



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

8/4/2022

Subject:

William and Jeanette Gonedridge request a change of zoning classification from AU to RR-1. (22Z00018) (Tax Account 2000372) (District 1)

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 change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP (Binding Development Plan).

Summary Explanation and Background:

The applicants are seeking a change of zoning classification from AU to RR-1 with a BDP limiting development to a total of two (2) lots for the purpose of splitting the property into two parcels through a flag lot application. The RR-1 zoning classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet, and a minimum house size of 1,200 square feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence.

The developed character of the surrounding area is suburban residential with commercial concentrated along the principal corridor. Along Lionel Road there is an existing pattern of residential and institutional land uses surrounding the subject parcel with a mixture of AU, RR-1, RU-1-9, BU-1, BU-2 and GML zoning classifications in the general area. Residential parcels in the immediate area are one-half (1/2) acre or larger in size and developed with single-family homes.

The flag lot review and approval are not part of this zoning request and require a separate administrative action.

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

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limiting development to a total of two lots.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00018

William & Jeannette Gonedridge

AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP

Tax Account Number: 2000372

Parcel I.D.: 20-35-31-00-519

Location: North side of Lionel Road, 520 feet east of US Highway 1 (District 1)

Acreage: 3.33 acres

Planning & Zoning Board: 7/18/2022

Board of County Commissioners: 8/04/2022

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	AU	RR-1
Potential*	1 SF unit	2 SF units**
Can be Considered under the Future Land Use Map	YES RES 2	YES RES 2

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Applicant is proposing a BDP to limit development to two (2) single-family units.

Background and Purpose of Request

The applicants are seeking a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP limiting development to a total of two (2) lots for the purpose of splitting the property into two parcels through a flag lot application.

The original zoning on the property is AU. According to the Property Appraiser's record, the parcel is developed with a residential improvement not suitable for occupancy built in 1966. The applicant has obtained building permit # 22BC07773 to demolish the existing structure.

The applicant is proposing a BDP limiting density of the subject property to a total of two (2) units.

Land Use

The subject property is currently designated as Residential 2 (RES 2) FLU. The proposed RR-1 zoning can be considered consistent with the existing RES 2 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.8 –The Residential 2 Future land use designation. The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered consistent with the proposed Future Land Use.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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.

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 proposes to split the property into two parcels through a flag lot application. This request is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. The flag lot review is a separate administrative review not to be initiated until zoning has been changed.

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

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

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

- 1. historical land use patterns;

The general area is suburban residential in character with commercial land use along US Highway 1 which is designated as an Urban Principal Arterial corridor. Single-family homes in the immediate area are developed on lots ranging in size from approximately one-half acre (1/2) to (2) acres. A public library and an elementary school are located adjacent to the south of the subject property.

There are three (3) FLU designations (RES 2, NC and CC) within 500-feet of this site, and there have been no FLU amendments.

- 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.

While there has not been any actual development within this area in the preceding three (3) years, two zoning actions have been approved within one-half mile.

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

No material violation of relevant policies has been identified.

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

The developed character of the surrounding area is suburban residential with commercial concentrated along the principal corridor. Along Lionel Road there is an existing pattern of residential and institutional land uses surrounding the subject parcel with a mixture of AU, RR-1, RU-1-9, BU-1, BU-2 and GML zoning classifications in the general area. Residential parcels in the immediate area are one-half (1/2) acre or larger in size and developed with single-family homes.

To the north are three 1.05-acre parcels each developed with a single-family residence zoned RR-1. To the south, across Lionel Road, is a 15-acre parcel developed as an elementary school and a library. To the east is a 0.48-acre parcel developed with a single-family residence zoned RU-1-9 and a 1.14-acre undeveloped parcel zoned AU. To the west is a 4.77-acre undeveloped parcel zoned AU.

There were two zoning actions within a half-mile radius of the subject property within the last three years. **20Z00003**, approved by the Board on August 6, 2020, was a request to change AU (Agricultural Residential) to BU-1 (General Retail Commercial) on 1.32 acres located on the northwest corner of McCullough Road and US Highway 1. **19PZ00127**, approved April 9, 2020, was a request to change AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP limiting development to one single-family residence on 1.01 acres located on the south side Richy Road, approximately 0.12 mile west of US Highway 1.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	SF residences	RR-1	RES 2
South	Library and Public Elementary	GML(I)	RES 2
East	One (1) SF residence and an undeveloped residential parcel	RU-1-9 and AU	RES 2
West	Undeveloped residential land	AU	RES 2

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 and plants nurseries. Conditional uses in AU include hog farms, zoological parks, and land alteration.

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

RR-1 zoning 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 principal residence within RR-1 zoning.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, from State Road 46 to Lionel Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.88% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 24.93% 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 within the City of Cocoa utilities service area for public water. The closest Brevard County sewer line is approximately 0.7 miles southwest on Sanctuary Drive.

Environmental Constraints

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

A portion of the parcel is mapped with National Wetlands Inventory (NWI) wetlands; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or State. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. 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 land clearing, site plan design or permit submittal.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area. Flag lot review and approval are not part of this zoning request and require a separate administrative action.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00018**

Applicant: Gonedridge

Zoning Request: AU to RR-1

Note: Applicant wants to split lot

P&Z Hearing Date: 07/18/22; **BCC Hearing Date:** 08/04/22

Tax ID No: 2000372

- 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:

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

A portion of the parcel is mapped with National Wetlands Inventory (NWI) wetlands; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or State. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. 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.

Land Use Comments:

Wetlands

A portion of the parcel is mapped with NWI wetlands as shown on the NWI Wetlands map; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or

State. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. 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.

