



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

9/4/2025

Subject:

Cobblestone II RVG LLC (D. Scott Baker) requests a zoning classification change from TR-3 and RU-1-9 to all TR-3 with a BDP. (23Z00038) (Tax Accounts 3006458, 3010260) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from TR-3 (Mobile Home Park) and RU-1-9 (Single-Family Residential) to all TR-3 (Mobile Home Park) with a BDP.

Summary Explanation and Background:

The applicants are requesting a zoning change from RU-1-9 (Single-Family Residential) BU-1 (General Retail Commercial) and TR-3 (Mobile Home Park) to all TR-3 (Mobile Home Park) with a BDP on two parcels totaling 31.82 acres to achieve consistency between the zoning classification and the Future Land Use designation. The primary underlying purpose behind the rezoning is to legitimize the use 0.52-acre parcel with RU-1-9 zoning classification, which has the community center for the mobile home park. A Binding Development Plan will be used to limit the density of the mobile home park to the current 173 units.

Previous zoning actions for this property are as follows:

- October 2, 1969, **Z-2509** change of classification from GU to BU-1 for a depth of 150 feet west of Highway 1 and TR-3 on the balance.
- September 1979, **Z-5047** change of classification from GU to TR-3 on the northern portion of the subject property totaling approximately 5 acres.
- September 4, 1980, **Z-5379** change of classification on 0.52 acres of the northern portion of the subject property abutting Highway 1 from TR-3 to RU-1-9.
- The western portion of the park zoning was changed from RRMC-1 to TR-3 under **Z-5808** adopted on October 8, 1981.

The request to change the FLU from NC to CC under **19PZ00107** was withdrawn on September 11, 2019.

19PZ00108 was a previous action requesting to change the zoning classification on 31.36 acres associated with tax accounts 3010260 and 3006458 from RU-1-9, BU-1 and TR-3 to all TR-3 with a Binding Development Plan limiting the number of mobile home sites to the current number of 173; this action was approved. However,

the BDP was never recorded, effectively nullifying the approved zoning.

North of the subject property is 7 parcels ranging in size from approximately 0.4 acres to 0.9 acres all developed with single-family residences with RU-1-7 zoning classification and RES 2 FLU designation. The last and eighth parcel is 0.93-acre parcel with BU-1 zoning and developed as single-family residential with CC FLU designation. South of the subject property, is a condominium, developed with approximately 288 units, with RU 2-10 capped at 7 units to the acre with RES 2 FLU designation (this density is achieved through non-conforming lots of record). East of the subject property, across US Hwy 1, is a portion of a parcel with TR-3 zoning, which contains approximately 0.53-acres of the 31.19-acre parcel to the west, which remains undeveloped. West of the subject property is two parcels: The first parcel is 6.66-acres developed with a single-family mobile home that has RRMH-1 zoning classification and RES 1 FLU designation. The second parcel is 104.03 acres, vacant land with GU zoning classification and RES 1 FLU designation.

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

On August 18, 2025, the Planning and Zoning Board considered the request and unanimously recommended approval with the inclusion of a BDP limiting the number of residential units to the current number of units.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

23Z00038

Cobblestone II RVG LLC

RU-1-9 (Single-family residential), BU-1 (General Retail Commercial) and TR-3 (Mobile Home PARK) to All TR-3 (Mobile Home Park) with BDP

Tax Account Number: 3010260 and 3006458
Parcel I.D.: 30-38-14-00-283 and 30-38-14-00-261
Location: West side of Highway US-1, approximately 368 feet south of Garretts Road (District 3)
Acreage: 31.82 +/- acres
Planning & Zoning Board: 8/18/2025
Board of County Commissioners: 9/04/2025

Consistency with Land Use Regulations

- Current zoning cannot 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	TR-3, RU-1-9 & BU-1	TR-3 with BDP
Potential*	173 Single-family mobile homes	173 Single-family mobile homes
Can be Considered under the Future Land Use Map	YES & NO RES 1, RES 2, CC, NC	YES RES 6

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

Background and Purpose of Request

The applicants are requesting a zoning change from RU-1-9 (Single-Family Residential) BU-1 (General Retail Commercial) and TR-3 (Mobile Home Park) to all TR-3 (Mobile Home Park) with a BDP on two parcels totaling 31.82 acres to achieve consistency between the zoning classification and the Future Land Use designation. The primary underlying purpose behind the rezoning is to legitimize the use 0.52 acre parcel with RU-1-9 zoning classification, which has the community center for the mobile home park.

However, RU-1-9 only allows for single-family residential dwellings and accessory uses. By approving the TR-3 zoning request, this would allow for the park to be compliant with Brevard County Code as TR-3 allows for a community center as an accessory use to the mobile home park.

The first parcel is 0.52 acres with RU-1-9 zoning, which will be used as an accessory use (residential office and pool) to the mobile home park. The second larger parcel is bifurcated by the FEC Railway and Highway 1. A smaller portion of the subject property that is undeveloped with TR-3 zoning classification, located on the east side of Highway 1, is not included in this request. The applicant has expressed a desire to enter into a Binding Development Plan to limit the mobile home park to the current 173 units. Effectively, the application of this BDP would equate to a density of six (6) units per acre.

The subject parcel is currently developed as River Grove Mobile Home Park and is located on the west side of N. Highway 1, approximately 2,200 feet south of Micco Rd.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00006** to change the Future Land Use Element from Residential 1 (RES 1), Residential 2 (RES 2), Neighborhood Commercial (NC) and Community Commercial (CC) to Residential 6 (RES 6). This request, if approved, would provide consistency with the requested zoning of TR-3.

Previous zoning actions for this property are as follows:

- October 2, 1969, **Z-2509** change of classification from GU to BU-1 for a depth of 150 feet west of Highway 1 and TR-3 on the balance.
- September 1979, **Z-5047** change of classification from GU to TR-3 on the northern portion of the subject property totaling approximately 5 acres.
- September 4, 1980, **Z-5379** change of classification on 0.52 acres of the northern portion of the subject property abutting Highway 1 from TR-3 to RU-1-9.
- The western portion of the park zoning was changed from RRMC-1 to TR-3 under **Z-5808** adopted on October 8, 1981.

The request to change the FLU from NC to CC under **19PZ00107** was withdrawn on September 11, 2019.

19PZ00108 was a previous action requesting to change the zoning classification on 31.36 acres associated with tax accounts 3010260 and 3006458 from RU-1-9 and BU-1, and TR-1 to all TR-1 with a BDP to limit the number of mobile home sites to the current number of 173 units; this action was approved. However, the BDP was never recorded, effectively nullifying the approved zoning.

At this time, there are no active code enforcement cases associated with the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residential	RU-1-7, BU-1	RES 2, CC
South	Condominium, multiple living units	RU-2-10(7), BU-1	RES 2, CC
East	Mobile home sales office, Highway 1, and Undeveloped	BU-1, TR-3	NC
West	Single-family residential, vacant land	RRMH-1, GU	RES 1

North of the subject property is 7 parcels ranging in size from approximately 0.4 acres to 0.9 acres all developed with single-family residences with RU-1-7 zoning classification and RES 2 FLU designation. The last and eighth parcel is 0.93-acre parcel with BU-1 zoning and developed as single-family residential with CC FLU designation.

South of the subject property is two parcels: One is a condominium, developed with approximately 288 units, with RU 2-10 capped at 7 units to the acre with RES 2 FLU designation. The RU-10(7) was approved under zoning action **Z-4363** on November 17, 1977. A second parcel is 0.96 acres, developed as a duplex with BU-1 zoning classification and CC FLU designation.

East of the subject property, across US Hwy 1, this parcel with TR-3 zoning, contains approximately 0.53-acres of the 31.19-acre parcel to the west, which remains undeveloped.

West of the subject property is two parcels: The first parcel is 6.66-acres developed with a single-family mobile home that has RRMH-1 zoning classification and RES 1 FLU designation. The second parcel is 104.03 acres, vacant land with GU zoning classification and RES 1 FLU designation.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

RU-1-7 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 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-2-10 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together

with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square 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.

RRMH-1 permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet.

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

Future Land Use

The subject property is currently designated as Neighborhood Commercial (NC), Community Commercial (CC), and Residential 1 (RES 1) Future Land Use (FLU). The existing RU-1-9 and TR-3 can be considered consistent with the existing NC FLU designation under Section 62-1255. The BU-1 can be considered consistent with the existing CC FLU designation under Section 62-1255. The TR-3 zoning portion with RES 1 FLU designation cannot be considered consistent under Section 62-1255.

