



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

8/1/2024

### Subject:

Paul Turner & Jackie Allen (Eddie Small) requests a Small-Scale Comprehensive Plan Amendment (24S.03), to change the Future Land Use designation from RES 2 to NC. (24SS00003) (Tax Account 2104754) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small-Scale Comprehensive Plan Amendment (24S.03) to change the Future Land Use designation from RES 2 (Residential 2) to NC (Neighborhood Commercial).

### Summary Explanation and Background:

The request is to amend the Future Land Use (FLU) designation from Residential 2 (RES 2) to Neighborhood Commercial (NC) on 6.92 acres. The applicant proposes to develop a Recreational Vehicle Park (RVP) with 69 lots.

The property was developed as an auto body and paint shop. The subject property has access to N. Highway 1, which is maintained by Florida Department of Transportation.

The purpose of the requested NC is predicated on the locational standards of the requested RVP zoning, Sec. 62-1406(6)(c)(1), which requires access to interstate interchanges via arterial and principal collector transportation corridors. N. Highway 1 is classified as an arterial roadway.

A companion application, 24Z00008, if approved, would amend the zoning classification from RU-2-10 (Cap of 5 dwelling units per acre) (Medium Density Multi-Family Residential) to RVP (Recreational Vehicle Park) with a BDP. The BDP limits the density to 10 units per acre and is included with the rezoning request.

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation. To the east is the 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation. To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation. To the west is a half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation.

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

On July 22, 2024, the Planning and Zoning Board/Local Planning Agency heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

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



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

August 2, 2024

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.1., Small Scale Comprehensive Plan Amendment (24S.03)

The Board of County Commissioners, in regular session on August 1, 2024, conducted the public hearing and adopted Ordinance No. 24-17, setting forth the seventh Small Scale Comprehensive Plan Amendment of 2024 (24S.03) to change the Future Land Use designation from RES 2 (Residential 2) to NC (Neighborhood Commercial). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

ORDINANCE NO. 24-17

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2024, 24S.03, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2024 as Plan Amendment 24S.03; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 24.03; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and  
Officially filed with the Secretary of State on August 7, 2024.

WHEREAS, on July 22, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.03, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 1, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 24S.03; and

WHEREAS, Plan Amendment 24S.03 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.03 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 24S.03 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 24S.03, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

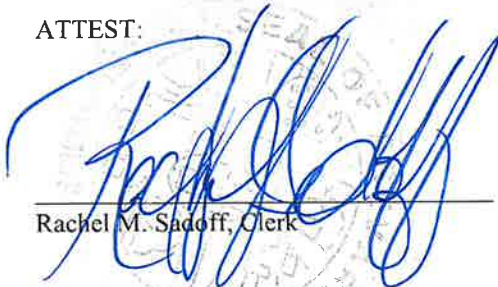

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.


Section 6.        Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Florida Department of Commerce, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this first day of August, 2024.

ATTEST:

  
\_\_\_\_\_  
Rachel M. Sadoff, Clerk  


BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
for Jason Steele, Chair

As approved by the Board on August 1, 2024.

**EXHIBIT A**  
**24S.03 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

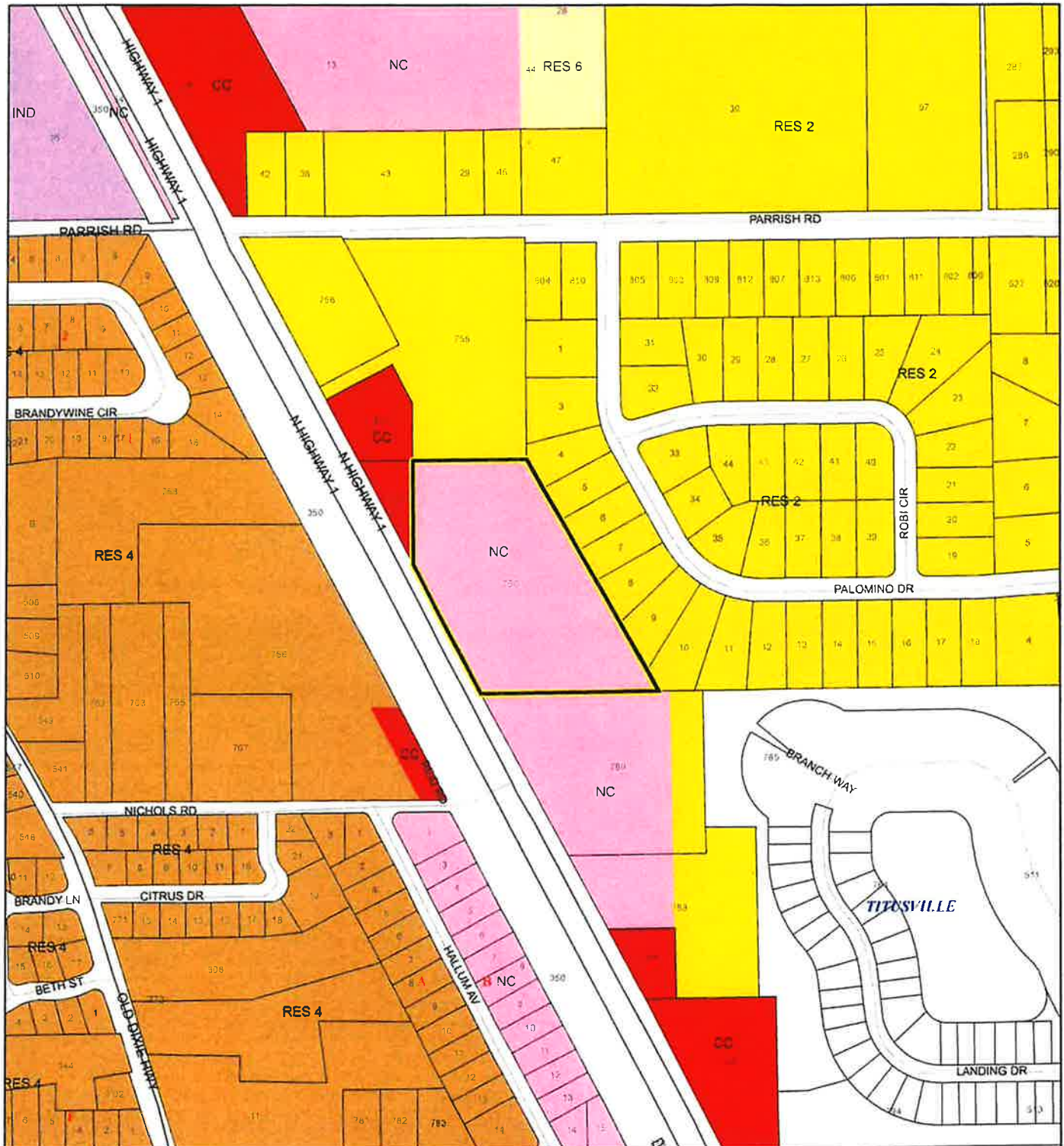
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

TURNER, PAUL J

24SS00003



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: 7/29/2024



## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 20 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY FLORIDA.

AND

ALL OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE, ALL OF THE LAND DESCRIBED IN QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 1734, PAGE 728; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1579; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350 , PAGE 1580; AND QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1562. AND ANY LAND LYING IN THE PLAT OF THE BRADY GROVE PARK – SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS DESCRIBED IN PLAT BOOK 29, PAGE 91, ALL IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

August 8, 2024

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

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 24-17, which was filed in this office on August 7, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/wlh

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

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

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

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



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

(c) General Standards of Review.

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

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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 24S.03 (24SS00003)*  
**Township 21, Range 35, Section 20**

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**Property Information**

**Owner / Applicant: Paul Turner & Jackie Allen**

**Adopted Future Land Use Map Designation: Residential 2 (RES 2)**

**Requested Future Land Use Map Designation: Neighborhood Commercial (NC)**

**Acreage: 6.92 acres**

**Tax Account #: 2104754**

**Site Location: East of N. Highway 1, approximately 1,120 feet south of Parrish Rd.**

**Commission District: 1**

**Current Zoning: RU-2-10(5)**

**Requested Zoning: RVP with a Binding Development Plan (BDP)**

**Background & Purpose**

The request is to amend the Future Land Use (FLU) designation from Residential 2 (RES 2) to Neighborhood Commercial (NC) on 6.92 acres. The applicant proposes to develop a Recreational Vehicle Park (RVP) with 69 lots.

The property was developed as an auto body and paint shop. The aerial map indicates that the property is not being used in that capacity. The subject property has access to N. Highway 1, which is maintained by Florida Department of Transportation.

The purpose of the requested NC is predicated on the locational standards of the requested RVP zoning, Sec. 62-1406(6)(c)(1), which requires access to interstate interchanges via arterial and principal collector transportation corridors. N. Highway 1 is classified as an arterial roadway.

In 1988, Brevard County Comprehensive Plan went into effect, applying the RES 2 Future Land Use to the subject property and the surrounding area to the east. According to BCPAO, the structures on the property may have been established in

1958, prior to FLU designation. The subject property retains the 1988 adopted Future Land use designation of Res 2.

In addition to the permitted residential development, NC also permits development activities which are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following: a) Professional offices (no drive through lanes permitted); b) Personal Services (no drive through lanes permitted); c) Convenience stores (no drive through lanes permitted); d) Residential uses; e) Institutional uses; f) Recreational uses; g) Public facilities; and h) Transitional uses pursuant to Policy 2.12.

A companion application, **24Z00008**, if approved, would amend the zoning classification from RU-2-10 (Cap of 5 dwelling units per acre) (Medium Density Multi-Family Residential) to RVP (Recreational Vehicle Park) with a BDP (Cap of 10 units per acre). A BDP limiting the density to 10 units per acre is included with the rezoning request,

There are no active code enforcement cases associated with the subject property.

