



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.8.

5/4/2023

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### Subject:

Terrance P. and Peggy A. Mulreany (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC and RES 4 to CC. (22SS00017) (Tax Accounts 2400694, 2400695, 2400696, 2400697, 2400698, & 2400700) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (22S.20), to change the Future Land Use designation from NC (Neighborhood Commercial) and RES 4 (Residential 4) to CC (Community Commercial).

### Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from NC and RES 4 to CC on 8.89 acres. The NC portion of the subject properties encompasses 2.54 acres; the RES 4 encompasses the remaining 6.35 acres. This request would create an enclave of NC surrounded by the CC FLU designation. A companion application, 22Z00073, if approved, would amend the zoning classification from GU (General Use) to BU-2 (Retail, Warehousing and Wholesale Commercial). This request could be considered an expansion of strip commercial.

On the north, east, and west the historical land use pattern is single-family residential, platted as a part of the Canaveral Groves subdivision with one-acre lots. To the immediate south is undeveloped commercial.

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

On April 17, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

Once filed with the State, please return two copies of the Ordinance to Planning and Development.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 5, 2023

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

Attention: Kimberly Powell

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 23-08, which was filed in this office on May 5, 2023.

Sincerely,

Anya Owens  
Director  
Administrative Code and Register

ACO/wlh



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

May 5, 2023

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.8., Small Scale Comprehensive Plan Amendment (22S.20)

The Board of County Commissioners, in regular session on May 4, 2023, conducted the public hearing and adopted Ordinance No. 23-08, setting forth the twentieth Small Scale Comprehensive Plan Amendment (22S.20) to change the Future Land Use designation from NC and RES 4 to CC. (22SS00017). Enclosed are two fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

Encl. (2)

ORDINANCE NO. 23- 08

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TWENTIETH SMALL SCALE PLAN AMENDMENT OF 2022, 22S.20, 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 2022 as Plan Amendment 22S.20; 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 22S.20; 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 MAY 5, 2023

WHEREAS, on April 17, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 22S.20, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 4, 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 22S.20; and

WHEREAS, Plan Amendment 22S.20 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 22S.20 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 22S.20 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 22S.20, 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 4th day of May, 2023.

ATTEST:

  
\_\_\_\_\_  
Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on May 4, 2023.

**EXHIBIT A**  
**22S.20 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

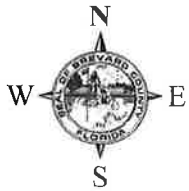
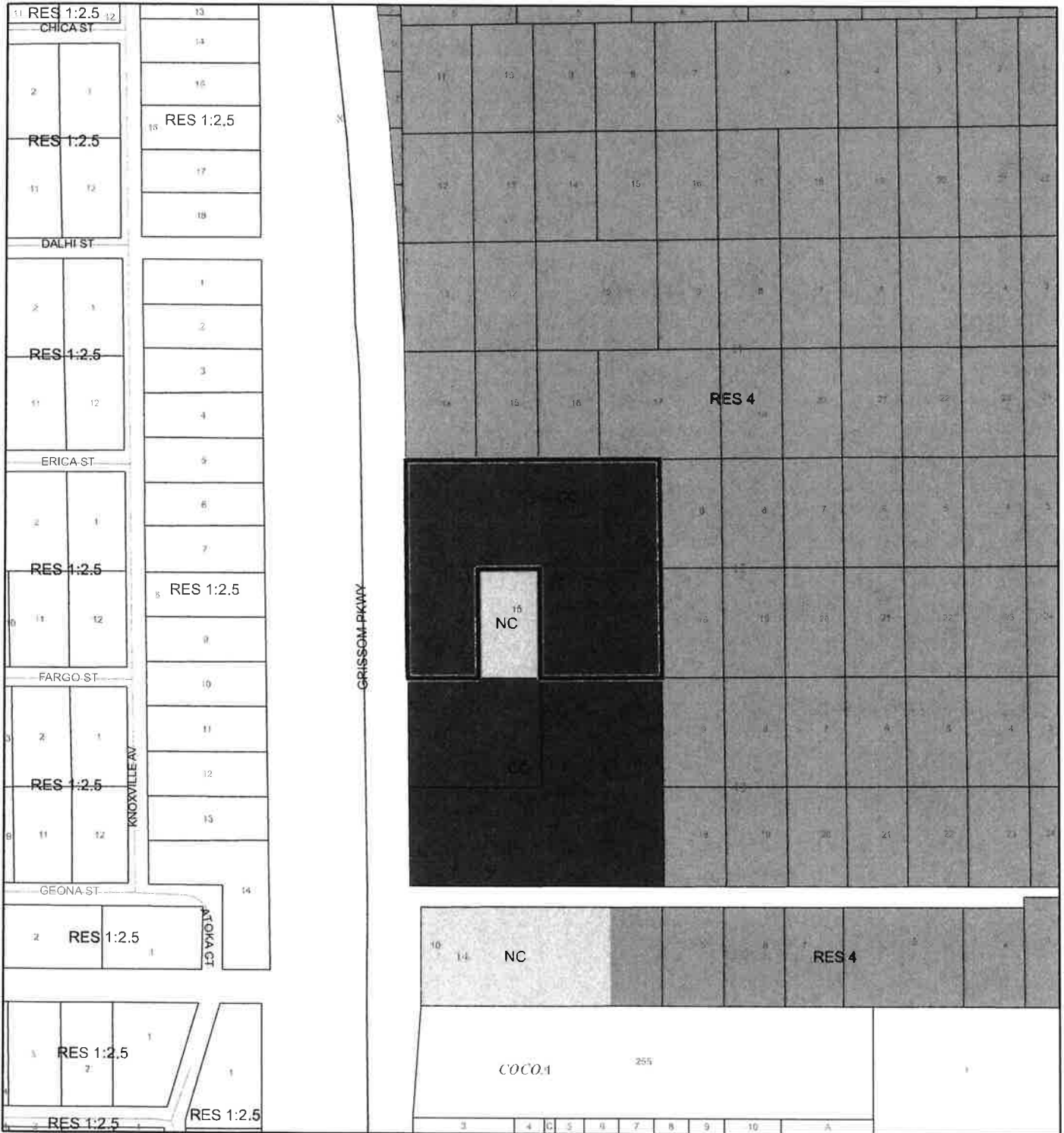
**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

MULREANY, TERRANCE P and PEGGY

22SS00017 22S.20



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: 2/3/2023



## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

 / [View News](#)

## Public Hearing - Planning and Zoning Board / Local Planning Agency Meeting - April 17, 2023

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, APRIL 17, 2023, and THURSDAY, MAY 4, 2023.

### DISTRICT 1

**(22SS00013) Austin A. and Kailey R. Mahan** request a Small Scale Comprehensive Plan Amendment (22S.15), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 289, as recorded in ORB 9744, Pages 1859 - 1860, of the Public Records of Brevard County, Florida. **Section 06, Township 21, Range 35.** (.77 acres) Located on the north corner of U.S. Highway 1 and E.R. Smyth Dr., Mims. (No assigned address. In the Mims area.)

### DISTRICT 1

**(22Z00054) Austin A. and Kailey R. Mahan** request a change of zoning classification from AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 289, as recorded in ORB 9744, Pages 1859 - 1860, of the Public Records of Brevard County, Florida. **Section 06, Township 21, Range 35.** (.77 acres) Located on the north corner of U.S. Highway 1 and E.R. Smyth Dr., Mims. (No assigned address. In the Mims area.)

### DISTRICT 1

**(23Z00010) Matthew and Christine Morak** request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Lot 7, Block 3, Indian River Park, as recorded in ORB 9527, Pages 442 - 443, of the Public Records of Brevard County, Florida. **Section 20, Township 20G, Range 35.** (2.22 acres) Located on the north side of Burkholm Rd., approx. 0.38 mile east of U.S. Highway 1 (3660 Burkholm Rd., Mims)

### DISTRICT 3


**(23Z00011) Rebecca and Allen Potter** request a change of zoning classification from RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU, on property described as Tax Parcel 265, as recorded in ORB 9676, Pages 823 - 825, of the Public Records of Brevard County, Florida. **Section 11, Township 30, Range 38.** (3.53 acres) Located on the east side of U.S. Highway 1, approx. 0.24 mile north of Barefoot Bay Blvd. (7660 U.S. Highway 1, Micco)

### DISTRICT 1

**(22Z00056) Melanie Rondeau and Zackry Corter** request a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on property described as the north 100 ft. of the south 290 ft. of the west 413 ft. of Tract 4, Block 7, Section 3, Township 20S, Range 34E, of Indian River Park, according to the Plat thereof, as recorded in Plat Book 2, Page 33, of the Public Records of Brevard County, Florida. (1 acre) Located on the east side of Blounts Ridge Rd., approx. 835 ft. north of Patty Ln. (No assigned address. In the Mims area.)

### DISTRICT 1

**(22SS00017) Terrance P. and Peggy A. Mulreany** (Kelly Hyvonen) requests a Small Scale Comprehensive Plan Amendment (22S.20), to change the Future Land Use designation from NC (Neighborhood Commercial) and RES 4 (Residential 4) to CC (Community Commercial), on property described as Lots 10 - 13, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Pages 292 - 293, of the Public Records of Brevard County, Florida; Lot 14, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Page 289, of the Public Records of Brevard County, Florida; and Lot 16, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Page 288, of the Public Records of Brevard County, Florida. **Section 01, Township 24, Range 35.** (8.89 +/- acres) Located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.20: 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.

**(22Z00073) Terrance P. and Peggy A. Mulreany** (Kelly Hyvonen) requests a change of zoning classification from GU (General Use) to BU-2 (Retail Warehousing, and Wholesale Commercial), on property described as Lots 10 - 13, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Pages 292 - 293, of the Public Records of Brevard County, Florida; Lot 14, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Page 289, of the Public Records of Brevard County, Florida; and Lot 16, Block 12, Canaveral Groves Subdivision, as recorded in ORB 9653, Page 288, of the Public Records of Brevard County, Florida. 

the Public Records of Brevard County, Florida, **Section 01, Township 24, Range 35**, (8.89 +/- acres) Located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address, In the Cocoa area.)

**DISTRICT 1**

**(225S00014) Norman Leigh Sherman, Jr., and Karen Denise Turowski** request a Small Scale Comprehensive Plan Amendment (22S.17) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1:2.5 (Residential 1:2.5), on property described as Lot 4.02, Block 2, Indian River Park, as recorded in ORB 9701, Pages 600 - 603, of the Public Records of Brevard County, Florida (3.53 +/- acres); and AGRIC to RES 1 (Residential 1), on property described as Lot 4.03, Block 2, Indian River Park, as recorded in ORB 9701, Pages 604 - 607, of the Public Records of Brevard County, Florida (1 acre). Section 22, Township 20G, Range 34, (4.53 +/- acres total) Located on the southeast corner of Pine Needle St. and Hog Valley Rd. (4791 Pine Needle St., Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.18: 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.

