



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.4.

5/1/2025

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### Subject:

Ryan and Sarah Lawhon request a Small-Scale Comprehensive Plan Amendment (25S.01), to change the Future Land Use Map (FLUM) designation from RES 1:2.5 to RES 1. (25SS00001) (Tax Account 2314528 & 2322697) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is recommended that the Board of County Commissioners consider a Small-Scale Comprehensive Plan Amendment (25S.01), to change the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1).

### Summary Explanation and Background:

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1). The applicant has a companion rezoning application, 25Z00002), requesting a change from FU and SR with a BDP to RR-1 with removal of the BDP. The change will provide access to Mildred Court so that the property can be used to construct a single-family home.

The portion of the subject property, represented by tax account number 2314528, retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958. The companion application 25Z00002, if approved, would amend the zoning classification from GU (General Use) and SR (Suburban Residential) to RR-1 (Rural Residential).

The subject parcel is located on the westside of Mildred Ct., a County maintained road approximately 400 feet north of Peroutka Dr.

To the north is a 1.07-acre parcel developed as a single-family residence with SR zoning and RES 1:2.5 FLU designation. There is also an 8.61-acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 density; Abutting the subject property to the South is a vacant lot zoned SR with RES 1:2.5 density and can be developed as a single-family residence; South of the subject property at the northwest corner of Peroutka Ln. and Mildred Ct. is a single-family residence which is zoned SR and has RES 1:2.5 density; and to the East of the subject property, eastside of Mildred Ct., are two (1) acre parcels with single-family residences.

They are zoned SR and have RES 1:2.5 density. Abutting the subject property to the West, is a lot of 104 acres, with SR zoning classification and RES 1:2.5 density, owned by Brevard County.

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

On April 14, 2025, the Local Planning Agency heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

Once filed with the State, please return a copy of the executed Ordinance to Planning and Development.



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

May 2, 2025

**M E M O R A N D U M**

**TO:** Billy Prasad, Planning and Development Director    Attn: Trina Gilliam

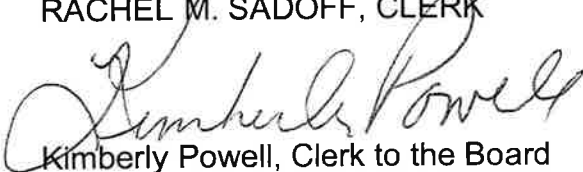
**RE:** Item H.4., Ordinance for Small Scale Plan Amendment (25S.01), Changing the Future Land Use Designation from RES 1:2.5 to RES 1

The Board of County Commissioners, in regular session on May 1, 2025, adopted Ordinance No. 25-05, setting forth the seventh Small Scale Comprehensive Plan Amendment of 2025 (25S.01) to change the Future Land Use designation from RES 1:2.5 to RES 1 (25SS00001). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: County Attorney

ORDINANCE 25-05

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2025, 25S.01 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI(E), THE FUTURE LAND USE APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2025 as Small Scale Plan Amendment 25S.01; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these

Officially filed with the Secretary of State on May 2, 2025.

Technical Advisory Groups have provided technical expertise for the Amendment 25S.01; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on April 14, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 25S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 1, 2025, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 25S.01; and

WHEREAS, Small Scale Plan Amendment 25S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 25S.01 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 25S.01 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 25S.01, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.


Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged

pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this first day of May, 2025.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
Rob Feltner, Chair

As approved by the Board on May 1, 2025.

**EXHIBIT A**  
**25S.01 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

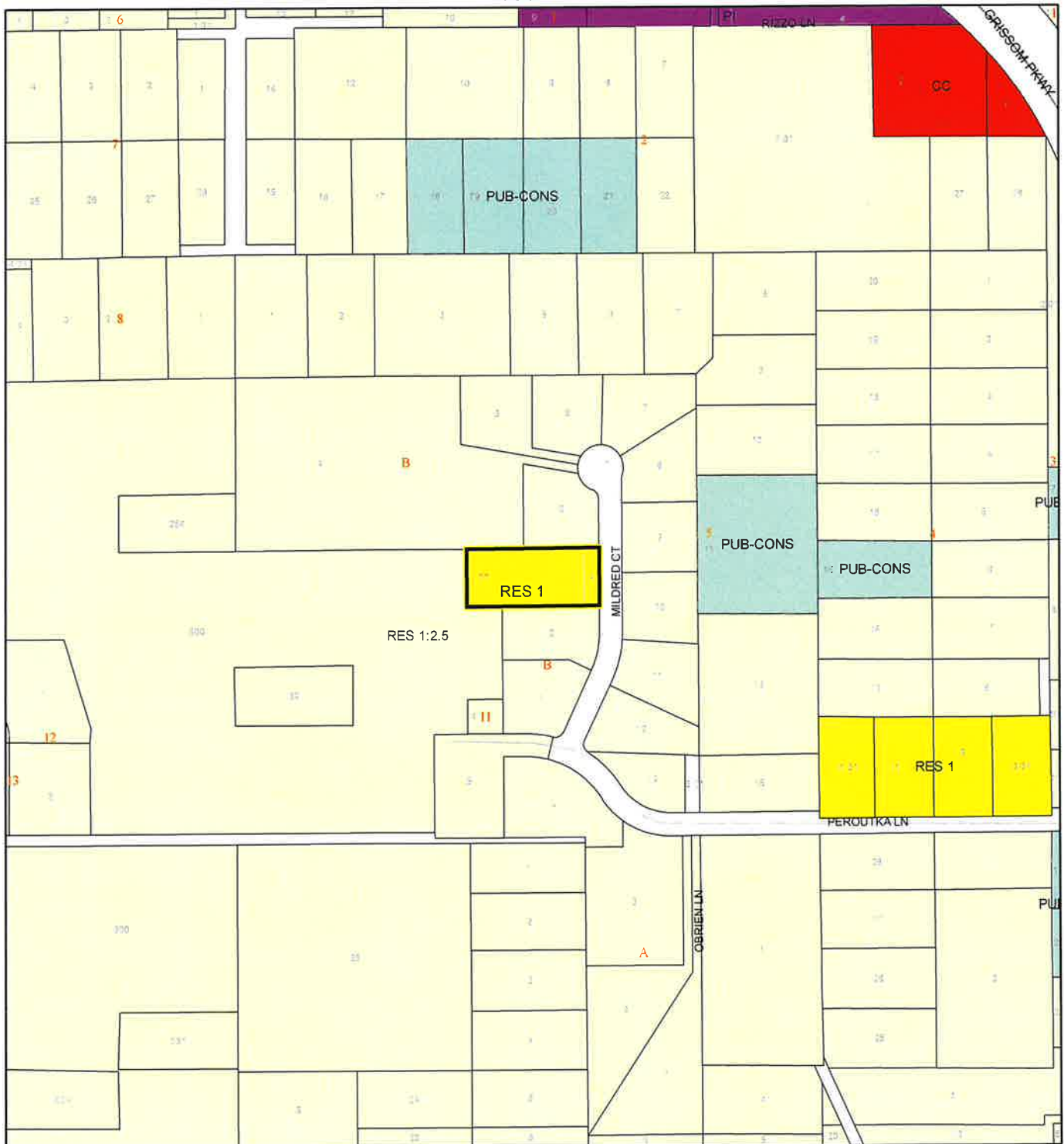
1. Proposed Future Land Use Map



# PROPOSED FUTURE LAND USE MAP

LAWHON, RYAN STEVEN

25SS00001



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.

Produced by BoCC - GIS Date: 1/24/2025

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

**S ½ OF SW ¼ OF NE ¼ OF SW ¼ AS DES IN ORB1622 PG243 TOGETHER  
WITH TRACT A OF PB 46 PG 86**



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 2, 2025

Rachel Sadoff  
County Clerk  
Brevard County  
Post Office Box 999  
Titusville, FL 32781-0999

Dear Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 25-05, which was filed in this office on May 2, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp

## **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.

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 25S.01 (25SS00001)*  
**Township 25, Range 35, Section 35**

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**Property Information**

Owner / Applicant: **Ryan and Sarah Lawhon**

Adopted Future Land Use Map Designation: Residential 1:2.5 (RES 1:2.5)

Requested Future Land Use Map Designation: Residential 1 (RES 1)

Acreage: 1.43 +/- acres

Tax Account #: 2314528 & 2322697

Site Location: West side of Mildred Court, approximately 400 feet north of Peroutka Lane.

Commission District: 1

Current Zoning: GU (General Use) & SR (Suburban Residential)

Requested Zoning: All RR-1 (Rural Residential)

**Background & Purpose**

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on 1.43 acres. The subject property has 1.25 acres zoned GU and 0.18 acres zoned SR with RES 1:2.5 on all 1.43 acres. The change will provide access to Mildred Court so that the property can be used to construct a single-family home.

The portion of the subject property, represented by tax account number 2314528, retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

A companion application **25Z00002**, if approved, would amend the zoning classification from GU (General Use) and SR (Suburban Residential) to RR-1 (Rural Residential).

The subject parcel is located on the westside of Mildred Ct., a County maintained road approximately 400 feet north of Peroutka Dr.

There are no current code enforcement complaints on the property.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	vacant Single-family residence	AU SR	RES 1:2.5
<b>South</b>	vacant Single-family residence	SR	RES 1:2.5
<b>East</b>	Single-family residence	SR	RES 1:2.5
<b>West</b>	vacant	SR	RES 1:2.5

To the north is a 1.07 acre parcel developed as a single-family residence with SR zoning and RES 1:2.5 FLU designation. There is also an 8.61 acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 density.

Abutting the subject property to the South is a vacant lot zoned SR with RES 1:2.5 density and can be developed as a single-family residence.

South of the subject property at the northwest corner of Peroutka Ln. and Mildred Ct. is a single-family residence which is zoned SR and has RES 1:2.5 density.

To the East of the subject property, eastside of Mildred Ct., are two (1) acre parcels with single-family residences. They are zoned SR and have RES 1:2.5 density.

Abutting the subject property to the West, is a lot 104 acres, with SR zoning classification and RES 1:2.5 density, owned by Brevard County.

### Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

## FLUE Residential 1 (maximum of 1 unit per acre) Policy 1.9

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

### Criteria:

- A. Areas adjacent to existing Residential 1 land use designation; or

**The subject property is not adjacent to another RES 1 land use designation.**

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density;

**The subject property does not serve as a transition between areas of greater density and lesser density.**

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

**The subject property is not adjacent to an incorporated area.**

- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development were deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

**The companion rezoning application does not request PUD zoning.**

**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;

**The requested RR-1 zoning would allow for one single-family residence due to lot size. It is compatible with the established residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life.**

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

**Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).**

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

1. historical land use patterns;

**The historical land use pattern of the surrounding development is characterized as single-family residential on platted one (1) acre lots that are consistent with the adopted RES 1:2.5 density limit due to the BDP connected with the zoning.**

**There are two (2) FLU designations within 500 feet of the subject site: RES 1:2.5, and PUB-CONS. Within one-half mile of the subject property the predominant FLU designation is RES 1:2.5.**

**There are developed RES 4 subdivisions east of Grissom Parkway, approximately one-third mile to the east of the subject property.**

**Other than development activity occurring on the subject property, there are no emerging patterns of development.**

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

2. actual development over the immediately preceding three years; and  
**New development within 0.5 miles of the subject property within the last three years has been limited to a small number of single-family homes and manufactured houses.**

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

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

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

**No material violation of relevant policies has been identified.**

#### **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 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 developed character of the surrounding area, which is south of Canaveral Groves Blvd., west of Grissom Pkwy., north of the City of Cocoa, and east of Interstate 95, is exclusively single-family residential on lots of one (1) acre or more.**

**There are multiple zoning classifications within a 0.5 mile radius of the subject property: GU, AU, AU(L), and RR-1 zoning classifications.**

**The request would recognize existing development trends. Furthermore, the GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger.**

**This request is not anticipated to have a measurable impact on the area in terms of trip generation or parking. No commercial or industrial activity is proposed.**

- 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 subject property is in a platted subdivision, Veronica Estates, with established roads. This area is in an established residential neighborhood with clearly established boundaries, open spaces, 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.

