



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.11.

12/3/2020

### Subject:

4725 Fay Blvd Land Trust (Carmine Ferraro) requests a Small Scale Comprehensive Plan Amendment (20S.10), to change the Future Land Use Designation from NC to CC. (20PZ00088) (Tax Account 2308841) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (20S.10), to change the Future Land Use Designation from NC (Neighborhood Commercial) to CC (Community Commercial).

### Summary Explanation and Background:

The applicant is seeking to amend 1.59 acres of land from the Future Land Use designation of NC to CC. Prior to the NC Future Land use change on December 6, 2007, the subject parcel had a Future Land Use designation of Residential 4 in place since the County adopted the Comprehensive Plan in September of 1988.

Currently, the subject parcel is being used as a church that was built in 1999. The applicant is seeking this Future Land Use change in order to construct a hardware store on the south side of Fay Boulevard between Adams Place to the west and Waterloo Avenue to the east.

On October 4, 2018, the Board of County Commissioners directed staff to conduct a Small Area Study of Port St. John after a request was made to change the Future Land Use designation from RES 4 to CC and a zoning change request from IN(L) (Institutional Use - Low Intensity) to BU-1 (General Retail Commercial) on a 1.78 acre parcel of land located on the south side of Fay Boulevard west of the subject parcel. While the Port St. John Small Area Study has not been formally presented to the Board, a forthcoming recommendation is for this property to have NC future land use designation.

A companion rezoning application was submitted accompanying this request for a Zoning change from BU-1-A (Restricted Neighborhood Retail Commercial) to BU-1.

The Board may wish to consider if this request is consistent and compatible with the surrounding area given that there are limited parcels for CC Future Land Use along Fay Blvd. In addition, the Board may wish to consider Policy's 2.8(A) and 2.8(C), locational criteria for Community Commercial.

On November 18, 2020, the Port St. John Dependent Special District Board heard the request and unanimously recommended denial.

On November 23, 2020, the Local Planning Agency heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

When resolutions are received, please execute and return to Planning and Development.



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

December 4, 2020

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

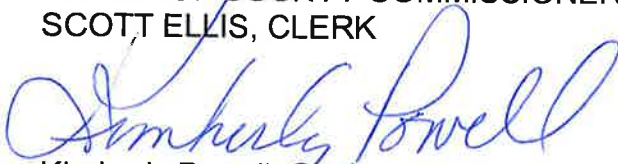
**RE:** Item H.11., 4725 Fay Blvd Land Trust Request Small Scale Comprehensive Plan Amendment (20S.10)

The Board of County Commissioners, in regular session on December 3, 2020, conducted the public hearing and adopted Ordinance No. 20-24, setting forth the ninth Small Scale Amendment 20S.10 of the Comprehensive Plan to change the Future Land Use designation from Neighborhood Commercial to Community Commercial for 4725 Fay Blvd Land Trust (20PZ00088). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

  
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 4, 2020

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-24, which was filed in this office on December 4, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 20-24

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE NINETH SMALL SCALE PLAN AMENDMENT OF 2020, 20S.10, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2020 as Plan Amendment 20S.10; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 20S.10; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and  
Officially filed with the Secretary of State on December 4, 2020.

WHEREAS, on November 23, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.10, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 3, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 20S.10; and

WHEREAS, Plan Amendment 20S.10 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.10 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 20S.10 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 20S.10, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6.        Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 3 day of December, 2020.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
By: \_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on Dec . 3, 2020.

**EXHIBIT A**  
**20S.10 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

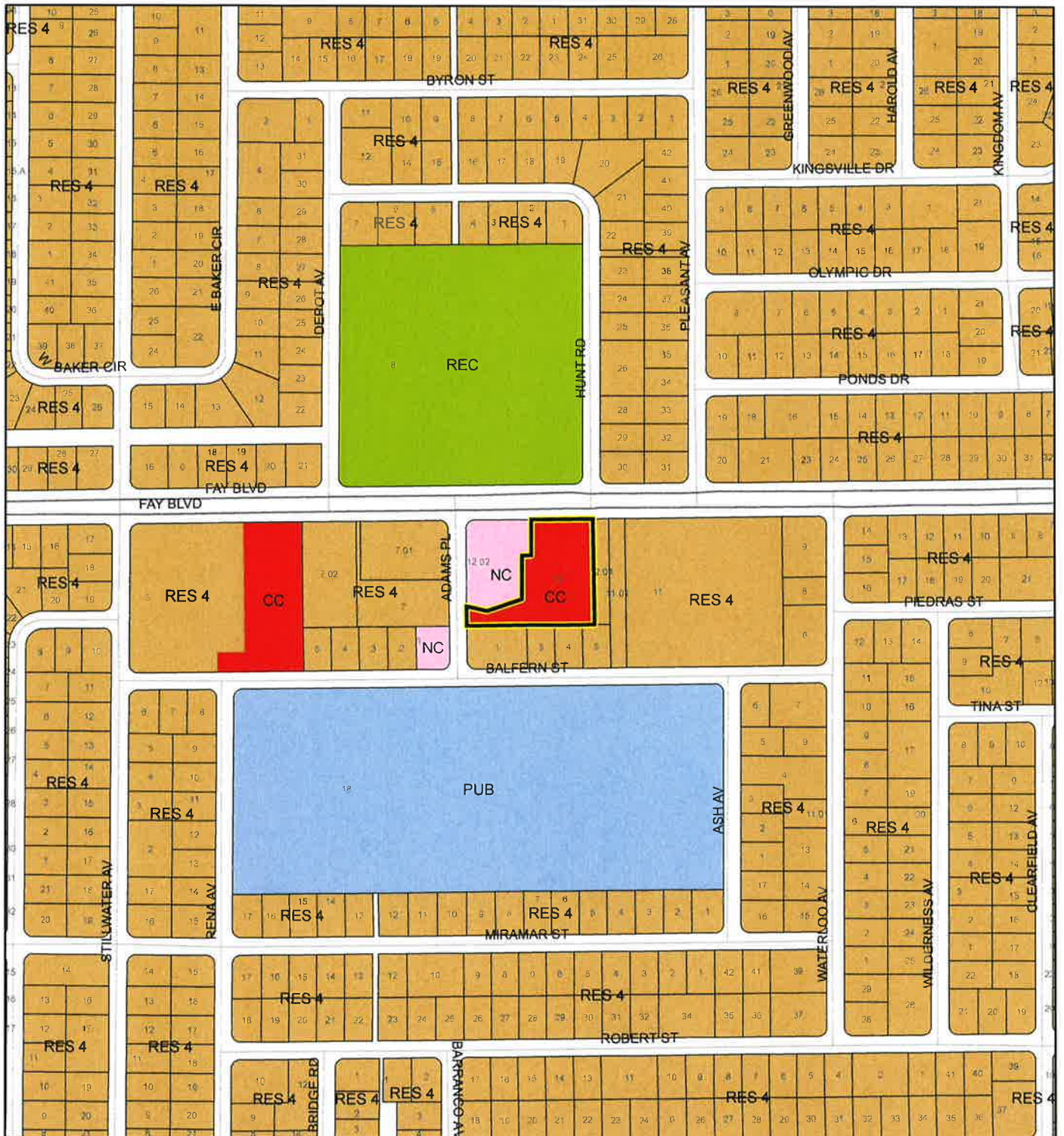
**Contents**

**1. Proposed Future Land Use Map**



# PROPOSED FUTURE LAND USE MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



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 BoCC - GIS Date: 9/8/2020

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

AD#4450606 11/5/2020

**PUBLIC HEARING NOTICE**

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, NOVEMBER 23, 2020, and THURSDAY, DECEMBER 3, 2020. DISTRICT 1. (20PZ00080) CLARENCE COOMER - requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AG (Agriculture) to RES 1:2.5 (Residential 1:2.5), on property described as Lots 4.01 and 4.05, Block 6, Indian River Park Subdivision, as recorded in ORB 8222, Page 1797, of the Public Records of Brevard County, Florida, Section 15, Township 20G, Range 34, (2.56 acres) Located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.07: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 2. (20Z00024) CLARENCE COOMER - requests a change of zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home), on property described as Lots 4.01 and 4.05, Block 6, Indian River Park Subdivision, as recorded in ORB 8222, Page 1797, of the Public Records of Brevard County, Florida, Section 15, Township 20G, Range 34, (3.56 acres) Located on the south side of Lloyd St., approx. 0.40 mile west of Meadow Green Rd. (No assigned address. In the Mims area) DISTRICT 1 3. (20PZ00088) 4725 FAY BLVD LAND TRUST (Carmine Ferraro) requests a Small Scale Comprehensive Plan Amendment (20S.10) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Lot 12, Block 81, Port St. John Unit Three, less and except the east 45 feet, as recorded in Plat Book 22, Pages 25 - 35, of the Public Records of Brevard County, Florida, less and except ORB 7510, Page 2546 - 2549, of the Public Records of Brevard County, Florida, Section 23, Township 23, Range 35, (1.59 acres) Located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.10: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County,

entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 4. (20Z00031) 4725 FAY BLVD LAND TRUST (Carmine Ferraro) requests a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) with a BDP (Binding Development Plan) to BU-1 (General Retail Commercial) and an amendment to existing BDP, on property described as Lot 12, Block 81, Port St. John Unit Three, less and except the east 45 feet, as recorded in Plat Book 22, Pages 25 - 35, of the Public Records of Brevard County, Florida, less and except ORB 7510, Page 2546 - 2549, of the Public Records of Brevard County, Florida, Section 23, Township 23, Range 35, (1.59 acres) Located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, NOVEMBER 23, 2020, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, DECEMBER 3, 2020, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting, in accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.



BOARD OF COUNTY COMMISSIONERS

PSJ

205.10

Planning and Development  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or  
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20PZ00088

Existing FLU: NC Existing Zoning: BU-1A

Proposed FLU: CC Proposed Zoning: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

<u>Carmine Ferraro Trustee</u>		<u>4725 Fay Blvd Land Trust</u>	
Name(s)		Company	
<u>4265 Quechua Rd</u>	<u>Port St John</u>	<u>FL</u>	<u>32927</u>
Street	City	State	Zip Code
<u>carmel32927@gmail.com</u>		<u>321-536-5200</u>	
Email	Phone	Cell	

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

_____ Name(s)		_____ Company	
_____ Street	_____ City	_____ State	_____ Zip Code
_____ Email	_____ Phone	_____ Cell	

## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☒ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☐ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORG)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 1.59

Reason for Request:

Property is under contract for sale to an Ace Hardware Developer that intends to build a +/-10,000SF freestanding retail store. The south driveway on Adams Place needs to be re-opened to create a safer situation for large truck and delivery vehicles that service both Family Dollar and the proposed user. The FLU and zoning needs to be changed for the permitted use of Hardware Store with outdoor garden center.

**Office Use Only:**

Accela No. 2420008 Fee: 1,219 Date Filed: 9/4/20 District No. 1

Tax Account No. (list all that apply) 2309941

Parcel I.D. No.

23 35 23 JM B1 12  
Twp Rng Sec Sub Block Lot/Parcel

Planner: Cheryl W. Campbell Issued by: n/a Notification Radius: 500'

**MEETINGS**

**DATE**

**TIME**

☐ P&Z

☒ PSJ Board

☐ NMI Board

☒ LPA

☐ BOA

☒ BCC

11/18/20

4:00

11/23/20

3:00

12/3/20

5:00

Wetland survey required by Natural Resources ☐ Yes

☒ No

Initials [Signature]

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes

☒ No

If yes, list \_\_\_\_\_

Location of subject property:

South side of Fay Blvd, approx. 170 ft. east of Adams Pl.

Description of Request:

NC to CC

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ 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 Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

  
\_\_\_\_\_  
Signature of Property Owner or  
Authorized Representative

9/4/2020  
\_\_\_\_\_  
Date

State of Florida

County of Brevard

Subscribed and sworn to me before me this 4<sup>th</sup> day of, September, 20 20,  
personally appeared Carmine Ferraro, who is personally known to me or  
produced FL DL as identification, and who did / did not take an oath.

  
\_\_\_\_\_  
Notary Public Signature

Seal





ACCELA # 20PZ00000

## DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form <sup>1</sup>	Recorded Property Deeds	Legal Description of Request <sup>2</sup>	Certified Survey <sup>3</sup>	Property Appraisers Map	Concurrency	School Concurrency <sup>3</sup>	Wetland Survey <sup>4</sup>	CUP Worksheet & Sketch <sup>5</sup>	Comp Plan Information <sup>6</sup>	Notice to Applicants	Neighbors Affidavit <sup>7</sup>	Letter to Zoning Official	Variance Hardship Worksheet <sup>9</sup>	* Additional Documentation	Fees
	NUMBER OF COPIES REQUIRED																
Staff to check indicating receipt																	
Comprehensive Plan Amendment <sup>6</sup>	1	1	1	2	1	n/a	n/a			1						*	Y
Zoning request	1	1	1	1 <sup>8</sup>	1	1	1	1			1					*	Y
Conditional Use Permit (CUP)	1	1	1	1 <sup>8</sup>	1				1		1						Y
AA – Waiver	1	1		1	1								1	1			Y
AA – Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

<sup>1</sup> Authorization 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.

