



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.10.

4/7/2022

### Subject:

Murrell Properties of Brevard, LLC; and Harmony Villas Properties, Inc. (Vaheed Teimouri) request a Small Scale Comprehensive Plan Amendment (21S.11) to change the Future Land Use designation from NC to CC. (21PZ00095) (Tax Accounts 2511036 & 2511043) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial).

### Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation on 2.0 acres of developed land from NC to CC for the purpose of having an assisted living facility (ALF). The subject property consists of two (2) one-acre (1-acre). Parcels are developed as an office building and a single-family residence. A companion rezoning application (21Z00049) was submitted accompanying this request for a zoning change from BU-1-A (Restricted Neighborhood Retail Commercial) to BU-1 (General Retail Commercial).

To the north of the subject property is an office building (City of Rockledge). To the south, is a single-family residence (City of Rockledge). To the east is an airstrip (Greenlight Industrial Airpark). To the west, across Murrell Road are single-family residences (City of Rockledge).

The general area is commercial in character with an existing pattern of commercial use along this segment of Murrell Road, more specifically on the east side from Gus Hipp Boulevard south to Barnes Boulevard. The subject property is surrounded on three sides by commercially-zoned parcels within the City of Rockledge and is adjacent to existing County industrial park zoning. The parcels on the east side of Murrell Road have transitioned from residential uses to commercial uses under the previous zoning actions.

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

On March 14, 2022, the Local Planning Agency heard the request and voted 7:1 to recommend approval.

### Clerk to the Board Instructions:

Once executed and filed with the State, please return a certified copy of the Ordinance to Planning and

Development.

## Donna Scott

---

**From:** Donna Scott  
**Sent:** Monday, April 11, 2022 11:12 AM  
**To:** 'CountyOrdinances@dos.myflorida.com'  
**Subject:** Two Ordinances to File with the Secretary of State  
**Attachments:** BRE20220407\_Ordinance2022\_09.pdf; BRE20220407\_Ordinance2021\_08.pdf  
**Importance:** High

Good morning,

Attached are Ordinance No. 2022-08 and 2022-09, to be filed with the State of the State, please.

Thank you,  
Donna Scott  
Assistant Clerk to the Board  
321-637-2001

4/7/22 4/7/22



Brevard County, Florida  
**Clerk of the Court**  
Rachel M. Sadoff



April 8, 2022

**MEMORANDUM**

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

**RE:** Item H.10., Small Scale Comprehensive Plan Amendment (21S.11)

The Board of County Commissioners, in regular session on April 7, 2022, conducted the public hearing and adopted Ordinance No. 22-09, setting forth the fifth Small Scale Comprehensive Plan Amendment (21S.11) to change the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC). (22PZ00095). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*for Donna Scott*  
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 11 2022

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

Attention: Donna Scott

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. 22-09, which was filed in this office on April 11, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb

ORDINANCE NO. 2209

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIFTH SMALL SCALE PLAN AMENDMENT OF 2022, 21S.11, 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 2022 as Plan Amendment 21S.11; 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.11; 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 THE STATE ON APRIL 11, 2022

WHEREAS, on March 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.11, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 7, 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.11; and

WHEREAS, Plan Amendment 21S.11 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.11 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.11 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.11, 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 7 day of April, 2022.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



By: Kristine Zonka, Chair

As approved by the Board on April 7, 2022.



**EXHIBIT A**  
**21S.11 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

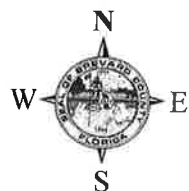
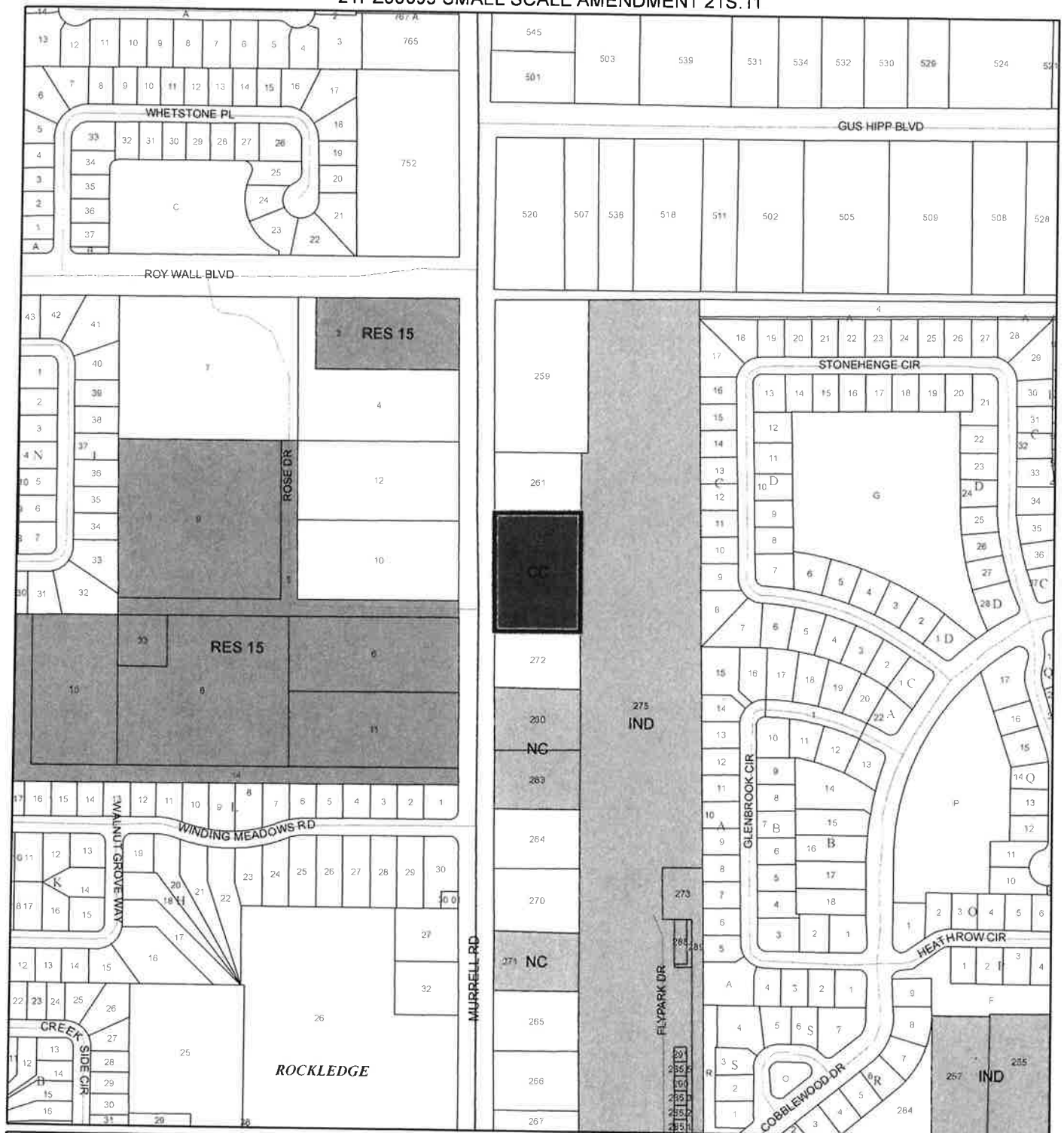
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

## **EXHIBIT B**

### **Contents**

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

**DISTRICT 1 7. (22200005) BRIAN G. & DEBRA S. LAWSON** (Kim Rezanika) request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential) with a 300' (Binding Development Plan) on property described as follows: Lot 4, Block 14, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida; and Lots 2, 3, 5, 23, 24, 25, and 26, Block 16, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida. Section 35, Township 23, Range 35, (11.80 +/- acres) Located on the west side of Grissom Pkwy., approx. 620 ft. south of Pertouka Lane. (Lot 23 = 4680 Grissom Pkwy., Cocoa; Lot 25 = 4700 Grissom Pkwy., Cocoa; Remaining Lots = No assigned address. In the Cocoa area.)

