



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.11.

2/6/2020

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### Subject:

Estrella Funeias Shouppe requests a change of zoning classification from GU, RRMH-1, and AU, to all AU, with a Binding Development Plan (BDP) limited to seven lots. (19PZ00140) (Tax Accounts 3000537 and 3000560) (District 5)

### 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 GU (General Use), RRMH-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU, with a BDP (Binding Development Plan) limited to seven lots.

### Summary Explanation and Background:

The applicant is seeking a change of zoning classification from GU, RRMH-1, and AU to all AU, with a BDP limited to seven lots, on 31.04 acres, located on the north side of Willowbrook Street, approximately 0.75 miles west of Babcock Street.

The surrounding properties are a mixture of developed single-family and vacant lands zoned GU and AU, and range in acreages of 5.59 acres to 11 acres.

The applicant has not indicated a specific use for the property, but has stated the future use will be consistent with AU zoning, and has offered to enter into a BDP limited to seven lots.

The proposed zoning is consistent with the agricultural and residential character of adjacent properties and the surrounding area.

The Board may wish to consider if the request is consistent with the surrounding GU and AU zoned parcels, and the area's Residential 1:2.5 Future Land Use designation. The Board may also wish to consider the effect of the potential agritourism adjacent to single-family residential.

On January 13, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limited to seven lots.

### Clerk to the Board Instructions:

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

## **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: 323

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**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**19PZ00140**

**Estrella Funeias Shouppe**

**GU (General Use), RRMH-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU with a Binding Development Plan (BDP) Limiting the Subject Property to Seven Lots**

Tax Account Number: 3000537 and 3000560  
Parcel I.D.: 30-37-09-26-\*-28  
Location: North side of Willowbrook Street approximately 0.75 miles west of Babcock Street) (District 5)  
Acreage: 31.04 acres

Planning and Zoning Board: 01/13/20

Board of County Commissioners: 02/06/20

**Consistency with Land Use Regulations**

- Current GU and AU zoning can be considered, but current RRMH-1 zoning can not be considered, under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU, RRMH-1, and AU	All AU
<b>Potential*</b>	10 Single-Family Residential Lots	7 Single-Family Residential Lots
<b>Can be Considered under the Future Land Use Map</b>	No, RRMH-1 Portion is Not Consistent with RES 1:2.5	Yes AU is Consistent with RES 1:2.5

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Applicant voluntarily requesting property be limited to Seven Lots via a BDP.

**Background and Purpose of Request**

The applicant is seeking a zoning change from General Use (GU), Rural Residential Mobile Home (RRMH-1), and Agricultural Residential (AU) to all AU in order to develop the 31.04-acre property in the future with a use that is consistent with AU zoning.

The original zoning of the entire property was General Use (GU). A portion of the property was rezoned from GU to RRMC-1 per zoning resolution **Z-4004** approved January 1976. A CUP for a Commercial Barrow Pit was approved April 1989 under Zoning Resolution **Z-8370**. This CUP was removed April 14, 2003, per **Z-10800 (27)**.

The existing zoning was adopted under zoning resolution **Z-9939** on July 28, 1997.

## **Land Use**

This site retains the Residential 1:2.5 FLU (Future Land Use) designation. The existing zoning classifications of GU and AU are consistent with the Future Land Use designation, but the existing zoning classification of RRMH-1 is not consistent with the RES 1:2.5 FLU.

*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 Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element.

## **Environmental Constraints**

The property is mapped within the Indian River Lagoon Septic Overlay. The change in use to AU may require septic system modifications designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100 for applicable requirements.

Please refer to comments provided by the Natural Resources Management Department for additional information.

## **Preliminary Transportation Concurrency**

The concurrency management segment the subject property is nearest to is the concurrency management segment of Babcock Street, Micco Road, and Grant Road, which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 38.61% of capacity daily. The trip generation from the maximum development potential within the AU zoning classification, as reduced to seven lots by the applicant, is 67 trips per day and 7 trips during the PM peak hour. The trips anticipated from this proposed change of zoning classification will not create a deficiency in LOS.

The applicant has offered to enter into a BDP (Binding Development Plan) to limit the subject property to seven lots because a concurrency application has not been submitted for review. With the BDP, the development potential of this site falls below the minimum number of new residential lots that would require a formal review, therefore no concurrency information is provided.

The subject property is neither served by county nor city potable water. The property also is neither served by county nor city sanitary sewer. The closest water and sewer services are City of Palm Bay utilities in the Waterstone development, three-quarters of a mile directly north of the property in the City of Palm Bay. The applicant indicates that they intend to use a well for potable water and onsite septic system for sanitary sewage treatment. Please see Environmental Constraints Section above in these staff comments for septic system requirements.

### **Applicable Land Use Policies**

The applicant is seeking a zoning change from General Use (GU), Rural Residential Mobile Home (RRMH-1), and Agricultural Residential (AU) to all AU in order to develop the 31.04 acre property in the future with a use that is consistent with AU zoning.

There are two adjacent properties to the north. The westernmost property to the north is an approximately 11 acre parcel that retains AU zoning and is developed with a single-family residence. The easternmost property to the north is a 5.59 acre parcel, approved as a flag lot with access to Willowbrook Road, retains GU zoning, and is developed with a barn that serves as an accessory structure to growing crops. The flag stem of this lot also abuts the subject property along the eastern lot line of the subject property. To the east of that flag stem is a flag stem for an 8.93-acre parcel that retains AU zoning and is developed with a single family residence to the northeast of the subject property. The property to the south is the County maintained road known as Willowbrook Street. To the south of Willowbrook Street is a 3.31-acre undeveloped parcel that retains GU zoning. The adjacent property to the west is 9.74-acre parcel developed as single family residential that retains GU zoning. The proposed zoning is consistent with agricultural and residential character of adjacent properties and the surrounding area, but could allow some more intense agricultural uses.

There have been no zoning actions within 0.5 miles of the subject property within the last three years. The most recent zoning action within 0.5 miles was **Z-10817(24)**, approved May 22, 2003, removed CUP **Z-8432** for a Commercial Barrow Pit on a property located approximately 2,500 feet east of the subject property.

### **For Board Consideration**

The Board may wish to consider if all permitted and permitted with conditions uses in the AU zoning classification are consistent and compatible with the existing land use, Future Land Use designation, and zoning of adjacent and surrounding properties.

The Board may also wish to consider the effect of the potential agritourism adjacent to single-family residential.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning & CUP Review & Summary**

**Item # 19PZ00140**

**Applicant:** Estrella Shouppe

**Zoning request:** AU & GU & RRMH-1 to AU

**P&Z Hearing Date:** 01/13/20; **BCC Hearing Date:** 02/06/20

**Tax ID Nos:** 3000560 & 3000537

- 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
- Indian River Lagoon Septic Overlay
- Protected Species

The property is mapped within the Indian River Lagoon Septic Overlay. The change in use to AU may require septic system modifications designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100 for applicable requirements.

**Land Use Comments:**

**Hydric soils**

The subject parcel contains mapped hydric soils (Pineda sand and Eau Gallie sand) as shown on the USDA Soil Conservation Service Soils Survey map; and indicator that hydric soils and wetlands may be present on the property. A wetland determination and delineation may be required. Prior to any land clearing activities, plan design or permit submittal, the applicant is encouraged to contact NRM at 321-633-2016.

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a

legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6), for multi-family parcels greater than 5 acres in area, and if applicable, mixed-use land development activities as specified in Section 65-3694(c)(5). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

A request for AU zoning may include agricultural activities. Section 62-3694 that states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification and should be contacted at 321-264-5393 for requirements regarding this classification. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

### **Indian River Lagoon Septic Overlay**

The property is mapped within the Indian River Lagoon Septic Overlay. The change in use to AU may require septic system modifications designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100 for any applicable requirements.

