



AGENDA REPORT
May 2, 2019

St. Patrick's Anglican Catholic Church, Inc. requests a change of zoning classification from IN(L) to RU-1-11. (19PZ00012) (District 1)

SUBJECT:

St. Patrick's Anglican Catholic Church, Inc. requests a change of zoning classification from IN(L) (Institutional Use - Low-Intensity) to RU-1-11 (Single-Family Residential). The property is 1.03 acres, located on the north side of Fresno Street, lying between Curtis Boulevard and Hartford Road. (4797 Curtis Boulevard, Port St. John) (19PZ00012) (District 1)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from IN(L) (Institutional Use - Low-Intensity) to RU-1-11 (Single-Family Residential).

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification on 1.03 acres of the 2.94 acre parcel from Institutional Use Low Intensity (IN(L)) to Single Family Residential (RU-1-11) for the purpose of developing a four lot minor subdivision. The property is currently developed with a 7,479 sq. ft. church and two sheds, according to the survey provided. A sketch of survey, which is considered a non-binding concept plan and does not ensure development potential, is included, which demonstrates the proposed lot layout for the new four lot minor subdivision.

The current IN(L) classification is intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature on a minimum of 7,500 sq. ft. lot with a minimum width and depth of 75 feet. IN(L) Low intensity uses are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land used designations.

The requested RU-1-11 classification permits single-family residences on minimum 7,500

square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The surrounding area has a single-family residential character with RU-1-9 and RU-1-11 zoning classification. The proposed RU-1-11 zoning classification is consistent with the RES 4 Future Land Use designation.

The subject parcel has access to City of Cocoa water. Brevard County Utilities Department has a sewer line approximately 1,800 feet east on Curtis Blvd. Policy 1.2 (C) requires that water and sewer be provided concurrent with the impact of the development on parcels retaining the RES 4 FLU designation. The applicant should work with Brevard County Utilities to evaluate the ability to provide sewer service to the subject property.

The Board should consider whether the request is consistent and compatible with surrounding developed RU-1-9 and IN(L) zonings.

On April 10, 2019, the Port St. John Dependent Special District heard the request and unanimously recommended approval.

On April 22, 2019, the Planning and Zoning Board heard the request and unanimously recommended approval.

ATTACHMENTS:

Description

- ▣ **Administrative Policies**
- ▣ **Staff Comments**
- ▣ **GIS Maps**
- ▣ **Survey**
- ▣ **Port St. John Minutes**
- ▣ **Planning and Zoning Board Minutes**

H/L BCC 5/2/19
St Patrick's Anglican Church
INC to EU-1-11.

Owner's Name: _____

Hearing Date: _____


THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, JOHN VAUGHAN,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office,
which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in
question, the existing land use classification, special use classification or conditional use
designation, and the requested amendment to the official zoning maps. Said notice also
contains the time and place of the public hearing on the consideration of said application by
the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than
twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the
applicable board (as indicated on notice). If the property abuts a public road right-of-way, the
notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be
visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a
public hearing, and as such, will be officially filed with the Government of Brevard County,
Florida.



Signature

Sworn and Subscribed before me, this 2 day of May, 2019.





Notary Public, State of Florida

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known OR Produced Identification

Type of I.D. Produced: Florida driver license

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

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

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

Resolution 19PZ00012

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

WHEREAS, St. Patrick's Anglican Catholic Church has requested a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RU-1-11 (Single-Family Residential), on property described as: See attached legal description.

WHEREAS, a public hearing of the Port Saint John Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Port Saint John Dependent Special District Board recommended that the application be approved; and

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from IN(L) to RU-1-11, 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 May 2, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Kristine Isnardi, Chair
Brevard County Commission

As approved by the Board on May 2, 2019.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – April 10, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits 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.**

Part of Lot 1, Block 370, Port St. John, Unit 8, according to the plat thereof, as recorded in Plat Book 23, Pages 70 – 83, of the Public Records of Brevard County, Florida, being more particularly described as follows: Commence at a concrete monument found at the point of intersection of westerly right-of-way line of Hartford Road and the northerly right-of-way line of Fresno St., thence run N00deg48'51"E, a distance of 24.68 ft. to a point of tangent on said westerly right-of-way line and the point of beginning. Thence run N00deg48'51"E, 117.64 ft. along the west right-of-way line of Hartford Rd.; thence run N89deg55'08"W, a distance of 86.95 ft.; thence run S00deg48'51"W, a distance of 58.32 ft.; thence run N89deg55'08"W, 365.57 ft. to a point on the southerly right-of-way line of Curtis Blvd.; thence run southwesterly on a 950-ft. radius curve to the left for an arc distance of 54.08 ft.; thence run southeasterly on a 25-ft. radius curve to the left for an arc distance of 46.33 ft.; thence run southeasterly on a 50-ft. radius curve to the left for an arc distance of 17.18 ft.; thence run S89deg55'08"E, a distance of 431 ft.; thence run northeasterly on a 25-ft. radius curve to the left for an arc distance of 38.95 ft. and the point of beginning. **Section 14, Township 23, Range 35.** (1.03 acres) Located on the north side of Fresno St., lying between Curtis Blvd. and Hartford Rd. (4797 Curtis Blvd., Cocoa)

REZONING REVIEW WORKSHEET

19PZ00012

Commission District # 1

Hearing Dates: PSJ 04/10/19 P&Z 04/22/19 BCC 05/02/19

Owner Name: St. Patrick's Anglican Catholic Church, Inc.

Request: IN(L) to RU-1-11

Subject Property:

Parcel ID# 23-35-14-JZ-370-1

Tax Acct.# 2304536

Location: North side of Fresno Street, lying between Curtis Boulevard, and Hartford Road

Address: 4797 Curtis Boulevard, Port St. John

Acreage: 1.03 acres

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	IN(L)	RU-1-11
Potential*	8,973 sq. ft. Institutional Use	Four Single Family Units
Can be Considered under FLU MAP	YES RES 4	YES RES 4

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

	ADT	PM PEAK		
Trips from Existing Zoning	82	5	Segment Number	150C
Trips from Proposed Zoning	38	4	Segment Name	Grissom Pkwy from Fay Blvd to Kings Highway
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	11,692	1,052	Directional Split	0.5
Volume With Proposed Development	11,730	1,056	ITE CODE	
Current Volume / MAV	74.95%	74.95%	210	
Volume / MAV with Proposal	75.19%	75.21%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification on 1.03 acres of the 2.94 acre parcel from Institutional Use Low Intensity (IN(L)) to Single Family Residential (RU-1-11) for the purpose of developing a four lot minor subdivision. The property is currently developed with a 7,479 sq. ft. church and two sheds, according to the survey provided. A sketch of survey, which is considered a non-binding concept plan and does not ensure development potential, is included, which demonstrates the proposed lot layout for the new four lot minor subdivision.

The current IN(L) classification is intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature on a minimum of 7,500 sq. ft. lot with a minimum width and depth of 75 feet. IN(L) Low intensity uses are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations.

The requested RU-1-11 classification permits single-family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Land Use Compatibility

The subject property retains the Residential 4 (RES 4) Future Land Use (FLU) designation. Both the IN(L) and RU-1-11 zoning classifications are consistent with the RES 4 Future Land Use (FLU) designation.

FLUE Policy 1.7 – addresses the Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

Policy 1.2 (C) - Public Facilities and Services Requirements

In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The subject parcel has access to City of Cocoa water. Brevard County Utilities Department has a sewer line approximately 1,800 feet east on Curtis Blvd, but does not have the capacity for any increases to the sewer.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

No notable natural resource 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 comments provided by the Natural Resources Management Department for additional information.

