



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

9/7/2023

Subject:

SRR Property Investment, LLC (Brian Russo) requests a change of zoning classification from RU-1-7 to BU-1-A. (23Z00039) (Tax Account 2423790) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners consider a change of zoning classification from RU-1-7 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-7 to BU-1-A for the purpose of building a 2,500 sq ft professional office building. The subject parcel is currently undeveloped. The subject parcel has access from Atkinson Street which is a county-maintained roadway.

The proposed BU-1-A classification allows retail commercial land uses on minimum 7,500 square-foot lots. This classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods. BU-1-A has a front setback of no less than 50 feet from the front property line, a side setback of no less than 15 feet from an abutting residential classification and a 5-foot setback from the east side property abutting the commercial parcel, and rear setback of no less than 25 feet. The minimum floor area is 300 square feet.

The developed character of the area is single-family homes to the north and west of the subject property. To the north is a 0.5-acre parcel developed with a single-family residence zoned RU-1-7. To the south is Atkinson Street with a single-family residence on a 0.25-acre parcel zoned IN(L). To the east is an auto repair shop on 1.58 acres zoned BU-2. To the west is a single-family residence on 0.5 acres zoned RU-1-7. This request could be considered a transition from the higher intensity BU-2 zoning along Clearlake Rd. to the RU-1-7 to the west along Atkinson St.

The Board may wish to consider whether the BU-1-A zoning classification to transition from the higher (BU-2) to lower (RU-1-7) intensity zoning along with the request is consistent and compatible with the surrounding area.

On August 14, 2023, 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 and Development.

Resolution 23Z00039

On motion by Commissioner Goodson, seconded by Commissioner Steele, the following resolution was adopted by a unanimous vote:

WHEREAS, SRR Property Investment, LLC requests a change of zoning classification from RU-1-7 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Retail Commercial), on property described as Lot 4.02, Block B, Atkinsons Plat No. 2, as recorded in ORB 9742, Page 1572, of the Public Records of Brevard County, Florida. **Section 30, Township 24, Range 36.** (0.50 acres) Located on the north side of Atkinson St., approx. 290 ft. west of Clearlake Rd. (No assigned address. In the Cocoa area.); 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 as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-7 to BU-1-A, 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 September 7, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Chair
Brevard County Commission
As approved by the Board on September 7, 2023.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – August 14, 2023

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.**

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
23Z00039**

SRR Property Investment, LLC

RU-1-7 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Retail Commercial)

Tax Account Number: 2423790
Parcel I.D.: 24-36-30-76-B-4.02
Location: Approx. 240-feet west of Clearlake Rd., north of Atkinson St. and approx. 260-feet south of Terrace St. (District 2)
Acreage: 0.5 acres
Planning & Zoning Board: 8/14/2023
Board of County Commissioners: 9/07/2023

Consistency with Land Use Regulations

- Current zoning is not consistent with 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	RU-1-7	BU-1-A
Potential*	1 Single-family residence	FAR 0.75
Can be Considered under the Future Land Use Map	YES** NC	YES NC

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

** Classification may be considered if permitted by Policy 2.10 of the Future Land Use Element.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-7 (Single-family Residential) to BU-1-A (Restricted Neighborhood Retail Commercial) for the purpose of building a 2,500 sq ft professional office building. The subject parcel is currently undeveloped. The subject parcel has access from Atkinson Street which is a county-maintained roadway.

The subject parcel was originally recorded in Plat Book 9, Page 47 as part of Block B Lot 4 on July 5, 1946. The parcel was subdivided August 1, 1968 per Ordinance Book 1039, Page 537. The parcel went through an Administrative Rezoning to a new zoning classification from RU-1 to RU-1-7 which took effect June 1, 1972. RU-1 zoning was removed from the code.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-7	NC
South	Atkinson Street	N/A	N/A
East	Self-Storage Bldg.	BU-2	CC
West	Single-family residence	RU-1-7	NC

The existing RU-1-7 zoning classification permits single-family residences on 5,000 sq. ft. lots, with a minimum lot width of 50-feet and depth of 100 feet. The minimum house size in RU-1-7 is 700 square feet.

The proposed BU-1-A classification allows retail commercial land uses on minimum 7,500 square foot lots. This classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods. BU-1-A has a front setback of no less than 50-feet from the front property line, side setback of no less than 15-feet from an abutting residential classification and a 5-foot setback from the east side property abutting the commercial parcel, and rear setback of no less than 25-feet. The minimum floor area is 300-square feet.

The BU-2 classification allows for warehousing and wholesale commercial business, contracting and heavy repair services as well as outdoor storage. The front setback is 25-feet, the rear setback is 15-feet and the side setback where it abuts a residential zone is 15-feet; where it does not abut a residential zone the setback is 5-feet.

Future Land Use

The subject property is currently designated as Neighborhood Commercial (NC) FLUM. The proposed BU-1-A zoning can be considered consistent with the existing Neighborhood Commercial FLUM designation per Sec. 62-1255.

Comprehensive Plan Policies

Per **FLUE Policy 2.5**, Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Existing BU-1-

A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met include: Professional offices (no drive through lanes permitted), Personal Services (no drive through lanes permitted), Residential uses and more.

Transitional Commercial Activities, Policy 2.11

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below, as summarized by Table 2.3, should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

Criteria: A.

Non-retail commercial land uses shall be limited to those areas where nonretail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations

Professional Office uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations: Higher Intensity Uses: Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial or a transportation corridor.

Staff analysis indicates that this request could act as a transition between the BU-2 zoning along Clearlake Rd. to the east and the single-family RU-1-7 to the west.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 – 5 of the Future Land Use Element.

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;

The proposed professional offices typically have hours of operation during the day. Since the uses allowed in BU-1-A are less intense than BU-2 there is no anticipation of adverse odor, noise levels, traffic or site activity affecting the area.

- 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 Master Appraiser Institute (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 developed character of the area is single-family homes to the north and west of the subject property. To the north is a 0.5-acre parcel developed with a single-family residence zoned RU-1-7. To the south is Atkinson Street with a single-family residence on a 0.25-acre parcel zoned IN(L). To the east is an auto repair shop on 1.58-acres zoned BU-2. To the west is a single-family residence on 0.5-acres zoned RU-1-7.

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

There has been one single-family residential rezoning within 0.5-miles in the preceding three (3) years.

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

There has not been any approved development within this area in the preceding three (3) years that has not yet been constructed.

- 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.

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

Criteria:

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

A preliminary concurrency analysis does not indicate that the proposed request would create a deficiency in LOS.

Most parcels in the immediate area are 0.17-acres or larger and developed with single-family homes to the north and west of the subject property. To the north is a 0.5-acre parcel developed with a single-family residence zoned RU-1-7. To the south is Atkinson Street with a single-family residence on a 0.25-acre parcel zoned IN(L). To the east is an auto repair shop on 1.58-acres zoned BU-2. To the west is a single-family residence on 0.5-acres zoned RU-1-7.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Staff analysis indicates that the property is considered within an established neighborhood.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The request is in a residential neighborhood but it would serve as a transition between BU-2 zoning to the east and single-family residential (RU-1-7) to the west of the subject property. The BU-1-A classification is a classification encompassing lands devoted non-retail uses and personal services to serve the needs of nearby low-density residential neighborhoods. The applicants proposal of a professional building could be considered a good transition from the intense uses of BU-2 to the east to the RU-1-7 residential uses to the west. There are no other BU-1-A classification within 0.5 miles.

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 area is primarily BU-2 zoning along this section of Clearlake Rd. and transitions to RU-1-7 west along Atkinson St. The property could act as a transitional buffer between those zoning classifications.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Clearlake Road, between SR 520 and Lake Rd., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 30.95% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.06%. The corridor is anticipated to operate at 31.01% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

The applicant has access to City of Cocoa potable water. The parcel does not have access to sewer so the applicant will work with Environmental Health for septic.

