



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.3.

12/12/2024

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### Subject:

Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4. (24Z00051)  
(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 BU-1 (General Retail Commercial) to RA-2-4 (Single-Family Attached Residential).

### Summary Explanation and Background:

The Applicant is requesting to rezone from BU-1 (general retail commercial) to RA-2-4 (single-family attached residential), which would permit single-family attached dwellings up to 4 units per acre.

North of the subject property are 2 parcels, one parcel is 1.36 acres, vacant with BU-1 zoning designation and the second parcel is 2.52 acres developed with a single-family residence with AU zoning designation. South of the subject property is the Egrets Landing buffer tract and Egrets Landing subdivision entrance, zoned EU-2. West of the subject property is 1 parcel located across N. Courtenay Pkwy. and is 3.09 acres developed with a single-family residence, and zoning designation BU-1.

The proposed RA-2-4 classification is a four unit per acre multiple-family attached residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to four units per acre on 7,500 square foot lots. RA-2-4 classification does not permit apartments.

Single-family attached residential zoning can be used as a transition to buffer from the higher intensity impacts along N. Courtenay Pkwy.

The applicant has provided a concept plan with 9 townhomes. **Please note, this plan is not required, nor has it been reviewed by county staff for code compliance.**

On November 14, 2024, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended to deny the request citing drainage and compatibility issues.

On November 18, 2024, the Planning and Zoning Board heard the request. The vote was split 5 to 5, with no

majority recommendation for approval or denial.

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

**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

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS

24Z000051

Schwa Inc.

#### BU-1 (General Retail Commercial) to RA-2-4(Single-Family Attached Residential)

Tax Account Number: 2318721  
Parcel I.D.: 23-36-35-00-276  
Location: Northeast corner of North Courtenay Parkway and Norwich Street  
(NMI Special District and District 2)  
Acreage: 2.47 acre  
NMI Board: 11/14/2024  
Planning & Zoning Board: 11/18/2024  
Board of County Commissioners: 12/12/2024

#### Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
<b>Zoning</b>	BU-1	RA-2-4
<b>Potential*</b>	1 Single-Family	4 dwelling units per acre
<b>Can be Considered under the Future Land Use Map</b>	YES CC	YES CC

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

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to RA-2-4 (Single-family Attached Residential) to allow single-family townhomes to be developed on the property.

The property is directly East of N. Courtenay Pkwy., which is a State maintained highway, and would be pursuant to Florida Department of Transportation (FDOT) requirements and Brevard

County Code. The property would have no access to Norwich St., which is South of the subject property, due to a spite strip.

On January 8, 1990, an approved rezoning from AU to BU-1 was done under zoning action Z-8548.

### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant Land and Single-family residence	BU-1, AU	CC
<b>South</b>	Entrance to Egrets Landing Subdivision	EU-2	CC
<b>East</b>	Single-family residence that is part of Egrets Landing Subdivision	EU-2	RES 2
<b>West</b>	Single-family residence across N. Courtenay Pkwy.	BU-1	CC

North of the subject property are 2 parcels, one parcel is 1.36 acres, vacant with BU-1 zoning designation and the second parcel is 2.52 acres developed with a single-family residence with AU zoning designation.

South of the subject property is Egrets Landing buffer tract and Egrets Landing right of way, Norwich St., a County maintained roadway.

East of the subject property is Egrets Landing, a platted subdivision, per PB 67, PG 30 of Brevard County records.

West of the subject property is 1 parcel located across N. Courtenay Pkwy. and is 3.09 acres developed with a single-family residence, and zoning designation BU-1.

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The proposed RA-2-4 classification is a four unit per acre multiple-family attached residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to four units per acre on 7,500 square foot lots. RA-2-4 classification does not permit apartments.

## **Future Land Use**

The subject property is currently designated as Community Commercial (CC) FLUM designation. The current BU-1 zoning and the proposed RA-2-4 zoning are consistent with the existing CC FLUM designation.

### **FLUE Policy 2.10 Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

#### **Criteria:**

A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**Single-family attached residential zoning can be used as a transition to buffer from the higher intensity impacts along N. Courtenay Pkwy. to lower intensity impacts, which the abutting residential use to the East of the subject parcel can be considered.**

B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**With the parcel located within the Community Commercial FLU designation, residential density could be rated up to 4 units per acre as the closest residential FLUM is RES 2 and the parcels FLUM of CC, allows for one density higher than closest residential density. The applicant wishes to utilize a zoning consistent with RA-2-4 for a residential density of 4 units per acre. The requested rezoning can be considered a transition from high and low intensity uses.**

The applicant's request can be considered consistent with the proposed 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 shall be evaluated by considering the following factors, at a minimum:

**Criteria:**

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

**The applicant intends to build nine attached residential townhomes on the subject parcel. The request would be a down zoning to the intensity of the current commercially zoned use for the parcel. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing commercial and residential area.**

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

**Only a certified MAI (Master Appraiser Institute) 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 historical land use patterns of the surrounding development can be characterized as a commercial and residential area located along N. Courtenay Pkwy. The developed character of the surrounding area on the East side of N. Courtenay Pkwy. to the North is vacant land zoned commercial with CC FLUM, single-family residence on agriculturally zoned land with NC FLUM. South on N. Courtenay Pkwy is a professional office on commercially zoned land with CC FLUM. Further South along N. Courtenay Pkwy. is a parcel developed as a mobile home park with RES 2 FLUM. Abutting the subject property to the East is a subdivision of single-family residences that has RES 2 FLUM. West side of N. Courtenay Pkwy. is a single-family residence on commercial land with CC FLUM.**

**The prominent FLU designations in this area include Neighborhood Commercial (NC), Community Commercial (CC), and Residential 4 (RES 4).**

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

**In Egrets Landing which abuts the subject parcel, 33 single-family residences were developed which completed the subdivision's Phase I, II and III portions.**

**North Island Villas located North of the subject property along N. Courtenay Pkwy., currently has 48 townhomes being constructed.**

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

**There has been no development approved and not constructed within the past three years. There have been multiple zoning actions.**

**Zoning actions within one-half mile within the past three years:**

**• 22Z00033: Approximately 0.5 miles from the subject property on N. Tropical Trail is RU-1-13 zoning which was rezoned from AU to RU-1-13 with Binding Development Plan (BDP) to limit the maximum density to two lots with one house on each lot, on 10/12/2022.**

**• 23Z00030: South of the subject property on the West side of N. Courtenay Pkwy. is GML zoning which was rezoned on 07/13/2023 from AU to GML to build a new fire station for Brevard County Fire Rescue.**

**• 21Z00047: Approximately 0.17 miles (directly North of the subject property N. Courtney Pkwy. is RU-2-4 zoning which was rezoned on 03/03/2022 from BU-1 and RU-2-30 to RU-2-4.**

**• 21Z00042: Approximately 0.17 miles South of the subject property on the West side of N. Courtenay Pkwy. is RU-2-4 zoning which was rezoned on 05/31/2022 from AU to RU-2-4 with BDP.**

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

**No material violation of relevant policies has been identified.**

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

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

##### **Criteria:**

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

**Staff analysis indicates the request is located along a commercial and residential area of character along N. Courtenay Pkwy. Since 1990, the subject property has had a commercial zoning designation, BU-1. BU-1 can be considered the predominant zoning classification in the area.**

**Per Section 62-1343 of Brevard County Code, RA-2-4 is intended to provide a transition between single-family detached zoning classifications and multiple-family zoning classifications, permitting fee simple ownership of individual attached units. RA-2-4 does not permit apartments. Under RA-2-4 zoning designation, the parcel will be required to be platted and have a site plan.**

**The parcels current BU-1 zoning classification permits the use of short-term rentals and is also permissible under RA-2-4. Short-term rentals are categorized under Resort Dwellings, per Section 62-1102 of Brevard County Code. Generally, Resort Dwellings means any single-family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months.**

**Within the search radius, there are no additional RA-2-4 properties, however just outside the search radius approximately 1 mile to the South of the subject property on the same side of N. Courtenay Pkwy at Gator Dr. is a property with RA-2-10(4) zoning that is capped at 4 units to the acre.**

**The request is not anticipated to impact the surrounding established area of commercial and residential uses materially or adversely.**

**At the time of the submitted request, the applicant has not provided a concept plan.**

- 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.

**The property is located within an established corridor of commercial and residential uses along with vacant land situated along N. Courtenay Pkwy. There are clearly established roads and lot boundaries.**



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 adjacent area is both commercial and residential uses along with vacant land along N. Courtenay Pkwy.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**The subject parcel is located along a commercial, residential with vacant land corridor. The subject parcel is proposed to be rezoned from BU-1 to RA-2-4 which is considered a transitional zoning. The proposed use provides a buffer from high intensity to low intensity uses.**

**The closest parcel with RA-2-4 zoning is North of the subject property and West across N. Courtenay Pkwy. approximately 0.23 miles from the subject property.**

**There is one residential subdivision, Egrets Landing, that abuts the subject property to the East and a mobile home park, Sun Island Lakes which is located South of the subject property on the same side of N. Courtenay Pkwy.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Courtenay Pkwy., from Hall Rd. to N. Tropical Trail which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 36.83% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.21%. The corridor is anticipated to operate at 37.03% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency indicates there is enough capacity at Carroll Elementary School, Jefferson Middle School, and Merritt Island High School for the total of projected and potential students from this development.

The parcel is within public potable water and sewer lines. The proposed townhomes will connect to public water and sewer.

### **Environmental Constraints**

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

- Hydric Soils
- Aquifer Recharge Soils

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

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

### **For Board Consideration**

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

It should be noted that the property's configuration and proximity to existing driveways may present site design challenges with complying all applicable land development regulations and code. This may affect the unit yield for the property.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 24Z00051**

**Applicant:** Kimberley Rezanka (Owner: Schwa, Inc.)  
**Zoning Request:** BU-1 to RA-2-4  
**Note:** to develop 9 townhomes  
**Zoning Hearing:** 11/18/2024; **BCC Hearing:** 12/12/2024  
**Tax ID Nos.:** 2318721

- 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:**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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

**Land Use Comments:**

**Hydric Soils**

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator 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.**

**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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** 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.**

#### **Aquifer Recharge Soils**

This property contains Basinger sand that may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

#### **Protected and Specimen Trees**

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

#### **Protected Species**

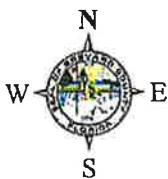
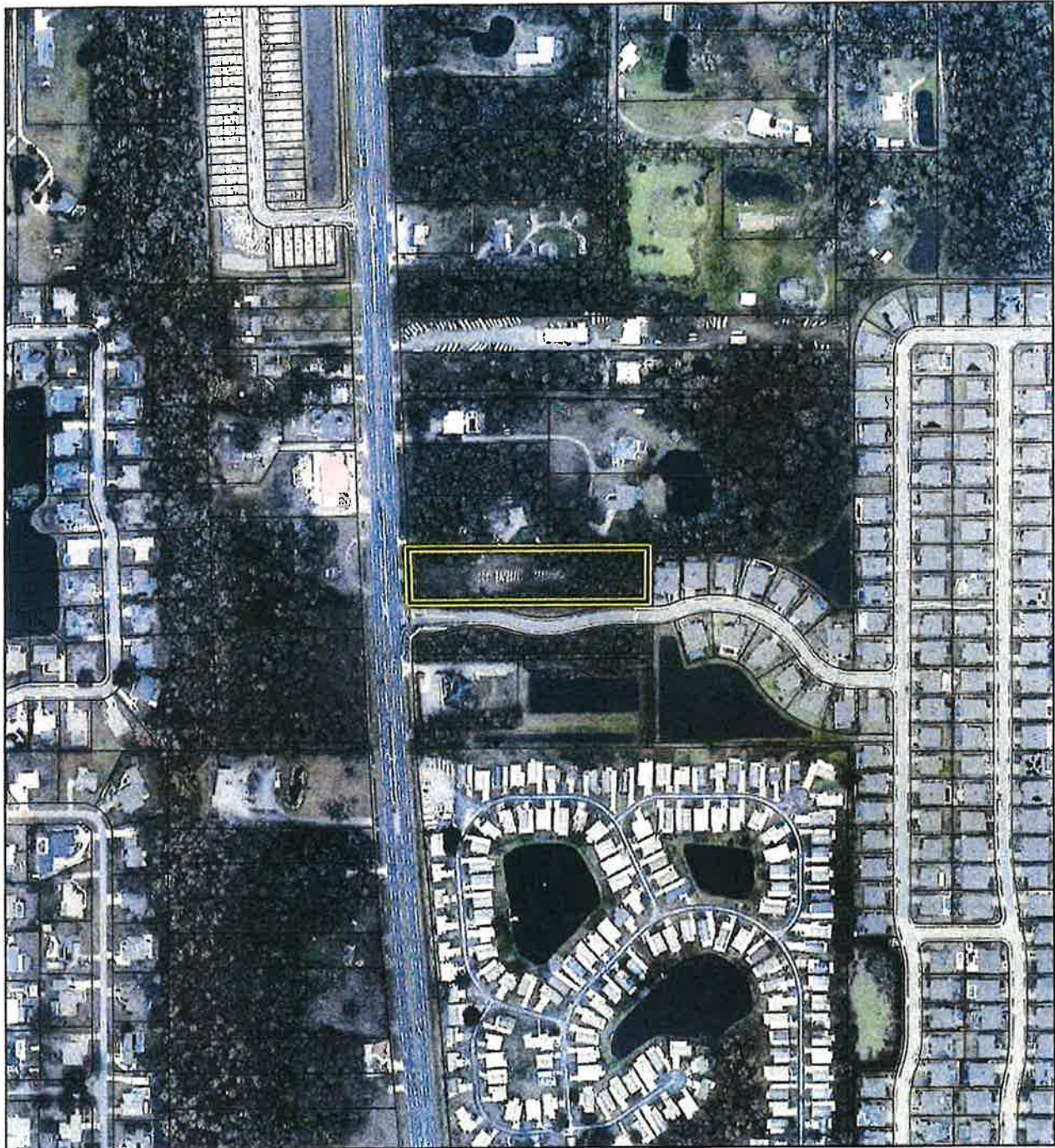
Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is mapped within a large area of Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.





