



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

2/5/2026

Subject:

Blair Foster (Foster Family Living Trust) requests a zoning classification change from GU to SR. (25Z00053) (Tax Account 2802682) (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 GU (General Use) to SR (Suburban Residential).

Summary Explanation and Background:

The applicant is requesting to rezone 1.0 acre from GU (General Use) to SR (Suburban Residential) to have a zoning classification that is consistent with the subject property's lot size for the construction of a future single-family residence.

The GU zoning classification and RES 2 FLU designation are original to the property. The subject property meets the minimum size, lot width, and depth requirements for the proposed SR zoning classification. The SR zoning classification and the RES 2 Future Land Use Map (FLUM) designation are consistent.

GU classification is a holding category that encompasses rural single-family residential development, unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends, on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The SR zoning classification is established on the abutting property north of the subject property.

The configuration of this lot may present challenges with regards to access. The applicant is on notice that securing an approved access easement is a prerequisite to pursuing a residential building permit.

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

On January 12, 2026, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 25Z00053

On motion by Commissioner Feltner, seconded by Commissioner Delaney, the following resolution was adopted by a unanimous vote:

WHEREAS, Blair Foster (Foster Family Living Trust) requests a zoning classification change from GU (General Use) to SR (Suburban Residential), on property described as Tax Parcel 766, as recorded in OR Book 9783, Page 2602 of the Public Records of Brevard County, Florida. **Section 13, Township 28, Range 36.** (1.0 acres) Located southwest of Carriage Gate Dr., immediately south of 3575 Carriage Gate Dr. (No Address, 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 GU to SR, 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 February 05, 2026.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Thad Altman, Chair

Brevard County Commission

As approved by the Board on February 05, 2026.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – January 12, 2026

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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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00031

Blair Foster (Foster Family Living Trust)

GU (General Use) to SR (Suburban Residential)

Tax Account Number: 2802682
 Parcel I.D.: 28-36-13-00-766
 Location: Southwest of Carriage Gate Drive, immediately south of
 3575 Carriage Gate Drive. (District 5)
 Acreage: 1.0 acres
 Planning & Zoning Board: 1/12/2026
 Board of County Commissioners: 2/05/2026

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 | GU | SR |
| Potential* | 0 single-family | 2 single-family |
| Can be Considered under the Future Land Use Map | NO RES 2 | YES RES 2 |

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

Background and Purpose of Request

The applicant is requesting to rezone 1.0 acre from GU (General Use) to SR (Suburban Residential) to have a zoning classification that is consistent with the subject property's lot size for the construction of a future single-family residence.

The GU zoning classification and RES 2 FLU designation are original to the property. The subject property meets the minimum size, lot width, and depth requirements for the proposed SR zoning classification. The SR zoning classification and the RES 2 Future Land Use Map (FLUM) designation are consistent.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The SR zoning classification is established on the abutting property north of the subject property.

The lot was recorded on October 1, 1974 in ORB 1486, Page 947 of the Public Records of Brevard County. At that time, the GU zoning classification required a minimum lot width and depth of 150 feet by 150 feet on one (1) acre. The subject properties lot configuration is 131.83 feet by 330.17 feet as noted on the boundary survey provided by the applicant. Therefore, the subject property cannot be classified as a nonconforming lot of record, as it has never satisfied the requisite minimum lot width and depth standards. The Quit Claim Deed and accompanying boundary survey reference an easement described as "Together with an easement over the East 60 feet of the West 192 feet." This easement, however, has not been formally validated as a lawful means of residential access pursuant to Section 62-102(a). At present, the easement functions primarily as access for the adjacent tower site, creating a potential incompatibility with Section 62-102, which mandates that a residential access easement be dedicated exclusively to the residential parcel to qualify for building permit issuance.

To achieve compliance with Section 62-102, the existing 60-foot-wide easement would necessitate modification, specifically through the delineation of a dedicated 20-foot-wide segment reserved exclusively for ingress and egress to the subject property, with the remaining portion continuing to serve the tower tenant. Absent administrative approval of such a revised and compliant easement, the residential lot lacks formally recognized legal access. Accordingly, the applicant is hereby advised that securing an approved access easement is a prerequisite to pursuing a residential building permit.

Staff evaluated the proposed rezoning under Administrative Policy 5, focusing on whether the development would compromise adopted levels of service, significantly exceed design capacities, or materially and adversely affect surrounding neighborhoods. Traffic data from the SCTPO indicate that the Minton Road segment between Hield Road and Eber Road is currently operating above capacity, with an existing utilization rate of approximately 100.99% (37,670 vehicles compared to a MAV of 37,300). The proposed single-family residence is anticipated to increase MAV utilization by an additional 0.04%, resulting in a projected utilization rate of approximately 101.03%. Because the roadway segment is already exceeding its adopted level of service, the Board should consider whether the proposed rezoning—

despite generating a minimal increase in demand—should be approved or denied based on its contribution to an already over-capacity roadway segment.

Pursuant to Section 62-602(b), staff conducted a preliminary concurrency evaluation to illustrate the relationship between the rezoning request and the availability of public facilities and services. Although the traffic generated by a single-family residence is minor, the affected roadway segment remains over its adopted level of service. Section 62-602(e) authorizes the County to deny, defer, or require modification of development proposals that cause or contribute to a public facility deficiency.

In accordance with Section 62-602(e) of the Brevard County Ordinances, the Board of County Commissioners shall determine whether the rezoning should be approved or denied based on its contribution to an already deficient transportation facility and whether the proposal would cause or substantially aggravate any identified level-of-service deficiency. The applicant is also put on notice that approval of this rezoning would not vest transportation concurrency as to the subject property, and that future permitting activities may be impacted by a deficiency in adopted levels of service.

The subject property contains mapped hydric soils, indicating the potential presence of wetlands. The proposed development is not expected to cause substantial drainage issues on adjacent properties or create significant, adverse, and unmitigable impacts on wetlands or habitats for listed species. A wetland delineation may be required prior to land clearing, site plan review, or building permit submittal. Any permitted wetland impacts must comply with Section 62-3694(e), including avoidance of impacts, and must provide no-net-loss mitigation pursuant to Section 62-3696.

There are currently no open Code Enforcement cases or violations noted on the property.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|--------------|------------------------------------------------|---------------|------------------------|
| North | Single-family residential | SR | RES 2 |
| South | Tower Communications | GU | RES 2 |
| East | City of West Melbourne/Stormwater pond | R-1A | LD-RES |
| West | Single-family residential/Tower Communications | AU/GU | RES 2 |

The property to the north of the subject property is developed with a single-family residence on 0.94 acres, zoned SR.

The property to the south is utilized as a tower communication site on 2.06 acres, zoned GU.

To the east of the subject property is located with the City of West Melbourne jurisdiction. It contains 56 lots, is platted for single-family homes, and is zoned R-1A with a FLU designation of Low Density residential.

There are 2 properties to the west of the subject property. One is utilized as a cell tower communication site on 1.82 acres, zoned GU and the other is developed as single-family residential on 2.78 acres, zoned AU.

Three of the properties are designated as RES 2 FLU and the West Melbourne has a designation of LD-RES FLU.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

Land Use

The subject property's GU zoning classification can be considered consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed SR zoning is consistent with the RES 2 designation.

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.

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

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

Criteria:

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

The proposed single-family residence is not anticipated to 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 the existing neighborhoods within the area. Any new development would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

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

Only a certified MAI (Master Appraisers 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.

There are four (4) FLU designations within County jurisdiction: RES 2, RES 4, CC, and NC within one-half mile of the subject property. The most prominent FLU designation is RES 2.

There have been no FLU changes within 0.5 miles of the last 3 years.

This analysis focuses on the south side of Highway 95. The existing pattern of development of the surrounding area is single-family residential, both in unincorporated and incorporated areas. Residential lots range in size from approximately 0.21 acres to 2.78 acres. Within the unincorporated areas, there is a mixture of zoning classifications; GU, AU, SR, EU, RU-1-13, RU-1-11, and BU-2 Site within a 0.50 mile radius. SR zoning appears to be the predominate classification in the area.

There have been three (3) zoning changes approved within one-half mile over the preceding three (3) years, 22Z00006 (GU to BU-2 with BDP and removal of CUP for tower and antenna), 23Z00012 (Amended BDP; zoned BU-2 southeast fringe), 25Z00031 (GU to SR) to have a zoning that is consistent with the lot size.

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

New development of a single-family residential subdivision is in progress within the City of West Melbourne east of the subject property.

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

No new development approved but not yet constructed within the past three years.

