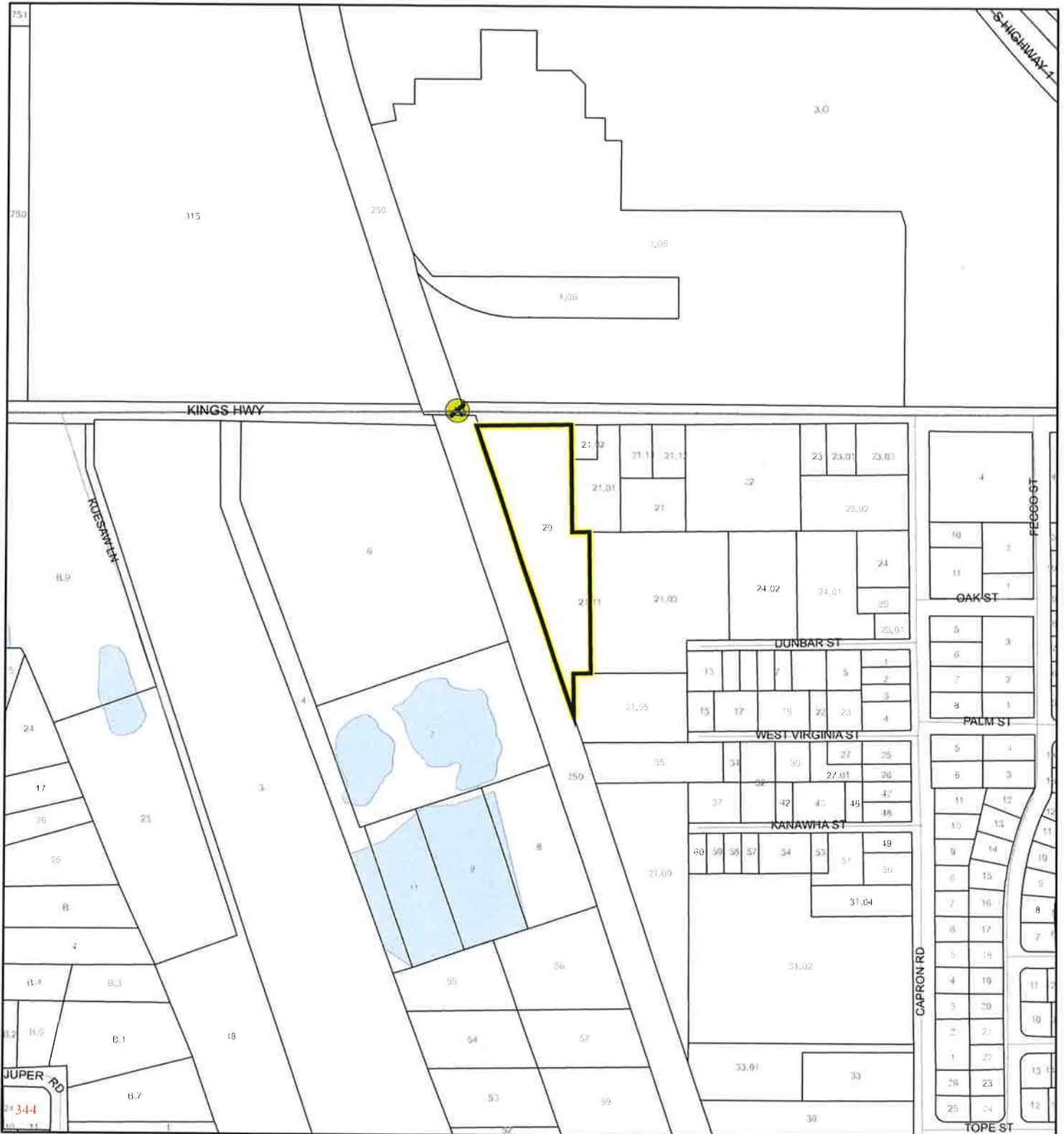
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

