



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.9.

9/7/2023

### Subject:

Island Cremations, Inc. (Kent Bush) requests a change of zoning classification from RU-1-11 to BU-1. (23Z00054) (Tax Account 2427231) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners consider a change of zoning classification from RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-11 to BU-1 to develop the parcel as a parking lot in conjunction with the applicant's funeral home located on the northwest corner of Mark Avenue and S. Courtenay Parkway. The proposed concept plan included with the application shows 10 parking spaces. This application for a parking lot in conjunction with the applicant's funeral home is to alleviate the parking issues. The proposed BU-1 classification allows retail commercial land uses on minimum 7,500 square-foot lots. The BU-1 classification does not permit warehousing or wholesaling.

**Please note:** The concept plan has not been reviewed by county departments to ensure conformance with county codes and regulations.

The applicants parcel north of Mark Avenue has a code enforcement case 22CE-00780 for: Over capacity of parked vehicles that block residents and emergency vehicles would not have accessible roads (ROW) in an emergency.

There is also a Small-Scale Comprehensive Plan Amendment companion application, 23SS00014, to change the Future Land Use Element from RES 6 (Residential 6) to CC (Community Commercial).

The subject property is located within a Platted residential subdivision, Merritt Ridge Sheet 5 which is located along the west side of S. Courtenay Parkway, from Mark Avenue south to Cone Road. Commercial office and retail are located north of Mark Avenue, along the west side of S. Courtenay Parkway to E. Merritt Island Causeway.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the

surrounding area.

On August 14, 2023, the Planning and Zoning 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 23Z00054**

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

**WHEREAS, Island Cremations, LLC** requests a change of zoning classification from RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial), on property described as Lot 26, Block N, Merritt Ridge Subdivision Sheet 5, according to the Plat thereof, as recorded in Plat Book 14, Page 13, of the Public Records of Brevard County, Florida. **Section 35, Township 24, Range 36.** (0.25 acres) Located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island); and

**WHEREAS**, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**WHEREAS**, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved 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 RU-1-11 to BU-1, 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 SADOFF, CLERK

(SEAL)



P&Z Board Hearing – August 14, 2023

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs 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**

**23Z00054**

**Island Cremations, LLC**

**RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial)**

Tax Account Number: 2427231  
Parcel I.D.: 24-36-35-50-N-26  
Location: Southwest corner of S. Courtenay Parkway and Mark Avenue (District 2)  
Acreage: 0.25 acres

Planning & Zoning Board: 8/14/2023  
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 can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-11	BU-1
<b>Potential*</b>	One single-family unit	Floor Area Ratio (FAR) of 1.00
<b>Can be Considered under the Future Land Use Map</b>	Yes RES 6	Yes Community Commercial (CC)**

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

\*\*Yes, if Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00014 to change the Future Land Use Element from RES 6 to Community Commercial (CC) is approved.

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from RU-1-11 to BU-1 (General Retail Commercial) to develop the parcel as a parking lot in conjunction to the applicant's Funeral Home located on the northwest corner of Mark Avenue and S. Courtenay Pkwy. The subject parcel is in a Platted residential subdivision, Merritt Ridge Sheet 5, and is located at the southwest corner of Mark Avenue and S. Courtenay Parkway, which are County maintained roads. The proposed concept plan included with the application shows 10 parking spaces. The applicants parcel north of Mark Avenue has a code enforcement case 22CE-00780 for: Over capacity of parked vehicles that block residents and emergency vehicles would not have accessible roads (ROW) in an emergency. This rezoning

application is for a parking lot in conjunction with the applicant's Funeral Home which is to alleviate the parking issues.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00014 to change the Future Land Use Element from RES 6 (Residential 6 to Community Commercial (CC).

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

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Funeral Home	BU-1	CC
<b>South</b>	Single-family residence	RU-1-11	RES 6
<b>East</b>	N. Courtenay Pkwy.	N/A	N/A
<b>West</b>	Single-family residence	RU-1-11	RES 6

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

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

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

- **22Z00062** was approved on February 2, 2023, to rezone the parcel from BU-2 (Retail, Warehousing and Wholesale Commercial) to PUD (Planned Unit Development) located 2,580 feet east.
- **21Z00004** was approved on July 8, 2021, to rezone a parcel from RU-1-9 to BU-2 (Retail, Warehousing and Wholesale Commercial with a Binding Development Plan) located 1,940 feet southeast.

### Future Land Use

The subject property contains the Residential 6 (RES 6) FLUM designation. The existing RU-1-11 may be considered consistent with the RES 6 FLUM designation. There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00014** to change the Future

Land Use Element from Residential 6 (RES 6) to Community Commercial (CC). The proposed BU-1 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLUM designation.

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

**Criteria:**

A. Permitted/prohibited uses;

**BU-1 a General Retail Commercial zoning classification encompasses lands devoted to general retail. BU-1 does not permit wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building.**

B. Existing commercial zoning trends in the area;

**There has been an office and retail commercial zoning trend specifically to the north of Mark Avenue along the west side of S. Courtenay Pkwy.**

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

**The Land Use in the surrounding area is residential to the south and to the west with Commercial north of Mark Avenue along S. Courtenay Pkwy.**

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

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

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

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and The following land use issues were identified:

**Please see NRM Report.**

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

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

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

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

**Criteria:**

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

**The applicant proposes to utilize the subject parcel for a parking lot in conjunction to the Funeral Home to the north. The proposed concept plan included with the application shows 10 parking spaces. Hours of operation, noise levels, and traffic operations will need to be addressed through site plan review to minimize the potential effects upon the neighborhood and adjacent commercial activities.**

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

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

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

1. historical land use patterns;

**The subject property is located within a Platted residential subdivision, Merritt Ridge Sheet 5 which is located along the west side of S. Courtenay Pkwy. from Mark Avenue south to Cone Road. Commercial office and retail is located North of Mark Avenue, along the West side of S. Courtenay Pkwy. to E. Merritt Island Cswy. (Highway 520).**

**To the north of Mark Avenue along N. Courtenay Pkwy. is Community Commercial (CC) FLU. West of the Funeral Home parcel along the north side of Mark Avenue is Residential 6 (RES 6) FLU. The parcels to the south and west of the subject parcel are Residential 6 (RES 6) FLU. Directly east of S. Courtenay Pkwy., along Corriente Street, is residential use with RES 6 FLU.**

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

**There has been one Commercial zoning action from residential RU-1-9 to BU-2 within a half-mile of the subject property within the last three years.**

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

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

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

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

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

##### **Criteria:**

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

**The subject property is located in a residential corridor south of Mark Avenue along the west side of S. Courtenay Pkwy. from Mark Avenue south to Cone Road. North of Mark Avenue, along the West side of S. Courtenay Pkwy. is a Commercial corridor. The Board should recognize BU-1 use as office and general retail.**

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

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

**Staff analysis indicates, this parcel is located in a residential Platted neighborhood subdivision. The subdivision has a development of roads, open spaces, and similar existing features.**

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

**The parcel is located in a residential Platted neighborhood subdivision south of Mark Avenue along with commercial and residential to the north of Mark Avenue. The commercial use adjacent to the north of the subject property does not pre-date the surrounding residential use. The request could be considered an expansion of strip commercial along the westside of S. Courtenay Parkway.**



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

**The parcel is located in a residential platted neighborhood subdivision to the south of Mark Avenue. To the north of Mark Avenue is commercial and residential uses.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is S. Courtenay Parkway, between Cone Road to Fortenberry Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 85.90% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.64%. The corridor is anticipated to operate at 86.54% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

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

### **Environmental Constraints**

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

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

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Land Use Review & Summary  
Item # 23SS00014**

**Applicant:** IME Civil and Surveying LLC (Owner: Island Cremations LLC)

**Zoning Request:** RU-1-11 to BU-1

**Note:** Develop a small overflow parking lot with up to 16 parking spaces

**LPA Hearing Date:** 8/14/2023; **BCC Hearing Date:** 9/7/2023

**Tax ID No:** 2427231

- 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:**

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

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Septic Overlay**

This property 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 ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  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.

