



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.8.

3/13/2025

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### Subject:

Villas at River Palms, LLC (Edward Fleis) requests a change in zoning classification from BU-2 to RU-1-7. (23Z00067) (Tax Account 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918) (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-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential) on approximately 2.7 acres. The applicant proposes to develop a single-family residential subdivision containing eleven (11) lots.

Building permits #: 23BC09709, 24BC20363, and 24BC20364 to remove various existing structures from the properties under this review have been completed.

The subject property has been zoned BU-2 under several Zoning actions # Z-283, Z-300 and Z-685. Z-283 was approved by the Board on December 10, 1959. Z-300 was approved by the Board on February 4, 1960. Z-685 was approved by the Board on April 5, 1962.

North of the subject property is a 1.6-acre vacant lot once proposed for a 24-unit condominium (not constructed). The condo was noted as Delano on The River under Site Plan # 05-04-003. South of the subject property is a 14.45-acre parcel developed with a nonconforming mobile home park under the designation of NMH-82. The park's capacity is 146 units. West of the subject property are three commercial properties developed with multiple commercial uses including a gun range, auto repair, and mini warehousing. East of the subject property is the Banana River.

The Board may wish to consider whether the proposed zoning is consistent and compatible with the surrounding area. The Board may also wish to consider whether the request is consistent with Chapter X (Coastal Management Element), Objective 7 of the Brevard County Comprehensive Plan, which states as an objective to "limit densities within the coastal high hazard area and direct development outside of this area."

The proposed density of this development meets the requirements of Chapter XI (Future Land Use Element), Policy 2.10, which serves to limit density by stating that within the Coastal High Hazard Area, "... 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."

On February 17, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

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

**Resolution 23Z00067**

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

**WHEREAS, Villas At River Palms LLC** (Edward Fleis) requests a change in zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single Family Residential), on property described as Tax Parcel 40, as recorded in ORB 10092, Pages 2481-2484, and ORB 10092, Pages 2493-2496, of the Public Records of Brevard County, Florida; Tax Parcel 43, as recorded in ORB 10121, Pages 2244-2247, of the Public Records of Brevard County, Florida; Tax Parcel 44, as recorded in ORB 10092, Pages 2485-2488, and ORB 10092, Pages 2497-2500, of the Public Records of Brevard County, Florida; Tax Parcel 46, as recorded in ORB 10121, Pages 2252-2255, of the Public Records of Brevard County, Florida; Tax Parcel 49, as recorded in ORB 10121, Pages 2248-2251, of the Public Records of Brevard County, Florida; and Tax Parcel 49.01, as recorded in ORB 10092 Pages 2489 – 2492 and ORB 10092, Pages 2501- 2504 of the Public Records of Brevard County, Florida. **Section 31, Township 24, Range 37.** (2.7+/- acres total) Located on the east side of S. Banana River Dr. and approx. 265 ft. south of E. Merritt Island Cswy. (120, 140, 150, 160, 180 & 190 S. Banana River Dr., Merritt Island); and

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

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

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-2 to RU-1-7, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of March 13, 2025.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Rob Feltner, Chair  
Brevard County Commission  
As approved by the Board on March 13, 2025.

ATTEST:

  
RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – February 17, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if

a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in



support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

**23Z00067**

#### Villas at River Palms, LLC

#### **BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential)**

Tax Account Number: 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918  
Parcel I.D.s: 24-37-31-01-\*40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49.01  
Location: 120, 140, 150, 160, 180 and 190 S. Banana River Drive, Merritt Island)  
(District 2)  
Acreage: 2.7 acres

MIRA: 01/23/2025

Planning & Zoning Board: 02/17/2025

Board of County Commissioners: 03/13/2025

#### Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
<b>Zoning</b>	BU-2	RU-1-7
<b>Potential*</b>	FAR of 1.0 81 residential units**	16 Single-family
<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.

\*\* Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

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

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential) on approximately 2.7 acres. The applicant proposes to develop a single-family residential subdivision containing eleven (11) lots.

Building permits #: **23BC09709**, **24BC20363**, and **24BC20364** to remove various existing structures from the properties under this review have been completed.

The subject property has been zoned BU-2 under several Zoning actions # **Z-283**, **Z-300** and **Z-685**. **Z-283** was approved by the Board on December 10, 1959. **Z-300** was approved by the Board on February 4, 1960. **Z-685** was approved by the Board on April 5, 1962.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Vacant	RU-2-15	CC
<b>South</b>	Nonconforming mobile home park	RU-1-9	RES 6
<b>East</b>	Banana River	N/A	N/A
<b>West</b>	Retail, Repair/Service, and Mini-warehouse	BU-2	CC

North of the subject property is a 1.6 acre vacant lot once proposed for a 24 unit condominium (not constructed). The condo was noted as Delano on The River under Site Plan # SP# 05-04-003.

South of the subject property is a 14.45 acre parcel developed with a nonconforming mobile home park under the designation of NMH-82. The park's name is River Palms Trailer Park. The park capacity is 146 units.

West of the subject property are three commercial properties developed with multiple commercial uses including a gun range, auto repair and mini-warehousing.

RU-1-9 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

RU-2-15 classification 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. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

## Land Use

The subject property is currently designated on the FLUM as Community Commercial (CC). The current BU-2 zoning classification is consistent with the CC FLU designation. The proposed RU-1-7 zoning classification can be considered consistent with the existing Community Commercial (CC) FLU designation if it meets the criteria of FLUE Policy 2.10.

## Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Future Land Use Element.

### Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

**S. Banana River Drive is two-laned Brevard County maintained roadway.**

**Preliminary concurrency analysis indicates the proposal would not create a deficiency in Adopted Level of Service (LOS). The corridor is anticipated to operate at 19.19% of capacity daily. Specific concurrency issues will be addressed during the site plan review stage. This is only a preliminary review and is subject to change.**

**The subject property has access to potable water from the City of Cocoa and access to Brevard County's sanitary sewer.**

**Drainage plans will be reviewed at the site plan review stage.**

**Public recreation facilities to serve the needs of the associated development are located approximately one (1) mile from the subject property.**

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

**A fire, police and emergency medical services level of service analysis has not been conducted. However, Brevard County Fire Station 42 is located approximately one mile north of the subject property and Health First Hospital is also located within two miles east. Specific concurrency issues will be addressed during the site plan review stage.**

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

**Pursuant to FLUE Policy 2.10, staff analysis has determined the density for this development would be limited to RES 6 due to the property is mapped within the CHHA and is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Specific concurrency issues will be addressed during the site plan review stage.**

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**The proposed residential development is limited to six units per acre. Public water service is available; therefore, the applicant shall connect to a centralized sewer system.**

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

**Not applicable. The subject property has access to potable water from the City of Cocoa and access to Brevard County's sanitary sewer. The proposed development also falls within the Indian River Lagoon Septic Overlay area and Banana River Lagoon Basin Management Action Plan which requires an advanced septic system for new construction to reduce the total maximum daily loads (TMDLs) of nitrogen and phosphorus.**

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

**Not applicable. The proposed development land use designation is CC with RES 6 being the underlying residential density pursuant to Policy 2.10.**

#### **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.

**A conceptual plan was not submitted with this request and not required. Development techniques of the proposal will be evaluated during the site plan review stage.**

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.

**Staff analysis has determined density bonuses within the CHHA, if requested, shall be approved by the Board of County Commissioners and shall be subject to environmental constraints.**

**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;

**This request is not anticipated to significantly diminish the enjoyment or safety or quality of life.**

**Development would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.**

- 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 Appraisal 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;

**There are six (6) FLUM designations (RES 4, RES 6, RES 15, NC, CC and REC) within a half-mile radius of the subject property. The subject property is within the CC FLU designation with RES 6 to the south.**

**The character of the area is a mix of commercial and residential. The commercial and retail uses are predominately located along the State Road 520 corridor and extends slightly down both North and South Banana River Drive which then transitions to a mix of residential types.**

**Existing uses in the immediate surrounding area includes a nonconforming mobile home park with a capacity of 146 units, a gun range, auto repair, mini-warehousing, and vacant land.**

**Staff analysis has determined that the proposed residential use may be considered an encroachment into the existing commercial to the west across S. Banana River Drive.**

**Within the past three years there have been no FLUM changes within the defined radius.**

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

**No new development has been noted.**

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

**No actions were identified.**

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

**No material violation of relevant policies of the Comprehensive Plan has been identified.**

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

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

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume,

time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 1.5%. The corridor is anticipated to operate at 19.19% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change. No commercial or industrial activity is proposed with this application.**

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.

