

On motion by Commissioner Barfield, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

WHEREAS, RO1, LLC has requested removal of a BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on property described as Tax Parcel 767, as recorded in ORB 7162, Pages 841 – 843, Public Records of Brevard County, Florida. Section 22, Township 23, Range 36 (3.44 acres) Located on the east side of N. Courtenay Pkwy., approx. 420 ft. north of E. Crisafulli Rd. (No assigned address. In the N. Merritt Island area)

Section 22 Township 23 S, Range 36 E, and,

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and,

WHEREAS, the Board, after considering said application and the North Merritt Island Dependent Special District Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan allowing all permitted uses in the BU-1 (General Retail Commercial) zoning classification, removing the 30 ft. buffer, retaining the 20 ft. buffer on the east side, deleting mini-warehouse and storage use, and directed the applicant work with the County Attorney’s Office to refine any language in the modified BDP; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested removal of a BDP in a BU-2 zoning classification be APPROVED, with a Binding Development Plan, recorded in ORB 7356, Pages 2762 through 2766, dated 05/01/2015, allowing all permitted uses in the BU-1 zoning classification, removing the 30 ft. buffer, retaining the 20 ft. buffer on the east side, and deleting mini-warehouse and storage use, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 1, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Robin Fisher, Chairman
Brevard County Commission
As approved by Brevard County Commission on April 28, 2015.

ATTEST:

SCOTT ELLIS, CLERK
(SEAL)

(NMI Hearing – February 12, 2015)
(BCC Zoning Hearing – March 5, 2015)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

On motion by Commissioner Anderson, seconded by Commissioner Infantini, the following resolution was adopted by a unanimous vote; and,

WHEREAS, EAGLE PROPERTIES OF VIERA, LLC, AND ANNA JACOWSKA – request a change of classification from PIP (Planned Industrial Park) to PUD (Planned Unit Development) and removal of existing BCP's (Binding Concept Plan), on property described as Lots 1 and 2, Viera Boulevard Commerce Park, as recorded in ORB 5465, Pages 5596 – 5599, of the Public Records of Brevard County, Florida. **Sections 02 & 35, Townships 25 & 26, Range 36.** (45.04 acres +/-) Located on the south side of Viera Blvd., approx. 0.15 mile west of U.S. Hwy 1. (No assigned address. In the Viera area)

Sections 02 & 35,

Townships 25 & 26S,

Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from PIP (Planned Industrial Park) to PUD (Planned Unit Development) and removal of existing BCP's (Binding Concept Plan), be APPROVED, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 5, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Robin Fisher, Chairman
Brevard County Commission

As approved by Brevard County Commission on March 5, 2015.

ATTEST

SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – February 9, 2015)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

On motion by Commissioner Anderson, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

WHEREAS, CHARLES F. POSESS has requested a Small Scale Plan Amendment (14S.08) to change the Future Land Use from CC (Community Commercial), NC (Neighborhood Commercial), and Residential 4, to all CC, and a change of classification from RU-1-7 (Single-Family Residential) and BU-1 (General Retail Commercial) to all BU-1, on property described as: SEE ATTACHED

Section 01, Township 28 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved with a BDP (Binding Development Plan) excluding adult entertainment uses; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan excluding adult entertainment uses; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (14S.08) to change the Future Land Use from CC, NC, and Residential 4, to all CC, and a change of classification from RU-1-7 and BU-1 to all BU-1, be APPROVED with a Binding Development Plan, recorded in ORB 7315, Pages 744 through 747, dated 03/05/15, excluding adult entertainment uses, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 5, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:


by Robin Fisher, Chairman
Brevard County Commission
As approved by Brevard County Commission on March 3, 2015.

SCOTT ELLIS, CLERK
(SEAL)

(P&Z/LPA Hearing – January 5, 2015)
(BCC Zoning Hearing – February 5, 2015)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

14PZ-00107 Legal Description:

Lots 252, 253, 254, 255, 256, 257, 283, 284, 285, 286, 287, and 288, and a portion of lots 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 258, and 282, and a portion of the west ½ of vacated Sagamore Street and a portion of the east ½ of vacated Evergreen Street all as shown on Plat of Pine Grove Re-Subdivision, according to the plat thereof as recorded in Plat Book 4, Page 32, of the Public Records of Brevard County, Florida, and being more particularly described as follows: Begin at the intersection of the south right-of-way line of New Haven Ave (S.R. 500, a 114 ft. wide right-of-way), with the east line of said plat of Pine Grove; thence S00deg05'37"E along the east line of said plat, a distance of 455 ft.; thence west 329.26 ft. to the intersection with the centerline of vacated Evergreen St.; thence N00deg07'23"W along said centerline 455 ft. to the intersection with the said south right-of-way line of New Haven Ave.; thence east along said south right-of-way line 329.59 ft. to the point of beginning. **Section 01, Township 28S, Range 36E.** (3.44 acres)
Located on the south side of W. New Haven Ave., approx. 315 ft. east of Commodore St. (3535 W. New Haven Ave., Melbourne)