



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.2.

3/23/2021

### Subject:

5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) requests a change of classification from RU-1-11, TR-2, and BU-1, with a BDP, to TR-1 with a BDP limited to 150 units. (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (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 RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial), with a BDP (Binding Development Plan), to TR-1 (Single-Family Mobile Home) with a BDP limited to 150 units.

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-11 (Single-Family Residential) with a BDP (Binding Development Plan, BU-1 (General Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 (Single-Family Residential) with removal of the existing BDP and the creation of a new BDP for the purpose of creating a 150-unit manufactured home subdivision. This request may be considered to be consistent with the Residential 8 Directive and the Community Commercial Future Land Use designations.

The subject property abuts the Port St. John development to its north which is developed to a residential density of 3.4 units per acre. To the south is the Cedar Lake mobile home community developed at a density of 2.0 units per acre. To the east is the FPL electric utility provider and the Clearview Terrace mobile home community developed at a density of 3.7 units per acre. To the west lies the FEC railroad right-of-way. High-tension FPL power lines bisect this central region of the property.

The proposed replacement BDP conditions identify the following limitations/criteria:

- Developer/owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
- The Developer/owner shall limit density to a total of 150 units.
- Vehicular access to Vineland Street from the Property is prohibited.

The concept plan shows a full access point to both Clearview Drive and Cedar Lake Drive. The existing BDP stipulates emergency vehicle access only to Cedar Lake Drive, however proposed BDP does not retain the condition. County code requires residential projects of 201-plus units to provide a second access.

**Please note:** The concept plan does not meet the minimum requirements of the County's Site Plan Code or Subdivision Regulations and cannot be used to satisfy those requirements. Also, interdepartmental reviews have not been conducted and the feasibility of layout cannot be confirmed without a formal site plan or subdivision review.

The change in zoning from TR-2 to TR-1 will amend the required minimum side yard setbacks of the primary/accessory structure from 10-feet to 7.5-feet.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area. The Board may also wish to consider whether the proposed BDP conditions mitigate potential impacts to the surrounding area.

On March 3, 2021, the Port St. John Dependent Special District Board heard the request and unanimously recommended denial.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval, with an additional BDP condition that the development be required to connect to sewer.

**Clerk to the Board Instructions:**

Once resolution is received, please execute and return a copy to Planning and Development.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

March 24, 2021

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.2., 5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) Requests a Change of Classification from RU-1-11, TR-2, and BU-1, with a Binding Development Plan (BDP), to TR-1 with a BDP Limited to 150 Units (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173)

The Board of County Commissioners, in regular session on March 23, 2021, conducted the public hearing and approved changing the zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial) with a BDP, to TR-1 (Single-Family Mobile Home) limited to 150 units, and with a revised BDP submitted on March 22, 2021.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/ds

Prepared by: Kimberly B. Rezanka, Esq.  
Lacey Lyons Rezanka  
1290 U.S. Highway 1, Ste. 201  
Rockledge, FL 32955

H.2.  
New  
from  
Rezanka

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a  
political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar  
Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**,  
(hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety  
the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public  
Records of Brevard County, Florida.

### RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in  
Brevard County, Florida, as more particularly described in **Exhibit "A"**, attached hereto and  
incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and  
desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard  
County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes  
to mitigate negative impact on abutting landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or  
participate in any way in the construction or maintenance of the improvements. It is the  
intent of the parties that the Developer/Owner, its grantees, successors or assigns in  
interest or some other association and/or assigns satisfactory to the County shall be  
responsible for the maintenance of any improvements.



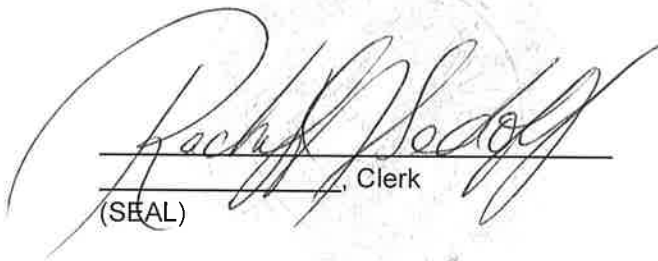
2. Developer/Owner shall provide a 6-foot high opaque ~~buffer fence of~~ on the Property ~~on the southern boundary adjacent to any residentially zoned property.~~
3. The Developer/Owner shall limit density to a total of **150** units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. The Developer/Owner will not utilize septic tanks for homes developed on the Property.
6. Developer/Owner will provide a 15-foot perimeter buffer tract along all property boundaries which shall be platted as a common tract, separate from individual lots.
7. Developer/Owner shall limit access to Cedar Lake Drive to an emergency access for the benefit of Brevard County, with a locked gate, if required by Brevard County or due to any existing easement encumbering the Property.
8. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
9. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
10. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

11. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

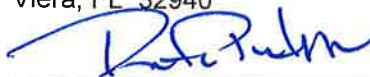
12. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 11 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

  
\_\_\_\_\_  
(SEAL) Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940



\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on \_\_\_\_\_

WITNESSES:

5971 CEDAR LAKE DRIVE LAND TRUST  
and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
as DEVELOPER/OWNER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
, 2021, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL

\_\_\_\_\_  
Notary Public

Commission No.:

(Name typed, printed or stamped)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East along said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

**PARCEL 2:**

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

**PARCEL 3:**

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

**PARCEL 4:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

#### Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North 75° 10' 20" East, along said South line, a distance of 505.39 feet; thence South 14° 35' 25" East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South 80° 13' 23" West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.

**Roth, Joy**

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**From:** Commissioner, D1  
**Sent:** Monday, March 22, 2021 4:26 PM  
**To:** Roth, Joy  
**Cc:** Mascellino, Carol; Price, Jessica  
**Subject:** Public Comment Item H.2 BOCC Meeting 03/23/2021

Good Afternoon,

Please see the below Public Comment for Item H.2 BOCC Meeting 03/23/21

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

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**From:** Chris M <cjmac111@gmail.com>  
**Sent:** Friday, March 19, 2021 8:22 PM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** Port St John Rezoning

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

March 19, 2021

Dear Commissioner Pritchett,

I am writing to you because of my concerns about my parent's welfare. My Mom and Dad, Odette and Tom have been worried about this subject since first receiving notice regarding a request for rezoning the property just south of Vineland Street in Port St John. Their home is at 1099 Vineland St. Because of my work schedule I have been unable to offer much support in attending any of the meetings with them.

In considering what the owner of the property is requesting, I feel it should be denied. Here is why. That parcel of land was originally planned for similar homes being built by General Development Corporation in their PSJ project at that time, and I believe it should stay that way.

All I ask is that the people living on Vineland Street receive fair treatment.

Thank you for considering my concerns.

Respectfully Yours,

Christopher MacFarlane

**Roth, Joy**

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**From:** Commissioner, D1  
**Sent:** Monday, March 22, 2021 4:25 PM  
**To:** Roth, Joy  
**Cc:** Mascellino, Carol; Price, Jessica  
**Subject:** Public Comment Item H.2 BOCC Meeting 03/22/2021

Good Afternoon,

Please see the below Public Comment.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

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**From:** Johanna Velasquez <johannavel@yahoo.com>  
**Sent:** Sunday, March 21, 2021 4:54 PM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** PSJ and Rezoning of Property Next to Vineland

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



Dear Commissioner Pritchett:

Ref: Rezoning of property described as 5972 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) to TR-1 with a BDP Limited 150

The referenced requested change for rezoning is for land which borders the properties along Vineland Street in Port St. John. I am writing to you today to urge you and the other Commissioners to decline this zoning change. What the developer will be able to do with this rezoning change is incompatible with the houses on Vineland Street. I grew up on Vineland and know many of the neighbors who are against this rezoning based on this and other concerns.

In the other meetings I have attended, those neighbors who were able to attend have done so; however, keep in mind many work and will be unable to attend the Commissioners 9:00 a.m. meeting on Tuesday but are depending on the Commissioners to take the PSJ Board's vote into consideration and deny this rezoning change.

Respectfully,

Johanna Velasquez



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

[D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov)

Planning and Development  
Commission Meeting March 23, 2021  
5971 Cedar Lake Drive - 20Z00036

Commissioner Pritchett spoke with Ms. Maureen Rupe via phone call regarding the above item on March 16, 2021. The Commissioner listened to her concerns regarding environmental impacts of the zoning item.



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

[D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov)

Planning and Development  
Commission Meeting March 23, 2021  
5971 Cedar Lake Drive - 20Z00036

Commissioner Pritchett spoke with Ms. Kim Rezanka and Mr. Nick Dottore in the Florida room at the Brevard County Government Complex in Viera regarding the above item on March 22, 2021. The Commissioner listened to their presentation and was handed a pamphlet from Palm Harbor Homes.

**District 2 Disclosures  
03/23/21 BOCC Meeting**

**H.2. 5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) requests a change of classification from RU-1-11, TR-2, and BU-1, with a BDP, to TR-1 with a BDP limited to 150 units. (20Z00036)**

- 03/16/21 – Commissioner Lober discussed the proposal with Kim Rezanka, who is representing the applicant.
- 03/19/21 – Julie U\_\_?\_\_\_\_ sent an email with attachments (including signed petitions from residents) expressing opposition to the proposal.
- 03/22/21 – District 2 received an email from Kim Rezanka regarding proposed changes to the BDP.

**Roth, Joy**

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**From:** Commissioner, D1  
**Sent:** Monday, March 22, 2021 4:27 PM  
**To:** Roth, Joy  
**Cc:** Mascellino, Carol; Price, Jessica  
**Subject:** Public Comment for Item H.2 BOCC Meeting 03/23/21  
**Attachments:** Petition the Brevard County Board of Commissionera 20Z00036.docx; Petition Signatures.pdf; BCPA pics.pdf; drone.pdf; BDP 08082006 RU1-11.pdf

Good Afternoon,

Please see below Public Comment for Item H.2 BOCC Meeting 03/23/21

Best Regards,

**Nate Smith**

Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**

2000 South Washington Avenue, Suite 2  
Titusville, FL 32780  
321-607-6901

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**From:** Julie U <julielynn898@gmail.com>  
**Sent:** Friday, March 19, 2021 4:50 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Petition to Brevard County Board of Commissioners to deny 20Z00036

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

Commissioners of Brevard County, Florida,

The residents are requesting the Board Members deny #20Z00036 and retain the RU1-11 zoning. Please view the attached petition and supporting documents.

Attached are:

1. Petition To Brevard County Board of Commissioners to Deny #20Z00036.
2. Signatures in support of the petition.
3. Maps of Cedar Lake Drive, Broadway Boulevard and Clearview Drive from the Brevard County Property Appraisers' website.
4. Drone picture of Cedar Lake Drive, Vineland Street, and subject property.
5. August 8, 2006, Board approved Binding Development Plan for RU1-11 (ORB: 6583/0716).

We thank you for your time and consideration.

# PETITION TO BREVARD COUNTY COMMISSIONERS

## TO DENY 20Z00036

We the undersigned owners of property and residents affected by the requested Application for Zoning Action, Comprehensive Plan Amendment, (PZ#20Z00036), do hereby request the Brevard County Board of Commissioners protect the interests of the families living in the established neighborhoods surrounding the subject property by DENYING the applicant's request.

Changing the current Binding Development Plan (BDP) from RU 1-11 to TR-1 would negatively affect the current community lifestyle, the safety of our CITIZENS, and the ecosystem by clear cutting and removing all natural habitats.

1. When the current BDP was approved by the Board of Commissioners on 08 August 2006, RU1-11 was to remain. At that time there were concerns from the citizens and Board Members due to the number hurricanes (2004) and the subject property's close proximity to the Indian River and coastline. The Community's position today remains the same as 2006 regarding RU1-11.
2. Broadway Boulevard, which is the main gateway to US 1 for hundreds of vehicular and pedestrian traffic, is tremendously busy with extremely large amounts of traffic. Each home has an average of 2-3 vehicles per home. Currently, the amount of traffic ingressing and egressing onto US 1 daily is:
  - a. Cedar Lake Drive has **27** homes; all utilize Broadway as ingress/egress.
  - b. There are approximately **35** homes on Boardway, that ingress/egress to US1.
  - c. There are **227** homes to the south of Broadway. ( Monroe Avenue, Yarber Avenue, Wixie Street, Akorn Street, Cherry Avenue, Ronald Street, Garvin Street, Iris Street, Booth Street, and Robyn Street).
  - d. Rock Solid Rock LLC is a commercial mining facility located on JD's Place, west end of Broadway Blvd. Dump trucks/semi-trailers travel Broadway Blvd. **30-60** times a day to ingress/egress to US1.
  - e. Cliff Berry, Inc. (CBI) is located to the south of Broadway Blvd. at 5855 Industrial Drive. Trucks and tankers of various sizes travel Broadway for ingress/egress to US1.
  - f. Spring Street has **30** homes, Brevard Memorial Funeral Home, Brevard Memorial Park, and a business plaza at US 1. Vehicles located at homes on the west end of the street (6-15 vehicles) exit through Broadway Blvd.
  - g. Koala-T-Kare Learning Center located on Yarber Avenue, enrolls up to 115 children, and accesses US 1 through Broadway Boulevard on the southeast side.

3. Changing the current zoning and adding Cedar Lake Drive as access will negatively affect the vehicular traffic and pedestrian safety throughout the communities surrounding Broadway Boulevard, which is the main gateway to US1.
4. Clearview has **20** homes and the connected side streets (Codner Lane, Bowman Blvd, and Alice Lane) have an additional **20** homes. Forty homes exiting onto US 1 plus 154 Avenue has 20 homes and is extremely lower than adding 50-150 homes and the added vehicular traffic to Broadway Boulevard via Cedar Lake Drive. Additionally, Clearview Drive is a straight drive from subject property to US1 with a distance of .3 miles (520.6 yards).
5. The property owners whose signatures are attached strongly appeal to the Board of County Commissioners to deny septic tanks for future site plans on the subject property, and enforce the utilization of sewage due to the close proximity to Indian River Lagoon and the current issues.



## BREVARD COUNTY COMMISSIONERS

Petition To: DENY 20200036

Printed Name	Address	Signature
DONNA RICKER	293 Spring St.	Donna Ricker
James Dunleavy	307 Spring St.	James Dunleavy
Delann Calypso	307 Spring St.	Delann Calypso
TERRY PURCELL	303 SPRING ST.	Terry Purcell
Long Aber	328 Spring St.	Long Aber
Yvonne VanPatten	328 Spring St.	Yvonne VanPatten
David Cobb	311 Wixie St	David Cobb
Tommy Jones	4032 Merrillville	Tommy Jones
Mark Hummer	316 Wixie Dr.	Mark Hummer
Keith Wiggins	310 Wixie	Keith Wiggins
	310 Spring St	
Mark F. Zensperger	328 Broadway Blvd	Mark F. Zensperger
Billy Bong	320 Broadway Blvd	Billy Bong
Mitchell Lawyer	348 Broadway Blvd	Mitchell Lawyer
Henny J. Sora Sr.	359 Broadway Blvd.	Henny J. Sora Sr.
GEORGE DECHER	5925 CEDAR LK	George Decher
RONALD J. NELTON	5940 CEDAR LK	Ronald J. Nelson
DENNIS POLAND	354 BROADWAY	Dennis Poland
Donald E. Hunt	5953 Cedar Lake	Donald E. Hunt

**Petition To: BREVARD COUNTY BOARD OF COMM.**  
**# 20200036 DENY**

Printed Name	Address	Signature
STEWART LONG	5970 CEDAR LAKE DR	Stewart Long
Chandra Long	5970 Cedar Lake Dr.	Chandra Long
Cody Gorman	5929 Cedar Lake	Cody Gorman
Faith Phillippe	521 Clearview Dr	Faith Phillippe
Yohai Bashan	512 clearview Dr.	Yohai Bashan
Christine Clemons	512 Clearview Dr.	Christine Clemons
Shana Joseph	516 Clearview Dr.	Shana Joseph
Brenda Schipfer	526 Clearview Dr	Brenda Schipfer
Sue McCallums	528 Clearview Dr.	Sue McCallums
Robert McCallums	528 CLEAR VIEW Dr.	Robert McCallums
Nancy Kozowski	522 Clearview	Nancy Kozowski
Pat Williams	522 Clearview Dr.	Pat Williams
Elva Kane	539 Clearview Dr	Elva Kane
Russell Sharp	524 Clearview Dr	Russell Sharp
Steph Smith	525 Clearview Dr.	Steph Smith
JAMES CHITWOOD	528 BOOMAN BLVD	James Chitwood
Kathy Benson	527 Bowman Bl.	Kathy Benson
Louette Coy	287 Spring St	Louette Coy
Rose Rogers	291 Spring St	Rose Rogers

**Petition To: BREVARD COUNTY Commissioners**

RE: DENY PZ # 20200036

Printed Name	Address	Signature
Michelle Hunter	5420 Monroe Ave <sup>Cocoa</sup> 32023	Michelle Hunter
Charles R. Obrock	#5947 cedar Lake Dr.	Charles R. Obrock
HEATHER OBROCK	5947 Cedar Lake Dr	Heather E. Obrock
JUAN C. FÁRQUEZ	5976 Cedar Lake Dr	Juan C. Farquez
Luisa Y. Aboulan	5976 Cedar Lake Dr	Luisa Y. Aboulan
Alexandra G. Gato	5976 Cedar Lake Dr	Alexandra G. Gato
Luz Maria Castro	5976 Cedar Lake Dr	Luz Maria Castro
Robert A. Johnson	5982 Cedar Lake Dr	Robert A. Johnson
William Catron	5953 Cedar Lake Dr	William Catron
Ellis Brock	5952 Cedar Lake Dr	Ellis Brock
Don Pursen	5410 Monroe Ave	Don Pursen
Richard Hammons	320 Spring St.	Richard Hammons
Tina M. Hammons	360 Spring St.	Tina M. Hammons
Judith Lynn Ulrich	5965 Cedar Lake Dr	Judith Lynn Ulrich
TERRY BURKE	5959 CEDAR LK. DR	Terry Burke
Rachael Burke	5959 cedar Lake	Rachael Burke
Dillon Burke	5959 cedar lake dr	Dillon Burke
Reanna Burke	5959 Cedar Lake	Reanna Burke
Valerie Zawislak	5932 Cedar Lake Dr	Valerie Zawislak



**Petition To: BREVARD COUNTY COMMISSIONERS**

DENY 20200036

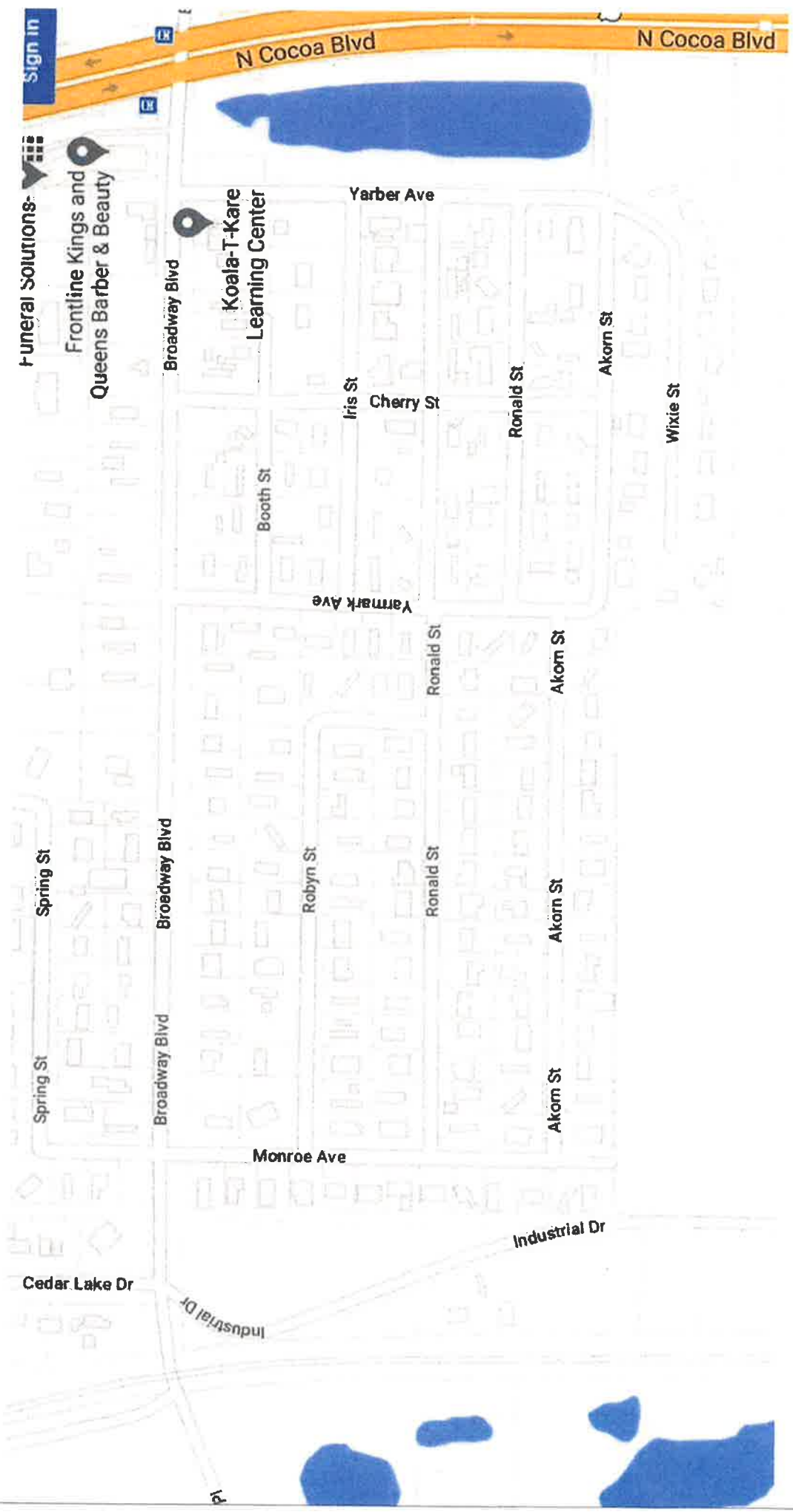
Printed Name	Address	Signature
Cathrine Abernethy	5932 Cedar Lake Dr.	Cathrine Abernethy
Bruce Seaberg	5932 Cedar Lake Dr.	Bruce Seaberg
Joy Malta	5932 Cedar Lake Dr.	Joy Malta
KERN THOMPSON	5932 Cedar Lake	Kern Thompson
JUDY ATKINSON	5906 CEDAR LAKE	Judy Atkinson
John Hess	5906 Cedar Lake	John T. Hess
DALE SENN	5912 cedar Lake DR	Dale Senn
Martha Baker	5924 Cedar Lake Dr.	Martha Baker
John Spooner	364 Spring St.	John Spooner
William Molenhorst	5430 Monroe Ave.	W. Molenhorst
JOAN JONES	364 Spring St.	Joan Jones
BRIAN FYDA	7007 CARLOWE AVE	Brian Fyda
Charlene Fyda	7007 CARLOWE AVE PST.	Charlene Fyda
David Albright	5965 Cedar Lake DR	David Albright
JUDITH Amstadt	5941 Cedar Lake Dr.	Judith Amstadt
THOMAS Amstadt	5941 Cedar Lake	Tom D. Amstadt











Funeral Solutions

Sign in

Frontline Kings and  
Queens Barber & Beauty

Koala-T-Kare  
Learning Center

Broadway Blvd

N Cocoa Blvd

N Cocoa Blvd

Yarber Ave

Iris St

Cherry St

Ronald St

Akorn St

Wixie St

Booth St

Yarmark Ave

Ronald St

Akorn St

Spring St

Broadway Blvd

Robyn St

Ronald St

Akorn St

Monroe Ave

Cedar Lake Dr

Industrial Dr

Industrial Dr



5971 Cedar Lake Dr,  
Cocoa, FL 32927

Yates Ln  
Solid Rock

Cedar Lake Dr

Brevard Memorial Park

Spring St

Spring St  
Google

Spring St

Spring St

Tikwade Ln

bp

Contrell Ave

Dan's Space  
Coast TV Repair

Spacecoast Flea Market

Jimmys us1  
Takeout

Anna Wilson Pl

Merchant Dr

Brevard Health  
Alliance - Port St. John

Funeral Solutions-

Frontline Kings and

EON  
Car C

Mahli M

Redfis



Item H.2. Attachment #4



Prepared by: Suzanne Johns  
RK Engineering  
385 Pineda Court #200  
Melbourne, FL 32940

CFN:2006236875 08-09-2006 03:09 pm  
OR Book/Page: 5683 / 0716

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 5	#Names: 2	
Trust: 3.00	Rec: 41.00	Serv: 0.00
Deed: 0.00		Excise: 0.00
Mtg: 0.00		nt Tax: 0.00

### **BINDING DEVELOPMENT PLAN**

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 8 day of August, 2006, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and VINELAND ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY ("DEVELOPER"); and hereby replaces in its entirety the BINDING DEVELOPMENT PLAN recorded in official record book 3129 pages 1279-1287, Brevard County, Florida.

#### **Witnesseth:**

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described in Exhibit A attached hereto and made a part hereto by this reference; and

WHEREAS, DEVELOPER desires to develop the Property as a residential single-family detached subdivision with RU-1-11 zoning and pursuant to the Brevard County Code, Appendix C- Zoning; and

WHEREAS, as part of its plan for development of the Property, DEVELOPER wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.



↑ RETURN: Clerk to the Board #27

2. **DEVELOPER** shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.

3. **DEVELOPER** shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

4. In the event that the subject property makes a vehicular connection to Clearview Dr., then the **DEVELOPER** shall submit final engineering plans to be reviewed and approved by Brevard County staff. **DEVELOPER** shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction, (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.

5. Vehicular connection to Vineland Street from the property is prohibited.

6. **DEVELOPER** shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.

7. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north propertyline of tax parcel 23-35-24-00-00756.9-0000.00, by this reference (parcel 756.9). Emergency access shall be an unobstructed, 20-foot wide, all weather stabilized base driving surface capable of supporting a 32 ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25 foot wide emergency vehicle ingress egress easement to the benefit of Brevard County, Florida. The aforementioned emergency

↑ RETURN: Clerk to the Board #27

vehicle ingress egress easement shall be dedicated to the COUNTY upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.

8. DEVELOPER shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress egress easement to the county and acceptance by the county. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot west of Parcel 756.9.

9. DEVELOPER shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.

10. In the event that the DEVELOPER is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Dr., then the Property shall not be required to provide a vehicular connection to Clearview Dr.

11. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property.

12. This Agreement shall not vest this project for concurrency purposes.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

  
Scott Ellis, Clerk  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

  
Helen Voltz, Chair

As approved by the Board August 8, 2006

RETURN: Clerk to the Board #27

STATE OF FLORIDA §  
COUNTY OF BREVARD §

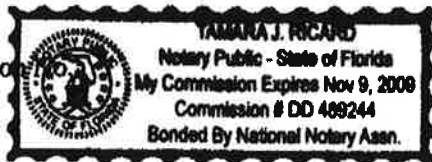
The foregoing instrument was acknowledged before me this 8 day of August, 2006, by Helen Votz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Notary Public

SEAL

Commission



Tamara J. Ricard

(Name typed, printed or stamped)

WITNESSES:

DEVELOPER

Esther L. Davidson  
Esther L. Davidson  
(Witness Name typed or printed)

Bruce Jones  
Bruce Jones  
VINELAND ASSOCIATES, L.L.C., managing member

Angela A. Abbott  
Angela A. Abbott  
(Witness Name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD\_ §

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of June, 2006, by Bruce Jones, as Managing Member of VINELAND ASSOCIATES, L.L.C. a Florida Limited Liability Company, who is personally known to me or who has produced N/A as identification.

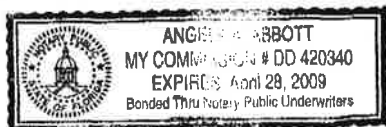
My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)



RETURN: Clerk to the Board #27

**Legal Description: Parcel 1**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 24 and run N.01 degrees 35'53"W. along the East line of said Section 24, a distance of 1,329.95 feet to the Southeast corner of the North 1/2 of the Southeast 1/4, the point of beginning; thence continue N.01 degrees 35'53"W., along said East line, a distance of 979.95 feet to a point located 350.0 feet South of the East 1/4 corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence S. 88 degrees 12'37"W., along the South line of said lands a distance of 1,170.07 feet to a point on the East Right of Way line of the Florida East Coast Railroad (a 100 foot right of way); thence S.20 degrees 05'13"E., along said East Right of Way line, a distance of 1,023.78 feet to a point on the South line of the North 1/2 of the Southeast 1/4; thence N.88 degrees 44'52"E., along said South line, a distance of 845.42 feet to the point of beginning.

**Parcel 2:**

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the point of beginning of the herein described parcel; from said point, run S.89 degrees 41'21"W., along the South line of Government Lot 1 to the East Right of Way of the Florida East Coast Railroad (a 100' right of way), a distance of 1286.68 feet; thence run N.18 degrees 32'20"W., along said East Right of Way to the South line of Delespine Grant, a distance of 666.48 feet; thence run N.75 degrees 10'20"E., along said South line of Delespine Grant, a distance of 1549.31 feet; thence run S.0 degrees 03'29"E., along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46 of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the point of beginning.

Together with:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East 1/4 corner of said Section 24, and run S.01°35'53"E., along the East line of said Section 24, a distance of 350.17 feet; thence run S.88°12'37"W., a distance of 1064.74 feet to the POINT OF BEGINNING; thence continue S.88°12'37"W., a distance of 105.33 feet to a point on the East right of way line of Florida East Coast Railroad; thence run N.20°05'13"W., along said East right of way line, a distance of 368.53 feet; thence run N.88°11'50"E., a distance of 105.33 feet; thence run S.20°05'13"E., parallel to said East right of way line, a distance of 368.53 feet to the POINT OF BEGINNING, containing 0.846 acres.

Subject to all easements and rights of way of record.

R



H.2.

Account (1234567)



Account: 2310971 Parcel ID: 23-35-24-00-756.9

Sale: 2/5/2013 \$30,000

BCPAO Market Value: \$15,000

Owners: MARKET TAMPA INVESTMENTS LLC, TRUSTEE

Address: 5971 CEDAR LAKE DR COCOA FL 32927



Zoom | Clear | Details | EagleView | Hide Info

BCPAO Dana Bickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer

<https://www.bcpao.us/map/?r=2310971>

Prepared by: Kimberly B. Rezanka, Esq.  
Lacey Lyons Rezanka  
1290 U.S. Highway 1, Ste. 201  
Rockledge, FL 32955

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a  
political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar  
Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**,  
(hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety  
the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public  
Records of Brevard County, Florida.

### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in  
Brevard County, Florida, as more particularly described in **Exhibit "A"**, attached hereto and  
incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and  
desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard  
County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes  
to mitigate negative impact on abutting landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or  
participate in any way in the construction or maintenance of the improvements. It is the  
intent of the parties that the Developer/Owner, its grantees, successors or assigns in  
interest or some other association and/or assigns satisfactory to the County shall be  
responsible for the maintenance of any improvements.



2. Developer/Owner shall provide a 6-foot high opaque ~~buffer fence of on~~ the Property on the southern boundary adjacent to any residentially zoned property.
3. The Developer/Owner shall limit density to a total of 150 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. The Developer/Owner will not utilize septic tanks for homes developed on the Property.
6. Developer/Owner will provide a 15-foot perimeter buffer tract along all property boundaries which shall be platted as a common tract, separate from individual lots.
7. Developer/Owner shall limit access to Cedar Lake Drive to an emergency access for the benefit of Brevard County, with a locked gate, if required by Brevard County or due to any existing easement encumbering the Property.
8. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
9. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
10. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

11. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

12. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 11 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

\_\_\_\_\_, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

WITNESSES:

5971 CEDAR LAKE DRIVE LAND TRUST  
and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
as DEVELOPER/OWNER

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
\_\_\_\_\_  
(Address)

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
\_\_\_\_\_  
(President)  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
, 2021, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL

\_\_\_\_\_  
Notary Public

Commission No.: (

(Name typed, printed or stamped)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East along said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

**PARCEL 2:**

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

**PARCEL 3:**

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

**PARCEL 4:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South  $01^{\circ} 35' 53''$  East, along the East line of said Section 24, a distance of 350.17 feet; thence run South  $88^{\circ} 12' 37''$  West, a distance of 1064.74 feet to the Point of Beginning; thence continue South  $88^{\circ} 12' 37''$  West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North  $20^{\circ} 05' 13''$  West along said East right of way line, a distance of 368.53 feet; thence run North  $88^{\circ} 11' 50''$  East, a distance of 105.33 feet; thence run South  $20^{\circ} 05' 13''$  East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

#### Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North  $75^{\circ} 10' 20''$  East, along said South line, a distance of 505.39 feet; thence South  $14^{\circ} 35' 25''$  East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South  $80^{\circ} 13' 23''$  West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.

H.2.

## Kim Rezanka

---

**From:** George Mascellino <george.mascellino@bcpao.us>  
**Sent:** Friday, March 12, 2021 8:00 AM  
**To:** Kim Rezanka  
**Subject:** Records Request  
**Attachments:** Rezanka Record Request.pdf

Kim,

Here is the information you requested for the property at 5965 Cedar Lake.

*Thank you,*



[www.BCPAO.us](http://www.BCPAO.us)



**George Mascellino, CAE, AAS, CFE**

Cert Gen RZ2863  
Chief Deputy Property Appraiser  
Brevard County Property Appraiser

**Phone:** 321-264-6702

**Fax:** 321-264-5187

**Email:** [george.mascellino@BCPAO.us](mailto:george.mascellino@BCPAO.us)

400 South Street, 5<sup>th</sup> floor  
Titusville, FL 32780



*Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, please do not send email to this address.*

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

Brevard County, FL

Mkt Sub:

Res Mkt:

User Acct:

Account#:

Location: CONFIDENTIAL

Printed By: BCPA\O\georgi Total Value: 52,070

Parcel ID:

Current Owner

Percent

### Current Value Information

Use Code	Land Size	Building Value	Yard Items	Land Value	Agri. Value	Total Value	Assessed
0213	0.00	29,040	8,030	15,000	0	52,070	52,070
TOTAL	0.00	29,040	8,030	15,000	0	52,070	52,070

Previous Owner

### General Notes

### Previous Value Information

TaxYr	Cat	Use	Bldg Val	Yard	Land Size	Land Val	Total Val	Ass'd Val
2021	NIGHTL	0213	29,040	8,030	0.00	15,000	52,070	46,500
2020	DUAL	0213	30,700	9,100	0.00	15,000	54,800	45,460
2019	DUAL	0213	29,870	10,370	0.00	10,000	50,240	44,440
2018	DUAL	0213	27,360	10,500	0.00	8,000	45,860	43,620
2017	DUAL	0213	25,450	11,630	0.00	8,000	45,080	42,730
2016	DUAL	0213	26,280	12,010	0.00	8,000	46,290	41,860

### District Data

Code	Desc.	%	Code	Desc.	%
01	GENERAL FUN	100	TR-2	TR-2	100.
07	BY STATE LAW	100			
08	BY LOCAL BOA	100			

### Property Factors

Utilities  
Code Desc.

Census

Flood Haz:

Topo:

Street:

Traffic:

### Legal Description

Asr Map:

GIS 1:

GIS 2:

Reval Dist:

### Building Permit Information

Date	Number	Description	Amount	Visit Date	Closed Date	Status	General Notes
------	--------	-------------	--------	------------	-------------	--------	---------------

### Activity Information

Date Results

04/24/2014

01/28/2014

05/11/2012

04/25/2012 No

04/25/2012 No

04/25/2012

04/25/2012 Pictometry

04/13/2012

01/01/1990

Signature:

Date:

Account#: 2310970

Year 2021

03/11/2021

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Land Data

Line	Use	Description	LUC	Factor	Units	Depth	Unit Type	Land Type	LT	Base Value	Unit Price	Adj	Neigh	Neigh Influ	Neigh Mod	Appraised Value	Spec Land	Juris	Fact	Use Value	Notes
1	0213	MANUFACTURED	+	1.00	1,000	150.00	LOT	S	1.00	15000.00	15000.00	15,000.00	081000-1	1.00	0010	15,000	Land	0001	1.00	0	



Exterior Information				Bath Features (Rating)				Condo Information				Other Features (Rating)				Depreciation				Residential Units					
Bld Type	0213	MANUFACTURED		Full Bath	2			Location	0			Kitchens	0			PhysCond	Average			% Description	Units	Rms	Bed	Floor Lvl	Inc Type
Stry Ht	01			Addtl	0			Tot Units	0			Ad Kit	0			Func	0.00			65.00 Summary	1	0	3		
Liv Units	1			3/4 Bath	0			Floor Level				FpIs	0			Econ	0.00			0.00					
Foundation	02	PIERS & BEAM		Addtl	0			Num Floors	0			WSFlue	0			Spec	0.00			0.00					
Frame	04	WOOD FRAME		1/2 Bath	0			% Own	0							OV									
Wall	13	VINYLALUMIN		Addtl	0			Name																	
Wall2				0% Othr Fix	0																				
																Total %Dep:		65.00							

Total %Dep: 65.00

### General Information

Grade	04	Quality 04	
Year Blt	1987	Eff Yr Blt	1995
Alt LUC			0%
Jurisdct		Fact	1.00
Constr Mod			
LumpSumAdj	0.00		
Commercial Units	0		

### Interior Information

Avg Ht/Ft	8.00		
Prime Wall	03	AVERAGE/TYP	
Sec Wall			0%
Partition			
Prime Fl	03	AVERAGE/TYP	
Sec Floors			0%
Bsmnt Floor			
Subfloor			
Bsmnt Gar	0		
Electric			
Insulation			
Int vs Ext			
Heat Fuel			
Heat Type	04	FHA & AC	
Sec Ht Type			0%
# Heat Sys	0		
% Heated	100		% A/C 100
% Sprinkled	0		% Ctrl Vac 0

### Calculation

Basic \$/SQ	60.00
Size Adj	1.000000000
Const Adj	0.97
Adj \$/SQ	58.212
Other Feat	0
Grade Fact	1.10
NBHD Infl	1.000000000
LUC Factor	1.00
Adj Total	82.984
Depreciation	53.940
Dep Total	29.044
Final Total	29.040.00

## Special Features / Yard Items

Code	SFYDesc	A	Y/S Qty	Size	Qual	Con	Year	Unit Price	Adj UP	D/S	Dep%	LUC	L.Fa	NB	N.Fac	Juris	J.Fact	UndepValue	Apprsd Value	Assd Value
ENRMA	D ROOM: AVERAGE	N	1	432			1999	25.25	25.25	0	64	0213	1.00		1.00	0001	1.00	10,908	3,930	3,930
CRPTL	CARPOT: LOW	N	1	299			1997	5.75	5.75	0	55	0213	1.00		1.00	0001	1.00	1,719	770	770
SKRMV	ING- METAL/INYL	N	1	150			1989	5.00	5.00	0	60	0213	1.00		1.00	0001	1.00	750	300	300
SCRNL	I ENCLOSURE: LOW	N	1	264			1997	15.00	15.00	0	74	0213	1.00		1.00	0001	1.00	4,224	1,100	1,100
CVPTL	VERED PATIO: LOW	N	1	156			1997	7.75	7.75	0	74	0213	1.00		1.00	0001	1.00	1,209	310	310
CVPTL	VERED PATIO: LOW	N	1	24				7.75	7.75	0	74	0213	1.00		1.00	0001	1.00	186	50	50
CVPTL	VERED PATIO: LOW	N	1	108				7.75	7.75	0	74	0213	1.00		1.00	0001	1.00	837	220	220
OBLDA	UILDING: AVERAGE	N	1	180			2010	10.25	10.25	0	74	0213	1.00		1.00	0001	1.00	1,845	480	480
OBLDA	UILDING: AVERAGE	N	1	180			1999	10.25	10.25	0	75	0213	1.00		1.00	0001	1.00	1,845	460	460
OBLDA	UILDING: AVERAGE	N	1	150			1999	10.25	10.25	0	75	0213	1.00		1.00	0001	1.00	1,640	410	410
Total Sp. Features: 0								Total Assessed Value: 8,030												
Total Yard Items: 10								Total Appraised: 8,030												

## Sub Area Detail

Code	Desc.	F.Area	Area	Rate	UnDeprVal
B01	BASE AREA (1st)	1,296	1,296	58.21	75,440
Alternate Area Detail		SubArea	% AltType	%	

# SKETCH/AREA TABLE ADDENDUM

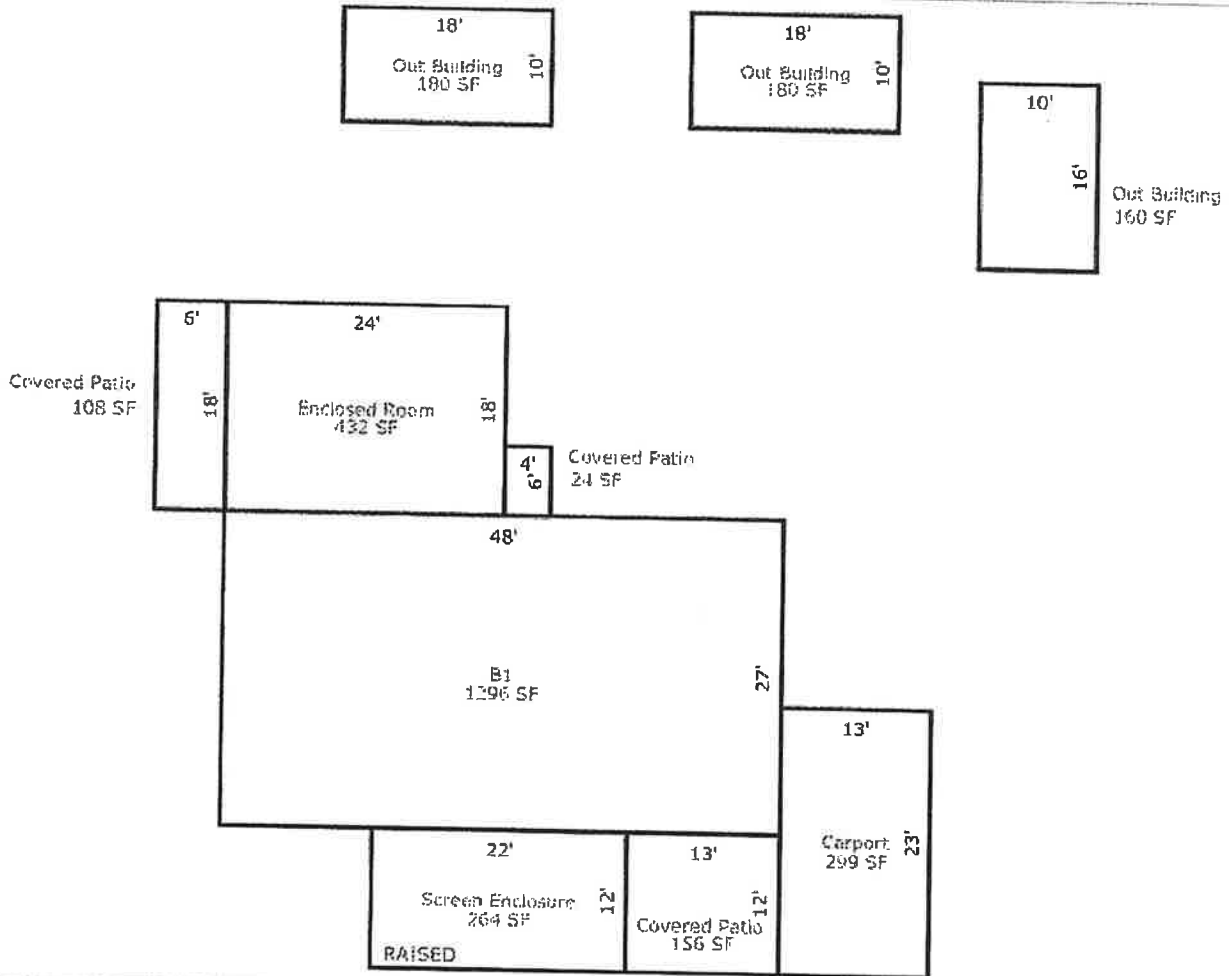
SUBJECT

RE#

DATE 04/13/2012

DRAWN/UPDATED BY JTC

IMPROVEMENTS SKETCH



Scale: 1" = 12'

AREA CALCULATIONS

## AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
B1	B1	1.00	1296	150	1296
CRPRT	Carport	1.00	299	72	299
CVPRT	Covered Patio	1.00	156	50	
	Covered Patio	1.00	24	20	
	Covered Patio	1.00	108	48	288
ENCLR	Enclosed Room	1.00	432	84	432
OBLD	Out Building	1.00	180	56	
	Out Building	1.00	160	52	
	Out Building	1.00	180	56	520
SCREN	Screen Enclosure	1.00	264	68	264

Comment Table 1

Comment Table 2 Comment Table 3

Prepared by: Kimberly B. Rezanka, Esq.  
Lacey Lyons Rezanka  
1290 U.S. Highway 1, Ste. 201  
Rockledge, FL 32955

## **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**, (hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public Records of Brevard County, Florida.

### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in

interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer/Owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
3. The Developer/Owner shall limit density to a total of 150 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

1. historical land use patterns;
  2. actual development over the immediately preceding three years; and
  3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

##### **Criteria:**

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

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

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



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

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

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

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

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

#### **(c) General Standards of Review.**

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

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

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

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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



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**

**20Z00036**

**5971 Cedar Lake Drive Revocable Land Trust & US Highway No. 1 Commercial Land Trust**

**RU-1-11 (Single-Family Residential) with Binding Development Plan (BDP), BU-1 (General Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 with removal of existing BDP and the creation of a new BDP**

Tax Account Numbers: 2310971, 2310861 & 2316173

Parcel I.D.: 23-35-24-00-756.9, 23-35-24-00-3 and 23-36-19-02-\*-6

Location: Western terminus of Clearview Drive and 2<sup>nd</sup> access point on north side of Cedar Lake Drive 1,660 feet north of Broadway Boulevard (District 1)

Acreage: 58.04 acres

Planning and Zoning Board: 1/11/2021

Board of County Commissioners: 2/04/2021

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-11 with BDP, BU-1 and TR-2	TR-1 with removal of BDP
<b>Potential*</b>	RU-1-11– 154 lots under BDP BU-1 – 27 lots TR-2 – 0 lots under BDP	200 single-family lots by new BDP
<b>Can be Considered under the Future Land Use Map</b>	YES Residential 8 Directive and Community Commercial	YES Residential 8 Directive and Community Commercial

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from RU-1-11 (Single-Family Residential) with Binding Development Plan (BDP), BU-1 (General Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 with removal of the existing BDP and the creation of a new BDP for the purpose of creating a 200-unit manufactured home subdivision.

Zoning action **Z-11269** adopted May 4, 2006 bound the RU-1-11 and TR-2 zoned portions to a 154-unit project limited by a Binding Development Plan recorded in ORB 5683, Pages 0716 through 0720, dated August 9, 2006. The BU-1 portion of this request adopted under **Z-5803** on October 8, 1981 was a rezoning from GU (General Use) to BU-1.

The existing BDP parameters in **Z-11269** identify the following limitations/criteria:

1. Developer shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.
2. Developer shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.
3. In the event that the subject property makes a vehicular connection to Clearview Drive, then the Developer shall submit final engineering plans to be reviewed and approved by Brevard County staff. Developer shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction: (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) Install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the Developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.
4. Vehicular connection to Vineland Street from the property is prohibited.
5. Developer shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.
6. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north property line of tax parcel 23-35-24-00-756.9, by this reference (parcel 756.9). Emergency access shall be an unobstructed, 20-foot wide, all weather stabilized base driving surface capable of supporting a 32-ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25-foot wide emergency vehicle ingress/egress easement to the benefit of Brevard County, Florida. The aforementioned emergency vehicle ingress/egress easement shall be dedicated to the County upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.
7. Developer shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress/egress easement to the county and acceptance by the County. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress/egress will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress/egress will be conveyed to the owner of the lot west of Parcel 756.9.
8. Developer shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.



9. In the event that the Developer is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Drive, then the Property shall not be required to provide a vehicular connection to Clearview Drive.

The proposed replacement BDP conditions identify the following limitations/criteria:

1. Developer/owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
2. The Developer/owner shall limit density to a total of 200 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
3. Vehicular access to Vineland Street from the Property is prohibited.

### **Land Use**

The subject property is currently designated Residential 8 Directive and Community Commercial. The existing RU-1-11, BU-1 and TR-2 zoning classifications are consistent with their respective Future Land Use designation.

### **Environmental Constraints**

The subject parcel contains mapped hydric soils with potential for wetlands. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. A topographic survey will be required to at time of site plan review to determine elevations in aquifer recharge areas.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is U.S. Highway 1, between Broadway Boulevard and Fay Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 72.53% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 4.56%. The corridor is anticipated to continue to operate at 77.09% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency information has been deferred as the development potential of this site falls below the minimum number of new residential lots that would require a formal review. A copy of the deferral has been included into the review file.

The parcel is not currently serviced by potable water or sewer. The City of Cocoa has three potential potable water connections adjacent to this site. Brevard County sewer may be available but current capacity is near its design limits so connection may not be attainable.

### **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Port St. John Study Area - Brevard County shall implement the recommendations of the Port St. John Small Area Study through the following directive: Residential densities west of US-1 to the Florida East Coast railroad tracks from Kings Highway to Camp Road, densities may be 12 dwelling units per acre with a maximum cap of 8 residential dwelling units per acre.

### **Public Facilities and Services Requirements**

#### **Policy 1.2**

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

#### **Criteria:**

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** This request may be considered to be consistent with the Residential 8 Directive and the Community Commercial FLUM designations. This parcel lies south of Port St. John and abuts the east side of the FEC railroad right-of-way. The FPL main electrical switchyard lies to the east while high-tension powerlines bisect the center region of this parcel. These two FLUM designations would allow the development of a residential subdivision under the TR-1 zoning classification.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area is a mix of single family detached dwellings to the north under the Single-family residential (RU-1-9) zoning classification. Public utility infrastructure (power plant and electrical switchyard) to the east together with a shopping center and an existing mobile home

subdivision to the east. To the south abutting this project's boundary is another mobile home subdivision.

Access to the south through the existing Cedar Lake residential development has not been noted within the proposed BDP. The emergency vehicle access identified within the current BDP note # 7 is not proposed to be retained in the proposed revised BDP. County code requires residential projects of 201 plus units to provide a second access. At this time, it is unclear if the southern lot which has frontage on Cedar Lake Drive will be included within the proposed development or located beyond the proposed buffer identified within Note #2 of the proposed BDP. The change in zoning from TR-2 to TR-1 will amend the required minimum side yard setbacks of the primary/accessory structure from 10-feet to 7.5-feet.

### **Surrounding Area**

These lots abut the Port St. John development to its north which is developed to a residential density of 3.4 units per acre. To the south is the Cedar Lake mobile home community developed at a density of 2.0 units per acre. To the east is the FPL electric utility provider and the Clearview Terrace mobile home community developed at a density of 3.7 units per acre. To the west lies the FEC railroad right-of-way. High-tension FPL power lines bisect this central region of the property.

The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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

The 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.

The 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.

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The GML(U) classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. The adjacent lot was developed as an electric utility.

There have been four zoning actions within a half-mile radius of the subject property within the last three years.

**19PZ00143** adopted May 2, 2019, was for a CUP for full liquor at sports bar and grill not a restaurant. This site is 540-feet east of this site in the Port St. John Plaza shopping center.

**18PZ00014** adopted May 24, 2018, was for the Watermark PUD which proposed a development of 417 single-family home sites. This site is 2,500 feet south of the site at the southern end of Monroe Avenue and has U.S. Highway 1 frontage. **20Z00032** is the updated PUD request under review which modifies/reduces the development from 417 to 363 single-family lots and proposes a 3<sup>rd</sup> access.

**17PZ00150** adopted July 13, 2018, amended the existing Binding Development Plan on property zoned PIP. This site is located 35 feet north of this zoning request located on the east side of Industrial Drive.

**17PZ00019** adopted May 4, 2017, was a CUP for full liquor for the Beef O Brady's restaurant. This site is located 2,600 feet north of this zoning request located on the west side of Curtis Boulevard, 200 feet north of Fay Boulevard.

### **For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhoods. The Board may also wish to consider whether the proposed BDP conditions mitigate potential impacts to the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item # 20Z00036**

**Applicant:** Kimberly Rezanka for Market Tampa Investments LLC

**Zoning Request:** RU-1-11/BU-1/TR-2 w/BDP to all TR-1 w/BDP

**Note:** Applicant wants to remove existing BDP and create a mobile home development with BDP limiting to 200 single-family units.

**P&Z Hearing Date:** 01/11/21; **BCC Hearing Date:** 02/04/21

**Tax ID Nos:** 2310971, 2310861 & 2316173

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

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

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils with potential for wetlands. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. A topographic survey will be required to at time of site plan review to determine elevations in aquifer recharge areas.

### **Land Use Comments:**

#### **Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Basinger sand – depressional) as shown on the USDA Soil Conservation Service Soils Survey maps. Hydric soils are an indicator that wetlands may exist on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

#### **Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Paola fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Topographic maps available to NRM indicate elevations greater than or equal to 30 feet mean sea level (NGVD 1929) are found over portions of the aquifer recharge area. Per Section 62-3636, Type 2 aquifer recharge areas, the maximum impervious surface shall be 35 percent of the Type 2 aquifer recharge area on the site. Private lakes as described in article XIII, division 5, of this chapter shall be prohibited. Land alteration shall not alter the recharge or storage characteristics of the area. This includes the removal high permeability soils or replacement with lower-permeability soils. 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**

A majority of the subject property is overlaid in a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads,



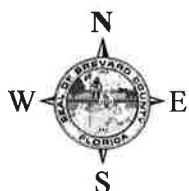
buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, the subject property has a large mapped Florida Scrub Jay polygon over the site as shown on the Scrub Jay Occupancy Map. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

# LOCATION MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



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.

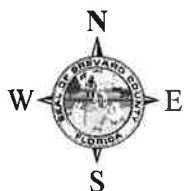
Produced by BoCC - GIS Date: 11/9/2020

Buffer

Subject Property

# ZONING MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



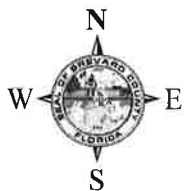
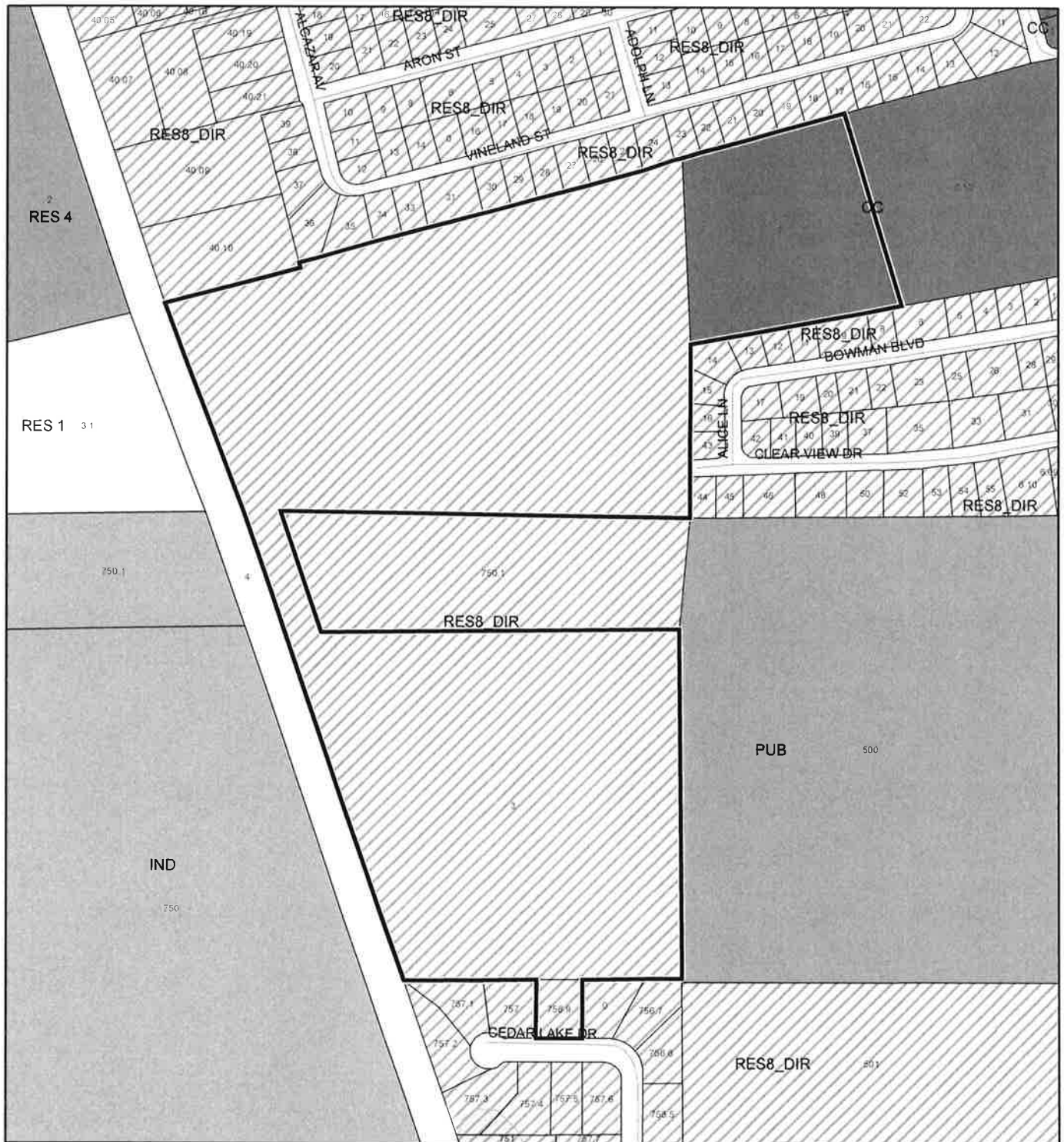
1:4,800 or 1 inch = 400 feet

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: 11/10/2020

- Subject Property
- Parcels
- Zoning

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800      or 1 inch = 400 feet

— Subject Property

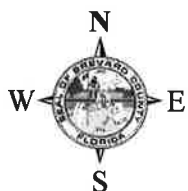
☐ Parcels

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Produced by BoCC - GIS Date: 11/9/2020

# AERIAL MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

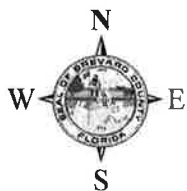
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/9/2020

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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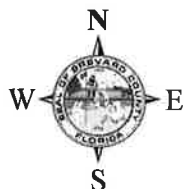
Produced by BoCC - GIS Date: 11/9/2020

## 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

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

## 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

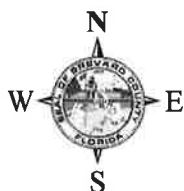
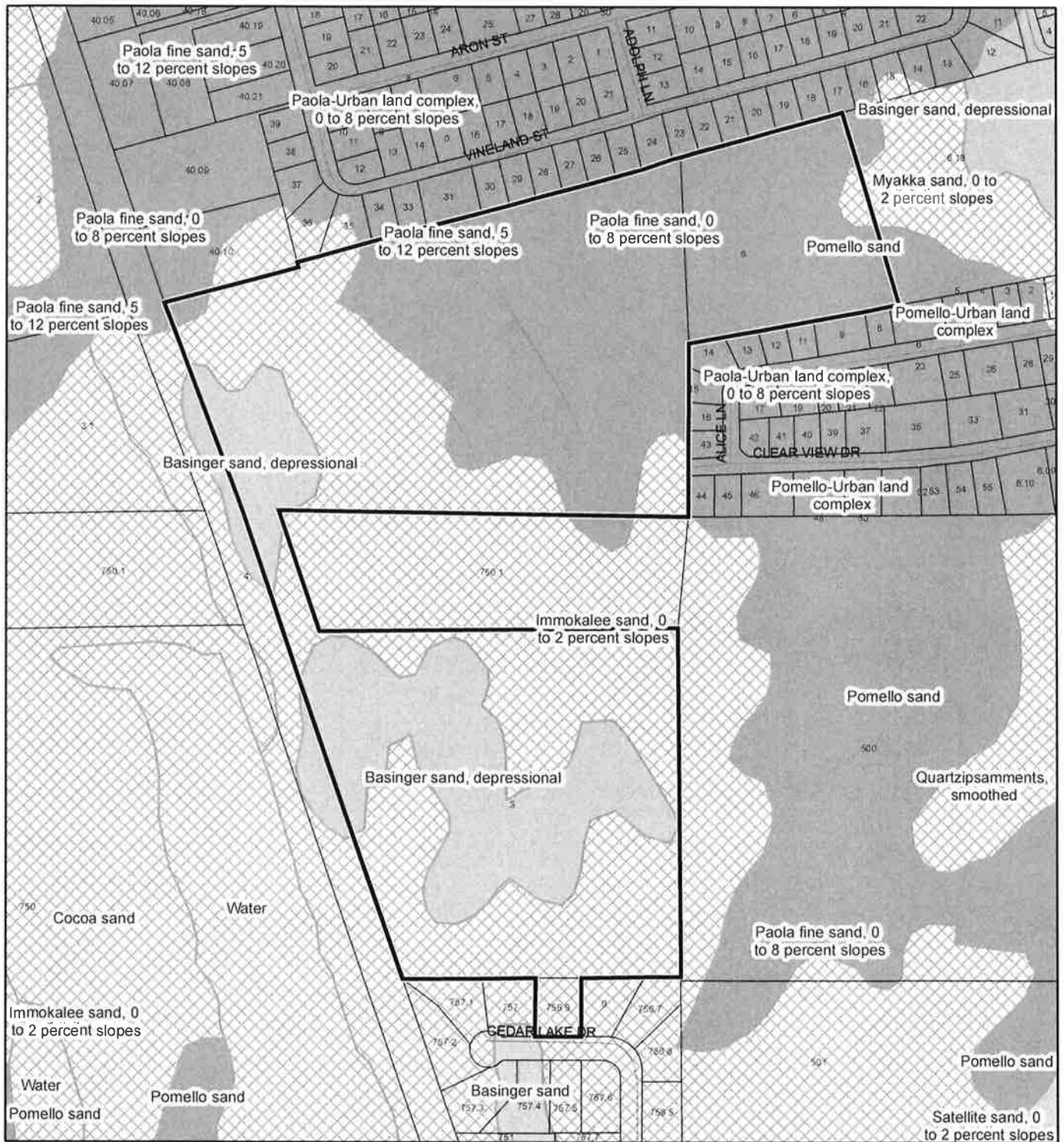
 Subject Property

 Parcels



# USDA SCSSS SOILS MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036

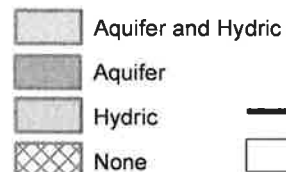


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

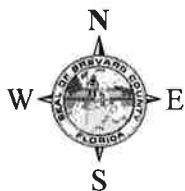
## USDA SCSSS Soils



— Subject Property  
□ Parcels

# FEMA FLOOD ZONES MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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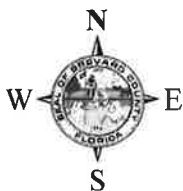
Produced by BoCC - GIS Date: 11/9/2020

## FEMA Flood Zones

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

# COASTAL HIGH HAZARD AREA MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

— Subject Property

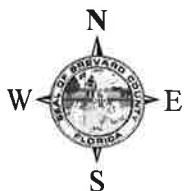
□ Parcels

**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

— Subject Property

□ Parcels

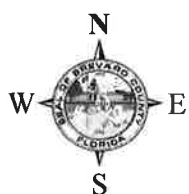
**Septic Overlay**

■ 40 Meters

■ 60 Meters

■ All Distances

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036

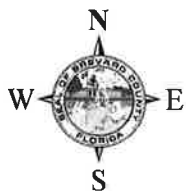


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP




5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

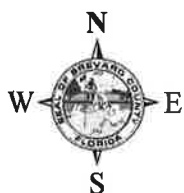
-  Subject Property
-  Parcels
-  Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

## SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels





BOARD OF COUNTY COMMISSIONERS

**Planning and Development**  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20200036

Existing FLU: RES8/CC Existing Zoning: RU-1-11/BU-1/TR-2 w/ bdr

Proposed FLU: RES8/CC Proposed Zoning: TR-1  
with BLP

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

5971 Cedar Lake Drive Revocable Land Trust & US Highway No. 1 Commercial Land Trust

Name(s) 4907 N. Florida Avenue Company Tampa

Street 4907 N. Florida Avenue City Tampa State FL Zip Code 33603

Email justin@markettampa.com Justin Savich (813)299-3240  
Phone Cell

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☒ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other

Kimberly B. Rezanka Lacey Lyons Rezanka  
Name(s) Company

1290 US Hwy 1, Suite 201 Rockledge FL 32955  
Street City State Zip Code

KRezanka@laceyandlyons.com (321) 608-0892  
Email Phone Cell

①

## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☒ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☒ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 58.04

Reason for Request:

To create a manufactured home subdivision.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☒ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Kimberly B. Rezanka  
Signature of Property Owner or  
Authorized Representative

11/6/2020  
Date

State of Florida

County of Brevard

Subscribed and sworn before me, by ☒ physical presence or \_\_\_\_\_ online notarization,  
this 6th day of, November, 2020, personally appeared

Kimberly B. Rezanka who is personally known to me or produced  
\_\_\_\_\_ as identification, and who did / did not take an oath.

Patricia L. Clark  
Notary Public Signature **Patricia L. Clark**

Seal



**Patricia L. Clark**  
Comm. #GG363212  
Expires: October 1, 2023  
Bonded Thru Aaron Notary

Office Use Only:

Accela No. 20200036 Fee: 2421.00 Date Filed: 11/6/2020 District No. 1

Tax Account No. (list all that apply) 2310971, 2310861 + 2316173

Parcel I.D. No.

23	35	24	00	3
23	35	24	00	756.9

Twp	Rng	Sec	Sub	Block	Lot/Parcel
23	36	19	02	*	6

Planner: GER Sign Issued by: CE Notification Radius: 500'

MEETINGS

DATE

TIME

☒ P&Z

☒ PSJ Board

☐ NMI Board

☐ LPA

☐ BOA

☒ BCC

11/11/2021

11/6/21 11/31/2021

3pm

6pm

2/4/2021

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials \_\_\_\_\_

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☒ Yes

☐ No

If yes, list

PSJ

Location of subject property:

North side of Cedar Lake Dr. 1,660 feet north of  
Bradley Blvd. 2nd location: West end of Clearview Dr.

Description of Request:

Rezone RU-1-11, BU-1, + TR-2 TO ~~TR-1~~ TR-1 with  
BOP.

## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

krezanka@laceyardlyons.com or ( ) \_\_\_\_\_ or U.S. Mail \_\_\_\_\_  
e-mail address fax number

Yes/No

I have received a copy of this notice:

Kimberly B. Krezanka  
(APPLICANT SIGNATURE)

11



## LAND TRUST AGREEMENT

THIS TRUST AGREEMENT dated this 1st day of June, 2017, and known as the 5971 Cedar Lake Drive, Cocoa, FL 32937 and Not Assigned - 9909 - Vacant Residential Land (Single Family - Unplatted) by and between Simplicity Funding & Holdings, LLC as Trustee, and the following beneficiaries in the percentages set opposite their names:

Simplicity Funding & Holdings, LLC 100%

1. **TRUST.** The Trustee is about to take title to real estate under the provisions of Section 689.071, Florida Statutes, and he agrees to hold it and the proceeds, profits, and avails thereof, if any, which may come into his possession, in Trust for the uses and purposes and under the terms herein set forth.

2. **LAND.** The Trustee will take title to the following land located in Brevard County, Florida:

Property Address: 5971 Cedar Lake Drive, Cocoa, FL 32937.  
Not Assigned - 9909 - Vacant Residential Land (Single Family, Unplatted).

Property Folio: # 23-35-24-00-756.9  
23-35-24-00-3

Legal Description: Pt of S  $\frac{1}{2}$  Of SE  $\frac{1}{4}$  E Of Rr R/W As Des IN Orb 2410, l Pg 65  
A/K/A Lot 12 Of Sb 4, Pgs 53 & 78.

G.L. 1 E Of R.R. & SE  $\frac{1}{4}$  E Of R.R. As Desc In Orb 2707, Pg  
2732, Orb 2974, Pg 194, Pars 759 & 760.

3. **BENEFICIARIES' INTEREST.** The interests of the beneficiaries hereunder and of any person who becomes entitled to any interest under this Trust shall consist solely of a power of direction to deal with the title to said property and to manage and control said property as hereinafter provided and the right to receive the proceeds from rentals, mortgages, sales, or other dispositions shall be deemed to be personal property and may be treated, assigned and transferred as such. No beneficiary now has, or shall hereafter at any time have, any right, title or interest in or to any portion of said real estate as such, either legal or equitable, but only an interest in the earnings, avails and proceeds as

(18)



4. **DEATH OF BENEFICIARY.** Except as herein otherwise specifically provided, the right and interest of any beneficiary hereunder of a natural person shall pass at death to his Personal Representative and not to his heirs at law. The death of any beneficiary hereunder shall not terminate the Trust or in any manner affect the powers of the Trustee hereunder.

Representatives: First Beneficiary and/or Representative after death: Karmen Domres

5. **OWNERSHIP.** Upon request each beneficiary hereunder shall be issued a Trust Participation Certificate in a form approved by the Trustee, which shall indicate the beneficiary's percentage interest in the Trust and the land held by the Trustee.

6. **ASSIGNMENT.** If Trust Participation Certificates have been issued, no assignment of any beneficial interest hereunder shall be binding on the Trustee until the Trust Participation Certificate representing the assigned shares is surrendered to the Trustee with the assignment noted thereon and a new Certificate or Certificates are issued by the Trustee. If no Trust Participation Certificates have been issued, assignment shall be by an assignment form approved by the Trustee and shall not be binding until signed by the Trustee.

7. **LOST CERTIFICATES.** In the event a beneficiary's Trust Participation Certificate is lost, stolen, or destroyed, the Trustee shall cancel it on the records of the Trust and issue a new Certificate after receiving an affidavit as to the circumstances of the loss.

8. **PURCHASERS.** It shall not be the duty of the purchaser of the trust property or any part thereof to see to the application of the purchase money paid therefore; nor shall anyone who may deal with the Trustee be privileged or required to inquire into the necessity or expediency of any act of the Trustee, or as to the provisions of this instrument.

9. **DUTY OF TRUSTEE.** While the Trustee is sole title holder of the real estate held by him hereunder so far as the public is concerned and has full power to deal with it, it is understood and agreed by the persons in interest hereunder, and by any persons who may hereafter become interested, that the Trustee will deal with it only when authorized to do so in writing and that he will, on the written direction of all of the beneficiaries hereunder at the time, make contracts or deeds for the sale of or otherwise deal with the said real estate or any part thereof. Unless so directed by the beneficiaries, the Trustee has no power to control or influence the real property or any use of it.





10. **TERMINATION BY TRUSTEE.** If the trust property or any part thereof remains in the trust twenty (20) years from this date, the Trustee shall, unless otherwise agreed by all parties in writing, convey and deliver the same to the beneficiaries in accordance with their respective interests.

11. **LIMITATION ON BENEFICIARIES.** No beneficiary hereunder shall have any authority to contract for or in the name of the Trustee or use the name of the Trustee in any advertising or other publicity or to bind the Trustee personally.

12. **LIMITATION OF TRUSTEE'S LIABILITY.** The liability of the Trustee hereunder shall be limited to the assets of the Trust. All obligations incurred by the Trustee hereunder shall be the obligations of the Trust only and not the individual Trustee. The Trustee shall not be required to enter into any personal obligation or liability in dealing with the Trust property nor to expend any personal sums to defend or protect the trust property.

13. **NOTIFICATION OF CLAIMS.** In the event the Trustee shall receive notice of claims or actions against the Trust, he shall notify the beneficiaries at their last known addresses.

14. **TRUSTEE'S COMPENSATION.** The Trustee shall receive for his services in accepting this Trust and title hereunder the sum of \$10.00 for the first year or fraction thereof and the sum of \$10.00 for each succeeding year or fraction thereof as long as any property remains in this Trust. Trustee may raise or lower his annual fee upon giving sixty (60) days' notice to the beneficiaries. Also, he shall receive reasonable compensation for making deeds or other instruments, performing additional services, or retaining attorneys or agents. The beneficiaries hereunder jointly and severally agree to pay the fees hereunder, and the Trustee shall have a lien on the property of the Trust therefore.

15. **LIMITATIONS ON AGREEMENTS.** This Agreement shall not be deemed to be, create, or evidence the existence of a corporation de facto or de jure, or a Massachusetts Trust, or any other type of business trust or an association in the nature of a corporation or a general or limited partnership, or a joint venture by or between the Trustees and the beneficiaries.

16. **TAXES.** Nothing herein contained shall be construed as imposing any obligation on the Trustee to file any income, profit or other tax reports or schedules, it being expressly understood that at the beneficiaries hereunder from time to time will individually make all such reports and pay any and all taxes growing out of their interest under this Trust Agreement.

17. **REPLACEMENT OF TRUSTEE.** The Trustee may be replaced in any of the following manners:





a. **Resignation.** The Trustee may resign at any time by mailing a notice of his intention to do so to each of the beneficiaries at each's last known address. In the event of such resignation the beneficiaries may appoint a successor trustee, by lodging an instrument with the Trustee, signed by all the beneficiaries and accepted by the Successor Trustee. If no Successor Trustee is appointed within thirty (30) days, the Trustee may convey the Trust property to the beneficiaries according to their interests and this Trust shall terminate. If, in the opinion of the Trustee, the Trustee may be subjected to embarrassment, litigation, insecurity, liability or hazard, the Trustee may at any time and without notice resign as to all or part of the trust property and convey such trust property directly to the beneficiaries.

b. **Replacement.** The beneficiaries may at any time replace the Trustee by lodging with him an instrument naming a Successor Trustee, signed by all beneficiaries and accepted by the Successor Trustee. Upon receipt of said instrument and if there shall be no fees due and owing to him, the Trustee shall quit claim the property to the Successor Trustee.

c. **Death.** In the event of the death of the Trustee hereunder the following in order of their listing (able and willing to act) is appointed Successor Trustee:

**Rick Roberts, CPA**

If said person is unable or unwilling to act, or if no person is named herein, the beneficiaries hereunder or any of them by mutual agreement, are appointed successor trustee. Recording of an affidavit reciting this paragraph shall be effective to vest title in said Successor Trustee.

Any successor trustee under this Trust shall have all of the powers, properties, and duties of the original Trustee. Any replacement of the Trustee shall not affect his first lien on the trust property, for his costs, expenses, attorney's fees and reasonable compensation.

18. **RECORDING.** This Trust shall not be recorded except as herein provided or as required by law.

19. **DISCLOSURE.** The Trustee shall not release information regarding this Trust except as required by law. In making a disclosure required by law, the Trustee shall supply beneficiaries with



copies of any reports filed and shall be subject to no liability for the filing of such reports. The Trustee shall not be liable for inadvertent disclosure of the identity of any beneficiary.

20. **FLORIDA RICO ACT.** Notwithstanding any provision of this Trust to the contrary, the Trustee shall have no obligation to convey title to real property held by the Trustee pursuant to this Agreement until it has performed or caused to be performed, at the expense of the beneficiaries of this Trust Agreement, a search of the official records of all counties in which such real property is located. If such search discloses that no RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee may convey its legal or record title to such real property in accordance with the written instruction of the beneficiary. If such search discloses that one or more RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee shall not convey its legal or record title to such real property unless:

- a. All such RICO lien notices have been released or terminated or such real property has been released from all such RICO lien notices, or
- b. Such persons named in the RICO lien notice agree in writing that the total amount of all proceeds that would otherwise be received directly by such person as a result of the conveyance, will be paid directly to the Trustee, and that the Trustee shall have the right to hold such proceeds, together with the total amount of all such proceeds that would otherwise be paid or distributed to such person or at the direction of such person or his designee, until such time as the provisions of subsection (a) above have been satisfied, and also agrees, in writing, that at the request of the Department of Legal Affairs of the State of Florida, or the office of any state attorney of the State of Florida, the Trustee, without any liability to the person named in the RICO lien notice, may pay the total amount of such proceeds held by the Trustee pursuant to the provisions of this subsection (b) to the Department of Legal Affairs of the State of Florida or the office of any state attorney of the State of Florida.

21. **PARTITION.** The remedy of partition shall not be available to the beneficiaries of this Land Trust.

22. **PARTIES BOUND.** This Agreement shall extend to and be obligatory upon the heirs, administration and assigns of the respective parties.

23. **GENDER.** Any references to he or him in this Agreement shall apply to parties of either gender.



24. PARAGRAPH TITLES. The titles of paragraphs are for convenience only and shall in no way be used for the purpose of construing the meaning of this Agreement.

25. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Florida.

26. ADDRESSES. The addresses of the parties as of the date of this Agreement for the purpose of notices are:

**Karmen Domres: 1223 Brooker Road, Brandon, FL 33511**

27. This document may be signed in one or more counter parts, each of which shall be deemed an original, and all of which together shall be considered one instrument.

IN TESTIMONY WHEREOF, said Trustee accepted the duties of Trustee the day and year first above written and on said day the said beneficiaries have signed this Declaration of Trust said Trust Agreement in order to signify his/her/their assent to the terms hereof.

**SIGNATURE PAGE FOLLOWS**



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]  
Printed Name Michael Camino

(2) [Signature]  
Printed Name Bryan Nichols

TRUSTEE:

**SIMPLICITY FUNDING & HOLDINGS, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]  
Justin W. Savich  
Its: Managing Member

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding and Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



Patricia E. Viscomi  
Print Name: Patricia E. Viscomi  
Notary Public  
My Commission Expires: 1/14/2023



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]

Printed Name Michael Geminio

(2) [Signature]

Printed Name Bryan Nichols

BENEFICIARY:

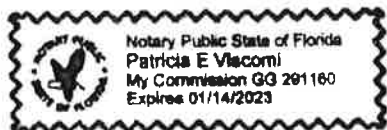
**SIMPLICITY FUNDING & HOLDINGS, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]

Its: Justin W. Savich  
Managing Member

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding & Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



[Signature]  
Print Name: Patricia E Visconti  
Notary Public  
My Commission Expires: 1/14/2023



## LAND TRUST AGREEMENT

THIS TRUST AGREEMENT dated this 1st day of June, 2017, and known as the U.S. Highway No. 1 by and between Simplicity Funding & Holdings, LLC as Trustee, and the following beneficiaries in the percentages set opposite their names:

Simplicity Funding & Holdings, LLC 100%

1. TRUST. The Trustee is about to take title to real estate under the provisions of Section 689.071, Florida Statutes, and he agrees to hold it and the proceeds, profits, and avails thereof, if any, which may come into his possession, in Trust for the uses and purposes and under the terms herein set forth.

2. LAND. The Trustee will take title to the following land located in Brevard County, Florida:

Property Address: A parcel of land lying in section 19, Township 23 South, Range 36 East, Brevard County, Florida. Being more particularly described below.

Property Folio: # 23-36-19-02-\*-6

Legal Description: Commence At The West Quarter Corner Of Said Section 19, And Run North Along The West Line Of Said Section 19, A Distance Of 489.48 Feet To The Northwest Corner Of The Plat Of Clearview Terrace, As Recorded In Plat Book 12, Page 46, Public Records Of Brevard County, Florida, The Point Of Beginning; Thence Continue North, Along The West Line, A Distance Of 533.17 Feet To A Point On The South Line Of Port St. John Unit One, As Recorded In Plat Book 13, Page 126, Of The Public Records; Thence Run North 75° 10' 20" East, Along Said South Line, A Distance Of 505.39 Feet; Thence South 14° 35' 25" East, Parallel With The West Right Of Way Line Of U.S. Highway No. 1, A Distance Of 571.94 Feet To A Point On The North Line Of Said Plat Of Clearview Terrace; Thence South 80° 13' 23" West, Along Said North Line Of Subdivision, A Distance Of 641.95 Feet To The Point Of Beginning.

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3. **BENEFICIARIES' INTEREST.** The interests of the beneficiaries hereunder and of any person who becomes entitled to any interest under this Trust shall consist solely of a power of direction to deal with the title to said property and to manage and control said property as hereinafter provided and the right to receive the proceeds from rentals, mortgages, sales, or other dispositions shall be deemed to be personal property and may be treated, assigned and transferred as such. No beneficiary now has, or shall hereafter at any time have, any right, title or interest in or to any portion of said real estate as such, either legal or equitable, but only an interest in the earnings, avails and proceeds as aforesaid; it being the intention of this instrument to vest the full legal and equitable title to said premises in the Trustee.

4. **DEATH OF BENEFICIARY.** Except as herein otherwise specifically provided, the right and interest of any beneficiary hereunder of a natural person shall pass at death to his Personal Representative and not to his heirs at law. The death of any beneficiary hereunder shall not terminate the Trust or in any manner affect the powers of the Trustee hereunder.

Representatives: First Beneficiary and/or Representative after death: Karmen Domres

5. **OWNERSHIP.** Upon request each beneficiary hereunder shall be issued a Trust Participation Certificate in a form approved by the Trustee, which shall indicate the beneficiary's percentage interest in the Trust and the land held by the Trustee.

6. **ASSIGNMENT.** If Trust Participation Certificates have been issued, no assignment of any beneficial interest hereunder shall be binding on the Trustee until the Trust Participation Certificate representing the assigned shares is surrendered to the Trustee with the assignment noted thereon and a new Certificate or Certificates are issued by the Trustee. If no Trust Participation Certificates have been issued, assignment shall be by an assignment form approved by the Trustee and shall not be binding until signed by the Trustee.

7. **LOST CERTIFICATES.** In the event a beneficiary's Trust Participation Certificate is lost, stolen, or destroyed, the Trustee shall cancel it on the records of the Trust and issue a new Certificate after receiving an affidavit as to the circumstances of the loss.

8. **PURCHASERS.** It shall not be the duty of the purchaser of the trust property or any part thereof to see to the application of the purchase money paid therefore; nor shall anyone who may deal with the Trustee be privileged or required to inquire into the necessity or expediency of any act of the Trustee, or as to the provisions of this instrument.



9. **DUTY OF TRUSTEE.** While the Trustee is sole title holder of the real estate held by him hereunder so far as the public is concerned and has full power to deal with it, it is understood and agreed by the persons in interest hereunder, and by any persons who may hereafter become interested, that the Trustee will deal with it only when authorized to do so in writing and that he will, on the written direction of all of the beneficiaries hereunder at the time, make contracts or deeds for the sale of or otherwise deal with the said real estate or any part thereof. Unless so directed by the beneficiaries, the Trustee has no power to control or influence the real property or any use of it.

10. **TERMINATION BY TRUSTEE.** If the trust property or any part thereof remains in the trust twenty (20) years from this date, the Trustee shall, unless otherwise agreed by all parties in writing, convey and deliver the same to the beneficiaries in accordance with their respective interests.

