



AGENDA REPORT
February 7, 2019

Market Street Viera Senior Real Estate, LLC (William Watson, Jr.) requests a change of zoning classification from IN(L) to BU-1-A. (18PZ00126) (District 4)

SUBJECT:

Public Hearing, Re: Market Street Viera Senior Real Estate, LLC (William Watson, Jr.) requests a change of zoning classification from IN(L) (Institutional Use, Low Intensity) to BU-1-A (Restricted Neighborhood Commercial). The property is 3.66 acres, located on the northeast corner of Murrell Road and Crane Creek Boulevard. (6865 Murrell Road, Viera) (18PZ00126) (District 4)

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 request for a change of zoning classification from IN(L) to BU-1-A.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from Institutional Use – Low Intensity (IN(L)) to Restricted Neighborhood Commercial (BU-1-A) on a 3.66 acre parcel of land for the purpose of developing an office building for a commercial real estate investment and development company.

The Board should consider whether the proposal is consistent and compatible with nearby residentially zoned property to the east and southeast and with adjacent and nearby church and assisted living facility institutional uses.

Cross-access to the abutting property to the north is platted as an easement. Access to Crane Creek Boulevard was also previously approved, but will need to be re-reviewed at site plan. The Board may wish to consider restricting direct access to Murrell Road to ensure that appropriate access management and cross-connectivity is maintained if the parcel were to be subdivided in the future.

On January 7, 2019, the Planning and Zoning Board unanimously approved the request.

ATTACHMENTS:

Description

- ▯ **Administrative Policies**
- ▯ **Staff Comments**
- ▯ **GIS Maps**
- ▯ **P&Z Minutes - January**

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

RESOLUTION NO. 18PZ00126

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

WHEREAS, MARKET STREET VIERA SENIOR REAL ESTATE, LLC, has applied for a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to BU-1-A (Restricted Neighborhood Commercial), on property described as Lot 2, Block A, Shellbrooke, according to the plat thereof, as recorded in Plat Book 61, Pages 26 – 30, inclusive, of the Public Records of Brevard County, Florida. (3.66 acres) Located on the northeast corner of Murrell Rd. and Crane Creek Blvd. (6865 Murrell Rd., Viera); and

Section 10,

Township 26S,

Range 36E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from IN(L) to BU-1-A, be APPROVED, and that the zoning classification relating to the above described property be changed to BU-1-A. The Planning & 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 February 7, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Kristine Isnardi, Chair
Brevard County Commission

Approved by Brevard County Commission on February 7, 2019.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – January 7, 2019)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

REZONING REVIEW WORKSHEET

18PZ00126

Commission District # 4

Hearing Dates: P&Z 01/07/19

BCC 02/07/19

Owner Name: MARKET STREET VIERA SENIOR REAL ESTATE, LLC

Request: IN(L) to BU-1-A

Subject Property:

Parcel ID# 26-36-10-06-A-2

Tax Acct.# 3011490

Location: Northeast corner of Murrell Road and Crane Creek Boulevard

Address: 6865 Murrell Rd.

Acreage: 3.66

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	Institutional (Low) IN(L)	Restricted Neighborhood Commercial (BU-1-A)
Potential*	Any Institutional (Low) Use: IN(L) limits Development to 1,766 Trips Regardless of Use	31,886 sq. ft.
Can be Considered under FLU MAP	YES IN(L) in Neighborhood Commercial	YES BU-1-A in Neighborhood Commercial

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

	ADT	PM PEAK		
Trips from Existing Zoning	1,766	159	Segment Number	215A
Trips from Proposed Zoning	1,362	118	Segment Name	Murrell Road Spyglass - Viera Blvd.
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	17,225	1,550	Directional Split	0.5
Volume With Proposed Development	18,587	1,668	ITE CODE	
Current Volume / MAV	43.28%	43.28%	820	
Volume / MAV with Proposal	46.70%	46.57%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is requesting a change of Zoning classification from Institutional Low (IN(L)) to Restricted Neighborhood Commercial (BU-1-A) for the purpose of constructing a commercial real estate sales and development company regional headquarters on vacant land that was previously platted (**15SD00008, recorded 08/21/2015**), cleared, and graded for use as an Assisted Living Facility (ALF).

