

Meeting Date
December 20, 2016



AGENDA	
Section	Consent
Item No.	II.D.3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Banana Riverfront, LLC 1. Small Scale Comprehensive Plan Amendment 2. Rezoning Request from BU-1 to RU-2-15 3. Request for Conditional Use Permit for the Sale of Alcoholic Beverages for on Premises Consumption.
DEPT/OFFICE:	County Attorney/Eden Bentley, Deputy County Attorney

Requested Action:

1. Approve findings of fact upholding denial of small scale comprehensive plan amendment.
2. Approve findings of fact upholding denial of the request for rezoning 2.44 acres from RU -2-15 to BU-1.
3. Approve findings of fact upholding denial of request for conditional use permit for the sale of alcoholic beverage for on premises consumption.

Summary Explanation & Background:

On November 3, 2016, the Board of County Commissioners heard the requests listed above. The Board moved to deny each request and directed the staff to return to the Board with findings of fact. The requested resolutions are attached. For convenience, only one package of the record is attached. The record is the same for all three items and the record presented will be attached to all three resolutions. Please note the record was sent electronically to each Board member electronically and paper copy of the full record will be available in the clerk's files at the meeting.

Options:

1. Approve, deny or modify findings of fact.
2. Approve, deny or modify findings of fact.
3. Approve, deny or modify findings of fact.

Contact:

Phone/e-mail: 633-2090/Eden.Bentley@brevardfl.gov

Clerk to the Board Instructions: **3 Resolutions**

Exhibits Attached: Resolution with Exhibits

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager		Department Director / Extension Scott Knox/52090			
Stockton Whitten		Assistant County Manager					



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 21, 2016

M E M O R A N D U M

TO: Scott Knox, County Attorney Attn: Eden Bentley

RE: Item II.D.3., Resolutions to Approve Findings of Fact for Banana Riverfront, LLC, Upholding Denial of Small Scale Comprehensive Plan Amendment, Rezoning Request from RU-2-15 to BU-1, and Request for Conditional Use Permit for the Sale of Alcoholic Beverages for On Premises Consumption

The Board of County Commissioners, in regular session on December 20, 2016, adopted Resolution Nos. 16-223, 16-224, and 16-225, approving Findings of Fact for Banana Riverfront, LLC, upholding denial of Small Scale Comprehensive Plan Amendment, rezoning request from RU-2-15 to BU-1, and request for Conditional Use Permit for the sale of alcoholic beverages for on premises consumption. Enclosed are certified copies of each Resolution.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encls. (3)

cc: Planning and Development Director

II, D, 3, Attachments

Daughtry, Sandy

From: Bentley, Eden
Sent: Monday, December 12, 2016 12:10 PM
To: Daughtry, Sandy; Lewis, Sally A
Cc: DiFabio, Robin M; Fox, Cynthia C; Knox, Scott L; Cummings, Cathleen
Subject: FW:
Attachments: Banana River LLC Findings of Fact format with exhibit list .doc Conditional Use permit.doc; AGENDA Request Banana Riverfront..docx; Banana River LLC Findings of Fact format with exhibit list doc comp plan.doc; Banana River LLC Findings of Fact format with exhibit list doc Rezoning.doc

Importance: High

Sandy and Sally- There is already an agenda item for this one under County Attorney. You will find 3 resolutions. Each resolution will have to have the record attached when the item is decided. All 3 resolutions have the same record because all three requests traveled through the system together. The record is over 500 pages though, so we are trying to save paper. You can see the record by using the link below. We will also be putting the record into a share file so we can send it to Ms. Rezanka. If you want us to just bring you paper, we can do that, just let me know.

From: Bentley, Eden
Sent: Monday, December 05, 2016 3:13 PM
To: Knox, Scott L; DiFabio, Robin M; Fox, Cynthia C
Subject: FW:

The exhibits/record are on the J Drive [J:\Eden\Banana Riverfront LLC \(Squid Lips\) FOF Exhibits bates number.pdf](#)

FOF

Stockton, II, D, 3, Attachments 12/12/16
from EDEN
WITH YOUR APPROVAL - I WILL
ADD THE 3 ATTACHMENTS TO
TEAM II, D, 3,
WITH THE ATTACHMENTS WITH YOUR
APPROVAL, I WILL FORWARD YOU
EDEN'S E-MAIL WITH THE LINK
SO THAT YOU CAN TAKE A
LOOK AT IT,
SANDY [Signature]

RECEIVED
DEC 12 2016
County Manager's Office

RECORD ON APPEAL

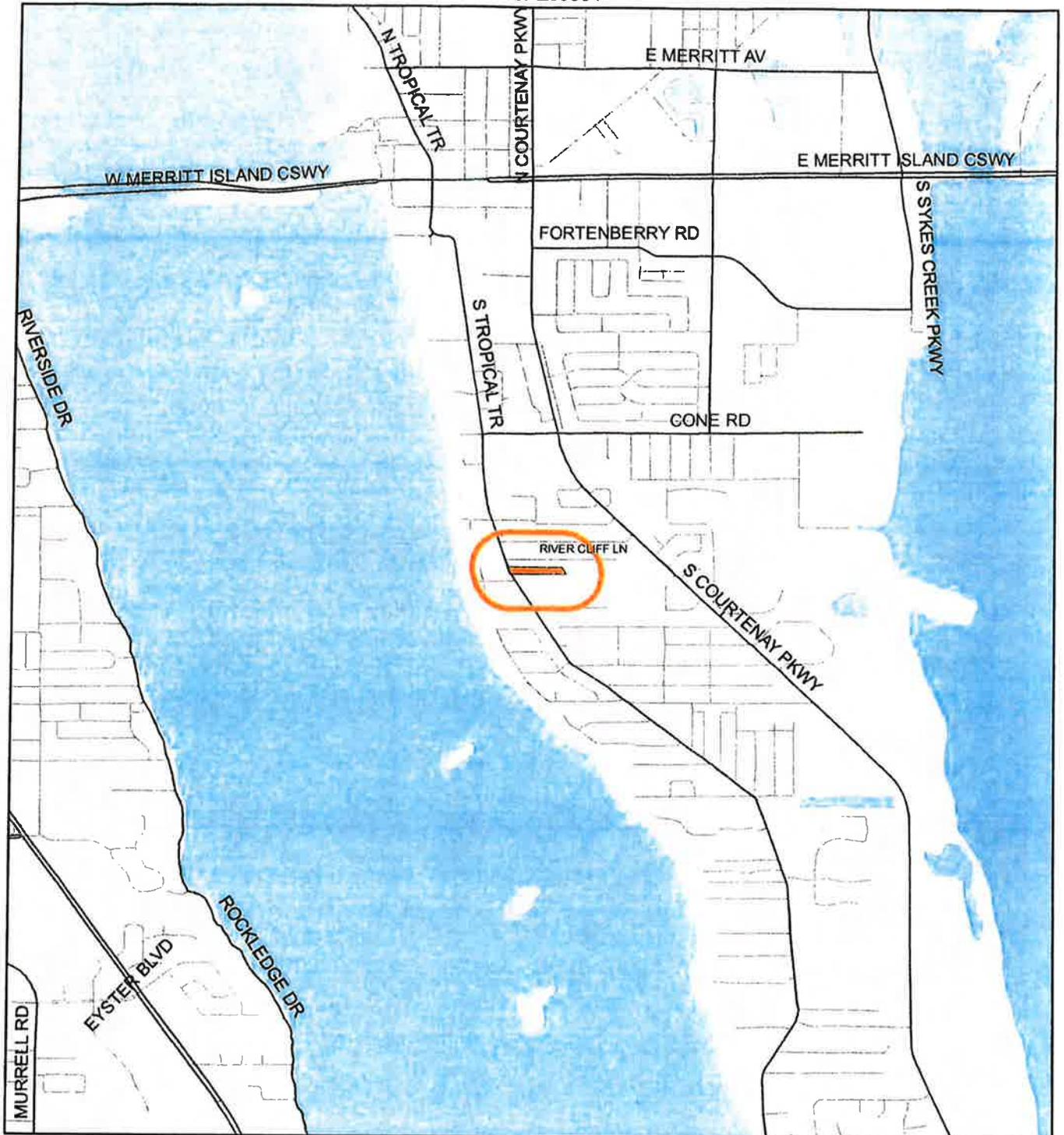
Description	Page Numbers
Location Map, Aerial Map, and Future Land Use Map	R-001 to R-003
Zoning Map	R-004
Certification and Brevard County Planning and Development Office file for 16PZ00064 Janice Renk	R-005 to R-079
Map TOWNSHIP 25, RANGE 36, SECTION 02 16PZ00064	R-006
Brevard County Planning And Development Application For Zoning Action, Comprehensive Plan Amendment Or Variance 16PZ00064	R-007 to R-008
Calculation of Public Hearing Application Fees – Zoning Office and Accela Fee Sheet 16PZ00064	R-009 to R-010
Receipt dated 6/9/16 16PZ00064	R-011
Zoning Information Worksheet 16PZ00064	R-012
Notice to Applicants for Change of Land Use 16PZ00064	R-013
Quit Claim Deed	R-014 to R-015
Authorization To Act As Applicant – Robert Potter 16PZ00064	R-016
Surveyor's Map 16PZ00064	R-017
Brevard County Property Appraiser Property Information 892 S Tropical Tr. Merritt Island FL 32952 16PZ00064	R-018
Plat Map 892 S. Tropical Tr. Merritt Island FL 32952 16PZ00064	R-019
School Board of Brevard County - RE: Proposed Renk Property Rezoning, School Impact Analysis - Capacity Determination CD-2016-06 dated 6/7/16	R-020 to R-022
Brevard County Planning & Development Department letter to applicant dated 07/22/16 re Public Hearing on 8/8/16	R-023
Courtesy Notices, Radius Map, Address Labels, List of Affected Properties 16PZ00064	R-024 to R-034
Existing Zoning of Subject Property(ies) at Time of Application: 16PZ00064	R-035 to R-036
Location Map Janice Renk 16PZ00064	R-037
Zoning Map Janice Renk 16PZ00064	R-038
Future Land Use Map Janice Renk 16PZ00064	R-039
Aerial Map Janice Renk 16PZ00064	R-040
P&Z Staff Comments, 8/8/16 16PZ00064	R-041 to R-042
Affidavit Robert Potter 9/12/16 16PZ00064	R-043
P&Z Staff Comments, 9/12/16 16PZ00064	R-044 to R-046
BCPS Proposed Renk Property Rezoning School Impact Analysis - Capacity Determination CD-2016-06 for 9/12/16 meeting	R-047 to R-048
Sanitary Sewer Service, Capacity Availability Certificate for 9/12/16 meeting	R-049
Objections and photographs for 9/12/16 meeting	R-050 to R-079
P&Z minutes dated 8/8/16	R-080 to R-085
P&Z minutes dated 9/12/16	R-086 to R-107
Section 62-1371, Code of Ordinances of Brevard County, Florida - RU-2-8	R-108 to R-111
Section 62-1341, Code of Ordinances of Brevard County, Florida - RU-1-9	R-112 to R-113
Section 62-1334, Code of Ordinances of Brevard County, Florida - AU	R-114 to R-117

Section 62-1339, Code of Ordinances of Brevard County Florida - EU	R-118 to R-120
Administrative Policies ,Future Land Use Element, Comprehensive Plan of Brevard County, Florida	R-122 to R-125
Deed printout provided by Ms. Michelman to BCC, 11/3/16	R-126
Minutes of the Board Meetings	R-127 to R-141

LOCATION MAP

RENK, JANICE

16PZ00064



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

Buffer Distance: 500 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.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

AERIAL MAP

RENK, JANICE
16PZ00064



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2016

 Subject Property

 Parcels

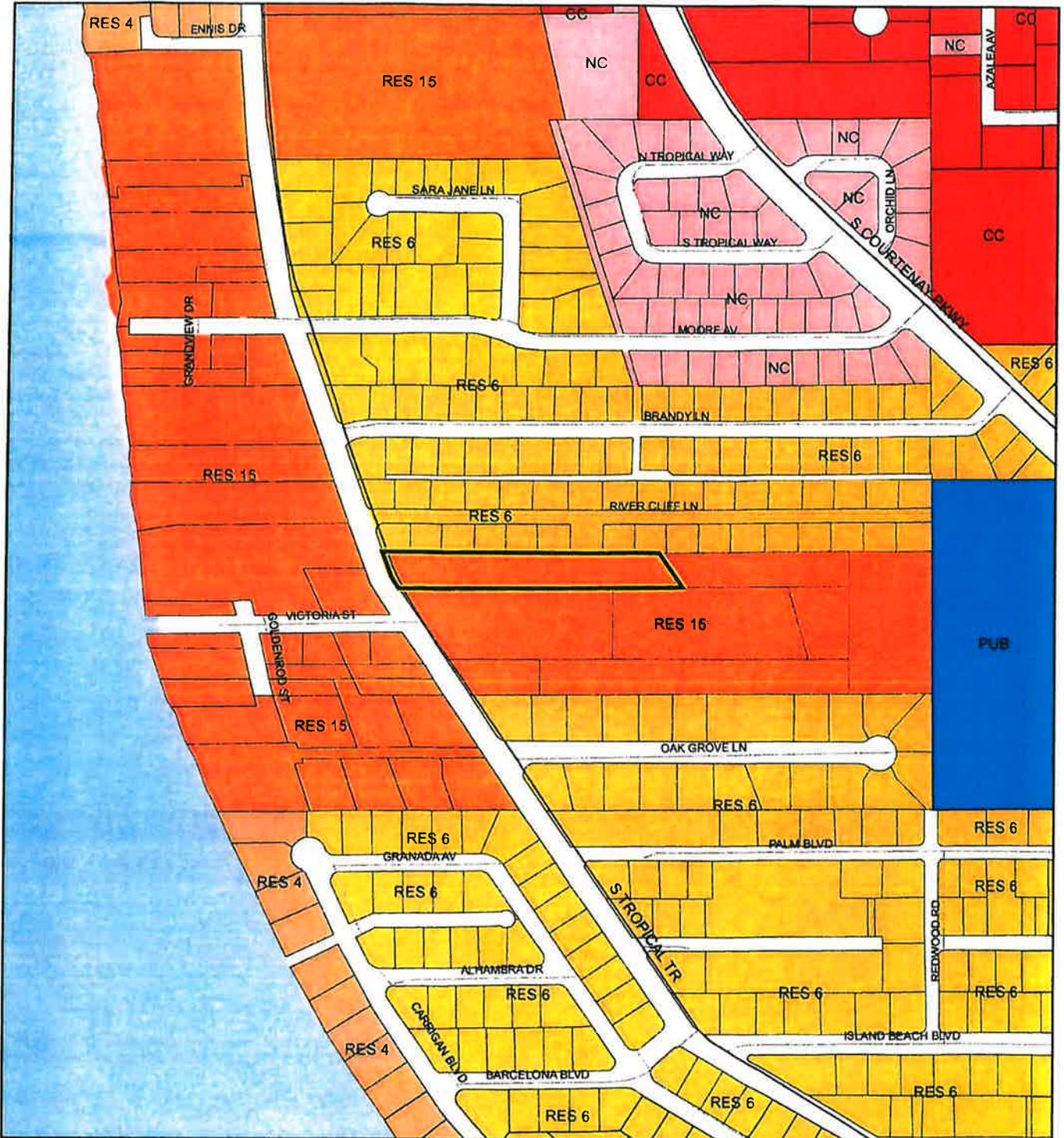
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

FUTURE LAND USE MAP

RENK, JANICE

16PZ00064



1:4,800 or 1 inch = 400 feet

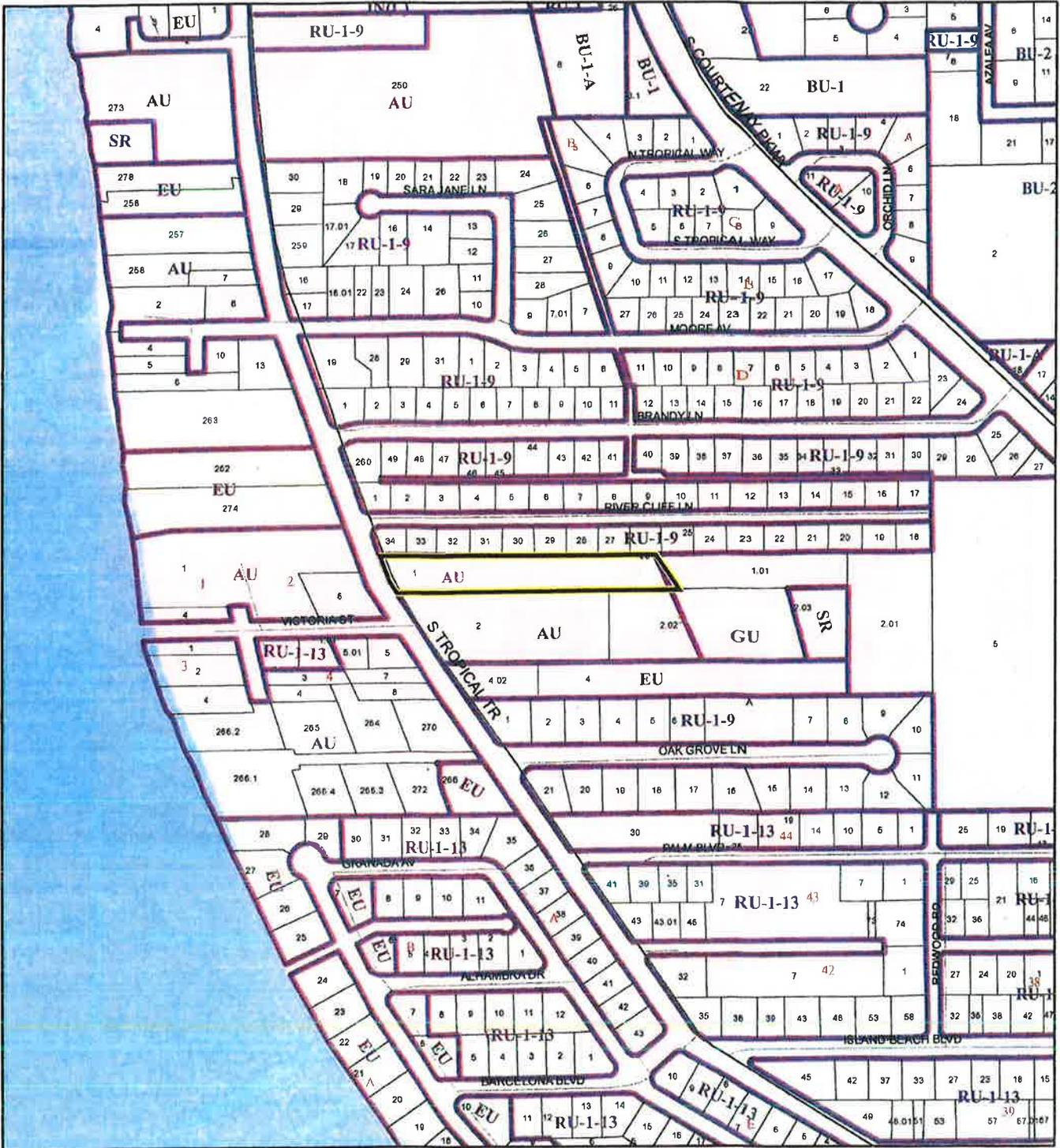
-  Subject Property
-  Parcels

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.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

ZONING MAP

RENK, JANICE
16PZ00064



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 hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

CERTIFICATION

This is to certify that this is a true and correct copy as maintained in the Brevard County Planning and Zoning Office.

Robin M. DiFabio
Robin M. DiFabio, AICP, Director, Planning & Development Department, Brevard County, Florida

Sworn to and subscribed before me this 7th day of November, 2014.

Personally known to me



Jennifer Jones
Notary Public State of Florida at Large

My Commission Expires:



16P200064 - TRAIL RENK

AU + RU to RU-2-g

TOWNSHIP 25, RANGE 36, SECTION 02

16P200064

Legend

- Subject Property
- Turning Lines
- Sections
- Parcels
- Streets
- Zoning Easements
- Zoning Actions
- Municipality

For Brevard County
Planning & Zoning
Office Use Only



0 30 60 120
Feet
1 Inch = 135 Feet

Date: 6/24/2016



**BREVARD COUNTY PLANNING AND DEVELOPMENT
APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE**

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU RES 15 Existing Zoning AU + C-1
Proposed FLU N/A Proposed Zoning RU-2-8

APPLICATION NAME

- COMBINATION - COMPREHENSIVE PLAN AND REZONING (COCPR)
- COMPREHENSIVE PLAN (CP)
 - _____ Large Scale Amendment _____ Small Scale Amendment
 - _____ Text Amendment - Element _____
 - _____ Other _____
- REZONING (Without CUP) (RWOC)
- COMBINATION - ZONING AND CUP (CORC)
- CUP (Without zoning) (CUP)
- VARIANCE(S) (V)
- AA (AA)
 - AA Type: _____
- OTHER (O): _____

Tax Parcel: T 75 R 36 S 07 S/D 27 Blk/Par 5 Lot 1
Acreage of Request: 1.89
Reason for Request: Request to multifamily to allow for proposed multifamily development

COUNTY PLANNER USE ONLY

ACCELA# 16P200264 Fee \$ 1570
Date filed 6/9/16 Planner TS
District# 7 Tax Account ID# 2501521
(list all parcels)
Notification radius (feet) 500' Sign Issued
Meeting(s) Date Time
NMI _____
PSJ Board _____
P&D/LPA Aug 8, 2016 3:00pm
BCO Sept 1, 2016 6:00pm
BOA _____
JPA/MIRA/500' of Palm Bay Extension: Yes or No
If Yes, list which _____
Location: Eastside of S. Tropical approximately 102 ft. South of River Cliff Ln.
Detailed Description: Applicant intends to develop 17 duplex units (114 units total).

PROPERTY OWNER:

Name: Janice Schreiber Company: _____
Address: 1355 Phyllis Dr E-Mail: jschreiber2013@gmail.com
City: Merritt Island FL State FL Zip 32952
Phone: (321) 963 6381 Fax: (321) 452-2720 Cell: (321) 987 0810

APPLICANT IF OTHER THAN OWNER (check): Attorney _____ Agent _____ Contract Purchaser _____

Name: Robert Potter Company: _____
Address: _____ E-Mail: rpotter2013@yahoo.com
City: _____ State _____ Zip _____
Phone: () _____ Fax: () _____ Cell: () _____

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing: State of Florida county of Brevard. I, Janice Renk Schreiber being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
 I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

Janice Renk Schreiber 6-6-16
Signature of Property Owner/Authorized Representative Date

The foregoing instrument was acknowledged before me this 6 day of June, 2016, by Janice Schreiber who is Personally Known by me _____ OR Produced Identification X Type of Identification Produced Florida Drivers License

Lori Strohl
Notary Public Signature



ACCELA # 16P200064

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Survey 11" x 17" (max. size)	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	*Additional Documentation	Fees
		NUMBER OF COPIES REQUIRED															
Staff to check indicating receipt	✓	✓	✓	✓	✓	✓	✓	✓	X	X	X	✓					✓
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1					1					*	Y
Zoning request	1	1	1	1	1 ⁸	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement	1	1	1	1	4	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional Information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

CALCULATION OF PUBLIC HEARING APPLICATION FEES - ZONING OFFICE

PUBLIC HEARING APPLICATION FEES BASE FEE ACREAGE FEE UNIT FEE SUB-TOTAL

REZONING

Environmental Area	511.00		
Residential Professional	960.00		
General Use and Agricultural Use	849.00 *	() x 24 **	
Single-Family Residential	849.00 *	(-5) x 24 **	
Single-Family Mobile Home	849.00 *	(-5) x 24 **	
Commercial/Planned Commercial	1,184.00	() x 24	
Tourist Commercial	1,855.00	() x 45	
Industrial/Planned Industrial	1,855.00	() x 45	
Planned Unit Development	5,661.00	() x 45	
Single-Family Attached Residential	960.00	(15) x 24	360.00
Multiple-Family Residential	960.00	() x 24	
Recreational Vehicle Park	1,408.00	() x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00	() x 24	

CUP's or ROU APPLICATIONS:
 Fee per request (with rezoning) 447.00
 Fee per request (without rezoning) 849.00

OTHER APPLICATION FEES

Consultant Fee Retainer per Tower Application	6,934.00		
Transfer of Development Rights	1,520.00		
Comprehensive Plan Appeals (Vested Rights)			
One (5.0 acres or less) Single family residential	433.00		
All other appeals	1,733.00		
Variance/Appeals of Administrative Interpretation			
Base fee	598.00		
Fee for each additional request	182.00		
Special Hearing Fee for P & Z / LPA	3,692.00		
Special Hearing Fee for BOA	1,872.00		
All Other Unlisted Zoning Applications	849.00		
Miscellaneous			
SUB-TOTAL ****			
Office of Natural Resources review fee (if applicable) (\$250.00 for rezoning review, \$300.00 for flag lot & easement review)			\$750
Address Assignment review of flag lot & easement	50.00		
Land Development PUD Review Fee (\$100.00)			
TOTAL			

BASE FEE ADJUSTMENTS

* If area for these requests have the potential for only one more lot, fee is.....288.00
 ** Maximum acreage fees for these requests shall be.....2,240.00
 *** Maximum Planned Unit Development Fee shall be.....13,432.00
 **** Maximum fee for all other zoning requests shall be.....8,955.00

ACCELA FEE SHEET

R - 010

Fee Schedule: Zoning

Version: Version 1

Payment period	Priority	Subgroup	Fee Code	Fee Item	Quantity (Amount)
FINAL			PZ300	Zoning Variance	
FINAL			PZ310	Comprehensive plan	1,320
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	NRMO	250
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application/ Consultant Fee	
FINAL			PZ370	Land Development PUD Review	

RECEIPT

BREVARD COUNTY
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940



Application: 16PZ00064
Application Type: Development/Miscellaneous/Planning Zoning/NA
Address: 892 S TROPICAL TRL, MERRITT ISLAND, FL 32952

Receipt No.: 415185

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	2177	\$1,570.00	06/09/2016	NAOMI.ADKIN S	

Owner Info.: RENK, JANICE M
892 TROPICAL TRAIL S
MERRITT ISLAND, FL 32952

Work Description: Applicant intends to develop 7 duplex

Invoice #	Invoice Date	Period	Fee Item	Fee
437017	09-Jun-16	FINAL	NRMO	\$250.00
		FINAL	Zoning/Variance	\$1,320.00
Subtotal:				\$1,570.00
Total Fee:				\$1,570.00

***Note: Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, or a Final Building Inspection. Please call the Central Cashier to verify.**

Contact Numbers

Building Dept. – 633-2072, Central Cashier – 633-2068, Code Enforcement – 633-2086,
Land Development – 633-2065, Licensing, Regulation, and Enforcement – 633-2058

Zoning Information Worksheet

Owner(s): Jamie Reuk
(Does this match the warranty deed?)

Applicant(s): Robert Potter
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 25-36-02-27-5-1
(If more than one parcel, they must share a property line to be on the same application.)

PRESENT ZONING: AU + CU
• Is there a BDP or a CUP on the property? Yes/No: NO
• Is this a non-conforming lot of record? Yes/No: Why? Lot width
• Is this a substandard lot? Yes/No: Why? _____

REQUESTED ZONING/CUP: RA-2-8

What is the FLU Designation of the property?: RES 15
• Is the requested zoning consistent with the FLU? Yes/No (see compatibility table) Yes
• If no, what is the requested small scale plan amendment? (MUST BE 10.00 ACRES OR LESS.) _____

BDP Requested? Yes/No: NO

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No: NO

PREVIOUSLY APPROVED ZONING ACTIONS: N/A

Most recent zoning change in same section? Z# 2-11311

If this is a CUP request, list all CUP's on adjacent properties: N/A

Abutting property zoning classifications: N RA-1-7 S AU E GU W Road

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA, ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

REASON FOR REZONING REQUEST: To develop 7 duplex
• If proposing single-family or multi-family how many units? 114
• If proposing a CUP for alcohol, how many seats? N/A Bar or Restaurant? N/A
o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
o Do you have a site plan showing the layout and parking configuration? Yes/No
o Do you have a CUP worksheet filled out by the applicant? Yes/No
• If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? Single family home

Describe the character of the area:
The character of the area is residential

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?

Planner: CB

R - Checked by: CB

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

R.POTTER 2013 (A) YMAWD.COM or () or U.S. Mail _____
e-mail address fax number Yes/No

I have received a copy of this notice:

[Signature]
(APPLICANT SIGNATURE)

THE OFFICIAL RECORD BOOK AND PAGE NUMBERS DESCRIBING THE PARCELS TO BE ADVERTISED.

CFN 2005339046
OR Book/Page: 5536 / 7997

09-21-2005 09:10 am

This Instrument Prepared By:
Record and Return To:
DAVID W. DYER, P.A.
325 Fifth Avenue, Suite 205
Indianapolis, Florida 32103
Tax I.D. No.

SIGNATURE

QUIT CLAIM DEED

20 September, 2005

THIS QUIT CLAIM DEED executed this 20th day of July, 2005, by and between DOUGLAS F. RENK, a single man, party of the first part, to JANICE M. RENK, party of the second part. (Wherever used herein the term "Party" shall include the heirs, personal representative successors and/or assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one)

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Brevard, State of Florida, to-wit:

Legal description attached hereto and made a part hereof as Exhibit "A".

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behalf of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seals the day any year first above written.

Signed, Sealed & Delivered
In the Presence of:

Witness: [Signature]

BY: [Signature]
DOUGLAS F. RENK

Witness: [Signature]

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 2 #Names: 2
Trust: 1.50 Rec: 17.00 Serv: 0.00
Dent: 0.70 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 20 day of September, 2005 by Douglas F. Renk who is personally known to me or who has produced Driver's License as identification and did/did not take an oath.

[Signature]
NOTARY PUBLIC-STATE OF FLORIDA
My Commission Expires:



David W Dyer
My Commission DD118063
Expires August 23, 2006

(7)

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

I, Janice Penk-Schroeder ^{K-PAC rep/} authorize Robert Potter

to act as applicant, representing me in Public Hearings before Brevard County pertaining to Land Use.

Janice Penk-Schroeder
Signature

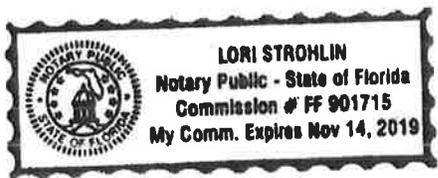
State of Florida, County of Brevard
Sworn and subscribed to before me

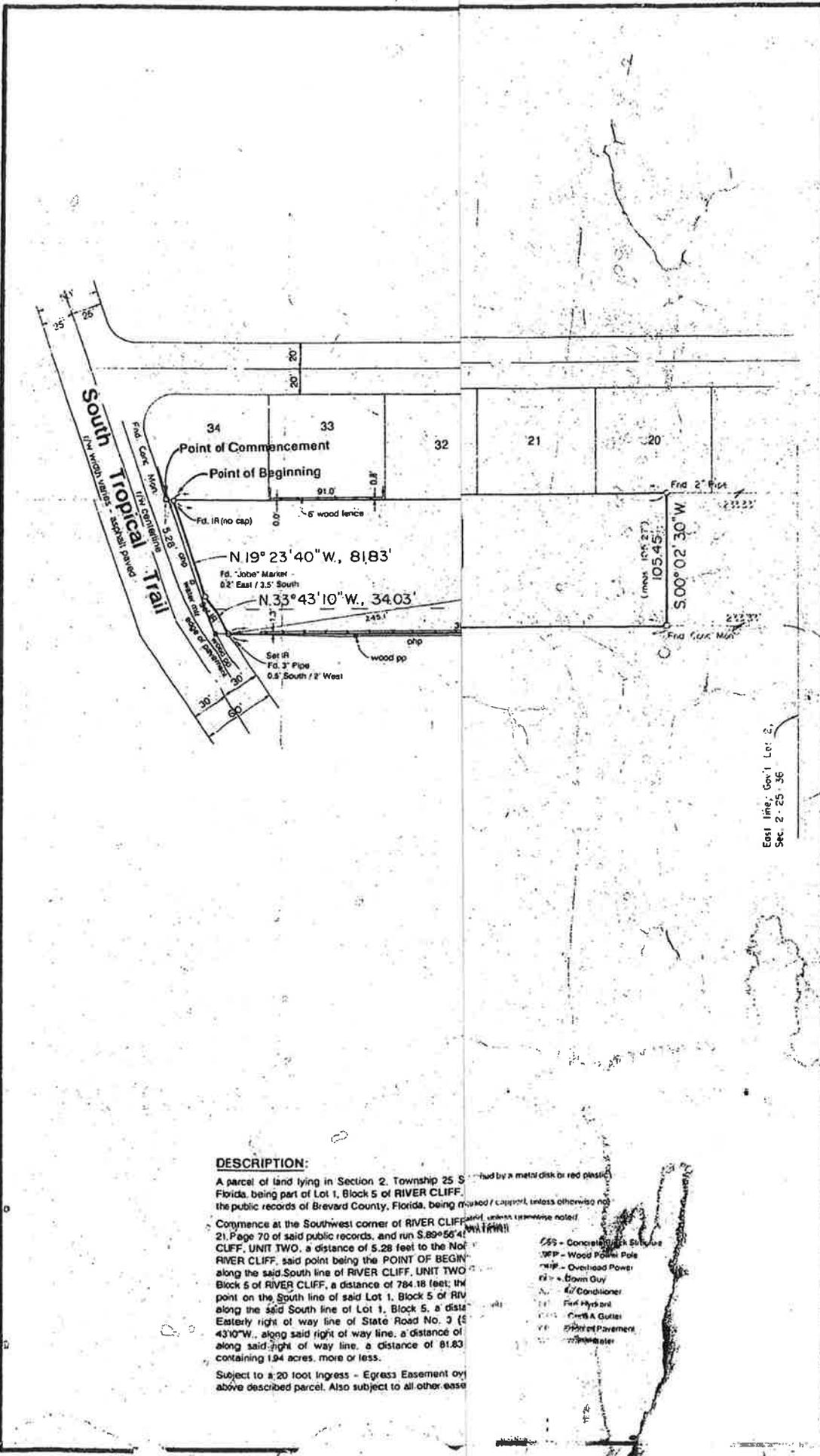
This 6 day of June, 2010. Florida drivers License
Form of Identification

[Signature]
Notary Public

My commission expires: Nov. 14, 2019

Rev. 5/27/99





East Line, Gov. 1 Lot 2,
Sec. 2 - 25 - 36

DESCRIPTION:

A parcel of land lying in Section 2, Township 25 S Florida, being part of Lot 1, Block 5 of RIVER CLIFF, the public records of Brevard County, Florida, being commenced at the Southwest corner of RIVER CLIFF, UNIT TWO, a distance of 5.28 feet to the Point of Beginning along the said South line of RIVER CLIFF, UNIT TWO Block 5 of RIVER CLIFF, a distance of 784.18 feet; thence along the said South line of said Lot 1, Block 5 of RIVER CLIFF, a distance of 34.03 feet; thence Easterly right of way line of State Road No. 9 (S 43°10'W., along said right of way line, a distance of 81.83 feet; thence along said right of way line, a distance of 81.83 feet, containing 1.94 acres, more or less.