Applicable Land Use Policies

The applicant is seeking a change of zoning classification on 1.03 acres of the property from Institutional Use Low Intensity (IN(L)) to Single Family Residential (RU-1-11), for the purpose of developing a four lot subdivision.

The applicant is seeking to sell the proposed four lots to raise money for the Church and improvements to the Church.

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The abutting parcel to the north is zoned IN(L). The parcels directly across Fresno Street to the south are zoned Single Family Residential RU-1-11 and RU-1-9. The parcels directly across Hartford Road to the east are zoned Single Family Residential RU-1-9. The RU-1-9 zoned parcels in the surrounding area are nonconforming to the RES 4 FLU.

The 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.

The half-mile radius around this site has seen no zoning changes within the last 10 years.

For Board Consideration

The applicant is seeking a change of Zoning classification on 1.03 acres of the 2.94 acre parcel from Institutional Use Low Intensity (IN(L)) to Single Family Residential (RU-1-11) for the purpose of developing a four lot minor subdivision. The property is currently developed with a 7,479 sq. ft. church and two sheds, according to the survey provided. A sketch of survey, which is considered a non-binding concept plan and does not ensure development potential, is included, which demonstrates the proposed lot layout for the new four lot minor subdivision.

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The requested RU-1-11 classification permits single-family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The surrounding area has a single-family residential character with RU-1-9 and RU-1-11 zoning classification. The proposed RU-1-11 zoning classification is consistent with the RES 4 Future Land Use designation.

The subject parcel has access to City of Cocoa water. Brevard County Utilities Department has a sewer line approximately 1,800 feet east on Curtis Blvd. Policy 1.2 (C) requires that water and sewer be provided concurrent with the impact of the development on parcels retaining the RES 4 FLU designation. The applicant should work with Brevard County Utilities to evaluate the ability to provide sewer service to the subject property.

The Board should consider whether the request is consistent and compatible with surrounding developed RU-1-9 and IN(L) zonings.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 19PZ00012**

Applicant: St. Patrick's Catholic Church c/o Michael Coop

Rezoning Request: IN(L) to RU-1-11

Note: Applicant desires to create a 4-lot subdivision

PSJ Hearing Date: 04/10/19; **LPA Hearing Date:** 04/22/19; **BCC Hearing Date:** 05/02/19

Tax ID No: 2304536

- 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.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Notable Natural Resources Land Use Issues:

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

Summary of Mapped Natural Resources Present on the Subject Property:

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected/Specimen Trees

Land Use Comments:

Hydric Soils

The subject parcel contains mapped Basinger sand as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Staff Comments: Page 5
(19PZ00012)
04/10/19 PSJ // 04/22/19 LPA
05/02/19 BCC

The westernmost corner of the property is mapped as being within the floodplain, potentially isolated, as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within an isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected Species Potential

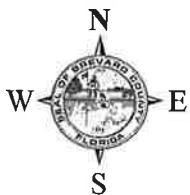
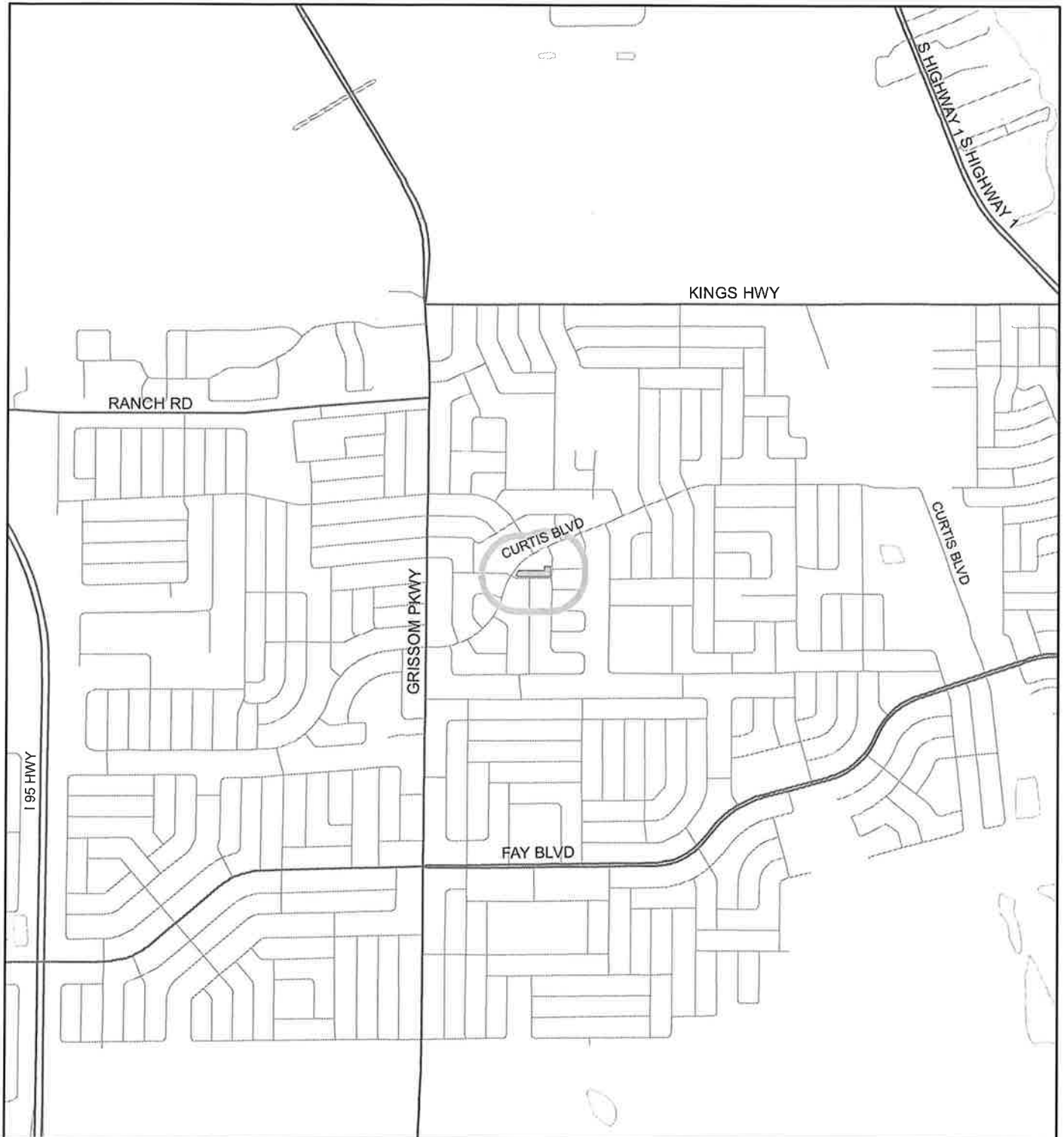
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

Protected/Specimen Trees

Aerials indicate the potential presence of large hardwood trees located in the area proposed for rezoning. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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.