**There is no established residential neighborhood with clearly established roads, open spaces, or similar features. The nonconforming mobile park south of the subject can be considered residential in nature and the area is bounded by the Banana River to the east.**

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 proposed is not a request for a neighborhood commercial 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.

**There have been no commercial, industrial or other non-residential uses applied for and approved during the previous five years.**

## **Admin Policy 7**

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

- **The entire property is mapped within the estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division**

5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

- 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.
- The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water, and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is South Banana River Drive, between SR 520 and the southern end of South Banana River Drive which has a Maximum Acceptable Volume (MAV) of 12,480 trips per day, a Level of Service (LOS) of E, and currently operates at 17.69% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.5%. The corridor is anticipated to operate at 19.19% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The school concurrency information provided under CD-2023-19 dated August 14, 2023 (one year ago) notes that there is sufficient capacity for the number of proposed students generated by the 11 single-family home lots which are serviced by Tropical Elementary School, Jefferson Middle School and Merritt Island Senior High School.

The subject property has access to potable water from the City of Cocoa and access to Brevard County's sanitary sewer.

### **Environmental Constraints**

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

- **Coastal High Hazard Area**
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Potential Code Enforcement

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 23Z00067**

**Applicant:** Edward Fleis (Owner: Villas at River Palms, LLC)

**Zoning Request:** BU-2 to RU-1-7

**Note:** to develop 11 single family homes

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.(s):** 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918

- 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:**

- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Potential Code Enforcement

**Land Use Comments:**

**Coastal High Hazard Area**

Nearly the entirety of these properties is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

**Floodplain Protection**

The entire property is mapped within the estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X,

Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Indian River Lagoon Nitrogen Reduction 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.

### **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water, and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) may exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.**

### **Potential Code Enforcement**

Information available to NRM indicates that unpermitted land clearing and land alteration activities may have occurred on this property between 2021 and 2023. This includes impacts in the surface water protection buffer. The confirmation of unpermitted land clearing activities may result in code enforcement action.



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>

**Addendum #1 To 23Z00067 Villas at River Palms, LLC (Edward Fleis) Staff Comments**

This addendum provides a clarification to the staff analysis provided in the Staff Comments presented to Local Planning Agency (LPA) for the February 17, 2025 hearing.

The applicant is requesting a change of zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential) on approximately 2.7 acres. The applicant proposes to develop a single-family residential subdivision containing eleven (11) lots.

**Staff changes:**

The following changes to the Natural Resources Management Staff Comments:

- Sentence removed under Land Use Comments: Coastal High Hazard Area - The parcel may be susceptible to nuisance flooding.
- Sentence added under Land Use Comments: Coastal High Hazard Area - Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard Area and direct development outside of this area.

The *revised* NRM comments are attached.



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 23Z00067**

**Applicant:** Edward Fleis (Owner: Villas at River Palms, LLC)

**Zoning Request:** BU-2 to RU-1-7

**Note:** to develop 11 single family homes

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.(s):** 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918

- 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.
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- **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:**

- Coastal High Hazard Area
- Floodplain Protection
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- Surface Waters of the State
- Protected and Specimen Trees
- Potential Code Enforcement

**Land Use Comments:**

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**Floodplain Protection**

The entire property is mapped within the estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division

5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Indian River Lagoon Nitrogen Reduction 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.

### **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water, and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

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### **Potential Code Enforcement**

Information available to NRM indicates that unpermitted land clearing and land alteration activities may have occurred on this property between 2021 and 2023. This includes impacts in the surface water protection buffer. The confirmation of unpermitted land clearing activities may result in code enforcement action.



**MERRITT ISLAND REDEVELOPMENT AGENCY**  
**INTER-OFFICE MEMORANDUM**

**DATE:** January 29, 2025

**TO:** Trina Gilliam, Senior Planner  
Desiree Jackson, Associate Planner  
Kristen Champion, Special Projects Coordinator III

**FROM:** Lisa Nicholas, Community Development Manager, on behalf of the  
Merritt Island Redevelopment Agency Board of Directors

**RE:** **MIRA Board of Directors Rezoning Review – Application #23Z00067**  
**120-180 South Banana River Drive, Merritt Island**  
**Request to Rezone the Property from BU-2 to RU-1-7**

*As set forth in Sec. 62-2114 of the Brevard County Code, when an application is made to the Planning and Zoning Board for a change in zoning that pertains to property located in the Merritt Island Redevelopment Area, the application shall be forwarded to the Merritt Island Redevelopment Agency for review prior to the applicable public hearing before the Planning and Zoning Board.*

At its regular meeting on January 23, 2025, the MIRA Board of Directors reviewed the proposed application, #23Z00067, which would rezone the subject property from BU-2 to RU-1-7 for the purpose of constructing a compact residential waterfront subdivision along South Banana River Drive. The subdivision would be comprised of single-family homes.

Upon review, the Board recommended attaching a Binding Development Plan (BDP) to stipulate that the dwelling units cannot be constructed as mobile homes or condominiums. Unanimously, the Board voted to **recommend approval** of the rezoning from BU-2 to RU-1-7 as long as the dwelling units that are constructed are single-family homes.

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 17, 2025, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Darcie McGee, Assistant Director, (Natural Resources Management); Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### Excerpt of complete agenda

**Item H.8. Villas at River Palms, LLC (Edward Fleis) requests a change in zoning classification from BU-2 to RU-1-7. (23Z00067) (Tax Account 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918) (District 2)**

Trina Gilliam read the application into the record.

Edward Fleis spoke to the application. The property is a 2.7-acre parcel zoned BU-2. The property to the north is residential, the property to the south is residential. RU-2-15 and RU-1-9. We're requesting to be rezoned to RU-1-7. This permits 50-foot-wide lots. It's restricted to only 6 units per acre because it's in a coastal high hazard area. Which means we could get 16 units if we were going to do townhomes. But we decided to do single-family homes, so we're limited to 11. It's a parcel that has 11 platted lots, we'll replat it to 11 lots, and the objective is going to be a very high scale upper end single family home development. There will be a security gate and walls on the north and south of it and along South River Drive.

There was no public comment.

Trina Gilliam stated she would like to amend the record. This item went before MIRA, and they recommended approval with a BDP to stipulate that the units could not be mobile homes or condominiums. She also wanted to point out in accordance with Objective 7 of the coastal residential densities in our future land use which states that we should direct development outside the coastal high hazard area. That can be a part of your recommendation for approval of this request.

Henry Minneboo asked if MIRA had anything negative to say.

Trina Gilliam stated they were concerned about mobile homes and condominiums. They just want single-family there. And, this zoning, RU-1-7 doesn't permit mobile homes or condominiums. It's a single-family zoning.

Erika Orriss stated they wanted a BDP on top of that as well.

Trina Gilliam responded correct, to say no mobile homes, but again the zoning doesn't permit that.

Henry Minneboo commented the most expensive mobile home park is south of there.

John Hopengarten asked if the developer knows who their neighbor is across the street.

Mr. Fleis stated it's a commercial development across the street.

John Hopengarten commented that it's a gun store. You're going to put luxury homes across the street from a gun range. There will be a lot of noise.

Mr. Fleis responded that the cost of the property is extremely high. It is very high when you talk about buying riverfront property. The highest and best use of the property would be single family homes.

