



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

5/27/2021

Subject:

J.W. Dunn Lodge No. 37, Inc. (Patrick Meyer) requests a change of zoning classification from IN(L) to RR-1. (21Z00008) (Tax Account 2718745) (District 4)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from IN(L) to RR-1 zoning for the purpose of developing a single residential lot. If the zoning request is approved, the applicant will need to apply for a flag lot administrative approval to approve the minimal road frontage for access, which is 30.36 feet. The RR-1 zoning requires a minimum lot width of 125 feet.

The applicant wishes to develop the parcel with horticulture uses separate from the existing lot they own to the west. The applicant has been advised that agricultural uses are accessory uses and a residence is first needed before the accessory uses could be performed.

The subject property is currently designated as Residential 15 (RES 15). Both the IN(L) and proposed RR-1 zoning classifications are consistent with the RES 15 FLU designation.

This request, RR-1, would introduce a new zoning classification into the area. However, IN(L) allows for more intensive uses than the RR-1 zoning classification. The developed character of the surrounding area is residential. The applicant's plan is to add the area under their ownership, to preserve it, as they also own the land (4.39 acres) adjacent to the west side of this site. The parcel is not serviced by Brevard County or the City of Melbourne potable water or sewer.

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

On May 3, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once resolution is received, please execute and return to Planning and Development.

Resolution 21Z00008

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

WHEREAS, J.W. Dunn Lodge No. 37, Inc. has requested a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential), on property described as: SEE ATTACHED; and


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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from IN(L) to RR-1 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 27, 2021.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on May 27, 2021.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – May 3, 2021

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

Resolution 21Z00008 (continued)

Legal Description

A portion of Lot 7 of Carlton Stewart Gardens Plat No. 2, according to the plat thereof, as recorded in Plat Book 10, Page 69A of the Public Records of Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of said Lot 7 thence run N00deg00'00"E along the west line of said Lot 7, a distance of 113.99 ft. to the point of beginning of the herein described parcel; thence continue along said west line N00deg00'00"E, a distance of 560.51 ft. to the NW corner of said Lot 7; thence N89deg04'00"E along the north line of said Lot 7, a distance of 317 ft. to the NE corner of said Lot 7; thence S00deg24'00"E along the east line of said Lot 7, a distance of 373.84 ft.; thence departing said east line S88deg57'36"W, a distance of 270 ft.; thence S00deg24'00"E, a distance of 300 ft. to a point on the south line of said Lot 7; thence S88deg57'36"W along said south line, a distance of 30.36 ft.; thence departing said south line N00deg00'00"E, a distance of 39 ft.; thence N00deg20'47"W, a distance of 74.99 ft.; thence S88deg57'36"W, a distance of 20.90 ft. to the point of beginning. Section 17, Township 27, Range 37. (3.03 acres) Located on the north side of Julia Dr., approx. 0.18 mile west of Stewart Rd. (1049 Julia Dr., Melbourne)

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

21Z00008

J.W. Dunn Lodge No. 37, Inc.

IN(L) to RR-1

Tax Account Number: 2718745

Parcel I.D.: 27-37-17-27-7 (northern/western part – future flag lot)

Location: 960 feet west of Steward Road on north side of Julia Drive
(District 4)

Acreage: 3.03 acres

Planning and Zoning Board: 5/03/2021

Board of County Commissioners: 5/27/2021

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	IN(L)	RR-1
Potential*	4,261 square feet of existing private club	Create one single-family lot
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from IN(L) (Institutional Use Low - Intensity) to RR-1 (Rural Residential) zoning for the purpose of developing a single residential lot. If the zoning request is approved, the applicant will then need to apply for a flag lot administrative approval to approve the minimal road frontage for access. The flag lot provision, Section 62-102 (b) is only for use of residential building permits and can't be applied for while the property is zoned IN(L). The RR-1 zoning requires a minimum lot width of 125 feet. The proposed zoning request only provides 30.36 feet of road frontage.

