



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

5/1/2025

Subject:

Wayne & Laura Bresette (Kim Rezanka) request a zoning classification change from BU-1 to BU-2. (25Z00005)
(Tax Account 2410956) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicant requests a zoning classification change from BU-1 to BU-2 for mobile home sales on 2.47 acres. Mobile home and travel trailer sales is a permitted use with conditions in the BU-2 zoning classification. The subject property is located on the east side of N. Highway 1, which is a State maintained highway, and would be pursuant to Florida Department of Transportation (FDOT) requirements and Brevard County Code.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (for example, auto-repair facilities, paint and body shops, and contractor storage yards).

North of the subject property is 7.07-acre parcel that is comprised of four parcels under one tax account number with a mixed zoning of AU (approx. 5.5 acres) and BU-2 (approx. 1.5 acres), that is being utilized as a nursery. The AU portion of the property has a FLU of RES-1 and NC, while the BU-2 portion has a FLU of CC; South of the subject property is an office building on a 1.46-acre parcel with a BU-1 zoning classification and a CC FLU; East of the subject property is a church on a 5.82-acre parcel with an IN(L) zoning classification, and a RES-1 FLU; and West of the subject property, located across US Hwy 1, is a platted single-family neighborhood, developed with twenty (20) mobile homes in a TR-1 zoning classification and a CC FLU.

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

On April 14, 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.

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
25Z000005**

Wayne & Laura Bresette (Kim Rezanka)

BU-1 (General Retail Commercial) to BU-2 (General Retail Commercial)

Tax Account Number: 2410956
Parcel I.D.: 24-36-07-00-8
Location: East side of US Hwy 1, approx. 875 ft. north of Cross Rd. (3740 H.
Hwy 1, Cocoa) (District 1)
Acreage: 2.47 acres
Planning & Zoning Board: 04/14/2025
Board of County Commissioners: 05/01/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1	BU-2
Potential*	FAR 1.0 74 multifamily Units**	FAR 1.0 74 multifamily Units**
Can be Considered under the Future Land Use Map	YES* Community Commercial (CC)	YES* Community Commercial (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)

Background and Purpose of Request

The applicant requests a zoning classification change from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial.) for mobile home sales on 2.47 acres. Mobile home and travel trailer sales is a permitted use with conditions in the BU-2 zoning classification. The subject property is located on the east side of N. Highway 1, which is a State

maintained highway, and would be pursuant to Florida Department of Transportation (FDOT) requirements and Brevard County Code.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards).

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 2.47 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 74 multi-family units as stipulated by the Live Local Act. There is no difference in development potential under the Live Local Act with the approval of this rezoning request.

Zoning history actions:

- **Z-1373**; May 7, 1964, AU to BU-2, denied as requested for BU-2 zoning and approved from AU to BU-1 with a Special Use Permit (SUP) for Trailer Sales.

Per Sec. 62-1901(d)(3); All Special Use Permits shall be subject to revocation, Special Use Permits issued to properties prior to August 2, 1973, shall be removed.

According to the best available data from the Brevard County Property Appraiser, the subject property was part of a larger parcel that was AU zoned upon the adoption of the Brevard County Zoning Regulations on May 22, 1958. After a rezoning from AU to BU-1 on May 7, 1964, the subject property was created in May 1965, as described in Official Records Book 783, Page 848.

Per Sec. 62-1838, outside sales of mobile homes may be of new or used mobile homes but shall not consist of the construction nor the manufacture of mobile homes. The enclosed sales office shall be located on the same premises as the mobile homes offered for sale. In the BU-1 zoning classification, the use shall be permitted only in conjunction with an abutting mobile home development.

There are currently no open Code Enforcement cases or violations noted on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Nursery	AU, BU-2	NC & RES-1, CC
South	Office Building	BU-1	CC
East	Church	IN(L)	RES-1
West	Single-Family Mobile Home Park.	US Hwy 1, then TR-1	CC

North of the subject property is 7.07-acre parcel that is comprised of four parcels under one tax account number with a mixed zoning of AU (approx. 5.5 acres) and BU-2 (approx. 1.5 acres), that is being utilized as a nursery. The AU portion of the property has a FLU of RES-1 and NC, while the BU-2 portion has a FLU of CC.

South of the subject property is an office building on a 1.46-acre parcel with a BU-1 zoning classification and a CC FLU.

East of the subject property is a church on a 5.82-acre parcel with an IN(L) zoning classification, and a RES-1 FLU.

West of the subject property, located across US Hwy 1, is a platted single-family neighborhood. Developed with twenty (20) mobile homes in a TR-1 zoning classification and a CC FLU.

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

The BU-2 classification is a higher intensity commercial zoning classification, that permits retail, warehousing and wholesale commercial that encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities.

The 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 AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The IN(L) zoning classification is a low intensity class that provides for private, nonprofit or religious uses which are intended to service the needs of the public for facilities of an educational, religious, health or cultural nature. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations.

The TR-1 zoning classification encompasses land devoted to single-family mobile homes with a minimum of 7,500 square foot lots.

Future Land Use

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

Applicable Land Use Policies

FLUM Policy 2.2 Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

BU-2 zoning classification permits outdoor storage yards, wholesale and warehousing uses on minimum 7,500 square feet lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards). Mobile home and travel trailer sales is a permitted use with conditions in the BU-2 zoning classification.

B. Existing commercial zoning trends in the area;

The subject property's location would be considered a commercial corridor that includes commercial land uses to the north and south with residential development to the east side of the subject property. There has been no new commercial development in the area in the past three years.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The Land Use in the surrounding area is commercial to the north, south, and west with residential to the east.

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to impact the adopted level of service standards for roads. Specific concurrency issues would be addressed at the time of site plan review.

The subject property has access to the City of Cocoa for potable water and is in the area of Cocoa Sewer. The preliminary concurrency analysis did not indicate

that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

It is not anticipated that a mobile home sales office will have a significant impact on the LOS for solid waste disposal.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

Natural Resources has identified the subject property as containing aquifer recharge soils, protected tree specimens, and protected species may be present on the property. Please see NRM comments at the end of this report.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-2251 – 62-2272 of Brevard County Code.

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;

Any proposed commercial use shall be subject to compliance with all performance standards within Sec. 62-2251 through Sec. 62-2272.

The Board should consider the array of intense uses permitted under the BU-2 zoning classification and the potential impacts on the abutting residential lots to the west across US Hwy 1.

- 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.

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 five (5) FLU designations within 500 feet of the subject site: CC, NC, RES 1, RES 2, and RES 4. The predominant FLU designation is CC.

The proposal is in a commercial corridor, located on the east side of US Hwy. 1 with BU-1 and BU-2 zoning and Community Commercial (CC) FLU.

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

Staff analysis has determined there has not been any development approved but not yet constructed within this area in the preceding three (3) years.

There has been one zoning action within a half mile of the subject property within the last three years.

24Z00016 was approved on October 3, 2024, to rezone a parcel from AU to TR-1.

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

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

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.

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates the subject property is located along a predominantly commercial corridor. The closest BU-2 zoned property is located approximately 180 ft. to the north. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. Specific concurrency issues will be addressed at the time of site plan review.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

- 1) The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Staff analysis does not indicate the property is located within an established residential neighborhood.

- 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 east side corridor of Highway 1 has an existing FLU designation of commercial. This request does not encroach into the existing residential 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.

Abutting the east side of US Hwy. 1 is commercial uses with single-family residential and vacant land easterly of the commercial uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is on US Hwy 1, between SR 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.37% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 64.39% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property has access to the City of Cocoa for potable water and is in the area of Cocoa Sewer. The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

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. 25Z00005**

Applicant: Kimberly Rezanka (Owners: Wayne and Laura Bresette)

Zoning Request: BU-1 to BU-2

Note: Combine with adjacent properties and develop for agricultural use

Zoning Hearing: 04/14/2025; **BCC Hearing:** 05/01/2025

Tax ID No.: 2410956

- 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

Land Use Comments:

Aquifer Recharge Soils

This property contains Paola fine sand, 0 to 8 percent slopes, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within Type 2 and/or Type 3 Aquifer Recharge areas, which are 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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for

preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

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.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 14, 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); 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; Justin Caron, Assistant County Attorney; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.4. Wayne & Laura Bresette (Kim Rezanka) request a change of zoning classification from BU-1 to BU-2. (25Z00005) (Tax Account 2410956) (District 1)

Trina Gilliam read Item H.4. into the record.