John Hopengarten responded that you can do all kinds of industrial stuff on it because of the zoning.

Mr. Fleis stated to keep in mind that to the north is RU-2-15 and at one time was approved for a 24-unit condominium, which did not get built. And, it's still zoned RU-2-15. And then south of that is a mobile home park. Both are residential in character. There hasn't been a lot of interest in doing a commercial type of development.

John Hopengarten inquired if there was water and sewer available.

Mr. Fleis responded both are available. There's a force main right on the street. This will be done through a pump station. There's a high-water table and at one time I think the 100-year flood was about 3.5 feet. Now with some of the flooding we've had over the last number of years it's much higher. There will be a lot of fill required on the site.

John Hopengarten commented you're going to raise the site elevation.

Mr. Fleis responded it will have to be raised.

John Hopengarten asked how it was going to affect the neighbors. There's a new policy on Merritt Island and I think throughout the county where you must do an engineering study to see what the impact would be raising elevations.

Darcie McGee responded that is true. It is specific to North Merritt Island. Right now, we are working on another county wide flood study to really move to no adverse impacts. When they come in for developing, especially given their low elevation and coastal high hazard they're going to have to demonstrate no adverse impacts on the neighbors. We continue to refine our floodplain date to make it more accurate when engineers come in to design.

John Hopengarten asked what about sewer. Is it septic or is it sewer?

Mr. Fleis stated no, there is a force main. And, there will be a grinder pump station or grinder pump stations installed for public sewer.

John Hopengarten asked you have 600 feet of frontage overall.

Mr. Fleis responded our overall frontage is 588.3 feet.

Henry Minneboo asked if that is contiguous to the Grills restaurant property line.

Mr. Fleis responded there are 5 lots north between here and the commercial property.

Henry Minneboo asked what their northern property line touched. There's a 7-Eleven and Grills restaurant.

Mr. Fleis responded it would be the 7-Eleven and then there are 5 lots, 250 feet, and then this parcel starts.

John Hopengarten asked if they are going to put 50 feet by 100 feet lots.

Mr. Fleis responded no; they will be at least 50 feet. The northern and southern lot will be about 5 feet additional as a buffer. Plus, if we want to put a wall, we'll have a little more room to work with.

John Hopengarten asked if these are going to be single family, detached.

Mr. Fleis responded yes, detached. As I mentioned if we were going to do townhomes, we could have done 16 townhomes. But we thought the market is better for single-family homes.

Motion to recommend approval of Item H.8. by Debbie Thomas, seconded by Ana Saunders. Motion passed unanimously.

The meeting was adjourned at 4:09 p.m.

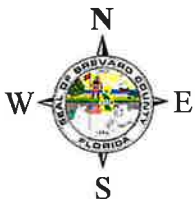
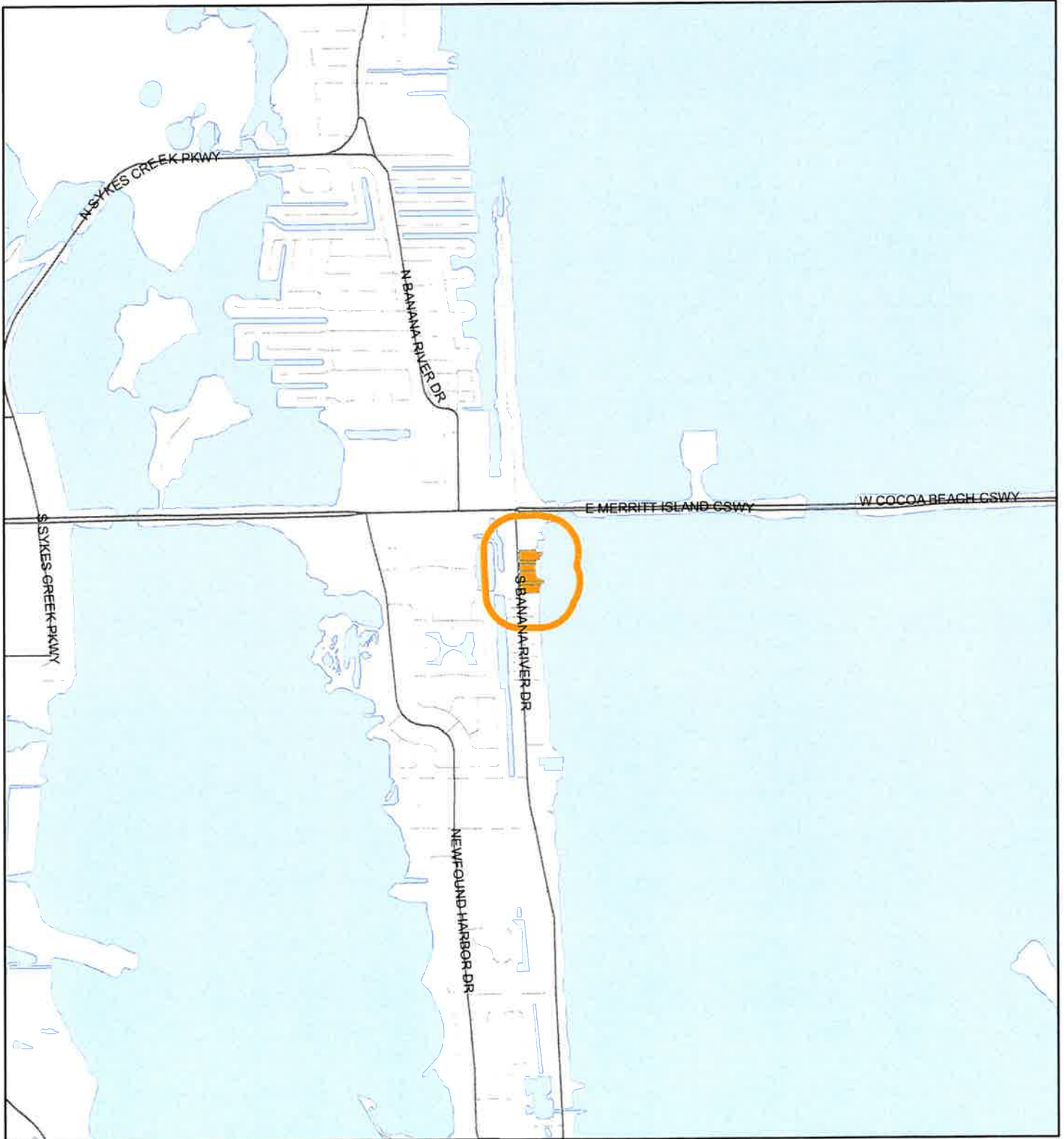
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# LOCATION MAP