**The proposed is not a commercial 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.

**The area is primarily single-family residential. The closest commercial zoning is approximately 1,416 ft. (0.25 miles) northeast of the subject property.**

#### **Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A majority of the subject parcel contains mapped hydric soils that indicators 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.**

Please refer to the full NRM comments at the end of this report.

#### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Grissom Pkwy. between Canaveral Groves Blvd. and Camp Rd., which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 46.37% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 46.46% 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 site falls below the minimum number of new residential lots that would require a formal review.

The subject property is not within any public water or available sewer lines. The proposed home will be serviced by well for potable water and septic for sewer.

### **Environmental Constraints**

#### **Wetlands and Hydric Soils**

The wetland delineation shall be confirmed prior to any land clearing activities, site plan design, or building permit submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species

See the full NRM comments at the end of this report.

### **Historic Resources**

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Land Use Review & Summary  
Item No. 25SS00001**

**Applicant:** Steve Lawhon (Owners: Ryan and Sarah Lawhon)

**Land Use:** RES 1:2.5 to RES 1

**Note:** to develop one SFR lot

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

**Tax ID No.:** 2322697 & 2314528

- 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:**

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Wetlands and Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclote sand); indicators that wetlands may be present on the property. An Environmental Report for Wetlands and Protected Species, dated December 7, 2024, prepared by EcoSpatial Analysts, Inc., depicts an approximately 0.753-acre wetland on the western portion of the site. The applicant proposes all development within the uplands (approximately 0.687 acres) on the site. **The wetland delineation shall be confirmed prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential**

**acreage as set forth in Section 62-3694(c)(6).** Therefore, should the applicant combine the two properties, development shall be permitted with wetland impacts not exceeding 1.8% of the total property acreage.

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. Any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### Aquifer Recharge Soils

This property contains Basinger sand which may also function as aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The floodplain in this location is classified as either riverine or isolated and is therefore subject to the development criteria outlined in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. 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."

#### Protected and Specimen Trees

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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 mapped Florida Scrub Jay habitat / occupancy on the property. Additionally, there is potential for existence of Gopher Tortoises on site as Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the

applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

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

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

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

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

### **Excerpt of complete agenda**

**H.5. Ryan and Sarah Lawhon request a Small-Scale Comprehensive Plan Amendment (25S.01) to the Future Land Use Designation from RES 1:2.5 to RES 1. (25SS00001) (Tax Accounts 2314528 and 2322697) (District 1)**

**H.6. Ryan and Sarah Lawhon request a change of zoning classification from GU and SR with an existing BDP to RR-1 with removal of existing BDP. (25Z00002) (Tax Accounts 2314528 and 2322697) (District 1)**

Trina Gilliam read companion Items H.5. and H.6. into the record.

Ryan Lawhon spoke to the application. He stated he and his wife have been working hard to purchase this land to build their first home. The response from the homeowners association was very positive and they were excited because there is a lot to build on. The sidewalk will now be 100% complete and we're very excited to build our home.

No Public Comment

Mr. Hopengarten stated the parcel to the east is cited on the property appraiser website as having no owner. Your lot has no access.

Mr. Lawhon responded he is not familiar with that. We put the lots together, so we'll have access.

Ms. Gilliam responded there were 2 previous parcels that have been combined under one warranty deed.

Motion to recommend approval of Item H.5. by Logan Luse, seconded by Ana Saunders. Motion passed unanimously.

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Erika Orriss. Motion passed unanimously.

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



# ecospatial ANALYSTS

December 7, 2024

Steven Lawhon  
2120 EASTWOOD DR  
MERRITT ISLAND FL 32952  
Email [stevenlawhon@aol.com](mailto:stevenlawhon@aol.com) | Phone 321-432-5921

Project Address: MILDRED CT, COCOA, FL 32927  
Project Area 0.18 acres + 1.25-acres  
Brevard Co Parcel ID: 23-35-35-02-\*A, 23-35-35-00-77  
Tax Accounts: 2322697; 2314528  
Parcel Description: VERONICA ESTATES PHASE ONE TRACT A FUTURE DEVELOPMENT and S 1/2 OF SW 1/4 OF NE 1/4 OF SW 1/4 OF NE 1/4 AS DES IN ORB 1622 PG 243

Subject: Environmental Report for Wetlands and Protected Species

Ecospatial Analysts, Inc. conducted an environmental assessment and wetland determination on the above-referenced properties on October 24, 2024. The property is two vacant parcels located in Cocoa, Brevard Co., Florida (Figure 1 and 2). The parcels were bounded by Mildred Ct to the east, vacant land that is designated as a Conservation Easement owned by Brevard Co. and single-family residences to the north and south (Figure 3).

**PURPOSE** The purpose of the environmental field site review was to identify wetlands and rare, threatened or endangered species habitat that may influence proposed site development.

**LANDCOVER** Landcover (Figure 4) was mapped using the Florida Land Use Cover and Forms Classification System (FLUCFCS) (1999) within the Brevard County Parcel boundary as obtained from the Florida Department of Revenue Geographic Information System (GIS) data. The landcover within the property consisted of two landcover types (Table 1).

Table 1. Land cover type and approximate acreage found with the parcel.

Landcover Description (FLUCFCS Code)	Area (acres)
Hardwood - Coniferous Mixed (434)	0.687
Wetland Forested Mixed (630)	0.753
<b>Total Approximate Area *</b>	<b>1.440</b>

\* total area from Brevard County GIS Parcel data

Uplands on the parcel consisted of  $\pm 0.687$ -acres of Hardwood - Coniferous Mixed (FLUCFCS 434). The Hardwood - Coniferous Mixed was dominated by a scattered canopy of pines (*Pinus* spp.), live oak (*Quercus virginiana*), laurel oaks (*Q. laurifolia*), with a midstory comprised mostly of saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), rusty staggerbush (*L. ferruginea*), muscadine (*Vitis*

*rotundifolia*) and greenbriar (*Smilax* spp.). Patches of ground cover included bushy bluestem (*Andropogon glomeratus*), blackberry (*Rhus* spp.) and other common herbs and vines.

Wetlands included Wetland Forested Mixed (FLUCFCS 630). The forested wetlands were dominated by slash pine, laurel oaks, red maple (*Acer rubrum*), loblolly bay (*Gordonia lasianthus*), Carolina ash (*Fraxinus caroliniana*), hackberry (*Celtis laevigata*), wax myrtle (*Morella cerifera*) and groundsel tree (*Baccharis halimifolia*). Groundcovers consisted of blackberry (*Rhus* spp.), cinnamon fern (*Osmundastrum cinnamomeum*), Virginia chain fern (*Woodwardia virginica*) and swamp fern (*Telmatoblechnum serrulatum*).

Soil profiles confirmed the presence of hydric soils within the wetland area. Wetland soils were light grey colored, stripped mineral matrix along the wetland line. To the west there were locations of low topography that had a higher organic in which the surface one to two inches were grey colored, with greater than 70% of the sand grains coated with organic material. Upland soils were light grey colored, mineral with less than 30% of the grains coated in organic material.

**WETLANDS** The investigation concluded one jurisdictional wetland, Wetland 1 (W1;  $\pm 0.753$ -acres) (Chapter 62- 340 of the Florida Administrative Code (F.A.C.)) occurred the parcel (Figure 5). The presences of wetland vegetation, hydric soils and hydrological indicators make this wetland area jurisdictional.

The wetland flag locations represented in Figure 5 were collected in the field with a Trimble GeoXT GPS. Data were imported into a geodatabase in ArcGIS. The wetland was delineated with one line (W1-1 to W1-4) of neon orange surveyor flagging tape consecutively numbered along their boundary. For purposes of surveying, W1-1 should be tied due north to its intersection with the parcel boundary. W1-4 should be tied due south to its intersection with the parcel boundary.

**PROTECTED SPECIES** Most of the uplands on the site was low quality, habitat for the protected gopher tortoise (*Gopherus polyphemus*). No potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were located on the parcel (Figure 5) during the site review. Gopher tortoises are a Florida-designated threatened species and shall be afforded the protective provisions specified in Chapter 68A-27 Florida Administrative Code (F.A.C.). Burrows shall be protected by a 25-foot buffer in which no construction activity can be conducted or the relocation of the tortoises can be permitted through Florida Fish and Wildlife Conservation Commission. The land owner is responsible for any and all violations of Chapter 68A-27.

The parcel is also potential habitat for the Eastern indigo snake (*Drymarchon couperi*). The Eastern indigo snake is protected as a Threatened species by the Federal Endangered Species Act and as a Florida-designated threatened species by (Chapter 68A-27 F.A.C.). No Eastern indigo snakes were seen on the parcel. Protection of the tortoises' burrows will protect the Eastern indigo snakes. If Eastern indigo snakes are seen on the parcel, they should be left alone.

The trees on the parcel may be used by birds. Raptors, or birds of prey, and the majority of other birds in the United States are protected by the Migratory Bird Treaty Act, 16 U.S.C. 703 (MBTA). If these birds are found in the area they should also be left alone.



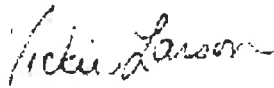
**SOILS** Three soil series occurred within the property (Figure 6); Immokalee sand, 0 to 2 percent slopes, Basinger sand, 0 to 2 percent slopes and Ancloste sand. The soil characteristics derived from soil profiles were somewhat consistent to the soil descriptions within the Soil Survey of Brevard Co. (<http://websoilsurvey.nrcs.usda.gov/>); however, the boundaries of the soils series edges were not consistent. Only the west a portion of the Bassinger sand on these this lot showed hydric soil conditons.

#### REFERENCES

Florida Land Use, Cover and Forms Classification System (FLUCFCS). January 1999, Third Edition. Department of Transportation Surveying and Mapping Section. 95 pp.).

Please contact me, by email to [ylarson@ecospatialanalysts.com](mailto:ylarson@ecospatialanalysts.com) or phone to 321.403.5147, if you have any questions regarding the information provided or other environmental questions related to this parcel.