The proposed TR-3 zoning classification can be considered consistent with the proposed RES 6 FLU designation under Section 62-1255.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of,

safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant is not proposing a change to the historical use of the subject property as a mobile home park. The use is not anticipated to affect the existing area's quality of life, hours of operation, lighting, odor, noise levels, or traffic in a negative manner.

Traffic from the proposed development will not have an impact on the surrounding area. There is no increase in the percentage of MAV utilization. The corridor is anticipated to continue to operate at 64.39% of capacity daily.

- 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;

Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 1, RES 2, CC and NC. RES 2 is the predominant FLU designation on the west side of Highway 1.

The existing pattern is a mixture of mobile home parks, predominant land use in the area, that also includes single-family residences, condos, marinas, restaurants, a bar lounge and strip mall plazas.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

There are several zoning classifications within the 0.5-mile radius of the subject property, with the predominant zoning classification being TR-3.

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

There has been no permitted development within a one-half mile radius over the immediately preceding three years.

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

There is no development approved within the past three years that has not yet been constructed.

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

No material violation of relevant policies has been identified.

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

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

Criteria:

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

The character of the surrounding neighborhoods and areas will not be materially or adversely affected by the proposed rezoning. The established mobile home park will not introduce any additional traffic, parking, or commercial or industrial activity. There is an existing pattern of commercial and residential zoning surrounding the subject parcel.

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

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

The area has well-established boundaries, roads, and open spaces. The subject property is an established residential neighborhood with roads and minimal open space.

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

The request is not for commercial uses.

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.

This area is presumed to be primarily residential in nature. There are no commercial, industrial or other non-residential uses applied for and approved during the previous five (5) years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Hwy 1 between Micco Rd and Indian River County Line, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.39% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 64.39% of capacity daily. The proposal would not create a deficiency in LOS. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as this is an established mobile home park with no proposed development.

The subject property is serviced by a private wastewater treatment facility. Potable water is provided by River Grove Utilities, Inc. River Grove is a privately owned and is managed by the mobile home park. The potable water line is connected to Barefoot Bay Utilities.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Floodplain Protection
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

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

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 23Z00038**

Applicant: Scott Baker (Owner: Erik Hagen)

Zoning Request: TR-3 and RU-1-9 to TR-3 with BDP

Note: to create consistent zoning

P&Z Hearing Date: 08/18/25; **BCC Hearing Date:** 09/04/25

Tax ID No: 3006458 and 3010260

- 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
- Floodplain Protection
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Hydric Soils

The subject parcel contains a small area of hydric soils (Myakka sand, depressional) on the northwest corner of the property, as shown on the USDA Soil Conservation Service Soils Survey maps. This is an indicator that wetlands may exist adjacent to an existing pond. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. For multi-family parcels greater than five acres in area, the limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65 3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62 3694(e), including avoidance of impacts, and will require no net loss mitigation in accordance with Section

62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Floodplain Protection

The northern portion of the parcel is mapped as being within Special Flood Hazard Area (SFHA) A as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. This area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties

Aquifer Recharge Soils

This parcel contains mapped aquifer recharge soils (St. Lucie fine sand, 0 to 5 percent slopes, Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The very eastern edge of the parcel (including the strip directly on the Indian River Lagoon) is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If applicable, and 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.

Surface Waters of the State

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

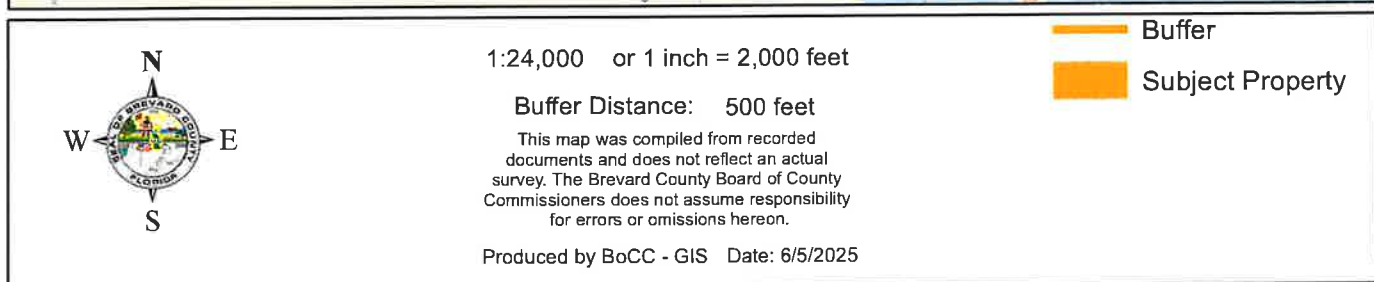
Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. A majority of the parcel is mapped as Florida Scrub Jay occupancy, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

