



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

10/2/2025

Subject:

Boniface and Company, Inc. (Kimberly Rezanka) requests a zoning classification change from BU-1 with a BSP to BU-1 with removal of a BSP. (25Z00020) (Tax Account 2800682) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of a BSP as it applies to the subject property.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) with a BSP on 12.81 acres to BU-1 (General Retail Commercial) to allow for expansion of the Boniface-Hiers Kia dealership and service center. The subject parcel has access to W. New Haven (U.S. 192), a state-maintained roadway. This request would effectively remove the original BSP from 12.81 acres of the 46± acre total affected area. The remaining affected property is no longer owned by the same owner; additionally, the current owner does not have authorization to remove the entirety of the BSP. The subject parcel is currently developed and is located on the north side of W. New Haven.

In accordance with Section 62-1157(4), existing binding site plans shall be treated as binding development plans insofar as they are consistent with the 1988 county comprehensive plan, as amended, and more restrictive ordinances of the county, and the plans shall continue to be binding on the applicant and his assigns, heirs and successors in title or possession of the lot, tract or parcel of land.

On the BU-1 portion of the subject property, the BSP required a masonry wall on the north, east, and west property boundaries to provide a buffer for the site from the residential zoning to the west and north property boundaries, and an antique store that abutted the subject property on the southeast corner.

The applicant is proposing to remove the BSP on 12.81 acres, as the north wall was constructed and is to remain in place. The owner has stated that they do not intend to remove this wall. On the western boundary, the wall shown on the BSP is no longer on the property owned by the current property owner. This area is owned by the Meadow Lake Subdivision and provides ingress/egress to the subdivision.

It is the applicant's position that the wall on the east side of the property is not necessary, as the additional

single-story building will still provide a 207-foot setback and substantial vegetative buffer that currently already exists and is to remain in place. In addition, the applicant states there are 2 existing public easements as additional buffer to the east: Crane Creek has a 58-foot public drainage right-of-way (R/W) and a 40-foot public R/W (unnamed road), as noted by the provided survey. Staff analysis has determined that the vegetative buffer noted by the applicant is approximately between 125 feet and 220 feet in width and approximately 500 feet in length on the east side property line.

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

On September 15, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 25Z00020

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

WHEREAS, Boniface and Company, Inc. (Kimberly Rezanka) requests a zoning classification change from BU-1 (General Retail Commercial) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP, on property described as Tax Parcel 1, as recorded in OR Book 7898, Page(s) 667 and 668, of the Public Records of Brevard County, Florida. **Section 02, Township 28, Range 36.** (12.84 acres) Located at the southeast intersection of W. New Haven Ave. and Vista Lake Cir. (3890 W. New Haven Ave., Melbourne); and

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

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

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

BE IT FURTHER RESOLVED that this resolution shall become effective as of October 02, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chairman
Brevard County Commission
As approved by the Board on October 2, 2025.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – September 15, 2025

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
25Z00020**

Boniface and Company, Inc. (Kim Rezanka)

BU-1 (General Retail Commercial) with a Binding Site Plan (BSP) to BU-1 (General Retail Commercial) with removal of a portion of the BSP.

Tax Account Number: 2800682
Parcel I.D.: 28-36-02-00-1
Location: 3890 W. New Haven Ave. Melbourne, FL. (District 5)
Acreage: 12.81 acres

Planning and Zoning Board: 9/15/2025
Board of County Commissioners: 10/02/2025

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	BU-1 w/ BSP	BU-1
Potential*	FAR of 1.0 384 dwelling units**	FAR of 1.0 384 dwelling units**
Can be Considered under the Future Land Use Map	Yes CC	Yes CC

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

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) with a BSP on 12.81 acres to BU-1 (General Retail Commercial) to allow for expansion of the Boniface-Hiers Kia dealership and service center. The subject parcel has access to W. New Haven (U.S.192), a state-maintained roadway. This request would effectively remove the original BSP from 12.81 acres of the 46± acre total affected area. The remaining

affected property is no longer owned by the same owner. And, the current owner does not have authorization to remove the entirety of the BSP. The subject parcel is currently developed and is located on the north side of W. New Haven.

On November 7, 1988, the subject property was part of a request to rezone the property from AU to BU-1 and TR-3, encompassing 46± acres. The request was approved with a BSP subject to Section 77 Binding Site Plan under **Z-8270**. The approval changed the zoning classification from AU to BU-1 on the south 750 feet, approximately 14.87 acres, and TR-3 on the remaining approximately 31.13 acres with a BSP.

In accordance with Section **62-1157(4)**, Existing binding site plans shall be treated as binding development plans insofar as they are consistent with the 1988 county comprehensive plan, as amended, and more restrictive ordinances of the county, and the plans shall continue to be binding on the applicant and his assigns, heirs and successors in title or possession of the lot, tract or parcel of land. However, at the time such binding site plans are amended, the plan shall be converted to the form of the binding development plans required under this section.

On the BU-1 portion of the subject property, the BSP required a masonry wall on the north, east, and west property boundaries to provide a buffer for the site from the residential zoning to the west and north property boundaries. And an antique store that abutted the subject property on the southeast corner.

The applicant is proposing to remove the BSP on 12.81 acres due to the north wall was constructed and is to remain in place. The owner does not intend to remove this wall.

On the western boundary, the wall shown on the BSP is no longer on the property owned by the current property owner. This area is owned by the Meadow Lake Subdivision and provides ingress/egress to the subdivision.

It is the applicant's position that the wall on the east side of the property is not necessary, as the additional single-story building will still provide a 207-foot setback and substantial vegetative buffer that currently already exists and is to remain in place. In addition, the applicant states there are 2 existing public easements as additional buffer to the east: Crane Creek has a 58-foot public drainage right-of-way (R/W) and a 40-foot public R/W (unnamed road), as noted by the provided survey. Staff analysis has determined that the vegetative buffer noted by the applicant is approximately between 125 feet and 220 feet in width and approximately 500 feet in length on the east side property line.

The property abutting the subject property at the southeast corner, being used as mixed-use commercial, is zoned BU-1 and therefore a wall is not required to separate the uses.

The CC FLU designation originated from the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing

or wholesaling. Metal buildings shall be permitted in this zoning classification, subject to the restrictions presented in Section 62-2115.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 3.49 acres with approval of rezoning to BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 384 multi-family units as stipulated by the Live Local Act. The subject property is currently developed as a car dealership with plans of expansion to add additional structures to support the use.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-7	RES 15
South	W. New Haven	N/A	N/A
East	Mixed-use commercial, furniture store, single-family residence	BU-1, RR-1	CC, RES 6
West	Vista Lake Cir	BU-1	CC

North of the subject property is Meadow Lake Subdivision, 32.897 acres developed with 128 single-family residences, RU-1-7 zoning classification and RES 15 FLU. Currently, the subdivision is developed at approximately 3.89 units per acre.

South of the subject property is a four-lane divided highway, W. New Haven Avenue, a state-maintained roadway.

East of the subject property are three (3) parcels: separated by the drainage and R/W easement; a 1.29-acre parcel, developed as a furniture store with BU-1 zoning classification and CC FLU designation. The second parcel is 3.93 acres, developed with a single-family residence with RR-1 zoning classification and RES 6 FLU designation. The third (abutting the subject property's southeast corner) is a 0.66-acre parcel, developed as a commercial mixed-use property with BU-1 zoning classification and CC FLU designation.

West of the subject property is Vista Lake Circle, the entrance into the Meadow Lake Subdivision, zoned BU-1 with a CC FLU designation.

RU-1-7 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.

RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on 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.

Future Land Use

The BU-1 zoning classification can be considered consistent with the CC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan of the Future Land Use (FLU) Element.

Applicable Land Use Policies

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

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

Criteria:

A. Permitted/prohibited uses;

BU-1, General Retail Commercial zoning classification encompasses lands devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.

B. Existing commercial zoning trends in the area;

BU-1 is the predominant commercial zoning classification within 0.5 miles of the subject property. The first rezoning from commercial to residential was approved on August 4, 1960. Commercial zoning trends were the highest in the 1960s. There was one commercial zoning in the 1970s. Commercial rezoning picked up with the

highest being in the 2000s. Commercial rezonings have slowed since then, with the last commercial rezoning taking place in 2022.

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

Staff analysis has determined that the surrounding area north and west of the subject property is single-family detached and mobile home residences mixed with vacant lands. Abutting the W. New Haven Avenue corridor are primarily commercial properties. Where the property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.

The subject property was developed as a car dealership in 2020. The closest commercial zoning classification is the abutting southeast corner property, which is zoned BU-1 and is used as an antique and collectables mall. There is a second parcel to the east that is also zoned BU-1 and developed as a furniture store, Babcock Home Furnishings. The most recent commercial development is a mini storage warehouse, built in 2024, approximately 0.3 miles east of the subject property.

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

It is not anticipated that the proposed development would cause a deficiency in adopted LOS standards for roads and solid waste based on the preliminary concurrency analysis.

Connection to centralized water and sewer is available in this area with the City of Melbourne.

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

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. A wetland delineation will be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). West New Haven Avenue is an MQR at this location. The mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Protected and Specimen trees may exist on the parcel.

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

No other issues were identified that may emerge that would be addressed through performance-based zoning criteria.

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;

A concept plan was not submitted with this request. However, this is an expansion of the existing service center. This property will need to comply with the regulations of Section 62-1482 and 62-4342 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Traffic is not anticipated to impact the surrounding area as the removal of the BDP will not increase current LOS levels from the property. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed request increases the percentage of MAV utilization by 0.0%. Specific concurrency issues related to any future development will be addressed at the time of site plan review.

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

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

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

1. historical land use patterns;

Within the 0.5-mile radius of the subject property, there are several FLU designations: RES 4, RES 6, RES 15, NC, and CC. RES 6 is the predominant FLU designation on the north side of W. New Haven Avenue. RES 4 is the predominant FLU designation on the south side of W. New Haven Avenue.

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

Within the 0.5-mile radius of the subject property, there are several zoning classifications: AU, TR-1, RR-1, RU-1-7, RU-1-9, RP, SR, BU-1-A, BU-1, and BU-2, with the predominant residential zoning classification being TR-1 and BU-1 being the predominant commercial zoning classification.