Protected Species

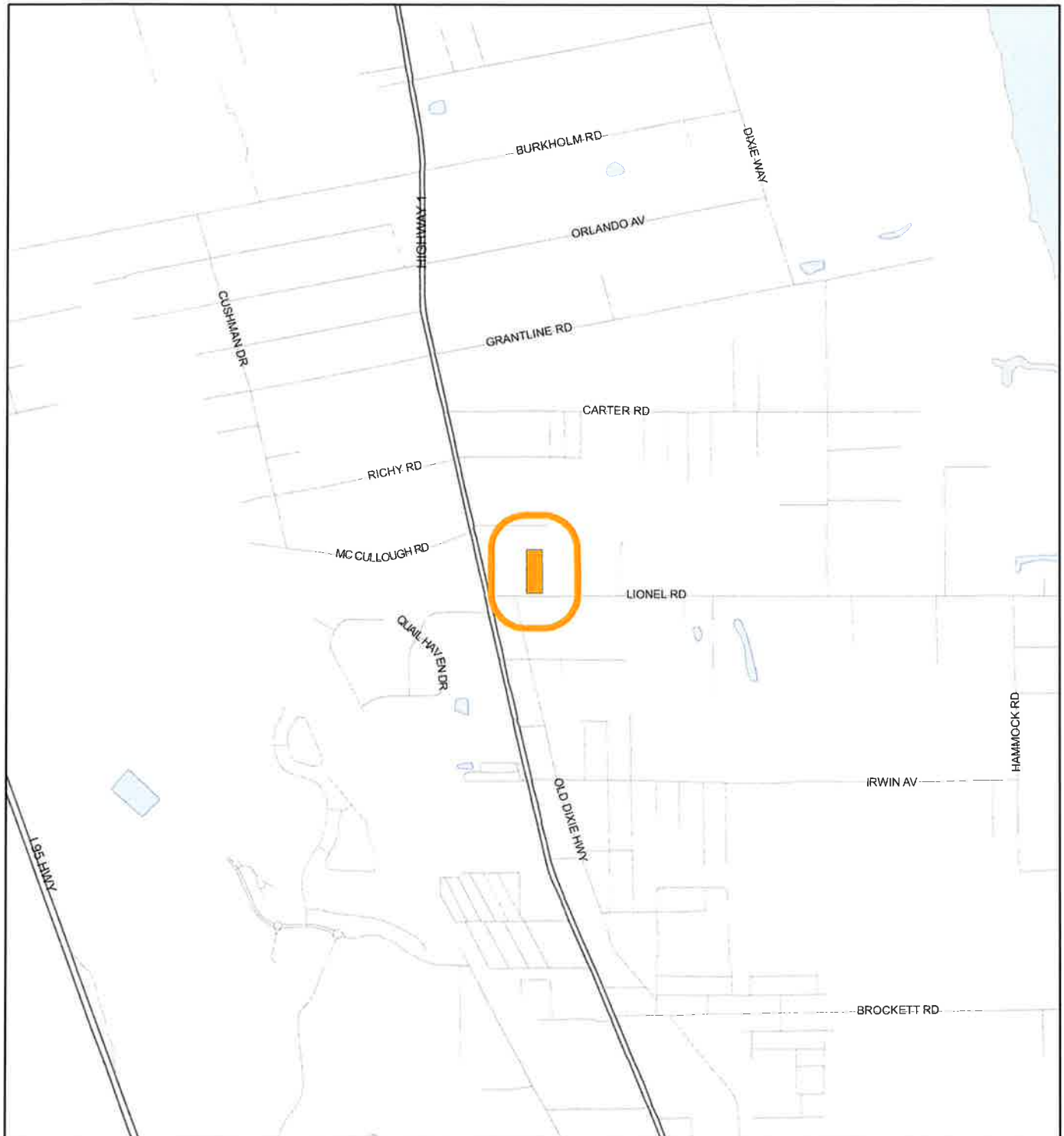
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey may be required at time of building permit submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

GONEDRIDGE, WILLIAM AND JEANETTE
22Z00018



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: 5/10/2022

— Buffer
■ Subject Property

ZONING MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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.

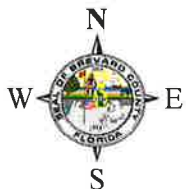
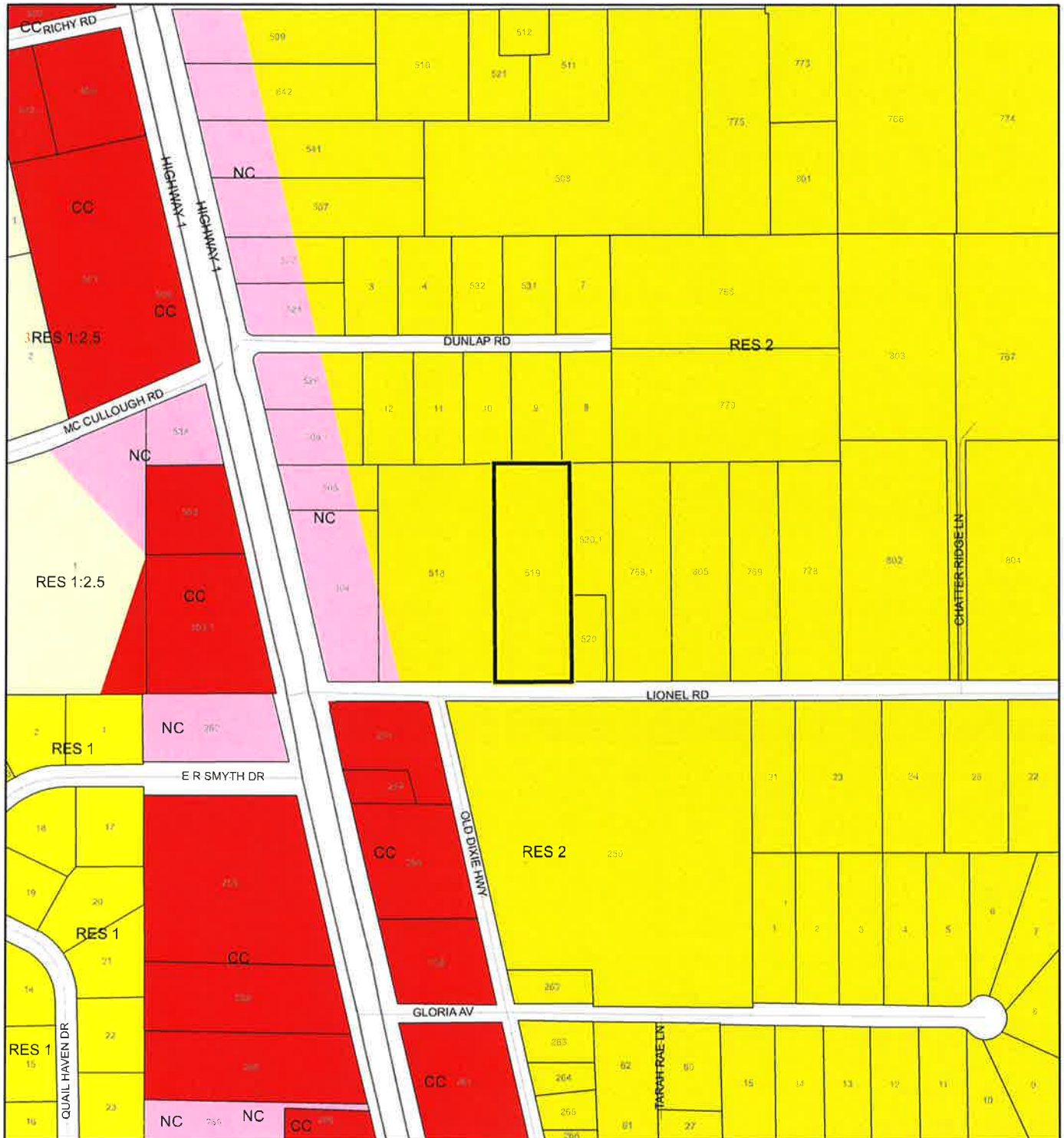
Produced by BoCC - GIS Date: 5/10/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



