



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

4/3/2025

Subject:

Nicholas Duffy requests a change in zoning classification from BU-1 to BU-2. (24Z00071) (Tax Account 3006387) (District 3)

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 BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 to BU-2 on 2.79 acres. The site is undeveloped. Approval of this request will permit the proposed use of a RV and boat storage business.

The subject property is within a mixed-use corridor. It is located between residential use to the west and south across Micco Rd. and commercial use to the east along the north side of Micco Rd.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

There have been two rezoning actions less than ¼ mile from the subject. 23Z00023 approved 02/21/2024, was a rezoning from IU-1 to BU-2 with a Binding Development Plan retaining all BU-1 uses and restricting the BU-2 use to outdoor boat and RV storage. 22Z00060 approved 04/06/2023, changed a BU-1 to BU-2 with a Binding Development Plan to restrict the use to RV and Boat storage and retaining all BU-1 uses. Site plan (24SP00014) for indoor RV and boat storage has been approved. The subject property was approved for a zoning change from AU to BU-1 on July 12, 1979, under zoning action Z-4981. No other zoning changes have been made.

The Board may wish to consider whether the proposed rezoning request is consistent and compatible with the surrounding area. Specifically, the Board may wish to consider whether the intense uses permitted in the BU-

2 zoning classification are consistent with the residential uses in the area.

On March 17, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval of the request with a BDP retaining all BU-1 uses and limiting the BU-2 uses to outdoor and RV storage only.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy 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, 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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Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

24Z00071

Nicholas Duffy

BU-1 (General retail commercial) to BU-2 (Retail, warehousing and wholesale commercial)

Tax Account Number: 3006387
Parcel I.D.: 30-38-11-00-520
Location: North side of Micco Rd West of US Highway 1 (District 3)
Acreage: 2.79 +/- acre

Planning & Zoning Board: 03/17/2025
Board of County Commissioners: 04/22/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1	BU-2
Potential*	FAR 1.00 83 multifamily units**	FAR 1.00 83 multifamily units
Can be Considered under the Future Land Use Map	Yes* CC	YES* CC

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

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1(General retail commercial) to BU-2 (Retail, warehousing and wholesale commercial) on 2.79 acres. The site is undeveloped. Approval of this request will permit the proposed use of RV and boat storage business.

The subject property is within a mixed use corridor. It is located between residential use to the west and south across Micco Rd. and commercial use to the east along the north side of Micco Rd. The Board may wish to consider if the request is consistent and compatible with the surrounding area.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

There have been two rezoning actions less than ¼ mile from the subject.

1. **23Z00023** approved 02/21/2024. This was a rezoning from IU-1 to BU-2 with a Binding Development Plan retaining all BU-1 uses and restricting the BU-2 use to outdoor boat and RV storage.
2. **22Z00060** approved 04/06/2023. This changed a BU-1 to BU-2 with a Binding Development Plan to restrict the use to RV and Boat storage and retaining all BU-1 uses. Site plan (24SP00014) for indoor RV and boat storage has been approved.

The subject property has access to Micco Rd., a Brevard County maintained roadway. The current configuration was created August 1, 1975 via ORB 1554 Page 73.

The subject property was approved for a zoning change from AU to BU-1 on July 12, 1979 under zoning action **Z-4981**. No other zoning changes have been made.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The applicant has not expressed an interest in developing multi-family residential units.

At this time, there are no active code enforcement associated with the subject parcel.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant	BU-1	CC
South	Single-family Residential	RRMH-1	RES 1

East	Non-retail Commercial	AU	NC
West	Single-family mobile homes	TRC-1	RES 4

North of the subject property is a vacant 5.23 acre parcel zoned BU-1 with a CC (Community Commercial) FLU.

South of the subject property are two single-family one-acre residential lots developed under RRMH-1 with RES 1 FLU bifurcated by Pine Ridge Tr.

West of the subject property are single-family mobile homes on 0.09 to 0.15 acre lots with TRC-1 zoning with RES 4 FLU bifurcated by a 15 foot maintenance easement and 25 foot drainage easement.

East of the subject property is an electric substation. This property is zoned AU (Agricultural Residential) with a NC (Neighborhood Commercial) FLU.

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

RRMH-1 classification encompasses lands devoted to single-family mobile home development of spacious character, together with accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permit agricultural uses which are conducted in such a way as to minimize possible incompatibility to residential development. RRMH-1 permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 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.

TRC-1 encompasses lands devoted to planned single-family mobile home development which permits mobile homes or residences on lots of minimum 6,500 square feet with a lot width of 65 feet and a lot depth of 80 feet. The higher density or compacted lot size is permitted where there are cooperative agreements to ensure up-keep and maintenance of the overall development, including common open space. Provisions satisfactory to the board of county commissioners shall be made to ensure that the overall development shall be perpetually maintained in a satisfactory manner, without expense to county.

Land Use

The subject property is designated as Community Commercial (CC) Future Land Use (FLU). The existing BU-1 zoning can be considered consistent with the existing CC FLU designation under Sec. 62-1255.

The proposed BU-2 zoning classification can be considered consistent with the existing CC FLU designation under Sec. 62-1255.

Applicable Land Use Policies

FLUE Policy 2.2 - Role of Zoning Regulations in the Designation of Commercial Lands

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

Criteria:

A. Permitted/prohibited uses;

The BU-2 zoning classification permits outdoor storage yards, wholesale warehousing, and uses on lots of at least 7,500 square feet. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic, and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards).

B. Existing commercial zoning trends in the area;

Most commercial development the general area is located to the north and west along Highway 1, Micco Rd and Barefoot Blvd. The subject property's location would be considered a mixed-use corridor that includes commercial and industrial land uses to the east as well as established residential development to the west and south sides of the subject property. There has been no new commercial development in the area in the past three years.

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

The proposed use will need to comply with Brevard County Performance Standards noted in Sections 62-1483, 62-1833.5, and 62-2251-62-2271 of the Brevard County Code and be subject to a site plan review.

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

The proposed development increases the percentage of MAV utilization by 0.28%. The corridor is anticipated to operate at 47.94% of capacity daily. The proposed development will not create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

Potable water service may be provided by Brevard County Utility Water Service. A Brevard County water line is located directly west within the Barefoot Bay development and east of the subject property at the intersection of Micco Road and Ron Beatty Blvd. Sewer is provided by Barefoot Bay Sewer. An approved Concurrency Application, including potable water service capacity, sanitary sewer service capacity, and solid waste capacity is required upon a formal site plan submission.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The subject property contains soils that typically indicate wetlands resulting in the requirement for a current wetland assessment and wetland delineation map. The subject is found within an area mapped as FEMA Special Flood Hazard Area (SFHA)A, as identified by the Federal Emergency Management as shown on the FEMA Flood Map. This finding may result in additional development standards. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

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

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

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 applicant has proposed to use the land for a RV and boat storage business. Hours of operation, lighting, or a traffic analysis has not been provided. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning change be approved. Additionally, the proposed use will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.

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

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

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

1. historical land use patterns;

The historical land use patterns within half a mile to the north and east of the subject property includes non-commercial, retail, institutional and vacant land. Land use patterns to the west and south across Micco Rd are single-family residential lots on approximately 0.09 to one (1) plus acre lots.

There are four (4) FLU designations surrounding the subject property; NC (Neighborhood Commercial), CC (Community Commercial) RES 1 (south), as well as RES 4 to the west. The predominant FLU designation in the area is RES 4 and RES 1.

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

There has been no permitted development within a one-half mile radius over the immediately preceding three years.

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

There is no development approved within the past three years that has not yet been constructed.

There has been no FLUM amendments within one-half mile in the past three years.

- **23SS00006** is pending. It is a request to change the Future Land Use (FLU) from RES 1 and RES 2 to all at RES 6.

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

No material violation of relevant policies has been identified.

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

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (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 corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS).

Three zoning actions have been approved within a half-mile radius of the subject property within the last three years:

- **22Z00060** approved on April 7, 2023, was a request to change BU-1 (General Retail Commercial) with a Binding Development Plan to BU-2 retaining all BU-1 uses, and limiting BU-2 uses to outdoor RV and Boat storage on 4.58 acres located approximately 1,150 feet north and east of the subject property.
 - **23Z00011** approved by the Board on July 13, 2023, was a request for rezoning from a combined RR-1 (Rural Residential) and AU (Agricultural residential) to all AU.
 - **23Z00023** approved February 21 2024, was a request for rezoning from BU-1 to BU-2 with a BDP retaining all BU-1 uses, and limiting BU-2 uses to outdoor RV and Boat storage on 2.79 acres located approximately
- 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 abuts an established residential neighborhood with clearly established roadway boundaries to the west. A residential

area is established to the south across Micco Rd. East and north of the subject property are commercial land uses. The request does not encroach the established residential neighborhoods.

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 proposed request is not considered a neighborhood commercial 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.

The subject property is within a mixed use corridor. It is located between residential use to the west and commercial use to the east along the north side of Micco Rd. Recent rezonings have included two parcels located further east of the subject property but within a ¼ mile of the subject property. Both have been approved for BU-2 zoning with Binding Development Plans for boat and RV storage similar to the subject property's proposed use.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Natural Resources has noted the subject property contains mapped hydric soils; an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Micco Road is a MQR at this location. Board approval may be required for impacts.

The subject property is located an area mapped as FEMA Special Flood Hazard Area (SFHA)A, as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Micco Rd between Fleming Grant and US Hwy 1, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of E, and currently operates at 47.66%

of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.28%. The corridor is anticipated to operate at 47.94% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permittable uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above-mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is within the Barefoot Bay utilities service area for sewer and potable water.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

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

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area. Specifically, the Board may wish to consider whether the intense uses permitted in the BU-2 zoning classification are consistent with the residential uses in the area.

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

Item No. 24Z00071

Applicant: Nicholas Duffy (Owner: Nicholas Duffy)

Zoning Request: BU-1 to BU-2

Note: to allow outdoor boat and RV storage

Zoning Hearing: 03/17/2025; **BCC Hearing:** 04/03/2025

Tax ID No.: 3006387

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

Land Use Comments:

Hydric Soils

The subject parcel contains mapped hydric soils (Anclote sand); an indicator that wetlands may be present on the property. The applicant submitted an Environmental Impact Report by Florida Environmental Consulting, Inc., dated 01/29/2021, indicating the potential presence of wetlands. **A current environmental assessment and wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Micco Road is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of

Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage**. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

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

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**



Environmental Impact Report


For:

Micco Eagles Lodge



Prepared for:

MBV Engineering, Inc.
1250 W. Eau Gallie Blvd, Unit H
Melbourne, FL 32935

 01/29/2021

Timothy E. Maslin, C.E.S. / C.E.C.
Certification #77283

FEC Job #20-225

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1.0 Executive Summary

The proposed Micco Eagles Lodge property:

- is approximately 2.79 acres in Brevard County, Florida.
- is an undeveloped parcel along Micco Rd. proposed for land development improvements.
- is in a 100 year flood zone.
- is at approximately elevation 20.
- contains mostly poorly drained sandy soils with a wet season water table of (-)10.2”.
- contains a historic ditch now isolated.
- contained an unrestrained flow well until it was recently capped.
- contains a native pine flatwoods habitat which supports dense pines, palms, and oaks.
- does not support the gopher tortoise.
- does not directly support scrub jays, however an occupied territory is within ¼ mile.
- does not support jurisdictional wetlands.
- may contain other surface waters
- improvements may cause adverse environmental impacts to native habitats and protected species without appropriate planning and permitting.
 - Tree protection measures and additional specific protected species coordination for the scrub jay are recommended.

2.0 Environmental Impact Report

2.1 Objective

In January of 2021 Environmental Specialists from *Florida Environmental Consulting Inc.* performed an environmental impact study of the Micco Eagles Lodge property. The objective of this study was to assess and report on the baseline environmental condition of the subject site as well as to discuss how developing this site may impact the environment.

2.2 Introduction

The subject property is parcel ID 30-38-11-00-520 and is in section 11 of township 30, range 38, of Brevard County, Florida. More specifically, on the North side of Micco Rd, directly north of where Pine Ridge Trl. meets Micco Rd. It is comprised of approximately 2.79 acres of undeveloped lands, at 27°52'51.7"N and 80°30'29.2"W and is currently proposed for land development improvements. Please see the maps and other reference materials in the appendix of this report.

2.3 Materials and Methods

The site assessment included preliminary research of the site and surrounding area to determine what type of ecological community to expect as well as what types of individual flora and fauna may be found on site. This preliminary research included; Geographic Information Systems (GIS) Mapping, aerial interpretation, Florida Department of Environmental Protection (FDEP) Environmental Resource Analysis, and assessing the potential for species and habitats listed by the City, County, St. Johns River Water Management District (SJRWMD), Florida Natural Areas Inventory (FNAI), Florida Fish and Wildlife Conservation Commission (FWC), and the U.S. Fish and Wildlife Service (FWS).

The site assessment also included traversing and observing communities adjacent to and within the site. During the site assessment community types, vegetation, wildlife, and other pertinent observations were noted.

2.4 Soils

According to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) the property contains 2 major soil types described as:

Soil 36, Myakka sand, characterized as poorly drained sand with a water table typically about 6 to 18 inches below the surface with no typical frequency of ponding or flooding.

Soil 91, Anclote sand, characterized as very poorly drained sand with a water table typically about 0 to 6 inches below the surface with no typical frequency of ponding or flooding.