The subject parcel's RU-2-10(5) zoning classification (requires minimum lot sizes of 7,500 square feet) is not consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

### **Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
North	Vacant land	AU	RES 2
South	Vacant land	AU	NC
East	Single-family mobile home	TR-2	RES 2
West	Automotive repair shop	BU-1	CC

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation.

To the east is a 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation.

To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation.

To the west is a half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation;

The County's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the FLUM.

### **Comprehensive Plan Policies/Comprehensive Plan Analysis**

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

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

### **Residential Land Use Designations**

#### **Public Facilities and Services Requirements**

##### **Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

##### **Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

**The roadway segment of US-1 from Dairy Rd. to SR 46 is maintained by Florida Department of Transportation (FDOT). Coordination with FDOT will be required during the site plan review stage.**

**The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in the transportation LOS.**

**The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville.**

**Drainage and recreational facilities will be reviewed at the site plan review stage for compliance with County regulations.**

- B. Fire and police protection and emergency medical services to serve the needs of the associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the

'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

**A fire department level of service analysis will be conducted at the site plan review stage.**

- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

**The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.**

**Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".**

**Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.**

**The subject property is located within the North Indian River Lagoon Basin Management Action Plan.**

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**Availability of potable water and sanitary sewer service capacity has been provided by The City of Titusville.**

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.



**This FLU amendment request to NC will allow for a density of ten (10) units per acre under the RVP zoning classification if approved which will require centralized potable water connection.**

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's MSTU's and other means through which the recipients pay for the service or facility.

**The request is not for Residential, 2, Residential 1, or Residential 1:2.5 land use designations.**

### **Policy 2.6**

Locational and development criteria for neighborhood commercial land uses are as follows:

#### **Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.

**The subject property is located on an urban principal arterial. The closest collector/arterial intersection, N. Highway 1 and Parrish Road, is located approximately 1,120 feet north of the subject property. The site is not located at a collector/collector or collector/arterial intersection.**

- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development; if the area has an established commercial character; and if they are consistent with the other applicable policies of this Comprehensive Plan.

**The subject property does not meet this criteria because it is not located along SR A1A of Melbourne Beach.**

- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

**The subject property does not meet this criteria because not located at an intersection and is less than 8 acres.**

- D. Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.

**The subject property does not meet this criteria. Along N. Highway 1 corridor, there are varying clusters of NC FLU designations. Clusters include; 5.5 acres of undeveloped area abutting the south property line, 65 acre cluster less than one half mile to north. And two other clusters of NC FLU designations are located across N Highway 1 along the corridor.**

- E. The gross floor area of neighborhood commercial complexes should not exceed a Floor Area Ratio (FAR) of 0.75.

**A commercial site plan has not been submitted with this request.**

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

**The proposed recreational vehicle park has access to an interstate interchange via arterial and principal collector transportation corridor. N. Highway 1 and State Road 46 are both classified by SCTPO as an urban principal arterial roadway. The closest interstate interchange is located approximately 2.75 miles northwest of the subject property which can be accessed via N. Highway 1 and State Road 46.**

## **Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

### **Policy 2.10**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

**Based on staff analysis, the closest residential density on the same side of the street is Res 2. Based on this policy, Res 4 would be appropriate. Increases in density beyond this allowance may be considered through a public hearing. In this case, the Board may consider 10 units/ac to coincide with the allowances in the RVP zoning classification.**

**Criteria:**

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**It is not anticipated that neo-traditional neighborhood development techniques will be used here.**

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**Residential density bonuses are not being requested.**

**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;

**Hours of operation, lighting and placement of individual lots has not been established. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning and Future Land Use change be approved. RVP zoning permits recreational vehicles, tents, park trailers, and cabins.**

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

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

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

1. historical land use patterns;

**There are six (6) FLU designations (RES 6, RES 4, RES 2, CC, NC, and IND) within 0.5 miles of the subject property. Within the half mile of the subject property, commercial and industrial land uses are positioned along the east and west sides of the corridor. The land use then transitions to residential land uses. To the west, within approximately a half-mile of the subject property, across Highway 1, RES 4 encompasses approximately 166 acres. To the east, within a half-mile, RES 2 encompasses approximately 156 acres. NC, CC and IND are located mainly along the highway.**

**Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning. Willow Lakes was developed at 4.94 units per acre.**

**Abutting to the east is Brady Grove Park – Second Addition containing 30.27 acres with RES 2 FLU and TR-2 zoning was developed at 1.45 units per acre.**

**Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.**

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

**There has been no development within Brevard County jurisdiction in the preceding three (3) years. Located southeast of the subject property is a Phase one new single family development within the City of Titusville currently under construction.**

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

**There has not been any development within Brevard County jurisdiction approved but not yet constructed within this area in the preceding three (3) years.**

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

**The request would not 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.

**The proposed use will not directly adversely impact the established residential neighborhood to the east of the subject property. Traffic from the proposed would ingress/egress directly via N. Highway 1. The proposed change would allow commercial use in the future.**

**The proposed development increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review and coordinated through FDOT. This is only a preliminary review and is subject to change.**

- 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.

**There are established platted neighborhood immediately to the east of the subject property, as well as to the northwest and southwest across from US 1. However, subject property is not located in an established residential neighborhood.**

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.

**The subject property is not requesting commercial uses at this time.**

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.

**There have been no commercial, industrial, or other non-residential uses applied for and approved in the previous five (5) years.**

### **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.

**Natural Resources has noted the eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. This property contains Orsino fine sand, classified as an aquifer recharge soil. Which indicates the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Protected and specimen trees and protected species may also be present on the subject property.**

**The above environmental issues may limit development potential of the property.**

### **Concurrency**

The closest concurrency management segment to the subject parcel is US Hwy 1, from Dairy Rd. to SR 46, which has Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 41.49% capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.

No school concurrency information is required. As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to nor more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

## **Environmental Resources**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **Historic Resources**

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

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Land Use Review & Summary  
Item No. 24SS00003**

**Applicant:** Eddie Small (Owners: Paul Turner and Jackie Allen)

**Land Use Request:** RES 2 to RES 15

**Note:** to develop 104 lot RV Park

**LPA Hearing:** 06/10/2024; **BCC Hearing:** 07/11/2024

**Tax ID No.:** 2104754

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

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

**Land Use Comments:**

**Hydric Soils**

The eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8%**



**of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65 3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **Aquifer Recharge Soils**

This property contains Orsino fine sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. **The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.**

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

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely exist on the parcel. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

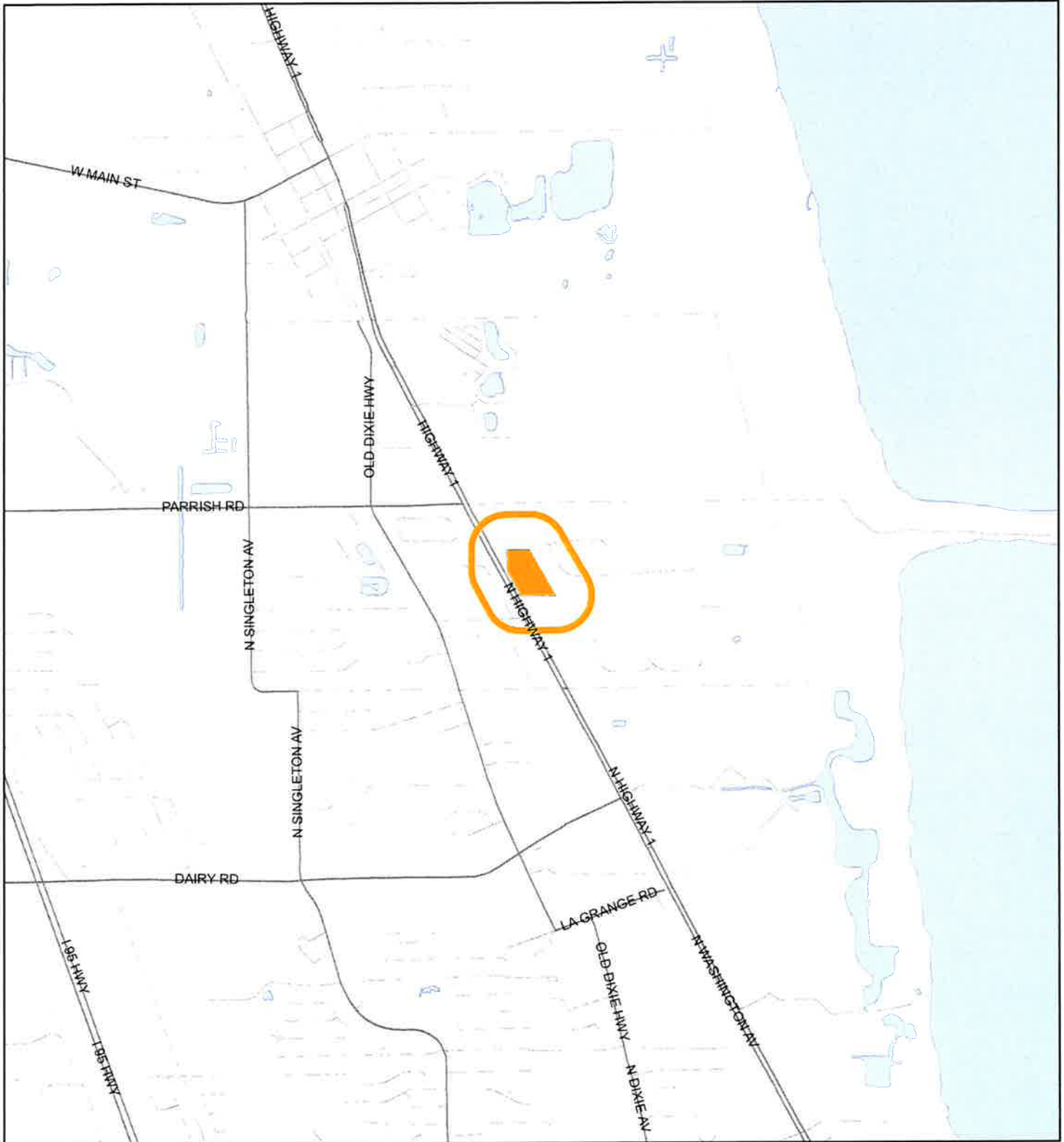
#### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

# LOCATION MAP

TURNER, PAUL J

24SS00003





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.