The applicant also owns the adjacent lot to the west. That parcel is zoned RU-1-11. The applicant wishes to develop this new parcel with horticulture uses and beehives separate from the existing lot that they own. The applicant has been advised that agricultural uses are accessory uses and that a residence is first needed before these accessory uses could be performed. The applicant states he

may come back for a conditional use permit in the future to allow the beehives/beekeeping use under Section 62-1927.

The 1-acre remnant parcel (southern part) is developed with a 4,261 square foot private club for the Fraternal Order of the Police. The legal description / survey provided depicts that the outparcel will retain the required on-site 50-foot setback from residential use to the north and west pursuant to Section 62-2121 (d) of Brevard County Code to buffer the proposed residential lot.

The current IN(L) zoning was adopted on February 1, 2007 under zoning action **Z-11317(30)**. That zoning request changed the zoning from AU (Agricultural Residential Use) to IN(L) zoning. The original Police Lodge approval was granted under **Z-2508** on October 2, 1969 under a Special Use Permit.

Land Use

The subject property is currently designated as Residential 15 (RES 15). Both the IN(L) and proposed RR-1 zoning classifications are consistent with the RES 15 FLU designation.

Applicable Land Use Policies

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

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

This parcel is located with frontage along the north side of Julia Drive, a distance of 960 feet west of Steward Road. The vicinity contains multiple land use designations. To the north is the City limits of Melbourne. To the east is the Residential 6 FLU designation. To the south and west there are two designations, Residential 6 and Residential 15. This parcel carries the Residential 15 FLU designation and is currently undeveloped.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

This request, RR-1, would introduce a new zoning classification into the area. The developed character of the surrounding area is residential. The applicant's plan is to add the area under their ownership, to preserve it, as they also own the land (4.39 acres in area) adjacent to the west side of this site.

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The SR suburban residential zoning classification encompasses lands devoted to single-family residential development of relatively spacious land character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The RR-1 classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

The AU classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character. The AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature. The classification is divided into two types, low intensity and high intensity. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations.

The GU general use zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends. GU zoning requires five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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

Surrounding Area

Zoning to the north, under the jurisdiction of the City of Melbourne, is developed as single-family housing under the R-1A (Single-Family Low-Density Residential District). To the east is a mixture of zonings which are also developed for single-family use. Starting at the NE corner and moving south along the east property line are the following zoning classifications: RU-1-11 (Single-family Residential), SR (Suburban Residential) and GU (General Use). To the south is the remnant IN(L) police lodge and to the west are the RU-1-11 and AU (Agricultural Residential) zoning classifications. The RU-1-11 portion is developed with a single-family residence while the AU portion is undeveloped.

Environmental Constraints

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Wickham Road, between Aurora and Lake Washington, which has a Maximum Acceptable Volume (MAV) of 33,800 trips per

day, a Level of Service (LOS) of E, and currently operates at 98.47% 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 operate at 98.50% 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 Brevard County or the City of Melbourne potable water or sewer.

For Board Consideration

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

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

Item # 21Z00008

Applicant: Patrick Meyer

Zoning Request: IN(L) to RR-1

Note: Applicant wants to rezone and split off a portion of the parcel to create a residential lot.

P&Z Hearing Date: 05/03/21; **BCC Hearing Date:** 05/27/21

Tax ID No: 2718745

- 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:

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

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

Land Use Comments:

Aquifer Recharge Soils

The entire parcel is mapped with aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

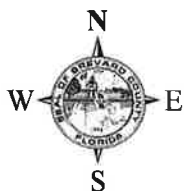
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should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

Protected and Specimen Trees

A majority of the subject parcel is mapped within the SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. 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.

LOCATION MAP

J.W. DUNN LODGE No. 37, INC.
21Z00008



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.

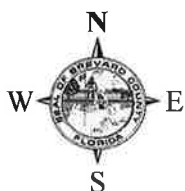
Produced by BoCC - GIS Date: 3/8/2021

— Buffer

■ Subject Property

ZONING MAP

J.W. DUNN LODGE No. 37, INC.
21Z00008



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.