# AERIAL MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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: 9/11/2024

— Subject Property  
□ Parcels

1







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Titusville • Viera • Melbourne • Palm Bay

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**REAL PROPERTY DETAILS**  
Account 2318735 - Roll Year 2024

Owners

SUN ISLAND LAKES LLC

Mailing Address

THE AMERICAN CENTER 27777 FRANKLIN RD  
SOUTHFIELD MI 48034

100 BLUE JAY LN UNIT K-11 MERRITT ISLAND FL 32953  
103 BLUE JAY LN UNIT K-12 MERRITT ISLAND FL 32953  
104 BLUE JAY LN UNIT K-10 MERRITT ISLAND FL 32953  
107 BLUE JAY LN UNIT K-13 MERRITT ISLAND FL 32953  
108 BLUE JAY LN UNIT K-9 MERRITT ISLAND FL 32953  
112 BLUE JAY LN UNIT K-8 MERRITT ISLAND FL 32953  
115 BLUE JAY LN UNIT K-14 MERRITT ISLAND FL 32953  
116 BLUE JAY LN UNIT K-7 MERRITT ISLAND FL 32953  
120 BLUE JAY LN UNIT K-6 MERRITT ISLAND FL 32953  
124 BLUE JAY LN UNIT K-5 MERRITT ISLAND FL 32953  
128 BLUE JAY LN UNIT K-4 MERRITT ISLAND FL 32953  
131 BLUE JAY LN UNIT K-15 MERRITT ISLAND FL 32953  
132 BLUE JAY LN UNIT K-3 MERRITT ISLAND FL 32953  
135 BLUE JAY LN UNIT K-16 MERRITT ISLAND FL 32953  
136 BLUE JAY LN UNIT K-2 MERRITT ISLAND FL 32953  
139 BLUE JAY LN UNIT K-17 MERRITT ISLAND FL 32953  
147 BLUE JAY LN UNIT L-6 MERRITT ISLAND FL 32953  
150 BLUE JAY LN UNIT M-1 MERRITT ISLAND FL 32953  
151 BLUE JAY LN UNIT L-7 MERRITT ISLAND FL 32953  
154 BLUE JAY LN UNIT M-2 MERRITT ISLAND FL 32953  
158 BLUE JAY LN UNIT M-3 MERRITT ISLAND FL 32953  
159 BLUE JAY LN UNIT L-8 MERRITT ISLAND FL 32953  
162 BLUE JAY LN UNIT M-4 MERRITT ISLAND FL 32953  
165 BLUE JAY LN UNIT L-9 MERRITT ISLAND FL 32953  
166 BLUE JAY LN UNIT M-5 MERRITT ISLAND FL 32953  
169 BLUE JAY LN UNIT L-10 MERRITT ISLAND FL 32953  
170 BLUE JAY LN UNIT M-6 MERRITT ISLAND FL 32953  
174 BLUE JAY LN UNIT M-7 MERRITT ISLAND FL 32953  
177 BLUE JAY LN UNIT L-11 MERRITT ISLAND FL 32953  
178 BLUE JAY LN UNIT M-8 MERRITT ISLAND FL 32953  
181 BLUE JAY LN UNIT L-12 MERRITT ISLAND FL 32953  
182 BLUE JAY LN UNIT M-9 MERRITT ISLAND FL 32953  
185 BLUE JAY LN MERRITT ISLAND FL 32953  
211 QUAIL LN UNIT B-8 MERRITT ISLAND FL 32953  
212 QUAIL LN UNIT A-10 MERRITT ISLAND FL 32953  
215 QUAIL LN UNIT B-7 MERRITT ISLAND FL 32953  
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232 QUAIL LN UNIT A-5 MERRITT ISLAND FL 32953  
235 QUAIL LN UNIT B-3 MERRITT ISLAND FL 32953  
240 QUAIL LN UNIT A-3 MERRITT ISLAND FL 32953  
243 QUAIL LN UNIT B-2 MERRITT ISLAND FL 32953  
244 QUAIL LN UNIT A-2 MERRITT ISLAND FL 32953  
255 QUAIL LN UNIT N-12 MERRITT ISLAND FL 32953  
259 QUAIL LN UNIT N-11 MERRITT ISLAND FL 32953  
260 QUAIL LN UNIT N-1 MERRITT ISLAND FL 32953  
263 QUAIL LN UNIT N-10 MERRITT ISLAND FL 32953  
264 QUAIL LN UNIT N-2 MERRITT ISLAND FL 32953  
267 QUAIL LN UNIT N-9 MERRITT ISLAND FL 32953  
268 QUAIL LN UNIT N-3 MERRITT ISLAND FL 32953  
271 QUAIL LN UNIT N-8 MERRITT ISLAND FL 32953  
272 QUAIL LN UNIT N-4 MERRITT ISLAND FL 32953  
275 QUAIL LN UNIT N-7 MERRITT ISLAND FL 32953  
276 QUAIL LN UNIT N-5 MERRITT ISLAND FL 32953  
280 QUAIL LN UNIT N-6 MERRITT ISLAND FL 32953  
4316 SEA GULL DR UNIT G-17 MERRITT ISLAND FL 32953  
4317 SEA GULL DR UNIT J-2 MERRITT ISLAND FL 32953  
4320 SEA GULL DR UNIT G-18 MERRITT ISLAND FL 32953

Site Address



3



VALUE SUMMARY			
Category	2024	2023	2022
Market Value	\$6,951,000	\$6,380,000	\$6,132,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$6,951,000	\$6,380,000	\$6,132,000
Assessed Value School	\$6,951,000	\$6,380,000	\$6,132,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$6,951,000	\$6,380,000	\$6,132,000
Taxable Value School	\$6,951,000	\$6,380,000	\$6,132,000

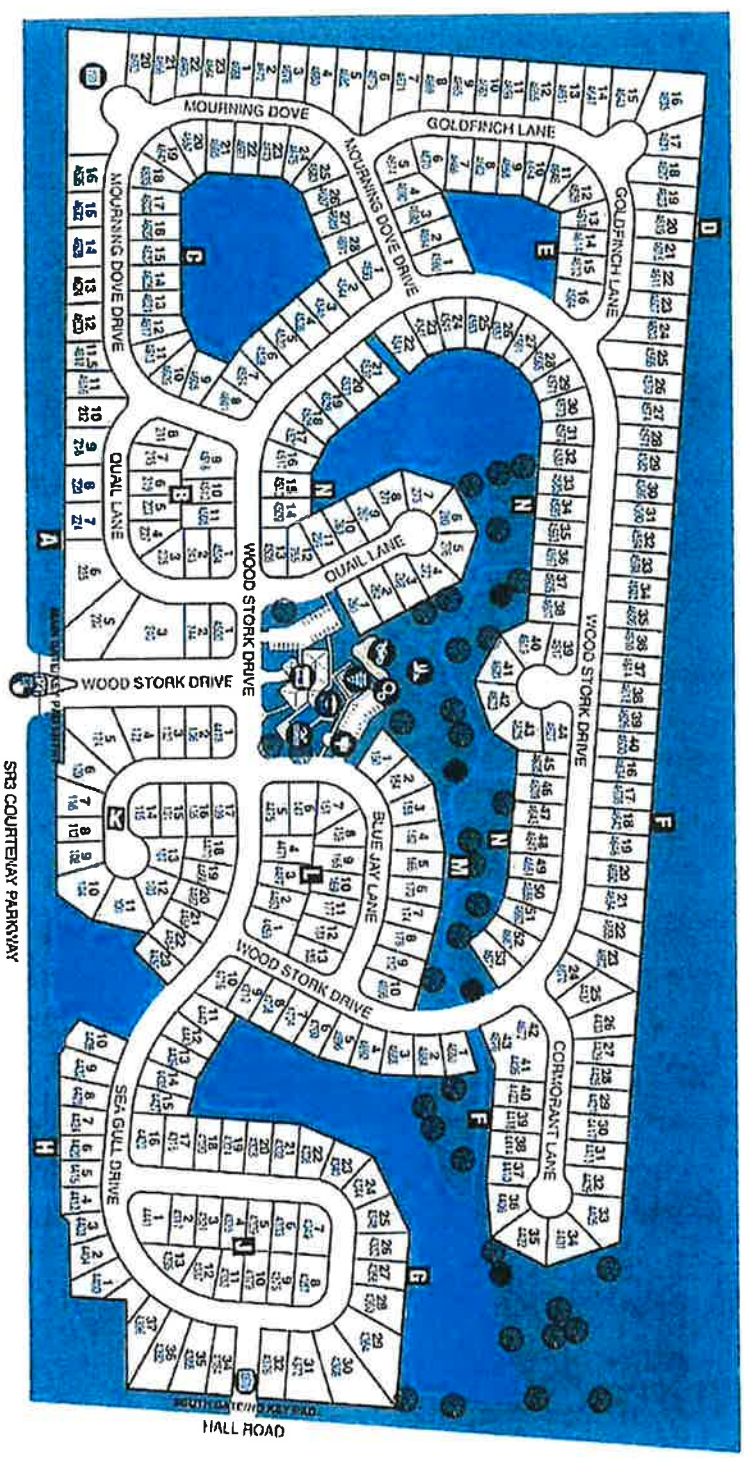
SALES / TRANSFERS			
Date	Price	Type	Instrument
05/20/2004	\$9,504,000	WD	5325/8803
06/01/1995	\$7,000,000	99	3483/4020
05/01/1991	\$1,815,000	NN	3128/4820
01/18/1990	\$2,388,200	CT	3039/0946
09/17/1986	\$1,100,000	WD	2732/1416
05/07/1982		WD	2370/0761

**BUILDINGS**  
**PROPERTY DATA CARD #1**

**Building Use:** 3820 - COUNTRY CLUB / SUPPORT FACILITIES

Materials		Details	
Exterior Wall:	STUCCO	Year Built	1987
Frame:	MASNRY CONC	Story Height	9
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	WOOD TRUSS	Residential Units	
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	6,087	Spa - Motel/Apartment	1
Open Porch	1,165	Dock	750
Total Base Area	6,087	Paving - Asphalt	20,000
Total Sub Area	7,252	Lift Station	1
		Fence - Vinyl 4'	337
		Covered Patio	1,020
		Dock	750
		Covered Patio	478
		Park Owned Mobile Homes	1
		Shuffleboard - Commercial	6
		Pool - Commercial	1,800
		Paving - Concrete	12,720
		Paving - Concrete	164
		Gazebo	478
		Outbuilding	56
		RV/Mh Space	304
		Wall - Concrete - Block	18,240
		Garage Detached	660
		Fence - Wood 6'	247
		Pool Deck	2,228
		Canopy	600
		Light Poles	21
		Outbuilding	288
		Covered Patio	240
		Covered Patio	396
		Fence - Chain Link 6'	385

4



### Amenity Legend

- Clubhouse/Office
- Entrance/Main Gate
- Exit
- Mail Kiosk
- Maintenance Garage
- Outdoor Patio
- Pool & Spa
- RC Car Track
- Recreation Area
- RV/Boat Storage
- Shuffleboard Courts



4499 Wood Stork Drive Merritt Island, FL 32953  
(321) 453-4600 • 4islandlakes.com



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www.BCPAO.us  
Disclaimer

**REAL PROPERTY DETAILS**  
Account 3020368 - Roll Year 2024

Owners BURNS, MARK WESLEY; BURNS, OLIVE SISON  
Mailing Address 206 NORWICH ST MERRITT ISLAND FL 32953  
Site Address 206 NORWICH ST MERRITT ISLAND FL 32953  
Parcel ID 23-36-35-52-D-1  
Taxing District 2200 - UNINCORP DISTRICT 2  
Exemptions TPML - TOTAL & PERMANENT - MILITARY  
Property Use 0110 - SINGLE FAMILY RESIDENCE  
Total Acres 0.27  
Site Code 0001 - NO OTHER CODE APPL.  
Plat Book/Page 0067/0030  
Subdivision EGRETS LANDING PHASE 3  
Land Description EGRETS LANDING PHASE 3 LOT 1 BLK D



	VALUE SUMMARY		
Category	2024	2023	2022
Market Value	\$675,210	\$586,590	\$482,320
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$477,350	\$463,450	\$396,370
Assessed Value School	\$477,350	\$463,450	\$396,370
Homeslead Exemption	\$0	\$0	\$0
Additional Homeslead	\$0	\$0	\$0
Other Exemptions	\$477,350	\$463,450	\$396,370
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

SALES / TRANSFERS			
Date	Price	Type	Instrument
09/11/2020	\$487,800	WD	8879/0186
02/10/2020	\$75,000	WD	8673/1191
07/16/2019	\$2,665,000	WD	8498/0454

**BUILDINGS**  
**PROPERTY DATA CARD #1**

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	STUCCO	Year Built	2020
Frame:	MASNRYCONC	Story Height	9
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	
Sub-Areas		Extra Features	
Base Area (1st)	3,272	Pool Deck	536
Garage	570	Patio - Concrete	440
Open Porch	250	All Screen - 1 Story	880
Open Porch	134	Paving - Stone	371
Total Base Area	3,272	Pool - Residential	1
Total Sub Area	4,226		

6

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**Sec. 62-1339. Estate use residential, EU, EU-1 and EU-2.**

The EU, EU-1 and EU-2 estate use residential zoning classifications encompass lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

**(1) Permitted uses.**

**a. Permitted uses are as follows:**

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

**b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):**

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

**(2) Accessory buildings or uses.** Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

**(3) Conditional uses.** Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

**(4) Minimum lot criteria.** Minimum lot criteria are as follows:

Classification	Size (square feet)	Width (feet)	Depth (feet)
----------------	-----------------------	-----------------	-----------------

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EU	15,000	100	100
EU-1	12,000	100	100
EU-2	9,000	90	100

(5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
- b. Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten feet to the rear and side lot lines, but in no case within the setbacks from a side street and with a minimum spacing of five feet.

(6) *Minimum floor area.* Minimum floor area is as follows:

- a. EU: 2,000 square feet of living area.
- b. EU-1: 1,800 square feet of living area.
- c. EU-2: 1,500 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(l); Ord. No. 95-47, §§ 18, 19, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 18, 19, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 5, 1-11-00; Ord. No. 2002-49, § 11, 9-17-02; Ord. No. 2003-03, § 12, 1-14-03; Ord. No. 04-29, § 12, 8-5-04; Ord. No. 2004-52, § 10, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 15, 12-6-07; Ord. No. 2010-22, § 14, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)





Access  
 Sales  
 Title & Insurance  
 Other

2000 1000 500 0 500 1000 2000  
 Feet  
 1000 500 0 500 1000 2000  
 Feet  
 1000 500 0 500 1000 2000  
 Feet

9

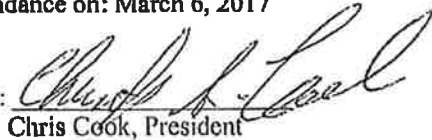
REVISED BY-LAWS  
OF  
THE NORTH MERRITT ISLAND HOMEOWNERS ASSOCIATION, INC.

Submitted by: ByLaws Review Committee  
Tanya Knappman, Chairperson  
Jack Ratterman  
Mary Hillberg  
Darleen Hunt

Approved by Board of Directors on: February 6, 2017

Approved by general membership  
In attendance on: March 6, 2017

Signed:

  
Chris Cook, President

  
David Bobbitt, Secretary

## **Paragraph I – Preamble**

### **SECTION 1 – Name and Authority**

These By-Laws shall be part of the articles of incorporation of the North Merritt Island Homeowners Association, Incorporated, herein referred to as "The Association". In the event of a basic contradiction between these By-Laws and Articles of Incorporation, the Articles of Incorporation shall be the governing authority.

For purpose of simplification, any reference to gender wherever used shall be construed to include both sexes.

### **SECTION 2 – Purpose**

The purpose of this Association is to protect the interests of property owners who reside on North Merritt Island (north of the Barge Canal up to Kennedy Space Center) with particular emphasis on: growth, life style of residents, ecology, area appearance and property values. The Association will endeavor to limit density on all future zoning to no more than one unit per acre.

### **SECTION 3 – Political Restrictions**

The Association shall be non-partisan and at no time shall politics and party affiliations affect decisions or actions under consideration. If an officer, director or committee chairperson files as a candidate for public office and pays the required filing fees, then he must resign from the position held. This restriction does not apply in cases of election or appointment within a political party or as a member of a civic board, commission or committee.

### **SECTION 4 – Association Year**

The association Year is from July 1 through June 30.

## **Paragraph II – Membership**

### **SECTION 1 – Full Membership**

- 1.1 A full member is an individual who resides and owns a residence on North Merritt Island and who pays the Association annual dues. (Note: individual pertains to a natural person only, not a corporation).
- 1.2 Each individual who pays the annual Association dues is eligible to vote.
- 1.3 Members who have belonged to the Association for six months may hold office.