More specifically, the bore logs by KSM Engineering revealed that the water table at boring P1 was measured at 30" below the surface and further specified the wet season water table as 17" below the surface, with the dry season water table 53" below the surface. Additionally, borings B1-B4 had measured water tables of 20, 22, 21, and 23" below the surface respectively. After adjusting the measured water tables at B1-B4 the wet season water tables were found to be 7, 9, 8, and 10" below the surface for an average wet season water table of 10.2" below the surface. These water table elevations are all seemingly too deep to support hydric soils.

Please see the soils map and bore logs in the Appendix for the general location of these soils.

2.5 Hydrology

This project is in hydrologic basin 22, the *Central Indian River Lagoon* basin, and the United States Geological Survey (USGS) Topographic Map shows the site gently sloping towards a ditch in the middle of the property. Using the North American Vertical Datum of 1983 (NAD83) the natural ground grade is approximately elevation of 20 and according to the Flood Hazard Map in the Appendix, this area is in the 100-year flood plain.

According to the topographic map and historic aerials, this ditch appears to have historically flowed north unimpeded and ultimately discharging to the Indian River. However, the flow has been isolated by the adjacent development to the north, whereas it currently appears that this ditch is now blocked from discharging but is now also accepting overflow from the pond to the north and trapping runoff onsite. It further appears that there was a historic flow well in the southeast corner of the subject site running unrestrained over the ground surface toward the site's ditch until it was recently capped. Please see the topographic, flood, and aerial maps in the Appendix.

2.6 Flora

As noted in the introduction the parcel is approximately 2.79 acres of vacant undeveloped land categorized as FLUCCS: 4110 Pine Flatwoods. While a pine flatwoods designation is appropriate for the property, there are slight nuances in the vegetative coverage. Specifically, northwest of the onsite ditch there is a denser pine and palmetto coverage, while southeast of the onsite ditch there are less pines and palmetto and a higher occurrence of live oak, laurel oak, and cabbage palm as well as a dense undergrowth of exotic strawberry guava. Please see the Aerial FLUCCS Map and Site Photos in the Appendix.

The notable flora of the pine flatwoods on this site included a canopy of slash pine (*Pinus elliotii*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and cabbage palm (*Sabal palmetto*). The subcanopy included wax myrtle (*Myrica cerifera*), Brazilian pepper (*Schinus terebinthifolius*), scrub-oak (*Quercus spp.*), strawberry guava (*Psidium cattleianum*), and saw palmetto (*Serranoa repens*). The groundcover included rusty staggerbush (*Lyonia fruticosa*), sumac (*Rhus spp.*), gallberry (*Ilex glabra*), rosemary (*Ceratiola ericoides*), shiny blueberry (*Vaccinium myrsinites*), prickly pear (*Opuntia spp.*), swamp fern (*Blechnum serrulatum*), sword fern (*Nephrolepis cordifolia*), American

pokeweed (*Phytolacca americana*), muscadine (*Vitis rotundifolia*), as well as miscellaneous grasses and forbes.

No species of flora was observed on site listed by the County, Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, or U.S. Fish and Wildlife Service, as Endangered, Threatened, or a Species of Special Concern.

2.7 Fauna

The pine flatwoods ecological community is known to support numerous species of wildlife. In this case the species diversity was found to be somewhat limited. The only species directly observed and evidenced on site were a red-shouldered hawk (*Buteo lineatus*), Spiders (*Arachnida*), Dragon Flies (*Odonata*), Bees (*Apidae*), the Brown Anole (*Anolis sagrei*), Mourning Dove (*Zenaida macroura*), and Zebra Longwing Butterfly (*Heliconius charithonia*).

Protected species such as the Gopher Tortoise were not suspected to utilize the site given the canopy coverage and relatively high-water table for burrowing, this was confirmed during the inspection. More specifically, no Gopher Tortoise burrows, or individuals were observed or evidenced during the inspection.

Conversely, due to the nearby known occupied scrub jay territory and the occurrence of some scrub-oak species on the subject property, it is possible that scrub jays may utilize the site. Potential Scrub Jay territories are characterized as Type I, Type II, or Type III Florida Scrub Jay Habitats as follows:

Type I	An upland plant community with at least 15% scrub-oak species
Type II	An upland community with <15% scrub-oak species
Type III	An upland or seasonally dry wetland community, which is found within a quarter mile of a Type I or Type II habitat.

Based on this characterization, the subject site is considered a Type II habitat and within less than a quarter mile of a known occupied Type I Scrub Jay territory. Please see the Scrub Jay Territory Map in the Appendix.

No additional evidence or suspicion of use was formulated of other listed species of fauna according to the county, Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service lists of Endangered, Threatened, and Species of Special Concern.

2.8 Wetlands

Based on topography and aerial interpolation and given the proximity to roadside drainage facilities, wetlands were not suspected. However, the presence of swamp ferns and organic soil material instigated a wetlands determination.

To ascertain if jurisdictional wetlands exist; soils, topographic, FLUCCS, National Wetland Inventory, and aerial maps were reviewed along with local knowledge referencing a spring (the flow well). Also soil borings were done, as well as *in-situ* soil plugs, a hydrologic evaluation including LIDAR review, and a vegetative analysis. All the information was gathered and put to reasonable scientific judgement.

In this case none of the above publications indicate potential wetlands, nor was there evidence of wetland hydrology other than the man-made ditch and the flow well.

Further the appropriate stratum for the site as a whole is the canopy, but southeast of the ditch the majority of the canopy is facultative palms, with other species only approximating the 10% threshold. The subcanopy was largely comprised of strawberry guava and Brazilian pepper which are also facultative and disregarded for wetland determinations. Conversely, the swamp fern ground cover is considered facultative-wet, but does not necessarily exemplify the habit type in this case.

Finally, the uppermost soil horizon in some of the soil plugs had a high occurrence of organic bodies especially in the ditch and immediate vicinity to the southeast. In this case the quantity of organic bodies found could classify the soils as hydric.

Using the wetland delineation procedures in Chapter 62-340 (F.A.C.) as a guide, there is no obligate vegetation therefore the 'A' Test is not applicable. Similarly, the 'C' Test is not applicable to pine flatwoods, and without appropriate hydrologic indicators the 'D' Test is not applicable. However, we can apply the 'B' Test and due to the ditch and flow well we can also apply the Altered Sites Test.

With the 'B' Test the organic bodies in the soil qualifies as hydric and we can apply the vegetative cover in two ways, first with an applicable canopy of about 10%, and second with dropping stratum. In the first case the canopy is mostly facultative cabbage palms, but there are a few upland pines, upland live oaks, and facultative-wet laurel oaks. As such the coverage of obligate and facultative-wet species is less than 80% and the test fails. Next if we drop stratum we have to drop all the way to the swamp fern ground cover due to the exotic understory vegetation not being applicable. With this we again have a hydric soil with organic bodies, but this time the facultative-wet swamp fern has a coverage greater than 80% so the test passes, though as stated above the ferns don't exemplify the habit type to justify dropping stratum.

With the Altered Sites Test we can use all the above publications as well as the existing conditions and evaluate each. First, according to the publications prior to the ditch being blocked and the flow well running unrestrained the site conditions appeared to be uplands. This is reinforced by the soils data demonstrating that the actual groundwater table is deeper than could naturally support wetland vegetation. Second, and possibly most importantly, the ditch and flow well have significantly altered the site hydrology and the uppermost soil horizon and these only have a temporary effect on the hydrology. In this case, without the

ditch being blocked and the running flow well, the site will revert to non-hydric soil surface conditions and cause the die off of the swamp ferns and cause the 'B' Test to fail.

Using reasonable scientific judgement it was determined that the most appropriate wetland delineation method is the Altered Sites Test, and as such the site does not support jurisdictional wetlands.

Please see the maps, aerials, and pictures in the Appendix.

2.9 Summary and Discussion

In summary, the proposed Micco Eagles Lodge is planned to impact approximately 2.79 acres of vacant undeveloped lands in Brevard County, Florida. The site is at approximately elevation 20 and is in a 100-year flood zone. The site slopes towards a blocked historic ditch located in the middle of the property and contains mostly poorly drained sandy soils with a wet season water table of (-)10.2". The site also contained an unrestrained flow well until it was recently capped. Further, the property contains a pine flatwoods habitat which supports native pines, palms, and oaks. These habits are also known to support numerous species of wildlife but in this case does not support the gopher tortoise, however may support the scrub jay, a listed species of fauna. Finally, the site does not support jurisdictional wetlands.

For discussion, the property does contain some native pines, oaks, and palms, and though these trees may be cleared with a permit, it is recommended that micro-site-planning be looked into in an effort to save trees as best practical.

Additionally, based on the observation of some scrub-oak species on site and the occupied scrub jay territory within ¼ mile to the east, the property may support the scrub jay. Even though the habitat is not ideal and no individuals were directly observed, additional information may be required by permit reviewers. As such, unless during site plan review coordination the Fish and Wildlife Service or the County has recent data on the extents of this occupied territory, a specific protected species survey for scrub jays may be required.

Finally, the property does not support wetlands, however the hydric soils in the current ditch and immediate surrounding area may classify as 'other surface water' if these conditions are not exempted due to the flow well. Regardless, if the water management district claims jurisdiction over this ditch it will simply need to be quantified for fill on the Environmental Resource Permit.

2.10 Conclusion

In conclusion, without appropriate planning and permitting, improvements associated with the proposed Micco Eagles Lodge may cause adverse environmental impacts to native habitats, trees, and protected species. Tree protection measures and additional specific protected species coordination for the scrub jay are recommended.

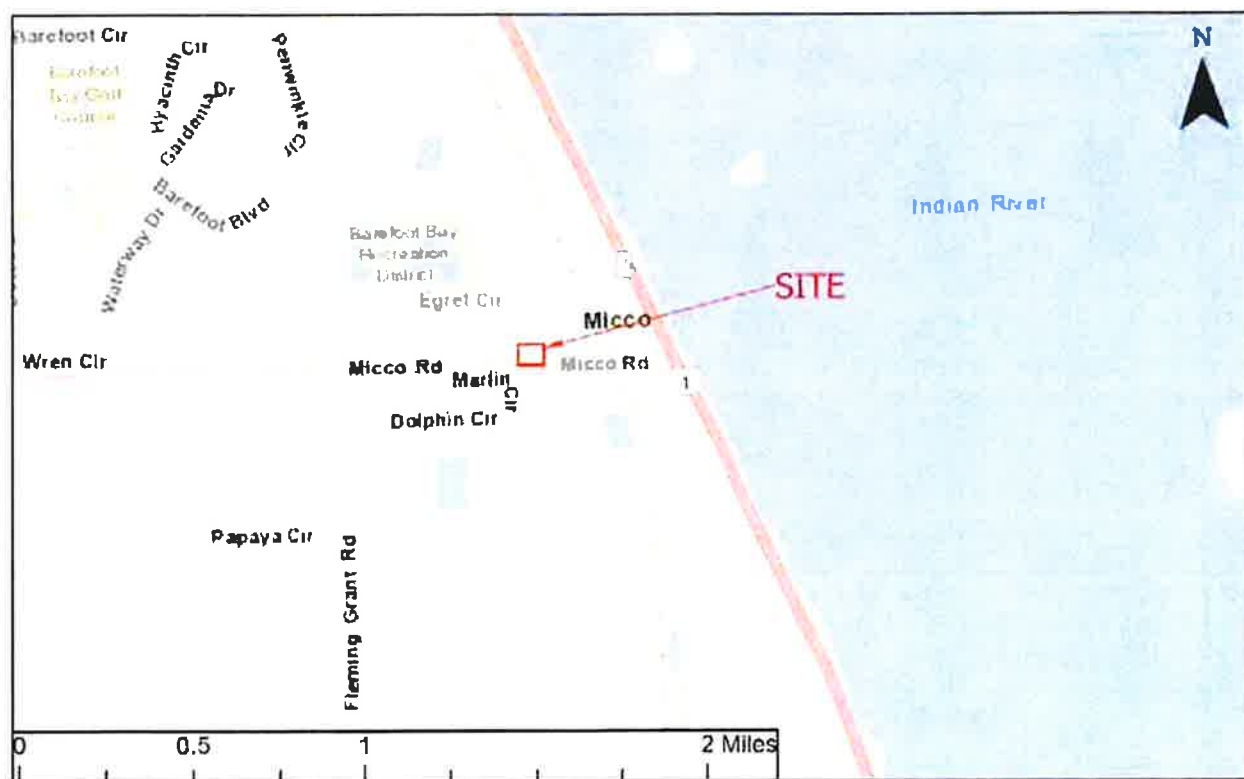
Please contact Florida Environmental Consulting, Inc. with any questions or comments regarding this report or for any additional specific consulting.

2.11 Qualifications of Individual Preparing Report

Florida Environmental Consulting is a Florida registered environmental consulting firm, the person who prepared this report is the president of the company, and his signature and seal on the cover of this document demonstrate that he is in responsible charge of the information provided. He is a Certified Environmental Consultant and Environmental Specialist. Additionally, he has a Bachelor of Science in Environmental Science from the University of Florida with a minor in Natural Resource Management, along with 21 years of experience. Finally he is a member of the National Association of Environmental Professionals, and the Environmental Assessment Association where a code of ethics and personal commitment to quality work is upheld.

