



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

4/2/2026

Subject:

AMBEWITH, LLC. (Everett Rolle) requests a change in zoning classification from AU to RU-1-11. (25Z00063) (Tax Accounts 2411077, 2411074) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) for the purposes of legitimizing an undersized parcel and subdividing that parcel into three lots to build three single-family homes. The subject property was, prior to December 16, 2025, two undersized AU-zoned parcels, a 0.275-acre parcel and a 0.624-acre parcel (AU has a minimum lot size of 2.5 acres). The 0.275 acre was subdivided into its size and configuration on November 09, 1982. The 0.624 parcel was subdivided into its size configuration on July 08, 1964. The parcels as they existed did not meet the minimum AU size requirements at that time and therefore cannot be considered non-conforming lots of record. Both parcels were combined as a single parcel per warranty deed recorded on December 16, 2025, in Official Records Book 10504, Pages 227-232.

The applicant is on notice that subdividing the subject property into three parcels may require an approved Subdivision plan pursuant to Chapter 62, Article VII, Brevard County Code of Ordinances (see also Section 62-1188, Brevard County Code of Ordinances, stating in pertinent part "if two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter").

To the north of the subject parcel across Rolle Place are two 0.18-acre parcels that are vacant land with TR-1 (Single-Family Mobile Home) zoning classification and RES 4 FLU designation. Abutting the subject property to the South is a 0.92-acre parcel that is vacant land with TR-2 Single-Family Mobile home) zoning classification and RES 4 FLU designation. To the East, across West Railroad Ave. is the Florida East Coast Railway which does not have a zoning classification or a FLU designation. To the West of the subject property, is a 3.27-acre parcel that is vacant land with TR-1 (3) zoning classification with a Binding Concept Plan (BCP) with a density cap of 3

units per acre and RES 4 FLU designation.

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

On March 16, 2026, the Planning and Zoning Board considered 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 25Z00063

On motion by Commissioner Delaney, seconded by Commissioner Feltner, the following resolution was adopted by a unanimous vote:

WHEREAS, AMBEWITH, LLC. requests a zoning classification change from AU (Agricultural Residential) to RU-1-11 (Single Family Residential), on property described as Tax Parcel 5.03 and 5, as recorded in OR Book 10504, Page(s) 227, of the Public Records of Brevard County, Florida. **Section 07, Township 24, Range 36.** (0.89 acres) Located on the southwest corner of W. Railroad Ave. and Rolle Place (3728 W. Railroad Ave., Cocoa); and

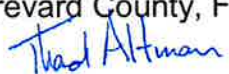
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

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 AU to RU-1-11, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of April 02, 2026.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Thad Altman, Chair
Brevard County Commission
As approved by the Board on April 02, 2026.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – March 16, 2026.

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00063

Ambewith, LLC (Everett Rolle)

Agricultural Residential (AU) to Single-Family Residential (RU-1-11)

Tax Account Number: 2411074 & 2411077 (Parcels have been combined with one deed)
Parcel I.D.: 24-36-07-01-*-5 & 24-36-07-01-*-5.03 (Parcels combined with one deed)
Location: Southwest corner of West Railroad Avenue and Rolle Place (District 1)
Acreage: 0.899 acres

Planning and Zoning Board: 3/16/2026

Board of County Commissioners: 4/02/2026

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
Zoning	AU	RU-1-11
Potential*	0 units	3 units
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) for the purposes of legitimizing an undersized parcel and subdivide the parcel into three lots to build three single-family homes. The current lot width is approximately 210 feet in width. RU-1-11 requires a lot width of 75 feet. The applicant has been advised that a variance will be needed for one of the proposed lots to meet the lot width.

The subject property was two undersize AU zoned parcels, a 0.275 acre parcel and a 0.624 acre parcel. The 0.275 acre was subdivided into this size configuration on November 09, 1982. The 0.624 parcel was subdivided into this size configuration on July 08, 1964. The parcels as they existed did not meet the minimum AU size requirements to be Non-conforming lots to be developed. Both of these parcels were combined together as a single parcel per warranty deed recorded on December 16, 2025, in Official Records Book 10504, Pages 227-232. Splitting the subject parcel into three parcels will require a minor subdivision plat as required per Brevard County code Section 62-2805.

RU-1-11 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 minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture. The closest RU-1-11 zoned parcel is located approximately 42 feet northwest of the subject parcel on the north side of Rolle Place.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North (across Rolle Place)	Vacant Land	TR-1	RES 4
South	Vacant Land	TR-2	RES 4
East (across West Railroads Ave.)	Florida East Coast Railway	No Zoning	No Future Land Use
West	Vacant Land	TR-1 (3)	RES 4

To the north of the subject parcel across Rolle Place are two 0.18 acre parcels that are vacant land with TR-1 (Single-Family Mobile Home) zoning classification and RES 4 FLU designation.

Abutting the subject property to the South is a 0.92 acre parcel that is vacant land with TR-2 Single-Family Mobile home) zoning classification and RES 4 FLU designation.

To the East, across West Railroad Avenue is the right-of-way for the Florida East Coast Railway which does not have a zoning classification or a FLU designation.

To the West of the subject property is a 3.27 acre parcel that is vacant land with TR-1 (3) zoning classification with a Binding Concept Plan (BCP) with a density cap of 3 units per acre and RES 4 FLU designation.

The current AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification permits all agricultural pursuits, including the raising/grazing of animals, fowl, and beekeeping. plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

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

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

TR-2 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on one-half acre lots.

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

Future Land Use

The subject property's AU zoning classification can be considered consistent with the Residential 4 (RES 4) Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed RU-1-11 zoning classification can be considered consistent with the existing RES 4 FLUM designation.

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 subject parcel is vacant land. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- 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 single-family uses on properties from 0.18 acre to 3 acres in size.

There are six (6) FLU designations (RES 4, RES 2, RES 1, NC, CC and IND) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area.

There are two (2) FLU designations (RES 4 and IND) located west of the Florida East Coast Railway within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area.