## **SECTION 2 – Associate Membership**

- 2.1 An associate member is an individual who resides or owns residential property on North Merritt Island but does not qualify for full membership privileges.
- 2.2 Associate members may not vote or hold office except under a special limited exception.

## **SECTION 3 – Honorary Membership**

- 3.1 Honorary membership may be granted upon the approval of the board and general membership to persons of distinction and high position who are homeowners in Brevard County and endorse the principles of the Association.
- 3.2 Honorary members are not charged dues.
- 3.3 Honorary members may not vote or hold office in the Association.

## **Paragraph III – Dues**

- 1.1 The membership dues of the Association shall be ten dollars per voting member payable annually, June 30. New members who pay dues after March 1<sup>st</sup> will be considered paid members through June 30 of the following year.
- 1.2 The dues are not refundable in the event of resignation or departure of a member for any reason.
- 1.3 Members whose dues are not current will be considered inactive and are no longer eligible to vote.
- 1.4 Dues/memberships are not transferable in the event a member sells his property.

## **Paragraph IV – Voting and Quorums**

### **SECTION 1 – Voting**

- 1.1 Each dues paying full member of the Association shall be allowed one vote at general meetings or the Association.
- 1.2 A majority of qualified members present shall carry any motion presented to the general meeting. A majority shall consist of one-half plus one of the members present.
- 1.3 Proxy votes will be admitted only on approval of the Board of Directors in advance (at least four days prior to the scheduled meeting). The proxy must bear the signature of the member and must be on the proxy ballot form provided by the nominating committee. (See Paragraph IX Sec. 2.3).
- 1.4 The method of voting on motions presented at general meetings will be by show of hands or ballot at the discretion of the President.
- 1.5 Election of officers/directors at the general meeting in June shall be by secret ballot (See Paragraph IX Sec. 2.4).
- 1.6 In the event that there is no more than one candidate for each position, the slate may be elected by motion and vote of members present by a show of hands.

# NORTH MERRITT ISLAND TOWNHOMES

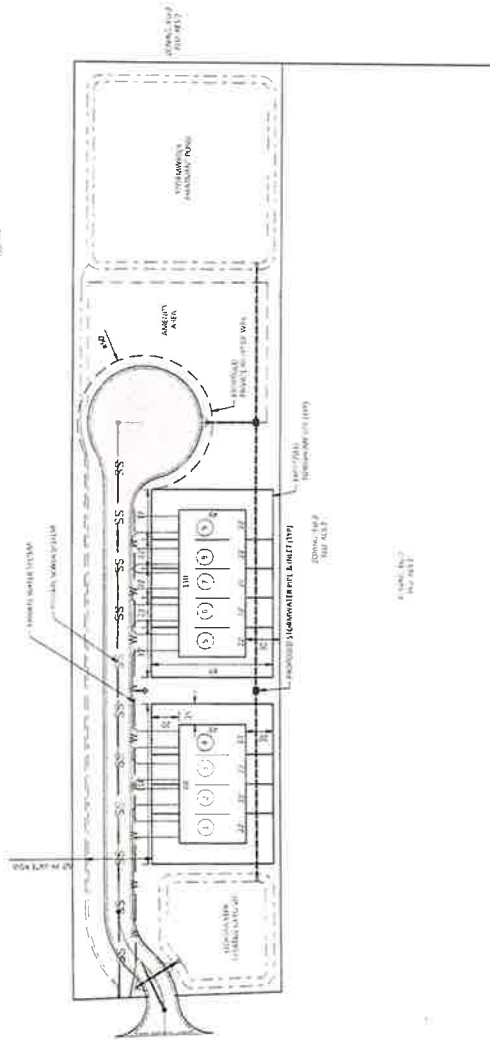
MERRITT ISLAND, FLORIDA

DATE:  
MARCH 14, 2023

PREPARED FOR:  
SCHWA, INC

2500' (1:1)

2500' (1:1)



PRELIMINARY SITE PLAN

## SURVEY LEGEND:

- PCP PERMANENT CONTROL POINT
- PRM PERMANENT REFERENCE MONUMENT
- NGP REINFORCED CONCRETE PILE
- OR OFFICIAL RECORD
- LB LICENSE BUSINESS
- LC LAND SURVEYOR
- PC POINT OF CORRECTION
- PP POINT OF ADJUSTMENT
- PD POINT OF DISCONTINUITY
- PLD POINT OF DISCONTINUITY
- CC CALCULATED CORNER SUBJECT TO ADJUSTMENT

## LEGEND:

- PROPERTY LINE
- PROPOSED BUILDING
- ASPHALT PAVEMENT
- STORMWATER CONDUIT



VICINITY MAP



<b>GENERAL STATEMENT</b>	
THIS PROJECT IS A PRELIMINARY SITE PLAN FOR THE PROPOSED NORTH MERRITT ISLAND TOWNHOMES. THE PROJECT IS SUBJECT TO ALL APPLICABLE REGULATIONS AND PERMITS. THE PROJECT IS NOT TO BE CONSIDERED A FINAL DESIGN OR CONSTRUCTION DOCUMENT. THE PROJECT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF TRAUGER CONSULTING ENGINEERS.	
<b>CONTACT INFORMATION</b>	
TRAUGER CONSULTING ENGINEERS	1000 N. W. 10TH AVE., SUITE 100, MIAMI, FL 33136
PHONE: (305) 555-1234	FAX: (305) 555-5678
WEBSITE: www.trauger.com	EMAIL: info@trauger.com
<b>SITE DATA</b>	
TOTAL LOT AREA: 1.0 ACRES	TOTAL LOT AREA: 1.0 ACRES
PROPOSED BUILDING FOOTPRINT: 10,000 SQ. FT.	PROPOSED BUILDING FOOTPRINT: 10,000 SQ. FT.
PROPOSED PARKING: 100 SPACES	PROPOSED PARKING: 100 SPACES
PROPOSED SWIMMING POOL: 10,000 SQ. FT.	PROPOSED SWIMMING POOL: 10,000 SQ. FT.
<b>BUILDING DATA</b>	
BUILDING TYPE: TOWNHOMES	
BUILDING HEIGHT: 3 STORIES	
BUILDING AREA: 10,000 SQ. FT.	
BUILDING PERMIT: 1000000000000000000	

NORTH MERRITT ISLAND TOWNHOMES  
MERRITT ISLAND, FLORIDA  
PRELIMINARY SITE PLAN

PROJECT: EX-2	DATE: 3/14/2023
TOWN: 7A	SHEET: 1
SECTION: 1	SCALE: 1"=40'
PROJECT: EX-2	PROJECT: EX-2

## **North Merritt Island Dependent Special District Board**

The North Merritt Island Dependent Special District Board met on Thursday, November 14, 2024, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., Second Floor, Merritt Island, Florida.

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

Board members present were: Mary E. Hilberg (Group??), Chris Cook, Gina Lindhorst, Jack Ratterman, and Jim Carbonneau.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Derrick Hughes, Planner; Desirée Jackson, Planner; and Alice Webber, Operations Support Specialist.

### **Approval of the June 8, 2023, and August 10, 2023, NMI Minutes**

Motion by Gina Lindhorst, seconded by Jim Carbonneau, to approve the NMI Dependent Special District Board minutes of June 8, 2023, and August 10, 2023. The motion passed unanimously.

#### **Item H.1.**

The application was read by Jeffrey Ball.

Kim Rezanka, here on behalf of the applicant Dan Dvorak. Passed out documents (looks like site plan). Problem is there is no interest in commercial here. She referenced another application. Wants 9 single family townhomes. She explained the proposal. She noted it is similar to Egrets Landing. It is engineeringly feasible but nobody at the county has reviewed the conceptual plans yet. If this is approved the applicant will have to plat this project. The townhomes will generate approximately 5.81 trips per unit. She feels this will be less intensive. There is just no need for commercial in this area but a need for residential. This is an opportunity for home ownership.

Mary Hilberg - So there's no RES 4 around here.

Jeffrey Ball – There is on the west side of North Courtenay behind the commercial. It's the brown shaded area. It's in the commercial node, that lines the North Courtenay corridor.

Kim Rezanka – In that commercial node are single family homes. Just to the north of this property. We're seeking RA-2-4 the same as the villas up there.

#### **Public Comment**

Spyro Alvonellos – We live by that lake or pond. All the storm water from the Egrets Landing houses comes to that pond. We have to pump 10 to 12 days every time we have rainfall or a storm. What's going to happen now is all that drainage is going to go toward the right side of my property, going toward the pond. We're going to get flooded even more. Nobody's out here helping us pump out the water. It costs us a lot of money every time that we have a storm. Nobody is helping with the ditches in front of Courtenay to dig that out and allow for better drainage. We see this as an adverse impact. We don't appreciate the short notice. We got the card 2 days ago. Urge you to vote against this. Have nothing against development, development is great, but as long as Brevard County is not helping us pump out these ponds, I don't see how we can go forward with this.

Chris Cook – Where do you pump the water to?

Spyro Alvonellos – we pump it to the street drainage. My neighbors and I have to get out hoses and pumps, and man them day and night. If we don't do that before a hurricane comes, we're done. With Ian it came within 10 yards of our pool and the house.

Mary Hilberg – How long have you been here?

Spyro Alvonellos – we've lived here since January 2021. Before Egrets Landing we had some problems, but not like this.

Marie Volland – we are neighbors next to Spyro and Wendy and lived in our home for 22 years. The roads on North Courtenay are becoming worse with all the space traffic. New development of the townhomes across from us were listed to be sold then rezoned for rent. I'm hearing these are to be for sale, they may become rentals as well. The roads are a concern. We have U-turns, right across the street the townhomes, it's getting dangerous by the day for those of us that live on North Courtenay to try to make a left to go south with all the cape traffic coming. Emailed our commissioners numerous times since we went through the 4 hurricanes in 2004 and never got a response. They came and cleaned the ditches a year or 2 ago all the way from Courtenay and they stopped at Hall Road. Went down Hall Road and cleared all the ditches and never went any further. Then we go through Irma, Ian, and Milton. Our ditches from where we live at Hall Road all the way north on north and south Courtenay have not been touched. I again emailed the next agency I thought would be responsible, which is Road and Ditches, and inquired if anyone is responsible in the county to clear out ditches north of Hall Road on Courtenay. Again, I received no response back. Storm runoff, flooding to the lower properties, it's not just us, the people across the street from us, the people on either side of us that are built low are suffering. May are older seniors, and we try to do what we can to help them as well. We pay \$5,400 a year in property taxes, we're not getting clean ditches yet we're continuing to let people build around us and destroy our property that we've worked so hard to have. So, I oppose this project.

Mark Burns – I'm the house that is east and borders the proposed water treatment area, map says stormwater treatment pond. My property is about 20 feet away from that pond. Paid a premium for that lot. I love walking my dogs, and I walk down that road with the nice, beautiful trees. The beauty of the area with all the old pine trees, I have a nice corner lot. I have a lot of fruit trees and we garden. Now I'll walk out and see the new hole in the ground that's going to be the new stormwater runoff. Noise abatement issue – he's got to pump the ponds out. The last hurricane the water was all the way up to his pool. There was a gator out there that they're chasing out of their backyard because it won't drain off. He was at it for about 5 days. All we here is hmmmmmm and I don't blame him, but that's not privacy and not what I signed up for. My wife and I love it there. There's a lot of wildlife there. There're bobcats, rabbits, eagles, birds, and those trees are going to go. We'll walk our dogs and see new construction. Privacy, noise, lighting. Worry about where all this parking is going to be and these units and renting possibly. Worried about who's going to be living here.

Short notice is ridiculous, and I feel completely unprepared. I contacted Egrets Landing HOA president; I contacted the senior advisor to Leland Group who takes care of our properties. We're all busy, just like you all are very busy, but you don't give someone....24 hours to prepare for this very important meeting. About 2 months ago someone started surveying this area. I called the town, I called everywhere. There are stakes in the ground that are 20 feet from my property. I urge you to vote against this for all of these reasons.

Wendy Alvonellos – the property we're talking about will butt up to my property. We bought here and paid top dollar to live here because it was not so overcrowded. How can developments come in around houses that are already there, since the '90's, and build them way up here when they know these people are down here. First year we were here the flooding wasn't too bad. Then Egrets Landing developed behind our pond, that year we had alligators at our back door. We have to spend our own money on hoses and pumps, it's a joint effort, we all have to get out there and pump this out every time we know a storm's coming. It's irritating. I always have to hear this thing running. We pay for the gas; it has to be filled back up. Then we're paying \$6,000 worth of taxes. We can't pull out of our driveway because they won't come cut the bushes in the ditch. It's too much. Something needs to be addressed with the Building Department about raising these lots up above all the houses that are around them.

Kim Smith – representing NMI HOA – this group is very interested in keeping the rural aspect of North Merritt Island. This is why almost everybody moved up here. This rezoning is going to be opposed by them. It would diminish enjoyment of and quality of life of existing neighborhoods. Why should buyers pay the same for properties next to the apartment complex when they can go somewhere else. Would be inconsistent with decades of land use patterns in the area. Would be inconsistent with the decades of the rural character of the surrounding areas. More traffic impacting road safety and road services. This opposition to this request is primarily because the proposal is not consistent with emerging or existing patterns of the surrounding development. We have seen one high-density development on North Merritt Island, but this was forced upon us. We have consistently opposed these changes. Higher density exacerbates flooding. Contributes to traffic problems. Significant amount of our area is still zoned agricultural or estate use with larger lots. This is our opposition to this zoning change. Developers are required to hold all their stormwater on the property as they develop it. They'll have retentions ponds, and they have requirements by the county to hold the stormwater there. Typical summer and fall rains, and one big storm after that all these requirements go out the window and the water starts overflowing. It doesn't stay in these retention areas, it floods onto the surrounding properties, especially the older properties and lower properties. Streets flood that haven't flooded in past history. This change is in the North Merritt Island commercial corridor. This was where the county came in and said that it would be a good idea to have commercial development along the road, and there is a need for commercial development. This piece of property it hasn't been working out for it, there are needs up here, and you can't do that in a residential area, to have stores and services for the people who are moving up here and the people who live here. To change this commercial to residential, especially a higher density, is much too environmentally sensitive. The runoff from these types of buildings, the hardening of the area, this is not a good place to have apartments and townhouses.

Public comment closed.



Kim Rezanka – These are single-family townhomes. Mr. Dvorak is not a big-time developer. The commercial corridor does allow for residential. You could have an 18,000 sq ft shopping center here that could be level, with all concrete and underground retention. This is a less intense use to have 9 single-family homes here. The emerging development trend in this area is single-family homes. It's not commercial. The most recent residential is townhomes. Concerns about lighting and parties are performance standard issues regulated by code enforcement. The development is not allowed to impact other developments. This will have a nominal impact on traffic, it's less than what would be if there was a commercial center of 18,000 sq ft. They will have to connect to water and sewer. We request that you recommend approval of this rezoning as it is a less intense use and will meet all the design requirements of the county code and not impact other residents in the area.

Gina Lindhorst – Townhomes aren't single-family homes. They're townhome apartments.

Mary Hilberg – Attached homes that are attached to each other aren't really considered single-family.

Jeffrey Ball – RA-2-4 is a single-family attached product, which is townhomes. The difference between an apartment is that you have one owner and people rent from that. Townhomes is a bit different where you have a platted piece of property that each has a different ownership. That's the difference. Condos is another ball of wax. RA-2-4 does not allow for apartments, they have to be platted as single-family attached dwellings.