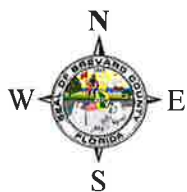
1:4,800 or 1 inch = 400 feet

— 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: 5/10/2022

AERIAL MAP
GONEDRIDGE, WILLIAM AND JEANETTE
22Z00018



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 5/10/2022

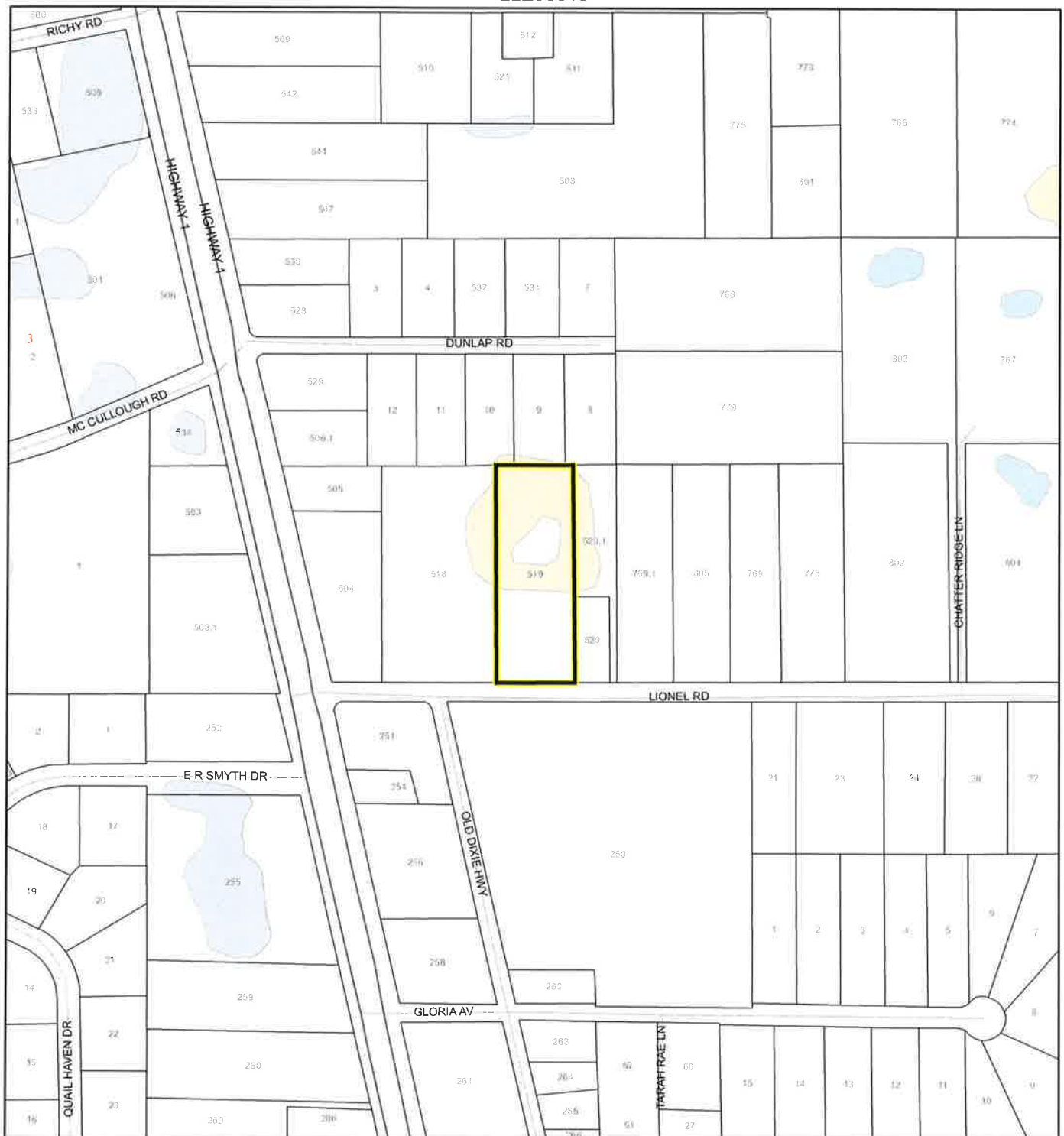
 Subject Property

 Parcels

NWI WETLANDS MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

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

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

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

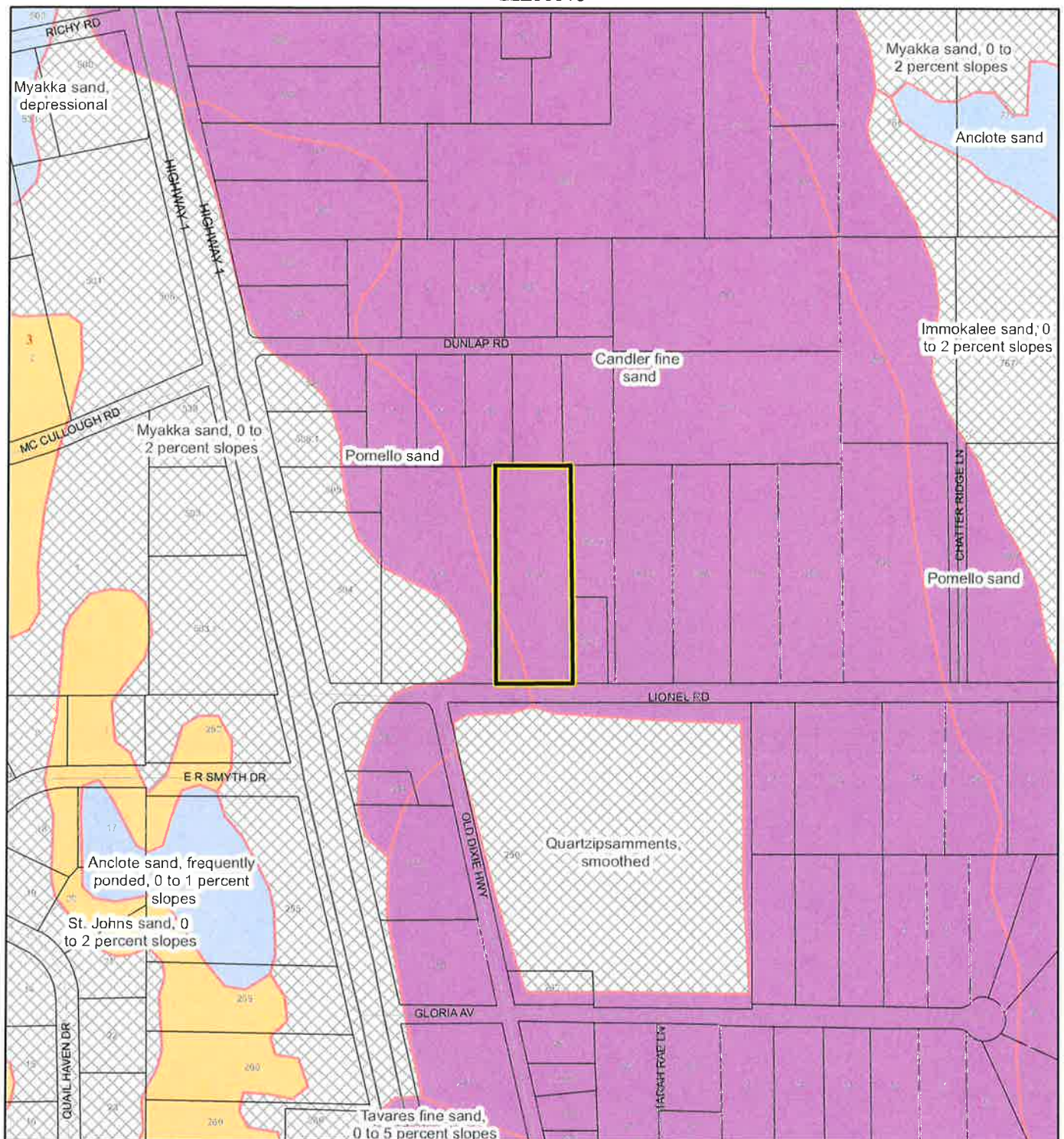
Subject Property

Parcels

USDA SCSSS SOILS MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

USDA SCSSS Soils

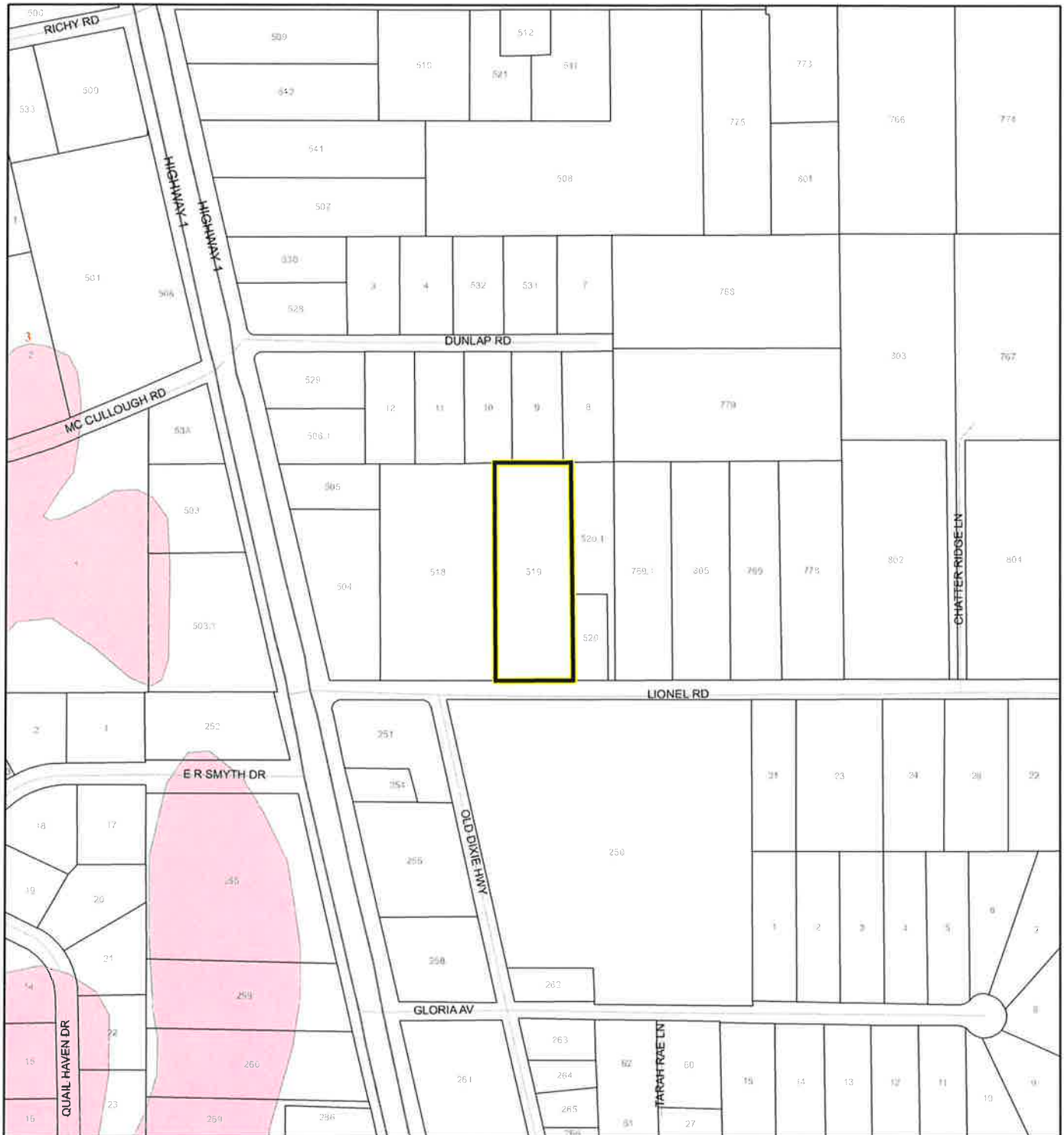
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

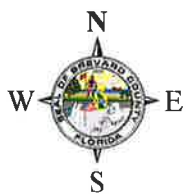
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

— Subject Property

□ Parcels

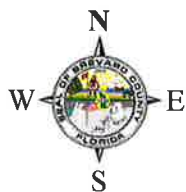
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

— Subject Property

□ Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

GONEDRIDGE, WILLIAM AND JEANETTE
22Z00018



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: 5/10/2022

 Subject Property

 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

 Subject Property

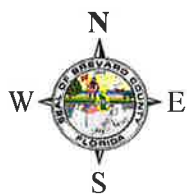
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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: 5/10/2022

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

NOTE:

1. BEARINGS ARE FROM ASSUMED DATUM, THE SOUTH LINE OF SECTION 31, T. 20 S., R. 35 E. BEING N. 89°55'21" E.
2. THE ACCURACY OF FIELD MEASUREMENTS FOR THIS SURVEY MEETS OR EXCEEDS 1 FT. IN 7,500 FT.
3. FLOOD ZONE - "X" - MAP # 12009C0105H
4. SEE REVERSE

BOUNDARY SURVEY OF: (DESCRIPTION AS FURNISHED)

THE WEST 2/3RDS OF THE EAST 1/2 OF THE SE. 1/4 OF THE SE. 1/4 OF THE SW. 1/4, IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 35 EAST (EXCEPT RIGHT-OF-WAY FOR ROAD AS NOW LAID OUT AND DEDICATED), BREVARD COUNTY, FLORIDA.

SCALE: 1" = 100'