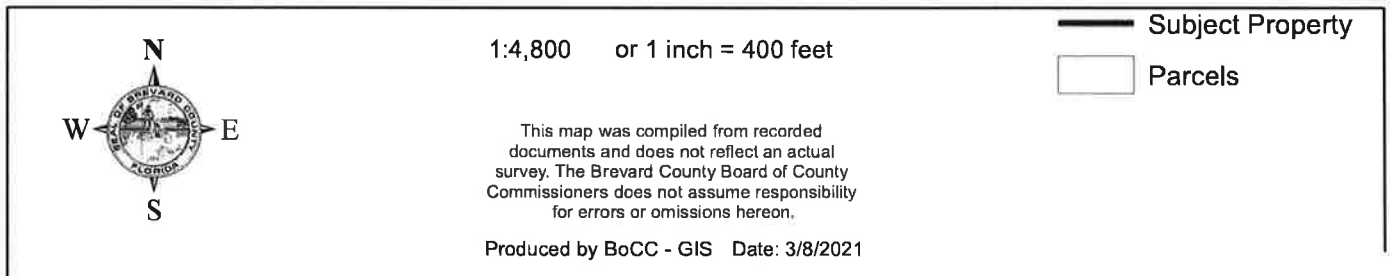
Produced by BoCC - GIS Date: 3/8/2021

Subject Property

Parcels

Zoning

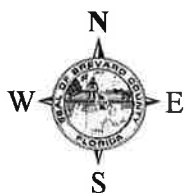
J.W. DUNN LODGE No. 37, INC.
21Z00008



AERIAL MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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.

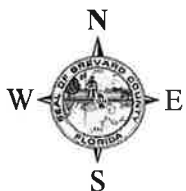
Produced by BoCC - GIS Date: 3/8/2021

— Subject Property
□ Parcels

NWI WETLANDS MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



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: 3/8/2021

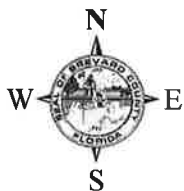
National Wetlands Inventory (NWI)

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

J.W. DUNN LODGE No. 37, INC.

21Z00008



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: 3/8/2021

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

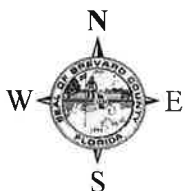
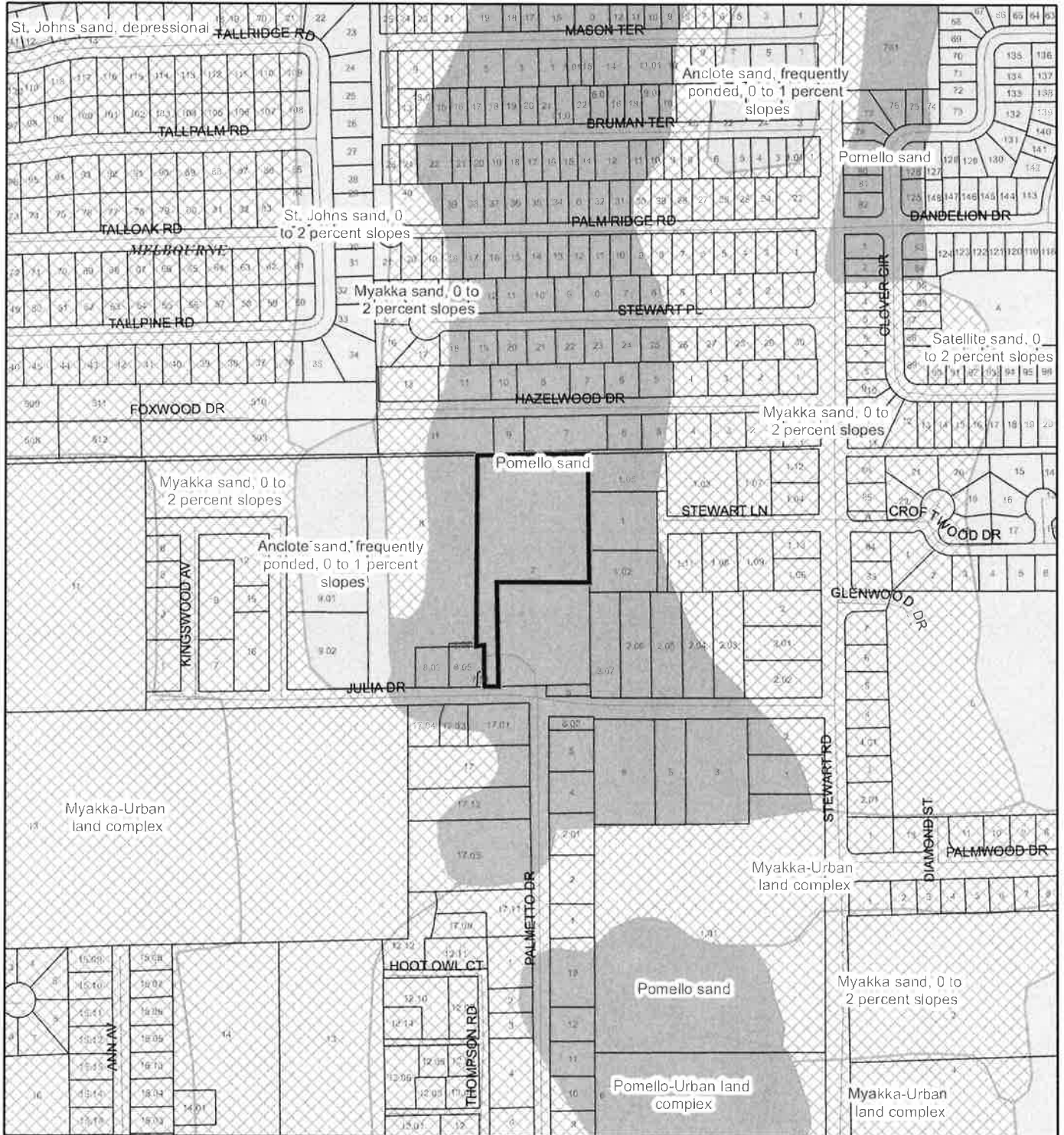
Subject Property