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

The Board may consider whether the proposed is in material violation of Administrative Policy 5 related to the compromise of adopted levels of service.

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 (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.04%. The proposed use is not anticipated to materially and adversely impact the area by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the area.

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

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

The subject property is not located within an existing residential neighborhood but rather in a residential area. There is a residential neighborhood located to the east.

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 is not for commercial use. It is located within an existing single-family residential area.

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

The subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Analysis of 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 service will be compromised;

Current traffic counts provided by the Space Coast Transportation Planning Organization (SCTPO) for the segment of Minton Road between Hield Road and Eber Road indicate that the existing volume of 37,670 vehicles exceeds the maximum acceptable volume (MAV) of 37,300, resulting in a utilization rate of approximately 100.99%. The proposed development is anticipated to increase MAV utilization by an additional 0.04%, bringing the projected operating level to approximately 101.03%.

- 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;

Has not been evaluated at this time.

- 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;

Has not been evaluated at this time.

- 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;

Has not been evaluated at this time.

- 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;

Current traffic counts provided by the Space Coast Transportation Planning Organization (SCTPO) for the segment of Minton Road between Hield Road and Eber Road indicate that the existing volume of 37,670 vehicles exceeds the maximum acceptable volume (MAV) of 37,300, resulting in a utilization rate of approximately 100.99%. The proposed development is anticipated to increase MAV utilization by an additional 0.04%, bringing the projected operating level to approximately 101.03%.

- 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;

The proposed single-family use does not change the type (residential traffic) of what has historically been in the area.

- 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.

Based on the projected traffic increase associated with the proposed development, the incremental impact—an estimated 0.04% increase in utilization on a roadway segment already operating above its maximum acceptable volume—is not expected to materially or adversely affect the safety or welfare of residents in the surrounding residential area. While the segment is currently operating over capacity, the marginal increase generated by a

single additional single-family residence is statistically insignificant relative to the overall roadway volume and does not, in itself, create a measurable degradation of traffic operations, safety, or level of service.

Analysis of Administrative Policy 7

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

The entire subject parcel contains mapped hydric soils; indicators that wetlands may be present on the property. The proposed is not anticipated to cause or substantially aggravate significant, adverse and unmitigable impact on significant natural wetlands. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal. 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road from Hield to Eber, which has a Maximum Acceptable Volume (MAV) of 37,300 trips per day, a Level of Service (LOS) of E, and currently operates at 100.99% of capacity daily. The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 101.03% of capacity daily. The proposal is anticipated to contribute marginally to the existing deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is not within a Brevard County sewer or portable water service area.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements

Comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

the Board should consider whether the proposed rezoning—despite generating a minimal increase in demand—should be approved or denied based on its contribution to an already over-capacity roadway segment under Administrative Policy 5 and Section 62-602(e).

Pursuant to Section 62-602(b) *Preliminary evaluation prior to zoning action*. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the board of county commissioners. This review will be based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00053**

Applicant: Blair Foster (Owner: Foster Family Living Trust)

Zoning Request: GU to SR

Note: for consistency to lot size for future SFR

Zoning Hearing: 01/12/2026; **BCC Hearing:** 02/05/2026

Tax ID No.: 2802682

- 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
- Land Clearing and Landscape Requirements

Land Use Comments:

Hydric Soils

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

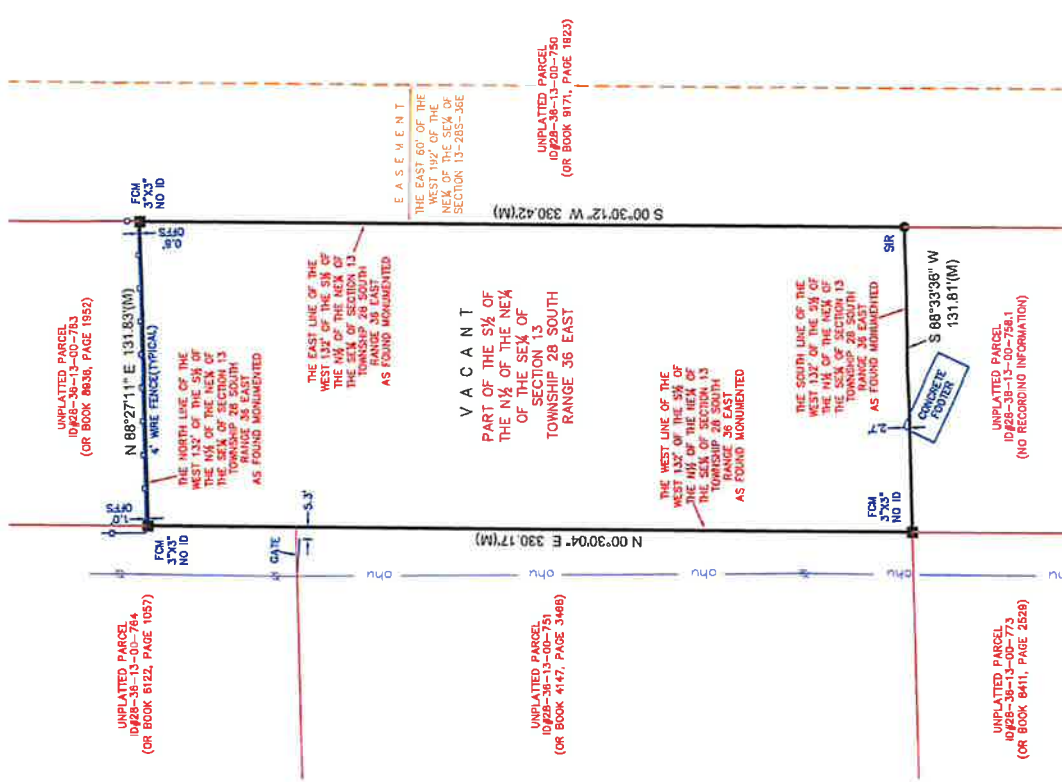
Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

BOUNDARY SURVEY

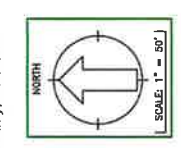
NOTE: THE SURVEYOR HAS NOT BEEN PROVIDED DOCUMENTATION SHOWING LEGAL RIGHTS TO A PUBLICLY DEDICATED ROADWAY



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 - CP - CEMENT POLE
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LEGAL DESCRIPTION (as furnished):
 The South one-half of the North one-half of the West 132 feet of the northeast quarter of the southeast quarter of Section 13, Township 28 South, Range 36 East, Brevard County, Florida.

Also an easement over the East 60 feet of West 192 feet of NE 1/4 of SE 1/4 of Section 13, Township 28 South, Range 36 East as recorded in ORB 2028, Page 716, Public Records of Brevard County, Florida.



Carriage Gate Drive
 Melbourne, FL 32904

| | |
|--------------------------------------------------------------------------|---------|
| CLIENT REFERENCE #23-5664 | |
| CONCRETE FOOTER CROSSES PROPERTY LINE OWNERSHIP OF FENCE NOT DETERMINED. | |
| ORDER # | 23-0065 |
| BOUNDARY SURVEY: 4/5/23 | DRAFTER |
| REVISION DATE | CC |
| FIELD CREW | JW |

BUYER'S ACKNOWLEDGMENT BUYER'S ACKNOWLEDGMENT



CERTIFIED TO:
 Blair Foster and Dominic Foster
 Foundation Title & Settlement Services, LLC
 Chicago Title Insurance Company

FLOOD ZONE:
 According to the Federal Emergency Management Agency Flood Insurance Rate Map Panel 12009C05856, Dated (3/17/14) the property does not lie within the established 100 year flood plain per flood zone(6) "X".

GENERAL NOTES:

- Unless digitally signed in accordance with Florida statute this survey is not valid without the original signature and seal of the Surveyor shown hereon and under no circumstances shall be supplanted by any other graphic or digital form.
- Additions or deletions to this survey by any party other than the signing Surveyor is prohibited without the written consent of the signing Surveyor.
- This Surveyor has no knowledge nor has seen physical evidence of human cemeteries one/or burial grounds located within the subject property, unless shown or noted otherwise.
- Only visible above ground improvements have been located hereon. The Surveyor has made no attempt to locate the extents of underground utilities, foundations or other improvements.
- All distances shown hereon are in feet, tenths and hundredths of a foot unless noted otherwise.
- This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor. There may be additional restrictions not shown on the survey that may be found in the public records of this county.
- Building ties and dimensions for improvements should not be used to reconstruct boundary lines.
- Bearings are based on the West line of the Subject Parcel which has an assumed bearing of N 00°30'04" E.

