



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

2/6/2020

Subject:

Timothy D. and Rebecca F. Reaves request a Small Scale Comprehensive Plan Amendment from Residential 1:2.5 to Residential 1 (19PZ00126) (Tax Account 2000310) (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 Plan Amendment to change the Future Land Use designation from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1).

Summary Explanation and Background:

The applicants are seeking to change the Future Land Use designation from RES 1:2.5 to RES 1 on 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. Highway 1 in Mims. The applicants intend on building a single-family residence.

The lot currently does not meet the minimum acreage of 2.5 acres, required by the current FLU designation. The subject property is bound to the north, east, south, and west, by single-family residences all with RES 1:2.5. This request is accompanied by a companion request for a change the zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential).

The RES 1 land use designation permits low density residential development with a maximum density of up to one unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The Mims Small Area Study adopted in April 2007 reduced the residential density in the northern and western areas of Mims. The change resulted in a total of 25.61 acres on the south side of Richy Road being reduced from RES 1 to RES 1:2.5. This property is located within this study area.

The Board may wish to consider preserving the larger lots in this residential neighborhood since the reduction in density occurred as a result of the Small Area Study.

On January 13, 2020, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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Please return an executed copy of the adopted ordinance once it has been filed with the State.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 7, 2020

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.2., Timothy D. and Rebecca F. Reaves Request of a Small Scale Comprehensive Plan Amendment

The Board of County Commissioners, in regular session on February 6, 2020, conducted the public hearing and adopted Ordinance No. 20-03, setting forth Small Scale Amendment 19S.12 of the Comprehensive Plan to change the Future Land Use designation from Residential 1:2.5 to Residential 1 for Timothy D. and Rebecca F. Reaves (19PZ00126). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 7, 2020

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

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-03, which was filed in this office on February 7, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 20-03

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TWELFTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.12, 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 2019 as Plan Amendment 19S.12; 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 19S.12; and

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

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

Officially filed with the Secretary of State on February 7, 2020.

WHEREAS, on January 13, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.12, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 6, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.12; and

WHEREAS, Plan Amendment 19S.12 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.12 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 19S.12 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 19S.12, 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 Community Affairs, 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 6 day of FEBRUARY, 2020.

ATTEST:


Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:


Bryan Lober, Chair

As approved by the Board on FEB . 6, 2020.

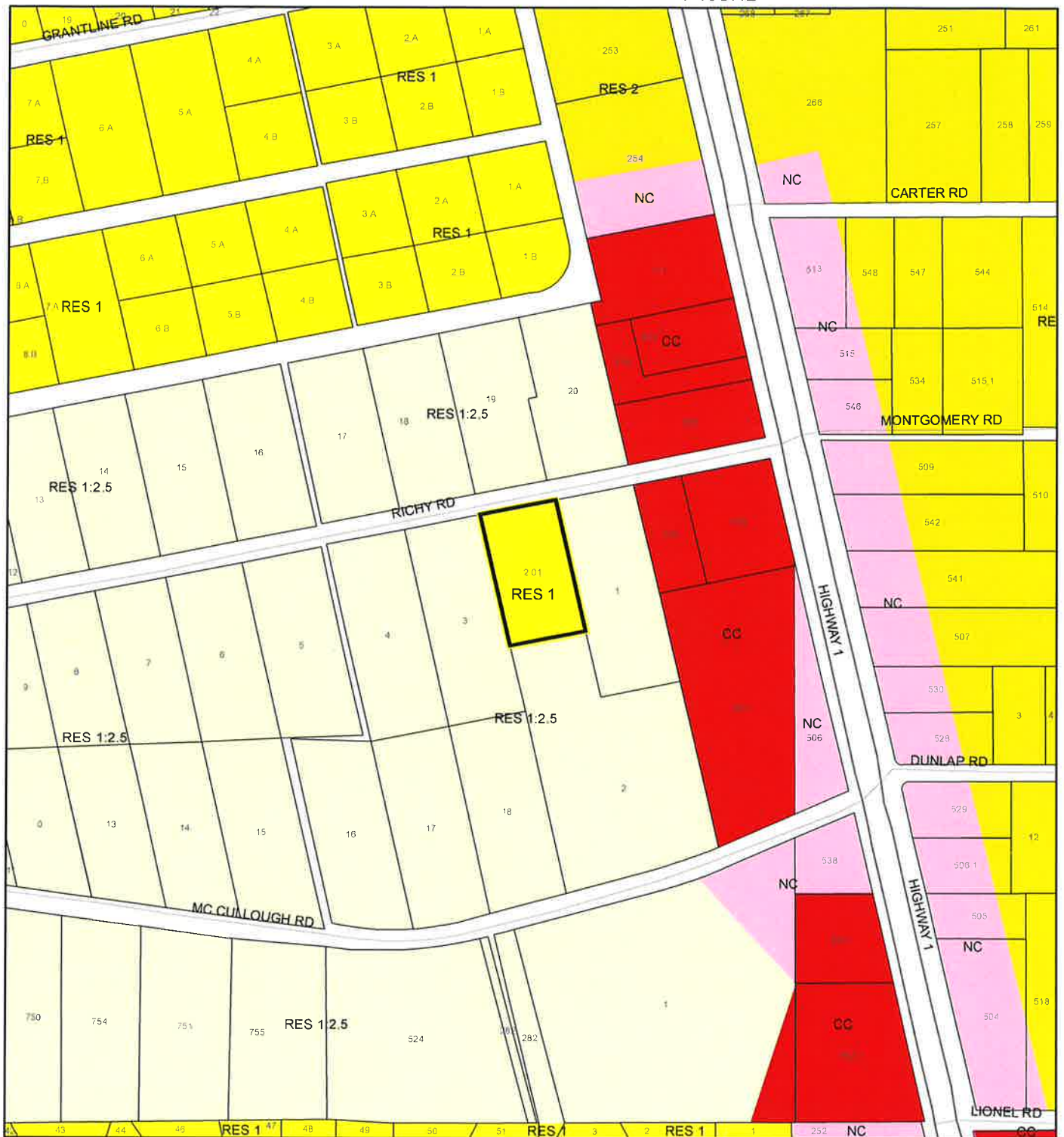
EXHIBIT A
19S.12 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



