



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.5.

10/5/2023

Subject:

Terrance P. and Peggy A. Mulreany (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment (23S.16) to change the Future Land Use designation from NC to CC. (23SS00016) (Tax Account 2400699) (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 (23S.16) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from NC to CC on 1.15 acres to provide uniform land use and zoning with surrounding properties. The subject property is a platted parcel with no direct access to a county-maintained road.

The applicant owns the adjacent properties to the west, north and east. In 2022, the applicant purchased the six surrounding properties. A request to rezone (GU to BU-2) and FLUM change (RES 4 and NC to CC) amendment was approved for those six properties in May 2023.

A companion application 23Z00056, if approved, would amend the zoning classification from GU (General Use) to BU-2 (Retail, warehousing and wholesale commercial). The applicant proposes to combine the subject property with the surrounding parcels to the west, east, and north for the purposes of providing a uniform land use, zoning, and development with surrounding properties. Combining the parcels will allow access off Grissom Parkway.

The applicants request can be considered compatible with the proposed and approved commercial uses in the area. The subject property is surrounded by existing BU-2 zoning. Approval of the concurrent zoning request would allow for a unified development with the surrounding properties.

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

On September 18, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the Ordinance to Planning and Development.



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

October 6, 2023

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item G.5., Small Scale Comprehensive Plan Amendment (23S.16)

The Board of County Commissioners, in regular session on October 5, 2023, conducted the public hearing and adopted Ordinance No. 23-26, setting forth the sixth Small Scale Comprehensive Plan Amendment (23S.08) to change the Future Land Use designation from NC to CC. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

ORDINANCE NO. 23- 26

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SIXTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.08, 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 2023 as Plan Amendment 23S.16; 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 23S.16; and

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

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

Officially filed with the Secretary of the State on October 6, 2023.

WHEREAS, on September 18, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.16, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 5, 2023, 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 23S.16; and

WHEREAS, Plan Amendment 23S.16 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.16 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 23S.08 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 23S.16, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

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

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

DONE AND ADOPTED in regular session, this 5 day of October 5, 2023.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

As approved by the Board on October 5, 2023.

EXHIBIT A
23S.16 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

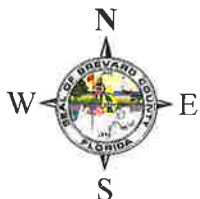
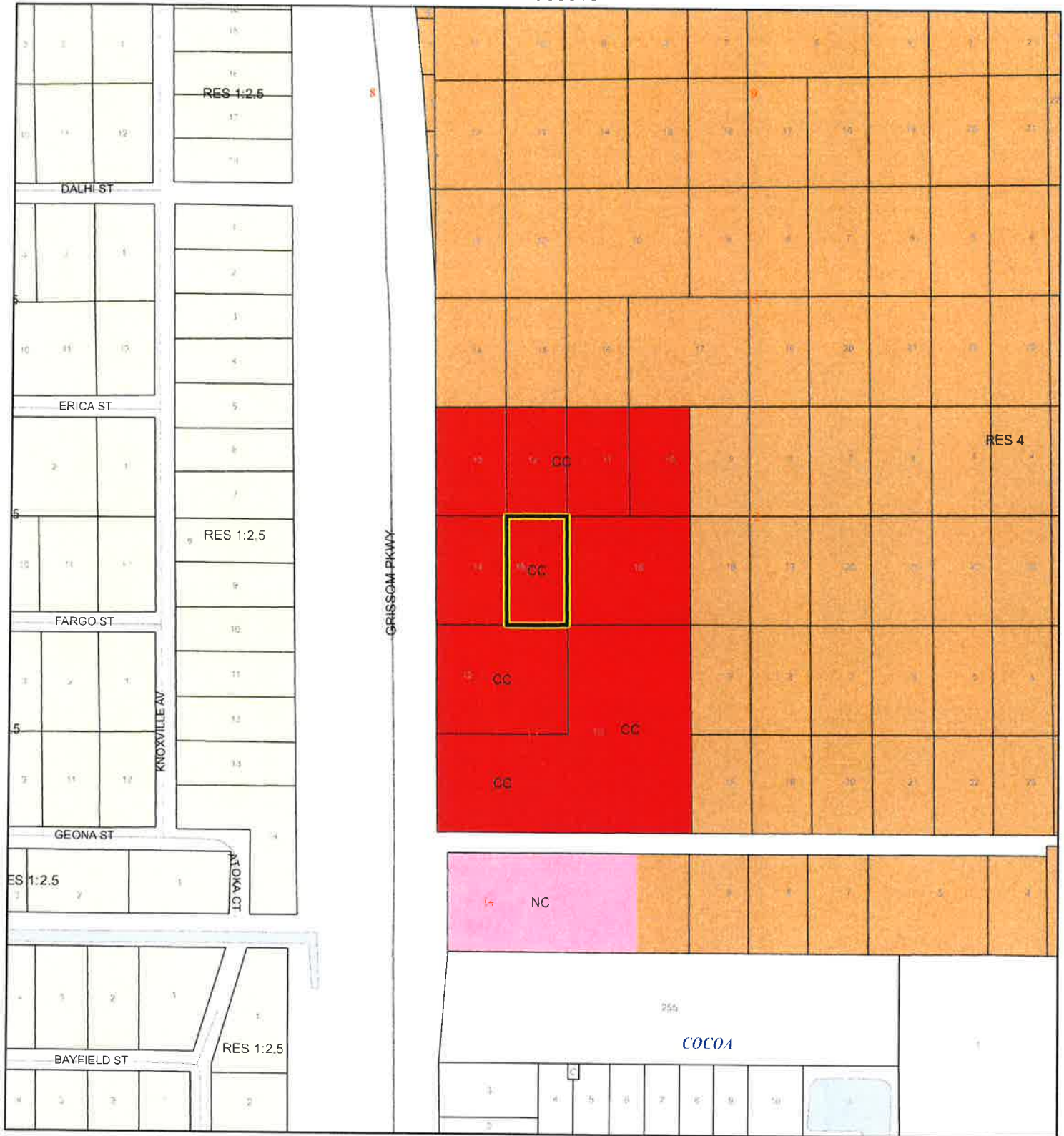
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

EXHIBIT B

Contents

1. Legal Description

Public Notice

Published in Brevard County on September 4, 2023

(23SS00016) Terrance P. and Peggy A. Mulreany (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment (23S.16), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Lot 15, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9814, Pages 2444 2446, of the Public Records of Brevard County, Florida.