VILLAS AT RIVER PALMS LLC

23Z00067





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

Buffer Distance: 500 feet

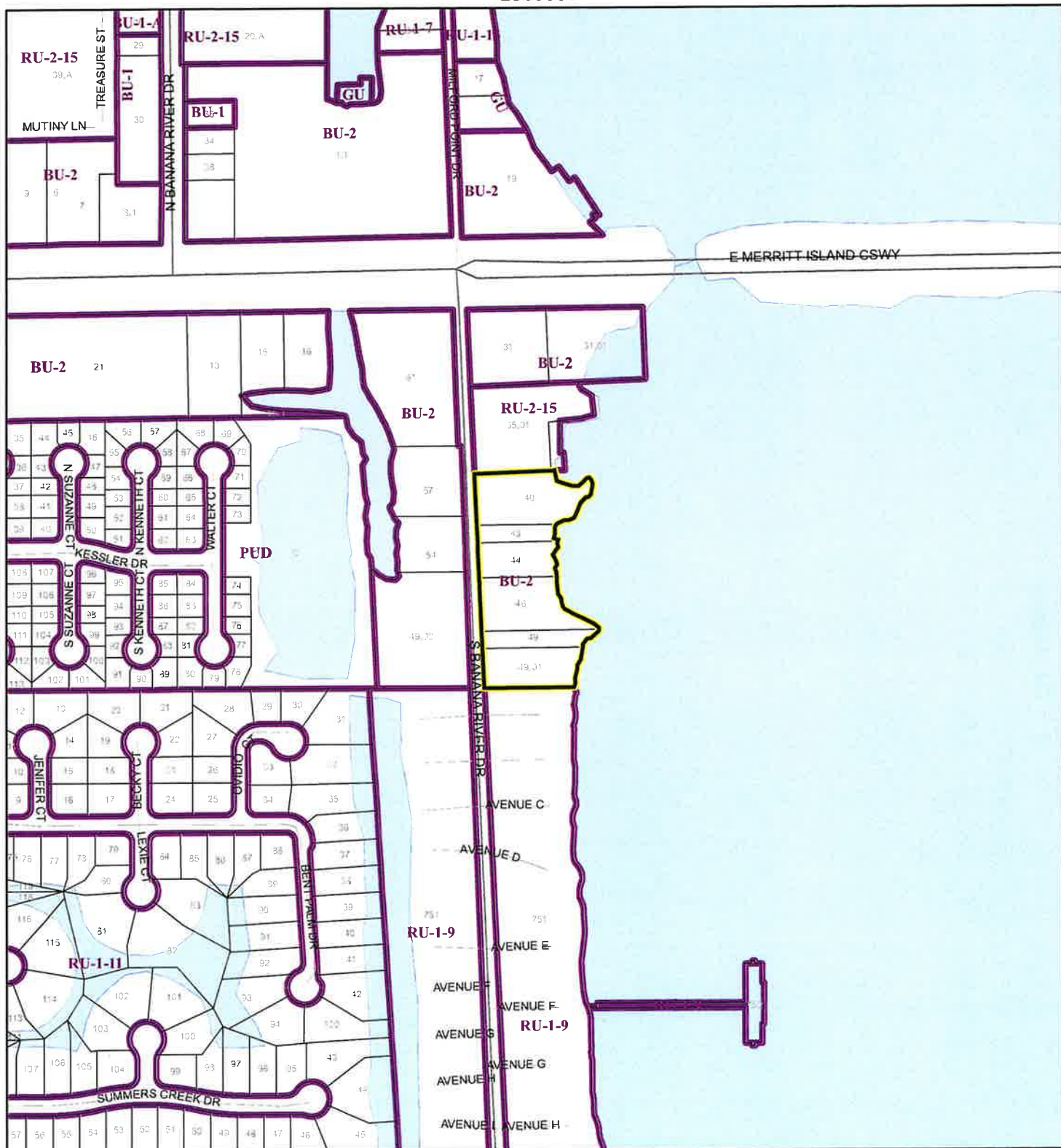
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/5/2024

-  Buffer
-  Subject Property

## VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800      or 1 inch = 400 feet

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Produced by BoCC - GIS    Date: 8/5/2024

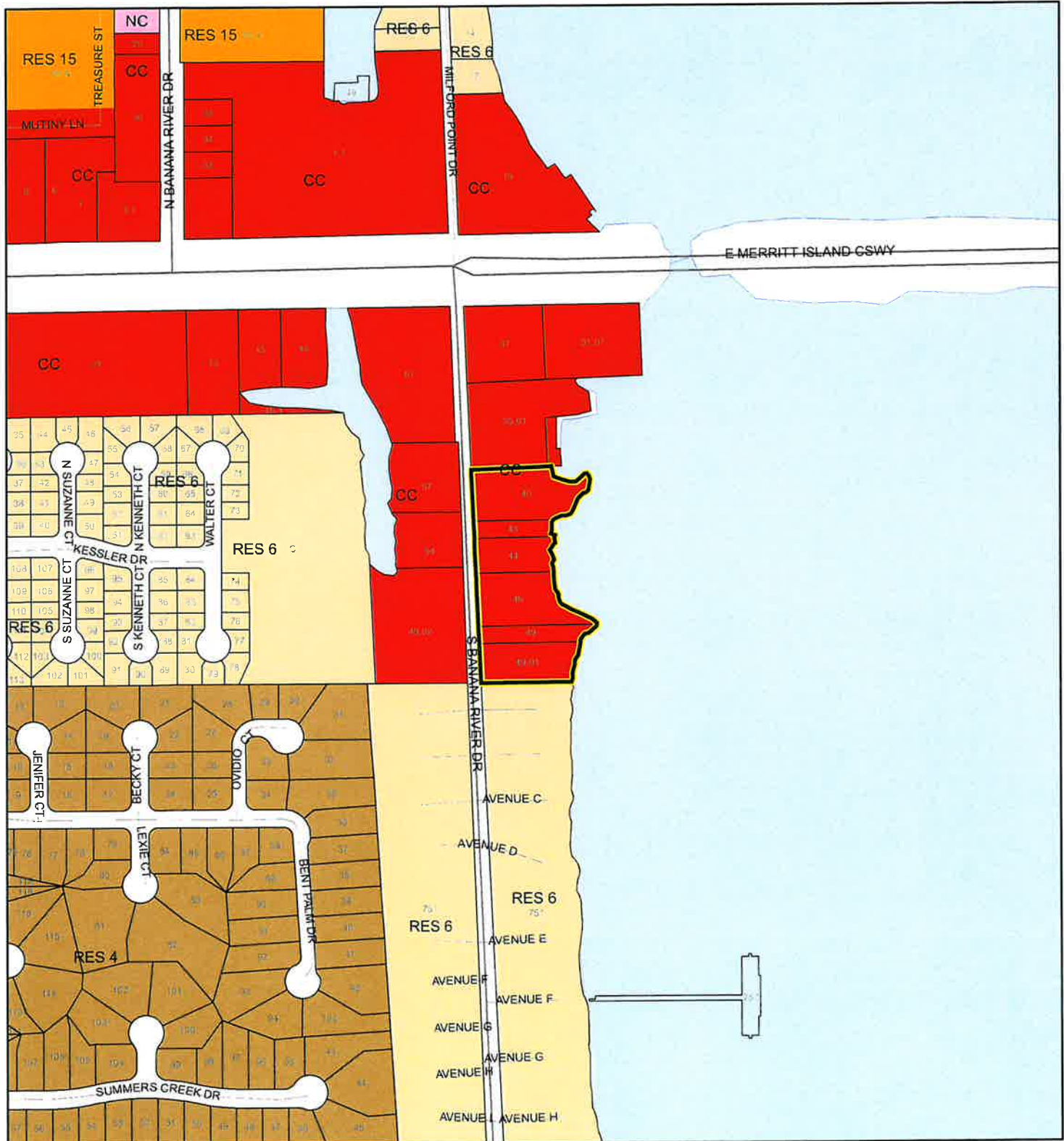
-  Subject Property  
 Parcels  
 Zoning



# FUTURE LAND USE MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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Produced by BoCC - GIS Date: 8/5/2024



