



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

5/7/2020

Subject:

Troy Yates requests a change of zoning classification from GU to BU-1. (20PZ00021) (Tax Account 2400600) (District 1).

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from GU to BU-1 for the purpose of developing and operating a lawn and garden center with mower repair and sales. The site is currently vacant, located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. Per Section 62-2103(b), this 0.44-acre parcel is a substandard lot in terms of lot size required for the GU zoning classification, which is 5 acres.

The proposed zoning of BU-1 is not consistent with current FLU (Future Land Use) designation of RES 4 (Residential 4). An application for a Small-Scale Comprehensive Plan Amendment to change the FLU to Community Commercial accompanies this rezoning request for consistency.

The proposed BU-1 zoning classification permits retail commercial uses and minor automotive repair, including small engine repair, on minimum 7,500 square-foot lots with a minimum width and depth of 75 feet. It does not permit warehouses, other than self-storage mini-warehouses as a permitted with conditions use subject to the stipulations of Section 62-1837.5, nor does it permit major automobile repairs as defined in Section 62-1102. The property is contiguous to residential property on all four sides.

The Board may wish to consider whether the requested BU-1 is consistent with the surrounding area. Also, the Board may wish to consider if commercial zoning classifications should be expanded further south along Grissom Parkway.

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

Clerk to the Board Instructions:

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

Resolution 20PZ00021

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

WHEREAS, **Troy Yates** has requested a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial) on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 – 1518, of the Public Records of Brevard County, Florida. **Section 01, Township 24, Range 35.** (0.44 acres) Located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.); 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 change of zoning classification from GU to BU-1 be approved as recommended. 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 Lober, Chair

Brevard County Commission

As approved by the Board on May 7, 2020.

ATTEST:



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

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20PZ00021

Troy Yates

GU (General Use) to BU-1 (General Retail Commercial)

Tax Account Number: 2400600
Parcel I.D.: 24-35-01-25-8-2
Location: East side of Grissom Parkway, approximately 0.23 mile south of
Canaveral Groves Boulevard (District 1)
Acreage: 0.44 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 cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GU	BU-1
Potential*	No Units (Substandard Lot)	3,833 Square Feet
Can be Considered under the Future Land Use Map	YES RES 4	No RES 4 **

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A small scale comprehensive plan amendment from Residential 4 (RES 4) to Community Commercial (CC) is being reviewed concurrently with this application and must be approved for the subject rezoning application to be considered.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from GU to BU-1 for the purpose of developing and operating a lawn and garden center with mower repair and sales. The site is currently vacant. The owner purchased the property with the intent to use it with the proposed uses in mind.

Per Section 62-2103(b), this 0.44 acre parcel is a substandard lot in terms of lot size required for the GU zoning classification.

Land Use

The subject property retains the RES 4 FLU designation. The current zoning of GU on the subject property is consistent with the RES 4 FLU per 62-1255 (2). The proposed zoning of BU-1 is not

consistent with current FLU designation of RES 4. A companion Small Scale Comprehensive Plan Amendment (SSCPA) application, **20S.01 (20PZ00020)** for a Future Land Use designation change on the parcel from RES 4 to CC was submitted accompanying this zoning request to be consistent with the proposed BU-1 zoning.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

Preliminary review of mapped resources indicates four noteworthy land use issues:

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

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

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, between Industry Road and Canaveral Groves Boulevard, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 69.24% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 1.67%. The corridor is anticipated to operate at 70.91% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a commercial development.

Both central potable water and central sewer services are available from the City of Cocoa Utilities for the subject property. The closest county utilities are approximately three miles away.

Applicable Land Use Policies

FLUE 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

The request for BU-1 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;

The request for BU-1 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area 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 intersections.

Given the zoning pattern in the area, **Policy 2.15**, which addressed infill vs. strip commercial development, should also be considered, as follows:

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate (as encouraged by Tables 2.1 and 2.2 of the FLUE) to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

The current GU zoning is original to the parcel adopted on May 22, 1958. The GU classification permits single-family residential development or single-family residences at a density of up to 1 unit per 5 acres on minimum lot sizes of 5 acres. The parcel includes a remnant of Lot 2, Block 8, of Canaveral Groves Subdivision, less and except lands as described in official Records Book 2983, Page 3425. The subject remnant parcel is a substandard lot for GU zoning per Section 62-2103 (b)

due to more than 20% reduction of the original lot size of one acre to 0.44 acres due to right-of-way acquisition for Grissom Parkway.

The proposed BU-1 zoning classification permits retail commercial land uses and minor automotive repair, including small engine repair, on minimum 7,500 square foot lots with a minimum width of 75 feet and minimum depth of 75 feet. It does not permit warehouses, other than self-storage mini-warehouses as a permitted with conditions use subject to the stipulations of Section 62-1837.5, nor does it permit major automobile repairs as defined in Section 62-1102. The lot exceeds the minimum lot width, depth, and area requirements of the proposed BU-1 zoning classification.

The character of the area is vacant land with low density single-family zoning and low to medium density single-family residential FLU designations. There are properties with commercial zoning and FLU to the north, closer to the intersection of Grissom Parkway and Canaveral Groves Boulevard, but none directly adjacent to the property. The properties to the north, east, northeast, and southeast also have RES 4 FLU designations with single-family zoning classifications. These areas consist almost exclusively of land-locked parcels under separate ownership.

The extension of existing commercial properties along the east side of Grissom Parkway to the subject property may not be considered consistent with FLUE Policy 2.15 for the following reasons: 1) the proposed rezoning would be an extension of commercial from the intersection of Grissom Parkway and Canaveral Groves Boulevard to the subject site that would represent strip commercial, which is to be discouraged under this policy; 2) this extension of existing commercial which leap-frogs over a property that is residential. In addition, Policy 2.15 states: "Infill within established strip commercial areas is preferred over extension of a strip commercial pattern."

There have been only two zoning actions within the last three years within 0.5 miles of the subject property. **19PZ00054** approved August 1, 2019 changed the zoning classification from GU to Agricultural Residential Low Intensity (AU(L)) on a lot approximately 1,160 feet directly west of the subject property. **17PZ00110** approved December 7, 2017 changed the zoning classification from Rural Residential Mobile Home (RRMH-1) to Agricultural (AGR) on a lot located approximately 2,020 feet east-east-northeast of the subject property. The next most recent zoning action within 0.5 miles of the subject property was **13PZ-00058** approved September 12, 2013 changed the FLU designation from Neighborhood Commercial (NC) to CC and the zoning classification from GU to Retail, Warehousing, and Wholesales Commercial (BU-2) on a lot located approximately 2,480 feet directly south of the subject property.

