



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.17.

9/7/2023

Subject:

IR Tiki, LLC (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC and CC, to all CC. (23SS00008) (Tax Account 2605971) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners consider a Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial), to all CC.

Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use Map (FLUM) designation on 1.72+/- acres of land from NC and CC to all CC for the purposes of establishing consistency with the proposed zoning.

The subject property consists of one developed parcel on the east side of U.S. Highway 1, approximately 735 feet south of Suntree Blvd. The 1.72-acre subject property currently retains CC on 1.1 acres, and NC on 0.72 acres. This request will provide a unified FLUM on the subject property. A companion rezoning application (23Z00043) was submitted accompanying this request to change the zoning classification from RU-2-10 (Medium Density Multi-Family Residential) & BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2.

The developed character of the surrounding area is a mix of land uses. South and continuing southward from the subject property are single-family residential uses with varying residential zoning classifications, with the exception of one property zoned BU-2 and developed as single-family residential. A Brevard County Park with REC (Recreational) FLU designation is to the North. West of U.S. Highway 1 the commercial use extends to the west, north, and south. Southward west of U.S. Highway 1, commercial uses transition to residential. The Indian River is located to the east.

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

On August 14, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please provide two copies of the executed Ordinance to the Planning and Development Department.



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

September 8, 2023

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

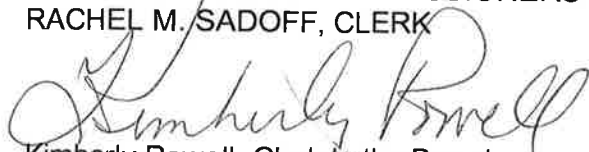
RE: Item G.17., Small Scale Comprehensive Plan Amendment (23S.08)

The Board of County Commissioners, in regular session on September 7, 2023, conducted the public hearing and adopted Ordinance No. 23-20, setting forth the sixth Small Scale Comprehensive Plan Amendment (23S.08) to change the Future Land Use designation from NC and CC to all CC. (23SS00008). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 23- 20

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.08; 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.08; 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 September 15, 2023.

WHEREAS, on August 14, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.08, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 7, 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.08; and

WHEREAS, Plan Amendment 23S.08 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.08 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.08, 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.

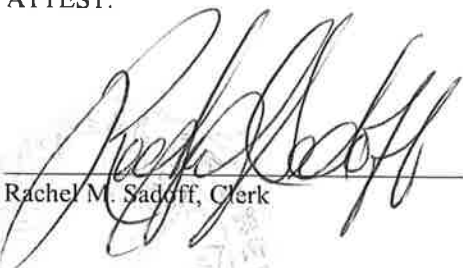
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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.

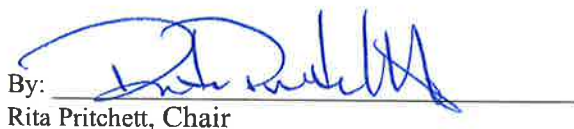
Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the 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 7th day of September, 2023.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Rita Pritchett, Chair

As approved by the Board on SEP 07 2023, 2023.

EXHIBIT A
23S.08 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

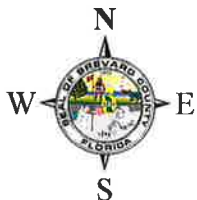
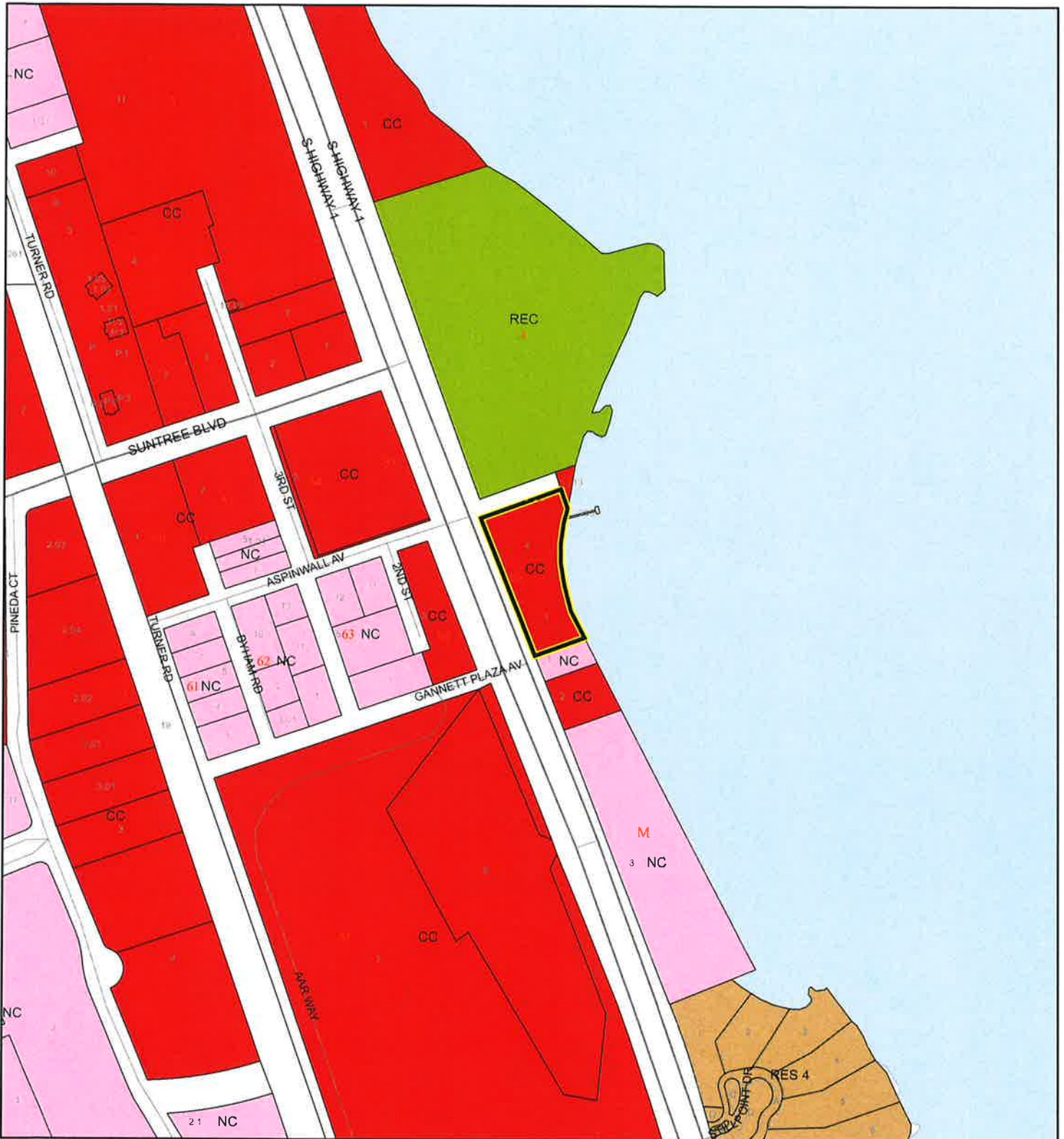
Contents

- 1. Proposed Future Land Use Map**

PROPOSED FUTURE LAND USE MAP

IR TIKI LLC

23SS00008



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: 6/20/2023

EXHIBIT B

Contents

1. Legal Description

(23SS00008) IR Tiki, LLC (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial), to all CC, on property described as Lot 4, Block 65, Town of Pineda, as recorded in ORB 8630, Pages 2178 - 2181, of the Public Records of Brevard County, Florida. **Section 18, Township 26, Range 37** . (1.72 acres) Located on the east side of U.S. Highway 1, approx. 735 ft. south of Suntree Blvd. (6533 S. U.S. Highway 1, Rockledge)

The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.08: 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

September 19, 2023

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

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of corrected Brevard County Ordinance No. 23-20, which was filed in this office on September 15, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

Donna Scott

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Wednesday, September 20, 2023 11:56 AM
To: Donna Scott
Subject: RE: Brevard County, FL Code of Ordinances - 1993(10473)

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

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

SVj (she/her/hers)

Production Support Specialist Supplement Department • **CivicPlus**
civicplus.com



Powering and Empowering Local Governments

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Tuesday, September 19, 2023 11:16 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: Ordinances to file with Municode
Importance: Low

You don't often get email from donna.scott@brevardclerk.us. [Learn why this is important](#)

Hello,

Attached is Ordinance Nos. 23-19, 23-20, 23-21, 23-22, and 22-23 to be filed with Municode.