Kim Rezanka spoke to the application. The request is to change the zoning on almost 2.5 acres from BU-1 to BU-2 to have mobile home sales. They currently operate the site across the street and intend to move this over here. This is a vacant lot with a commercial nursery to the north, a church to the east, mixed-use office to the south, and mobile home sales and office to the west. This is a permitted use with conditions in BU-2. This is a commercial corridor and does not indicate any use that would impact the levels of service. The staff report indicates there will be performance standards that will have to be abided by, that will come at the site plan stage and the actual operational stage. Those performance standards are dust, smoke, odor, lighting, vibration, radiation waste disposal, water quality, water consumption, signs, access, and noise to name a few. Those are all site plan issues that will be addressed. There are no material violations of the comprehensive plan policies, and it does not encroach into any existing residential areas.

Public comment

Sandra Kennedy stated some of the issues that are very important in our area are that we're on a flood plane and there's an aquifer. The water charges and then pours out, down the ridge from the US-1 elevation down to the Indian River Lagoon. It floods Indian River Drive, which is our only way in and out of the neighborhood. When you concrete over large areas or do anything that impacts the aquifer, you increase the flooding. The development restrictions that I'm aware of are a need for a vegetation barrier and a concrete wall. There's a lot of clearing that has been going on, some without permits. This has dramatically increased the sound in the area just in the last few years, since I have moved into this neighborhood. So, the wall and vegetation, anything that protects sound is very important. Crime, we don't want people walking through and entering a residential neighborhood from the back of this building or construction. And, homeless people who are already on the other side of US-1, camped out, hiding next to the railroad tracks. We have flooding so bad that the water runs 24-7 through our storm drains, rain or shine. It can not rain for six months, and that water still floods because that is the impact of the aquifer and the flooding in the area. When there is a hurricane water runs down my driveway for 2 weeks. The last couple of years it just flows, for 2 weeks. I'm not a public easement for the county to absorb their water. I've heard it ran for 3 to 6 months during

hurricane Irma. We don't need less development restrictions, we need more, in this area. We need to protect this environmentally sensitive area and restrict the amount of land that gets concreted over.

Paul Tucker stated he lives directly next door to Sandra. We're on a 25-foot D.O.T. easement on the rear of our lot, which has turned into a highway for people that want to get from US-1 to the river. Unfortunately, the people traveling down that highway are not the people you want in your backyard. They're trapped between our subdivision and a church. Any development going on in that area needs to be very sensitive that we have 24-hour a day water running through the D.O.T. easement behind us. The system within our subdivision runs 24-7. I've lived there for 7 years and never walked over an inlet that didn't have water running. We live on a coquina ridge. Sandra's house was brought down level to follow the rest of the neighborhood. So, that coquina ridge is about 6-foot above her grade and it's constantly running water after a huge storm. We would like you to address the water concerns and we need some type of a buffer wall or something that blocks that D.O.T. easement.

James Stoker stated he wanted to reiterate that this property abuts his property. The natural resource department requirements need to be met, some kind of buffer, so we're not exposed to any kind of commercial development. There are significant water issues in this area, so any plan that goes forward has thoroughly assess and make sure those things don't impact all the properties that are downstream. It is a significant elevation drop and the water runs right down onto our property and all the properties beneath us.

End Public Comment

Ms. Rezanka stated there was a special use permit on that site that was revoked in 1973, but that is a nonissue. Regarding flooding, as you all know development standards will require that they retain all their water, and that will be a site plan issue. Same with the buffering, they will have to have a class A buffer, I think and would require a site plan. Regarding blocking the easement, that is the property to the south that's adjacent to the easement, perhaps when a wall goes up that will help some of it. We know this is a coquina ridge and we know there are water issues, and that will be addressed at site plan.

Henry Minneboo inquired who the engineer of record will be.

Ms. Rezanka responded MBV Engineering, Bruce Moia.

Mr. Minneboo stated that design wise they'll probably be able to handle most of that water that generated from this site but doesn't some of it come from farther way.

Ms. Rezanka responded I suspect some of it's coming from the other side. That's the way the drainage pattern is. There's a lot of pipes there and easements there. We've tried to vacate some; they won't let us because they say they're going to have to redo some of the drainage to the river.

Mr. Minneboo stated we've listened to the people. It's been amazing, they have a big issue here.

Ms. Rezanka responded I don't know about this subdivision, but I know the other one that was a 1960 subdivision.

Mr. Hopengarten inquired as to how many mobile home units are planned to be put on this property.

Ms. Rezanka responded it's going to be a sales facility; I don't know. It's going to be like what's across the street. That's what they have now.

Mr. Hopengarten asked if there is one to the south that's kind of stacked around and ugly.

Ms. Rezanka responded now they'll have to have a site plan; they'll have to make it look nice. They'll have to have travel lanes, distances to move them around, they don't have a concept plan yet.

Mr. Hopengarten stated the ones we've seen in the past just have gravel as their surface rather than paved. Because of the flooding issues in that area is there any chance that they would consider doing a permeable type of paving so that they would absorb some of the runoff.

Ms. Rezanka responded that gravel is not considered pervious, and if we're in an aquifer zone we can only have 40% coverage. They're going to do whatever staff tells them to do.

Mr. Hopengarten commented that as was stated last month those people were made responsible to keep their runoff on their own property. So, this will be the same situation.

Ruth Amato commented that even when everything is done right, if something fails, what does that look like and how is it corrected.

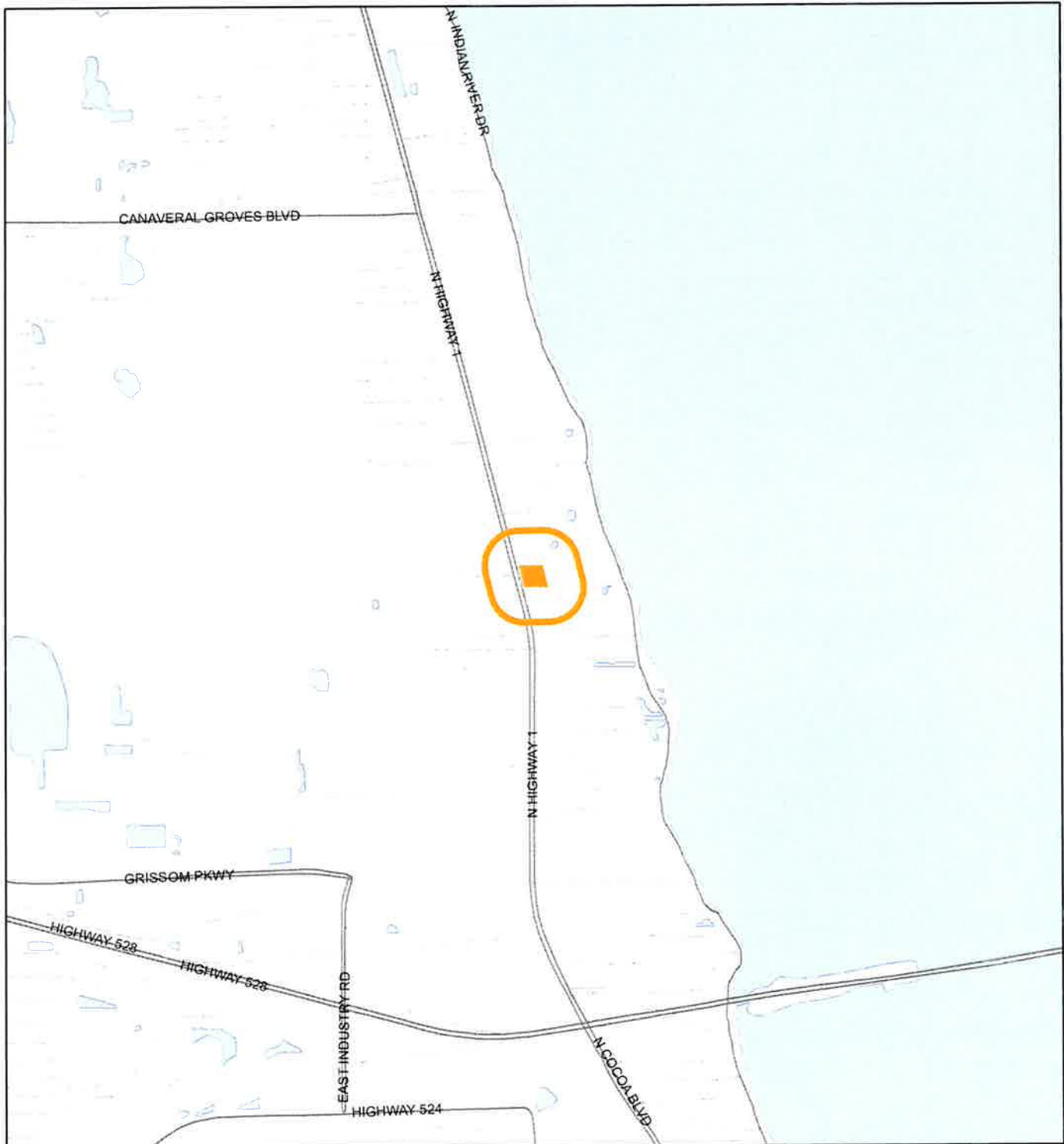
Ms. Gilliam responded that is something that will be addressed during the site plan process and there's engineering for that. Public works department would review the drainage plan to make sure it adheres to whatever regulations the county has for them to retain their water runoff on property.