There are eighteen (18) zoning classifications (GU, AU, EU, RU-1-7, RU-1-11, RU-1-13, RRMH-1, RRMH-2.5, TR-1, TR-2, TR-3, BU-1-A, BU-1, BU-2, IN(L), PIP, IU and IU-1) within a 0.5-mile radius of the subject property. TR-1 is the prominent zoning classification in this area.

There are ten (10) zoning classification designations (GU, AU, RU-1-7, RU-1-11, RRMH-1, TR-1, TR-2, IN(L), IU and IU-1) located west of the Florida East Coast Railway within a 0.5-mile radius of the subject property. AU is the prominent zoning classification in this area.

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

There has been no development within 0.5 miles approved within the past three years.

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

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

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

No material violation of relevant policies has been identified.

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

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

Criteria:

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

or industrial activity that is not already present within the identified boundaries of the neighborhood.

This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.

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 in an existing residential area.

The area, known as John M. Sanders Subdivision, can be characterized as a single-family residential area with lot sizes of 0.18 acre to 3.3 acres and roadways.

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

The request is not for commercial use. It is located in an existing single-family residential neighborhood. There are no neighborhood commercial land uses established in this area.

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

The area is single-family residential use. There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area is not transitional.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Natural Resources has noted this property contains Candler fine sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 2 Aquifer Recharge area, which is subject to impervious area restrictions.

Natural Resources has also noted Protected and Specimen Trees likely exist on the parcel.

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils.

Please review all comments from the Natural Resources Management Department found at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1 located between SR 528 and Canaveral Goves Boulevard, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 90.35% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 90.42% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Although the existing roadway is at 90.35 capacity, the proposed rezoning will not create a deficiency in roadway capacity. However, while it does not create a deficiency, per subsection of 62-602(f)(6)(a)(1), vesting provisions for roadway capacity will not be available due to the capacity being over 85%

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is within the City of Cocoa public potable water service and septic service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00063

Applicant: Everette Rolle (Owner: AMBEWITH LLC)

Zoning Request: AU to RU-1-11

Note: to build homes

Zoning Hearing: 03/16/2026; **BCC Hearing:** 04/02/2026

Tax ID No.(s): 2411074 & 2411077

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

Land Use Comments:

Aquifer Recharge Soils

This property contains Candler fine sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 2 Aquifer Recharge area, which is subject to 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.

Protected and Specimen Trees

Protected and Specimen Trees likely 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 further land clearing activities (see Potential Code Enforcement below).**

Protected Species

Federally and/or state protected species may be present on the property. 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.

Potential Code Enforcement

Information available to NRM indicates that unpermitted land clearing and land alteration activities likely occurred on this parcel between 2023 and 2024. The confirmation of unpermitted land clearing and alteration activities may result in code enforcement action. There is also the potential that unpermitted taking of gopher tortoise(s) occurred. **Applicant should contact NRM at 321-633-2016 prior to performing any further land clearing or land alteration activities.**



To Whom It May Concern,

I, Roger D. Kiser, hereby attest that the following statements are true and based on actual field survey completed by this firm:

1. I, Roger D. Kiser, am a certified Professional Surveyor and Mapper, registered in the State of Florida, License Number LS6104.
2. I did on July, 18, 2025, perform a field survey and reviewed the Legal Description of the properties located at 3728 West Railroad Ave, Cocoa, FL, said property also being Brevard County Parcel No. 24-36-07-01-* -5, and the adjacent property, being Brevard County Parcel No. 24-36-07-01-* -5.03.
3. I hereby certify that by all the common standards of practice and meeting the provisions of Chapter 472, and Minimum Technical Standards for land surveying that the afore mentioned parcels are contiguous containing no gaps, gores, or overlaps. The parcels have been combined and fully described in the attached legal description shown as "Exhibit A"

I, Roger D. Kiser, do hereby that the above information is true and correct.

Digitally signed by Roger D Kiser
DN: c=US, o=Unaffiliated,
dnQualifier=A01410D000001903
617D8B80004EBC3, cn=Roger D
Kiser
Date: 2025.12.02 07:35:32 -05'00'

Roger D. Kiser,
Professional Survey & Mapper, LS6104
State of Florida.



1996 Robi Circle
Titusville, FL 32796
WWW.LANDSURVEYBREVARD.COM
(321)684-0073 gisurveying@gmail.com

Exhibit "A"

THE N 1/2 OF LOT 5, JOHN M. SANDERS SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 22, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THE EAST 3.00 FEET, THEREOF, AND LESS AND EXCEPT THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2395, PAGE 1893, AND OFFICIAL RECORDS BOOK 3724, PAGE 4622, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LESS AND EXCEPT LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LESS AND EXCEPT THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2395, PAGE 1893, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTH 1/2 OF LOT 5 OF J.M. SANDERS SUBDIVISION AS PER PLAT AS RECORDED IN PLAT BOOK 2, PAGE 22 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 5 AND RUN WEST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 18° 40'00"E, 210.00 FEET, PARALLEL TO THE EAST LINE OF SAID LOT 5 TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 5 TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF SAID LOT 5; THENCE NORTHERNLY ALONG THE WEST LINE OF SAID LOT 5, 198.94 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE EAST 681.90 FEET ALONG THE SAID NORTH LINE OF LOT 5 TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3724, PAGE 4622, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

