



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

5/1/2025

Subject:

Troy Holdings LLC requests a change in zoning classification from BU-1-A to BU-2, with removal of the BDP and a new BDP applied. (25Z00001) (Tax Account 2501390 & 2521094) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning from BU-1-A (Restricted Neighborhood Retail Commercial) with Binding Development Plan (BDP) to BU-2 (Retail, Warehousing and Wholesale Commercial) and removal of BDP with a new BDP applied.

Summary Explanation and Background:

The applicant requests a change of zoning classification from BU-1-A to BU-2 on the combined site containing 1.86 acres. The request includes the removal of an existing Binding Development Plan (BDP) on the north 0.16 acres and a new BDP applied to the combined 1.86 acres that limits the BU-2 use to RV and boat storage only. The subject property is located directly on S. Courtenay Parkway, a county-maintained roadway. BU-2 would be a new zoning classification along the west side of S. Courtenay Parkway.

The subject property is in a mixed-use area along North Courtenay Parkway 250 feet south of Cone Road. Properties fronting on N. Courtenay Parkway are commercial in use and include development such as gasoline convenience store, retail multi-tenant centers, and multi-tenant professional building. The development west and south of the subject is single family residential.

The existing BDP (Z-8602) only covers the north 0.16 acres which abuts N. Courtenay Pkwy. and stipulates that the Developer, having been granted BU-1-A Classification for Restricted Neighborhood Retail Commercial, will not construct or permit the construction of a convenience market on the property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the property.

The new BDP proposes to limit allowable BU-2 uses exclusively to RV and boat storage while permitting all uses allowed under the BU-1 zoning classification. This restriction aims to reduce the intensity of use within the BU-2 zoning classification if granted. Additionally, the new BDP also proposes a vegetative buffer to the single-family subdivision abutting the parcel along the south property line. The developer/owner will be required to meet Landscape Buffers per Section 62-4342, which states when using a vegetative buffer in lieu

of the required fence or wall, a minimum 20-foot vegetated area shall also be provided.

The applicant has submitted a conceptual site plan, attached. This is not binding and is provided to the Board for informational purposes.

North is a convenience store with gas pumps zoned BU-1; South is single-family residence zoned RU-1-9; East is retail store zoned BU-1; and West is single-family residence zoned AU.

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

On April 14, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

25Z00001

Troy Holdings LLC

BU-1-A (Restricted Neighborhood Retail Commercial) with Binding Development Plan (BDP) to BU-2 (Retail, Warehousing and Wholesale Commercial) and removal of BDP with a new BDP applied

Tax Account Number: 2501390 & 2521094 (Both parcels have same recorded Deed)
Parcel I.D.: 25-36-02-00-8 & 25-36-02-00-26 (Both parcels have same Deed)
Location: West side of S. Courtenay Park. and approx. 256 feet south of Cone Road. (District 2)
Acreage: 1.86 acres combined

Merritt Island Redevelopment Agency: Unknown
Planning & Zoning Board: 04/14/2025
Board of County Commissioners: 05/01/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1-A	BU-2
Potential*	FAR of 1.00 55 multifamily Units **	FAR of 1.00 55 multifamily units
Can be Considered under the Future Land Use Map	Yes* Community Commercial (CC)	Yes* Community Commercial (CC)

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

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

Background and Purpose of Request

The applicant requests a zoning classification change from BU-1-A (Restricted Neighborhood Retail Commercial) to BU-2 (Retail Warehousing and Wholesale Commercial) on the combined site containing 1.86 acres. The request includes the removal of an existing Binding Development Plan (BDP) on the north 0.16 acres and a new BDP applied to the combined 1.86 acres that limits the BU-2 use to RV and boat storage only. The subject is located directly on S. Courtenay Parkway, a county-

maintained roadway. BU-2 would be a new zoning classification along the west side of S. Courtenay Parkway.

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

The subject property is in a mixed-use area along North Courtenay Parkway 250 feet south of Cone Road. Properties fronting on N. Courtenay Parkway are commercial in use and include development such as gasoline convenience store, retail multi-tenant centers, and multi-tenant professional building. The development west and south of the subject is single family residential.

The existing BDP **Z-8602** only covers the north 0.16 acres which abuts N. Courtenay Pkwy. and stipulates:

That the Developer, having been granted BU-1-A Classification for Restricted Neighborhood Retail Commercial, will not construct or permit the construction of a convenience market on the property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the property.

The new BDP proposes to limit allowable BU-2 uses exclusively to RV and boat storage while permitting all other uses allowed under the BU-1 zoning classification. This restriction aims to reduce the intensity of use within the BU-2 zoning classification if granted.

Additionally, the new BDP also proposes a vegetative buffer to the single-family subdivision abutting the parcel along the south property line. The developer/owner will be required to meet Landscape Buffers per Section 62-4342 which states when using a vegetative buffer in lieu of the required fence or wall, a minimum 20 foot vegetated area shall also be provided.

The applicant has submitted a preliminary site plan as part of the BDP. Any changes/amendments to the preliminary site plan or the BDP would require the applicant to come back before the Board of County Commission for approval.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 1.86 acres zoned BU-1-A, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 55 multi-family units as stipulated by the Live Local Act. There is no difference in development potential under the Live Local Act with the approval of this rezoning request.

The subject property is located within the Merritt Island Redevelopment Area. Contractor's offices, plants and storage yards shall not be located on any parcel with frontage on State Road 520. Within the remainder of the Merritt Island Redevelopment Area, there shall be no visible outside storage. *Storage yards must be enclosed with a six-foot opaque wall or fence.*

The two parcels are under single ownership and were recorded in ORB 10092 Page 316 on June 18, 2024 under a single deed, but have not been joined into a single parcel with the Brevard County Property Appraiser. Each parcel includes its own Tax Account number.

For ease of understanding the smaller 0.16 acre portion will be identified as the north parcel and the larger 1.70 acre portion will be identified as the south parcel.

According to the best available data from the Brevard County Property Appraiser, the north portion of the subject was created on January 30, 1991, as described in Official Records Book 3102 Page 3810, and the south portion was created on February 28, 1982, as described in Official Record Book 2334 Page 2381.

Please note: The applicant has provided a proposed site plan with the rezoning application which includes a preliminary BDP. This is not a requirement for rezoning and a site plan has not been reviewed for compliance with the land development codes and other County departments.

Previously Approved Zoning Actions:

North 0.16 acre Parcel;

Z-8602 requested a rezoning from AU to BU-1-A with a Binding Development Plan and a CUP for a child care center. This was approved in May 1990. The CUP has since been removed.
Z-8531 request for AU to BU-1 denied January 1990.

South 1.7 acre Parcel;

Z-3319 Special Use Permit for a nursery and sale of nursery products from an AU use approved May 1973.

Z-5769 change from AU to RU-1-9 approved 09/10/1982.

Z-8656 change from RU-1-9 to BU-1-A approved September 24, 1990.

Zoning Action to combined parcels;

Z-11326 rezoning request from BU-1-A to BU-1 with a FLU change from NC to CC, denied March 1, 2007.

There was a request for a small-scale amendment to change the FLU from NC to CC (**23SS00015**) with a companion rezoning request (**23Z00053**). The small-scale amendment to the comprehensive plan was granted in September 2023

A rezoning application **23Z00053** to change the zoning from BU-1-A with the removal of the BDP was granted subject to the drafting and recording of a new BDP. The BDP was never executed and is unapproved. This is a new application for the same action.

The subject has access from N. Courtenay Parkway, a county maintained right of way. There are no current Code Enforcement cases on the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Convenience store with gas pumps	BU-1	CC
South	Single-family residence	RU-1-9	NC
East	Retail store	BU-1	CC
West	Single-family residence	AU	RES 15

The current BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

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

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Future Land Use:

The subject property contains the Community Commercial (CC) FLU designation. The existing BU-1-A may be considered consistent with the CC FLU designation. The proposed BU-2 zoning classification is considered consistent with the CC FLUM designation.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services, and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence. This request could be considered an introduction of BU-2 zoning on the west side of S. Courtenay Pkwy.

B. Existing commercial zoning trends in the area;

There has been a retail commercial zoning trend in the immediate area specifically to the north of the parcel and to the east of the subject property to allow BU-1 uses.

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

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

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

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

The subject property has access to the City of Cocoa potable water and Brevard County sewer located along the west side of S. Courtenay Pkwy. It is not anticipated to have sufficient impact on the LOS for potable water service, sanitary sewer or solid waste disposal due to the proposal being for a mini-warehouse and storage facility.

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and mature specimen trees.

The presence of hydric soils (Anclote sand, frequently flooded) is an indicator that wetlands may be present on the property. *A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.*

In accordance with Section 62-3694(c)(3) when two properties are under one site plan and only one portion has frontage on a mitigation qualified roadway, those parcels must be joined if wetlands are confirmed. (see attached Natural Resource Management report)

Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

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

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of the Brevard County Code.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

The applicant proposes to utilize the subject parcel for indoor RV and boat storage per the BDP. Hours of operation, noise levels, and traffic operations will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 to minimize the potential effects upon the neighborhood and adjacent commercial activities.

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

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The subject property is located in the Merritt Island Redevelopment Agency (MIRA) district, along a commercial corridor on the west side of S. Courtenay Pkwy. from Cone Road to the residential subdivision Tropical Gardens abutting the subject parcel to the south. North of Cone Road, along the West side of S. Courtenay Pkwy. is a residential subdivision, Merritt Ridge.

To the immediate north and east is Community Commercial (CC) FLU. The southern 120 feet portion of the subject parcel is NC FLU. The abutting parcels to the south are Neighborhood Commercial (NC) FLU. The abutting parcel to the west is Residential 15 (RES 15) FLU. All immediate surrounding areas to the north, south, and west of S. Courtenay Pkwy. have commercial and residential uses within 500-feet of this site. Directly to the east of S. Courtenay Pkwy. are all commercial uses.

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

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

22Z00002 was approved on April 7, 2022, to rezone a parcel from AU to RU-1-13

23Z00054 was approved on September 7, 2023, to rezone a parcel from RU-1-11 to BU-1

23SS00014 was approved on August 14, 2023, to change the FLU from RES 6 to CC

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

There has been 1 new development approved within this area which has been developed with a parking lot.

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

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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

Criteria:

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

The subject property is located along a commercial corridor on the west side of S. Courtenay Pkwy. from Cone Road to the residential subdivision Tropical Gardens abutting the subject parcel to the south. North of Cone Road, along the West side of S. Courtenay Pkwy. is a residential subdivision, Merritt Ridge. The abutting parcel to the north is developed with a convenience store with gas pumps zoned BU-1. The abutting parcel to the east is developed with a commercial building zoned BU-1. This may be considered an introduction of BU-2 zoning in the surrounding area. BU-1-A zoning was used to buffer the adjacent residential neighborhood to the south.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - a. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Staff analysis does not indicate the property is located within an established neighborhood. It is not located in a neighborhood or subdivision but is along a commercial corridor.

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

The Developer/Owner requests a BDP which shall limit uses to indoor RV and boat storage as allowed in BU-2 and those uses allowed in the BU-1 zoning district. The Board may consider additional conditions to the BDP to mitigate the potential impacts of introducing BU-2 zoning.

- c. 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.

As the immediate area is commercial, the proposed uses maintain the commercial integrity of the area. The difference between the current zoning to the requested change of zoning is due to the ability to have RV and Boat storage. The abutting parcel to the north is developed with a convenience store with gas pumps with BU-1 zoning. The abutting parcel to the east is developed with a 4,560 sq. ft. commercial building with BU-1 zoning. The abutting parcels to the south and west have single-family zoning RU-1-9 and AU and are developed with single-family residences.

The next closest parcel with BU-2 zoning classification is along the east side of S. Courtenay Pkwy directly east of the subject parcel. This parcel has both BU-1 along the front of the parcel and BU-2 in the rear of the parcel. In the current zoning classification of the subject property, you are not able to conduct commercial business having outdoor storage.

Preliminary Concurrency

The closest concurrency management segment to the subject property is S. Courtenay Parkway, between Cone Road and Banana Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 74.17% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.16%. The corridor is anticipated to operate at 74.33% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject property has access to The City of Cocoa potable water. The subject property has access to Brevard County sewer which runs along the west side of S. Courteney Pkwy.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may consider whether the proposed conditions of the BDP mitigate the potential impacts of introducing BU-2 zoning.

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

Item No. 25Z00001

Applicant: Jessica Williams (Owner: Troy Holdings LLC)

Zoning Request: BU-1-A with removing BDP to BU-2 with new BDP

Note: for executive storage

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

Tax ID No.(s): 2501390 and 2521094

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

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Anclote sand, frequently flooded); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). S. Courtenay Parkway is a MQR at this location. Insert Assemblage of parcel language. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage

on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

Indian River Lagoon Nitrogen Reduction Septic Overlay

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

Protected and Specimen Trees

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

Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 14, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Justin Caron, Assistant County Attorney; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.2. Troy Holdings LLC requests a change of zoning classification from BU-1-A with an existing BDP to BU-2 with removal of existing BDP with a new BDP applied. (25Z00001) (Tax Accounts 2501390 & 2521094) (District 2)

Trina Gilliam read Item H.2. into the record.

Jim Trouger spoke to the application on behalf of the owners. The binding development plan from 2023 failed when it never made its rounds to get all the required signatures, the property has been transferred to a new owner, so staff recommended we do it all over again. Same product with larger setbacks now.

Mark Wadsworth inquired if they want to add outside storage.

Mr. Trouger responded he doesn't believe there is outside storage tied to this. So, the allowable uses will be the indoor storage for boats and RVs in BU-2 as well as the allowable uses in BU-1.

Public Comment

Maggie Duchek stated my bedroom window looks right to where I think they're planning on putting not only the RV storage, but to get in and out of the storage. Going from BU-1-A to BU-2 scares me. I've lived in that house for over 20 years and on Merritt Island 40 years. You can put anything there. I would not have bought this house 25 years ago if it was zoned BU-2 behind it. The other BU-1 uses is another concern for me because if that doesn't happen it gives them a free bump from BU-1-A to BU-1 without going back to the board. I don't see how it's not going to affect my quality of life, either outside on my porch or in my bedroom people opening bay doors. I just wanted to give you my concerns.

Mr. Minneboo asked when she moved into the area.

Ms. Duchek responded she bought it in 2001. We had a thing with a carwash in 2005, 2006, and then this one.

Michael McGraw stated he is Maggie's neighbor. This is the 3rd time we have addressed this property. Was going to be a carwash and nothing happened. Then they wanted to put storage units there, that never happened. The owner sold the property after being upgraded in zoning, so I guess we increase the property value by doing so, which I think is not right. They sold the property without

any development. I'm very concerned that this is becoming a shell game. Let's make it do this, let's make it do that, let's get the property zoned as high as we can, and increase the value of that property as much as we can before we decide to sell it again. We have a lot of noise issues. We fight the airport and the training school nonstop. They have no regard for the neighborhood. If we can get a binding development plan and see what this plan is, what's the plan going to be next. I own my own business. I abide by code and regulations; in roofing you wouldn't believe the amount of regulation we have to deal with. Look at the history of this property and consider that when you make your recommendation. Please consider what we're going to go through.

Steve Duchek stated Maggie is his daughter. She bought that house because it was 2 blocks from the elementary school. There's no other access except through this "U"; it's Tropical Way. I would really like to know what is going there. There is a 7-Eleven on the corner, and we were told they were given an exemption to build it there. On the other side is agriculture with horses there. I spend half my time cleaning up beer cans, bottles and stuff from people going back in the back. I helped her put up a privacy fence, so she doesn't have to worry. Then they said they were going to put a carwash there. Within a span of 4 miles there are 6 carwashes, it's going to work because it's going to be a 24-hour carwash. Will there be security? No. Fencing? No. But there will be a binding development plan. Nothing happened so I called some people that work for the county, and they said he's not going to build it because he can't afford it. Now they're going to put up a storage place for RVs and boats. If you go down 4 or 5 blocks, there's a whole bunch of them by the airport. Those are all commercial. So, they want to change this site with 2 bays with a road down the middle for people to drive in with their RVs and boats aimed right at my daughter's house. As a businessman that doesn't make a lot of sense, to put something in you don't need. Are they trying to get this thing to get a higher zoning so they can just say we can't do this, but we'll do that because you allowed it. I would like to see the BDP written in such a way that if they don't do it, it reverts to the original one.

End Public Comment

Mr. Minneboo asked to be enlightened on what you're willing to undertake out there.

Mr. Trouger responded we're aware the previous package that came through had a 16-foot setback the code requires 15 feet. Now we're proposing over 60 feet. We're listening. We're doing what we can, as well as a wall, buffers, all the bells and whistles that the land development requires on our site plans. Storage is one of the lowest traffic generators, so hopefully that will be a benefit from what else could be built on this property.

Mr. Minneboo inquired if they would do a BDP.

Mr. Trouger responded yes; we are doing a BDP.

Erika Orriss asked staff if this was considered inconsistent since there is no BU-2 in the area.

Ms. Gilliam responded it would be up to the board to determine whether this would be compatible and consistent with the character of the area.

Mr. Trouger stated the BDP does list the only allowable use in BU-2 is indoor boat and RV storage with the rest of the allowable uses are only BU-1.

Ms. Orriss responded that it also states in the BDP the developer and the owner can only use it for such. Number 6 in the BDP says that no one else can change this, so that can't buy it, flip it and do something different. So, it can only be used for this. So, even if we were to go against what's consistent with the area then the agreement shall be binding. The wording is a little confusing. Number 4 says the developer/owner shall be limited to the RV and boat storage as allowed in BU-2 zoning district. The developer can sell it, and it's rezoned.

Mr. Trouger responded the binding development plan runs with the property. If it's sold or transferred. The document that's part of this is a draft document. If we get the approval of the commission, it then goes to the county attorney's office, and they mark it up and it goes back and forth. This is the draft version.

Ms. Orriss continued her only comment is that it may be inconsistent with the surrounding area.

Mr. Hopengarten asked if staff had a copy of the old BDP.

Ms. Gilliam responded not at this time.

Mr. Hopengarten stated he has no idea other than the one paragraph at the bottom of our documents which stipulated part of it; I would like to review that before I make a decision. I would like to review the previous BDP from 2023. I understand it wasn't signed. But there was one from before that.

Mr. Minneboo stated he was trying to remember because this is a strange configuration on the lot. I don't remember an earlier, at the beginning, BDP.

Ms. Gilliam stated I have it here. The one that's currently active says it's granted having BU-1-A classification for restricted neighborhood retail commercial zoning will not construct or permit the construction of any convenience market on the property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise will not permit the sales of alcoholic beverages from the property. It's dated 1990.

Paul Body stated that BDP is only on that small sliver of the parcel. It's not on the bigger portion of parcel 8.

Mr. Hopengarten inquired if it was put in there because of the existing 7-Eleven that's on the corner. They didn't want competition.