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

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

<sup>4</sup> Wetland Survey required on Commercial or Industrial property.

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

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

<sup>7</sup> Administrative 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.

<sup>8</sup> Survey must be submitted if requested by staff.

<sup>9</sup> Variance 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**

<b>PUBLIC HEARING APPLICATION FEES</b>	<b>BASE FEE</b>	<b>ACREAGE FEE</b>	<b>UNIT FEE</b>	<b>SUB-TOTAL</b>
<b>REZONING</b>				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00*	( -5) 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		( ) x 24	
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	
<b>CUP'S OR ROU APPLICATIONS</b>				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
<b>OTHER APPLICATION FEES</b>				
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				
<b>COMPREHENSIVE PLAN AMENDMENTS</b>				
Small Scale Amendment	919.00			
Large Scale Amendment	1,785.00	\$43 per acre		
Maximum Fee on a Single Application	17,334.00			
				<b>SUB-TOTAL ***P***</b>
<b>FEES COLLECTED FOR ADMINISTRATIVE ACTIONS</b>				
Office of Natural Resources zoning review (If applicable)	300.00			
flag lot &/or easement review	360.00			
Land Development PUD review	100.00			
flag lot &/or easement review	150.00			
Address Assignment review of flag lot &/or easement	100.00			
Zoning fee	277.00			
<b>BASE FEE ADJUSTMENTS</b>				
* If area for these requests have the potential for only one more lot, the 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			

**TOTAL** *\$ 1,219.00*



**Planning & Development**

**Central Cashier**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Melbourne, FL 32940

**RECEIPT OF PAYMENT**

**Payment Date: 9/2/2020**

**Receipt #: 578620**

**Transaction Id# 883**

Payment Method	Payment Reference #	Amount Paid	Comments
Check	883	\$849.00	
		\$849.00	Total
<b>4725 FAY BLVD SANCT, COCOA, FL 32927</b>			
PZ Miscellaneous Fees		\$849.00	
<b>20PZ00088</b>			
<b>Fee</b>	<b>Invoice #</b>	<b>Amount</b>	
Miscellaneous	680573	\$849.00	
			<b>Grand Total</b>
			<b>\$849.00</b>

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.  
To verify fees please visit the Brevard County Planning & Development Search.

[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)

P (321) 633-2068 F (321) 633-2052



**Planning & Development**

**Central Cashier**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Melbourne, FL 32940

**RECEIPT OF PAYMENT**

**Payment Date: 9/4/2020**

**Receipt #: 578919**

**Transaction Id# 884**

Payment Method	Payment Reference #	Amount Paid	Comments
Check	884	\$370.00	
		\$370.00	Total

**4725 FAY BLVD SANCT, COCOA, FL 32927**

PZ Miscellaneous Fees

\$370.00

**20PZ00088**

**Fee**

**Invoice #**

**Amount**

Comprehensive Plan

680898

\$70.00

NRMO

680898

\$300.00

**Grand Total**

**\$370.00**

**Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.  
To verify fees please visit the Brevard County Planning & Development Search.**

**[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)**

**P (321) 633-2068 F (321) 633-2052**

**Brevard County**

**Supplement to Comprehensive Plan Amendment Application**

Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940  
(321) 633-2069



**1. Type of Application:**

- Small-scale Comprehensive Plan Future Land Use Map Amendment
- \_\_\_\_\_ Large-scale Future Land Use Map Amendment
- \_\_\_\_\_ Comprehensive Plan Text Amendment
- \_\_\_\_\_ Plan Element(s) of Text Amendment request: \_\_\_\_\_

**2. Applicant:** Carmine Ferraro **Staff Planner:** Cheryl W. Campbell

**3. Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: NC

Requested Future Land Use Designation: CC

Existing Zoning: BU-1A

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

**4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.**

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

The property is under contract with a  
national chain hardware store, staff has  
informed us that we need a BUH zoning  
which requires a FLU change from NC  
to CC.

(use additional sheets if necessary)

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

Prepared by and record and return to  
TIMOTHY F. PICKLES, ESQ.  
WATSON, SOULEAU, DELEO.  
BURGETT & PICKLES, P.A.  
3490 North U.S. Highway 1  
Post Office Box 236007  
Cocoa, FL 32923-6007  
(321) 631-1550  
07-1663  
REC \$18.50  
DOC \$

  
SIGNATURE

WARRANTY DEED

GRANTOR Mission Investment Fund of the Evangelical Lutheran Church in America, Inc., a Minnesota not-for-profit corporation a/k/a Mission Investment Fund of the Evangelical Lutheran Church in America, a Minnesota not-for-profit corporation

GRANTEE Carmine Ferraro, as Trustee of the 4725 Fay Blvd Land Trust Agreement #1, dated 2/10/2008, with full power and authority to protect, conserve, sell, lease or encumber, or otherwise to manage and dispose of the herein described property

GRANTEE'S MAILING ADDRESS 3860 Curtis Blvd, Unit 636  
Cocoa, FL 32927

DATE March 10, 2008

LEGAL DESCRIPTION OF PROPERTY LOCATED IN BREVARD COUNTY, FLORIDA

Lot 12, Block 81, except the East 45 feet thereof, PORT ST JOHN UNIT THREE, according to the plat thereof, as recorded in Plat Book 22, Pages 25 through 35, of the Public Records of Brevard County, Florida

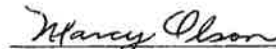
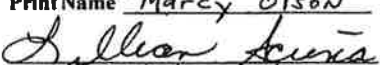
The grantor, for and in consideration of the sum of TEN DOLLARS, and other good and valuable considerations to the grantor in hand paid by the grantee, the receipt of which is acknowledged, has granted, bargained and sold to the grantee, and the grantee's heirs and assigns forever the land described above. The grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

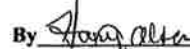
This conveyance is subject to restrictions and matters appearing on the plat or otherwise common to the subdivision, public utility easements of record and taxes for the year 2008, which are not yet due and payable.

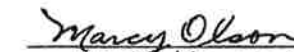
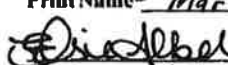
Execution of deed witnessed by

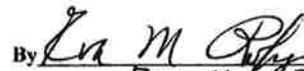
GRANTOR

Mission Investment Fund of the Evangelical Lutheran Church in America, Inc., a Minnesota not-for-profit corporation a/k/a Mission Investment Fund of the Evangelical Lutheran Church in America, a Minnesota not-for-profit corporation

  
Print Name Marcy Olson  
  
Print Name Lillian Acosta

By   
Print Name HARVEY OLSON  
As its Vice President  
8765 West Higgins Road, Chicago, IL 60631

  
Print Name Marcy Olson  
  
Print Name Elsie Albello

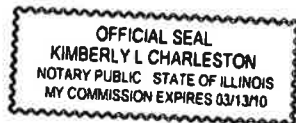
By   
Print Name Eva M. Raby  
As its Exec. Vice Pres.  
8765 West Higgins Road, Chicago, IL 60631

ACKNOWLEDGMENT

STATE OF Illinois  
 COUNTY OF Cook

The foregoing instrument was acknowledged before me this 10 day of MARCH, 2008,  
 by HARVEY OLSON, as its VICE PRESIDENT, of Mission Investment  
 Fund of the Evangelical Lutheran Church in America, Inc, a Minnesota not-for-profit corporation  
 a/k/a Mission Investment Fund of the Evangelical Lutheran Church in America, a Minnesota not-for-  
 profit corporation who is personally known to me or who has produced a driver's license as identification  
 and who did not take an oath

Notary Public



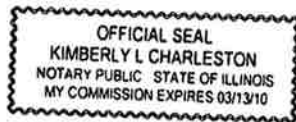
Kimberly L Charleston  
 Name KIMBERLY L CHARLESTON  
 State of Illinois at Large (SEAL)  
 My Commission Expires 3-13-10

ACKNOWLEDGMENT

STATE OF Illinois  
 COUNTY OF Cook

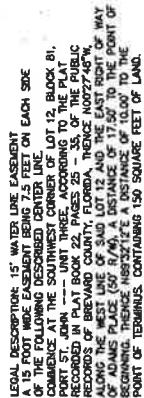
The foregoing instrument was acknowledged before me this 10 day of MARCH, 2008,  
 by EVA M Roby, as its EXEC VICE PRESIDENT of Mission Investment  
 Fund of the Evangelical Lutheran Church in America, Inc, a Minnesota not-for-profit corporation  
 a/k/a Mission Investment Fund of the Evangelical Lutheran Church in America, a Minnesota not-for-  
 profit corporation who is personally known to me or who has produced a driver's license as identification  
 and who did not take an oath

Notary Public



Kimberly L Charleston  
 Name KIMBERLY L CHARLESTON  
 State of Illinois at Large (SEAL)  
 My Commission Expires 3-13-10

Appraiser's Identification Number 23-35-23-JM-81-12

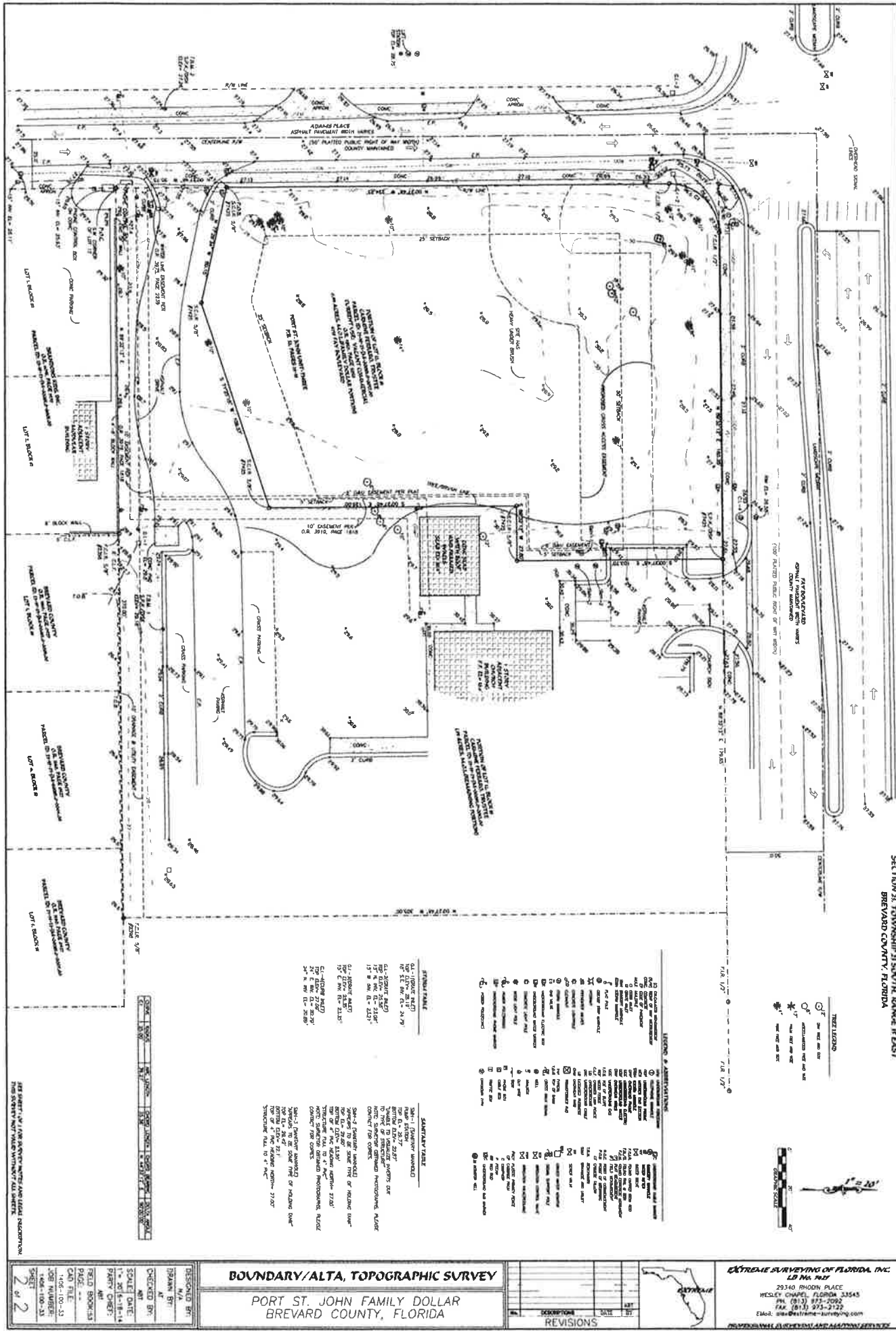


NOTES: THE SURVEYOR DID NOT HAVE THE BENEFIT OF A TITLE EXAMINER. NO SEARCH OF THE PUBLIC RECORDS WAS MADE AND ONLY PLATTED