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: 10/17/2019

EXHIBIT B

Contents

1. Legal Description

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JANUARY 13, 2020, and THURSDAY, FEBRUARY 6, 2020. DISTRICT 5 1. (19PZ00124) ZAMIRA AND GEZIM DOCI (Andi Doci) request a change of zoning classification from RU-1.7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), on property described as Lots 39 & 40, Canova Beach Vacation Home Sites, according to the Plat thereof, as recorded in Plat Book 10, Page 13, of the Public Records of Brevard County, Florida. Section 13, Township 27, Range 37. (0.18 acres) Located on the north side of Atlantic Ave., approximately 0.40 mile west of Highway A1A, (159 Atlantic Ave., Indianalantic) DISTRICT 1 2. (19PZ00126) TIMOTHY D. AND REBECCA F. REAVES request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1, on property described as the north 387.4 feet (as measured along the lot lines) of Lot 2, Block 3, Plat of Indian River Plantation Estates, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35. (2 acres) Located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area.) (Tax Account 2000310) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 19S12: 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. 3. (19PZ00127) TIMOTHY D. AND REBECCA F. REAVES request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as the north 387.4 feet (as measured along the lot lines) of Lot 2, Block 3, Plat of Indian River Plantation Estates, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35. (2 acres) Located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area.) (Tax Account 2000310) DISTRICT 1 4. (19PZ00132) CHARLES AND LINDSEY MICHELL request a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 7, Block 14, Canaveral Groves, as recorded in ORB 7708, Page 2556, of the Public Records of Brevard County, Florida. Section 33, Township 23, Range 35. (2.38 acres) Located on the west side of Florida Palm Ave. approx. 827 feet north of Cabbage Palm Street, 5430 Florida Palm Ave., Cocoa (Tax Account 2314035) 5. (19PZ00133) ROBERT AND DONNA MURICO request a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 21, Block 8, Canaveral Groves Subdivision, as recorded in ORB 8461, Pages 1355 - 1356, of the Public Records of Brevard County, Florida. Section 08, Township 24, Range 35. (2.35 acres) Located on the north side of Cherven Ave., approx. 0.345 miles east of Satellite Blvd. (6820 Cherven Ave., Cocoa) (Tax Account 2403118) 6. (19PZ00134) JOHN VOGT requests a change of zoning classification from RU-1.7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity), on property described as Lots 8, 10, 11, 13, 14, 15, 17, Scottsmoor Re-subdivision, as recorded in ORB 8572, Page 614 - 616, of the Public Records of Brevard County, Florida. Sections 37 & 41, Township 20G, Range 34. (3.20 acres) Located on the east side of Palm St., approx. 245 ft. south of Magoon Ave. (No assigned address. In the Mims area.) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) DISTRICT 2 7. (19PZ00135) THOMAS P. AND SHANNON HARMONY request a change of zoning classification from TR-3 (Mobile Home Park) and AU (Agricultural Residential) to all AU, and removal of an existing BSP (Binding Site Plan), on property described as Tax Parcels 254.1 and 261, as recorded in ORB 8572, Pages 879 - 881, of the Public Records of Brevard County, Florida. Section 06, Township 25, Range 36. (5.13 acres) Located on the south side of Pluckebaum Rd., approximately 0.17 miles east of S. Range Road. (No assigned address. In the Rockledge area.) (Tax Accounts 2504668 and 3013762) DISTRICT 5