3.0 Appendix

- 3.1 Location Map**
- 3.2 Soils Map**
- 3.3 Topographic Map**
- 3.4 Flood Map**
- 3.5 FLUCCS Map**
- 3.6 National Wetland Inventory Map**
- 3.7 Scrub Jay Territory**
- 3.8 Site Photos**



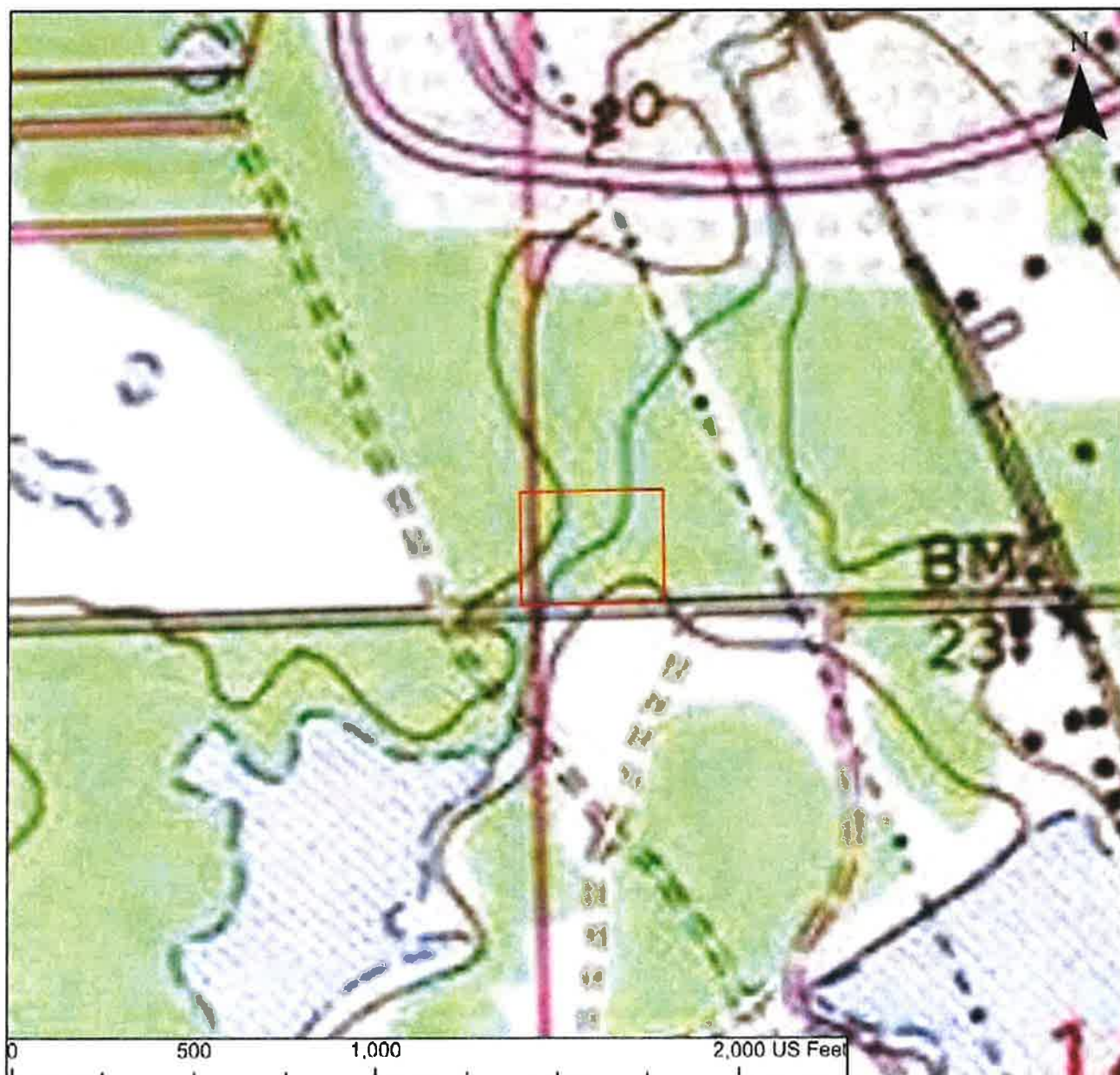
LOCATION	FEC	Florida Environmental Consulting Inc. <small>1405 20th Street, Suite 200, Ft. Pierce, FL 34949 Phone: 888-888-1405 Fax: 888-888-1405 Email: info@fec-inc.com</small>	C.E.C. No. FEC-20-225 COUNTY COUNTY COUNTY COUNTY COUNTY	Revisions _____ _____ _____	Date _____ _____ _____
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Legend

- Site
- Anclole sand
- Immokalee sand
- Myakka sand
- Pomello sand

SOILS	FEC	Florida Environmental Consulting Inc. <small>1875 Lake Shore Drive, Suite 200, Fort Lauderdale, FL 33304 Phone: 754.333.3333 Fax: 754.333.3334 Email: info@fecinc.com</small>	PROJECT: FEC-20-225 REVISION: _____ DATE: _____ SCALE: _____	Revisions _____ _____ _____	Date _____ _____ _____
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Legend

Site

TOPO	FEC	Florida Environmental Consulting Inc. <small>1825 20th Street, Suite 200, Fort Lauderdale, FL 33304 Phone: 754.261.1111 Fax: 754.261.1112 Email: info@fecinc.com</small>	Project: FEC-20-225 Revision: 01/20/20 Date: 01/20/20 By: JAC	Reasons Date
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Legend

Site

USA Flood Hazard

1% Annual Chance Flood Hazard

FLOOD HAZARD	FEC	Florida Environmental Consulting Inc. <small>1800 20th Street, Suite 200, Fort Lauderdale, FL 33305 Phone: 754.555.1111 Fax: 754.555.1112 Email: info@fec.com</small>	Project: FEC-20-225 Revision: 01 Date: 01/15/2021 Scale:	Revisions Date	Date
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Legend

Site

1200: Medium Density, 2>5 dwelling units/acre, 1200: Medium Density, 2>5 dwelling units/acre
 1300: High Density, 6 or more dwelling units/acre, 1300: High Density, 6 or more dwelling units/acre
 1400: Commercial and Services, 1400: Commercial and Services
 4110: Pine Flatwoods, 4110: Pine Flatwoods
 5300: Reservoirs, 5300: Reservoirs
 8310: Electric Power Facilities, 8310: Electric Power Facilities

FLUCCS	FEC	Florida Environmental Consulting Inc. <small>1018 2nd Street NW, Suite 200, Tallahassee, FL 32301 Phone: 904.224.2255 Fax: 904.224.2257 E-mail: fecs@fecs.com</small>	<small>Project: FEC-20-225</small> <small>Revisions</small> <small>Date</small>
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Legend

- Site
- Freshwater Pond
- Riverine

NWI	FEC	Florida Environmental Consulting Inc. <small>1818 SW 10th Street, Suite 100, Fort Lauderdale, FL 33304 Phone: 954.584.1111 Fax: 954.584.1112 Email: info@fecinc.com</small>	Project: FEC-20-225 Revision: _____ Date: _____ Author: _____	Revision _____ _____ _____	Date _____ _____ _____
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Legend

- Site
- Other Surface Waters 0.55 ACRES
- Remnant Ditch
- Flow Well



OTHER SURFACE WATERS

FEC

**Florida
Environmental
Consulting Inc.**

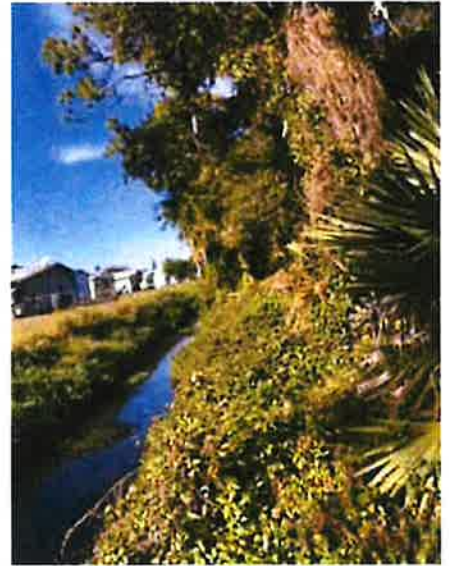
1908 20th Street, Suite 100, Ft. Lauderdale, FL 33304
Phone: 754.266.7777 Fax: 754.276.9611 E-mail: fecs@fecs.com