Parcels

USDA SCSSS SOILS MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



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: 3/8/2021

USDA SCSSS Soils



Aquifer and Hydric

Aquifer

Hydric

None

Subject Property

Parcels

National Flood Hazard Layer FIRMette



80°39'17"W 28°8'47"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

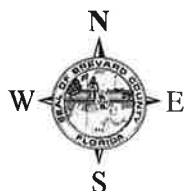
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/8/2021 at 3:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

COASTAL HIGH HAZARD AREA MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



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: 3/8/2021

— Subject Property

□ Parcels

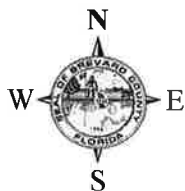
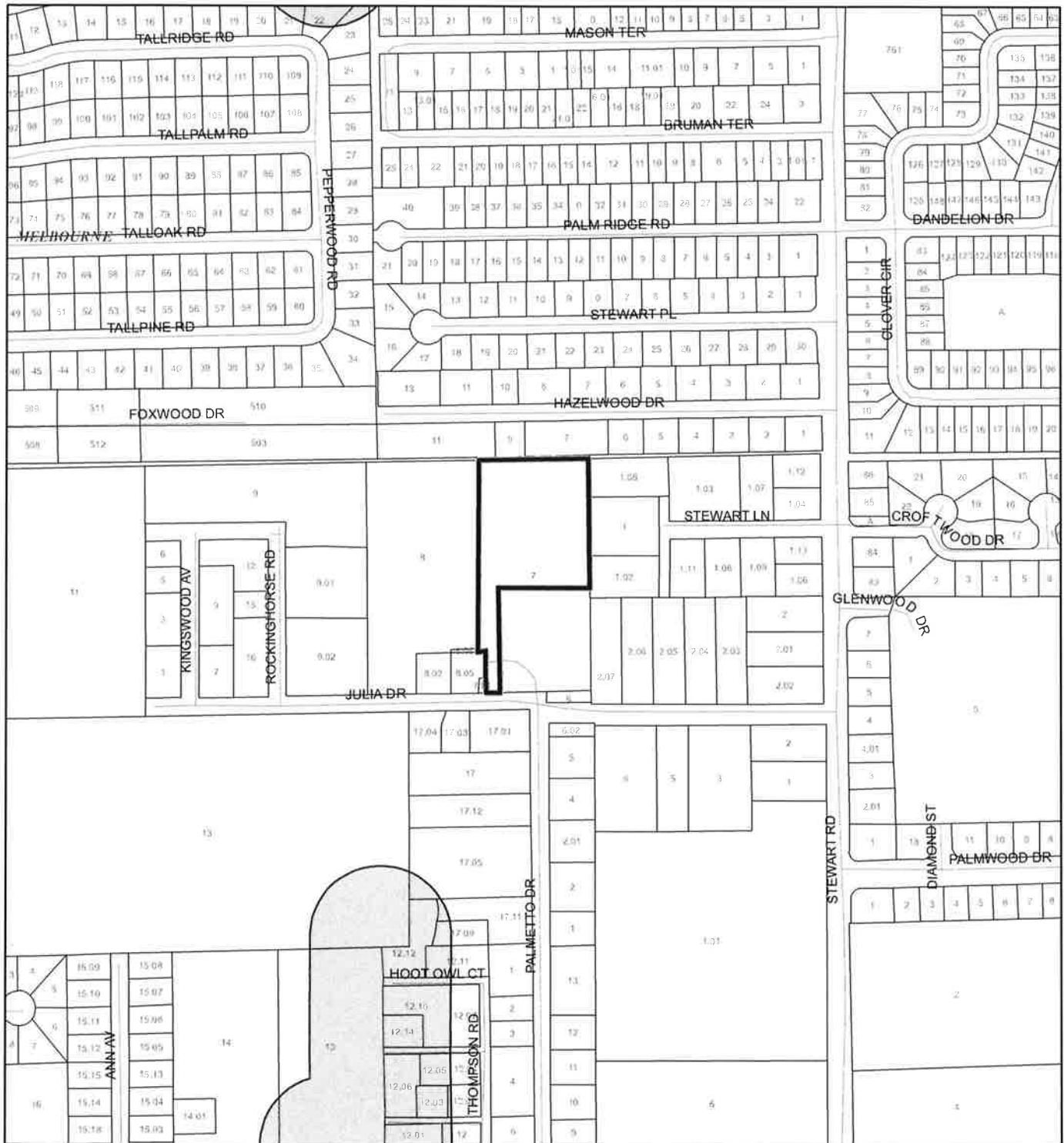
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



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: 3/8/2021

Subject Property

Parcels

Septic Overlay

40 Meters

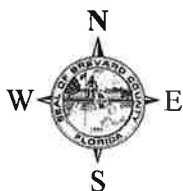
60 Meters

All Distances

EAGLE NESTS MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests
FWS 2010

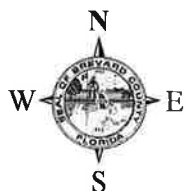
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/8/2021

SCRUB JAY OCCUPANCY MAP

J.W. DUNN LODGE No. 37, INC.




21Z00008



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.

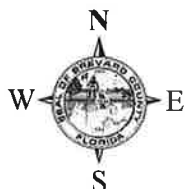
Produced by BoCC - GIS Date: 3/8/2021

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

