



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

9/7/2023

Subject:

Dick Holdings, LLC (Vaheed Teimouri) requests a change of zoning classification from AU and BU-1 to all AU. (23Z00048) (Tax Account 2317013) (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 classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to all AU.

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from BU-1 and AU to all AU on a 26.84-acre parcel for the purpose of having a unified zoning classification on the entire parcel. The applicant has stated he intends to apply for a CUP (Conditional Use Permit) for a Private Heliport. **To date, the applicant has not applied for the CUP.** Private heliports as an accessory use to a single-family residence may be permitted as a conditional use within the AU zoning subject to conditions. The applicant has applied for a building permit for a single-family residence on the parcel.

The AU zoning classification permits single-family residences and agricultural uses on 2.5-acre lots, with a minimum lot width and depth of 150 feet, and a minimum house size of 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

The surrounding area is agricultural. The abutting parcel to the north is 2.49 acres with agricultural orchard groves use and AU and BU-1 zoning. The abutting parcel to the south is 0.68 acres and has mixed uses of commercial and residential with BU-1 zoning. Also south, there are three parcels with SR zoning, two with agricultural use of orchard groves, and one developed with a single-family residence. The abutting parcels to the west have agricultural use of orchard groves with AU and RR-1 zoning. There is an existing pattern of agricultural use with orchard groves parcels surrounding the subject parcel on large lots greater than 2.49 acres.

The Board may wish to consider if the request is consistent and compatible with the surrounding area recognizing existing development trends. The Board may also wish to consider the potential impacts of Agritourism, or any of the more intense agricultural uses permitted in AU, on surrounding properties.

On August 10, 2023, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 23Z00048

On motion by Commissioner Goodson, seconded by Commissioner Steele, the following resolution was adopted by a unanimous vote:

WHEREAS, Dick Holdings, LLC has requested a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to all AU, on property described as Tax Parcel 15, as recorded in ORB 9725, Pages 2928 - 2932, of the Public Records of Brevard County, Florida. **Section 27, Township 23, Range 36.** (26.84 acres) Located on the west side of N. Courtenay Pkwy., approx. 715 ft. north of Church Rd. (5695 N. Courtenay Pkwy., Merritt Island); and

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU and BU-1 to all AU, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 7, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Chair
Brevard County Commission
As approved by the Board on September 7, 2023.

ATTEST:

RACHEL M. SADOFF, CLERK

(SEAL)

NMI Hearing – August 10, 2023

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

23Z00048

Dick Holdings, LLC

BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all AU

Tax Account Number: 2504668
Parcel I.D.: 25-36-06-00254.1
Location: West side of N. Courtenay Pkwy., approximately 715-feet north of Church Road (District 2)
Acreage: 26.84-acre parcel, with approximately 6.6 acres BU-1 zoning, the remainder of the parcel zoned AU.

North Merritt Island Board: 8/10/2023

Board of County Commissioners: 9/07/2023

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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 & AU	AU
Potential*	8 single-Family units BU-1 FAR of 1 Commercial	10 Single-Family units
Can be Considered under the Future Land Use Map	YES RES 1:2.5 & NC on AU CC on BU-1	YES RES 1:2.5, NC & CC

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all AU on a 26.84-acre parcel for the purpose of having a unified zoning classification on the entire parcel. The applicant has stated he intends to for apply for a Conditional Use Permit (CUP) for a Private Heliport. To this date the applicant has not submitted an application for the CUP. Private heliports as an accessory use to a single-family residence may be permitted as a conditional use (CUP) within the AU zoning classification subject to CUP conditions. The applicant has applied for a building permit for a single-family residence (23BC11540) on the parcel. The BU-1 portion of the parcel is approximately 6.6 acres and is currently vacant. The AU portion of the parcel has an

agricultural orchard grove. The parcel was two parcel that were combined into its current configuration on February 27, 2023, per Warranty Deed recorded in Official Records Book 9725, page 2928.

AU zoning requires 2.5-acres, the subject property is a total of 26.84-acres.

The parcel has access to N. Courtenay Pkwy, a County maintained public road.

The AU portion of the parcel was rezoned from GU (General Use) to AU (Agricultural Residential) on June 30, 1980, per zoning action **Z-5332**.

The BU-1 portion of the parcel was denied a rezoned from BU-1 to AU on August 04, 1966, per zoning action **Z-1957**.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Orchard Groves	AU & BU-1	RES 1:2.5, NC & CC
South	Residential and Commercial uses	SR & BU-1	RES 2, NC & CC
East	N. Courtenay Pkwy.	N/A	N/A
West	Orchard Groves	AU & RR-1	RES 1:2.5 & RES 1

The AU zoning classification permits single-family residences and agricultural uses 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.

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

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

- **20PZ00017** was approved on September 3, 2020, to rezone a parcel from GU (General Use) to SEU (Suburban Estate Residential Use) approximately 1,583 feet southeast along the east side of N. Courtenay Pkwy.
- **20Z00019** was approved on November 5, 2020, to rezone a parcel from IN(L) (Institutional Use-Low Intensity) to RR-1 (Suburban Estate Residential Use) approximately 985 feet southwest along the east side of N. Tropical Trail.

- **21Z00009** was approved on September 15, 2021, to rezone a parcel from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing & Wholesale Commercial) approximately 220 feet northeast along the east side of N. Courtenay Pkwy.

Land Use

The subject property currently has three FLU designations, Residential 1:2.5 (RES 1:2.5), Neighborhood Commercial (NC) and Community Commercial (CC). The AU zoning classification may be considered consistent with these FLU designations.

There are six Future Land Use Designations RES 1:2.5, RES 1, RES 2, RES 4_DIR, NC and CC, within 500-feet of the subject property.

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:

- 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;

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.

- 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 appraisal can determine if material reduction has or will occur due to the proposed request.

- 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 general area is agricultural with orchard grove use on large lots with a mix of single-family homes and a commercial corridor along the westerly 300 feet of N. Courtenay Pkwy. on lots ranging in size from approximately 0.69 acre to 15 acres.

There are six Future Land Use Designations RES 1:2.5, RES 1, RES 2, RES 4_DIR, NC and CC, within 500-feet of the subject property.

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

It appears there has been no development within the last three years or agrotourism uses have occurred within the last three years.

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

It appears there has been no development approved within the last three years.

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

None identified.

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

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

Criteria:

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

The subject property is located along the west side of N. Courtenay Pkwy. The surrounding area is agricultural use of orchard groves. The abutting parcel to the north is 2.49 acres with agricultural orchard groves use AU and BU-1 zoning. The abutting parcel to the south is 0.68 acres which has mixed use of commercial and residential with BU-1 zoning. Also, south there are three parcels with SR zoning, two of the parcels have agricultural use of orchard groves and one developed with a single-family residence. The abutting parcels to the west have agricultural use of orchard groves with AU and RR-1 zoning.

There is an existing pattern of agricultural use with orchard groves parcels surrounding the subject parcel on large lots greater than 2.49 acres. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding established 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.

This parcel is not located in Platted subdivision. The parcel abuts the west side of N. Courtenay Pkwy., the uses along the west side of N. Courtenay Pkwy. have an established agricultural use of orchard groves along with residential homes.

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 located in an existing agricultural area with the use of orchard groves. It appears that no agrotourism uses have occurred within the last three years.

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

The area is primarily developed with single-family residence along with agricultural use of orchard groves.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy, between Hall Road to n. tropical Trail, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 34.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.24%. The corridor is anticipated to operate at 34.53% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

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 N. Courtenay Pkwy.

Environmental Constraints

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.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Floodplain Protection in North Merritt Island
- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

- Protected and Specimen Trees
- Protected Species

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. 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." Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development.

There is an area of mapped Florida Scrub Jay habitat on the western portion of the property. 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.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area recognizing existing development trends. The Board may also wish to consider the potential impacts of Agritourism, or any of the more intense agricultural uses permitted in AU, on surrounding properties.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item # 23Z00048**

Applicant: Vaheed Teimouri (Owner: Evan Dick)

Zoning Request: AU & BU-1 to AU

Note: Use land for a private heliport

NMI Hearing Date: 8/10/2023; **BCC Hearing Date:** 9/7/2023

Tax ID No: 2317013

- 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:

- Floodplain Protection in North Merritt Island
- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. 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." Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development.

There is an area of mapped Florida Scrub Jay habitat on the western portion of the property. 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.

Land Use Comments:

Floodplain Protection in North Merritt Island

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel 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."

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development.

