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August 10, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item III., Letter of Concern to City of Palm Bay for the Deer Run Community Notice of Annexing Property Abutting City Limits of Palm Bay

The Board of County Commissioners, in regular session on August 9, 2016, authorized you to create a Letter of Concern to send to the City of Palm Bay informing them that the Brevard County Board of County Commissioners are in objection to the mine, and for the concern of the Deer Run community annexing property that is abutting the City limits of Palm Bay, and to provide all County background information in Finding of Facts to help delay the City's decision at its August 16, 2016, City of Palm Bay Regular Council meeting. Enclosed is a copy of the Letter of Concern.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Donna Scott
Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Each Commissioner
County Manager
County Attorney



BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

August 12, 2016

Hon. William Capote
City of Palm Bay
120 Malabar Road SE
Palm Bay, FL 32907

SUBJECT: Annexation A-1-2016, Comprehensive Plan Amendment CP-1-2016, Rezoning No. CPZ-1-2016
and Conditional Use Permit No. CU-1-2016
Applicant: Roy Wayne Yates

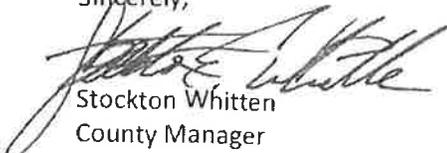
Dear Mayor Capote:

Property owners from the Deer Run community, immediately north of the above captioned applicant's property, appeared before the Board of County Commissioners at the meetings of August 4, 2016 and August 9, 2016 expressing their objection to the subject annexation, Comprehensive Plan amendment, rezoning, and conditional use permit applications. The Deer Run residents expressed concerns regarding these applications that are pending City Council approval on August 16, 2016.

Consistent with the direction given to me by the motion of the Board of County Commissioners on August 9, 2016, I am apprising you the applicant has previously sought County approval to expand the mining operation on this property. In August, 2006, a Conditional Use Permit application requested a 15.56 acre expansion of an existing 5 acre borrow pit. The County Planning & Zoning Board (P&Z) voted 9:1 to recommend denial of the application. The application was subsequently withdrawn prior to the BCC taking action on the application. In November 2010, a similar Conditional Use Permit application was recommended for denial by the P&Z and denied by the BCC. Findings of Fact upholding the denial were approved by the BCC on January 11, 2011 (copy enclosed). Lastly, in November, 2015, the P&Z denied his request to expand the existing 5 acre borrow pit to approximately 17.61 acres (15PZ00051). The application was withdrawn, however, prior to consideration by the BCC.

Brevard County received courtesy notice of Conditional Use Permit No CU-1-2016 on July 29, 2016. Pursuant to Section 4 of the City/County Joint Planning Agreement (JPA), executed on July 26, 2016, "...the party of primary jurisdiction within fifteen (15) calendar days after receipt of a particular Development Order plan or application courtesy copy, then the processing of said plan or application by the agency of primary jurisdiction shall be delayed for a period not to exceed fifteen (15) calendar days to permit time to resolve the concerns noted..." Based upon the foregoing, the County requests that the City delay its decision on the conditional use application currently scheduled for August 16, 2016 until you have an opportunity to consider all the enclosed documentation associated with the applications submitted to the County in 2006, 2010, and 2015 and make them part of the City's record.

Sincerely,


Stockton Whitten
County Manager