Environmental Constraints

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary**

Item # 23Z00039

Applicant: SRR Property Investment LLC

Zoning Request: RU-1-7 to BU-1

Note: Construct a Professional Office Building

Zoning Hearing Date: 8/14/2023; **BCC Hearing Date:** 9/7/2023

Tax ID No: 2423790

- 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:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

Land Use Comments:

Aquifer Recharge Soils

The property contains mapped aquifer recharge soils (Paola-Urban land complex, 0 to 8 percent slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate that the soils may consist of Type 2 and Type 3 Aquifer Recharge soils that have impervious area restrictions. The restrictions regarding development and impervious area can be found within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

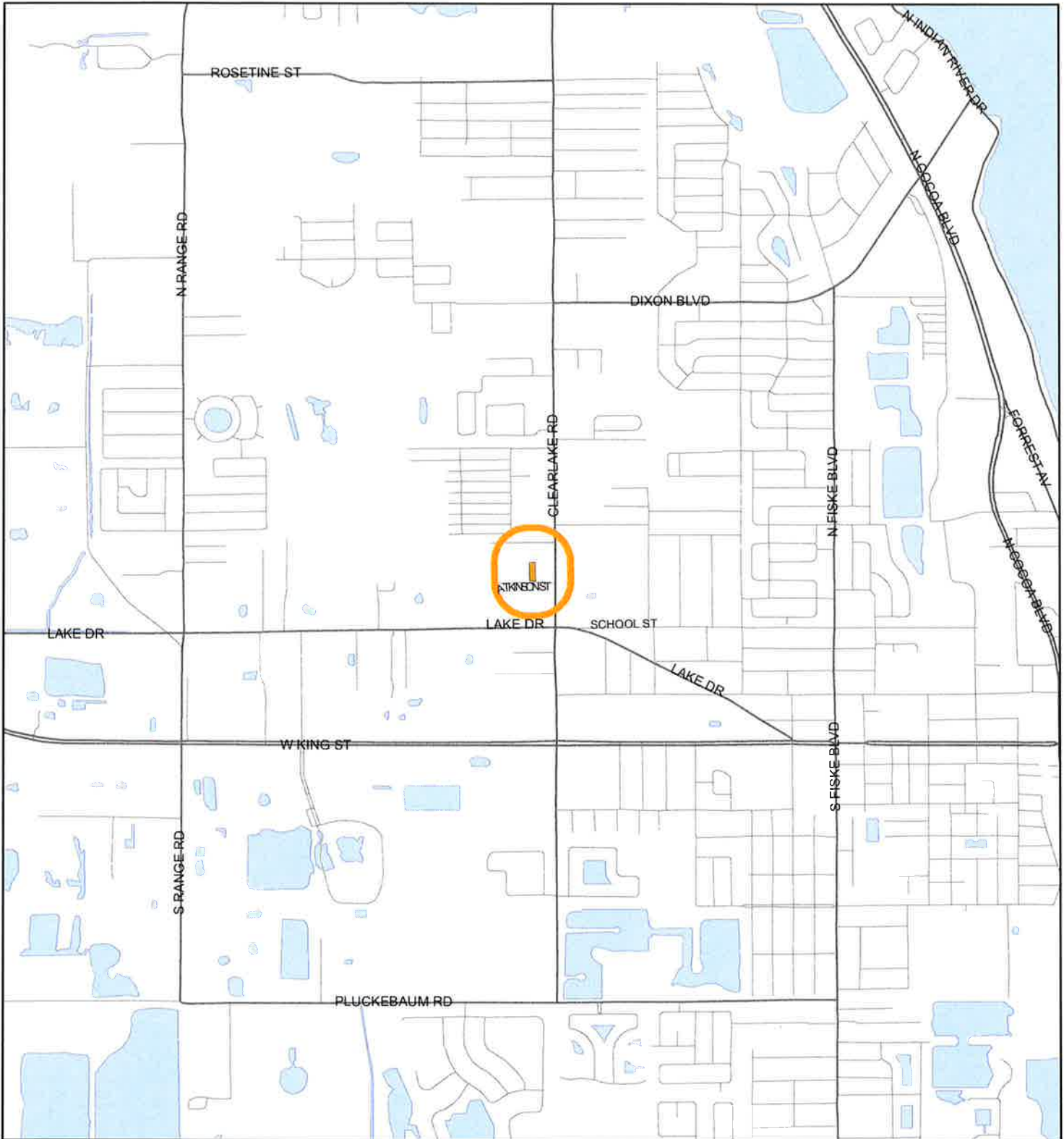
Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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

LOCATION MAP
SRR PROPERTY INVESTMENT LLC
23Z00039





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

Buffer Distance: 500 feet

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

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

-  Buffer
-  Subject Property

ZONING MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

Subject Property

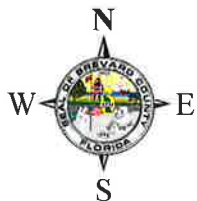
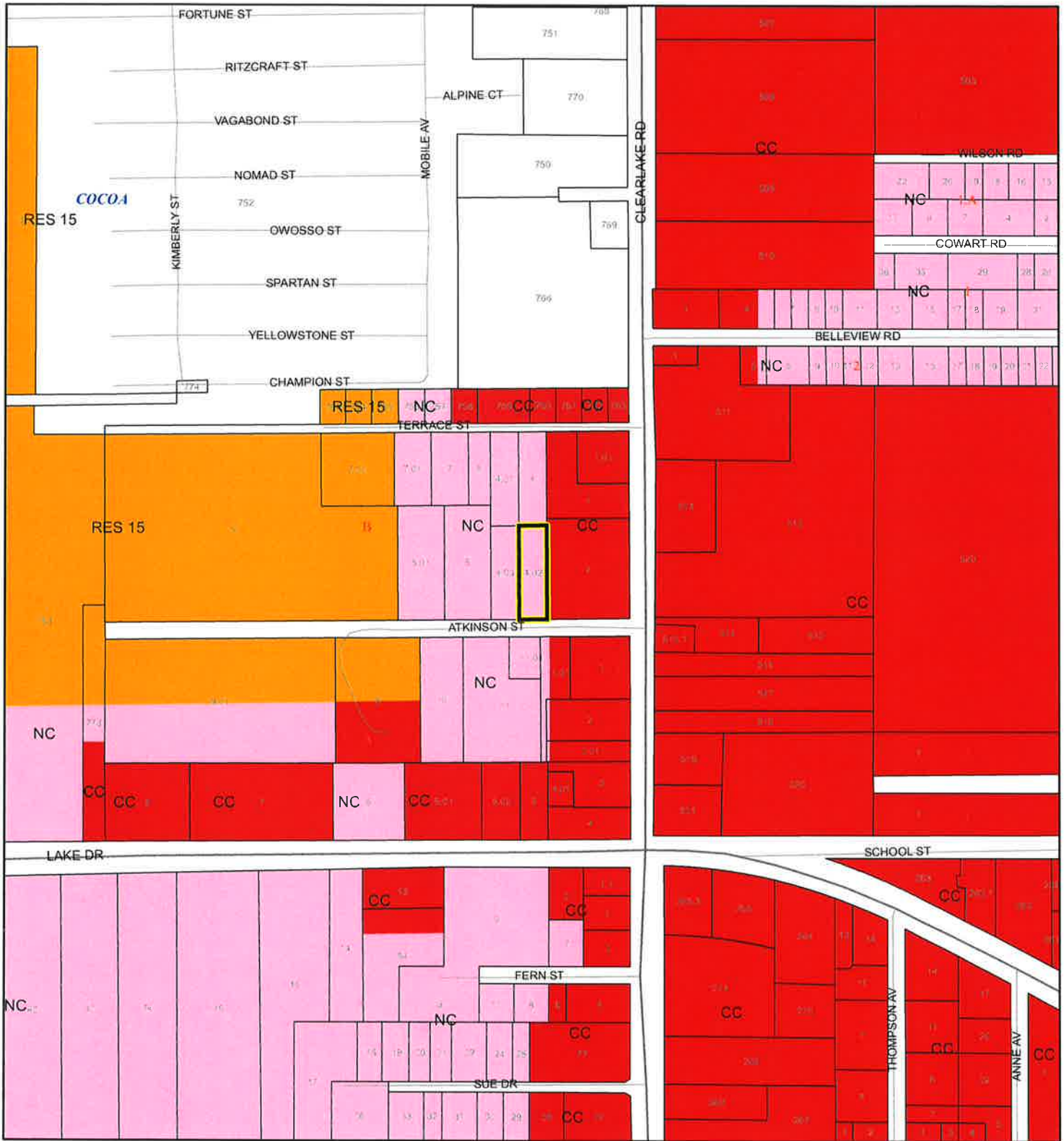
Parcels