Subject to a 20 foot Ingress - Egress Easement on the above described parcel. Also subject to all other easements shown on the plat.

- SS - Concrete Structure
- WP - Wood Point Pole
- OP - Overhead Power
- DO - Down Out
- CO - Conditioner
- FM - Fuel Meter
- GA - Gas A Gauge
- PO - Point of Beginning
- WA - Water

NOT VALID UNLESS
EMBOSSED WITH
SURVEYOR'S SEAL

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON MEETS ALL REQUISITES AND MEASUREMENTS AND STANDARDS FOR SURVEYS SET FORTH IN CHAPTER 2144-4, F.S. AND THE PUBLIC ACTS 1937 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS.
ROBERT L. PACKARD
PROFESSIONAL LAND SURVEYOR
REG. FLORIDA LAND SURVEYOR #2887

R.M. PACKARD & ASSOC., INC.
LAND SURVEYORS
976 BREVARD AVENUE
ROCKLEDGE, FLORIDA 32955
TEL.: (407) 632-8335 • FAX: (407) 631-7392

DOUGLASS & JANICE M. RENK
ROCKLEDGE, FLORIDA
LAWYERS

EXCLUSIVE USE OF
A BOUNDARY SURVEY WITH RELOCATION OF IMPROVEMENTS FOR
DRAWN BY: RMP
CHK'D BY: STG
DATE: 9/1/93
DWG #: D-18
NOTES: FILE
JOB #: 93-8
SHEET 1



Brevard County Property Appraiser
 Government Complex • North
 400 South Street • Titusville, FL 32796
 Phone: (321) 264-6700
<https://www.bcpao.us>

Property Information

Account #: 2501521

Owners: Renk, Janice M
 Site Address: 892 S Tropical Trl Merritt Island Fl 32952
 Mailing Address: 892 Tropical Trail S Merritt Island Fl 32952
 Parcel ID: 25 3602-27-5-1
 Property Use: 0110 - Single Family Residence
 Exemptions: None
 Taxing District: 2200 - Unincorp District 2
 Subdivision: River Cliff

Value Summary Information

Value Category	2015	2014	2013
Total Market Value	\$109,360	\$103,120	\$100,550
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$109,360	\$103,120	\$99,890
Assessed Value School	\$109,360	\$103,120	\$100,550
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$109,360	\$103,120	\$99,890
Taxable Value School	\$109,360	\$103,120	\$100,550

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
09/20/2005	\$100	QC	Improved	5536/7997
09/30/1993	\$82,000	WD	Improved	3320/2610
11/01/1978	\$100		Vacant	1965/0320
02/28/1978	\$1,000		Vacant	1855/0017
10/01/1976	\$360,000		Vacant	1673/0320

Building Information

Property Data Card #1
 Building Use: 0110 - Single Family Residence
 Year Built: 1967

Building Materials

EXTERIOR WALL: STUCCO
 FRAME: MASNRYCONC
 ROOF: ASPH/ASB SHNGL , CEM/CLY/MTL TILE
 ROOF STRUCTURE: FLAT/SHED , HIP/GABLE

Building Sub-areas

BASE AREA (1st): 1423
 GARAGE: 500
 OPEN PORCH: 84

Extra/Special Features

PATIO: CONCRETE 260

Land Information

Total Acres: 1.89
 Site Code: 0001 - No Other Code Appl.
 Plat Book/Page: N/A
 Description: River Cliff Part Of Lot 1 Blk 5 As Des In Orb 1965 Pg 320

16

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Desmond K. Blackburn, Ph.D., Superintendent



June 7, 2016

Mr. Conroy Jacobs
Planner I
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Renk Property Rezoning
School Impact Analysis – Capacity Determination CD-2016-06**

Dear Mr. Jacobs,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on May June 6, 2016. The subject property consists of Parcel ID 25-36-02-27-5-1 (Tax ID 2501521), containing approximately 1.89 acres in Brevard County, Florida. The proposed rezoning change would increase the maximum number of residential units permitted by 14 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the maximum potential increase in residential units resulting from the proposed rezoning. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2016-17 to 2020-21 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2015-2016 to 2020-21* which is attached for reference.

Single Family	14		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	3.78	4
Middle	0.06	0.81	1
High	0.10	1.4	1
Total	0.43		6

Planning & Project Management
Facilities Services

Phone: (321) 633-1000 x450 • FAX: (321) 633-4646

An Equal Opportunity Employer

R - 020

13

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2016-17 to 2020-21**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	910	910	910	910	910
Jefferson Middle School	848	848	848	848	848
Merritt Island High School	1,915	1,915	1,915	1,915	1,915

Projected Student Membership

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	760	741	747	730	720
Jefferson Middle School	610	610	660	700	727
Merritt Island High School	1,575	1,585	1,508	1,510	1,541

Students Generated by Previously Issued SCADL Reservations

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	-	-	-	-	-
Jefferson Middle School	12	17	21	23	26
Merritt Island High School	21	31	40	45	49

**Cumulative Students Generated by the
Renk Property Rezoning**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	-	2	4	4	4
Jefferson Middle School	-	0	1	1	1
Merritt Island High School	-	1	1	1	1

**Total Projected Student Membership (includes
Cumulative Impact of the Renk Property Rezoning)**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	760	743	751	734	724
Jefferson Middle School	622	627	682	724	754
Merritt Island High School	1,596	1,617	1,549	1,556	1,591

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Tropical Elementary School	150	167	159	176	186
Jefferson Middle School	226	221	166	124	94
Merritt Island High School	319	298	366	359	324

At this time, **there is projected to be sufficient capacity at every school level for the proposed Renk Property Rezoning.**

This is a **non-binding** review. A **Concurrency Determination** must be performed by the School District prior to the issuance of a final development approval and Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



David G. Lindenmann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2015-16 to 2020-21*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2016-06



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

July 22, 2016

Dear Applicant: JANICE RENK

Your request for zoning action will be considered by the Brevard County Planning and Zoning Board (Local Planning Agency) at the public hearing scheduled for **MONDAY, AUGUST 8, 2016**, as Item **1**. This hearing will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, beginning at **3:00 p.m.**, or as soon thereafter as possible.

A public hearing will be held by the Board of County Commissioners on **THURSDAY, SEPTEMBER 1, 2016**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **both** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Robin M. DiFabio, AICP, Director
Planning & Development Department

RMS/jj

cc: Robert Potter

Dear Property Owner:

ID# 16PZ00064

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **JANICE RENK**, who is requesting a change of classification on 1.89 acres. The property is located on the east side of S. Tropical Trail, approx. 102 ft. south of River Cliff Lane (892 S. Tropical Trail, Merritt Island)

Current Zoning: AU (Agricultural Residential)

Request: RU-2-8 (Low Density Multi-Family Residential)

A public hearing will be held by the Planning & Zoning Board (LPA) at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940, on **Monday, August 8, 2016**, beginning at **3:00 p.m.** The final public hearing will be held by the Board of County Commissioners on **Thursday, September 1, 2016**, beginning at **5:00 p.m.**, at the same location.

You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card. For the complete agenda, you may visit our internet site at www.brevardcounty.us/PlanningDev/Boards/PZBoard, or call the Planning & Development Department at (321) 633-2069. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. The needs of hearing or visually impaired persons shall be met if the Planning & Development Department is contacted at least five (5) days prior to the public hearing.

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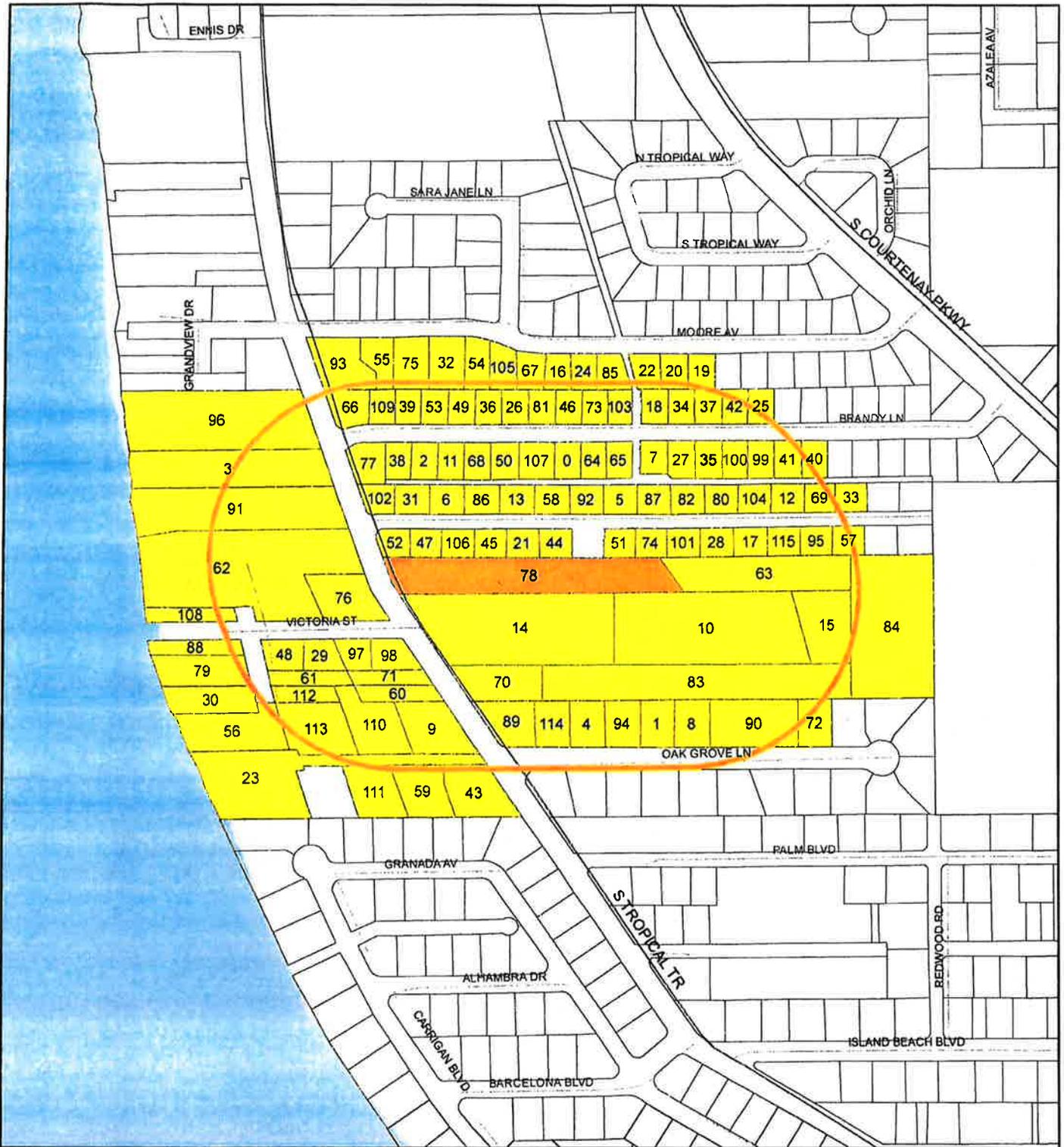
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RADIUS MAP

RENK, JANICE
16PZ00064



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

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.

16PZ00064
Page1

POTTER, Robert

ABBOTT, KEVIN TRUSTEE
2727 BARROW DRIVE
MERRITT ISLAND FL 32952-0000

AYERS, TRACY LYNN
TIBBETTS, PHILIP T JR
132 OAK GROVE LN
MERRITT ISLAND FL 32952-0000

BARKER, WILLIAM H JR
P O BOX 1099
CONCHO AZ 85924-1099

BARNHART, WILLIAM LEE
BARNHART, SARA N TRUSTEES
845 SOUTH TROPICAL TR
MERRITT ISLAND FL 32952-0000

BAXTER, BETH A
116 OAK GROVE LANE
MERRITT ISLAND FL 32952-0000

BICKFORD-WILCOX, BARBARA J
80 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

BICKHAM, DOUGLAS A
30 RIVER CLIFF LA
MERRITT ISLAND FL 32952-0000

BIONDI, RICHARD G
BIONDI, BONNIE M TRUSTEES
1110 HORIZON CT
MERRITT ISLAND FL 32952-5952

BIRD, DEVAUGHN
140 OAK GROVE LANE
MERRITT ISLAND FL 32952-0000

BRADLEY, M B
P O BOX 386
GRANT FL 32949-0386

BRICKEY, DIANE GAYLÉ LIFE ESTATE
23 BRANDY LANE
MERRITT ISLAND FL 32952-0000

BROWN, JOLINE A TRUSTEE
1570 S TROPICAL TRL
MERRITT ISLAND FL 32952-0000

BROWN, ZILDA M
50 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

BRYAN, WALTER L
BRYAN, O'DESSA L TRUSTEES
926 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

BURLESON, GORDON O
BURLESON, OYNEX L H/W
61 MOORE AVE
MERRITT ISLAND FL 32952-0000

BUXTON, PERCIVAL D III
BUXTON, JODI M H/W
115 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

CEJDA, DAWN M
70 BRANDY LANE
MERRITT ISLAND FL 32952-0000

CIENER, DANIEL
CIENER, MALINDA H/W
255 N GROVE ST STE A
MERRITT ISLAND FL 32953-0000

CIENER, DANIEL S
CIENER, MALINDA H/W
255 N GROVE ST SUITE A
MERRITT ISLAND FL 32952-0000

CIENER, DANIEL S
CIENER, MALINDA H/W
255 N GROVE ST STE A
MERRITT ISLAND FL 32953-0000

CIENER, DANIEL S
CIENER, MALINDA H/W
255 N GROVE STREET
MERRITT ISLAND FL 32953-0000

DE MASSO, SCOTT W
977 TROPICAL TRL S
MERRITT ISLAND FL 32952-5041

DEDES, VICTORIA A
65 MOORE AVE
MERRITT ISLAND FL 32952-0000

DEMPSEY, BRENT B
120 BRANDY LN
MERRITT ISLAND FL 32952-0000

DICKEY, WANDA KAY
34 BRANDY LN
MERRITT ISLAND FL 32952-0000

DUMONT, MICHAEL P
DUMONT, TERESA G H/W
85 BRANDY LN
MERRITT ISLAND FL 32952-0000

DYER, WALTER
85 E MERRITT ISLAND CSWY
MERRITT ISLAND FL 32952-0000

ERICKSON, GEORGE F
ERICKSON, SHERRY L H/W
55 VICTORIA ST
MERRITT ISLAND FL 32952-0000

16PZ00064
Page2

FAULKNER, BEVERLY J
975 GOLDENROD ST
MERRITT ISLAND FL 32952-0000

FELLER, DAVID L
20 RIVER CLIFF LN
MERRITT ISLAND FL 32952-0000

GNOLFO, SALVATORE
45 MOORE AVE
MERRITT ISLAND FL 32952-0000

HILLMAN, FRED
150 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

HINDS, TROY J
HINDS, RHONDA L
1630 SEASHELL DR
MERRITT ISLAND FL 32952-0000

HOUSER, STEPHEN C
MEADOWS, DANIEL N CO-TRUSTEES
P O BOX 562665
ROCKLEDGE FL 32956-2665

HOWE, WILLIAM J
HOWE, KARI H/W
28 BRANDY LANE
MERRITT ISLAND FL 32952-0000

HUET, PATRICIA ELAINE
90 BRANDY LANE
MERRITT ISLAND FL 32952-0000

JENSEN, LESTER E
JENSEN, RITA H/W
420 ALLEN DRIVE
MERRITT ISLAND FL 32952-0000

JOHNSON, ANNETTE D
3690 ATLANTA ST
COCOA FL 32926-0000

JONES, WILLIAM CHENAULT SR
JONES, SANDRA CARLA A TRUSTEES
3255 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

KATZ, DAVID
135 BRANDY LN
MERRITT ISLAND FL 32952-0000

KELLEHER, JESSICA Y
100 BRANDY LN
MERRITT ISLAND FL 32952-0000

KELLY, ROBERT
KELLY, RITA H/W
1760 E CENTRAL AVE
MERRITT ISLAND FL 32952-5636

KING, WILLIAM ELLIS
PSC 2 BOX 10000
APO AE 09012-0050

KNEUER, THOMAS A
ZYSSET, KAREN H/W
135 THERESA LN
MERRITT ISLAND FL 32952-0000

KNUTSEN, JIM
40 BRANDY LANE
MERRITT ISLAND FL 32952-0000

KOLL, KATHY CARR TRUSTEE
21314 HIAWATHA ST
CHATSWORTH CA 91311-2332

KOTYS, KANDY
924 GOLDENROD ST
MERRITT ISLAND FL 32952-0000

LAWRENCE, SUE NISBET
LAWRENCE, SHEPPARD D TRUSTEES
675 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

LEMMON, GARY M
31 BRANDY LN
MERRITT ISLAND FL 32952-0000

LENNON, STEPHANIE A
LENNON, SHAUN GEORGE
5404 BRERETON AVENUE
ORLANDO FL 32839-0000

LO-PINTO, JETDELL
105 CHANNING ROAD
WATERTOWN MA 02472-0000

LOMAQUAHU, CYNTHIA B
20 BRANDY LANE
MERRITT ISLAND FL 32952-0000

LOOSE, KARYL K
LOOSE, RICHARD G H/W
49 MOORE AVE
MERRITT ISLAND FL 32952-0000

LOPEZ, ROBERTO JR
LOPEZ, DOMINGA H/W
29 MOORE AVE
MERRITT ISLAND FL 32952-0000

MAGGART, THOMAS J
MAGGART, NANCY
975 S TROPICAL TRL
MERRITT ISLAND FL 32952-0000

MAGUIRE, WILLIAM
MAGUIRE, MICHAEL
145 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

MANCHESTER, KIMBERLY A
60 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

16PZ00064
Page3

MARSHALL, JAMES WAYNE
GROSS, CAROL J
989 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

MC CABE, MARISSA B
MATHEWS, LISA G
935 S TROPICAL TRL
MERRITT ISLAND FL 32952-0000

MC LEOD, MARTHA G
P O BOX 540686
MERRITT ISLAND FL 32954-0686

MICHELMAN, ELIZABETH A
898 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

MILLS, PAUL J
MILLS, YONG HWA H/W
55 BRANDY LANE
MERRITT ISLAND FL 32952-0000

MOUNTCASTLE, WILLIAM H
65 BRANDY LANE
MERRITT ISLAND FL 32952-0000

MOWREY, WILLIAM T
BOX-MOWREY, DEBORAH J H/W
8 BRANDY LANE
MERRITT ISLAND FL 32952-0000

NEWMAN, MICHAEL A
NEWMAN, HOLLY A H/W
57 MOORE AVE
MERRITT ISLAND FL 32952-0000

NGUYEN, TRU C
NGUYEN, HAU D H/W
3227 ROB CAY DR
MERRITT ISLAND FL 32952-0000

O'CONNELL, ETHEL S
O'CONNELL, MICHAEL A
140 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

O'HEALY, CINDY
932 BEA PLACE
ROCKLEDGE FL 32955-0000

OHRT, LAURA
825 NE 174TH ST
N MIAMI BCH FL 33162-0000

PENNINGTON, DENVER
PENNINGTON, VICTORIA F H/W
2062 MUDDY CREEK RD
SPRING CITY TN 37381-0000

PERNA, JAMES
PERNA, DARLENE A H/W
50 BRANDY LANE
MERRITT ISLAND FL 32952-0000

PETERSON, MAURINE W LIFE ESTATE
85 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

POUL, ROMAN
41 MOORE AVE
MERRITT ISLAND FL 32952-0000

POWELL, KEVIN MICHAEL
POWELL, REBECCA MARIE H/W
4540 WILLOW BEND DRIVE
MELBOURNE FL 32935-0000

PRIEST, RYAN A
PRIEST, JESSICA A H/W
201 CLEVELAND CT
BRICK NJ 08724-1709

RENK, JANICE M
892 TROPICAL TRAIL S
MERRITT ISLAND FL 32952-0000

ROMAN, ALBERTO
ROMAN, BIVIANA H/W
945 GOLDENROD ST
MERRITT ISLAND FL 32952-5074

ROOD, RYAN PHILIP JACKSON
110 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

RUSSELL, MARILYN D
MINOT, KIMBERLY R
5420 LOVETT DRIVE
MERRITT ISLAND FL 32953-0000

SABOURIN, IRIS COLLEEN
SABOURIN, GERALD H/W ET AL
100 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

SANDERSON, SHELLEY K
950 S TROPICAL TRL
MERRITT ISLAND FL 32952-0000

SCHOOL BOARD OF BREVARD COUNTY FL
ATTN: ACCOUNTS PAYABLE
2700 JUDGE FRAN JAMIESON WAY
VIERA FL 32940-6699

SHAFER, GERALD J
660 S BREVARD AVE APT 1521
COCOA BCH FL 32931-0000

SHAW, KEVIN C
SHAW, SHARON J H/W
40 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

SHEPARD, MARGARITAA
90 RIVER CLIFF LN
MERRITT ISLAND FL 32952-0000

SHRIVER, GLENN K JR
SHRIVER, CAROLYN B H/W
P O BOX 275
CLARKSBURG MD 20871-0000

16PZ00064
Page4

SHROBLE, MARK D
SHROBLE, PAMELA M H/W
100 OAK GROVE LA
MERRITT ISLAND FL 32952-0000

SHROBLE, MARK D
YAMADA, HERBERT ETAL
164 OAK GROVE LANE
MERRITT ISLAND FL 32952-0000

SMITH, DAVID E
SMITH, MARY H TRUSTEES
865 S TROPICAL TRL
MERRITT ISLAND FL 32952-0000

SNAVELY, ERIC V
SNAVELY, YONG C H/W
70 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

STOKER, JOHN
STOKER, SANDRA H/W
10655 W CHURCH ST
FRANKLIN WI 53132-0000

SUTHERLAND, DAVID
534 CEREMONIAL RDG
SAN ANTONIO TX 78260-6419

TAYLOR, GAIL P
135 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

TEAGUE, TONI M
HUNT, JOSEPH LIFE ESTATE
P O BOX 541276
MERRITT ISLAND FL 32954-1276

TEAGUE, TONI M TRUSTEE
P O BOX 541276
MERRITT ISLAND FL 32954-1276

TOLNAY, DAVID SCOTT
125 BRANDY LANE
MERRITT ISLAND FL 32952-0000

TOLNAY, MICHAEL JR
TOLNAY, CHRISTOPHER A
115 BRANDY LANE
MERRITT ISLAND FL 32952-0000

TRETTEL, STEPHEN J
95 RIVER CLIFF LANE
MERRITT ISLAND FL 32953-0000

TROSINO, JUDITH A
10 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

US BANK NA TRUSTEE
7105 CORPORATE DR
PLANO TX 75024-0000

VELTEN, ROGER
120 RIVER CLIFF LN
MERRITT ISLAND FL 32952-0000

WEST, STEPHEN P
53 MOORE AVE
MERRITT ISLAND FL 32952-0000

WILSON, MELINDA D
25 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

WISECARVER, SARAH LOUISE TRUSTEE
158 VIA DE LA REINA
MERRITT ISLAND FL 32953-0000

WOHLHUETER, CHRIS
WOHLHUETER, VERONICA M H/W
106 VICTORIA ST
MERRITT ISLAND FL 32952-0000

WOLF, KATIE BELLE
14 BRANDY LANE
MERRITT ISLAND FL 32953-0000

WOOLARD, LYNN P
WOOLARD, PAMELA J H/W
971 TROPICAL TRL S
MERRITT ISLAND FL 32952-0000

YACONO, TONY
YACONO, JOANNE
973 S TROPICAL TR
MERRITT ISLAND FL 32952-0000

YACONO, TONY
YACONO, JUDITH E H/W
973 S TROPICAL TR
MERRITT ISLAND FL 32952-0000

YACONO, TONY LIFE ESTATE
973 S TROPICAL TR
MERRITT ISLAND FL 32952-0000

YAMADA, HERBERT TRUSTEE
YAMADA, JANET K TRUSTEE
108 OAK GROVE LN
MERRITT ISLAND FL 32952-0000

YOUNEY, JUSTIN JR
125 RIVER CLIFF LANE
MERRITT ISLAND FL 32952-0000

POTTER, Robert
ABBOTT, KEVIN TRUSTEE | 2727 BARKOW DRIVE | MERRITT ISLAND FL 32952-0000
AVERS, TRACY LYNN | TIBBETTS, PHILIP T JR | 132 OAK GROVE LN | MERRITT ISLAND FL 32952-0000
BARKER, WILLIAM H JR | P O BOX 10991 | CONCHO AZ 85924-1099
BARNHART, WILLIAM LEE | BARNHART, SARA N TRUSTEES | 845 SOUTH TROPICAL TR | MERRITT ISLAND FL 32952-0000
BAKTER, BETH A | 1116 OAK GROVE LANE | MERRITT ISLAND FL 32952-0000
BICKFORD-WILCOX, BARBARA J | 180 RIVER CLIFF LANE | MERRITT ISLAND FL 32952-0000
BICKHAM, DOUGLAS A | 30 RIVER CLIFF LA | MERRITT ISLAND FL 32952-0000
BIONDI, RICHARD G | BIONDI, BONNIE M TRUSTEES | 1110 HORIZON CT | MERRITT ISLAND FL 32952-5952
BIRD, DEVAUGHN | 140 OAK GROVE LANE | MERRITT ISLAND FL 32952-0000
BRADLEY, M B | P O BOX 3861 | GRANT FL 32949-0386
BREVARD COUNTY | 1700 PARK AVE S | TITUSVILLE FL 32780-0000
BRICKEY, DIANE GAYLE LIFE ESTATE | 23 BRANDY LANE | MERRITT ISLAND FL 32952-0000
BROWN, JOLINE A TRUSTEE | 1570 S TROPICAL TR | MERRITT ISLAND FL 32952-0000
BROWN, ZITIDA M | 150 RIVER CLIFF LANE | MERRITT ISLAND FL 32952-0000
BRYAN, WALTER L | BRYAN, O'DESSA L TRUSTEES | 926 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
BRYAN, WALTER L | BRYAN, O'DESSA L TRUSTEES | 926 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
BURLERSON, GORDON O | BURLERSON, OYNEK L H/W | 161 MOORE AVE | MERRITT ISLAND FL 32952-0000
BUXTON, PERCIVAL D | BUXTON, JODI M H/W | 115 RIVER CLIFF LANE | MERRITT ISLAND FL 32952-0000
CEJDA, DAWN M | 170 BRANDY LANE | MERRITT ISLAND FL 32952-0000
CIENER, DANIEL | CIENER, MALINDA H/W | 255 N GROVE ST STE A | MERRITT ISLAND FL 32953-0000
CIENER, DANIEL S | CIENER, MALINDA H/W | 255 N GROVE ST SUITE A | MERRITT ISLAND FL 32952-0000
CIENER, DANIEL S | CIENER, MALINDA H/W | 255 N GROVE ST SITE A | MERRITT ISLAND FL 32953-0000
CIENER, DANIEL S | CIENER, MALINDA H/W | 255 N GROVE STREET | MERRITT ISLAND FL 32953-0000
DE MASSO, SCOTT W | 1977 TROPICAL TR L S | MERRITT ISLAND FL 32952-5041
DEDES, VICTORIA A | 65 MOORE AVE | MERRITT ISLAND FL 32952-0000
DEMPSEY, BRENT B | 120 BRANDY LN | MERRITT ISLAND FL 32952-0000
DICKER, WANDA KAY | 34 BRANDY LN | MERRITT ISLAND FL 32952-0000
DUMONT, MICHAEL P | DUMONT, TERESA G H/W | 85 BRANDY LN | MERRITT ISLAND FL 32952-0000
DYER, WALTER | 185 E MERRITT ISLAND CSWY | MERRITT ISLAND FL 32952-0000
ERICKSON, GEORGE F | ERICKSON, SHERRY L H/W | 55 VICTORIA ST | MERRITT ISLAND FL 32952-0000
FAULKNER, BEVERLY J | 1975 GOLDENROD ST | MERRITT ISLAND FL 32952-0000
FELLER, DAVID L | 20 RIVER CLIFF LN | MERRITT ISLAND FL 32952-0000
GNOLFO, SALVATORE | 145 MOORE AVE | MERRITT ISLAND FL 32952-0000
HILLMAN, FRED | 150 RIVER CLIFF LANE | MERRITT ISLAND FL 32952-0000
HINDS, TROY J | HINDS, RHONDA L | 1630 SEASHELL DR | MERRITT ISLAND FL 32952-0000
HOUSER, STEPHEN | CIMEADOWS, DANIEL N CO-TRUSTEES | P O BOX 562665 | ROCKLEDGE FL 32956-2665
HOME, WILLIAM J | HOME, KARI H/W | 28 BRANDY LANE | MERRITT ISLAND FL 32952-0000
HUET, PATRICIA ELAINE | 190 BRANDY LANE | MERRITT ISLAND FL 32952-0000
JENSEN, LESTER E | JENSEN, RITA H/W | 420 ALLEN DRIVE | MERRITT ISLAND FL 32952-0000
JOHNSON, ANNETTE D | 3690 ATLANTA ST | COCOA FL 32926-0000
JONES, WILLIAM | CHENAULT SR | JONES, SANDRA CARLA A TRUSTEES | 3255 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
KATZ, DAVID | 135 BRANDY LN | MERRITT ISLAND FL 32952-0000
KELLEHER, JESSICA Y | 1100 BRANDY LN | MERRITT ISLAND FL 32952-0000
KELLY, ROBERT | KELLY, RITA H/W | 1760 E CENTRAL AVE | MERRITT ISLAND FL 32952-5636
KING, WILLIAM ELLIS | PSC 2 BOX 10001 | APO AE 09012-0050
KNEUER, THOMAS A | ZYSSSET, KAREN H/W | 135 THERESA LN | MERRITT ISLAND FL 32952-0000
KNUTSEN, JIM | 140 BRANDY LANE | MERRITT ISLAND FL 32952-0000
KOLL, KATHY CARR TRUSTEE | 121314 HIAMATHA ST | CHATSWORTH CA 91311-2332
KOTYS, KANDY | 924 GOLDENROD ST | MERRITT ISLAND FL 32952-0000
LAWRENCE, SUE NISBET | LAWRENCE, SHEPPARD D TRUSTEES | 1675 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
LEMON, GARY M | 131 BRANDY LN | MERRITT ISLAND FL 32952-0000
LENNON, STEPHANIE A | LENNON, SHAUN GEORGE | 15404 BREKETON AVENUE | ORLANDO FL 32839-0000
LO-PINTO, JETDELL | 105 CHANNING ROAD | WATERLOO MA 02472-0000
LOMAQUAHU, CYNTHIA B | 20 BRANDY LANE | MERRITT ISLAND FL 32952-0000