For Board Consideration

In order for this proposed change of zoning classification to be considered, SSCPA **20S.01 (20PZ00020)** from RES 4 to CC would first have to be approved by the Board.

The Board may wish to consider:

- 1) The impact of this rezoning on the rural residential character of the surrounding area, and;
- 2) If the subject property meets the locational criteria of FLU Policy 2.8 (A), and;
- 3) Whether the extension of commercial strip development should be expanded further south in a leap-frog fashion in light of FLUE Policy 2.15.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item # 20PZ00021

Applicant: Troy Yates

Zoning Request: GU to BU-1

Note: Applicant wants to rezone for lawn and garden center

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

Tax ID No: 2400600

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

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

Land Use Comments:

Wetlands

Information available to NRM indicates that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along Mitigation Qualified Roadways (MQRs). This section of Grissom Parkway is an MQR. If wetlands are present, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Floodplain

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

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

Protected Species

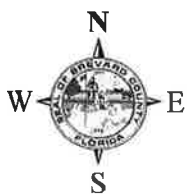
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

Heritage Specimen Trees

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

LOCATION MAP

YATES, TROY
20PZ00021



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.

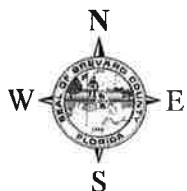
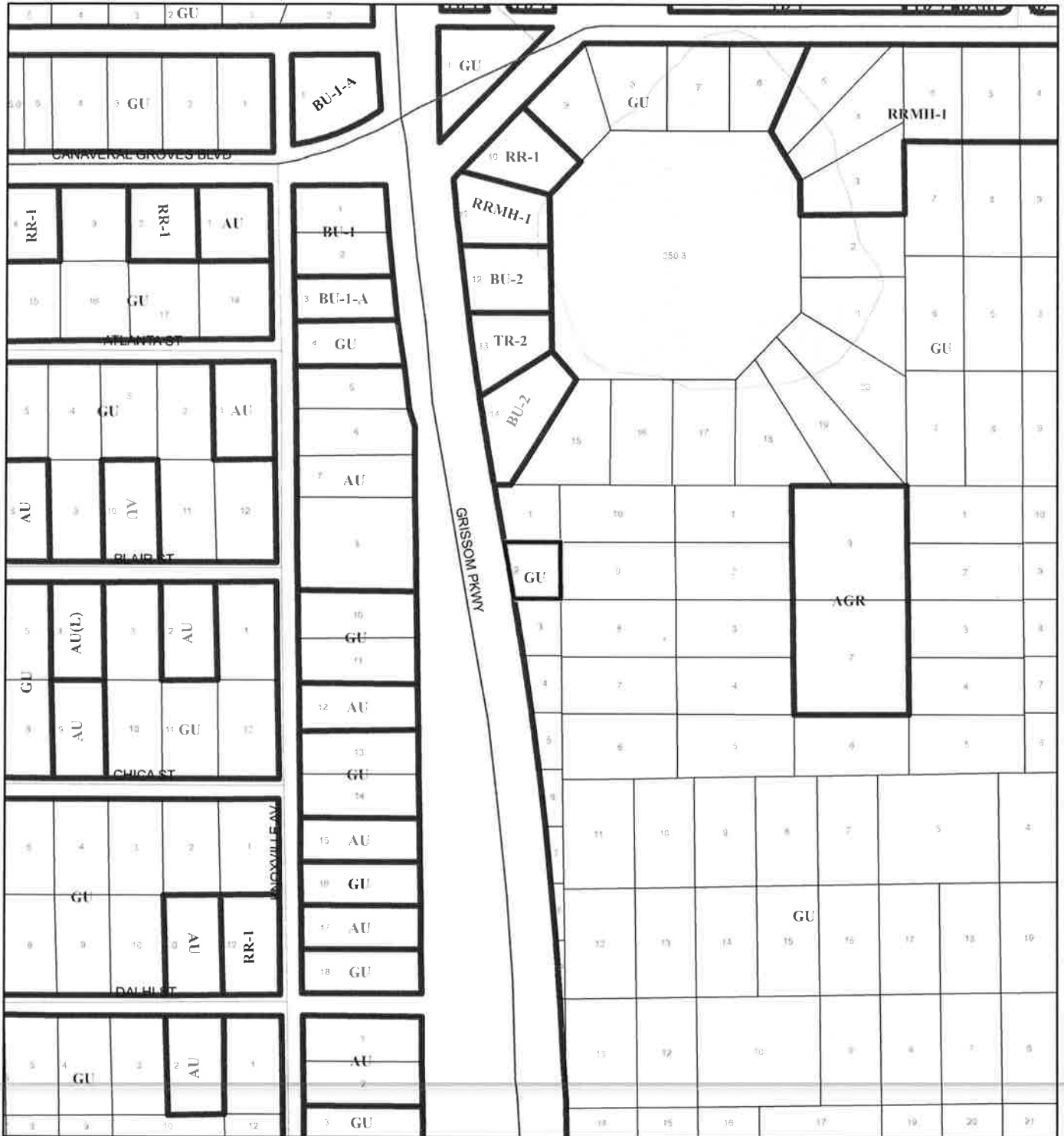
Produced by BoCC - GIS Date: 2/11/2020