**DISTRICT 2 8. (22200002) JOHN JOHANSON** requests a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on property described as Lots 6, 7, and 8, Block 2, River Cliff, according to the map or plat thereof, as recorded in Plat Book 3, Page 56, of the Public Records of Brevard County, Florida. Section 02, Township 25, Range 36, (0.65 acres) Located on the northwest corner of S. Tropical Trail and Victoria Street. (887 S. Tropical Trail, Merritt Island) 9. **(21200050) SOUTH BEACH COVE DEVELOPMENT CORP. AND ROBERT A. BAUGHER, TRUSTEE** (David Menzel) request a change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) to BU-1 (General Retail Commercial), on property described as follows: A portion of land located in Government Lot 1, of Section 26, Township 25S, Range 37E, being a part of the lands described in ORB 3419, Page 1288, Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the point of intersection of the westerly right-of-way line of S.R. A1A with the south line of the subdivision known as the Plat of Burchfield's and Bruner's Addition to Crescent Beach, as shown by the plat recorded in Deed Book V, Page 694, and transcribed to Plat Book 1, Page 38, Public Records of Brevard County, Florida, which point is 1,825.89 ft. south of the north line of Section 26; thence along said westerly right-of-way line and along the arc of a radial circular curve concave to the west having a radius of 1,860 ft. and a central angle of 01deg36'11" for an arc distance of 52.04 ft. (chord bearing: S15deg24'22"E, chord distance: 52.04 ft.) to the point of beginning; thence N89deg18'49"W, a distance of 144.73 ft.; thence S00deg41'11"W, a distance of 176.78 ft. to the south line of the lands described in aforesaid ORB 3419, Page 1288; thence S89deg18'49"E, along said south line, a distance of 183.93 ft. to said westerly right-of-way line of S.R. A1A; thence along said westerly right-of-way along the arc of a radial circular curve concave to the west having a radius of 1,860.08 ft. and a central angle of 05deg34'47" for an arc distance of 181.14 ft. (chord bearing: N11deg48'59"W, chord distance: 181.07 ft.) to the point of beginning. (0.57 acres) Located on the west side of S. Orlando Ave., approx. 185 ft. north of Crescent Beach Dr. (2206 & 2210 S. Atlantic Ave., Cocoa Beach) **DISTRICT 4**

**10. (21200055) MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC. (Vaheed Teimouri)** requests a Small Scale Comprehensive Plan Amendment (215.11), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108, of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida. Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.11: 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. **11. (21200040) MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC. (Vaheed Teimouri)** requests a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to BU-1 (General Retail Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108, of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida. Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge)

**DISTRICT 1 12. (22200001) THE HEATHER CALLIGAN TRUST (Chad Genoni)** requests a Small Scale Comprehensive Plan Amendment (225.01) to change the Future Land Use designation from RES. 1 (Residential 1) to RES. 4 (Residential 4), on property described as a portion of land lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, being more particularly described as follows: Parcel R-1: Commencing at the SW corner of said Section 13; thence N89deg27'18"E, a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 275.48 ft. to an intersection with the south right-of-way line of Hammock Trail as described in ORB

## Notice of Meetings

1212, Page 917 of the Public Records of Brevard County, Florida; thence N57deg09'30"E along said south right-of-way line a distance of 372.95 ft.; thence S00deg00'00"E a distance of 474.76 ft. to an intersection with the said south line of Section 13; thence S89deg27'18"W along said south line a distance of 313.35 ft. to the point of beginning. Containing 117,539.22 square feet, or 2.6983 acres, more or less. Together with Parcel R-2: Commencing at the SW corner of said Section 13; thence N00deg00'00"E along the west line of said Section 13 a distance of 394.82 ft.; thence N90deg00'00"E a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 834.74 ft. to an intersection with that certain property described in ORB 2674, Page 2777, of the Public Records of Brevard County, Florida; thence N89deg20'20"E, along said property a distance of 133 ft.; thence N58deg49'19"E along said property a distance of 69.61 ft.; thence N00deg00'00"E along said property a distance of 82.85 ft. to an intersection with the south line of Bar "C" Ranches Subdivision as recorded in Plat Book 24, Page 58 of the Public Records of Brevard County, Florida; thence N89deg20'20"E along said south line a distance of 120.80 ft.; thence S00deg00'00"E a distance of 687.98 ft. to an intersection with the north right-of-way line of Hammock Trail as described in ORB 1212, Page 917, of the Public Records of Brevard County, Florida; thence S34deg59'40"W along said north right-of-way line a distance of 102.71 ft.; thence S57deg09'30"W along said north right-of-way line a distance of 302.84 ft. to the point of beginning. Containing 241,968.16 square feet, or 5.55 acres, more or less. (8.25 acres total) Located on the northeast corner of Turpentine Rd. and Wherry Rd., on the north and south sides of Hammock Trail. (No assigned address. In the Mims area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 225.01: 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.

**DISTRICT 5 13. (22200005) NORFOLK PARKWAY, LLC (Bruce Mola)** requests a change of zoning classification from GU (General Use) with CUP (Conditional Use Permit) for Tower & Antenna to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of CUP for Tower & Antenna, on property described as follows: A portion of the lands described in ORB 3277, Page 924, of the Public Records of Brevard County, Florida, said lands lying in Section 13, Township 28S, Range 36E, and being more particularly described as follows: Beginning at the SW corner of Tract ST-1, Sawgrass Lakes Phase One, according to the plat thereof, as recorded in Plat Book 60, Pages 52 - 63 of the said public records, said point being the Point of Beginning; thence S89deg32'31"W, along the north right-of-way line of Norfolk Parkway, per said Sawgrass Lakes Phase One, a distance of 662.33 ft. to the easterly line of said Sawgrass Lakes Phase One; thence N01deg30'06"E, along said east line, a distance of 1,151.77 ft.; thence leaving said line, N89deg32'54"E, a distance of 662.19 ft. to the east line of Parcel 1 of said ORB 3277, Page 924; thence S01deg29'41"W, along the east line of said Parcel 1 and the east line of Parcel 2 of ORB 3277, Page 924, a distance of 1,151.69 ft. to the Point of Beginning. (17.5 acres) Located on the north side of Norfolk Pkwy., approx. 1,200 ft. west of Minton Road. (Parcel 758 = 3545 Carriage Gate Dr., Unit Tower, Melbourne; Parcel 758 (part) = No assigned address. In the Melbourne area.) 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, MARCH 14, 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, APRIL 7, 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 intense 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 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.

## **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.11 (21PZ00095)  
Township 25, Range 36, Section 22*

---

**Property Information**

Owner / Applicant: **Harmony Villas Properties, Inc., Murrell Road Properties**

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

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

Acreage: 2.0 acres

Tax Account #: 2511043 and 2511036

Site Location: On the east side of Murrell Road, approximately 640 ft south of Roy Wall Boulevard

Commission District: 2

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

Requested Zoning: General Retail Commercial (BU-1)  
(application 21Z00049)

**Background & Purpose**

The applicant is requesting to amend the Future Land Use designation on 2.0 acres of developed land from Neighborhood Commercial (NC) to Community Commercial (CC) for the purpose of having an assisted living facility on site. The subject property consists of two (2) one-acre (1-acre) parcels developed as an office building and a single-family residence. The northern parcel is utilized in site plan 21SP00034 for an existing office and proposed group home level II use.

The subject site currently has a Future Land Use designation of NC that was adopted in May of 2000 when the Mixed Use District land use designation throughout the County at the time was converted into either NC or CC depending on the underlying zoning classification in place (Amendment No. 99B.14). The original land use designation adopted with the Comprehensive Plan in September of 1988 was Heavy and Light Industrial along this segment of Murrell Road that was subsequently amended to Mixed Use District in 1995 (Amendment No. 95A.3).

A companion rezoning application (21Z00049) was submitted accompanying this request for a Zoning change from Restricted Neighborhood Retail Commercial (BU-1-A) to General Retail Commercial (BU-1).

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Office building	City of Rockledge: C2-General Commercial	Rockledge: MUPD7-Mixed Use Planning District 7
<b>South</b>	One (1) single-family residence	City of Rockledge: C2-General Commercial	Rockledge: MUPD7-Mixed Use Planning District 7
<b>East</b>	Airstrip	IU-Light Industrial	IND-Heavy/Light Industrial
<b>West</b>	Two (2) single-family residences (across Murrell Road)	City of Rockledge: P1-Professional; and AU	Rockledge: MUPD7-Mixed Use Planning District 7; and RES 15

To the north of the subject property is an office building (City of Rockledge). To the south, is a single-family residence (City of Rockledge). To the east is an airstrip (Greenlight Industrial Airpark). To the west, across Murrell Road are single-family residences (City of Rockledge).

