



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

8/4/2022

Subject:

Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a change of zoning classification from AU to BU-1. (22Z00015) (Tax Account 2511124) (District 2)

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 BU-1 (General Retail Commercial).

Summary Explanation and Background:

The applicant requests to rezone the 1.02-acre subject property from AU to BU-1 for the purpose of expanding the existing motel on the adjacent lot, or develop a complementary business to the motel. According to the Property Appraiser's record, the parcel is developed with a single-family residence built in 1951 and an accessory building. The BU-1 zoning classification encompasses uses devoted to retail shopping, offices, and personal services to serve the community on minimum 7,500 square foot lots. It does not permit warehousing or wholesaling. Section 62-1844.5 provides that motels may be permitted in BU-1 zoning in areas designated as Community Commercial on the Future Land Use map.

The Future Land Use on the subject property is currently designated as NC (Neighborhood Commercial) and RES 4 (Residential 4). The proposed BU-1 zoning is not consistent with the NC and RES 4 designations. A companion request, 22SS00004, proposes to change the Future Land Use designation to CC (Community Commercial).

The developed character of the surrounding area is primarily single-family residences to the east of the subject property with zoning classifications of EU and EU-2. There is also limited commercial development along US Highway 1 with a zoning classification of BU-1 and BU-2. An existing motel to the west is owned by the applicant. This property has a zoning classification of TU-1(16). TU-1 zoning is a commercial zoning classification devoted to general tourist-related activities and recognizes the need for higher densities for motels and hotels. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. To the north of the subject property is a vacant property, zoned AU. To the south is a retail store zoned BU-1 and AU.

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended denial.

On July 27, 2022, the applicant amended their rezoning request from the BU-1 General Retail commercial zoning to RU-2-4 Low Density multi-family zoning. While Section 62-1151 allows the Board to consider a less intense zoning classification during the public hearing, this amendment may not be less intense, since it changes zoning category. Given that the amendment was received 8 days prior to the August 4, 2022, public hearing, staff may not have sufficient time to evaluate the amendment.

The Board may wish to consider remanding this request back to Planning and Zoning for staff to provide an appropriate analysis of this amendment.

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

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

STAFF COMMENTS

22Z00015

Nicholas Boardman & Andrea Bedard

AU (Agricultural Residential) to BU-1 (General Retail Commercial)

Tax Account Number: 2511124
Parcel I.D.: 25-36-23-00-506
Location: North side of Coquina Road, approximately 200 feet east of Highway 1
(District 2)
Acreage: 1.02 acres

Planning and 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 cannot 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	BU-1
Potential*	1 SF unit	43,996 sq. ft. commercial (using 1.0 FAR for CC)
Can be Considered under the Future Land Use Map	YES NC & RES 4	YES** CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** Application is pending approval of companion request **22SS00004** which proposes to change the Future Land Use Designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC).

Background and Purpose of Request

The applicant requests to rezone the 1.02 acre subject property from AU (Agricultural Residential) to BU-1 (General Retail Commercial) for the purpose of either expanding the existing motel on the adjacent lot or develop a complementary business to the motel. According to the Property Appraiser's record, the parcel is developed with a single-family residence built in 1951 and an accessory building. AU is the original zoning classification.

Land Use

The subject property is currently designated as Neighborhood Commercial (NC) and Residential 4 (RES 4). The proposed BU-1 zoning is not consistent with the Neighborhood Commercial (NC) and Residential 4 (RES 4) Future Land Use designations. The companion request **22SS00004** proposes to change the Future Land Use Designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC). The BU-1 request would be consistent with the Community Commercial (CC) Future Land Use designation.

Applicable Land Use Policies

FLU Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;
The applicant wishes to develop the subject property as an expansion to the existing motel on the adjacent lot or develop a complementary business. Section 62-1844.5 provides that motels may be permitted in BU-1 zoning in areas designated as community commercial on the future land use map.
- B. Existing commercial zoning trends in the area;
Three development actions have been approved within a half-mile radius of the subject property within the last three years. 20PZ00042 was approved for rezoning 1.2 acres to EU approximately 0.4 miles south of the subject property. The property has been developed with a single-family residence. 21PZ00083 for a small-scale comprehensive plan amendment to CC (Community Commercial), and 22Z00004 for a rezoning to BU-2 with a BDP (Binding Development Plan) have also been approved for approximately 12 acres adjacent to the subject property on the north side. A self-storage facility is proposed for the site.
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
The applicant proposes to expand the adjacent motel or develop a complementary business to the motel. While the property is adjacent to commercial development to the west (existing motor court) and north (proposed self-storage), there may be potential impacts to the existing single-family residences directly to the east in the absence of a buffer between the residential and commercial development in the area.
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
The preliminary concurrency analysis did indicate that the proposed development has the potential to 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 subject parcel is located within the City of Rockledge's service area for centralized sewer.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and **No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.**
- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.
This property will need to comply with Brevard County Performance Standards noted within Section 62-2251 through 62-2272 of Brevard County Code.

Policy 2.3 – Role of Land Development Regulations in the Designation of Commercial Lands

Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities, including:

Criteria:

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;
Review will be performed at the site plan review stage.
- B. Buffering from adjacent existing/potential uses;
Review will be performed at the site plan review stage.
- C. Open space provisions and balance of proportion between gross floor area and site size;
Open space development is not required for this type of commercial usage. Building type and floor area ratio will be reviewed at the site plan stage.
- D. Adequacy of pervious surface area in terms of drainage requirements;
Drainage requirements will be reviewed at the site plan stage.
- E. Placement of signage;
Signage will need to comply with Section 62-3316 of Brevard County Code and will be reviewed at the site plan review stage.
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
Lighting will need to comply with Section 62-2257 of Brevard County Code and will be reviewed at the site plan review stage.
- G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
Review will be performed at the site plan review stage.
- H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
Review will be performed at the site plan review stage.

- I. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
No noteworthy comments have been identified by the NRMD review. Review will be performed at the site plan review stage.
- J. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
Nothing in the form of waivers, administrative approvals or variances have been applied for at this time.

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.

BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

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

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

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 the expansion of a motel use that has existed since 1948 according to the Property Appraiser's records, or a use complementary to the motel. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. Proposed development will be reviewed at the site plan review stage.

- 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 historic land use pattern has been Agricultural Residential (AU) development and single-family residences built on Estate Use Residential (EU and EU-2) lots with some commercial uses adjacent to US Highway 1.

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

It appears no changes to the immediate area have occurred within the last three years.

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

A small-scale comprehensive plan amendment to change the future land use to CC (Community Commercial) and a rezoning to BU-2 with a BDP (Binding Development Plan) for a proposed self-storage facility were approved March 5, 2022 on approximately 12 acres adjacent to the subject property on the north side. Site plan review and approval are the next steps for the proposed development.

- 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 primarily single-family residences with zoning classifications of EU and EU-2. There is also limited commercial development along US Highway 1 with a zoning classification of BU-1 and BU-2, and a motel with a zoning classification of TU-1(16). Adjacent to the north of the subject property is vacant commercial land, to the east are single-family residences, to the south is a retail store and a single-family residence and to the west is a motor court. This request may be considered an encroachment of commercial land use into a residential area.

The current AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The proposed BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant Land	BU-1 & AU	CC & RES 4
South	Retail Store & a Single-Family Residence	BU-1, AU & EU	CC, NC & RES 4
East	Single-Family Residences	EU & EU-2	RES 4
West	Bonsai Motor Court	TU-1(16)	CC

EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

TU-1 is a general tourist commercial zoning classification which permits hotels and motels among its listed uses. It also permits BU-1-A type retail uses in conjunction with and accessory to a hotel or motel with a minimum of 25 rooms. The minimum lot size is 15,000 with a minimum width of 100' and minimum depth of 150'. Maximum density allowances range from 8 units per acre (in the South Beaches area) to 30 units per acre (in the North Beaches, Mainland and Merritt Island Redevelopment Area).

Three development actions have been approved within a half-mile radius of the subject property within the last three years. **20PZ00042** was approved for rezoning 1.2 acres to EU approximately 0.4 miles south of the subject property. The property has been developed with a single-family residence. **21PZ00083** for a small-scale comprehensive plan amendment to CC (Community Commercial), and **22Z00004** for a rezoning to BU-2 with a BDP (Binding Development Plan) have also been approved for approximately 12 acres adjacent to the subject property on the north side. A self-storage facility is proposed for the site.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1 between Barnes Boulevard and Eyster Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 61.92% of capacity daily. The development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.14% based on proposed use provided by the applicant. The corridor is anticipated to operate at 62.06% of capacity daily. The proposed use is not anticipated to create a deficiency in LOS. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is within the City of Cocoa's service area for potable water and within the City of Rockledge's service area for centralized sewer.