Section 01, Township 24, Range 35 . (1.15 acres) Located approx. 250 ft. east of Grissom Parkway, and approx. 0.7 miles south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.16: 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.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 6, 2023

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

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 23-26, which was filed in this office on October 6, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

Donna Scott

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Friday, October 6, 2023 4:32 PM
To: Donna Scott; County Ordinances
Cc: Clerk to the Board
Subject: [EXTERNAL EMAIL]RE: BRE20231005_ORDINANCE2023_26
Attachments: Brevard20231006_Ordinance23_26_Ack.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments, clicking links or responding from unknown senders.

Good afternoon,

Please find the attached acknowledgment letter for Brevard County Ordinance No. 23-26, which was filed in this office on October 6, 2023.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Friday, October 6, 2023 3:47 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: BRE20231005_ORDINANCE2023_26

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Attached is BRE20231005_ORDINANCE2023_26 to be filed with the State for Brevard County.

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



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

Donna Scott

From: Donna Scott
Sent: Friday, October 6, 2023 3:47 PM
To: CountyOrdinances@dos.myflorida.com
Cc: Clerk to the Board
Subject: BRE20231005_ORDINANCE2023_26
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Thank you,
Donna Scott
Assistant Clerk to the Board
321-637-2001



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

This email was scanned by Bitdefender

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.16 (23SS00016)
Township 24, Range 35, Section 01*

Property Information

Owner / Applicant: Terrance & Peggy Mulreany

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

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

Acreage: 1.15 +/- acres

Tax Account #: 2400699

Site Location: Eastside of Grissom Pkwy, approximately 0.68 miles south of Canaveral Groves Blvd

Commission District: 1

Current Zoning: GU (General Use)

Requested Zoning: BU-2 (Retail, warehousing and wholesale commercial)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) on 1.15 acres to provide uniform land use and zoning with surrounding properties. The subject property is a platted parcel, recorded originally in Survey Book 2, Page 58 for Section 1 of the Canaveral Groves Subdivision in September 1962 with no direct access to a county-maintained road.

The parcel is currently undeveloped and has retained the original zoning classification of General Use (GU) and FLUM NC designation.

The applicant owns the adjacent properties to the west, north and east. In 2022, the applicant purchased the six (6) surrounding properties. A request for rezoning (GU to BU-2) and FLUM (RES 4 and NC to CC) amendment was approved for those six (6) properties on May 4, 2023. This action created a zoning/FLUM enclave for the subject property. The applicant purchased the enclaved property for a more unified development.

Previous rezoning and FLUM amendment application that are applicable to the subject property include:

FLUM amendment from NC and RES 4 to CC on six (6) parcels (2400694, 24000695, 2400696, 2400697, 2400698 & 2400700) completed May 4, 2023, **22SS00017**.

Rezoning from GU to BU-2 on six (6) parcels ((2400694, 24000695, 2400696, 2400697, 2400698 & 2400700) completed May 4, 2023, May 4, 2023.

A companion application **23Z00056**, if approved, would amend the zoning classification from General Use (GU) to Retail, warehousing and wholesale commercial (BU-2). The applicant proposes to combine the subject property with the surrounding parcels to the west, east and north for the purposes of providing a more uniformed land use, zoning and development with surrounding properties. Combining the parcels will allow access off Grissom Pkwy.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	BU-2	CC
South	Undeveloped	BU-2	CC
East	Undeveloped	BU-2	CC
West	Undeveloped	BU-2	CC

From the north, east, and west are undeveloped parcels ranging in size from one (1)-acre to greater than two (2)-acres with Community Commercial FLUM designation.

The south 2.29-acre parcel and a 7.1-acre parcel with Community Commercial FLUM designation.

This area is a part of the Canaveral Groves subdivision, Section 1 as recorded in Survey Book 2, Page 58.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Administrative Policy 3 - Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered.

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

Criteria:

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

The applicant has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a unified future development. Until a specific use is identified, the impact of Grissom Parkway cannot be determined.

Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage.

- 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.

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

- 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;

Along the west side across Grissom Parkway, the historical land use pattern is single-family residential, platted as a part of the Canaveral Groves subdivision with one-acre or larger lots. On the east side of Grissom Parkway to the north and east are undeveloped one (1)-acre residential lots, platted with no access as a part of the Canaveral Groves subdivision. To the immediate south are undeveloped commercial lots and a religious institution. Farther south within the City of Cocoa is a Not-for-Profit corporation that leases space to other Not-for-

Profit organizations engaged in behavioral health therapy. The land uses shift to a gun range, warehousing, industrial and distribution facilities.

Currently, this parcel does not have access. The applicant proposes to combine this parcel with the abutting properties to the east, west and north parcels and will have access off Grissom Pkwy. These properties are also owned by the applicant.

Community Commercial is the only FLU designation within 500 feet of the subject site. RES 1:2.5 is predominant west of Grissom Pkwy. RES 4 remains predominant FLUM north and east, however, 4 parcels to the north near the intersection of Canaveral Groves Blvd and Grissom Pkwy are designated as CC on the FLUM.

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

Over the immediately preceding three years, the Amazon Distribution facility was constructed. The facility is approximately 2,400 feet to the south within the City of Cocoa incorporated area.

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

To the south, immediately adjacent to the subject parcel, is a 2.29-acre parcel rezoned (22Z00031) from Institutional Use, Low-Intensity (IN(L)) to Retail, Warehousing, and Wholesale Commercial (BU-2) in September 2022. The parcel also has an approved site plan (21SP00041) and an active building permit (22BC18900) for a retail convenience store.

FLUM amendments within one-half mile:

- **20PZ00020, request to amend Future Land Use Map (FLUM) from RES 4 to CC, approved by the Board on May 7, 2020 on 0.44 acres located approximately 1,791 feet north of the subject property.**
- **22SS00009, request to amend FLUM from NC/RES 4 to CC, approved by the Board on October 6, 2022 on 4.83 acres located approximately 658 feet south of the subject property.**

- **22SS00017 request to amend Future Land Use Map (FLUM) from NC & RES4 to CC on 8.89-acres, approved 05/04/2023 located directly abutting the subject property to the west, north, and east.**

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:

Three zoning actions have been approved within a half-mile radius of the subject property within the last three (3) years:

- **20PZ00021 request to amend zoning classification from GU to BU-1 on 0.44-acres, approved 05/07/2020 located approximately 2300 feet north of the subject property on the eastside of Grissom Pkwy.**
- **22Z00031 request to amend zoning classification from IN(L) to BU-2 on 4.83-acres, approved 10/06/2022 located directly southeast of the subject property.**
- **22Z00073 request to amend zoning classification from GU to BU-2 on 8.89-acres, approved 05/04/2023 located directly abutting the subject property to the west, north, and east.**

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis has determined the property is not in an established neighborhood with clearly established boundaries. Furthermore, developed residential are located to the west with no access to Grissom Parkway. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 95.39%. The corridor is anticipated to operate at 156.03% of capacity daily. The maximum development potential could 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.