LOCATION MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.
19PZ00012



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

Buffer Distance: 500 feet

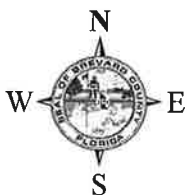
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

Buffer
Subject Property

ZONING MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.
19PZ00012



1:4,800 or 1 inch = 400 feet

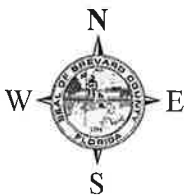
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.
19PZ00012



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

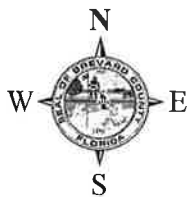
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

AERIAL MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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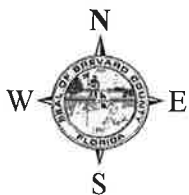
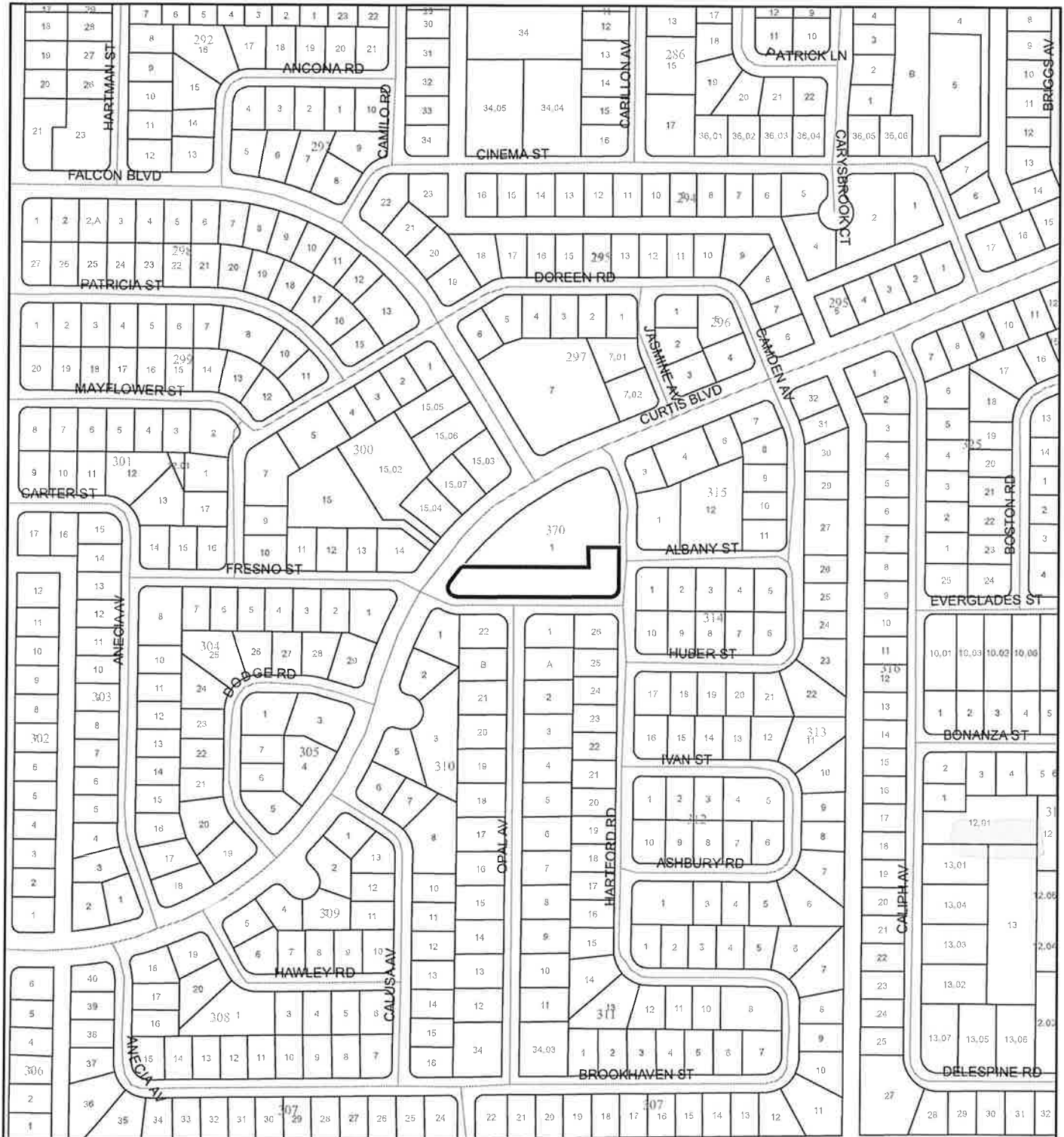
Produced by BoCC - GIS Date: 2/13/2019

— Subject Property

□ Parcels

NWI WETLANDS MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.
19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

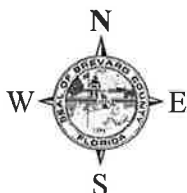
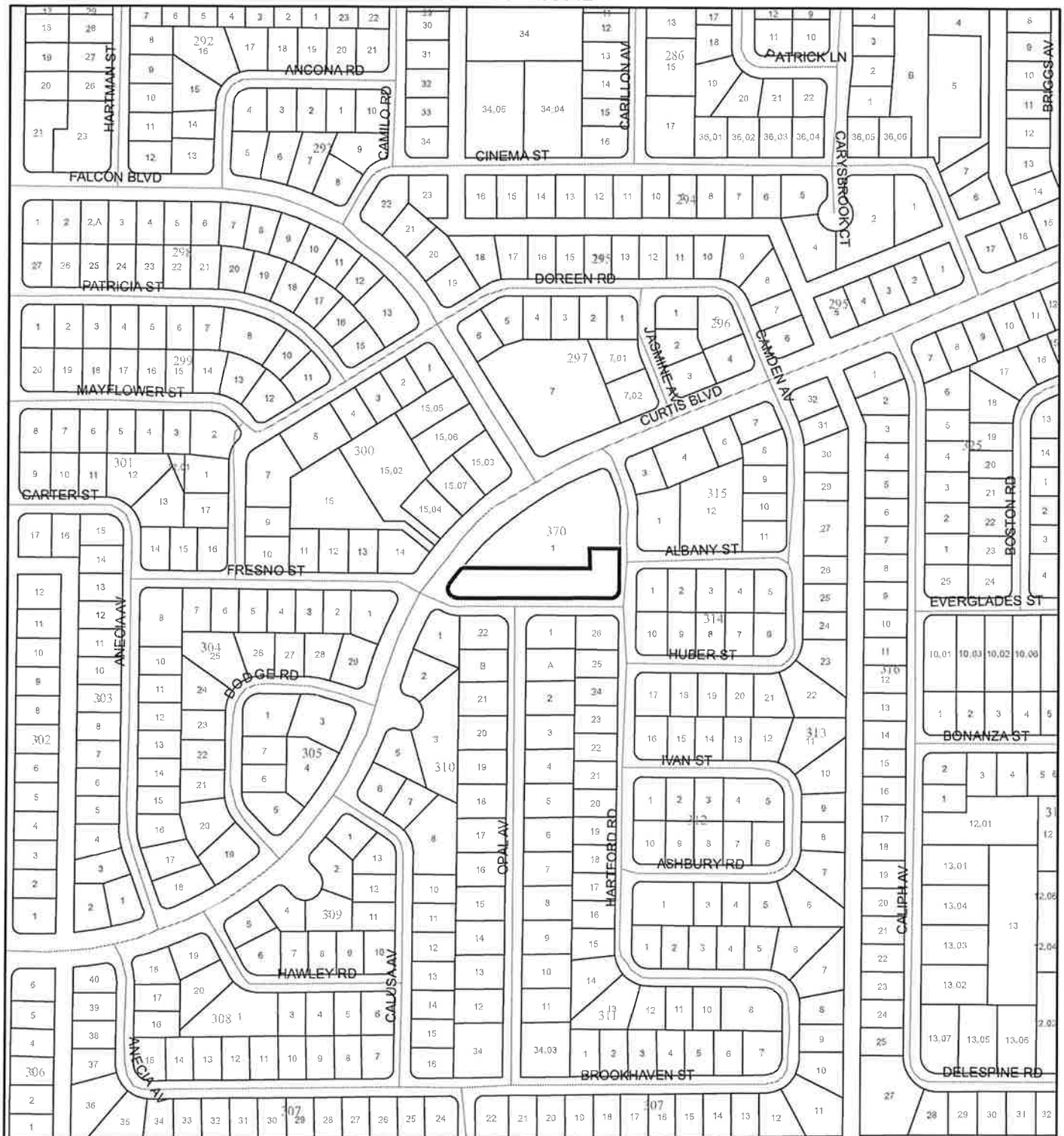
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