Wetlands and Hydric Soils

This property contains mapped hydric soils (Wabasso sand, 0 to 2 percent slopes, Chobee mucky loamy fine sand, and Samsula muck, frequently ponded, 0 to 1 percent slopes), 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 land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Aquifer Recharge Soils

The eastern portion of this property contains mapped aquifer recharge soils (Paola fine sand, 0 to 8 percent slopes) 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 Septic Overlay

The entire parcel is mapped within the Indian River Lagoon 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.

Protected and Specimen Trees

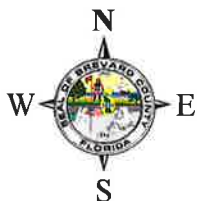
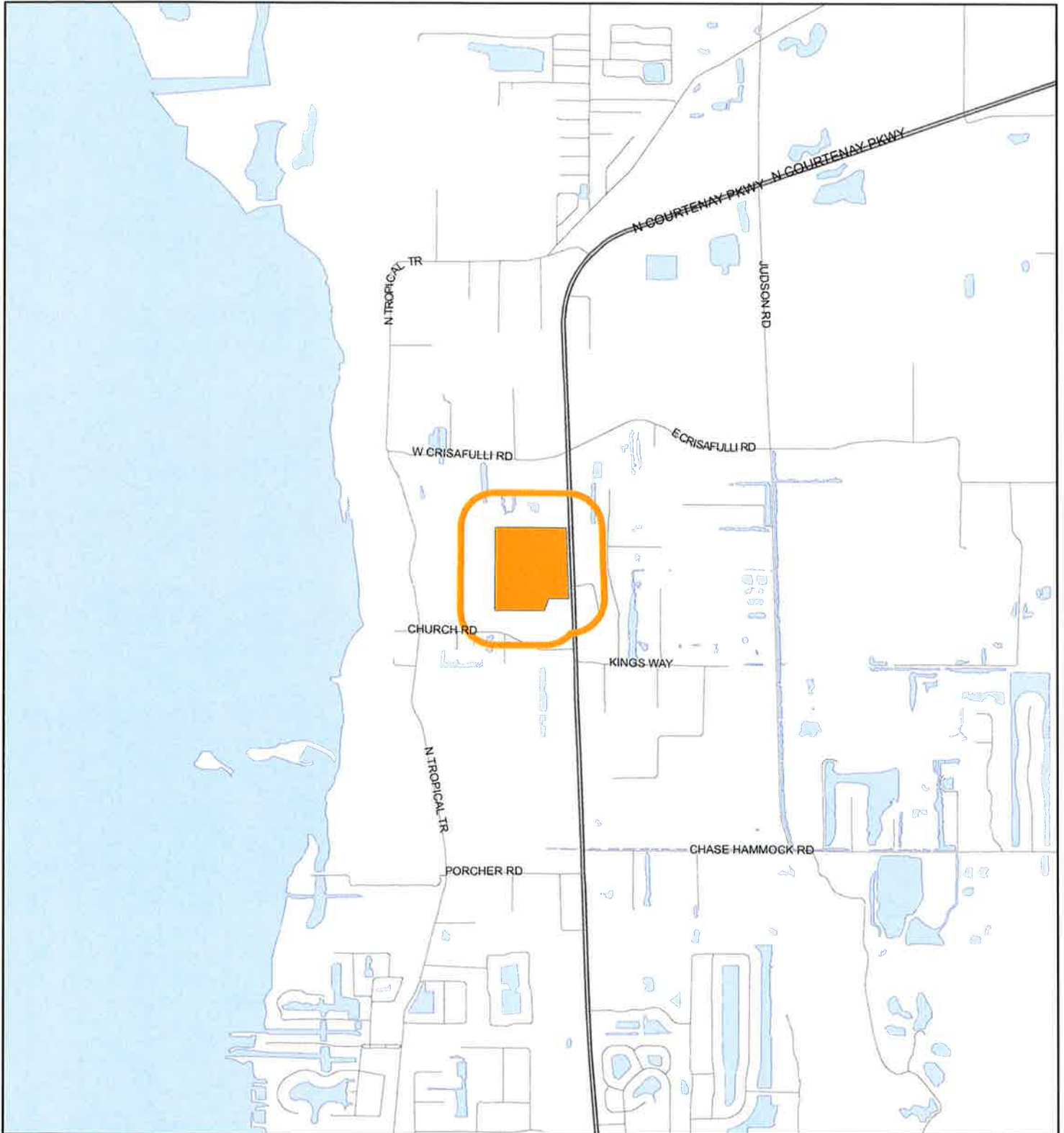
Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. Per Section 62-4341(18) of the Brevard County Landscaping, Land Clearing, and Tree Protection ordinance, Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent 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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is an area of mapped Florida Scrub Jay habitat on the western portion of the property, 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.

LOCATION MAP

Dick Holdings LLC
23Z00048



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

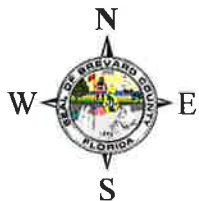
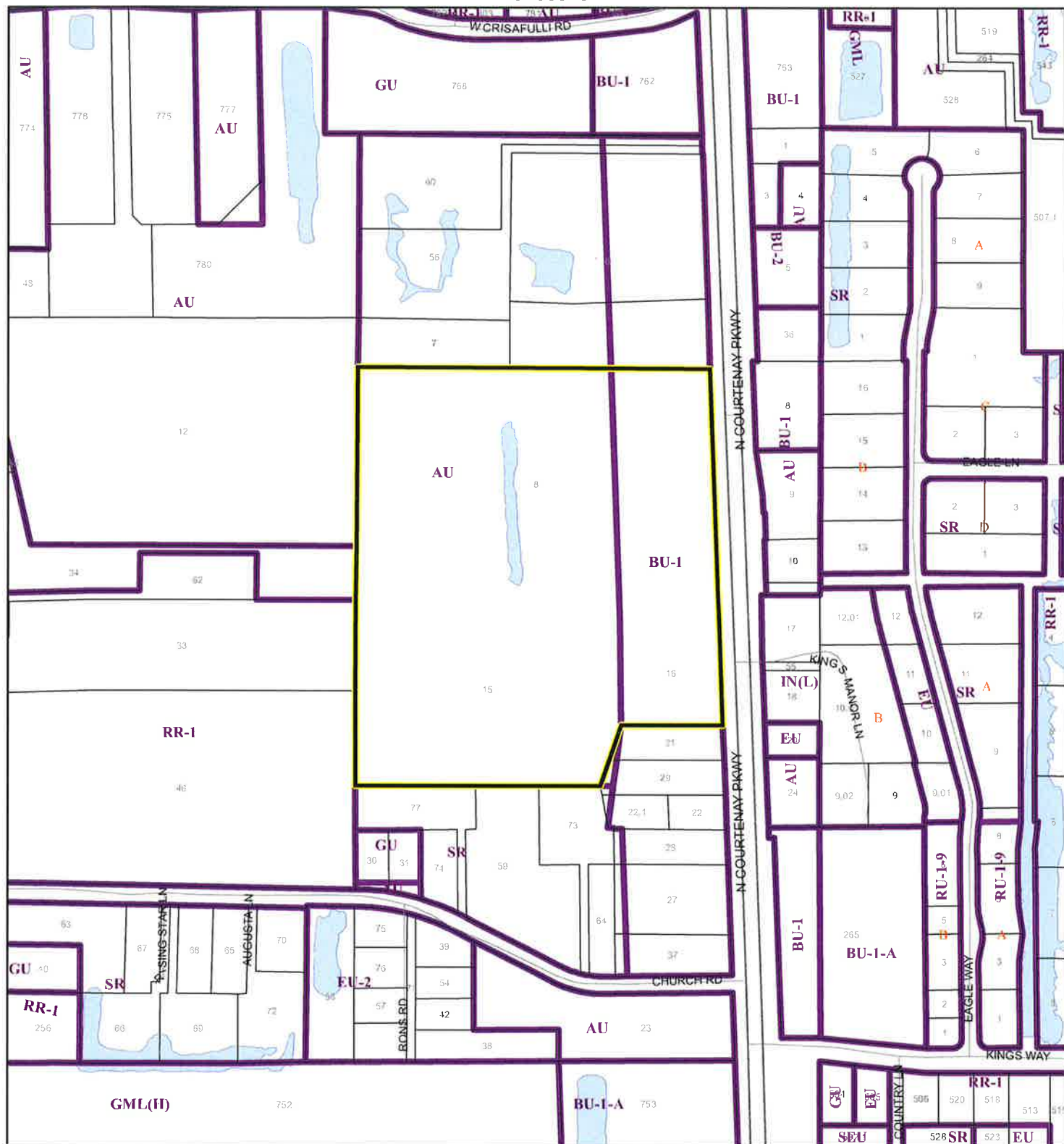
Buffer Distance: 500 feet