### Comprehensive Plan Policies/Comprehensive Plan Analysis

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

**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 foresee ably be affected by the proposed use;

**The applicant proposes to utilize the subject property as an Assisted Living Facility. 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;

**There is an existing pattern of commercial use along this segment of Murrell Road, more specifically on the east side from Gus Hipp Boulevard south to Barnes Boulevard. The subject property is surrounded on three sides by commercially-zoned parcels within the City of Rockledge and is adjacent to existing County industrial park zoning. The parcels on the east side of Murrell Road have transitioned from residential uses to commercial uses under the previous zoning actions.**

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 general area is commercial in character with an existing pattern of commercial use along this segment of Murrell Road, more specifically on the east side from Gus Hipp Boulevard south to Barnes Boulevard. The subject property is surrounded on three sides by commercially-zoned parcels within the City of Rockledge and is adjacent to existing County industrial park zoning. The parcels on the east side of Murrell Road have transitioned from residential uses to commercial uses under the previous zoning actions.**

#### **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 2.0 acre parcel has frontage on Murrell Road to the west.**

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

**The subject 2.0 acre parcel is directly adjacent to Mixed Use Planning District 7 Future Land Use (City of Rockledge) to the north, south, and west (across Murrell Road). West of the subject site is an airstrip with Industrial Future Land Use (Brevard County). Inter-connectivity can be provided between the subject site and the commercial parcel to the north.**

- C. Existing commercial development trend in the area;

**The developed character of the surrounding area is a mixture of commercial zoning classifications along both sides of Murrell Road either under City of Rockledge or County Zoning jurisdiction.**

- 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 subject property is within the City of Cocoa's service area for potable water. The closest Brevard County sanitary sewer line is approximately 6,025 feet south of the subject property at Murrell Road and Solitary Drive.**

**Based upon Floor Area Ratio (FAR) used for traffic analysis when considering Future Land use changes, the preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.**

- F. Spacing from other commercial activities;

**The subject property is immediately adjacent to a commercial office building to the north. A commercial node (City of Rockledge) is located approximately 1,660 feet south of the subject site at Murrell Road and Barnes Boulevard.**

- G. Size of proposed commercial designation compared with current need for commercial lands;

**The subject parcel is 2.0 acres. An existing cluster of approximately sixteen (16) acres of Commercial Future Land Use (City of Rockledge) and approximately thirty (30) acres of Mixed Use Future Land Use (City of Rockledge) is located approximately 1,660 feet south of the subject property at the intersection of Murrell Road and Barnes Boulevard.**

- H. 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).**

- 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 2.0 acre site would provide infill rather than extend strip commercial development which is discouraged within the Future Land Use element of the Comprehensive Plan.**



## **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;

**This segment of Murrell from Gus Hipp Boulevard to Barnes Boulevard has a pattern of commercial development, the majority of which is along the east side of the road, abutting the airstrip to the east.**

**This area is an enclave with the City of Rockledge having jurisdiction over the abutting properties located to the north, south, to the west across Murrell Road right-of-way. The applicant does not currently propose to annex into Rockledge.**

## **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 intersection. A commercial node (City of Rockledge) is located approximately 1,660 feet south of the subject site at Murrell Road and Barnes Boulevard.**

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

**The subject site is not located at an intersection. This request would introduce Community Commercial (CC) future land use into the area. CC future land use allows for an increase in commercial intensity.**

- 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 nearest commercial cluster is approximately 1,660 feet south of the subject property at the intersection of Murrell Road and Barnes Boulevard.**

- 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 an eighty seven thousand one hundred twenty square foot (87,120 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.**

### **Concurrency**

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The closest Brevard County centralized sewer line is approximately 6,025 feet to the south of the subject site. A School Impact Analysis was not required for this application as this proposed project is not residential.

### **Environmental Resources**

Preliminary review of mapped resources indicates the following land use issues:

- Protected Species
- Land Clearing and Landscape Requirements

Please refer to the attached comments provided by the Natural Resources Management Department.

### **Historic Resources**

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

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item # 21PZ00095**

**Applicant:** Vaheed Teimouri

**FLU Request:** NC to CC

**Note:** Applicant wants to increase number of beds 28.

**P&Z Hearing Date:** 03/14/22; **BCC Hearing Date:** 04/07/22

**Tax ID Nos:** 2511043 & 2511036

- 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:**

- Protected Species
- Land Clearing and Landscape Requirements

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

**Land Use Comments:**

**Protected Species**

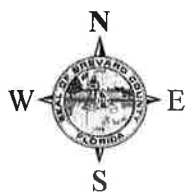
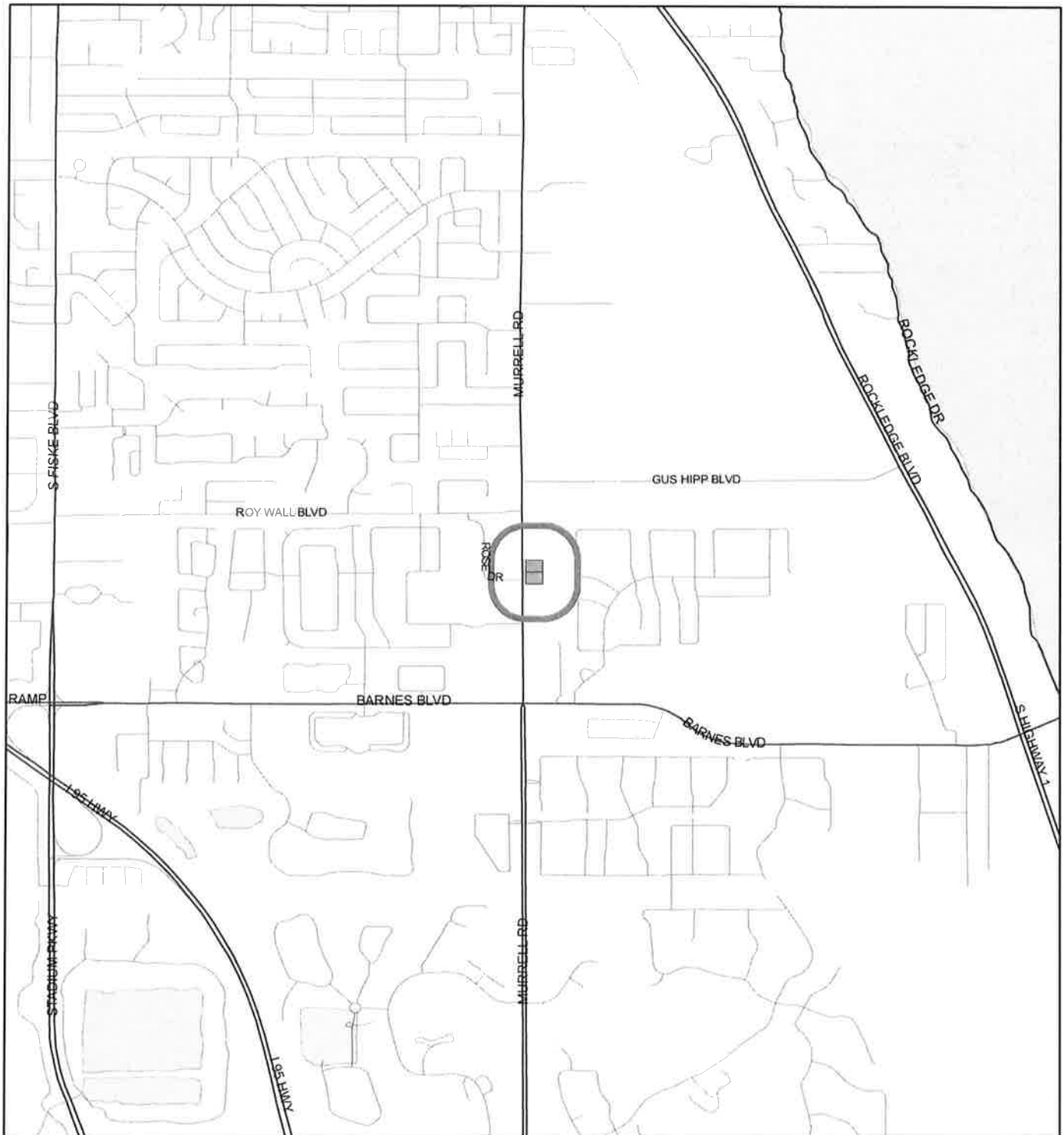
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