Mr. Body responded yes. And, it's only on a very small portion. The one that's right up against the 7-Eleven.

Mr. Hopengarten then inquired on the height of the building.

Mr. Trouger responded it's going to be single story.

Mr. Hopengarten stated that could be 30 feet. You're going to put boats in, like dry storage with a lift.

Mr. Trouger responded they won't be stacked. I've never seen one of those garage doors more than 12 feet tall. It's one building with multiple units.

Mr. Hopengarten commented like open storage. Usually these are open racks that they put boats in and then they can stack them. Or they could have an inside bay where they work inside the unit. Essentially, it's a set of garages.

Mr. Trouger responded the intent is for personal boat or RV storage, so if your HOA doesn't allow you to park it in your yard, you can bring it here. It's on a licensed trailer, not taken off and put on a rack.

Logan Luse inquired if everything will be indoors or will anything be parked outside the garage. I think with the last BDP this is less invasive, it's only RVs and boats that can be stored there. It's not going to be in and out. It will be for someone who wants to store their boat for the winter or their RVs if they're not going out camping. It could be a carwash where they're rotating cars in and out all day, this is let's park it, leave it until we need it again. This is less invasive than a commercial or retail. The height would be the only concern I have, but if it's one where you pull it in, park it and leave it, I don't see a problem with that.

Mr. Trouger responded this is an indoor storage facility. It's a very low trip generator. They're usually pretty quiet.

Mr. Hopengarten asked how many of these garages are you going to have? This is a residential neighborhood, and I don't think it's appropriate to have it in this area. Down the road, on Cone Road you have all the industrial sites.

Mr. Body stated that according to the plan there's 10 units with 10,000 sq. ft. and then 8,000 sq. ft. for another 10 units. So, there's only going to be 20 units per the plan they turned in. And, the BDP has an 8 ft. wall going along the south property line.

Mr. Trouger added there's less units than what was approved in 2023.

Mr. Hopengarten stated he's against storage in the County strictly because we're not a storage county. We have more storage facilities here than the city of Houston, which has 6 million people. It always bothers me. It doesn't provide jobs for anybody, it doesn't help the neighborhood, and yet we allow it to happen. I've always objected to them because I don't think it's the right thing to do with the land. Especially when we have a housing crisis.

Mr. Brothers asked if the way it's zoned right now you can put a shopping center there?

Mr. Trouger responded the BU-1-A allows for that type of strip mall. It is a funny site because of the access to it. But yes, you could put in a large trip generator. Something noisier. Or a daycare or something like that.

Mr. Minneboo stated left me assure you this is the lesser of all the evils that particular site can have.

Mr. Luse responded it's all BU-1, BA, B1, BU-2, so it does conform with the whole area around that subdivision to the south and I do think this is a less intrusive aspect that can go there.

Ms. Saunders asked if there is power here. Are people hooking their RVs up and letting them run. Is there a prohibition you can't live there, they're not renting it out to a landscape company, no one's coming in and parking their trailer at night and then leaving the next day for work. There's not dump station.

Mr. Trouger responded that is correct. That's not allowed by code. There are no pump outs. There is power in the units because you charge your batteries, that sort of thing for your RVs and boats. The code is very strict, it is intended to not have someone live in these units or use them for a commercial purpose.

Mr. Luse inquired if this would be a 24/7 in/out or just certain times.

Mr. Trouger replied 24 hours.

Ms. Saunders asked if it would be gated with a keypad so it would be controlled security wise. And, I don't see an office on site.

Mr. Trouger responded it would be a key fob system and then there will be a small office and bathroom, as it's required.

Motion to recommend approval of Item H.2. with a BDP by Henry Minneboo, seconded by Logan Luse. Motion passed with a vote of 8 to 2.

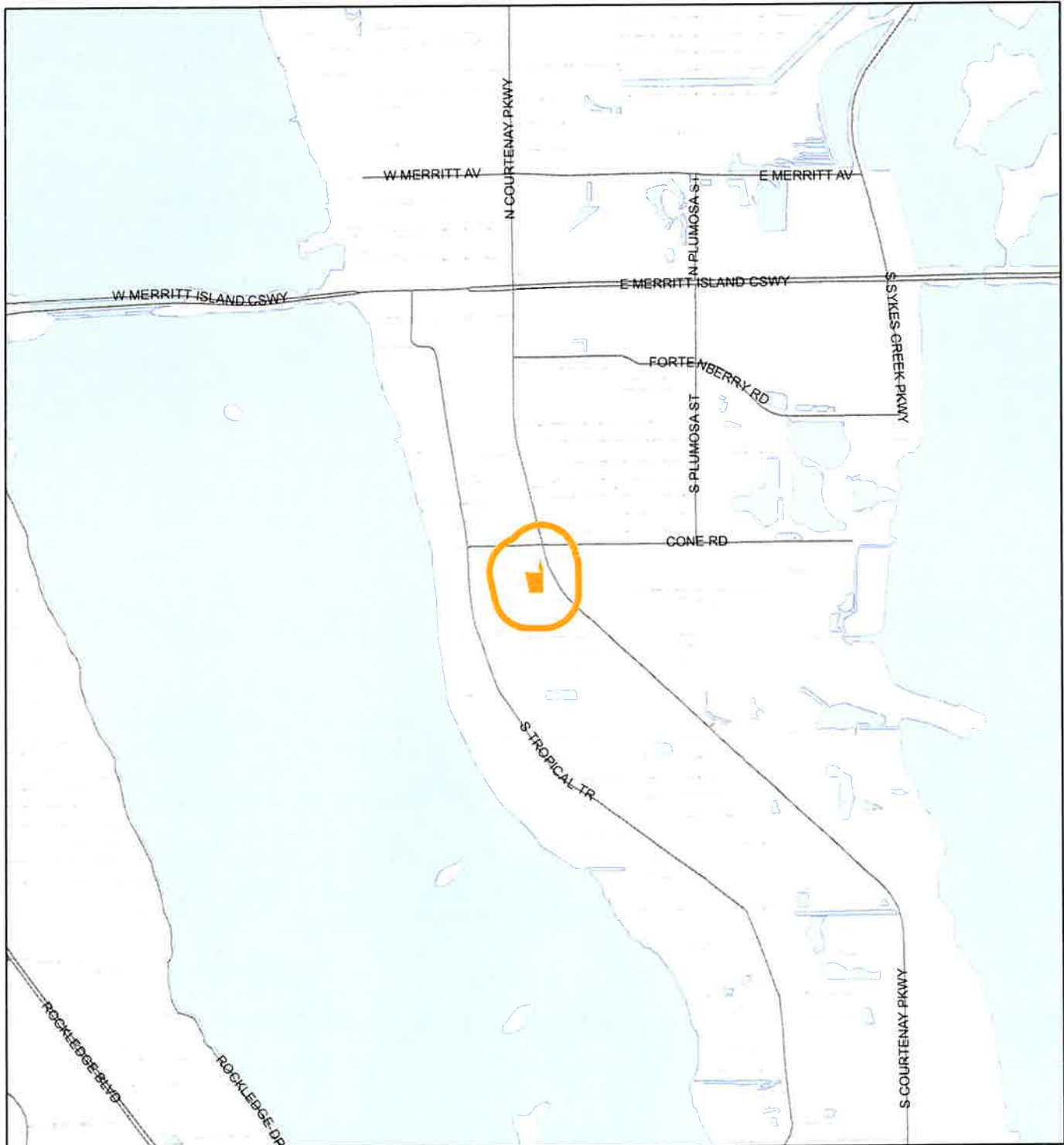
The meeting was adjourned at 4:03 p.m.

DRAFT

LOCATION MAP

TROY HOLDINGS LLC

25Z00001



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: 1/7/2025

— Buffer

— Subject Property

ZONING MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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Subject Property

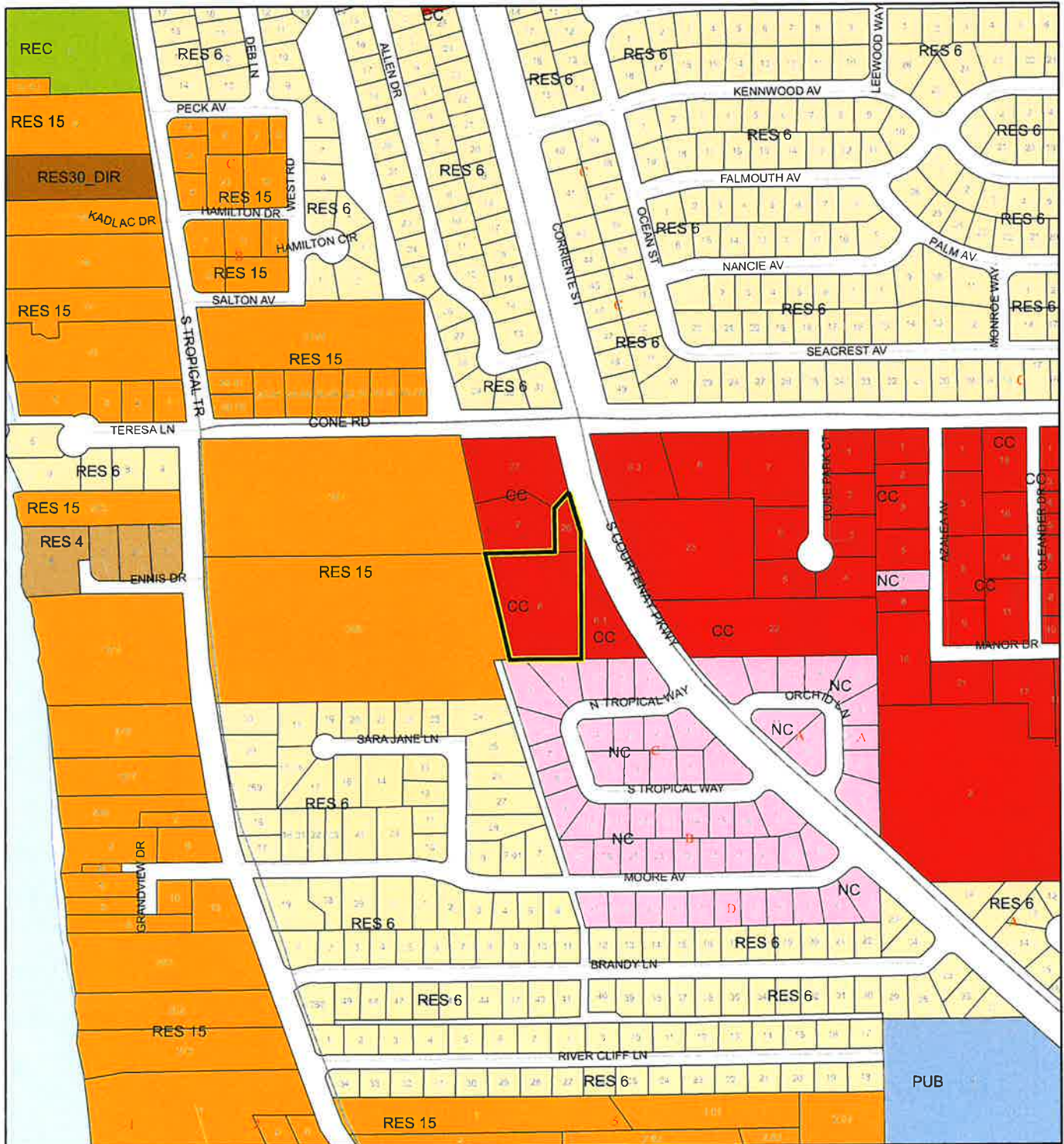
Parcels

Zoning

FUTURE LAND USE MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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AERIAL MAP

TROY HOLDINGS LLC

25Z00001





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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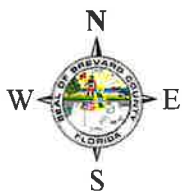
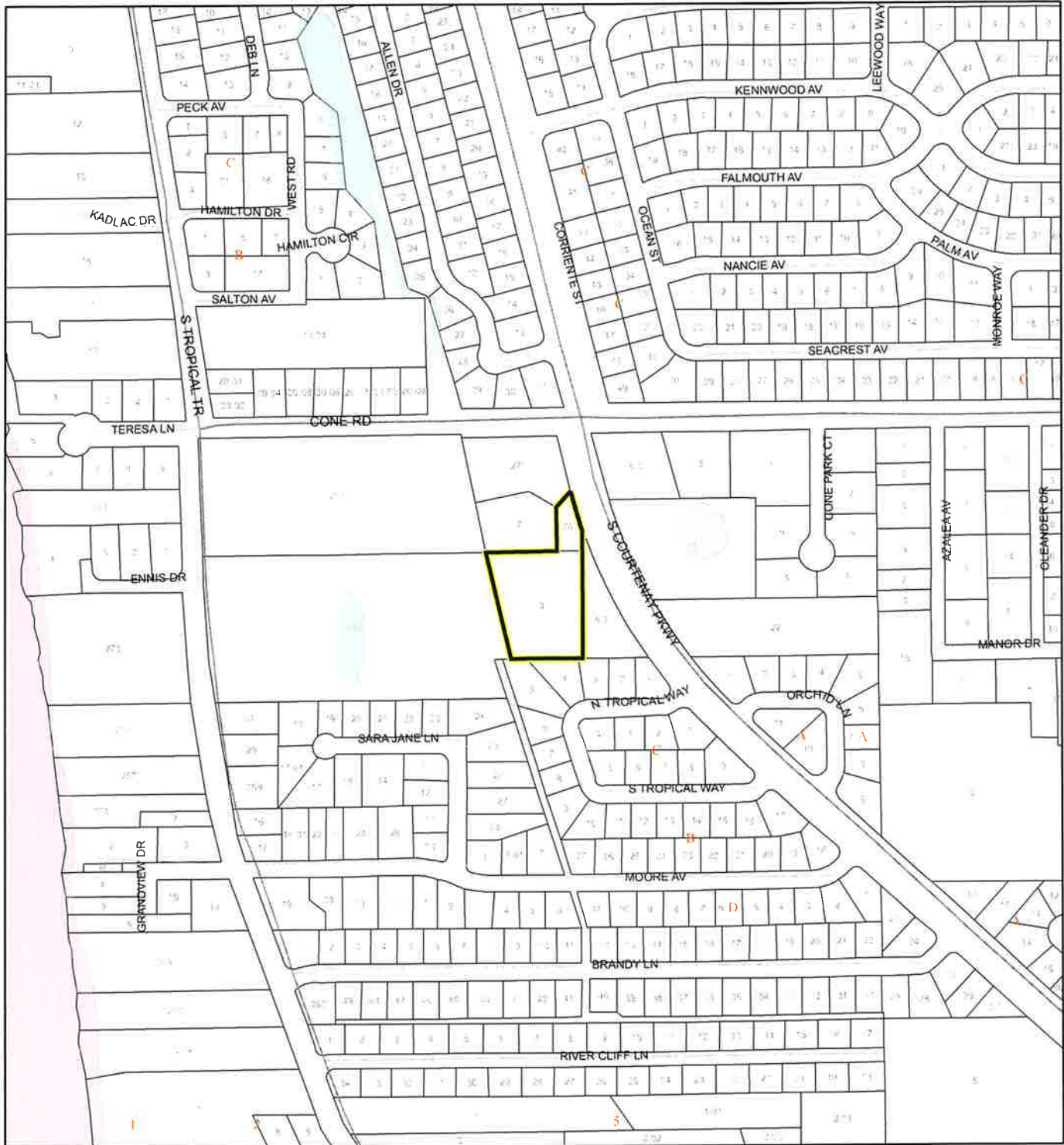
Produced by BoCC - GIS Date: 1/7/2025

 Subject Property
 Parcels

NWI WETLANDS MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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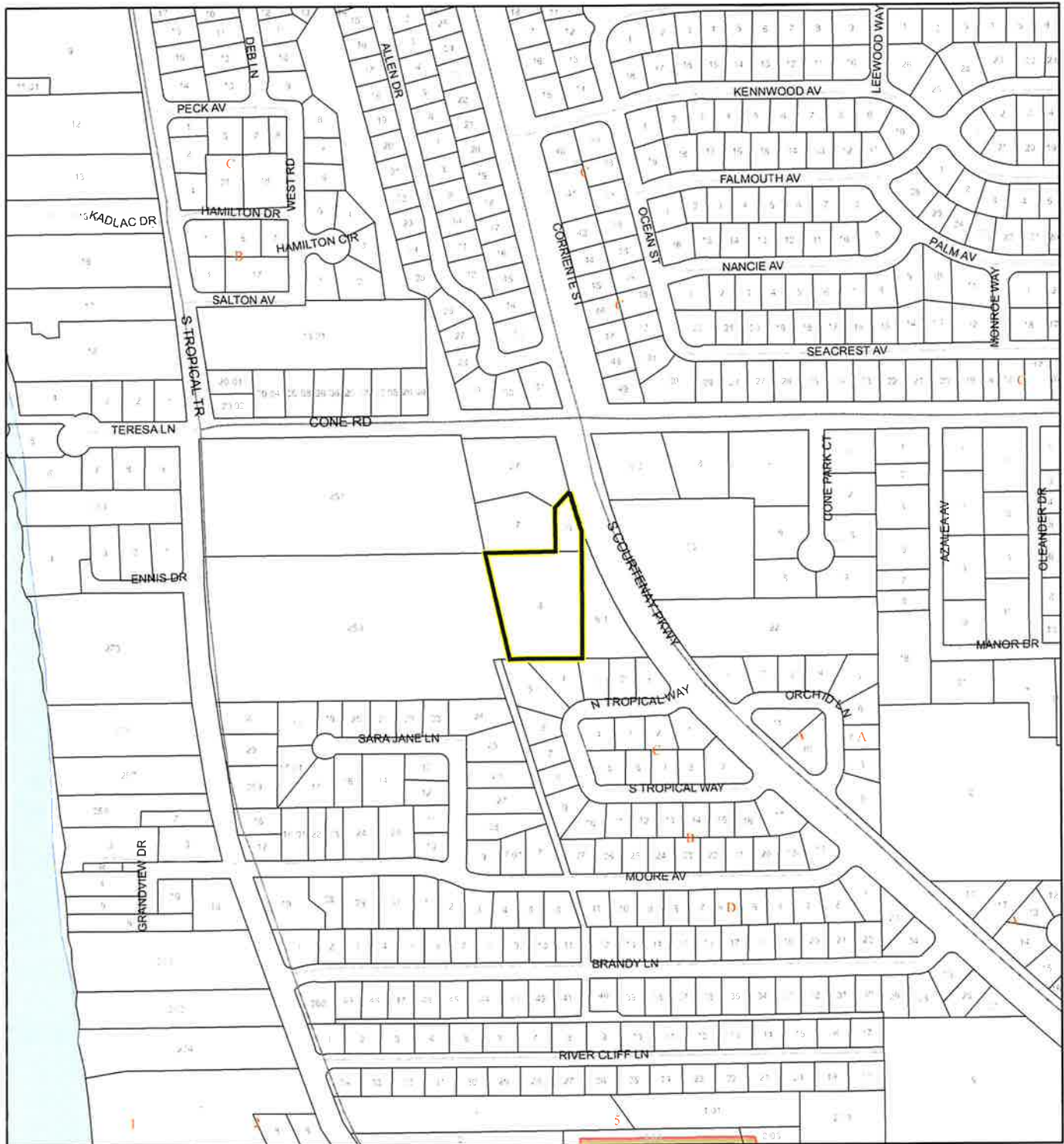
National Wetlands Inventory (NWI)