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: 7/25/2023

— Buffer
— Subject Property

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

Subject Property

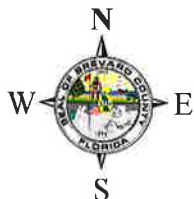
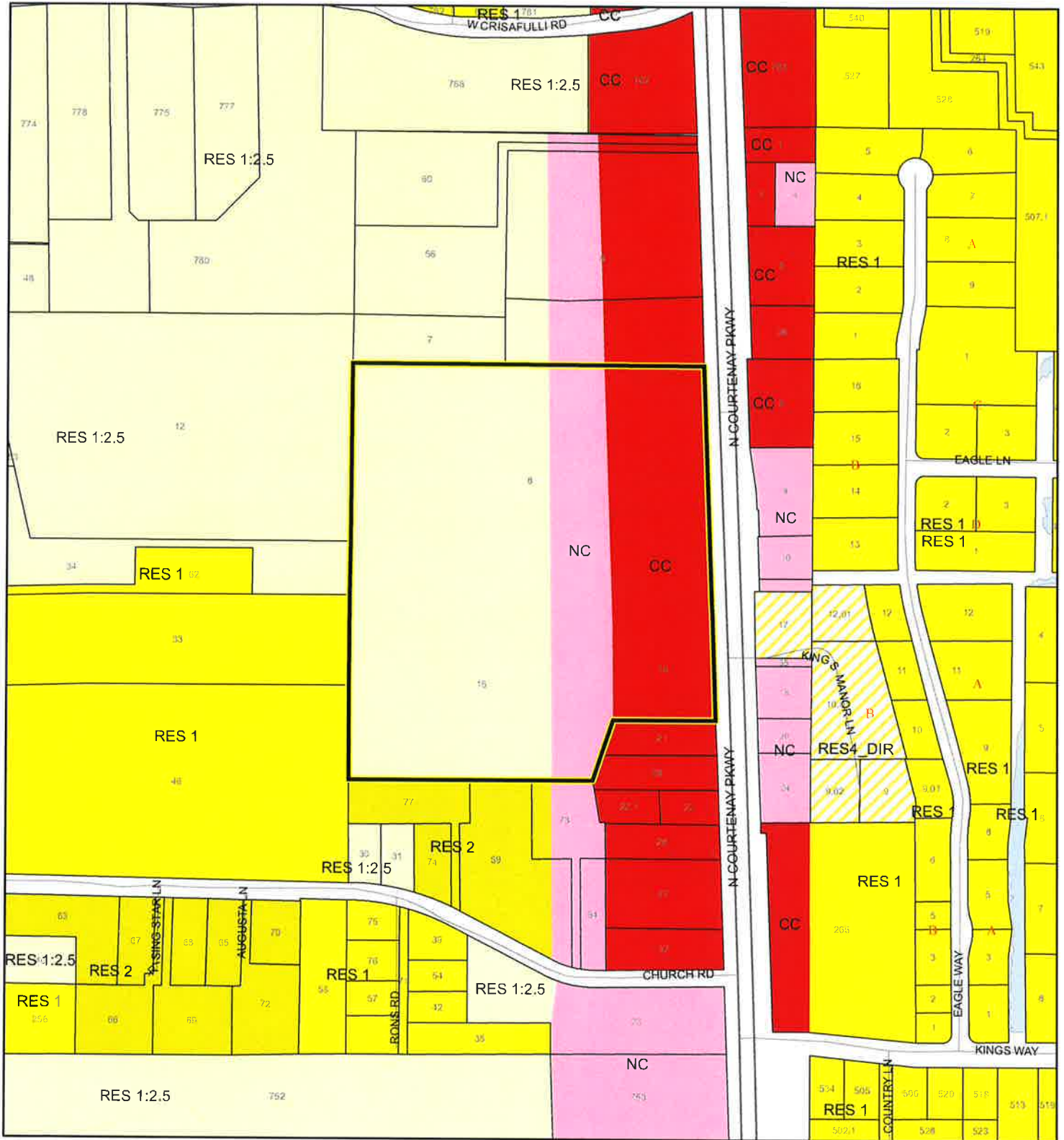
☐ Parcels

Zoning

FUTURE LAND USE MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

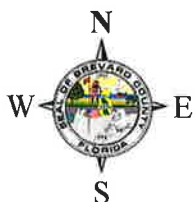
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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AERIAL MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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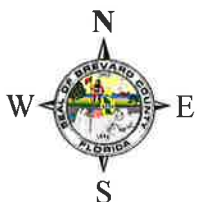
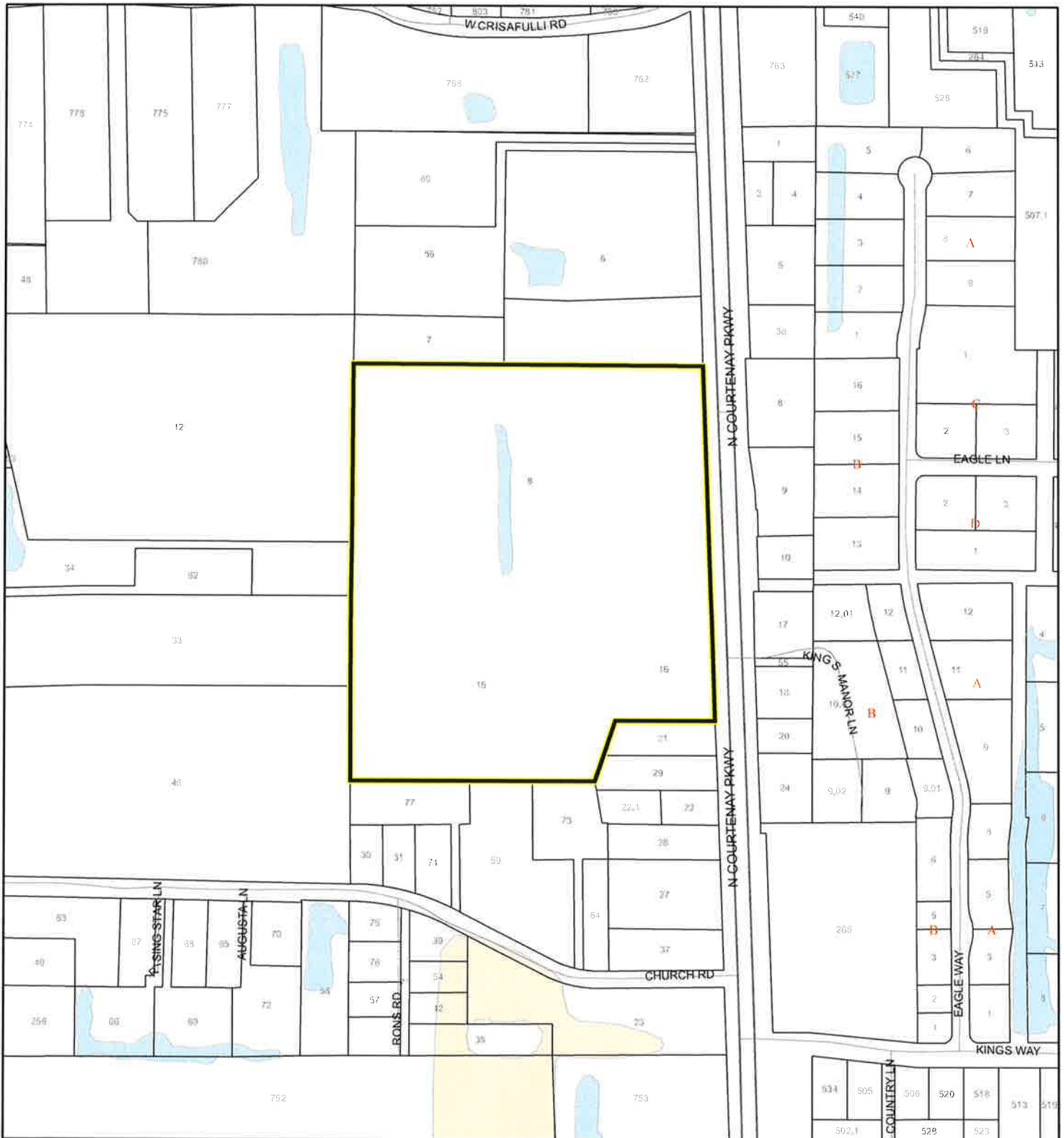
 Subject Property

