



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

11/3/2022

Subject:

Sunshine State Wildlife Conservation, LLC (Jeff Murray) requests a CUP for Land Alteration, in a GU zoning classification. (22Z00040) (Tax Account 3001207) (District 5)

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 CUP (Conditional Use Permit) for Land Alteration, in GU (General Use) zoning classification.

Summary Explanation and Background:

The applicant is seeking a CUP on 274.3 acres, with 177.5 acres as potential area of land alteration activities, in order to expand land alteration operations on the abutting parcel to the east. The 326.97-acre parcel to the east was approved for a CUP (19PZ00061) for Land Alteration on 08/01/2019. The property is undeveloped and currently utilized as grazing land.

The applicant included engineered sketch plans in their CUP application showing the proposed overall site, wetland and the offsite haul route. The applicant plans to access Babcock Street through the abutting parcel to the east, owned by the applicant, which has been previously approved for a CUP (19PZ00061) for Land Alteration. The sketch plans have been reviewed in reference to the requirements of the CUP application, however they have not been reviewed for compliance with all of the County's Land Development Regulations. Those reviews will occur with the land alteration permit and/or formal site plan. The applicant is required to get separate approval from the Natural Resources Department for the Land Alteration Permit (LAP).

The subject property is surrounded to the north and west by GU zoning with a use of grazing land. The parcel to the east is AU zoning and is being used as land alteration. The parcel to the south is C-54 canal and T.M. Goodwin Road.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1936 in order to mitigate potential offsite impacts to the abutting properties.

On October 17, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 22Z00040

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

WHEREAS, Sunshine State Wildlife Conservation, LLC, have requested a CUP (Conditional Use Permit) for Land Alteration, in a GU (General Use) zoning classification, on property described as follows (see attached); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Land Alteration, in a GU zoning classification, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 3, 2022.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Kristine Zonka, Chair
Brevard County Commission

As approved by the Board on November 3, 2022.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – October 17, 2022

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

22Z00040 (cont.)**Legal Description:**

Being an undivided 26.65% interest in that real property lying in Sections 28 & 33, Township 30S, Range 37 E, Brevard County, Florida, being more particularly described as follows: Commence at the NE corner of **Section 21, Township 30S, Range 37E**; thence S00deg23'58"W, along the east line of said Section 21, a distance of 5,386.73 ft., to the SE corner of said Section 21, also being the NE corner of Section 28, Township 30S, Range 37E; thence S00deg20'51"W, along the east line of said Section 28, a distance of 2,533.56 ft.; thence N89deg27'11"W, a distance of 50 ft., to a point of intersection with the west right-of-way line of Babcock St. (a 100-ft. wide right-of-way recorded in ORB 481, Page 719, Public Records of Brevard County, Florida) and the centerline of Centerlane Rd. (a 50-ft. wide right-of-way recorded in ORB 3112, Page 568, Public Records of Brevard County, Florida); thence N89deg11'06"W, along the centerline of said Centerlane Rd. (same being the north line of property described and conveyed in Special Warranty Deed recorded in ORB 2950, Page 2812, Public Records of Brevard County, Florida), a distance of 2,580.03 ft.; thence departing said centerline, S00deg48'54"W, a distance of 75 ft., to the southerly right-of-way line, of said Centerlane Rd. and the point of beginning of the following described parcel; thence S00deg32'46"W, a distance of 2,708.70 ft., to the south line of said Section 28; thence N90deg00'00"E, along the south line of said Section 28, a distance of 2,639.99 ft., to the SE corner of said Section 28, also being the NE corner of said Section 33; thence S00deg47'18"W, along the east line of said Section 33, a distance of 2,976.35 ft.; thence N89deg12'42"W, a distance of 502.99 ft.; thence S00deg47'18"W, a distance of 1,917.96 ft. to the north right-of-way line of the C-54 Canal (a variable width right-of-way recorded in ORB 880, Page 739, Brevard County, Florida); thence N89deg48'12"W, along said C-54 Canal right-of-way line, a distance of 2,116.23 ft.; thence N00deg32'46"E, a distance of 4,854.88 ft.; thence N90deg00'00"W, a distance of 25 ft.; thence N00deg32'46"E, a distance of 2,734.05 ft., returning to the southern right-of-way line of said Centerlane Rd.; thence S89deg11'06"E, along the southern right-of-way line, of said Centerlane Rd., a distance of 25 ft., returning to the point of beginning. (274.3 +/- acres) Located on the north side of C-54 Canal, approx. 0.55 mile south of Centerlane Rd. (No assigned address. In the Palm Bay area.)

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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00040

Sunshine State Wildlife Conservation, LLC

A CUP for Land Alteration on 177.5 acres from a parent tract totaling 274.3 acres.

Tax Account Number: 3001207
Parcel I.D.s: 30-37-33-00-1
Location: 750 feet West of Babcock Street to the parcel, north of the C-54 Canal (District 5)
Acreage: 274.3 acres/177.5 acres Potential Area of Land Alteration Activities for CUP request

Planning & Zoning Board: 10/17/2022

Board of County Commissioners: 11/03/2022

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	GU	GU with CUP for Land Alteration
Potential*	54 SF lots	54 SF lots
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES RES 1:2.5

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

Background and Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for 274.3 acres with 177.5 acres Potential Area of Land Alteration Activities in order to expand the land alteration operations on the abutting parcel to the east. The 326.97 acre parcel to the east was approved for a CUP (19PZ00061) for Land Alteration on 08/01/2019. The overall parcel size is 274.3 acres. This property is undeveloped and is currently utilized as grazing land.

Section 62-1936 allows an application for a CUP for Land Alteration with a minimum size for land alteration is five acres.

The GU zoning is the original zoning of the parcel and there are no other zoning actions for the parcel. The applicant included engineered sketch plans in their CUP application showing the proposed overall site, wetland and the offsite haul route. The applicant plans to access Babcock Street through the abutting parcel to the east, owned by the applicant, which has been previously approved for a CUP (19PZ00061) for Land Alteration. The sketch plans have not been reviewed for compliance with other County departments except Brevard County Natural Resources Management Department.

Land Use

The subject property is currently designated Residential 1:2.5 (RES 1:2.5). The GU zoning classification can be considered consistent with the Residential 1:2.5 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.10 addresses the Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The existing General Use (GU) zoning classification can be considered consistent with this FLU designation.

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

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

Criteria:

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

Regarding the hours of operation, lighting, odor, noise levels, traffic or site activity. The proposed CUP is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. Land Alteration uses will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

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

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

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

1. historical land use patterns;

The subject property is currently utilized as grazing land. The parcel to the east is currently being used for Land Alteration and approved for a CUP (19PZ00061) for Land Alteration use. The area immediately surrounding the subject site to the north and west are currently utilized for grazing land. To the south lies the C-54 canal and T.M. Goodwin Road.

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

There has not been any actual development within this area in the preceding three (3) years. The parcel to the east is currently being used for Land Alteration.

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

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

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

No material violation of relevant policies has been identified.

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

There is an existing pattern of General Use (GU) zoning on parcels surrounding the subject property with a use of grazing land. The AU zoned parcel to the east is currently being used for Land Alteration with an approved CUP (19PZ00061) for Land Alteration use.

Administrative Policy #5 - the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered.

The proposed CUP will access Babcock Street segment between Indian River County to Micco Road. The maximum development potential from the proposed CUP increases the percentage of Maximum Acceptable Volume utilization by 10%. The corridor is anticipated to operate at 31.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.

Administrative Policy #6 - 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.

The proposed CUP appears to meet land development policies noted above.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Grazing Land	GU	RES 1:2.5
South	C-54 Canal & Road	GU	RES 1:2.5
East	Land Alteration	AU	RES 1:2.5
West	Grazing Land	GU	RES 1:2.5

The subject property is surrounded to the north and west by GU zoning with a use of grazing land. The parcel to the east is AU zoning and is being used as land alteration. The parcel to the south is C-54 canal and T.M. Goodwin Road.

GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals and plants nurseries. Conditional uses in AU include hog farms, zoological parks, and land alteration.

There has been one (1) zoning action within a half-mile radius of the subject property within the last three years.

19Z00061- August 01, 2019, a CUP for Land Alteration was approved on the 326.98 acres abutting parcel to the east.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Babcock Street, between Indian River County to Micco Rd., which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 21.90% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 10%. The corridor is anticipated to operate at 31.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is not within the Brevard County utilities service area for public water or sewer. The closest Brevard County sewer line and water line is approximately six miles north east on Micco Road.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alteration.

This request should be evaluated in the context of **Section 62-1936** which outlines conditions for Land Alteration which states:

- (a) The minimum size for land alteration is five acres.

The applicant's request is for 177.5 acres.

- (b) The approval of a conditional use permit for a land alteration shall be subject to the applicant's obtaining a land alteration permit meeting the requirements and conditions of article XIII, division 4, of this chapter, or a private lake permit meeting the requirements and conditions of article XIII, division 5, of this chapter, from the office of natural resources management.

The applicant has concurrent applications under review at this time.

- (c) A land alteration shall be set back 50 feet from all property lines, and 75 feet from any right-of-way or major arterial street as defined in article VII of this chapter. A land alteration shall be set back 250 feet from all residentially zoned properties and AU and GU zoned properties which are not owned by the applicant. A minimum side slope shall be no steeper than five feet horizontal to one foot vertical (5:1) to a mean water depth of five feet. Slopes deeper than five feet shall be no steeper than 2:1.