LOOSE, KARYL K|LOOSE, RICHARD G H/W|49 MOORE AVE| MERRITT ISLAND FL 32952-0000
 LOPEZ, ROBERTO JR|LOPEZ, DOMINGA H/W|29 MOORE AVE| MERRITT ISLAND FL 32952-0000
 MAGGARE, THOMAS J|MAGGARE, NANCY|975 S TROPICAL TRL| MERRITT ISLAND FL 32952-0000
 MAGUIRE, WILLIAM|MAGUIRE, MICHAEL|145 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 MANCHESTER, KIMBERLY A| 60 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 MARSHALL, JAMES WAYNE|GROSS, CAROL J|989 S TROPICAL TRAIL| MERRITT ISLAND FL 32952-0000
 MC CABE, MARISSA B|MATHIEWS, LISA G|935 S TROPICAL TRL| MERRITT ISLAND FL 32952-0000
 MC LEOD, MARTHA G| P O BOX 540686| MERRITT ISLAND FL 32954-0686
 MC LEOD, MARTHA G| P O BOX 540686| MERRITT ISLAND FL 32954-0686
 MICHELMAN, ELIZABETH A| 898 S TROPICAL TRAIL| MERRITT ISLAND FL 32952-0000
 MILLS, PAUL J|MILLS, YONG HWA H/W|55 BRANDY LANE| MERRITT ISLAND FL 32952-0000
 MOUNTCASTLE, WILLIAM H| 65 BRANDY LANE| MERRITT ISLAND FL 32952-0000
 MOWREY, WILLIAM T|BOX-MOWREY, DEBORAH J H/W|8 BRANDY LANE| MERRITT ISLAND FL 32952-0000
 NEWMAN, MICHAEL A|NEWMAN, HOLLY A H/W|57 MOORE AVE| MERRITT ISLAND FL 32952-0000
 NGUYEN, TRU C|NGUYEN, HAU D H/W|3227 ROB CAY DR| MERRITT ISLAND FL 32952-0000
 O'CONNELL, ETHEL S|O'CONNELL, MICHAEL A|140 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 O'HEALY, CINDY| 932 BEA PLACE| ROCKLEDGE FL 32955-0000
 OHRT, LAURA| 825 NE 174TH ST| IN MIAMI BCH FL 33162-0000
 PENNINGTON, DENVER|PENNINGTON, VICTORIA F H/W|2062 MUDDY CREEK RD| SPRING CITY TN 37381-0000
 PERNA, JAMES|PERNA, DARLENE A H/W|50 BRANDY LANE| MERRITT ISLAND FL 32952-0000
 PETERSON, MAURINE W| LIFE ESTATE| 85 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 POU, ROMAN| 141 MOORE AVE| MERRITT ISLAND FL 32952-0000
 POWELL, KEVIN MICHAEL|POWELL, REBECCA MARIE H/W|4540 WILLOW BEND DRIVE| MELBOURNE FL 32935-0000
 PRIEST, RYAN A|PRIEST, JESSICA A H/W|201 CLEVELAND CT| BRICK NJ 08724-1709
 RENK, JANIE M| 892 TROPICAL TRAIL S| MERRITT ISLAND FL 32952-0000
 ROMAN, ALBERTO|ROMAN, BYYIANA H/W|945 GOLDENROD ST| MERRITT ISLAND FL 32952-0000
 ROOD, RYAN PHILIP|JACKSON| 1110 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 RUSSELL, MARILYN D|MINOTI, KIMBERLY R|5420 LOVETT DRIVE| MERRITT ISLAND FL 32953-0000
 SABOURIN, IRIS COLLEEN|SABOURIN, GERALD H/W| ET AL|100 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 SANDERSON, SHELEY K| 950 S TROPICAL TRL| MERRITT ISLAND FL 32952-0000
 SCHOOL BOARD OF BREVARD COUNTY FL| ATTN: ACCOUNTS PAYABLE|2700 JUDGE FRAN JAMIESON WAY|VIERA FL 32940-6699
 SHAFER, GERALD J| 660 S BREYARD AVE APT 1521| COCOA BCH FL 32931-0000
 SHAW, KEVIN C|SHAW, SHARON J H/W|40 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 SHEPARD, MARGARITA A| 190 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 SHRIVER, GLENN K|JR|SHRIVER, CAROLYN B H/W| P O BOX 2751| CLARKSBURG MD 20871-0000
 SHROBLE, MARK D|SHROBLE, PAMELA M H/W|100 OAK GROVE LA| MERRITT ISLAND FL 32952-0000
 SMITH, DAVID E|SMITH, MARY H TRUSTEES|865 S TROPICAL TRL| MERRITT ISLAND FL 32952-0000
 SNAVELY, ERIC V|SNAVELY, YONG C H/W|70 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 STOKER, JOHN|STOKER, SANDRA H/W|10655 W CHURCH ST| FRANKLIN WI 53132-0000
 SUTHERLAND, DAVID| 534 CEREMONIAL RDG| SAN ANTONIO TX 78260-6419
 TAYLOR, GAIL P| 135 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 TEAGUE, TONI M|HUNT, JOSEPH LIFE ESTATE| P O BOX 541276| MERRITT ISLAND FL 32954-1276
 TEAGUE, TONI M TRUSTEE| P O BOX 541276| MERRITT ISLAND FL 32954-1276
 TEAGUE, TONI M TRUSTEE| P O BOX 541276| MERRITT ISLAND FL 32954-1276
 TOLNAY, DAVID SCOTT| 125 BRANDY LANE| MERRITT ISLAND FL 32952-0000
 TOLNAY, MICHAEL JR|TOLNAY, CHRISTOPHER A|115 BRANDY LANE| MERRITT ISLAND FL 32953-0000
 TRETTEL, STEPHEN J| 95 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 TROSTINO, JUDITH A| 110 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 US BANK NA TRUSTEE| 17105 CORPORATE DR| PLANO TX 75024-0000
 VELTEN, ROGER| 120 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 WEST, STEPHEN P| 153 MOORE AVE| MERRITT ISLAND FL 32952-0000
 WILSON, MELINDA D| 125 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000
 WISECARVER, SARAH LOUISE TRUSTEE| 158 VIA DE LA REINA| MERRITT ISLAND FL 32953-0000
 WOHLHETER, CHRIS|WOHLHETER, VERONICA M H/W|106 VICTORIA ST| MERRITT ISLAND FL 32952-0000
 WOLF, KATIE BELLE| 14 BRANDY LANE| MERRITT ISLAND FL 32953-0000
 WOOLARD, LYNN P|WOOLARD, PAMELA J H/W|971 TROPICAL TRL S| MERRITT ISLAND FL 32952-0000

16pZ00064-m.txt

16p200064-m.txt
YACONO, TONY|YACONO, JOANNE|973 S TROPICAL TR| MERRITT ISLAND FL 32952-0000
YACONO, TONY|YACONO, JUDITH E H/W|973 S TROPICAL TR| MERRITT ISLAND FL 32952-0000
YACONO, TONY LIFE ESTATE| 1973 S TROPICAL TR| MERRITT ISLAND FL 32952-0000
YAMADA, HERBERT TRUSTEE|YAMADA, JANET K TRUSTEE|108 OAK GROVE LN| MERRITT ISLAND FL 32952-0000
YOUNEY, JUSTIN JR| 125 RIVER CLIFF LANE| MERRITT ISLAND FL 32952-0000

16p20064-0.ctxt

BUFE	ID	TAXID	PARCEL	ID	OWNER1	OWNER2	CITY	STATE	ZIP5	ZIP4
0	2501627	125	360229							
1	2501769	125	360233							
2	2501632	125	360229							
3	2501414	125	360200							
4	2501767	125	360233							
5	2501738	125	360232							
6	2501733	125	360232							
7	2501624	125	360229							
8	2501770	125	360233							
9	2501425	125	360200							
10	2523895	125	360227							
11	2501631	125	360229							
12	2501743	125	360232							
13	2501735	125	360232							
14	2501523	125	360227							
15	2523896	125	360227							
16	2501476	125	360226							
17	2501753	125	360232							
18	2501596	125	360229							
19	2501581	125	360228							
20	2501582	125	360228							
21	2501760	125	360232							
22	2501583	125	360228							
23	2501419	125	360200							
24	2501477	125	360226							
25	2501600	125	360229							
26	2501591	125	360229							
27	2501623	125	360229							
28	2501754	125	360232							
29	2521600	125	360227							
30	2501512	125	360227							
31	2501732	125	360232							
32	2501472	125	360225							
33	2501745	125	360232							
34	2501597	125	360229							
35	2501622	125	360229							
36	2501590	125	360229							
37	2501598	125	360229							
38	2501633	125	360229							
39	2501587	125	360229							
40	2501618	125	360229							
329	2	0								
41	2501619	125	360229							
42	2501599	125	360229							
43	2501418	125	360200							
44	2501759	125	360232							
45	2501761	125	360232							
46	2501593	125	360229							
47	2501763	125	360232							
48	2501513	125	360227							
49	2501589	125	360229							
50	2501629	125	360229							
51	2501757	125	360232							
52	2501764	125	360232							
53	2501588	125	360229							
54	2501473	125	360226							
55	2501470	125	360225							
56	2501750	125	360232							
57	2501420	125	360232							
58	2501736	125	360232							
43	LABBOTT, KEVIN	TRUSTEE	12727 BARROW DRIVE	MERRITT ISLAND	FL	32952	0			
5	AYERS, TRACY LYNN	TIBBETTS, PHILIP T JR	1132 OAK GROVE LN	MERRITT ISLAND	FL	32952	0			
48	BARBER, WILLIAM H JR	1 P O BOX 1099	CONCHO AZ 85924 1099							
3	BARNHART, WILLIAM LEEL	BARNHART, SARA N	TRUSTEES 1845 SOUTH TROPICAL TR	MERRITT ISLAND	FL	32952	0			
3	BAXTER, BETH A	1116 OAK GROVE LANE	MERRITT ISLAND	FL	32952	0				
3	BICKFORD-WILCOX, BARBARA J	180 RIVER CLIFF LANE	MERRITT ISLAND	FL	32952	0				
8	BICKHAM, DOUGLAS A	130 RIVER CLIFF LA	MERRITT ISLAND	FL	32952	0				
40	BIONDI, RICHARD G	BIONDI, BONNIE M	TRUSTEES 1110 HORIZON CT	MERRITT ISLAND	FL	32952	5952			
6	BIRD, DEVAUGHN	140 OAK GROVE LANE	MERRITT ISLAND	FL	32949	386				
	BRADLEY, M B	1 P O BOX 386	GRANT FL 32949 386							
2	02	BREVARD COUNTY	1700 PARK AVE S	TITUSVILLE	FL	32780	0			
47	BRITKEY, DIANE	GAYLE LIFE ESTATE	123 BRANDY LANE	MERRITT ISLAND	FL	32952	0			
13	BROWN, JOLINE A	TRUSTEE	11570 S TROPICAL TR	MERRITT ISLAND	FL	32952	0			
5	BROWN, ZILDA M	150 RIVER CLIFF LANE	MERRITT ISLAND	FL	32952	0				
2	BRYAN, WALTER L	BRYAN, O'DESSA L	TRUSTEES 1926 S TROPICAL TRAIL	MERRITT ISLAND	FL	32952	0			
2	03	BRYAN, WALTER L	BRYAN, O'DESSA L	TRUSTEES 1926 S TROPICAL TRAIL	MERRITT ISLAND	FL	32952	0		
4	BURLESON, GORDON O	BURLESON, OYNEK L	H/W/115 RIVER CLIFF LANE	MERRITT ISLAND	FL	32952	0			
12	CEJDA, DAWN M	170 BRANDY LANE	MERRITT ISLAND	FL	32952	0				
9	CIENER, DANIEL S	CIENER, MALINDA H/W/255 N GROVE ST	STE A	MERRITT ISLAND	FL	32953	0			
10	CIENER, DANIEL S	CIENER, MALINDA H/W/255 N GROVE ST	SUITE A	MERRITT ISLAND	FL	32952	0			
30	CIENER, DANIEL S	CIENER, MALINDA H/W/255 N GROVE ST	STE A	MERRITT ISLAND	FL	32953	0			
11	CIENER, DANIEL S	CIENER, MALINDA H/W/255 N GROVE STREET	MERRITT ISLAND	FL	32953	0				
	DE MASSO, SCOTT W	1977 TROPICAL TR	S	MERRITT ISLAND	FL	32952	5041			
5	DEDES, VICTORIA A	165 MOORE AVE	MERRITT ISLAND	FL	32952	0				
16	DEMPSEY, BRENT B	1120 BRANDY LN	MERRITT ISLAND	FL	32952	0				
7	DICKEY, WANDA KAY	134 BRANDY LN	MERRITT ISLAND	FL	32952	0				
39	DUMONT, MICHAEL P	DUMONT, TERESA G H/W/85 BRANDY LN	MERRITT ISLAND	FL	32952	0				
24	IDYER, WALTER J	185 E MERRITT ISLAND CSMY	MERRITT ISLAND	FL	32952	0				
1	01	ERICKSON, GEORGE F	ERICKSON, SHERRY L H/W/155 VICTORIA ST	MERRITT ISLAND	FL	32952	0			
4	FAULKNER, BEVERLY J	1975 GOLDENROD ST	MERRITT ISLAND	FL	32952	0				
2	FELLER, DAVID L	120 RIVER CLIFF LN	MERRITT ISLAND	FL	32952	0				
31	GNOLFO, SALVATORE	145 MOORE AVE	MERRITT ISLAND	FL	32952	0				
13	HILLMAN, FRED	1150 RIVER CLIFF LANE	MERRITT ISLAND	FL	32952	0				
13	HINDS, TROY J	HINDS, RHONDA L	11630 SEASHELL DR	MERRITT ISLAND	FL	32952	0			
38	HOUSER, STEPHEN C	MEADOWS, DANIEL N	CO-TRUSTEES 1 P O BOX 562665	ROCKLEDGE	FL	32956	2665			
6	HOWE, WILLIAM J	HOWE, KARI H	W/128 BRANDY LANE	MERRITT ISLAND	FL	32952	0			
14	HUET, PATRICIA	ELAINE	190 BRANDY LANE	MERRITT ISLAND	FL	32952	0			
49	JENSEN, LESTER E	JENSEN, RITA H	W/420 ALLEN DRIVE	MERRITT ISLAND	FL	32952	0			
3	JOHNSON, ANNETTE D	13690 ATLANTA ST	ICOOCA FL 32926 0							
34	JONES, WILLIAM	CHENAULT S	RJONES, SANDRA CARLA A	TRUSTEES 13255 S TROPICAL TRAIL	MERRITT ISLAND	FL	32952	0		
35	KATZ, DAVID	1135 BRANDY LN	MERRITT ISLAND	FL	32952	0				
15	KELLEHER, JESSICA Y	1100 BRANDY LN	MERRITT ISLAND	FL	32952	0				
29	KING, ROBERT	KELLY, RITA H	W/1760 E CENTRAL AVE	MERRITT ISLAND	FL	32952	5636			
31	KNEUER, THOMAS A	ZYSSET, PSC 2	BOX 100001	APD AE 9012 50						
9	KNUTSEN, JIM	140 BRANDY LANE	MERRITT ISLAND	FL	32952	0				
33	KOLL, KATHY	CARR TRUSTEE	121314 HIWATHA ST	CHATSWORTH CA 91311 2332						
1	KOTYS, KANDY	1924 GOLDENROD ST	MERRITT ISLAND	FL	32952	0				
5	LAWRENCE, SUE	NISBET LAWRENCE, SHEPPARD D	TRUSTEES 675 S TROPICAL TRAIL	MERRITT ISLAND	FL	32952	0			
45	LEMMON, GARY M	131 BRANDY LN	MERRITT ISLAND	FL	32952	0				
27	LENNON, STEPHANIE A	LENNON, SHAWN	GEORGE 15404 BRERETON AVENUE	ORLANDO	FL	32839	0			
34	LO-PINTO, TEDDELL	105 CHANNING ROAD	WATERTOWN MA 2472 0							
4	LOMAQUAHU, CYNTHIA B	120 BRANDY LANE	MERRITT ISLAND	FL	32952	0				
1	LOOSE, KARYL K	LOOSE, RICHARD G	H/W/49 MOORE AVE	MERRITT ISLAND	FL	32952	0			
28	LOPEZ, ROBERTO JR	LOPEZ, DOMINGA H	W/29 MOORE AVE	MERRITT ISLAND	FL	32952	0			
20	MAGGART, THOMAS J	MAGGART, NANCY	1975 S TROPICAL TR	MERRITT ISLAND	FL	32952	0			
6	MANCHESTER, KIMBERLY A	160 RIVER CLIFF LANE	MERRITT ISLAND	FL	32952	0				

16pz00064-0.txt

59	2501426	25	360200	272.	MARSHALL, JAMES WAYNE	GROSS, CAROL J	1989 S TROPICAL TRAIL	MERRITT ISLAND FL 32952 0		
60	2501520	25	360227	4.	MC CABE, MARISSA B	MATHEWS, LISA G	1935 S TROPICAL TRL	MERRITT ISLAND FL 32952 0		
61	2501515	25	360227	4.	MC LEOD, MARTHA G	P O BOX 540686	MERRITT ISLAND FL 32954 686			
62	2501503	25	360227	1.	MC LEOD, MARTHA G	P O BOX 540686	MERRITT ISLAND FL 32954 686			
63	2501522	25	360227	5.	MICHELMAN, ELIZABETH A	1898 S TROPICAL TRAIL	MERRITT ISLAND FL 32952 0			
64	2501625	25	360229	42.	MILLS, PAUL J	MILLS, YONG HWA	H/W/155 BRANDY LANE	MERRITT ISLAND FL 32952 0		
65	2501625	25	360229	41.	MOUNTCASTLE, WILLIAM H	165 BRANDY LANE	MERRITT ISLAND FL 32952 0			
66	2501475	25	360229	1.	MORREY, WILLIAM T	BOX-MORREY, DEBORAH J	H/W/18 BRANDY LANE	MERRITT ISLAND FL 32952 0		
67	2501585	25	360229	3.	NEWMAN, MICHAEL A	NEWMAN, HOLLY A	H/W/157 MOORE AVE	MERRITT ISLAND FL 32952 0		
68	2501630	25	360229	46.	NGUYEN, TRU C	NGUYEN, HAU D	H/W/13227 ROB CAY DR	MERRITT ISLAND FL 32952 0		
69	2501744	25	360232	14.	O'CONNELL, ETHEL S	O'CONNELL, MICHAEL A	140 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0		
70	2523465	25	360227	4.	O'HEALY, CINDY I	1932 BEA PLACE	ROCKLEDGE FL 32955 0			
71	2501519	25	360227	7.	OHRT, LAURA I	825 NE 174TH ST	IN MIAMI BCH FL 33162 0			
72	2501771	25	360233	7.	PENNINGTON, DENVER	PENNINGTON, VICTORIA F	H/W/2062 MUDDY CREEK RD	SPRING CITY TN 37381 0		
73	2501594	25	360229	10.	PERNA, JAMES	PERNA, DARLENE A	H/W/150 BRANDY LANE	MERRITT ISLAND FL 32952 0		
74	2501756	25	360232	26.	PETERSON, MAURINE W	LIFE ESTATE	185 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0		
75	2501471	25	360225	29.	POUL, ROMAN I	41 MOORE AVE	MERRITT ISLAND FL 32952 0			
76	2501508	25	360227	6.	POWELL, KEVIN MICHAEL	POWELL, REBECCA MARIE	H/W/14540 WILLOW BEND DRIVE	MELBOURNE FL 32935 0		
77	2501413	25	360227	2.	PRIEST, RYAN A	PRIEST, JESSICA A	H/W/201 CLEVELAND CT	BRICK NJ 8724 1709		
78	2501521	25	360227	1.	RENN, JANICE M	1892 TROPICAL TRAIL S1	MERRITT ISLAND FL 32952 0			
79	2501511	25	360227	2.	ROMAN, ALBERTO	ROMAN, BIVIANA	H/W/1945 GOLDENROD ST	MERRITT ISLAND FL 32952 5074		
80	2501741	25	360232	11.	ROOD, RYAN PHILIP	JACKSON I	110 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0		
81	2501592	25	360232	8.	RUSSELL, MARILYN D	MINTOT, KIMBERLY R	15420 LOVETT DRIVE	MERRITT ISLAND FL 32953 0		
82	2501740	25	360232	10.	SABOURIN, IRIS COLLEEN	ISABOURIN, GERALD H	W/ ET AL	1100 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0	
83	2501525	25	360227	4.	SANDERSON, SHELLEY K	1950 S TROPICAL TRL	MERRITT ISLAND FL 32952 0			
84	2501524	25	360227	2.	SCHOOL BOARD OF BREVARD COUNTY	FL	ATTN: ACCOUNTS PAYABLE	12700 JUDGE FRAN JAMIESON WAY	VIERA FL 32940 6699	
85	2501478	25	360226	6.	SHAFFER, GERALD J	1660 S BREVARD AVE	APT 15211	COCOA BCH FL 32931 0		
86	2501734	25	360232	4.	SHAW, KEVIN C	SHAW, SHARON J	H/W/140 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0		
87	2501739	25	360232	9.	SHEPARD, MARGARITA A	190 RIVER CLIFF LN	MERRITT ISLAND FL 32952 0			
88	2501510	25	360227	3.	SHRIVER, GLENN K JR	SHRIVER, CAROLYN B	H/W/ P O BOX 2751	CLARKSBURG MD 20871 0		
89	2501765	25	360233	1.	SHROBLE, MARK D	SHROBLE, PAMELA M	H/W/100 OAK GROVE LA	MERRITT ISLAND FL 32952 0		
90	2501786	25	360233	A.	SHROBLE, MARK D	YAMADA, HERBERT ET AL	164 OAK GROVE LANE	MERRITT ISLAND FL 32952 0		
91	2522327	25	360200	274.	SMITH, DAVID E	SMITH, MARY H	TRUSTEES	1865 S TROPICAL TRL	MERRITT ISLAND FL 32952 0	
92	2501737	25	360232	7.	SNAVELY, ERIC V	SNAVELY, YONG C	H/W/170 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0		
93	2501465	25	360225	19.	STOKER, JOHN	STOKER, SANDRA H	W/10655 W CHURCH ST	FRANKLIN WI 53132 0		
94	2501768	25	360233	4.	SUTHERLAND, DAVID I	1334 CEREMONIAL RDG	ISAN ANTONIO TX 78260 6419			
95	2501751	25	360232	21.	TAYLOR, GAIL P	1135 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0			
96	2501415	25	360200	5.	TEAGUE, TONI M	HUNT, JOSEPH LIFE ESTATE	P O BOX 541276	MERRITT ISLAND FL 32954 1276		
97	2501518	25	360227	4.	TEAGUE, TONI M	TRUSTEE	P O BOX 541276	MERRITT ISLAND FL 32954 1276		
98	2501517	25	360227	4.	TEAGUE, TONI M	TRUSTEE	P O BOX 541276	MERRITT ISLAND FL 32954 1276		
99	2501620	25	360229	36.	TOLNAY, DAVID SCOTT	1125 BRANDY LANE	MERRITT ISLAND FL 32952 0			
100	2501621	25	360229	37.	TOLNAY, MICHAEL JR	TOLNAY, CHRISTOPHER A	115 BRANDY LANE	MERRITT ISLAND FL 32952 0		
101	2501755	25	360232	25.	TRETTEL, STEPHEN J	195 RIVER CLIFF LANE	MERRITT ISLAND FL 32953 0			
102	2501731	25	360232	1.	TROSINO, JUDITH A	110 RIVER CLIFF LANE	MERRITT ISLAND FL 32953 0			
103	2501595	25	360229	11.	US BANK NA TRUSTEE	17105 CORPORATE DR	PLANO TX 75024 0			
104	2501472	25	360232	12.	VELTEN, ROGER I	120 RIVER CLIFF LN	MERRITT ISLAND FL 32952 0			
105	2501474	25	360226	32.	WEST, STEPHEN P	153 MOORE AVE	MERRITT ISLAND FL 32952 0			
106	2501762	25	360232	32.	WITSON, MELINDA D	125 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0			
107	2501628	25	360229	44.	WISECARNER, SARAH LOUISE	TRUSTEE	1158 VIA DE LA REINA	MERRITT ISLAND FL 32953 0		
108	2501516	25	360227	4.	WOHLHUTER, CHRIS	WOHLHUTER, VERONICA M	H/W/106 VICTORIA ST	MERRITT ISLAND FL 32952 0		
109	2501586	25	360229	2.	WOLF, KATIE BELLE	114 BRANDY LANE	MERRITT ISLAND FL 32953 0			
110	2501416	25	360200	264.	WOOLARD, LYNN P	WOOLARD, PAMELA J	H/W/1971 TROPICAL TRL S1	MERRITT ISLAND FL 32952 0		
111	2501421	25	360200	266.	YACONO, TONY	YACONO, JOANNE	1973 S TROPICAL TR	MERRITT ISLAND FL 32952 0		
112	2501516	25	360227	4.	YACONO, TONY	YACONO, JUDITH E	H/W/1973 S TROPICAL TR	MERRITT ISLAND FL 32952 0		
113	2501417	25	360200	265.	YACONO, TONY	LIFE ESTATE	1973 S TROPICAL TR	MERRITT ISLAND FL 32952 0		
114	2501766	25	360233	2.	YAMADA, HERBERT	TRUSTEE	YAMADA, JANET K	TRUSTEE	1108 OAK GROVE LN	MERRITT ISLAND FL 32952 0
115	2501752	25	360233	22.	YOUNEY, JUSTIN JR	1125 RIVER CLIFF LANE	MERRITT ISLAND FL 32952 0			

Identify [X]

Identify from: **Zoning Actions**

Zoning Actions
 AU

Location: 752,772.960 1,456,838.638 Feet

Field	Value
ZONING	AU
DENSCAP	
ZONINGFILE	
HISTORY	No
BLANKETF	
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ORDNUM	
ACTION	
ACTIONFILE	
ACTIONDATE	<null>
COMMENTS	<null>
FILE_SERVER	<null>
ZFILE_PATH	<null>
ZFILE_NAME	<null>
ZFILE_LINK	<null>
AFILE_SERVER	<null>
AFILE_PATH	<null>
AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

Identify [X]

Identify from: **Zoning Actions**

Zoning Actions
 GU

Location: 753,541.773 1,456,829.546 Feet

Field	Value
ZONING	GU
DENSCAP	
ZONINGFILE	
HISTORY	No
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ACTION	
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ZFILE_LINK	<null>
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AFILE_PATH	<null>
AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

Existing Zoning of Subject Property(ies) at Time of Application:

16PZ00059

Identify

Identify from: Zoning Actions

Zoning Actions
└─ RU-1-11

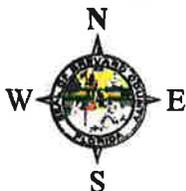
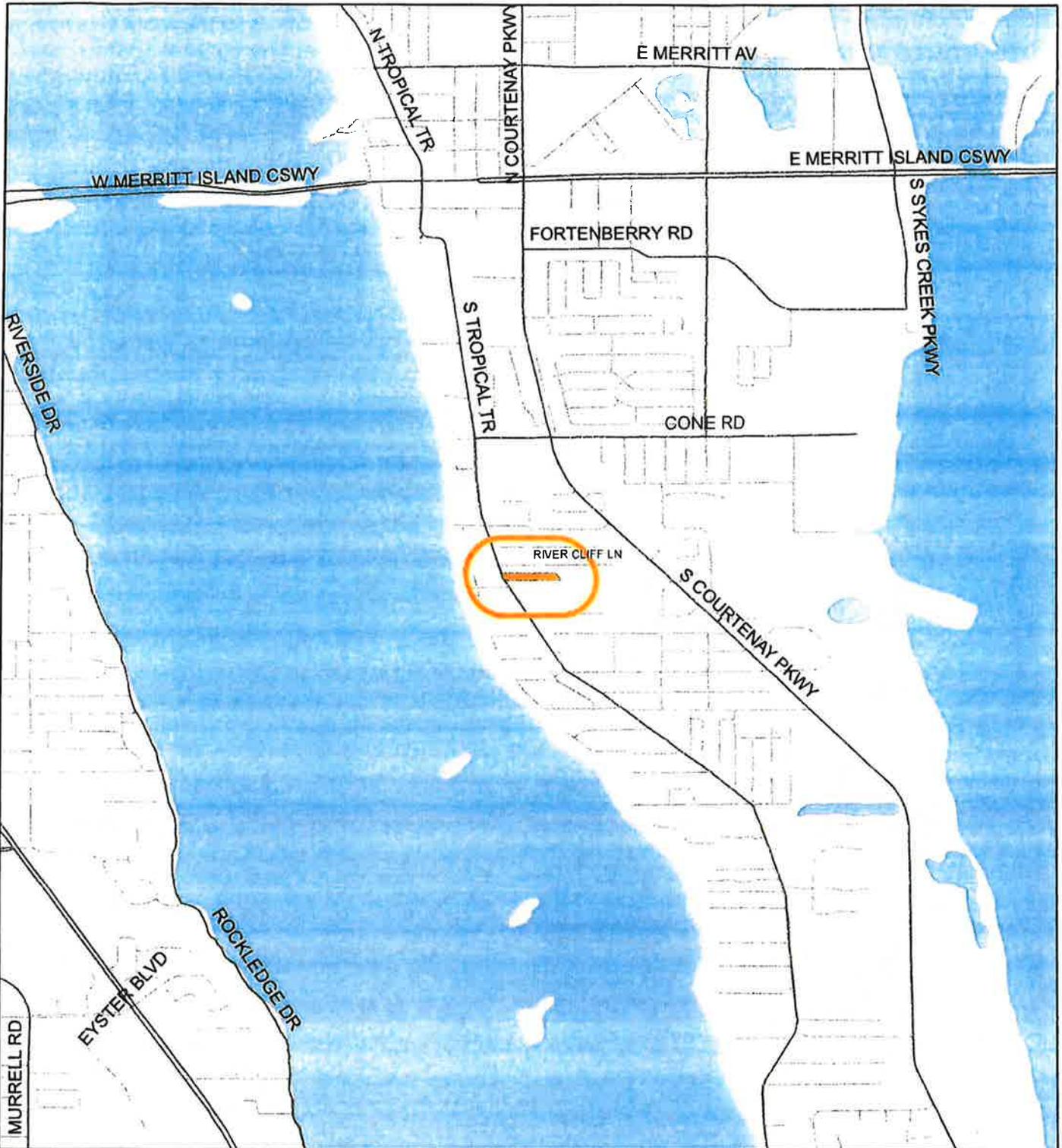
Location: 706,602.651 1,567,688.303 Feet

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DENSCAP	
ZONINGFILE	
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ZFILE_LINK	<null>
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AFILE_PATH	<null>
AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

LOCATION MAP

RENK, JANICE
16PZ00064



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

Buffer Distance: 500 feet

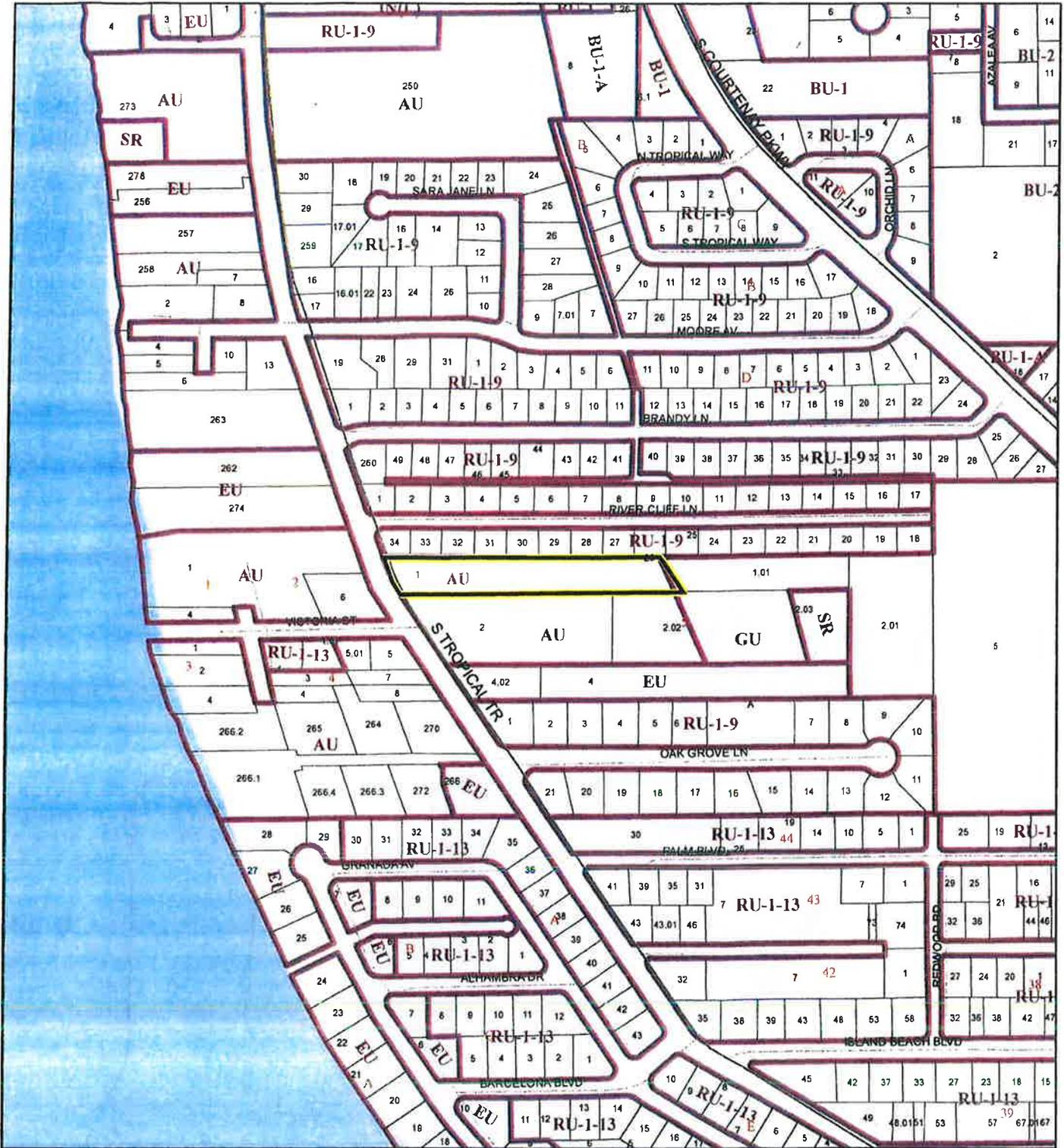
-  Buffer
-  Subject Property

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

RENK, JANICE

16PZ00064



1:4,800 or 1 inch = 400 feet

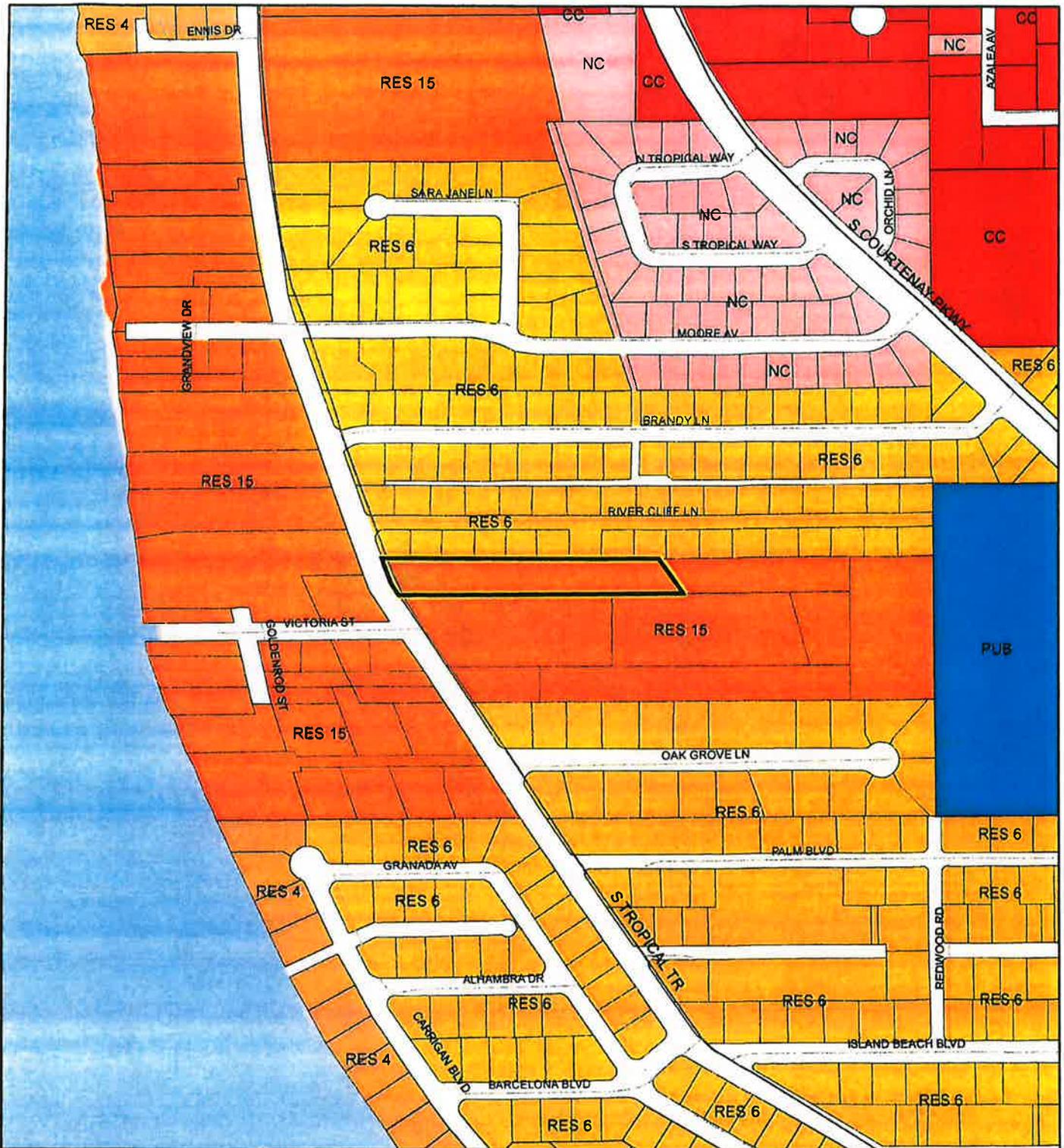
- Subject Property
- Parcels
- Zoning

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.