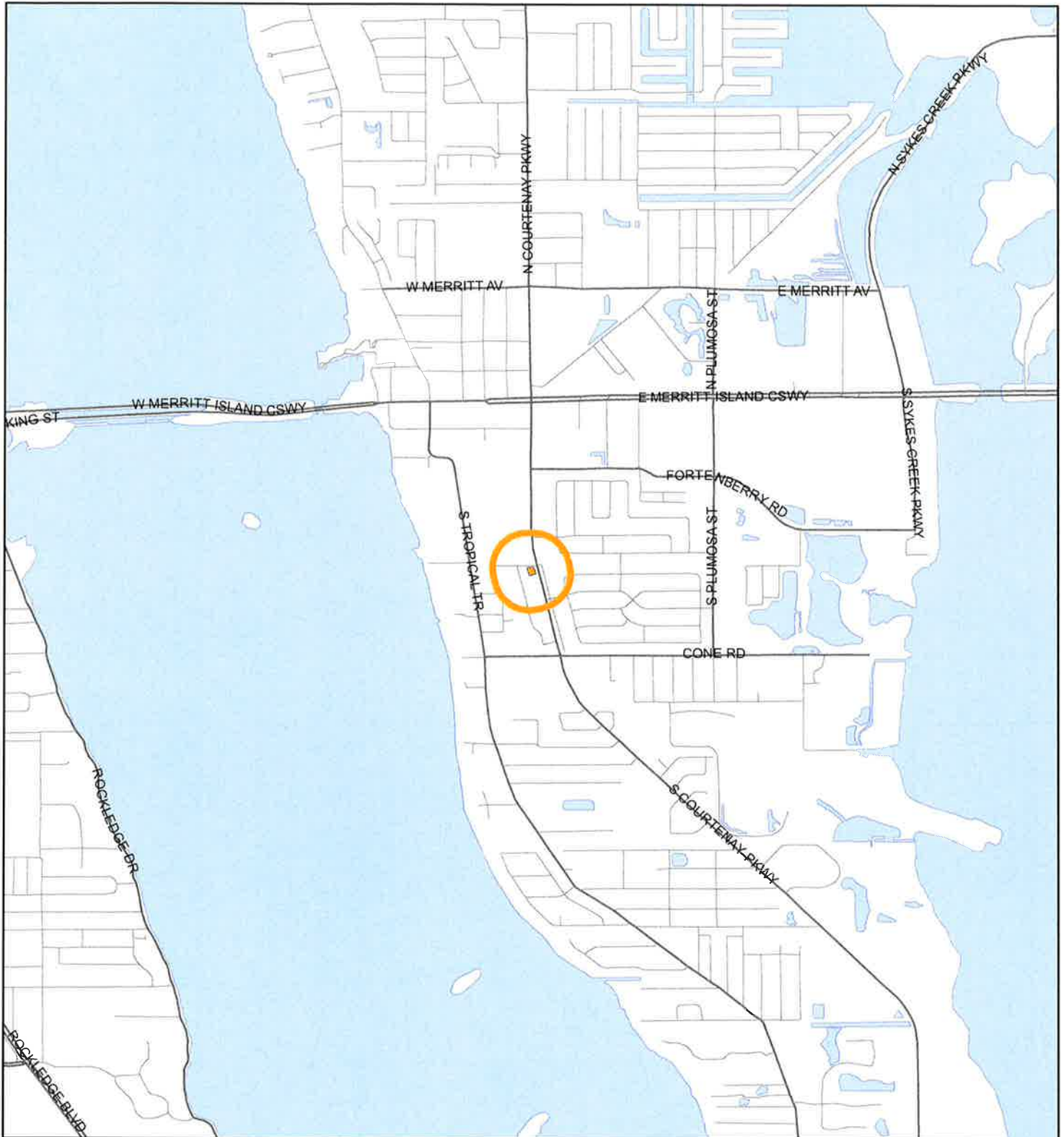
**Protected Species**

Federally and/or state protected species may be present on 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 and/or U.S. Fish and Wildlife Service, as applicable.