The existing pattern is a mixture of single-family residential dwellings, mobile home dwellings, with commercial uses along W. New Haven Avenue. There are a few undeveloped properties blended in. Although the subject property was not developed until 2020, it was planned and approved for commercial use in November 1988. Other large commercial developments are located less than 0.5 mile to the west and more toward I-95.

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

One new development has occurred within 0.5 miles of the subject property within the last three years. It is located approximately 0.3 miles east of the subject property and is developed as a mini storage warehouse.

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

No development has been approved within the last three years, but not yet constructed. However, there has been one zoning action:

- **21Z00040: On 2/3/2022, approved rezoning from BU-1 and BU-2 to all BU-2 on 2.11 acres.**

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

No material violation of relevant policies has been identified.

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

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

Criteria:

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

Staff analysis of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential neighborhoods by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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.

The area is considered to be established with residential neighborhoods. There are clearly established boundaries, such as roads and open spaces.

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

The request does involve a neighborhood commercial use in an existing residential neighborhood.

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

This area is presumed to be mixed with residential and commercial uses. Commercial uses are primarily found along the W. New Haven Avenue corridor.

FLUE Administrative Policy 7

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

Wetlands may be present on the property. A wetland delineation will be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). West New Haven Avenue is a MQR at this location.

The property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions.

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.192, between John Rodes Blvd. and Wickham Rd., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of C, and currently operates at 86.53% of capacity daily. The maximum development potential from the proposed rezoning does not affect the percentage of MAV utilization. The corridor is anticipated to operate at the current level of 86.53% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues related to any future development will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject property is serviced by the City of Melbourne for centralized water and sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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

For Board Consideration

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

The Board may wish to consider whether the current mitigating techniques **protect the potential intrusion of this land use into the** abutting residential zoned properties and subdivision.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00020

Applicant: Kimberly Rezanka (Owner: Boniface and Company)

Zoning Request: Removal of BDP

Note: to allow expansion of Boniface-Hiers Kia dealership and service center

Zoning Hearing: 09/15/2025; **BCC Hearing:** 10/02/2025

Tax ID No.: 2800682

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

Land Use Comments:

The subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). West New Haven Avenue is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Aquifer Recharge Soils

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

Indian River Lagoon Nitrogen Reduction Septic Overlay

The eastern portion of this property 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.

Protected and Specimen Trees

Protected and Specimen trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements.

Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

On motion of Commissioner Altman, seconded by Commissioner Schmitt, the following resolution was adopted by a unanimous vote:

WHEREAS, R. RODNEY LUCE and PETER J. MORTON, Co-Personal Representatives of the Estate of Floyd M. Houser

has/have applied for a change of classification from AU to BU-1 on the South 750 ft. and a change of classification from AU to TR-3 on the remainder of the property on property described as the East 925 feet of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 28, Range 36, except the South 217 ft. of the East 209 ft. of the East $\frac{1}{4}$ of the Northeast $\frac{1}{4}$. (approx. 46 acres) Located on the North side of U.S. #192, 150 ft. East of Nina Jean Drive & just West of Crane Creek Drainage Canal L-12.

Section 2, Township 28 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved subject to a Section 77 Binding Site Plan and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be approved subject to a Section 77 Binding Site Plan, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to BU-1 on the South 750 ft. and a change of classification from AU to TR-3 on the remainder of the property be approved subject to a Section 77 Binding Site Plan, and that the zoning classification relating to the above described property be changed to BU-1 on the South 750 ft. and a changed to TR-3 on the remainder of the property and the Planning and Zoning Director is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 28, 1988.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

by ROGER W. DOBSON
Chairman

R. C. WINSTEAD, JR., Clerk

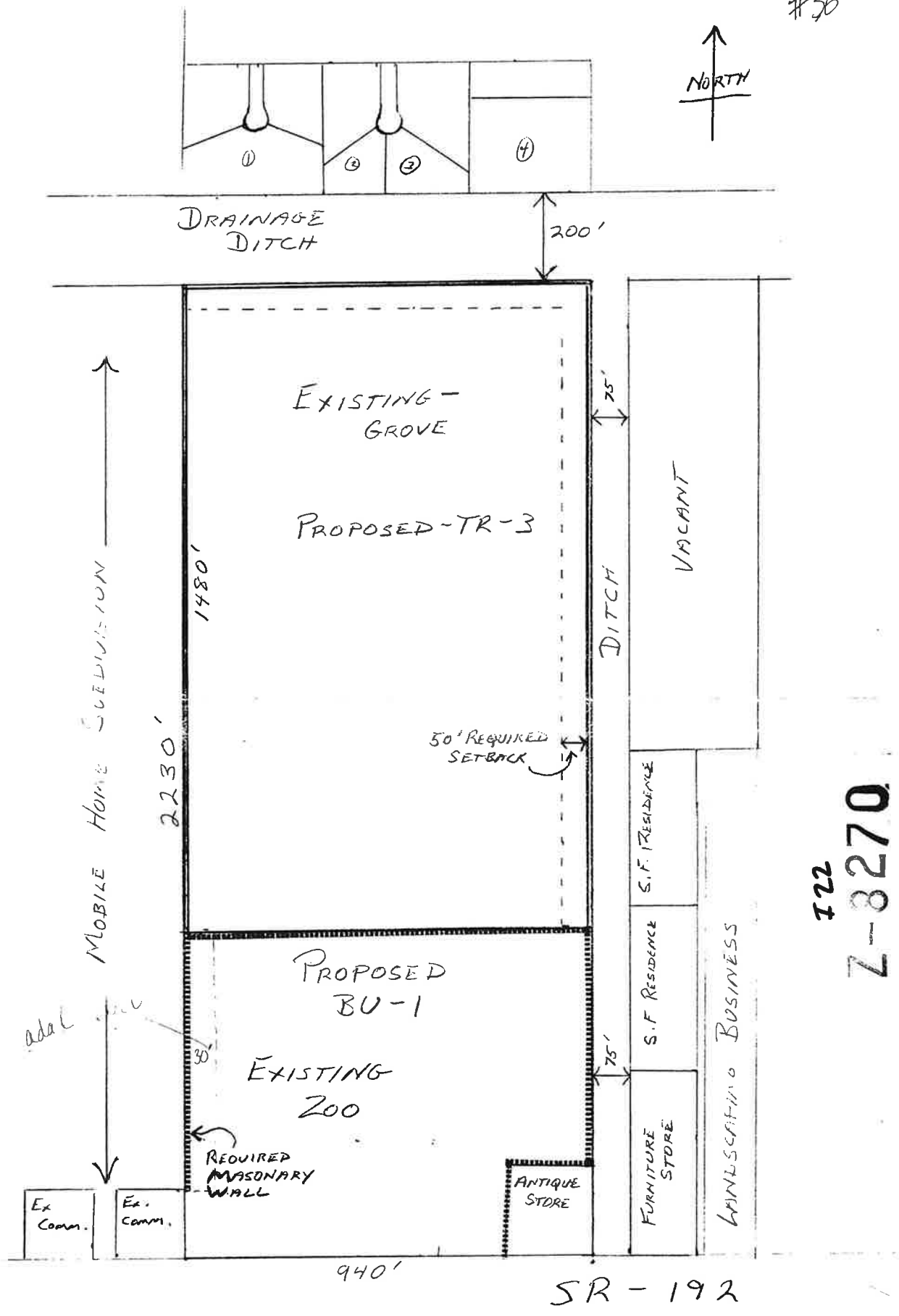
by D.C.

(SEAL)

(Hearing - November 7, 1988)

101
Z-8270

#36



122
Z-8270

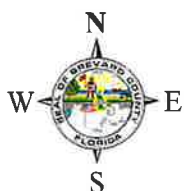
BINDING SITE PLAN

1" = 200'


[illegible]

THIS SURVEY CONTAINS 2 PAGES. EACH PAGE IS NOT FULL OR COMPLETE WITHOUT THE OTHER. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON PAGE 1

BONIFACE & COMPANY INC
25Z00020



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.