FUTURE LAND USE MAP

RENK, JANICE

16PZ00064



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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.

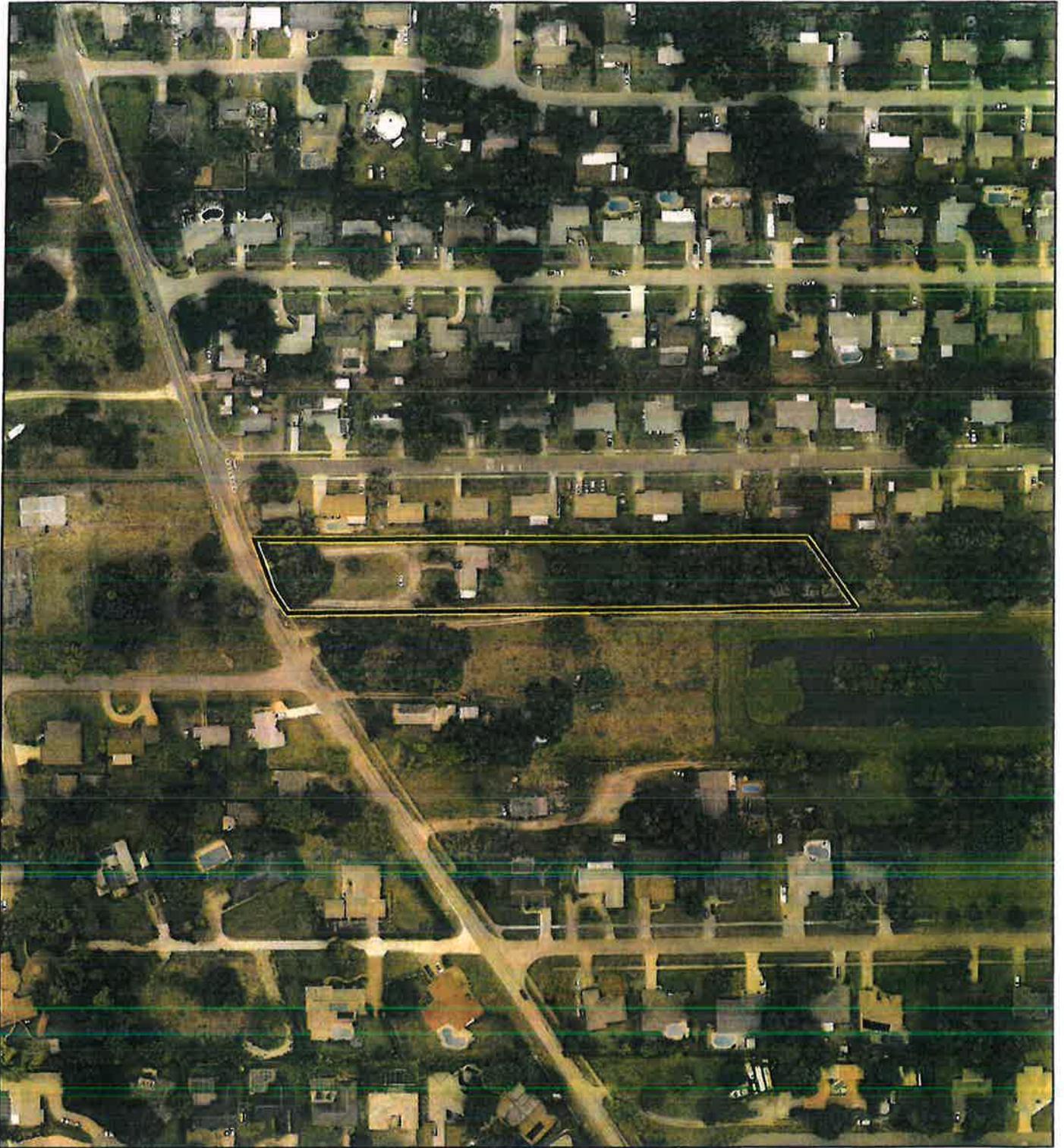
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

R 039

AERIAL MAP

RENK, JANICE

16PZ00064



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2016

 Subject Property

 Parcels

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.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/24/2016

R - 040

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for the RU-2-8 zoning classification. The RU-2-8 classification is an eight unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to eight units per acre on 7,500 square foot lots. The surrounding properties are zoned RU-1-9 to the north, AU to the south, GU to the east and AU across S. Tropical Trail to the west. This area of S. Tropical Trail is primarily developed with single-family homes. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* Does the project appear to meet county use or density restrictions based upon:
* Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The subject property is currently developed with a single-family home constructed in 1967. The applicant is requesting the RU-2-8 multi-family zoning classification for the purposes of constructing 7 duplexes, for a total of 14 units. The RU-2-8 zoning classification allows up to eight units per acre and is consistent with the Future Land Use Designation of Residential 15.

There are no other multi-family zoning classifications in this area of south Merritt Island along S. Tropical Trail. Given that the area is predominately zoned single-family, the Board may wish to evaluate the compatibility of multi-family zoning in this area and enhance landscaping or setbacks to prevent incompatibilities between single-family and multi-family uses.

It is noteworthy to mention that Resort Dwellings, which are rentals of 90 days or less, are a permitted use within the multi-family zoning classifications. Therefore, the transient nature of resort dwellings should be evaluated when considering the location of the subject property and the proposed use.

Summary: The applicant is requesting the RU-2-8 zoning classification that allows up to eight units per acre for the purposes of developing 7 duplexes on the subject property, yielding a total of 14 units. Given the lack of multi-family zoning in the area, the Board should evaluate the compatibility of the request.

The applicant has stipulated the construction is for duplexes, the Board may wish to consider a Binding Development Plan (BDP) to ensure the scale and type of duplex is within character of the area, provide enhanced landscaping on the north side of the property and prohibit the units from being used as Resort Dwellings.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 16PZ00064	Applicant: Janice Renk
Zoning Request: AU & GU to RU-2-8	
P&Z Hearing Date: 08/08/16	BCC Hearing Date: 09/01/16

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to the following property: Twp. 25, Rng. 36, Sec. 02; Tax ID No. 2501521

The subject parcel contains mapped hydric soils (Anclote Sand, frequently flooded), an indicator that wetlands may be present on the property. 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. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6), for subdivisions and multi-family parcels greater than five acres in area. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The subject parcel also contains mapped aquifer recharge soils (Paolo Fine Sand, 0-Candler-Urban Land Complex). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

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. Land clearing is not permitted without prior authorization by NRM (321-633-2016).

Owner's Name: K. PAC

Hearing Date: 9-12-16

14P200064

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Robert Potter, to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Robert Potter
Signature

Sworn and Subscribed before me, this 12th day of September 2016.

B. Ihnen
(Print, Type, or Stamp Commissioned Name of Notary Public)

B. Ihnen
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: FL Driver License



THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

THIS ITEM WAS TABLED FROM THE AUGUST 8, 2016 P& Z MEETING

~~IVB.6.~~
 IV.A.1

Commission District # 2 (16PZ00064)
 Initial Hearing Dates: P&Z 09/12/16 BCC 10/06/16

REZONING REVIEW WORKSHEET

Applicant Name: JANICE RENK

Request: AU & GU to RU-2-8

Subject Property:

Parcel ID#: 25-36-07-27-5-1
 Tax Acct#: 2501521
 Location: East side of South Tropical Trail, approx. 200 ft. south of River Cliff Lane
 Address: 892 S. Tropical Trail, Merritt Island
 Acreage: 1.89 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU & GU	RU-2-8
Potential*	1 SFR Unit	14 Multi-family Units
Can be Considered under FLU MAP	YES RESIDENTIAL 15	YES

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	350A
Trips from Proposed Zoning	81	7	Segment Name	S. Tropical Trail
Maximum Acceptable Volume (MAV)	12,480	1,123	Acceptable LOS	E
Current Volume	4,508	406	Directional Split	0.52
Volume With Proposed Development	4,589	413	ITE CODE 230	
Current Volume / MAV	36.12%	36.12%		
Volume / MAV with Proposal	36.77%	36.77%		
Current LOS	B	B		
OS With Propos	B	B		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

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This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to the following property: Twp. 25, Rng. 36, Sec. 02; Tax ID No. 2501521

The subject parcel contains mapped hydric soils (Anclote Sand, frequently flooded), an indicator that wetlands may be present on the property. 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. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6), for subdivisions and multi-family parcels greater than five acres in area. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The subject parcel also contains mapped aquifer recharge soils (Paolo Fine Sand, 0-Candler-Urban Land Complex). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

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. Land clearing is not permitted without prior authorization by NRM (321-633-2016).

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent

FYI
~~IV.B.1~~
~~IV.B.2~~
IV.A.1.



June 7, 2016

Mr. Conroy Jacobs
Planner I
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Renk Property Rezoning
School Impact Analysis – Capacity Determination CD-2016-06**

Dear Mr. Jacobs,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on May June 6, 2016. The subject property consists of Parcel ID 25-36-02-27-5-1 (Tax ID 2501521), containing approximately 1.89 acres in Brevard County, Florida. The proposed rezoning change would increase the maximum number of residential units permitted by 14 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the maximum potential increase in residential units resulting from the proposed rezoning. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2016-17 to 2020-21 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2015-2016 to 2020-21* which is attached for reference.

Single Family	14		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	3.78	4
Middle	0.06	0.81	1
High	0.10	1.4	1
Total	0.43		6

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646


An Equal Opportunity Employer

R - 047

At this time, there is projected to be sufficient capacity at every school level for the proposed Renk Property Rezoning.

This is a non-binding review. A **Concurrency Determination** must be performed by the School District prior to the issuance of a final development approval and Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



David G. Lindenmann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2015-16 to 2020-21*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2016-06

FYI
IV.A.1.

SANITARY SEWER SERVICE CAPACITY AVAILABILITY CERTIFICATE

This certificate is issued for the purpose of verifying that sanitary sewer service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: _____

II. Applicant/Owner Information

Owner:	<u>K-ARC LLC</u>	Applicant:	<u>ROBERT POTTER</u>
Address:	<u>61 CAMELOT DR</u> <u>PLYMOUTH MASS. 02360</u>	Address:	<u>2018 S. RIVER RD.</u> <u>MEL. BEACH FL 32951</u>
Phone No. (home)	<u>508-746-1101</u>	Phone No. (home)	<u>270-841-0989</u>
(work)	_____	(work)	_____

III. Legal Description and Development Proposal

Township	Range	Section	Subdivision	Block/Parcel <input checked="" type="checkbox"/>	Lot
Subdivision Name _____					
Site Acreage	<u>1.95</u>	Zoning Classification	<u>AU. TO R4-8</u>		
If Residential	Type of Residential	<u>DUPLEXES</u>			
	Maximum Number of Dwelling Units	<u>14</u>			
If Non-residential	Specific Uses	_____			
	Square Footage	_____			

IV. Availability of Sanitary Sewer Service

The following sanitary sewer capacities are available as of the date of this application.

14 # of units or equivalent non-residential units

2800 gallons/day @ ³⁰⁰~~250~~ gallons/residential unit/day

Affected Facility: SYKES CREEK REGIONAL WWTP

As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

As of the date of this application sanitary sewer capacities are not available.

Tommy Hurley
Signature and Title

Utility Services
Jurisdiction

10/3/16
Date

V. The subject property is in an area not served by a public sewer supply system and will be utilizing an on-site sewage disposal/septic tank.

This site is or can be made suitable for the use of an on-site sewage disposal system.

This site is currently serviced by an on-site sewage disposal system, which is adequate to handle the proposed new development described above.

Signature and Title

Jurisdiction

Date

OBJECTION
~~IV. A. 1~~
IV. A. 1

Jones, Jennifer

From: Elizabeth Michelman <issuesinb@yahoo.com>
Sent: Thursday, September 01, 2016 1:38 PM
To: Jones, Jennifer
Subject: Rezoning Request slated for 09/12/16 Meeting

On September 12, 2016, the issue whether the property located at 892 S Tropical Trail, Merritt Island, is on the docket for a re-zoning change. The property was only sold to the new owner KPAC-LLC in June of this year and the reasoning for the change is to develop 7 duplexes upon this property which requires changing the zoning from its current AU to RU2-8 . Per our recent phone discussion, you advised me that those citizens that cannot be available for the 3PM meeting on the 12th should send you an email voicing their opinion of this change. Meetings do conflict with both work and school schedules which makes it difficult to attend in spite of the intense concern of many people that the committee not approve this zoning request.

As I was at the original meeting in August in which the new owners, aka Mr. Potter, had not submitted an affidavit for the signage which is required in order for the case to be heard, we had assembled a group of over 30 to express our sincere concerns that the zoning committee NOT allow for this zoning change. In addition, I have acquired the signatures of an additional 200 plus people that are also not in agreement with the change. In the county's own paperwork there are recommendations that the committee consider that this plan is not consistent with the overall single residential use that prevails in the entire South Merritt Island community. We feel that any action by the committee to allow for the development of duplexes is an opportunity for growth that is inconsistent with the FLU and comprehensive plan (which is subject to new rules and regulations at the close of this year which has consistently limited development as new plans are developed - I spoke with Ann and she researched the information for me). It is comparing oranges to apples and the small short term benefit of a slight property tax increase will be readily offset by the long-term costs that duplex communities will incur and/or will open a pandora's box to develop duplexes on properties assigned for single residential use. With the impact fees moratorium and a corporation which will be paying taxes to the state of Delaware, the benefits are wholly outweighed by the costs that Brevard will have to pay. The disruptions created by a duplex community in our neighborhood is contrary to the quality of life I purchased when I bought my home. There seems little to be gained by this approval and it is our desire, as a community, to retain its single family residence status because we can't think of a single reason why this approval benefits the greater good of our community.

Please pass on that I am vehemently opposed to this zoning change and the builders, developers, or owners need to re-think their plans based upon the community they knowingly bought into. We shouldn't have to change our way of life to accommodate their ability to make a buck.

Elizabeth Michelman
898 S Tropical Trail
Merritt Island, FL

OBSECTION

~~IV.C.1.~~

IV.A.1.

Jones, Jennifer

From: Fox, Cynthia C
Sent: Thursday, September 08, 2016 9:13 AM
To: Jones, Jennifer
Subject: FW: 892 S Tropical Trail

From: Nancy Maggart [<mailto:nansterscale@gmail.com>]
Sent: Wednesday, September 07, 2016 5:24 PM
To: Fox, Cynthia C
Subject: 892 S Tropical Trail

I am writing to say I am opposed to the building of 7 duplexes on 892 S Tropical Trail, Merritt Island, FL 32952. I don't think this is the proper neighborhood for duplexes. Tropical Elementary and Jefferson are already too crowded. South Tropical Trail is a two lane street that doesn't need more traffic.

Thank you for allowing me to be heard, fingers crossed that this doesn't get re-zoned.

Thomas & Nancy Maggart
975 South Tropical Trail
Merritt Island, FL 32952

16 PZ 000 64

OBJECTION
~~IV.B.6~~ IV.A.1.

Dear Commissioner Fox,

We reside at 15 Rivercliff Lane, Merritt Island, Florida 32952 in Brevard County, we write to voice our opposition to the proposed rezoning and development of the property owned by K-Pae at the intersection of South Tropical Trail and Rivercliff Lane.

The proposal to rezone the K-Pae property presents the possibility of significant changes to a well-established neighborhood. Citizens have not had sufficient time or information to fully understand this proposal and the environmental consequences that development might cause for the surrounding area. We urge you to vote against the rezoning of this property.

Our property at 15 Rivercliff Lane runs parallel to Mr. K Pae's property (photographs provided), the fence that runs the length of our adjoining properties is 6 feet high and will not block proposed buildings Mr. Pae is looking to construct, these types of multifamily homes will take away any privacy we currently enjoy and back yard will be completely exposed. We also feel our security and the security of our home will be at risk rezoning this property in this manner.

The proposal to rezone the property will cause undue hardship and potential reduction to our property values. To honor the faith placed in you as a representative of the people, we urge you to vote to reject the proposal to rezone the property.

Sincerely,

Mr. and Mrs. Mitchell A. Carr

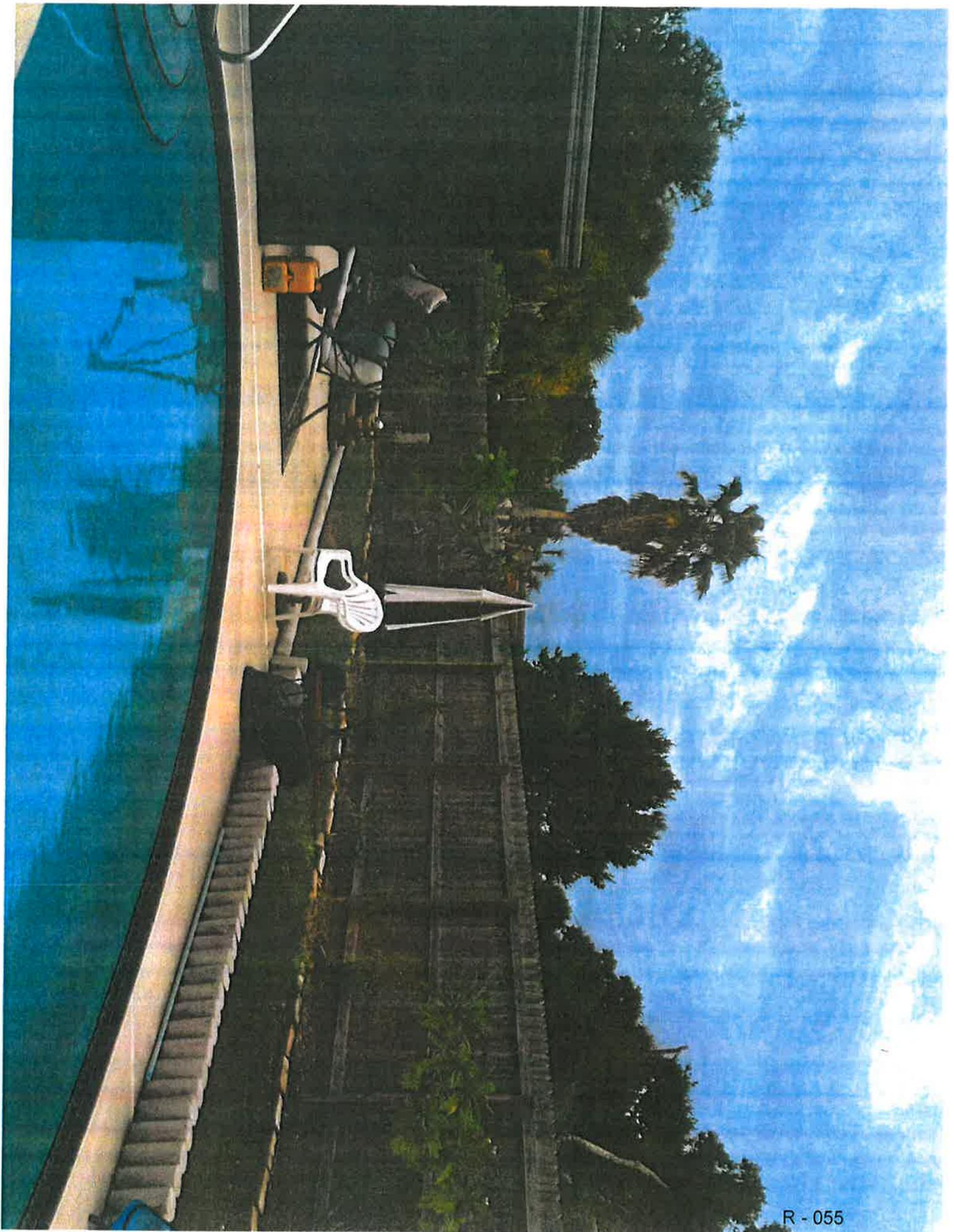
15 Rivercliff Lane

Merritt Island, Florida 32952

[407-520-4497](tel:407-520-4497)







OBSSESSION

IV.A.1.

~~IV.B.1.~~

Jones, Jennifer

From: Elizabeth Michelman <issuesinb@yahoo.com>
Sent: Friday, September 09, 2016 3:45 PM
To: Jones, Jennifer
Subject: Zoning Change Application Opposition

Dear Ms. Jones:

Because I do not have my own email account I have asked Elizabeth to send you an email on my behalf. I will be attending the meeting on Monday to oppose the zoning change proposal set for Monday's P & Z meeting to hear about 892 S Tropical Trail, AU to RU2 - 9. I live directly parallel to the property and cannot understand how these duplexes will benefit anyone else on Merritt Island except the developer. We all are single family residences. I have lived in my home for over 45 years and have a working farm. I have found no one that thinks this is a good idea or something the county should pass without serious accountability for their decision.

I would ask the committee to consider that since the duplexes are not on a public street but an egress that faces my property, what do these future owners expect to see? Our zoning compliance laws are regulated to consider what can be done on the front of our properties and what can be done on the back to keep in compliance. I think it highly harmful that you expect 14 homeowners to face the working side of my farm and its activities without creating neighbor issues and future problems for me. I am totally against this zoning change and hope to be able to speak at the hearing.

Walter Bryant
926 S Tropical Trail
Merritt Island, FL

OBJECTION
IV.A.1. ~~DEB.E.~~

September 10, 2016

Board of County Commissioners
Planning and Development Department
Attention: Ms. Cindy C. Fox, Manager
2725 Judge Fran Jamieson Way
Building A114
Viera, Florida 32940

Subject: Rezoning, 892 S. Tropical Trail, Merritt Island, FL 32952

Dear Ms. Fox:

I recently was notified that a surrounding residence requested rezoning to RU-2-8, multi family residential. I am opposed to this request.

If you look at the demographics of this area you will see that it is surrounded by single family homes and has been for decades. This is an inappropriate area for multi-family dwellings. There are no multi-family dwellings anywhere close to this area at all.

Besides the fact that the area is not suited for this type of housing, Tropical Trail traffic is very heavy. Adding more vehicles on this stretch of road is not a reasonable option and could prove to be dangerous. I live on Moore Avenue and have had to wait quite a while to pull out of my street onto Tropical Trail. Traffic is extremely heavy at times. Additionally, there is a curve on Tropical Trail right at this rezoning location. It could provide a dangerous exit/entrance for the number of vehicles that may be residing there.

As a lifelong Merritt Islander, I am against this rezoning. It is in a single family dwelling area and multi-family dwellings do not belong there.

Please consider all the neighborhoods surrounding this property and do not approve this rezoning.

Shirley J. Kidd
10 Moore Avenue
Merritt Island, FL 32952
321-453-0795

OBJECTION
~~IV.B.B.~~

IV.A.1.

Jones, Jennifer

From: Elizabeth Michelman <issuesinb@yahoo.com>
Sent: Monday, September 12, 2016 10:19 AM
To: Jones, Jennifer
Subject: 982 S Tropical Trail Zoning Change Application
Attachments: 20160912_094026.jpg; 20160912_094014.jpg; 20160912_094008.jpg; 20160912_093949.jpg; 20160912_093932.jpg

The above property zoning change is set to be heard before the P & Z meeting today. I believe that unless the board all has access to materials, they won't consider any peripheral documentation. Attached please find pictures of the front of my property at 898 S Tropical Trail and the rear of 982 S Tropical Trail directly during a storm. Since the county put in a retention pond adjacent to these properties, flooding has become an issue. One of the points I have been making and corroborated by the planning departments is that the soils on the property are both pervious and impervious. If the county were to allow for the development of 14 duplexes which also consists of a 24' driveway to access Tropical Trail and 30 parking spots (per the planning guidelines and verified by staff - this isn't a number I created) can you imagine what the impact of this would be to surrounding homes? Where is the runoff to go but into the Indian River and cause further flooding to neighbors? Since Florida has declared a state of emergency by Governor Scott, the idea of creating even any additional risks seems contrary to the massive problems which are affecting all coastal areas that abound the Indian River Lagoon estuary. And whether these problems are caused by septic tanks, over-use of fertilizers, they all relate to stormwater runoff.

Please share so I can refer to this at today's meeting.

Thank you,

Elizabeth Michelman
898 S Tropical Trail
Merritt Island, FL 32952











OBJECTION
~~IV. A. 1.~~

IV. A. 1.

Jones, Jennifer

From: Brynne Aleksandra <brynnealeksandra@gmail.com>
Sent: Monday, September 12, 2016 11:35 AM
To: Jones, Jennifer
Subject: Sept 12, 2016: Planning & Zoning Committee

Good morning:

My name is Brynne Michelman-Schmaling and I live at 898 S. Tropical Trail on Merritt Island and am totally against the proposed zoning change to be heard today. My family lives directly behind this property. I am a full-time student at FIT and cannot attend the meeting today but hope you consider some of my concerns about this proposal.

On September 12 at the Viera Government Center, 2725 Fran Jamieson Blvd., Building C, at 3 PM, the Planning and Zoning Committee will be hearing a proposal to allow a zoning change on the 892 S Tropical Trail Property from Agricultural Use to Residential Use 2 – 8 which is necessary for K-PAC LLC to develop 7 duplexes on a property that is only 100 to 105 feet wide and will have a single driveway onto Tropical Trail which could be only 70 feet from River Cliff. I personally feel that this is a totally unacceptable use of the few remaining greenfields located on South Merritt Island and could create adverse impacts on our entire community.

Increased and seemingly unnecessary traffic issues, the stress of 14 new families crammed into a small space within 5 existing streets within 200 feet in either direction of the proposed “driveway” would create additional traffic flow for the neighborhood and parents of students that attend Tropical Elementary. We only have limited north/south roadways on our island and increased traffic patterns affect all of us.

Loss of environmental lands; this property is home to various unprotected and protected species but also serves to recharge our aquifers. By rendering the land impervious to stormwater, it will create additional stress to the Indian River Lagoon water system already at its brink and has the potential to cause flooding in surrounding areas including Rivercliff Lane.

There are NO existing duplex communities in the entirety of South Merritt Island (two existing buildings were created prior to the current FLU) and this approval could open a Pandora’s box to allow for new development of existing rentals to profit from retrofitting single homes into duplexes.

The surrounding micro neighborhood which borders the proposed duplex community includes homeowners that have additional acreage which given the dire impact of a rental community of this magnitude into their backyards, frontyards and sideyards could feel forced to move and their combined lands could be further developed into an even larger duplex development.

Published white papers, academic studies, do find a correlation between crime and affordable housing rentals. Discussions with the local Sheriffs have indicated their concern about this proposal and their having to police this development in the future.

Property values will be impacted. In our community any proposal that denies us the right to enjoy the very reasons we purchased our homes in the first place and has no value to the entire community is inconsistent with the Florida Land Use qualifications our local government is elected and/or hired to protect.

Without impact fees, even monies received by builders and future taxes pale to the costs associated with additional infrastructure use. In addition, K-PAC LLC is a shell corporation for another corporation which pays state corporate taxes in Delaware, known as a tax haven, so even state taxes will not be able to benefit from this proposal.

Thank you,

Brynne

OBJECTION
~~IV.B.6.~~
IV.A.1.

Jones, Jennifer

From: Carol Horner <adventurecyclesfl@att.net>
Sent: Monday, September 12, 2016 12:52 PM
To: Jones, Jennifer
Subject: Rezoning of 892 S Tropical Trl

Dear Board of County Commisioners,

I am definitely opposed to rezoning 892 S Tropical Trl because these are all nice, small family homes.

Sincerely,
Carol Horner
749 S Tropical Trl

----- Adventure Cycles 625 N. Courtenay Parkway Merritt Island, FL 32953 321-452-3550

OBJECTION
~~12-16~~

IV.A.1. 9-12-16

(FOR meeting 9-12-16)
AT 3PM

Cindy C. Fox
Planning & Zoning Mgr
Board of County Commissioners
Planning & Zoning Dept
Brevard County GOVT CTR
Bldg #114
Vienna FL 32940

FAX 321-333-2087

RE: Correspondence RE
Rezoning FOR 892 S. Tropical Trl.
From AU/GU TO RU-2-8
MULTI Family Residential

Please Consider OUR Request
FOR NOT granting this rezoning
The Traffic IS Very Heavy
as IS. The residents I have
spoken with also oppose
the rezoning. IF a petition
IS requested let me know.

Thank you.
Ronald & Shirley Carter
785 S. Tropical Trl
Merritt Island FL
32952 - Phone 321-452-4941

OBJECTION
III.A.1.

9-12-16

Claudy FOX
2725 Judge Frank Jamieson way
Vienna FL

RE your letter (undated) FOR
reworking 892 S. Tropical Trail,
from AV/60 TO RV 2-8
Please let it be known
I oppose this reworking.

Quothy Markman
25 Meade Ave.
Merritt Isl FL 32952

OBJECTION
~~IV.B.6.~~
IV.A.1.

David Smith
865 South Tropical Trail
Merritt Island, FL 32952

Brevard County Zoning Official
Viera Government Center
2725 Judge Fran Jamieson Way
Building A
Viera, FL 32940

RE: Proposal to rezone 892 South Tropical Trail AU/GU to RU-2-8

To whom it concerns;

I am a home owner and reside within 500 feet of the property at 892 South Tropical Trail. I strongly oppose changing the zoning to allow up to 8 duplex units (RU-2-8). The character of the residential area is not compatible with multi-family units and the traffic pattern would be adversely affected. This re-zoning would decrease the value and desirability of all surrounding properties.

Thank you for your attention,

David Smith

David Smith
865 south Tropical Trail
Merritt Island, FL 32952
321-506-9511

SEP 15 2016

BY:

OBJECTION
IV.A.1. ~~IV.B.6.~~

September 29, 2016
65 Rivercliff Lane
Merritt Island, FL 32952

Cindy C. Fox
Planning & Zoning Manager
Brevard County Government Center
2725 Judge Fran Jamieson Way
Building A114
Viera, FL 32940

Dear Ms. Fox:

I am writing this letter in opposition to the proposed zoning action for the property located at: 892 S. Tropical Trail, Merritt Island, FL. This property is currently zoned as AU/GU and the new owner is proposing to change the zoning to RU-2-8. A chain link fence separates my backyard and a portion of this property.

If approved, the property would be developed to allow for seven (7), housing for 14 families. To me, this can be translated into 14 families= 28 vehicles= 56 people. This would greatly increase the amount of traffic, noise and garbage. The neighborhood and surrounding area is a quasi-country setting and is quite beautiful and peaceful and I would like to see it stay that way.

Please vote against this proposed zoning action.

Thank you,

Katherine Jacobson



SEP 30 2016

R - 070

OBSSECTION
IV .A .1

Dear Commissioner -----,

We reside at 15 Rivercliff Lane, Merritt Island, Florida 32952 in Brevard County, we write to voice our opposition to the proposed rezoning and development of the property owned by K-Pae at the intersection of South Tropical Trail and Rivercliff Lane.

The proposal to rezone the K-Pae property presents the possibility of significant changes to a well-established neighborhood. Citizens have not had sufficient time or information to fully understand this proposal and the environmental consequences that development might cause for the surrounding area. We urge you to vote against the rezoning of this property.

Our property at 15 Rivercliff Lane runs parallel to Mr. K Pae's property (photographs provided), the fence that runs the length of our adjoining properties is 6 feet high and will not block proposed buildings Mr. Pae is looking to construct, these types of multifamily homes will take away any privacy we currently enjoy and back yard will be completely exposed. We also feel our security and the security of our home will be at risk rezoning this property in this manner.

The proposal to rezone the property will cause undue hardship and potential reduction to our property values. To honor the faith placed in you as a representative of the people, we urge you to vote to reject the proposal to rezone the property.

We also request that you require the current owner of the property provide an up to date/current environmental assessment of the property.

Sincerely,

Mr. and Mrs. Mitchell A. Carr
15 Rivercliff Lane
Merritt Island, Florida 32952
407-520-4497

OBJECTION
IV.A.1.