Chris Cook – But they can do rentals.

Jeffrey Ball – Yes, it does allow for that use, but the existing B-1 already allows for that too.

Jim Carbonneau – So, technically the townhomes that were built, the 48 north of this piece of property, now that they are combined, are they considered townhomes or apartments?

Jeffrey Ball – They are all individually owned properties, but individually there's one owner, so it's platted. Yes, those are all platted lots.

Jim Carbonneau – they were sold to the board and the county as individual townhomes, now they're individual rentals. Big difference.

Mary Hilberg – are they attached to each other?

Jeffrey Ball – Yes, that's what a townhome is. It is attached.

Gina Lindhorst – so they're sort of like an offspring of a townhome and an apartment.

Jack Ratterman – Norwich Road, entrance into Egrets Landing, is that a county road or does it belong to Egrets Landing?

Jim Carbonneau – on page 2 it's called a spite strip.

Jeffrey Ball – this property does not have access to that road. There is a spite strip that prevents access. In order to get access through that they would have to go through the homeowners association to get permission from them to get access through there.

Jack Ratterman – what's the setback from the property to Norwich? 25 feet?

Gina Lindhorst – in the rear of the property to the lot line.

Jack Ratterman – from the rear that has to be 25 feet or less?

Jeffrey Ball – 20 feet front setback, 20 feet rear setback, and 5 feet from the side setback.

Jim Carbonneau – The way that these homes are oriented the side toward Norwich would be considered the front.

Jeffrey Ball – That can change as far as orientation.

Jim Carbonneau – well it has to do with our decision.

Mary Hilberg – you're saying this drawing is not accurate.

Jeffrey Ball – it's a concept plan as Ms. Rezanka stated. Staff has not reviewed it. It probably will and can change.

Jack Carbonneau – it says the site plan and plan requirements shall be submitted. How tall are the townhomes going to be?

Jeffrey Ball – They're allowed to go up to 35 feet.

Jack Ratterman – If I don't know the height, I don't think you're going to get my vote. And then what's the requirement for sending out the postcards?

Jeffrey Ball – We do not have a requirement to send out notices. They were sent out as a courtesy.

Gina Lindhorst – approximately 10 days in advance of the hearing a courtesy notice is sent to all property owners within 500 feet.

Mary Hilberg – in as many years as I've been doing this the person in planning and zoning, which is the position that Desiree and Alice have now, had sent to our zoning person in North Merritt Island the information about the application when it was made. The application deadline was September 9<sup>th</sup>, so all this time it was moving along and there was no notice to anyone. Not to the HOA, not to the North Merritt Island Zoning Board, not to anyone.

Jeffrey Ball – I will tell you that there has been some staff turnover and I don't know what was done in the past.

Mary Hilberg – In the future as soon as someone does an application, because it becomes a public document, the application is immediately sent to the zoning person for North Merritt Island or whomever we designate.

Jeffrey Ball – I can't promise you anything. I will go back to speak with my boss and let him know.

Mary Hilberg – You can send it just to me. We don't discuss ever anything about what we have to vote on ever. We can discuss it after the meeting and after we voted, but we never discuss it before.

Jeffrey Ball – Let me speak with him.

Gina Lindhorst – Has anyone seen a sign that was supposed to be posted at the subject property? It's supposed to be there no later than 15 days prior to the public hearing.

Mary Hilberg – does everybody feel there are enough people here aware of this now or do you think that we should....

Jack Ratterman – I don't know what our options are. Can we delay it and go again, I don't know.



Mary Hilberg – we can table something if we feel that enough of the community hasn't spoken or heard about it. We haven't heard from a lot of these other areas here.

Jim Carbonneau – but we heard from the HOA.

Mary Hilberg – we heard from North Merritt Island HOA, yes.

Jack Ratterman – Kim Smith, how many people do you represent?

Kim Smith – it depends on the census figures, but it's thousands.

Jack Ratterman – Kim Rezanka said we could put a shopping center out there, well you could put a shopping center out there, but who would go to it. The flooding issue for sure. Once it's done, it's a done deal. The townhomes north of here nobody wanted those. So, it's not an emerging trend. The trend was forced on us.

Chris Cook – no one would ever build an 18,000 sq ft commercial facility there. Retention ponds, that doesn't work. You have a problem here. Digging and filling up, building property up, it's just going to run downhill. In addition to that it disturbs the ground water flow. You need a buffer. Maybe only put 4 units. 100% scrub jay area. There are only 3 units occupied at this time in that 45 units. I agree with Jack, that was kind of forced on us by some influential people. I'll second that there was not enough notice given for everybody to provide their input on this.

Gina Lindhorst – We might have more people giving their opinion if we have more notice.

Jeffrey Ball – My recommendation to you is that this has been advertised and you have a quorum that you would make a recommendation either to approve or deny the application.

Chris Cook – it was stated the roads are at 33% capacity. Driving up here I had to wait in a mile long backup, and it took me 20 minutes to get from the G&L storage to get into this building. And that happens for like 4 hours a day. It's going to get worse.

Chris Cook made a motion to deny the application based on Admin. Policy 3a, 4a, 5c, 3b, and 3c. Or put 4 residential units on there.

Jim Carbonneau seconded the motion. Motion passed unanimously to recommend denial.

Jeffrey Ball – The application will go to the P&Z November 18<sup>th</sup> at 3:00 p.m. and BCC December 12<sup>th</sup> at 5:00 p.m.

The meeting adjourned at 7:04 p.m.

DRAFT

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 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, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

Excerpt of complete agenda.

### **Item H.3. Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4 (24Z00051) (District 2)**

Jeffrey Ball read the application into the record.

This item went to the North Merritt Island Dependent Special District Board hearing last Thursday with a recommendation of denial. At the meeting the applicant provided a concept plan. The concept plan has not been reviewed for compliance with our code and regulations.

Kim Rezanka on behalf of the applicant stated this is an application solely for a zoning RA-2-4 to allow the building of 9 townhomes on Courtenay Parkway. This is adjacent to Courtenay Parkway, as you can see from page 1 of what I provided to you. Egrets Landing is to the east. They are allowed to be 9,000 sq ft lots, but they are usually for the most part half acre lots. That was the first rezoning that was done in North Merritt Island for quite some time. Also, up to the north you'll see the townhomes, the Villas up there. Those were townhomes that were rezoned, approved through here approximately 4 years ago. They have been built; they are single family ownership. I understand they might be rental properties, but they are single family fee simple title ownership just as the townhomes we're proposing would be. The property has a current future land use of CC and a zoning of BU-1. Mr. Dvorak, back in 2008, had a site plan approved for this to have 4 buildings of almost 18,000 sq ft of retail. There's been no demand for retail in this area, so he's not been able to do anything with this property despite owning it since July of 2005. The parcel is 2.47 acres. Right now, with the community commercial and the BU-1 he could put 4 townhomes on but as you know costs have been driven up substantially and he wouldn't be able to do it financially. That's why he's asking for the change to RA-2-4 which is the same as the villas on the west side of Courtenay. Page 2 of the packet I provided you are the villas that I referenced. To the south just 3 parcels away that is Sun Island Lakes. Granted it's been there since the 1980's, but it currently despite the TR-3 zoning and the future land use which is RES 2, it is currently at 4 units to the acre, just to let you know that's from the site plan that's on their website, that's on page 5. So, it is more dense, the same density that we're looking at for this proposed project. I provided to you a page 6; Mark Burns spoke at South Merritt Island Special Dependent District Board. He was not in favor of it. His would be the closest to this property. I did want to show you that this zoning of EU-2, if this project were zoned EU-2, the side setbacks would be 15'. Currently, although we do have a concept plan, the intent is to leave a good 25' to 40' in its natural state between the strip that's owned by the HOA and the townhomes. This was just to show you that the EU-2 could be a 9,000 sq ft lot as the zoning which is 5 units to the acre even though it's RES 2. Page 9 is that strip of land that would be between Mr. Burns house and the

Schwa property. It's approximately 15' in width so there's that extra buffer as well, so you have Mr. Burns 15' plus the 15' of the side setback of the HOA property. Then you would have at least a 25' setback, but the intent is to have a larger setback and to have the retention pond in the back there. We can put this in a BDP if that's the choice of the board. I also put in here the North Merritt Island bylaws, I'm sure you're all very familiar with this group. They did speak in opposition on Thursday night, and I did want you to know that they really had no option because the purpose, on page 11 is to endeavor all future zonings no more than 1 unit per acres. So, they do show up at all North Merritt Island zonings and oppose it and it's basically they have no choice. They do not represent 10,000 acres or 10,000 people as they state. It's a volunteer organization. The last page is just a concept plan. There have been other concept plans since this time, and it's not been reviewed by staff. It's not binding, it's just to show you what the intent is as to have the townhomes closer to the road, with a cul-de-sac, then you're looking at having an amenity area and stormwater pond. And as much as possible it's going to be left in this natural state. So, there will be a large size buffer. If you are inclined to approve this zoning and you want additional conditions, we can certainly look at those. As the staff report indicated there's no anticipated material reduction, material, or adverse impacts on the surrounding area. There's no level of service issues regarding traffic. The corridor is anticipated to operate at 37% of capacity daily with this proposal. This proposal with 9 units only generates 9 trips per those 9 units per day. However, that commercial property, at 18,000 sq ft would have 55 parking spaces, so it would be a concrete jungle, it would not have any green space per se. And this is a less intense use than what could be built there currently in BU-1. Business uses are not in demand. That was the intent originally. Mr. Dvorak was telling me he was driving home from the space center where he worked and there was no place to stop and get a bottle of wine. So that's why he initially bought the property, but there's just no demand up there. So, he's trying to do something with the property, providing another alternative of housing other than 9,000 sq ft lots or ¼ acre lots. And with all the activity at the space center additional housing in this area is needed. It is not going to be rentals; it is not intended to be rentals by Mr. Dvorak or his company. It is intended to be sold. With that we are here to answer any questions and we would ask a recommendation of approval for the RA-2-4 to allow the construction of 9 single family-owned townhomes.

Mark Wadsworth asked if there were any questions for the applicant from the board.

Robert Sullivan stated he had a question, but it was primarily for staff. This is in the North Merritt Island Dependent Special District. Is that correct?

Jeffrey Ball answered yes.

Robert Sullivan asked are they the authority having jurisdiction over planning and zoning.

Jeffrey Ball responded the way that it's set up is that they are an advisory board to this advisory board. So, they make a recommendation along with the recommendation from you all and that gets forwarded on to the Board for their ultimate approval or denial of the application.

Robert Sullivan commented in the opening statements I think you said that Thursday they rejected it out right.

Jeffrey Ball responded no; their recommendation was for denial.

Robert Sullivan commented, and they've already voted on it.

Jeffrey Ball answered yes.

Robert Sullivan then stated I'm looking at the notice of hearing that I got off the public records and it's dated October 31<sup>st</sup>, they voted on the 14<sup>th</sup>, is that 2 weeks?

Jeffrey Ball stated that the meeting that they made their recommendation was last Thursday, which was the 14<sup>th</sup>, yes sir.

Robert Sullivan went on to say that the publication, the notice of the hearing was issued on the 31<sup>st</sup> of October. That's only 14 days. Is that correct?

Jeffrey Ball stated if you give me a minute I can check to see when the notice was.

Robert Sullivan said, "I'm looking at it." So, who issues the notice?

Jeffrey Ball responded our agenda staff.

Robert Sullivan commented so it may have been just an error, but Florida Statute requires 30 days notice.

Alex Esseeesse asked what statute he was referring to.

Robert Sullivan responded 166.041 section 1. If you want, I can read it. It's the notice shall state that the substance of the proposed ordinance as it affects the property owner and shall set a time and a place for one or more public hearings on such an ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing. So, apparently and a copy of the notice shall be kept available for public inspection during the regular business hours for the office of the clerk of the governing body. So that's Florida Statute 166.041 called Procedures for adoption of ordinances and resolutions.

Alex Esseeesse responded yes sir, for a point of clarification that is the process for municipalities to adopt ordinances and resolutions. We're a county. Technically we follow 125 with respect to the processes for ordinance adoptions and resolutions. This is an administrative or I guess and advisory determination in this case.

Robert Sullivan responded with alright, fair enough. The key is their board recommended denial, is that correct?

Jeffrey Ball replied yes, they did.

Erika Orriss stated to clarify further their board, it was unanimous, if I'm correct.

Jeffrey Ball confirmed it was unanimous.

Jack Ratterman stated he's on the North Merritt Island Special District Board, I'm the co-chair. I've been on the North Merritt Island HOA, past president 7 years, past vice-president 7 years. And both groups unanimously denied this application. There were several reasons why, but since I have 3 minutes, I'll get to it here. What we're looking at administrative policy 3A diminished quality of life, administrative policy 3B diminished property values, and administrative policy 3C which is



noncompatible with the local land use. And the attorney pointed out that there's some townhomes north of here, the Cristofoli townhomes, and they were forced down upon us. The board and the community voted against them. We were told they were going to be sold, and they're not sold. They're all for rent. So now we're faced with a rental neighborhood. Only 2 have been rented so far, as far as I know. That's it, so for them to say yea this is compatible with other things in the neighborhood, this was compatible with something we didn't want in the first place. If you had a Bessemer furnace zoned up there and they wanted to put another one in that wouldn't be quite right. Those apartments that set a president. And I don't know if you have your packet or not, do you have this packet that they sent? You have that map? Okay. How about on page 29, it says up at the top U S Soil Hydrology Map, I was surprised, I went online and looked up the first one aquifer anhydrate soil, both of those are referenced to wetlands. So, they go right through the property there. But it doesn't say wetlands, but if you look on google and see what it says it tells you that. So, in a round about way they're skirting around that wetland. And then the height restriction is 35 feet. Which one of you would want to have a townhome 35 feet next to your house with a 20-foot setback. That's unreasonable. And then for them to say oh we're going to give a 25-foot setback along that one entry street right there, that's a spite strip. Correct? Okay. I'm going to ask who knows what a spite strip is. Probably nobody. A spite strip means they can't do anything with it. They can't sell it, they can't ingress/egress, anything. That's why they had to put in a road themselves and they can't come off that. So, this whole thing is ill conceived, and I ask you to deny it.

Mark Burns stated I am that property that they were talking about that they mentioned my name earlier. Simply I represent my wife, my parrot, and my 4 dogs. That's about it right now. I did 30 years in the air force; this is my final house. This is where I plan on retiring. I love the community, I love all my neighbors, this, and that. I just real briefly brought up the wetlands. As I was walking the dogs yesterday there were a couple of owls sitting right up there in the tree where they plan on taking them down. There are bobcats that run through there, there's lots of turtles, and everything else. But that's not really my subject matter. The thing that I wanted to talk about is, they talk about the setback, I'm about 15 feet away from where they want to build the retainer pond. Basically, they're going to dig a hole, all the water slopes down from Courtenay, right to my house. I have an embankment. That water's going to go in that hole, and it doesn't go anywhere. It stays there until it's evaporated. And all you that lived in Florida this long you understand that means a lot of mosquitoes for me, my wife, and all our fruit trees and our enjoyment out in our backyard. Not to mention for my one-year-old granddaughter there's a hole out there the size of whatever, I don't know. Are they going to put a chain link fence next to it to keep access away? I haven't heard anything about that. The other thing is, and I don't think Spyro is here, but my neighbors, they're not in Egrets Landing, they're constantly pumping water before a hurricane, they have to pump down their lake probably for about a week. It's so noisy. All you hear is that water pump. And that's all they need is more flooding going into there. They have some real problems right there and they drain it up to the street. They spend a lot of money on gas, and they don't need anymore flooding in that area. They don't need anymore water coming down that hill, filling up their ponds. The traffic was already mentioned. My biggest issue really is how would you like to have a big hole, right in front of where these beautiful trees used to be, with a whole bunch of mosquitoes and the smell. When the foliage dies it sits there and it rots, and it smells. That's basically what I want to tell you. This is how it affects me. Obviously, it affects a lot of other people. But this is my retirement home and I have to look at how these mosquitoes bite me, and smell that in front of all my trees, well maybe I'll find another retirement home. But I don't know how I'm going to do that because I spent all my money after retirement buying this house. I'm not going to get as much for this house when I sell it with that hole next to my yard. And, by the way, I paid

\$25,000.00 lot premium for this lot because it's such a beautiful lot, was and hopefully it will stay a beautiful lot.

