



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.8.

5/7/2020

### Subject:

Brevard County (Euri Rodriguez) requests the following: 1.) changing the zoning classification from GML to GML(H); 2.) a CUP for a Solid Waste Management Facility; 3.) the removal of an existing BDP; 4.) a waiver of the 400-foot setbacks; 5.) limiting the building height to 55 feet. (20PZ00026) (Tax Account 2209623) (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 the following: 1.) changing the zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity); 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) the removal of an existing BDP (Binding Development Plan); 4.) a waiver of the 400-foot setbacks; 5.) limiting the building height to 55 feet.

### Summary Explanation and Background:

Brevard County Solid Waste Management Department wishes to consolidate two existing facility operations onto one site. The southern site, developed with a transfer station use, located at 4366 South Street is to be shuttered and those operations moved onto the subject site. The County is requesting to add a transfer station use to the existing facility located at 3600 South Street, Titusville, known as the Mockingbird Mulching Facility. In order to add the new use to the existing site, the County needs to submit the following requested actions:

- Request to remove the existing Binding Development Plan (BDP) recorded in ORB 3273 PG 4186. (Removal of the BDP will allow the owner/applicant to apply for additional uses upon this property);
- Change of zoning classification from Government Managed Lands (GML) to Government Managed Lands - High-Intensity GML(H) in conjunction with a request for a Conditional Use Permit (CUP) for a Solid Waste Management Facility. (This will allow the transfer station use to be added to the property);
- Request a waiver of 300-feet of the required 400-ft. setback from all property lines for the transfer station use;
- Request to increase building height of the transfer station structure from 35-feet to 55-feet

The site abuts industrial zoning along its northern boundary (City of Titusville) and against existing county facilities to its south identified as Planned Industrial. The character of the area is a mixture of developed warehouse and industrial type uses. The applicant states that this new use will utilize the same hours of

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operation that the existing Mockingbird Mulching Facility.

The Board may wish to consider the compatibility of the proposed use with the surrounding area. Since the request is for a CUP, the Board may wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential impacts to the community.

On April 6, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

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

**Resolution 20PZ00026**

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

**WHEREAS, Brevard County** has requested the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands – High-Intensity); 2.) CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of 400-ft. setbacks; 5.) request to limit building height to 55 feet, on property described as Lots 97, 98, 99, and 100, less and except the I-95 right-of-way, as recorded in ORB 3274, Pages 2407 – 2408, of the Public Records of Brevard County, Florida. Section 18, Township 22, Range 35. (17.5 acres) Located on the west side of South St., due west of S. Park Ave. (3600 South St., Titusville); and

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

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

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested changes be approved as recommended: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands – High-Intensity); 2.) CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of 400-ft. setbacks; 5.) request to limit building height to 55 feet. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of May 7, 2020.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Bryan Andrew Lober*

Bryan Lober, Chair

Brevard County Commission

As approved by the Board on May 7, 2020.

ATTEST:

*Scott Ellis*  
SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – April 6, 2020

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan

expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

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

#### **Administrative Policy 4**

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

**Criteria:**

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

#### **Administrative Policy 5**

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

**Criteria:**

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

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

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

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

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

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

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

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

#### **(c) General Standards of Review.**

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



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

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

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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**20PZ00026**

**Brevard County**

1. **Change of zoning classification from Government Managed Lands (GML) to Government Managed Lands – High-Intensity GML(H);**
2. **Request a Conditional Use Permit (CUP) for a Solid Waste Management Facility;**
3. **Request to remove the existing Binding Development Plan (BDP) recorded in ORB 3273 PG 4186;**
4. **Request a waiver of 300-feet of the required 400-ft. setback from all property lines for the transfer station use;**
5. **Request to increase building height of the transfer station from 35-feet to 55-feet.**

Tax Account Number: 2209623  
Parcel I.D.: 22-35-18-AV-\*-97  
Location: 3600 South Street, Titusville (District 1)  
Acreage: 17.5 acres

Planning and Zoning Board: 04/06/20  
Board of County Commissioners: 05/07/20

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GML with BDP	GML(H) with CUP for Solid Waste Management Facilities – Transfer Station
<b>Potential*</b>	213,444 square feet	213,444 square feet
<b>Can be Considered under the Future Land Use Map</b>	YES Planned Industrial	YES Planned Industrial

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

## **Background and Purpose of Request**

The owner, Brevard County Solid Waste Management Department, wishes to consolidate two existing facility operations onto one site. It appears the southern site developed with a transfer station use located at 4366 South Street is to be shuttered and those operations moved onto this site. The County is requesting to construct a transfer station use to the existing facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility. In order to add the new use to the existing site, the County needs to submit the following requested actions:

- Request to remove the existing Binding Development Plan (BDP) recorded in ORB 3273 PG 4186. (Removal of the BDP will allow the owner/applicant to apply for additional uses upon this property.)
- Change of zoning classification from Government Managed Lands (GML) to Government Managed Lands – High-Intensity GML(H) in conjunction with a request for a Conditional Use Permit (CUP) for a Solid Waste Management Facility. (This will allow the transfer station use to be added to the property).
- Request a waiver of 300-feet of the required 400-ft. setback from all property lines for the transfer station use;
- Request to increase building height of the transfer station from 35-feet to 55-feet.

The current zoning of GML with a BDP was adopted on March 12, 1993 under Zoning action # **Z-9102**. The property was purchased by Brevard County in ORB 3274 PG 2407 on March 16, 1993. The BDP contained nine conditions and will be discussed further in the Applicable Land Use Policy section below.

### **Land Use**

The current and proposed zoning classification of GML and GML(H) are both consistent with the Planned Industrial Future Land Use designation. Land Use Policies of concern are Policy 3.2 and Policy 3.3.

#### **Policy 3.2 - Role of Zoning Regulations in the Designation of Industrial Lands**

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards: Permitted/prohibited uses; Existing industrial zoning trends in the area; Compatibility of proposed use with area; Impact upon Level of Service (LOS) standards; and Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.

Based upon this location, the proposed use appears to be consistent with industrial operations in the area.

#### **Policy 3.3 - Role of Land Development Regulations in the Designation of Industrial Lands**

Once a proposed project is designed, site plan/land development regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities. This request has not been submitted for site plan review at this time. If zoning approval is granted; this property will be required to comply with all site plan requirements of Section 62, Article VIII of Brevard County Code.

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

### **Environmental Constraints**

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is SR 405 (South), between SR-50 and Fox Lake Road, which has a Maximum Acceptable Volume (MAV) of 18,590 trips per day, a Level of Service (LOS) of D, and currently operates at 100.97% of capacity daily. It is anticipated that there will be no net increase in the number of trips. The applicant's submitted concept plan identifies that the proposed transfer station is a 100 foot by 150 foot building envelope which equates to 15,000 square feet of building space and may contain multiple levels for interior floor operations. If fully developed, the corridor is anticipated to continue to operate at 108.98% of capacity daily (LOS E).

No school concurrency information has been provided as the development potential of this site does not include residential development.

The subject property is served by potable water and sewer by the City of Titusville.

### **Applicable Land Use Policies**

The owner, Brevard County Solid Waste Management Department, is requesting to add a transfer station use to an existing Solid Waste Management Facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility. The applicant has advised that the transfer station use is being moved to this location so that the county can close the existing operations center located south of this site (4366 South Street). The applicant is also requesting the removal of the existing BDP from this new location.

The existing BDP (that the applicant wishes to remove) contains nine conditions and are noted as follows. The Board may wish to retain some or all of the noted conditions:

- Developer/owner shall locate the yard waste processing, curing and open storage areas not less than four hundred (400) feet from the southern, eastern and northern property limits and not less than one hundred (100) feet from the western property line.
- ~~Developer/owner shall locate stormwater retention areas not less than two hundred (200) feet from southern, eastern and northern property limits.~~
- The developer/owner shall locate parking areas not less than two hundred (200) feet from property line.
- The developer/owner shall provide separate loading/unloading areas for commercial and residential users of the facility.