8. (19PZ00137) HOLLY ENTERPRISES OF BREVARD, INC. (Curtis McKinney) requests a change of zoning classification from BU-1 (General Retail Commercial) and GU (General Use) to BU-1-A (Restricted Neighborhood Commercial) and a CUP (Conditional Use Permit) for Alcoholic Beverages (full-liquor) for On-Premises Consumption in conjunction with a Snack bar or restaurant, on property described as Tax Parcels 255, 500, and 750, recorded in ORB 7043, Pages 869 - 872, of the Public Records of Brevard County, Florida. Sections 05, 32, 31, Townships 28, 27, Range 36. (2.4 acres) Located on the south side of Highway 192, approximately 2.08 miles south of Simon Road, Melbourne. (6901 Highway 192, Melbourne) (Tax Accounts 2862242, 2704571, 2744610) DISTRICT 4 9. (19PZ00138) REAGEN & MCKINLEY, LLC (Carmine Ferraro) requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant, in a PUD (Planned Unit Development) on property described as Unit 105, as recorded in ORB 8488, Pages 2860 - 2864, of the Public Records of Brevard County, Florida. Section 04, Township 26, Range 36. (0.6 acres/2,800 square feet) Located on the northeast corner of Lake Andrew and Citadel Way. (2348 Citadel Way, Unit 105, Melbourne) (Tax Account 2626895) DISTRICT 2 10. (19PZ00139) BEATRICE A. AKMAN (Corey Lancaster) requests a CUP (Conditional Use Permit) for a Guesthouse, in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Lot 15.03, Banana River Drive Subdivision, as recorded in ORB 7515, Pages 2415 - 2417, of the Public Records of Brevard County, Florida. Section 06, Township 25, Range 37. (0.96 acres) Located on the west side of Newfound Harbor Dr., approximately 150 ft. north of Jaren Ave. (1291 Newfound Harbor Dr., Merritt Island) (Tax Account 2514604) DISTRICT 5 11. (19PZ00140) ESTRELLA FUNEIAS SHOUPPE (Frederick Bertolotti) requests a change of zoning classification from GU (General Use), RRHM-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU, with a BDP (Binding Development Plan) limited to 7 lots, on property described as Lots 14 thru 32 and Lots 58 thru 76, Unit 5, Plot Plans of Sunshine Grove, according to the Plat thereof, as recorded in Plat Book 21, Page 78, of the Public Records of Brevard County, Florida. Less than 120-ft. right-of-way, per ORB 3124, Page 2689 of said Public Records. Section 26, Township 30, Range 37. (31.04 +/- acres) Located on the north side of Willowbrook St., approximately 0.75 miles west of Babcock St. (550 Willowbrook St., Palm Bay) (Tax Accounts 3000537, 3000560) DISTRICT 3 12. (19PZ00141) BAREFOOT BAY RECREATION DISTRICT (Ninette Jerome) request a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant in a BU-1-A zoning classification, on property described as Unit C of Block B, Barefoot Bay Unit 2, Part 11, as recorded in ORB 3633, Pages 923 - 924, of the Public Records of Brevard County, Florida. Section 10, Township 30, Range 38. (1,500 square feet) Located at the northwest terminus of Barefoot Bay Blvd. and Midway St. (937 C Barefoot Blvd., Micco) (Tax Account 3004299) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JANUARY 13, 2020, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, FEBRUARY 6, 2020, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, Per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

1. historical land use patterns;
2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

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

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 19S.12 (19PZ00126)
Township 20, Range 35, Section 31*

Property Information

Owner / Applicant: **Rebecca Reaves**

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

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

Acreage: 2.0 acres Tax Account #: 2000310

Site Location: South side of Richy Road approximately 630 feet west of Highway U.S.1

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Rural Residential (RR-1)

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence	AU	RES 1:2.5
South	Single-Family Residence	AU	RES 1:2.5
East	Single-Family Residence	AU	RES 1:2.5
West	Single-Family Residence	AU	RES 1:2.5

Background & Purpose

The applicant is seeking to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a two (2) acre parcel of land. The subject property is surrounded on all four (4) sides by a single-family residence with a Future Land Use designation of RES 1:2.5 to the north, south, east and west.

The subject property is currently vacant and has a Future Land Use designation of RES 1:2.5. Prior to a Large Scale Comprehensive Plan Amendment to the Future Land Use Map on August 28, 2008, the subject parcel had a Future Land Use designation of RES 1 which allowed one dwelling unit per acre. The Board of County Commissioners directed staff to create a Small Area Study for Mims in October of 2006. The Mims Small Area Study was then adopted in April of 2007. As a result of this study, several recommendations were made. The first recommendation was to reduce the residential densities by one

designation in the northern and western areas of Mims. The subject parcel is within the western area of Mims. A County initiated Future Land Use Amendment was adopted on August 28, 2008, that reduced the density by one designation on the subject parcel together with an additional 23.61 acres to the east, south and west of this parcel.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, to change the zoning classification from Agricultural Residential (AU) which allows one single-family residence on two and a half acres of land to Rural Residential (RR-1) which allows one single-family dwelling on one acre of land.