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.

Staff analysis indicates this area is not an established neighborhood with clearly established boundaries.

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.

Staff analysis indicates the subject property is not located in an established residential neighborhood.

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.

To the south, immediately adjacent to the subject parcel is a 2.29-acre parcel rezoned (22Z00031) from Institutional Use, Low-Intensity (IN(L)) to Retail, Warehousing, and Wholesale Commercial (BU-2) in September 2022. The parcel also has an approved site plan (21SP00041) and an active building permit (22BC18900) for a retail convenience store.

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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. 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.

It is the applicant's responsibility to provide determination of the impacts to the flood plain. Until the flood plain is determined staff are unable to regulate the development potential of the site.

Development of this property may be limited based upon the above criteria.

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject property does not have frontage on Grissom Pkwy. currently. Grissom Pkwy. is an urban minor arterial operating at 60.64% of Maximum Acceptable Volume. Accessibility will be reviewed at site plan.

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

The applicants request can be considered compatible with the proposed and approved commercial uses in the area. The subject property is surrounded by existing BU-2 zoning. Approval of the concurrent zoning request could be considered to provide for unified development with the surrounding properties.

To the north and east of the subject property, are one (1)-acre platted lots within the RES 4 FLUM. At this time, those lots lack County maintained road infrastructure that is necessary to facilitate development.

- C. Existing commercial development trend in the area;

Existing commercial development along this segment of Grissom Pkwy. is very limited at this time due to the lack of infrastructure, roads, and stormwater ponds/lakes.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

Although the County has improved Grissom Parkway and established a connection to Interstate 95 at the Port St. John interchange, the character of the area has changed very little in that timeframe.

- E. Availability of required infrastructure at/above adopted levels of service;

The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 95.39%. The corridor is anticipated to operate at 156.03% of capacity daily. The maximum development potential could 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.

Potable water service may be provided as an outside of Cocoa customer. The closest Brevard County sewer line is approximately 2.8 miles southwest on Adamson Road. An approved Concurrency Application, including potable water service capacity, Sanitary sewer service capacity and solid waste capacity is required upon a formal site plan submission.

- F. Spacing from other commercial activities;

Existing commercial activities are located approximately 2,136 feet to north of the subject property along the east side of Grissom Pkwy. Additional commercial activities are being developed adjacent to the subject property's southern boundary.

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

A market analysis would determine the need for more commercial lands in this area relative to the extent of the existing single-family residential development in Canaveral Groves.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

Commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided below for I-95 interchanges, mitigation qualified roadways, abutting properties, and access to uplands.

Grissom Parkway is an MQR in this location; however, the parcel does not have direct frontage on the road. Should the parcel be

combined with other parcel(s) adjacent to Grissom Parkway, it must remain part of the assemblage, and shall be deed restricted for commercial or industrial use. The provisions of this Criterion will be addressed at the site plan stage.

- I. Integration of open space; and

Extensive natural resources constraints may play a role in conserving open space due to the mapped wetlands on the subject property and surrounding properties. Based on the site, open space will be addressed during site plan.

- J. Impacts upon strip commercial development.

Based on staff analysis this is more of an infill development than strip commercial.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

If this request is approved, the subject property combined with the surrounding properties owned by the applicant will create a Community Commercial Cluster of 10.04-acres in size. The potential cluster is not located at an arterial intersection; however, Grissom Pkwy is classified as an urban minor arterial.

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

Three parcels totaling approximately 10-acres in size are located directly abutting to the south. The area will have a total of 20.04-acres of community commercial complexes.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The subject property together with the applicants six (6) surrounding parcels will be combined for total community commercial cluster of approximately 10.04-acres and are not located at intersection.

Furthermore, the three (3) parcels located directly south is approximately 10-acres in size with Community Commercial FLU designation. This area has the potential for a 20-acre community commercial cluster not located on at a principal arterial/principal arterial intersection.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage. Gross floor area shall not exceed 150,000 square feet for a commercial cluster.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.

A gross floor area of 1.00, if FLUM amendment is approved, would be applicable to the subject property.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The concurrent requested zoning classification is BU-2 and does not permit recreational vehicle parks.

Concurrency

The closest concurrency management segment to the subject property is Grissom Pwky., between Industry Rd and Canaveral Groves Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 95.39%. The corridor is anticipated to operate at 156.03% of capacity daily. The proposal could 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 permittable 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 for commercial and not residential use.

Potable water service may be provided as an outside of Cocoa customer. The closest Brevard County sewer line is approximately 2.8 miles southwest on Adamson Road.

Environmental Resources

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

The parcel contains mapped wetlands and hydric soils, indicators that wetlands are present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location; however, the parcel does not have direct frontage on the road. Should the parcel be combined with other parcel(s) adjacent to Grissom Parkway, it must remain part of the assemblage, and shall be deed restricted for commercial or industrial use. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. 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 site plan design or permit submittal.

A large area of Florida Scrub Jay occupancy is mapped in the vicinity, with a portion on the southeastern corner of the subject property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Historic Resources

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 23SS00016

Applicant: Kelly Hyvonen (Owner: Terrance & Peggy Mulreany)

Zoning Request: NC to CC

Note: Consistency in land use with surrounding properties

LPA Hearing: 9/18/2023; **BCC Hearing:** 10/5/2023

Tax ID No: 2400699

- 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:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

The parcel contains mapped wetlands and hydric soils, indicators that wetlands are present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location; however, the parcel does not have direct frontage on the road. Should the parcel be combined with other parcel(s) adjacent to Grissom Parkway, it must remain part of the assemblage, and shall be deed restricted for commercial or industrial use. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. 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 site plan design or permit submittal.