COBBLESTONE II RVG LLC
23Z00038



ZONING MAP

COBBLESTONE II RVG LLC

23Z00038



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: 6/5/2025

Subject Property

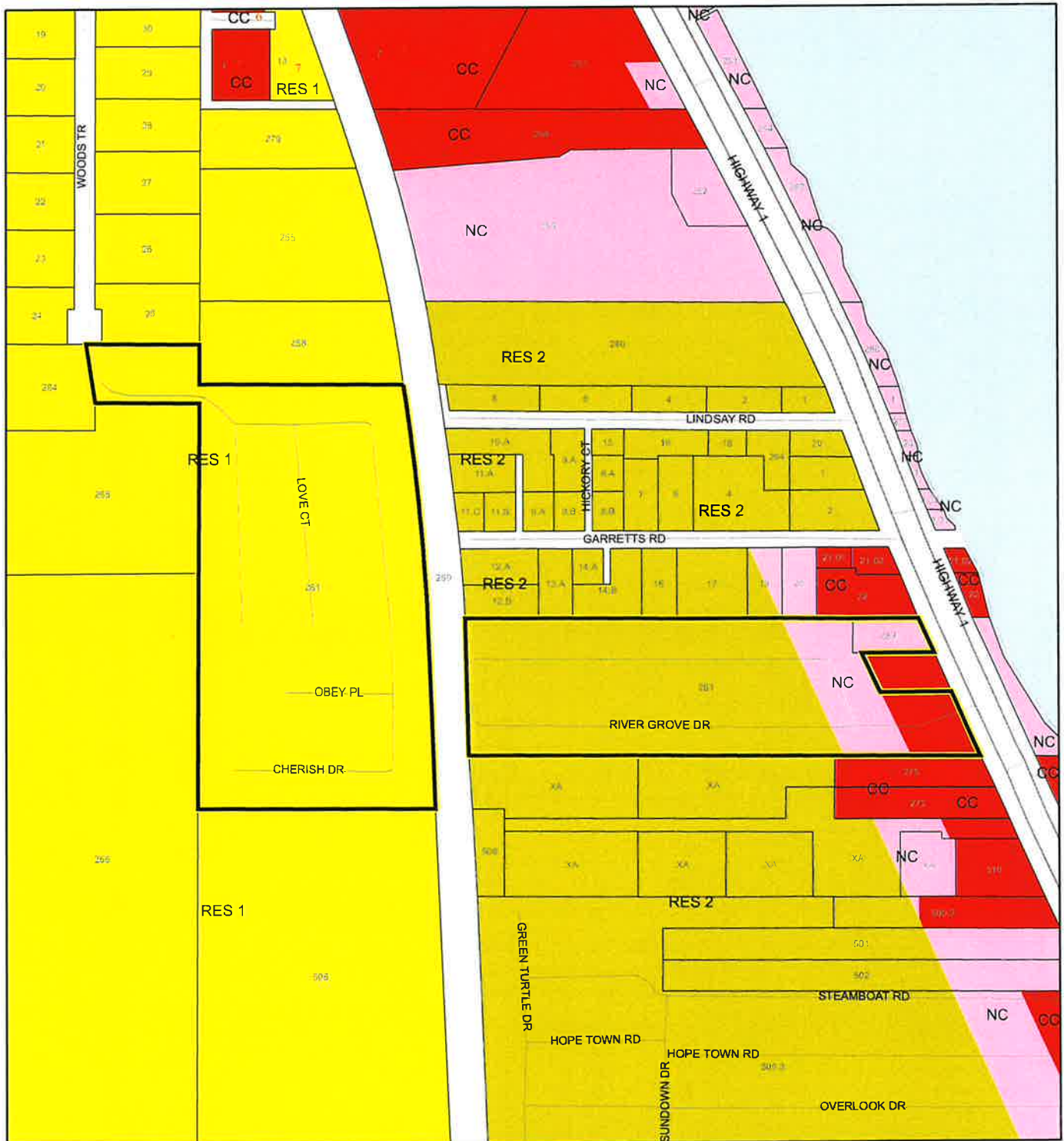
Parcels

Zoning

FUTURE LAND USE MAP

COBBLESTONE II RVG LLC

23Z00038



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AERIAL MAP

COBBLESTONE II RVG LLC

23Z00038



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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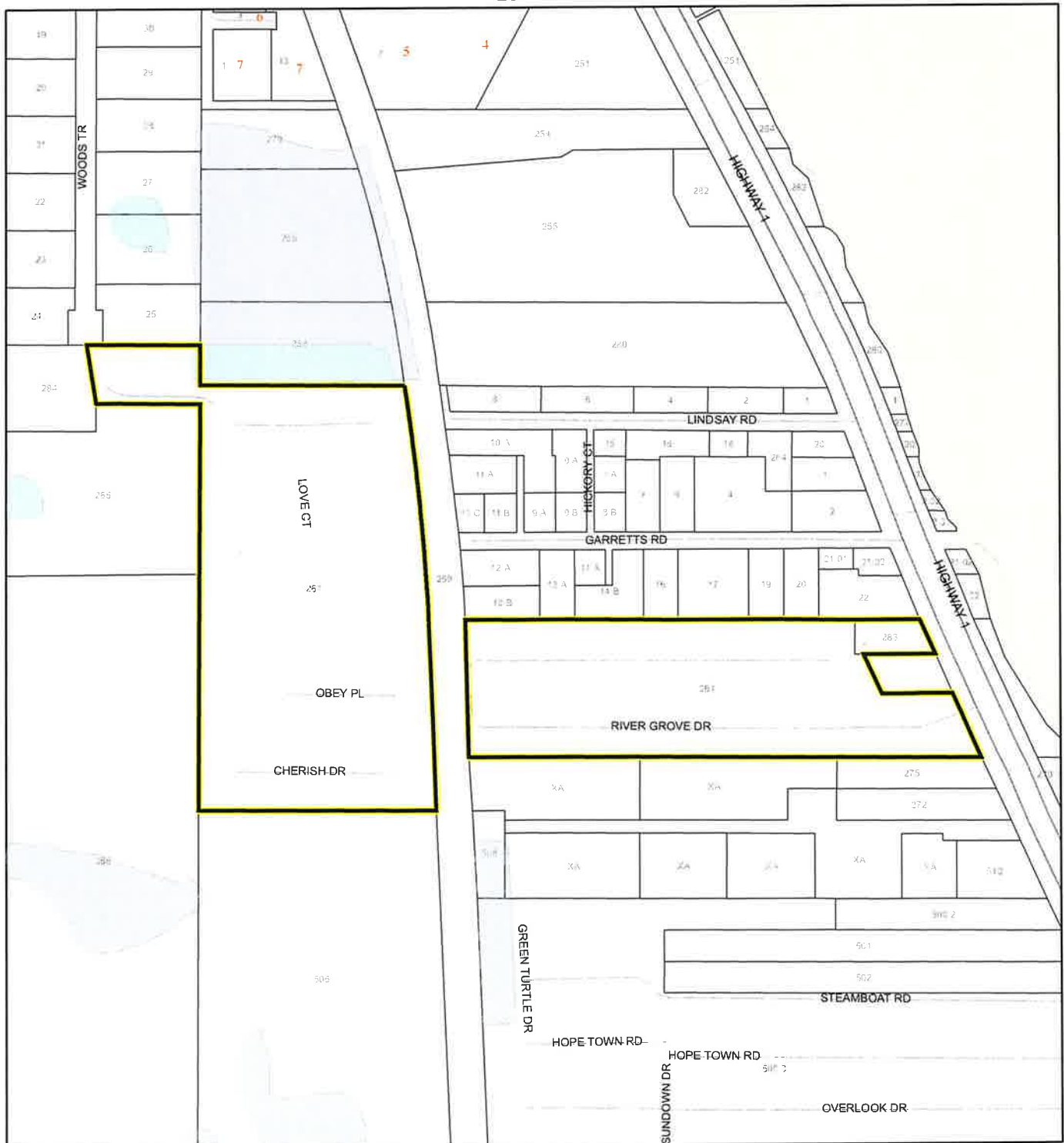
Produced by BoCC - GIS Date: 6/5/2025

— Subject Property
□ Parcels

NWI WETLANDS MAP

COBBLESTONE II RVG LLC

23Z00038



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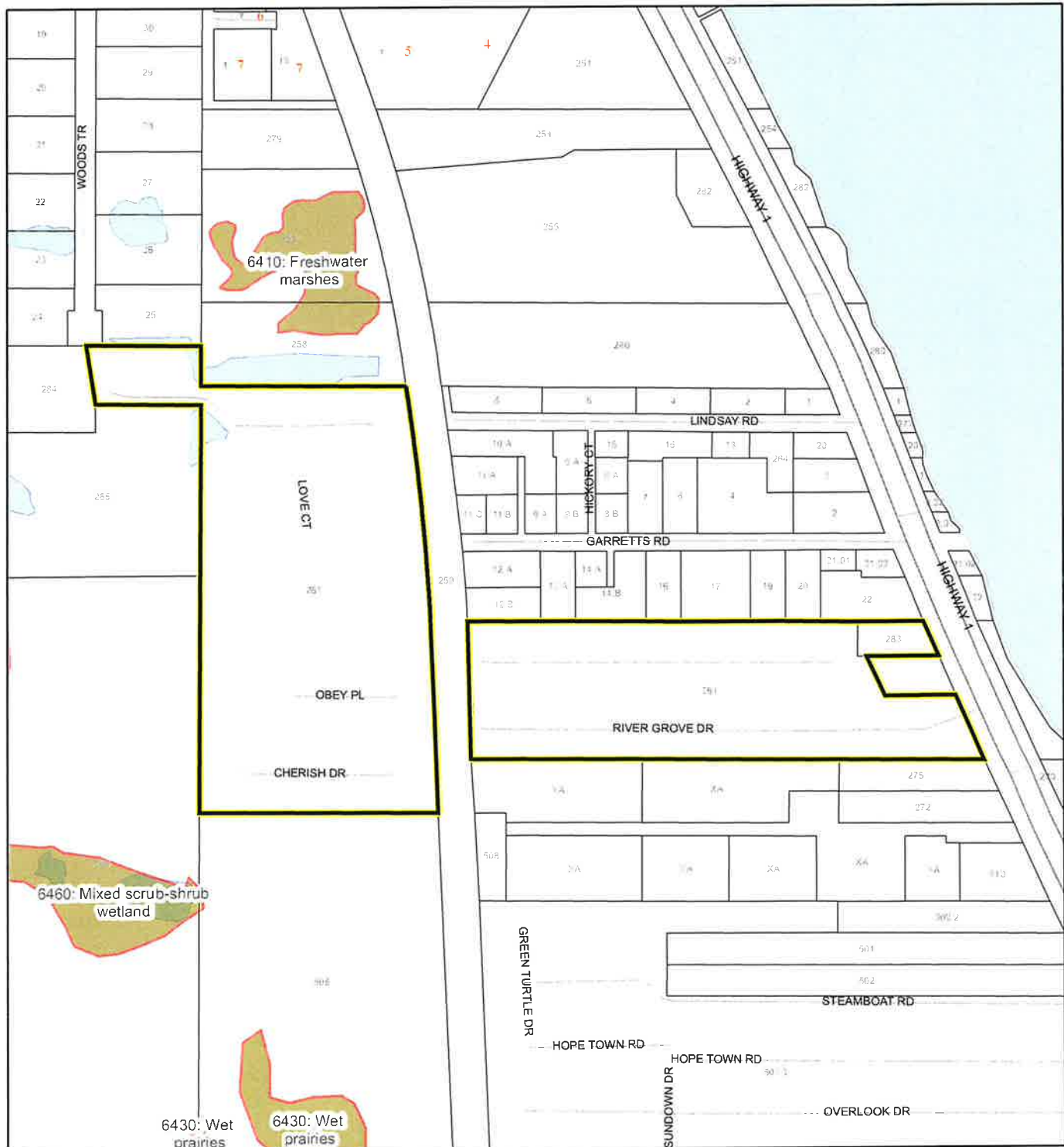
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|------------------|
| 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

COBBLESTONE II RVG LLC

23Z00038



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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