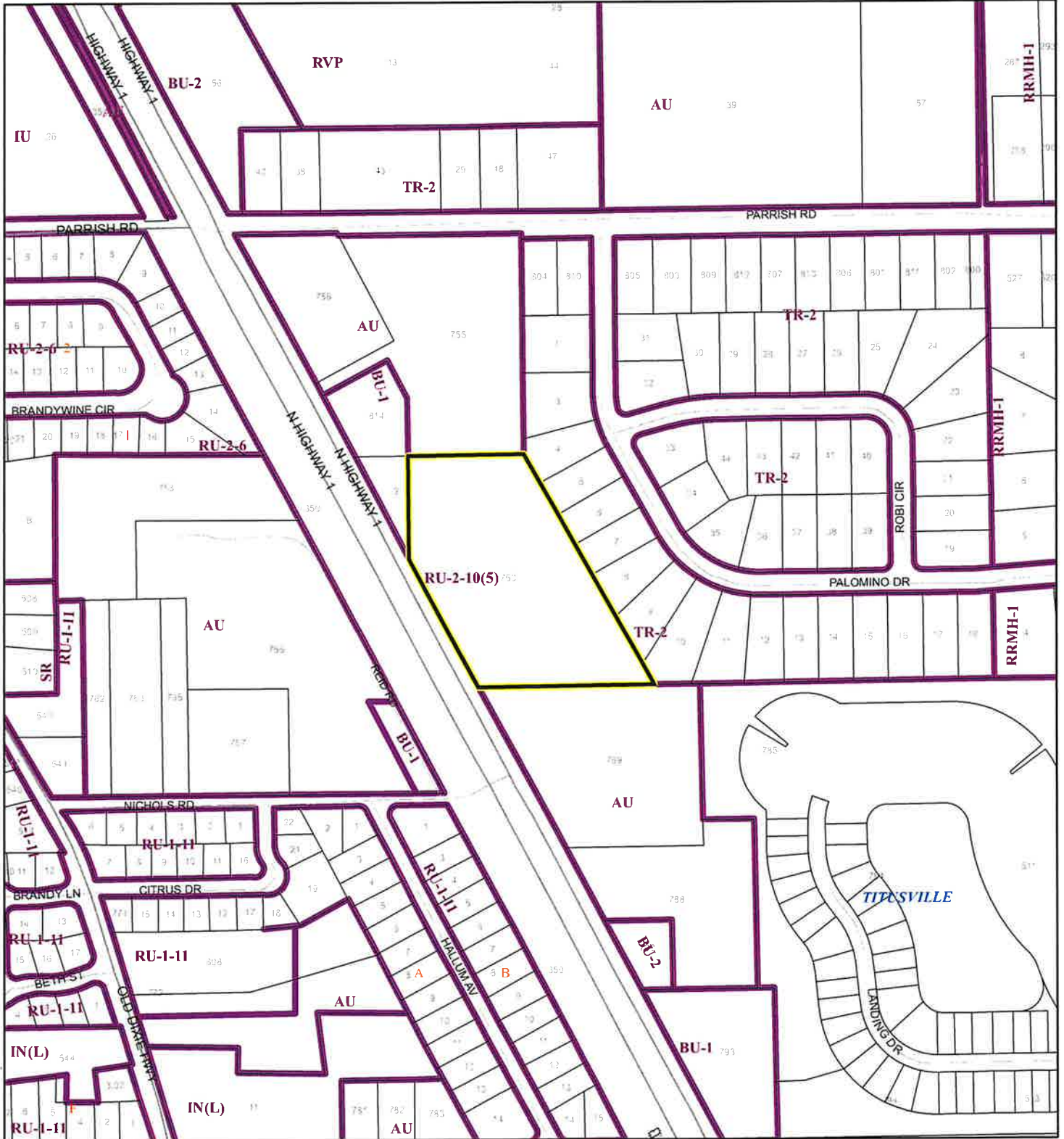
Produced by BoCC - GIS Date: 4/2/2024

-  Buffer
-  Subject Property

# ZONING MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

Subject Property

Parcels

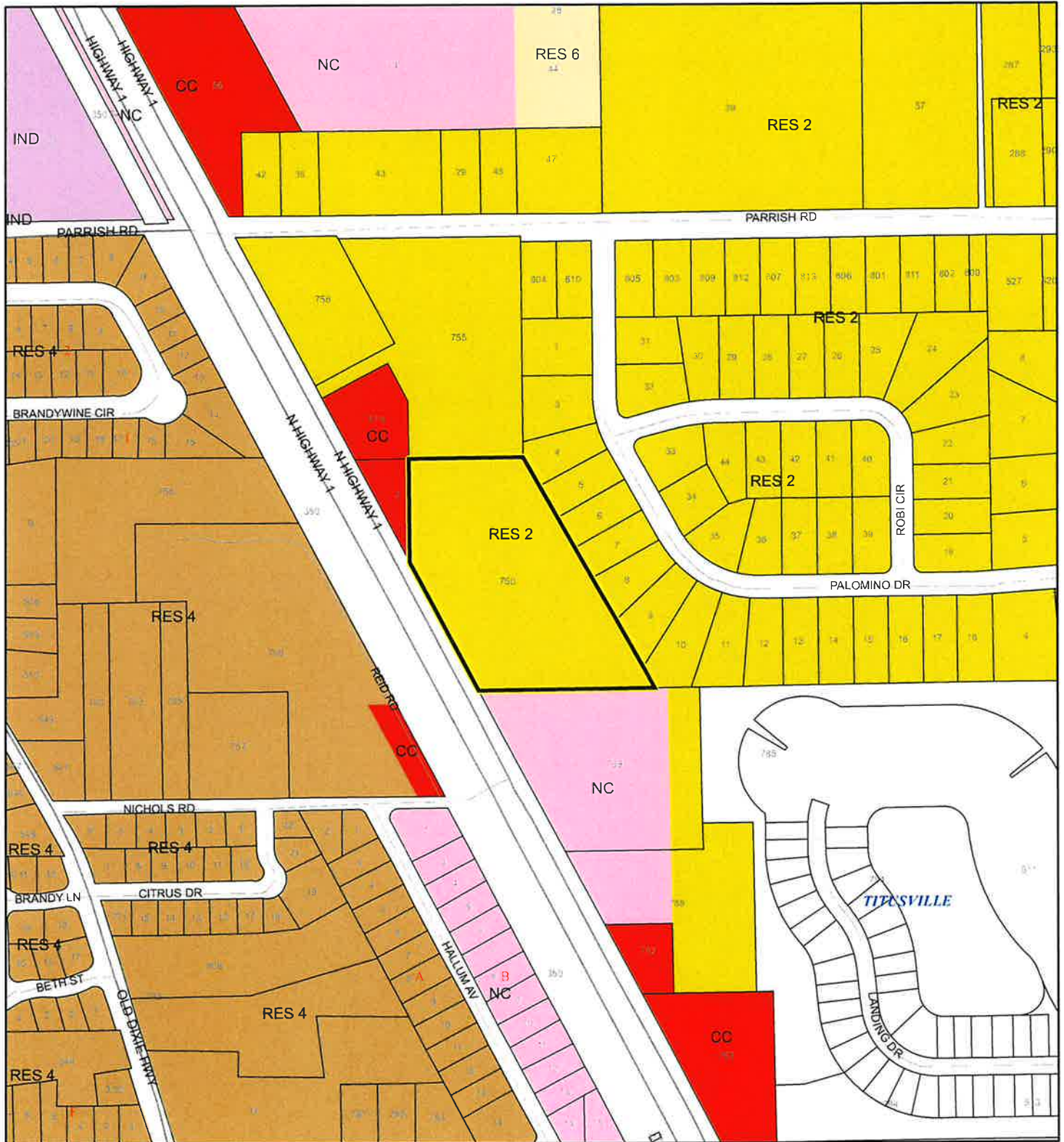
Zoning



# FUTURE LAND USE MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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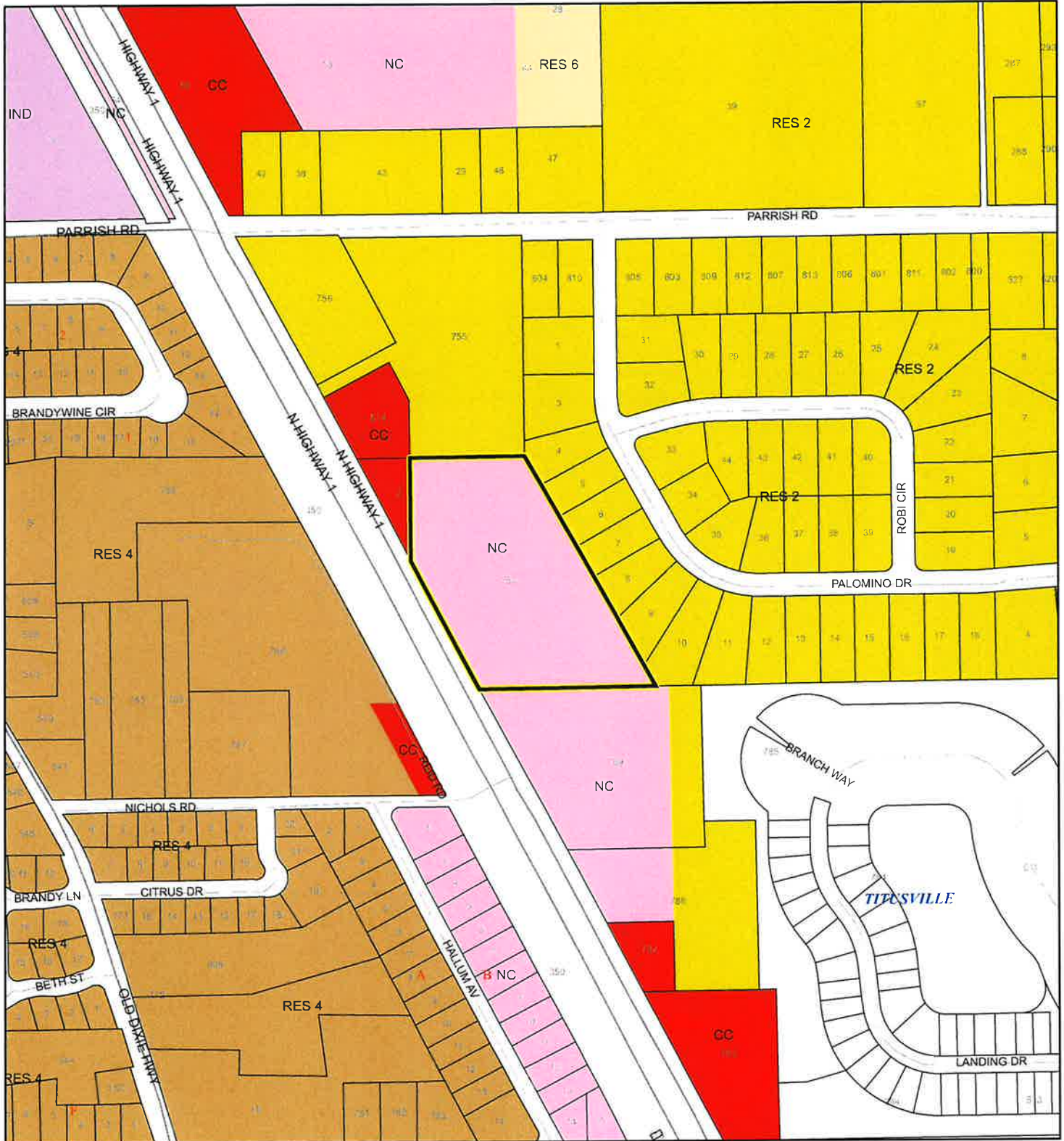
Produced by BoCC - GIS Date: 4/2/2024



# PROPOSED FUTURE LAND USE MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

Subject Property  