The applicant has submitted drawings which show compliance with required setbacks.

- (d) A conceptual site plan, binding on the property owner, shall be submitted which shows the following: *The applicant has submitted plans which comply with the following criteria however; no blasting areas have been identified. Board should verify that blasting and explosives are not proposed or should direct the applicant to remit revised plans depicting a proposed location.*

- (1) The size and location of the land alteration.

The applicant has submitted plans which shows the size and location of the land alteration.

- (2) The location of any equipment and equipment storage.

The applicant has submitted plans which shows the location of equipment and equipment storage.

- (3) The points of ingress and egress.

The applicant has submitted plans which shows the location points of ingress and egress.

- (4) The extent of buffering, and other associated operational components.

The applicant has submitted plans which shows the location of buffering.

- (5) Rock crushing operations must be specified and the exact location described during application submittal.

The applicant has submitted plans which shows the location of rock crushing operations

- (6) Identify the maximum number of truck trips per day to and from the site.

The applicant has estimated the truck volume to be between 92-150 trips per day.

- (7) A vicinity map shall be provided that reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

The applicant has submitted plans which reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

- (8) Location of areas where explosives, blasting agents, or detonators may be used in conjunction with land alteration activities.

The applicant states this operation does not intend to use explosives.

- (e) Land alteration activity must be located with direct access to collector or arterial roads except for projects within commercial and industrial zoned properties.

The SCTPO lists the abutting road segment as a Rural Major Collector.

- (f) Land alteration activities shall be limited to operations between dawn to dusk and prohibited on Sundays.

The applicant states compliance with these operational hours.

- (g) If deemed necessary by the county manager or designee, where the intensity of the operation would have a potential to damage an existing paved public road or street, a performance bond to guarantee repair of the road or street shall be required.

Potential impacts have not yet been quantified.

- (h) Such conditional use may be limited to a time specific duration as set by the board of county commissioners.

Time limitations have not been set by the Board outside of the conditions stated above. Should the Board wish to limit the impacts beyond the current code limitations, such conditions would need to be determined at the public hearing.

- (i) In the event that explosive, blasting agents or detonators, as defined in section 62-4391, may be used in conjunction with land alteration activities, the notice required pursuant to subsection 62-1151(b) must disclose the intent to use such materials.

The applicant states this operation does not intend to use explosives.

Special Considerations for Conditional Use Permit

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1901 provides that 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. The applicant's responses are indicated in bold and staff observations, if any, are provided in italics.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alterations.

General Standards of Review

Section 62-1901(c)(1)(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.

Applicant's Response: The proposed use is a land alteration over 5 acres. It is anticipated that there will not be an adverse impact on adjacent and nearby properties as the surrounding uses have similar traffic, activities and employment numbers as the requested conditional use.

Staff analysis: Any noise generated in conjunction with the operation of the business would need to comply with the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271. The adjacent lands are used as existing Land Alteration Site, State Park and for agriculture and will not be substantially nor adversely impacted by the proposed activities.

Section 62-1901(c)(1)(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.

Applicant's Response: Yes. The proposed use is strongly compatible with the surrounding properties with regard to use, function, operation hours of operation, type, setbacks necessary buildings/structures and amount of traffic generated. There are and have been other uses such as this in the surrounding area.

Staff analysis: The applicant has proposed their intent to comply with code provisions. If the Board desires additional information, beyond these standards it should be identified at the public hearing.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttable presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable 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 a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: The property use under this CUP is a preferred location for a use such as this. The abutting property is of an agricultural use. The value of these abutting properties will not be substantially reduced by the proposed use.

Staff analysis: The parcel is located adjacent to property under agricultural operations at this time; should this neighboring use change due to proposed residential development of the abutting sites; it may be necessary to re-evaluate the potential impacts that this site may propose.

Section 62-1901(c)(2)(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.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent 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 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.

Applicant's Response: A study from October of 2017 by the Space Coast TPO stated that about 2,430 cars per day use Babcock Street. We do not anticipate traffic increasing by more than ten percent and the road is currently well below the Maximum Acceptable Volume of 14,200.

Staff analysis: The site has direct access to Babcock Street through the adjacent parcel to the east owned by the applicant. The applicant has estimated the truck volume to be between 92-150 trips per day. The proposed removal route is to the north and extends for approximately six (6) miles and exits onto the St. Johns Heritage Parkway Interchange. The applicant may be required to put up a Bond for any damage to Babcock Street. Public Works Department states, "a bond should already be in place for the existing borrow pit but it may need to be increased for this expansion".

Section 62-1901(c)(2)(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.

Applicant's Response: The property use will be compatible with adjacent uses as explained in the previous questions. Any "emissions" (as identified in the above question) will be within acceptable levels and will not substantially interfere with the use of the state park nor the agricultural lands.

Staff analysis: The applicant was advised that potential noise issues could arise from the proposed crushing activities and to conduct themselves accordingly.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: Note: The proposed use will be within the permitted noise level.

Staff analysis: The "performance standards" will be reviewed as part of the site plan review process.

Section 62-1901(c)(2)(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.

Applicant's Response: The land alteration on the property will not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service to be exceeded.

Staff analysis: The land alteration CUP should not cause the level of service for solid waste disposal for the property or area covered by such level of service to be exceeded.

Section 62-1901(c)(2)(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.

Applicant's Response: The land alteration on the property will not cause the adopted level of service for potable water or wastewater for the property or area covered by such level of service to be exceeded.

Staff analysis: The service for potable water or wastewater for the land alteration CUP will be applied for, reviewed and approved by the Florida State Department of Environmental Health.

Section 62-1901(c)(2)(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.

Applicant's Response: The property has existing screening and buffering to reduce any potential impacts to nearby properties containing less intrusive uses.

Staff analysis: The screening or buffering aspects have been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.

Section 62-1901(c)(2)(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.

Applicant's Response: Project signage will meet all current county codes and ordinances. No exterior lighting is anticipated. Signage, if any will not interfere nor cause glare or hazards to traffic safety.

Staff analysis: No signage or exterior lighting has been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.

Section 62-1901(c)(2)(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.

Applicant's Response: The hours of use will be in accordance with all current County codes and ordinances.

Staff analysis: The concept plan states, "Hours of operation dawn to dusk. No operations on Sunday".

Section 62-1901(c)(2)(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.

Applicant's Response: The height of the proposed use is compatible with surrounding structures.

Staff analysis: Height of proposed use is limited to 35 feet.

Section 62-1901(c)(2)(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.

Note: 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.

Applicant's Response: All parking and loading areas will be on site. No off-street parking and loading areas are anticipated.

Staff analysis: All parking and loading area can be done on site.

Environmental Constraints

- Wetlands/Hydric Soils
- Riverine Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Most of the property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. This may include filled footprint and land use restrictions (based on elevations). A current topographic survey will be required.

For Board Consideration

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1936 in order to mitigate potential offsite impacts to the abutting properties.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Conditional Use Permit (CUP) Review & Summary
Item # 22Z00040**

Applicant: Jeff Murray – Sunshine State Wildlife Conservation
CUP: Land Alteration CUP
P&Z Hearing Date: 10/17/22; **BCC Hearing Date:** 11/03/22
Tax ID No: 3001207

- 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
- Riverine Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Most of the property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. This may include filled footprint and land use restrictions (based on elevations). A current topographic survey will be required.

Land Use Comments:

Wetlands

The subject parcel contains mapped areas of NWI and SJRWMD wetlands, and hydric soils as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively. Conceptual plan submitted by applicant avoids impacts to wetlands. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Floodplain Protection

Most of the property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is

subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. This may include filled footprint and land use restrictions (based on elevations). A current topographic survey will be required.

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."

Indian River Lagoon Nitrogen Reduction Overlay

Portions of the parcel are mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. For any future development requiring sewer/septic, and if sewer is not available, then use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