Jones, Jennifer

From: dfeller001@cfl.rr.com
Sent: Sunday, October 23, 2016 1:19 PM
To: Jones, Jennifer
Subject: re-zoning 892 S. Tropical Tr.

I would like to say that I do not feel that duplex's located on this property are consistent with the area. We are a neighborhood of single family homes and would like very much for it to remain this way. I also have a concern with the traffic, especially in the morning going both direction on S. Tropical Tr.. Plus we have the school traffic from Tropical Elementary leaving off of Rivercliff Ln.. I think Traffic Division needs to look into this before any decision is made.

I also think that the owner should have an Environmental Assessment done on the property. Mainly because it is and has been zone residential-agricultural. We have quite a bit of wildlife and we also have farm animals in the area.

They are asking to build 7 duplex's and average of 14 families the average family is 4 people, that's 56 people on 1.89 acres. I don't even believe right now at this time we have that many people living on the whole street of Rivercliff Ln..

I am also to understand that it is to be UNSUPERVISED property. I am very much concerned as to what that could turn into.

Putting duplex's on this property would also result in LOWERING our property values. Definitely not for this.

My husband and I are very much opposed to this re-zoning and would appreciate you considering this.

Thank you

David & Cheryl Feller

OBJECTION
III.A.1.

Jones, Jennifer

From: lee barnhart <wbarnhart@cfl.rr.com>
Sent: Wednesday, October 26, 2016 11:07 AM
To: jenniferjones@brevardfl.gov; Jones, Jennifer
Cc: Commissioner, D2
Subject: 16pz00064

Everyone please don't allow multifamily housing south of cone road. This will destroy the single family environment of south tropical trail. Yes there are some of these south of cone road but this would set a dangerous precedent for the area as well as lower existing property values. The environmental impact would be heightened also. The effect of dumping the traffic from a 14 unit development on an already over used and speedy South tropical trail increases the traffic on an already congested two lane road. Please NO MULTI FAMILY DEVELOPMENTS SOUTH OF CONE ROAD.

William lee Barnhart
845 south tropical trail
Merritt island, fl 32952

OBJECTION
III.A.1

Date: Sunday, October 23, 2016 1:18 PM

From: dheller01@cltr.com

To:

Subject: Re: 827 S. Tropical Tr. Meeting 11/3/2016

I would like to say that I do not feel that the property located on this property are consistent with the area. We are a neighborhood of single family homes and would like very much for it to remain this way.

I also have a concern with the traffic, especially in the morning going both directions on S. Tropical Tr. plus we have the school traffic from Tropical Elementary leaving off of Rivercliff Dr. I think Traffic Division needs to look into this before any decision is made.

I also think that the owner should have an Environmental Assessment done on the property. Vailly because it is and has been some residential-agricultural. We have quite a bit of wildlife and we also have farm animals in the area. They are asking to build 7 duplex's and average of 14 families the average light per at this time we have that many people living on the whole street of Rivercliff Dr.

I am also to understand that it is to be an UNSUBDIVIDED property. I am very much concerned as to what that could turn into. Putting duplex's on this property would also result in 12' WIDE our property values. Definitely not for this by husband and I are very much opposed to this re-zoning and would appreciate you considering this.

Thank you
David & Cheryl Felner

OBJECTION
I.A.I.

Jones, Jennifer

From: Commissioner, D2
Sent: Friday, October 28, 2016 3:51 PM
To: Fox, Cynthia C
Cc: Jones, Jennifer
Subject: FW: 16pz00064

FYI

Thank you,

Liz Alward

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: lee barnhart [<mailto:wbarnhart@cfl.rr.com>]
Sent: Wednesday, October 26, 2016 11:07 AM
To: jenniferjones@brevardfl.gov; Jones, Jennifer
Cc: Commissioner, D2
Subject: 16pz00064

Everyone please don't allow multifamily housing south of cone road. This will destroy the single family environment of south tropical trail. Yes there are some of these south of cone road but this would set a dangerous precedent for the area as well as lower existing property values. The environmental impact would be heightened also. The effect of dumping the traffic from a 14 unit development on an already over used and speedy South tropical trail increases the traffic on an already congested two lane road. Please NO MULTI FAMILY DEVELOPMENTS SOUTH OF CONE ROAD.

William lee Barnhart
845 south tropical trail
Merritt island, fl 32952

From Mr. & Mrs. Feller
20 Rivercliff Ln
MI. 32952

OBJECTION
IV. A.1.



Print

Date: Sunday, October 23, 2016 1:18 PM

From: dfeller001@cfl.rr.com

To: ~~XXXXXXXXXXXXXXXXXXXX~~

Subject: re-zoning 892 S. Tropical Tr. meeting 11/3/2016

I would like to say that I do not feel that duplex's located on this property are consistent with the area.

We are a neighborhood of single family homes and would like very much for it to remain this way.

I also have a concern with the traffic, especially in the morning going both direction on S. Tropical Tr.. Plus we have the school traffic from Tropical Elementary leaving off of Rivercliff Ln.. I think Traffic Division needs to look into this before any decision is made.

I also think that the owner should have an Environmental Assessment done on the property. Mainly because it is and has been zone residential-agricultural. We have quite a bit of wildlife and we also have farm animals in the area.

They are asking to build 7 duplex's and average of 14 families the average family is 4 people, that's 56 people on 1.89 acres. I don't even believe right now at this time we have that many people living on the whole street of Rivercliff Ln..

I am also to understand that it is to be UNSUPERVISED property. I am very much concerned as to what that could turn into.

Putting duplex's on this property would also result in LOWERING our property values. Definitely not for this.

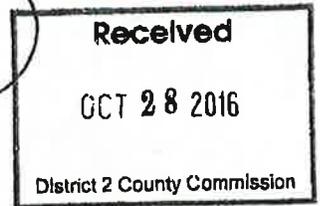
My husband and I are very much opposed to this re-zoning and would appreciate you considering this.

Thank you

David & Cheryl Feller

(refers to the 792 S. Tropical
Rezone Request)

OBJECTION
III.A.1.



Dear Commissioner Barfield,

We reside at 15 Rivercliff Lane, Merritt Island, Florida 32952 in Brevard County, we write to voice our opposition to the proposed rezoning and development of the property owned by K-Pae at the intersection of South Tropical Trail and Rivercliff Lane.

The proposal to rezone the K-Pae property presents the possibility of significant changes to a well-established neighborhood. Citizens have not had sufficient time or information to fully understand this proposal and the environmental consequences that development might cause for the surrounding area. We urge you to vote against the rezoning of this property.

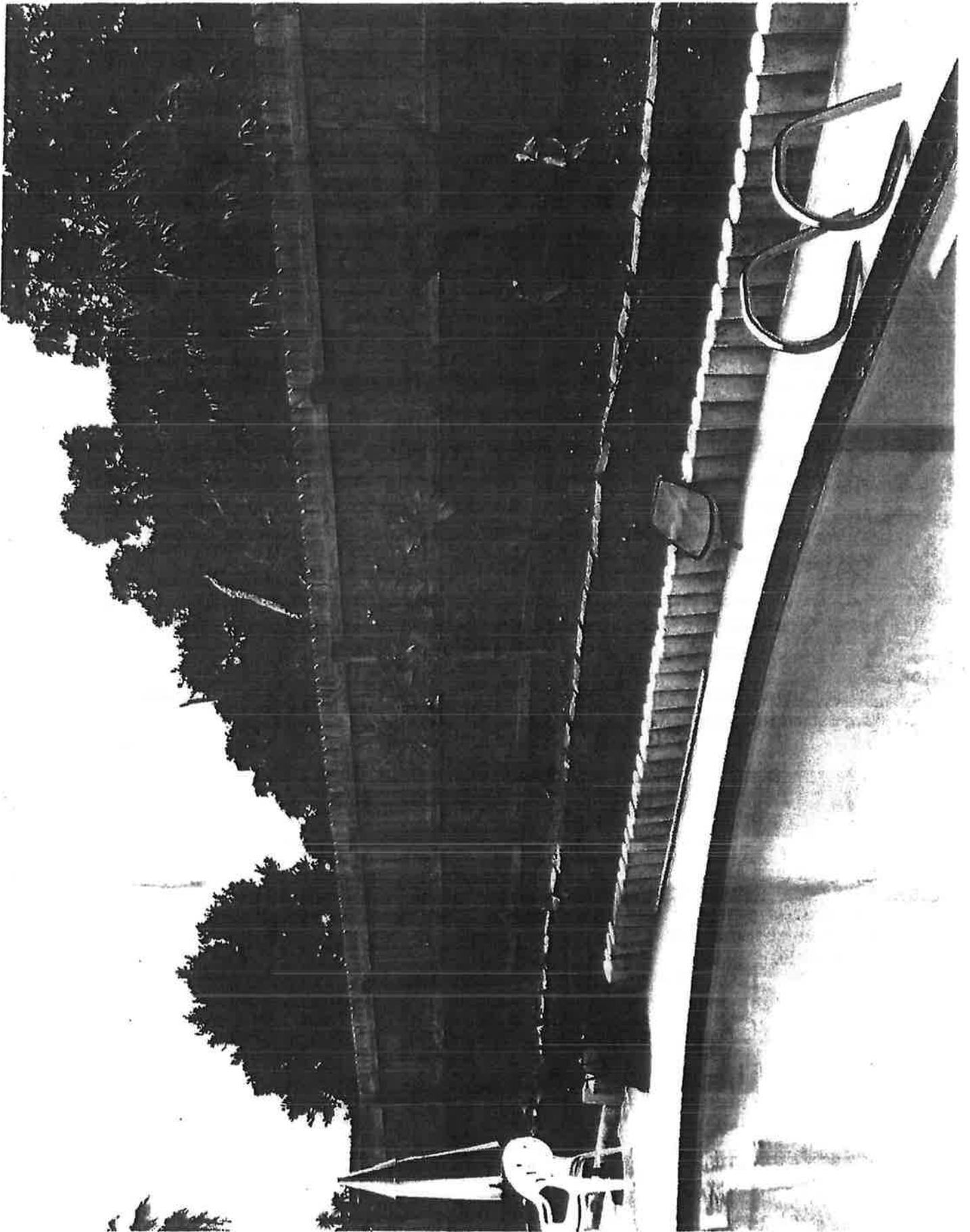
Our property at 15 Rivercliff Lane runs parallel to Mr. K Pae's property (photographs provided), the fence that runs the length of our adjoining properties is 6 feet high and will not block proposed buildings Mr. Pae is looking to construct, these types of multifamily homes will take away any privacy we currently enjoy and back yard will be completely exposed. We also feel our security and the security of our home will be at risk rezoning this property in this manner.

The proposal to rezone the property will cause undue hardship and potential reduction to our property values. To honor the faith placed in you as a representative of the people, we urge you to vote to reject the proposal to rezone the property.

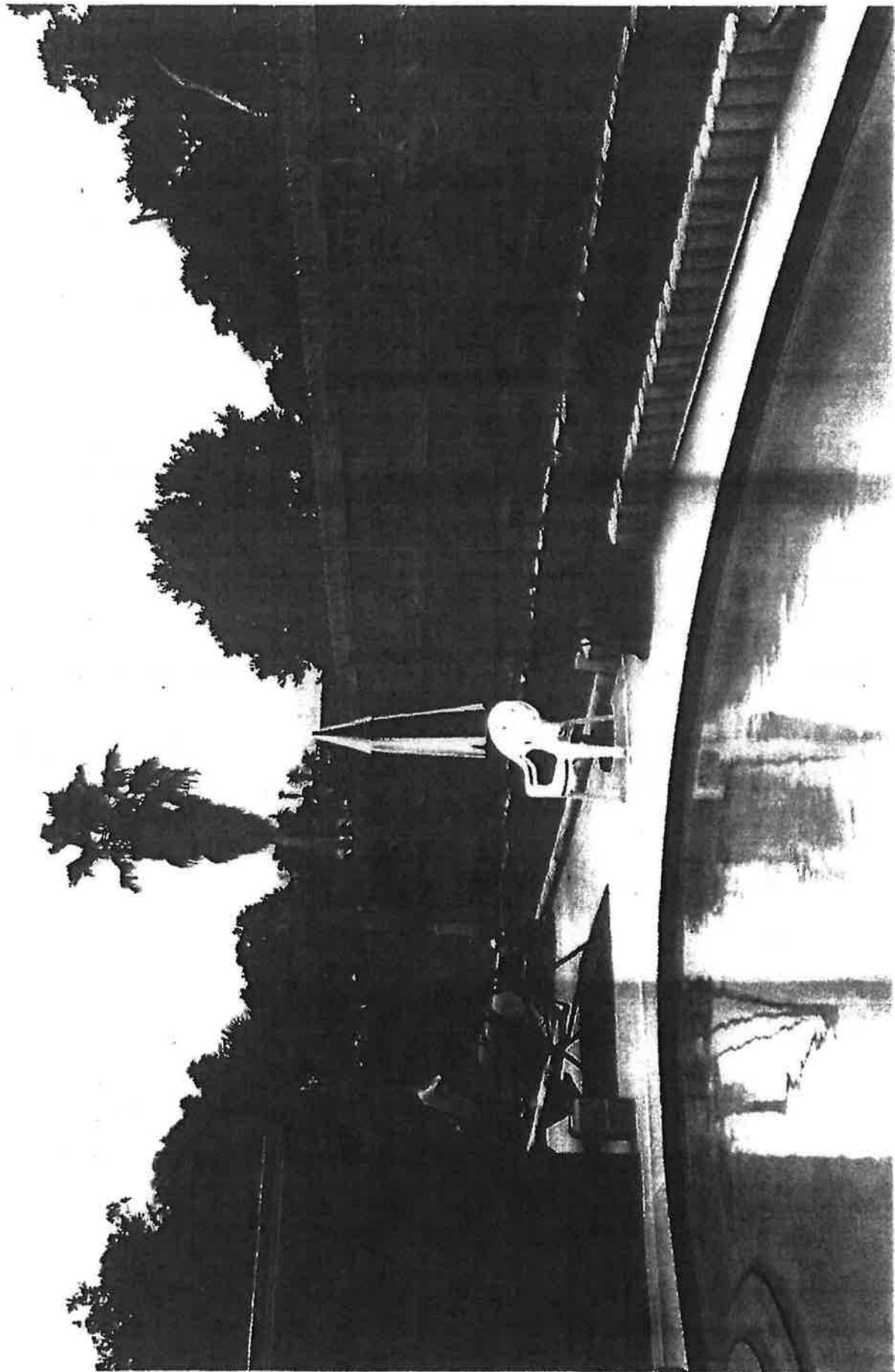
We also request that you require the current owner of the property provide an up to date/current environmental assessment of the property.

Sincerely,

Mr. and Mrs. Mitchell A. Carr
15 Rivercliff Lane
Merritt Island, Florida 32952
407-520-4497



R - 078



R - 079

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 8, 2016, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Bill Cannon; Robert LaMarr; Clyde Thodey; Rochelle Lawandales; Ron McLellan; Jeff Holleran; and Ron Bartcher.

Staff members present were: Cristina Berrios, Assistant County Attorney; Cindy Fox, Planning and Zoning Manager; Paul Body, Planner I; and Jennifer Jones, Special Projects Coordinator II.

The eight members present voted throughout the meeting.

Henry Minneboo – This is the Planning and Zoning Board meeting, which is an advisory board to the Board of County Commissioners, and any recommendations that we make today will be in front of them on Thursday, September 1st, back in this room, so those of you all that are concerned with it, it's on September 1st back here at 5:00 p.m. in this room. As a reminder, board members, these are new microphones and he have to stay on top of them a little bit better. Has everybody had an opportunity to see the P&Z minutes of July 11th, 2016?

Clyde Thodey – I make a motion to approve.

Rochelle Lawandales - Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.1. (16PZ00064) – JANICE RENK – (Robert Potter) - requests a change in classification from AU to RU-2-8, on 1.89 acres, located on the east side of S. Tropical Trail, approx. 102 ft. south of River Cliff Lane (892 S. Tropical Trail, Merritt Island.)

P&Z Recommendation: Lawandales/Thodey – Tabled to the 09/12/16 P&Z meeting. Vote was unanimous.

Cindy Fox - We need your affidavit.

Henry Minneboo – Is the applicant here?

Bob Schreiber – I'm the co-applicant.

Henry Minneboo – Do you have your purple sheet with you?

Bob Schreiber – No. When this process was started, Robert was the owner and we have since bought the property from him. I have a closing statement from the closing, but the deeds are not back from title yet.

Cindy Fox – We have to have an affidavit that says you posted the sign. Whoever posted the sign on the property is the one that needs to turn in the form.

Bob Schreiber – Robert was supposed to take care of it.

Robert Potter – We never posted it.

Bob Schreiber – You never did?

Robert Potter – No.

Rochelle Lawandales – Move to table.

Clyde Thodey – Second.

Bob Schreiber – So, what has to happen now?

Henry Minneboo – You're going to have to come back.

Cindy Fox – We can't hear it unless the sign has been posted on the property.

Bob Schreiber – Where can I get this affidavit and sign from? Since he didn't want to do this I'll do it coming up.

Robert Potter – We didn't own it when it was supposed to be posted.

Paul Body – I can take you over to our office and get you one.

Cindy Fox – We can do that now, but we can't hear the item until the sign has been posted appropriately. We will table this to the next meeting, which is September 12th.

Audience member: We have a lot of people here to speak in opposition.

Henry Minneboo – You're entitled to come up and speak.

Cristina Berrios – They're entitled to make public comment, but whether or not you guys can consider it as part of the item, the item is not before you guys, but it can be public comment in general. Any public is permitted to come and talk to you guys about whatever they want to speak to you about as part of your agenda.

Elizabeth Michelman – My name is Elizabeth Michelman, I live at 898 S. Tropical Trail; I am on the most eastern border; I own 1.27 acres. My property also includes a 20-ft. ingress/egress flag stem to S. Tropical Trail. I'd like to state that Mr. Schreiber currently is receiving hate mail through Facebook and is going through other options. He asked a very legitimate question. He no longer owns the property and he'd like to see if maybe the application name can be changed to the true owner. Just for consideration.

Cristina Berrios – Because they're not actually hearing the item right now they can't actually make any decisions based on the item; they can hear you speak, but they can't make any decisions based on it.

Elizabeth Michelman – I just wanted you to be aware of that because this is an opportunity for us to address a lot of things. First, I'd really like to thank you because this commission is the they only way we heard first of this information and we appreciate that, but because of that and the Indian (inaudible) in our very small neighborhood we did get this information out, and I'd like to look to the audience and ask that everybody who is here opposed to it, raise your hand. This is just a small group that has already expressed a lack of interest in this development. We, like the rest of South Merritt Island, are exclusively single resident homes. There's not much else to build on South Merritt Island. We are a little micro chasm, meaning that one of the owners has 2.54 acres, he's zoned agricultural, he has a working farm, and he is totally to the south of the property. We have another owner here who has an additional 2.3 acres. In between we have a County pond. We are a community within a community, but nevertheless we are still surrounded by our neighborhoods. We've known these people for a very long time, and we are extremely uncomfortable with the direction that this development can take the property; we feel that we're getting squeezed; the developers had made offers to other land owners, so when you think about these seven duplexes I want you to think about the fact that we have other lands in that area and we are very uncomfortable. If you put that development in you could be looking at a

Pandora's box. There is nothing in the last three years that's been conducive to this type of building, except for two duplex units on the entire South Merritt Island; there are no other units; this is strictly all residential, or one-home residences. We have concerns on what the plat looks like, what they are going to do, how are you going to stuff 14 homes on a property that is 100 – 103 ft. wide, and that does not even include my ingress/egress easement. I can go on here about all the type of tort law; you've got an attorney here, but the laws are starting to say that you've got to consider us. That banding in the 14th amendment is not always going to be a good way to go. It's not a cat and mouse game. We live here; we've had people that have been in this area for 45 years, and we ask that you consider us, our concerns. What are you going to do with septic? What are you going to do with sewer? What are you going to do with the traffic flow? You've got an egress not 65 feet, not 100 feet, not 200 feet, but 65 feet from the edge of the property to River Cliff. That's the actual measurement. That's the egress for a public school. Even traffic engineers have shown concern that there's a street across the way called Victoria Court and that does concern them. In addition, you have other communities just within 100 feet. We have representatives from Oak Grove here; we have people that live on River Cliff; we have people that live on Victoria; that live on Goldenrod; and that's the entire neighborhood. From your own people from P&Z, and I do quote, "You have to consider the worst case scenario for applications that are not consistent with the prevalent zoning of a community." That's in your own paperwork. There's a concern that there are wetlands on the property; there's concern it's the wrong soil types; and recently, you're showing more concern for keeping trees and for keeping the wildlife. We do also have a giant pond the County built specifically to address some of the issues of the rest of the island. Now you're asking us to lay down and say you should put more problems on the island. Anyway, that's my opinion; other people are here to address their concerns, but thank you for hearing us.

Cristina Berrios – I do want to clarify that if you guys want your testimony to be on the record you have to come back to the next meeting on September 12th to actually have your testimony to be put on the record before the board.

Elizabeth Michelman – That purple sheet that we're talking about, it does indicate that it had to be up for a minimum of 15 days. It also said that if it was on your agenda and it wasn't submitted, you have the right, right here and now and then, right here, to deny this application. It's on that purple sheet. We're respecting that you do so.

Cindy Fox – The board has tabled this item to September.

William Lee Barnhart – My name is William Lee Barnhart, I've lived here for 75 years between Orange Avenue in Rockledge for 17 years, and the rest of the years on Merritt Island. Our family's properties are all on Merritt Island near this place. My address is 845 S. Tropical Trail, Merritt Island, 32952. I think it's totally inappropriate that the County and the zoning department would even entertain a request to put multi-family housing south of Cone Road on S. Tropical Trail. It's totally inappropriate and it is really, really flying in the face of tearing up a residential community. If you think that this will cause no problems, just you wait, you let a multi-family residential situation occur at this site, you're going to see condo requests and big multi-family requests coming up on both sides of the road, I guarantee you. I'm requesting that you deny this, it's totally inappropriate, and where the County even will consider a request to change the zoning south of Cone Road is just inexcusable.

Henry Minneboo – Anybody else? Seeing none, we'll come back on the 12th. I need a motion and a second to table.

Clyde Thodey – I make a motion that we.....

Cindy Fox – you've already tabled it.

Several people spoke at once from the audience and were inaudible.

Cindy Fox – Board, we need to clarify who the seconder was on that motion to table. Rochelle, I know you made the motion.

Henry Minneboo – Clyde.

Cindy Fox – Thank you.

IV.B.2. (16PZ00046) – EDWARD A. (III) & JENNIFER J. OSTOPOVICH – request a change of classification from GU to AU on 2.89 acres, located on the east side of International Ave., approx. 700 ft. north of Golden Shores Blvd. (5175 International Ave., Mims)

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

Cindy Fox – Mr. Ostopovich has gone to the Mims Community Group and they have no issues with his request.

Ed Ostopovich – Ed Ostopovich, 5175 International Avenue, Mims, and I'm here to change our property's zoning from GU to AU to enhance our bee capabilities to make a bee farm.

Henry Minneboo – Anybody have any questions of this gentleman?

Clyde Thodey – What are you going to put on the land?

Ed Ostopovich – The bees have been there. I've had a five year run, and we just did a test run with my aviary. The bees are onsite and we've got 150; we normally operate at 128, but they've done so well this year in the area; he likes our yard the best as far as North Brevard goes. The gentleman works out of Edgewater and he hits a little bit of Brevard and Volusia County mainly. The expansion side of the house is mainly just for processing; we're going to throw some more clover out in the field, and it would enhance our abilities a little bit easier.

Rochelle Lawandales – I was just curious as to what the different requirements are in the ag versus the non-ag classifications.

Cindy Fox – We really don't have a lot to control under the AU zoning classification when it comes to bees; bees are environmentally crucial and so the State, the U.S. Department of Agriculture has adopted statutes to protect and do the operations; and the regulations for those that are in non-ag, it's even more restrictive than we could even do through zoning. Now that he's going to AU he's still going to have to follow the same guidelines, but he has to continue to work with the USDA.

Ed Ostopovich – I've communicated with them and they're familiar with what we're trying to do. Actually, they recommended we come see you guys first to make sure we're up to par.

Rochelle Lawandales – I'm glad they're doing well.

Henry Minneboo – Is there anyone out in the audience who would like to speak for or against this item? Seeing none, I bring it back to the board.

Rochelle Lawandales – I move approval.

Bill Cannon – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.3. (16PZ00055) – BANANA RIVERFRONT, LLC – (Kim Rezanka) – requests a Small Scale Plan Amendment (16S.05) to change the Future Land Use from Residential 15 and CC to all CC; and a change of classification from RU-2-15 to BU-1 on 2.44 acres, located on the west side of Orlando Ave., approx. 415 ft. north of Crescent Beach Dr. (2200 S. Orlando Ave., Cocoa Beach)

P&Z Recommendation: Lawandales/LaMarr – Tabled to the 09/12/16 P&Z meeting. Vote was unanimous.

LPA Recommendation: Lawandales/LaMarr – Tabled to the 09/12/16 P&Z meeting. Vote was unanimous.

Kim Rezanka – Good afternoon, Chairman Minneboo and members of the Planning and Zoning Board. My name is Kim Rezanka, I'm with the law firm of Cantwell-Goldman in Cocoa, Florida, and I'm here representing Banana Riverfront LLC. As you're aware we've had many issues raised by the residents regarding noise and traffic and trash, and we would like to ask for a continuance to September 12th to work with the residents to see if we can develop some conditions that will satisfy them so they'll be more comfortable with the rezoning to keep the restaurant.

Rochelle Lawandales – So moved.

Robert LaMarr – Second.

Henry Minneboo – Is there anybody here who would like to speak?

Tony Cook – My name is Tony Cook, 2022 Julep Drive, #205, Cocoa Beach, and that's the Magnolia Bay Condo. We are directly next door to Squid Lips. I did write a letter to you guys outlining a couple of major problems we have. I think that letter can stand on its own, but I think what the attorney just said is probably going to answer some of our problems. We don't necessarily stand against it, but as long as there's some conditions on the noise, and parking, and the safety. I think that's a good idea to table until later.

Henry Minneboo – I think we have about 25 letters, so don't think like you're alone.

Tony Cook – I think the problems, at least from the Magnolia Bay Community, are all going to revolve around the same three or four issues.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.4. (16PZ00057) – RIVERSIDE COMMONS, LLC – requests a Small Scale Plan Amendment (16S.06) to change the Future Land Use from NC to CC; and a change of classification from RP to BU-1, on 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.)

P&Z Recommendation: Thodey/McLellan – Denied. Vote was unanimous.

LPA Recommendation: Thodey/McLellan – Denied. Vote was unanimous.

Cindy Fox – This item, at the last meeting that it was supposed to be heard, it was tabled and the applicant did not appear at that time either, they were actually out of the country. So, given that this is the second time with no show, I think the board has a right to make whatever decision they would like to on this item.

Henry Minneboo – Yes, this is twice.

Cindy Fox – We don't usually have this happen. We've been in contact; they've received all the normal noticing, so I really don't understand.

Henry Minneboo – You can only do so much.

Clyde Thodey – I make a motion to deny the request.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Upon consensus, the meeting was adjourned at 3:20 p.m.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 12, 2016**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Bill Cannon; Robert LaMarr; Clyde Thodey; Rochelle Lawandales; Ron McLellan; Jeff Holleran; and Ron Bartcher.

Staff members present were: Cristina Berrios, Assistant County Attorney; Cindy Fox, Planning and Zoning Manager; Paul Body, Planner I; and Jennifer Jones, Special Projects Coordinator II.

The eight members present voted throughout the meeting.

Henry Minneboo – This is the Planning and Zoning Board meeting, which is an advisory board to the Board of County Commissioners, and any recommendations that we make today will be in front of them on Thursday, October 6th, back in this room, so those of you all that are concerned with it, it's on September 1st back here at 5:00 p.m. in this room. As a reminder, board members, these are new microphones and he have to stay on top of them a little bit better. Has everybody had an opportunity to see the P&Z minutes of August 8th, 2016?

Clyde Thodey – I make a motion to approve.

Ron McLellan - Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.1. (16PZ00073) – MIKE ERDMAN MOTORS, INC. – (Mike Williams) – requests a change of classification from PIP and PBP to BU-2; and removal of existing BCP, with a BDP, on 4.13 acres, located on the north side of Viera Blvd., approx. 100 ft. west of U.S.1 (No assigned address. In the Viera area.)

Joe Mayer – Good afternoon, my name is Joe Mayer, I'm with Bussen-Mayer Engineering Group, and the Engineer of Record for the project. I'm here representing the applicant, Mike Erdman Motors. Also in attendance with me today is Mike Williams of M.H. Williams Construction, who will be the general contractor on the project. If I may, I'd like to give you a brief handout to facilitate my presentation. The subject parcel for this rezoning is Tax Account 2533296, contains 4.1 acres, and is located at the northwest corner of Viera Boulevard and U.S. 1. It is bounded on the south by Viera Boulevard, the east by the railroad tracks and U.S.1, on the west by a vacant wooded parcel, and on the north by an IU zoned warehouse facility, Richards Paints. The parcels across the street are also vacant. The proposed project consists of a maximum of 64,441 square feet of self-storage mini warehouse units to be located in four to six structures; the layout shows four, and we're probably going to break that perimeter building and turn it into five buildings. All access will be internal; the project is solely enclosed; all doors to all units will be internal and secured with perimeter walls. The project will include approximately a 1,000 square-foot manager's office; five parking spaces, per code; it will be fully handicapped accessible; and we'll have our own onsite stormwater management system in accordance with codes and criteria. There will be one access driveway to Viera Boulevard that aligns with the intersection of Silicon Avenue; we will also be providing a left turn lane for that intersection to make it safer for the project. The proposed zoning change is from PIP and PBP to BU-2, with an updated binding development plan; the comp plan designation is Planned Neighborhood Industrial Park. The existing binding concept plan was approved in 1982 for just the PBP portion of the property, which is kind of a sliver on the east side of the property, next to the railroad tracks, not the entire parcel. It should be noted that the subject parcel is considered a transitional use parcel, and therefore, zoning staff has determined that a small sale comp plan amendment is not required. The key components in our proposed binding development agreement are one access to Viera Boulevard, a 45-ft. maximum height limit for all buildings – current code allows 45 ft., the proposed rezoning would allow 60 ft., but we're agreeing per the BDP to limit it to 45 ft. Also, the BDP provides for 15-ft. side setbacks and 40-ft. front and rear setbacks; the current code requires a 50-ft. side

setback, and the BU-2 code requires a 5-ft. side setback, but we're proposing to limit ourselves to a 15-ft. side setback. Similarly on the front, PIP requires 50 ft. on the front, BU-2 allows 25 ft., and we're proposing to limit ourselves to 40 ft. On the back, PIP requires 25 ft., BU-2 allows 15, and we're proposing to limit ourselves to 40 ft. We believe this zoning request should be approved, as it is consistent with all the applicable administrative policies and elements of the comprehensive plan, is consistent with the future land use code designation as a transitional parcel, and it will be compatible with the existing surrounding uses and zoning classifications. The proposed use does not create noise, odors, or lighting issues with surrounding properties. It's a very low traffic volume generator. We will not negatively impact the existing character of the neighborhood; in fact, we think we'll positively impact the existing character of the neighborhood. Our traffic study shows that we will not impact the roadway level of service or existing road system. Our environmental study shows that there are no wetlands on the property, only a few gopher tortoises, which we will re-locate in compliance with State criteria, along with an Osprey that we will re-locate, if required, in compliance with State criteria. The project will not impact area drainage, or have un-mitigatable impacts to wetlands or endangered species. In summary, we believe we meet all the necessary policy requirements and future land use comp plan requirements, and therefore, we respectfully request approval.

Henry Minneboo – Any questions for Mr. Mayer? Seeing none, is there anyone in the audience who would like to speak for or against this item?

Sue Ellen Strother – My name is Sue Ellen Strother, 188 Maritime Place, Rockledge. I'm curious about why they need to reduce boundaries from the road. I believe I heard they were asking for a reduction from the boundary from the road.

Henry Minneboo – Are you talking about the setbacks?

Sue Ellen Strother – Yes, why that's necessary. The maximum, to me, would seem nice.

Joe Mayer – The problem with the PIP zoning code is that it calls for 50-ft. side setbacks. If you apply 50-ft. side setbacks to each side of this project we essentially don't have a project anymore; it squeezes us down too tight. The 50-ft. side setbacks, in my opinion, are based on uses that are much more industrial in nature, and this is not a typical industrial use, which is why it's allowed in the BU-2 zoning classification. It's very passive and everything is internal to the site. We can't live with the 50-ft. setbacks.

Henry Minneboo – Any other questions? Joe, that's a tremendous project for that corner, and it's certainly a lot better than a 7-Eleven, so tell the owners that should be a nice addition to Viera Boulevard. What's the pleasure of the board?

Peter Aydelotte – I make a motion for approval.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.2. (16PZ00070) – JONATHAN AMICK – requests a change of classification from AU to SR, on 0.55 acres, located on the west side of Folsom Rd., approx. .25 mile south of Kelly Rd. (2612 Folsom Rd., Mims)

Jonathan Amick – I'm looking to rezone from AU to SR on parcel ID 23-35-18.

Henry Minneboo – We need your name and address, please.

Jonathan Amick – My name is Jonathan Amick and my current address is 1770 Windover Oaks Circle, Titusville; and this is regarding property at 2612 Folsom Road, Mims. I'm requesting rezoning from AU to SR for purposes of constructing a single-family residence.

Henry Minneboo – Any questions for this gentleman? Is there anybody in the audience that would like to speak for or against this? Seeing none, I bring it back to the board.