— Buffer
■ Subject Property

ZONING MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

Subject Property

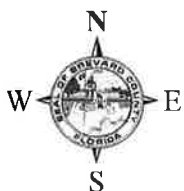
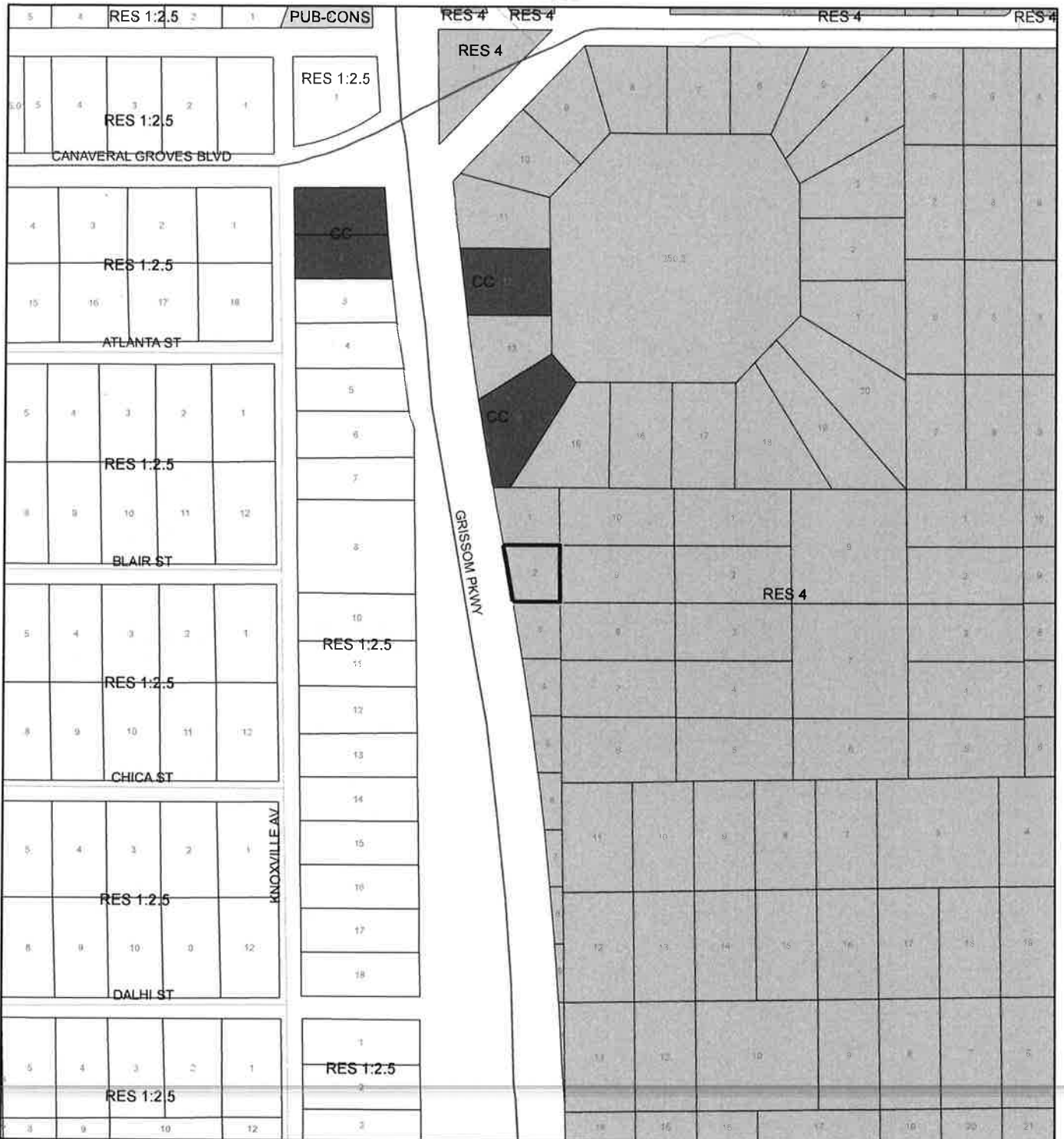
Parcels

Zoning

FUTURE LAND USE MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

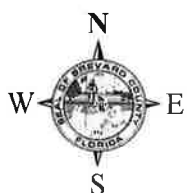
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/11/2020

AERIAL MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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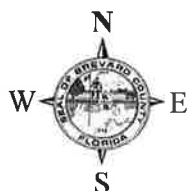
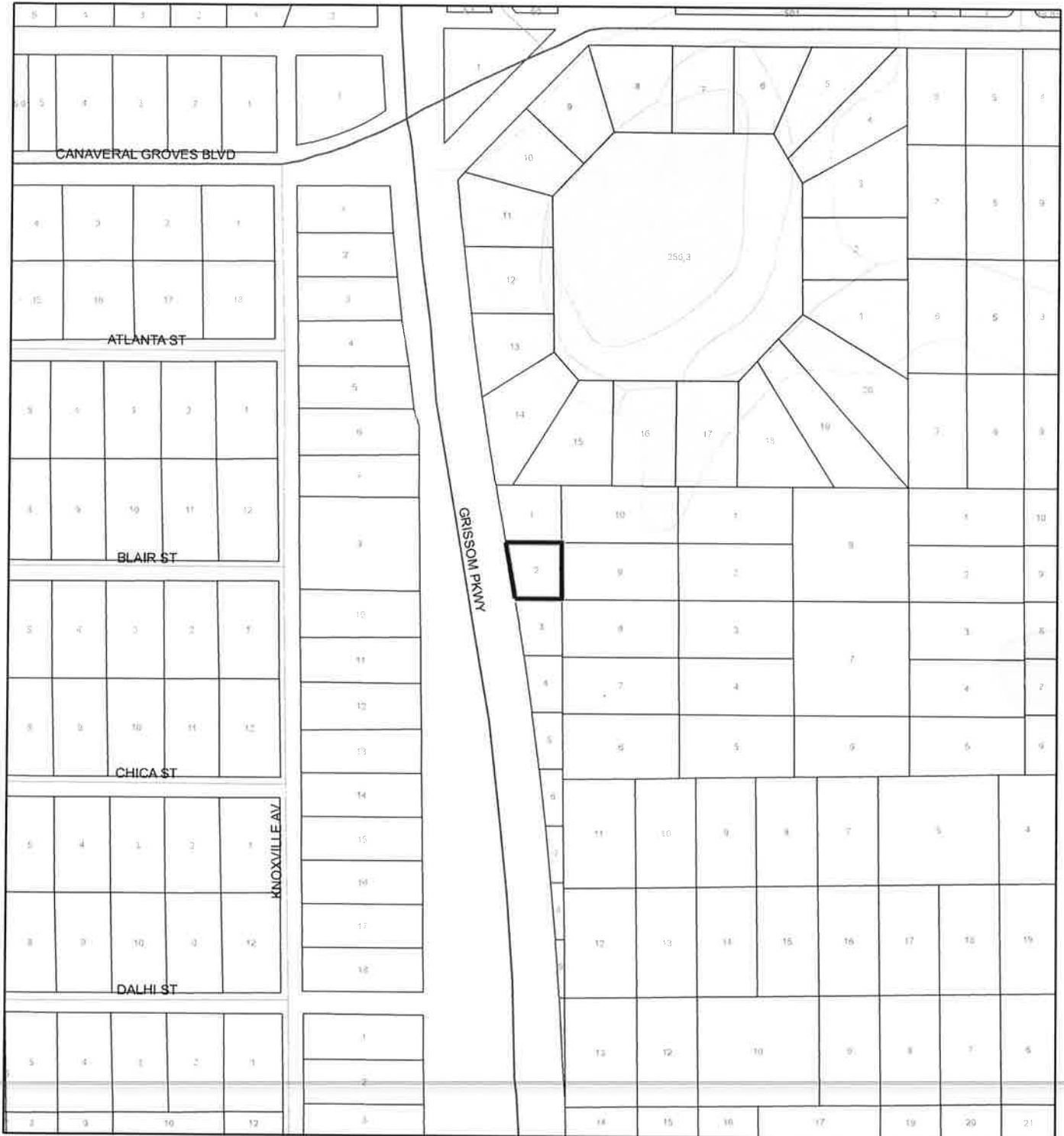
Produced by BoCC - GIS Date: 4/15/2020