Regards,



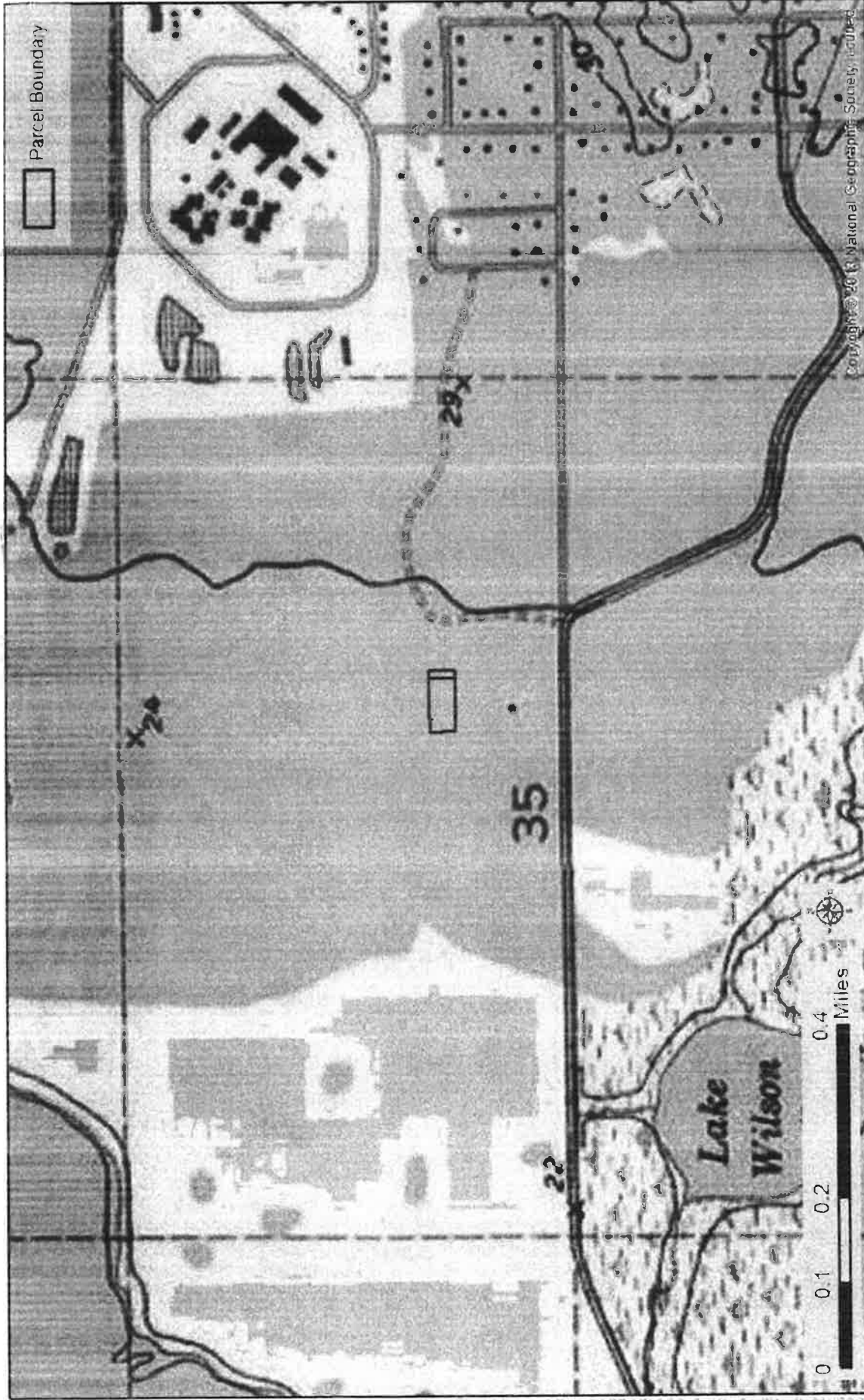
(electronically submitted)

Vickie L. Larson  
President



**Title:** Location (1.43 acre)  
**Address:** Mildred Ct, Cocoa, FL 32927  
**Parcel ID:** 23-35-35-02-\*A, 23-35-35-00-77  
**Source:** ESRI Streets  
**Notes:** Locations approximate, Reported areas include both parcels.  
**Site visit:** 10/24/24

881 Barton Blvd Suite 145  
Rockledge, FL 32955  
321.403.5147



Date 12/8/2024



881 Barton Blvd Suite 145  
Rockledge, FL 32955  
321.403.5147

Figure  
No. **2**

Title: USGS 7.5 minute quad Topography (1.43 acre)  
Address: Mildred Ct, Cocoa, FL 32927  
Parcel ID: 23-35-35-02-\*A, 23-35-35-00-77  
Source: ESRI USA Topography  
Notes: Locations approximate, Reported areas include both parcels.  
Site visit 10/24/24



**Title:** Aerial Imagery (1.43 acre)  
**Address:** Mildred Ct, Cocoa, FL 32927  
**Parcel ID:** 23-35-35-02.\*-A, 23-35-35-00-77  
**Source:** ESRI Basemap Imagery  
**Notes:** Locations approximate, Reported areas include both parcels.  
**Site visit** 10/24/24



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Rockledge, FL 32955  
321.403.5147



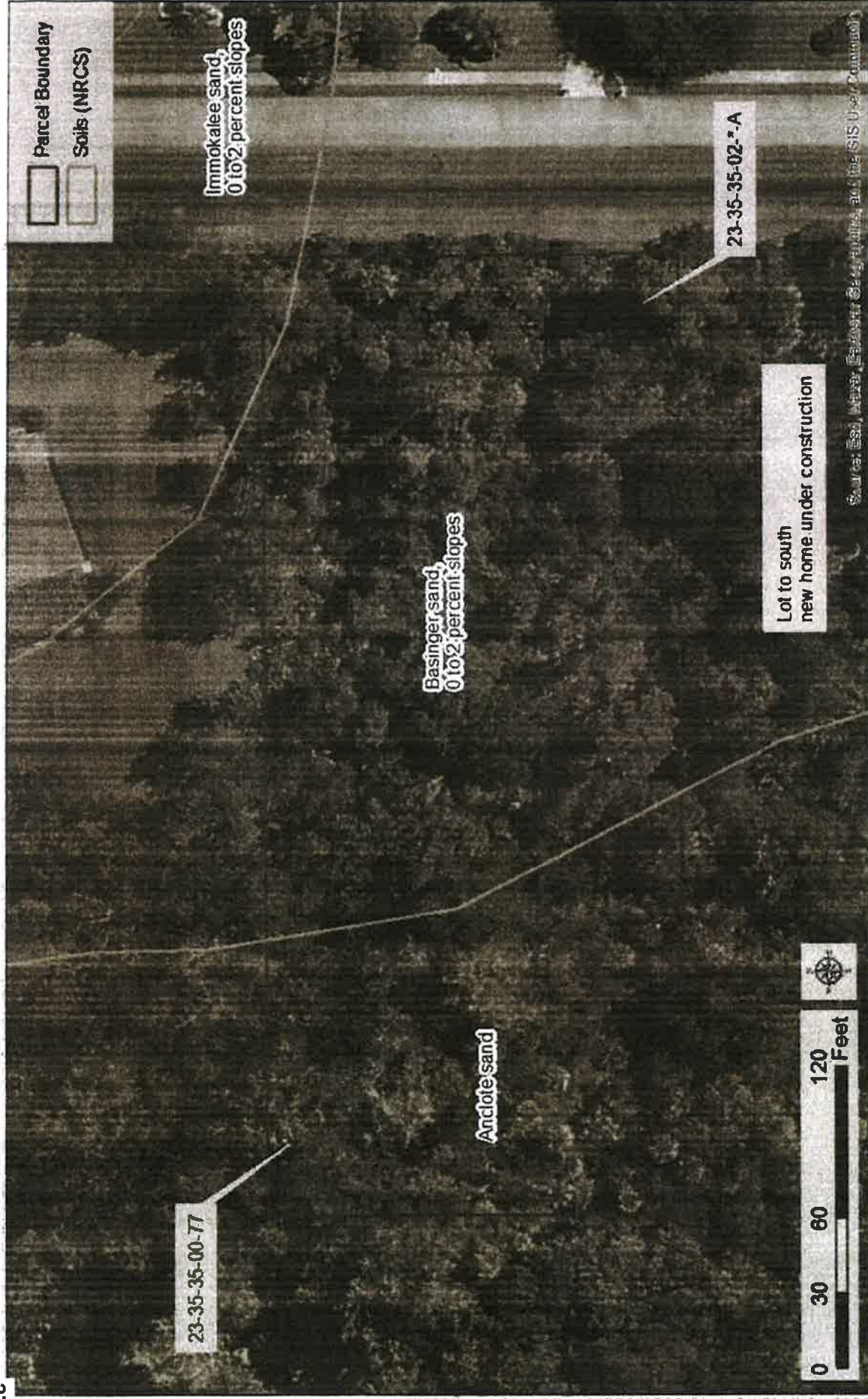


**881 Barton Blvd Suite 145  
Rockledge, FL 32955  
321.403.5147**

Notes: Locations approximate, Reported areas include both parcels.  
Site visit 10/24/24

4





Date: 12/8/2024

**ecospatial**  
ANALYSTS  
881 Barton Blvd Suite 145  
Rockledge, FL 32955  
321.403.5147

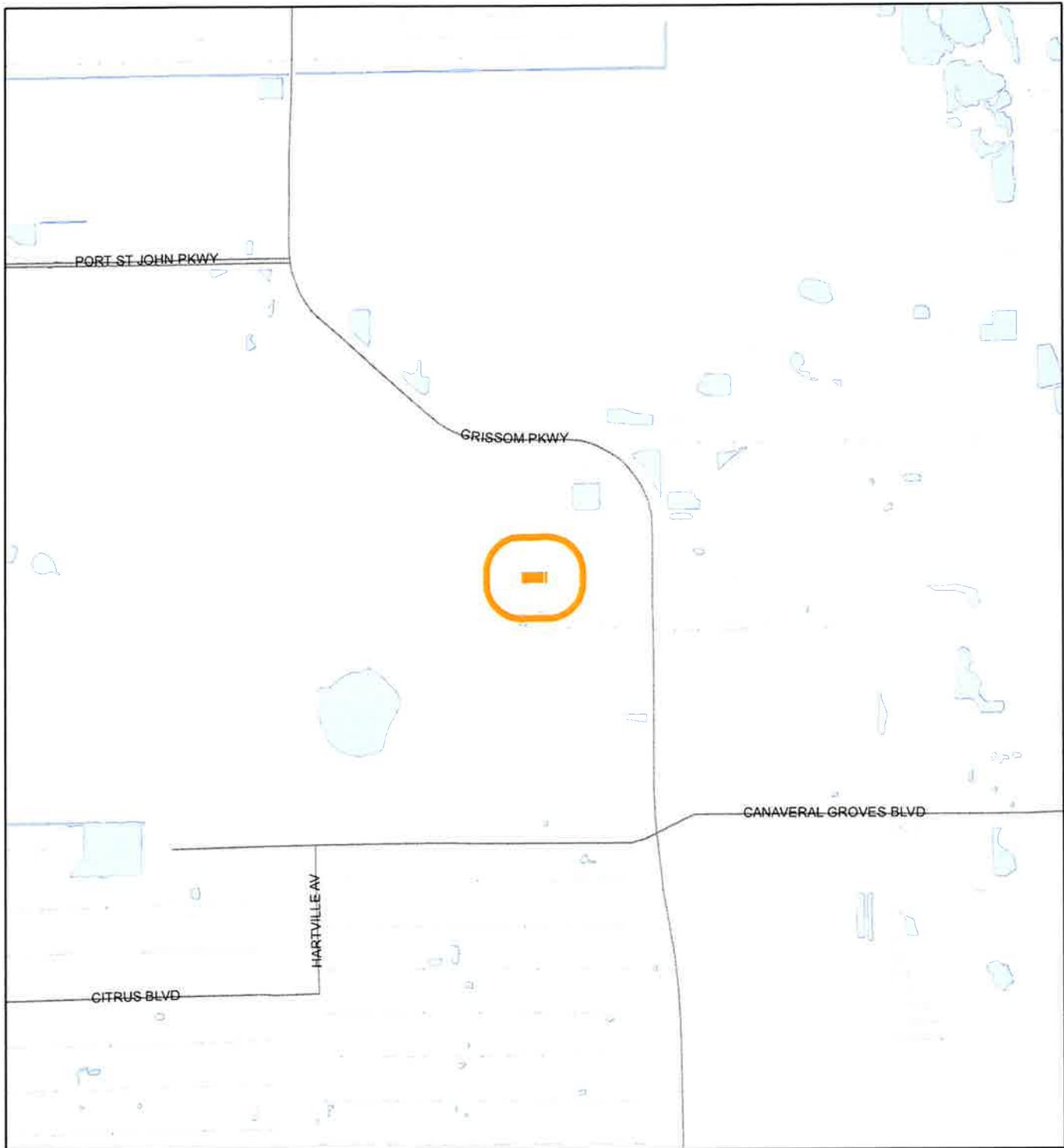
**Title:** Soils (1.43 acre)  
**Address:** Mildred Ct, Cocoa, FL 32927  
**Parcel ID:** 23-35-35-02-\*A, 23-35-35-00-77  
**Source:** ESRI Basemap Imagery  
**Notes:** Locations approximate, Reported areas include both parcels.  
**Site visit** 10/24/24

**Figure No. 6**

# LOCATION MAP

LAWHON, RYAN STEVEN

25SS00001



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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 1/24/2025