# LOCATION MAP

Island Cremations, LLC

23Z00054



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: 6/8/2023

 Buffer

 Subject Property

23Z00054



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: 6/8/2023

**Subject Property**

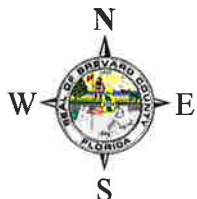
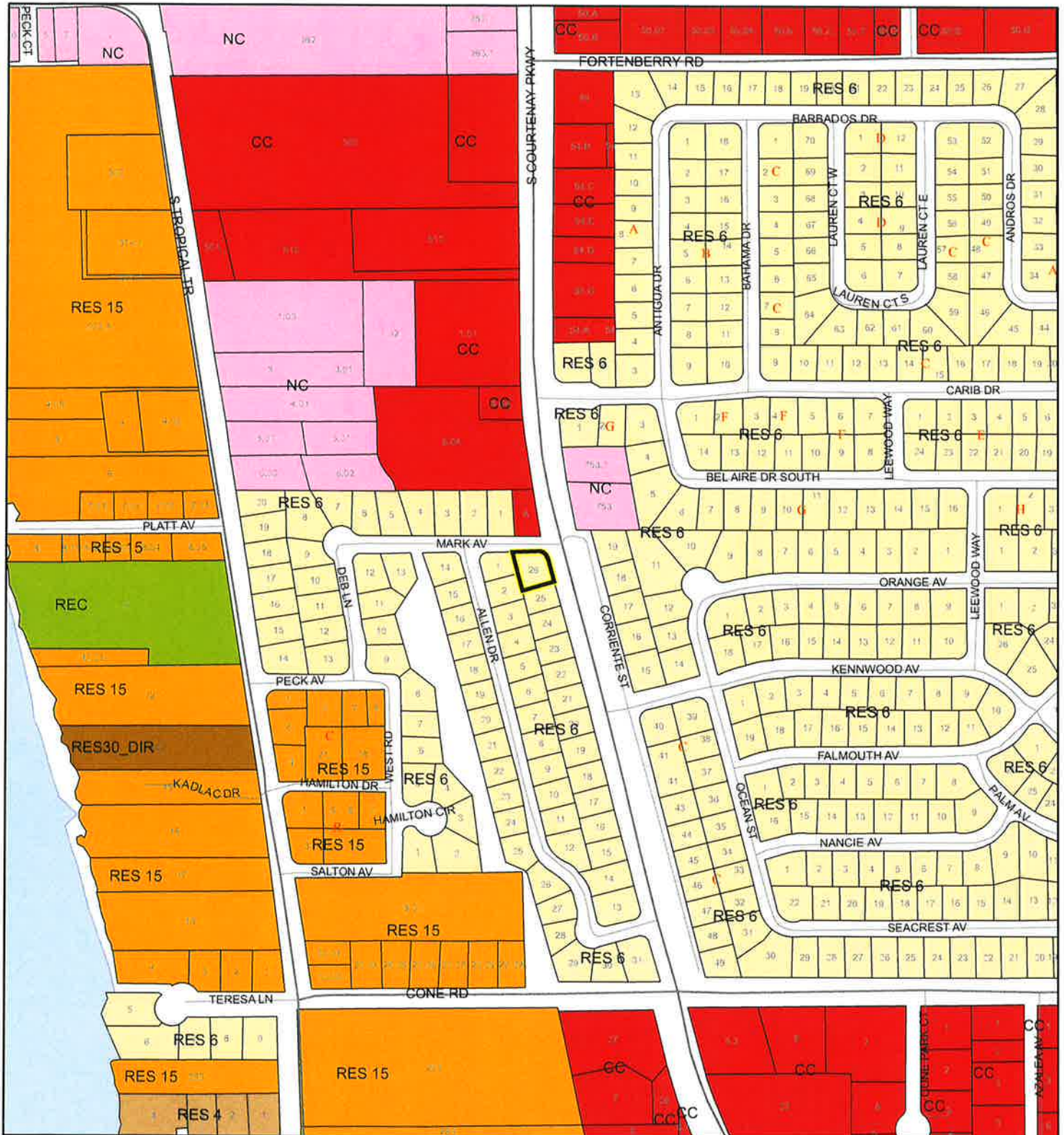
☐ Parcels Zoning



# FUTURE LAND USE MAP

Island Cremations, LLC

23Z00054



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: 6/8/2023



# AERIAL MAP

Island Cremations, LLC

23Z00054



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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

