



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.13.

4/7/2022

### Subject:

Norfolk Parkway, LLC (Bruce Moia) requests a change of zoning classification from GU with a CUP to BU-2 and removal of CUP. (22Z00006) (Tax Accounts 2802674 & 2802676) (District 5)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use) with CUP (Conditional Use Permit) for Tower & Antenna, to BU-2 (Retail, Warehousing, and Wholesale Commercial).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from GU with a CUP for Towers and Antenna to BU-2 (Retail, Warehousing and Wholesale Commercial) and the removal of the CUP for Towers and Antenna, to develop a storage facility with outdoor boat/RV parking. The same request was approved by the Board in 2021.

The BU-2 zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. This zoning classification also supports the use of outdoor storage as a permitted with conditions use identified under Section 62-1833.5 of Brevard County Code.

The applicant has submitted a BDP (Binding Development Plan) proposing limitations including, but not limited to, a 50-foot vegetative buffer, limiting the number of outdoor storage spaces, limiting ingress and egress to Norfolk Parkway, limiting use to a boat and RV storage facility, prohibiting an RV dump station unless sewer connection is obtained, limiting outdoor lighting, providing a traffic study, prohibiting overnight stays within the stored vehicles, and compliance with the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida. The conditions in the proposed BDP are the same conditions in the previous BDP submitted by then-applicant Brevard Tower Communications.

The developed character of the surrounding area is mostly vacant/unimproved land. To the north is a developed communication tower on GU zoning; further to the north is a developed single-family lot zoned AU (Agricultural Residential). To the east is a vacant GU-zoned parcel and City zoned parcels which mostly seem to be used as a private school/learning center. To the south is the Norfolk Parkway road right-of-way. To the west

is a large retention tract/lake for the Sawgrass Lakes community.

The Board may wish to consider whether this request is consistent and compatible with the surrounding area, and whether the proposed conditions within the BDP help mitigate off-site impacts.

On March 14, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP (Binding Development Plan) as submitted.

**Clerk to the Board Instructions:**

Once resolution is received, please execute and return 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 staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
  2. actual development over the immediately preceding three years; and
  3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

##### **Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

#### **(c) General Standards of Review.**

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.



- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**22Z00006**

**Norfolk Parkway LLC.**

**GU with a CUP for Towers and Antenna to BU-2 with Proposed Binding Development Plan (BDP) and the removal of a CUP for Towers and Antenna**

Tax Account Number: part of 2802676

Parcel I.D.: 28-36-13-00-758

Location: North side of Norfolk Parkway, 1,200 feet west of Minton Road (District 5)

Acreage: 17.5 acres of 18.11-acre total size

Planning & Zoning Board: 3/14/2022

Board of County Commissioners: 4/07/2022

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU with CUP for towers and antenna	BU-2 with BDP and removal of CUP for towers and antenna
<b>Potential*</b>	Two single-family lots	762,300 square feet of commercial use
<b>Can be Considered under the Future Land Use Map</b>	Yes CC	Yes CC

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from GU (General Use) with a Conditional Use Permit (CUP) for Towers and Antenna to BU-2 (Retail, Warehousing and Wholesale Commercial) with a Binding Development Plan (BDP) and the removal of the CUP for Towers and Antenna to create a storage facility with outdoor boat/RV parking. The submitted BDP proposes eight (8) site limitations. Those limitations are: 1) Provide a 50-foot undisturbed vegetative buffer and to maintain the existing vegetative buffer along the west and north boundaries of the property. No improvements shall be allowed within the buffer; 2) Limit the number of outdoor storage spaces to 350; 3) Limit ingress and egress to Norfolk Parkway; 4) Limit use to a boat and RV storage facility and related ancillary services and facilities; 5) Not to provide a RV dump station unless public sewer connection is obtained; 6) Limit outdoor lighting to 17-feet in height when measured from grade to

bottom of the light fixture; 7) Provide a traffic study detailing any required roadway improvements including, but not limited to, a westbound right turn lane, at the time of site plan submittal; and, 8) No residing or overnight stays within stored vehicles shall be allowed.

A prior application submittal was applied for under Zoning application # **20Z00015**. That request failed to record a Binding Development Plan (BDP) prior to its expiration. The Board's last hearing on that request was on February 4, 2021. The BDP conditions proposed under that action were: 1.) to develop the property as a boat and RV storage facility and related ancillary services and facilities; 2.) to provide a 50-foot buffer along the west and north boundaries of the property, in lieu of a 6-foot wall; 3.) to limit the number of outdoor storage spaces to 350; 4.) to limit ingress and egress to Norfolk Parkway; 5.) the site shall be developed as a Boat & RV storage facility and related ancillary service and facilities; 6.) to prohibit a sewage dump station unless public sewer connection is obtained; 7.) to limit outdoor lighting to 17 feet in height from grade to bottom of light fixture; 8.) to provide a traffic study detailing any required roadway improvements including, but not limited to a right turn lane, at the time of site plan submittal. If an improvement is warranted, and approved by the City of West Melbourne, it shall be constructed accordingly; 9.) to prohibit residing and overnight stays within the stored vehicles; 10) complying with applicable Florida Department of Environmental Protection requirements for building on a landfill.

This site previously had a CUP for towers and antenna approved under Z-6769 which was adopted on July 12, 1984. The existing tower (480-foot tall) is located to the north and outside of this zoning action's legal description. The applicant does not wish to retain the CUP over this property description. The GU zoning is original zoning dating back to May 22, 1958. The property is also known to have had an unlicensed landfill at this location. Brevard County entered into a settlement Agreement on March 25, 1991 closed the site. The landfill operation activity started in January, 1984 was terminated on December 31, 1991.

## **Land Use**

The subject property is currently designated Community Commercial (CC). The existing GU and proposed BU-2 zoning with BDP are both consistent with the Community Commercial (CC) FLU designation.

## **Applicable Land Use Policies**

### **FLUE 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;

**Applicant wishes to develop a storage facility with outdoor boat/RV parking. This use needs BU-2 zoning as outdoor storage is not permitted under the GU and BU-1 zoning classifications.**

B. Existing commercial zoning trends in the area;

**There have not been other commercial rezoning attempts within the last three years, except for this parcel. This parcel is located upon a side street west of the Minton Road right-of-way.**

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

**The development proposes a 50-foot buffer to the north and west property lines; however, no buffer is proposed to the abutting lot to the east which lies within the City of West Melbourne's jurisdiction.**

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

**Development of a storage yard (mini-warehouse # 151) is one of the lowest commercial traffic generators identified in the ITE Handbook. Additionally, the applicant is binding themselves as part of the proposed BDP to provide a traffic study for the site plan review stage.**

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

**NRMD will review impacts to natural resources as part of this zoning action and under site plan review should the zoning request be approved.**

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 Sections 62-2251 through 62-2272 of Brevard County Code.**

#### **FLUE 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. Criteria include:

##### **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;

B. Buffering from adjacent existing/potential uses;

**Buffering is proposed along the west and northern property lines.**

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;

**Sign location has not been identified on the submitted survey.**

F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;  
**External site lighting height has been proposed; however, 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.  
**Two land development waivers have been submitted on this site. The first is: 21WV00005 which was approved by the Board on February 23, 2021 for a waiver of Section 62-3202(h) which requires a 6-foot masonry or solid wall when commercial developments are adjacent to a residential zoning classification. A 50-foot vegetative buffer was allowed in lieu of the required wall. The second is: 21WV00009 a waiver to a site plan provision (Section 62-3206.B.5) for waiver of asphalt submitted April 14, 2021 for site plan review # 21SP0015. This request has not been finalized as this date.**

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 to limit the use of the property by providing a Binding Development Plan. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning be approved.**

- 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;

**To the west of this parcel, a residential subdivision has developed. To the north and east of this parcel which lies on the north side of Norfolk Parkway a majority of the area remains vacant. Improvements within that area include single-family home sites and limited institutional uses. To the east lies the City of West Melbourne's jurisdiction.**

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

**There has been no development in the preceding three (3) years.**

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

**There has been no development in the preceding three (3) years.**

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

**This property will need to be developed in compliance with the Comprehensive Plan.**

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

##### **Surrounding Area**

The developed character of the surrounding area is mostly vacant/unimproved land. To the north is a developed single-family lot zoned Agricultural Residential (AU). There is also a developed communication tower on General Use (GU) zoning. To the east is a vacant GU zoned parcel and city zoned parcels which mostly seem to be used as a private school/learning center. To the south is the Norfolk Parkway road right-of-way. To the west is a large retention tract/lake for the Sawgrass Lakes community.

The four adjacent city zoning classifications abutting this area allow for residential, institutional and commercial use. The 2016-2021 aerials do not reflect any current development pattern except for the residential subdivision buildout (west) of this parcel in the immediate neighborhood.

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Communication tower	GU	RES 2
<b>South</b>	street	N/A	N/A
<b>East</b>	vacant	West Melbourne	West Melbourne
<b>West</b>	Retention Pond	West Melbourne	West Melbourne

There have been no recent county zoning actions within a half-mile of the subject property within the last three years.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. This zoning classification also supports the use of outdoor storage as a permitted with conditions use identified under Section 62-1833.5 of Brevard County Code.

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

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There does not appear to be any emerging development trends in the existing area located north or east of this site.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Minton Road, between Hield Road to Eber Boulevard, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 76.83% of capacity daily. The maximum development potential from a min-warehouse and RV/Boat storage use as limited in the proposed BDP would increase the percentage of MAV utilization by 4.74%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 81.57% of capacity daily (LOS C). The proposal is anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the project is not intended for residential uses.

The parcels currently do not have access to either potable water or sanitary sewer. In the future, the parcels may be able to obtain potable water from the City of West Melbourne, if they can connect to the main located on the south side of the Norfolk Parkway.

### **Environmental Constraints**

- National Wetland Inventory (NWI) Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (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 whether this request is consistent and compatible with the surrounding area, and whether the proposed conditions within the BDP help mitigate off-site impacts.



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

**Item # 22Z00006**

**Applicant:** Moia for Boozer

**Zoning Request:** GU w/ CUP for tower & antenna to BU-2 & remove CUP for tower & antenna

**Note:** Applicant wants BU-2 & removal of CUP for tower and antenna

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

**Tax ID Nos:** 2802676 & 2802674

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- National Wetland Inventory (NWI) Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

**Land Use Comments:**

**Wetlands**

The subject parcel contains mapped NWI (Freshwater emergent wetlands) as shown on the NWI Wetlands map, an indicator that wetlands may be present on the property. A wetland delineation was performed in December 2019 by Andrew Conklin Environmental Services, LLC (ACES), and found approximately 0.22 acres of wetlands in the northeast corner of the parcel.