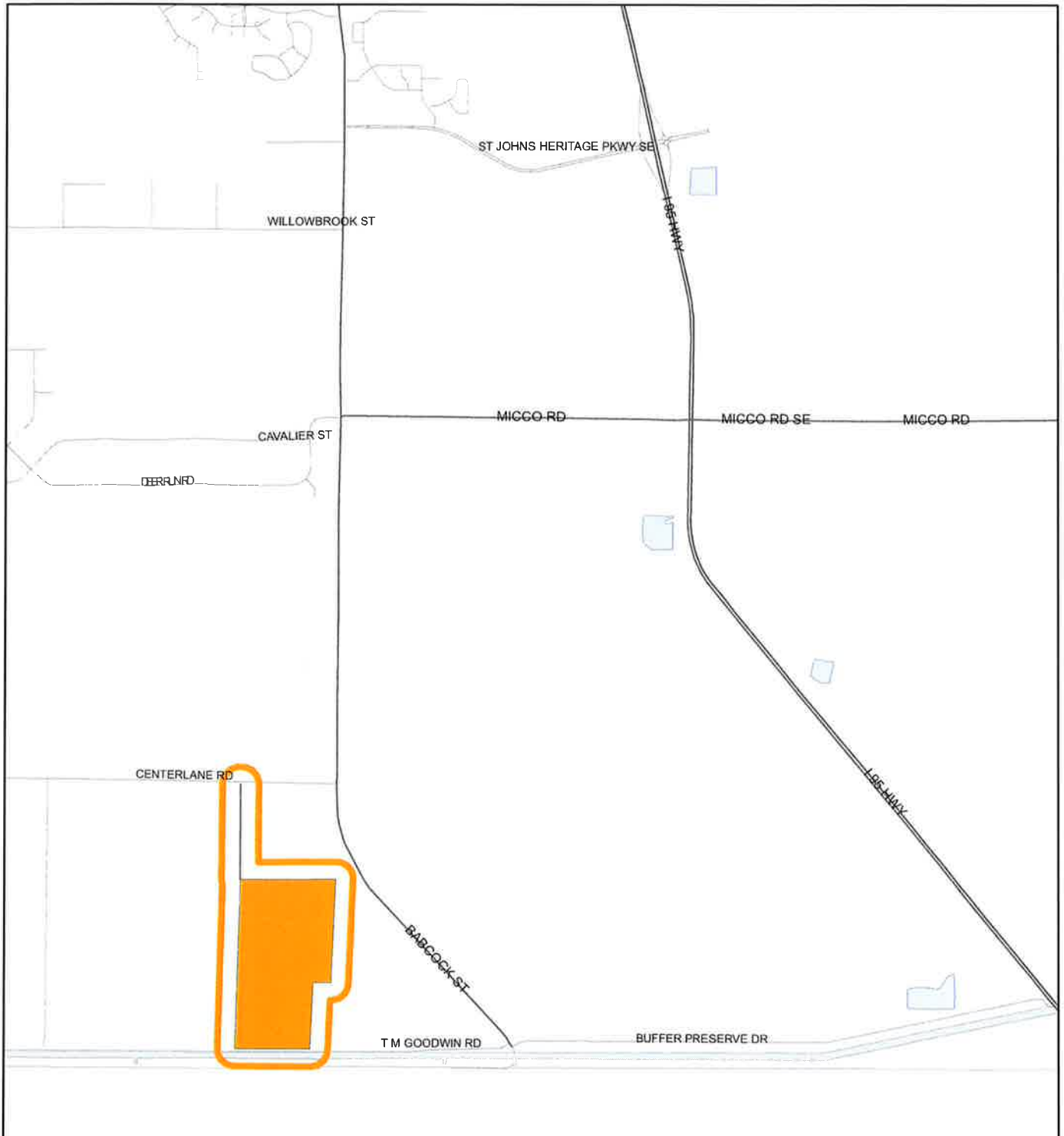
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:48,000 or 1 inch = 4,000 feet

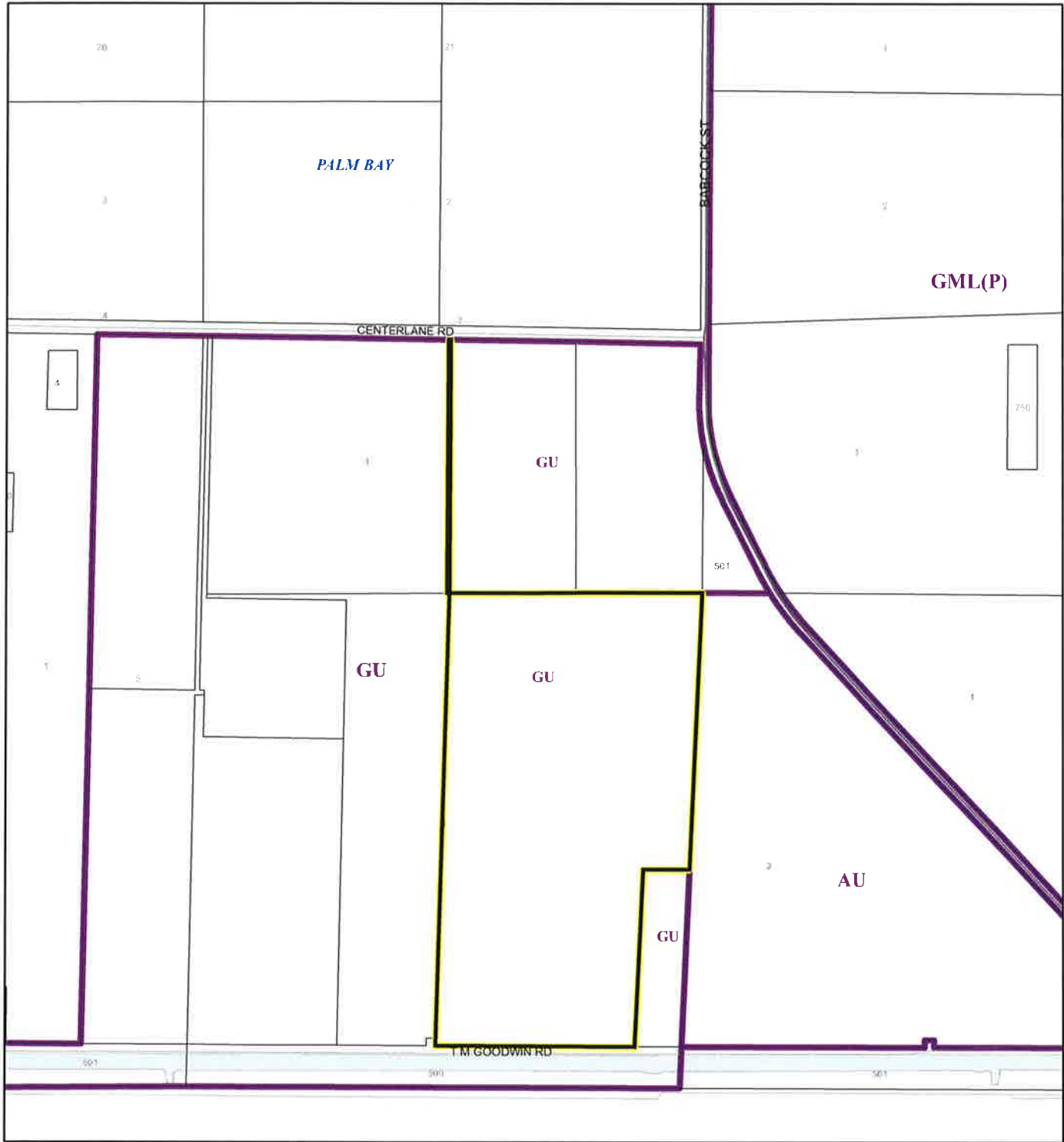
Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 8/18/2022

— Buffer
— Subject Property

ZONING MAP
SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:18,000 or 1 inch = 1,500 feet

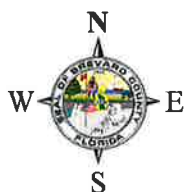
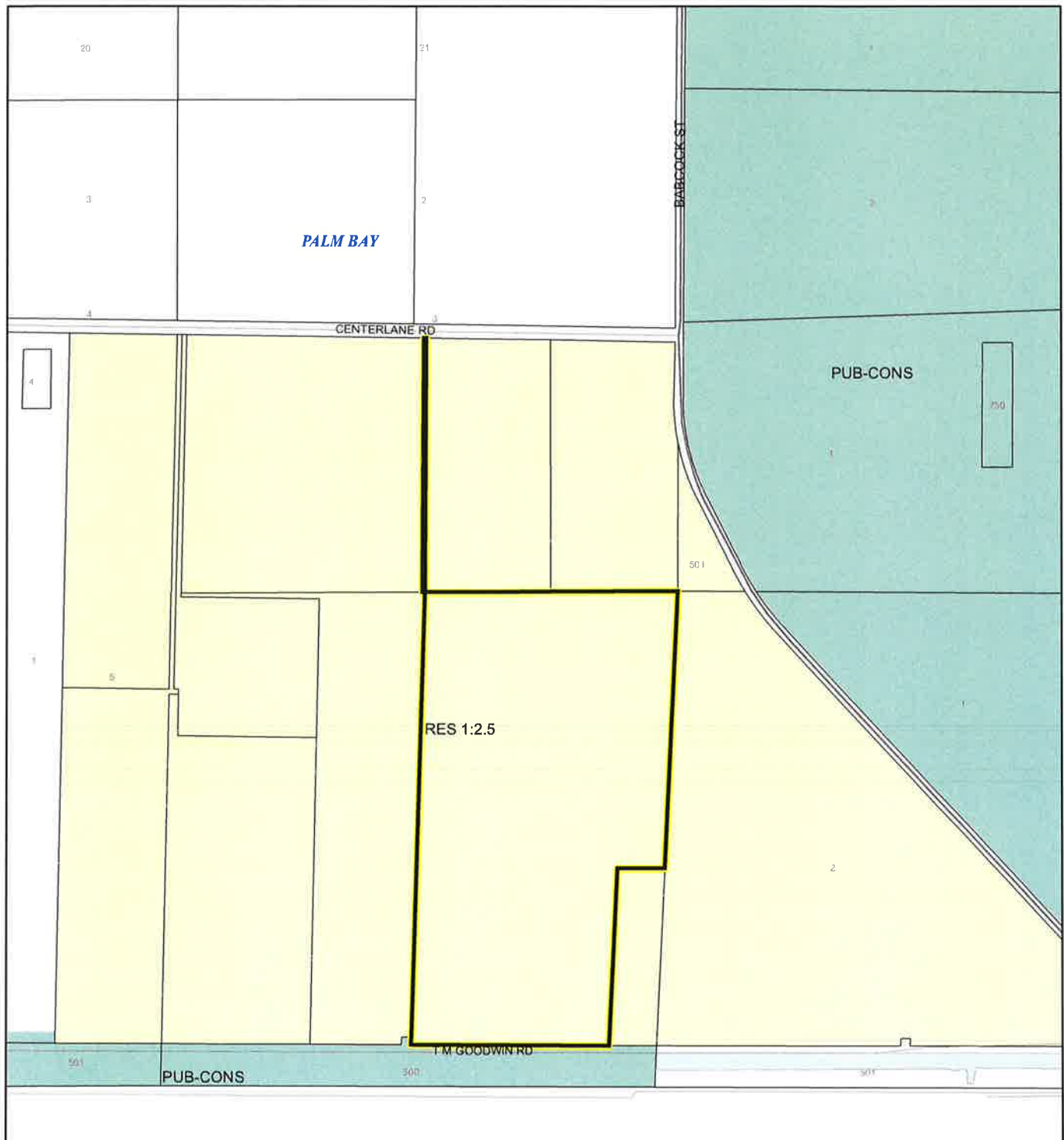
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:18,000 or 1 inch = 1,500 feet