17, MARCH, 2022

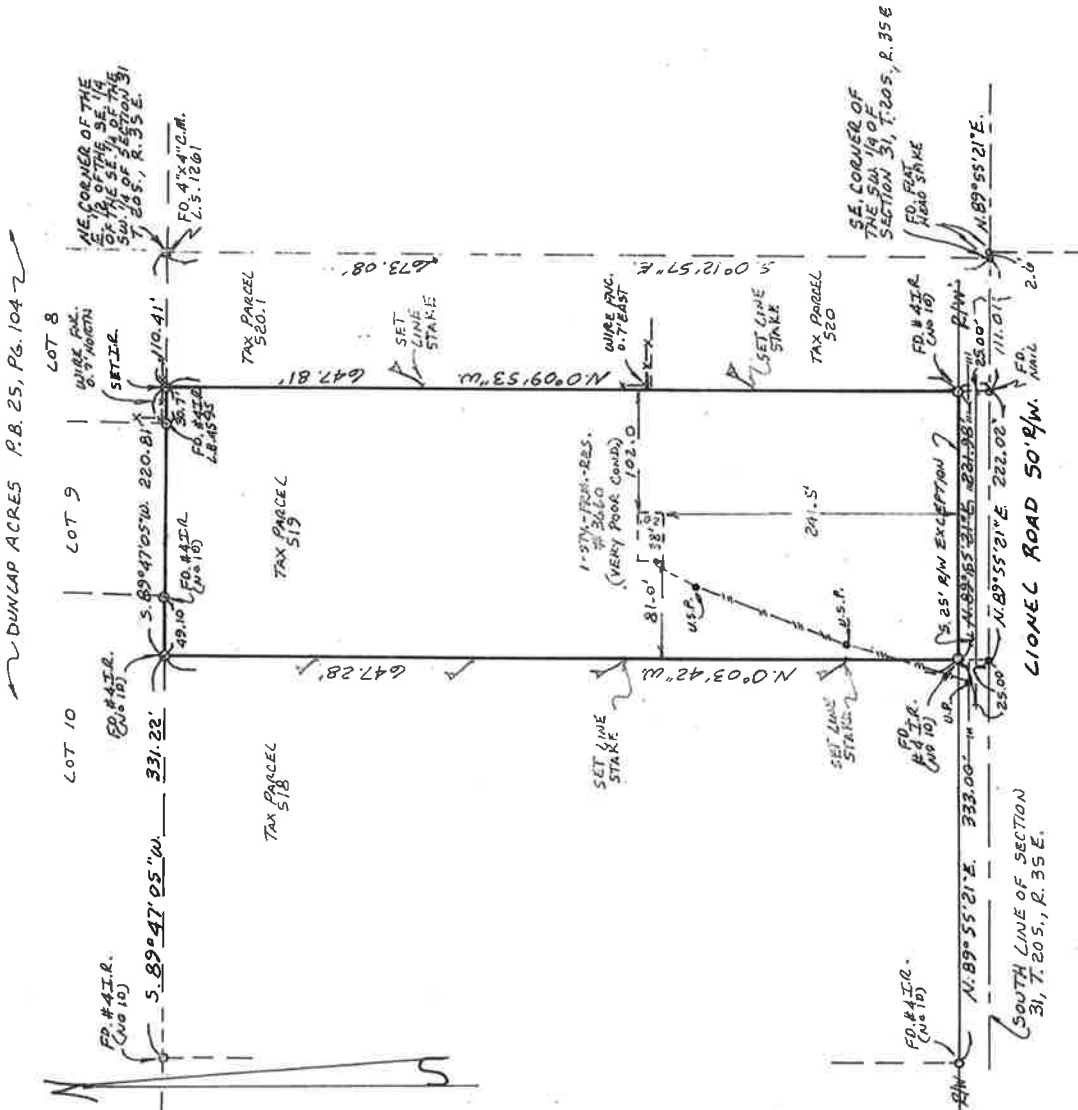
HOLLEY & ASSOCIATES, INC., L.B. # 4595
REGISTERED LAND SURVEYORS
P.O. BOX 1975, TITUSVILLE, FL. 32781
1846 ROBIN HOOD AV.
321-267-6113

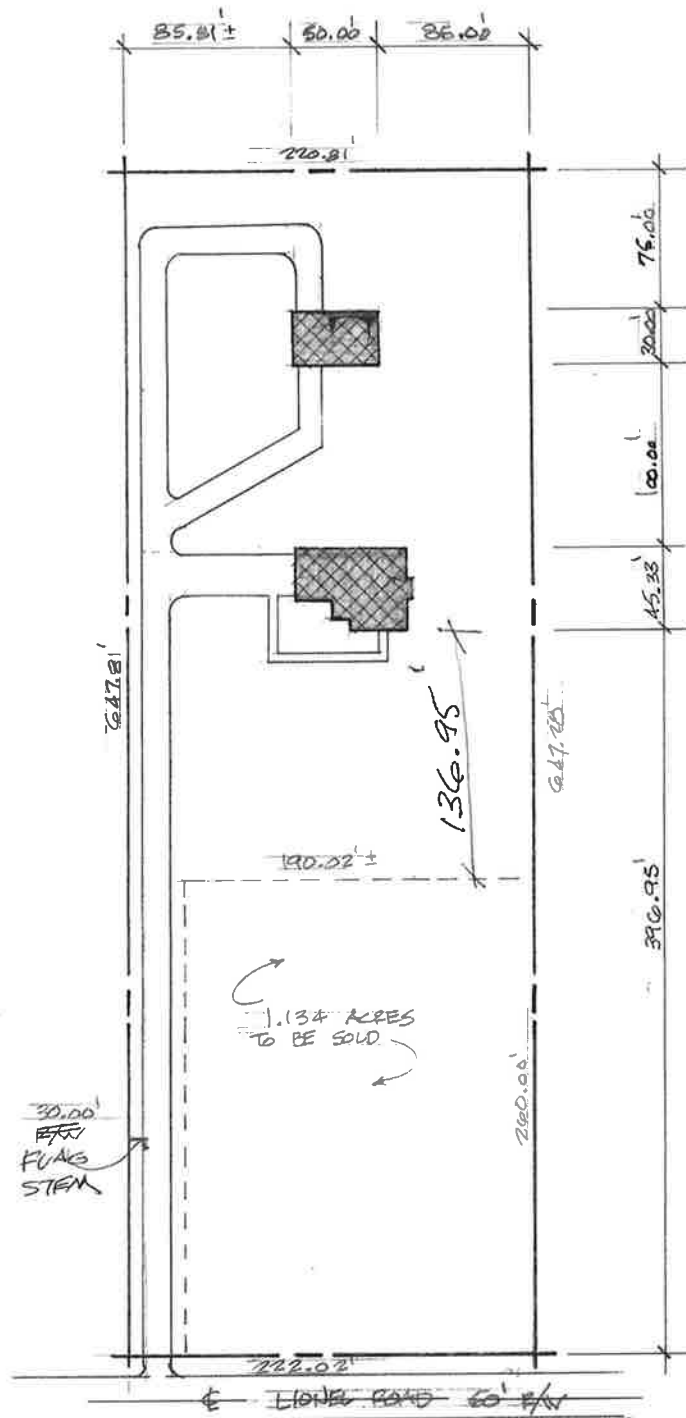
THE FOREGOING PLAT IS HEREBY CERTIFIED AS BEING A CORRECT REPRESENTATION OF THE LAND SURVEYED AND MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTE 472.027.

JOHN T. HOLLEY, P.S.M. # 5050
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.")