Environmental Resources

Please refer to comments provided by the Natural Resource Management Department.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources. At the time of site plan review the applicant is required to submit a description of the ground disturbing activities to the Compliance and Review Division of the Florida Department of State Division of Historical Resources.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Residential Land Use Designations

Policy 1.1

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

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;
- B. Land use compatibility pursuant to Administrative Policy 3;
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;
- D. Character of the general area, pursuant to Administrative Policy 4;
- E. Hurricane evacuation capabilities; and
- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

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 foresee ably be affected by the proposed use;

The proposed use would not 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 the existing neighborhoods.

- 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.

Staff does not anticipate a reduction in the value of existing abutting lands however, a Property Appraiser would be required to make that determination.

- 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;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.

The proposed use is not consistent with an emerging or existing pattern of surrounding development as determined through the analysis of historical land use patterns, actual development over the past three (3) years and development approvals over the past three (3) years.

Historically, the area has been developed as single-family homes on 2.5 acre lots as early as 1973. There are several lots from the original subdivision that are less than 2.5 acres to the west of the subject site. In 2007, the Board directed staff to reduce the residential density by one designation within this area as a result of the adopted Mims Small Area Study.

Within the past three (3) years, there has been one single-family house built in 2018 on a 2.5 acre parcel of land along Richy Road within this neighborhood.

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

Staff does not believe the proposed use would result in a material violation of relevant policies in any of the elements of the Comprehensive Plan.

Residential 1 (maximum of 1 unit per acre)

Policy 1.9

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited

by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 1 land use designation; or

The subject parcel is not adjacent to a Residential 1 (RES 1) Future Land Use designated property. The subject parcel is adjacent to Residential 1:2.5 on all four (4) sides.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

The subject parcel does not serve as a transition between land uses with a density greater than one (1) unit per acre and areas with lesser density.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

The subject parcel is not located adjacent to an incorporated area.

- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

The subject parcel is two (2) acres and does not meet the minimum requirement of ten (10) acres of land to create a Planned Unit Development (PUD).

For Board Consideration

The applicant is seeking a change in Future Land Use (FLU) designation from RES 1:2.5 to RES 1 on a 2 acre parcel of land. The subject parcel is adjacent to RES 1:2.5 on all four sides. This area of Unincorporated Brevard County is comprised of approximately 1,965 acres of land with a Future Land Use designation of RES 1:2.5 with 2.5 acres being the minimum lot size for a single-family residence.

As a result of the Mims Small Area Study adopted in April of 2007, the Board directed staff to reduce the residential density by one designation within the northern and western areas of Mims. The total area in Mims that had a Future Land Use density reduction from Residential 1 (RES 1) to Residential 1:2.5 (RES 1:2.5) was approximately 1,965 acres.

The subject two (2) acre parcel is located within the western area of Mims consisting of approximately one hundred twenty-six (126) acres of RES 1:2.5 that was part of the density reduction by Ordinance 08-30 on August 28, 2008 that the Board directed staff to initiate based upon the land use analysis that was a part of the Mims Small Area Study.

The Board may wish to consider preserving the larger lots in this residential neighborhood since the reduction in density occurred as the result of a Small Area Study where an analysis of the area concluded that there are very few neighborhoods within Mims that retain the lower density RES 1:2.5 Future Land Use designation.

This request is accompanied by a companion proposal for a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1).

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 19PZ00126**

Applicant: Rebecca Reaves

Future Land Use Change Request: RES 1:2.5 to RES 1

Note: Applicant wants to legitimize lot to build single family home

P&Z Hearing Date: 01/13/20; **BCC Hearing date:** 02/06/20

Tax ID No: 2000310

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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.**
- If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Floodplain
- Protected Species

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

Land Use Comments:

Hydric Soils

The subject parcel contains hydric soils (Basinger sand-depressional) as shown on the USDA SCSSs soils map; an indicator that hydric soils and wetlands may be present on the property.

Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Sec. 65-3694(c)(1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Sec. 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Floodplain

The subject parcel is located within a mapped floodplain (potentially isolated) as identified by FEMA, and as shown on the FEMA Flood Map. The floodplain area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. If within an isolated floodplain, then per Section 62-3724(1), development within isolated floodplain areas shall not increase the rate and volume of floodwater discharged from the predevelopment 100-year, 25-year, 10-year or annual mean riverine floodplain. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. 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."

Protected Species

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

Landscape Requirements

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.