Subject Property
Parcels

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AERIAL MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:12,000 or 1 inch = 1,000 feet

PHOTO YEAR: 2021

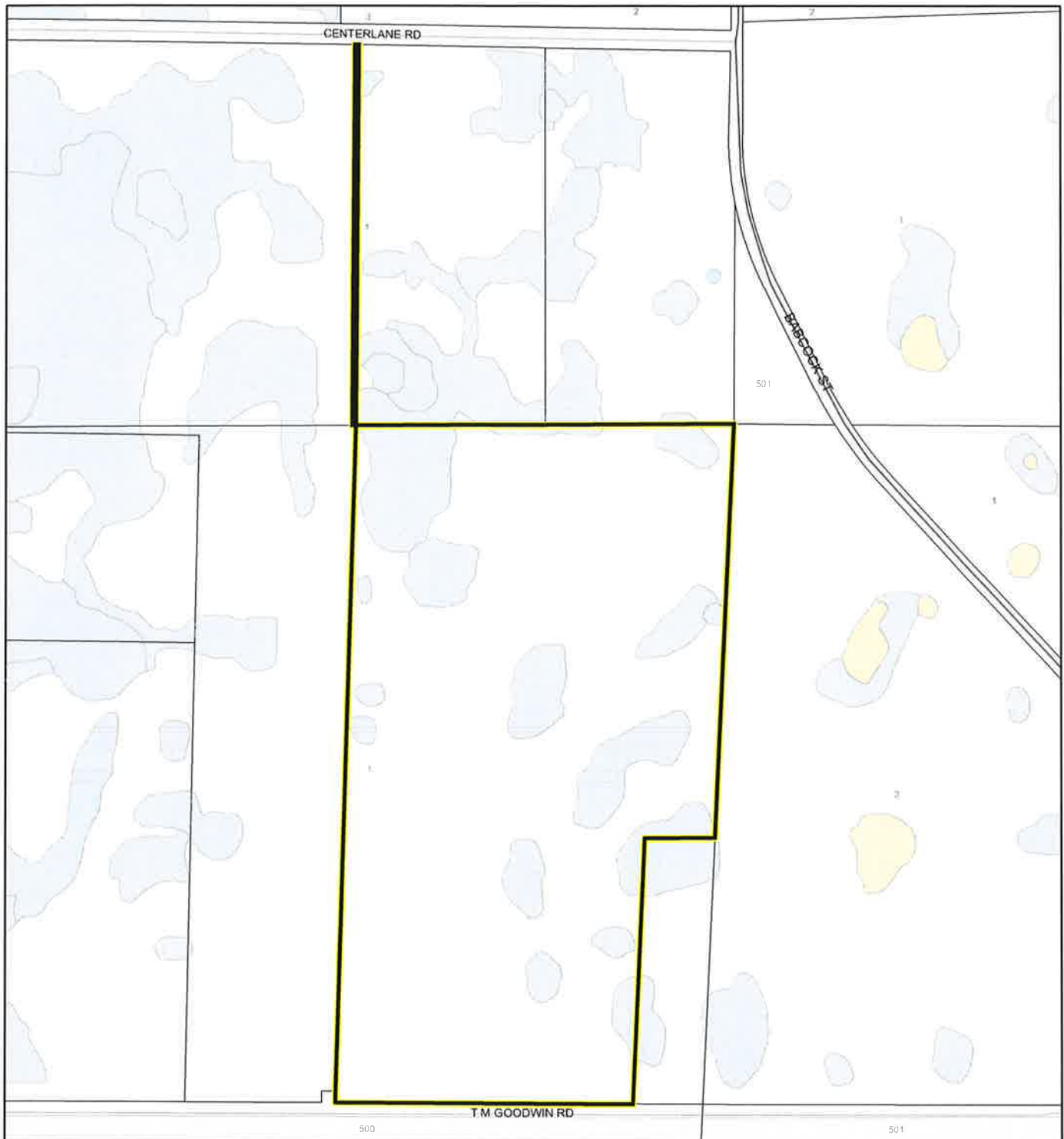
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— Subject Property
□ Parcels

NWI WETLANDS MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:12,000 or 1 inch = 1,000 feet

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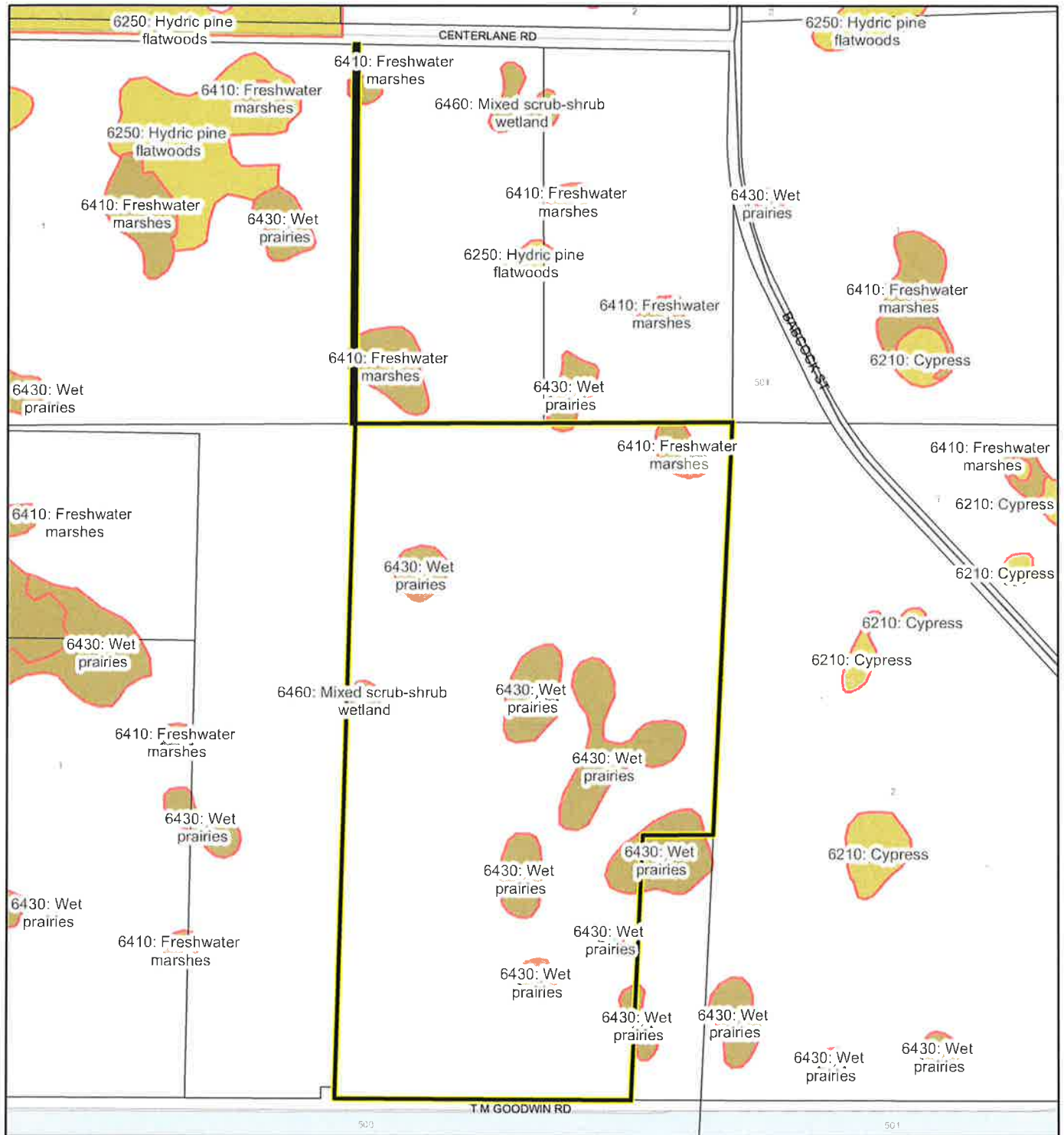
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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SJRWMD FLUCCS WETLANDS