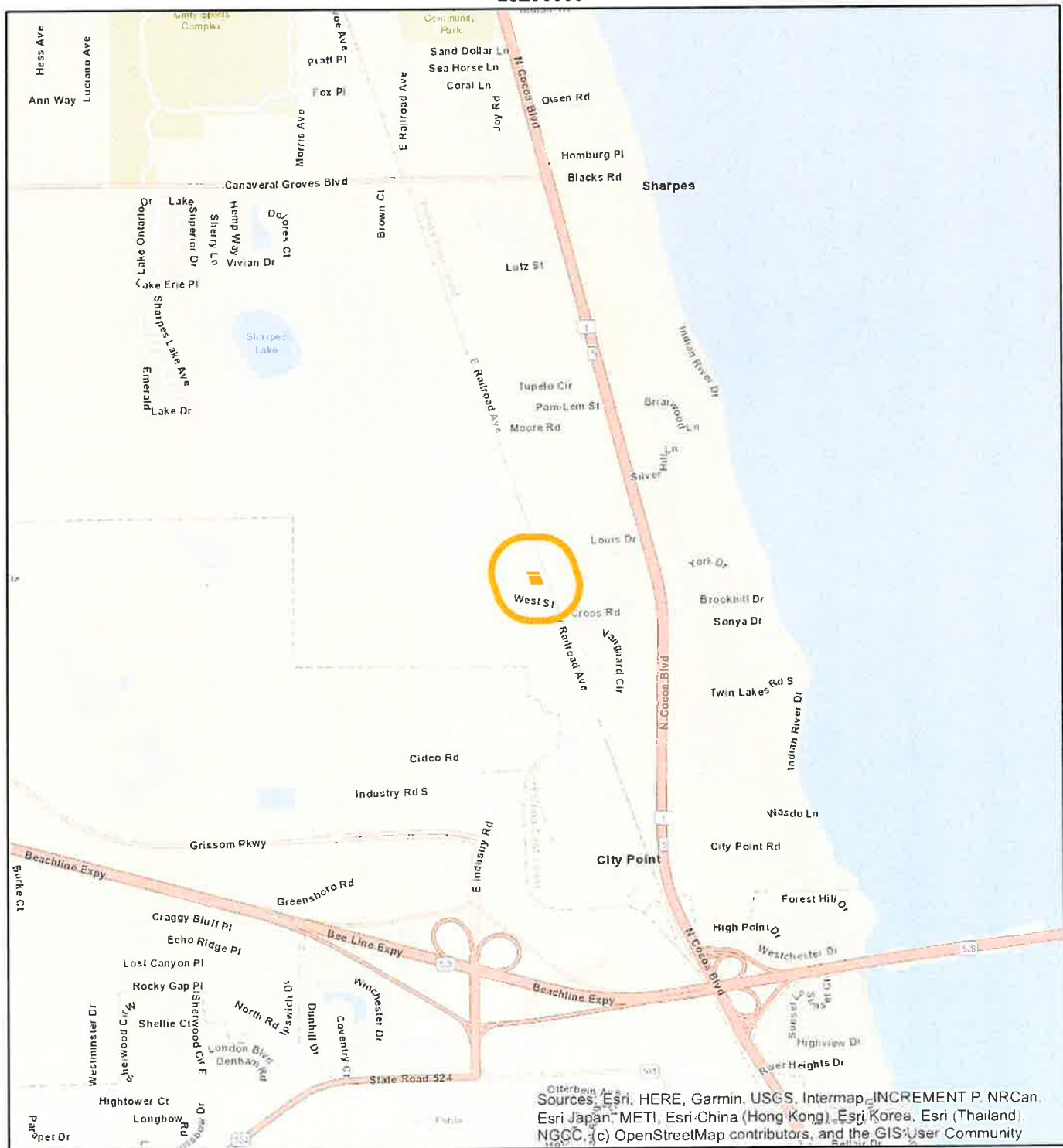
A PARCEL OF LAND BEING A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING THE EAST 3.00 FEET OF OFFICIAL RECORDS BOOK 3083, PAGE 2922 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING ALSO A PORTION OF LOT 5 JOHN M. SANDERS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 22, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING ALSO DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF OFFICIAL RECORDS BOOK 707, PAGE 209 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY LINE OF WEST RAILROAD AVENUE (20' R/W) AS SHOWN ON SAID PLAT; THENCE S 18°39'08" E, ALONG THE SAID WEST RIGHT OF WAY LINE, FOR A DISTANCE OF 149.44 FEET, TO THE NORTH LINE OF OFFICIAL RECORDS BOOK 1360, PAGE 17 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S89°59'30" W, ALONG SAID NORTH LINE, FOR A DISTANCE OF 3.17 FEET TO A POINT BEING 3.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, THE SAID WEST RIGHT OF WAY LINE ; THENCE N18°39'08" W, PARALLEL WITH AND 3.00 FEET WEST OF THE SAID WEST RIGHT OF WAY LINE, FOR A DISTANCE OF 149.43 FEET, TO SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 707, PAGE 209; THENCE N89°49'35 E, ALONG THE SAID SOUTH LINE, FOR A DISTANCE OF 3.16 FEET, TO THE POINT OF BEGINNING.