### **Protected Species**

Federally and/or state protected species may be present on properties with aquifer recharge soils. Should any protected species be present, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

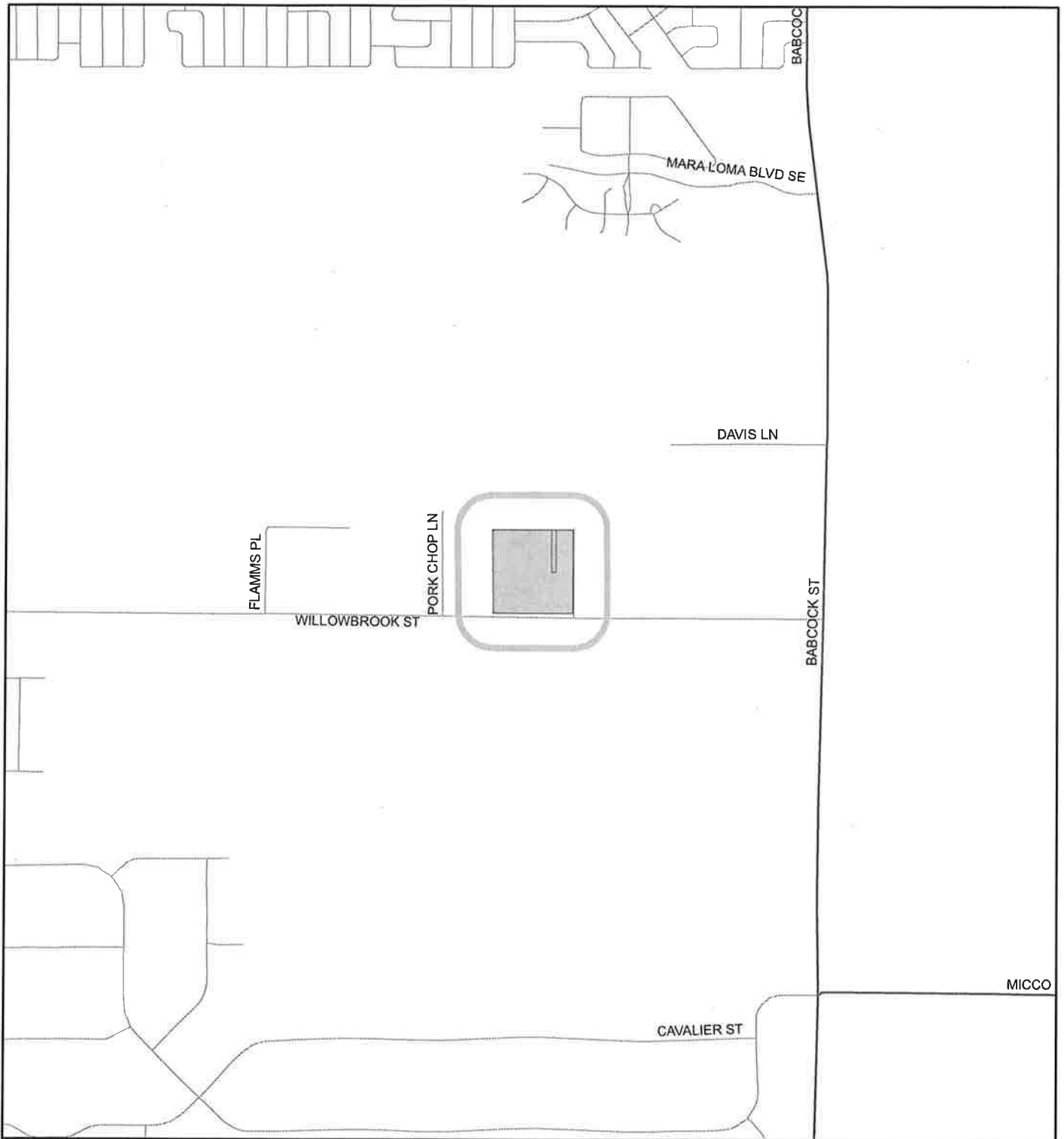
### **Heritage Specimen Trees**

Aerials indicate that Heritage Specimen Trees (greater than or equal to 24 inches in diameter) and Protected trees (greater than or equal to 10 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

# LOCATION MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



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.

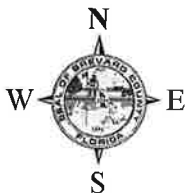
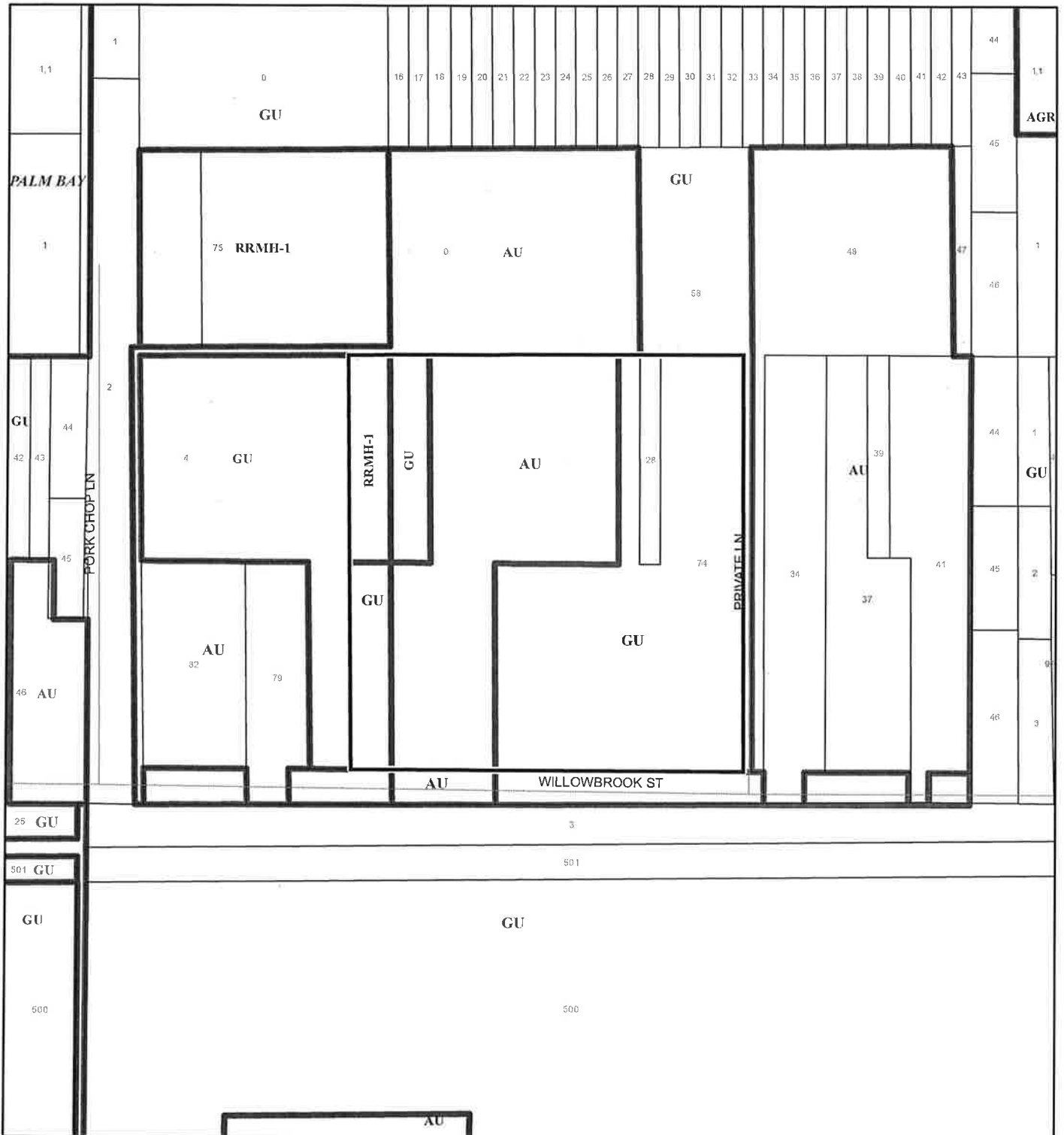
Produced by BoCC - GIS Date: 11/8/2019

