



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.16.

7/11/2024

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### **Subject:**

Brevard County Board of County Commissioners requests a change of zoning classification from AU with a CUP and GML to all GML(I) with the removal of the CUP. (24Z00017) (Tax Account 2500007) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) with a CUP (Conditional Use Permit) and GML (Government Managed Lands) to all GML(I) (Government Managed Lands-Institutional) with the removal of the CUP.

### **Summary Explanation and Background:**

The applicant has requested a change of zoning classification from AU (Agricultural Residential) with a CUP (Conditional Use Permit) and GML (Government Managed Lands) to all GML (Government Managed Lands) with the removal of the CUP.

This site currently functions as a training facility with a farm, outdoor gun range, classrooms, and offices operated by the Brevard County Sheriff's Office. The property currently has split zoning AU and GML. The AU zoned portion has the effect of placing limits on the property utilized as a training facility. This request would allow the entire property to be utilized as a training facility. The previously approved CUP was for a private club. With this request, the CUP will be rescinded.

Under the GML zoning classification Section 62-1572, parking lots and police stations require the Institutional (I) suffix designation. None of the existing uses are affected by this change and will remain on the property.

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

On June 10, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Upon receipt of resolution, please execute and return a copy to Planning and Development.

## **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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Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**24Z00017**

**Brevard County BoCC**

**AU with CUP for Private Club and GML to All GML(I) and Removal of CUP for Private Club**

Tax Account Number: 2500007  
Parcel I.D.: 25-35-01-00-253  
Location: 2955 Pluckebaum Road, Cocoa, FL 32926. (District 2)  
Acreage: 48.92 acres

Planning and Zoning Board: 06/10/2024

Board of County Commissioners: 07/11/2024

**Consistency with Land Use Regulations**

- Current AU and GML 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	AU with CUP for Private Club and GML	All GML(I) and Removal of CUP for Private Club
<b>Potential*</b>	Training facility	Training facility
<b>Can be Considered under the Future Land Use Map</b>	YES Residential 4	YES Residential 4

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

**Background and Purpose of Request**

The owner is requesting to rezone the property to combine and update the current zoning classifications. In 1999, the zoning code was updated to include sub-classifications within the GML zoning classifications. The GML(I) was created to allow a wide array of institutional uses.

This site currently functions as a training facility with a farm, outdoor gun range, classrooms, and offices operated by the Brevard County Sheriff's Office. The property currently has split zoning AU and GML. The AU portion limits the property utilized as a training facility. This request would allow the entire property to be utilized as a training facility. Under the GML zoning classification Section 62-1572, parking lots and police stations require the Institutional (I) suffix designation.

This property is located at the southeast corner of Pluckebaum Road and Highway I-95.

The property's original zoning was General Use (GU). It was rezoned to AU under Zoning Resolution **Z-6183** on November 4, 1982, for use by the Sheriff for farming. At that time, the property was leased to the Sheriff. This property was later rezoned to add a (CUP) for a Private Club under Zoning Resolution **Z-7325** on November 18, 1985. The request from the Sheriff was to allow construction of a pistol range for use in mandatory firearms instruction of law enforcement officers. The next zoning action approved by the Board was on June 26, 1989, under Zoning Resolution **Z-8418** for tower and antenna use. On April 22, 1991, the Board approved a rezoning of a portion of the site from AU with CUP to GML under Zoning Resolution **Z-8777(A)**. Lastly, the Board removed the unused CUP for towers and antenna use but retained the CUP for Private Club under Zoning Resolution **Z-10775(11)** on February 6, 2003.

### Surrounding Area

	Existing Use	Zoning	Future Land Use
<b>North</b>	Single-family residential use	RU-1-9	RES 15
<b>South</b>	Highway I-95	N/A	N/A
<b>East</b>	Borrow pit (pond) City of Rockledge	PUD	Low Density Residential (<3 units/acre)
<b>West</b>	Highway I-95	N/A	N/A

To the north, across Pluckebaum Road, is a 32 unit single-family development, Catalina Village Sixth Addition, (the plat is approximately 10.06 acres in area).

To the south is the intersection of Highway I-95 running from the NW to SE direction.

To the east is a borrow pit under the City of Rockledge's jurisdiction. No active plan for residential development has been submitted to the City at this time.

To the west, is Highway I-95. West of I-95 is land under the jurisdiction of the City of Rockledge.

### Future Land Use

The subject property is currently designated as Residential 4 (RES 4) FLUM designation. The current AU and GML zonings are consistent with the RES 4 FLUM designation. The proposed zoning request to GML(I) is consistent with the existing RES 4 FLUM designation.

The applicant's request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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 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;

**Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.**

- 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 surrounding area since 2010 is single-family to the north. To the east is a borrow pit / pond. To the west and south is I-95 borders that borders the property.**

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

**No external development noted.**

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

**One zoning action has been approved within one-half mile:**

- **21Z00038, approved by the Board on February 3, 2022, was a request to rezone from GU to AU on 4.81 acres located approximately 1,390 feet west of the subject property on the south side of Providence Road located on the west side of Highway I-95. Zoning change legitimized a substandard GU lot. The AU zoning would allow the property owner to build a single-family home, a barn, and to keep farm animals.**

**There are two pending zoning actions within one-half mile of the subject property.**

- **Pending Actions: 23Z00046 and 23SS00009 and 23Z00047 and 23SS00010, have been on hold since June 7, 2023. These requests are for commercial storage. These**

**properties are located approximately 1,670 feet northeasterly of the subject property on the west side of Range Road.**

- 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 of the Comprehensive Plan 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.

**The proposal is not anticipated to create a deficiency in LOS.**

- 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 the property is not located within an established neighborhood or area.**

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 does not allow for commercial uses.**

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.

**Withing the County's jurisdiction, no requests have been applied or approved during the previous five (5) years that would change the character of the area.**

GML classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing

economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. Activities encompassed within this classification include but are not limited to aviation, education and public services. Emphasis is on protecting existing and future public and private investments, as well as ensuring that such activities are managed in accordance with the comprehensive plan and any regulations or ordinances relating to such activity. A concept plan may be required.

*Permitted uses.* Each application for government managed lands zoning shall designate the intended use of the property as either Parks and Conservation (P), Institutional (I), Utility (U), or High-Intensity (H). The parks and conservation designation shall include active and passive recreational uses as well as permanent or temporary conservation uses. The institutional use designation shall include offices, schools, meeting rooms, parking garages, police and fire stations, and hospitals. The utility designation shall include electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission. The high-intensity designation includes industrial activities, correctional facilities, ports, airports or other transportation hubs and other high-intensity activities which are not considered institutional uses. Proposed conversions of any property zoned GML but not containing the (P), (I), (U), or (H) suffix designation to a more intense use will require a rezoning.

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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, fowl and beekeeping.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway 520, between S. Burnett Road and Highway I-95, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 54.73% of capacity daily. The maximum development potential from the proposed rezoning reduces the percentage of MAV utilization by 0.09%. The corridor is anticipated to continue to operate at 54.64% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site was initially reviewed back in 2006.

