



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

4/7/2022

Subject:

Scott Minnick requests a change of zoning classification from AU to RR-1, with a BDP. (22Z00003) (Tax Account 2004518) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), with a BDP (Binding Development Plan).

Summary Explanation and Background:

The applicant requests to change 2.76 acres of the parcel from AU to RR-1 in order to reduce the minimum required lot width to allow the parent parcel to split, and proposes a BDP to maintain consistency with the Comprehensive Plan. The northern 25 feet of the existing parcel is excluded from the rezoning request in order for that land to retain the AU zoning of the lot to the west, as the applicant intends to split off this 25-foot-wide strip and adjoin it to that lot to the West.

The developed character of the surrounding area is a mixture suburban residential, agricultural-residential, and agricultural uses. All adjacent properties and all properties in the general vicinity are currently zoned AU. The introduction of RR-1 in the area could be considered to be out of character because this zoning classification allows one acre lots. The proposed BDP will cap the density potential of the subject property to 1 unit per 2.5 acres, which could provide the consistency and compatibility with the surrounding area.

The RR-1 classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot of width and depth of 125 feet, and a minimum house size of 1,200 square feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning classification.

The Board may wish to consider whether the request to RR-1 and the BDP limiting the development to one dwelling on 2.5 acres is consistent and compatible with the surrounding area.

On March 14, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limiting density to 1 unit per 2.5 acres.

Clerk to the Board Instructions:

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

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Monday, April 4, 2022 4:15 PM
To: Abbate, Frank B; Adams, Joanne L; Ball, Jeffrey; Barrett, Melisa L; Bayne, Jessica; Calkins, Tad; Denninghoff, John P; Elmore, Amanda T; Esseeesse, Alexander; Foll, Nadia; Gerundo, Carol; Grivas-Pereno, Bessie; Hemenway, Logan; Iliff, Bethany; Jacobs-Kierstein, Gabriel; Jim Barfield; Jorandby, Abigail F.; Lane, Karen; Lively, Cathy; Liz Alward; Luebker, Vic; Mascellino, Carol; McCullough-Wham, Lee Ann; Newell, Marcia; Prasad, Billy; Commissioner Rita Pritchett; Ritchie, George C; Rivera, Teresa; Roth, Joy; Schmadeke, Adrienne; Skambraks, Anda C; Commissioner Curt Smith; Smith, Nathan; Stern, Danielle; Commissioner John Tobia; Toro, Deanna; Van, Fritz; Walker, Don; Zonka, Kristine; Clerk to the Board
Subject: 04/07/22 Revised H.1. Agenda Report
Attachments: 22Z00003 Agenda Report 04-07-22 BCC.pdf

Good afternoon,

The agenda report for Item H.1., Scott Minnick, on the April 7th Zoning Agenda has been revised to read as stated below. The agenda report is attached for convenience.

On March 14, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limiting density to 1 unit per 2.5 acres.

Thank you,
Jennifer

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
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Extension: 58300
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Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein, please contact Brevard County's A.D.A Coordinator by phone at 321-637-5347, or by email at ADACompliance@brevardfl.gov

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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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

CONDITIONAL USE PERMITS (CUPs)

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00003

Scott Minnick

AU (Agricultural Residential) to RR-1 (Rural Residential) with a Binding Development Plan (BDP)

Tax Account Numbers: 2004518

Parcel I.D.s: 20G-35-02-AI-7.01

Location: 5170 Dixie Way, Mims, Florida 32754 (District 1)

Acreage: 2.76 acres

Planning & Zoning Board: 3/14/2022

Board of County Commissioners: 4/07/2022

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	AU	RR-1 with BDP
Potential*	1 SF unit	1 SF unit
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES** RES 1:2.5

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Application includes a Binding Development Plan (BDP), limiting density to 1 unit per 2.5 acres.

Background and Purpose of Request

The applicant requests to change 2.76 acres of the parcel from AU (Agricultural Residential) to the RR-1 (Rural Residential) zoning classification, in order to reduce the minimum required lot width, along with a BDP requiring a minimum 2.5 acre lot size to maintain consistency with the maximum Future Land Use (FLU) density of the Comprehensive Plan. The northern 25 feet of the existing parcel is excluded from the rezoning request, in order for that land to retain the AU zoning of the lot to the west, as the applicant intends to split off this 25-foot-wide strip and adjoin it to that lot. To gain access to the abutting lot, for the purposes of obtaining a residential building permit, the applicant for such lot split will need to demonstrate compliance with Section 62-102 by obtaining approval of an Administrative Action (AA) for a flag lot. The applicant could be eligible to apply for an AA for a flag lot to the abutting property to the west if this rezoning is approved.

The current zoning of AU is the original zoning classification of the property.

Land Use

The subject property is currently designated Residential 1:2.5 (RES 1:2.5) FLU. The proposed RR-1 zoning, with a BDP limiting density to 1 single-family dwelling unit per 2.5 acres, could be considered to be consistent with the RES 1:2.5 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.10 – Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

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;

Since RR-1 is considerably less intense than AU in terms of permitted uses, the potential effects in terms of hours of operation, lighting, odor, noise levels, traffic or other site activity of the proposed RR-1 zoning could be considerably less than what is permitted by the current AU zoning.

- 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 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 historical land use pattern is agricultural use with AU zoning, including some residential, on parcels of 2.5 acres and larger. The agricultural use of land has mostly transitioned to low- density residential uses, with lot sizes of 2.5 acres or larger.

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

There have been approximately one half-dozen single-family residences granted building permits and no zoning actions approved within ½ mile of the subject property in the last three years.

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

No development plans have been approved within ½ mile of the subject property in the last three years.

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

This could be considered to create increased impact on abutting properties. The requirement of the BDP for a minimum lot area of 2.5 acres could be considered to make the proposed action materially consistent with policies of elements of the Comprehensive Plan.

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

The developed character of the surrounding area is a mixture suburban residential, agricultural-residential, and agricultural uses.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	One (1) single-family residential lot and one (1) vacant lot	AU	RES 1:2.5
South	Two (2) vacant lots	AU	RES 1:2.5
East	One (1) vacant lot (across right-of-way)	AU (across ROW)	RES 1 (across ROW)
West	One (1) vacant lot	AU	RES 1:2.5

The subject property is currently zoned AU, as are all adjacent properties and all properties in the general vicinity. The introduction of RR-1 zoning classification within this exclusively AU zoned area could be considered to be out of character with the area because this zoning classification allows one acre lots. The BDP will cap the density potential of the subject property to 1 unit per 2.5 acres, which could provide the consistency and compatibility with the surrounding area.

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

RR-1 classification permits single-family residential land uses on a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

There have been six (6) Administrative Actions for flag lots and/or access easements approved within a half-mile radius of the subject property within the last three years. Additionally, an application for an Administrative Action (21AA00053) for an easement through the subject property to access the abutting property to the west was denied.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US-1, from Burkholm Road to Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.16% of capacity daily. The maximum development potential from the proposed rezoning does not change the percentage of MAV utilization. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development proposal is below the threshold requiring school concurrency review.

The parcel is not connected to water. The closest Brevard County water line is approximately 2.8 miles south of the subject property. The parcel is not connected to sanitary sewer. The closest Brevard County sanitary sewer line is approximately 3.6 miles south of the subject property.

Environmental Constraints

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (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 request to RR-1 and the BDP limiting the development to one dwelling on 2.5 acres is consistent and compatible with the surrounding area.

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

Item # 22Z00003

Applicant: Scott Minnick

Zoning Request: AU to RR-1 with BDP

Note: Applicant wants to create a flag stem on portion of parcel, and place BDP on remainder of parcel to be no less than 2.5 acres in size.