End of public comment

Kim Rezanka stated regarding the North Merritt Island Dependent Special District board, as you heard Mr. Ratterman sits on that board. He also sits on the NMIHOA board, and he's been in this area a long time, and he didn't want the other townhomes. He sits on the NMIHOA board he has to support their bylaws that says no less than one unit to acre. So obviously his opinion is based upon those guiding principles. The board heard, there were a dozen people in the audience, they heard from 4 or 5 people, they just don't want any change. They don't want that lot developed. That lot is currently BU-1, they could have a dozen different things there 25 feet from the property line. This is a less intense use and is compatible because it's single family. They didn't give any reasons other than we don't want townhomes, we don't want apartments; these aren't apartments. These are single family ownership. Just the listing of the policies without evidence is insufficient to deny this request. Again, he's owned it for 20 years, he hasn't been able to develop it. He would like to develop it for single family homes which the comprehensive plan says we should have single family homes in a variety of opportunities for people to have single family ownership. Regarding the Cristofoli's, the forced upon us, that was mentioned several times at the special dependent district board, again they didn't want it, the County Commission approved it because it is single family ownership, and it is compatible with the 4 units to the acre that is in this area and other locations including the mobile home park. If there is a wetland, they will have to abide by all the rules and regulations, and won't be able to impact it, except for a nominal amount. They could impact it all right now in commercial but if it's residential they'll have to abide by the 1.8%. Regarding a height restriction the EU-2 is 35 feet as well, so townhomes RA-2-4 35 feet, EU-2 35 feet, the height restrictions are the same. Regarding that spite strip it's really owned by the HOA, it's a buffer, and it's intended to be a buffer. As to the flooding this area of Merritt Island has special restrictions on compensatory storage that was adopted 4 years ago because of the flooding and an engineer who designs something in this area must basically certify with their life that it's not going to impact others. And this property would be subject to those strict requirements and the whatever it is, something you push numbers in, and it pushes numbers out, I don't remember what you call it because I don't know that many people have used it up here. As to fencing, whatever the requirements are for fencing will be done. Frankly most people prefer a retention pond next to there home versus a 25- or 30-foot townhome. So that retention pond will act as a buffer. And again, there can be a condition to leave the natural buffer as much as possible, that's been done several times by this board and county commission. Finally, there is no evidence of devalued property. Right now, there's no evidence to support that and that requires an appraiser to do so. In conclusion, this requested zoning of RA-2-4 is consistent and compatible with the existing and immerging development in the surrounding area, and keeping to the character of the predominantly single-family homes which is mentioned in the staff report. So, this is a less intense development, and we request your approval with any conditions that you deem appropriate.

Henry Minneboo commented I've been there a long time. I was on the committee then when Cristofoli, I'm not sure if there's any alignment to the Cristofolis. They might have owned it then, but they certainly don't own it now.

Kim Rezanka stated they owned it at the time. I did the zoning for them.



Henry Minneboo added I took the position; I was fairly supportive of that project because I was hoping that would be the end of it. And I took that position, I said you know we can live with it on North Merritt Island just a little bit. But then I watched today, state road 524. And now everybody says but Henry they've got one across the street. Now they've got 6,000 units on 524. North Courtenay doesn't need nothing more. We need more retail up there, etc. And I'm just against anything other than something retail up there. Because our place is beginning to be a hodge podge up there. So, I can't support it no matter what you do. I'm holding hard on what I've done in the past and I'm holding hard now. So, I'm not going to push it.

Kim Rezanka stated the only issue, you may remember Goport coming before you, was the only multi-use plaza up there. It had a gym, it had an ice cream shop, it's now a park and ride for the port because it couldn't sustain itself. It had a sports bar at one point. You've got the 3,700 commerce, which is mini-warehouses, warehouse units. It is not full. You've got right across from these townhome villas is a restaurant that's defunct. So, there is no support for commercial development up there, especially after covid, everyone's going Amazon, or Walmart, or home delivery. So, I understand everyone wants commercial up there, but there's no call for it. You have a Dollar General, that may be all that goes up there. Again, this is North Merritt Island, this is we believe a good use of the property. And I understand Mr. Minneboo.

Ron Bartcher commented that the North Merritt Board voted against it. The North Merritt Island Board I believe are actually elected. Is that correct.

Jeffrey Ball indicated yes.

Ron Bartcher went on to say as opposed to be appointed like we are. So, they have a much more personal interest in it than we do. I think if they voted against it, I should support them.

Brian Hodgers asked if this is planned to be a 3-story building.

Kim Rezanka answered no, it's planned to be 2-story.

Ana Saunders asked if it were to be developed as commercial where would the retention area be located. Just for comparison purposes. On the eastern end of the lot as well?

Kim Rezanka responded it's in a similar location. It would be toward the east.

Ana Saunders asked Jeffrey is there a requirement that if they were to develop under B-1 to come in front of any of these boards to ask for any kind of approval, or just the site plan approval.

Jeffrey Ball answered that he is not an engineer he's a planner, so my understanding of how stormwater works is that you put it on the lowest part of the property.

Ana Saunders went on with no I mean in general if they were coming forward and they had just a site plan for any commercial property would that have to go in front of a public board. It would just go through the regular route of site plan approval and go through the normal process.

Jeff Ball responded correct, if they were proposing a retail commercial use on property it would be CC land use and BU-1 zoning currently it would go through staff review under the site plan process. That's it. Public hearing.

Ana Saunders then stated there's several BU-1 parcels as I look at the zoning map surrounding the area that are not developed and typically haven't been developed ever.

Kim Rezanka said there's homes on BU-1 currently.

Ana Saunders went on to say so from a property rights perspective which you know that was passed a year or 2 ago, I would support this from the respect that it sounds like they tried to go to BU-1. It's been BU-1 for decades and obviously it hasn't developed. To force somebody to keep a zoning category because that's sort of what they want, I think is it consistent with the property rights component of the state and I do see it as a consistent use. It's transitional between the BU-1 zonings and single-family to the rear to be all the same requirements that would have to be met through engineering, Brevard County, and all the different outside agencies that would manage the wetlands species, stormwater, flooding components. So, because of those reasons I would support this request.

Robert Sullivan stated he is a professional engineer, former drainage district engineer and designer, and he's done land development in Broward County, and Miami-Dade and Palm Beach and there's literally a thousand different ways you can do a retention pond. You can do storage vaults, you can do cast filtration, you can raise this thing up, so saying that it needs to be at this location or that location it's really up to the engineer of record and how creative they are. So as far as keeping people from developing their property, it was purchased at this location, the overall planning is to make the main corridors business and beyond those corridors make them residential. So, people obviously have spoken on how they feel on what they wanted and how they invested their money in their property. We are an advisory board and I've advised many clients on many things. Sometimes they like my advice, sometimes they don't, but I do respect the people who are the property owners, and they appear to have spoken. So, I'm not in favor of this particular request.

Robert Brothers stated I've been sitting on the West Melbourne board for about 10 years now and on this board for about 2 years, and lately every project that comes up has neighbors going we don't want this here. Not in my backyard. I've already got mine, nobody else can have theirs. What I'm finding is people are still coming to Florida. They're not going to stop coming to Florida. If we do not give them well planned affordable places to live...the same people who are going not in my backyard are saying we need affordable housing. Not in my backyard though, but we need affordable housing. One of the worst reasons that we do not have affordable housing is A) because of regulation, B) because of just the cost of construction, and C) because it's harder and harder to find some place to build it. People are not going to stop coming to Florida. If we do not give them good places to live then we're going to end up just like New York, and just like San Francisco where you've got people living on the streets. They're going to be here. They get here and they don't have any way to get anywhere else. And when people want to do things with their property, I notice none of these people ever come up here and go well we got the money together and we're going to buy the property that we want to tell people what to do with. This person owns this property and obviously I'm looking at that area and there's nowhere to put anything business there. And there's all these big houses. My neighborhood I live in, I live in an old neighborhood, by neighborhood was built in the 60's and 70's, yet we have right across the fence there's commercial, there's a hotel, and then there's apartments. And there's assisted living. And this is all right where I can see it from my backyard. It doesn't bother me. These are my neighbors, and we have a great neighborhood. My neighborhood has become so desirable that because I have all this other stuff around me that I couldn't afford to live there if I didn't

already have a house. So, like I said, it becomes a little gnawing to constantly hear people going not in my back yard. Not in my back yard. That's all I've got to say about that.

Mark Wadsworth commented I see we've got some up here that seem to be for and some to be against, so I need a motion.

Motion to recommend denial of Item H.3. by Henry Minneboo, seconded by Ron Bartcher. The vote was 5 to 5, so the motion fails. Motion to recommend approval of Item H.3. by Robert Brothers, seconded by Debbie Thomas. The vote was 5 to 5. The motion failed.

Alex Esseeesse advised you can either table it or either motion will be brought to the board with no motion in favor or against.

Kim Rezanka stated we're fine with the tie vote. We'll go to the county commission. We also would consider conditions if that would change anyone's mind if they wanted to put conditions in a BDP. But I haven't heard that from anyone. That would be the other option.

## Jackson, Desiree

---

**From:** Jones, Jennifer  
**Sent:** Thursday, November 14, 2024 4:53 PM  
**To:** Jackson, Desiree; Webber, Alice  
**Subject:** FW: Rezoning Request 24Z000051

FYI

**From:** slackcindy <slackcindy@aol.com>  
**Sent:** Thursday, November 14, 2024 4:33 PM  
**To:** Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** Re: Rezoning Request 24Z000051

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

---

This email is to voice my opposition to the rezoning request, # 24Z000051.

As a homeowner within Egrets Landing subdivision, I feel that building a row of townhomes right at the entrance to our neighborhood will decrease property values. Townhomes will not fit into our neighborhood and will look very out of place. Homeowners who built beautiful large homes next to those parcels will not benefit from having townhomes built right next to their properties. Please deny this request for rezoning. I strongly oppose this request for rezoning.

Thank you,

Cindy Slack  
5160 Hebron Drive, Merritt Island. Phone 321-208-2607.

Sent from my Galaxy

## Jackson, Desiree

---

**From:** AdministrativeServices  
**Sent:** Friday, November 15, 2024 11:32 AM  
**To:** AdministrativeServices  
**Subject:** RE: Rezoning Request 24Z000051

**From:** slackcindy <[slackcindy@aol.com](mailto:slackcindy@aol.com)>  
**Sent:** Thursday, November 14, 2024 4:33 PM  
**To:** Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>  
**Subject:** Re: Rezoning Request 24Z000051

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

This email is to voice my opposition to the rezoning request, # 24Z000051.

As a homeowner within Egrets Landing subdivision, I feel that building a row of townhomes right at the entrance to our neighborhood will decrease property values. Townhomes will not fit into our neighborhood and will look very out of place. Homeowners who built beautiful large homes next to those parcels will not benefit from having townhomes built right next to their properties. Please deny this request for rezoning. I strongly oppose this request for rezoning.

Thank you,

Cindy Slack  
5160 Hebron Drive, Merritt Island. Phone 321-208-2607.

Sent from my Galaxy

## Jackson, Desiree

---

**From:** Stefani Maduskuie <stefani220@gmail.com>  
**Sent:** Thursday, November 14, 2024 12:17 PM  
**To:** AdministrativeServices  
**Subject:** Re: Rezoning Request 24Z000051  
**Attachments:** Staff Comments.pdf

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

Hello,

Please see my comment below about the attached request for rezoning. Jennifer Jones's email is listed on the NMI Dependent Special District website, which is why I sent it to her in an attempt to get it to the board. Who else should I contact to get my comment to the NMIDSD board?

Thank you,  
Stefani

On Thu, Nov 14, 2024, 11:43 AM AdministrativeServices <[administrativeservices@brevardfl.gov](mailto:administrativeservices@brevardfl.gov)> wrote:

Aloha,

Please see response below noted in blue:

I live in Egrets Landing on north Merritt Island, and I just saw that there is a proposed rezoning for property 2318721, a parcel the lies within the neighborhood. I'm curious if a notice was sent out to notify those who live close to the parcel. This is a development I'm sure they'd want to be made aware of. My initial thought is that the proposal doesn't fit with the character of the neighborhood being that townhomes are not single family homes like the rest of the neighborhood. Would the developer consider single family homes that meet the style and layout of the rest of the community? *I defer to the developer to respond. There may be zoning or future land use restrictions that apply to the property. To find out more please contact the Zoning Office at 321-633-2070. Would these new residents fall within the same HOA as Egrets Landing? I do not have the answer. The Planning and Development Department does not regulate HOAs.* I'm concerned that adding townhomes to the entrance would reduce the value of the neighboring properties, and if any new properties go on that parcel, it would be crucial to integrate them into the HOA to ensure they are meeting the same standards that the rest of the neighborhood must follow to achieve the nice character that we all invested in. *Good questions.*

I am personally opposed to this rezone until the neighbors and Egrets Landing HOA have had the opportunity to ask the developers questions and work out these details. *Understood. Which application is this for? Please respond to [administrativeservices@brevardfl.gov](mailto:administrativeservices@brevardfl.gov) by referencing the application number in the subject line of the email and reiterating your public comment to whichever application it applies to.*

Thank you



**Main: (321) 724-1230**

**Brevard County Planning & Development Department**

**2725 Judge Fran Jamieson Way**

**Building A, Room 114**

**Viera, FL 32940**

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**From:** Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>

**Sent:** Thursday, November 14, 2024 10:41 AM

**To:** Stefani Maduskuie <[stefani220@gmail.com](mailto:stefani220@gmail.com)>



**Cc:** Jackson, Desiree <[Desiree.Jackson@brevardfl.gov](mailto:Desiree.Jackson@brevardfl.gov)>; King, Jeff <[Jeff.King@brevardfl.gov](mailto:Jeff.King@brevardfl.gov)>  
**Subject:** RE: Rezoning Request

Hi, Stefani! I hope you are also doing well.

I no longer work in Planning & Development, but I am forwarding your email to the new POC for the NMI Dependent Special District, Desiree Jackson.

Regards,

Jennifer

**From:** Stefani Maduskuie <[stefani220@gmail.com](mailto:stefani220@gmail.com)>  
**Sent:** Thursday, November 14, 2024 10:33 AM  
**To:** Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>  
**Subject:** Rezoning Request

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

Hi Jennifer! I hope you are doing well.

I wonder if you can help me with something. Your email was listed as the POC for the NMI Dependent Special District.