The subject property is served by potable water provided by the City of Cocoa. The subject property is on septic.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils

- Floodplain Protection

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

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

### **For Board Consideration**

The Board should consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item No. 24Z00017**

**Applicant:** Vaheed Teimouri for Brevard County Sherriff Department (Owner: Brevard County)

**Zoning Request:** AU with CUP & GML to All GML(I) and removal of CUP

**Note:** For driver training course and parking

**Zoning Hearing:** 06/10/2024; **BCC Hearing:** 07/11/2024

**Tax ID No.:** 2500007

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Floodplain Protection

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:**

**Wetlands and Hydric Soils**

Portions of the subject parcel contains mapped National Wetlands Inventory (NWI) and the entire parcel contains hydric soils (Riviera sand, 0 to 2 percent slopes; and Floridana sand, 0 to 1 percent slopes, frequently flooded); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**



Section 62-3695 (d)(5) states that public facilities may be located within wetland areas if the facilities are found to be in the public interest and there is no feasible alternative. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

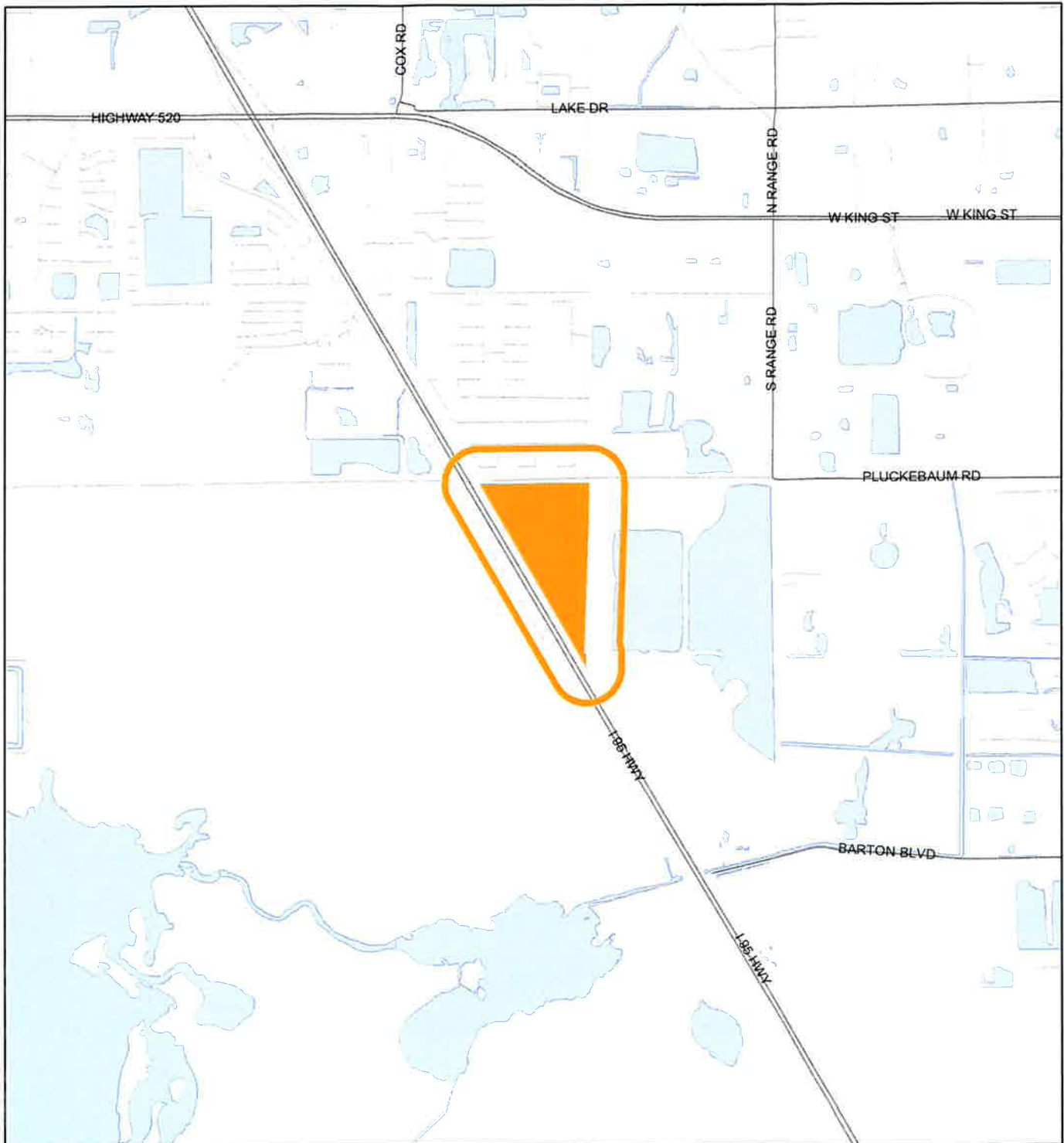
### **Floodplain Protection**

The subject property is mapped as FEMA Special Flood Hazard Area (SFHA) AE and within the St. Johns Riverine floodplain, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions. Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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."

NRM met with the Applicant prior to submittal to discuss strategies for compliance with Chapter 62, Article X, Division 6 and Division 5, Section 62-3723 (2). **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

# LOCATION MAP

Brevard County Planning & Development Dept.  
24Z00017



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

Buffer Distance: 500 feet

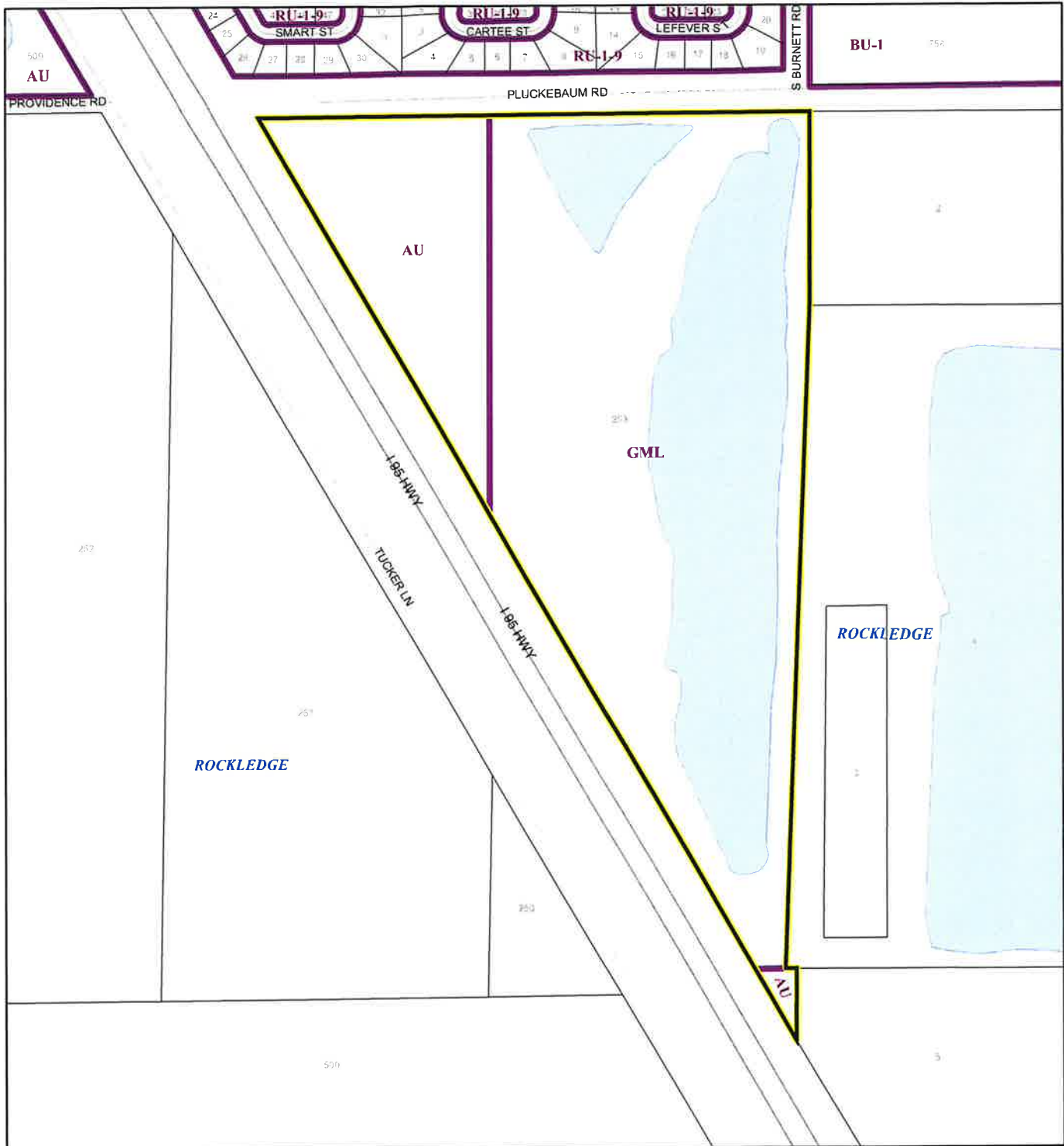
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/19/2024

— Buffer  
— Subject Property

# ZONING MAP

Brevard County Planning & Development Dept.  
24Z00017



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: 4/19/2024

Subject Property

Parcels

Zoning

# FUTURE LAND USE MAP

Brevard County Planning & Development Dept.