Environmental Constraints

- Protected Species
- Protected and Specimen Trees

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

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00015**

Applicant: Treharne for Bedard

Zoning Request: AU to BU-1

Note: Applicant wants to expand hotel use to the east

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

Tax ID No: 2511124

- 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
- Protected and Specimen Trees

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

Land Use Comments:

Protected Species

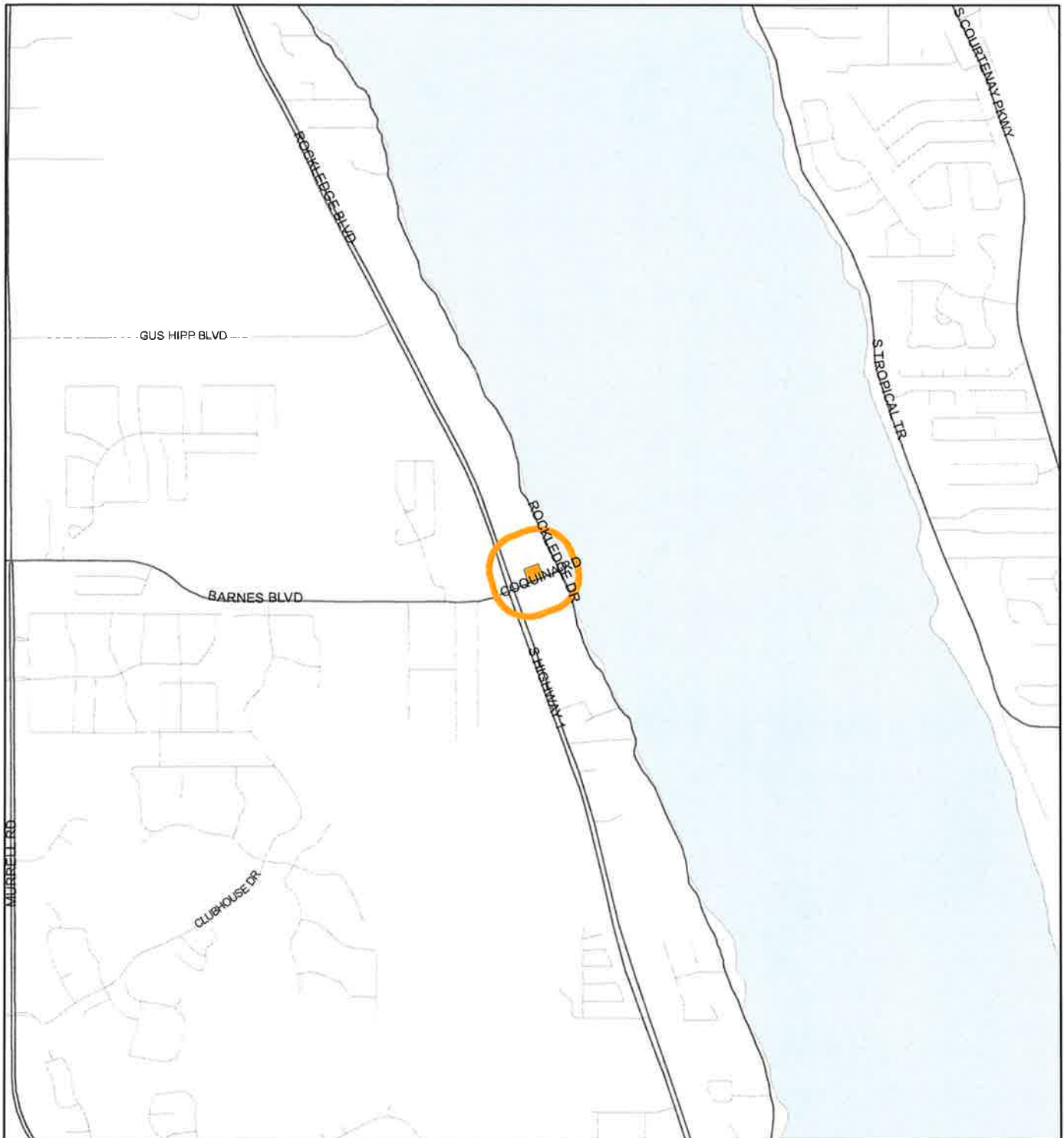
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan 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

BEDARD, ANDREA AND BOARDMAN, NICHOLAS
22Z00015



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

Buffer Distance: 500 feet

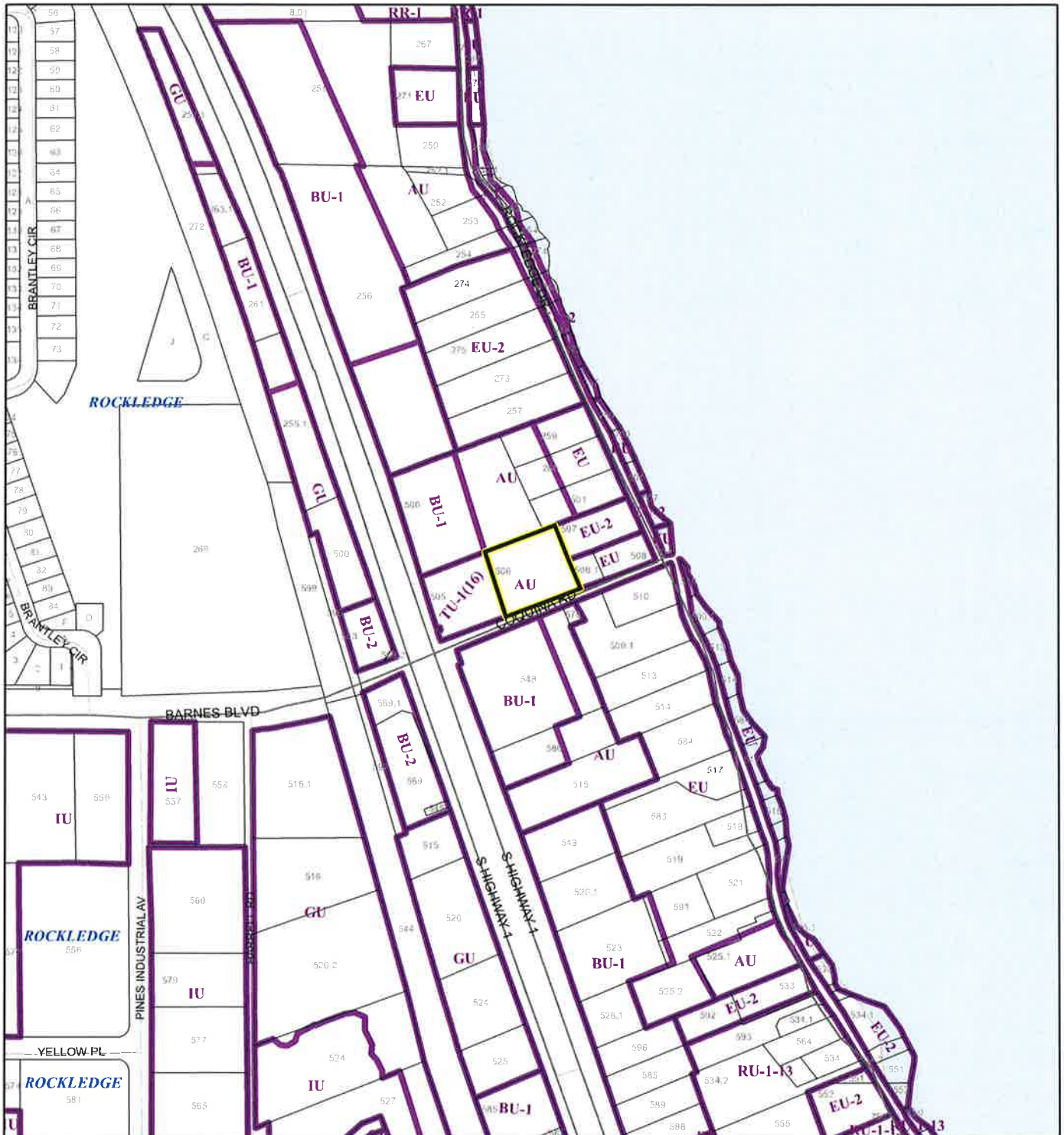
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/25/2022

Buffer
Subject Property

ZONING MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS
22Z00015



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.

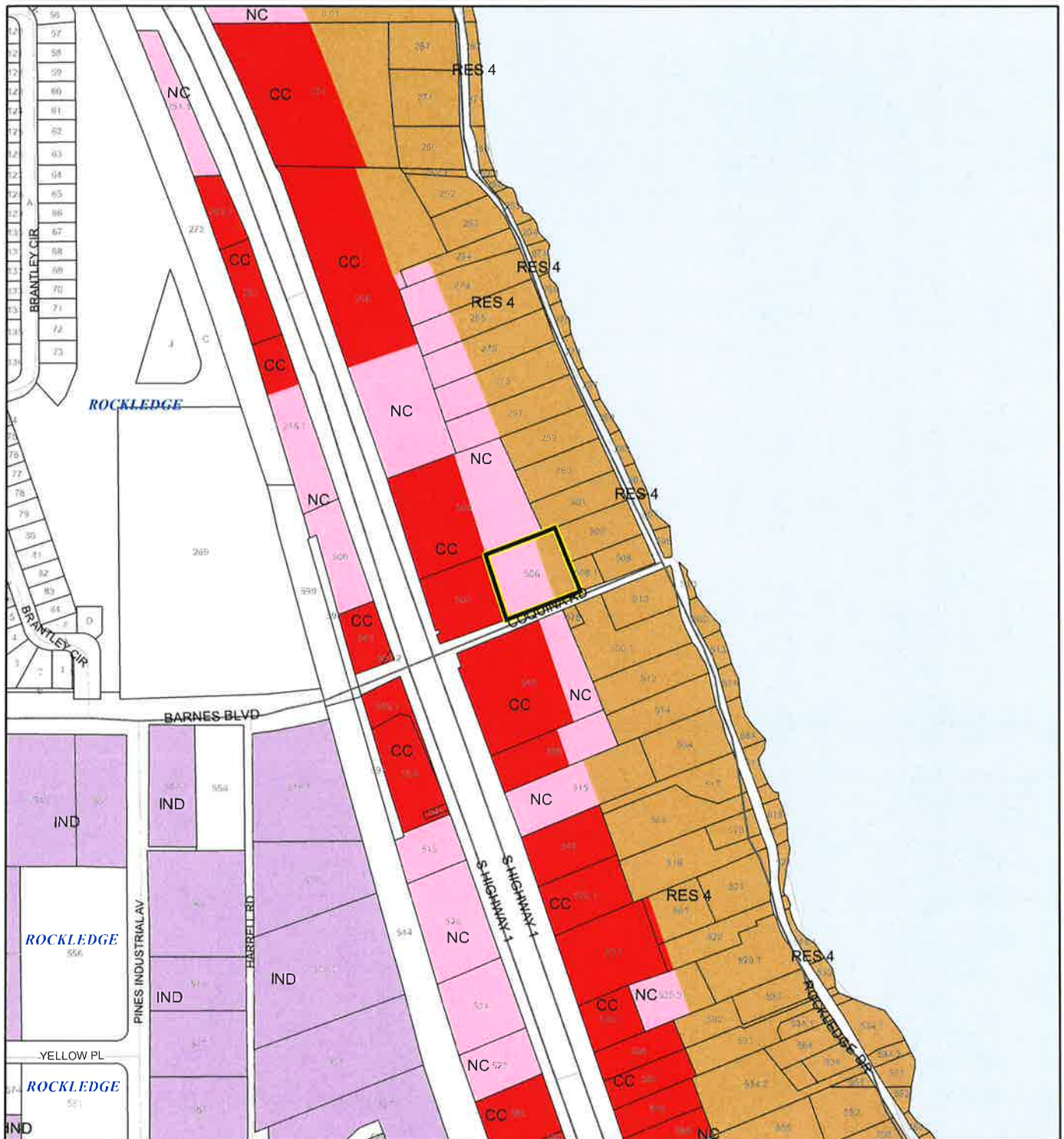
Produced by BoCC - GIS Date: 4/25/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



1:4,800 or 1 inch = 400 feet

— Subject Property
 [] Parcels

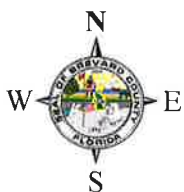
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/25/2022

AERIAL MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015




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.