3955 KINGS HWY LLC

23SS00011



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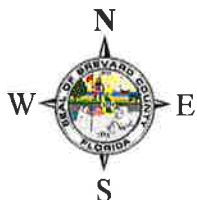
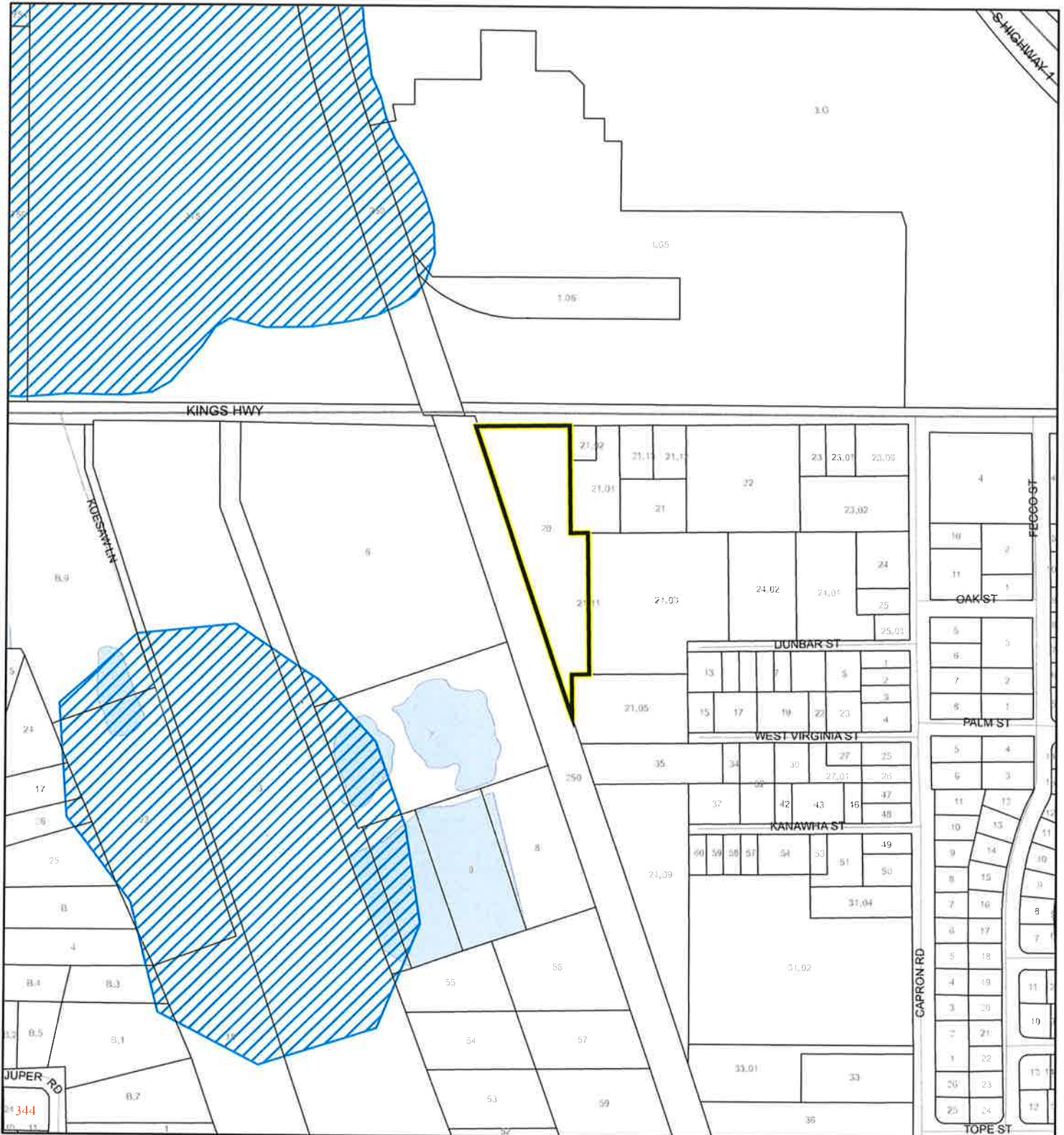
Produced by BoCC - GIS Date: 10/24/2023