Parcels

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# AERIAL MAP

TURNER, PAUL J

24SS00003



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PHOTO YEAR: 2023

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 Subject Property

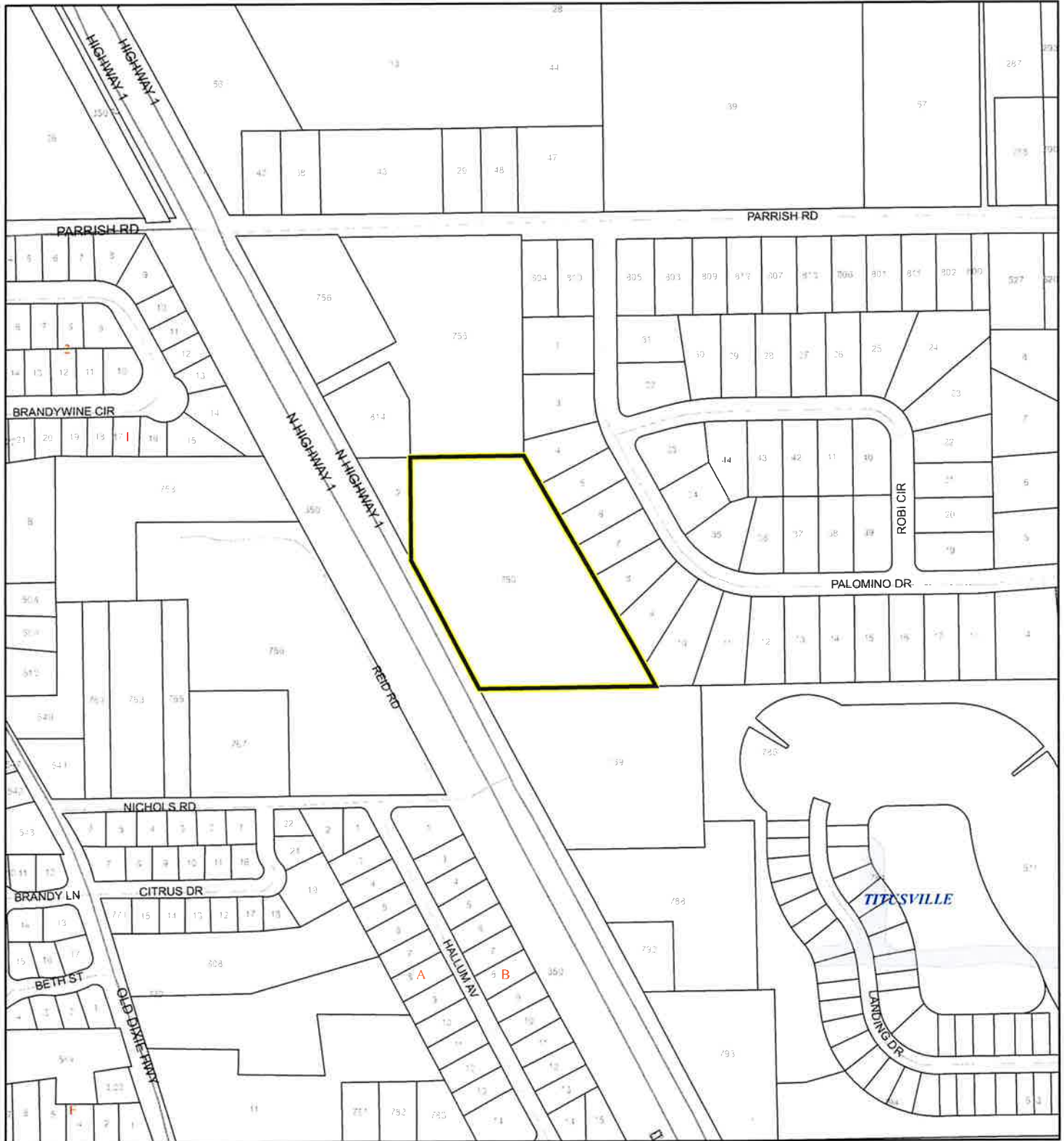
 Parcels



# NWI WETLANDS MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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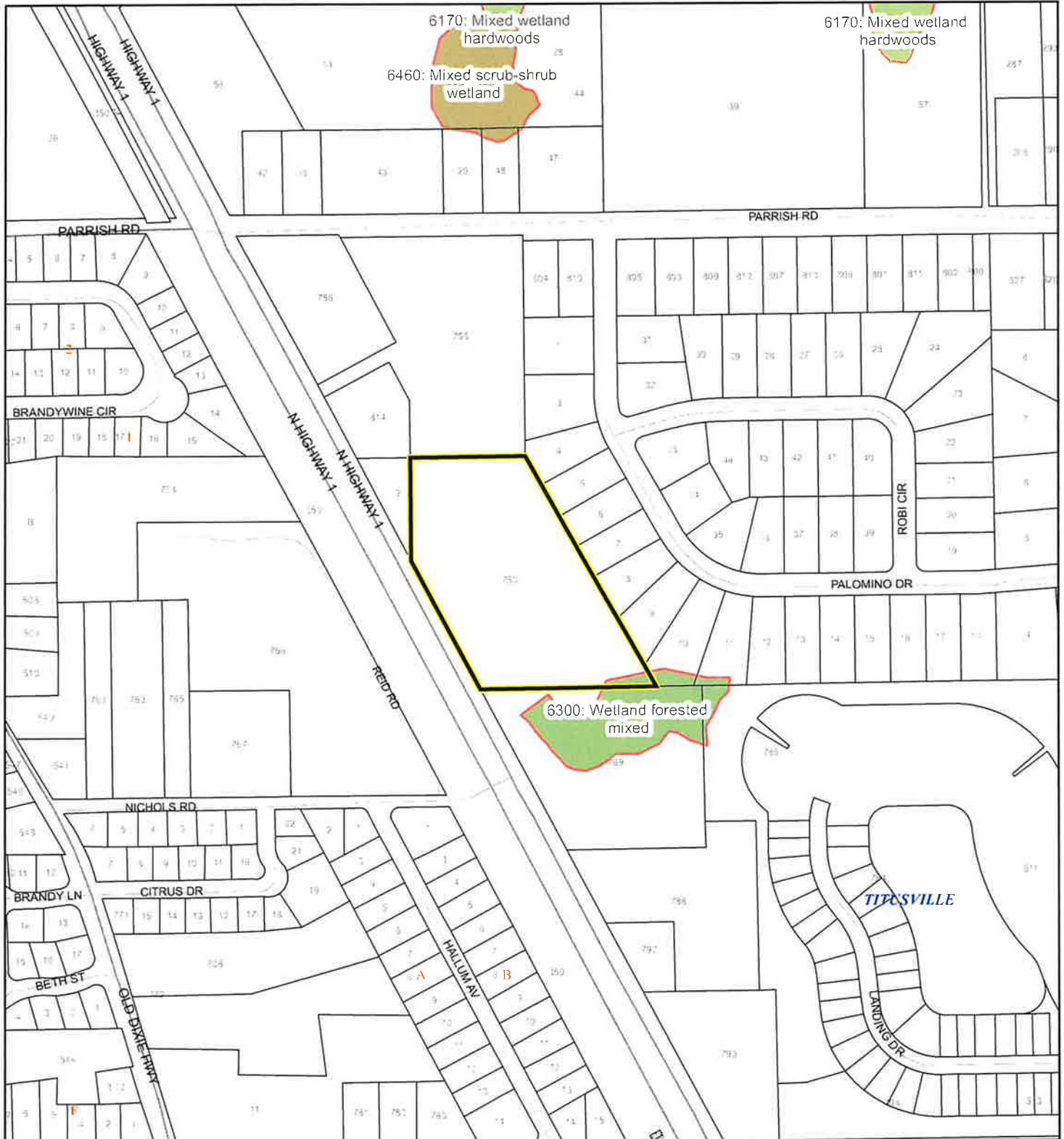
## National Wetlands Inventory (NWI)