ADDRESS: 4728 VAY BELLOMO  
COSTA RICA 20000

ISLAND SURVEYING AND MAPPING COMPANY	1000 1/2 N. 10TH ST. S.W. ALBUQUERQUE, N.M. 87102	TELEPHONE (505) 263-1111	DATE 1/1/78
THE FOLLOWING INFORMATION WAS OBTAINED FROM A PERSON IDENTIFIED AS: <u>ALVIN</u> <u>ALVIN</u>		SOURCE: <u>ALVIN</u> RELIABILITY: <u>ALVIN</u> CREDIBILITY: <u>ALVIN</u> CONFIDENTIALITY: <u>ALVIN</u> DATE: <u>ALVIN</u>	PAGE: <u>ALVIN</u> OF <u>ALVIN</u> CASE: <u>ALVIN</u>
MESSAGE INVESTMENT FUND OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA CONTROL NO. <u>ALVIN</u>			

**CURVE DATA**  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $L = 59.27'$



SECTION 21, TOWNSHIP 21 SOUTH, RANGE 11 EAST  
BREVARD COUNTY, FLORIDA

FIELD LEGEND

- 1. SURVEY POINT
- 2. BENCHMARK
- 3. ELEVATION
- 4. DISTANCE
- 5. BEARING
- 6. CURVE DATA
- 7. ADJACENT PROPERTY
- 8. ROAD
- 9. FENCE
- 10. UTILITY
- 11. TREE
- 12. ROCK
- 13. BUILDING
- 14. FILL
- 15. EXCAVATION
- 16. DRAINAGE
- 17. EROSION
- 18. VEGETATION
- 19. WATER
- 20. OTHER

LEGEND & ABBREVIATIONS

- 1. SURVEY POINT
- 2. BENCHMARK
- 3. ELEVATION
- 4. DISTANCE
- 5. BEARING
- 6. CURVE DATA
- 7. ADJACENT PROPERTY
- 8. ROAD
- 9. FENCE
- 10. UTILITY
- 11. TREE
- 12. ROCK
- 13. BUILDING
- 14. FILL
- 15. EXCAVATION
- 16. DRAINAGE
- 17. EROSION
- 18. VEGETATION
- 19. WATER
- 20. OTHER

STANDARD TABLE

STANDARD TABLE	STANDARD TABLE
1. SURVEY POINT	1. SURVEY POINT
2. BENCHMARK	2. BENCHMARK
3. ELEVATION	3. ELEVATION
4. DISTANCE	4. DISTANCE
5. BEARING	5. BEARING
6. CURVE DATA	6. CURVE DATA
7. ADJACENT PROPERTY	7. ADJACENT PROPERTY
8. ROAD	8. ROAD
9. FENCE	9. FENCE
10. UTILITY	10. UTILITY
11. TREE	11. TREE
12. ROCK	12. ROCK
13. BUILDING	13. BUILDING
14. FILL	14. FILL
15. EXCAVATION	15. EXCAVATION
16. DRAINAGE	16. DRAINAGE
17. EROSION	17. EROSION
18. VEGETATION	18. VEGETATION
19. WATER	19. WATER
20. OTHER	20. OTHER

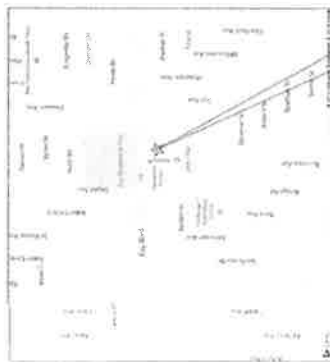
BOUNDARY/ALTA, TOPOGRAPHIC SURVEY

PORT ST. JOHN FAMILY DOLLAR  
BREVARD COUNTY, FLORIDA

DISCLOSED BY	DATE
BY	DATE
CHECKED BY	DATE
SCALE DATE	DATE
FIELD BOOKS	DATE
PLAN FILE	DATE
JOB NUMBER	DATE
DATE	DATE

EXTREME SURVEYING OF FLORIDA, INC.  
25140 RHODEN PLACE  
WESLEY CHAPEL, FLORIDA 33545  
PH. (615) 873-7082  
FAX. (615) 873-7122  
Email: info@extremesurveying.com  
www.extremesurveying.com





0-1-06 08:07:09

BOUNDARY/ALTA, TOPOGRAPHIC SURVEY  
PORT ST. JOHN FAMILY DOLLAR  
BREVARD COUNTY, FLORIDA

1. <input type="checkbox"/> <b>ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE</b> 2. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 3. <input type="checkbox"/> <b>BY</b> _____ 4. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 5. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 6. <input type="checkbox"/> <b>BY</b> _____ 7. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 8. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 9. <input type="checkbox"/> <b>BY</b> _____ 10. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 11. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 12. <input type="checkbox"/> <b>BY</b> _____ 13. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 14. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 15. <input type="checkbox"/> <b>BY</b> _____ 16. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 17. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 18. <input type="checkbox"/> <b>BY</b> _____ 19. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 20. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 21. <input type="checkbox"/> <b>BY</b> _____ 22. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 23. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 24. <input type="checkbox"/> <b>BY</b> _____ 25. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 26. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 27. <input type="checkbox"/> <b>BY</b> _____ 28. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 29. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 30. <input type="checkbox"/> <b>BY</b> _____ 31. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 32. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 33. <input type="checkbox"/> <b>BY</b> _____ 34. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 35. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 36. <input type="checkbox"/> <b>BY</b> _____ 37. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 38. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 39. <input type="checkbox"/> <b>BY</b> _____ 40. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 41. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 42. <input type="checkbox"/> <b>BY</b> _____ 43. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 44. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 45. <input type="checkbox"/> <b>BY</b> _____ 46. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 47. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 48. <input type="checkbox"/> <b>BY</b> _____ 49. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 50. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 51. <input type="checkbox"/> <b>BY</b> _____ 52. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 53. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 54. <input type="checkbox"/> <b>BY</b> _____ 55. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 56. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 57. <input type="checkbox"/> <b>BY</b> _____ 58. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 59. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 60. <input type="checkbox"/> <b>BY</b> _____ 61. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 62. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 63. <input type="checkbox"/> <b>BY</b> _____ 64. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 65. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 66. <input type="checkbox"/> <b>BY</b> _____ 67. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 68. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 69. <input type="checkbox"/> <b>BY</b> _____ 70. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 71. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 72. <input type="checkbox"/> <b>BY</b> _____ 73. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 74. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 75. <input type="checkbox"/> <b>BY</b> _____ 76. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 77. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 78. <input type="checkbox"/> <b>BY</b> _____ 79. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 80. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 81. <input type="checkbox"/> <b>BY</b> _____ 82. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 83. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 84. <input type="checkbox"/> <b>BY</b> _____ 85. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 86. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 87. <input type="checkbox"/> <b>BY</b> _____ 88. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 89. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 90. <input type="checkbox"/> <b>BY</b> _____ 91. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 92. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 93. <input type="checkbox"/> <b>BY</b> _____ 94. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 95. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 96. <input type="checkbox"/> <b>BY</b> _____ 97. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 98. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 99. <input type="checkbox"/> <b>BY</b> _____ 100. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 101. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 102. <input type="checkbox"/> <b>BY</b> _____ 103. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 104. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 105. <input type="checkbox"/> <b>BY</b> _____ 106. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 107. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 108. <input type="checkbox"/> <b>BY</b> _____ 109. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 110. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 111. <input type="checkbox"/> <b>BY</b> _____ 112. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 113. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 114. <input type="checkbox"/> <b>BY</b> _____ 115. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 116. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 117. <input type="checkbox"/> <b>BY</b> _____ 118. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 119. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 120. <input type="checkbox"/> <b>BY</b> _____ 121. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 122. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 123. <input type="checkbox"/> <b>BY</b> _____ 124. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 125. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 126. <input type="checkbox"/> <b>BY</b> _____ 127. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 128. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 129. <input type="checkbox"/> <b>BY</b> _____ 130. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 131. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 132. <input type="checkbox"/> <b>BY</b> _____ 133. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 134. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 135. <input type="checkbox"/> <b>BY</b> _____ 136. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 137. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 138. <input type="checkbox"/> <b>BY</b> _____ 139. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 140. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 141. <input type="checkbox"/> <b>BY</b> _____ 142. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 143. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 144. <input type="checkbox"/> <b>BY</b> _____ 145. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 146. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 147. <input type="checkbox"/> <b>BY</b> _____ 148. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 149. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 150. <input type="checkbox"/> <b>BY</b> _____ 151. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 152. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 153. <input type="checkbox"/> <b>BY</b> _____ 154. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 155. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 156. <input type="checkbox"/> <b>BY</b> _____ 157. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 158. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 159. <input type="checkbox"/> <b>BY</b> _____ 160. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____ 161. <input type="checkbox"/> <b>DATE OF REVIEW</b> _____ 162. <input type="checkbox"/> <b>BY</b> _____ 163. <input type="checkbox"/> <b>REASON FOR REVIEW</b> _____<
---

[illegible]

REDA & ALL MATTERS CONTAINED ON THE PLAN OF PORT ST. JOSEPH LIGHT HOUSE, RECORDED IN PLAT BOOK 22, PAGE 25.

ITEM &amp; CONFIDENTIAL CONDITIONS AND RESTRICTIONS APPLICABLE IN ALL BOOK FORMS, PAGE 620, AS AMENDED BY SUMMARY

SETBACK IS PROPOSED TO BE 25', PER BRITAIN COUNTY LAND DEVELOPMENT CODE (LDC) AND THE EXISTING ZONING. IF

NEW 100 INTERNATIONAL COLLECTION

1224 12. *Author's address: Confucius and Chinese Civilization, General Development Unit, The Chinese University of Hong Kong, Shatin, New Territories, Hong Kong.*

[illegible]

274, 275 AND 277. (NO PLOTTABLE LASERPOINTS)

FLORIDA AND #725 MAY BULEVARD LAND TRUST AGREEMENT #1 U/A/D 2/10/08, RECORDED IN D.A. BOOK 1128, PAGE 19.7 (N/A) & CITIZEN'S PARTNERS)

THE UNIVERSITY OF CHICAGO

1236655

ACQUISITION #1, SUBJECT \_\_\_\_\_ BY CL BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ (FBI/DOJ/DOH)

APPROXIMATE DURATION: 30 MIN.

THIS SURVEY, UNLESS SPECIFICALLY STATED OTHERWISE, WAS NOT CONDUCTED UNDER A RESEARCH PROTOCOL.

NOTHING BUT

1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808

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RECENT STREET OR SOCIAL REFORM WAS DESCRIBED. NO EVIDENCE OF RITUALS WERE OBSERVED ON THE SUBJECT'S PERSON. THE SUBJECT'S MENTAL STATUS WAS NOT ABNORMAL. THE SUBJECT'S MENTAL STATUS WAS NOT ABNORMAL. THE SUBJECT'S MENTAL STATUS WAS NOT ABNORMAL.

233

FRONT: (AT BOUNDARY) 50'; SIDE: (TOWARD PLACE) 25'; (TOWARD S); REAR (SOUTH) 25' (ALL PER SURVING COUNTY LAND

THE CURRENT USE ACROSS THE STREET NORTH IS PUBLIC ALLOYS.

THE CLAIMANT USE ACROSS THE STREET WEST IS COMMERCIAL.

the presence of blood and mucus at a full or fast bowel.

**CERTIFICATE**

AMERICAN AND ITS AFFILIATES, INC., SUCCESSORS OF THE  
CORPORATION, AND THE OTHER CERTAIN PARTIES LISTED IN THE CERTIFICATION BLOCK

STANDARDS DETAIL REQUIREMENTS FOR ALUMINUM LAMINATE SURFACES JOINTLY ESTABLISHED

Chick Date Signed 11/17

**SECRET**

CERTIFIED TO:  
 \* HINES POINT ST. JAMES LLC  
 \* CLARY QUALITY INSURANCE & INVESTMENT, P.A.  
 \* OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
 \* CAROLINE FERNAND  
 \* USAMOTORS, ITS SUCCESSORS AND/OR ASSIGNEES  
 \* AS THEIR INTERESTS MAY APPEAR  
 \* 181 MARTIN LUTHER KING, JR. BLVD.  
 \* ATLANTA, GA 30303

[illegible]

SEE SHEET J OF J FOR SURVEY MONUMENT AND FOUNDATION INFORMATION  
AND A TO BE NOT VALID WITHOUT ALL SHEETS.