Buffer  
Subject Property

# ZONING MAP

## SHOUPPE, ESTRELLA FUNEIAS

### 19PZ00140



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: 11/8/2019

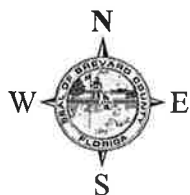
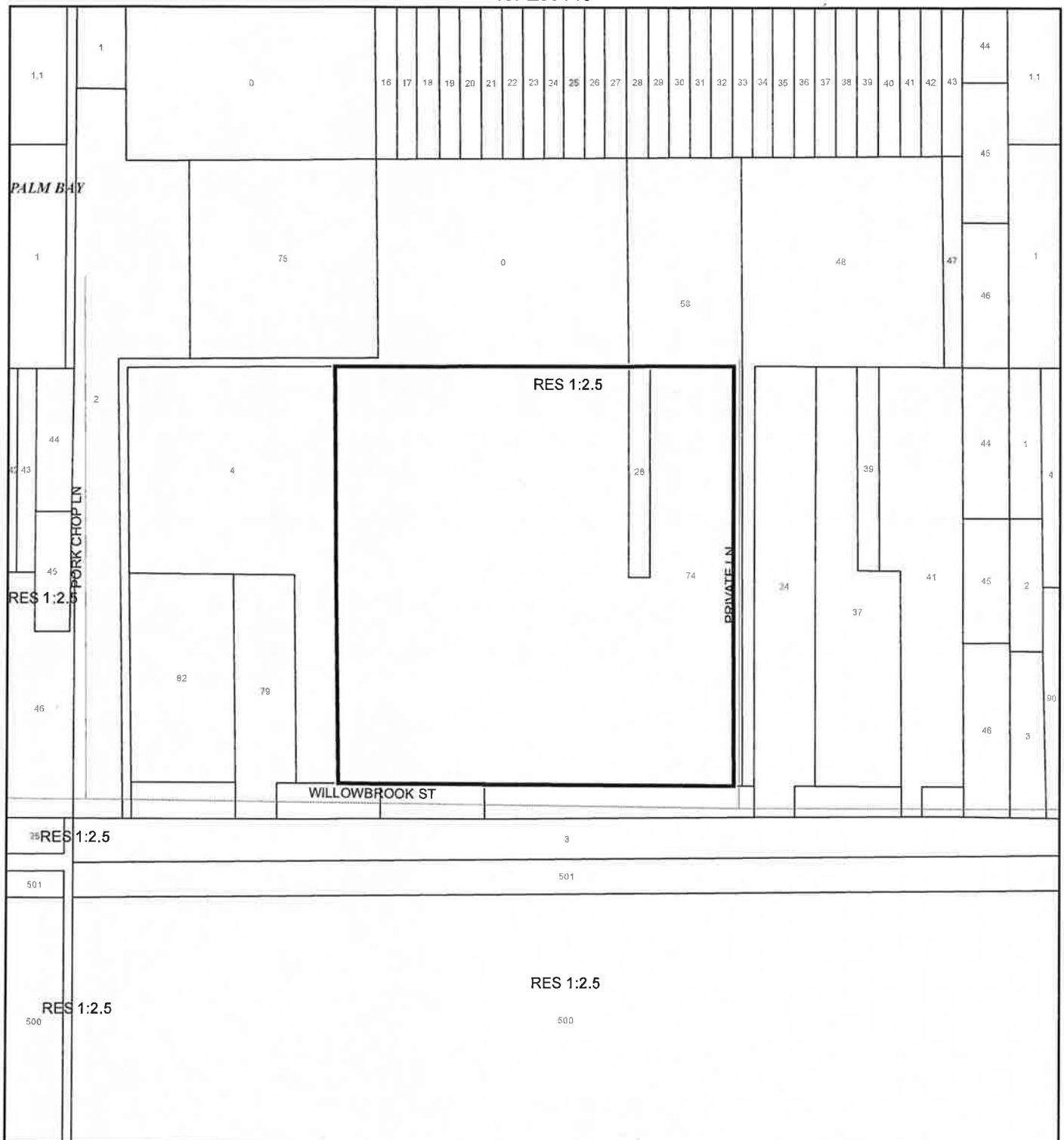
- Subject Property
- Parcels
- Zoning



# FUTURE LAND USE MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



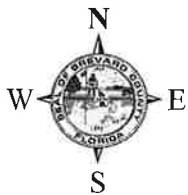
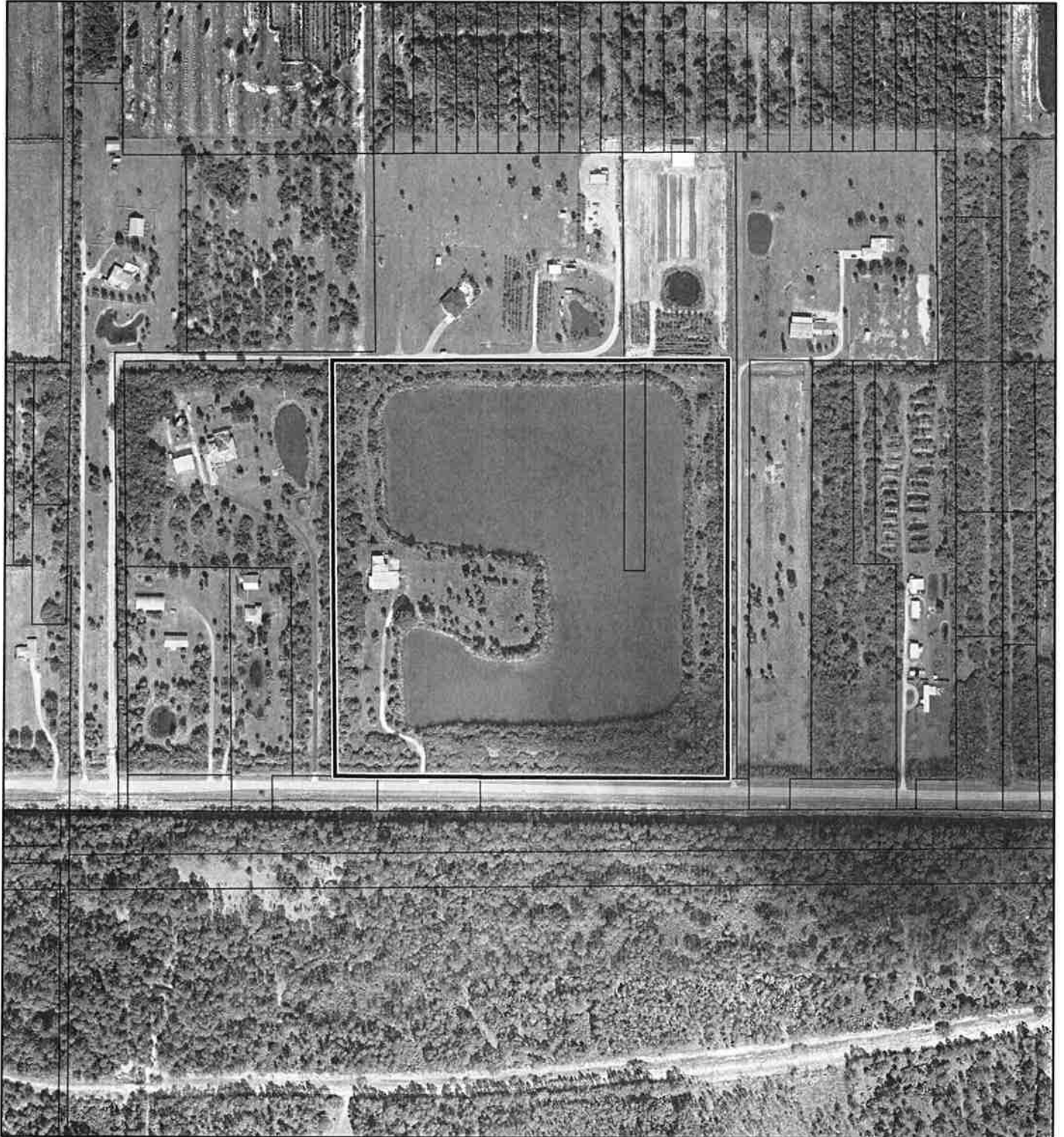
1:4,800 or 1 inch = 400 feet