NEW FEC-20-225
PERM-60
DATE: _____
SCALE: _____
SHEET: _____

Revision	Date





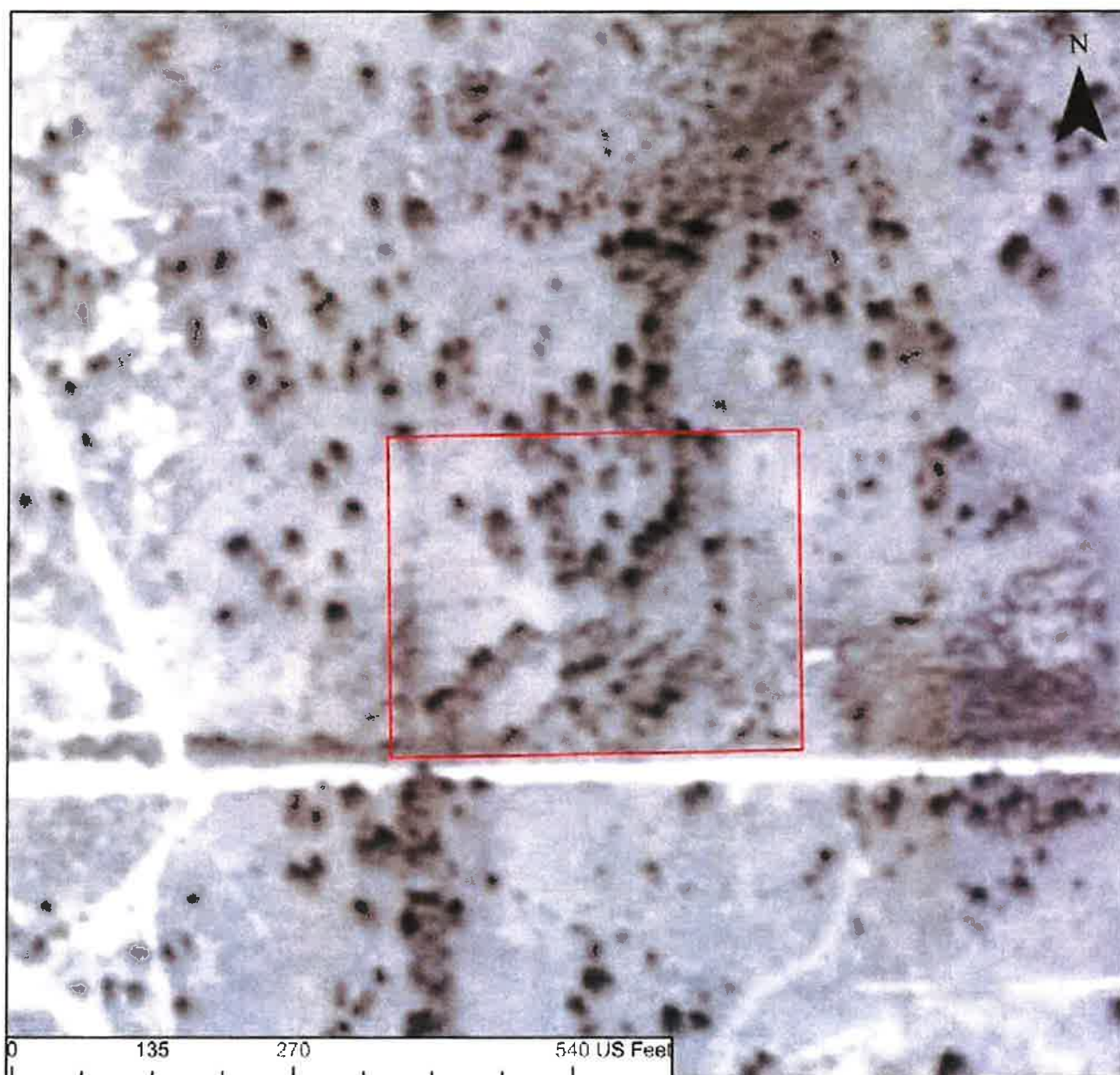




Legend

- Site
- Scrub Jay

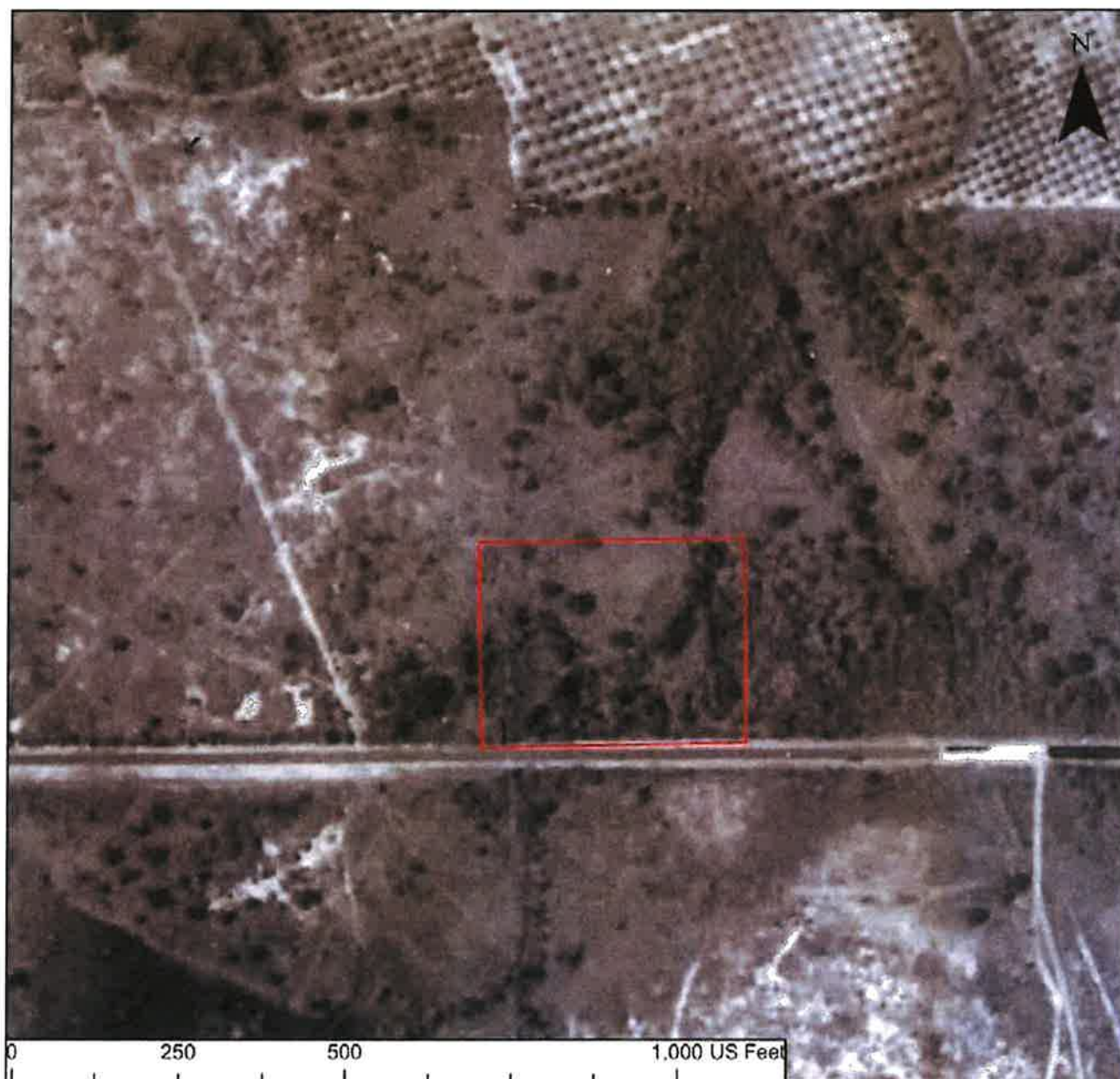
SCRUB JAY	FEC	Florida Environmental Consulting Inc. <small>10100 South Highway 19, Suite 100 Fort Myers, FL 33907 Phone: (941) 200-1000 Fax: (941) 200-1001</small>	Project: FEC-20-225 Revision: 1 Date: 10/1/2020 By: JAL	Revision Date
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Legend

Site

1943 Aerial	FEC	Florida Environmental Consulting Inc. <small>1810 20th Street, Suite 200, Fort Lauderdale, FL 33304 Phone: (754) 466-4141 • Fax: (754) 466-4142 • Email: fecs@floridac.com</small>	Project: FEC-20-225 Version: 1.0 Date: 10/1/2020 Scale:	Revisions	Date



Legend

Site

1958 Aerial	FEC	Florida Environmental Consulting Inc. <small>1908 SW 10th Ave, Suite 100, Fort Lauderdale, FL 33304 Phone: (754) 461-1111 Fax: (754) 461-1112 Email: info@fecinc.com</small>	Project: FEC-20-225 Map: _____ Title: _____ Date: _____ Scale: _____	Revisions	Date



Legend

Site

1993 Aerial	FEC	Florida Environmental Consulting Inc. <small>1411 20th Street, Suite 200, Fort Lauderdale, FL 33304 (754) 561-1111 Fax: (754) 561-1112 Email: fecs@fecs.com</small>	Agency: FLC-20-225 Revision: _____ Date: _____ Project: _____ Client: _____ Map: _____	Revisions <table><tr><th>Revision</th><th>Date</th></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>	Revision	Date						
Revision	Date											

Headquarters
11345 U.S. Highway 1
Sebastian, FL. 32958
Orlando
723 Progress Way
Sanford, FL. 32771



Mailing
P.O. Box 78-1377
Sebastian, FL. 32978
Phone: 772-589-0712
C.A. # 5693
KSMengineering.net

June 30, 2020

Mark Kipp
Kipp's Commercial Property, LLC
12736 79th Avenue
Sebastian, FL 32958

**Re: Fraternal Order of the Eagles
Micco Road
Micco, Florida
KSM Project #: 202864-p**

Dear Mr. Kipp:

Enclosed are the permeability test results and soil profile for the referenced project.

A Hydraulic Conductivity Test was performed in the field by the 'Usual Open-Hole Test' method.

The horizontal and vertical permeability flow rates were determined by excavating a test pit adjacent to the soil profiles and obtaining undisturbed shelly tube samples. We then performed a permeability test on the field samples in our laboratory.

All these tests were performed to evaluate the drainage characteristics of the soils for this particular test location.

The following table indicates the usual Open Hole Hydraulic Conductivity test results:

TEST LOCATION (See Location Plan)	HYDRAULIC CONDUCTIVITY (CFS/Sq. Ft. – Ft. Head)
P-1	2.4×10^{-4}

Headquarters
11345 U.S. Highway 1
Sebastian, FL. 32958
Orlando
723 Progress Way
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Micco Road
Micco, Florida

-2-

June 30, 2020

The following table indicates the horizontal and vertical flow rates for the test location:

TEST LOCATION (See Location Plan)	HORIZONTAL FLOW RATE	VERTICAL FLOW RATE
P-1	7.5 Ft/Day @ (0"-12") Depth	6.2 Ft/Day @ (0"-12") Depth
P-1	16.7 Ft/Day @ (12"-36") Depth	13.3 Ft/Day @ (12"-36") Depth
P-1		4.5 Ft/Day @ (36"-48") Depth
P-1		2.0 Ft/Day @ (48"-60") Depth

The following table indicates the measured water table along with our estimated normal wet season water table and normal dry season water table for the test location:

TEST LOCATION (See Location Plan)	MEASURED WATER TABLE	ESTIMATED WET SEASON WATER TABLE	ESTIMATED DRY SEASON WATER TABLE
P-1, PB-1	30" Below Grade	17" Below Grade	53" Below Grade

This estimate is based upon our interpretation of existing site conditions and a review of the USDA Soil Survey for Brevard County, Florida. The majority of the site soils are mapped as Myakka sand (36) 0 to 2 percent slopes and Anclote sand (91), according to the Soil Survey Map of Brevard County, Florida.

If you have any questions, please feel free to contact the office.



JEK/cv

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KSM

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BORING NUMBER PB-1

PAGE 1 OF 1

CLIENT Kipp's Commercial Property, LLCPROJECT NAME Fraternal Order of the Eagles, Micco RoadPROJECT NUMBER 202864-p&bPROJECT LOCATION Micco, FloridaDATE STARTED 8/22/20 COMPLETED 6/22/20GROUND ELEVATION _____ HOLE SIZE Inches

DRILLING CONTRACTOR _____

GROUND WATER LEVELS:

DRILLING METHOD Split Spoon Sample▽ AT TIME OF DRILLING 2.50 ftLOGGED BY SF/CS CHECKED BY JEKAT END OF DRILLING --NOTES See Attached Location PlanAFTER DRILLING --

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (ROD)	BLOW COUNTS (N VALUE)	POCKET PEN. (lbf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲			
								20	40	60	80
0								PL	MC	LL	
								20	40	60	80
								□ FINES CONTENT (%) □			
								20	40	60	80
0		Dark Brown Sand with Traces of Roots									
		Gray Sand	X SS		1-2-3 (5)						
		Dark Brown Sand with Hardpan	X SS		6-7-10 (17)						
5		Brown Sand, Slightly Clayed	X SS		6-7-7 (14)						
			X SS		8-8-9 (17)						
		Light Brown Sand	X SS		9-8-7 (15)						
10			X SS		6-5-7 (12)						
			X SS		8-9-8 (17)						
15											

Bottom of borehole at 15.0 feet

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CONCEPTUAL SITE PLAN



GRAPHIC SCALE
1" = 100'

LEGEND



LOCATION OF TESTS

PROJECT: Fraternal Order of the Eagles, Micco Road, Micco, Florida

SHEET 1 OF 2

PERMIT #:

PROJECT #: 202864-p

**KSM ENGINEERING
AND TESTING**

DRAWN BY: C.V.

DESIGNED BY: J.K.

DATE: 20200630

SCALE: NONE



USDA SOILS SURVEY

36-Myakka Sand, 0 to 2 Percent Slopes

91-Anclote Sand

PROJECT: Fraternal Order of the Eagles, Micco Road, Micco, Florida

SHEET 2 OF 2
PERMIT #:
PROJECT #: 202004-soils

**KSM ENGINEERING
 AND TESTING**

DRAWN BY: C.V.
DESIGNED BY: J.K.
DATE: 20200630
SCALE: NONE

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June 30, 2020

Mark Kipp
Kipp's Commercial Property, LLC
12736 79th Avenue
Sebastian, FL 32958

**Re: Fraternal Order of the Eagles
Micco Road
Micco, Florida
KSM Project #: 202864-b**

Dear Mr. Kipp:

As requested, KSM Engineering & Testing has performed a subsurface investigation at the referenced site. Presentation of the data gathered during the investigation, together with our geotechnical related opinions, are included in this report.

A. Site Description:

At the time of drilling, the site was fairly flat with heavy surface vegetation and many trees. Trails were cleared on the site for our investigation.

B. Project Description:

A one-story commercial building is planned to be constructed on the site. Loads from the structure will be transferred to the ground by conventional shallow footings. We estimate the maximum loads will be less than 2,500 pounds per linear foot along the wall foundation.

Some additional site fill may be required to reach the desired grades.

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-2-

June 30, 2020

C. The scope of our study consisted of the following:

1. Performed Standard Penetration Test Borings in the proposed construction area to estimate the subsoil relative density.
2. Measured the groundwater level at each boring.
3. Evaluated the existing soil conditions with respect to the proposed construction and provided recommendations for site preparation and foundation design.
4. Prepared this report to document our findings.

D. Site Investigation:

The site investigation program consisted of performing four (4) Standard Penetration Test borings (SPT), in the proposed construction area. The SPT borings were terminated at depths of 10 to 14 feet below grade. The locations of the borings are indicated on the attached boring logs.

The SPT borings were completed in accordance with procedures described in ASTM D-1586. A standard 1.5 inch I.D., 2 inch O.D. split-spoon sampler is driven into the soil by successive blows of a 140 pound hammer freely falling 30 inches. The number of blows required to drive the sampler 1 foot, after seating 6 in., is designated the Penetration Resistance, or "N" value. At regular intervals the sampler is extracted from the ground and opened to allow visual examination and classification of the retained soil sample. Also, the groundwater table was allowed to stabilize and the depth of the groundwater elevation recorded from existing grade.

The records of the soils encountered, the penetration resistances and groundwater level are shown on the attached logs.

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Micco Road
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-3-

June 30, 2020

E. Engineering Evaluation and Conclusions:

Based on the information obtained from this site investigation, we are pleased to offer the following evaluation:

The boring logs indicate the subsurface soils consist mostly of fine-grained sand and slightly clayed fine-grained sand. "N" values recorded during the boring operation indicate the soil density is generally loose near the surface and becomes medium dense after the first 2 to 3 feet. Please refer to the soil boring logs for specific information relative to the soil description.

Based on the existing soil conditions, the proposed structure can be supported on a shallow foundation system provided that the site is properly prepared.

The following sections provide recommendations for the site preparation and foundation design.

F. Site Preparation:

The proposed building area and areas to be paved, plus a minimum margin of five feet beyond the proposed construction shall be stripped and grubbed of surface debris, including vegetation, roots and organic matter. Stumps shall be removed entirely. Due to the large amount of vegetation to be cleared on this site, the surface soils will be very loose. The building area should be graded level and proofrolled. Any soft yielding areas shall be excavated and replaced with clean compacted fill. Sufficient passes should be made during compaction operations to produce a density no less than 95 percent of its modified dry Proctor value (ASTM D 1557) to a depth of two feet. This is especially important due to the loose surface soils.

After the exposed surface has been proofrolled, the building and pavement areas may be filled to the desired grades. The fill material shall consist of clean granular sand containing less than 10% material passing the U.S. Standard No. 200 mesh sieve. Place structural fill in loose layers of 12 inches in thickness and compact each lift to at least 95 percent of its modified dry Proctor value.

After excavating for the footings, the disturbed footing subgrade should be recompacted to 95 percent (minimum) of its modified dry Proctor value. This can be best achieved by making several passes with a relatively light-weight walk-behind vibratory sled or roller.

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Micco Road
Micco, Florida

-4-

June 30, 2020

G. Foundation:

Provided that our recommendations for site preparation are followed, the proposed structure may be supported on conventional concrete, steel reinforced footings designed for an allowable soil bearing pressure of 2,500 pounds per square foot, or less.

