



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

3/3/2022

Subject:

Sunil Rajan, Sudhir Rajan, and Suresh Rajan (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment (21S.09) to change the Future Land Use designation from NC to CC. (21PZ00082) (Tax Account 2412234) (District 2) This item was tabled from the 02/03/22 meeting.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (21S.09) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial).

Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use designation on .92 acres of land from NC to CC in order to develop a Dunkin Donut coffee shop with a drive-thru window. The zoning regulations of BU-1-A (Restricted Neighborhood Commercial) specifically prohibits a drive-thru window on property with a NC Future Land Use designation.

To the north of the subject property is vacant land with a NC Future Land Use designation with BU-1-A zoning, to the east is vacant land with a NC designation and AU (Agricultural Residential) zoning, to the south is the Diocese of Orlando with a Future Land Use designation of NC and IN(L) (Institutional Use-Low Intensity) zoning and to the west are developed single-family residences with a NC Future Land Use designation and RU-1-11 (Single-Family Residential) zoning.

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

On January 27, 2022, the Merritt Island Redevelopment Agency heard the request and unanimously recommended approval.

On February 14, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 4, 2022

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

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-05, which was filed in this office on March 4, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb



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

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

March 4, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

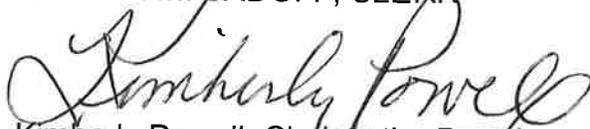
RE: Item H.2., Small Scale Comprehensive Plan Amendment (21S.09)

The Board of County Commissioners, in regular session on March 3, 2022 conducted the public hearing and adopted Ordinance No. 22-05, setting forth the sixth Small Scale Comprehensive Plan Amendment (21S.09) to change the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) (21PZ00082). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns

Encl.(1)

ORDINANCE NO. 2-05

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SIXTH SMALL SCALE PLAN AMENDMENT OF 2022, 21S.09, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2021 as Plan Amendment 21S.09; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 21S.09; and

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON MARCH 4, 2022

WHEREAS, on February 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.09, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 3, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 21S.09; and

WHEREAS, Plan Amendment 21S.09 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.09 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 21S.09 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 21S.09, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

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

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

DONE AND ADOPTED in regular session, this 3 day of March, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

 for
Rachel M. Sadoff, Clerk

By: 

Kristine Xonka, Chair

As approved by the Board on March 3, 2022.

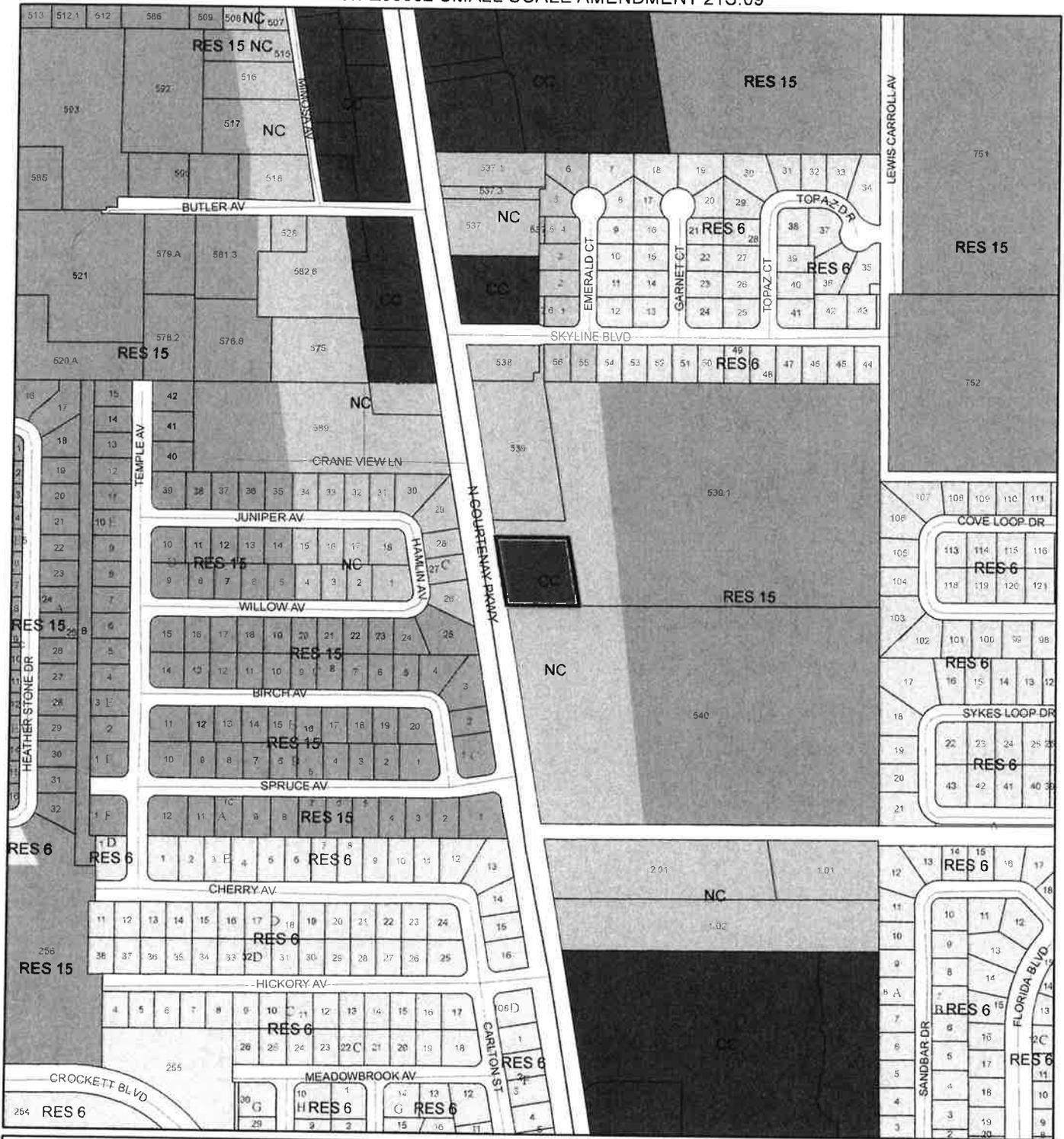
EXHIBIT A
21S.09 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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

Produced by BoCC - GIS Date: 11/22/2021

EXHIBIT B

Contents

1. Legal Description

PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JANUARY 10, 2022, and THURSDAY, FEBRUARY 3, 2022. DISTRICT 1 (21P200074) KJ GROUP FL, LLC requests a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a Private Club, in a BU-1 (General Retail Commercial) zoning classification, on property described as 686, 688, and 690 West Ave., Cocoa, as recorded in ORB 8567, Page 799 - 800, of the Public Records of Brevard County, Florida. Section 19, Township 23, Range 36, (2,400 sq. ft.) Located on the west side of West Ave., approx. 400 ft. north of Aron St. (686, 688, & 690 West Ave., Cocoa) (21Z00035) ROBERT GRIFFITH requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to R-1 (Single-Family Mobile Home), on property described as Tax Parcel 780, as recorded in ORB 9243, Pages 1891 - 1893, of the Public Records of Brevard County, Florida. Section 06, Township 21, Range 35, (1 acre) Located on the east side of Old Dixie Highway, approx. 100 ft. north of Roosevelt Rd. (3435 Old Dixie Hwy., Mims) (21Z00038) STEVEN H. LONG requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcel 3, as recorded in ORB 5718, Page 2729, of the Public Records of Brevard County, Florida. Section 02, Township 25, Range 35, (4.81 acres) Located on the south side of Providence Road, approx. 977 ft. west of Tucker Lane, (3323 Providence Rd., Cocoa) (21P200032) BRUCE FERNANDEZ requests a Small Scale Comprehensive Plan Amendment (21S.06) to change the Future Land-Use designation from RES 1:2.5 to RES 1, on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 3284, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34, (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 21S.07: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. (21Z00019) BRUCE FERNANDEZ requests a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to RRMH-1 (Rural Residential Mobile Home), on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 3284, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34, (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims.) DISTRICT 5 (21Z00040) COBB 192, LLC (Bruce Moia & Adam Broadway) request a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on property described as Tax Parcel 257, as recorded in ORB 6332, Pages 2148 - 2150, of the Public Records of Brevard County, Florida. Section 01, Township 28, Range 36, (2.11 acres) Located on the north side of W. New Haven Ave., approx. 0.28 mile west of Katherine Blvd. (No assigned address. In the Melbourne area.) DISTRICT 1 (21Z00036) DAVID C. AND CYNTHIA R. RAMAGE, CO-TRUSTEES request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcels 262 and 292, as recorded in ORB 6045, Pages 1156 - 1157, of the Public Records of Brevard County, Florida. Section 24, Township 21, Range 34, (4.25 acres) Located on the east side of Turpentine Road, approx. 312 ft. north of Lion Lane, (2121 Turpentine Rd., Mims) (21Z00045) HOWARD L. GASMAN (Robert Gasman) requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 10, Block 3, Canaveral Groves Subdivision, as recorded in ORB 5362, Page 2395, of the Public Records of Brevard County, Florida. Section 05, Township 24, Range 35, (1.72 acres) Located on the north side of Centre St., approx. 617 ft. west of Osprey Ave. (5640 Cangro St., Cocoa) DISTRICT 4 (21Z00042) CARTER AND JESSICA HAYES request a change of zoning classification from AU (Agricultural Residential) to RU-2.4 (Low Density Multi-Family Residential), on property described as Tax Parcels 761 and 762, as recorded in ORB 5421, Pages 276 - 277, of the Public Records of Brevard County, Florida. Section 24, Township 23, Range 36, (2.79 acres) Located on the west side of N. Courtenay Pkwy., approx. .38 mile north of Hall Road. (4645 N. Courtenay Pkwy., Merritt Island) DISTRICT 1 (21Z00039) JUSTIN M. FALSCROFT requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Lot 6, Pine Lake Ranch Subdivision, as recorded in ORB 8705, Page 2660, of the Public Records of Brevard County, Florida. Section 11, Township 24, Range 35, (3.96 acres) Located at the north end of Friday Road, on the south side of S.R. 528. (3000 Friday Road, Cocoa) (21Z00041) EDIC AND ASHLEY MORENO request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Tax Parcel 17, as recorded in ORB 9246, Pages 524 - 525, of the Public Records of Brevard County, Florida. Section 31, Township 24, Range 36, (1.11 acres) Located at the west end of Sue Dr., approx. 0.15 mile west of Clearlake Rd. (1640 Sue Dr., Cocoa) DISTRICT 2 (21P200082) SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment (21S.09) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 574, as recorded in ORB 2462, Page 1335, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 36, (0.92 acres) Located on the east side of N. Courtenay Pkwy., approx. 0.11 mile south of Skyline Blvd. (No assigned address. In the Merritt Island area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 21S.08: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JANUARY 10, 2022, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, FEBRUARY 3, 2022, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at these meetings or hearings, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intensive zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.