AERIAL MAP  
VILLAS AT RIVER PALMS LLC  
23Z00067




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 8/5/2024

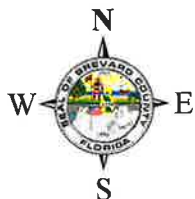
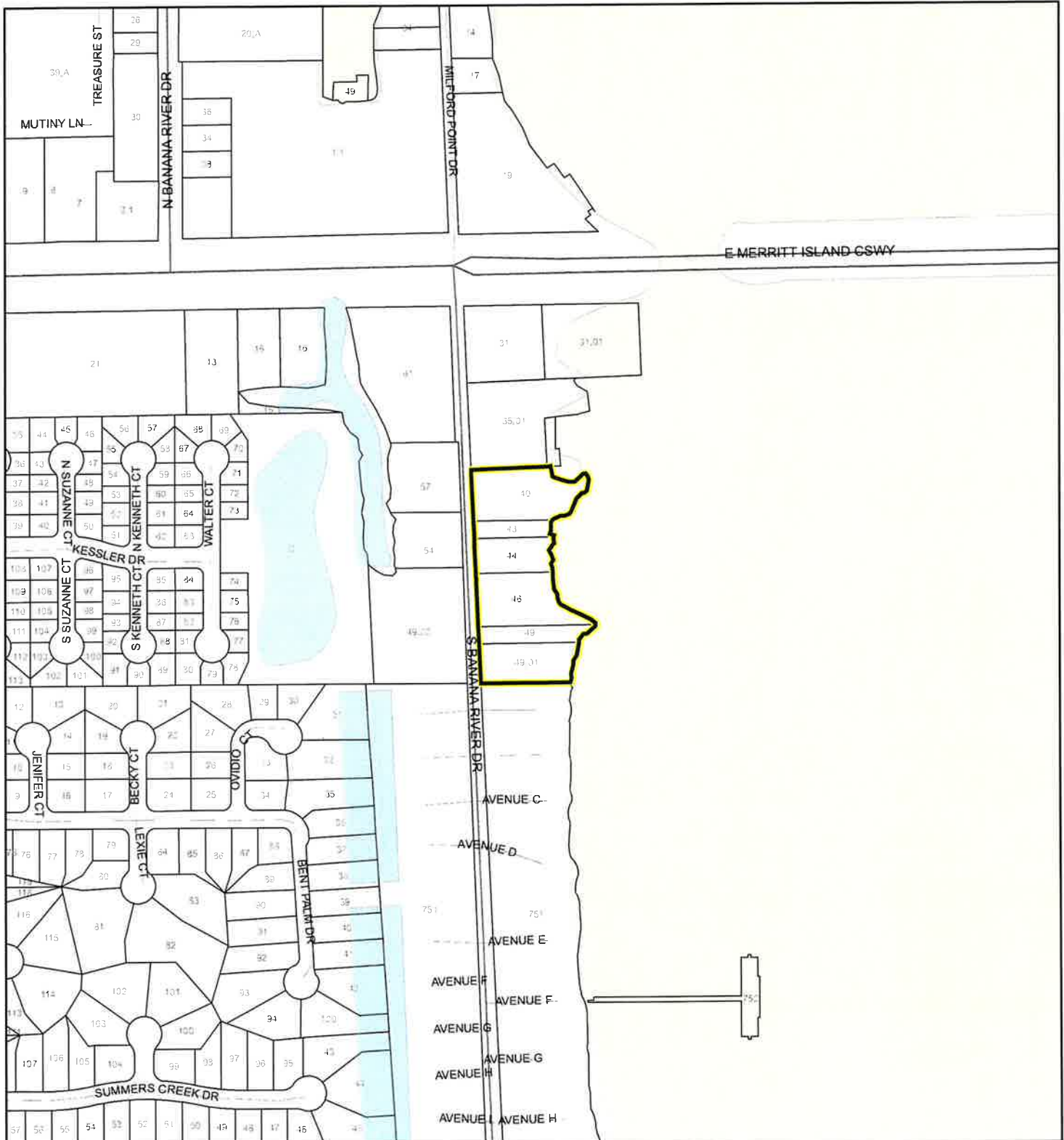
 Subject Property

 Parcels

# NWI WETLANDS MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/5/2024

## National Wetlands Inventory (NWI)

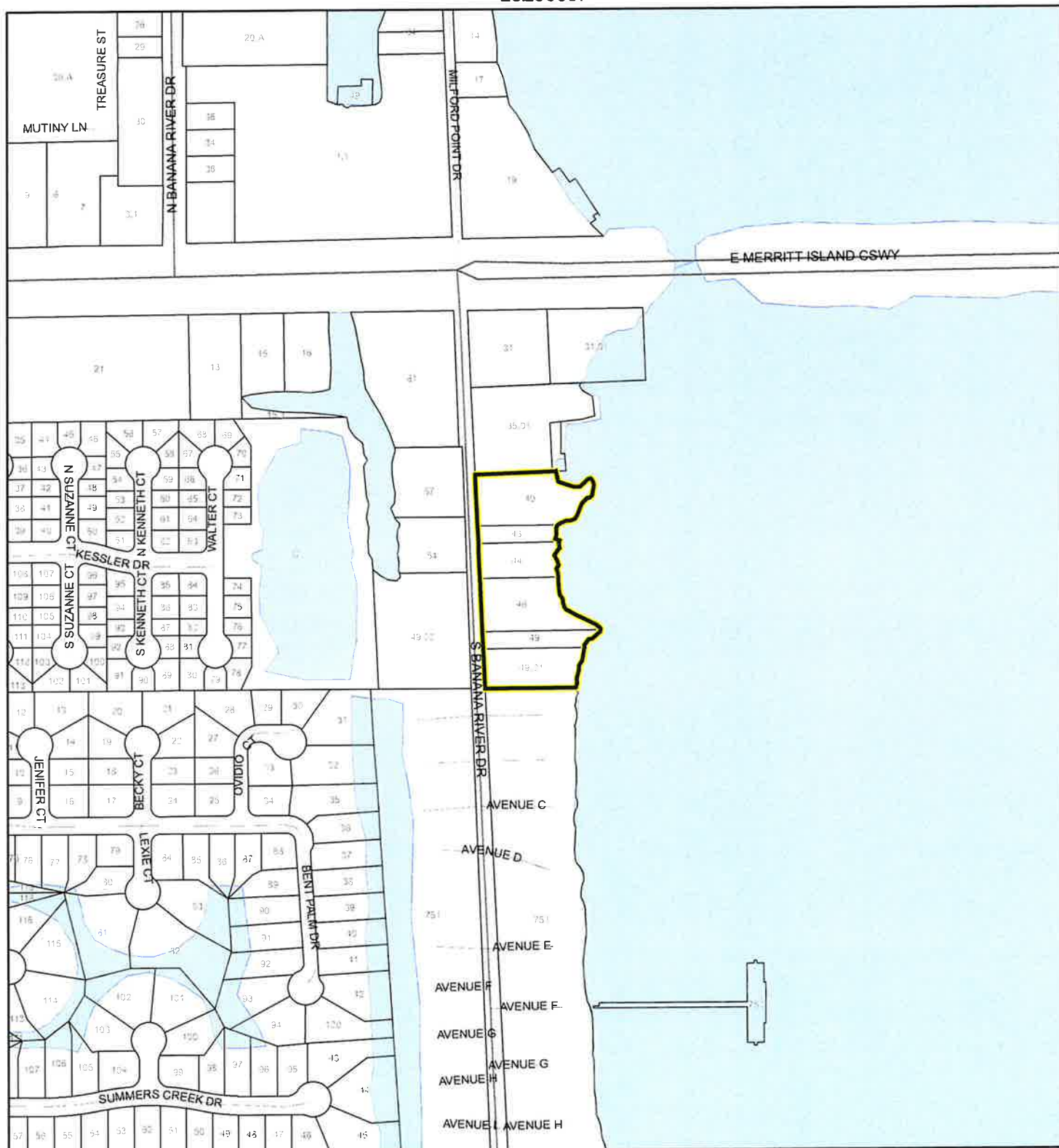
	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/5/2024

