

**RESOLUTION NO. 26-\_\_\_\_\_**

**A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE DENIAL OF THE REQUEST FOR REZONING FROM AGRICULTURAL RESIDENTIAL, AU, AND RURAL RESIDENTIAL, RR-1, ZONING TO SUBURBAN RESIDENTIAL, SR, ZONING WITH A BINDING DEVELOPMENT PLAN (BDP) ON PROPERTY OWNED BY STRADA DEVELOPMENT, LLC.**

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, as follows:

**STATEMENT OF THE CASE AND FACTS**

This item came before the North Merritt Island Dependent Special District Board (“NMI Board”) on January 8, 2026. The NMI Board unanimously recommended denial of the request. On January 12, 2026, the Planning & Zoning Board recommended denial of the request in a 9-4 vote. The item came before the Board of County Commissioners of Brevard County, Florida, on February 5, 2026. At the public hearing, the Board of County Commissioners reviewed evidence, heard comments and testimony from the applicant and applicant’s legal counsel, members of the public, and Brevard County staff, and ultimately denied the request in a unanimous vote.

The record is attached as Exhibit “A.” It consists of documents maintained by the Brevard County Planning and Development Department as part of the official application file and provided to the Planning & Zoning Board and the Board of County Commissioners, relevant sections of the Brevard County Code of Ordinances, relevant provisions of the Brevard County Comprehensive Plan, and minutes from the public hearings. The pages will be referred to as R- \_\_\_\_\_.

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The applicant, Strada Development, LLC (“Strada” or the “applicant”), has owned the subject property (Tax Accounts 2316605, 2316606, 2316607, 2316617) since September 2025 after purchasing the property from 782, LLC. The applicant is seeking to change the zoning classification of the subject property, which contains 142.13 acres, from Agricultural Residential (AU) and Rural Residential (RR-1) to Suburban Residential (SR) with a binding development plan (BDP) to allow for the development of sixty-one (61) single-family residences. R-11. The subject property has been in its current configuration since at least 1962. R-11. Based on the staff report, the current zoning classifications applicable to the subject property are as follows:

*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.*

*RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses are accessory to a principal residence within the RR-1 zoning district.*

R-11.

The applicant is seeking to change the subject property’s zoning to SR, which

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

R-11.

The subject property has a future land use designation of RES 1, which limits development to one (1) unit per acre. R-23. Pursuant to Section 62-1255, Brevard County Code, the AU and RR-1 zoning classifications already on the subject property are both consistent with the RES 1 future land use designation. R-14. The requested SR zoning classification is not consistent with the RES 1 future land use designation; SR allows development on half-acre lots while RES 1 requires one (1) acre minimum for development. R-14. However, in order to address inconsistencies between zoning and the land use, Section 62-1255(2), Brevard County Code, permits a BDP to be used to limit density in accordance with the future land use designation. Specifically,

. . . [w]here an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted on the following table, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

Section 62-1255(2), Brevard County Code. A binding development plan is an agreement voluntarily submitted by an applicant for a change of zoning or conditional use permit to minimize the impacts on the surrounding area or, as is the case in this situation, limit the density of the development to ensure compliance with the Brevard County Comprehensive Plan. Sections 62-1157 and 62-1255, Brevard County Code. As part of the County's staff report, reference is made to the *potential* developability of the subject property, with the caveat being that development potential – identified as 70 units – was still subject to applicable County land development regulations and additional regulations from authorities having jurisdiction. R-10. Additional factors, such as traffic, sewer and water service, and environmental impacts, need to be considered as part of the rezoning application. R-4; R-22 – R-23.

For example, according to the staff comments, a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact traffic in the established area. R-16; R-17. The area surrounding the subject property is presumed to be predominantly residential, although there are agricultural uses present as well as large-lot undeveloped properties. R-17.

*The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. Most of this property 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. This property is mapped as FEMA Special Flood Hazard Area (SFHA) AE.*

*The parcel is also located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities. The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Approximately 1,700 feet east of the subject property is a large area of mapped Florida Scrub Jay occupancy.*

R-17.

Other significant environmental issues were addressed in the staff comments by the County's Natural Resources Management Department, which provided a summary of issues followed by extended discussion. The summary is provided below along with portions of the extended discussion (beginning at R-18).