 Parcels

NWI WETLANDS MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

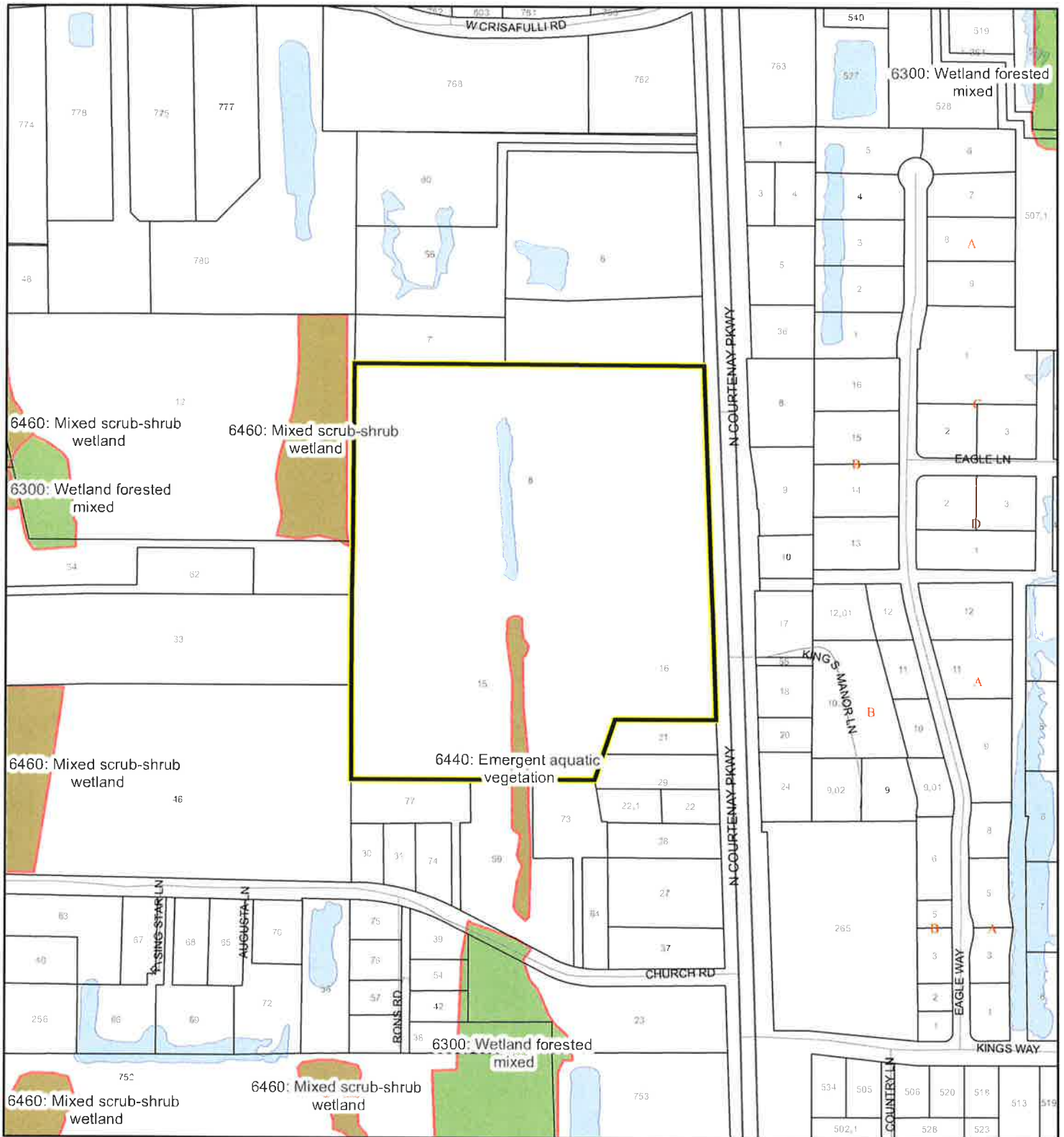
National Wetlands Inventory (NWI)