Per Section 62-3694(3), commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided below for I-95 interchanges, mitigation qualified roadways, abutting properties, and access to uplands. In no instance shall a proposed land development activity result in increased flooding on adjacent properties. Where the State does not require a buffer, wetland buffers shall be established in accordance with Section 62-3694(c)(10). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Section 62-3696. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

### **Aquifer Recharge Soils**

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

### **Protected and Specimen Trees**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### **Protected Species**

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

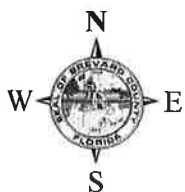
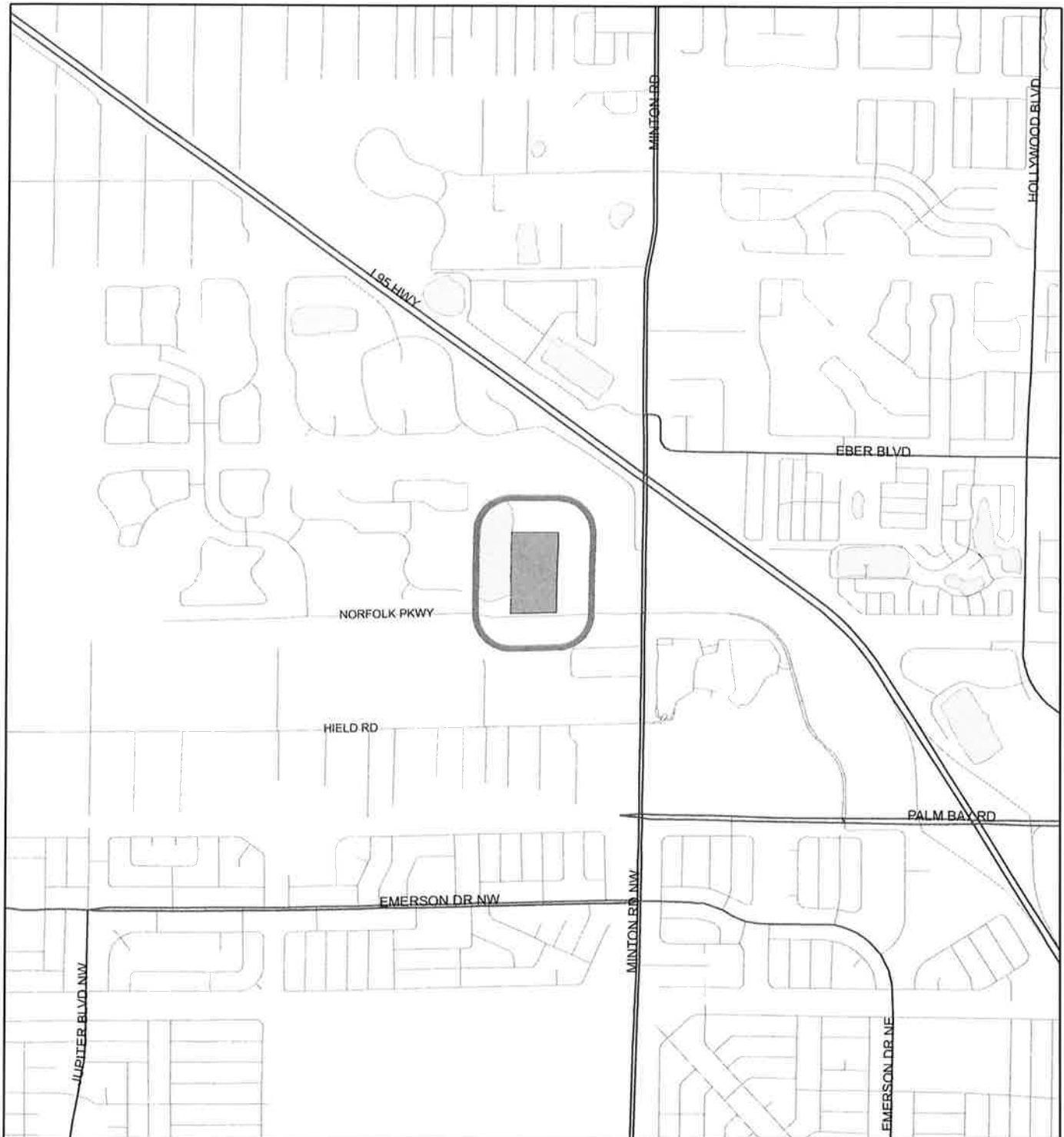
### **Other**

According to Florida Department of Environmental Protection (FDEP) records, the subject property was utilized as a construction and demolition debris landfill site from approximately 1984 to 1992. The applicant should contact FDEP at (407) 897-4313 for guidance regarding disturbing/developing old landfill sites to ensure that public health and the environment will not be harmed by the disturbance of the waste at the site.

# LOCATION MAP

NORFOLK PARKWAY, LLC

22Z00006



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

Buffer Distance: 500 feet

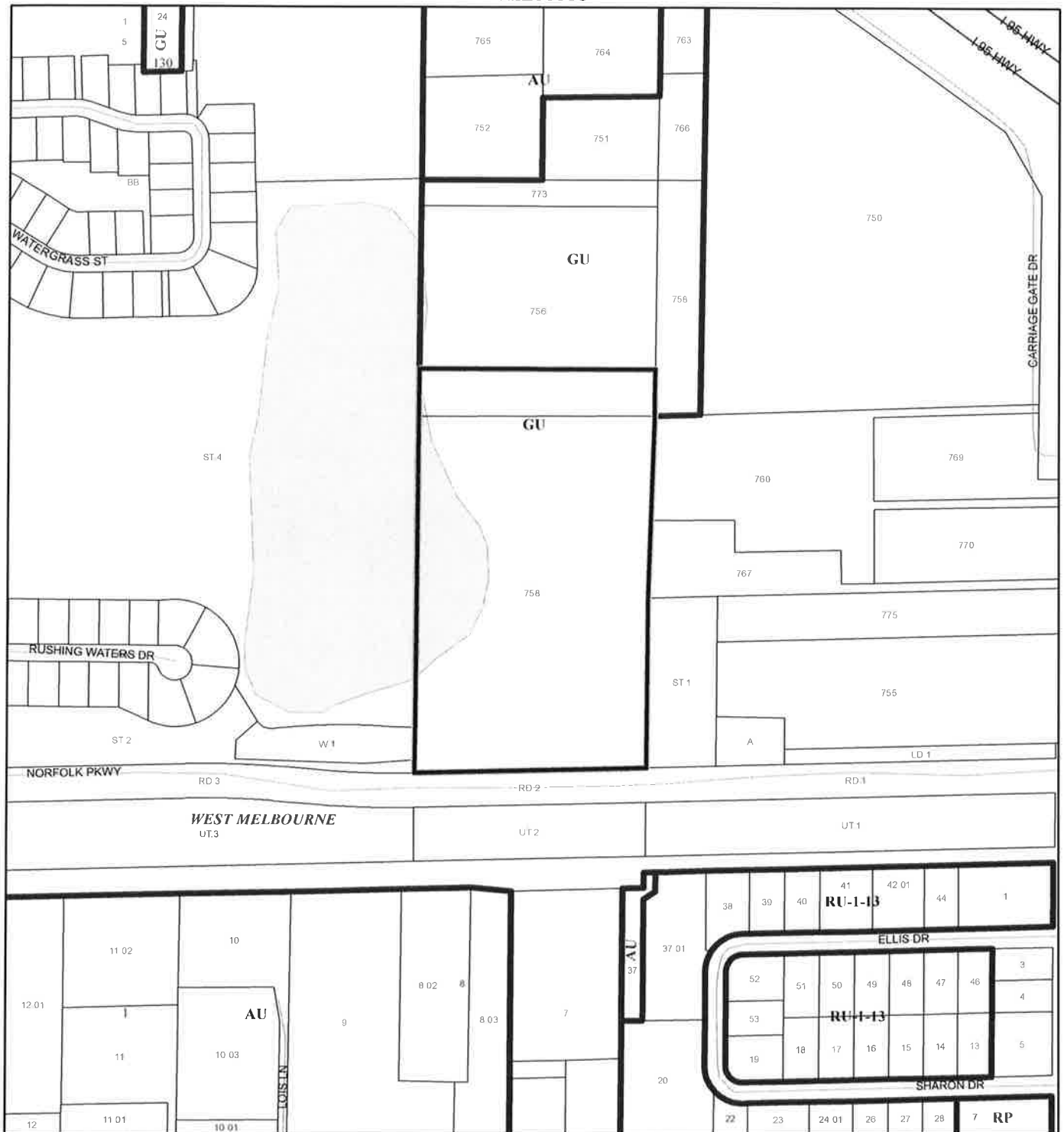
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/12/2022

— Buffer  
■ Subject Property

# ZONING MAP

NORFOLK PARKWAY, LLC  
22Z00006



1:4,800 or 1 inch = 400 feet

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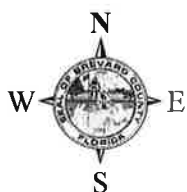
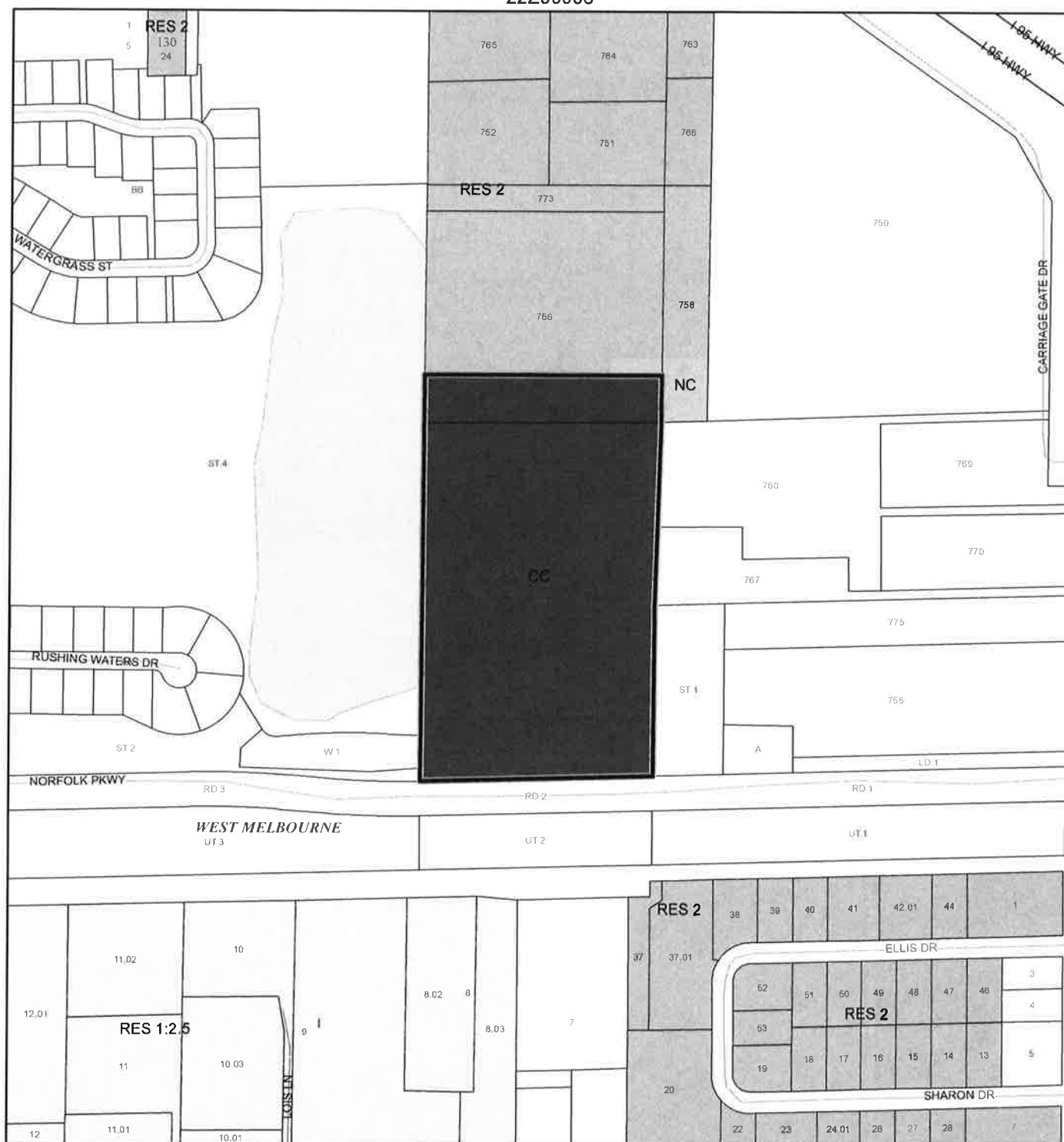
Produced by BoCC - GIS Date: 1/12/2022

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

NORFOLK PARKWAY, LLC

22Z00006



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

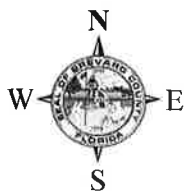
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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# AERIAL MAP