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

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This email was scanned by Bitdefender

Helen Seaman

From: Helen Seaman
Sent: Friday, September 15, 2023 11:31 AM
To: CountyOrdinances@dos.myflorida.com
Cc: Clerk to the Board
Subject: BRE20230905_ORDINANCE2023_20
Attachments: 0914_001.pdf

Good Morning;

Due to a scrivener error, attached is the corrected Ordinance No. 2023-20 to be filed with the State.

Please accept apologies for the inconvenience.

Helen Seaman

Administrative Assistant

Clerk to the Board

(321) 637-2001

Helen.Seaman@brevardclerk.us

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.08 (23SS00008)
Township 26, Range 37, Section 18*

Property Information

Owner / Applicant: **IR Tiki, LLC**

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

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

Acreage: 1.72+/- acres

Tax Account #: 2605971

Site Location: East side of US US Highway 1 approx. 735 feet south of Suntime Blvd.

Commission District: 2

Current Zoning: Medium-density multiple-family residential (RU-2-10) and Retail, Warehousing and Wholesale Commercial (BU-2)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2)

Background & Purpose

The applicant is seeking to amend the Future Land Use Map (FLUM) designation on 1.72+/- acres of land from Neighborhood Commercial (NC) to all Community Commercial (CC) for the purposes of establishing consistency with the proposed zoning.

The subject property consists of one developed parcel on the east side of US Highway 1, approximately 735 feet south of Suntime Blvd. The 1.72 acre subject property currently retains CC (1.1 acres) and NC (0.72 acres) Future Land Use Map designations. This request will provide a unified FLUM and Zoning on the subject property. This parcel is located within the Coastal High Hazard Area (CHHA).

A companion rezoning application was submitted accompanying this request to change the zoning classification from RU-2-10 & BU-2 to all BU-2 (23Z00043).

The existing BU-2 zoning classification may be considered consistent with the existing CC FLU; however, the proposed BU-2 zoning classification cannot be considered consistent with the NC FLU designation per Section 62-1255.

The existing RU-2-10 zoning classification may be considered consistent with the existing CC FLU and NC FLU.

The existing and proposed BU-2 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLU designation.

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.

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 has frontage on US Highway 1.

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

There is NC Future Land Use designation adjacent to the subject property. Both NC and CC Future Land Use Map designations are present within the surrounding area.

C. Existing commercial development trend in the area;

Commercial development trends in the immediate area are mainly located west of US Highway 1, which includes retail commercial, an office complex to the northwest, a commercial amusement/entertainment business, a commercial office building with light manufacturing and warehousing to the southwest.

The primary zoning classification in the surrounding area is BU-1 and BU-2. Commercial zoning has been established in the immediate area specifically

to the west of US Highway 1 since approximately 1961. The majority of commercial zoning are located on the westside of US Highway 1. However, another BU-2 commercially zoned property exists approximately 200 feet to the south and 1,000 feet to the north of the subject property on the east of US Highway 1.

Zoning trends further indicates the area's commercial trends. Pending rezoning and FLUM amendments applications 23Z00034 (GU and BU-1 to BU-2) & 23SS00004 (NC & CC to all CC FLUM amendment); 23Z00057 (GU to BU-1). The location of the requested is located directly west of the subject property's request, across US Highway 1.

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

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

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

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposal increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 76.14% of capacity daily.

The subject parcel is within the City of Cocoa utilities service area for public water. Brevard County sewer lines are located along the eastside of US Highway 1 directly in front of the subject property. The proposed development is not anticipated to have an impact on the LOS for potable water service, sanitary sewer or solid waste disposal.

- F. Spacing from other commercial activities;

Community Commercial facilities are located approximately 165 feet to the northwest across US Highway 1; directly west of the of the subject property across US Highway 1; to the southwest approximately 158 feet across US Highway 1 and approximately 100 feet to the south along the eastside of US Highway 1.

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

A market analysis would be needed to determine the current need for commercial lands in this area. However, Community Commercial facilities are located to the north, south, and west of the subject property. Additional commercial activities can be found along the US Highway 1 corridor.

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

The provisions of this Criterion will be addressed at the site plan stage.

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

- J. Impacts upon strip commercial development.

The applicant proposes to expand the footprint of the existing restaurant on site. There are no anticipated impacts upon strip commercial development in the area.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations

FLUE Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

**Locational and Development Criteria for Community Commercial Uses
FLUE 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.

The subject site is located on US Highway 1, a principal arterial roadway. Community commercial clusters in the surrounding area of up to 10 acres or more are located to the northwest and southwest of the subject site along US Highway 1. Community Commercial is the dominate FLU designation in the surrounding area.

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

The property is a total of 1.72 acres. This request, if approved, would represent an increase of approximately 0.6 acres of CC. A community commercial complex is not located on this site or in the surrounding area.

- 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.

This site being 1.72 acres in size and located between REC and NC FLUs cannot be considered part of community commercial cluster.

- 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 criteria is not applicable to this subject property.

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

The overall subject site has the potential for an 74,923 sq. ft. of commercial based on a FAR of 1.00. The current site with expansion is 4,381 square feet. The applicant has not requested PUD zoning.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Park	GML	REC
South	Single-family residence	RU-1-7	CC
East	Indian River	N/A	N/A
West	Retail Commercial	BU-1	CC

To the north is a Brevard County Park, 10.36-acre parcel with REC FLU designation.

To the south is developed as a single-family residence 0.28-acre parcel with NC FLU designation.

To the east is the Indian River.

To the west is US Highway 1. Across the ROW 1.03-acre parcel with CC FLU designation.

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

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

Criteria:

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

This request proposes to expand the footprint of the existing restaurant on site, which may be in operation past 10:00 p.m. 7-days a week.

Expansion includes: adding additional parking and deck with outdoor seating to the southern portion of the property. As well as new decking and Tik Hut on the northside of the restaurant's accessory building. The proposed changes on the southern portion has the potential to impact the enjoyment of, safety or quality of life of the abutting residential property due to the hours of operation, lighting, noise levels and parking.

Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage for location of proposed additions to minimize the potential effects to off-site impacts of the adjacent residents to the south.

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

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

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

1. historical land use patterns;

The developed character of the surrounding area is a mix of land uses. South and continuing southward from the subject property are single-family residential uses with varying residential zoning classifications. Except one property has a BU-2 designation developed as a single-family residence. A Brevard County Park with REC (Recreational) FLU designation is located to the North. West of US Highway 1 the commercial use extends to the west, north and south. Southward west of US Highway commercial uses transitions to residential uses. The Indian River is located to the east.