**DISTRICT 1**

**(23Z00016) Norman Leigh Sherman and Karen Denise Turowski** request a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to AU (Agricultural Residential), on property described as Lot 4.02, Block 2, Indian River Park, as recorded in ORB 9701, Pages 600 - 603, of the Public Records of Brevard County, Florida. **Section 22, Township 20G, Range 34**, (3.53 +/- acres) Located on the south side of Pine Needle St., approx. 300 ft. east of Hog Valley Rd. (4791 Pine Needle St., Mims)

**DISTRICT 1**

**(23Z00006) David C. Ramage and Cynthia R. Ramage Trust** (Jack Kirschenbaum) requests a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 298, as recorded in ORB 8486, Pages 1787 - 1791, of the Public Records of Brevard County, Florida. **Section 17, Township 21, Range 35**, (4.83 acres) Located on the east side of U.S. Highway 1, approx. 0.23 mile north of E. Main St. (2615 U.S. Highway 1, Mims)

**DISTRICT 4**

**(23Z00009) Ranger Storage, LLC** (Jim Trauger) requests an amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on property described as Lots 1 - 6, Block 20, plus the N ½ of the vacated streets on the south, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida. AND Lots 7 - 16, inclusive, Block 20, Plat of Town of Pineda, as per plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida. **Section 12, Township 26, Range 36**, (2.21 +/- acres) Located on the south side of Freeman Lane, approx. 480 ft. east of Waelti Dr. (3335 Freeman Lane, Melbourne)

**DISTRICT 4**

**(235S00002) FMKT Mel Owner, LLC** (Bruce Moia) requests a Small Scale Comprehensive Plan Amendment (23S.02), to change the Future Land Use designation from PI (Planned Industrial) and CC (Community Commercial), to all CC, on property described as a part of Lot 7, Pineda Landings, according to the Plat thereof, as recorded in Plat Book 61, Pages 45 - 48, of the Public Records of Brevard County, Florida, more particularly described as follows: commence at the intersection of the NW corner of Lot 6 of said Plat of Pineda Landings and the easterly right-of-way line of Wickham Rd.; thence run N80deg32'04"E along the north line of said Lot 6, a distance of 278.20 ft. to the NW corner of said Lot 7 for the point of beginning; thence the next 10 courses and distances run along the boundary of said Lot 7; run N80deg32'04"E, a distance of 699.66 ft.; thence run S18deg50'32"E, a distance of 792.27 ft.; thence run S53deg54'42"W, a distance of 390.59 ft.; thence run N36deg05'18"W, a distance of 362.50 ft.; thence run S53deg54'52"W, a distance of 223 ft.; thence run N36deg05'18"W, a distance of 1.29 ft.; thence run S53deg54'42"W, a distance of 12 ft.; thence run N36deg05'18"W, a distance of 73.71 ft.; thence run N53deg54'42"E, a distance of 235 ft.; thence run N36deg05'18"W, a distance of 632.68 ft. to the point of beginning. **Section 13, Township 26, Range 36**, (11.48 acres) Located on the east side of N. Wickham Rd., approx. .20 miles south of Pineda Ct. (In the Melbourne area.)

**DISTRICT 4**

**(23Z00008) FMKT Mel Owner, LLC** (Bruce Moia) requests a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to PUD (Planned Unit Development) on property described as a part of Lot 7, Pineda Landings, according to the Plat thereof, as recorded in Plat Book 61, Pages 45 - 48, of the Public Records of Brevard County, Florida, more particularly described as follows: commence at the intersection of the NW corner of Lot 6 of said Plat of Pineda Landings and the easterly right-of-way line of Wickham Rd.; thence run N80deg32'04"E along the north line of said Lot 6, a distance of 278.20 ft. to the NW corner of said Lot 7 for the point of beginning; thence the next 10 courses and distances run along the boundary of said Lot 7; run N80deg32'04"E, a distance of 699.66 ft.; thence run S18deg50'32"E, a distance of 792.27 ft.; thence run S53deg54'42"W, a distance of 390.59 ft.; thence run N36deg05'18"W, a distance of 362.50 ft.; thence run S53deg54'52"W, a distance of 223 ft.; thence run N36deg05'18"W, a distance of 1.29 ft.; thence run S53deg54'42"W, a distance of 12 ft.; thence run N36deg05'18"W, a distance of 73.71 ft.; thence run N53deg54'42"E, a distance of 235 ft.; thence run N36deg05'18"W, a distance of 632.68 ft. to the point of beginning. **Section 13, Township 26, Range 36**, (11.48 acres) Located on the east side of N. Wickham Rd., approx. .20 miles south of Pineda Ct. (In the Melbourne area.)

**DISTRICT 5**

**(23Z00007) Mehran Ghaeenezadeh** (Scott Glaubitz) requests a change of zoning classification from BU-1 (General Retail Commercial) with an existing BDP (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial), and removal of the existing BDP, on property described as Tax Parcel 750, as recorded in ORB 8423, Pages 2213 - 2214, of the Public Records of Brevard County, Florida. **Section 02, Township**

**28, Range 36.** (8.87 acres) Located on the south side of W. New Haven Ave., approx. 250 ft. east of New York St. (3865 W. New Haven Ave., Melbourne)

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, APRIL 17, 2023, 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, MAY 4, 2023, 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, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding 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. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. 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 needing special accommodations or an interpreter to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.

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Brevard County Board of County Commissioners

2725 Judge Fran Jamieson Way  
Viera, FL 32940

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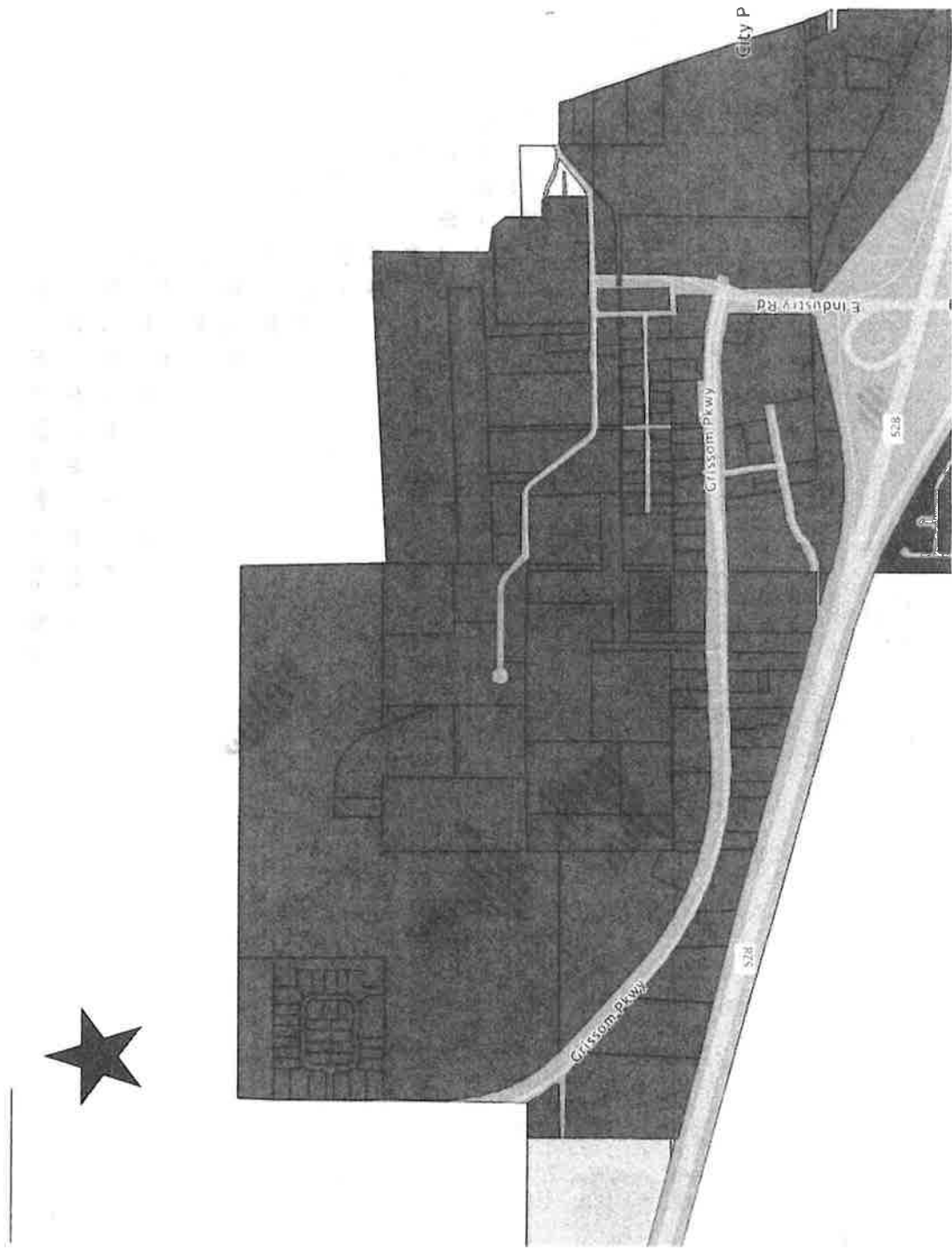
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## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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 22S.20 (22SS00017)  
Township 24, Range 35, Section 01*

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**Property Information**

Owner / Applicant: **Terrance & Peggy Mulreany**

Adopted Future Land Use Map Designation: Neighborhood Commercial (NC) and Residential 4 (RES 4)

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

Acreage: 8.89 +/- acres

Tax Account #: 2400694, 2400695, 2400696, 2400697, 2400698 &2400700

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

Commission District: 1

Current Zoning: GU (General Use)

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

**Background & Purpose**

The applicant is requesting to amend the Future Land Use designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC) on 8.89 acres. The NC portion of the subject properties encompasses 2.54 acres and RES 4 on the remaining 6.35 acres.

The applicant has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a more unified future development.

A companion application **22Z00073**, if approved, would amend the zoning classification from General Use (GU) to Retail, warehousing and wholesale commercial (BU-2). There are no other applicable land use actions on file for the subject parcels. The site has frontage on Grissom Pkwy.

At this time, there are no active code enforcement associated with the subject parcels.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Undeveloped	GU	RES 4
<b>South</b>	Commercial	BU-1	CC
<b>East</b>	Undeveloped	GU	RES 4
<b>West</b>	Grissom Pkwy	N/A	N/A

Properties to the north and east of the subject property are undeveloped parcels that retains RES 4 and CC Future Land Uses; GU zoning.

Two of the six subject properties has frontage on the east side of Grissom Parkway. Additionally, the subject properties surrounds a 1.15 acre parcel that is not included in this request. That property will retain GU zoning and NC Future Land Use and has no frontage on Grissom Pkwy.

There are two properties abutting the subject property to the south; a 2.29-acre parcel with an approved site plan (21SP00041) and an active building permit (22BC18900) for a Dollar General Store; a 7.1-acre undeveloped parcel. The FLUM and zoning has been amended on both properties to CC and BU-2. Further to the south within the City of Cocoa land uses shift to warehousing and distribution facilities.

This area is a part of the Canaveral Groves subdivision.

## Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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



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

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

**Criteria:**

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

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

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

**Only a certified MAI 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;

**On the west side across Grissom Parkway, the historical land use pattern is single-family residential, platted as a part of the Canaveral Groves subdivision with one-acre lots. On the east side of Grissom Parkway to the north and east are undeveloped one-acre residential lots platted as a part of the Canaveral Groves subdivision. To the immediate south are undeveloped commercial lots and a religious institution. Farther south within the City of Cocoa is Not for Profit corporation that leases space to other Not for Profit organizations engaged in behavioral health therapy, then the land uses shift to a gun range, warehousing, industrial and distribution facilities.**

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

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

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

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

**FLUM amendments within one-half mile:**

**20PZ00020, request to amend Future Land Use Map (FLUM) from RES 4 to CC, approved by the Board on May 7, 2020 on 0.44 acres located approximately 1,791 feet north of the subject property. Companion zoning change discussed under Policy #4.**

**22SS00009, request to amend FLUM from NC/RES 4 to CC, approved by the Board on October 6, 2022 on 4.83 acres located approximately 658 feet south of the subject property. Companion zoning change discussed under Policy #4.**

**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:

Two zoning actions has been approved within a half-mile radius of the subject property within the last three years: **20PZ00021**, approved by the Board on May 6, 2020, was a request to change GU (General Use) to BU-1 (General Retail Commercial) on 0.44 acres located approximately 2,460 feet northwest of the subject property; **22Z00031**, approved by the Board on September 12, 2022, IN(L) to BU-2 on 4.83 acres located to the south of the subject property.

**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.

**A companion application 22Z00073, if approved, would amend the zoning classification from General Use (GU) to Retail, warehousing**

**and wholesale commercial (BU-2). The applicant has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a more unified future development. Until a specific use is identified, the impact of Grissom Parkway cannot be determined.**

- 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.

**The Canaveral Groves Subdivision, west of Grissom Parkway, is an established single-family, residential neighborhood. This subdivision is located west of the subject property.**

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 closest retail uses which include a convenience store with gas pumps and a restaurant are near Grissom Parkway at Canaveral Groves Boulevard which is approximately 0.75 miles north of the subject property.**

#### **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;  
**Two of the subject properties has a combined 637 feet of frontage on Grissom Parkway, an urban minor arterial operating at 60.64% of Maximum Acceptable Volume. Accessibility will be reviewed at site plan.**
- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

There are NC, CC and RES 4 FLUM designations adjacent to the subject property. Those properties are vacant at this time, however, one of the parcels adjacent the south, located within the CC District, is currently being developed as commercial. To the north and east of the subject property, are one acre platted lots within the RES 4 District. At this time, those lots lack County maintained road infrastructure that is necessary to facilitate development. The current NC designation on two of the subject properties may serve as a buffer to the more intensive CC land use designation to the south. Amending the subject property from NC designation to CC could be considered an encroachment into the residential area to the north and east of the subject property.

