



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

12/3/2020

Subject:

Clarence Coomer requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AG to RES 1:2.5. (20PZ00080) (Tax Accounts 2001246 and 2001250) (District 1)

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 Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AG (Agriculture) to RES 1:2.5 (Residential 1:2.5)

Summary Explanation and Background:

The applicant is requesting to amend the FLU (Future Land Use) designation from AGRIC (Agricultural) to RES 1:2.5 (Residential 1:2.5) on two parcels totaling 3.56 acres located on the south side of Lloyd Street, approximately 0.42 mile west of Meadow Green Road. The subject property is currently undeveloped and has retained the FLU designation of AGRIC since the adoption of the FLU map in 1988. The applicant intends to combine the two subject parcels in order to place a mobile home on the property. The subject property has direct access to Lloyd Street.

The AGRIC FLU requires residential densities not to exceed one dwelling unit per five acres.

A companion rezoning application was submitted accompanying this FLU amendment request to change the zoning classification of the 3.56-acre subject property from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home).

The subject property and surrounding properties are within an approximately 25 square-mile area mostly designated as AGRIC. The closest residential FLU designation is Residential 1 located approximately 1,650 feet to the south of the subject property on a 1.17 acre parcel on Pine Needle Street (adopted in 2008 as FLUM amendment 08S.18). Additional RES 1 Future Land Use is located approximately 0.31 mile east of the subject property, on Meadow Green Road.

The Board may wish to consider Policy 1.1 and whether the request is consistent and compatible with the surrounding neighborhood given the fact of the surrounding future land use, the introduction of a new future land use, and whether the request meets the goal of the recommendations of the 2007 Mims Small Area

Study to preserve the “minimal development heritage” of this area.

The Board may also wish to consider the environmental constraints such as hydric soils and the presence of wetlands and floodplains on the subject parcel.

On November 23, 2020, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

When resolutions are received, please execute and return to Planning and Development.

Resolution 20Z00024

On motion by Commissioner Lober, seconded by Commissioner Zonka, the following resolution was adopted by a unanimous vote:

WHEREAS, Clarence Coomer has requested a change of zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home), on property described as Lots 4.01 and 4.05, Block 6, Indian River Park Subdivision, as recorded in ORB 8222, Page 1797, of the Public Records of Brevard County, Florida. **Section 15, Township 20G, Range 34.** (3.56 acres) Located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU to RRMH-2.5 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 3, 2020.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on December 3, 2020.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 9, 2020

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 4, 2020

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-23, which was filed in this office on December 4, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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

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

December 4, 2020

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.9., Clarence Coomer Request Small Scale Comprehensive Plan Amendment (20S.07)

The Board of County Commissioners, in regular session on December 3, 2020, conducted the public hearing and adopted Ordinance No. 20-23, setting forth the seventh Small Scale Amendment 20S.07 of the Comprehensive Plan to change the Future Land Use designation from Agriculture to Residential 1:2.5 4 for Clarence Coomer (20PZ00080). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

ORDINANCE NO. 20- 23

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2020, 20S.07, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2020 as Plan Amendment 20S.07; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 20S.07; and

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and
Officially filed with the Secretary of State on December 4, 2020.

WHEREAS, on November 23, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 3, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 20S.07; and

WHEREAS, Plan Amendment 20S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.07 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 20S.07 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 20S.07, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

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

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

DONE AND ADOPTED in regular session, this 3 day of December, 2020.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

As approved by the Board on Dec . 3, 2020.

EXHIBIT A
20S.07 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

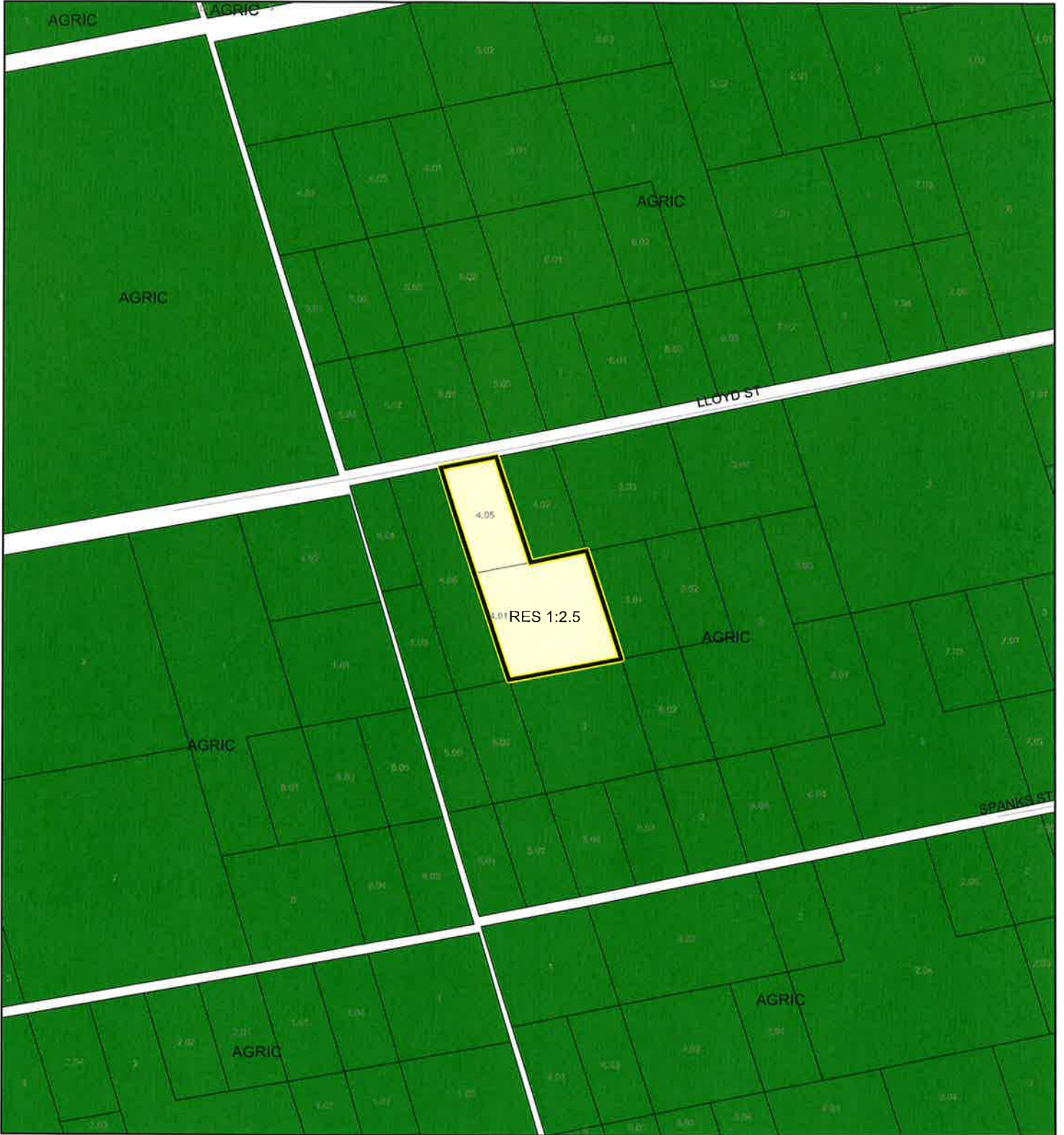
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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