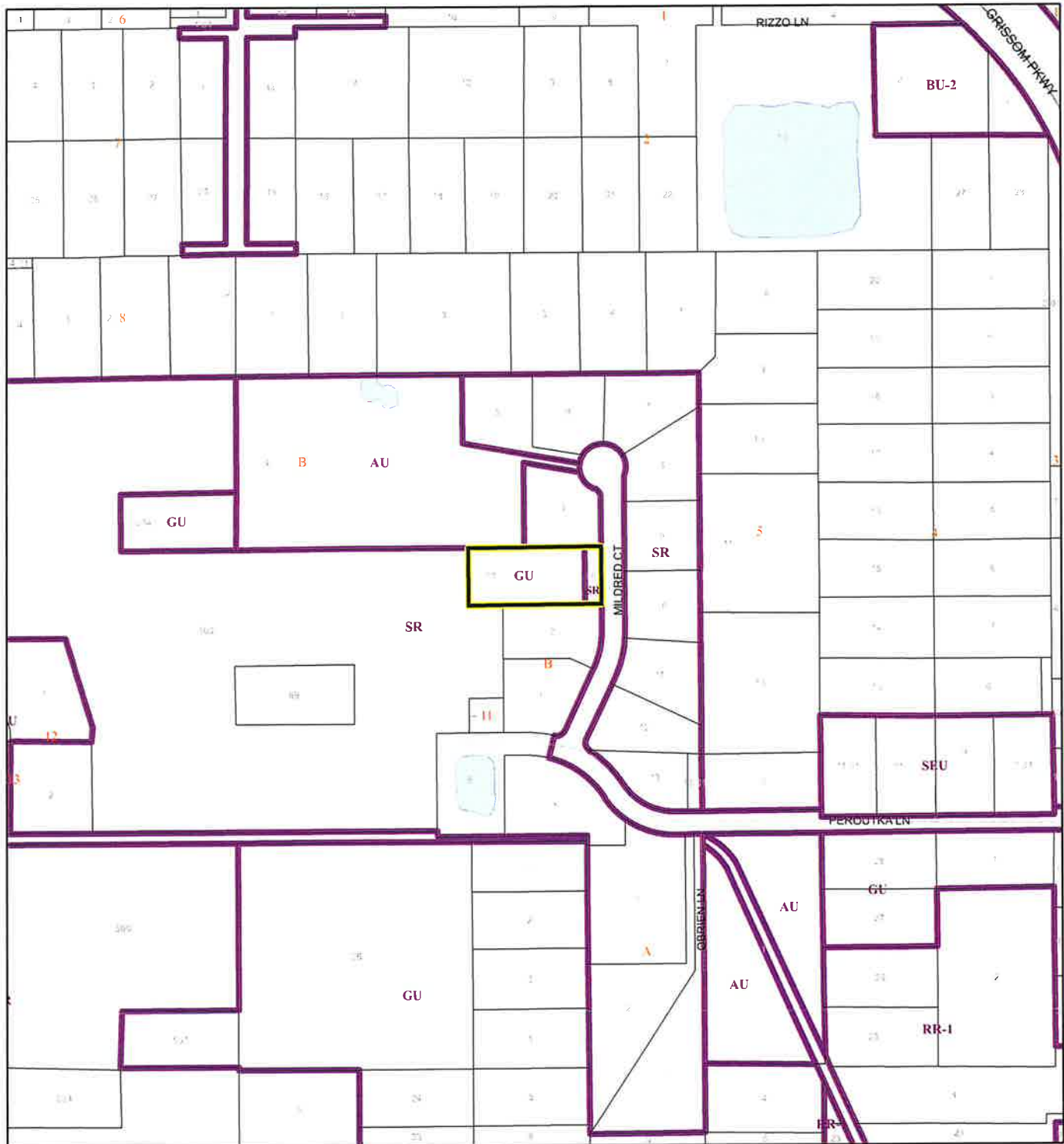
— Buffer

— Subject Property

# ZONING MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/24/2025

Subject Property

Parcels

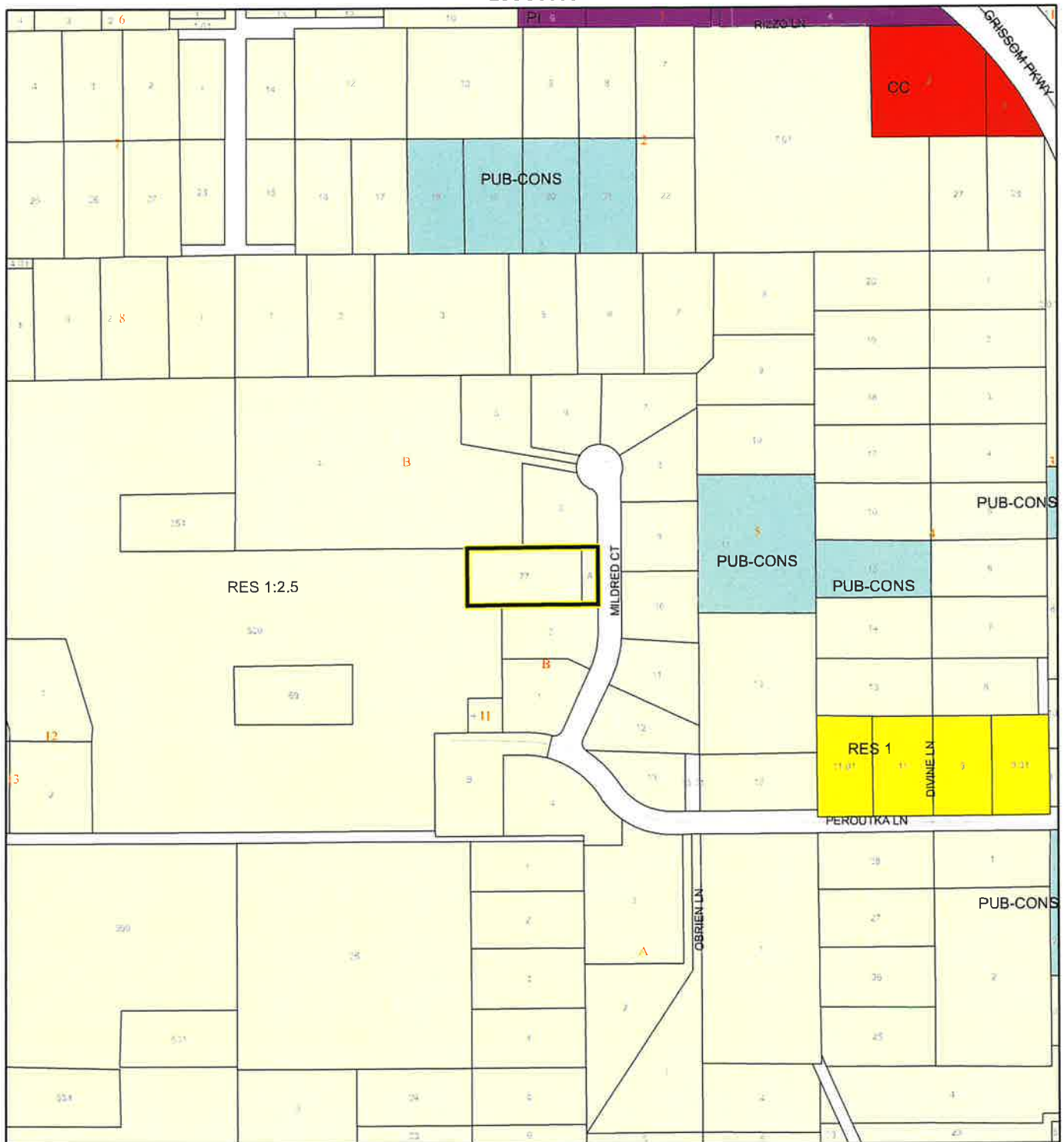
Zoning





# FUTURE LAND USE MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

 Subject Property  
 Parcels

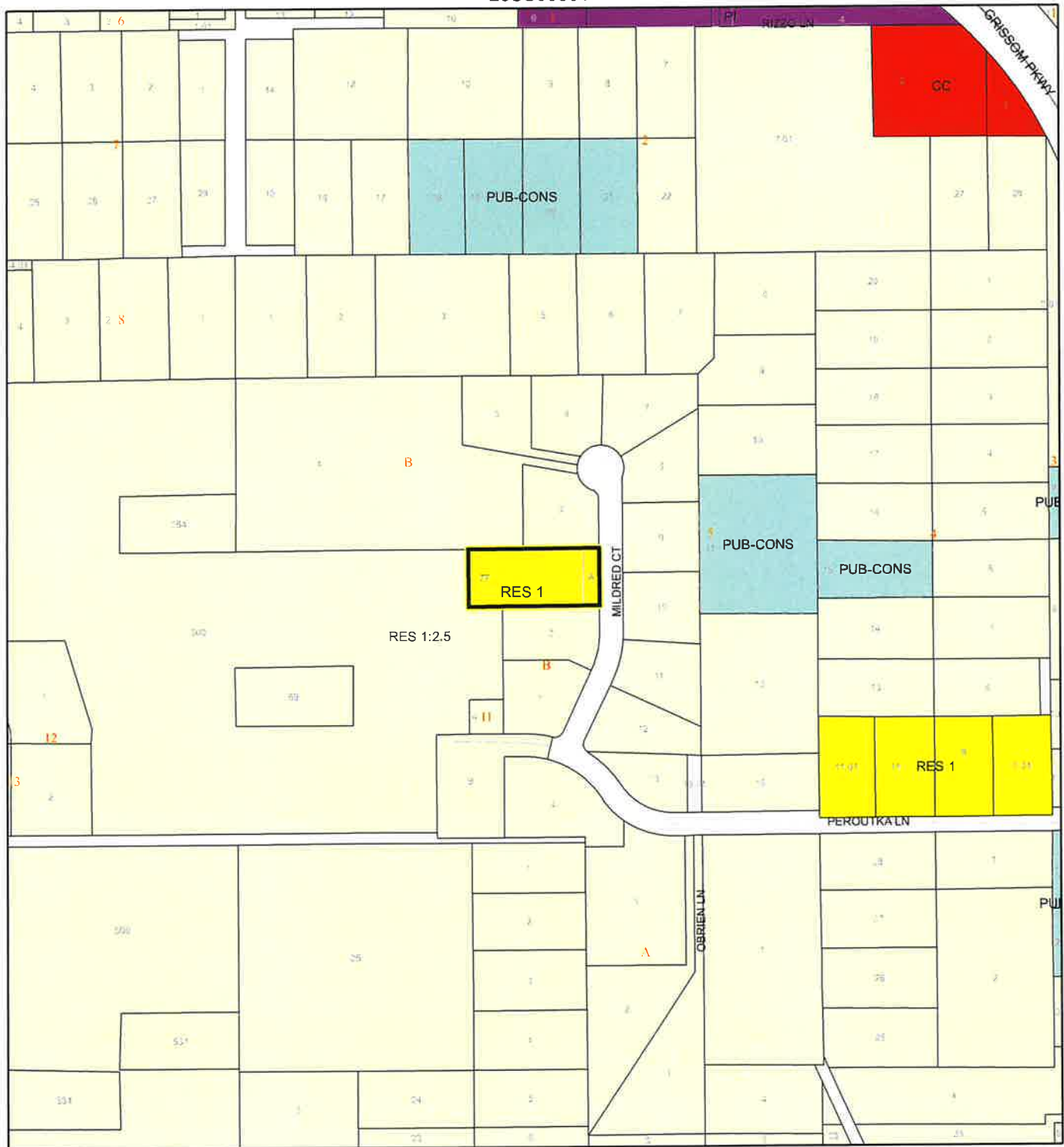
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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# PROPOSED FUTURE LAND USE MAP

LAWHON, RYAN STEVEN

25SS00001



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.