NORFOLK PARKWAY, LLC

22Z00006



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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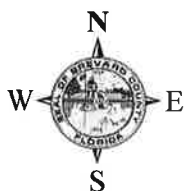
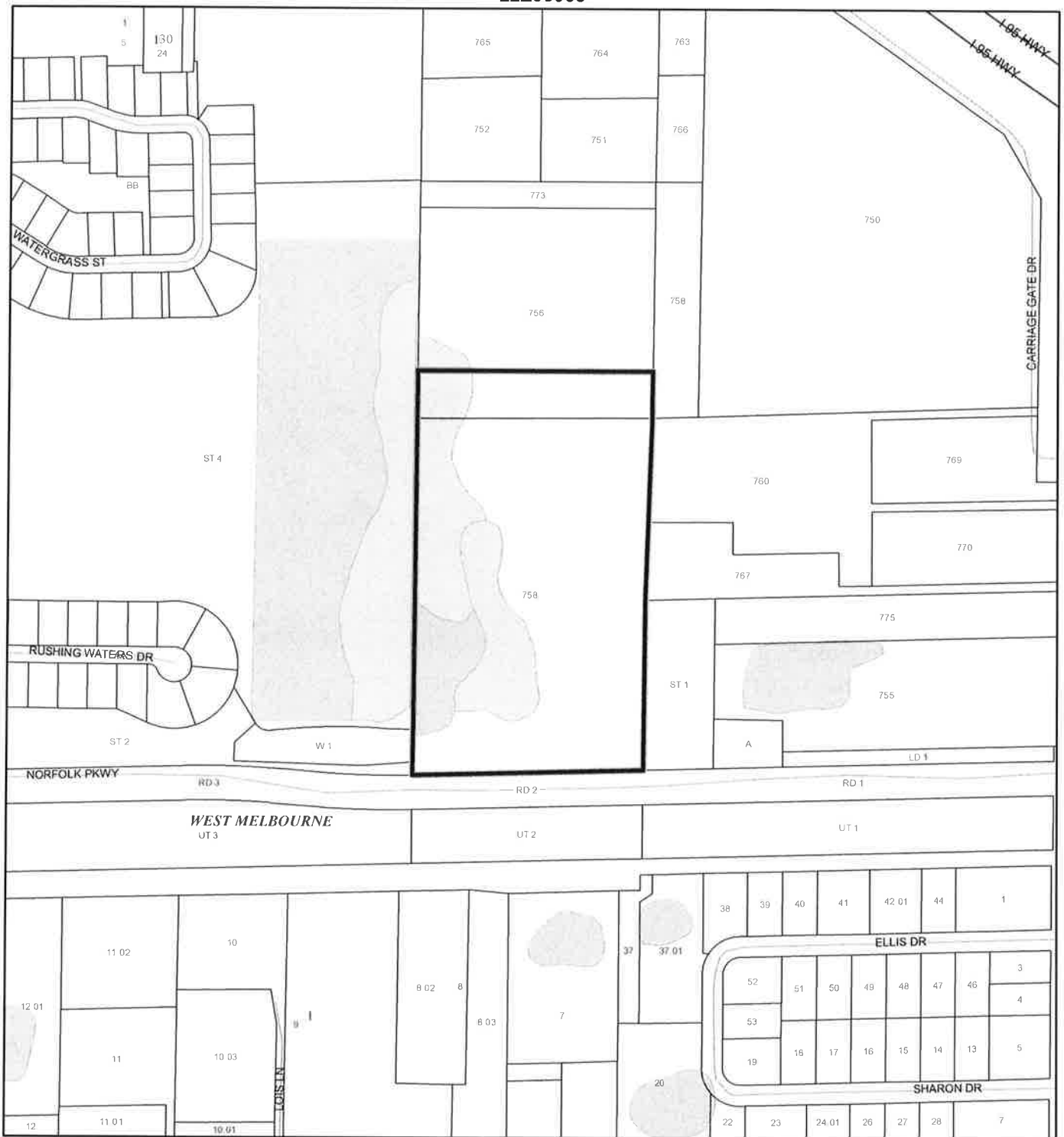
Produced by BoCC - GIS Date: 1/12/2022

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

NORFOLK PARKWAY, LLC

22Z00006



1:4,800 or 1 inch = 400 feet

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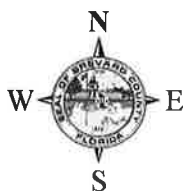
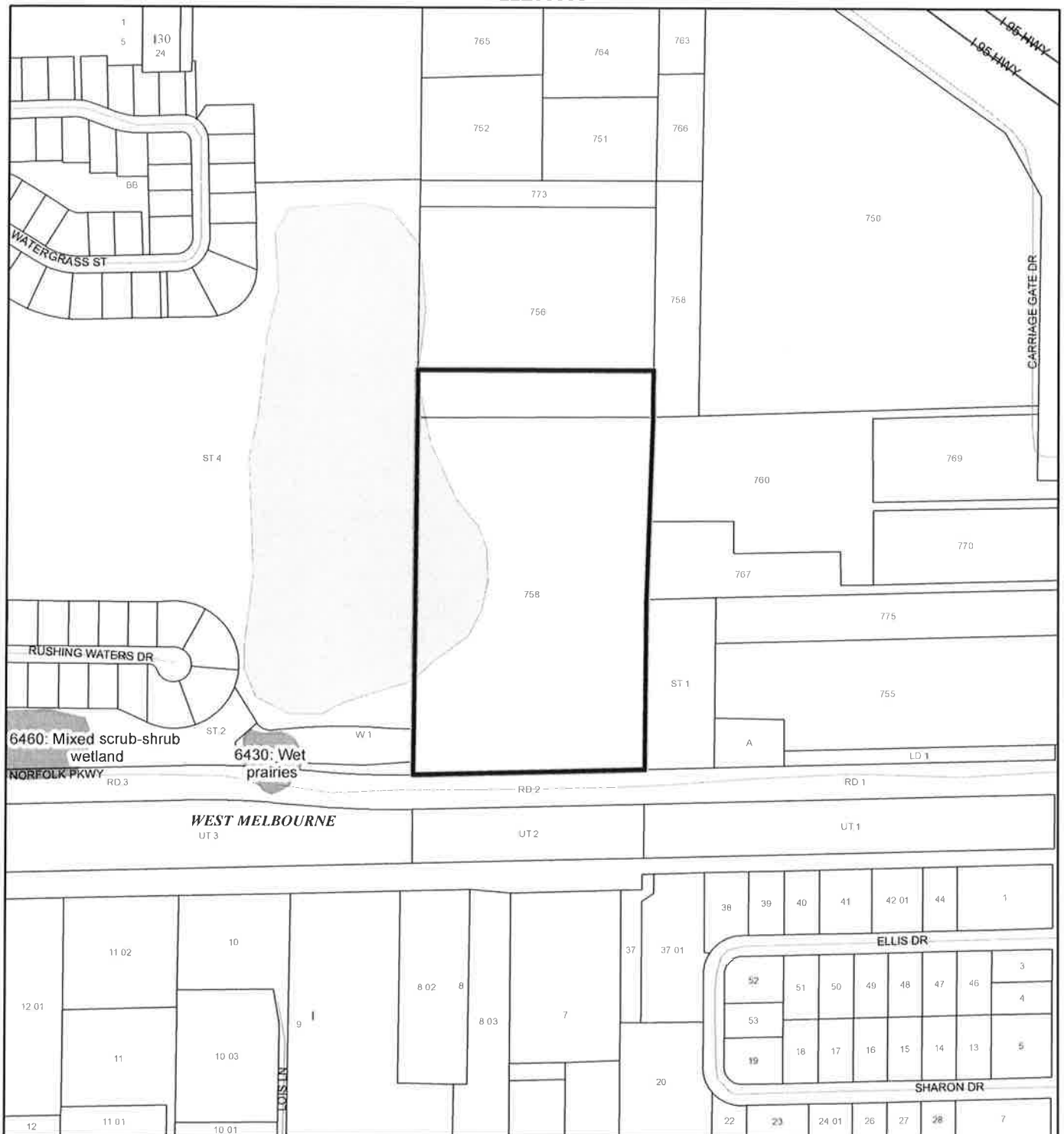
## National Wetlands Inventory (NWI)

	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

NORFOLK PARKWAY, LLC

22Z00006



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.

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## SJRWMD FLUCCS WETLANDS

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

Subject Property

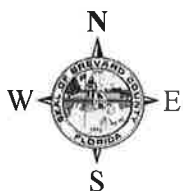
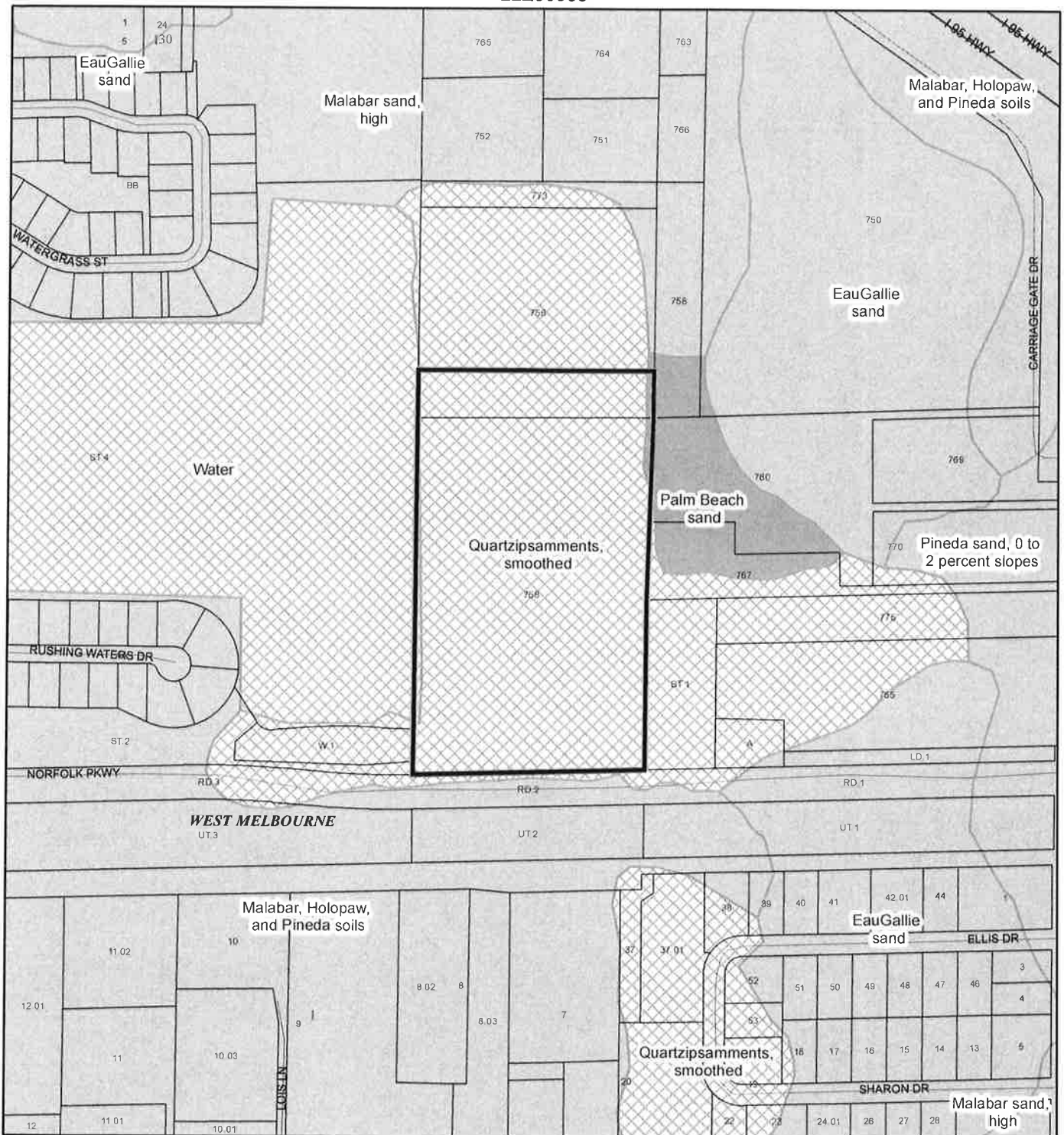
Parcels