Produced by BoCC - GIS Date: 8/14/2020

EXHIBIT B

Contents

1. Legal Description

AD#4450606 11/5/2020

PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, NOVEMBER 23, 2020, and THURSDAY, DECEMBER 3, 2020 DISTRICT 1 1. (20PZ00080) CLARENCE COOMER - requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AG (Agriculture) to RES 1:2.5 (Residential 1:2.5), on property described as Lots 4.01 and 4.05, Block 6, Indian River Park Subdivision, as recorded in ORB 8222, Page 1797, of the Public Records of Brevard County, Florida. Section 15, Township 20G, Range 34. (3.56 acres) Located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.07: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 2. (20Z00024) CLARENCE COOMER - requests a change of zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home), on property described as Lots 4.01 and 4.05, Block 6, Indian River Park Subdivision, as recorded in ORB 8222, Page 1797, of the Public Records of Brevard County, Florida. Section 15, Township 20G, Range 34. (3.56 acres) Located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) DISTRICT 1 3. (20PZ00088) 4725 FAY BLVD LAND TRUST (Carmin Ferraro) requests a Small Scale Comprehensive Plan Amendment, 205.10: to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Lot 12, Block 81, Port St. John Unit Three, less and except the east 45 feet, as recorded in Plat Book 22, Pages 25 - 35, of the Public Records of Brevard County, Florida, less and except ORB 7510, Page 2546 - 2549, of the Public Records of Brevard County, Florida. Section 23, Township 23, Range 35. (1.59 acres) Located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.10: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County,

entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 4. (20Z00031) 4725 FAY BLVD LAND TRUST (Carmin Ferraro) requests a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) with a BDP (Binding Development Plan) to BU-1 (General Retail Commercial) and an amendment to existing BDP, on property described as Lot 12, Block 81, Port St. John Unit Three, less and except the east 45 feet, as recorded in Plat Book 22, Pages 25 - 35, of the Public Records of Brevard County, Florida, less and except ORB 7510, Page 2546 - 2549, of the Public Records of Brevard County, Florida. Section 23, Township 23, Range 35. (1.59 acres) Located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John). Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, NOVEMBER 23, 2020, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, DECEMBER 3, 2020, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 833-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director, By: Jennifer Jones, Special Projects Coordinator.



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

205.07

**Application for Zoning Action, Comprehensive Plan Amendment, or
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20PZ00080

Existing FLU: Agriculture Existing Zoning: GU

Proposed FLU: Res 1:2.5 Proposed Zoning: _____

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

Clarence Coomer
Name(s) Company
1600 Garden St. Appt 36 Tinsville FL 32796
Street City State Zip Code
321-890-7482
Matt Coomer 1966@yahoo.com
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other _____

Name(s) Company

Street City State Zip Code

Email Phone Cell

APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☒ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element _____
- ☐ Other Amendment (CP): _____
- ☐ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Other Action: _____

Acreage of Request: 3.56

Reason for Request: Change FLU from Agriculture
To Residential 1/2.5

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]
Signature of Property Owner or
Authorized Representative

16 July 2020
Date

State of Florida

County of Brevard

Subscribed and sworn to me before me this 16 day of, July, 2020,
personally appeared Clarence Coomer, who is personally known to me or
produced FL DL as identification, and who did / did not take an oath.

[Signature]
Notary Public Signature

Seal



Marilla Andrews
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG317450
Expires 3/28/2023

Office Use Only:

Accela No. 20P200080 Fee: 319.00 Date Filed: 7/16/20 District No. 1

Tax Account No. (list all that apply) 2001250 + 2001246

Parcel I.D. No.

205 34 15 AI 6 4.01 + 4.05
Twp Rng Sec Sub Block Lot/Parcel

Planner: GCR Sign Issued by: _____ Notification Radius: 500'

MEETINGS

DATE

TIME

☐ P&Z

☐ PSJ Board

☐ NMI Board

☒ LPA

☐ BOA

☒ BCC

Nov 9
Oct 5, 2020

3pm

Dec 3
Nov 5, 2020

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials _____

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes

☒ No

If yes, list _____

Location of subject property:

on south side of Lloyd St, 2,190 feet west of Meadow
Green Road

Description of Request:

Change FLUA from Agriculture (1:5) to Res 1:2.5

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Certified Survey ⁸	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	*Additional Documentation	Fees
	✓																
Staff to check indicating receipt	✓																✓
Comprehensive Plan Amendment ⁶	1	X	1	2	1	1		1			1					*	Y
Zoning request	1	1	1	1	1 ⁸	1	1	1	1			1					Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional Information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.



Planning & Development

Central Cashier

2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 8/11/2020

Receipt #: 574898

Transaction Id#

Payment Method	Payment Reference #	Amount Paid	Comments
Cash		\$1,219.00	
		\$1,219.00	Total
FL			
PZ Miscellaneous Fees		\$1,219.00	
20PZ00080			
Fee	Invoice #	Amount	
Comprehensive Plan	675395	\$919.00	
NRMO	675395	\$300.00	
			Grand Total
			\$1,219.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev

P (321) 633-2068 F (321) 633-2052

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



1. Type of Application:

- ☒ Small-scale Comprehensive Plan Future Land Use Map Amendment
- ☐ Large-scale Future Land Use Map Amendment
- ☐ Comprehensive Plan Text Amendment
- Plan Element(s) of Text Amendment request: _____

2. Applicant: Clarence Corner **Staff Planner:** GCN

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: Agcent tree

Requested Future Land Use Designation: RES 1:2.5

Existing Zoning: GU

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

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

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

Combining lots so I can place
mobile home on 2.5 for 1

(use additional sheets if necessary)

CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

PUBLIC HEARING APPLICATION FEES	BASE FEE	ACREAGE FEE	UNIT FEE	SUB-TOTAL
REZONING				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00*	(-5) x 24**		
Single-Family Residential	849.00*	(-5) x 24**		
Single-Family Mobile Home	849.00*	(-5) x 24**		
Commercial/Planned Commercial	1,184.00	() x 24		
Tourist Commercial	1,855.00	() x 45		
Industrial/Planned Industrial	1,855.00	() x 45		
Planned Unit Development	5,661.00	() x 45		
Single-Family Attached Residential	960.00		() x 24	
Multiple-Family Residential	960.00		() x 24	
Recreational Vehicle Park	1,408.00		() x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00		() x 24	
CUP'S OR ROU APPLICATIONS				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
OTHER APPLICATION FEES				
Consultant fee Retainer per Tower Application	6,934.00			
Transfer of Development Rights	1,520.00			
Comprehensive Plan Appeals (Vested Rights)				
One (5.0 acres or less) Single-family residential	433.00			
All other Appeals	1,733.00			
Variance/Appeals of Administrative Interpretation				
Base Fee	598.00			
Fee for each additional request	182.00			
Special Hearing Fee for P & Z / LPA	3,692.00			
Special Hearing Fee for BOA	1,872.00			
All Other Unlisted Zoning Applications	849.00			
Miscellaneous				
COMPREHENSIVE PLAN AMENDMENTS				
Small Scale Amendment	919.00			919.00
Large Scale Amendment	1,785.00	\$43 per acre		
Maximum Fee on a Single Application	17,334.00			
FEES COLLECTED FOR ADMINISTRATIVE ACTIONS				
Office of Natural Resources zoning review (if applicable)	300.00			300.00
flag lot &/or easement review	300.00			
Land Development PUD review	100.00			
flag lot &/or easement review	150.00			
Address Assignment review of flag lot &/or easement	100.00			
Zoning fee	277.00			
BASE FEE ADJUSTMENTS				
* If area for these requests have the potential for only one more lot, the fee is	288.00			
** Maximum acreage fees for these requests shall be	2,240.00			
*** Maximum Planned Unit Development Fee shall be	13,432.00			
**** Maximum fee for all other zoning requests shall be	8,955.00			
				SUB-TOTAL *** / ****
				1219.00
				TOTAL

ACCELA FEE SHEET

Fee Schedule: Zoning
Version: Version 1

Payment Period	Priority	Subgroup	Fee Code	Fee Item	Quantity
FINAL			PZ300	Zoning/Variance	
FINAL			PZ310	Comprehensive Plan	919.00
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	Natural Resources	300.00
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application / Consultant Fee	
FINAL			PZ370	Land Development PUD Review	

~~919.00~~
1,219.00

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.

Warranty Deed

This Indenture, made, July 22, 2018 A.D.