- |                                   |                  |
|-----------------------------------|------------------|
| 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

TURNER, PAUL J

24SS00003



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

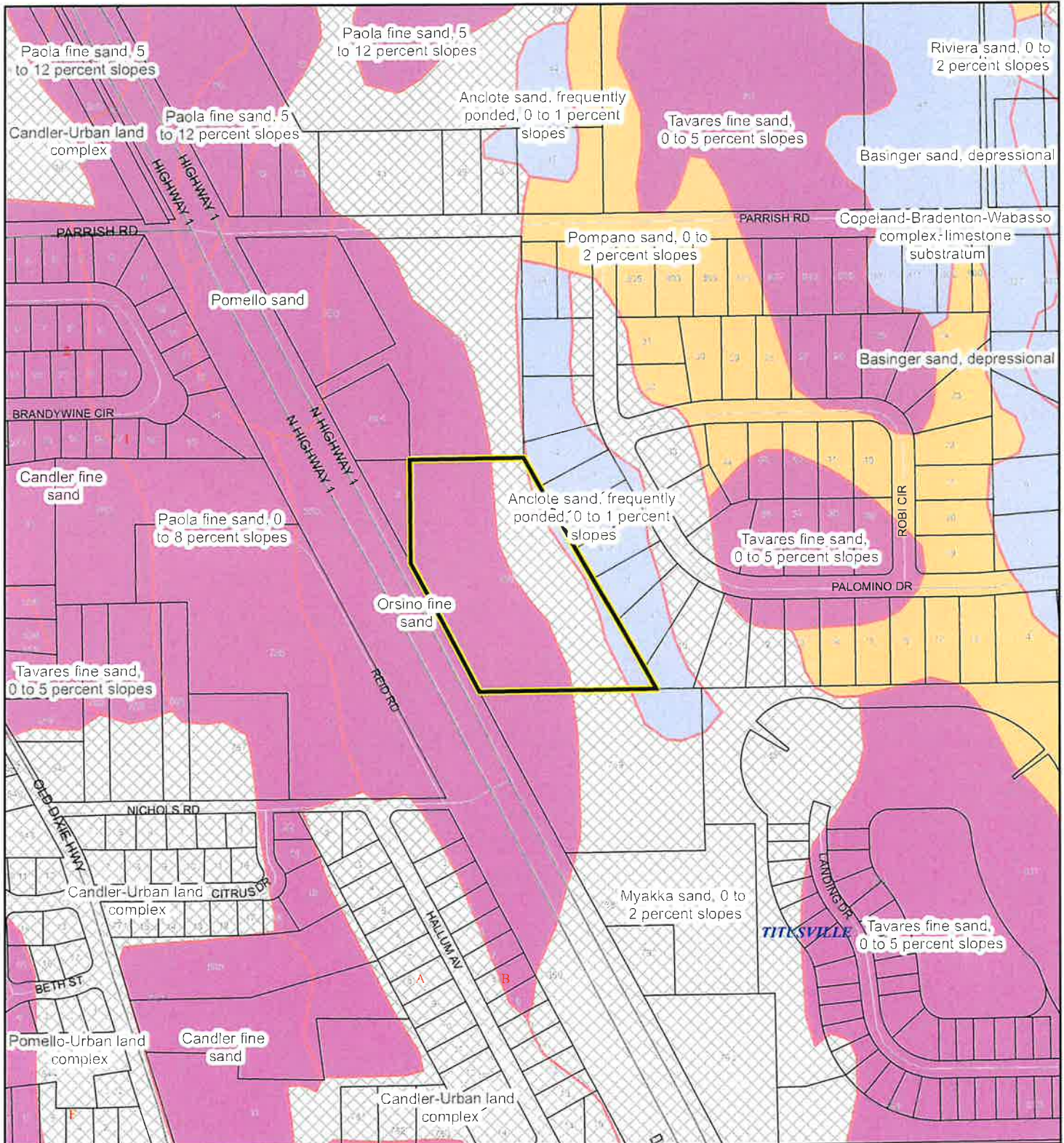
Parcels



# USDA SCSSS SOILS MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

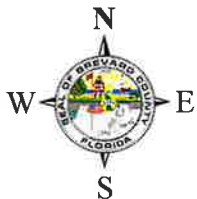
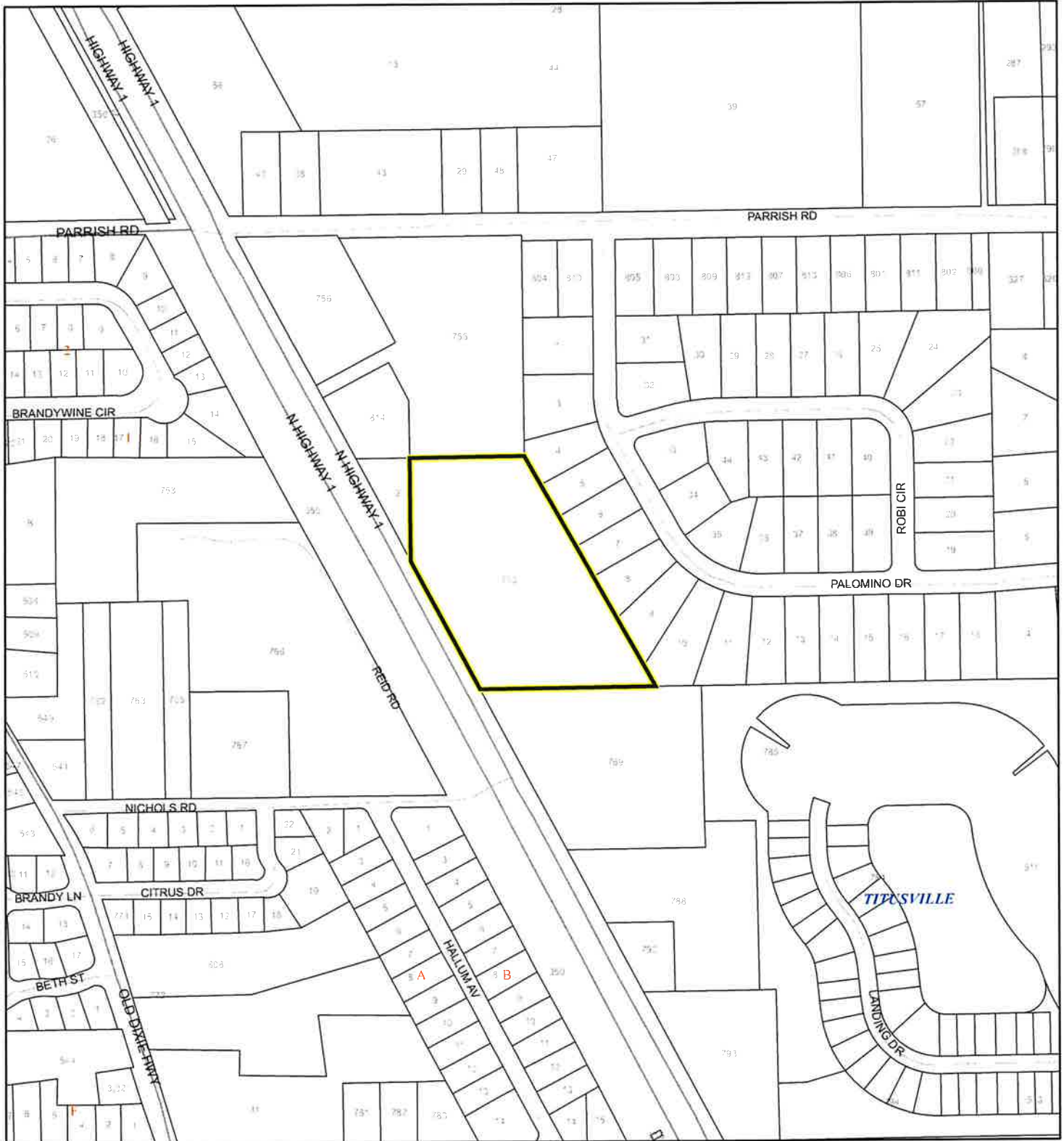
- Subject Property
- Parcels



