

III. PUBLIC HEARINGS

**B. PLANNING & ZONING BOARD (Local Planning Agency)
MONDAY, NOVEMBER 24, 2014, at 3:00 p.m.**

&

**BOARD OF COUNTY COMMISSIONERS
THURSDAY, DECEMBER 4, 2014 at 5:00 P.M.**

Both at the

**BREVARD COUNTY GOVERNMENT CENTER
2725 Judge Fran Jamieson Way
Bldg. C, Commission Room
Viera, Florida**

P&Z AGENDA:

DISTRICT 4

III.B.1. (14PZ-00096) – SPACE COAST CREDIT UNION AND SAN MARCO CENTER, LLC – (Jake Wise, P.E.) – request a change of classification from BU-1 to PUD, and removal of existing BDP's, on 18.25 +/- acres, located on the southwest corner of N. Wickham Rd. and Baytree Dr. (8025 N. Wickham Rd.; 8045 N. Wickham Rd.; and 8145 (Bldg. A) N. Wickham Rd, Viera)

P&Z Recommendation: Barber/Goggin – Approved. Vote was 7:1, with Aneta Ott voting nay.

BCC ACTION: Smith/Barfield – APPROVED with a Binding Development Plan allowing the Baytree Subdivision monument to remain in place in a manner County staff can approve, and additional landscape buffering on each side of the property line between the subject property and the Baytree Subdivision. Vote was unanimous. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF BDP.

DISTRICT 3

III.B.2. (14PZ-00100) – CENTENNIAL BANK – (Michael McNees, City of Melbourne) – requests a change of classification from BU-1 to GML(H), on 3.71 acres, located on the west side of Hwy A1A, approx. 0.62 mile south of Oak St. (No assigned address. In the Melbourne Beach area.)

P&Z Recommendation: Aydelotte/Ott – Approved. Vote was unanimous.

BCC ACTION: Anderson/Infantini – APPROVED. Vote was unanimous. 14PZ-00100.

DISTRICT 4

THE FOLLOWING ITEM WAS TABLED FROM THE 11/10/14 P&Z MEETING

III.B.6. (14PZ-00082) – EAGLE PROPERTIES OF VIERA, LLC – (Jake Wise, P.E.) – requests a change of classification from PIP to PUD and removal of existing BCP's, on 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)