Between

Tropical Group Investments Three, LLC whose post office address is: 941 NW 45th Avenue, Coconut Creek, Florida 33066 a limited liability company existing under the laws of the State of Florida, Grantor and Charease Coomer, a single man whose post office address is: 1600 Garden Street #36, Titusville, Florida 32796, Grantee,

SIGNATURE

Witnesseth, that the said Grantor, for and in consideration of the sum of \$14,000., to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Brevard, State of Florida, to wit:

SE 1/4 of Tract 4, Block 6, Section 15, Township 20 South, Range 34 East, according to the plat of Indian River Park, a subdivision according to the plat thereof recorded at Plat Book 2, Page 33, in the Public Records of Brevard County, Florida.

and

The West 1/2 of the NE 1/4 of Tract 4, Block 6, Section 15, Township 20 South, Range 34 East, according to the plat of Indian River Park, a subdivision according to the plat thereof recorded in Plat Book 2, Page 33, of the Public Records of Brevard County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

THIS IS VACANT LAND.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Tropical Group Investments Three, LLC

By:

David E. Anderson
Its Manager

Signed and Sealed in Our Presence:

Robina Davidian
Witness Print Name

OCTAVIO ROSKEN
Witness Print Name

State of

FLORIDA

County of

BREVARD

The foregoing instrument was acknowledged before me this July 22, 2018, by David E. Anderson, the Manager of Tropical Group Investments Three, LLC A limited liability company existing under the laws of the State of Florida, on behalf of the company.

He/She is personally known to me or has produced a driver's license as identification.

Notary Public

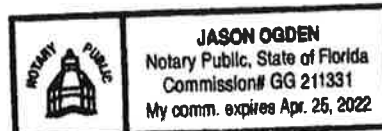
Notary Printed Name:

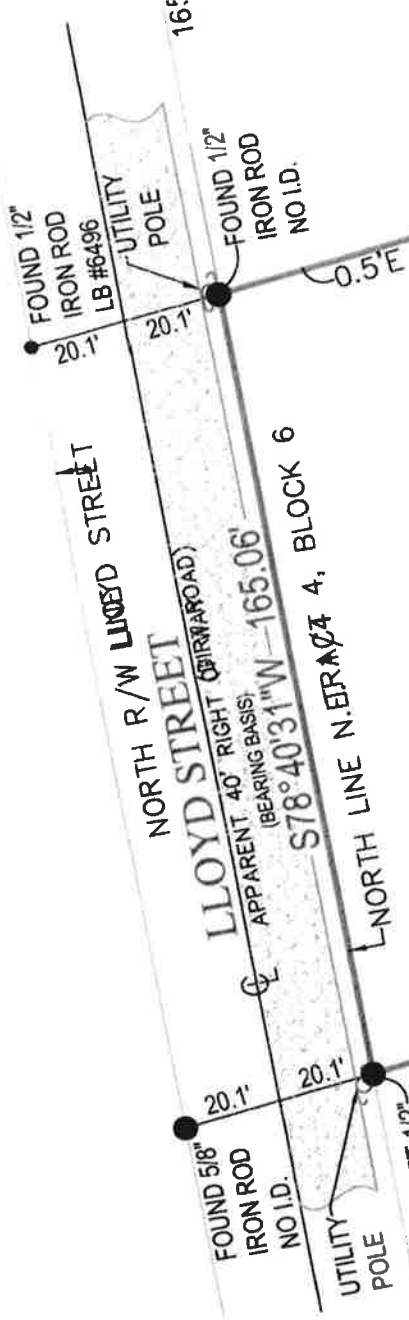
My Commission Expires:

APR 25, 2022

(Seal)

Prepared by:
Adeline B. Cabanillas, an employee of
State Title Partners LLP,
300 West Poe Avenue Suite B
Melbourne, Florida 32901
File Number: STP-26513





EAST LINE OF THE WEST 1/2 OF N.E. 1/4 TRACT 4, BLOCK 6

PORTION OF THE NORTHEAST 1/4 TRACT 4, BLOCK 6 (INCLUDED)

VACANT

WEST LINE N.E. 1/4 TRACT 4, BLOCK 6

NORTHWEST 1/4 TRACT 4, BLOCK 6

N17°00'00"W 314.5



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2001246
Owners Coomer, Clarence
Mailing Address 1600 Garden St, Apt 36 Titusville FL 32796
Site Address Not Assigned
Parcel ID 20G-34-15-AI-6-4.01
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1300 - Unincorp District 1
Total Acres 2.33
Subdivision Indian River Park
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0002/0033
Land Description Indian River Park SE 1/4 Of Tract 4 Blk 6

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$3,030	\$3,030	\$3,030
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$3,030	\$3,030	\$3,030
Assessed Value School	\$3,030	\$3,030	\$3,030
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$3,030	\$3,030	\$3,030
Taxable Value School	\$3,030	\$3,030	\$3,030

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/22/2018	\$14,000	WD	Vacant	8222/1797
04/27/2006	\$18,000	WD	Vacant	5637/6545
01/03/2006	\$1,000	WD	Vacant	5589/8332
12/21/2005	\$1,000	WD	Vacant	5589/8331
12/09/1976	\$4,500	WD	--	1697/0635

No Data Found



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2001250
Owners Coomer, Clarence
Mailing Address 1600 Garden St, Apt 36 Titusville FL 32796
Site Address Not Assigned
Parcel ID 20G-34-15-AI-6-4.05
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1300 - Unincorp District 1
Total Acres 1.23
Subdivision Indian River Park
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0002/0033
Land Description Indian River Park W 1/2 Of NE 1/4 Of Tract 4 Blk 6 As
Des IN Orb 2653 Pg 148

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$12,920	\$9,840	\$8,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$12,920	\$7,740	\$7,040
Assessed Value School	\$12,920	\$9,840	\$8,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$12,920	\$7,740	\$7,040
Taxable Value School	\$12,920	\$9,840	\$8,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/22/2018	\$14,000	WD	Vacant	8222/1797
01/31/2006	\$65,000	WD	Vacant	5604/7655
10/03/2005	\$5,000	WD	Vacant	5554/0152
10/30/1993	—	QC	Vacant	3345/1887
12/02/1985	\$6,000	WD	—	2653/0148

No Data Found

[illegible]

Section



ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

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

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 20S.07 (20PZ00080)
Township 20G, Range 34, Section 15

Property Information

Owner / Applicant: **Clarence Coomer**

Adopted Future Land Use Map Designation: Agricultural (AGRIC)

Requested Future Land Use Map Designation: Residential 1:2.5 (RES 1:2.5)

Acreage: 3.56 acres

Tax Account #: 2001250 and 2001246

Site Location: South side of Lloyd Street, approximately two thousand two hundred feet (2,200') west of Meadow Green Road

District: One (1)

Current Zoning: General Use (GU)

Requested Zoning: Rural Residential Mobile Home (RRMH-2.5) (20Z00024)

Background & Purpose

The applicant is requesting to amend the Future Land Use (FLU) designation from Agricultural (AGRIC) to Residential 1:2.5 (RES 1:2.5) on two (2) parcels totaling 3.56 acres located on the south side of Lloyd Street, approximately two thousand two hundred feet (2,200') west of Meadow Green Road. The subject property is currently undeveloped and has retained the FLU designation of AGRIC since the adoption of the FLU map in 1988. The applicant intends to combine the two (2) subject parcels (1.23 acres and 2.33 acres) so that a mobile home may be placed on the property. The subject property has direct access to Lloyd Street.

Agricultural Land Use (AGRIC) requires residential densities not to exceed one dwelling unit per five (5) acres.

A companion rezoning application (20Z00024) was submitted accompanying this FLU amendment request to change the Zoning classification of the 3.56 acre subject property from General Use (GU) to Rural Residential Mobile Home (RRMH-2.5).

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public water or sewer. The closest available Brevard County potable water line is approximately three (3) miles southeast of the subject property. No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Across Lloyd Street - Vacant Land and One (1) Single-Family Residence	GU, RRMH-1	AGRIC
South	Vacant Land	GU	AGRIC
East	One (1) Single-Family Residence	RR-1	AGRIC
West	Vacant Land	GU	AGRIC

To the north of the subject property (across Lloyd Street) is vacant land and one (1) single-family residence; to the south is vacant land; to the east is one (1) single-family residence; and to the west is vacant land.