24Z00017



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

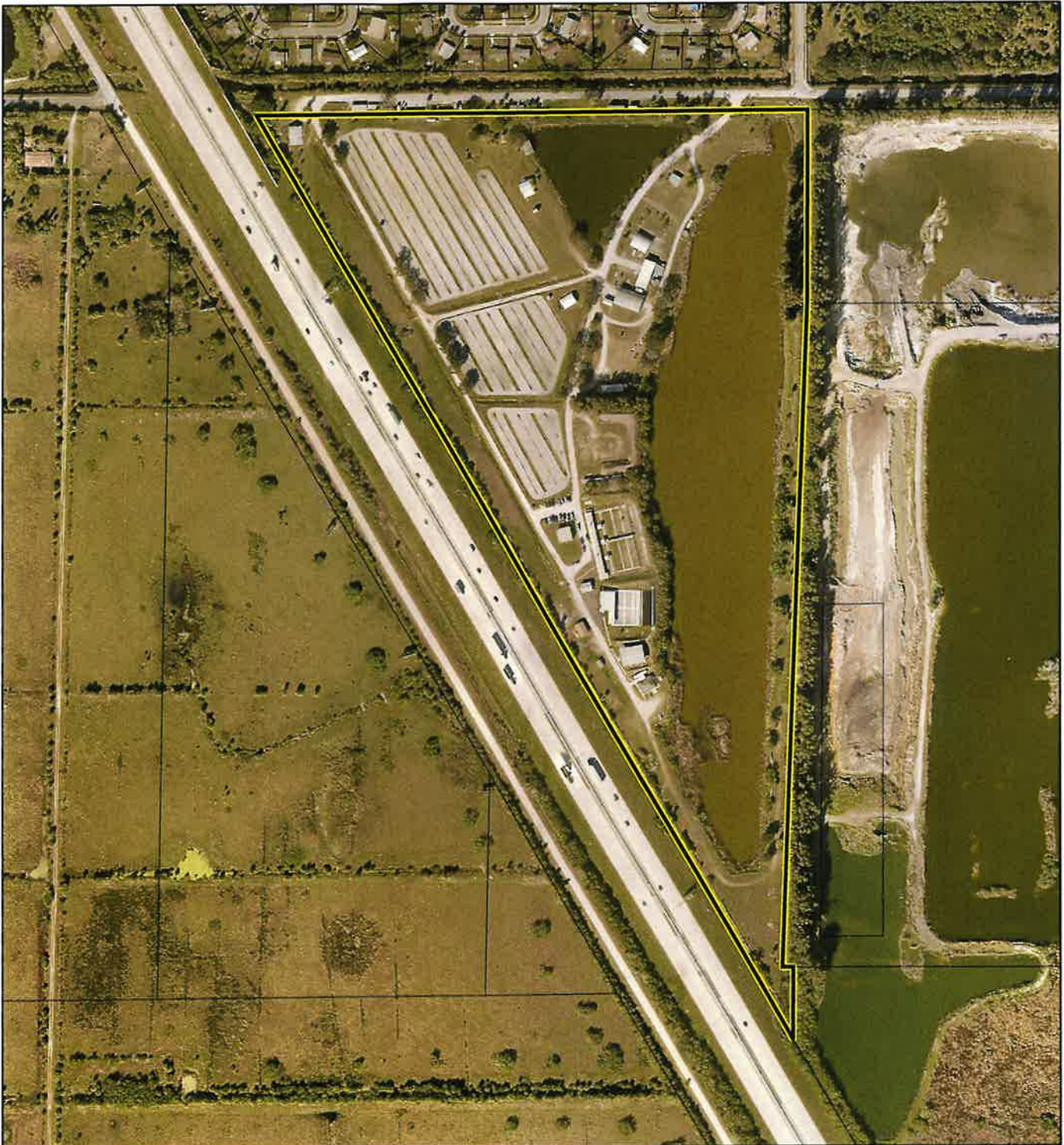
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/19/2024



# AERIAL MAP

Brevard County Planning & Development Dept.  
24Z00017



1:4,800 or 1 inch = 400 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.

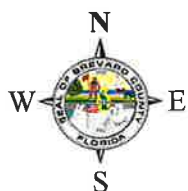
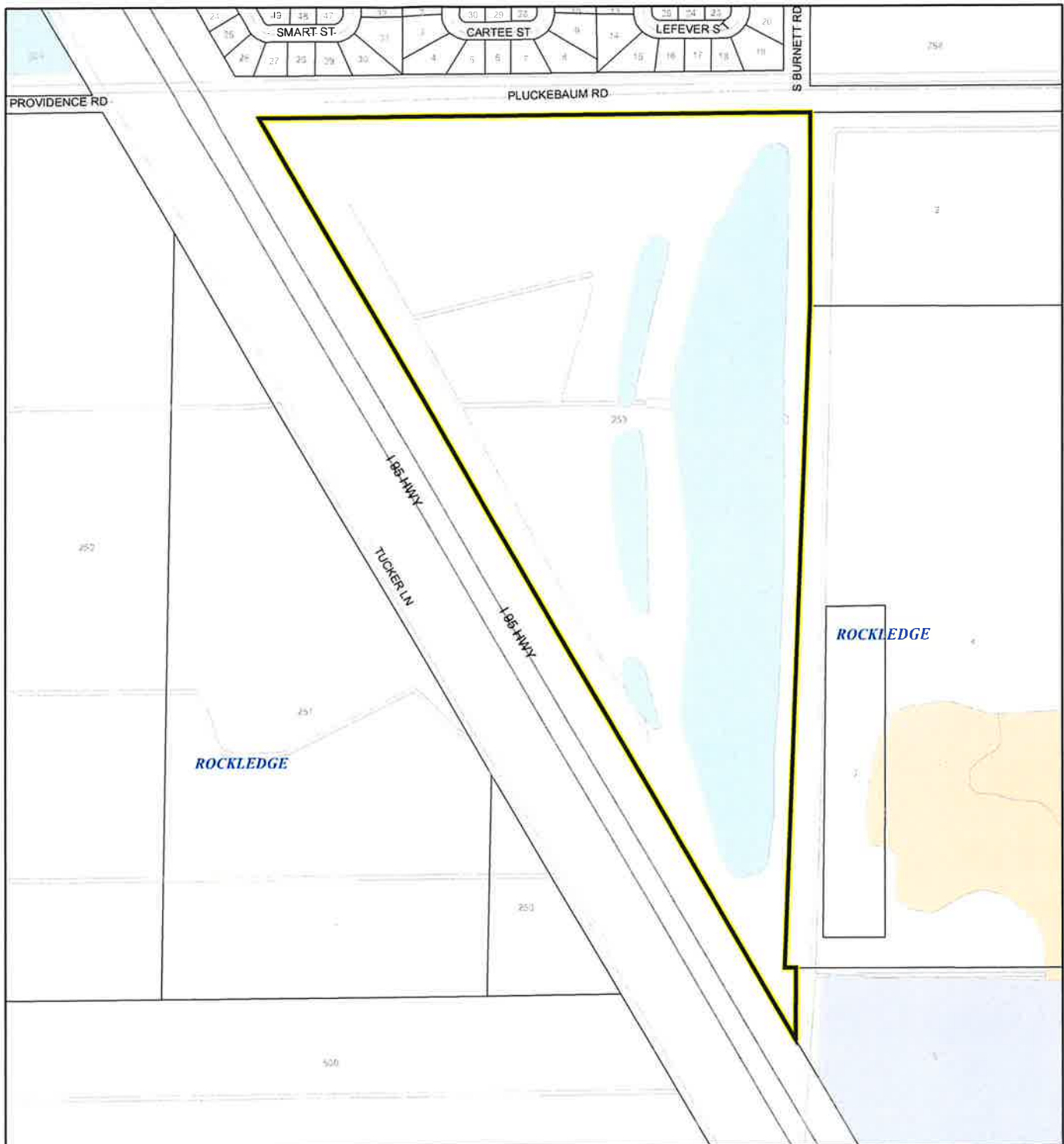
Produced by BoCC - GIS Date: 4/19/2024