- Subject Property
- Parcels
- ✕ Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

3955 KINGS HWY LLC

23SS00011



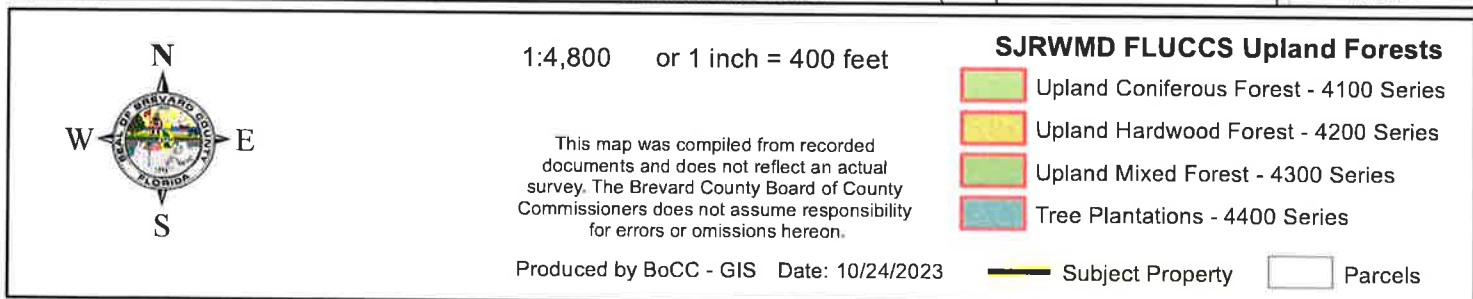
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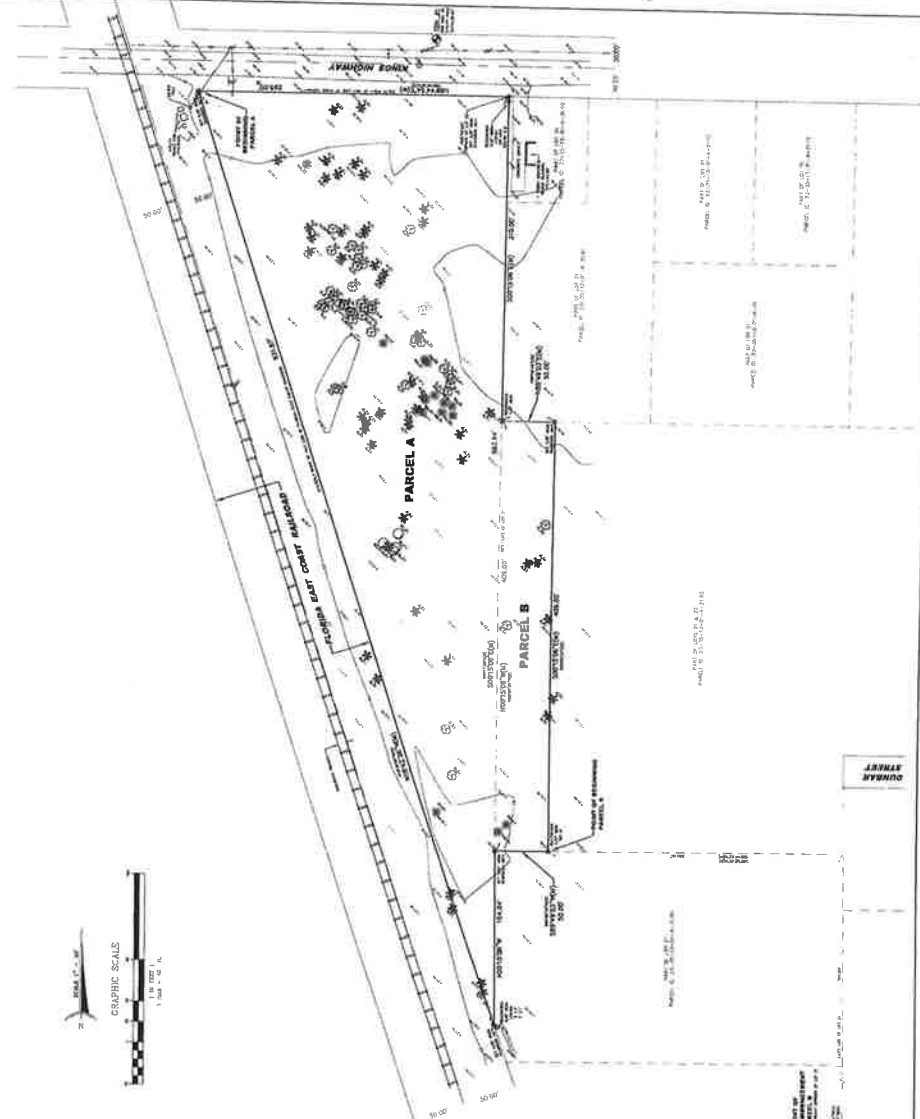
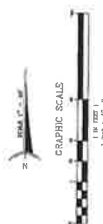
Produced by BoCC - GIS Date: 10/24/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