Produced by BoCC - GIS Date: 6/8/2023

 Subject Property

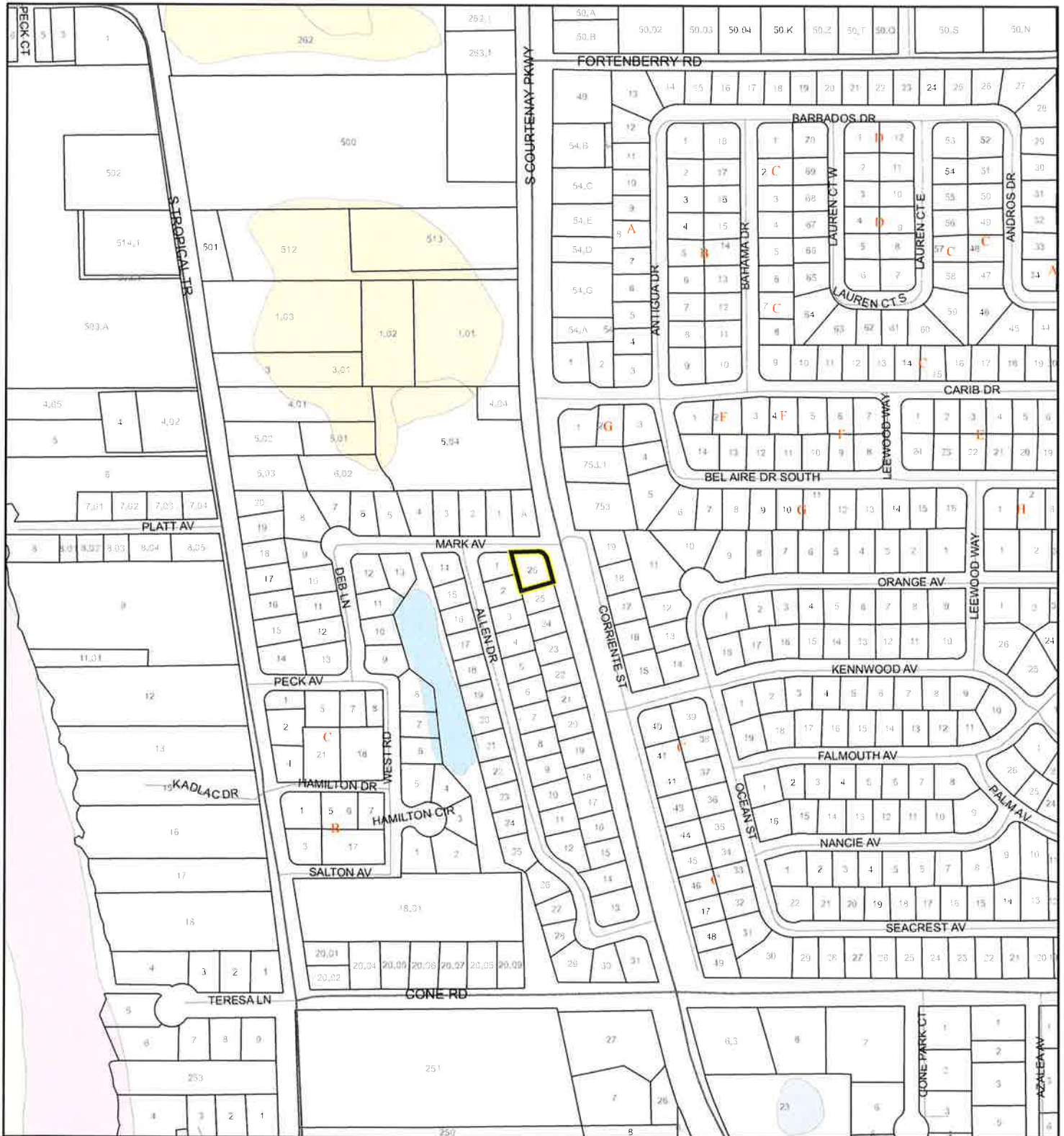
 Parcels



# NWI WETLANDS MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/8/2023

## National Wetlands Inventory (NWI)

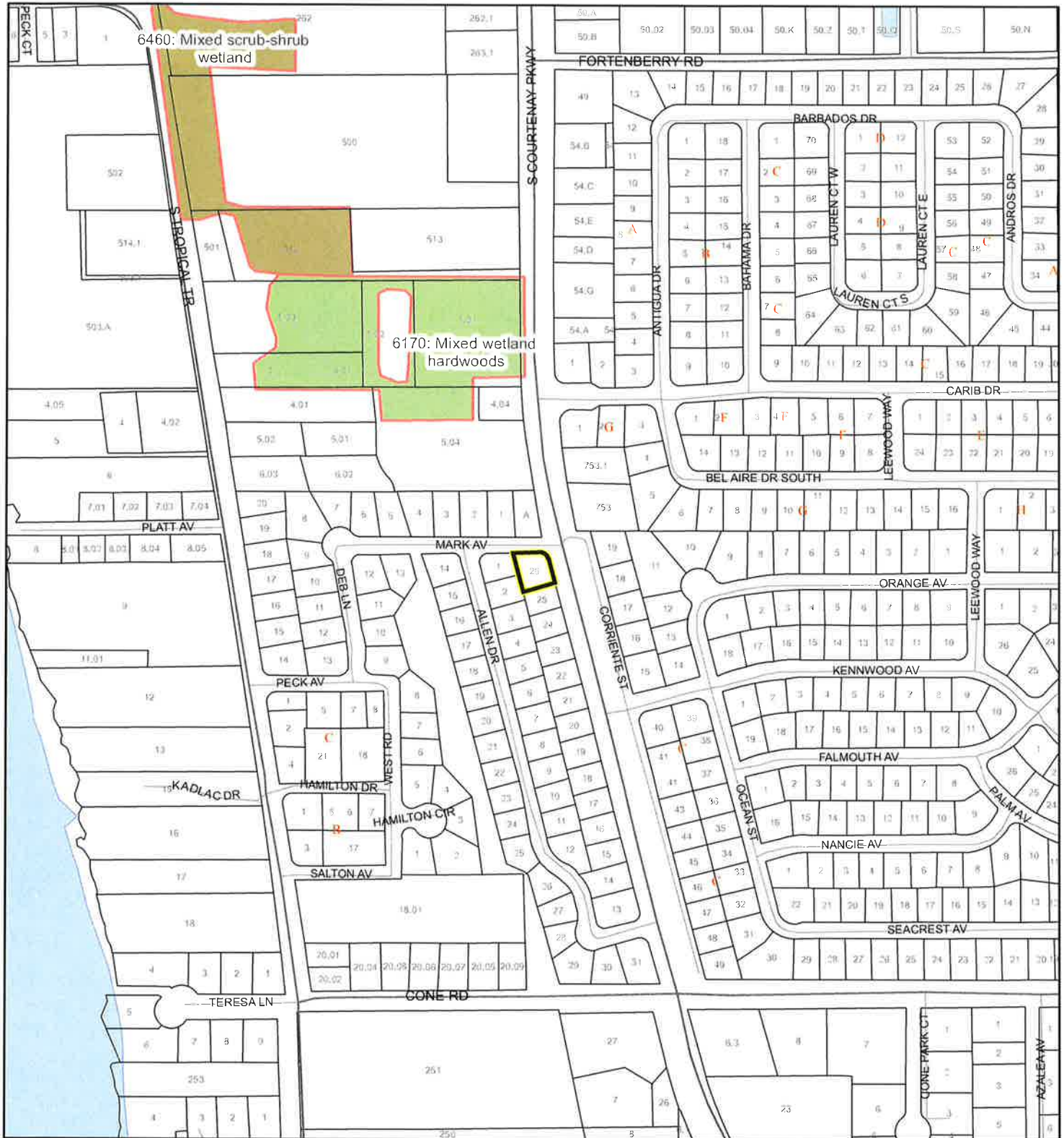
	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/8/2023

## SJRWMD FLUCCS WETLANDS

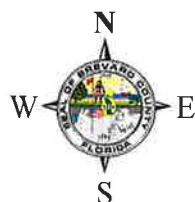
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels



23Z00054



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.