 Buffer
 Subject Property

ZONING MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2025

Subject Property

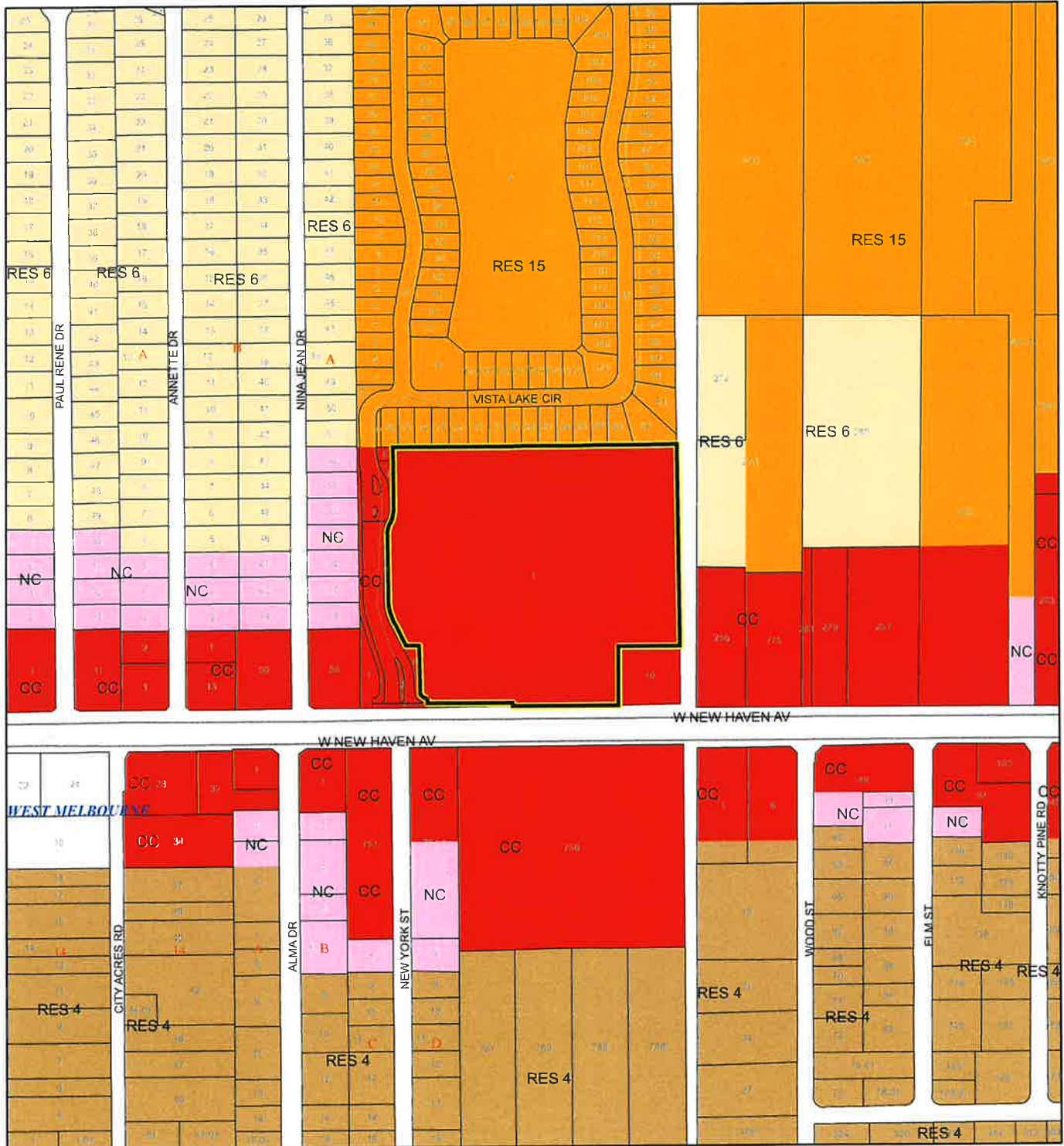
Parcels

Zoning

FUTURE LAND USE MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

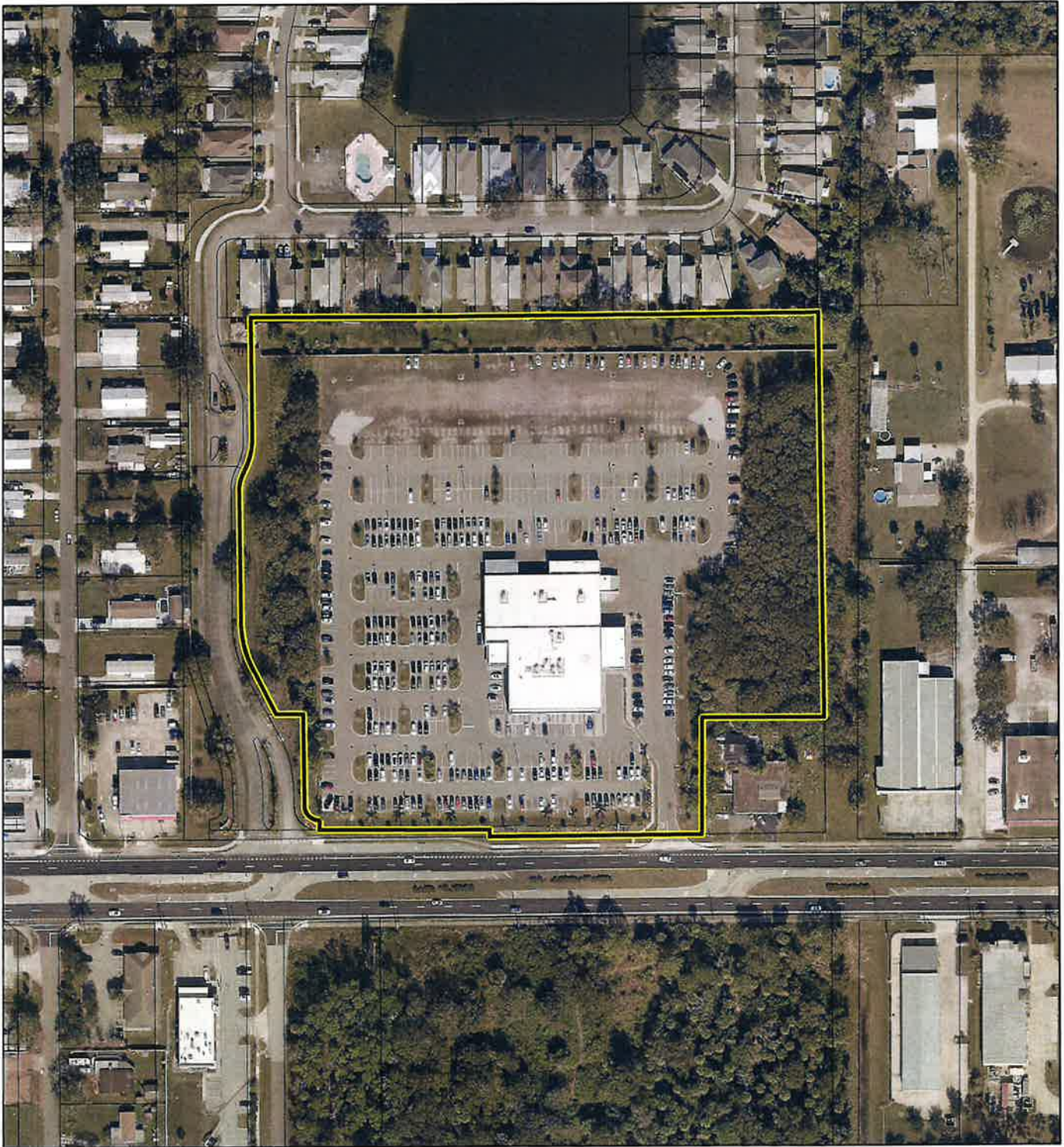
Subject Property

Parcels

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Produced by BoCC - GIS Date: 6/10/2025

AERIAL MAP
BONIFACE & COMPANY INC
25Z00020



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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Produced by BoCC - GIS Date: 6/10/2025

