



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

12/7/2023

Subject:

Paulk Family Trust requests a change of zoning classification from AU to SR. (23Z00063) (Tax Account 2100923) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential).

Summary Explanation and Background:

The applicants are requesting to change the zoning classification from AU to SR on 0.75 acres to meet the minimum zoning requirement for SR zoning and to construct a single-family residence. Currently, the lot is not consistent with the Residential 1 Future Land Use designation nor the AU zoning lot size requirements. Companion application 23SS00019, if approved, would amend the Future Land Use Map from Residential 1 to Residential 2.

The proposed SR zoning classification permits single-family residences on minimum half-acre lots, with a minimum width of 100 feet and a depth of 150 feet, and a minimum house size of 1,300 square feet.

After March 6, 1975, AU zoning lot size requirements changed from 1 acre to 2.5 acres. The subject property's current configuration was recorded in O.R. Book 2577, Page 2889 in 1985 requiring a minimum lot size of 2.5 acres.

To the north are 2 parcels; a 0.5-acre parcel developed as un-platted single-family residential, and a 0.25-acre un-platted vacant parcel, both zoned AU. To the east are 3 un-platted parcels, two of which are flag lots of 1.51 acres each, and one 1.02-acre parcel, all developed as single-family residential with RR-1 zoning. To the south is a 1.75-acre un-platted vacant parcel zoned AU. To the west is a 3.76-acre un-platted parcel developed as single-family residential with AU zoning.

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

On November 13, 2023, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 23Z00063

On motion by Commissioner Pritchett, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

WHEREAS, Paulk Family Trust requests a change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential), on property described as Tax Parcel 796, as recorded in ORB 9277, Pages 1642 – 1645, of the Public Records of Brevard County, Florida. **Section 23, Township 21, Range 34.** (0.75 acres) Located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (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 the 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 AU to SR, 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 7, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Jason Steele, Chair

Brevard County Commission

As approved by the Board on December 7, 2023.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing, – November 13, 2023

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.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



Planning and Development Department

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BOARD OF COUNTY COMMISSIONERS

STAFF COMMENTS

23Z00063

**Tracey A. Drake & Wilbur L. Paulk, as trustees of Paulk Family Trust / Wilbur L. Paulk
 AU (Agricultural Residential) to SR (Suburban Residential)**

Tax Account Number: 2100923
 Parcel I.D.: 21-34-23-00-796
 Location: West side of Turpentine Road approximately 125 feet south of Tiger Lane.
 (District 1)
 Acreage: 0.75 +/- acres
 Planning & Zoning Board: 11/13/2023
 Board of County Commissioners: 12/07/2023

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	AU	SR
Potential*	0	1
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 2

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

Background and Purpose of Request

The applicant is requesting to change the zoning classification from AU (Agricultural Residential) to SR (Suburban Residential) on 0.75-acres to meet the minimum zoning requirement for SR zoning. Currently, the lot is not consistent with the RES 1 FLUM and AU zoning requirements.

The subject property has retained the original AU zoning classification. The AU classification is the original zoning established in 1958. After March 6, 1975, AU zoning lot size requirements changed from 1 acre to 2.5 acres. The subject property's current configuration was recorded in Orb Book 2577, Page 2889 in 1985 requiring a minimum lot size of 2.5 acres. In 1988, the County adopted the Comprehensive Plan establishing RES 2 for the area. After the 2006 Mims SAS, the Board directed staff to change the FLUM from Res 2 to Res 1.

A companion application **23SS00019**, if approved, would amend the Future Land Use Map from RES 1 to RES 2.

A lot is not considered developable if it does not meet current zoning regulations. The subject property does not meet the AU zoning lot size, width and depth requirements. The subject property's lot configuration meets the proposed SR zoning classification requirements; however it does not meet the minimum 1 acre for the RES 1 FLUM designation

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-family Residential	AU	RES 1
South	Vacant land	AU	RES 1
East	Single-family Residential	RR-I	RES 1
West	Single-family Residential	AU	RES 1

To the north are 2 parcels; 0.5-acre (developed as unplatted single-family residential) and 0.25-acre (unplatted vacant land) with AU zoning.

To the east are 3 parcels; 1.51-acre flag lot parcel, 1.51-acre flag lot parcel and 1.02-acre parcel, all developed as unplatted single-family residential with RR-1 zoning.

To the south is a 1.75-acre parcel developed as unplatted vacant land with AU zoning.

To the west is a 3.76-acre parcel developed as unplatted single-family residential with AU zoning.

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

The proposed SR zoning classification SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

RR-1 classification permits single-family residential land uses on a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district

There is one (1) pending zoning action within one-half mile of the subject property: **23Z00035** located 0.5-miles northeast of the subject property requesting to rezone from RU-1-13 and AU to PUD for the purpose of redevelopment of a golf course to single-family residential subdivision.

Future Land Use

The subject property is currently designated as Residential 1 (RES 1) FLUM. The existing AU zoning can be considered consistent with the existing RES 1 FLU designation. The proposed SR zoning classification cannot be considered consistent with the existing RES 1 FLUM designation.

A companion application **23SS00019**, if approved, would amend the FLUM from RES 1 to RES 2.

Applicable Land Use Policies

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

Criteria:

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

Administrative Policy #3

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

The applicant proposes to construct a single-family residence in an existing residential area. The proposed use will not significantly diminish the enjoyment of, safety or quality of life in this existing residential area.

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

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

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

Staff analysis has determined the proposed residential use is consistent with the existing pattern of surrounding development.

However, in 2006, the Small Area Study (SAS) for the Mims community in northern Brevard County administratively amended the FLUM in the area from RES 2 to RES 1.

October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a Small Area Study (SAS) for the Mims community in northern Brevard County in order to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that by reducing FLUM densities in parts of Mims would reduce potential buildout number by 30%. The Mims Small Area Study was approved by the Commissioners on April 10, 2007. As a result of the study, recommendations were developed which included reducing the FLUM residential densities by one designation. In August 2008, the subject property and the area surrounding the subject property was amended to the RES 1 designation.

With the exception of six lots, the residential development in the surrounding area has been and continues to be developed on lots of 1+ acre size.

Six lots in the surrounding area are either non-conforming and/or inconsistent with the zoning and/or FLUM.

Parcel 1 located to the south within the same block, being approximately 0.5-acre in size and created in 1980. AU zoning was applicable and required a lot size of 2.5 acres. The property was rezoned to SR zoning classification under action Z-9163 in 1993 requiring a lot size of one-half acre. RES 2 FLU designation was adopted in 1988. This property can be considered non-conforming due to the RES 1 administrative FLUM change in 2008.

Parcel 2 located to the south within the same block, being approximately 0.5-acre in size and created in 1980. AU zoning was applicable and required a lot size of 2.5 acres. The property was rezoned to RR-1 zoning classification in March, 1987 under action Z-7739. February 1987 under action V-1778, a variance of 0.43 acres from the minimum one-acre lot size was approved. RES 2 FLU designation was adopted in 1988. This property can be considered non-conforming due to the RES 1 administrative FLUM change in 2008.

Parcel 3 and 4 located to the south within the same block, both being approximately 0.5-acre in size and created in 1980. AU zoning is applicable and requires a lot size of 2.5 acres. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. These properties are inconsistent with the AU zoning classification because at the time the lots were

created, AU zoning required a lot size of 2.5 acres. The properties are considered non-conforming to the FLUM.