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700  
<https://www.bcpao.us>

Account 2309941  
Owners Ferraro, Carmine Trustee  
Mailing Address 3860 Curtis Blvd 636 Cocoa FL 32927  
Site Address 4725 Fay Blvd Unit Sanct Cocoa FL 32927  
Parcel ID 23-35-23-JM-81-12  
Property Use 7100 - Church  
Exemptions None  
Taxing District 1900 - Unincorp District 1  
Total Acres 1.59  
Subdivision Port St John Unit 3  
Site Code 0307 - Fay Blvd  
Plat Book/Page 0022/0025  
Land Description Port St John Unit 3 Lot 12 Blk 81 Exc E 45 Ft & Orb  
7306 Pg 436

## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$272,860	\$302,830	\$279,830
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$272,860	\$302,830	\$279,830
Assessed Value School	\$272,860	\$302,830	\$279,830
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$272,860	\$302,830	\$279,830
Taxable Value School	\$272,860	\$302,830	\$279,830

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/14/2008	--	QC	Improved	5850/4857
03/10/2008	\$450,000	WD	Improved	5850/5050
08/14/2007	--	QC	Improved	5809/9719
08/21/2006	\$334,500	WD	Improved	5712/7016
11/01/1997	\$77,000	07	Vacant	3730/1529
02/09/1988	--	QC	--	2885/2876
08/18/1986	\$58,000	WD	--	2725/0742

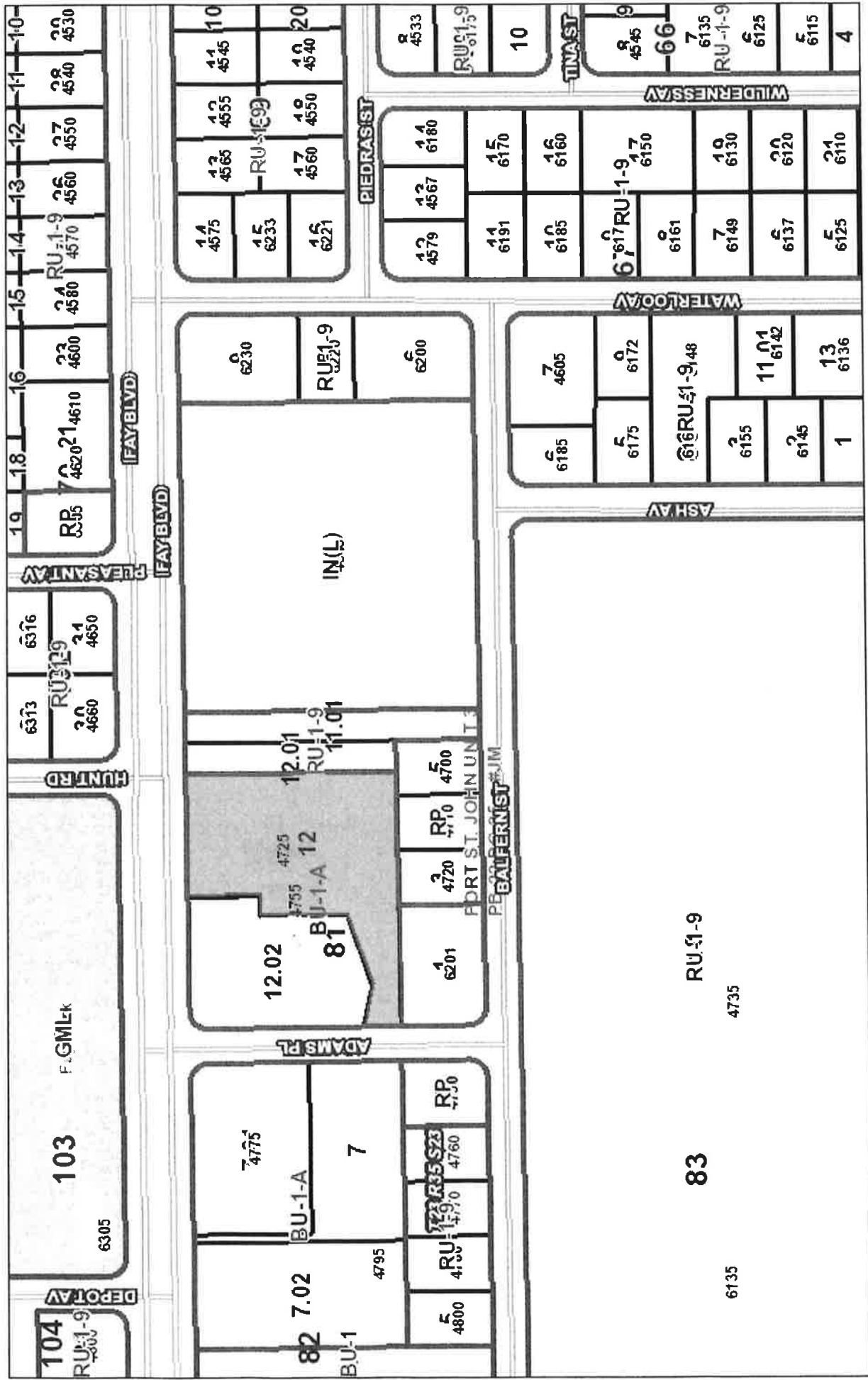
## BUILDINGS

### PROPERTY DATA CARD #1

Building Use: 7100 - Church

Materials	Details	
Exterior Wall:	Vinyl/Aluminum	Year Built 1999
Frame:	Wood Frame	Story Height 9
Roof:	Bu-Tg/Mmbrn	Floors 1
Roof Structure:	Bar Joist Rigid	Residential Units 0
		Commercial Units 0
Sub-Areas	Extra Features	
Base Area (1st)	2,880 Covered Patio	1,200
Carport	672 Paving - Asphalt	24,272

# ArcGIS Web Map



☐ Zoning ☐ Section

## Address

**Street Label**



## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

### **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the Planning and Development 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent 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 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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), 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 services 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.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

#### **CONDITIONAL USE PERMITS (CUPs)**

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.



- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

## DEFINITIONS OF CONCURRENCY TERMS

**Maximum Acceptable Volume (MAV):** Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**Volume/Maximum Acceptable Volume (VOL/MAV):** Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

**Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV):** Ratio of volume with development to the Maximum Acceptable Volume.

**Acceptable Level of Service (CURRENT LOS):** The Level of Service at which a roadway is currently operating.

**Level of Service with Development (LOS W/DEV):** The Level of Service that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.10 (20PZ00088)  
Township 23, Range 35, Section 23*

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**Property Information**

**Owner / Applicant: 4725 Fay Blvd Land Trust**

**Adopted Future Land Use Map Designation:** Neighborhood Commercial (NC)

**Requested Future Land Use Map Designation:** Community Commercial (CC)

**Acreage:** 1.59 acres

**Tax Account #:** 2309941

**Site Location:** On the south side of Fay Boulevard approximately 190 feet east of  
Adams Place

**Commission District:** 1

**Current Zoning:** Restricted Neighborhood Retail Commercial (BU-1-A)

**Requested Zoning:** General Retail Commercial (BU-1)

**Background & Purpose**

The applicant is seeking to amend 1.59 acres of land from the Future Land Use designation of Neighborhood Commercial (NC) to Community Commercial (CC). The subject property currently has a Future Land Use designation of NC. Prior to the NC Future Land use change on December 6, 2007, the subject parcel had a Future Land Use designation of Residential 4 (RES 4) and has been in place since the County adopted the Comprehensive Plan in September of 1988.

Currently, the subject parcel is being used as a church that was built in 1999. The applicant is seeking this Future Land Use change in order to construct a hardware store on the south side of Fay Boulevard between Adams Place to the west and Waterloo Avenue to the east.

In 1991, Brevard County Staff prepared the Port St. John Small Area Plan for the purpose of compliance with Objective 10 of the Comprehensive Plan to eliminate inconsistencies between the official zoning map and the Comprehensive Plan through a Small Area Study process.

In 2005, County staff assisted in a Port St. John & Grissom Parkway Small Area Study. The Citizen's Resource Group made up of ten members completed a Future Land Use Map visioning process. The recommendation was to create a commercial corridor along Grissom Parkway and Port St. John Parkway with light retail and low density residential.

On October 4, 2018, the Board of County Commissioners directed staff to conduct a Small Area Study of Port St. John after a request was made to change the Future Land Use designation from Residential 4 (RES 4) to Community Commercial (CC) and a Zoning change request from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on a 1.78 acre parcel of land located on the south side of Fay Boulevard west of the subject parcel.

Staff identified three (3) areas for consideration regarding Future Land Use changes; Fay Boulevard from Stillwater Avenue to Waterloo Avenue, the intersection at Fay Boulevard and Grissom Parkway, and the intersection at Fay Boulevard and U.S. Highway 1. Staff did not recognize the need to add additional CC Future Land Use to this area of Fay Boulevard.

A companion rezoning application was submitted accompanying this request for a Zoning change from Restricted Neighborhood Retail Commercial (BU-1-A) to General Retail Commercial (BU-1).

### **Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Brevard County Park	GML	REC
<b>South</b>	Day Care Center and Vacant Brevard County owned land	BU-1-A & RP	PUB
<b>East</b>	Vacant Brevard County owned land	RU-1-9	RES 4
<b>West</b>	Family Dollar and (across Adams Place) a Multi-unit Retail Store	BU-1-A	NC & RES 4

To the north of the subject property is a Brevard County park with ball fields and tennis courts, to the east is a vacant Brevard County parcel of land, to the south is a Day Care Center and vacant parcels of land and to the west is a multi-unit retail store.

## Environmental Resources

*Mapped resources include aquifer recharge soils, protected and specimen trees and protected species.*

*Please refer to all comments provided by the Natural Resource Management Department at the end of this report.*

## Historic Resources

*There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.*

## Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

## 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;

*The applicant is proposing to change the Future Land Use and Zoning in order to construct/redevelop a hardware store. Typical hours of operation for a hardware store are from 8:00 a.m. to 7:00 p.m. There are existing single-family residences to the northeast and northwest that could potentially be impacted by the hours of operation, lighting and traffic.*

- 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;

*There is a historical existing commercial use pattern in this area between Grissom Parkway to the west and Waterloo Avenue to the east that occurred prior to the adoption of the Comprehensive Plan in 1988.*

2. actual development over the immediately preceding three years;  
and

*There has not been any actual development within this area in the preceding three (3) years.*

3. development approved within the past three years but not yet constructed.

*There was one (1) Future Land Use change in October of 2018 approving the change from RES 4 to CC. There was a companion Zoning approval changing the Zoning from IN(L) to BU-1. There have been no actual development approvals within the past 3 years.*

## **Role of the Comprehensive Plan in the Designation of Commercial Lands**

### **Policy 2.1**

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

#### **Criteria:**

- A. Overall accessibility to the site;

*The subject 1.59 acre parcel has frontage on Fay Boulevard to the north and access to Adams Place to the west.*

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

*The subject 1.59 acre parcel is adjacent to NC to the west and RES 4 across Adams Place to the west. To the east and south the Future Land Use designation is also RES 4. To the north is a Brevard County park with a Recreation (REC) Future Land Use designation.*

*The parcel to the west has an existing Dollar Store with a Neighborhood Commercial (NC) Future Land Use designation and across Adams Place an existing multi-unit retail store. Interconnectivity could be provided between the Dollar Store to the west and the subject site.*

- C. Existing commercial development trend in the area;

*There is a historical existing commercial use pattern in this area between Grissom Parkway to the west and Waterloo Avenue to the east that occurred prior to the adoption of the Comprehensive Plan in 1988.*

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

*There are no fundamental changes in character within this area prompted by County infrastructure improvements.*

- E. Availability of required infrastructure at/above adopted levels of service;

*The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly in front of the parcel in the center of Fay Boulevard.*

*The parcel is serviced by The City of Cocoa water.*

*The subject 1.59 acre parcel has frontage on Fay Boulevard to the north and access to Adams Place to the west.*

- F. Spacing from other commercial activities;

*The nearest community commercial cluster is located approximately 1.32 miles south at the intersection of Grissom Parkway and St. John's Parkway which is approximately 93 acres. This segment of St. John's Parkway between Interstate 95 (I-95) and Grissom Parkway was intended as a commercial corridor to serve local, regional and sub-regional residential communities. Additionally, there is a cluster of community commercial and industrial land uses along Curtis Boulevard beginning on the north side of Fay Boulevard. And lastly, U.S. Highway 1 is a commercial corridor intended to serve local, regional and sub-regional communities to include Port St. John.*

- G. Size of proposed commercial designation compared with current need for commercial lands;

*The subject parcel is 1.59 acres and is not located in an area with CC Future Land uses. Port St. John residents have accessibility to the existing commercial corridors located approximately between 1.32 to 2 miles from the subject site. There are approximately 14 acres of available commercial land along St. John's Parkway at the Grissom Parkway intersection.*

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

*The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary).*

- I. Integration of open space; and

*Open space will be evaluated during the site plan review process.*

- J. Impacts upon strip commercial development.

*The promotion of strip pattern commercial development is discouraged within the Future Land Use Element for property with a Future Land Use designation of CC. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern. While this request does not expand the commercial area, it does allow for more a more intense zoning classification to be considered.*

### **Activities Permitted in Community Commercial (CC) Future Land Use Designations**

#### **Policy 2.7**

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;

*This segment of Fay Boulevard is not intended to be a community commercial node, but has the potential for neighborhood commercial development at the intersection of Fay Boulevard and Adams Place. Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area without intrusion into the surrounding residential neighborhoods whereas Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.*

### **Locational and Development Criteria for Community Commercial Uses**

#### **Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

#### **Criteria:**



- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size; however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

*The subject parcel is located on an urban collector/local intersection and does not meet the criteria of being located at a collector/arterial nor arterial/arterial intersection. However, the Board may limit CC land uses in surrounding residential areas. There is very limited CC land use along Fay Blvd.*

- B. Community commercial complexes should not exceed 40 acres at an intersection.