Motion to recommend approval of Item H.4. by Ana Saunders, seconded by Erika Orriss. Motion passed unanimously.

The meeting was adjourned at 4:03 p.m.

LOCATION MAP

Bresette, Wayne & Laura
25Z00005



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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 2/26/2025

- Buffer
- Subject Property

ZONING MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet

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

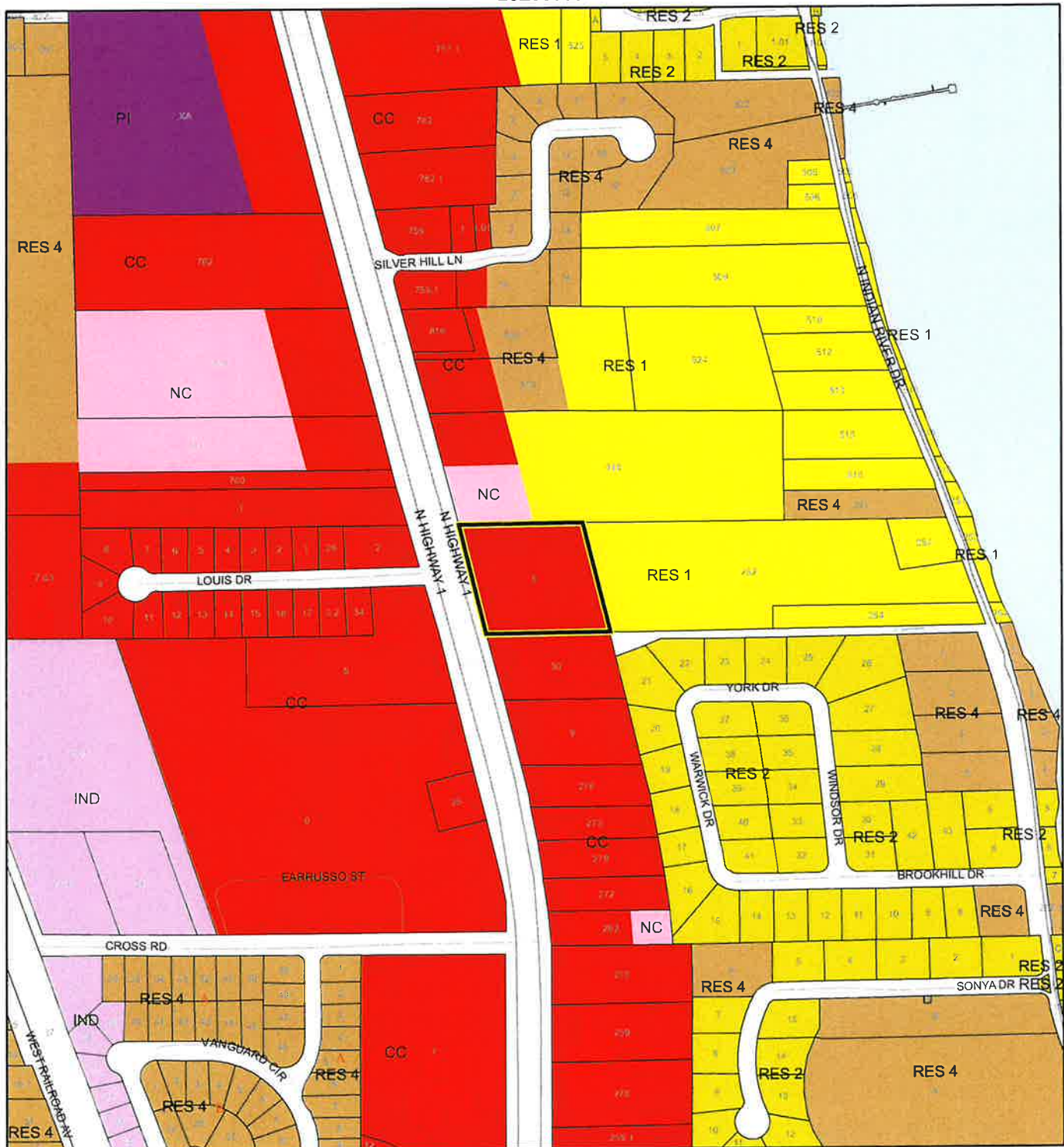
Produced by BoCC - GIS Date: 2/26/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Bresette, Wayne & Laura

25Z00005



1:4,800 or 1 inch = 400 feet

— Subject Property
 — Parcels

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Produced by BoCC - GIS Date: 2/26/2025

AERIAL MAP

Bresette, Wayne & Laura

25Z00005



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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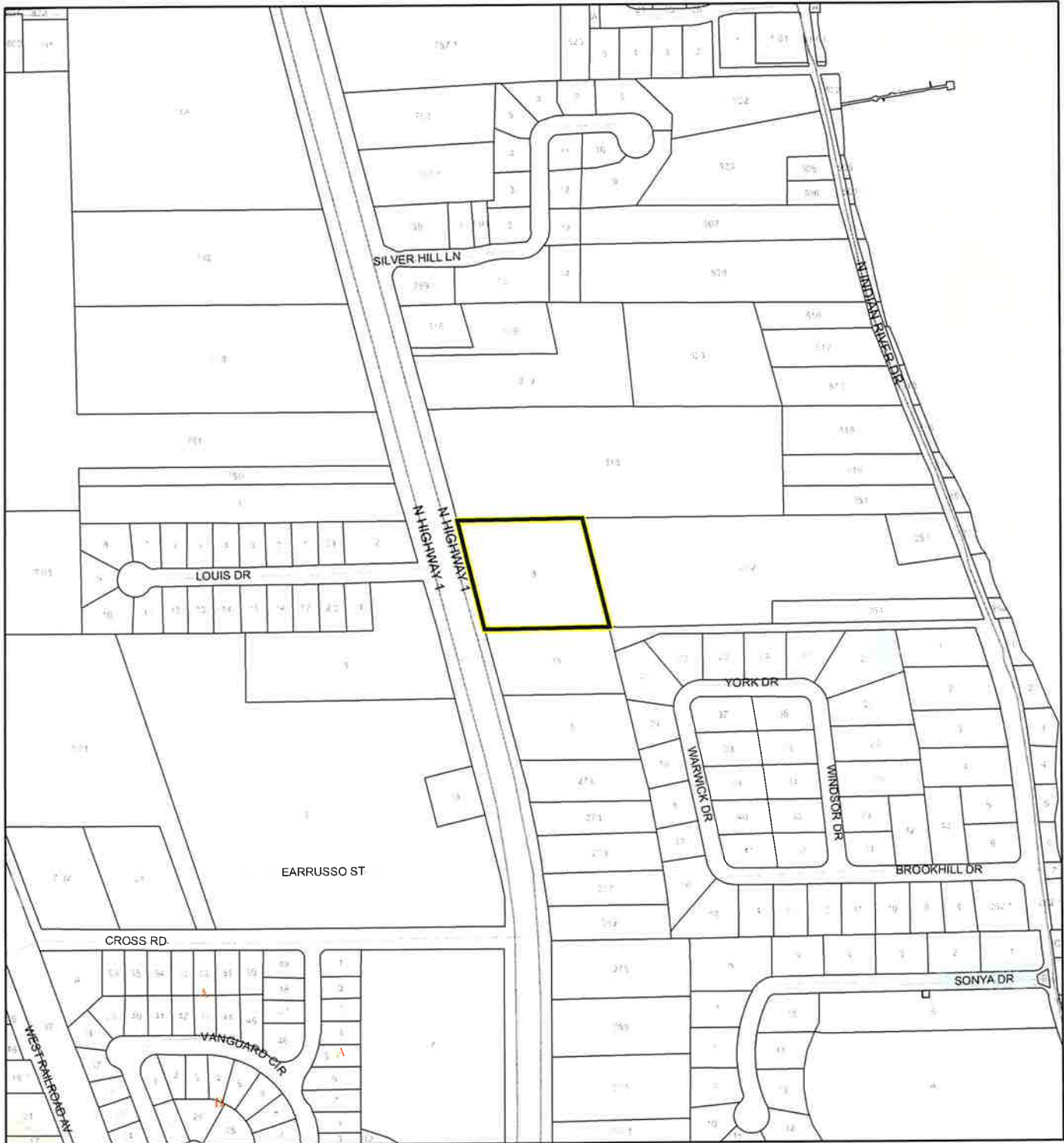
Produced by BoCC - GIS Date: 2/26/2025