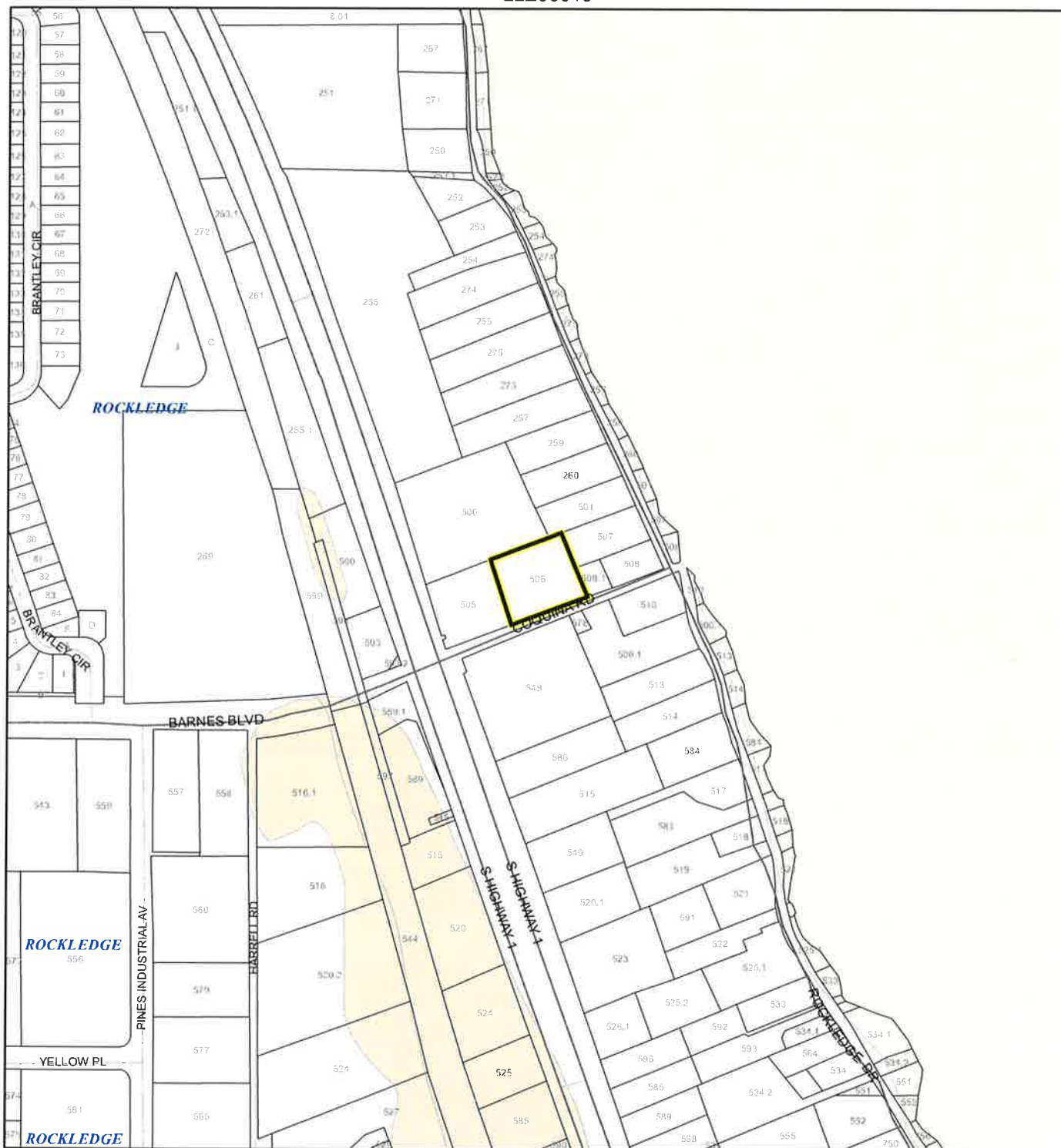
Produced by BoCC - GIS Date: 4/25/2022

 Subject Property

 Parcels

NWI WETLANDS MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS
22Z00015



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/25/2022

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

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



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: 4/25/2022

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

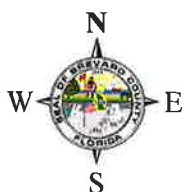
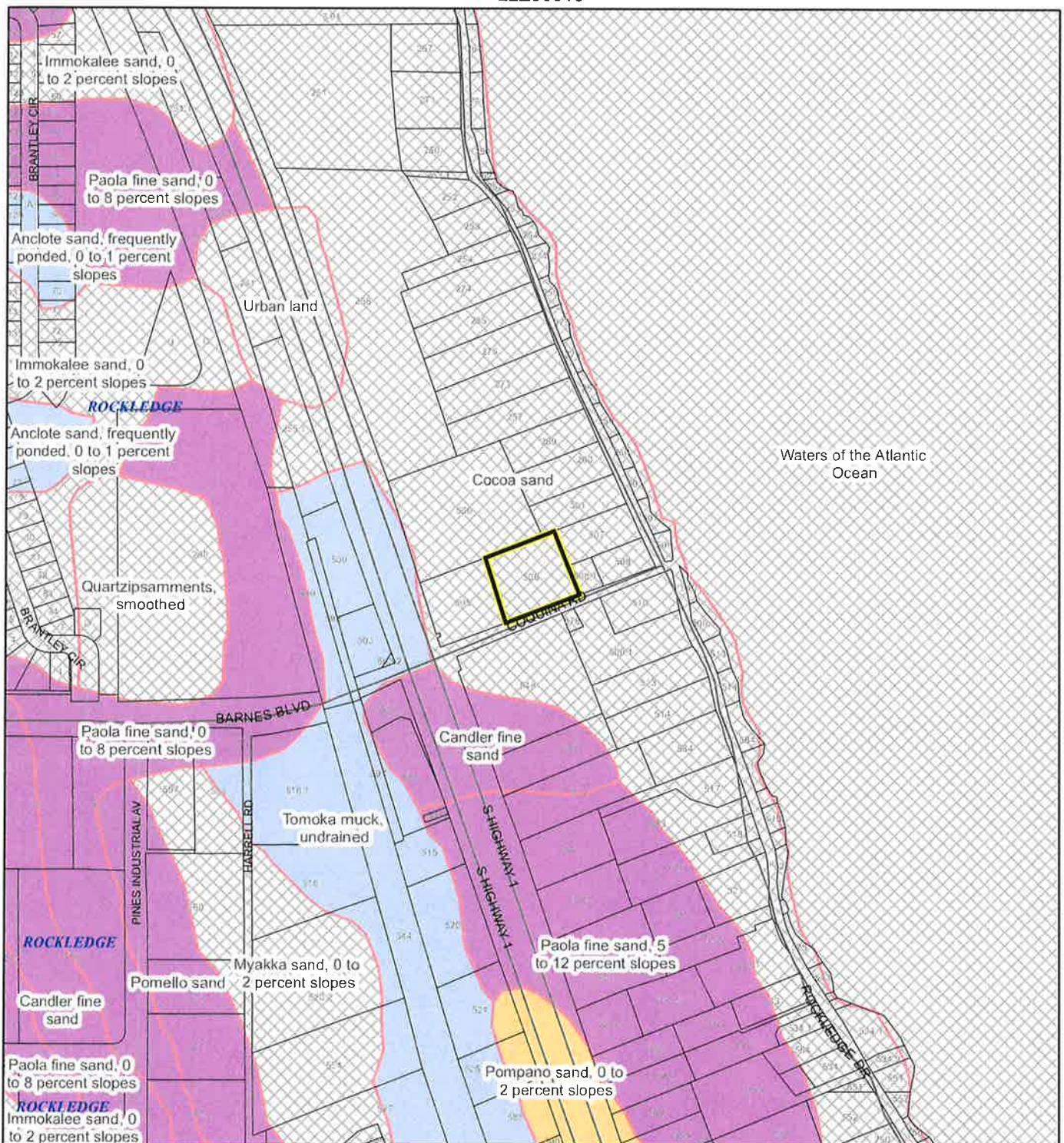
Subject Property