**Land Clearing and Landscape Requirements**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Specimen trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

# LOCATION MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



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

Buffer Distance: 500 feet

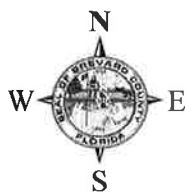
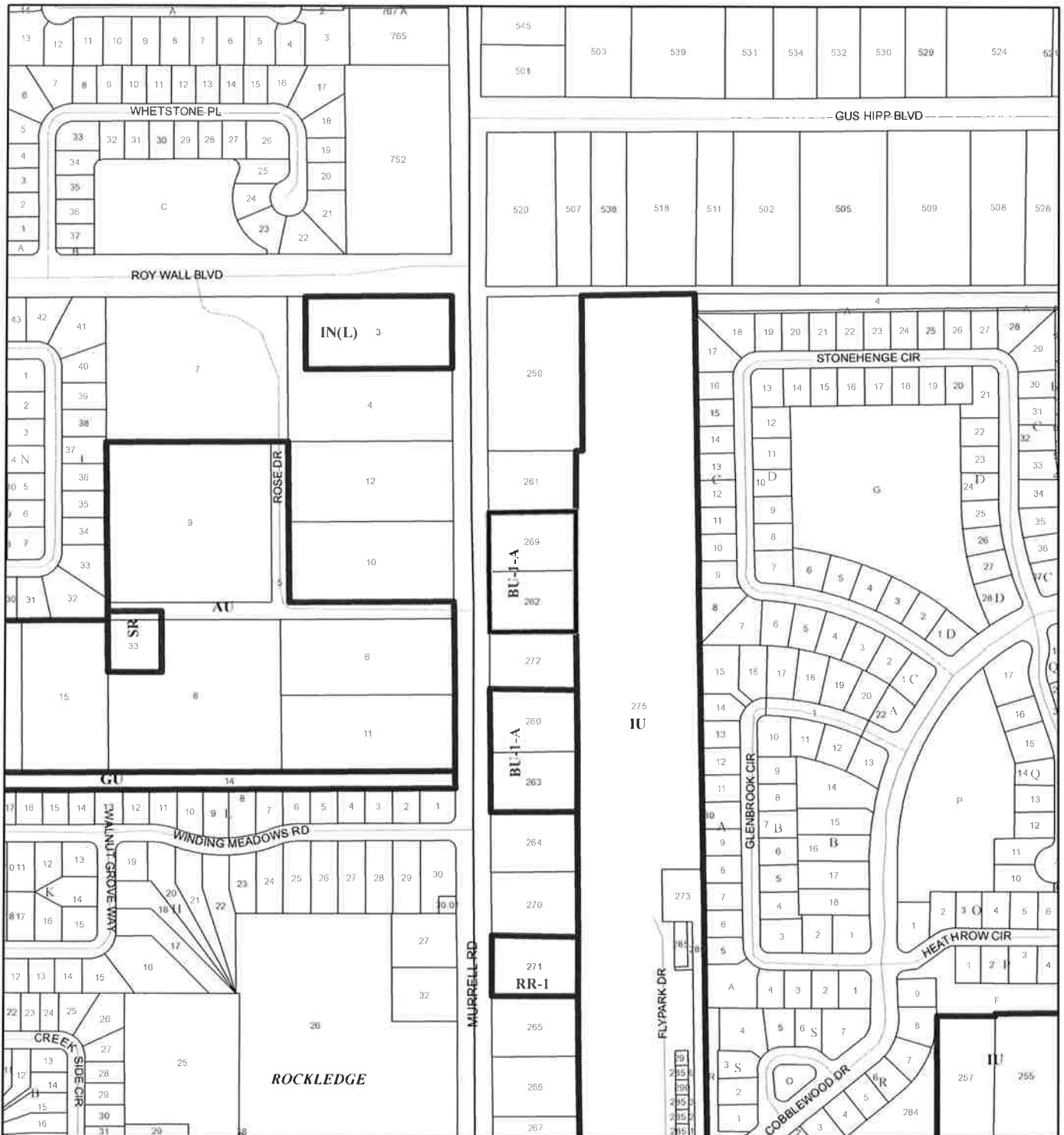
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/4/2022

— Buffer  
■ Subject Property

# ZONING MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



1:4,800 or 1 inch = 400 feet

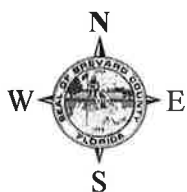
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/4/2022

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



1:4,800 or 1 inch = 400 feet

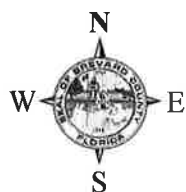
— Subject Property  
□ Parcels

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: 1/4/2022

# PROPOSED FUTURE LAND USE MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

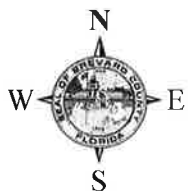
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/4/2022



# AERIAL MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



1:4,800 or 1 inch = 400 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: 1/4/2022

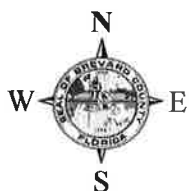
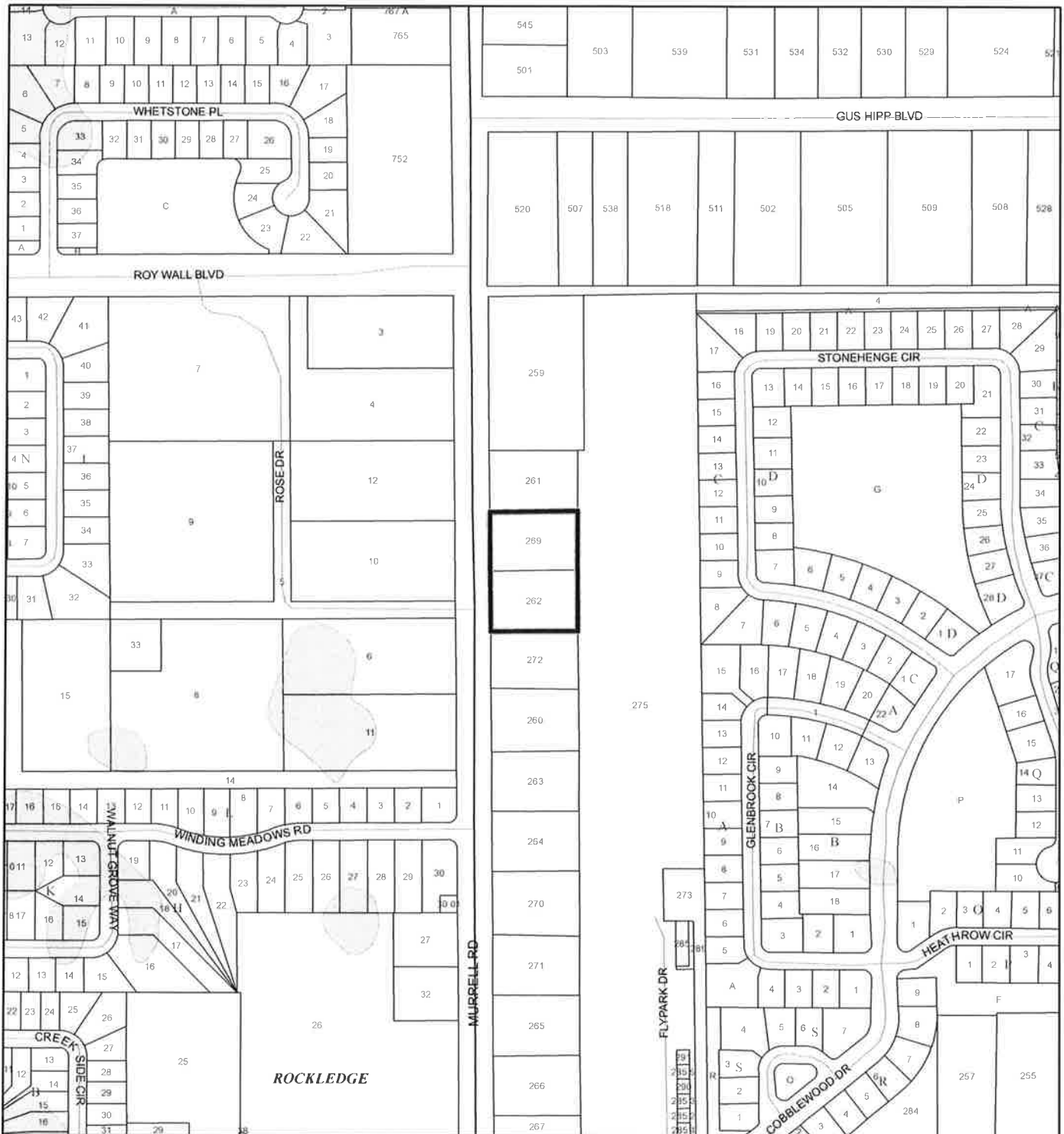
— Subject Property  
□ Parcels