# USDA SCSSS SOILS MAP

NORFOLK PARKWAY, LLC

22Z00006



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

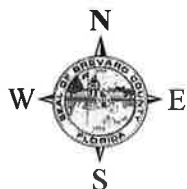
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

NORFOLK PARKWAY, LLC

22Z00006



1:4,800 or 1 inch = 400 feet

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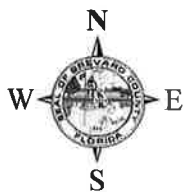
Produced by BoCC - GIS Date: 1/12/2022

## FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	



22Z00006



1:4,800      or 1 inch = 400 feet

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Produced by BoCC - GIS    Date: 1/12/2022

— Subject Property

☐ Parcels

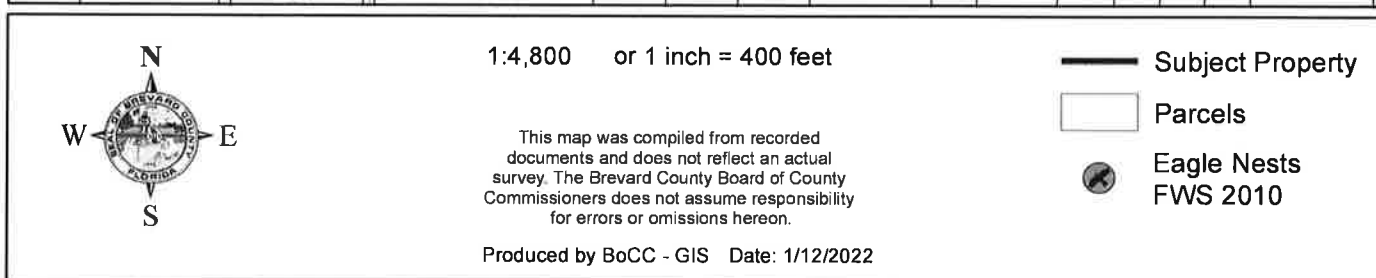
### Septic Overlay

 40 Meters

60 Meters

 All Distances

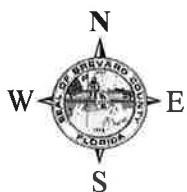
22Z00006



# SCRUB JAY OCCUPANCY MAP

NORFOLK PARKWAY, LLC

22Z00006



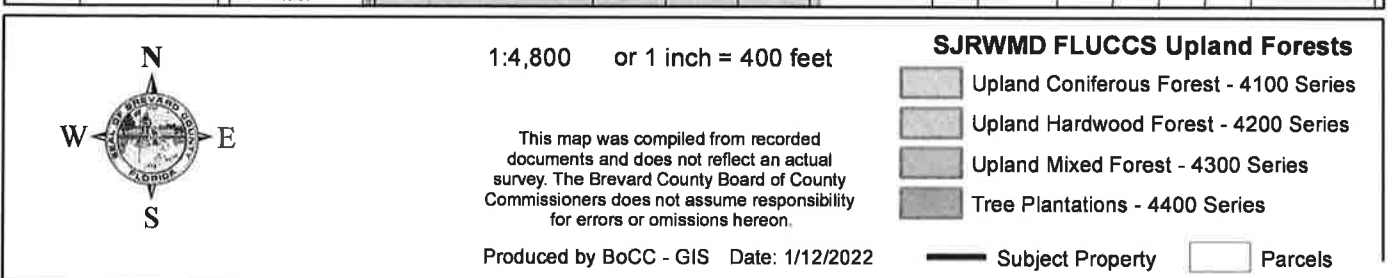
1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

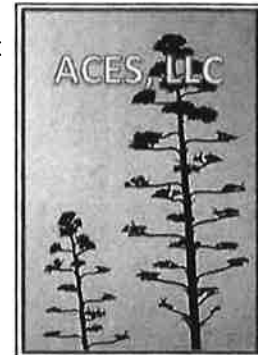
- Subject Property
- Parcels
- Scrub Jay Occupancy

NORFOLK PARKWAY, LLC  
22Z00006



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

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



December 19, 2019

Mr. Andrew Gardner  
Condev Properties, LLC  
PO Box 1748  
Winter Park, Florida 32790

Re: Parcel No. 28-36-13-00-758, Norfolk Parkway, West Melbourne, Florida  
ACES File No. 1993

Dear Mr. Gardner,

Andrew Conklin Environmental Services, LLC (ACES) has completed a review of environmental issues associated with the above-referenced  $\pm 18.11$ -acre property, located in Section 13, Township 28 South, Range 36 East, Brevard County, Florida. Figure 1 depicts the location of the subject site, and Figure 2 is a recent aerial photograph of the site depicting current conditions thereon. On December 16, 2019, ACES inspected the property for the presence of wetlands, surface waters, protected species, and indications of protected species habitat. The purpose of our study was to estimate the current extent of wetlands and protected species habitat on the site. To assess the presence and extent of wetlands, we implemented the jurisdictional wetland identification methodologies of the St. Johns River Water Management District (SJRWMD) and the U.S. Army Corps of Engineers (ACOE), which incorporate an analysis of on-site vegetation, soils, and hydrology to determine the presence or absence of state-jurisdictional wetlands. Where jurisdictional wetlands were found to exist, ACES identified their boundaries on a recent aerial photograph of the site. The likelihood of protected species habitation was determined by identifying the various vegetative communities, habitat types, and species indicators currently present on the site, and referencing these against standards and indicators used by the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS). Following is a presentation of our findings.

#### **Soil Types**

The USDA Natural Resource Conservation Service (NRCS) identifies one soil type on the property (see Figure 3). Soil maps are used by the environmental regulatory agencies as a general guideline to determine the likelihood of wetland and upland conditions on reviewed properties; soils more commonly associated with wetland conditions potentially indicate areas of lower elevation and greater surface hydrology, whereas soil types that are more commonly associated with uplands are expected to exhibit fewer or no wetland characteristics. Potentially hydric (i.e., wetland) soil types are listed in the *Hydric Soils of Florida Handbook* (Victor W. Carlisle, et al., 2000). It should be noted that the soil types listed by NRCS are based on a 1974 soil survey of Brevard County by the USDA Soil Conservation Service, and no comprehensive soil survey of the county has been completed since 1974. As such, it is not uncommon for there to be some inconsistencies between historically-mapped soil types and current on-site soil conditions. ACES sampled soil types throughout the subject property by excavating 6-inch diameter, 12-inch deep cylindrical plugs from the surface, and assessing the soil profiles and characteristics



of each plug. Following is a brief description of the soil type that is mapped on the subject site, compared to our observations of current soil conditions.

Quartzipsamments, Smoothed – NRCS Code No. 52: These are nearly level to steep sandy soils that have been reworked and shaped by earthmoving equipment. They are commonly near urban centers or along major highways on the mainland. Many areas are former sloughs, marshes, or shallow ponds that have been filled with various soil material to surrounding ground level or to elevations above natural ground level. Drainage is variable. Most excavated areas are well drained, but the water table is generally within a depth of 50 inches in filled areas. This soil type is not listed in the *Hydric Soils of Florida Handbook*.

This upland soil type is mapped over the entire site, except for a very narrow strip along the west site boundary, which consists of the open waters of a large pond. Soils on the property consist of an amalgam of materials, including sand, shell, gravel, marl, clay, crushed asphalt, and crushed concrete. In some areas (such as the dirt road that meanders through the site), soils have been so compacted that they are very difficult to penetrate with hand tools. Elsewhere, soils exhibit non-hydric characteristics, being composed of loamy sand over a gravel and sand mixture.

Soils examined within an upland-cut ditch that parallels the eastern site boundary exhibit mucky-textured sand, a hydric soil characteristic. Further north along the ditch, soils become more hydric, and are associated with a small on-site wetland (see Figure 4), where they are composed of mucky-textured sand and muck.

Thus, except for a narrow strip of open water along the west property boundary and a linear path of upland cut ditch and wetland along the eastern site boundary, the site appears to be underlain entirely by non-hydric soils.

### **Community Types**

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

Industrial – FLUCFCS Code No. 150: This category refers to two buildings near the south end of the site. Their use is unclear, but their size and appearance seem consistent with light industrial use and/or storage. The area occupied by these structures is estimated at 0.17 acres.

Herbaceous – FLUCFCS Code No. 310: This non-forested upland community exists mainly as a grassy expanse extending south from near the middle of the property, then narrowing into a cleared access drive that meanders back north through the site. The total area occupied by this community on the site is estimated at 3.70 acres. It is dominated by grasses, low shrubs, and herbaceous species, including cogongrass, Johnson grass, smutgrass, Bahia grass, Bermuda grass, lantana, Mexican clover, Spanish needles, and rattlebox. Underlying soils are composed of non-hydric loamy sand; along the access drive, soils also contain compacted gravel, crushed concrete, crushed asphalt, shell, and other foreign materials. No wetland hydrologic indicators are present in this community.

Brazilian Pepper – FLUCFCS Code No. 422: This forested upland community dominates the site, covering approximately 13.47 acres. It consists of a dense cover of Brazilian pepper, and invasive exotic species. A few slash pines, cabbage palm, Chinese tallow, strangler fig, and air potato vines are scattered throughout. Underlying soils are composed of non-hydric loamy sand mixed with gravel, shell, and marl. No wetland hydrologic indicators were observed in this community.

Water – FLUCFCS Code No. 500: This category refers to the man-made pond (surface waters, not wetlands) that extends westward from the site. The eastern  $\pm 0.42$  acres of the pond extends slightly onto the western boundary of the site. The pond has no littoral shelf, but falls off into deep water almost immediately; as such, no wetland plants are present, and no wetland fringe exists along the edge of the pond.

Streams and Waterways – FLUCFCS Code No 510: This category refers to the north/south drainage ditch that runs along the eastern property boundary. Like the pond, the ditch is considered surface waters, not wetlands, where it is cut through uplands. The area occupied by the ditch is estimated at 0.12 acres.

Exotic Wetland Hardwoods – FLUCFCS Code No. 619: This degraded wetland community is covered with a monoculture of dense Brazilian pepper growing over mucky-textured sand. Although once just a northern extension of the ditch, this area appears to have broadened over time and now is perennially hydrologically connected to the Wetland Shrub community (see below). The presence of hydric soils and wetland hydrology (high water marks, saturated soil) allows this small area ( $\pm 0.10$  acre) to be claimed as degraded low-quality wetlands.

Wetland Shrub – FLUCFCS Code No. 631: This wetland community is present in the northeast corner of the site, where it occupies approximately 0.12 acre of the property. It contains a fringe of Carolina willow, saltbush, creeping oxeeye and cattails around a deep-water depression. Soils are composed of mucky-textured sand and muck, and hydrologic indicators show that this area is inundated virtually year-round.

Thus, the entire site contains a total of approximately 17.34 acres of uplands, 0.55 acres of surface waters (the pond and ditch), and 0.22 acres of low-quality wetlands. The surface waters and wetlands fall under the jurisdiction of SJRWMD and ACOE. If impacts are proposed to any of the hydrologic resources (wetlands and/or surface waters), the appropriate permits must be obtained from the applicable regulatory agencies. Following is a discussion of potential wetland permitting and mitigation issues for this site.

#### **Wetland Considerations**

SJRWMD and ACOE have jurisdiction over the small wetland area. Both agencies require that all proposed wetland impacts be justified by the permittee, who is responsible for demonstrating that all reasonable efforts have been made to design the site development project in a way that avoids or minimizes wetland impacts. Simply put, the onus is on the applicant to show that proposed wetland impacts are essentially unavoidable. Although SJRWMD's rules have a caveat that allows applicants to impact any wetlands if mitigation is provided that is "regionally significant" (i.e., the purchasing of mitigation bank credits), ACOE does not provide that flexibility. Furthermore, ACOE does not accept any mitigation that does not meet the very strict standards of a wetland mitigation bank, essentially

obligating all applicants to purchase credit at a federally approved mitigation bank for any wetland impacts the Corps deems acceptable.