Robert LaMarr – I make a motion to approve.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.3. (16PZ00074) – K&T ENTERPRISES OF BREVARD COUNTY, LLC – (John W. Maloy, Jr.) – requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Pub, in a BU-1 zoning classification, on 0.79 acres, located on the southeast corner of U.S. 1 and Brockett Rd. (3121 N. U.S. 1, Mims)

John Maloy – Good afternoon, my name is John Maloy, I lease a property at 3121 N. U.S. 1 in Mims. I got a lease on the property a few months ago and did some remodeling, and I'd like to open a small pub and eatery-type of business, with a limited food menu, specialty sandwiches, that type of thing, and serve beer and wine. We've got some RV Parks and trailer parks in the area and we've got a lot of people from the north who spend winters here, older retired folks, and I'd like to try to open a little place that can cater to those folks and give them some place to go to socialize with the neighbors and have a sandwich and a drink or two and watch the ball game. I'm asking for a CUP to be able to serve beer and wine on-premises. I'm not sure what other information you need.

Henry Minneboo – I think you've given us plenty. Anyone have a question for this gentleman?

Andy Barber – Is the property currently used for anything?

John Maloy – The property was not currently a use for anything when I leased it. I've been there for about eight months, and I've done some remodeling on the building and some fix-up work. There wasn't anybody there when I moved in. There's nothing going on there right now, I'm trying to get the place opened up.

Andy Barber – Our notes say there was alcohol there back in '69.

John Maloy – The building was a tavern years ago, before my time here, and there have been a couple of other businesses there in between. There was a car lot there for a while, and a couple of other small businesses that didn't stay long.

Andy Barber – One of the other notes that came in our package was the possibility of maybe striping the parking lot. Do you have an asphalt-based parking lot?

John Maloy – The parking lot is asphalt; it's in pretty good condition; it is not striped at the current time. I did have a fellow come in and strip a handicapped spot for me. Other than that, the parking lot is not striped. I can strip the parking lot for parking spaces, but I don't think it needs to be repaved.

Robert LaMarr – My question to staff is if there was any complaints from residents around the facility?

Cindy Fox – I don't believe that we've received any letters, but the audience needs to speak.

Henry Minneboo – Is there anybody who would like to speak for or against this?

Karl Krupp – My name is Karl Krupp, I own the residence directly behind this establishment, at 3535 Brockett. The bar that was in question used to be called the Citrus Lounge, and it's been closed since '02 or '04, and then it became a used car lot. I've lived in the same location since '97 and the issue we have with having a bar there is there is a grass field, and when everybody leaves they like to tear that field up all the time. I have property damage from them doing that. There was noise all the time. If he wants to get a conditional use or at least some sort of noise barrier and some way to block off that area, like his diagram shows, he would have enough parking, but there's stuff that's got to be done to make sure that the residents that live there.....I have school-aged children who are in bed at 8:00 at night. People coming out of a bar at midnight are intoxicated and very loud revving engines, and it wakes me up, my dogs go nuts, and my daughters do not get enough sleep. Since the bar has been closed they converted it into a used car lot for several years and it has been very peaceful and quiet. The lighting on the building does glare into our home, and I had to black out the windows on that side, which has since been taken off after the bar closed. The original bar was closed because of illegal use of drugs and drug sales that was going on; the owner at the time wasn't buying his alcohol from distributors; at the end of Brockett Road has a high crime and drug problem, which having this bar back open will mitigate it back up to that area and that is not something that I want to see. I'm working on building a house myself, so I can move, but I have six step-daughters; I own the first two houses and one of my daughters is going to be in one of those houses and I really don't want to see this right next to them, not in the form it's being proposed.

Henry Minneboo – Thank you. Cindy, what restrictions do we have up there? We don't have any, do we?

Cindy Fox – No, this was an old BU-1 property. We can ask the applicant to install a wall; the current land development regulations require a 6-ft. wall from commercial property. From a perspective of compatibility, there's BU-1 to the north and south, it's just under-utilized to be an area.....they do have a pretty large parking area, they are on a corner. You're able to place operational conditions on the CUP if you want to talk about hours of operation and things like that with the applicant.

Henry Minneboo – The Citrus Lounge had a reputation over the years. Unfortunately, we only get to hear what's negative, so I don't know. Does the board have any questions for the gentleman?

Ron McLellan – Have you all tried to talk together and work things out?

John Maloy – I have spoken to Karl a couple of times, but not since I've applied for this permit. I haven't spoken to him for a while. If I could just say, I myself have never experienced the Citrus Lounge, but I don't plan on operating that type of an establishment. I just want to run a little neighborhood pub and eatery, and try to cater to more mature folks, people who want to come in and have a sandwich and drink, and maybe watch a ball game and not cause any problems. I'm not going to try to cater to people that are into drug use and if I see that kind of thing going on in my establishment you're going to be done, and there's no second chance. That's not something I'm going to put up with in my establishment.

Ron McLellan – How about your hours of operation?

John Maloy – What I would like to try to do is open at about 10:00 a.m., and I would say that most of the time the place will be closed by midnight or before midnight, maybe earlier on some weeknights, just because of the location. Normally, I would say the latest the place would stay open would be midnight.

Henry Minneboo – Nobody enlightened you about the rough times up there?

John Maloy – I've heard some stories, but I don't plan on opening that type of an establishment; I don't want it to be that way, and I'm going to do what I can to keep it from turning into that.

Ron McLellan – That's a pretty big chore sometimes.

John Maloy – I agree.

Andy Barber – You could control the lighting because the lighting was a problem before, it probably stemmed from the car lot being there before. And if you were to put up a fence from your building down to the street, that might keep the donuts out of this grassy area. It's just a thought.

John Maloy – Along Brockett Road?

Andy Barber – Yes, just block off so they can't go wheeling out of that area.

John Maloy – Okay.

Cindy Fox – With a conditional use permit you can stipulate it to be accessory to 32-seat pub, with operation hours of no later than midnight. I don't know if you want to consider a holiday concession, like if it's the day before a holiday, or the day after a holiday. I think limiting the access to Brockett is a good idea, with perhaps some additional landscaping. I'm sure he wants to make the site look pretty and inviting. Stripe the parking lot so we can get an assessment of how many parking spaces he has or needs. Some of those things are things I would recommend if you choose to approve this.

Clyde Thodey – How many parking spaces are you going to put up?

John Maloy – I figured I could have approximately 21 parking spaces, including the handicapped space. Maybe a couple less than that, but approximately 21 spaces. There's space in the parking lot to stripe out that many parking spaces and still have room to get around the lot to get in and out. Emergency vehicles should still be able to get in and out.

Clyde Thodey – How many seats are you going to have inside?

John Maloy – The place is set up for 35 seats, that would be the maximum.

Henry Minneboo – The problem in the old days is they would park on Brockett and US 1.

Ron McLellan – It's not just going to be a restaurant, it's going to be a bar, too.

John Maloy – There's a bar in the building, but it's going to be a pub and eatery type of business.

Ron McLellan – Can you come in and have four or five beers?

John Maloy – Somebody could do that. It's up in the air, whoever is working with me, to try to keep them from getting too intoxicated.

Ron McLellan – I just have a problem with homes and teenagers right next door.

Henry Minneboo – What's the pleasure of the board?

Michael Moore – My name is Michael Moore, I live at 145 Ravencliff Lane, and I'm here for another matter, but I was listening to what he was talking about. I've been in Special Operations all my life in the military and have been all over the world, so I have a different view than most people do, of the world. This could turn into a biker hangout, right? It's up in a rural area and biker guys like to frequent places like that. This could turn into that. Guys just show up with their bikes and Harley's at midnight and light them up. They are obnoxiously loud. You have to consider all avenues about this. I don't know how rural this place is, or how quiet it is there. Is a 6-ft. privacy wall required for stuff like this?

Henry Minneboo – Yes, sir.

Michael Moore – It might help, but still, noise at that late hour can wake peoples' kids.

Elizabeth Michelman – Elizabeth Michelman, I'm also here for another item, but I just came up with an idea. My address is 890 S. Tropical Trail. Just as a win/win, I've heard a lot of 'would have, could have, should have', but there is no business plan here. Maybe if this individual went back to the drawing board and had said, "this is what I'm going to do, these are my hours of operation, this is my plan", then you could address the problems. I don't know about you, but 10:00 a.m. to midnight is a lot of hours for a single individual, and I think he really needs to take a look at what he wants to do so you can make the best decision for that neighborhood.

Henry Minneboo – Anybody else? Seeing none, I bring it back to the board.

Andy Barber – Henry, I'll make a motion. I motion to approve with a binding development plan that requires him to restrict the lighting, put up fencing and landscaping is put up to keep people off Brockett and the grassy area, that he stripes the parking lot, and he limits the hours to no later than midnight with the exception of a couple of holidays per year, something like that.

Henry Minneboo – Cindy, can we revisit.....we re-do these every year, don't we, these conditionals?

Cindy Fox – No. As long as this is established within three years it stays, and they would have to willfully abandon it for 180 days, or a certain number of months out of a certain year.

Henry Minneboo – Can we do a mandatory re-visit in six months?

Cindy Fox – You're talking about an administrative process, an administrative type of thing that we would do for a temporary.....I don't think we can do that here. If it gets established there's no going back.

Henry Minneboo – The problem is this guy can be the greatest guy in the world, but that place has got a pretty interesting reputation. Is it going to come back, or is everybody dead now? I don't know.

Cindy Fox – If the Board of County Commissioners finds that they have violated any of the conditions of the CUP they have the ability to come back and revoke the CUP.

Henry Minneboo – Meanwhile, the guy in the back has to cope with all this until we go through the ramifications.

Cindy Fox – There would be a Code Enforcement action.

Henry Minneboo – Okay, there's a motion on the floor.

Clyde Thodey – I'll second it.

Henry Minneboo - We ought to ask the gentleman if he can comply with the stipulations.

Cindy Fox – It's a CUP, so we can put those conditions on a CUP.

Henry Minneboo called for a roll call vote, and the motion passed 6:3, with Minneboo, McLellan, and Holleran voting nay.

IV.B.4. (16PZ00072) – EARL & STEPHANIE CANNON – request a change of classification from GU to AU(L), on property described as Lot 22, Block 16, Canaveral Groves Unrecorded Subdivision. **Section 20, Township 24, Range 35.** (1 acre) Located on the north side of Burning Tree Ave., approx. 0.16 mile east of Satellite Blvd. (6736 Burning Tree Ave., Cocoa)

Earl Cannon – My name is Earl Cannon, 61 Jackson Court, Byron, Georgia. I'm requesting rezoning from GU to Agricultural Light, on property addressed 6736 Burning Tree Avenue, which is on the north side of Burning Tree, about 175 ft. east of Satellite Boulevard. I'm requesting this for a small, single-family dwelling, and an agricultural farm for personal use only.

Henry Minneboo – Anybody have any questions for this gentleman? Is there anyone in the audience who would like to speak to this item? Seeing none, I bring it back to the board.

Bill Cannon – I move to approve.

Clyde Thodey – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

IV.B.5. (16PZ00077) - VIOLETA V. WELSH – (Diane Nagel) – requests a change of classification from RU-1-9 to AGR, on 9.68 acres, located on the south side of Parrish Rd., approx. 0.42 mile west of Burnett Rd. At terminus of Robeson Rd. on south end. (No assigned address. In the Cocoa area.)

Cindy Fox – We have an issue with the next one. The person who actually owns the property, which the applicant has a contract for purchase, did not sign the right form to hear them. So, we technically can't hear the item.

Henry Minneboo – We need to table it.

Cindy Fox – Legally, we should not hear it.

Cristina Berrios – There's a contract for sale, but it has conditions in that contract.

Henry Minneboo – I'm just wondering if there's a lot of people here today for this.

Clyde Thodey – I make a motion to table the item until the next board meeting.

Cindy Fox – The next board meeting is October 10th.

Cristina Berrios – Also, as we are a public board, people who wish to speak on the item are welcome to speak on it.

Henry Minneboo – I'm going to let them talk.

Cristina Berrios – But they should know that whatever they say here won't be considered at the next meeting as part of the record. So, they can speak now, but what they say will not be considered as evidence or testimony on this item because the item is not being heard today.

Henry Minneboo – There's a motion and we need a second.

Ron McLellan – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Henry Minneboo – The people that are here to talk about it, you're more than welcome to talk today, but the next time will be the 10th of October.

Cindy Fox – The other thing I can suggest is if some people are here to speak and they cannot make it to the next meeting they can submit something in writing.

Henry Minneboo – We'd really appreciate it if you'd send us something in writing, email.....it would help us. Believe me, we do read what comes to us. Does that help some of the people that are here? If you still have heartburn, we're here if somebody wants to talk about it.

Robert Dennis – My name is Robert Dennis, I live at 3710 Catalina Drive. The residents out there are opposed to any re-classification. We've been residents of the area since 1964 and we don't want hogs, cows, or chickens to ease into our neighborhood when there's no other to speak of. We already have legal action pending as of February 2016 against Brevard County Sheriff's Department about an outdoor range in our community. We were there for 20 years before they got there, and we don't keep going through legal action, but we will if we have to. We do not want to be rezoned; we don't mind expanding residential, but we don't want agricultural in our community. Thank you.

Henry Minneboo – Thank you.

THE FOLLOWING ITEM WAS TABLED FROM THE 07/11/16 AND 08/08/16 P&Z MEETINGS

IV.B.6. (16PZ00064) – JANICE RENK – (Robert Potter) - requests a change in classification from AU to RU-2-8, on 1.89 acres, located on the east side of S. Tropical Trail, approx. 102 ft. south of River Cliff Lane (892 S. Tropical Trail, Merritt Island.)

Cindy Fox – We did not get a proper sign at the last meeting.

Henry Minneboo – But we're okay now?

Cindy Fox – I'm not sure. Is the applicant here?

Henry Minneboo – Is the applicant here?

Cindy Fox – Mr. Potter? If there is no one here to represent this item as the applicant the board can still consider the item.

Henry Minneboo – This board needs to make a decision.

Cindy Fox – I would like to say one thing, this is on Merritt Island, in the area of Merritt Island that where septic is the primary source, so just put that in your frame of reference. With the Indian River Lagoon there will be more efforts in the future to try and eliminate that.

Henry Minneboo – I don't know of any multi-family south of Cone Road. I think a gentleman spoke to that regard. I don't know why.....I guess I'm addressing this board.....why we want to do it.

Cindy Fox – I just want to clarify that while there is not multi-family south of Cone Road, there are some sporadic pieces of commercial, institutional, like churches and schools, and convenience markets down there, but really, the only large condominium-type of project is probably still under proposed development, so it's not in this area.

Henry Minneboo – I don't think this area is ready for it. We need action by the board. Keep in mind this is the second time we've had these people come here, and it's not fair.

Robert LaMarr – Based upon there's no type of classification like that south of Cone Road, I make a motion to deny.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Cindy Fox – This item will still go onto the Board of County Commissioners and be heard on October 6th, and it starts at 5:00 p.m. here.

IV.B.7. (16PZ00055) – BANANA RIVERFRONT, LLC – (Kim Rezanka) – requests a Small Scale Plan Amendment (16S.05) to change the Future Land Use from Residential 15 and CC to all CC; a change of classification from RU-2-15 to BU-1; and a Conditional Use Permit for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant, on 2.44 acres, located on the west side of Orlando Ave., approx. 415 ft. north of Crescent Beach Dr. (2200 S. Orlando Ave., Cocoa Beach)

Kim Rezanka – Good afternoon, Chairman Minneboo, members of the LPA and P&Z board, my name is Kim Rezanka, I'm here representing Banana Riverfront, LLC, the applicant in this matter. I'm with the law firm of Cantwell Goldman in Cocoa, Florida. We are here before you for three matters. The first is a comp plan amendment on 1.26 acres, Neighborhood Commercial to Community Commercial, to allow the rezoning. The second item is a rezoning from RU-2-15 to BU-1 with a binding development plan to limit the use of this property to only a restaurant, no other commercial uses. This is what the property has been used for for over 60 years. The rezoning is an attempt to cure a non-conforming use, which exists since the 2006 rezoning when the property went from BU-1 – which it has always been – to RU-2-15. Again, that was in 2006 when everyone was going to condos, but this property was never developed into a condominium because of market conditions. The property remained a restaurant like it had been since 1952. As you know, the purpose of ordinances involving non-conformities is to end or remove a non-conforming use. This restaurant is part of the character of Cocoa Beach, and in fact all of the beachfront property, since 1952. It was formerly the Lobster Shanty. The third item before you is a conditional use permit for onsite consumption of alcoholic beverages. This was granted on July 11, 1974, even though alcoholic beverages had been served here in the '50's and '60's. I assume it had something to do with the comp plan and zoning codes being put into place. This was an oversight back in the 2006 rezoning when it was rezoned to residential; according to your code, it should have asked to renew the conditional use permit, but they did not ask that. The Lobster Shanty still continued to sell alcohol from 2006 until they sold the property in October 2015. I believe this could be a grandfathered use or a vested right issue. The County asked us to renew this conditional use permit for alcoholic beverages, and we agreed to do so, along with the rezoning and comp plan amendment. I'm here with the owner of the property, Buzz Underhill, who will give you a background of his purchase of the property to how we got to where we are

today. Before he comes up, I want to pass out a picture just so you know what the issue is. What we are here for is to allow a deck to stay, which he'll have to properly permit, which will allow a canopy, which was installed by Mr. Underill – he'll tell you without a permit, but he's trying to make it right. I do want you to see what the improvements are; and that's really why we're here for the rezoning, and it's a non-conforming use, which cannot be enlarged at all, not even a cubic square inch.

Henry Minneboo – Cindy, there's three issues we're dealing with today. We're dealing with zoning, code enforcement issues, and a conditional use permit?

Cindy Fox – Yes, let me give you.....from our perspective, what happened is that in 2006 this came in for multi-family during the housing boom when everything was going to multi-family condo. They changed it to multi-family so they could develop a multi-family project. This was subsequent to the Magnolia Bay property to the north. As it appears, the property really hasn't changed because the restaurant has remained open. But because they changed their underlying zoning from commercial to multi-family they've become a non-conforming use. They expanded that use – our code says you cannot expand – because you cannot expand a non-conforming use, what they're here to do today is to go back to the commercial zoning that they need for the commercial restaurant; and that is the associated future land use change to community commercial, and the CUP for alcohol. It does say in our code that the CUP, when there's an expansion, you've got to come back and ask for it. This is all just getting them back to where they were until their expansions. If this board chooses to deny this request what it means is the restaurant will remain non-conforming. It does not mean it will close, it will remain non-conforming. And any of those areas that they have expanded upon that were not part of the overall historical footprint of the property that he's recently added will need to be removed. Again, the restaurant will stay open; you would probably need to go ahead and approve the CUP so we can make sure that's in place so they can have their commercial zoning. I believe they are also coming forward with a on Tuesday in front of the Board of County Commissioners. There are several things coming public interest determination together for this item.

Henry Minneboo – In sequence here, this board is going to deal with the zoning first?

Cindy Fox – We have

the legal opinion that they need to re-establish their zoning and future land use.

Henry Minneboo – Okay, we're going to do that first, and then we're going to deal with if there are some deficiencies here.

Buzz Underill – Buzz Underill, 490 N. Harbor City Boulevard, Melbourne. The history on this is we were approached last June by the owners of the Lobster Shanty, and they said they were going to be closing and they wanted to see if we might be interested in purchasing the property. After a couple of months we made a bid and ended up closing on October 22nd. I was aware there was a non-conforming use on it; I realized that one of the conditions under 'non-conforming use' was that we needed to have it open again within 180 days. On October 28th I signed an application for a building permit – and I have it with me here – that we gave to an individual that was going to have one of his guys pull a permit for us so we could start construction on it. We moved ahead and we were doing some infill.....I don't know how many of you are familiar with the property, but it has deck all along the river and then it comes back towards the building, and there's some open areas, so it's not covered, and from an operating standpoint it's pretty difficult to deal with your customers when they're out there eating in the rain when a storm comes in. So, we wanted to try to make that a little more user friendly, so we wanted to infill on the deck and put a canopy over the dining areas. We started construction on that and got to the point that as we started to put on the roof I went to them and said, "Did we pass our inspection for the foundation?" He wouldn't look at me in the eye and twisted and turned on it, and it turned out

that he couldn't find anybody to pull the permit. I went to two other individuals that were licensed general contractors in the county and asked them if they would do it, and they both said they would look at it. They went to look at it and said, "We don't want the liability, you're too far along, so we suggest that you go ahead and just complete it. The County will stop you, and if they don't stop you, then eventually they'll come in, you'll have to pay the fine and you'll have to put in the applications and pull a permit." So, that's kind of where we were. We opened in late February; we had hoped we'd be able to open in the first part of January, but as I found out later, that once we added anything to that footprint we lost our conditional use permit for the restaurant. So, we went ahead, and they noticed there were some deficiencies in the life safety issues on the property; we had a sidewalk leading off the deck that was 36 inches wide, and it needed to be 44 inches wide; the code only requires that it go through a 36-inch doorway; we didn't have a voice-activated alarm system to tell people if the building was on fire; we had that inside the building, but did not have it on the deck; and we didn't have a southern sidewalk, or walkway, for people to be able to exit in the event of a fire to go the parking lot. So, because of that they shut us down from operation. We are in the process of trying to do what is necessary to meet all the requirements in the county. We had kind of a perfect storm when we opened, unfortunately, we wanted to open in January to give us 30 days to figure out what we're doing. We opened at the latter part of February and we had all kinds of demand interest with people who just wanted to see who we were, people that were excited about us coming in the area, competitors that wanted to check out what we were doing. Plus, it was the middle of the season and it was the beginning of spring break. So, as a result, we had some operational issues that were unpleasant for our neighbors and unpleasant for us. We've tried to deal with some of them and I think that has created some hard feelings from my neighbors, understandably so, especially some of the folks at Magnolia Bay, and there were a couple of people across the street. Since our last meeting we have sat down with them and talked about some of the areas they are concerned with. We have made some changes that they suggested, and some things that I think were appropriate and seem to address their concerns. So, we're here today to take it to the next step, and I'd be happy to answer any questions.

Henry Minneboo – Buzz, have you talked to the people in the subdivision to the north?

Buzz Underill – Yes, the condos.

Henry Minneboo – I'm not talking about just going by and talking to one or two people. That was one of our requirements. Did you all meet with those people?

Buzz Underill – We did on August 23rd, in their clubhouse. We met with their officers and a number of residents, and we listened to their concerns.

Henry Minneboo – What was the date on that?

Kim Rezanka – August 23rd.

Henry Minneboo – Okay, I thought I heard October.

Buzz Underill – No, October 28th was when I signed the paperwork last year.

Henry Minneboo – Did you have a fair representation of people there?

Buzz Underill – I think so. There's probably a bunch of them here right now, so they can tell you, but I think so. It was a very opened, very candid, conversation. I thought their points were well taken. We told them we would take steps to mitigate some of the issues and we are doing that.

Henry Minneboo – That was my question. Anybody else on the board for Mr. Underill?

Kim Rezanka – I just wanted Mr. Underill to talk about what happened. He's admitted he's made mistakes and we are trying to move forward. He cannot pull a building permit, can't even put in for a building permit to fix the life safety violations, can't put in for a site plan permit until we get the rezoning, because right now we're out of compliance with the zoning because the non-conformity use and the expansion of the deck and canopy. They shut down the deck only, based on the life safety violations. That is a code enforcement matter; there were a couple of stop-work orders, which that information was sent to you recently with some pictures. They were trying to form out the area for a sidewalk because they were doing some interior work for some flooding. They were told to stop so they did. Turning to your staff report, there are two staff reports, actually three, with Natural Resources. The first staff report is as the LPA for a change to the comp plan amendment and it talks about all the items that we need to prove, and basically they've gone through each of them. The issue is whether we meet the development trend; there's a reference to Natural Resources report, and we've addressed the Natural Resources issue of the 50-ft. surface protection buffer, by applying for a Public Interest Determination, which I'll share with you in a little bit. If you look at the staff report it seems to support the change from community commercial; if you look at your maps on page 71 and 72, we're adjacent to other community commercial, which is what we're asking for, for community commercial to be extended to the river. There's other community commercial that extends to the river, so it's not inconsistent with what is already there. In order to rezone back to BU-1, that is necessary. I do not know if back in 2006 they changed the future land use; I doubt they did, so they were non-conforming and inconsistent with the future land use back before 2006. Again, it talks about an expansion of an existing restaurant use. The expansion is just the infill of the deck on 900 square feet and a canopy that's put over it. There will be an expansion of seating outside of about 50 seats, but he's reducing the interior seating by 150 seats. So, overall, there are less seats at this restaurant, and all of that will be addressed at site plan to make sure we have proper parking. Now, the way the code is, you need parking based on square footage, not the seating, so we're still going to have to meet the standard site plan requirements before we can get any permits to re-open anything. But we have to get the zoning, otherwise the deck will have to be torn down and the canopy will have to be torn down. The rezoning review worksheet talks about the history of the property, which Mr. Underill has done; it says we've expanded the restaurant footprint, but we believe we just expanded the deck, so we've got a disagreement on the terminology. Again, we're reducing the actual number of seats. There were a number of complaints; the restaurant was only open five weeks before they shut down the deck, and it was February 23rd to March 30th, I believe; the complaints were during the opening weeks; and as Mr. Underill has explained, it was new, it was exciting, and every time a new restaurant or shop opens everyone wants to see what happens, but that would have calmed down. There were operational aspects that he did not anticipate, which the residents complained of and he addressed and we will address the conditions to the conditional use permit. There are no new impacts. This restaurant has been there for very long time; the Lobster Shanty had been there for a very long time and had outdoor music. We believe this restaurant is part of the character, as I mentioned earlier. They have stated in the staff report that the parking lot has changed dramatically; they put in millings, not asphalt, and millings where grass and weeds were, which was always used for parking. These are code issues that we will correct, and site plan issues we will correct. In the Natural Resources report, again, it talks about the 50-ft. surface water protection because we're against the aquatic preserve and Class II and outstanding Florida waterway, three of the big ones. There is supposed to be 50 feet back before any structures; that deck, which they consider to be a structure – has been adjacent to the seawall since it's been constructed; and this property has always violated that surface water protection buffer. What we were trying to do by going to the County Commission is the public interest determination because this is a restaurant use. Your comp plan provides for special privileges for waterfront use that the public can enjoy, and that's what we're using to go through with the public interest determination so that infill of the deck will be acceptable. We're also improving the quality of the water; there was no drainage on that property, so it was all going to the river. He's put underwater French storm drains, so that they're going back towards the east, so the water actually will improve now with the public interest determination that the County Commission will review. There have been quite a few public comments, and I've gone through them all and added them up; I know it's not a petition or a popularity contest, but there were 52 in favor, four that are against, and only one against since the meeting

with Magnolia Bay, and there were 13 of concern, which I would really say are against, but they were dealing with the operational issues such as traffic, noise, trash, and parking, so those are issues we're attempting to address in our conditions. Just for the record, because there are so many, a few comments were made..... Carol Craig, with Craig Technologies, "As a business leader in the community, I also understand the economic impact a business like this has due to jobs and tax revenue, as do you, I'm sure. I hope Squid Lips is given the opportunity to comply with all the rules and requirements and provide this service to the Cocoa Beach area." Realtor, Marilyn Swanson, "We are for the zoning of Squid Lips approval because it is a great addition to the south end of Cocoa Beach. They have great food and dining and is a very friendly family restaurant." Phillip Rooney, "For the brief period of time it was open, this business was thriving in a section of the market that is desperate for what they offer." Ed Martinez, Commissioner, City of Cocoa Beach, "This family has done a great job of re-developing this restaurant and the deck is a great addition to the property. I believe this addition will have very little, if any, impact to the surrounding area due to its location. I visited the restaurant a few times prior to them having to shut it down." Again, if you look at the concerns, they are all similar, they all address the same issues. I also mentioned in the packet there's a binding development agreement, and in Paragraph 2 it says, "No other commercial uses shall be permitted on the property and the owner agrees not to seek any additional commercial uses for this property." This binding development plan will attach to this property for all time, so any subsequent owner will be bound by that. There were some concerns raised in the letters that the new owner wouldn't be bound; the new owner would be bound by this and any conditions that you or the Commission put on it. First, in the packet presented, is a larger version of what was already in your packet. These have been attached to a number of different items, and the public interest determination was attached to the conditional use permit application. Basically, the first document shows the current deck in yellow, it's a tiny portion of this property, and that is what the issue is, is that portion of the property. It shows where the deck is now, and if you turn to the second page, the yellow is what was added, the 1,900 square feet of de

ck, just to give you a perspective of what we're talking about, because what was in your packet was not easy to read. The third page is the conditions that we just modified today after receiving input from Sam Shake, President of Magnolia Bay Condo Association. These were previously provided to you; the underlining in subsection 1 is what is new, and then number 2 was limiting the outside music, and we had 'approximately' 10:00 p.m., and they asked we strike the 'approximately' and we agreed to do so. As you'll see, one of the biggest issues was noise, and Mr. Underhill intended to, because he's done this in his other restaurants, to install a sound curtain barrier that would be along the north end of the deck, and he's used this in other restaurants and has been very successful. So, until that is permitted and installed you'll have no outdoor music. If the sound barrier curtain does not mitigate the noise to within County Code requirements, a mass loaded vinyl covering will be installed on the canopy ceiling over the bandstand area. That's something else that's supposed to mitigate the noise from the band, right over the band area, and if this doesn't work and we're still violating the code requirements, he will be notified by Code. He wants to work with the residents. The second condition is limiting the outside music. The third is to pay for and install signage for no left turns onto Orlando Avenue, which he has already done.

Henry Minneboo – Kim, you have a couple of minutes left.

Kim Rezanka – There was some concern about trash, and he wants to install a trash compactor, but again, it has to be permitted, and he can't get any permits until we get the rezoning. If we don't get the rezoning he can't install a trash compactor. Briefly, also in the packet you'll see the last email that I provided to Sam Shake from Magnolia Bay, showing that we made the changes they asked. Last in your packet is a copy of the request for public interest determination, which is to resolve the surface water protection buffer issue. Similar public interest determinations were granted for the new development, Tingley Marina, and the reason is because on the last two pages, pages 5 and 6 of that, because the public benefits – these are in your comprehensive plan.....actually, in your County Code, "Recreational waterfront, enhanced water use availability, increased water access, improving experiences of residents and customers, improved environmental conditions, increased jobs, and increased tax revenue to the County." These are all similar to

what Tingley Marina was approved. The last, which I will just go through briefly, is our other option if the rezoning fails. It's called Procedures for Mitigating a Non-Conformity. I don't know if you remember when South Banana River Marina came through a couple of years ago and they wanted to build a bathroom and a laundry facility, but they couldn't because they were a non-conforming use, but it was determined they were part of the character of the community. They, the County, did this procedure for mitigating a nonconformity. It's only been done once in this county that Rick Enos can remember, since 1984. The County staff is not in favor of this, so we did not go this route, but I believe that if you all do not agree the rezoning is appropriate, you can go ahead and do this with the other conditional use permit already presented. The conditions that would mitigate the non-conformity, or any potential adverse impacts, are already ones that we have agreed to in the conditions for the conditional use permit for onsite consumption of alcoholic beverages. With that, I have nothing further. I ask that you approve these three items, and I would ask to have a few minutes for rebuttal time.

Henry Minneboo – Is there anybody in the audience who would like to speak for or against this? Yes, sir. I'm hoping you all have one or two people to speak for the majority of the group.

Sam Shake – Sam Shake, 2022 Julep Drive, Cocoa Beach. I am in receipt of the proposed conditions for the conditional use, and I want to thank Buzz and Kim for what they've done here to work with us. It took a lot of guts to come and speak in front of the group that he spoke in front of. What we don't know is what happens now with the proposed conditions; Buzz has made some promises, I assume he's going to follow through, but what happens if it doesn't work? That's where we are.

Henry Minneboo – Aren't those what you have agreed to in concept? Have you seen every one of those? Is that consistent with the binding development plan we've seen today?

Sam Shake – I think so, according to what Kim said. How do we hook his commitments to his permit to do what he wants to do and follow through?

Henry Minneboo – That's going to be our job.

Mark Holloway – Mark Holloway, 2012 Julep Drive, Magnolia Bay. I looked at what Buzz and Kim proposed and it looks good as long as it's enforced. My one concern is that 50-foot seawall that we talked about earlier, having to be 50 feet back. I'm very concerned about the health of our Lagoon, and I think it's been a big issue for us, economically, climate-wise, et cetera. I think Kim mentioned that in the past that was ignored and that's maybe the reason we should continue to ignore it. I can't support that. I mean, I agree with what they're doing operational-wise, but I think that this commission should seriously consider that fact that if something was ignored in the past it does not mean it should be ignored in the future. Thank you.

Dave Couch – My name is Dave Couch and I live at 2022 Julep Drive. I've been a tax payer and resident of Brevard County since 1991, I've had eight different properties I've owned in this county. When we moved into Magnolia Bay in 2011 we knew that the zoning for this property was the way it is, residential condominium. We were right next door to the Lobster Shanty, we've listened from our patio the Lobster Shanty's patrons, et cetera, and everything was fine. The concern now is that the music is going to change and the value of our property is going to go down, or it might not go up as much as it might in the future, which is going to restrict not only my interests, but also the interests of Brevard County for the ad valorem taxes. Thank you.

Susan Suplee – My name is Susan Suplee, I live at 2022 Julep Drive. I was not in town at the time of the conversation with Buzz and Kim. My concern is our wildlife conservation district in the backyard. Since the deck has been closed the wildlife is back in full force with Osprey, the Manatees are back in the cove where they normally are, and when the deck was open with the loud music the birds had disappated. We're in a major fly zone in this area, and we have Osprey, Herons, and everybody nesting there. My concern is that if

we do approve the zoning there's no going back. What's to say that the sound shields are going to be a factor and how will that affect our conservation district, as well as the Lagoon that we're trying to protect. Also, my question is how do you measure the decibel level? Is it measured from the source? The average decibel level in this room is 26, and if you're talking about 65 decibels, does that include the sound barrier?

Henry Minneboo – Cindy, where do they measure that from?

Cindy Fox – We have a set of performance standards in the Code that deal with everything, and noise is very specific about decibel levels, and we can share the Code with you.

Henry Minneboo – Where do they pick up the db levels?

Cindy Fox – The decibel levels are actually on the receiving property, so it would be from that property that they would go out and measure from.