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID No: 2004518

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

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

Land Use Comments:

Hydric Soils/Wetlands

The subject property contains an area of mapped hydric soils (Bradenton fine sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable.

Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. At time of building permit application, a wetland determination/delineation may be required.

Recent aerials indicate that a portion the parcel has been filled. The discovery of unpermitted wetland impacts may result in enforcement action.

Indian River Lagoon Nitrogen Overlay

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

Land Clearing and Landscape Requirements

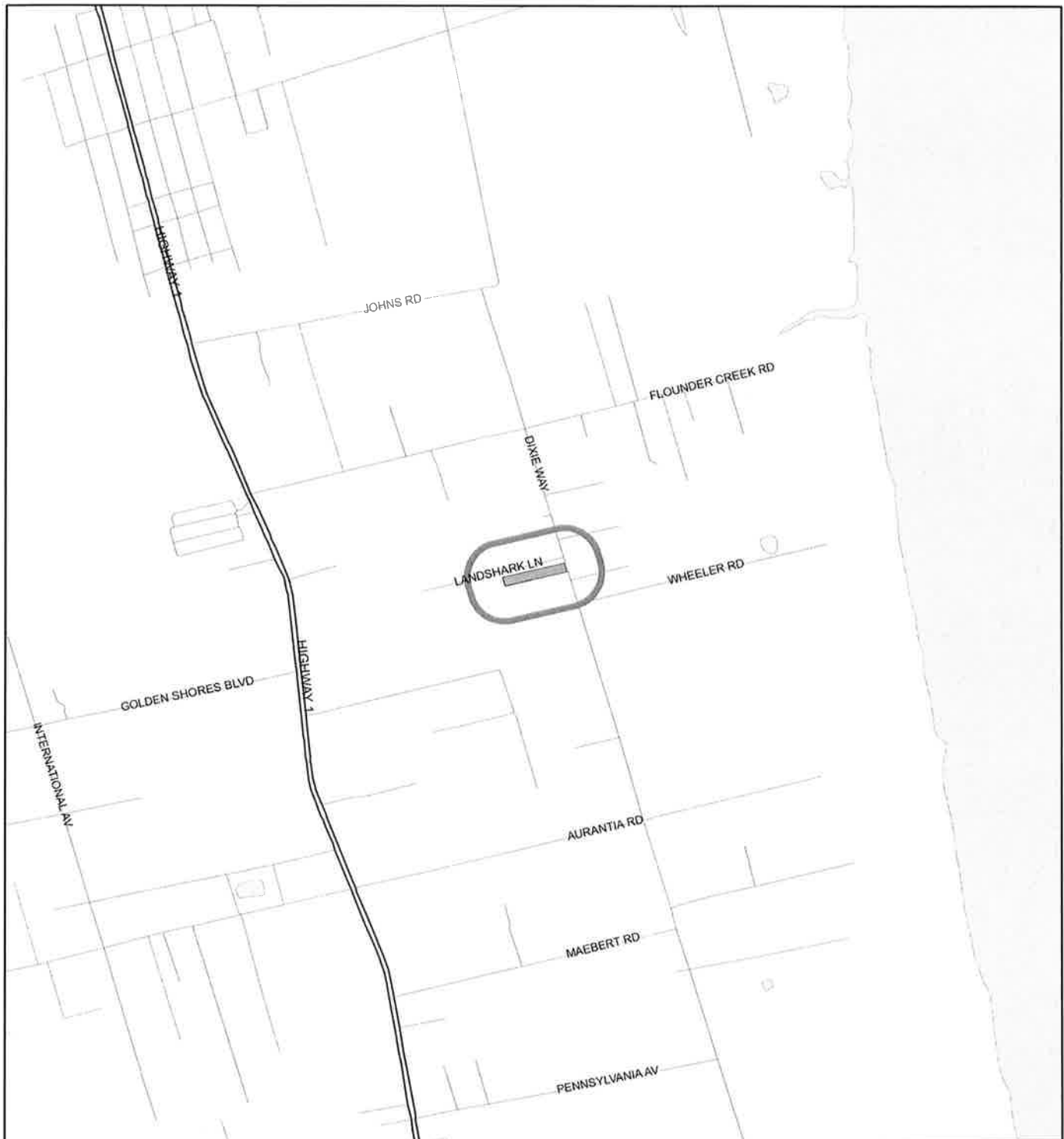
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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

SCOTT MINNICK
22Z00003



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

Buffer Distance: 500 feet

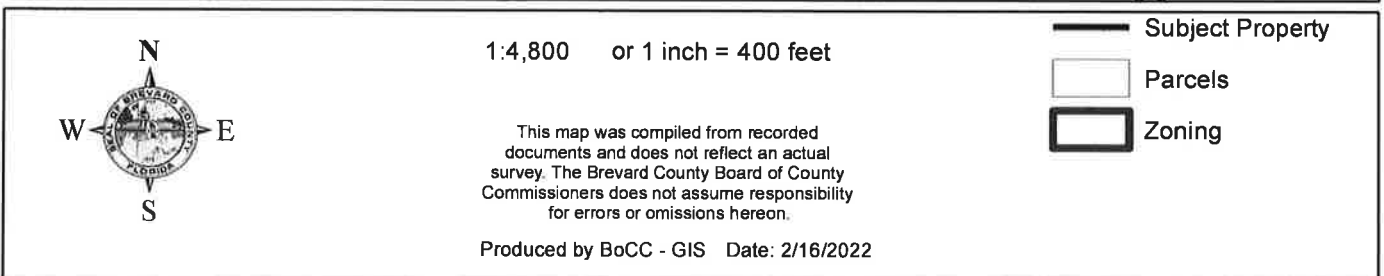
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/16/2022

 Buffer

 Subject Property

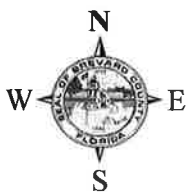
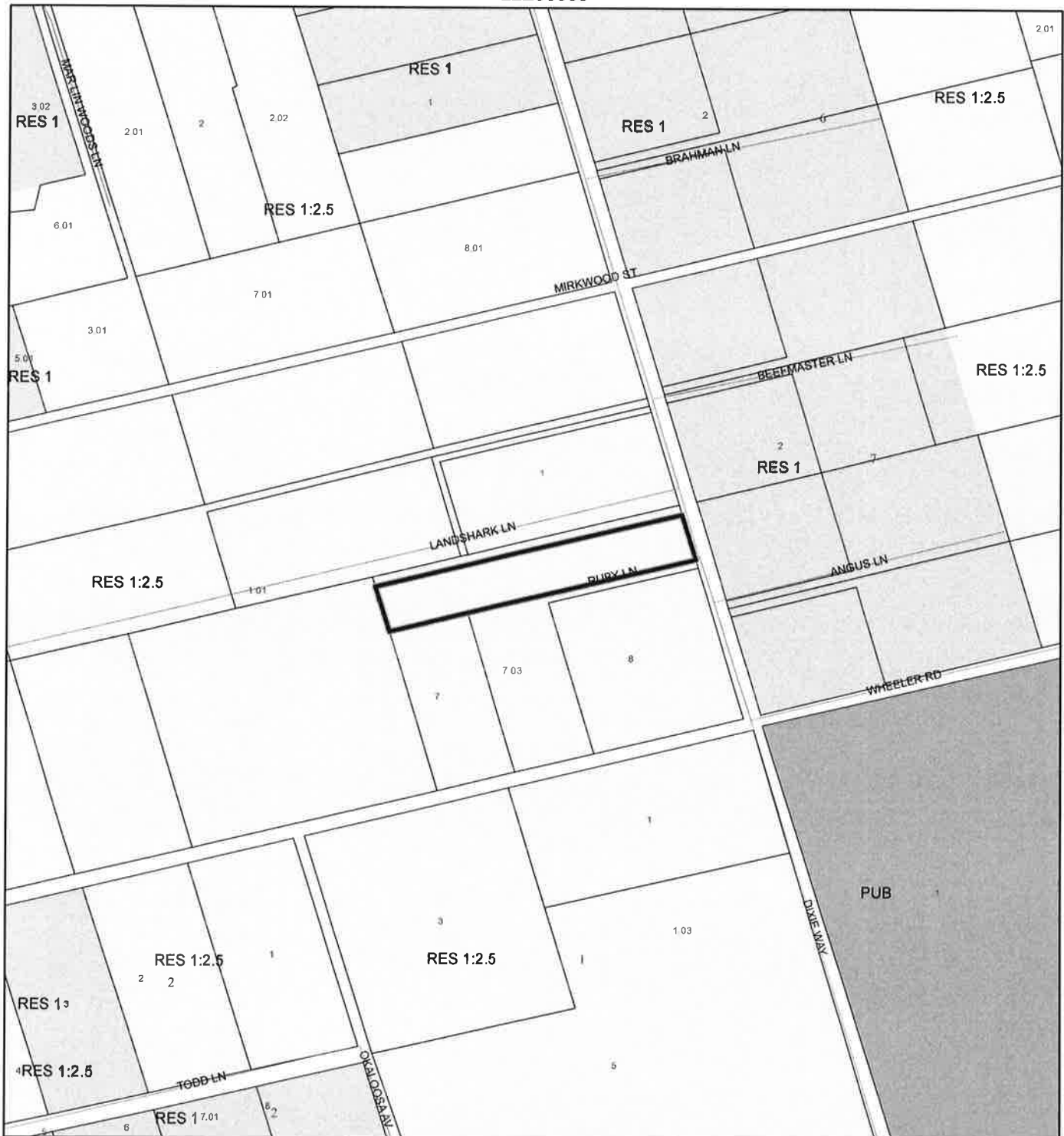
SCOTT MINNICK
22Z00003