11. **LIMITATION ON BENEFICIARIES.** No beneficiary hereunder shall have any authority to contract for or in the name of the Trustee or use the name of the Trustee in any advertising or other publicity or to bind the Trustee personally.

12. **LIMITATION OF TRUSTEE'S LIABILITY.** The liability of the Trustee hereunder shall be limited to the assets of the Trust. All obligations incurred by the Trustee hereunder shall be the obligations of the Trust only and not the individual Trustee. The Trustee shall not be required to enter into any personal obligation or liability in dealing with the Trust property nor to expend any personal sums to defend or protect the trust property.

13. **NOTIFICATION OF CLAIMS.** In the event the Trustee shall receive notice of claims or actions against the Trust, he shall notify the beneficiaries at their last known addresses.

14. **TRUSTEE'S COMPENSATION.** The Trustee shall receive for his services in accepting this Trust and title hereunder the sum of \$10.00 for the first year or fraction thereof and the sum of \$10.00 for each succeeding year or fraction thereof as long as any property remains in this Trust. Trustee may raise or lower his annual fee upon giving sixty (60) days' notice to the beneficiaries. Also, he shall receive reasonable compensation for making deeds or other instruments, performing additional services, or retaining attorneys or agents. The beneficiaries hereunder jointly and severally agree to pay the fees hereunder, and the Trustee shall have a lien on the property of the Trust therefore.

15. **LIMITATIONS ON AGREEMENTS.** This Agreement shall not be deemed to be, create, or evidence the existence of a corporation de facto or de jure, or a Massachusetts Trust, or any other type of business trust or an association in the nature of a corporation or a general or limited partnership, or a joint venture by or between the Trustees and the beneficiaries.

25



16. **TAXES.** Nothing herein contained shall be construed as imposing any obligation on the Trustee to file any income, profit or other tax reports or schedules, it being expressly understood that at the beneficiaries hereunder from time to time will individually make all such reports and pay any and all taxes growing out of their interest under this Trust Agreement.

17. **REPLACEMENT OF TRUSTEE.** The Trustee may be replaced in any of the following manners:

a. **Resignation.** The Trustee may resign at any time by mailing a notice of his intention to do so to each of the beneficiaries at each's last known address. In the event of such resignation the beneficiaries may appoint a successor trustee, by lodging an instrument with the Trustee, signed by all the beneficiaries and accepted by the Successor Trustee. If no Successor Trustee is appointed within thirty (30) days, the Trustee may convey the Trust property to the beneficiaries according to their interests and this Trust shall terminate. If, in the opinion of the Trustee, the Trustee may be subjected to embarrassment, litigation, insecurity, liability or hazard, the Trustee may at any time and without notice resign as to all or part of the trust property and convey such trust property directly to the beneficiaries.

b. **Replacement.** The beneficiaries may at any time replace the Trustee by lodging with him an instrument naming a Successor Trustee, signed by all beneficiaries and accepted by the Successor Trustee. Upon receipt of said instrument and if there shall be no fees due and owing to him, the Trustee shall quit claim the property to the Successor Trustee.

c. **Death.** In the event of the death of the Trustee hereunder the following in order of their listing (able and willing to act) is appointed Successor Trustee:

**Rick Roberts, CPA**

If said person is unable or unwilling to act, or if no person is named herein, the beneficiaries hereunder or any of them by mutual agreement, are appointed successor trustee. Recording of an affidavit reciting this paragraph shall be effective to vest title in said Successor Trustee.

Any successor trustee under this Trust shall have all of the powers, properties, and duties of the original Trustee. Any replacement of the Trustee shall not affect his





first lien on the trust property, for his costs, expenses, attorney's fees and reasonable compensation.

18. **RECORDING.** This Trust shall not be recorded except as herein provided or as required by law.

19. **DISCLOSURE.** The Trustee shall not release information regarding this Trust except as required by law. In making a disclosure required by law, the Trustee shall supply beneficiaries with copies of any reports filed and shall be subject to no liability for the filing of such reports. The Trustee shall not be liable for inadvertent disclosure of the identity of any beneficiary.

20. **FLORIDA RICO ACT.** Notwithstanding any provision of this Trust to the contrary, the Trustee shall have no obligation to convey title to real property held by the Trustee pursuant to this Agreement until it has performed or caused to be performed, at the expense of the beneficiaries of this Trust Agreement, a search of the official records of all counties in which such real property is located. If such search discloses that no RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee may convey its legal or record title to such real property in accordance with the written instruction of the beneficiary. If such search discloses that one or more RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee shall not convey its legal or record title to such real property unless:

- a. All such RICO lien notices have been released or terminated or such real property has been released from all such RICO lien notices, or
- b. Such persons named in the RICO lien notice agree in writing that the total amount of all proceeds that would otherwise be received directly by such person as a result of the conveyance, will be paid directly to the Trustee, and that the Trustee shall have the right to hold such proceeds, together with the total amount of all such proceeds that would otherwise be paid or distributed to such person or at the direction of such person or his designee, until such time as the provisions of subsection (a) above have been satisfied, and also agrees, in writing, that at the request of the Department of Legal Affairs of the State of Florida, or the office of any state attorney of the State of Florida, the Trustee, without any liability to the person named in the RICO lien notice, may pay the total amount of such proceeds held by the Trustee pursuant to the provisions of this subsection (b) to the Department of Legal Affairs of the State of Florida or the office of any state attorney of the State of Florida.



21. PARTITION. The remedy of partition shall not be available to the beneficiaries of this Land Trust.

22. PARTIES BOUND. This Agreement shall extend to and be obligatory upon the heirs, administration and assigns of the respective parties.

23. GENDER. Any references to he or him in this Agreement shall apply to parties of either gender.

24. PARAGRAPH TITLES. The titles of paragraphs are for convenience only and shall in no way be used for the purpose of construing the meaning of this Agreement.

25. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Florida.

26. ADDRESSES. The addresses of the parties as of the date of this Agreement for the purpose of notices are:

**Karmen Domres: 1223 Brooker Road, Brandon, FL 33511**

27. This document may be signed in one or more counter parts, each of which shall be deemed an original, and all of which together shall be considered one instrument.

IN TESTIMONY WHEREOF, said Trustee accepted the duties of Trustee the day and year first above written and on said day the said beneficiaries have signed this Declaration of Trust said Trust Agreement in order to signify his/her/their assent to the terms hereof.

**SIGNATURE PAGE FOLLOWS**



Signed, sealed and delivered in our presence:

WITNESSES:

(1) 


Printed Name Michael Germino

(2) 

Printed Name Bryan Nichols

TRUSTEE:

**SIMPLICITY FUNDING & HOLDINGS, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY**


By: 

Its: Justin W. Savich  
Managing Member

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding and Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



  
Print Name: Patricia E. Visconti  
Notary Public  
My Commission Expires: 1/14/2023



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]

Printed Name Michael Gemino

(2) [Signature]

Printed Name Bryan Nichols

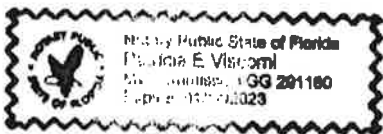
BENEFICIARY:

**SIMPLICITY FUNDING & HOLDINGS, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]  
Its: Justin W. Savich  
Managing Member

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding & Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



[Signature]  
Print Name: Patricia E. Visconti  
Notary Public  
My Commission Expires: 1/14/2023

## **OPERATING AGREEMENT**

### **FOR**

### **Simplicity Funding & Holdings , LLC**

THIS OPERATING AGREEMENT is made and entered into the 6th day of January, 2014 (the "Effective Date"), by the members listed in Exhibit "A" ("Members"), to govern the operation and management of the Florida limited liability company known as Simplicity Funding & Holdings, LLC (the "Company").

### **WITNESSETH:**

WHEREAS, Articles of Organization (the "Articles") were filed on January 6th, 2014, with the office of the Department of State of the State of Florida, in order to form the Company as a Florida limited liability company, as amended; and

WHEREAS, pursuant to the Articles, the business and management of the Company are to be conducted in accordance with the Articles, the provisions of an operating agreement and the provisions of Florida Statutes as amended from time to time; and

WHEREAS, the Members desire to enter into this Operating Agreement (this "Agreement") in order to set forth the terms and conditions that will regulate and govern the operation and management of the Company and regulate and govern the rights and obligations of the Members with respect to the Company.

NOW, THEREFORE, in consideration of the foregoing, which shall be deemed to be incorporated as an integral part of this Agreement and not mere recitals hereto, the Members hereby set forth as follows:



6.1 Appointment of Tax Matters Partner. Justin Savich is hereby designated pursuant to Code Section 6231(a)(7) as the Company's Tax Matters Partner, and is responsible for acting as the liaison between the Company and the Internal Revenue Service ("Service"). The Tax Matters Partner shall have the duties of a tax matters partner as provided in the Code, in addition to such other duties as are provided under this Agreement. The Tax Matters Partner shall be reimbursed by the Company for all out-of-pocket expenses, costs and liabilities expended or incurred by the Tax Matters Partner in acting as the Company's Tax Matters Partner.

6.2 Tax Elections. By the affirmative vote of a majority of the 100% interest in the Company, the Members shall from time to time determine whether or not to make or attempt to revoke any and all tax elections regarding depreciation methods and recovery periods, capitalization of construction period expenses, amortization of organizational and start-up expenditures, basis adjustments upon admission or retirement of Members, and any other federal, state, or local income tax elections.

## ARTICLE 7 - MANAGEMENT

7.1 Management of the Company. The initial Manager of the Company shall be Justin. Management of the business of the Company shall be wholly vested in the Managers, who may exercise all such powers of the Company and do all such lawful acts and things as are not by law or this Agreement directed or required to be exercised or done only by the Members.

7.2 Tenure and Qualification. Each Manager shall hold office until the Manager sooner resigns or is removed by the Members.

7.3 Removal. A Manager may be removed with or without cause by the



affirmative vote of the Members holding a majority of the Percentage Interests in the Company, but such removal shall be without prejudice to the contract rights, if any, of the person removed.

7.4 Vacancies. Any vacancy occurring in a Manager position may be filled by the affirmative vote of the Members holding a majority of the Percentage Interests in the Company.

7.5 Officers. The Managers may (but shall not be required to) appoint a Chief Financial Officer, Chief Operating Officer and Secretary, as well as such other officers as the Managers shall deem appropriate, such officers to have those duties and responsibilities as may be authorized from time to time by the Managers. The Managers may remove any officer at any time with or without cause. Each officer shall hold office until such officer's successor shall have been duly appointed and shall have qualified, unless such officer sooner dies, resigns or is removed by the Managers. The appointment of an officer does not itself create contract rights.

7.6 Time Devoted to Business. Each Manager shall devote such time to the business of the Company as the Managers, in the Managers' discretion, deem necessary for the efficient operation of the Company's business.

7.7 Exculpation. Any act or omission of a Manager, the effect of which may cause or result in loss or damage to the Company or the Members, if done in good faith to promote the best interests of the Company, shall not subject such Manager to any liability to the Member.

7.8 Actions Requiring Notice to Members. Notwithstanding anything to the contrary in this Agreement, the Managers may not take any of the following actions without at least 48 hours' notice and opportunity for each Member to be consulted as to the action:

- (i) the merger or sale of the Company or sale of substantially all of its assets;

(ii) the filing of a voluntary petition for bankruptcy, assignment for the benefit of creditors or any other insolvency proceeding;

(iii) the pledging of any Company assets or borrowing money; and

(iv) any transaction that requires an expenditure in excess of \$10,000.00.

#### **ARTICLE 8 - PERMITTED TRANSACTIONS**

8.1 Other Businesses. The Members or any Affiliate, agent, or representative of the Members, may engage in or possess an interest in other business ventures of any nature or description, independently or with others, whether currently existing or hereafter created such ventures do not compete with or are otherwise harmful to the business of the Company. The Company shall not have any rights in or to the income or profits derived there from.

8.2 Transactions with the Company. The Company may, in the sole discretion of the Managers, contract with any Person (including a Member or any Person affiliated with a Member or in which a Member may be interested) for the performance of any services which may reasonably be required to carry on the business of the Company, and any such Person dealing with the Company, whether as an independent contractor, agent, employee, or otherwise, may receive from others or from the Company profits, compensation, commissions, or other income incident to such dealings.

#### **ARTICLE 9 - ADMISSION OF ADDITIONAL MEMBERS**

9.1 The Members, by the affirmative vote of the holders of a majority of the Percentage Interests in the Company, may admit any Person as a new Member and issue a Percentage Interest to such new Member for such consideration as the Members by vote deem appropriate.

#### **ARTICLE 10 - TRANSFER OF MEMBERSHIP RIGHTS**

10.1 Members may not sell, assign, pledge, or otherwise encumber or transfer all or any part of its interest in the Company to any Person without the prior written consent of the holders of a majority of the Percentage Interests in the Company.

10.2 In the event of the death, bankruptcy or insolvency of a Member, then the Company shall have the right, but not the obligation, to purchase such Member's interest for then market value of said interest, as determined by an accountant chosen by the Members if the Members cannot agree on the value thereof. If the Members cannot agree on an accountant to be used for the valuation, then each shall choose an accountant and the average of their two values shall be binding on all Members.

#### **ARTICLE 11 - LIMITATION OF LIABILITY**

11.1 Except as otherwise provided by the Act, the debts, obligations, and liabilities of the Company, whether arising in contract, tort, or otherwise, shall be solely the debts, obligations, and liabilities of the Company; and the Members shall not be obligated for any such debt, obligation, or liability of the Company solely by reason of being a Member. The failure of the Company to observe any formalities or requirements relating to the exercise of its powers or the management of its business or affairs under this Operating Agreement or the Act shall not be grounds for imposing personal liability on the Members for any debts, liabilities, or obligations of the Company.

#### **ARTICLE 12 - INDEMNIFICATION**

12.1 General Rule. In any threatened, pending, or completed claim, action, suit, or proceeding to which said Manager was or is a party or is threatened to be made a party by reason of its activities on behalf of the Company, the Company shall indemnify and hold

harmless such Manager against losses, damages, expenses (including attorneys' and accountants' fees), judgments, and amounts paid in settlement actually and reasonably incurred in connection with such claim, action, suit, or proceeding, except that the Manager shall not be indemnified for actions constituting the improper receipt of personal benefits, willful misconduct, recklessness, or gross negligence with respect to the business of the Company; provided, however, that to the extent the Manager has been successful on the merits or otherwise in defense of any action, suit, or proceeding to which the Manager was or is a party or is threatened to be made a party by reason of the fact that the Manager was or is a Manager of the Company, or in defense of any claim, issue, or matter in connection therewith, the Company shall indemnify such Manager and hold the Manager harmless against the expenses (including attorneys' and accountants' fees) actually incurred by such Manager in connection therewith. This section shall be interpreted to provide the maximum amount and scope of indemnification under the Act.

12.2 Advance Payment of Expenses. Expenses (including attorneys' and accountants' fees) incurred in defending a civil or criminal claim, action, suit, or proceeding shall be paid by the Company in advance of the final disposition of the matter upon receipt of an undertaking by or on behalf of the Manager to repay such amount if such Manager is ultimately determined not to be entitled to indemnity.

12.3 Presumption. For purposes of this Section 12.3, the termination of any action, suit, or proceeding by judgment, order, settlement, or otherwise adverse to the Manager shall not, of himself or herself create a presumption that the conduct of such Manager constitutes willful misconduct, recklessness, or gross negligence with respect to the business of the Company.

#### ARTICLE 13 - AMENDMENT

13.1 Unless otherwise required by the Act, an amendment to this Agreement shall

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become effective only at such time as it has been approved unanimously in writing by the Members.

#### **ARTICLE 14 - DISSOLUTION AND TERMINATION**

14.1 Events of Dissolution. The Company shall continue until dissolved by:

14.1.1 an election to dissolve the Company made by the Members holding a majority of the Percentage Interests in the Company;

14.1.2 any event which makes it unlawful for the business of the Company to be carried on by the Members; or

14.1.3 any other event causing a dissolution of a limited liability company under the Act.

14.2 Liquidation. Upon dissolution of the Company, the Managers shall act as liquidator to wind up the Company. The liquidator shall have full power and authority to sell, assign and encumber any or all of the Company's assets and to wind up and liquidate the Company's affairs in an orderly and prudent manner. The liquidator shall distribute all proceeds from the liquidation of the Company in the following order of priority:

14.2.1 to the payment of all debts, taxes, obligations and other liabilities of the Company (including any loans to the Company made by a Member) and the necessary expenses of liquidation; where there is a contingent debt, obligation or liability, a reserve shall be set up to meet such contingency, and if and when the contingency shall cease to exist, the monies, if any, in the reserve shall be distributed as herein provided for in this Section; and

14.2.2 to the Members in accordance with their respective Percentage Interests.

14.3 Articles of Dissolution. Upon completion of the distribution of Company assets, the Company shall be terminated and the Managers and Members shall cause the

Company to execute articles of dissolution and take such other actions as may be necessary to dissolve the Company.

#### **ARTICLE 15 - BOOKS, RECORDS AND ACCOUNTING PERIOD**

15.1 A copy of this Agreement and any other records required to be maintained by the Act shall be maintained at the principal office of the Company or at such other place as the Managers from time to time may select. The Company shall keep accurate books and records of the operation of the Company which shall reflect all transactions and be appropriate and adequate for the Company's business and for carrying out the provisions of this Agreement. The books shall be kept on such method of accounting as the Managers shall select. The Company's accounting period shall end on December 31.

#### **ARTICLE 16 - MISCELLANEOUS**

16.1 Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the undersigned and its successors and permitted assigns.

16.2 Construction Principles. Words in any gender shall be deemed to include any other gender. The singular shall be deemed to include the plural and vice versa. The captions, headings and titles in this Agreement are solely for convenience and reference and shall in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision hereof.

16.3 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida applicable to agreements made and to be performed in Florida.

16.4 Severability. If any provision or part of any provision of this Agreement shall

be invalid or unenforceable in any respect, such provision or part of any provision shall be ineffective to the extent of such invalidity or unenforceability only, without in any way affecting the remaining parts of such provision or the remaining provisions of this Agreement.

16.5 Appraisal Rights. Each Member hereby irrevocably waives any and all appraisal rights to the maximum extent allowed under the Act.

16.6 Attorneys' Fees. In the event of any litigation involving the Company, a Member or Manager, or any combination thereof, the prevailing party shall be awarded reasonable attorneys' fees, costs and expenses.

IN WITNESS WHEREOF, the undersigned have executed this Agreement to be effective as of the date first written above.

  
JUSTIN SAVICH



**EXHIBIT "A" TO OPERATING AGREEMENT**

<b><u>Name of Member</u></b>	<b><u>Initial Capital Contribution</u></b>	<b><u>Voting Percentage Interest</u></b>
Justin Savich	\$2,000.00	One hundred percent (100%)

CFN: 2006236875 08-09-2006 03:09 pm  
OR Book/Page: 5683 / 0716

Prepared by: Suzanne Johns  
RK Engineering  
385 Pineda Court #200  
Melbourne, FL 32940

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 5	#Names: 2	
Trust: 3.00	Rec: 41.00	Serv: 0.00
Mtg: 0.00		Excise: 0.00
		Int Tax: 0.00

### BINDING DEVELOPMENT PLAN

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 8 day of August, 2006, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and VINELAND ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY ("DEVELOPER"); and hereby replaces in its entirety the BINDING DEVELOPMENT PLAN recorded in official record book 3129 pages 1279-1287, Brevard County, Florida.

#### Witnesseth:

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described in Exhibit A attached hereto and made a part hereto by this reference; and

WHEREAS, DEVELOPER desires to develop the Property as a residential single-family detached subdivision with RU-1-11 zoning and pursuant to the Brevard County Code, Appendix C-Zoning; and

WHEREAS, as part of its plan for development of the Property, DEVELOPER wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.

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RETURN: Clerk to the Board #27

RETURN: Clerk to the Board #27

2. DEVELOPER shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.

3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

4. In the event that the subject property makes a vehicular connection to Clearview Dr., then the DEVELOPER shall submit final engineering plans to be reviewed and approved by Brevard County staff. DEVELOPER shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction, (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.

5. Vehicular connection to Vineland Street from the property is prohibited.

6. DEVELOPER shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.

7. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north propertyline of tax parcel 23-35-24-00-00756.9-0000.00, by this reference (parcel 756.9). Emergency access shall be an unobstructed, 20-foot wide, all weather stabilized base driving surface capable of supporting a 32 ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25 foot wide emergency vehicle ingress egress easement to the benefit of Brevard County, Florida. The aforementioned emergency

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RETURN: Clerk to the Board #27

vehicle ingress egress easement shall be dedicated to the COUNTY upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.

8. DEVELOPER shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress egress easement to the county and acceptance by the county. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot west of Parcel 756.9.

9. DEVELOPER shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.


10. In the event that the DEVELOPER is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Dr., then the Property shall not be required to provide a vehicular connection to Clearview Dr.

11. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property.

12. This Agreement shall not vest this project for concurrency purposes.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

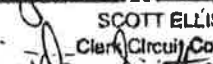
BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

  
\_\_\_\_\_  
Helen Voltz, Chair

STATE OF FLORIDA  
COUNTY OF BREVARD

As approved by the Board August 8, 2006

This is to certify that the foregoing is a  
true and correct copy of the original  
and official seal this 11 day of  
August 20 06

SCOTT ELLIS  
Clerk, Circuit Court  
BY  D.C.

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RETURN: Clerk to the Board #27

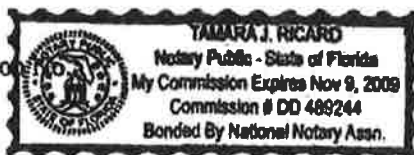
STATE OF FLORIDA §  
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 8 day of August, 2006, by Helen Votz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Notary Public

SEAL  
Commissioner



Tamara J. Ricard

(Name typed, printed or stamped)

WITNESSES:

Esther L. Davidson  
Esther L. Davidson  
(Witness Name typed or printed)

Angela A. Abbott  
Angela A. Abbott  
(Witness Name typed or printed)

DEVELOPER

Bruce Jones  
Bruce Jones  
VINELAND ASSOCIATES, L.L.C., managing member

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 29th day of June, 2006, by Bruce Jones, as Managing Member of VINELAND ASSOCIATES, L.L.C. a Florida Limited Liability Company, who is personally known to me or who has produced N/A as identification.

My commission expires

SEAL

Commission No.:

Notary Public

(Name typed, printed or stamped)



711269 (49)

RETURN: Clerk to the Board #27

Legal Description: Parcel 1

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 24 and run N.01 degrees 35'53"W. along the East line of said Section 24, a distance of 1,329.95 feet to the Southeast corner of the North 1/2 of the Southeast 1/4, the point of beginning; thence continue N.01 degrees 35'53"W., along said East line, a distance of 979.95 feet to a point located 350.0 feet South of the East 1/4 corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence S. 88 degrees 12'37"W., along the South line of said lands a distance of 1,170.07 feet to a point on the East Right of Way line of the Florida East Coast Railroad (a 100 foot right of way); thence S.20 degrees 05'13"E., along said East Right of Way line, a distance of 1,023.78 feet to a point on the South line of the North 1/2 of the Southeast 1/4; thence N.88 degrees 44'52"E., along said South line, a distance of 845.42 feet to the point of beginning.

Parcel 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the point of beginning of the herein described parcel; from said point, run S.89 degrees 41'21"W., along the South line of Government Lot 1 to the East Right of Way of the Florida East Coast Railroad (a 100' right of way), a distance of 1286.68 feet; thence run N.18 degrees 32'20"W., along said East Right of Way to the South line of Delespine Grant, a distance of 666.48 feet; thence run N.75 degrees 10'20"E., along said South line of Delespine Grant, a distance of 1549.31 feet; thence run S.0 degrees 03'29"E., along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46 of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the point of beginning.

Together with:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East 1/4 corner of said Section 24, and run S.01°35'53"E., along the East line of said Section 24, a distance of 350.17 feet; thence run S.88°12'37"W., a distance of 1064.74 feet to the POINT OF BEGINNING; thence continue S.88°12'37"W., a distance of 105.33 feet to a point on the East right of way line of Florida East Coast Railroad; thence run N.20°05'13"W., along said East right of way line, a distance of 368.53 feet; thence run N.88°11'50"E., a distance of 105.33 feet; thence run S.20°05'13"E., parallel to said East right of way line, a distance of 368.53 feet to the POINT OF BEGINNING, containing 0.846 acres.

Subject to all easements and rights of way of record.

EXHIBIT "A"

211269

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Prepared by: Kimberly B. Rezanka  
Lacey Lyons Rezanka  
1290 U.S. Highway 1, Ste. 201  
Rockledge, FL 32955

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar Lake Drive Revocable Land Trust** and **U.S. Highway No. 1 Commercial Land Trust**, (hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public Records of Brevard County, Florida.

### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner shall provide a 6 foot high opaque buffer on the southern boundary of the Property.

3. The Developer/Owner shall limit density to a total of 200 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

*Signatures on next page*



IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST;

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

\_\_\_\_\_, Clerk  
(SEAL)

\_\_\_\_\_, Chair  
As approved by the Board on \_\_\_\_\_

WITNESSES:

5971 CEDAR LAKE DRIVE LAND TRUST  
and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
as DEVELOPER/OWNER

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
, 2021, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

\_\_\_\_\_  
Notary Public  
(Name typed, printed or stamped)

## Exhibit A

### PARCEL 1:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East long said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

### PARCEL 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

### PARCEL 3:

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

### PARCEL 4:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North  $0^{\circ} 11' 08''$  East along the East line of said Section 24, 1329.98 feet; thence North  $89^{\circ} 28' 02''$  West, 311.58 feet to the Point of Beginning; thence South  $0^{\circ} 31' 58''$  West, 150.00 feet to the North Right of Way line of Cowan Road; thence North  $89^{\circ} 28' 02''$  West, along said Right of Way line, 145.20 feet; thence North  $0^{\circ} 31' 58''$  East 150.00 feet; thence South  $89^{\circ} 28' 02''$  East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North  $75^{\circ} 10' 20''$  East, along said South line, a distance of 505.39 feet; thence South  $14^{\circ} 35' 25''$  East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South  $80^{\circ} 13' 23''$  West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.

16

Survey  
20Z000036  
Cedar Lake

1. ELEVATIONS ARE BASED OFF THE NORTH AMERICAN VERTICAL DATUM OF 1980. TENSEN ET AL. (1988) CONSIDERS THIS BENCHMARK USED IN DESIGNATION AS "680" AND DUBBED "BREVARD COUNTY, FLORIDA" AND WAS PROVIDED BY THE NATIONAL GEODETIC SURVEY. CONTROL INTERVALS ARE 10'.

[illegible]

PANEL 1  
A portion of land lying in Section 2a, Township 23 South, Range 25 East, Brewster County, Florida, being more particularly described as follows.

**PANVEL** (*Unit lying in Section 25, Township 27 South, Range 4 East, Brewster County, Florida; likely more accurately described as Southwest*)

[illegible]

**PAROLE:**  
 List 12. **COMBINS** THOMAS R. 1924, at Boulder in Survey Book 4, Page 53. Public Records of Mineral County, Florida.  
 His probability expires in 1949.

[illegible]

PROPERTY ADDRESS: 5971 CEDAR LAKE DRIVE-CANTON BEACH, FLORIDA 32005	Legal Description: SEE ABOVE
---	------------------------------

Legal Description SEE ABOVE

UNITED TO  
MEET TANGA INVESTMENT

CAPTAIN

100

the following paragraph is hereby

Black, Florida Agricultural Ex. Coll., Put



(b)

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Journal of Internal Medicine 255: 103–110

© 2000 Blackwell Science Ltd

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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# ALTA/NSPS LAND TITLE SURVEY

TABLE "A" REQUIREMENTS	
1	SEE SURVEY
2	SEE SURVEY
3	SEE SURVEY
4	SEE SURVEY
5	SEE SURVEY
6	NOT APPLICABLE
7	NOT APPLICABLE
8	SEE SURVEY
9	SEE SURVEY (NO PRESENT AT TIME OF SURVEY)
10	NOT APPLICABLE
11	NOT APPLICABLE
12	NOT APPLICABLE
13	SEE SURVEY
14	NOT APPLICABLE
15	NOT APPLICABLE
16	SEE SURVEY (NO EXISTENT CONSTRUCTION, NEARLY TO BE DROPPED)
17	SEE SURVEY (NO EXISTENT CONSTRUCTION, NEARLY TO BE DROPPED)
18	NOT APPLICABLE
19	SEE SURVEY
20	NOT APPLICABLE
21	NOT APPLICABLE

**SURVEY NOTES:**

1. ELEVATIONS ARE BASED OFF THE MONTHLY AVERAGE VERTICAL DATUM OF 1984. TIDE GAUGE OBSERVATIONS. BENEFITING FROM USED IS DOCUMENTED AS "HAT" AND "UNBENEFITING" BENEFITING COUNTY FLORIDA AND HAS PROVIDED BY THE NATIONAL GEODETIC SURVEY. CONTAINER INTERVALS ARE 10'.  
2. STATE PLANE COORDINATES BASED ON THE FLORIDA STATE PLANE EAST, NAD83, US SURVEY FEET










*Legal Description:*

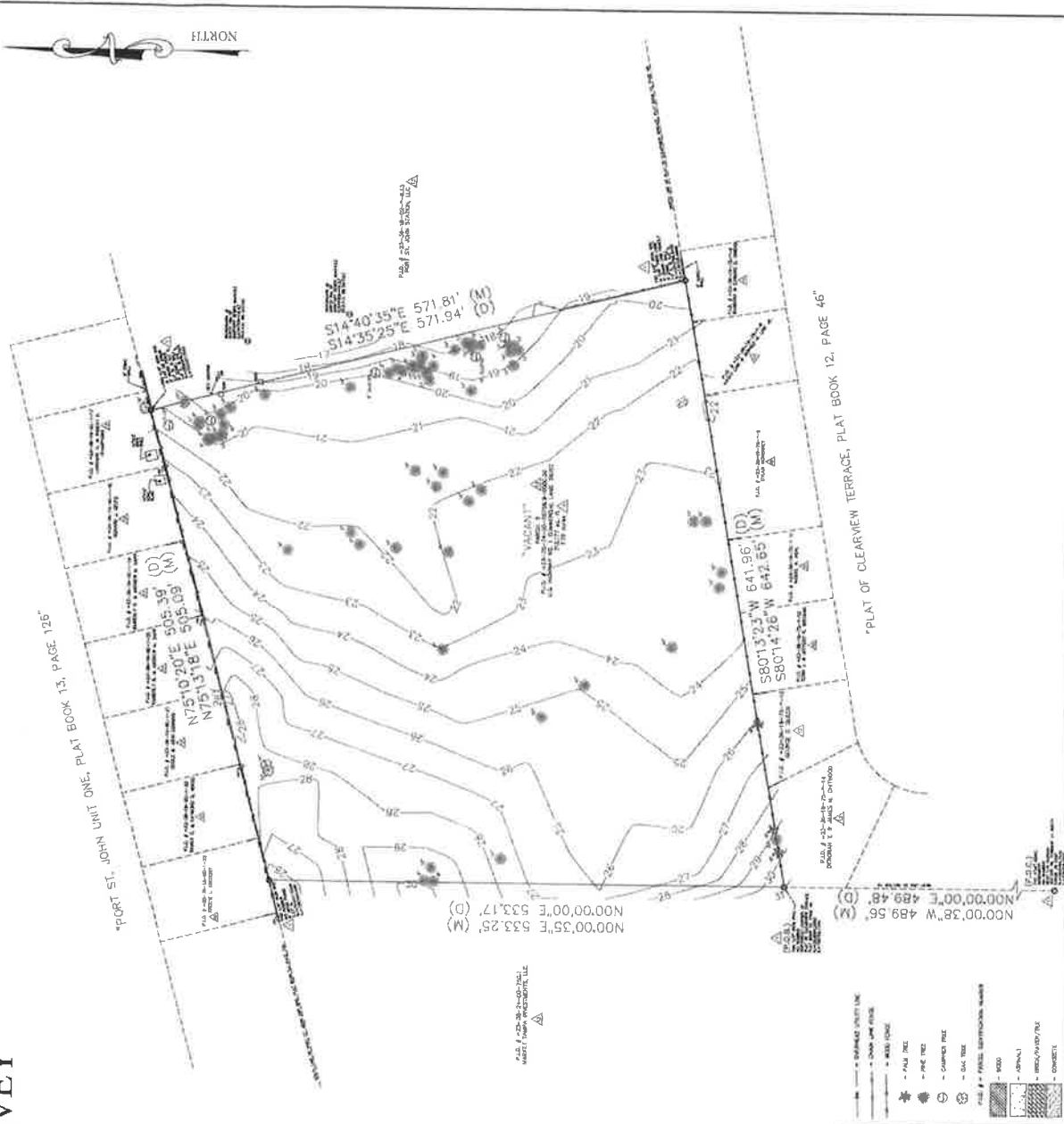
PARCEL 5  
DESIGNATORS OF TIER "C" AND "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brewster County, Florida, being more particularly described as follows:

Continued at the West Quarter corner of said Section 12, a distance of 483 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 126, of the St. Lawrence County, Kansas, to the East line of said Clearview Terrace, thence North 15° 10' 22" West, along said Clearview Terrace, a distance of 133.17 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, thence North 15° 10' 22" West, along said Clearview Terrace, a distance of 250.39 feet, thence South 1° 42' 26" East, parallel with the West 1/4 of the West 1/4 of S. 14, Township 36 N., Range 12E, 19th Sec. 19th T. 36N. South 1/4 of 20-26, parallel with the North 1/4 of S. 14, Township 36 N., Range 12E, 19th Sec. 19th T. 36N. South 1/4 of 20-26, a distance of 571.54 feet to a point on the North line of the PLAT OF CLEARVIEW TERRACE; thence South 80° 13' 23" West, along said North line of said subdivision, a distance of 641.55 feet to the Point of Beginning.

Legal Description: SEE ABOVE

	<p>CHOICE SWEETING, INC. OF</p> 	<p>CHOICE SWEETING, INC. OF</p> 
<p>CHOICE SWEETING, INC. OF</p> 	<p>CHOICE SWEETING, INC. OF</p> 	<p>CHOICE SWEETING, INC. OF</p> 
<p>CHOICE SWEETING, INC. OF</p> 	<p>CHOICE SWEETING, INC. OF</p> 	<p>CHOICE SWEETING, INC. OF</p> 



From: Black, Karen@Png, Design and Constr  
To: Kim Rezanka; Ritchie, George C  
Cc: Ball, Jeffrey; Body, Paul  
Subject: RE: New rezoning application  
Date: Thursday, November 5, 2020 10:57:21 AM  
Attachments: map0001.png  
map0002.png  
map0003.png  
Concurrency Application and Fees Oct2018.pdf  
2020-21 Financials /sanctus Plan.pdf

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

Good Morning,

Providing the County will allow the BDP to be revised without school concurrency, the School Board will consider this as a preliminary development request. The BDP must be recorded simultaneously with the rezoning approval, which would limit the development to 200 units. With the number of units increasing less than 50 units over the previous 154 units we would consider the request exempt from school concurrency based on Interlocal Agreement Section 13.1(d.6) which states that Preliminary Development request that do not increase the maximum allowable residential units by 50 or more are exempt due to De minimis impact. Please note that if at any time the BDP is changed to increase the number of units further a school concurrency review will be required.

Regardless of this exemption, the School Board will require a Final Development Request (SCADL) in order to reserve the necessary school capacity at such time as a Site development plan or plat is submitted. I have attached a copy of the current application and Financially Feasible Plan for your reference.

You may view the [Interlocal Agreement for Public School Facility Planning and School Concurrency](#), please let me know if you have any questions.

Sincerely,



Karen M. Black, AICP Candidate  
Manager-Facilities Planning & Intergovernmental Coordination

School Board of Brevard County  
Facilities Services, Planning & Project Management  
2700 Judge Fran Jamieson Way  
Viera, FL 32940  
Office Phone: 321-633-1000, Ext. 11418  
E-mail [Black.Karen@BrevardSchools.org](mailto:Black.Karen@BrevardSchools.org)

From: Kim Rezanka <[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)>  
Sent: Wednesday, November 4, 2020 5:26 PM  
To: Ritchie, George C <[George.Ritchie@brevardfl.gov](mailto:George.Ritchie@brevardfl.gov)>  
Cc: Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; Black,Karen@Png, Design and Constr <[Black.Karen@Brevardschools.org](mailto:Black.Karen@Brevardschools.org)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
Subject: RE: New rezoning application

Caution: This email originated from outside of Brevard Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, George,

As to the school concurrency, I thought concurrency was actually based on the FLU. But even with the limit of 156 units (despite being RES8), the addition of the 7.18 acres of BU-1 should result in less than the 200 units, for school concurrency. Or is commercial land never counted for school concurrency?

Sincerely,

Kimberly B. Rezanka  
Office 321.608.0892

From: Ritchie, George C <[George.Ritchie@brevardfl.gov](mailto:George.Ritchie@brevardfl.gov)>  
Sent: Wednesday, November 4, 2020 2:32 PM  
To: Kim Rezanka <[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)>  
Cc: Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; Black,Karen@Png, Design and Constr <[Black.Karen@Brevardschools.org](mailto:Black.Karen@Brevardschools.org)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
Subject: RE: New rezoning application

Good afternoon Kim,

This request will need a School Board School Concurrency Review. The last BDP on 50.64 acres limited development to 154 lots as recorded in ORB 5683 Pgs 716-720. Your request for 200 lots will need a new review. As their attorney, you won't need an authorization to act form. Limits on current sewer capacity are also an issue which has not been resolved. Residential densities over 4 units per acre must be connected to potable water and sewer. Friday afternoon, I am the Planner of the Day so I would not be available for application review. I do have availability from 8-9 am or 10:30 - 11:30am.

**3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.**

## Public Facilities and Services Requirements

### Policy 1.2

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

#### Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.
- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.
- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

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

George C. Ritchie, Planner III, Zoning Office  
Brevard County Planning & Development Department  
2725 Judge Fran Jamieson Way Bldg. A-114  
Viera, FL 32940

Phone # (321-350-8272)

From: Kim Rezanka <[krezanka@brevardfla.gov](mailto:krezanka@brevardfla.gov)>  
Sent: Wednesday, November 4, 2020 12:49 PM  
To: Ritchie, George C <[George.Ritchie@brevardfla.gov](mailto:George.Ritchie@brevardfla.gov)>  
Cc: Ball, Jeffrey <[jeffrey.ball@brevardfla.gov](mailto:jeffrey.ball@brevardfla.gov)>  
Subject: New rezoning application

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

George,

I will be submitting a rezoning request for parcels 2310861, 2310971 and 2316173 – surveys we have show this as 58.04 – rezoning to **TR-1**, and removal of two BDP's (not sure why there are two).

What will be the cost of the application (including NRMO review)?

We will be submitting a BDP to limit the number of units to 200, so I do not believe we need a **school concurrency review** (RES8 for 50.85 ac., BU-1 for 7.19 ac.) – please advise.

The authorization forms from the owners are coming from Tampa – must I have the originals on Friday to put in the application, or can I give you a copy and deliver the originals later? Or have the originals FedEx'd directly to you?

Finally, do you have time **Friday** afternoon for me to submit the application?

Thank you!

Sincerely,

Kimberly B. Rezanka  
Partner



1290 US Highway 1, Suite 201  
Rockledge, FL 32955  
Office 321.608.0892  
[info@laceyandlyons.com](mailto:info@laceyandlyons.com)  
<https://www.laceyandlyons.com/>

Commercial & Civil Litigation | Zoning & Land Use | Local Government Law

*This communication, along with any attachments, may contain information that is confidential, privileged or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution, forwarding, or use of any information contained in or attached to this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone and destroy the original e-mail and its attachments without reading, printing, saving or forwarding in any manner.*

Due to Florida's broad public records law, most written communications to or from government employees regarding public education are public records. Therefore, this e-mail communication may be subject to public disclosure.



5971 Cedar Lake Rev. Land Trust  
U.S. Hwy No. 1 Commercial  
Owner's Name: Land Trust  
Hearing Date: January 6, 2021

20200036

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF BREVARD

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

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

Brian Lock  
Signature

Sworn and Subscribed before me, this 15<sup>th</sup> day of December.



