



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

12/3/2020

Subject:

Clarence Coomer requests a change of zoning classification from GU to RRMH-2.5. (20Z00024) (Tax Accounts 2001246 and 2001250) (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 request to change the zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from GU to RRMH-2.5 for the purpose of building a mobile home. Based upon minimum lot area, the applicant is combining both of his properties together to create one single 3.56-acre lot. The parcels are currently inconsistent with the Agriculture FLU (Future Land Use) designation and are not considered to be non-conforming lots of record because both parcels were created after 1988 and fail to meet the minimum area required both for the GU zoning and the Agriculture Future Land Use designation. The GU zoning is original to the lots adopted May 22, 1958.

The existing GU zoning can be considered with both FLU designations (Agriculture and RES 1:2.5), however, the property does not meet the minimum 5.0 lot size required to meet code. Should the companion FLU amendment be approved, the applicant is requesting to change the zoning to RRMH-2.5 which is consistent with this smaller lot size FLU designation.

This request is within the Mims Area Small Area Study, approved by the Board on April 10, 2007. The results of this SAS suggested no changes in the Agriculture designation at the time.

The abutting parcels to the west and south are undeveloped and zoned GU. The surrounding area is zoned GU, AU (Agricultural Residential), RRMH-5 (Rural Residential Mobile Home), RR-1 (Rural Residential), and RRMH-1. Some of those properties are considered non-conforming while others may be substandard.

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood. The board may also wish to consider the existing development trends of the surrounding area. In addition, the Board may wish to consider the recommendations of the 2007 Mims Small Area Study.

On November 23, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

When resolutions are received, please execute and return to Planning and Development.



BREVARD COUNTY PLANNING AND DEVELOPMENT

APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU AGRIC AGRICULTURAL Existing Zoning GU
Proposed FLU _____ Proposed Zoning RRMH-2.5

APPLICATION NAME

- ☐ **COMPREHENSIVE PLAN (CP)**
 ____ Large Scale Amendment Small Scale Amendment
 ____ Text Amendment - Element _____
 ____ Other _____
- ☒ **REZONING (Without CUP) (RWOC)**
- ☐ **COMBINATION - ZONING AND CUP (CORC)**
- ☐ **CUP (Without zoning) (CUP)**
- ☐ **VARIANCE(S) (V)**
- ☐ **AA (AA)**
 AA Type: _____
- ☐ **OTHER (O):** _____

Tax Parcel: Tax account #2001250 & 2001246

Acreage of Request: 3.56

Reason for Request: New manufactured home

COUNTY PLANNER USE ONLY		
ACCELA# <u>2020024</u>	Fee \$ <u>586.00</u>	
Date filed <u>7/16/2020</u>	Planner <u>GIN</u>	
District# <u>1</u>	Tax Account ID# <u>2001246+2001250</u>	
Notification radius (feet) <u>500</u> (list all parcels)		
Meeting(s)	Date	Time
NMI		
PSJ Board	<u>11/9/2020</u>	
P&Z / LPA	<u>12/5/20</u>	<u>3:00pm</u>
BCC	<u>11/5/20</u>	<u>5:00pm</u>
BOA	<u>12/3/2020</u>	
JPA/MIRA/500' of Palm Bay Extension: Yes or No <u>Yes</u>		
If Yes, list which		
Location: <u>ON South side of Hwy 1</u>		
<u>2,190 feet west of Markon</u>		
<u>Baron Road</u>		
Detailed Description: <u>Change GU to RRMH-1:2.5</u>		

PROPERTY OWNER:

Name: Clarence Coomer

Company: _____

Address: 1600 Garden St Apt 36

E-Mail: mattcoomer1966@yahoo.com

City: Titusville

State FL

Zip 32796

Phone: 321-890-7482

Fax: ()

Cell: ()

APPLICANT IF OTHER THAN OWNER (check): Attorney _____ Agent _____ Contract Purchaser _____

Name: _____

Company: _____

Address: _____

E-Mail: _____

City: _____

State _____

Zip _____

Phone: ()

Fax: ()

Cell: ()

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:

State of Florida County of Brevard | Clarence Coomer being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
☐ I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

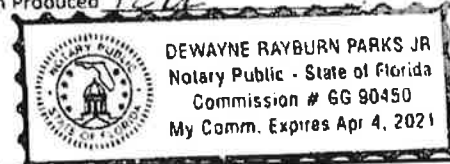
Signature of Property Owner/Authorized Representative

Date

The foregoing instrument was acknowledged before me this 9th day of June, 2020, by Clarence Coomer, who is Personally Known by me _____ OR Produced Identification X Type of Identification Produced FLD

Notary Public Signature

(NOTARY SEAL)



ACCELA # _____

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Certified Survey ⁸	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	* Additional Documentation	Fees
NUMBER OF COPIES REQUIRED																	
Staff to check indicating receipt																	
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1		1			1					*	Y
Zoning request	1	X	1	1	X	1	1	X	X			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Walver	1	1			1	1							1	1			Y
AA – Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹If the property is not owned in entirety by the applicant, either an Authorization to Act form or a notarized letter from each/all property owners of the subject property is required.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an Increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional Information may be requested by staff dependent upon the requested action. These include but are not limited to Impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

ACCELA FEE SHEET

Fee Schedule: Zoning
Version: Version 1

Payment Period	Priority	Subgroup	Fee Code	Fee Item	Quantity
FINAL			PZ300	Zoning/Variance	288.00
FINAL			PZ310	Comprehensive Plan	
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	Natural Resources	300.00
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application / Consultant Fee	
FINAL			PZ370	Land Development PUD Review	