FUTURE LAND USE MAP

SCOTT MINNICK

22Z00003



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

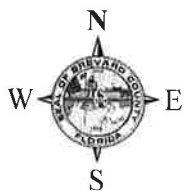
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/16/2022

AERIAL MAP

SCOTT MINNICK

22Z00003



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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.

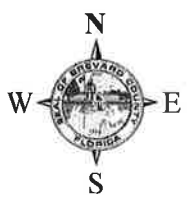
Produced by BoCC - GIS Date: 2/16/2022

 Subject Property

 Parcels

NWI WETLANDS MAP

SCOTT MINNICK
22Z00003



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.

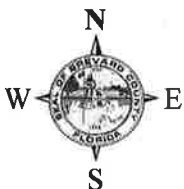
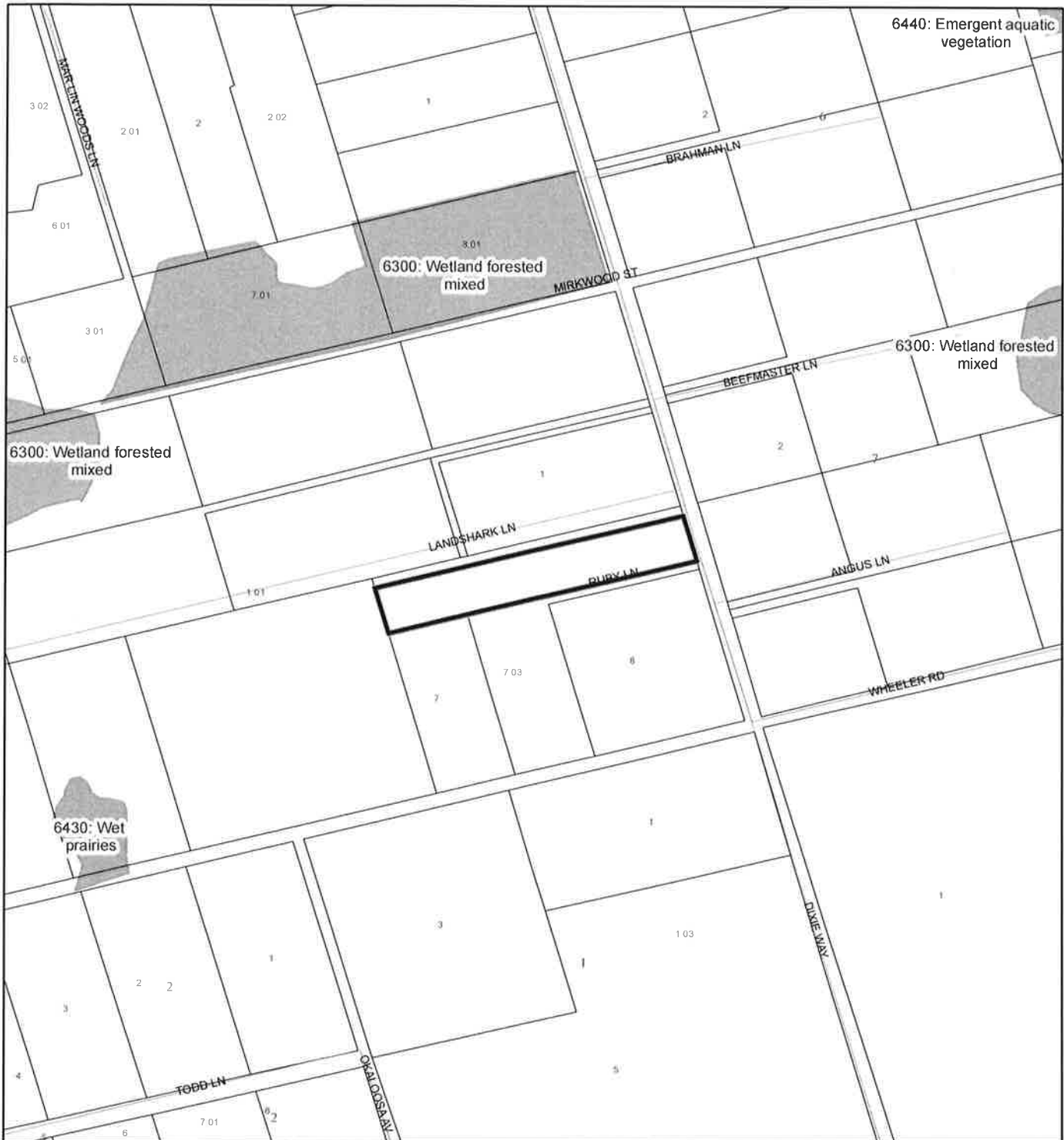
Produced by BoCC - GIS Date: 2/16/2022

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

SCOTT MINNICK

22Z00003



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: 2/16/2022

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

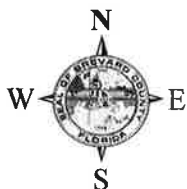
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

USDA SCSSS Soils

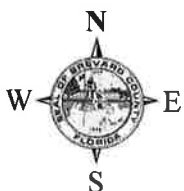
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

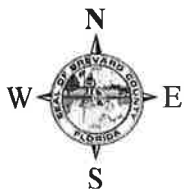
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