Parcels

USDA SCSSS SOILS MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



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: 4/25/2022

USDA SCSSS Soils

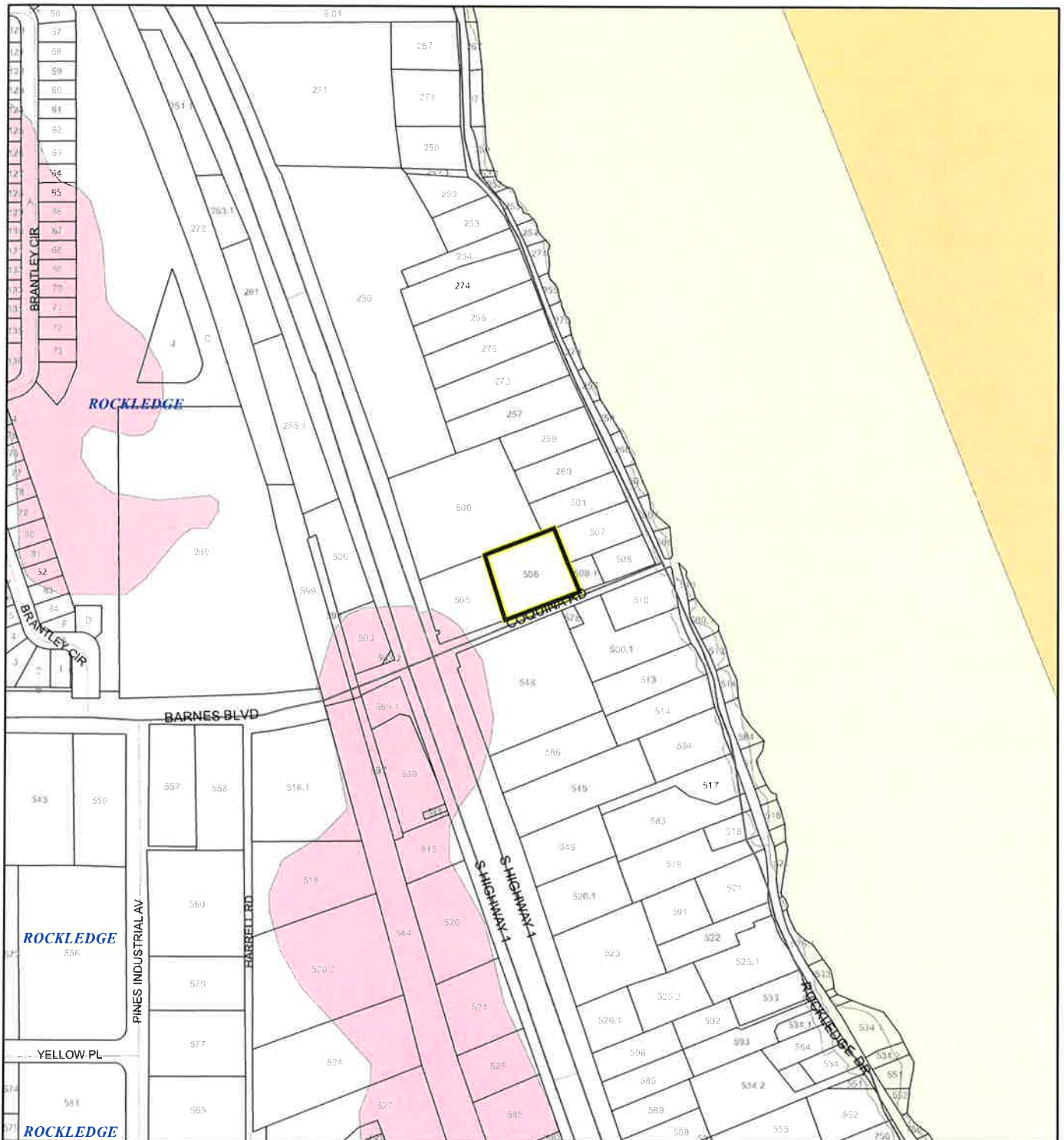
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



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: 4/25/2022

FEMA Flood Zones

A

AE

AH

AO

Open Water

VE

X

Subject Property

Parcels

COASTAL HIGH HAZARD AREA MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/25/2022

— Subject Property

□ Parcels

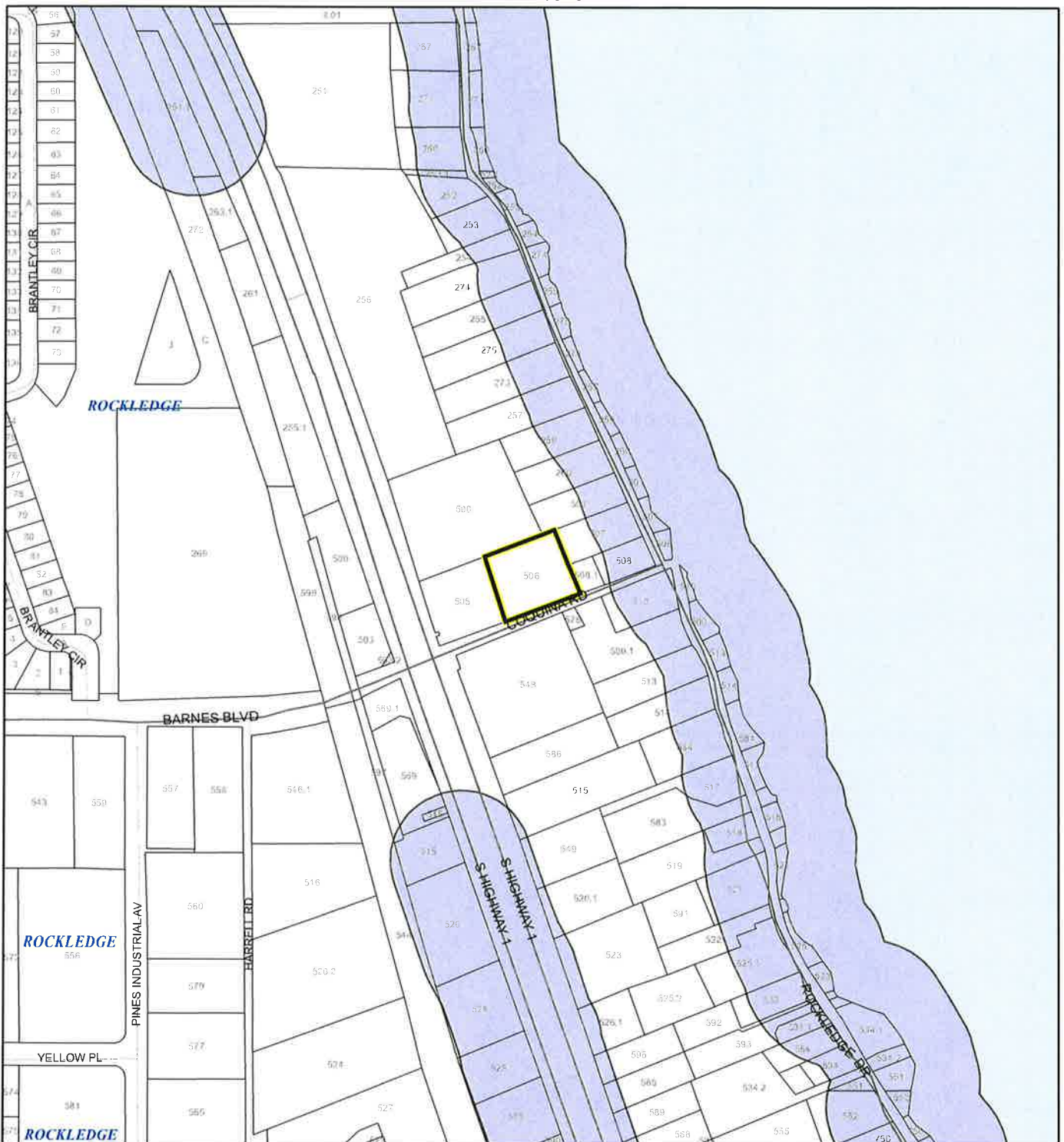
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



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: 4/25/2022

— Subject Property

□ Parcels

Septic Overlay

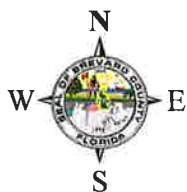
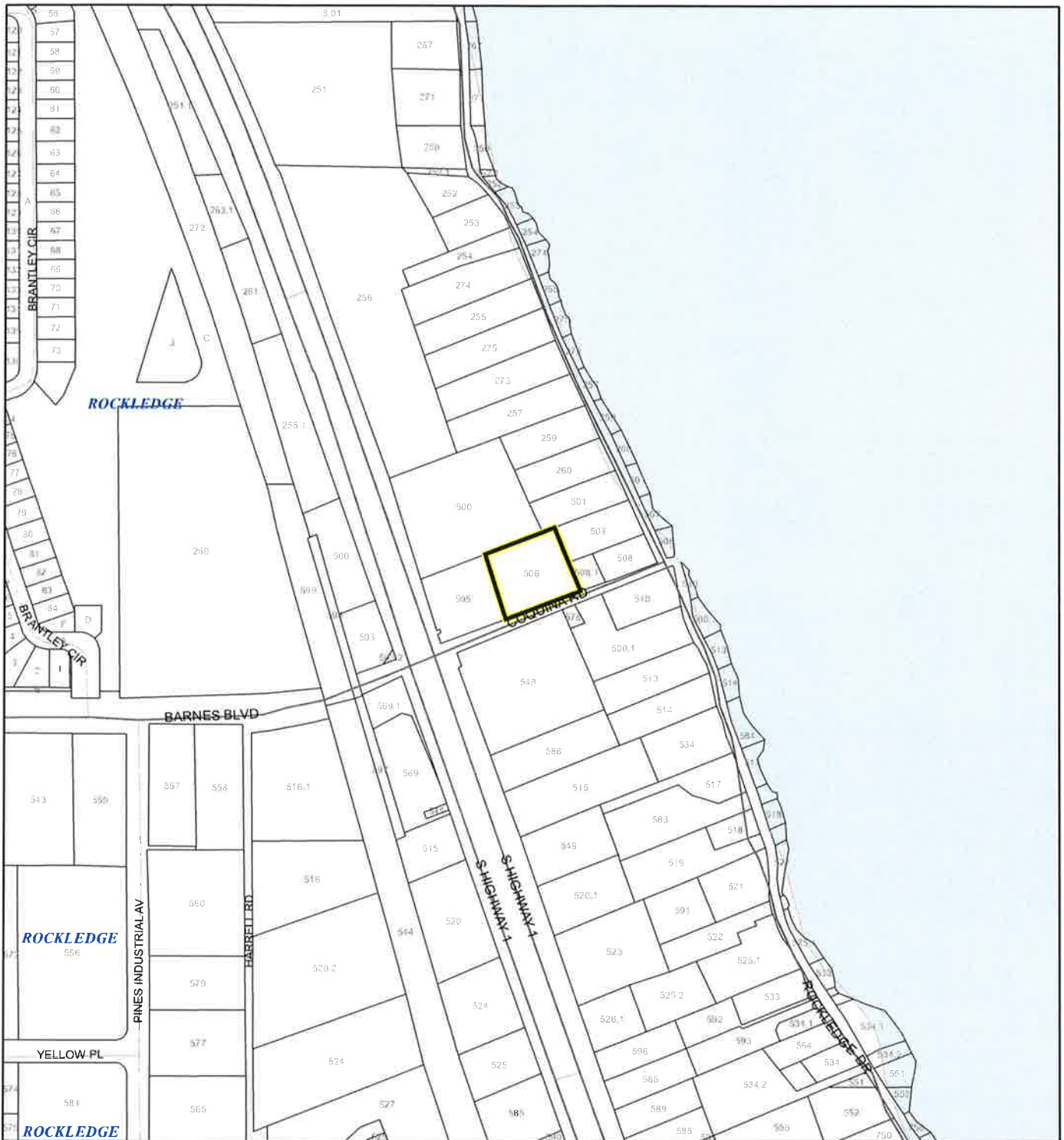
40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS
22Z00015