LOCATION MAP

AMBEWITH LLC

25Z00063



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: 12/31/2025

-  Buffer
-  Subject Property

ZONING MAP

AMBEWITH LLC

25Z00063



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: 12/31/2025

Subject Property

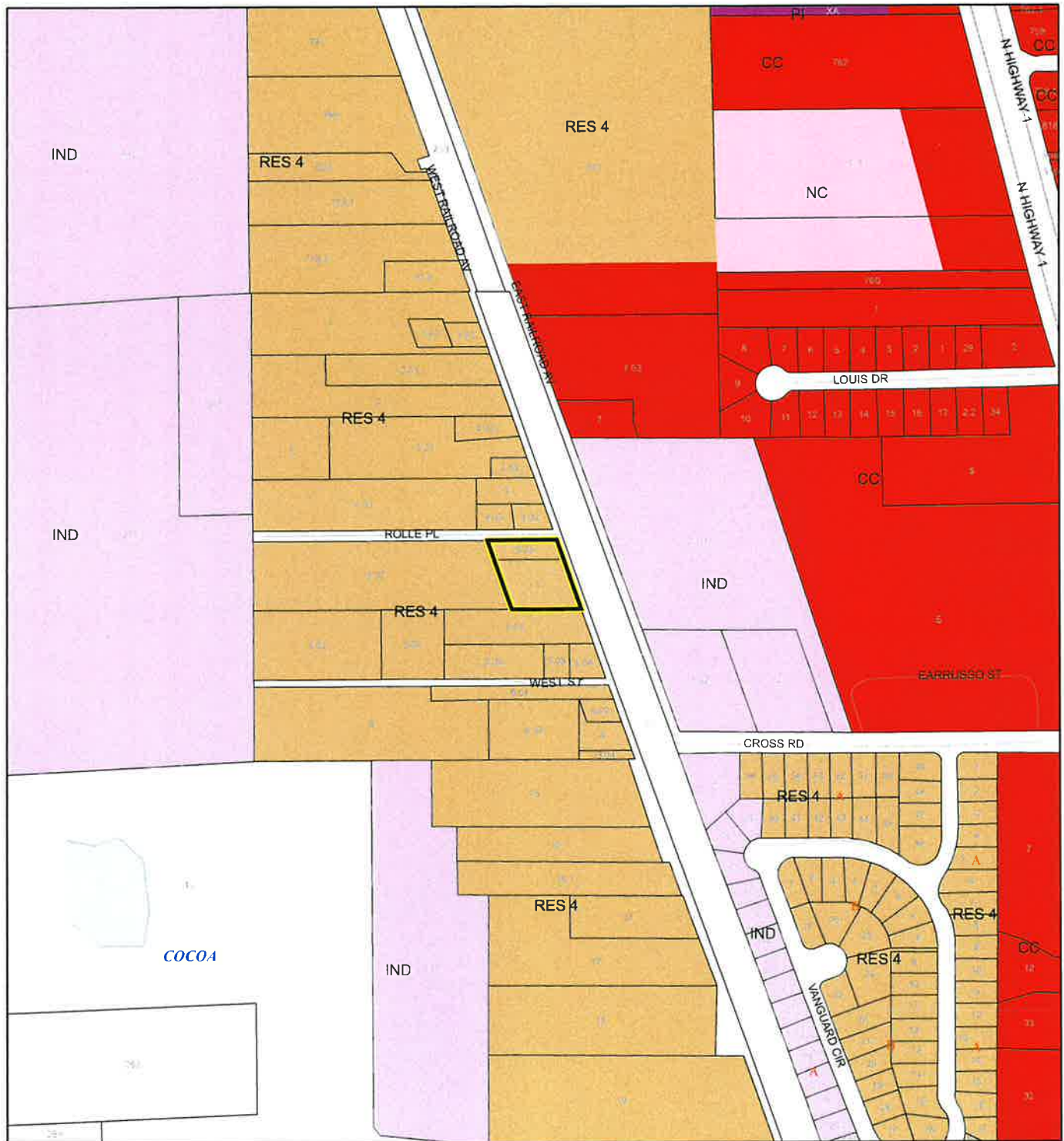
Parcels

Zoning

FUTURE LAND USE MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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

Produced by BoCC - GIS Date: 12/31/2025

AERIAL MAP

AMBEWITH LLC

25Z00063



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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Produced by BoCC - GIS Date: 12/31/2025