4M SURVEYING & MAPPING SERVICES, INC.

3630 STAR COURT,
 MIMS, FL 32754
 Licensed Business #8516
 PH: (321) 210-0446

SURVEYOR'S CERTIFICATE:
 This survey meets and/or exceeds the standards of practice set forth by the State of Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers in Chapter 51-17.051 through 51-17.053 Florida Administrative Code for the type of survey stated hereon.

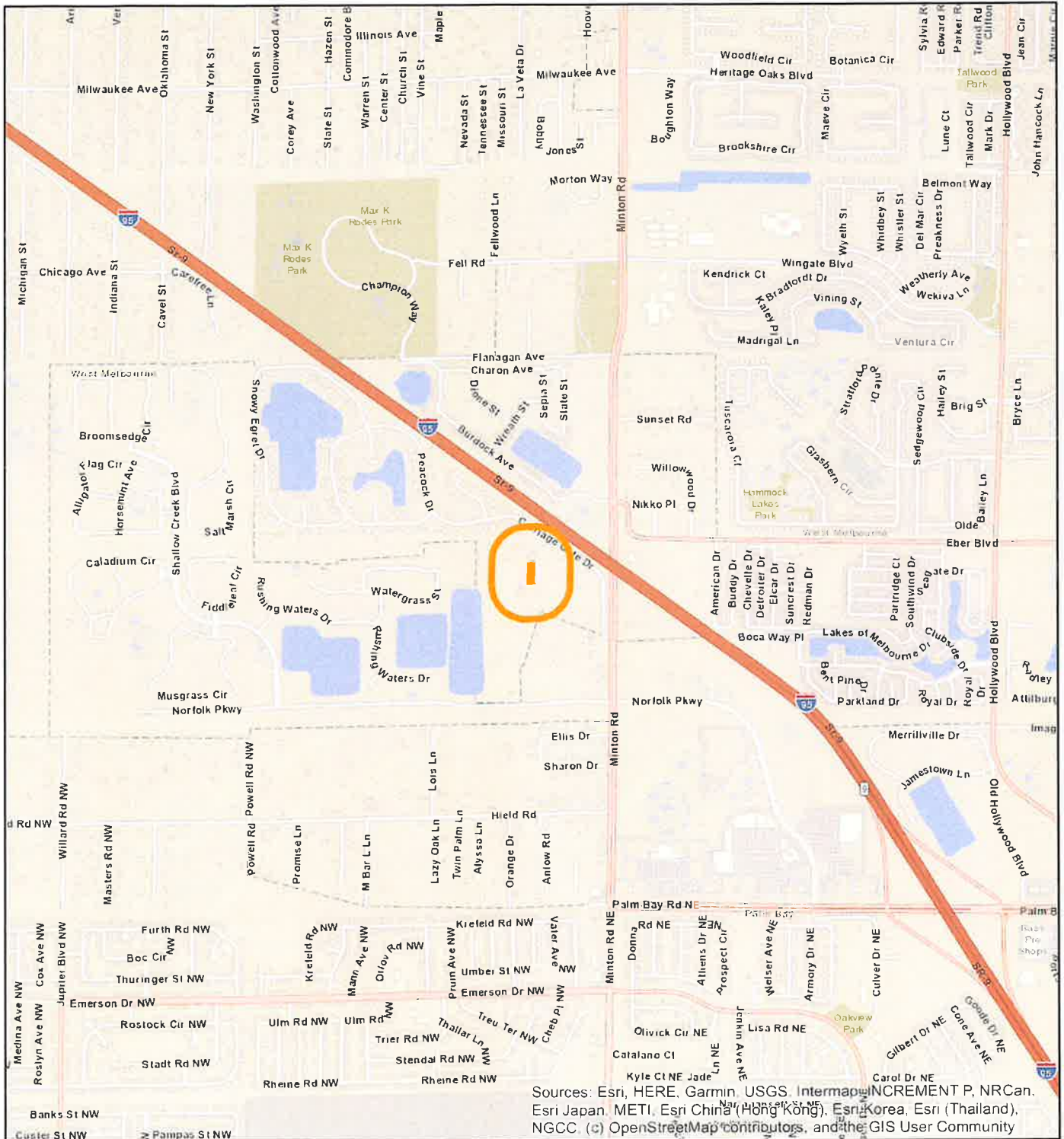
JOSEPH E. WILLIAMSON, PSM 6673

SIGN DATE:
 4/6/23

LOCATION MAP

FOSTER FAMILY LIVING TRUST

25200053



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC (c) OpenStreetMap contributors, and the GIS User Community



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

Buffer Distance: 500 feet

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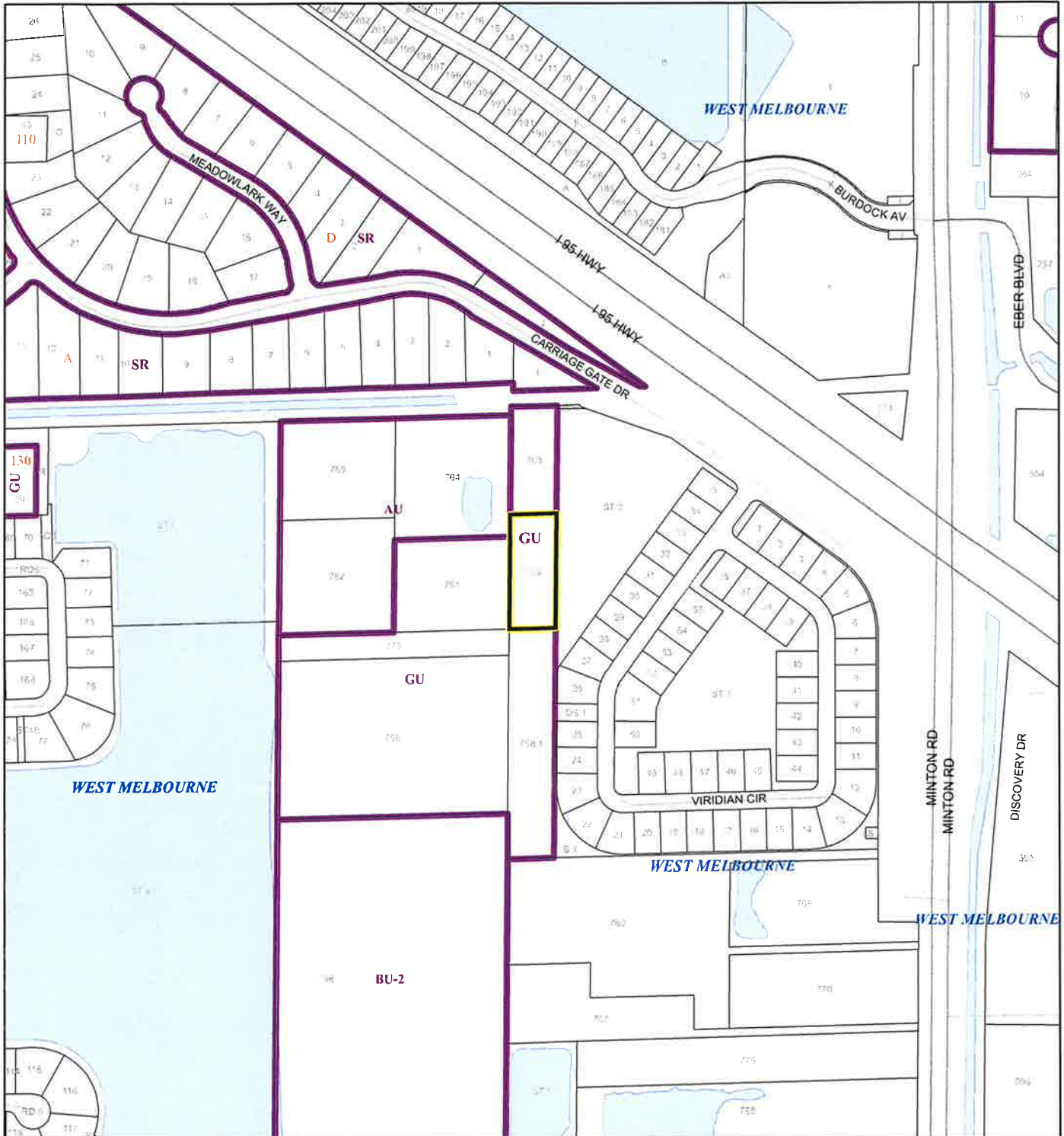
Produced by BoCC - GIS Date: 11/17/2025