Zoning

FUTURE LAND USE MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

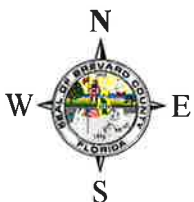
Subject Property

Parcels

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

Produced by BoCC - GIS Date: 6/2/2023

AERIAL MAP
SRR PROPERTY INVESTMENT LLC
23Z00039



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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

Produced by BoCC - GIS Date: 6/2/2023

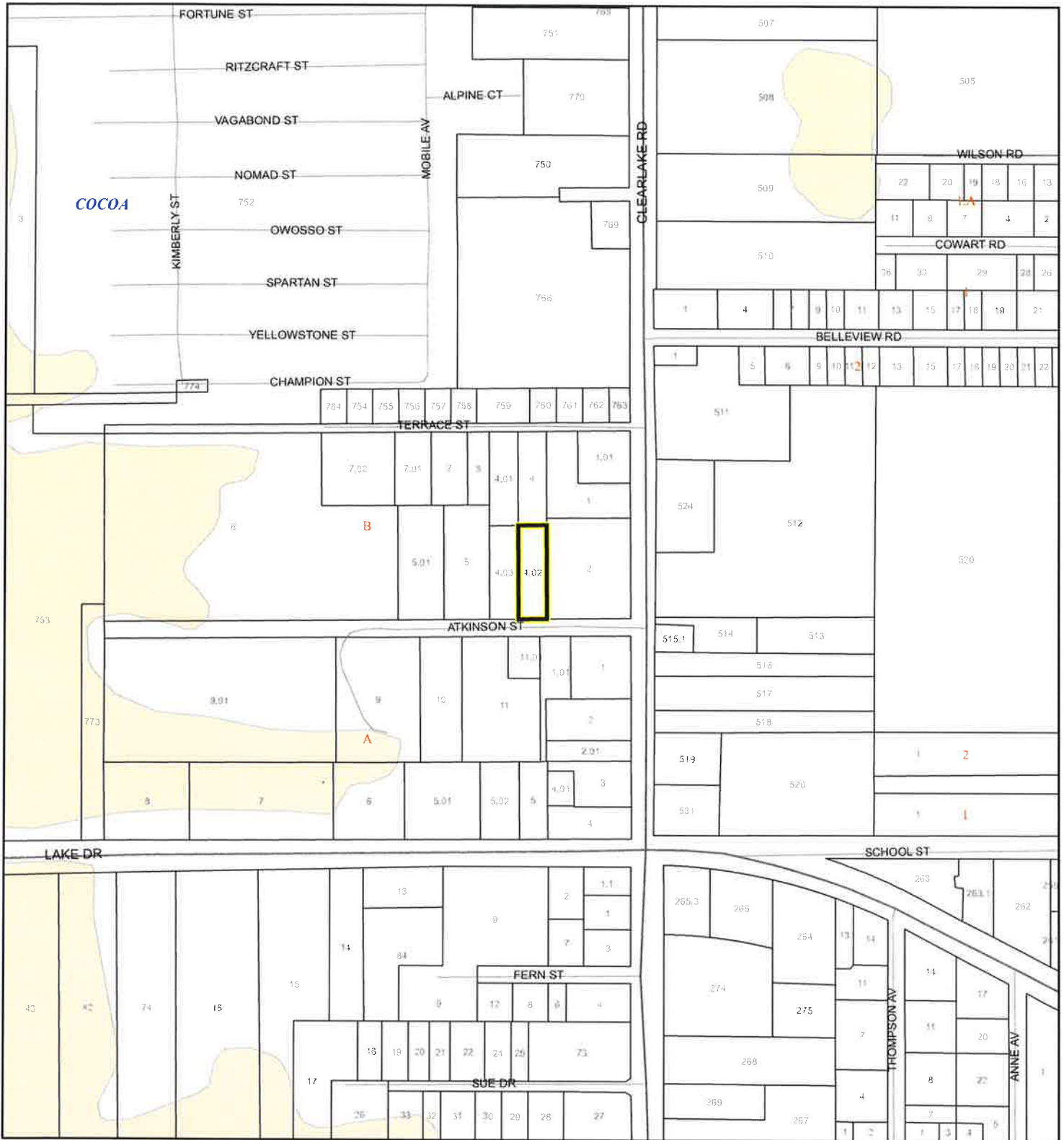
 Subject Property

 Parcels

NWI WETLANDS MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

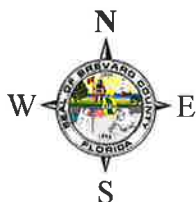
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

SJRWMD FLUCCS WETLANDS

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

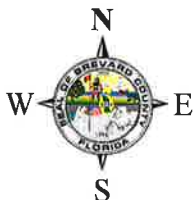
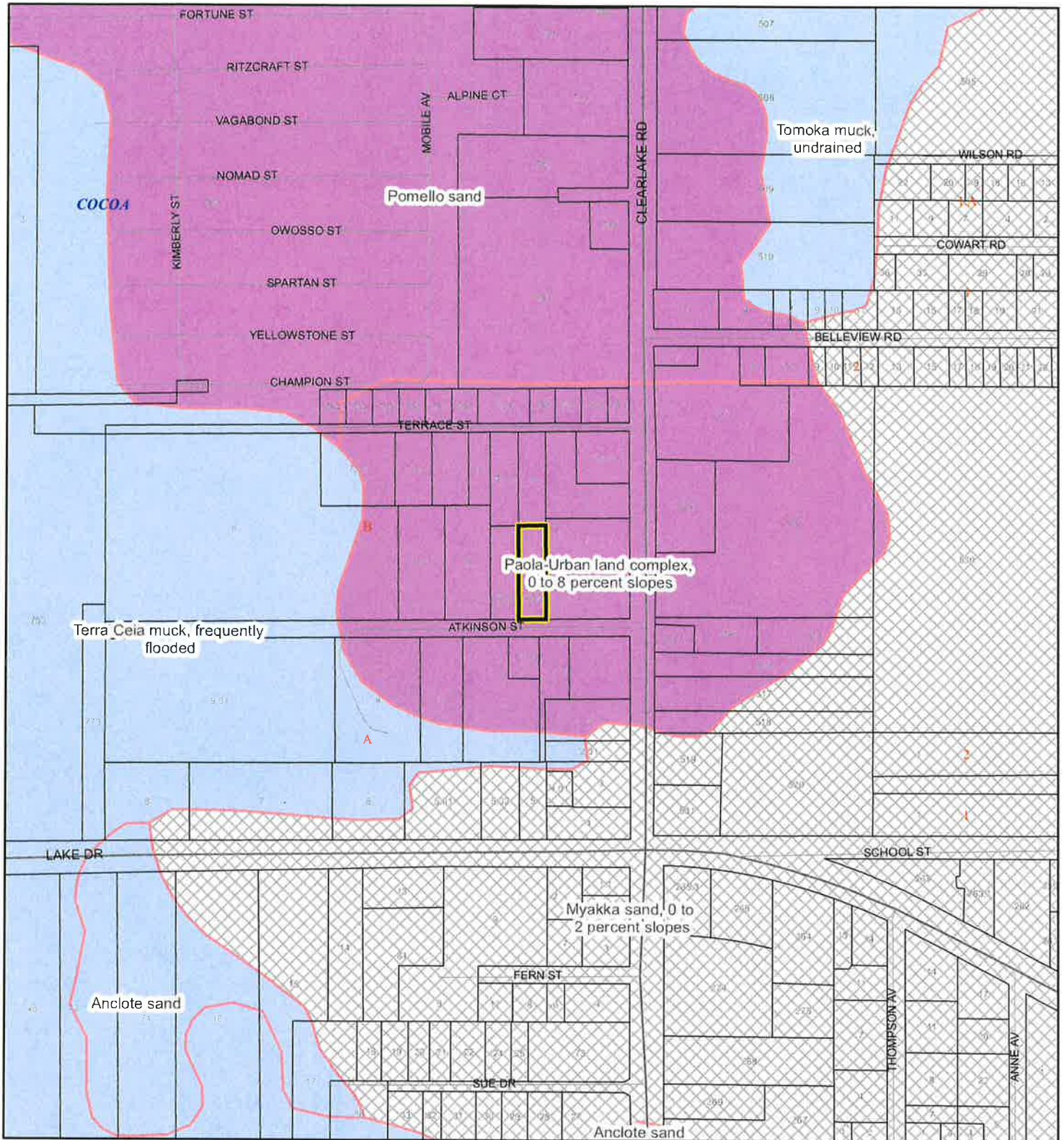
Subject Property