— 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: 11/8/2019

AERIAL MAP  
SHOUPPE, ESTRELLA FUNEIAS  
19PZ00140



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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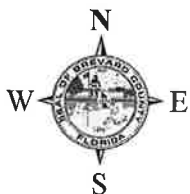
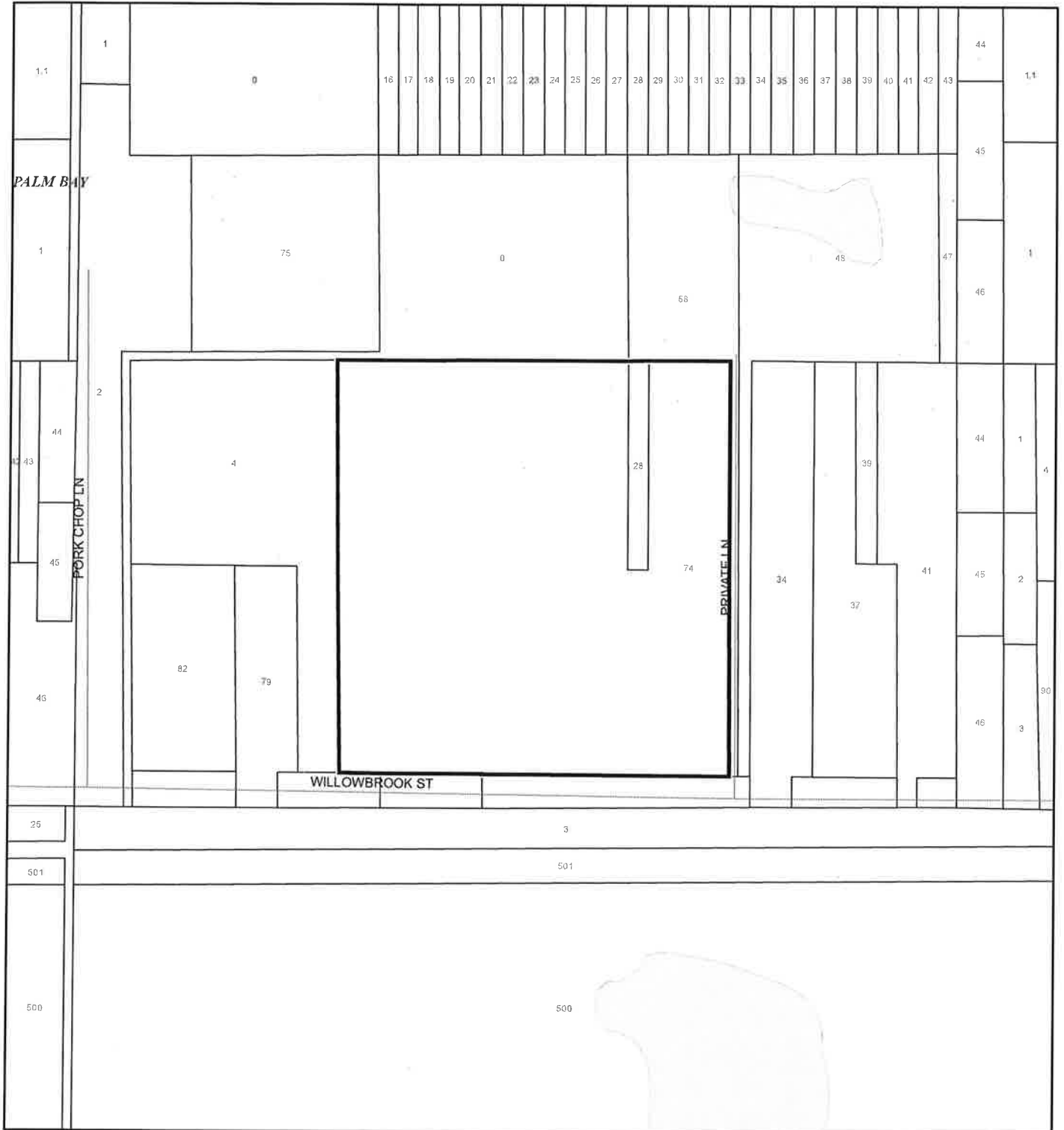
Produced by BoCC - GIS Date: 11/8/2019

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

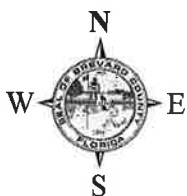
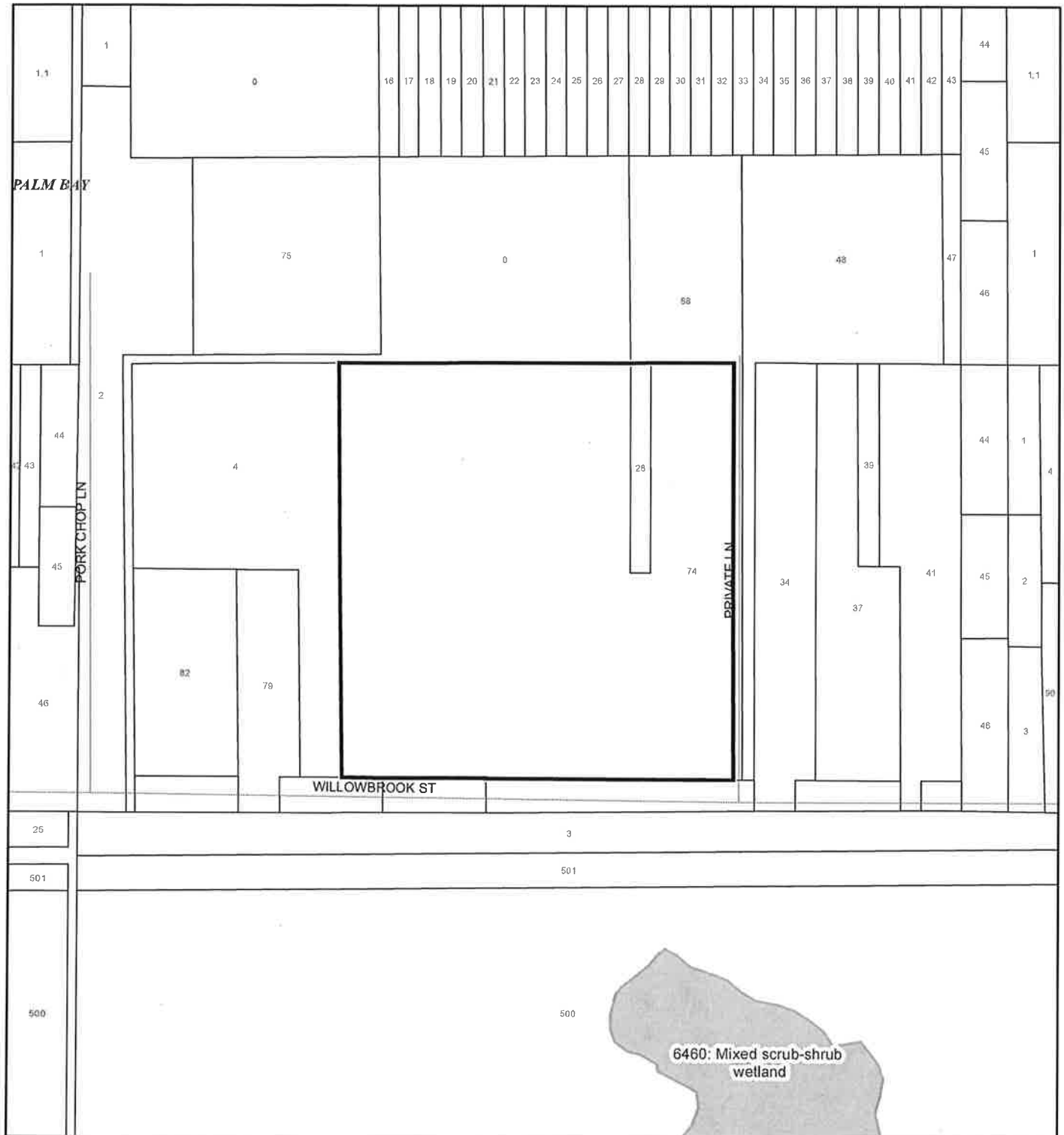
## National Wetlands Inventory (NWI)