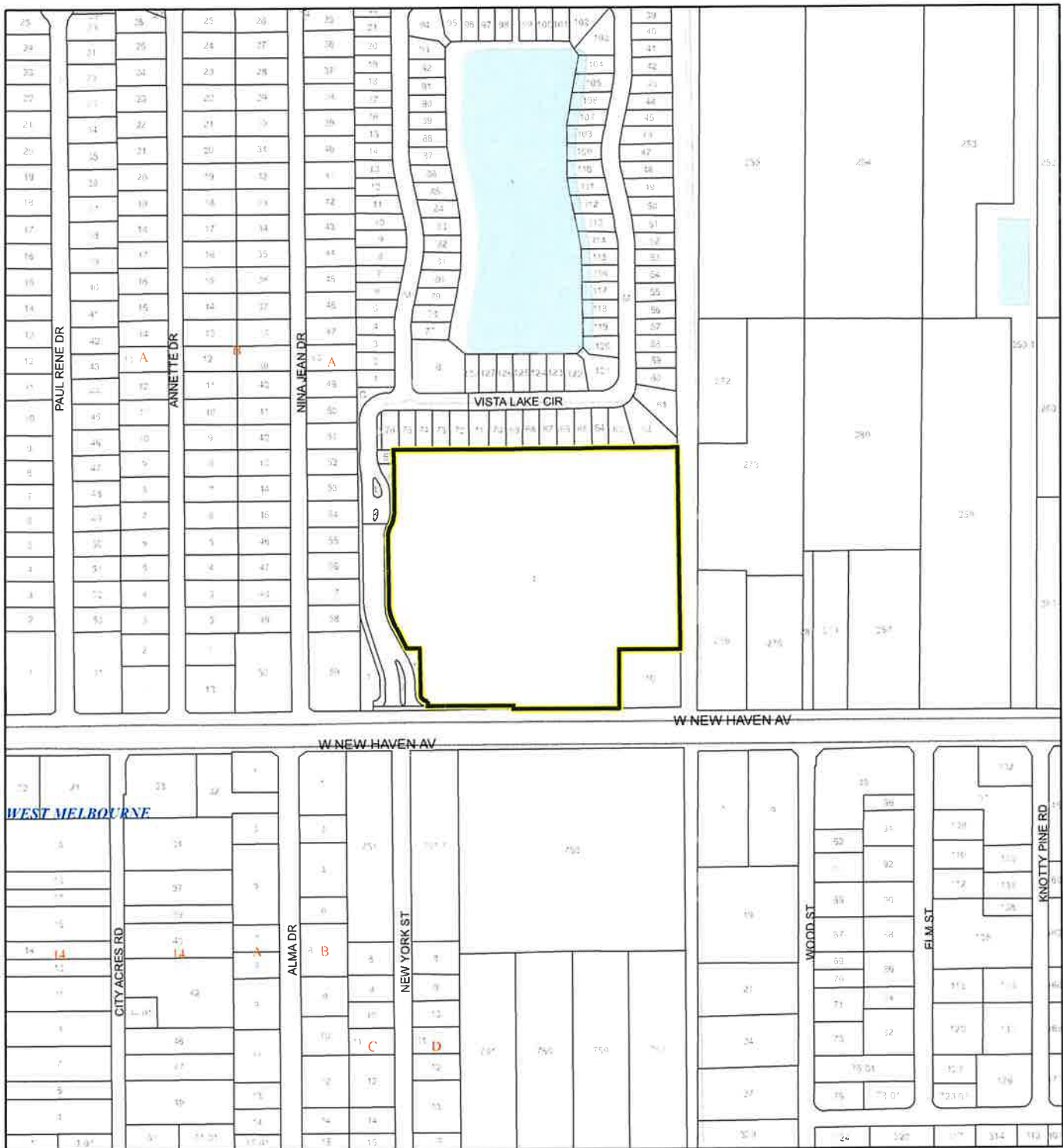
— Subject Property

□ Parcels

NWI WETLANDS MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

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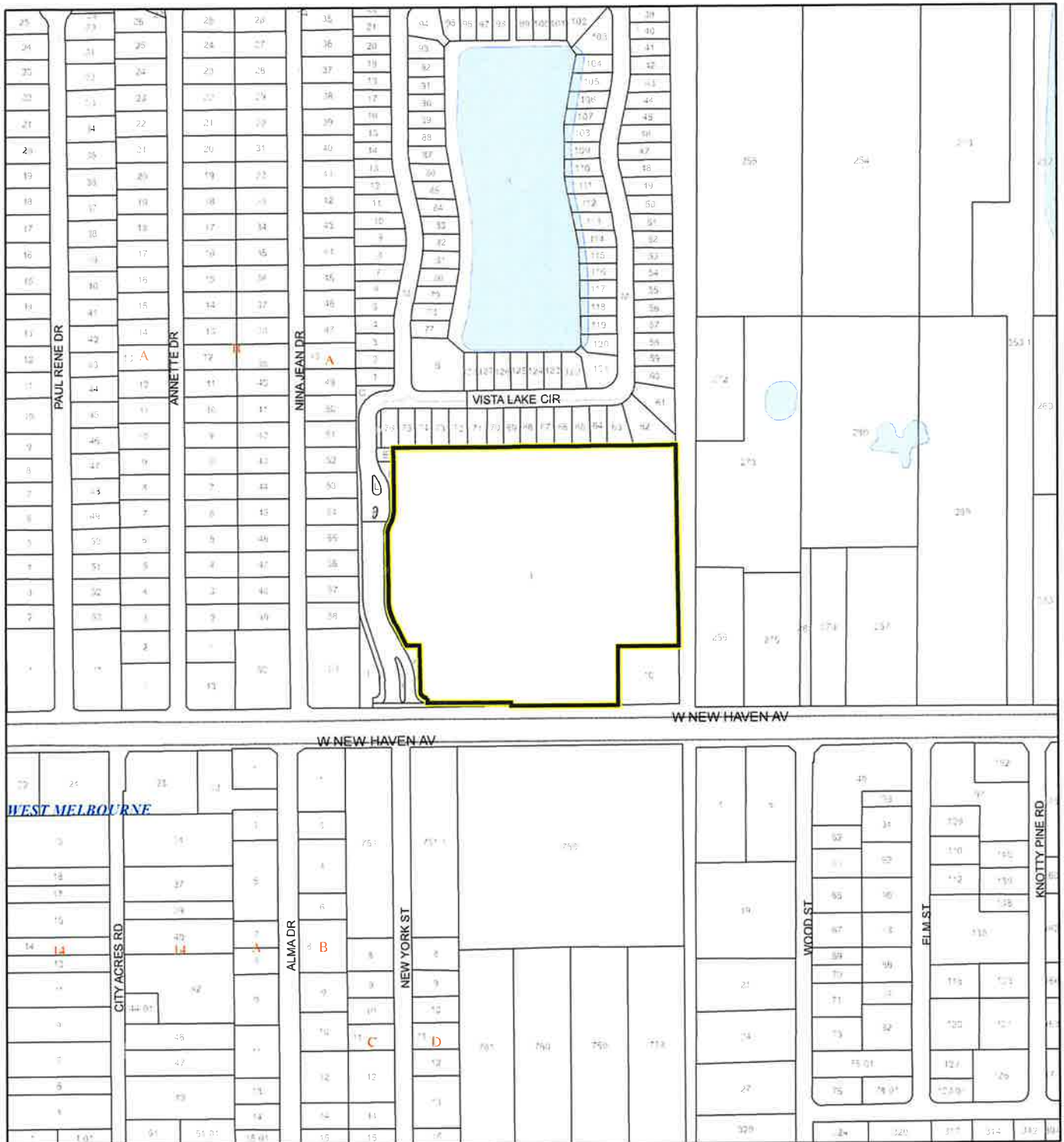
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

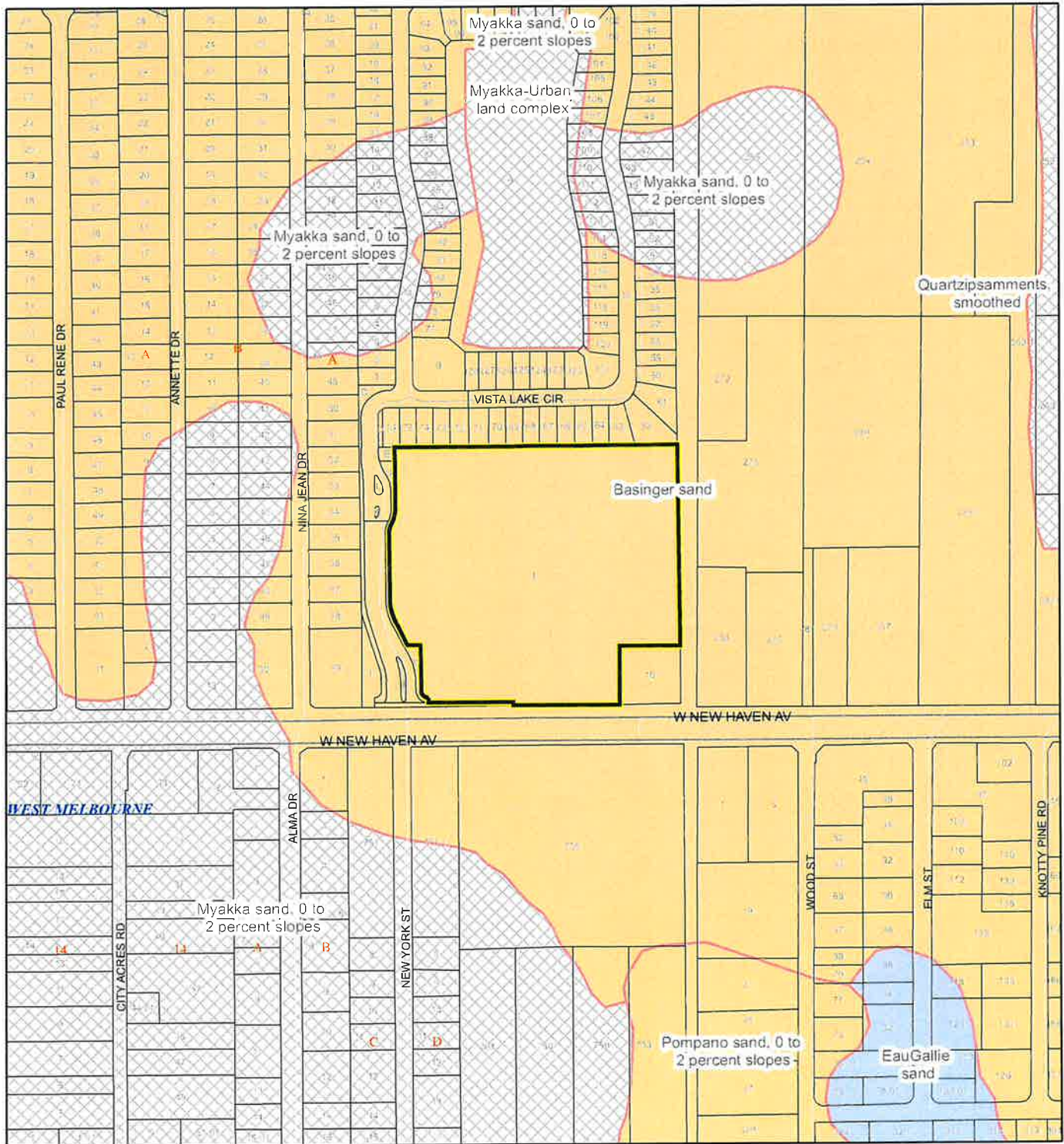
Subject Property

Parcels

USDA SCSSS SOILS MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

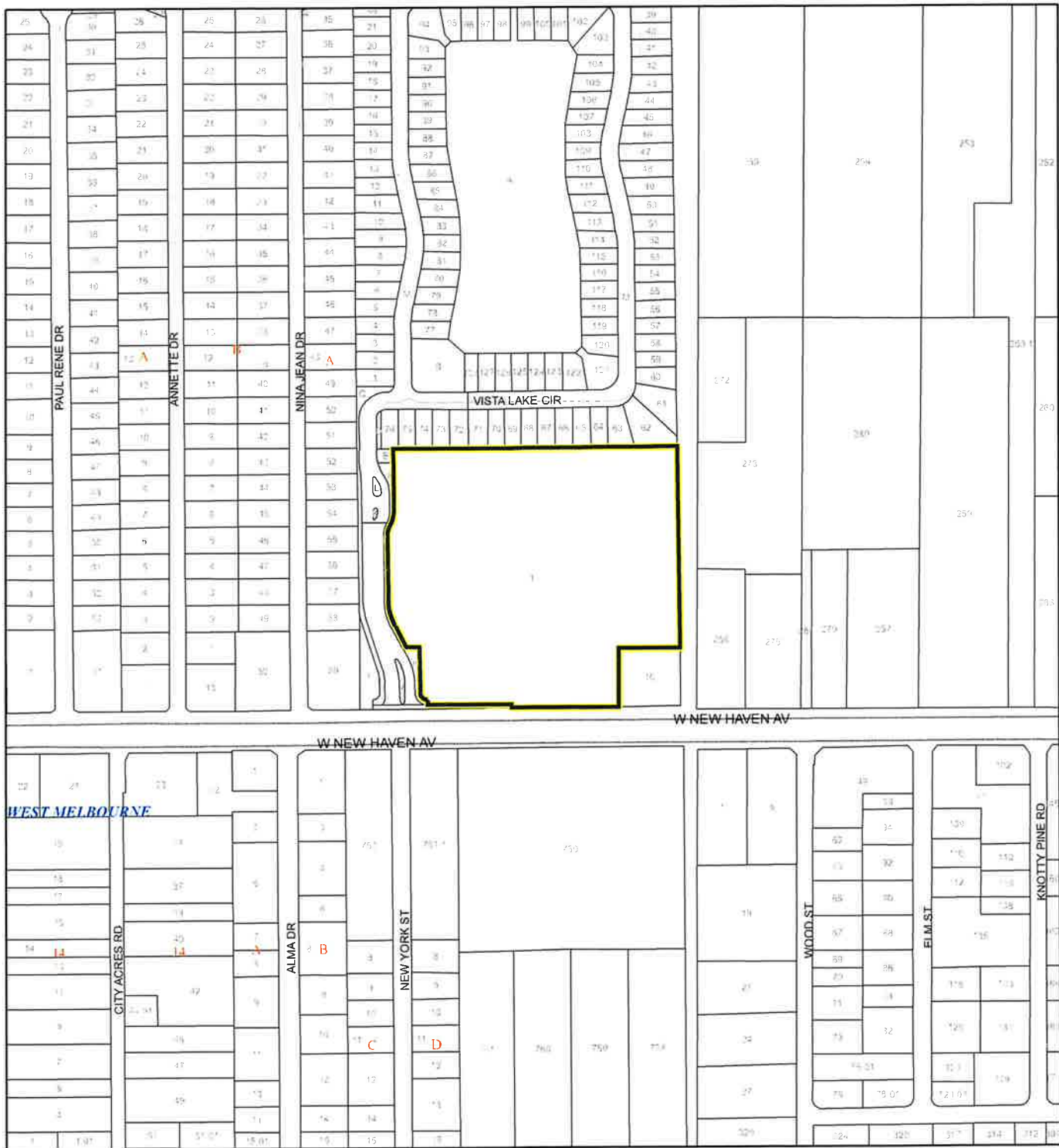
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FEMA FLOOD ZONES MAP