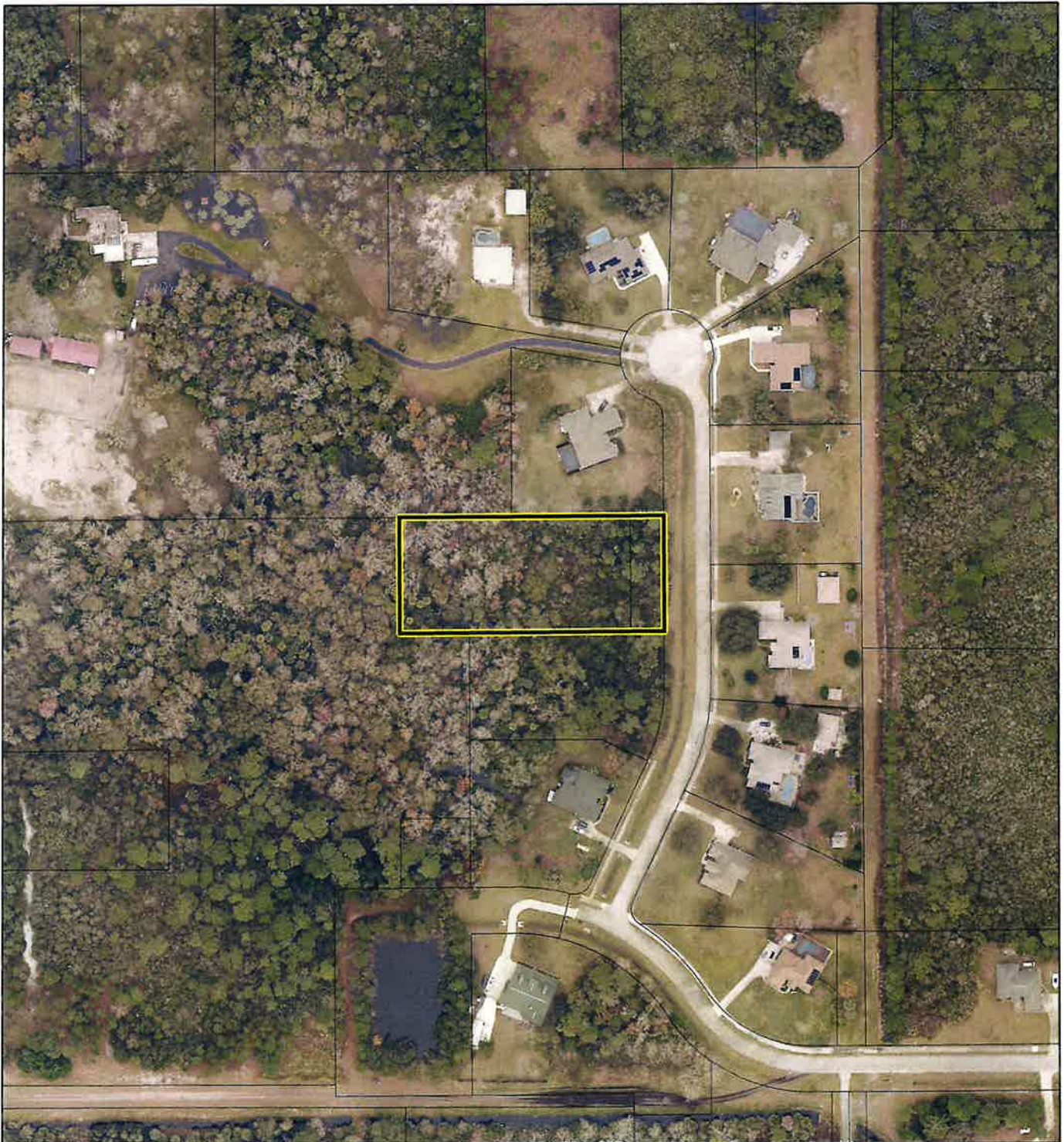
Produced by BoCC - GIS Date: 1/24/2025



# AERIAL MAP

LAWHON, RYAN STEVEN

25SS00001



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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

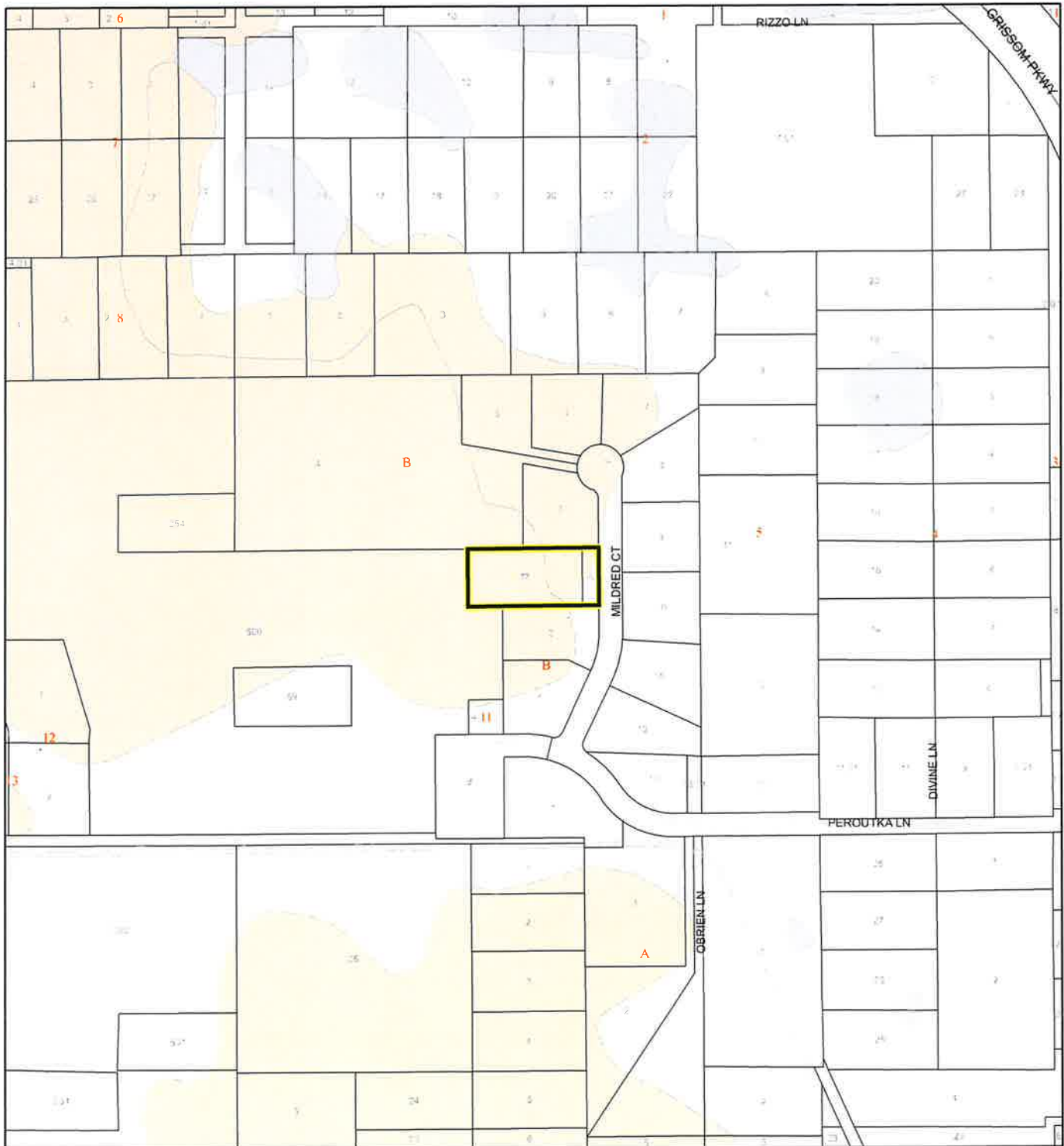
Produced by BoCC - GIS Date: 1/24/2025

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/24/2025

## National Wetlands Inventory (NWI)

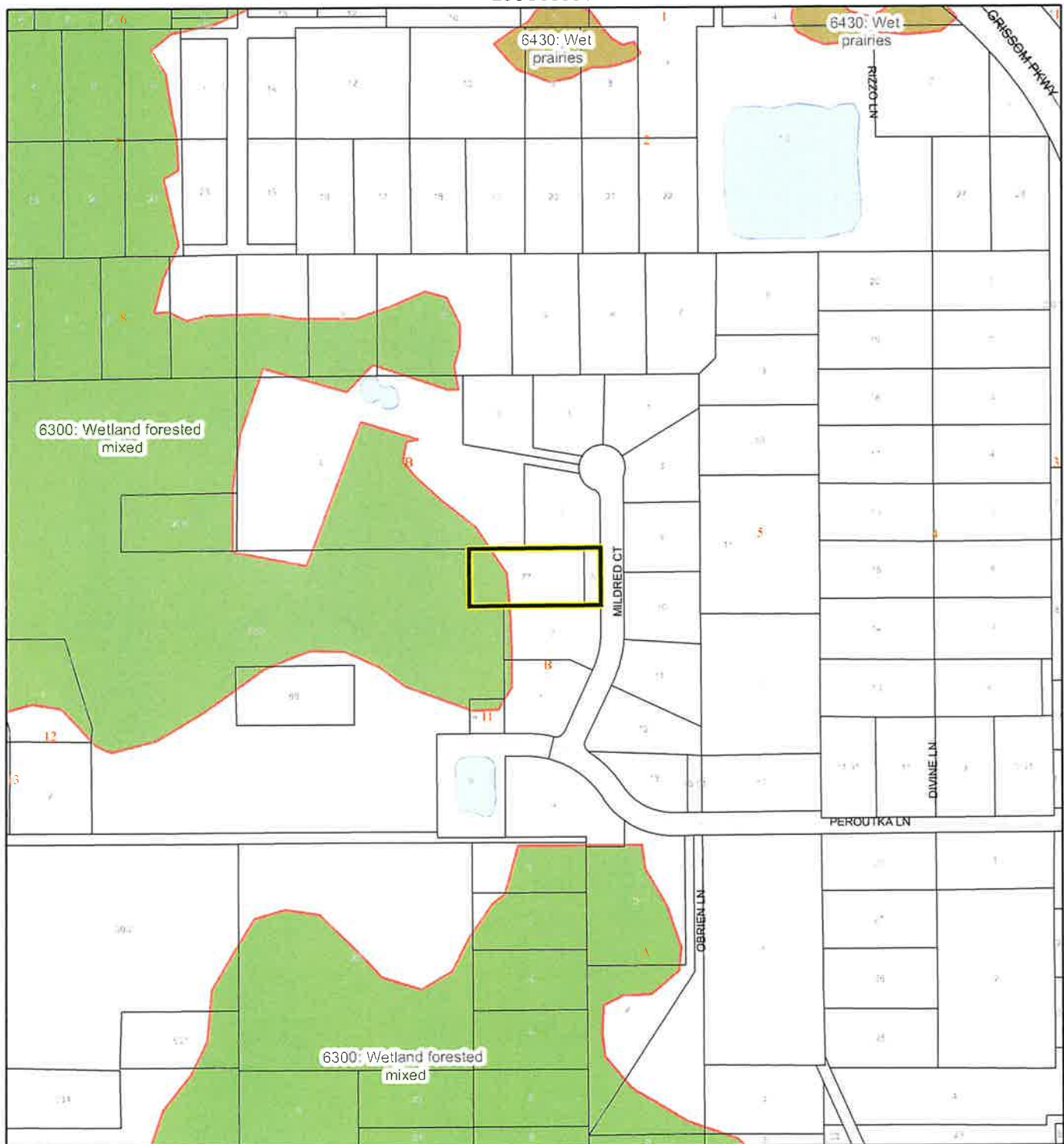
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/24/2025