There are three (3) FLU designations within 500 feet of the subject site: CC, NC, and REC. The predominant FLU designation along this segment of US Highway 1 is NC.

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

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

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

There has not been any development approved but not yet constructed within a half mile in the preceding three (3) years.

- D. whether the proposed uses(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plans.

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

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

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 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.

The proposed expansion may impact the established residence abutting to the south due to possible increase of traffic, proposed additional parking location, outdoor seating on the southern portion and commercial activity. Off-site impacts can be addressed with zoning.

- 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 subject property is not located in residential neighborhood.

- 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.

Commercial use on the subject property was established over 70 years ago.

- 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.

The subject site is within a corridor of commercial uses along US Highway 1. Commercial uses located to west extends westward with a pocket of residential uses encompassing approximately 6-acres before transitioning back to commercial. Commercial uses are present to the north past the park and to the northwest. Commercial use to the southwest transitions to residential. Residential uses extend southward along the eastside of the corridor.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US US Highway 1, between SR 404 and Suntree Blvd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 75.71% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 15.28%. The corridor is anticipated to operate at 90.99% of capacity daily. The maximum development potential of the proposal is not anticipated to 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 subject property is within the City of Cocoa utilities service area for public water. The closest Brevard County sewer line is located directly in front of the subject property along the east side of US Highway 1. The proposed expansion is not anticipated to have an impact on the LOS for potable water service, sanitary sewer or solid waste disposal.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

Environmental Resources

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Surface Waters of the State
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The applicant is working with staff to resolve a variety of violations at the site. A general description of the resources at the site, and any actions required for compliance are listed below.

Please see NRM Report for additional comments.

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 to consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #23SS00008

Applicant: Kelly Hyvonen, AICP (Owner: IR Tiki LLC)

Land Use Request: NC & CC to all CC

Note: Complete a restaurant expansion with associated parking

LPA Hearing Date: 08/14/2023; **BCC Hearing Date:** 09/07/2023

Tax ID No: 2605971

- 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
- Floodplain Protection
- Surface Waters of the State
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The applicant is working with staff to resolve a variety of violations at the site. A general description of the resources at the site, and any actions required for compliance are listed below.

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils (Pompano sand, 0 to 2 percent slopes), 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 uses along

"Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal. 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.

Floodplain Protection

This property is mapped as being within Special Flood Hazard Area (SFHA) AE as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. This area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water (OFW), and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is not permitted without approval. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at (407) 897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Staff are working with the applicant to resolve unpermitted impacts within the Surface Water Protection Buffer.

Coastal High Hazard Area

A portion of the property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment

processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Aquifer Recharge Soils

Pompano sand can also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

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.

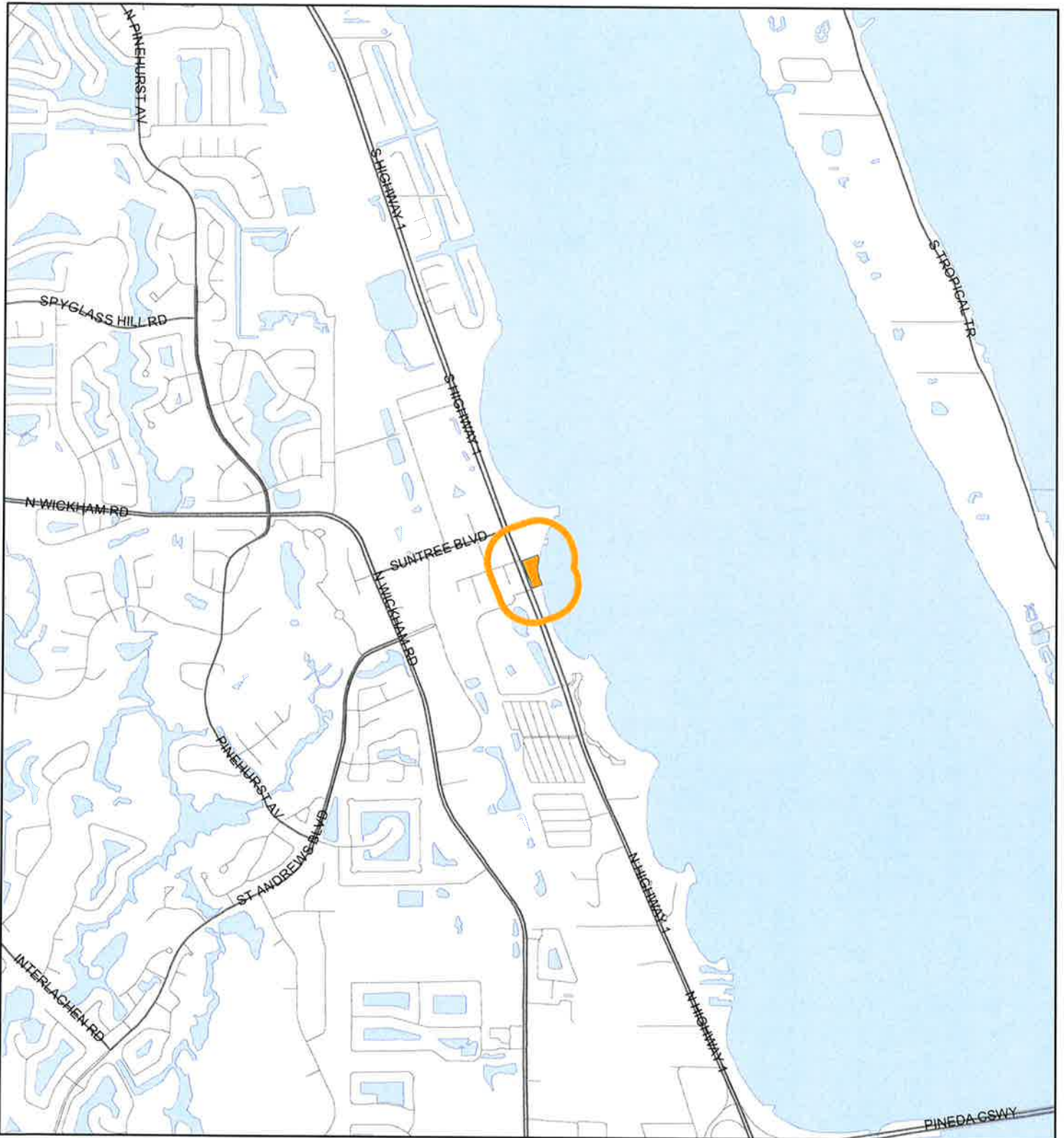
Staff are working with the applicant to resolve unpermitted land clearing and site grading at the property.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. If applicable, 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