	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

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

## 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

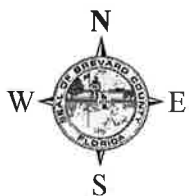
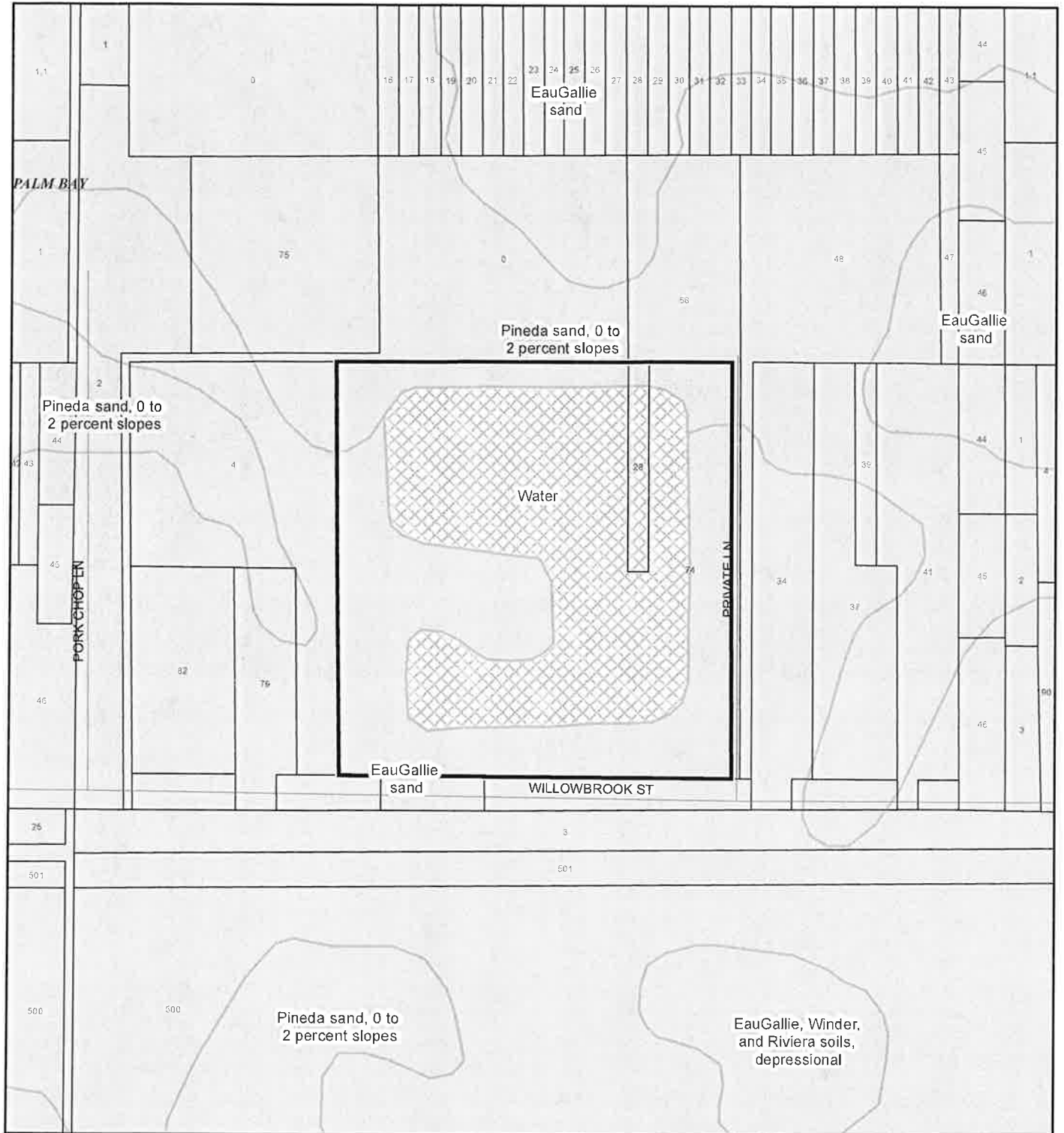
Subject Property

Parcels

# USDA SCSSS SOILS MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

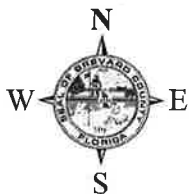
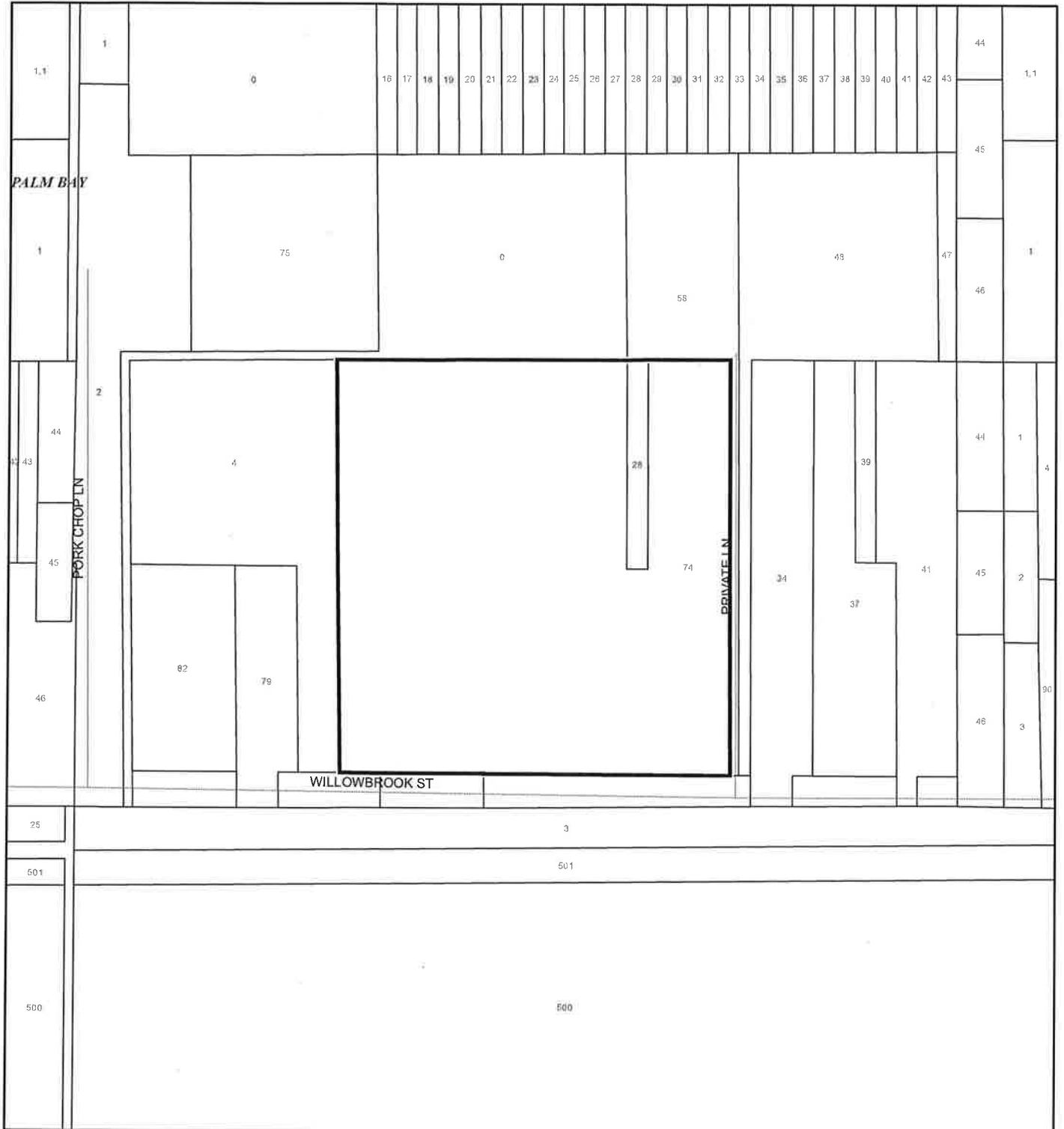
## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  | Parcels    |                      |