The property was zoned IN(L), designed and land prepared to be developed along with the property to the north. The property to the north is utilized as a 47,185 square foot Shellbrooke Assisted-Care Living Facility. The subject property was planned for similar development under the same site plan Shellbrooke (**14SP-00851, 02/08/2016**), but the planned structure was not developed and changes in market conditions resulted in the property owner marketing the property for neighborhood commercial uses. The IN(L) zoning classification does not permit such uses, but BU-1-A does permit them and BU-1-A is a permitted Zoning classification in the Neighborhood Commercial (NC) Future Land Use (FLU) for which the subject property is currently designated.

Land Use Compatibility

The subject property retains the Neighborhood Commercial (NC) Future Land Use designation.

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

FLUE 2.4 outlines two commercial FLU designations: CC and NC. **FLUE 2.5** does not list permitted uses that are extensive enough to allow BU-1 or BU-2 zoning on land designated NC. The two zonings with commercial uses allowed by NC are BU-1-A and Residential-Professional (RP).

FLUE 2.6 outlines locational and development criteria for NC Uses. This policy limits location of clusters of NC based in part on functional classifications of roads of adjacent intersections. The limited number of parcels developed NC in this area may not constitute a cluster.

FLUE 2.8 outlines locational and development criteria for CC Uses. This criteria limits clusters of CC to a lesser degree than NC. The limitations are also based in part on functional classifications of roads of adjacent intersections. There are no nearby properties with FLU designation of CC.

Utilizing the lot yield estimator, it is estimated that a 31,886 square feet building could be developed on this 3.66 acre or 159,430 square foot property. If 31,886 square feet of the subject property is developed, the resulting FAR would only be 0.2.

The square footage utilized for traffic concurrency is the 31,866 square feet generated by the lot yield estimator estimation and is projected to generate 1,374 Average Daily Trips (ADT) and 119 PM Peak-Hour trips. These additional trips added to the current trips still has Murrell Road at less than 50% of potential capacity and would maintain the existing Level of Service (LOS) of C at a level well above the adopted LOS of D.

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.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

The applicant has additionally submitted an environmental assessment titled Phase I Environmental Assessment 6865 Murrell Road, Melbourne, FL 32940 prepared for Watson Commercial Realty, Inc. by B.S.E. Consultants,

Inc., which addresses a variety of natural resources issues for the subject property, including section "5.9 WETLANDS" on page 14.

Applicable Land Use Policies

This property has a Neighborhood Commercial (NC) Future Land Use Designation and has approximately 375 feet of frontage on Murrell Road and 800 feet of frontage on Crane Creek Boulevard. The adjacent parcel to the north is zoned IN(L) and is developed as Shellbrooke Assisted-Care Living Facility (ALF). The adjacent parcel to the south is zoned Planned Unit Development (PUD) and is developed as a place of worship called The Prince of Peace Anglican Church. The adjacent parcel to the east is zoned IN(L) and is a vacant portion of the same lot as the parcel to the north on which Shellbrooke ALF is developed. The property catty-corner to the southeast across Murrell Rd. is zoned PUD and is a vacant parcel in the Viera South PUD. The property directly across Murrell Rd. is zoned RU-1-11 and is developed as Single-Family Residential.

The approved site plan will need to be revised prior to obtaining a building permit to develop the site. The approved site plan provided direct access to Murrell Road to the north that was to be shared with Shellbrooke. It is still important for the subject site to access Murrell Road with shared ingress/egress through the Shellpoint driveway, but unclear at the time of this writing whether a shared access agreement is being executed in conjunction with the ownership transfer of the property. The ALF to the north would benefit from having connectivity to Crane Creek Boulevard as it does not currently have full access on Wickham Road. The site plan also provided for two driveways accessing Crane Creek Boulevard to the south, the westernmost of which is opposite a median and restricted to right-in/right-out. Access management will be reviewed at site plan.

There has only been one Zoning action in the last three (3) years within a half mile of the subject property and it is **15PZ00077**, adopted 02/04/2016 that changed the Zoning classification from IN(L) to PUD on 3.19 acres in the northeast corner of the approximately 20 acres with NC FLU on northeast corner of Murrell Rd. and Crane Creek Blvd. This property is developed as a golf course clubhouse and recreation facility that supports the residential PUD of which it is a part.

BU-1-A

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. Conditional uses such as child care centers and private clubs are also permitted in this classification.

IN

IN(L) is an institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

PUD

The Planned Unit Development (PUD) is a concept which encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses.

For Board Consideration

The applicant is seeking a change of Zoning classification from Institutional Use – Low Intensity (IN(L)) to Restricted Neighborhood Commercial (BU-1-A) on a 3.66 acre parcel of land for the purpose of developing an office building for a commercial real estate investment and development company.