The subject property and surrounding properties are within an approximately 25 square mile area mostly designated as Agricultural (AGRIC) Future Land Use. The closest residential Future Land Use designation is Residential 1 (RES 1) located approximately 1,650 feet to the south of the subject property on a 1.17 acre parcel on Pine Needle Street (adopted in 2008 as FLUM amendment 08S.18). Additional RES 1 Future Land Use is located approximately 2,224 feet east of the subject property on Meadow Green Road.

Environmental Resources

Preliminary review of mapped resources indicates seven (7) noteworthy land use issues:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

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

Historic Resources

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

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Future Land Use Element – Policies/Analysis:

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:

- 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;

This area is characterized by large lot GU zoned properties with scattered nodes of mobile home development zoned RRMH-1 and RRMH-5. Underlying this area is a 1914 plat initially recording 10-acre tract/lot sizes that have been further divided to mostly 1.25-acre lots. Upon adoption of the Comprehensive Plan in September 1988, these lots became legally non-conforming but remain developable, provided they are not further subdivided. Platted lots that had been subdivided prior to the adoption of the Comprehensive Plan in 1988 were also considered legally nonconforming. Such is the case with the 1+ acre RRMH-1 zoned properties lying to the north of the subject property, across Lloyd Street.

The property that is the subject of this Comprehensive Plan amendment does not have a legal nonconforming status in that it was created subsequent to the adoption of the Comprehensive Plan in 1988. Therefore, a Future Land Use Map amendment from Agricultural to Residential 1:2.5 (along with a rezoning to RRMH-2.5) is required for development of this

property. Granting this request would introduce RES 1:2.5 into the area, as the closest RES 1:2.5 is approximately one (1) mile away, east of I-95.

Residential Land Use Designations

Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;

Portions of the subject property are mapped as containing National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Please refer to attached comments provided by the Natural Resources Management Department.

- B. Land use compatibility pursuant to Administrative Policy 3;

While the area has retained Agricultural land use designation since the adoption of the Future Land Use Map in 1988, there is a pattern of residential land use in portions of this area as many single family platted parcels were created prior to 1988. A number of non-conforming lots of record in the area have been developed as residential.

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element; Character of the general area, pursuant to Administrative Policy 4;

The parcel is not serviced by public water or sewer. The closest available Brevard County potable water line is approximately three (3) miles southeast of the subject property. Policy 1.2.F of the Future Land Use Element states that the County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

- D. Character of the general area, pursuant to Administrative Policy 4;

The developed character of the surrounding area is a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres zoned GU, AU, RRMH-5, RR-1 and RRMH-1. The subject parcel and the surrounding area have a Future Land Use (FLU) designation of Agriculture. The developed neighboring lots zoned RR-1, RRMH-1 and AU were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

The subject parcel is located within the study area boundaries of the 2007 Mims Small Area Study. Recommendations resulting from the Study suggested preserving the area's "minimal development heritage" in the large Agricultural FLU property in the northwest part of the study area (Recommendation 5.1).

Residential 1:2.5 (RES 1:2.5) establishes the lowest density of all the residential future land use designations and is required to allow development of these lots. (along with a rezoning to RRMH-2.5).

Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

Policy 1.10

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or

The subject property is surrounded by approximately 25 square miles of Agricultural Future Land Use comprised of a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres. The developed neighboring lots were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.

This request can be considered a bridge between the existing Agriculture FLUM and smaller substandard lots which are not determined to be non-conforming lots of record. The proposed RES 1:2.5 Future Land Use designation is required for development with the proposed RRMH-2.5 zoning (20Z00024).

For Board Consideration

The Board may wish to consider Policy 1.1 and whether the request is consistent and compatible with the surrounding neighborhood given the fact of the surrounding future land use, the introduction of a new future land use, and whether the request meets the goal of the recommendations of the 2007 Mims Small Area Study to preserve the “minimal development heritage” of this area.

The Board may also wish to consider the environmental constraints such as hydric soils and the presence of wetlands and floodplains on the subject parcel.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 20PZ00080**

Applicant: Clarence Coomer

FLU: AU to RES 1:2.5

Note: Applicant wants a mobile home.

P&Z Hearing Date: 11/09/20; **BCC Hearing Date:** 12/03/20

Tax ID Nos: 2001250 & 2001246

- 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:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. 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.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), SJRWMD (Wetland Mixed Forest), and hydric soils (Samsula muck-frequently ponded and St. Johns sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5)

acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Section 65-3694(c)(1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland delineation will be required prior to any land clearing activities.

Aquifer Recharge Soils

St. Johns sand also functions as aquifer recharge soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

The entire property is mapped as being within an isolated floodplain as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of one third (1/3) acre in size, that would provide an upland buildable area within an isolated floodplain. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

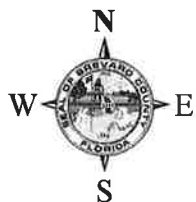
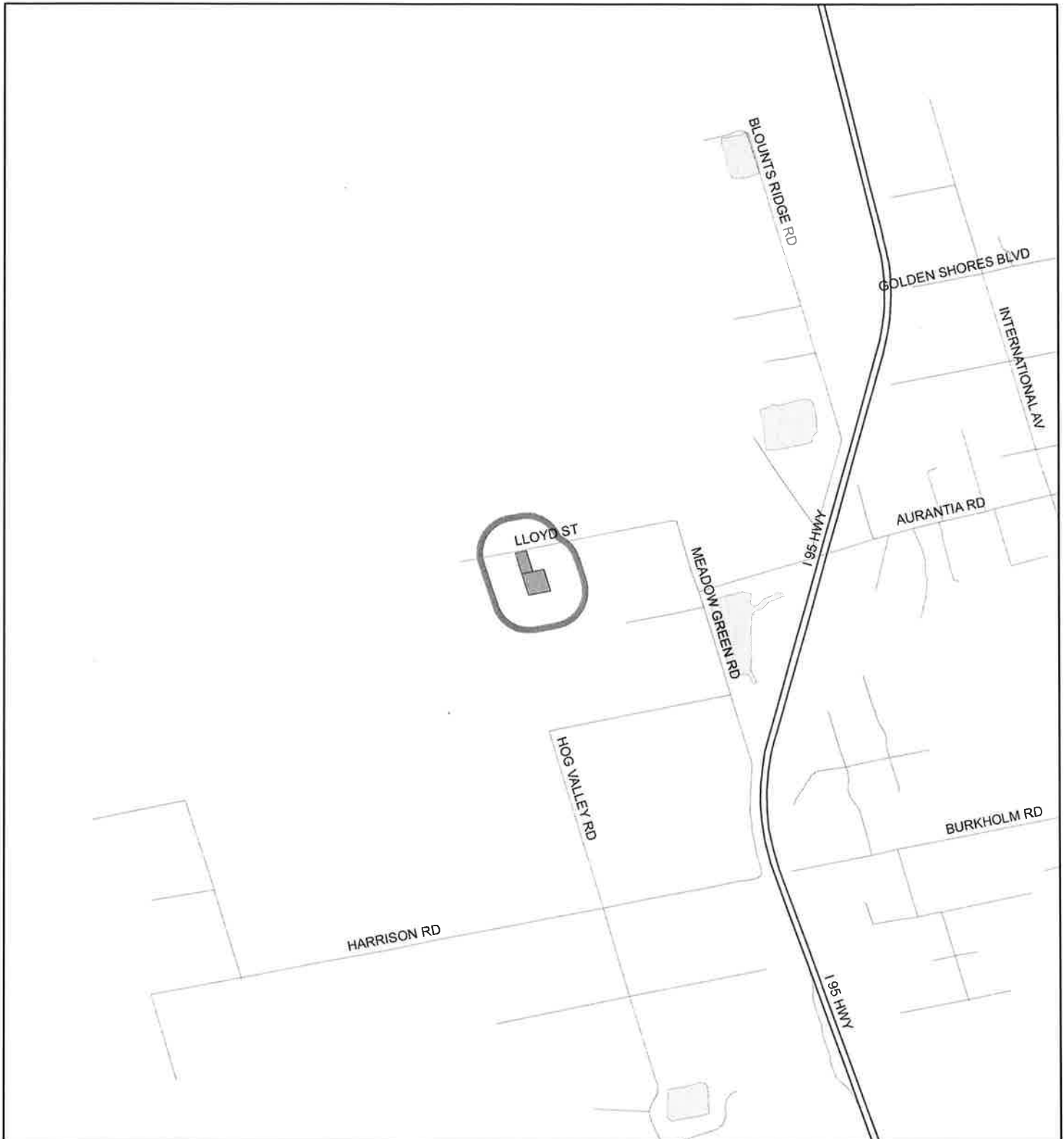
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen 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.