A large area of Florida Scrub Jay occupancy is mapped in the vicinity, with a portion on the southeastern corner of the subject property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary

permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Land Use Comments:

Wetlands and Hydric Soils

The parcel contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) wetlands, and hydric soils (Myakka sand, depressionnal), 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. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along MQRs. Grissom Parkway is an MQR in this location; however, the parcel does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. 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 site plan design or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan

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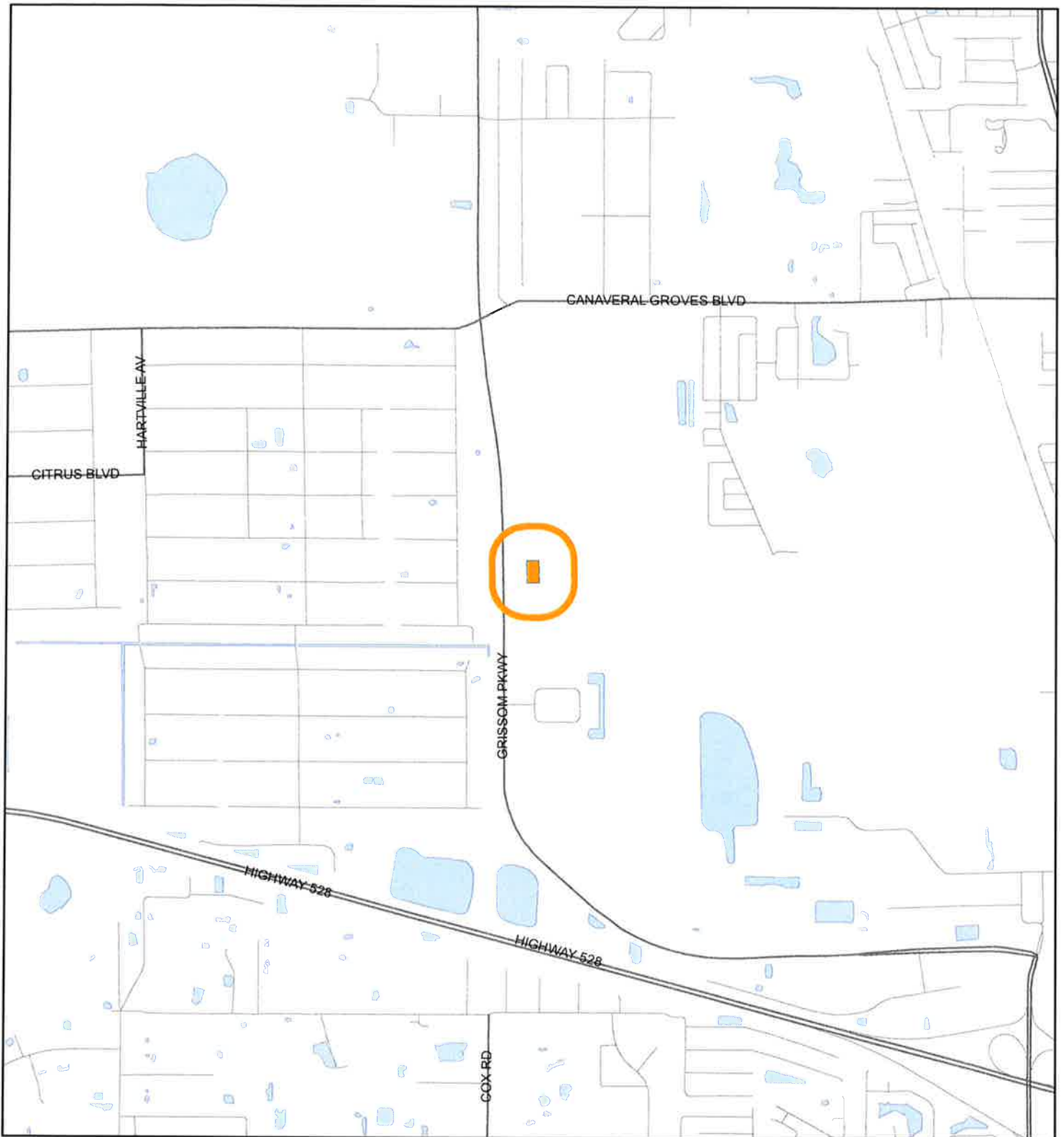
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. A large area of Florida Scrub Jay occupancy is mapped in the vicinity, with a portion on the southeastern corner of the subject 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

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

— Buffer
— Subject Property

ZONING MAP

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

 Subject Property

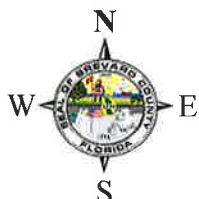
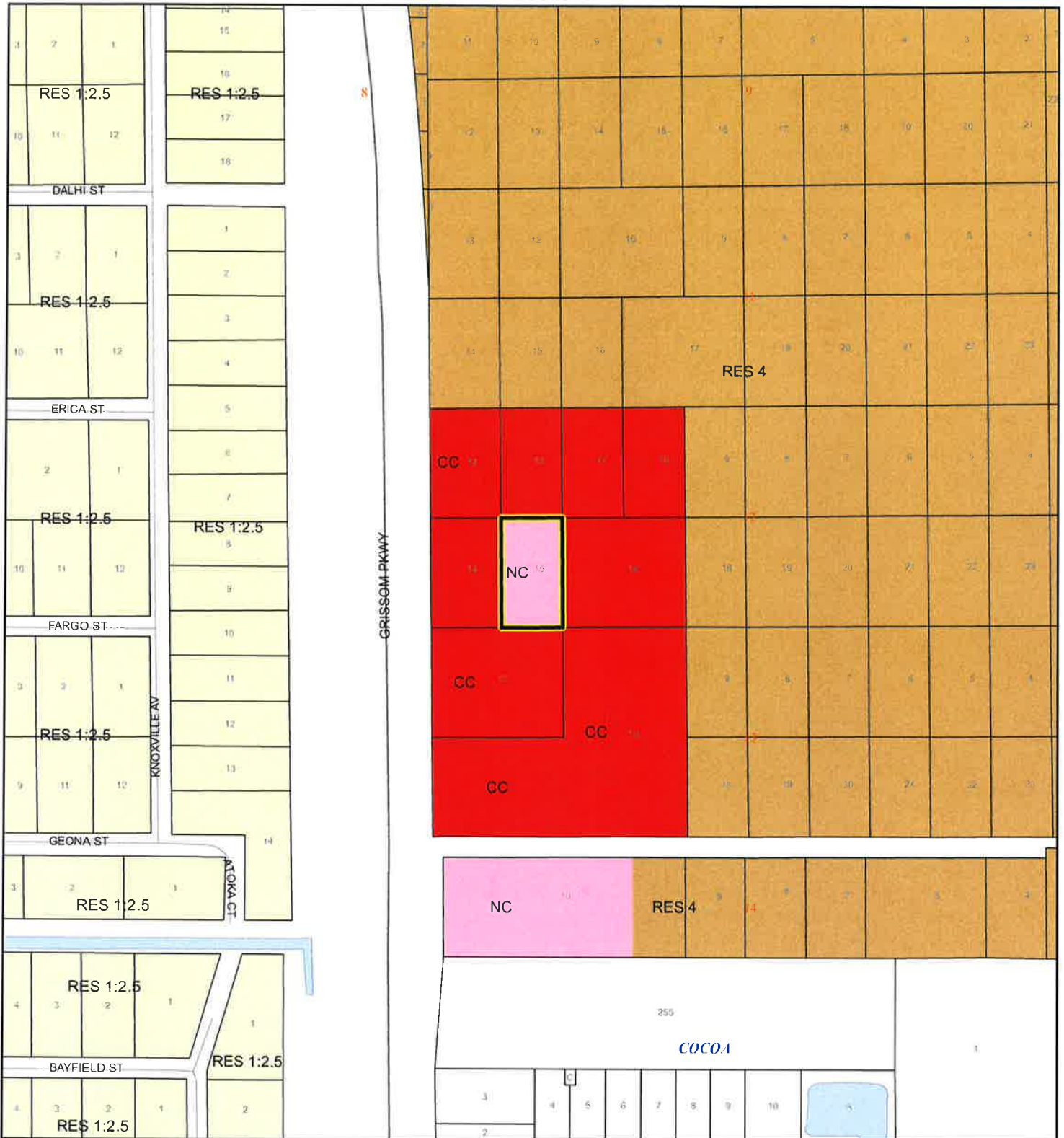
 Parcels