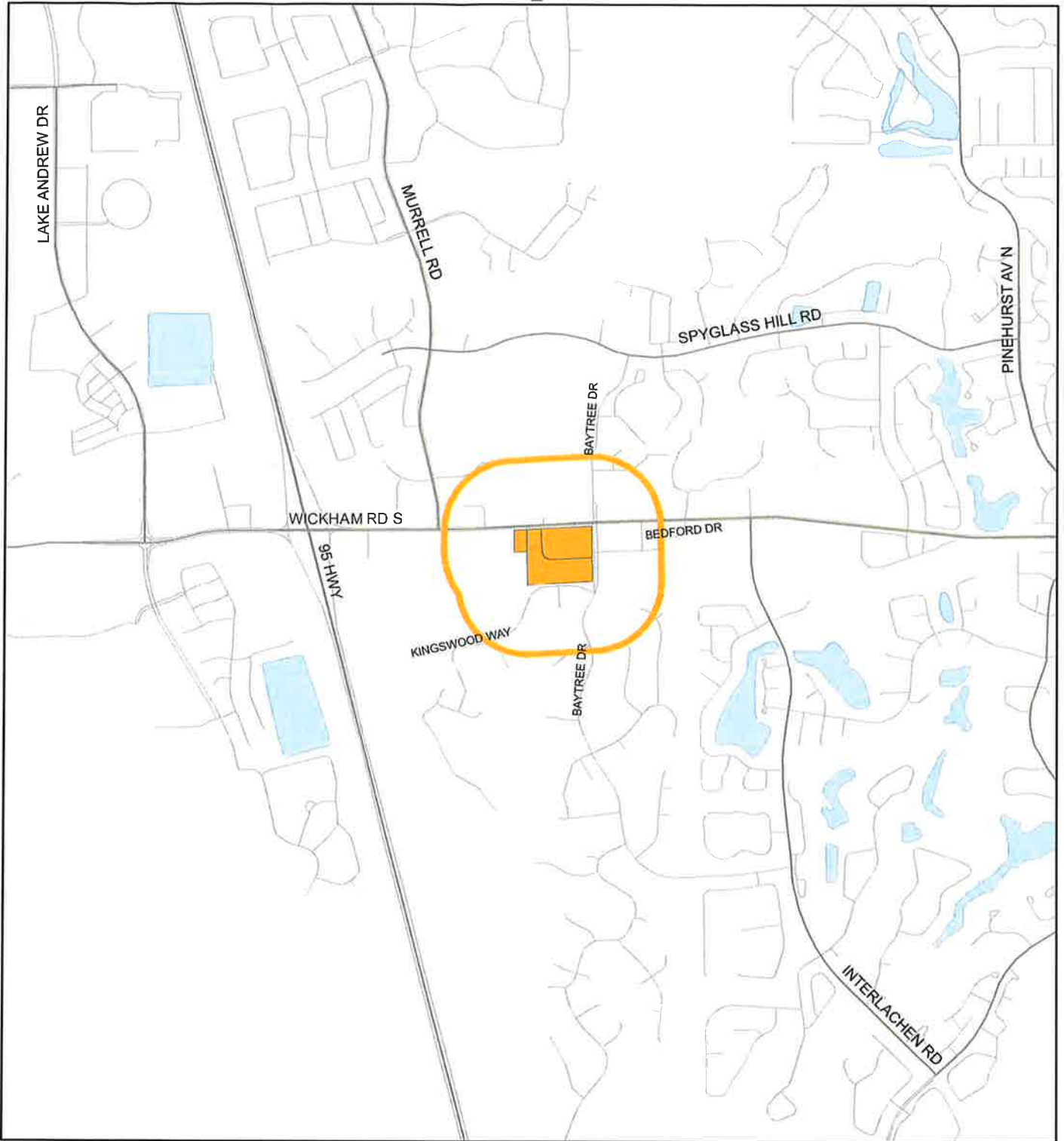
P&Z Recommendation: Ott/Moia – Tabled to the 01/05/15 P&Z meeting. Vote was unanimous.

BCC ACTION: Infantini/Smith – TABLED to the 02/05/15 BCC meeting. Vote was unanimous.

PLANNING AND ZONING BOARD RECOMMENDATIONS OF NOVEMBER 10, 2014, AND NOVEMBER 24, 2014



- III.B.1. Mortgage Investment Fund I. Anderson/Infantini, tabled to the February 5, 2015, Zoning meeting.
- III.B.2. Chad Genoni. Anderson/Infantini, approved as recommended.
- III.B.3. Chad Genoni. Withdrawn by applicant.
- III.B.4. Chad Genoni. Anderson/Smith, approved as recommended.
- III.B.5. Jason and Staci S. Walden. Infantini/Barfield, tabled to February 5, 2015, Zoning meeting.
- III.B.6. Eagle Properties of Viera, LLC. Infantini/Smith, tabled to the February 5, 2015, Zoning meeting.
- III.B.7. James E. Thompson. Infantini/Anderson, approved as recommended.
- III.B.8. Chris Conneen. Infantini/Anderson, approved as recommended.
- III.B.9. Thomas Lang. Smith/Barfield, approved with a Binding Development Plan; and adopted Ordinance No. 14-35, Small Scale Plan Amendment (14S.07)
- III.B.10. Jake Wise, P.E. Smith/Barfield, approved with a Binding Development Plan.
- III.B.11. Michael McNees, City of Melbourne. Anderson/Infantini, approved as recommended.