LOCATION MAP

COOMER, CLARENCE
20PZ00080 SMALL SCALE AMENDMENT 20S.07



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.

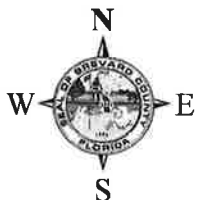
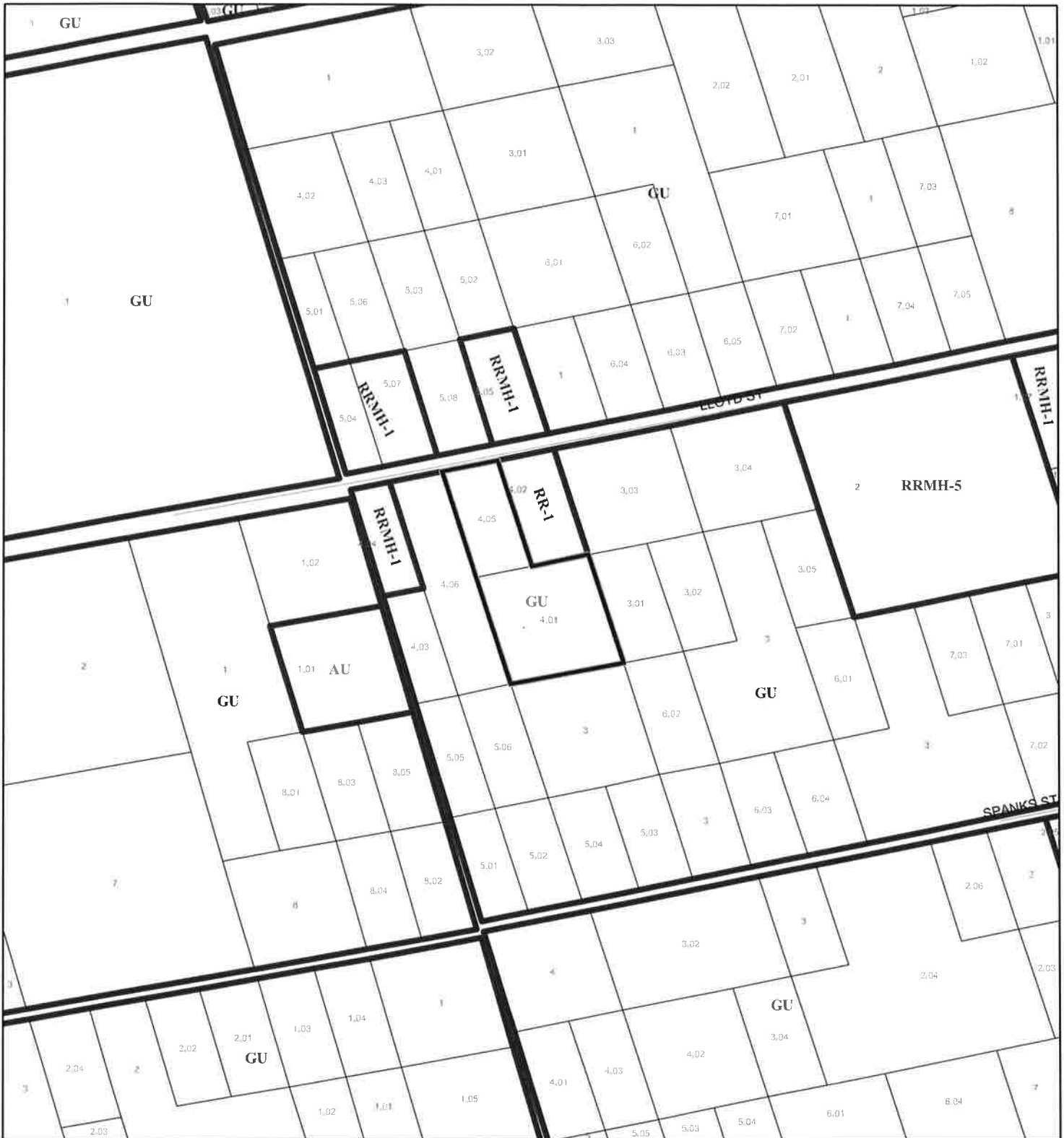
Produced by BoCC - GIS Date: 8/14/2020

— Buffer
■ Subject Property

ZONING MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/14/2020

 Subject Property

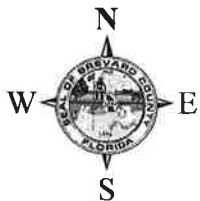
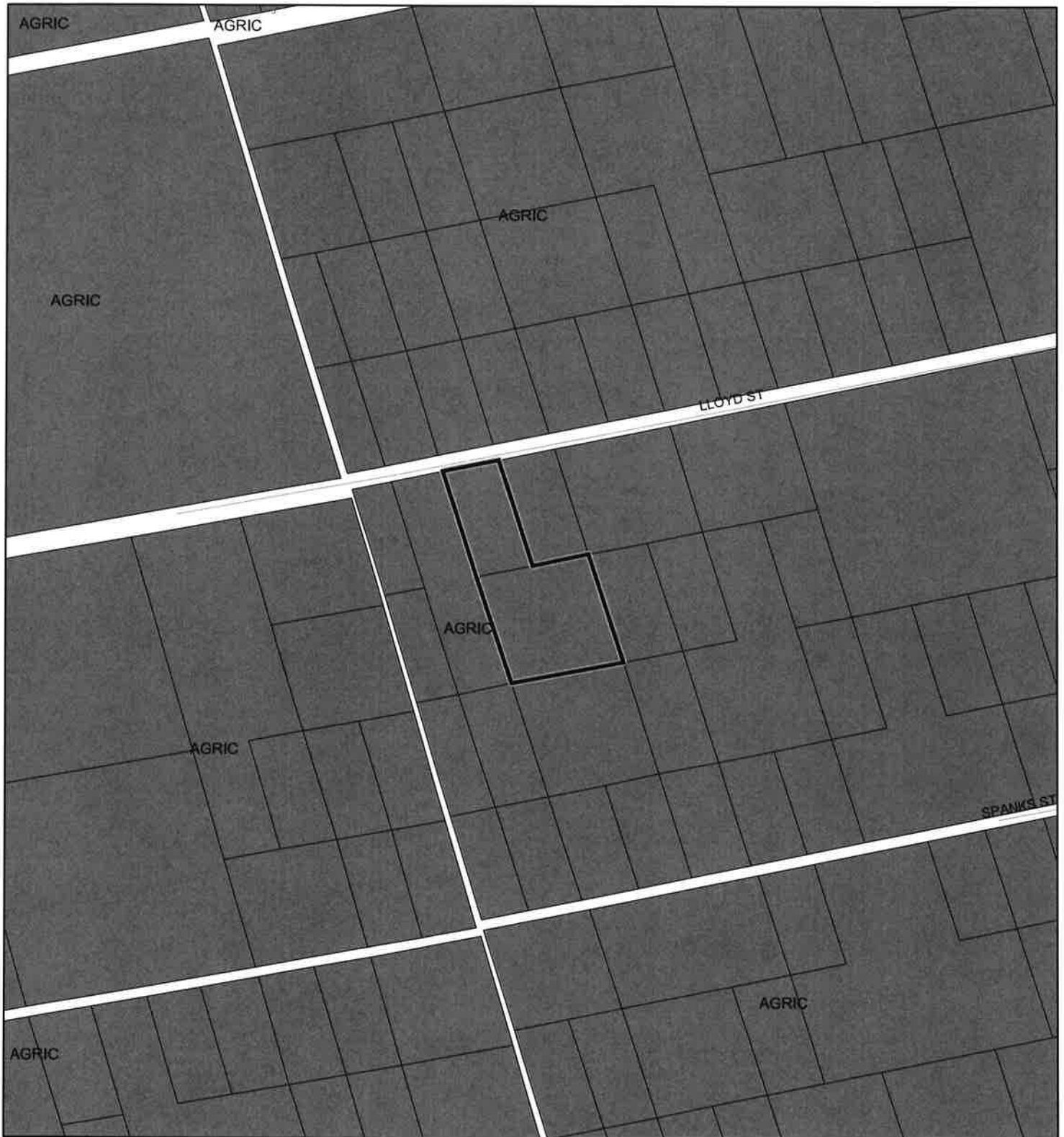
 Parcels