 Zoning

FUTURE LAND USE MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

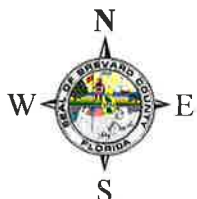
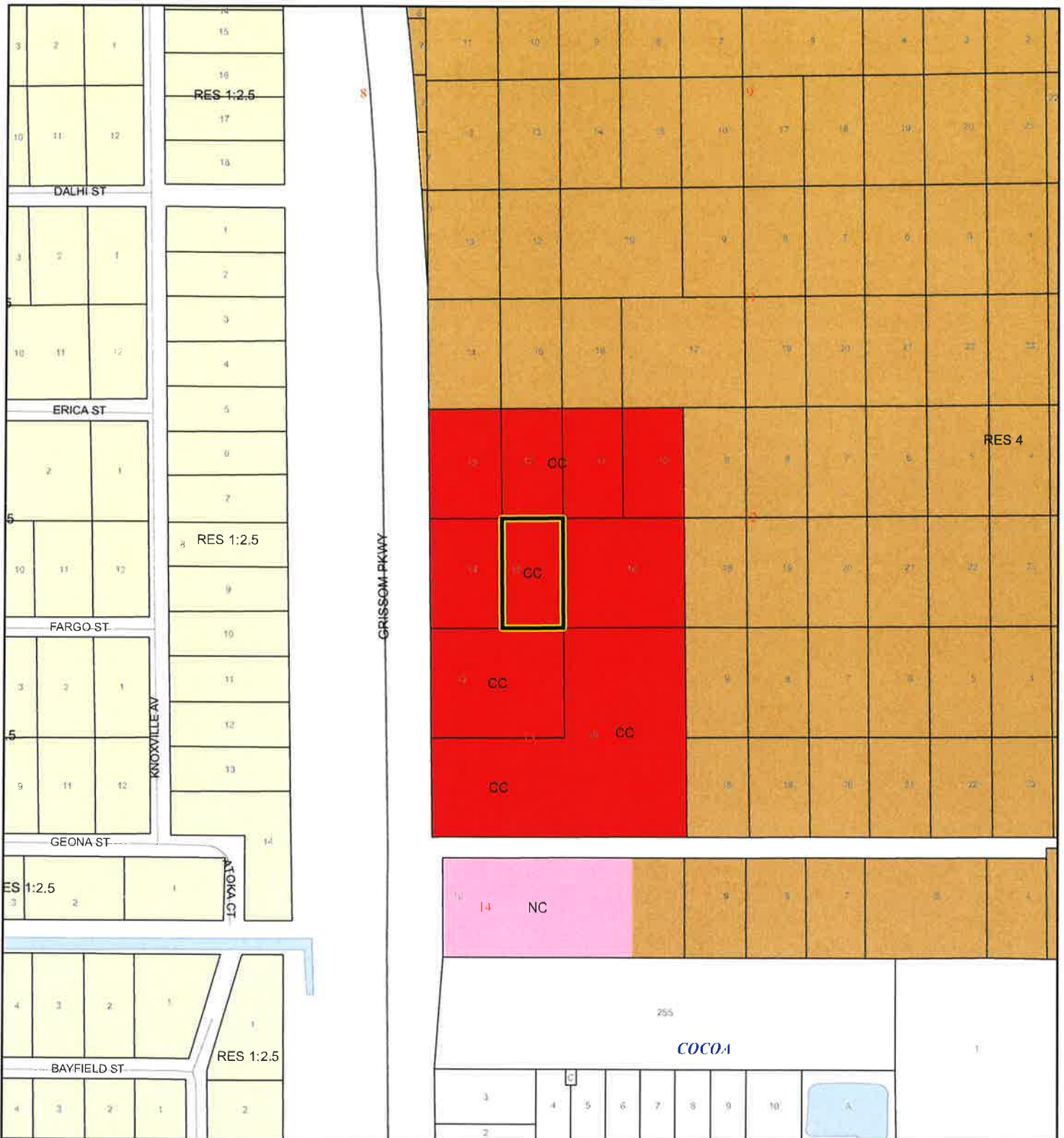
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/28/2023

PROPOSED FUTURE LAND USE MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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

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AERIAL MAP

Mulreany, Terrance & Peggy
23SS00016





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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.