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

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

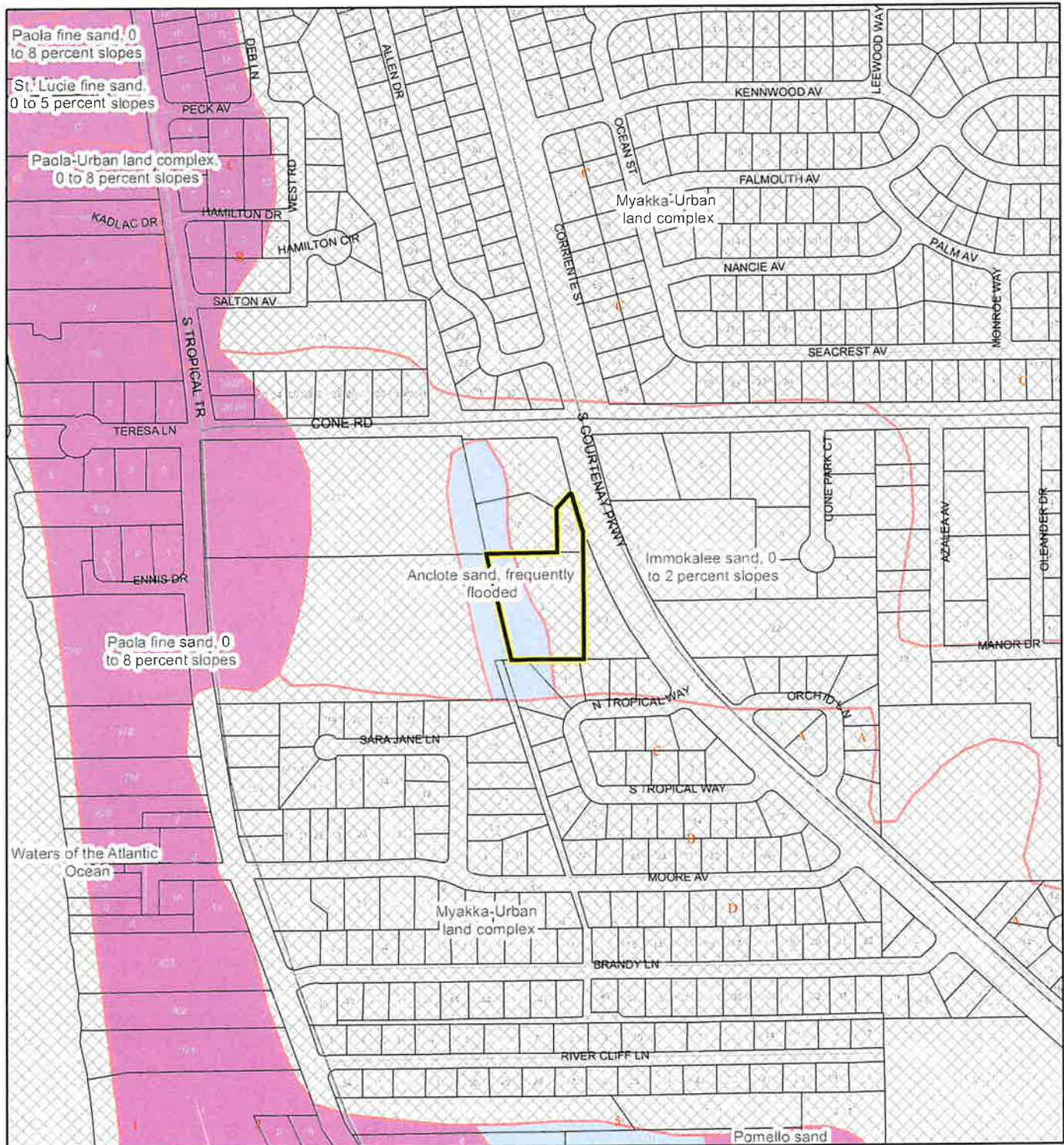
Subject Property

Parcels

USDA SCSSS SOILS MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

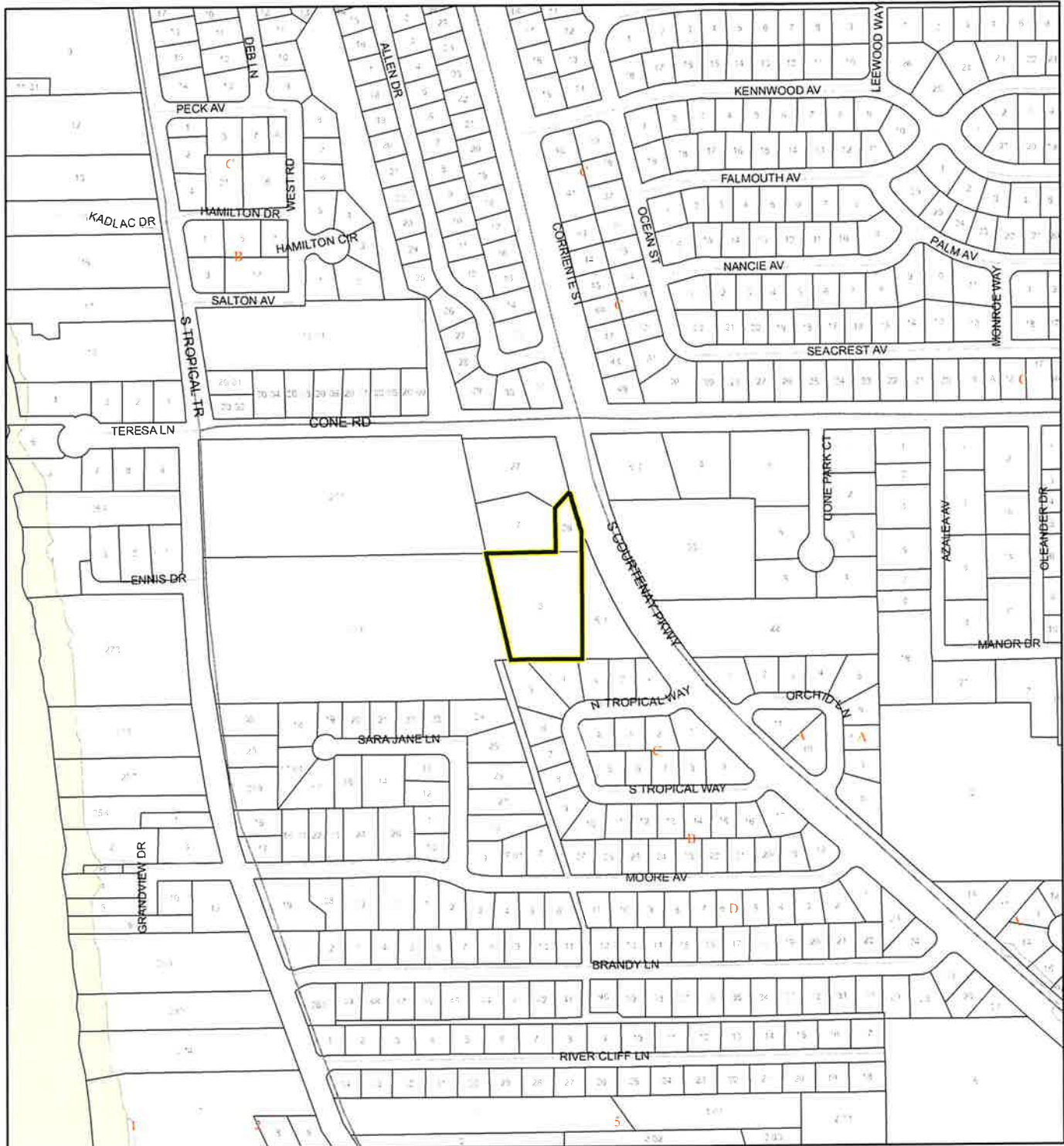
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2025

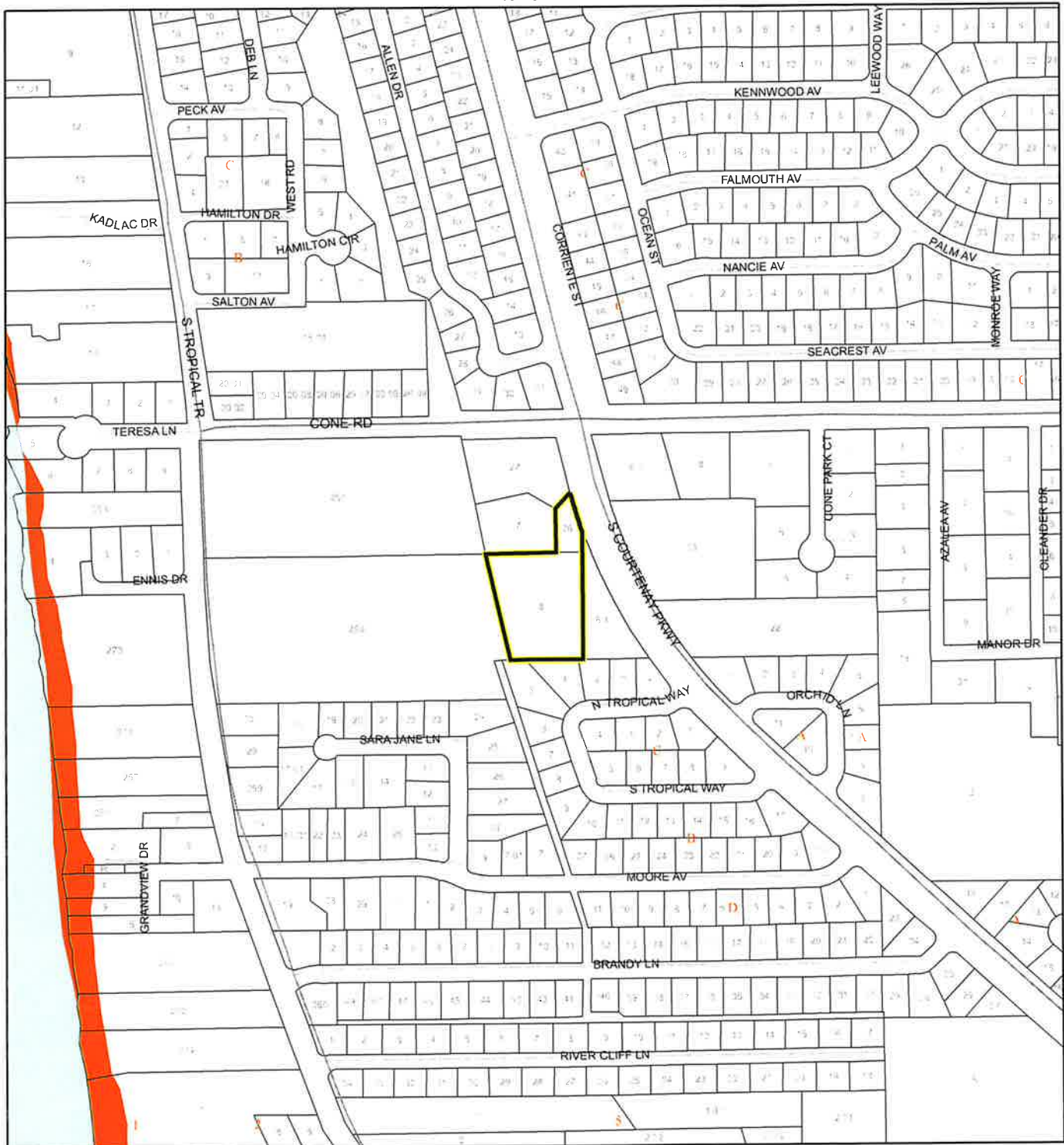
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/7/2025

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

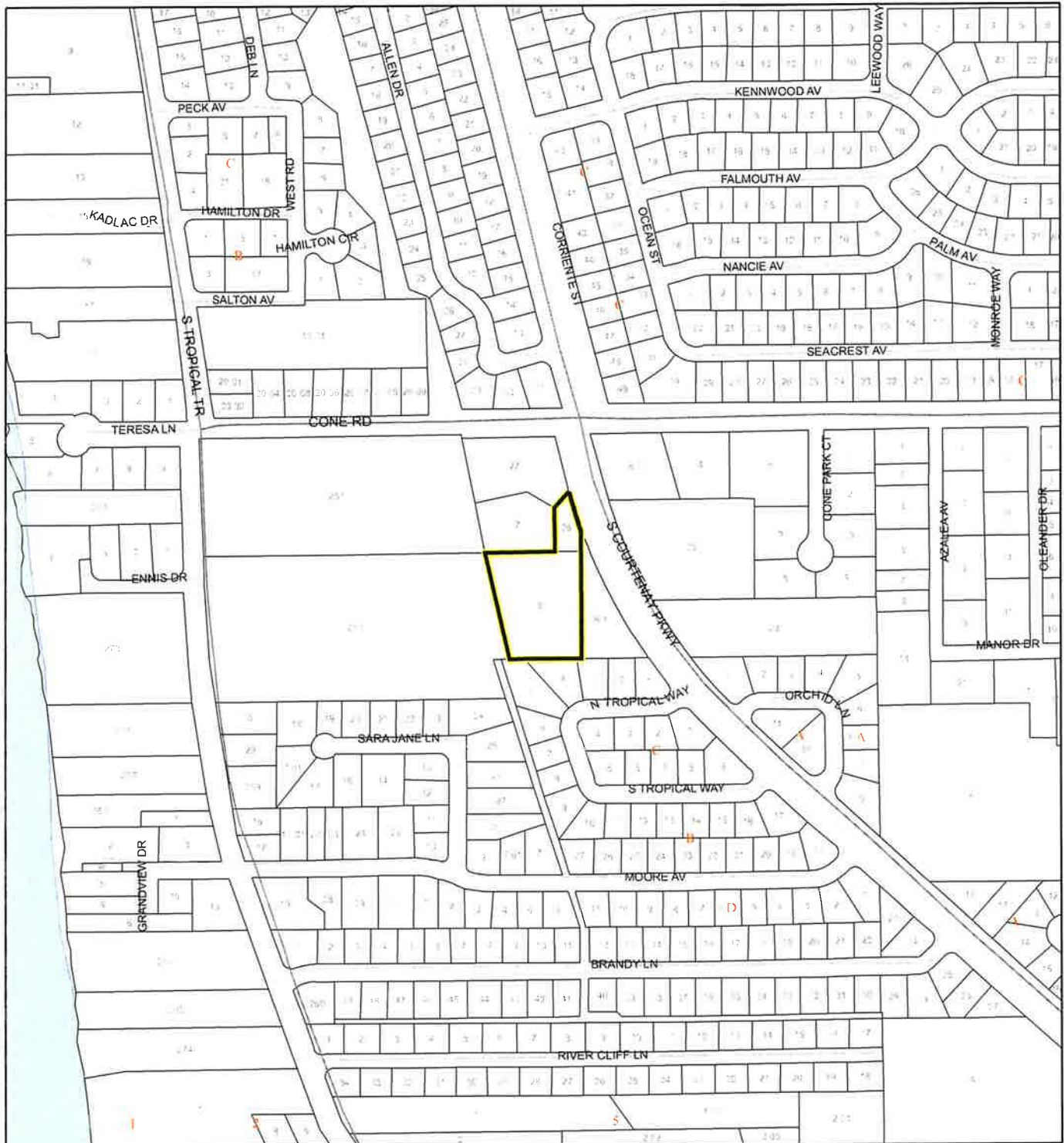
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