February 24, 2022

Dear Mr. Rahal,

Thank you for your letter dated February 23, 2022 regarding your new development adjacent to Divine Mercy Catholic Church in Merritt Island.

While we support the addition of the Dunkin Donuts on the property, we are not supportive of a shared driveway between the church and Dunkin Donuts. I hope you are able to create a means of alternative access directly from Courtney Parkway.

Please don't hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Fergerson", with a long horizontal line extending to the right.

Scott Fergerson
Secretary for Ecclesiastical Properties

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.1 (21PZ00082)
Township 24, Range 36, Section 14*

Property Information

Owner / Applicant: **Sunil Rajan, Sughir Rajan, and Suresh Rajan**

Adopted Future Land Use Map Designation: Neighborhood Commercial (NC)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage: .92 acres

Tax Account #: 2412234

Site Location: On the east side of North Courtenay Parkway approximately .3 miles south of Pioneer Road

Commission District: 2

Current Zoning: Restricted Neighborhood Retail Commercial (BU-1-A)

Requested Zoning: Restricted Neighborhood Retail Commercial (BU-1-A)

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on .92 acres of land from Neighborhood Commercial (NC) to Community Commercial (CC) in order to develop a Dunkin Donut coffee shop with a drive thru window. The zoning regulations of BU-1-A specifically prohibits a drive thru window on property with a NC Future Land Use designation.

This segment of N. Courtenay Parkway had a Mixed Use (MIX) Future Land Use designation since 1997. In 2001, the Future Land Use designations were changed from MIX to NC and CC along this segment of N. Courtenay Parkway when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has a NC Future Land Use designation and remains vacant.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant Single-Family land	BU-1-A	NC
South	Diocese of Orlando	IN(L)	NC
East	Vacant Single-Family land	AU	NC
West	Single-Family Residential	RU-1-11	RES 15

To the north of the subject property is vacant land with a NC Future Land Use designation with Restricted Neighborhood Retail Commercial (BU-1-A) zoning, to the east is vacant land with a NC designation and Agricultural Residential (AU) zoning, to the south is the Diocese of Orlando with a Future Land Use designation of NC and Institutional Use- Low Intensity (IN(L)) zoning and to the west are developed single-family residences with a RES 15 Future Land Use designation and Single-Family Residential (RU-1-11) zoning.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

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;

The applicant has stated a specific commercial use of a Dunkin Donuts with a drive-thru window. There are potential impacts on the future residential developments directly to the north and east and across N. Courtenay Parkway to the west from the subject site. The effects of lighting, site activity and traffic will be evaluated at the time of site plan review.

- 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;

N. Courtenay Parkway is a commercial corridor with NC Future Land Use designations along the majority of it to provide a buffer to the abutting residential land uses of less intense commercial activity than the uses provided for at major intersections along the corridor with CC Future Land Use designations.

There is a commercial node of approximately forty-four (44) acres located at S.R. 528 and N. Tropical Trail. The CC nodes located at major intersections along N. Courtenay Parkway provide an array of services for local, subregional and regional neighborhoods whereas NC typically provides services to the local residential neighborhoods.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There have not been any development approvals within the past three (3) years.

Administrative Policy 4

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed use of a Dunkin Donut coffee shop with a drive thru window could be buffered by a strip of NC between the proposed use and the undeveloped RES 15 neighborhood to the east.

- 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.

The area surrounding the subject site has clearly distinct established boundaries. The subject property is within an area of NC with neighborhood commercial uses such as a church to the south.

Role of the Comprehensive Plan in the Designation of Commercial Lands Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject .92 acre parcel has frontage on N. Courtenay Parkway to the west.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

A CC Future Land Use designation is compatible to the north, east and south of the subject site and inter-connectivity could be provided between these adjacent uses.

- C. Existing commercial development trend in the area;

The existing historical trend in the area are CC Future Land Use designations along N. Tropical Trail at Arterial/Arteria intersections such as S.R. 528 and N. Tropical Trail approximately .8 miles to the north, and NC Future Land Use designations on the east and west side of N. Tropical Trail where there are residential developments.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

There are no fundamental changes in character within this area prompted by County infrastructure improvements.

- E. Availability of required infrastructure at/above adopted levels of service;

The parcel is serviced by Brevard County sewer and potable water by the City of Cocoa. Based upon Floor Area Ration (FAR) used for traffic analysis when considering Future Land use changes, N. Courtenay Parkway would be operating below the Acceptable Level of Service (LOS) of E. Specific concurrency issues will be addressed at the time of Site Plan review.

- F. Spacing from other commercial activities;

The subject parcel is .92 acres. N. Tropical Trail is a commercial corridor that is classified as an Urban Principal Arterial roadway meant to service residents from local, subregional and regional neighborhoods.

- G. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary on pages 8 and 9).

- I. Integration of open space; and

Open space will be evaluated during the site plan review process.

- J. Impacts upon strip commercial development.

The subject .92 acre site would not be considered infill but rather an extension of strip commercial development. Along this section of N. Tropical Trail, the adjacent Future Land Uses are NC because it abuts residential developments. To introduce a CC Future Land use in the middle of adjacent NC Future Land Uses would be considered an extension of strip commercial development.

Activities Permitted in Community Commercial (CC) Future Land Use Designations

Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;

With a Future Land Use designation of CC, the subject parcel would be extending strip commercial along this segment of N. Tropical Trail from S.R. 528 south to Diana Boulevard.

Locational and Development Criteria for Community Commercial Uses

Policy 2.8

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

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size; however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject parcel is not located at an arterial/arterial intersection nor a collector/arterial intersection. CC Future Land uses are to be limited to intersections so as not to intrude in the surrounding residential areas.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject site is not located at an intersection and won't exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The subject site is located along a commercial corridor and is not clustered at an intersection.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size

and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

The gross floor area is regulated through the land development regulations at the time of site plan review.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

The overall subject site has the potential for a forty thousand seventy-five square foot (40,075 s.f.) building. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.