 Subject Property

 Parcels

NWI WETLANDS MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2025

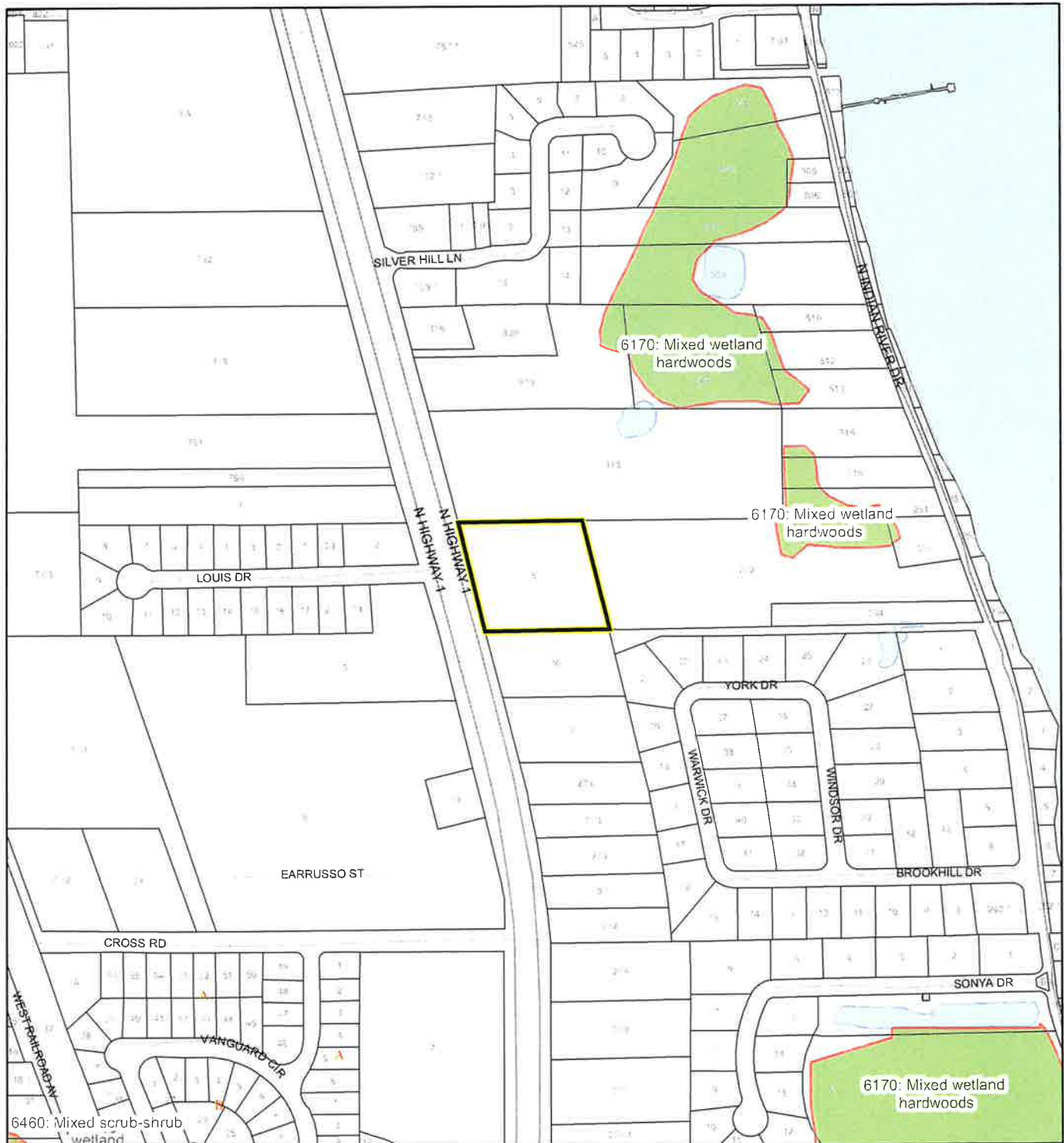
National Wetlands Inventory (NWI)