# FEMA FLOOD ZONES MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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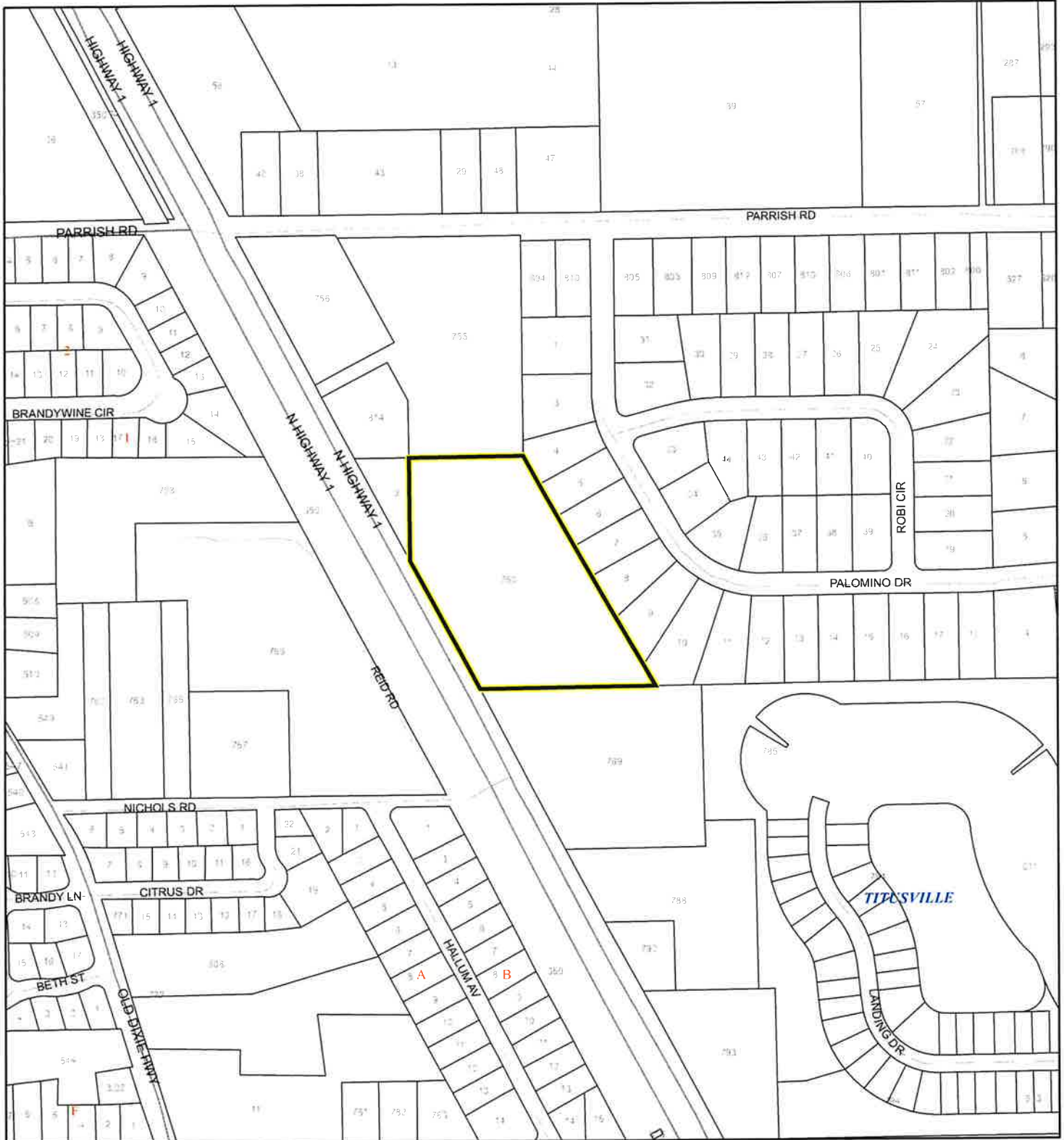
## FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

# COASTAL HIGH HAZARD AREA MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

 Subject Property

 Parcels

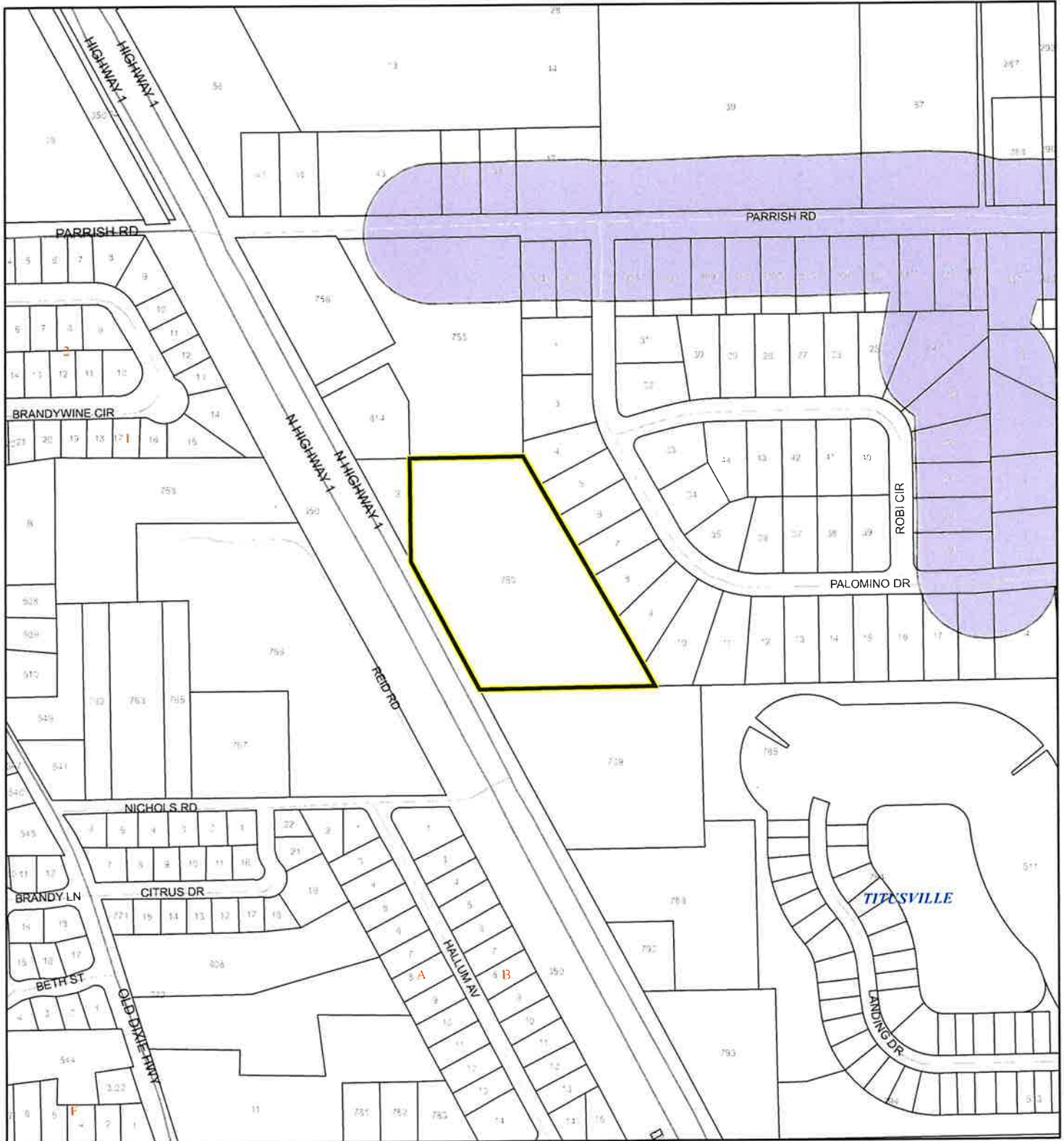
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