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

K. Kennedy  
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: \_\_\_\_\_

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

# PHOTOGRAPHS



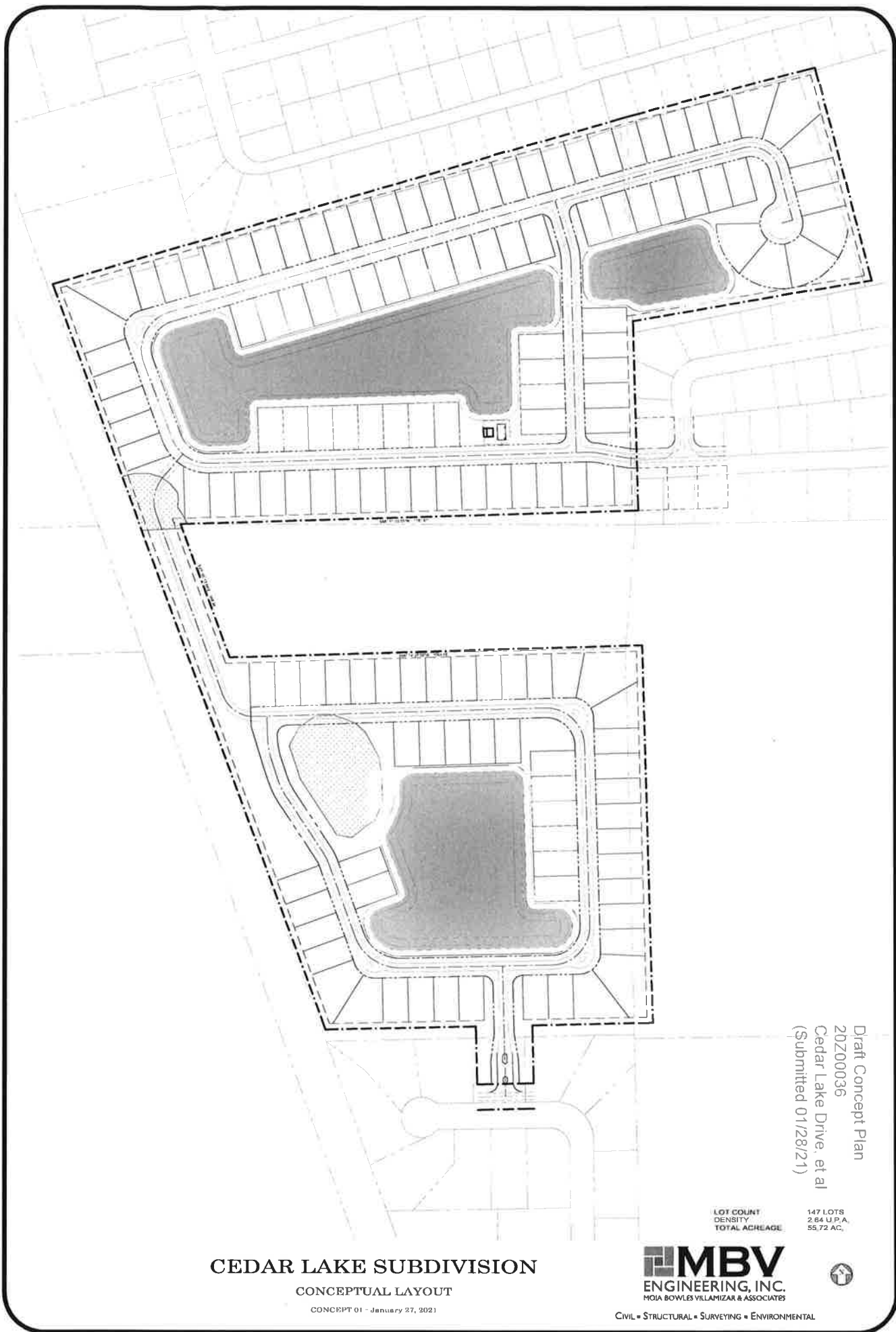
## BREVARD COUNTY CODE ENFORCEMENT



Mo./Day/Year	Address	Zng App.#
12/14/2020	5971 Cedar Lake Dr., Cocoa	20200036



Brian Lock



Draft Concept Plan  
20Z00036  
Cedar Lake Drive, et al  
(Submitted 01/28/21)

LOT COUNT  
DENSITY  
TOTAL ACREAGE

147 LOTS  
2.64 U.P.A.  
55.72 AC.

# CEDAR LAKE SUBDIVISION

CONCEPTUAL LAYOUT

CONCEPT 01 - January 27, 2021

**MBV**  
ENGINEERING, INC.  
MOYA BOWLES VILLAMIZAR & ASSOCIATES



CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

**553.38. Application and scope, FL ST § 553.38**

---

West's Florida Statutes Annotated
Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)
Chapter 553. Building Construction Standards (Refs & Annos)
Part I. Manufactured Buildings

West's F.S.A. § 553.38

553.38. Application and scope

Effective: March 1, 2002

Currentness

The department shall enforce every provision of the Florida Building Code adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback requirements, side and rear yard requirements, site development requirements, property line requirements, subdivision control, and onsite installation requirements, as well as the review and regulation of architectural and aesthetic requirements, are specifically and entirely reserved to local authorities. Such local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building. A local government shall require permit fees only for those inspections actually performed by the local government for the installation of a factory-built structure. Such fees shall be equal to the amount charged for similar inspections on conventionally built housing.

**Credits**

Laws 1971, c. 71-172, § 4; Laws 1974, c. 74-208, § 1; Laws 1978, c. 78-323, § 3; Laws 1979, c. 79-152, § 1; Laws 1980, c. 80-86, § 2. Amended by Laws 2000, c. 2000-141, § 60, eff. March 1, 2002.

Notes of Decisions (9)

West's F. S. A. § 553.38, FL ST § 553.38

Current through Chapter 184 (End) of the 2020 Second Regular Session of the Twenty-Sixth Legislature

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End of Document

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## **Port St. John Dependent Special District**

March 3, 2021

- PRESENTED ON BEHALF OF -

### **5971 Cedar lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**

**Item # H.1. Requests a change of classification from RU-1-11,  
TR-2, and BU-1 with a BDP, to TR-1 with a BDP limited to 200 units.  
(20Z00036) (Tax Accounts 2310971, 2310861 and 2316173) (District 1)**

**KIMBERLY BONDER REZANKA, ESQ.  
LACEY LYONS REZANKA  
U.S. Highway 1, Suite 201  
Rockledge, FL 32955**



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2310861  
 Owners MARKET TAMPA INVESTMENTS LLC; TRUSTEE  
 Mailing Address 4907 N FLORIDA AVE TAMPA FL 33603  
 Site Address Not Assigned  
 Parcel ID 23-35-24-00-3  
 Property Use 9909 - VACANT RESIDENTIAL LAND (SINGLE-FAMILY, UNPLATTED)  
 Exemptions None  
 Taxing District 1900 - UNINCORP DISTRICT 1  
 Total Acres 50.64  
 Subdivision --  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 0000/0000  
 Land Description G.L. 1 E OF R.R. & SE 1/4 E OF R.R. AS DESC IN ORB 2707 PG 2732, ORB 2974 PG 194 PARS 759 & 760

## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$117,430	\$117,430	\$117,430
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$117,430	\$117,430	\$117,430
Assessed Value School	\$117,430	\$117,430	\$117,430
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$117,430	\$117,430	\$117,430
Taxable Value School	\$117,430	\$117,430	\$117,430

## SALES/TRANSFERS

Date	Price	Type	Deed
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
06/22/2006	\$625,000	WD	5664/6863
08/16/1988	--	QC	2934/0955
09/15/1986	\$163,500	WD	2736/2288
08/01/1975	--	--	1550/0279

No Data Found



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2310971  
 Owners MARKET TAMPA INVESTMENTS LLC; TRUSTEE  
 Mailing Address PO BOX 9711 TAMPA FL 33674  
 Site Address 5971 CEDAR LAKE DR COCOA FL 32927  
 Parcel ID 23-35-24-00-756.9  
 Property Use 0010 - VACANT RESIDENTIAL LAND (SINGLE FAMILY, PLATTED)  
 Exemptions None  
 Taxing District 1900 - UNINCORP DISTRICT 1  
 Total Acres 0.50  
 Subdivision --  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 0000/0000  
 Land Description PT OF S 1/2 OF SE 1/4 E OF RR R/W AS DES IN ORB  
 2410 PG 65 A/K/A LOT 12 OF SB 4 PGS 53 & 78

## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$15,000	\$10,000	\$8,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$9,680	\$8,800	\$8,000
Assessed Value School	\$15,000	\$10,000	\$8,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$9,680	\$8,800	\$8,000
Taxable Value School	\$15,000	\$10,000	\$8,000

## SALES/TRANSFERS

Date	Price	Type	Deed
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
06/22/2006	\$625,000	WD	5664/6863
08/11/1988	--	QC	2934/0957
03/05/1985	--	QC	2583/1696
02/04/1983	--	WD	2410/0065

No Data Found



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2316173  
 Owners US HIGHWAY NO 1 COMMERCIAL LAND TRUST  
 Mailing Address 4907 N FLORIDA AVE TAMPA FL 33603  
 Site Address Not Assigned  
 Parcel ID 23-36-19-02-\*6  
 Property Use 1000 - VACANT COMMERCIAL LAND  
 Exemptions None  
 Taxing District 1900 - UNINCORP DISTRICT 1  
 Total Acres 6.89  
 Subdivision BURCHFIELD SB 1 PG 115  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 00-/-  
 Land Description PART OF LOT 6 AS DES IN DB 440 PG 584 EXC ORB  
 2746 PG 927, 3042 PG 4140, 4103 PG 3921



## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$30,320	\$30,320	\$30,320
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$30,320	\$30,320	\$30,320
Assessed Value School	\$30,320	\$30,320	\$30,320
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$30,320	\$30,320	\$30,320
Taxable Value School	\$30,320	\$30,320	\$30,320

## SALES/TRANSFERS

Date	Price	Type	Deed
08/24/2018	--	WD	8248/1966
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
08/22/2006	\$305,000	WD	5690/0714
06/02/2000	--	QC	4178/2102
05/28/1986	\$203,800	WD	2700/2815
06/24/1981	\$150,000	WD	2310/1684
01/01/1977	--	--	1697/0270

No Data Found



On motion of Commissioner Scarborough, seconded by Commissioner Senne, the following resolution was adopted by a 4:1 vote/ vote:

WHEREAS, SUPPORT INVESTMENTS, INC., a Florida Corporation Altman voting nay  
& COASTAL PROPERTIES, INC., a Florida Corporation

has/have applied for a change of classification from GU & TR-1 w/Binding Site Plan to RU-1-11 & removal of the Binding Site Plan  
on property described as SEE ATTACHED LEGAL DESCRIPTION

Section 24, Township 23 S, Range 35 E, 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 Planning and Zoning Board recommended that the application be approved subject to Binding Development Plan 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 subject to BDP recorded in ORB 3129, Pg. 1279,, now therefore, dated May 31, 1991

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU & TR-1 w/Binding Site Plan to RU-1-11 & removal of the Binding Site Plan

be approved subject to BDP recorded in ORB 3129, Pg. 1279, dated , and that the May 31, 1991  
zoning classification relating to the above described property be changed to RU-1-11 subject to BDP recorded in ORB 3129, Pg. 1279, dated May 31, 1991  
and the Planning and Zoning Director is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 31, 1991.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

ATTEST:

by SUE SCHMITT  
Chairman

R. C. WINSTEAD, JR., Clerk

by D.C.

(SEAL)

(Hearing - November 5, 1990 )

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.

**RESOLUTION NO. Z-11269**

On motion by Commissioner Pritchard, seconded by Commissioner Colon, the following resolution was adopted by a unanimous vote:

WHEREAS, COASTAL PROPERTIES, INC. AND COASTAL PROPERTIES

has/have applied for an amendment to an existing Binding Development Plan in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Tax Parcel 3, as recorded in ORB 2934, Pages 0955 & 0956 and ORB 2974, Pages 0194 through 0199, Public Records, Brevard County, Florida. **Section 24, Township 23, Range 35** on 50.64 acres. Located west of the western terminus of Clear View Drive.

Section 24, Township 23 S, Range 35 E, and,

WHEREAS, a public hearing of the Port St. John Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Port St. John Dependent Special District Board recommended that the application be approved for the amendments regarding aquifer recharge and regarding connection to Clearview Drive; and added a provision to state that there will be no additional access to Vineland Street. Amendments regarding transfer of units and change to disposition of Lot 12 were withdrawn by the applicant, and,

**WHEREAS**, the Board, after considering said application and the Port St. John Dependent Special District Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be Approved, with amended Binding Development Plan, regarding aquifer recharge and connection to Clearview Drive, and adding provision to state that there will be no additional access to Vineland St., now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested amendment to an existing Binding Development Plan be APPROVED, with amended Binding Development Plan, recorded in ORB 5683, Pages 0716 through 0720, dated August 9, 2006, regarding aquifer recharge and connection to Clearview Drive, and adding provision to state that there will be no additional access to Vineland Street., and that the zoning classification relating to the above described property remain unchanged, and the Planning & Zoning 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 August 9, 2006.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida  
As Approved by the Board on May 4, 2006.

ATTEST: ..

by

HELEN VOLTZ  
Chairman

SANDY CRAWFORD, CLERK

(SEAL)

(PSJ Hearing – March 8, 2006)

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.

1/2

IN THE CIRCUIT COURT OF THE 18TH  
JUDICIAL CIRCUIT, IN AND FOR  
BREVARD COUNTY, FLORIDA

CASE NO.: 2010 CA 026965

PNC, National Association, as Successor by  
Merger to NATIONAL CITY BANK, as  
successor by merger to HARBOR  
FEDERAL SAVINGS BANK,

Plaintiff,

v.

VINELAND ASSOCIATES, LLC, a Florida  
limited liability company, BRUCE JONES  
and SANDRA JONES,

Defendants.

SCOTT ELLIS  
2010 NOV 18 P 2:05  
FILED IN TVL-29  
CLERK OF CIR. CT.  
BREVARD CO. FL.

CERTIFICATE OF TITLE

THE UNDERSIGNED, SCOTT ELLIS, Clerk of the Court, hereby certifies that he  
executed and filed a Certificate of Sale in this action on November, 3 2010, for the property  
described herein, and that no objections to the sale have been filed within the time allowed for  
filing objections. The following described property in Brevard County, Florida:

Attached as Exhibit "1"

was sold to: PNC, National Association, as Successor by merger to  
National City Bank, as Successor by merger to Harbor Federal Savings Bank  
20 N. Orange Ave Suite 1108 Orlando FL 32801

WITNESS my hand and the Seal of the Court on November 18, 2010.



SCOTT ELLIS

By: 

Deputy Clerk



21a

**PARCEL 1:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East long said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

**PARCEL 2:**

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

**PARCEL 3:**

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

**PARCEL 4:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

**PARCEL 5:**

Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North 75° 10' 20" East, along said South line, a distance of 505.39 feet; thence South 14° 35' 25" East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South 80° 13' 23" West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2310652  
 Owners BRIGANTE, ZACHARY L; BRIGANTE, MELINDA S  
 Mailing Address 1101 VINELAND ST COCOA FL 32927  
 Site Address 1101 VINELAND ST COCOA FL 32927  
 Parcel ID 23-35-24-BE-1-30  
 Property Use 0110 - SINGLE FAMILY RESIDENCE  
 Exemptions HEX1 - HOMESTEAD FIRST  
 HEX2 - HOMESTEAD ADDITIONAL  
 Taxing District 1900 - UNINCORP DISTRICT 1  
 Total Acres 0.23  
 Subdivision PORT ST JOHN UNIT 1  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 0013/0126  
 Land Description PORT ST JOHN UNIT 1 LOT 30 BLK 1



## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$275,390	\$266,840	\$253,220
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$223,260	\$218,250	\$214,190
Assessed Value School	\$223,260	\$218,250	\$214,190
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$173,260	\$168,250	\$164,190
Taxable Value School	\$198,260	\$193,250	\$189,190

## SALES/TRANSFERS

Date	Price	Type	Deed
12/02/2016	\$235,000	WD	7768/0949
03/30/2004	\$29,900	WD	5249/3658
11/01/1992	\$7,200	TD	3253/2779
11/01/1991	--	PT	3160/3325
10/25/1985	\$12,000	WD	2585/1610
10/29/1984	--	WD	2580/1470
08/01/1973	\$1,100	--	1366/0794

## BUILDINGS

### PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials	Details
Exterior Wall:	STUCCO Year Built 2007
Frame:	MASNRCONC , WOOD FRAME Story Height 9
Roof:	ASPH/ASB SHNGL Floors 2
Roof Structure:	HIP/GABLE Residential Units 1
	Commercial Units 0

Sub-Areas	Extra Features
Base Area (1st)	2,444 No Data Found
Bonus Room	1,068

# What You Should Know About Home Appraisals

## Must-have information for buyers, sellers, and refinancers

By AMY FONTINELLE; Reviewed By JULIUS MANSA  
Updated Sep 30, 2020

### What Is a Home Appraisal?

An appraisal is an unbiased professional opinion of a home's value. Appraisals are almost always used in purchase-and-sale transactions and commonly used in refinance transactions. In a purchase-and-sale transaction, an appraisal is used to determine whether the home's contract price is appropriate given the home's condition, location, and features. In a refinance transaction, an appraisal assures the lender that it isn't handing the borrower more money than the home is worth.

....

### What You Should Know About Home Appraisals

#### The Appraisal Process and How Values Are Determined

Because the appraisal primarily protects the lender's interests, the lender will usually order the appraisal. An appraisal costs several hundred dollars and, generally, the borrower pays this fee.

....

A property's appraisal value is influenced by recent sales of similar properties and by current market trends. The home's amenities, the number of bedrooms and bathrooms, floor plan functionality, and square footage are also key factors in assessing the home's value. The appraiser must do a complete visual inspection of the interior and exterior and note any conditions that adversely affect the property's value, such as needed repairs.

Typically, appraisers use the Uniform Residential Appraisal Report from Fannie Mae for single-family homes. The report asks the appraiser to describe the interior and exterior of the property, the neighborhood, and nearby comparable sales. The appraiser then provides an analysis and conclusions about the property's value based on their observations.

The report must include:

- A street map showing the appraised property and comparable sales used
- An exterior building sketch
- An explanation of how the square footage was calculated
- Photographs of the home's front, back, and street scene
- Front exterior photographs of each comparable property used
- Other pertinent information—such as market sales data, public land records, and public tax records—that the appraiser requires to determine the property's fair market value

....

#### **Program Statute and Regulations:**

- Manufactured Housing Statute (42 USC Ch. 70)  
<https://www.hud.gov/sites/documents/USCODE2012TI.PDF>
- Manufactured Home Construction and Safety Standards (24 CFR Part 3280)  
<https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3280&rgn=div5>
- Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282)  
<https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3282&rgn=div5>
- Model Manufactured Home Installation Standards (24 CFR Part 3285) <https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3285&rgn=div5>
- Manufactured Home Installation Program (24 CFR Part 3286) <https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3286&rgn=div5>
- Manufactured Home Dispute Resolution Program (24 CFR Part 3288) <https://www.ecfr.gov/cgi-bin/text-idx?SID=0b58c3127a3837e303f3c2e6fe35f6ef&node=pt24.5.3288&rgn=div5>

- Sec.  
5413. Inspections and investigations for promulgation or enforcement of standards or execution of other duties.  
5414. Notification and correction of defects by manufacturer.  
5415. Certification by manufacturer of conformity of manufactured home with standards; form and placement of certification.  
5416. Consumer's manual; contents.  
5417. Effect upon antitrust laws.  
5418. Use of services, research and testing facilities of public agencies and independent laboratories.  
5419. Authority to collect fee.  
5420. Failure to report violations; penalties.  
5421. Prohibition on waiver of rights.  
5422. State enforcement.  
5423. Grants to States.  
5424. Rules and regulations.  
5425. Repealed.  
5426. Authorization of appropriations.

### § 5401. Findings and purposes

#### (a) Findings

Congress finds that—

(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

#### (b) Purposes

The purposes of this chapter are—

(1) to protect the quality, durability, safety, and affordability of manufactured homes;

(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.

(Pub. L. 93-383, title VI, § 602, Aug. 22, 1974, 88 Stat. 700; Pub. L. 96-399, title III, § 308(c)(4), Oct. 8, 1980, 94 Stat. 1641; Pub. L. 97-35, title III, § 339B(c), Aug. 13, 1981, 95 Stat. 417; Pub. L. 106-569, title VI, § 602, Dec. 27, 2000, 114 Stat. 2997.)

#### AMENDMENTS

2000—Pub. L. 106-569 amended section catchline and text generally. Prior to amendment, text read as follows:

"The Congress declares that the purposes of this chapter are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for manufactured homes and to authorize manufactured home safety research and development."

1980—Pub. L. 96-399 substituted "manufactured home" for "mobile home" wherever appearing.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, § 612, Dec. 27, 2000, 114 Stat. 3012, provided that: "The amendments made by this title [see Short Title of 2000 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 27, 2000], except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of the enactment."

#### EFFECTIVE DATE

Pub. L. 93-383, title VI, § 627, formerly § 628, Aug. 22, 1974, 88 Stat. 714, renumbered § 627, Pub. L. 106-569, title VI, § 611(2), Dec. 27, 2000, 114 Stat. 3012, provided that: "The provisions of this title [enacting this chapter and provisions set out as a note under this section] shall take effect upon the expiration of 180 days following the date of enactment of this title [Aug. 22, 1974]."

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, § 601(a), Dec. 27, 2000, 114 Stat. 2997, provided that: "This title [amending this section and sections 5402 to 5404, 5406, 5407, 5409, 5412 to 5415, 5419, 5422, and 5426 of this title, repealing section 5425 of this title, and enacting and amending provisions set out as notes under this section] may be cited as the 'Manufactured Housing Improvement Act of 2000'."

#### SHORT TITLE

Pub. L. 93-383, title VI, § 601, Aug. 22, 1974, 88 Stat. 700, as amended by Pub. L. 96-399, title III, § 308(c)(5), Oct. 8, 1980, 94 Stat. 1641, provided that: "This title [enacting this chapter and provisions set out as a note under this section] may be cited as the 'National Manufactured Housing Construction and Safety Standards Act of 1974'."

#### SAVINGS PROVISIONS

Pub. L. 106-569, title VI, § 613, Dec. 27, 2000, 114 Stat. 3012, provided that:

"(a) **STANDARDS AND REGULATIONS.**—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 [42 U.S.C. 5402]) and all regulations pertaining thereto in effect on the day before the date of the enactment of this Act [Dec. 27, 2000] shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title [42 U.S.C. 5403(a), (b)].

"(b) **CONTRACTS.**—Any contract awarded pursuant to a Request for Proposal issued before the date of the enactment of this Act [Dec. 27, 2000] shall remain in effect until the earlier of—

"(1) the expiration of the 2-year period beginning on the date of the enactment of this Act; or

"(2) the expiration of the contract term."

### § 5402. Definitions

As used in this chapter, the term—



(1) "manufactured home construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety;

(2) "retailer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale;

(3) "defect" includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended;

(4) "distributor" means any person engaged in the sale and distribution of manufactured homes for resale;

(5) "manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale;

(6) "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle;

(7) "Federal manufactured home construction and safety standard" means a reasonable standard for the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety;

(8) "manufactured home safety" means the performance of a manufactured home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(9) "imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury;

(10) "purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale;

(11) "Secretary" means the Secretary of Housing and Urban Development;

(12) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

(13) "United States district courts" means the Federal district courts of the United States and the United States courts of the

Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

(14) "administering organization" means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

(15) "consensus committee" means the committee established under section 5403(a)(3) of this title;

(16) "consensus standards development process" means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

(17) "primary inspection agency" means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

(18) "design approval primary inspection agency" means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

(19) "installation standards" means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

(20) "monitoring" means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 5422 of this title, in accordance with regulations promulgated under this chapter, giving due consideration to the recommendations of the consensus committee under section 5403(b) of this title, which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this chapter; and

(21) "production inspection primary inspection agency" means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.

(Pub. L. 93-383, title VI, § 603, Aug. 22, 1974, 88 Stat. 700; Pub. L. 96-399, title III, § 308(c)(4), (d), Oct. 8, 1980, 94 Stat. 1641; Pub. L. 97-35, title III, § 339B(c), Aug. 13, 1981, 95 Stat. 417; Pub. L. 105-276, title V, § 599A(a), Oct. 21, 1998, 112 Stat. 2660; Pub. L. 106-569, title VI, § 603(a), Dec. 27, 2000, 114 Stat. 2998.)

## **Sec. 62-1102, Brevard County Code, Definitions**

*Mobile home* means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. ch. 320, and is built on an integral chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. ch. 320. Further, all regulations contained in F.S. ch. 319 shall apply. If a mobile home is no longer eligible for a title certificate under F.S. ch. 319, the structure shall no longer be considered a mobile home. This definition does not include modular units defined as travel trailers in this section.

*Modular coach* means a modular unit residential building, either a mobile home as defined in F.S. ch. 320, or a modular factory-built mobile housing unit that falls under the jurisdiction of the state department of community affairs under the Housing Act of 1971. The unit may have parts and sections fabricated and assembled as a complete unit at a central plant and moved to a permanent site, or component parts may be fabricated in one area and assembled as a complete structure permanently upon a site. Units may have wheels and axles when transported to the site but are intended to remain permanent structures once located or assembled on a site.

*Modular factory-built home* means a modular unit residential building comprised of one or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is in substantial part constructed in central manufacturing facilities and bears the approval of the state department of community affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes as defined by F.S. ch. 320.

**F. S. 320.01 Definitions, general.**—As used in the Florida Statutes, except as otherwise provided, the term:

(2)(a) “Mobile home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch.

(b) “Manufactured home” means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.



Sec. 62-1402. - Single-family mobile home, TR-1 and TR-1-A.

The TR-1 and TR-1-A single-family mobile home zoning classifications encompass land devoted to single-family mobile homes.

(1) *Permitted uses.*

a. Permitted uses are as follows:

Single-family mobile home units.

Single-family detached dwelling units with minimum floor area of 600 square feet.

Foster homes.

Parks and public recreational facilities.

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

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

(4) *Minimum lot size.* Minimum lot size is as follows:

Classification	Lot size (square feet)	Lot width (feet)	Lot depth (feet)
TR-1	7,500	65	100
TR-1-A	5,000	50	100

(5) *Setbacks from property lines.*

a. Setbacks from property lines shall be as follows:

Classification	Front (feet)	Rear (feet)	Side (feet)
TR-1	25	20	7.5
TR-1-A	25	20	5

b. On a corner lot, the side street setback shall be not less than 15 feet, including accessory buildings. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet, including accessory buildings.

c. Detached accessory buildings shall be located to the rear of the front building line of the principal building or structure and shall be set back not less than seven and one-half feet (or five feet for the TR-1-A classification) from the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

(6) *Minimum living area.* Minimum living area is 600 square feet.

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

Existing

Sec. 62-1340. - Single-family residential, RU-1-13 and RU-1-11.

The RU-1-13 and RU-1-11 single-family residential zoning classifications encompass 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.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

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

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

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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

(4) *Minimum lot size.* An area of not less than 7,500 square feet is required, having a width of not less than 75 feet and having a depth of not less than 75 feet.

(5) *Setbacks.*

a. Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

c. The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

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

a. *RU-1-13:* 1,300 square feet of living area.

b. *RU-1-11:* 1,100 square feet of living area.

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

## Sec. 62-1341. - Single-family residential, RU-1-9.

The RU-1-9 single-family residential zoning 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.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

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

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

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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

(4) *Minimum lot size.* An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.

(5) *Setbacks.*

a. Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c. The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6) *Minimum floor area.* Minimum floor area is 900 square feet of living area.

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

(Code 1979, § 14-20.08(K); Ord. No. 95-47, §§ 22, 23, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 23—25, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-01, § 2, 1-

## Kim Rezanka

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**From:** Kim Rezanka  
**Sent:** Wednesday, February 10, 2021 2:26 PM  
**To:** Kim Rezanka  
**Subject:** FW: Encroachment on the Cocoa Property

----- Forwarded Message -----

**Subject:** Encroachment on the Cocoa Property

**Date:** Wed, 10 Feb 2021 13:46:30 -0500

**From:** Justin Savich <[justin@simplicityfunding.com](mailto:justin@simplicityfunding.com)>

**To:** [zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)

**CC:** Nick Dottore Cocoa Beach 58 Acre Buyer <[sales@homeinnow.com](mailto:sales@homeinnow.com)>, Angela Brasier Balzer Assistant  
<[manager@simplicityfunding.com](mailto:manager@simplicityfunding.com)>

Zack,

I would like to remind you of our previous discussion that we have had many times over the last few years. After a recent walk of the property perimeter, your fence and back yard are still encroaching on our property. I understand that you have asked many times to purchase a portion of our property to expand your backyard to have more space, but I have no interest in breaking the parcel up. We demand that you respectfully remove your belongings and fence from our property immediately.

Thank you,

**Justin Savich**

Founder/CEO



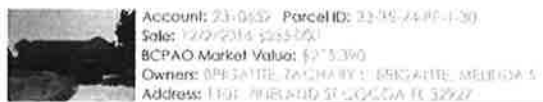
4907 N. Florida Avenue | Tampa, FL 33603 | 813-299-3240

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**\*\*Please be sure to copy in Angela if; your email includes critical information and/or attachments that need to be returned in a timely manner. She uploads all new documents to our database, prepares all documents for signatures and/or notary. Please note when searching for our communication, most documents will be returned to you from [manager@simplicityfunding.com](mailto:manager@simplicityfunding.com). Feel free to text or call Angela 727-400-7295 with anything urgent.**

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Accounts: 23-0652 Parcel ID: 32-09-24-00-1-00  
Sale: 12/2/2014 \$255,000  
BCPAO Market Value: \$275,000  
Owners: BRIGITTE ZACHARY; BRIGITTE MELISSA  
Address: 1101 WILKINS ST GADSDEN AL 36037

[Zoom](#) | [Clear](#) | [Details](#) | [EagleView](#) | [Hide Info](#)

[BCPAO](#) Dana Blackley, CFA, Stovall County Property Appraiser | [Instructions](#) | [Disclaimer](#)

<https://www.bcpao.us/map/?r=2310652>



**Sec. 62-1151. - Amendments to official zoning map—Amendments initiated by property owner.**

- (a) *Application; fee.* Any owner of real property may file an application for an amendment to the official zoning map to designate the particular real property a different zoning classification or conditional use from the use designated on the official zoning map under the provisions of this section. The application may be accompanied by a fee established from time to time by the board of county commissioners, and shall contain the following information and documents:

- (1) The name of the owner of the particular real property.

.....

- (7) All commercial and industrial rezoning requests shall include a certified wetlands delineation and habitat description to be provided by the applicant or their designee. If the county natural resources management office, utilizing the best available data including, but not limited to, the National Wetland Inventory Maps, aerial photographs and the Brevard County Soil Survey, determines that no wetlands exist on-site, a waiver of such delineation requirements may be granted from that office. If a wetland delineation is required, it shall be performed by an environmental professional while utilizing the Florida Land Use, Cover and Forms Classification System (FLUCCS) to describe the wetland habitat on site.

*Environmental professional* An individual with at least two years of experience in describing on-site environmental conditions and habitat types. Said individual shall also provide proof of completion of a USCOE wetlands delineation or equivalent course. A thorough knowledge of the following publications and issue areas including, but not limited to, the Florida Wetland Delineation Manual, Brevard County Soil Survey, plant identification, surface water classification, floodplain delineation, and listed species identification is required.

.....

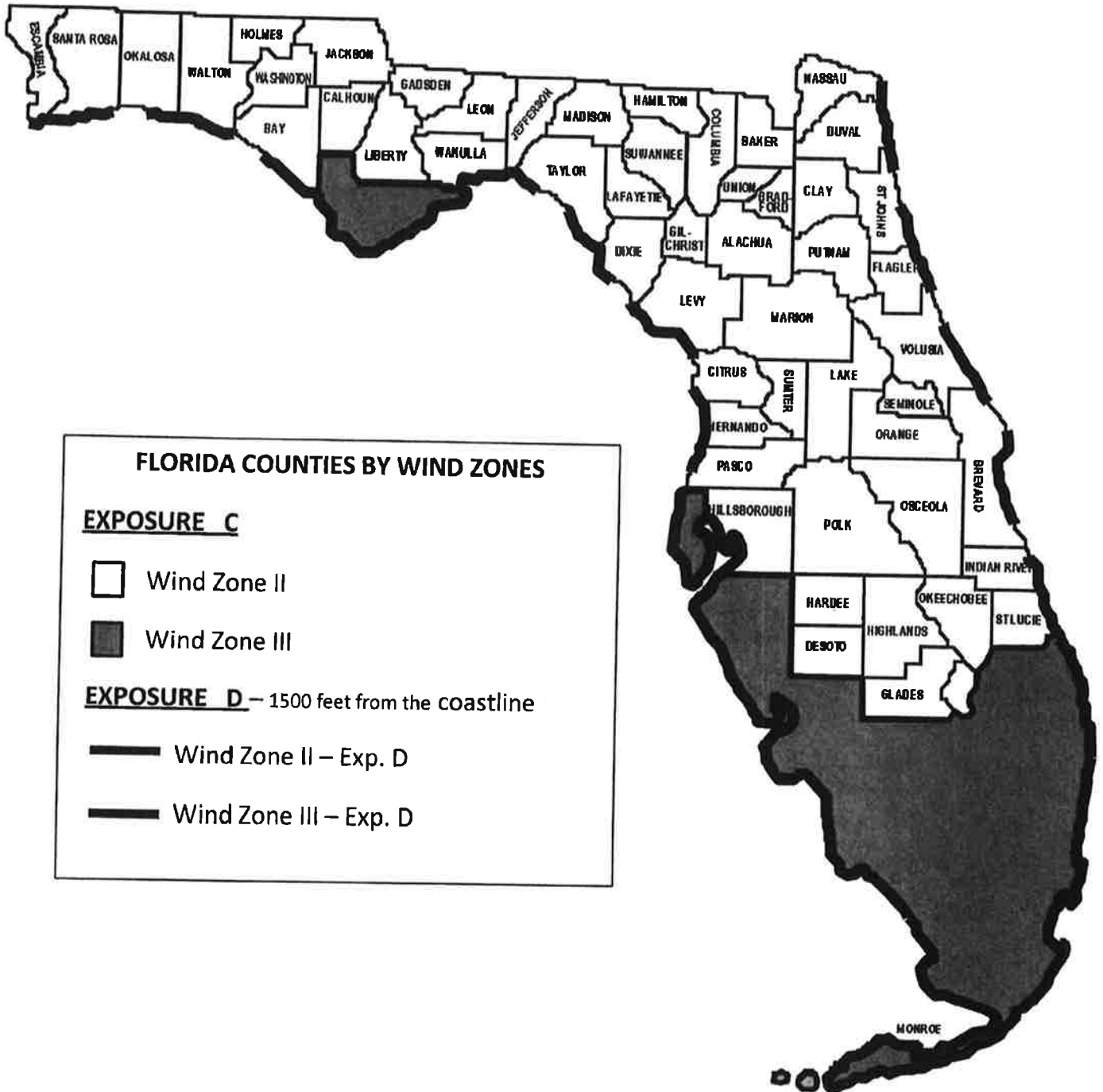
- (c) *Conduct of hearing before planning and zoning board; recommendation of approval or denial.* At the designated public hearing, the planning and zoning board shall hear the applicant on the proposed amendment to the official zoning maps, and shall hear members of the general public. The planning and zoning board shall have the power to establish such rules of procedure for the orderly conduct of the public hearing as the circumstances of the consideration of each application warrant. During the public hearing, the applicant may be present in person and by counsel, and the applicant has the right to present evidence in support of his position and to cross examine adverse witnesses whose testimony is offered at the hearing. 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.

.....

**Exhibit:**





**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

[D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov)

Planning and Development  
Commission Meeting March 23, 2021  
5971 Cedar Lake Drive - 20Z00036

Commissioner Pritchett spoke with Mr. Zach Brigante in her office regarding the above item on March 12, 2021. The Commissioner listened to his concerns regarding the zoning item.



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

[D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov)

Planning and Development  
Commission Meeting March 23, 2021  
5971 Cedar Lake Drive - 20Z00036

Commissioner Pritchett spoke with Mr. Thomas Mac Farlane in her office regarding the above item on March 15, 2021. The Commissioner listened to his concerns regarding the zoning item. Mr. Mac Farlane handed the Commissioner a letter with his thoughts on the project. Our office has attached the letter to this disclosure.

### My Thoughts On the PSJ Rezoning Request

We had our home built at 1099 Vineland St., Port St John in 1976. My contractor told me that the property behind ours was set aside for 'block homes'. That was true at the time and I based my decision to build there because of the county's binding development plan. The last time that this section was up for rezoning, it was disapproved because the developer's plan did not meet the county's requirements. The developer must prove compatibility. Yes they have the right to develop their land but we do not want the county's current Binding Development Plan changed to accommodate the land owner. His request for rezoning will have serious negative impact on the homes along Vineland Street in Port St. John. This was a primary concern of mine when I contracted a local builder to place our new home on Vineland St. I was assured that only similar homes can be built on the adjoining property.

The developer's attorney seemed to make comparisons to homes in Clearview and not Port St John which are clearly not the same thing. What they say now about their planned structures means little. Once they get the rezoning that they want they can change their minds and their plans.

In regard to their attorney's claim that the "Vineland" home owners are biased against the future residents of this development; that is completely false. We are not biased against the people, only biased against the type of structures that will be there. Our home owners have invested too much of their lives, as well as their time and money into their homes to see them drop in value.

Someone representing the developer stated that the residents along Vineland Street (in PSJ) are used to sitting around on their back porches or backyards and don't want neighbors behind them. Again, it is not people that are objectionable; it is only about incompatible structures. Their attorney's attempt at making their structures compatible with PSJ's block homes is almost laughable. "Can they actually believe they can compare their structures with my neighbor's home appraised at over \$400,000 or my home of 32 hundred sq. ft.?"

The development's attorney, talking about the emails sent to county commissioners, that some of these people live several miles away. Well, my son is one of these people and he will eventually live in my house and he is very concerned. I have not the slightest doubt that anyone considering buying my house, after this development is built, would no longer be interested in buying. The structures the developer plans to build are not compatible with the adjoining properties nor is it in keeping with the Binding Development Plan laid out by the county.

Finally, is there anything else I should be researching that might be of help to you?

Whoops!!! One more thing... at the recent meeting in the commission room, why was there a 3 minute limit for public comment?

**From:** [jamie.moran](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** ID# 20Z00036  
**Date:** Saturday, January 16, 2021 3:36:44 AM

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

Hello. My name is Jamie Moran. I'm a homeowner on Vineland st. In cocoa (port st. John). I have received correspondence from the Brevard County Board of County Commissioners planning & development department concerning a request to change of zoning for property within 500 feet of mine. I am concerned with the possibility that this request will be granted for a few reasons. Firstly, when I purchased my home it was advertised that the wooded area behind my home would remain nearly indefinitely because it was Florida scrub Jay habitat. As many of us know, that is a threatened bird species that has it's highest populations in Brevard county. How can land be razed and built upon if it will destroy such habitat? My other concern is that the owner's of said property want the zoning classification changed to TR-1. I'm no expert, but quick research into home and land values show that mobile homes are valued much less than single family homes, which is what lines my street. Will having a mobile home park in such close proximity lower our property values? My last concern is the possibility of increased crime rates and/or noise issues by adding up to the BDP of 200 units. I'd imagine that many of those units would house more than one individual. With that many individuals added to our surrounding neighborhood, there is a possibility that the area will have increased noise as well as increased crime. Unfortunately there are crime occurrences in every population, but the probability percentage increases as the population does. Hopefully if this change in zoning is approved, my fears will turn out unfounded. Thank you taking the time to read my e-mail. I am unable to attend any of the public hearings due to work as a nightshift nurse, as well as increased work hours due to the pandemic. Jamie Moran.

(321)795-0007

Sent from Yahoo Mail on Android

**From:** [Jamia Q Brogan](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** ID #20Z00036 Adjacent homeowner comments  
**Date:** Monday, January 18, 2021 8:48:29 AM

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

Jennifer,

I am the home owner at 1109 Vineland Rd. I am not able to make the in person meetings so I am emailing you regarding the requested zoning change.

I am NOT for it. We do not need any more manufactured home communities. It will decrease property values in the surrounding area including my property. I am not opposed to development. They can have condos, townhomes, patio homes, single family homes, anything but mobile homes. Mobile homes deteriorate over time and generally become an eyesore. They are susceptible to more damage than other types of home during hurricanes and other strong storms. We don't need them. We need solid housing. Condos, townhomes, and single family homes. Also, we don't want to remove the BU-1 General zoning. It is good to have General Retail near communities. A vast area of mobile homes is VERY undesirable and I am opposed to the requested zoning change.

Jamia Q Brogan  
321-749-9928 (voice, text or vm)  
[Jamia@JamiaQ.com](mailto:Jamia@JamiaQ.com)  
"In Service to Others"

**From:** Zac Brigante  
**To:** Jones, Jennifer  
**Cc:** Pritchett, Rita  
**Subject:** Rezoning Hearing for PSJ Property  
**Date:** Wednesday, January 6, 2021 8:06:41 PM

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

Hello Jennifer. I hope you are doing well. I am writing you to ask that the next meeting remain in Port St. John. This is about our community and would not be a fair representation if the meeting was moved to Viera. This needs to be at a local facility that can safely hold the large amount of people who are opposed to this ridiculous rezoning request. The overwhelming number of opposition hopefully will persevere and the county will do what is right with this previously protected property.

My home backs up to this property and the reason we purchased it was because we knew the protected species on this land would prevent development. The owner of the land, Justin Savich and Market Tampa Investments know this as well. I have had many conversations with him in person when he drove a land clearing forestry mulcher machine through the property and also via text. The company prides themselves on buying land very cheap that have known developmental barriers and endangered habitats and bully their way into rezoning and thus adding value to their "underpriced purchase". This company has no interest in the habitats of protected wildlife and I witnessed that first hand in July/August 2018 when he bulldozed huge paths throughout the property saying he was going to get a survey. I know 100% there are Scrub Jays, Gopher Tortoises and Indigo Snakes. I see 2/3 of them daily and Indigos every couple of months.

I also ask that the committee board members come to the next meeting with a better attitude towards the citizens of the community they are serving. I am a long time resident and I was embarrassed by the degrading demeanor and unprofessional attitude displayed by much of the board. I look forward to hearing from you.

Have a great evening,

**Zac Brigante**  
Healthcare Consultant-Director  
**Floyd Lee Locums**  
direct: 843.970.2843  
mobile: 321.794.7459  
[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)  
[www.floydleelocums.com](http://www.floydleelocums.com)

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**From:** [Zac Brigante](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#)  
**Subject:** Rezoning of property in PSJ  
**Date:** Tuesday, February 9, 2021 4:03:24 PM

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

Hello Jennifer and Rita, I hope you are both doing well. I am writing you both as a concerned long time resident of Port St. John (1986).