— Subject Property
□ Parcels

NWI WETLANDS MAP

YATES, TROY

20PZ00021



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: 2/11/2020

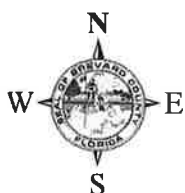
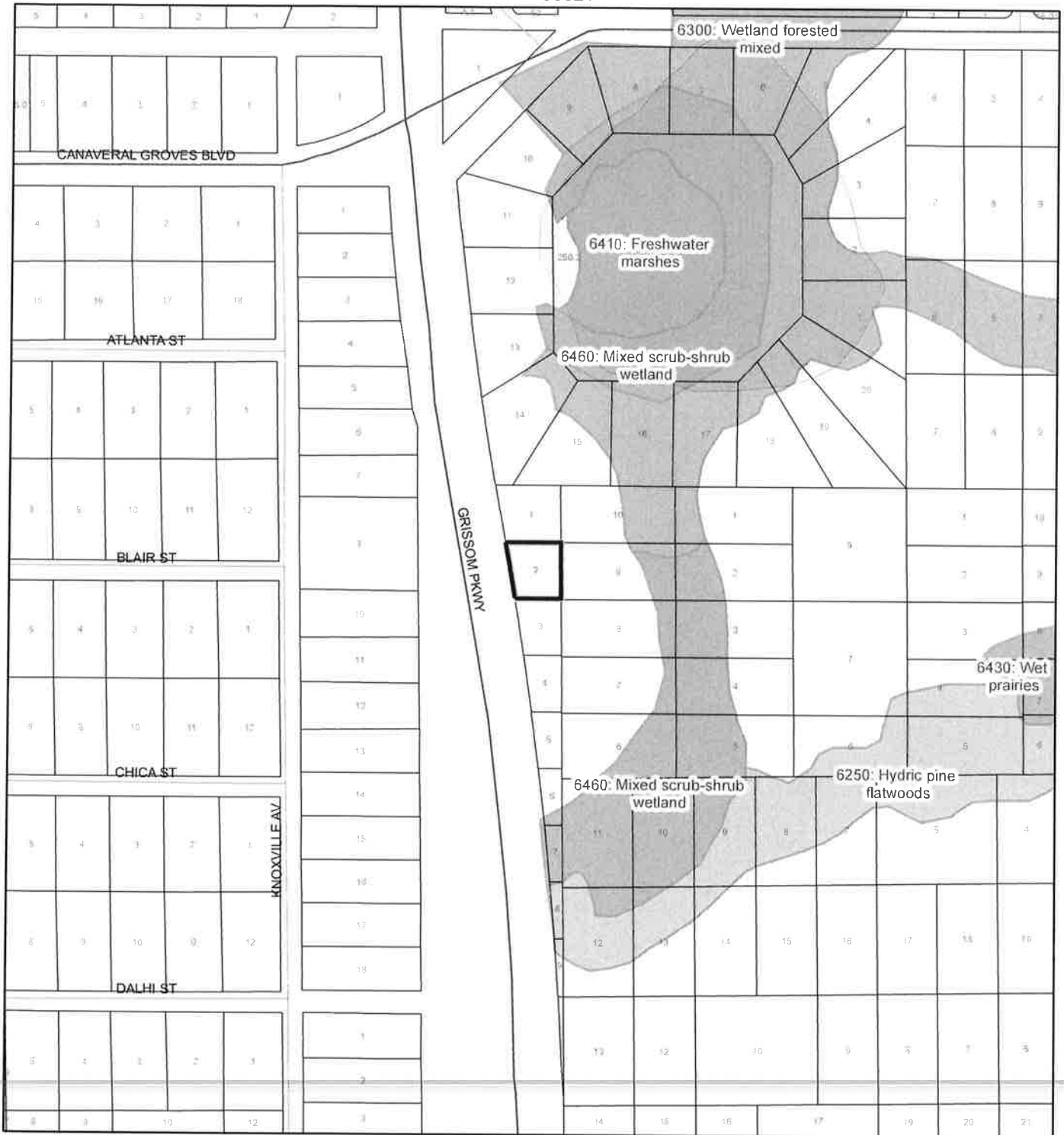
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

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

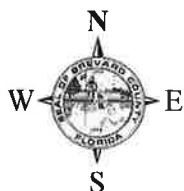
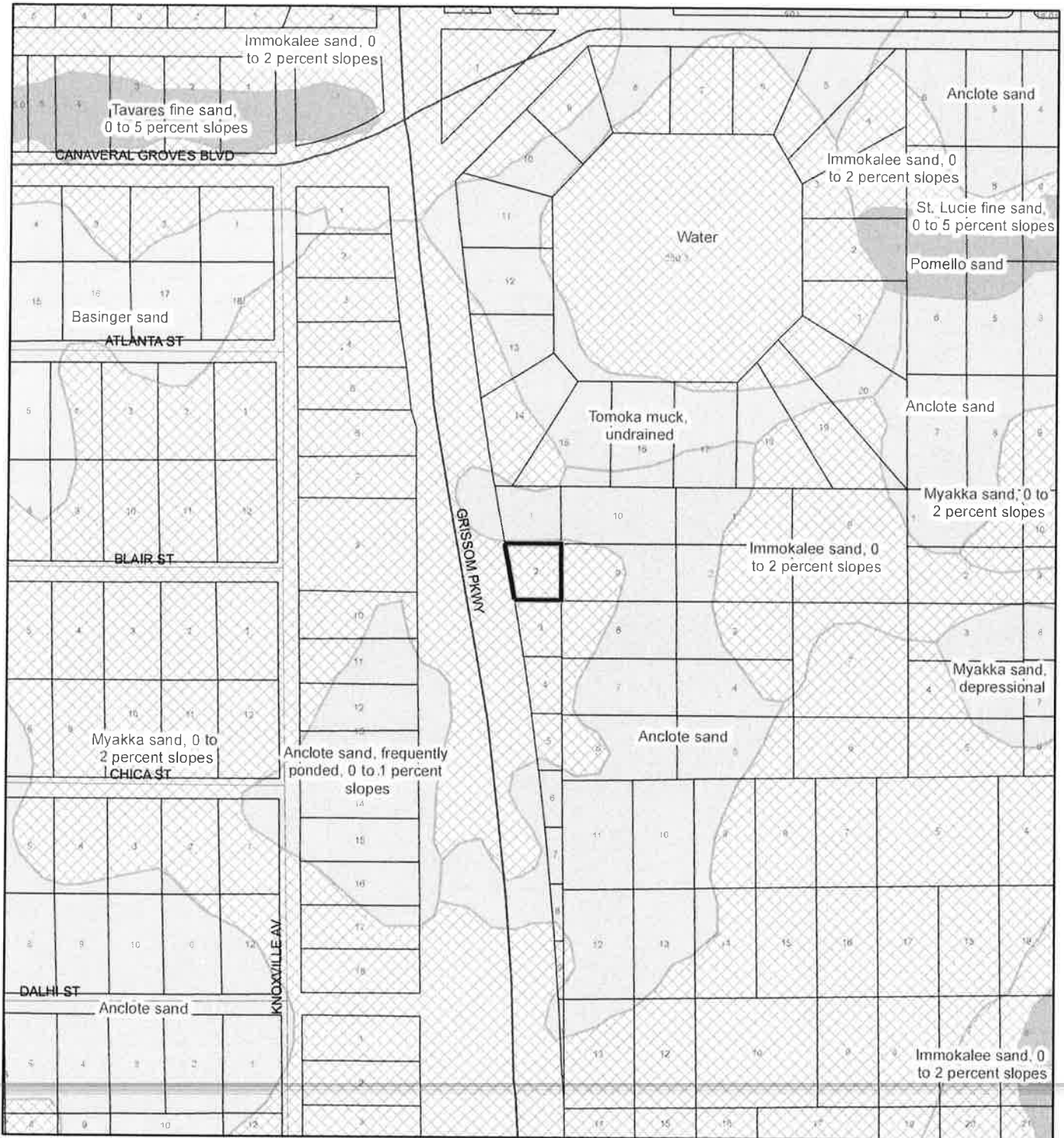
Subject Property