LOCATION MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



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

Buffer Distance: 500 feet

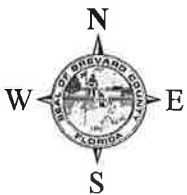
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/17/2019

— Buffer
■ Subject Property

ZONING MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

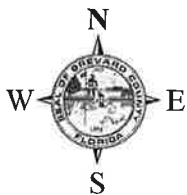
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Produced by BoCC - GIS Date: 10/17/2019

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

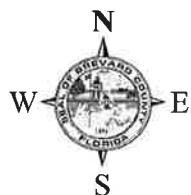
— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 10/17/2019

PROPOSED FUTURE LAND USE MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

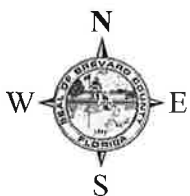
— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 10/17/2019

AERIAL MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

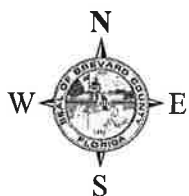
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/17/2019

— Subject Property
□ Parcels

NWI WETLANDS MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



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.

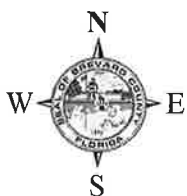
Produced by BoCC - GIS Date: 10/17/2019

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

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/17/2019

SJRWMD FLUCCS WETLANDS

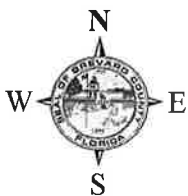
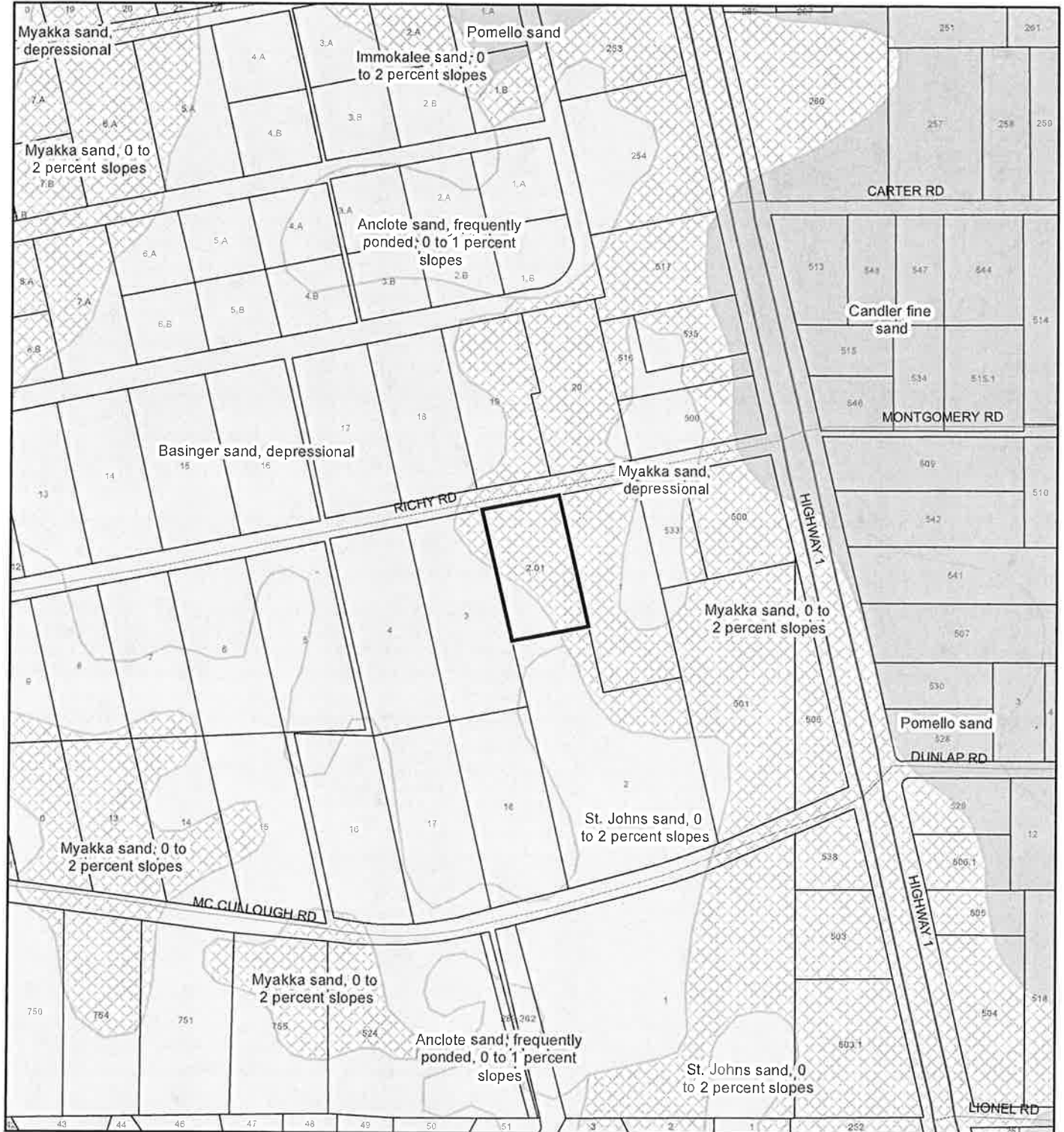
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/17/2019

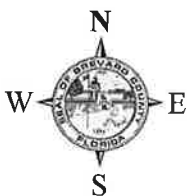
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/17/2019

FEMA Flood Zones

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

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/17/2019

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

REAVES, TIMOTHY D. AND REBECCA F.