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/25/2022

 Subject Property

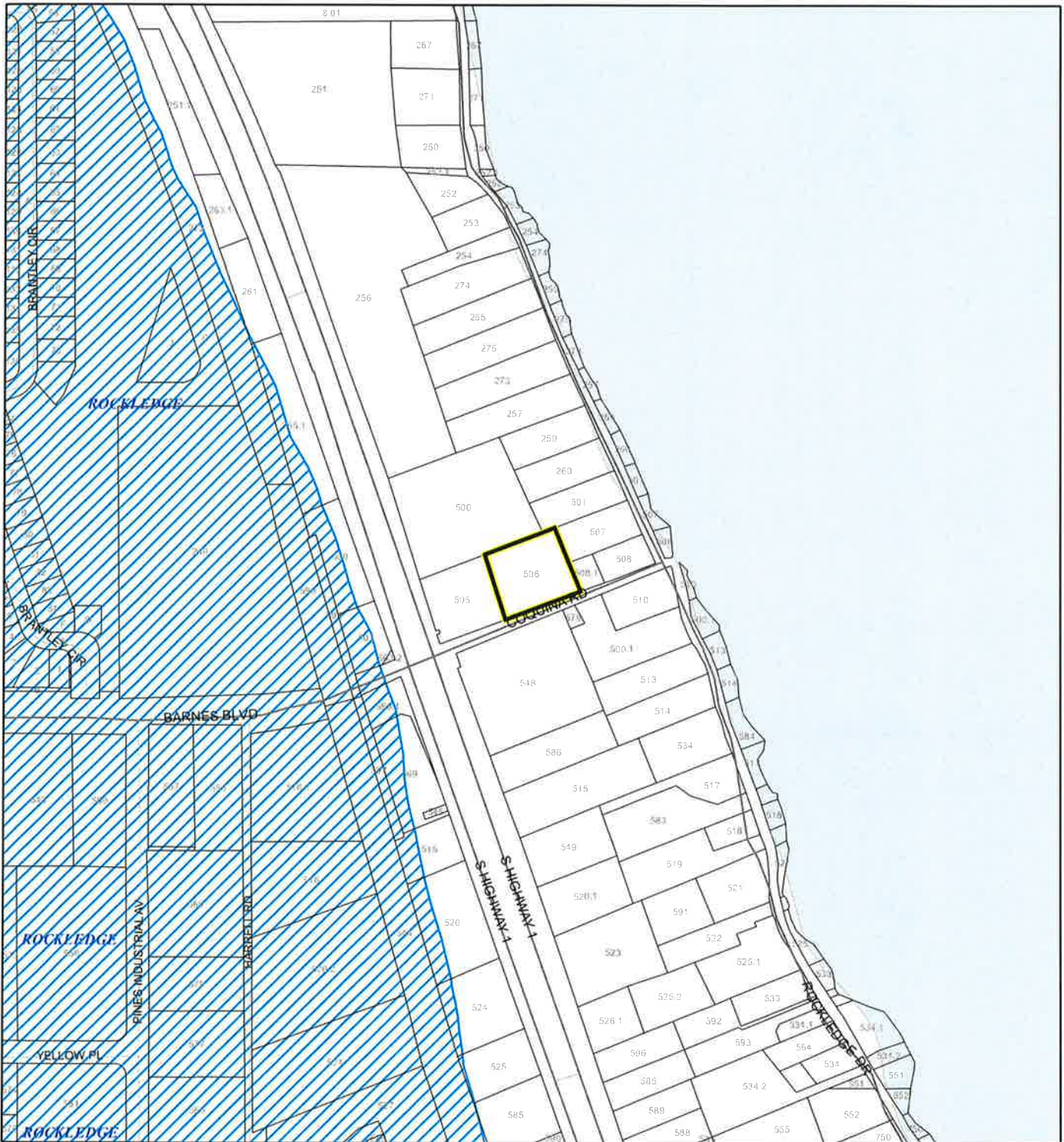
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/25/2022

 Subject Property

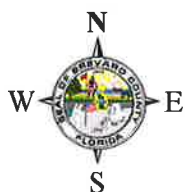
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BEDARD, ANDREA AND BOARDMAN, NICHOLAS

22Z00015



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: 4/25/2022

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

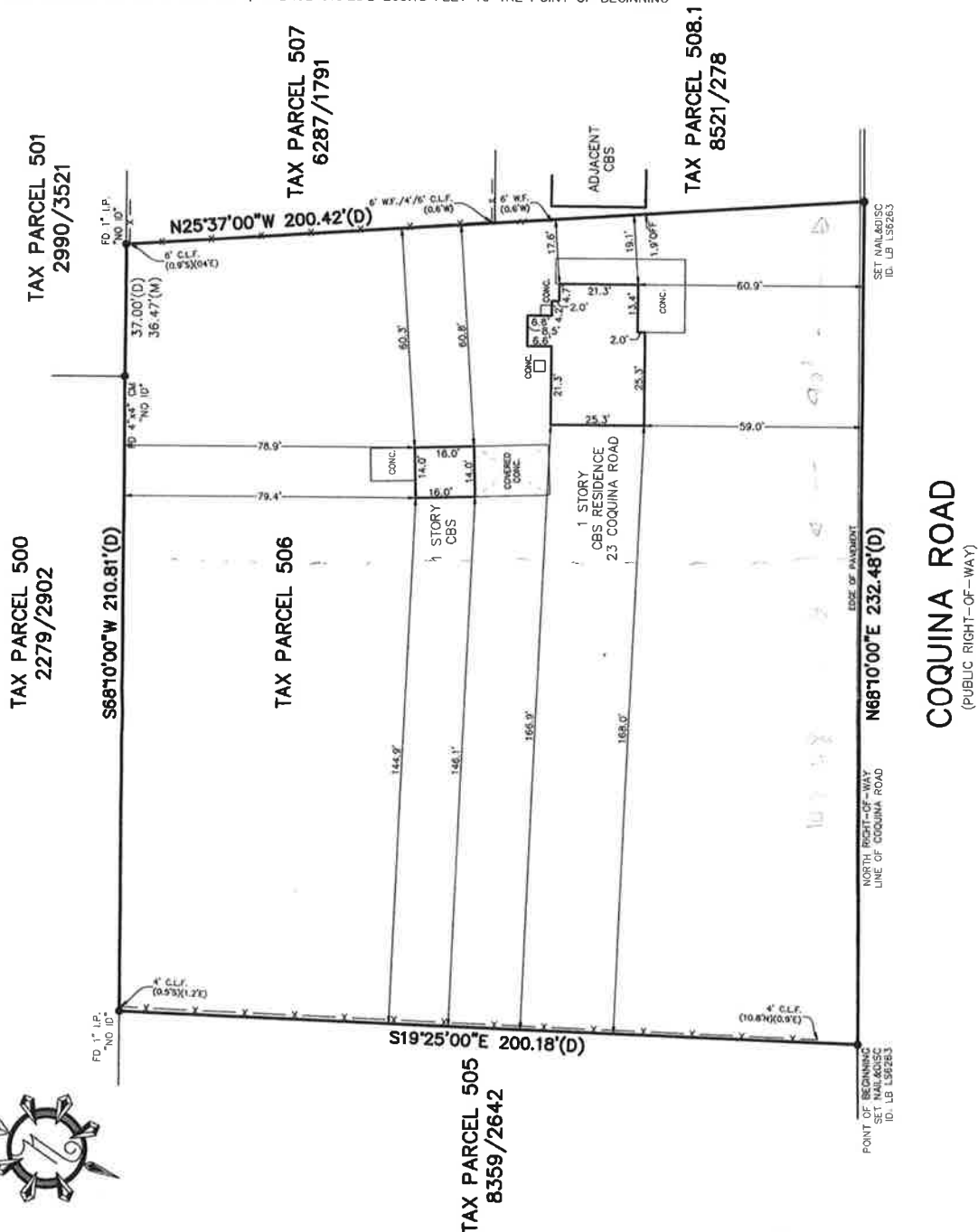
Parcels

DAVID A. BLOCK SURVEYING & MAPPING

BOUNDARY SURVEY

LEGAL:

PART OF GOVERNMENT LOT 3, SECTION 23, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS: BEGIN AT AN IRON PIPE ON THE NORTH LINE OF THE 20 FOOT RIGHT OF WAY OF THE PUBLIC ROAD IN GOVERNMENT LOT 3, SECTION 23, TOWNSHIP 25 SOUTH, RANGE 36 EAST, ALSO KNOWN AS COQUINA ROAD, WHICH IS N68°10' EAST, 200 FEET FROM THE INTERSECTION OF THE NORTH LINE OF SAID COUNTY ROAD WITH THE EAST RIGHT OF WAY OF U.S. HIGHWAY NO. 1; THENCE CONTINUE N68°10' EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD 232.48 FEET TO AN IRON PIPE; THENCE N25°37' WEST, 200.42 FEET TO AN IRON PIPE; THENCE S68°10' WEST, 210.81 FEET TO AN IRON PIPE; THENCE S19°25'E 200.18 FEET TO THE POINT OF BEGINNING