BONIFACE & COMPANY INC

25Z00020



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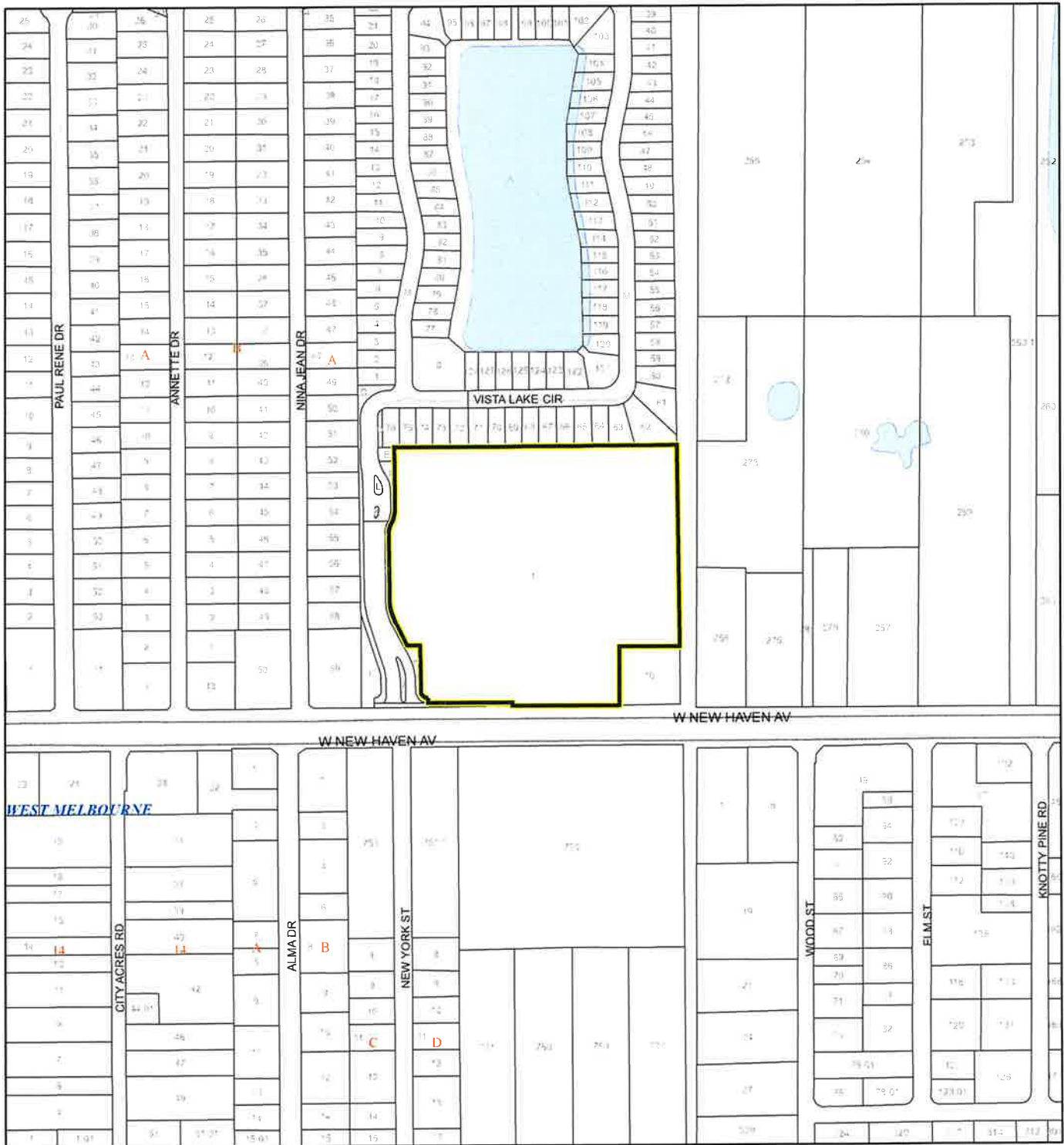
FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