	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

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

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

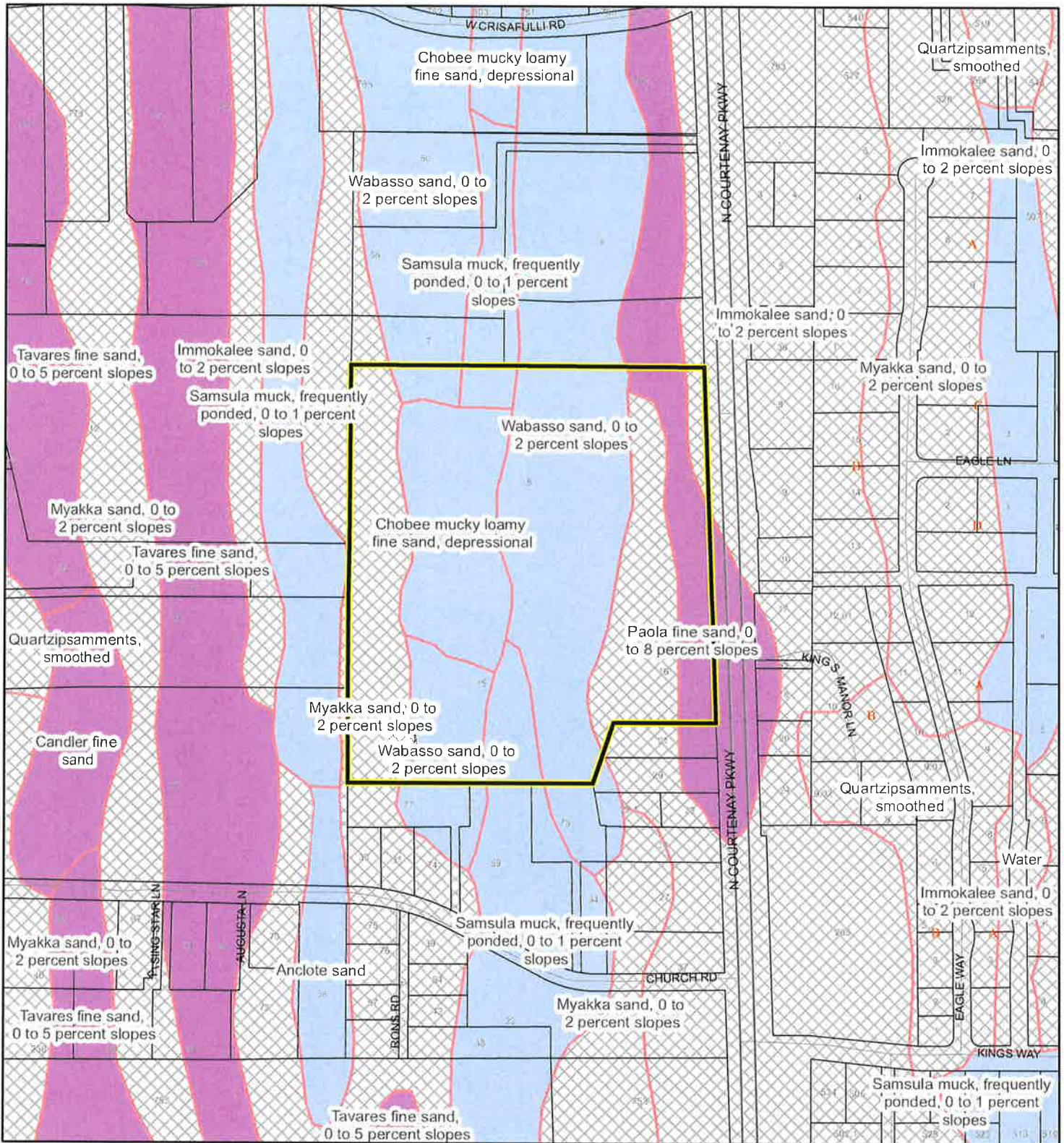
Subject Property

Parcels

USDA SCSSS SOILS MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

USDA SCSSS Soils

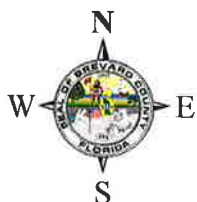
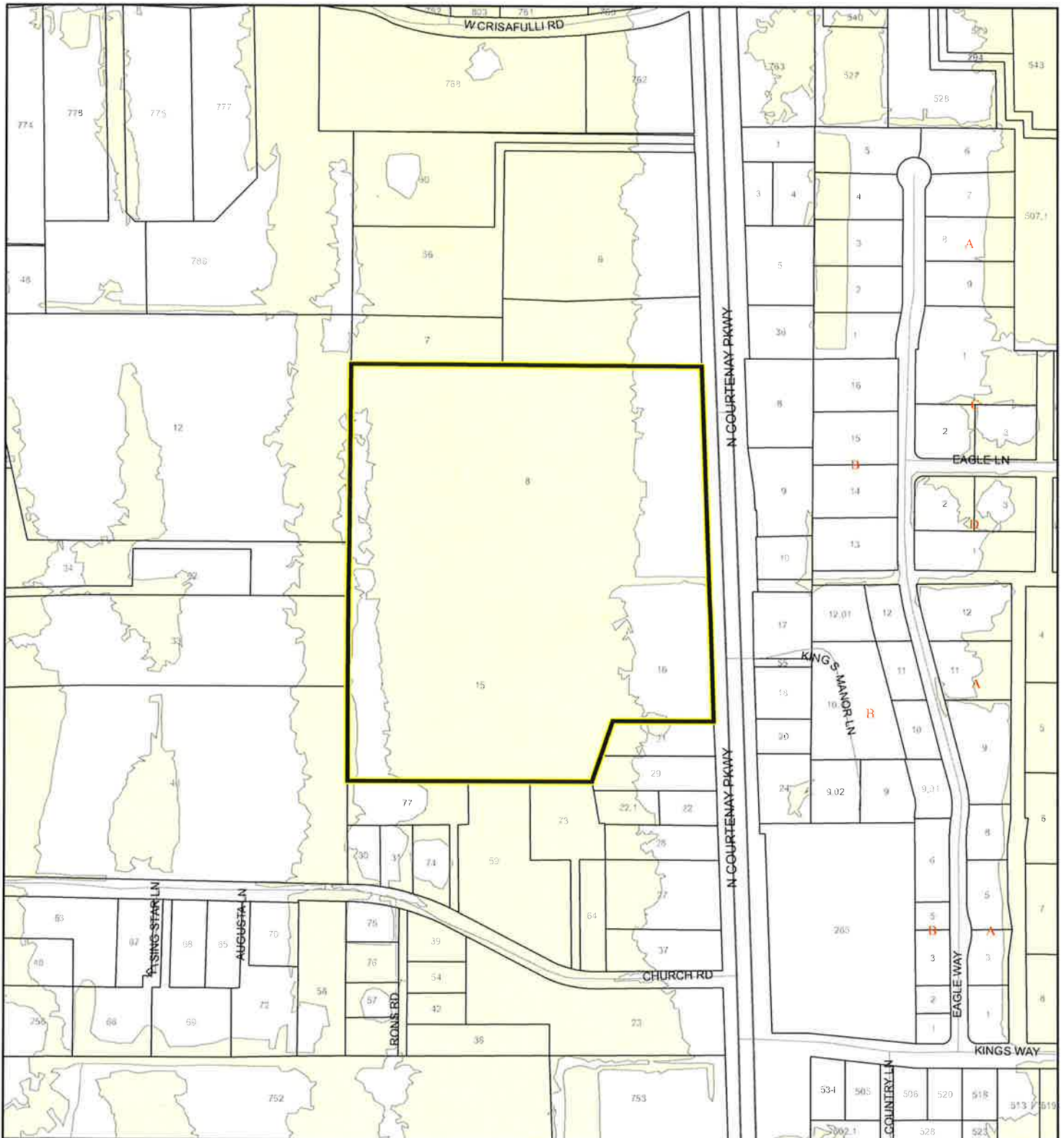
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

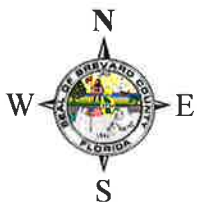
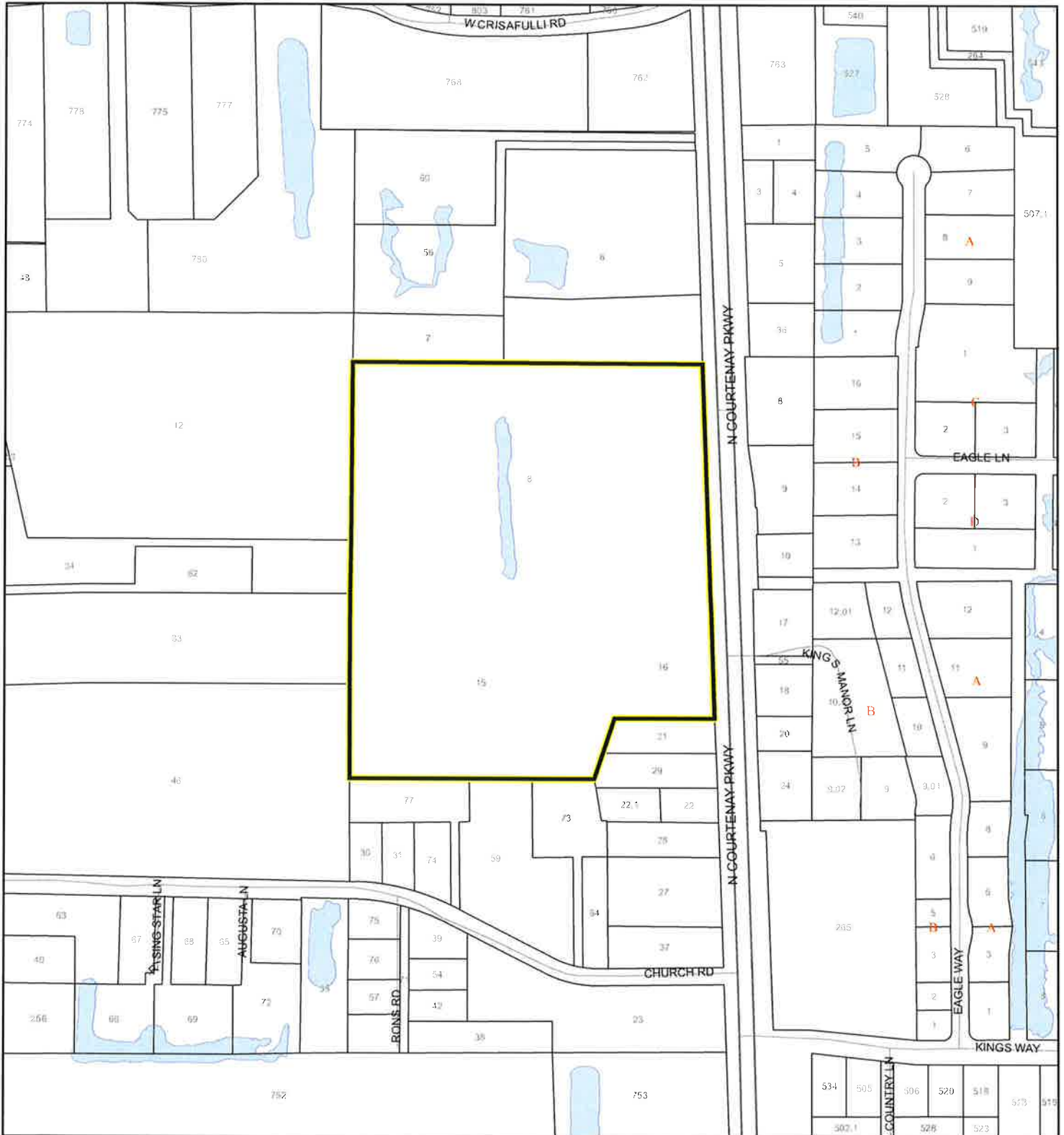
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 7/25/2023