Environmental Resources

Mapped resources include National Wetlands Inventory (NWI) Wetlands, Indian River Lagoon Nitrogen Reduction Overlay, Protected and Specimen trees and Protected Species.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

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

For Board Consideration

The Board should also consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 21PZ00082**

Applicant: Rezanka for Rajan

FLU Request: NC to CC

Note: Applicant wants to build a Dunkin Donuts with drive-through lane.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2412234

- 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:

- National Wetlands Inventory (NWI) Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped NWI wetlands. A wetland was delineated on the northern portion of the property. The wetland delineation will require agency verification. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Land Use Comments:

Wetlands

The subject parcel contains mapped Freshwater forested/Shrub wetlands as shown on the NWI Wetlands map. A wetland has been delineated on the northern portion of the property. The wetland delineation will require agency verification. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

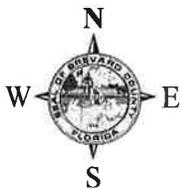
The subject property is within a mapped polygon of SJRWMD FLUCCS code 4340-Upland mixed coniferous/hardwood. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and may be found on the property. Per Section 62-4341(18), 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

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



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

Buffer Distance: 500 feet

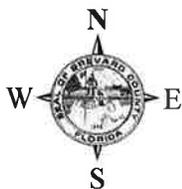
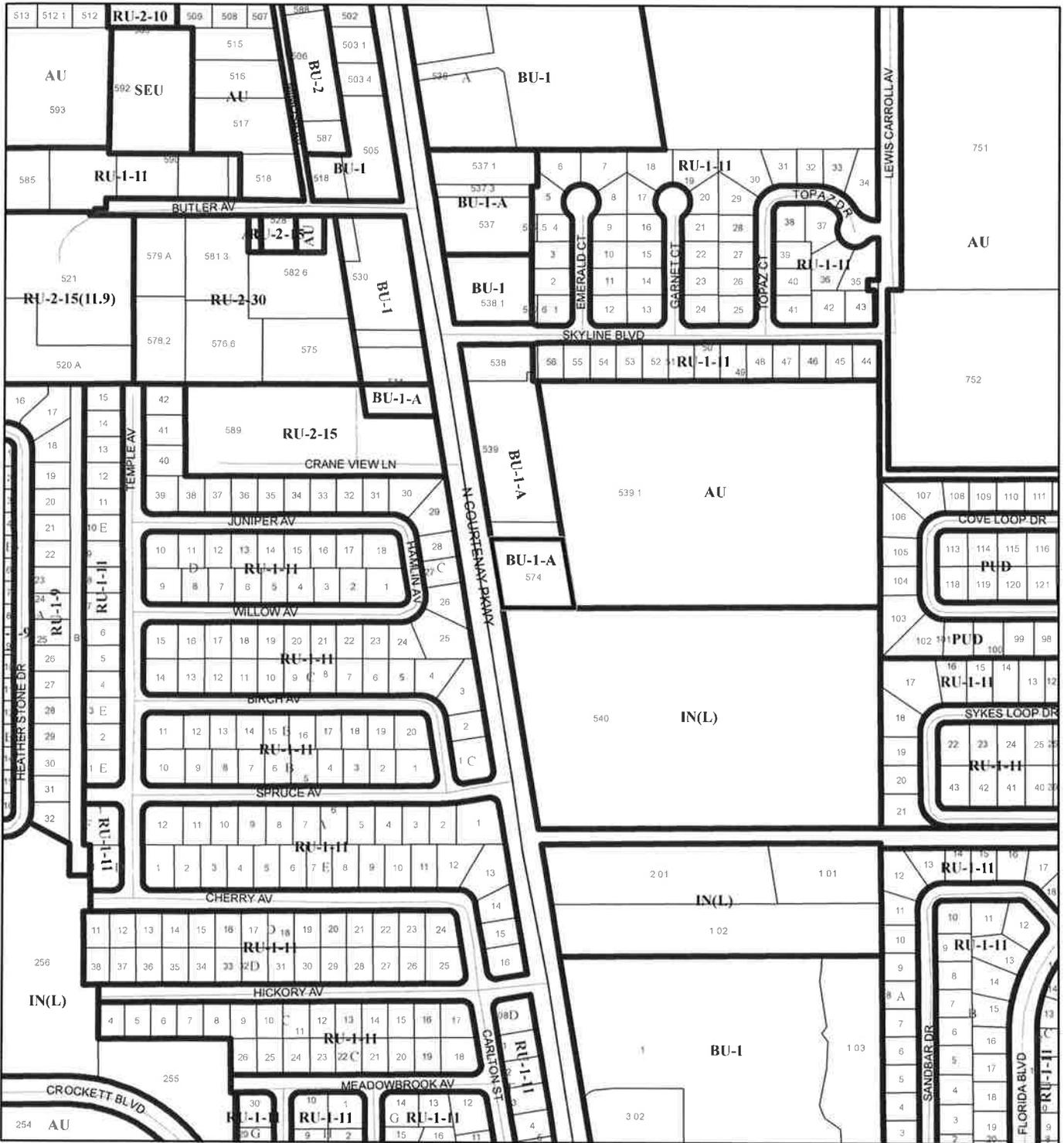
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/22/2021

-  Buffer
-  Subject Property

ZONING MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

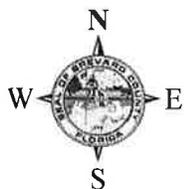
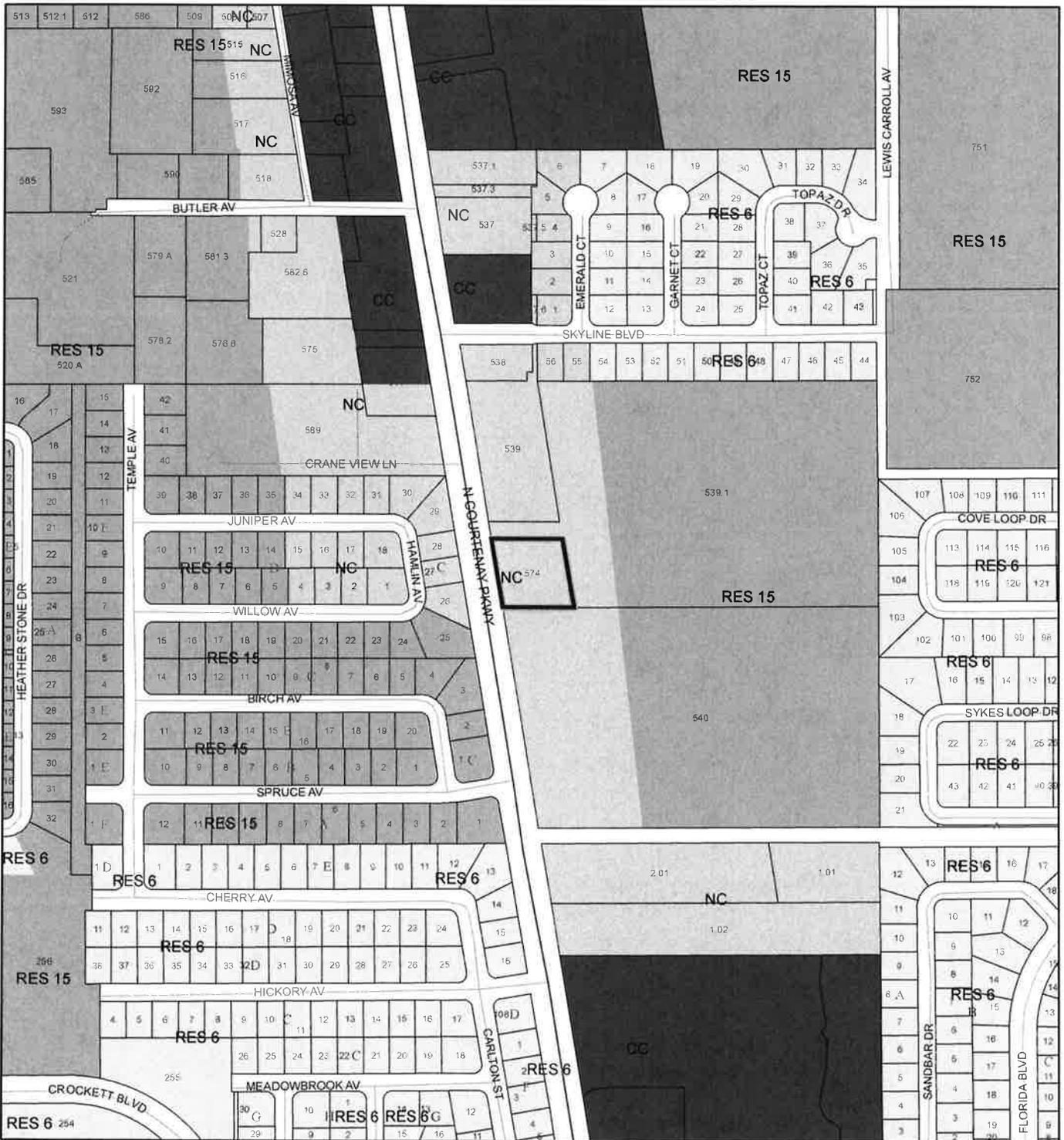
-  Subject Property
-  Parcels
-  Zoning

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FUTURE LAND USE MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

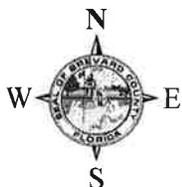
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PROPOSED FUTURE LAND USE MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