Parcel 5 abutting the subject property to the north, approximately 0.5-acre in size and created in 1964. AU zoning is applicable and required a lot size of one-acre. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. This property is non-conforming with the AU zoning classification because at the time the lots were created, AU zoning required a lot size of 1 acre. The property is considered non-conforming to the FLUM.

Parcel 6 abutting the subject property to the north, approximately 0.25-acre in size and created in 1985. AU zoning is applicable and required a lot size of 2.5 acres. RES 2 FLU designation was adopted in 1988. The FLUM was administratively changed in 2008 to RES 1. This property is inconsistent with the AU zoning classification because at the time the lots were created, AU zoning required a lot size of 2.5 acre. The property is considered non-conforming to the FLUM.

RES 1 is the only FLU designation within the immediate surrounding area and to the east is RES 4. The Board may consider if introduction of RES 2 is consistent with Comprehensive Plan and compatible with the surrounding area.

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

Five houses were constructed to the east of the subject property on the west side of Ford Rd.

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

Based on staff analysis, there does not appear to be any approved development project within the past three (3) years that have not yet been constructed.

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

No material violation of relevant policies has been identified.

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis has determined the area can be categorized as a residential which features 1 acre or larger lots with the exception of several lots that preceded the Mims SAS. RR-1 and AU zoning are the predominate zoning classification in the surrounding area. Although SR zoning has been established in the area, it was adopted prior to the adoption of the 2007 Mims SAS limiting the densities of the area.

The proposed use is will allow for an increase in densities within the surrounding areas which can be considered contrary to the Mims SAS adopted in 2007 by the Board of County Commissioners.

The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 74.36% of capacity daily. The maximum development potential will not create a deficiency in LOS. This is only a preliminary review and is subject to change.

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.

The area has established county-maintained roads. Lots within a half-mile radius of the subject property are developed as single-family residential.

- 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.

The proposed is not a request for a neighborhood commercial 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.

There have been no commercial, industrial or other non-residential uses applied for and approved during the previous five years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR 46 between Fawn Lake to I-95, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, a Level of Service (LOS) of D, and currently operates at 74.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 74.36% of capacity daily. The proposal will not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permissible uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is below the threshold.

The closest Brevard County water node is located approximately 1735 feet to the north. The closest Brevard County gravity main is approximately 2000 feet to the northeast on Longbow Dr.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

A majority of the subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

Should wetlands be discovered, Section 62-3694(c)(2) states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres, unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. The subject property measures 0.75 acres. Therefore, if the parcel was legally established prior to September 9, 1988, any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no-net-loss mitigation in accordance with Section 62-3696. Any wetland impact authorized for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and necessary ingress and egress.

Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23Z00063

Applicant: Wilbur Paulk (Owners: Paulk Family Trust)

Zoning Request: AU to SR

Note: To establish consistent zoning and FLU to build SFR on lot

Zoning Hearing: 11/13/2023; **BCC Hearing:** 12/07/2023

Tax ID No.: 2100923

- 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:

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

A majority of the subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

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Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

Land Use Comments:

Hydric Soils

A majority of the subject parcel is mapped with hydric soils (Delray sand, occasionally flooded) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. Other best available data from the desktop review reveal that the site more likely consists of uplands. **A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal.**

Should wetlands be discovered, Section 62-3694(c)(2) states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five 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 subject property measures 0.75 acres. Therefore, if the parcel was legally established prior to September 9, 1988, any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no-net-loss mitigation in accordance with Section 62-3696. Any wetland impact authorized for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and necessary ingress and egress.

If the parcel was legally established after September 9, 1988, application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696.

The applicant is encouraged to contact NRM at (321) 633-2016 prior to any plan or permit submittal.

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

Aquifer Recharge Soils

A small area in the northwestern portion of this property contains mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

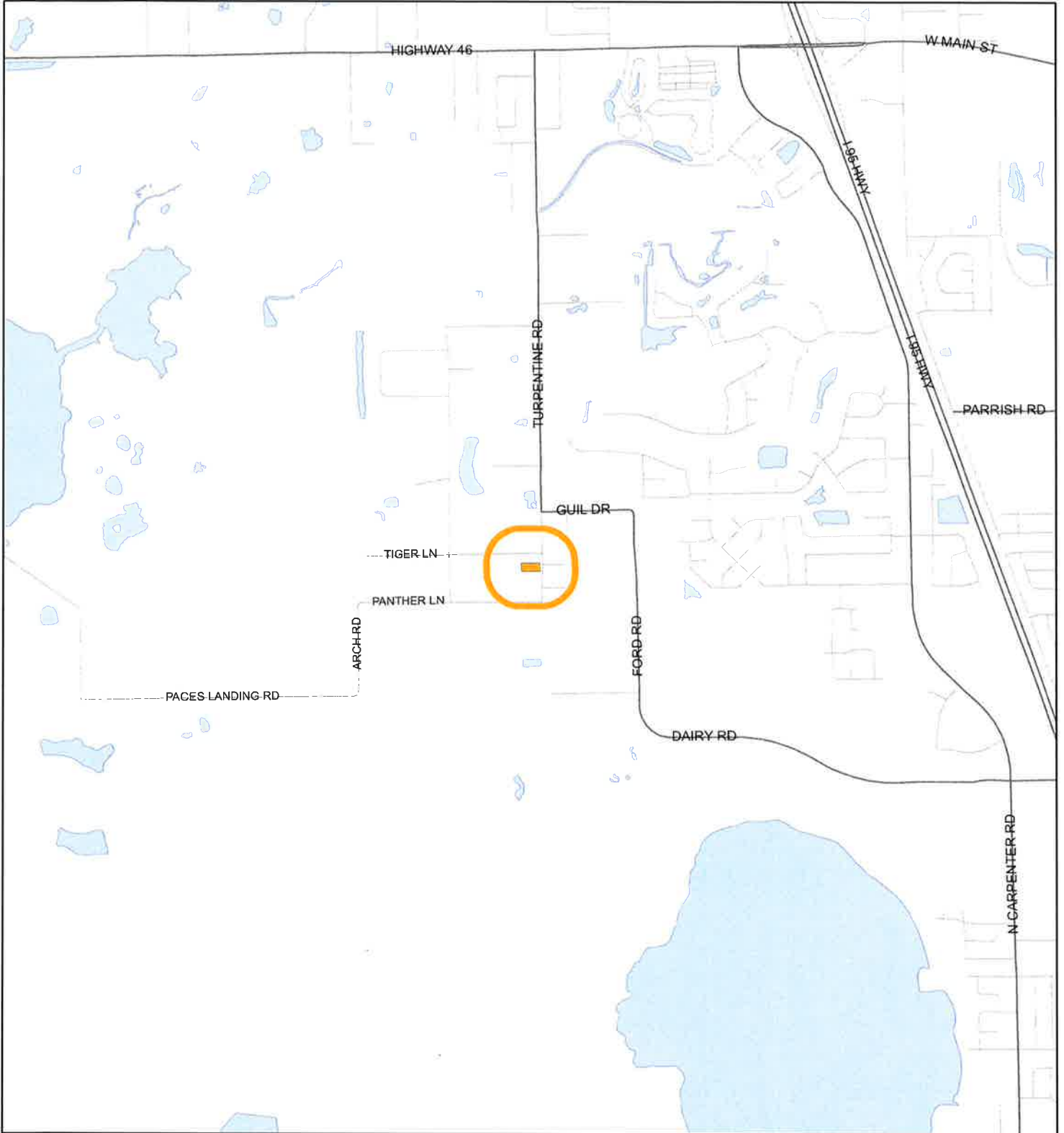
Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Specifically, Gopher Tortoises may be found where there are aquifer recharge soils. Should any protected species be present, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

PAULK FAMILY TRUST

23Z00063





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.