# NWI WETLANDS MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



1:4,800 or 1 inch = 400 feet

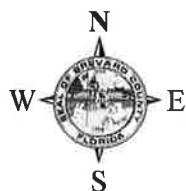
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/4/2022

## 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

## 21PZ00095 SMALL SCALE AMENDMENT 21S.11

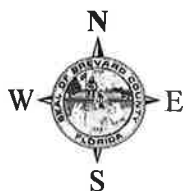
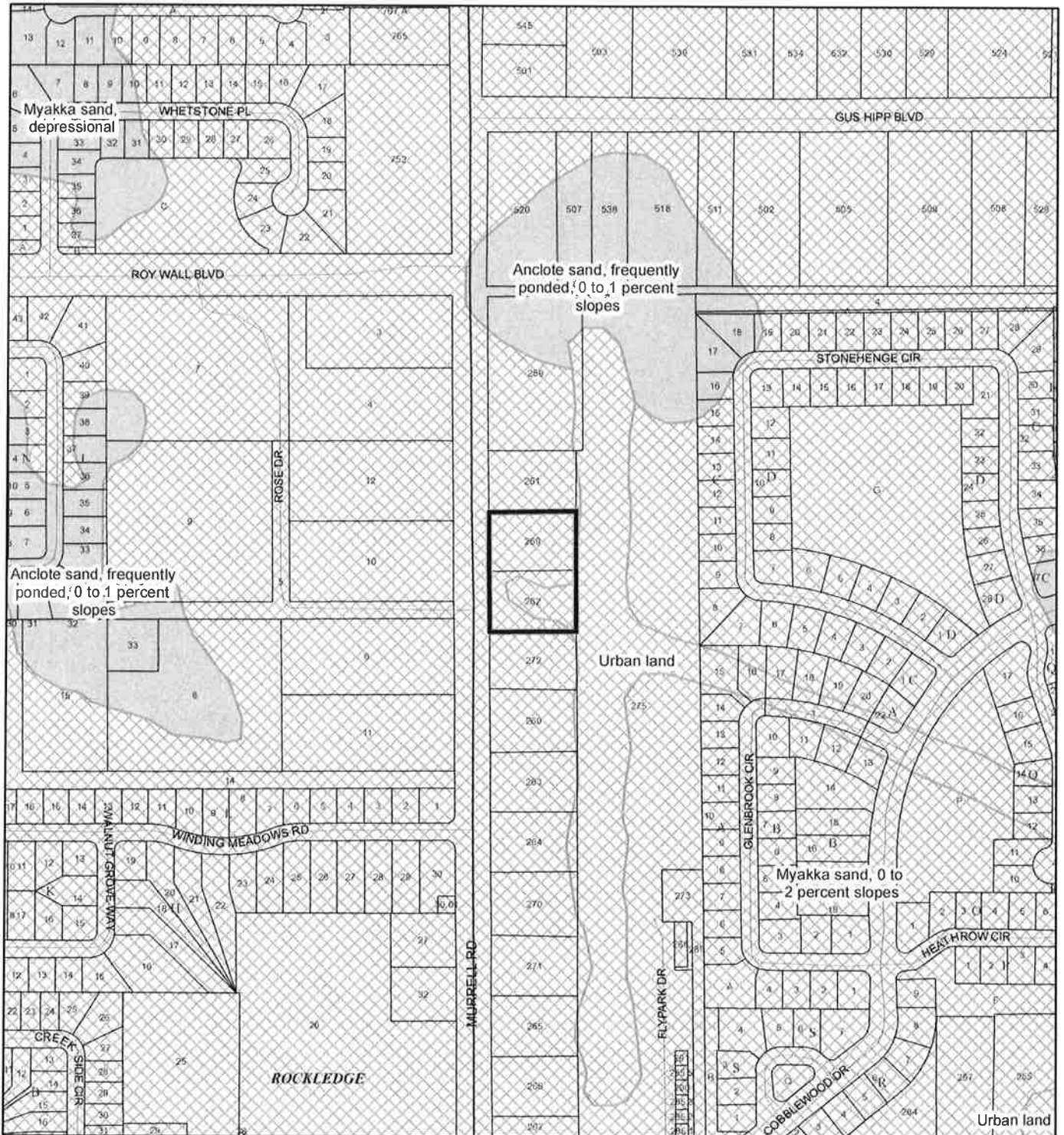


— Subject Property       Parcels

# USDA SCSSS SOILS MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

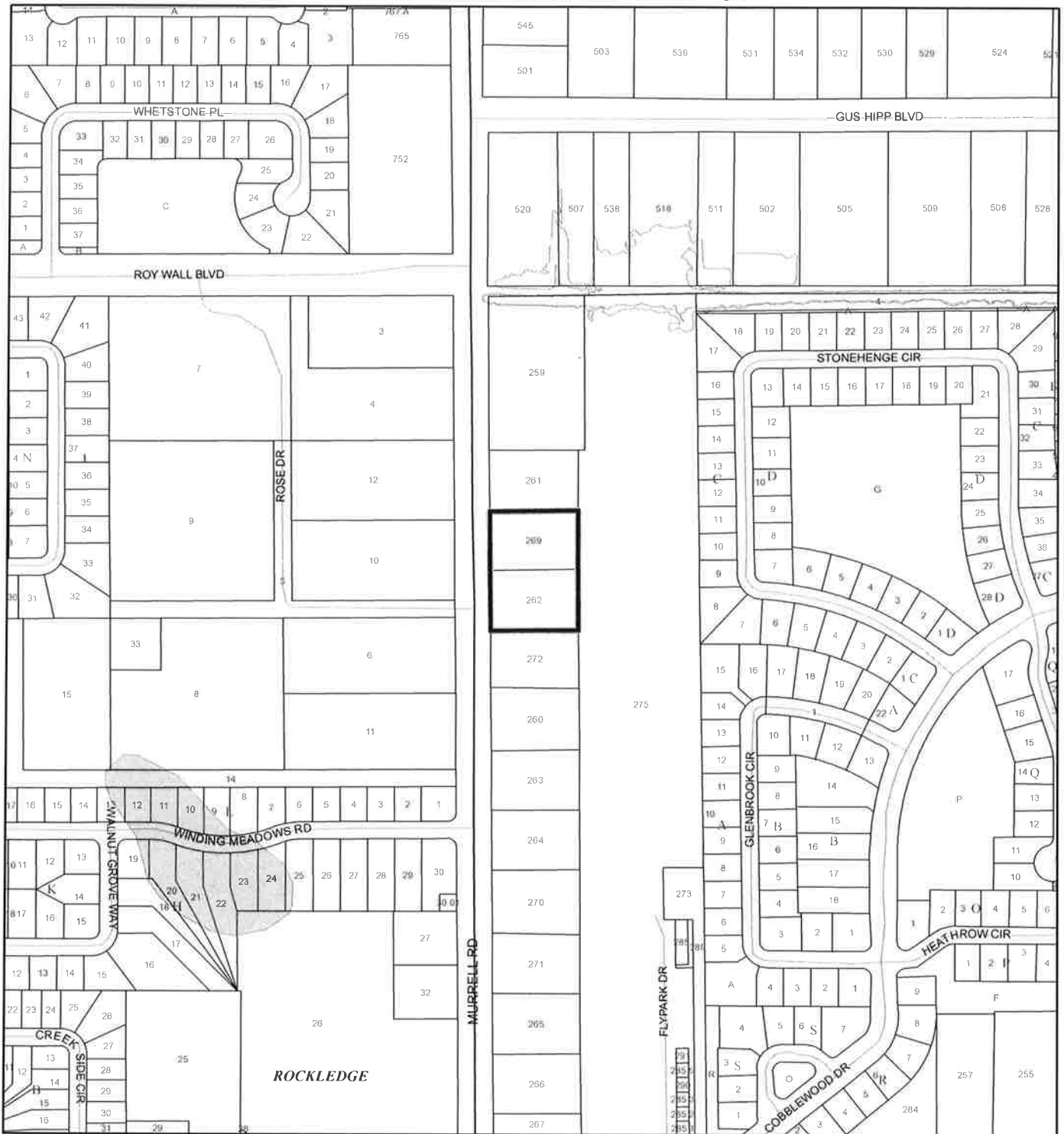
## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