 Subject Property

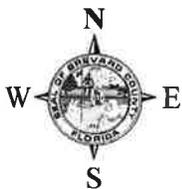
 Parcels

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AERIAL MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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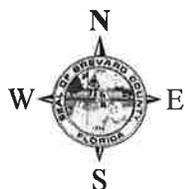
Produced by BoCC - GIS Date: 11/22/2021

 Subject Property

 Parcels

NWI WETLANDS MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN
21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

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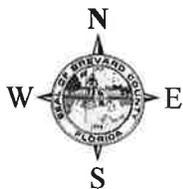
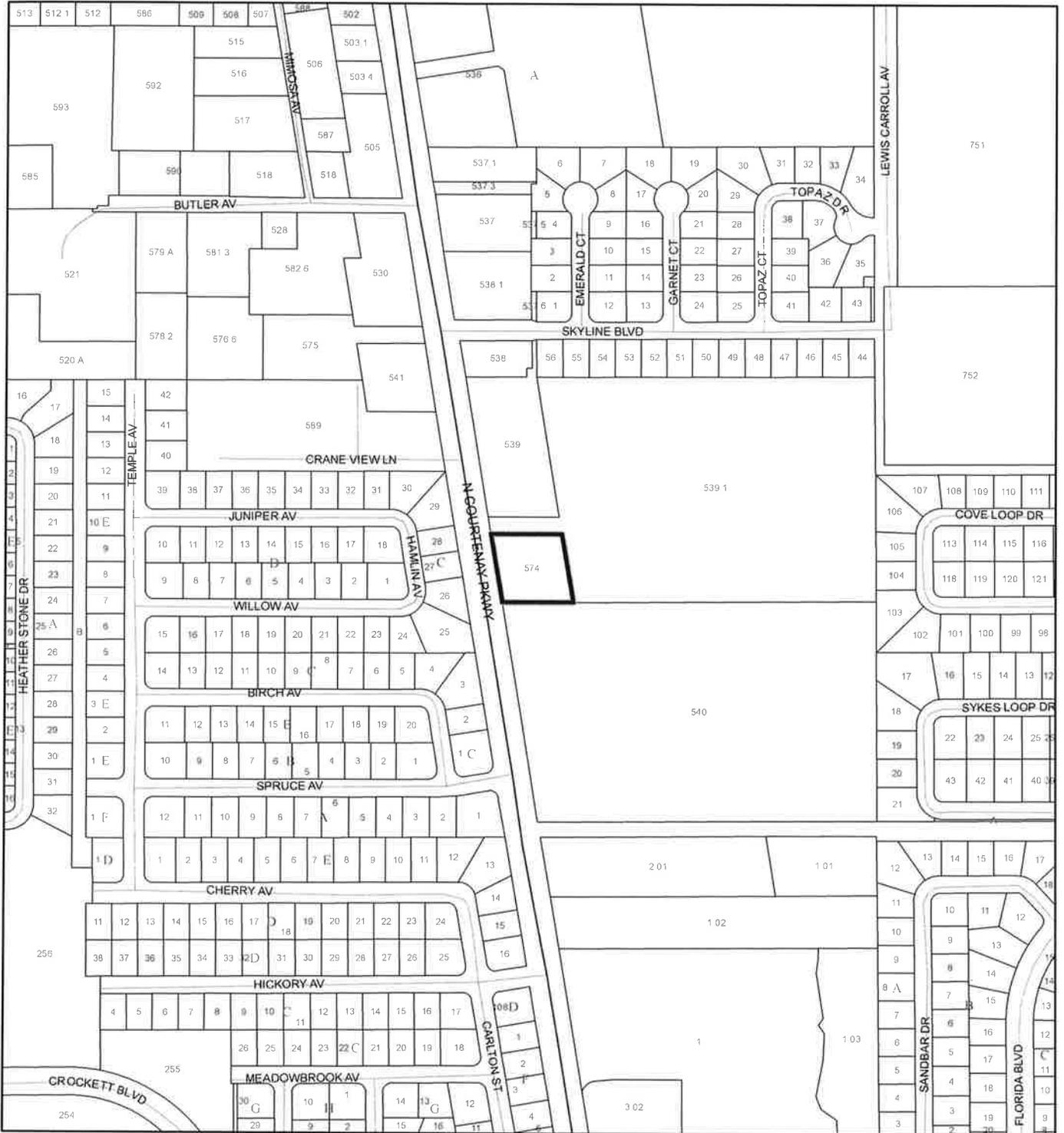
National Wetlands Inventory (NWI)

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

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

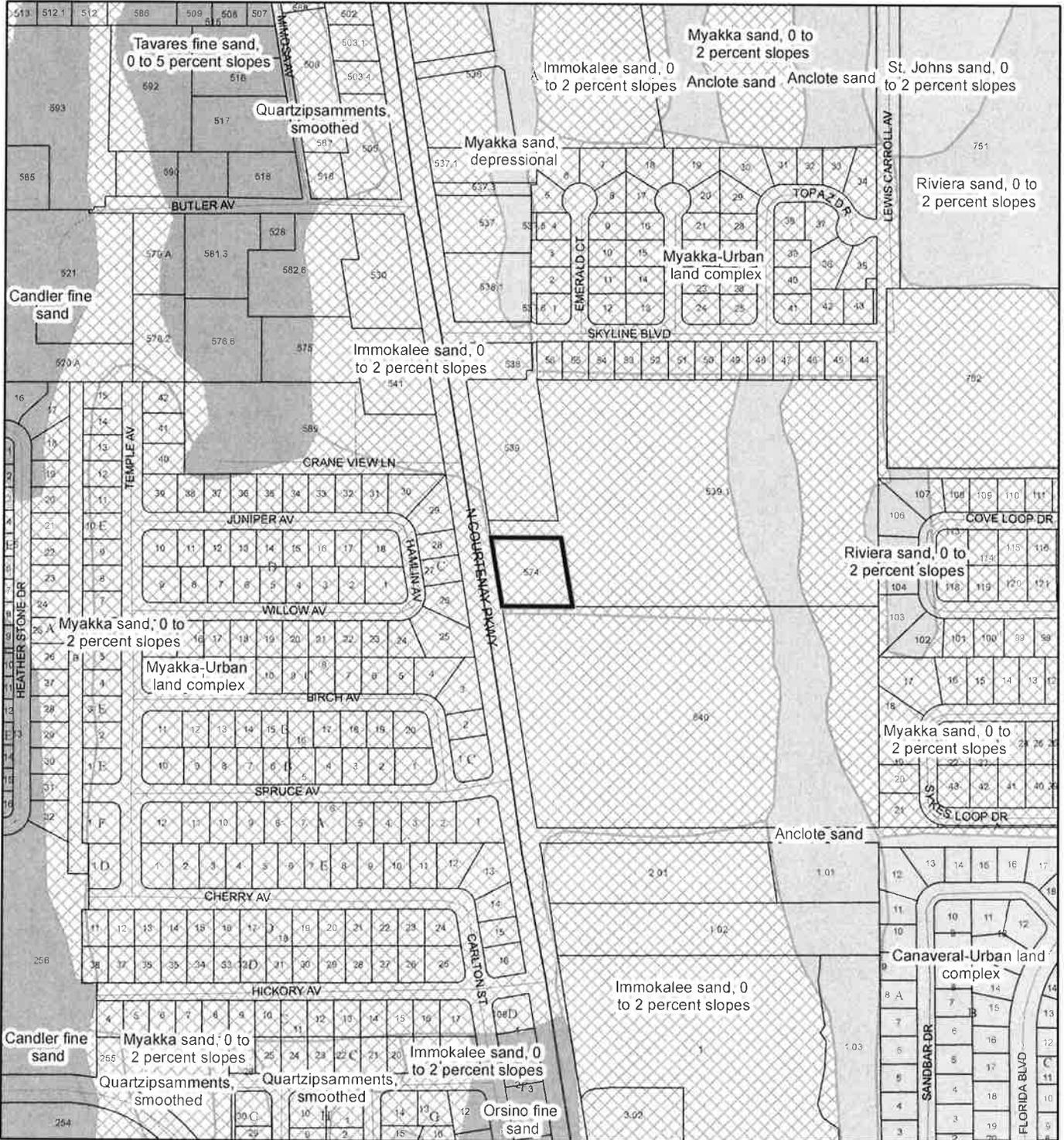
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