LOCATION MAP
SPACE COAST CREDIT UNION
14PZ_00096



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 1000 feet

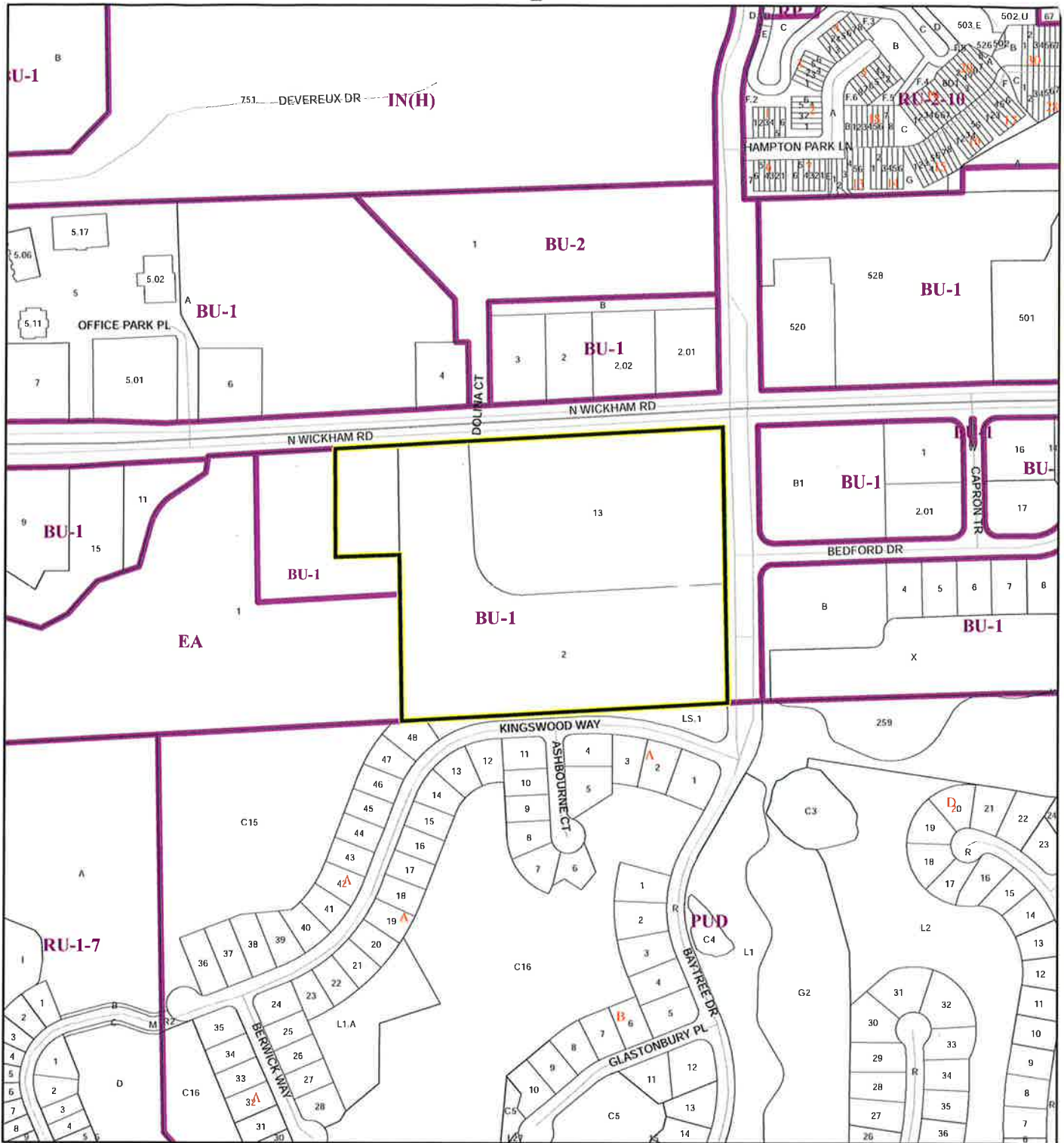
-  Buffer
-  Subject Property

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.