With the foundation properly designed and the site properly prepared, we anticipate total settlements less than $\frac{3}{4}$ of an inch and differential settlement of less than $\frac{1}{4}$ of an inch. The majority of the settlement should occur during construction.

H. Floor Slabs:

A conventional slab-on-grade can be used in the "at grade" portion of the building. We recommend the disturbed subgrade below the floor slab be re-compacted to 95 percent of the modified Proctor maximum dry density (ASTM D 1557) prior to placement of the concrete. An estimated modulus of subgrade reaction of 150 pounds per cubic inch (pci) can be used for design of the slab-on-grade. We recommend that expansion or control joints be incorporated between the floor slab and column or wall footings. Control joints should also be incorporated in the slab at frequent intervals to control shrinkage cracks.

A moisture barrier is recommended beneath the floor slab to prevent moisture migration from the underlying soil resulting in dampness of the slab.

I. Drives and Parking Areas: (Standard Duty Only)

We performed three (3) hand-augers in the proposed roadway to evaluate the soils in relation to the proposed pavement. We did not find any "muck" or other unsuitable material in the test borings. Penetrometer readings recorded during the investigation indicates the existing soil density is loose to medium dense.

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Micco Road
Micco, Florida

-5-

June 30, 2020

The relationship of the static cone penetrometer reading to the relative density is listed below:

Relative Density	Static Penetrometer Reading
Very Loose or Soft	<15
Loose	15 – 40
Medium Dense	40 – 70
Dense	70+

The static cone penetrometer readings are indicated on the attached boring logs.

Although a comprehensive pavement evaluation was not within the scope of this study the site may be prepared to support a flexible pavement or rigid concrete pavement. The pavement should be designed for the anticipated loads and frequencies. The minimum pavement design for standard duty asphalt should include the following:

Clear the roadway area of any surface debris, including vegetation, roots and organic matter. Stumps shall be removed entirely. The cleared areas should be graded level and proof rolled. Any soft yielding areas shall be excavated and replaced with clean compacted fill. Sufficient passes should be made during compaction operations to produce a density no less than 95 percent of its modified dry Proctor value (AASHTO T180) to a depth of two feet. This will be very important on this site due to the loose surface soils.

Additional fill shall consist of clean granular sand containing less than 10% material passing the U.S. Standard No. 200 mesh sieve and placed in loose layers of 12 inches and compacted to the above densities.

Eight inches of suitable clayed soil having a Limerock Bearing Ratio (LBR) of 40 should be used for the stabilized subgrade and compacted to 98 percent of its modified dry Proctor value (AASHTO T180).

The base course shall be six inches of cemented coquina rock (LBR of 100) or limerock and compacted to 98 percent of its modified dry Proctor value (AASHTO T180). A minimum of 16 inches separation should be maintained between the bottom of the base and the high seasonal groundwater table.

The asphalt wearing surface should consist of 1 ½" of type S-3 in accordance with the Florida Department of Transportation Standard Specification for Road and Bridge Construction.

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Micco Road
Micco, Florida

-6-

June 30, 2020

Where a concrete pavement section is used, a minimum thickness of 5 inches is recommended within light duty areas. The concrete should be reinforced to withstand the design traffic loads and saw cuts constructed for crack control. The concrete should have a minimum compressive strength of 4,000 psi. Six inches of suitable clayed soil having a Limerock Bearing Ratio (LBR) of 20 and compacted to no less than 98 percent of its modified dry Proctor value (AASHTO T180) should be used as a base.

Standard duty pavement areas are considered car and pickup truck loading conditions and a few medium trucks such as delivery and garbage truck loading conditions.

J. Closure:

This report has been prepared in accordance with generally accepted soil and foundation engineering practices based on the results of the test borings and the assumed loading conditions. No warranties, either expressed or implied, are intended or made. This report does not reflect any variations which may occur between the borings. If variations appear evident during the course of construction, it would be necessary to re-evaluate the recommendations of this project.

Environmental conditions, wetland delineation, water quality, and municipal requirements are not a part of this report.

We are pleased to be of assistance to you on this phase of your project. When we may be of further service to you or should you have any questions, please feel free to contact the office.

Respectfully,
A circular blue ink stamp is placed over the signature. The stamp contains the text 'JULIE E. KELLER' at the top, 'LICENSE' in the center, 'No. 68366' below the license number, 'STATE OF FLORIDA' at the bottom, and 'PROFESSIONAL ENGINEER' around the perimeter. A blue ink signature, which appears to be 'Julie E. Keller', is written across the stamp.
Julie E. Keller, P.E.
P.E. # 68366

JEK/cv

E-mail to: rebeccag@mbveng.com

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BORING NUMBER B-1

PAGE 1 OF 1

CLIENT Kipp's Commercial Property, LLC

PROJECT NAME Fraternal Order of the Eagles, Micco Road

PROJECT NUMBER 202864-p&b

PROJECT LOCATION Micco, Florida

DATE STARTED 8/26/20 COMPLETED 8/25/20

GROUND ELEVATION _____ HOLE SIZE inches

DRILLING CONTRACTOR _____

GROUND WATER LEVELS:

DRILLING METHOD Split Spoon Sample

☒ AT TIME OF DRILLING 1.87 ft

LOGGED BY MS/SH CHECKED BY JEK

AT END OF DRILLING _____

NOTES See Attached Location Plan

AFTER DRILLING _____

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (lbf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲			
								20	40	60	80
								PL	MC	LL	
								20	40	60	80
								<input type="checkbox"/> FINES CONTENT (%) <input type="checkbox"/>			
								20	40	60	80
0		Dark Gray Sand with Traces of Roots									
		▽ Gray Sand	SS		1-2-2 (4)						
			SS		3-3-4 (7)						
5		Dark Brown Sand	SS		7-7-7 (14)						
		Dark Brown Sand with Traces of Clay	SS		8-8-8 (17)						
10		Brown Sand	SS		9-8-8 (18)						

Bottom of borehole at 10.0 feet

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BORING NUMBER B-2

PAGE 1 OF 1

CLIENT Kipp's Commercial Property, LLC

PROJECT NAME Fraternal Order of the Eagles, Micco Road

PROJECT NUMBER 202864-p&b

PROJECT LOCATION Micco, Florida

DATE STARTED 8/25/20 COMPLETED 8/25/20

GROUND ELEVATION _____ HOLE SIZE Inches

DRILLING CONTRACTOR _____

GROUND WATER LEVELS:

DRILLING METHOD SpN Spoon Sample

▽ AT TIME OF DRILLING 1.83 ft

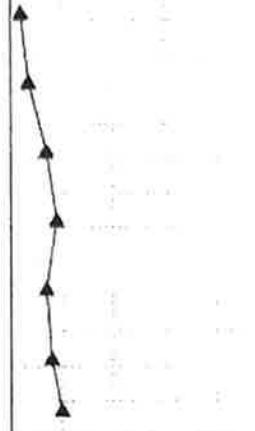
LOGGED BY MS/SH CHECKED BY JEK

AT END OF DRILLING ---

NOTES See Attached Location Plan

AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT (pcf)	▲ SPT N VALUE ▲			
								20	40	60	80
0								PL	MC	LL	
								20	40	60	80
		Gray Sand with Traces of Roots									
		▽ Gray Sand	X SS		2-2-2 (4)						
			X SS		4-3-4 (7)						
5		Dark Brown Sand	X SS		7-8-8 (14)						
		Dark Brown Sand with Some Clay	X SS		10-10-8 (18)						
10		Brown Sand	X SS		8-7-7 (14)						
			X SS		7-8-8 (16)						
			X SS		8-10-10 (20)						
Bottom of borehole at 14.0 feet											



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BORING NUMBER B-3

PAGE 1 OF 1

CLIENT <u>Kipp's Commercial Property, LLC</u>	PROJECT NAME <u>Fraternal Order of the Eagles, Micco Road</u>
PROJECT NUMBER <u>202864-p&b</u>	PROJECT LOCATION <u>Micco, Florida</u>
DATE STARTED <u>6/25/20</u> COMPLETED <u>6/25/20</u>	GROUND ELEVATION _____ HOLE SIZE <u>inches</u>
DRILLING CONTRACTOR _____	GROUND WATER LEVELS:
DRILLING METHOD <u>Split Spoon Sample</u>	<input checked="" type="checkbox"/> AT TIME OF DRILLING <u>1.75 ft</u>
LOGGED BY <u>MS/SH</u> CHECKED BY <u>JEK</u>	AT END OF DRILLING <u>—</u>
NOTES <u>See Attached Location Plan</u>	AFTER DRILLING <u>—</u>

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲			
								20	40	60	80
								PL	MC	LL	
								20	40	50	80
								□ FINES CONTENT (%) □			
								20	40	60	80
0		Dark Gray Sand with Traces of Roots									
		Gray Sand	X SS		2-1-2 (3)						
			X SS		3-4-3 (7)						
5		Dark Brown Sand									
			X SS		7-8-7 (15)						
		Dark Brown Sand, Slightly Clayed	X SS		9-8-8 (16)						
			X SS		7-8-8 (16)						
10		Light Brown Sand									

Bottom of borehole at 10.0 feet.

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BORING NUMBER B-4

PAGE 1 OF 1

CLIENT Kipp's Commercial Property, LLCPROJECT NAME Fraternal Order of the Eagles, Micco RoadPROJECT NUMBER 202864-p8bPROJECT LOCATION Micco, FloridaDATE STARTED 8/25/20 COMPLETED 8/25/20GROUND ELEVATION _____ HOLE SIZE inches

DRILLING CONTRACTOR _____

GROUND WATER LEVELS:

DRILLING METHOD Split Spoon Sample▽ AT TIME OF DRILLING 1.92 ftLOGGED BY MS/SH CHECKED BY JEKAT END OF DRILLING —NOTES See Attached Location PlanAFTER DRILLING —

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲	
								20	80
0		Gray Sand with Traces of Roots						PL	MC
		Gray Sand	SS		2-2-2 (4)			20	80
			SS		3-5-5 (10)			20	80
5		Dark Brown Sand	SS		8-8-5 (11)			20	80
		Dark Brown Sand, Slightly Clayed	SS		4-5-7 (12)			20	80
10		Light Brown Sand	SS		7-7-7 (14)			20	80
			SS		10-10-8 (19)			20	80
			SS		10-8-8 (16)			20	80

Bottom of borehole at 14.0 feet

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Date : June 22, 2020
Location: Fraternal Order of the Eagles
Micco Road
Micco, Florida
HA-1, See Attached Location Plan

DEPTH IN FEET	STRATA FROM-TO	PEN READINGS	DESCRIPTION OF SOILS
-0-	0" – 12"		Gray Sand with Traces of Roots
-1-	12" – 48"	18	Gray Sand
-2-		23	
-3-		20	
-4-	48" – 72"	34	Dark Brown Sand
-5-		37	
-6-		40	

Water Table: 22" Below Existing Grade
Job #: KSM 202864-1ha

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Date : June 22, 2020
Location: Fraternal Order of the Eagles
Micco Road
Micco, Florida
HA-2, See Attached Location Plan

DEPTH IN FEET	STRATA FROM-TO	PEN READINGS	DESCRIPTION OF SOILS
-0-	0" - 12"		Dark Gray Sand with Traces of Roots
-1-	12" - 48"	15	Gray Sand
-2-		19	
-3-		24	
-4-	48" - 72"	31	Dark Brown Sand
-5-		38	
-6-		38	

Water Table: 26" Below Existing Grade
Job #: KSM 202864-2ha

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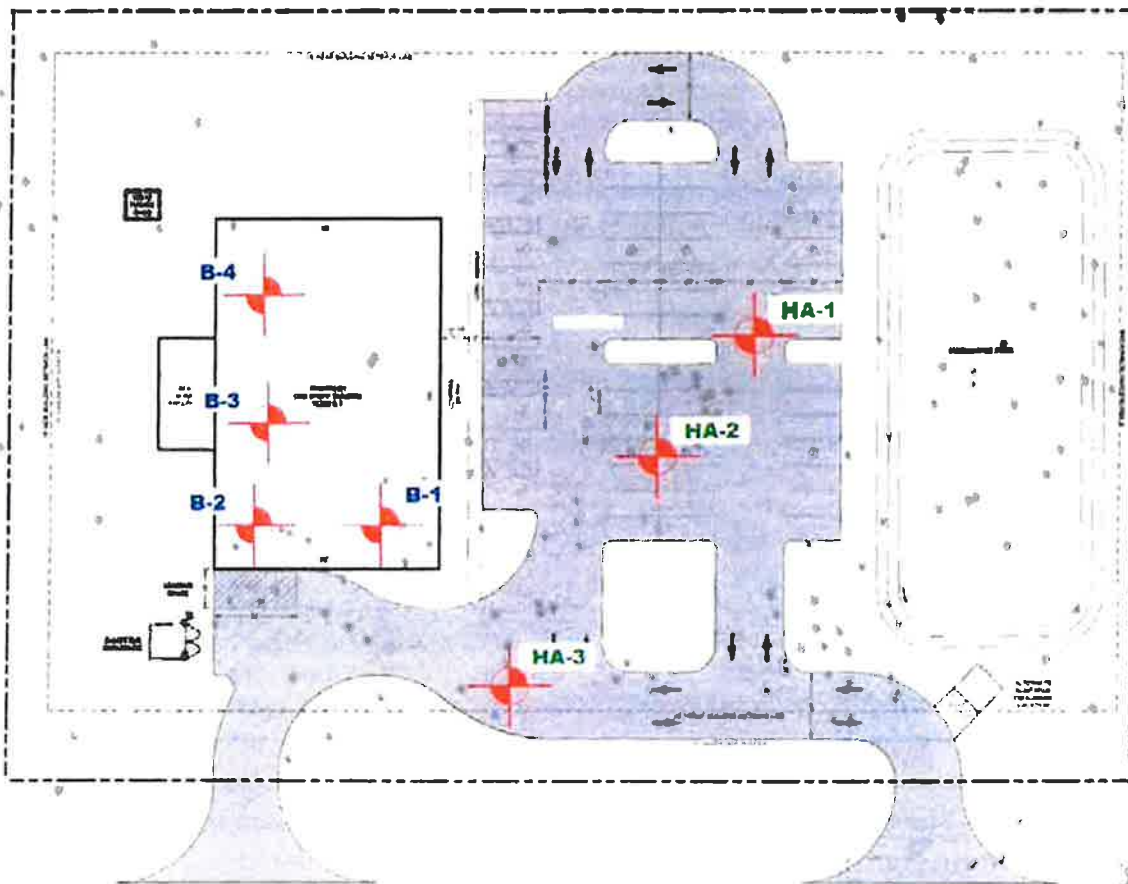
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Date : June 22, 2020