19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/17/2019

— Subject Property

□ Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 feet

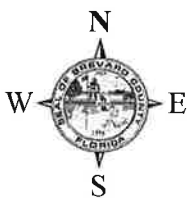
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/17/2019

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12




1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 10/17/2019

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

OBJECTION
Reaves

Mr. & Mrs. Donald Mock
3864 McCullough Rd.
Mims, FL 32754
January 1, 2020
Re: ID# 19PZ00126 & 19PZ00127

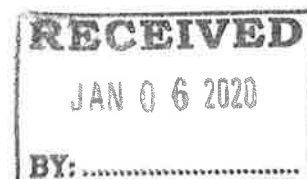
Members of Local Planing Board,

My wife and I are quite concerned about Mr. & Mrs. Reaves request to have their 2 acres, which is right behind our home and acreage, changed to Residential 1 and RR-1. Right now the Reaves keep rescue horses on that 2 acres and their residence is right across the road from there. If a residence is allowed to be built on the 2 acres in question, we feel, with the new building standards, that we very likely would have more water intruding on our acreage, of which, we already have a problem with that.

Therefore, we are opposed to having the zoning changed. Would very much appreciate your taking our situation into account when you make your decision. Thank you!

Respectfully,

Donald & Janice Mock



To: Brevard Co. Planning and Zoning Board

From: James and Sabrina Jeffers

4020 Richy Rd. Mims Fla. 32754

In response to purposed future land use designation and change of zoning classification of referenced ID numbers.

My wife and I have been residence at 4020 Richy Rd. since 1998. We chose this location because of the Rural 1:2.5 and AU zoning and the fact all new development would be required on the existing 2 + acre lots that were plotted in original zoning plan. We have concern and do not agree with purposed changes. The reasons for a no change to existing zoning are:

1. Previous owner (deceased) of said property never had intention of separating or building and additional 2 acre lot was part of existing house and 2 acre lot adjoining the property (hence no address assigned) and used as agricultural. The estate sub divided back to separating and sold house on a 2 acre lot to new owner (different from Mr. and Mrs. Reaves) and 2 acre adjoining property (lot) to current owners (Mr. and Mrs. Reaves) whom are petitioning for zoning change. They currently have horses on lot as well as their residence across the street that is also on a 2 acre lot. My concern is they wish to divide this 2 acre lot to build 2 houses and increase their monetary gain, as well as their existing property to acquire a larger property to house the number of rescue horses they have obtained and ran out of usable acreage, without regard to an established neighborhood and neighbors, or the impacts that addition housing will have.
2. This proposal will diminish existing and establish planning/zoning and sub-divide (piece meal) planning and zoning which in turn creates added cost to tax payers for and by the county to research, debate, and if excepted (we vote no) the changing existing plots, plans, maps and also opens the door for free for all future zoning changes and usage at no benefit to existing owners and certainly not our desire.
3. We have had and are in the midst of environmental impacts with growth and the impacts to St. Johns water management and the Indian River Lagoon systems from septic tanks in the county. Several years ago there were proposals that limited and set higher acreage zoning for the North Brevard County for a septic system. This proposal by splitting existing 2 acres will add additional unneeded impact by doubling the septic systems from what would currently be allowed, an unneeded impact to the environment.
4. Water runoff and drainage. With new county requirements of 4 foot foundation pads (as the past 4 houses on Richy Rd. have demonstrated) the addition of this proposal would adversely increase the current runoff from this property and the soil absorption area, impacting surrounding residences and property.
5. We have documented issues that are still not addressed by county roads and grounds and documented additional flooding that has occurred with development under new county foundation pad build up requirements, and known inability of current drainage to handle. This is property is within flood plan maps.
6. As seen with recent development, road traffic of fill dirt dump trucks (100's of loads per lot) and heavy and oversized equipment will have impact on Richy Rd, and cause tax payers and the county unnecessary addition cost for repairs. This was seen in previous repair (replacement) of crushed drainage ditch culvert and inconvenience to neighbors (as well property repair cost to homeowners who experienced extensive flooding) and roadway users. This causes even more deterioration of recently repaved Richy Rd. that shows extreme damage from the above mention new development.

We as residence of this neighborhood strongly encourage the Brevard County Zoning Board to deny this requested change.

Thank you, James and Sabrina Jeffers

From: Hawk, Wayne J. (KSC-TOSC-7120)[Test and Operations Support Contract]
To: Jones, Jennifer
Subject: ID#19PZ00126 & 19PZ00127 Zoning Change
Date: Monday, January 13, 2020 6:49:36 AM

Jennifer,

Please let the board know that I oppose change.