ZONING MAP

SPACE COAST CREDIT UNION

14PZ_00096



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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 herein.

This Instrument Prepared By
And To Be Returned To:
Kim Rezanka, Esquire
DEAN MEAD
7380 Murrell Road, Suite 200
Melbourne, Florida 32940
(321) 259-8900

FVI
ROI, LLC
III.6.1.

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this ____ day of _____, 2015, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and ~~QUADS Trust Company~~ ROI, LLC, a Maryland corporation an Oregon Limited Liability Company (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner desires to develop the property as Mini Warehouses and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. ~~Developer/Owner shall provide a thirty (30') foot buffer on the west portion of the property, which fronts on SR3 and shall consist of natural vegetation. A 20' opaque buffer on the east side shall always be there. Use limited to all permitted uses in the BU-1 Zoning Classification mini-warehouse and restricted to storage and no manufacturing.~~

3. The Developer/Owner shall limit density to N/A units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

4. The Developer/Owner shall limit ingress and egress to a single access drive from North Courtenay Parkway.

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property in annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to the signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Scott Ellis, Clerk
(SEAL)

Robin Fisher, Chairperson
As approved by the Board on _____

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Robin Fisher, Chairperson of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My Commission Expires: _____
Notary Public

(Name typed, printed or stamped)

SEAL
Commission No.: _____

WITNESSES: DEVELOPER/OWNER
ROI, LLC
2250 NW Flander Street
Suite Garden 02
Portland, OR 97210

(Witness Name typed or printed)

Managing Member

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, Managing Member of _____, who is personally known to me or who has produced _____ as identification.

My Commission Expires: _____
Notary Public

(Name typed, printed or stamped)

SEAL
Commission No.: _____

This Instrument Prepared By
And To Be Returned To:
Kim Rezanka, Esquire
DEAN MEAD
7380 Murrell Road, Suite 200
Melbourne, Florida 32940
(321) 259-8900

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this ____ day of _____, 2015, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and ~~QUADS Trust Company RO1, LLC, a Maryland corporation~~ an Oregon Limited Liability Company (hereinafter referred to as "Developer/Owner").

RECITALS

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WHEREAS, Developer/Owner desires to develop the property as Mini Warehouses and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. ~~Developer/Owner shall provide a thirty (30') foot buffer on the west portion of the property; which fronts on SR3 and shall consist of natural vegetation. A 20' opaque buffer on the east side shall always be there. Use limited to all permitted uses in the BU-1 Zoning Classification mini-warehouse and restricted to storage and no manufacturing.~~

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7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property in annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

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IN WITNESS THEREOF, the parties hereto have caused these presents to the signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Scott Ellis, Clerk
(SEAL)

Robin Fisher, Chairperson
As approved by the Board on _____

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Robin Fisher, Chairperson of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

Notary Public

My Commission Expires:

(Name typed, printed or stamped)

SEAL

Commission No.: _____

WITNESSES:

DEVELOPER/OWNER

RO1, LLC
2250 NW Flander Street
Suite Garden 02
Portland, OR 97210

(Witness Name typed or printed)

Managing Member

(Witness Name typed or printed)

(Name typed, printed or stamped))

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, Managing Member of _____, who is personally known to me or who has produced _____ as identification.

Notary Public

My Commission Expires:

(Name typed, printed or stamped)

SEAL

Commission No.: _____

III. PUBLIC HEARINGS

B. PLANNING & ZONING BOARD
MONDAY, January 5, 2015 – 3:00 P.M.
&
BOARD OF COUNTY COMMISSIONERS
THURSDAY, February 5, 2015 – 5:00 P.M.