In addition to direct wetland impacts (dredging or filling within wetlands), an applicant must also consider the extent of secondary wetland impacts, which are assessed by SJRWMD. Secondary wetland impacts are those potentially adverse effects to wetlands that occur due to the proximity of human activities (i.e., noise, traffic, pollution, lighting, human intrusion, pets, yard waste, etc.). To protect against secondary impacts, SJRWMD encourages applicants to preserve a naturally-vegetated upland buffer around all portions of wetlands that are to remain undisturbed. The buffer must be at least 15 feet wide, with a minimum average width of at least 25 feet. In all areas where the minimum buffer cannot be provided, SJRWMD will assess secondary impacts extending into the adjacent wetlands. The extent of secondary impacts is determined on a case-by-case basis, but is typically determined by extending a 100 to 200-foot radius into the affected wetland from each point where an adequate upland buffer cannot be provided. Secondary impacts are considered to be significantly less adverse than direct impacts. Thus, although secondary wetland impacts (if assessed) add to the amount of mitigation that an applicant must provide to satisfy SJRWMD, they are typically only a small percentage of the whole. Since SJRWMD (unlike ACOE) recognizes the long-term value of on-site wetland preservation and enhancement, the secondary wetland impact issue can frequently be addressed by the placement of a conservation easement over remaining on-site wetlands and their adjacent upland buffers. If all on-site wetlands are proposed for direct impacts (dredging and/or filling), then secondary wetland impact issues will not apply.

For this site, as long as development plans do not encroach within 25 feet of the small wetland area, no wetland permitting or mitigation will be required by SJRWMD or ACOE. It seems reasonable to assume that most site planning will be able to accomplish this. However, in the event that wetland impacts are proposed, some form of wetland mitigation must be provided to offset those impacts.

As mentioned, due to the restrictions of ACOE wetland mitigation standards, the purchase of wetland mitigation bank credits will be the only means of addressing direct wetland impacts for this site. Currently, the subject site falls into the service areas of two wetland mitigation banks: Mary A Mitigation Bank and Lake Washington Mitigation Bank. Both have herbaceous wetland mitigation credits available, and both are within the same SJRWMD drainage basin as the subject site. The two banks use different methods of assessing how many mitigation credits are necessary to offset proposed impacts; currently, the most affordable option is Lake Washington Mitigation Bank, which calculates mitigation credits according to the Uniform Mitigation Assessment Method (UMAM).

UMAM is a method of assessing and calculating environmental losses (Functional Loss, or FL) and environmental gains (Functional Gain, or FG). Wetlands proposed for impact are assigned a specific FL via a set of standardized evaluations and calculations; whatever the total FL is for a particular project, the proposed mitigation (assessed in units of FG) must be equal or greater than the FL. In general, the calculated FL is a measure of the current quality (value and function) of the wetlands that are proposed for impact. As stated previously, the quality of wetlands on the subject site is low; we do not expect that on-site wetlands will rate an FL of more than 0.5 per acre of impact. Therefore, if all  $\pm 0.22$  acres of wetlands on this site are proposed for impact, the total calculated FL is expected to be no more than 0.11 ( $0.22 \times 0.50 = 0.11$ ). To offset this, at least 0.11 units of FG would need to be provided. Lake Washington Mitigation Bank charges \$99,000 for each unit of FG. Therefore, the maximum anticipated wetland mitigation cost if this project (assuming all on-site wetlands are proposed for impact) would be about \$10,890 ( $0.11 \times 99,000 = 10,890$ ).

If wetland permitting is necessary, the time associated with it is expected to be between two and three months for SJRWMD. Permitting through ACOE occurs concurrently, but typically takes a bit longer to complete than state permitting, since ACOE requires more documentation and is not subject to minimum time frames in their review process.

#### **Surface Waters**

A SJRWMD permit is required for any impacts to surface waters, to ensure that such impacts do not adversely affect the existing hydrologic regime of the site, or any properties that are upstream or downstream from the site. Surface waters that are greater than 1.0 acres in size are assumed by SJRWMD to provide aquatic habitat that is beneficial to fish and wildlife; as such, if impacts are proposed to surface waters that are greater than 1.0 acre in size, such impacts must be offset by mitigation, which is typically accomplished on a 1:1 basis on-site. For example, if 0.25 acres along the eastern shore of the pond were proposed to be filled to accommodate the size and configuration of a proposed project, an acceptable form of mitigation would be to excavate 0.50 acres of the Brazilian Pepper community on the western boundary of the site down to the pond elevation, thereby resulting in no net decrease in the size, volume, and habitat potential of the pond.

#### **Protected Species**

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

**Gopher Tortoises:** Gopher tortoises are protected as a Threatened species by the Florida Fish and Wildlife Conservation Commission (FWC). Gopher tortoises require habitat that includes well-drained sandy soils for burrowing, open sunlit areas for nesting, and adequate herbaceous forage. Although adequate herbaceous cover, open sunlit areas, and sufficiently drained soil appear to be present within the Herbaceous community, we found no evidence of gopher tortoises (no burrows, scat, tracks, trails, etc.). The disturbances associated with the historical land uses on the site are likely to have precluded its habitation by this species. It is our professional opinion that gopher tortoises are not present on the property, and no gopher tortoise permitting or mitigation will be required prior to site development.

**American Alligator:** Alligators are protected by USFWS due to their similarity in appearance to the American crocodile. It is illegal to kill, harm, or feed alligators, or to destroy their nests. Nuisance alligators can only be relocated or killed by licensed and permitted professionals. Mature alligators may be present in the pond. However, due to the lack of littoral zones or lateral upland banks adjacent to the pond, no alligator nesting habitat is expected to exist on the site. As such, no nest surveys are expected to be required during nesting season (June through September), and site development is not expected to have any adverse impacts to this species.

Wading Birds: A variety of protected wading birds may occasionally be present within the Wetland Shrub community and the edge of the pond for foraging purposes. These include the tricolored heron, great egret, white ibis, snowy egret, sandhill crane, and greenback heron. There is no rookery habitat on the site to support nesting of any of these species, and none of these species were observed on the site during our inspection. Although it is possible that some or all of these species may be present from time to time in the wetland areas on a transitory foraging basis, such behavior is opportunistic, and not indicative of critical reliance on any on-site natural resources. Therefore, no special permits for potential impacts to these species are expected to be required.

Wood Stork (*Mycteria americana*): Wood stork nesting habitat is not present on the site. However, the Wetland Shrub community does provide foraging habitat for this federally listed endangered species. Federal rules require that when a project falls under federal jurisdiction, the potential for federally-endangered species must be assessed. In the case of the wood stork, the mere potential of wood stork foraging behavior within affected wetlands is enough to impose regulatory oversight, as long as: a) the affected wetland contains Suitable Foraging Habitat (SFH) for wood storks (the on-site Wetland Shrub community does); b) the affected wetland falls within the Core Foraging Area (CFA) of at least one known wood stork rookery (on-site wetlands fall within the CFA of several wood stork rookeries); and c) more than 0.5 acres of CFA are proposed for impact (this is not the case for the site). Since wetlands are less than 0.50 acres, no adverse impacts to wood storks are expected to be assessed for this site.

Bald Eagle (*Haliaeetus leucocephalus*): No recorded bald eagle nests exist within at least 1.0 miles of the subject site, and no eagle nests, eagle activity, or potential nest trees were observed on the site. Therefore, it is not expected that potential impacts to this species will need to be addressed prior to site development.

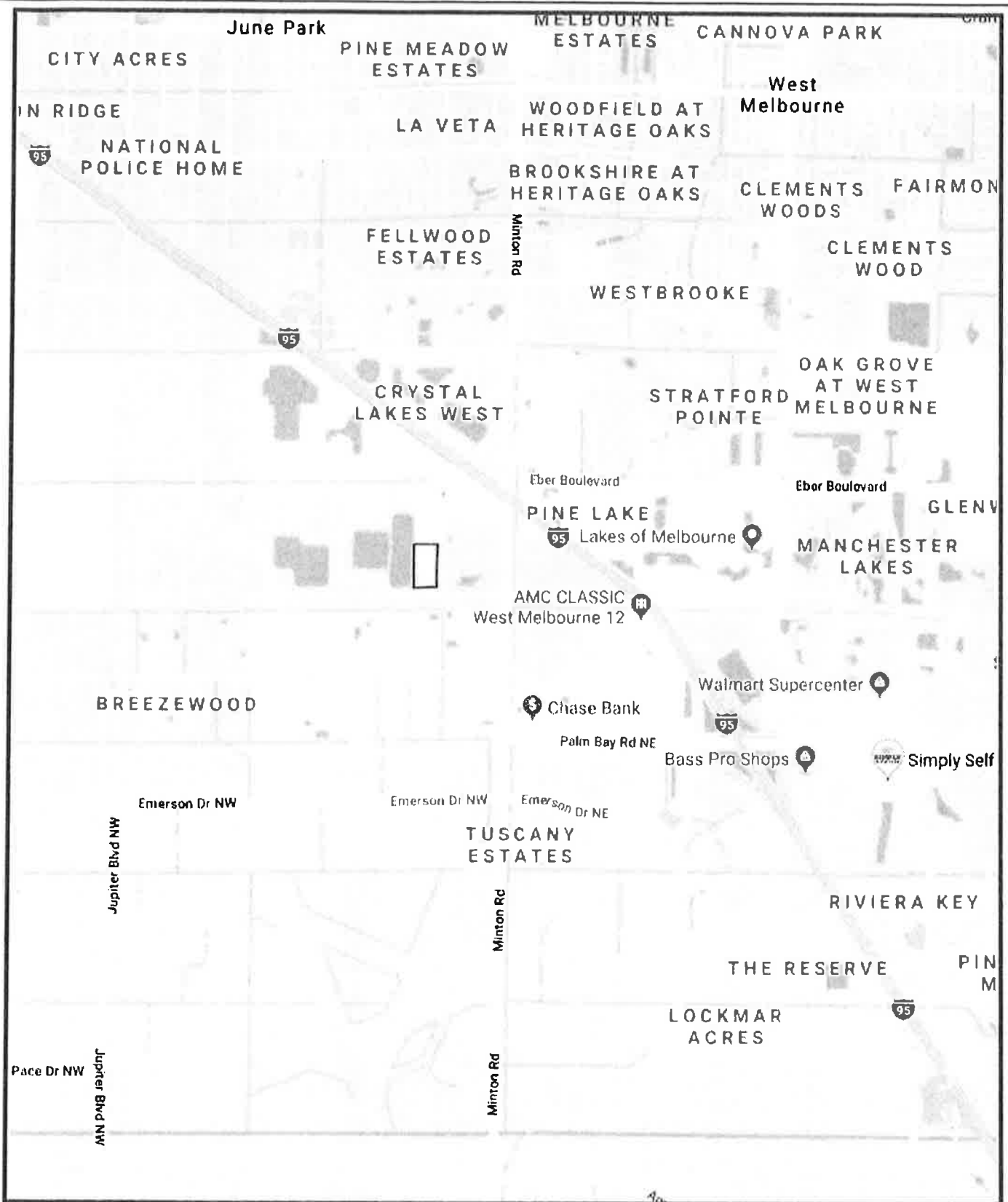
#### Summary and Conclusion

ACES has completed an environmental assessment of Parcel No. 28-36-13-00-758, Norfolk Parkway, West Melbourne, Florida. It is our determination that approximately 17.34 acres of uplands, 0.55 acres of surface waters (the pond and ditch), and 0.22 acres of low-quality wetlands are present on the site. If impacts are proposed to wetlands, then permits will be needed from SJRWMD and ACOE, and mitigation will be required. If impacts are proposed to the ditch, a permit will be needed from SJRWMD, and the project design must show that the current volume and rate of flow within the ditch will be sustained in the post-development condition. If impacts are proposed to the pond, a permit will be needed from SJRWMD, and 1:1 compensation will be required. No evidence of listed species occupation of the site was found during our inspection; as such, no permits or mitigation for potential impacts to listed species are expected to be required prior to site development. Upon your review of this report, should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,