J.W. DUNN LODGE No. 37, INC.

21Z00008




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: 3/8/2021

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamleson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 212 00008

Existing FLU: RES 15 RESIDENTIAL 15 UNITS PER ACRE Existing Zoning: IN(L) Institutional (Low Intensity)

Proposed FLU: _____ Proposed Zoning: RR-1

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

J W DUNN LODGE #37 INC/CHARLES WIEBE, PRESIDENT

Fraternal Order of Police

Name(s)		Company	
<u>1049 JULIA DR</u>	<u>MELBOURNE</u>	<u>FL</u>	<u>32935</u>
Street	City	State	Zip Code
<u>FOP37president @aol.com</u>		<u>(321) 610-7985</u>	
Email	Phone	Cell	

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☒ Other Buyer

Patrick Meyer

Name(s)		Company	
<u>1061 HYDE PARK LN</u>	<u>MELBOURNE</u>	<u>FL</u>	<u>32935</u>
Street	City	State	Zip Code
<u>patrick.Meyer@l3harris.com</u>		<u>(321) 610-0601</u>	
Email	Phone	Cell	

APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element _____
- ☐ Other Amendment (CP): _____
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: _____

Acreage of Request: 3.03

Reason for Request:

The current property owners are seeking dual zoning to re-zone approximately a 3 acre portion of thier 4.93 acres from Institutional to RR-1 in an effort to subdivide the RR-1 acreage into it's own parcel to be sold to an adjacent property owner.