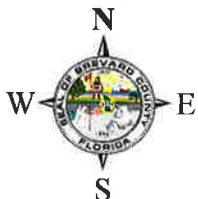
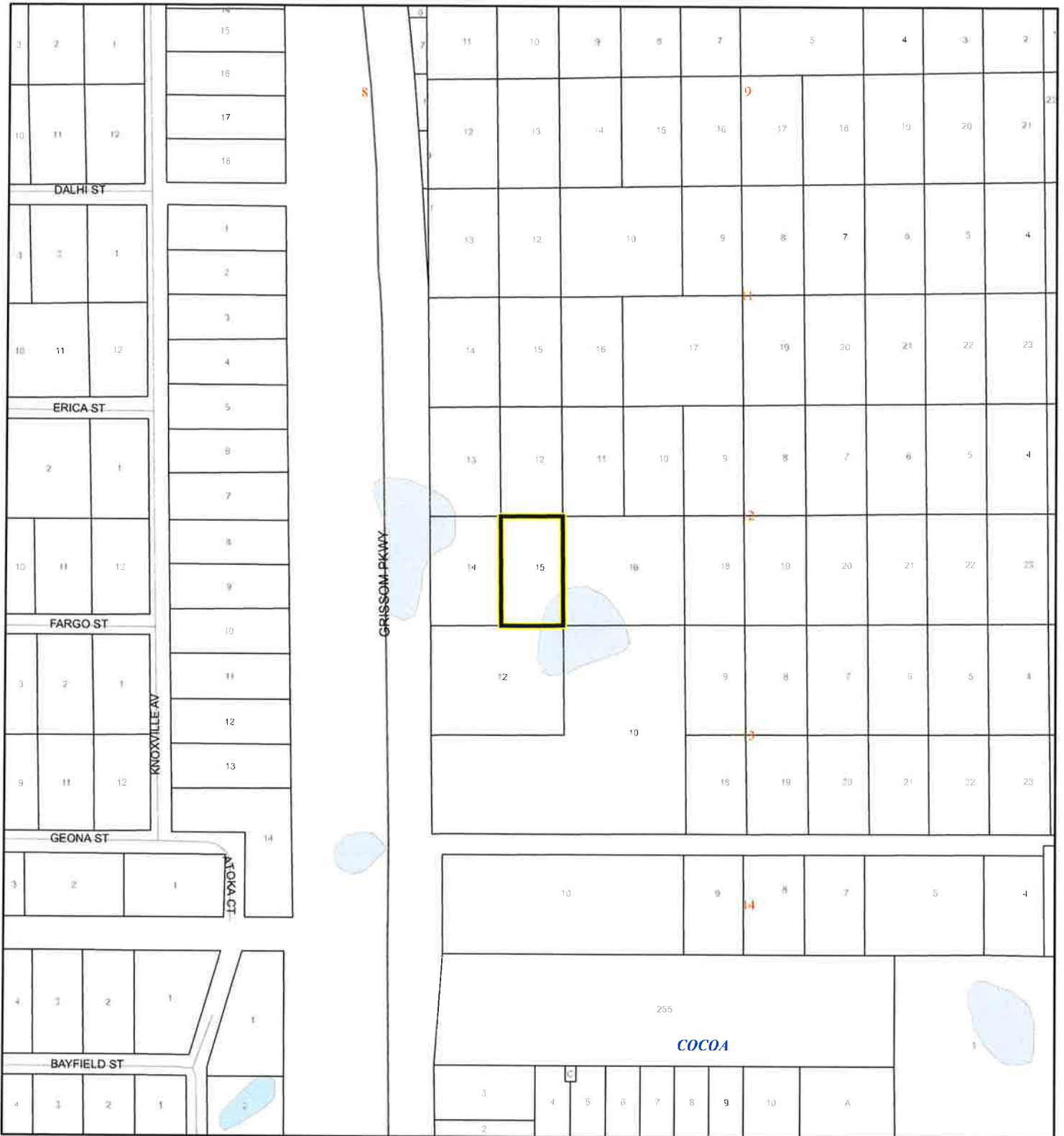
Produced by BoCC - GIS Date: 6/28/2023

 Subject Property
 Parcels

NWI WETLANDS MAP

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

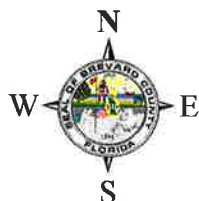
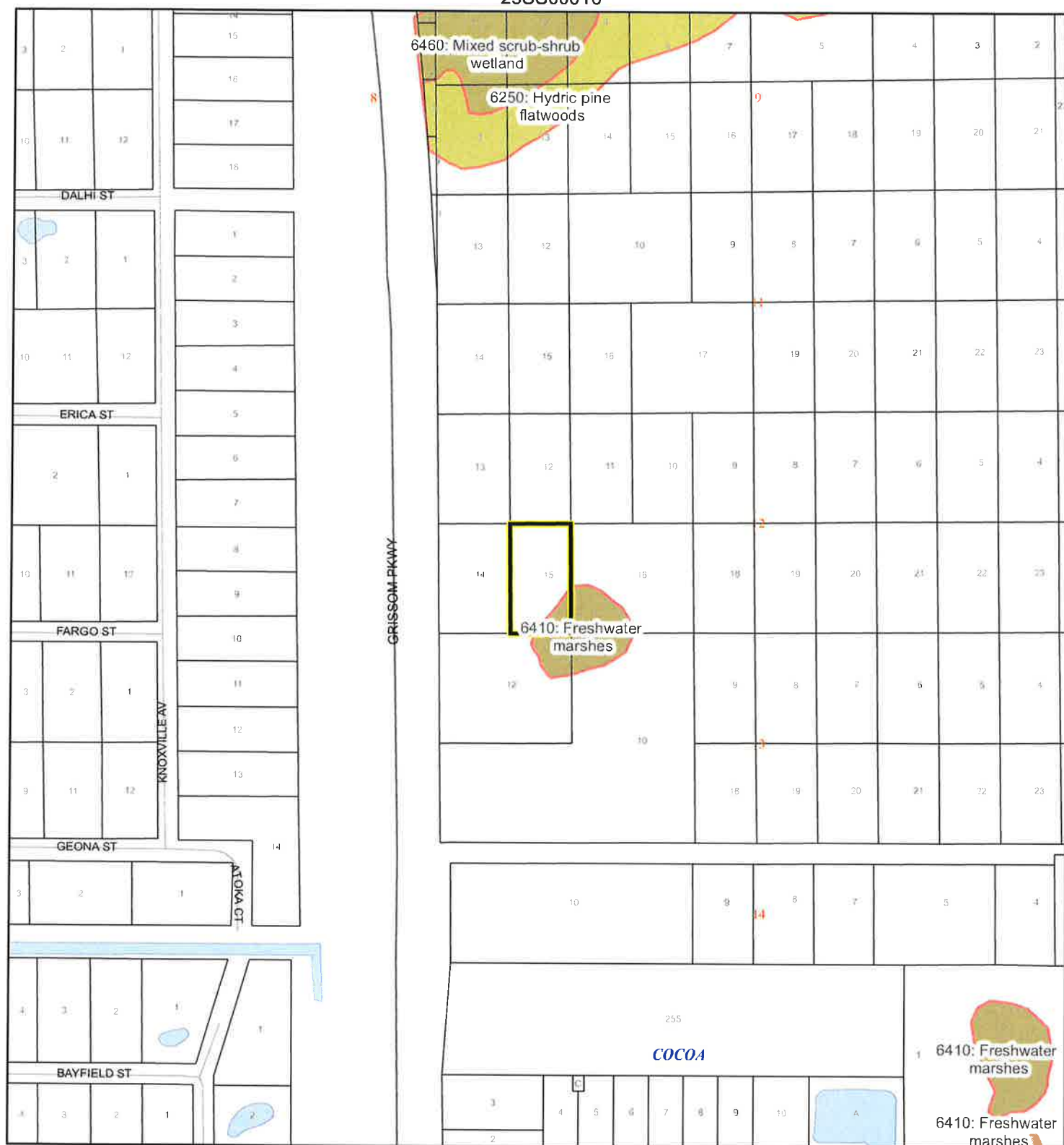
National Wetlands Inventory (NWI)