Both at the
BREVARD COUNTY GOVERNMENT CENTER
2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

DISTRICT 1

III.B.1. (14PZ-00111) – DEE SMITH – (Polly Hall) - requests a change of classification from AU to RU-2-4 on 1.73 acres +/-, located on the south side of LaGrange Rd., approx. 260 ft. west of U.S. 1. (2425 LaGrange Rd., Titusville)

P&Z Recommendation: Barber/LaMarr – Approved with a BDP limited to 4 units. Vote was unanimous.
BCC ACTION: Anderson/Infantini – APPROVED with a BDP limited to 4 units. Vote was unanimous. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

III.B.2. (14PZ-00112) – SHANTI GOTAMI AND XEM THI NGUYEN – request a change of classification from GU to IN(L), on 3.48 acres, located on the north side of S.R. 524, approx. 390 ft. northeast of Friday Rd. (4840 S.R. 524, Cocoa)

P&Z Recommendation: Aydelotte/McLellan – Approved. Vote was unanimous.
BCC ACTION: Anderson/Barfield – APPROVED. Vote was unanimous. 14PZ-00112.

DISTRICT 2

III.B.3. (NMI ITEM)

DISTRICT 4

III.B.4. (14PZ-00106) – JOHN D. HALEY – (Hassan Kamal, P.E.) – requests a change of classification from RU-1-9 to RU-1-7, with a BDP limited to three (3) lots, on 1.45 acres, located on the east side of U.S. Hwy 1, approx. 700 ft. north of Post Rd. (4131 N. Hwy 1, Melbourne)

P&Z Recommendation: McLellan/Moia – Approved with a BDP limited to 3 lots. Vote was unanimous.
BCC ACTION: Infantini/Anderson – APPROVED with a BDP limited to 3 lots. Vote was unanimous. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

PLANNING AND ZONING BOARD TABLED ITEM FROM DECEMBER 4, 2014

- III.A.1 Mortgage Investment Fund I, LLC. Infantini/Barfield, denied with no special events permits allowed until becoming compliant with the letter received from Natural Resources Management Department.