~~This request includes six parcels which surrounds one parcel, owned by a different owner, which is not included with this request. This parcel has a NC designation. A FLUM enclave would result upon approval of this request. FLUM Enclaves contain parcels with a different FLU designation and zoned in a manner that is not currently compatible with the future uses envisioned by the land use designation within which they are located.~~

- C. Existing commercial development trend in the area;  
**Existing commercial development along this segment of Grissom Parkway is very limited at this time.**
  
- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;  
**Although the County has improved Grissom Parkway and established a connection to Interstate 95 at the Port St. John interchange, the character of the area has changed very little in that time.**
  
- E. Availability of required infrastructure at/above adopted levels of service;  
**The subject property has roadway access. Potable water service may be provided as an outside of Cocoa customer.**
  
- F. Spacing from other commercial activities;  
**Commercial activities are located approximately 2,136 feet to north of the subject property along the east side of Grissom Pkwy. Additional commercial activities are being developed adjacent to the subject property's southern boundary.**
  
- G. Size of proposed commercial designation compared with current need for commercial lands;  
**A market analysis could determine the need for more commercial lands in this area relative to the extent of the existing single-family residential development in Canaveral Groves.**

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;  
**The provisions of this Criterion will be addressed at the site plan stage.**
- I. Integration of open space; and  
**Open space has been conserved on the east side of Grissom Parkway because there are no County maintained roads which prevents development from occurring. Extensive natural resource constraints may also play a role in conserving open space.**
- J. Impacts upon strip commercial development.  
**Policy 2.12 -Strip commercial Development of the FLUE discourages the creation/promotion of strip pattern of commercial development. The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage.**

**Locational and Development Criteria for Community Commercial Uses Policy 2.8**

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

Criteria:

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

**The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage. Grissom Pkwy is a County maintained minor arterial urban roadway and the subject is not located at a principal arterial/principal arterial intersection.**

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

**The subject properties together are approximately 8.89 acres and are not located at intersection.**

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.

**There is a community commercial cluster located approximately 0.24 miles, within the City of Cocoa city limits, to the south of the subject property along this east side of Grissom Pkwy.**

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

**The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage. Gross floor area shall not exceed 150,000 square feet for a commercial cluster, if proposed, for this 8.89-acre site.**

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 potential gross floor area, if FLUM amendment is approved, for the subject properties combined would be approximately 410,167 square feet.**

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

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

### **Concurrency**

The closest concurrency management segment to the subject property is Grissom Pkwy, between Industry Rd and Canaveral Groves Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 95.39%. The corridor is anticipated to operate at 156.03% of capacity daily. The proposal could create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change. The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permissible uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the

development proposal will cause a deficiency of the above-mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is within the City of Cocoa utilities service area for potable water. The closest Brevard County sewer line is approximately 2.8 miles southwest on Adamson Road.

### **Environmental Resources**

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species (FL Scrub Jay)

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **Historic Resources**

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

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use (FLU) Review & Summary**  
**Item #22SS00017**

**Applicant:** Terrance & Peggy Mulreany

**Land Use Request:** NC & RES-4 to CC

**Note:** To allow for more unified future development.

**P&Z Hearing Date:** 04/17/23; **BCC Hearing Date:** 05/04/202

**Tax ID No:** 2400694, 2400695, 2400696, 2400697, 2400698, & 24006700

- 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/Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species (FL Scrub Jay)

**Wetlands/Hydric Soils**

The parcel contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) wetlands, and hydric soils (Myakka sand, depressionals; Immokalee sand, 0 to 2 percent slopes; Myakka 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. An Assessment of Jurisdictional Wetlands report prepared by Toland Environmental Consulting (TEC) in December 2022, delineated an 0.42-acre depression marsh wetland on site. The wetland assessment shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.



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

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be utilize the property. There is an area of mapped Florida Scrub Jay occupancy on the southeast portion of the property; and there is potential for existence of Gopher Tortoises in aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

### **Protected and Specimen Trees**

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

### **Land Use Comments:**

#### **Wetlands/Hydric Soils**

The parcel contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) wetlands, and hydric soils (Myakka sand, depressionnal; Immokalee sand, 0 to 2 percent slopes; Myakka 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. An Assessment of Jurisdictional Wetlands report prepared by Toland Environmental Consulting (TEC) in December 2022, delineated an 0.42-acre depression marsh wetland on site. The wetland assessment shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

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

### **Aquifer Recharge Soils**

Immokalee sand, 0 to 2 percent slopes and Myakka sand, 0 to 2 percent slopes can also function as aquifer recharge soils. The subject parcel also contains Pomello sand an aquifer recharge soil as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations (~25 to 32 feet NAVD) indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance

### **Floodplain Protection**

A portion of the project area is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property may be subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of 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."

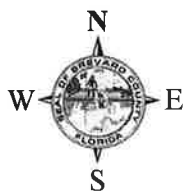
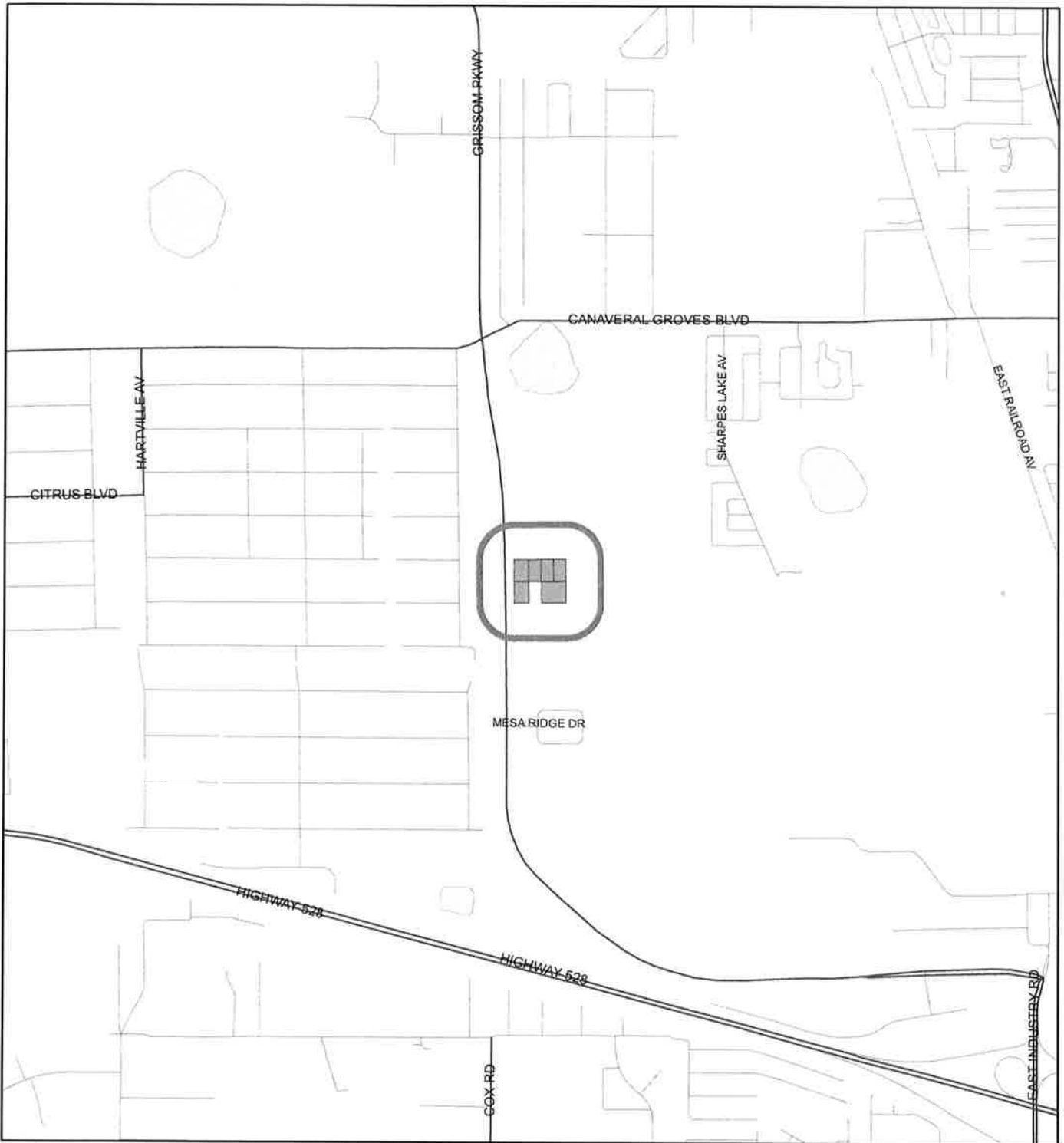
### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per 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.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be utilize the property. There is an area of mapped Florida Scrub Jay occupancy on the southeast portion of the property; and there is potential for existence of Gopher Tortoises in aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

**LOCATION MAP**  
**MULREANY, TERRANCE P and PEGGY**  
**22SS00017 Small Scale Amendment**





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

**Buffer Distance: 500 feet**

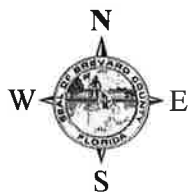
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2023

-  Buffer
-  Subject Property

# ZONING MAP




MULREANY, TERRANCE P and PEGGY  
22SS00017 Small Scale Amendment



1:4,800 or 1 inch = 400 feet

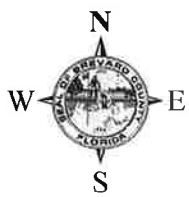
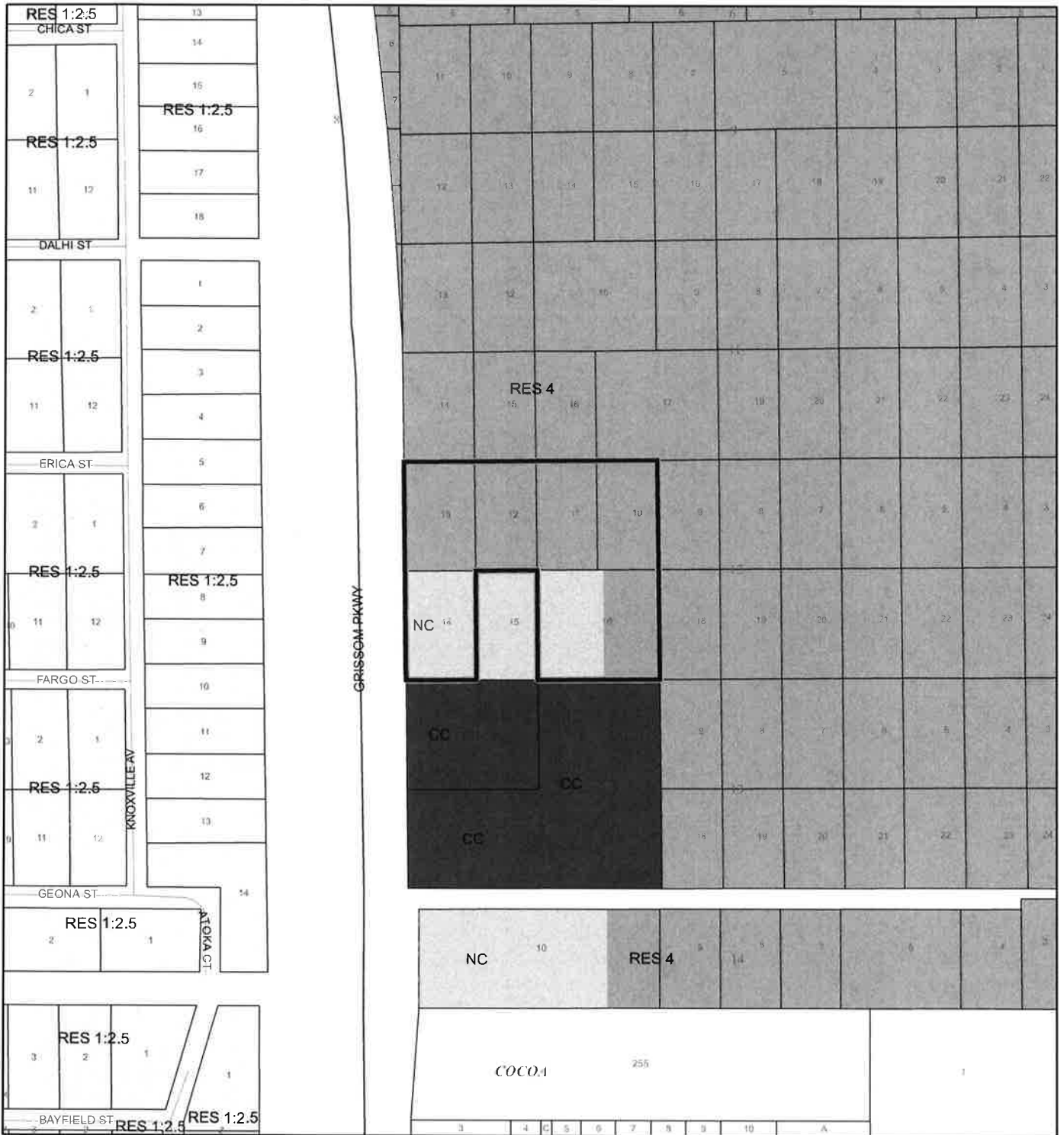
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2023