I live in Egrets Landing on north Merritt Island, and I just saw that there is a proposed rezoning for property 2318721, a parcel the lies within the neighborhood. I'm curious if a notice was sent out to notify those who live close to the parcel. This is a development I'm sure they'd want to be made aware of. My initial thought is that the proposal doesn't fit with the character of the neighborhood being that townhomes are not single family homes like the rest of the neighborhood. Would the developer consider single family homes that meet the style and layout of the rest of the community? Would these new residents fall within the same HOA as Egrets Landing? I'm concerned that adding

townhomes to the entrance would reduce the value of the neighboring properties, and if any new properties go on that parcel, it would be crucial to integrate them into the HOA to ensure they are meeting the same standards that the rest of the neighborhood must follow to achieve the nice character that we all invested in.

I am personally opposed to this rezone until the neighbors and Egrets Landing HOA have had the opportunity to ask the developers questions and work out these details.

I appreciate any help you can provide!

Kind regards,

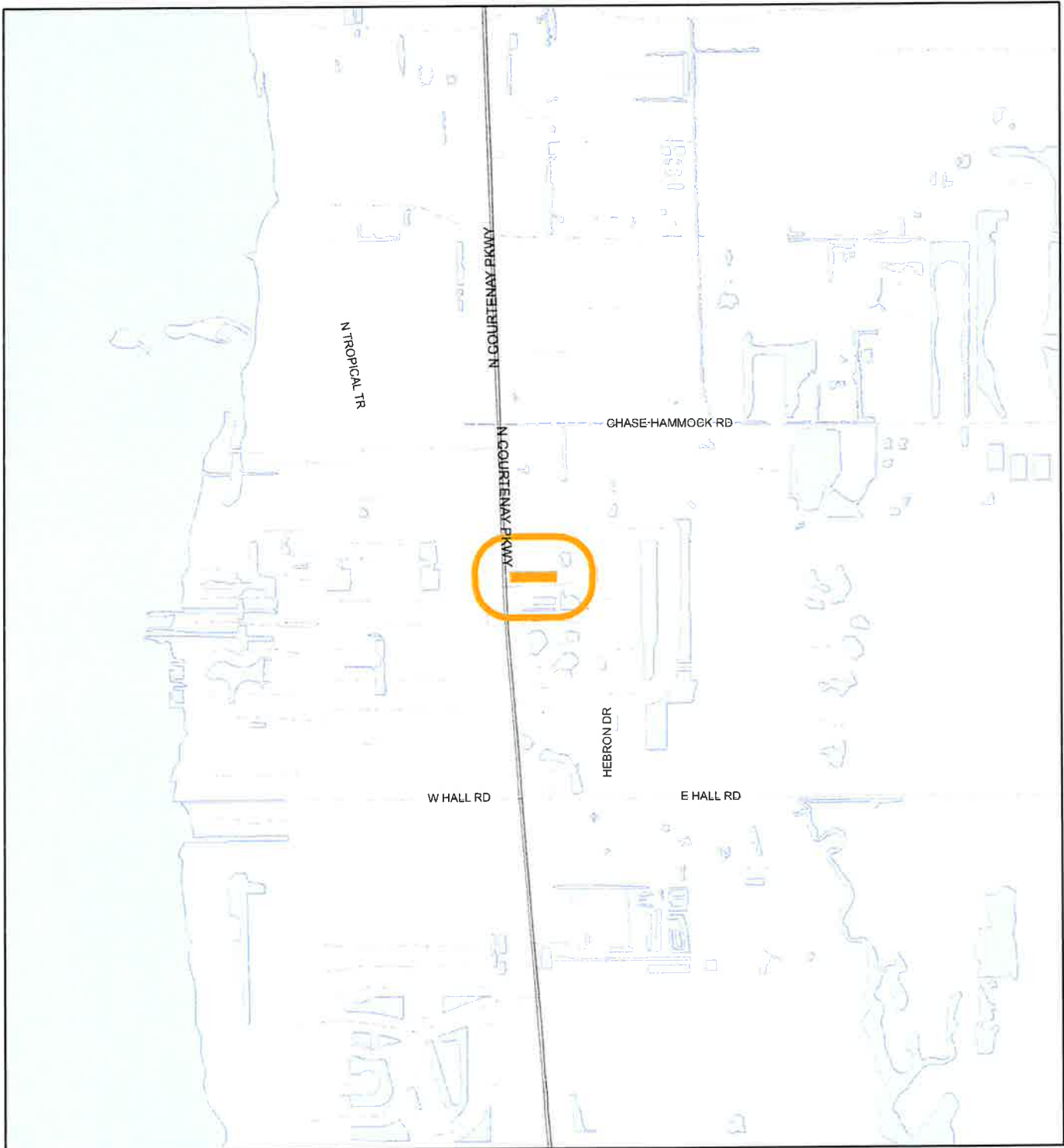
Stefani Maduskuie

Stefani Maduskuie

# LOCATION MAP

SCHWA INC

24Z00051



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

Buffer Distance: 500 feet

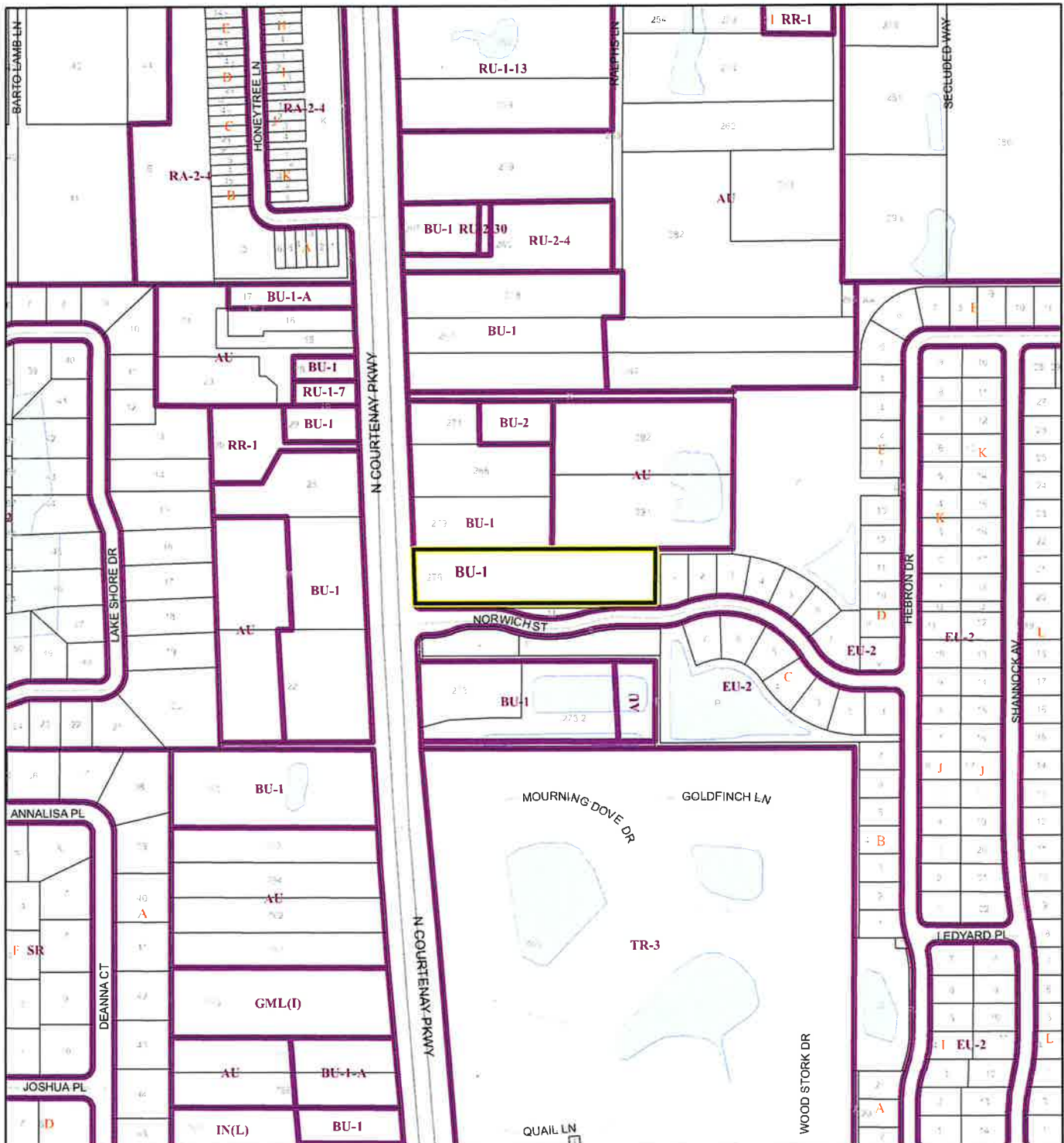
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/11/2024

- Buffer
- Subject Property

# ZONING MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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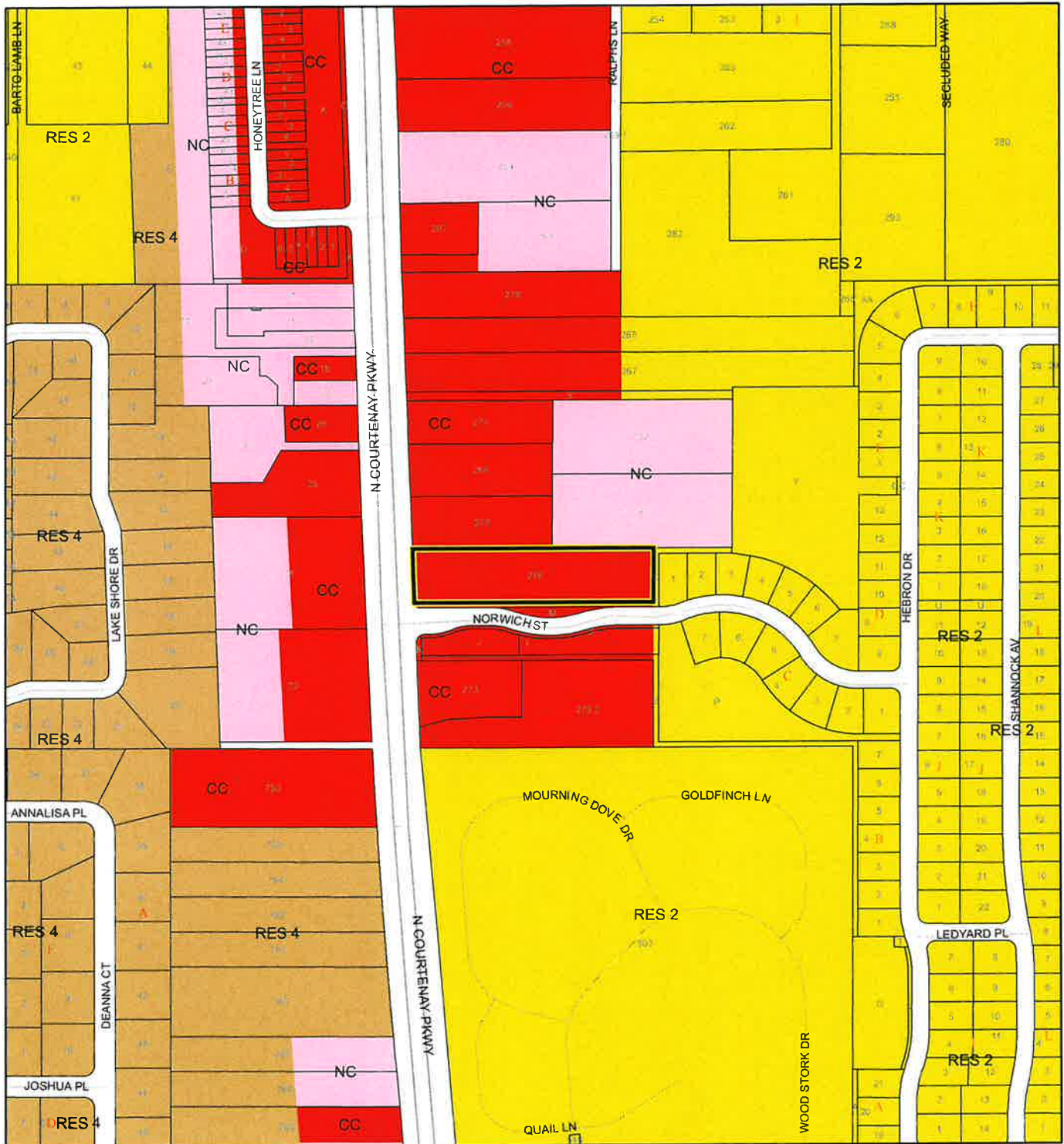
— Subject Property

□ Parcels

□ Zoning

# FUTURE LAND USE MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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# AERIAL MAP

SCHWA INC

24Z00051



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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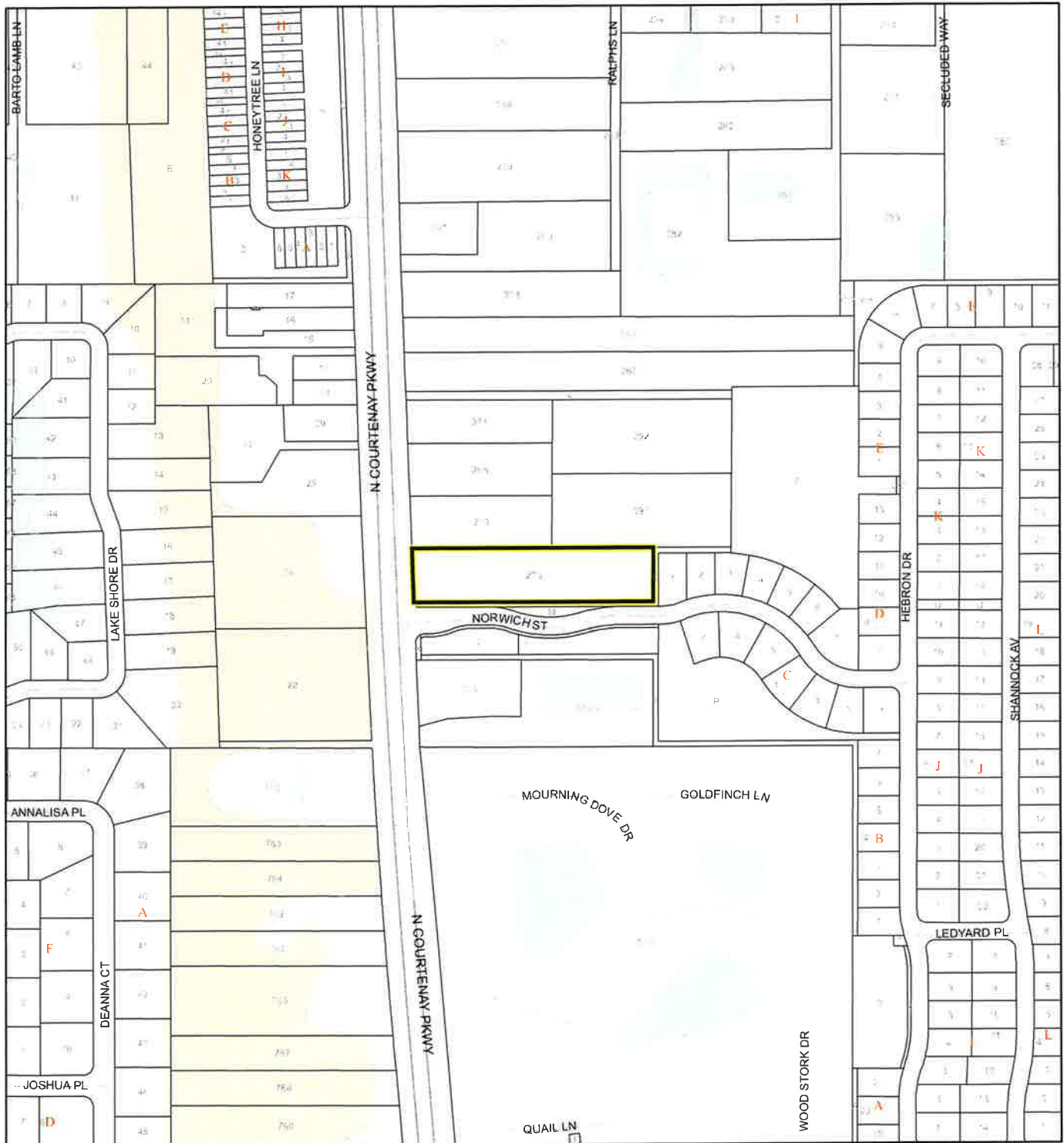
 Subject Property