Location: Fraternal Order of the Eagles
Micco Road
Micco, Florida
HA-3, See Attached Location Plan

DEPTH IN FEET	STRATA FROM-TO	PEN READINGS	DESCRIPTION OF SOILS
-0-	0" – 12"		Gray Sand with Traces of Roots
-1-	12" – 48"	20	Gray Sand
-2-		24	
-3-		29	
-4-	48" – 72"	33	Dark Brown Sand
-5-		33	
-6-		39	

Water Table: 25" Below Existing Grade
Job #: KSM 202864-3ha



CONCEPTUAL SITE PLAN



GRAPHIC SCALE
1" = 10' 0"

LEGEND

PROPOSED IMPROVEMENTS



LOCATION OF TESTS

PROJECT: Fraternal Order of the Eagles, Micco Road, Micco, Florida

SHEET 1 OF 1
PERMIT #:
PROJECT #: 202004-b

KSM ENGINEERING
AND TESTING

DRAWN BY: C.V.
DESIGNED BY: J.K.
DATE: 20200630
SCALE: NONE

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 17, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Greg Nicklas (D3).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Jane Hart, Environmental Specialist (Natural Resources Management); Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda

H.2. Nicholas Duffy requests a change in zoning classification from BU-1 to BU-2. (24Z00071) (Tax Account 3006387) (District 3)

Trina Gilliam read Item H.2. into the record.

Nicholas Duffy spoke to the application. Trying to change the zoning from all indoor storage to indoor/outdoor storage for boats and RVs.

There was no public comment.

Erika Orriss stated she sees this has been done before, but with a binding development plan. Are you thinking about putting the binding development plan on there as well?

Mr. Duffy said "yes, ma'am."

Mark Wadsworth asked if there were any specifications for the BDP.

Mr. Duffy responded I believe they wanted to have a building in front so they could do outdoor storage behind that.

Ms. Gilliam stated that the motion would be to include if what you're asking is to limit the BU-2 uses to outside storage for RVs and boats.

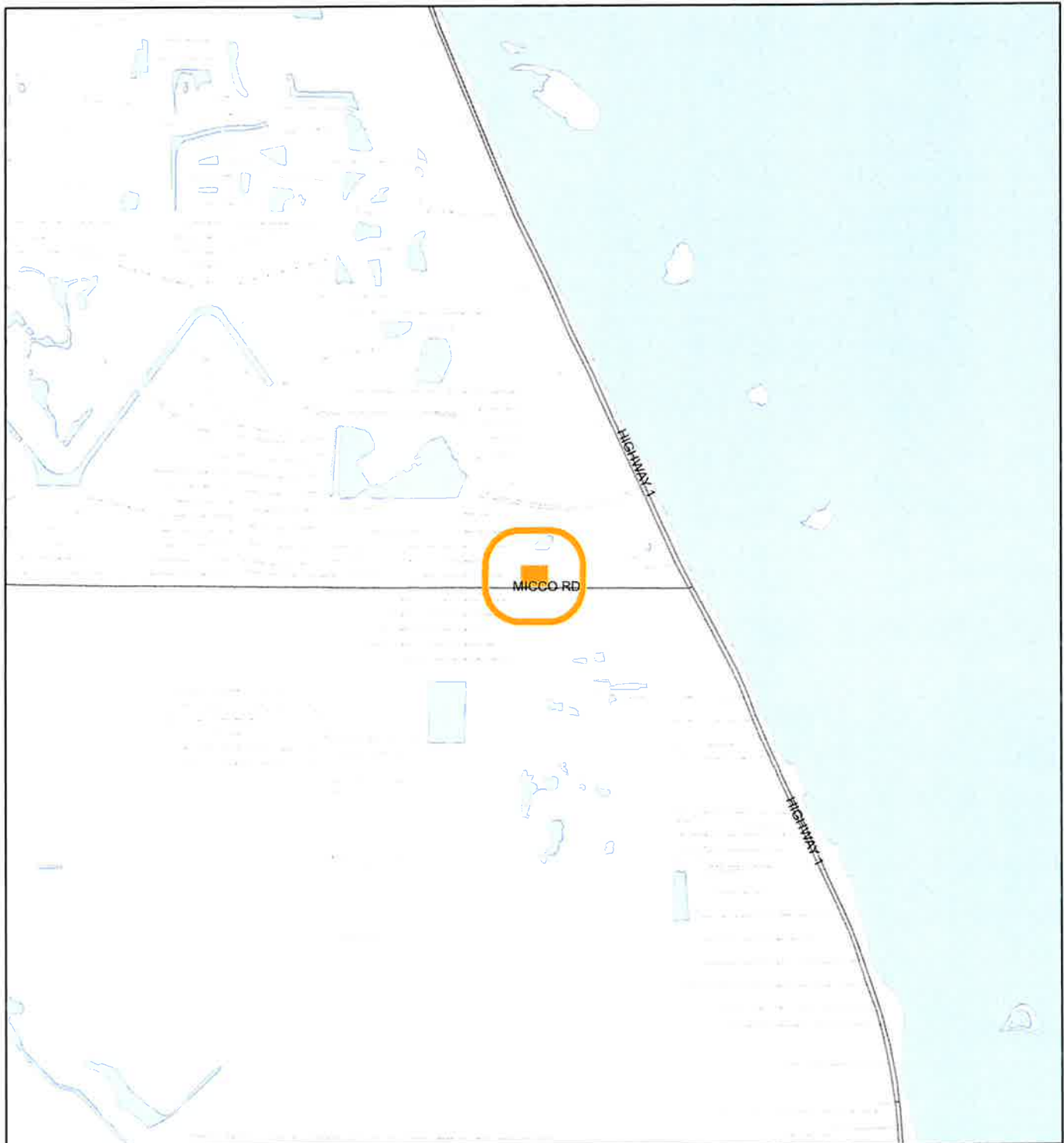
Ms. Orriss stated the motion would be for approval with a BDP, the same as the prior BDPs that we have that restrict the BU-2 to outdoor boat and RV storage.

Motion to recommend approval of Item H.2. with a BDP by Erika Orriss, seconded by Henry Minneboo. Motion passed unanimously.

The meeting was adjourned at 4:58 p.m.

LOCATION MAP

Duffy, Nicholas
24Z00071



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: 4/1/2025

— Buffer
— Subject Property

ZONING MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

Subject Property

Parcels

Zoning

FUTURE LAND USE MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 4/1/2025

AERIAL MAP

Duffy, Nicholas
24Z00071



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 4/1/2025

 Subject Property

 Parcels

NWI WETLANDS MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

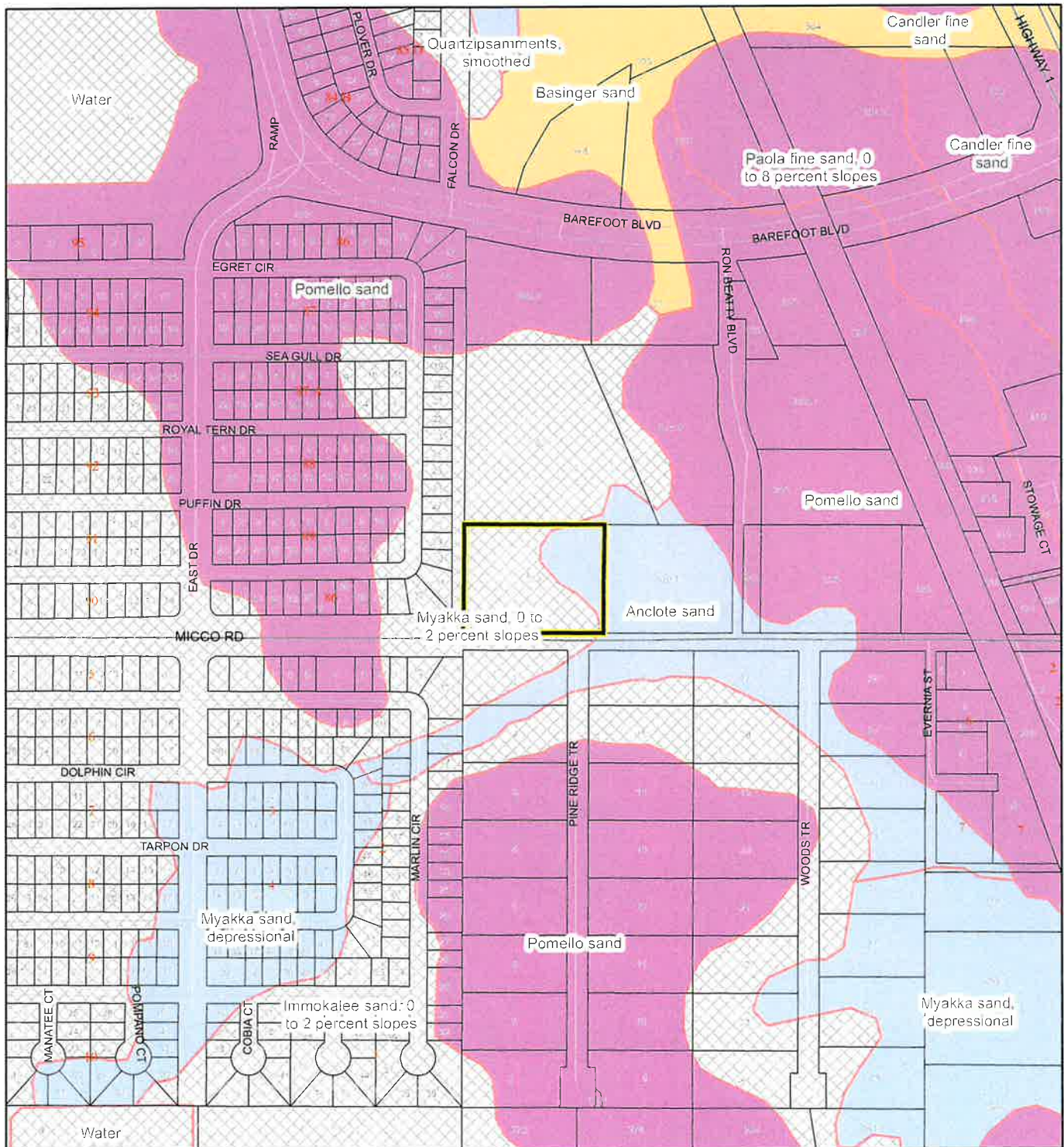
National Wetlands Inventory (NWI)

