



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**Addendum #1 To 23Z00067 Villas at River Palms, LLC (Edward Fleis) Staff Comments**

This addendum provides a clarification to the staff analysis provided in the Staff Comments presented to Local Planning Agency (LPA) for the February 17, 2025 hearing.

The applicant is requesting a change of zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-1-7 (Single-family Residential) on approximately 2.7 acres. The applicant proposes to develop a single-family residential subdivision containing eleven (11) lots.

**Staff changes:**

The following changes to the Natural Resources Management Staff Comments:

- Sentence removed under Land Use Comments: Coastal High Hazard Area - The parcel may be susceptible to nuisance flooding.
- Sentence added under Land Use Comments: Coastal High Hazard Area - Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard Area and direct development outside of this area.

The *revised* NRM comments are attached.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 23Z00067**

**Applicant:** Edward Fleis (Owner: Villas at River Palms, LLC)

**Zoning Request:** BU-2 to RU-1-7

**Note:** to develop 11 single family homes

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.(s):** 2438912, 2438913, 2438914, 2438915, 2438917 and 2438918

- 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:**

- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Potential Code Enforcement

**Land Use Comments:**

**Coastal High Hazard Area**

Nearly the entirety of these properties is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard Area and direct development outside of this area.

**Floodplain Protection**

The entire property is mapped within the estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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 entire 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.

### **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water, and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) may exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Potential Code Enforcement**

Information available to NRM indicates that unpermitted land clearing and land alteration activities may have occurred on this property between 2021 and 2023. This includes impacts in the surface water protection buffer. The confirmation of unpermitted land clearing activities may result in code enforcement action.