SJRWMD FLUCCS WETLANDS

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

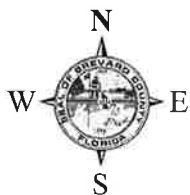
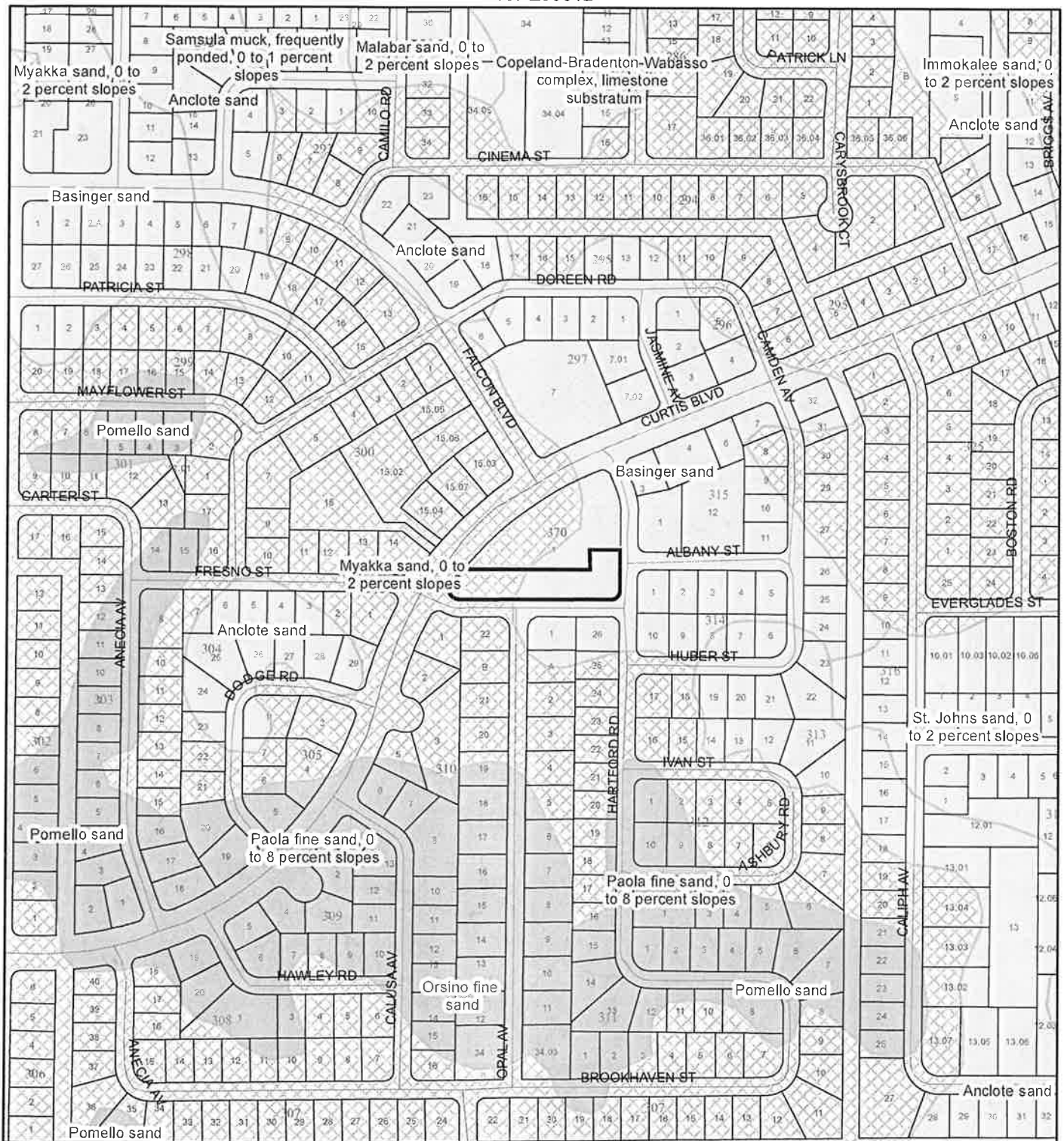
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

USDA SCSSS Soils

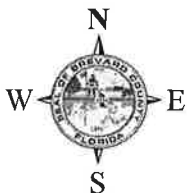
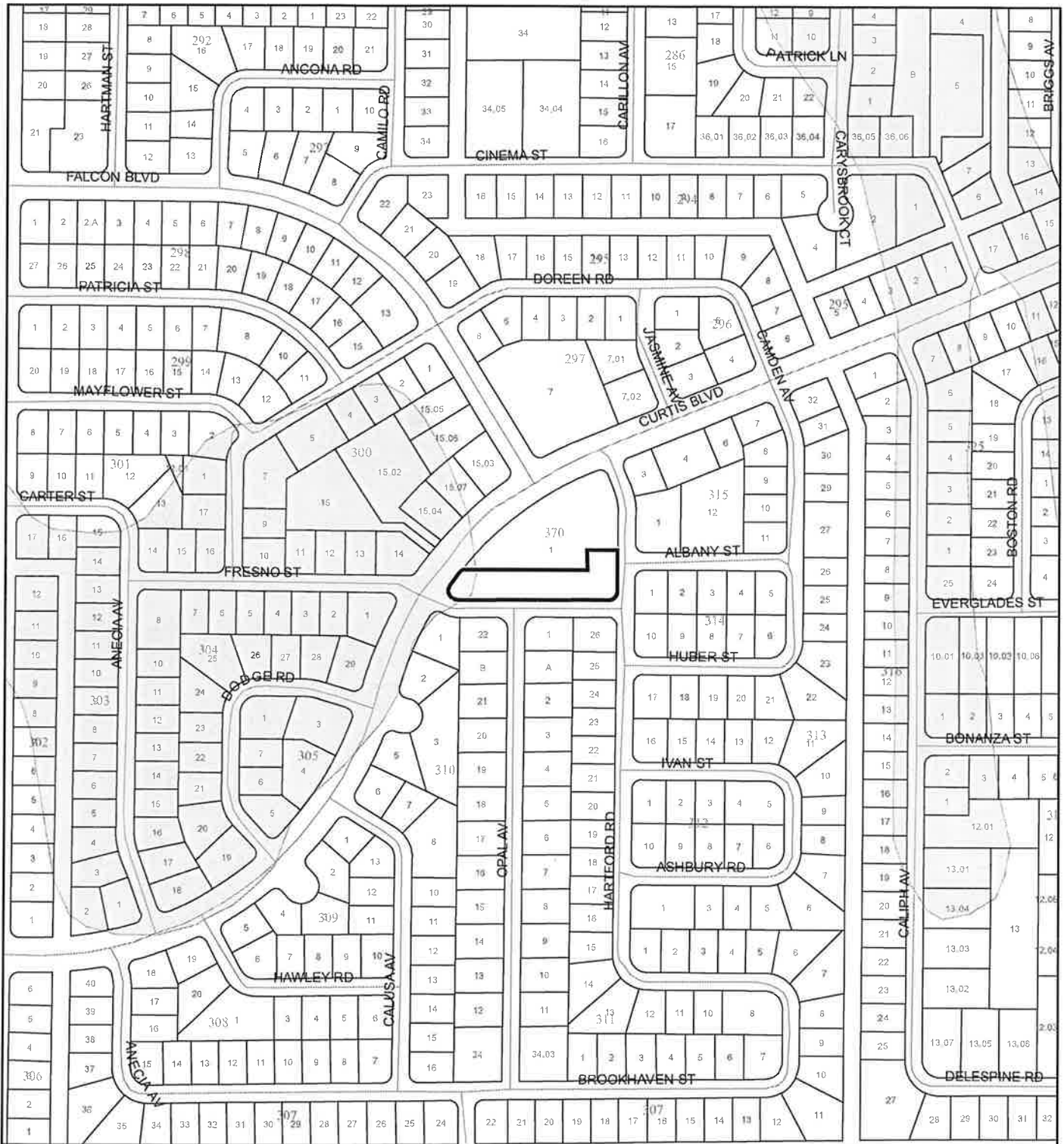
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:4,800 or 1 inch = 400 feet