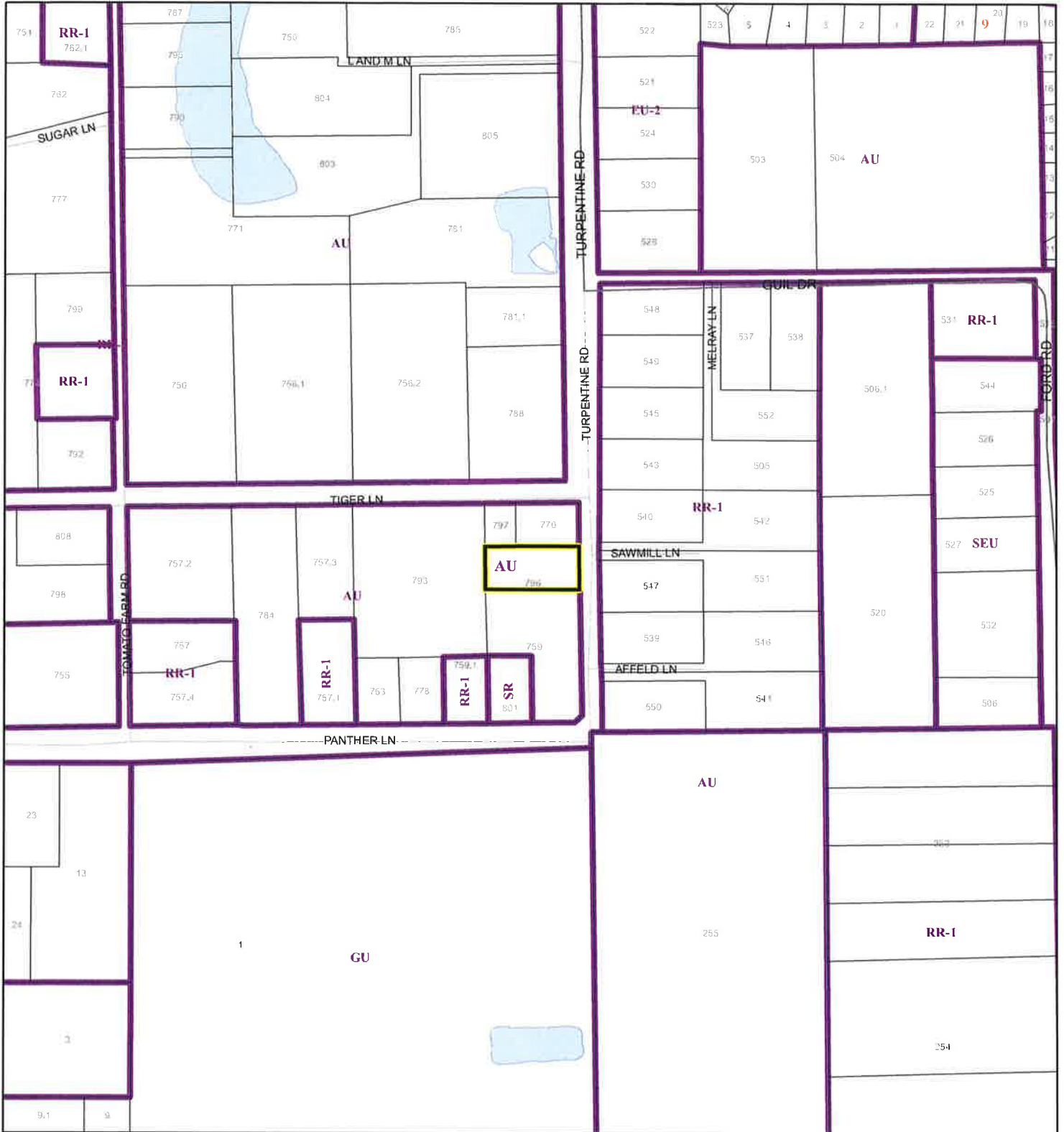
Produced by BoCC - GIS Date: 8/23/2023

-  Buffer
-  Subject Property

ZONING MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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