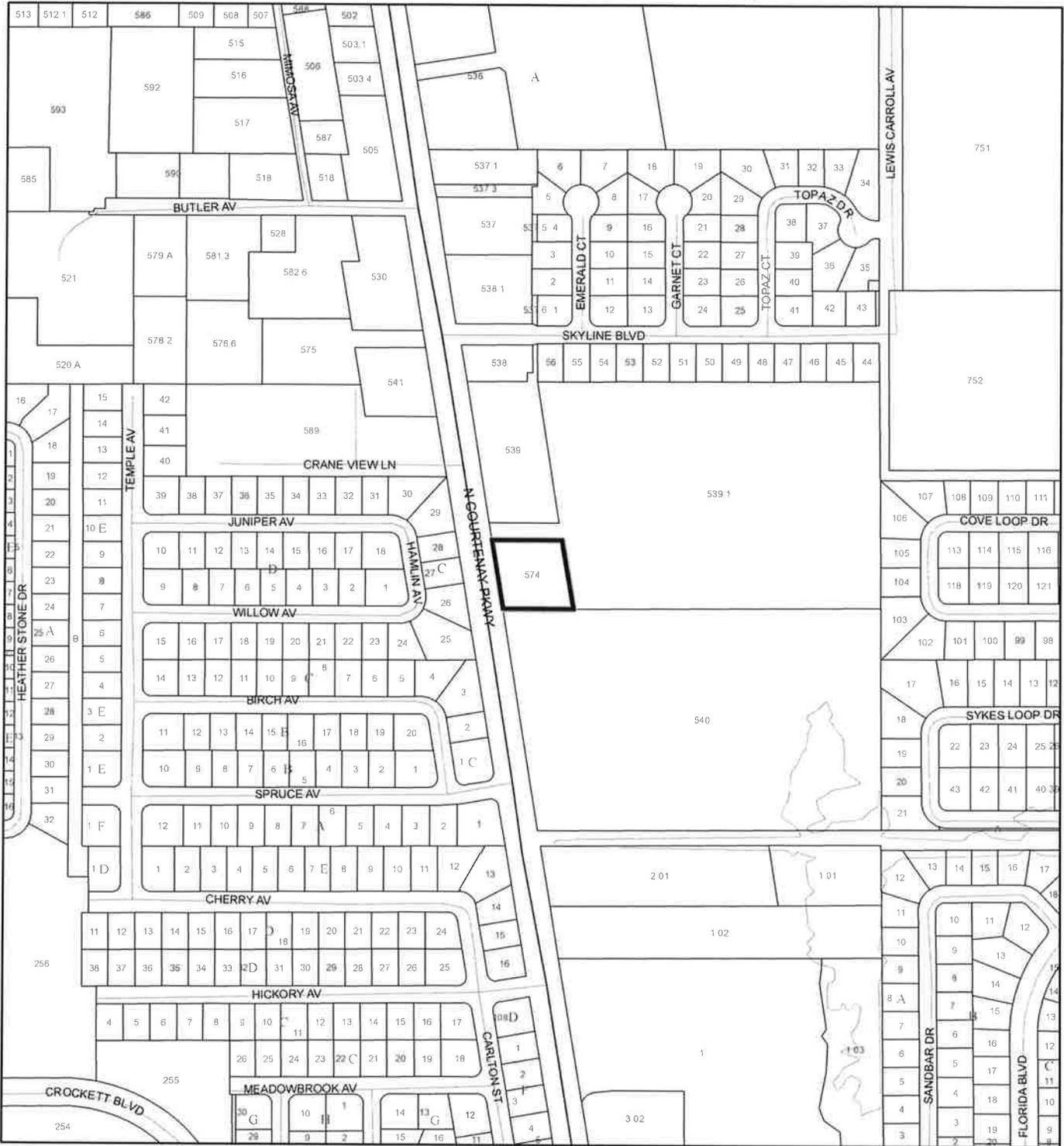
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Produced by BoCC - GIS Date: 11/22/2021

FEMA FLOOD ZONES MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

FEMA Flood Zones

- A
- AE
- AH
- AO
- Open Water
- VE
- X
- Subject Property
- Parcels

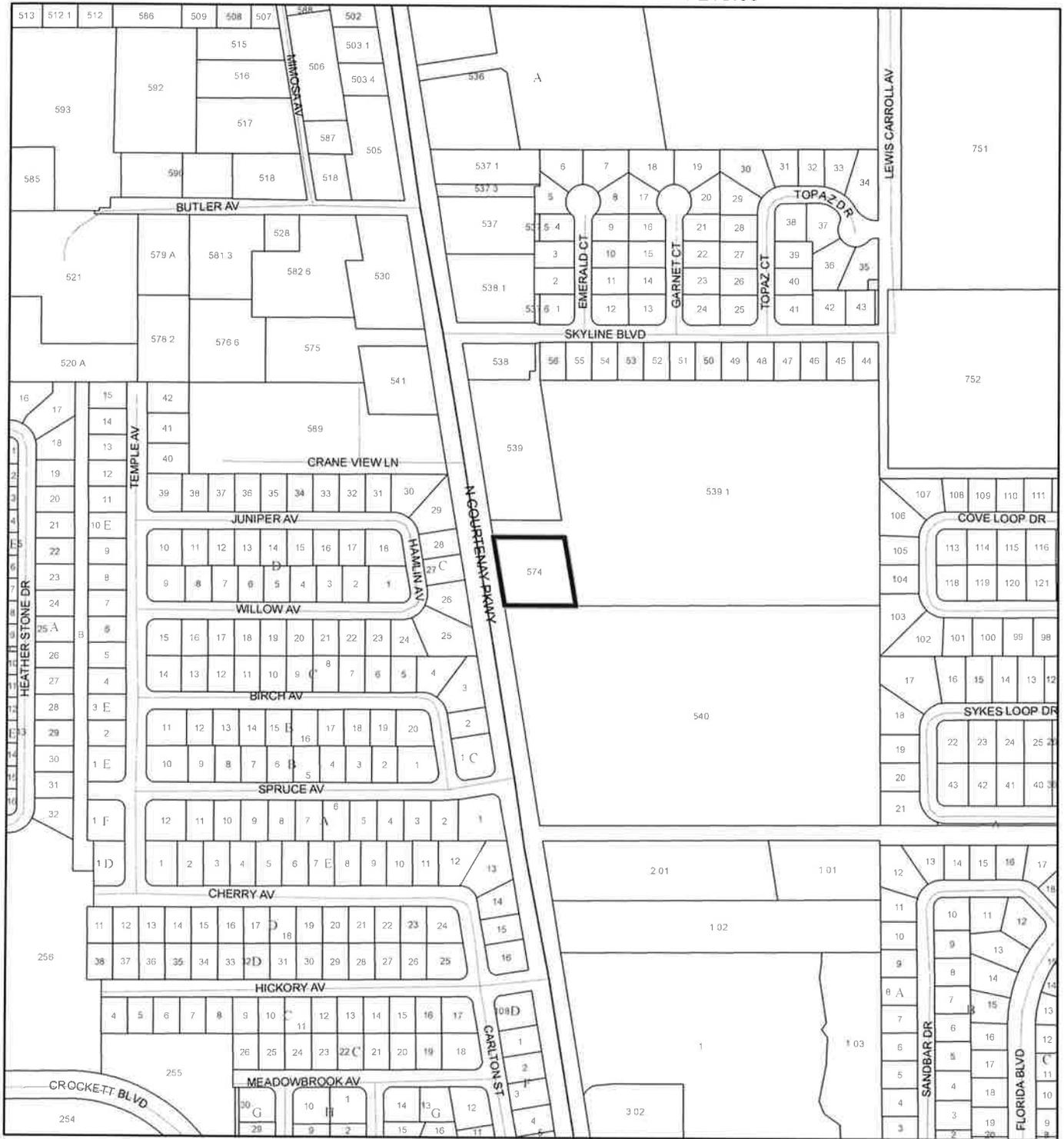
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Produced by BoCC - GIS Date: 11/22/2021

COASTAL HIGH HAZARD AREA MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/22/2021