588.00

CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

PUBLIC HEARING APPLICATION FEES

BASE FEE

ACREAGE FEE

UNIT FEE

SUB-TOTAL

REZONING

Environmental Area

511.00

Residential Professional

960.00

General Use and Agricultural Use

849.00* (-5) x 24**

Single-Family Residential

849.00* (-5) x 24**

Single-Family Mobile Home

849.00* (3565) x 24**

Commercial/Planned Commercial

1,184.00 () x 24

Tourist Commercial

1,855.00 () x 45

Industrial/Planned Industrial

1,855.00 () x 45

Planned Unit Development

5,661.00 () x 45

Single-Family Attached Residential

960.00

() x 24

Multiple-Family Residential

960.00

() x 24

Recreational Vehicle Park

1,408.00

() x 24

Mobile Home Park/Mobile Home Co-op

1,408.00

() x 24

CUP'S OR ROU APPLICATIONS

Fee per request (with rezoning)

447.00

Fee per request (without rezoning)

849.00

OTHER APPLICATION FEES

Consultant fee Retainer per Tower Application

6,934.00

Transfer of Development Rights

1,520.00

Comprehensive Plan Appeals (Vested Rights)

One (5.0 acres or less) Single-family residential

433.00

All other Appeals

1,733.00

Variance/Appeals of Administrative Interpretation

Base Fee

598.00

Fee for each additional request

182.00

Special Hearing Fee for P & Z / LPA

3,692.00

Special Hearing Fee for BOA

1,872.00

All Other Unlisted Zoning Applications

849.00

Miscellaneous

COMPREHENSIVE PLAN AMENDMENTS

Small Scale Amendment

919.00

Large Scale Amendment

1,785.00

Maximum Fee on a Single Application

17,334.00

\$43 per acre

FEES COLLECTED FOR ADMINISTRATIVE ACTIONS

Office of Natural Resources zoning review (if applicable)

300.00

flag lot &/or easement review

360.00

Land Development PUD review

100.00

flag lot &/or easement review

150.00

Address Assignment review of flag lot &/or easement

100.00

Zoning fee

277.00

BASE FEE ADJUSTMENTS

* If area for these requests have the potential for only one more lot, the fee is

288.00

** Maximum acreage fees for these requests shall be

2,240.00

*** Maximum Planned Unit Development Fee shall be

13,432.00

**** Maximum fee for all other zoning requests shall be

8,955.00

SUB-TOTAL ****

TOTAL



Planning & Development
Central Cashier
2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 8/11/2020
Receipt #: 574909
Transaction Id#

Payment Method	Payment Reference #	Amount Paid	Comments
Cash		\$588.00	
		\$588.00	Total
FL			
Zoning Rezoning		\$588.00	
20Z00024			
Fee	Invoice #	Amount	
NRMO	675418	\$300.00	
Zoning/Variance	675418	\$288.00	
			Grand Total
			\$588.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev

P (321) 633-2068 F (321) 633-2052

Zoning Information Worksheet

Owner(s): Clarence Corner
(Does this match the warranty deed?)

Applicant(s): Same
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 209 34 15 A1.6 4.01 + 4.05
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: G1

Is there a BDP or a CUP on the property? Yes ☒ No ☐ (If yes, attach BDP)

Is this a non-conforming lot of record? Yes ☒ No ☐ Why?
Non-Conforming to: _____

Is this a substandard lot? Yes ☒ No ☐
Why? Created after May 20, 1975

Requested Zoning/CUP: RRMH 2.5

What is the FLU Designation of the property? Agriculture

- Is the requested zoning consistent with the FLU? Yes ☒ No ☐ (See compatibility table)
- If no, what is the requested **small scale plan amendment**? (Must be 10 acres or less)

Agriculture To Res 1:2.5

BDP Requested? Yes ☒ No ☐

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions: NA

Most recent zoning change in same section? 2-9977

If this is a CUP request, list all CUP's on adjacent properties: N/A

Abutting property zoning: N GU S GU E RR-1 & GU W GU

JPA/Special Board/Special Section? Yes/No (No) (Circle one and make a note on the application) PSJ, NMI, MIRA
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: Wants 1 mobile home

- If proposing single-family or multi-family how many units? 1
- If proposing a CUP for alcohol, how many seats? _____ Bar or Restaurant? _____
 - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - Do you have a site plan showing the layout and parking configuration? Yes/No
 - Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? N/A

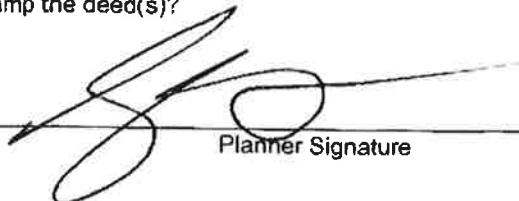
Describe the character of the area based upon Administration Policy 3 of FLUE (attached):

Rural, sparsely developed

Concerns raised as part of request: LOT is not conforming + fails to achieve S.D. area needs Small Scale FLU Change

Other options discussed with applicant: _____

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?


Planner Signature

7/16/20
Date

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 foresee ably 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 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.

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

MaH Coomer@brevard.com or () _____
e-mail address fax number

or U.S. Mail _____

Yes/No

I have received a copy of this notice:


(APPLICANT SIGNATURE)

THIS INSTRUMENT CONTAINS THE OFFICIAL
BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.

Warranty Deed

This Indenture, made, July 22 2018 A.D.

Between

Tropical Group Investments Three, LLC whose post office address is: 941 NW 45th Avenue, Coconut Creek, Florida 33066 a limited liability company existing under the laws of the State of Florida, Grantor and Clarence Coomer, a single man whose post office address is: 1600 Garden Street #36, Titusville, Florida 32796, Grantee,

SIGNATURE

Witnesseth, that the said Grantor, for and in consideration of the sum of \$14,000., to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Brevard, State of Florida, to wit:

SE 1/4 of Tract 4, Block 6, Section 15, Township 20 South, Range 34 East, according to the plat of Indian River Park, a subdivision according to the plat thereof recorded at Plat Book 2, Page 33, in the Public Records of Brevard County, Florida.

and

The West 1/2 of the NE 1/4 of Tract 4, Block 6, Section 15, Township 20 South, Range 34 East, according to the plat of Indian River Park, a subdivision according to the plat thereof recorded in Plat Book 2, Page 33, of the Public Records of Brevard County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

THIS IS VACANT LAND.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Tropical Group Investments Three, LLC

Signed and Sealed in Our Presence:

By:

David E. Anderson
Its Manager

Robina Davidian
Witness Print Name

OCTAVIO ROSKEN
Witness Print Name

State of

FLORIDA

County of

BREVARD

The foregoing instrument was acknowledged before me this July 22, 2018, by David E. Anderson, the Manager of Tropical Group Investments Three, LLC A limited liability company existing under the laws of the State of Florida, on behalf of the company.