### ***Environmental Constraints***

#### ***Summary of Mapped Resources and Noteworthy Land Use Issues:***

- *Wetlands and Hydric Soils*
- *Coastal High Hazard Area*
- *Floodplain Protection in North Merritt Island*
- *Indian River Lagoon Nitrogen Reduction Septic Overlay*
- *Land Clearing and Landscape Requirements*
- *Protected and Specimen Trees*
- *Protected Species*

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### ***Wetlands and Hydric Soils***

*The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum; Bradenton fine sand, limestone substratum; Anclote sand, frequently ponded, 0 to 1 percent slopes; Wabasso sand, 0 to 2 percent slopes; and Riviera sand, 0 to 2 percent slopes); indicators that wetlands*

may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Coastal High Hazard Area**

*The majority of this property 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 in North Merritt Island**

*This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, 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."*

*Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record*

*that there will be no adverse flooding impacts upon properties resulting from the proposed development. **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.***

### ***Indian River Lagoon Nitrogen Reduction Septic Overlay***

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

### ***Protected and Specimen Trees***

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

### ***Protected Species***

*Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, approximately 1,700 feet to the east. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service, as applicable.*

At the County Commission's Zoning meeting on February 5, 2026, the Board heard from the applicant's representatives, members of the public, and Brevard County staff. In addition, the County received public comment letters and emails opposing the rezoning request. R-129 – R-188.

Attorney Kim Rezanka, legal counsel for the applicant, explained the request as a change of zoning to Suburban Residential (SR), with a BDP, to allow one-half acre lots with clustering to protect wetlands. Attorney Rezanka further stated that the subject property could be developed with 70 units, but because the BDP was needed to comply with the Future Land Use Element of the Brevard County Comprehensive Plan, the limit would be 61 units. Attorney Rezanka made additional claims regarding how many units could actually be developed on the subject property under the existing land use and zoning. R-322; R-324 – R-325; R-342 – R-344.

Mr. Hassan Kamal, the professional engineer for the applicant, stated that the proposed development was for sixty-one (61) lots, with the actual development footprint to impact between fifty (50) to fifty-five (55) acres, and the remaining acreage of the subject property was going to be preserved. R-323; R-328. Mr. Kamal explained that a full jurisdictional wetlands review had not yet been completed for the subject property, but preliminary wetlands mapping was available showed the 1.8% limit on wetlands impacts would be observed and followed by the applicant, with between two and two and one-half acres of wetlands on the subject property being impacted. R-323; see Maps on R-72 – R-74.

After the applicant completed its initial presentation, Commissioner Goodson requested Mr. Billy Prasad, the Brevard County Planning and Development Director and the Zoning Official of the County, to answer questions relating to the application. The first question requested an overview of the coastal high hazard area (CHHA) as it applied to the subject property. Mr. Prasad stated that the vast majority of the site was within the CHHA, as defined by Florida law and incorporated into the County's Comprehensive Plan as required by Florida law to show how the County mitigates issues related to development within such areas. Mr. Prasad explained that Objective 7 of the Coastal Management Element of the Brevard County Comprehensive Plan limits densities within the CHHA and directs development outside of said area. Administrative Policy 6 states that the Board of County Commissioners should determine whether a rezoning request is consistent with the Comprehensive Plan.

Commissioner Goodson then asked about drainage impacts on the surrounding area and Mr. Prasad explained that the subject property fell within the FEMA flood zone, as identified in the GIS maps included in the agenda packet, R-75, and provided general guidance that the County was devoting significant resources towards addressing the drainage issues in the area. Mr. Prasad went on to say that Administrative Policy 7 provides that "proposed uses shall not cause or substantially aggravate any substantial

drainage problem on surrounding properties or significant adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.” If the Board was to find that the rezoning and associated BDP would impact wetlands or cause/exacerbate drainage problems, the request could be denied for failure to comply with the Administrative Policies. R-325 – R-327.

Commissioner Goodson also requested clarification on whether the rezoning request was the appropriate path forward. Mr. Prasad stated that, while the Board is the ultimate decision-making authority as it relates to the request, the BDP was being used to establish consistency between the future land use density of RES 1, which requires a minimum of one unit per acre, and SR, which allows half-acre lots, allowing the applicant to cluster development on the subject property. It was further explained that a BDP is a voluntary agreement entered into by the parties, and the Board did not have to accept the applicant’s proposed solution to the inconsistency being created between the future land use and requested rezoning. R-327.