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

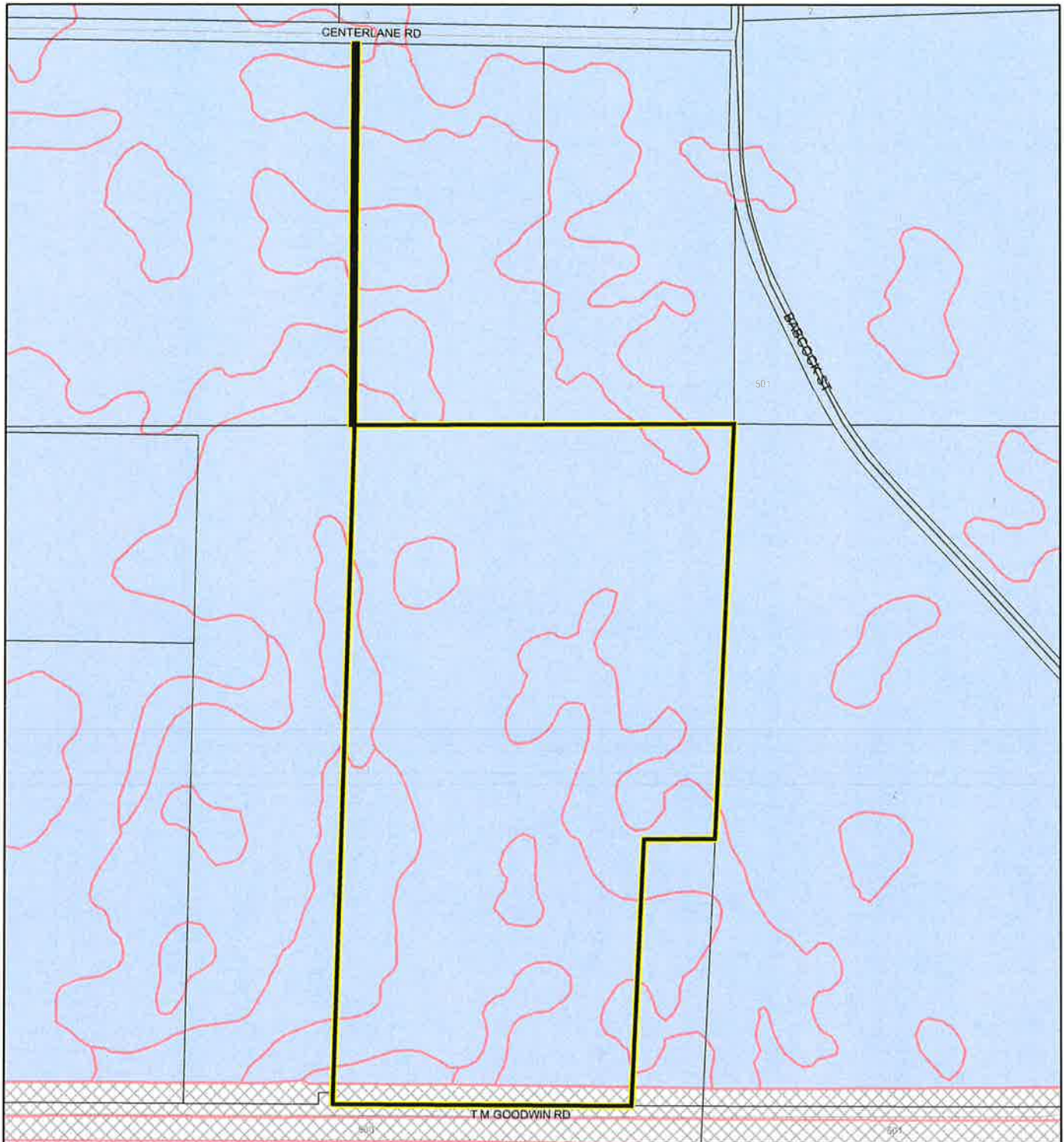
Subject Property

Parcels

USDA SCSSS SOILS MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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USDA SCSSS Soils

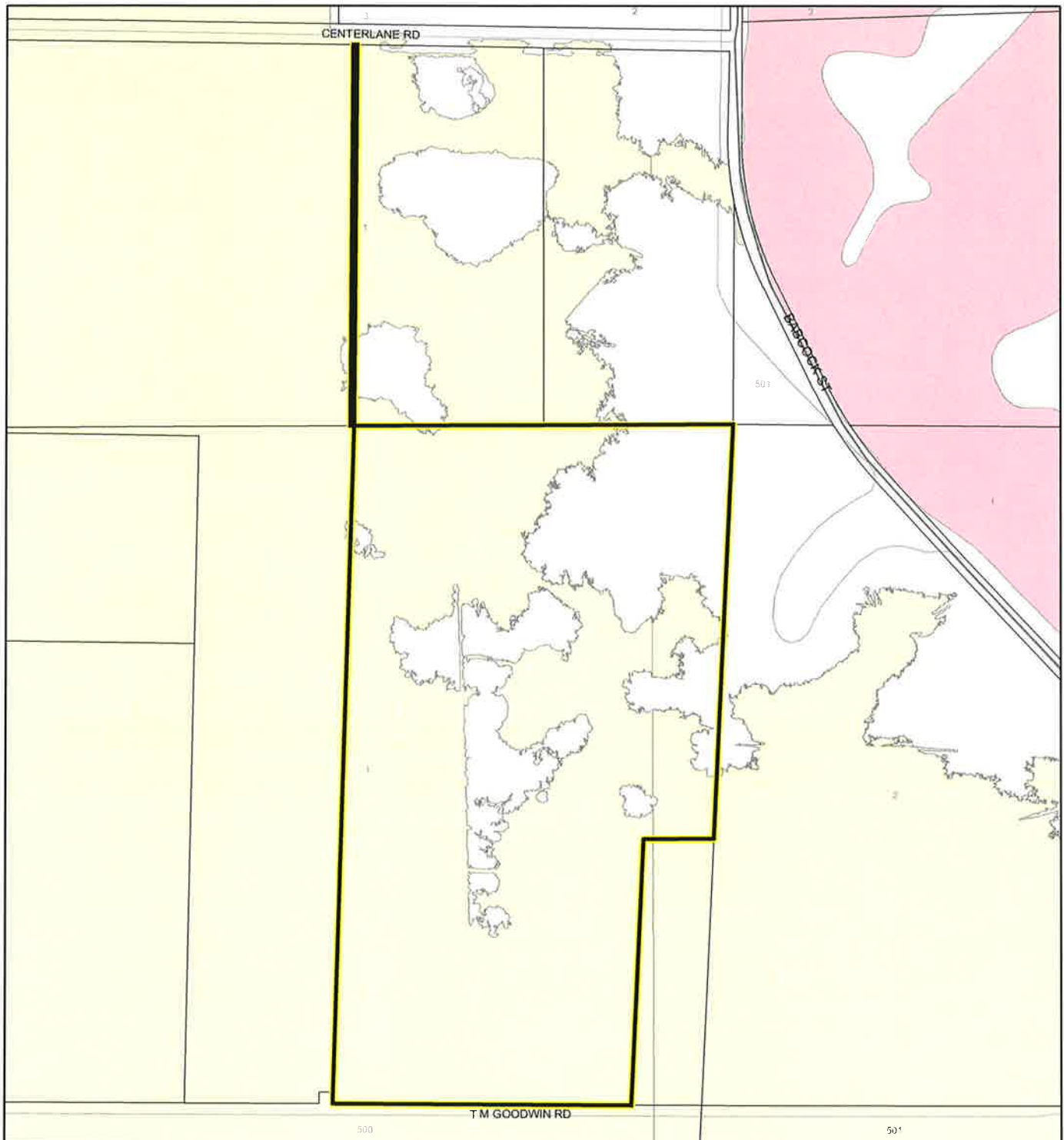
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC










22Z00040



1:12,000 or 1 inch = 1,000 feet

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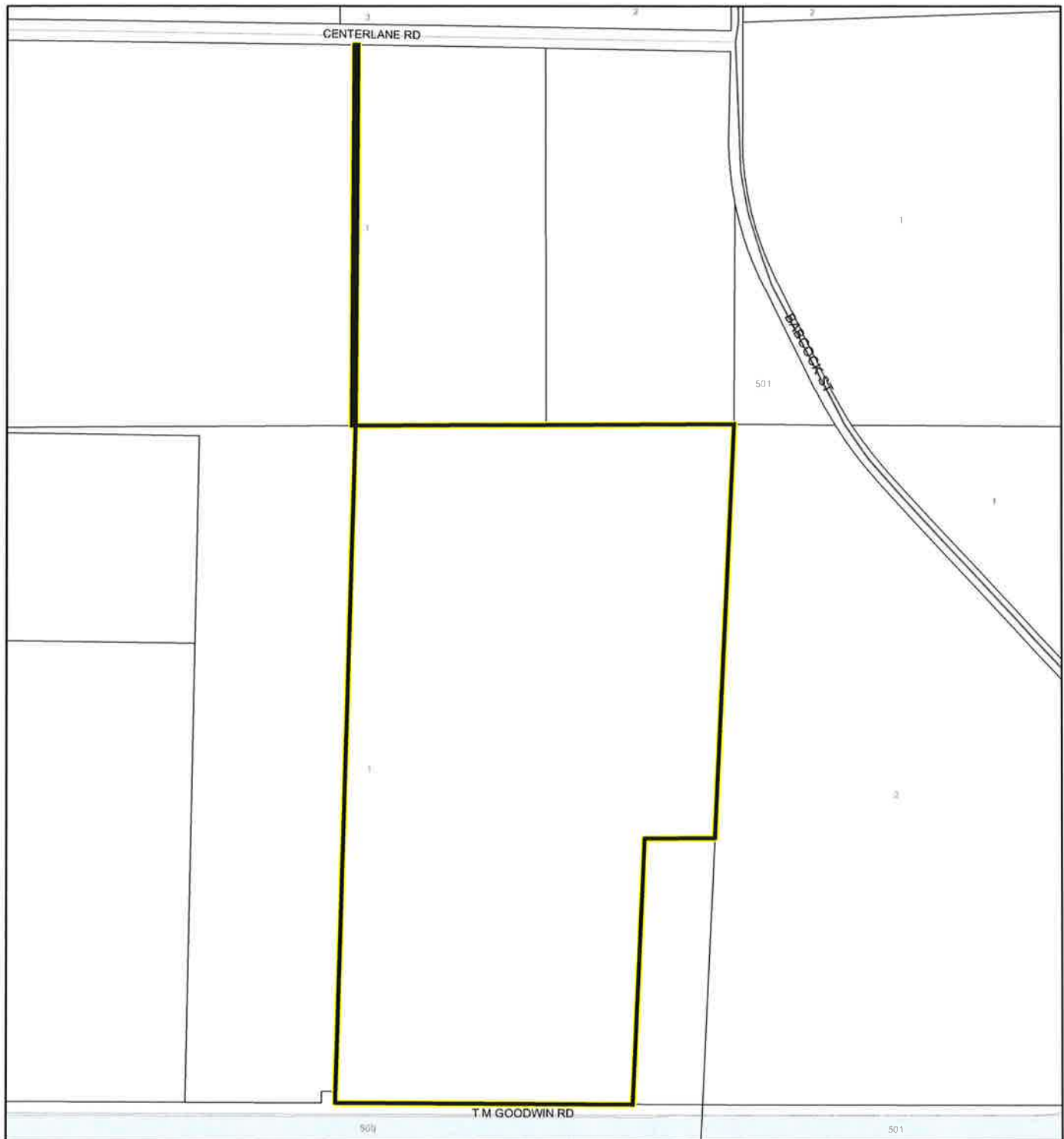
Produced by BoCC - GIS Date: 8/18/2022

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

COASTAL HIGH HAZARD AREA MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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Subject Property

Parcels

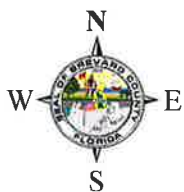
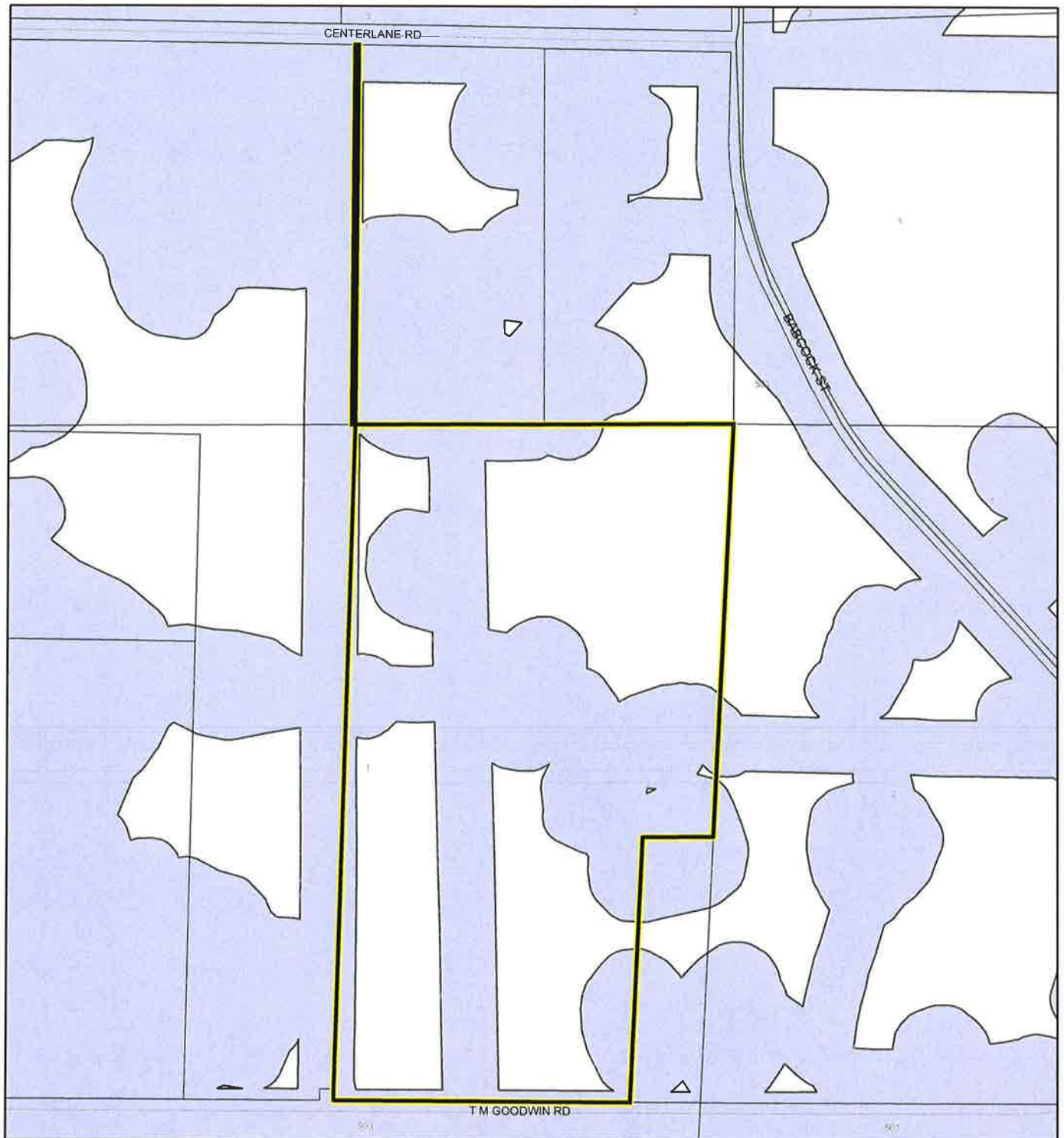
Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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— Subject Property

□ Parcels

Septic Overlay

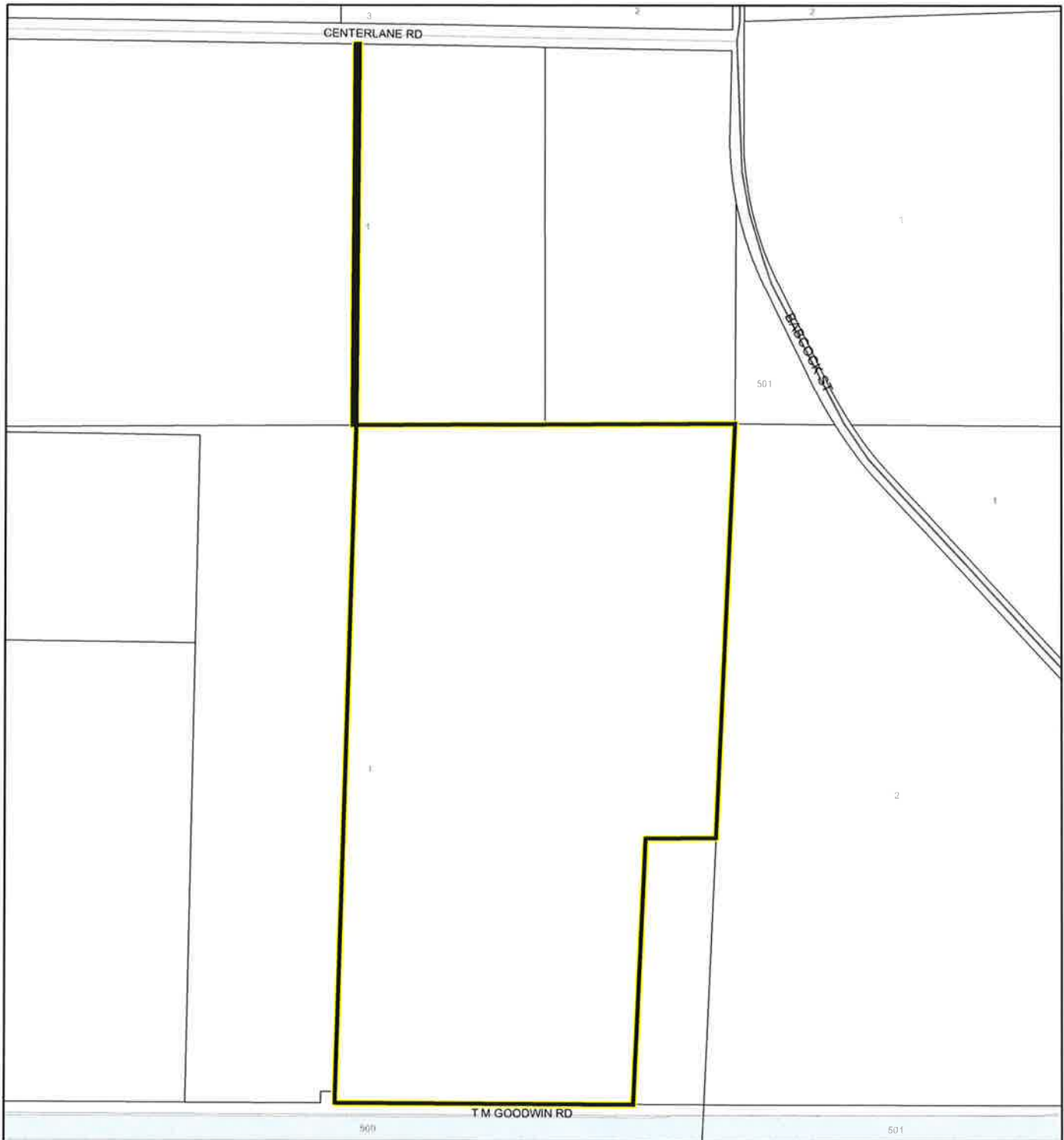
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC
22Z00040