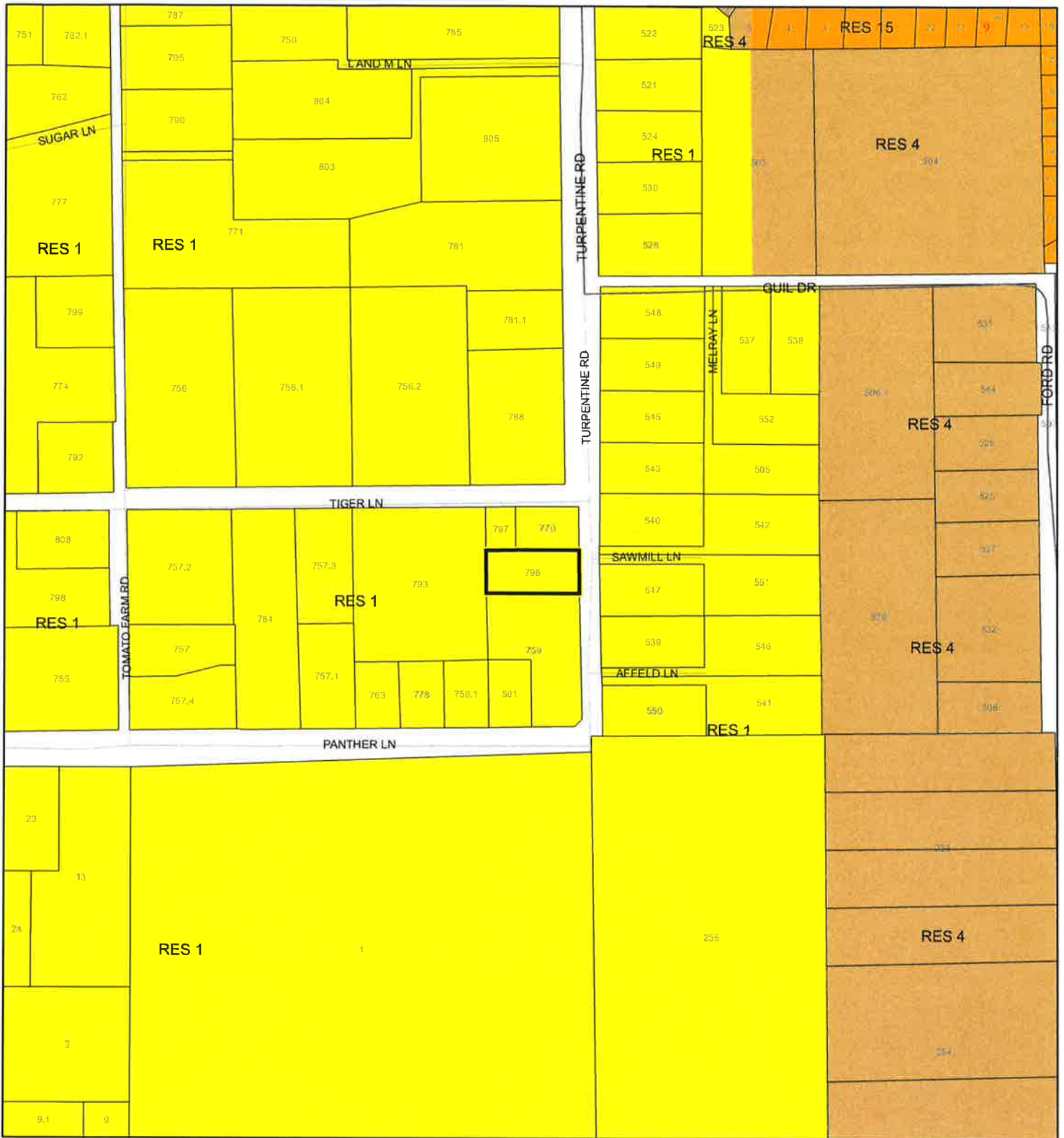
Produced by BoCC - GIS Date: 8/23/2023

-  Subject Property
-  Parcels
-  Zoning



FUTURE LAND USE MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

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AERIAL MAP

PAULK FAMILY TRUST

23Z00063



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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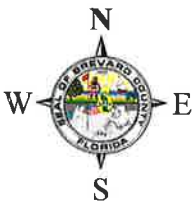
 Subject Property

 Parcels

NWI WETLANDS MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/23/2023

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

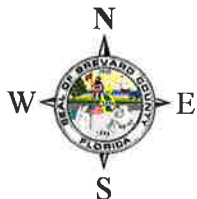
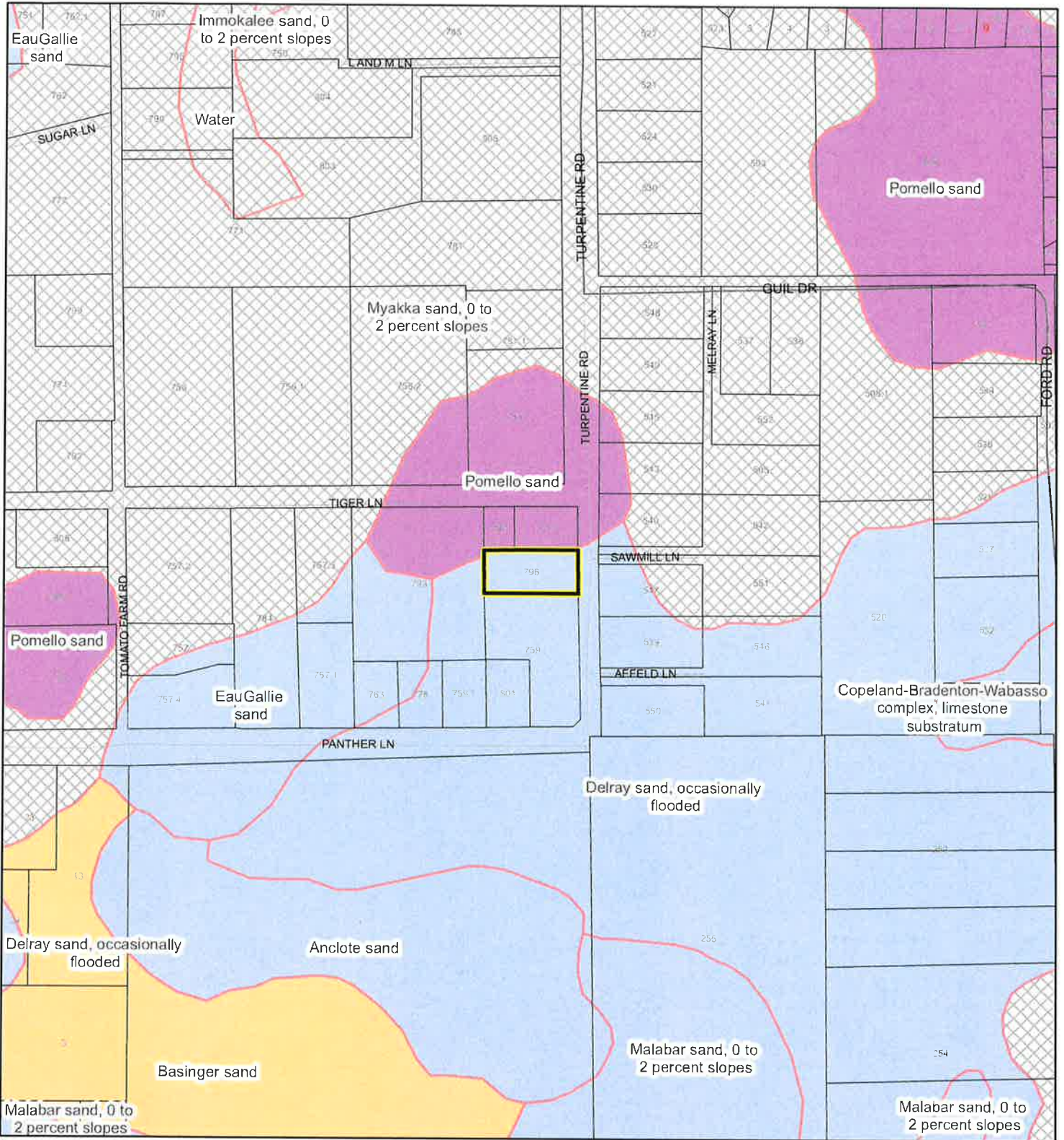
Subject Property

Parcels

USDA SCSSS SOILS MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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

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USDA SCSSS Soils

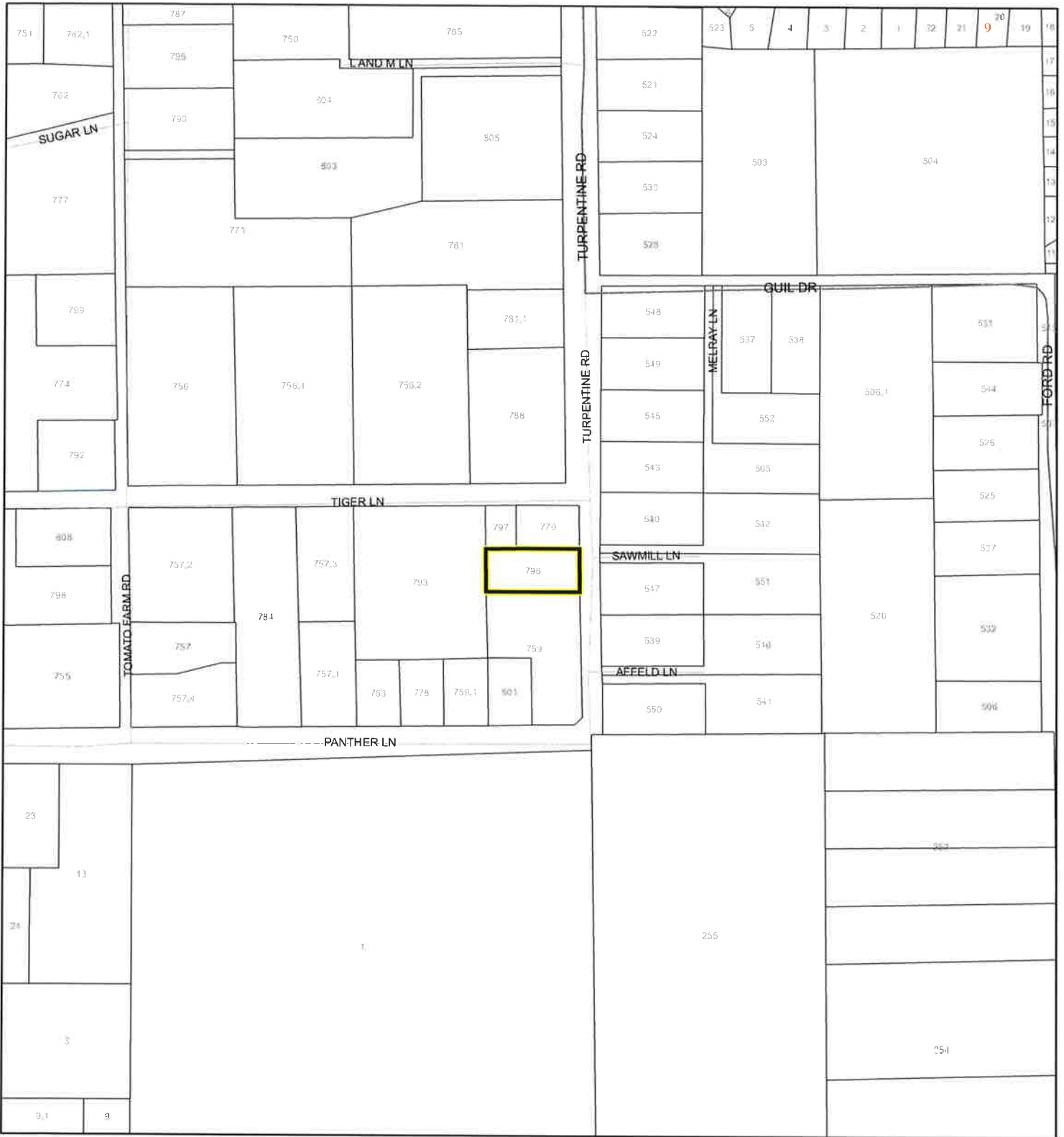
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/23/2023