Parcels

USDA SCSSS SOILS MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

USDA SCSSS Soils

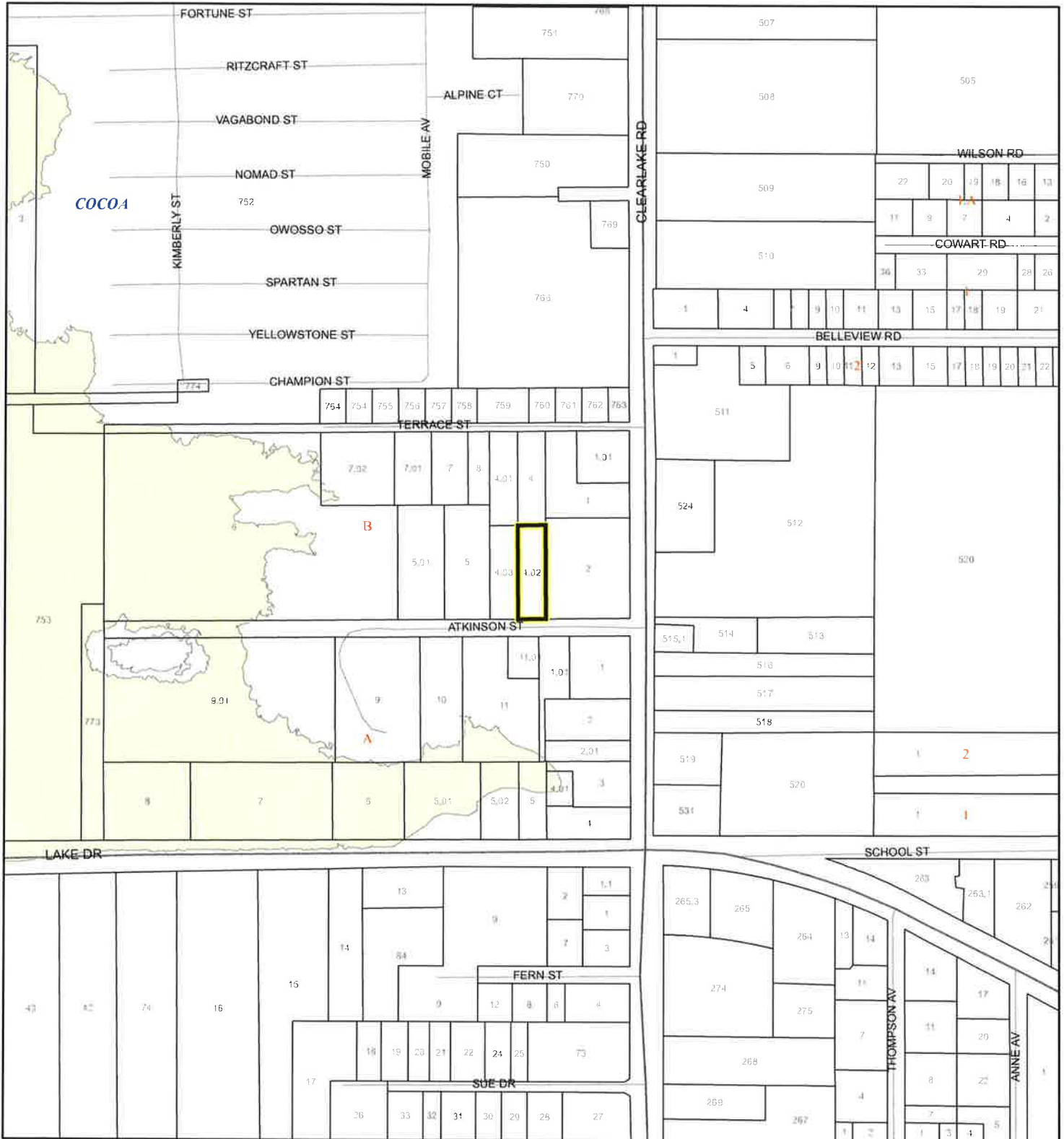
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

FEMA Flood Zones



COASTAL HIGH HAZARD AREA MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

 Subject Property

 Parcels

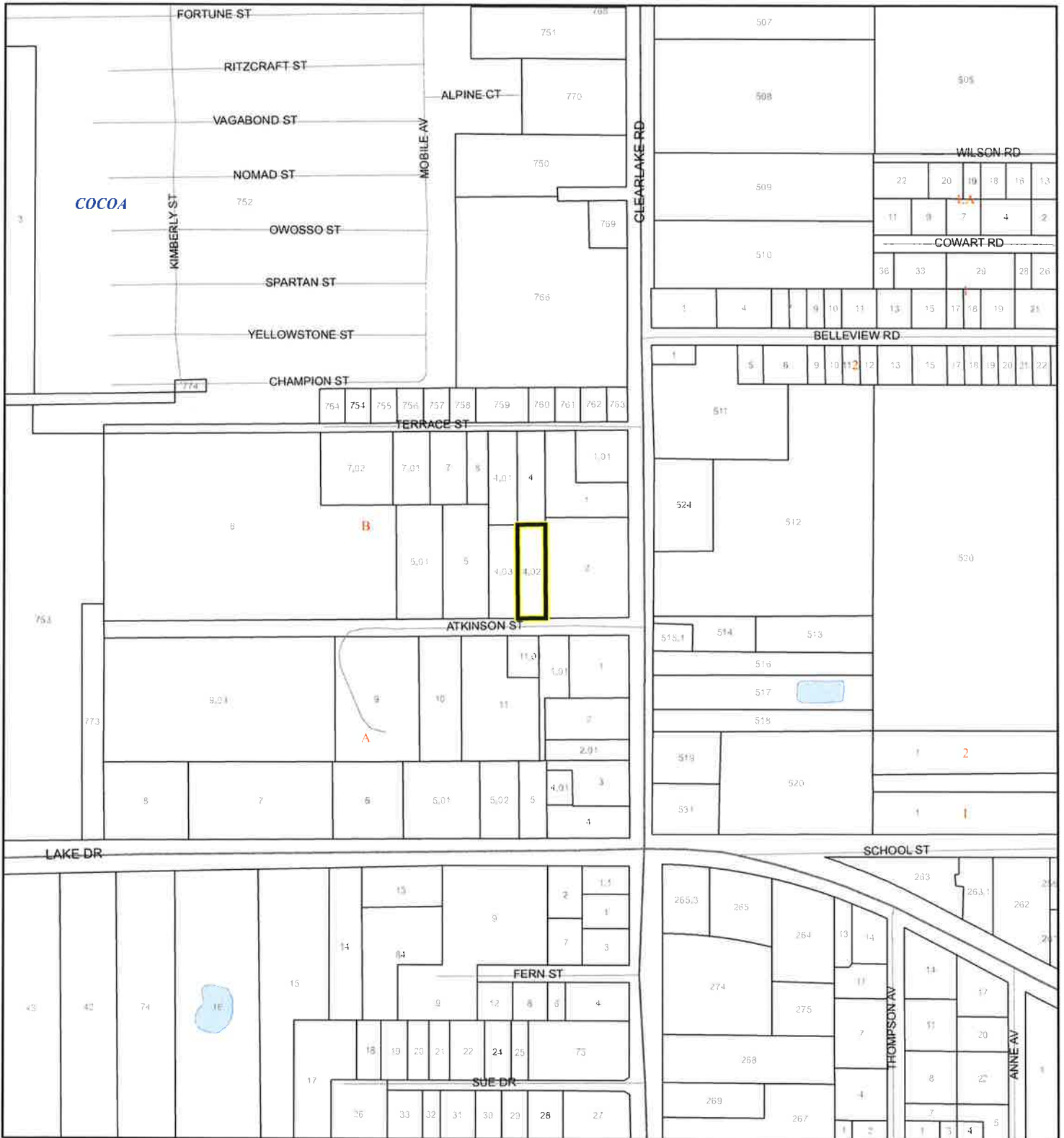
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