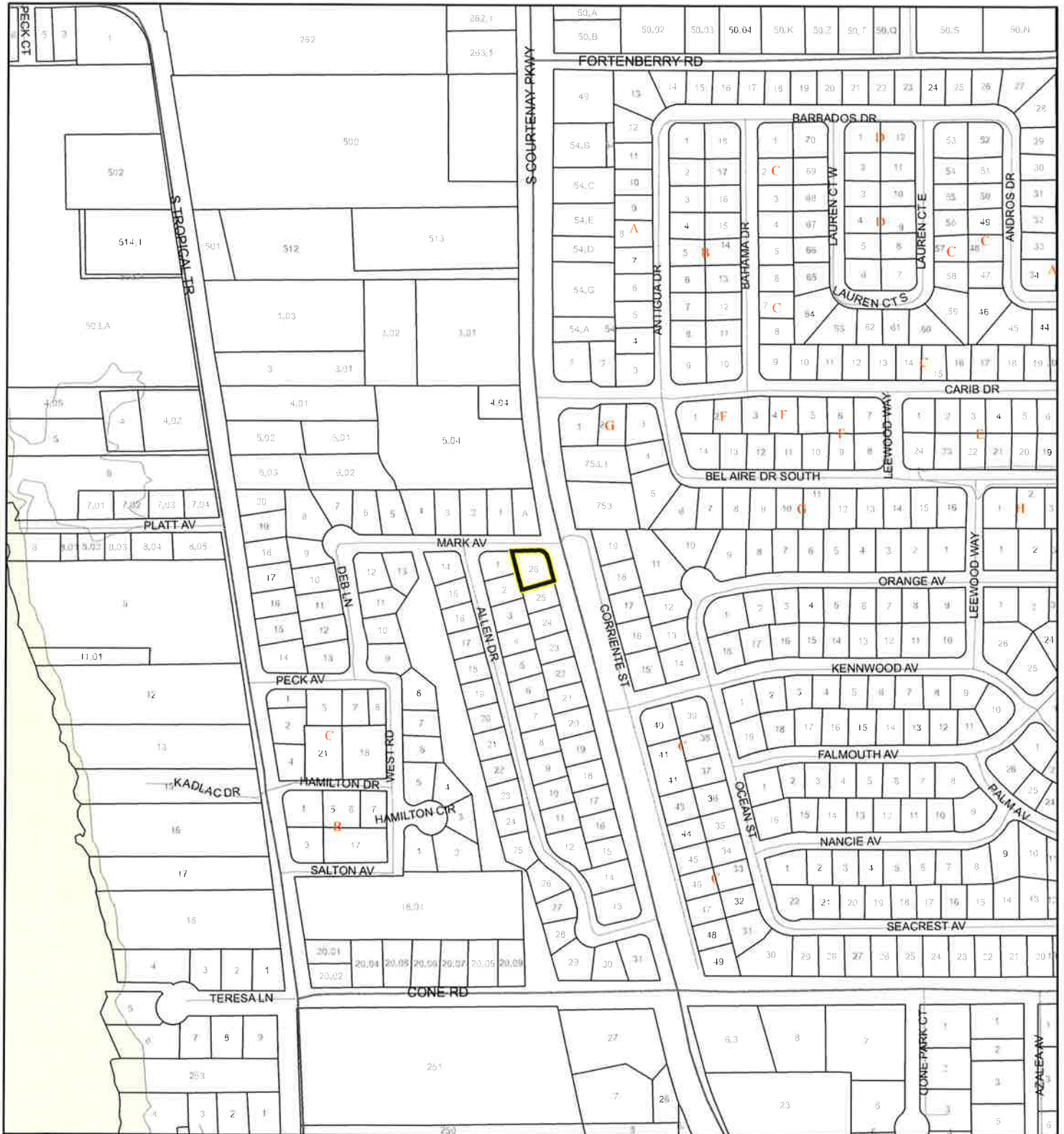
□ Parcels



# FEMA FLOOD ZONES MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/8/2023

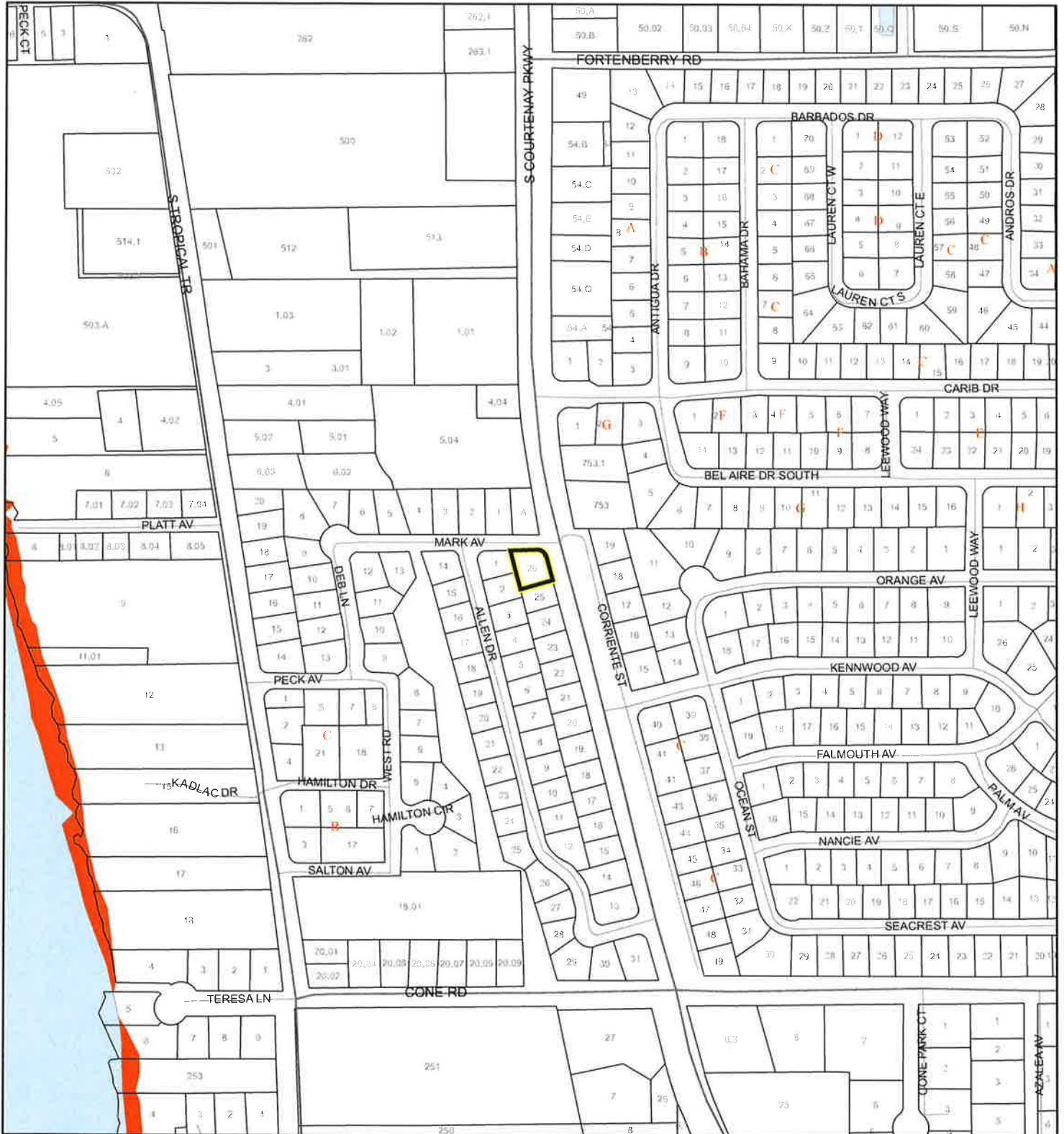
## FEMA Flood Zones

- |                  |            |   |
|------------------|------------|---|
| A                | AO         | X |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |

# COASTAL HIGH HAZARD AREA MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

— Subject Property

□ Parcels

**Coastal High Hazard Area**

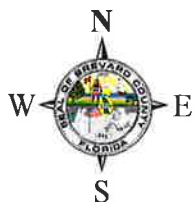
■ SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/8/2023


 Subject Property

 Parcels

## Septic Overlay

 40 Meters

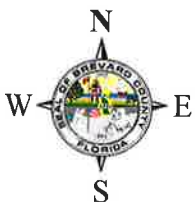
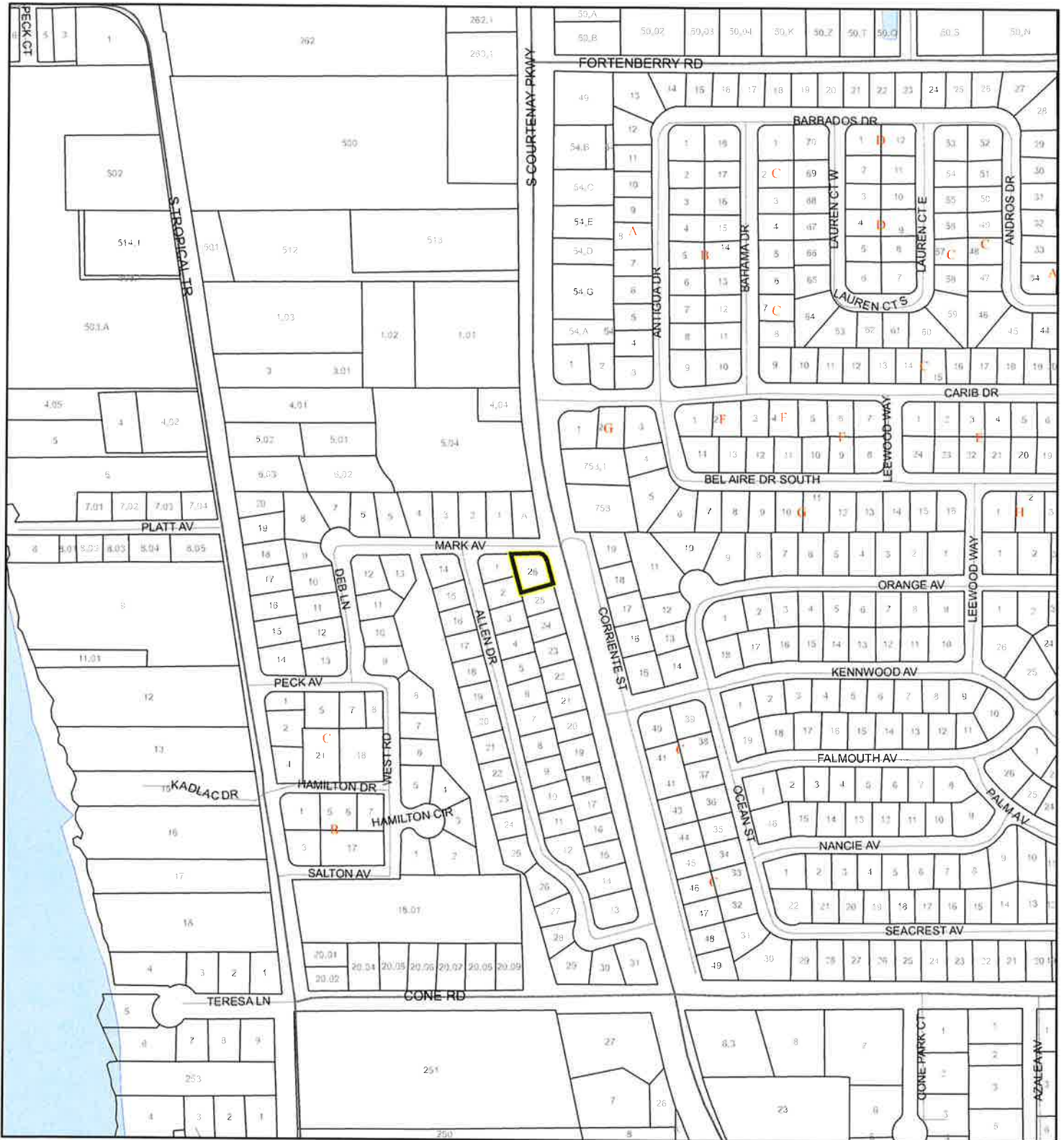
 60 Meters