Henry Minneboo – So, if a complainant was two or three units north, that's where they would test from?

Cindy Fox – They might just test from the condo, because it's one parcel, so they might do it from the condo boundary.

Henry Minneboo – Does that help?

Susan Suplee – That helps. So, what is being proposed is we're going to have music seven days a week, with constant background noise seven days a week?

Henry Minneboo – I don't know that. That's a question we may be addressing as a board.

Susan Suplee – I would hope that you would seriously consider that. I'm all for a non-conforming use if they can maintain their deck, but acoustical music would be great. I'm a rock-n-roller, I love music, and I love to go to your other location and listen to bands, but not in my backyard.

Bob Baugher – Bob Baugher, 118 Sunset Cove, to the south side, I own the 2.87 acres to the south for over 20 years. I also run a commercial office complex. I support the zoning change because we have a limited amount of waterfront restaurants in this area; it's always been a water front restaurant. I think Buzz made some very poor operational decisions when he first opened, but the area needs waterfront restaurants, so I ask you to put any type of limitations you want on him, and note that in the comp plan, half of it is residential and half is business, just like my property. In this case, it's not so much what you're doing, it's how you're doing it. I don't have any concerns with the animals and the river and all that stuff, I've seen the Ospreys come and go, so they can operate in this environment. I've been a resident since 1961, and some of the birds are stronger now because of the environmental stuff and chemicals and stuff, so the birds are coming back. I'm all for this with the limitations to operate a restaurant in this area.

Henry Minneboo – Cindy, if we deny the zoning, he'll be able to continue to run this as a restaurant?

Cindy Fox – As a non-conforming restaurant, correct. Under the non-conforming section of the Code, he can do minor repairs up to 50% of the value of the structure. We would certainly allow him to put a large dumpster in, and we would certainly allow him to put a curtain up. Those types of things need permits, but those are the kind of things we would allow. If you deny the request he will remain a non-conforming restaurant and there would be limitations on any expansions.

Unidentified Speaker – Inaudible.

Henry Minneboo – That's something the County has felt very strongly about. The decks that have been installed with improper permits, or no permits but improperly done, the County feels very strongly that if they let him do it then they might as well let everyone down through there do whatever they feel like.

Cindy Fox – The public interest determination does not come in front of you, it goes to the Board directly, so you may see, in the future, other public interest determinations on a property that may not need a rezoning, and it may open up your waterfront to other restaurants that you may not be able to place conditions on. So, keep that in mind.

Henry Minneboo – Can they still apply for a public interest determination if we haven't changed the zoning?

Cindy Fox – No.

Henry Minneboo – That's what I thought.

Cindy Fox – I was under the impression that we had to do the zoning before it would be granted. That was something that came from the County Attorney's Office.

Henry Minneboo – What about.....we can restrict the days of when bands can be there, can't we?

Cindy Fox – You can condition those types of things; you can limit it to twice a week, three times a week, or.....

Henry Minneboo – I don't know any facility around here that runs seven nights a week.

Cindy Fox – For outside music? I'm not sure. One of the other things the board may consider is.....I don't know the capacity of the deck or the restaurant, or any addition or elimination of seats, and where that all lays out, so if the board wants to limit the number of seating outside so perhaps there's less ambient noise, even without the music, that's a possibility. If the board thinks that no music should be allowed, that's up to you guys to discuss as well. These conditions are for compatibility issues.

Henry Minneboo – If you go to the Port and convey to them you'd like to be outside there's a lot of those places where you're outside, but you're not outside, you're covered with Plexiglas or something all the way around. I'm wondering if that's.....I need to think through that.

Buzz Underhill – Let me clarify something, because it irritates me a little bit. The document that you got here recently paints me in a picture that's not totally fair to me. When they asked us to cease and desist.....first of all, as the application we had, you had mentioned something, Mr. Minneboo, about not being built properly. We had full structural drawings that were attached to the submittal on it, and we're getting as-builts that are done to re-submit. I think in the report it said we didn't use any licensed contractors, but that is not true. Everybody was licensed with the exception of the laborers and carpenters, and those were my employees that we used. When they told us to do the cease and desist it was my understanding we cease and desist on what we were doing in the deck area. I did not realize until they came back and shut me down that I couldn't do anything else on our property. Also, Chapter 489, Section 103, Item 3, gives us an exemption, so we were to within two of those three that they cited me on the second time around I was within my rights to be able to do it anyway, but we elected not to say anything about it. I just wanted to set the record straight on it because even though we made a mistake in the beginning, it was not intentional. I didn't intentionally try to do it without the benefit of a permit; it was one of those things where he didn't do what he was supposed to do and I was caught in the middle. I'm willing to pay the price; I've already paid penalties for it, and we're willing to jump through whatever hoops we need to jump through to be able to rectify this and do the procedure that's set up by the County for instances where we don't have permitting. The structure is going to meet all the requirements and

all the Codes. It's going to go through the process that any other construction would go through and if it doesn't meet it we will do whatever needs to be done to be able to make that. I just wanted to clarify and put things in perspective. Thank you.

Kim Rezanka – There were a couple of comments by the Magnolia Bay residents. Mr. Shake asked what happens if he doesn't comply. You all know he can be shut down. That's one of the conditions of all the conditional use permits and a binding development agreement, is that if they are out of compliance with zoning it can be shut down. There are performance standards, as Ms. Fox stated, and they always have to comply with zoning standards. I believe the residential to commercial, the decibel level is like 55 after 7:00 p.m. and 65 before 10:00 p.m., and normal conversation is about 50 to 55 decibels, so this is not 26 decibels. When you look at the noise standards, which I'm very familiar with dealing with a mine in Palm Bay, the decibel levels are much higher than you would anticipate, so it's going to be a challenge for him to make those decibel levels and he will do that. As to the health of the Lagoon, we're all concerned about the health of the Lagoon, and when this is properly permitted the health of the Lagoon will be better because it will be less runoff coming from this property into the Lagoon. It has to be that way, otherwise we can't make any public interest determination and we can't get permitted. Regarding the public interest determination, we were actually asked to do that before we came to rezoning, by Commissioner Barfield's office. They wanted to know that the Commission were going to support this public interest determination. Again, the only one that has ever been approved that I'm aware of that can be cited to me in the recent past is the Tingley Marina. It's not something that is done everyday and is at the discretion of the County Commission. Looking at the conditions that have been proposed to attach to the conditional use permit, condition 2 limits outside music on the weekends to 10:00 p.m., Sundays to 8:00 p.m., Monday – Thursday will be limited to solo, duo, or acoustical acts. He has agreed to limitations; he's not going to be having any live bands outside seven days a week that are full bands. That's not the intent and the demographics won't support that. In fact, if the deck gets re-opened, people will get bored with it after a while like they do with any new restaurant. Again, if there are additional conditions you want placed on it, but this limiting of outside music is pretty stringent as it stands.

Henry Minneboo – The Magnolia Bay HOA agreed with that?

Kim Rezanka – Yes, and that's the email that's in the packet from Sam Shake, the President, who had the concern about the additional conditional use conditions. That's why these changes were made, that's why they are underlined and struck-through. They were sent to Mr. Shake and I did not have a chance to hear from him, but those are what they specifically asked for, verbatim, in his email.

Henry Minneboo – Kim, what about the deck size?

Kim Rezanka – If the rezoning is not approved the deck will have to come down. The 1,900 square feet of infill will have to come out, unless there's another remedy through this conditional use to mitigate a non-conformity, which we thought was a great idea, but staff did not like it so we didn't do it.

Cindy Fox – Kim, you said 1,900 square feet of infill, that's the area that's now covered that was not previously covered?

Kim Rezanka – No, that's just the deck. By the way, the deck is on 2x8's on the ground, it's not an elevated deck, it's on the ground and very sturdy. The canopy is over most of the deck except part of the 8 feet from the walkway, so the canopy would have to come down, too. The deck will have to come out if we're not permitted to enlarge the non-conforming use.

Cindy Fox – Was any part of that 1,900 square-foot there before?

Kim Rezanka – The deck? No.

Cindy Fox – So, he added 1,900 square feet.

Kim Rezanka – Of deck.

Cindy Fox – That would include additional seating outside that he's added.

Kim Rezanka – He's actually removed the seating from along the walkway, along the Indian River Lagoon, and he's rearranged the seating.

Cindy Fox – To put it on the deck instead?

Kim Rezanka – Yes, to put it on the deck instead, but he anticipates an additional 50 seats on the deck from what was there before, but he's taking 150 out from inside.

Cindy Fox – What's the total inside and outside? Sorry to put you on the spot.

Kim Rezanka – It's okay, I have that information. Inside and outside anticipated is 380, where before it was 459. And that was how he purchased the property in 2015. That's the square footage with the fire codes and everything else.

Cindy Fox – I think that we just didn't have a clear picture of what was coming and going inside and the number of seats, and we were concerned about what was being added in the back now that that part has been enhanced.

Henry Minneboo – Is what they have there significantly an issue, or are we going to start talking about feet and inches?

Kim Rezanka – I think it's a site plan issue.

Cindy Fox – It's really a site plan issue. I was trying to figure out how much space was there before and what's been added. If you're saying it's 1,900 square feet of infill and some of the Property Appraiser records only show the existing restaurant at 1,700 square feet, that's a lot of floor area to add.

Kim Rezanka – I don't know what the Property Appraiser shows as decking, either.

Cindy Fox – I know, and that's not clear to me either, and that's why I was trying to clarify.

Kim Rezanka – You've got walkways and deckways, and stair area.

Henry Minneboo – In light of this, Cindy, if nobody is sure of it, how is this board going to address it?

Cindy Fox – What do you mean?

Henry Minneboo – I don't know the math, so we're not going to be sure, here.

Kim Rezanka – Mr. Minneboo, it's a site plan issue. That's something that has to be site planned.

Henry Minneboo – I fully understand that, Kim. You haven't lost me on the site plan.

Cindy Fox – I was incorrect, it does look to me like the Property Appraiser is showing a total base area of 10,000 square feet in one building, and another 1,100 in another building, 28,000 of paving. They had a 2,280 square foot wood deck, and there's a gazebo. So, there's quite a bit of outbuildings there.

Kim Rezanka – The two outbuildings are storage, they are not used for personnel or customers.

Cindy Fox – This is the pleasure of the board. We have a rezoning, small scale plan amendment, and CUP.

Henry Minneboo – Are you done?

Kim Rezanka – I am, unless there are more questions.

Robert LaMarr – Kim, what about the issues of the parking lot? A lot of the residents were concerned about parking, overparking, and all of the place.

Kim Rezanka – We now have a parking agreement and valet parking, so there's no staff parking onsite. There are 48 parking spaces about a block and a half away, so that's one issue. There hasn't been a parking problem since the deck has been shut down. There's been a 'No Left Turn', because part of the concerns of the residents of Magnolia Bay is people were turning wrong way on a one-way road. So, that's why the No Left Turn sign was installed. It was the perfect storm. Mr. Underhill did not know to anticipate that many people showing up. They know better now, and he won't let it happen again. If police are needed he will hire the police, especially the first opening weekends, to make sure that there's not a problem with over-parking. Part of the problem, with any restaurant, or in the Mims matter earlier, people park where they think they can park. There's been a concern about the triangle, and probably No Parking signs need to be put on the triangle to the east of it. We can do it if the County allows us, as it is County property. Actually, I think it's State property. Those are issues we can work with, but he's not going to let it happen again. If there's some kind of condition that needs to be placed.....but it's not good for his business, either, if people are going the wrong way and getting in accidents, or if the neighbors are complaining, because the neighbors live there and he wants them to patronize them, he does not want to make them mad.

Andy Barber – Magnolia Bay was built in '06?

Kim Rezanka – Correct.

Andy Barber – And this restaurant has been there, but it was zoned residential, so these people when they bought, they see a restaurant, but they also see residential zoning underneath it, but the business never stopped operating as a restaurant. So, I'm just trying to see if they bought something thinking it was going to be residential, or if they bought knowing there was a restaurant next door. Who knows the answer to that question. I guess the restaurant had outside music before, and this is not a new use, it has always been there. The ability to have outside music has always been there whether they had it or not.

Cindy Fox – As a typical operation for a restaurant, I would say yes.

Robert LaMarr – Is most of the concerns of the condo met as far as the noise? The noise seemed to be the biggest concern.

Kim Rezanka – The noise, the traffic, the trash. Those are the three things, people going the wrong way. We've done what we can do, and we can only police so much, but we've made conditions that they seem to appreciate, assist, and if we don't meet the performance standards we go back. We agreed with the condo association that if they aren't happy we'll meet again.

Jeff Holleran – On your noise limitations, you've got noise limitations for Friday, Saturday, and Sunday, and types of bands Monday through Thursday. What time constraints are you putting on Monday through Thursday? You don't have any specified.

Kim Rezanka – I'm assuming they'd be the same as 10:00 p.m., but I don't know.

Buzz Underill – It wouldn't be any later than that. Maybe a little bit earlier.

Henry Minneboo - I don't know of anywhere that has them seven days a week. Does Grills do seven days?

Robert LaMarr – They do acoustics.

Cindy Fox – Please consider location. Grills is not next door to residential. Also, I wanted to mention that the sound barrier curtain, is this a typical product that a typical building department would know what it is, and do we need to be more specific in our language here? I'm just trying to make sure these conditions are enforceable.

Buzz Underill – It's a sound blanket manufactured custom for each location. It's a fiberglass, batten type of structure with a heavy vinyl outside on it. It is designed to be used outside. They are used as sound barriers on industrial sites and a lot of other things. We had a similar situation with our Squid Lips in Melbourne; we're right next to Pineapple House, which is condo which is actually closer than Magnolia Bay, and we had the same sort of issues. We brought in sound engineers out of Orlando that do this stuff for Universal, and they came in and did all their tests, and this is what they suggested. We had that built and put that in place, and that seemed to do the job, and we haven't had a problem with the Pineapple House in two or three years since we installed that. We've had the other ones designed and ready to pull the trigger.....they're not cheap, they're expensive, and as soon as we get the zoning we will pull the trigger and we'll have that done and we'll provide the specs and everything to the Building Department. It seems to do a pretty good job. As I mentioned before to the group when I talked to them, the problem that you have is based because it's omnidirectional, it goes in all directions, you can't focus it out. So, there may be a possibility that even though this will eliminate the stuff coming from the sides, maybe some of that noise that comes up through that ceiling, and if that's the case, we'll put what's known as a mass-loaded vinyl, which is a sound-proofing material, and we'll put that over.....which is, again, a sound-proofing material and we'll drape that over where the band is and that will absorb that noise. I'm not in the entertainment business, particularly for the music, it's just part of what everybody expects. The last thing I want to do is create problems for people. I've got other issues in life other than that. We are committed to do just like we did in Melbourne, and we'll do the same thing with these folks. Whatever we need to do we'll do. If we can't keep it in the range we need to keep it in then we won't run live music on those days.

Cindy Fox – I think it would be a good idea if you provided some specifications so that when this goes to the Board of County Commissioners they can really see what you're talking about.

Buzz Underill – I can do that.

Henry Minneboo – We probably should deal with zoning first.

Cindy Fox – Actually, would you please do the comp plan change first?

Andy Barber – I'll make a motion to approve the comp plan amendment.

Clyde Thodey – I'll second it.

Henry Minneboo – Is that all you're going to do, Andy?

Andy Barber – I think we can approve this project with these limitations that everybody has hammered out. So, whatever steps we have to take to get to that point is what we have to do, and if we have to do this first we have to do this first.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Cindy Fox – You can consider the rezoning and CUP in the same motion, and this is where we'd put our conditions on the CUP.

Kim Rezanka – And the binding development plan.

Cindy Fox – And the binding development plan.

Andy Barber – I'm willing to take a stab at it. I'm not sure which is which, but basically I'd like to make a motion that we approve the conditions that Kim has outlined here, but I would like to add a few things. Item 2, where you have 'limiting outside live music', I want strict adherence to the noise level so these people don't get.....I know that's the law anyway, but if somehow we can highlight that again. That's very important to these people that they don't have to listen to rock music when they're going to bed every night. Items 3 and 4 are fine. I think somebody had a complaint about an outside smoker, and I think that smell and sound are always issues to me, and if there's anything you can do to control sound or smell, I think would be appropriate, so I'll throw that out there if you want to do it. Obviously, you have to obtain all the permits and remove any deck if you don't get permits for them. And one more small curve ball, because I, too, live on the Lagoon, and I'm troubled by it, but maybe we can take advantage of this opportunity to request some kind of a stormwater management plan; putting in French drains probably is just like a band aid, and there's no real alternative solution because the French drains fill up on the first quarter inch of rain, so if there's a way to consider somehow controlling the runoff from the property to the Lagoon that would be a fantastic thing, and I think if we can make that a condition that will make me a very happy person. That's my motion if that makes any sense.

Kim Rezanka – With a binding development plan?

Andy Barber – With a binding development plan.

Henry Minneboo – You want to go back to BU-1?

Andy Barber – That's their request and that's what it is, so I don't have problem with it converting back to its original use.

Cristina Berrios – Do you want these conditions in the CUP and the BDP?

Andy Barber – I'm not smart enough to know the difference between the two.

Cindy Fox – Kim, is there a reason why you'd like to do a BDP rather than just put conditions on the Conditional Use Permit?

Kim Rezanka – The mortgagee has agreed to the one condition of no other commercial use; the mortgagee is difficult to deal with and will not agree to the rest of this stuff. I don't know why. The conditions work the same, and we still have to abide by them.

Cindy Fox – But you're still going to do a binding development plan that.....

Kim Rezanka – We did, limited to just the restaurant use, and he already signed that.

Cindy Fox – We just need these conditions on the conditional use permit.

Kim Rezanka – We have no problem with the conditions recommended.

Henry Minneboo – Cindy, since we're in discussion, everything that Andy wanted, can't we leave that under the RU-2-15?

Cindy Fox – You can't do a CUP for alcohol in RU-2-15.

Henry Minneboo – You can't make alcohol separate?

Cindy Fox – No, because you would need the underlying zoning, and the conditional use permit for alcohol.....

Henry Minneboo – We don't allow alcohol in RU-2-15?

Cindy Fox – No.

Henry Minneboo – There's a motion on the floor. Is there a second?

Bill Cannon – I'll second it.

Henry Minneboo called for a vote on the motion as stated, and it passed 8:1, with Minneboo voting nay.

Upon consensus, the meeting was adjourned at 4:53 p.m.

Sec. 62-1371. - Low-density multiple-family residential, RU-2-4, RU-2-6 and RU-2-8.

The RU-2-4, RU-2-6 and RU-2-8 low-density multiple-family residential zoning classifications encompass lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Multifamily residential dwellings.

Duplexes.

Single-family attached dwellings, in accordance with the development standards in the single-family attached residential zoning classifications.

Single family dwellings up to the allowable density limitation of the zoning classification. For the purposes of setback and spacing requirements, such single family dwellings shall be considered principal buildings. Additional multiple-family dwellings are permitted on the parcel if all units comply with the density limits.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Resort dwellings.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, levels I and II, subject to the requirements set forth in [section 62-1835.9](#).

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in [section 62-1102](#) and standards cited in [section 62-2100.5](#)).

(3)

Conditional uses. Conditional uses are as follows:

Boardinghouses and bed and breakfast inns.

Change of nonconforming agricultural use.

Development rights receipt or transfer.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Power substations, telephone exchanges and transmission facilities.

Recreational facilities.

Residential/recreational marina.

Skateboard ramps.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4)

Lot requirements.

a.

Minimum lot size is 7,500 square feet.

b.

Minimum lot width is 75 feet.

c.

Minimum lot depth is 75 feet.

d.

Maximum density is as follows:

1.

RU-2-4: Four units per gross acre.

2.

RU-2-6: Six units per gross acre.

3.

RU-2-8: Eight units per gross acre.

For the purpose of computing allowable density, property divided by a public road shall be considered separate parcels.

e.

Maximum lot coverage is 40 percent.

(5)

Setbacks and spacing requirements.

a.

Accessory buildings. Accessory buildings shall be located to the rear of the front building line of the principal building or structure closest to the front property line and shall be set back not less than seven and one-half feet from the side and rear lot lines for developed single family sites and not less than ten feet from the side and rear lot lines for developed multiple family sites, but in no case within the setback from a side street. There shall be a minimum spacing of five feet between any other structure on the same site.

b.

Breezeway/visual corridor. All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in [section 62-2105](#).

c.

Principal structures.

1.

The front setback shall be 25 feet.

2.

The rear setback shall be 20 feet.

3.

The side setback shall be not less than seven and one-half [feet] for all single family residences and ten feet for all other structures. On corner lots, side setbacks shall be at least 15 feet from side lot line. If a corner lot is contiguous to a key lot, setbacks shall be not less than 25 feet.

d.

Spacing between principal structures. Principal buildings or structures shall be spaced a minimum of 15 feet from other principal buildings or structures on the same site. Such spacing shall not be covered or connected to the principal structures.

(6)

Usable common open space requirements. If the lot, plot, tract or parcel is two acres or more in size, or, regardless of the size, if the property has or will have more than 15 total dwelling units, then 35 percent of the total land area shall be utilized as usable common space as defined in section 62-1102. At the time of site plan submission, the method of perpetual maintenance of common facilities shall be provided as required in section 62-1445(a). Ten percent of this area shall be retained in natural vegetation rather than improved.

(7)

Minimum floor area. Minimum floor area is as follows:

a.

Single-family dwelling unit: 1,100 square feet.

b.

Duplexes: 1,150 square feet and 575 square feet per unit.

c.

Apartments:

1.

One bedroom: 500 square feet.

2.

Two bedrooms: 750 square feet plus 100 square feet for each additional bedroom.

3.

Efficiencies: 400 square feet.

(8)

Structural height standards.

a.

Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classifications, the maximum height threshold of any structure or building thereon shall be 35 feet.

- b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, IU, IU-1, TU-1, TU-2, PIP or PBP zoning classifications, the maximum height threshold of any structure or building thereon shall be 45 feet.
- c. Where any structure or building exceeds 35 feet in height, all conditions enumerated in [section 62-2101.5](#) as applicable shall be fully satisfied.
- d. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by [section 62-2101.5](#).

(9)

Ownership. A multi-family residential development site shall be subject to single ownership or condominium ownership.

(Code 1979, § 14-20.09(A); Ord. No. 95-47, §§ 30, 31, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 33, 34, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 99-07, §§ 12, 15, 17, 1-28-99; Ord. No. 99-33, § 3, 5-6-99; Ord. No. 2000-02, § 1, 1-11-00; Ord. No. 01-30, § 3, 5-24-01; Ord. No. 2002-49, § 18, 9-17-02; Ord. No. 2003-03, § 18, 1-14-03; Ord. No. 04-29, § 18, 8-5-04; Ord. No. 2004-52, § 15, 12-14-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 3, 8-23-05; Ord. No. 2007-59, § 21, 12-6-07; Ord. No. 2014-30, § 2, 10-2-14)

• **Sec. 62-1341. - Single-family residential, RU-1-9.**

The RU-1-9 single-family residential zoning 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.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted-uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in [section 62-1835.9](#).

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in [section 62-1102](#) and standards cited in [section 62-2100.5](#)).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

Zero lot line subdivision.

(4)

Minimum lot size. An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c.

The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6)

Minimum floor area. Minimum floor area is 900 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(K); Ord. No. 95-47, §§ 22, 23, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 23—25, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-01, § 2, 1-11-00; Ord. No. 2000-03, § 7, 1-11-00; Ord. No. 2002-49, § 13, 9-17-02; Ord. No. 2003-03, § 14, 1-14-03; Ord. No. 04-29, § 14, 8-5-04; Ord. No. 2004-52, § 12, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 17, 12-6-07; Ord. No. 2010-22, § 16, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

- **Sec. 62-1342. - Single-family residential, RU-1-7.**

Sec. 62-1334. - Agricultural residential, AU and AU(L).

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character.

The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.

(1)

Permitted uses.

a.

(1)

Permitted uses within the AU classification are as follows:
Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in [chapter 86](#), article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

(2)

Permitted uses within the AU(L) sub-classification are as follows:
Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in [section 62-2108](#).

Parks and public recreational facilities.

Foster homes.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps (section [62-1835.4.5](#)).

Group homes, level I, subject to the requirements set forth in [section 62-1835.9](#).

Landscaping business (section [62-1837](#)).

Mobile home residential dwelling (section [62-1837.7.5](#)).

Power substations, telephone exchanges and transmission facilities (section [62-1839](#)).

Preexisting use (section [62-1839.7](#)).

Private parks and playgrounds (section [62-1840](#)).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section [62-1843](#)).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section [62-1842.5](#)).

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in [section 62-1102](#) and standards cited in [section 62-2100.5](#)).

(3)

Conditional uses. Conditional uses are as follows:

Airplane runways (section [62-1905](#)).

Bed and breakfast inns (section [62-1912](#)).

Boarding of horses and horses for hire (section [62-1913](#)).

Captive wildlife (section [62-1958](#)).

Change of nonconforming agricultural use.

Composting facility.

Farmers' market (section [62-1929](#)).

Guesthouses or servants' quarters, without kitchen facilities (section [62-1932](#)).

Hog farms (section [62-1934](#)).

Land alteration (over five acres) (section [62-1936](#)).

Private heliports (section [62-1943.5](#)).

Roadside stand (section [62-1945.5](#)).

Security mobile homes.

Single-family residential second kitchen facility.

Skateboard ramps (section [62-1948](#)).

Substantial expansion of a preexisting use (section [62-1949.7](#)).

Veterinary hospital, office or clinic, pet kennels (section [62-1956](#)).

Wireless telecommunication facilities and broadcast towers.

Zoological parks (section [62-1960](#)).

(4)

Minimum lot size. An area of not less than two and one-half acres is required, having a minimum width of 150 feet and a minimum depth of 150 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot lines.

c.

Setbacks for barns and stalls are as follows:

1.

Front: 125 feet from the front lot line.

2.

Side: 50 feet from the side lot line.

3.

Rear: 50 feet from the rear lot line.

(6)

Minimum floor area. Minimum floor area is 750 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is as follows:

a.

Residential structures: 35 feet.

b.

Structures accessory to an agricultural use: 45 feet.

(Code 1979, § 14-20.08(D); Ord. No. 95-47, §§ 8, 9, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 95-51, § 3, 10-19-95; Ord. No. 96-16, §§ 8, 9, 3-28-96; Ord. No. 96-46, § 10, 10-22-96; Ord. No. 97-29, § 2, 8-12-97; Ord. No. 97-46, § 1, 12-2-97; Ord. No. 98-03, § 6, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-11, § 3, 2-26-98; Ord. No. 98-62, § 5, 12-3-98; Ord. No. 2002-49, § 5, 9-17-02; Ord. No. 2003-03, § 6, 1-14-03; Ord. No. 03-40, § 1, 8-12-03; Ord. No. 04-29, § 6, 8-5-04; Ord. No. 2004-52, § 4, 12-14-04; Ord. No. 2005-25, § 5, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 9, 12-6-07; Ord. No. 2009-06, § 2(Exh. A), 2-5-09; Ord. No. 2010-22, § 10, 11-23-10; Ord. No. 2011-17, § 4, 5-26-11; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2014-30, § 3, 10-2-14)

Editor's note— Ord. No. 2013-38, [§ 1](#), adopted November 19, 2013, amended [§ 62-1334](#) to read as set out herein. Previously [§ 62-1334](#) was titled agricultural residential, AU and AU(L).

Sec. 62-1339. - Estate use residential, EU, EU-1 and EU-2.

The EU, EU-1 and EU-2 estate use residential zoning classifications encompass lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in [section 62-1835.9](#).

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in [section 62-1102](#) and standards cited in [section 62-2100.5](#)).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4)

Minimum lot criteria. Minimum lot criteria are as follows:

Classification	Size (square feet)	Width (feet)	Dep (fee
EU	15,000	100	100
EU-1	12,000	100	100
EU-2	9,000	<u>90</u>	100

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten feet to the rear and side lot lines, but in no case within the setbacks from a side street and with a minimum spacing of five feet.

(6)

Minimum floor area. Minimum floor area is as follows:

a.

EU: 2,000 square feet of living area.

b.

EU-1: 1,800 square feet of living area.

c.

EU-2: 1,500 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(l); Ord. No. 95-47, §§ 18, 19, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 18, 19, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 5, 1-11-00; Ord. No. 2002-49, § 11, 9-17-02; Ord. No. 2003-03, § 12, 1-14-03; Ord. No. 04-29, § 12, 8-5-04; Ord. No. 2004-52, § 10, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 15, 12-6-07; Ord. No. 2010-22, § 14, 11-23-10;

ADMINISTRATIVE POLICIES

Administrative Policy 1

The Brevard County zoning official, planners and the director of the planning and zoning staff, 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.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether

substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The 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.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial

review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations.

Handed to Board by Ms. Michelman 11/9/2016

A

Document Type: (D) DEED
 Record Date: 6/24/2016 3:06:35 PM
 From Party: SCHREIBER, JANICE M (6/25/2016 3:46:20 PM)
 RENK, JANICE M (6/29/2016 3:46:20 PM)
 SCHREIBER, ROBERT (6/28/2016 3:46:20 PM)
 To Party: K-PAC LLC (6/29/2016 3:46:20 PM)
 Book Type: OR
 Book / Page: 7648 / 284
 # of Pages: 2
 Consideration: 160,000.00
 Legal: LT 1 BLK 5 PB 3 PG 56 RIVER CLIFF COMA & SW
 CNR OF RIVER CLIFF UNIT TWO PB 11/70 & RLAY S
 C 2 T 25 R 36 SUBD 27

B

Document Type: (D) DEED
 Record Date: 4/23/1996 9:10:38 AM
 From Party: BRADISH, ANTHONY J ()
 BRADISH, LEE ()
 To Party: MICHELMAN, ELIZABETH A ()
 SCHMALING, BRUCE K ()
 Book Type: OR
 Book / Page: 3563 / 4129
 # of Pages: 2
 Consideration: 122,000.00
 Legal: LT 1 BLK 5 PB 3 PG 56 RIVER CLIFF COMMENCE AT
 SOUTHWEST CORNER OF RIVER CLIFF UNIT 2 S 02
 T 25 R 36 SUBD 27

A parcel of land lying in Section 2, Township 25 South, Range 36 East, Brevard County, Florida, being part of Lot 1, Block 5, River Cliff, as recorded in Plat Book 3, Page 56, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of River Cliff, Unit Two, as recorded in Plat Book 21, Page 70, of the said Public Records and run South 89°56'45" East along the South line of said River Cliff Unit Two, a distance of 5.28 feet to the Northwest corner of said Lot 1, Block 5, River Cliff, said point being the Point of Beginning; thence continue South 89°56'45" East along the said South line of River Cliff, Unit Two, and along the North line of said Lot 1, Block 5, River Cliff, a distance of 784.18 feet; thence run South 34°17'06" East a distance of 127.71 feet to a point on the South line of said Lot 1, Block 5, River Cliff; thence run North 89°56'45" West along the said South line of Lot 1, Block 5, a distance of 810.07 feet to a point on the Easterly right of way line of said State Road No. 3, (South Tropical Trail); thence run North 33°43'10" West along said right of way line a distance of 34.03 feet; thence run North 19°23'40" West along said right of way line a distance of 81.83 feet to the Point of Beginning.

Subject to a 20 foot ingress/egress and utility easement over and across the South 20 feet of the above described property.

Parcel ID Number: 2501521

Continued *Michelman*

BOOK 21, PAGE 70, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN SOUTH 89 DEGREES, 56 MINUTES, 45 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RIVER CLIFF, UNIT TWO, AS RECORDED OF 789.46 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES, 56 MINUTES, 45 SECONDS EAST, ALONG SAID SOUTH LINE OF RIVER CLIFF, UNIT TWO AND ALONG THE NORTH LINE OF LOT 1, BLOCK 5, OF SAID RIVER CLIFF, A DISTANCE OF 546.46 FEET, TO A POINT 233.33 FEET DISTANT FROM THE EAST LINE OF GOVERNMENT LOT 2, OF SAID SECTION 2, AS MEASURED ALONG THE SOUTH LINE OF SAID RIVER CLIFF, UNIT TWO, THENCE RUN SOUTH, 00 DEGREES, 02 MINUTES, 30 SECONDS WEST, PARALLEL TO THE SAID EAST LINE OF GOVERNMENT LOT 2, A DISTANCE OF 105.45 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 5, OF RIVER CLIFF, THENCE RUN NORTH 89 DEGREES, 56 MINUTES, 45 SECONDS, WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 474.44 FEET; THENCE RUN NORTH 34 DEGREES, 17 MINUTES, 08 SECONDS WEST, 127.71 FEET, TO THE POINT OF BEGINNING. TOGETHER WITH A 20 FOOT INGRESS EGRESS AND UTILITY EASEMENT LYING WEST OF THE WEST LINE OF THE ABOVE DESCRIBED PARCEL, NORTH AND ADJACENT TO THE SOUTH LINE OF SAID LOT 1, BLOCK 5, AND EAST OF THE RIGHT OF WAY OF STATE ROAD NO. 3 (SOUTH TROPICAL TRAIL).

Consider that 810.07 * 20 = 16,201.4 square feet or 0.38 acres +-

VERBATIM TRANSCRIPT OF ITEM IV.A.1. (16PZ00064) – JANICE RENK – (ROBERT POTTER) REQUESTS A CHANGE IN CLASSIFICATION FROM AU TO RU-2-8, ON 1.89 ACRES, LOCATED ON THE EAST SIDE OF SOUTH TROPICAL TRAIL, APPROXIMATELY 102 FEET SOUTH OF RIVER CLIFF LANE (892 SOUTH TROPICAL TRAIL, MERRITT ISLAND), FROM THE NOVEMBER 3, 2016 BOARD MEETING

Barfield: I don't have any public comments, so we'll move on to IV.A.1.

Fox: Good evening, Commissioners. You have several Items on your Agenda tonight. This first Item was one that was tabled through several Planning and Zoning meetings; the request is recommendation unanimously denied this request; and I believe that we had testimony from the public at the time that this multi-family zoning, they would consider it to be incompatible with the area. So, that was the reason for the denial.