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.

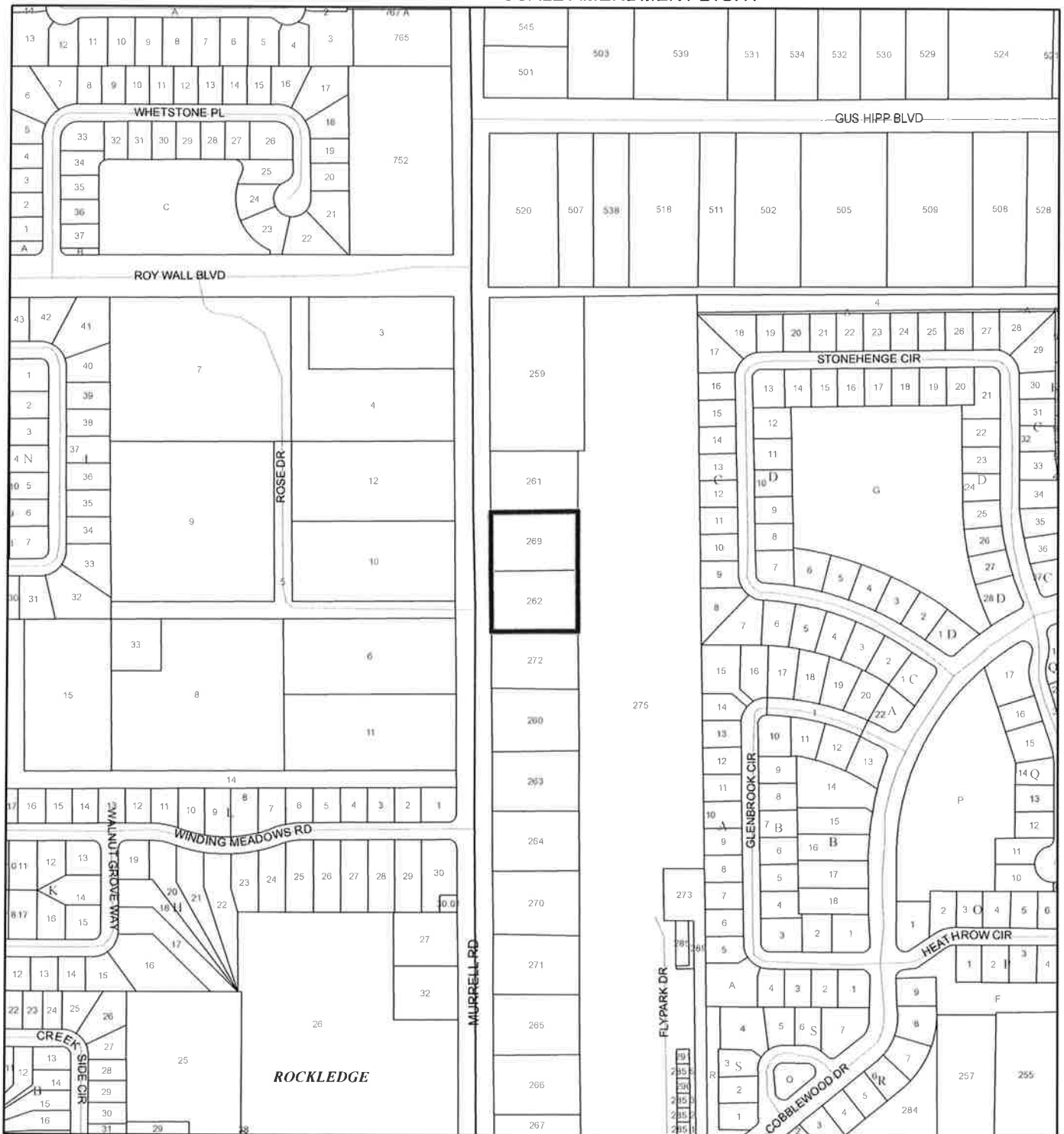
Produced by BoCC - GIS Date: 1/4/2022

## FEMA Flood Zones

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

# COASTAL HIGH HAZARD AREA MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.  
21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

— Subject Property

□ Parcels

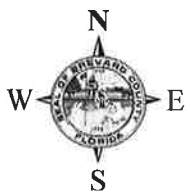
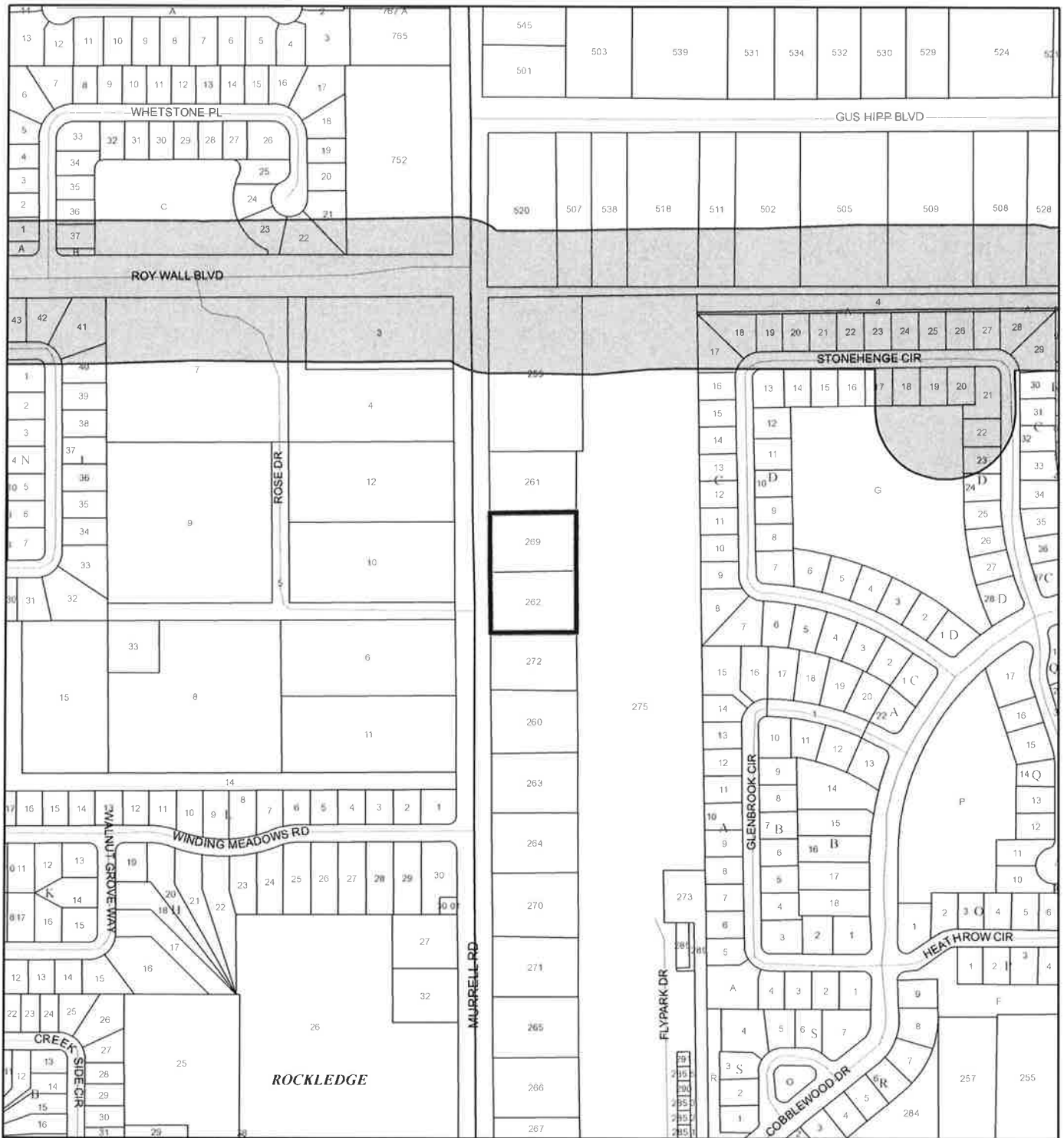
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