Staff Comments: Page 4

(18PZ00126)

01/07/19 PZ // 02/07/19 BCC

The Board should consider whether the proposal is consistent and compatible with nearby residentially zoned property to the east and southeast and with adjacent and nearby church and assisted living facility institutional uses.

Cross-access to the abutting property to the north is platted as an easement. Access to Crane Creek Boulevard was also previously approved, but will need to be re-reviewed at site plan. The Board may wish to consider restricting direct access to Murrell Road to ensure that appropriate access management and cross-connectivity is maintained if the parcel were to be subdivided in the future.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY**

Item #: 18PZ00126 Zoning Request: IN(L) to BU-1-A P&Z Hearing Date: 1/07/19	Applicant: William Watson – Watson Realty Corp. BCC Hearing Date: 2/07/19
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This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 26, Rng. 36, Sec. 10;
Tax ID No. 3011490**

The subject parcel contains mapped hydric soils (Pompano sand 0 to 2% slopes) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator 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). Murrell Road is an MQR. The applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any wetland impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

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.

The property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

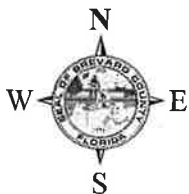
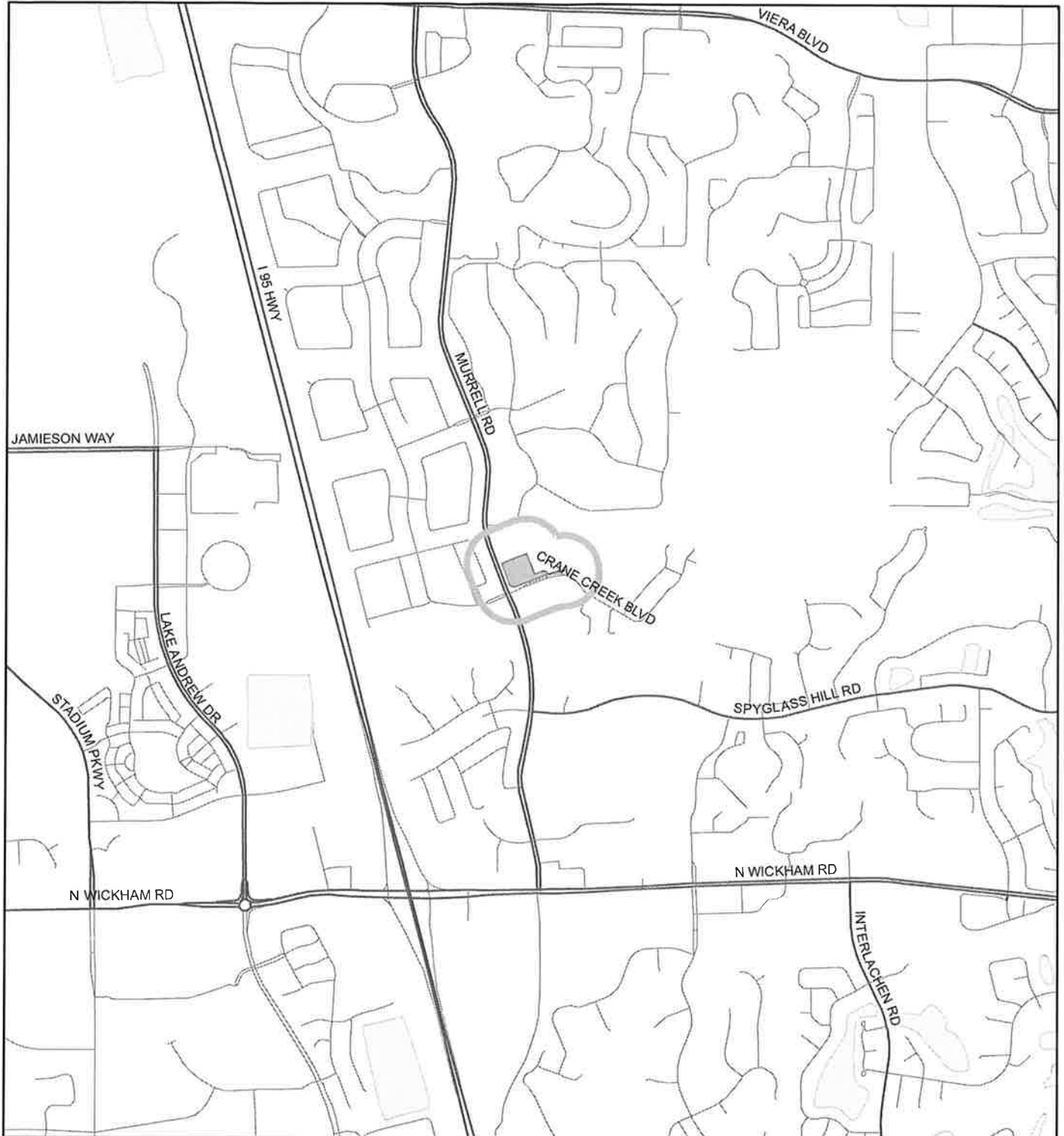
Staff Comments: Page 6
(18PZ00126)
01/07/19 PZ // 02/07/19 BCC