He/She is personally known to me or has produced a driver's license as identification.

Notary Public

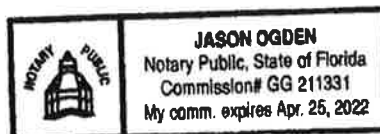
Notary Printed Name:

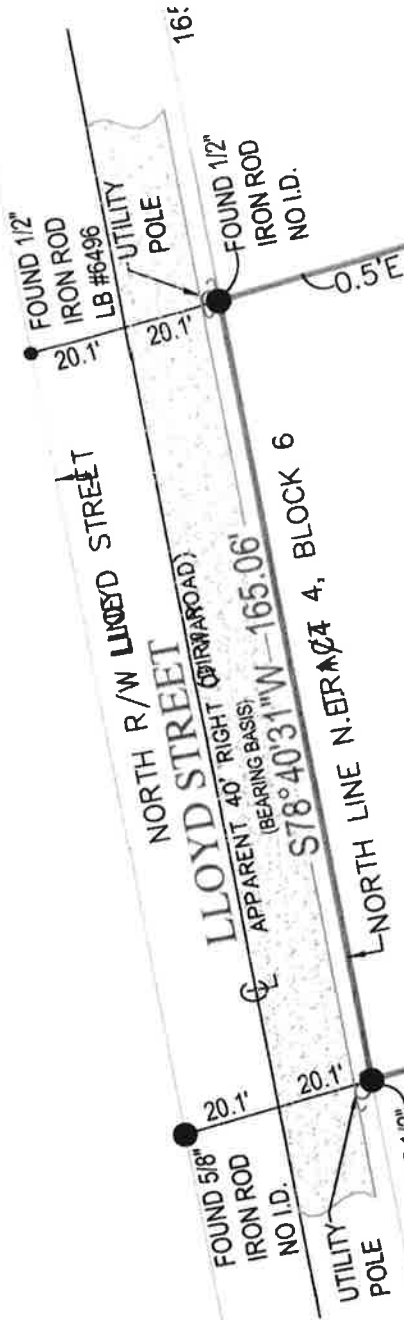
My Commission Expires:

(Seal)

JASON OGDEN
APR 25, 2022

Prepared by:
Adeline B. Cabanilles, an employee of
State Title Partners LLP,
300 West Fee Avenue Suite B
Melbourne, Florida 32901
File Number: STP-26513





EAST LINE OF THE
WEST 1/2 OF N.E. 1/4
TRACT 4, BLOCK 6

PORTION OF THE
NORTHEAST 1/4
TRACT 4, BLOCK 6
(INCLUDED)

VACANT

WEST LINE N.E. 1/4
TRACT 4, BLOCK 6

NORTHWEST 1/4
TRACT 4, BLOCK 6



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2001246
Owners Coomer, Clarence
Mailing Address 1600 Garden St, Apt 36 Titusville FL 32796
Site Address Not Assigned
Parcel ID 20G-34-15-AI-6-4.01
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1300 - Unincorp District 1
Total Acres 2.33
Subdivision Indian River Park
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0002/0033
Land Description Indian River Park SE 1/4 Of Tract 4 Blk 6

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$3,030	\$3,030	\$3,030
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$3,030	\$3,030	\$3,030
Assessed Value School	\$3,030	\$3,030	\$3,030
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$3,030	\$3,030	\$3,030
Taxable Value School	\$3,030	\$3,030	\$3,030

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/22/2018	\$14,000	WD	Vacant	8222/1797
04/27/2006	\$18,000	WD	Vacant	5637/6545
01/03/2006	\$1,000	WD	Vacant	5589/8332
12/21/2005	\$1,000	WD	Vacant	5589/8331
12/09/1976	\$4,500	WD	--	1697/0635

No Data Found



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2001250
Owners Coomer, Clarence
Mailing Address 1600 Garden St, Apt 36 Titusville FL 32796
Site Address Not Assigned
Parcel ID 20G-34-15-AI-6-4.05
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1300 - Unincorp District 1
Total Acres 1.23
Subdivision Indian River Park
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0002/0033
Land Description Indian River Park W 1/2 Of NE 1/4 Of Tract 4 Blk 6 As
Des IN Orb 2653 Pg 148

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$12,920	\$9,840	\$8,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$12,920	\$7,740	\$7,040
Assessed Value School	\$12,920	\$9,840	\$8,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$12,920	\$7,740	\$7,040
Taxable Value School	\$12,920	\$9,840	\$8,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/22/2018	\$14,000	WD	Vacant	8222/1797
01/31/2006	\$65,000	WD	Vacant	5604/7655
10/03/2005	\$5,000	WD	Vacant	5554/0152
10/30/1993	--	QC	Vacant	3345/1887
12/02/1985	\$6,000	WD	--	2653/0148

No Data Found

[illegible]

☒ Search Results: Parcel (Tax Account) ☐ Zoning Actions Street Label
☐ Override 1 --- ☐ Zoning Easements Section
☒ Zoning Address

Override 1

Zoning

685

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
- b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
- c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

(2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

20Z00024

Clarence Coomer

GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home)

Tax Account Number: 2001246 & 2001250
Parcel I.D.: 20g-34-15-AI-6-4.01 & 4.05
Location: South side of Lloyd Street, approximately 2,190 feet west of Meadow Green Road (District 1)
Acreage: 3.56 acres
Planning and Zoning Board: 11/09/2020
Board of County Commissioners: 12/03/2020

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	GU	RRMH-2.5
Potential*	One Single Family Unit	One Single Family Unit
Can be Considered under the Future Land Use Map	YES Agriculture	YES** Residential 1:2.5

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **If the companion Small Scale Future Land Use Amendment, **20PZ00080**, is changed from Agriculture (1 unit/ 5 acres) to Residential 1:2.5, this zoning action can be heard.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home) for the purpose of building a mobile home. Based upon minimum lot area, the applicant is combining both of his properties together to create one single 3.56-acre lot. The parcels are currently inconsistent with the Agriculture Future Land Use designation and are not considered to be non-conforming lots of record because both parcels were created after 1988 and fail to meet the minimum area required both for the GU zoning and the Agriculture FLUM designation.