## SJRWMD FLUCCS WETLANDS

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

Subject Property

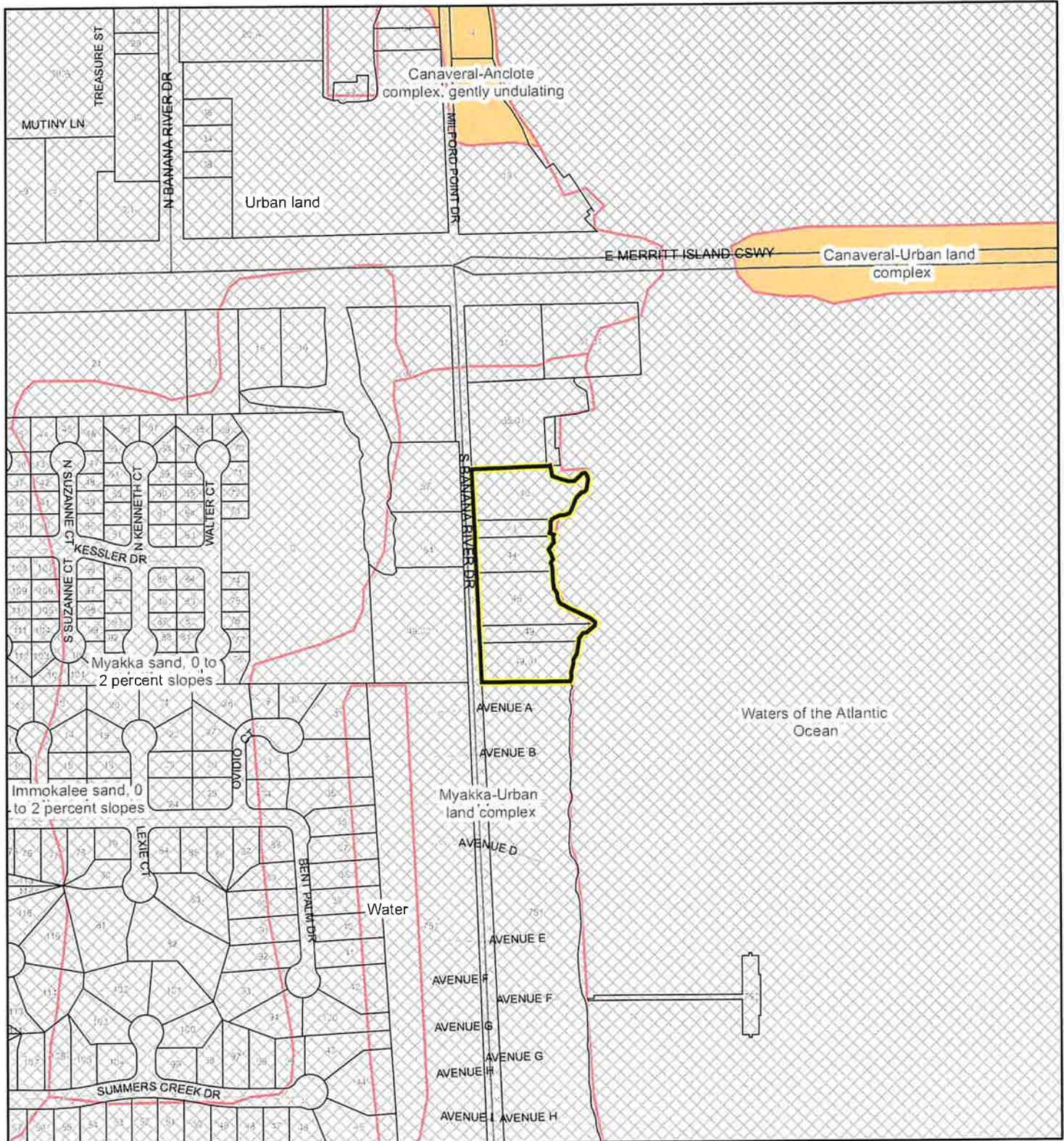
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# USDA SCSSS SOILS MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/5/2024

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

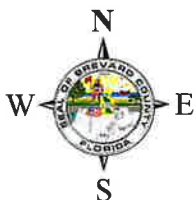
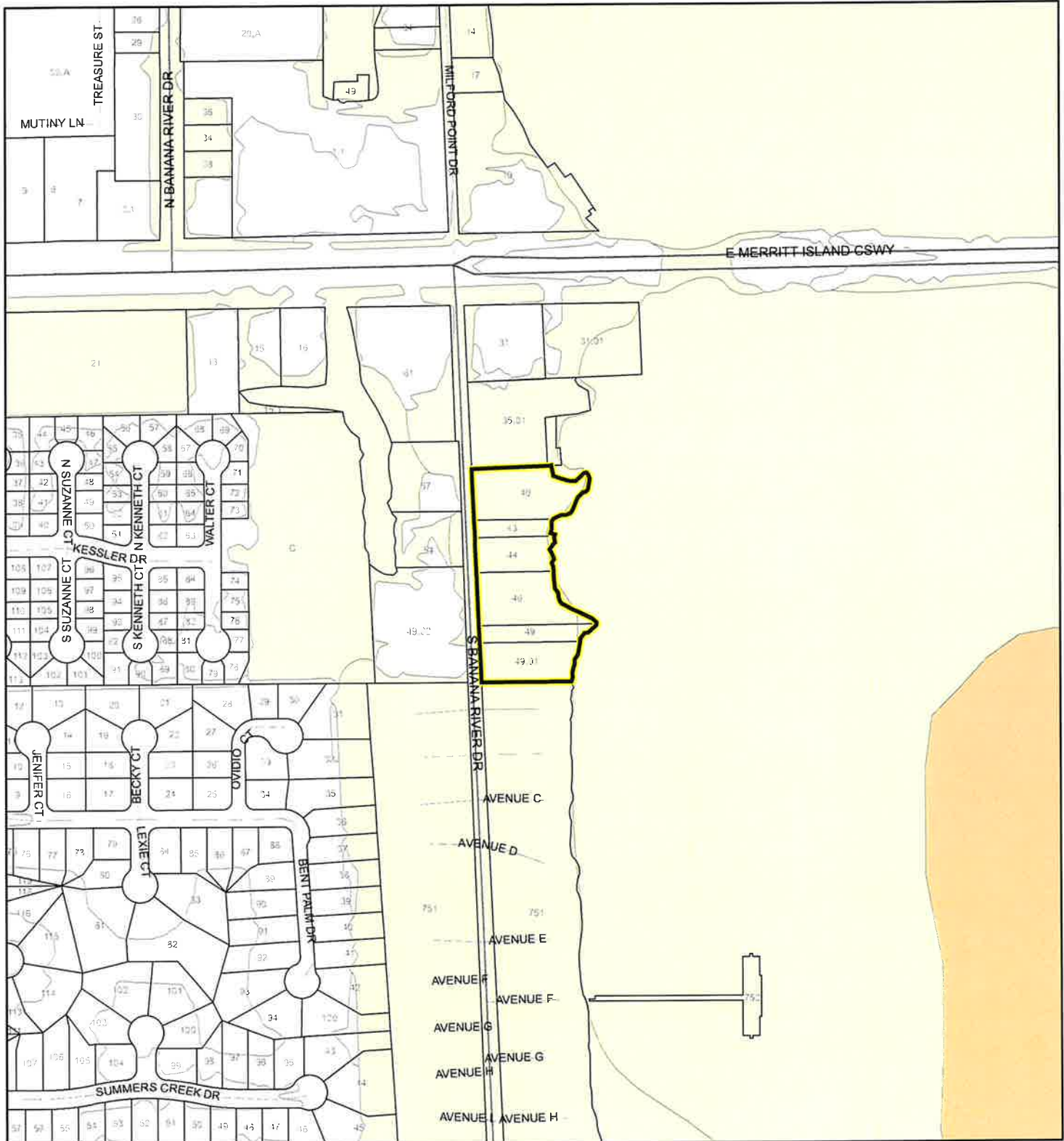
- Subject Property
- Parcels