 Zoning



FUTURE LAND USE MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

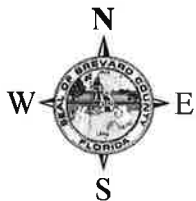
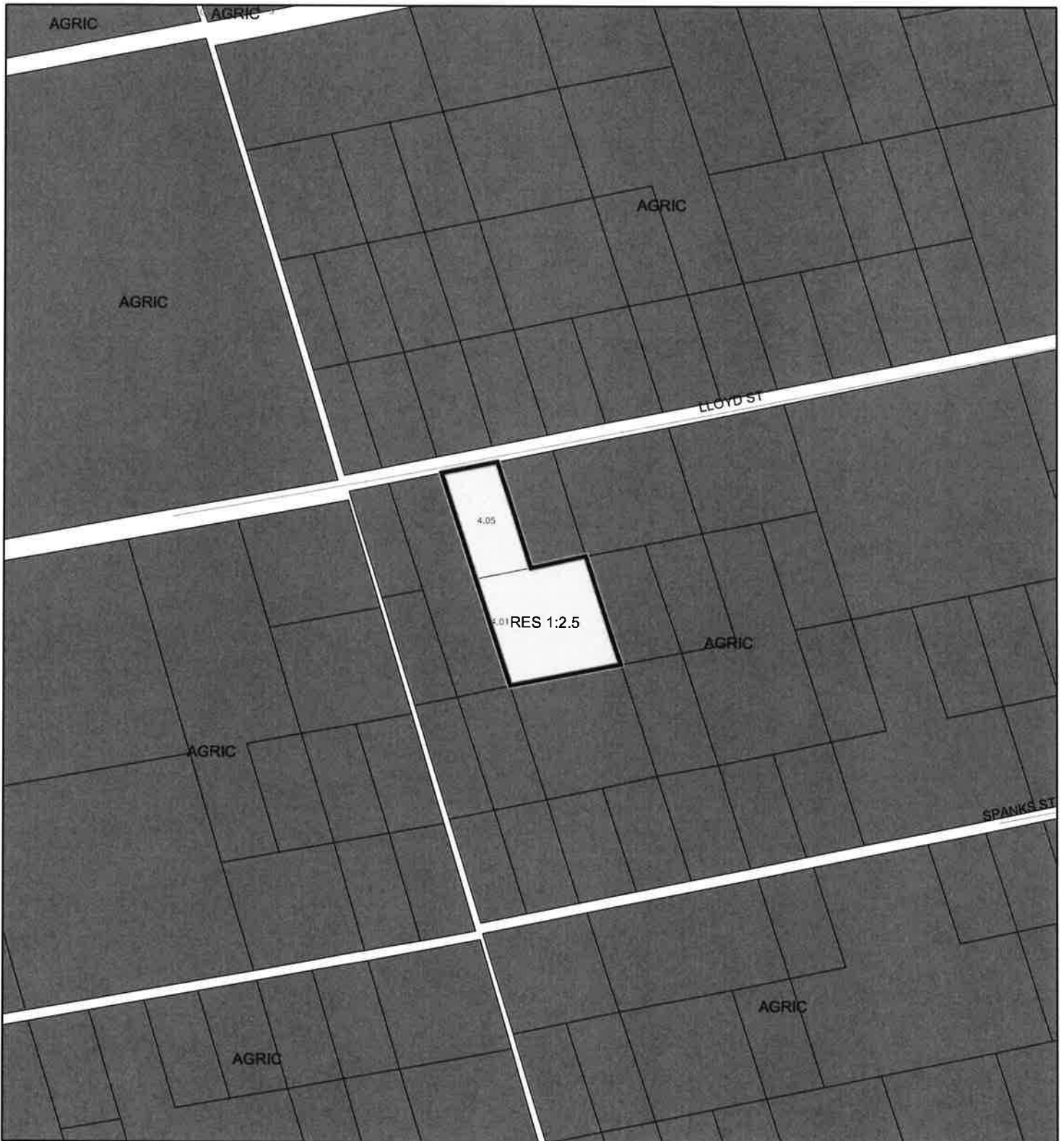
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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PROPOSED FUTURE LAND USE MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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AERIAL MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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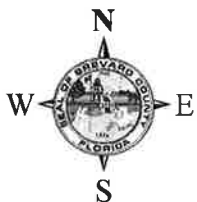
Produced by BoCC - GIS Date: 8/14/2020

— Subject Property
□ Parcels

NWI WETLANDS MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/14/2020

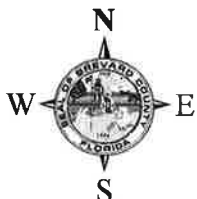
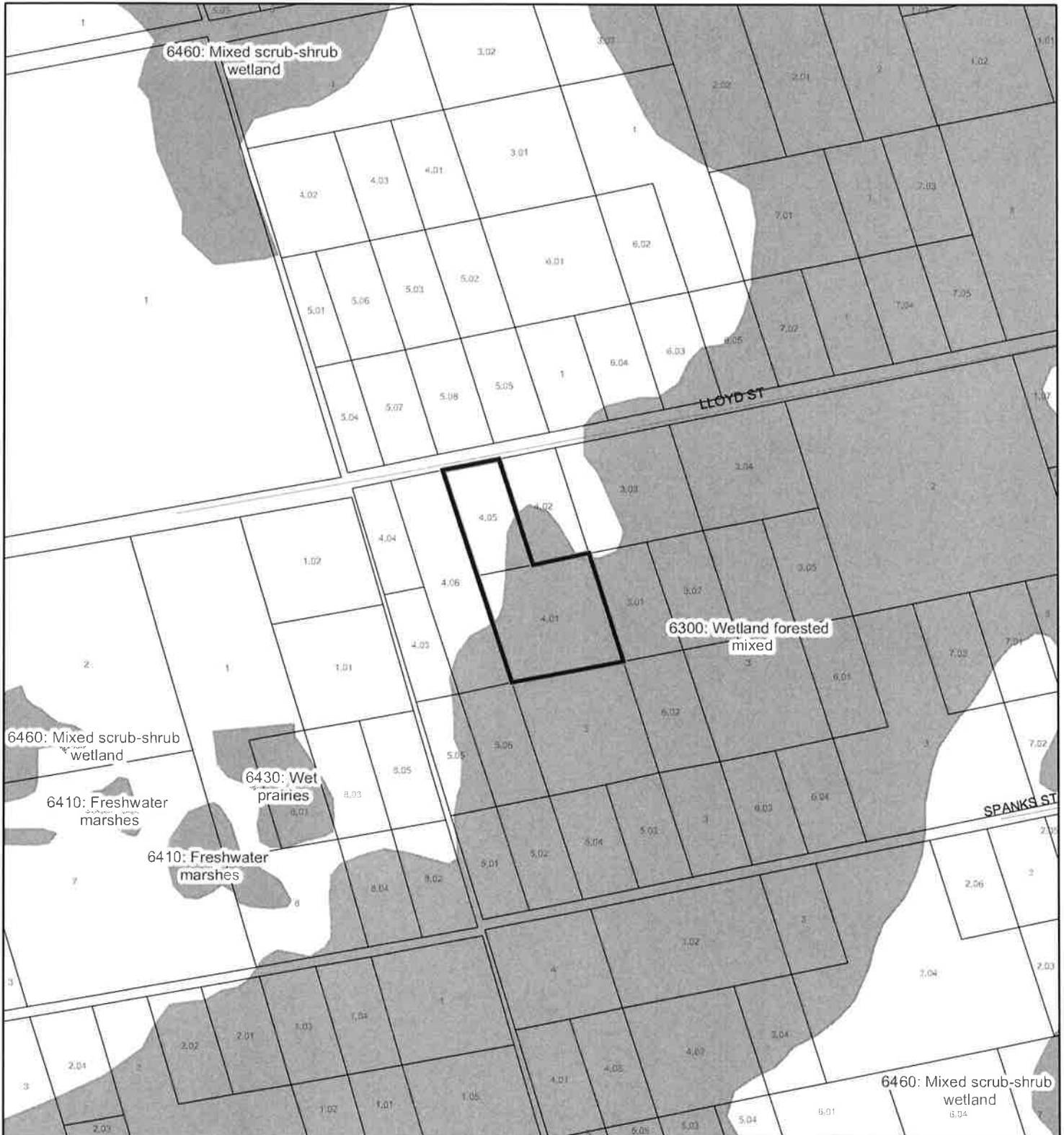
National Wetlands Inventory (NWI)