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.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

LOCATION MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC
18PZ00126



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

Buffer Distance: 500 feet

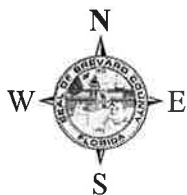
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/5/2018

— Buffer
■ Subject Property

ZONING MAP




MARKET STREET VIERA SENIOR REAL ESTATE, LLC
18PZ00126



1:4,800 or 1 inch = 400 feet

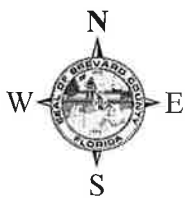
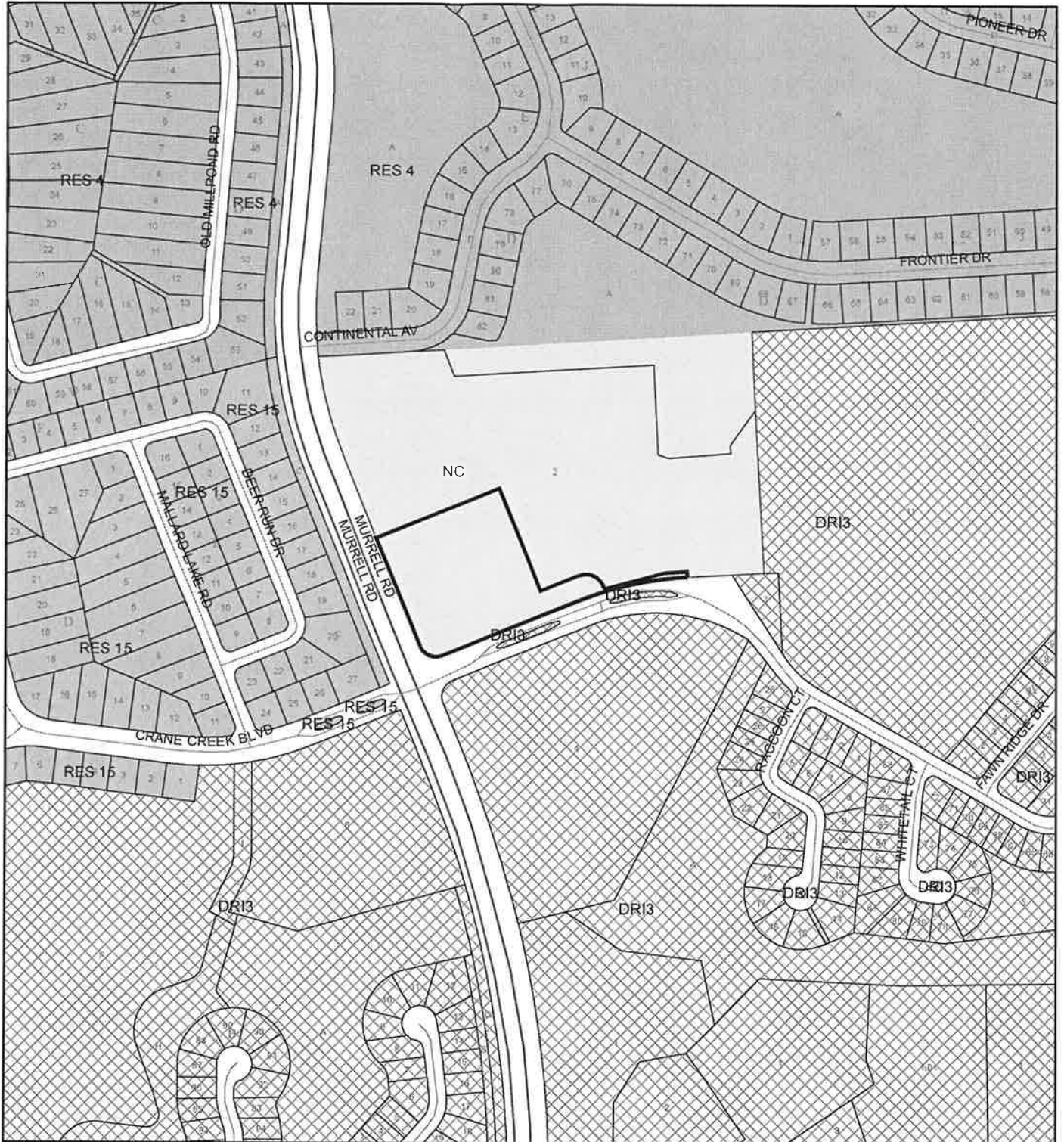
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 11/5/2018