- Buffer
- Subject Property

ZONING MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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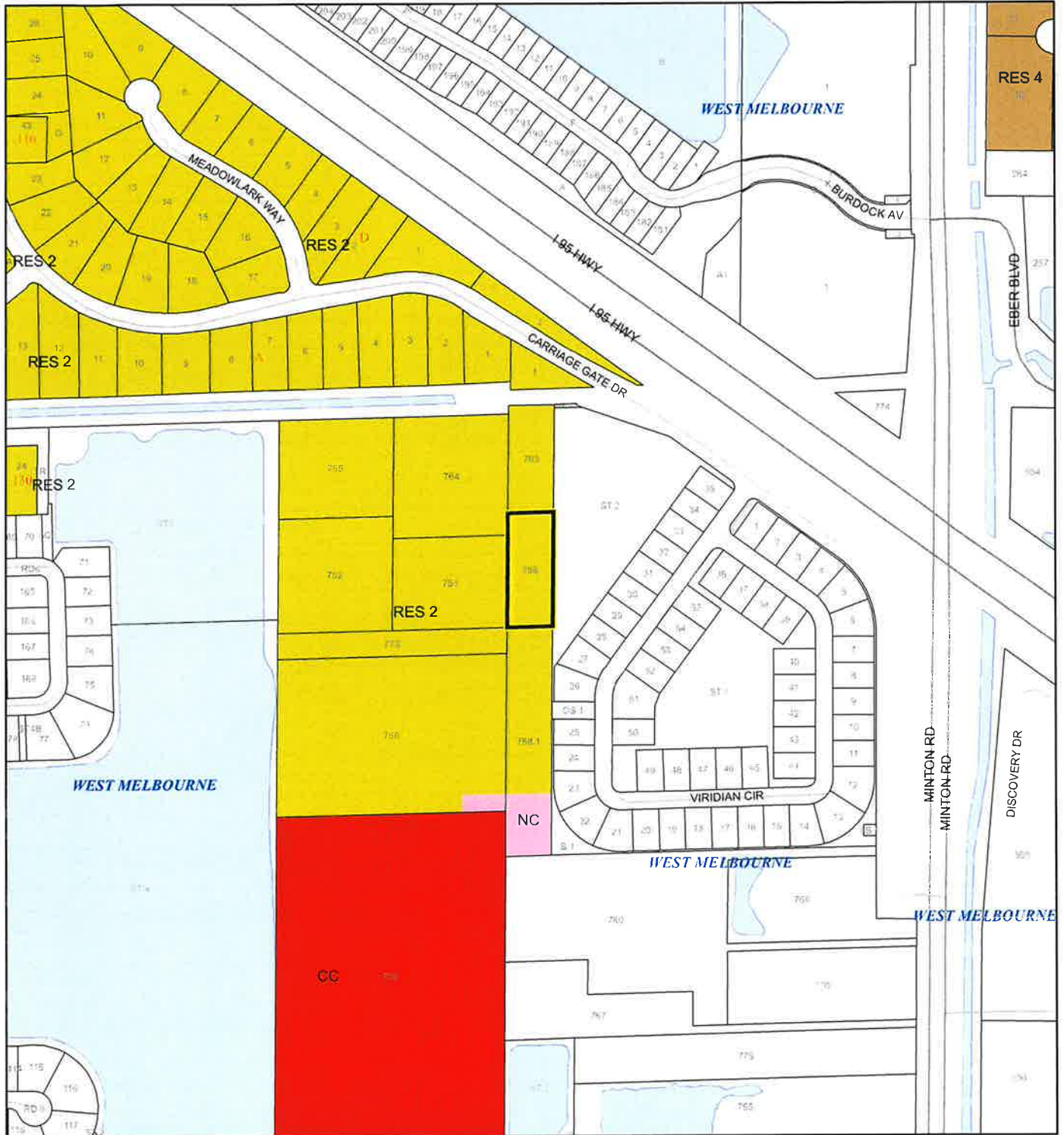
Produced by BoCC - GIS Date: 11/17/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

FOSTER FAMILY LIVING TRUST

25Z00053



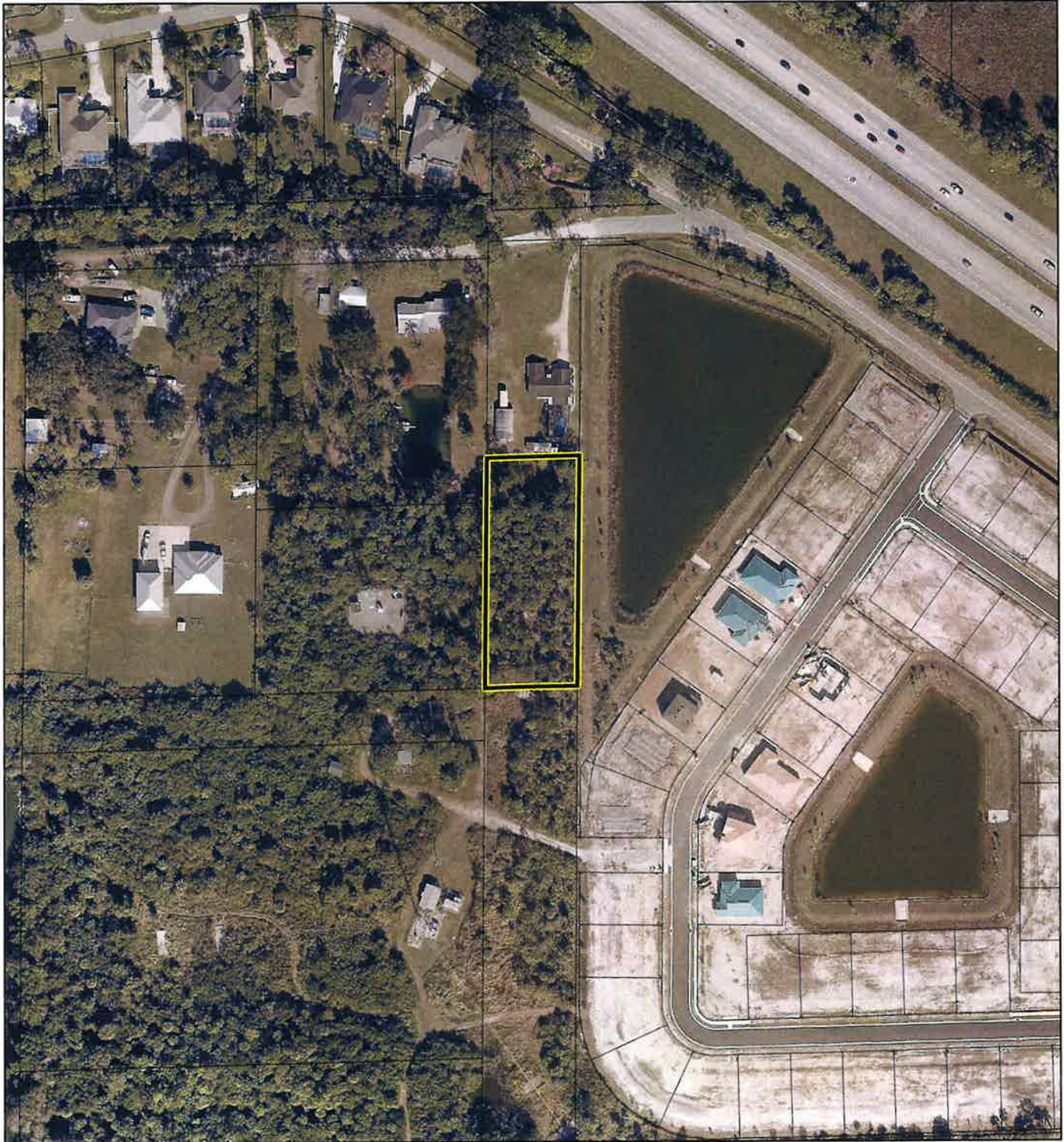
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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AERIAL MAP
FOSTER FAMILY LIVING TRUST
25Z00053