 Subject Property

 Parcels

Septic Overlay

 40 Meters

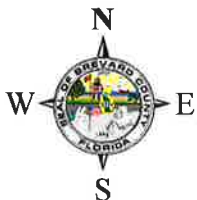
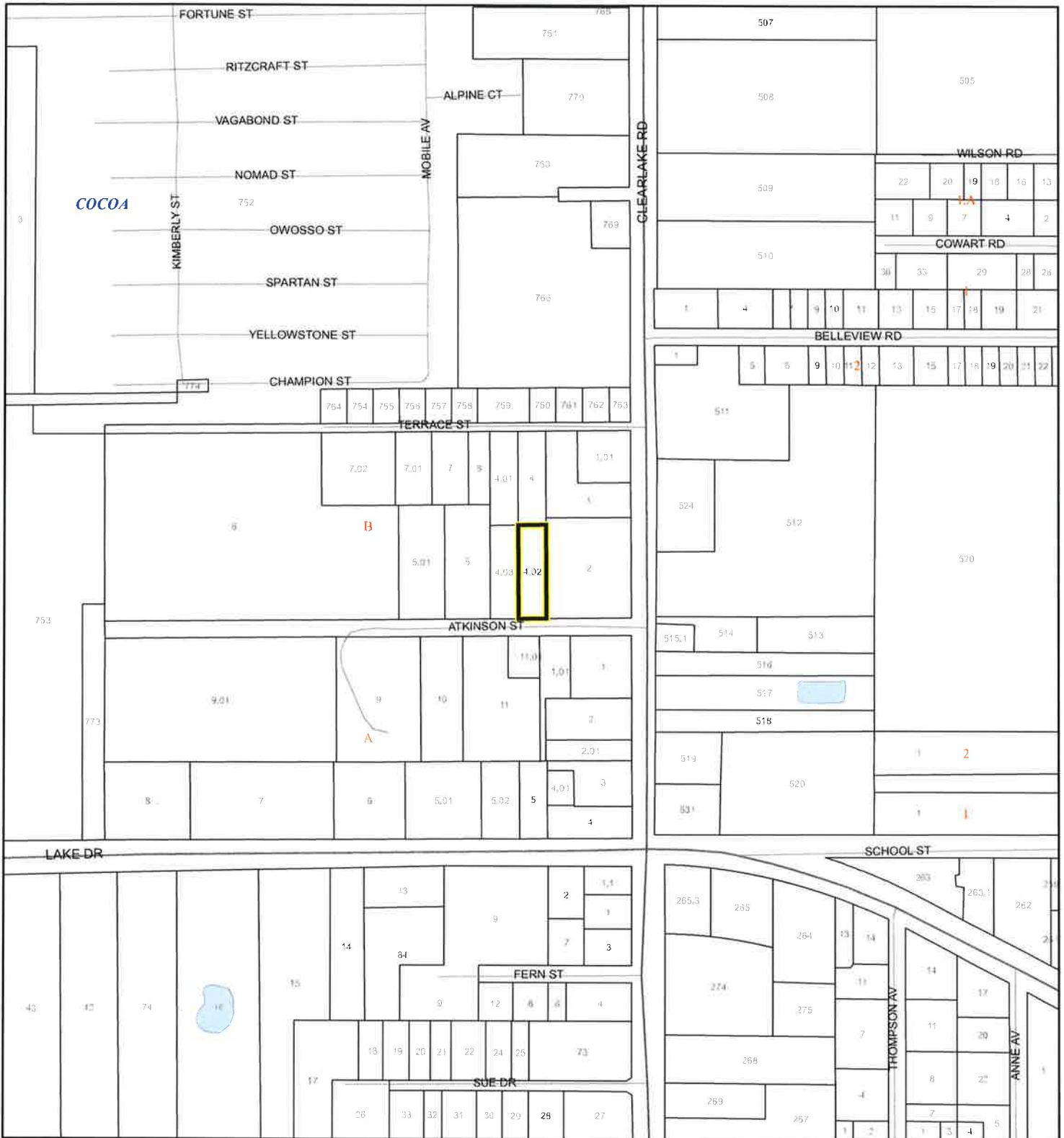
 60 Meters

 All Distances

EAGLE NESTS MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

 Subject Property

 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SRR PROPERTY INVESTMENT LLC

23Z00039



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/2/2023

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

WETLAND DELINEATION SURVEY

Final Report

Brevard County Parcel ID 24-36-30-76-B-4.02
Vicinity of Atkinson Street
(Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

Prepared For:

SRR Property Investment, LLC

By:

Excelsior Environmental Consultants, LLC

615 North Palmetto Court, Suite A

DeLand, Florida 32720

Phone: (855) 720-2333 · www.excelsiorflorida.com

31 May 2023



EXCELSIOR
Environmental Consultants

Assessment • Permitting • Remediation

Members:

National Registry of Environmental Professionals · Florida Association of Environmental Professionals ·
International Society of Technical and Environmental Professionals · Society of Wetland Scientists · ASTM International

1. SCOPE OF WORK

A wetland delineation survey was conducted in the vicinity of Atkinson Street, (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B), Cocoa, Florida 32922 (the "Subject Property") on behalf of SRR Property Investment, LLC (the "Client"). The survey was conducted in accordance with Florida Administrative Code 62-340 *Delineation of the Landward Extent of Wetlands and Surface Waters*, following procedures established in the *Florida Wetlands Delineation Manual*.

2. SITE VISIT AND DELINEATION CRITERIA

On 29 May 2023, Excelsior Environmental Consultants, LLC ("Excelsior") visited the Subject Property and conducted a wetland delineation survey. The landward extent of a wetland is established where vegetative, soil, and hydrologic characteristics no longer meet the definition of a wetland (FAC 62-340.200(19)) or the wetland test criteria described in FAC 62-340.300(2) (i.e., the "A", "B", "C", and "D" tests).

A. Vegetation

Section 62-340.400 of the Florida Administrative Code states that the top-most vegetative stratum (i.e., tree canopy) should be used to determine the dominance of upland or wetland plant species at a given sampling point unless it constitutes less than 10% of the areal extent.

The tree canopy of the Subject Property was populated at different points by facultative (FAC) and upland (UPL) species, as defined in FAC 62-340.450, including:

- Slash pine (*Pinus elliottii*) [UPL]
- Black cherry (*Prunus serotina*) [unrated but usual upland association]
- Sand live oak (*Quercus geminata*) [UPL]
- Sabal palm (*Sabal palmetto*) [FAC, non-diagnostic]
- Brazilian pepper (*Schinus terebinthifolia*) [FAC, non-diagnostic; FISC Category I invasive]

B. Soils Characteristics

Soils were sampled at eight different locations (**Figure 1**). Soils throughout the Site were characterized by fine sands with Munsell hue/value/chroma [HVC] codes ranging from 10YR 6/1 ("gray") to 10YR 8/1 ("white") with organic masking of 50% or less on individual sand grains. Hydric soil indicators specified by the USDA Natural Resources Conservation Service (USDA-NRCS) were not observed within the first ~20 inches of any soil profile.