The GU zoning is original to the lots adopted May 22, 1958. The property consists of two substandard lots which the applicant will combine into one lot for development purposes.

Land Use

The subject property is currently designated as Agriculture with residential development limited to one unit per 5.0-acre lot. The companion application **20PZ00080** proposes to change this FLUM to the Residential 1:2.5 (Residential 1:2.5) Future Land Use designation.

The existing GU zoning can be considered with both Future Land Use designations (Agriculture and RES 1:2.5), however, the property does not meet the minimum 5.0 lot size required to meet code. Should the companion FLUM amendment be approved, the applicant is requesting to change the zoning to RRMH-2.5 which is consistent with this smaller lot size FLUM designation. The applicant's property totals 3.56 acres.

Environmental Constraints

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Burkholm Road to Volusia County, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.65% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.03%. The corridor is anticipated to continue to operate at 10.68% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is not serviced by public water or sewer. The closest available Brevard County potable water line is approximately 3 miles southeast of the subject property.

Applicable Land Use Policies

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

This request is within the Mims Area Small Area Study, approved by the Board on April 10, 2007. The results of this SAS suggested no changes in the Agriculture designation at this time." This study also recognized, "Above all, "Mims should remain Mims" – a special place, rural and small-town in nature, with a history and future all its own."

The applicant can apply for this zoning. The proposed RRMH-2.5 zoning may be considered to be consistent with the proposed Future Land Use designation RES 1:2.5, if adopted under the companion Small-Scale Comprehensive Plan amendment # **20PZ00080**.

The Indian River Park Subdivision recorded on May 28, 1914, has been subsequently divided from the initial recording size of 10-acre tract/lot size to mostly 1.25-acre lots. Some of these lots are nonconforming to zoning and are vested (1+ acre minimum lot area) for their creation prior to May 20, 1975. Other lots in this area were not created before this date but may have received Board approval for a change in zoning to make that specific property usable during the period from 1975 to the adoption of the Comprehensive Plan in 1988. This area of the county also contains substandard lots which fail to meet current zoning criteria and were never recognized to be non-conforming to either zoning standards or the Comprehensive Plan. Such is the case with the 1+ acre RRMH-1 zoned properties lying to the north of the subject property, across Lloyd Street.

For those lots, which fail to meet code and are not considered to be non-conforming, relief can currently be obtained by the assemblage of additional lands to comply with the Agriculture FLUM density limitation of one unit per 5.0 acres.

The Board should determine whether future development in this area should be limited to 5-acre parcels or should a smaller lot area designation such as RES 1:2.5 (one unit per 2.5 acres) be allowed and to recognize the existing development patterns. This request essentially mimics the existing development pattern.

This applicant will join his two parcels into one 3.56-acre tract

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres zoned GU, AU, RRMH-5, RR-1 and RRMH-1. The subject parcel and the surrounding area have a Future Land Use (FLU) designation of Agriculture. The developed neighboring lots zoned RR-1, RRMH-1 and AU were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.

FLUE Policy 1.10 The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Surrounding Area

The abutting parcels to the west and south are undeveloped and zoned GU. The surrounding area is zoned GU, AU, RRMH-5, RR-1 and RRMH-1. Some of those properties are considered non-conforming while others may be substandard.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood. The board may also wish to consider the existing development trends of the surrounding area. In addition, the Board may wish to consider the recommendations of the 2007 Mims SAS.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item # 20Z00024

Applicant: Clarence Coomer

Zoning Request: GU to RRMH 1:2.5

Note: Applicant wants a mobile home.

P&Z Hearing Date: 11/09/20; **BCC Hearing Date:** 12/03/20

Tax ID Nos: 2001250 & 2001246

- 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:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), SJRWMD (Wetland Mixed Forest), and hydric soils (Samsula muck-frequently ponded and St. Johns sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Section 65-3694(c)(1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland delineation will be required prior to any land clearing activities.

Aquifer Recharge Soils

St. Johns sand also functions as aquifer recharge soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

The entire property is mapped as being within an isolated floodplain as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of one third (1/3) acre in size, that would provide an upland buildable area within an isolated floodplain. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