 Subject Property

 Parcels

# NWI WETLANDS MAP

Brevard County Planning & Development Dept.  
24Z00017



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

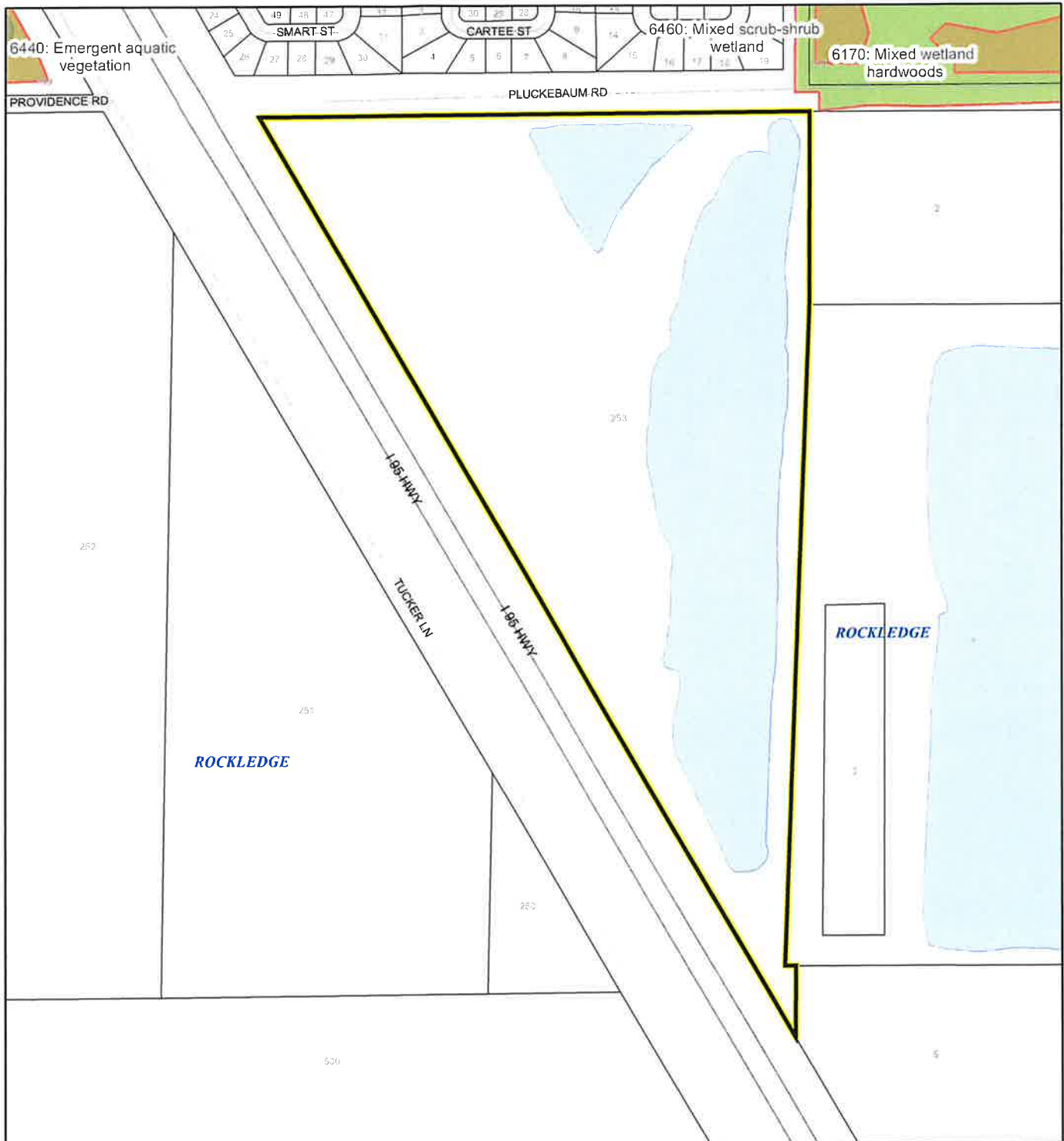
- |                                   |                  |
|-----------------------------------|------------------|
| Estuarine and Marine Deepwater    | Freshwater Pond  |
| Estuarine and Marine Wetland      | Lake             |
| Freshwater Emergent Wetland       | Other            |
| Freshwater Forested/Shrub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



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Brevard County Planning & Development Dept.

24Z00017



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: 4/19/2024

## 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

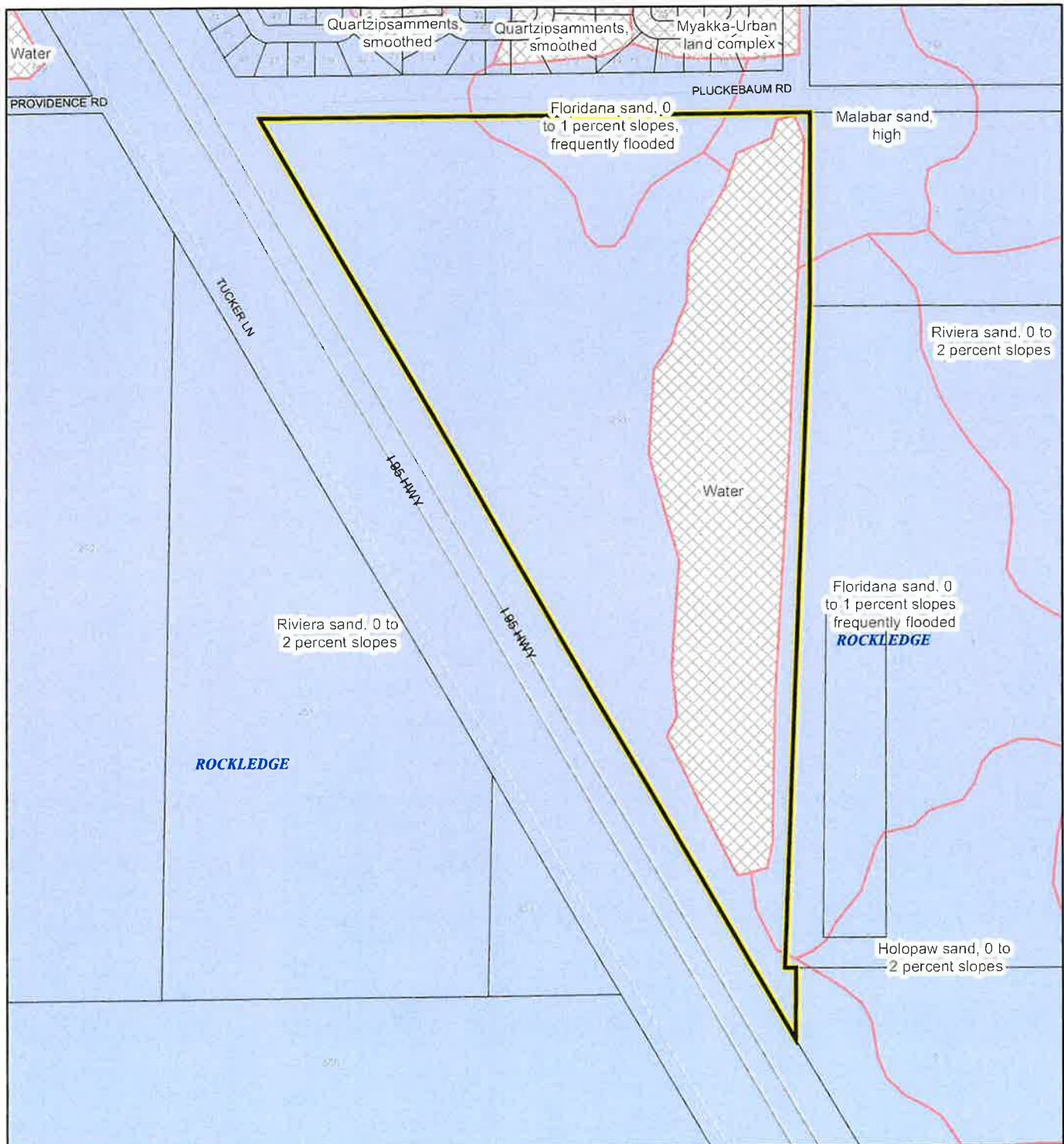
Subject Property

Parcels

# USDA SCSSS SOILS MAP

Brevard County Planning & Development Dept.