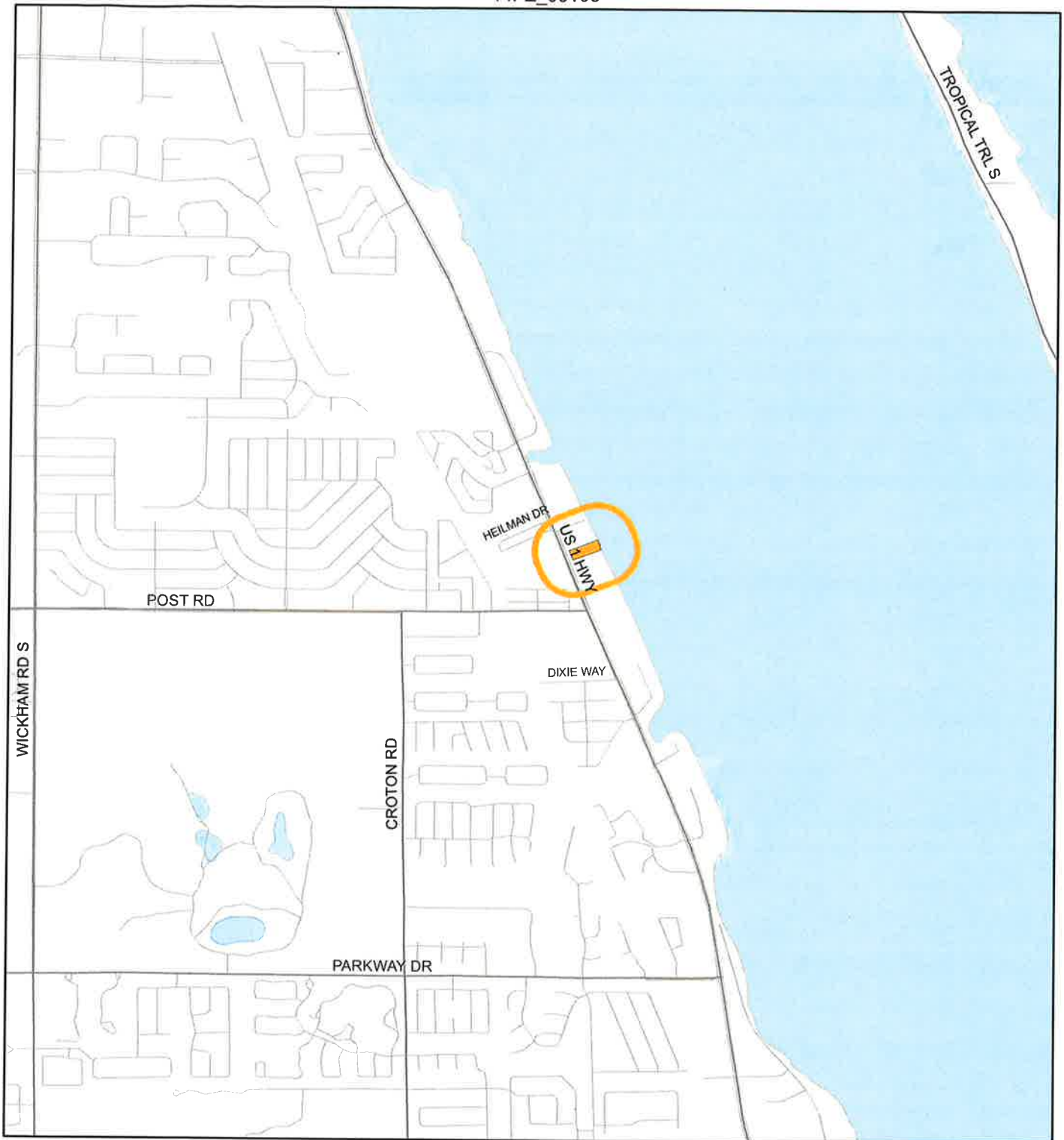
PLANNING AND ZONING BOARD RECOMMENDATIONS OF JANUARY 5, 2015

- III.B.1. Dee Smith. Anderson/Infantini, approved as recommended.
- III.B.2. Shanti Gotami and Xem Thi Nguyen. Anderson/Barfield, approved as recommended.
- III.B.3. Brad A. Lange. Infantini/Anderson, approved as recommended.
- III.B.4. John D. Haley. Infantini/Anderson, approved as recommended.
- III.B.5. Charles F. Possess. Anderson/Smith, approved as recommended.
- III.B.6. Mohammad H. Malik. Anderson/Infantini, approved as recommended.
- III.B.7. Jason A. and Staci S. Walden. Smith/Anderson, approved as recommended.
- III.B.8. Eagle Properties of Viera, LLC. Barfield/Infantini, tabled to March 5, 2015 Zoning meeting.