Wayne and Darlene Hawk
3900 Richy Rd
Mims FL
321 289-6934

January 12, 2020

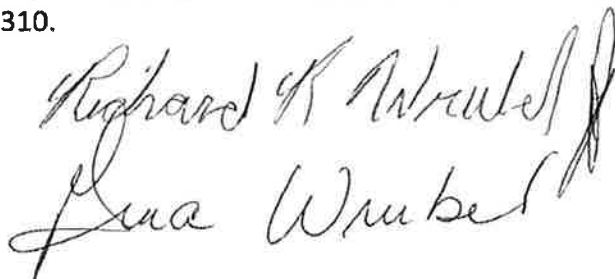
Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Rezoning Application 19PZ00127
Tax Account# 200310
Richy Rd., Florida 32754

To whom it may concern,

We, Richard and Gena Wrubel, residing at 3885 Richy Rd., Mims, FL 32754, fully support the efforts of Timothy and Rebecca Reaves in their actions of rezoning their parcel, identified by tax account# 2000310.

Thank you,

Handwritten signatures of Richard K. Wrubel and Gena Wrubel. The signature of Richard K. Wrubel is on top, and the signature of Gena Wrubel is below it. Both signatures are in cursive and appear to be in black ink.

In Favor
Reaves

January 12, 2020

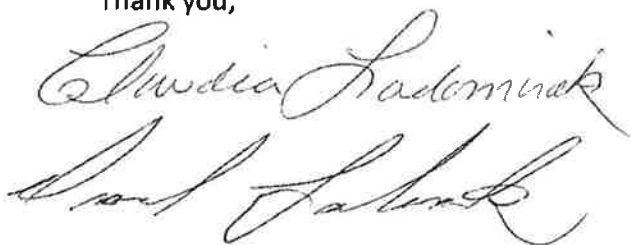
Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Rezoning Application 19PZ00127
Tax Account# 200310
Richy Rd., Florida 32754

To whom it may concern,

We, David and Claudia Lodomirak, residing at 3845 Richy Rd., Mims, FL 32754, fully support the efforts of Timothy and Rebecca Reaves in their actions of rezoning their parcel, identified by tax account# 2000310.

Thank you,

The block contains two handwritten signatures in cursive. The top signature is 'Claudia Lodomirak' and the bottom signature is 'David Lodomirak'. Both are written in dark ink.

In Favor
Reaves

January 12, 2020

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Rezoning Application 19PZ00127
Tax Account# 200310
Richy Rd., Florida 32754

To whom it may concern,

We, Cody and Sydney Graham, residing at 3825 Richy Rd., Mims, FL 32754, fully support the efforts of Timothy and Rebecca Reaves in their actions of rezoning their parcel, identified by tax account# 2000310.

Thank you,

A handwritten signature in cursive script, appearing to read "Sydney Graham". The signature is written in dark ink and is positioned below the "Thank you," text.

1-12-2020

To Whom It May Concern:

The parcel of land in question was purchased sometime in the 80's, I believe.

The neighbor we purchased it from approached us on the sale with the stipulation that he would keep one acre and that we could buy it to complete the parcel upon the sale of his property. He never gave us the opportunity when he sold. He never knew when he sold.

He approached the new owners sometime later in years. They said no.

When I sold my property, I sold the two acres as pasture to the present owners.

Sincerely,
Reggie Carner

In Favor
Reaves

January 12, 2020

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Rezoning Application 19PZ00127
Tax Account# 200310
Richy Rd., Florida 32754

To whom it may concern,

We, Robert and Tammie Mc Ferrin, residing at 3840 Richy Rd., Mims, FL 32754, fully support the efforts of Timothy and Rebecca Reaves in their actions of rezoning their parcel, identified by tax account# 2000310.

Thank you,

The block contains two handwritten signatures in cursive. The top signature is 'Robert Mc Ferrin' and the bottom signature is 'Tammie Mc Ferrin'. Both signatures are written in dark ink.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13, 2020**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Bartcher; Brian Woltz; Brian Hodgers; Ben Glover; Mark Wadsworth; Joe Buchanan; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Eden Bentley, County Attorney; George Ritchie, Planner III; Paul Body, Planner II; Jeanne Allen, Environmental Specialist I; and Jennifer Jones, Special Projects Coordinator.

Mark Wadsworth introduced new members Joe Buchanan, District 4; and Brian Woltz, District 1. Mr. Wadsworth also recognized the resignation Rochelle Lawandales and thanked her for her service to the Planning and Zoning Board. Bruce Moia stated Ms. Lawandales had a wealth of knowledge as a planner and she will be missed on the board.