CERTIFIED TO:
WILLIAM GONEDRIDGE AND JEANETTE GONEDRIDGE

(OVER)





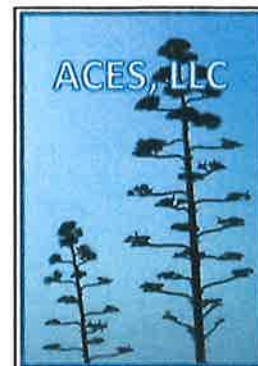
LEGAL DESCRIPTION

THE WEST 2/3 OF THE ENE
THE SE 1/4 OF THE SE 1/4
SW 1/4 IN SECTION 21, TOWN
SOUTH, RANGE 35 EAST R
COUNTY, FLORIDA



ANDREW CONKLIN ENVIRONMENTAL SERVICES, LLC
INTEGRATING SUCCESSFUL DEVELOPMENT AND ENVIRONMENTAL INTEGRITY

P.O. BOX 500407, MALABAR, FLORIDA, 32950
PHONE: (321)848-1143 EMAIL: ACESLLC7@GMAIL.COM



April 17, 2021

Re: 3660 Lionel Road, Parcel No. 20-35-31-00-519
ACES File No. 2156

Andrew Conklin Environmental Services, LLC (ACES) has completed a review of environmental issues associated with the above-referenced ±3.33-acre project site, located in Section 31, Township 20 South, Range 35 East, Mims, Florida. Figure 1 depicts the location of the subject site, and Figure 2 is a recent aerial photograph of the site depicting current conditions thereon. On April 12, 2021, ACES inspected the property for the presence of wetlands, surface waters, protected species, and indications of protected species habitat. To assess the presence and extent of wetlands, we implemented the jurisdictional wetland identification methodologies of the Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (ACOE), which incorporate an analysis of on-site vegetation, soils, and hydrology to determine the presence or absence of jurisdictional wetlands. The likelihood of protected species habitation was determined by identifying the various vegetative communities, habitat types, and species indicators currently present on the site, and referencing these against standards and indicators used by the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS). Following is a presentation of our findings.

Soil Types

The USDA Natural Resource Conservation Service (NRCS) identifies two soil types on the property (see Figure 3). Soil maps are used by the environmental regulatory agencies as a general guideline to determine the likelihood of wetland and upland conditions on reviewed properties; soils more commonly associated with wetland conditions potentially indicate areas of lower elevation and greater surface hydrology, whereas soil types that are more commonly associated with uplands are expected to exhibit fewer or no wetland characteristics. Potentially hydric (i.e., wetland) soil types are listed in the *Hydric Soils of Florida Handbook* (Victor W. Carlisle, et al., 2000). It should be noted that the soil types listed by NRCS are based on a 1984 soil survey of Indian River County by the USDA Soil Conservation Service, and no comprehensive soil survey of the county has been completed since then. As such, it is not uncommon for there to be some inconsistencies between historically-mapped soil types and current on-site soil

conditions. ACES sampled soil types throughout the subject property by excavating 6-inch diameter, 12-inch deep cylindrical plugs from the surface, and assessing the soil profiles and characteristics of each plug. Following are brief descriptions of the soil types that are mapped on the subject site, compared to our observations of current soil conditions.

Candler Fine Sand – NRCS Code No. 4: This is an excessively drained fine sand formed from knolls and ridges on ancient marine terraces. The typical habitat is xeric upland pine scrub. The depth to the water table is typically more than 80 inches below the surface. This soil type is not listed in the *Hydric Soils of Florida Handbook*.

This elevated upland soil type is mapped over all but the southwest corner of the site. Soils in this area of the property all are composed of well-drained non-hydric fine sand.

Pomello Sand, 0 to 5 Percent Slopes – NRCS Code No. 49: This is a nearly level, moderately well drained sandy soil on broad low ridges and low knolls. The water table is 30 to 40 inches below the surface for 2 to 4 months in most years and between 40 and 60 inches for more than 6 months. During dry periods, it is below 60 inches for short periods. This soil type is not listed in the *Hydric Soils of Florida Handbook*.

This elevated upland soil type is mapped within the southwest corner of the site. Soils in this area are consistent with the mapped soil type, with soils consisting of well-drained non-hydric fine sand.

We find there is a strong correlation between the NRCS map and actual site conditions. All soils examined across the site are composed of non-hydric fine sand.

Community Types

Using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) as a guideline, ACES categorized the different natural communities and land uses on the subject site according to FLUCFCS designations and code numbers. Figure 4 depicts the different FLUCFCS communities on the property. The major FLUCFCS categories on the site are:

Herbaceous – FLUCFCS Code No. 310: This non-forested upland community is found in meandering lobes and swaths in the southern portion of the site, occupying a total of approximately 0.49 acres. It contains an herbaceous cover including Bahia grass, prickly pear, Spanish needles, silk grass, southern fox grape, catbriar, and passion vine. Underlying soils are composed of non-hydric sand. No wetland hydrologic indicators were observed.

Upland Scrub, Pine and Hardwood – FLUCFCS Code No. 436: This remaining +/-2.84 acres of the site are covered by this forested upland community. It is vegetated with a mixture of slash pine, sand pine, scrub hickory, myrtle oak, and sand live oak in the canopy, saw palmetto, lantana, winged sumac, hog plum, pawpaw, deerberry, and coral bean in the midstory, and shiny blueberry, silk grass, southern fox grape, and

catbriar in the ground cover. Underlying soils are composed of well-drained non-hydric sand with no indicators of wetland hydrology.

Thus, the entire 3.33-acre property consists of uplands. No wetlands are present on the site. As such, it is our conclusion that the National Wetland Inventory (NWI) map (see Figure 5) is erroneous. It appears that an untrained eye at NWI mistook on-site scrub vegetation for deciduous hardwood wetland vegetation on the aerial photograph. No wetland vegetation and no deciduous hardwood trees exist on or adjacent to the site. Following is an examination of environmental permitting issues that may need to be addressed prior to site development.

Wetland Considerations

No wetlands were found on the site. As such, wetland permitting and mitigation costs will not apply to the development of this project.

Protected Species

On the dates of our site assessment, ACES examined the property for any indications of habitation by protected wildlife species. This included inspecting the property for direct visual and auditory evidence of protected species themselves, as well as assessing the site for the presence of secondary indicators, such as burrows, nests, nesting cavities, scat, tracks, trails, rookeries, etc. We also used on-line mapping resources from Brevard County, USFWS, and FWC to identify the known location of certain protected species populations. Following is a discussion identifying the extent to which protected species are thought to be using the site.

Bald Eagle (*Haliaeetus leucocephalus*): No recorded bald eagle nests exist within at least 0.9 miles of the subject site, and no eagle nests or eagle activity were observed on the site. Therefore, it is not expected that potential impacts to this species will need to be addressed prior to site development.

Eastern Indigo Snake (*Drymarchon corais couperi*): Indigo snakes exist in a very wide variety of Florida native habitats, from flatwoods to marshes to xeric scrub, and range over a wide area, typically utilizing gopher tortoise burrows for shelter. No indigo snakes or their signs were observed during our site inspection. Barring direct sighting of this species, no special permits for potential impacts to it are expected to be required.

Gopher Tortoise (*Gopherus polyphemus*): Gopher tortoises are protected as a Threatened species by the Florida Fish and Wildlife Conservation Commission (FWC). Gopher tortoises require habitat that includes well-drained sandy soils for burrowing, open sunlit areas for nesting, and adequate herbaceous forage. On this property, the Herbaceous community provides optimal tortoise habitat and the Upland Scrub, Pine and Hardwood community provides suitable tortoise habitat.