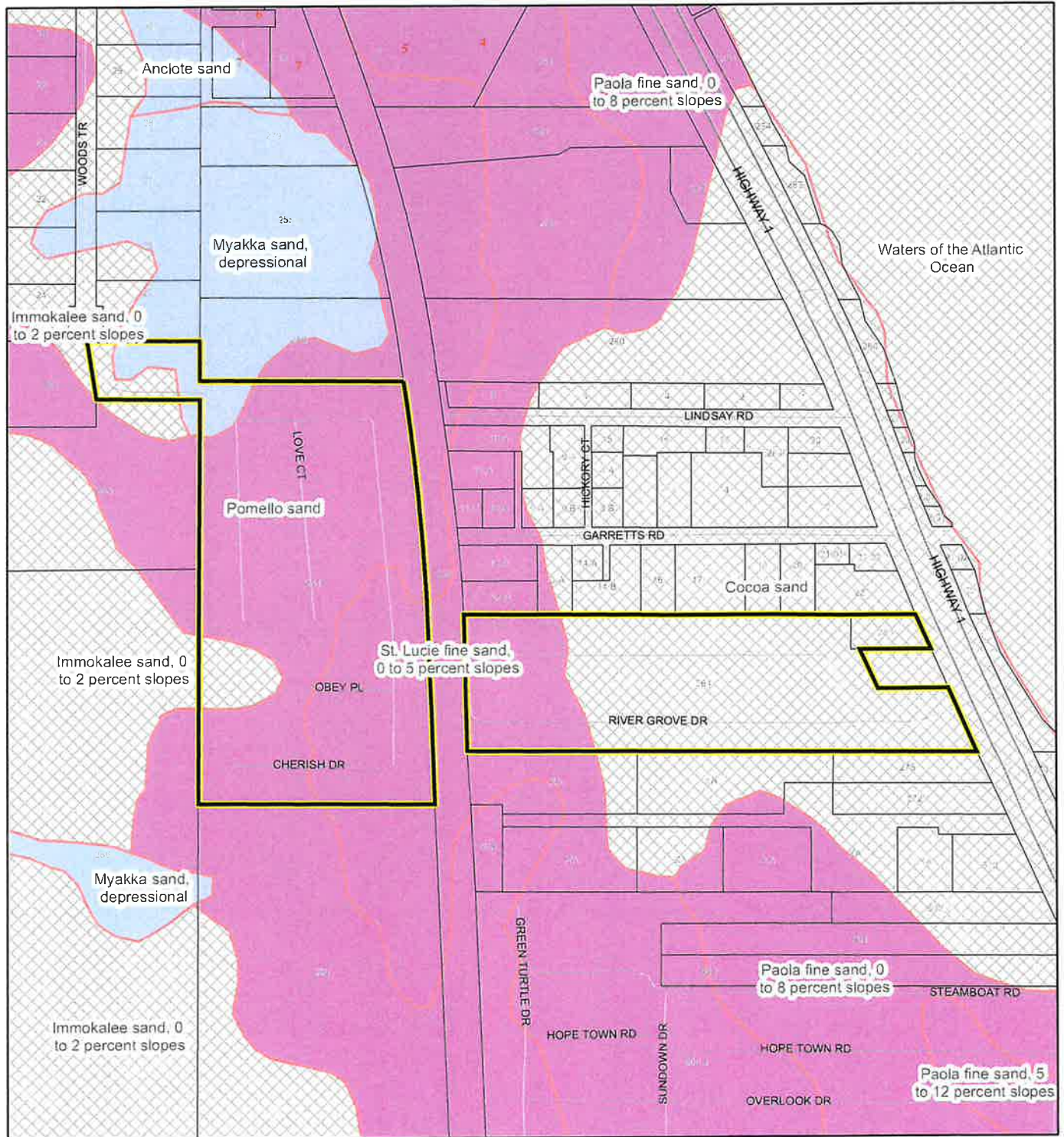
Subject Property

Parcels

USDA SCSSS SOILS MAP

COBBLESTONE II RVG LLC

23Z00038



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

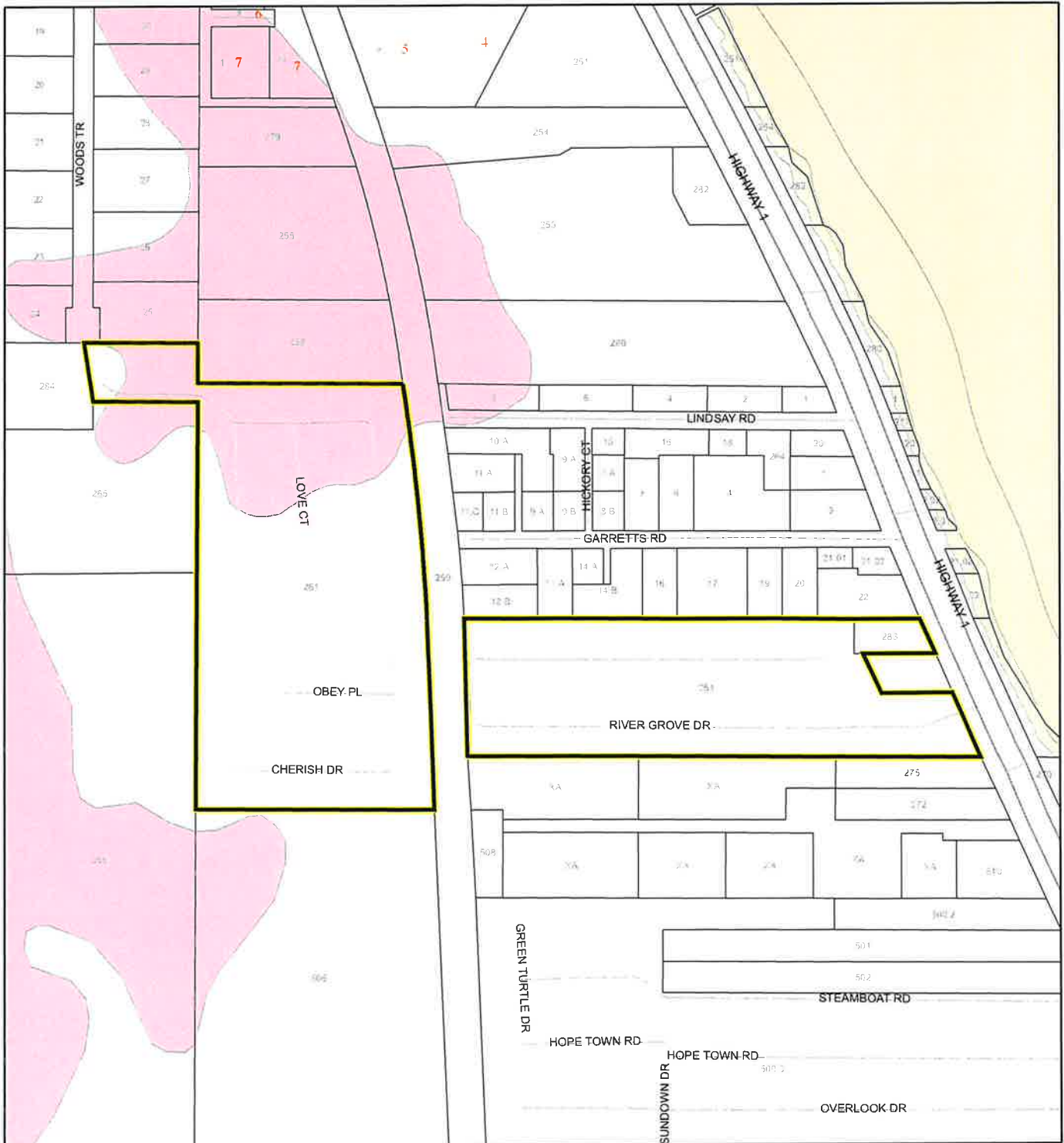
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