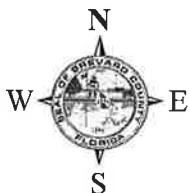
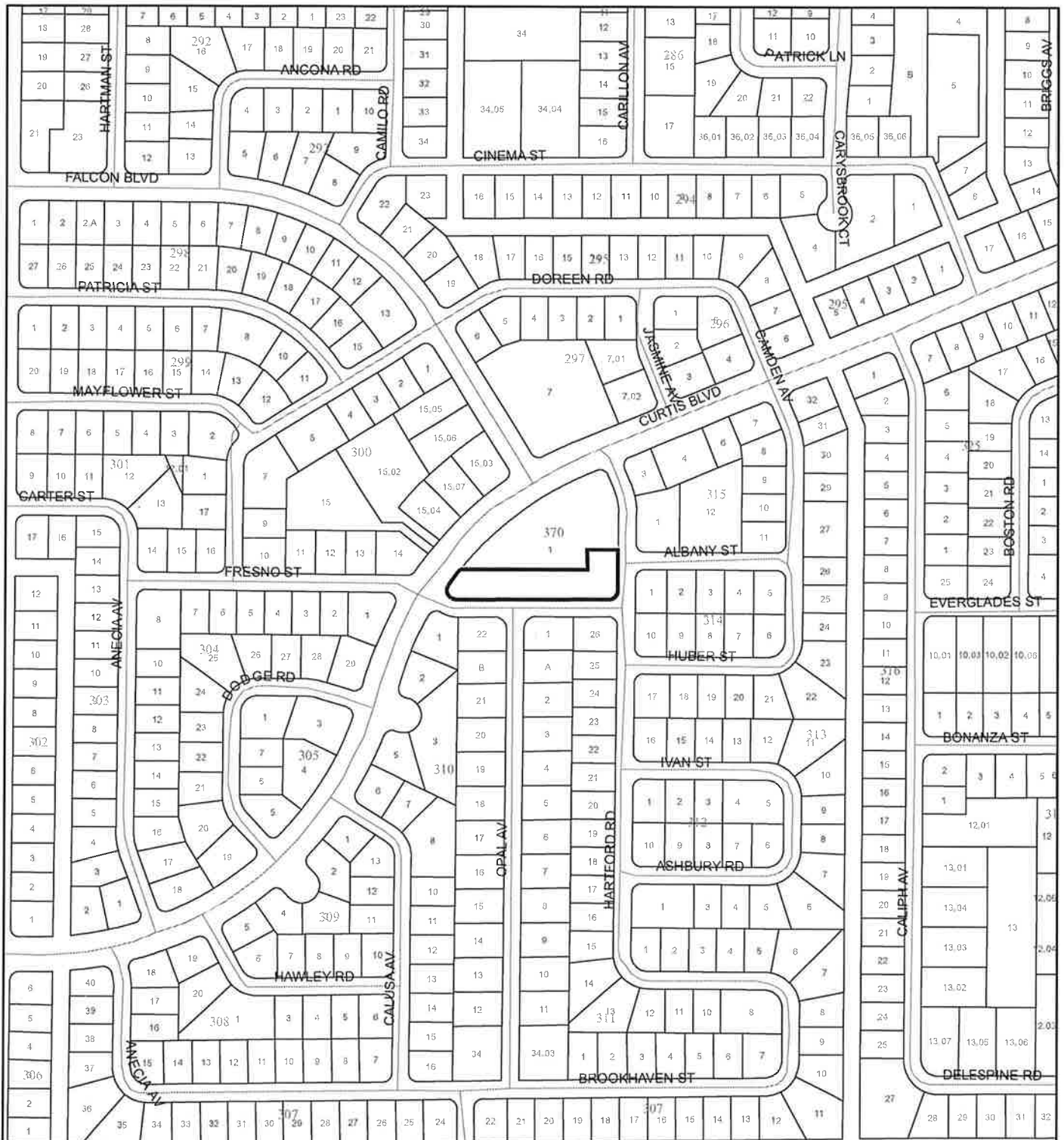
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

FEMA Flood Zones

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

19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

— Subject Property

☐ Parcels

Septic Overlay

 40 Meters

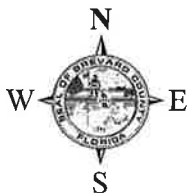
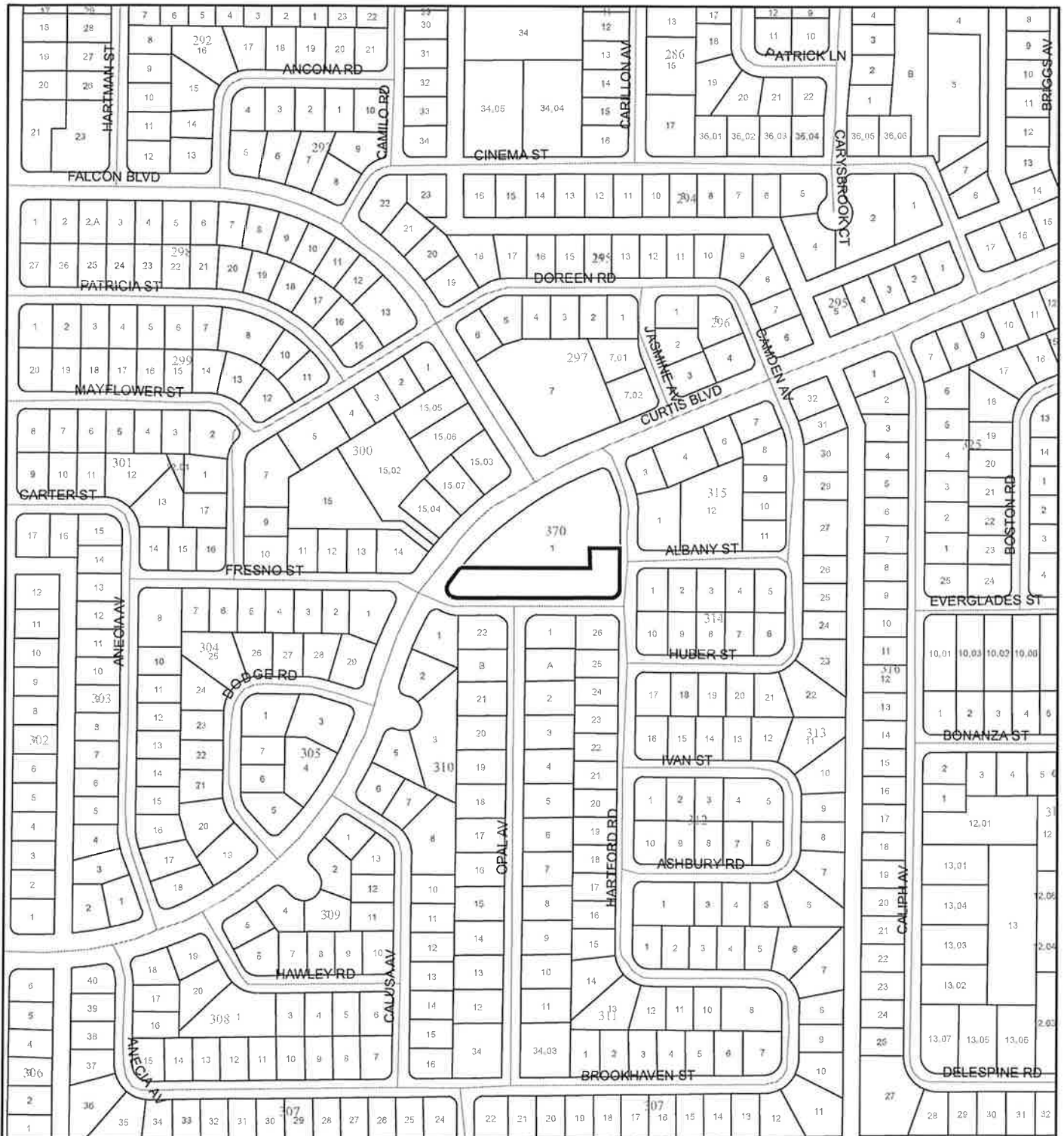
 60 Meters