	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

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

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

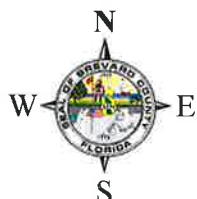
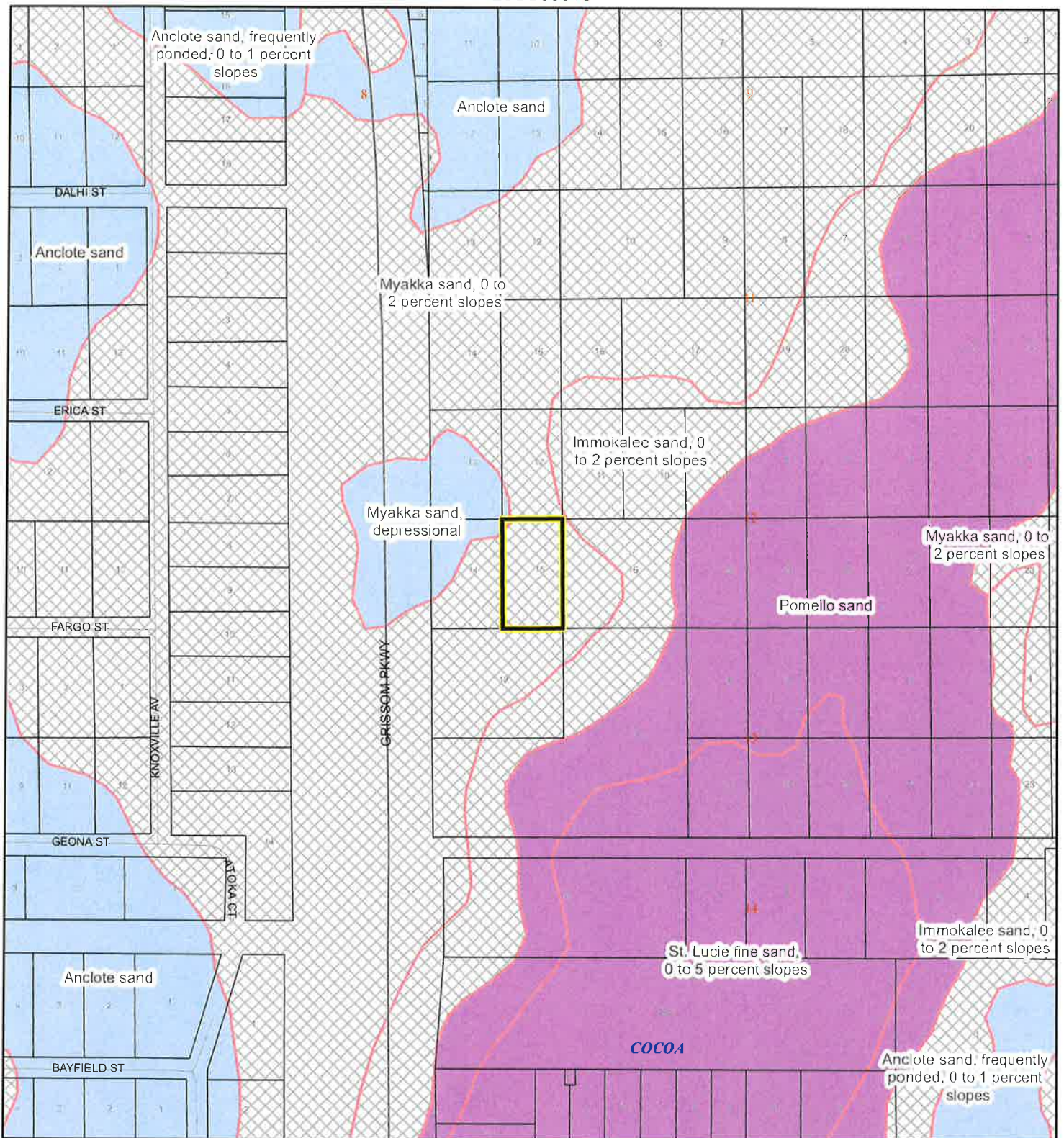
Subject Property