— Subject Property

□ Parcels

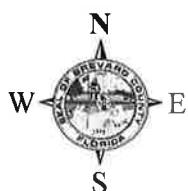
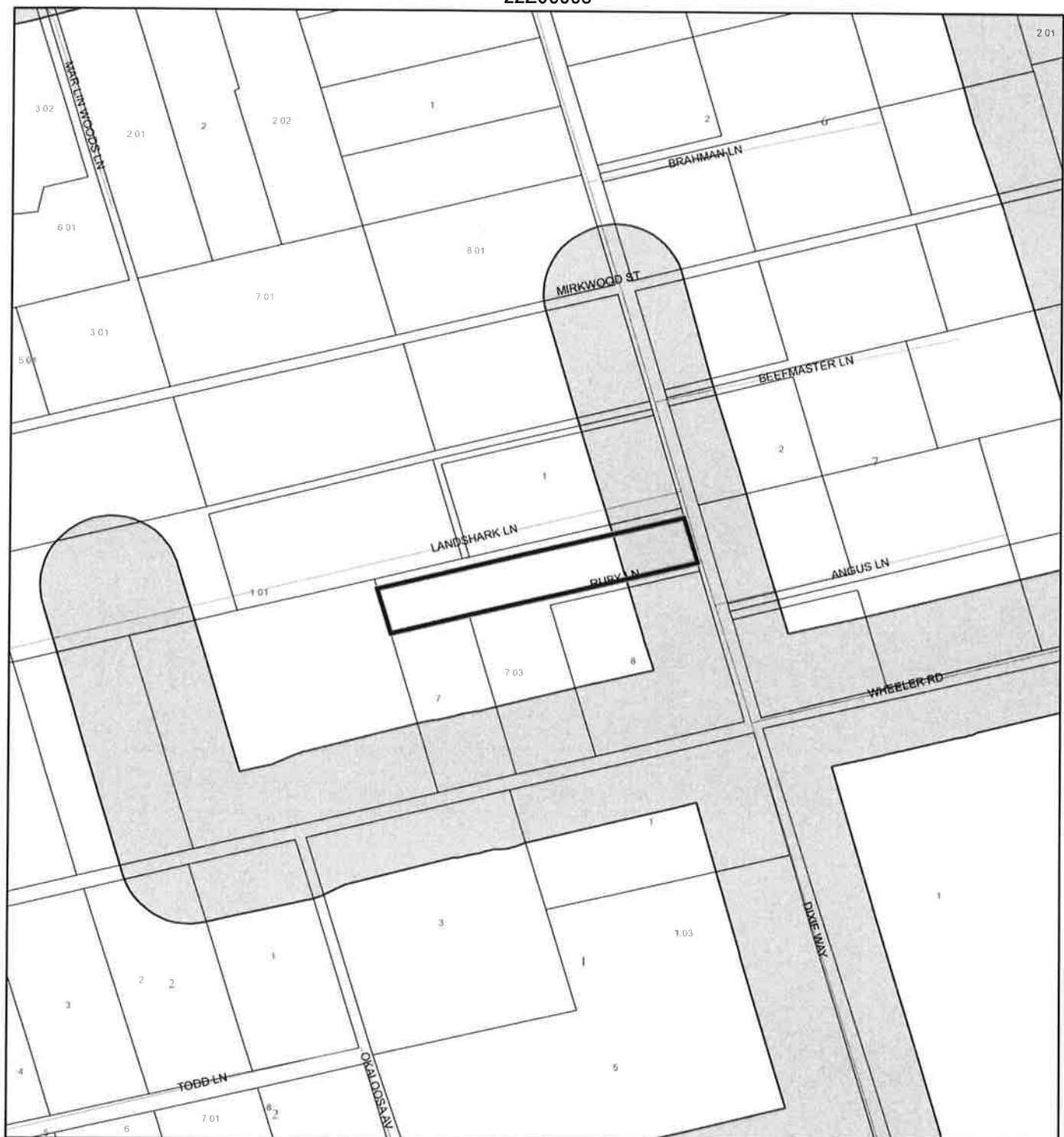
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

 Subject Property

 Parcels

Septic Overlay

 40 Meters

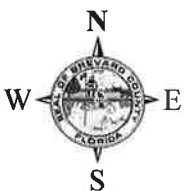
 60 Meters

 All Distances

EAGLE NESTS MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

 Subject Property

 Parcels

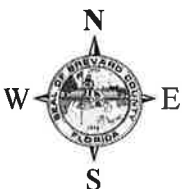


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

SCOTT MINNICK

22Z00003



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: 2/16/2022

 Subject Property

 Parcels

 Scrub Jay Occupancy

Prepared by: _____
Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 11TH day of January, 2022 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Scott Minnick, a _____ corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RR 1 zoning classification(s) and desires to develop the Property as Single family, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the Improvements. It is the intent of the parties that the

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

3. Developer/Owner shall provide a 0 foot buffer on the N/A portion of the Property.
4. The Developer/Owner shall limit density to 1 ^{2.5 ACRES} units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
5. The Developer/Owner shall limit ingress and egress to
N/A
6. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
7. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
8. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
9. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

From: Dave P
To: Jones, Jennifer; Commissioner, D1
Cc: scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1
Date: Friday, March 11, 2022 3:41:58 PM

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel. Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM. However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Respectfully,
Dave Pierce
3375 Flounder Creek Rd

From: David Laney
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; David Laney
Cc: Jones, Jennifer
Subject: Deny Scott Minnick Rezoning Request - AU to RR-1
Date: Friday, March 11, 2022 5:41:16 PM

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

Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel. Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose,

Respectfully,

David Laney
3800 Sams Lane,
Scottsmoor, Fl.
386-405-3803

From: Erica McClellan
To: Jones, Jennifer
Subject: 22Z00003 Rezoning AU to RR-1
Date: Friday, March 11, 2022 6:24:34 PM

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

Dear Zoning Department,

As a resident of Mims, Florida Brevard District 1.

I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida 32754.

This property is currently zoned AU, with a FLUM designation of RES 1:2.5 acre.

The owner Scott Minnick is requesting it to be rezoned to RR-1 so he can then build a house on a 2.5 acre lot with non compliant road frontage, with the BDP to limit the property to 1 house, all so he can develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with.

He has options available which would allow him to build one house, as he planned, on this parcel west without resorting to this manipulation of the Brevard County Zoning and FLUM.

However, as a resident I do support approving the easement or variation of applying Brevard County rules, regulations, policies and ordinances to allow the intended action.

I do not agree with the manipulation of zoning and FLUM for this sole purpose. I believe our water aquifer will be compromised. I live very close to the property in question and our salt level in our well water is already well over 700 ppm and more homes tapping into this area will only cause the salt water intrusion to increase. Many homes in this area are already forced to truck in water to their homes by getting large tanks on trailers and filling up at the Mims water facility off Holder Rd.

I am asking to please not rezone this property to RR-1 but allow an easement to save the original 2.5 acre requirements per Brevard County Zoning Ordinance.

Thank you, and feel free to contact me with any questions or concerns.

Sincerely,

Marion Erica McClellan
321-403-8846

From: [Craig Schreiber](#)
To: [Jones, Jennifer](#)
Cc: [Scottsmoor Community Association](#)
Subject: REZONING NOTICE 2 2 Z 0 0 0 3
Date: Friday, March 11, 2022 8:18:08 PM

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

Dear Member of Zoning Board,

My wife and I have resided in Scottsmoor, Brevard County District 1 for over 30 years. We raised our three daughters here because we valued the rural lifestyle ensured by the AU zoning and established land use plan. We strongly oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754 which is currently zoned AU, with a FLUM designation of RES 1:2.5.

It is clear to us that this request should be denied based on Section 62-1151(c) of the Code of Ordinances of Brevard County as this zoning change would open the door to development that will significantly change the "...character of the land use of the property surrounding the property being considered", the "available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property" and it is incompatible with "...existing land use plans for the affected area."