COBBLESTONE II RVG LLC

23Z00038



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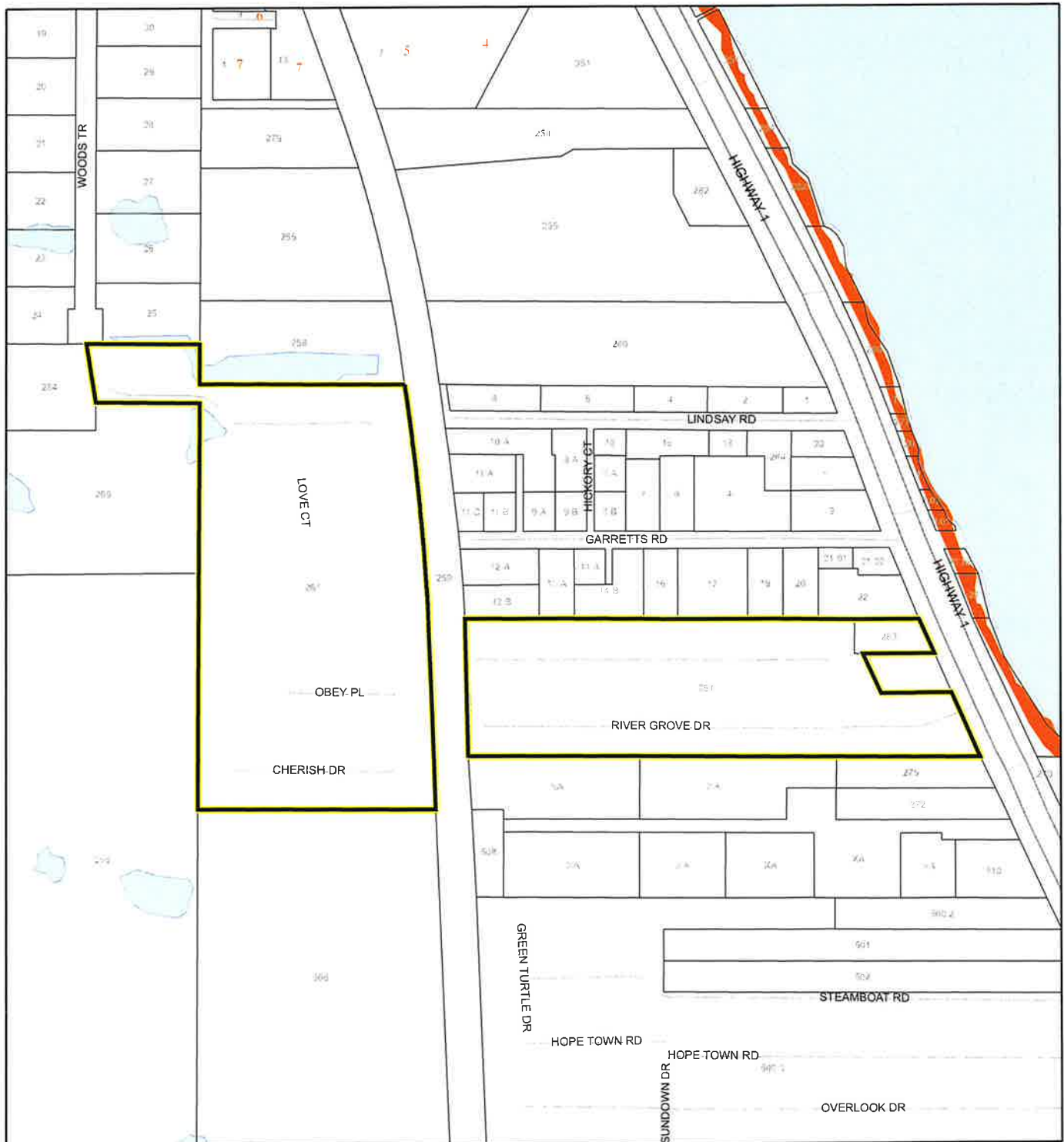
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

COBBLESTONE II RVG LLC

23Z00038



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— Subject Property

□ Parcels

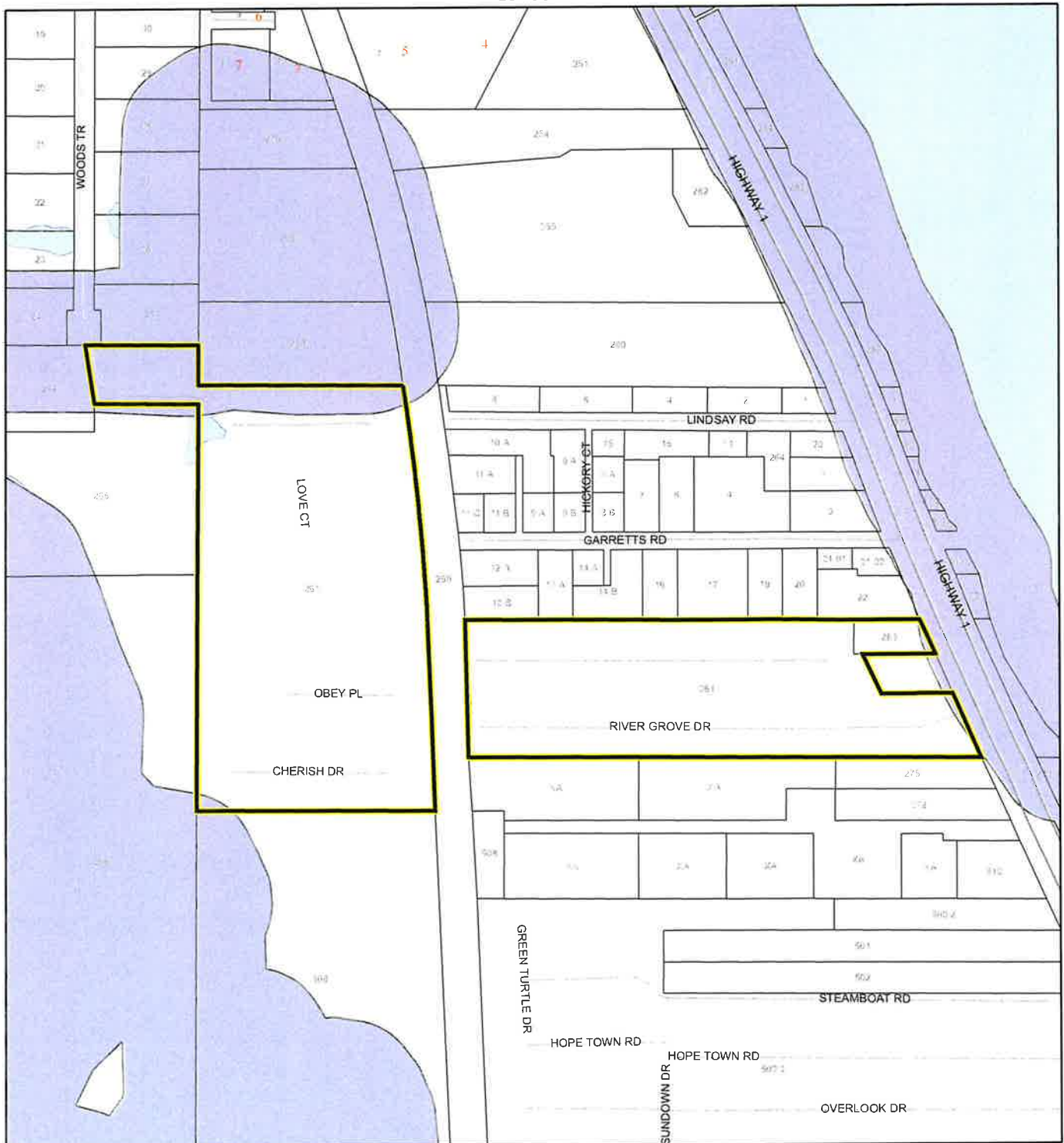
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

COBBLESTONE II RVG LLC

23Z00038



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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

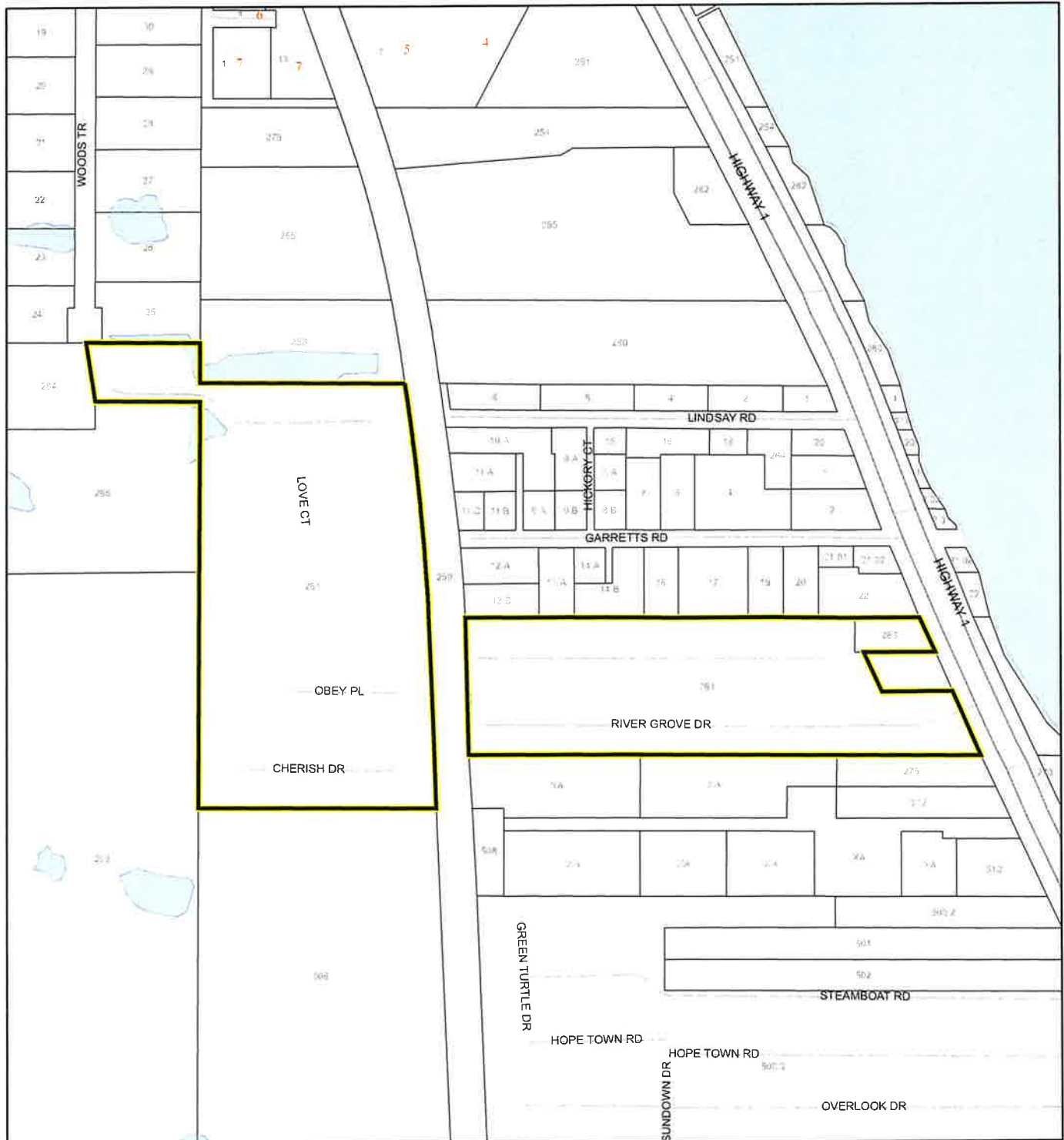
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