Parcels

USDA SCSSS SOILS MAP

Mulreany, Terrance & Peggy

23SS00016



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: 6/28/2023

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

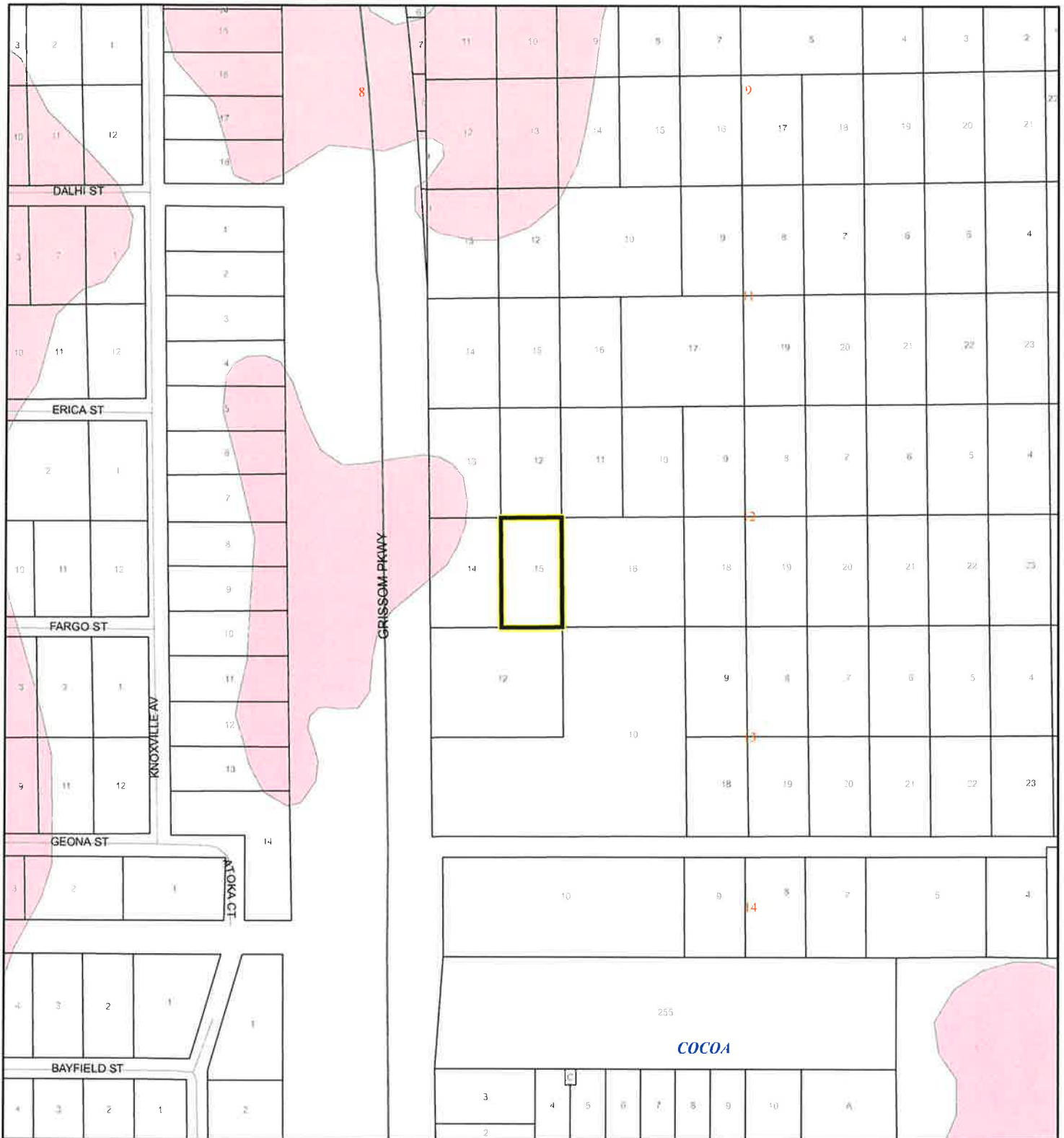
Subject Property

Parcels

FEMA FLOOD ZONES MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

Mulreany, Terrance & Peggy

23SS00016



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/28/2023

 Subject Property

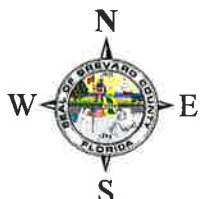
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

Mulreany, Terrance & Peggy




23SS00016



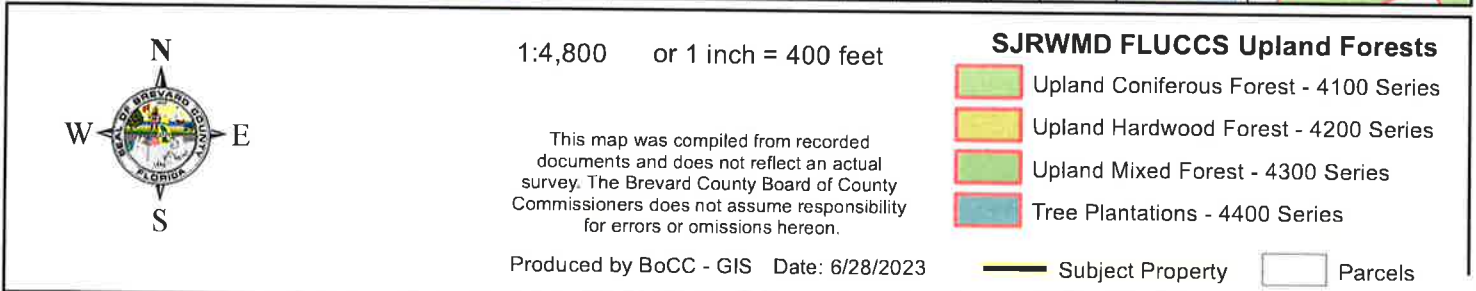
1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/28/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

23SS00016



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 18, 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); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); David Bassford (D5 Alt); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Planner II; Billy Prasad, Strategic Operations Manager; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Terrance P. and Peggy A. Mulreany (Kelly Hyvonen)

A Small Scale Comprehensive Plan Amendment (23S.16) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.15 acres, located approx. 250 ft. east of Grissom Parkway, and approx. 0.7 miles south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (23SS00016) (Tax Account 2400699) (District 1)

Terrance P. and Peggy A. Mulreany (Kelly Hyvonen)

A change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.15 acres, located approx. 250 ft. east of Grissom Parkway, and approx. 0.7 miles south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (23Z00056) (Tax Account 2400699) (District 1)

Kelly Hyvonen, Land Development Strategies, stated the property owners are seeking to change the Future Land Use from NC to CC on 1.15 acres, and to change the zoning from GU to BU-2 for retail, warehousing, and wholesale commercial. The property looks familiar because there were similar requests in September 2022 and April 2023 on surrounding properties. It is a logical extension of the existing Community Commercial and BU-2, and the industrial to the south in the City of Cocoa. The property will have direct access to Grissom Parkway. Approval of the requests will create a unified development parcel with consistent Future Land Use and zoning for a future office, warehouse, or distribution use.

No public comment.

Motion by John Hopengarten, seconded by Robert Sullivan, to recommend approval of a Small Scale Plan Amendment from NC to CC. The motion passed unanimously.

Motion by John Hopengarten, seconded by Robert Sullivan, to recommend approval of a change of zoning classification from GU to BU-2. The motion passed unanimously.