- Developer/owner shall designate an area which may be used by local organizations and the general public for a public garden demonstration area. Such area will be located in the northeastern portion of the property not less than one hundred seventy-five (175) feet from property limits. Developer/owner will provide markers to identify the designated area.
- Developer/owner shall limit ingress and egress to a single access road to be located to form the westbound departure and eastbound approach lanes for a new intersection to be constructed for realignment of the intersection of Park Avenue and State Road 405.
- Developer/owner shall provide landscaping for the facility entrance way designed to provide screening of facility operations.
- Developer/owner shall not clear existing natural vegetation from undeveloped portions of the property except as required for maintenance. However, nothing herein shall prevent clearing vegetation as necessary at the time of development.
- Developer/owner shall not adversely impact or fill major wetlands systems within the property that are contiguous to off-site wetlands.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** This portion of property (N 1/3 of site) is currently undeveloped and lies within the Planned Industrial Future Land Use designation. The site abuts industrial zoning along its northern boundary (City of Titusville) and against existing county facilities to its south identified as a land use of Planned Industrial. The applicant (County) is proposing to relocate a transfer station from a second facility located further south to this site in order to support centralized garbage collection which will then be hauled away to a disposal facility. Solid Waste staff states that the existing transfer station would then be closed after this facility is operational.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** This site has been part of the overall County land holdings since 1993. The applicant states that this new use will utilize the same hours of operation that the existing Mockingbird Mulching Facility currently uses. The area has not had a zoning application change of land use within the last five (5) years. The character of the area is a mixture of developed warehouse and industrial type uses. No information from the City of Titusville has been included into this report except that the adjacent zoning has been identified.

To the north of this site lies property within the City of Titusville. It contains M-1 zoning for a depth of approximately 400 feet from South Street. The remaining northern portion is zoned with city zoning of M-2.

Titusville Code excerpts:

- The Light Industrial Services and Warehousing (M-1) District is intended to provide areas ~~for service and repair establishments, personal storage facilities and warehousing, light manufacturing processing and distribution.~~ It is further intended that new development within this district (M-1) will accommodate limited industrial and support facilities. This district is only appropriate in areas convenient to collector or higher classification roadways and served by public service and facilities.
- The Industrial (M-2) District is established to preserve such districts for the function of various heavy and extensive industrial activity, wholesaling, warehousing and distribution

without creating hazards or property devastation to surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low intensity commercial uses.

To the east of this site lies undeveloped M-1 zoning also located within the City of Titusville.

To the south of this site is the remainder of Solid Waste's existing operations - developed industrial site under the GML designation.

To the west of this site is Interstate I-95.

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

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of the administrative policies. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare.

This request should be evaluated in the context of Section 62-1949 which governs solid waste management facilities under the following conditions:

#### **Sec. 62-1949. Solid waste management facilities.**

*All solid waste management facilities shall be subject to the site plan requirements of this chapter and the requirements of chapter 94 of this Code. Both of the listed conditional uses "composting facility" and "mulching facility" may be applied for in addition to the remaining facilities defined in section 62-1102, specifically "air curtain incinerators," "biomedical waste incinerators," "materials recovery facility," "transfer station" and "volume reduction plant" from this conditional use; however, the application for the conditional use "hazardous waste facility" shall be required to be applied for from its own section, labelled section 62-1933 of this Code. The following conditions are the minimum conditions necessary to meet the intent of this section.*

- (1) Sites shall be located with direct access to roadways designated as minor arterial or principal arterial roadways, or be located such that access is through areas designated by the comprehensive plan as Heavy or Light Industrial.*
- (2) A minimum lot size of ten acres shall be required for transfer stations, materials recovery facilities, or incinerators; all other approved activities shall require a minimum lot size of 40 acres.*



- (3) *An eight-foot high visually opaque vegetative buffer shall be required to be developed and maintained along the perimeter of a site approved and developed under this conditional use permit request where the adjacent lot is not zoned Heavy Industrial (IU-1).*
- (4) *All activities and structures (except office and equipment storage buildings) shall meet a minimum setback of 400 feet from all property lines. The applicant may submit justification to the board during the application of this conditional use permit to reduce the required setbacks to 100 feet.*
- (5) *Office and equipment storage building setbacks shall be consistent with the standard setbacks imposed by that specific zoning classification.*

Staff's Observation: SR 405 is designated as an urban minor arterial roadway; site contains over 10 acres of area; the applicant states that they will preserve a 30-foot deep perimeter buffer of existing vegetation along the north property line to provide a visual buffer; waiver of setback has been requested and building location meets standard setbacks imposed by the GML zoning classification.

### **General Standards of Review**

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

*Applicant's Response: The number of persons using/residing/working at the site will increase by approximately 5 to 10 employees and 100 user/haulers per day. Since this new transfer station will replace the Titusville Transfer Station approximately ½ mile south of the site, traffic will not significantly increase within the general vicinity. The potential for noise, odor, particulates, smoke, fumes, and other emissions are being minimized by containing all waste transfer operations within the enclosed facility. Impacts from vehicles are being minimized by providing a 48-foot setback for new roadways along the north (nearest) property line.*

Staff's Observation: One hundred new users per day equal 200 trips (ingress /egress).

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

*Applicant's Response: The historical and present activities on the adjacent County-owned parcel to the south are industrial in nature (waste processing), and the parcels to the north are zoned by the City of Titusville as M-1 and M-2 (industrial). The northwest-adjacent property use code is 4300 (Lumber yard, sawmill, planing mill), and the northeast-adjacent property use code is 4830 (Warehouse - Flex Space); both operate during similar hours as the proposed transfer station. This request is for a building height variance to allow for a 60-foot building height, and for approval for the setback to be decreased to 100 feet.*

Staff's Observation: The proposed CUP for Transfer Station use is an additional function at a developed Solid Waste Management Facility.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

*Applicant's Response: There are no adjacent residential properties. The property to the immediate south is zoned GML. Properties to the north are zoned by the City of Titusville as M-1 and M-2 (industrial) 1-95 is to the west, and South Street is to the east.*

Staff's Observation: No comment.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

*Applicant's Response: Vehicular ingress and egress to the property will be via SR 405 (South Street) at its intersection with South Park Avenue. This is the current Mockingbird facility entrance/exit. The entrance/exit is at a signalized intersection with left-turn, straight, and right-turn lanes on the north and south lanes on SR 405 - the primary ingress and egress routes to the site. We expect no adverse impacts to traffic flow, traffic control, or emergency response access. No burdens to adjacent and nearby uses are expected.*

*No roadway improvements are expected to be needed and, therefore, not proposed on SR 405 or South Park Avenue. Reconfiguration of the internal Mockingbird facility roads are proposed to accommodate the new transfer station traffic flow. These new roads are configured to streamline access into the facility and not impede traffic on SR 405. The roads will be designed to County standards.*

*No pedestrian facilities are in the general area of the project; therefore, pedestrian safety and convenience will not be affected.*

Staff's Observation: Although the traffic generation proposed is less than a ten (10) percent increase, the roadway is over capacity. Additionally, the applicant states that an estimated 100 vehicle trips would be anticipated to enter the site (200 round trips).

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

*Applicant's Response: The proposed solid waste transfer station is an enclosed facility, and all trash transfer operations will occur within the facility. Therefore, nuisance activities such as noise, glare, particulates, smoke, fumes, or other emissions are expected to be minimized and not substantially interfere with the use of the adjacent and nearby properties.*

*Additionally, operations staff will minimize nuisance conditions by keeping wastes within their containment systems and moving wastes through the facility as efficiently as possible. For instance, priority tipping will be used to minimize the amount of time putrescible wastes are in the transfer station and on site.*

Staff's Observation: No comment.