Parcels

USDA SCSSS SOILS MAP

YATES, TROY

20PZ00021



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: 2/11/2020

USDA SCSSS Soils

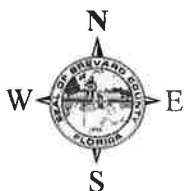
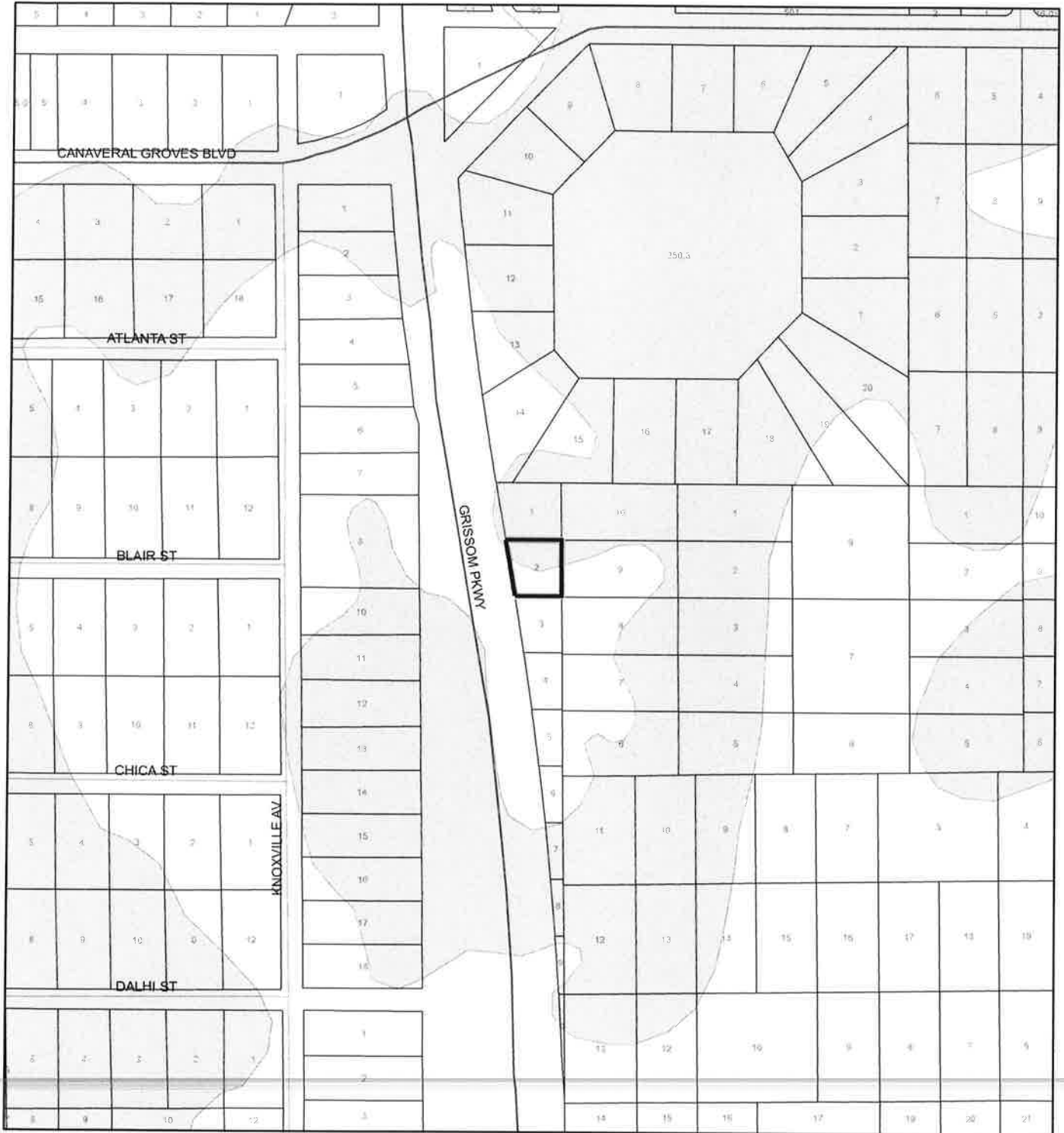
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