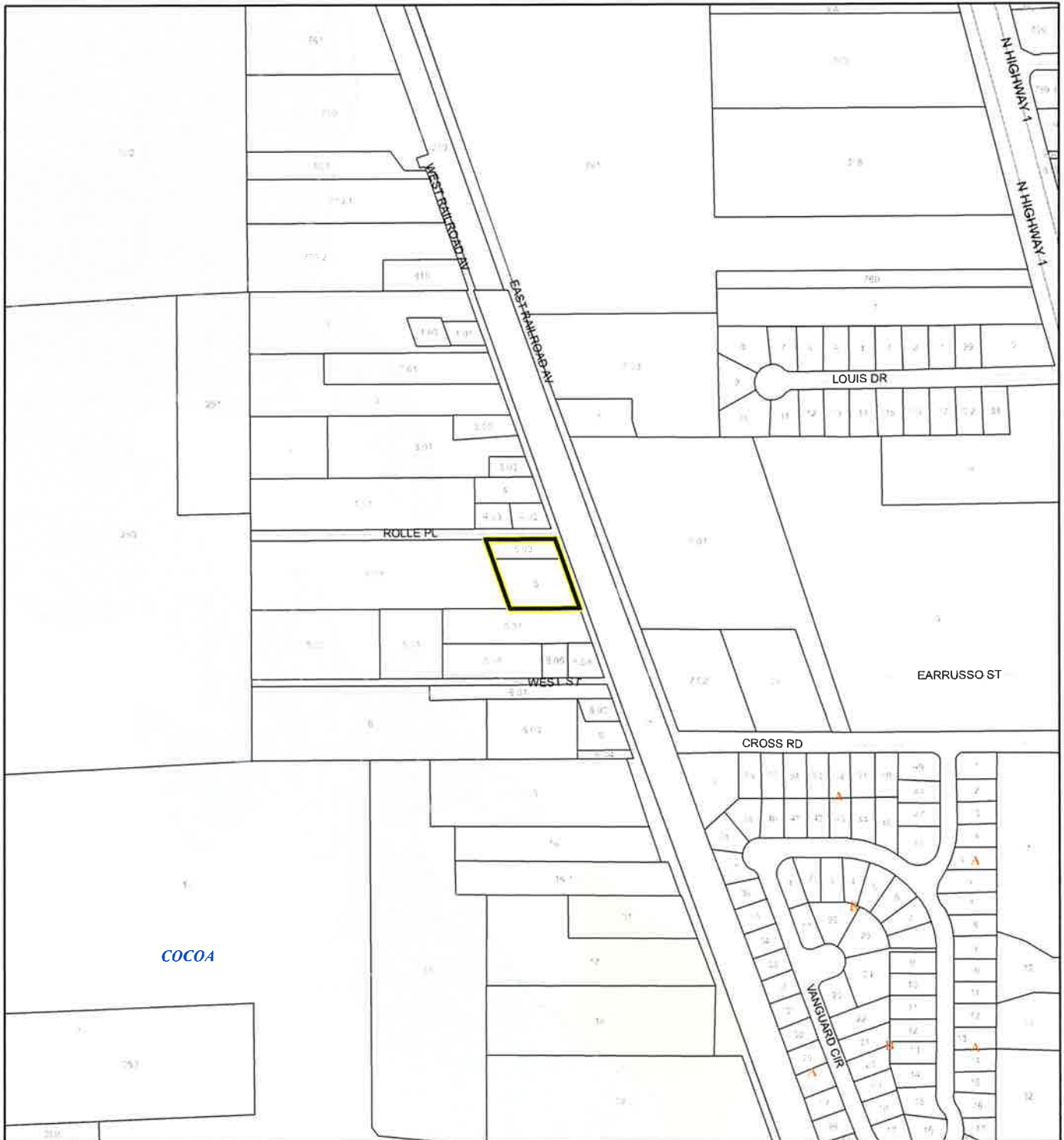
 Subject Property

 Parcels

NWI WETLANDS MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

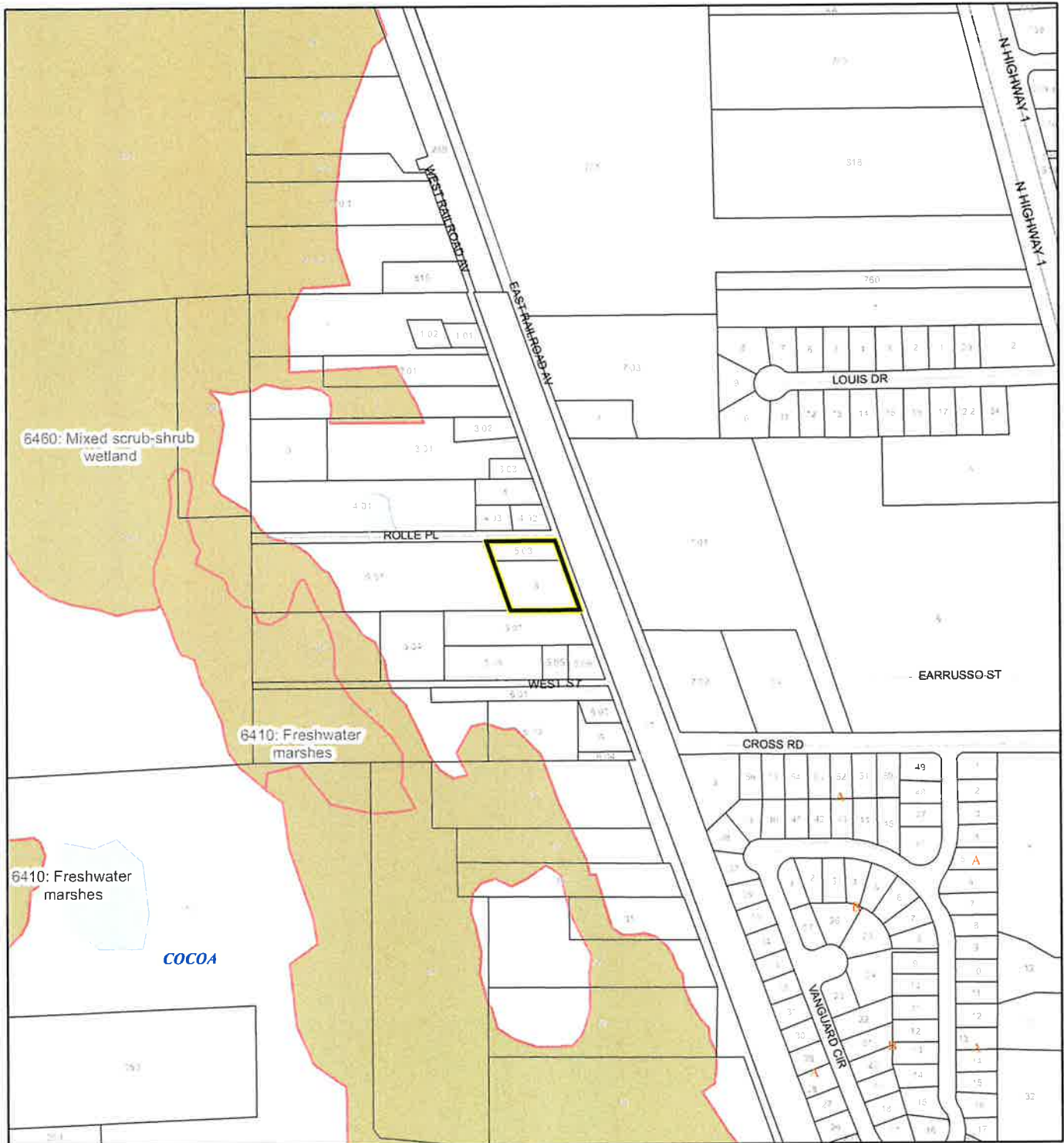
National Wetlands Inventory (NWI)