23SS00011



BOUNDARY & TOPOGRAPHIC SURVEY



1000000

Parcel A.
Shadeside Inn, on the east of the
A. Section 13, Township 23 South,
Range 35 East, Map of DeWitt of Indian River,
as recorded in Plat Book 5, Page 2, Public Records of Hendon County, being more
particularly described as follows:

Expt. 1. The distribution of the 100 fish (50 males and 50 females) was as follows: 20 males and 20 females were kept in the 100-l tanks; 20 males and 20 females were kept in the 250-l tanks; 20 males and 20 females were kept in the 500-l tanks; 20 males and 20 females were kept in the 1000-l tanks; 20 males and 20 females were kept in the 2000-l tanks; 20 males and 20 females were kept in the 4000-l tanks; 20 males and 20 females were kept in the 8000-l tanks; 20 males and 20 females were kept in the 16000-l tanks; 20 males and 20 females were kept in the 32000-l tanks; 20 males and 20 females were kept in the 64000-l tanks; 20 males and 20 females were kept in the 128000-l tanks; 20 males and 20 females were kept in the 256000-l tanks; 20 males and 20 females were kept in the 512000-l tanks; 20 males and 20 females were kept in the 1024000-l tanks; 20 males and 20 females were kept in the 2048000-l tanks; 20 males and 20 females were kept in the 4096000-l tanks; 20 males and 20 females were kept in the 8192000-l tanks; 20 males and 20 females were kept in the 16384000-l tanks; 20 males and 20 females were kept in the 32768000-l tanks; 20 males and 20 females were kept in the 65536000-l tanks; 20 males and 20 females were kept in the 131072000-l tanks; 20 males and 20 females were kept in the 262144000-l tanks; 20 males and 20 females were kept in the 524288000-l tanks; 20 males and 20 females were kept in the 1048576000-l tanks; 20 males and 20 females were kept in the 2097152000-l tanks; 20 males and 20 females were kept in the 4194304000-l tanks; 20 males and 20 females were kept in the 8388608000-l tanks; 20 males and 20 females were kept in the 16777216000-l tanks; 20 males and 20 females were kept in the 33554432000-l tanks; 20 males and 20 females were kept in the 67108864000-l tanks; 20 males and 20 females were kept in the 134217728000-l tanks; 20 males and 20 females were kept in the 268435456000-l tanks; 20 males and 20 females were kept in the 536870912000-l tanks; 20 males and 20 females were kept in the 1073741824000-l tanks; 20 males and 20 females were kept in the 2147483648000-l tanks; 20 males and 20 females were kept in the 4294967296000-l tanks; 20 males and 20 females were kept in the 8589934592000-l tanks; 20 males and 20 females were kept in the 17179869184000-l tanks; 20 males and 20 females were kept in the 34359738368000-l tanks; 20 males and 20 females were kept in the 68719476736000-l tanks; 20 males and 20 females were kept in the 137438953472000-l tanks; 20 males and 20 females were kept in the 274877906944000-l tanks; 20 males and 20 females were kept in the 549755813888000-l tanks; 20 males and 20 females were kept in the 1099511627776000-l tanks; 20 males and 20 females were kept in the 2199023255552000-l tanks; 20 males and 20 females were kept in the 4398046511104000-l tanks; 20 males and 20 females were kept in the 8796093022208000-l tanks; 20 males and 20 females were kept in the 17592186044416000-l tanks; 20 males and 20 females were kept in the 35184372088832000-l tanks; 20 males and 20 females were kept in the 70368744177664000-l tanks; 20 males and 20 females were kept in the 140737488355328000-l tanks; 20 males and 20 females were kept in the 281474976710656000-l tanks; 20 males and 20 females were kept in the 562949953421312000-l tanks; 20 males and 20 females were kept in the 1125899906842624000-l tanks; 20 males and 20 females were kept in the 2251799813685248000-l tanks; 20 males and 20 females were kept in the 4503599627370496000-l tanks; 20 males and 20 females were kept in the 9007199254740992000-l tanks; 20 males and 20 females were kept in the 18014398509481984000-l tanks; 20 males and 20 females were kept in the 36028797018963968000-l tanks; 20 males and 20 females were kept in the 72057594037927936000-l tanks; 20 males and 