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

MULREANY, TERRANCE P and PEGGY  
22SS00017 Small Scale Amendment



1:4,800 or 1 inch = 400 feet

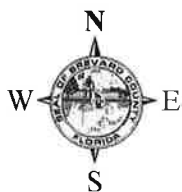
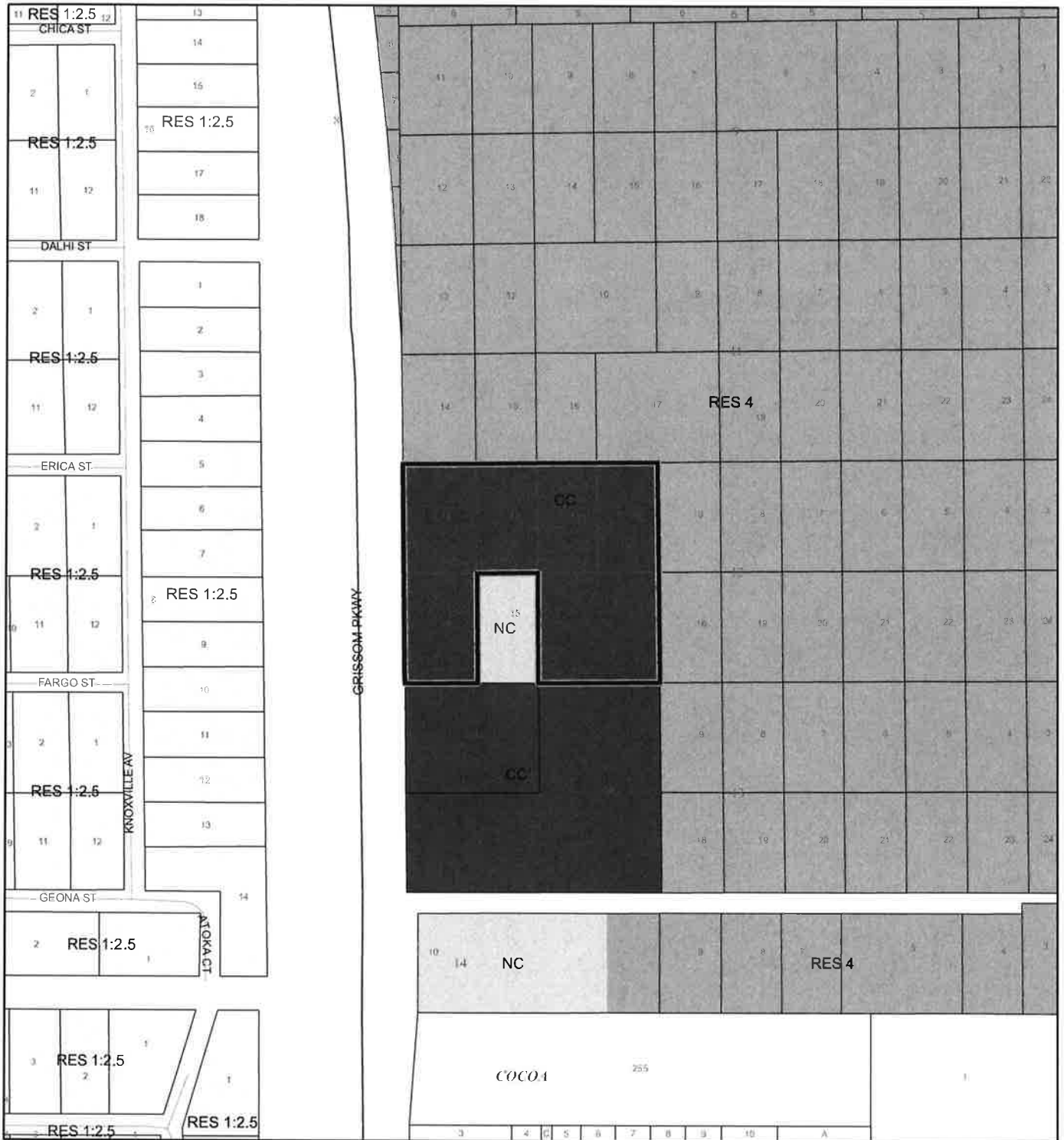
- Subject Property
- Parcels

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: 2/3/2023

# PROPOSED FUTURE LAND USE MAP

MULREANY, TERRANCE P and PEGGY  
22SS00017 Small Scale Amendment



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: 2/3/2023

# AERIAL MAP

MULREANY, TERRANCE P and PEGGY  
22SS00017 Small Scale Amendment



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2022

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.

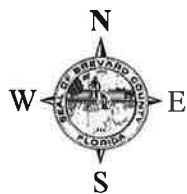
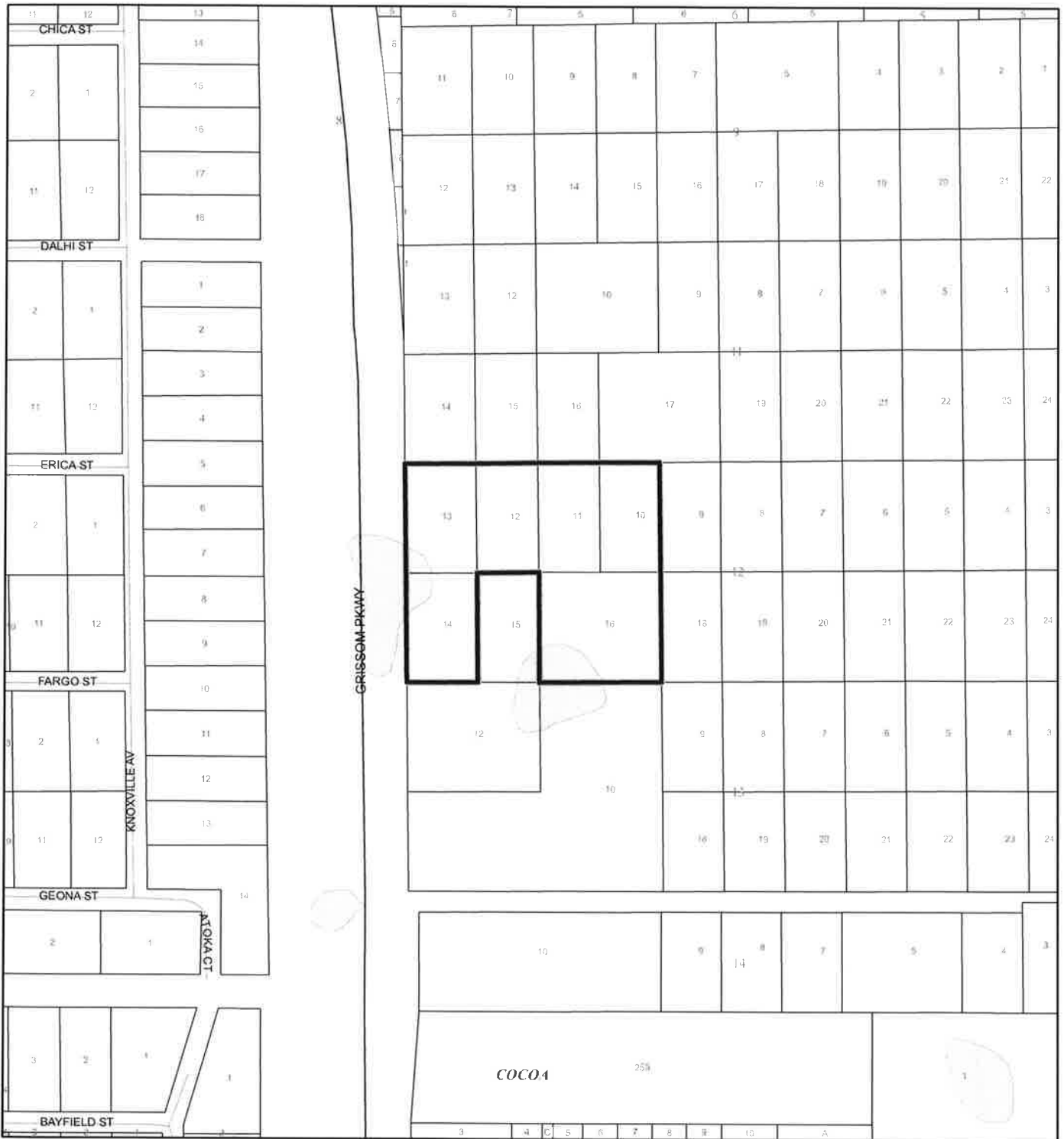
Produced by BoCC - GIS Date: 2/3/2023

 Subject Property

 Parcels

# NWI WETLANDS MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

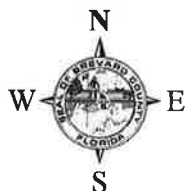
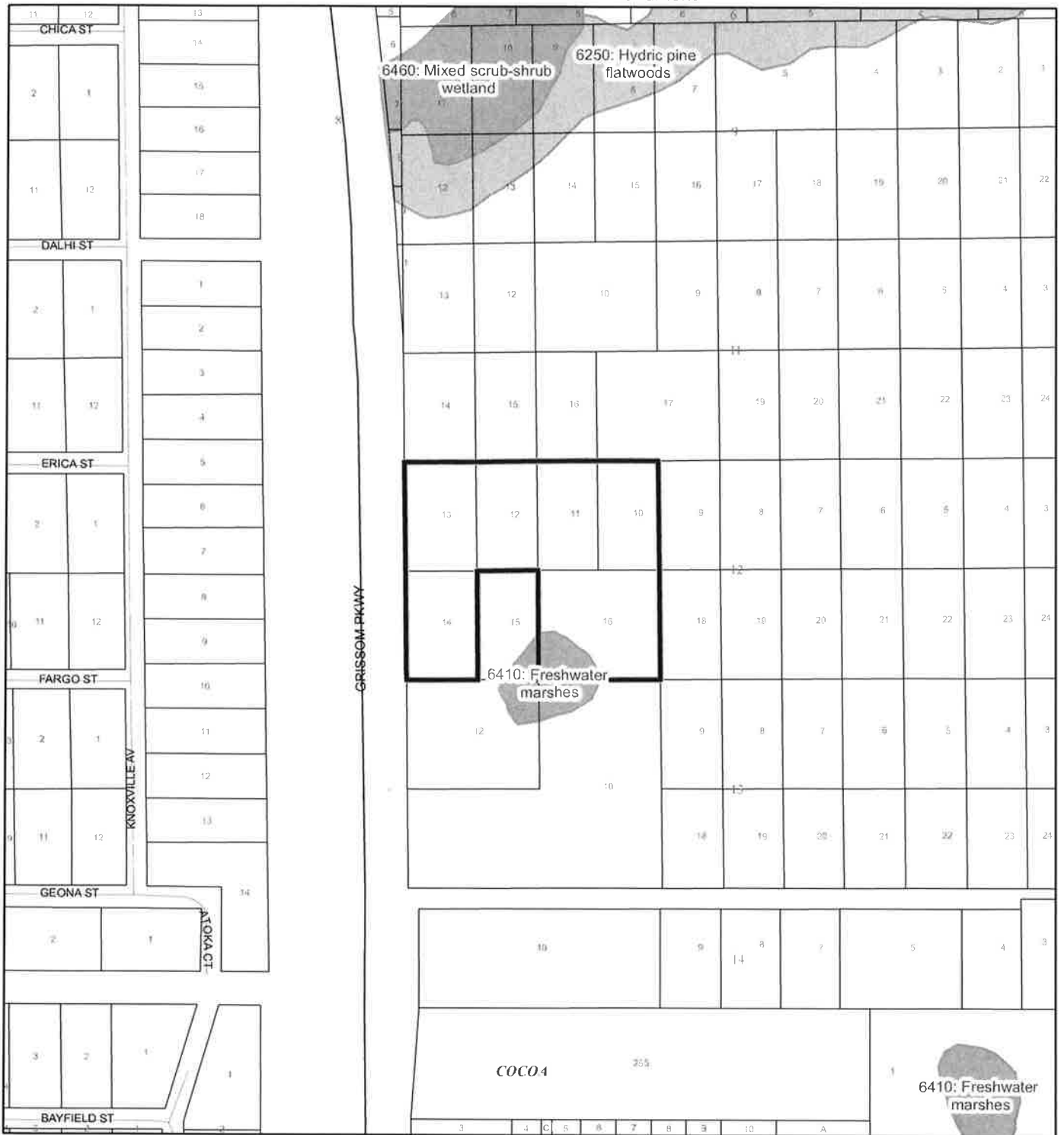
### National Wetlands Inventory (NWI)