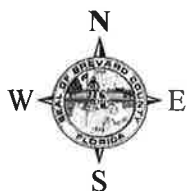
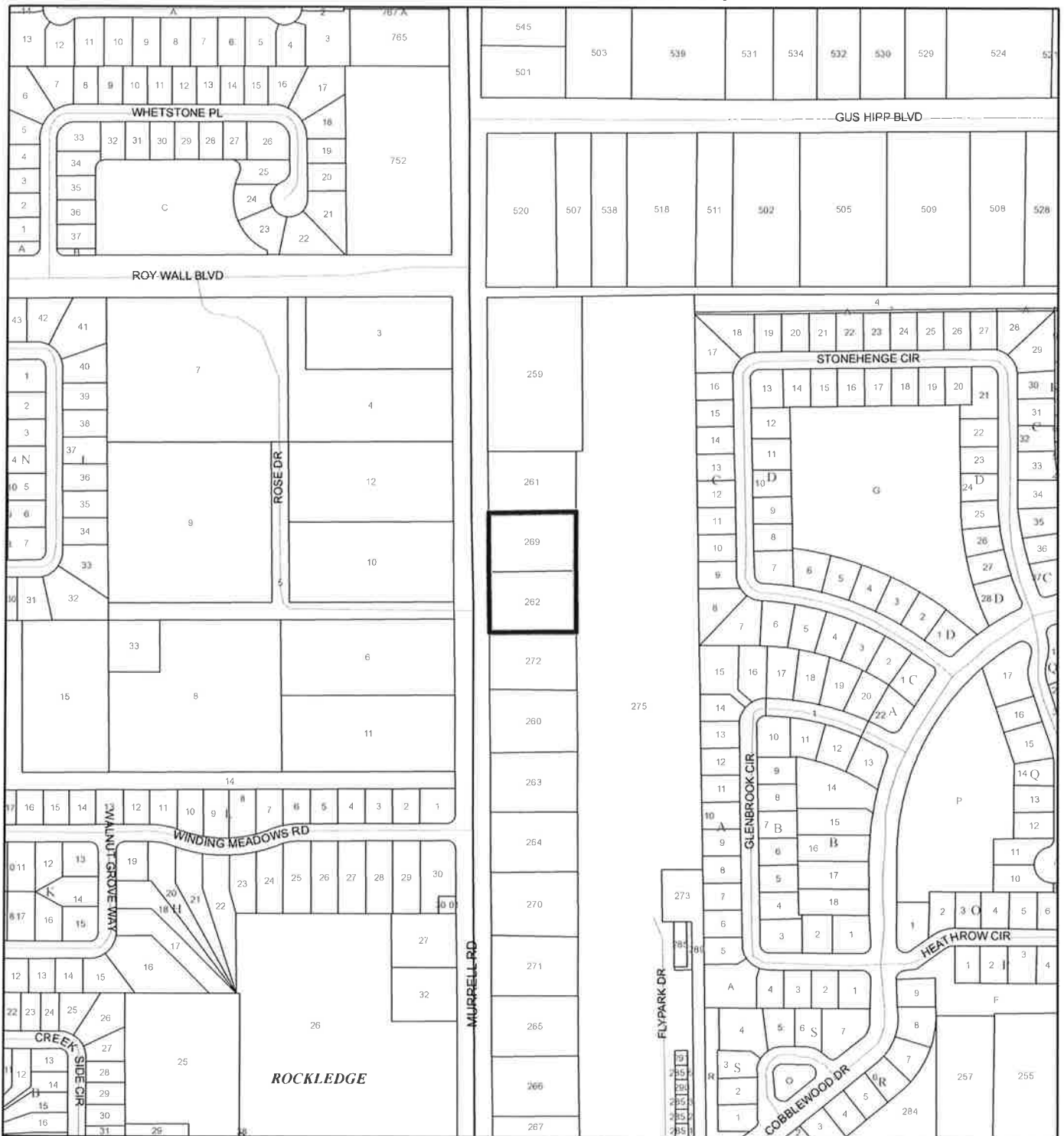
■ All Distances



# EAGLE NESTS MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

 Subject Property

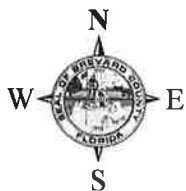
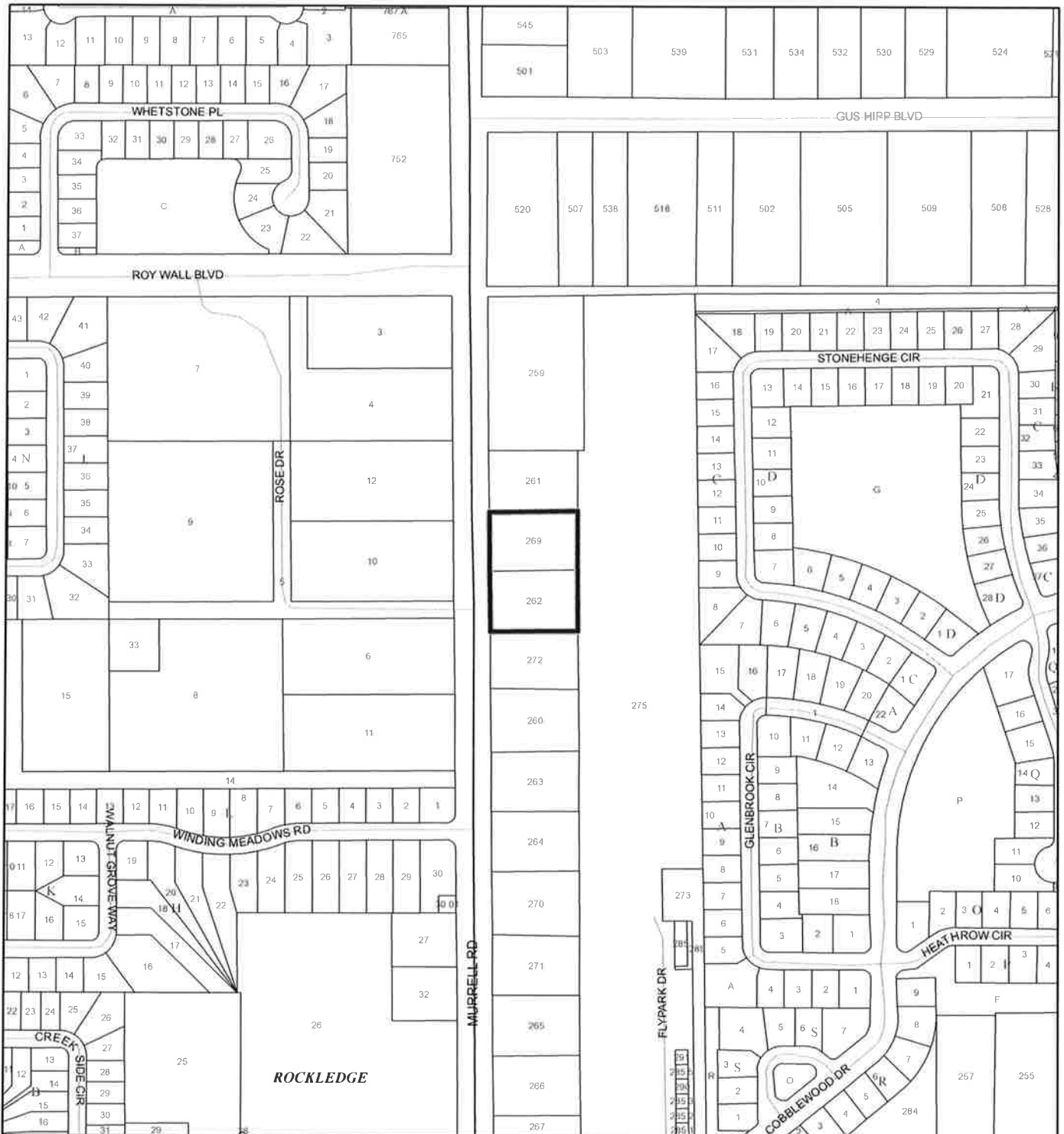
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