24Z00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/19/2024

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

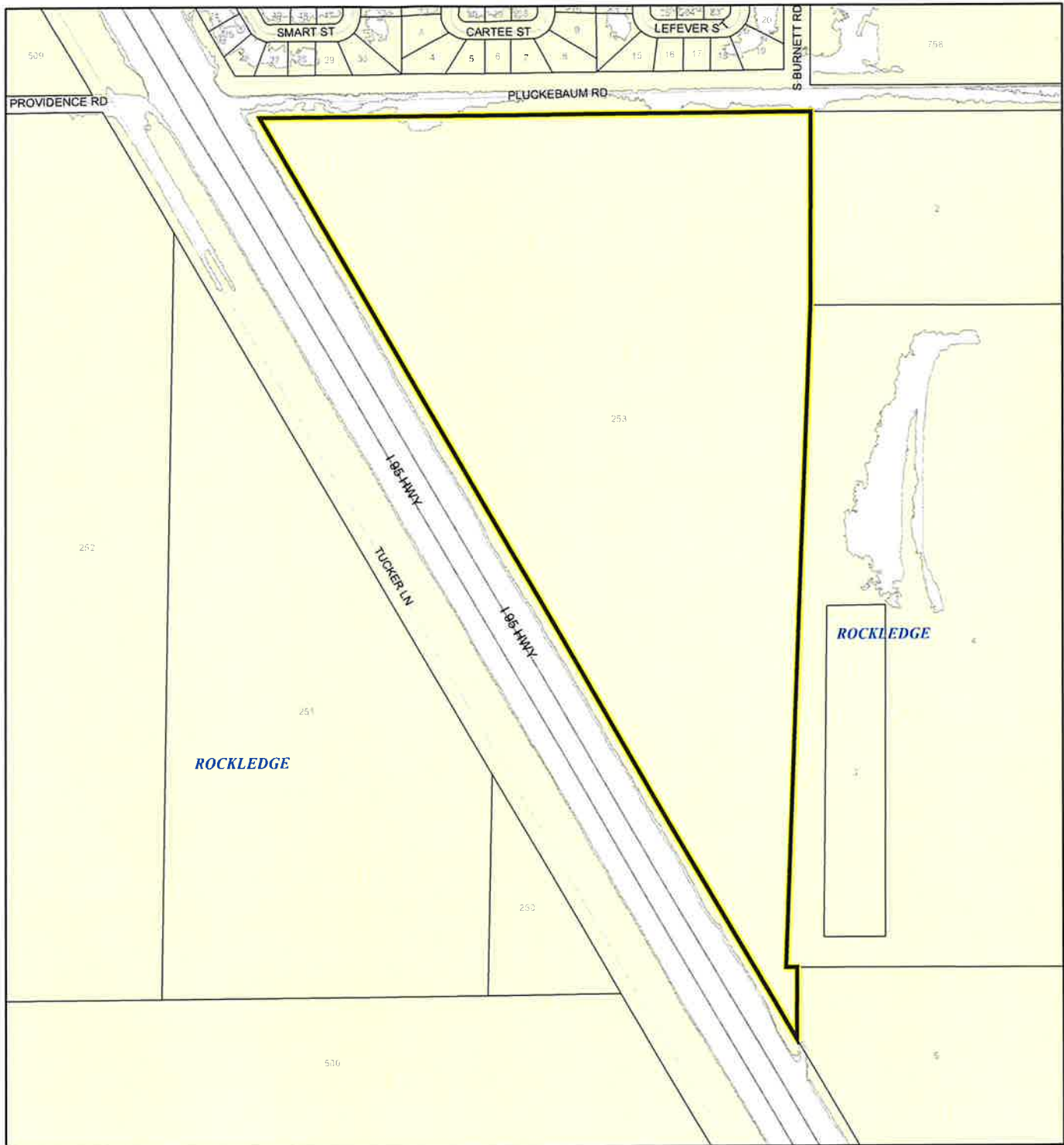
- Subject Property
- Parcels



# FEMA FLOOD ZONES MAP

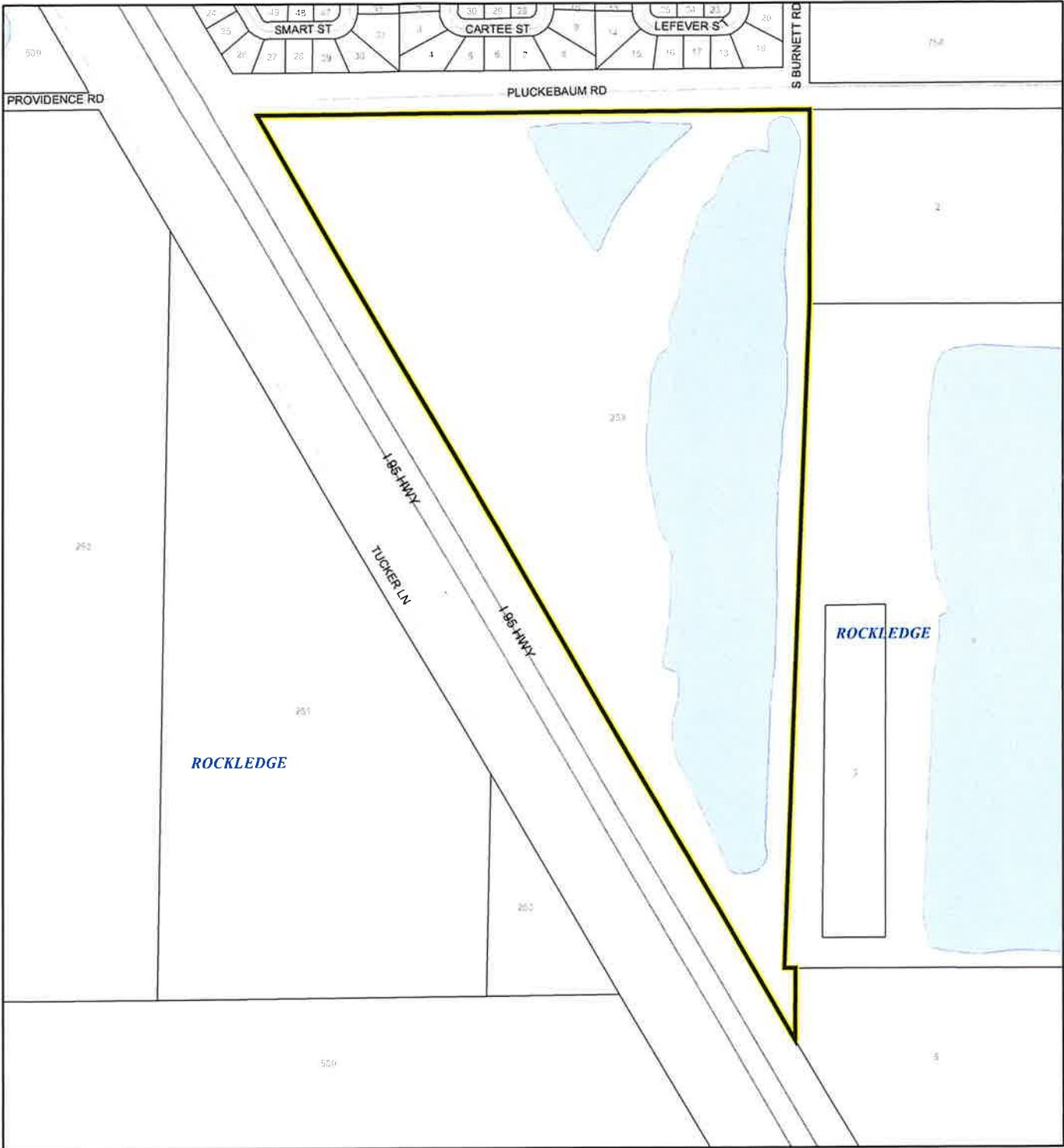
Brevard County Planning & Development Dept.