TROY HOLDINGS LLC

25Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2025

 Subject Property

 Parcels

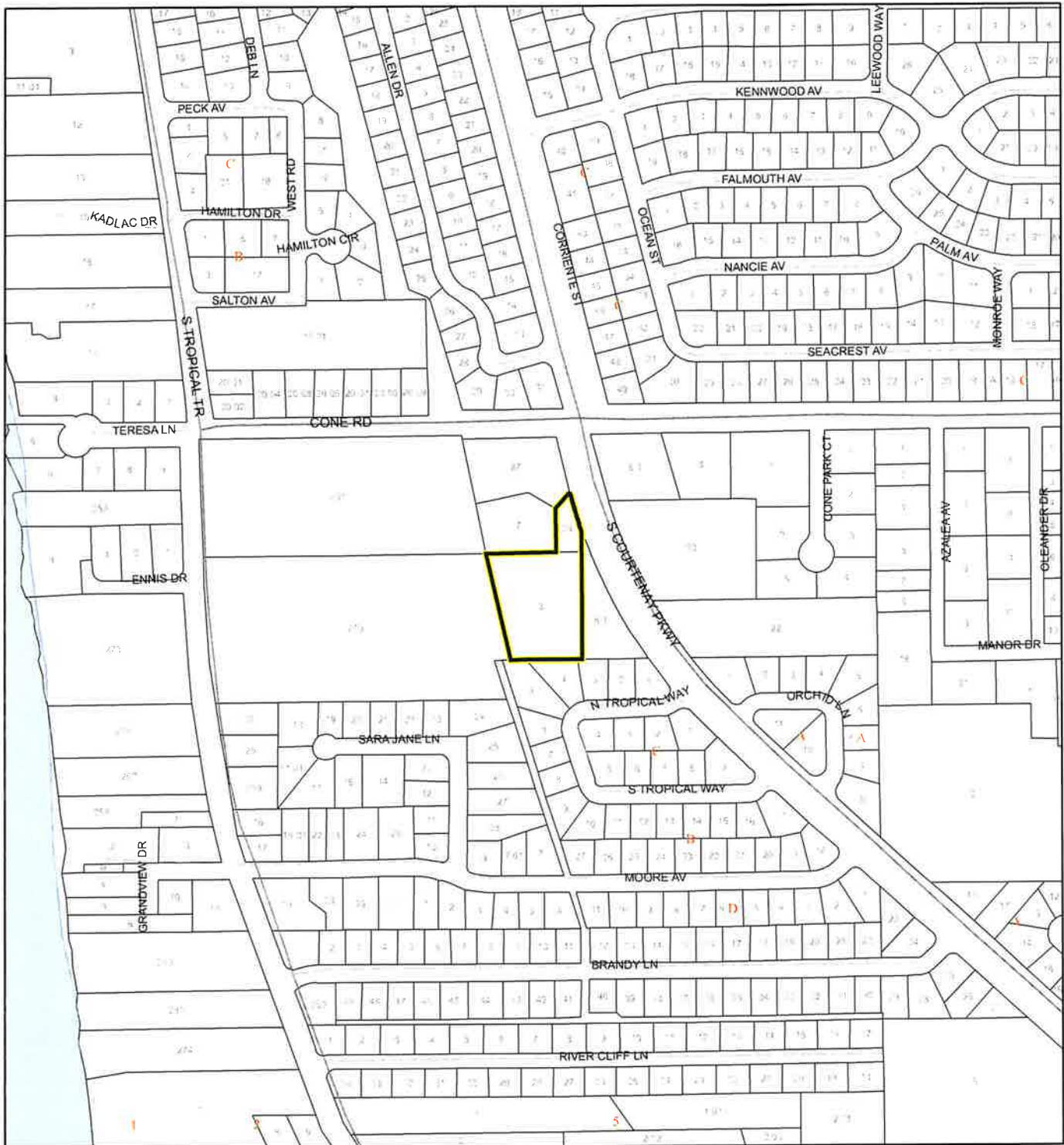


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

TROY HOLDINGS LLC

25Z00001




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2025

 Subject Property

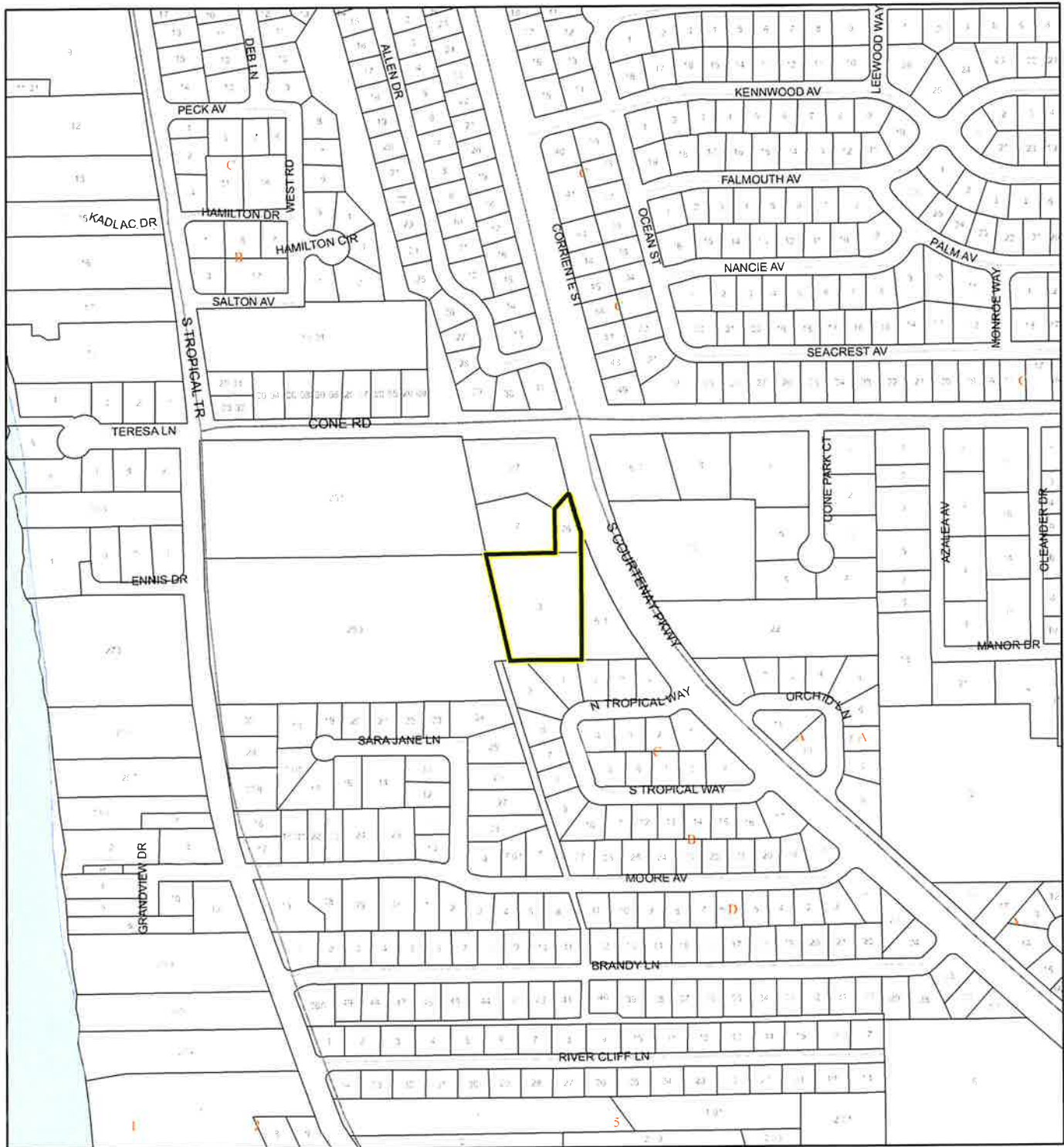
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

TROY HOLDINGS LLC

25Z00001



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.

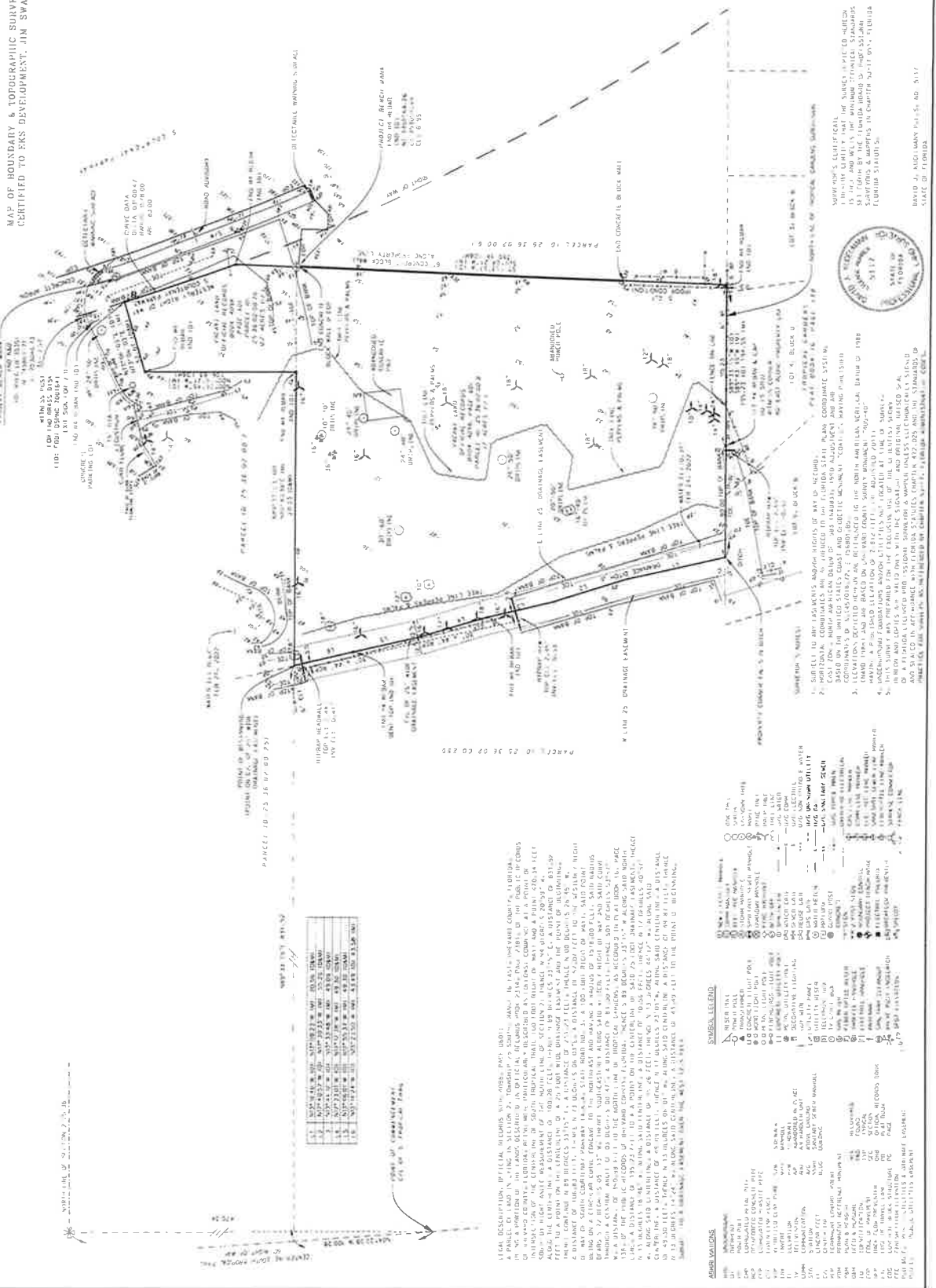
Produced by BoCC - GIS Date: 1/7/2025

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY PREPARED FOR AND
CERTIFIED TO EKS DEVELOPMENT, JIM SWANN



On motion of Commissioner **Dobson**, seconded by Commissioner **Altman**, the following resolution was adopted by a **unanimous** vote:
 WHEREAS, **MARGARET K. MYERS**

has/have applied for a change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center

on property described as follows: Begin at a point 818.412 feet west of the northeast corner of Government Lot 1, Section 2, Township 25 South, Range 36 East, thence south 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Townships 24 and 35 South, Range 36 East, which said point in said township line is 379.59 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning, and containing 2.56 acres, more or less. The center line of the County Ditch as presently located or traced is along the west boundary line of the above described land. Located on the southwest corner of Cone Road and South Courtenay Pkwy.

Section 2, Township 25 S, Range 36 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 w/Binding Development Plan (BDP)** 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 w/Binding Development Plan (see below)**, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center

be **approved w/Binding Development Plan (see below)**, and that the zoning classification relating to the above described property be changed to BU-1-A w/Conditional Use Permit for a Child Care Center subject to a Binding Development recorded May 8, 1990 in ORB 3059, Page 0110 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 8, 1990.

BOARD OF COUNTY COMMISSIONERS
 Brevard County, Florida

ATTEST:

by **CAROL SENNE**
 Chairman

R. C. WINSTEAD, JR., Clerk

by **D.C.**

(SEAL)

(Hearing - April 2, 1990)

BCC - APPROVED with Binding Development Plan recorded May 8, 1990 in ORB 3059, Page 0110.

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.

Z-8602

I-01

**PLANNING AND ZONING DEPARTMENT
BREVARD COUNTY, FLORIDA**

APPLICATION FOR PUBLIC HEARING BEFORE PLANNING AND ZONING BOARD

This application, together with ALL EXHIBITS, must be completed and filed with the office before advertisement for a public hearing.

Completion of this application does not assure final approval. The applicant MUST appear or be represented at the public hearing or the application may be tabled. The application will be denied at the second hearing if there is no representation. **A ZONING CHANGE DOES NOT AUTOMATICALLY ENTITLE THE OWNER TO A BUILDING PERMIT.**

Please PRINT or TYPE the following information: (TO BE COMPLETED BY APPLICANT)

Name of Owner(s): Margaret K. Myers Name of Applicant: Leonard Spielvogel, Esq.
Address: c/o P.O. Box 541366 Address: P.O. Box 541366
City: Merritt Isl State: Florida City: Merritt Isl State: Florida
Zip: 32954-1366 Phone: 407/453-2333 Zip: 32954-1366 Phone: 407/453-2333

The complete legal description of the property covered by this application must be clearly typed and identified on a separate sheet of paper and attached. An error in the legal description will result in the request being delayed until a correct description is provided.

Section: 2 Township: 25 So. Range: 36 E

Total Acreage: Approx. 2.24 Ac. Dimensions of area covered by application: Approx. 385.67' x 304.15'

Location with respect to or distance from nearest public road(s): Property located at southwest corner of intersection of Cone Road and So. Courtenay Parkway

Present Zoning: AU Zoning requested: BU-1-A

Special or Conditional Use Permit at present: None

Conditional Use Permit requested: CUP for child care

For CUP Temporary Security Trailer, Statement of Need attached. In the event vandalism or other unlawful activities are alleged, written documentation from the Sheriff's Department of such activities (occurring within 6 mos. of application date) shall be provided.

Home Occupation Permit or Interpretation requested: N/A

Use on Review — Attach detailed description: None

Has a zoning request on this property been DENIED or WITHDRAWN in the past six months? YES ☐ NO ☒

Flag Lot: (Survey required) N/A Number of: N/A

The proposal should be discussed with the Planning and Zoning Staff, as it relates to the County Comprehensive Plan. Initials of Staff Member discussing proposed rezoning with applicant: George Edwards / PH

The following items must be provided by the APPLICANT to complete this application for a public hearing and will be verified as complete upon submission to the Planning & Zoning Department:

- ☒ (a) Certified survey. That portion of the map maintained by the Property Appraiser reflecting the boundaries of the subject property may be acceptable in lieu of a survey in certain instances.
- ☒ (b) Location of subject property and all property owners within 500 feet of the subject property indicated on a Property Appraiser's map and keyed to the list required below (see example on reverse).
- ☒ (c) TYPED or PRINTED list of names and complete mailing addresses of property owners within 500 feet of the subject property according to the latest Property Appraiser's Tax Roll.
- ☒ (d) Copy of Warranty Deed including any Deed Restrictions.
- ☒ (e) For CUP Temporary Trailer during construction of a residence, BUILDING PERMIT NO. _____

The undersigned understands this application must be completed and accurate before a hearing can be advertised.

STATE OF FLORIDA COUNTY OF BREVARD I, LEONARD SPIELVOGEL
being first duly sworn, depose and say that:

I am the OWNER of the subject property, OR (IF CORPORATION, I AM THE OFFICER OF THE CORPORATION AUTHORIZED TO REQUEST A CHANGE OF ZONING).

☒ I am the legal representative of the owner of the property described which is the subject of this application. (IF THE PROPERTY IS NOT OWNED BY APPLICANT, EITHER FORM A OR A NOTARIZED LETTER MUST ACCOMPANY THE APPLICATION GIVING WRITTEN CONSENT BY ALL OWNERS OF SUBJECT PROPERTY UNLESS THE APPLICANT IS AN ATTORNEY FOR THE OWNER).

All the answers to the questions in this application, all sketches and data attached to and made a part of this application are true to the best of my knowledge.

LEONARD SPIELVOGEL (SIGNATURE)

Sworn and subscribed to before me this 8th day of February, 1990
My Commission Expires: _____

Notary Public, State of Florida PUBLIC

All applications must be personally submitted to the zoning office in order that the applicant may receive the necessary sign which must be posted on the subject property:

DO NOT MAIL APPLICATION

<p>FOR OFFICE USE ONLY</p> <p>Fee of \$ <u>635</u> in CASH or CHECK drawn to the order of BREVARD COUNTY PLANNING AND ZONING DEPARTMENT.</p> <p>Receipt Number: <u>435260</u> # <u>3060</u></p> <p>Form "A" attached (if applicable)</p> <p>Date: <u>2-8-90</u></p> <p>Commission District: <u>2</u></p>		<p><u>Ramela Serna</u> (Signature for Planning & Zoning Dept.)</p>
<p>Zoning Verified: <u>PH</u></p> <p>Sign Issued: <u>PH</u></p>	<p>P&Z Meeting Date: <u>April 2, 1990 @ 3:00 pm in A.D. Rm #206</u></p> <p>BCC Meeting Date: <u>April 23, 1990 @ 3:00 pm Sarno Rd. Sero</u></p>	<p><u>212 - Additional garage fee check received</u> <u>det 32318, receipt # 435267, 10.00</u></p>

FILE #Z-8602
ACTION HISTORY

Z-8531 - AU to BU-1; DENIED (Jan., 1990)

I-03

BREVARD *County*
BOARD OF COUNTY COMMISSIONERS



RAYMOND C. WINSTEAD, JR., Clerk to the Board, 700 Park Avenue, Titusville, Florida 32780
BERNADETTE S. TALBERT, Deputy Clerk (407) 289-8141

ZONING

MAY 29 1990

DEPARTMENT

May 24, 1990

M E M O R A N D U M

TO: Eden Bentley, Assistant County Attorney

RE: Binding Development Agreement with Plumosa Properties, Inc.

The Board of County Commissioners, in regular session on April 23, 1990, executed Binding Development Agreement with Plumosa Properties, Inc. for property located in Section 2, Township 25S., Range 36E. Enclosed are two certified copies of the Agreement which was recorded in ORB 3059, PGs 0110 through 0113. Please forward one certified copy to Leonard Spielvogel of Spielvogel and Goldman, P.A., P.O. Box 541366, Merritt Island, Florida 32954 and retain the other for your records.

Your continued cooperation is greatly appreciated.


Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
R. C. WINSTEAD, JR., CLERK


Bernadette Talbert, Deputy Clerk

/em

Encls. (2)

cc:  Zoning Director
Development Plan Review Director

Z-8602 1-04

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

TOM N. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

R. C. WINSTEAD, JR.
Clerk 192

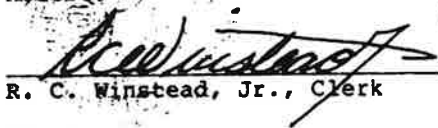
4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly to or of the Property.

5. That the Developer and Developer's counsel, Leonard Spielvogel, of the law firm of Spielvogel and Goldman, P.A., Brevard County, Florida, represent to the county that the Property is unencumbered.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Assessor


R. C. Winstead, Jr., Clerk

(Seal)

(Corporate Seal)

By 
Carol Ann Senne, Chairman

PLUMOSA PROPERTIES, INC.

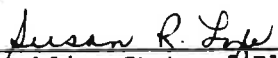
By 
Susan E. Haid, Vice President

("Developer")


STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

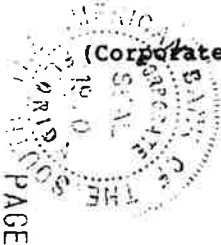
WITNESS my hand and official seal in the County and State last aforesaid, this 22nd day of April, 1990.


Notary Public, State of Florida
at Large

My Commission Expires:


(Seal) Notary Public, State of Florida
My Commission Expires Nov. 6, 1992

LS:4.24.90
S215-8055



STATE OF FLORIDA :
COUNTY OF BREVARD:

The foregoing instrument was signed and acknowledged before me this 23rd day of April, 1990, by Susan E. Haid, Vice President of PLUMOSA PROPERTIES, INC., a Florida corporation, on behalf of said corporation.