COBBLESTONE II RVG LLC

23Z00038



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Produced by BoCC - GIS Date: 6/5/2025

 Subject Property

 Parcels

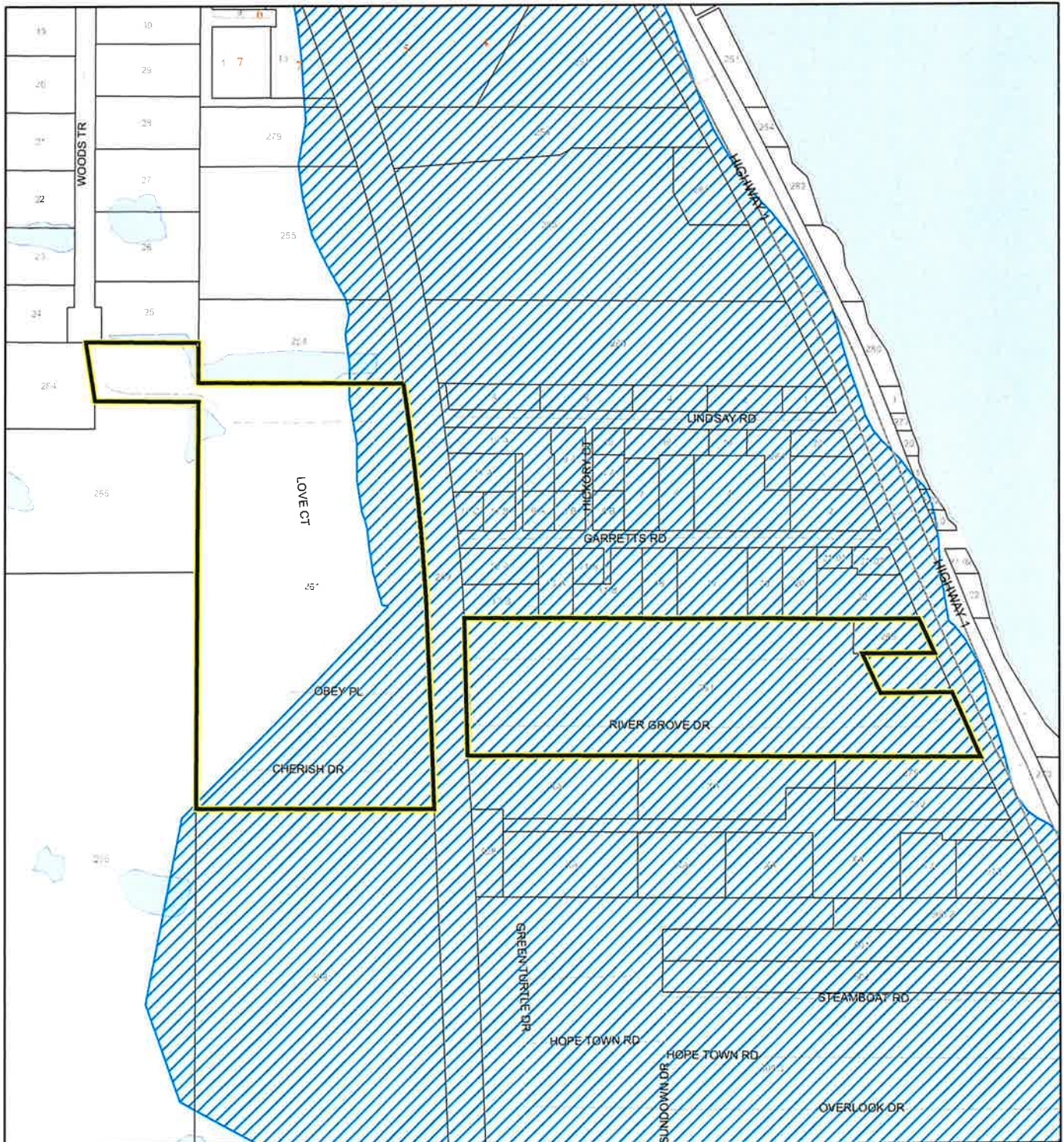


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

COBBLESTONE II RVG LLC

23Z00038




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Produced by BoCC - GIS Date: 6/5/2025

 Subject Property

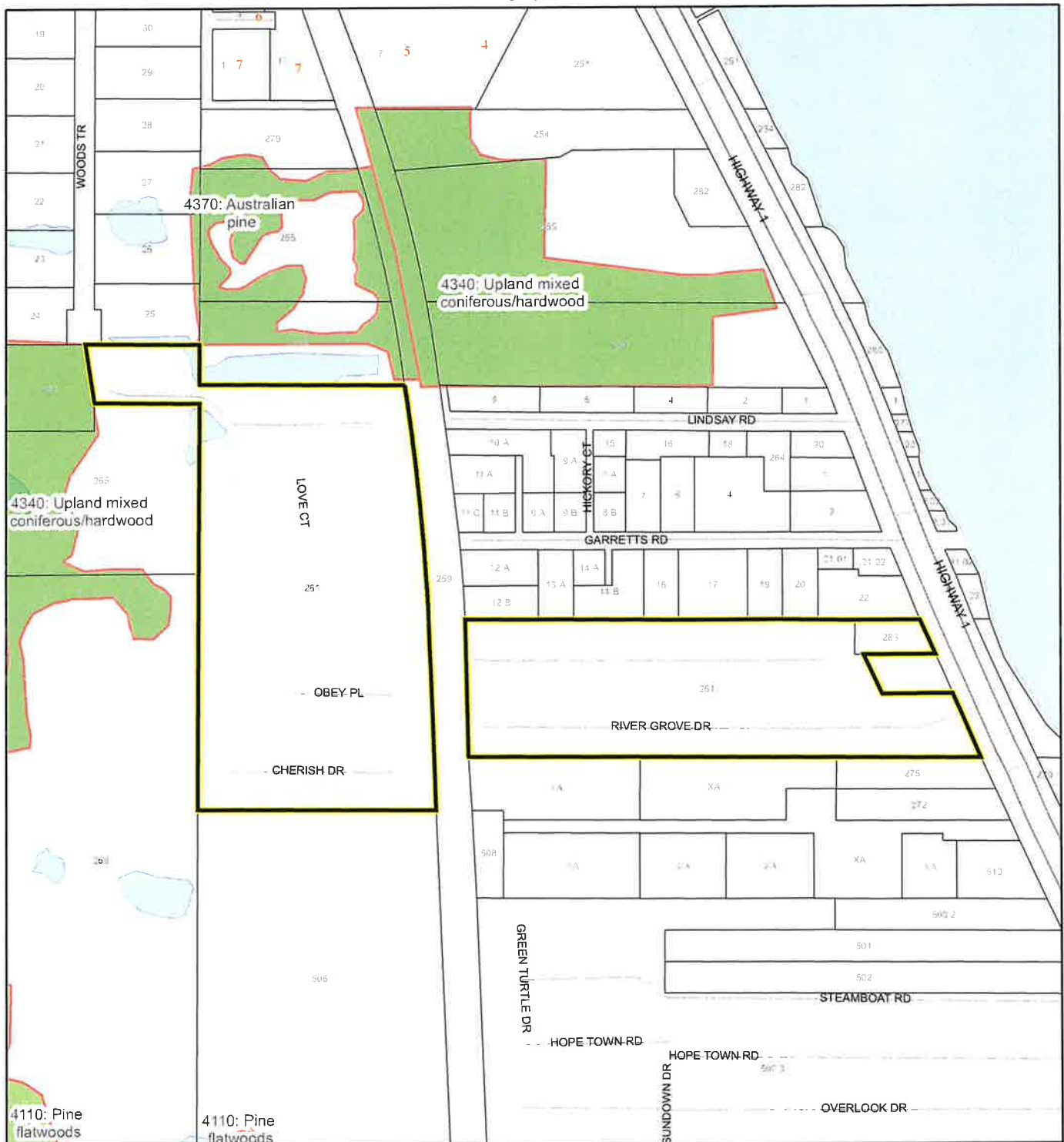
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