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

- ☐ 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 Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Patrick Meyer
Signature of Property Owner or
Authorized Representative

2/22/2021
Date

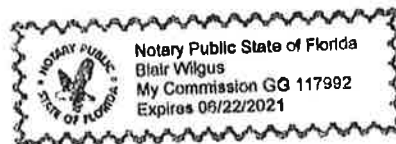
State of Florida

County of Brevard

Subscribed and sworn before me, by X physical presence or _____ online notarization,
this 22nd day of, February, 2021, personally appeared
Patrick Meyer, who is personally known to me or produced
_____ as identification, and who did / did not take an oath.

Blair Wilgus
Notary Public Signature

Seal



Office Use Only:

Accela No. 21200008 Fee: 588.00 Date Filed: 3/5/2021 District No. 4

Tax Account No. (list all that apply) portion of 2718745

Parcel I.D. No.

27 37 17 27 7 part of
Twp Rng Sec Sub Block Lot/Parcel

Planner: GCR Sign Issued by: GCR Notification Radius: 500'

MEETINGS

DATE

TIME

☒ P&Z

5/3/2021

3pm

☐ PSJ Board

☐ NMI Board

☐ LPA

☐ BOA

☒ BCC

5/27/2021

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials _____

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes ☒ No

If yes, list _____

Location of subject property:

960' west of Steward Road on north side of
Julia Drive

Description of Request:

wants to establish a residential lot.

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:

FL 57.Karen@gmail.com
pmeyer01@tarris.com or
e-mail address

()

fax number

or U.S. Mail

Yes/No

I have received a copy of this notice:

Patricia Meyer
(APPLICANT SIGNATURE)

send to
both emails

OFFICIAL RECORDS
BOOK 2570,
PAGE 401

OFFICIAL
RECORDS
BOOK 8204,
PAGE 193

OFFICIAL RECORDS BOOK 3532, PAGE 4393

N89°04'00"E 317.00'

NORTH LINE OF LOT 7

NORTHWEST CORNER OF LOT 7
NORTHEAST CORNER OF LOT 7

EAST LINE OF LOT 7

OFFICIAL RECORDS BOOK 2815, PAGE 2107

Patrick Menger
Signature

PORTION OF LOT 7
(131,877 SQ. FT. ±
3.03 ACRES ±)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°57'36"W	30.36'
L2	N00°00'00"E	39.00'
L3	N00°20'47"W	74.99'
L4	S88°57'36"W	20.90'

OFFICIAL RECORDS BOOK 5751, PAGE 6956

LOT 8

WEST LINE
OF LOT 7

N00°00'00"E (B.B.)

560.51'

POINT OF
BEGINNING

REMAINDER
OF LOT 7

**JULIA
DRIVE**
(50' R/W)

**L1 POINT OF
COMMENCEMENT**

SOUTHWEST CORNER LOT 7 CARLTON STEWART
GARDENS PLAT NO. 2 PLAT BOOK 10, PAGE 69A

S88°57'36"W 270.00'

REMAINDER OF LOT 7

SOUTHEAST CORNER OF LOT 7

SOUTH LINE OF LOT 7

NORTH 35.35' OF LOT 6
NOT INCLUDED

S00°24'00"E

373.84'

OFFICIAL RECORDS
BOOK 7228,
PAGE 438

OFFICIAL RECORDS BOOK 7790, PAGE 2624

DESCRIPTION:

A PORTION OF LOT 7 OF CARLTON STEWART
GARDENS PLAT NO. 2, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE
69A OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID
LOT 7 THENCE RUN NORTH 00°00'00" EAST
ALONG THE WEST LINE OF SAID LOT 7, A
DISTANCE OF 113.99 FEET TO THE POINT OF
BEGINNING OF THE HEREIN DESCRIBED PARCEL;
THENCE CONTINUE ALONG SAID WEST LINE NORTH
00°00'00" EAST, A DISTANCE OF 560.51 FEET TO
THE NORTHWEST CORNER OF SAID LOT 7;
THENCE NORTH 89°04'00" EAST ALONG THE
NORTH LINE OF SAID LOT 7, A DISTANCE OF
317.00 FEET TO THE NORTHEAST CORNER OF
SAID LOT 7; THENCE SOUTH 00°24'00" EAST
ALONG THE EAST LINE OF SAID LOT 7, A
DISTANCE OF 373.84 FEET; THENCE DEPARTING
SAID EAST LINE SOUTH 88°57'36" WEST, A
DISTANCE OF 270.00 FEET; THENCE SOUTH
00°24'00" EAST, A DISTANCE OF 300.00 FEET TO
A POINT ON THE SOUTH LINE OF SAID LOT 7;
THENCE SOUTH 88°57'36" WEST ALONG SAID
SOUTH LINE, A DISTANCE OF 30.36 FEET; THENCE
DEPARTING SAID SOUTH LINE NORTH 00°00'00"
EAST, A DISTANCE OF 39.00 FEET; THENCE
NORTH 00°20'47" WEST, A DISTANCE OF 74.99
FEET; THENCE SOUTH 88°57'36" WEST, A
DISTANCE OF 20.90 FEET TO THE POINT OF
BEGINNING. CONTAINING 3.036 ACRES MORE OR
LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

- THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 34-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

SHEET 1 OF 1

JOB # 23819

DATE: 2-18-2021
SECTION 17, TOWNSHIP 27S, RANGE 37E

L.B. #6623

ANDREW W. POWSHOK
P.L.S. No. 5383

3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SCALE: 1" = 100



21200008

Owner's Name: JW Dunn Lodge #37 Inc.

Hearing Date: May 3, 2021

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

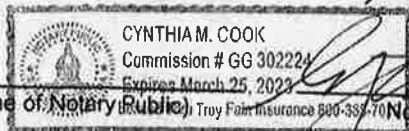
Before me, this undersigned authority, personally appeared, Brian Lock,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

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 16th day of April 2021.



(Print, Type, or Stamp Commissioned Name of Notary Public) Cynthia M. Cook
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: n/a

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, May 3, 2021**, 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: Ron Bartcher; Brian Hodgers; Bruce Moia; Mark Wadsworth, Chair; William Capote; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Peter Martin, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt from Complete Minutes

J.W. Dunn Lodge No. 37, Inc. (Patrick Meyer)

A change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential). The property is 3.03 acres, located on the north side of Julia Dr., approx. 0.18 mile west of Stewart Rd. (1049 Julia Dr., Melbourne) (21Z00008) (Tax Account 2718745) (District 4)

Patrick Meyer, 261 Hyde Park Lane, Melbourne, stated he owns the 4.5-acre property next door and he would like to build a single-family home. He said by purchasing the 3-acre subject property, he will be ensured more privacy no additional housing development.

Public comment.

Preston Phillips, 1051 Hazelwood Drive, stated his property backs up to the subject property. He said his concern is that the RR-1 zoning would allow apartments or halfway houses, and he is also concerned the subject property will be raised, causing his own property to flood.

Mr. Meyer stated he chose RR-1 because it is low density, which is what was requested by the seller.

Mark Wadsworth asked Mr. Meyer if he just wants to build one home. Mr. Meyer replied, yes, one single-family home.

Bruce Moia asked staff what type of uses are allowed under the current institutional zoning.

George Ritchie replied institutional uses would be permitted, such as group homes. Mr. Moia asked if RR-1 is basically for single-family homes. Mr. Ritchie replied, yes, on one-acre lots. He stated that Mr. Meyer's access does not meet the 125-foot required width, so he will need to apply for a flag lot if the zoning is approved.

Mr. Moia stated he believes the potential uses are far less worrisome than the existing zoning's possible uses.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from IN(L) to RR-1. The motion passed unanimously.