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC
18PZ00126



1:4,800 or 1 inch = 400 feet

Subject Property
 Parcels

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AERIAL MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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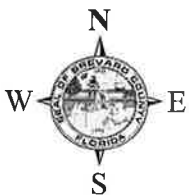
— Subject Property

□ Parcels

NWI WETLANDS MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

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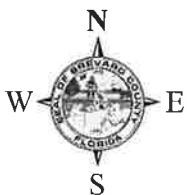
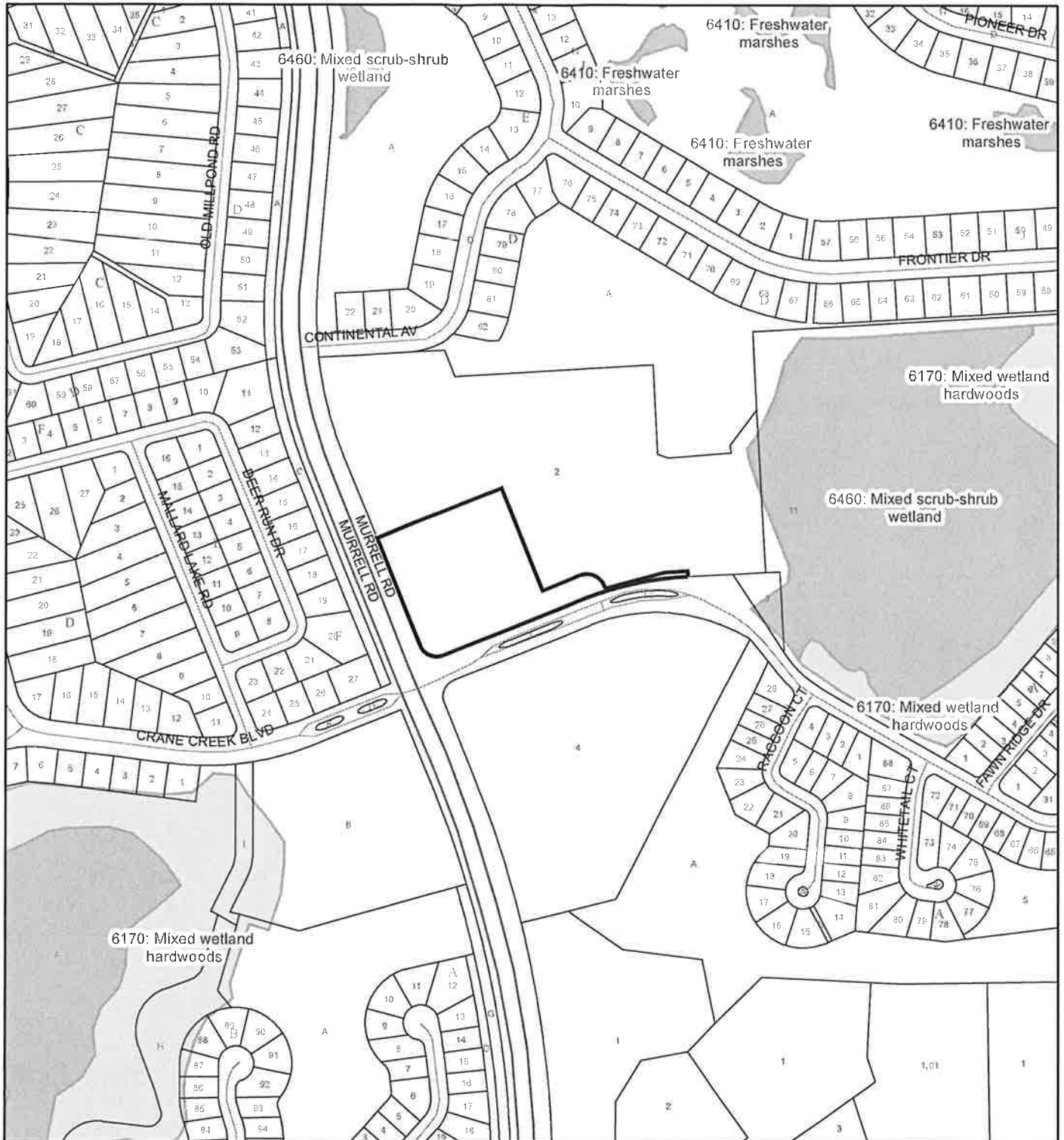
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