COBBLESTONE II RVG LLC

23Z00038



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Produced by BoCC - GIS Date: 6/5/2025

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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 18, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5) and Eric Michajlowicz (3).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

Item H.3. Cobblestone II RVG LLC (D. Scott Baker) requests a Small-Scale Comprehensive Plan Amendment (25S.12) to change the Future Land Use Map (FLUM) designation from RES-1, RES-2, CC, and NC to RES-6. (23SS00006) (Tax Account 3006458, 3010260) (District 3)

Item H.4. Cobblestone II RVG LLC (D. Scott Baker) requests a zoning classification change from TR-3, BU-1, and RU-1-9 to all TR-3 with a BDP. (23Z00038) (Tax Account 3006458, 3010260) (District 3)

Trina Gilliam read both item H.3. and H.4. into the record as they are companion applications but will need separate recommendations.

Scott Baker spoke to the applications. He stated he wanted to be clear at the outset that there's no new development proposed. There's no changes at all proposed. What happened is my client purchased a property about two years ago. The lender looked carefully at the zoning situation and realized there was some inconsistency between the zoning and the future land use. So, the future land use today would not allow this park. The park has been there probably since the late 60s maybe early 70s. It's developed at a relatively high density at six units per acre. So, it's an existing non-conforming use. We'd like to make the zoning and the land use consistent. We're also proposing to do a binding development plan to cap the unit count where it is today. So, nothing new is planned. And the reason we do that is it helps out with: 1) making the lender happy when they see that there's no inconsistencies, and 2) is if we want to do any kind of improvements to the property, not add units, but perhaps do a rec center or do some kind of amenity or something, we're non-conforming as we sit here today, and it puts us in a situation where we must go through a lot of additional steps at the county to get approval. There's also a small little house up on US-1 that we'd like to use and it's zoned RU-1. So, we can't use that as an office unless the whole thing is zoned TR-3, which allows mobile home parks. So, if any residents are here, I want them to be assured nothing's changing out there. We just need to make it legally consistent and have a unified zoning and land use approach.

Public Comment

David Fields stated he has about a hundred questions. What are they wanting to do is my first question.

Mr. Wadsworth responded with we don't know that information. You're either for the rezoning or against. We're just the planning and zoning.

Mr. Fields stated I understand that and that's what I can't find out from the notice that was posted is what are they wanting to do? What's the rezoning that they want to do? That's my question which I can't get answered from the post or from anybody else. And then I also have comments for whomever is in charge after the meeting about again the information on the post. I've been to three different buildings, and this can be on the record. I have no problem with that. I've been to three different buildings, and nobody exactly knew until I got to the last one which was over in building A and it's the planning and development. At least that lady knew where I needed to be in which building. But I still didn't get what room I needed to be in until I talked to the information lady out front. The complaint is your rezoning notice doesn't have any of that information on it. It just said this address which covers this whole facility ABC, and I don't know how many buildings you got. The other thing is on the rezoning notice, it doesn't tell me what they want to do, what zoning they're changing, what zoning they want to improve, any of that. And I can't find that out. And I've tried to ask people and nobody can tell me. Not blaming you guys. I'm just saying as far as the notice goes. I don't know if I'm against it or for it because I can't find out what they're doing. So, if that makes any sense to you, because hopefully you guys know what kind of rezoning they're wanting to do if you're here for a yay or nay vote. So, right now my vote is I abstain, but I would like to find out well what it is they're wanting to do.

Mr. Wadsworth stated we don't know that ourselves neither. We just know the zoning changes.

Mr. Fields asked then how can you approve or disapprove if you don't know what they're doing?

Mr. Wadsworth responded because if it's compatible with surrounding properties, etc., etc., we can go on forever.

Mr. Fields asked is it compatible? You don't know that either. Correct.

Mr. Wadsworth responded we do know that.

Mr. Fields continued but you don't know what it is they want to do. You just know it's compatible with other properties.

Mr. Esseeesse reminded the Chair that you don't have to go back and forth with members of the public. They're allowed to ask questions, but it's up to the discretion of the board if they want to engage in dialogue. I'm sure there's staff in the back that can assist you with explaining what the request is for, sir.

Mr. Fields responded okay. Great. I don't have a problem with that either. I can even step outside. I just I'm here today to find out what the heck they're wanting to do, because I live there.

Mr. Esseeesse commented just a suggestion if I may. If we want to wait for those two individuals to have a chance to speak with staff, then maybe they could come back and either say for or against or at least have a better understanding of what the request is for. It's up to you and the board. But that would be my recommendation.

Mr. Wadsworth stated items 3 and 4 we'll just scoot over to the side until you all have your time and we're going to go to item H5 and H6.

Mr. Atkins stated it seems like the applicant kind of gave a rundown of what they were looking to do. Is he allowed to join them out there and give them a brief explanation of what he said prior to that gentleman walking in the back door? That might streamline things a little bit.

Mr. Wadsworth replied that would be up to him.

Mr. Brothers stated he thought the applicant was very concise and straightforward in what you were planning.

Items H.3. and H.4. will be continued after items H.5. and H.6.

Item H.3. Cobblestone II RVG LLC (D. Scott Baker) requests a Small-Scale Comprehensive Plan Amendment (25S.12) to change the Future Land Use Map (FLUM) designation from RES-1, RES-2, CC, and NC to RES-6. (23SS00006) (Tax Account 3006458, 3010260) (District 3)

Item H.4. Cobblestone II RVG LLC (D. Scott Baker) requests a zoning classification change from TR-3, BU-1, and RU-1-9 to all TR-3 with a BDP. (23Z00038) (Tax Account 3006458, 3010260) (District 3)

Trina Gilliam read both item H.3. and H.4. into the record as they are companion applications but will need separate recommendations.

Scott Baker spoke to the application and stated he only spoke with one lady outside. There was another group talking to your staff. I think I addressed her questions. She's right over there. What we're doing, nothing. That's kind of the simple answer. Just changing zoning and land use to make everything consistent with each other.

Mr. Minneboo commented you're just changing words.

Mr. Baker responded Yes. And colors on your map.

No Public Comment

Mr. Hopengarten commented I don't have a copy of the existing BDP.

Mr. Baker responded there is no existing BDP. We're going to enter into one as a condition to have board approval. BOCC approval.

Mr. Hopengarten asked do you have a proposed.

Mr. Baker responded yes. It was provided to me by your staff, and we have no issue with the form.

Mr. Hopengarten commented they gave it to you and you have to agree to it and then you'll give it back.

Mr. Baker responded yes, I've submitted it to our client for signature.

Ms. Gilliam commented I've given them a template and they need to add the information in the template, but basically what they're proposing is to limit the unit count to the existing already there,

which is I think 173 units. They don't want to add anymore. What's going to be in the BDP is just to limit what's there.

Mr. Hopengarten stated I made a count on the aerial, and I come up with 178 units. Maybe I miscounted.

Mr. Baker stated he thinks it is 178, it's six units per acre, though. I can tell you that.

Mr. Hopengarten continued if the BDP states 173, you're going to have to get rid of five units.

Mr. Baker replied I just don't have that BDP in front of me. I know the form is approved and we didn't even put a unit count in there. I think we put we can never exceed six units per acre which is what we have today. But I'm happy to add a total unit.

Mr. Hopengarten replied no, because the staff said that they had stipulated 173 units and there are currently 178 on that site. So don't get tied up with 173 if that's on the BDP because it'll hold you back. You see what I'm saying?

Mr. Baker responded sure. And thank you for pointing that out.

Motion to recommend approval of Item H.3. Debbie Thomas, seconded by Erica Orriss. Motion passed unanimously.