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



# SJRWMD FLUGGS WETLANDS - 6000 Series MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

## SJRWMD FLUGGS WETLANDS

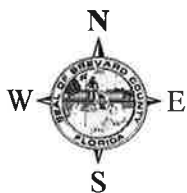
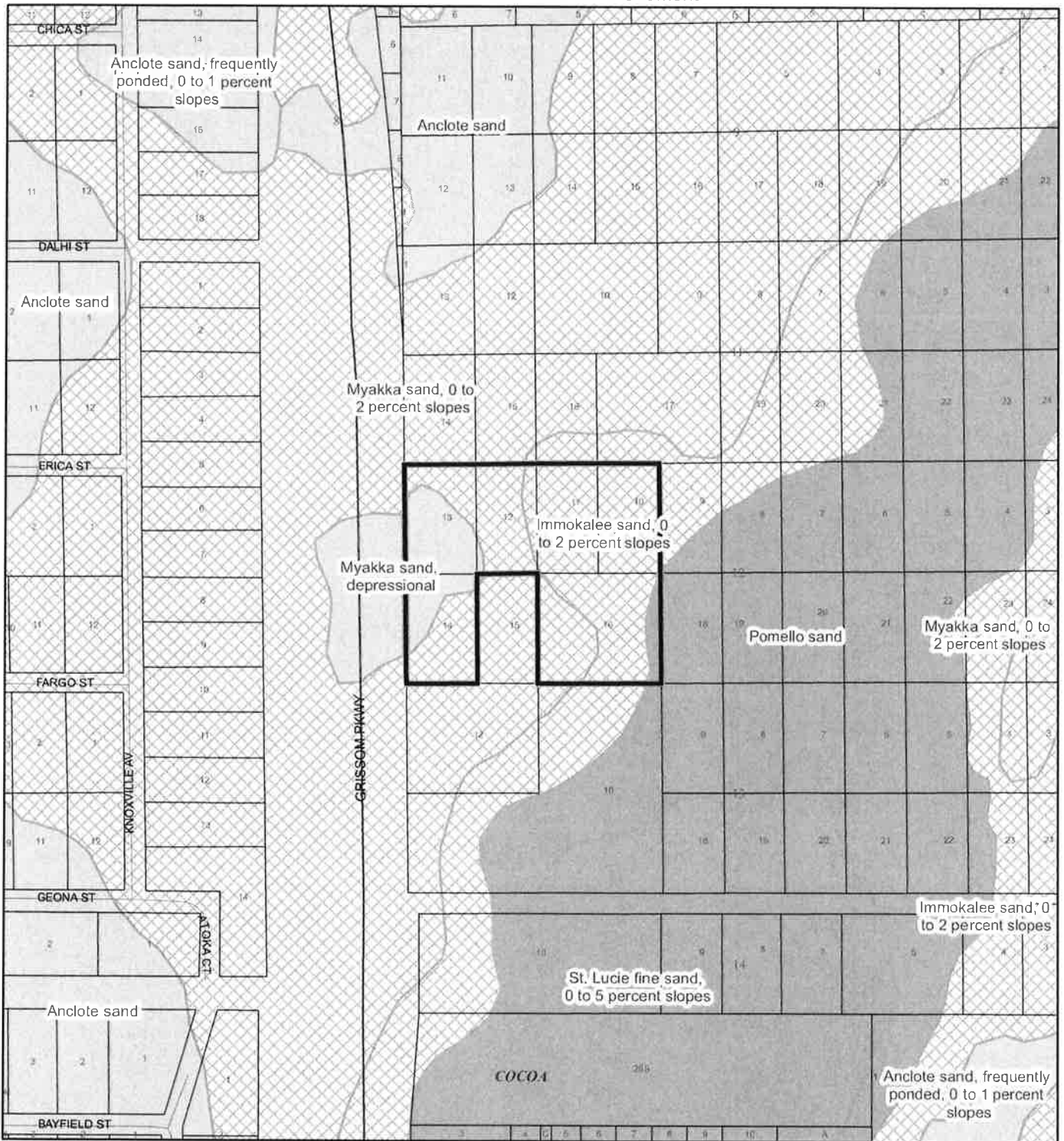
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

# USDA SCSSS SOILS MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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.

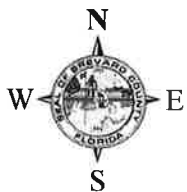
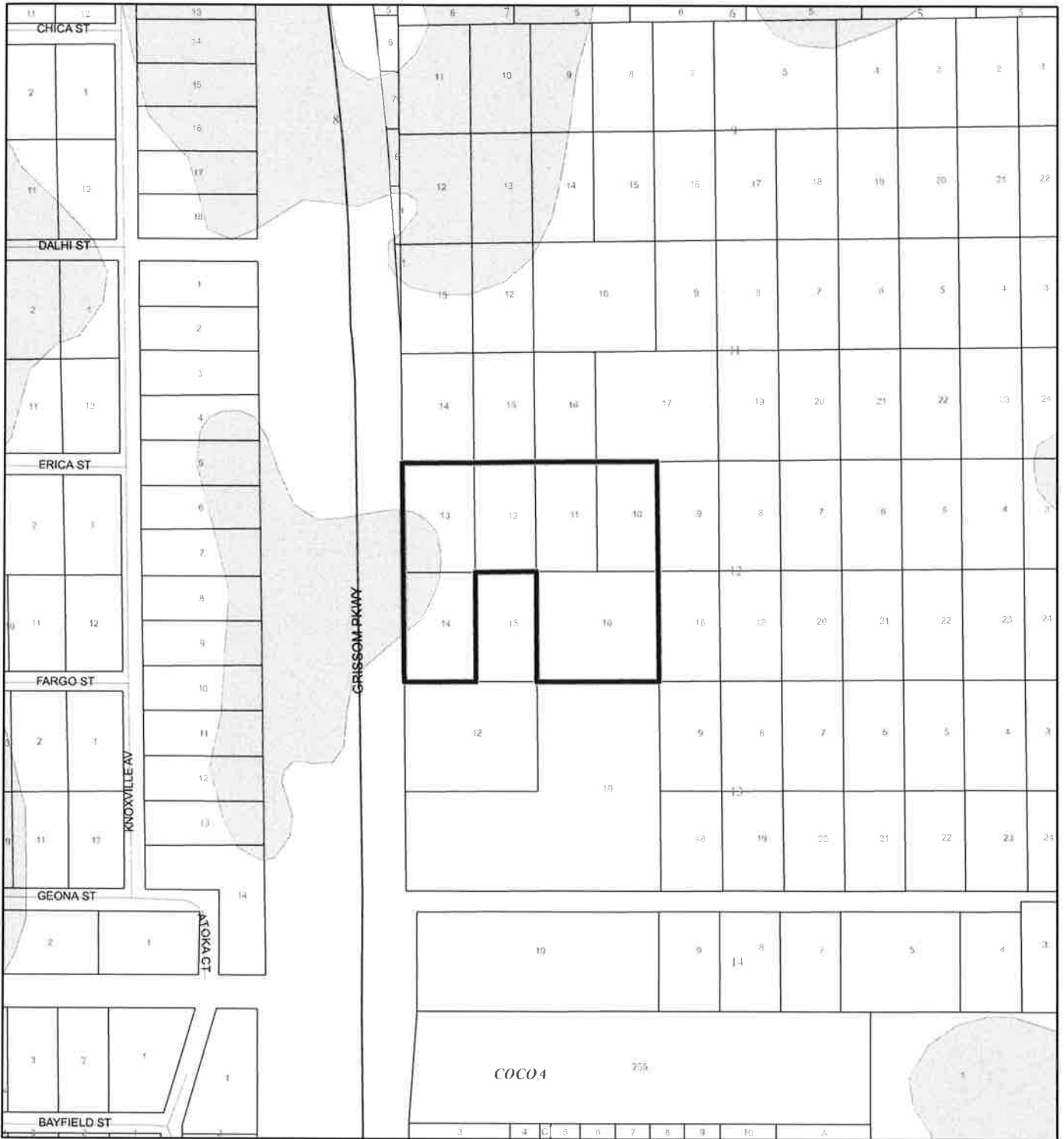
Produced by BoCC - GIS Date: 1/26/2023

### USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



1:4,800 or 1 inch = 400 feet

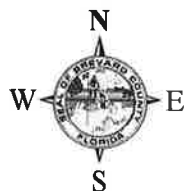
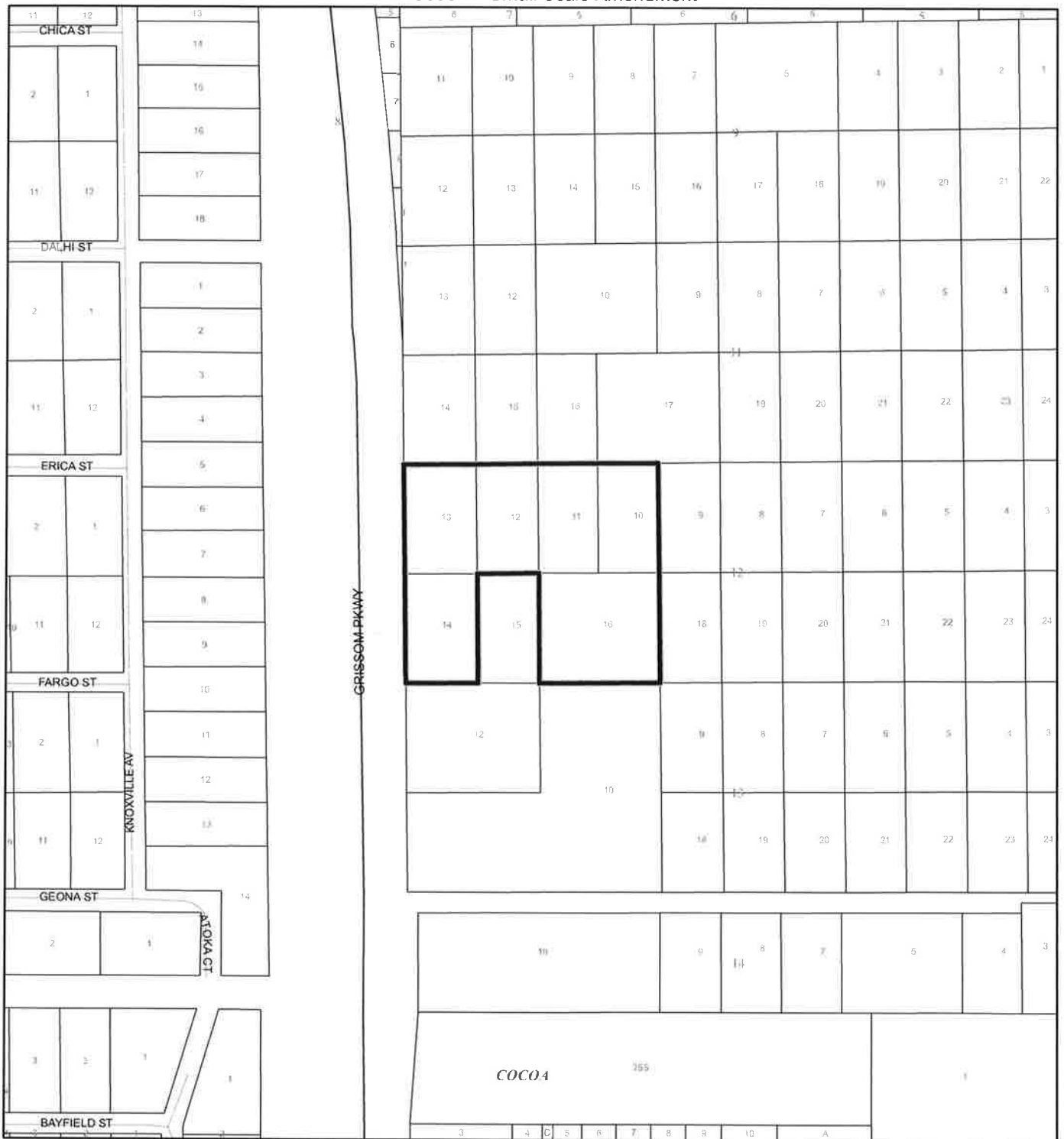
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/26/2023