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

*Applicant's Response: The hours of operation for the proposed facility are Monday through Saturday from 7:30am to 5:30pm. Operation staff will limit the amount of noise generated through efficient operations and shutting down equipment not in use. The maximum sound pressure level is expected to be 75dB(A).*

Staff's Observation: Decibel level is consistent with Section 62-2271 of Brevard County Code.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

*Applicant's Response: The proposed solid waste transfer station will improve the current level of service for solid waste disposal for the property or area covered.*

Staff's Observation: No comment.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

*Applicant's Response: The new facility will generate approx. 650 gallons per day (gpd) of wastewater based on relocation of users from the old transfer station facility. Approx. 200 gpd of wastewater will be generated from leachate and washing operations from the facility. These new flows will be conveyed via new piping and a new pump station to the existing on-site sanitary sewer collection system that discharges to an existing on-site lift station connected to the City of Titusville's wastewater system, which has sufficient capacity to accept the new wastewater flows*

*and will not appreciably impact the wastewater facility treatment system or affect the areas' level of service. Additional potable water use is expected to match the additional wastewater generated and is not expected to exceed the areas' level of services.*

Staff's Observation: No comment.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

*Applicant's Response: The following provisions and features will be provided to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent properties:*

- A 30-foot wide buffer containing existing vegetation will be provided along the north property line.*
- The proposed transfer station building and scale house will have a 165-foot setback from the north property line.*
- All operation will occur within the enclosed transfer station facility.*

Staff's Observation: The applicant was advised the visual buffer also need to include that portion west of the site abutting I-95 right-of-way and upon the east property line buffering SR 405 right-of-way. Applicant states that they will comply.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

*Applicant's Response: Any new signs and exterior lighting will be installed in such a manner that they will not cause unreasonable glare or hazard to traffic safety or interfere with the use or enjoyment of adjacent and nearby properties.*

Staff's Observation: No comment.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

*Applicant's Response: There are no adjacent surrounding residential communities. The nearest residential structure is at 3655 S. Park Avenue (parcel 22-25-17-AV-\*-114.02), and it is more than 1,200 feet from the proposed transfer station building; therefore, we do not expect any adverse impacts. Hours are Monday – Saturday from 7:30AM – 5:30PM.*

Staff's Observation: No comment.

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

*Applicant's Response: The nearest habitable (residential) structure is at 3655 S. Park Avenue, and it is more than 1,200 feet from the proposed transfer station building. However, the height of this structure (Building No. 16 in Exhibit 3) is 25 feet, and a proposed transfer station building height of 60 feet would be permissible if the setback distance was 1,000 feet or less. The proposed transfer station building will be a two-level operation for open-top transfer trailers and will have a height of approximately 55 feet. An allowable building height of 60 feet is requested. Please review Exhibit 3 for building heights within 1,000 feet of the property in question.*

Staff's Observation: The Board needs to determine should the building height be limited to 35 feet as stated in Section 62-1572 (7) (a) for properties abutting GML zoning or can additional height up to 60 feet be allowed if determined to be an "industrial use".

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

*Applicant's Response: The proposed transfer station was designed to accommodate parking for facility employees, visitors, and solid waste trailers. Therefore, off-street parking and loading areas will not adversely impact or impair the use and enjoyment of adjacent and nearby properties.*

Staff's Observation: No comment.

### **For Board Consideration**

The owner, Brevard County Solid Waste Management Department, wishes to consolidate two existing facility operations onto one site. It appears the southern site developed with a transfer station use located at 4366 South Street is to be shuttered and those operations moved onto this site. The County is requesting to construct a transfer station use at the existing facility located at 3600 South Street, Titusville known as the Mockingbird Mulching Facility.

The Board should consider the compatibility of the proposed zoning change, removal of the existing BDP, waiver of setback and additional building height requests together with the proposal of CUP for transfer station use and potential traffic impacts to the surrounding developed properties.

The maximum development potential from the proposed rezoning (213,444 square feet) would increase the percentage of MAV utilization by 8.01%. The applicant's submitted concept plan identifies that the proposed transfer station is a 100 foot by 150 foot building envelope which equates to 15,000 square feet of building space and may contain multiple levels for interior floor operations. If fully developed, the corridor is anticipated to continue to operate at 108.98% of capacity daily (LOS E).

Such CUP may be: 1.) approved subject to the conditions of Section 62-1949; 2.) approved subject to the conditions of 62-1949 and conditions imposed by the Board above and beyond the requirements of Section 62-1949; or 3.) denied.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item # 20PZ00026**

**Applicant:** Brevard County – Mockingbird Way Facility

**Zoning Request:** GML to GML(H)

**Note:** Applicant wants to use facility to operate a mulching facility, and use as transfer station to store household hazardous waste

**P&Z Hearing Date:** 04/06/20; **BCC Hearing date:** 05/07/20

**Tax ID No:** 2209623

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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:**

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Protected Species
- Specimen Trees

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:**

**Wetlands/Hydric Soils**

The subject parcel contains mapped NWI wetlands and hydric soils (Pineda, Pompano, and Holopaw sands) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps. A site assessment of wetlands was conducted in June 2019 by Jones Edmunds and Associates, Inc., and found 0.041 acres of wetlands on the subject site. On January 28,

2020, the Florida Department of Environmental Protection issued an Environmental Resource Permit (ERP) - Number 383352-0010EI, to allow direct impacts to the isolated wetland. A permit through the US Army Corps of Engineers is not required. Per Section 62-3695(d)(5), Public facilities should not be located within wetland areas unless the facilities are found to be in the public interest and there is no feasible alternative. Any permitted wetland impacts must meet wetland impact avoidance, minimization and mitigation requirements of Sections 62-3694(e) and 62-3696. Prior to any plan design or permit submittal, the applicant is encouraged to contact NRM at 321-633-2016.

#### **Aquifer Recharge Soils**

Pompano sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### **Protected Species**

In June 2019, an assessment of protected species was conducted by Jones Edmunds and Associates, Inc., and found no protected species on the project site. A protected species clearance letter was issued by the Florida Fish and Wildlife Conservation Commission (FWC) on February 6, 2020.

#### **Protected and Specimen Trees**

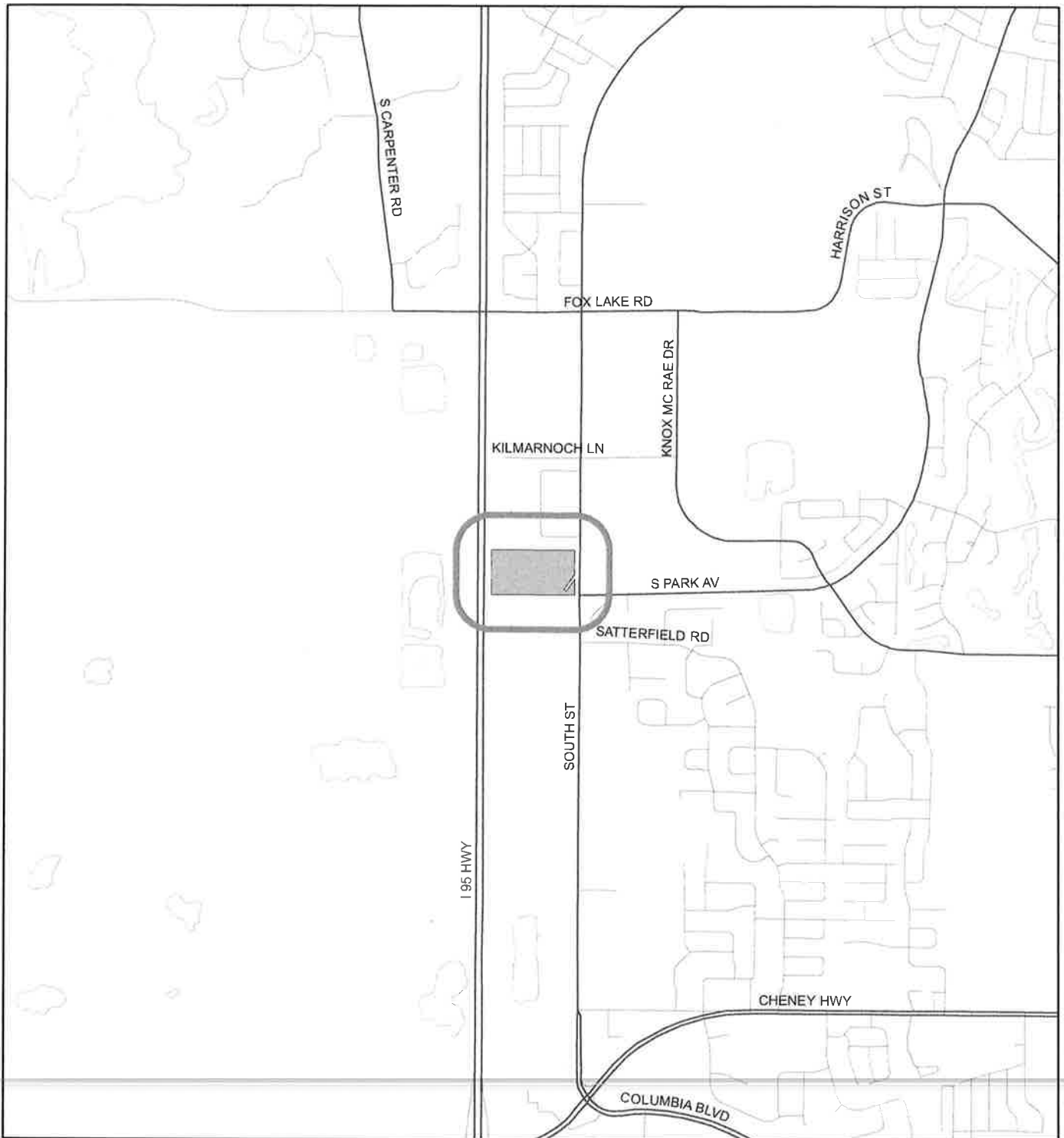
In June 2019, a tree survey was conducted by Jones Edmunds and Associated, Inc. and found the site to be covered with a mix of exotic invasives, and native, temperate hardwood trees. The survey indicates that Protected and Specimen trees reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A landscape plan and mitigation requirements will be required at time of site plan permit application submittal.