 All Distances

# EAGLE NESTS MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/8/2023

 Subject Property

 Parcels

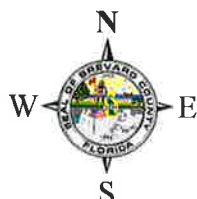
 Eagle Nests  
FWS



# SCRUB JAY OCCUPANCY MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

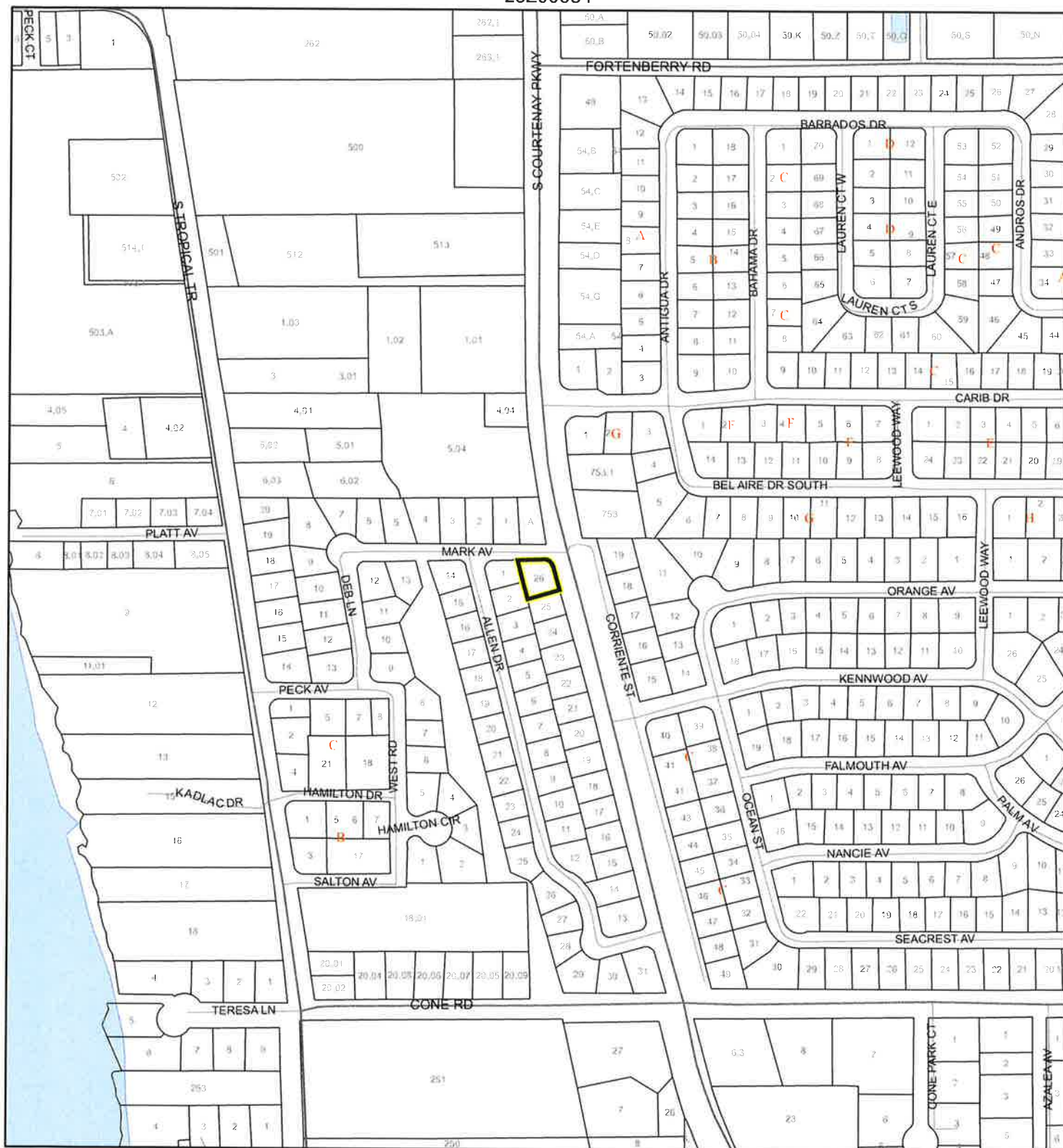
Produced by BoCC - GIS Date: 6/8/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Island Cremations, LLC

23Z00054



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/8/2023

## 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



# LEGEND

- BM1 = SITE BENCHMARK  
S = SANITARY SEWER MANHOLE
- W = EXISTING WATER METER  
C = FOUND BROKEN CONCRETE MONUMENT  
F = FOUND 1/2" IRON ROD LB#5117  
G = SET 1/2" IRON ROD LB#8139  
P = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION
- ⊙ = EXISTING GROUND ELEVATIONS  
⊙ = EXISTING TREE  
⊙ = EXISTING ELEVATION (10.0) = EXISTING ELEVATION
- CHAIN LINK FENCE  
= CONCRETE

## SURVEYOR'S NOTES:

- Legal Description has been furnished by client and/or his/her agents.
- No Title Opinion or Abstract of Matters Affecting the Title or Boundary to the Subject Property have been provided. It is possible that there could exist Deeds of Record, Unrecorded Deeds, Easements (especially any easements/documents recorded AFTER Plot Recordation) or other instruments that could affect this property.
- Measurements hereon are in accordance with U.S. Standard Feet, data acquired with theodolite and Steel Tape, or with Technologically Superior Equipment utilizing Redundant Techniques.
- Bearings hereon are based on: RBL AS SHOWN OR STATED HEREON
- Contiguous lots lie in some block, unit, phase, section etc. unless noted.
- Type of Survey: BOUNDARY SHOWING TOPO AND TREE
- Stated Legal Purpose of Survey: Acquisition, Sale, Mortgage, Permits, Planning.
- No Flood Zone Determination has been made or requested for this property during the course of this Survey.
- This Survey is not intended to locate any subsurface/underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.
- This Survey Does NOT Reflect or Determine Ownership of land or fences.
- This Survey is NOT insured for multiple uses. Fiduciary and all other obligations are limited to Certificates listed hereon Utilizing Survey for purposes listed in item 7 Above. See Note Above Signature Block.
- Construct Improvements to Iron Markers as Described Only. Wooden Stakes/Wire Flags are NOT Properly Garners.
- All Above-ground Evidences of Utilities lie Within their respective easements unless noted.
- Proposed Building Dimensions and their ties to adjacent property or other lines are copied from provided plans.
- Elevations if shown are based on the North American Vertical Datum of 1988.
- Dimensions for the proposed residence shown hereon are from the provided foundation plan.
- See house plans for additional details.
- Current FEMA F.I.R. Maps show property in FLOOD ZONE "X" according to flood insurance rate map panel: #12030C0427H(01/29/2021).