Although we did not conduct a formal gopher tortoise survey, ACES observed some evidence of gopher tortoise occupation during our site inspection. The locations of five

Potentially-Occupied tortoise burrows that we happened to observe on our survey dates are shown on Figure 4. Based on the habitat conditions we observed on the property, our preliminary estimate is that the current overall on-site tortoise density is between 3 and 5 gopher tortoises per acre, or a total of between 10 and 17 gopher tortoises on the property, using between 20 and 34 burrows.

FWC requires that all tortoises that are likely to be displaced by proposed development be identified through a formal survey, and safely relocated under an off-site gopher tortoise conservation permit from FWC prior to site clearing. Any tortoises that utilize burrows within 25 feet from proposed clearing/construction will need to be permitted for relocation. In order to determine the number of tortoises that will be affected by site development, it will be necessary to complete a formal tortoise survey over all potentially suitable habitat that is proposed for development on this site. Costs associated with tortoise permitting include the 100% survey and mapping of all on-site tortoise habitat (approx. \$1,400), developing and submitting the tortoise relocation application to FWC (\$600.00), and excavating all potentially-occupied burrows on the site with a backhoe (assuming 20 burrows, the projected cost is \$6,500). In addition, FWC will charge an application fee of \$217 for the first group of 10 burrows (up to five tortoises), plus an additional \$326 for each tortoise captured thereafter. Also, the property receiving the relocated tortoises charges \$1,500 per tortoise to cover long-term management costs (assuming 10 tortoises, that cost would be \$15,000). So, under a hypothetical 20 burrows excavated and 10 tortoises relocated, the total cost would be approximately \$25,347. Please note that the actual cost could be more or less, depending on the results of the tortoise survey and relocation. If all tortoise burrows identified on the comprehensive tortoise survey can be avoided by at least 25 feet, then no tortoise permitting or relocation costs will apply. In addition, if fewer than 10 burrows will be affected, an on-site relocation permit can be obtained, which eliminates the \$1,500/tortoise recipient site fee.

Timing of the tortoise permitting process is linked to the expected project start date. FWC requires that the survey data be no more than 90 days old prior to excavating tortoises under the authority of a permit. Furthermore, FWC requires that an applicant provide documentation from local government confirming that the proposed project that will necessitate tortoise relocation is imminent; without this documentation, the relocation is not allowed to take place. Therefore, the tortoise survey is recommended to occur no more than two months prior to the anticipated project start date. Once the application is submitted, most tortoise permits can be acquired within two weeks (assuming all required documentation is provided). After the permit is issued, relocation can occur as long as predicted weather temperatures do not drop below 50 degrees Fahrenheit for 72 hours after the relocation is completed.

ACES found no indication of any other listed species or listed species habitats on the property. Other than potential impacts to gopher tortoises, no protected species are expected to be affected by the development of the property.

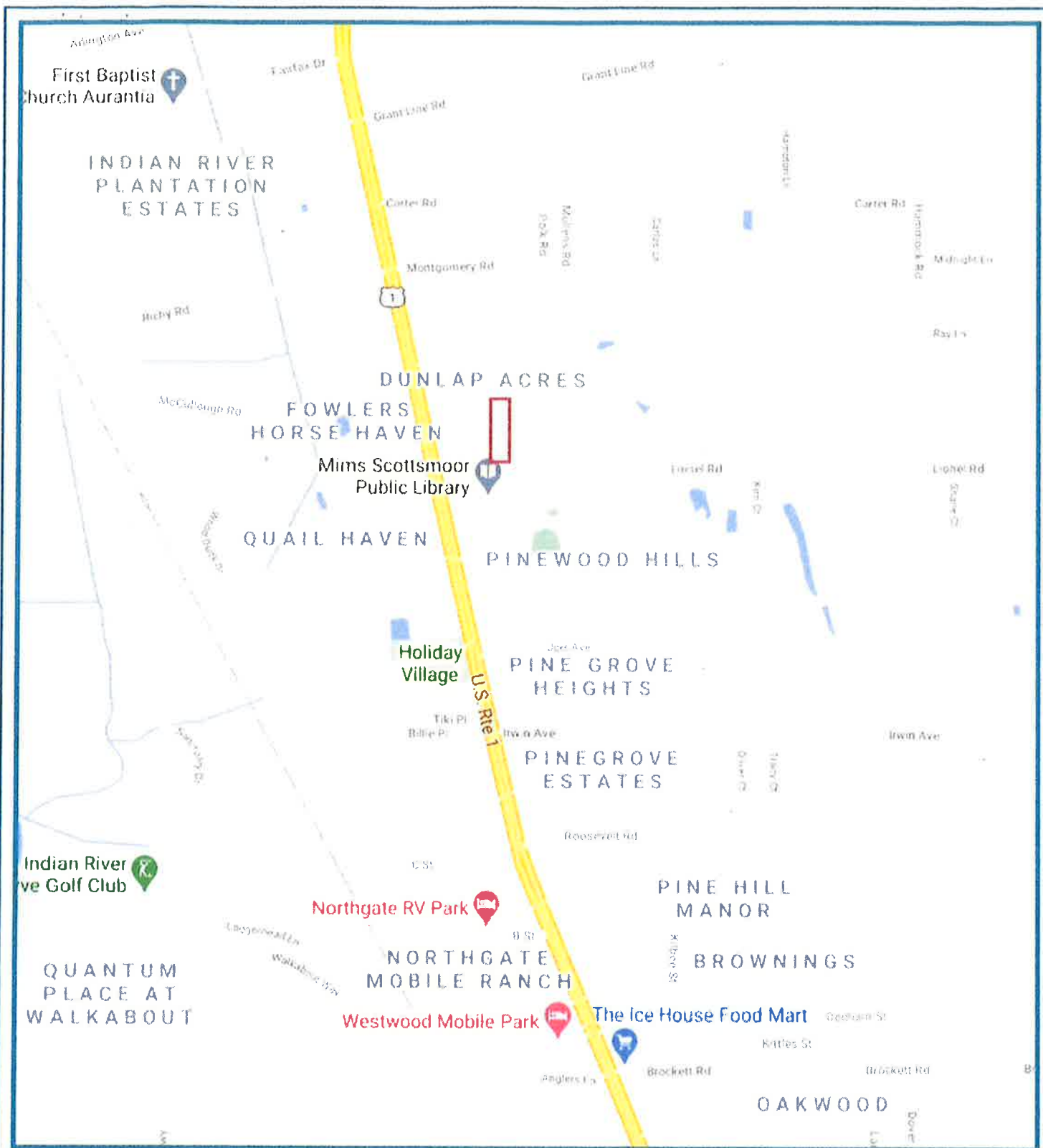
Summary and Conclusion

ACES has completed an environmental assessment of 3660 Lionel Road in Mims, Florida. It is our determination that the entire +/-3.33-acre site consists of elevated uplands, with no wetlands present on or adjacent to the property. We have confirmed that the NWI map for this property (Figure 5) is completely erroneous. No wetland permitting or mitigation will be required for the development of this site. Protected gopher tortoises are present on the site; any tortoises affected by site development can be permitted for relocation through FWC. A formal gopher tortoise survey will need to be completed no sooner than 90 days in advance of the anticipated start date of the project, so that all tortoise burrows can be accounted for and an accurate estimate of tortoise relocation costs can be made. Upon your review of this report, should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Conklin', written in a cursive style.