	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

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/14/2020

SJRWMD FLUCCS WETLANDS

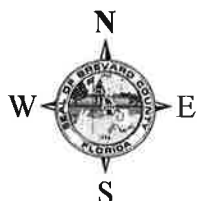
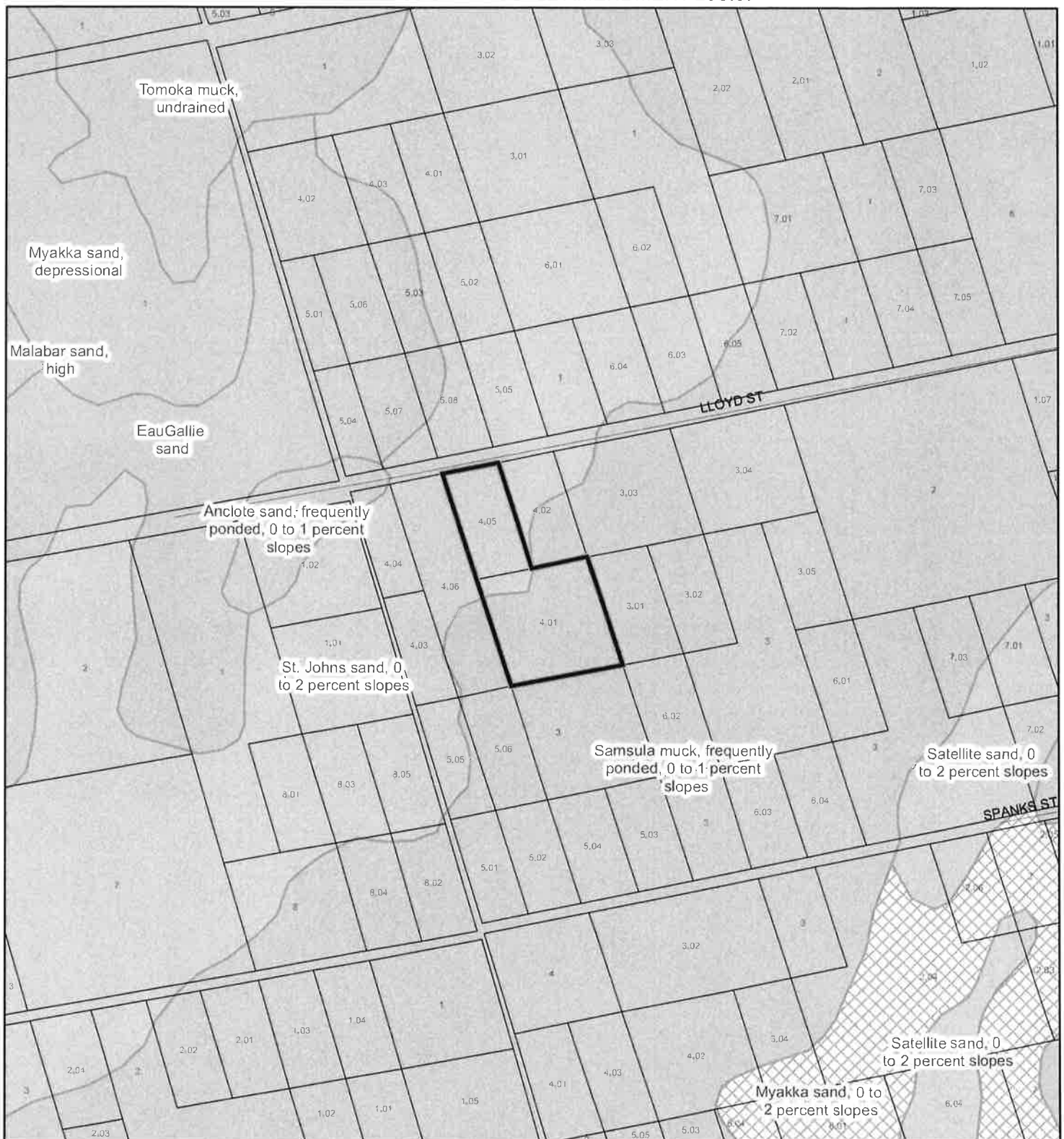
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property  Parcels

USDA SCSSS SOILS MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07

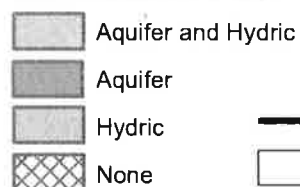


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/14/2020

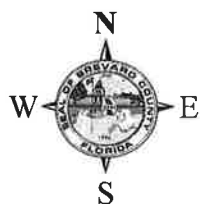
USDA SCSSS Soils















— Subject Property

□ Parcels

20PZ00080 SMALL SCALE AMENDMENT 20S.07



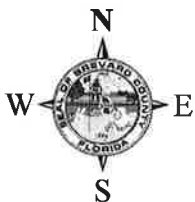
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

 A
  AO
  X
 AE
  Open Water
  X Protected
 AH
  VE
 By Levee
 0.2 Percent Annual Chance Flood Hazard
 0.2 Percent Annual Chance Flood Hazard
 Contained in Channel
 Subject Property
 Parcels

COASTAL HIGH HAZARD AREA MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



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Produced by BoCC - GIS Date: 8/14/2020

— Subject Property

□ Parcels

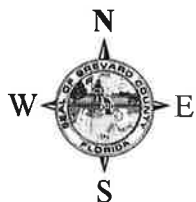
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/14/2020