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

Bresette, Wayne & Laura

25Z00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2025

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

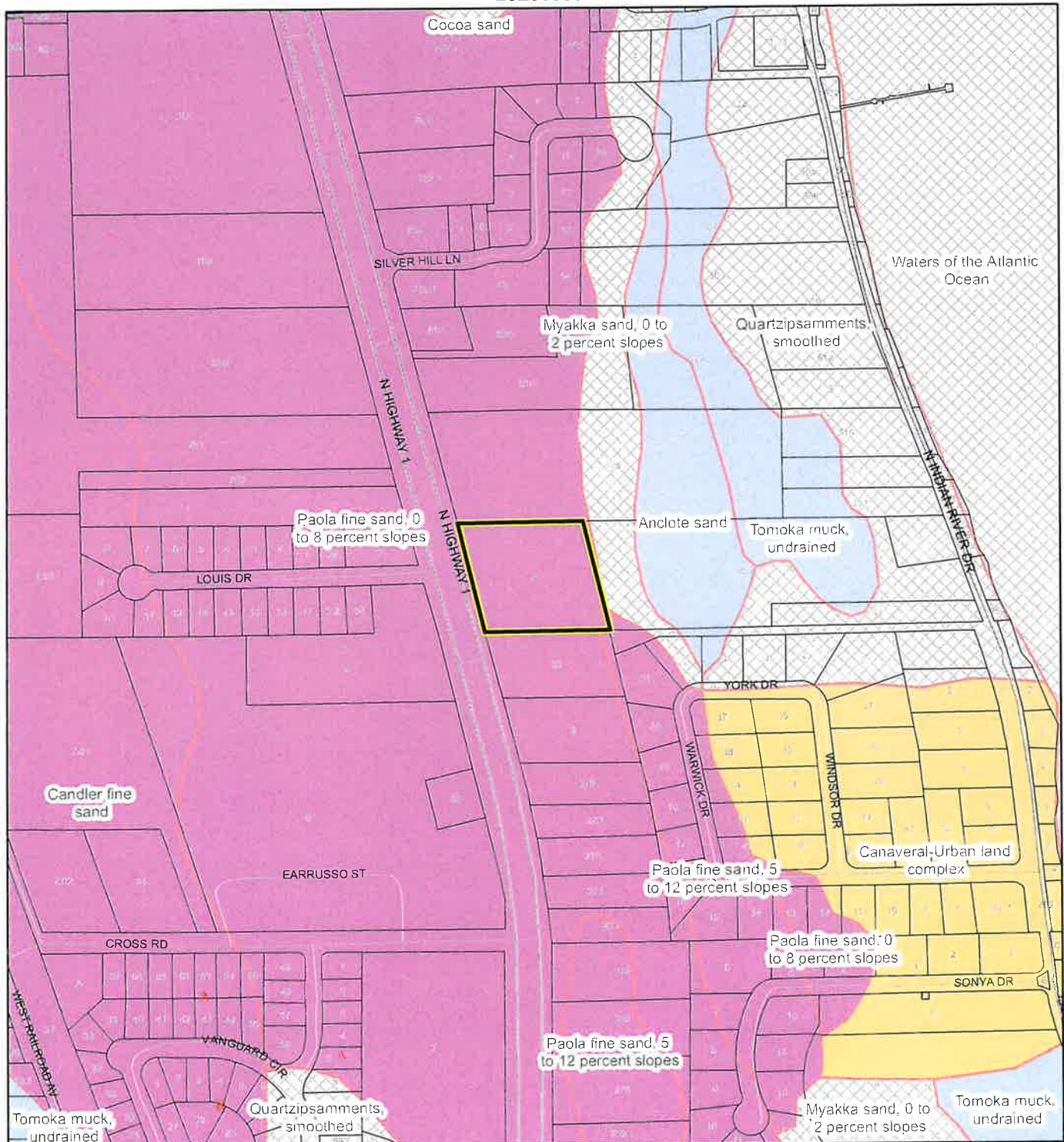
Subject Property

Parcels

USDA SCSSS SOILS MAP

Bresette, Wayne & Laura

25Z00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2025

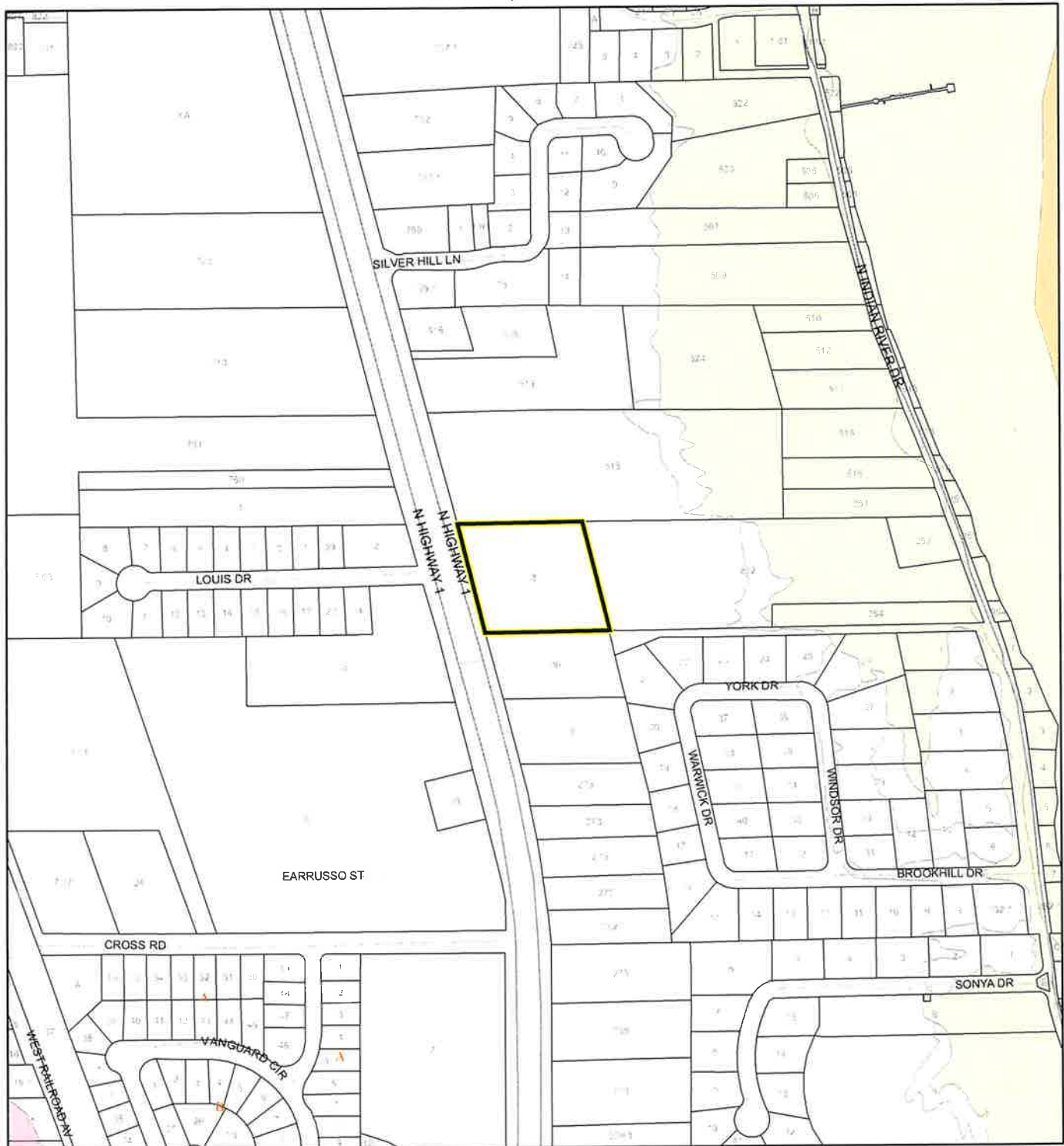
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet

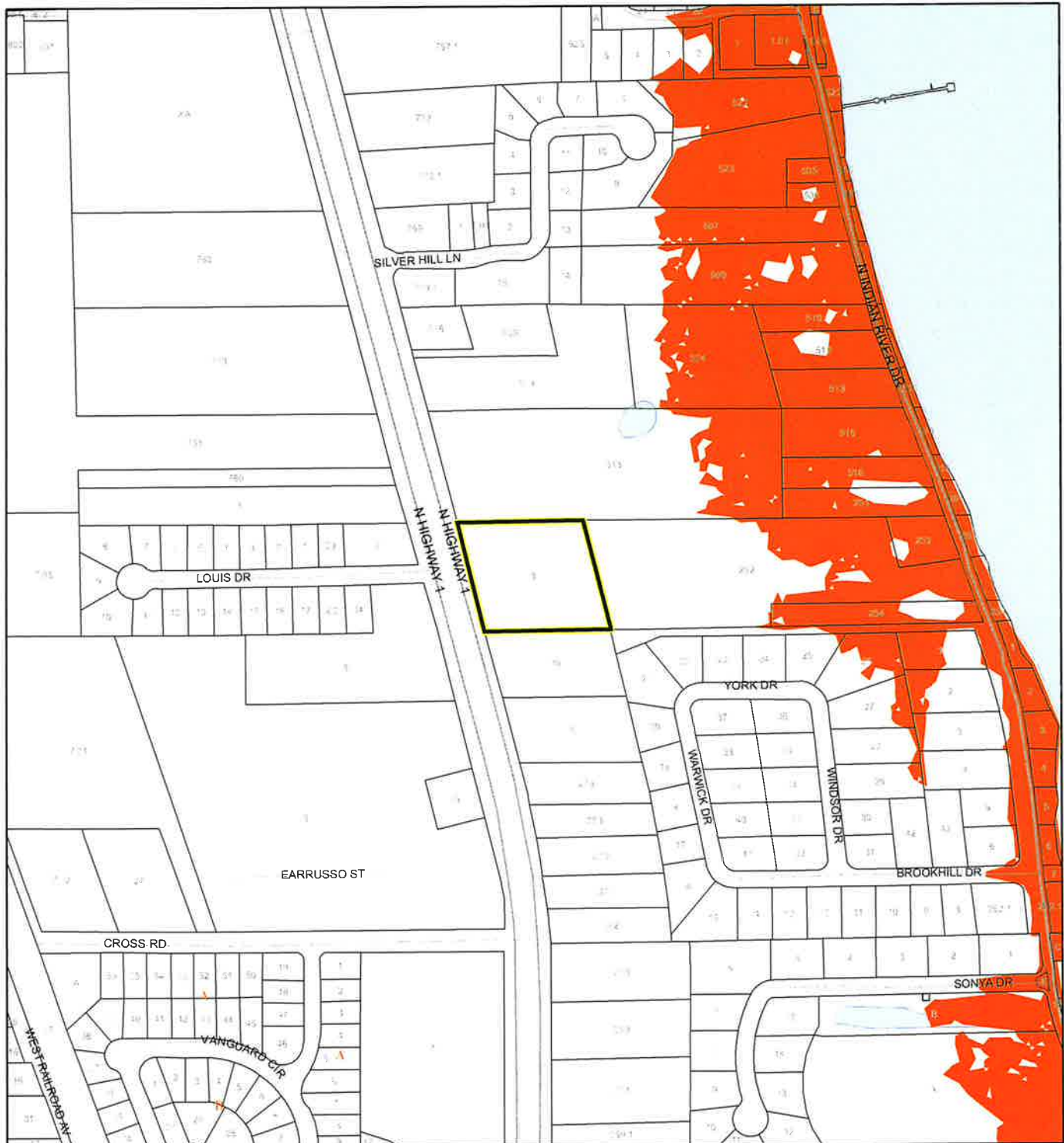
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 2/26/2025

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

COASTAL HIGH HAZARD AREA MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 2/26/2025