24Z00017



# COASTAL HIGH HAZARD AREA MAP

Brevard County Planning & Development Dept.  
24Z00017



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

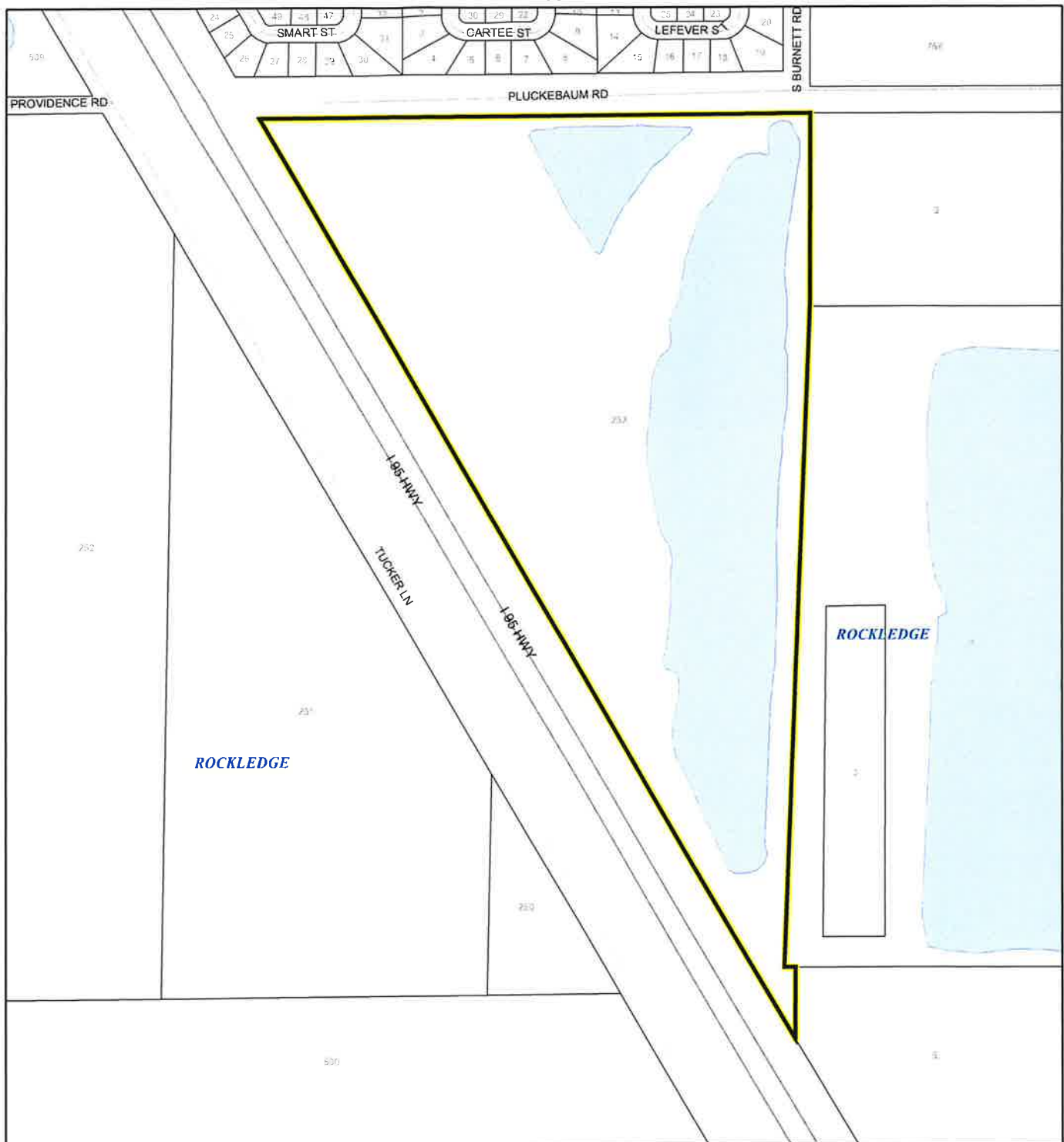
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Brevard County Planning & Development Dept.