Andrew Conklin – President, ACES, LLC



Source -Google Maps

**Figure 1 - Location Map**  
**ACES File No. 1993 - Parcel 758, Norfolk Parkway**  
 [White Rectangle] - Property Boundary  
 PO Box 500407, Malabar, FL 32950 Phone: (321) 848-1143 Email: [acesllc7@gmail.com](mailto:acesllc7@gmail.com)



Source -Brevard County Property Appraiser



**Figure 2 - Aerial Site Photograph**  
**ACES File No. 1993 - Parcel 758, Norfolk Parkway**

□ - Property Boundary

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





Source -USDA Natural Resources Conservation Service (NRCS)



**Figure 3 - NRCS Soils Map**  
**ACES File No. 1993 - Parcel 758, Norfolk Parkway**

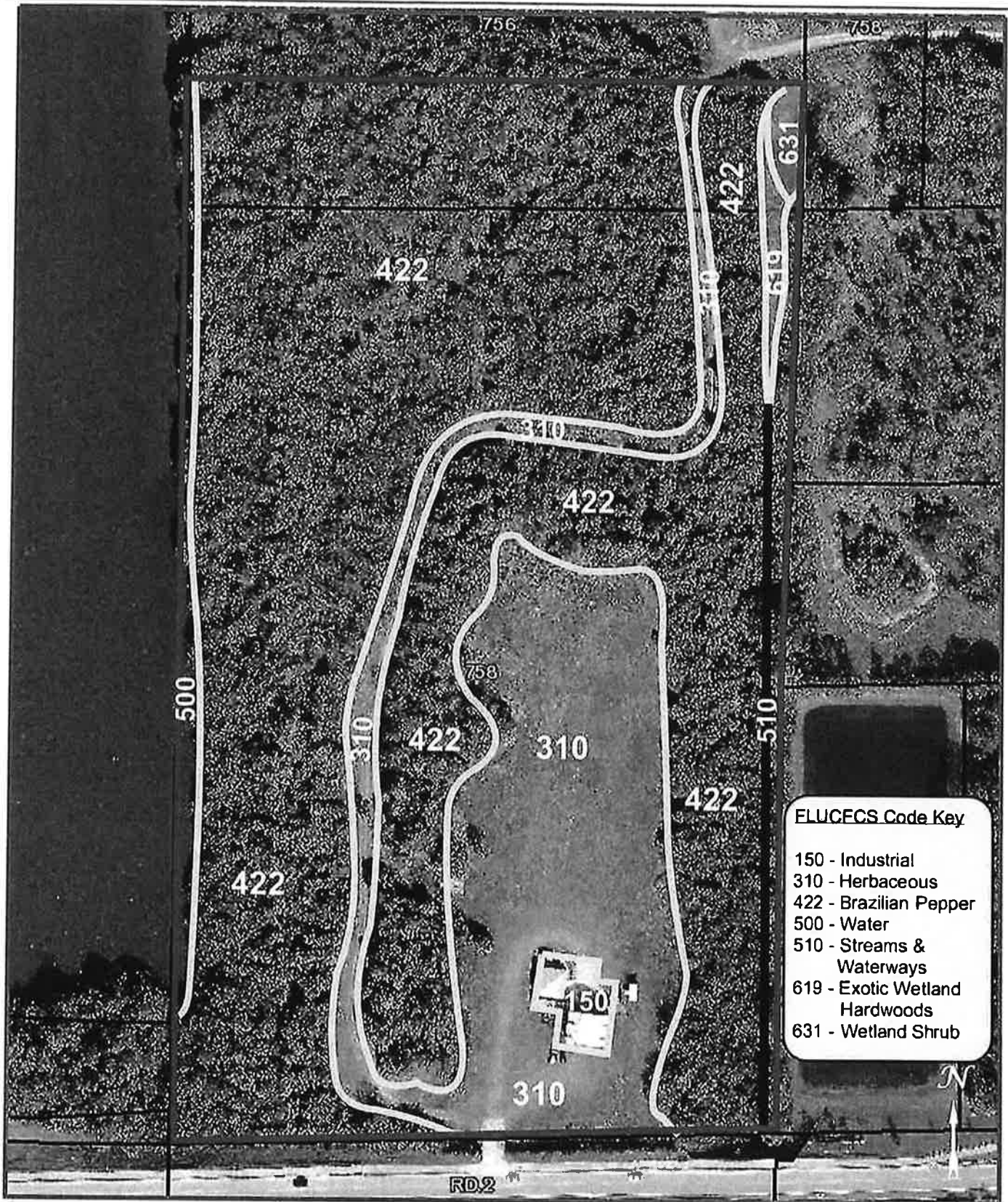
- Property Boundary

- NRCS Soil Type Boundaries

52 - Quartzipsamments, Smoothed  
 99 - Water

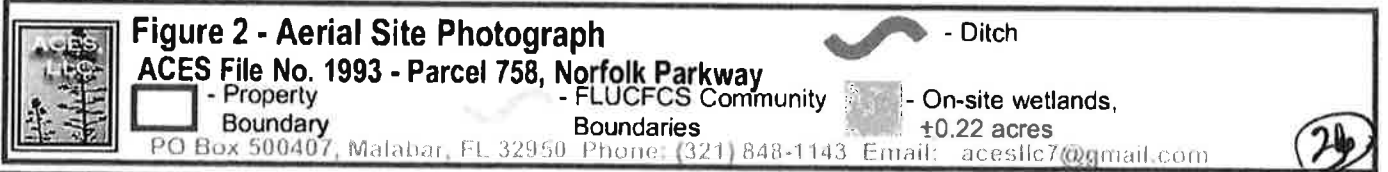
P.O. Box 500407, Malabar, FL 32950 Phone: (321) 846-1143 Email: [acesllc7@gmail.com](mailto:acesllc7@gmail.com)





Source -Brevard County Property Appraiser

Codes referenced to the Florida Land Use Cover and Forms Classification System (FLUCFCS)



Prepared by: MBV Engineering, Inc.  
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

Draft BDP  
22Z00006  
Norfolk Pkwy  
(submitted 01/10/22)

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Boozer Properties, LLC (hereinafter referred to as "Developer/Owner").

### **RECITALS**

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

WHEREAS, Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as a boat and RV storage facility and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

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

Rev. 1/4/2022

3. Developer/Owner shall provide a 50 foot undisturbed vegetative buffer and maintain the existing vegetative buffer along the west and north boundaries of the Property. No improvements shall be allowed within the buffer.
4. The Developer/Owner shall limit the number of outdoor storage spaces to 350.
5. The Developer/Owner shall limit ingress and egress to Norfolk Parkway.
6. The site shall be developed as a Boat and RV storage facility and related ancillary services and facilities.
7. No sewage dump station shall be allowed, unless public sewer connection is obtained.
8. Outdoor lighting is limited to 17 feet in height from grade to bottom of light fixture.
9. The Developer/Owner shall provide a traffic study detailing any required roadway improvements including, but not limited to a westbound right turn lane, at the time of site plan submittal. If an improvement is warranted, and is approved by the City of West Melbourne, it shall be constructed accordingly.
10. No residing or overnight stays within the stored vehicles shall be allowed.
11. The Developer/Owner shall comply with all applicable requirements of the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida.
12. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property prior to issuance of an approved development order.
13. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
14. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board

of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

15. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
16. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 15 above.
17. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.

[The remainder of this page left intentionally blank]

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

ATTEST:

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

\_\_\_\_\_  
Rachel Sadoff, Clerk of Court  
(SEAL)

\_\_\_\_\_  
Kristine Zonka, Chair

As approved by the Board on \_\_\_\_\_

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

WITNESSES:

BOOZER PROPERTIES, LLC  
as DEVELOPER/OWNER

\_\_\_\_\_

\_\_\_\_\_

(Witness Name typed or printed)

(Address)

\_\_\_\_\_

\_\_\_\_\_

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

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

My commission expires  
SEAL  
Commission No.:

\_\_\_\_\_  
Notary Public

(Name typed, printed or stamped)

**Exhibit "A"**

**LEGAL DESCRIPTION:**

(Per Old Republic National Title Insurance Company File No.: 19129417 LLC)

A portion of the lands described in Official Records Book 3277, Page 924, of the Public Records of Brevard County, Florida, said lands lying in Section 13, Township 28 South, Range 36 East and being more particularly described as follows:

Beginning at the Southwest Corner of Tract ST-1, Sawgrass Lakes Phase One, according to the plat thereof, as recorded in Plat Book 60, Pages 52 through 63 of the said public records, said point being the POINT OF BEGINNING; thence South 89 degrees 32 minutes 31 seconds West, along the North right-of-way line to Norfolk Parkway, per said Sawgrass Lakes Phase One, a distance of 662.33 feet to the Easterly line of said Sawgrass Lakes Phase One, thence North 01 degrees 30 minutes 06 seconds East, along said East line, a distance of 1,151.77 feet; thence leaving said line, North 89 degrees 32 minutes 54 seconds East, a distance of 662.19 feet to the East line of Parcel 1 of said Official Records Book 3277, Page 924; thence South 01 degrees 29 minutes 41 seconds West, along the East line of said Parcel 1 and the East line of Parcel 2 of the Official Records Book 3277, Page 924, a distance of 1,151.69 feet to the POINT OF BEGINNING.

Prepared by: MBV Engineering, Inc.  
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 3rd day of September, 20\_\_ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Brevard Tower Communications, Inc. (hereinafter referred to as "Developer/Owner").

### **RECITALS**

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

WHEREAS, Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as a boat and RV storage facility and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

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

Rev. 4/9/2021

3. Developer/Owner shall provide a 50 foot undisturbed vegetative buffer and maintain the existing vegetative buffer along the west and north boundaries of the Property. No improvements shall be allowed within the buffer.
4. The Developer/Owner shall limit the number of outdoor storage spaces to 350.
5. The Developer/Owner shall limit ingress and egress to Norfolk Parkway.
6. The site shall be developed as a Boat and RV storage facility and related ancillary services and facilities.
7. No sewage dump station shall be allowed, unless public sewer connection is obtained.
8. Outdoor lighting is limited to 17 feet in height from grade to bottom of light fixture.
9. The Developer/Owner shall provide a traffic study detailing any required roadway improvements including, but not limited to a westbound right turn lane, at the time of site plan submittal. If an improvement is warranted, and is approved by the City of West Melbourne, it shall be constructed accordingly.
10. No residing or overnight stays within the stored vehicles shall be allowed.
11. The Developer/Owner shall comply with all applicable requirements of the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida.
12. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property prior to issuance of an approved development order.
13. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
14. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board



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

ATTEST:

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

\_\_\_\_\_  
Rachel Sadoff, Clerk of Court  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

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

WITNESSES:

BREVARD TOWER COMMUNICATIONS, INC.  
as DEVELOPER/OWNER

\_\_\_\_\_  
Tony Ross  
(Witness Name typed or printed)

\_\_\_\_\_  
401 Fifth Ward Center  
(Address) 700 LA ST. NW  
CHAS, WV 25301

\_\_\_\_\_  
Tony Ross  
(Witness Name typed or printed)

\_\_\_\_\_  
(President)  
P. Anthony Jackson  
(Name typed, printed or stamped)

STATE OF West Virginia §  
COUNTY OF Kanawha §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or  
\_\_\_\_\_ online notarization, this 3rd day of September, 2021, by

P. Rodney Jackson, President of Brevard Tower Inc. Communications, who is  
 personally known to me or who has produced BA as identification.

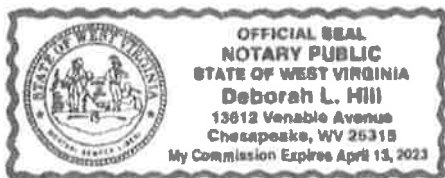
My commission expires April 13, 2023  
 SEAL

Commission No.:

Deborah L. Hill

Notary Public

(Name typed, printed or stamped)



of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

15. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
16. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 14 above.
17. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.