When we purchased our current house in 2016 I did a lot of research to ensure the property behind my house was not buildable. This is a well-known and documented scrub jay habitat, wetlands, hardwoods, owls, Gophers, Indigos etc. My family and neighbors are highly disappointed that this developer has the potential power to purchase non buildable land cheap and have codes changed to satisfy the needs of their development. Please let me know what can be done to stop this from happening. Especially when there are many years of documented meetings and regulations in place for a reason. I am no zoning expert, but all of these documents on record I have reviewed prior to purchasing my home. Now to find out they want to put 200 mobile homes within 40 feet of my back porch is extremely upsetting.

If there is no compromise and this is ultimately passed, I please ask that it be regular construction single family homes on larger lots and a much larger buffer go around the property particular the side that touches Vineland, which this will affect the value the most. My home on Vineland street was recently appraised at \$368,000 last week and I promise you if there are mobile homes in the back yard that my equity will decrease significantly. This is not the ideal result, but if there is no chance of stopping it I would like to atleast see a compromise. A buffer of 75-100 feet will also help preserve much of the natural habitat and allow some species to remain. Yes this will lower the amount of homes, but will appease most of the concern. The residents of Cedar Lake are concerned with the extra traffic and the residents of Vineland are concerned with Mobile homes in their back yards.

I understand that with enough money the "protected species" can be relocated, but what I am having the most difficult time with is understanding how I purchased my house with the certainty that the property was previously deemed protected. I am all for growth and progress, but this negatively impacts every single house in Port St. John.

I feel that the community showed their support back in January when they had to reschedule to meeting due to too many residents showing up. One of the board members said this was the largest turnout they have had in years. Now that this has been relocated to Viera I am concerned less people will be able to have a voice.

Thank you for your time and thank you for serving the residents of PSJ. I understand you have a job

that is often thankless, but I am certain you will do what is right in this case for the residents you represent.

Have a great day!

**Zac Brigante**

Director of Concierge and Engagement

**Floyd Lee Locums**

direct: 843.970.2843

mobile: 321.794.7459

[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)

[www.floydleelocums.com](http://www.floydleelocums.com)

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Objection  
20Z00036  
Cedar Lake

**From:** [Janet Carmello](#)  
**To:** [Commissioner, D1](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** ID 20Z00036 Port St. John Dependent Special District Board - February 10, 2021  
**Date:** Tuesday, February 9, 2021 6:31:20 PM

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

Hello

Due to prior commitments I will be unable to attend the meeting on February 10 2021. I am a homeowner in Port St John for almost 20 years. We do not need or want rent to own mobile homes in our area. This will have a negative effect on our property values and I very concerned. There are many other areas in the county that already have these type of developments and another one so close to single family home neighborhood will not be good for our area.

Thank you Janet Carmello  
6910 Kaylor Ave  
Port St John, FL 32927

**From:** [Deanna Gregory](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** Development Concerns  
**Date:** Tuesday, February 9, 2021 7:00:13 PM

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

Jennifer and Rita,

Good evening, and thank you for taking the time to read this. I'm writing to you today as a life-long resident of Port St. John, who is very concerned about the current situation.

I have lived on Vineland Street for all 20 years I have been on this earth, and for all 20 years a tract of land behind us has been documented scrub jay, owl, gopher tortoise, indigo, hardwood, and other endangered species habitat as well as known wetlands. I, my family, and almost all of my neighbors on our side of the street are incredibly disheartened by the proposed zone changes and development, as well as the fact that this zone change is only being proposed so the developer can build on unbuildable land. I ask you to please share any information you might have on preventing this from coming to pass. The specific zoning and restrictions for the area behind us are in place for good reasons. Having such critical habitat threatened by overdevelopment not even a hundred feet away from my backyard is a deeply upsetting reality I and those dear to me have had to confront.

If there is truly nothing that can be done, or even a compromise that can be reached and the changes do in fact come to pass, I am please asking that the construction is modified to single family homes on larger lots, with a much bigger buffer going around the property on the side that touches Vineland. Property values for those of us living on Vineland adjacent to the area will decrease greatly with a lot of mobile homes right on top of us. A larger buffer will not only preserve much of the habitat at risk, but also help preserve at least a solid handful of the species living on it. While this will ultimately lower the amount of homes they are able to build, it will help address many of the concerns being voiced. The residents of Cedar Lake Drive, in particular, are greatly worried by the dramatic increase in traffic that a large amount of homes will bring, while those of us on Vineland are concerned for the above reasons.

It has come to my attention that the developer is aiming to simply move the protected species, and certainly with enough funds they can attempt to do so, but it is my understanding that a tract of land is deemed "protected" in order to exist as a haven for all that lives on it. As important as growth can be, this development will only be detrimental to the people currently living here and the natural land on which such development has been proposed.

I feel in my heart that the community has shown an outpouring of support against the proposed changes, as seen in January when the community board had to reschedule the meeting as a result of too many residents showing up to be properly seated in the venue they had chosen. I am worried, however, that as a result of the new venue being in Viera, that not as many people will be able to come and have their voices heard. The location, while certainly larger, is not wholly accessible for the many aging members of the affected community.

Thank you once again for reading, and thank you for all you do in service to the people of Port

St. John. It is my hope, and my belief, that you will do what is right in this particular situation for the residents whom you represent.

I hope you have a safe and lovely evening,

Deanna Gregory



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [Rachel Gregory](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** Development concerns 20z00036  
**Date:** Tuesday, February 9, 2021 7:09:08 PM

---

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

Hello Jennifer and Rita, I hope this email finds you well. I'm writing to you today as a concerned resident of Port St. John.

I've lived in this area since I was six years old, my family and I moved here back in 2000 when my sister was born. For most of my life the woods behind our house have always held a special place in my heart. I grew up watching gopher tortoises traverse our backyard and scrub-jays play. I even saw my first owl perched on one of the dead trees beyond our fence. This slice of land taught me so much of Florida's native wildlife, so to find out that this land (which my mother told me was not buildable) is in the works for development was extremely disheartening. In speaking with my neighbors I have found that they, like my own family, feel the same.

Before emailing you, I chose to do a bit of research about the land behind my house and found that this area is a well-known and documented area, for not just the couple endangered species I listed previously, but wetlands, hardwoods, Indigos, etc. I believe what is most disheartening is that this developer has the potential power to change non-buildable lands, codes, in order to satisfy the needs of their development. If there is anything that can be done to stop this from happening please let me know. When my parents purchased this house back in 2000 my mother said it was perfect for a couple reasons, one being that there was no one behind us; just woods. Now, to find out they want to build 200 mobile homes back there within at least 40 feet of my home is deeply upsetting.

Not only do I have great concern about our native wildlife but my family's property as well. Recently I have been shopping the area for already existing residences as I'm coming to the point of moving out of my family's home. For kicks I looked up my home and found out the property is estimated at 200,000 unfortunately I know that value will go down if mobile homes are put behind my house.

While ideally I'd like to see this project stopped, if there's no possibility of this happening I would like to see a compromise. I believe a buffer of at least 75-100 feet would help preserve much of the natural habitat and allow at least some species to remain. While I understand that this will lower the amount of homes allowed but it appeases many of the concerns held. I would also ask that instead of mobile homes for

the homes to be regular construction single family homes on larger plots. It's my understanding that my neighbors (on Vineland) are concerned with mobile homes being back up to their property and the residents of Cedar Lake are concerned with the high traffic this development will produce.

I understand progress, it happens every day and we watch it launch from our backyards at least once a month; it's even my dream to be a part of it! I think the problem I am having however is understanding that a property once deemed protected can suddenly not be. Progress is important, but I still feel we should be mindful of the environment we call home.

I feel that this negatively impacts everyone in Port St. John and I believe that's why there was such a great mass of people at the meeting on January 6th; so much so that they had to postpone due to the sudden high risk of Covid. However, with the relocation to Viera I feel that many people will not be able to attend and their voices will not be heard.

Thank you for your time. I understand what you do is often thankless, but I am positive you will do what's right for the residents you represent here in PSJ, and the environment we live on.

I hope you have a wonderful day,

Rachel Gregory



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Objection  
20Z00036  
Cedar Lake

**From:** Daneen Cody  
**To:** Jones, Jennifer  
**Subject:** Objection to land development near Port St John Fl  
**Date:** Tuesday, February 9, 2021 9:50:45 PM

---

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

Ms. Jones,

My name is Daneen Cody, and I am writing on behalf of my mother who lives in Port St. John near US1 and Winn Dixie. I understand that there is discussion to develop the land that is behind her.

My mother has been there for 47 years, that is the home my sister and I grew up in. For many years my mother, father and sister and I shared many a long conversation in our back yard, enjoying all the wildlife and natural beauty that has been preserved. We have enjoyed seeing the endangered species have a place to call home. My mother and her neighbors have all enjoyed this area that has been preserved. My request is that you reconsider developing on this land that is a home to many natural species and a pleasure to the humans that enjoy what is within. Keep what little land that is left for those who were here before us. Thank you for your time.

Sincerely, Daneen Cody

Sent from my iPhone

Sent from my iPhone



Objection  
20Z00036  
Cedar Lake

**From:** Jose  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Fwd: Rezoning 20Z00036  
**Date:** Wednesday, February 10, 2021 2:18:33 PM

---

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

Good afternoon Rita,

I tried to get the developer related to 20Z00036 to let us have our own environmental Survey and we got declined.

Below are a few views from the Atlantic environmental that question if this is for everyone or just who is paying the bills for them.

I have attached the email from Kim Rezanka on my request for permission to be on the property to have a survey done.

\*\*\*\*\*

Second paragraph of the About us page

Atlantic Environmental's ecologists have extensive experience assisting clients through the various permitting and compliance processes at local, state and federal levels.

We have established a strong reputation for integrity and reliability. Our goal is to develop effective permitting and mitigation strategies and solutions that successfully

address the concerns and responsibilities of both developers and environmental regulators. Our experience and expertise allow us to accomplish this goal in a cost-effective

and expeditious manner that results in greater profitability for our clients.

Home Page

a better built environment:

for your business

for your family

for our future

\*\*\*Email from Kim declining our survey request\*\*\*

**From:** Kim Rezanka <[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)>

**Date:** February 10, 2021 at 11:08:38 AM EST

**To:** [jcadiz4595@gmail.com](mailto:jcadiz4595@gmail.com)

**Cc:** "Jones, Jennifer" <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>, "Rita Pritchett (DLCommissioner@BrevardFL.gov)" <[dl.commissioner@brevardfl.gov](mailto:dl.commissioner@brevardfl.gov)>

**Subject:** Cedar Lake Drive Project (20Z-0036)

Mr. Cadiz,

Thank you for your inquiry to this office as to whether the developer would allow you to conduct your own environmental study on the 58 acres that the new subdivision will encompass. We understand you live on Vineland Street and have concerns regarding the impact to the environment based upon this proposed development.

I have spoken to the developer of the Project, and he has hired a reputable and respected environmental engineering company, Atlantic Environmental, who is conducting in-depth studies and surveys of the Property, as required by the County and other permitting agencies. The developer will be providing those surveys and studies to the County and you will be able to receive copies.

He respectfully declines your request to conduct your own survey due to liability concerns.

Sincerely,

Kimberly B. Rezanka

Partner

1290 US Highway 1, Suite 201

Rockledge, FL 32955

Office 321.608.0892

[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)

<https://www.laceyandlyons.com/>

Objection  
20Z00036  
Cedar Lake

**From:** Aim Young  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** ID# 20Z00036  
**Date:** Wednesday, February 10, 2021 5:22:49 PM

---

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

I understand that there is a meeting tonight regarding the addition of a 200 unit mobile home park in Port St John. As a home owner and tax payer in Port St John, I am against this development and ask that the land NOT be used for Mobile Homes.

Respectfully,

Amy M. Young  
5403 Holden Road  
Cocoa, FL 32927  
(330) 690-6627

Objection  
20Z00036  
Cedar Lake

**From:** [Brandon Grimshaw](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** Rezoning PSJ Mobile Home Park  
**Date:** Thursday, February 11, 2021 2:33:08 PM

---

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

Hi Commissioner Pritchett,

With real estate interest in PSJ I oppose the plan to build a low income mobile home rental development. I have property in PSJ that will be negatively impacted by this. Property values will significantly decrease.

Thank you,

Brandon Grimshaw

907-887-6146

Objection  
20Z00036  
Cedar Lake

**From:** Jose  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Fwd: Rezoning 20Z00036  
**Date:** Wednesday, February 10, 2021 2:18:33 PM

---

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**Date:** February 10, 2021 at 11:08:38 AM EST

**To:** [jcadiz4595@gmail.com](mailto:jcadiz4595@gmail.com)

**Cc:** "Jones, Jennifer" <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>, "Rita Pritchett (DLCommissioner@BrevardFL.gov)" <[dl.commissioner@brevardfl.gov](mailto:dl.commissioner@brevardfl.gov)>

**Subject:** Cedar Lake Drive Project (20Z-0036)

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He respectfully declines your request to conduct your own survey due to liability concerns.

Sincerely,

Kimberly B. Rezanka

Partner

1290 US Highway 1, Suite 201

Rockledge, FL 32955

Office 321.608.0892

[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)

<https://www.laceyandlyons.com/>

Objection  
20Z00036  
Cedar Lake

**From:** [Amy Young](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** ID# 20Z00036  
**Date:** Wednesday, February 10, 2021 5:22:49 PM

---

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

I understand that there is a meeting tonight regarding the addition of a 200 unit mobile home park in Port St John. As a home owner and tax payer in Port St John, I am against this development and ask that the land NOT be used for Mobile Homes.

Respectfully,

Amy M. Young  
5403 Holden Road  
Cocoa, FL 32927  
(330) 690-6627

Objection  
20Z00036  
Cedar Lake

**From:** Brandon Grimshaw  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Rezoning PSJ Mobile Home Park  
**Date:** Thursday, February 11, 2021 2:33:08 PM

---

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

Hi Commissioner Pritchett,

With real estate interest in PSJ I oppose the plan to build a low income mobile home rental development. I have property in PSJ that will be negatively impacted by this. Property values will significantly decrease.

Thank you,

Brandon Grimshaw

907-887-6146



Objection  
20Z00036  
Cedar Lake

**From:** Brandon Grimshaw  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Rezoning PSJ Mobile Home Park  
**Date:** Thursday, February 11, 2021 2:33:08 PM

---

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

Hi Commissioner Pritchett,

With real estate interest in PSJ I oppose the plan to build a low income mobile home rental development. I have property in PSJ that will be negatively impacted by this. Property values will significantly decrease.

Thank you,

Brandon Grimshaw

907-887-6146

Objection  
20Z00036  
Cedar Lake

**From:** [Wanda Wingo](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** proposed zoning change, port saint john  
**Date:** Sunday, February 21, 2021 11:57:11 AM

---

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

I have lived on Vineland Street in Port Saint John since 1974. I received notice of a proposed zoning change from RU-1-11 to TR-1 which butts up to my property on the south. There are many reasons why we in the area are vehemently opposed to this zoning change and one that tops the list is that this property is Gopher Tortoise habitat, which is a protected species. Rules & Regulations states, "It is against the law to kill, harass or destroy gopher tortoises..."

We in the area are just ordinary hard-working people who appreciate this little wooded space that allows us to breathe free away from the maddening crowd! I hope you will add me to the list of others who have contacted you regarding the stopping of the proposed change. I know "it's all about the money" and whoever has the most will get his way, no matter how many people will be negatively affected but we in the area are strongly opposed to this requested change.

Please stop this request and let us and the Gopher Tortoises rest in peace...Wanda Wingo, 321-632-6554.

Sent from [Mail](#) for Windows 10

Objection  
20Z00036  
Cedar Lake

**From:** Deb Smith  
**To:** Jones, Jennifer  
**Subject:** ID# 20Z00036  
**Date:** Saturday, February 27, 2021 8:39:57 PM

---

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

Regarding changing the zoning on this property from single family residential with a BDP to single family mobile home, and allowing the creation of a 200 unit single wide low income rental mobile home park will seriously degrade the value of the residential homes in the area. I can't believe this is actually being considered.

In addition to the serious degradation of property values, the majority of this property is scrub jay habitat as well.

I hope that you support the residents of this area of Brevard County and vote NO to this zoning request change.

Thank you,  
Deborah J Smith  
6485 Orchid Ave  
Port St John 32927

Sent from [Mail](#) for Windows 10

**From:** Amanda Fadely  
**To:** Jones, Jennifer; Pritchett, Rita  
**Subject:** PSJ Mobile Homes  
**Date:** Tuesday, March 2, 2021 10:09:53 AM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new Mobil home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Thank you,

Amanda Fadely  
Launch Mission Manager, SpaceX  
Port St John Resident  
Mother and Grandmother of other Port St John Residents

**From:** [devonee.raffaele](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** Attempting to rezone the property behind Winn Dixie to be approved for 200 low-income rental single wide mobile homes  
**Date:** Tuesday, March 2, 2021 10:26:23 AM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Devonee R.

Objection  
20Z00036  
Cedar Lake

**From:** Rhonda Ramseyer  
**To:** Jones, Jennifer; rita.prichett@brevardfl.gov  
**Subject:** Port St John trailer park  
**Date:** Tuesday, March 2, 2021 10:28:07 AM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Rhonda Ramseyer

Sent from my iPhone

**From:** Judith Dry  
**To:** Jones, Jennifer  
**Subject:** Proposed development in Port St John ID# 20Z00036  
**Date:** Tuesday, March 2, 2021 11:05:56 AM

---

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

Dear Ms. Jones

I am writing to ask you to vote against the proposed development of the land behind Winn Dixie in Port St John.

I am a long time resident of this town. I have a daughter and her family that live on Vineland St. I am very concerned for their safety if such a development goes through.

You know of the protected species that inhabit that land. It is not supposed to be developed. I have seen the scrub jays and turtles when they have come into their yard.

I am also concerned with property values in our town declining from this proposed development.

Thank you for your consideration.

Judith Dry

Sent from my iPhone

Objection  
20Z00036  
Cedar Lake

**From:** [Rose King](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Zoning  
**Date:** Tuesday, March 2, 2021 11:11:51 AM

---

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

Dear Jennifer Jones

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the "protected species" that live here, and the impact to their environment, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Rose King  
PSJ resident  
352-816-4049  
reference ID# 20Z0003



**From:** Shelly Hoppe  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** REF. ID# 20Z00036  
**Date:** Tuesday, March 2, 2021 11:14:00 AM

---

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

All,

I am against this happening . This land is a known habitat for many species including Gopher tortoise, Scrub Jays, Indigo snakes, owls, eagles.

This development will negatively impact much of Port St. John's property values. These mobile homes will literally be in their back doors. Why not clean up the already dozen or so low income trailer parks that exist already!!! Please don't do this to Port St John.

Thank you,  
Shelly Hoppe

Objection  
20Z00036  
Cedar Lake

**From:** Jennifer Wielepski  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Objection to proposed rezone- reference ID# 20Z00036!  
**Date:** Tuesday, March 2, 2021 11:55:37 AM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people and to take value that we have worked so hard for us not in the best interest of our community!

This land is a known habitat for many species including Gopher tortoise, Scrub Jays, Indigo snakes, owls, eagles.

This development will negatively impact much of Port St. John's property values.

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Thank you,  
Jennifer Wielepski  
321-7952182  
6890 Bright Ave Cocoa, FL 32927

Sent from my iPhone

**From:** Andrew Weible  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Rezoning In Port St. John  
**Date:** Tuesday, March 2, 2021 12:54:02 PM

---

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

Hello commissioners,

In reference to 20Z00036, I am concerned about the negative impacts of the potential rezoning behind Vineland street. I'm a new home owner in Port St. John and I'm strongly opposing of this new rezoning! For one, this area is a habitat for protected species that live there. Secondly, I don't believe this is in the best interest of our community and will decrease our property values and bring about negative changes to our community.

Please hear your community and act appropriately!

Thank you for your time,

Andrew Weible

**From:** [Cathy Shinabarger](#)  
**To:** [Pritchett, Rita](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** Rezoning in Port St. John Reference ID# 20Z00036!  
**Date:** Tuesday, March 2, 2021 1:05:41 PM

---

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

I am concerned about the rezoning of the property behind Winn Dixie for low income rental single wide mobile homes.

It is a habitat for scrub jays, indigo snakes, gopher tortoises, owls, and eagles.

I have read that there is only going to be a 71/2 foot buffer between the mobile homes and Vineland Street. That is not enough.

I have lived in Port Saint John for over 28 years and I feel that this will bring down the property values of our homes that we have worked so hard for.

Please listen and help us protect our community.

Thank you

Christine Shinabarger

Sent from my iPad

Objection  
20Z00036  
Cedar Lake

**From:** [Megan McLaughlin](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** 20Z00036  
**Date:** Tuesday, March 2, 2021 1:19:46 PM

---

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

Dear Mrs. Jones,

I write this letter in petition to the proposed mobile home, low income rental property trying to come to Port St. John. I have been a long time resident of PSJ and can say with certainty we do not want, nor do we need, this type of development in Port St. John. This type of development is not consistent with the primary construction that PSJ is- single family residential homes.

200 low income, rental properties will do nothing good for this community. This will lower the value of our homes. The proposed development is asking for a buffer of only 7 1/2 feet between them and the existing residences on Vineland St. That will virtually be what is in the backyard of these folks that bought property in this area.

I will leave you with this, what would you like done if this type of development was proposing popping up in your direct neighborhood? Have you looked at the crime rate tied directly to these types of developments? The Broadway area is a great example of what we don't want in our area! Colony Park in Merritt Island is another example. Please do not approve this development and allow PSJ to remain with the same type of development it has had all along, single family residential dwelling units, not mobile homes!

Regards,  
Megan McLaughlin Wright

Objection  
20Z00036  
Cedar Lake

**From:** Caron Mills  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** ID# 20Z00036  
**Date:** Tuesday, March 2, 2021 2:18:55 PM

---

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

I would like a larger buffer between this development and the current homes. Reference:  
ID# 20Z00036 Thank you for your time.  
Leslie Mills

**From:** James Bowers  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** ID# 20Z00036  
**Date:** Tuesday, March 2, 2021 4:15:35 PM

---

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

County Commissioners,  
Having seen the request for rezoning on ID 20Z00036 I find it unreasonable to have the buffer zone at such an extremely small amount. In the normal subdivisions each parcel is required considerably more setback from property lines and between structures. I am requesting you place the same requirements for setback and separation within this development and the current homes.

Regards,  
James A. Bowers  
4883 Horton St.  
Port St John FL 32927

Objection  
20Z00036  
Cedar Lake

**From:** Dan Sicchio  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Port St John Development reference ID# 20Z00036  
**Date:** Tuesday, March 2, 2021 8:22:58 PM

---

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

I have several properties in Port St John. I oppose the redevelopment of the land behind Winn Dixie. I'm concerned the development to single wide manufactured housing will drastically affect property values in Port St John.

Sincerely,  
Dan Sicchio  
Egil, LLC  
Beagle Real Estate



**From:** Tracy S.  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** reference ID# 20Z00036  
**Date:** Wednesday, March 3, 2021 5:16:34 AM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

My opposition is based on some of these effects.

The loss of neighborhood and community character. A decrease in the market value of our homes. Increased traffic congestion adding to an already dangerous situation in the area. Overcrowded schools. The destruction of green space and mature trees as well as driving protected animals that live in the area.

Port Saint John is a community of hard working people, and to take value that we have worked so hard for us not in the best interest of our community.

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Tracy Shoriak



Virus-free. [www.avast.com](http://www.avast.com)

Objection  
20Z00036  
Cedar Lake

**From:** Christopher McClure  
**To:** Jones, Jennifer  
**Subject:** PSJ 200 lot rental mobile home vote no!  
**Date:** Wednesday, March 3, 2021 6:55:06 AM

---

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

Hello:

Please consider voting against this 200 lot proposal. We do not desire to have this built in our backyards.

Thank you,  
Christopher McClure  
6545 Dallas Ave,  
Cocoa, Fl, 32927  
321-323-4933

**From:** Nancy B  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Port St. John, FL  
**Date:** Wednesday, March 3, 2021 2:07:01 PM

---

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Nancy Bruder

Sent from my Galaxy

**From:** Barbara Owens  
**To:** Jones, Jennifer  
**Subject:** Request regarding ID#20Z00036  
**Date:** Wednesday, March 3, 2021 3:57:05 PM

---

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

Dear Jennifer,

My name is Barbara Owens. My husband Ed and I own the property at 512 Bowman Blvd. in Cocoa. It is adjacent to this area that is to be rezoned allowing for 150 mobile homes. I am wondering how this is going to impact our property taxes. Also, we bought there because it is a nice quiet area and there is a park and boat ramp nearby. I am very concerned about the increasing number of people that will be using these facilities.

I would also like to request that the developers of this property be required to set a low speed limit on Clearview Dr. and install speed bumps. Presently there is not much traffic due to the limited number of homes in that little area. If all the homes go in, people are going to be racing up and down Clearview to get to/from their homes. I would like to continue enjoying my home so please see that adequate measures are taken to preserve our quality of life.

Sincerely,

Barbara Owens

**From:** [Stacie Reed](#)  
**To:** [Pritchett, Rita](#); [Jones, Jennifer](#)  
**Subject:** Reference ID#20Z00036  
**Date:** Sunday, March 7, 2021 11:46:51 AM

---

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

As a Port St. John resident for almost 20 years we have watched our property values fluctuate due to the Space Center. We are finally gaining grounds again. My family is completely against the plans to place trailers for rent to own in the area suggested. I thought it was a protected land for the scrub blue jays. Why can't we make walkways and trails on that land? Beautify the land, protect the animals and don't diminish our property values for the hard working families in PSJ!

The Reed family  
600 Lindsay Ave.  
Port St. John, Fl. 32927

Sent from my iPhone

**From:** [Wanda Wingo](#)  
**To:** [Pritchett, Rita](#)  
**Cc:** [Jones, Jennifer](#)  
**Subject:** ID 20Z00036  
**Date:** Sunday, March 7, 2021 1:26:18 PM

---

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

I live on Vineland Street in Port Saint John and this e-mail is sent to strongly protest the attempt by someone with lots of \$\$ who wants to destroy habitats occupied by Gopher Tortoises, Scrub Jays, Indigo Snakes, Owls and Eagles to name a few. An attempt to do the same thing to this property was attempted many years ago, covering our houses with tons of dust from bulldozers working without permits. That attempt failed and we've been peacefully left alone until now.

A neighbor who attended the last meeting told me that the wife of the man who wants to put rental trailers on this land made a statement to the effect that "we'll just bury them (the Gopher Tortoises) alive". WOW, really?

Please add me to your list of "NO" opinions on this attempted change of zoning. Leave us hard-working residents in this area and the beloved wild creatures we're supposed to help protect, ALONE. We may not have a lot of money but I hope you, our voices, will listen to your constituents and do the right thing. **NO on 2Z00036!!!**

Sent from [Mail](#) for Windows 10

Objection  
20Z00036  
Cedar Lake

**From:** [Christopher McClure](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** PSJ 200 lot rental mobile home vote no!  
**Date:** Sunday, March 7, 2021 11:39:43 PM

---

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

Hello:

Please consider voting against this 200 lot proposal. We do not desire to have this built in our backyards.

Thank you,  
Christopher McClure  
6545 Dallas Ave,  
Cocoa, Fl, 32927  
321-323-4933

**Pritchett, Rita**

---

**From:** Commissioner, D1  
**Sent:** Wednesday, March 3, 2021 1:42 PM  
**To:** Christopher McClure  
**Cc:** Pritchett, Rita; Mascellino, Carol; Price, Jessica  
**Subject:** RE: PSJ 200 lot rental mobile home vote no!

Good Afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**2000 South Washington Avenue, Suite 2  
Titusville, FL 32780  
321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Christopher McClure <christophermcclure231@gmail.com>  
**Sent:** Wednesday, March 3, 2021 6:50 AM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** PSJ 200 lot rental mobile home vote no!

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



Hello:

Please consider voting against this 200 lot proposal. We do not desire to have this built in our backyards.

Thank you,  
Christopher McClure  
6545 Dallas Ave,  
Cocoa, FL, 32927  
321-323-4933

## Pritchett, Rita

---

**From:** Zac Brigante <zbrigante@floydleelocums.com>  
**Sent:** Tuesday, February 9, 2021 4:04 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning of property in PSJ  
  
**Categories:** EMAIL CAMPAIGN

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

Hello Jennifer and Rita, I hope you are both doing well. I am writing you both as a concerned long time resident of Port St. John (1986).

When we purchased our current house in 2016 I did a lot of research to ensure the property behind my house was not buildable. This is a well-known and documented scrub jay habitat, wetlands, hardwoods, owls, Gophers, Indigos etc. My family and neighbors are highly disappointed that this developer has the potential power to purchase non buildable land cheap and have codes changed to satisfy the needs of their development. Please let me know what can be done to stop this from happening. Especially when there are many years of documented meetings and regulations in place for a reason. I am no zoning expert, but all of these documents on record I have reviewed prior to purchasing my home. Now to find out they want to put 200 mobile homes within 40 feet of my back porch is extremely upsetting.

If there is no compromise and this is ultimately passed, I please ask that it be regular construction single family homes on larger lots and a much larger buffer go around the property particular the side that touches Vineland, which this will affect the value the most. My home on Vineland street was recently appraised at \$368,000 last week and I promise you if there are mobile homes in the back yard that my equity will decrease significantly. This is not the ideal result, but if there is no chance of stopping it I would like to atleast see a compromise. A buffer of 75-100 feet will also help preserve much of the natural habitat and allow some species to remain. Yes this will lower the amount of homes, but will appease most of the concern. The residents of Cedar Lake are concerned with the extra traffic and the residents of Vineland are concerned with Mobile homes in their back yards.

I understand that with enough money the "protected species" can be relocated, but what I am having the most difficult time with is understanding how I purchased my house with the certainty that the property was previously deemed protected. I am all for growth and progress, but this negatively impacts every single house in Port St. John.

I feel that the community showed their support back in January when they had to reschedule to meeting due to too many residents showing up. One of the board members said this was the largest turnout they have had in years. Now that this has been relocated to Viera I am concerned less people will be able to have a voice.

Thank you for your time and thank you for serving the residents of PSJ. I understand you have a job that is often thankless, but I am certain you will do what is right in this case for the residents you represent.

Have a great day!

Zac Brigante  
Director of Concierge and Engagement  
Floyd Lee Locums  
direct: 843.970.2843  
mobile: 321.794.7459

[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)  
[www.floydleelocums.com](http://www.floydleelocums.com)

Connecting clinicians to purposeful work. We impact lives.

## Pritchett, Rita

---

**From:** Mindy Brigante <mindybrigante@gmail.com>  
**Sent:** Tuesday, February 9, 2021 6:33 PM  
**To:** Pritchett, Rita  
**Subject:** PSJ Rezoning  
  
**Categories:** EMAIL CAMPAIGN

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

Good evening Mrs. Pritchett,

I am writing in concerns to the rezoning of the property located directly behind my house in Port St. John. When we purchased our house in 2016 it was our understanding the beautiful property behind us was unbuildable due to the multiple protected species of wildlife. We are asking to keep a buffer to not only protect the wildlife, but to also preserve existing home values in Vineland Street. I appreciate all you do the for the community.

Take care,

Mindy Brigante

## Commissioner, D1

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**From:** Janet Carmello <jcarmello@email.com>  
**Sent:** Tuesday, February 9, 2021 6:31 PM  
**To:** Commissioner, D1  
**Cc:** Jones, Jennifer  
**Subject:** ID 20Z00036 Port St. John Dependent Special District Board - February 10, 2021  
  
**Categories:** EMAIL CAMPAIGN

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

Hello

Due to prior commitments I will be unable to attend the meeting on February 10 2021. I am a homeowner in Port St John for almost 20 years. We do not need or want rent to own mobile homes in our area. This will have a negative effect on our property values and I am very concerned. There are many other areas in the county that already have these type of developments and another one so close to single family home neighborhood will not be good for our area.

Thank you Janet Carmello

6910 Kaylor Ave  
Port St John, FL 32927

**Pritchett, Rita**

---

**From:** Amanda brown <meetmeatthemall02@hotmail.com>  
**Sent:** Tuesday, February 9, 2021 6:20 PM  
**To:** Pritchett, Rita

**Categories:** EMAIL CAMPAIGN

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

To Whom it may concern I am writing you in regards to the proposed mobile home development in Port St John. Having 200 mobile homes will significantly decrease our homes value. Please consider not approving this rezoning request or if it is passed please consider a larger buffer with less homes.

Sent from my iPhone

**Pritchett, Rita**

---

**From:** Dimitrios Mitsakos <dmitsakos@gmail.com>  
**Sent:** Tuesday, February 9, 2021 6:08 PM  
**To:** Pritchett, Rita; jennifer.jones@breavardfl.gov  
**Subject:** PSJ Dependent Special District Board  
  
**Categories:** EMAIL CAMPAIGN

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

Good evening,

I am writing to you to express my concern of the new zoning request for Port St. John to allow 200 new mobile homes added (TR-1). This will affect and reduce the property value of the surrounding area. Coupled with the statistical crime increase of low income housing, this will greatly affect the area surrounding the proposed zone and all of greater Port St. John. With the increase of Space Center businesses and major companies moving to the area, there are many families that are relocating to PSJ because of location and the proximity to the Space Center. Zoning this area and building a trailer park will disway families from moving to the area, thus further impacting both property values and local businesses.

I, and the rest of the community, urge you to disapprove the zoning request and not allow the trailer park to be zoned for PSJ. Thank you.

A concerned PSJ resident,

Dimitrios Mitsakos

**Pritchett, Rita**

---

**From:** tdickerson2@cfl.rr.com  
**Sent:** Tuesday, February 9, 2021 5:36 PM  
**To:** Pritchett, Rita  
**Subject:** rezoning for 5971 Cedar Lake Drive Revocable Land Trust  
  
**Categories:** EMAIL CAMPAIGN

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

Rezoning this property for 200 rental mobile homes will affect numerous things such as PSJ property values. This property is also the home for the endangered scrub jays and other wild life. I do not support this rezoning but at the least we ask for a compromise and give PSJ a larger buffer between the adjacent land owners and this mobile home park.

Thank you



## **Pritchett, Rita**

---

**From:** Zac Brigante <zbrigante@floydleelocums.com>  
**Sent:** Tuesday, February 9, 2021 4:03 PM  
**To:** Jones, Jennifer  
**Cc:** Pritchett, Rita  
**Subject:** Rezoning of property in PSJ  
  
**Categories:** EMAIL CAMPAIGN

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

Hello Jennifer and Rita, I hope you are both doing well. I am writing you both as a concerned long time resident of Port St. John (1986).

When we purchased our current house in 2016 I did a lot of research to ensure the property behind my house was not buildable. This is a well-known and documented scrub jay habitat, wetlands, hardwoods, owls, Gophers, Indigos etc. My family and neighbors are highly disappointed that this developer has the potential power to purchase non buildable land cheap and have codes changed to satisfy the needs of their development. Please let me know what can be done to stop this from happening. Especially when there are many years of documented meetings and regulations in place for a reason. I am no zoning expert, but all of these documents on record I have reviewed prior to purchasing my home. Now to find out they want to put 200 mobile homes within 40 feet of my back porch is extremely upsetting.

If there is no compromise and this is ultimately passed, I please ask that it be regular construction single family homes on larger lots and a much larger buffer go around the property particular the side that touches Vineland, which this will affect the value the most. My home on Vineland street was recently appraised at \$368,000 last week and I promise you if there are mobile homes in the back yard that my equity will decrease significantly. This is not the ideal result, but if there is no chance of stopping it I would like to atleast see a compromise. A buffer of 75-100 feet will also help preserve much of the natural habitat and allow some species to remain. Yes this will lower the amount of homes, but will appease most of the concern. The residents of Cedar Lake are concerned with the extra traffic and the residents of Vineland are concerned with Mobile homes in their back yards.

I understand that with enough money the "protected species" can be relocated, but what I am having the most difficult time with is understanding how I purchased my house with the certainty that the property was previously deemed protected. I am all for growth and progress, but this negatively impacts every single house in Port St. John.

I feel that the community showed their support back in January when they had to reschedule to meeting due to too many residents showing up. One of the board members said this was the largest turnout they have had in years. Now that this has been relocated to Viera I am concerned less people will be able to have a voice.

Thank you for your time and thank you for serving the residents of PSJ. I understand you have a job that is often thankless, but I am certain you will do what is right in this case for the residents you represent.

Have a great day!

Zac Brigante  
Director of Concierge and Engagement  
*Floyd Lee Locums*  
direct: 843.970.2843

mobile: 321.794.7459  
[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)  
[www.floydleelocums.com](http://www.floydleelocums.com)

*Connecting clinicians to purposeful work. We impact lives.*

## Commissioner, D1

---

**From:** David <m8damstadt@hotmail.com>  
**Sent:** Thursday, March 4, 2021 2:03 PM  
**To:** Commissioner, D1  
**Subject:** Development Application Number 20Z00036  
**Categories:** EMAIL CAMPAIGNS

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

Dear Commissioner Rita Pritchett

My Wife and I have lived at 5941 Cedar Lake Drive, Cocoa, FL 32927 since 1982. We object to the proposed changes for the following reasons:

- 1) Petitioners stated intent of development of site built modular homes for rental purposes is not restricted by the current RU-1-11 zoning.
- 2) Those of us living on Cedar Lake Drive, Broadway Blvd and Spring Street would experience a loss of enjoyment of safe and peaceful living due to a massive increase of traffic on our roads if the current BDP restrictions of access to Cedar Lake Drive through 5971 Cedar Lake Drive as emergency access only are removed.
- 3) The 1990 attempt of Coastal Properties, Inc was to develop the property North of Cedar Lake Drive with a TR1 Zoning. The then current residents insisted the zoning should be TR2. The Developer agreed to: The RU-1-11 zoning, to acquire rights for a road across FPL property to connect both proposed parcels to access US-1 via Clearview Dr. and to limit access to Cedar Lake Drive to emergency access only.

The zoning change to RU-1-11 was allowed by the County Commission to allow the increased unit density the Developer wanted, while assuring the property would not be turned into a trailer park. The requested re-zoning to TR-1 would undo that assurance. If there is to be a change, it should be to TR-2. Especially if the BDP restricting access to Cedar Lake Drive is negated.

In 2006 The Developer again attempted to re-zone the property from RU-1-11 to TR-1. Due to Recent hurricane activity, it was relatively quickly denied.

- 4) All Development has negative effects on the wildlife. Allowing Development of such high density, 150 units, would have greater negative effects on the wildlife.

Thanks for your time and consideration.

Thomas David Amstadt and Judith L. Amstadt

Sent from Mail for Windows 10

## Commissioner, D1

---

**From:** garywhit@lycos.com  
**Sent:** Tuesday, March 2, 2021 12:20 PM  
**To:** Commissioner, D1  
**Subject:** Re: Mobile Home Proposal in Port St John reference ID# 20Z00036!

**Categories:** EMAIL CAMPAIGNS

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

Dear Commissioners,

We are residents of Port St John and we strongly oppose the proposition to build the new mobile home park behind Vineland Street.

This development would decrease the property values in this area. We need to preserve the land/wildlife as much as possible. PSJ needs to return to the bedroom community it once was and not add to the congestion/traffic that is in this area. This is already problematic with the new bus routes coming through our community.

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Robyn and Gary Whitmore

On 2021-02-10 20:29, Commissioner, D1 wrote:

Good Afternoon,

From Commissioner Pritchett: Thank you for your email. I have reviewed it and will take your comments into consideration.

Rita

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**

**2000 South Washington Avenue, Suite 2  
Titusville, FL 32780  
321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** garywhit@lycos.com <garywhit@lycos.com>

**Sent:** Wednesday, February 10, 2021 7:50 AM

**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>

**Subject:** Mobile Home Proposal in Port St John

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

Ms. Pritchett-

As long time residents of Port St John-since 1983, we are not in favor of the proposed mobile home park in Port St John. This is a subdivision of family homes. It has been bad enough that stores have invaded the area causing increased traffic and trash to a community that was once better kept and was a safer area to walk/bike. Should the mobile homes be approved, it will add to the our decision to eventually move out of this community and will impede future residents from wanting to move to the area.

Thank you-

Robyn and Gary Whitmore

## Commissioner, D1

---

**From:** John Bardwell <jbardwell01.jb@gmail.com>  
**Sent:** Tuesday, March 2, 2021 10:51 AM  
**To:** Commissioner, D1

**Categories:** EMAIL CAMPAIGNS

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

Please do not let the vital ecosystem in port st john which is home to scrub Jay's, gopher tortoise and other endangered species be made into a trailer park. Please put this critical habitat before money!!!!

## **Commissioner, D1**

---

**From:** Mindy Brigante <mindybrigante@gmail.com>  
**Sent:** Friday, February 12, 2021 10:20 AM  
**To:** Commissioner, D1  
**Subject:** Re: PSJ Rezoning  
**Categories:** EMAIL CAMPAIGNS

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

Thank you for your response! We look forward to working together to find a solution that will be good for all parties involved.

Mindy Brigante

On Wed, Feb 10, 2021 at 3:35 PM Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:

Good Afternoon,

From Commissioner Pritchett: Thank you for your email. I have reviewed it and will take your comments into consideration.

Rita

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**2000 South Washington Avenue, Suite 2**

**Titusville, FL 32780**

**321-607-6901**

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*Your email communications may therefore be subject to public disclosure.*

**From:** Mindy Brigante <[mindybrigante@gmail.com](mailto:mindybrigante@gmail.com)>

**Sent:** Tuesday, February 9, 2021 6:33 PM

**To:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>

**Subject:** PSJ Rezoning

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

Good evening Mrs. Pritchett,

I am writing in concerns to the rezoning of the property located directly behind my house in Port St. John. When we purchased our house in 2016 it was our understanding the beautiful property behind us was unbuildable due to the



multiple protected species of wildlife. We are asking to keep a buffer to not only protect the wildlife, but to also preserve existing home values in Vineland Street. I appreciate all you do the for the community.