 Subject Property

 Parcels

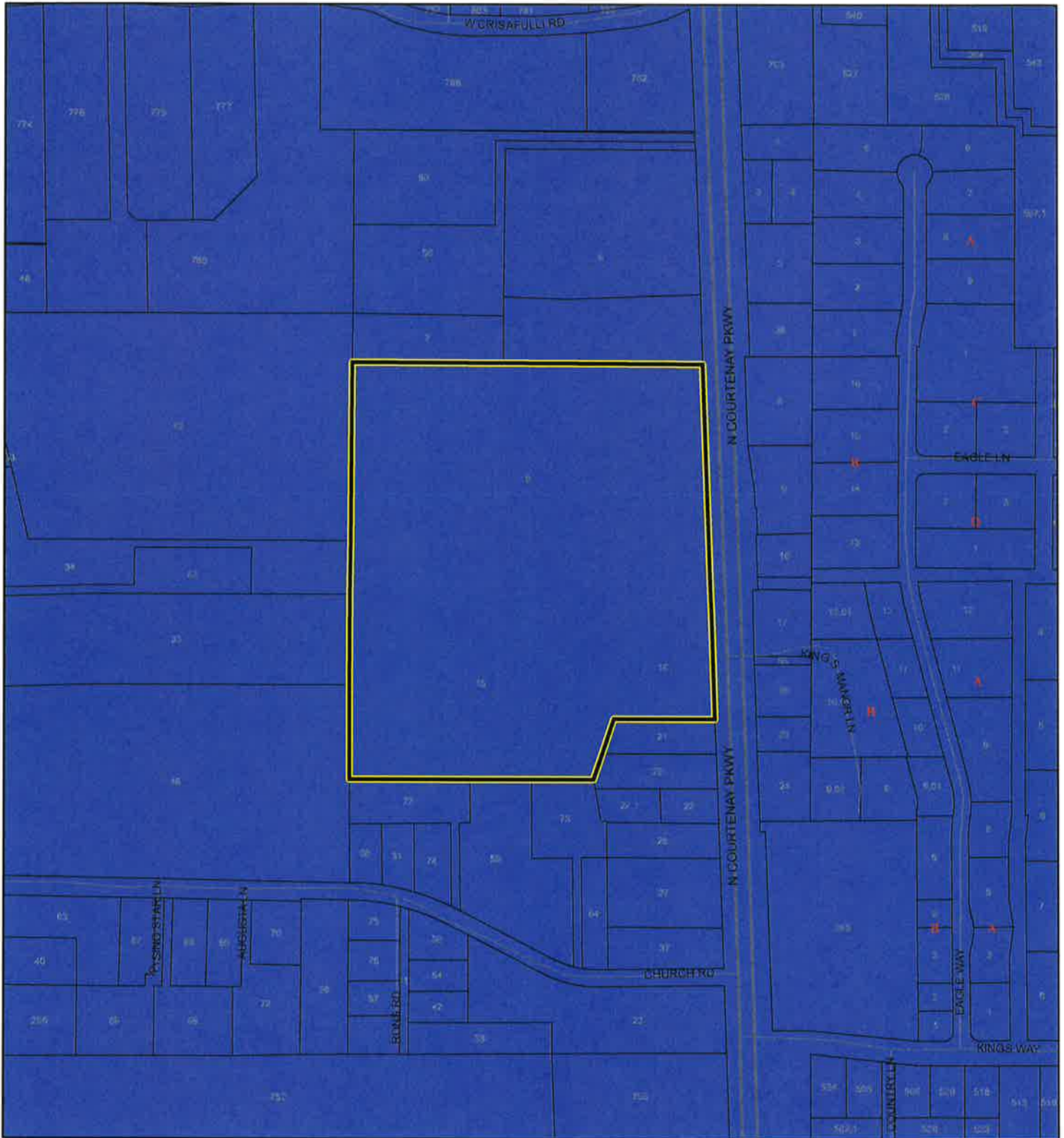
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

 Subject Property

 Parcels

Septic Overlay

 40 Meters

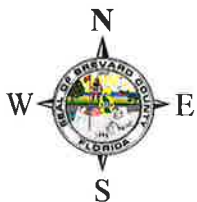
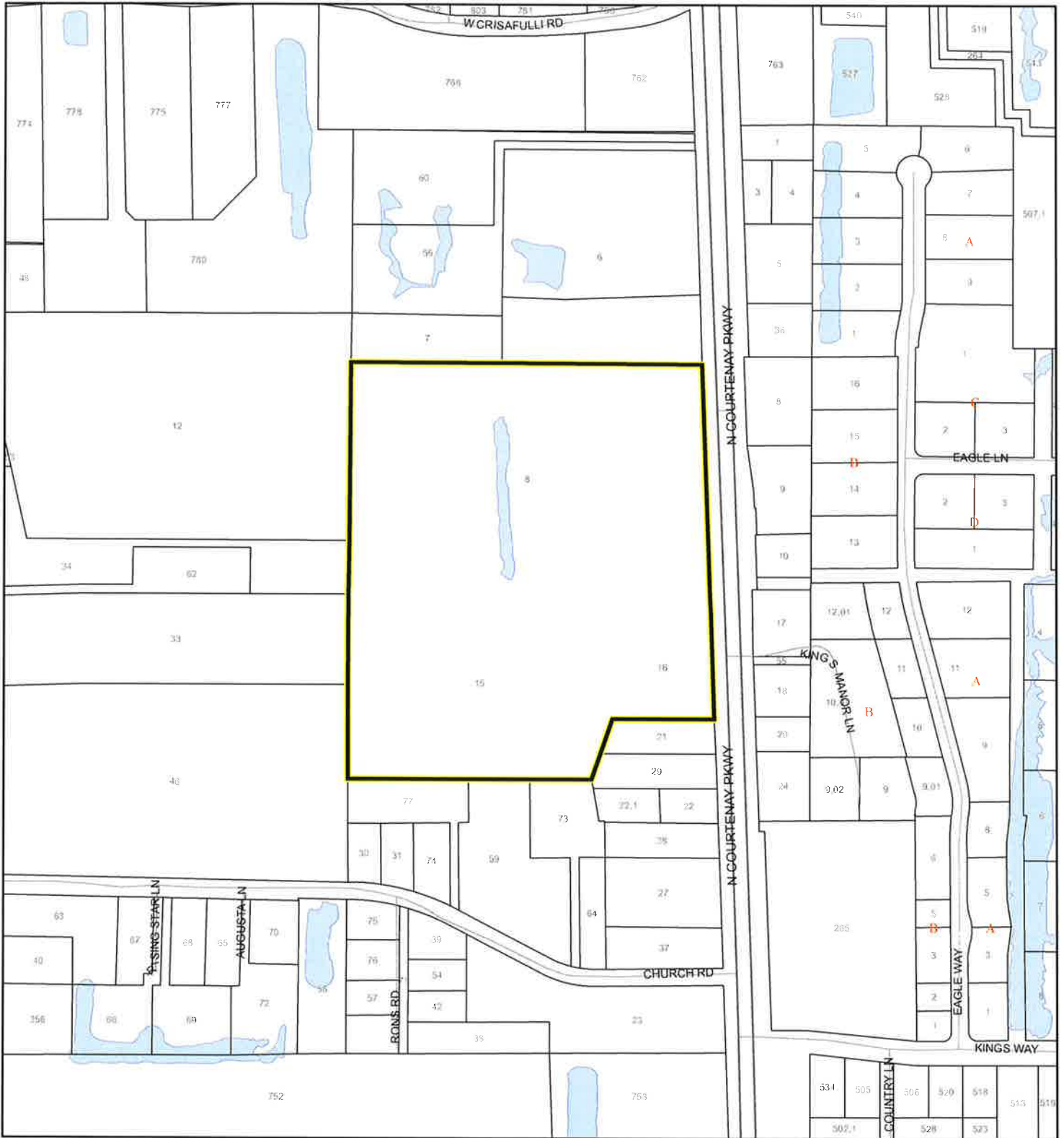
 60 Meters