IR TIKI LLC
23SS00008





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

Buffer Distance: 500 feet

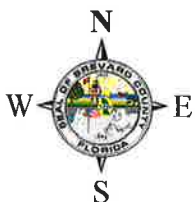
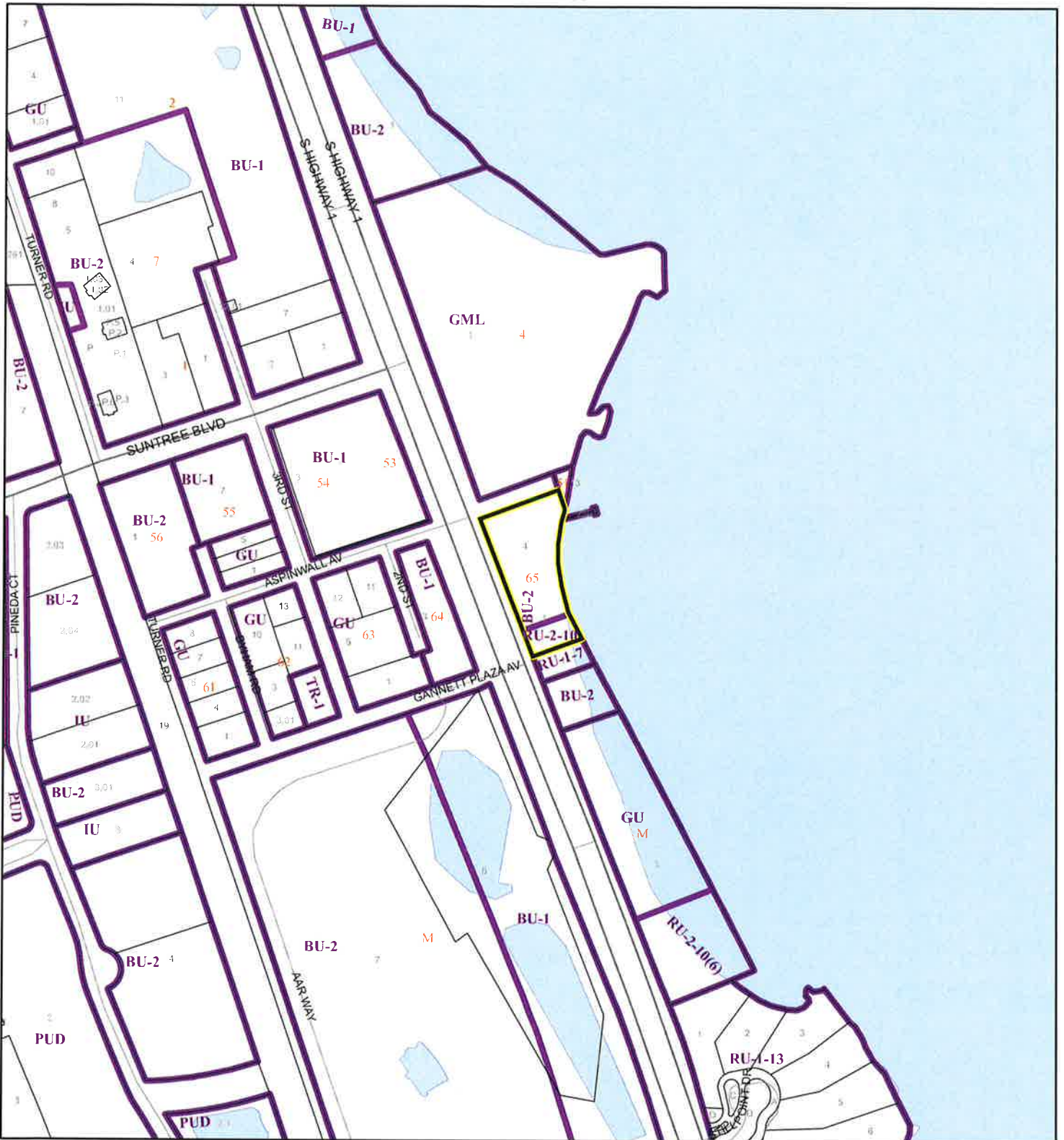
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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-  Buffer
-  Subject Property

ZONING MAP




IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

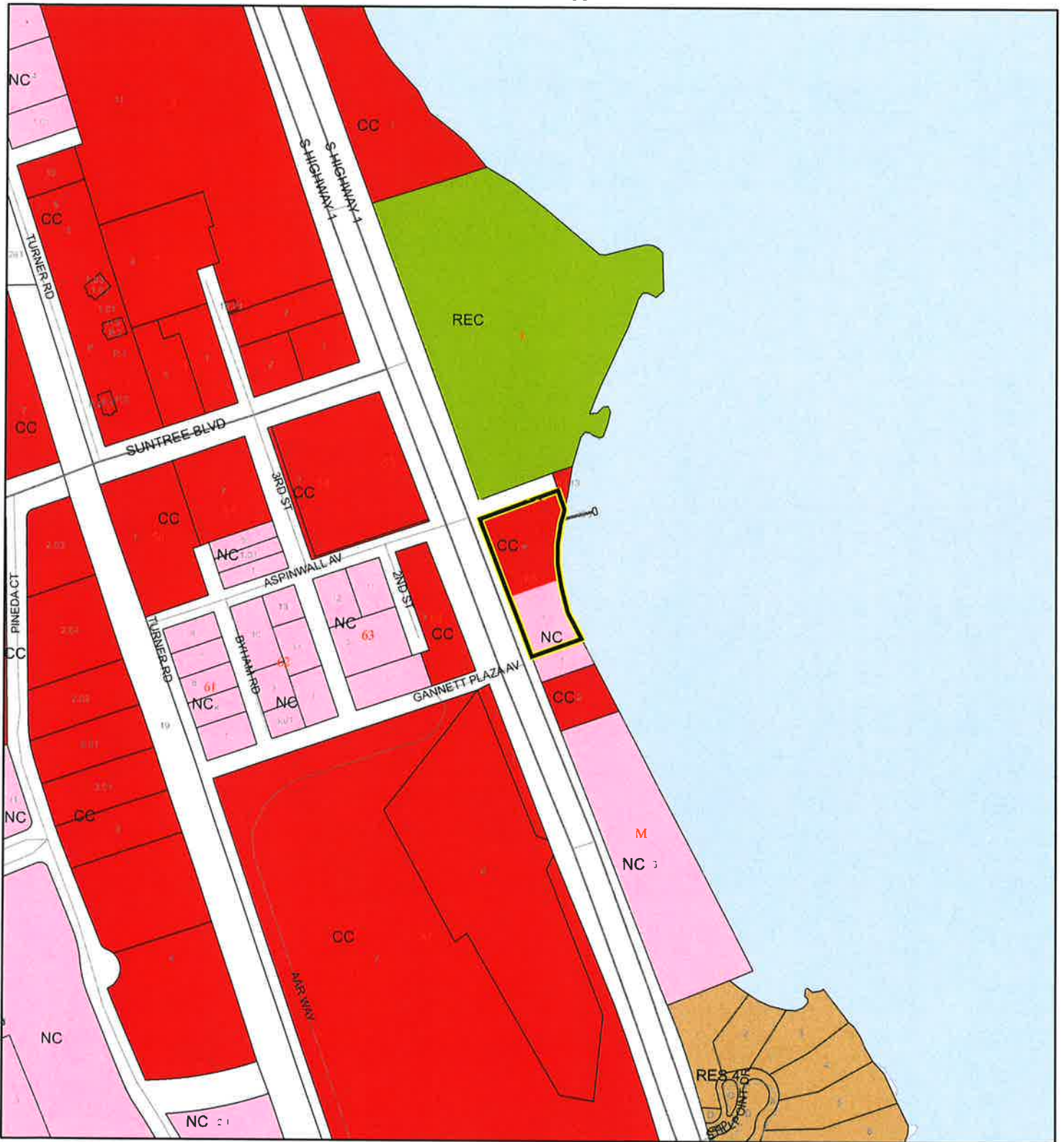
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-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