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

# COASTAL HIGH HAZARD AREA MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

 Subject Property

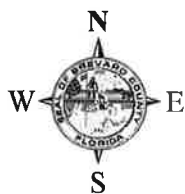
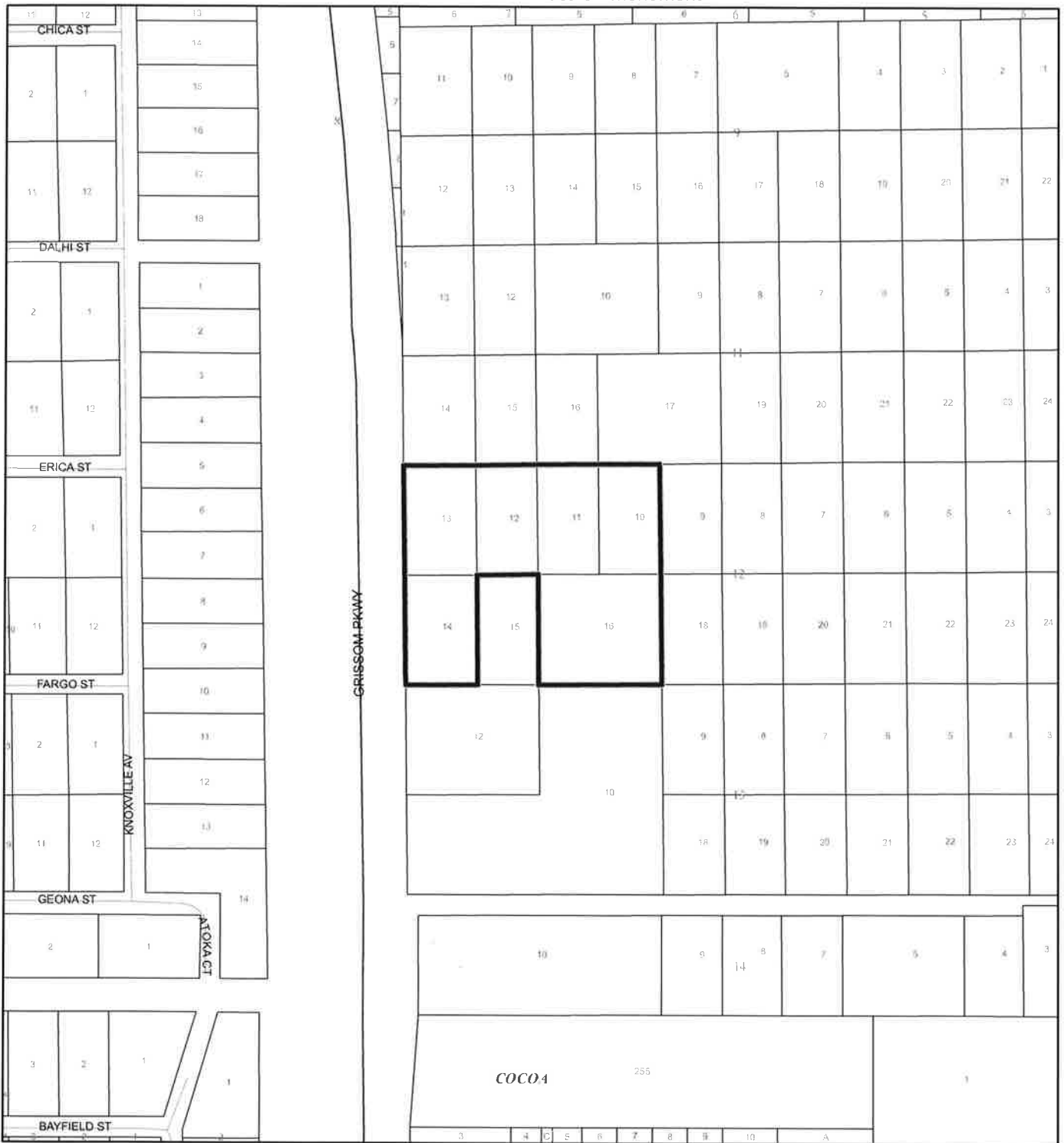
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

 Subject Property

 Parcels

**Septic Overlay**

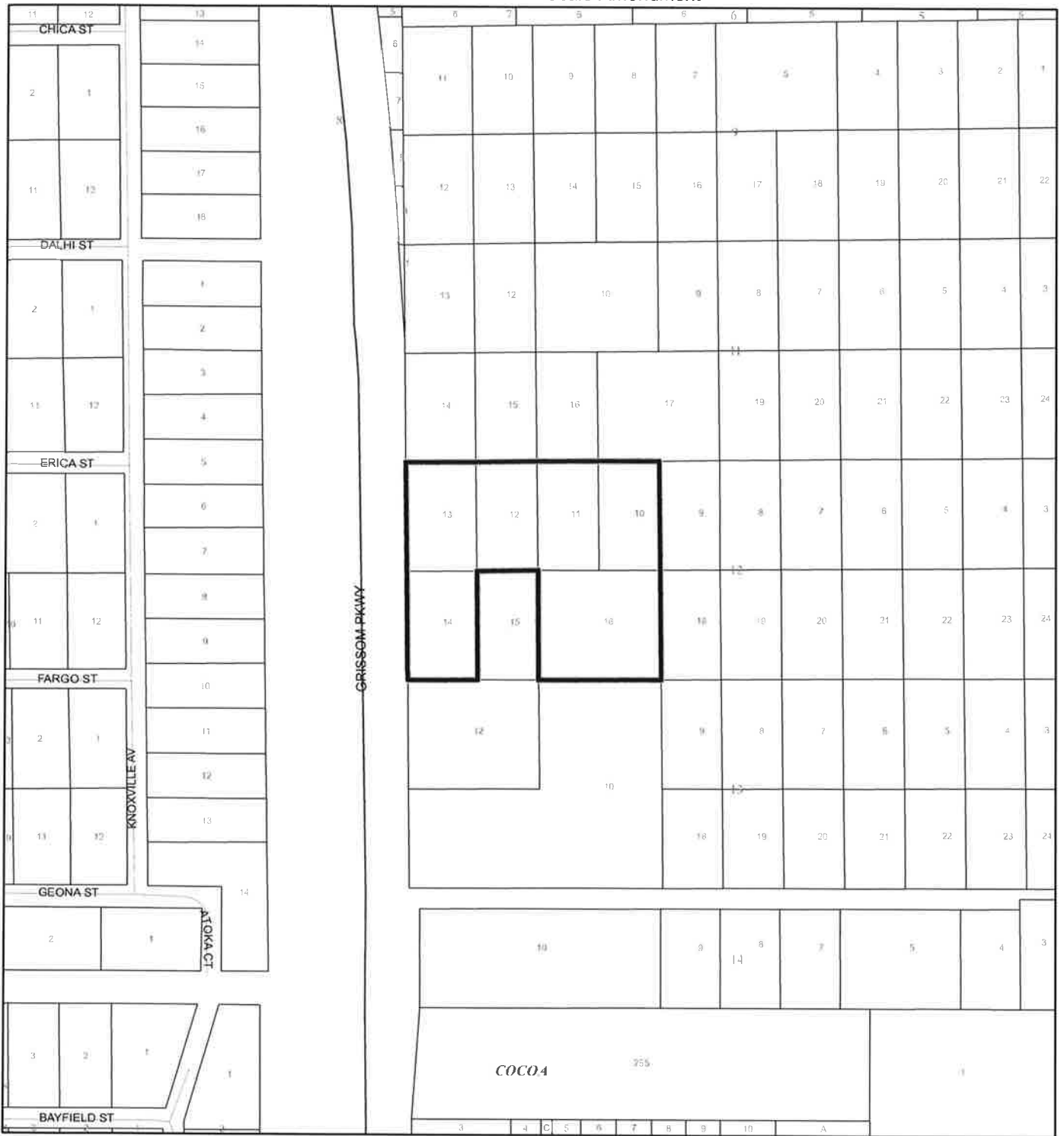
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

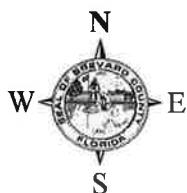
 Subject Property

 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP




MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



1:4,800 or 1 inch = 400 feet

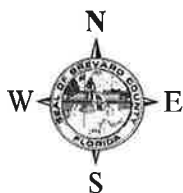
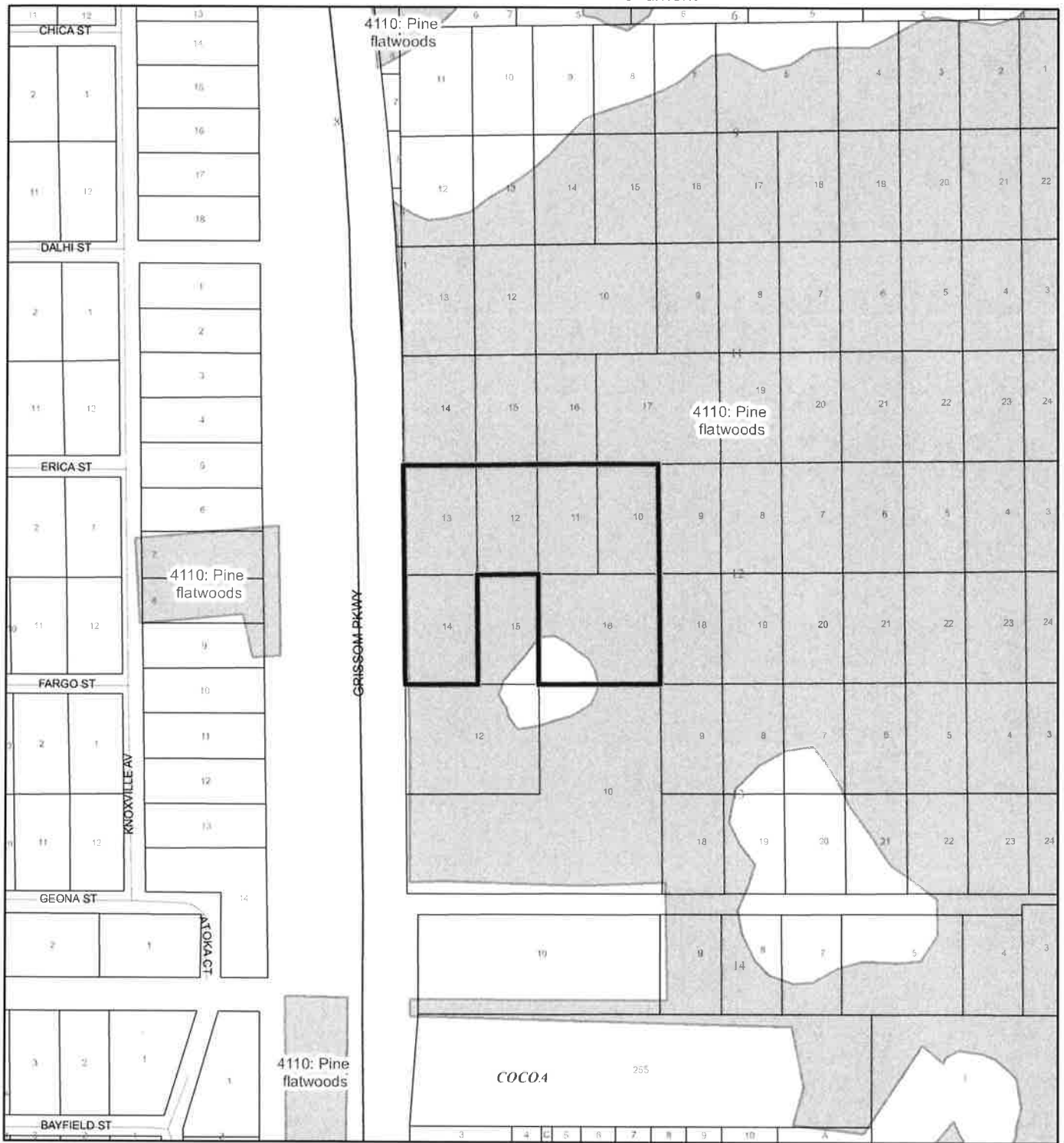
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/26/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUGCS UPLAND FORESTS - 4000 Series MAP