LEGEND

(AKA)	Also Known As
C	Centerline
C.B.	Concrete Block
C.B.S.	Concrete Block Structure
C.L.F.	Chain Link Fence
CLF	Clear
C.M.	Concrete Monument
CONC.	Concrete
COR.	Corner
COVD	Covered
ENCH.	Encroachment
FD	Found
ID	Identification
I.P.	Iron Pipe
I.R.	Iron Rod
L	Length
(M)	Measured
N/D	Nail & Disk
N.R.	Non Radial
(P)	Plat
P.C.	Point of Curvature
P.T.	Point of Tangency
PL	Property Line
P.S.M.	Professional Surveyor & Mapper
P.U.&D.	Public Utility & Drainage
P.V.M.T.	Pavement
R	Radius
R/W	Right-of-way
(TYP.)	Typical
W.F.	Wood Fence
Δ	Delta Angle

CERTIFIED TO:

ANDREA BEDARD AND NICHOLAS BOARDMAN
FAIRWINDS CREDIT UNION
PRESTIGE TITLE OF BREVARD, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SCALE: 1" = 30'

DATE: 04/22/2020
PROJECT: 20-187
F.B. NUMBER:
REVISION:

TYPE OF SURVEY:

BOUNDARY SURVEY
CAD FILE:
20-187.DWG

CERTIFIED BY:

[Signature]

DAVID A. BLOCK
FLORIDA P.S.M. 6263
(NOT VALID UNLESS SEALED)
1545 BREAM STREET
MERRITT ISLAND, FL 32952
PHONE: 321-452-7048
FAX: 321-452-5109
www.blocksurveying.com
dblock@blocksurveying.com

SURVEYOR'S NOTES:

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N68°10'00"E, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF COQUINA ROAD.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.120099 0440 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) THIS TRACT CONTAINS 44,326 SQUARE FEET OR 1.01 ACRES OF LAND MORE OR LESS.
- 5) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LIABILITY SHALL NOT EXCEED THE TOTAL AMOUNT PAID TO THE SURVEYOR BY THE CLIENT.

Jones, Jennifer

From: Joe Hoppesch <hoppeschjoe@gmail.com>
Sent: Thursday, July 14, 2022 3:08 PM
To: Jones, Jennifer
Subject: Public Comment ID#22SS00004 & 22Z00015

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms Jones,

My name is Joe Hoppesch and my spouse and I live at 1953 Rockledge Dr within 500 ft of the subject property.

Thank you for the courtesy notice informing us of this request.

To summarize, after consideration of the situation we are not in favor of this zoning change.

1. Want to first say if this moves to a BDP, it should be consistent with the recently acted upon zoning request of the neighboring property Rockledge SafeStorage (April/May 2022). Being among other things, no outside storage including no RV's and boats, no noise or light pollution, business not visible to residential properties by a high decorative masonry wall with vegetation buffers, and only single story structures to be constructed.

We took into consideration the following:

2. Coquina Rd is a minor, narrow access road between US 1 and Rockledge Dr. It serves a large number of residents on Rockledge Dr to access US 1. It is not a road, in our opinion, to handle business/commercial activity. If that is to happen it would be a poorer situation. We have had visitors ask "is there another road we can take to your home?"
3. Current surrounding area business interests have US 1 access. This property does not so we would assume Coquina would be needed for business access.
- 4.. This is a historic residential area. Changing the zoning to allow expansion of commercial/business property is not something we want to see happen.
5. Another consideration is that Coquina is on a hill leading down to the Indian River with several large drain grates down the center of the road for stormwater.. Drainage and pollution should be considered. Whether or not this proposal needs septic or can be connected uphill to a possible (?) Rockledge sewer line needs to be determined. One of the homes on Coquina recently had a septic system replaced so Coquina has at least some septic needs.
6. Are there water retention plans? Will there be ponds?
7. Will adjoining residential property likely have devaluation?

Thank you for the work you all do and the opportunity to comment.

Jones, Jennifer

From: bryanbenell@cs.com
Sent: Thursday, July 14, 2022 3:16 PM
To: Jones, Jennifer
Subject: rezoning request ID# 22SS00004 and 22Z00015

Objection
22SS00004 &
22Z00015
Bedard-Boardman

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

My wife and I live at 1955 Rockledge Dr. and are very concerned, along with other neighbor's, about the possibility of this property being rezoned and how it will affect our area. Coquina is a very narrow road and turning into that property would become an issue. Along with all our other concerns being the same as the property just discussed for the storage facility next door. At one point months back they started storing older boat on that property and would hate to see it become a junk collector in our beautiful historic area. Please let me know if there are any other steps we and our neighbor's should take. Thanks

Bryan and Jamie Benell
1955 Rockledge Dr.
Rockledge, FL 32955

From: jrbird23@aol.com
To: [Jones, Jennifer](#)
Cc: gwboms@aol.com; jrbird23@aol.com; curt.myers.gvxb@statefarm.com
Subject: Fwd: Zoning Classification change Coquina Rd. Rockledge, FL
Date: Thursday, July 14, 2022 6:01:04 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

ID# 22SS00004 & 22Z00015

Dear Brevard County Planning and Zoning Board,

We own 2 properties on Rockledge Drive that are close to 23 Coquina Road. Our home is located at 1983 Rockledge Drive and we also own a duplex at 1969/1971 Rockledge Drive. To get to both homes, we travel down Coquina which is residential except for the parts on US1. We are very opposed to rezoning the property in question to General Retail or Community Commercial. We have highly valued property on the river which we do not wish to lose monetary value or visual beauty by making space for unsightly vehicle storage. Rockledge Drive is both a historic and scenic roadway in Brevard County. Rockledge Drive and the residential side streets bring people who live, visit and want to enjoy the beauty of our scenic river drive.

If the people who own this lot want to make money, they can sell it to someone who would like to build a home that is close to the Indian River. They don't need store vehicles, RV's, boats, cars, trucks, trailers and the like in a quiet residential street. Also, Coquina Road is not a full width road that cannot accommodate the turning of RV's or trailers. This road was unpaved for a long while and was paved as a narrow road but more so to accommodate emergency vehicles.

In addition, Coquina Road has increased traffic due to HoundTown on the south corner of US1 and Coquina. Residents are being impacted by increased traffic on Coquina from cars and small trucks picking up and dropping off their dogs. Sometimes, we cannot get through the intersection on one light cycle. If you add cars or trucks towing boats or RV's, this will make traffic on this small road too much for the road and the traffic signal.

One last thought, Coquina Road does not allow big trucks or vehicles to use Coquina due to restricted clearance due to trees, electrical lines and the close proximity to the sides of the road. Coquina Road was not built for large vehicles of any kind.

We will try to attend the meeting on Monday to voice our opinions, but will not be able to attend the meeting on August 4th as we will be in Alaska. We are sending this email to make it known that we are strictly against the idea of changing the zoning of Coquina to anything other than agricultural/residential.

Sincerely,
Gerald & Jerilyn Bird

From: [Ed Johnson](#)
To: [Parker, Tonya](#)
Cc: [Jones, Jennifer](#)
Subject: Opposition to rezoning requests ID# 22SS00004 and 22Z00015 – Please add to the public record
Date: Monday, July 18, 2022 12:48:44 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tonya, I'm told that Jennifer is on vacation this week and that you are the point of contact in her absence. Can you please add the following comments to the public record and make them available to the advisory board for today's 3:00 meeting. Thanks in advance!

Ed Johnson

--- comments ---

My wife and I and neighbors listed below oppose this rezoning request because we feel it is not consistent with the neighborhood and it encroaches on a residential area. It would also add commercial traffic to a very narrow Coquina road.

If the advisory board does decide to recommend the rezoning to BU-1 we ask that a BDP be included similar to the one added to rezoning requests ID# 21PZ00083 & 22Z00004 with the following conditions.

1. Developer/Owner shall limit the use of the Property to expand Motor Court units only.
2. Outdoor storage shall be prohibited on the Property.
3. Any buildings on the Property shall be limited to single-story.
4. No lighting elements shall face residential properties.
5. Developer/Owner shall provide a 20 foot landscape buffer in accordance with code requirements.
6. A finished 8-foot masonry wall shall be required along the edge of the improvements, such wall to be

in accordance with code requirements.

We would also request that the Motor Court owner use the already available road to the north of the existing Motor Court as access to the subject property to avoid adding commercial

traffic to Coquina road.

Sincerely,

Ed and Claudia Johnson

1945 Rockledge Dr

Rockledge, Fl, 32955

Steve and Michele Brady

1941 Rockledge Dr

Rockledge, Fl, 32955

Teri and Ronda Graham

1937 Rockledge Dr

Rockledge, Fl, 32955

Eric and Laura Geier

1925 Rockledge Dr

Rockledge, Fl, 32955

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 Esseeesse, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

Excerpt of Complete Agenda

Andrea Bedard and Nicholas Boardman (Ronald Treharne)

A Small Scale Comprehensive Plan Amendment (22S.07), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.02 acres, located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) (22SS00004) (Tax Account 2511124) (District 2)

Andrea Bedard and Nicholas Boardman (Ronald Treharne)

A change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial). The property is 1.02 acres, located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) (22Z00015) (Tax Account 2511124) (District 2)

Nick Boardman, 26 Park Avenue, Rockledge, stated his intent is to request a Future Land Use change from RES 4 and NC to CC in order to be able to request a change of zoning to BU-1. He said he and his wife own the small motel to the west of the subject property, and they have identified a need for contract workers to have a place to stay when they are in the area and they would like to build a complementary business on the property.

Public comment:

Curt Myers, 1981 Rockledge Drive, stated he spearheaded the project to get Coquina Road paved 30 years ago. There is a total of 20 feet of right-of-way on Coquina Road with no drainage on either side. Drainage boxes were put in the middle of the road and they get overwhelmed at times because they do not get cleaned out often. He noted a variance was granted to a pet daycare center on the north side of Coquina Road with a driveway onto Coquina, which drains a good portion of its parking lot. No trucks are allowed on Coquina Road, and it's a very limited use. Other than the properties directly on U.S. 1, it is a residential neighborhood, with houses on the river of substantial value. He stated he objects to any commercial classification at all for that property and neighborhood. He noted the board already ruled on a property to the north with 20 acres of storage.