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

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

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

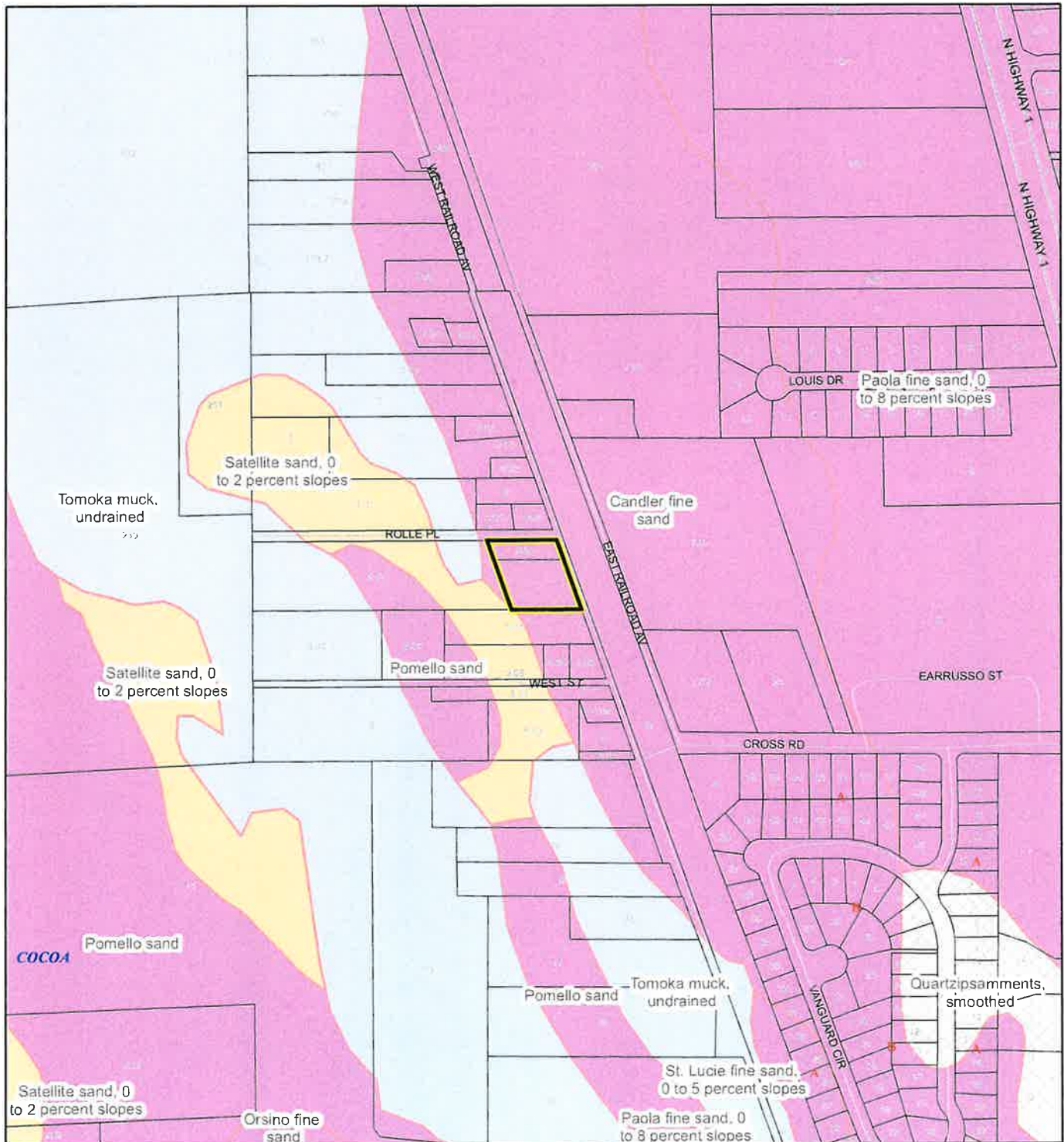
Subject Property

Parcels

USDA SCSSS SOILS MAP

AMBEWITH LLC

25Z00063



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: 12/31/2025

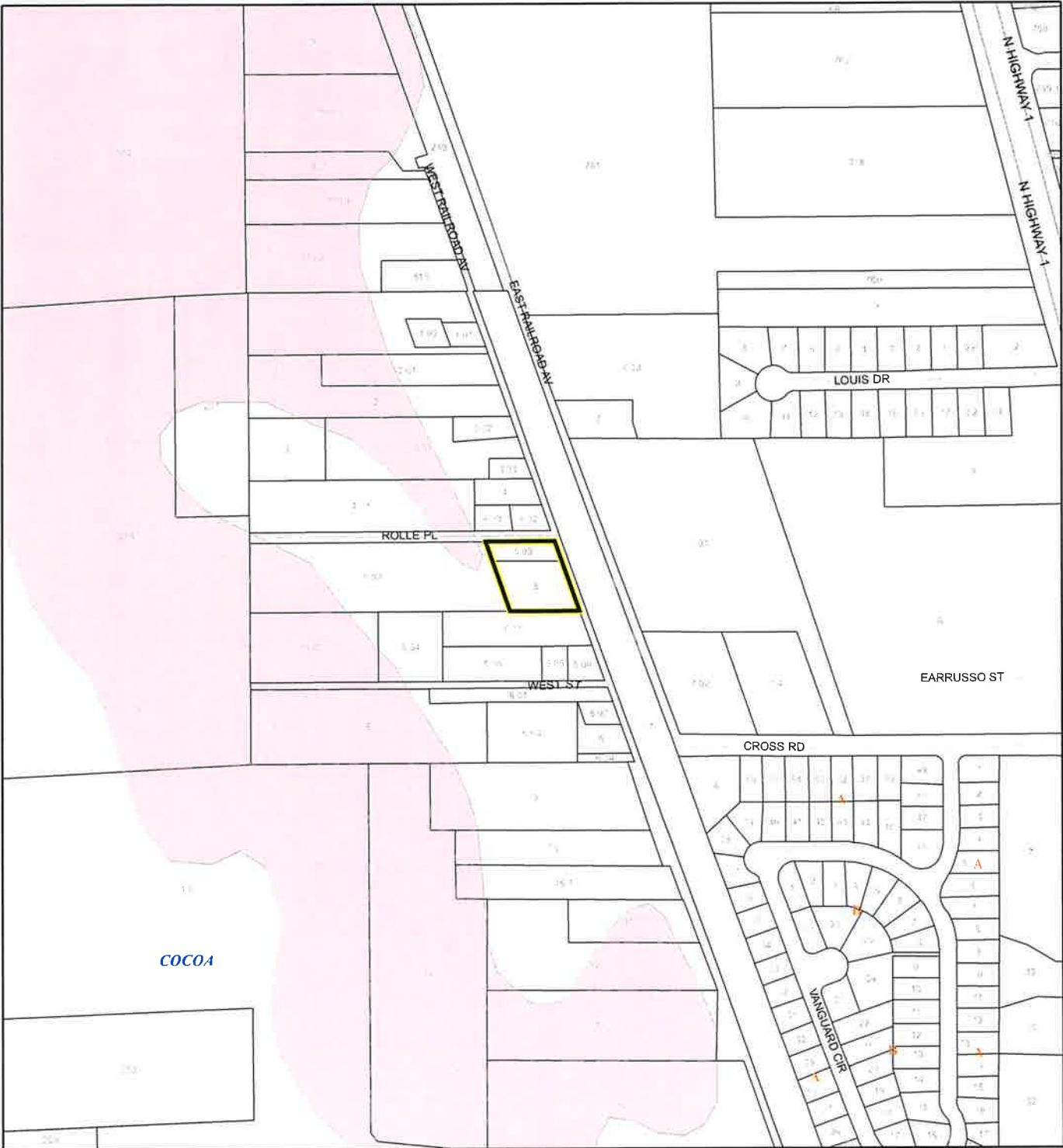
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