 Subject Property

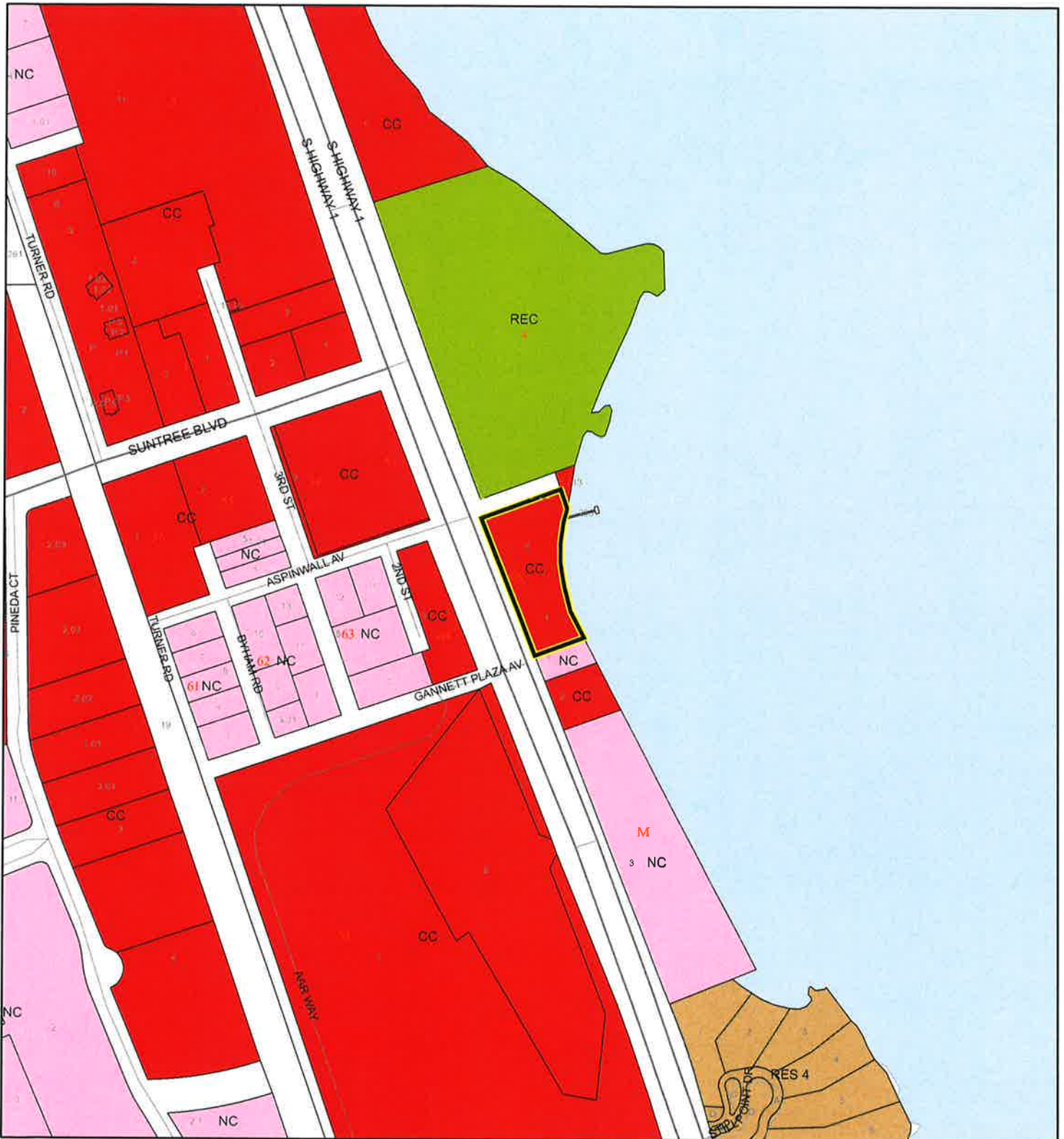
 Parcels

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PROPOSED FUTURE LAND USE MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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AERIAL MAP

IR TIKI LLC
23SS00008



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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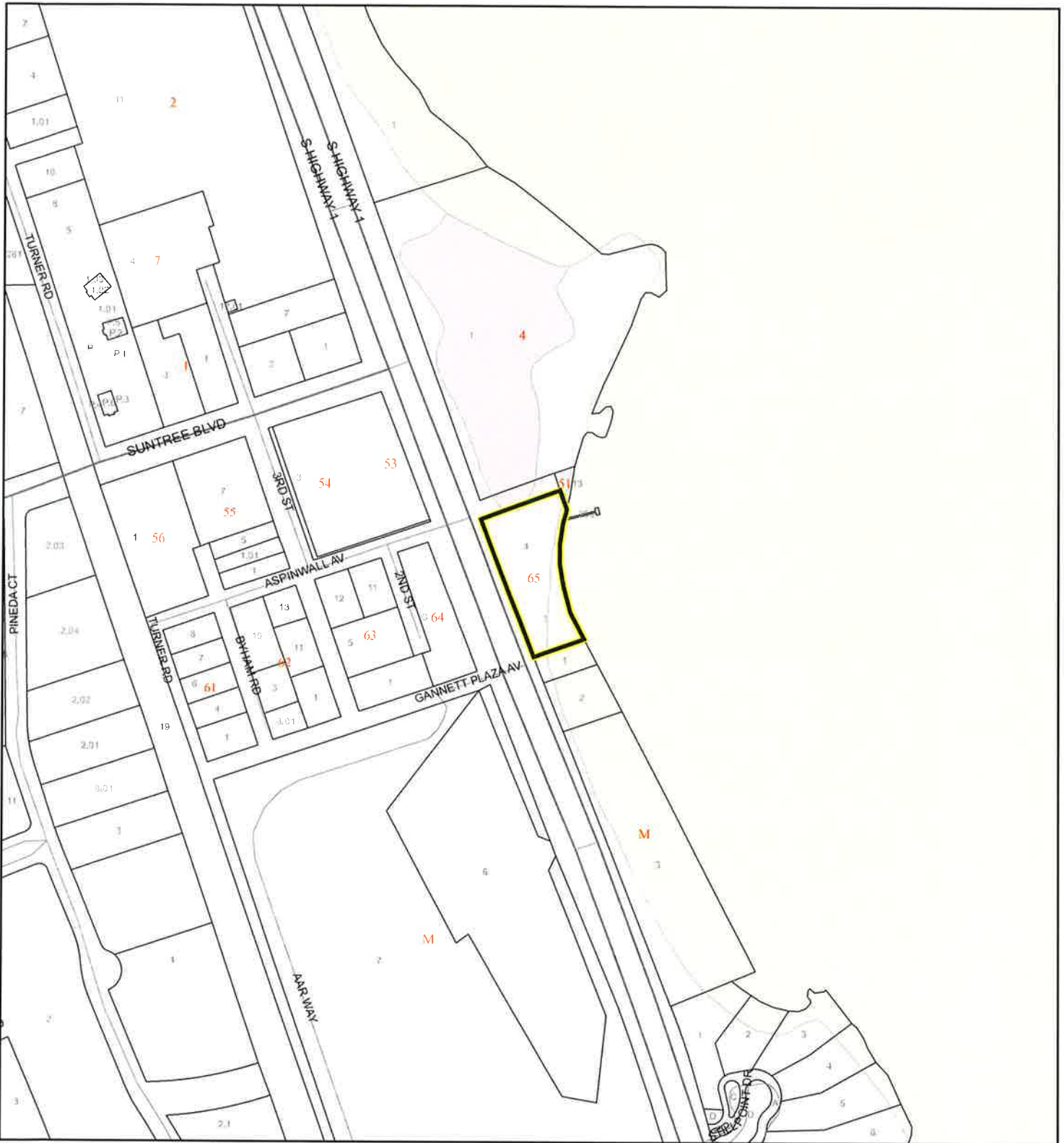
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 Subject Property