*The subject site would not exceed the 40 acre community commercial complex threshold.*

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

*The subject site is not considered a commercial cluster and would be located approximately 1.32 miles from the nearest cluster at the intersection of Grissom Parkway and St. John's Parkway.*

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

*The gross floor area is regulated through the land development regulations at the time of site plan review.*

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

*The overall subject site has the potential for a sixty-nine thousand two hundred sixty (69,260) square foot building. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.*

## **For Board Consideration**

The Board may wish to consider if this request is consistent and compatible with the surrounding area given that there are limited parcels or CC Future Land Use along Fay Blvd.

The Board may also wish to consider the recommendations of the Small Area Study that directed CC Future Land Uses to the existing Commercial corridors along Port St. John Parkway and Grissom Road, Curtis Boulevard and Fay Boulevard and U.S. Highway 1 (U.S. 1) and Fay Boulevard.

The Board may wish to consider that according to Policy 2.8(A) of the Future Land Use Element of the Comprehensive Plan that CC clusters up to ten acres should be located at collector/arterial intersections and that the subject parcel is located at a collector/local intersection.

The Board may also wish to consider Policy 2.8(C) of the Future Land Use Element of the Comprehensive Plan that community clusters up to ten (10) acres in size should be spaced at least 2 miles apart. The subject site is not considered a commercial cluster and would be located approximately 1.32 miles from the nearest cluster at the intersection of Grissom Parkway and St. John's Parkway.

The Board may wish to consider Policy's 2.8(A) and 2.8(C), locational criteria for Community Commercial.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item # 20PZ00088**

**Applicant:** Carmine Ferraro

**FLU Request:** NC to CC

**Note:** Applicant wants hardware store with outdoor garden center.

**PSJ Hearing Date:** 11/18/20; **LPA Hearing Date:** 11/23/20; **BCC Hearing Date:** 12/03/20

**Tax ID No:** 2309941

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Paola fine sand, Tavares fine sand and Orsino fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Protected and Specimen Trees**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to

Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

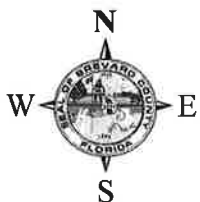
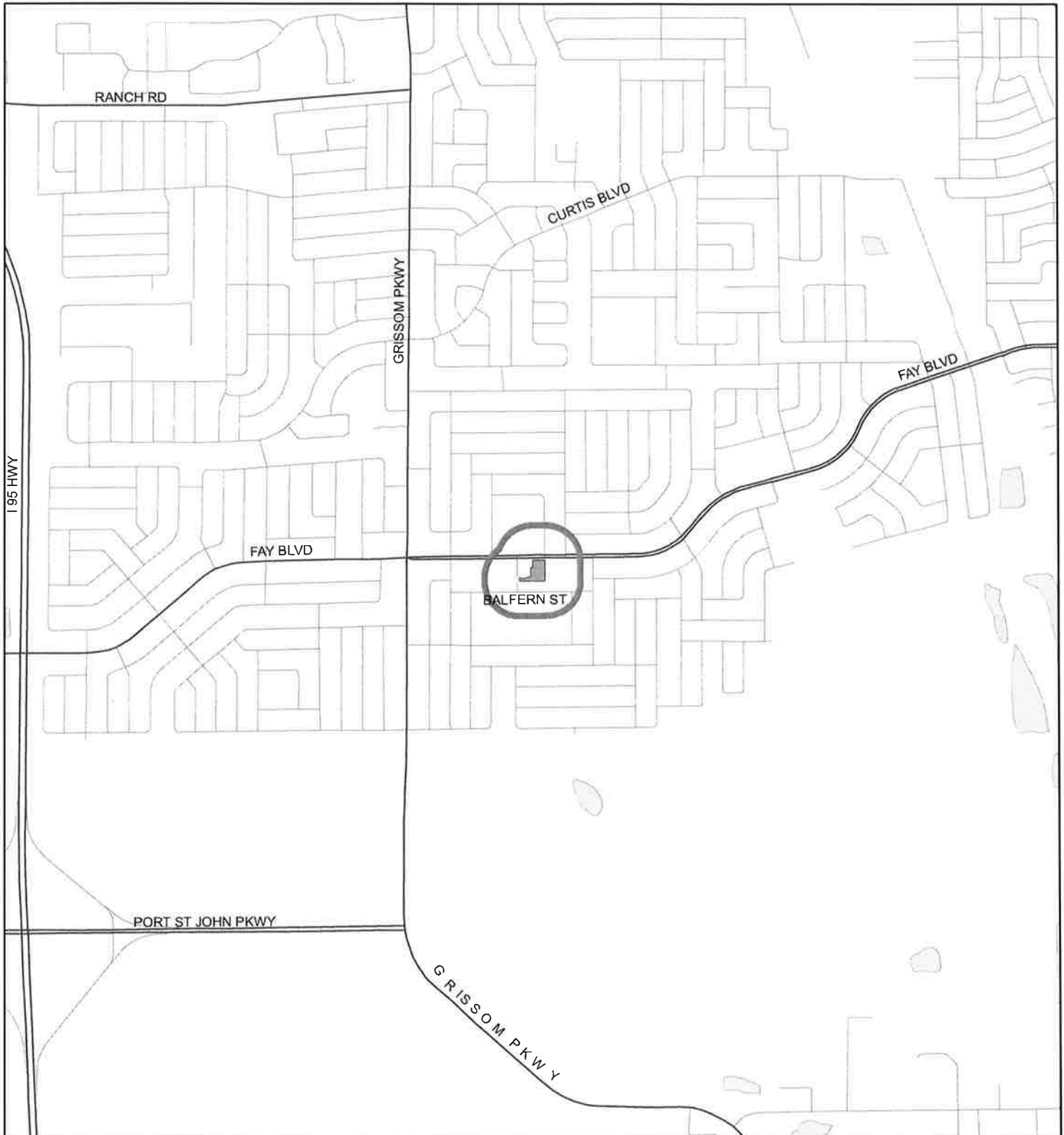
**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, a large Florida Scrub Jay polygon is mapped over the parcel and surrounding areas. 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.

# LOCATION MAP

4725 FAY BLVD LAND TRUST

20PZ00088 SMALL SCALE AMENDMENT 20S.10



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

Buffer Distance: 500 feet

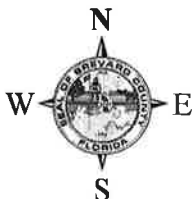
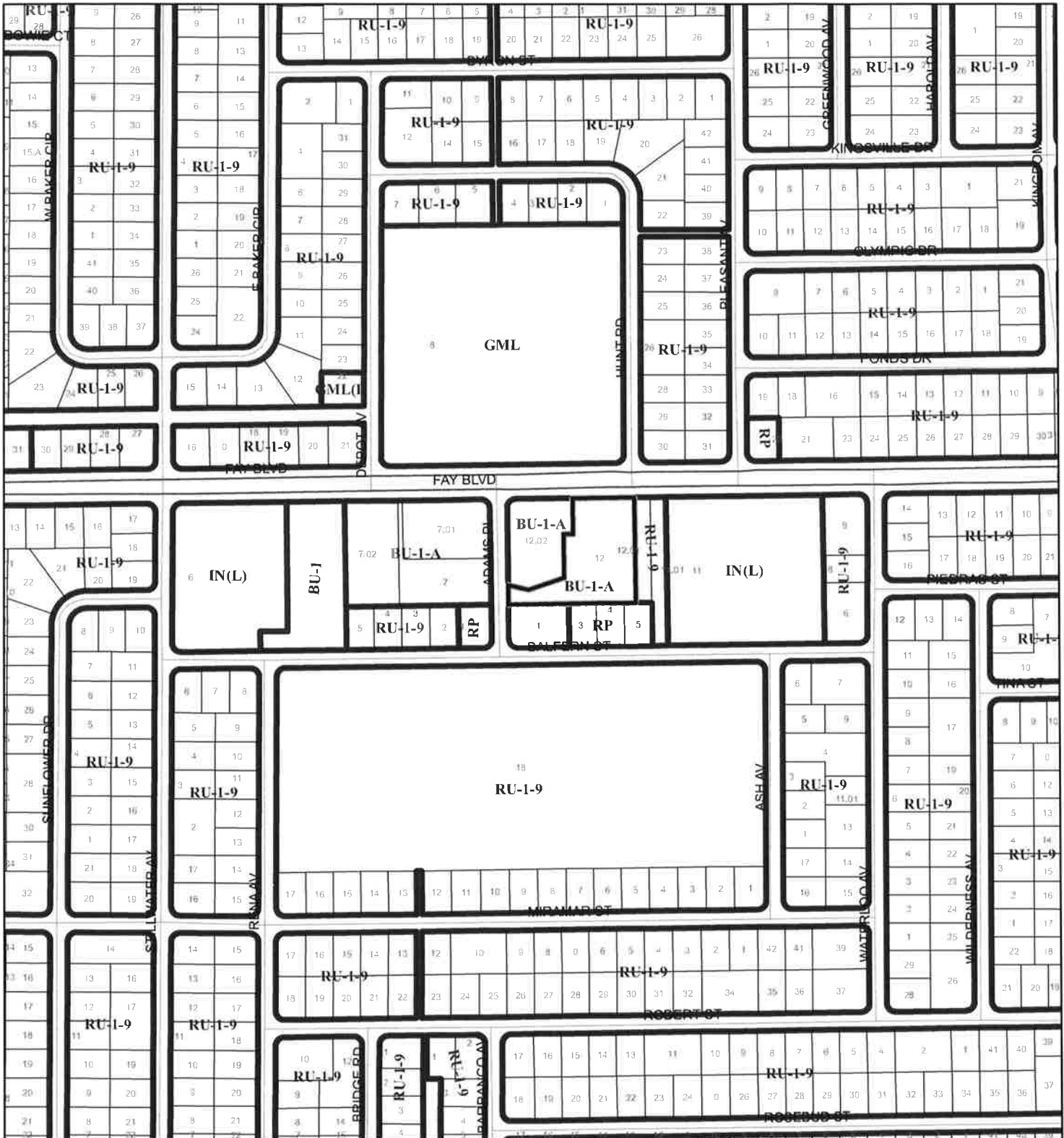
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2020

— Buffer  
■ Subject Property

# ZONING MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

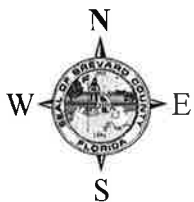
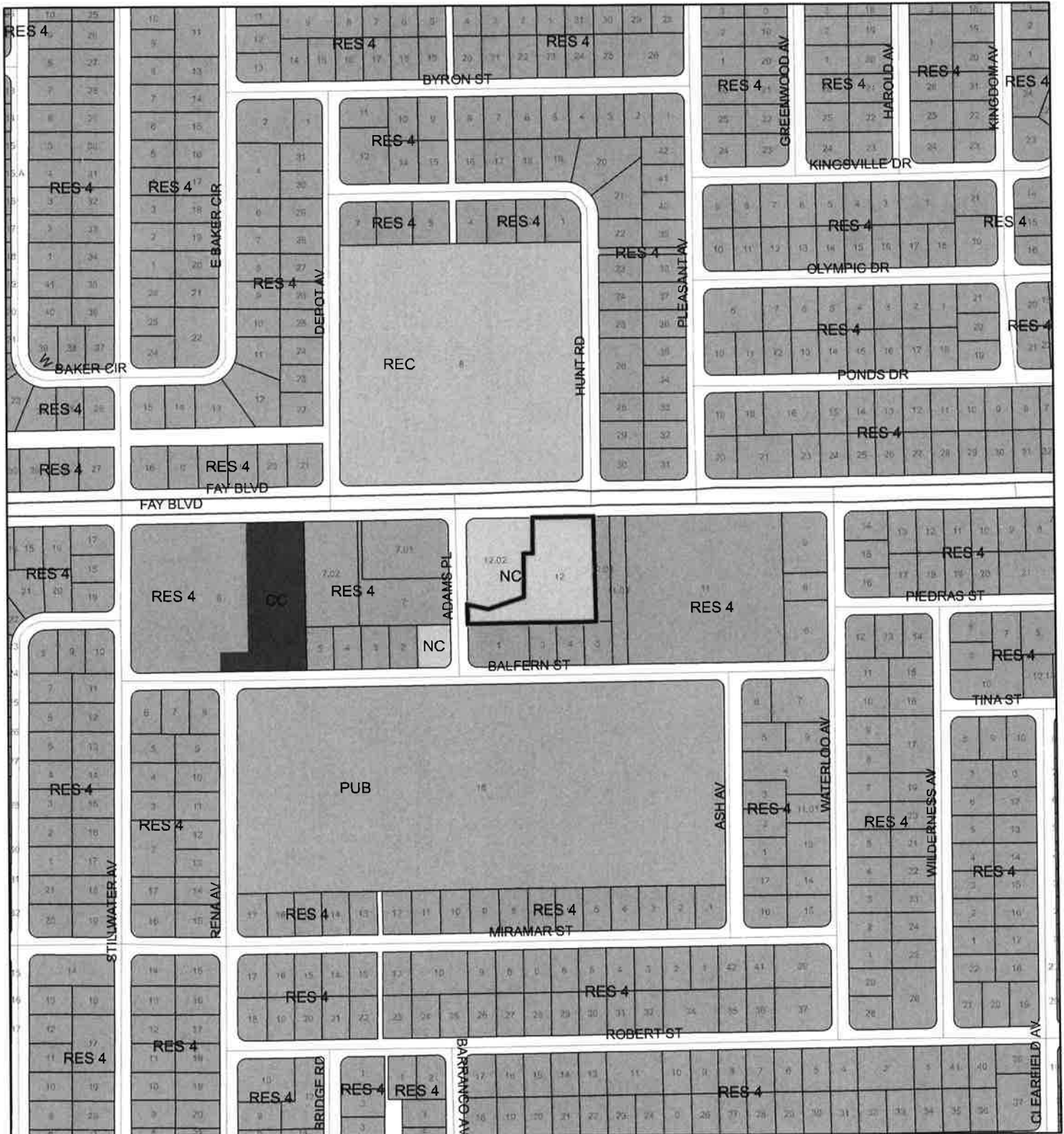
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2020