Take care,

Mindy Brigante

## Commissioner, D1

---

**From:** Casey Zeilman <regentservicesinc@gmail.com>  
**Sent:** Thursday, February 11, 2021 6:24 AM  
**To:** Commissioner, D1  
**Subject:** Re: PSJ Dependent Special District Board is meeting in Viera 02/10/2021  
**Categories:** EMAIL CAMPAIGNS

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

Nope, just asking why it got rescheduled.

On Wed, Feb 10, 2021 at 9:21 PM Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:  
Temper tantrum?

From Rita Pritchett

On Feb 10, 2021, at 9:07 PM, Casey Zeilman <[regentservicesinc@gmail.com](mailto:regentservicesinc@gmail.com)> wrote:

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

No Problem, Happy to help. We all need a break or entertainment now and again! You are correct! I have lost all interest in this conversation. If you want to be understood, you need a platform. YTD you specifically do NOT have one, you are a lackie SEMI (want to test the waters) government representative. Maybe it is not me you should argue to understand, maybe it is you. . . or shit, maybe it is me??? WTF knows? At the end of the day we are all AMERICANS and we need to learn as a whole how to accept, confide, communicate and generally respect one another . . suck seed.

On Wed, Feb 10, 2021 at 8:51 PM Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:  
What in the world are you going to gain by all your rudeness? Your email made no sense and my guess is you did not read the one sent to you- and then sent something that made no sense. If you cannot communicate in a way that can be understood what will you gain?  
I gave you an opportunity to try to resend what you were trying to ask and I get " Clearly you are a product of public education. I pray to the good lord that our public officials and their representatives may have the wherewithal to think for themselves in the future."  
Thanks for the entertainment

From Rita Pritchett

On Feb 10, 2021, at 8:17 PM, Casey Zeilman <[regentservicesinc@gmail.com](mailto:regentservicesinc@gmail.com)> wrote:

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

Clearly you are a product of public education. I pray to the good lord that our public officials and their representatives may have the wherewithal to think for themselves in the future.

<image.png>

On Wed, Feb 10, 2021 at 7:05 PM Commissioner, D1  
<[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:

I don't understand what you are saying and why?

From Rita Pritchett

On Feb 10, 2021, at 6:35 PM, Casey Zeilman  
<[regentservicesinc@gmail.com](mailto:regentservicesinc@gmail.com)> wrote:

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

Quorum is set by officers and officials with a venue. If you are going to reconvene at the expense of the laypeople, on surface it is appreciated, congratulations. If laypeople showing up or not affects quorum, then I have to ask what happened on the Official side that instigated this reschedule event? Office not ready? Office or group space not disinfected in time? What is the actual reason for the venue change?

On Wed, Feb 10, 2021 at 5:10 PM Commissioner, D1  
<[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:

Good Afternoon,

On behalf of Commissioner Pritchett, please be aware that the Port St. John Dependent Special District Board will not be meeting tonight in Viera due to not having a quorum. This board is made up of other Port St. John residents that are unable to attend. This item

will be going before the Planning and Zoning board and the County Commission where you will also be able to provide public comment. Email or call our office if there is anything we can answer for you.

Thank you.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett

<image001.png>

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**Sent:** Tuesday, February 9, 2021 9:10 PM  
**To:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>  
**Subject:** PSJ Dependent Special District Board is meeting in Viera 02/10/2021

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Thanks and best regards,

Casey Zeilman

President



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## Commissioner, D1

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**Categories:** EMAIL CAMPAIGNS

Temper tantrum?

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Titusville, FL 32780

321-269-0577 - Office

321-848-2730 - Direct

888-590-8819 - Fax

[www.RegentServicesInc.com](http://www.RegentServicesInc.com)

[Check Us Out on Facebook!](#)

--

Thanks and best regards,

Casey Zeilman

President



Regent Services Inc.  
1431 Chaffee Dr. #3  
Titusville, FL 32780  
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321-848-2730 - Direct  
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## Commissioner, D1

---

**From:** Casey Zeilman <regentservicesinc@gmail.com>  
**Sent:** Wednesday, February 10, 2021 6:35 PM  
**To:** Commissioner, D1  
**Subject:** Re: PSJ Dependent Special District Board is meeting in Viera 02/10/2021  
**Categories:** EMAIL CAMPAIGNS

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

Quorum is set by officers and officials with a venue. If you are going to reconvene at the expense of the laypeople, on surface it is appreciated, congratulations. If laypeople showing up or not affects quorum, then I have to ask what happened on the Official side that instigated this reschedule event? Office not ready? Office or group space not disinfected in time? What is the actual reason for the venue change?

On Wed, Feb 10, 2021 at 5:10 PM Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)> wrote:

Good Afternoon,

On behalf of Commissioner Pritchett, please be aware that the Port St. John Dependent Special District Board will not be meeting tonight in Viera due to not having a quorum. This board is made up of other Port St. John residents that are unable to attend. This item will be going before the Planning and Zoning board and the County Commission where you will also be able to provide public comment. Email or call our office if there is anything we can answer for you.

Thank you.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett





***District 1 Commission Office***

**2000 South Washington Avenue, Suite 2**

**Titusville, FL 32780**

**321-607-6901**

***Please note:***

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*Your email communications may therefore be subject to public disclosure.*

---

**From:** Casey Zeilman <[regentservicesinc@gmail.com](mailto:regentservicesinc@gmail.com)>

**Sent:** Tuesday, February 9, 2021 9:10 PM

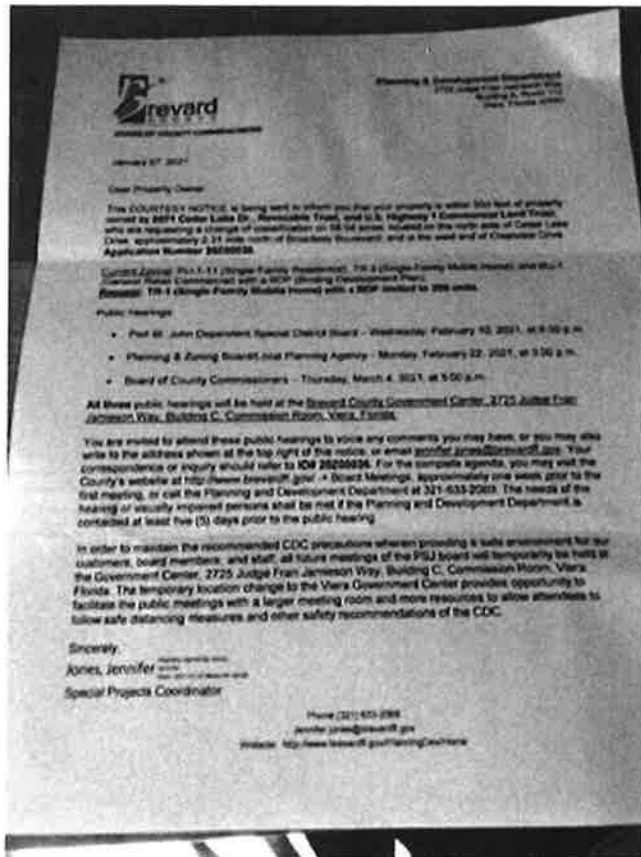
**To:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>

**Subject:** PSJ Dependent Special District Board is meeting in Viera 02/10/2021

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

Hey Rita,

Can you please let me know two things, one; where exactly is this proposed TP expansion in the PSJ area and two; why didn't I get a copy of this letter to correspond? I live in PSJ and would not be excited about a development plan that includes mobile, manufactured or modular homes in this area.



Thanks and best regards,

Casey Zeilman

President



Regent Services Inc.

1431 Chaffee Dr. #3  
Titusville, FL 32780

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Thanks and best regards,

Casey Zeilman  
President



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## Commissioner, D1

---

**From:** Commissioner, D1  
**Sent:** Wednesday, February 10, 2021 5:36 PM  
**To:** Jose  
**Subject:** Re: Rezoning 20Z00036  
**Categories:** EMAIL CAMPAIGNS

Very welcome

From Rita Pritchett

On Feb 10, 2021, at 5:13 PM, Jose <jcadiz4595@gmail.com> wrote:

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

Hi Nate  
Thank you for sending this email and letting me know.

Jose

On Feb 10, 2021, at 5:05 PM, Commissioner, D1 <D1.Commissioner@brevardfl.gov> wrote:

Good Afternoon,

On behalf of Commissioner Pritchett, please be aware that the Port St. John Dependent Special District Board will not be meeting tonight in Viera due to not having a quorum. This board is made up of other Port St. John residents that are unable to attend. This item will be going before the Planning and Zoning board and the County Commission where you will also be able to provide public comment. Email or call our office if there is anything we can answer for you.

Thank you.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett

<image001.png>

**District 1 Commission Office**  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

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**From:** Jose <jcadiz4595@gmail.com>  
**Sent:** Wednesday, February 10, 2021 2:18 PM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** Fwd: Rezoning 20Z00036

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

Good afternoon Rita,

I tried to get the developer related to 20Z00036 to let us have our own environmental Survey and we got declined.

Below are a few views from the Atlantic environmental that question if this is for everyone or just who is paying the bills for them.

I have attached the email from Kim Rezanka on my request for permission to be on the property to have a survey done.

\*\*\*\*\*

Second paragraph of the About us page

Atlantic Environmental's ecologists have extensive experience assisting clients through the various permitting and compliance processes at local, state and federal levels.

We have established a strong reputation for integrity and reliability. Our goal is to develop effective permitting and mitigation strategies and solutions that successfully

address the concerns and responsibilities of both developers and environmental regulators. Our experience and expertise allow us to accomplish this goal in a cost-effective

and expeditious manner that results in greater profitability for our clients.

Home Page

a better built environment:

for your business

for your family

for our future

\*\*\*Email from Kim declining our survey request\*\*\*

**From:** Kim Rezanka <[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)>  
**Date:** February 10, 2021 at 11:08:38 AM EST  
**To:** [jcadiz4595@gmail.com](mailto:jcadiz4595@gmail.com)  
**Cc:** "Jones, Jennifer" <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>, "Rita Pritchett (D1.Commissioner@BrevardFL.gov)" <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>  
**Subject:** Cedar Lake Drive Project (20Z-0036)

Mr. Cadiz,

Thank you for your inquiry to this office as to whether the developer would allow you to conduct your own environmental study on the 58 acres that the new subdivision will encompass. We understand you live on Vineland Street and have concerns regarding the impact to the environment based upon this proposed development.

I have spoken to the developer of the Project, and he has hired a reputable and respected environmental engineering company, Atlantic Environmental, who is conducting in-depth studies and surveys of the Property, as required by the County and other permitting agencies. The developer will be providing those surveys and studies to the County and you will be able to receive copies.

He respectfully declines your request to conduct your own survey due to liability concerns.

Sincerely,

Kimberly B. Rezanka

Partner

1290 US Highway 1, Suite 201

Rockledge, FL 32955

Office 321.608.0892

krezanka@laceyandlyons.com

<https://www.laceyandlyons.com/>

## Commissioner, D1

---

**From:** Kent Stafford <Kent.Stafford@BEYEL.COM>  
**Sent:** Wednesday, February 10, 2021 3:46 PM  
**To:** Commissioner, D1  
**Subject:** Pt St John Mobile Home Park  
**Categories:** EMAIL CAMPAIGNS

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

Ms. Pritchett,

I have lived in Pt St John since 1989 and now own my 2<sup>nd</sup> home here. I work in Orlando, but refuse to live there as I like small town peaceful living. As my wife and I learned of a **possible mobile home park being constructed in Pt St John**, I want to let you know that we **DO NOT want this to occur**. Property value and concern of vandalism are our main concerns.

Thank You,

Kent Stafford  
BEYEL BROS. INC.  
Orlando Branch Manager  
Office 407-277-2600  
Cell 407-467-2487  
Fax 407-438-9401  
kent.stafford@beyel.com  
SAFETY & QUALITY ARE A MUST



## Commissioner, D1

---

**From:** Kim Rezanka <krezanka@laceyandlyons.com>  
**Sent:** Wednesday, February 10, 2021 11:09 AM  
**To:** jcadiz4595@gmail.com  
**Cc:** Jones, Jennifer; Commissioner, D1  
**Subject:** Cedar Lake Drive Project (20Z-0036)  
  
**Categories:** EMAIL CAMPAIGNS

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

Mr. Cadiz,

Thank you for your inquiry to this office as to whether the developer would allow you to conduct your own environmental study on the 58 acres that the new subdivision will encompass. We understand you live at 1159 Vineland Street and have concerns regarding the impact to the environment based upon this proposed development.

I have spoken to the developer of the Project, and he has hired a reputable and respected environmental engineering company, Atlantic Environmental, who is conducting in-depth studies and surveys of the Property, as required by the County and other permitting agencies. The developer will be providing those surveys and studies to the County and you will be able to receive copies.

He respectfully declines your request to conduct your own survey due to liability concerns.

Sincerely,

**Kimberly B. Rezanka**  
**Partner**



1290 US Highway 1, Suite 201  
Rockledge, FL 32955  
Office 321.608.0892  
krezanka@laceyandlyons.com  
<https://www.laceyandlyons.com/>

Commercial & Civil Litigation | Zoning & Land Use | Local Government Law

*This communication, along with any attachments, may contain information that is confidential, privileged or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure,*

*copying, printing, distribution, forwarding, or use of any information contained in or attached to this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone and destroy the original e-mail and its attachments without reading, printing, saving or forwarding in any manner.*

## Commissioner, D1

---

**From:** Betsy Page <betsyjoypage@gmail.com>  
**Sent:** Wednesday, February 10, 2021 9:17 AM  
**To:** Commissioner, D1  
**Subject:** Regarding Proposed Cedar Lake Subdivision

**Categories:** EMAIL CAMPAIGNS

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

Commissioner Pritchett,

I am writing concerning the current request by Revocable Trust, and U.S. Highway 1 Commercial Land Trust for rezoning of the 58.04 acres of land to TR-1 with BDP limited to 200 units. This land borders our land on the south border of our lot in Port St John. I am concerned that the proposed layout only allocates a 15 foot buffer between my lot & the subdivision. I am aware of the wildlife that exists on that land including tortoises and scrub jays. I have concerns for the impact on my property value. I am concerned that building up that land (which is currently considerably lower level than our lot) will result in drainage issue for our home & land. I am also concerned that a 200 unit subdivision will be negatively impact traffic flow on US Hwy 1, just southeast of our home and a stretch of road frequently traveled by our family.

I am requesting consideration for the impact on the land, specifically protected wildlife and drainage, as well as impact on neighboring homeowners, specifically property value and traffic impact. Increasing the 15 foot buffer on the north border of this proposal subdivision to a 100-foot buffer would alleviate above concerns by reducing impact on the land as well as decreasing the number of units in the proposed subdivision thereby decreasing traffic impact.

Thank you for your consideration,

Elizabeth (Betsy) Page  
1071 Vineland Street  
Cocoa, FL 32927  
(321) 848-8738  
betsyjoypage@gmail.com

**Pritchett, Rita**

---

**From:** Jennifer Wielepski <jsmolik\_9@msn.com>  
**Sent:** Tuesday, March 2, 2021 11:55 AM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Objection to proposed rezone- reference ID# 20Z00036!

**Categories:** EMAIL CAMPAIGN

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people and to take value that we have worked so hard for us not in the best interest of our community!

This land is a known habitat for many species including Gopher tortoise, Scrub Jays, Indigo snakes, owls, eagles.

This development will negatively impact much of Port St. John's property values.

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Thank you,  
Jennifer Wielepski  
321-7952182  
6890 Bright Ave Cocoa, FL 32927

Sent from my iPhone

**Pritchett, Rita**

---

**From:** Shelly Hoppe <sthoppe2@gmail.com>  
**Sent:** Tuesday, March 2, 2021 11:14 AM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** REF. ID# 20Z00036

**Categories:** EMAIL CAMPAIGN

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

All,

I am against this happening . This land is a known habitat for many species including Gopher tortoise, Scrub Jays, Indigo snakes, owls, eagles.

This development will negatively impact much of Port St. John's property values. These mobile homes will literally be in their back doors. Why not clean up the already dozen or so low income trailer parks that exist already!!! Please don't do this to Port St John.

Thank you,  
Shelly Hoppe

**Pritchett, Rita**

---

**From:** Rose King <rosemm777@gmail.com>  
**Sent:** Tuesday, March 2, 2021 11:11 AM  
**To:** Pritchett, Rita  
**Subject:** Zoning  
  
**Categories:** EMAIL CAMPAIGN

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

Dear Rita Pritchett,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the "protected species" that live here, and the impact to their environment, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Rose King  
PSJ resident  
352-816-4049  
reference ID# 20Z0003

**Pritchett, Rita**

---

**From:** moore\_rbrt@yahoo.com  
**Sent:** Tuesday, March 2, 2021 11:02 AM  
**To:** Pritchett, Rita  
**Subject:** Opposed to Land Rezoning- Reference ID: 20Z00036  
**Categories:** EMAIL CAMPAIGN

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

Dear Commissioner Pritchett:

This email message is to voice my vigorous opposition to the rezoning of land in Port St. John directly behind Winn-Dixie and parallel to Vineland Street for the purpose of developing 200 lots of low income single wide mobile homes on the land.

I have been a property owner in Port St. John for 34 years and my home is approximately 2 blocks from the proposed location for rezoning.

There will be a major and negative impact on the property value of my home and on all of the existing homes in the surrounding area if this is implemented.

As a senior citizen and retiree, my most valuable asset is the equity in my home and I cannot afford to have this large part of my estate and future inheritance for my children be reduced in value which will most assuredly happen if this low income mobile home community is built here.

I will not be able to attend the meeting on Wednesday due to my maintaining Covid-19 safety precautions, but I urge you to vote NO against this rezoning proposal.

Thank You,

Robert B. Moore  
701 Altura Drive  
Cocoa, FL 32927  
321-360-9005  
moore\_rbrt@yahoo.com

**Pritchett, Rita**

---

**From:** Judith Dry <jdrymk@bellsouth.net>  
**Sent:** Tuesday, March 2, 2021 10:58 AM  
**To:** Pritchett, Rita  
**Subject:** Proposed development in Port St John ID#20Z00036

**Categories:** EMAIL CAMPAIGN

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

Dear Ms. Pritchett,

I am writing to ask your help in stopping this development. I am a long time resident of Port St John. My daughter and her family live on Vineland. I worry what a low income development 7 1/2 feet from her house would bring unnecessary crime and drugs into the neighborhood.

Also I have personally seen the scrub jays and turtles make their way into the yard. There are many protected species there, as you know.

Then there is the worry if our property values declining, which will make it difficult if homeowners should want to sell.

Personally I worry about the safety of my daughter and grandchildren.

Thank you for your consideration.

Judith Dry

Sent from my iPhone



**Pritchett, Rita**

---

**From:** devonee raffaele <devoneerose93@icloud.com>  
**Sent:** Tuesday, March 2, 2021 10:26 AM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Attempting to rezone the property behind Winn Dixie to be approved for 200 low-income rental single wide mobile homes

**Categories:** EMAIL CAMPAIGN

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Devonee R.

**Pritchett, Rita**

---

**From:** Amanda Fadely <amandafadely@gmail.com>  
**Sent:** Tuesday, March 2, 2021 10:10 AM  
**To:** Jones, Jennifer; Pritchett, Rita  
**Subject:** PSJ Mobile Homes  
  
**Categories:** EMAIL CAMPAIGN

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new Mobil home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Thank you,

Amanda Fadely  
Launch Mission Manager, SpaceX  
Port St John Resident  
Mother and Grandmother of other Port St John Residents

## Commissioner, D1

---

**From:** Commissioner, D1  
**Sent:** Monday, March 8, 2021 2:55 PM  
**To:** Wanda Wingo  
**Cc:** 'Pritchett, Rita'; 'Mascellino, Carol'; Price, Jessica  
**Subject:** RE: ID 20200036

Good Afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

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**From:** Wanda Wingo <nervsrek@hotmail.com>  
**Sent:** Sunday, March 7, 2021 1:26 PM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>

**Cc:** Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** ID 20Z00036

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

I live on Vineland Street in Port Saint John and this e-mail is sent to strongly protest the attempt by someone with lots of \$\$ who wants to destroy habitats occupied by Gopher Tortoises, Scrub Jays, Indigo Snakes, Owls and Eagles to name a few. An attempt to do the same thing to this property was attempted many years ago, covering our houses with tons of dust from bulldozers working without permits. That attempt failed and we've been peacefully left alone until now.

A neighbor who attended the last meeting told me that the wife of the man who wants to put rental trailers on this land made a statement to the effect that "we'll just bury them (the Gopher Tortoises) alive". WOW, really?

Please add me to your list of "NO" opinions on this attempted change of zoning. Leave us hard-working residents in this area and the beloved wild creatures we're supposed to help protect, ALONE. We may not have a lot of money but I hope you, our voices, will listen to your constituents and do the right thing. **NO on 2Z00036!!!**

Sent from Mail for Windows 10

## Commissioner, D1

---

**From:** Commissioner, D1  
**Sent:** Monday, March 8, 2021 2:55 PM  
**To:** Stacie Reed  
**Cc:** 'Pritchett, Rita'; 'Mascellino, Carol'; Price, Jessica  
**Subject:** RE: Reference ID#20Z00036

Good Afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

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-----Original Message-----

From: Stacie Reed <jsreed9101@gmail.com>  
Sent: Sunday, March 7, 2021 11:47 AM  
To: Pritchett, Rita <Rita.Pritchett@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>  
Subject: Reference ID#20Z00036

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

As a Port St. John resident for almost 20 years we have watched our property values fluctuate due to the Space Center. We are finally gaining grounds again. My family is completely against the plans to place trailers for rent to own in the area suggested. I thought it was a protected land for the scrub blue jays. Why can't we make walkways and trails on that land? Beautify the land, protect the animas and don't diminish our property values for the hard working families in PSJ!

The Reed family  
600 Lindsay Ave.  
Port St. John, Fl. 32927

Sent from my iPhone

## Commissioner, D1

---

**From:** Commissioner, D1  
**Sent:** Wednesday, March 3, 2021 5:01 PM  
**To:** Nancy B  
**Cc:** 'Pritchett, Rita'; 'Mascellino, Carol'; Price, Jessica; 'Newell, Marcia'  
**Subject:** RE: Port St. John, FL

Good Afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office.

Best Regards,

***Nate Smith***

Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***  
2000 South Washington Avenue, Suite 2  
Titusville, FL 32780  
321-607-6901

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**From:** Nancy B <ncb127@hotmail.com>  
**Sent:** Wednesday, March 3, 2021 2:07 PM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** Port St. John, FL

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,  
Nancy Bruder

Sent from my Galaxy



**Pritchett, Rita**

---

**From:** Commissioner, D1  
**Sent:** Wednesday, March 3, 2021 1:43 PM  
**To:** Tracy S.  
**Cc:** Pritchett, Rita; Mascellino, Carol; Price, Jessica  
**Subject:** RE: reference ID# 20Z00036

Good Afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office.

Best Regards,

**Nate Smith**

Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**2000 South Washington Avenue, Suite 2**  
**Titusville, FL 32780**  
**321-607-6901**

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**From:** Tracy S. <tracyshoriak@gmail.com>  
**Sent:** Wednesday, March 3, 2021 5:16 AM  
**To:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** reference ID# 20Z00036

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

My opposition is based on some of these effects.

The loss of neighborhood and community character. A decrease in the market value of our homes. Increased traffic congestion adding to an already dangerous situation in the area. Overcrowded schools. The destruction of green space and mature trees as well as driving protected animals that live in the area.

Port Saint John is a community of hard working people, and to take value that we have worked so hard for us not in the best interest of our community.

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Tracy Shoriak



Virus-free. [www.avast.com](http://www.avast.com)

**Pritchett, Rita**

---

**From:** Penny Crouse <one\_centprc@yahoo.com>  
**Sent:** Tuesday, March 2, 2021 6:07 PM  
**To:** Pritchett, Rita  
**Subject:** New mobile home park in PSJ

**Categories:** EMAIL CAMPAIGN

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

Dear Commissioners,

I am a resident of Port St John and I strongly oppose the proposition to build the new mobile home park behind Vineland Street.

Aside from the protected species that live here, this new development would destroy property values for many of us. PSJ is a community of very hard working people, and to take value that we have worked so hard for us not in the best interest of our community!

Please hear us and make the needed changes immediately to protect our community.

Sincerely,

Penny Crouse  
7470 Carillon Avenue  
Cocoa, FL. 33927

**Pritchett, Rita**

---

**From:** James Bowers <maqwjb8@yahoo.com>  
**Sent:** Tuesday, March 2, 2021 4:15 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** ID# 20Z00036  
  
**Categories:** EMAIL CAMPAIGN

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

County Commissioners,  
Having seen the request for rezoning on ID 20Z00036 I find it unreasonable to have the buffer zone at such an extremely small amount. In the normal subdivisions each parcel is required considerably more setback from property lines and between structures. I am requesting you place the same requirements for setback and separation within this development and the current homes.

Regards,  
James A. Bowers  
4883 Horton St.  
Port St John FL 32927

**Pritchett, Rita**

---

**From:** Samantha Phillips <sphillips0394@gmail.com>  
**Sent:** Tuesday, March 2, 2021 3:25 PM  
**To:** Pritchett, Rita  
**Subject:** 20Z00036

**Categories:** EMAIL CAMPAIGN

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

Dear Commissioner Pritchett,

Please do not approve rezone the property behind Winn Dixie in Port St. John, also known as **20Z00036**. This is a known habitat for gopher tortoise, scrub jay, eagles and owls.

This would also negatively impact the community of Port St. John. Low income rental mobile homes are not what this community needs. This community needs more middle income single family homes.

Thank you,  
Samantha Phillips

**Pritchett, Rita**

---

**From:** Caron Mills <caronq58@gmail.com>  
**Sent:** Tuesday, March 2, 2021 2:19 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** ID# 20Z00036  
  
**Categories:** EMAIL CAMPAIGN

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

I would like a larger buffer between this development and the current homes. Reference:  
ID# 20Z00036 Thank you for your time.  
Leslie Mills

## Pritchett, Rita

---

**From:** Megan McLaughlin <mmclaughlin321@gmail.com>  
**Sent:** Tuesday, March 2, 2021 1:26 PM  
**To:** Pritchett, Rita  
**Subject:** ID 20Z00036  
  
**Categories:** EMAIL CAMPAIGN

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

Dear Mrs. Pritchett,

I write this letter in petition to the proposed mobile home, low income rental property trying to come to Port St. John. I have been a long time resident of PSJ and can say with certainty we do not want, nor do we need, this type of development in Port St. John. This type of development is not consistent with the primary construction that PSJ is- single family residential homes.

200 low income, rental properties will do nothing good for this community. This will lower the value of our homes. The proposed development is asking for a buffer of only 7 1/2 feet between them and the existing residences on Vineland St. That will virtually be what in the backyard of these folks that bought property in this area.

I will leave you with this, what would you like done if this type of development was proposing popping up in your direct neighborhood? Have you looked at the crime rate tied directly to these types of developments? The Broadway area is a great example of what we don't want in our area! Colony Park in Merritt Island is another example. Please do not approve this development and allow PSJ to remain with the same type of development it has had all along, single family residential dwelling units, not mobile homes!

Regards,  
Megan McLaughlin Wright

**Pritchett, Rita**

---

**From:** Cathy Shinabarger <jojodesi1@gmail.com>  
**Sent:** Tuesday, March 2, 2021 1:06 PM  
**To:** Pritchett, Rita  
**Cc:** Jones, Jennifer  
**Subject:** Rezoning in Port St. John Reference ID# 20Z00036!

**Categories:** EMAIL CAMPAIGN

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

I am concerned about the rezoning of the property behind Winn Dixie for low income rental single wide mobile homes. It is a habitat for scrub jays, indigo snakes, gopher tortoises, owls, and eagles. I have read that there is only going to be a 71/2 foot buffer between the mobile homes and Vineland Street. That is not enough.

I have lived in Port Saint John for over 28 years and I feel that this will bring down the property values of our homes that we have worked so hard for.

Please listen and help us protect our community.

Thank you

Christine Shinabarger

Sent from my iPad



**Pritchett, Rita**

---

**From:** Andrew Weible <aweible97@gmail.com>  
**Sent:** Tuesday, March 2, 2021 12:54 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Rezoning In Port St. John  
  
**Categories:** EMAIL CAMPAIGN

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

Hello commissioners,

In reference to 20Z00036, I am concerned about the negative impacts of the potential rezoning behind Vineland street. I'm a new home owner in Port St. John and I'm strongly opposing of this new rezoning! For one, this area is a habitat for protected species that live there. Secondly, I don't believe this is in the best interest of our community and will decrease our property values and bring about negative changes to our community.

Please hear your community and act appropriately!

Thank you for your time,

Andrew Weible

**Pritchett, Rita**

---

**From:** Pritchett, Rita  
**Sent:** Sunday, February 28, 2021 7:03 AM  
**To:** Deb Smith  
**Subject:** Re: ID# 20Z00036

**Categories:** EMAIL CAMPAIGN

Thank you 😊

From Rita Pritchett

On Feb 27, 2021, at 11:00 PM, Deb Smith <debs8471@gmail.com> wrote:

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

I'm sorry, Ms. Pritchett. I forgot to include ID # 20Z00036. It's the Cedar Lake/ Vineland area of Port St John, behind the Winn-Dixie. Thank you so much for asking, and especially for taking the time to read my email! And this late on a Saturday evening is even more impressive!

Thank you again for your consideration!  
Deborah Smith

Sent from Mail for Windows 10

**From:** Pritchett, Rita  
**Sent:** Saturday, February 27, 2021 10:04 PM  
**To:** Deb Smith  
**Subject:** Re:

Ms Smith can you tell me where this is at?

From Rita Pritchett

On Feb 27, 2021, at 8:40 PM, Deb Smith <debs8471@gmail.com> wrote:

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

Regarding changing the zoning on this property from single family residential with a BDP to single family mobile home, and allowing the creation of a 200 unit single wide low income rental mobile home park will seriously degrade the value of the residential homes in the area. I can't believe this is actually being considered.

In addition to the serious degradation of property values, the majority of this property is scrub jay habitat as well.

I hope that you support the residents of this area of Brevard County and vote NO to this zoning request change.

Thank you,  
Deborah J Smith  
6485 Orchid Ave  
Port St John 32927

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Deb Smith <debs8471@gmail.com>  
**Sent:** Saturday, February 27, 2021 11:00 PM  
**To:** Pritchett, Rita  
**Subject:** RE: ID# 20Z00036

**Categories:** EMAIL CAMPAIGN

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

I'm sorry, Ms. Pritchett. I forgot to include ID # 20Z00036. It's the Cedar Lake/ Vineland area of Port St John, behind the Winn-Dixie. Thank you so much for asking, and especially for taking the time to read my email! And this late on a Saturday evening is even more impressive!

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Sent from Mail for Windows 10

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Thank you,  
Deborah J Smith  
6485 Orchid Ave  
Port St John 32927

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Pritchett, Rita  
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**To:** Deb Smith  
**Subject:** Re:

**Categories:** EMAIL CAMPAIGN

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I hope that you support the residents of this area of Brevard County and vote NO to this zoning request change.

Thank you,  
Deborah J Smith  
6485 Orchid Ave  
Port St John 32927

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Deb Smith <debs8471@gmail.com>  
**Sent:** Saturday, February 27, 2021 8:41 PM  
**To:** Pritchett, Rita

**Categories:** EMAIL CAMPAIGN

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

Regarding changing the zoning on this property from single family residential with a BDP to single family mobile home, and allowing the creation of a 200 unit single wide low income rental mobile home park will seriously degrade the value of the residential homes in the area. I can't believe this is actually being considered.

In addition to the serious degradation of property values, the majority of this property is scrub jay habitat as well.

I hope that you support the residents of this area of Brevard County and vote NO to this zoning request change.

Thank you,  
Deborah J Smith  
6485 Orchid Ave  
Port St John 32927

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Pritchett, Rita  
**Sent:** Friday, February 12, 2021 4:49 PM  
**To:** Tom Macfarlane  
**Subject:** Re: Rezoning request in PSJ

**Categories:** EMAIL CAMPAIGN

Really sorry about some of the things in the past email as far as grammar. I had a little help from Siri

From Rita Pritchett

On Feb 12, 2021, at 4:46 PM, Pritchett, Rita <Rita.Pritchett@brevardfl.gov> wrote:

Please call my office to get some information sent to you. The property is zoned right now, residential, trailer and business. I would like to hear from all the people effected it so that we can get all concerns. Please send me whatever information that is. I keep getting emails with that Information that you have referred to, but I have not seen it yet. Thank you sir I certainly appreciate you sending me this email.

From Rita Pritchett

On Feb 12, 2021, at 4:03 PM, Tom Macfarlane <tmmax@hotmail.com> wrote:

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

February 12, 2021

Dear Commissioner Pritchett,

We are longtime residents of Port St. John. We live on Vineland Street and border the property that is being considered for rezoning east of the railroad tracks.

What is being proposed for this land, and their rezoning request for its use, is ridiculous because it will have a severe negative impact on our property value as well as all the homes in Port St. John. Our home is a 32 hundred sq. ft., single story house on a half-acre and



our next door neighbor's is over 4 thousand sq. ft. He just had an appraisal of his home a couple of days ago. Its value is \$368,000. If the developer is allowed to move forward with his proposal, it will have a very negative impact on our property value.

I just received information from another researcher on this subject that, in the past, Commissioner Truman Scarborough denied this same rezoning request. He said that this land was planned for single family block homes and the denial was because of the negative effect it would have on property values, as well as the occurrences of hurricanes, the federally protected Scrub Jays and Indigo Snakes, and the FWC protected Gopher Tortoise and its burrows.

I respectfully ask you to deny this rezoning request.

Sincerely Yours,

T. M. MacFarlane, RMC, U.S. Navy (ret.)

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Tom Macfarlane <tmmax@hotmail.com>  
**Sent:** Friday, February 12, 2021 4:03 PM  
**To:** Pritchett, Rita  
**Cc:** Tom Macfarlane  
**Subject:** Rezoning request in PSJ  
  
**Categories:** EMAIL CAMPAIGN

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

February 12, 2021

Dear Commissioner Pritchett,

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What is being proposed for this land, and their rezoning request for its use, is ridiculous because it will have a severe negative impact on our property value as well as all the homes in Port St. John. Our home is a 32 hundred sq. ft., single story house on a half-acre and our next door neighbor's is over 4 thousand sq. ft. He just had an appraisal of his home a couple of days ago. Its value is \$368,000.

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I respectfully ask you to deny this rezoning request.

Sincerely Yours,

T. M. MacFarlane, RMC, U.S. Navy (ret.)

Sent from Mail for Windows 10

**Pritchett, Rita**

---

**From:** Brandon Grimshaw <brandon\_grimshaw@yahoo.com>  
**Sent:** Thursday, February 11, 2021 2:33 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Rezoning PSJ Mobile Home Park  
  
**Categories:** EMAIL CAMPAIGN

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

Hi Commissioner Pritchett,  
With real estate interest in PSJ I oppose the plan to build a low income mobile home rental development. I have property in PSJ that will be negatively impacted by this. Property values will significantly decrease.  
Thank you,  
Brandon Grimshaw  
907-887-6146

## Pritchett, Rita

---

**From:** Brandi Pharr <bpharr21@yahoo.com>  
**Sent:** Wednesday, February 10, 2021 9:43 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning project of PSJ - Please consider reading this email, as I know there must be many, but I am desperate.

**Categories:** EMAIL CAMPAIGN

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

Good evening Ms. Pritchett,

My name is Brandi Pharr. I am the sole homeowner at 1081 Vineland street, Cocoa, FL, 32927. I am sure you have received countless emails in regards to the rezoning of property in PSJ, FL. As I am sure everyone has the the best intentions with this project, please let me explain my situation. I am a single mom of a beautiful, energetic, curious, sweet, lovingly little boy named, Easton. My son suffers from various sensory disorders, such as sensory modulation and sensory discrimination disorders. Some of his main triggers consist of loud noises, sensitivity to unexpected sounds, and being easily distracted by visual stimuli. Unfortunately, I too suffer from a disorder known as PTSD since I was 16 years old. Although my "triggers" are less troublesome at this stage in life, I still need that security of distance between my neighbors. When I built my house about 3 years ago, I strategically picked this property due to the lack of heavy traffic, loud noises, or any other triggers that may affect my family. With that being said, I know our community must grow for everyone to thrive. Would the county reconsider, maintaining at least 100 feet between the existing home owner's property lines and the proposed project?

Thank you for your time and consideration,  
Brandi Pharr  
321-652-8484  
1081 Vineland street  
Cocoa, FL 32927  
bpharr21@yahoo.com

**Pritchett, Rita**

---

**From:** Aim Young <ammiyou@gmail.com>  
**Sent:** Wednesday, February 10, 2021 5:23 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** ID# 20Z00036

**Categories:** EMAIL CAMPAIGN

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

I understand that there is a meeting tonight regarding the addition of a 200 unit mobile home park in Port St John. As a home owner and tax payer in Port St John, I am against this development and ask that the land NOT be used for Mobile Homes.

Respectfully,

Amy M. Young  
5403 Holden Road  
Cocoa, FL 32927  
(330) 690-6627

**Pritchett, Rita**

---

**From:** Kristine Sanford <kristine.sanford@cfl.rr.com>  
**Sent:** Wednesday, February 10, 2021 3:56 PM  
**To:** Pritchett, Rita  
**Subject:** 20Z00036

**Categories:** EMAIL CAMPAIGN

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

Good afternoon Mrs Pritchett,

I'm writing regarding the rezoning request in Port St John to change the zoning from TR-2 to TR-1 and to amend the required minimum side yard setbacks of the primary/accessory structure from 10-feet to 7.5-feet.

I live on US 1, on the River where Aron St connects to US 1. My parents live on Aron St and have for 40 years. Two of my children own homes in Port St John. My husband and I just purchased 2 acres of land that connects to this property in question.

I have serious concerns about this rezoning request. This land is already zoned for Manufactured homes. The developer has 'promised' that he intends to build manufactured homes on this land. If that is the case and he is being honest, then there is no reason to rezone the land.

I'm adamantly opposed to this rezoning request. I believe it will decrease our property values and I believe it will open a door for a low income mobile home park. This developer has stated that his plans are to build these manufactured homes and rent them to families for 5 years before giving them an opportunity to purchase. That is mind boggling to me. If this request is allowed, then there's nothing to stop him or someone in the future from filling this area with mobile homes.

My parents and my husband and myself have spent the greater part of our lives investing in our future in Port St John. We love our community. We don't want to see our investments decline because of a shady developer that is concerned only with packing as many rental trailers in this area to make a quick buck. He doesn't care about this community. I sincerely hope that you and the other commissioners will reject this rezoning request.

Thank you for your time.

Sincerely,

Kristine Sanford

Sent from my iPhone

**Pritchett, Rita**

---

**From:** Pritchett, Rita  
**Sent:** Wednesday, February 10, 2021 5:37 PM  
**To:** Aim Young  
**Subject:** Re: ID# 20Z00036

**Categories:** EMAIL CAMPAIGN

The meeting was canceled tonight due for a lack of a quorum

From Rita Pritchett

On Feb 10, 2021, at 5:22 PM, Aim Young <ammiyou@gmail.com> wrote:

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

I understand that there is a meeting tonight regarding the addition of a 200 unit mobile home park in Port St John. As a home owner and tax payer in Port St John, I am against this development and ask that the land NOT be used for Mobile Homes.

Respectfully,

Amy M. Young  
5403 Holden Road  
Cocoa, FL 32927  
(330) 690-6627

**Pritchett, Rita**

---

**From:** Pritchett, Rita  
**Sent:** Wednesday, February 10, 2021 4:56 PM  
**To:** Lisa McCarthy  
**Subject:** Re: Wildlife and protected Species  
**Categories:** EMAIL CAMPAIGN

Did you mean to send this to me?

From Rita Pritchett

On Feb 10, 2021, at 1:48 PM, Lisa McCarthy <lisamccarthy381@yahoo.com> wrote:

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

Any of my local friends please email our county commissioner  
rita.pritchett@brevardcounty.us.

There is a meeting tomorrow and they are trying to rezone the 58 acres directly behind our house to be 200 rental mobile homes. This will affect everybody's home values significantly. Please just drop her one or 2 lines stating you are concerned and do not support this. Not to mention it is in a scrub jay habitat with other protected species. If anything ask them to compromise and give PSJ a larger buffer between us and this mobile home park.

PS In my own words I have see Fla Large Panther Cat a Momma with 2 Cubs end of last spring in the area that are in Endangered species things like this trailer park the whole reason why we're losing all of our wildlife in Florida please don't take it out of our backyard we love it we enjoy it and those animals will be homeless raccoons scrub Jays tortoises coyotes please don't do this to them  
Lisa and Thomas McCarthy the Drive would be directly Accross the street from mine  
5970 Cedar Lake Dr coco fla 32927

Sent from Yahoo Mail. [Get the app](#)



**Pritchett, Rita**

---

**From:** Jose <jcadiz4595@gmail.com>  
**Sent:** Wednesday, February 10, 2021 2:18 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Fwd: Rezoning 20Z00036

**Categories:** EMAIL CAMPAIGN

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

Good afternoon Rita,

I tried to get the developer related to 20Z00036 to let us have our own environmental Survey and we got declined.

Below are a few views from the Atlantic environmental that question if this is for everyone or just who is paying the bills for them.

I have attached the email from Kim Rezanka on my request for permission to be on the property to have a survey done.