# LOCATION MAP

BREVARD COUNTY

20PZ00026



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: 2/26/2020

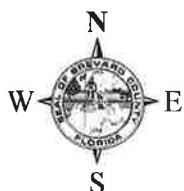
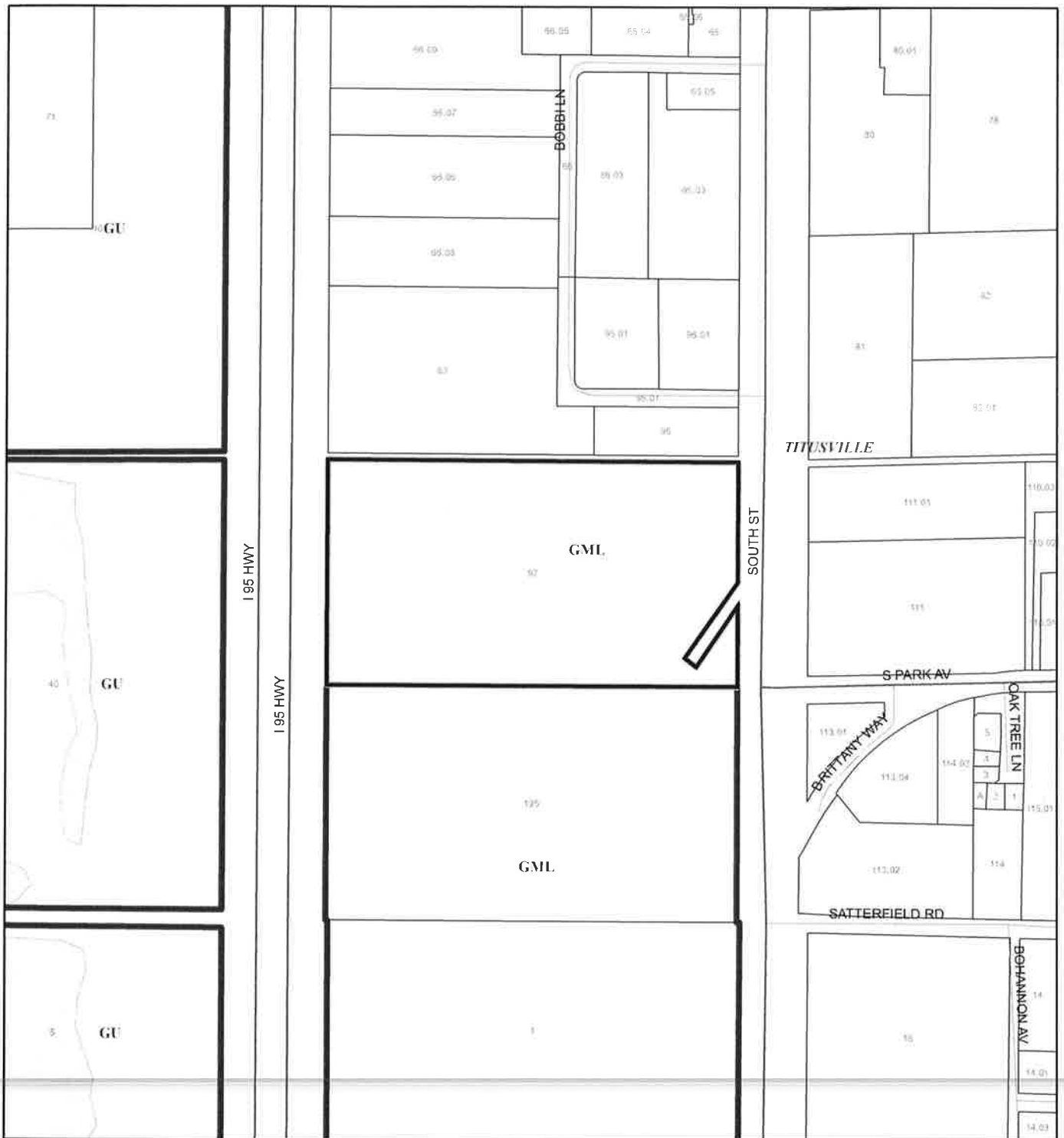
— Buffer