# COASTAL HIGH HAZARD AREA MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 11/8/2019

 Subject Property

 Parcels

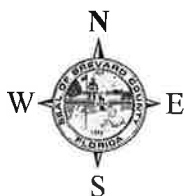
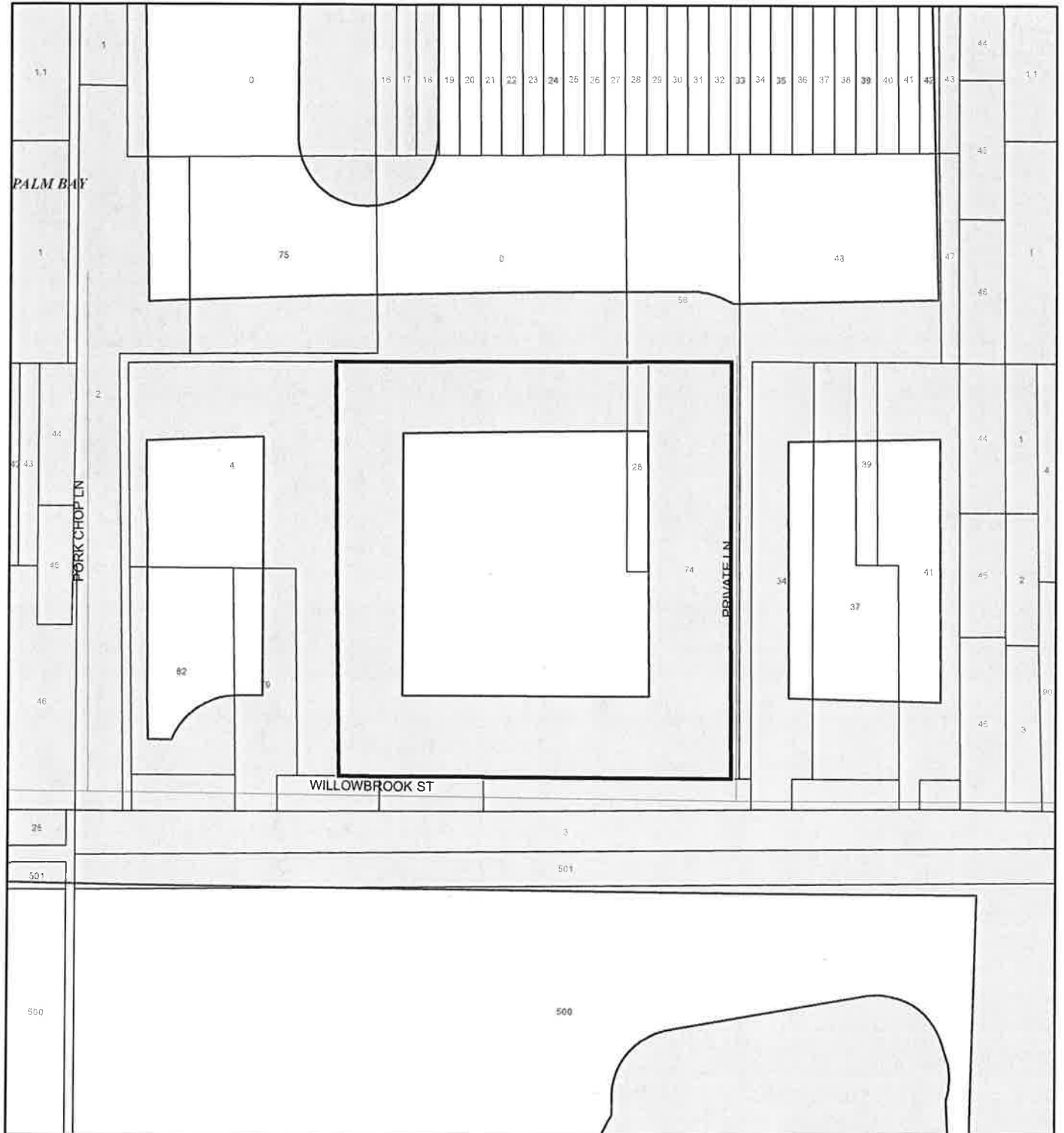
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

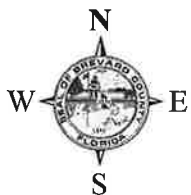
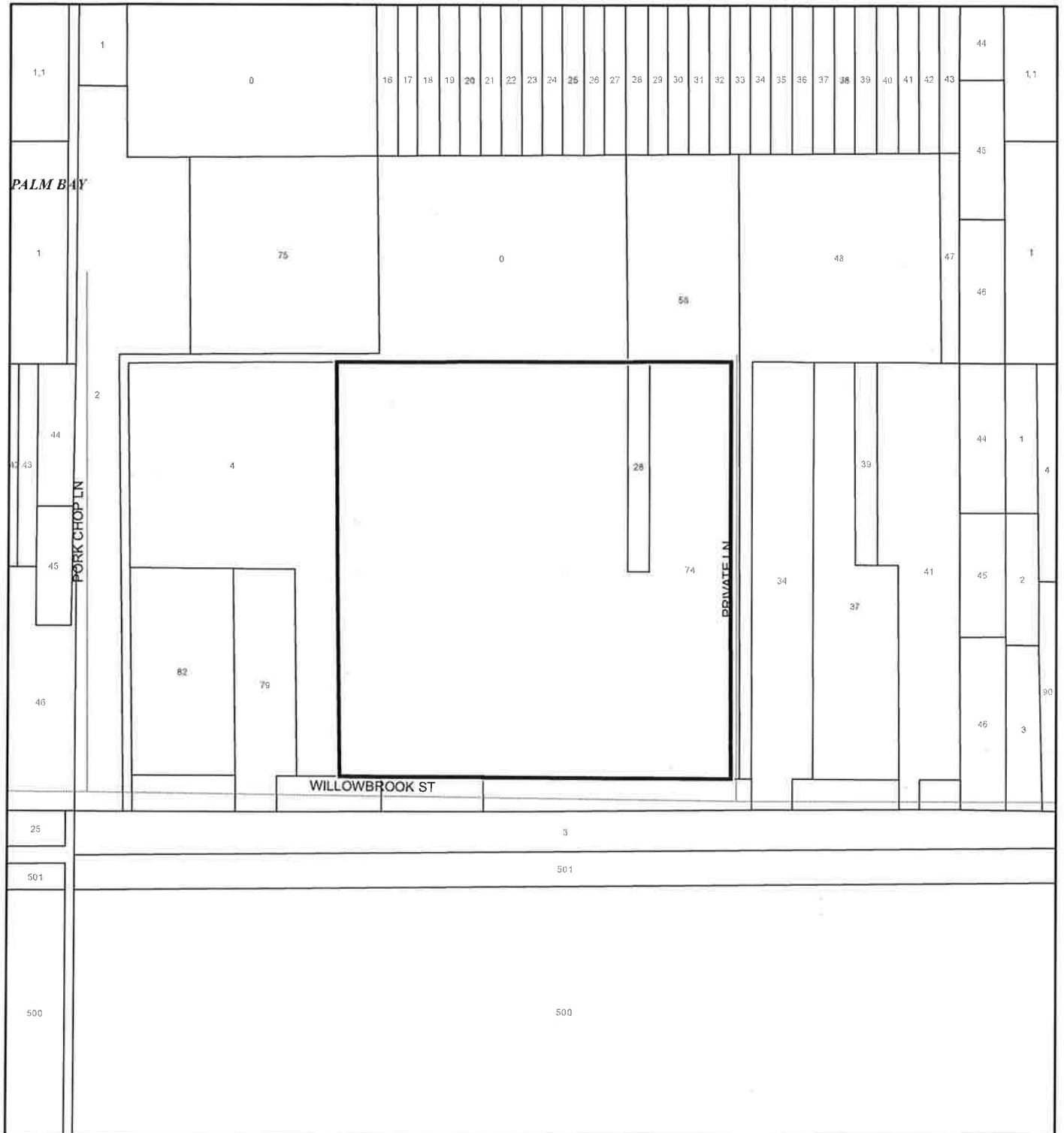
■ All Distances