MULREANY, TERRANCE P  
22SS00017 Small Scale Amendment



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: 1/26/2023

## SJRWMD FLUGCS Upland Forests

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

 Subject Property

 Parcels





December 3, 2022

Mr. Terry Mulreany  
Wire & Cable Specialties, Inc  
425 Richards Road  
Rockledge, FL 32955

RE: Assessment of Jurisdictional Wetlands  
Within Six Parcels of Property  
Totaling 8.03-ACRES  
Located at 39XX Grissom Parkway, Cocoa, Florida  
Tax Identification Numbers:  
2400694, 2400695, 2400696, 2400697, 2400698 & 2400700

Dear Mr. Mulreany:

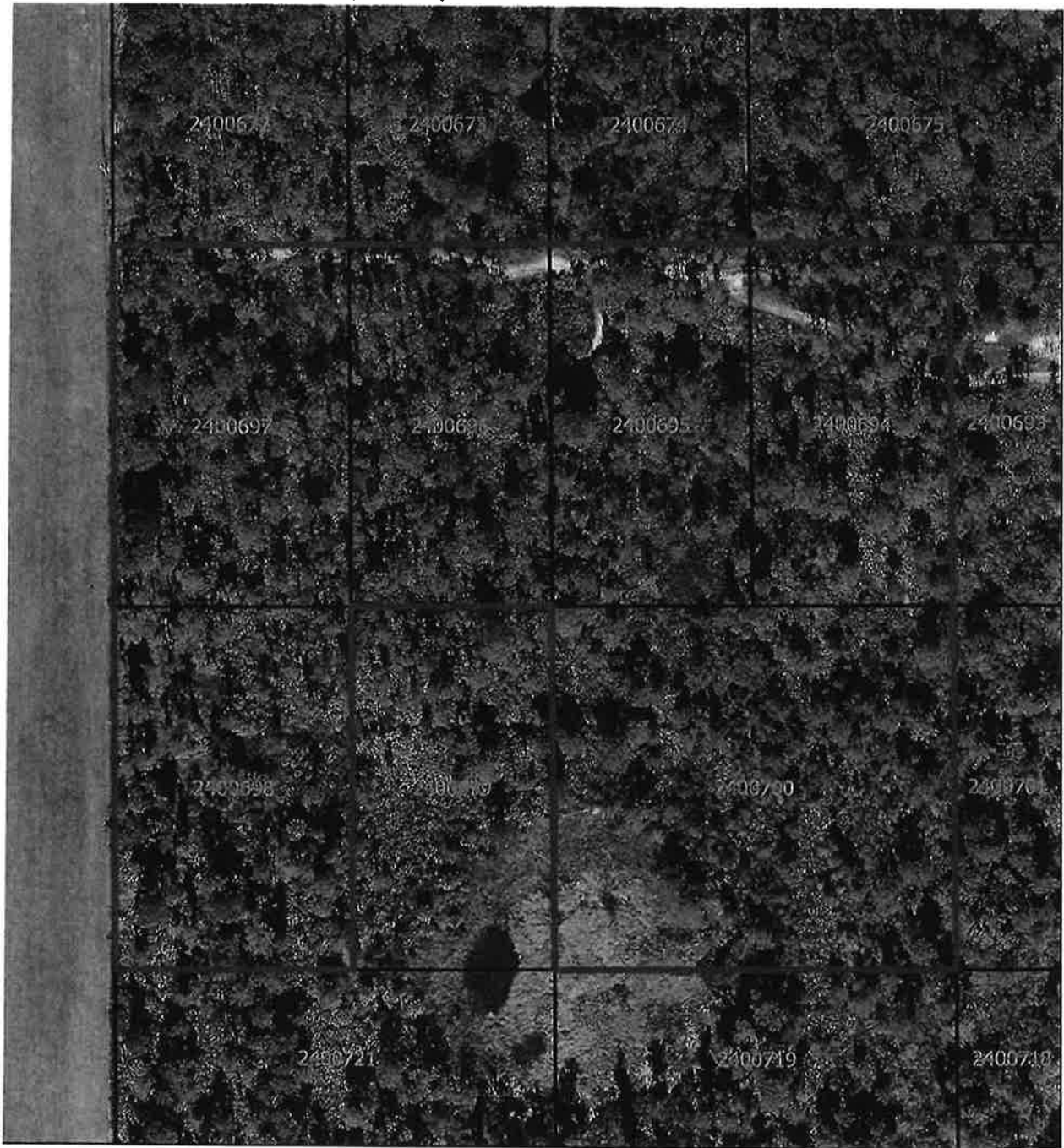
The following is a summary of Toland Environmental Consulting's (TEC) determination of the presence or absence of federal and state jurisdictional wetlands within six adjacent parcels of properties located in Brevard County off Grissom Road in Cocoa, Florida. The six parcels have tax identification of 2400694, 2400695, 2400696, 2400697, 2400698 & 2400700 (Figure 1). The property is bounded to the north, east, and south by unimproved single-family residential lots and to the west by Grissom Parkway (Figure 2).

The purpose of the site inspection was to identify whether jurisdictional wetlands are present on the properties. To prepare this wetland assessment, TEC reviewed natural resource maps including GIS database coverages of the Brevard County Soil Survey as maintained by the National Resources Conservation Service (NRCS), the National Wetland Inventory (NWI) as maintained by the US Fish and Wildlife Service (USFWS), Brevard Natural Communities Cover maps maintained by the St. Johns River Water Management District (SJRWMD) using the Florida Department of Transportation's (FDOT) Florida Land Use, Cover and Forms Classification System (FLUCCS) as last amended in 1999, and the United States Geological Survey's (USGS) Topographic Quadrangle Maps.

In addition, on October 31, 2022, TEC ground-truthed, delineated and described the natural communities present within the study area with reference to Florida's Cooperative Land Cover (CLC) classification system as maintained by FWC and last updated in September 2018 as well as by FDOT FLUCCS codes. In its current condition, the property would be classified as having 7.60 acres of CLC 1312-Scrubby Flatwoods (FLUCCS 4110-Pine Flatwoods), and 0.42 acres of 21211-Depression Marsh (FLUCCS 6410-Freshwater Marsh)(Figure 3).

Fire suppression has resulted in the canopy of the scrubby pine flatwoods to become dominated by sand pines (*Pinus clausa*), with lesser amounts of longleaf pines (*Pinus palustris*) and occasional Live oak (*Quercus virginiana*). The lack of fire has also resulted in a dense and overgrown mid-story and understory with rank saw palmetto (*Serenoa repens*), tall, dense sand live oak (*Quercus geminata*), intermittent dwarf live oak (*Quercus minima*), runner oak (*Quercus pumila*), and rusty lyonia (*Lyonia ferruginea*). The depression marsh shows damage from wild hogs with groundcover including chalky bluestem (*Andropogon capillipes*), redroot (*Lachnanthes caroliniana*), soft rush (*Juncus effusus*), and wax myrtle (*Myrica cerifera*) around the perimeter.

Figure 1: Map of Study Parcels with Tax Identification Numbers



**Legend**

 Property



Figure Prepared by Toland Environmental Consulting Using FDOT 2021 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com  
Page 2 of 10

Figure 2: Regional Location Map



**Legend**

 Property

0 65 130 260 390 520  
US Feet






Figure Prepared by Toland Environmental Consulting Using FDOT 2021 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com  
Page 3 of 10



Figure 3: Natural Communities Cover Map



**Legend**

-  Property
-  CLC 21211 - Depression Marsh (FLUCCS 6410 - Freshwater Marsh)
-  CLC 1312 - Scrubby Flatwoods (FLUCCS 4110 - Pine Flatwoods)

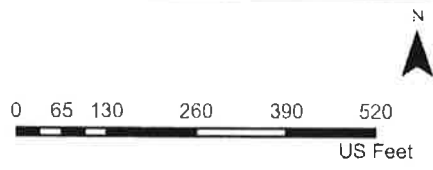


Figure Prepared by Toland Environmental Consulting Using FDOT 2021 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.tr.com  
Page 4 of 10

In order of relative abundance, the onsite soils are classified by NRCS as Immokalee sand, Myakka sand, Myakka sand, depressional, and Pomello sand (Figure 4). Of these soil series, Myakka sand, depressional is the only soil classified as hydric within the "Hydric Soils of Florida Handbook, fourth edition" prepared by Florida Association of Environmental Soil Scientist. Hydric soils are usually associated with wetlands while non-hydric soils are generally associated with upland habitats.

Within the scrubby flatwoods, TEC reviewed representative samples of the onsite soils and found they lacked the required features to be classified as hydric or indicative of having been formed under aerobic conditions by exhibiting signs of stripping, redox concentrations, or substantial organic accumulations within the first six inches of the soil profile. Soils within the depression marshes showed organic accumulations within the first six inches of the soil profile including mucky minerals (A7 indicator) and muck (A9 indicator) that demonstrated the soils formed under anaerobic conditions and would meet the criteria found within the Handbook and Florida's wetland delineation rules to be classified as hydric.

TEC observed signs of hydrology within the depression marsh that would indicate that the property flooded or had water ponding on it. Signs of hydrology included algal matting, standing water, and vegetative adaptations. TEC did not observe signs of hydrology within the other onsite habitats.

The NWI wetland inventory has mapped two potential wetland systems within the study parcels which they classify as a PEM1C (Palustrine, emergent, persistent, seasonally flooded). By contrast, the SJRWMD has mapped one potential freshwater marsh system (FLUCCS 6410) in the same area TEC field verified a depression marsh (Figure 5). TEC attributes the discrepancy between federal and state potential wetland maps to the federal map including a historical system that could have existed in the area mapped as having hydric soils and would have been visible in aerial images in the early seventies (Figures 6). By 1986, this system shows signs of succession into pine flatwoods (Figure 7). After the construction of Grissom Parkway, most of the wetland system was gone by 1993 and what remained was heavily altered by changes in regional drainage patterns brought on by the construction of the road (Figure 8). TEC reviewed the old wetland system to establish whether it still met the delineation criteria found within Chapter 62-340, Florida Administrative Code or Section 404 of the Clean Water Act (33U.S.C. 1344) to be jurisdictional for regulatory purposes. TEC's field review established that this system was no longer jurisdictional with an upland canopy, no signs of hydrology and soils that lacked the organic coating requirements to be classified as hydric. Accordingly, this area was excluded from TEC's jurisdictional wetland map (Figure 3).