 Parcels

NWI WETLANDS MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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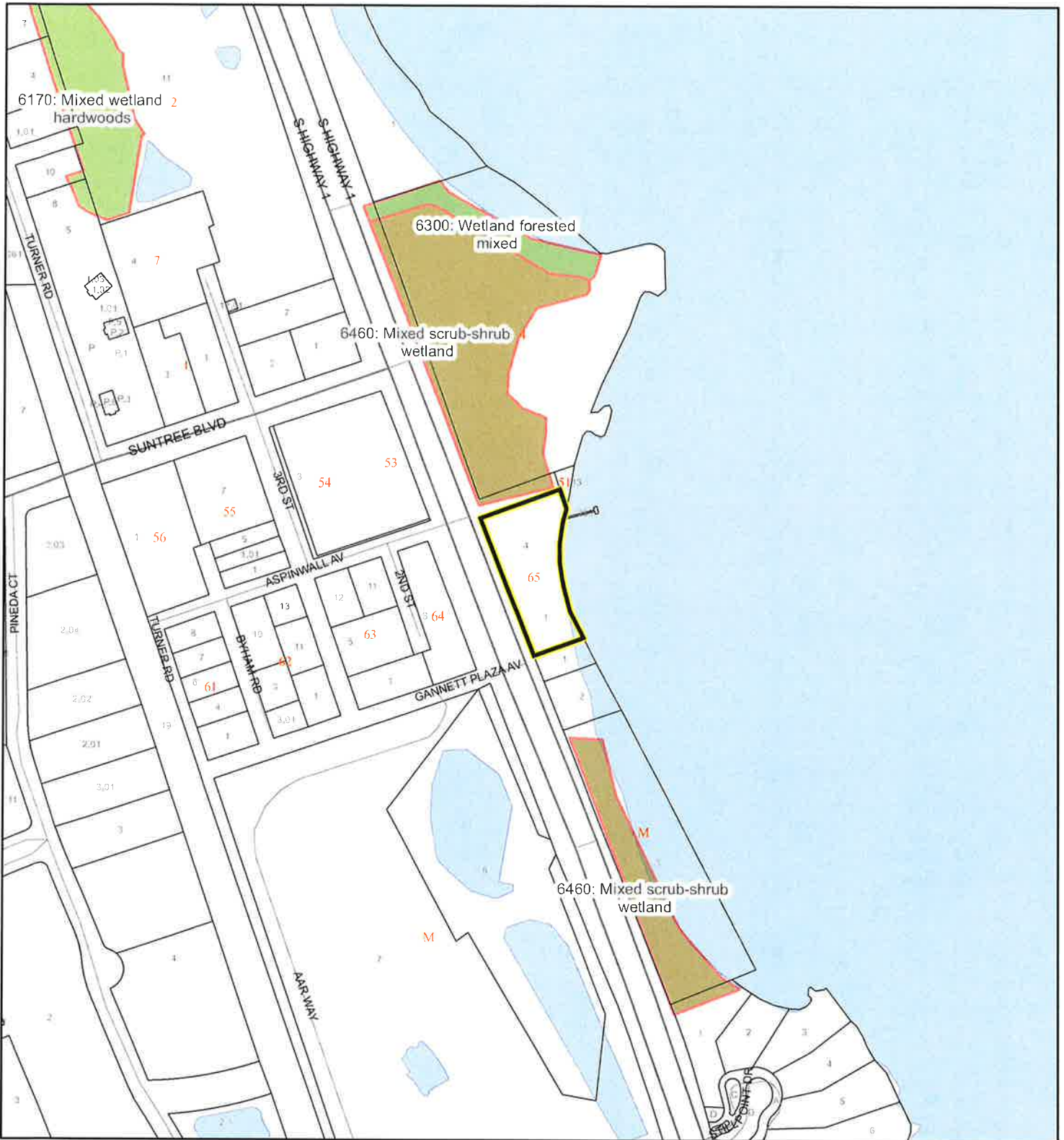
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National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