 Subject Property

 Parcels

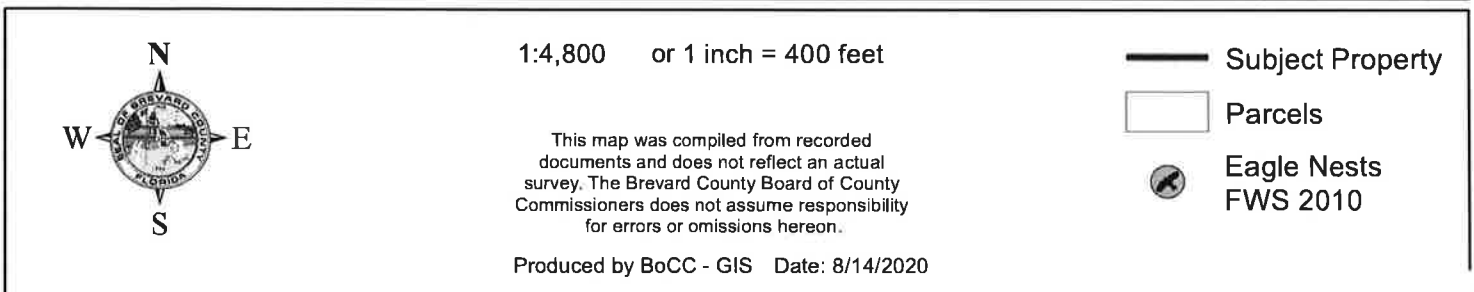
Septic Overlay

 40 Meters

 60 Meters

 All Distances

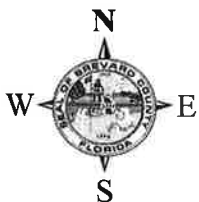
COOMER, CLARENCE
20PZ00080 SMALL SCALE AMENDMENT 20S.07



SCRUB JAY OCCUPANCY MAP

COOMER, CLARENCE




20PZ00080 SMALL SCALE AMENDMENT 20S.07



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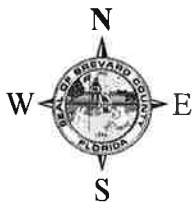
Produced by BoCC - GIS Date: 8/14/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07




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Produced by BoCC - GIS Date: 8/14/2020

SJRWMD FLUCCS Upland Forests

-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property

 Parcels

ORDINANCE NO. 20- ____

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2020, 20S.07, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2020 as Plan Amendment 20S.07; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 20S.07; and

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

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

WHEREAS, on November 23, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 3, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 20S.07; and

WHEREAS, Plan Amendment 20S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.07 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 20S.07 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 20S.07, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

EXHIBIT A
20S.07 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

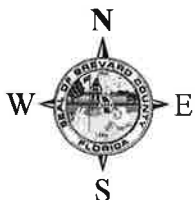
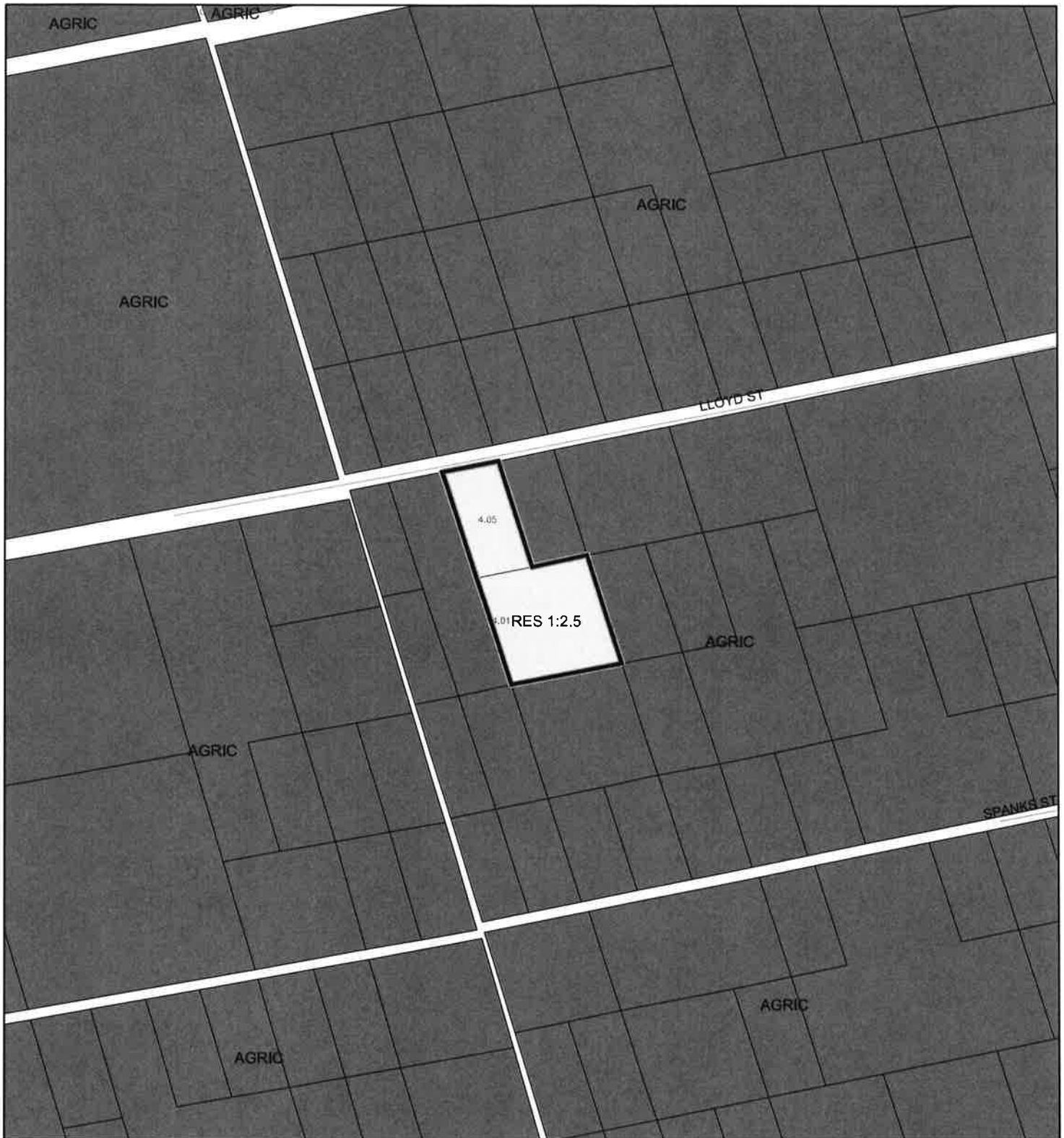
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

COOMER, CLARENCE

20PZ00080 SMALL SCALE AMENDMENT 20S.07



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 8/14/2020

EXHIBIT B

Contents

1. Legal Description

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, November 23, 2020, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Joe Buchanan.

Staff members present were: Amanda Elmore, Interim Planning and Development Director; Cheryl Campbell, Comprehensive Planner; Abigail Jorandby, Assistant County Attorney; and Michelle Adams, Administrative Secretary.

Excerpt of Complete Minutes

1. Clarence Coomer

A Small Scale Plan Amendment to change the Future Land Use designation from AG (Agriculture) to RES 1:2.5 (Residential 1:2.5). The property is 3.56 acres, located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) (20PZ00080) (Tax Accounts 2001246 and 2001250) (District 1)

Clarence Coomer, 1600 Garden Street, Titusville, stated he would like to rezone from Agriculture to Residential so he can place a house or a trailer on the property.

No public comment.

Ron Bartcher stated the back of the property looks to be mostly wetlands, and asked if Mr. Coomer has had an environmental survey done to determine where they are. Mr. Coomer replied he had a survey done, but it didn't include that portion of the property. He said he has walked the property numerous times and there is a portion close to the road that never gets wet, and that portion is viable to build on and there will be plenty of space.

Ron Bartcher asked if he had any plans to do any development on the wetlands area. Mr. Coomer replied maybe horses, and stated he would like to retire on the property and wouldn't want to ruin what is there because there is a lot of wildlife.

Peter Filiberto asked staff if Mr. Coomer is currently able to put a house or trailer on the property.

George Ritchie replied the zoning is not non-conforming, it's substandard and doesn't meet the minimum size requirement when the lot was created, so he would need to rezone to a different zoning classification to be able to use the property.

Motion by Ben Glover, seconded by Joe Buchanan, to approve the Small Scale Plan Amendment to change the Future Land Use designation from AG to RES 1:2.5. The motion passed unanimously.