■ Subject Property

# ZONING MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2020

Subject Property

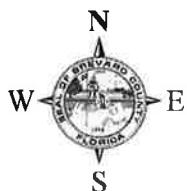
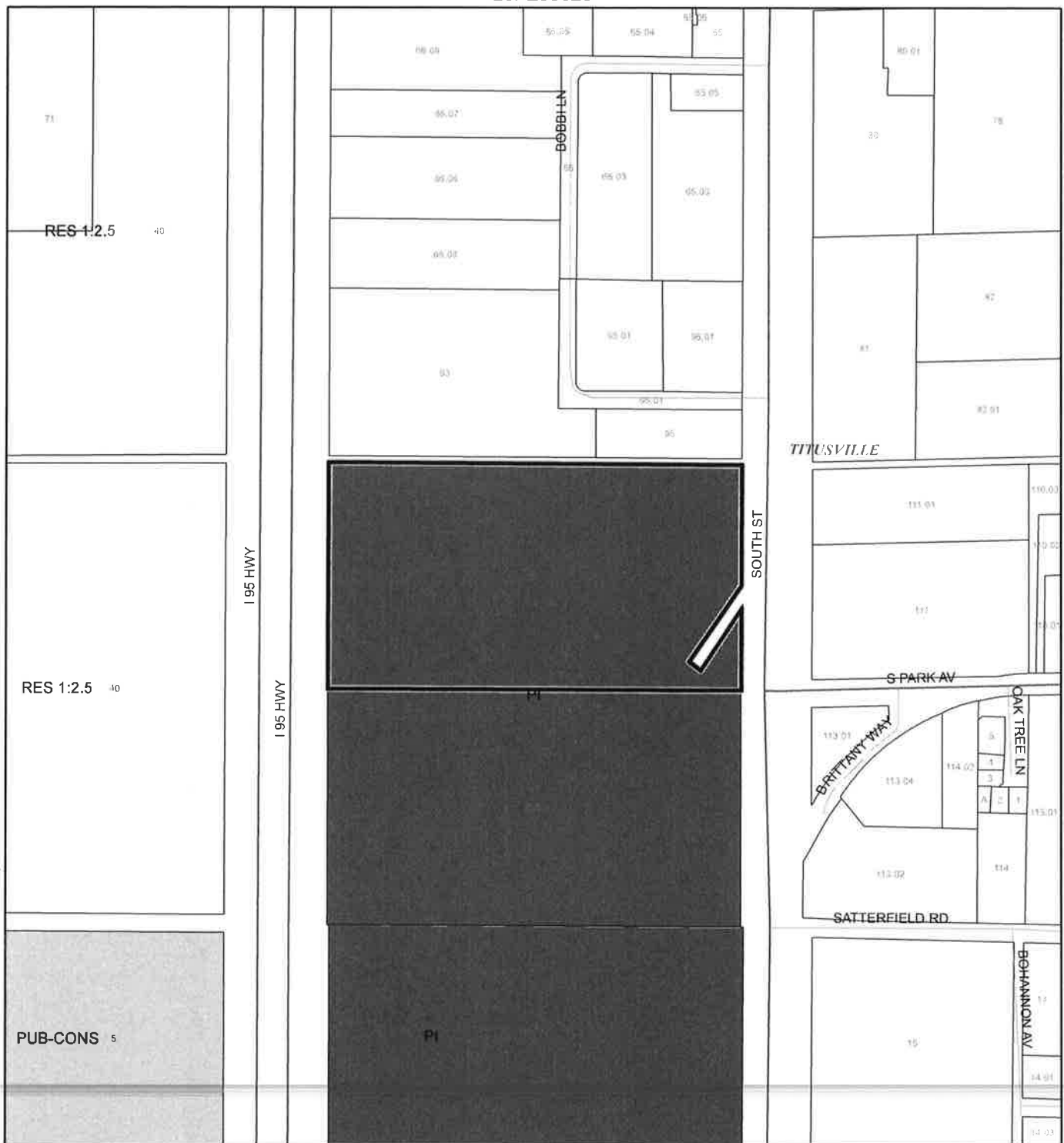
Parcels

Zoning

# FUTURE LAND USE MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

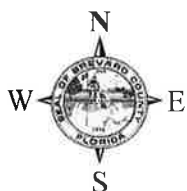
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/26/2020

# AERIAL MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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Produced by BoCC - GIS Date: 2/26/2020

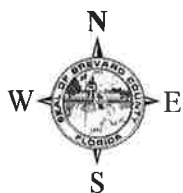
 Subject Property

 Parcels

# NWI WETLANDS MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2020

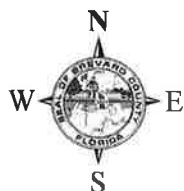
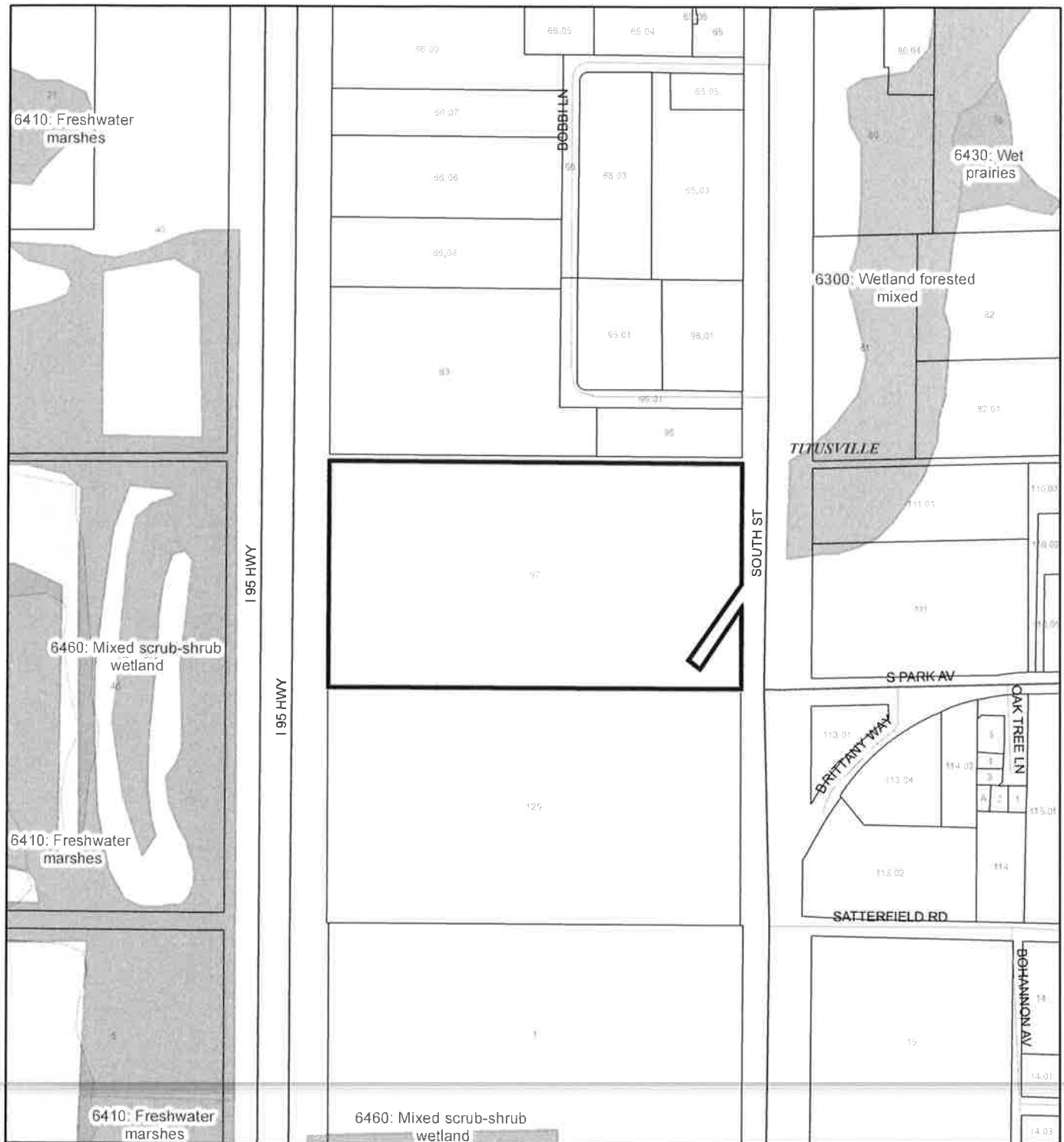
## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BREVARD COUNTY

20PZ00026



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.