# EAGLE NESTS MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

 Subject Property

 Parcels

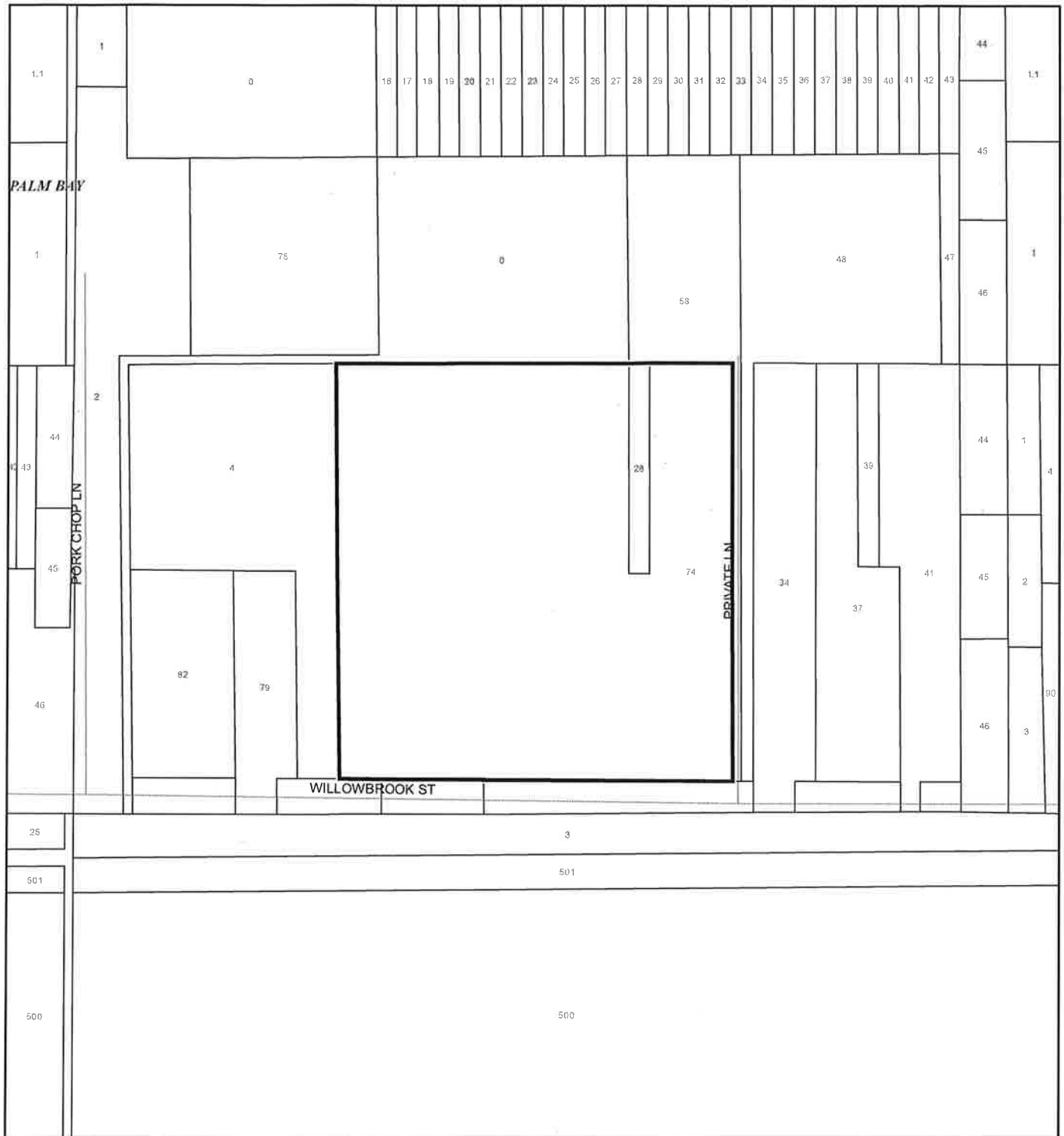
 Eagle Nests  
FWS 2010

345

# SCRUB JAY OCCUPANCY MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

— Subject Property

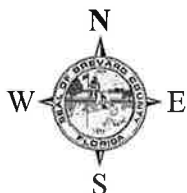
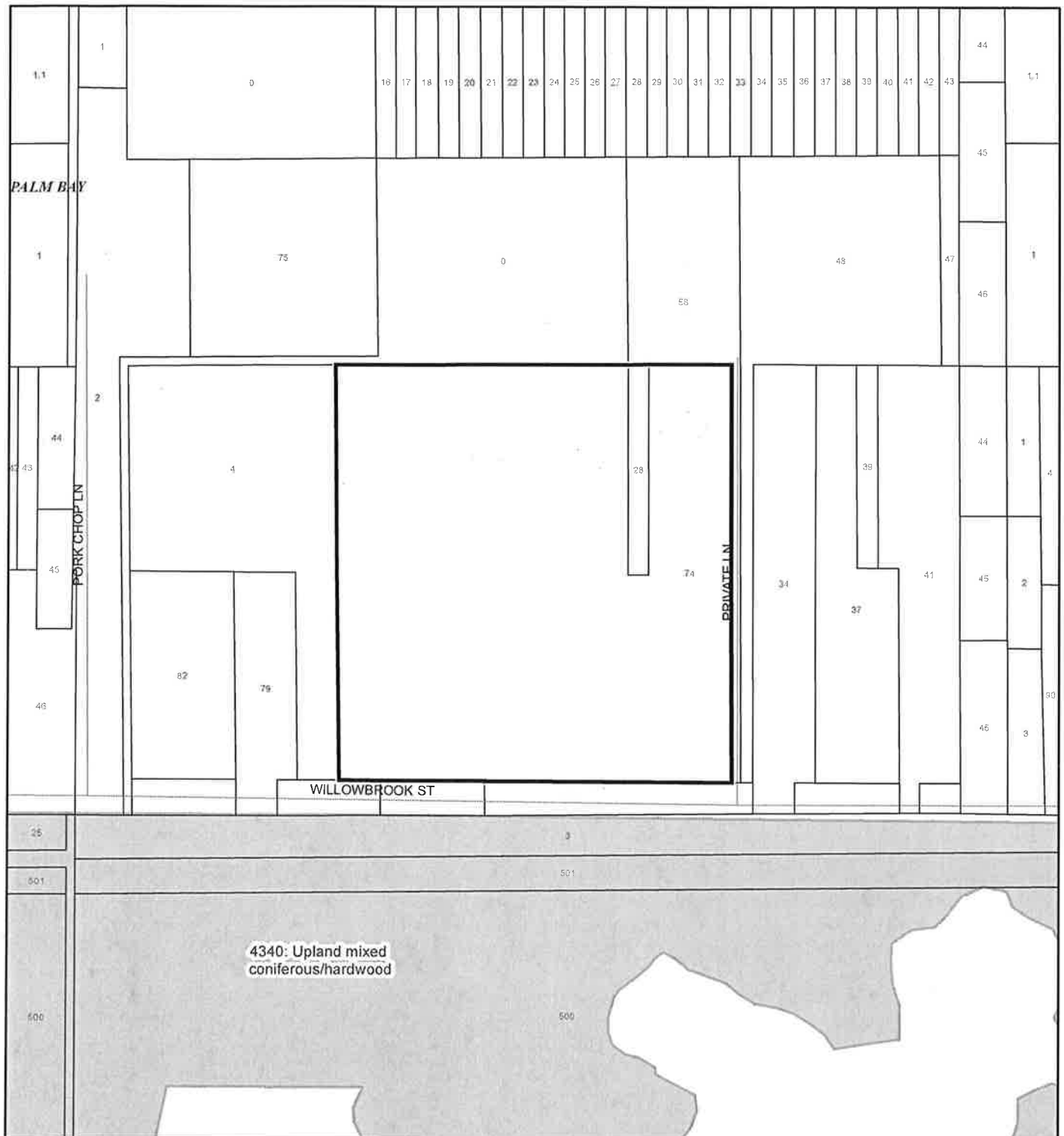
□ Parcels

▨ Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SHOUPPE, ESTRELLA FUNEIAS

19PZ00140



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/8/2019

## 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

**From:** Martin, Peter  
**To:** Jones, Jennifer  
**Cc:** Ragain, Rebecca; Ball, Jeffrey; Gerena, Rachel; Ritchie, George C; Craven, Tim  
**Subject:** FW: 19PZ00140 Rezoning with Conditional Use Permit for a Bed and Breakfast  
**Date:** Monday, December 2, 2019 4:50:56 PM

---

Jennifer,

Please scan these comments into the 19PZ00140 file.

Thank you,

*Peter J. Martin*

Peter J. "Pete" Martin, AICP  
Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-350-8268

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Gerena, Rachel  
**Sent:** Monday, December 2, 2019 4:05 PM  
**To:** Martin, Peter <Peter.Martin@brevardfl.gov>; Craven, Tim <Tim.Craven@brevardfl.gov>  
**Cc:** Ritchie, George C <George.Ritchie@brevardfl.gov>  
**Subject:** RE: 19PZ00140 Rezoning with Conditional Use Permit for a Bed and Breakfast

Peter,

The Conditional Use Permit Application Worksheet requires the applicant to address how the requested CUP will meet the code standards listed. I have the following staff responses to some of the sections:

Section 62-1901(c)(2)(a) Requirement 2 "Built to applicable county standards"

Staff Response: Willowbrook is currently a County maintained dirt road not built to current

County roadway standards.

Section 62-1901(c)(2)(j)

Staff Response: Hard packed earth around the existing single family home does not meet the code requirements for the required parking. Per Section 62-3206 below parking areas must be paved. ADA parking will also be required.

**Sec. 62-3206. - Parking and loading requirements.**

1. Parking and loading areas shall be provided, maintained and continued as part of the primary use of new and existing developments. Existing buildings or changes of the occupational uses shall provide the necessary parking required by this section subject to the following:

c. Where the occupational use of a building or structure is changed to a new use that requires more parking spaces or loading zones than exist on the site, then the necessary parking and loading area shall be provided for the new use.

(5) Except for single-family residences and duplexes, all off-street parking, loading areas and maneuvering space and associated driveway aisles, shall be paved (i.e., asphalt, concrete, or paver blocks).