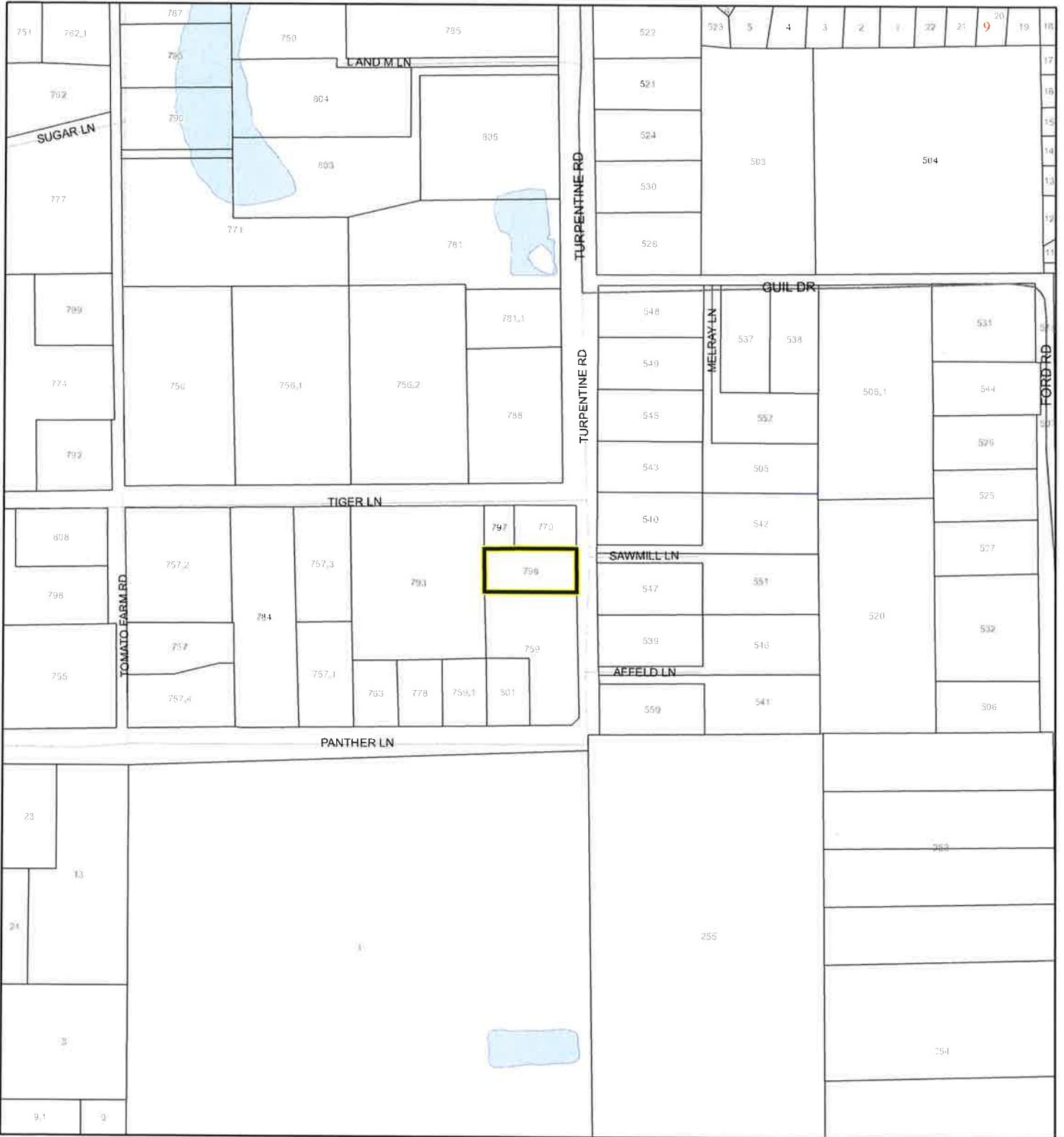
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet