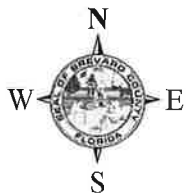
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/5/2018

USDA SCSSS Soils

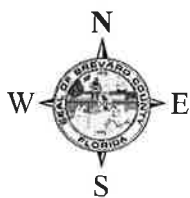
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

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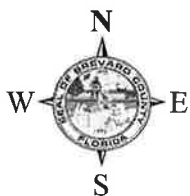
Produced by BoCC - GIS Date: 11/5/2018

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	

EAGLE NESTS MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC
18PZ00126



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/5/2018

- Subject Property
- Parcels
- N

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC




18PZ00126



1:4,800 or 1 inch = 400 feet

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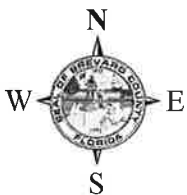
Produced by BoCC - GIS Date: 11/5/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MARKET STREET VIERA SENIOR REAL ESTATE, LLC

18PZ00126



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/5/2018

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, January 7, 2019**, 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 by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales, Brian Hodgers, Ben Glover; Ron McLellan; Scott Langston; Mark Wadsworth; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner II; Darcie McGee, Assistant Director, Natural Resources Management; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, February 7, 2019, at 5:00 p.m.

Excerpt from complete minutes.

9. Market Street Viera Senior Real Estate:

(William Watson Jr.) requests a change of zoning classification from IN(L) (Institutional Use, Low Intensity) to BU-1-A (Restricted Neighborhood Commercial). The property is 3.66 acres, located on the northeast corner of Murrell Road and Crane Creek Boulevard. (6865 Murrell Road, Viera) (18PZ00126) (District 4)

Phil Nohrr – My name is Phil Nohrr, 1795 West Nasa Boulevard, Melbourne. We're here today to request a rezoning from an Institutional, Low Intensity, zoning, to BU-1-A. Originally, this property was designed with the idea that it was going to be part of an extension of an assisted living facility, which is our neighbor immediately to the north. That has not worked out well, and as a result of that, we are seeking a change of use of the property to bring in someone that is the largest real estate facility in the north and central part of Florida, Watson Realty. The use of the property is going to be not only for selling real estate, it's going to be all inclusive and include things like mortgages, title insurance, insurance, and it will cover the spectrum of someone coming into the area and looking for help in real estate development. They are already in the area, on Wickham Road, they have been a good neighbor and we believe they will be a good neighbor in the future. As important as that is, our property owner to the immediate north is in favor; they are the seller; and they look forward to this possible rezoning. With me today are two of the principals of Watson Real Estate, and they can answer more specific questions. There is nothing in the staff comments that indicates it is not compatible; there is plenty of access; there is access on Murrell, and there's access on Crane Creek Boulevard, so we think this particular parcel will fit this use very well. I'd be happy to answer any questions you have; otherwise, I'd request that you approve this rezoning.

No public comment

Rochelle Lawandales – Erin, in the staff comments you talked a little bit about access management and cross access. Do you feel there's a problem with accessing Crane Creek Boulevard?

Erin Sterk – We just wanted to ensure that because of the limited opportunities to make a left coming out. If there wasn't access provided to the north through a cross access easement, then there may be potential for a request for a driveway cut onto Wickham Road, and that would be a right-in/right-out

situation, so we're just commenting on that. They've reviewed the plat, which evidently we missed when compiling our staff comments, and there is platted cross access to that site to the north, so turning should be covered.

Rochelle Lawandales – I make a motion to approve.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.