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/22/2021

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



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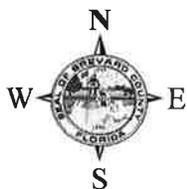
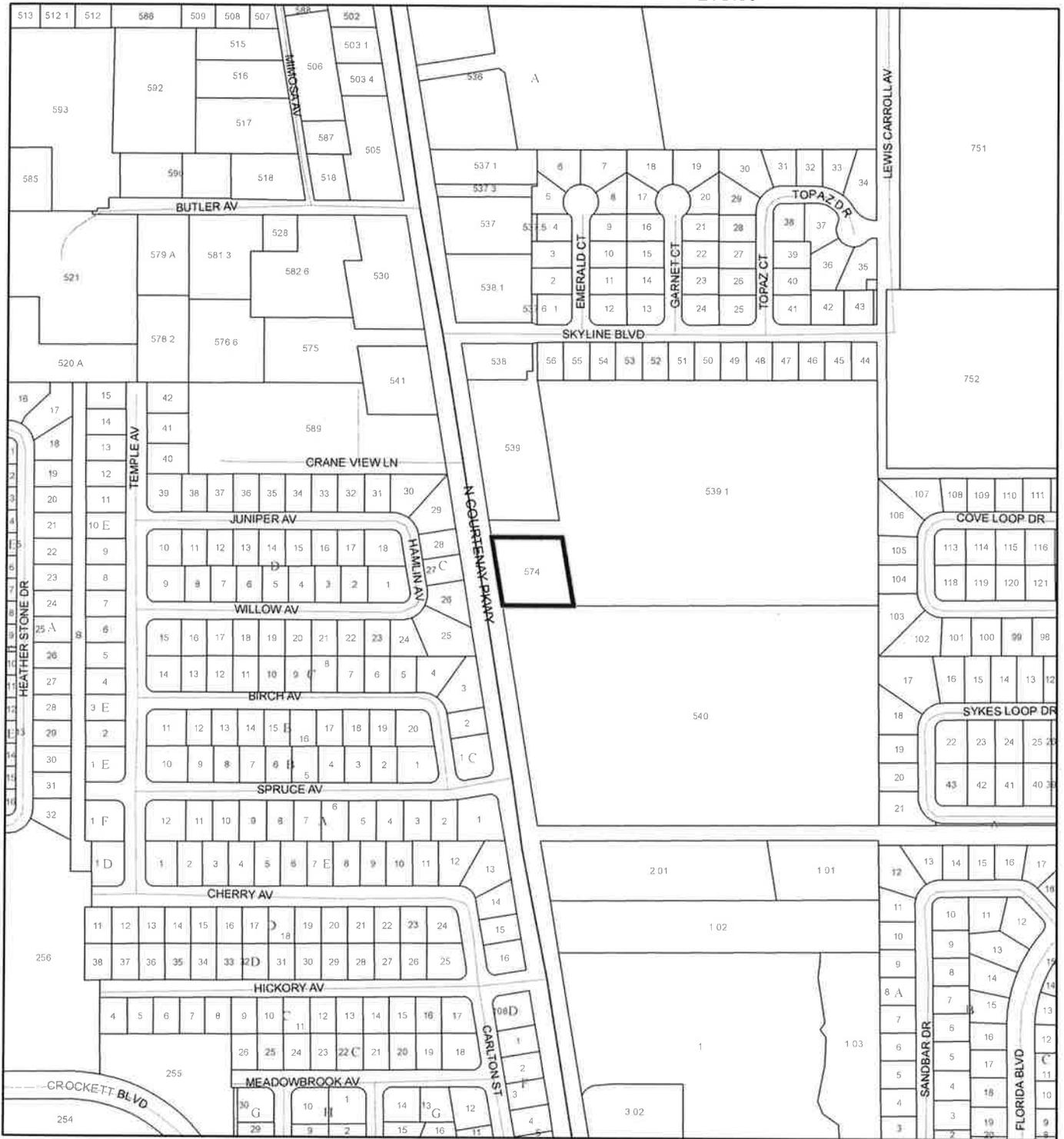
Produced by BoCC - GIS Date: 11/22/2021

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

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

Produced by BoCC - GIS Date: 11/22/2021

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN

21PZ00082 SMALL SCALE AMENDMENT 21S.09



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: 11/22/2021

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

Description of Request
21PZ00082
Rajan

Planning & Development Department
2725 Judge Fran Jamieson Way, Bldg A, Suite 114
Viera, FL 32940
Phone: (321) 633-2070, Fax: (321) 633-2074
www.BrevardFL.gov/PlanningDev

Supplement to Comprehensive Plan Amendment Application

1. **Type of Application:**

Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. **Applicant:** Kimberly Rezanka **Staff Planner:** _____

3. **Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: NC

Requested Future Land Use Designation: CC

Existing Zoning: BU-1-A

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike- thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. **Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.**

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

See Attached.

(Use additional sheets if necessary)

**Comprehensive Plan Amendment for Dunkin' Donuts:
Parcel Id. 24-36-14-00-574, Merritt Island, FL (the "Property")**

The change in the FLUM from NC to CC is requested to allow the purchaser to build and operate a Dunkin' Donuts with a drive-through lane. The NC Designation specifically disallows drive-through lanes (FLUE Policy 2.5), as does Sec. 62-1481(11), Brevard County Code. Further, NC is intended to serve "the needs of the immediate residential area." However, the Property for which the change is requested, located on N. Courtenay Parkway and Skyline Boulevard, is located in an area that "serve(s) several neighborhoods, sub-regional and regional areas and provide(s) an array of retail, personal and professional uses", as contemplated by the CC Designation (FLUE Policy 2.7).

The expansion of N. Courtenay Parkway over the years has drastically changed the amount and type of traffic, as well as the amount and type of consumers, in the area of the Property. Many of the surrounding commercial uses located near the Property on N. Courtenay Parkway are more intense uses than those contemplated by NC, and all serve many neighborhoods, people from all over Central Brevard, and tourists. Immediately north of the Property is a 17,100 square foot strip commercial center which, although located in a NC Designation, is more appropriate to a CC designation, per FLUE Policy 2.7. Across N. Courtenay Parkway and north is a Florida Community Bank with five (5) drive-thru lanes, and it is partially in a NC Designation. Further north across N. Courtenay from the Property is a 14,000 square foot multi-tenant shopping center with a restaurant, a tailor, and a pawn shop, among other uses.

Therefore, the development in the area has become inconsistent with the existing FLUM designation of NC. The proposed Dunkin' Donuts is in keeping with the nature of N. Courtenay Parkway, as exemplified by other restaurants and uses with drive-throughs along this more northerly portion of N. Courtenay Parkway up to SR528, i.e., banks, restaurants, RaceTrac, Cumberland Farms. N. Courtenay Parkway is a major roadway, and NC is no longer appropriate for this Property due to the change in conditions of this area.

The need for the drive-through has required the need for a FLUM change from NC to CC. The CC Designation is consistent and compatible with the properties and uses in close proximity to the Property. This Dunkin' Donuts use can be considered a "transitional activity" between the intense transportation corridor of N. Courtenay Parkway and the residential uses to the east of the Property (FLUE Policy 2.14). Dunkin' Donuts will provide appropriate buffering (wall and landscaping), lighting, hours of operation and setbacks to minimize any adverse impacts on the properties to the east and south.

Finally, a review of FLUE Policy 2.1, the Property is accessible from N. Courtenay Parkway, the CC designation is compatible as explained above, the development trends (including a Sonic Restaurant and Starbucks to the north) are consistent with this FLUM change, the expansion and changes to N. Courtenay Parkway has resulted in new commercial development, the Parkway in an arterial roadway with capacity, this is not a commercial strip center but an appropriate commercial use for the area and this is not large enough to be a community commercial center.

Wetland Survey 21PZ00082 Rajan

MAP OF BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR AND CERTIFIED TO RAHAL DEVELOPMENT

LEGAL DESCRIPTION AS DESCRIBED IN OPTICAL RECORD BOOK 2462, PAGE 1338:
 THE S.W. 1/4 OF SEC 14 OF SW 1/4, EAST OF STATE ROAD NO. 3, RIGHT-OF-WAY, EXCEPT LAND DESCRIBED IN OPTICAL RECORD BOOK 5891, PAGE 101, SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST.

- SURVEYOR'S NOTES:**
- FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP 120080340H.
 - NO APPARENT ENCROACHMENTS NOTED.
 - BASED ON THE NORTH LINE OF THE SUBJECT PARCELS AND ARE BEARING OF 180°00'00" AND A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF THE ROAD.
 - THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF THE AMERICAN SURVEYING SOCIETY'S EXERCISES AND/OR RIGHTS-OF-WAY OF RECORD.
 - LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE ISSUED TO RAHAL DEVELOPMENT, INC. ON 08/28/2021. THE SUBJECT PARCELS ARE IDENTIFIED WITHIN THE SUBJECT PROPERTY, ALONG THE WESTERN BOUNDARY. DOES NOT APPEAR TO HAVE AN ASSOCIATED SURVEY. SURVEY DOES NOT WARRANT TITLES.
 - UNDERGROUND FOUNDATIONS AND/OR UTILITIES NOT LOCATED AT THIS SURVEY.
 - ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AND ARE BASED ON A BENCHMARK IDENTIFIED AS "BM 1" WITH AN ELEVATION OF 10.00 FEET ABOVE MEAN SEA LEVEL. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE SURVEYOR'S CLIENT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE WORK SHOWN, MEASURED AND SEALED BY THE SURVEYOR'S SEAL.