 All Distances

EAGLE NESTS MAP

Dick Holdings LLC

23Z00048



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/25/2023

 Subject Property

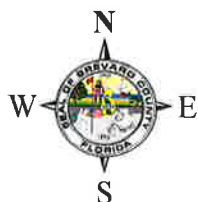
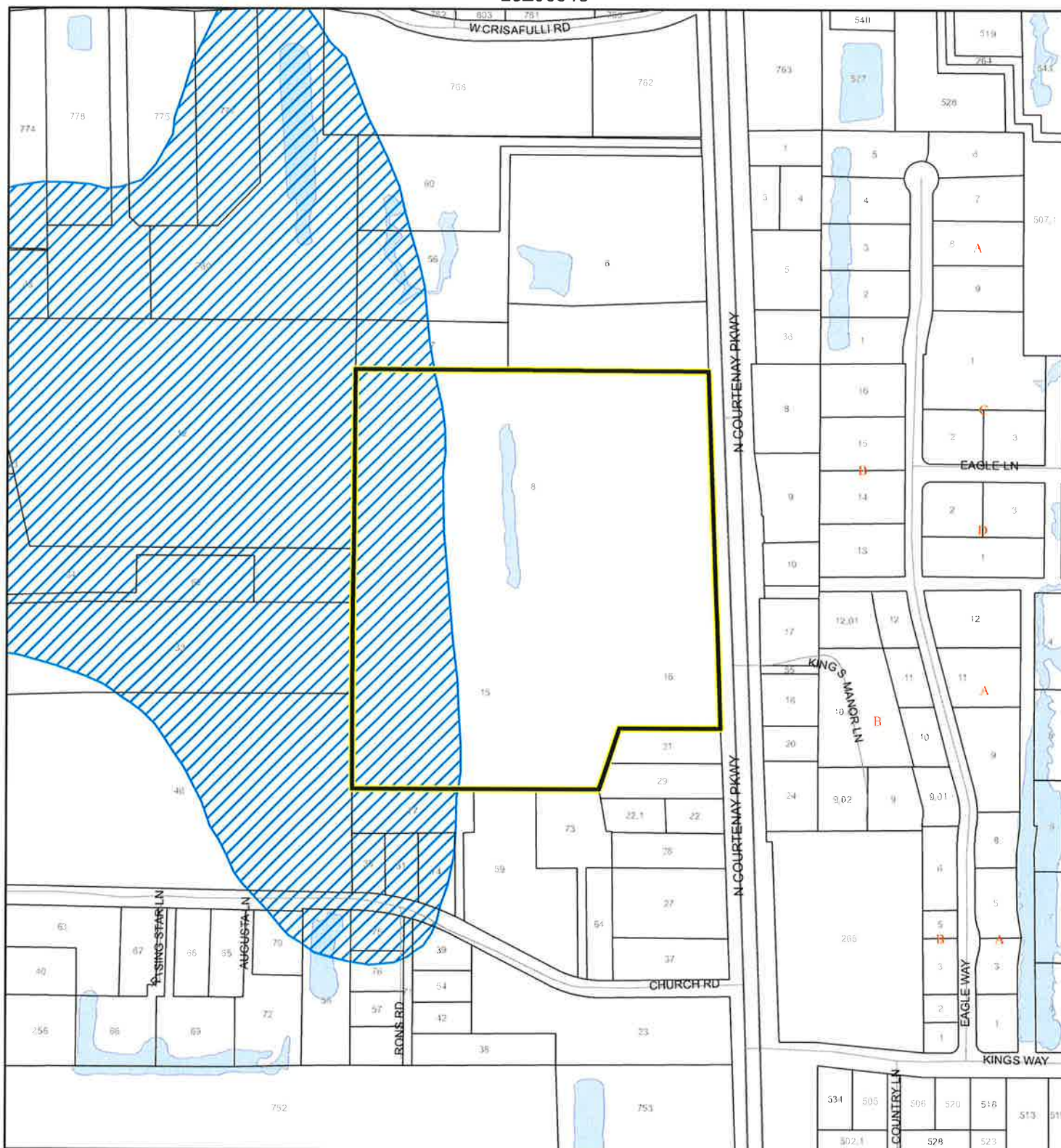
 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Dick Holdings LLC

23Z00048



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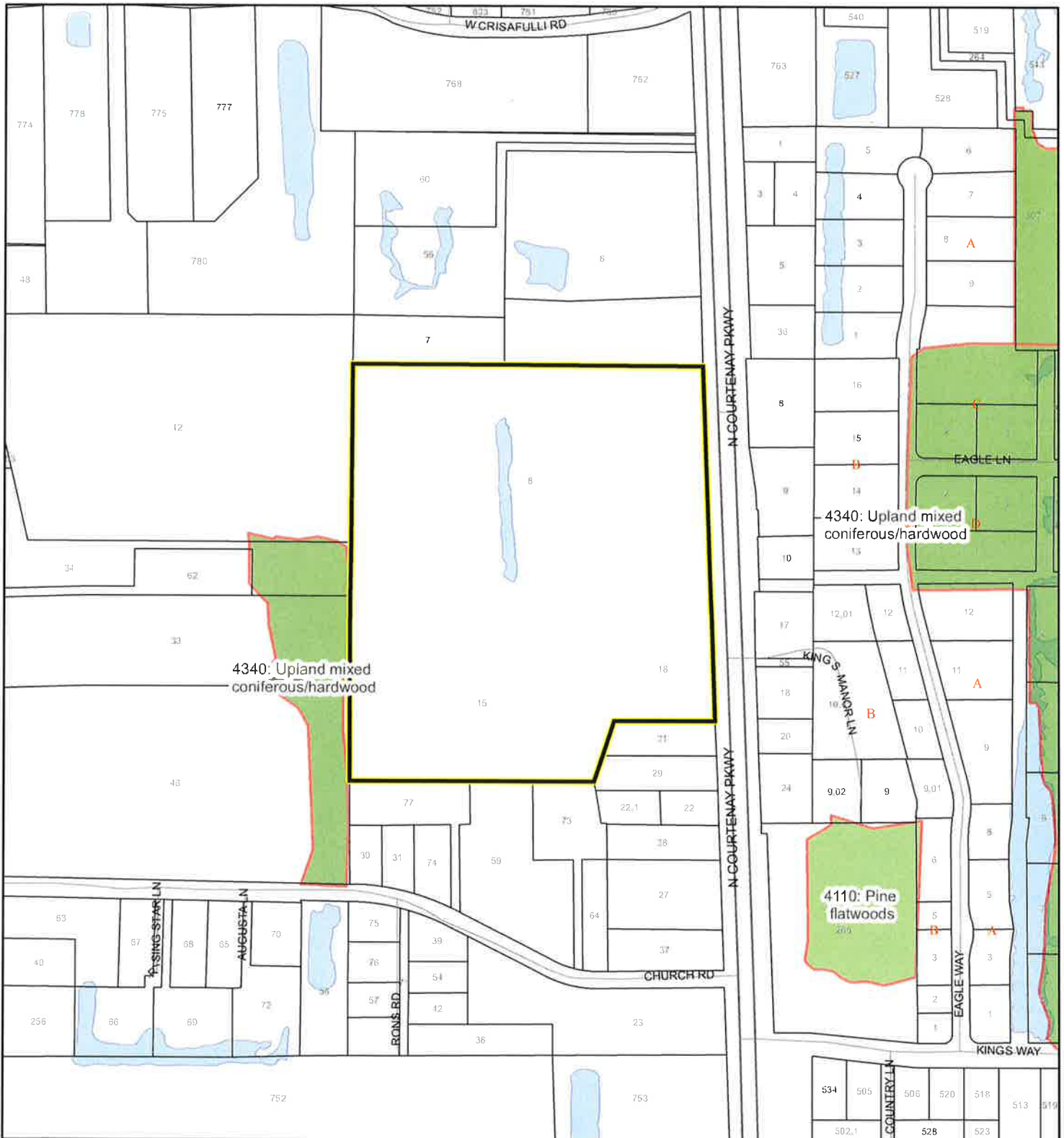
Produced by BoCC - GIS Date: 7/25/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Dick Holdings LLC

23Z00048



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: 7/25/2023

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

DATE: 8/7/2023

TO: Brevard County North Merritt Island
Dependent Special District Board

FROM: D. Govan – Longtime North Merritt Island resident

SUBJECT: Zoning Request 23Z00048 / Dick Holdings, LLC

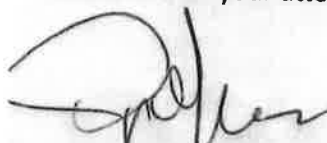
I am a longtime resident of North Merritt Island (NMI). I've lived and worked here for the past 30+ years and enjoy all the pleasures this area has to offer. One of the most attractive features the NMI area offers is that it is tucked away and sheltered from most of the hustle-and-bustle of the nearby cities maintaining its peaceful, rural serenity. Situated against the Kennedy Space Center to the North and surrounded by several county parks, this residential area of Brevard County is a jewel. Having said that, the area is beginning to feel the effects of urban sprawl with regard to all the construction and new traffic patterns.

I believe we need to maintain the peacefulness of the NMI residential community and DENY zoning request 23Z00048.

Reasons why this zoning request should be denied.

- NMI is a quiet peaceful residential community
- The proposed heliport is surrounded by residential neighborhoods
- Heliport will create excessive noise with approach and take-offs over the residential neighborhoods
- Times of use and no fly zones have not been established to prevent disruptions to the residents of NMI
- Kennedy Space Center to the north may restrict approach and take-off directions of travel requiring unavoidable residential 'fly-overs'
- There are two existing airports within 10 miles of the proposed heliport location, one of which is on Merritt Island (COI) and the other is just across the river in Titusville (Titusville – Cocoa Airport). Additionally, two other major airports, OIA and MLB, are fairly close by and can be utilized.

Thank You for your attention in this matter.