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West Virginia Det  
STATE OF FLORIDA  
COUNTY OF BREVARD Kanawha Det

Phedey Jackson, Jr., after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

(Insert legal description of property here)

There are no mortgages on the above described property

Dated this 3rd day of September, 2021

Signature

West Virginia Det  
STATE OF FLORIDA  
COUNTY OF BREVARD Kanawha Det

The foregoing instrument was sworn to before me this 3rd day of September, by  
P. Rodney Jackson, who is personally known to me or who has  
produced Det as identification, and who did take an oath.


























Notary Public:

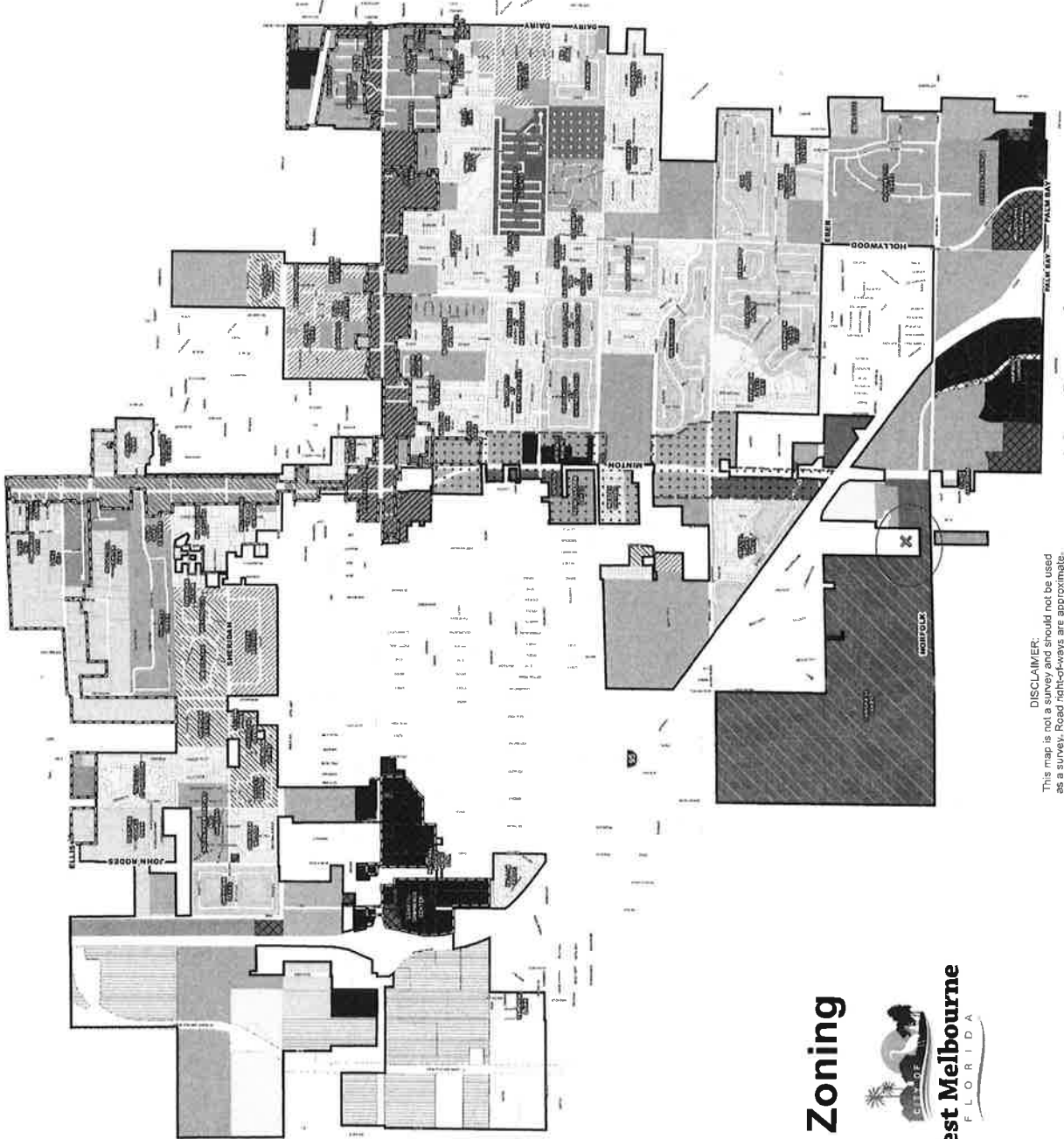
Deborah L. Hill  
State of Florida at Large West Virginia Det  
My Commission Expires: April 13, 2023

(SEAL)



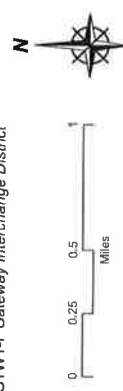
## Legend

-  City Limits
-  CRA Overlay
-  Interchange Commercial Overlay
-  Town Center Overlay
-  R-A Residential Agricultural
-  R-1AAA Single-Family Residential
-  R-1AA Single-Family Residential
-  R-1A Single-Family Residential
-  R-1B Single-Family Residential
-  R-2 One-, Two- and Multi-Family Dwelling
-  RLS Residential Large Scale
-  R-3 Multiple-Family Dwelling
-  TR-1 Planned Development for Mobile Home Parks
-  TRC-1 Single-Family Mobile Home Cooperative
-  C-P Commercial Parkway
-  C-1A Professional Offices and Services
-  C-1 Low Density Commercial
-  C-2 General Commercial
-  C-W Commercial Wickham
-  C-NH Commercial New Haven
-  M-1 Light Industrial and Warehousing
-  M-2 General Industrial
-  P-1 Institutional
-  IB Integrated Business
-  GTWY-1 Gateway Interchange District



DISCLAIMER:  
This map is not a survey and should not be used  
as a survey. Road right-of-ways are approximate.

# Zoning



Updated: January 31, 2022  
By: City of West Melbourne  
Sources:  
Brevard County Property Appraiser,  
City of West Melbourne Planning Department

## Legend

- City Limits
- CRA Overlay
- Palm Bay Road Overlay
- Town Center Overlay
- COM Commercial
- CON-REC Conservation-Recreation
- IB Integrated Business
- IND Industrial
- INST Institutional
- LD-RES Low-Density Residential
- MD-RES Medium-Density Residential
- UD-RES Urban-Density Residential
- MH-RES Manufactured Home Residential
- PI Parkway Interchange
- County FLU Designations Still Apply As Noted

- CC Community Commercial
- NC Neighborhood Commercial
- RES-1 Residential 1 (1 DUPA)
- RES-2 Residential 2 (2 DUPA)
- RES-4 Residential 4 (4 DUPA)

- GU General Use
- NAC Neighborhood Activity Center
- UMU Urban Mixed Use

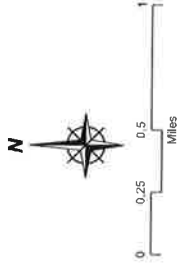
Designations not shown on map

★ These properties have additional density and intensity restrictions. Please refer to the Future Land Use Element of the Comprehensive Plan.