24Z00017



1:4,800 or 1 inch = 400 feet

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Subject Property

Parcels

**Septic Overlay**

40 Meters

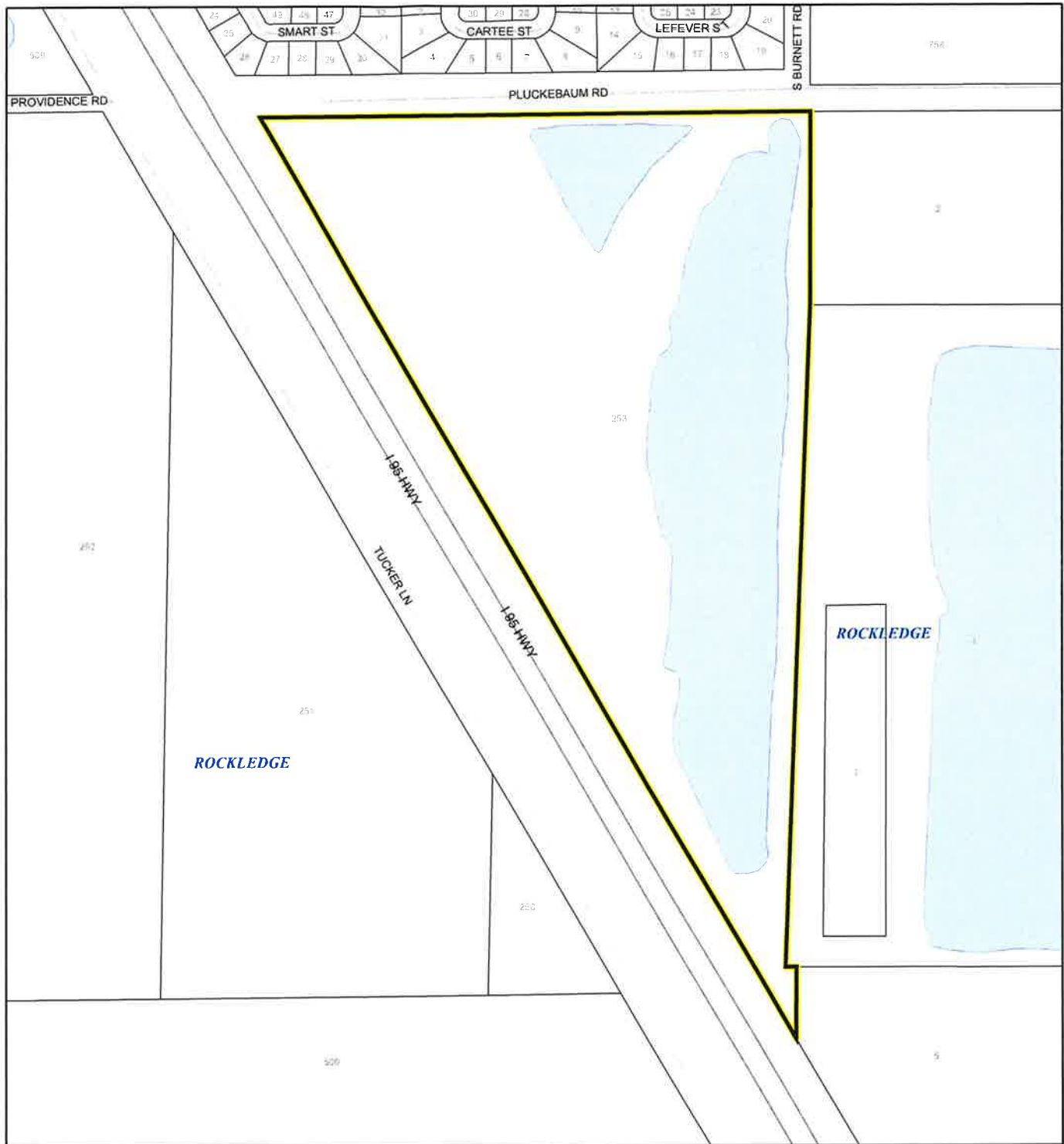
60 Meters

All Distances

# EAGLE NESTS MAP

Brevard County Planning & Development Dept.

24Z00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/19/2024

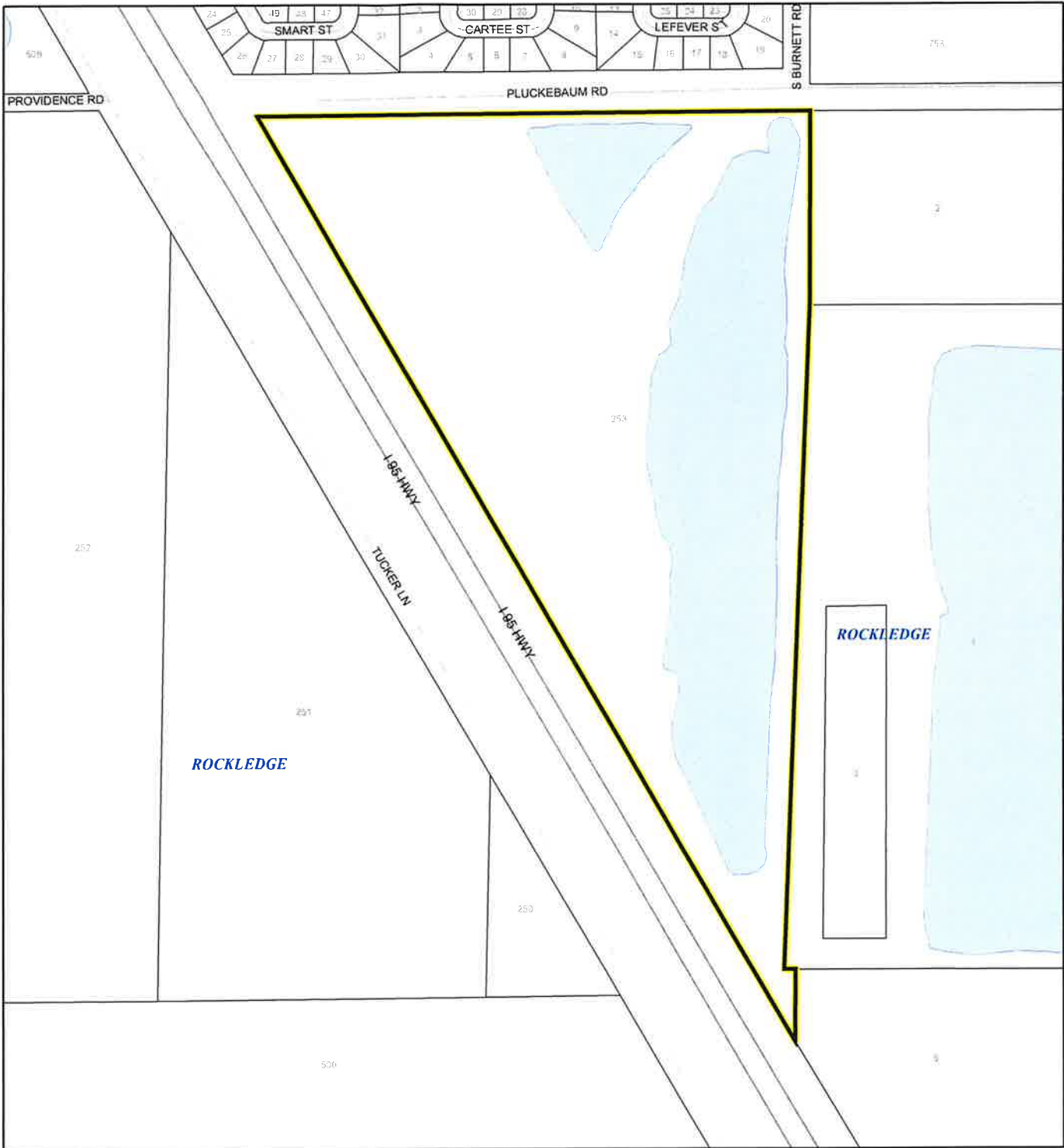
 Subject Property

 Parcels

 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

Brevard County Planning & Development Dept.  
24Z00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/19/2024

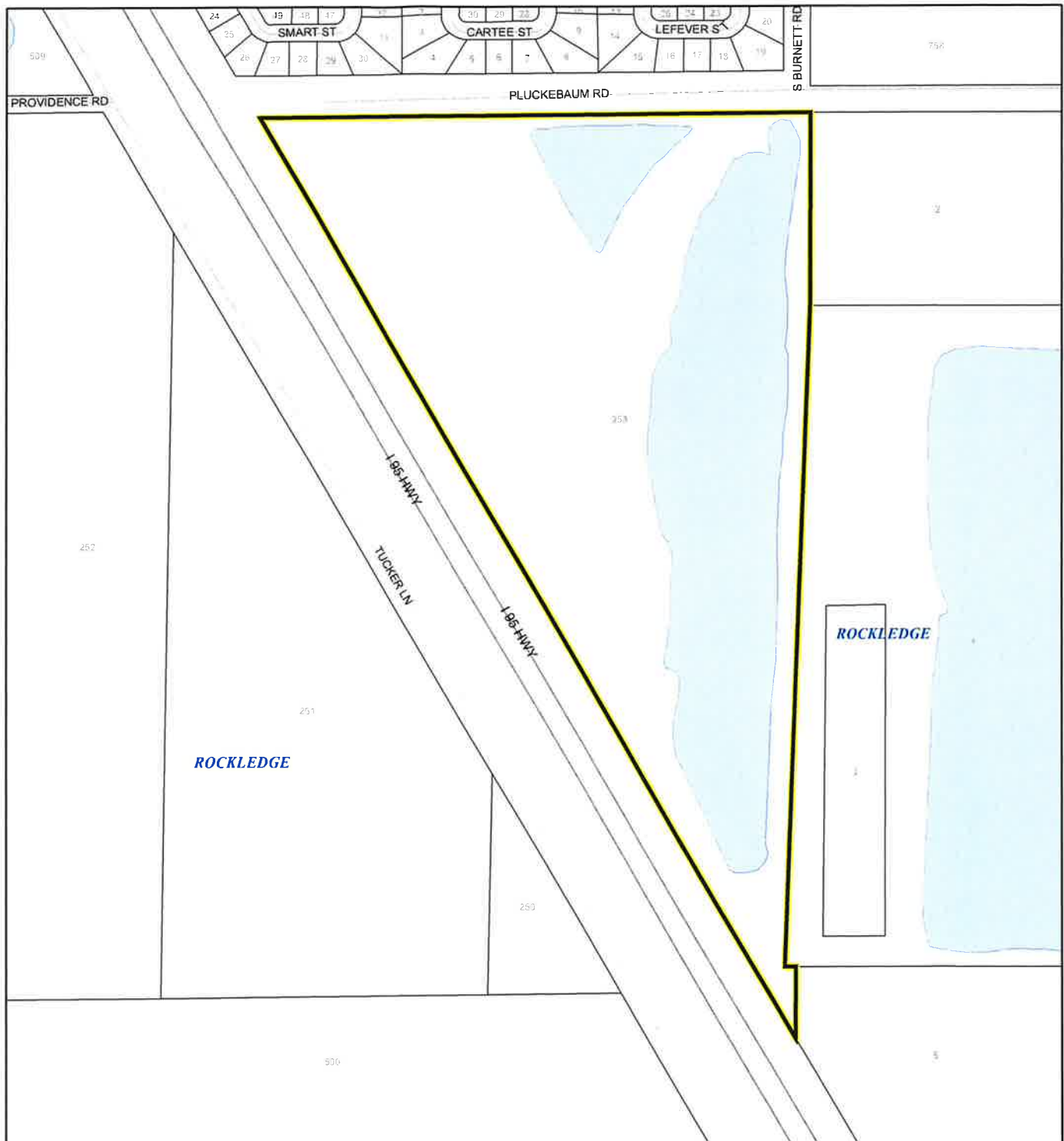
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Brevard County Planning & Development Dept.