BONIFACE & COMPANY INC

25Z00020



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Subject Property

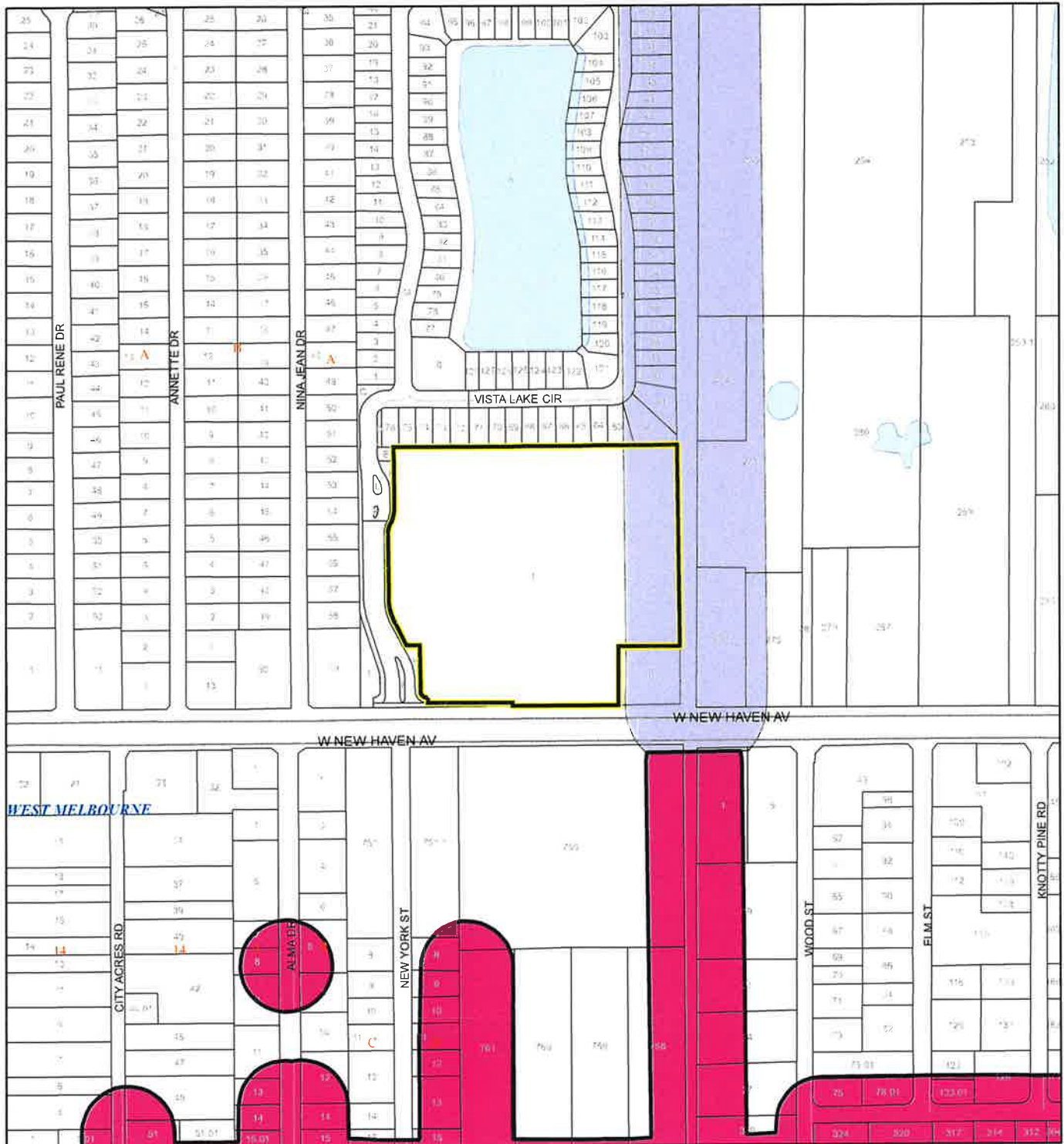
Parcels

Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

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25Z00020



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

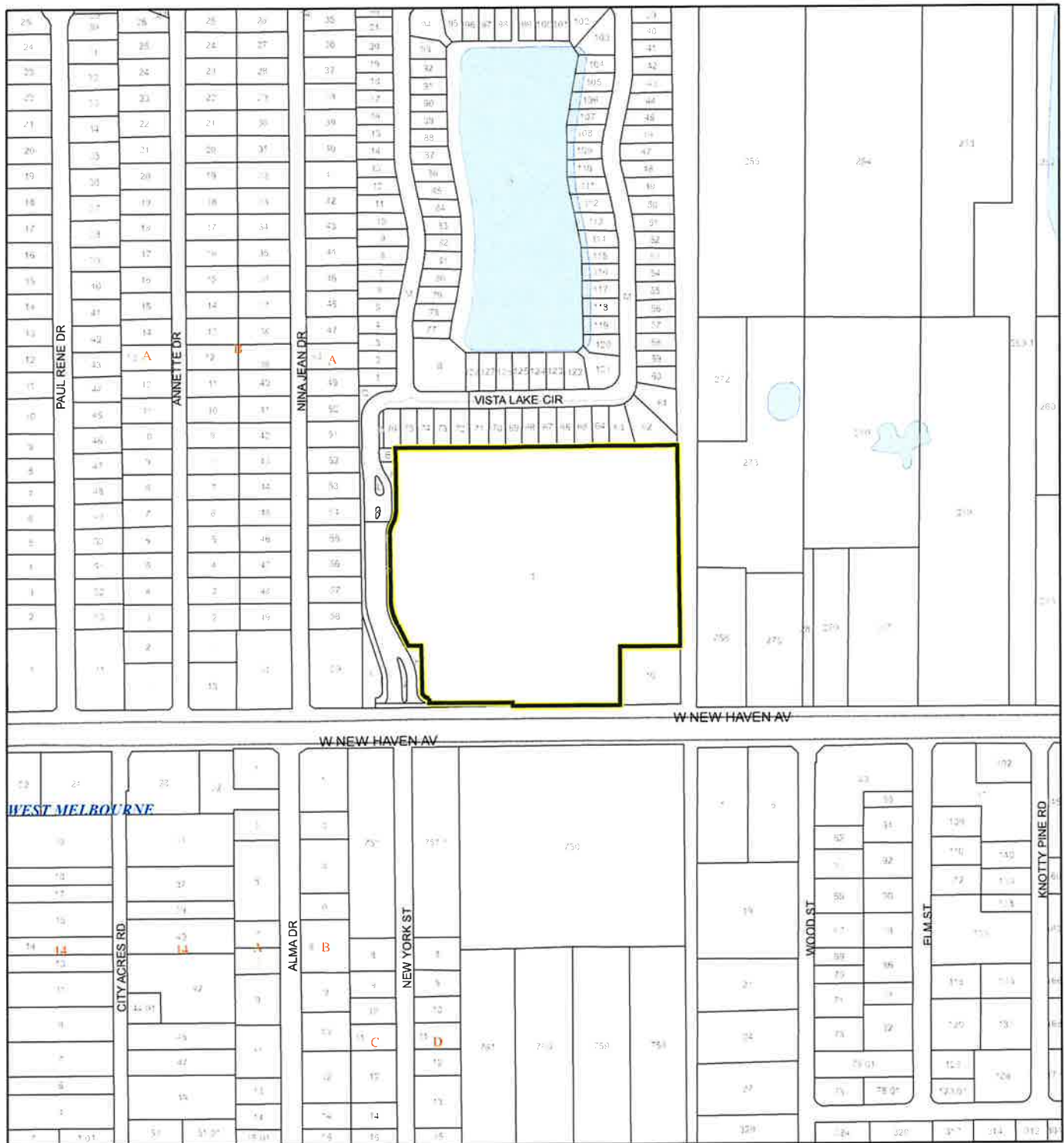
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

BONIFACE & COMPANY INC

25Z00020



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— Subject Property

□ Parcels

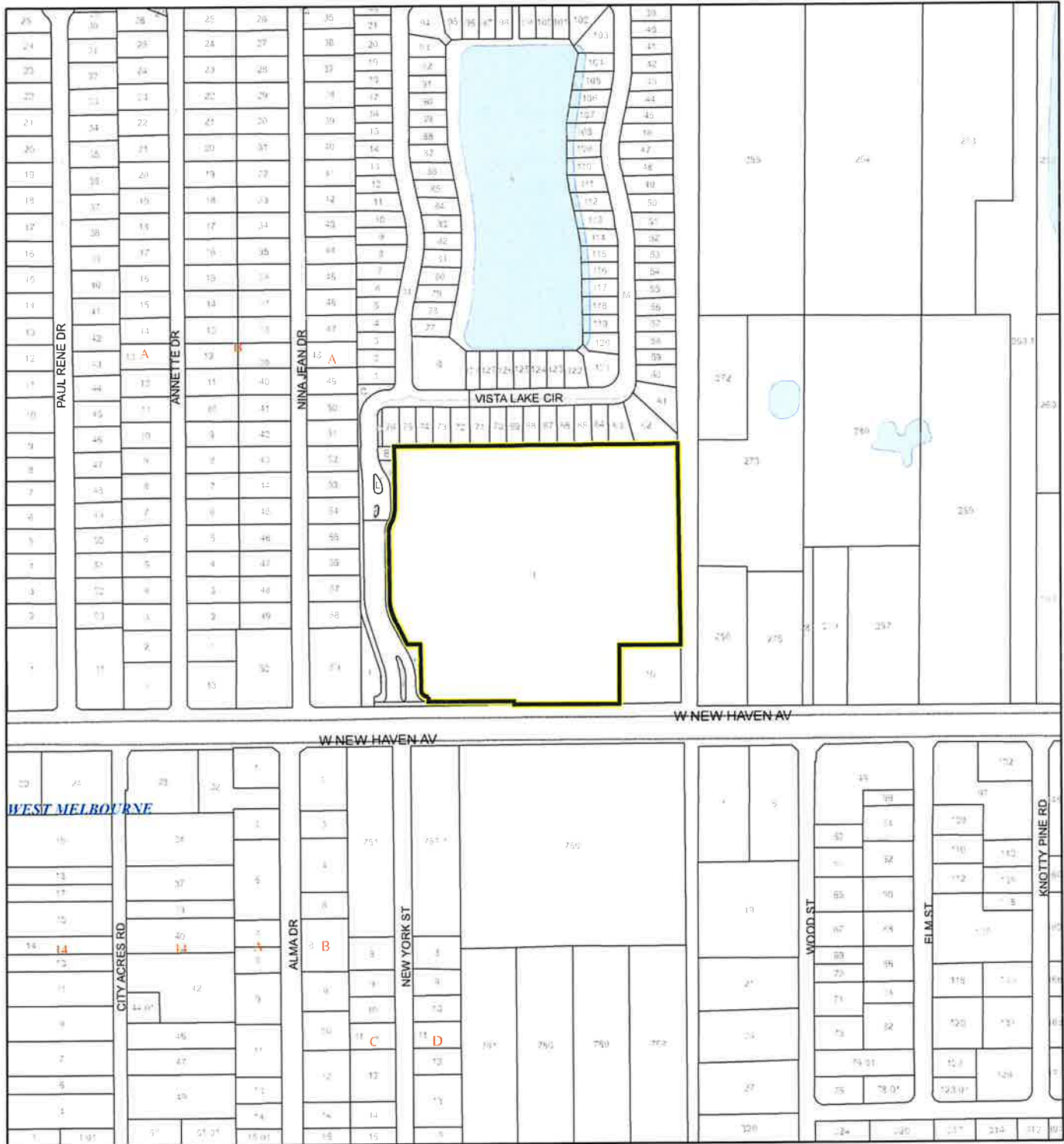


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

BONIFACE & COMPANY INC

25Z00020



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— Subject Property

□ Parcels

▨ Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BONIFACE & COMPANY INC

25Z00020



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

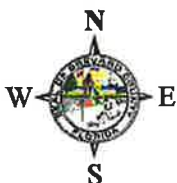
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

AERIAL MAP
BONIFACE & COMPANY INC
25Z00020

APPLICANT
9/15/25



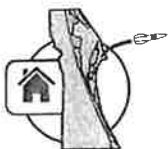
1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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Produced by BoCC - GIS Date: 6/10/2025

— Subject Property
□ Parcels



Dana Blickley, CFA, Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700

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REAL PROPERTY DETAILS Account 2800682 - Roll Year 2025

Owners	BONIFACE & COMPANY INC
Mailing Address	625 E NASA BLVD MELBOURNE FL 32901
Site Address	3890 W NEW HAVEN AVE MELBOURNE FL 32904
Parcel ID	28-36-02-00-1
Taxing District	5300 - UNINCORP DISTRICT 5
Exemptions	NONE
Property Use	2700 - DEALERSHIP SALES / SERVICE CENTER
Total Acres	12.81
Site Code	0324 - NEW HAVEN (U S 192)
Plat Book/Page	0000/0000
Subdivision	—
Land Description	E 1/4 OF NE 1/4 & E 296.43 FT OF W 1/2 OF E 1/2 OF NE 1/4 EXC S 217 FT OF E 209 FT; PB 43 PG 9, PB 44 PG 20 & HWY R/W PAR 14



VALUE SUMMARY

Category	2025	2024	2023
Market Value	\$7,355,230	\$7,558,110	\$7,252,920
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,355,230	\$7,558,110	\$7,058,570
Assessed Value School	\$7,355,230	\$7,558,110	\$7,252,920
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,355,230	\$7,558,110	\$7,058,570
Taxable Value School	\$7,355,230	\$7,558,110	\$7,252,920

SALES / TRANSFERS

Date	Price	Type	Instrument
05/23/2017	\$3,000,000	WD	7898/0667
04/12/2007	—	WD	5769/7597
05/24/2006	\$1,237,600	WD	5659/0473
12/19/2005	\$2,300,000	WD	5585/6676
11/01/1990	—	PT	3092/2814
12/01/1988	\$1,875,400	PT	2971/2176
12/01/1988	—	QC	2971/2172
02/28/1977	—	QC	1725/0585

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 2700 - DEALERSHIP SALES / SERVICE CENTER

Materials		Details	
Exterior Wall:	STUCCO , THERMAL GLASS	Year Built	2020
Frame:	STRUCSTEEL , METALFRAME	Story Height	18
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	BAR JOIST RIGID	Residential Units	
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	28,815	Fence - Iron	72
Carport	2,257	Light Poles	59
Open Porch	840	Covered Patio	220
Utility Room	374	Wall - Concrete - Stucco	288
Total Base Area	28,815	Paving - Concrete	5,327
Total Sub Area	32,286	Wall - Concrete - Block	288
		Paving - Asphalt	205,602
		Wall - Concrete - Block	4,950
		Covered Patio	1,035

PROPERTY DATA CARD #2

Building Use: 2720 - CAR WASH

Materials		Details	
Exterior Wall:	STUCCO	Year Built	2020
Frame:	METALFRAME	Story Height	15
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	STEEL TRUSS RIGID	Residential Units	
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	1,440	No Data Found	
Total Base Area	1,440		
Total Sub Area	1,440		



Dana Blickley, CFA, Brevard County Property Appraiser
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REAL PROPERTY DETAILS
Account 2800685 - Roll Year 2025

Owners BALDO, KIMBERLEIGH
Mailing Address 3830 W NEW HAVEN AVE MELBOURNE FL 32904
Site Address 3830 W NEW HAVEN AVE MELBOURNE FL 32904
Parcel ID 28-36-02-00-10
Taxing District 5300 - UNINCORP DISTRICT 5
Exemptions NONE
Property Use 1210 - MIXED USE - COMMERCIAL PROPERTY
Total Acres 0.66
Site Code 0324 - NEW HAVEN (U S 192)
Plat Book/Page 0000/0000
Subdivision --
Land Description S 217 FT OF E 209 FT OF E 1/4 OF SE 1/4 OF NE 1/4 EX HWY R/W