 Subject Property

 Parcels

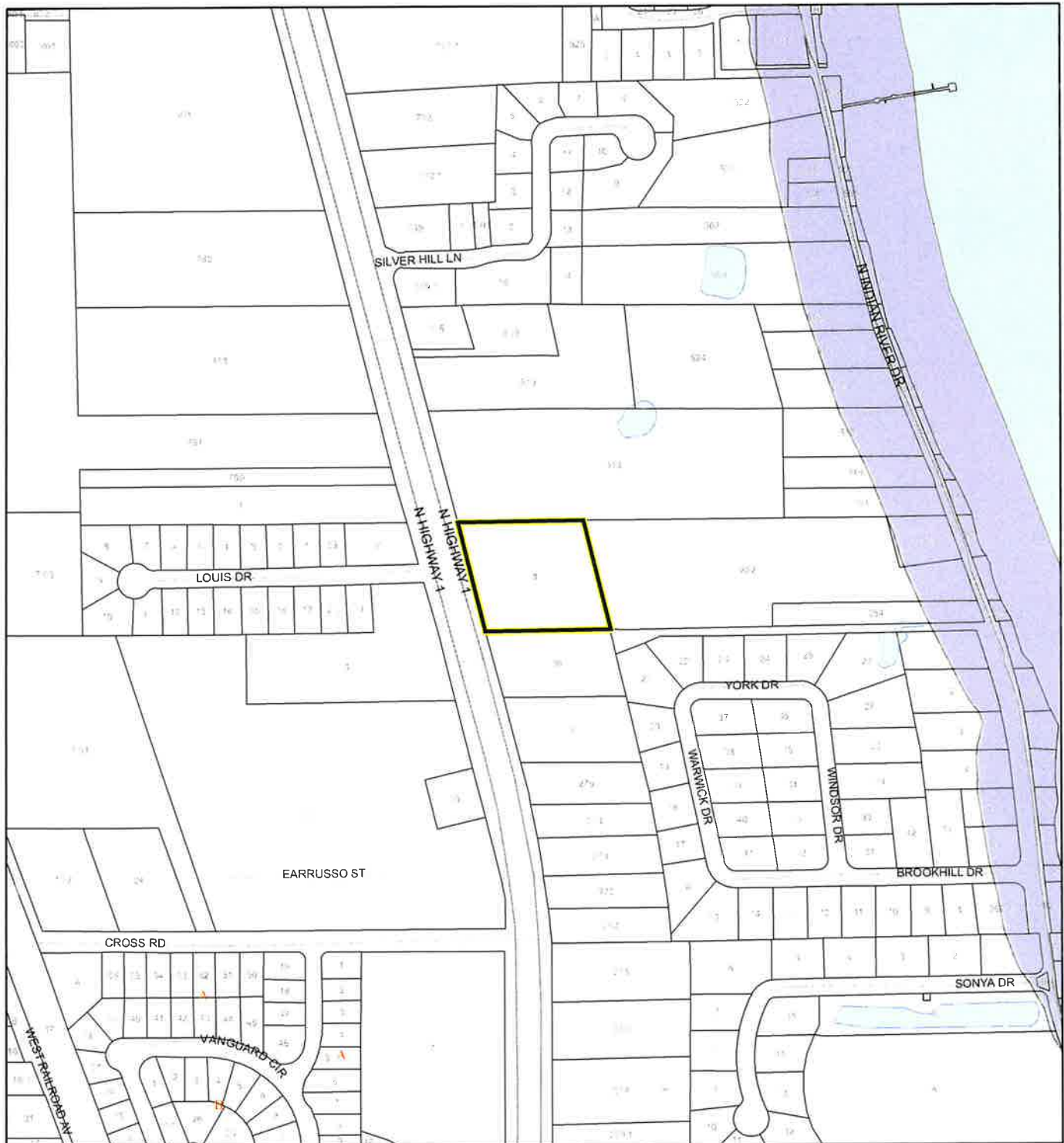
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Bresette, Wayne & Laura

25Z00005



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 2/26/2025

— Subject Property

□ Parcels

Septic Overlay

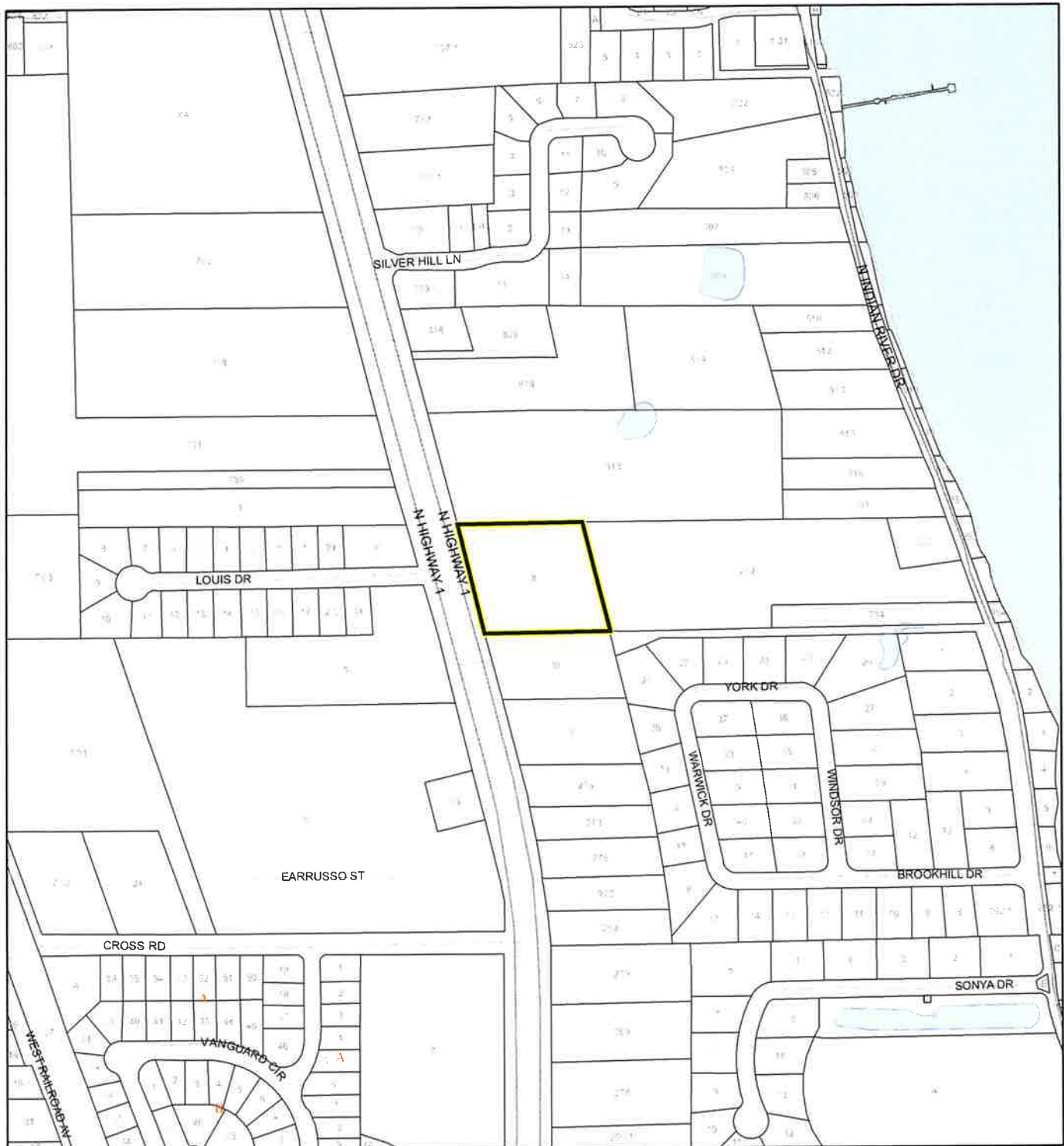
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2025