24Z00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/19/2024

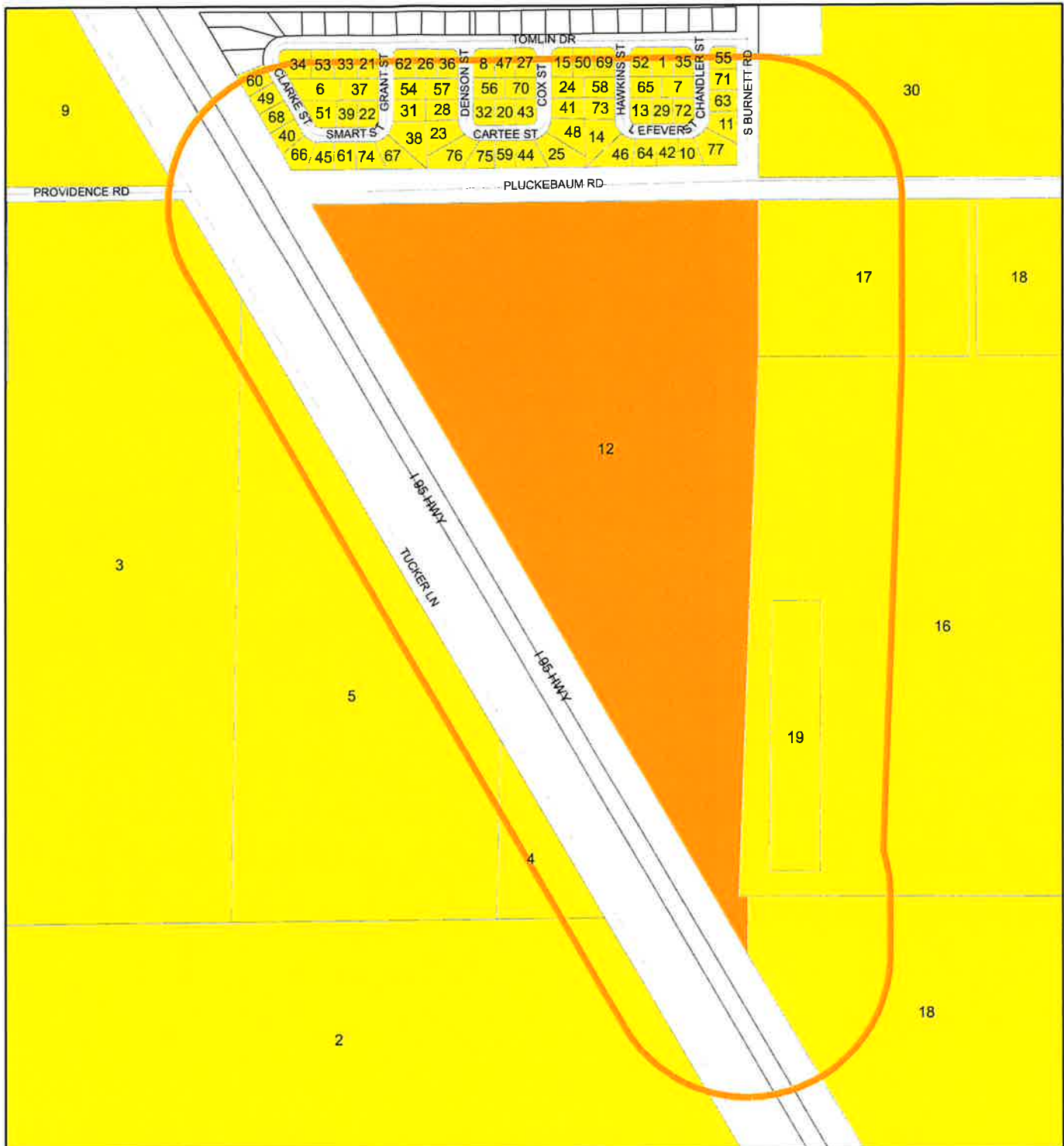
## SJRWMD FLUCCS Upland Forests

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

Subject Property  Parcels

# RADIUS MAP

Brevard County Planning & Development Dept.  
24Z00017



1:5,915 or 1 inch = 493 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: 4/19/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Ian Golden (D1 Alternate); Robert Sullivan (D2); Brian Hodggers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

### **Excerpt of complete agenda.**

**Brevard County Board of County Commissioners** requests a change of zoning classification from AU (Agricultural Residential) with a CUP (Conditional Use Permit) and GML (Government Managed Lands) to all GML(I) (Government Managed Lands) with the removal of the CUP. The property is 48.92 acres, located on the south side of Pluckebaum Rd. and the east side of Interstate 95. (2955 / Pluckebaum Rd. Cocoa) (24Z00017) (Tax Account 2500007) (District 2)

Jeffrey Ball read the application into the record and explained to the Board that this rezoning application is to bring the property to compliance. In 1999 the code was updated to include subclassifications of the GML zoning classification. The Sheriff's Office wants to redevelop the property, so the subclassification is needed for that. The I stands for institutional and there would be a small portion of the AU that would be a clean-up as well.

Henry Minneboo asked Jeffrey Ball if at one point in time, was this property three separate parcels?

Jeffrey Ball asked if he was referring to the far point and Henry Minneboo stated that yes, he was just clarifying that this application is for the entire triangle parcel.

Mark Wadsworth asked the audience if anyone was here to speak for or against this item.

Robert Bray, 560 Chandler St., Cocoa, stated that his concern with this application is that it's for the Sheriff's Farm and his main question is in reference to the gun range. Mr. Bray asked if they're going to expand or re-build the gun range? What is this application actually for?

Jeffrey Ball replied that from his understanding, the Sheriff's Office is not touching or expanding the gun range that's already existing on the property.

Henry Minneboo added that he was led to believe they're going to be having more vegetation, as in more fruits and vegetables, that he's heard more about that than anything to do with the range.

Mr. Bray added that's because he doesn't live there. He hears the gun range every day and they've been fighting this for a while, but his question is if this is going to make it louder than it already is.



Jeffrey Ball stated that the noise ordinance is still in effect and still needs to meet County Code. This rezoning will not have any changes to the gun range as it's already been permitted and is operating. The change will for the Sheriff's Office to construct a driving range, which will allow for automobiles and to train the deputies on how to drive their vehicles.

Henry Minneboo if he could tell Mr. Bray that this is more a house cleaning issue than anything and Jeffrey Ball responded absolutely, it's a house cleaning issue.

No further public comment.

No further Board comment.

Motion to approve rezoning from AU with a CUP and GML to all GML(I) with the removal of the CUP by Bruce Moia, seconded by Brian Hodgers. The vote was unanimous.