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

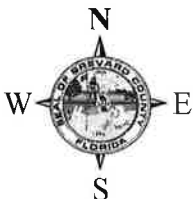
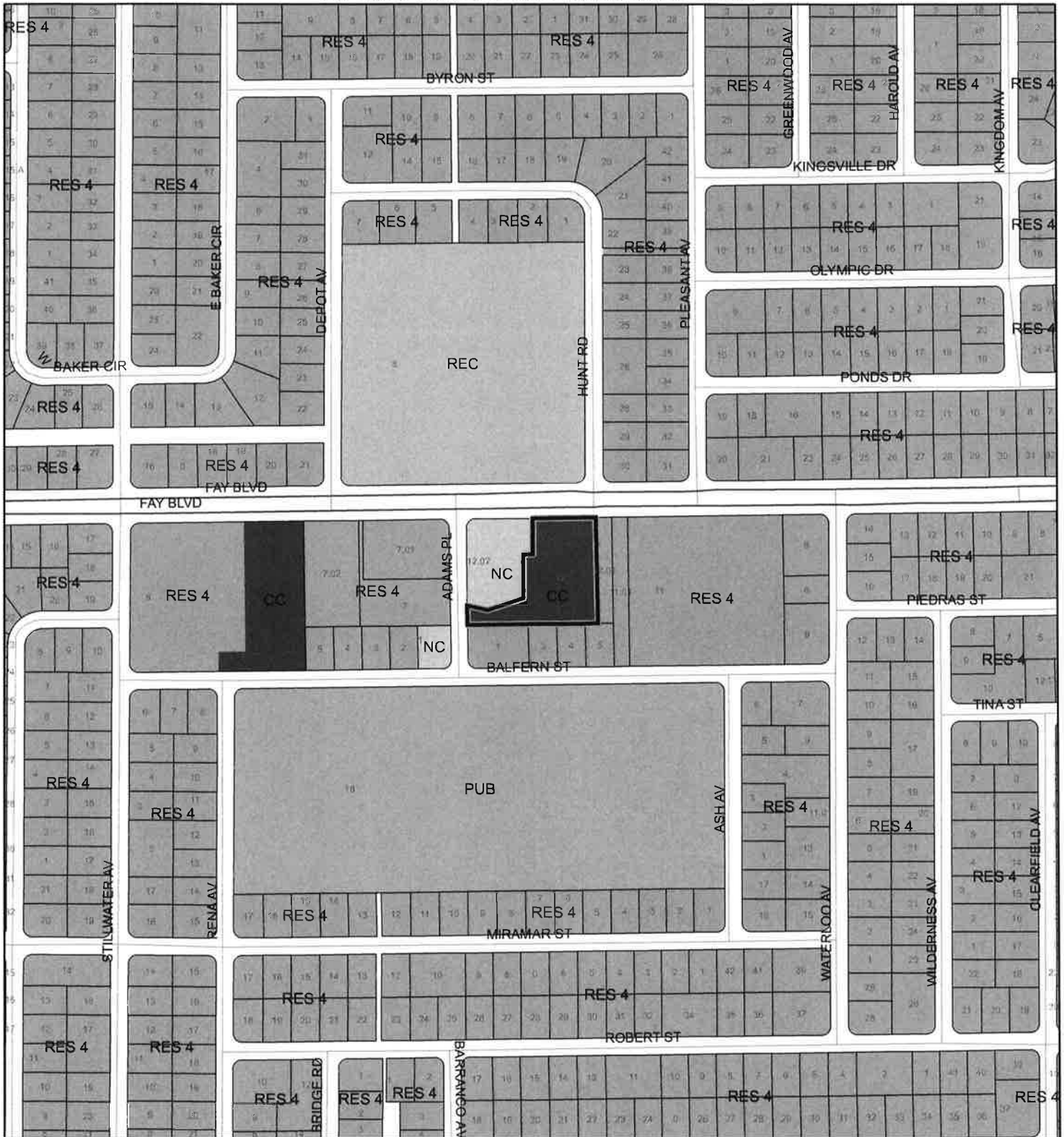
— Subject Property  
□ Parcels

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 BoCC - GIS Date: 9/4/2020

# PROPOSED FUTURE LAND USE MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

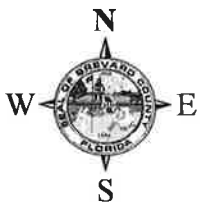
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# AERIAL MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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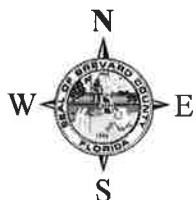
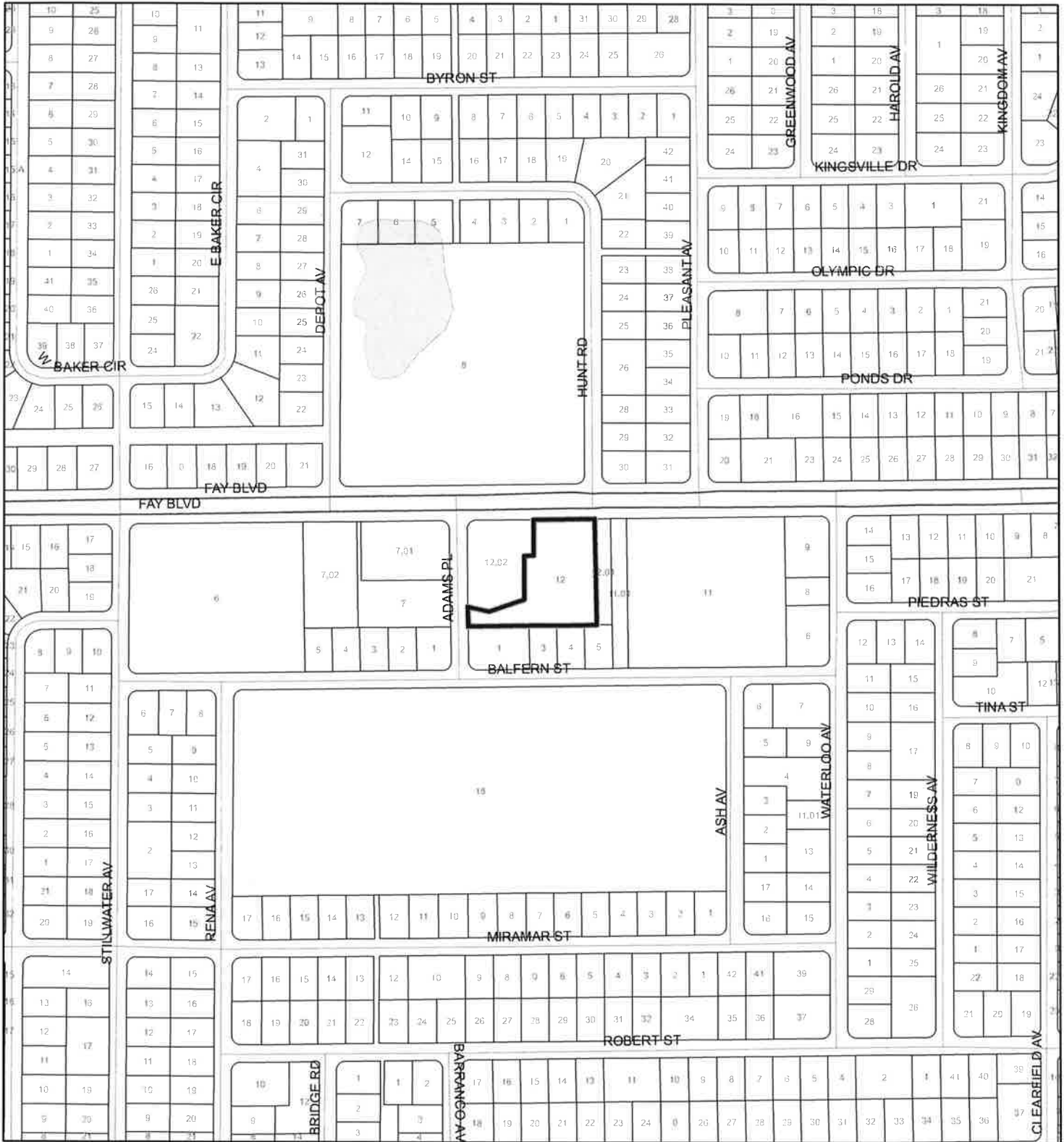
Produced by BoCC - GIS Date: 9/8/2020

— Subject Property

□ Parcels

# NWI WETLANDS MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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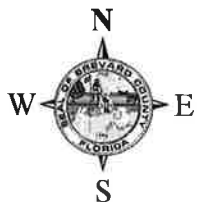
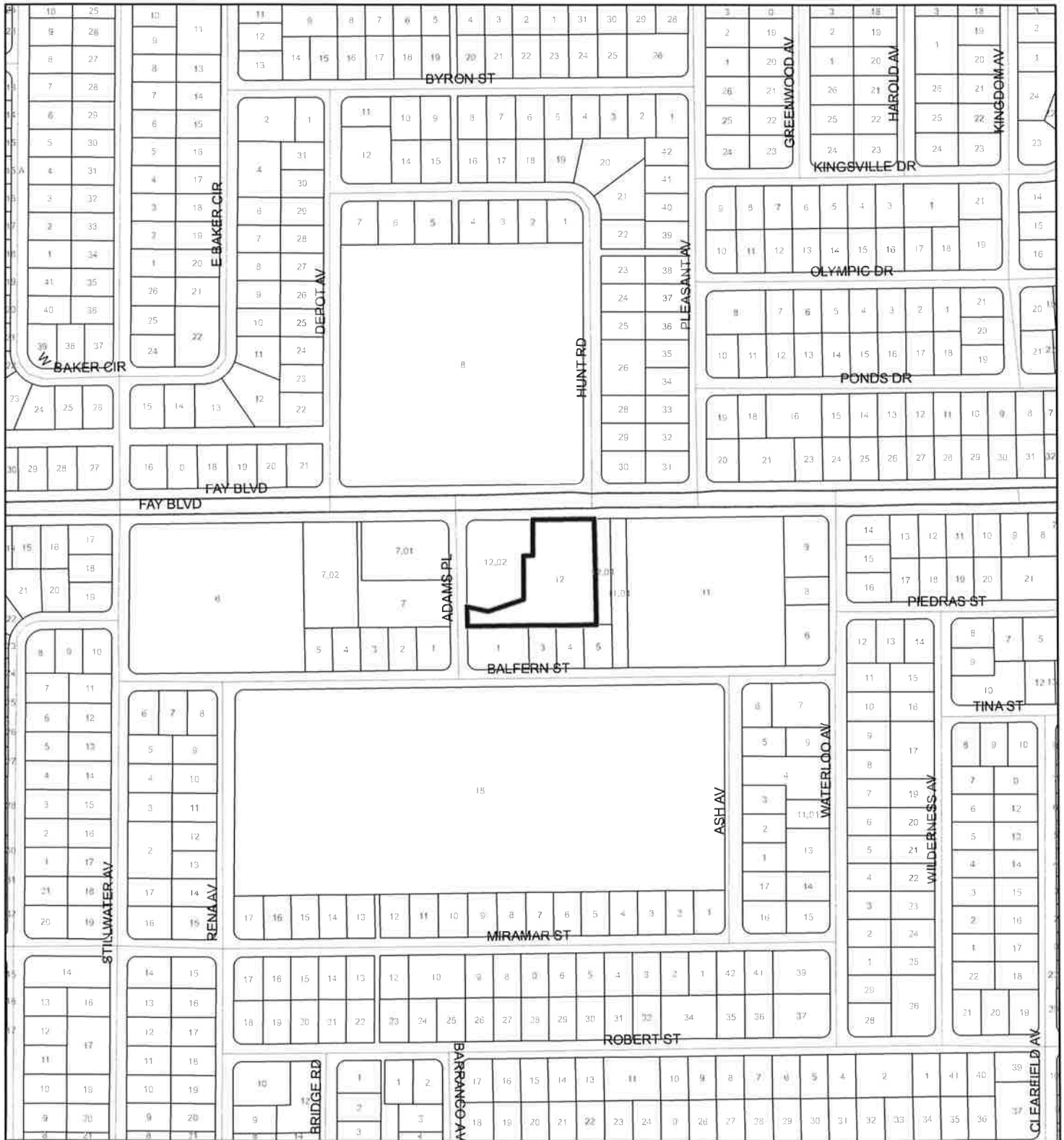
Produced by BoCC - GIS Date: 9/4/2020

## National Wetlands Inventory (NWI)

	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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.