# FEMA FLOOD ZONES MAP

VILLAS AT RIVER PALMS LLC

23Z00067



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: 8/5/2024

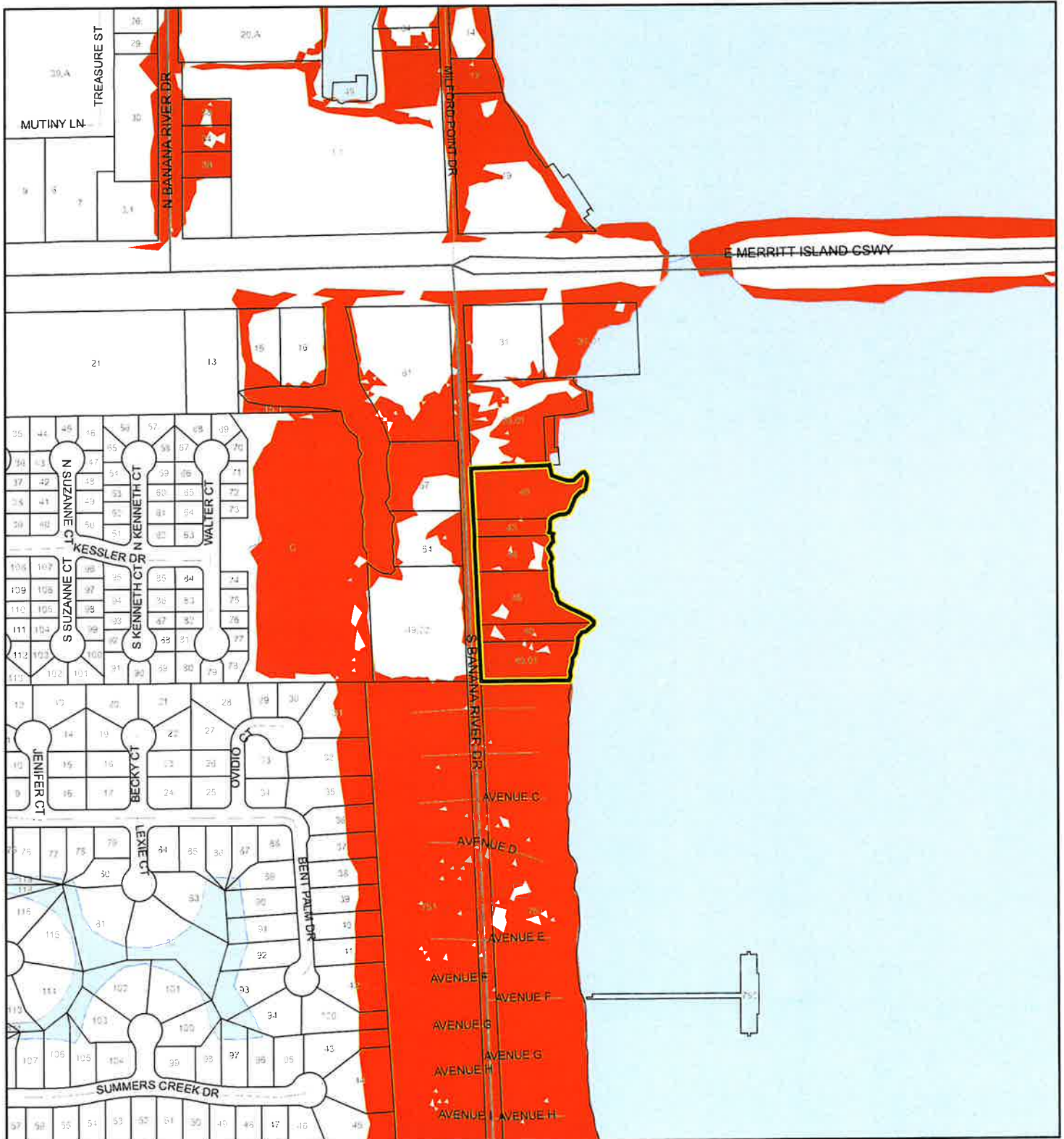
FEMA Flood Zones

- |                  |            |   |
|------------------|------------|---|
| A                | AO         | X |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |

# COASTAL HIGH HAZARD AREA MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/5/2024

— Subject Property

□ Parcels

**Coastal High Hazard Area**

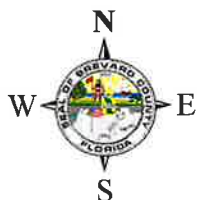
■ SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

## Septic Overlay

 40 Meters

 60 Meters

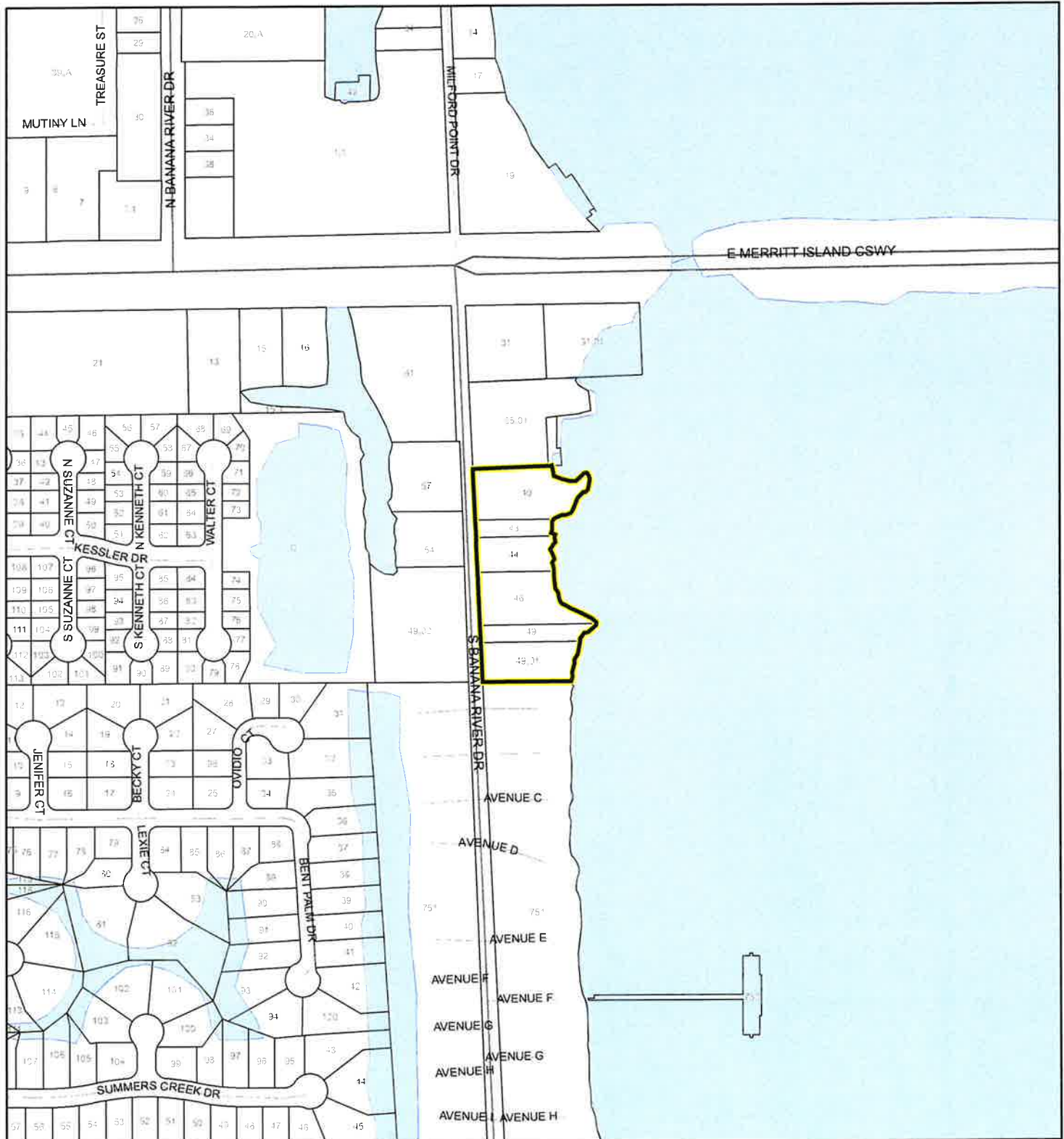
 All Distances



# EAGLE NESTS MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet



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Produced by BoCC - GIS Date: 8/5/2024