Produced by BoCC - GIS Date: 2/26/2020

## 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

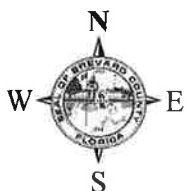
Subject Property

Parcels

# USDA SCSSS SOILS MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2020

## USDA SCSSS Soils

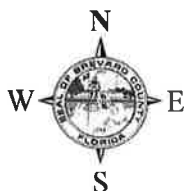
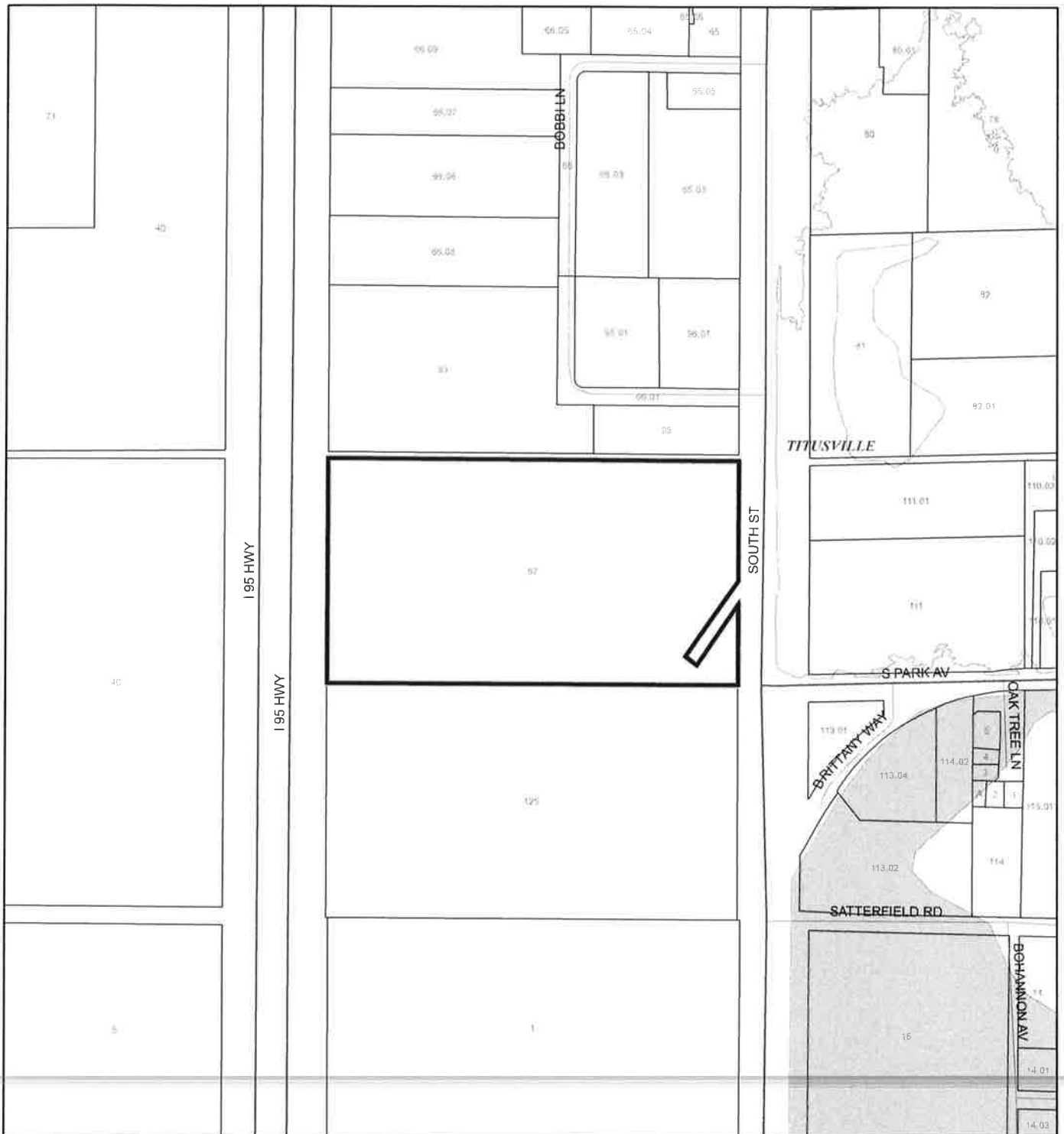
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2020

## FEMA Flood Zones

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





20PZ00026



1:4,800      or 1 inch = 400 feet

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Produced by BoCC - GIS    Date: 2/26/2020

**Subject Property**

 Parcels

## Septic Overlay

 40 Meters



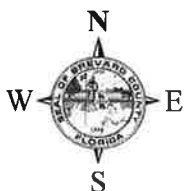
60 Meters

All Distances

# EAGLE NESTS MAP

BREVARD COUNTY

20PZ00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2020

 Subject Property

 Parcels

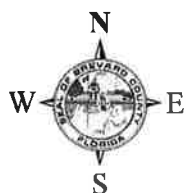
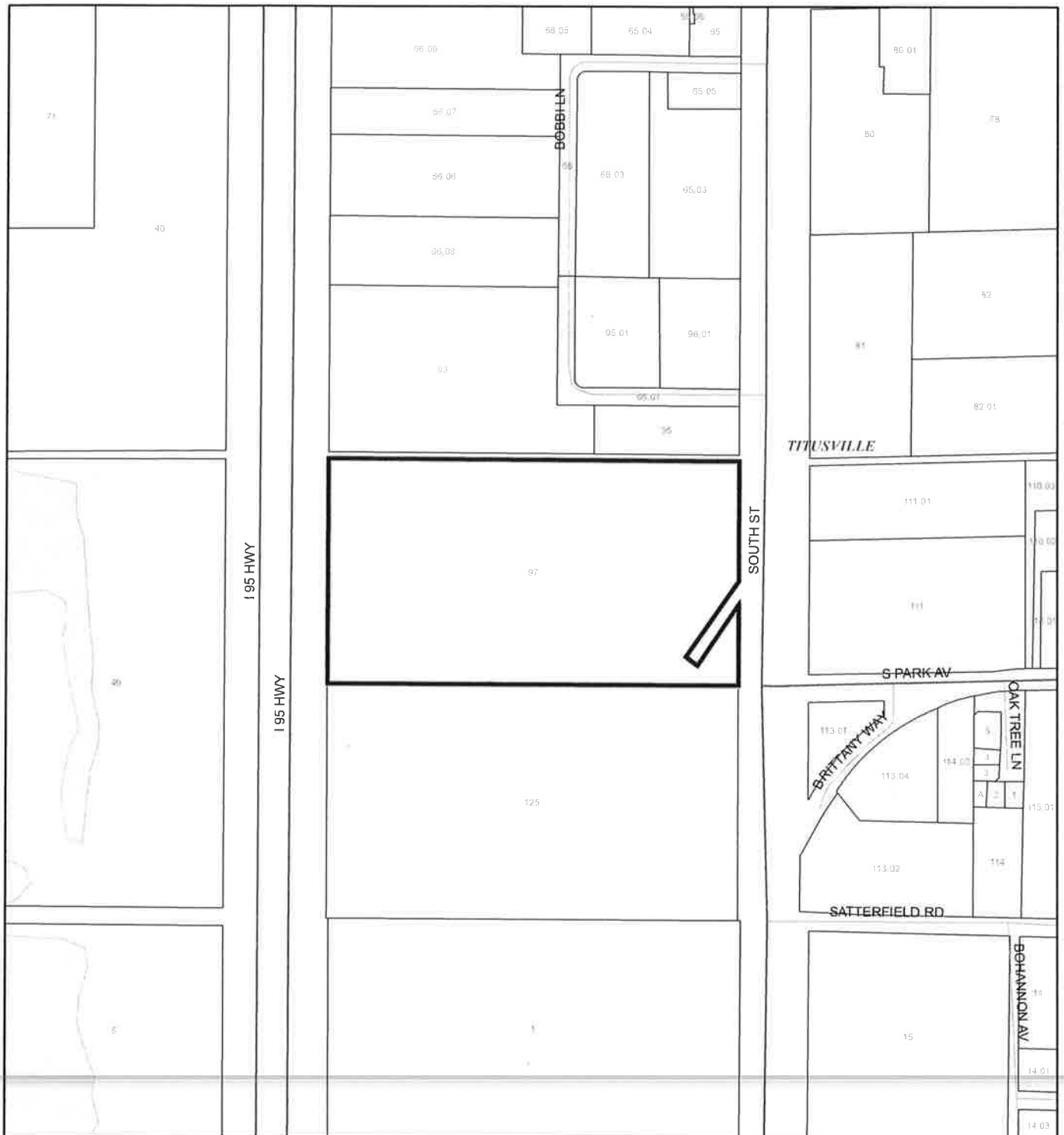


Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

BREVARD COUNTY




20PZ00026



1:4,800 or 1 inch = 400 feet

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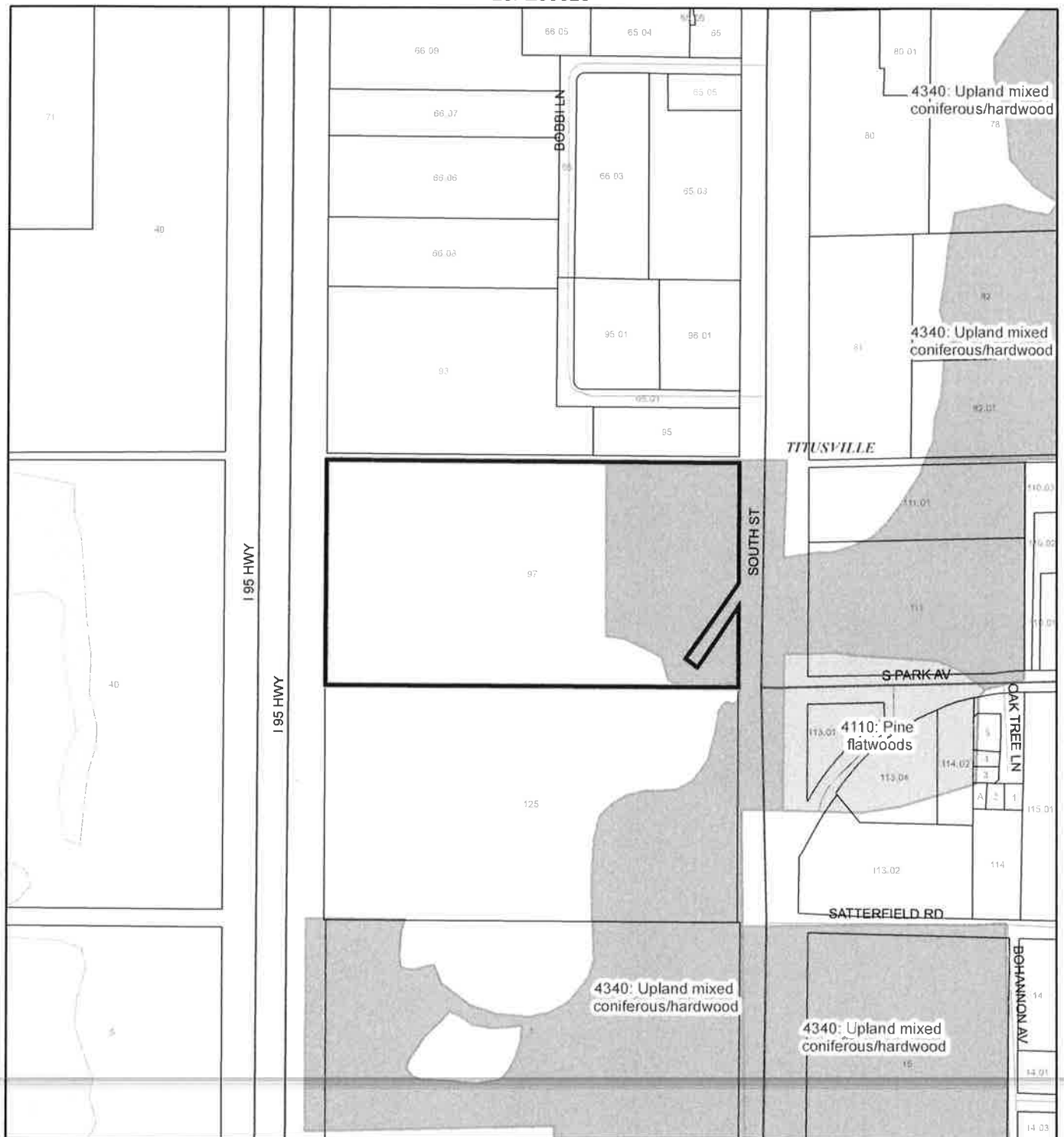
Produced by BoCC - GIS Date: 2/26/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BREVARD COUNTY

20PZ00026







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.

Produced by BoCC - GIS Date: 2/26/2020

## SJRWMD FLUCCS Upland Forests

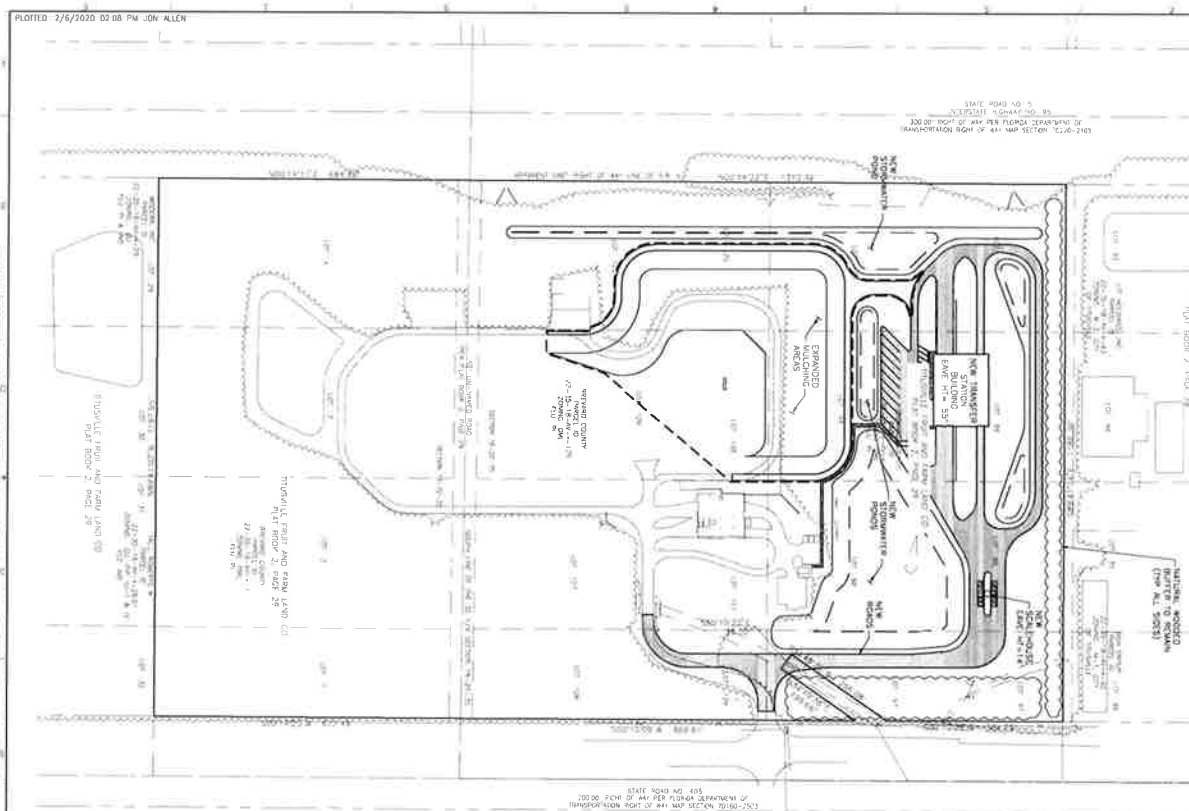
-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property

 Parcels

- ### NOTES
1. PROPERTY BOUNDARY SURVEY PREPARED BY SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
  2. EXISTING FEATURES IN NORTH HALF OF SITE FOR SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
  3. EXISTING FEATURES ON SOUTH HALF OF SITE BASED ON AERIAL PHOTOGRAPHY AND DRAWN BY JONES CORPUS
  4. PROPOSED IMPROVEMENTS AND ZONING INFORMATION PREPARED BY JONES CORPUS

## REZONING APPLICATION



					DESIGNED BY: <b>J. THOMAS</b>	 <b>JonesEdmunds</b> CONSULTING ENGINEERS 2700 N.W. 100th Avenue, Suite 200, Fort Lauderdale, FL 33321	<b>BREVARD COUNTY</b> <b>MOCKINGBIRD WAY TRANSFER STATION</b>	<b>REZONING SITE PLAN - PROPOSED</b>	APPROVED BY:	PROJECT NO:	DATE:
					DRAWN BY: <b>J. ALLEN</b>				SA 855-655-01	FEB 2020	
					CHECKED BY: <b>J. DILLER</b>				DRAWN NO:	DWG NO:	
DATE	REVISION	BY	APPV								
					72						

Existing BDP  
20PZ00026  
Solid Waste

*Dandy Crawford* Clerk Circuit Court  
Recorded and Verified Brevard County, FL  
# Pgs. 1 # Names 4  
Trust Fund 4.00 Rec Fee 29.00  
Stamp-Deed \_\_\_\_\_ Excise Tx \_\_\_\_\_  
Stamp-Mtg \_\_\_\_\_ Int Tx \_\_\_\_\_  
Service Chg \_\_\_\_\_ Refund \_\_\_\_\_

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 12th day of March, 1993, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Brevard County Solid Waste Management Department "Developer" and Paul D. Salisbury and Eula J. Salisbury "Owner".