20 females were kept in the 144115188075855872000-l tanks; 20 males and 20 females were kept in the 288230376151711744000-l tanks; 20 males and 20 females were kept in the 576460752303423488000-l tanks; 20 males and 20 females were kept in the 1152921504606846976000-l tanks; 20 males and 20 females were kept in the 2305843009213693952000-l tanks; 20 males and 20 females were kept in the 4611686018427387904000-l tanks; 20 males and 20 females were kept in the 9223372036854775808000-l tanks; 20 males and 20 females were kept in the 18446744073709551616000-l tanks; 20 males and 20 females were kept in the 36893488147419103232000-l tanks; 20 males and 20 females were kept in the 73786976294838206464000-l tanks; 20 males and 20 females were kept in the 147573952589676412928000-l tanks; 20 males and 20 females were kept in the 295147905179352825856000-l tanks; 20 males and 20 females were kept in the 590295810358705651712000-l tanks; 20 males and 20 females were kept in the 1180591620717411303424000-l tanks; 20 males and 20 females were kept in the 2361183241434822606848000-l tanks; 20 males and 20 females were kept in the 4722366482869645213696000-l tanks; 20 males and 20 females were kept in the 9444732965739290427392000-l tanks; 20 males and 20 females were kept in the 18889465931478580854784000-l tanks; 20 males and 20 females were kept in the 37778931862957161709568000-l tanks; 20 males and 20 females were kept in the 75557863725914323419136000-l tanks; 20 males and 20 females were kept in the 151115727451828646838272000-l tanks; 20 males and 20 females were kept in the 302231454903657293676544000-l tanks; 20 males and 20 females were kept in the 604462909807314587353088000-l tanks; 20 males and 20 females were kept in the 1208925819614629174706176000-l tanks; 20 males and 20 females were kept in the 2417851639229258349412352000-l tanks; 20 males and 20 females were kept in the 4835703278458516698824704000-l tanks; 20 males and 20 females were kept in the 9671406556917033397649408000-l tanks; 20 males and 20 females were kept in the 19342813113834066795298816000-l tanks; 20 males and 20 females were kept in the 38685626227668133590597332000-l tanks; 20 males and 20 females were kept in the 77371252455336267181194664000-l tanks; 20 males and 20 females were kept in the 154742504910672534362389328000-l tanks; 20 males and 20 females were kept in the 309485009821345068724778656000-l tanks; 20 males and 20 females were kept in the 618970019642690137449557312000-l tanks; 20 males and 20 females were kept in the 1237940039285380274899114624000-l tanks; 20 males and 20 females were kept in the 2475880078570760549798229248000-l tanks; 20 males and 20 females were kept in the 49517601571415210995965888000-l tanks; 20 males and 20 females were kept in the 99035203142830421991931776000-l tanks; 20 males and 20 females were kept in the 198070406285660843983863552000-l tanks; 20 males and 20 females were kept in the 396140812571321687967727104000-l tanks; 20 males and 20 females were kept in the 792281625142643375935454208000-l tanks; 20 males and 20 females were kept in the 1584563250285286751870908416000-l tanks; 20 males and 20 females were kept in the 3169126500570573503741816832000-l tanks; 20 males and 20 females were kept in the 6338253001141147007483633664000-l tanks; 20 males and 20 females were kept in the 12676506002282294014967267328000-l tanks; 20 males and 20 females were kept in the 25353012004564588029934534656000-l tanks; 20 males and 20 females were kept in the 50706024009129176059869069312000-l tanks; 20 males and 20 females were kept in the 101412048018258352119738138624000-l tanks; 20 males and 20 females were kept in the 202824096036516704239476277248000-l tanks; 20 males and 20 females were kept in the 405648192073033408478952554496000-l tanks; 20 males and 20 females were kept in the 811296384146066816957905108992000-l tanks; 20 males and 20 females were kept in the 162259276829213363391581021996000-l tanks; 20 males and 20 females were kept in the 324518553658426726783162043992000-l tanks; 20 males and 20 females were kept in the 64903710731685345356