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

Produced by BoCC - GIS Date: 8/23/2023

 Subject Property

 Parcels

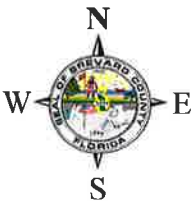
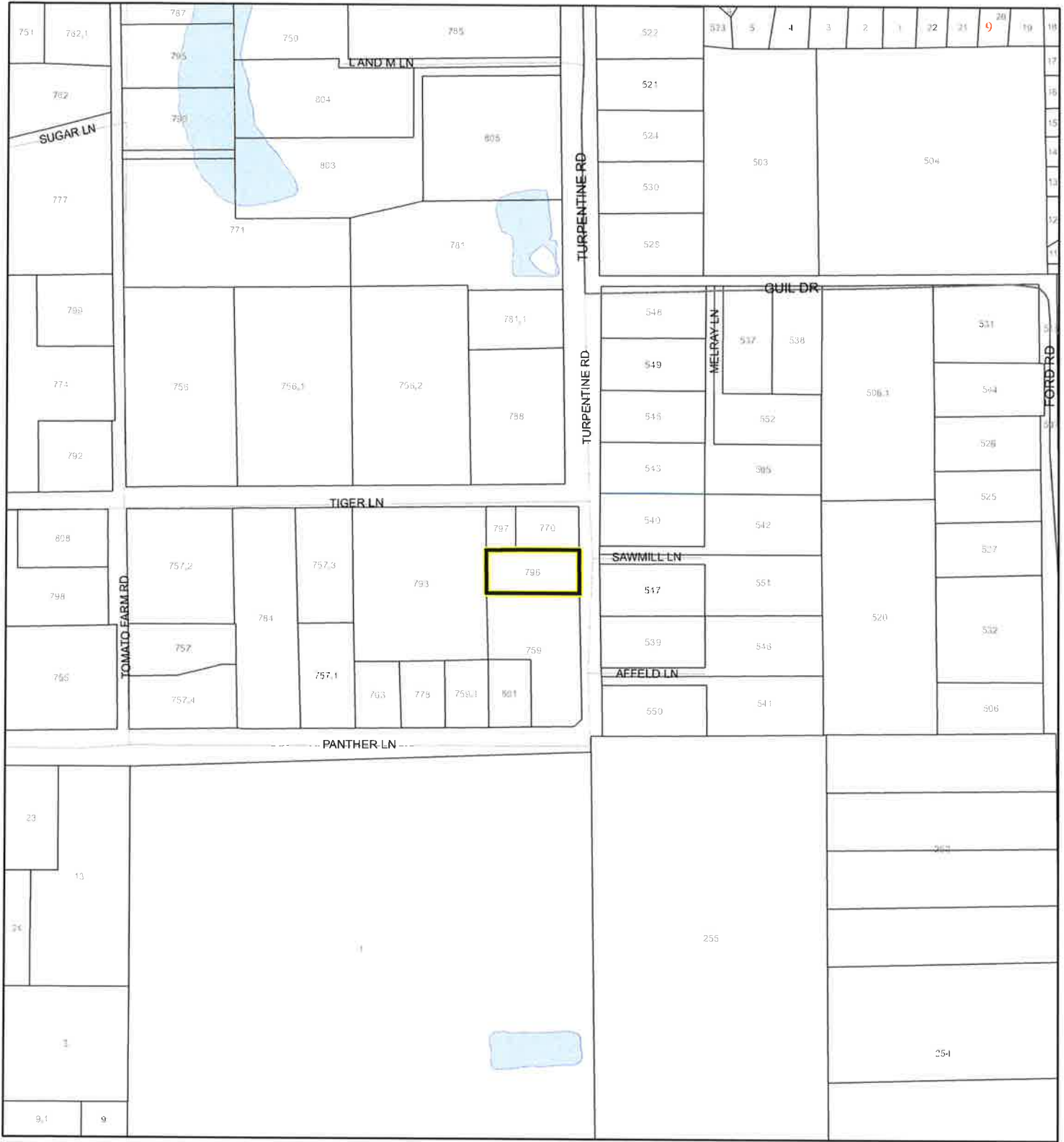
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PAULK FAMILY TRUST






23Z00063



1:4,800 or 1 inch = 400 feet

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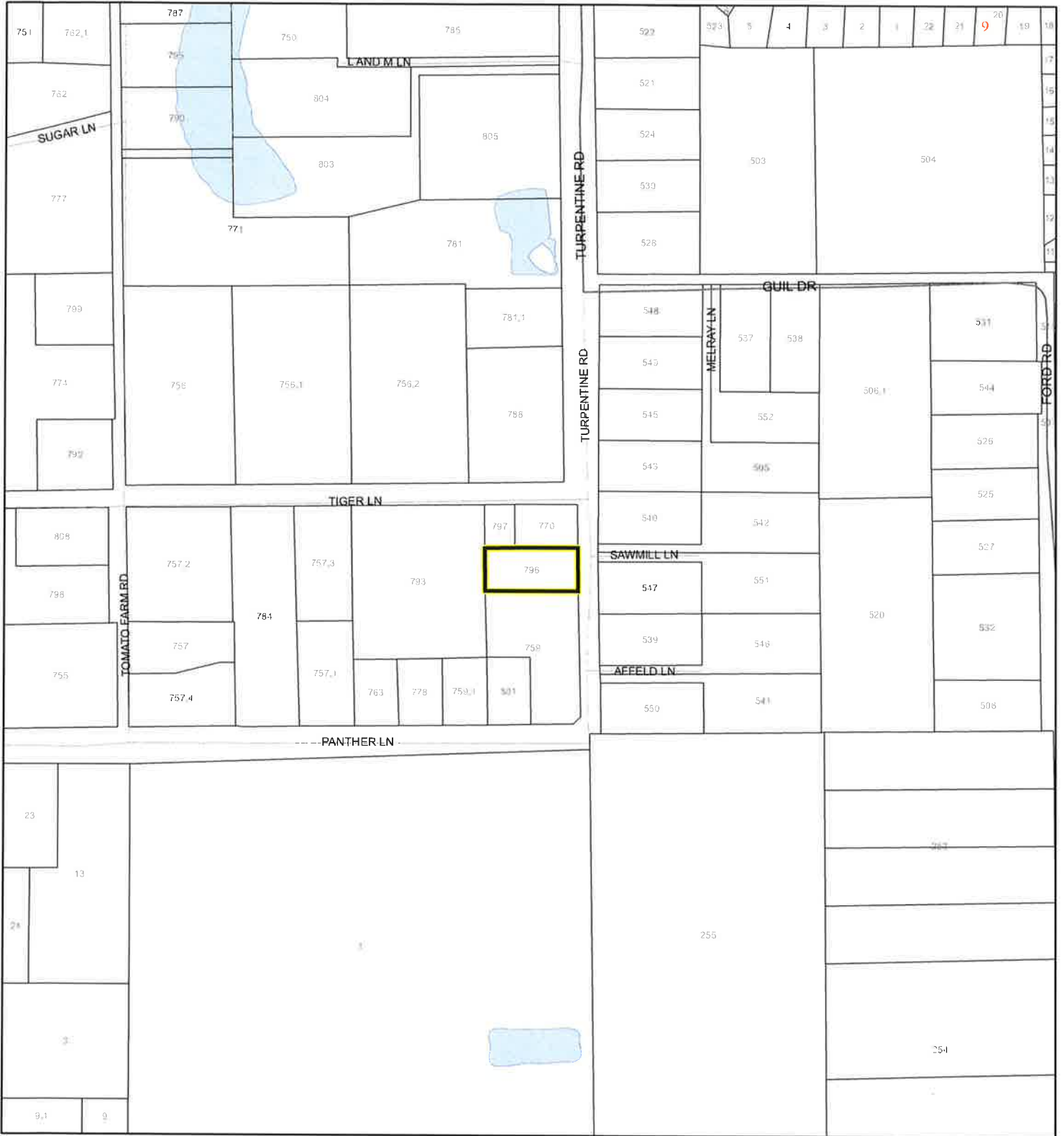
Produced by BoCC - GIS Date: 8/23/2023