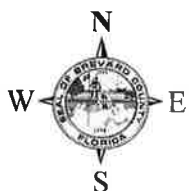
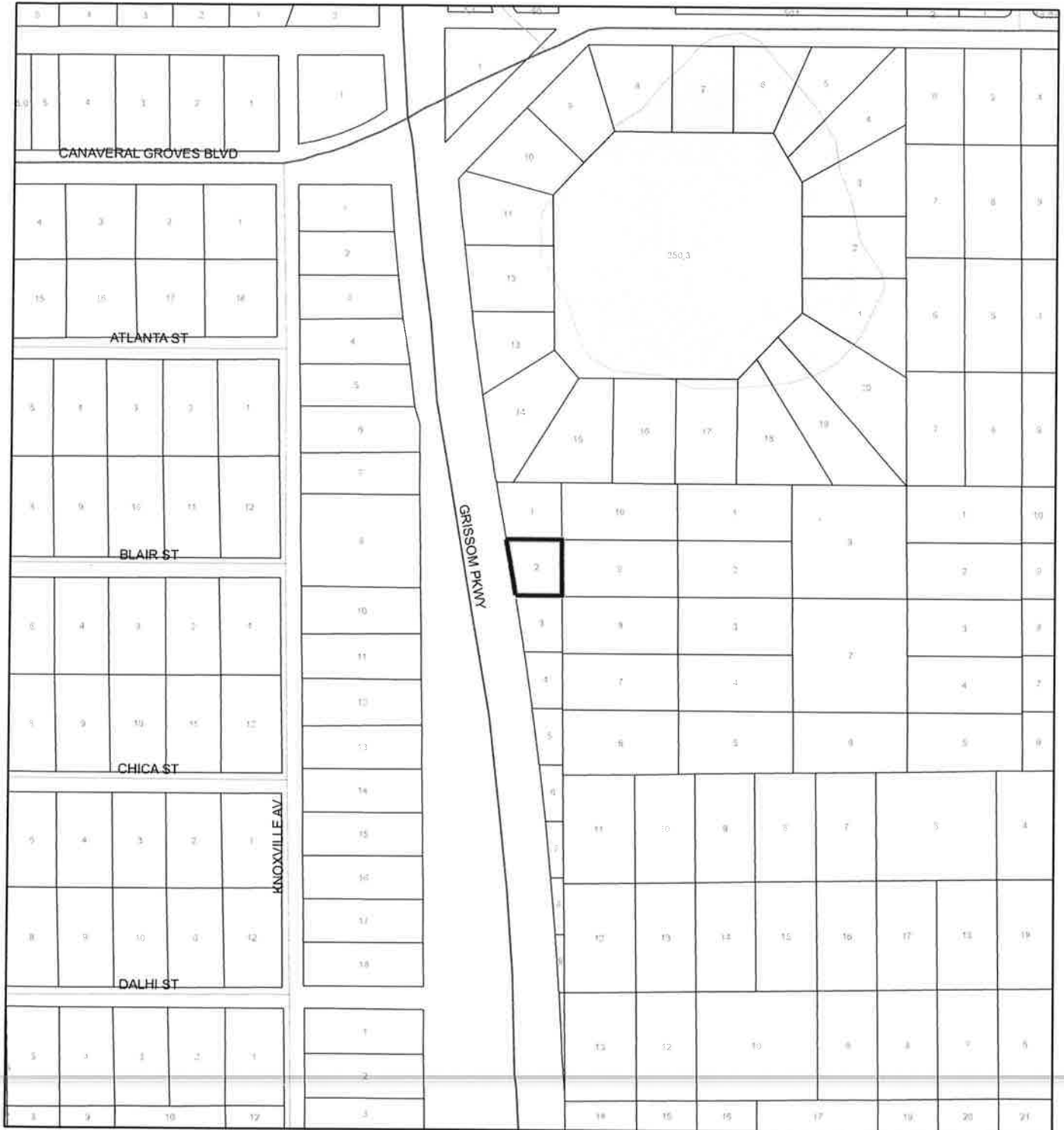
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

— Subject Property

□ Parcels

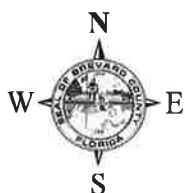
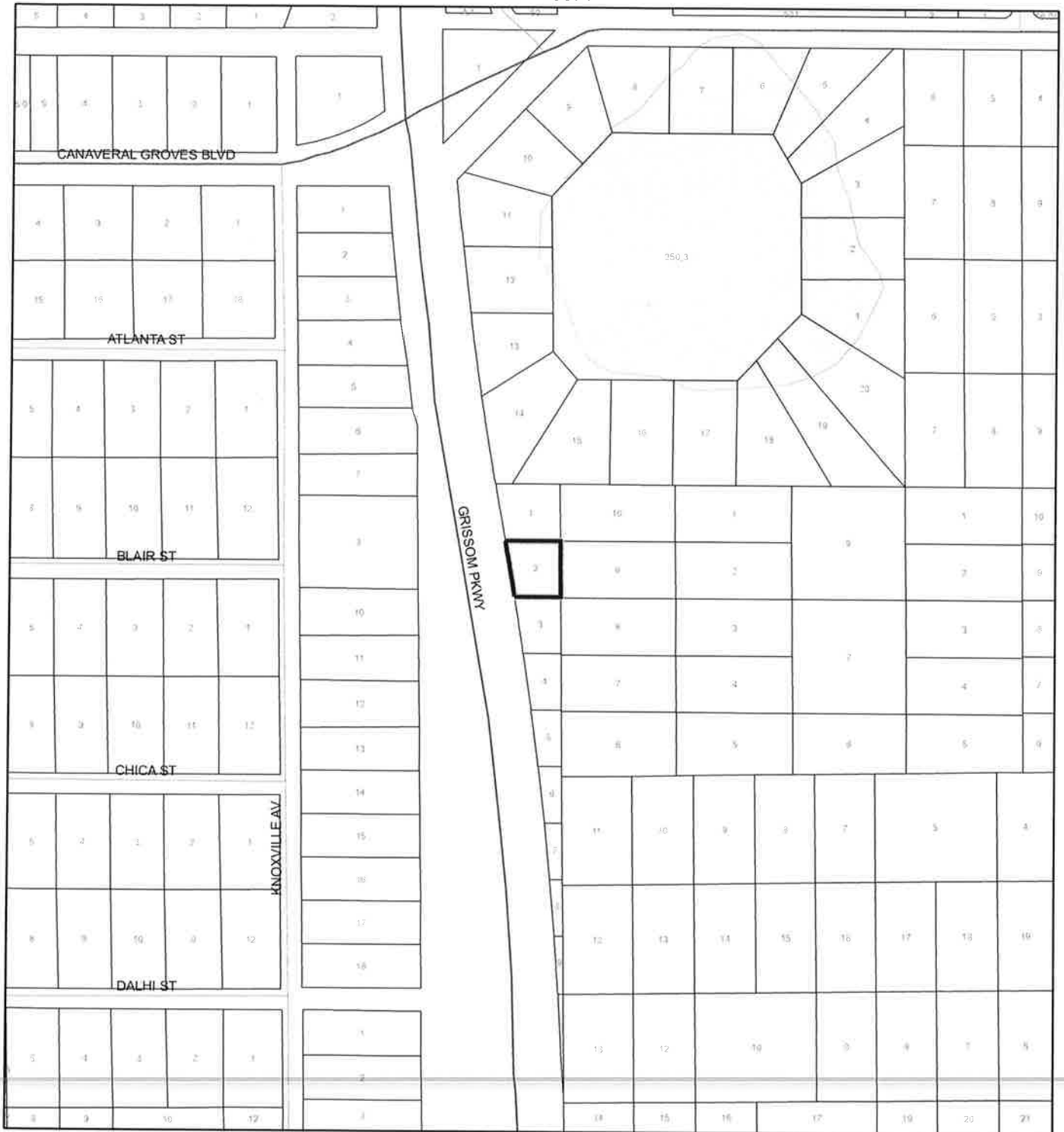
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