## SJRWMD FLUCCS WETLANDS

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

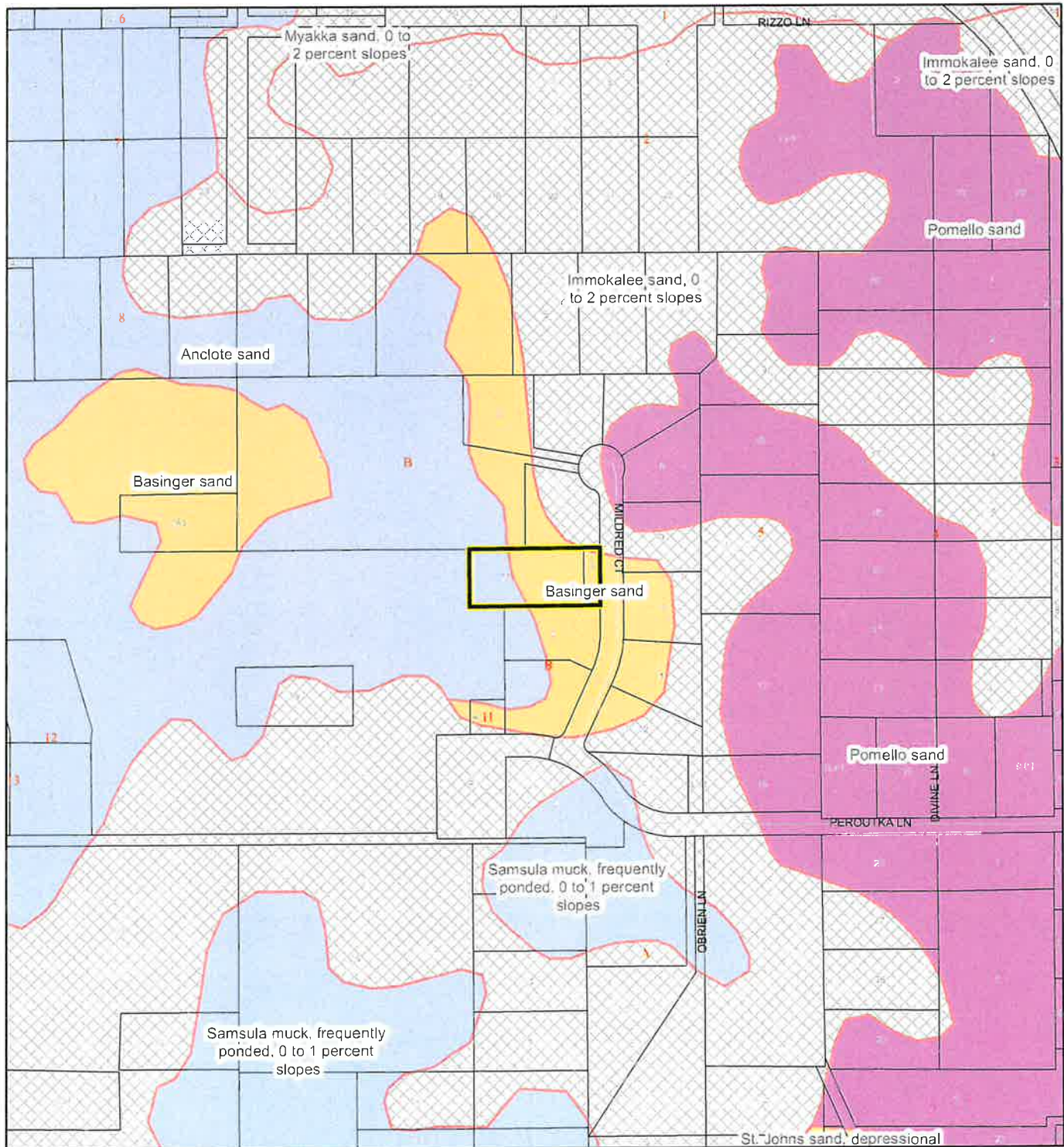
Subject Property

Parcels

# USDA SCSSS SOILS MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/24/2025

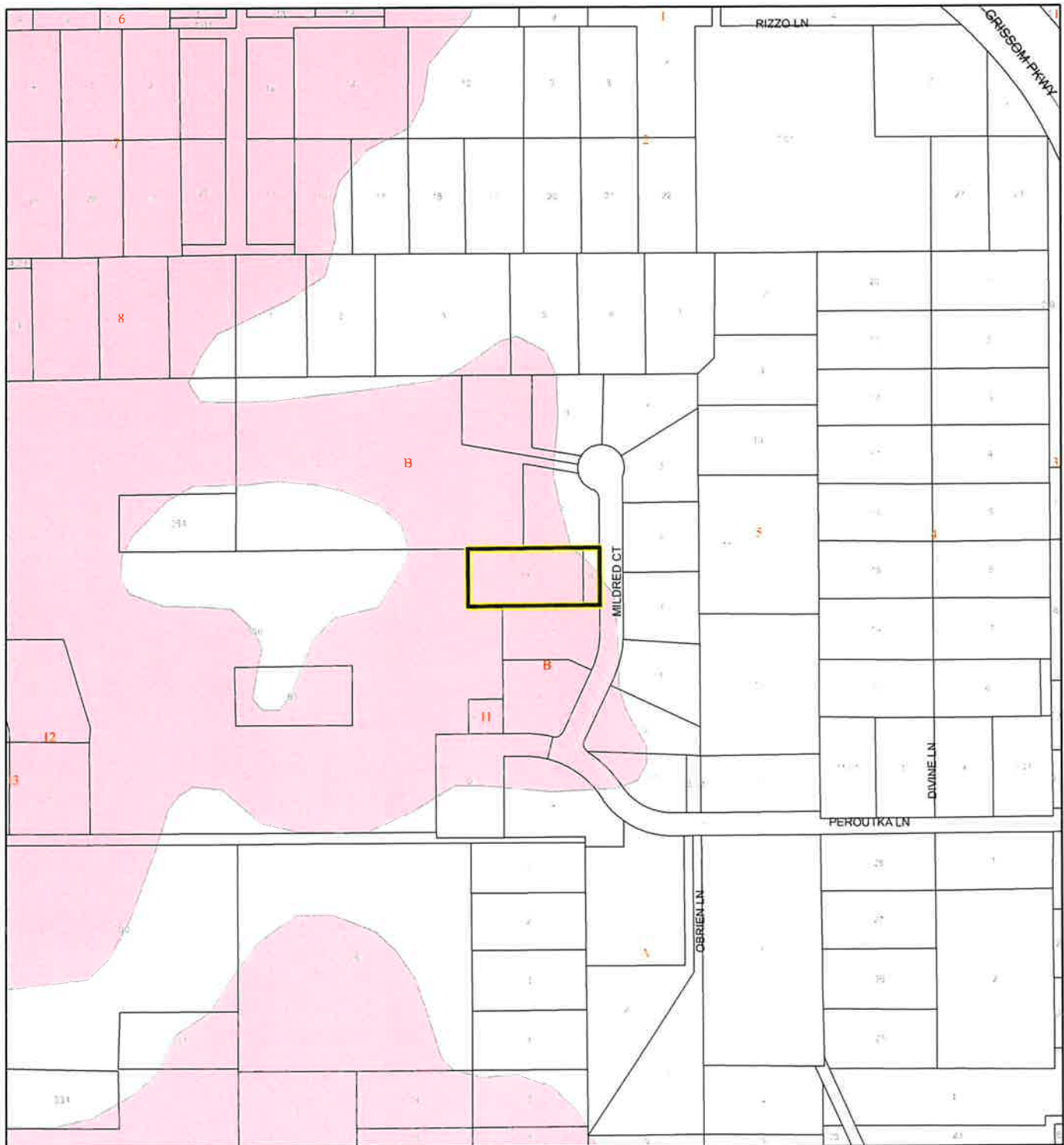
## USDA SCSSS Soils



# FEMA FLOOD ZONES MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/24/2025

## FEMA Flood Zones

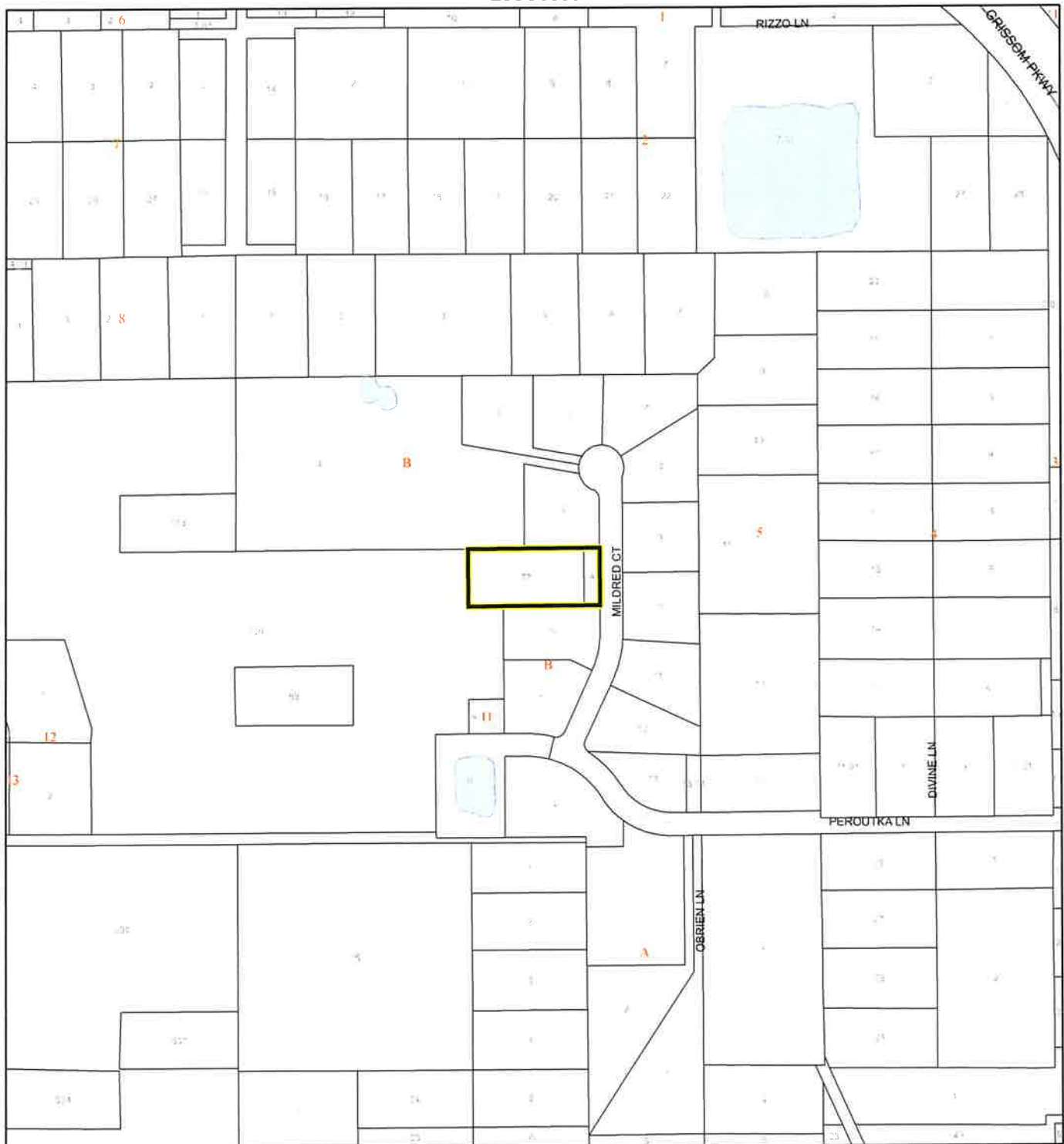
A	AO	x
AE	Open Water	
AH	VE	
Subject Property	Parcels	