**RECITALS**

WHEREAS, Developer/Owner owns Property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner desires to develop the Property as the North Brevard Yard Waste Mulching and Recycling Facility, and pursuant to the Brevard County Code, Section 14-20.23; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Developer/Owner shall locate the yard waste processing, curing and open storage areas not less than four hundred (400) feet from the southern, eastern, and northern Property limits and not less than one hundred (100) feet from the western Property line.
2. Developer/Owner shall locate stormwater retention areas not less than two hundred (200) feet from southern, eastern and northern Property limits.
3. The Developer/Owner shall locate parking areas not less than two hundred (200) feet from Property line.
4. The Developer/Owner shall provide separate loading/unloading areas for commercial and residential users of the facility.



page 1 of 7

Brevard Co. Solid  
Waste Manag.  
2125 St. Johns St.  
Building B 2nd Fl.  
Melb. FL 32940

I03

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5. Developer/Owner shall designate an area which may be used by local organizations and the general public for a public garden demonstration area. Such area will be located in the northeastern portion of the Property not less than one hundred seventy five (175) feet from Property limits. Developer/Owner will provide markers to identify the designated area.

6. Developer/Owner shall limit ingress and egress to a single access road to be located to form the westbound departure and eastbound approach lanes for a new intersection to be constructed for realignment of the intersection of Park Avenue and State Road 405.

7. Developer/Owner shall provide landscaping for the facility entrance way designed to provide screening of facility operations.

8. Developer/Owner shall not clear existing natural vegetation from undeveloped portions of the Property except as required for maintenance. However, nothing herein shall prevent clearing vegetation as necessary at the time of development.

9. Developer/Owner shall not adversely impact or fill major wetlands systems within the Property that are contiguous to off-site wetlands.

10. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer/Owner's agreement to meet additional standards or restrictions applicable for developing the Property at the time of development.

11. Developer/Owner, upon execution of the Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.


12. This agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.



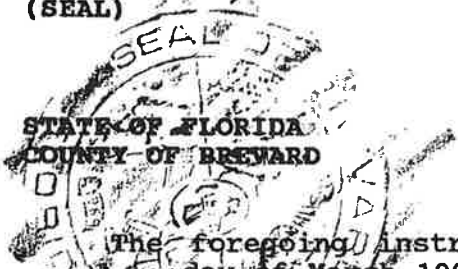
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 St. Johns Street  
Melbourne, Florida 32940

  
Sandy Crawford, Clerk  
(SEAL)

  
Karen S. Andreas, Chairman



The foregoing instrument was acknowledged before me this day of March 1993, by Karen S. Andreas, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

My commission expires  
SEAL NOTARY PUBLIC STATE OF FLORIDA AT L.A.  
MY COMMISSION EXPIRES DECEMBER 31, 1994  
BONDED THRU AGENT'S NOTARY BROKERS

  
Notary Public



Commission No.:

  
(Name typed, printed or stamped)

WITNESSES:

DEVELOPER

Brevard County Solid Waste Management  
Department

2725 St. Johns Street

Building D, Second Floor

Melbourne, Florida 32940-6602

Katherine Wall

Katherine Wall

(Witness Name typed)

Gloria J. Harris

Gloria J. Harris

(Witness Name typed)

Richard D. Rabon

Richard D. Rabon, Director

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before this 12  
day of March 1993, by Richard D. Rabon, Director of Brevard County  
Solid Waste Management Department, who is personally known to me or  
who has produced \_\_\_\_\_ as identification and who did  
(did not) take an oath.

My commission expires

Edith A. Moore

SEAL

Notary Public

Commission No.

Edith A. Moore

(Name typed, printed or stamped)



EDITH A. MOORE  
My Comm Exp. 2-23-96  
Bonded By Service Ins. Co  
No. CC182342

WITNESSES:

OWNER

Paul D. Salisbury  
125 Broad Street  
Titusville, Florida 32796

Sherry Simone

Sherry Simone  
(Witness Name typed)

Blaise M. Mancini

Blaise M. Mancini  
(Witness Name typed)

Paul D. Salisbury  
Paul D. Salisbury, Owner

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before this 11<sup>th</sup>  
day of March 1993, by Paul D. Salisbury, Owner, who is personally  
known to me or who has produced as  
identification and who did (did not) take an oath.

My commission expires  
Notary Public, State of Florida  
My Commission Expires March 23, 1995  
Commission No. Revised This Year Folio Insurance Inc.  
CC083193

SEAL

Blaise M. Mancini

Notary Public

MR. BLAISE M. MANCINI  
(Name typed, printed or stamped)



WITNESSES:

OWNER

Eula J. Salisbury  
125 Broad Street  
Titusville, Florida 32796

Joyce Hickman

Joyce Hickman  
(Witness Name typed)

Blaise M. Mancini

MR. Blaise M. Mancini  
(Witness Name typed)

Eula J. Salisbury  
Eula J. Salisbury, Owner

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before this 11<sup>th</sup>  
day of March 1993, by Eula J. Salisbury, Owner, who is personally  
known to me or who has produced \_\_\_\_\_ as  
identification and who did (did not) take an oath.

My commission expires  
Notary Public, State of Florida  
My Commission Expires March 23, 1995  
Bonded Thru Troy Fain - Insurance Inc.  
Commission No.  
CC083193

Blaise M. Mancini  
SEAL

Notary Public

MR. Blaise M. Mancini  
(Name typed, printed or stamped)



**EXHIBIT "A"**

Lots 97, 98, 99, 100, 125, 126, 127 and Lot 129, Titusville Fruit and Farm Lands P.B. 2/PG.29 of the Public Records of Brevard County, Florida, Located in Section 18, Township 22 South, and Range 35 East.

and

Lots 1, 2, 3 and Lot 4, Titusville Fruit and Farm Lands P.B. 2/PG.29 of the Public Records of Brevard County, Florida, Located in Section 19, Township 22 South, and Range 35 East.

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 6, 2020**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

### **Excerpt of Complete Agenda**

#### **Brevard County (Euri Rodriguez)**

1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity; 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of the 400-foot setbacks; 5.) Request to limit building height to 55 feet. The property is 17.5 acres, located on the west side of South Street, due west of South Park Avenue. (3600 South Street, Titusville) (20PZ00026) (Tax Account 2209623) (District 1)

Andrew Dugan, Assistant Director, Solid Waste Management Department, stated Solid Waste is looking to replacing the existing Titusville transfer station with a new transfer station that would be located on the northern parcel of the Mockingbird Mulching Facility.

Ron Bartcher asked if something is wrong with the current transfer station. Mr. Dugan replied the current transfer station was built in 1976 and uses hydraulic compression technology that is now over 40 years old; the parts are no longer made and the facility is in constant maintenance. The new transfer station will allow a pit technology similar to the Sarno transfer station, and it will serve the north area of the county for the next 50 years. The new station cannot be located where the current station is because of space and it needs to continue to operate while constructing the new one. Mr. Bartcher stated he has a concern about the traffic on State Road 405, and this will add to the traffic. Mr. Dugan stated there will be a left-turn lane into the new facility. He noted the scale house is further into the property, so there is more room for trucks on the property. Mr. Bartcher stated in the existing BDP there is language that an area would be designated to be used by local organizations for public garden demonstrations, and asked if that was ever put in place. Rich Koller replied it was put in place a long time ago, but discontinued because the organizations no longer exist.

No public comment.

Motion by Joe Buchanan, seconded by Ron Bartcher, to approve the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity; 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of the 400-foot setbacks; 5.) Request to limit building height to 55 feet. The vote was unanimous.