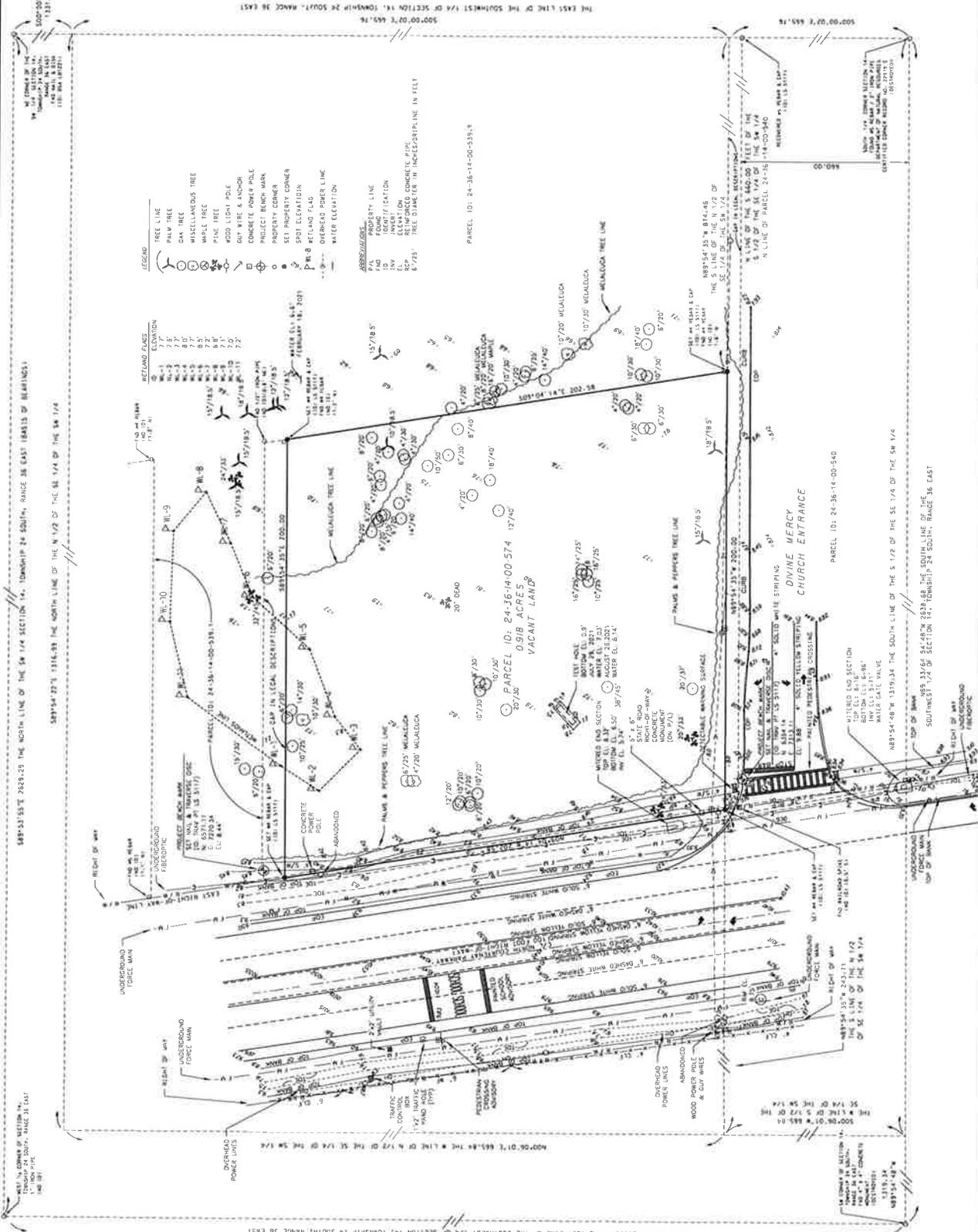
SURVEYOR'S CERTIFICATION: THE SURVEY DEPICTED HEREON IS TRUE AND MEETS THE ANTI-SURVEYING STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS WITHIN THE CODE, PARAGRAPH 1, SECTION 472.022, FLORIDA STATUTES.

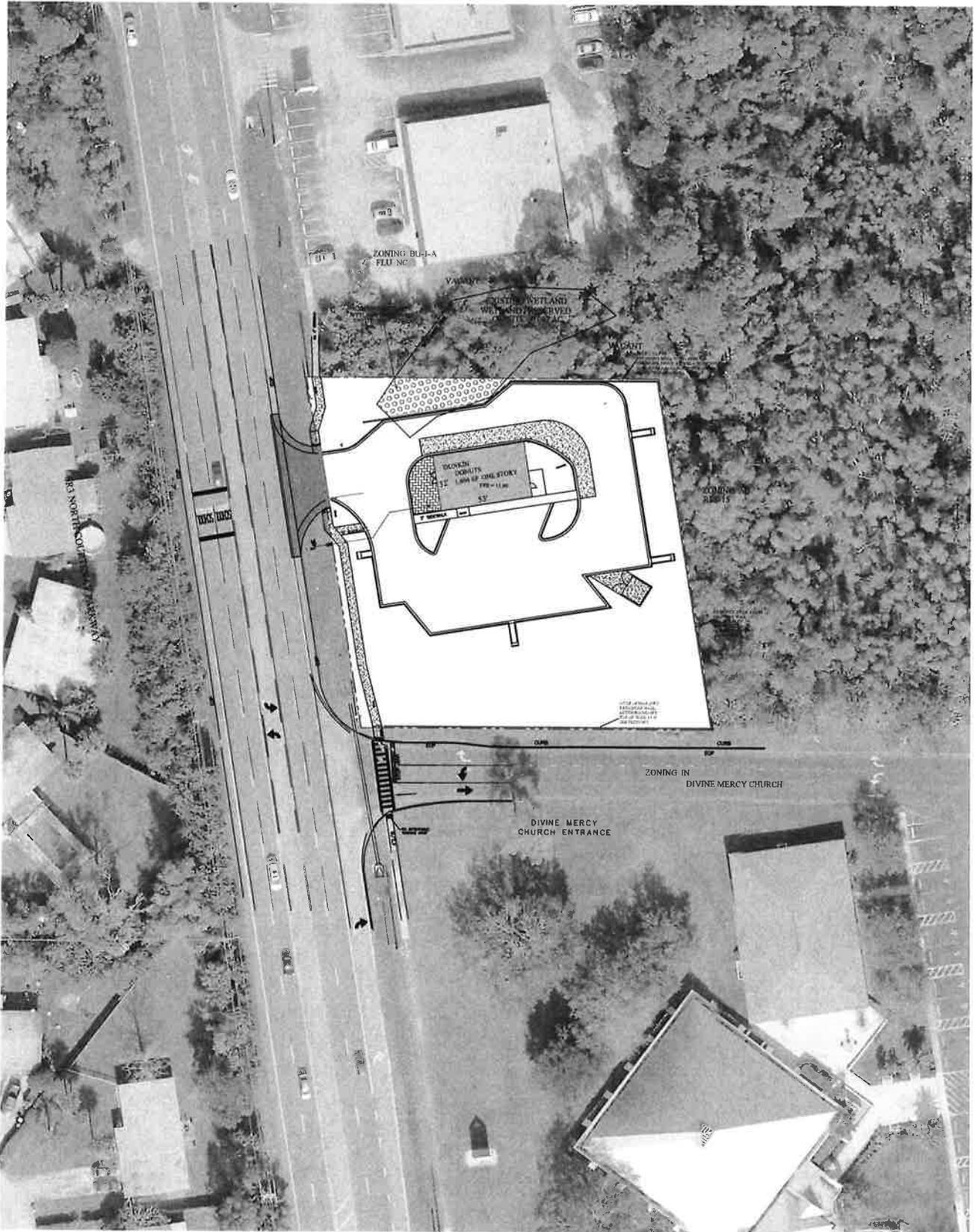
DAVID J. KUGELMANN, P.L.S., NO. 5117
 STATE OF FLORIDA
 KUGELMANN LAND SURVEYING, INC.
 300 NORTH TROPIC TRAIL
 SUITE B
 MERRITT ISLAND, FLORIDA 32953
 U.S. NO. 80975

DATE	REVISIONS
08/28/21	ORIGIN
08/28/21	CHANGES
08/28/21	CHECKED BY
08/28/21	APPROVED BY
08/28/21	PROJECT NO.
08/28/21	PROJECT NAME
08/28/21	PROJECT LOCATION
08/28/21	PROJECT CLIENT
08/28/21	PROJECT DESCRIPTION
08/28/21	PROJECT ADDRESS
08/28/21	PROJECT PHONE
08/28/21	PROJECT FAX
08/28/21	PROJECT EMAIL
08/28/21	PROJECT WEBSITE

BOUNDARY & TOPOGRAPHIC SURVEY
 PARCEL ID: 24-36-14-00-574

GRAPHIC SCALE
 1 INCH = 50 FEET







MERRITT ISLAND REDEVELOPMENT AGENCY

INTER-OFFICE MEMORANDUM

DATE: February 7, 2022

TO: Jeffrey Ball, Planning & Zoning Manager
George Ritchie, Planner III, Jennifer Jones, Special Projects
Coordinator

FROM: Larry Lallo, Executive Director on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: Project Name/Location: Tax Parcel 2412234 Merritt Island, Florida
Dunkin Donuts – Rajan,

Request for a Future Land Use (FLU) Designation Amendment of .92
acres of land from Neighborhood Commercial (NC) to Community
Commercial (CC)

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the P&Z Board for a change in zoning or approval of a conditional use permit, or to the Board of Adjustment for a variance, for property located in the MIRA area, the application shall be forwarded to the MIRA agency prior to the applicable public hearing before the P&Z board or the Board of Adjustment."