Susan Brown Friend
Notary Public, State of Florida
at Large



Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
COMMISSION EXPIRES AUGUST 30, 1993
JOINED FROM AGENCY NOTARY SUCCESSION

0111
3059

0112
PAGE

LS:4.24.90
S215-8055

3

Z-8602

I-07

195

Begin at a point 818.412 feet west of the northeast corner of Government Lot 1, Section 2, Township 25 South, Range 36 East, thence South 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Township 24 and 25 South, Range 36 East, which said point in said township line is 379.59 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning. (The center line of the County Ditch as presently located or traced is along the west boundary line of the above described land.)

011 REC
3059

PAGE
0113

EXHIBIT "A"

Z-8602

I-08

196

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT
PLANNING & ZONING/BOARD OF ADJUSTMENT

I, MARGARET K. MYERS authorize Leonard Spielvogel

to act as applicant, representing me before the Planning and Zoning Board/Board of Adjustment
of Brevard County, Florida.

Margaret K. Myers
(Signature)
MARGARET K. MYERS

Sworn and subscribed to before me

this 19th day of October, 19 89.

Aynthia S. Moist
Notary Public
State of Florida, at Large

My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: APRIL 3, 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

PL-23

Z-8602
I-09

DEED BOOK 348 PAGE 150

DEED BOOK 550 PAGE 462

This Deed, Made the

28th

day of

April

A. D. 1951, by

Rena M. Bracco, a widow,

of the County of Brevard, State of Florida
hereinafter called the grantor, to

Wilbur L. Myers and his wife, Margaret K. Myers, as tenants by the
entireties, whose post office address is Box 949, Cocoa, Florida,

hereinafter called the grantee.

Witnesseth, That the said grantor, in consideration of
Ten (\$10.00) dollars and other valuable considerations

—Dollars—

the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, re-
lease, enfeoff, convey and confirm unto the said grantee and their heirs and assigns
in fee simple, the lands situate in Brevard County, State of Florida, described
as follows:

Begin at a point 813.412 feet west of the northeast corner
of Government Lot 1, Section 2, Township 25 South, Range
36 East, thence south 371.75 feet to the north line of the
land of Waycaster, thence west along the said north line
231.24 feet to a point, thence northwesterly 404.01 feet,
more or less, to a point in the township line between
Townships 24 and 25 South, Range 36 East, which said point
in said township line is 379.59 feet west of the said
point of beginning, thence east along said township line
379.59 feet to the point of beginning, and containing
2.56 acres, more or less.

The center line of the County Ditch as presently located
or traced is along the west boundary line of the above
described land.

(Re-recorded to correct error.)

To Have and to Hold the same together with the hereditaments and appurtenances, unto
the said grantee and their heirs and assigns in fee simple.

And the said grantor, for herself and her heirs and legal
representatives, covenant with said grantee and their heirs, legal representatives and
assigns: That said grantor is indefeasibly seized of said land in fee simple; that
said grantor has full power and lawful right to convey said lands in fee simple, as
aforesaid; that it shall be lawful for said grantees, their heirs, legal representatives
and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land;
that said land is free from all encumbrances; that said grantor, her heirs and legal
representatives, will make such further assurances to perfect the fee simple title to said land in
said grantee and their heirs, legal representatives and assigns, as may reasonably be re-
quired; and that said grantor does hereby fully warrant the title to said land and will
defend the same against the lawful claims of all persons whomsoever.

Witness the hand and seal of said grantor the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

James A. Kridge
[Signature]

Rena M. Bracco
[Signature]

Z-8602

I-10

State of Florida,

County of

BREVARD

DEED

BOOK

350

PAGE 463

DEED

BOOK

348

PAGE 151

I Hereby Certify, That this day in the next above named State and County before me, an officer duly authorized and acting, personally appeared

Rena M. Bracco, a widow,

to me well known and known to me to be the individual described in and who executed the foregoing deed, and she acknowledged then and there before me that she executed said deed.

And I Further Certify, That the said

XXXX

known to me to be the wife of the said

XXXXXXXX

on a separate and private examination, taken and made in the above named State and County by and before me, separately and apart from her said husband, did this day acknowledge before me, an officer authorized to take acknowledgments of deeds, that she executed the foregoing deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal at

Cocoa

this

28th

day of

April

A. D. 19 51.

Notary Public State of Florida
at Large
My commission expires 23rd day of October 1953

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Circuit Court of the said State, in and for said County, Brevard, Florida, this 28th day of April, A. D. 1951.

G. M. SIMMONS, CLERK

Clerk.

On this 28th day of April, A. D. 1951, at Cocoa, Florida, I, G. M. Simmons, Clerk of the Circuit Court of the said State, in and for said County, Brevard, Florida, have recorded the same on pages 463 and 464 of Book 350 of said County.

State of Florida,
County of Brevard,
RECORD VERIFIED
MAY 1 1951

Abstract of Description
2.56 acres, Brevard County,
Florida.

Date April 28, 1951

Robert L. Myers et ux
To

Rena M. Bracco, a widow

SHORT FORM WITH RELINQUISHMENT

Warranty Deed

57262

NO. 57262
AT 2:50 O'CLOCK P M
BREVARD COUNTY, FLORIDA

RECORDED IN THE PUBLIC RECORDS OF
IN THE BOOK AND PAGE NOTED ABOVE
G. M. SIMMONS, CLERK CIRCUIT COURT

BY

DEPUTY CLERK

58656

NO. 58656
AT 1:10 O'CLOCK A M
BREVARD COUNTY, FLORIDA

RECORDED IN THE PUBLIC RECORDS OF
IN THE BOOK AND PAGE NOTED ABOVE
G. M. SIMMONS, CLERK CIRCUIT COURT

BY

DEPUTY CLERK

APR 30 1951

FILED JUL 5 1951

Z-8602

111

OFFICE of VITAL STATISTICS
CERTIFIED COPY

891631

CERTIFICATE OF DEATH
FLORIDA

1. DECEASED'S NAME (Print, last, first, middle)		2. SEX	
WILBUR LEE MYERS		Male	
3. DATE OF DEATH (Month, Day, Year)	4. SOCIAL SECURITY NUMBER	5. AGE Last Birthday	6. UNDER 1 YEAR
June 28, 1989	318-09-6951	67	Months Days
7. DATE OF BIRTH (Month, Day, Year)	8. BIRTHPLACE (City and State or Foreign Country)	9. WAS DECEASED EVER IN U.S. ARMED FORCES? (Yes or No)	
June 29, 1906	Beavertown, Indiana	No	
10. PLACE OF DEATH (Check one and give address on other side)		11. HUSBAND'S CITY (Last only) (Yes or No)	
12. PLACE OF DEATH (Check one and give address on other side)		13. HUSBAND'S CITY (Last only) (Yes or No)	
14. PLACE OF DEATH (Check one and give address on other side)		15. HUSBAND'S CITY (Last only) (Yes or No)	
16. PLACE OF DEATH (Check one and give address on other side)		17. HUSBAND'S CITY (Last only) (Yes or No)	
18. PLACE OF DEATH (Check one and give address on other side)		19. HUSBAND'S CITY (Last only) (Yes or No)	
20. PLACE OF DEATH (Check one and give address on other side)		21. HUSBAND'S CITY (Last only) (Yes or No)	
22. PLACE OF DEATH (Check one and give address on other side)		23. HUSBAND'S CITY (Last only) (Yes or No)	
24. PLACE OF DEATH (Check one and give address on other side)		25. HUSBAND'S CITY (Last only) (Yes or No)	
26. PLACE OF DEATH (Check one and give address on other side)		27. HUSBAND'S CITY (Last only) (Yes or No)	
28. PLACE OF DEATH (Check one and give address on other side)		29. HUSBAND'S CITY (Last only) (Yes or No)	
30. PLACE OF DEATH (Check one and give address on other side)		31. HUSBAND'S CITY (Last only) (Yes or No)	
32. PLACE OF DEATH (Check one and give address on other side)		33. HUSBAND'S CITY (Last only) (Yes or No)	
34. PLACE OF DEATH (Check one and give address on other side)		35. HUSBAND'S CITY (Last only) (Yes or No)	
36. PLACE OF DEATH (Check one and give address on other side)		37. HUSBAND'S CITY (Last only) (Yes or No)	
38. PLACE OF DEATH (Check one and give address on other side)		39. HUSBAND'S CITY (Last only) (Yes or No)	
40. PLACE OF DEATH (Check one and give address on other side)		41. HUSBAND'S CITY (Last only) (Yes or No)	
42. PLACE OF DEATH (Check one and give address on other side)		43. HUSBAND'S CITY (Last only) (Yes or No)	
44. PLACE OF DEATH (Check one and give address on other side)		45. HUSBAND'S CITY (Last only) (Yes or No)	
46. PLACE OF DEATH (Check one and give address on other side)		47. HUSBAND'S CITY (Last only) (Yes or No)	
48. PLACE OF DEATH (Check one and give address on other side)		49. HUSBAND'S CITY (Last only) (Yes or No)	
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52. PLACE OF DEATH (Check one and give address on other side)		53. HUSBAND'S CITY (Last only) (Yes or No)	
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58. PLACE OF DEATH (Check one and give address on other side)		59. HUSBAND'S CITY (Last only) (Yes or No)	
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62. PLACE OF DEATH (Check one and give address on other side)		63. HUSBAND'S CITY (Last only) (Yes or No)	
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66. PLACE OF DEATH (Check one and give address on other side)		67. HUSBAND'S CITY (Last only) (Yes or No)	
68. PLACE OF DEATH (Check one and give address on other side)		69. HUSBAND'S CITY (Last only) (Yes or No)	
70. PLACE OF DEATH (Check one and give address on other side)		71. HUSBAND'S CITY (Last only) (Yes or No)	
72. PLACE OF DEATH (Check one and give address on other side)		73. HUSBAND'S CITY (Last only) (Yes or No)	
74. PLACE OF DEATH (Check one and give address on other side)		75. HUSBAND'S CITY (Last only) (Yes or No)	
76. PLACE OF DEATH (Check one and give address on other side)		77. HUSBAND'S CITY (Last only) (Yes or No)	
78. PLACE OF DEATH (Check one and give address on other side)		79. HUSBAND'S CITY (Last only) (Yes or No)	
80. PLACE OF DEATH (Check one and give address on other side)		81. HUSBAND'S CITY (Last only) (Yes or No)	
82. PLACE OF DEATH (Check one and give address on other side)		83. HUSBAND'S CITY (Last only) (Yes or No)	
84. PLACE OF DEATH (Check one and give address on other side)		85. HUSBAND'S CITY (Last only) (Yes or No)	
86. PLACE OF DEATH (Check one and give address on other side)		87. HUSBAND'S CITY (Last only) (Yes or No)	
88. PLACE OF DEATH (Check one and give address on other side)		89. HUSBAND'S CITY (Last only) (Yes or No)	
90. PLACE OF DEATH (Check one and give address on other side)		91. HUSBAND'S CITY (Last only) (Yes or No)	
92. PLACE OF DEATH (Check one and give address on other side)		93. HUSBAND'S CITY (Last only) (Yes or No)	
94. PLACE OF DEATH (Check one and give address on other side)		95. HUSBAND'S CITY (Last only) (Yes or No)	
96. PLACE OF DEATH (Check one and give address on other side)		97. HUSBAND'S CITY (Last only) (Yes or No)	
98. PLACE OF DEATH (Check one and give address on other side)		99. HUSBAND'S CITY (Last only) (Yes or No)	
100. PLACE OF DEATH (Check one and give address on other side)		101. HUSBAND'S CITY (Last only) (Yes or No)	

3006

JUL 05 1989

TRUST FUND 1-00
REC. FEE 5-00
DOC. FEE 1-00
IN TOL 1-00
REV. CHG. 1-00
TOTAL 10-00

THIS IS A CERTIFIED TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF DEATH

BY: *Michael S. Davis, M.D.*
LOCAL REGISTRAR FOR BREVARD COUNTY

OLIVER M. BOORGE
State Registrar

WARNING: UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE FLORIDA DEPARTMENT OF HEALTH

Z-8602

I12



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION

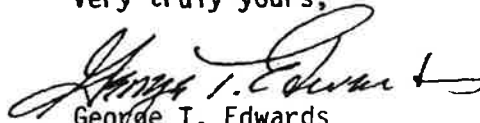
Dear Applicant: Margaret K. Myers, c/o Leonard Spielvogel, Esquire

Your request for a change of zoning classification that was filed with our office will be considered by the Brevard County Planning & Zoning Board (Local Planning Agency) at the Public Hearing scheduled for the first Monday of the month (MONDAY, APRIL 2, 1990), as Item # 10. The meeting will be held at the Central Brevard Service Complex, 2575 North Courtenay Parkway, Merritt Island, Florida, in Meeting Room #260, beginning at 3:00 P.M. or as soon thereafter as possible.

Your request will be heard finally by the Board of County Commissioners at their meeting of MONDAY, APRIL 23, 1990, to be held at the South Brevard Service Complex, 1515 Sarno Road, Melbourne, Florida at 5:30 P.M.

You, as applicant, or your representative, must be present at this (MONDAY, APRIL 2, 1990) public hearing. If your request is postponed until the following month as a result of your request, error, or failure to appear or to be represented, you will be required to pay a reprocessing fee before your request can be readvertised and heard at a subsequent meeting.

Very truly yours,


George T. Edwards
Zoning Director

GTE:ss

Please direct inquiries to: (407) 453-9516

Z-8602
I-13

TRUMAN SCARBOROUGH, JR.
District 1

TOM N. JENKINS
County Administrator

ROGER W. DOBSON
District 2

ROBERT D. GUTHRIE
County Attorney

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

R. C. WINSTEAD, JR.
Clerk

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION
2575 North Courtenay Parkway
Merritt Island, Florida 32953

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TO WHOM IT MAY CONCERN:

COURTESY NOTICE

The Brevard County Planning & Development Services Department, Zoning Division, advises you as a property owner within 500 feet, that:

10. MARGARET K. MYERS - (Leonard Spielvogel, Esquire) - requests a change of classification from AU to BU-1-A and a CUP for a Child Care Center on property described in Section 2. Township 25 South, Range 36 East on 2.56+/- acres. Located on the southwest corner of Cone Road and South Courtenay Pkwy.

BDP - Binding Development Plan
BCP - Binding Concept Plan
CUP - Conditional Use Permit
UOR - Use On Review
PDP - Preliminary Development Plan

T/T - Temporary Trailer
BCC - Board of County Commissioners
P&Z - Planning & Zoning Board
BOA - Board of Adjustment

GU - General Use
AU - Agricultural Use
RR-1 - Rural Residential
SEU - Suburban Estate Res.
SR - Suburban Residential
EU - Estate Use Residential
EU-1 - Estate Use Residential
EU-2 - Estate Use Residential
RU-1-13 - Single Family Residential
RU-1-11 - Single Family Residential
RU-1-9 - Single Family Residential
RU-1-7 - Single Family Residential
RA-2-4 - Single/Fam. Attached Res.
RA-2-6 - Single/Fam. Attached Res.
RA-2-8 - Single/Fam. Attached Res.
RA-2-10 - Single/Fam. Attached Res.
RU-2-4 - Low Density Multi/Fam. Res.
RU-2-6 - Low Density Multi/Fam. Res.
RU-2-8 - Low Density Multi/Fam. Res.
RU-2-10 - Med. Density Multi/Fam. Res.
RP - Residential Professional
RU-2-12 - Med. Density Multi/Fam. Res.
RU-2-15 - Med. Density Multi/Fam. Res.
RU-2-30 - High Density Multi/Fam. Res.
RU-2-40 - High Density Multi/Fam. Res.
RU-2-50 - High Density Multi/Fam. Res.

BU-1-A - Restricted Neighborhood
Retail Commercial
BU-1 - General Retail Comm.
BU-2 - General Retail, Ware+
housing & Wholesale Comm.
RVP - Recreational Vehicle Park
RRMH-1 - Rural Res. Mobile Home
TR-1 - Single Family Mobile Home
TR-2 - Single Family Mobile Home
TR-3 - Mobile Home Park
TRC-1 - Single Family Mobile Home
Cooperative
PIP - Planned Industrial Park
IU - Light Industrial
IU-1 - Heavy Industrial
TU-1 - General Tourist
TU-2 - Transient Tourist
PUD - Planned Unit Development
EA - Environmental Area
PA - Productive Agriculture
GML - Government Managed Land

You are hereby notified that a public hearing, required by law, will be held at the Central Brevard Service Complex, Room #260, 2575 North Courtenay Parkway, Merritt Island, Florida on MONDAY, APRIL 2, 1990, beginning at 3:00 P.M. The final hearing will be held by the Board of County Commissioners on MONDAY, APRIL 23, 1990, beginning at 5:30 P.M. at the SOUTH BREVARD SERVICE COMPLEX, 1515 Sarno Road, Melbourne, Florida.