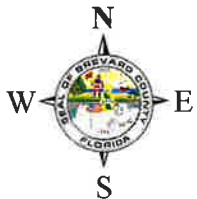
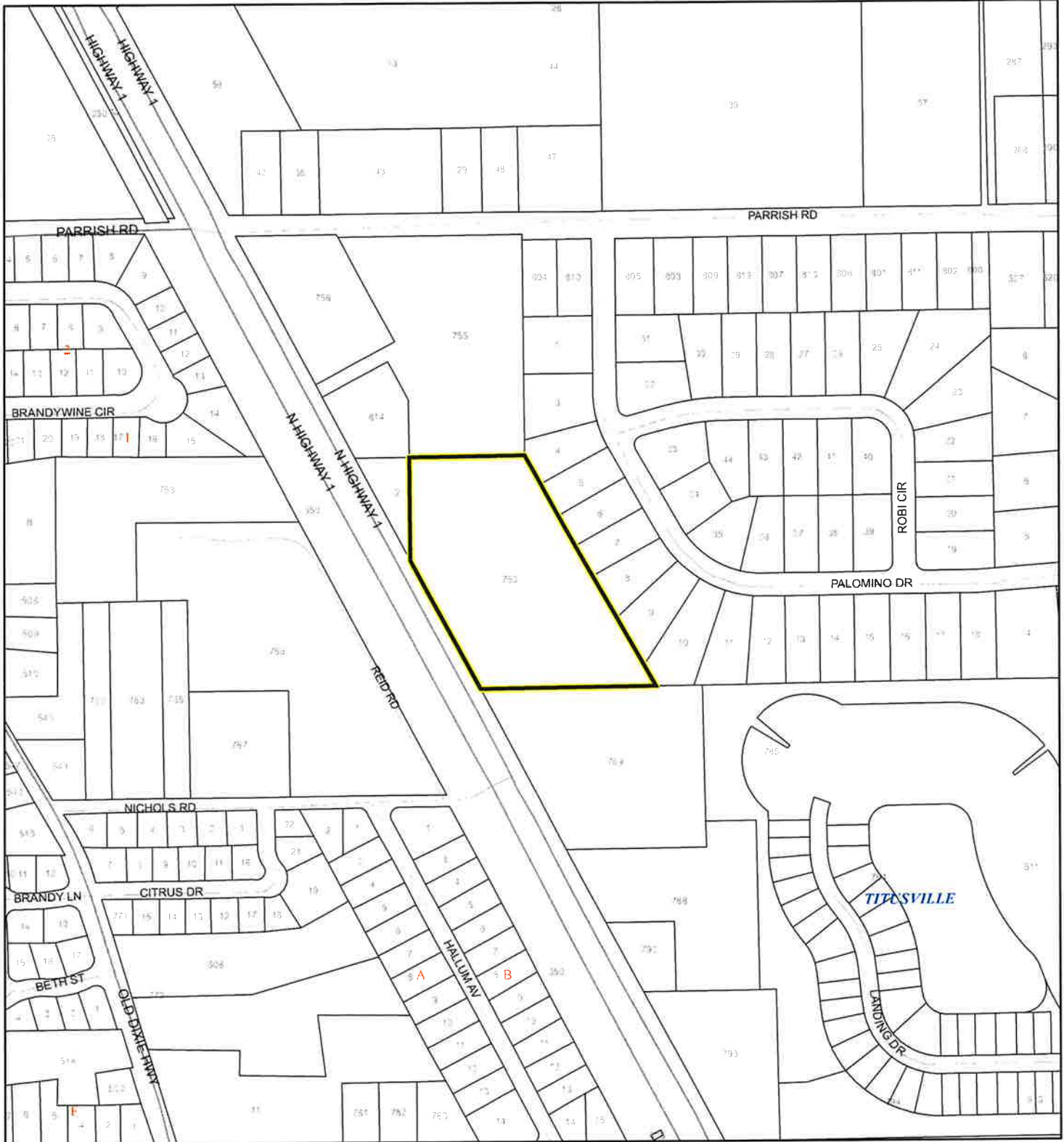
 All Distances



# EAGLE NESTS MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

 Subject Property

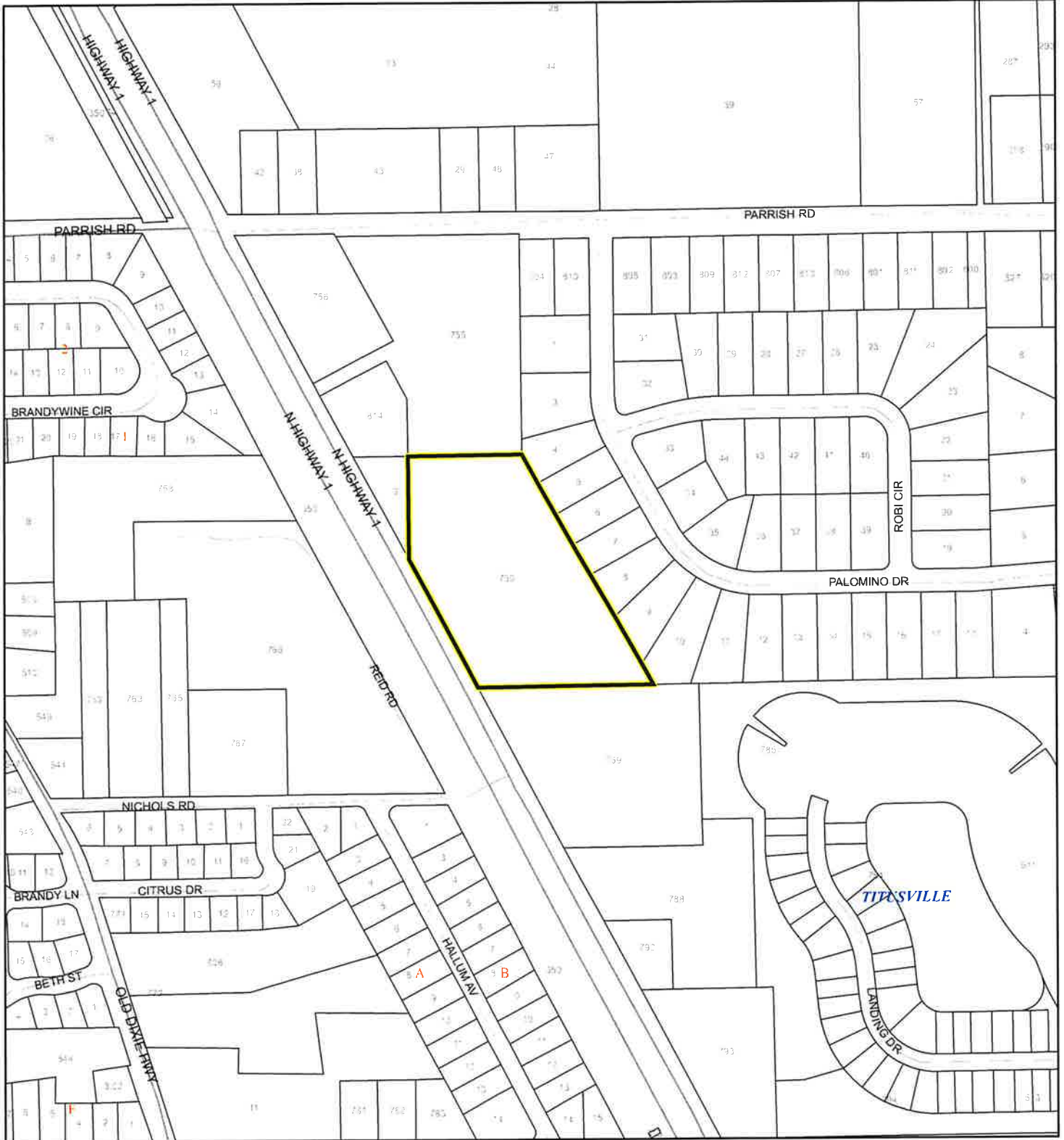
 Parcels

 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

TURNER, PAUL J




24SS00003



1:4,800 or 1 inch = 400 feet

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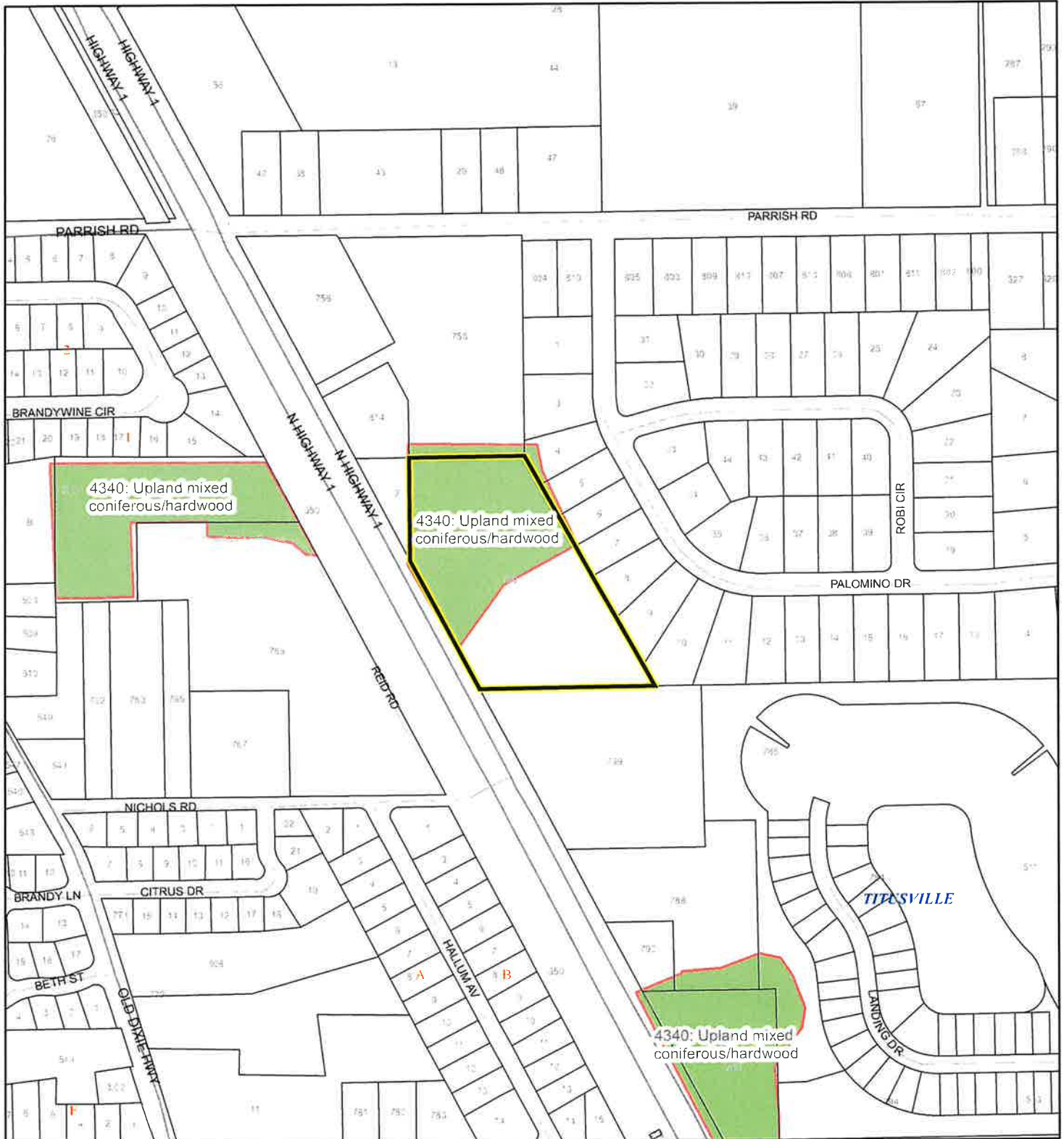
Produced by BoCC - GIS Date: 4/2/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