 Subject Property

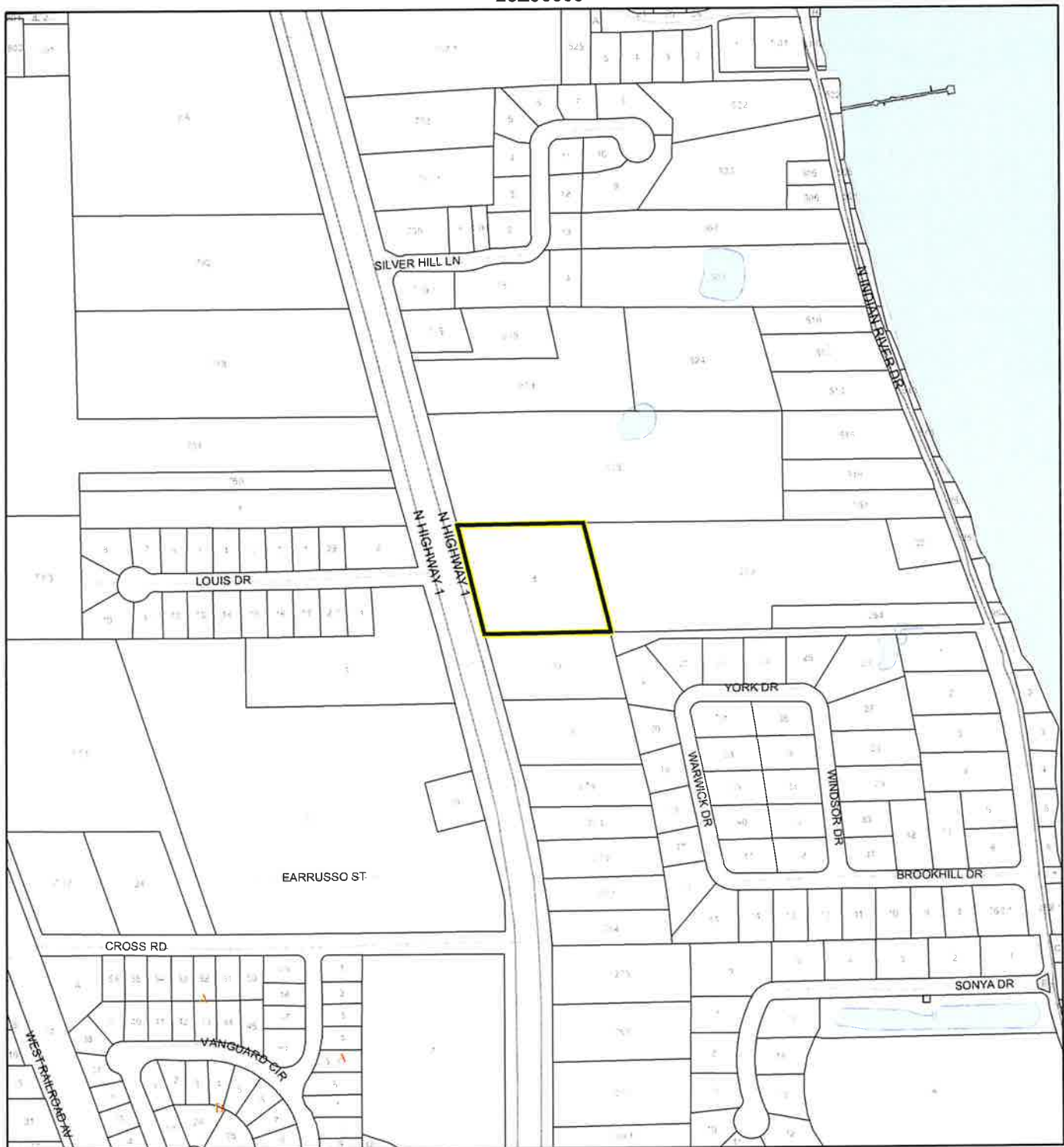
 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Bresette, Wayne & Laura
25Z00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2025

 Subject Property

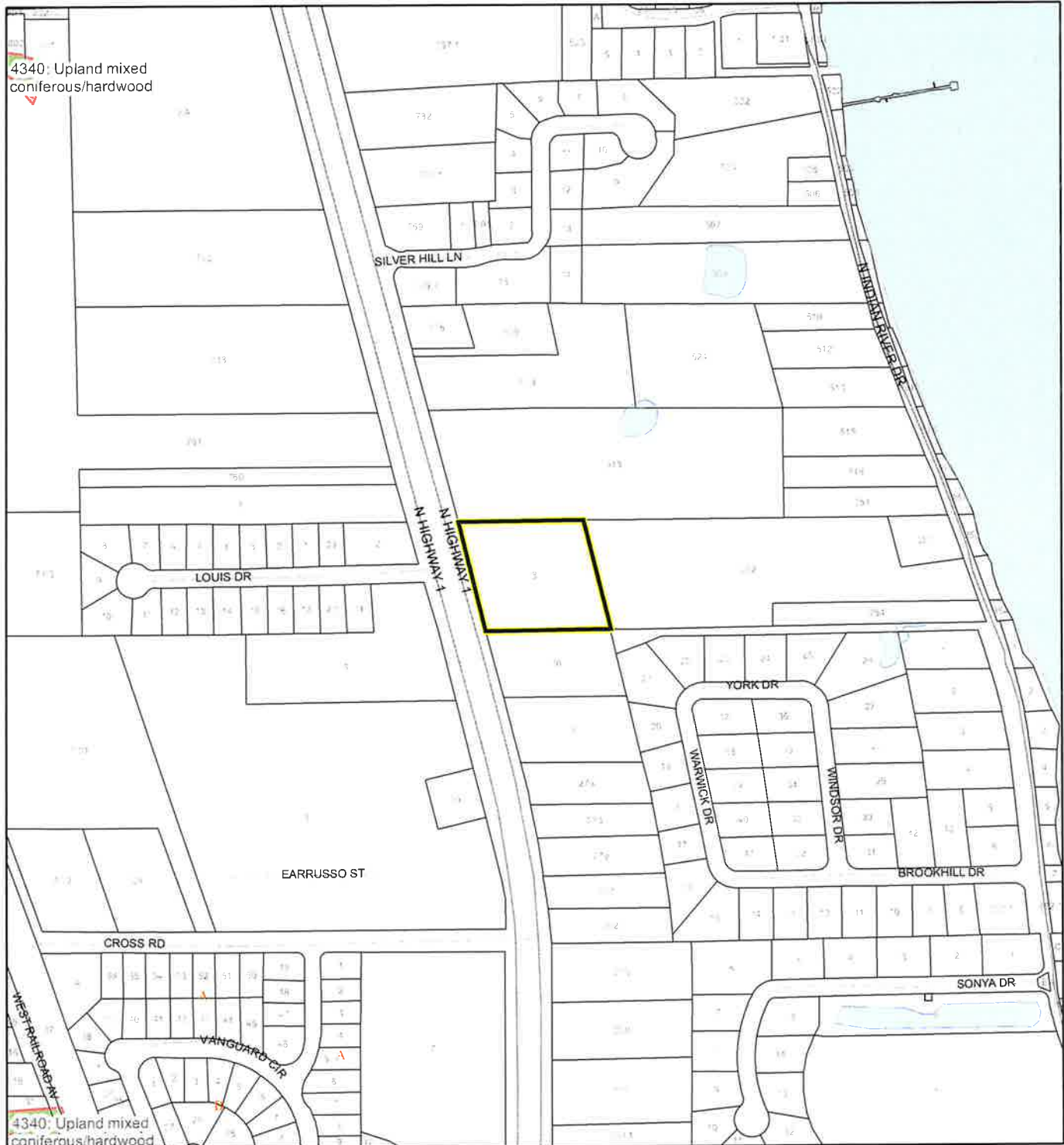
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Bresette, Wayne & Laura