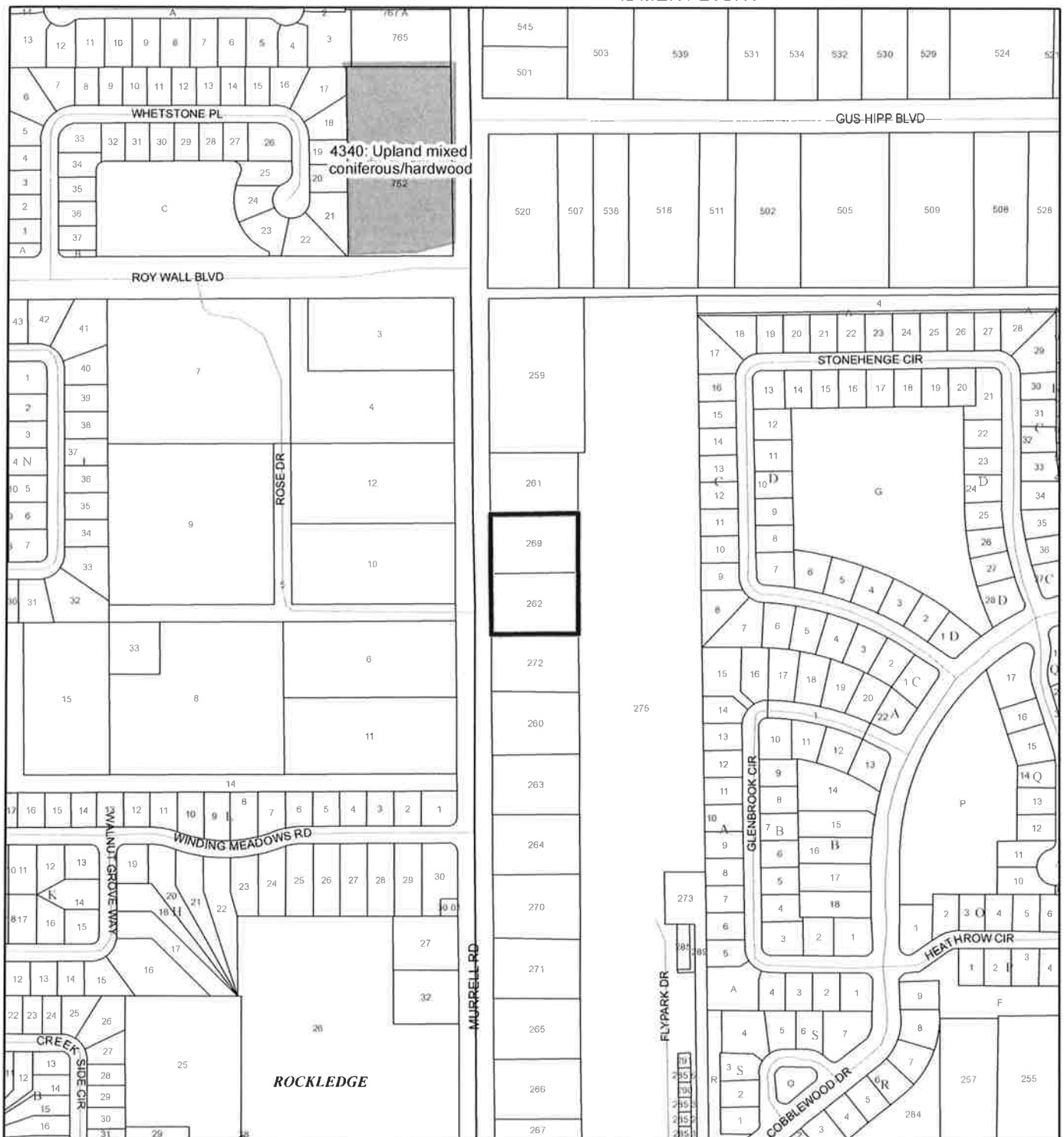
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MURRELL PROPERTIES OF BREVARD, LLC, HARMONY VILLAS PROPERTIES, INC.

21PZ00095 SMALL SCALE AMENDMENT 21S.11



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: 1/4/2022

## 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

**Brevard County**  
**Supplement to Comprehensive Plan Amendment Application**  
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940  
(321) 633-2069



**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:** Vaheed B. Teimouri, P.E. **Staff Planner :** George Ritchie

**3. Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: NC, Neighborhood Commercial

Requested Future Land Use Designation: CC, Community Commercial

Existing Zoning: BU-1A

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 rational 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 test.

The property is currently is being used for groupe homes level II which allows maximum of 14 occupants, the proposed use will not change, only the number of beds will increase to 28, and that is why the BU-1 zoning with future land use of Community Commercial.

(use additional sheets if necessary)

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 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); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

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

### **Excerpt of Complete Minutes**

#### **Murrell Properties of Brevard, LLC; and Harmony Villas Properties, Inc. (Vaheed Teimouri)**

A Small Scale Comprehensive Plan Amendment (21S.11), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 2 acres, located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge) (Tax Accounts 2511036 & 2511043) (District 2)

#### **Murrell Properties of Brevard, LLC; and Harmony Villas Properties, Inc. (Vaheed Teimouri)**

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to BU-1 (General Retail Commercial). The property is 2 acres, located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge) (Tax Accounts 2511036 & 2511043) (District 2)

Vaheed Teimouri, 32 East New Haven Avenue, stated the projects are currently operating as group homes, and the owners would like to add additional units. Changing from BU-1-A to BU-1 would allow his clients to go to an adult congregate care facility (ACLF) that would allow more beds. He stated all infrastructure will be provided and they are providing a lift station that will serve both buildings currently on septic tank. The first building is under construction right now and they are waiting for the rezoning so they can go for an additional site plan and change the site plan for the southern lot.

No public comment

Mr. Hopengarten asked how many beds will be in the facility. Mr. Teimouri replied 19 or 20 beds on each property.

Mr. Hopengarten stated the properties about an airport and asked if it is an active runway. Mr. Teimouri replied it is not an active airport.

Mark Wadsworth asked how much more bed space they are getting by changing to BU-1. Mr. Teimouri replied a lot more than what they want.

George Ritchie stated in the BU-1-A zoning, they are limited to 14 units as a level 2 group home, and once over 14, the code defines them as assisted living facilities and they go up with no cap. The building will have to be sized to support those residents at 250 square feet per resident, and that is part of the criteria he will have to meet during site planning.

Mr. Hopengarten stated his office has developed ALF's and he's concerned about the ALF market where people are essentially dropped off and have a meager existence if amenities are not provided.

Johan Starn, owner, stated there will be amenities, such as entertainment, a garden, a hair salon, an exercise area.

Liz Alward stated in regards to land use, the request is compatible with what is currently in the neighborhood, and it has been her experience that ALF's are good neighbors.

Motion by Liz Alward, Seconded by Ron Bartcher, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. The motion passed 7:1 with John Hopengarten voting nay.

Motion by Liz Alward, Seconded by Ron Bartcher, to recommend approval of a change of zoning classification from BU-1-A to BU-1. The motion passed 7:1 with John Hopengarten voting nay.