Jerilyn Bird, 1983 Rockledge Drive, and 1971 Rockledge Drive, stated she can see the subject property from both of her properties. She said she is against the requests for a land use change and zoning change. It is a small piece of property and she would like to keep it residential, as the road is extremely small and she cannot see big trailers or RV's easily accessing the property.

Susan Mills, 21 Coquina Road, stated she is the direct neighbor of the subject property and she is opposed to the requests. She said she lives by herself and she has worked hard on her property, she doesn't want people coming and going, tractor trailers, and people by themselves coming into the area.

Eileen Szuchy, 2035 Rockledge Drive, stated recently and consistently there are people coming from the motel and going to the river to fish because there is a small piece of public land they can get to, but unfortunately the fish move into private property and the fishermen are going up and down trying to catch fish, trespassing on private property. She said with Hound Town there are people using the parking lot for more than the daycare, and that adds to the congestion on Coquina Road. She said she objects because she believes it will ruin the character of the road, and it will spill over into the residential homes close to Coquina and further up and down Rockledge Drive.

Nick Boardman stated he also lives in the area, and he agrees that it is a lovely residential road and area. He said he only intends to do something residential with the property, whether it be an extension of the motel, some efficiencies, or a bed & breakfast. He said he wants it to be tasteful and fit in with the surrounding properties. He clarified there will not be any type of storage on the property.

Henry Minneboo stated the motel has been there almost as long as Harvey's Groves, and at one time it was a thriving location. It is a difficult situation in that area, and he cannot support anything on that road more than what is there today. The neighborhood doesn't deserve any more impact.

Bruce Moia stated the applicant is asking for a rezoning and land use change, and the board really doesn't know what could happen; he could sell it or do something completely different; and there is no proposed BDP. He stated the area is an area where there should be a plan and conditions, but there is really nothing. He said he doesn't feel comfortable changing the land use and rezoning the property when there is not a plan and the applicant can't be held to anything.

Robert Sullivan stated Rockledge Drive is a designated scenic highway, and that seemed to be the basis for not allowing trucks on Coquina Road. The history in the area is extensive and the residences along Rockledge Drive and their accesses have allowed for waivers to the roadway width to ensure the trees and other things, and he concurs with the sentiments of the other board members.

Peter Filiberto asked the difference between a motor court, a storage facility, and a parking garage.

Jeffrey Ball replied a motor court is not defined in the Code, but his understanding is that a motor court is an old motel. As far as parking and storage, BU-1 allows for indoor storage only, whether it's vehicles or materials.

Mr. Filiberto stated there are already no trucks allowed on Coquina Road. Mr. Ball stated he cannot confirm that. It is a site plan issue and if there is insufficient right-of-way they will have to design their site to accommodate additional right-of-way.

Mr. Filiberto stated he has concerns about the close proximity to the Indian River Lagoon. He also feels it will affect the character of the community and it is inconsistent. The staff report states the request may be considered an encroachment of commercial land use into a residential area. He agrees with that statement and he will be dissenting as well.

Mr. Hopengarten asked if Mr. Boardman considered getting access from the motel rather than encroaching onto Coquina Road. Mr. Boardman replied he did, and his understanding is that he would need to get development permissions to do something with the land before he gets to the stage where he would be doing a full site plan, but it is an option he would consider. He said he would gladly gain access from the north, but he would have to speak to his neighbor, and he could give away some land on the north side, but he is only interested in residential.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend denial of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4 and NC to CC. The motion passed unanimously.

Liz Alward stated the surrounding residents bought their properties with the understanding that the only thing that could be built there was one single-family unit, and what is being proposed is 43,996 square feet of commercial.

Mr. Ball clarified that for concurrency purposes, staff has to identify the floor area ratio for any given land use. There is no way the applicant can do that and make sure he has stormwater and parking, but for concurrency purposes, staff does that.

Ms. Alward stated it is still a proposed commercial use. The uses in BU-1 are extensive, and without a BDP it can be sold tomorrow and be opened up to any of the BU-1 uses. She said she doesn't think the board has enough information to move forward.

Mr. Glover stated if the property could be accessed from U.S. 1 and the applicant came to the board with a plan of the number of units planned for the property it could be something he could be in favor of, but he is not in favor today.

Mr. Boardman stated he does have some plans.

Mark Wadsworth asked if the board can table the request, and noted there is a motion on the floor to deny.

Alex Esseeesse noted there is a motion and a second.

Mr. Moia stated he is in support of the motion because there isn't enough information.

Mr. Minneboo stated people came to speak against the requests today and there is no reason to table.

Motion by Liz Alward, seconded by Henry Minneboo, to recommend denial of the change of zoning classification from AU to BU-1. The motion passed unanimously.

From: [Nick Boardman](#)
To: [Ritchie, George C](#); [Hart, Jane](#)
Cc: ron.treharne@ark1tek.com; [Jones, Jennifer](#); [Ball, Jeffrey](#); [Andrea -](#)
Subject: Small Scale Comprehensive Plan amendment withdrawal - 23 Coquina Rd.
Date: Wednesday, July 27, 2022 2:28:33 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

George/Jane

Please take this email as official documentation that I wish to withdraw my small-scale comp. plan amendment and revise my rezoning request from BU-1 to RU-2-4.

I still plan to attend the next meeting on Aug 4th to communicate this to the board.

As soon as I have a new proposed site development plan from my architect Ron CC'd I will submit that to you folks ASAP for entry into their packets.

If you have any questions please let me know.

Thanks,

Nick Boardman

From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Tuesday, July 26, 2022 9:05 AM
To: Nick Boardman <nick1039@outlook.com>; Hart, Jane <Jane.Hart@brevardfl.gov>
Cc: ron.treharne@ark1tek.com <ron.treharne@ark1tek.com>; Jones, Jennifer <jennifer.jones@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: RE: number of motel rooms for preliminary concurrency analysis

Good morning,

Your zoning request can be modified to a lesser intense zoning. Please provide a written response for your application request change. Additionally, since the Future Land Use is NC and RES 4, you could request that your ASAP as the RU-2-4 zoning classification is consistent with the NC & RES 4 FLU designations.

I would suggest you provide the update as soon as possible. Denial of request can cause a waiting period of up to 6-months before rehearing of a similar item per Section 62-1151 (e). Please call or email if you have any other zoning questions.

Sec. 62-1151. Amendments to official zoning map—Amendments initiated by property owner.

- (e) *Limitations on tabling and subsequent applications.* No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be tabled more than once by the planning and zoning board as a result of the action or request of the applicant. Further attempts by the applicant to table such application shall be deemed a withdrawal of the application, subject to the provisions and limitations of this subsection. No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be received by the zoning director until the expiration of six calendar months from the date of denial of an application for an amendment to the official zoning maps for such property or part thereof, provided, however, that the board of county commissioners may specifically waive the waiting period based upon a consideration of the following factors:
- (1) The new application constitutes a proposed zoning classification or conditional use of different character from that proposed in the denied application.
 - (2) Failure to waive the six-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence or newly discovered matters or considerations.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321-350-8272)

From: Nick Boardman <nick1039@outlook.com>

Sent: Monday, July 25, 2022 5:02 PM

To: Hart, Jane <Jane.Hart@brevardfl.gov>

Cc: ron.treharne@ark1tek.com; Ritchie, George C <George.Ritchie@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>

Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jane and George,

Due to the P&Z vote against of my request for CC/BU-1 for land at 23 Coquina I am considering downgrading my request for the whole 1.02 ac to be RES-4 (George I think you have already talked to my architect Ron T. about this) in line with current FLU of NC/RES-4. It is my understanding that this would allow me to request RU-2-4 (on the RES-4) and thus build 4 units on the acre or 2 duplexes/4 units total. This route seems to be the route that the neighbors and the boards would be most happy with i.e. guarantee of a complete low density residential development.

Please let me know if I am incorrect here with this train of thought.

With that course being proposed:

1. Is this something I should ask for at the Aug 4th meeting in front of the board or do I need to do a change request through you folks now/ASAP so they would aware in advance?
2. If I was to be denied this route on Aug 4th what is the wait period before I am allowed to make another request? Would it be simply I would go on the schedule for the next P&Z meeting for September? Please let me know what the calendar of events would be in this scenario.

Thanks,

Nick Boardman
321 503 0962

From: Hart, Jane <Jane.Hart@brevardfl.gov>

Sent: Tuesday, July 19, 2022 8:40 AM

To: Nick Boardman <nick1039@outlook.com>

Cc: ron.treharne@ark1tek.com <ron.treharne@ark1tek.com>; Ritchie, George C <George.Ritchie@brevardfl.gov>

Subject: RE: number of motel rooms for preliminary concurrency analysis

Hi Mr. Boardman,

I spoke with the senior zoning planner, George Ritchie, and yes, you may prepare and submit a BDP prior to the BOCC meeting on 8/4. I am attaching a BDP template to this email. If you have questions regarding BDP preparation and submittal, please contact George at 321-350-8272 (copied) or call me at the number below.

Kind regards,

Jane Hart, M.S., Planner
Brevard County Planning & Development
Phone: 321-633-2070 ext. 58270
Direct line: 321-350-8270

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein, please contact Brevard County's A.D.A Coordinator by phone at 321-637-5347, or by email at ADACompliance@brevardfl.gov

From: Nick Boardman <nick1039@outlook.com>
Sent: Monday, July 18, 2022 6:23 PM
To: Hart, Jane <Jane.Hart@brevardfl.gov>
Cc: ron.treharne@ark1tek.com
Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jane,

Wow, that was brutal for me!

Do happen to know if I can do a BDP that can be submitted and take effect before the next meeting on Aug 4?

I think there was some confusion:

- I was unaware I should have submitted a site plan to help/enable/visualize to the board my intent
 - I think there was some confusion that I wanted to do some level of storage which was not the case at all
 - Can this also be submitted prior to the final meeting?
- I was un aware I should have submitted a BDP as above
- Should I have a lawyer there representing me as they do this day in and day out and know the process way better than I would? It seems that other developers did so.