VALUE SUMMARY

Category	2025	2024	2023
Market Value	\$398,130	\$395,220	\$388,260
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$398,130	\$395,220	\$388,260
Assessed Value School	\$398,130	\$395,220	\$388,260
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$398,130	\$395,220	\$388,260
Taxable Value School	\$398,130	\$395,220	\$388,260

SALES / TRANSFERS

Date	Price	Type	Instrument
05/01/2017	\$10,000	QC	7901/0154
04/26/2017	\$10,000	QC	7901/0158
04/19/2017	--	QC	7901/0157
04/13/2017	\$6,000	QC	7901/0156
03/27/2017	--	PR	7854/0817
01/19/2016	--	PB	7670/2822
12/01/1986	--	NN	2756/0576
12/01/1986	--	QC	2755/2237
05/01/1980	\$72,300	--	2233/0740

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 1210 - MIXED USE - COMMERCIAL PROPERTY

Materials		Details	
Exterior Wall:	PAINTED EXTERIOR , STUCCO	Year Built	1950
Frame:	MASNRYCONC	Story Height	9
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	WOOD TRUSS	Residential Units	1
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	4,015	Fireplace	1
Open Porch	388	Outbuilding	800
Total Base Area	4,015	Carport	221
Total Sub Area	4,403	Covered Patio	384
		Fence - Wood 6'	75



Dana Blickley, CFA, Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700

www.BCPAO.us

Disclaimer

REAL PROPERTY DETAILS

Account 2800114 - Roll Year 2025

Owners BRIAN JAMES LEROY HERNDON REVOCABLE TRUST
Mailing Address 3790 W NEW HAVEN AVE MELBOURNE FL 32904
Site Address 3790 W NEW HAVEN AVE MELBOURNE FL 32904
Parcel ID 28-36-01-00-273
Taxing District 5300 - UNINCORP DISTRICT 5
Exemptions HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
Property Use 0110 - SINGLE FAMILY RESIDENCE
Total Acres 3.93
Site Code 0001 - NO OTHER CODE APPL.
Plat Book/Page 0000/0000
Subdivision ---
Land Description S 358 FT OF N 716 FT OF W 1/2 OF W 1/4 OF SW 1/4 OF
 NW 1/4 EXC CANAL ALSO INCL E 1/2 OF W 1/4 OF SW 1/4
 EXC ORB 3196 PG 1388 & RD R/W



VALUE SUMMARY			
Category	2025	2024	2023
Market Value	\$470,580	\$450,640	\$456,570
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$293,520	\$285,250	\$276,950
Assessed Value School	\$293,520	\$285,250	\$276,950
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,722	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$242,798	\$235,250	\$226,950
Taxable Value School	\$268,520	\$260,250	\$251,950

SALES / TRANSFERS			
Date	Price	Type	Instrument
05/19/2017	---	WD	7898/0657
12/01/1979	---	---	2210/1479

BUILDINGS			
PROPERTY DATA CARD #1			
Building Use: 0110 - SINGLE FAMILY RESIDENCE			
Materials		Details	
Exterior Wall:	STUCCO	Year Built	1979
Frame:	MASNRYCONC	Story Height	8
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,404	Covered Patio	108
Carport	504	Covered Patio	800
Garage	500	Carport	416
Screen Porch	275	Garage Detached	2,000
Total Base Area	1,404	Carport	1,357
Total Sub Area	2,683	Screen Enclosure	264
		RV Carport	690
		Carport	520
		Garage Detached	920
		Garage Detached	2,222

On motion of Commissioner Altman, seconded by Commissioner Schmitt, the following resolution was adopted by a unanimous vote:
 WHEREAS, R. RODNEY LUCE and PETER J. MORTON, Co-Personal Representatives of the Estate of Floyd M. Houser

has/have applied for a change of classification from AU to BU-1 on the South 750 ft. and a change of classification from AU to TR-3 on the remainder of the property on property described as the East 925 feet of the East 1/4 of the Northeast 1/4 of Section 2, Township 28, Range 36, except the South 217 ft. of the East 209 ft. of the East 1/4 of the Northeast 1/4. (approx. 46 acres) Located on the North side of U.S. #192, 150 ft. East of Nina Jean Drive & just West of Crane Creek Drainage Canal L-12.

Section 2, Township 28 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved subject to a Section 77 Binding Site Plan and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be approved subject to a Section 77 Binding Site Plan, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to BU-1 on the South 750 ft. and a change of classification from AU to TR-3 on the remainder of the property be approved subject to a Section 77 Binding Site Plan, and that the zoning classification relating to the above described property be changed to BU-1 on the South 750 ft. and a changed to TR-3 on the remainder of the property and the Planning and Zoning Director is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 28, 1988.

BOARD OF COUNTY COMMISSIONERS
 Brevard County, Florida

ATTEST:

by ROGER W. DOBSON
 Chairman

R. C. WINSTEAD, JR., Clerk
 by D.C.
 (SEAL)
 (Hearing - November 7, 1988)

101
 Z-8270

Letter In Favor

36

AFFIDAVIT RETURNED: _____

PLANNING AND ZONING DEPARTMENT
BREVARD COUNTY, FLORIDA

APPLICATION FOR PUBLIC HEARING BEFORE PLANNING AND ZONING BOARD

This application, together with ALL EXHIBITS, must be completed and filed with this office before advertisement for a public hearing.

The Planning and Zoning Department is not responsible for the accuracy of the information provided by the applicant. The applicant must appear at the public hearing or the application may be tabled. The application will be denied at the second hearing if there is no representation. A ZONING CHANGE DOES NOT AUTOMATICALLY ENTITLE THE OWNER TO A BUILDING PERMIT.

Please PRINT or TYPE the following information: (TO BE COMPLETED BY APPLICANT)

Name of Owner(s): Peter J. Morton and R. Rodney Luce
Name of Applicant: Doug Robertson
Address: 2090 Minton Road
City: Melbourne State: FL City: Merritt Island State: FL
Zip: 32901 Phone: _____ Zip: 32953 Phone: 459-2975

The complete legal description of the property covered by this application must be clearly typed and identified on a separate sheet of paper and attached. An error in the legal description will result in the request being delayed until a correct description is provided.

Section: 2 Township: 28 Range: 36

Total Acreage: 46 (approx) Dimensions of area covered by application: 2,240 x 925 (approx)

Location with respect to/or distance from nearest public road(s): Fronts on 192

Present Zoning: AU Zoning requested: S 750' BU-1; N 1490' TR-3

Special or Conditional Use Permit at present: None

Conditional Use Permit requested: None

For CUP Temporary Security Trailer: Statement of Need attached. In the event vandalism or other unlawful activities are alleged, written documentation from the Sheriff's Department of such activities (occurring within 6 mos. of application date) shall be provided.

Home Occupation Permit or Interpretation requested: _____

Use on Review: Attach detailed description: _____

Has a zoning request on this property been DENIED or WITHDRAWN in the past six months? YES ☐ NO ☒

Flag Lot: (Survey required) _____ Number of: _____

The proposal should be discussed with the Planning and Zoning Staff, as it relates to the County Comprehensive Plan. Initials of Staff Member discussing proposed rezoning with applicant: PE

The following items must be provided by the APPLICANT to complete this application for a public hearing and will be verified as complete upon submission to the Planning & Zoning Department:

- ☒ (a) Certified survey. That portion of the map maintained by the Property Appraiser reflecting the boundaries of the subject property may be acceptable in lieu of a survey in certain instances.
- ☒ (b) Location of subject property and all property owners within 500 feet of the subject property indicated on a Property Appraiser's map and keyed to the list required below (see example on reverse).
- ☒ (c) TYPED or PRINTED list of names and complete mailing addresses of property owners within 500 feet of the subject property according to the latest Property Appraiser's Tax Roll.
- ☒ (d) Copy of Warranty Deed including any Deed Restrictions.
- ☒ (e) For CUP Temporary Trailer during construction of a residence, BUILDING PERMIT NO. _____

The undersigned understands this application must be completed and accurate before a hearing can be advertised.

STATE OF FLORIDA COUNTY OF BREVARD I, DOUG ROBERTSON, being first duly sworn, depose and say that:

I am the OWNER of the subject property, OR (IF CORPORATION, I AM THE OFFICER OF THE CORPORATION AUTHORIZED TO REQUEST A CHANGE OF ZONING).

I am the legal representative of the owner of the property described which is the subject of this application. (IF THE PROPERTY IS NOT OWNED BY APPLICANT, EITHER FORM A OR A NOTARIZED LETTER MUST ACCOMPANY THE APPLICATION GIVING WRITTEN CONSENT BY ALL OWNERS OF SUBJECT PROPERTY UNLESS THE APPLICANT IS AN ATTORNEY FOR THE OWNER).

All the answers to the questions in this application, all sketches and data attached to and made a part of this application are true to the best of my knowledge.

Sworn and subscribed to before me this 9th day of Sept., 19 88.
My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN. 31, 1992
BONDED THRU GENERAL INV. UND.