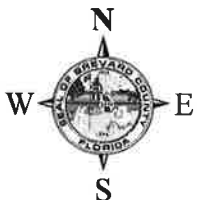
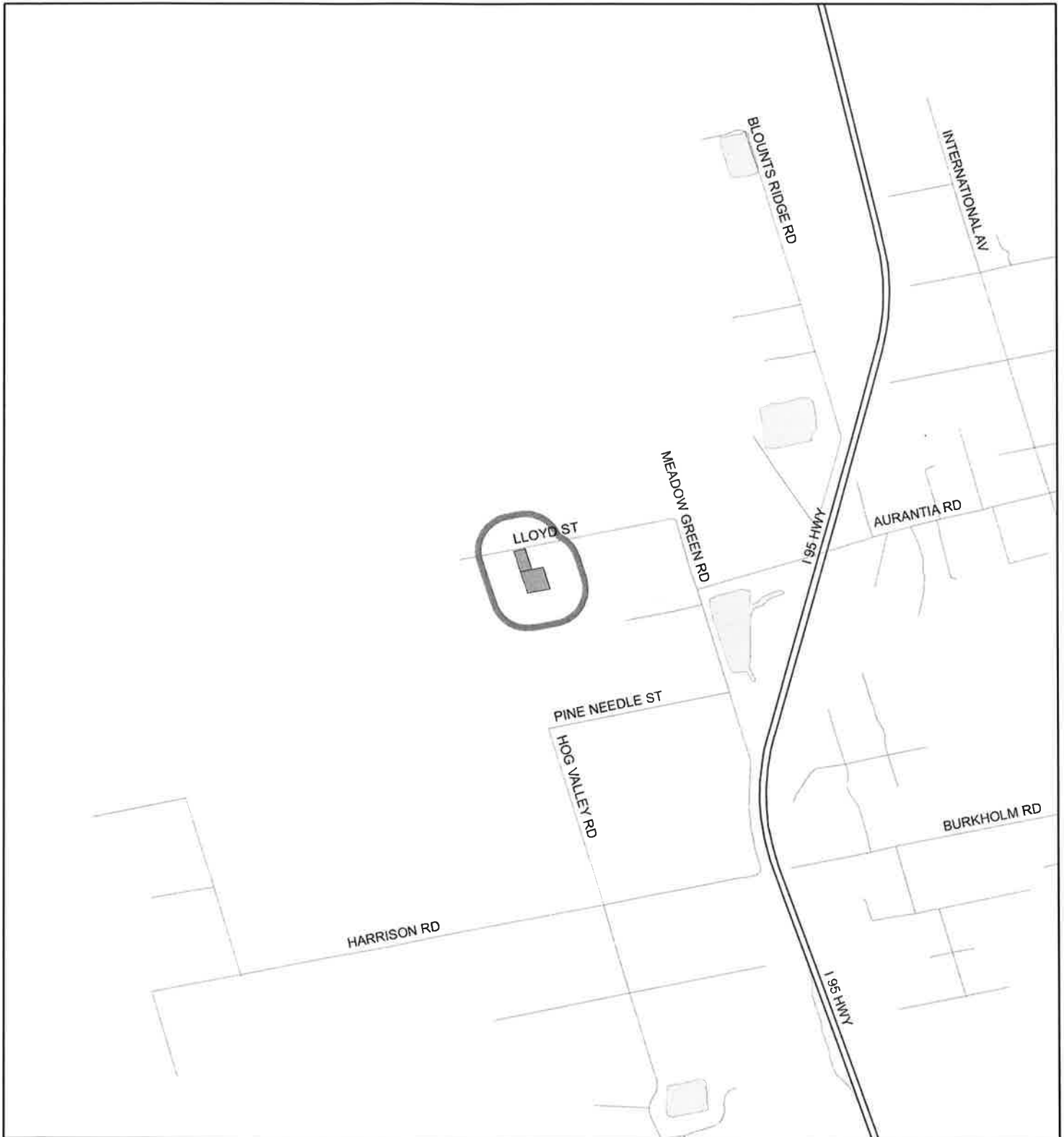
Protected Species

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

LOCATION MAP

COOMER, CLARENCE

20Z00024



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.

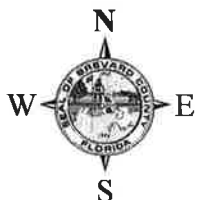
Produced by BoCC - GIS Date: 8/14/2020

— Buffer
■ Subject Property

ZONING MAP

COOMER, CLARENCE

20Z00024



1:4,800 or 1 inch = 400 feet

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Subject Property

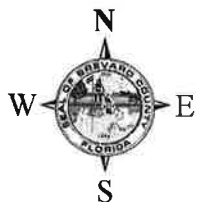
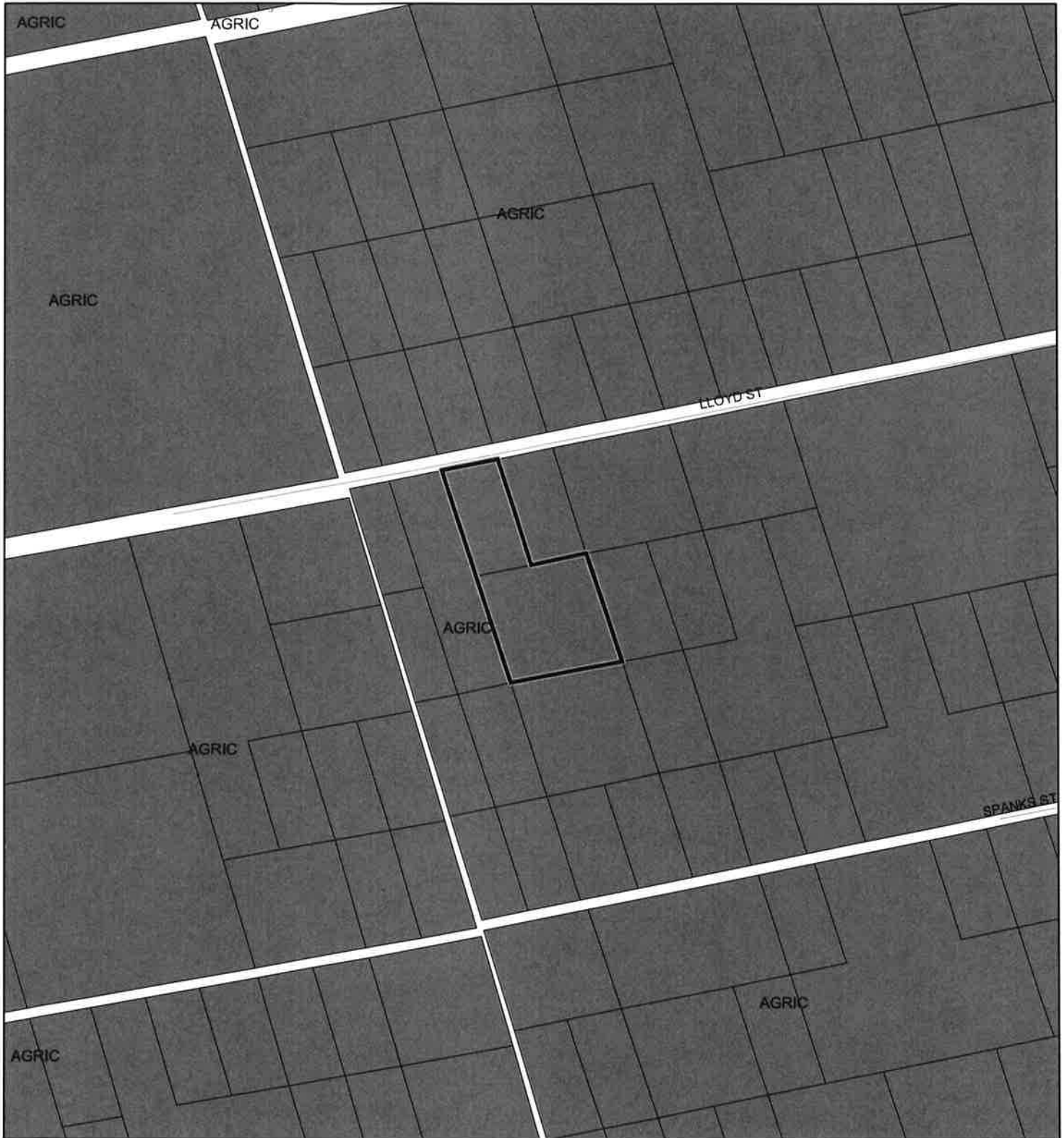
Parcels