Thanks,

Nick Boardman

From: Hart, Jane <Jane.Hart@brevardfl.gov>
Sent: Tuesday, June 28, 2022 9:29 AM
To: Nick Boardman <nick1039@outlook.com>
Subject: RE: number of motel rooms for preliminary concurrency analysis

Sure, any time after 1:30 today is good.

Jane Hart, M.S., Planner
Brevard County Planning & Development
Phone: 321-633-2070 ext. 58270
Direct line: 321-350-8270

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From: Nick Boardman <nick1039@outlook.com>
Sent: Tuesday, June 28, 2022 9:13 AM
To: Hart, Jane <Jane.Hart@brevardfl.gov>
Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Jane,

I was actually thinking of getting with you guys for an update. Let me give you a call later to discuss if that's okay with you?

What would be the best time and number to get you on?

Thanks,

Nick Boardman

From: Hart, Jane <Jane.Hart@brevardfl.gov>
Sent: Tuesday, June 28, 2022 9:07 AM
To: Nick Boardman <nick1039@outlook.com>
Subject: number of motel rooms for preliminary concurrency analysis

Good morning Mr. Boardman,

We are reviewing preliminary traffic concurrency for your rezoning and need to know how many motel rooms you intend to expand onto the subject property. This information will allow us to calculate an estimate of trips generated by your proposed use of the property. Otherwise we have to use the most intensive use possible to calculate trips generated which may indicate a deficiency in Level of Service.

Call me if you have any questions.

Thank you,

Jane Hart, M.S., Planner
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A-114
Viera, Florida 32940
Direct Line: (321) 350-8270
Office Line: (321) 633-2070



BOARD OF COUNTY COMMISSIONERS

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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From: rbird23@aol.com
To: Jones, Jennifer; curt.smith@breardfl.gov; Pritchett, Rita
Subject: Zoning Classification change Coquina Rd. Rockledge, FL ID#22SS00004 and ID#22Z00015
Date: Wednesday, August 3, 2022 10:55:40 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Board of County Commissioners,

We own 2 properties on Rockledge Drive that are close to 23 Coquina Road. Our home is located at 1983 Rockledge Drive and we also own a duplex at 1969/1971 Rockledge Drive. We can visually see the property in question from both homes. To get to both homes, we travel down Coquina which is residential except for the parts on US1. We are very opposed to rezoning the property in question to General Retail, Community Commercial or Multi-Family. We have highly valued property on the river which we do not wish to lose monetary value or visual beauty by making space for multi-family housing. Rockledge Drive is both a designated historic and scenic roadway in Brevard County. Rockledge Drive and the residential side streets bring people who live, visit and want to enjoy the beauty of our scenic river drive.

If the people who own this lot want to make money, they can sell it to someone who would like to build a home that is close to the Indian River. They don't need to store vehicles, RV's, boats, cars, trucks, trailers and the like in a quiet residential street or build multi-family housing on this small street. Coquina Road is not a full width road that cannot accommodate any more traffic. This road was unpaved for a long while and was paved as a narrow road but more so to accommodate emergency vehicles.

In addition, Coquina Road has increased traffic due to HoundsTown on the south corner of US1 and Coquina. Residents are being impacted by increased traffic on Coquina from cars and small trucks picking up and dropping off their dogs. Sometimes, we cannot get through the intersection on one light cycle. If you add cars or trucks towing boats or RV's, this will make traffic on this small road too much for the road and the traffic signal.

One last thought, Coquina Road does not allow big trucks or vehicles to use Coquina due to restricted clearance due to trees, electrical lines and the close proximity to the sides of the road. Coquina Road was not built for large vehicles of any kind.

Unfortunately, we cannot attend the meeting on August 4th as we will be in Alaska to see our daughter compete in Ironman Alaska. We are sending this email to make it known that we are strictly against the idea of changing the zoning of Coquina to anything other than agricultural/residential.

Sincerely,
Dr. Gerald & Mrs. Jerilyn Bird
1983 Rockledge Dr. and 1969/1971 Rockledge Drive
Rockledge, FL 32955

From: [Griffin, Lorena](#)
To: [Iliff, Bethany](#)
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation
Date: Wednesday, August 3, 2022 4:25:26 PM
Attachments: [image004.png](#)

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Commissioner, D3 <>
Sent: Monday, August 1, 2022 10:39 AM
To: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Good Morning,

The Commissioner has prior commitments this week but I will revert back with possible dates at a later time.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Rosenthal, Jon <Jon.Rosenthal@fpl.com>
Sent: Friday, July 29, 2022 2:53 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Commissioner Tobia and Ms. Griffin:

Our deepest apologies on missing the meeting earlier this week. It would be wonderful if we could squeeze in a brief call sometime next week.

The attached document contains an overview of the proposed service center at the northwest corner of Port Saint John Parkway and Grissom Parkway we are pursuing, and the activities anticipated to be brought before the County Commission for approval in the months ahead. This is the material we will be reviewing if we are able to get another call scheduled. On July 18, the P&Z Commission did vote unanimously to recommend to the County Commission to approve the rezoning, comp plan amendment and removal of the two Binding Development Plans (BDP).

Thank you and if you have any questions, please feel free to contact Bart or myself.

Jon

Jon Rosenthal | Project Director, Construction & Project Management
Florida Power & Light Company
Telephone: 561-694-4274 | Cellular: 561-310-1165
Email: Jon.Rosenthal@FPL.com

From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Sent: Friday, July 15, 2022 3:19 PM

To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>

Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Bart,

I have scheduled your call with Commissioner Tobia for 10am on Monday July 25th. Please call our office at 321-633-2075. Feel free to send any attachments to my email or the d3.commissioner@brevardfl.gov.

Let me know if you have any questions.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Sent: Friday, July 15, 2022 2:57 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Lorena- let's schedule for July 25th please.

We are both available all day with an exception from 1 to 1:30 so please schedule at your convenience.

Please advise if there is a specific number we should call. Also in advance of the meeting, Jon Rosenthal, our project manager (copied) will be sending Commissioner Tobia a copy of the presentation. Should we send it to the D3 email address?

Thank you for all of your assistance!

Bart Gaetjens | External Affairs Manager
Florida Power & Light Company | 9001 Ellis Road | West Melbourne, FL | 32904
Office: 321-383-7269 | **E-mail:** bart.gaetjens@fpl.com | **Website:** <http://www.fpl.com>

Connect with Us: [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Sent: Wednesday, July 13, 2022 4:40 PM
To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: Conference call with Commissioner John Tobia to review Service Center presentation

Hi Bart,

As discussed, we can set up a conference call with Commissioner Tobia to discuss the proposed service center prior to the 8/4 meeting. His availability is as follows:

Monday July 18th – open

Wed July 20th – 9-10am

Thurs July 21th 9-12pm

Monday July 25th & 26th – open

Let me know if any of the above dates work for you. Please email us any documents for his review and let me know who will be attendance.

Please call me with any questions.

Thank you,

Lorena Griffin

Director of Community Affairs

County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3**

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

Phone: (321) 633-2075
Fax: (321) 633-2196
John.Tobia@Brevardfl.gov

August 3, 2022

To: Jennifer Jones
From: John Tobia, Brevard County Commissioner, District 3
Re: Phone Disclosure

Ms. Jones,

In regard to the upcoming agenda items H.4, H.5, H.7, H.8, H.12 and H.13, for the Brevard County Zoning meeting on August 4, 2022, please be advised in advance that I spoke twice with the following party via telephone on August 3, 2022.

Kim Rezanka, Esq.

The phone calls lasted approximately ten minutes and five minutes, during which the above individual provided information regarding the aforementioned items.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco

H. 4th St.

Objection
22Z00015
Boardman

From: Ed Johnson
To: Jones, Jennifer
Subject: Opposition to rezoning requests ID# 22SS00004 and 22Z00015 – Please add to the public record
Date: Thursday, August 4, 2022 1:49:07 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Jones,

Can you please add the following comments to the public record and make them available to the Commissioners at today's 5:00 board meeting? Thanks in advance!

My wife and I and our 7 neighbors listed below oppose this rezoning request because it is not within the character of the neighborhood and as Mr. Minneboo said at the Advisory Board meeting:

“It is a difficult situation in that area, and he cannot support anything on that road more than what is there today. The neighborhood doesn’t deserve any more impact.”.

The neighborhood in this area is composed of almost all AU, EU and EU-2 zoning. All the property in this area that is currently zoned BU-1 has road frontage on Route 1 and does not affect traffic on Coquina Rd. Although we oppose rezoning to RU-2-4 we would not oppose rezoning to EU or EU2. However, if the commissioners do decide to approve this rezoning request we ask that it include a BDP with the following conditions:

- 1) Limited to 1 or 2 single family homes.
- 2) Contain the same restrictions as EU-2 zoning excluding the 90’ minimum road frontage requirement.
- 3) If possible, restrict use of property so as not to allow short term rentals or AIRBNB

The applicant's first request that was denied unanimously by the Advisory Board was to expand his Motel business into this area. We are concerned that he may be using this rezoning request as an end around to expand a modified version of his Motel business.

I would also add that per the survey the available width of the subject property excluding the

house that is already on the property is only 146.1'. I don't know how you could fit 2 duplexes on the remaining available square footage plus the septic systems necessary to support these units. He could however fit two 48' wide single family homes with the mandatory 10' set backs on each side.

Sincerely,

Ed and Claudia Johnson

1945 Rockledge Dr

Rockledge, Fl, 32955

Steve and Michele Brady

1941 Rockledge Dr

Rockledge, Fl, 32955

Teri and Ronda Graham

1937 Rockledge Dr

Rockledge, Fl, 32955

Eric and Laura Geier

1925 Rockledge Dr

Rockledge, Fl, 32955

Jesse and Katie Mancini

1949 Rockledge Dr

Rockledge, Fl, 32955

Joe and Ruby Hopp

1951 Rockledge Dr

Rockledge, Fl, 32955

Bryan and Jamie Bennell

1955 Rockledge Dr

Rockledge, Fl, 32955

Susan Mills

21 Coquina Rd

Rockledge, Fl, 32955