Further, our reading of the ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT justifies the rejection of this request under:

1. Policy 3, criteria A & C - increasing population density will assuredly negatively affect our dirt roads which are a valued feature of the area for the equestrian residents and there is no development in the area under RR:1 zoning.
2. Policy 4, criteria A - again, increased traffic associated with RR:1 would "materially and adversely impact" the neighborhood.
3. Policy 5 - again, too much traffic is bad!
4. Policy 6 - rezoning to RR:1 would not be consistent with FLUM designation of RES 1:2.5.
5. Policy 7 - if this area is opened up to RR:1 zoning our already ailing Indian River will be significantly and negatively impacted by the number of septic systems needed.

As I understand it, Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation and it does not make sense to adversely impact the community to resolve his business problem. He has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as residents we can accept a limited accommodation such as an easement that does not materially change zoning or land use rules thereby opening the door to more dense land development.

Thank you for taking the time to read this and hopefully act in accordance with the wishes of our family and our neighbors.

Craig & Susie Schreiber

From: LYNN EDLUND
To: Jones, Jennifer; d1.commissioner@brevardfl.gov; Scottsmoor Community Association
Subject: Subject: Rezoning Notice 22Z00003
Date: Friday, March 11, 2022 8:45:49 PM
Importance: High

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

Brevard County Planning & Zoning Board

I'm the property/home owner located at 5160 Dixie Way and sharing a common property line with 5170 Dixie Way(the 3.38 acre property that is being considered for re-zoning).

I have discussed this re-zoning with many of my neighbors and friends in the local area. We all pretty much agree that Re-zoning from AU to RR-1 is not what we want. If this is allowed, it would set a precedence for future requests. It would just open PANDORAS BOX!!! I have talked to the couple who have negotiated to build a house on this property and they are eager to get this problem resolved. They are agreeable to allowing an easement on the north side of the property. This would allow the person, who has a 10 acre tract, legal access to his property. Everybody that I have talked to or interfaced with are in agreement with this solution.

Lynn Edlund
5160 Dixie Way
Mims, FL 32754

321-213-0260
321-383-9499

Sent from [Mail](#) for Windows

From: [Constance Good](#)
To: [Jones, Jennifer](#)
Subject: Opposing the requested rezoning of 5170 Dixie Way, Mims, FL 32754
Date: Friday, March 11, 2022 11:37:42 PM

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

From: Nick M
To: Jones, Jennifer; Commissioner, D1; scottsmoorcommunityassociation@gmail.com
Subject: 22z00003 Rezoning AU to RR-1
Date: Saturday, March 12, 2022 6:27:06 AM

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

As a resident of Mims, Florida Brevard District 1.

I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida 32754.

This property is currently zoned AU, with a FLUM designation of RES 1:2.5 acre.

The owner Scott Minnick is requesting it to be rezoned to RR-1 so he can then build a house on a 2.5 acre lot with non compliant road frontage, with the BDP to limit the property to 1 house , all so he can develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with.

He has options available which would allow him to build one house, as he planned, on this parcel west without resorting to this manipulation of the Brevard County Zoning and FLUM.

However, as a resident I do support approving the easement or variation of applying Brevard County rules, regulations, policies and ordinances to allow the intended action.

I do not agree with the manipulation of zoning and FLUM for this sole purpose. I believe our water aquifer will be compromised. I live very close to the property in question and our salt level in our well water is already well over 700 ppm and more homes tapping into this area will only cause the salt water intrusion to increase. Many homes in this area are already forced to truck in water to their homes by getting large tanks on trailers and filling up at the Mims water facility off Holder Rd.

I am asking to please not rezone this property to RR-1 but allow an easement to save the original 2.5 acre requirements per Brevard County Zoning Ordinance.

Thank you, and feel free to contact me with any questions or concerns.

Sincerely,

Nick McClellan

--

Nick McClellan

3400 Flounder Creek Rd.

Mims FL 32754

CBC1257562 & HI2028

Florida Home Inspectors Inc.

321-302-1211

Website: InspectFL.com

From: [Graham, Bruce](#)
To: [Jones, Jennifer; Commissioner, D1](#)
Cc: ["scottsmoorcommunityassociation@gmail.com"](#); ["grahamjoey19@yahoo.com"](#)
Subject: Property Rezoning Mims: Concerned Resident
Date: Saturday, March 12, 2022 9:42:13 AM

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

Dear Commissioner or Member of Planning and Zoning

As a member of the Scottsmoor Community Association, we have had recent discussions concerning a local rezoning request and the potential cause and effect of this rezoning action on future residential development (more rezoning to Rural Residential [RR]:1) and subsequent consequence on limited infrastructure resource, in particular ground water. As residents of Scottsmoor, Brevard County District 1, my wife and I are in opposition to the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned Agricultural Residential, with a Future Land Use Map (FLUM) designation of Residential (RES) 1:2.5. The owner, Mr. Scott Minnick is requesting the property to be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a Binding Development Plan (BDP) to limit the property to 1 house, so he can then develop the land-locked 10 acre lot west of this parcel.

It is my understanding that Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is ostensibly responsible for creating this situation (i.e., land-locked 10-acre parcel) to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

I believe it is all's best interest to have an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow access to the properties without rezoning of these properties to RR:1. Please help us maintain our rural community with respect to the carrying capacity of Scottsmoor and the local region for limiting to the extent possible the potential for long-term environmental degradation.

Respectfully

Bruce Graham
Senior Scientist-Marine Specialist

5850 Lord Street
Mims, FL 32754
CSA Ocean Sciences Inc.
bgraham@conshelf.com

From: [Steve Skinner](#)
To: [Jones, Jennifer](#); d1commisioner@brevardfl.gov; scottsmoorcommunityassociation@gmail.com
Subject: Text for ReZoning Emails
Date: Saturday, March 12, 2022 11:15:18 AM

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

Sent from Yahoo Mail for iPad

Begin forwarded message:

Date: March 12, 2022

Subject: Text for ReZoning 22Z00003 AU to RR1

"Dear Commissioner or Member of P&Z,

As a resident of Mims, Brevard County District 1, My wife & myself oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West

without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Thank you for your consideration in this matter.

Sincerely, Mr. & Mrs. Steve Skinner
3200 Flounder Creek Rd.
Mims, Flounder 32754

Email: Steveskinner3200@yahoo.com

From: [glendajhaynes](#)
To: [Jones, Jennifer](#)
Subject: Rezoning
Date: Saturday, March 12, 2022 9:48:38 PM

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM f

**Glenda Ceballos
3175 Sunset Ave
Mims, FL. 32754**

Sent from AT&T Yahoo Mail for iPad

From: [Jon Anderson](#)
To: [Jones, Jennifer](#)
Cc: [Commissioner, D1](#)
Subject: Proposed rezoning of 5170 Dixie Way 32754
Date: Sunday, March 13, 2022 9:21:27 PM

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

Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

From: Rachel
To: Jones, Jennifer
Subject: Opposition to rezoning 22Z00003
Date: Monday, March 14, 2022 9:00:55 AM

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

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754 (application: 22Z00003) This property is currently zoned AU, with a FLUM designation of RES 1:2.5.

The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel. Mr. Minnick is the individual who established the boundaries of this and adjacent properties.

I am concerned for setting a precedent to allow for future properties being rezoned as well. Mr. Minnick has rezoned properties in the past only to change his BDP after rezoning approval Then subsequently building on less than 2.5 acres. I do NOT want to see this happen in North Mims/ Scottsmoor.

However, as a resident I do support approving an easement or some variation of to allow legal access to the 10 acres in question. BUT NOT A CHANGE TO ZONING AND FLUM. Rezoning has more implications than an easement or variance. It's in the best interest of the environment and current infrastructure to NOT rezone this property.