On January 27, 2022 at their regular meeting, the Merritt Island Redevelopment Agency (MIRA) Board of Directors reviewed a zoning presentation, presented by Attorney Kimberly Rezanka, representing the property owners, in reference to the Subject property and proposed Future Land Use Map designation amendment.

The current zoning is Restricted Neighborhood Retail Commercial (BU-1- A). The zoning regulations of BU-1-A specifically prohibit a drive thru window on a property that has a NC Future Land Use (FLU) designation.

Attorney Rezanka provided A Future Land Use Map, and a Preliminary Site Plan, to the MIRA Board, for discussion and information purposes.

There was considerable discussion, in regard to the specific reason for the request, with the Applicant not requesting an actual zoning change. Staff explained, that the requested amendment, to the FLU, would enable Dunkin Donuts to have a drive thru window, which is essential to the profitable conduct of their business model. There were some comments in regard to the preliminary site plan. about appropriate buffering given the surrounding land uses, and location of the ingress and egress.

A clarification was made by Staff, that the MIRA Board will have an opportunity to review the Site Plan, once it is completed and submitted to the Brevard County Planning & Development Department.

The MIRA Board recommended approval of the request to amend the Adopted Future Land Use Map Designation of Tax Parcel 2412234 from Neighborhood Commercial (NC) to Community Commercial (CC).

DUNKIN'

Current Location
21PZ00082
Rajan/Dunkin
(Submitted by Applicant 02/14/22)



2445 N Courtenay Pkwy STE C, Merritt Island, FL 32953
Parcel: 24-36-14-00-274
Acreage: 1.37, Three businesses on one parcel



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpag.us>

PROPERTY DETAILS

Account 2412120
 Owners ISLAND REALTY GROUP LLC
 Mailing Address PO BOX 470458 CELEBRATION FL 34747
 2445 N COURTENAY PKWY UNIT A MERRITT
 ISLAND FL 32953
 Site Address 2445 N COURTENAY PKWY UNIT B MERRITT
 ISLAND FL 32953
 2445 N COURTENAY PKWY UNIT C MERRITT
 ISLAND FL 32953
 Parcel ID 24-36-14-00-274
 Property Use 1210 - MIXED USE - COMMERCIAL PROPERTY
 Exemptions NONE
 Taxing District 2200 - UNINCORP DISTRICT 2
 Total Acres 1.37
 Subdivision --
 Site Code 0370 - N COURTENAY
 Plat Book/Page 0000/0000
 Land Description PART OF W 1/2 OF NW 1/4 LYING W OF ST RD 3 AS
 DES IN ORB 1781 PG 796 & 1797 PG 356 EX ORB
 2216 PG 382



VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$1,210,790	\$1,173,170	\$1,043,650
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$1,132,230	\$1,029,300	\$935,730
Assessed Value School	\$1,210,790	\$1,173,170	\$1,043,650
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,132,230	\$1,029,300	\$935,730
Taxable Value School	\$1,210,790	\$1,173,170	\$1,043,650

SALES/TRANSFERS

Date	Price	Type	Instrument
12/21/2009	\$1,200,000	WD	6088/1113
10/27/2009	--	CT	6053/1139
08/30/1997	\$725,000	WD	3705/3489
05/19/1989	--	WD	2998/3167
03/31/1989	\$250,000	WD	2992/4410
10/01/1977	\$2,500	PT	1797/0356

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 1115 - RETAIL TIRE STORE

Materials	Details	
Exterior Wall: STUCCO , THERMAL GLASS	Year Built	1990
Frame: MASNRYCONC	Story Height	14
Roof: BU-TG/MMBRN	Floors	1
Roof Structure: BAR JOIST RIGID	Residential Units	1
	Commercial Units	0

Sub-Areas		Extra Features	
Base Area (1st)	3,270	Paving - Asphalt	35,873
Total Base Area	3,270	Paving - Concrete	5,200
Total Sub Area	3,270	Fence - Wood 6'	40

PROPERTY DATA CARD #2

Building Use: 2720 - CAR WASH

Materials		Details	
Exterior Wall:	STUCCO	Year Built	1990
Frame:	MASNRYCONC	Story Height	12
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	STEEL TRUSS RIGID	Residential Units	1
		Commercial Units	0

Sub-Areas		Extra Features	
Base Area (1st)	2,870	Light Poles	3
Total Base Area	2,870	Canopy	1,200
Total Sub Area	2,870	Outbuilding	48
		Carport	400
		Fence - Vinyl 6'	56

PROPERTY DATA CARD #3

Building Use: 2110 - FAST FOOD RESTAURANT

Materials		Details	
Exterior Wall:	STUCCO , THERMAL GLASS	Year Built	1990
Frame:	MASNRYCONC , WOOD FRAME	Story Height	12
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	PRE-STRS. CONC.	Residential Units	1
		Commercial Units	0

Sub-Areas		Extra Features	
Base Area (1st)	1,196	No Data Found	
Total Base Area	1,196		
Total Sub Area	1,196		

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 14, 2022, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (D4-Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Cheryl Campbell, Comprehensive Planner; George Ritchie, Planner III; Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Sunil Rajan, Sudhir Rajan, and Suresh Rajan (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (21S.09) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 0.92 acres, located on the east side of N. Courtenay Pkwy., approx. 0.11 mile south of Skyline Blvd. (No assigned address. In the Merritt Island area.) (21PZ00082) (Tax Account 2412234) (District 2)
This item was tabled from the 01/10/22 meeting.

Kim Rezanka, Attorney representing the applicant, handed exhibits to the board. The exhibits can be found in file 21PZ00082, located in the Planning and Development Department.

Jeffrey Ball noted that the proposed site plan Ms. Rezanka handed to the board has not been vetted by staff to make sure it meets the Land Development Regulations, it is for discussion purposes only.

Kim Rezanka stated she represents Nick Rahal, who is the contract purchaser for the .92-acre parcel of land located directly north of Divine Mercy Catholic Church on Courtenay Parkway. She said what she gave the board is a concept plan; however, it is the plan that has been submitted to FDOT for review and she hopes to submit for a site plan soon, which will also go to MIRA for its recommendation. She stated the reason for the change from Neighborhood Commercial to Community Commercial is to have a drive through on the property. Mr. Rahal owns the current Dunkin Donuts on the west side of N. Courtenay Parkway, next to the Solar Car Wash and the Cozy Corner Café, it is three different units on a 1.37-acre parcel, and it is a very confusing site to get in and out of, with traffic backing up into N. Courtenay Parkway during high traffic hours, so Mr. Rahal would like to move it to a larger site and make it a contemporary site with a double drive through. She stated the proposed new location is on the east side as opposed to the west side, so it will hit all of the traffic going to the Port and to S.R. 528, it's a better location for traffic because people can come in and continue on in the same direction. She noted the only residential is across the street to the west, and she has not received any public comments. She stated the proposed site plan depicts its own separate entrance access off of N. Courtenay Parkway, adjacent to the entrance into Divine Mercy Church. Rick Kern, the Engineer of Record, has met with FDOT and the driveway permit is close to being accepted. She explained that the preference is to have the entrance separate to avoid confusion and conflicts with traffic coming on Sunday mornings and other peak times. The church no longer has a school, but it has all of the buildings for a school, and it could open again. She said FDOT will require the request to Divine Mercy during its final review, but it would put the entrance up to the east and it would be very confusing. Mr. Rahal has talked with a consultant for the Diocese who does not think Divine Mercy will agree to it, but that will be required during FDOT review. There is

Neighborhood Commercial to the east to buffer any residential that could be developed there. There is a strip mall to the north, but there is a buffer of vacant land between it. She noted that MIRA approved the request unanimously.

No Public Comment.

Henry Minneboo asked if the church is not interested in any kind of access to their property.

Rick Kern replied yes, there has been some informal contact through a consultant of theirs. He said FDOT is ready to issue the permit as soon as the site plan is approved, and he will contact the church.

Mr. Minneboo asked if FDOT mentioned a potential right turn lane to get into the site. Mr. Kern replied no, the distance is too short for a right turn lane. He explained that FDOT doesn't want traffic coming out of the church making a right or left turn, be in conflict with somebody in the right turn lane, if it's a shared right turn lane, there would be some conflicts.

Peter Filiberto stated there will be two drive through lanes, so that should alleviate some of the traffic off of Courtenay Parkway. He asked if there will be a dry retention pond on the property. Mr. Kern replied yes. Mr. Filiberto noted there are some wetlands on the property and asked if they will be preserved. Mr. Kern replied yes, there is a small amount of impact.

Liz Alward stated the buffer on the north side will eventually be the entranceway into that property in the back if it becomes a subdivision, and asked if a wall will be required in the site plan, because it buffers residential. Mr. Rezanka replied yes.

Motion by Peter Filiberto, seconded by John Hopengarten, to approve the request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. The motion passed unanimously.