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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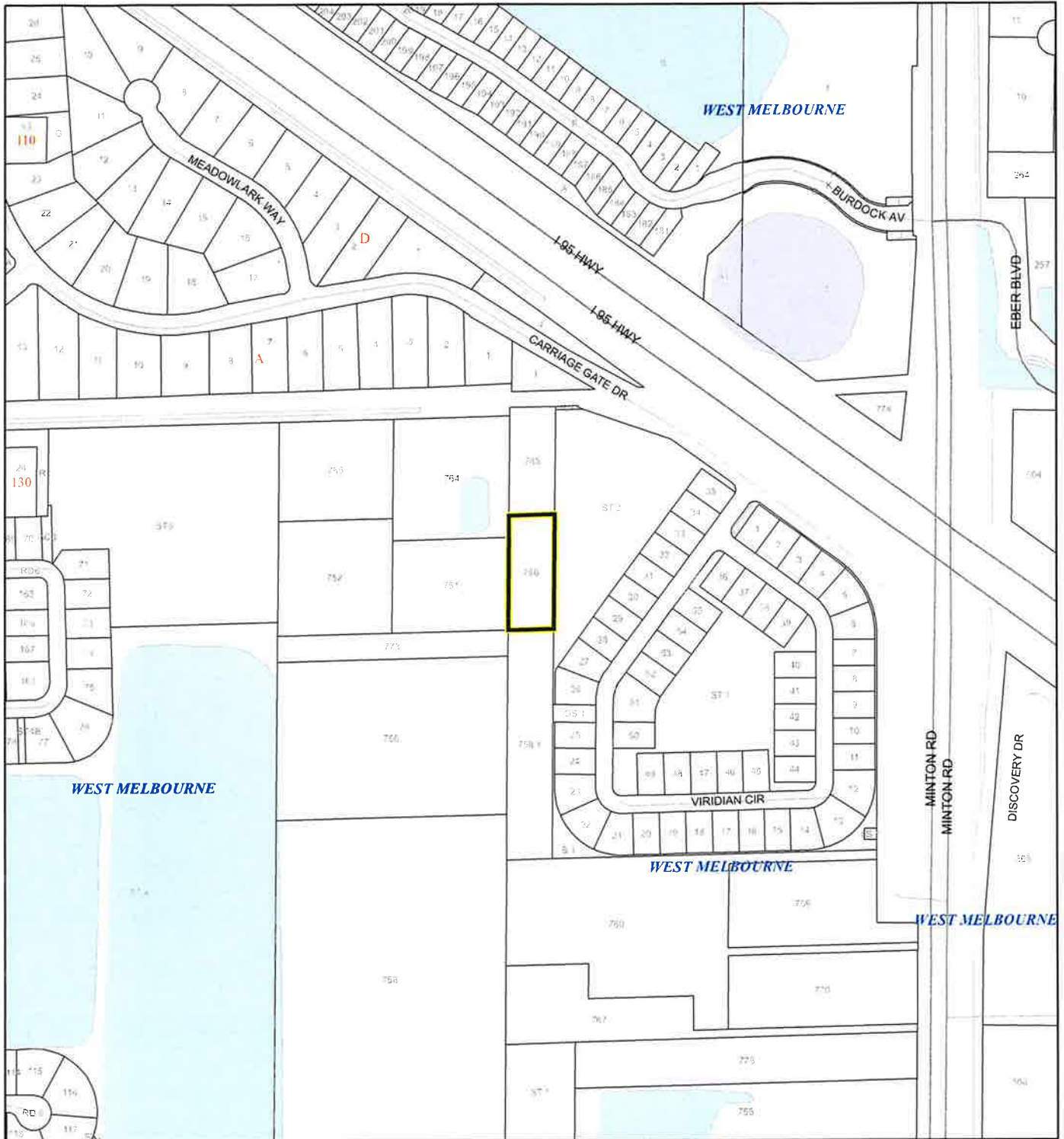
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-  Subject Property
-  Parcels

NWI WETLANDS MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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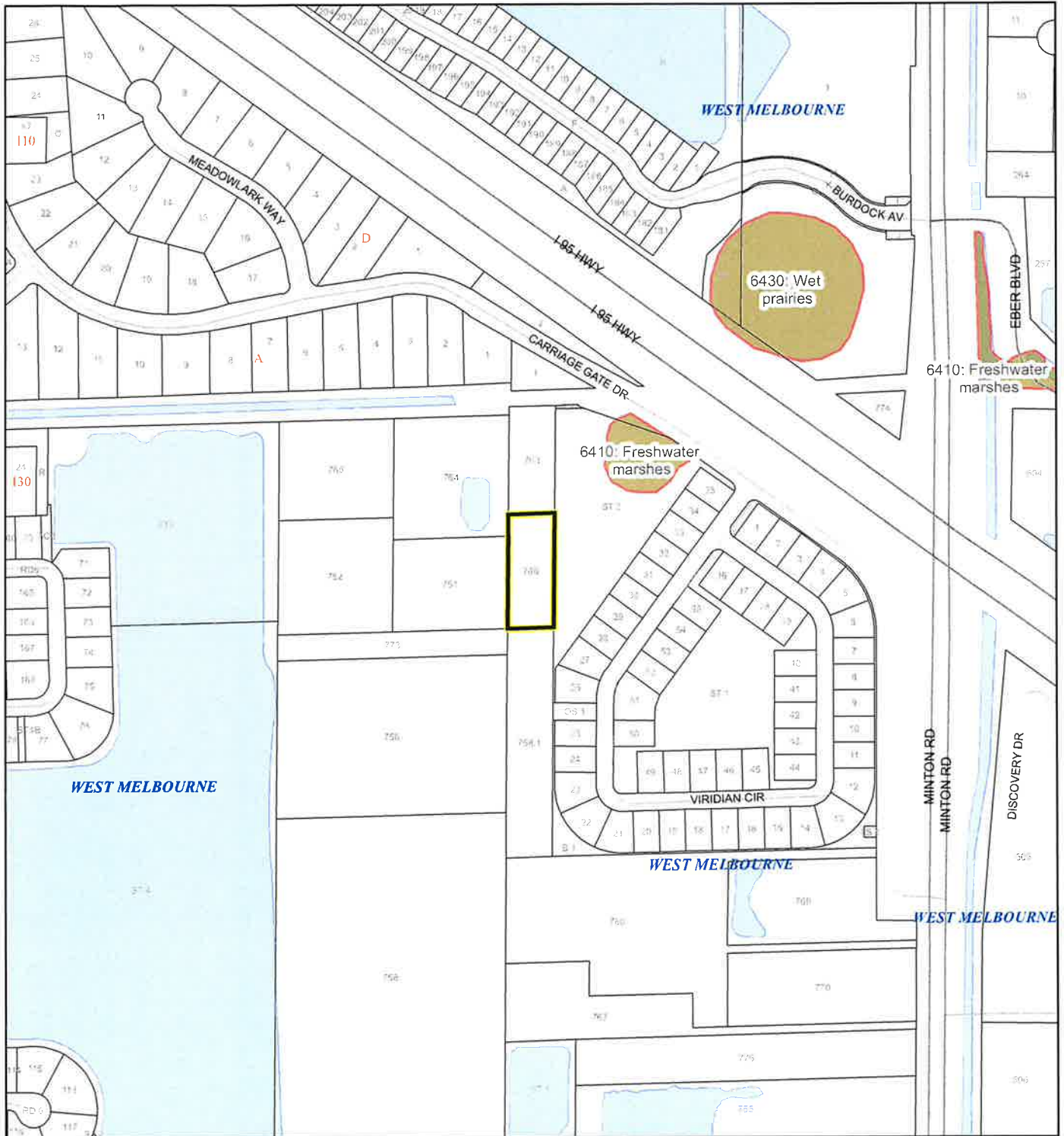
Produced by BoCC - GIS Date: 11/17/2025