\*\*\*\*\*

Second paragraph of the About us page

Atlantic Environmental's ecologists have extensive experience assisting clients through the various permitting and compliance processes at local, state and federal levels.

We have established a strong reputation for integrity and reliability. Our goal is to develop effective permitting and mitigation strategies and solutions that successfully

address the concerns and responsibilities of both developers and environmental regulators. Our experience and expertise allow us to accomplish this goal in a cost-effective

and expeditious manner that results in greater profitability for our clients.

Home Page

a better built environment:

for your business

for your family

for our future

\*\*\*Email from Kim declining our survey request\*\*\*

**From:** Kim Rezanka <[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)>

**Date:** February 10, 2021 at 11:08:38 AM EST

**To:** [jcadiz4595@gmail.com](mailto:jcadiz4595@gmail.com)

**Cc:** "Jones, Jennifer" <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>, "Rita Pritchett (D1.Commissioner@BrevardFL.gov)" <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>

**Subject:** Cedar Lake Drive Project (20Z-0036)

Mr. Cadiz,

Thank you for your inquiry to this office as to whether the developer would allow you to conduct your own environmental study on the 58 acres that the new subdivision will encompass. We understand you live on Vineland Street and have concerns regarding the impact to the environment based upon this proposed development.

I have spoken to the developer of the Project, and he has hired a reputable and respected environmental engineering company, Atlantic Environmental, who is conducting in-depth studies and surveys of the Property, as required by the County and other permitting agencies. The developer will be providing those surveys and studies to the County and you will be able to receive copies.

He respectfully declines your request to conduct your own survey due to liability concerns.

Sincerely,

Kimberly B. Rezanka

Partner

1290 US Highway 1, Suite 201

Rockledge, FL 32955

Office 321.608.0892

[krezanka@laceyandlyons.com](mailto:krezanka@laceyandlyons.com)

<https://www.laceyandlyons.com/>

**Pritchett, Rita**

---

**From:** Lisa McCarthy <lisamccarthy381@yahoo.com>  
**Sent:** Wednesday, February 10, 2021 1:48 PM  
**To:** Pritchett, Rita  
**Subject:** Wildlife and protected Species  
**Categories:** EMAIL CAMPAIGN

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

Any of my local friends please email our county commissioner [rita.pritchett@brevardcounty.us](mailto:rita.pritchett@brevardcounty.us).

There is a meeting tomorrow and they are trying to rezone the 58 acres directly behind our house to be 200 rental mobile homes. This will affect everybody's home values significantly. Please just drop her one or 2 lines stating you are concerned and do not support this. Not to mention it is in a scrub jay habitat with other protected species. If anything ask them to compromise and give PSJ a larger buffer between us and this mobile home park.

PS In my own words I have see Fla Large Panther Cat a Momma with 2 Cubs end of last spring in the area that are in Endangered species things like this trailer park the whole reason why we're losing all of our wildlife in Florida please don't take it out of our backyard we love it we enjoy it and those animals will be homeless raccoons scrub Jays tortoises coyotes please don't do this to them Lisa and Thomas McCarthy the Drive would be directly Accross the street from mine 5970 Cedar Lake Dr coco fla 32927

Sent from Yahoo Mail. [Get the app](#)

**Pritchett, Rita**

---

**From:** Odette MacFarlane <odettemacf@gmail.com>  
**Sent:** Wednesday, February 10, 2021 12:42 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning of property in PSJ

**Categories:** EMAIL CAMPAIGN

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

Dear commissioner Pritchett,

I am writing to you to express my very deep concern regarding the rezoning request for the property described as 5972 Cedar Lake Drive Revocable Land Trust and U. S. Highway No. 1 Commercial Land Trust (Kim Rezanka) to TR-1 with a BDP limited to 200 units. This rezoning is for land that is next to my property along Vineland Street.

I am extremely worried about the changes proposed and the profound negative impact they will have on our property values and the homes in this area. It is my respectful wish that the County Commissioners work towards denying the request for this change in zoning.

Sincerely Yours,

Odette Macfarlane

## Pritchett, Rita

---

**From:** Rockledge CC Food & Beverage <fandb@rockledgecc.com>  
**Sent:** Wednesday, February 10, 2021 11:44 AM  
**To:** Pritchett, Rita  
**Subject:** Port St. John Trailer Park  
**Categories:** EMAIL CAMPAIGN

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

Mrs. Pritchett,

I was informed that there was a vote on whether to allow access to a trailer park developer in the Pt. St. John area. If this is true can you explain why you feel this is good for the current homeowners that call this area home. Looking forward to hearing back from you.



**Jeffrey W. Cosat**

**Phone:** 321-368-3409

**Email:** jeffrey.cosat@rockledgecc.com

**Website:** [www.rockledgecc.com](http://www.rockledgecc.com)

**Rockledge Country Club, LLC**  
1591 South Fiske Blvd  
Rockledge, Florida 32955



"The most important shot in Golf is the next one!" —Ben Hogan

**Pritchett, Rita**

---

**From:** Melissa Moldovan <melissaflips10@gmail.com>  
**Sent:** Wednesday, February 10, 2021 10:33 AM  
**To:** Pritchett, Rita  
**Subject:** mobile homes  
  
**Categories:** EMAIL CAMPAIGN

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

Ms. Pritchett,

I was just made aware of this PSJ Dependent Special District Board meeting tonight regarding the 200 mobile home development that may happen.

I am against this happening. The land should not be developed and should be left to the indigenous species that are currently living there. With the increase of development in other regions, the wildlife needs a sanctuary.

I am 100% against this. If I need to sign something, please forward it to me.

Thank you,

Melissa Moldovan

**Pritchett, Rita**

---

**From:** garywhit@lycos.com  
**Sent:** Wednesday, February 10, 2021 7:50 AM  
**To:** Pritchett, Rita  
**Subject:** Mobile Home Proposal in Port St John

**Categories:** EMAIL CAMPAIGN

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

Ms. Pritchett-

As long time residents of Port St John-since 1983, we are not in favor of the proposed mobile home park in Port St John. This is a subdivision of family homes. It has been bad enough that stores have invaded the area causing increased traffic and trash to a community that was once better kept and was a safer area to walk/bike. Should the mobile homes be approved, it will add to the our decision to eventually move out of this community and will impede future residents from wanting to move to the area.

Thank you-

Robyn and Gary Whitmore

**Pritchett, Rita**

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**From:** Valerie Marino <k9vet2003@gmail.com>  
**Sent:** Wednesday, February 10, 2021 6:51 AM  
**To:** Pritchett, Rita  
**Subject:** Port St. John -- NO MOBILE HOMES!!

**Categories:** EMAIL CAMPAIGN

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

Dear Ms. Pritchett;

I am writing to inform you, as a resident of Port St. John, that I absolutely DO NOT want an influx of mobile homes.

I only recently moved here and I love it. The sense of community and caring for the environment is pervasive. Allowing a highly populated area of mobile homes will only lower my property value and destroy wildlife habitats.

Please do not allow this to happen.

Sincerely,  
Valerie Marino, DVM



**Pritchett, Rita**

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**From:** Ashley Schurlknight <arenee0610@gmail.com>  
**Sent:** Tuesday, March 2, 2021 12:08 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning property behind Winn-Dixie  
**Categories:** EMAIL CAMPAIGN

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

Rita Pritchett,

I am writing to you in regards to the claim that there is talks of reZoning property behind Winn- Dixie as low income housing. I am a resident of port St. John and have been for the past 13 years. I do not approve of this idea and against any further action being made. This will greatly impact PSJ in a negative way. The property values will decrease, might bring more illegal activity to the area and will also destroy the homes of many wildlife. Thank you for your time in reading this and considering my plea.

Ashley Schurlknight

**Pritchett, Rita**

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**From:** Rebekah Cox <bekahcox15@gmail.com>  
**Sent:** Wednesday, February 10, 2021 5:26 AM  
**To:** Pritchett, Rita  
**Subject:** Mobile home park

**Categories:** EMAIL CAMPAIGN

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

I am a concerned citizen of Cocoa that does not agree with the clearing of land and destruction of habitats for already endangered animals to build rented MOBILE HOMES???? That will not only destroy land and kill animals but will also significant ally decrease surrounding property values, and encourage more low income people who are not functioning members of society to increase crime in the area. Please reconsider as a lot of fellow neighbors and citizens of Cocoa/Port St. John are very against this and very unhappy with this decision.

Rebekah Cox  
bekahcox15@gmail.com

Sent from my iPhone

**Pritchett, Rita**

---

**From:** Peggy Timbers <ptimbers@gmail.com>  
**Sent:** Wednesday, February 10, 2021 5:25 AM  
**To:** Pritchett, Rita  
**Subject:** PSJ Meeting tonight at Viera  
  
**Categories:** EMAIL CAMPAIGN

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

This is concerning the change in land development behind Winn Dixie in Port St. John.

I live in the condos at 100 Canebreakers, which is almost across the road from this proposed development. I have a concern about this reducing the value of my property. Another mobile home park would not be a good use of this land.

The increase of traffic would also be an issue. With the condos along US 1 in this area and the businesses already there this area has become very risky to travel. Just what we need are more cars and if this becomes a mobile home park instead of housing it will be detrimental to the area and definitely add more traffic.

Since I can't make this meeting please let this email voice my opinion.

Peggy Timbers  
100 Canebreakers Unit 110  
Cocoa, FL 32927  
*Peggy*

**Pritchett, Rita**

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**From:** Chris M <cjmac111@gmail.com>  
**Sent:** Wednesday, February 10, 2021 12:07 AM  
**To:** Pritchett, Rita  
**Subject:** Rezoning of property in PSJ near Vineland Rd  
  
**Categories:** EMAIL CAMPAIGN

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

Dear Commissioner Pritchett:

I am writing to you today to express my concern regarding the requested rezoning of the property described as 5972 Cedar Lake Drive Revocable Land Trust and U.S.Highway No. 1 Commercial Land Trust (Kim Rezanka) to TR-1 with a BDP limited to 200 units. This rezoning is for land which is next to the properties in Port St. John along Vineland Street.

I am concerned about the changes proposed and the negative impact it will have on our property values with houses in the surrounding area. I respectfully request the County Commission to work towards denying the request for the change in zoning.

Sincerely,  
Chris M.

## Pritchett, Rita

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**From:** Pritchett, Rita  
**Sent:** Tuesday, February 9, 2021 11:30 PM  
**To:** Casey Zeilman  
**Subject:** Re: PSJ Dependent Special District Board is meeting in Viera 02/10/2021

**Categories:** EMAIL CAMPAIGN

Hey Casey

1. The information is on the Brevard County site it is where I downloaded it. 2. Where do you live we can check to see if you are in the target zone for notifications

Rita Pritchett  
County Commissioner District One

From Rita Pritchett

On Feb 9, 2021, at 9:10 PM, Casey Zeilman <regentservicesinc@gmail.com> wrote:

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

Hey Rita,

Can you please let me know two things, one; where exactly is this proposed TP expansion in the PSJ area and two; why didn't I get a copy of this letter to correspond? I live in PSJ and would not be excited about a development plan that includes mobile, manufactured or modular homes in this area.  
<image.png>

Thanks and best regards,

Casey Zeilman  
President



Regent Services Inc.  
1431 Chaffee Dr. #3  
Titusville, FL 32780  
321-269-0577 - Office  
321-848-2730 - Direct

888-590-8819 - Fax

[www.RegentServicesInc.com](http://www.RegentServicesInc.com)

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**Pritchett, Rita**

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**From:** Johanna Velasquez <johannavel@yahoo.com>  
**Sent:** Tuesday, February 9, 2021 10:48 PM  
**To:** Pritchett, Rita  
**Subject:** Concern PSJ and Rezoning of Property  
  
**Categories:** EMAIL CAMPAIGN

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

Dear Commissioner Pritchett:

I am a long time resident of PSJ and am writing to you today to express my concern regarding the requested rezoning of the property described as 5972 Cedar Lake Drive Revocable Land Trust and U.S.Highway No. 1 Commercial Land Trust (Kim Rezanka) to TR-1 with a BDP limited to 200 units. This rezoning is for land which is next to the properties in Port St. John along Vineland Street.

I am deeply concerned about the changes proposed and the profound negative impact it will have on our property values with houses in the surrounding area. I respectfully request the County Commission to work towards denying the request for the change in zoning.

Sincerely,  
Johanna Velasquez

Sent from my iPhone

**Pritchett, Rita**

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**From:** Tom Macfarlane <tmmax@hotmail.com>  
**Sent:** Tuesday, February 9, 2021 10:42 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning of property in PSJ (just south of Vineland Street)  
**Categories:** EMAIL CAMPAIGN

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

Dear Commissioner Pritchett,

I am a U.S. Navy & Vietnam veteran that moved to Port St. John in 1976. I have been in my current residence since moving into the home we built in 1977.

Now I am concerned with the zoning change being requested for a project just south of our property on Vineland Street. Several years ago (I think in 2006) there was a similar request and the developer, I was told, got into trouble for not getting the proper permits. He was in violation of three different wildlife protected species. They were the Scrub Jay, the Indigo Snake, and the Gopher Turtle.

I never did find out any particulars about what the final decision was but, the project never did proceed.

My concern now is that this zoning change would lower the property value of our home and I am very much against any change that could impact all of the homes in our area. If the project under consideration should proceed, I would like a substantial increase in the buffer area between our property and theirs.

Thank you for your consideration of my concerns.

Thomas M. MacFarlane, RMC, USN (ret.)

Sent from Mail for Windows 10



## Pritchett, Rita

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**From:** Zac Brigante <zbrigante@floydleelocums.com>  
**Sent:** Tuesday, February 9, 2021 10:30 PM  
**To:** Pritchett, Rita  
**Subject:** RE: Rezoning of property in PSJ  
**Attachments:** Scrub Jay map.pdf  
  
**Categories:** EMAIL CAMPAIGN

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

Commissioner Pritchett,

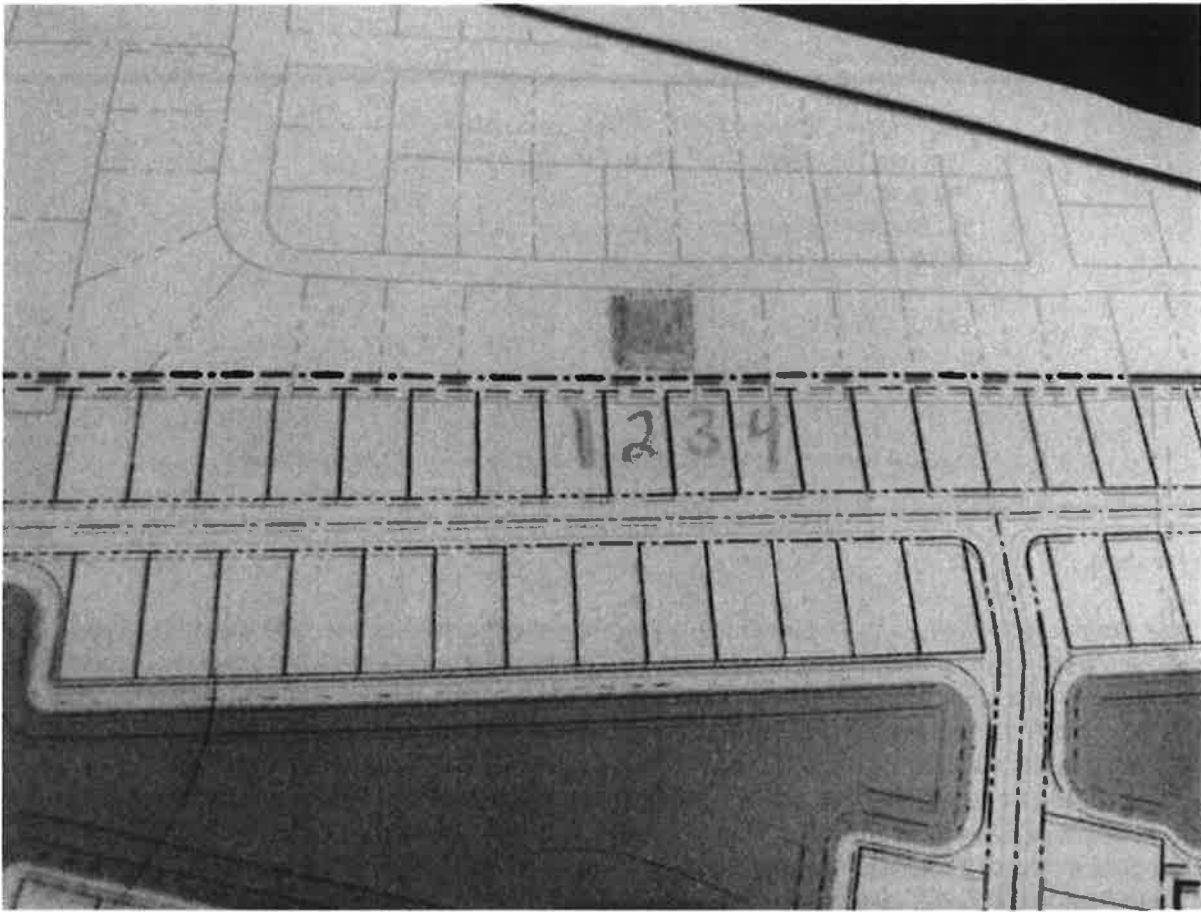
Thank you for your prompt reply. We purchased our home 4 years ago and the neighbors all said about 10-15 years ago the land was surveyed when a similar proposal to develop was requested and it was denied. The scrub Jay occupancy map that I see now is the same public record you have on file. I will have to go dig through what I have, but it is very similar to what is in your agenda. We knew it could eventually get overturned, but looking at the documents regarding soil, wetlands and other protected habitats the way I read Section 62-3694 ( c) (1) was eventually that 1 unit could be constructed per 5 acres. We have seen all listed protected animals scrub jays, gophers, indigos and owls here within the past month Indigo being only a few times the other 3 being just about daily. That was why I was trying to recommend we eliminate the northern row of 29 mobile homes and leave that as a wooded habitat for the animals. This would also reduce the amount of traffic that Cedar Lake Drive experiences and also create a permanent wooded buffer between the development and the homes on Vineland street.

Is there anyway to compromise? My family will honestly end up moving due to this and it is extremely unfortunate. We are long time established and very involved citizens of Port St. John/Titusville. We are very active in our community and proud to call PSJ home for 34 of my 36 years. We did not sell our previous home in a deed restricted neighborhood until 2 years after living here to ensure we loved our new home.

I know a larger wooded buffer, larger single family construction built homes not manufactured/mobile homes and less of them would be much better received by the residents.

The developers proposed layout of the 29 lots along the northern stretch will put 4 rental mobile homes within 27 feet of my back porch. These are not for sale. These are low income rental mobile homes. I went to the meeting with the developer and attorney. My porch is about 12 feet from property line and they are giving a 15 foot buffer. I asked the appraiser who was here last week hypothetically speaking if there were mobile homes in my backyard and showed him where they would be if it would affect my value and he said absolutely without a doubt he would take that into consideration. That is not fair to the loyal long time homeowners of PSJ.

Lets face it end of the day all of our homes were built on what was once the animals habitats, but the disheartening part is the type of home, the amount of them and the lack of a real buffer to the homes on Vineland Street. This developer is not doing this to benefit our community whatsoever. There is no need for this type of housing especially with the odd rental agreement and purchase plan. He is trying to put lipstick on a pig and it is a slap in the face to our community.



Zac Brigante  
Director of Concierge and Engagement  
Floyd Lee Locums  
direct: 843.970.2843  
mobile: 321.794.7459  
[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)  
[www.floydleelocums.com](http://www.floydleelocums.com)

*Connecting clinicians to purposeful work. We impact lives.*

**From:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Sent:** Tuesday, February 9, 2021 6:50 PM  
**To:** Zac Brigante <zbrigante@floydleelocums.com>  
**Subject:** Re: Rezoning of property in PSJ

Can you please send me that research you have? That would be greatly appreciated  
Commissioner Rita Pritchett  
District One

On Feb 9, 2021, at 4:04 PM, Zac Brigante <[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)> wrote:

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

Hello Jennifer and Rita, I hope you are both doing well. I am writing you both as a concerned long time resident of Port St. John (1986).

When we purchased our current house in 2016 I did a lot of research to ensure the property behind my house was not buildable. This is a well-known and documented scrub jay habitat, wetlands, hardwoods, owls, Gophers, Indigos etc. My family and neighbors are highly disappointed that this developer has the potential power to purchase non buildable land cheap and have codes changed to satisfy the needs of their development. Please let me know what can be done to stop this from happening. Especially when there are many years of documented meetings and regulations in place for a reason. I am no zoning expert, but all of these documents on record I have reviewed prior to purchasing my home. Now to find out they want to put 200 mobile homes within 40 feet of my back porch is extremely upsetting.

If there is no compromise and this is ultimately passed, I please ask that it be regular construction single family homes on larger lots and a much larger buffer go around the property particular the side that touches Vineland, which this will affect the value the most. My home on Vineland street was recently appraised at \$368,000 last week and I promise you if there are mobile homes in the back yard that my equity will decrease significantly. This is not the ideal result, but if there is no chance of stopping it I would like to atleast see a compromise. A buffer of 75-100 feet will also help preserve much of the natural habitat and allow some species to remain. Yes this will lower the amount of homes, but will appease most of the concern. The residents of Cedar Lake are concerned with the extra traffic and the residents of Vineland are concerned with Mobile homes in their back yards.

I understand that with enough money the "protected species" can be relocated, but what I am having the most difficult time with is understanding how I purchased my house with the certainty that the property was previously deemed protected. I am all for growth and progress, but this negatively impacts every single house in Port St. John.

I feel that the community showed their support back in January when they had to reschedule to meeting due to too many residents showing up. One of the board members said this was the largest turnout they have had in years. Now that this has been relocated to Viera I am concerned less people will be able to have a voice.

Thank you for your time and thank you for serving the residents of PSJ. I understand you have a job that is often thankless, but I am certain you will do what is right in this case for the residents you represent.

Have a great day!

**Zac Brigante**

Director of Concierge and Engagement

Floyd Lee Locums

direct: 843.970.2843

mobile: 321.794.7459

[zbrigante@floydleelocums.com](mailto:zbrigante@floydleelocums.com)

[www.floydleelocums.com](http://www.floydleelocums.com)

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**Pritchett, Rita**

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**From:** Daneen Cody <wilddcody@hotmail.com>  
**Sent:** Tuesday, February 9, 2021 9:46 PM  
**To:** Pritchett, Rita  
**Subject:** Objection to land development

**Categories:** EMAIL CAMPAIGN

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

Ms. Pritchett,

My name is Daneen Cody, and I am writing on behalf of my mother who lives in Port St. John near US1 and Winn Dixie. I understand that there is discussion to develop the land that is behind her.

My mother has been there for 47 years, that is the home my sister and I grew up in. For many years my mother, father and sister and I shared many a long conversation in our back yard, enjoying all the wildlife and natural beauty that has been preserved. We have enjoyed seeing the endangered species have a place to call home. My mother and her neighbors have all enjoyed this area that has been preserved. My request is that you reconsider developing on this land that is a home to many natural species and a pleasure to the humans that enjoy what is within. Keep what little land that is left for those who were here before us. Thank you for your time.

Sincerely, Daneen Cody

Sent from my iPhone

**Pritchett, Rita**

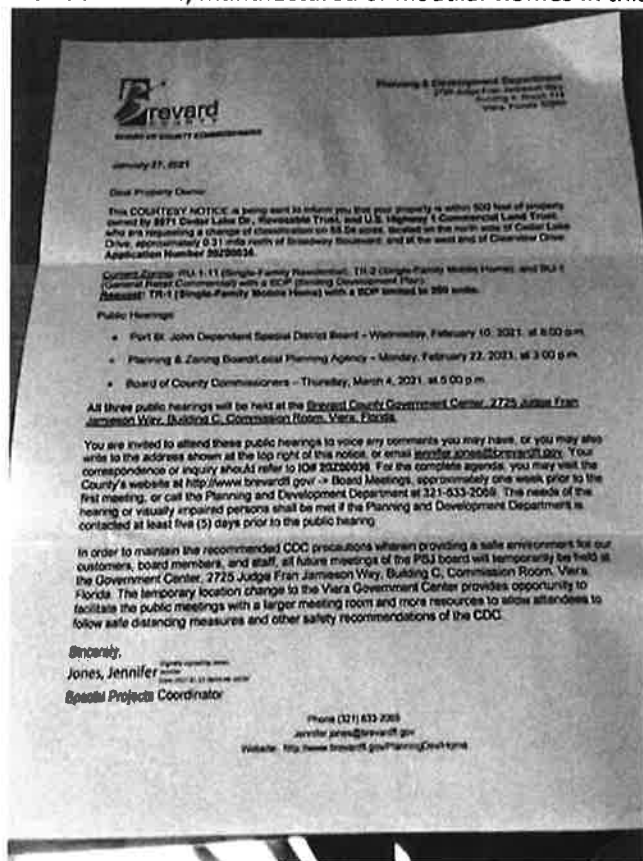
**From:** Casey Zeilman <regentservicesinc@gmail.com>  
**Sent:** Tuesday, February 9, 2021 9:10 PM  
**To:** Pritchett, Rita  
**Subject:** PSJ Dependent Special District Board is meeting in Viera 02/10/2021

**Categories:** EMAIL CAMPAIGN

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

Hey Rita,

Can you please let me know two things, one; where exactly is this proposed TP expansion in the PSJ area and two; why didn't I get a copy of this letter to correspond? I live in PSJ and would not be excited about a development plan that includes mobile, manufactured or modular homes in this area.



Thanks and best regards,

Casey Zeilman

**President**



**Regent Services Inc.**

**1431 Chaffee Dr. #3**

**Titusville, FL 32780**

**321-269-0577 - Office**

**321-848-2730 - Direct**

**888-590-8819 - Fax**

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**Pritchett, Rita**

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**From:** C.J. McDowell <cjmcowell88@yahoo.com>  
**Sent:** Tuesday, February 9, 2021 8:27 PM  
**To:** Pritchett, Rita  
**Subject:** Rezoning of PSJ property

**Categories:** EMAIL CAMPAIGN

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

To whom it may concern:

My name is Carl McDowell and I am the owner of the property at 1132 Vineland St in Cocoa. If you all could really reconsider rezoning the proposed project near our home, it would be greatly appreciated.

Thank you

Sent from my iPhone

**Pritchett, Rita**

---

**From:** Rachel Gregory <ladytitania99@gmail.com>  
**Sent:** Tuesday, February 9, 2021 7:09 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Development concerns 20z00036

**Categories:** EMAIL CAMPAIGN

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

Hello Jennifer and Rita, I hope this email finds you well. I'm writing to you today as a concerned resident of Port St. John.

I've lived in this area since I was six years old, my family and I moved here back in 2000 when my sister was born. For most of my life the woods behind our house have always held a special place in my heart. I grew up watching gopher tortoises traverse our backyard and scrub-jays play. I even saw my first owl perched on one of the dead trees beyond our fence. This slice of land taught me so much of Florida's native wildlife, so to find out that this land (which my mother told me was not buildable) is in the works for development was extremely disheartening. In speaking with my neighbors I have found that they, like my own family, feel the same.

Before emailing you, I chose to do a bit of research about the land behind my house and found that this area is a well-known and documented area, for not just the couple endangered species I listed previously, but wetlands, hardwoods, Indigos, etc. I believe what is most disheartening is that this developer has the potential power to change non-buildable lands, codes, in order to satisfy the needs of their development. If there is anything that can be done to stop this from happening please let me know. When my parents purchased this house back in 2000 my mother said it was perfect for a couple reasons, one being that there was no one behind us; just woods. Now, to find out they want to build 200 mobile homes back there within at least 40 feet of my home is deeply upsetting.

Not only do I have great concern about our native wildlife but my family's property as well. Recently I have been shopping the area for already existing residences as I'm coming to the point of moving out of my family's home. For kicks I looked up my home and found out the property is estimated at 200,000 unfortunately I know that value will go down if mobile homes are put behind my house.

While ideally I'd like to see this project stopped, if there's no possibility of this happening I would like to see a compromise. I believe a buffer of at least 75-100 feet would help preserve much of the natural habitat and allow at least some species to remain. While I understand that this will lower the amount of homes allowed but it appeases many of the concerns held. I would also ask that instead of mobile homes for the homes to be regular construction single family homes on larger plots. It's my understanding that my neighbors (on Vineland) are concerned with mobile homes being back up to their property and the residents of Cedar Lake are concerned with the high traffic this development will produce.



I understand progress, it happens every day and we watch it launch from our backyards at least once a month; it's even my dream to be a part of it! I think the problem I am having however is understanding that a property once deemed protected can suddenly not be. Progress is important, but I still feel we should be mindful of the environment we call home.

I feel that this negatively impacts everyone in Port St. John and I believe that's why there was such a great mass of people at the meeting on January 6th; so much so that they had to postpone due to the sudden high risk of Covid. However, with the relocation to Viera I feel that many people will not be able to attend and their voices will not be heard.

Thank you for your time. I understand what you do is often thankless, but I am positive you will do what's right for the residents you represent here in PSJ, and the environment we live on.

I hope you have a wonderful day,

Rachel Gregory



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## Pritchett, Rita

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**From:** Deanna Gregory <pockysticks17@gmail.com>  
**Sent:** Tuesday, February 9, 2021 7:00 PM  
**To:** Pritchett, Rita; Jones, Jennifer  
**Subject:** Development Concerns  
  
**Categories:** EMAIL CAMPAIGN

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

Jennifer and Rita,

Good evening, and thank you for taking the time to read this. I'm writing to you today as a life-long resident of Port St. John, who is very concerned about the current situation.

I have lived on Vineland Street for all 20 years I have been on this earth, and for all 20 years a tract of land behind us has been documented scrub jay, owl, gopher tortoise, indigo, hardwood, and other endangered species habitat as well as known wetlands. I, my family, and almost all of my neighbors on our side of the street are incredibly disheartened by the proposed zone changes and development, as well as the fact that this zone change is only being proposed so the developer can build on unbuildable land. I ask you to please share any information you might have on preventing this from coming to pass. The specific zoning and restrictions for the area behind us are in place for good reasons. Having such critical habitat threatened by overdevelopment not even a hundred feet away from my backyard is a deeply upsetting reality I and those dear to me have had to confront.

If there is truly nothing that can be done, or even a compromise that can be reached and the changes do in fact come to pass, I am please asking that the construction is modified to single family homes on larger lots, with a much bigger buffer going around the property on the side that touches Vineland. Property values for those of us living on Vineland adjacent to the area will decrease greatly with a lot of mobile homes right on top of us. A larger buffer will not only preserve much of the habitat at risk, but also help preserve at least a solid handful of the species living on it. While this will ultimately lower the amount of homes they are able to build, it will help address many of the concerns being voiced. The residents of Cedar Lake Drive, in particular, are greatly worried by the dramatic increase in traffic that a large amount of homes will bring, while those of us on Vineland are concerned for the above reasons.

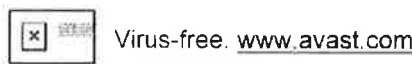
It has come to my attention that the developer is aiming to simply move the protected species, and certainly with enough funds they can attempt to do so, but it is my understanding that a tract of land is deemed "protected" in order to exist as a haven for all that lives on it. As important as growth can be, this development will only be detrimental to the people currently living here and the natural land on which such development has been proposed.

I feel in my heart that the community has shown an outpouring of support against the proposed changes, as seen in January when the community board had to reschedule the meeting as a result of too many residents showing up to be properly seated in the venue they had chosen. I am worried, however, that as a result of the new venue being in Viera, that not as many people will be able to come and have their voices heard. The location, while certainly larger, is not wholly accessible for the many aging members of the affected community.

Thank you once again for reading, and thank you for all you do in service to the people of Port St. John. It is my hope, and my belief, that you will do what is right in this particular situation for the residents whom you represent.

I hope you have a safe and lovely evening,

Deanna Gregory



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## **PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The Port St. John Dependent Special District Board met in regular session on Wednesday, March 3, 2021, at 6:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

Board members present were: Carmella Chinaris, Vice Chair; Maureen Rupe; Greg Messer; Wendy Porter-Hyde; and Kevin Shropshire.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Cheryl Campbell, Planner III; and Jennifer Jones, Special Projects Coordinator.

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

### **Excerpt of Complete Minutes**

#### **5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka)**

A change of zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial) with a BDP (Binding Development Plan) to TR-1 (Single-Family Mobile Home) with a BDP limited to 200 units. The property is 58.04 +/- acres, located on the north side of Cedar Lake Dr., approx. 0.31 mile north of Broadway Blvd.; also located at the west end of Clearview Dr. (No assigned address. In the Cocoa area.) (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

Kim Rezanka, Attorney, Law Firm of Lyons, Lacey, and Rezanka, Rockledge, stated she is representing the two property owners and HomeIn Project Administration, the developer of the proposed manufactured home development on 58 acres. She said Nick Dottore is a representative who will speak about the types of homes being proposed. The concept plan shows 147 lots, but because they are not in final design, the number of units in the BDP has been reduced from 200 to 150. The rezoning request is for TR-1 zoning, from RU-1-11, BU-1, and TR-2 zonings, removal of an old BDP on 51 acres, and a new BDP on the entire 58 acres. She stated TR-1 requires a minimum lot size of 7,500 square feet with dimensions of 65 feet by 100 feet; the existing RU-1-11 zoning also requires a minimum lot size of 7,500 square feet, but dimensions of 75 feet by 75 feet. The RU-1-11 zoned portion of the property has a density of three units per acre, and her clients are asking for a density of 2.6 units per acre, so it is a less-intense development than what was approved in 2006 with a BDP. She stated the development to the north, off of Vineland Street, has a density of 3.4 units per acre; the development to the east is another TR-1 project with a density of 3.7 units per acre. The new BDP limits the number of units, buffers the south, and the site plan and subdivision code requires a buffer of 15 feet, undisturbed, all around the perimeter, so even though each lot has a 20-foot setback from the property line, there will be an extra 15-foot buffer left in its natural state. She stated that she and her clients held an informational meeting on January 19, 2021, at the Port St. John Community Center, and notice was given to the same surrounding property owners who were noticed for this meeting. She said 36 people attended the meeting; there was some discussion about the environment; people are concerned about changing the environment and the natural scenery that has been behind their homes forever.

She said the 7-acre portion of the subject property behind Winn Dixie will be added to the manufactured home subdivision; the property extends to the west, behind Clearview Mobile Home Park; there is a small piece of land that goes over the FPL easement and that would be the access road between the two parcels. To the east is FPL, to the south is Cedar Lake Mobile Home Park, and further to the east is Brevard Memorial Park. The entrance to the project will be Clearview Drive and

Cedar Lake Drive. She stated the subject parcel was rezoned in 1990 from GU and TR-1 to RU-1-11 with a BDP limited to 154 lots on 51 acres, and it is now 58 acres and her clients are requesting a maximum of 150 lots. In 2006 there was a new BDP specifying inches of rainfall, percentage of impervious cover, and emergency access; the BDP also prohibited vehicular connection to Vineland Street, which is why it is in the proposed BDP. She stated the proposed BDP changes the access because the old BDP limited it to just Clearview; however, that doesn't seem fair to those in Clearview Terrace. As to road requirements to Clearview Drive, whatever the County requires will be part of the site plan process and does not need to be in a BDP. She stated per the staff comments there are no concurrency issues, and no road concurrency or school concurrency. City water is proposed for the development and the developer intends to bring Cocoa sewer from Camp Road through the Watermark development. The surrounding neighbors are concerned about environmental issues; tortoises do exist on the property, and the survey is not completed, but tortoises can be moved and that is what the developer would do according to Fish and Wildlife regulations. As to scrub jays, a preliminary scrub jay survey has been done and found no scrub jays themselves, but the surveys can only be done at certain times of the year, and there is one planned in the next two weeks to find out what the scrub jay population really is if it does still exist. She noted 10 to 15 years ago there were scrub jays found and there was a take plan issued from Fish and Wildlife at a cost of \$225,000 to mitigate for the scrub jays. She continued by saying the developer will meet all County and agency requirements regarding any and all wildlife that exists. She said wetlands on the property are nominal, at 1.6 acres. Currently, County capacity for sewer is limited, so if the developer cannot bring sewer, some of the lots will have to be quarter-acre lots with the upgraded septic systems. The project is intended to tie into the 129-acre Watermark development located approximately a half-mile to the south, with lots of 4,800 square feet; it was approved in 2018 with 417 lots, and in December 2020, it was revised to 363 lots. She said she believes the proposed project is compatible with the area and the manufactured homes are similar to those in Clearview Terrace and Cedar Lake Mobile Home Park. It is also compatible with the lot sizes of Watermark. She pointed out that the project is not inconsistent with the new small area study, and it will increase the manufactured home zoning and availability, which is less than 1% of the total area. [Ms. Rezanka provided a handout to the board. The handout can be found in file 20Z00036, located in the Planning and Development Department] She explained Page 1 is one of the owners of the subject property who owns 50 acres, and they also own a half-acre parcel in the Cedar Lake Mobile Home Park, which is intended to be an access. Page 3 is the other owner of the 6.89 acres behind the Winn Dixie that has been added to the development. Page 4 is the 1990 rezoning resolution that shows this was rezoned quite a while ago and it hasn't been developed because it hasn't been feasible to develop, but now this developer believes it is feasible and is going to upgrade the area with sewer and septic. Page 5 is the 2006 rezoning resolution. Page 6 is the certificate of title, which she included to explain that in 2006 the developer who rezoned the property went into foreclosure on all 58 acres. She stated there have been several emails from Zachary Brigante, who lives at 1101 Vineland Street, and he has sent public comment claiming that the property cannot be developed, but the property can be developed and has been entitled since 1991. She said Mr. Brigante has also stated that the acreage is cheap, but it's not cheap to buy and she is not sure why he is stating that because it is speculative and without proof. Page 9 is information about appraisals because many of the public comments are about property devaluation. She noted appraisers look at similar types of homes, so no one on Vineland Street is going to have their property appraised based upon manufactured homes sales in Clearview Terrace or Cedar Lake Mobile Home Parks, or in the proposed development, because they are different types of homes. Property appraisals are influenced by sales of similar properties and current market trends. Page 10 of the handout are the HUD standards for manufactured homes. Manufactured homes and mobile homes are really the same thing; however, the standards increase substantially due to winds

and other criteria of building codes. Page 10 also lists the manufactured housing federal statutes, and Mr. Dottore will speak to that. Page 11 is part of the federal standards to ensure uniform and effective enforcement of construction and safety standards to ensure that the public interest is duly considered in determination of the federal standards and their enforcement. Page 12 is the definition of manufactured homes according to the federal law, which is also very similar to Page 13, which is the federal statute definition of manufactured homes. I've also cited on Page 13 the definitions from the Brevard County Code for mobile homes, modular coaches, and modular factory built homes. Page 14 is the plat of the Clearview Terrace Mobile Home Park, which was intended to have 55 units; not all of the lots are developed, and some have one home on two lots. She said there has been a concern that people don't want rental homes in the area, but only 19 of the 55 lots in Clearview Terrace have homestead exemptions, leading her to believe that the rest of them are rentals if they are not vacant. Page 15 is the TR-1 zoning criteria that shows the rear setback has to be 20 feet and the size of the lots are 7,500 square feet. Page 16 is the existing zoning of RU-1-11 with a minimum lot size of 7,500 square feet and 20-foot setbacks. The zoning to the north is RU-1-9 and has a lesser minimum lot size of 6,600 square feet, although most of them are larger than that, and the setbacks are the same as well. She stated pursuant to the small area study, TR-1 is vastly under-developed in Port St. John, it's only 2.7% of the total acreage in Port St. John. For RU-1-11, there is 3.49% total acreage, with 100 acres vacant. As to the complaints and concerns from the neighbors, they are speculative as to the property values; the code is very specific and a MAI appraiser actually has to state that the development will devalue property. Generally, people are concerned about the unknown; they like their backyards, they like seeing the wildlife, but the developer has the right to develop as has been granted previously. She stated she would like the right to question those who testify today if she needs to, and she requests approval of the rezoning to TR-1 with a BDP as presented.

Kevin Shropshire asked what Ms. Rezanka meant when she said some of the homes may have to have septic. Ms. Rezanka replied that currently the capacity of the sewer plant in the area is only 70, so they can only get sewer for 70 if they can't connect through Camp Road, then the remaining lots would have to be one-quarter acre, per County code, and they would have to have the upgraded septic systems. Mr. Shropshire stated that would be about 80 septic tanks, and he knows the County is working to remove septic tanks within a mile of the river, and even though they are new septic tanks, down the road they may have to look at the cost of removing them. Ms. Rezanka stated the developer has every intention of bringing sewer up Camp Road through the Watermark subdivision.

Maureen Rupe asked if the septic systems would be the advanced systems. Ms. Rezanka replied yes, the 60% nutrient reduction because that is what the code requires.

Ms. Rupe stated she knows there are gopher tortoises, scrub jays, and eagles on the property, and asked if Fish and Wildlife been to the property. Ms. Rezanka replied they were on the property 15 years ago and they issued a take permit for scrub jays, but until there is an environmental study they won't visit the property. She noted the developer cannot do anything until all agencies approve it.

Ms. Rupe asked since DEP has taken over from the EPA, will it make any difference to the wetlands on the property. Kim Rezanka replied no, because they still have to abide by County code and can only impact .08%; there is only 1.56 acres of wetlands on the entire property, and 55.4 acres of uplands.

Ms. Rupe asked if the BDP was revised to limit the number of homes to 150 from 200. Ms. Rezanka replied there is currently a BDP on the property for 154 units from 2006; and they are now proposing 150 units on 58 acres. Ms. Rupe stated there is nothing to stop her client from coming back in the

future and ask to have the BDP removed. Ms. Rezanka stated the land will not support more than 147 units because of stormwater retention and compensatory storage. She said there might be availability to get a couple more, and that's why they limited the BDP to 150 units.