Zoning


FUTURE LAND USE MAP

COOMER, CLARENCE

20Z00024



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

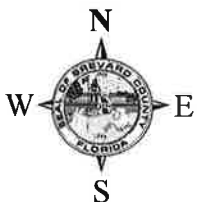
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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AERIAL MAP

COOMER, CLARENCE

20Z00024



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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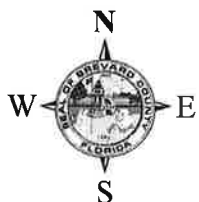
 Subject Property

 Parcels

NWI WETLANDS MAP

COOMER, CLARENCE

20Z00024







1:4,800 or 1 inch = 400 feet

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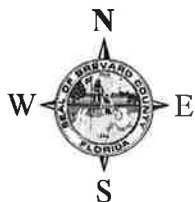
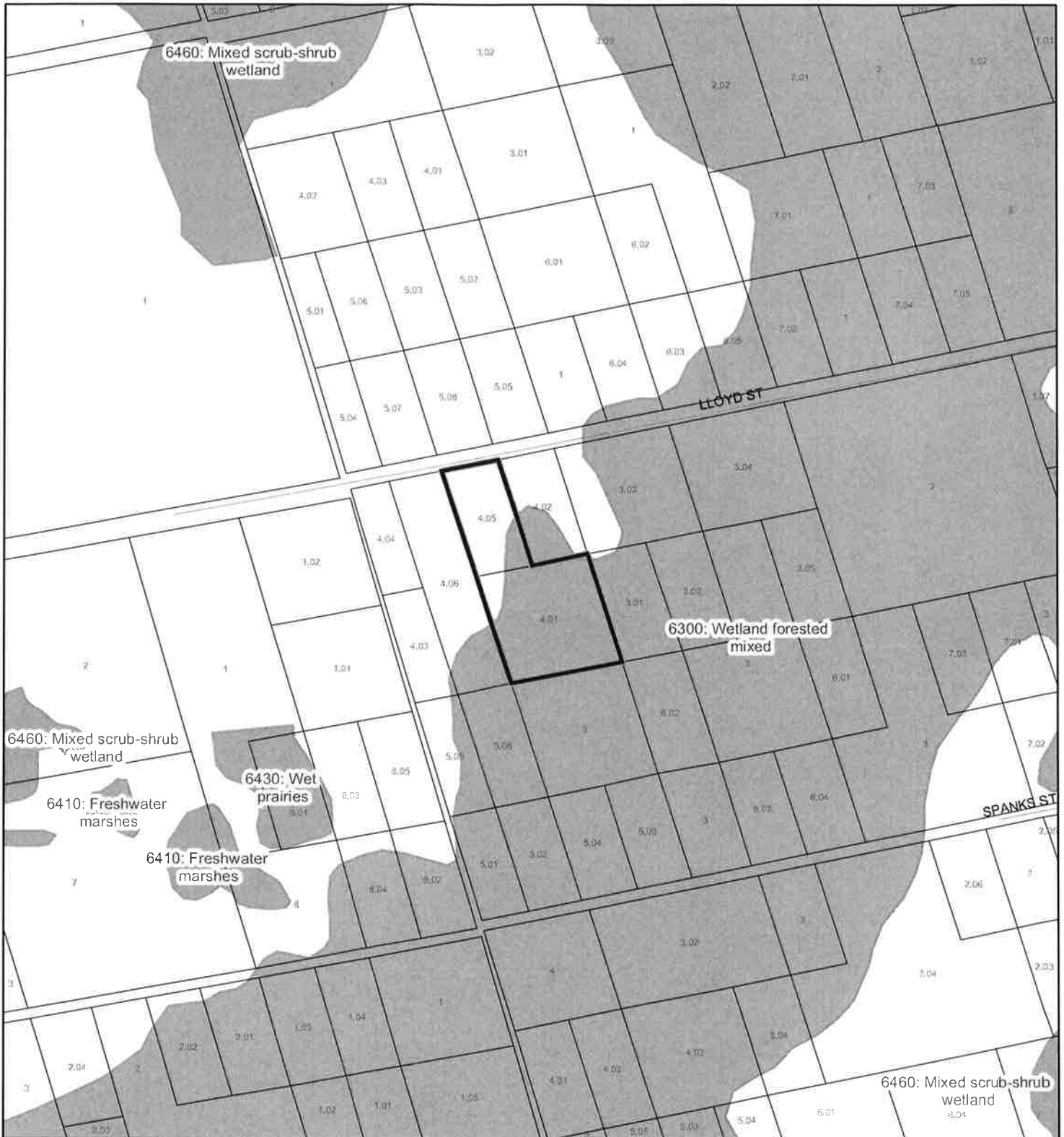
National Wetlands Inventory (NWI)