1:12,000 or 1 inch = 1,000 feet

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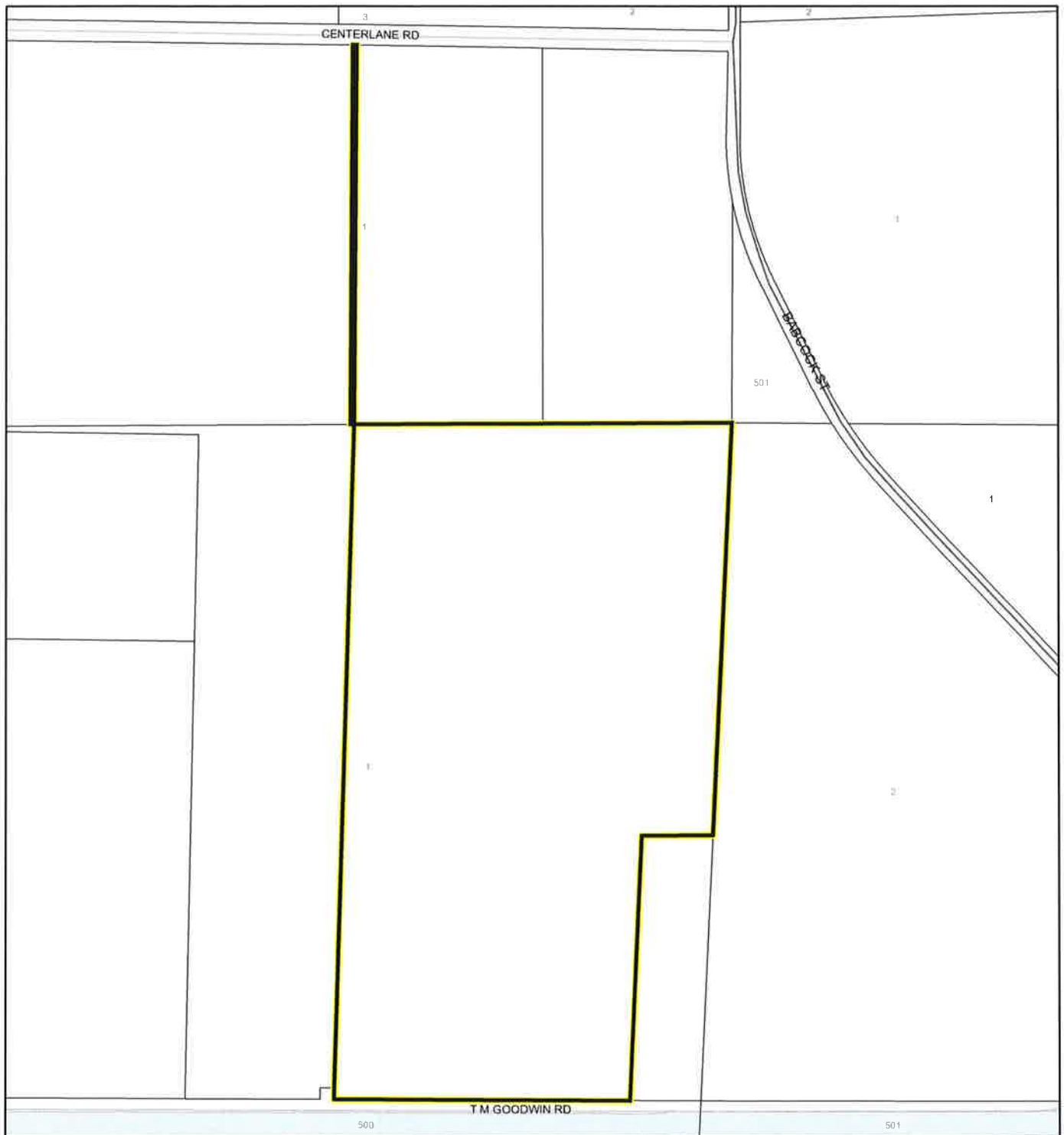
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- Subject Property
- Parcels
- Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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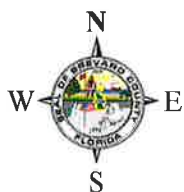
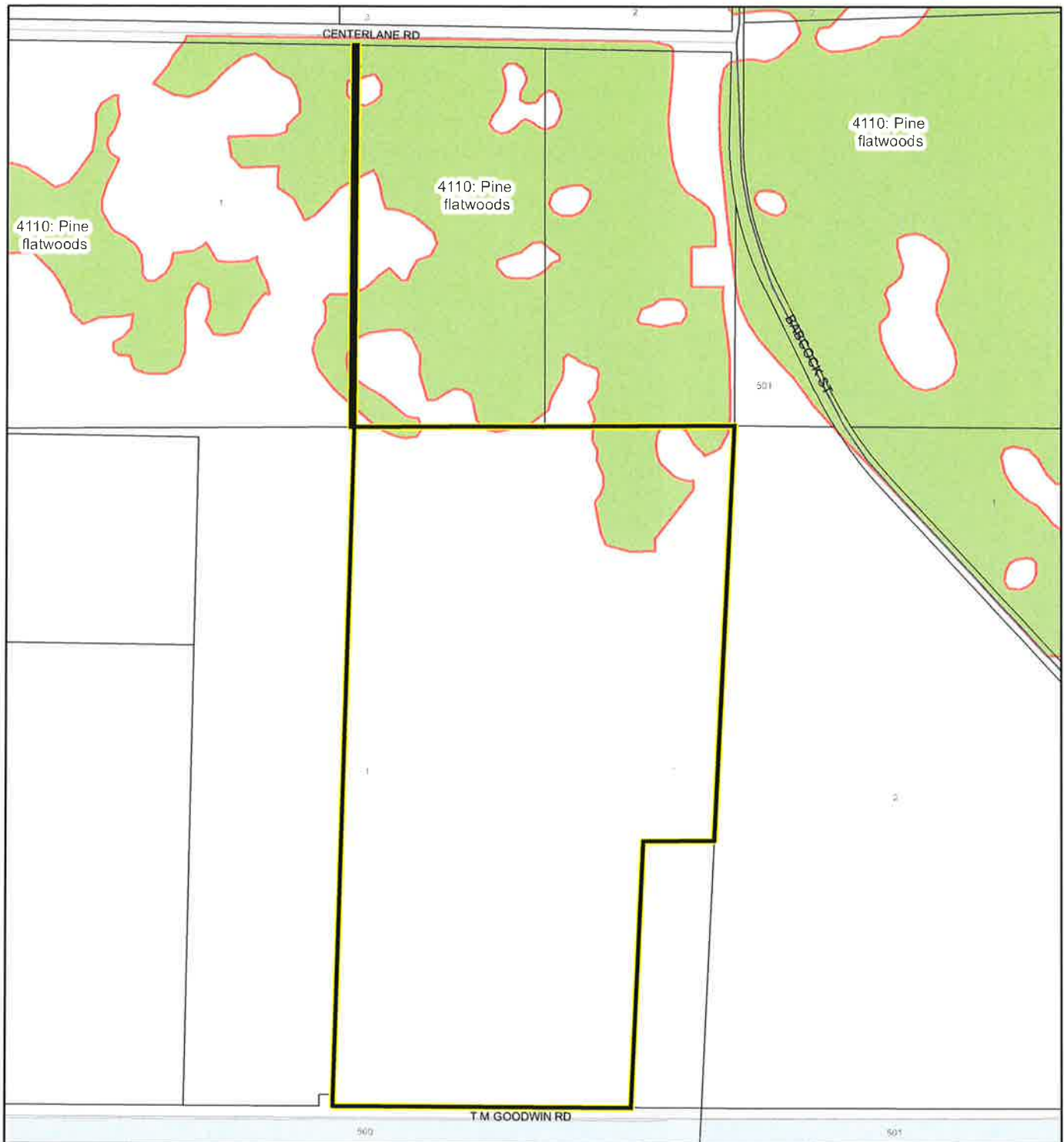
Produced by BoCC - GIS Date: 8/18/2022

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SUNSHINE STATE WILDLIFE CONSERVATION, LLC

22Z00040



1:12,000 or 1 inch = 1,000 feet

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Produced by BoCC - GIS Date: 8/18/2022

SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

LAND ALTERATION PERMIT

0 250 500 750 1000
GRAPHIC SCALE IN FEET



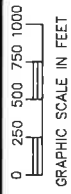
PROJECT LIMITS - 274.3 ACRES
LESS - 96.8 ACRES OFF LIMITS TO LAND ALTERATION ACTIVITIES (HATCHED AND OUTLINE AREAS)
TOTAL - 177.5 ACRES POTENTIAL AREA OF LAND ALTERATION ACTIVITIES

1. HOURS OF OPERATION: DAWN TO DUSK. NO OPERATIONS ON SUNDAYS.
2. REMOVAL ROUTE: ROUTE EXTENDS APPROXIMATELY 6 MILES, FROM THE SITE TO THE ST. JOHNS HERITAGE PARKWAY INTERCHANGE #166.
3. EXPLOSIVES/BLASTING AGENTS: THIS OPERATION DOES NOT INTEND TO USE EXPLOSIVES.