Lastly, I am unsure as to why this is not requiring a site plan. While I understand that this is an accessory use under zoning, a 12 bed B&B is no longer a Detached Single Family house as exempt under the site plan code. In addition, ADA regulations under Title III would identify this facility as a Place of Lodging as it has more than five rooms for rent, meaning that it will have to comply with all 2010 ADA regulations inside and outside that would apply to any other transient lodging. Therefore I would ask that planning reconsider the need for a site plan.

Thanks,

**Rachel A. Gerena, P.E.**

Public Works Engineering Manager  
Brevard County, Florida  
2725 Judge Fran Jamieson Way  
Building A, Room 204  
Viera, Florida 32940  
321-637-5437

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**From:** Martin, Peter

**Sent:** Monday, November 25, 2019 2:31 PM

**To:** Gerena, Rachel

**Cc:** Ritchie, George C; Holman, Lauren

**Subject:** RE: 19PZ00140 Rezoning with Conditional Use Permit for a Bed and Breakfast

Rachel,

Will you please assign someone to respond to email below while Lauren is out?

Thank you,

*Peter J. Martin*

Peter J. "Pete" Martin, AICP  
Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-350-8268

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---

**From:** Martin, Peter

**Sent:** Monday, November 25, 2019 2:29 PM

**To:** Holman, Lauren <[Lauren.Holman@brevardfl.gov](mailto:Lauren.Holman@brevardfl.gov)>

**Cc:** Ritchie, George C <[George.Ritchie@brevardfl.gov](mailto:George.Ritchie@brevardfl.gov)>

**Subject:** 19PZ00140 Rezoning with Conditional Use Permit for a Bed and Breakfast

Lauren,

Will you please write comments on parking area for proposed 12-bed (potential 24 customers at a time) bed and breakfast. Code requires 2 parking spaces for managers/operators and one space per bed/room for a total of 14 spaces. They want to just use grass as parking. Please see applicant's response below and provide engineering comments for parking.

Thank you,  
Pete

Section 62-1901(c)(2)(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.

Note: 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.

Applicant's Response: Parking area around building is all hardpacked for a 50 foot area around building from 30 years of use.

Staff's Observation:

*Peter J. Martin*

Peter J. "Pete" Martin, AICP  
Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-350-8268

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**From:** Martin, Peter  
**To:** Rick Bertel  
**Cc:** Ragain, Rebecca; Ball, Jeffrey; Ritchie, George C; Jones, Jennifer  
**Subject:** RE: Bed and Breakfast CUP  
**Date:** Monday, December 16, 2019 12:14:52 PM  
**Attachments:** BDP MODEL.pdf

---

Rick,

Your voluntary submittal of a Binding Development Plan limiting the rezoning to seven lots can allow the rezoning request to proceed without being delayed due to School Concurrency Review.

Thank you for sending this email and please respond to this response with an email confirming your decision. My recollection was that you indicated you would send me an email between Friday night and Monday morning (this morning). I understood you were going to submit your email based on our phone call and that you were not waiting for anything from me, which is the action you took. I was just getting ready to send you an email, since I had not heard from you and the deadline was first thing this morning, when I received your below email choosing option 2 below.

**The options outlined to you on the phone on Friday, December 13, 2019 are:**

1. Submit application for concurrency review along with \$400 fee and table the request in order to give enough time for the School Concurrency review to be completed;
2. **Send an email requesting a voluntary Binding Development Plan (BDP) limiting the request to seven lots, one lot below the threshold that would trigger School Concurrency Review;**
3. Not request a voluntary BDP limiting to seven lots, request the item be tabled and the CUP be added back to the request, and work out the site plan issues to ensure the site plan meets all code requirements/staff issues for a bed and breakfast since the item is being tabled anyway in order to complete School Concurrency.

**You chose option 2 above with your email below by the deadline I gave you of this morning.** The ad for the first public hearing is being, or has been, transmitted to the paper today for a rezoning without a CUP. Staff is redrafting the staff comments excluding the CUP and that draft is due to second level management (Assistant Director) by COB today.

I will send you a model BDP. There may be other BDP stipulations you may wish to voluntarily add due to public hearing feedback. The BDP has to be submitted not later than sixty (60) days and recorded no later than one-hundred twenty (120) days of the Board of County Commissioner approval of the rezoning or the rezoning reverts back to the previous zoning, making the rezoning void (Section 62-1157).

Let me know if you have any questions or I may be of further assistance.

Sincerely,

*Peter J. Martin*

Peter J. "Pete" Martin, AICP



Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-350-8268

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**From:** Rick Bertel <rickbertel@gmail.com>  
**Sent:** Monday, December 16, 2019 9:24 AM  
**To:** Martin, Peter <Peter.Martin@brevardfl.gov>  
**Subject:** Bed and Breakfast CUP

Good morning Peter,

I thought you had mentioned that you were going to send me an email that would be easy for me to respond to regarding wanting to continue with the rezoning to agricultural without the conditional use permit.

I didn't see anything come in, but we are good with going ahead with the agricultural zoning with a limit of seven Lots at this time.

If you need any other request from me let me know and I will get it to you.

Thanks  
Rick Berter  
321-961-1559

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13, 2020**, at **3:00 p.m.**, in the Commission 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: Ron Bartcher; Brian Woltz; Brian Hodgers; Ben Glover; Mark Wadsworth; Joe Buchanan; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Eden Bentley, County Attorney; George Ritchie, Planner III; Paul Body, Planner II; Jeanne Allen, Environmental Specialist I; and Jennifer Jones, Special Projects Coordinator.

Mark Wadsworth introduced new members Joe Buchanan, District 4; and Brian Woltz, District 1. Mr. Wadsworth also recognized the resignation Rochelle Lawandales and thanked her for her service to the Planning and Zoning Board. Bruce Moia stated Ms. Lawandales had a wealth of knowledge as a planner and she will be missed on the board.

### **Excerpt of Complete Agenda**

#### **11. Estrella Funeias Shouppe (Frederick Bertolotti)**

A change of zoning classification from GU (General Use), RRHM-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU, with a BDP (Binding Development Plan) limited to seven lots. The property is 31.04 +/- acres, located at 550 Willowbrook Street, Palm Bay (19PZ00140) (Tax Accounts 3000537, 3000560) (District 5)

Frederick Bertolotti, 140 Third Avenue, Indialantic, stated the property has three different zonings, and the property owner wanted to choose the best one that would be agricultural and make it all one zoning. He stated the intent is to come back to the board in the future and request a Conditional Use Permit for a small bed and breakfast.

Peter Filiberto asked if there are plans for agritourism or the selling of agricultural products from the property. Mr. Bertolotti replied no.

Motion by Peter Filiberto, seconded by Bruce Moia, to approve the change of classification from GU (General Use), RRHM-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU, with a BDP limited to seven lots.

Prepared by:  
Address:

FREDERICK BERTOLOTTI  
140 3RD AVE  
INDIAN ROCK, FL 32903

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 20 day of January, 2020 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and ESTRELA FUNELAS SHOUPPE, a OWNER 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 AGRICULTURAL zoning classification(s) and desires to develop the Property as N/A, 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 impact 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. 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.

2. Developer/Owner shall provide a \_\_\_\_\_ foot buffer on the \_\_\_\_\_ portion of the Property.
3. The Developer/Owner shall limit density to 7 <sup>UNITS</sup> units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall limit ingress and egress to \_\_\_\_\_  
\_\_\_\_\_
5. 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 Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. 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 be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on 2/5/20. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the  
date and year first written above

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on \_\_\_\_\_

(Please note: You must have two witnesses and a notary for each signature required. The notary may  
serve as one witness.)

WITNESSES:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))  
as DEVELOPER/OWNER

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
, 20\_\_\_\_, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

\_\_\_\_\_  
Notary Public

(Name typed, printed or stamped)

**JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory  
for the owner and holder of that certain Mortgage dated 2/12, given by  
2/12, as mortgagor, in favor of the undersigned,  
2/12, as mortgagee, recorded in Official Records Book \_\_\_\_\_  
Page \_\_\_\_\_, of the Public Records of Brevard County, Florida, and encumbering lands described in said  
Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the  
change of property use and development requirements as set forth therein.

**MORTGAGEE CORPORATION NAME AND ADDRESS**

\_\_\_\_\_  
Mortgagee Corporation Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
\*Authorized Agent Signature

\_\_\_\_\_  
Authorized Agent Printed Name and Title

\*Note: All others besides CEO or President require attachment of original corporate resolution of  
authorization to sign documents of this type.

**AFFIX CORPORATE SEAL**

**WITNESSES**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name