25Z00005



1:4,800 or 1 inch = 400 feet

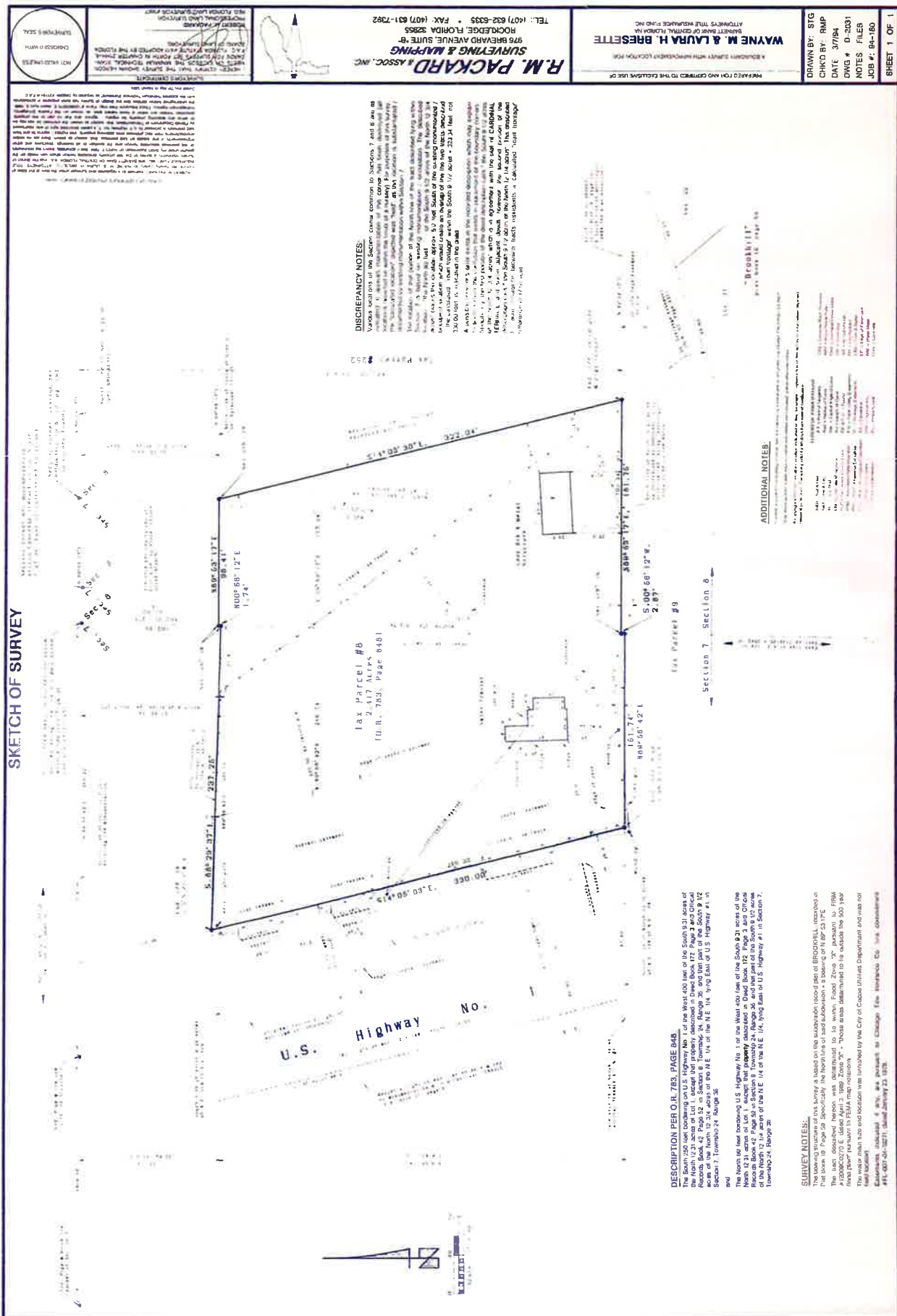
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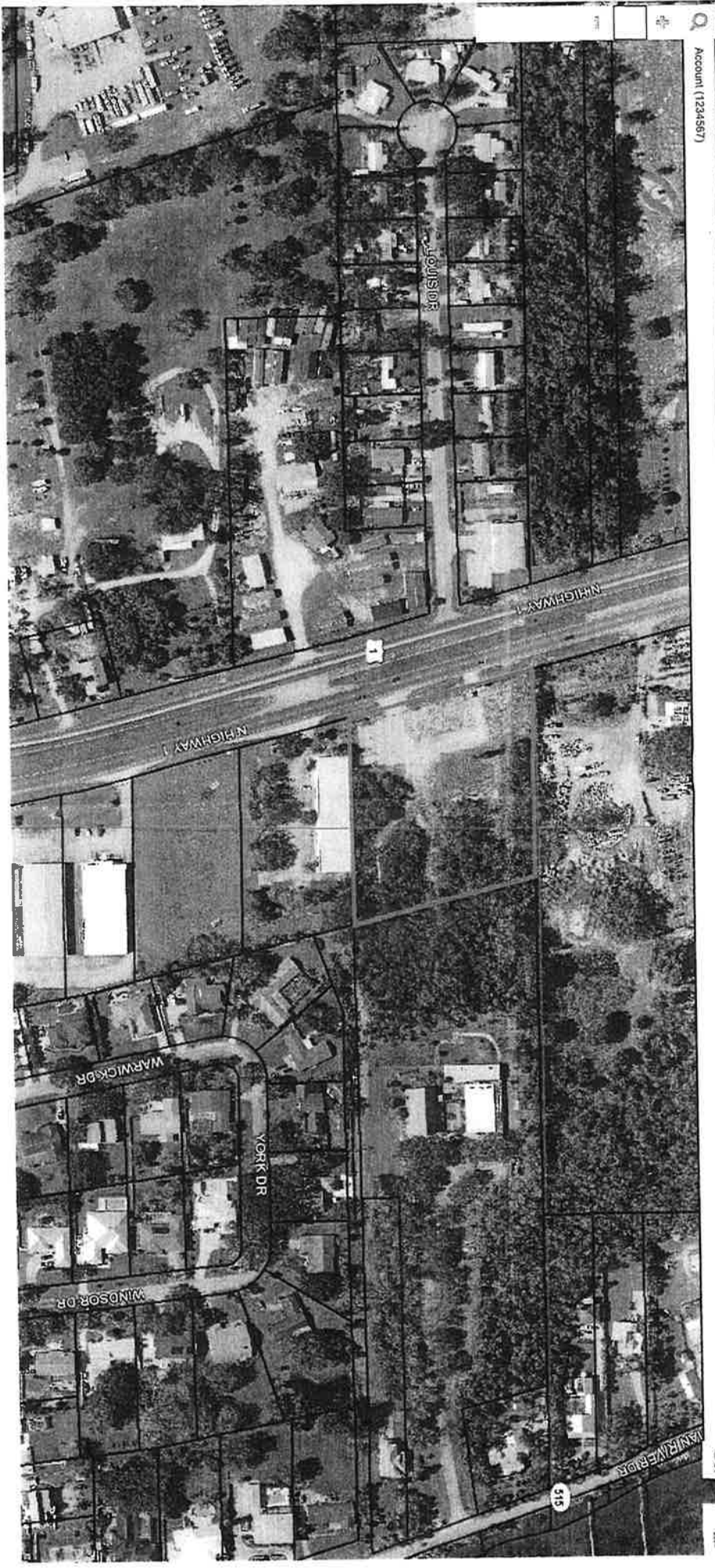
Produced by BoCC - GIS Date: 2/26/2025

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





Account: 2410956 Parcel ID: 24-36-07-00-8
Sale: 3/1/1993 \$1,500
BCPAO Market Value: \$221,650
Photo
Owners: BRESSETTE, WAYNE; BRESSETTE, LAURA
Address: 3740 N HIGHWAY 1 COCOA FL 32926

Zoom | Clear | Details | EagleView | Hide Info

BCPAODana Bickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer

H, 2,

PLAT BOOK	19	433732
AND PAGE	59	

Mrs W E MacGregor NOT PLATTED



Case	Chem	Time	Age	Sex
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3	101	24:00	64	M
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[illegible]

BUCKNER SURVEYING, INC.
Cocoa, Florida.

DEDICATION

affixed hereto on AUGUST 15, 1964.
ZENLAND, INC. 100 Boulevard Du Marais
 By WILLIAM J. BARTON President
 WILLIAM J. BARTON, VICE-PRESIDENT
 AUGUST 15, 1964

Expend and noted in the presence of
 J. L. W. Davis
 William M. Davis
 Richard W. Davis

STATE OF FLORIDA COUNTY OF BREVARD
THIS IS TO CERTIFY, That on AUGUST 25, 1944
before me, an officer duly authorized to take acknowledgments
State and County thereof, personally appeared
RICHARD B. BATTIN and A. DALE GATES
respectively the... Vice - President and ... Secretary....

State of Florida, to me known to be the husband
and officer attached is one who associated the foregoing Declaration
and sincerely acknowledged the execution thereof to be their free act
and deed or such officers lawfully duly authorized. That the official
act of said corporation is duly certified hereto; and that the said Decla-
ration is the act and deed of said corporation.
WITNESS MY HAND, I, _____, Secretary,
my legal self seal on the above date.

CERTIFICATE OF SURVEYOR

[illegible]

CERTIFICATE OF APPROVAL
BY MUNICIPALITY

signed the foregoing plat

SEAL

MAJOR

ATTEST:

CITY CLERK.

CERTIFICATE OF APPROVAL BY BOARD
OF COUNTY COMMISSIONERS

This is to certify, That on SEPTEMBER 10TH 1900
the following order was received by the Board of County Commissioners:

Brewood County, Florida.
 I, *Joe B. D. Allen*
 Clerk of the Board.
W. H. Brown
 Clerk of the Court.

CERTIFICATE OF APPROVAL
BY ZONING COMMISSION
THIS IS TO CERTIFY, That on
MAY 10, 1964,
Zoning Commission of the City of
St. Louis, Missouri, has approved the
proposed plan of subdivision of the
land described as follows:

C. E. Casey, Trading Director.

CERTIFICATE OF CLEARANCE

I HEREBY CERTIFY That I have examined the foregoing Bill and find that it complies in form with all the requirements of the Act of March 3, 1879, entitled "An Act to amend an Act approved July 26, 1870, relating to the duties of the Treasurer of the United States."

*Clerk of the Circuit Court
In and for Brevard County, Fla.*

Board Meeting Date

5-1-25

Item Number: H-2

Motion By: Delaney

Second By: Altman

Nay By: _____

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