 Subject Property

 Parcels

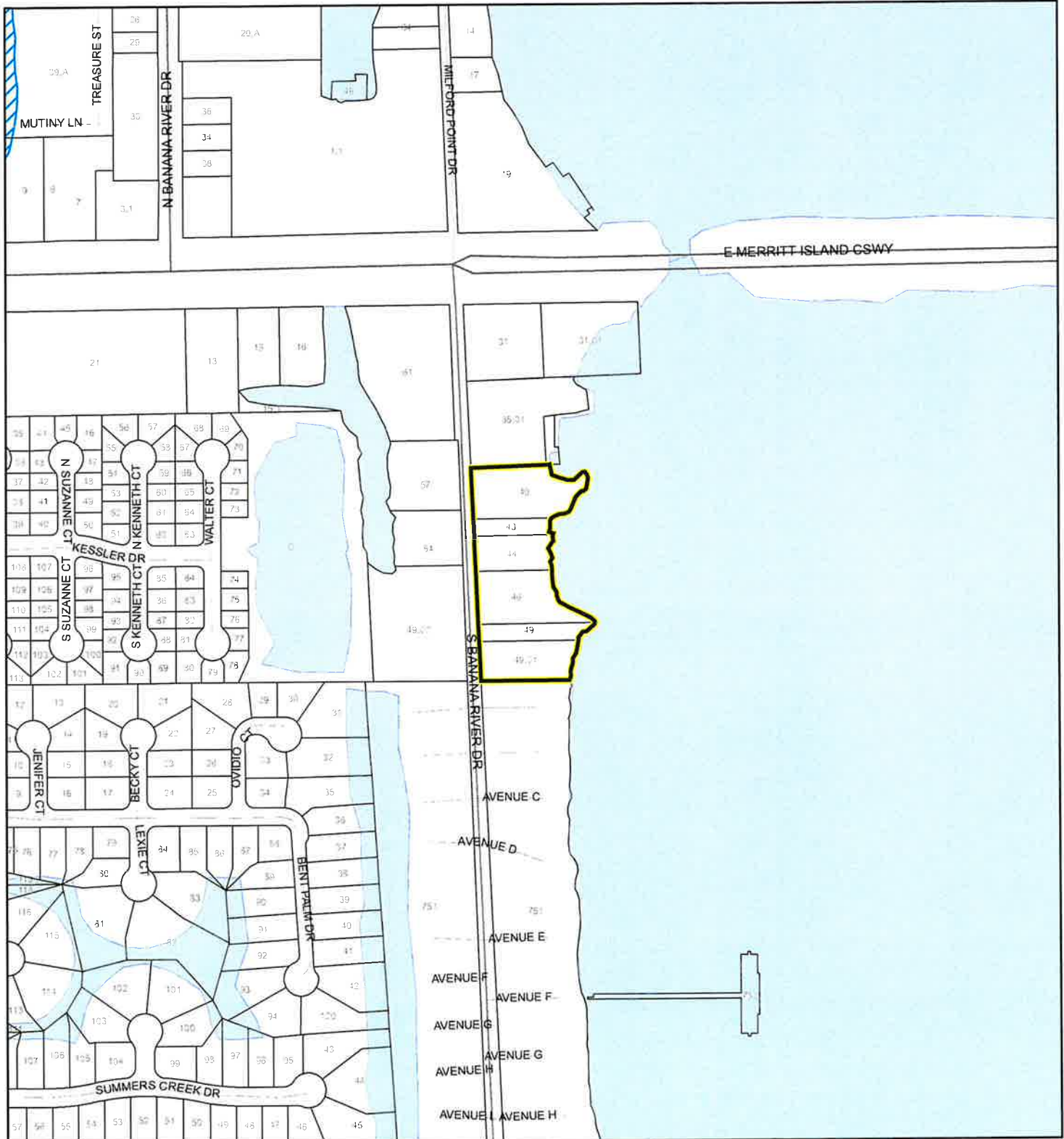


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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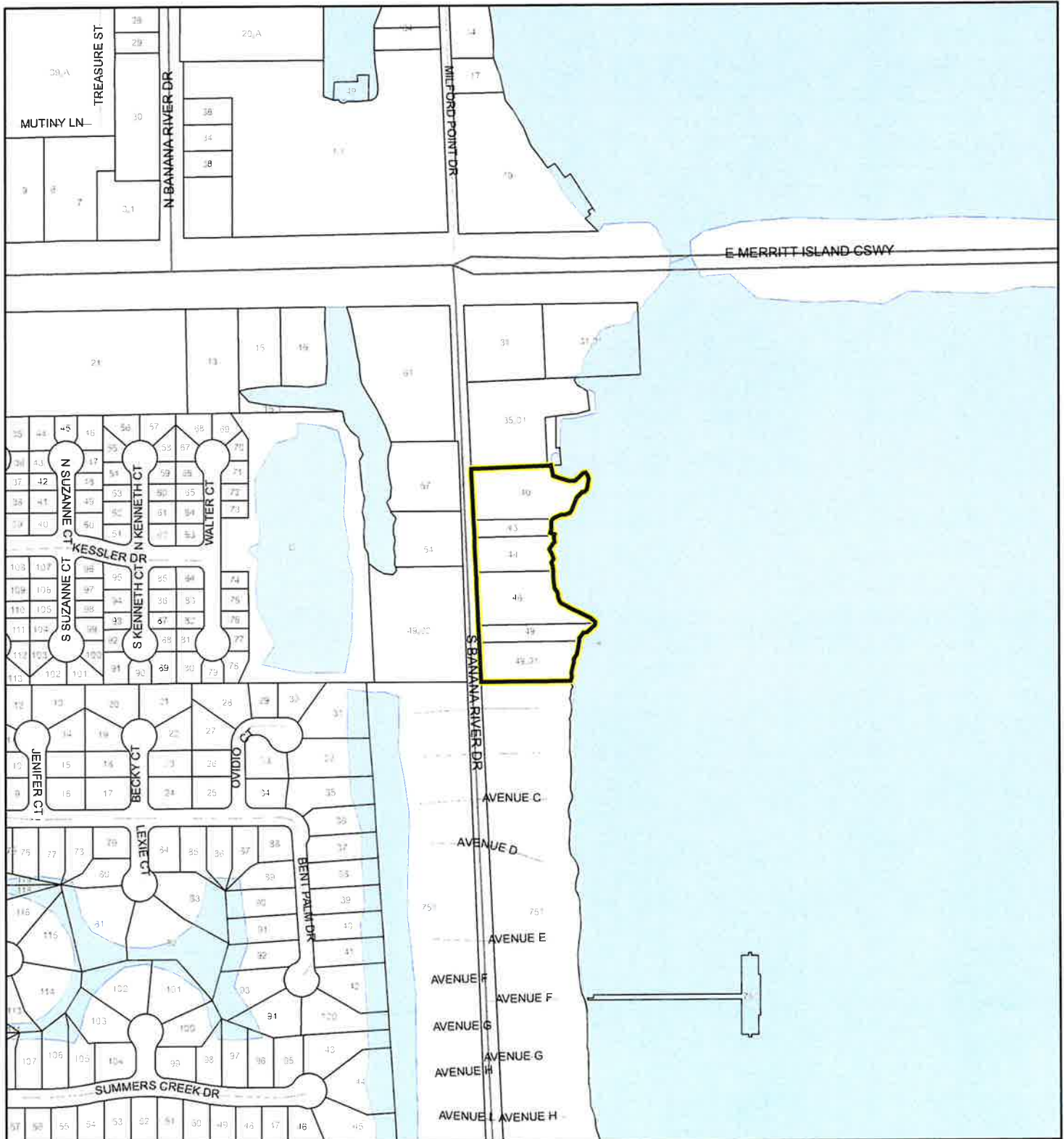
Produced by BoCC - GIS Date: 8/5/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

VILLAS AT RIVER PALMS LLC

23Z00067



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/5/2024

## 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

**Board Meeting Date**

March 13, 2025

Item Number: H. 8.

Motion By: TG

Second By: TA

Nay By: \_\_\_\_\_

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	