-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

EAGLE NESTS MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/23/2023

 Subject Property

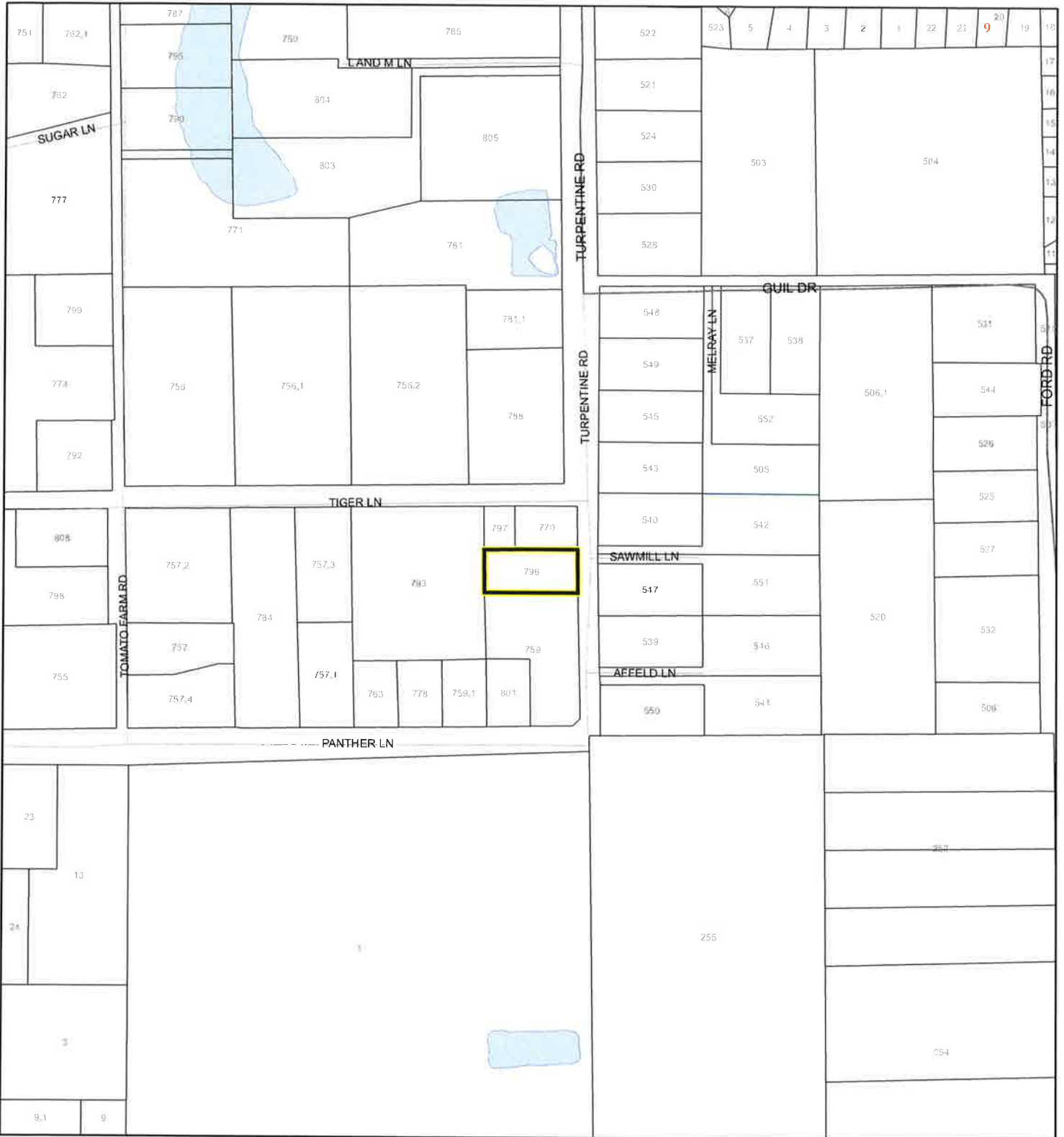
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

PAULK FAMILY TRUST




23Z00063



1:4,800 or 1 inch = 400 feet

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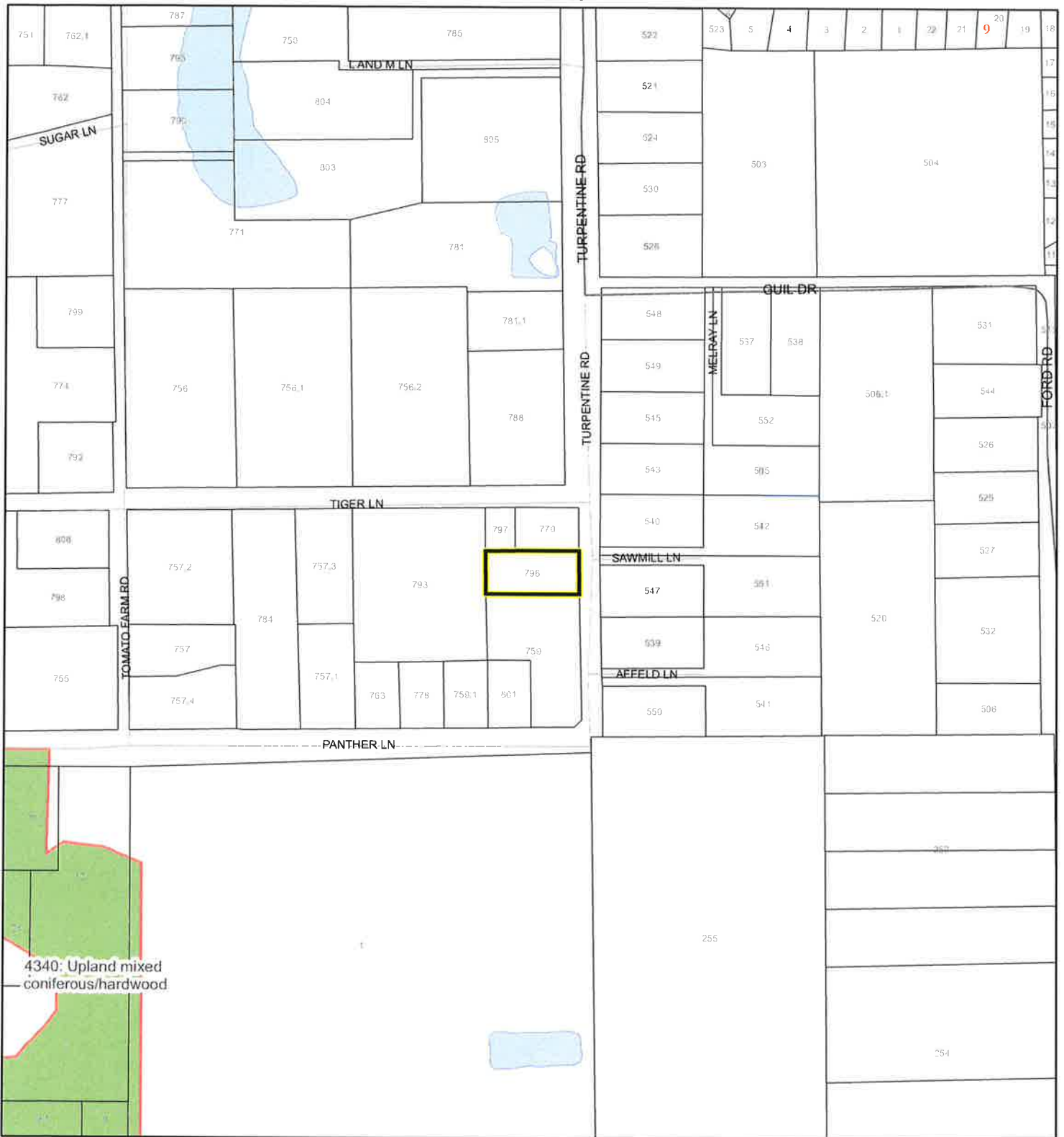
Produced by BoCC - GIS Date: 8/23/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PAULK FAMILY TRUST

23Z00063



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 8/23/2023

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

From: [randy heber](#)
To: [Jones, Jennifer](#)
Subject: Rezoning 23SS00019 & 23Z00063
Date: Tuesday, October 31, 2023 1:11:37 PM

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

Subject: Strong Opposition to Proposed Zoning Change ID# 23SS00019 & 23Z00063

I hope this letter finds you well. I am writing to express my strong opposition to the proposed zoning change from Residential 1 and Agricultural Residential to Residential 2 and Suburban Residential in our beautiful rural area. As a concerned resident and homeowner, I firmly believe that this zoning change would have detrimental effects on the character, tranquility, and quality of life in our community.