CURVE IDENTIFICATION TABLE			
CURVE	RADIUS	DELTA	CHORD BEARING
C1(P)	25.00'	76°54'06"	33.56'
C2(P)	2914.79'	01°06'44"	56.58'
C1(M)	25.00'	76°48'28"	33.50'
C2(M)	2914.79'	01°06'44"	56.58'

MEASURED BEARINGS HEREON ARE BASED ON A FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK "BART" AND "PEDR", WHICH WERE DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS) REAL-TIME KINEMATIC (RTK) SURVEY. A SOKKIA GCX3 GPS RECEIVER WAS USED AS A ROVER, RTK CORRECTIONS WERE OBTAINED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN), COORDINATES OBTAINED FROM THE GPS SURVEY ARE REFERENCE TO NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000).

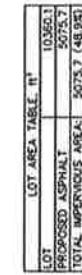
- A/C  
ADA  
BOL  
BOL  
CODOM  
DB  
EP  
FFE  
FPL  
GWA  
LB  
LS  
OHV  
ORB  
PC  
PE  
PG  
POB  
POC  
PRM  
PSM  
RBL  
R/W  
STY  
TBR  
TYP  
(P)  
(M)  
(D)  
(C)  
(R)

- AIR CONDITIONER ON PAD  
AMERICANS WITH DISABILITIES ACT  
BACK OF CURB  
BUILDING RESTRICTION LINE (SETBACK) LINE  
COTTDOMINANT  
DEED BOOK  
EDGE OF PAVEMENT  
FINISHED FLOOR ELEVATION  
FLORIDA POWER AND LIGHT  
GUY WIRE ANCHOR  
LICENSED SURVEY BUSINESS  
LICENSED SURVEYOR  
OVERHEAD WIRE /LINE  
OFFICIAL RECORDS BOOK  
POINT OF CURVATURE  
POOL EQUIPMENT  
PAGE  
POINT OF BEGINNING  
POINT OF COMMENCEMENT  
PERMANENT REFERENCE MONUMENT  
PROFESSIONAL SURVEYOR AND MAPPER  
REFERENCE BEARING LINE  
RIGHT-OF-WAY LINE  
STORY  
TO BE REMOVED  
TYPICAL  
PLAT CALL  
FIELD MEASURED VALUE  
DEED CALL  
CALCULATED VALUE, FROM FIELD MEASUREMENTS  
RECORD VALUE

LOT	LOT AREA TABLE, ft <sup>2</sup>
LOT	10360.1

LINE IDENTIFICATION TABLE		
LINE	BEARING	DISTANCE
L1(P)	N 89°50'04" E	94.26'
L2(P)	N 14°40'02" W	14.85'
L3(P)	N 75°37'26" E	100.00'
L4(P)	S 14°22'34" E	116.78'
L1(M)	S 89°32'36" W	84.27'
L2(M)	N 14°40'02" W	14.85'
L3(M)	N 75°19'58" E	100.00'
L4(M)	S 14°40'02" E	116.78'



[illegible]

**IME CIVIL &  
SURVEYING, LLC**

DESIGNER: MS	DESIGN ENGINEER
DRAWN BY: MS	BRANDON SHUGART, P.E.
DATE: 05/25/23	FLORIDA PE #86700
CHECKED BY: BXB	CERTIFICATE OF AUTHORIZATION
DATE: 05/25/23	

PARKING LOT  
415 COURTENAY PKWY

## LOT DESIGN CONCEPT

**DRAWING NO.**

C-1



# MERRITT ISLAND

## REDEVELOPMENT AGENCY

In Favor  
23SS00014 & 23Z0005  
Island Cremations

DATE: July 31, 2023

TO: Jeffrey Ball, Planning & Zoning Manager  
Tim Craven, Site Plan Coordinator - Land Development/Platting Jennifer Jones,  
Special Projects Coordinator  
Desiree Jackson, Associate Planner

FROM: Larry Lallo, Executive Director on behalf of the  
Merritt Island Redevelopment Agency Board of Directors  
RE: **Tax Account No.: 2427231 Parcel ID:24-36-35-50-N-26**  
ISLAND CREMATIONS LLC  
415 S COURTENAY PKWY MERRITT ISLAND FL 32952

The MIRA is entering into a collaborative project with Brevard County Public Works to widen South Courtenay Pkwy. The above referenced property though not in the MIRA CRA boundary, is directly adjacent to, and is important to the corridor to be redeveloped in such a way as to improve the curb appeal and serve the business purposes of Island Cremations LLC. Mr. Paul Mazzone, owner, addressed the MIRA Board on July 27, 2023, at their regular meeting during public comments. He explained that our widening project will negatively impact his business parking. He explained that he is being proactive to continue to serve his customers by purchasing and redeveloping the above referenced severely blighted site, which is now an unsafe, dilapidated eye sore. There will not be a need for this project to come to the MIRA Board for any review. There was consensus, however, that the purchase and appropriate redevelopment, buffering and landscaping of 415 Courtenay Pkwy for use as a parking lot, will be a positive improvement for the neighborhood, and enable Island Cremations LLC business to carry on, well into the future. We would like to see this redevelopment project, and all necessary zoning approvals be approved, and review processes move forward. We appreciate the efforts of Mr. Mazzone in taking the initiative to solve this problem, and request your favorable consideration of our comments.

**From:** [Kristi Jensen](#)  
**To:** [Gene Jensen](#); [Jones, Jennifer](#)  
**Subject:** ID# 23SS00014 & 23Z00054  
**Date:** Thursday, August 3, 2023 5:25:59 AM

---

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

To Whom it May Concern,

As a current resident of 420 Allen Dr, the property directly behind the proposed property requesting a change of zoning, I wanted to voice my approval of this move.

I rent a room from my Father, Gene Jensen, who is the property owner. He is currently recovering from minor surgery so I have included him in the email so he could know where to send his personal feelings on the matter.

As for my opinion, the request is a welcome one. The lot as it is now is an overgrown nightmare of weeds, strangling birch blocking our view of the launches, and hidden nooks homeless people come use as toilets.