# COASTAL HIGH HAZARD AREA MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/24/2025

— Subject Property

□ Parcels

**Coastal High Hazard Area**

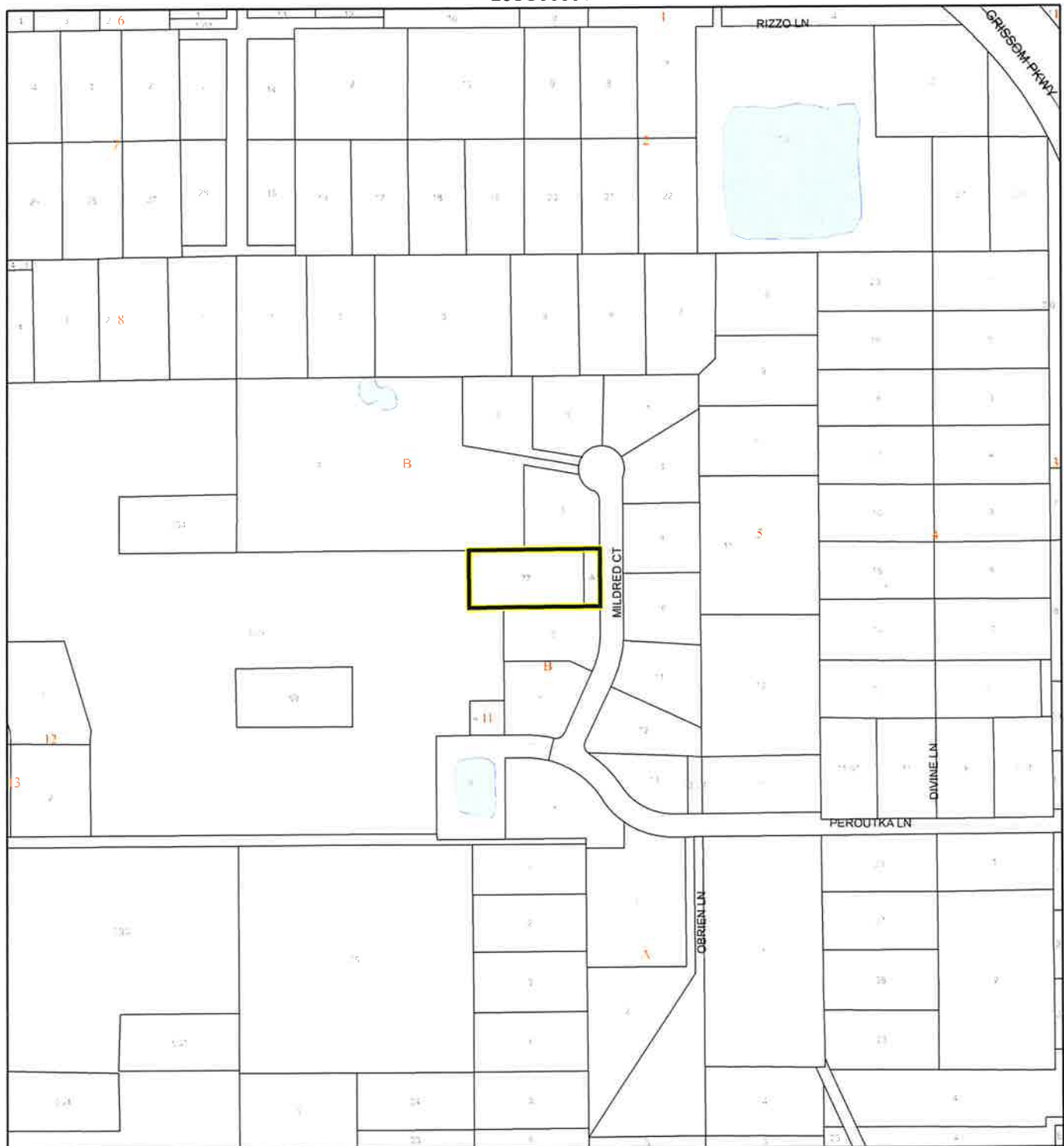
■ SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

## Septic Overlay

 40 Meters

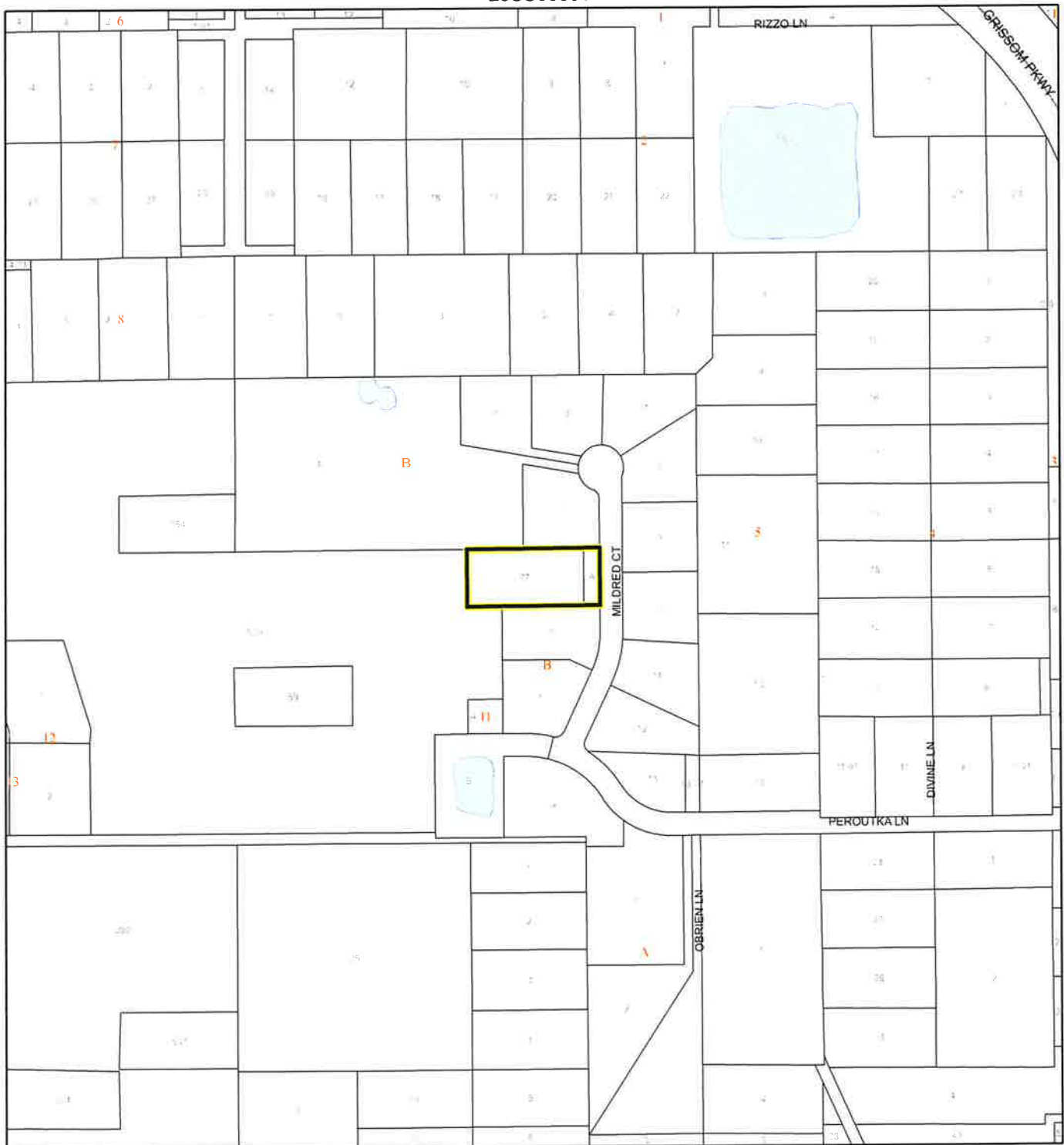
 60 Meters

 All Distances

# EAGLE NESTS MAP

LAWHON, RYAN STEVEN

25SS00001



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Produced by BoCC - GIS Date: 1/24/2025