Ms. Rupe asked Ms. Rezanka if she does not believe the development will devalue the property around it. Ms. Rezanka replied no, because it's new development and there is no evidence that it will; it's all speculative. She stated appraisers will look at regular construction versus manufactured homes when they do appraisals. The development will actually increase the value of the manufactured homes to the east and south, and it will not have any impact on the homes to the north.

Carmella Chinaris stated it is mostly a hardwood wooded area, and asked what is the timeline as far as when things happen, and when can the board request an environmental study be done on the property. Jeffrey Ball replied the environmental aspects will be addressed during the subdivision plan process. Ms. Chinaris asked if that is contingent upon approval or disapproval. Mr. Ball replied the rezoning is the first stage of the development process, and once that happens, then developer will petition County staff for a subdivision plan, which is engineering plans, to establish the lots, and then infrastructure to support that, including engineering, stormwater, and other environmental permitting that would be required to develop the property. Ms. Chinaris asked if the board is not within its scope to ask for an environmental report on the property before it votes to approve or disapprove. Mr. Ball replied the board can ask for whatever it wants, but when considering rezoning, two things are looked at, and those are consistency with the comprehensive plan and compatibility with the surrounding area, and that is the purview of the rezoning before the board. Ms. Chinaris pointed out that the existing zoning dates back to 1991 and environmental issues may have changed in 20 years. Mr. Ball state that is correct, and things do change, and as Ms. Rezanka has stated, there are no updated environmental reports to provide to you.

Wendy Porter-Hyde stated under 'environmental constraints' in the staff comments it says, "The subject parcel contains mapped hydric soils with potential for wetlands". She said Ms. Rezanka stated there are 1.56 acres of wetlands on the property, and asked when that figure was determined. Ms. Rezanka replied that was done in December 2020. Ms. Porter-Hyde noted the staff comments also state, "Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas." and asked if that has been determined yet. Ms. Rezanka replied it has been determined and the environmentalist says it is not. She stated just because there are soils doesn't mean there are wetlands, it means there's the potential for wetlands. She said those comments were done by the Natural Resources Department and the maps they use have been around for a long time and have not been updated.

Ms. Rupe asked why the request is-going to the County Planning and Zoning Board before it gets to the County Commission. Mr. Ball replied the original application was to rezone with a BDP limited to 200 units, which would be an increase in density; the applicant has since reduced the number of units in the BDP to 150, but because the request was advertised, the Planning and Zoning Board is required to hear it. Ms. Rupe stated the Port St. John board was started because they are in Port St. John, they know the people and they know the problems, and now it seems like it's going to the P&Z, which they were trying to avoid. Mr. Ball stated the Planning and Zoning Board does not circumvent Port St. John's advisory responsibility, it's just an added layer.

Nick Dottore stated regarding septic systems, he spoke with the engineer about an alternative to connecting to the Cocoa system, and 7,780 feet is what his sewer system will have to be if he can't tie into Watermark, so there is an alternative and he has no intent of utilizing septic systems.

Regarding the environmental issues, he engaged Atlantic Environmental a few weeks ago and they generated a report dated February 18, 2021. He stated he asked for a sample of what is on the property, and what they typically do is look at 15% of a property and issue a report, and based on his findings, he indicated there are 43 gopher tortoises currently that he would have to relocate.

Ms. Chinaris asked if that is on 15% of the property. Mr. Dottore replied based on the 15%, the overall property, Atlantic Environmental ran an extrapolation and said for the entire project he is looking at approximately 43 tortoises. As for the scrub jays, they cannot do a scrub jay survey until March because of FWC regulations, but he did have a sampling done and found no indication of scrub jays. Today, he asked for a formal survey for scrub jays and that will be completed this month. He said he will be going over and above what would normally be done in this process to try to get the information that the board wants and that he needs in order to make it a viable project.

Ms. Chinaris asked now much of the hardwood area is going to be cleared. Mr. Dottore replied he has hired Susan Hall to do an evaluation and she issued a report to him on scrub oak matter, and essentially she's working with engineering to help preserve as much as possible, and what he can't preserve, he has to re-plant at a cost of \$225,000.

Ms. Rupe asked if there are heritage trees on the property. Mr. Dottore replied Ms. Hall did not indicate that, but it doesn't mean there are not.

#### Public Comment:

Zac Brigante, 1101 Vineland Street, Cocoa, stated his house backs up to the subject property. He said Fish and Wildlife has pictures of scrub jays and gopher tortoises. He stated he and other neighbors have been guided to not necessarily eliminate the project, but just ask for compromise. He said he had an appraisal in January, and while it wasn't done by a MAI appraiser, he did say if there were single-wide family homes, it would have impacted his decision, and if it didn't, what it would have done is, his home may have been the same value, but it might not have been the home chosen to be purchased. He said his house is 5,000 square feet house and they are talking about a 15-foot buffer off of his porch, which is 12 feet from the property line, a row of manufactured homes. He stated Fish and Wildlife asks for onsite relocations instead of offsite and it's 750 square feet per gopher tortoise, so a buffer along the back side of Vineland Street would eliminate a lot of concern, it would give a buffer to the wildlife, and it would allow Vineland Street to not have mobile homes stacked against backyards. He said he would also like less traffic coming in, less septic tanks and sewers. The subject parcel was purchased as an undesirable piece of property to develop, and that's why it's been vacant; FPL runs through the middle of it, which will give people radiation issues; there are railroad tracks on one side, and Winn Dixie on the other, so it was purchased at a lower price. Now they are intending to change it into something that it wasn't to benefit the developer.

Ms. Rezanka requested to cross-examine Mr. Brigante. Ms. Chinaris stated Ms. Rezanka can ask questions at the end of public comment. Mr. Ball explained the meeting is quasi-judicial and Ms. Rezanka has the right to cross examine witnesses.

Ms. Rezanka asked Mr. Brigante to verify his property on an aerial map [The aerial map can be located in file 20Z00036 located in the Planning and Development Department], and asked if the sheds to the south of his property are his sheds. Mr. Brigante replied yes, when he purchased the house, the lot was cleared farther than the survey. Ms. Rezanka asked if Mr. Brigante has continued to use the property that is not his, but belongs to her client. Mr. Brigante replied yes, his kids play



football on the small piece of grass off of his back deck. Ms. Rezanka asked if Mr. Brigante has been asked to stop using the property by Justin Savich, her client's representative. Mr. Brigante replied he spoke to Justin two years ago when he was driving his Jeep through the backyard and it was not mentioned.

Ms. Rezanka provided Mr. Brigante an email from February 10, 2021 [The email can be found in file 20Z00036 located in the Planning and Development Department], and asked if he received that email. Mr. Brigante replied he did not receive the email because it is his work email address and his I.T. department would not allow it to come through.

Ms. Rezanka asked Mr. Brigante if he has the pictures he mentioned from the Wildlife Commission regarding scrub jays and tortoises. Mr. Brigante replied yes, they've been texted to Lauren Barth, the biologist. Ms. Rezanka asked if he has submitted the pictures to County. Mr. Brigante replied he does not know if they were copied on any emails.

Ms. Rezanka stated Mr. Brigante said the subject property was purchased at a low price, and asked if he knew who purchased it at a low price. Mr. Brigante stated he has been talking to the owner of the land for about two years, and his understanding when he talked to Justin he was offering to sell to me so that we never had to develop it, and then he had a survey done in 2018 and he said \$50,000 was the purchase price, but he doesn't know if that was for the entire property, or if it was split up. Ms. Rezanka asked if Mr. Brigante knew Mr. Savich purchased the property out of a foreclosure from a bank. Mr. Brigante replied it was not discussed. Ms. Rezanka asked Mr. Brigante if he knows what HomeIn Project Administration is purchasing the property for. Mr. Brigante replied no.

Cecile Denning, 1173 Vineland Street, stated she would like to know if the manufactured homes will be placed on concrete pads, and she would like to know what the ratio is from all the concrete, to what is there now. The subject property slopes up from her house, so that means it has to slope down somewhere, and will it slope toward the river, or slope down and make a river in the other neighborhoods. She stated the whole property is an unofficial wildlife refuge, and she has pictures of the tortoises, and she has seen the birds, and she doesn't know where they are going to go. She said she was told that tortoises are not supposed to be relocated because they can carry diseases to other places. She said she doesn't have a problem with development, per se; however, it's a slowly moving ball that is rapidly going by, and by the time it gets to the bottom it steamrolls over everything. She said they will not know how the development will affect them until it is too late.

Vincent Price, 798 Alcazar Avenue, asked the applicant what the reason is for requesting TR-1 from TR-2, and if it is because it is a narrower lot. Ms. Rezanka replied yes, that is the reason for the request to TR-1. Mr. Price asked if the reason was to get more housing. Ms. Rezanka replied TR-1 allows for narrower lots.

Julie Lynn Ulrich, 5965 Cedar Lake Drive, Cocoa, stated Cedar Lake Drive is not a mobile home park, it is individually owned homes on half-acre lots, it's a dead-end street and very quiet. She said she would like to keep the binding development plan that exists right now. She said her main concern is the animals; there are burrowing owls; a panther; an eagle; Indigo snakes; scrub jays, there are tortoises, and more than 45 of them, as she has 15 that come into her yard. She said during the meeting with the applicant, it was stated that the people who will rent the homes are not permitted to buy them because the developer won't sell them for five years, so there will be renters in there for five years. She said she knows how rentals work, they will take the kitchen sink and run. She stated the traffic on Cedar Lake cannot handle 40 homes on the south side; two vehicles per house is 80

vehicles coming out of Cedar Lake Drive. When the plan was changed in 2006 they didn't want mobile homes there because of hurricanes. She said she would like to see block homes and a buffer to keep Cedar Lake quiet. She asked to be able to keep the emergency exit only for emergencies. She said she has two calls into biologists with Fish and Wildlife and they are watching so no one can touch that property.

Matt Denning, 1173 Vineland Street, stated tortoises are not supposed to be moved because they do get a respiratory infection if they are moved. He said the proposed development will be on the Atlantic Ridge, which has some serious aquifer concerns, so they might want to get a geological study on it. They are talking about re-distributing the land and the water flow, and there is no way to know which way the water will flow. It could go to the river, it could go to the railroad tracks, it could go north, or it could go south. It will definitely affect a lot of people one way or another.

Sue Price, 798 Alcazar Avenue, Cocoa, asked what kind of buffer would be provided if the zoning was left as RU-1-11.

George Ritchie replied the RU-1-11 zoning has a 20-foot rear setback for the primary structure, accessory buildings would have a 7.5-foot setback from the rear, a screen porch would have a 10-foot setback, and a pool screen enclosure would have a 5-foot setback. The proposed development would have a buffer per the subdivision code that would abut the perimeter of the development.

Ms. Price said Ms. Rezanka mentioned a 15-foot buffer, and asked if that would be different for RU-1-11. Mr. Ritchie replied the buffer is a landscaping code provision, so it's not a zoning setback. Ms. Price asked if it is optional. Mr. Ritchie stated it is not optional, it's required by another department during the review of the subdivision plan. Ms. Price asked if the buffer varies depending on the zoning. Mr. Ritchie replied the buffer is not part of the zoning, it is part of the subdivision review process.

Ms. Chinaris asked what the current BDP requires. Mr. Ritchie replied the current BDP requires a buffer along the inside of the south property line. That's the only condition in the BDP that's currently in effect.

Thomas Amstadt, 5941 Cedar Lake Drive, Cocoa, stated he was at the previous rezoning meetings and the subject property was zoned to TR-2 as a compromise because they wanted TR-1. The RU-1-11 was a compromise between the County Commission and the citizens to allow greater density and also to eliminate the possibility of being a mobile home park. TR-1 would allow a mobile home park and they did not want that due to hurricane concerns. There are a lot of people on Cedar Lake Drive who were not notified per the 500-foot rule; no one on Broadway Boulevard was notified. People on Broadway do not like that suddenly there will be more traffic. The reason there is not a homestead exemption on some of those properties is because they are owned by snowbirds and they can't have homestead exemption in Florida. There are only a few rentals.

Jose Cadiz, 1151 Vineland Street, Cocoa, stated the neighbors need to find out what is true and what is actually on the property, because he hasn't seen a report. He stated the existing BDP needs to remain on the property. He asked if the questioning of Mr. Brigante by the attorney was necessary. He said he thought it was more of an attack on him. He said he wants to see real reports and surveys that are current and valid, not ones from 2002, and he wants to know what they are going to do about the sewage.

Sue Price asked the square footage of the proposed homes. Mr. Dottore replied 1,000 to 1,500 square feet.

Zac Brigante stated he has heard the development will be affordable housing, or lower income rentals, so crime might be another thing to mention. He noted a surveyor came out yesterday to do a survey and said he saw at least 50 tortoise burrows, and according to the biologist, there are two tortoises per burrow, so that's how many he saw on the north perimeter of the property. He said a larger buffer behind Vineland Street is his goal, but the crime aspect with affordable housing is also concerning.

Ms. Rupe polled the audience and asked if everyone in attendance was in objection to the request. Ms. Rezanka objected to the polling.

Corey Pereno stated she takes offense to crime and low income housing. The way the world is today, people cannot afford \$300,000 homes, a 1,000 square foot home doesn't mean you're getting crime. There are a lot of young families trying to get into affordable housing so they can live a good life; it doesn't mean that they are criminals.

Kimberly Sapp, 1189 Vineland Street, Cocoa, stated she received a letter in 2006 from FPL saying her house was under eminent domain because of the gas line coming through. She asked if her house was under eminent domain in 2006, how can they put a trailer park on top of the gas line. At the other meeting, they said something about putting up a privacy fence after the buffer, but the first hurricane will knock down the privacy fence and they will not fix it. They need a 6-foot block wall instead of a privacy fence.

Father Stewart, 1159 Vineland Street, Cocoa, stated one of the things he is worried about is that there has been no discussion about busing the kids from the homes in the new development, or what the taxes are going to be like, and he thinks that needs to be taken into account.

Tom MacFarlane stated he built his house on Vineland Street in 1976 and his main concern is the value of his house dropping. He asked why a BDP is considered binding when there is nothing binding about it. He said when he built his house he expected it to increase in value over the years and now it is going in the opposite direction. He said when he moved into his house there were many scrub jays in the area and he has four gopher tortoises living in his yard right now.

End of public comment.

Ms. Rezanka stated she apologizes for speaking out, but asking to poll the audience is clearly not permitted, and she is preparing to sue the County if she needs to, which is why she is asking questions and setting the stage as she is. [Ms. Rezanka provided an email to the board. The email can be found in file 20Z00036 located in the Planning and Development Department]. She said the reason she asked Mr. Brigante a question is because of the email she provided to the board. She said she showed the same email to Mr. Brigante and he said he never received it. She said she has no reason to doubt him, but the email was sent to his work email from which he sent the board emails.

Ms. Chinaris asked why the email is pertinent. Ms. Rezanka replied Mr. Brigante's testimony is biased because he uses the property as his own personal property and he's tried to buy property from her client and has been denied. She said it is part of setting the record for a lawsuit. Ms. Chinaris stated

the email really has nothing to do with the auspices of the board for what they doing tonight. Ms. Rezanka stated the board can judge the credibility of the people who testify before it and that's why it's relevant. She said the board can take it or not take it; that is up to the board.

Ms. Chinaris asked if there is a mobile home on the subject property now that will be removed. Ms. Rezanka replied no, it is vacant. Ms. Chinaris asked if there will be a road access through there.

Ms. Rezanka replied yes, and that is in the concept plan before the board. That is the only TR-2 zoned portion that is being rezoned. The land behind Winn Dixie is BU-1, and the developer can already build homes on it at a greater density than RU-1-11 because of the Comprehensive Plan. She said they are trying to make it all consistent with the BDP. As to the access through Cedar Lake, she leaves that up to the board if it wants that as emergency access, the developer is fine with that, but it will leave all of the traffic on Clearview Drive.

Ms. Chinaris asked if there has been a traffic study done on how the development would impact those access roads. Ms. Rezanka replied traffic studies are not required for a local road. The only traffic impact analysis is done on the main roads and that is in the staff comments. Ms. Chinaris stated she thinks it would become a main road if the access for the development goes through there.

Ms. Rezanka replied it's a neighborhood road. She said the County will require them to make improvements and they will do whatever the County requires. If they want it re-paved, if they want sidewalks, that is a site plan issue, as are most of the issues before the board. The residents here would have her client engineer the entire project before coming for rezoning and that's not the way it's done. The engineering for the project will cost \$250,000 and in fact, the law says they don't have to tell the board exactly what they are doing, only that they want to develop it. The neighbors are asking for things that are not feasible to be done nor are they required. The wildlife will be managed as the law allows. If there are gopher tortoises and if they aren't already diseased they will be relocated; if they are diseased you are not supposed to relocate them, you're supposed to bury them, which is worse. Whatever the County, Fish and Wildlife, and DEP requires, they will do. She stated the property is already allowed to have 156 units, so that wildlife would be impacted if built with what is allowed today. This is an issue of changing for the smaller lots, allowing for manufactured homes, which will be built to withstand 100 mph winds, because that is what HUD requires in the area. Some of the existing mobile homes in the area are very old and are of more concern than the new requirements because of the new standards. The developer will spend \$14 million on the development and it will not impact anyone's taxes but the developer's and the owner of the project. Individual home values are based upon increases by the Property Appraiser; the standard construction is not going to be appraised next to a manufactured home. School concurrency is not an issue because they are not required to do a school concurrency at this point, and when the property is developed they will pay school impact fees that help with the schools. As to the buffer and the setbacks, they don't manage the subdivision code, but the subdivision code does have a 15-foot natural buffer that can't be impacted by the developer. The rear setbacks for TR-1 are the same as the rear setbacks for RU-1-11, which exists, and the same as RU-1-9 to the north. She stated all of the engineering issues are subdivision and site plan issues; they do not have to come before the board with a complete subdivision plan and engineered standards to build. The property value decreases are speculative, there is no indication that will happen. There are already manufactured homes in Clearview Terrace and Cedar Lake. The residents are concerned because they don't want change and they don't know what's going on there even though they've been given concept plans and her clients have been very open about what's going on there, and that's how they know it's a rental complex, but there are rentals in the other neighborhoods.

Ms. Porter-Hyde stated one of the speakers was concerned about the base of the manufactured homes, and asked if they would be on a concrete base. Mr. Dottore replied they will be on cement pads. Ms. Rezanka stated it can be in the BDP if that is what the board wants.

Ms. Chinaris asked what the cement pads would do to the drainage. Ms. Rezanka replied drainage is an engineering issue. She said the lakes on the concept plan are to hold all the water to compensate for pervious versus impervious, and that is why the development is less than 200 units and less than 150 because those lakes are so large. The water is going to drain into the lakes, not to the neighbors. She said ultimately, it may drain to the river after it's been settled, but that is all drainage and engineering. The code has requirements for what has to be pervious and impervious, what trees have to be saved and what trees have to be replanted, and those are all engineering and site plan issues.

Ms. Rupe asked about gopher tortoise diseases. Ms. Rezanka stated she is not an environmentalist, that is just what she has been told, that there are diseases that gopher tortoises will sometimes carry. Ms. Rupe asked what she meant by burying them. Ms. Rezanka stated if tortoises are diseased, they can be buried, and that used to be the regulation. Ms. Rupe stated she does not believe they can be buried. Ms. Rezanka stated the developer will do whatever the government requires.

Ms. Rupe stated she read somewhere that the rent on the manufactured homes will be \$1,800 per month, and asked if that is correct. Ms. Rezanka replied she does not know where Ms. Rupe read that, but it is nothing she or her clients have put in writing.

Mr. Ball clarified that the existing BDP limits development to 154 units, not 156. He noted that in the staff comments, staff provides a concurrency review that talks about the trips; it is not a traffic study, it is a preliminary concurrency review based on the number of units and the trips that staff anticipates the development will provide. He said during the subdivision process, engineering will review the proposed development and ask for the appropriate traffic study improvements.

Ms. Rezanka clarified that the preliminary concurrency review in the staff comments was based on 200 units instead of 150 units.

Ms. Chinaris stated the board has approximately 26 emails from neighbors who have not come to speak tonight, who are either objecting or requesting more of a buffer, or more than just a fence. She asked staff if it's within the board's auspices to take the objections of the neighbors into account as an advisory board.

Mr. Ball replied before the board is a request to change the zoning with a BDP. The board's job is to take that into consideration along with the staff comments and all of the other documents staff has provided, and also the testimony provided by the applicant and the public comments received both in written format and verbally tonight.

Ms. Chinaris stated the environmental concerns alone are not adequately satisfied in her opinion by the applicant because of the limited scope of the investigation. There are a lot of woodlands there, there seems to be a lot of endangered species, and a lot of considerations that perhaps haven't been taken into consideration. She said she doesn't feel satisfied that everything has been done that should be done before making such a massive change to an area that could be very environmentally delicate and important. She said the idea of the possible septic tanks so close to the river is another consideration that she feels the board should be very careful about.

Mr. Shropshire noted that Mr. Dottore addressed the septic systems. Ms. Chinaris stated yes, with the idea that it is not his intention to have septic; however, there is this proverbial road that's paved with such intentions, although she is thankful he is mindful of that. She asked the board for a motion.

Ms. Rupe stated the Natural Resources Department has not given any real direction; they don't know, relative to the endangered species.

Motion by Maureen Rupe, seconded by Wendy Porter-Hyde, to deny the request.

Ms. Chinaris called for a vote on the motion as stated.

Greg Messer stated the board is going on the basis that they haven't met any of the County criteria, but before this goes forward, they will have to meet all of the County criteria or it's not going to be approved.

Ms. Chinaris stated that is not the board's only consideration. Mr. Messer agreed that is not the only consideration, but the environmental conditions will be addressed, and the mitigation of the environmental stuff has to be taken care of, and that is why he is uncertain. Ms. Chinaris stated she understands what Mr. Messer is saying, but she thinks that when there is a stack of emails and a large turnout from the surrounding area, that's something that the board really needs to be careful not to be careless. She said that is her opinion. She said if there is a way to satisfy these concerns and come back with a comprehensive environmental study with maybe some compromise on the actual buffer or boundary.

Mr. Messer said he's sympathetic to everybody here, and they all have a reasonable cause for what they want, and the developer does also.

Ms. Chinaris asked staff what happens if the board doesn't have five people voting.

Mr. Ball stated there is a motion and a second on the floor that the board needs to act on. He said if the board wants to open it up for discussion to ask for additional information, that can be done. He said the board can table the request to a date certain to give the applicant additional time to provide the documents the board is requesting; or at the applicants' discretion they can move forward with a denial.

Ms. Chinaris stated the request will be heard by the Planning and Zoning Board on Monday and she feels like the P&Z board should have some indication from this board about how it would advise them to act. She stated there is a motion to deny.

Ms. Chinaris called for a vote on the motion as stated, and it passed unanimously.

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, 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: Ron Bartcher; Harry Carswell; Brian Rodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka)**

A change of zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial) with a BDP (Binding Development Plan) to TR-1 (Single-Family Mobile Home) with a BDP limited to 150 units. The property is 58.04 +/- acres, located on the north side of Cedar Lake Dr., approx. 0.31 mile north of Broadway Blvd.; also located at the west end of Clearview Dr. (No assigned address. In the Cocoa area.) (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

Bruce Moia abstained from voting, as his company has been hired to engineer the proposed project.

Kim Rezanka, Attorney with the Law Firm of Lacey Lyons Rezanka, stated she is representing the two property owners and HomeIn Project Administration, the developer of the proposed manufactured home development on 58 acres. She said Nick Dottore is also a representative and he will speak about the types of homes being proposed. The project is intended to be an infill development of manufactured homes on 58 acres. The subject property includes a small TR-2 parcel of a half-acre at the south end; it includes almost 51 acres of RU-1-11; and it includes a 7-acre BU-1-zoned parcel behind Winn Dixie. She stated currently, the property has RU-1-11 zoning with a BDP limiting the 51 acres to 154 units. The developer is proposing 150 units on 58 acres and TR-1 zoning. The TR-1 lot size is identical to the RU-1-11 zoning, at 6,500 square feet; only the configuration is different, with RU-1-11 requiring lots of 75 feet by 75 feet, and TR-1 requiring lots of 65 feet by 100 feet. The request is for TR-1 on all 58 acres, removal of the existing BDP from 2006, and inclusion of a new BDP limiting the number of units to 150, and a buffer to the south, but the entire subdivision will have a 15-foot natural subdivision buffer, which is required by the subdivision code. The northern lots abut the Port St. John Unit 1 development; to the east is Clearview Terrace Mobile Home Park, which is also TR-1; to the south is Cedar Lake Mobile Home Park, which are half-acre lots; and there are other manufactured home communities and mobile home parks in the area. She stated that she and her clients held an informational meeting on January 19, 2021, at the Port St. John Community Center, with 36 attendees who were mostly interested in what would be on the subject property. There were many concerns raised in the public comment emails. Some of the history of the property is that it was rezoned in 1990 to RU-1-11 from TR-1, and it was limited to 154 lots on 51 acres. She said the 2006 BDP added only a few items, one of them being that from Vineland Street be prohibited which is why it is in the proposed BDP, but it was never the developer's intention to use Vineland Street as an access. There's been a concern that there are two accesses to the project, one off of Clearview Drive, which is the northern road, and one to the south off of Cedar Lake Drive, which comes off of another road called Broadway Boulevard. The 2006 BDP limited Clearlake Drive to emergency

access only, and the developer does not mind leaving it for emergency access. She said the developer doesn't think it's fair to put all of the traffic onto Clearview Drive, but if that is what the board determines is appropriate, the developer is fine with that. Per the staff comments there are no road or school issues; City water will be brought to the site, and Cocoa sewer is proposed. The County's sewer plant does not have enough capacity, so if sewer is not brought from Camp Road or another manner, the developer would use the high-end nutrient reduction septic tanks and have quarter-acre lots, but that is not the developer's intent nor what he wants. She said the developer intends to bring City of Cocoa sewer through the Watermark PUD subdivision off of Camp Road. There have been many issues raised about tortoises, scrub jays, and wetlands, but the Land Development Code does not require an environmental study for zoning, it is only required for commercial and industrial rezoning requests. There have been two environmental studies, and there are gopher tortoises but they can be relocated. The scrub jay survey is beginning this week or next because it can only be done in March. There are scrub oaks, and if there are scrub jays they can be relocated properly. She noted those are environmental issues that are site plan issues, not rezoning issues. As to wetlands, there's only 1.56 acres of wetlands on the entire 58 acres, so wetlands are not an issue and County code will be required. She stated the only recent rezoning in the area was the Watermark PUD in 2018 and those lot sizes are 40 feet by 100 feet and 4,800 square feet, which is smaller than what is being requested today. Watermark had 129 acres and 417 lots were approved, which is a density of 3.8 units per acre, and in December 2020 it was reduced to 363 lots. She pointed out that the request is not inconsistent with the Port St. John Small Area Study and it is consistent with the Comprehensive Plan. There have been concerns that properties will be devalued, but there is no evidence as to how they will be devalued, or how much they will be devalued, and some of the neighbors are merely speculating. She noted she has provided the board information on property appraisals, and how appraisers use similar house types, so a manufactured home is not going to be used to determine the value of a concrete block home or a single-family home. These are going to be newly constructed homes; they will each have their own lots, and they are built to HUD standards. The homes will be built to 100-mph wind standards, so they are well-constructed homes. She stated the project will include a 7-acre parcel of BU-1 behind Winn Dixie that, if developed as currently zoned, could allow a 55,000 – 70,000 square-foot shopping center, which could equal trips of 2,200 – 3,000 trips per day on U.S. 1 in that area. She said using the ITE trip manual rates from 2016, 154 single-family homes as proposed on the 51 acres would generate 1,471 trips per day; for 150 manufactured homes, the rate is much smaller at 700 trips per day, less than half of what it would be for single-family homes. She requested the ability to ask questions of those testifying today if necessary, rebuttal time, and approval of the rezoning request to TR-1, removal of the existing BDP, and approval of a new BDP.

Nick Dottore, 4425 Sheridan Avenue, Cocoa, stated he will be speaking on the matter of quality and construction of the new manufactured homes. He said he believes that people of modest means deserve more quality housing options than what presently exists in the county, which is why he's before the board with another affordable housing community featuring manufactured homes. He stated his vision for the project requires an investment of \$14 - \$15 million, which includes brand new two-bedroom, two-bath, and three-bedroom, two-bath homes manufactured by Jacobsen Homes, which is based in Plant City and in business since 1953; he may also look at Palm Harbor Homes who also have a stellar reputation. He noted that funding is approved and available upon issuance of a building permit. He stated the terms 'manufactured home' and 'mobile home', are often used by the general public and government departments to describe the same type of home. Mobile homes and manufactured homes were distinguished from each other in 1976 when the National Mobile Home Construction and Safety Act became effective, which is the HUD code. A manufactured home is



required to be built on a permanent steel chassis, and wheels for transport on highways, which means they must comply with DOT requirements. He stated the intent of the HUD code was to improve the durability and quality of manufactured homes and it's the only federally regulated national building code. The HUD code sets standards for design and construction, body and frame requirements, thermal protection, plumbing and electrical, fire safety, and energy efficiency. Manufactured homes are built in three standard sizes: single-wide, double-wide, and triple-wide. Each home is internally inspected multiple times throughout the phases of construction to confirm proper construction and quality. If the home is placed on blocks or metal piers, skirting can be added to make the home more visibly appealing; they can also be placed on permanent foundations or on a basement, just like a site-built home. He pointed out that the manufactured homes in the development will be on full concrete pads. He stated within the HUD code is a dispute resolution program, which means if a consumer is unhappy with the quality of the home, the manufacturer, or the dealer, they can submit a complaint through the dispute resolution program. [Mr. Dottore distributed a wind zone map of Florida to the board. The wind zone map can be found in file 20Z00036, located in the Planning and Development Department] He stated Brevard County is in Wind Zone I, which is 100-mph; Wind Zone II is 110-mph. He emphasized the difference in the construction of manufactured homes in connection with the wind zone map, and stated nothing is different between a home that is constructed for 100-mph wind zones versus 110-mph; the only thing that is different is how they are anchored to the ground and the County strictly enforces how homes are anchored into the ground, and that is the only difference between wind zones II and III. He noted that last month he hired Atlantic Environmental Services to do an assessment of gopher tortoises and scrub jays, even though he couldn't do a formal survey until March. He said if the board feels that the proposed project is viable and the use of the property works, he looks forward to working with the County.

#### Public Comment

Thomas Amstdat, 5941 Cedar Lake Drive, Cocoa, stated he has been in his home since 1982, and he was there when the property was rezoned in 1990. He said the original zoning was GU and they tried to get TR-1 but the neighbors said if they're going to try to develop, it needs to be TR-2 because TR-1 would be too much traffic on Cedar Lake Drive. They agreed to develop with FPL giving them a right-of-way to have all of the traffic go out Clearview Drive in exchange for the RU-1-11, which would allow an increase in density. He said the current BDP states there would be an emergency access only road through Cedar Lake Drive, and now they want to eliminate that condition.

Cecile Denning, 1173 Vineland Street, Cocoa, stated she would like to know the ratio between the concrete pads and the roads versus the acreage, and asked how it will affect the runoff. She said taking the slope into consideration, and combining it with the roads and concrete pads it will be a big mess. She stated a lot of the runoff now gets absorbed in the dirt, but during a bad storm it's like a river in peoples' yards. She stated her other concern is that when the brush was cleared along the edge of the property it became a highway for four-wheelers, and she would like to have a wall instead of a fence so it can't be climbed.

Zac Brigante, 1101 Vineland Street, Cocoa, stated his backyard is on the northern side of the subject property. He said in 2017 Hurricane Irma came through with 94 mph wind gusts, and according to FEMA, 4 single-family homes were destroyed, along with 37 mobile homes, 2 multi-family homes, and 2 businesses. According to the Property Appraiser's Office, there are 8,463 mobile homes in Brevard County, and 179,437 single-family homes, which means there are 21.2 times as many single-family homes as there are mobile homes in Brevard County, yet 9.25 times as many mobile

homes were destroyed from Irma. He said he had an appraisal done in January that valued his home at \$368,000. He said if the 29 lots that will abut Vineland Street are eliminated, that would be a good buffer, it would allow the onsite relocation of the protected species instead of offsite, and it would be less traffic through Cedar Lake Drive and Clearview Drive. He stated he contacted a MAI appraiser who said he would have to find an exact example of this affecting property value. He said it may not affect property value, but it might affect if it's narrowed down to two homes of equivalent price and size, one with a view of the mobile home park, and one with a different view. He stated he knows the response from the community has been overwhelming and he hopes the board takes that into consideration.

Tom MacFarland, 1099 Vineland Street, Cocoa, stated he built his home in 1976, and was told by his contractor that there was a binding site agreement in the area behind him that there would only build block homes built there. He said he is worried about the value of his home, and no one can convince him that the value of his home is not going to drop if the proposed development is approved.

Julie Lynn Ulrich, 5965 Cedar Lake Drive, Cocoa, stated she's been speaking with a biologist who is aware of the animals and protected species on the subject property. She said she frequently has between 12 to 15 gopher tortoises coming into her yard from the subject property. She also stated she has the Audubon Society checking on an eagle on the property. She said she was at the County Commission meeting in 2006 and the neighbors' concession was to keep the homes as block homes because of hurricanes. She explained that Cedar Lake Drive is a small street that goes into Broadway Boulevard, and between CVI and the mining, there are 40 trucks per day on the street, and with 40 new homes on the south side of the FPL lines, at two cars per house, that's a lot of vehicles coming down Cedar Lake Drive and out onto Broadway. She said her main concern is that the proposed homes will not be for sale, they can only be rented. She stated she would like Cedar Lake Drive access to be for emergencies only.

End of public comment.

Kim Rezanka stated Ms. Ulrich lives in a manufactured home in Cedar Lake. The developer does not have a concern with limiting it to emergency access, he just feels that it would be too much traffic on Clearview Drive, but it can be added back into the BDP. As to the stormwater and runoff, there are very large retention ponds planned, so the runoff will be addressed during site plan as is the practice, and as of right now there is no drainage treatment on the property. As to the 100 mph wind concern of Mr. Brigante, that is a building code issue, not a zoning issue. She stated the proposed development will not be low income housing, it will be affordable housing, and it's very discriminatory when people call it low income. She noted that Mr. Brigante uses her client's property for his own personal use; he has a shed on the property and uses it for his own purpose. Regarding the property values, a property's appraisal value is based on sales of similar properties and by current market trends. Appraisers use comparable properties and a manufactured home is not comparable to a concrete block structure or to a wood structure. Regarding that the homes were supposed to be concrete block at RU-1-11, there is no requirement that concrete block be built in single-family homes; that is a mistake, and that's not in the BDP from 1991 or 2006. [Mr. Rezanka distributed Code Section 62-1151 to the board. Section 62-1151 can be found in file 20Z00036, located in the Planning and Development Department] She stated an environmental study is not necessary except for commercial and industrial, and the items to be considered is the character of the land, the area surrounding the property being considered, which is manufactured homes to the east and to the south. Single-family home is the use, whether it's manufactured, block, or stick. The subject property

is vacant and has not been developed because there are some challenges to it, and the fact that it hasn't been developed is criteria the board can consider, that now someone is coming in to develop it. She stated the staff comments include a preliminary traffic analysis which she believes is incorrect based on the BU-1 zoning which could have 2,400 trips from the property. The development will decrease the number of trips because it is manufactured homes from single-family homes by the ITE trip generation manual. The request is compatible with the existing land use, which is single-family homes; there are manufactured homes to the east and south, and single-family homes to the north. People are concerned about crime and safety, but there's no evidence that will be a problem; the decrease in property values is speculative. She said as for the protection of the wildlife, if there is an eagle on the property the development won't be built, but she doesn't believe there is an eagle there. Scrub jays and tortoises can be relocated and/or mitigated. She noted that she mis-spoke at the Port St. John meeting last week, and tortoises cannot be entombed any more, so they have to be relocated. She stated it has been written in several of the public comment emails that manufactured homes are undesirable, and that is unfair and discriminatory, and there are high construction standards and Florida law protects manufactured homes from discrimination of the zoning code. There is nothing in the zoning code distinguishing manufactured homes from other single-family homes. Some of the emails from the surrounding residents are from people who live 10 miles away, some were three miles away, and some of them say exactly the same thing, but they are all speculative; they don't have any facts and there's no evidence in any of the emails. The developer or owner is not required to engineer the site before a rezoning, they only have to show compatibility, that the use makes sense, and that they're going to protect the neighbors and follow the codes, and that's exactly what this developer is going to do.

Mark Wadsworth asked the distance from the east end of Clearview Drive to U.S. Highway 1. Ms. Rezanka replied approximately a quarter-mile.

Mr. Wadsworth asked if there is water and sewer anywhere near the property. Ms. Rezanka replied water is available, and sewer is available from the County but only for a portion of the lots. She said her client has said if he can't do the project on sewer, it won't be built, and she can add that to the BDP if the board chooses, but they will be bringing sewer from the City of Cocoa through Camp Road, through the Watermark PUD, or from another place 0.7 miles away. The developer is committed to putting in sewer; otherwise, the development doesn't make sense.

Mr. Wadsworth asked how many units could be developed with the current zoning. Ms. Rezanka replied currently, on the 51 acres there could be 154 units, and on the BU-1 portion there can be at least that many.

George Ritchie stated BU-1 zoning has the same lot size requirements, 75 feet wide by 75 feet deep, and 7,500 square feet per lot. Normally, the density would be equivalent to four units per acre.

Brian Hodgess asked if the development is going to be strictly rentals, or if there will be sales. Ms. Rezanka replied the business plan at this point is that it is rental for five years as a rent-to-own program through affordable housing incentives, and then they can be sold. They are single lots, they will be subdivided and platted as lots, it is not a mobile home park.

Ron Bartcher asked if they will own the lots. Ms. Rezanka replied the developer will own the lots until they are sold.

Mr. Dottore stated it is too soon for him to say what it will be. Mr. Bartcher asked if the development will be a cooperative, similar to another property Mr. Dottore developed. Mr. Dottore replied he doesn't know if it will be a cooperative, but he doesn't believe so.

Ms. Rezanka stated Mr. Dottore's other development was zoned TRC-1 with a conditional use permit for a cluster of mobile homes in a mobile home park.

Peter Filiberto stated there will be retention ponds on the property, and asked if they would be dry retention or regular. Ms. Rezanka replied she believes wet retention. Mr. Filiberto asked if there will be a wall or a fence, or if all of it will be a natural barrier. Ms. Rezanka replied there will be a natural buffer to the north because that is what was required in the 2006 BDP; there is a fence required to the south and they've agreed to keep that. There has not been a decision on any other fencing. The 15-foot subdivision buffer has to go around the entire project. Mr. Filiberto asked if Ms. Rezanka said they wanted access to Vineland Street. Ms. Rezanka replied no, they do not want access to Vineland Street. The restriction to Vineland Street was in the previous BDP's and they have kept it in the proposed BDP. The accesses proposed is Clearview Drive to the east, and Cedar Lake Drive to the south. She said they don't have to have the Cedar Lake Drive access; that was done initially because there were going to be 200 lots and they didn't think it was fair to put all of the traffic on Clearview Drive, but if the board thinks it is best to have Cedar Lake Drive as emergency access only, that is fine with the developer.

Mr. Filiberto stated today is only the rezoning, the project will still have to go through site planning, but as a zoning issue, he is fine with it.

Mr. Bartcher asked if Ms. Rezanka would be willing to add to the BDP that the project be only on sewer and no septic system. Ms. Rezanka replied, yes, if they can't get the sewer they are not going to build it.

Mr. Bartcher stated it was mentioned that the homes will be on concrete slabs, and asked if that means the steel frame of the mobile home sits directly on the concrete slab. Mr. Dottore replied yes. Mr. Bartcher asked if the home is tied down to the concrete. Mr. Dottore replied yes.

Motion by Peter Filiberto, seconded by Joe Buchanan, to approve the change of zoning classification from RU-1-11, TR-2, and BU-1 with a BDP to TR-1, removal of existing BDP, and with the addition of a new BDP limited to 150 units, with the additional condition that the project be connected to sewer. The motion passed unanimously.

Prepared by: Kimberly B. Rezanka, Esq.  
Lacey Lyons Rezanka  
1290 U.S. Highway 1, Ste. 201  
Rockledge, FL 32955

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a  
political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar  
Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**,  
(hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety  
the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public  
Records of Brevard County, Florida.

### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in  
Brevard County, Florida, as more particularly described in **Exhibit "A"**, attached hereto and  
incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and  
desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard  
County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes  
to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or  
participate in any way in the construction or maintenance of the improvements. It is the  
intent of the parties that the Developer/Owner, its grantees, successors or assigns in  
interest or some other association and/or assigns satisfactory to the County shall be  
responsible for the maintenance of any improvements.

2. Developer/Owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
3. The Developer/Owner shall limit density to a total of **150** units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. The Developer/Owner will hook up the units to sewer and will not utilize septic tanks for homes developed on the Property.
6. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
7. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
8. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
9. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement

the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

\_\_\_\_\_, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

WITNESSES:

5971 CEDAR LAKE DRIVE LAND TRUST  
and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST  
as DEVELOPER/OWNER

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
, 2021, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

\_\_\_\_\_  
Notary Public

(Name typed, printed or stamped)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East long said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

**PARCEL 2:**

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

**PARCEL 3:**

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

**PARCEL 4:**

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:



Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

#### Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North 75° 10' 20" East, along said South line, a distance of 505.39 feet; thence South 14° 35' 25" East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South 80° 13' 23" West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.