AMBEWITH LLC
25Z00063



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: 12/31/2025

FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

— Subject Property

□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

— Subject Property

□ Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

AMBEWITH LLC
25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

 Subject Property

 Parcels

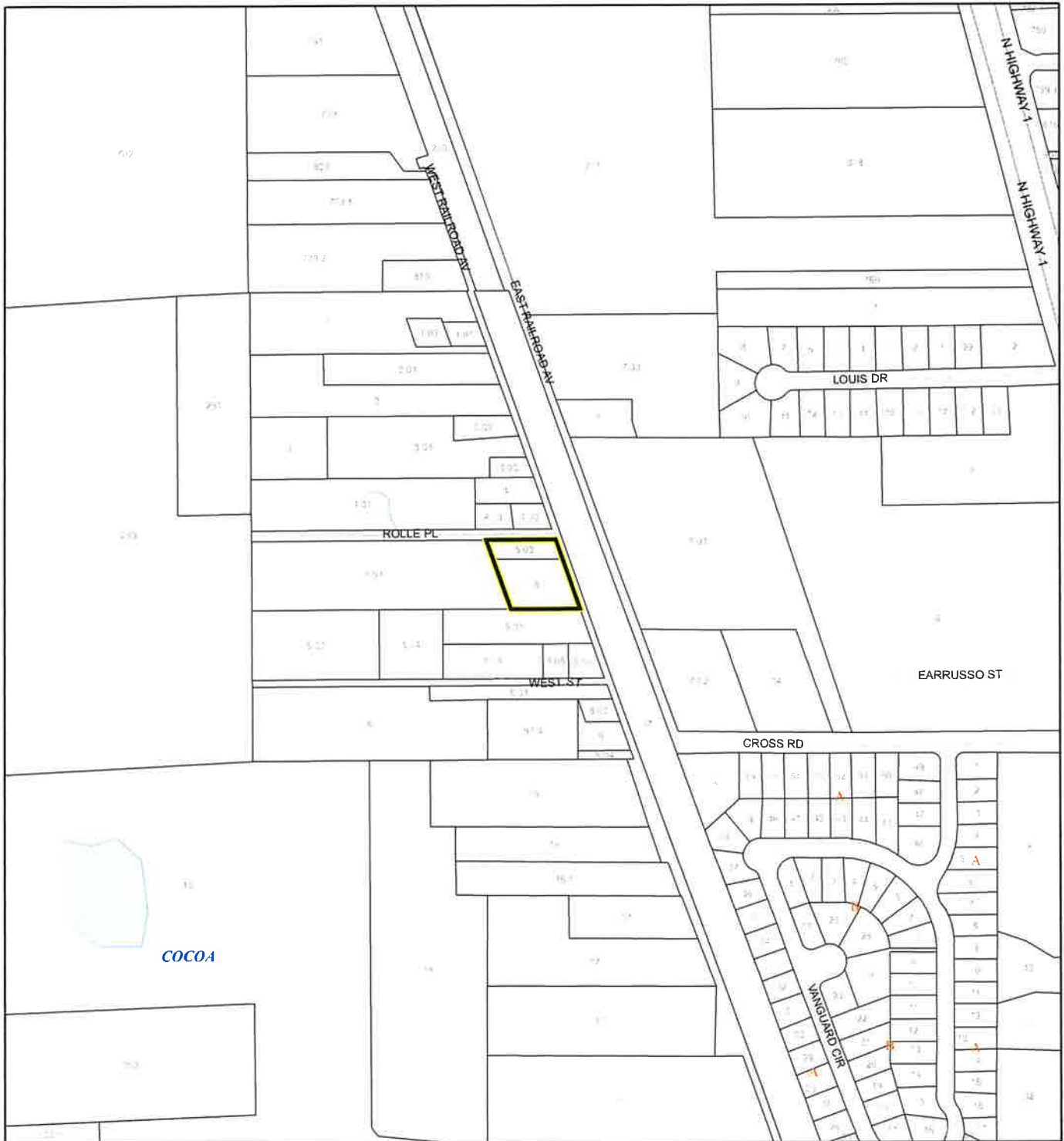


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

AMBEWITH LLC

25Z00063



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/31/2025

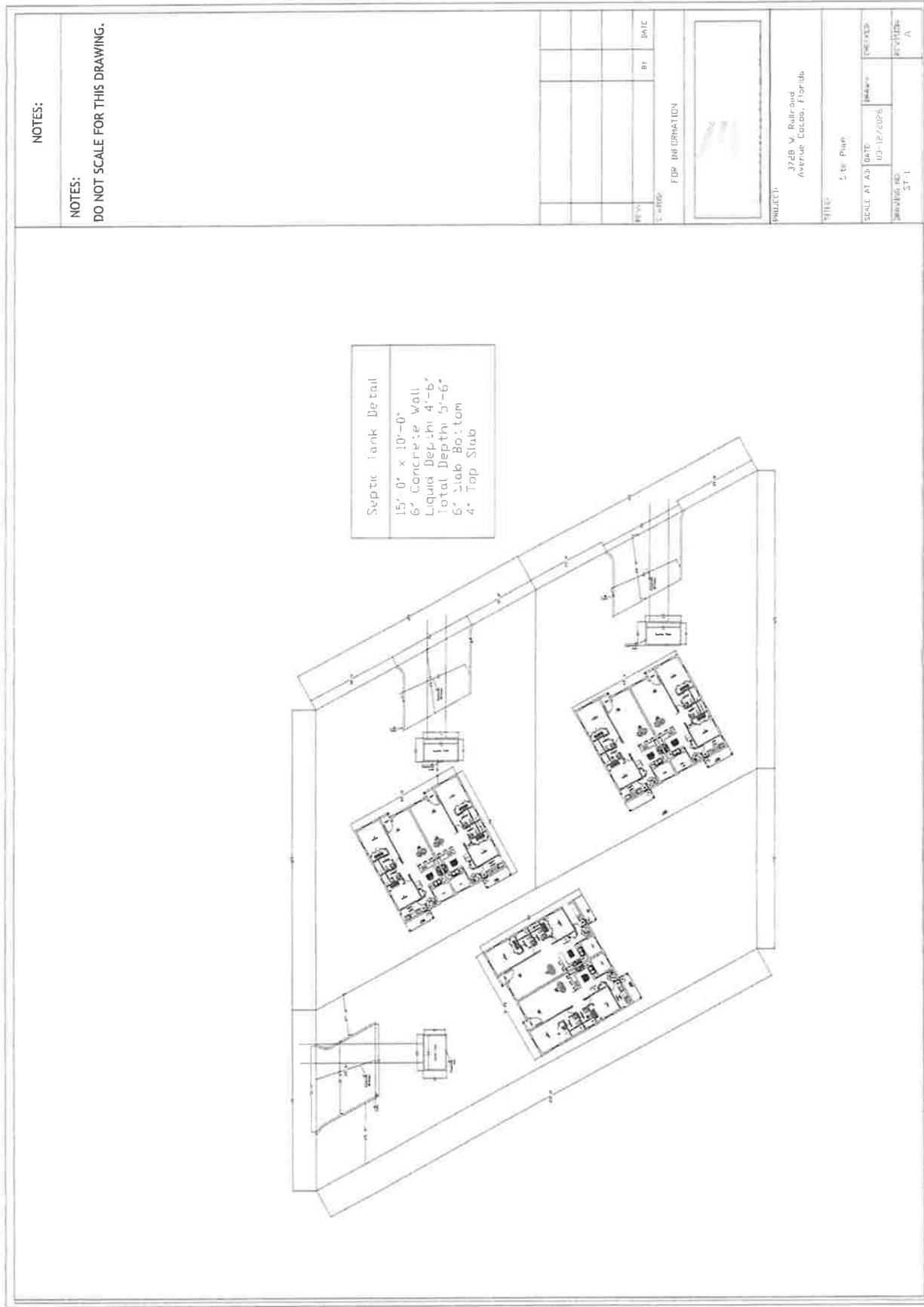
SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

A.2.



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 16, 2026**, 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 (D2); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Ana Saunders (D5); Robert Brothers (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Billy Prasad, Planning and Development Director; Derrick Hughey, Planner; Jane Hart, Natural Resources Management; Peter Nguyen, Public Works; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

H.2. AMBEWITH, LLC. requests a zoning classification change from AU (Agricultural Residential) to RU-1-11 (Single Family Residential). (25Z00063) (Tax Accounts 2411077, 2411074) (District 1)

Trina Gilliam read item H.2. into the record. She stated "I want to make a correction to our staff report. We say that they would not be able to realize three properties without three splits without a variance. However, when we looked at that again, there's a particular configuration of the existing site where they can get three lots without doing a variance."

Everett Rolle stated he has a parcel that is .945 of an acre and right now it's zoned AU for agricultural uses only. But under that definition, it requires it to be 2 acres or more for what I want to do. So, I'd like to change the zoning on it to RU-1-11, which will allow me to put single-family homes on it. When I made the application, I was told that there were a few outstanding issues that I needed to address with it. One was that I first had to combine the properties, do a replatting and submitting them to the county and combine it to make it one property. Then to get it rezoned for the RU-1-11, I was told I'd have to show how it was going to be subdivided and to have civil engineering drawings to show the entrances to the properties. This is my first time in front of a zoning meeting, so I don't have the utilities like some of your other folks have had here this afternoon. The property faces West Railroad Avenue here.