Barfield: Is there here, anyone here with the applicant? So, come on.

Potter: Good evening.

Barfield: Good evening.

Potter: My name is Robert Potter, and I've, through several things, and I'm just now getting to speak, the storm, sign issue in the beginning, I bought the property in the middle of the zoning application, and so the signed because an issue. It was tabled then, and then the storm tabled it, we missed the meeting. Anyway, I'm finally getting to speak. I'm a builder; I've been a builder for 30 years. We planned to build seven duplexes on this property, landscape, sod, irrigation. We planned to set up an association to maintain all of the irrigation sod and everything. We, there's been talk of us destroying all the beautiful trees that are there, and that's just not so. We couldn't have picked a better place with trees already in place. That's some of the most beautiful Live Oaks we've ever seen. We'd like to keep everything that we can in place. Of course, that would mean shifting some houses left or right, but we're okay with that as long as, you know, we can maintain a nice continuity of the landscaping. We are planning individual ownership, okay? We plan to sell these in the \$180 to \$200,000 range. Right now the neighbors are a little concerned with property values, and we've done our research, and the property values are a little bit lower than what we're shooting for, so I really don't see that we can be a detriment to anyone's property values. We hope to raise everyone up. Merritt Island is a beautiful place, and this property right here is probably the lower part of that beauty. There are many, many issues on this property and the adjoining properties. I have pictures here of the adjoining property. They, there was an issue about a working farm. Well, on this working farm, you'll see that it's not quite the working farm that everyone says it is. Walt Lee owns this property. He's 86, just holding on there. He's in pretty bad health. He's approached me about buying the property. I, we're not interested in anything right now. We've had a lot of opposition, and we want to make sure this zoning goes through before we can even consider anything else that we want. We checked the sewer capacity, there's plenty of sewer capacity down there. I have a sewer, letter from the sewer company. We also have a school, letter from the school. Sewer's an issue on Merritt Island. Right now the house that's on this property is on a septic system. The surrounding houses to the south of me are on septic systems. On the back of this property itself, there are three existing septic systems that the previous owner planned to build houses and he grand fathered in three septic systems. We do not want to

use these systems, we want to do a sewer extension. This gives us a chance to clean up some of the issues on Merritt Island, and sewer is definitely one of them. We're willing to do a sewer extension, and that would tie us to it and anybody else in the area that wanted to tie to it, and put us a few hundred feet down the road to help Merritt Island with this problem. Many, many houses are on septic, and as you guys know, it is an issue. We built a beautiful community. We've built several projects like this before. We've never been a detriment; we've always been an asset to the community. Continuity of the neighborhood, okay, we are building quite a nice little project. We have the pencil drawings here of what we're proposing to build; and these will be beautiful homes, landscaped, sodded, paved driveways; it's just going to be an asset to the neighborhood. Much opposition was from the River Cliff Subdivision, and I went over there today and just rode down the road to the properties that actually adjoin our property, back up to us, actually touch line to line. Here are some of the pictures of some of the house that we're adjoined to. There's no fear in our mind that we're going to detriment anyone's property. We're a little bit worried about them affecting ours. We're willing to move forward with that. Within a sewer extension, possibly a pump station on this property, duplexes are the only way financially it is going to work. If we're bound to three or four houses, we will sell the property as is with an Agricultural rating, because it just does not pay to do the extension. That being said, these people are trying to save an Agriculture rating. I don't think they realize what could come from this. I mean, there are people who put a pig farm, goats, whatever, right in their backyard. These properties would be very nice and it would be a very nice thing to have in your backyard. If we don't get this, someone else will soon, and we just feel like we're going to be an asset to the community. I've got a realtor with me. She's the lady that sold it to us. She can verify some of the property values around and tell you, you know, what we're going to sell these for; and right now the property, we paid \$160,000 for it, and that's what the County collects taxes on. We get through this project right here, if we go to the \$200,000 mark, we're almost \$3 million of tax base there on the same piece of property. I know this is not exactly what is in the neighborhood, but within a half a mile you have a high rise condo on Merritt Island, on the parkway there. Up the road on South Tropical Trail, there are four apartment complexes and so many duplexes that I couldn't count them all. So, this is not out of continuity with the neighborhood at all. I feel this is an asset to the neighborhood, and we'll actually do everyone well. I just ask for you to grant this zoning request, and I think you'll see that it's going to be a good decision.

Barfield: Okay, thank you. Cindy, I'd like just to ask this question. Where is the nearest multi-family housing to that area approximately?

Fox: It is at least a quarter mile or more up north of this property. Everything in this area is single-family, there is no multi-family.

Barfield: Okay. Okay, we'll go to public comments. First one's Melinda Wilson. Good evening. Name and address for the record.

Wilson: My name is Melinda Wilson, 25 River Cliff. I'm one of the houses that back up to this property, particular property. I've lived on Merritt Island since 1965. I've been in that house since 1982. I'm not a detriment; I'm an RN for 30 years' experience at the hospital. That being said, I measured, because my house the backyard directly we share the fencing line. It's kind of hard to describe, there's the property, and they have a lovely front like a circular drive with nothing there. So, all of our fencing, mine, my neighbors, it all backs up

to that. My house, I measured, is 21 feet from my house to that shared property line. So, I just don't see how this could be an advantage in this particular . . . this is my next door neighbor, his backyard (unclear). So, just a comment, you know, I just don't see how it would be helpful for us. Our school, we live on River Cliff where Tropical Elementary, it's a drop off every day with the kids and the cars. I just don't see how adding more people is just going to help.

Smith: Can I ask you a question?

Wilson: Sure.

Smith: If this developer were required to put some type of landscaping between your property and this property, would that solve any problems for you?

Wilson: I don't see it. Well, in seeing the property, I don't know how far it goes back, but I'm just dealing with what I see in my backyard, which is essentially the front yard of this property. I just don't see how all of those duplexes will fit no matter how many trees we put up, or how much fencing we put it, it's just so close, it's just very close. We worry about . . . you know, I'm single, I worry about safety, you know, everything.

Infantini: One of the things I'm running into looking at your perspective is that I don't, please don't take this wrong, but . . .

Wilson: I don't.

Infantini: . . . I don't think it's the owners responsibility to make sure you have a nice buffer between you property line and what he has. He needs to have, like, I don't know. . .

Wilson: I don't know how many feet it is exactly.

Infantini: You have a 20-foot buffer from your house to the property line.

Wilson: Right.

Infantini: Then he would likely have to have a 20-foot buffer from the house that he puts there from the property, so I don't personally feel a responsibility to give you all of this land buffer; but could you explain the detriment of having the duplexes there, because it doesn't seem terribly inconsistent? I was trying to do how many houses just two streets down, how many houses are there, and it looks like you could likely fit about 11 houses. If I were to space them in the same way they are . . .

Wilson: Well, you probably could. I mean why, right.

Infantini: Well, it's just a couple of streets down so I'm just making sure it's consistent what he's asking, and why would it be inconsistent with what your neighborhood is?

Wilson: I, well, I mean, we could put, I don't know how many houses we could fit on there, you know, is the thing. I don't know, I don't know what the, I just don't think this is the answer. If they want to build a nice house, you know, or whatever. I just don't, I just don't

see where, why we need seven duplexes on there I guess. I'm just making my statement, so.

Infantini: All right. Oh, no, that's fine; I just wanted to see because I just needed you to help me, that was all. Thank you.

Wilson: It's very, it's kind of hard to explain, that's why I . . .

Infantini: I wasn't trying to pick on you, I promise.

Wilson: Okay, all right.

Anderson: I just want to, I was just looking at the photo of the aerial and to answer Commissioner Infantini's question, it appears to me that if they put a, if they were to put an access road on the south end, they could put 10 houses on that lot.

Infantini: Okay.

Barfield: Not duplexes.

Anderson: Not duplexes, I mean single-family if you count, there's 10.

Infantini: So, if you put the access road on the south side you could put . . . Yeah, that's what I was trying to get at. It looked like 10 or 11, to be consistent with the same spacing, if we used single-family, not duplexes, just for argument sake, because that's what I'm trying to see both sides. Okay, thank you.

Barfield: Okay, Shawn Gillaspay. Name and address for the record, please.

Gillaspay: Shawn Gillaspay, 795 South Tropical Trail, and we actually live about one block north on the west side of South Tropical; and to clarify, he was mentioning multi-family homes, the condo development he's talking about is actually a retirement community for people 65-plus, I think, or 50-plus, that's on Courtenay. Sunset Bay is north, closer to Fortenberry, and that's a larger condo development as well. So, that clarifies what is actually the use in the area. The concerns that I have about this specifically is one, the price range he's looking at is 180 . . . oh, by the way, I'm also a realtor with the Space Coast Association of Realtors, and I'm concerned he's looking at a price point of 180 to 200 per unit in a duplex, and that area will not generate that. Therefore, what will be the next plan? Will it be to bring it to a rental program? Will this be restricted to only going into ownership, otherwise what are the bylaws they are going to put in place for this association to protect these from becoming a grand development that he has in mind, whereas he can't sell them for the price point he wants, let's put them to investors, and now let's rent them out; and they won't be owner-used properties. Also, about the traffic issue, we've got a two-lane road here that's a 35 mile per hour speed limit already, whereas I was noticing coming in on Stadium Parkway nice four-lane with a dividing, beautiful dividing right in the middle there, median, that has 30 mile an hour limit. Right now we have people speeding up and down that road on a regular basis. I live on South Tropical, I see it. I'm at the corner, the southwest corner of (unclear) and South Tropical. The enforcement that we have on speeding is not happening in that area of our town. If you go further South Tropical Trail,

close to Granada, you get these nice flashing lights, we don't have those, people don't want to slow down on our road. So, now we're adding 14 more units in a very condensed area where you said it would be 10 single-family homes if there was another access road. What about the access coming out to South Tropical? What is that going to do bringing in more people? So, these are my concerns. I don't think that a nice planned unit would be harmful for that area. I think that would be great. I would like to see that as a matter of fact. I'd like to see a nicer, you know, middle, 200, 250,000-plus homes in that area. I don't see this happening in a duplex. That's my concerns.

Barfield: Thank you. Jennifer Underwood. Good evening.

Underwood: Good evening. Hi, my name's Jennifer Underwood. I live at 795 South Tropical Trail, Merritt Island. My big concern is, as well, one of the things Mr. Gillaspay mentioned, I have actually called the Brevard County Sheriff's Department several times to please come enforce the speed limit issues. We have, unfortunately, a lot of through traffic on Tropical Trail. You are going to add more people, more visitors, more traffic issues. I have a four year old daughter. Obviously no way in the world would I let her out on Tropical Trail, but I've seen dogs hit, I've seen other kids have issues out there where they've almost got hit. It is a big hazard as it is. I think adding more, by adding duplexes, is not going to be the answer. Also, he mentioned that we, you know, have agricultural places and stuff like that. Some of us bought those properties because that's what we want. We wanted to get away from the duplexes, the apartment buildings, the congestion, that's why we bought our properties; and it's not conducive to our neighborhood, it is not what is around our neighborhood. The multi-families are closer to 520 on South Tropical, and honestly I'd like to keep them that way. Thank you.

Barfield: Beverly Faulkner. Good evening.

Faulkner: I live at 975 Golden Rod Street, Merritt Island, and my street is like, I have to come out on Victoria to get onto Tropical. This property is right there where you have to turn. Tropical where this is, there's also a very bad bend in the road, and it's difficult at times for me to get out many times because of this traffic both ways. I look at all these families . . .

Barfield: A lot of people hit that wall, too.

Faulkner: Coming out there's a school bus, there are two children that live in the neighborhood . . . very short streets, Victoria and Goldenrod, and that's a real traffic hazard. That's one of my concerns big time. It doesn't fit the neighborhood. I think it's going to lower our property values, and everyone that's around there. And I'm confused by one thing. He said the duplexes, how large are the duplexes? Each duplex, what is the square footage of each duplex?

Potter: 1,240 feet.

Faulkner: 540?

Potter: 1,240 feet.

Faulkner: Each side? So each side is 1,240, 1,240 on both sides. Are you going up in the air with that?

Barfield: Just a minute. Wait, we can't get, we have to get it on the record.

Faulker: I'm sorry.

Barfield: We have to get it on the record.

Faulkner: I'm sorry. Is he going, are you going, Is he going up in the air?

Smith: Side-by-side.

Faulkner: They're side-by-side?

Barfield: Yeah.

Faulkner: If he's going side-by-side, I can't figure . . . any of you been out to that property?

Barfield: I live right down the street from there.

Faulkner: So you know. So, if you look at that property and visualize that with the scene, I don't know how anyone with common sense, visualizing the neighborhood, the bend in the road, the homes around it, would think that's a good thing. I'm totally 100 percent against it. Okay?

Barfield: Thank you. I'm having a difficult time reading this, they live at 6200 Farcerde Place.

Tillman: Sorry about that.

Barfield: Is it Sue?

Tillman: Yeah, Sue Tillman.

Barfield: I see it now.

Tillman: Sue Tillman with ReMax. I did sell this property, I actually represented the seller and the buyer on this. The people that did own this property they had the same idea. I don't know how many they were going to build, but life changes came in their life so they couldn't pursue doing that. I can't see how it would hurt. I can truly understand people's concern in reference to traffic, but it's everywhere, everywhere it's getting busier with traffic. I just think it's going to beautify the area. It can't do nothing but help that area as far as the views. I don't know if he gave you pictures on the actual duplexes, but they are beautiful, they're just going to be nice to look at. I think if there is a challenge, it's going to be on the developer right now because of some of the areas around there are somewhat of an eye sore, so as far as him going forward with what he's doing, I can't see anything but a big plus for the area. Thank you.

Barfield: Thank you. Cindy O'Healy. Good evening.

O'Healy: Hi, I'm Cindy O'Healy, I live at 940 South Tropical Trail, two doors down from this property, south of it. I live next to Walter. I'm happy with Walter. I'm happy with what he's got going on there with the Agriculture, I do not want this built over here. Every day I have to come out of my driveway and turn north to get to work, and I don't want to be fighting other people trying to get out, like 15 people lined up to get out of there to go to work, and there's a bend in the road, it's dangerous. I'm just not, I'm a no. Thank you.

Barfield: Thank you. Elizabeth Michelman.

Michelman: Hi.

Barfield: Hello.

Michelman: My name is Elizabeth Michelman, and I'm going to do a shout out to FIT. I did graduate. Yeah, and we've also got two other FIT students in the house on our side over here. All right, now that we've done that, I'll get on with it. My name's Elizabeth Michelman, I live at 898 South Tropical. If you look at those maps, I am the property directly behind that. I've heard a lot of things being said so far. I've got something kind of prepared, but I've also heard a lot of statements that are fairly offensive. I have a very nice property. I maintain it. I have some insight to that property. I've been there for 20 years. Also, I want to state that I have been to every one of these meetings. I can't say that for the people that are trying to get this petition run through. You know, they're neglecting that. In fact, at the last meeting the same gentleman that spoke managed to sit here in front of all of you and have it tabled. Why? I think he's wearing us down. At the first meeting Cindy Fox can tell you we had about 30. The second meeting, we had 40. We have people who really do not want this to go through, and honestly, it got denied unanimously by Planning and Zoning. You have staff that made a recommendation. Why aren't you following that recommendation? There are issues. Trudy, this is not like River Cliff. There is no access road. It is my ingress/egress, so you're looking at a property that's 105 feet wide and 810 feet long. It's not on a roadway. In fact, you know, if you don't mind, let me pass these out. These are the addenda to the property deed. When Mr. Potter, which is actually K-Pak, purchased the property, they were very much aware, well aware, that there is a 20-foot ingress/egress on the south side of their property. So, that property isn't even 105 feet wide. Twenty feet, that kind of reduces the site that you're going to build on. Now as for the comment about buffering, that was a recommendation your staff made because they're kind of sticking them in there. So, there were other concerns about that being a wetland. There are other concerns about there being the type of soils for a recharge area. I'm just saying that maybe look, look into it a little bit further before you make a decision. Now, Commissioner Barfield, not only is that road sensitive to speed and issues, that road that we're talking about, River Cliff, is an egress to a public school. How many times has that come up and become a problem in the neighborhood? I think you're just adding another, you know, little bit of something to that pile. Now, I don't care how you sell it, how you want to twist it . . . I do want to make another comment. Walter Bryant is not here. He attended every other meeting. He couldn't come today because he has health issues. He came here to petition, to deny the project. I, you know, I could say, you know, well, Walter will sell it for a million dollars. You don't know that to be a fact, because it's hearsay. I, you know, Mr. Potter says, he made a comment on the outside that he would offer to buy my property.

Would he turn around and say that I would sell it? I don't know. He's got an agenda. I want to have a good neighbor. I'd like them to, you know, fix that property up, no doubt about it. We didn't really have a good experience in the long run, I'm just not thinking this is the solution. You know, follow the plan that was given to you by P&Z. It says this isn't consistent with the neighborhood. The neighborhood is coming out to tell you it's inconsistent with the neighborhood, and you know, so technically . . . I have a question, too. Within the easement, and you're seeing that's deeded, correct? All right, so it's not 20 feet. I would ask Mr. Potter, do you understand there is an easement on that property that grants me access to my home?

Barfield: He can't answer.

Michelman: He can't?

Barfield: They have to have it on the record, I mean . . .

Michelman: Okay, but anyway. I digress, sorry about that. I really want to say this, and I hope I can find it because I thought it was kind of good. I kind of visualize this like a can of sardines. The manufacturer will do everything to promote how wonderful this product is, how healthy, how full of calcium and protein, but you know what? When you open up that can, it's still nothing more than a can of dead fish. So, I would just say that there have been a lot of good arguments in (unclear), you know, that have been presented, and I don't want his to become in an effort of redundancy. If anybody still wants to talk . . . we just want to make a point that we are not for it. I think it's not going to do anything to improve the neighborhood. Let it evolve naturally. All right? We'd appreciate that, and I thank you very, very much.

Barfield: Thank you. Brynne Michelman-Schmaling. Good evening.

Michelman-Schmaling: Hello.

Barfield: Name and address for the record.

Michelman-Schmaling: I'm Brynne Michelman-Schmaling, I live at 898 South Tropical Trail. I am one of the FIT seniors that she mentioned. I'm majoring in Biomedical Engineering. I have been living . . . is this better?

Barfield: Yes, ma'am.

Michelman-Schmaling: Okay, I've been living there since 1996, so 20 years with my mom, and from what I could tell from the property . . . I love my house. I love how you can, you're slightly isolated from the other neighbors. It's a beautiful property with many Oak trees. When you look at a typical duplex, when you just Google images of duplexes, you notice that they're quite big and they're very tall. With those Oak trees, you're going to have to bring them down in order to fit even seven duplexes on there. With that in mind, what's going to be left of those Oak trees? You might be able to keep the trunks and the roots in there, but what's going to be left of the branches and other parts of the trees and the property, also the property's not very even. So, he's going to have to make up and somehow fix the depths and such in the property. Another thing is, like my mom mentioned

before, the property's not very wide. So, if you're trying to stick seven houses on there plus a road and parking spots, how are you going to fit all of that in there without blocking possibly our property or you're going to make it very clustered and very inconvenient. Also, with those types of duplexes, you know, you could have a wide range of people coming in and buying it out or renting, and you don't know who's coming in. So, you don't know what you're going to get. That could run a risk of safety. With us we have the safety net of nobody knows our house is there. Once we have seven new neighbors, that might change the game and might potentially affect the safety of our house and our property. So overall, I don't support the rezoning. Thank you.

Barfield: Thank you. Victor Rodan. How bad was that? How much did I miss it by? Is it close? What is it?

Rodan: Hi, my name is Victor Rodan. Well, I live down in Melbourne. So, I live in Melbourne. I don't live here but I come here often because I visit, and I've been coming here for about two and a half years now. And, well, I do live in a community with duplexes, and one of the things I do enjoy coming here, when I used to come in the summers, at least that's when I have free time, is that it's significantly different. Like the community's different and it has a different feel to it. I particularly enjoy the fact that there's agriculture around because back at home, I used to live on my own little ranch, so that's really nice. The fact that they're trying to bring that of the City of Melbourne, is just pretty hectic, and bring it up here to Merritt Island, which is a completely different community, I think it's actually inconsistent with the community. It's all single homes, and it's actually what I would call a suburb, really suburb, (unclear) to rural, which is really nice, and that's, that's basically all my input. I want to keep the community the way it is because that's the way I've been enjoying it, and I can see that's the way they want to keep enjoying their community. If they particularly have intentions to keep it that way and they're the owners already, their opinion and their quality of life should be respected. So, thank you.

Barfield: Thank you. William Mowrey. Okay, thank you. Deborah Box. Good evening.

Box: Good evening everyone.

Barfield: Name and address.

Box: Deborah Box, 8 Brandy Lane, I'm on the corner of South Tropical and Brandy. He was speaking before about the apartments. All the apartments in the neighborhood are north of Palm Road. The only other places, Courtenay Springs, that's assisted living, and that's been there forever, but that's all assisted living. It's bad enough that in our neighborhood somebody's buying up all little chunks of property putting small houses on them and renting them out to the foreign students that are taking flight lessons. You can't find a little chunk of property anywhere. Now, what's to prevent this man from buying the houses across Tropical Trail on the river and putting up 20 more duplexes, and then our whole neighborhood's shot? So, that's my only concern about it. So, thank you very much.

Barfield: Thank you. Sharon Shaw. Okay, thank you. Shelley McKenzie.

McKenzie: Hello there. My name is Shelley McKenzie and I live at 950 South Tropical, its two houses away from the subject property. I would like to say I oppose the rezoning. I

have lived in my home for 17 and a half years. It is the biggest investment that I have, and I'm not willing to watch my property values drop due to living next door to a multi-family project. People in Brevard have suffered enough from the drop in the housing market, and not until recently have our property values started to rise bringing equity back into our homes. With this being said, I do not believe anyone can guarantee me, and I say guarantee me, that this rezoning of this subject property will not affect my property values in a negative way. I also have young children who attend Tropical Elementary School, which means that they will have to walk past this property. I'm a foster mom, I have five foster children in my home. I want to end by saying that we the people who live in the area are entitled to peace and enjoyment of our property. By changing the zoning, will cause a nuisance which will result in mine and others around me our entitlement of peace and enjoyment of our land. The changing of the zoning has no benefit to anyone except the investor who has purchased the property. There are many other areas in Brevard County that are more suitable for this growth but not in our area. So, I oppose this. Thank you.

Barfield: Thank you. Okay, that was the last public comment that I have. Did someone put a card in I didn't get? Fill out a card. Name and address for the record, please.

Conard: My name is Robert Conard, I live on 165 Oak Grove Lane, that's one street further to the south, right past the, right, it butts up to South Tropical. I haven't planned on speaking tonight. I built a house, Mr. Gillaspay used to own that orange grove there, and I built a house 25 years ago. Right behind my house, which is one street further south, was a beautiful wetlands area, and it was supposed to stay wetlands. That's what I was told when I bought. Well, developing, you know how that goes. Wetlands were traded for wetlands, and somehow that went in, that property got traded for something in, I think it was Melbourne or Palm Bay. So now, we have little cookie cutter houses right behind us. Before those houses were built, as some of you may know, there's lots of little irrigation ditches that go all the way from Merritt Island, provided a wonderful drainage for all our property. It never got flooded. So, now these new houses came in. They put in this really nice drainage area. We flood. Lots of areas flood right behind me. The area's is shrinking. Anything that would improve our property, our homes, we'd be grate . . . I think for all of us, but I see it going down. I've raised two kids there, my grandkids come there now, and it's, it's, it's shrinking around us. We have more traffic. What used to be, my cul-de-sac was just a nice little cul-de-sac road, traffic down it all the time now. I don't see how anything, especially duplexes, can help us and our flight just to have a nice neighborhood where we can raise our kids. Thanks for letting me come up at the last moment.

Barfield: Thank you. Okay, that was my last comment. Mr. Potter, you have an opportunity to rebut this if you'd like to.

Potter: Yes, there was much talk about the traffic on South Tropical Trail. In the, with the County or with any other road department, they have what they call a seven second rule, okay, seven seconds is what you should be able to see a vehicle before it approaches your intersection to give you time to pull out, see, make your decision, or whatever. I've sat at that intersection many times and I can see 12 to 14 seconds this way and 12 to 14 seconds this way. I don't see that there's any problem as far as traffic goes or the entrance leading on to South Tropical Trail. Walt Lee, the neighbor there, like I said he is 86 years old. They enjoy him being there. They don't enjoy looking at his backyard because what he has there is a recycling, has people that bring their recycling there to tear it apart and send it, take it to

scrap. Okay? As one of those pictures show you, the backyard is full of junk. Okay? Walt Lee wants to sell out. He's 86 years old. He wishes to move with his son to Kentucky. So, Walt is in contact with me. I have not told anything that's not true. Elizabeth Michelman is her name, she did approach me to buy her property. She told me she has a general zoning and that I could build a high rise or something on her property without even coming before you guys. So, there's no falseness about me talking to Elizabeth. I just can't understand how she stands with one foot on both sides. I guess that's all I need to say. Thank you very much. I appreciate your hearing me.

Barfield: Okay. Okay.

Fisher: I have a question. Do we have . . .

Barfield: Excuse me, it's our turn now.

Fisher: Ms. Fox, is there a lesser zoning category versus the eight where you can do some single-family homes on that?

Fox: Yes, I mean, the Board could choose the RU-2-6 or RU-2-4 multi-family zoning classification. Other than adopting a similar zoning like River Cliff to do single-family homes, there's really not many other options because the property is pretty small as far as the width goes.

Fisher: If you have RU-2 . . .

Fox: We have other, we have RU-2-6, and RU-2 . . .

Fisher: And what is that, what is that? What would that mean if you had 1.95 acres?

Fox: It would be six duplexes instead of eight, or four duplexes instead of eight. So . . .

Fisher: And the other one is four duplexes? If it was a residential, if it was just residential lots . . .

Fox: Well we do single-family, so we would have, you know, to the north is RU-1-9, those are your 75-foot lots, 75-foot wide lots, which is consistent with the RU-2 zoning as far as minimum lot width. So, for instance, if you go with the multi-family duplex, the RU-2-8 is a 75-foot wide lot, but it would have two units on it, and a single-family of RU-1-9, you would have a 75-foot lot, which would have one single-family on it, so that's the difference. It's hard for me to say under the RU-1-9 how many houses he would get. There is going to have to be infrastructure put in there to build the road, there would have to be a subdivision, there are buffers, landscape buffers required on each side, it's very difficult to say how many you could yield as single-family.

Fisher: Go ahead.

Barfield: I know this area very, very well, and the biggest issue is it's totally incompatible with that area. The nearest place, there actually are no duplexes in this area, but there is further up as someone stated, there are apartments up, but that's a long ways, a totally

different situation. You've got homes across Tropical Trail, you've got homes all the way around, single-family homes, and it's just totally incompatible with the area. And that's and I assume that's why the Planning and Zoning Board denied it, and it also says in here it's just incompatible, and that's defensible.

Fisher: Do you think it has some ability to do some single-family homes, downgrade it from RU-8 or something? That's where I would go. I would just . . .

Barfield: At some point, but I think it should stay what it is right now and let that come forward some other time, but right now, it's totally incompatible; and as Ms. Fox was saying, you have to have all the infrastructure, and it is behind Tropical Elementary, and on the other side is Tropical Trail, and it's kind of a weird type of area. I didn't mean it that way, but it's kind of a weird shaped area, and I just, there's no compatibility with what they're trying to do.

Fox: It, these are remnant parcels, these are parcels that were much, much larger at one time, and as the development has come in, it has shrunk. So, it really is, the existing zoning of AU and BU is not, is not consistent with the 1.89 acres as it is now. So, these are remnants of pieces, left over pieces of development.

Infantini: I have to say, I agree with Commissioner Barfield. I don't see any multi-family housing in that area, so I can't with clear conscience go and convert now suddenly make this multi-family housing, and I was trying, on this little piece of paper here with lines, trying to see if we could draw in the road within the 20-foot buffer, and I can tell you, it wasn't really fitting very well. So, I can't support multi-family use at this point.

Fisher: No, I was just trying to . . .

Infantini: So, I make the motion to deny.

Fisher: I'll second that. I was just trying to see if there was a play for some regular single-family homes, you know, for him. I mean, I think the guy has a right to use his, someone's got a right to develop that to something. So, single-family homes would be what I would think would work, but, so I was just trying to see what zoning would be appropriate for that, but I definitely agree that doesn't meet the multi-family criteria.

Infantini: I think he may want to get with Ms. Fox to see . . . okay, this didn't go through this way, but perhaps single-family, like Commissioner Fisher said, perhaps some type of single-family play along that property, because he does have a right to use his land, but at the same time we do have to have it be consistent going with the neighborhood, and . . .

Barfield: Okay, would you like to amend that, due to the compatibility of the area.

Infantini: I amend my motion to deny due to the incompatibility in the area. Is that better?

Barfield: That's pretty good.

Fisher: Second.

Barfield: Okay, I have a motion by Commissioner Infantini, seconded by Commissioner Fisher. All in favor say Aye.

Fisher, Barfield, Infantini, Smith, Anderson: Aye.

Barfield: All opposed? Okay, it's denied 5:0. Request to have a finding of facts.

Bentley: Yeah, do you want to bring it back to the December 20th meeting for the findings of fact?

Barfield: Yes, thank you.

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the above is a true and correct transcript of Item IV.A.1. from the Board of County Commissioners of Brevard County, Florida, regular meeting of November 3, 2016, to the best of my knowledge.

Witness my hand and the seal of said Board of County Commissioners this 18th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

(SEAL)

By: Tammy Rowe
Tammy Rowe, Deputy Clerk

III A(1) Renck
11/3/2016

A

Document Type: (D) DEED
Record Date: 6/24/2016 3:06:35 PM
From Party: SCHREIBER, JANICE M (6/29/2016 3:46:20 PM)
RENK, JANICE M (6/29/2016 3:46:20 PM)
SCHREIBER, ROBERT (6/29/2016 3:46:20 PM)
To Party: K-PAC LLC (6/29/2016 3:46:20 PM)
Book Type: OR
Book / Page: 7648 / 284
of Pages: 2
Consideration: 160,000.00
Legal: LT 1 BLK 5 PB 3 PG 56 RIVER CLIFF COMM @ SW
CNR OF RIVER CLIFF UNIT TWO PB 21/70 & RUN S
S 02 T 25 R 36 SUBID 27

B

Document Type: (D) DEED
Record Date: 4/23/1996 9:10:38 AM
From Party: BRADISH, ANTHONY J ()
BRADISH, LEE ()
To Party: MICHELMAN, ELIZABETH A ()
SCHMALING, BRUCE K ()
Book Type: OR
Book / Page: 3563 / 4129
of Pages: 2
Consideration: 122,000.00
Legal: LT 1 BLK 5 PB 3 PG 56 RIVER CLIFF COMMENCE AT
SOUTHWEST CORNER OF RIVER CLIFF UNIT 2 S 02
T 25 R 36 SUBID 27

A

A parcel of land lying in Section 2, Township 25 South, Range 36 East, Brevard County, Florida, being part of Lot 1, Block 5, River Cliff, as recorded in Plat Book 3, Page 56, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of River Cliff, Unit Two, as recorded in Plat Book 21, Page 70, of the said Public Records and run South 89°56'45" East along the South line of said River Cliff Unit Two, a distance of 5.28 feet to the Northwest corner of said Lot 1, Block 5, River Cliff, said point being the Point of Beginning; thence continue South 89°56'45" East along the said South line of River Cliff, Unit Two, and along the North line of said Lot 1, Block 5, River Cliff, a distance of 784.18 feet; thence run South 34°17'06" East a distance of 127.71 feet to a point on the South line of said Lot 1, Block 5, River Cliff; thence run North 89°56'45" West along the said South line of Lot 1, Block 5, a distance of 810.07 feet to a point on the Easterly right of way line of said State Road No. 3, (South Tropical Trail); thence run North 33°43'10" West along said right of way line a distance of 34.03 feet; thence run North 19°23'40" West along said right of way line a distance of 81.83 feet to the Point of Beginning.

Subject to a 20 foot ingress/egress and utility easement over and across the South 20 feet of the above described property.

Parcel ID Number: 2501521

B

Continued *Michelman*
BOOK 21, PAGE 70, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN SOUTH 89 DEGREES, 56 MINUTES, 45 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RIVER CLIFF, UNIT TWO, AS RECORDED OF 789.46 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES, 56 MINUTES, 45 SECONDS EAST, ALONG SAID SOUTH LINE OF RIVER CLIFF, UNIT TWO AND ALONG THE NORTH LINE OF LOT 1, BLOCK 5, OF SAID RIVER CLIFF, A DISTANCE OF 546.46 FEET, TO A POINT 233.33 FEET DISTANT FROM THE EAST LINE OF GOVERNMENT LOT 2, OF SAID SECTION 2, AS MEASURED ALONG THE SOUTH LINE OF SAID RIVER CLIFF, UNIT TWO, THENCE RUN SOUTH, 00 DEGREES, 02 MINUTES, 30 SECONDS WEST, PARALLEL TO THE SAID EAST LINE OF GOVERNMENT LOT 2, A DISTANCE OF 109.45 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 5, OF RIVER CLIFF, THENCE RUN NORTH 89 DEGREES, 56 MINUTES, 45 SECONDS, WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 474.44 FEET; THENCE RUN NORTH 14 DEGREES, 17 MINUTES, 06 SECONDS WEST, 127.71 FEET, TO THE POINT OF BEGINNING. TOGETHER WITH A 20 FOOT INGRESS EGRESS AND UTILITY EASEMENT LYING WEST OF THE WEST LINE OF THE ABOVE DESCRIBED PARCEL, NORTH AND ADJACENT TO THE SOUTH LINE OF SAID LOT 1, BLOCK 5, AND EAST OF THE RIGHT OF WAY OF STATE ROAD NO. 3 (SOUTH TROPICAL TRAIL).

Consider that $810.07 * 20 = 16,201.4$ square feet or 0.38 acres +-