☐ All Distances

EAGLE NESTS MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

 Subject Property

 Parcels

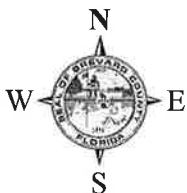
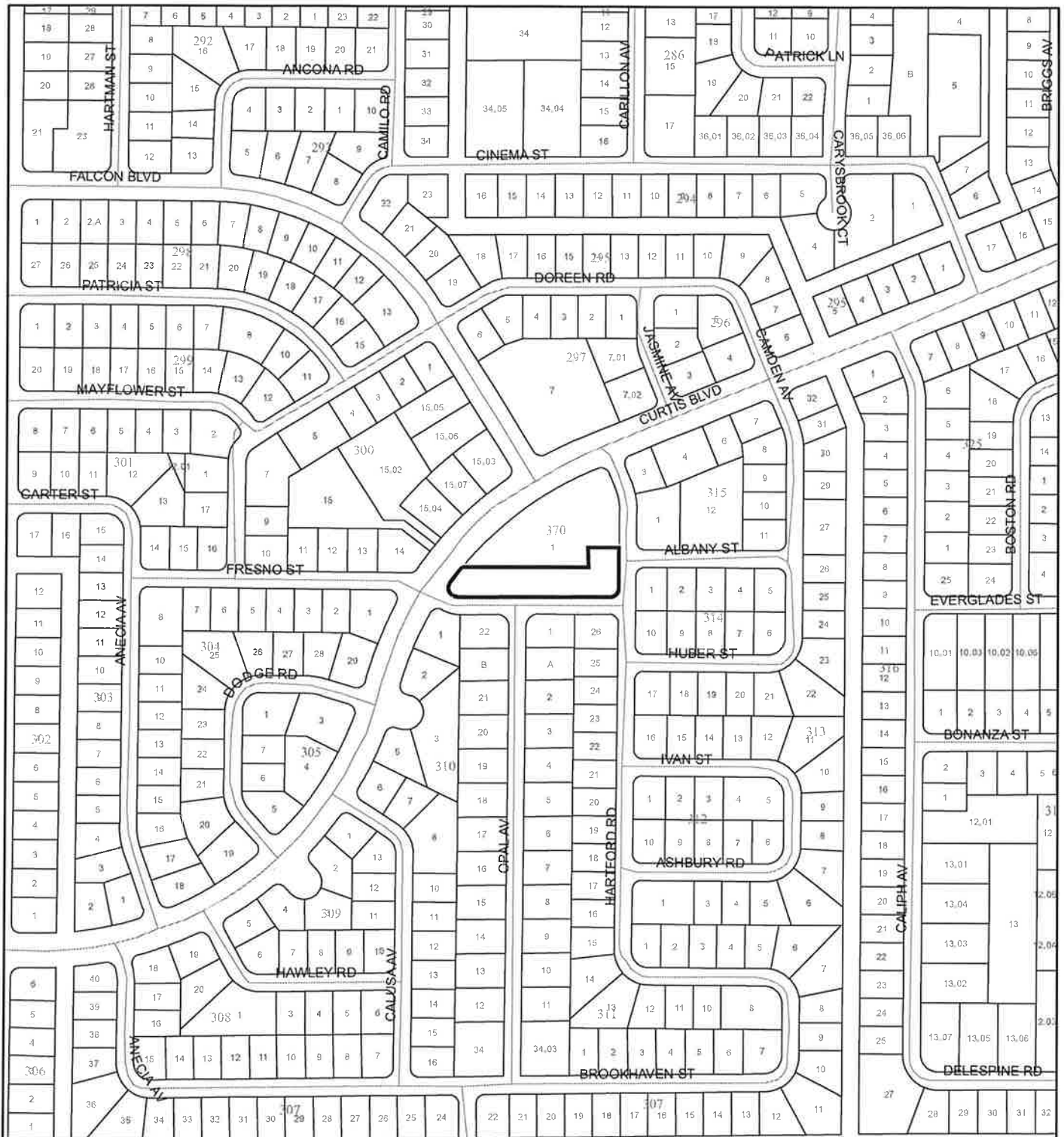