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

FOSTER FAMILY LIVING TRUST
25Z00053



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/17/2025

SJRWMD FLUCCS WETLANDS

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

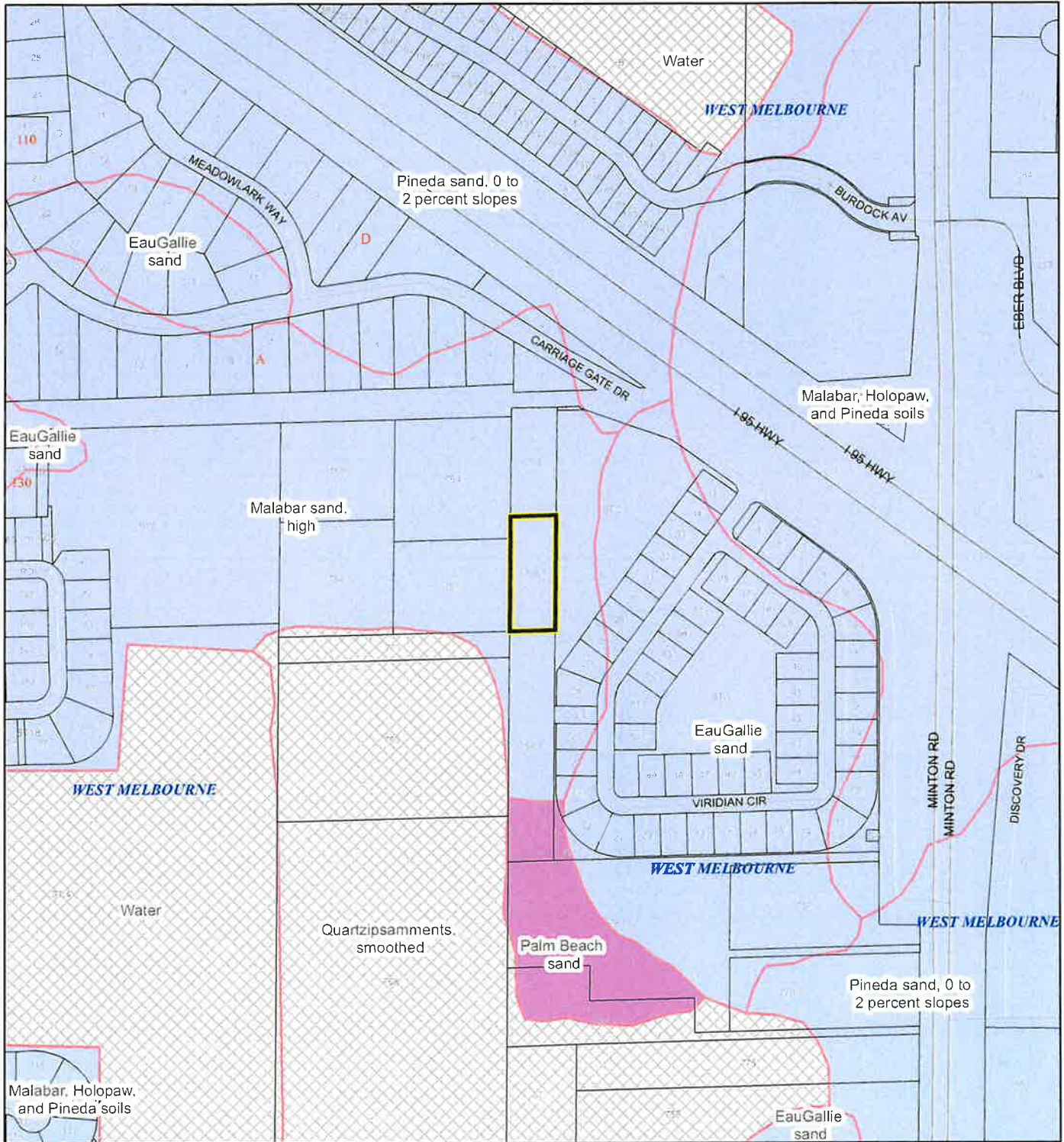
Subject Property

Parcels

USDA SCSSS SOILS MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/17/2025

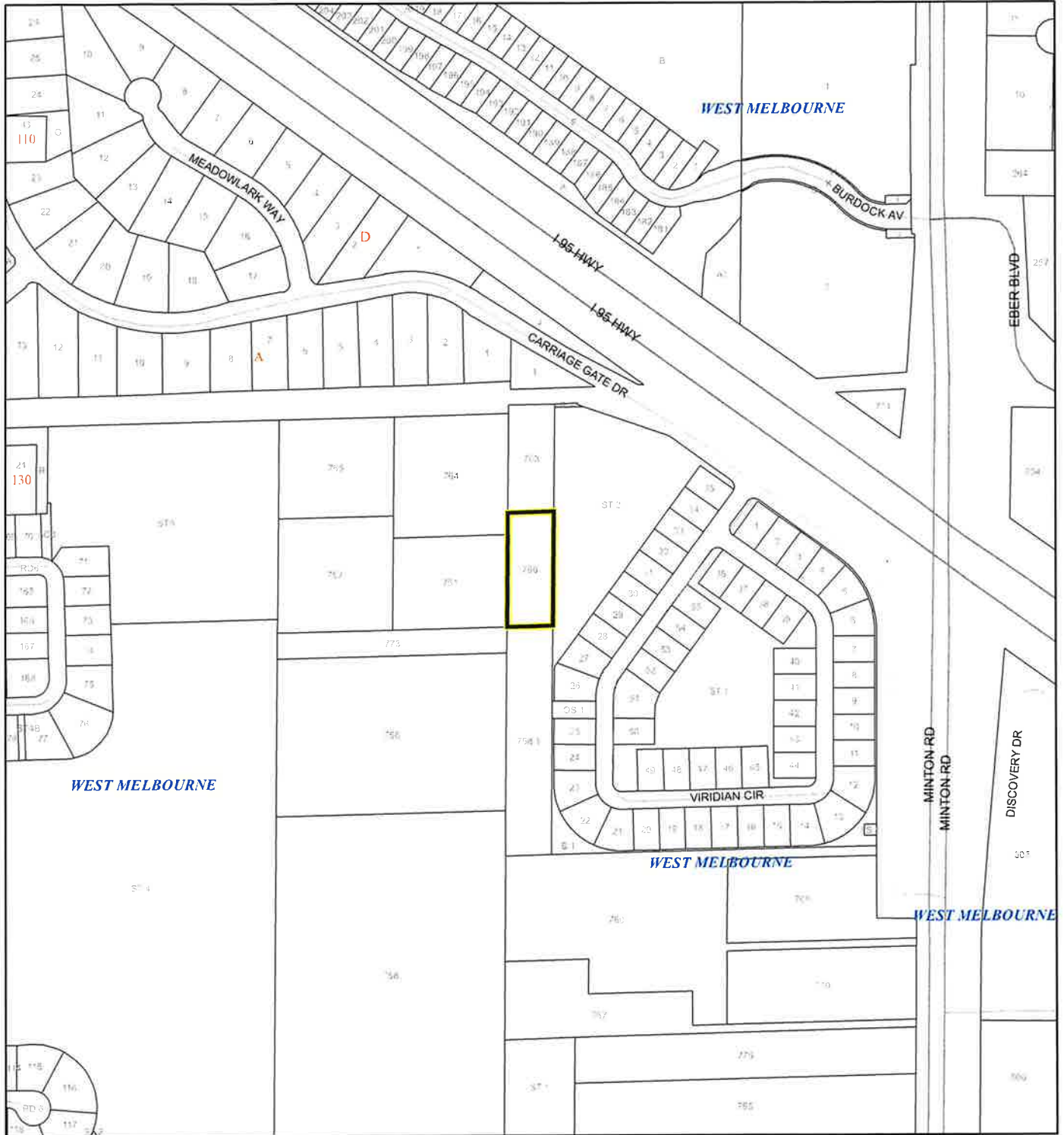
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