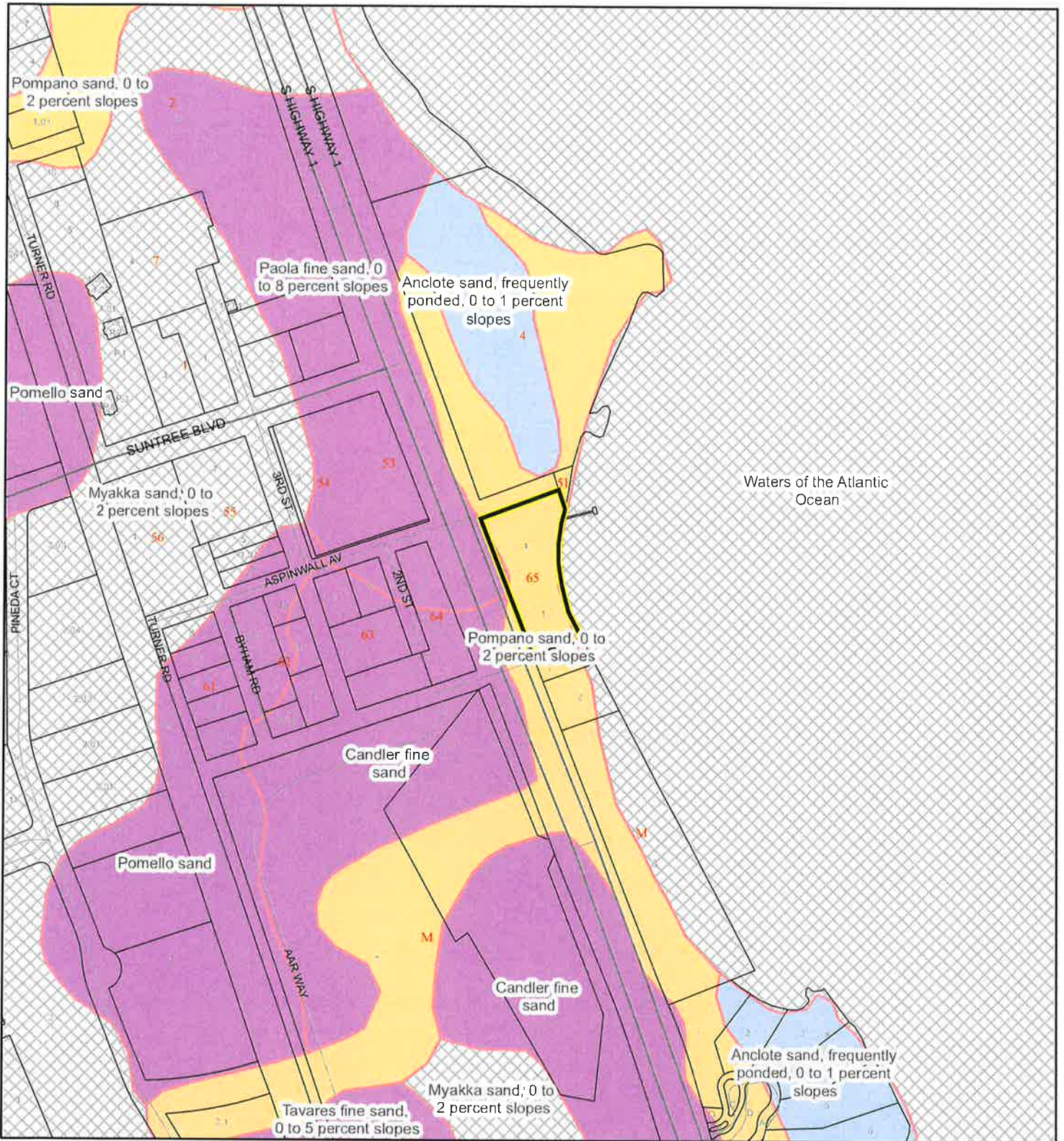
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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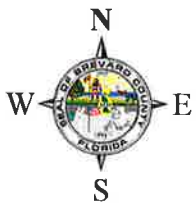
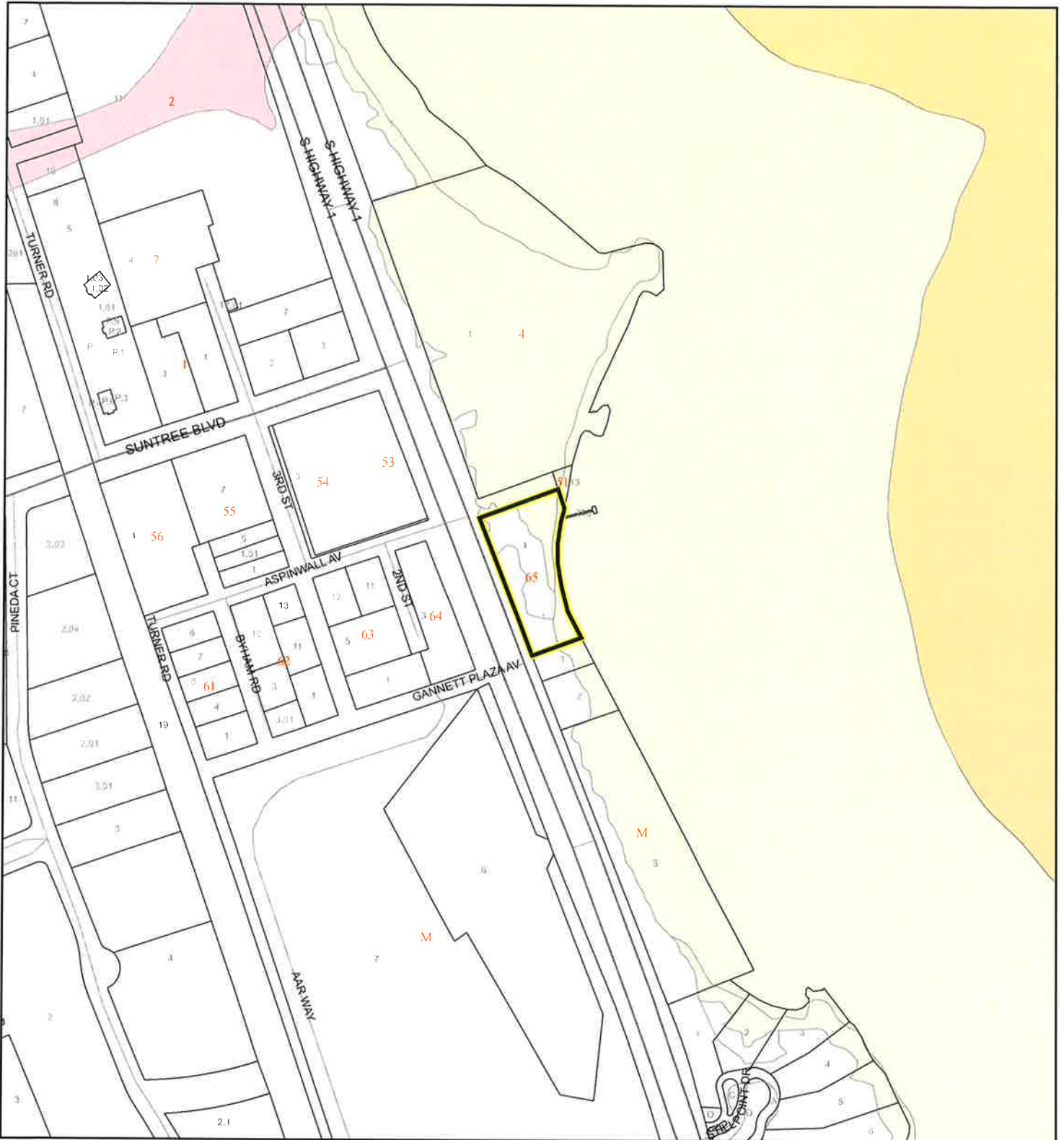
Produced by BoCC - GIS Date: 6/20/2023

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones		
A	AO	X
AE	AH	VE
AH	Open Water	Subject Property
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

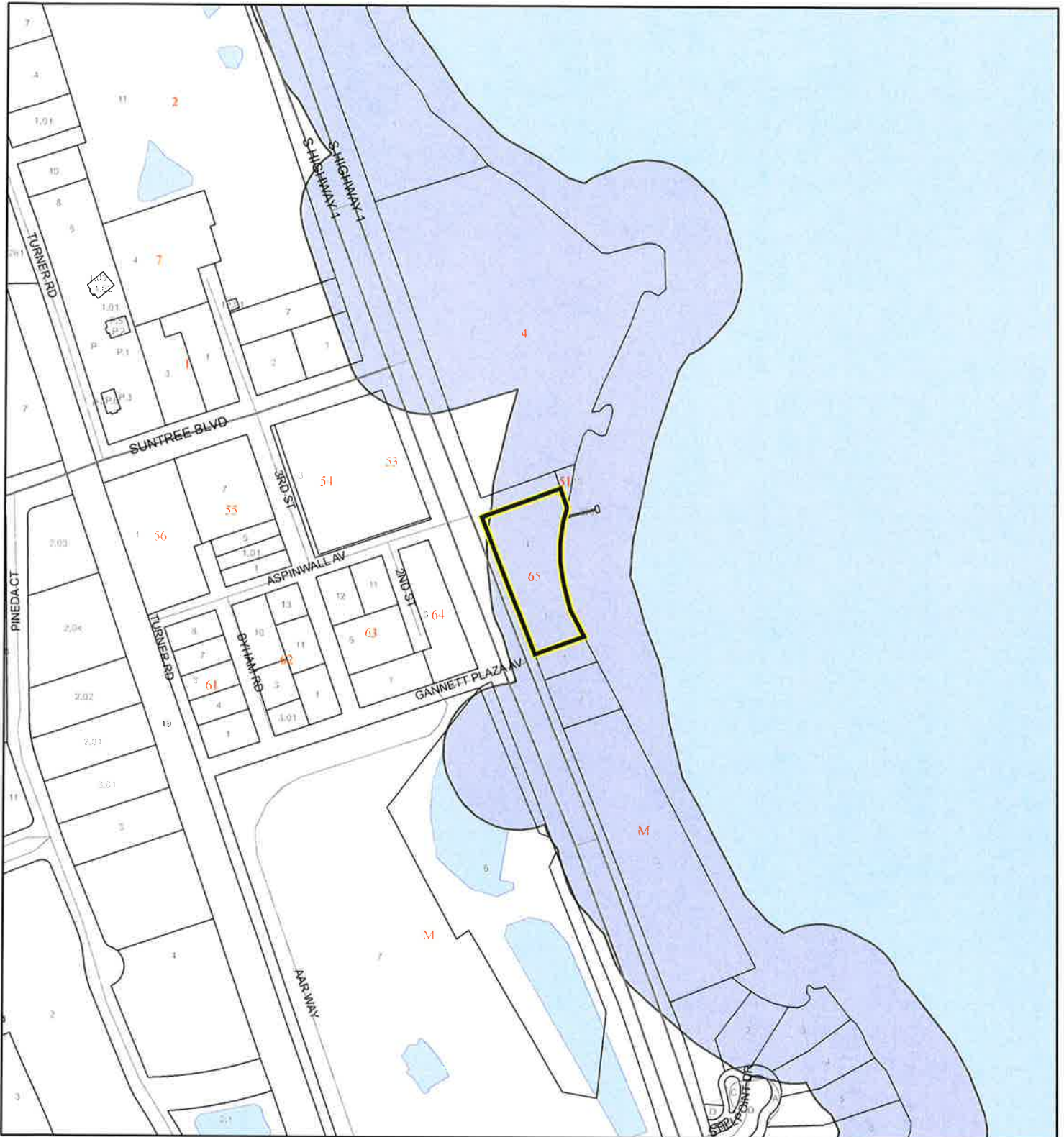
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-  Subject Property
-  Parcels
- Coastal High Hazard Area**
-  SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