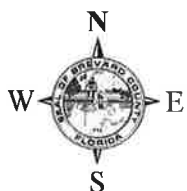
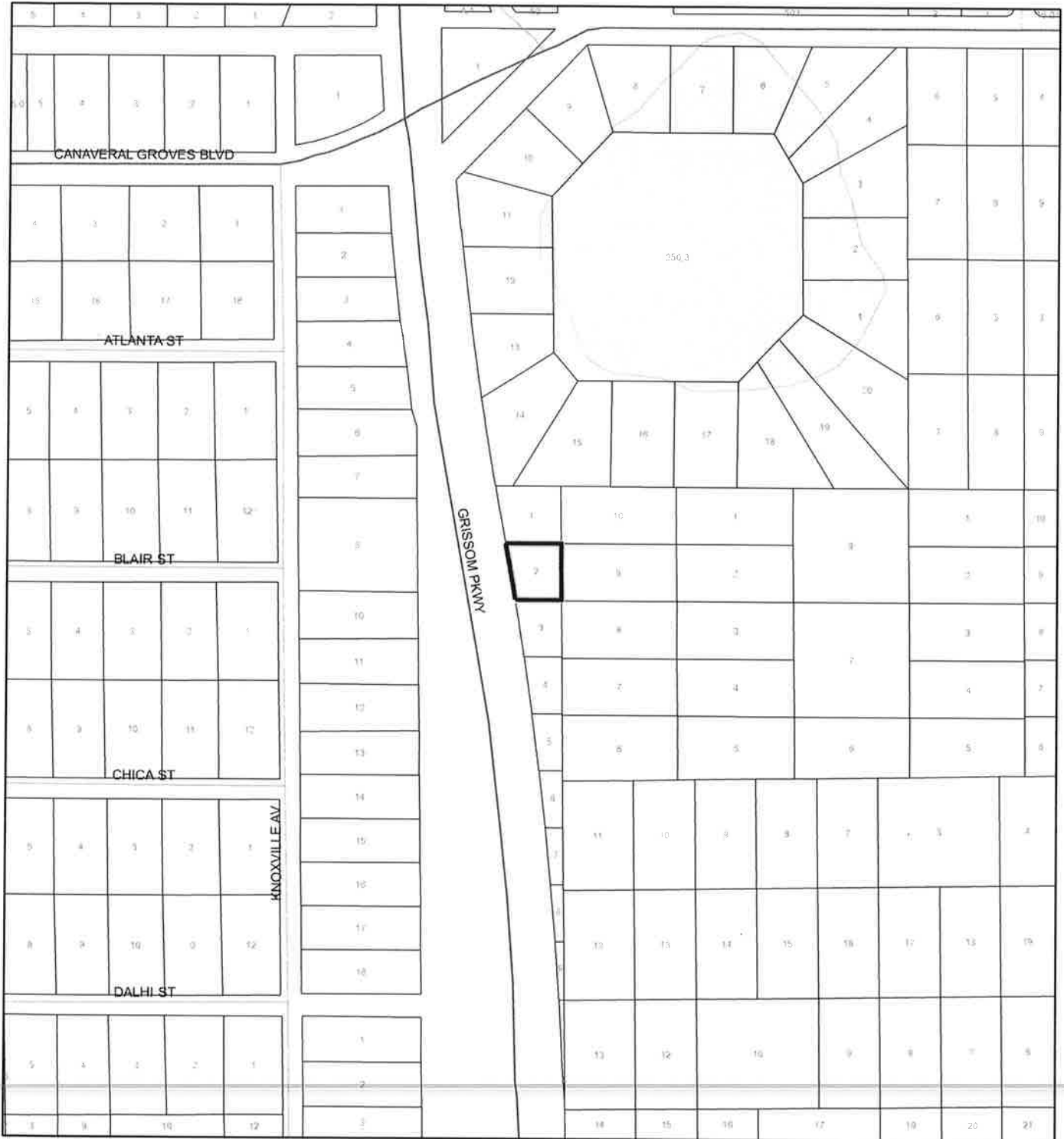
 60 Meters