FOSTER FAMILY LIVING TRUST









25Z00053



1:4,800 or 1 inch = 400 feet

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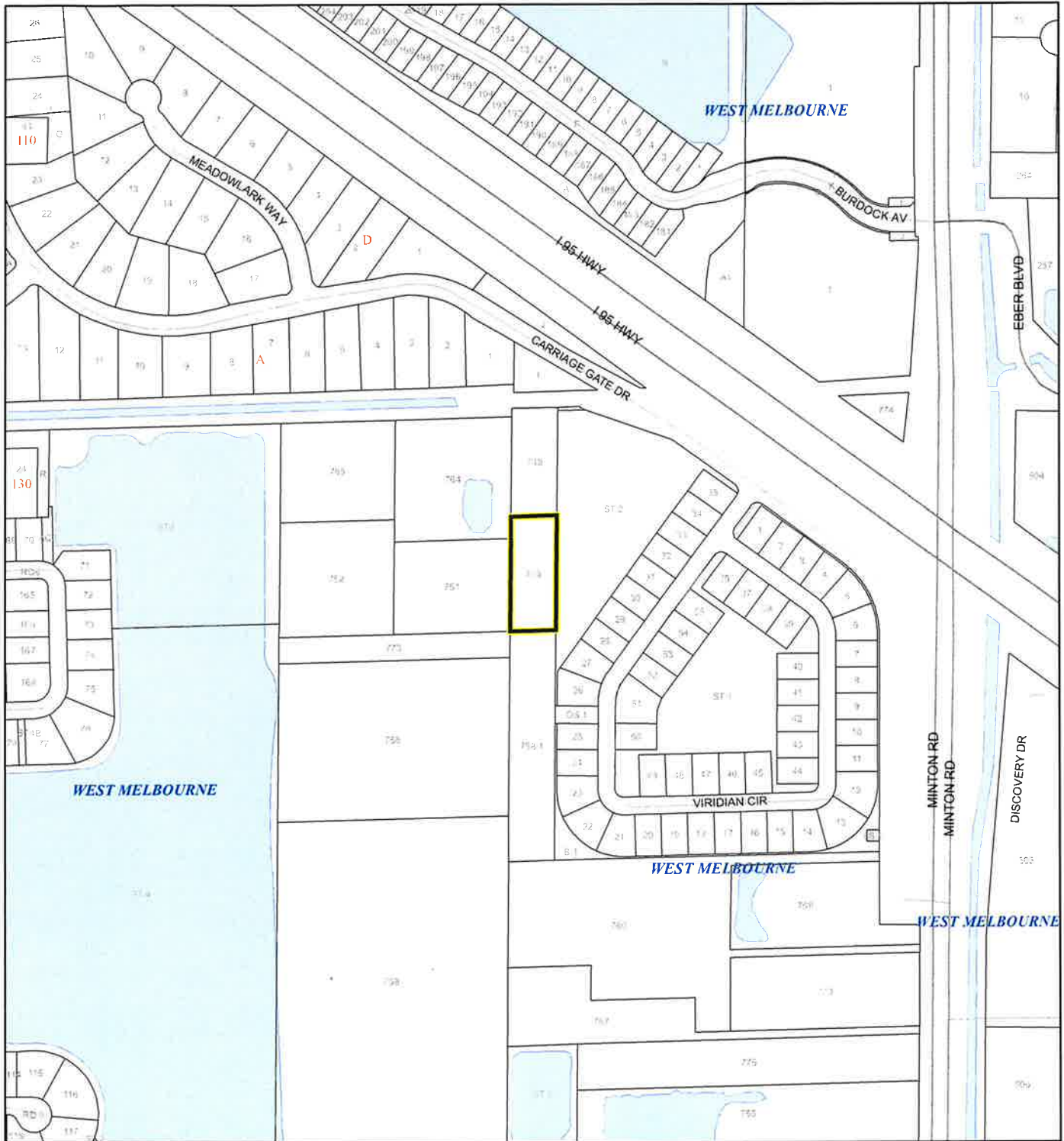
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| FEMA Flood Zones | | |
|---------------------------------------------------------------------------------------|------------------|---|
|  | A | |
|  | AE | |
|  | AH | |
|  | AO | x |
|  | Open Water | |
|  | VE | |
|  | Subject Property | |
|  | Parcels | |

COASTAL HIGH HAZARD AREA MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 11/17/2025

 Subject Property

 Parcels

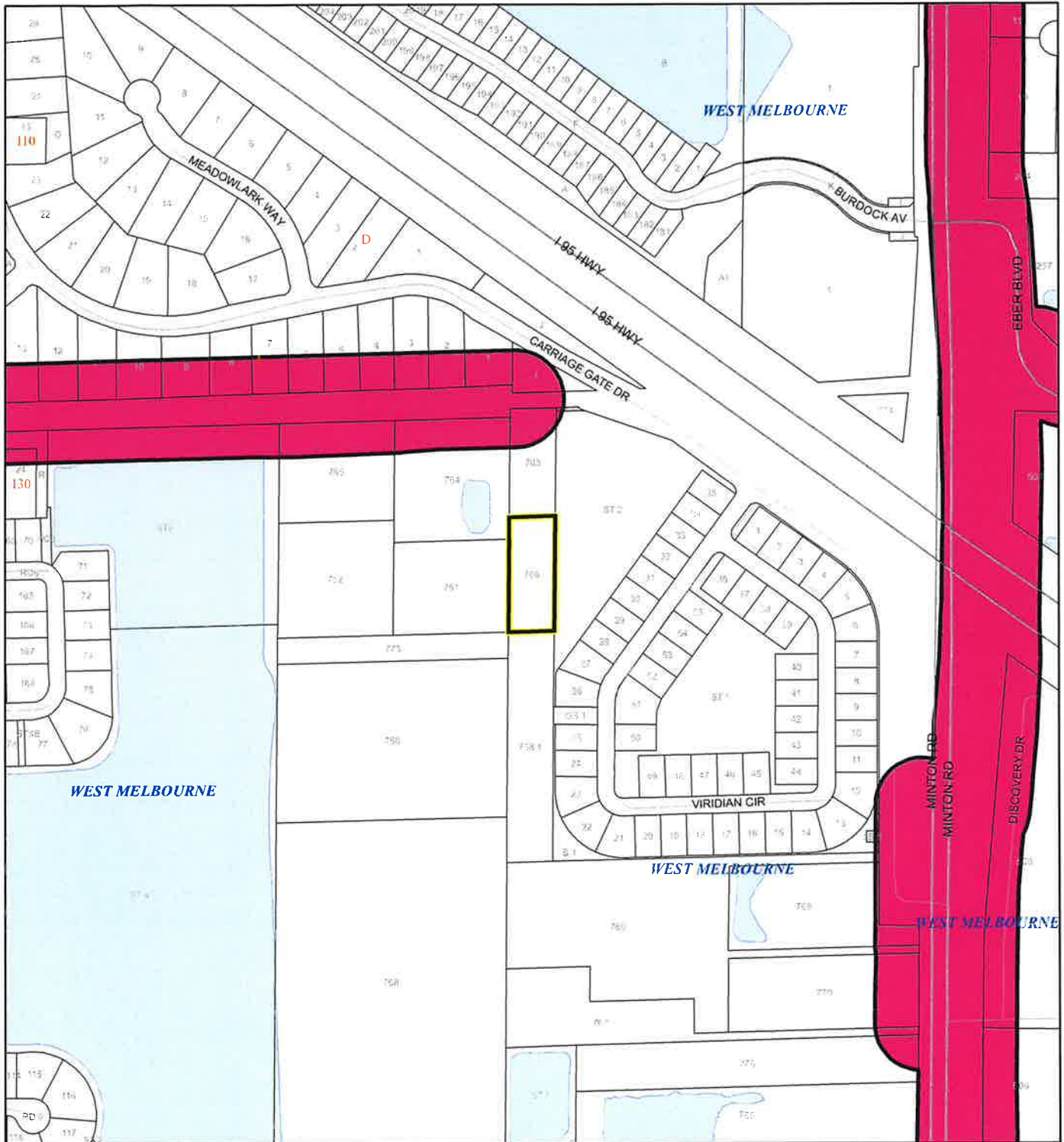
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/17/2025