Andrew Conklin – President, ACES, LLC



Source - Google Maps



Fig. 1 - Location Map

ACES File No. 2156 - 3660 Lionel Road

 - Property Boundary

PO Box 500407, Malabar, FL 32950 Phone: (321) 848-1143 Email: acesllc7@gmail.com



Source - Brevard County Property Appraiser



Fig. 2 - Aerial Site Photograph

ACES File No. 2156 - 3660 Lionel Road



- Property
Boundary

PO Box 500407, Malabar, FL 32950 Phone: (321) 848-1143 Email: acesllc7@gmail.com



Source - USDA Natural Resources Conservation Service (NRCS)



Fig. 3 - NRCS Soils Map

ACES File No. 2156 - 3660 Lionel Road



- Property
Boundary



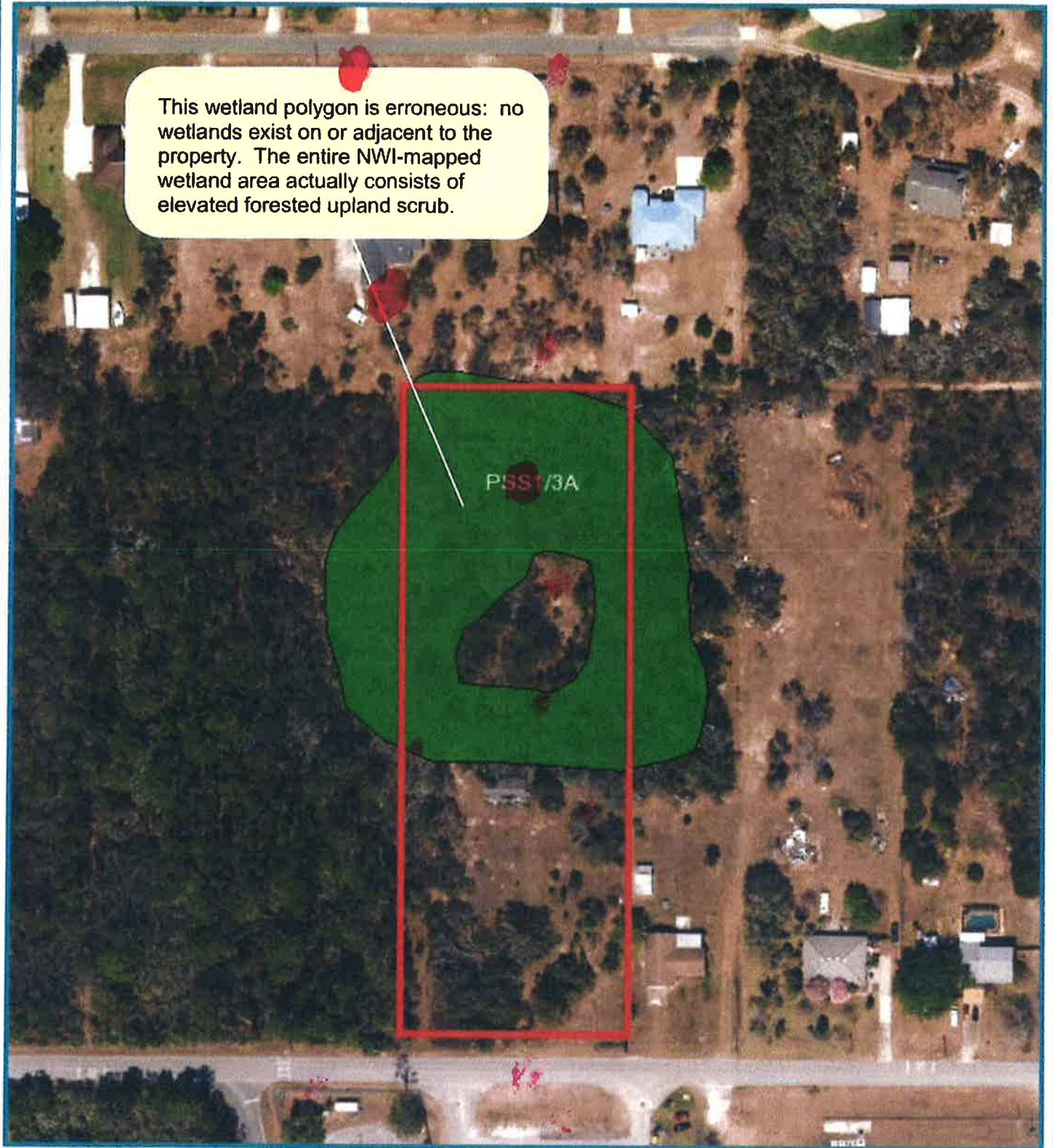
- NRCS Soil Type
Boundaries

4 - Candler Fine Sand

49 - Pomello Sand, 0 to 5 Percent Slopes

PO Box 500407, Maitabar, FL 32950 Phone: (321) 848-1143 Email: acesllc7@gmail.com

This wetland polygon is erroneous: no wetlands exist on or adjacent to the property. The entire NWI-mapped wetland area actually consists of elevated forested upland scrub.




Source - National Wetland Inventory (NWI)

PSS1/3A: Palustrine (P: Freshwater) Scrub-Shrub(SS) Broad-Leaved Deciduous/Evergreen (1/3) Temporary Flooded (A) wetland



Fig. 5 - NWI Map

ACES File No. 2156 - 3660 Lionel Road

 - Property Boundary

 - Incorrectly Mapped Wetlands

P.O. Box 500407, Malabar, FL 32950 Phone: (321) 848-1143 Email: acesllc7@gmail.com

Prepared by: _____
Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and William and Jeanette Gonedridge, (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RR-1 zoning classification(s) and desires to develop the Property as Single-Family Residential, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer/Owner shall limit development to a total of two lots.

Rev. 4/22/2022

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel M. Sadoff, Clerk of Court
(SEAL)

Kristine Zonka, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))
as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me, by means of ____ physical presence or
____ online notarization, this ____ day of _____, 20____, by
_____, President of _____, who is
personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 18, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Esseesse, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

Excerpt of Complete Agenda

William and Jeanette Gonedridge

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 3.33 acres, located on the north side of Lionel Rd., approx. 0.1 mile east of U.S. Highway 1. (3660 Lionel Rd., Mims) (22Z00018) (Tax Account 2000372) (District 1)

William Gonedridge, 9610 Woodland Ridge Dr., Temple Terrace, Florida, stated he would like to build a house on the property, but it is more property than he needs, so he would like to build an additional house on the front of the property for his son.

No public comment.

Bruce Moia asked if it will be similar to what the neighbor has done, where there is a lot in the front and a flag lot in the back. Mr. Gonedridge replied yes.

Liz Alward asked if Mr. Gonedridge agrees to a BDP limiting the development to a total of two lots. Mr. Gonedridge replied yes.

Ben Glover asked if creating the flag lot is a separate request. Jeffrey Ball replied yes, the flag lot will be a separate administrative approval.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of a change of zoning classification from AU to RR-1 with a BDP limiting development to a total of two lots. The motion passed unanimously.