	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

COOMER, CLARENCE

20Z00024



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: 8/14/2020

SJRWMD FLUCCS WETLANDS

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

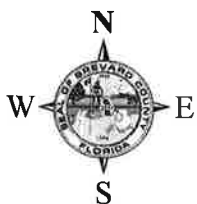
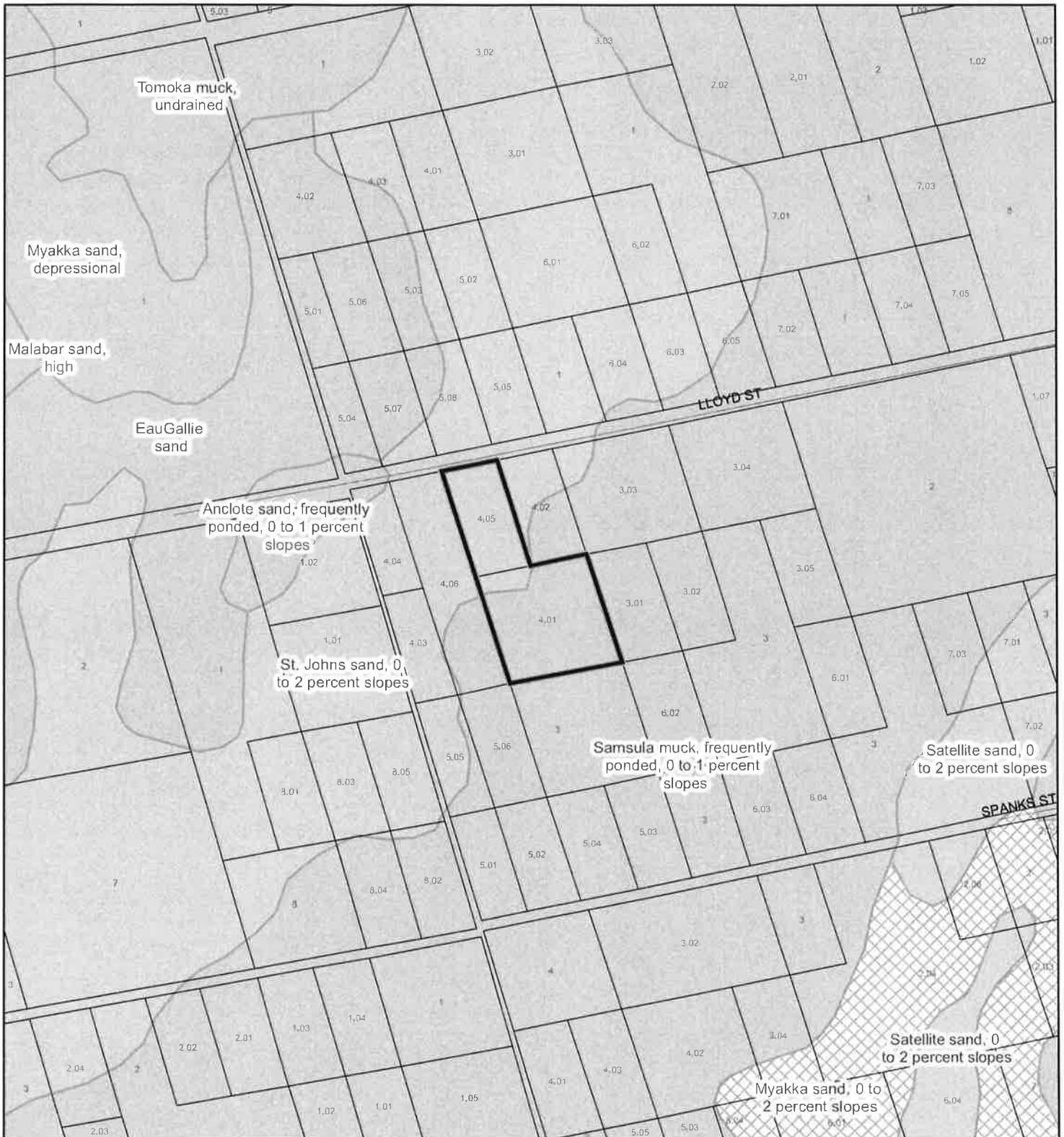
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

COOMER, CLARENCE

20Z00024



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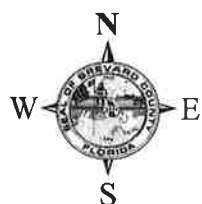
Produced by BoCC - GIS Date: 8/14/2020