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

 Subject Property
 Parcels

USDA SCSSS SOILS MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

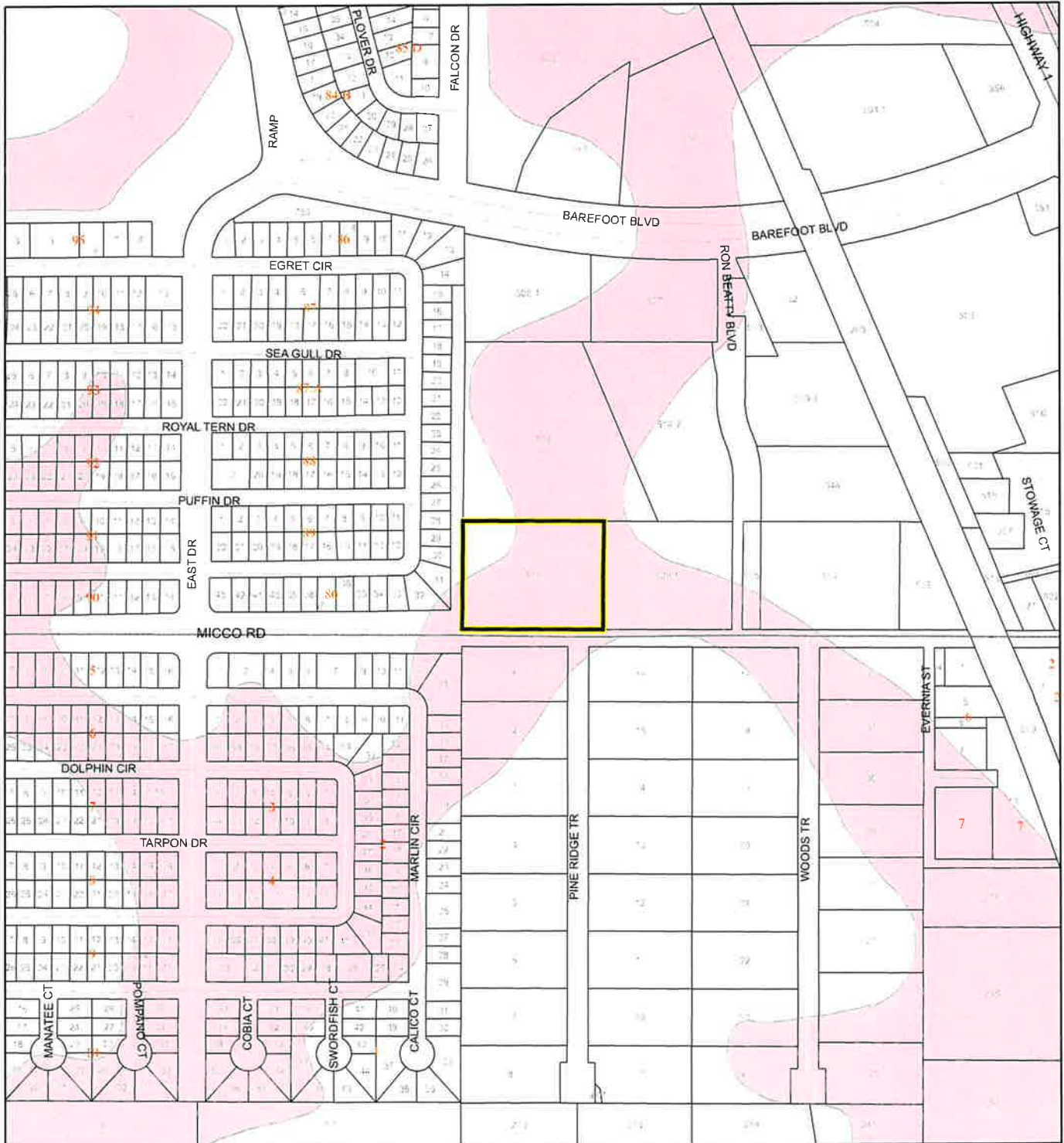
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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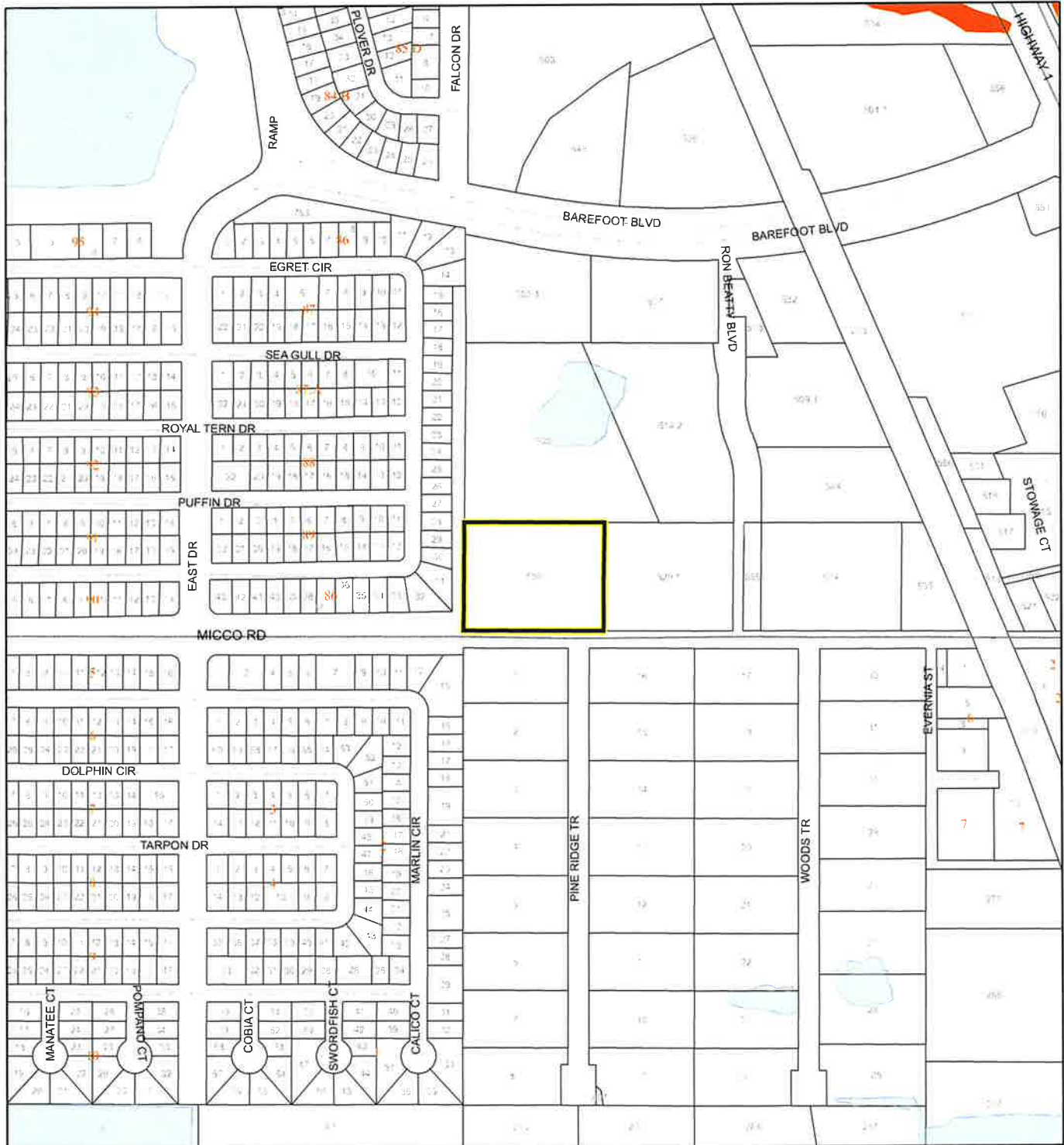
Produced by BoCC - GIS Date: 4/1/2025

FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

Subject Property

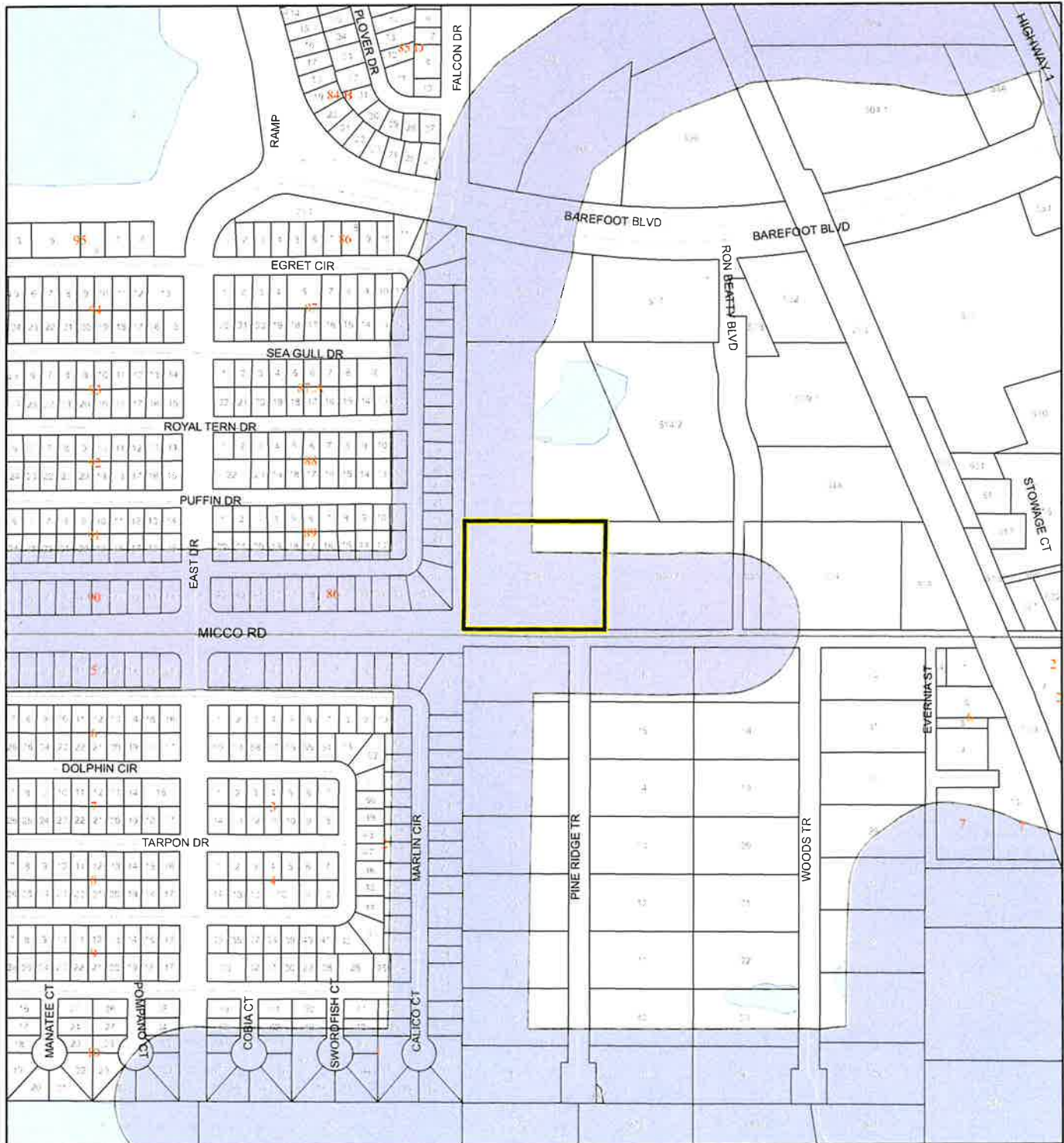
Parcels

Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

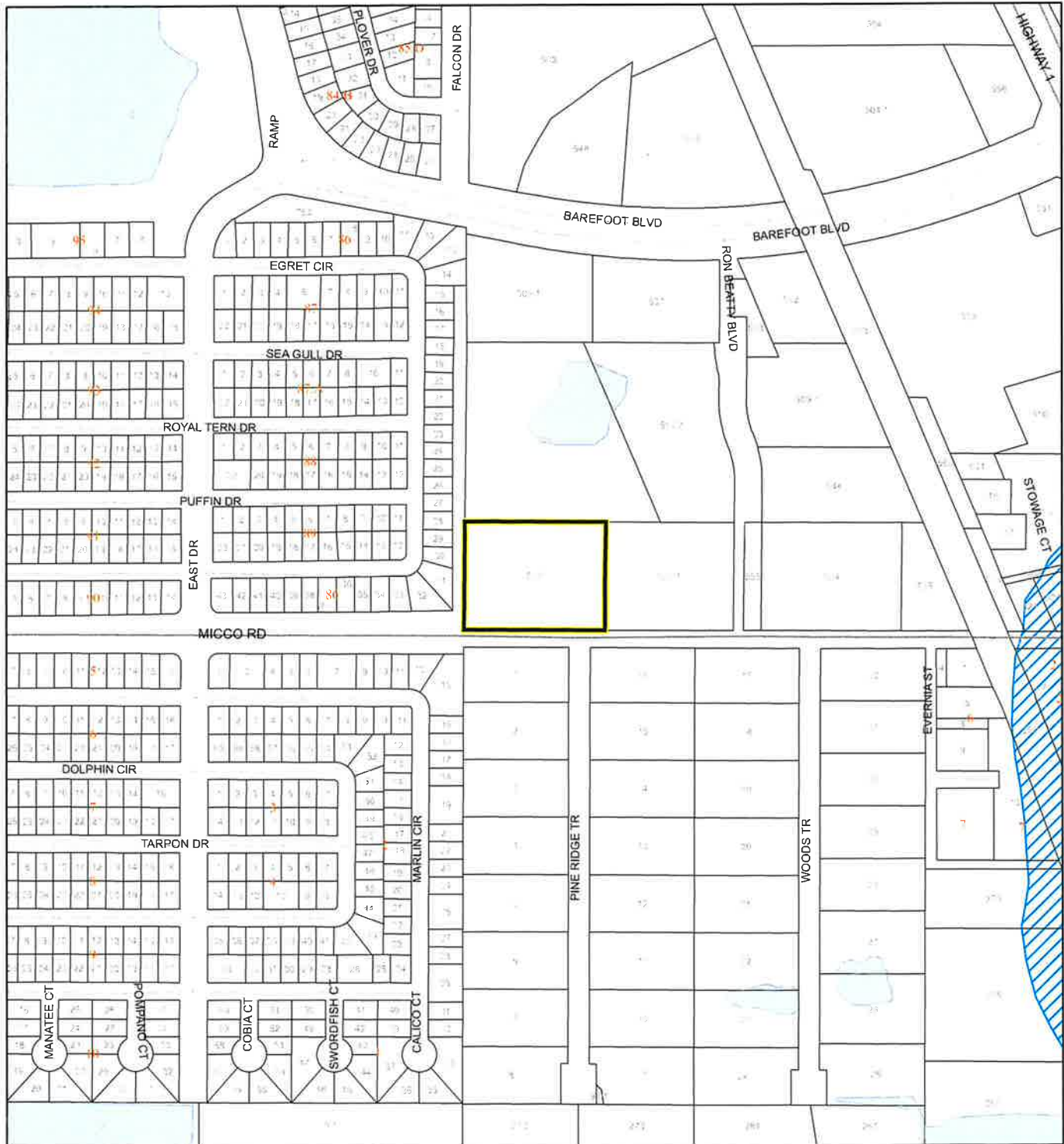
 Subject Property

 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Duffy, Nicholas
24Z00071




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Duffy, Nicholas
24Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/1/2025