Ms. Gilliam stated that he has two properties that would be off Railroad Avenue. He can do this southern piece and ingress/egress off Railroad. And then this northern piece to the top corner here, he can have an entrance either off Railroad or Rolle Place. And then obviously the one to the west would have an entrance off Rolle Avenue as well.

Mr. Rolle continued they wanted me to also address the driveways, to get civil engineering for the driveways. And I have it here. This shows the driveways to the individual lots. The dimensions of it. They're more clearly defined on the larger drawings that I have there. It's hard to get the surveyors to come out in a timely fashion. And I really thank God they were able to get it for me.

Mr. Hopengarten asked if there was sewer in that area.

Mr. Rolle responded no, sir.

Mr. Hopengarten then asked if he wanted to use septic.

Mr. Rolle responded yes, sir.

Mr. Hopengarten asked if he knew there is a moratorium on septic in that area.

Mr. Rolle stated he wasn't told that.

Mr. Hopengarten continued new construction there's a moratorium because of the Indian River. You might want to check that just to make sure. This was recent within the last eight months I think that they did that.

Mr. Esseeesse responded staff included the Indian River Lagoon septic overlay map in the GIS map packet that's part of the agenda item, and it doesn't appear to be included in that area. Now, obviously, when he comes in for building permits, he can go through that process, but at least at this point, it doesn't look like his property falls within that area.

Mr. Hopengarten stated he just wanted to give him a heads up that might be an issue for him. And you have plenty of land to do a third of an acre for each of the houses, which is what's needed for septic. But I just wanted to make you aware that there is a moratorium and it may include your site, or it may not.

Mr. Rolle stated he would take that under advisement.

Motion to recommend approval of Item H.2. by Jerrad Atkins, seconded by Neal Johnson. Motion passed unanimously.