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

 Subject Property

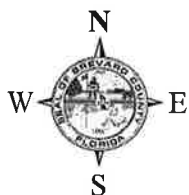
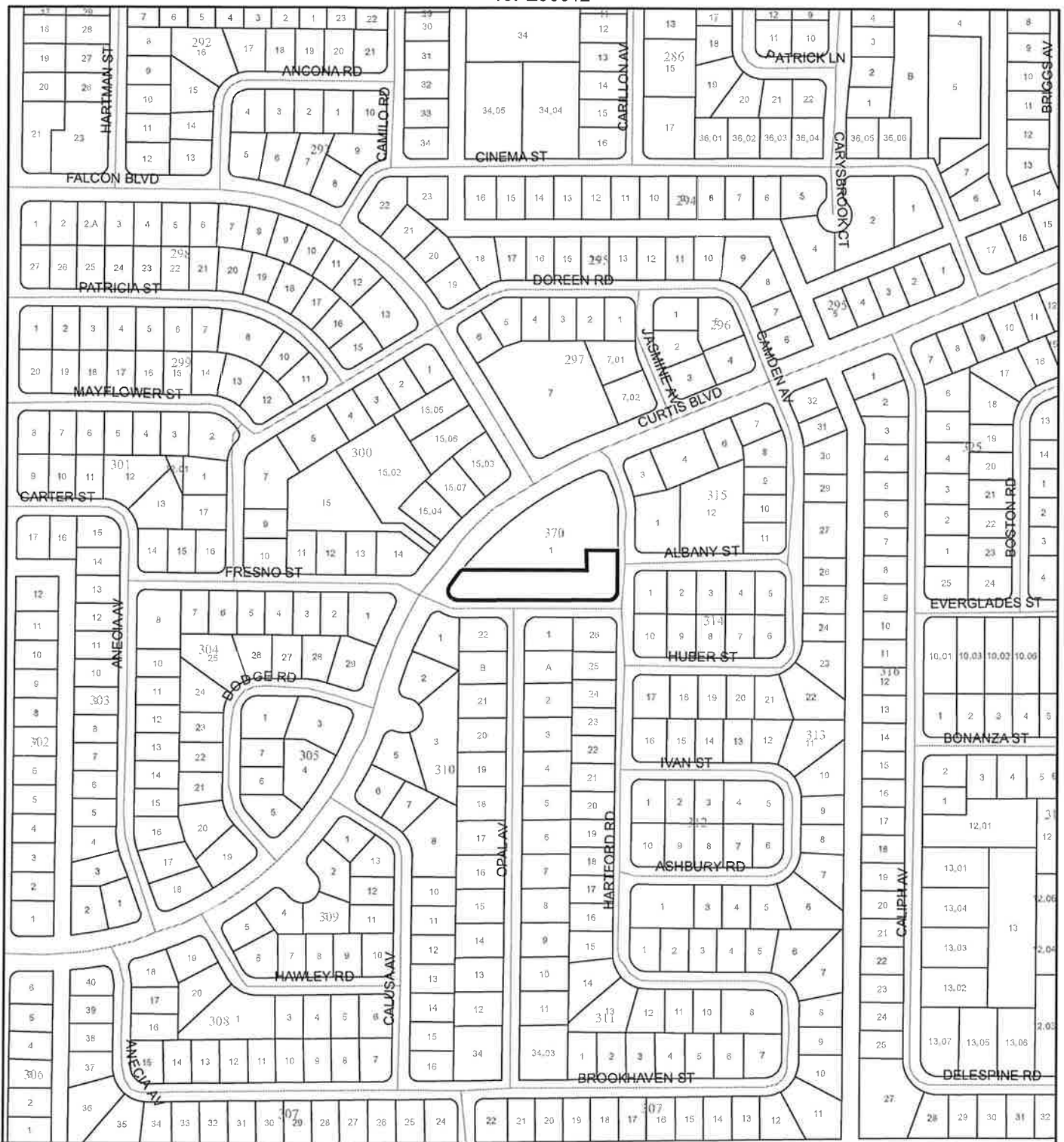
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ST. PATRICK'S ANGLICAN CATHOLIC CHURCH, INC.

19PZ00012






1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels

PORT SAINT JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port Saint John Dependent Special District Board met in regular session on Wednesday, April 10, 2019, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Vaughan Kimberling, Chair, Randy Rodriguez, Vice Chair; Carmella Chinaris; and Maureen Rupe.

Staff members present were: George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

The meeting was called to order at 6:00 p.m.

OFFICER NOMINATIONS

Motion by Carmella Chinaris, seconded by Randy Rodriguez, to nominate Vaughan Kimberling as Chair. Hearing no other nominations, Mr. Kimberling accepted the nomination.

Vaughan Kimberling called for a vote on the motion as stated, and it passed unanimously.

Motion by Carmella Chinaris, seconded by Maureen, to nominate Randy Rodriguez as Vice Chair. Hearing no other motions, Mr. Rodriguez accepted the nomination.

Vaughan Kimberling called for a vote on the motion as stated, and it passed unanimously.

APPROVAL AUGUST 8, 2018, MINUTES

Randy Rodriguez – On page 7, sixth paragraph, “Mr. Rodriguez stated the on the first page of the staff comments”. I feel like we’re missing a word there, and I suspect the missing word is ‘number’, because it goes on to the bottom table, so I’m sure it’s either ‘volume’ or ‘number’.

Motion by Randy Rodriguez, seconded by Carmella Chinaris, to approve the August 8, 2019, minutes as amended. The vote passed unanimously.

St. Patrick’s Anglican Catholic Church, Inc.

Requests a change of zoning classification from IN(L) (Institutional Use – Low-Intensity) to RU-1-11 (Single-Family Residential). The property is 1.03 acres, located on the north side of Fresno Street, lying between Curtis Boulevard and Hartford Road. (4797 Curtis Boulevard, Port St. John) (19PZ00012 (District 1))

John Vaughan – I am Bishop John Vaughan, I’m the director of Saint Patrick’s Anglican Catholic Church, and I’m the President of the board. This is Gina, she’s the first Vice President, and Anna is the second Vice President; and this is Mike Coop who is assisting us with the technical stuff. We are endeavoring to sell a few plots. Originally, my understanding from people who were here when this church was built back in the 1980’s, it was originally 14 individual residential lots that they somehow got into one big lot for the church property. What we want to do separate four of those lots to sell and build single residential homes to benefit the church and also the community. Where these homes would be is just facing other houses, it’s not going to impede on anybody. It’s a very simple request, I believe, in that all we’re doing is putting homes where there are homes, and we retain all the requirements, all the parking spaces, and enough land on our property to put more parking if necessary, and we continue to have the space we need for the events we have on a regular basis. We’re not doing anything that will disrupt or offend or insult the community there in that part of Port Saint John. If anything, it will be a good place to have some more homes because it is in a residential

area, and our church is there, as well as the Jehovah Witness Kingdom Hall, and down the street is a school. Our parish hall also has facilities for Alcoholics Anonymous, and we facilitate a lot of things in working with the community, and we will continue to do that as effectively as we can and continue to be in support of the community to the best of our abilities.

Randy Rodriguez – You're working too hard, Father John, most of us remember when that church was built. The very first Port Saint John Christmas Parade de-staged at that church.

John Vaughan – The name changed from All Saints to Saint Patrick's after I got there. I've been there since 2007, and it's no secret why we changed the name to Saint Patrick's; my accent gives it away.

Maureen Rupe – You do know the residents call that 'holy corner'?

John Vaughan – I've never heard of that.

Randy Rodriguez – The other corner also had zoning to be a church. Does the church intend to build and maintain those lots as property of the church, or sell the lots?

John Vaughan – They will be sold to individual owners and families, and hopefully that builds the community, too; there's a great demand for homes in this area. I think this area is growing tremendously. Today, I drive from Mims, and driving through Titusville, the amount of traffic because of this launch tonight, there's great things happening here in Brevard County. I think we're going to have more and more of a need for homes in the area, and hopefully, for homes that are built with quality and with the idea of maintaining what I believe is a good community here in Port Saint John.

Maureen Rupe – My only concern with this was the threatened or endangered species on the property, but I trespassed and went in, and I could not see anything.

Michael Coop – We reached out to Jeanne Allen in Natural Resources and she said there were no Scrub Jays on the property.

Maureen Rupe – There's polygons of Scrub Jays in Port Saint John.

Randy Rodriguez – That area has heavy Live Oak trees, so it's kind of squirrel populated.

Maureen Rupe – And there were no Gopher Tortoises; it's not sandy enough for tortoises.

Randy Rodriguez – I don't know if you intend to stay with this survey, but I like that all four of the lots are big enough for a septic. A lot of times we have builders come from out of the area and they want to make smaller lots because they get more houses, and then they can't get a septic permit, so someone has given you good guidance to not get in trouble with that. I worry about your one shed which would not have sufficient setback if you hold that property line, because at a glance it looks like it is five or six feet off what will be the new property line, meaning you will need a variance for that.

John Vaughan – That shed will be removed. Some of those sheds have been there since the 1980's and they need to be removed anyway. We've been talking about that for a while. We had talked about removing both and getting one that is bigger in order to facilitate.

Michael Coop – We want to put a fence all along the back of the church property to divide the church.