BREVARD COUNTY PLANNING & DEVELOPMENT
SERVICES DEPARTMENT - ZONING DIVISION
(407) 453-9516

2-8602
I-14

202

Margaret Myers
Done 3/8-75. (59 ct)

OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM
THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER
AND KEYED TO MAP BY NUMBER

MAP NO.	OWNERSHIP	MAP NO.	OWNERSHIP
1.	MICHAEL H WALDROP 475 NANCIE AVE MERRITT ISL, FL 32952	16.	ETHEL R MC ELWAIN 21 CORRIENTE ST MERRITT ISL, FL 32952
2.	TURNER & MUIR MD PA SUITE 527 1980 N ATLANTIC AVE COCOA BCH, FL 32931	17.	ROBERT A PELHAM ET UX 23 CORRIENTE ST MERRITT ISL, FL 32952
3.	ROBERT PAUL ROSS ET UX-SUSAN DIANE 488 SEA CREST AVE MERRITT ISL, FL 32952	18.	WM P O'BRIEN ET UX 525 S COURTENAY PKWY MERRITT ISL, FL 32952
4.	LIONEL J. ROBERGE ET AL-MARIE J ROBERGE % RALPH O WALLACE ESQ 1520 S ATLANTIC AVE COCOA BCH, FL 32931	19.	KATHI H CAUDILL 535 S COURTENAY PKWY MERRITT ISL, FL 32953
5.	PUAL A BEVILACQUA 487 SEACREST AVE MERRITT ISL, FL 32952	20.	PAUL R FAWCETT ET UX-BIRNA O 545 S COURTENAY PKWY MERRITT ISL, FL 32952
6.	ALICE NATFIELD 485 SEACREST AVE MERRITT ISL, FL 32952	21.	WM B MURPHY ET UX 565 S COURTENAY PKWY MERRITT ISL, FL 32952
7.	EDGAR T KIMSEY ET UX 8 OCEAN ST MERRITT ISL, FL 32952	22.	JAY L ANDERS ET UX 585 ALLEN DR MERRITT ISL, FL 32952
8.	GRACE E BECK ET VIR-FREDERICK R 10 OCEAN ST MERRITT ISL, FL 32952	23.	EDWARD P DAVIS ET UX 575 ALLEN DR MERRITT ISL, FL 32952
9.	HOWARD G QUAYLE JR 12 OCEAN ST MERRITT ISL, FL 32952	24.	MARIE D BROWN 565 ALLEN DR MERRITT ISL, FL 32952
10.	JIMMIE J BRADSHAW ET UX-PATRICIA A 14 OCEAN ST MERRITT ISL, FL 32952	25.	ANTHONY F TOMANIO 555 ALLEN DR MERRITT ISL, FL 32952
11.	CLINTON W BRANCH 16 OCEAN ST MERRITT ISL, FL 32952	26.	MILDRED S HEAD 545 ALLEN DR MERRITT ISL, FL 32952
12.	ORESTES GONZALEZ ET UX 13 OCEAN ST MERRITT ISL, FL 32952	27.	KUNIKO DE FREES 535 ALLEN DR MERRITT ISL, FL 32952
13.	L E BECKER ET UX 15 CORRIENTE ST MERRITT ISL, FL 32952	28.	CONNIE E LABODA 525 ALLEN DR MERRITT ISL, FL 32952
14.	LOUIS B WOODING ET UX-VIRGINIA 17 CORRIENTE ST MERRITT ISL, FL 32952	29.	VERNON E WHITTEN JR ET UX 520 HAMILTON CIRCLE MERRITT ISL, FL 32952
15.	LEO E HANCOCK JR ET UX 19 CORRIENTE ST MERRITT ISL, FL 32952	30.	REDEEMER EVANGELICAL LUTHERN CHURCH 560 S TROPICAL TRAIL MERRITT ISL, FL 32952
		31.	GENEVIEVE MILLIKEN P O BOX 245 MERRITT ISL, FL 32952-0245

Z-8602
I-15

OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM
THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER
AND KEYED TO MAP BY NUMBER

MAP NO.	OWNERSHIP	MAP NO.	OWNERSHIP
32.	GLENN W JENKINS ET UX-LOIS M 150 W CONE RD MERRITT ISL, FL 32952	46.	BILL M HARRISON ET UX-DOROTHY H 70 N TROPICAL WAY MERRITT ISL, FL 32953
33.	JOHN J MUSCARELLO ET UX-EMILY 140 CONE RD MERRITT ISL, FL 32952	47.	R H NICHOLSON 75 N TROPICAL WAY MERRITT ISL, FL 32953
34.	STEVE S LO ET UX-PAULA T 130 CONE RD MERRITT ISL, FL 32952	48.	S MARTHA FARRISH 85 N TROPICAL WAY MERRITT ISL, FL 32953
35.	MERRITT ISLAND PRESBYTERIAN CHURCH INC 25 W CONE ROAD MERRITT ISL, FL 32952	49.	GEORGE ROBINSON ET UX-JACQUELINE 80 N TROPICAL WAY MERRITT ISL, FL 32953
36.	CHARLES L BENJAMIN & ALICE B H/W 660 S TROPICAL TR MERRITT ISL, FL 32952	50.	RAYMOND D KIRKLIN ET UX-MARTHA LEE 90 TROPICAL WAY N MERRITT ISL, FL 32953
37.	DAVID S NISBET 675 S TROPICAL TR MERRITT ISL, FL 32952	51.	WALTER S WOLF ET UX-FRANCES A 100 N TROPICAL WAY MERRITT ISL, FL 32952
38.	CAROL J LEE ET AL-GRACE E VAUGHAN 21 LAURA LANE MERRITT ISL, FL 32953	52.	EMILY C DRINSON % WAREHOUSING OF BREVARD INC P O BOX 1861 MERRITT ISL, FL 32952-1861
39.	JAME R MCCARTHY ET UX-CAROL 730 SARA JANE LANE MERRITT ISL, FL 32952	53.	EMILY C BRINSON % WAREHOUSE OF BREVARD P O BOX 1861 MERRITT ISL, FL 32952-1861
40.	SANDRA E HENRY, ET VIR 736 SARA JANE LANE MERRITT ISL, FL 32952	54.	GARY L GOODWIN 4385 CROOKED MILE RD MERRITT ISL, FL 32952
41.	JAMES T HUDSON ET UX-CHERYL M 742 SARA JANE LANE MERRITT ISL, FL 32952	55.	RANGEL LOPEZ ET UX 705 ORCHID LANE MERRITT ISL, FL 32952
42.	KENNETH SWAIN ET AL- S.R. MCNAIR ETC 748 SARA JANE LANE MERRITT ISL, FL 32952	56.	WORD OF LIFE CHRISTIAN CHURCH INC 700 S COURTENAY PKWY MERRITT ISL, FL 32952
43.	FRANCIS VANTINE ET UX 754 SARA JANE LANE MERRITT ISL, FL 32952	57.	MICHAEL G GAICH TR 190 S SYKES CRK PKWY MERRITT ISL, FL 32952
44.	JAMES G CONNOLLY ET UX 435 ISLAND DRIVE MERRITT ISL, FL 32953	58.	RICHARD M LEVINE ET AL-S ZIMM ETC 850 CENTURY MEDICAL DR TITUSVILLE, FL 32796
45.	MICHAEL E WETHMORE ET UX-KIM S 60 N TROPICAL WAY MERRITT ISL, FL 32952		

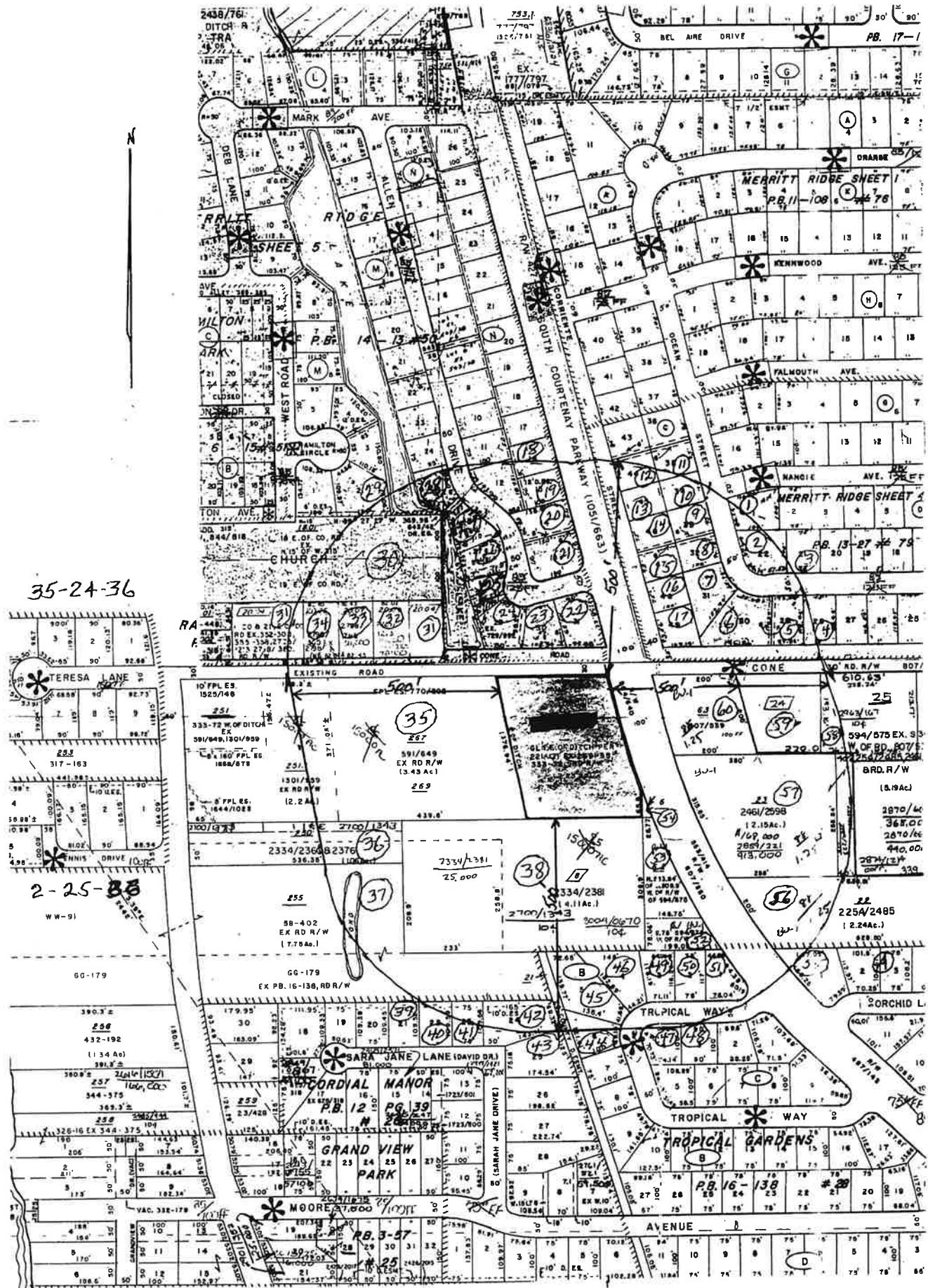
Z-8602

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OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM
THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER
AND KEYED TO MAP BY NUMBER

<u>MAP NO.</u>	<u>OWNERSHIP</u>
59.	INDIAN RIVER INV CORP 605 S PALM AVE TITUSVILLE, FL 32796
60.	EMILY C BRINSON C/O SHELL OIL CO P O BOX 2099 HOUSTON, TX 77001

Z-8602
I-17



Z-8602
T 18

Hearing Date: 4-2-90 in Melb., RM #260.
; and 4-23-90 in Melb. @

AFFIDAVIT

Before me, the undersigned authority, personally appeared, MICHAEL G. SAVELL, 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:

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.

4. This affidavit has been signed by the affiant and to the best of affiant's knowledge will be received by the Planning and Zoning Department of Brevard County, Florida, at the public hearing before the Planning and Zoning Board.

Notary Public, State of Florida

[illegible]

Z-8602

Record and Return To:
LEONARD SPIELVOGEL
Spielvogel and Goldman, P.A.
P. O. BOX 541366
Merritt Island, Florida 32954

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is made and entered into this ____ day of April, 1990, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("County"), and MICAH G. SAVELL ("Developer"):

W I T N E S S E T H :

WHEREAS, Developer owns real estate ("Property") on Merritt Island, Brevard County, Florida, said Property being more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference; 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, the County is authorized to regulate development of the Property;

NOW, THEREFORE, the parties agree as follows:

1. That the foregoing recitals are true and are incorporated herein by reference.

2. That the Developer, having been granted BU-1-A classification for restricted neighborhood retail commercial zoning, will not construct or permit the construction of a convenience market on the Property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the Property.

3. That Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement among the Public Records of the County.

4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto

LS:4.3.90
S215-8055

Z-8602
I-20

and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly to or of the Property.

5. That the Developer and Developer's counsel, Leonard Spielvogel, of the law firm of Spielvogel and Goldman, P.A., Brevard County, Florida, represents to the county that the Property is unencumbered.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By _____
Carol Ann Senne, Chairman

ATTEST:

R. C. Winstead, Jr., Clerk
(Seal)

Witness _____ MICAH G. SAVELL

Witness _____ ("Developer")

STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1990.

Notary Public, State of Florida
at Large

My Commission Expires:
(Seal)

LS:4.3.90
S215-8055

Z-8602
I-21

STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICAH G. SAVELL to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1990.

Notary Public, State of Florida
at Large

My Commission Expires:

(Seal)

LS:4.3.90
S215-8055

3

Z-8602

I-22

THIS DEED, Made the

28th

day of

April
1951

A. D. 1951, by

Rena M. Bracco, a widow,

of the County of Brevard, State of Florida
hereinafter called the grantor

to
Wilbur L. Myers and his wife, Margaret K. Myers, as tenants by the
entireties, whose post office address is Box 949, Cocoa, Florida,

hereinafter called the grantee

Witnesseth, That the said grantor, in consideration of
Ten (\$10.00) dollars and other valuable considerations

Dollars.

the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, re-
lease, enfeoff, convey and confirm unto the said grantee and their heirs and assigns
in fee simple, the lands situate in Brevard County, State of Florida, described
as follows:

Begin at a point 813.412 feet west of the northeast corner
of Government Lot 1, Section 2, Township 25 South, Range
36 East, thence south 371.75 feet to the north line of the
land of Waycaster, thence west along the said north line
231.24 feet to a point, thence northwesterly 404.01 feet,
more or less, to a point in the township line between
Townships 24 and 25 South, Range 36 East, which said point
in said township line is 379.59 feet west of the said
point of beginning, thence east along said township line
379.59 feet to the point of beginning, and containing
2.56 acres, more or less.

The center line of the County Ditch as presently located
or traced is along the west boundary line of the above
described land.

(Re-recorded to correct error.)

To Have and to Hold the same together with the hereditaments and appurtenances, unto
the said grantee and their heirs and assigns in fee simple.

And the said grantor, for herself and her heirs and legal
representatives, covenant with said grantee, their heirs, legal representatives and
assigns; That said grantor is indefeasibly seized of said land in fee simple; that
said grantor has full power and lawful right to convey said lands, in fee simple, as
aforesaid; that it shall be lawful for said grantees, their heirs, legal representatives
and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land;
that said land is free from all encumbrances; that said grantor, her heirs and legal
representatives, will make such further assurances to perfect the fee simple title to said land in
said grantee, their heirs, legal representatives and assigns, as may reasonably be re-
quired; and that said grantor does hereby fully warrant the title to said land and will
defend the same against the lawful claims of all persons whomsoever.

Witness the hand and seal of said grantor the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

James A. Bridge
[Signature]

Rena M. Bracco
Rena M. Bracco

Z-8602

EXHIBIT "A"

I-23

212

ZONING
APR 10 1990
DEPARTMENT

April 3, 1990

Ms. Marie Venice
513 Seacrest Avenue
Merritt Island, Florida 32952

Re: Rezoning of parcel at Cone Road and South Courtenay Parkway
Our File No. S215-8055

Ms. Venice:

Pursuant to our conversation this past Monday, please find enclosed herewith a copy of the Binding Development Plan document which I gave to the Planning and Zoning Board and to Ms. Eden Bentley, Assistant County Attorney.

I would point out to you that the owner of the property is shown as Micah G. Savell, rather than Mrs. Myers, since we anticipate closing on the purchase of the property prior to the meeting of the Brevard County Board of County Commissioners on April 23, 1990, and, at the time of that meeting, title will be vested in Mr. Savell.

SPIELVOGEL AND GOLDMAN, P.A.

Leonard Spielvogel
By _____
Leonard Spielvogel

LS:dh
Enclosure

cc: Micah G. Savell
Merritt Island Presbyterian Church
Attn.: Dr. Sheppard D. Lawrence, Pastor
(Both with enclosures)

Z-8602

I-25



RAYMOND C. WINSTEAD, JR., Clerk to the Board, 700 Park Avenue, Titusville, Florida 32780
BERNADETTE S. TALBERT, Deputy Clerk (407) 269-8141

February 8, 1990

M E M O R A N D U M

TO: George Edwards, Zoning Director

RE: Waiver of Time for Reapplication for Micah Savell

The Board of County Commissioners, in regular session on February 6, 1990, waived time for reapplication for Micah Savell of a less intense zoning regarding property located on the southwest corner of Cone Road and South Courtenay Parkway.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
R. C. WINSTEAD, JR., CLERK


Bernadette Talbert, Deputy Clerk

/tb

cc: Comm. Dobson
Sandy - Zoning

Z-8602
I-26

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

TOM N. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

R. C. WINSTEAD, JR.
Clerk

District: 2 Item No.: 10

Meeting Dates: P/Z 4/2/90 BCC 4/23/90

Review Completion Date: 3/1/90

Complete Review Necessary: Yes X No

REZONING REVIEW WORKSHEET

I. DEVELOPMENT PROPOSAL INFORMATION

A. OWNER'S NAME AND LEGAL DESCRIPTION:

1. Name: MARGARET K. MYERS
2. Commission District # 2
3. Legal Description: Begin at a point 818.412 feet west of the north-east corner of Government Log 1, Section 2, Township 25 South, Range 36 East, thence south 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Townships 24 and 25 South, Range 36 East, which said point in said township line is 379.50 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning, and containing 2.56 acres, more or less.

B. PROPOSAL: From AU
To BU-1-A
And/or CUP - Child Care Center

C. DEVELOPMENT POTENTIAL:

1. Site Acreage: 2.56 +/-
2. Current Zoning Potential: 1 DU
3. Proposal's Potential: 22302 sq. ft.
4. Proposal's Density: 1/4

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN

A. FUTURE LAND USE AND SERVICE SECTOR EVALUATION

1. Future Land Use Designation: MIXED-USE, RESIDENTIAL
2. Service Sector Designation: URBAN
3. Is the zoning proposal consistent with the Future Land Use and Service Sector Maps? Yes X No

If no, describe alternatives that may be considered:

B. LAND USE COMPATIBILITY:

Identify the degree of compatibility between the development proposal's land use and the existing contiguous land uses and zoning using the compatibility ratings (probable compatibility, possible incompatibility, strongly incompatible) of Figure I of the Future Land Use element:

EXISTING LAND USES AND ZONING ADJACENT TO THE PROPOSAL

	Land Use	Zoning*	Compatibility
East	commercial	BV-1	probable compatibility
West	single family	AV	possible incompatibility
North	single family	RV-1-11	possible incompatibility
South	vacant	RV-1-9	possible incompatibility

Neighborhood Character: TRANSITIONAL residential/commercial

Existing Zoning History: DWZ 8531(SUB) - AV → BV-1 (1/22/90)
5769(SUP)(S)

*If within a municipality, define the zoning classification:

Comments for Special Evaluation: SECTION 25.6(41) - BLGD. MUST MEET REQUIREMENTS OF ORD. NO 72-10. CHECK L.O.S. ON ROAD INTERS.