 All Distances

EAGLE NESTS MAP

YATES, TROY

20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

 Subject Property

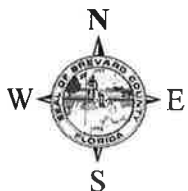
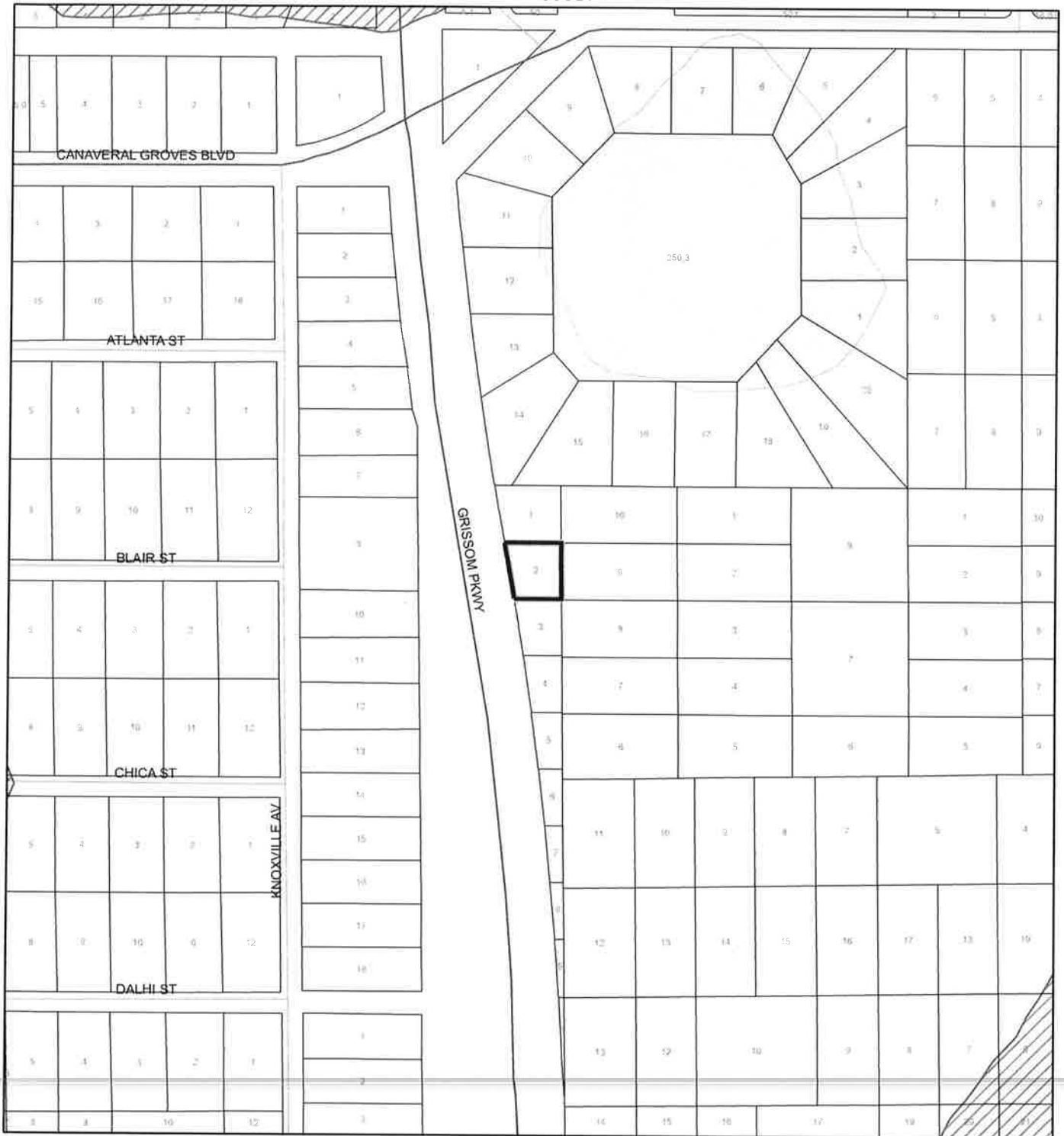
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




YATES, TROY
20PZ00021



1:4,800 or 1 inch = 400 feet

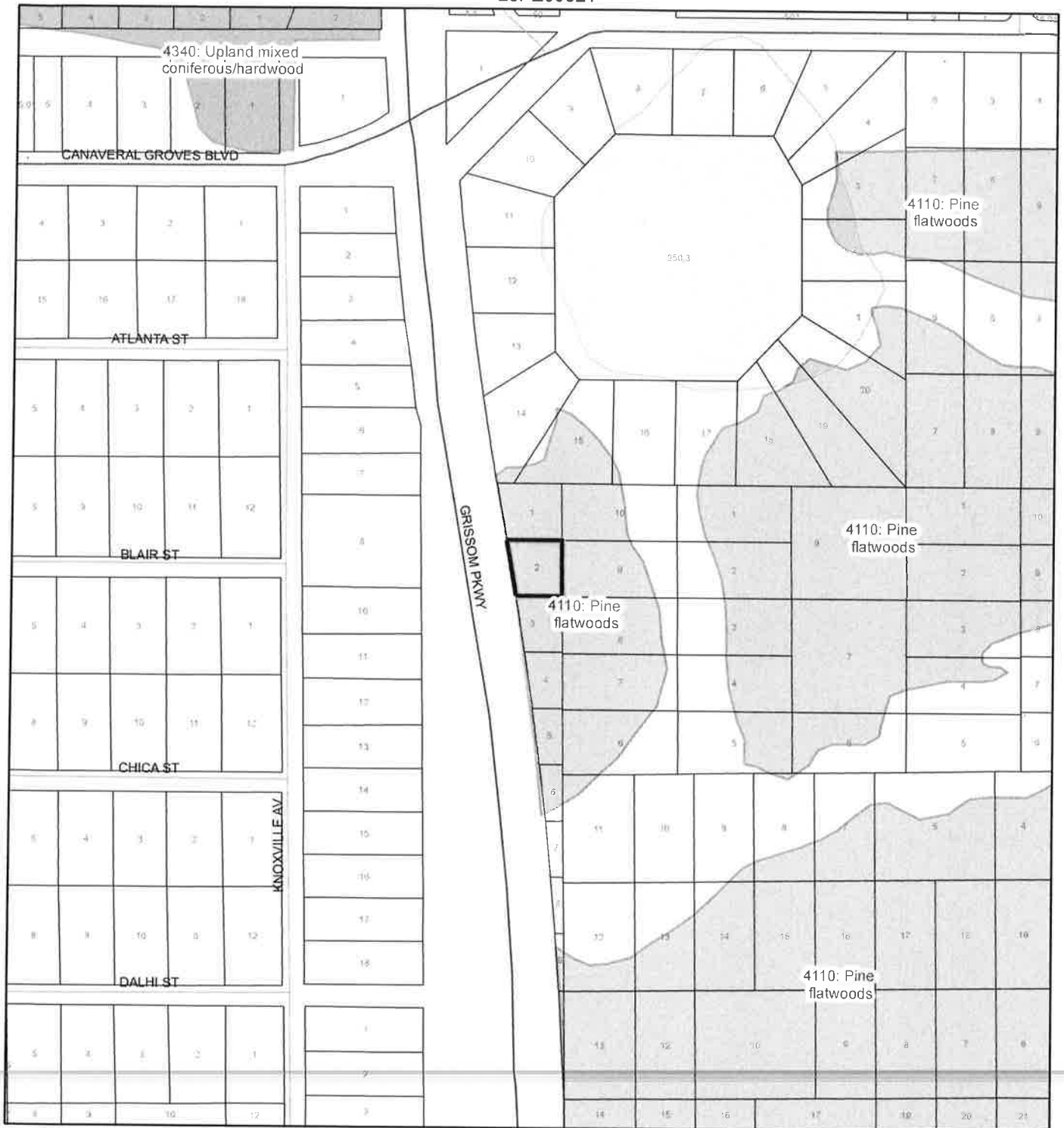
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Produced by BoCC - GIS Date: 2/11/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

YATES, TROY
20PZ00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/11/2020

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

PLANNING AND ZONING BOARD MINUTES

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

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

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

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

Excerpt of Complete Agenda

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

Troy Yates

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

No public comment.

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

Troy Yates

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

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

No public comment.

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