Motion to recommend approval of Item H.4. with a BDP capping to the existing units, by Debbie Thomas, seconded by Erica Orriss. Motion passed unanimously.

Meeting adjourned at 4:18 p.m.

Prepared by: D. Scott Baker, Esq.
Address: Zimmerman, Kiser & Sutcliffe, P.A.
315 E. Robinson Street, Suite 600
Orlando, Florida 32801

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2025 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and COBBLESTONE II RVG LLC, a Delaware 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 the TR-3 zoning classification and desires to operate the Property as a mobile home park, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development and operation 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. Recitals. 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 or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. The Developer/Owner shall limit the amount of mobile home units existing on the Property to 173 units total.
4. 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.
5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
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 on _____. 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 9 above.

9. Severability clause. If any provision of this Agreement 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.

[SIGNATURE PAGES TO FOLLOW]

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
(SEAL)

Rob Feltner, Chair
As approved by the Board on _____

[SIGNATURES CONTINUE ON NEXT PAGE]

COBBLESTONE II RVG LLC, a Delaware limited liability company
7W220 22nd Street, Suite 220
Oakbrook Terrace, IL 60181

WITNESSES:

Witness 1:

[Signature]
Signature

Andrew T. McCarthy
Witness Name

17W220 22nd St., Suite 220, Oakbrook terrace
Mailing Address
IL, 60181

By: [Signature]
Name: Erik D. Hagen
Title: Authorized Signatory

Witness 2:

[Signature]
Signature

Carrie Aigner
Witness Name

17W220 22nd St., Ste 220 Oakbrook Terrace IL 60181
Mailing Address

STATE OF Illinois §

COUNTY OF DuPage §

The foregoing instrument was acknowledged before me, by means of ✓ physical presence or
_____ online notarization, this 20th day of August, 2025, by Erik D. Hagen, as Authorized
Signatory of COBBLESTONE II RVG LLC, a Delaware limited liability company, who is personally known
to me or who has produced driver license as identification.

My commission expires
SEAL
Commission No.:

[Signature]
Notary Public

(Name typed, printed or stamped)



Exhibit A
Legal Description

TRACT 1:
PARCEL A

From the intersection of the South line of the North 786.51 feet of Government Lots 2 and 5, in Section 14, Township 30 South, Range 38 East, Brevard County, Florida, and the Westerly right of way line of U.S. Highway No. One, run North 89 degrees 29 minutes 18 seconds West a distance of 187.0 feet to the Point of Beginning of the herein described parcel; thence run South 0 degrees 26 minutes 36 seconds West a distance of 100.0 feet; thence run South 89 degrees 29 minutes 18 seconds East a distance of 231.24 feet to the said Westerly right of way line of U.S. Highway No. One and a point on a curve to the Southeast, said curve having for its elements a radius of 8672.41 feet, a central angle of 0 degrees 53 minutes 17 seconds, thence along said curve an arc distance of 134.42 feet to the Point of Tangency, thence run South 24 degrees 39 minutes 48 seconds East along said Westerly right of way line a distance of 186.37 feet to the South line of the North 293.76 feet of the South 448.49 feet of Government Lots 2 and 5, Section 14, Township 30 South, Range 38 East, Brevard County, Florida; thence run North 89 degrees 33 minutes 24 seconds West along said South line a distance of 1462.19 feet to the Easterly right of way of Florida East Coast Railway; thence run North 2 degrees 14 minutes 02 seconds West along said East right of way a distance of 357.15 feet to the Point of Curvature of a curve concave to the West, thence along said curve having a radius of 5779.65 feet and a central angle of 0 degrees 21 minutes 18 seconds, an arc distance of 35.81 feet to the South line of the North 786.51 feet of said Government Lots 2 and 5; thence run South 89 degrees 29 minutes 18 seconds East along the said North line a distance of 1114.25 feet to the Point of Beginning.

TOGETHER WITH the South 100.0 feet of the North 886.51 feet, lying East of U.S. Highway No. 1, of Government Lots 2 and 5, in Section 14, Township 30 South, Range 38 East, Brevard County, Florida.

and

TOGETHER WITH that part of the North 293.76 feet of the South 448.9 feet of Government Lots 2 and 5 East of Highway U.S. #1, Section 14, Township 30 South, Range 38 East, Brevard County, Florida.

TOGETHER WITH an easement for the benefit of the subject property as set forth in Quit Claim Deed recorded in Official Records Book 1230, Page 971, of the Public Records of Brevard County, Florida.

AND

PARCEL B

PARCEL NO. 1:

The South 471.51 feet of the North 786.51 feet of that part of Government Lot 2, lying West of the Florida East Coast Railroad, in Section 14, Township 30 South, Range 38 East, Brevard County, Florida

PARCEL NO. 2:

From a concrete monument marking the Southwest corner of Government Lot 2, Section 14, Township 30 South, Range 38 East, said point also being the Point of Beginning of the herein described parcel, run North 0 degrees 29 minutes 23 seconds East a distance of 154.73 feet; thence run South 89 degrees 10 minutes 00 seconds East a distance of 678.20 feet to the Westerly right of way of the Florida East Coast Railroad, thence run South 2 degrees 02 minutes 40 seconds East along said right of way a distance of 154.90 feet; thence run North 89 degrees 10 minutes 00 seconds West a distance of 685.05 feet to the Point of Beginning.

PARCEL NO. 3:

The South 200 feet of the North 315 feet of Government Lots 2 and 5, lying West of the Florida East Coast Railroad, Section 14, Township 30 South, Range 38 East, Brevard County, Florida.

PARCEL NO. 4:

Begin at the 1" iron pipe marking the Northeast corner of the North one-half of the Southwest 1/4 of the Northwest 1/4 of Section 14, Township 30 South, Range 38 East, Brevard County, Florida, thence run South 0 degrees 15 minutes 21 seconds West a distance of 167.57 feet; thence run North 89 degrees 32 minutes 41 seconds West a distance of 301.95 feet; thence run North 09 degrees 14 minutes 29 seconds West a distance of 170.00 feet; thence run South 89 degrees 32 minutes 41 seconds East a distance of 330.00 feet to the Point of Beginning.

PARCEL NO. 5:

The North 293.76 feet of the South 448.9 feet of Government Lots 2 and 5, Section 14, Township 30 South, Range 38 East lying West of the Florida East Coast Railroad right of way, said land lying and being in Brevard County, Florida.

PARCEL NO. 6:

The South 100 feet of the North 886.51 feet of Government Lots 2 and 5, in Section 14, Township 30 South, Range 38 East, lying West of Florida East Coast Railroad, Brevard County, Florida.

RIVER GROVE II (Overall Legal Description consisting of Parcels 1 through 6 above):

From the Northeast corner of the North one-half of the Southwest one-quarter of the Northwest one-quarter of Section 14, Township 30 South, Range 38 East, Brevard County, Florida, said point also being the Point of Beginning run South 0 degrees 15 minutes 21 seconds West a distance of 115.00 feet; thence run S 89 degrees 32 minutes 49 seconds East a distance of 586.68 feet to the West right of way of the Florida East Coast Railroad, said point also being on a curve concave to the Southwest; thence Southeasterly along said curve having a radius of 5679.65 feet, a central angle of 7 degrees 14 minutes 20 seconds, an arc distance of 717.57 feet to a point of tangency; thence run S 02 degrees 13 minutes 14 seconds East a distance of 507.52 feet; thence run N 89 degrees 32 minutes 04 seconds W a distance of 684.76 feet; thence run N 0 degrees 15 minutes 21 seconds East a distance of 1167.02 feet; thence run N 89 degrees 32 minutes 41 seconds West a distance of 301.95 feet; thence run N 09 degrees 14 minutes 29 seconds West a distance of 170.0 feet; thence run S 89 degrees 32 minutes 41 seconds East a distance of 330.0 feet to the Point of Beginning.

TRACT 2:

Beginning at the intersection of the Westerly right of way of U.S. Highway No.1 and the North line of South 100.00 feet of the North 886.51 feet of Government Lots 2 and 5, Section 14, Township 30 South, Range 38 East, Brevard County, Florida, said point being the Point of Beginning of the following described property; run North 89°25'18" West a distance of 187.00 feet; thence run South 00°34'42" West a distance of 100.00 feet; thence run South 89°25'18" East a distance of 231.12 feet to the Westerly right of way of said U.S. Highway No.1; thence run Northwesterly and along a curve, having a radius of 8672.41 feet and a central angle of 00°43'20", an arc distance of 109.32 feet to the Point of Beginning.

Board Meeting Date

9-4-25

Item Number: H.4 with a BDP

Motion By: KA

Second By: KD

Nay By: _____

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