 Parcels



# NWI WETLANDS MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

— Subject Property

□ Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS WETLANDS

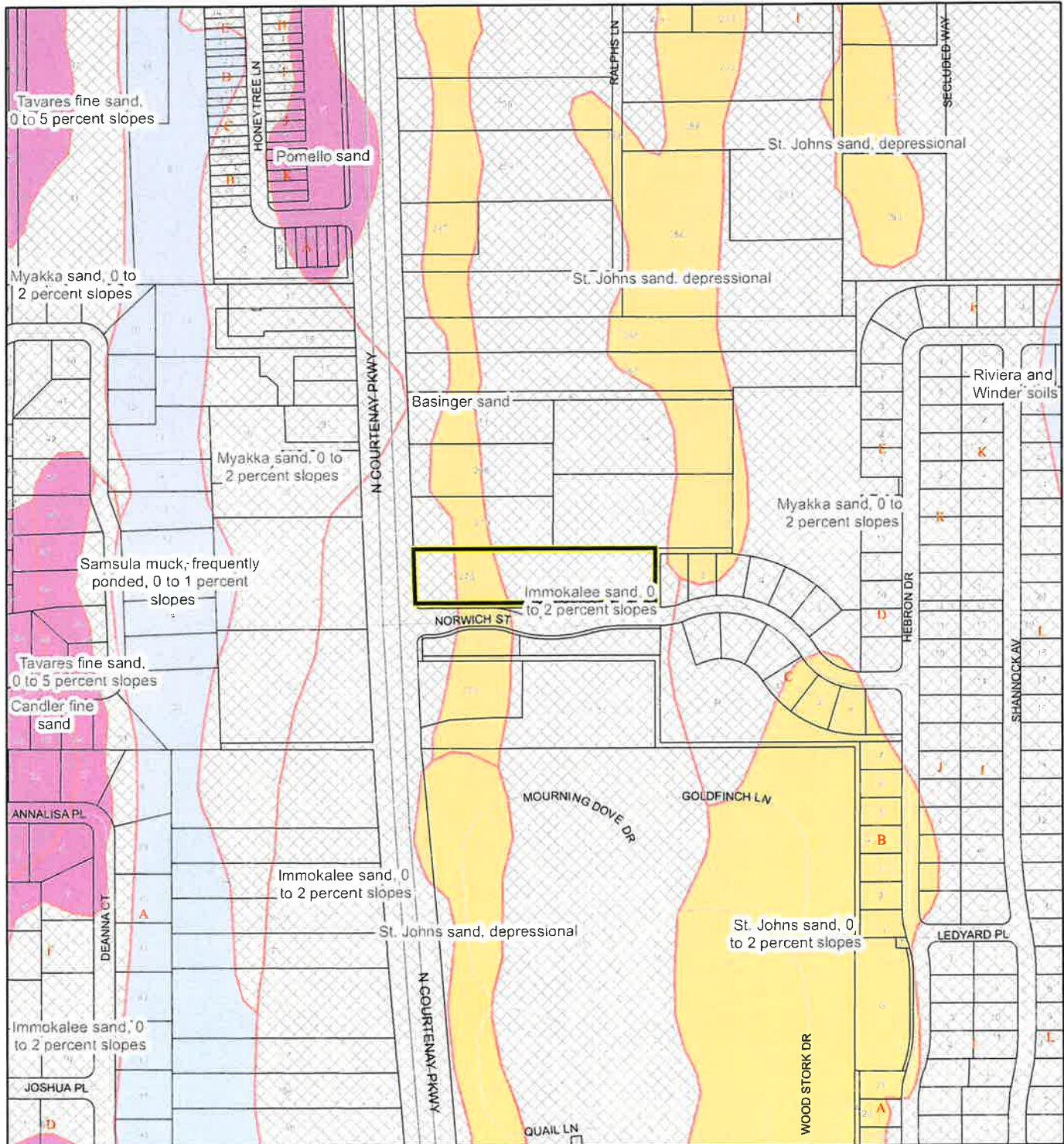
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

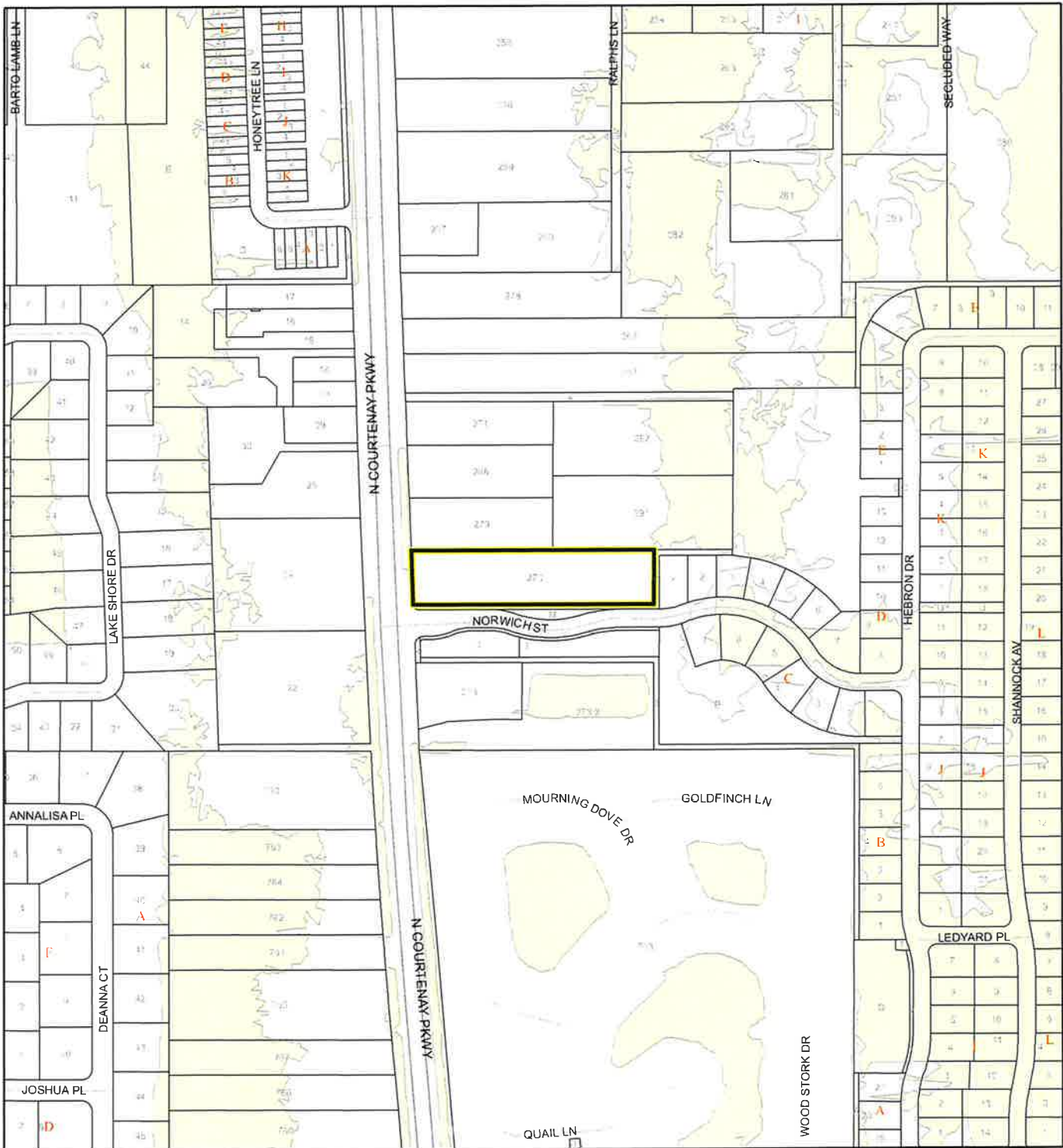
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels



FEMA FLOOD ZONES MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

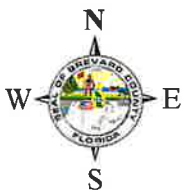
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

COASTAL HIGH HAZARD AREA MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

— Subject Property

□ Parcels

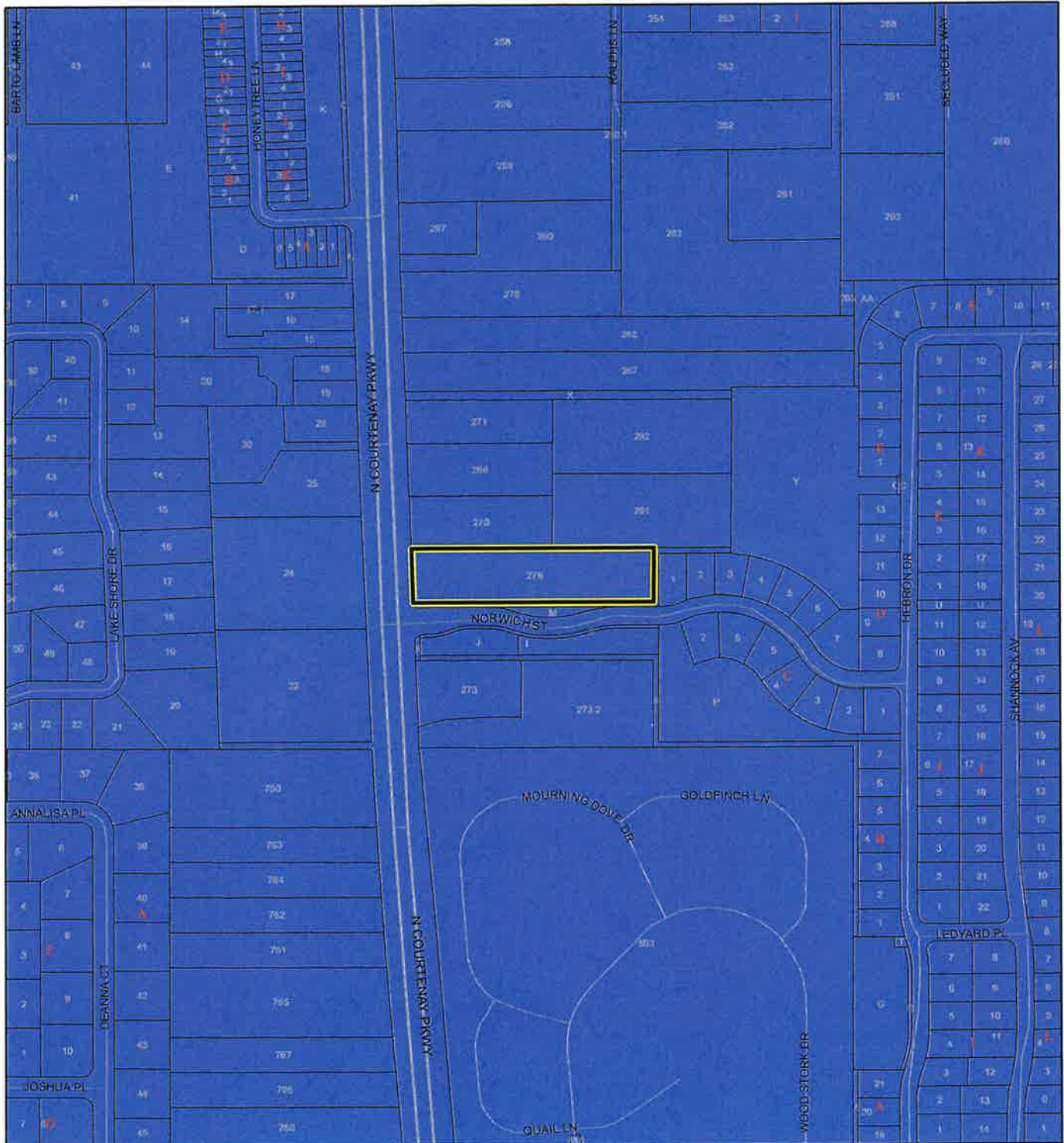
**Coastal High Hazard Area**

■ SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

 Subject Property

 Parcels

## Septic Overlay

 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

SCHWA INC

24Z00051



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: 9/11/2024

— Subject Property

□ Parcels

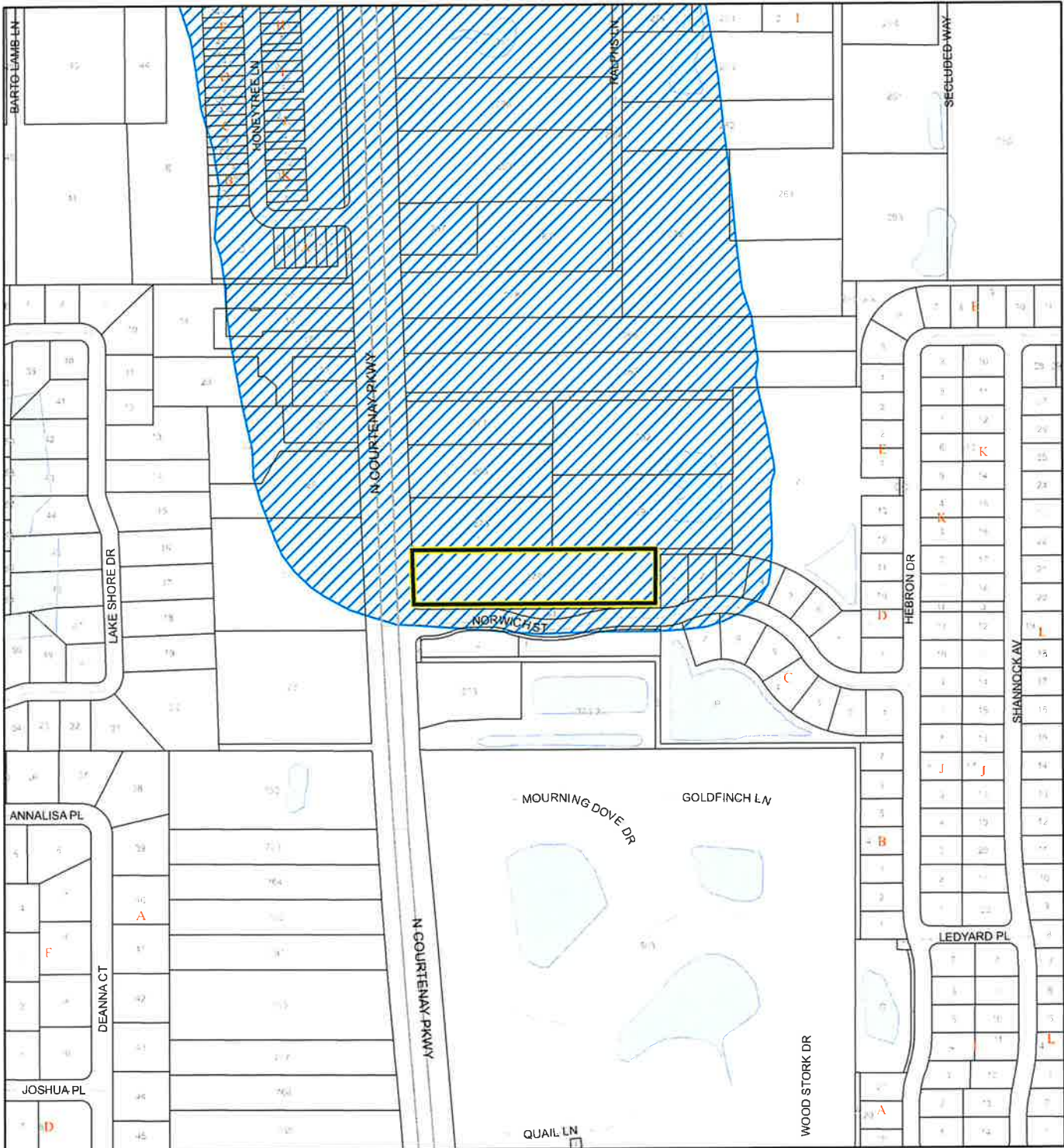


Eagle Nests  
FWS



# SCRUB JAY OCCUPANCY MAP

SCHWA INC  
24Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

- Subject Property
- Parcels
- ▨ Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SCHWA INC  
24Z00051