— Subject Property

— Parcels

Septic Overlay

40 Meters

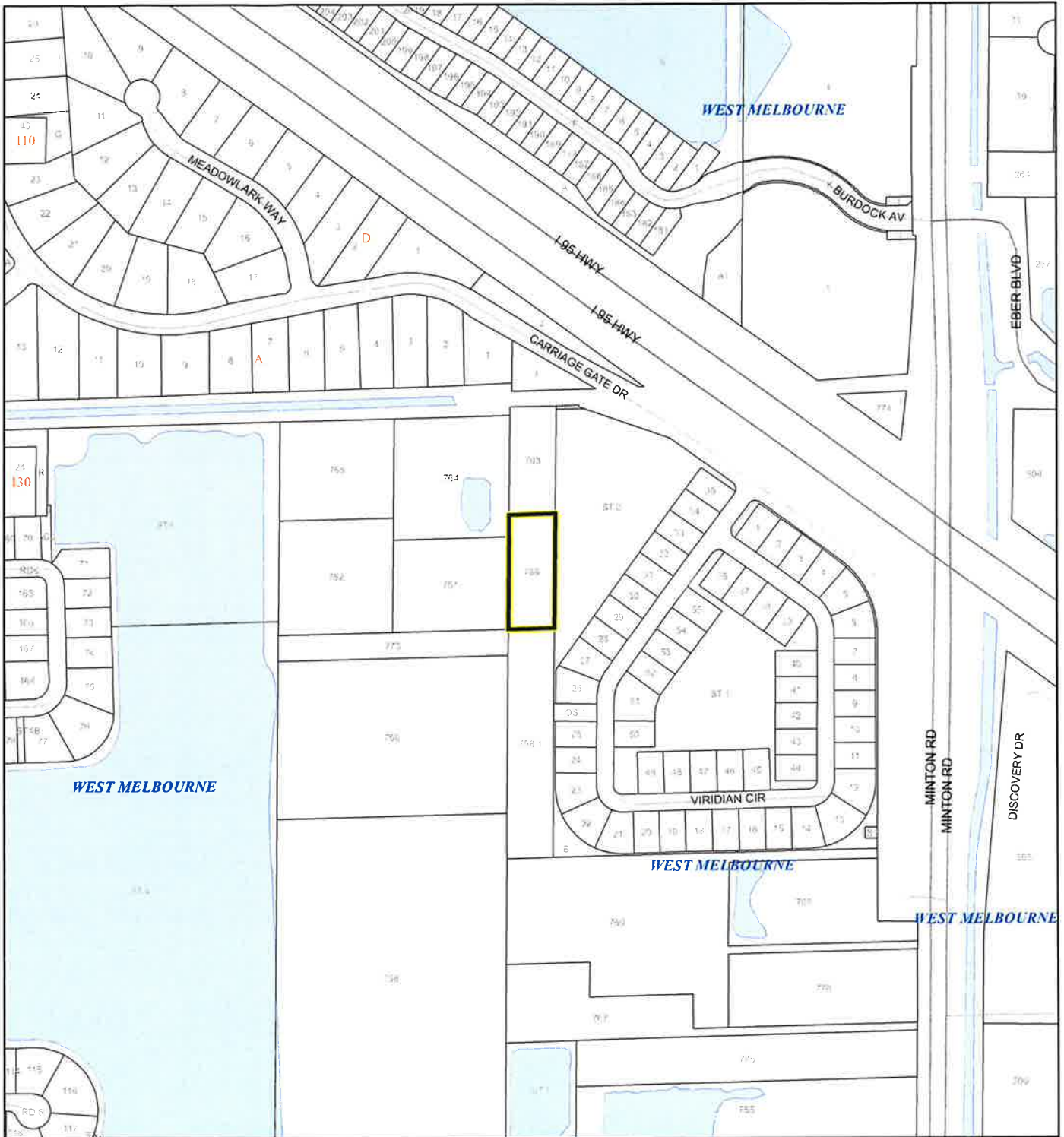
60 Meters

All Distances

EAGLE NESTS MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/17/2025

 Subject Property

 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP




FOSTER FAMILY LIVING TRUST
25Z00053



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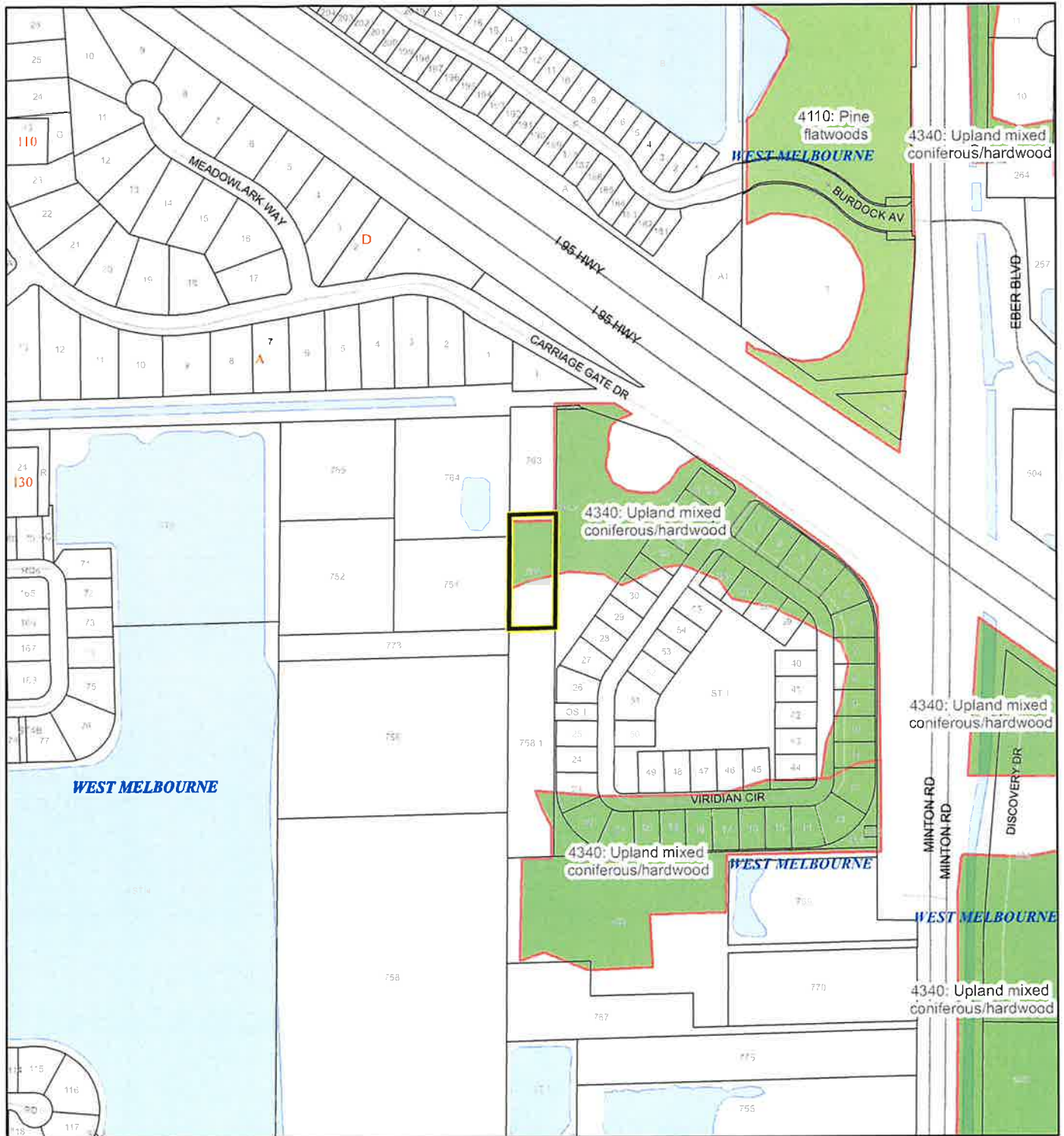
Produced by BoCC - GIS Date: 11/17/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

FOSTER FAMILY LIVING TRUST

25Z00053



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/17/2025

SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 2026**, 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); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

H.10. Blair Foster (Foster Family Living Trust) requests a zoning classification change from GU to SR. (25Z00053) (Tax Account 2802682) (District 5)

Paul Body read the item into the record.

Blair Foster spoke to the application. I'm trying to change the zoning. Right now, it's zoned GU, which I'm trying to go to SR. From what I understand, the GU is for five acres. I only have one acre and everything I've tried to do with this property has come back to that issue. So, I'm trying to get it changed so I can at least be the same as everybody else around me and be consistent with the properties around me.

NO PUBLIC COMMENT

Mr. Hopengarten inquired about the access to this site.

Mr. Foster responded I have easements in my area on both sides of my property there.

Mr. Hopengarten asked on the east and the west side?

Mr. Foster responded yes.

Mr. Hopengarten stated I don't see anything on there.

Mr. Foster responded they're on there. They're all older easements that are there for many years that have access to all the other properties around there. Plus, they built a new community next to mine. On the east side, that big development there. Green Leaf built that and there was a designated easement on there that they've given to the people that are already behind me that go right next to my place.

Mr. Hopengarten stated there's no traffic on that easement that that development has shown between that.

Ms. Gilliam responded the easement that he's referring to was vacated by Bruce Moia when he did the development here. That southern portion of the easement was vacated, but it doesn't affect his property.

Mr. Hopengarten continued it doesn't affect his property, right? Because it's south of his property.

Mr. Gilliam responded correct. There's no connection there.

Mr. Hopengarten stated so again, that raises the question, where is the easement for him to get access because there's no point in you putting a house on there if you can't get to it.

Ms. Gilliam responded there is an easement that runs between the pond and his property. There's an easement that runs down that way.

Mr. Hopengarten stated you're talking about that dirt area there that's shown up on my aerial.

Ms. Gilliam responded between his property and the storm water pond for Green Leaf, there's an easement there. It was put in place back in I think 1985. Whether or not it satisfies 62 102 will have to be determined once he submits the building permit.

Mr. Hopengarten stated your neighbor to your north put his own driveway on his own property because he evidently didn't take advantage of that easement. Don't want you to get stuck.

Mr. Foster responded he understands. Thank you.

Mr. Atkins asked if the address would be on Carriage Gate.

Mr. Foster replied they haven't figured that out yet. I can't get any answers until I fix this.

Motion to recommend approval of Item H.10. by Neal Johnson, seconded by Jarred Atkins. Motion passed unanimously.

Meeting adjourned at 6:28 p.m.