Randy Rodriguez – That really doesn't change your setback, but that's a great idea. You're zoning, to me, works out good, but if I can just go with comments that aren't my business a little bit further, that street across that area is Opal Avenue, and that's only been there about 10 or 12 years; it didn't exist and it's not part of the original plat of Port Saint John; it's a Delespine Grant. The builder who bought that and developed it was a custom builder and the homes in there tend to be bigger, the lots a little bigger, and there's a real style there. I think if you would raise your minimum requirement to 1,500 square feet in keeping with that, you would probably be able to market that a little bit better for your own pricing, but certainly you'd have a lot less friction from the folks down there, and maybe a lot less rentals on your doorstep.

Michael Coop – These will all be custom homes, so they will be nicer.

Public Comment:

Linda Valkos – Linda Valkos, 4680 Huber Street, which is pretty close to the church. The property you're talking about on Opal Avenue, I never got a rezoning notice about that one or I would have attended, so this is my first attendance at one of these meetings. That property there was seven acres that was set aside, it was supposed to have been a park area for the people around there.

Randy Rodriguez – It looked that way on the General Development plat, but it never belonged to the County. It belonged to two different groups and General Development couldn't sell one side of it because the soil was so bad for anyone who wanted to build it, but when you added the whole thing it gave you a great place to put in that little area you see for water retention, because that's all they could do with it. There was a shopping center on that plat that also never happened.

Linda Valkos – It must have been ancient then, because it was seven acres and it was designated as a park on the thing I had seen. Where the church is, that's the only wooded area we have left there that everybody walks all the time. Falcon Boulevard dead-ends right there at the front of the church, so people are going to have to go right or left, so then you're going to have all these other people, if you have houses there, that's going to be a lot more traffic, and you've got people going right or left on Curtis Boulevard, and people going up and down Curtis, maybe there should be a light there or something.

Randy Rodriguez – Have you seen the survey of what they're doing? They're only adding four lots, four homes. It reads like a whole bunch, but it's four homes on the back side of the church where Opal comes out, right across from that road.

Linda Valkos – What about the septic system? I thought they weren't supposed to build on all the lots in Port Saint John to ensure that we wouldn't have to hook up to sewer, which a lot of us can't afford to do.

Randy Rodriguez – That went away in 1991, that issue is long gone.

Linda Valkos – So when they finish building on all the lots in Port Saint John we'll be required to hook up to sewer?

Randy Rodriguez – Not necessarily. They all meet the quarter-acre requirement, but when they first had that requirement it was because on the west side of the railroad tracks everyone was on a well, so there was a great concern that the septic would leach into the wells, which was the water for the

housing; city water is on both sides of Interstate 95 now, so every home in Port Saint John that has chosen to connect, there may be a couple still using a well.

Linda Valkos – So, septic isn't bad?

Randy Rodriguez – Septics are acceptable as long as you have a quarter of an acre to disperse them over. Most of Port Saint John is on a pass, because we are a little shy of a quarter-acre, but the County allows the easement area to be counted to make up the quarter-acre so people don't have to tear them out, which would be a great expense.

Linda Valkos – My neighbors who didn't come with me tonight, these were things we had all talked about and were very concerned with. After we lost our park to Opal Avenue and now we've got this one area that we all walk around at night, and it's a beautiful area. I know of at least two Gopher tortoises there, so they could have a good home because I wasn't allowed to keep them, and owls that I thought were protected also.

Randy Rodriguez – You can't harm them, but their habitat is not quite so sacred.

Maureen Rupe – The Gopher tortoises would not stay in that environment; that's not what they're used to, they're used to sandy soil.

Linda Valkos – I know, because they used to come out and sun themselves, and I figured they went back in there at night.

Maureen Rupe – They build their own little house; each one of them builds their own house.

Linda Valkos - I guess that was all my concerns. I didn't know what they were doing. I didn't want to see the church torn down and all these houses crowded in on that little piece of beautiful property.

Randy Rodriguez – The heavy outline on the map is all they are talking about. Does that worry you a little less?

Linda Valkos - I guess I'm the only one against it right now.

Randy Rodriguez – When you see the word 'rezoning' you think subdivision, but it's really not that.

Linda Valkos – They're not going to tear down the church?

Randy Rodriguez – No.

Linda Valkos – That's good.

Michael Coop – The main reason we're doing this is to improve the church, because without doing this, the church might close down, and then there will be more issues with homeless people and everything. The church needs the money to rebuild itself. It doesn't have the people who used to go to church anymore. If you go there on a Sunday there are very little people there. They are using all the money to invest in the church because it is a dying church. If you're concerned that you don't want the church to be torn down, that's why we're doing it, so the money can go into the church.

John Vaughan – In the back of the church is a memorial ground where many of our parishioners are cremated and buried, and we will never abandon the church, because many of the people who have been founding members of the parish, and who have died, are interned there and we will never abandon that and allow it to be desecrated. We see where some churches have closed down because of bankruptcy, but we're not going to let that happen. There are things we need to do to make the parking lot better and we need money for that, we need money for beautifying the church somewhat, and we also to need to upkeep the property.

George Ritchie – I wanted to bring up two comments. Randy already addressed the small accessory buildings not meeting the rear setback. Once the property is divided the buildings will not meet the setback and they would need to be relocated or removed. The change of zoning doesn't change a property line, so it isn't until they actually divide the property to sell it that that's when that would become an issue. A second question is, the proposed site plan for the lot configurations that they are doing, it is not a binding development plan, so the property lines can move a little bit within the new zoning if the zoning is approved. The future land use plan requires quarter-acre lots, so that's one of the reasons why all of these lots show they are a quarter-acre, because the County requires that size under the current land use plan. We have a 20-foot front setback and a 20-foot rear setback; and they are showing 25 feet in the front and 15 in the rear, so the house placements are going to have to shift. I do not want this to become a binding plan because it's not consistent with code, but I wanted to give you that information so that you're aware of that and we don't get any misconceptions. This still has to go before the Planning and Zoning board and the County Commission, so if there's any public concerns about that, you would need to update the survey if you were going to make it a condition upon the zoning to improve it in this manner, there would need to be corrections made.

Carmella Chinaris – I suggest we approve the zoning change.

Randy Rodriguez – Second.

Vaughan Kimberling called for a vote on the motion as stated, and it passed unanimously

Upon motion and second, the meeting was adjourned at 6:24 p.m.

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Local Planning Agency (Planning & Zoning Board) met in regular session on **Monday, April 22, 2019, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers; Scott Langston, Vice Chair; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Excerpt from complete agenda.

Saint Patrick's Anglican Catholic Church, Inc.:

A change of zoning classification from IN(L) (Institutional Use – Low-Intensity) to RU-1-11 (Single-Family Residential). The property is 1.03 acres, located on the north side of Fresno Street, lying between Curtis Boulevard and Hartford Road. (4797 Curtis Boulevard, Port Saint John) (19PZ00012) (District 1)

John Vaughan – I am Bishop John Vaughan, Director of Saint Patrick's Anglican Catholic Church, 4797 Curtis Boulevard, Port Saint John, Florida. We are endeavoring to take four lots and make them available for housing. It is not the entire property, it is just four lots on one side of the property. We are a small congregation and the sale of the property will help us enhance our own property. Originally, the property was 13 separate lots that was made into one lot for the purpose of building the church, and now we would like to take four of those lots and put them back into residential, which is what they originally were. To me, it seems it shouldn't be a difficult thing to do, because all of the studies have been done and it does not hurt the environment, and there's no threatened species, and it should not hurt the surrounding area because it is all residential.

No public comment.

Rochelle Lawandales – Was there a recommendation from Port Saint John?

Jennifer Jones – They unanimously recommended approval.

Rochelle Lawandales – I'd like to move approval of this request.

Dane Theodore – Second.

Henry Minneboo called for a vote on the motion as stated and it passed unanimously.