Chair Altman requested the applicant to provide estimates on pervious versus impervious surfaces related to the proposed development. Mr. Kamal estimated that roughly 70% of the subject property is going to be pervious and approximately 30% of the subject property would be impervious, which would include roads, driveway, and buildings. R-328.

During the public comment phase of the hearing, a number of citizens spoke out against the requested rezoning. The reasons for the Board to support denial included concerns with respect to flooding and its adverse impacts to infrastructure, including the roadway system; the destruction of wetlands, which would exacerbate the flooding issues; Objective 7 relating to limiting density and directing development outside of the CHHA; and, the subject property falling within the FEMA Special Flood Hazard Area. R-329 – R-340.

Following public comment, Ms. Trina Gilliam, Brevard County Planning and Development Zoning Manager, provided additional clarification with respect to the applicant’s claims on how many units could be developed on the subject property in its current condition. It was explained that 70 units was the potential for the site, but that the number would inevitably be lowered in order to comply with applicable provisions of the Brevard County Code of Ordinances. It was roughly calculated that, based on the information available, a total of 34 units would be able to be developed on the site. Mr. Prasad further addressed the staff comments wherein it clearly states the 70-unit number is *potential* based on the lack of information provided by the applicant, such as engineering, wetlands delineations, or placement of stormwater ponds, roads, or other improvements for the proposed site. R-340 – R-341.

Mr. Kamal was provided the opportunity to review staff's calculations and generally stated that the proposed 34 units was staff's worst-case scenario and that, without a verified wetlands delineation, the number of actual units that could be developed was unknown. R-346 – R-347.

After the public hearing portion was closed and the Board of County Commissioners completed its discussion, Commissioner Goodson made a motion to deny the request, which was seconded by Commissioner Delaney. The Board voted unanimously to deny the request.

### **FINDINGS OF FACT**

The Board of County Commissioners finds:

1. The subject property was purchased by the applicant (the current owner) on September 18, 2025, per the Special Warranty Deed recorded in Brevard County Official Records at Book 10437, Page 1459. R-310.
2. The subject property is currently undeveloped and consists of 142.13 acres. R-11.
3. The applicant requested a rezoning from AU and RR-1 to SR with a BDP. R-11; R-24.
4. The subject property has a future land use designation of RES 1. This means that the overall density applicable to the property requires a minimum of one acre per unit. According to Section 62-1255, Brevard County Code, the SR zoning classification is not consistent with the RES 1 future land use designation because the SR zoning classification allows for development on lots with a minimum of half-acre. The requested zoning classification is not consistent with the Future Land Use Element of the Brevard County Comprehensive Plan.
5. The Brevard County Comprehensive Plan has elements required by Chapter 163, Florida Statutes, that address issues relating to development, including, but not limited to, conservation, floodplains, wetlands, and coastal high hazard areas.
6. The applicant seeks to cure the inconsistency between the SR zoning classification and RES 1 future land use designation by offering a binding development plan (BDP). Pursuant to Section 62-1255(b)(2), Brevard County Code, “. . . [w]here an application for a change of residential zoning

classification is not consistent with the residential future land use map designation . . . , the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.” R-23. A BDP is a voluntary agreement that must be entered into by both parties; the County is under no obligation to accept the terms and conditions offered by the applicant, especially when density would be increased. R-23.

7. The proposed BDP would effectively allow clustering of units at a density rate above what is otherwise allowed on the subject property as established by the Comprehensive Plan. Specifically, the request is to build half-acre lots, when the future land use designation requires a minimum of one-acre lots. The BDP is not sufficient or appropriate to cure the inconsistency between the SR zoning classification and RES 1 land use designation due to Administrative Policies 6 and 7. Without the BDP, the rezoning request of SR would be inconsistent with the future land use designation of RES 1, which would violate the Future Land Use Element of the Brevard County Comprehensive Plan.
8. Administrative Policy 6 of the Future Land Use Element of the Brevard County Comprehensive Plan requires that “[t]he 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.” R-4.
9. The majority of the subject property is located within the coastal high hazard area. R-20; Map on R-76. This means that the majority of the subject property is below the elevation of a Category 1 storm surge elevation as defined by Chapter 163, Florida Statutes. R-20.
10. Objective 7 of the Coastal Management Element of the Brevard County Comprehensive Plan seeks to “[l]imit densities within the coastal high hazard area and direct development outside of [such] area.” R-12; R-20; R-22; R-219. The requested rezoning seeks to cluster development at a density rate higher than what would otherwise be allowed, especially when in the CHHA, under both the Future Land Use Element and the Coastal Management Element of the Brevard County Comprehensive Plan.