C. Hydrologic Indicators

No hydrologic indicators specified in FAC 62-340.500 were observed onsite.

3. CONCLUSIONS AND RECOMMENDATIONS

Based on data collected in the field, the appropriate criteria were not met for any of the four wetland tests specified in FAC 62-340.300(2) (i.e., the "A", "B", "C", and "D" wetland tests). **Consequently, no wetlands were delineated on the Subject Property.** Landcover onsite is characteristic of upland hardwood forest (FLUCCS code 420).

This report does not constitute authorization to alter uplands or wetlands that have been delineated on the Subject Property. All wetland delineations are subject to regulatory review. Excelsior recommends contacting the Brevard County Natural Resources Management Department, St. Johns River Water Management District (SJRWMD), and Florida Department of Environmental Protection (FDEP) concerning any additional buffers or environmental requirements prior to commencing any clearing, filling, grading, or construction.

Please refer any questions to Excelsior at (855) 720-2333 or contact@excelsiorflorida.com.



Jordon
Munizzi

Digitally signed by
Jordon Munizzi
Date: 2023.05.30
23:19:26 -04'00'

Jordon S. Munizzi, PhD, REP
Principal Field Scientist
Excelsior Environmental Consultants, LLC



4. SUPPLEMENTAL INFORMATION

Additional information provided by Excelsior to contextualize this report includes:

- **Supplemental Figure S1:** A false-color Light Distance and Ranging (LiDAR) overlay showing generally bright (i.e., high elevation) conditions throughout the Subject Property and immediately surrounding area, which is located on a prominent ridge. Darker (i.e., lower elevation) conditions are visible farther south and west. The elevation of the Subject Property is approximately 25 feet above sea level (ft ASL). LiDAR is a remote sensing method that utilizes pulsed lasers reflected off the ground surface (from an aircraft or satellite) to capture contour data irrespective of structures or vegetative cover.
- **Supplemental Figure S2:** A historic 1953 United States Geological Survey (USGS) topographic map depicting cleared or developed landcover throughout the Subject Property and surrounding area. A structure is also depicted on the Subject Property; the foundation of this structure is still present onsite.
- **Supplemental Figure S3:** A St. Johns River Water Management District (SJRWMD) wetland vegetation overlay showing Upland (U) vegetation throughout the Subject Property and its immediate vicinity. Several wetland classes are present in the wider surrounding area.
- **Supplemental Figure S4:** A Florida Land Cover Classification System (FLCCS) overlay showing Medium Density Residential (1200) landcover throughout the Subject Property. No wetland land classes are depicted within the immediate vicinity of the Site.
- **Supplemental Map S1:** A soil map from the US Department of Agriculture National Resource Conservation Service (USDA-NRCS) showing non-hydric, excessively drained Paola fine sand/Urban Land Complex soils (45) throughout the Subject Property. The depth-to-water-table rating for this soil series is >200 cm (>79 in).

5. REFERENCES

- Florida Administrative Code 62-340. *Delineation of the Landward Extent of Wetlands and Surface Waters*. Florida Department of State. Available from:
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-340>.
- Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida 2010 Edition. Available from: www.fnai.org.
- Gilbert KM, Tobe JD, Cantrell RW, Sweeley ME, Cooper JR. 1995. *The Florida Wetlands Delineation Manual*. Florida Department of Environmental Protection. Available from:
<https://floridadep.gov/sites/default/files/delineationmanual.pdf>.
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<https://floridadep.gov/sites/default/files/soil-and-water.pdf>.
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- Staff of the Florida Department of Environmental Protection, Submerged Lands and Environmental Resources Coordination, Wetland Evaluation and Delineation. 2021. *Chapter 62-340, F.A.C. Data Form Guide*. Florida Department of Environmental Protection. Available from:
https://floridadep.gov/sites/default/files/62-340FormGuide_pocket_Feb2021_0.pdf.
- Tobe JD, Burks KC, Cantrell RW, Garland MA, Sweeley ME, Hall DW, Wallace P, Anglin G, Nelson G, Cooper JR, Bickner D, Gilbert K, Aymond N, Greenwood K, Raymond N. 1998. *Florida Wetland Plants: An Identification Manual*. Florida Department of Environmental Protection. Available from:
<https://archive.org/details/floridawetlandplants>.
- USACE Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1*. US Army Engineer Waterways Experiment Station. Vicksburg, Mississippi. Available from:
<https://www.lrh.usace.army.mil/Portals/38/docs/USACE%2087%20Wetland%20Delineation%20Manual.pdf>.
- Whitney E, Means B. 2014. *Florida's Natural Ecosystems and Native Species Volume I: Florida's Uplands*. Sarasota, FL: Pineapple Press.
- Whitney E, Means B, Rudloe A. 2014. *Florida's Natural Ecosystems and Native Species Volume II: Florida's Wetlands*. Sarasota, FL: Pineapple Press.

Legend

-  Subject Property Boundary
-  Surrounding Property Boundaries
-  Soil Sampling Location



Brevard County Parcel ID 24-36-30-76-B-4.02

Vicinity of Atkinson Street (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

Notes:




1. Survey date: 29 May 2023.
2. No wetlands delineated. Entirety of Subject Property consists of upland hardwood forest on well-drained sandy soils.

Prepared By:

Supplemental Information

Note: the maps and information in the following section are provided for additional context only. These resources are not authoritative and do not supersede the findings of the wetland delineation survey.

Legend

-  Subject Property Boundary
-  Surrounding Property Boundaries
-  USGS Elevation Contours (ft ASL)



Brevard County Parcel ID 24-36-30-76-B-4.02

Vicinity of Atkinson Street (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

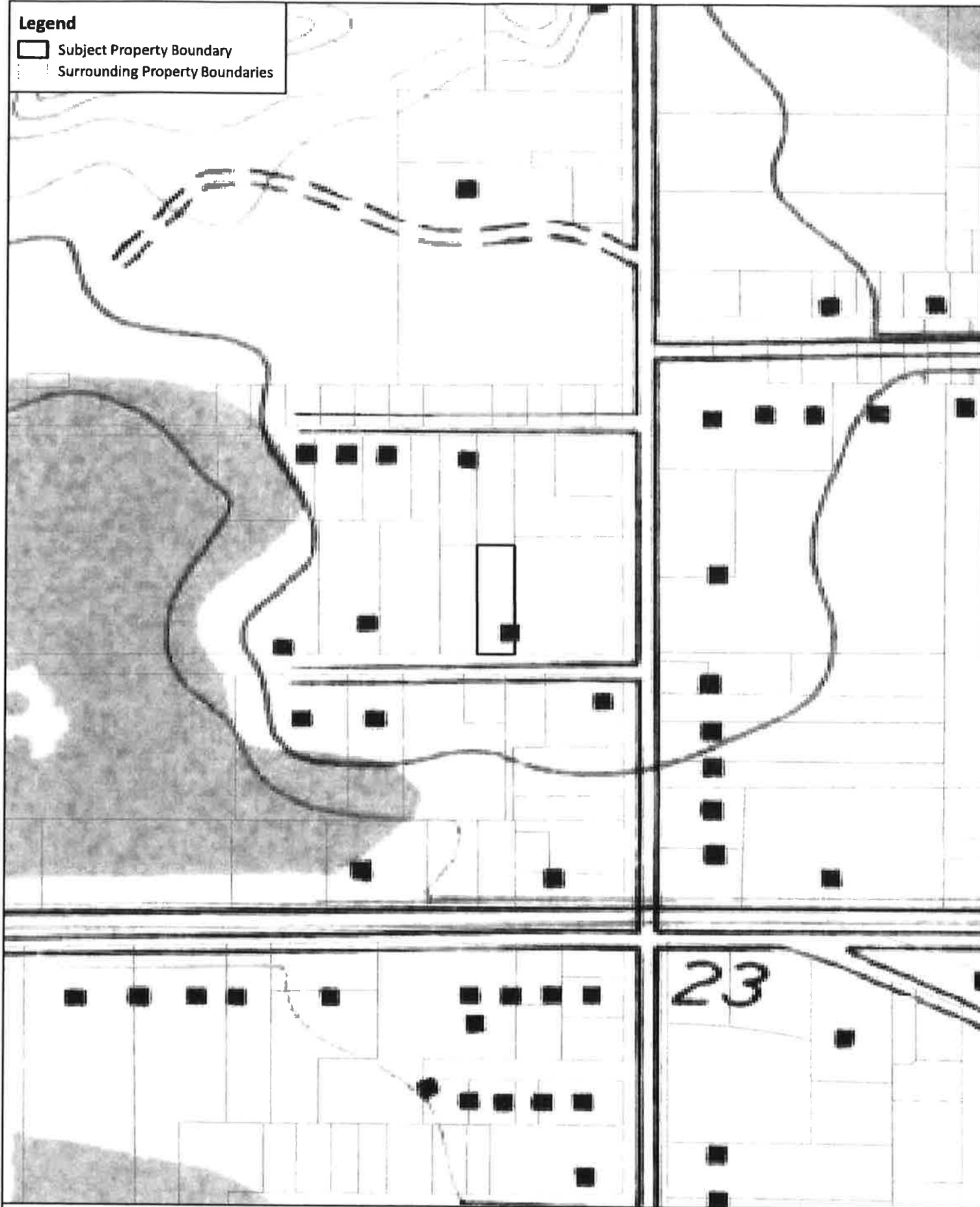
Notes:

1. LiDAR imagery source: United States Geological Survey (USGS).
2. Elevation contour data: United States Geological Survey (USGS).

Prepared By: _____

Legend

-  Subject Property Boundary
 Surrounding Property Boundaries



Brevard County Parcel ID 24-36-30-76-B-4.02









Vicinity of Atkinson Street (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

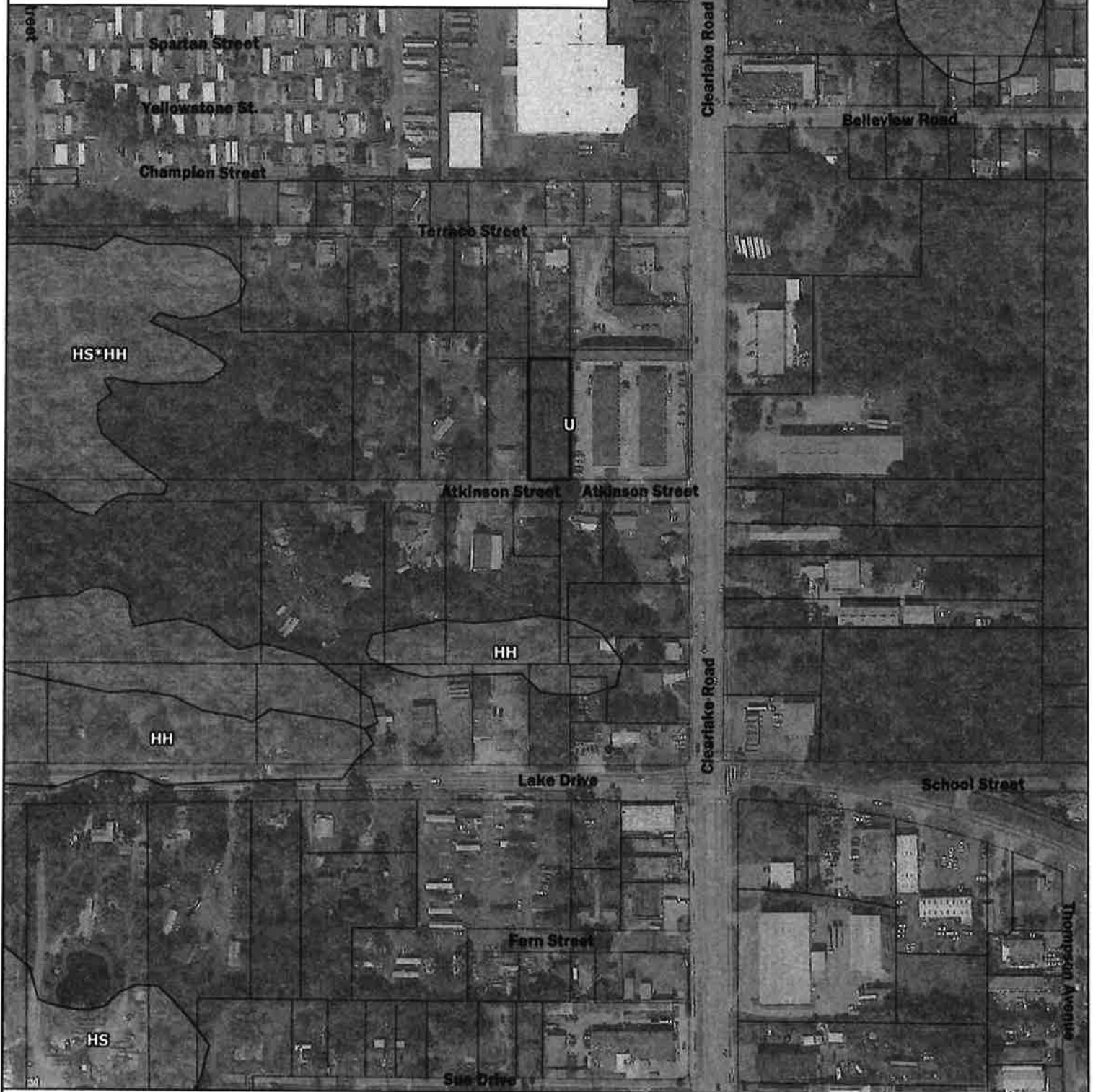
Notes:

1. Historic topographic map source: United States Geological Survey (USGS).

Prepared By:

Legend

-  Subject Property Boundary
-  Surrounding Property Boundaries
-  Hydric Hammock (HH)
-  Hardwood Swamp (HS)
-  Hydric Hammock in Hardwood Swamp (HS*HH)
-  Hardwood Swamp-Hydric Hammock, Shrub Swamp Understory (HSHH/SS)
-  Shrub Bog (SB)
-  Upland (U)



Brevard County Parcel ID 24-36-30-76-B-4.02

Vicinity of Atkinson Street (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

Notes:

1. SJRWMD wetland vegetation data source: St. Johns River Water Management District (SJRWMD) GIS.

Prepared By:

Legend

-  Subject Property Boundary
-  Surrounding Property Boundaries



Brevard County Parcel ID 24-36-30-76-B-4.02

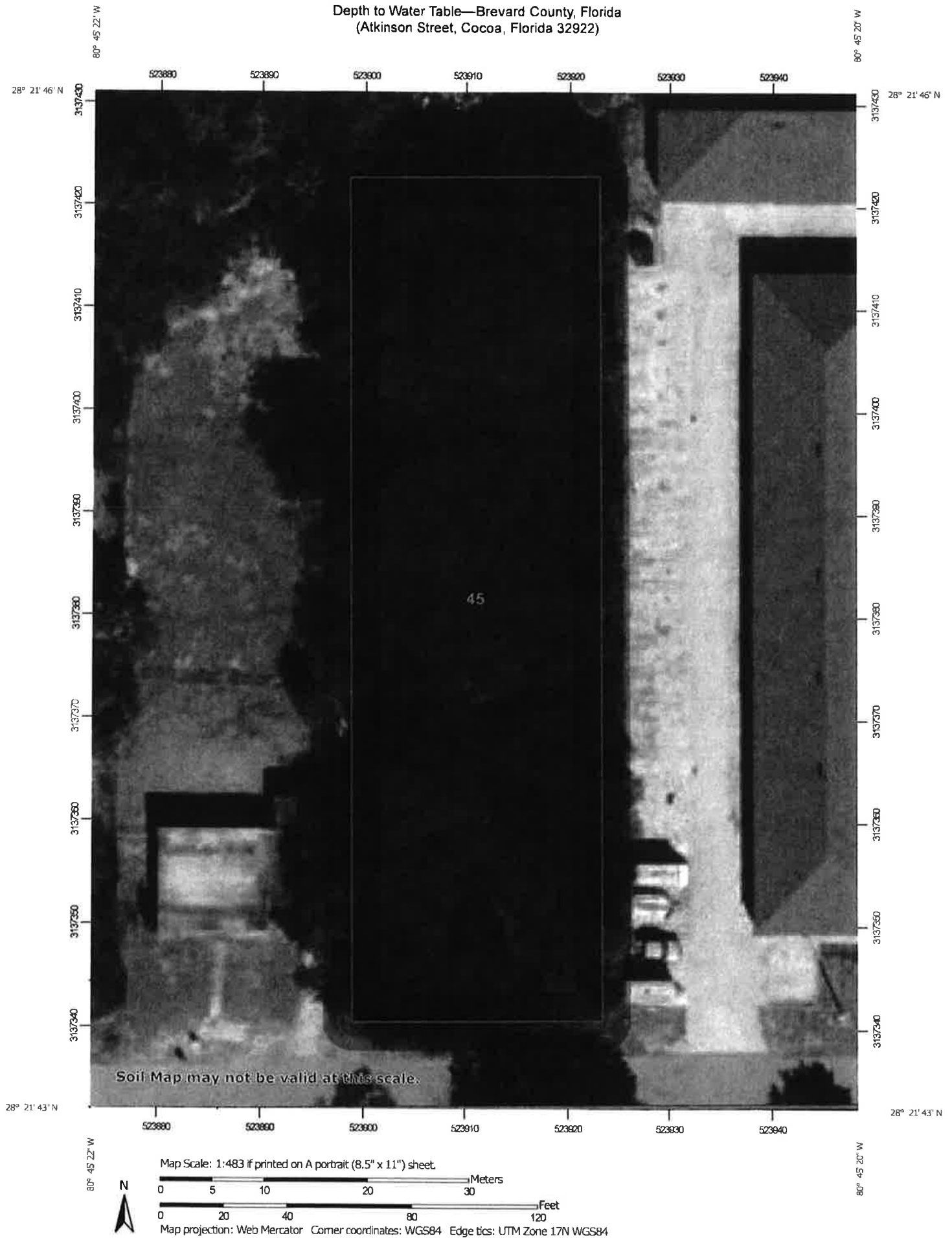
Vicinity of Atkinson Street (Atkinsons Plat #2, S 1/2 of E 1/2 of Lot 4, Block B)
Cocoa, Florida 32922

Notes:

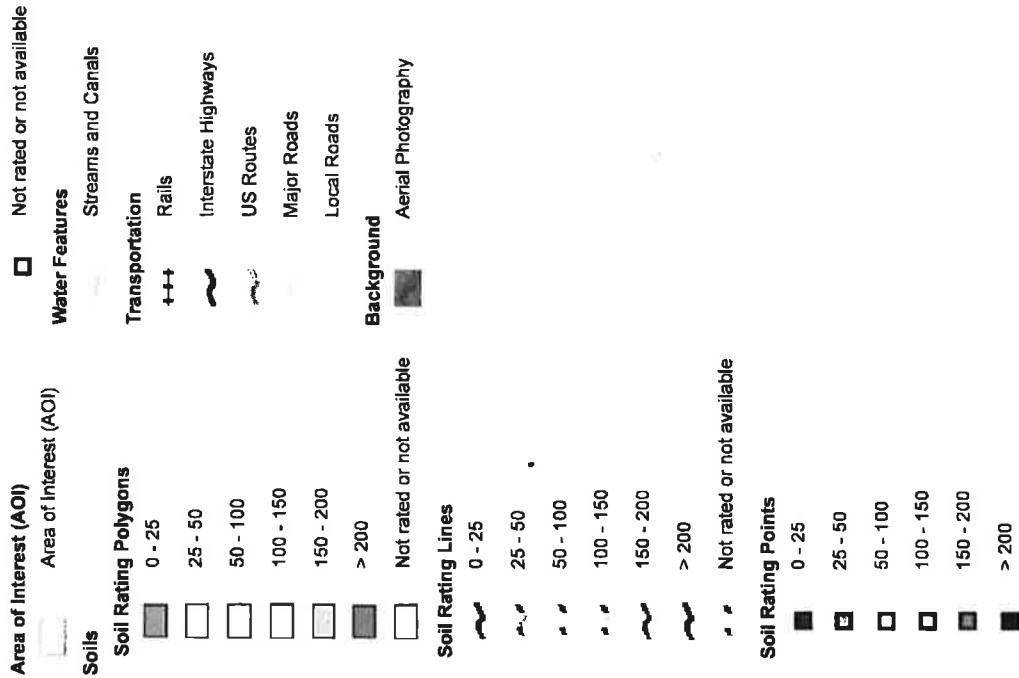
1. FLCCS data source: Florida Department of Environmental Protection (FDEP) GIS.

Prepared By:

Depth to Water Table—Brevard County, Florida
(Atkinson Street, Cocoa, Florida 32922)



MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Brevard County, Florida
Survey Area Data: Version 22, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 19, 2022—Mar 2, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Depth to Water Table

Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
45	Paola-Urban land complex, 0 to 8 percent slopes	>200	0.5	100.0%
Totals for Area of Interest			0.5	100.0%

Description

"Water table" refers to a saturated zone in the soil. It occurs during specified months. Estimates of the upper limit are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Rating Options

Units of Measure: centimeters

Aggregation Method: Dominant Component

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Interpret Nulls as Zero: No

Beginning Month: January

Ending Month: December

From: [JP Deluca](#)
To: [Jones, Jennifer](#)
Subject: Rezoning notice 23Z00039
Date: Monday, August 7, 2023 5:21:07 AM

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

To whom it may concern,

I'm writing to express my strong opposition to the rezoning of the Atkinson lot behind 641 Clearlake Rd. Changing this zoning will be detrimental to the neighborhood and will contribute to more of the problems in the area.

Currently, I live almost right across the street and now have to deal with the industrial business at 641 Clearlake Rd and the traffic that comes with it. This also a high crime area with regular trips from BCSO. This is a residential neighborhood with a church. The last thing we need is another business that will affect what is left of any peace we do have. Additionally, our property values will plummet if this is allowed to continue. My house, and the house next door will not be livable with another business.

In closing, I urge you to disapprove the proposed rezoning, as it will bring down property values, as well as, contribute to the further noise, and crime problems in the area.

Thank you for your continued service and support of our communities.

Regards,

James DeLuca

Sent from my iPad

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

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

Excerpt of Complete Agenda

SRR Property Investment, LLC (Brian Russo)

A change of zoning classification from RU-1-7 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Retail Commercial). The property is 0.50 acres, located on the north side of Atkinson St., approx. 290 ft. west of Clearlake Rd. (No assigned address. In the Cocoa area.) (23Z00039) (Tax Account 2423790) (District 2)

Brian Russo, 121 Arabian Court, St. Augustine, stated he would like to rezone to BU-1-A to build a professional office.

John Hopengarten asked if the building will be 2,500 square feet. Mr. Russo replied yes, approximately, but he does not have a site plan yet. He stated the building will be single-story, Florida coastal design, with a metal roof and wrap-around porch. He said ideally, he would like to position the building as close to Atkinson Street as possible so the parking can be on the back of the property. The goal would be to have the property fenced on the east, north, and west side, with a 6-foot privacy fence.

No public comment.

Motion by John Hopengarten, seconded by Brian Hodgers, to recommend approval a change of zoning classification from RU-1-7 to BU-1-A. The motion passed unanimously.