Rachel Caplanis
3380 Flounder Creek Rd
Mims, Fl 32754

From: [Nick Caplanis](#)
To: [Jones, Jennifer; Commissioner, D1](#)
Cc: scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1
Date: Monday, March 14, 2022 10:48:03 AM

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

Dear Commissioner or Member of P&Z,

As a resident of Mims, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2-acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, so he can then develop a 10-acre lot west of this parcel. The concern is the precedent this would set for future use of the 10-acre lot as well as future development of current AU vacant land in the surrounding area.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating the noncompliance issue. He has options available which would allow him to build on this parcel and the 10-acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM. However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. But not manipulation of zoning and FLUM for this sole purpose.

Best regards,

Nick Caplanis
Brevard County District 1 Resident

From: [rturner948](#)
To: [Jones, Jennifer; Commissioner, D1](#)
Cc: [scottsmoorcommunityassociation@gmail.com](#)
Subject: (Subject: 22Z00003 Rezoning AU to RR-1)
Date: Monday, March 14, 2022 1:55:31 PM

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

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone

Dear Commissioner and Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Thank you for your attention in this matter.

Respectfully,

Rob and Rosie Turner

From: [rturmer948](#)
To: [Commissioner, D1; Jones, Jennifer; scottsmoorcommunityassociation@gmail.com](#)
Subject: 22Z00003 Rezoning AU to RR-1
Date: Monday, March 14, 2022 2:35:34 PM

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

As a member of the Mims/Scottsmoor area, I'm writing to request that the rezoning of 5170 Dixie Way, Mims NOT be allowed to go forward. As we've seen all across our county, these rezoning efforts are designed to maximize the amount of houses present or future to be allowed to be built.

Those of us who live in the rural areas of Mims and Scottsmoor are on "well systems" for our water source and the impact of such rezoning will greatly impact our water table through an increase in the number of homes allowed to be built on decreased parcel sizes.

So it is with great concern to us here in the Mims/Scottsmoor community, that if this rezoning is allowed, then it will have a direct and unrecoverable impact.

We are opposed !

Respectfully,
Rob and Rosa Turner

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:35 PM
To: 'Scottsmoor Community Association'
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; 'melinda.burdette@brevardfl.gov'
Subject: RE: 22Z00003 ReZoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office

7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

Please note:

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From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
Sent: Friday, March 11, 2022 2:51 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: 22Z00003 ReZoning AU to RR-1

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

Good afternoon Rita,

I would like to speak with you soon regarding the application submitted by Scott Minnick to Rezone the 3.38 acres at 5170 Dixie Way.

We had a special meeting with the community regarding this request on 3/9. I met with the builder on behalf of the developer, as well as the prospective homeowners. The community at large is vehemently against rezoning, but would like to put their support behind allowing an easement along the North edge of the lot to grant access to the 10.47 acres behind. This would allow the developer to build his 2 houses as planned (one on each lot, maintaining the lot sizes) without changing the zoning or future land use map.

As always, Scottsmoor welcomes new neighbors who want to join us in a rural and agricultural way of life. We do, however, not want to see RR-1 zoning creeping up into the community, no matter the stated intent.

As I understand, the developer has already applied for and been denied an easement in this case. The community at large would like to ask that this application receive another review, with the knowledge that community and neighbor support is behind it.

Please let me know when we can discuss this. The Zoning board is set to hear this on 3/14 Mon, and it is set to be heard at the BOCC Zoning Meeting on 4/7. All parties would like to resolve this prior to that date if possible. If you are able to make time for us next week I would greatly appreciate it. 30 minutes should be sufficient.

Thanks Rita and have a great weekend!

--

Jerrad Atkins

President

Scottsmoor Community Association

"Neighbors Helping Neighbors"

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:35 PM
To: Dave P
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: 22Z00003 Rezoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Dave P <davep21@protonmail.com>
Sent: Friday, March 11, 2022 3:42 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Respectfully,
Dave Pierce
3375 Flounder Creek Rd

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:34 PM
To: David Laney
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Deny Scott Minnick Rezoning Request - AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: David Laney <David.Laney@ucf.edu>
Sent: Friday, March 11, 2022 5:41 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; David Laney <David.Laney@ucf.edu>
Cc: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Deny Scott Minnick Rezoning Request - AU to RR-1

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

Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose,

Respectfully,

David Laney
3800 Sams Lane,
Scottsmoor, Fl.
386-405-3803

Commissioner, D1

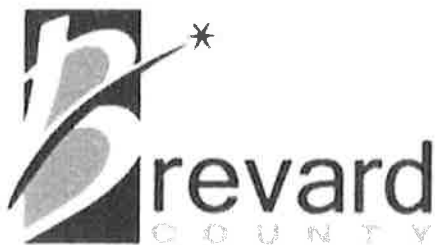
From: Commissioner, D1
Sent: Friday, March 18, 2022 12:34 PM
To: 'Erica McClellan'
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; 'melinda.burdette@brevardfl.gov'
Subject: RE: 22Z00003 Rezoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Erica McClellan <m.ericamcclellan@yahoo.com>
Sent: Friday, March 11, 2022 6:20 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: 22Z00003 Rezoning AU to RR-1

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

Dear Commissioner,

As a resident of Mims, Florida Brevard District 1.

I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida 32754.

This property is currently zoned AU, with a FLUM designation of RES 1:2.5 acre.

The owner Scott Minnick is requesting it to be rezoned to RR-1 so he can then build a house on a 2.5 acre lot with non compliant road frontage, with the BDP to limit the property to 1 house , all so he can develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with.

He has options available which would allow him to build one house, as he planned, on this parcel west without resorting to this manipulation of the Brevard County Zoning and FLUM.

However, as a resident I do support approving the easement or variation of applying Brevard County rules, regulations, policies and ordinances to allow the intended action.

I do not agree with the manipulation of zoning and FLUM for this sole purpose. I believe our water aquifer will be compromised. I live very close to the property in question and our salt level in our well water is already well over 700 ppm and more homes tapping into this area will only cause the salt water intrusion to increase. Many homes in this area are already forced to truck in water to their homes by getting large tanks on trailers and filling up at the Mims water facility off Holder Rd.

I am asking to please not rezone this property to RR-1 but allow an easement to save the original 2.5 acre requirements per Brevard County Zoning Ordinance.

Thank you, and feel free to contact me with any questions or concerns.

Sincerely,

Marion Erica McClellan
321-403-8846

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:33 PM
To: Craig Schreiber
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: REZONING NOTICE 2 2 Z 0 0 0 3

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Craig Schreiber <cschreib55@gmail.com>
Sent: Friday, March 11, 2022 8:21 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: REZONING NOTICE 2 2 Z 0 0 0 3

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

Dear Commissioner Pritchett,

My wife and I have resided in Scottsmoor, Brevard County District 1 for over 30 years. We raised our three daughters here because we valued the rural lifestyle ensured by the AU zoning and established land use plan. We strongly oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754 which is currently zoned AU, with a FLUM designation of RES 1:2.5.

It is clear to us that this request should be denied based on Section 62-1151(c) of the Code of Ordinances of Brevard County as this zoning change would open the door to development that will significantly change the "...character of the land use of the property surrounding the property being considered", the "available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property" and it is incompatible with "...existing land use plans for the affected area."

Further, our reading of the ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT justifies the rejection of this request under:

1. Policy 3, criteria A & C - increasing population density will assuredly negatively affect our dirt roads which are a valued feature of the area for the equestrian residents and there is no development in the area under RR:1 zoning.
2. Policy 4, criteria A - again, increased traffic associated with RR:1 would "materially and adversely impact" the neighborhood.
3. Policy 5 - again, too much traffic is bad!
4. Policy 6 - rezoning to RR:1 would not be consistent with FLUM designation of RES 1:2.5.
5. Policy 7 - if this area is opened up to RR:1 zoning our already ailing Indian River will be significantly and negatively impacted by the number of septic systems needed.