C. COMMERCIAL LAND USES:

1. The commercial development is (Neighborhood X)
(Community) (Regional) (Non-retail)
(Professional office) (Transient)
(Tourist) (Recreational vehicle park)
2. Does the proposal meet the locational criteria for
roadways and intersections? Yes X No N/A
3. If no, can the proposal be considered for further strip
commercial land uses under Policy 4.8 of the Future Land
Use element? Yes No N/A X
4. If neighborhood, community or regional, does the proposal
exceed the maximum site size standards of FLUE Policies
4.3, 4.4 and 4.5? Yes X No N/A
5. If neighborhood or community, does the distance to the
nearest commercial complex meet the minimum distance
standards of FLUE Policies 4.3 and 4.4?
Yes No N/A
6. If professional office, does the proposal meet the
criteria of FLUE Policy 4.6? Yes No N/A X
7. If non-retail, does the proposal meet the criteria of
FLUE Policy 4.7? Yes No N/A X
8. If transient, does the proposal meet the criteria of
FLUE Policy 4.9? Yes No N/A X
9. If tourist, does the proposal meet the criteria of
FLUE Policy 4.10? Yes No N/A X
10. If recreational vehicle park, does the proposal meet the
criteria of FLUE Policy 4.11? Yes No N/A X

SE 1/4 S35 T24

R36

(NOT DU-PA "CWSRE")

D. ENVIRONMENTAL FACTORS

1. Is the development proposal consistent with the development parameters of:

	Yes	No	N/A	% of Parcel
10-Year Floodplain			✓	
10 to 25-Year Floodplain			✓	
25 to 100-Year Floodplain			✓	
Wetlands			✓	
Prime Aquifer Recharge Areas			✓	
Class I Aquifer Recharge Areas			✓	

2. Environmental Comments:

NO

III. PRELIMINARY CONCURRENCY ASSESSMENT

A concurrency evaluation test is required prior to the approval of rezoning requests. This test assesses the capabilities of the public facilities and services to accommodate the impacts of new development within the acceptable levels of service adopted in the Comprehensive Plan. The public facilities and services assessed are roadways, potable water, sanitary sewer, solid waste, drainage and parks. The preliminary assessment for zoning proposals is intended to provide the applicant, P & Z Board and Board of County Commissioners information as to whether the potential of the zoning action might cause a deficiency. An additional concurrency evaluation is required prior to site plan, subdivision plat, or building permit approval.

A. TRANSPORTATION FACILITIES:

1. Primary Access Street Characteristics:

- (a) Name: St. Carthay (2149); Classification: intraurban collector
- (b) Current Peak Hour Traffic (PHT): 964.9
- (c) Current V/C and LOS: .804 - D
- (d) Acceptable or Transitional Level of Service: E
- (e) Scheduled in the CIP (County Rd) or TIP (State Rd)?:
Yes _____ No ✓ Date: _____
- (f) Site's Proposed Zoning PHT: insufficient information*
- (g) V/C and LOS with development: _____

2. Explain the impact on the roadway network: ^{Comments *} insufficient information
(using the square footage estimated would generate the equivalent of
a 1500 student elementary school, which is not a highly accurate
reflection of the proposal)

B. POTABLE WATER:

1. Is the proposal within a service area?: Yes ☒ No ☐
2. If no, identify the alternatives: _____

3. If yes to #1 above, identify the water supplier: City of Cocoa
4. Design Capacity of Plant: 41.5 mgd
5. Available Capacity of Plant: 7.7 mgd
6. Acceptable Level of Service: 2230 gal/day
7. Proposed Zoning GPD: 2230 gal/day

C. SANITARY SEWER:

1. Is the proposal within a service area?: Yes ☒ No ☐
2. If no, identify the alternatives: _____

3. If yes to #1 above, identify the plant to provide service: Sykes Creek
4. Design Capacity of Plant: 6.0 mgd
5. Available Capacity of Plant: 3.5 mgd
6. Acceptable Level of Service: 2230 gal/day
7. Proposed Zoning GPD: 2230 gal/day

D. SOLID WASTE

1. Identify the solid waste facility to be used: Croa
2. Available facility capacity: 5.5/4 (52.37%)
3. Acceptable level of service for disposal: _____
4. Potential volume to be generated: _____

E. PARKS AND RECREATION (Use in review of residential proposals):

1. Potential population of proposal: np
(may be distributed by project phase)
2. Recreation planning area: _____
3. Existing level of service in the appropriate planning area:

4. Level of Service based on proposal's potential: _____

F. FACILITY AND SERVICE AVAILABILITY:

Using the information generated in Items A through E of Section III, will the proposal be served by the following public facilities and services within the acceptable levels of service adopted in the Comprehensive Plan?

	Yes	No
Transportation	_____	_____
Potable Water	<u>✓</u>	_____
Sanitary Sewer	<u>✓</u>	_____
Solid Waste	_____	_____
Parks and Recreation	<u>np</u>	_____

G. CONCURRENCY EVALUATION RESULTS: _____

IV. STAFF REVIEW COMMENTS:

DISTRICT 2

10. **MARGARET K. MYERS** - (Leonard Spielvogel, Esquire) - requests a change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center on property described in Section 2, Township 25 South, Range 36 East on 2.56+/- acres.

Surrounding Zoning: BU-1, AU, RU-1-11 & RU-1-9.

Consistency w/Comprehensive Plan: The Future Land Use Designation is Mixed-Use & Residential and the maximum density permitted is thirty (30) units per acre.

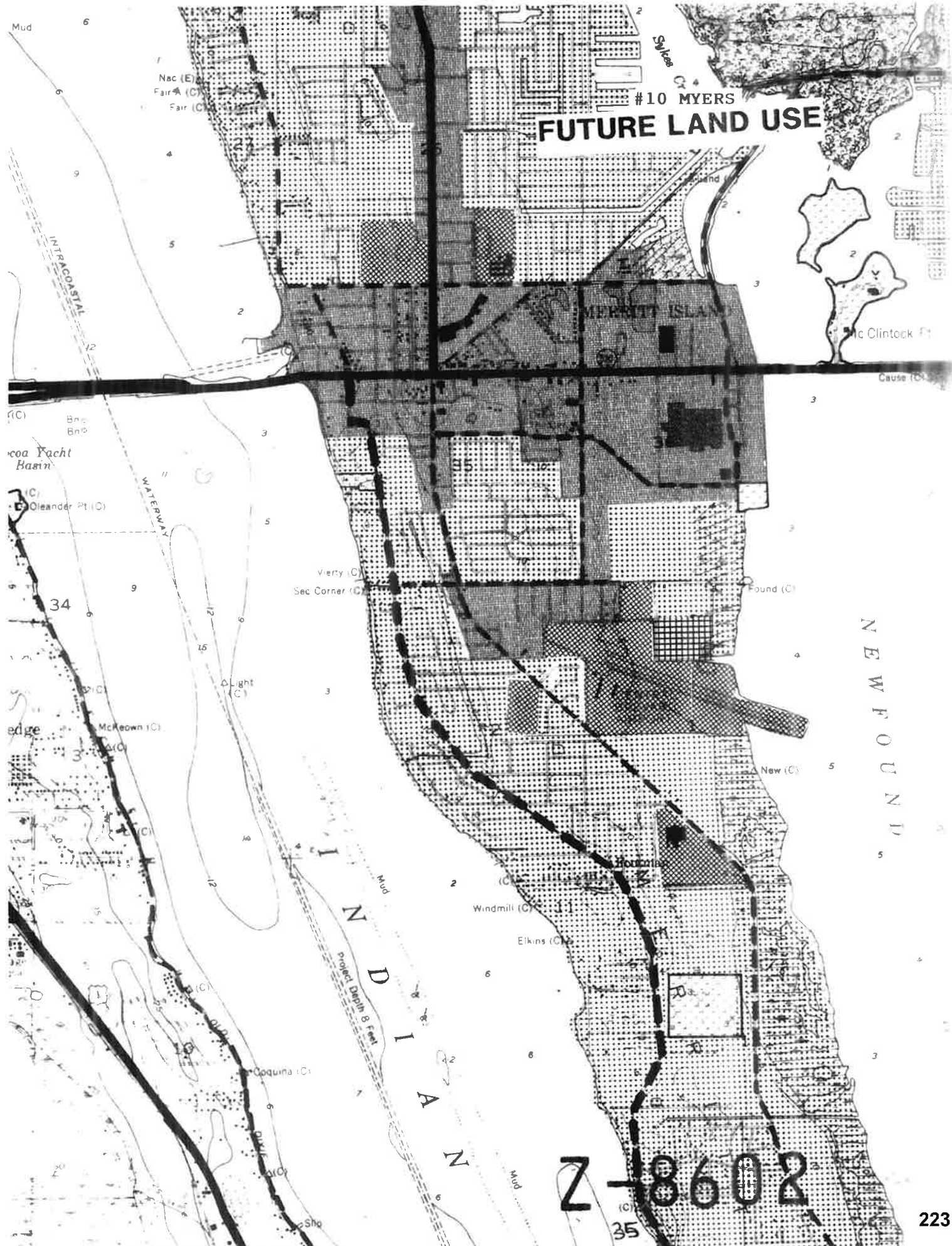
Compatibility: There are possible incompatibilities with the residential areas abutting the property.

Environmental Impacts: This is a heavily wooded area. Further restrictions to development would be imposed during site planning.

Other Comments: In January, 1990, the applicant had requested BU-1 on this site and was denied. There are still concerns regarding safety at the intersection for school crossing. The Conditional Use Permit request meets the conditions enumerated in Section 25 (b) (41).

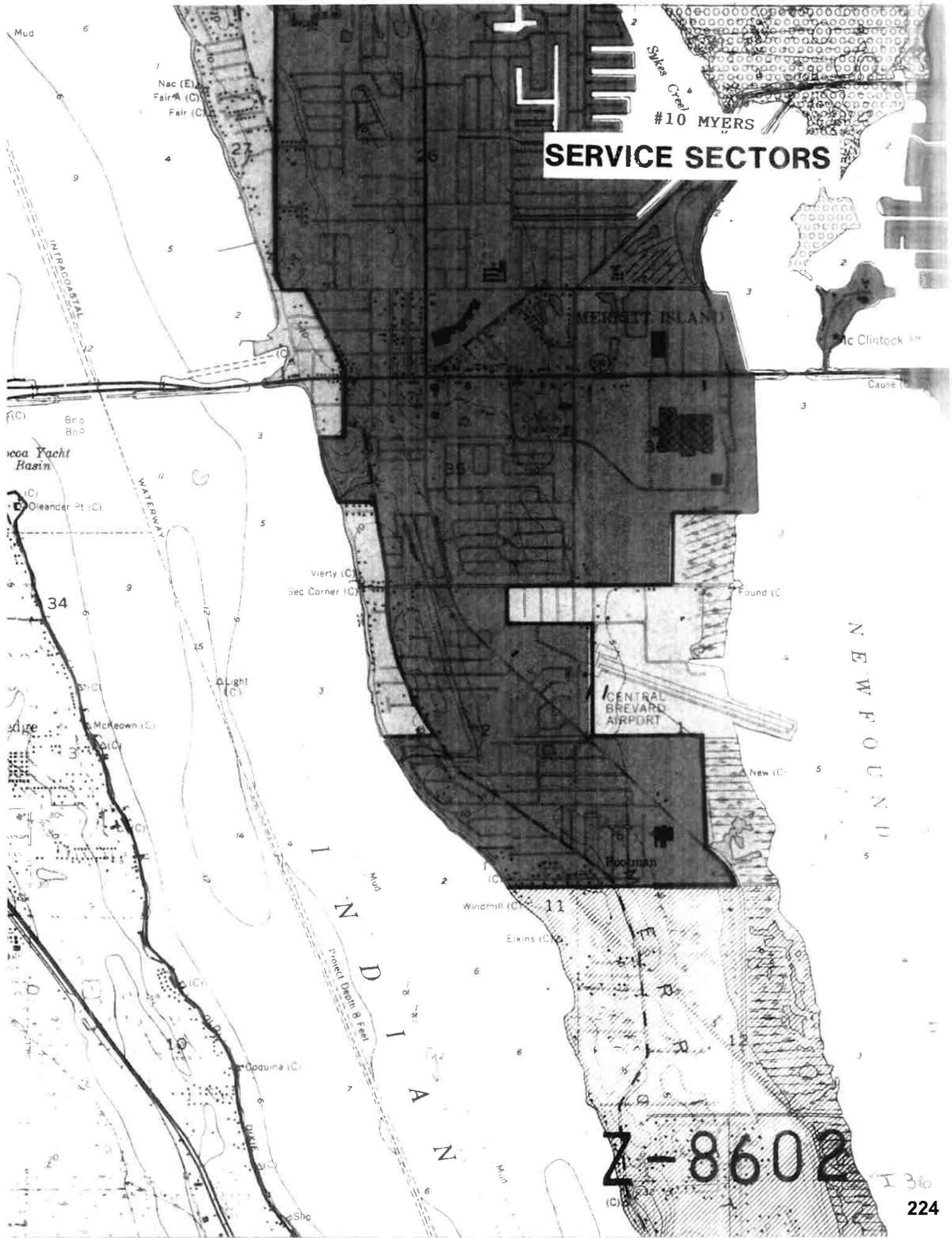
Recommendation: These requests may be considered for approval.

Z-8602 I-34



FUTURE LAND USE

#10 MYERS



SERVICE SECTORS

Z-8602

#10 MYERS

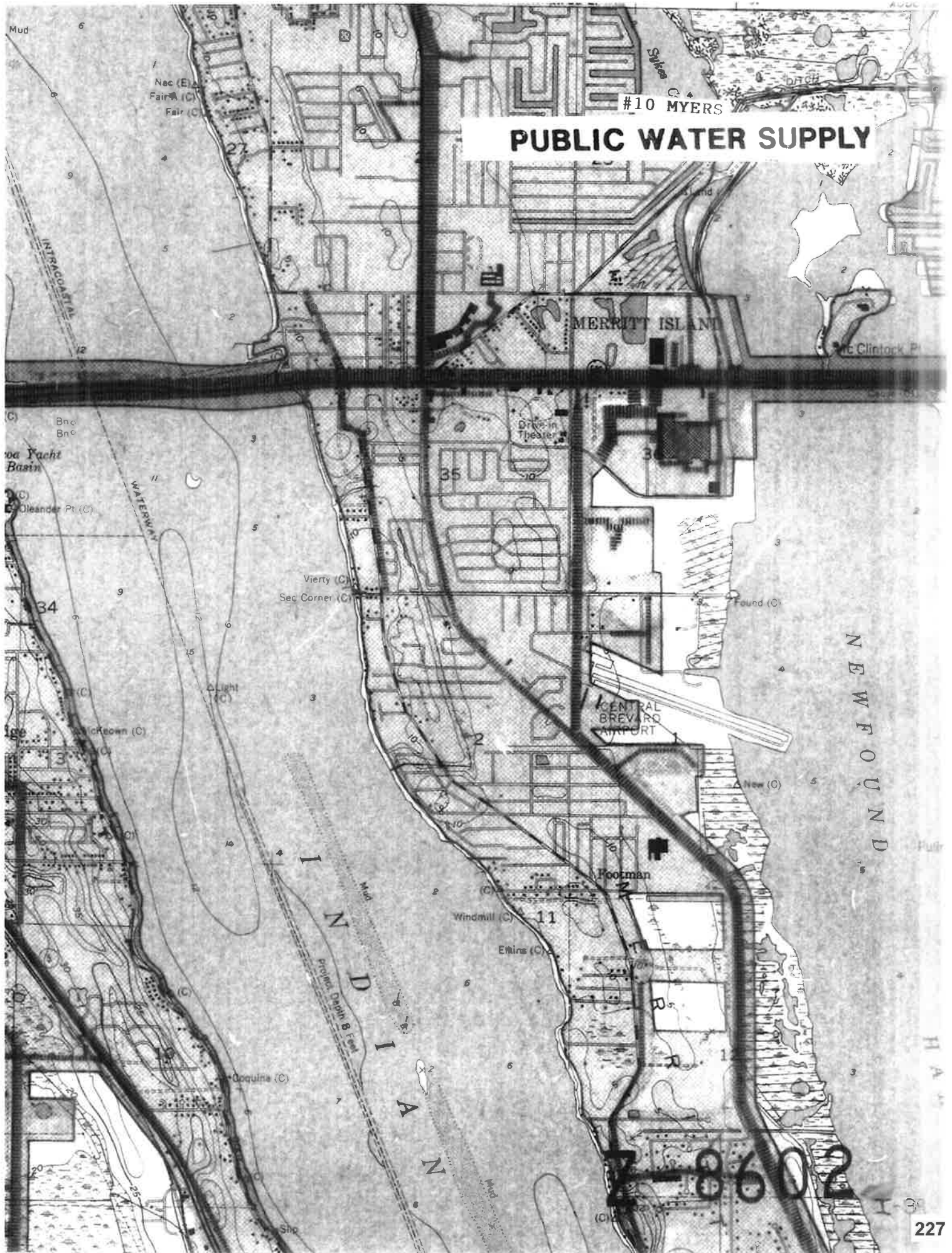
COUNTY

NEW FOUND

1 CENTRAL
BREVARD
AIRPORT

Footnote

Z-8602



PUBLIC WATER SUPPLY

#10 MYERS

MERRITT ISLAND

Brick in Theater

Vierly (C)
Sec Corner (C)

CENTRAL
BREVARD
AIRPORT

Portman

Windmill (C)

Elkins (C)

Acquino (C)

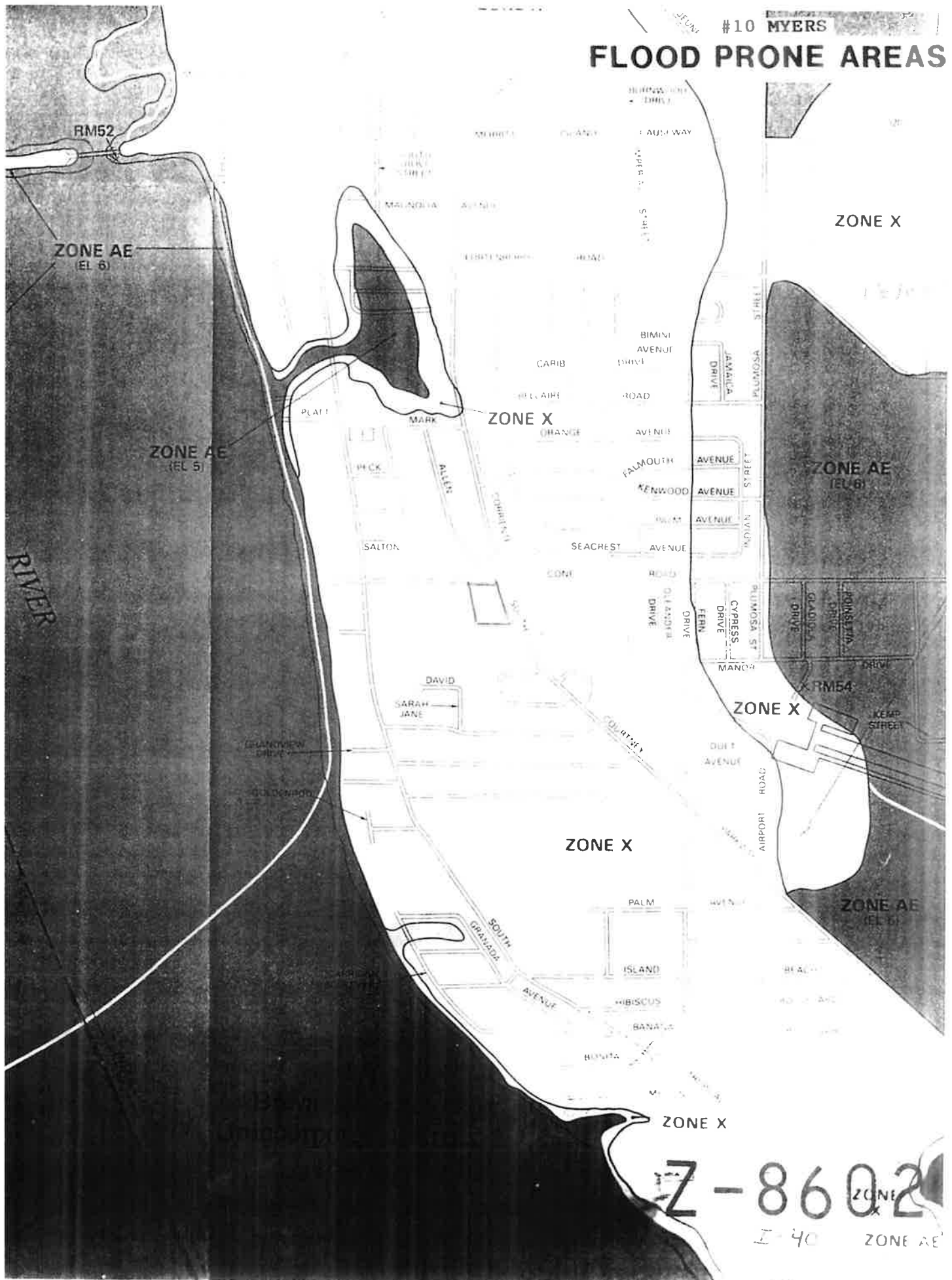
Yacht Basin

Oleander Pt (C)

McKown (C)

Mud

FLOOD PRONE AREAS



BREVARD *County*
BOARD OF COUNTY COMMISSIONERS



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION, 2575 N. Courtenay Parkway, Merritt Island, FL 32953

(407) 453-9516

September 28, 1990

Mr. Leonard Spielvogel, Esq.
101 S. Courtenay Pkwy.
Merritt Island, FL 32952

RE: Property located at the SW Corner of Cone Road and
Courtenay Parkway, Merritt Island, Florida
TWP-35 RNG-36 SEC-2

Dear Mr. Spielvogel:

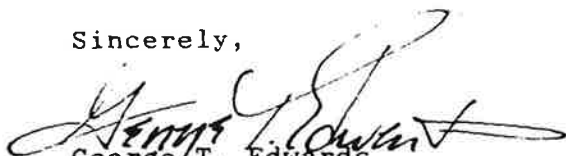
The subject property specifically parcel 7 and 8 of the referenced property.