Excerpt from Complete Agenda

2. Timothy and Rebecca Reaves

A request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The property is 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00126) (Tax Account 2000310) (District 1)

3. Timothy and Rebecca Reaves

A request for a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00127) (Tax Account 2000310) (District 1)

Rebecca Reaves, 3860 Richy Road, Mims, stated they purchased the two-acre property in 2017 as a pasture. She explained that the previous owner, Peggy Conner, acquired the property in 1985 when a neighbor asked her to buy his two-acre parcel, and he was to sell an acre back to her so that it was a buildable lot. Unbeknownst to Ms. Conner, he sold his property and never offered her back the acre. She reached out to the new owners, but they had no interest in selling her back an acre. She said they can't do anything with the land unless they are able to rezone. She noted that starting at the southwest end of Richy Road, the lot sizes go from 1.69 acres, then 1.85 acres, to 2.02, to 2.2, to 2.65, and the next three are 2.97 acres, with the exception of theirs. She stated one parcel over is a one-acre lot that was zoned BU-1 and a brand new house was just built on it, and two blocks north of them RR-1 property.

She stated one of the objection letters she received is from the Mock's, who back up to the south end of her property, and they are concerned that if she builds a home they will have problems with water intrusion. She explained that any new home will be built to code and lot drainage will be approved by the County, so there should not be an issue with water intrusion. She pointed out there is almost three acres between the back portion of her property and where Mr. Mock's house is situated. She noted she has provided affidavits from the next-door neighbors and surrounding neighbors that support her, and she submitted a letter from Peggy Conner confirming how she acquired the property and why it was divided the way it was.

Ron Bartcher asked Ms. Reaves if she has any plans to build more than one residence on the lot. Ms. Reaves replied no. Mr. Bartcher asked if she would be willing to enter into a binding development plan stating such. Ms. Reaves replied yes.

Mr. Bartcher stated his concern is that the residents of Mims want to keep that a rural area, and one house on 2.5 acres is what they would like to see. He said one house on 2 acres versus 2.5 is not a significant change; however, if she were to subdivide into two lots, that would be a significant change. Ms. Reaves stated they absolutely will not subdivide, they just want to be able to build a house on it.

Peter Filiberto asked what is on the property currently. Ms. Reaves replied horses are currently on the property.

Wayne Mock, 3900 Richy Road, Mims, stated he lives across the street from the subject property. He stated there is a building boom in Mims and the County is letting people build houses four feet off the ground and he's currently in a soup bowl because of it, and he is opposed to further development on Richy Road.

Sabrina Jeffers, 4020 Richy Road, Mims, stated she doesn't want more homes on Richy Road, and they moved there because they liked the room. She said all of the new houses are being built up so much that the County can't handle the water runoff as it is; they've always had problems in heavy rains and hurricanes, and they can't get the County to clean out the ditches properly. She stated she's lived there for 21 years and the more homes that are built the more it's going to impact those who have been there for many years. She noted there are several properties that are for sale on that Richy Road, and that's going to open the door for someone to split lots and build more houses. She said she doesn't want it; she likes it the way it is; and she's very much opposed. She asked the board to not put more stress on the properties, as the whole area was designed to be room for people. She said Ms. Reaves knew when she purchased the property that it was unbuildable.

Mr. Bartcher stated the Mims Small Area Study group wanted to keep that area rural, and if someone were to buy a 2.5-acre lot and try to split it, he would certainly oppose it, but he doesn't think that's a concern. He said as far as the water, everyone has water problems. He stated he sees no reason to deny the request, and he would rather approve it with the condition that there only be one house built on the two acres.

Bruce Moia stated he doesn't think this board has ever denied someone the right to build a single-family home on a lot that large, no matter where it was. He understands the area is not well drained or well planned, so there are those issues. He said a binding development plan runs with the land, so even if she sells the property, the future owners could not split the lot.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the Small Scale Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The vote was unanimous.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the change of zoning classification from AU to RR-1, with a BDP limited to one single-family residence.

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#)
Subject: FW: change of zoning
Date: Wednesday, February 5, 2020 1:17:57 PM
Attachments: [image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, our office received this email today regarding the item for the zoning meeting tomorrow night.

Thanks,

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Donjan Mock <ramblingacresfarm@gmail.com>
Sent: Wednesday, February 5, 2020 12:13 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Re: change of zoning

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

Ms. Pritchett, my wife & I are very opposed to the request by Mr. & Mrs. Reaves request to rezone their 2 acres to Residential 1 & RR-1. Right now they keep 6 rescue horses on that property. Their 2 acres backs up to our homestead. If the current zoning is changed & homes built on it with the newer building standards we will be more inundated with water than we already are from their property. Therefore, we respectfully ask you to consider our property & several others in this area & reject their request.

Thank you,

Donald & Janice Mock

3864 McCullough Rd. Mims, FL

On Wed, Feb 5, 2020, 11:57 AM Commissioner, D1 <D1.Commissioner@brevardfl.gov> wrote:

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."