 Subject Property

 Parcels

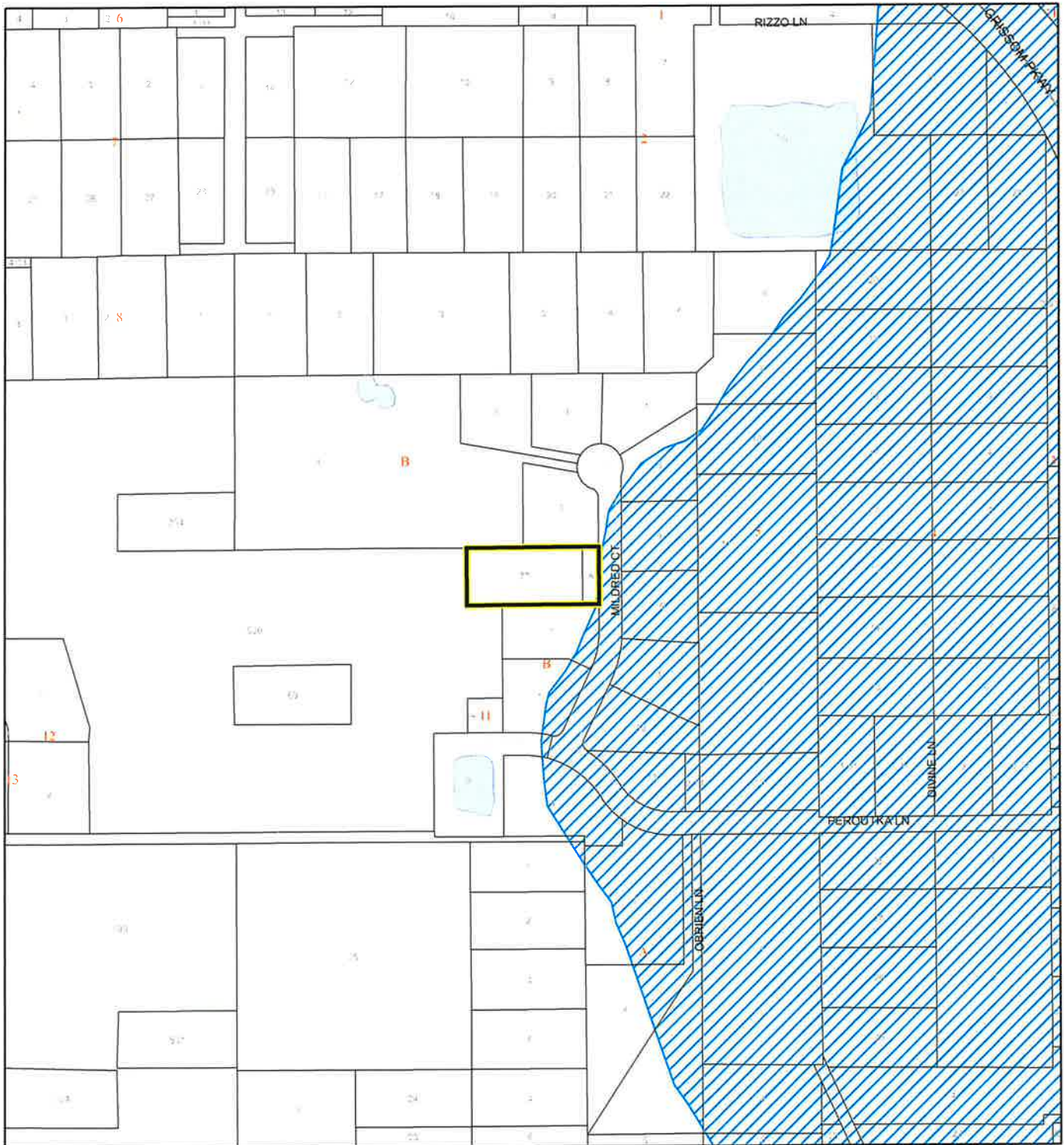


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

LAWHON, RYAN STEVEN

25SS00001




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/24/2025

 Subject Property

 Parcels

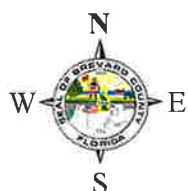
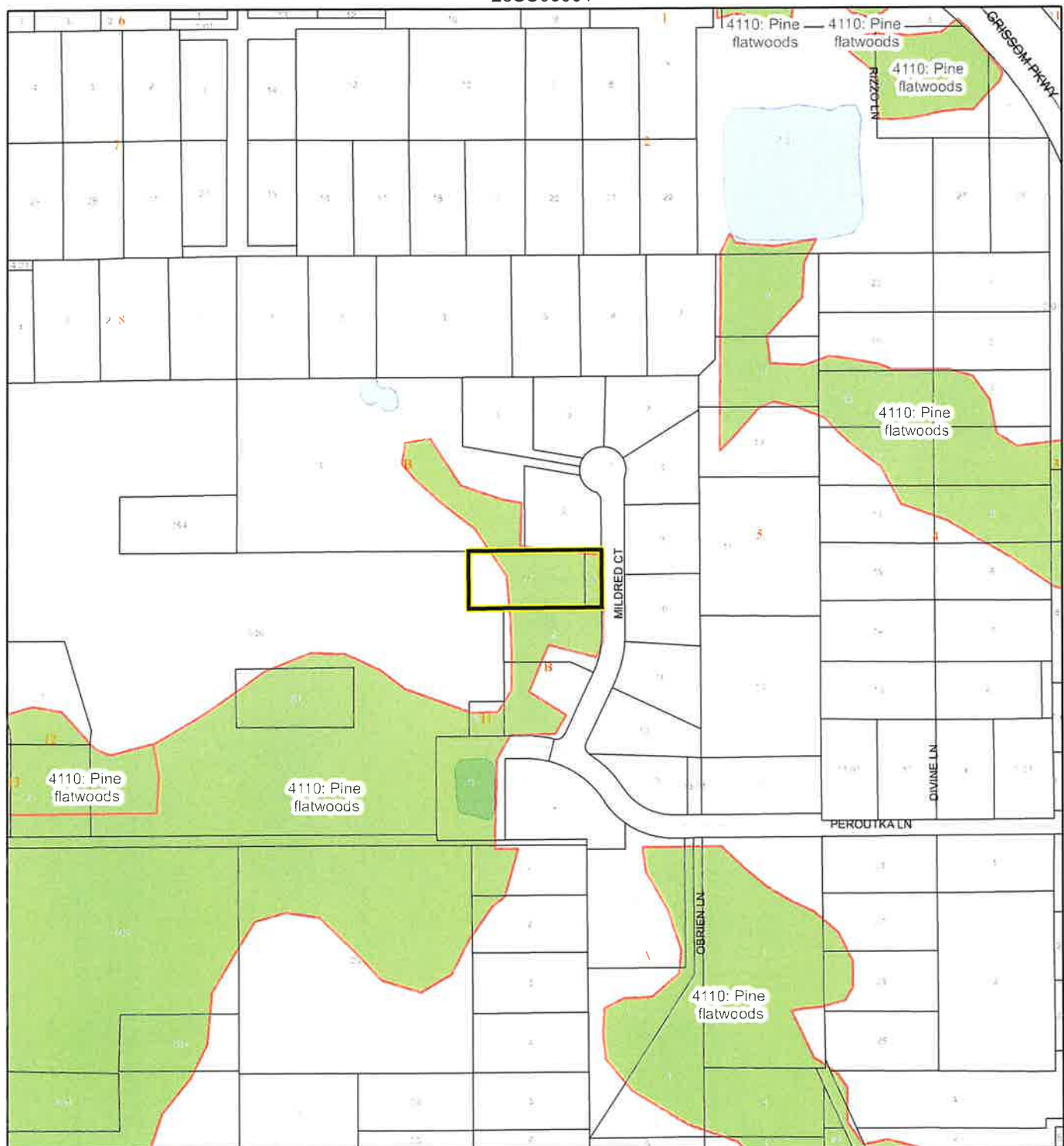
 Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

LAWHON, RYAN STEVEN

25SS00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/24/2025

## 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

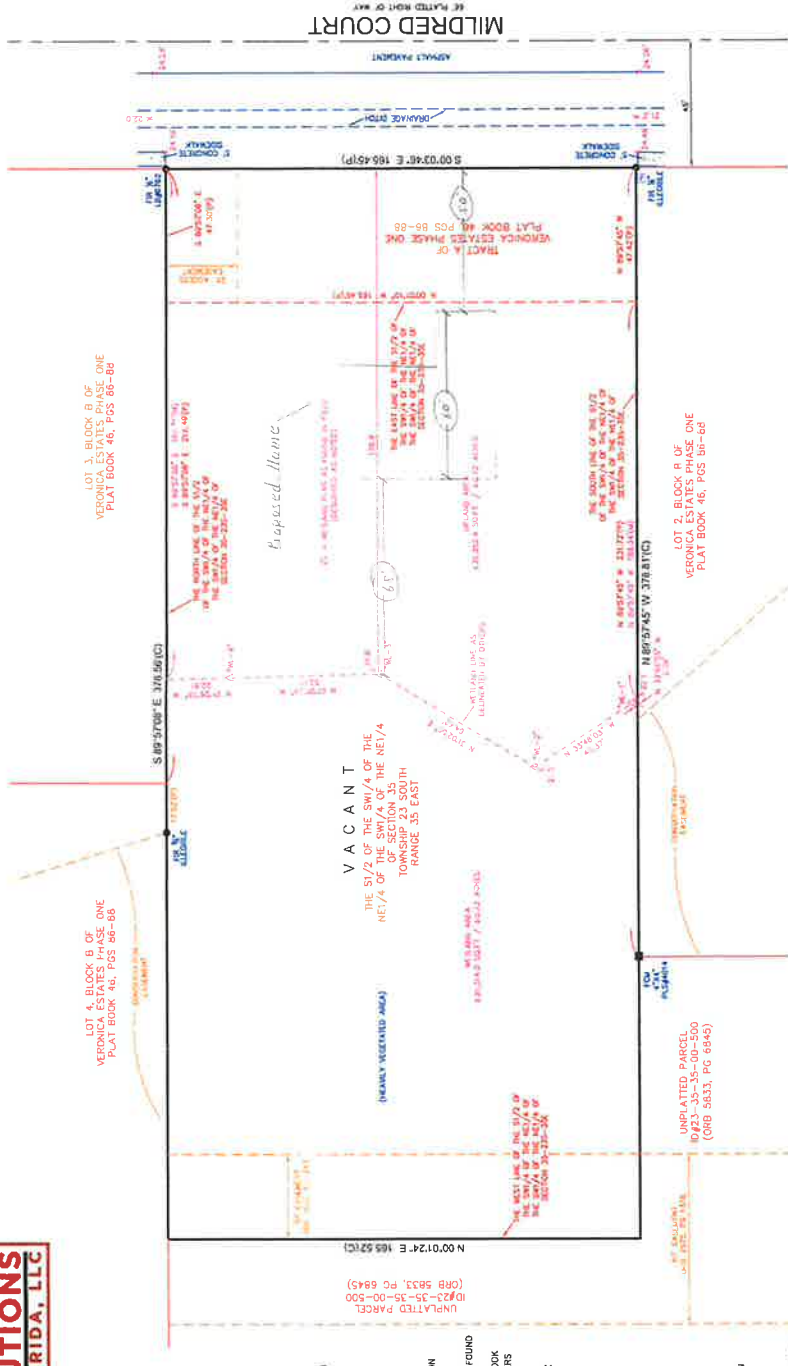
THERE IS A 25' ACCESS EASEMENT AT THE NORTHEAST CORNER, AND A 30' EASEMENT ALONG THE WEST SIDE OF THE SUBJECT PROPERTY, AS SHOWN HEREON. A 30' SUBJECT TO NON-PLOTTABLE EASEMENTS CONTAINED IN COMMITMENT BY WFC NATIONAL TITLE INSURANCE COMPANY DATED OCTOBER 25, 2024 AT 10:00 AM, COMMITMENT NUMBER 25551367.

TRACT A, IN VERONICA ESTATES PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE(S) 86, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;

THE SOUTH 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.



**TITLE  
SOLUTIONS**  
OF FLORIDA, LLC

[illegible]

Ryan Steven Lawhon and Sarah Lawhon  
Title Solutions of Florida, LLC  
WFG National Title Insurance Company

FLOOD ZONE:

According to the Federal Emergency Management Agency Flood Insurance Rate Map Panel# 12009C0310H, Dated (1/29/21) the property lies partially within the established 100 year flood plain per flood zone(s) "A & X".

## LIST OF POSSIBLE ENCROACHMENTS

NONE AT TIME OF SURVEY.

1) Unless digitally signed in accordance with Florida statutes this survey is not valid without the original signature and seal of the Surveyor shown hereon and under no circumstances shall be supplanted by any other graphic or digital form.

- 3) Additions or deletions to this survey by any party other than the Surveyor. Surveyors are prohibited against the written consent of the signing Surveyor.
- 3) The Surveyor has no knowledge nor has seen physical evidence of any improvements shown within the boundaries of the subject property, unless shown or noted otherwise.
- 4) Only visible above ground improvements have been located and shown on this survey. No underground utilities or foundations of underground utilities, foundations or other improvements.
- 5) All distances shown hereon are in feet, tenths and hundredths of a foot unless noted otherwise.
- 6) This survey only depicts survey related information such as easements and setbacks that are shown on a recent plat or have been shown on a previous plat. It does not show any improvements not shown on the survey that may be found in the public records of this county.
- 7) Buildings lots and dimensions for improvements should not be used to reconstruct boundary lines.
- 8) Bearings are based on the West right of way line of Mildred



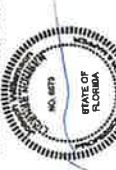
**SURVEYING & MAPPING  
SERVICES, INC.**



3630 STAR COURT,  
MIMS, FL 32754  
PH: (321) 210-0446

SURVEYOR'S CERTIFICATE:

This survey meets and/or exceeds the standards of practice set forth by the State of Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers in Chapter 5J-17.051 through 5J-17.053 Florida Administrative Code for the type of survey stated herein.



SIGN DATE:

JOSEPH E. WILLIAMSON, PSM 6573

H.4+H.5

ID # 255500001  
+  
25200002

**Veronica Estates Homeowners Association**

4888 Mildred Ct  
Cocoa, FL 32927  
veronica.estates.hoa@gmail.com  
321-948-6605  
April 21, 2025

**Brevard County Zoning Department**

2725 Judge Fran Jamieson Way, Bldg. A Room A-114  
Viera, FL 32940

**Subject: Support for Zoning Update** – Account: 2314528 / 4858 MILDRED CT COCOA FL 32927

Dear Zoning Department,

On behalf of the Board of Directors of the Veronica Estates Homeowners Association, we are writing to express our strong support for the proposed zoning update for the plot of land located within the boundaries of our community. We believe this change will have a significant and positive impact on both our association and the broader neighborhood.

The proposed zoning update presents a unique opportunity to complete vital infrastructure that has long been anticipated—most notably, the construction and connection of sidewalks throughout this portion of the community. Completing the sidewalk network will improve pedestrian safety, accessibility, and connectivity for our residents, especially families with children and individuals with mobility challenges.

In addition, the development tied to this zoning update will allow for the inclusion of the new parcel into the Veronica Estates HOA. This will expand the HOA's membership base and increase association dues revenue, providing greater resources to maintain and enhance shared community amenities and services. This financial boost will directly benefit all members by strengthening the HOA's ability to invest in long-term community improvements, increase property values, and maintain the high standard of living our residents expect.

We appreciate your consideration of this matter and encourage the Zoning Department to support this update as a valuable step forward for the continued growth and success of our community.

Please feel free to contact us if additional information or discussion is needed. Thank you for your time and commitment to our community's development.

Sincerely,

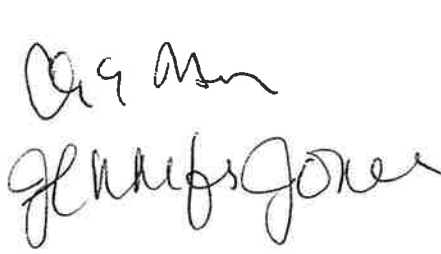
**Board of Directors**

Veronica Estates Homeowners Association

Doug Catron, President

Chuck Horn, Vice President

Jennifer Jones, Secretary/Treasurer

Handwritten signatures of the three board members: Doug Catron, Chuck Horn, and Jennifer Jones.

**Board Meeting Date**

5-1-25

Item Number: H-4

Motion By: D

Second By: Thad

Nay By: \_\_\_\_\_

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