[illegible]

estimated that in 1990, 100,000 people were in the United States with AIDS.

[illegible]

Keywords: Perceived effort; perceived exertion; physical workload

1. *What is the purpose of the study?*
 2. *What are the research objectives?*
 3. *What is the research design?*
 4. *What is the sample size?*
 5. *What is the data collection method?*
 6. *What is the data analysis method?*
 7. *What are the results of the study?*
 8. *What are the conclusions of the study?*
 9. *What are the limitations of the study?*
 10. *What are the implications of the study?*

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PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, January 3, 2024, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Vaughan Kimberling, Chair; Kevin Shropshire, Vice Chair; Carmella Chinaris; Wendy Porter-Hyde; and Maureen Rupe.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

The meeting was called to order by the Chair at 6:00 p.m.

Chair and Vice Chair Nominations

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to nominate Vaughan Kimberling as Chair. The motion passed unanimously.

Motion by Maureen Rupe, seconded by Carmella Chinaris, to nominate Kevin Shropshire as Vice Chair. The motion passed unanimously.

Approval of the June 7, 2023, Minutes

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to approve the minutes of June 7, 2023. The motion passed unanimously.

(23SS00011) 3955 Kings Hwy, LLC (Bryan Potts) requests a Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 and CC to all CC, on 3.5 acres, located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) (Tax Account 2423666) (District 1)

(23Z00049) 3955 Kings Hwy, LLC (Bryan Potts) requests a change of zoning classification from AU (Agricultural Residential) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on 3.5 acres, located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) (Tax Account 2423666) (District 1)

Bryan Potts, 2494 Rose Spring Drive, Orlando, stated his clients were in the process of designing a self-storage facility on the larger parcel, and intended to maximize the property by putting the stormwater on the adjacent smaller parcel, but it did not have the proper zoning. The larger parcel has the proper zoning and Future Land Use. He said it could have been re-designed and the pond could have been taken off of the smaller parcel, but the storage facility has a lot of square footage, so the client decided to change the land use and zoning.