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None













- Subject Property
- Parcels

20Z00024



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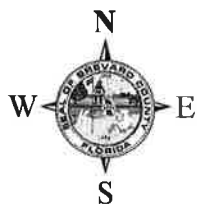
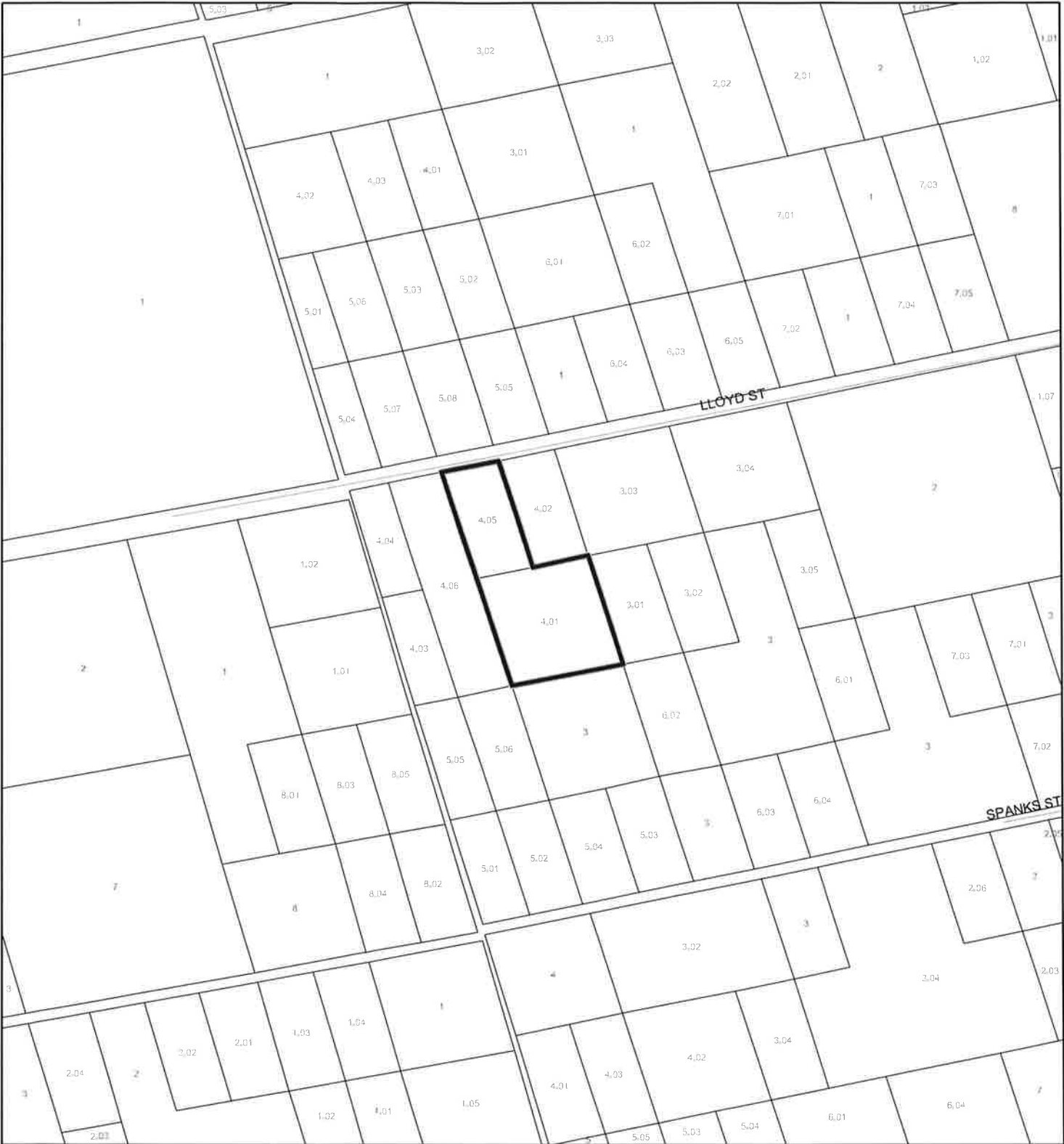
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

COOMER, CLARENCE

20Z00024



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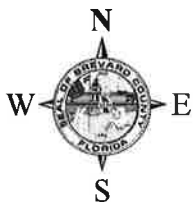
Produced by BoCC - GIS Date: 8/14/2020

- Subject Property
- Parcels
- Coastal High Hazard Area**
- SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

COOMER, CLARENCE

20Z00024



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Produced by BoCC - GIS Date: 8/14/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

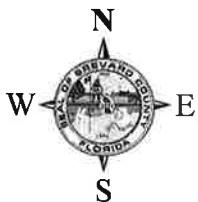
 60 Meters

 All Distances

EAGLE NESTS MAP

COOMER, CLARENCE

20Z00024



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Produced by BoCC - GIS Date: 8/14/2020

 Subject Property

 Parcels

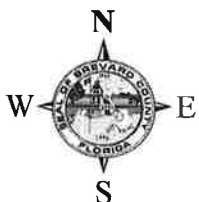


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

COOMER, CLARENCE




20Z00024



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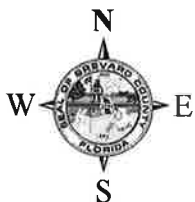
Produced by BoCC - GIS Date: 8/14/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

COOMER, CLARENCE

20Z00024





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Produced by BoCC - GIS Date: 8/14/2020

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels

20200024

Owner's Name: Clarence Coomer

Hearing Date: Nov 23, 2020

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

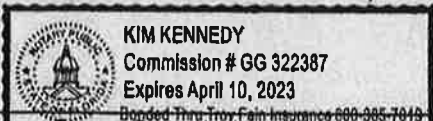
Before me, this undersigned authority, personally appeared, MARK Engel,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

[Signature]

Signature

Sworn and Subscribed before me, this 3rd day of November.



(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]

Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: _____

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

PHOTOGRAPHS



BREVARD COUNTY CODE ENFORCEMENT



Mo./Day/Year	Location	
11/2/2020	Tax ID# 2001250 & 2001246	20Z00024



Code Enforcement Supervisor: Mark Engel

COUNTY EXHIBIT

Composite A – Photos

Dated: _____ to _____

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, November 23, 2020, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Joe Buchanan.

Staff members present were: Amanda Elmore, Interim Planning and Development Director; Cheryl Campbell, Comprehensive Planner; Abigail Jorandby, Assistant County Attorney; and Michelle Adams, Administrative Secretary.

Excerpt of Complete Minutes

2. Clarence Coomer

A change of classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home). The property is 3.56 acres, located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) (20Z00024) (Tax Accounts 2001246 and 2001250) (District 1)

Clarence Coomer, 1600 Garden Street, Titusville, stated the request is the companion to the first item so he can place a house or trailer on the property.

Ron Bartcher stated the Mims Small Area Study is mentioned in the staff comments and one of the goals of the study was to preserve agricultural lands; however, this is not land being used for agricultural purposes. He said he believes changing it to Residential 1:2.5 is appropriate for the area so the zoning will recognize the current development patterns in the area.

No public comment.

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve the change of classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home). The motion passed unanimously.