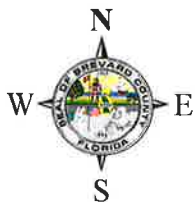
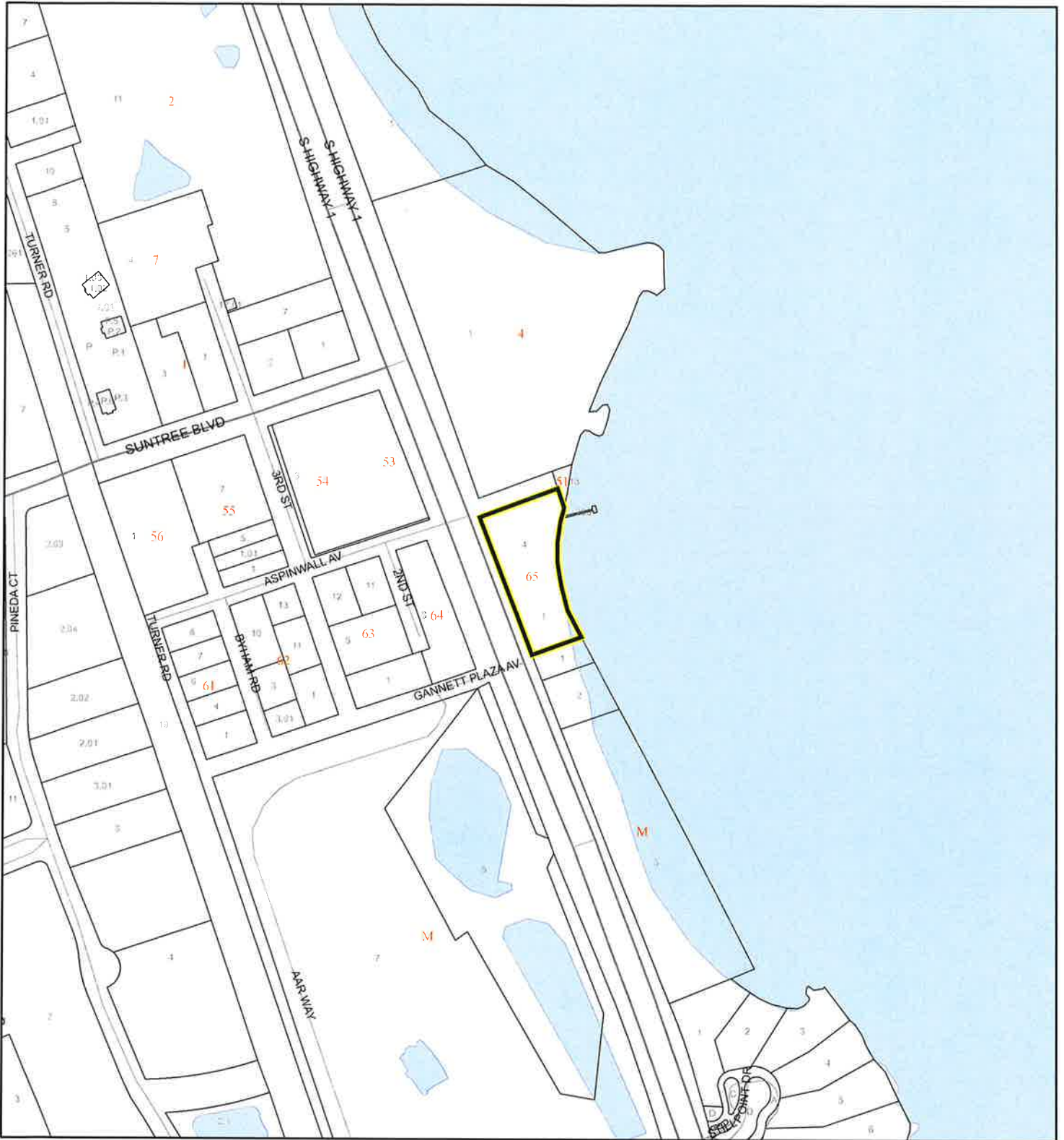
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

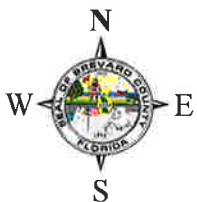
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Produced by BoCC - GIS Date: 6/20/2023

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP




IR TI KI LLC
23SS00008



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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-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

IR TIKI LLC
23SS00008



1:4,800 or 1 inch = 400 feet

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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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 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); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Morris Richardson, County Attorney; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

IR Tiki, LLC (Kelly Hyvonen)

A Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial), to all CC. The property is 1.72 acres, located on the east side of U.S. Highway 1, approx. 735 ft. south of Suntree Blvd. (6533 S. U.S. Highway 1, Rockledge) (23SS00008) (Tax Account 2605971) (District 2)

IR Tiki, LLC (Kelly Hyvonen)

A change of zoning classification from RU-2-10 (Medium Density Multi-Family Residential) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2. The property is 1.72 acres, located on the east side of U.S. Highway 1, approx. 735 ft. south of Suntree Blvd. (6533 S. U.S. Highway 1, Rockledge) (Tax Account 2605971) (District 2)

Kelly Hyvonen, Land Development Strategies, stated the purpose of the requests is to have consistent land use and zoning on the entire property. The requests are consistent with the property owner's desire to obtain permits for site improvements for expansion of the Pineda Inn restaurant, which includes a deck with outdoor seats, a tiki hut, parking, stormwater, and vegetative buffering. She stated she and her client have been in extensive contact with County staff on how to bring the site into compliance, and these requests are the next steps before obtaining site plan approval and building permits.

No public comment.

John Hopengarten asked the nature of the Code Enforcement issues. Ms. Hyvonen replied there used to be two duplexes on the property and after they were demolished the lot became more parking for the restaurant. There were also improvements made to the decking and tiki hut, but the owner intends to fix everything by changing the land use and zoning.

Motion by Debbie Thomas, seconded by Brian Hodgers, to recommend approval of a Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from NC and CC to all CC. The motion passed unanimously.

Motion by Brian Hodgers, seconded by Debbie Thomas, to recommend approval of a change of zoning classification from RU-2-10 and BU-2 to all BU-2. The motion passed unanimously.