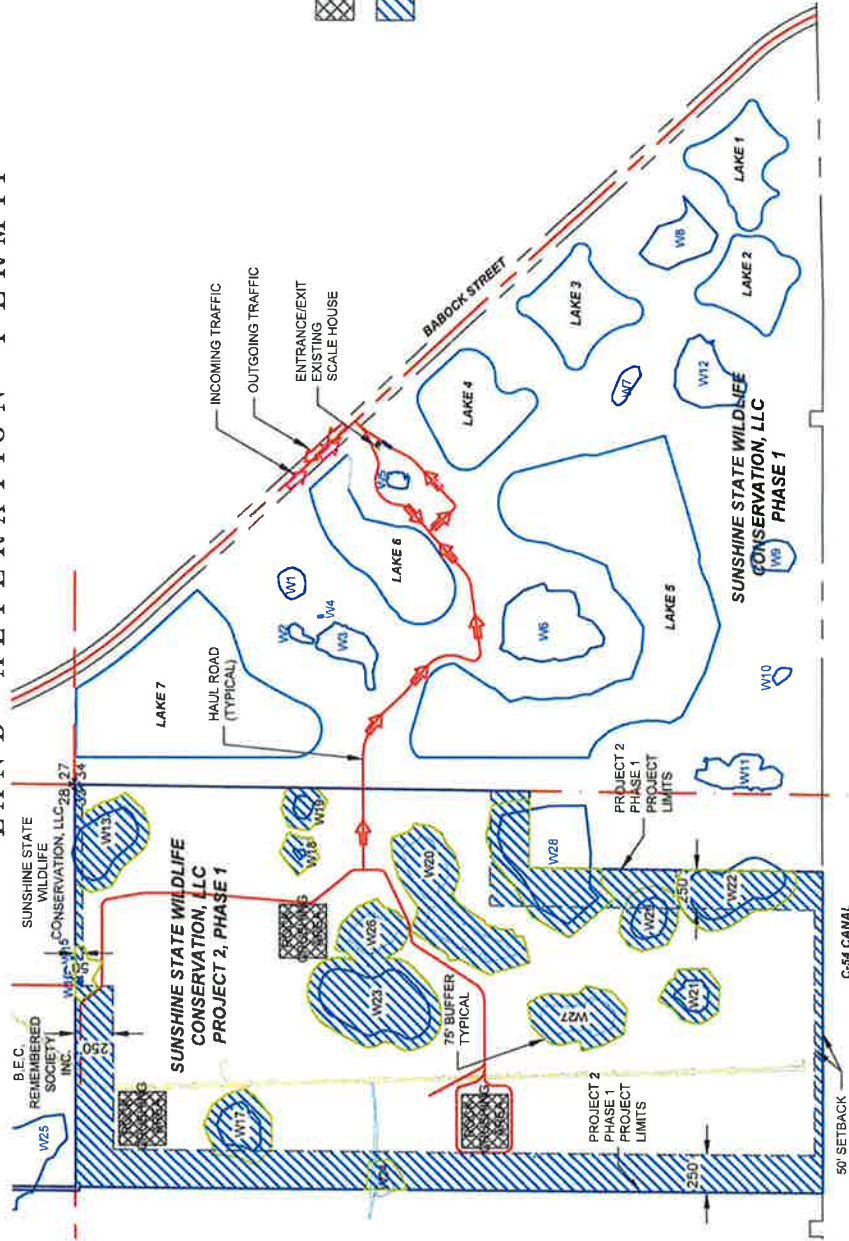
SUNSHINE STATE WILDLIFE CONSERVATION, LLC BREVARD COUNTY, FLORIDA LAND ALTERATION PERMIT	BLUE GOOSE CONSTRUCTION, LLC 9901 OKEECHOBEE RD FT PIERCE, FL 34945 772-161-3020	OVERALL SITE	DATE: 7/7/2022 DRAWN BY: BCS SHEET NO. 1609 SCALE: 1"=1000' DATE: 7/7/2022 DRAWN BY: BCS SHEET NO. 1609 SCALE: 1"=1000' RALPH BROWN, P.E. FL LICENSE NO. 44635 1609 Sunshine LAP.dwg 1 OF 4
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Wetlands
22200040
Sunshine State

LAND ALTERATION PERMIT



- CRUSHING OPERATION AREA
- OFF LIMITS TO LAND ALTERATION - SELF IMPOSED BUFFER AREAS
- SURWMD
- ERP
- ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT
- OUTGOING TRAFFIC
- INCOMING TRAFFIC



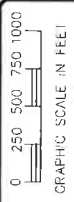
THE SELF PROPOSED WETLAND BUFFER IS ANTICIPATED TO PROVIDE ROOM FOR RECHARGE DITCHES AS PART OF A DE-WATERING PLAN WITH SURWMD. THIS BUFFER IS ALSO INTENDED TO ALLOW FOR ONSITE HAUL ROUTES.

WETLAND DELINEATION LINES CAN BE FOUND IN THE SURWMD ERP.

SUNSHINE STATE WILDLIFE CONSERVATION, LLC BREVARD COUNTY, FLORIDA LAND ALTERATION PERMIT	BLUE GOOSE CONSTRUCTION, LLC 9801 OKEECHOBEE RD FT PIERCE, FL 34945 772-461-3020	WETLANDS	DATE: 7/7/2022 DRAWN BY: BCS JOB NO.: 1609 SCALE: 1"=1000' 1609 Sunshine LAP.dwg SHEET NO. 2 OF 4
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Off Site Haul Route
22200040
Sunshine State

LAND ALTERATION PERMIT



GRAPHIC SCALE IN FEET



LEGEND

- CRUSHING OPERATION AREA
- OFF LIMITS TO LAND ALTERATION - SELF IMPOSED BUFFER AREAS
- SURWMD ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PERMIT
- ERP ENVIRONMENTAL RESOURCE
- OUTGOING TRAFFIC
- INCOMING TRAFFIC

REMOVAL ROUTES:
ROUTES EXTEND APPROXIMATELY 6 MILES FROM THE SITE TO THE ST. JOHNS HERITAGE PARKWAY INTERCHANGE #166. IT IS ANTICIPATED THAT THIS WILL BE THE MOST EFFICIENT AND EXPEDITIOUS ROUTE FOR MATERIAL REMOVAL. THE OCTOBER 2017, SPACE COAST TPO STUDY STATES THAT APPROXIMATELY 2,430 CARS PER DAY USE BABCOCK STREET. THE ROAD IS WELL BELOW THE MAXIMUM ACCEPTABLE VOLUME OF 14,200 TRIPS PER DAY.

SUNSHINE STATE WILDLIFE CONSERVATION, LLC BREVARD COUNTY, FLORIDA LAND ALTERATION PERMIT	BLUE GOOSE CONSTRUCTION, LLC 9801 OKEECHOBEE RD FT PIERCE, FL 34943 772-461-3020	OFF SITE HAUL ROUTE	DATE: 7/7/2022 DRAWN BY: BCS JOB No.: 1609 SCALE: 1"=1000' 1609 Sunshine LAP.dwg	SHEET NO. 3 OF 4
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PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 17, 2022**, 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); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Sunshine State Wildlife Conservation, LLC (Jeff Murray)

A CUP (Conditional Use Permit) for Land Alteration, in a GU (General Use) zoning classification. The property is 274.3 +/- acres, located on the north side of C-54 Canal, approx. 0.55 mile south of Centerlane Rd. (22Z00040) (No assigned address. In the Palm Bay area.) (Tax Account 3001207) (District 5)

Jeff Murray, 4121 Melrose Court, Melbourne, stated the request is a continuation of the first phase of mining operation of general fill and crushed coquina. He stated the work will be all mechanical excavation, and there will not be any explosives.

No public comment.

Liz Alward asked if the original land alteration permit excludes blasting and explosives. Mr. Murray replied they are voluntarily limiting themselves to mechanical excavation and no explosives.

John Hopengarten asked how the dust will be handled. Mr. Murray replied the dust is monitored and there are water trucks that keep things wet.

Peter Filiberto asked how the rock will be transported off of the site. Mr. Murray replied dump trucks will be loaded and weighed before they head out onto the road. Mr. Filiberto asked if the trucks can weigh as much as 50,000 pounds. Mr. Murray replied, yes, approximately.

Mr. Filiberto stated the City of Palm Bay has acquired some of the roads on Babcock Street, and asked staff how impact fees are assessed for a project like this when the property is under the County's jurisdiction, but will use City roads. He stated he would like for staff to speak to the City of Palm Bay and get some kind of agreement so that the impact fees can be shared with the City since they will be driving mainly on City of Palm Bay roads.

Darcie McGee, Assistant Director, Natural Resources Management explained that the Land Alteration Code requires operators to bond any of the County roads; the County doesn't require it for any of the cities, but Mr. Murray has already bonded through the existing CUP he has, so those operations are not going to change the frequency or volume of the traffic he currently has, which he has already bonded.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval the requested CUP for Land Alteration, in a GU zoning classification. The motion passed unanimously.