Maureen Rupe asked if there are any environmental issues on the property. Mr. Potts replied there are no issues on the property at all. Ms. Rupe asked if there were any Scrub Jays on the property. Mr. Potts replied not that he is aware. He stated official engineering submittals have not been done yet, but he has done preliminary studies and did not find anything. He added, if the zoning is approved, the project will go to the County for site plan approval.

Kevin Shropshire stated the staff comments mention the subject property has almost entirely aquifer recharge soil, and asked if Mr. Potts will be turning a pervious surface into a completely impervious surface. Mr. Potts replied except for the stormwater pond, and it will be designed to recover the appropriate stormwater.

Mr. Shropshire asked if Mr. Potts plans to build up the elevation of the property. Mr. Potts replied he doesn't think the elevation will need to be built up because the water table is decent and it is a recharge area.

Mr. Shropshire asked if changing the land use to Community Commercial conflicts with the small area study that was done a few years ago. Jeffrey Ball replied no, that study was primarily to regulate residential density.

Mr. Shropshire stated the staff comments mention there may be specimen trees on site, and asked if Mr. Potts found any that will need to be removed. Mr. Potts replied he wanted to talk to staff at a pre-application meeting, but full engineering plans are required, and there cannot be pre-app meeting until the property is rezoned.

No public comment.

Motion by Wendy Porter-Hyde, seconded by Maureen Rupe, to approve the Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 and CC to all CC. The motion passed unanimously.

Motion by Carmella Chinaris, seconded by Wendy Porter-Hyde, to approve a change of zoning classification from AU and BU-2 to all BU-2. The motion passed unanimously.

(23Z00079) Anabeth Nazario requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential), on 0.47 acres, located on the north side of Aspen Lane, approx. 150 ft. west of Leonard Ave. (6510 & 6520 Aspen Lane, Cocoa) (Tax Account 2320163) (District 1)

Anabeth Nazario, 12819 Ohio Woods Lane, Orlando, stated she would like to rezone in order to build a single-family residence.

Carmella Chinaris asked staff the difference between RU-1-9 and RU-1-11. Jeffrey Ball replied in this case, there is an inconsistency between the existing zoning and the land use. The Residential 4 land use designation is not compatible with the RU-1-9 zoning. RU-1-9 requires a minimum living area of 900 square feet, and RU-1-11 requires minimum of 1,100 square feet, but both classifications are single-family residential.

Ms. Chinaris asked if Ms. Nazario is combining the two lots to be able to build a bigger house. Ms. Nazario replied the size of the house has not changed, but the land use doesn't match the current zoning, and that is why she needs to rezone to RU-1-11.

Vaughan Kimberling asked the square footage of the proposed house. Ms. Nazario replied it is 1,400 square feet.

Mr. Ball stated the board heard a similar request last year. This subject property has more significant wetlands, but when it was platted it was platted as Tract D and there was no maintenance responsibility, and the plat did not designate a specific use. He said over time, it was purchased by different owners and two lots were created from it. The entire neighborhood was built as RU-1-9 and considered non-conforming lots of record, but these properties do not fall under that non-conforming status and need to be rezoned to be in compliance with the land use.

Mr. Kimberling asked if the surrounding properties are zoned RU-1-9. Mr. Ball replied yes, the whole area is RU-1-9, except the lot that was rezoned to RU-1-11 last year under the same circumstances. Tract D was originally platted in 1977; in 1998 Tract D was split into two lots, and that is when they lost the nonconforming status.

Ms. Chinaris asked if all of the lots in the area zoned RU-1-9 are out of compliance. Mr. Ball replied no, because they were created prior to 1988 when the Comprehensive Plan came into effect.

Mr. Kimberling asked if the other lots will need to be rezoned. Mr. Ball replied no, because they were built under the old regulations and they are grandfathered. He stated the subject property needs to be rezoned because it was split from Tract D in 1998, which was after 1988 and the comp plan.

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to approve the change of zoning classification from RU-1-9 to RU-1-11. The motion passed unanimously. Maureen Rupe abstained from voting.

Upon consensus, the meeting was adjourned at 6:27 p.m.