 8/7/23

Douglas Govan
475 Cheyenne Trail
Merritt Island, FL 32953
321-720-9308

From: doug.dgovan
To: [Jones, Jennifer](#)
Subject: Re: Zoning Request 23Z00048
Date: Tuesday, August 8, 2023 9:00:31 AM
Attachments: [Zoning Req 23Z00048 Comments by D Govan.pdf](#)

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

Hi Jennifer it's Doug. I spoke with the property owner and I agree with having the property rezoned as all AU. However, I wonder if there will be an opportunity to discuss the CUP portion for the future land use? You can toss my last correspondence as I wouldn't want to hold up the AU rezoning. Thanks!
Doug

On Aug 7, 2023, at 1:30 PM, Dgovan@bellsouth.net wrote:

Hi Jennifer,
Here's my comments/letter on the subject. Thank you for making sure it gets to the right place. Let me know if anything else is required.
Thanks again!
Douglas Govan
321-720-9308

NORTH MERRITT ISLAND

DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, August 10, 2023**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, 2nd Floor, Merritt Island, Florida.

Board members present were: Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Chris Cook; John Carbonneau; and John Speck, Jr.

Planning and Development staff present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

Dick Holdings, LLC (Vaheed Teimouri) requests a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to all AU. The property is 26.84 acres, located on the west side of N. Courtenay Pkwy., approx. 715 ft. north of Church Rd. (5695 N. Courtenay Pkwy., Merritt Island) (23Z00048) (District 2)

Amir Teimouri, 861 Greenwood Manor Circle, Melbourne – We just want to rezone the property so it can be used for personal use. The idea of this helipad is just a small place for him to land his helicopter. It's kind of like a recreational area, most of the land itself has orange groves on it. He has to build a residence on the property, which is what he will do so he can house his recreational vehicles to be used on the property. The intent of the rezoning is to have some place for him to land his personal helicopter, and there are no other businesses to start up after that.

Mary Hillberg – The helicopter would require a conditional use permit, right?

Jeffrey Ball – Yes.

Mary Hillberg – Tonight, we are only speaking to the zoning change.

Amir Teimouri – The zoning change is to AU to be able to include the property to be used for future use, which is the helipad.

Mary Hillberg – It is a relief to know there will only be a couple of round trips.

Amir Teimouri – Yes, the rezoning is really to only use the entire property as intended, and I believe it is a downgrading of zoning.

Mary Hillberg – We consider it an upgrade.

Chris Cook – Less intense.

Mary Hillberg – Thank you. Is there anyone else in the audience who would like to speak?

Jeffrey Ball – If I can interject for a second, I want to make sure the board understands the conditional use part. The code requires a personal heliport to be a Conditional Use. When and if the applicant decides to move forward, we will process that application for review by the board. Conditional Use Permits have different standards of review.

Mary Hillberg – We would be reviewing the CUP?

Jeffrey Ball – Yes.

Mary Hillberg – Why don't we review alcoholic beverage CUP's?

Jennifer Jones – You do, you just haven't had any in a while, plus there was a code change.

Jeffrey Ball – The code changed so that if alcoholic beverages are in conjunction with a restaurant, applicants can apply administratively.

Kim Gibbs, 3020 Water Oak Drive, Merritt Island – I have remarks of three minutes or less. It's very difficult to separate the request for the AU zoning designation without also considering the intended use as a helipad. I understand you probably don't want to talk or hear about the helipad, but I hope that you would listen to my very brief comments and consider them. I don't disapprove at all of the AU zoning designation. We moved to North Merritt Island and love it there because of the rural residential character, but I do work in a semi-professional capacity with communities across the country who are affected negatively by aircraft impacts. I just want to go through this quickly, and I know you won't be considering this tonight, but you will be thinking about it.

Mary Hillberg – You can come back when we are going to be discussing the CUP.

Kim Gibbs – And you know that I will, but if you could entertain me for less than three minutes, and then you can dismiss whatever I'm saying.

Mary Hillberg – Go right ahead.

Kim Gibbs – Noise impacts. Of course, who would complain about two little trips per day, but of course we are concerned about potential increases. The Robinson R44 helicopters are very loud, and the noise impacts are not limited to take off and landing. They can fly all over the place and affect the neighbors, and this is a rural residential community. The lack of non-existent regulations of aircraft noise, most of it is pre-empted by Federal law. The impact of property values is unquestioned and not disputed for excessive noise of any kind. The noise exposure map that will eventually be provided is based probably on the DNL, which is an average noise level, not the noise level that people really perceive and witness on the ground. And then the creation of sacrifice zones to accommodate this newly created path. Also, concerns about leaded fuel from piston-engined aircraft, a lot of folks don't know that these smaller planes are still running today on this antiquated technology of leaded fuel. Also, concerns about PFAS and whether or not there would be PFAS impacts. The leaded fuel stays in the ground and has negative consequences for environmental quality. The main concern is expansion of operations sometime later on. We've all seen situations where there is not adequate government oversight, so I'm very concerned about that. Lack of enforcement, lack of monitoring, and lack of any recourse by everyday citizens. Safety is also a concern, and the impact to wildlife. Thank you for listening.

Kim Smith, North Merritt Island Homeowners Association, PO Box 542372, Merritt Island – The homeowners association voted, and with one dissenting vote had no objection to this request.

Eric Marlow, 5815 N. Courtenay Parkway, Merritt Island - I'm the neighbor immediately to the north of the subject property. I think everyone is always concerned about development in our area, and being that this is a large piece of property, I think we're always trying to criticize people for what they do, and this is a large parcel that would be used for recreation, and it not a residential area by any

means. I always think about the alternative, and this property could be turned into 100+ homes. How do we stop everybody from doing everything? This seems like a very good use of the property for recreational purposes.

Evan Dick, 500 Treasure Lagoon Lane, Merritt Island, subject property owner – As far as the fuel that will be used, it is the same fuel as the motorcycles that I currently use on the property. It is true that there is a small amount of lead in Avgas, and recently there is a new type of Avgas that has zero lead to address some of the EPA's concerns, and as soon as it is available, I will only be using that type of fuel. Right now, the amount of fuel that I use in my motorcycles is a lot more than the fuel I will be using for the helicopter. To address the amount of times that I fly – I'm the only person who will ever be flying that helicopter – I have a seaplane, and I used it in Treasure Lagoon a couple of times a year, and the most I actually ever fly is twice a month. I don't want to limit myself to twice a month, but I will definitely not be violating the multiple flights of more than once or twice a day. I'm not even in Florida for more than half the time.

Mary Hillberg – Thank you. Is there anyone else who would like to speak? Okay, it is back to the board. What is your pleasure?

Jack Ratterman – Is it a commercial helicopter?

Evan Dick – It is completely private, just for me.

Jack Ratterman – I mean, is it a commercially made helicopter?

Evan Dick – It is a certified helicopter, yes.

John Speck – We shouldn't be talking about helicopters right now. Right now, it is just to rezone to AU. It's all good information background but hang onto it. I have a question for the one person who spoke, would you not recommend going to AU? Or is it just your fear of having a helicopter on the property?

Kim Gibbs – I don't have a problem with AU, I love AU.

Jim Carbonneau – I have two questions and one concern about take offs and landings.

Mary Hillberg – No more helicopters today, this is just for the AU. I personally think it's wonderful that 23 or 26 acres is going to be AU. We all love that, we have a rural community here and people like the green spaces, and that's the reason a lot of people live here.

Jim Carbonneau – I've spoken with several of the neighbors around the property, and I live on the north side of Crisafulli Road. Before the previous owners sold, I asked them what they were going to do with the property and they said they were going to build houses and raise Yankees. I appreciate the fact that this property will stay AU. Mr. Dick has been an honorable gentleman, he has done remarkable cleaning up and development of the property and kept it agriculture, it looks good, and I recommend we approve.

Mary Hillberg – So you made a motion to approve?

Jim Carbonneau – Yes.

Mary Hillberg – Is there a second?

Jack Ratterman – Second.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.



Commissioner Rob Feltner, District 4

2725 Judge Fran Jamieson Way

Suite: C-214

Viera, FL 32940

Phone: (321) 633-2044

D4.Commissioner@Brevardfl.gov

September 5, 2023

To: Jennifer Jones

From: Rob Feltner, Brevard County Commissioner, District 4

Re: Disclosure – 23SS00015; 23Z00053 – Tax Account 2501390

Concerning **23SS00015** and **23Z00053** on the September 7, 2023, Brevard County Zoning meeting agenda; on August 31, 2023, Commissioner Feltner had a telephone conversation with Mr. Cole Oliver. Subject of the discussion was the project. The conversation lasted approximately 5 minutes.

Thank you.

Rob Feltner
Brevard County Commissioner
District 4