LOCATION MAP

HALEY, JOHN

14PZ_00106



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

 Buffer

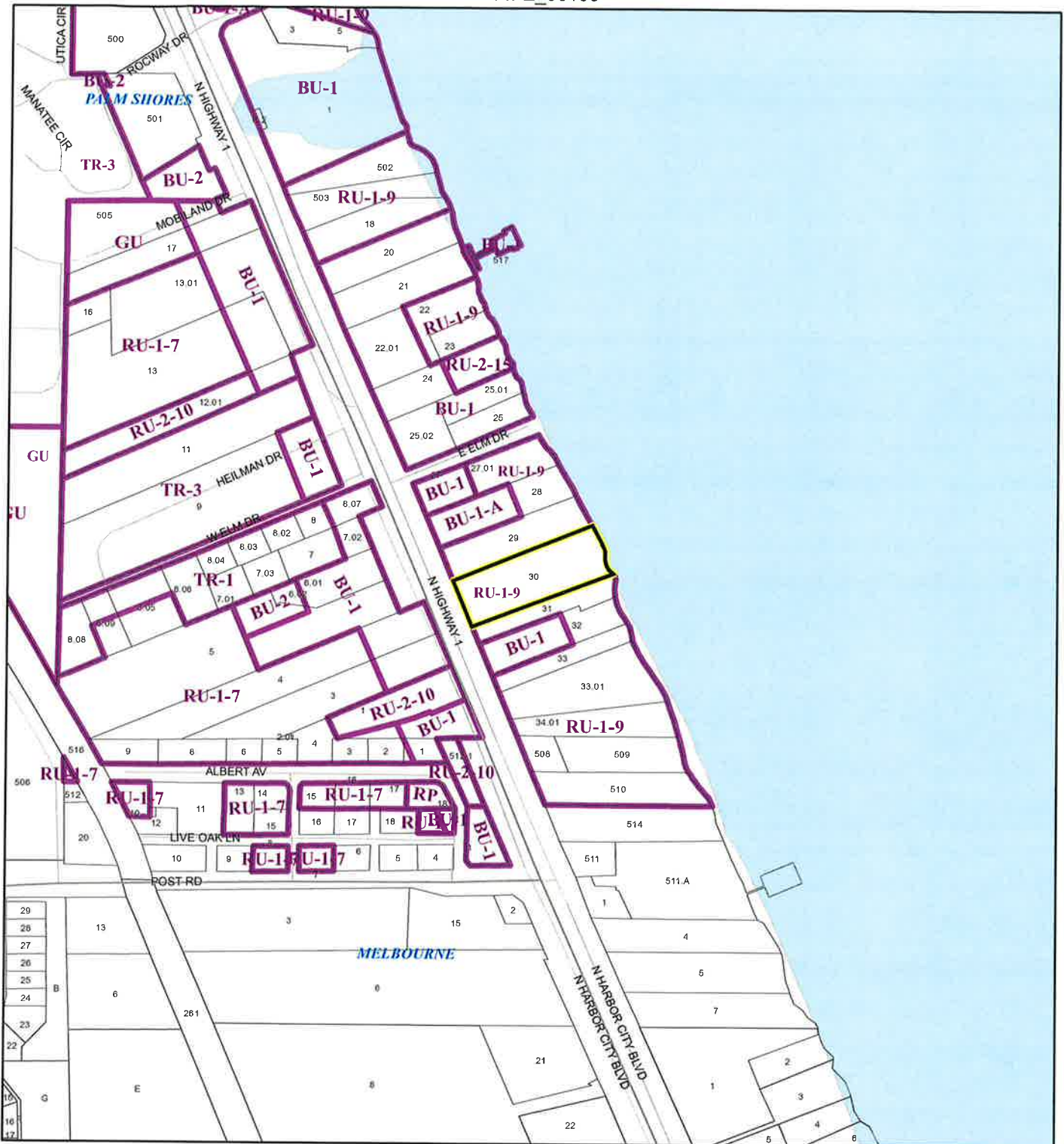
 Subject Property

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 11/7/2014

ZONING MAP

HALEY, JOHN
14PZ_00106



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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III. PUBLIC HEARINGS

A. Tabled Items

B. P&Z Recommendations of February 9, 2015, and NMI Recommendations of February 12, 2015

DISTRICT 2

III.B.1. (14PZ-00118) – RO1, LLC – (Kim Rezanka, Dean Mead) – requests removal of a BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on 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)

NMI Recommendation: Cook/Balke – Denied. Vote was unanimous.

DISTRICT 4

III.B.2. (14PZ-00082) – EAGLE PROPERTIES OF VIERA, LLC, AND ANNA JACKOWSKA – (Jake Wise, P.E.) – requests a change of classification from PIP (Planned Industrial Park) to PUD (Planned Unit Development) and removal of existing BCP's (Binding Concept Plan), on 45.37 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)

P&Z Recommendation: Aydelotte/Lawandales – Approved. Vote was unanimous.