TURNER, PAUL J

24SS00003



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: 4/2/2024

## SJRWMD FLUCCS Upland Forests

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

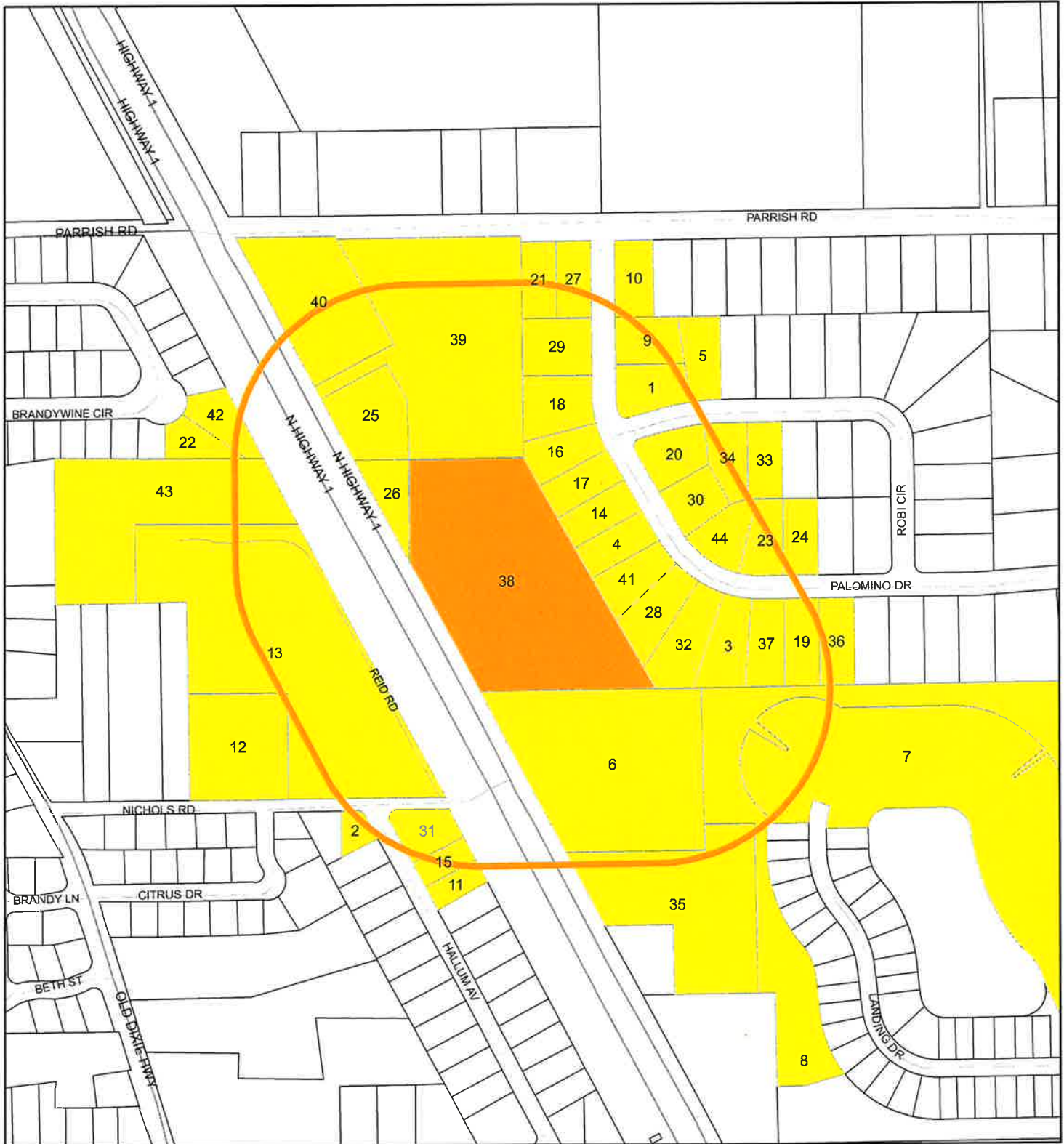
Subject Property  Parcels



# RADIUS MAP

TURNER, PAUL J

24SS00003



1:4,800 or 1 inch = 400 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: 4/2/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 22, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Senior Planner; Paul Body, Senior Planner; George Ritchie, Planner III, and Kristen Champion, Special Projects Coordinator.

### **Excerpt of complete agenda.**

**G.1. Paul Turner & Jackie Allen (Eddie Small)** requests a Small-Scale Comprehensive Plan Amendment (24S.03), to change the Future Land Use Designation from RES 2 (Residential 2) to NC (Neighborhood Commercial), on property described as Tax Parcel 750. The property is 6.92 acres, located east of N. Hwy 1, approx. 1,120 south of Parrish Rd. **(24SS00003)** (1955 N. Highway 1, Titusville. Tax Account 2104754) (District 1) **This item was continued from the June 10, 2024, P&Z/LPA meeting.**

**G.2. Paul Turner & Jackie Allen (Eddie Small)** request a change of zoning classification from RU-2-10(5) (Medium-Density Multiple-Family Residential) to RVP (Recreational Vehicle Park) with a BDP (Binding Development Plan), on property described as Tax Parcel 750. The property is 6.92 acres, located east of N. Hwy 1, approx. 1,120 south of Parrish Rd. **(24Z00008)** (1955 N. Highway 1, Titusville. Tax Account 2104754) (District 1) **This item was continued from the June 10, 2024, P&Z/LPA meeting.**

Trina Gilliam read the companion applications into the record. +

Bruce Moia stated that it looks like the Board will be seeing a lot more of me on this side of the podium as opposed to that side of the podium. I appreciate the kind words Henry, it's been a pleasure being on this board for 13 years, I think it was. Serving under three different Commissioners. Really enjoyed the time I had up there, but there's just too much of my business coming before this Board to really make it to where I should be able to be on the board, as well as present to the County Commission. So, unfortunately, I had to step down. Hopefully you'll be as nice to me on this side as you were when I was on that side and I hope I'll bring quality projects to this board for consideration.

And today is really no exception. Today we're asking for a land use Amendment on almost 7 acres of property up in Mims. I'm sure that there'll be some comments from that side of the room. Its land use is currently residential, but there is NC to the South, directly abutting this property. There's Community Commercial to the West that directly abuts this property. I think the south property is vacant, the west property is some kind of automotive repair type of place, and he wants to put an RV park. That would be more appropriate in NC, it's kind of a neighborhood commercial type use because there'll be rentals. Typical RV Park for anybody that might or may not have an RV. It would be a smaller place in the Mims area, where someone could bring their camper stay for a short period of time and move on. This is the land use request. We believe it's consistent with what's there in the neighborhood, so

unless you have any questions, I just respectfully request that you approve our request. I'm here to answer any questions that you have.

Ron Bartcher asked what kind of buffering you plan for the east side of the property that is adjacent to the residential?

Bruce Moia responded that he expected this to be one of the questions. The property to the east is single-family, detached residential. It looks like it's manufactured homes that have probably been there for a long time. It's an older neighborhood. We would meet the requirements of the County for whatever that buffer needs to be. Between what is this use and what is the proposed use, or the existing use, to the east. I don't know if they're both considered residential or if one's considered commercial. If it is considered commercial there would be a required wall and buffer, correct? Or is RV Park actually a residential zoning?

Jeffrey Ball replied that it would be considered residential.

Bruce Moia stated that residential to residential would just be your typical rear lot landscape buffer that the County requires.

John Hopengarten asked if people will be living in these RVs or is it storage?

Bruce Moia said, no. It's for temporary lodging. They'll stay and then they'll leave.

John Hopengarten asked if these will be hardened pads?

Bruce Moia said he doesn't know. They could be. They could be pavers; they might be compacted marl. I'm not sure how upscale this is going to be in that area. I think the market is going to dictate what would be required in that area. I have an RV; I camp all over the state of Florida. I've seen it multiple ways. Whatever the County requires, we'll meet that. I don't know exactly what kind of levels of improvements they're going to propose, but we would definitely meet the actual minimum code criteria.

John Hopengarten said this property is right on Route 1, it's going to have high visibility. What kind of amenities will this have to improve the property?

Bruce Moia responded that that's always an important part. You want to attract potential RV campers, like me. There will be a clubhouse, an office, a pool, and some sort of recreation activity like shuffleboard or something like that. There will be a clubhouse and pool at minimum.

John Hopengarten asked what about the view from Highway 1?

Bruce Moia stated that that will meet your standard Type B roadway frontage buffer, a landscape buffer that required by code. It's a 15-ft. [buffer]. It has to meet a certain number of trees, bushes. That's all very specific in your county code.

John Hopengarten said you're going to make it look aesthetically pleasing and Bruce Moia responded with absolutely, no one is going to stay there if it doesn't look good.

Henry Minneboo asked if it was City of Titusville water and sewer and Bruce Moia responded with yes.

Henry Minneboo asked if the city didn't want them to come into the city and Bruce Moia responded that they can't. They don't abut the city limits, but we will be extending city's water and sewer to the property.

No public comment.

Motion to approve Small-Scale Comprehensive Plan Amendment (as requested) from RES 2 to NC by Ron Bartcher, seconded by Brian Hodggers. The vote was unanimous.

Motion to approve rezoning from RU-2-10(5) to RVP with a BDP by Ron Bartcher, seconded by Brian Hodggers. The vote was unanimous.