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

Duffy, Nicholas
24Z00071



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-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

Duffy, Nicholas
9475 Fleming Grant Rd
Sebastian, FL 32976

AZIAZARALN, ENRIQUE ESTEBAN
425 PUFFIN DR
BAREFOOT BAY FL 32976-7478

BACON FAMILY TRUST
428 ROYAL TERN DR
BAREFOOT BAY FL 32976-7435

BAREFOOT BAY PROPANE GAS CO
4837 SWIFT RD SUITE 100
SARASOTA FL 34231-

BEDARD, RICHARD D
BEDARD, ALTHEA R
238 SAND PINE RD
INDIALANTIC FL 32903-2116

BIZZARRO, ROBERT A
BIZZARRO, ELIZABETH J
8140 WOODS TRL
MICCO FL 32976-2576

BLASZAK, DENNIS B
BLASZAK, CHRISTINE M
426 PUFFIN DR
BAREFOOT BAY FL 32976-7479

BOUTWELL, STACY
460 MARLIN CIR
BAREFOOT BAY FL 32976-2402

BOYINGTON, MARK TRACY
BOYINGTON, VERNA JO
423 PUFFIN DR
BAREFOOT BAY FL 32976-7478

BRADLEY, LARRY A
425 SEAGULL DR
BAREFOOT BAY FL 32976-7481

BREVARD ALZHEIMER'S FOUNDATION
INC, THE
4676 N WICKHAM RD
MELBOURNE FL 32935-7103

BRUETT, TROY
455 EGRET CIR
BAREFOOT BAY FL 32976-7483

BUCK, DIANA E
909 BALSAM ST
SEBASTIAN FL 32976-7378

BULLARD, CONNIE JO
429 SEAGULL DR
BAREFOOT BAY FL 32976-7481

BURROUGHS, JAMES A
GRADY, NANCY H
480 MARLIN CIR
BAREFOOT BAY FL 32976-2402

CAMPBELL, BARBARA
CAMPBELL, JOHN
9 ANSELM WAY
ATTLEBORO MA 02703-6399

CARRERA, RICHARD J
CARRERA, LAVERN H
2222 GRANDVIEW RD
LAKE MILTON OH 44429-9763

CONFIDENTIAL PURSUANT TO
FLORIDA STATUTES
445 EGRET CIR
BAREFOOT BAY FL 32976-7483

DEFILIPPO, CHARLES J
GRADY, TIMOTHY E
991 GEORGE ST
SEBASTIAN FL 32958-4915

DEMARINO, JOSEPH A, JR
THOMAS, ROBBIN A
423 SEAGULL DR
BAREFOOT BAY FL 32976-7481

DESMARAIS, CAROL J
DESMARAIS, DONALD E
435 PUFFIN DR
SEBASTIAN FL 32976-7478

DIONNE, DEBORAH
464 MARLIN CIR
BAREFOOT BAY FL 32976-2402

DONALD J SR & PATRICIA A VANDERLAAN
LIVING TRUST
469 MARLIN CIR
BAREFOOT BAY FL 32976-2401

DOUGHERTY, ELIZABETH REILLY
447 EGRET CIR
BAREFOOT BAY FL 32976-7483

DUFFY, NICHOLAS
9475 FLEMING GRANT RD
SEBASTIAN FL 32976-2709

DUGGER, DANNY R
DUGGER, BARBARA J
489 MARLIN CIR
BAREFOOT BAY FL 32976-

DYAR, SANDRA LOUISE
MYERS, COREY REED
8155 PINE RIDGE TRL
MICCO FL 32976-2503

EDWARDS, RUSSELL
SCHWARTZ, TAMI
467 MARLIN CIR
BAREFOOT BAY FL 32976-2401

ENGLAND, LORRAINE
ENGLAND, THOMAS
480 DOLPHIN CIR
BAREFOOT BAY FL 32976-2594

EVANS, CHARLES
WHITE, VICKY
8160 WOODS TRL
MICCO FL 32976-2576

FAUR, JAMES D
FAUR, TRUDE L
479 MARLIN CIR
BAREFOOT BAY FL 32976-2401

FLORIDA POWER & LIGHT CO
PROPERTY TAX - PSX/JB
700 UNIVERSE BLVD
JUNO BEACH FL 33408-

FOWLER, DAWN S
FOWLER, DAVID W TRUSTEES
14 BAKER RD
SALISBURY MA 01952-1401

FRANCISCO, APRIL M
FRANCISCO, JAMES H
8110 PINE RIDGE TRL
MICCO FL 32976-2503

GARBER, MARY JO
466 MARLIN CIR
BAREFOOT BAY FL 32976-2402

GB INVESTMENT VENTURES LLC
639 ALAMANDA CT
INDIALANTIC FL 32903-4501

GERZANICK, ROBERT ANDREW,LIFE
ESTATE
433 PUFFIN DR
SEBASTIAN FL 32976-7478

GOLDSTEIN, LARRY H
GOLDSTEIN, JOAN E
430 PUFFIN DR
BAREFOOT BAY FL 32976-7479

HARRIS, JAMES C
HARRIS, NANCY A
437 EGRET CIR
BAREFOOT BAY FL 32976-

HART, THOMAS J
446 EGRET CIR
BAREFOOT BAY FL 32976-7484

HASKOOR, BERTHA
49 CROOKS AVE
C/O MR. GEORGE HASKOOR
PATERSON NJ 07503-1414

HEBERLING, KEITH
484 MARLIN CIR
BAREFOOT BAY FL 32976-2402

HEYM, EUGENE,JR
HEYM, MARY LOU
10300 SHORE FRONT PKWY, APT 11E
ROCKAWAY PARK NY 11694-2750

HIGGINS, JOSEPH
HIGGINS, JUNE
1192 OLD NORTH MAIN STREET
LACONIA NH 03246-

HOOVER, VICKY SUE
23 S DUNSMERE ST
COLORADO SPRINGS CO 80910-

HOSNER, GARY R
424 ROYAL TERN DR
BAREFOOT BAY FL 32976-7435

HULS, DARWIN
HULS, SUSAN
427 PUFFIN DR
BAREFOOT BAY FL 32976-7478

JORDAN, PAMELA ANN
JORDAN, SUSAN CAROL
468 EGRET CIR
BAREFOOT BAY FL 32976-7484

KABALA, DANA
236 HAGEN RD
BRIGANTINE NJ 08203-3060

KENDALL REVOCABLE TRUST
1321 MOHRLAKE DR
BRANDON FL 33511-1825

KLINGENBECK, JOHN F
KLINGENBECK, PATRICIA L
449 EGRET CIR
MICCO FL 32976-7483

KRIVICICH, WILLIAM T
KRIVICICH, MARGUERITE
441 EGRET CIR
BAREFOOT BAY FL 32976-

LANDERS, KATHLEEN B
475 EGRET CIR
BAREFOOT BAY FL 32976-7483

LE CUN, CHRISTOPHER LOUIS
LE CUN, BRITTANY A
5165 WILDEN RD
MICCO FL 32976-2728

LEAHY, JOHN P
LEAHY, SARAH A
29 WEBBER RD
YORK ME 03909-

LOWE, HELEN
433 ROYAL TERN DR
BAREFOOT BAY FL 32976-7434

MARTIN, EVELYN S
464 EGRET CIR
BAREFOOT BAY FL 32976-7484

MCCARTHY, EDWARD P
MCCARTHY, MAUREEN STOKES
21703 ROCKAWAY POINT BLVD
BREEZY POINT NY 11697-1551

24Z00071
Page3

MICHELS, JEANA
435 EGRET CIR
BAREFOOT BAY FL 32976-7483

MILLER, ALLEN O
MILLER, KAREN M
431 ROYAL TERN DR
BAREFOOT BAY FL 32976-7434

MOBILE MANSION TWO LAND TRUST
681 CASTLE PINCKNEY DR
C/O MENDON MASHUP LLC
CHARLESTON SC 29412-4404

MONTI, ALISON
463 MARLIN CIR
BAREFOOT BAY FL 32976-

MOORE, ALVIN E
8135 PINE RIDGE TRL
SEBASTIAN FL 32976-2503

MOORE, ALVIN E
MOORE, TONYA S
8135 PINE RIDGE TR
MICCO FL 32976-

NICHOLS, JO-REID
508 BAREFOOT BLVD
BAREFOOT BAY FL 32976-7403

O'DONNELL, JOHN A
SASSANO, MARCIA E
429 ROYAL TERN DR
BAREFOOT BAY FL 32976-7434

OETTING, PATRICIA
482 DOLPHIN CIR
BAREFOOT BAY FL 32976-

OPALKA, ROBERT L
OPALKA, SHIRLEY A
485 MARLIN CIR
SEBASTIAN FL 32976-2401

ORTIZ, RAYMOND
1571 OMEGA ST NE
PALM BAY FL 32907-2306

PARROCK, EDWIN
PARROCK, PATRICIA
6350 STONEY RIDGE DR
YOUNGSTOWN OH 44515-5583

PEGLER, GEORGE, JR
PEGLER, NANCY
443 EGRET CIR
BAREFOOT BAY FL 32976-7483

PEPPERS, JOHN
PEPPERS, JUDY
8150 PINE RIDGE TRL
MICCO FL 32976-2503

PFROMM, JOHN C
PFROMM, PATRICIA E
8130 PINE RIDGE TRL
MICCO FL 32976-2503

PIROLOZZI, LEONARD, JR
465 MARLIN CIR
BAREFOOT BAY FL 32976-2401

RABENBAUER, PHILIP
470 EGRET CIR
BAREFOOT BAY FL 32976-7484

REISINGER ENTERPRISES INC
5865 US #6
PORTAGE IN 46368-

REYNOLDS, ELIZABETH
457 EGRET CIR
BAREFOOT BAY FL 32976-7483

RONNLOF FAMILY TRUST
488 MARLIN CIR
SEBASTIAN FL 32976-2402

ROYALS, RAY
8120 WOODS TRL
MICCO FL 32976-

SAUER, HELENA
8 SIEGFRIED PL
E NORTHPORT NY 11731-4425

SEARFOSS, DAVID
ROSADO, CARMEN S
422 PUFFIN DR
BAREFOOT BAY FL 32976-7479

SILLAWAY, TOD RICHARD
SILLAWAY, JOY DEE
481 MARLIN CIR
BAREFOOT BAY FL 32976-

SMITH, ROBERT
463 EGRET CIR
BAREFOOT BAY FL 32976-

SMYTHE, DONALD FRENCH
SMYTHE, MARY WALKER
490 MARLIN CIR
BAREFOOT BAY FL 32976-2402

SNYDER, RANDY LEE, SR
SNYDER, SHERRY ANN
472 EGRET CIR
BAREFOOT BAY FL 32976-7484

SOMMER, ALFRED M
SOMMER, JEANNETTE
468 MARLIN CIRCLE
BAREFOOT BAY FL 32976-

SPEACH, MILDRED G
427 ROYAL TERN DR
BAREFOOT BAY FL 32976-

STOUDT, JAMES A
STOUDT, HELEN D
220 GREEN LANE DR
CAMP HILL PA 17011-8318

STREETER, JOYCE A TRUSTEE
465 EGRET CIR
BAREFOOT BAY FL 32976-7432

TASSINARI, ELIZABETH
TASSINARI, NINA
471 EGRET CIR
BAREFOOT BAY FL 32976-

TAYLOR, MARIA ELENA
GOIN, ROSEMARIE A
453 EGRET CIR
BAREFOOT BAY FL 32976-

TECLA A PECORELLA TRUST
426 ROYAL TERN DR
SEBASTIAN FL 32976-7435

THERIEN, RICHARD L
JARROD WALKER & FRANCES WALKER
LIVING TRUST
469 EGRET CIR
BAREFOOT BAY FL 32976-7483

TORAND GROUP LLC
25 SUNSET DR
SEBASTIAN FL 32958-3514

TRAUTWEIN, ROBERT J
478 MARLIN CIR
BAREFOOT BAY FL 32976-2402

URBENZ, MARTIN LUCAS
470 MARLIN CIR
BAREFOOT BAY FL 32976-2402

VON SEE, NANCY P
477 EGRET CIR
SEBASTIAN FL 32976-7483

WALKER, MAUREEN R
425 ROYAL TERN DR
BAREFOOT BAY FL 32976-7434

WAREING 2022 TRUST
105 CREEK CT
SEBASTIAN FL 32976-7051

WINELAND, SHEILA M
476 MARLIN CIRCLE
BAREFOOT BAY FL 32976-

ZAHN, STEPHEN
7865 129TH ST
SEBASTIAN FL 32958-3630

Board Meeting Date

4-3-25

Item Number: H. 6. with a BDP

Motion By: KA

Second By: KD

Nay By: _____

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