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: 9/11/2024

## 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







H.3







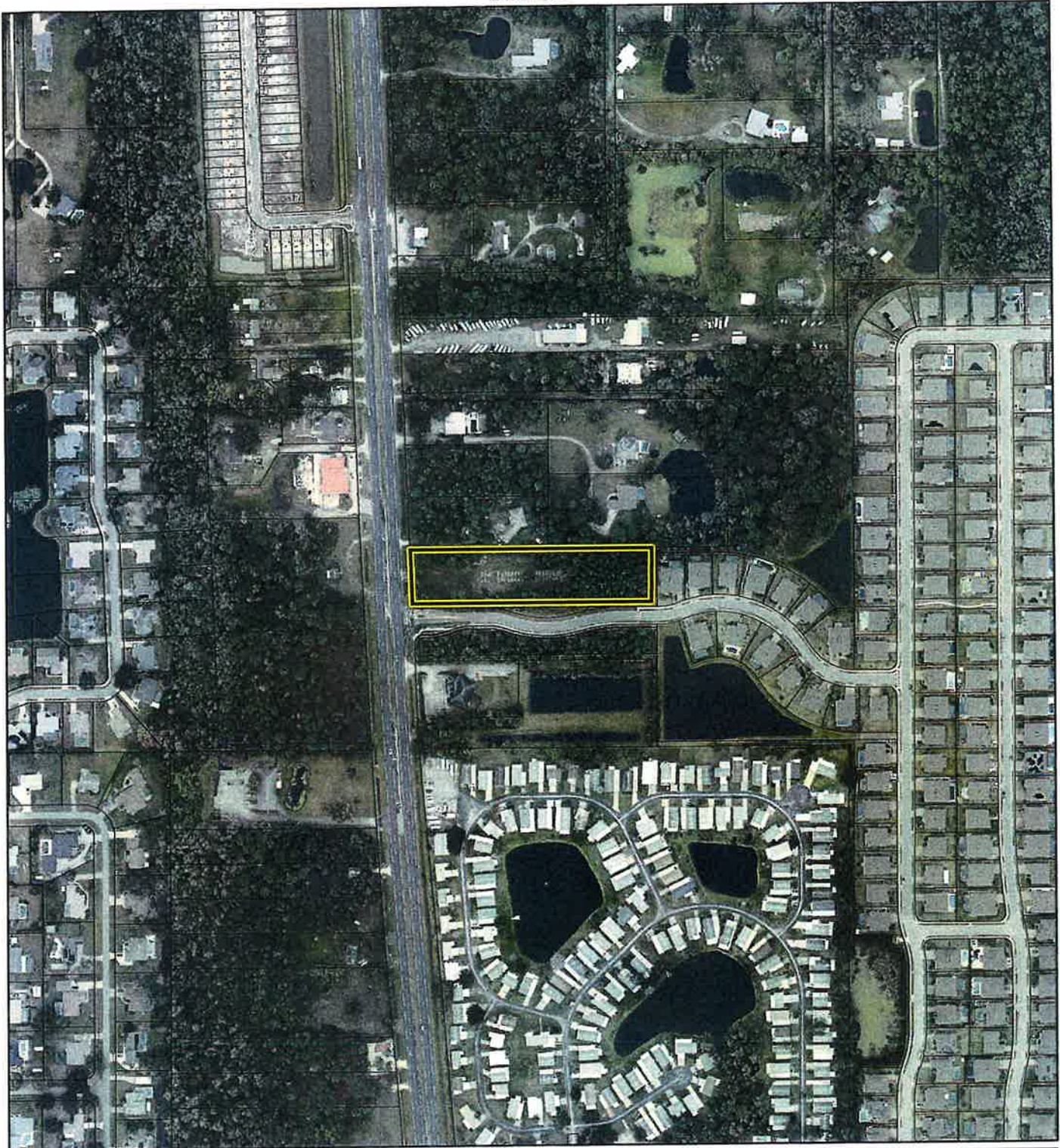


H.3.

# AERIAL MAP

SCHWA INC

24Z00051



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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: 9/11/2024

— Subject Property

□ Parcels

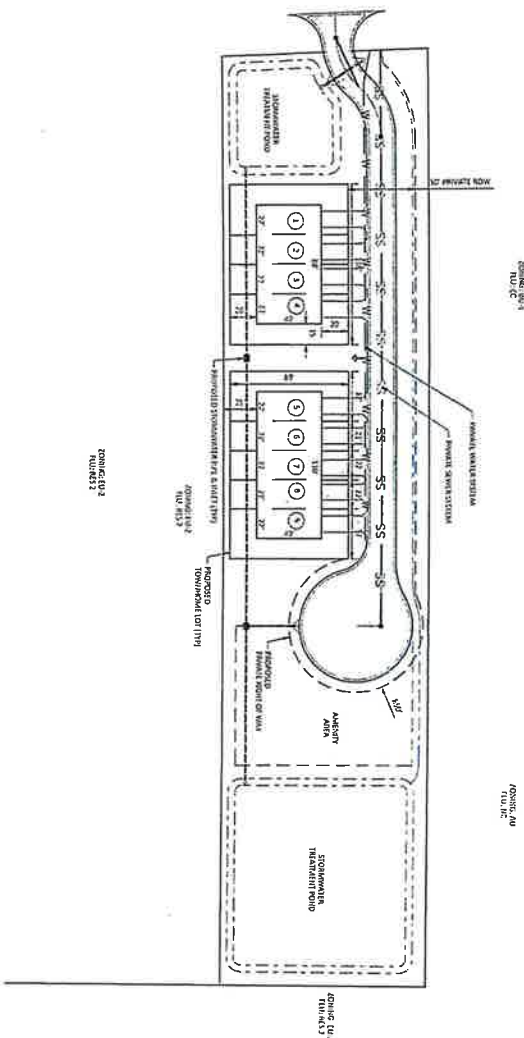


## MERRITT ISLAND, FLORIDA

MARCH 14, 2023

PREPARED FOR:

SCHWAB, INC

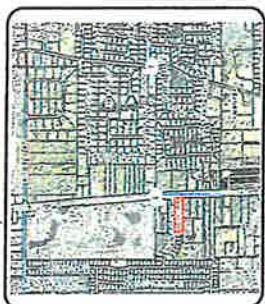
PRELIMINARY SITE PLAN 

**SURVEY LEGEND:**

- |      |   |
|------|---|
| (1)  | PERMANENT CONTROL POINT                     |
| (2)  | PERMANENT REFERENCE MONUMENT                |
| (3)  | REINFORCED CONCRETE PILE                    |
| (4)  | OPTICAL RECORDS                             |
| (5)  | LICENSE BUSINESS                            |
| (6)  | LAND SURVEYOR                               |
| (7)  | POINT OF CURVATURE                          |
| (8)  | EDGE OF ASPHALT                             |
| (9)  | DIMENSION MEASURED DURING SURVEY            |
| (10) | DIMENSION SKETCH IN USED                    |
| (11) | CALCULATED DURING SURVEY ( NO MONUMENT SET) |

LEGEND:

<b>DESCRIPTION</b>	<b>PROPERTY LINE</b>
PROPOSED BUILDING ASPHALTIC PAVEMENT PAVEL DRIVE	
STORMWATER CONTOUR	

VICINITY MAP  
1/15

### GENERAL STATEMENT

[illegible]

#### **CONTACT INFORMATION**

**CENT EXAMINING:**  
TOWNSHIP CONSULTING ENGINEERS, INC.  
106A TROUSER  
2310 FRONT STREET STE #200  
MILWAUKEE, WI 53201

**SUPPLY:**

DONALD C. JOHNSON, SENECA  
 DONALD C. LAMMORRE, PLS  
 2697 MIDSON AVENUE  
 MARIOTT GRAND, FL 32992  
 TEL: 321-254-8110

## SITE DATA

TOTAL COST RECEIVED: 1.750.000,5  
COSTS: 1.000.000,00  
REVENUE: 750.000,50  
NET PROFIT: 750.000,50  
GROSS PROFIT: 750.000,50  
GROSS MARGIN: 43,43%

## BUILDING DATA

OXALIC ACID  
ALLOYED-4 DYING/LIGHTS PER ACID  
PROPOLOID-3 7 DYEING/LIGHTS PER ACID

ALLOWANCE:  
ALLOWED: 40%

PRECIPITATION, MM	NOAA	70
LOC TYPE:	SOC INT.	10
COORDINATES: 1, 600 SE	SOC CONNER	15
ADDITIONAL COMMENTS: 0.0 to 0.1	PREVALEN	25

## PROFOSIO MANIPULUM YIDITH

141241  
Mauritania 39°



4499 Wood Stork Drive Merritt Island, FL 32953  
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## Amenity Legend

-  Clubhouse/Office
-  Entrance/Main Gate
-  Exit
-  Mail Kiosk
-  Maintenance Garage
-  Outdoor Patio
-  Pool & Spa
-  RC Car Track
-  Recreation Area
-  RV/Boat Storage
-  Shuffleboard Courts



**Sec. 62-1339. Estate use residential, EU, EU-1 and EU-2.**

The EU, EU-1 and EU-2 estate use residential zoning classifications encompass lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

- (1) *Permitted uses.*
  - a. Permitted uses are as follows:
    - One single-family residential detached dwelling.
    - Parks and public recreational facilities.
    - Private golf courses.
    - Foster homes.
    - Sewer lift stations.
  - b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
    - Group homes, level I, subject to the requirements set forth in section 62-1835.9.
    - Preexisting use.
    - Power substations, telephone exchanges and transmission facilities.
    - Private parks and playgrounds.
    - Resort dwellings.
    - Temporary living quarters during construction of a residence.
- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).
- (3) *Conditional uses.* Conditional uses are as follows:
  - Bed and breakfast inn.
  - Change of nonconforming agricultural use.
  - Guesthouses or servants' quarters, without kitchen facilities.
  - Land alteration (over five acres and up to ten acres).
  - Recreational facilities.
  - Recreational/residential marina.
  - Resort dwellings.
  - Single-family residential second kitchen facility.
  - Skateboard ramps.
  - Substantial expansion to a preexisting use.
  - Wireless telecommunication facilities and broadcast towers.
- (4) *Minimum lot criteria.* Minimum lot criteria are as follows:

Classification	Size (square feet)	Width (feet)	Depth (feet)
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EU	15,000	100	100
EU-1	12,000	100	100
EU-2	9,000	90	100

(5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
- b. Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten feet to the rear and side lot lines, but in no case within the setbacks from a side street and with a minimum spacing of five feet.

(6) *Minimum floor area.* Minimum floor area is as follows:

- a. *EU*: 2,000 square feet of living area.
- b. *EU-1*: 1,800 square feet of living area.
- c. *EU-2*: 1,500 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(l); Ord. No. 95-47, §§ 18, 19, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 18, 19, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 5, 1-11-00; Ord. No. 2002-49, § 11, 9-17-02; Ord. No. 2003-03, § 12, 1-14-03; Ord. No. 04-29, § 12, 8-5-04; Ord. No. 2004-52, § 10, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 15, 12-6-07; Ord. No. 2010-22, § 14, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)





## Future Land Use

The subject property is currently designated as Community Commercial (CC) FLUM designation. The current BU-1 zoning and the proposed RA-2-4 zoning are consistent with the existing CC FLUM designation.

### **FLUE Policy 2.10 Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

#### Criteria:

A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**Single-family attached residential zoning can be used as a transition to buffer from the higher intensity impacts along N. Courtenay Pkwy. to lower intensity impacts, which the abutting residential use to the East of the subject parcel can be considered.**

B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**With the parcel located within the Community Commercial FLU designation, residential density could be rated up to 4 units per acre as the closest residential FLUM is RES 2 and the parcels FLUM of CC, allows for one density higher than closest residential density. The applicant wishes to utilize a zoning consistent with RA-2-4 for a residential density of 4 units per acre. The requested rezoning can be considered a transition from high and low intensity uses.**



Sec. 62-2106. - Mixed use commercial and residential use.

- (a) A portion of a commercial building or site located in a general retail commercial zoning classification (BU-1), a restricted neighborhood retail commercial zoning classification (BU-1-A), or a retail warehousing and wholesale business zoning classification (BU-2), as applicable, may be used for residential purposes. The total residential floor area of each residence shall adhere to the minimum floor area requirements of the RU-2-10 zoning classification. The density of the residential component shall be governed by the Future Land Use Element of the Comprehensive Plan, as described in Policy 2.10.
- (b) The commercial portion of the property shall occupy at least a portion of the first floor of the structure and must be designed and permanently maintained for commercial use. Both commercial and residential uses may occupy the same structures on the property, or a detached single-family or multifamily dwelling may be constructed as the residential component of a mixed use facility pursuant to the criteria of this section.

(Ord. No. 05-18, § 1, 5-10-05; Ord. No. 2022-32, § 3, 11-3-22)

**Editor's note—** Ord. No. 05-18, § 1, adopted May 10, 2005, amended § 62-2106 in its entirety to read as herein set out. Formerly, § 62-2106 pertained to compound commercial/industrial and residential use.

Sec. 62-1372. - Medium-density multiple-family residential, RU-2-10, RU-2-12 and RU-2-15.

The RU-2-10, RU-2-12 and RU-2-15 medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

Multifamily dwellings.

Duplexes.

Resort dwellings.

Single-family attached dwellings, in accordance with the development standards in the single-family attached residential zoning classifications.

Single family dwellings up to the allowable density limitation of the zoning classification. For the purposes of setback and spacing requirements, such single family dwellings shall be considered principal buildings. Additional multiple-family dwellings are permitted on the parcel if all units comply with the density limits.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, levels I and II, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Boardinghouses and bed and breakfast inns.

Change of nonconforming agricultural use.

Development rights receipt or transfer.