Our neighborhood has long been cherished for its serene environment, offering spacious properties with single-family homes. The current zoning regulations have effectively preserved the rural charm and ensured that the area remains an ideal place for families seeking a peaceful and close-knit community. However, the proposed zoning change threatens to disrupt this delicate balance and introduce a more densely populated and urbanized environment.

Here are several key reasons why I believe this zoning change should be reconsidered:

- 1. Preservation of Rural Character:** Our community's rural character and large properties are the very essence of its appeal. Introducing higher density residential zones would fundamentally alter the landscape, leading to overcrowding, increased noise pollution, and a loss of natural beauty. It is crucial to protect the unique identity and charm that our neighborhood offers.
- 2. Strain on Infrastructure:** Implementing Residential 2 and Suburban Residential zoning would place an enormous strain on our existing infrastructure, including roads, schools, utilities, and emergency services. The current infrastructure was designed to accommodate a lower population density and would not be able to adequately support the increased demands that would come with the proposed zoning change.
- 3. Traffic Congestion and Safety Concerns:** The influx of additional residents and potential multi-unit housing developments would undoubtedly lead to heightened traffic congestion on our already narrow and winding roads. This increased traffic poses serious safety risks for pedestrians, cyclists, and families with children who are currently accustomed to a safe and peaceful environment.
- 4. Negative Impact on Property Values:** The proposed zoning change could have a detrimental impact on property values for existing homeowners. The introduction of higher density

developments and a potential loss of privacy and tranquility would likely decrease the desirability of our neighborhood, leading to a decline in property values that many residents have worked hard to maintain.

5. Environmental Impact: Our rural area is home to diverse wildlife and contains valuable green spaces. The proposed zoning change could result in the destruction of vital habitats, deforestation, and the loss of clean air and water resources. It is crucial to prioritize the preservation of our environment and ensure sustainable development practices.

In light of the aforementioned concerns, I respectfully urge you to reconsider the proposed zoning change and instead explore alternatives that align with our community's values and aspirations. I believe that maintaining the current Residential 1 and Agricultural Residential zoning will enable us to preserve the unique character and integrity of our neighborhood, ensuring a sustainable and prosperous future for all residents.

I kindly request that my objections and the concerns of other residents be taken into serious consideration during the decision-making process.

Thank you for your attention to this matter. I trust that you will carefully evaluate the long-term consequences of the proposed zoning change and make the decision that best serves the interests of our community as a whole.

Yours
Randy Heber

Sent from my iPhone

From: [Kimberly Heber](#)
To: [Jones, Jennifer](#)
Subject: Paula Family Trust Small Scale Plan Amendment
Date: Thursday, November 2, 2023 7:40:32 AM

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

Good morning,

This email is in reference to ID# 23SS00019 and 23Z00063. I am writing to you to inform you that I am a property owner in Mims and am in complete disagreement with the request for a change of zoning classification. This would disrupt the entire flow, atmosphere, and way of living that we have created here in Mims. We have chosen to live out here to avoid high-traffic areas, developments, and larger populations. If this change of zoning were to be approved, it would completely counteract what so many of us have created out here. It would further disrupt our roads, schools, churches, grocery stores, etc. If this zoning change were to be approved, it would be a disgrace to the Mims area and redefine the beautiful, low-key way of living that we have created here. Furthermore, it would leave many residents enraged as it would also decrease our property values. Some of us have lived out here for generations and it would be a catastrophe if zoning changes, such as the requested, pushed these generations out of the area. Mims needs to be left alone so we can continue to live our lives exactly how we have been- peacefully, quietly, slowly, and with much content.

Thank you,
Kimberly Heber

Sent from my iPhone

From: [M Joyner](#)
To: [Jones, Jennifer](#)
Subject: Property on south end of Turpentine Rd (lost my reference number)
Date: Friday, November 3, 2023 8:44:22 AM

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

Ms. Jones,

I apologize for losing my reference number to the property I am writing about. It is the 2nd property, on the right side of the road, when you are heading south and pass Tiger Ln. It is a ¾ acre plot and SHOULD be considered wetlands, as it is almost always covered in water and is one of the lowest pieces in that section.

I live at 4860 Tiger Ln and am concerned about drainage, if anyone is allowed to build on that property and the next one south of it. There are no ditches, drainage areas or places for any water to go, when and if those 2 properties and in particular the one the meeting is for, are filled for building, and it would take a tremendous amount of dirt/fill to bring them up to buildable levels. Someone needs to assess the drain issues before ANYONE is allowed to start putting in fill. The road at that location, floods anytime we have a real good rain and washes out that particular section, as it tries to cross the road into the ditch on the other side. Not to mention the surrounding homes connected to those particular properties. They would sustain tremendous amounts of damage.

My wife and I vote NO for any builds of any kind on that property and the one south of it for any reason, until something is done for drainage in that area. NO change for zoning please.

Mackey D Joyner
Karen A Joyner
4860 Tiger Ln, Mims 32754



Virus-free. www.avast.com

From: [Denice Carmody](#)
To: [Jones, Jennifer](#)
Subject: Reference ID #23SS00019 & 23Z00063
Date: Sunday, November 12, 2023 7:31:57 PM

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

Dear Ms. Jones,

Please include the following as part of the public hearing scheduled for Monday, November 13th regarding reference ID #23SS00019 & 23Z00063, the zoning classification code change request by the Paulk Family Trust. The north side of the Paulk Family Trust property abuts approximately 266 ft of a property owned by my mother and my property and home owned by me at 1790 Turpentine Rd. I have lived at this address since birth minus a few years while my husband was in the U.S. Navy. Over the last 49 years there has never been an instance when I have had standing water in my own yard. There is a ditch on the North side of my lot and another one across the street to the East providing drainage for my lot and for my neighbors across to the East. I am assuming that the Paulk Family Trust is requesting the Small Scale Plan Amendment and the change of zoning classification in order to build on their lot in the future. If their request is granted I sincerely hope that it is documented as their responsibility to provide enough drainage from their property as to not create any standing water on my property at 1790 Turpentine Rd.

Thank you for taking this into consideration. I am sorry I was unable to be present at the public hearing on the 13th of November, 2023. I will be in attendance on the 7th of December 2023 for the final hearing on this matter.

Regards,
Denice Carmody
207-319-9645
denicecarmody@gmail.com

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 13, 2023, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Trina Gilliam, Senior Planner; Darcie McGee, Assistant Director, Natural Resources Management; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Paulk Family Trust

A Small Scale Comprehensive Plan Amendment (23S.19), to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2). The property is 0.75 acres, located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (No assigned address. In the Mims area.) (23SS0019) (Tax Account 2100923) (District 1)

Paulk Family Trust

A change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential). The property is 0.75 acres, located on the west side of Turpentine Rd., approx. 125 ft. south of Tiger Lane. (No assigned address. In the Mims area.) (23Z00063) (Tax Account 2100923) (District 1)

Wilbur Paulk, 4370 Fletcher Lane, Titusville, stated he would like to rezone in order to build a single-family residence.

No public comment.

Motion by Ben Glover, seconded by Logan Luse, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1 to RES 2. The motion passed unanimously.

Motion by Ben Glover, seconded by Bruce Moia, to recommend approval of a change of zoning classification from AU to SR. The motion passed unanimously.