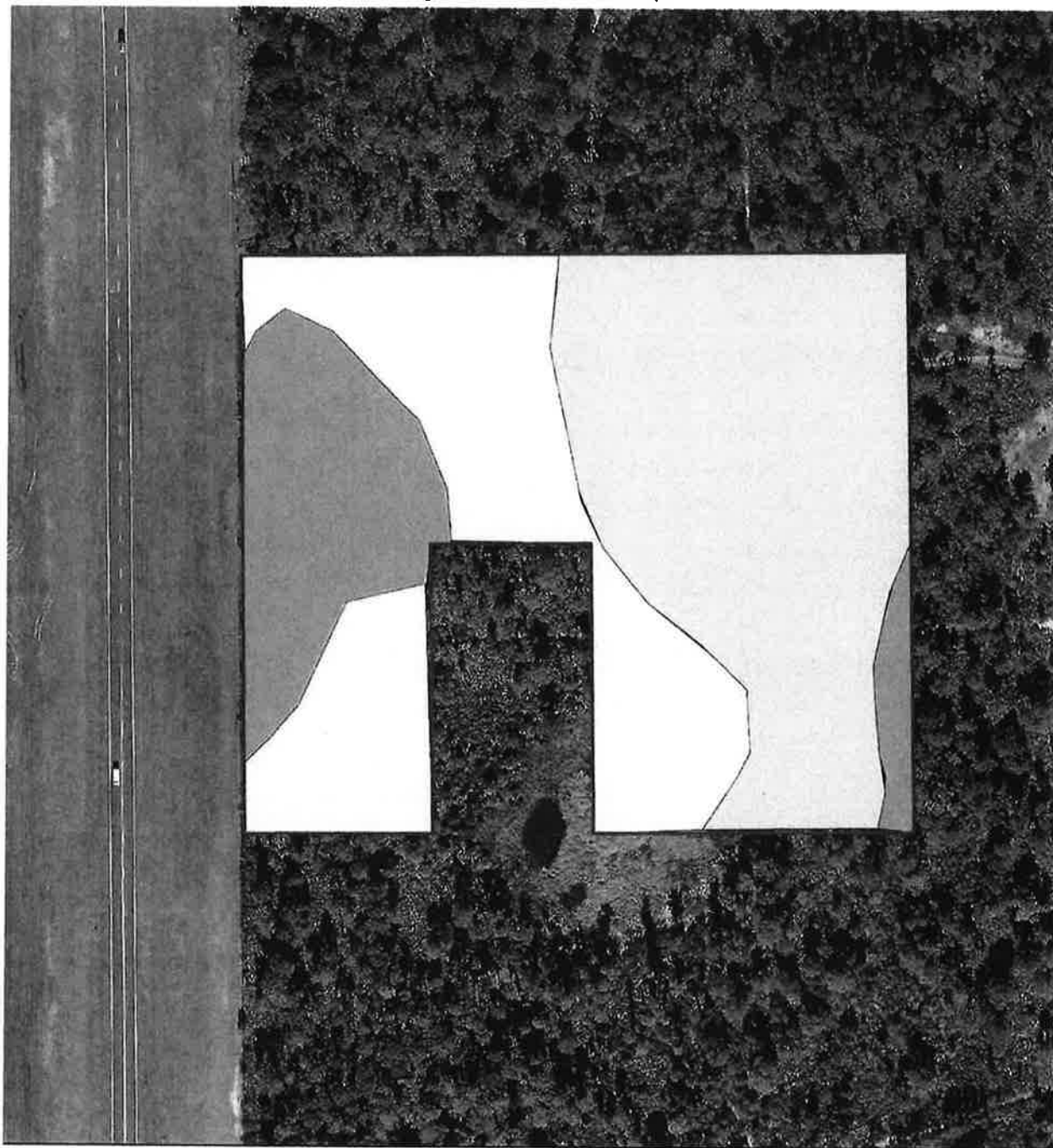
If you have any questions or require additional information regarding this wetland review of the six parcels of property, please contact me on my office phone at 321-242-7173 or by e-mail [at teclisa@cfl.rr.com](mailto:teclisa@cfl.rr.com).

Sincerely,

*Lisa J. Toland*

Lisa Toland, President

Figure 4: NRCS Soils Map



**Legend**

-  Property
-  NRCS 28 Immokalee Sand, 0-2 Percent Slopes
-  NRCS 36 Myakka Sand, 0-2 Percent Slopes
-  NRCS 38 Myakka Sand, Depressional
-  NRCS 49 Pomello Sand, 0-5 Percent Slopes







Figure Prepared by Toland Environmental Consulting Using FDOT 2021 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com  
Page 6 of 10



Figure 5: Potential Wetlands Mapped by the NWI and the SJRWMD



**Legend**

-  PropertyLocation
-  CLC 21211- Depression  
Marsh (FLUCCS 6410 -  
Freshwater Marsh)
-  NWI\_Upper St. Johns
-  SJRWMD\_FLUCCS

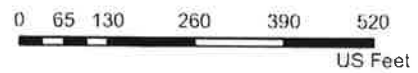
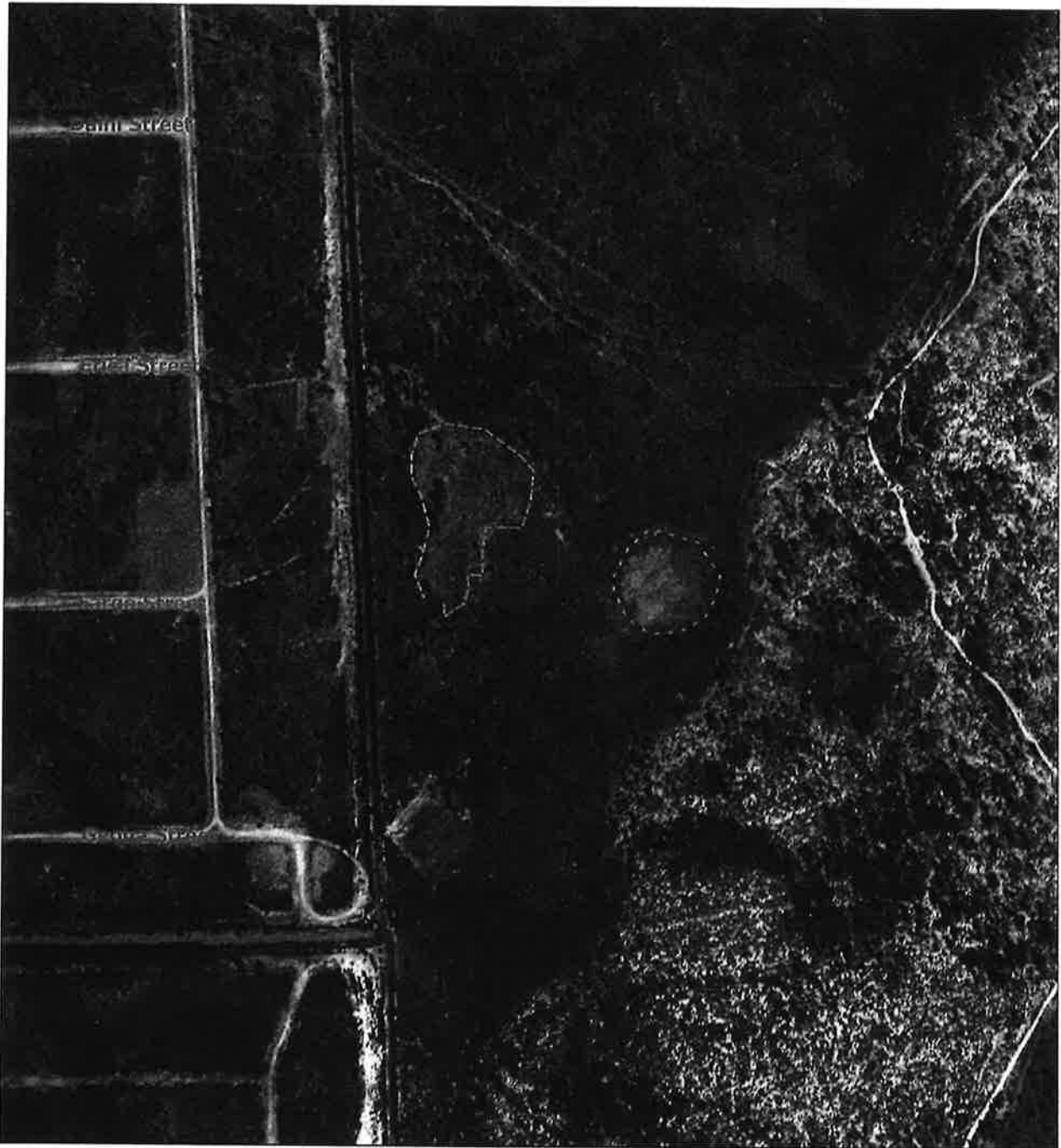




Figure Prepared by Toland Environmental Consulting Using FDOT 2021 Aerial Imagery

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com

Figure 6: Aerial Image of Properties – 1972



**Legend**

-  Property
-  NWI\_Potential Wetlands

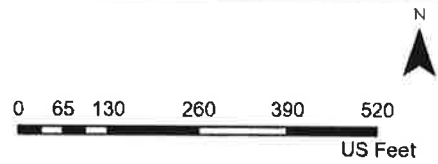


Figure Prepared by Toland Environmental Consulting Using FDOT 1972 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) tcclisa@cfl.rr.com  
Page 8 of 10



Figure 7: Aerial Image of Properties – 1986



**Legend**



-  Property Location
-  NWI Potential Wetlands



Figure Prepared by Toland Environmental Consulting Using FDOT 1986 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com  
Page 9 of 10



Figure 8: Aerial Image of Properties – 1993



**Legend**



-  Property Location
-  NWI Potential Wetlands



Figure Prepared by Toland Environmental Consulting Using FDOT 1993 Aerial Imagery  
4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com  
Page 10 of 10



## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 17, 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: Ron Bartcher (D1); Robert Sullivan (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); and John Hopengarten (BPS). Robert Brothers' presence was noted at 3:09 p.m.

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

### Excerpt of Complete Agenda

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

A Small Scale Comprehensive Plan Amendment (22S.20), to change the Future Land Use designation from NC (Neighborhood Commercial) and RES 4 (Residential 4) to CC (Community Commercial), on 8.89 +/- acres, located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (22SS00017) (Tax Accounts 2400694, 2400695, 2400696, 2400697, 2400698, & 2400700 (District 1)

No public comment.

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

A change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on 8.89 +/- acres, located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (22Z00073) (Tax Accounts 2400694, 2400695, 2400696, 2400697, 2400698, & 2400700 (District 1)

Kelly Hyvonen, 355 Spoonbill Lane, Melbourne Beach, stated the first request is for a Future Land Use Map amendment from NC and RES 4 to CC for the purpose of also seeking a rezoning from GU to BU-2. She stated she appeared before the Board on September 12, 2022, requesting the same Future Land Use and zoning on the property immediately to the south of the subject property. The proposed use for the property to the south is a combination of retail, and RV and boat storage. On the subject property, the plan is a logical extension of not only what is going to be happening to the south, but also what is happening with the larger overall picture in the City of Cocoa. She said the subject property is near the southern end of Grissom Road, which is largely a heavy industrial area. Property to the south, in the City of Cocoa, has a zoning of M-2, which is a heavy industrial zoning. She stated approval of the requests would create a unified development parcel with consistent Future Land Use and zoning for future office, warehouse, or distribution use, which is compatible with the area. She noted the subject property is under contract by a company that does small bay warehousing, and each of the units would have a warehouse space in the back and then a flexible retail/office space up front, which is good for many of the permitted BU-2 uses. She said she believes the request is consistent with the Comprehensive Plan, is in keeping with the corridor, and consistent with the existing pattern of development.

No public comment.

Ron Bartcher stated the board approved a similar change to the properties immediately south last year, and he believes the requests are consistent and compatible.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan amendment from NC and RES 4 to CC. The motion passed unanimously

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from GU to BU-2. The motion passed unanimously.