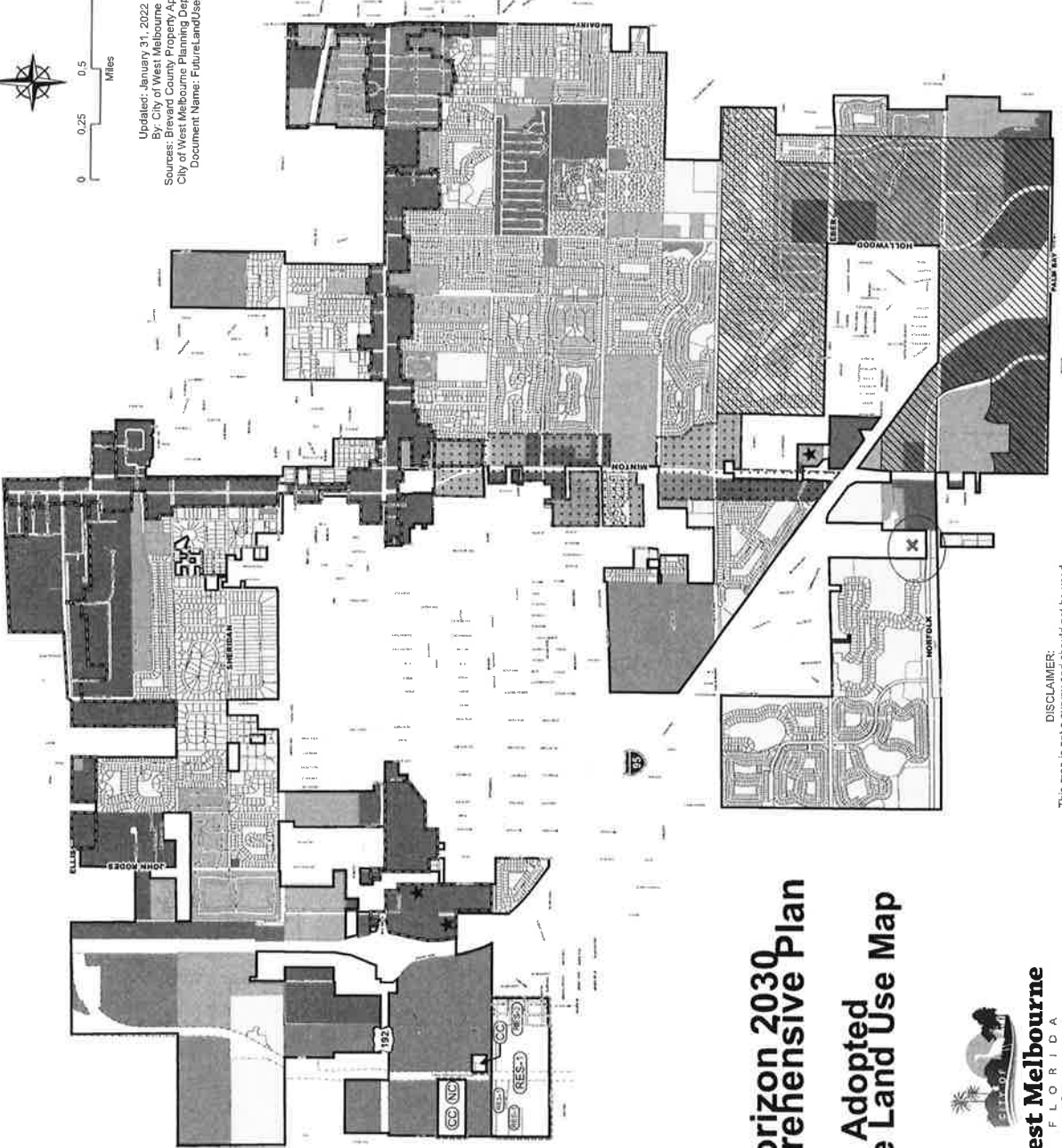
### Horizon 2030

#### Comprehensive Plan Amendments

Amendment No.	Ordinance No.	Effective Date	Amendment No.	Ordinance No.	Effective Date
SSA 2012-01	2012-02	2012-01	SSA 2016-01	2016-01	2016-01
SSA 2012-02	2012-03	2012-02	SSA 2016-02	2016-02	2016-02
SSA 2012-03	2012-04	2012-03	SSA 2016-03	2016-03	2016-03
SSA 2012-04	2012-05	2012-04	SSA 2016-04	2016-04	2016-04
SSA 2012-05	2012-06	2012-05	SSA 2016-05	2016-05	2016-05
SSA 2012-06	2012-07	2012-06	SSA 2016-06	2016-06	2016-06
SSA 2012-07	2012-08	2012-07	SSA 2016-07	2016-07	2016-07
SSA 2012-08	2012-09	2012-08	SSA 2016-08	2016-08	2016-08
SSA 2012-09	2012-10	2012-09	SSA 2016-09	2016-09	2016-09
SSA 2012-10	2012-11	2012-10	SSA 2016-10	2016-10	2016-10
SSA 2012-11	2012-12	2012-11	SSA 2016-11	2016-11	2016-11
SSA 2012-12	2013-01	2012-12	SSA 2016-12	2016-12	2016-12
SSA 2013-01	2013-02	2013-01	SSA 2016-13	2016-13	2016-13
SSA 2013-02	2013-03	2013-02	SSA 2016-14	2016-14	2016-14
SSA 2013-03	2013-04	2013-03	SSA 2016-15	2016-15	2016-15
SSA 2013-04	2013-05	2013-04	SSA 2016-16	2016-16	2016-16
SSA 2013-05	2013-06	2013-05	SSA 2016-17	2016-17	2016-17
SSA 2013-06	2013-07	2013-06	SSA 2016-18	2016-18	2016-18
SSA 2013-07	2013-08	2013-07	SSA 2016-19	2016-19	2016-19
SSA 2013-08	2013-09	2013-08	SSA 2016-20	2016-20	2016-20
SSA 2013-09	2013-10	2013-09	SSA 2016-21	2016-21	2016-21
SSA 2013-10	2013-11	2013-10	SSA 2016-22	2016-22	2016-22
SSA 2013-11	2013-12	2013-11	SSA 2016-23	2016-23	2016-23
SSA 2013-12	2014-01	2013-12	SSA 2016-24	2016-24	2016-24
SSA 2014-01	2014-02	2014-01	SSA 2016-25	2016-25	2016-25
SSA 2014-02	2014-03	2014-02	SSA 2016-26	2016-26	2016-26
SSA 2014-03	2014-04	2014-03	SSA 2016-27	2016-27	2016-27
SSA 2014-04	2014-05	2014-04	SSA 2016-28	2016-28	2016-28
SSA 2014-05	2014-06	2014-05	SSA 2016-29	2016-29	2016-29
SSA 2014-06	2014-07	2014-06	SSA 2016-30	2016-30	2016-30
SSA 2014-07	2014-08	2014-07	SSA 2016-31	2016-31	2016-31
SSA 2014-08	2014-09	2014-08	SSA 2016-32	2016-32	2016-32
SSA 2014-09	2014-10	2014-09	SSA 2016-33	2016-33	2016-33
SSA 2014-10	2014-11	2014-10	SSA 2016-34	2016-34	2016-34
SSA 2014-11	2014-12	2014-11	SSA 2016-35	2016-35	2016-35
SSA 2014-12	2015-01	2014-12	SSA 2016-36	2016-36	2016-36
SSA 2015-01	2015-02	2015-01	SSA 2016-37	2016-37	2016-37
SSA 2015-02	2015-03	2015-02	SSA 2016-38	2016-38	2016-38
SSA 2015-03	2015-04	2015-03	SSA 2016-39	2016-39	2016-39
SSA 2015-04	2015-05	2015-04	SSA 2016-40	2016-40	2016-40
SSA 2015-05	2015-06	2015-05	SSA 2016-41	2016-41	2016-41
SSA 2015-06	2015-07	2015-06	SSA 2016-42	2016-42	2016-42
SSA 2015-07	2015-08	2015-07	SSA 2016-43	2016-43	2016-43
SSA 2015-08	2015-09	2015-08	SSA 2016-44	2016-44	2016-44
SSA 2015-09	2015-10	2015-09	SSA 2016-45	2016-45	2016-45
SSA 2015-10	2015-11	2015-10	SSA 2016-46	2016-46	2016-46
SSA 2015-11	2015-12	2015-11	SSA 2016-47	2016-47	2016-47
SSA 2015-12	2016-01	2015-12	SSA 2016-48	2016-48	2016-48
SSA 2016-01	2016-02	2016-01	SSA 2016-49	2016-49	2016-49
SSA 2016-02	2016-03	2016-02	SSA 2016-50	2016-50	2016-50
SSA 2016-03	2016-04	2016-03	SSA 2016-51	2016-51	2016-51
SSA 2016-04	2016-05	2016-04	SSA 2016-52	2016-52	2016-52
SSA 2016-05	2016-06	2016-05	SSA 2016-53	2016-53	2016-53
SSA 2016-06	2016-07	2016-06	SSA 2016-54	2016-54	2016-54
SSA 2016-07	2016-08	2016-07	SSA 2016-55	2016-55	2016-55
SSA 2016-08	2016-09	2016-08	SSA 2016-56	2016-56	2016-56
SSA 2016-09	2016-10	2016-09	SSA 2016-57	2016-57	2016-57
SSA 2016-10	2016-11	2016-10	SSA 2016-58	2016-58	2016-58
SSA 2016-11	2016-12	2016-11	SSA 2016-59	2016-59	2016-59
SSA 2016-12	2017-01	2016-12	SSA 2016-60	2016-60	2016-60
SSA 2017-01	2017-02	2017-01	SSA 2016-61	2016-61	2016-61
SSA 2017-02	2017-03	2017-02	SSA 2016-62	2016-62	2016-62
SSA 2017-03	2017-04	2017-03	SSA 2016-63	2016-63	2016-63
SSA 2017-04	2017-05	2017-04	SSA 2016-64	2016-64	2016-64
SSA 2017-05	2017-06	2017-05	SSA 2016-65	2016-65	2016-65
SSA 2017-06	2017-07	2017-06	SSA 2016-66	2016-66	2016-66
SSA 2017-07	2017-08	2017-07	SSA 2016-67	2016-67	2016-67
SSA 2017-08	2017-09	2017-08	SSA 2016-68	2016-68	2016-68
SSA 2017-09	2017-10	2017-09	SSA 2016-69	2016-69	2016-69
SSA 2017-10	2017-11	2017-10	SSA 2016-70	2016-70	2016-70
SSA 2017-11	2017-12	2017-11	SSA 2016-71	2016-71	2016-71
SSA 2017-12	2018-01	2017-12	SSA 2016-72	2016-72	2016-72
SSA 2018-01	2018-02	2018-01	SSA 2016-73	2016-73	2016-73
SSA 2018-02	2018-03	2018-02	SSA 2016-74	2016-74	2016-74
SSA 2018-03	2018-04	2018-03	SSA 2016-75	2016-75	2016-75
SSA 2018-04	2018-05	2018-04	SSA 2016-76	2016-76	2016-76
SSA 2018-05	2018-06	2018-05	SSA 2016-77	2016-77	2016-77
SSA 2018-06	2018-07	2018-06	SSA 2016-78	2016-78	2016-78
SSA 2018-07	2018-08	2018-07	SSA 2016-79	2016-79	2016-79
SSA 2018-08	2018-09	2018-08	SSA 2016-80	2016-80	2016-80
SSA 2018-09	2018-10	2018-09	SSA 2016-81	2016-81	2016-81
SSA 2018-10	2018-11	2018-10	SSA 2016-82	2016-82	2016-82
SSA 2018-11	2018-12	2018-11	SSA 2016-83	2016-83	2016-83
SSA 2018-12	2019-01	2018-12	SSA 2016-84	2016-84	2016-84
SSA 2019-01	2019-02	2019-01	SSA 2016-85	2016-85	2016-85
SSA 2019-02	2019-03	2019-02	SSA 2016-86	2016-86	2016-86
SSA 2019-03	2019-04	2019-03	SSA 2016-87	2016-87	2016-87
SSA 2019-04	2019-05	2019-04	SSA 2016-88	2016-88	2016-88
SSA 2019-05	2019-06	2019-05	SSA 2016-89	2016-89	2016-89
SSA 2019-06	2019-07	2019-06	SSA 2016-90	2016-90	2016-90
SSA 2019-07	2019-08	2019-07	SSA 2016-91	2016-91	2016-91
SSA 2019-08	2019-09	2019-08	SSA 2016-92	2016-92	2016-92
SSA 2019-09	2019-10	2019-09	SSA 2016-93	2016-93	2016-93
SSA 2019-10	2019-11	2019-10	SSA 2016-94	2016-94	2016-94
SSA 2019-11	2019-12	2019-11	SSA 2016-95	2016-95	2016-95
SSA 2019-12	2020-01	2019-12	SSA 2016-96	2016-96	2016-96
SSA 2020-01	2020-02	2020-01	SSA 2016-97	2016-97	2016-97
SSA 2020-02	2020-03	2020-02	SSA 2016-98	2016-98	2016-98
SSA 2020-03	2020-04	2020-03	SSA 2016-99	2016-99	2016-99
SSA 2020-04	2020-05	2020-04	SSA 2017-00	2017-00	2017-00
SSA 2020-05	2020-06	2020-05	SSA 2017-01	2017-01	2017-01
SSA 2020-06	2020-07	2020-06	SSA 2017-02	2017-02	2017-02
SSA 2020-07	2020-08	2020-07	SSA 2017-03	2017-03	2017-03
SSA 2020-08	2020-09	2020-08	SSA 2017-04	2017-04	2017-04
SSA 2020-09	2020-10	2020-09	SSA 2017-05	2017-05	2017-05
SSA 2020-10	2020-11	2020-10	SSA 2017-06	2017-06	2017-06
SSA 2020-11	2020-12	2020-11	SSA 2017-07	2017-07	2017-07
SSA 2020-12	2021-01	2020-12	SSA 2017-08	2017-08	2017-08
SSA 2021-01	2021-02	2021-01	SSA 2017-09	2017-09	2017-09
SSA 2021-02	2021-03	2021-02	SSA 2017-10	2017-10	2017-10
SSA 2021-03	2021-04	2021-03	SSA 2017-11	2017-11	2017-11
SSA 2021-04	2021-05	2021-04	SSA 2017-12	2017-12	2017-12
SSA 2021-05	2021-06	2021-05	SSA 2017-13	2017-13	2017-13
SSA 2021-06	2021-07	2021-06	SSA 2017-14	2017-14	2017-14
SSA 2021-07	2021-08	2021-07	SSA 2017-15	2017-15	2017-15
SSA 2021-08	2021-09	2021-08	SSA 2017-16	2017-16	2017-16
SSA 2021-09	2021-10	2021-09	SSA 2017-17	2017-17	2017-17
SSA 2021-10	2021-11	2021-10	SSA 2017-18	2017-18	2017-18
SSA 2021-11	2021-12	2021-11	SSA 2017-19	2017-19	2017-19
SSA 2021-12	2022-01	2021-12	SSA 2017-20	2017-20	2017-20



Updated: January 31, 2022  
By: City of West Melbourne  
Sources: Brevard County Planning Department  
City of West Melbourne Planning Department  
Document Name: FutureLandUse.mxd



DISCLAIMER:  
This map is not a survey and should not be used  
as a survey. Road right-of-ways are approximate.

# Horizon 2030 Adopted Future Land Use Map



## **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 from Complete Minutes**

#### **Norfolk Parkway, LLC (Bruce Moia)**

A change of zoning classification from GU (General Use) with a CUP (Conditional Use Permit) for Tower & Antenna to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of CUP for Tower & Antenna. The property is 17.5 acres, located on the north side of Norfolk Pkwy., approx. 1,200 ft. west of Minton Road. (Parcel 756 = 3545 Carriage Gate Dr.; Parcel 758 (part) = No assigned address. In the Melbourne area.) (Tax Accounts 2802674 & 2802676) (District 5)

Bruce Moia, MBV Engineering, stated the property was approved a year or so ago for the same thing being requested today. The previous developer decided to walk away from it and never executed the BDP, so the entire application was considered withdrawn. Since then, there is another developer who wants to do the same thing. He said he is before the board to ask for the same approval they already had for a different applicant. He stated the proposed use is an outdoor boat and RV storage facility on Norfolk Parkway, and there have been multiple community meetings where they were able to resolve all of the issues. He noted the conditions in the proposed BDP are the same conditions in the previous BDP that was never recorded.

No public comment

Ben Glover asked for confirmation that the proposed BDP reflects what was approved previously. Jeffrey Ball replied yes, the conditions in the previous BDP are reflected in this request for a new BDP.

Motion by Ben Glover, seconded by Ron Bartcher, to recommend approval of the change of zoning classification from GU with a CUP for Tower & Antenna to BU-2 and removal of CUP for Tower & Antenna, with a BDP. The motion passed unanimously, with David Bassford abstaining.