As I understand it, Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation and it does not make sense to adversely impact the community to resolve his business problem. He has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as residents we can accept a limited accommodation such as an easement that does not materially change zoning or land use rules thereby opening the door to more dense land development.

Thank you for taking the time to read this and hopefully act in accordance with the wishes of our family and our neighbors.

Craig & Susie Schreiber

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:33 PM
To: Constance Good
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Oppose the rezoning of 5170 Dixie Way, Mims, FL 32754

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office

7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Constance Good <goconnie57@gmail.com>
Sent: Friday, March 11, 2022 11:37 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Oppose the rezoning of 5170 Dixie Way, Mims, FL 32754

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:33 PM
To: Nick M
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: 22z00003 Rezoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office

**7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901**

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From: Nick M <fhinick@gmail.com>
Sent: Saturday, March 12, 2022 6:27 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; scottsmoorcommunityassociation@gmail.com
Subject: 22z00003 Rezoning AU to RR-1

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

As a resident of Mims, Florida Brevard District 1.

I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida 32754.

This property is currently zoned AU, with a FLUM designation of RES 1:2.5 acre.

The owner Scott Minnick is requesting it to be rezoned to RR-1 so he can then build a house on a 2.5 acre lot with non compliant road frontage, with the BDP to limit the property to 1 house , all so he can develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with.

He has options available which would allow him to build one house, as he planned, on this parcel west without resorting to this manipulation of the Brevard County Zoning and FLUM.

However, as a resident I do support approving the easement or variation of applying Brevard County rules, regulations, policies and ordinances to allow the intended action.

I do not agree with the manipulation of zoning and FLUM for this sole purpose. I believe our water aquifer will be compromised. I live very close to the property in question and our salt level in our well water is already well over 700 ppm and more homes tapping into this area will only cause the salt water intrusion to increase. Many homes in this area are already forced to truck in water to their homes by getting large tanks on trailers and filling up at the Mims water facility off Holder Rd.

I am asking to please not rezone this property to RR-1 but allow an easement to save the original 2.5 acre requirements per Brevard County Zoning Ordinance.

Thank you, and feel free to contact me with any questions or concerns.

Sincerely,

Nick McClellan

Nick McClellan

3400 Flounder Creek Rd.

Mims FL 32754

CBC1257562 & HI2028

Florida Home Inspectors Inc.

321-302-1211

Website: InspectFL.com

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:32 PM
To: Graham, Bruce
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Property Rezoning Mims: Concerned Resident

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Graham, Bruce <bgraham@conshelf.com>
Sent: Saturday, March 12, 2022 9:42 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: 'scottsmoorcommunityassociation@gmail.com' <scottsmoorcommunityassociation@gmail.com>; 'grahamjoey19@yahoo.com' <grahamjoey19@yahoo.com>
Subject: Property Rezoning Mims: Concerned Resident

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

Dear Commissioner or Member of Planning and Zoning

As a member of the Scottsmoor Community Association, we have had recent discussions concerning a local rezoning request and the potential cause and effect of this rezoning action on future residential development (more rezoning to Rural Residential [RR]:1) and subsequent consequence on limited infrastructure resource, in particular ground water. As residents of Scottsmoor, Brevard County District 1, my wife and I are in opposition to the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned Agricultural Residential, with a Future Land Use Map (FLUM) designation of Residential (RES) 1:2.5. The owner, Mr. Scott Minnick is requesting the property to be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a Binding Development Plan (BDP) to limit the property to 1 house, so he can then develop the land-locked 10 acre lot west of this parcel.

It is my understanding that Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is ostensibly responsible for creating this situation (i.e., land-locked 10-acre parcel) to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

I believe it is all's best interest to have an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow access to the properties without rezoning of these properties to RR:1. Please help us maintain our rural community with respect to the carrying capacity of Scottsmoor and the local region for limiting to the extent possible the potential for long-term environmental degradation.

Respectfully

Bruce Graham
Senior Scientist-Marine Specialist

5850 Lord Street
Mims, FL 32754
CSA Ocean Sciences Inc.
bgraham@conshelf.com

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:32 PM
To: Richard Ceballos
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Zoning

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Richard Ceballos <rceballos1937@gmail.com>
Sent: Saturday, March 12, 2022 9:47 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Zoning

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Richard I Ceballos
3178 Sunset Ave.
Mims, Fl. 23754

Commissioner, D1

Objection
22Z00003
Minnick

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:32 PM
To: glendajhaynes
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Rezoning

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



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Telephone: 321-607-6901

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From: glendajhaynes <glendajhaynes@bellsouth.net>
Sent: Saturday, March 12, 2022 9:51 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Rezoning

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

"Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Glenda Ceballos
3175 Sunset Ave.
Mims, FL. 32754

Sent from AT&T Yahoo Mail for iPad

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:31 PM
To: Jon Anderson
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Proposed rezoning of 5170 Dixie Way 32754

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office

7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Jon Anderson <andersonnorway1@gmail.com>
Sent: Sunday, March 13, 2022 9:21 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Cc: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Proposed rezoning of 5170 Dixie Way 32754

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

Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose."

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:30 PM
To: Rachel
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: Opposition to rezoning 22Z00003

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Rachel <rachelellisrx@yahoo.com>
Sent: Monday, March 14, 2022 9:01 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Opposition to rezoning 22Z00003

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

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754 (application: 22Z00003) This property is currently zoned AU, with a FLUM designation of RES 1:2.5.

The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel. Mr. Minnick is the individual who established the boundaries of this and adjacent properties.

I am concerned for setting a precedent to allow for future properties being rezoned as well. Mr. Minnick has rezoned properties in the past only to change his BDP after rezoning approval Then subsequently building on less than 2.5 acres. I do NOT want to see this happen in North Mims/ Scottsmoor.

However, as a resident I do support approving an easement or some variation of to allow legal access to the 10 acres in question. BUT NOT A CHANGE TO ZONING AND FLUM. Rezoning has more implications than an easement or variance. It's in the best interest of the environment and current infrastructure to NOT rezone this property.

Rachel Caplanis
3380 Flounder Creek Rd
Mims, FL 32754

Commissioner, D1

From: Commissioner, D1
Sent: Friday, March 18, 2022 12:30 PM
To: Nick Caplanis
Cc: 'Pritchett, Rita'; 'Mascellino, Carol'; melinda.burdette@brevardfl.gov
Subject: RE: 22Z00003 Rezoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office
7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Nick Caplanis <nickcaplanis@yahoo.com>
Sent: Monday, March 14, 2022 10:48 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1

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

Dear Commissioner or Member of P&Z,

As a resident of Mims, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2-acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, so he can then develop a 10-acre lot west of this parcel. The concern is the precedent this would set for future use of the 10-acre lot as well as future development of current AU vacant land in the surrounding area.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating the noncompliance issue. He has options available which would allow him to build on this parcel and the 10-acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM. However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. But not manipulation of zoning and FLUM for this sole purpose.

Best regards,

Nick Caplanis
Brevard County District 1 Resident

Mascellino, Carol

From: Commissioner, D1
Sent: Tuesday, March 22, 2022 2:20 PM
To: Lynne Viana
Cc: Pritchett, Rita; Mascellino, Carol; Burdette, Melinda
Subject: RE: 22Z00003 Rezoning AU to RR-1

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. This item has not appeared on the Zoning agenda yet; however, the Commissioner has started looking into it. Thank you.

Best regards,

Carol Mascellino
Legislative Aide to Commissioner Rita Pritchett



District 1 Commission Office

7101 S. Highway 1
Titusville, FL 32780
Telephone: 321-607-6901

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From: Lynne Viana <lynnem2017@gmail.com>
Sent: Tuesday, March 22, 2022 8:57 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1

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Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel.

Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. BUT NOT MANIPULATION OF ZONING AND FLUM for this sole purpose.

I recently purchased 3405 Flounder Creek Rd, Mims FL 32754 and this situation has just been brought to my attention. I paid a premium to be out here where my children can grow up outside with larger land to live. I purchased for the AU land use specifically not residential. I was told by my realtor that this wouldn't happen and now I have four houses built within the last six months on the lot next to me that is the same size as my lot.

Best regards,

Lynne Viana
239-771-3891

From: Lynne Viana
To: Jones, Jennifer; Commissioner, D1; scottsmoorcommunityassociation@gmail.com
Subject: 22Z00003 Rezoning AU to RR-1
Date: Tuesday, March 22, 2022 8:56:54 AM

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Dear Commissioner or Member of P&Z,

As a resident of Scottsmoor, Brevard County District 1, I oppose the requested rezoning of 5170 Dixie Way, Mims, Florida, 32754. This property is currently zoned AU, with a FLUM designation of RES 1:2.5. The owner, Mr. Scott Minnick is requesting it be rezoned to RR:1, so he can then build a house on a 2 1/2 acre lot with a non-compliant road frontage, with a BDP to limit the property to 1 house, all so he can then develop a 10 acre lot west of this parcel. Mr. Minnick is the individual who established the boundaries of this and adjacent properties, so he is responsible for creating this situation to start with. And, he has options available which would allow him to build on this parcel and the 10 acre parcel to the West without resorting to this manipulation of Brevard County Zoning and FLUM.

However, as a resident I do support approving an easement or some variation of applying Brevard County rules, regulations, policies, and ordinances to allow the intended action. **BUT NOT MANIPULATION OF ZONING AND FLUM** for this sole purpose.

I recently purchased 3405 Flounder Creek Rd, Mims FL 32754 and this situation has just been brought to my attention. I paid a premium to be out here where my children can grow up outside with larger land to live. I purchased for the AU land use specifically not residential. I was told by my realtor that this wouldn't happen and now I have four houses built within the last six months on the lot next to me that is the same size as my lot.

Best regards,

Lynne Viana
239-771-3891

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 2022**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Scott Minnick

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP (Binding Development Plan). The property is 3.38 +/- acres, located on the west side of Dixie Way, approx. 500 ft. north of Wheeler Rd. (5170 Dixie Way, Mims) (Tax Account 2004518) (District 1)

Scott Minnick, 1968 Turpentine Road, Mims, stated the subject property is 167 feet wide and he is trying to get access to his lot behind it. He said he originally thought he could come in from Okaloosa, but when he applied for an easement it was denied, and then staff recommended he rezone from AU to RR-1. He noted the lot is nine inches too narrow to apply for a variance.

Public Comment

Jared Adkins, 3000 Sunset Avenue, Scottsmeer, stated he is not an immediate neighbor of the property; however, he is the President of the Scottsmeer Community Association and he is present to voice the concerns of the community. He said he spoke with Mr. Minnick's representative who explained the intent of the rezoning. Afterward he spoke to the community association and conveyed the stated intentions, and the community association unanimously opposed the rezoning, with some members of the association being immediate neighbors of the subject property and others who live in close proximity. The association is not against Mr. Minnick's intention as far as what he wants to build and how he intends to use the land, but what they are against is how it's being done, which is through a rezoning. He stated the community would support some other way into the property. He said the association does not want rezoning to RR-1 from AU, because of the potential ramifications of that rezoning. He noted if the property is rezoned, then sold to someone else, and the BDP changed, it would allow the potential for more homes to be built.

David Laney, 3800 Sam's Lane, Scottsmeer, stated the Mr. Minnick is not eligible for a rezoning because the situation he is attempting to remedy is of his own making. He stated the property does not meet the 150 feet of road frontage required for a 2.5-acre lot; instead, it only has 137 feet. He said it can be rezoned to RR-1 with a binding development plan and still be utilized for the same building consistent with the classification of other properties in the area, and that's fine, but what the ordinance is not intended for is to allow for a rezoning from a modification of an existing lot to receive a variance on that lot for the purpose of benefitting another piece of property.

Henry Minneboo asked if the property is landlocked. Mr. Minnick replied no, it's not landlocked.

Ron Bartcher asked if the 10-acre lot in question is adjacent to Wheeler Road. Mr. Minnick replied yes, but it has not been developed. He stated Okaloosa runs into Wheeler and there's already two homes that come off of that street, and that was his intended plan, but it was not allowed. Mr. Bartcher asked why Mr. Minnick did not want to use Wheeler Road as an access. Mr. Minnick replied, you have to cross Wheeler Road off of Okaloosa. Mr. Bartcher asked if Mr. Minnick's 10-acre property borders Wheeler Road. Mr. Minnick replied yes, it does.

Mr. Bartcher pointed out that getting access to that property from Wheeler Road would mean he doesn't need other access through the smaller lot. Mr. Minnick replied that is correct, if you came all the way from Dixie, but then that would mean a paved road or up-to-County-standard road, which would be very expensive when he could come down Okaloosa, which people already utilize.

Ben Glover asked if anything can be done on the parcel in its current configuration.

Peter Martin stated the subject property fronts Dixie Way and it meets all AU requirements in terms of lot dimensions and size; however, the applicant would like to access the abutting parcel to the west which would require a 25-foot flag stem for a flag lot. The applicant applied for an easement, but it was denied because it doesn't meet the requirements for an easement. The subject property is 159 feet wide. The required lot width for AU is 150 feet; if you take 25 feet away for a flag stem, it would make the lot substandard, but the RR-1 zoning only requires a lot width of 125 feet, which would allow enough room for a flag stem. He noted the BDP submitted with the application limits development to one lot.

Mr. Glover asked Mr. Minnick if his intention is just to provide access. Mr. Minnick replied yes, to the 10.5-acre parcel to the west. Mr. Glover asked what he plans to do with the 10 acres. Mr. Minnick replied he would like to build one home.

Mr. Glover stated he does not know how the board can tell him that he can't make a driveway on one of them when he owns both of them.

Liz Alward asked if there are any limitations to how many homes he can put on the 10 acres.

Jeffrey Ball explained that on a 10-acre piece of property, each of those lots zoned AU has to be 2.5 acres, which is four lots. Under the Subdivision Code, anything over three lots requires a minor subdivision that he would have to go through and each of the lots would be required to have access onto a County-maintained road. The other caveat is that there can only be two flag lots adjacent to each other, so he would be limited to two lots because of the flag stem. If there is another way of getting access to the rear, outside of a flag stem, through Wheeler Road or Todd Lane, but by land use and zoning he can have four lots on the 10-acre parcel.

Ms. Alward clarified for the public that the request is not increasing the density on the existing 10 acres by adding the flag stem. Mr. Ball noted that the 10-acre parcel is not part of the request.

John Hopengarten stated paragraph 4 in the BDP says density shall be limited to one unit per 2.5 acres, which means he could essentially put four houses on the 10 acres.

Mr. Ball explained that the BDP is on the subject property, not on the 10 acres to the west. The RR-1 zoning requires one acre. The BDP is written in a way to recognize Mr. Minnick's rights as far as the

Future Land Use designation of RES 1:2.5, and not the RR-1, which would allow for a one-acre lot. He is capped at one unit per 2.5 acres.

Mr. Bartcher stated he does not see a problem with the request because he is providing a binding development plan, which effectively keeps the zoning the same as the RES 1:2.5. He said his concern in that area is increasing the density, but the BDP keeps the density the same.

Motion by Ron Bartcher, seconded by Liz Alward, to approve the request for a change of zoning classification from AU to RR-1 with a BDP limited to one unit on 2.5 acres. The motion passed unanimously.