

On motion by Commissioner Fisher, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote (Commissioner Barfield absent):

**WHEREAS, EDWARD A. (III) & JENNIFER J. OSTOPOVICH** have requested a change of classification from GU (General Use) and RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as: SEE ATTACHED  
**Section 03, Township 20S, Range 34E, 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 GU and RR-1 to AU, be APPROVED, and that the zoning classification relating to the above described property remain unchanged, 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 September 1, 2016.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
by Curt Smith, Vice Chairman  
Brevard County Commission

As approved by Brevard County Commission on September 1, 2016.

ATTEST



SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – August 8, 2016)

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.

16PZ00046 Resolution (Contd.)

Legal description: A tract of land described in ORB 2746, Page 2784; ORB 1271, Page 432; ORB 1310, Page 613; ORB 1268, Page 262; and ORB 1184, Page 831; said lands lying in **Section 3, Township 20S, Range 34E**, also being a part of Indian River Park Subdivision of Bernardo Segui Grant, Plat Book 2, Page 33; all as recorded in the Public Records of Brevard County, Florida. Commence at the S  $\frac{1}{4}$  corner of Section 3, Township 20S, Range 34E, thence run N17deg00'00"W, along the center line of aforesaid Section 3, a distance of 890 ft., to a point; thence run N79deg01'04"E, a distance of 25.14 ft. to a point lying on the east right-of-way line of International Blvd. a 50-ft. right-of-way, said point being the point of beginning of lands herein described; thence run N79deg01'04"E, along the south line of ORB 1139, Page 237; and the south line of Tax Parcel 412; a distance of 410 ft. to the SE corner of aforesaid parcel 4.12; thence run N17deg00'00"W, a distance of 430 ft. to the NW corner of ORB 1310, Page 613; thence N79deg01'04"E, a distance of 290 ft. to the NE corner of ORB 1268, Page 262; thence S17deg00'00"E, along the E line of ORB 1268, Page 262 a distance of 105 ft. to the SE corner of ORB 1268, Page 262; thence S79deg01'04"W, a distance of 145 ft. to the NW corner of ORB 1205, Page 360; thence S17deg00'00"E, a distance of 245 ft. to the NW corner of ORB 1184, Page 831; thence N79deg01'04"E, a distance of 145 ft. to the NE corner of ORB 1184, Page 831; thence S17deg00'00"E, a distance of 160 ft. to the SE corner of ORB 1184, Page 831; thence S79deg01'04"W, a distance of 145 ft. to the SW corner of ORB 1184, Page 831; thence S17deg00'00"E, a distance of 140 ft. to the SE corner of ORB 2746, Page 2784; thence S79deg01'04"W, a distance of 145 ft. to the SW corner of ORB 2746, Page 2784; thence N17deg00'00"W, along the W line of the aforesaid ORB 2746, Page 2784 a distance of 194.86 ft. to the NE corner of ORB 2736, Page 1910; thence S79deg00'00"W, along the north line of ORB 2736, Page 1910 a distance of 410 ft. to a point on the E right-of-way line of International Blvd. thence N17deg00'00"W, a distance of 25.14 ft. to the point of beginning. Containing 3.26 acres, including all road right-of-way reservations. Reserving therefrom, the northerly 25 ft. of lands described in ORB 1310, Page 613, and the westerly 25 ft. of lands described in ORB 1268, Page 262, for road right-of-way purposes all as recorded in the Public Records of Brevard County, Florida. Proposed vacated road right-of-way reservations described as follows: Parcel No. 1: The easterly 25 ft. of lands described in ORB 1310, Page 613, lying southerly of a 25 ft. road right-of-way reservation along the N line thereof. Parcel No. 2: The easterly 25 ft. of land described in ORB 1271, Page 432, together with Parcel No. 3: The westerly 25 ft. of lands described in ORB 1184, Page 831, all as recorded in the Public Records of Brevard County, Florida. (2.89 acres) Located on the east side of International Ave., approx. 700 ft. north of Golden Shores Blvd. (5175 International Ave., Mims)

On motion by Commissioner Infantini, seconded by Commissioner Fisher, the following resolution was adopted by a unanimous vote (Commissioner Barfield absent):

**WHEREAS, RIVERSIDE COMMONS, LLC** - has requested a Small Scale Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), and a change of classification from RU-2-6 (Low-Density Multi-Family Residential) to BU-1 (General Retail Commercial), on property described as follows: a parcel of land lying in the NE ¼ of **Section 35, Township 25S, Range 36E**, Brevard County, Florida, the same being more particularly described as follows: Commence at the NW corner of Stonebridge, according to the plat thereof recorded in Plat Book 42, Page 59, of the Public Records of Brevard County, Florida; thence run N89deg48'45"W along the N line of said Section 35 a distance of 350 ft. to a point on the easterly right-of-way line of US Hwy 1; thence run S18deg28'18"E along said easterly right-of-way line a distance of 331.17 ft. to a point of beginning of said parcel; thence continue S18deg28'18"E along said easterly right-of-way line a distance of 331.17 ft.; thence leaving said easterly right-of-way line run 89deg48'45"E a distance of 350 ft. to a point on the westerly boundary of said Stonebridge, thence run N18deg28'18"W along said westerly boundary a distance of 331.17 ft.; thence leaving said westerly boundary of said Stonebridge, thence run N89deg48'45"W parallel with the north line of said Section 35 a distance of 350 ft. to the point of beginning. Except portion of property zoned EA (Environmental Area) (2.52 acres +/-). Located on the east side of Hwy. 1, approx. 780 ft. north of Rockledge Dr. (No assigned address. In the Rockledge area.)

**Section 36, Township 25, Range 36E, 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 denied (\*); 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 Small Scale Plan Amendment to change the Future Land Use designation from NC to CC, and a change of classification from RU-2-6 to BU-1, be APPROVED, and that the zoning classification relating to the above described property remain unchanged, 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 September 1, 2016.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
by Curt Smith, Vice Chairman  
Brevard County Commission

As approved by Brevard County Commission on September 1, 2016.

ATTEST:  


SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – August 8, 2016)  
(\* ) LPA Recommendation – Denied Small Scale Plan Amendment

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.