Daniel Smith
NOTARY PUBLIC

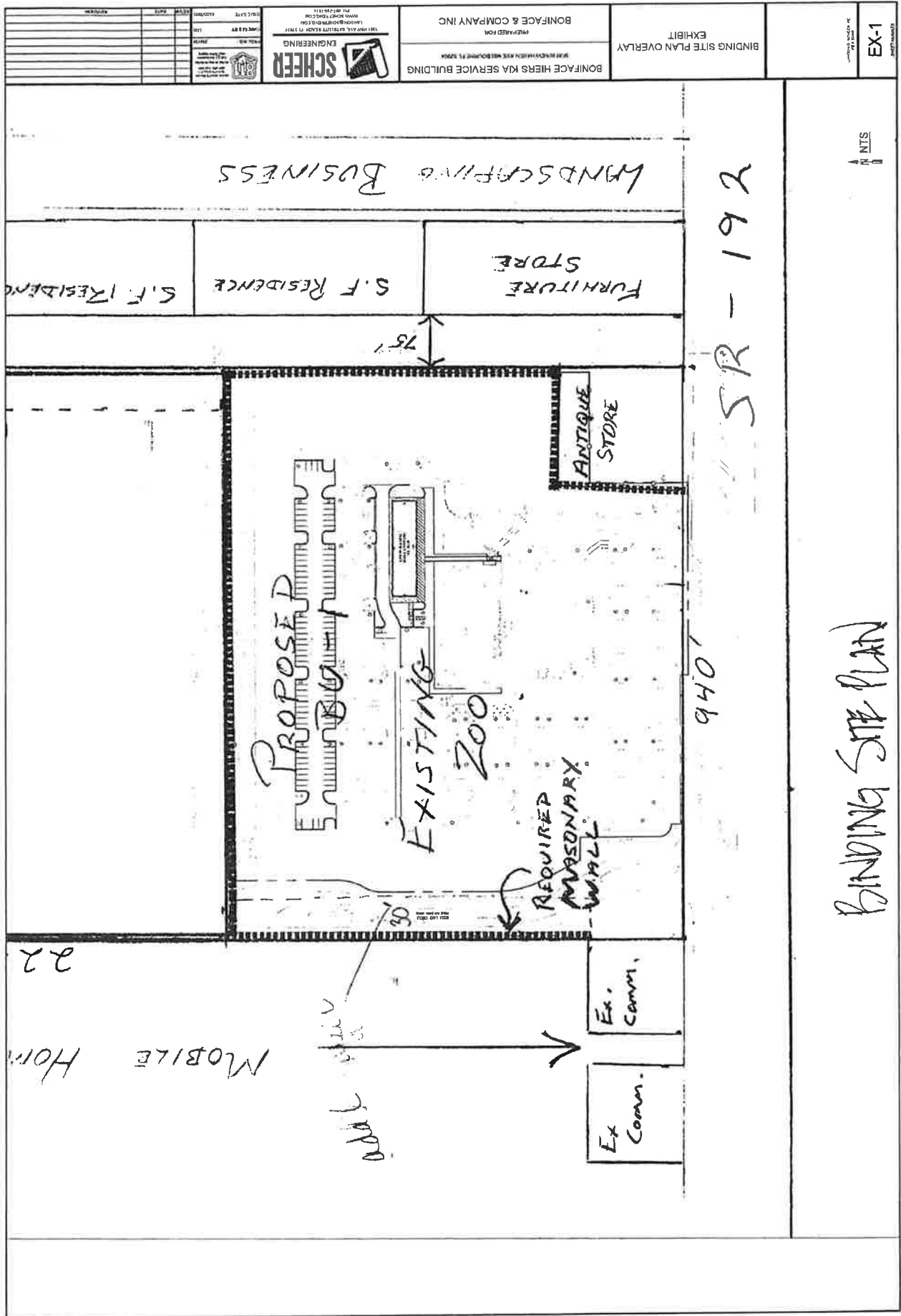
All applications must be personally submitted to the zoning office in order that the applicant may receive the necessary sign which must be posted on the subject property:

CE # 686 DO NOT MAIL APPLICATION

✓	Fee of \$ <u>1400</u>	FOR OFFICE USE ONLY
✓	Receipt Number: <u>360632</u>	In CASH or CHECK, drawn to the order of BREVARD COUNTY PLANNING AND ZONING DEPARTMENT.
✓	Form "A" attached (if applicable)	
	Date: <u>9-9-88</u>	
	Commission District: <u>5</u>	
	Zoning Verified: <u>PE</u>	P&Z Meeting Date: <u>Nov. 7, 1988 @ 3pm</u>
	Sign Issued: <u>35</u>	BCC Meeting Date: <u>Nov. 30, 1988 @ 5:30pm</u>

102 7-8270











PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 15, 2025, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

Staff members present were Billy Prasad, Planning & Development Manager, Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE AGENDA

H.4. Boniface and Company, Inc. (Kimberly Rezanka) requests a zoning classification change from BU-1 with a BDP to BU-1 with removal of a BDP. (25Z00020) (Tax Account 2800682) (District 5)

Mr. Body read the application into the record.

Kim Rezanka spoke to the application. She presented handouts to the board and staff. She stated we're here before you to ask for the removal of a binding site plan, now known as a binding development plan, from 1988. This property was zoned back in 1988. It was a 26-acre parcel and has since been carved up. To the north is a subdivision called Meadow Lake. There's some commercial to both the east and the west. This Kia dealership was built in 2020. That binding site plan condition was a requirement. To the east there's a small little parcel that was an antique dealership. It's still multi-commercial, but we don't know if it's used single family. There's no business tax receipt. And then there's a 58-foot drainage canal to the east with an overlay of a 40-foot right-of-way. And then there is some commercial property and some trust property to the north of that. What I've provided to you is just an aerial from your package showing where the Herndon Trust property is, approximately 4 acres single family home, that has two very large garages and if you look on the internet it might have been used for a business at one point, but no business tax receipt was found. The property in the corner there is owned by Miss Baldo. Again, it was an antique store at one time. Not sure what it is now, but it's mixed use. And then on the other side of that right-of-way is the old Babcock furniture store, which is still vacant currently. I've provided for you the property detail sheet on page two and three of Boniface and Company just to show you that it was indeed built in 2020 and it's 12.81 acres. On page four is the Kimberly Baldo property showing that it is commercial property, mixed use. Page five is the Herndon Trust property. Again, 3.93 acres and it is a single-family

residence. I provided a couple pages from the 33-page zoning file. This was the zoning resolution from 1988 which added the binding site plan. It was 46 acres, not 26 acres. On page eight is the actual document that was in your package, and it does show the subject property, which is now two parcels. The TR3 property is the subdivision called Meadow Lake to the north. Page nine was created by Mr. Scheer. It just shows the overlay. This was the old Howzer Zoo back in the day on 192 and it shows the antique store, the furniture store, and the single-family residence. Pages 10 and 11 are pictures of the six-foot masonry wall, which is required by the county code when you have commercial to residential. That wall will never be removed. They've had good relations with their neighbors. They've had no complaints from anyone in the 5 years they've been there. That wall is substantial and will not be moved. Page 12 is the as-built plan from 2020 that shows the six-foot concrete wall along the northern portion of the property. Page 13 is the concept plan created by Mr. Scheer showing the service bays that are going to be built there. It's one story, all air conditioned, all inside and it's on the existing footprint of the parking lot. So, it's not getting any closer to any property, not getting any closer to the property to the east and it'll have regular operating hours of 7:30 to 5:30. None of the trees are going to be taken down. All the trees to the east will stay. All that buffer will be there which has been there for a very long time. Mr. Huta is here to answer any questions. Mr. Scheer can answer any engineering questions, or I can answer any zoning questions. If there is nothing, then we would ask that you approve the removal of this condition of the binding site plan.

Public Comment

William Drake stated he isn't here to oppose or agree to the application. I'm here for clarification. I need an understanding of what the removal of the BDP would do to my community if at all. If it makes any changes to my community. That's what I need to know about.

Mr. Wadsworth stated he would let Ms. Rezanka answer his questions.

End Public Comment

Ms. Rezanka stated to answer that gentleman's question. This is the concept plan that shows what's going to be built. Nothing else is going to change. This is going to be built a one-story building on the parking lot now. The wall will stay the same. All the trees will stay the same.

Mr. Darke replied okay, so it's not going to impact my community at all.

Ms. Rezanka responded I would not imagine it would. You may have that if you have any questions.

Mr. Hopengarten stated this one was a headscratcher for him. I couldn't figure out what you wanted. What are you going to do? You going to take a wall down somewhere?

Ms. Rezanka responded no, we're asking that we don't have to build the wall on the east side. We're not taking a wall down. That wall will always stay there. It must stay there by code. It's a permanent structure.

Mr. Hopengarten inquired where does it say that you must build a wall?

Ms. Rezanka responded 1988 was a different time. Things were different. If you look at the pages that I gave you, it's in your package as well, but if you look at page nine, all the heavy slashes on the west side, north side, east side, and around the antique shop, that's the wall that was supposed to be built. Somehow, only the north one was. The one on the west isn't on my client's property, so they couldn't build it. This wasn't done till 2020. The wall on the east side was never built. Somehow, they got certificate of occupancy and had been operating for 5 years. They went to add the addition, it was during COVID, who knows what happened, but it was 2020 they built it without that east wall. Perhaps because they were going to have to take down trees, somebody decided it didn't have to be done, I don't know. But now as they want to expand to phase two, Mr. Craven said, "No, you've got to put that wall up or you have to get the wall waived." Since it's been there for 5 years without anyone complaining, it didn't seem to be necessary. Also, you'd have to take down those trees to do it.

Mr. Hopengarten responded that explains it. That was a better explanation than in all the documents that I got on this. So, this was not really a BDP. It was a binding drawing. It was just a sketch. It wasn't even a formal drawing. So, you want to get rid of it. So, it's not an obligation and they can get their building permit and be able to build this additional air-conditioned service bay, which I'm sure your employees would enjoy. As you probably know, I do not like BDPs. I think they're useless. There are other ways to enforce regulations rather than force someone to oblige a whim. My partner over there, Mr. Ron loves to add BDPs on a BU2 designation. You know what we could do? We could do a BU2A, so you don't have to do that anymore. I would like to make a motion to do away with BDPs. I think that there are other ways to restrict development on a site. I don't know what it costs to apply for a BDP and what it's going to cost the applicant to remove a BDP. Originally, I was told by Mr. Ball that only a zoning change could remove a BDP, but that's not true. In 621 11572 it says that you can remove a BDP on its own merits. So, I would make a motion to do away with this BDP for you.

Ms. Rezanka stated that's what we're doing right here is getting rid of a binding development plan.

Mr. Hopengarten responded that's not necessary. So that's my motion if you're accepting motions.

Ms. Orriss said I'll second it, to do away with the BDP.

Mr. Bartcher stated I don't want to do away with BDPs.

Mr. Hopengarten clarified this was just for this one. The BDP removal is for this one.

Mr. Minneboo stated no, we're probably not.

Ms. Orriss stated I would not have seconded that.

Mr. Wadsworth clarified this is just item H4.

Motion to recommend approval of item H.4 by John Hopengarten, seconded by Erika Orriss. Motion passed unanimously.

Meeting adjourned at 3:47 p.m.

DRAFT

Board Meeting Date

10-2-27

Item Number: H.S.

Motion By: KA

Second By: TG

Nay By: _____

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