A single access, under joint ownership, may be utilized for access to parcel 8 from Courtenay Parkway as long as the site plan submitted includes both parcels.


The submitted site plan need not be detailed on the entire property but may reflect a portion thereof as "Future Development".

If I can be of further assistance please do not hesitate to contact me.

Sincerely,


George T. Edwards
Zoning Division Director

GTE/tlj

cc: 
Z-8656

THOMAS SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

ROBERT D. GUTHRIE
County Attorney

TOM M. JERKINS
County Administrator

Z-8602
SUE SCHMIDT
District 4
I-42

THAD REITMAN
District 5

R. C. WINSTEAD, JR.
District 6

PRINTED ON RECYCLED PAPER

RECORD AND RETURN TO:
LEONARD SPIELVOGEL
SPIELVOGEL AND GOLDMAN, P.A.
P. O. Box 541366
Merritt Island, Florida 32954

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is made and entered into this _____ day of April, 1990, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("County"), and MICAH G. SAVELL ("Developer"):

WITNESSETH:

WHEREAS, Developer owns real estate ("Property") on Merritt Island, Brevard County, Florida, said Property being more particularly described in Exhibit A which is attached hereto and made a part hereof by reference; 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, the County is authorized to regulate development of the Property;

NOW, THEREFORE, the parties agree as follows:

1. That the foregoing recitals are true and are incorporated herein by reference.
2. That the Developer, having been granted BU-1-A classification for restricted neighborhood retail commercial zoning, will not construct or permit the construction of a convenience market on the Property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the Property.
3. That Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement among the Public Records of the County.
4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly

Z-8602

I-43

to or of the Property.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Carol Ann Senne, Chairman

ATTEST:

R. C. Winstead, Jr. Clerk

(Seal)

Witness Micah G. Savell, Developer

Witness

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1990.

Notary Public, State of Florida
at Large

(Notary Seal)

My Commission Expires:

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICAH G. SAVELL to me known to be the person described in and who executed the foregoing instrument and he

acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last
aforesaid, this _____ day of _____, 1990.

(Notary Seal)

Notary Public State of Florida
at Large

My Commission Expires:

SE 1/4 SECTION 35 TOWNSHIP 24 RANGE 36

★ 2980

DEVELOPMENT PLAN INDEX

- | DP-1 | SP 28 |
|------|------------|
| DP-2 | S77-03-006 |
| DP-3 | S77-06-002 |
| DP-4 | S78-04-006 |
| DP-5 | S78-07-003 |
| DP-6 | S77-05-002 |
| DP-7 | S77-10-007 |



SCALE 1"=200'

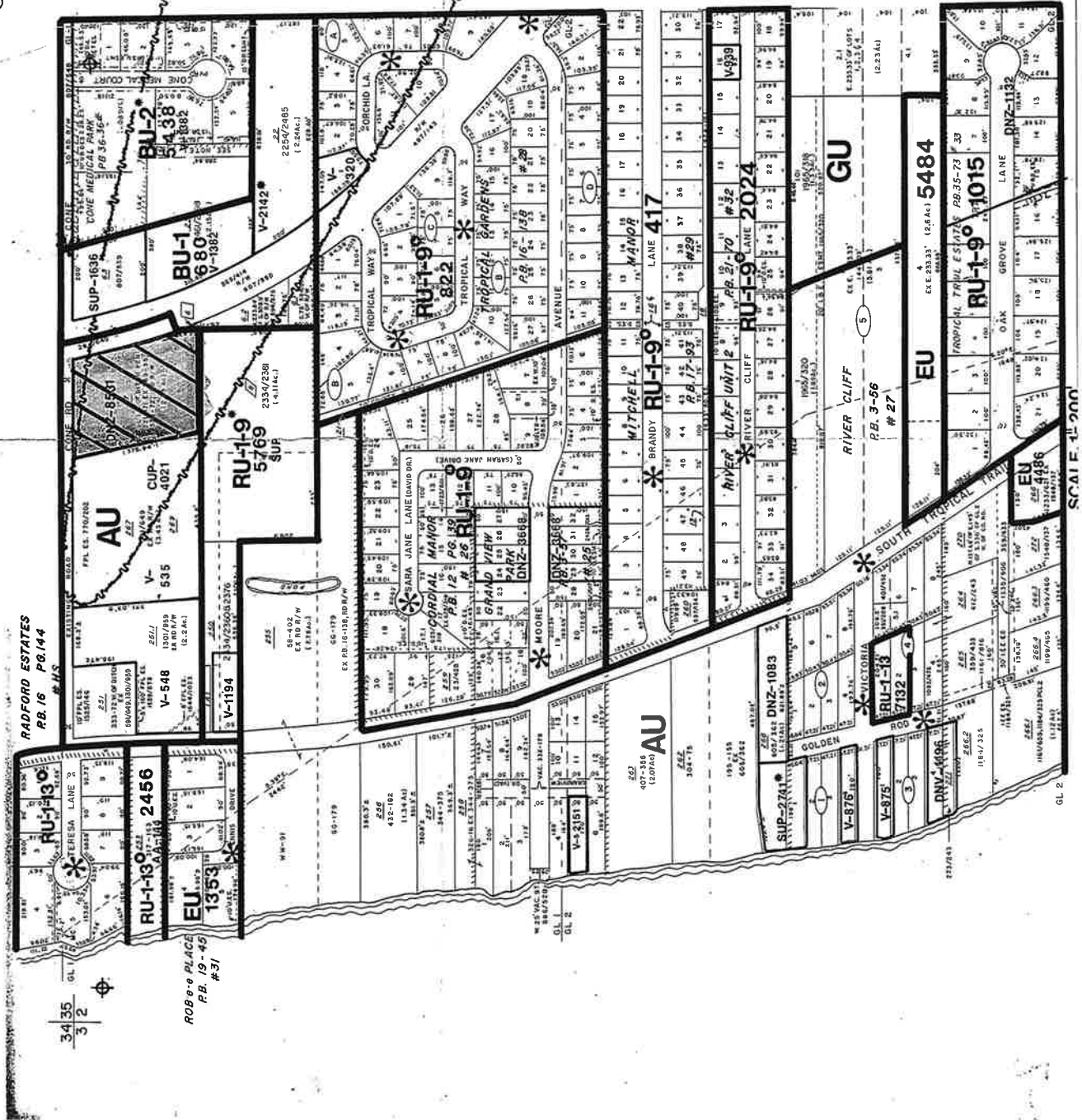
MD/
Z-8602

NW 1/4 & W 1/2 of NE 1/4 SECTION 2 TOWNSHIP 25 RANGE 36 AU TO BU-1-A WITH CUP/CHILD CARE CENTER

2980

7-8602

Approved subject to
Binding Development
Agreement (BDA) Renewed
May 8, 1990 in ORB 3059,
Page 0110

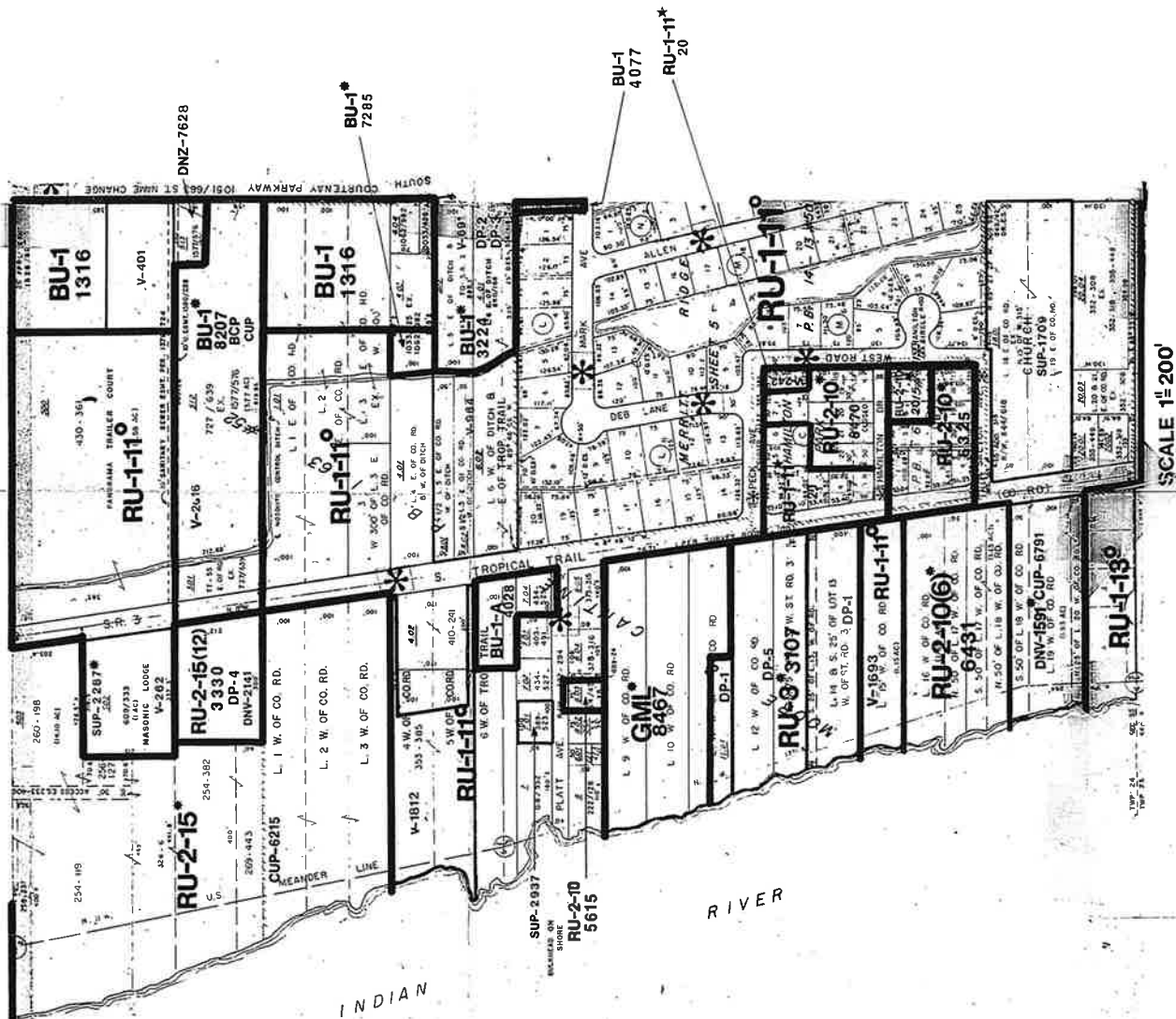


mod

Z-8602²³⁵

#10-Myra

SW 1/4 SECTION 35 TOWNSHIP 24 RANGE 36



★ 73-13
○ 2980

DEVELOPMENT PLAN INDEX

- DP-1 SP 12
- DP-2 S77-05-002
- DP-3 S77-10-007
- DP-4 S78-01-001
- DP-5 S78-07-011

m63

Z-8602²³⁶

SCALE 1"=200'

New BDP

Prepared by: _____

Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 23rd day of NOVEMBER 2024 between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **Troy Holdings, LLC**, a Florida limited liability company (hereinafter referred to as "Developer/Owner").

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 a rezoning of the property to the BU-2 zoning classification with a binding development and desires to develop the Property as RV/Boat Storage Facility, 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 impacts 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 above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct, 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.
3. Developer/Owner shall construct an eight (8) foot high solid buffer wall along the southern border of the Property.

4. The Developer/Owner shall limit uses to indoor RV and boat storage as allowed in BU-2 zoning district and other uses as allowed in the BU-1 zoning district.
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 Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. 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 shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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**

Rachel M. Sadoff, Clerk of Court

Rita Pritchett, Chair

(SEAL)

As approved by the Board on _____

[Signature]
Witness 1 Signature
Emily Nobles
Witness 1 Printed Name

[Signature]
Witness 2 Signature
Jhonedí Quezada
Witness 2 Printed Name

By: [Signature]
Manager, Troy Holdings, LLC

STATE OF FLORIDA,
COUNTY OF BREVARD

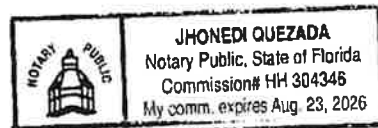
The foregoing instrument was acknowledged before me, by means of ✓ physical presence or
Jessica Williams
online notarization, this 23 day of November, 2024, by _____, Manager of Troy
Holdings, LLC who is personally known to me or who has produced FLDL as identification.

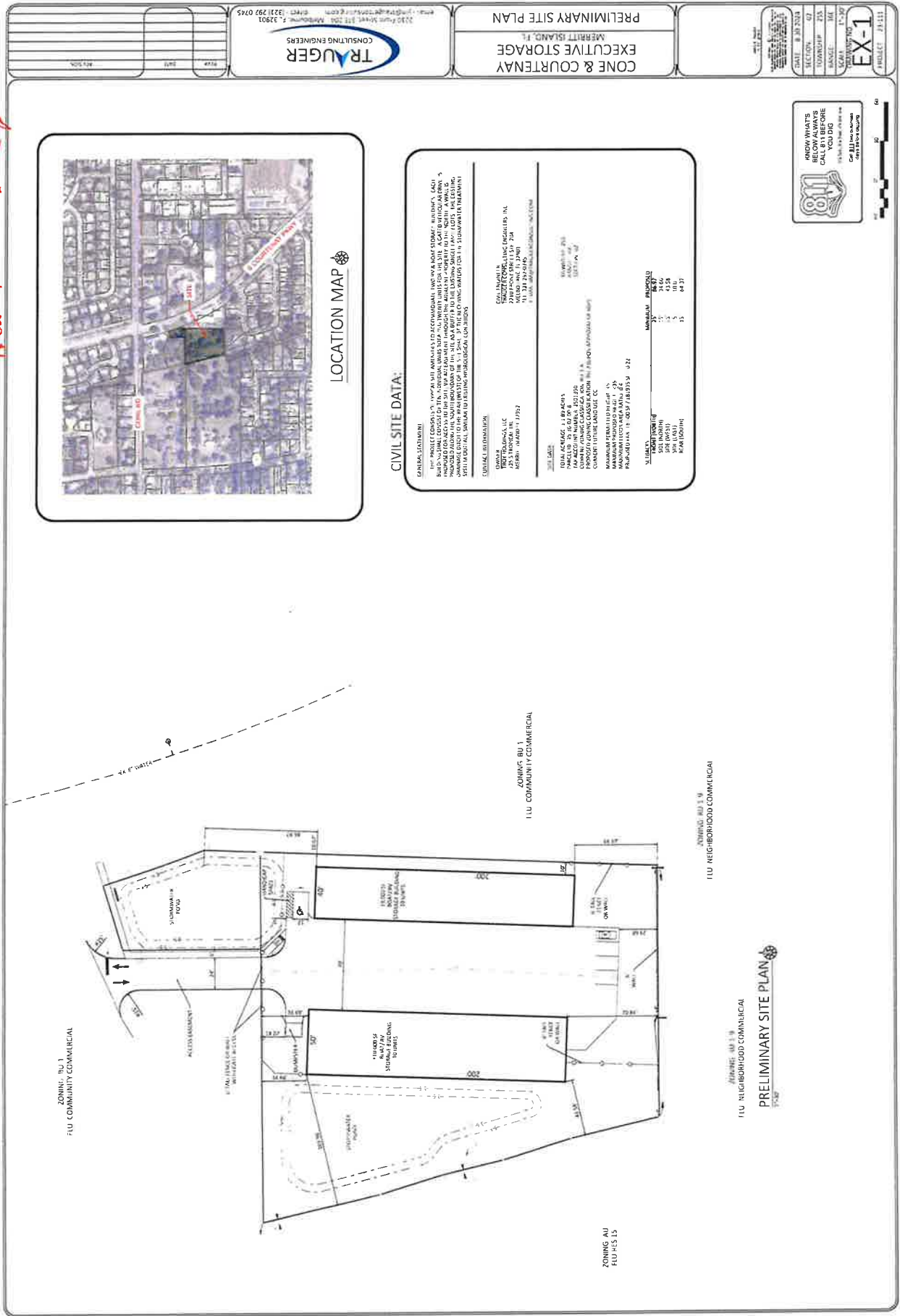
My commission expires Aug. 23, 2026 Notary

Public SEAL

Commission No.: HH304346

(Name typed, printed or stamped)





Board Meeting Date

5-12-25

Item Number: H-3

Motion By: Goodson

Second By: Adkinson

Nay By: _____

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