As long as the property line running along our backyard is fenced or walled so I don't have to see the lot any longer, I believe a nicely maintained parking lot with adequate lighting, camera monitoring and beautiful landscaping Island Cremations already displays on their current location, would be preferred to what is there now.

Island Cremations has been in our neighborhood almost as long as my family has. They have even taken care of our loved ones when they've passed. They are good neighbors and I'm pleased their business is prospering and willing to beautify our neighborhood, ridding it of an eyesore.

Sincerely

Kristi R Jensen  
Resident

Brevard County Planning and Zoning Board and the Board of County Commissioners

August 4, 2023

RE: ID# 23SS00014 & 23Z00054

Context:

I have lived in Merritt Island for 35 years. I have served as the Pastor of Faith Lutheran Church, 280 East Merritt Island, for 32 years. I have been retired for three years. I have a PhD in Counseling. I started a retirement community off Hall Road in Merritt Island called the Cedar Creed Assisted Living Facility. I also started a group home for mentally challenged people called the Reaves Home North of the church property. At my church we had a Preschool, Daycare and Before and After School Care. I have been very involved in the community and have raised four children in the community. Two of them are Doctors, one is a teacher with a Masters Degree in Wisconsin and the other owns, his own business in Gainesville, Florida.

I am in favor of the proposed change in zoning for the following reasons:

1. The lot in question is an eyesore. The house burned down some 20 years ago and nothing has been done to improve the property. I drive past it every day. It is only 4 houses down from my house. The yard is a mess, the trees are overgrown, the fence is in disrepair. It would be a great improvement to the neighborhood if the lot was finally cleaned up.
2. Island Cremations does a service to our community. I have conducted over 300 funeral services in our community. Because of that, I have worked with many funeral homes and the families that need their services. Over the years, a Corporation named Dignity, has purchased several local funeral homes in central Brevard. My search says Dignity owns:

Brevard Memorial – Rockledge.  
North Brevard Funerary Home, Titusville  
Beckman-Williamson Funeral Homes, Cocoa Beach  
Wylie Baxley Funeral Home, Merritt Island and Rockledge  
Florida Memorial, Rockledge  
Fountain Head, Palm Bay

Some of the funeral directors I know on a first name basis. Some of them now work for Island Cremations. Why is that? The cost for a Dignity Cremation is \$4200. The cost at Island Cremations is \$695. Do the math. Some families simply cannot afford the cost of a Dignity cremation. Island Cremations offers an affordable alternative. That is why people from Southern Brevard, North Brevard, and Orlando come to Island Cremations. It is not in the best interest of Brevard County to allow a company, namely Dignity, to monopolize the funeral industry. Therefore, anything you can do to support Island Cremations is in the best interest of Brevard County.

3. Island Cremations cares about people. When a loved one dies it is the most vulnerable time of their life. It is a time when they can be taken advantage of. Island Cremations tries to really help people. I can speak from experience. I will give you a couple of examples. One time a person died. I knew them. They were not a member of my church. I called Island Cremations and told them that the deceased did not have the money for the cremation and that the church would be paying for their

cremation. Paul Mazzoni, the owner of Island Cremations, told me, "Don't worry about it, we will take care of it." And they did.

Another time a family had their oldest son commit suicide at their family home. His siblings wanted to have an open casket viewing at the church before the memorial service. I told them that was not a good idea. They should call Island Cremations and arrange for a private viewing and I was sure Island Cremations would make that happen. They did. And Island Cremations told those siblings they could take as much time as they wanted to be with their brother.

This is what Island Cremations does to take care of people. This is a very important service to our community. This is why I think it is very important to do whatever we can to support Island Cremations. I do not receive money from Island Cremations. I am not being paid to write this statement. I care about people and have found Island Cremations to be a valuable asset in caring for people when a loved one dies.

4. Lack of impact on parking issues. As I said before, I live four houses down the street from Island Cremations. I have never seen a parking problem or a traffic problem when services at Island Cremations are being conducted. Island Cremations has been very respectful of our neighborhood and our street. I only see the proposed change to zoning and our community to be an improvement, not a detriment.

I believe anyone who opposes this change in zoning is misinformed and does not know the facts. I do not understand why anyone would oppose what would be such a helpful business to our community. I have been with many people when a loved one dies. I care about them deeply and go through the process of death and grieving with them. Island Cremations has been a tremendous asset in that process. I urge the Zoning Board and the Board of County Commissioners to approve this change in zoning request for the benefit of those who are grieving the death of a loved one and for the benefit of our community.

Sincerely,

Rev. Russell Frahm, PhD  
40 Mark Avenue  
Merritt Island, Florida 32952

Yvette M. Witherell  
465 Allen Drive  
Merritt Island, FL 32952

Brevard County Board of County Commissioners  
Planning & Development Department  
2725 Judge Fran Jamieson Way, Building A  
Viera, FL 32940

**RE: ID# 23SS00014 & 23Z00054**

Commissioners:

This letter is in response to the notice I received regarding Island Cremations, Inc., and their request to change the zoning classification in my residential neighborhood. (415 S. Courtenay Parkway, Merritt Island) I am not in favor of converting any part of Merritt Ridge, a single-family residential neighborhood, to commercial/retail use. The forethought of purchasing the crematory never made any sense to me and the business is not well suited to the location. I do understand why they want to rezone the property for their use, but I am adamantly against it. I do not want them to turn a residential lot in my neighborhood into a parking lot.

I am unable to attend the public hearing on August 14, 2023, at 3:00pm to voice my objection. This letter addresses my concerns and I hope it will be considered in making the proper decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yvette M. Witherell', with a stylized, flowing script.

Yvette M. Witherell

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

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 2023**, 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: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Morris Richardson, County Attorney; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Agenda**

#### **Island Cremations, Inc. (Kent Bush)**

A Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial). The property is 0.25 acres, located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island) (23SS00014) (Tax Account 2427231) (District 2)

#### **Island Cremations, LLC (Kent Bush)**

A change of zoning classification from RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial). The property is 0.25 acres, located on the southwest corner of S. Courtenay Pkwy. and Mark Ave. (415 S. Courtenay Pkwy., Merritt Island) (23Z00054) (Tax Account 2427231) (District 2)

Paul Mazzoni, 405 S. Courtenay Parkway, Merritt Island, stated he would like to change the zoning to make the subject property a parking lot for the funeral home. He said the new lot would provide 14 to 16 new parking spaces which will allow more chairs inside the funeral home. He explained, the majority of the business is cremation, and they do 1,400 per year; no other funeral home in Florida does that many. He said they are known for doing cremations at a low rate, which helps families. He stated currently, he can only have 20 to 25 chairs in the chapel, and adding a parking lot on the subject property will allow more chairs. He said he's been in business at that location since 2010 and has over \$1 million in the drawer in pre-arrangements. He added, a parking lot on the subject property will clean up the lot, which has been overgrown and currently has a pool on it that is sinking and has to be removed.

Public comment.

John Hopengarten asked what type of vehicles will be parked on the lot. Mr. Mazzoni replied they will be vehicles that belong to families that come to the funeral home, and maybe some employees.

Motion by Henry Minneboo, seconded by Brian Hodgers, to recommend approval of a change of zoning classification from RU-1-11 to BU-1. The motion passed unanimously.