11. Before both the Planning & Zoning Board and the Board of County Commissioners, the engineer for the applicant stated that roughly 50 to 55 acres would be developed with 61 lots at least half-acre in size. R-94 – R-95; R-328. Such calculation would amount to a density above one unit per acre, exceeding the limit established and required by the RES 1 Future Land Use designation, which applies to the entirety of the subject property.
12. The applicant's engineer also stated that the subject property would be roughly 70% pervious and 30% impervious, which would consist of things like buildings, roads, and driveways. R-328. The subject property falls almost entirely within the CHHA (Map on R-76) and, based on the rezoning request, would be encouraging development in that area that otherwise would not be permitted under the Brevard County Comprehensive Plan.
13. Administrative Policy 7 of the Future Land Use Element of the Brevard County Comprehensive Plan provides that "[p]roposed uses shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species." R-22.
14. The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District wetlands and hydric soils. R-20. A formal wetlands delineation was not provided by the applicant at the time of the rezoning request. While such information is not otherwise required by the Brevard County Code, based on the nature of the request, including references made by the applicant of their intent to utilize certain buffer distances, cluster development in a particular portion of the subject property, and develop at a density that could potentially violate Section 62-3694, Brevard County Code, generally pertaining to development impacts to wetlands, this additional information could have assuaged concerns pertaining to compliance with Administrative Policy 7. Not enough information was provided by the applicant to demonstrate the proposed use of the subject property, if the rezoning request was granted, would not cause or substantially aggravate significant, adverse and unmitigable impact on significant natural wetlands.
15. The subject property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE. R-20; Map on R-75. During the public hearing, members of the public stated their concerns related to flooding (R-329 – R-339) and provided photographic evidence (R-135 – R-149; R-175 – R-177) of the impacts of flooding in the area around the subject property. The requested

rezoning would allow for additional development on the subject property that may otherwise not be permitted under the County's land development regulations.

16. Pursuant to Administrative Policy 1, “[t]he Brevard County zoning official, planners and the Director of the Planning and Development [Department], 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.” The statements made by Ms. Gilliam, the Brevard County Zoning Manager, and Mr. Prasad, the Brevard County Planning and Development Director and Zoning Official, during the public hearing with respect to the application and relevant provisions of the Comprehensive Plan and land development regulations are considered as such. The developability of the subject property as identified in the staff comments deals with potential development, “subject to applicable land development regulations.” R-10. This means the applicant is not entitled to that number of units (whether current or proposed) because the County's land development regulations, including Section 62-3694, Brevard County Code, pertaining to wetlands impacts, would apply. The calculations presented by the County as estimates demonstrated that the application represented a likely increase in development potential once all relevant regulations are applied.
17. Administrative Policies of the Future Land Use Element of the Comprehensive Plan, including Administrative Policies 6 and 7, outline what factors must be considered by the Board as it relates to rezoning requests. R-2 – R-9.
18. The proposed rezoning request is inconsistent with the Future Land Use Element of the Brevard County Comprehensive Plan as the SR zoning classification is inconsistent with the RES 1 future land use designation.
19. The proposed rezoning request is inconsistent with the Coastal Management Element of the Brevard County Comprehensive Plan as the requested rezoning would allow for greater density in the CHHA than otherwise allowed by the subject property's RES 1 future land use designation.

### **CONCLUSION**

Based on the foregoing, the Board of County Commissioners hereby finds the proposed rezoning from AU and RR-1 to SR with a BDP fails to meet the requirements of the Future Land Use Element, including, but not limited to, Administrative Policies 6 and 7, and the Coastal Management Element of the Brevard County Comprehensive Plan. Accordingly, the requested rezoning to SR with a BDP is denied.

DONE AND RESOLVED this 2nd day of April, 2026.

ATTEST:

BOARD OF COUNTY  
COMMISSIONERS OF BREVARD  
COUNTY, FLORIDA

\_\_\_\_\_  
Rachel Sadoff, Clerk

\_\_\_\_\_  
Thad Altman, Chair  
As approved by the Board on: 4/2/26