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## SJRWMD FLUCCS WETLANDS

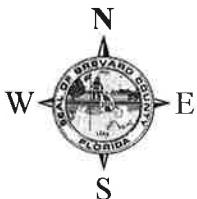
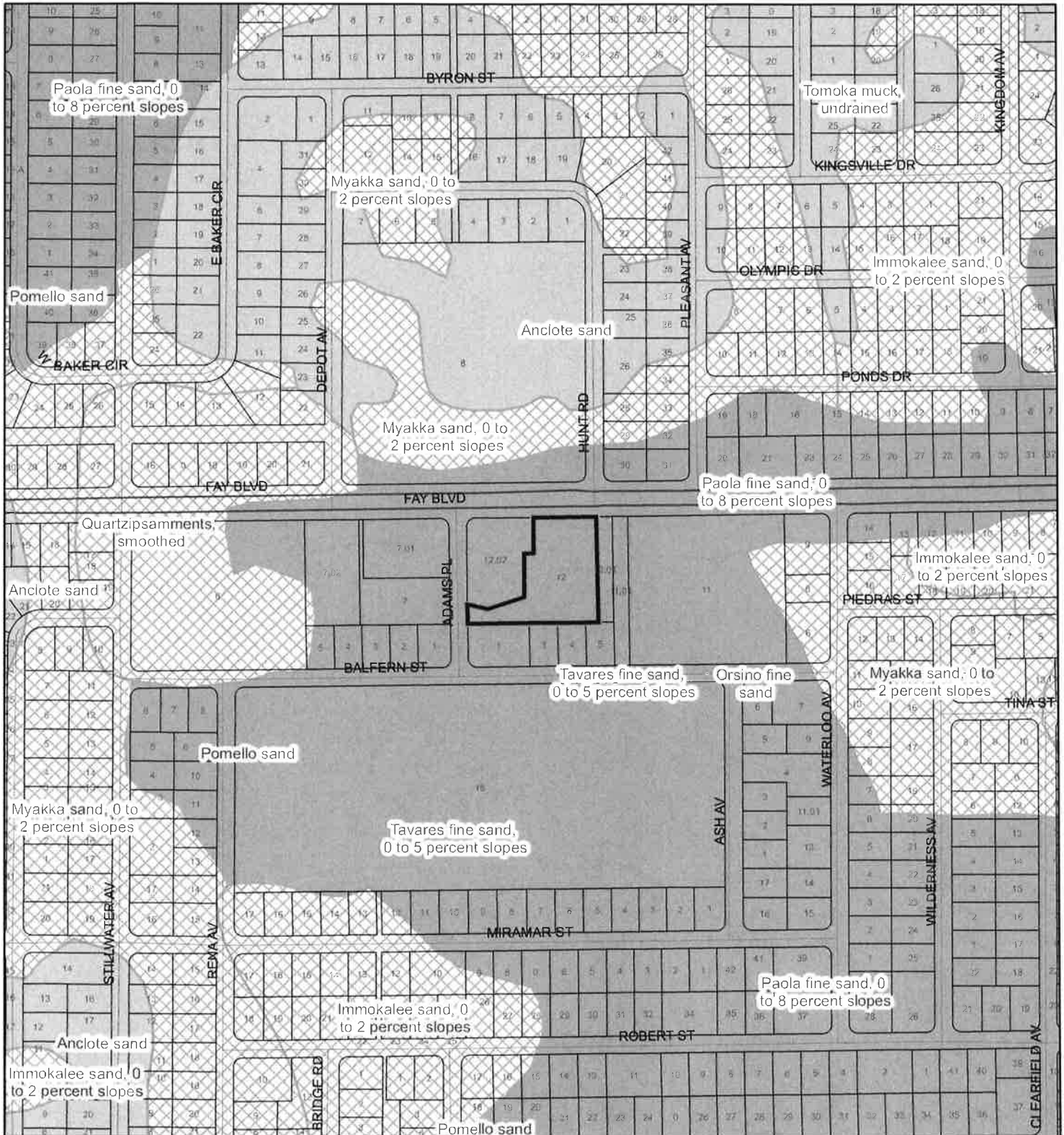
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

# USDA SCSSS SOILS MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10

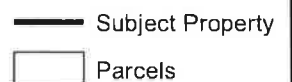
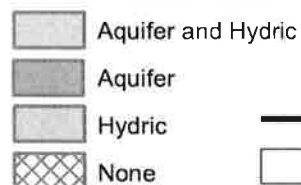


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/4/2020

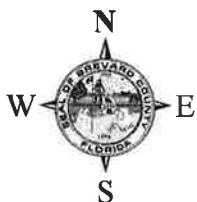
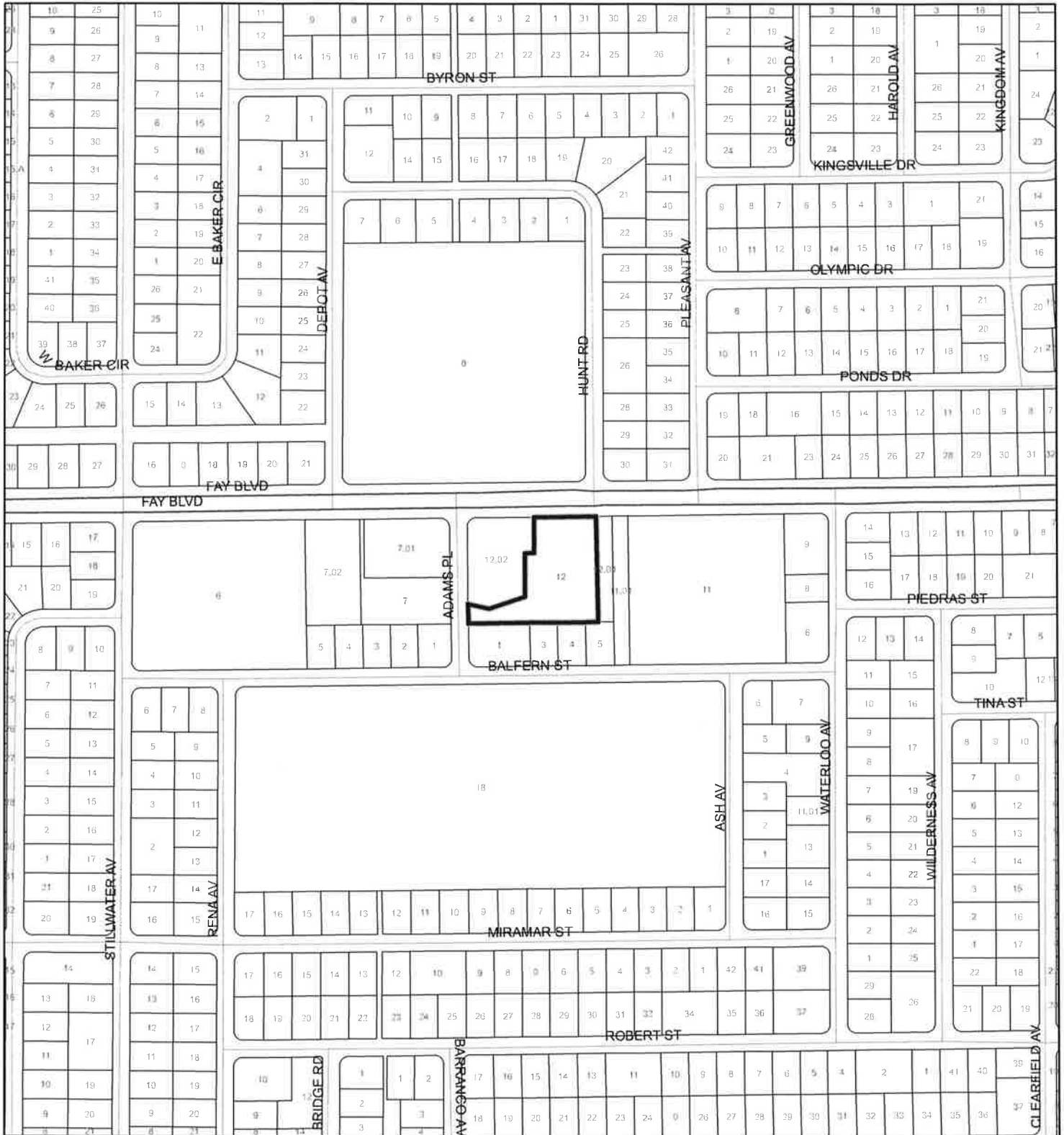
## USDA SCSSS Soils





# FEMA FLOOD ZONES MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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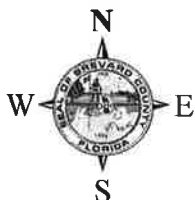
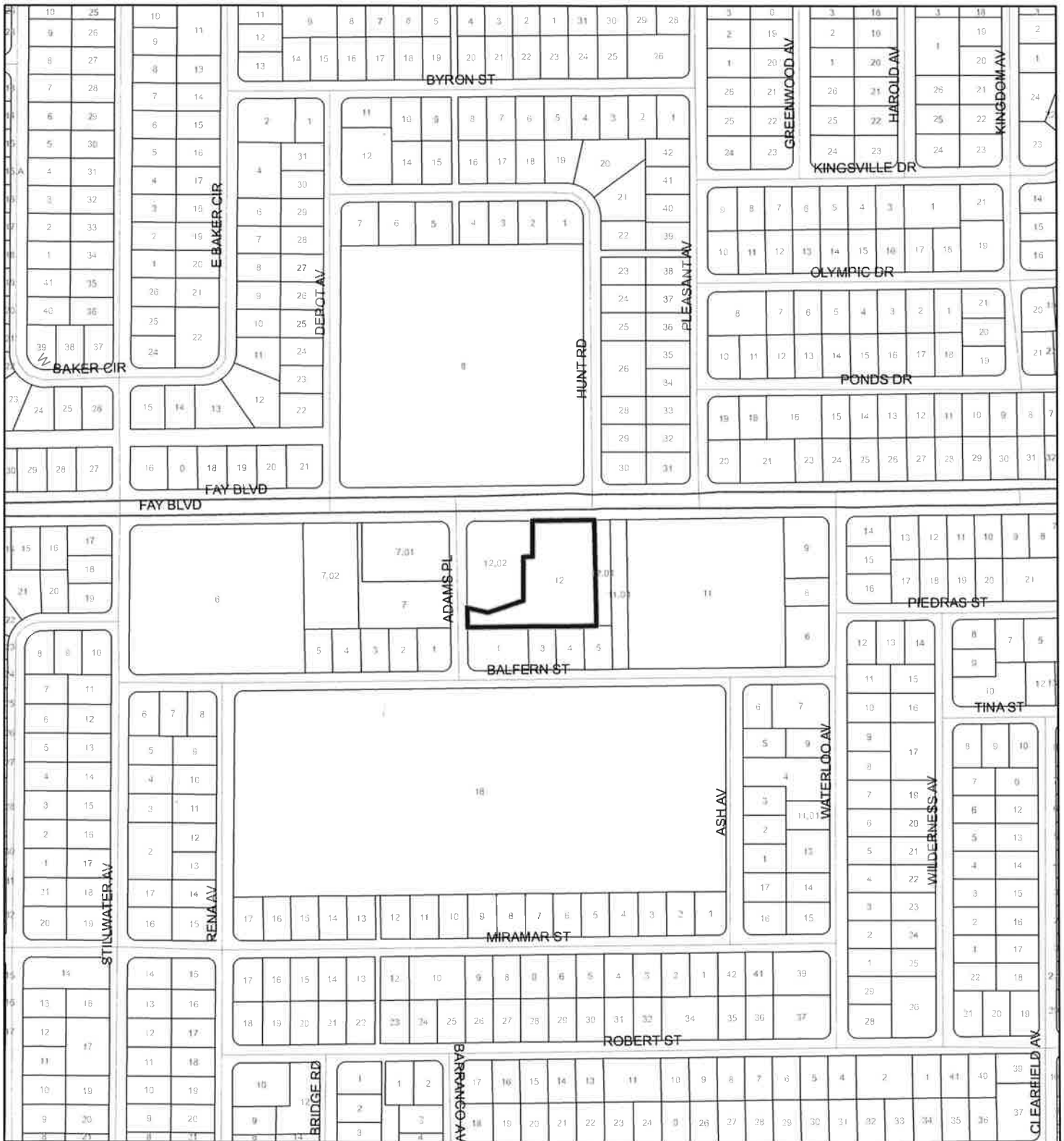
Produced by BoCC - GIS Date: 9/4/2020

## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  | Parcels    |                      |

# COASTAL HIGH HAZARD AREA MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/4/2020

— Subject Property

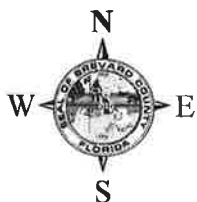
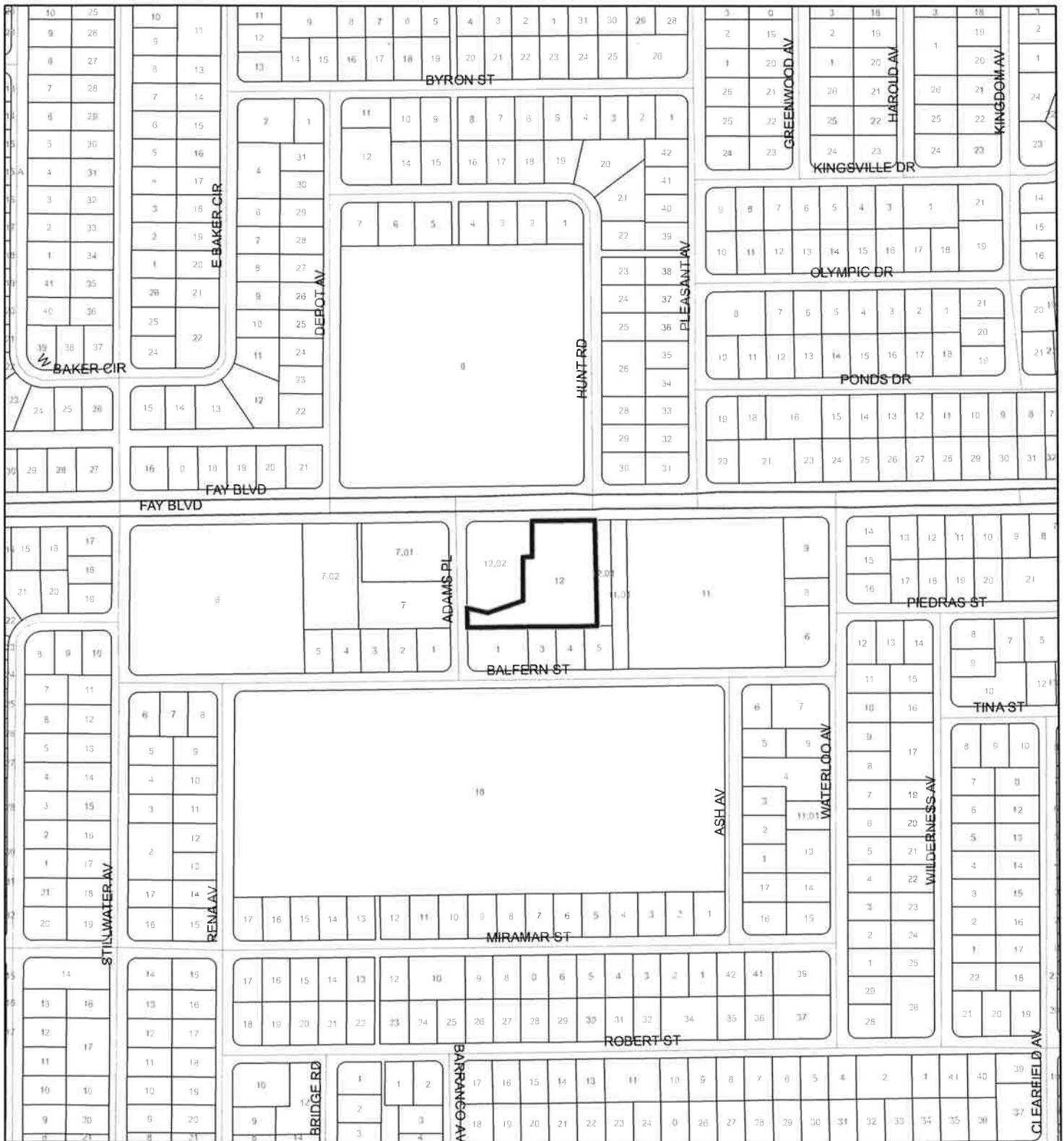
□ Parcels

**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/4/2020

 Subject Property

 Parcels

## Septic Overlay

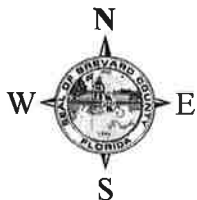
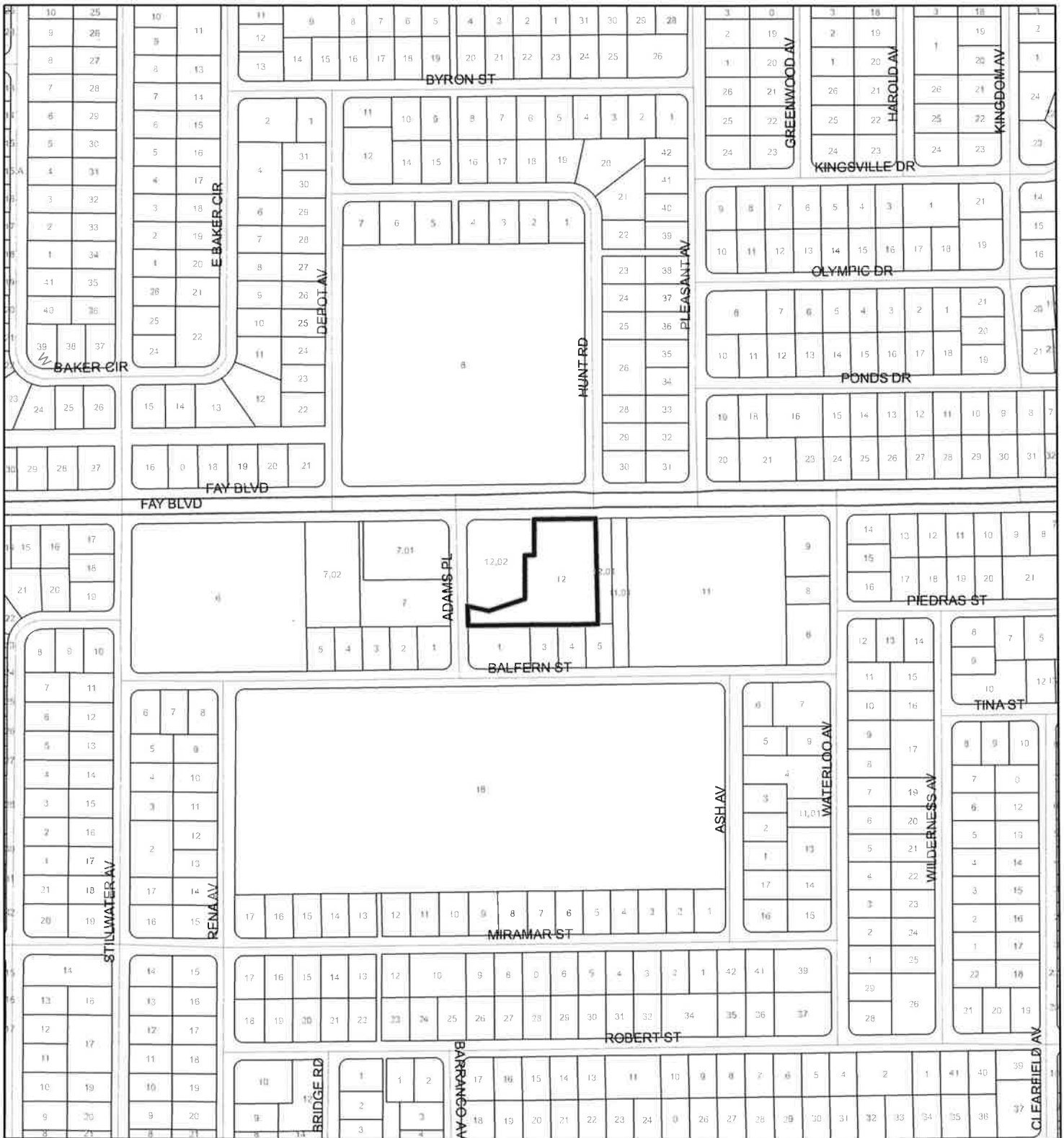
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP


4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests  
FWS 2010

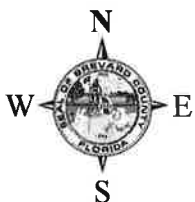
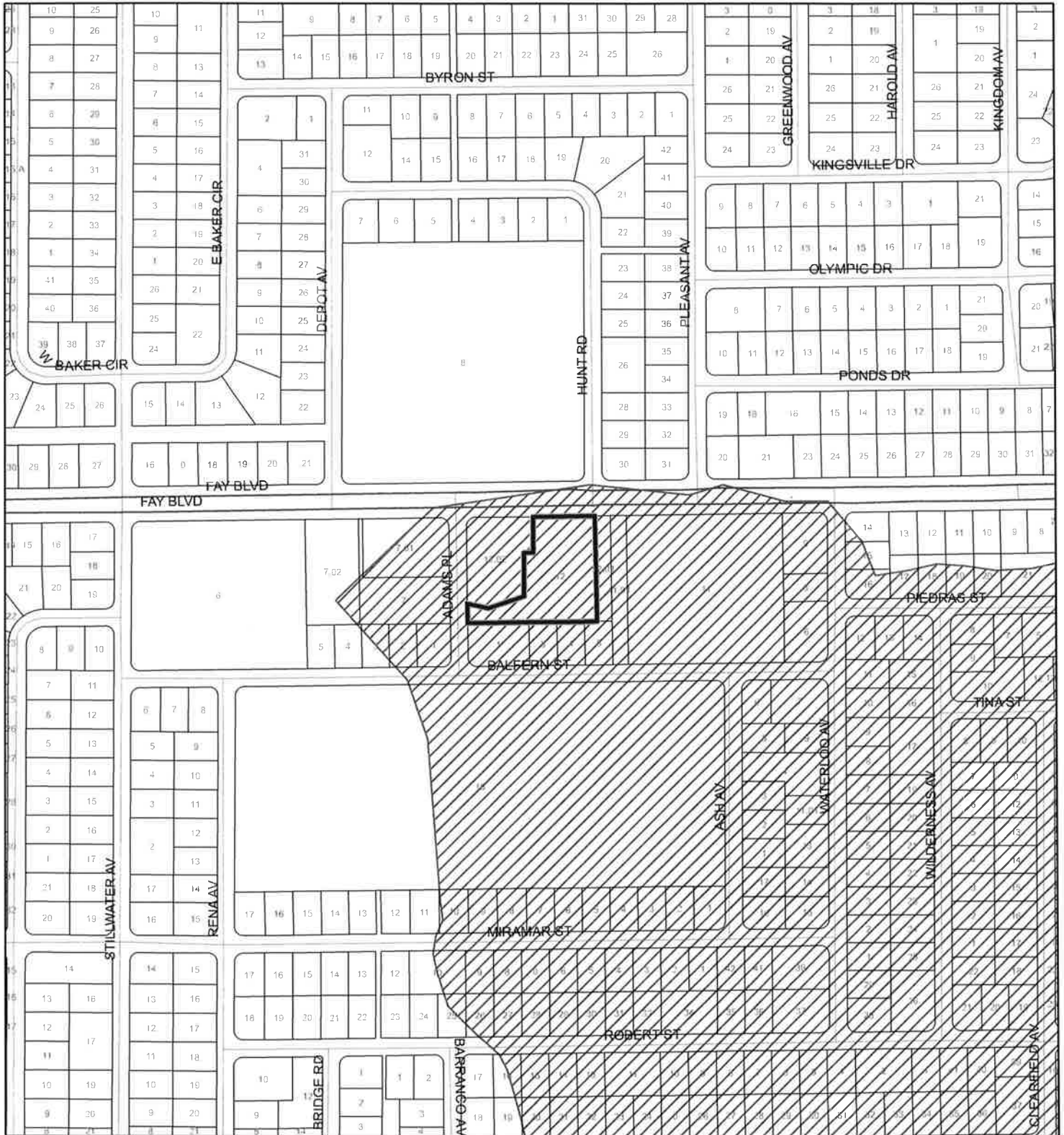
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Produced by BoCC - GIS Date: 9/4/2020



# SCRUB JAY OCCUPANCY MAP




4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

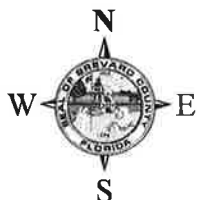
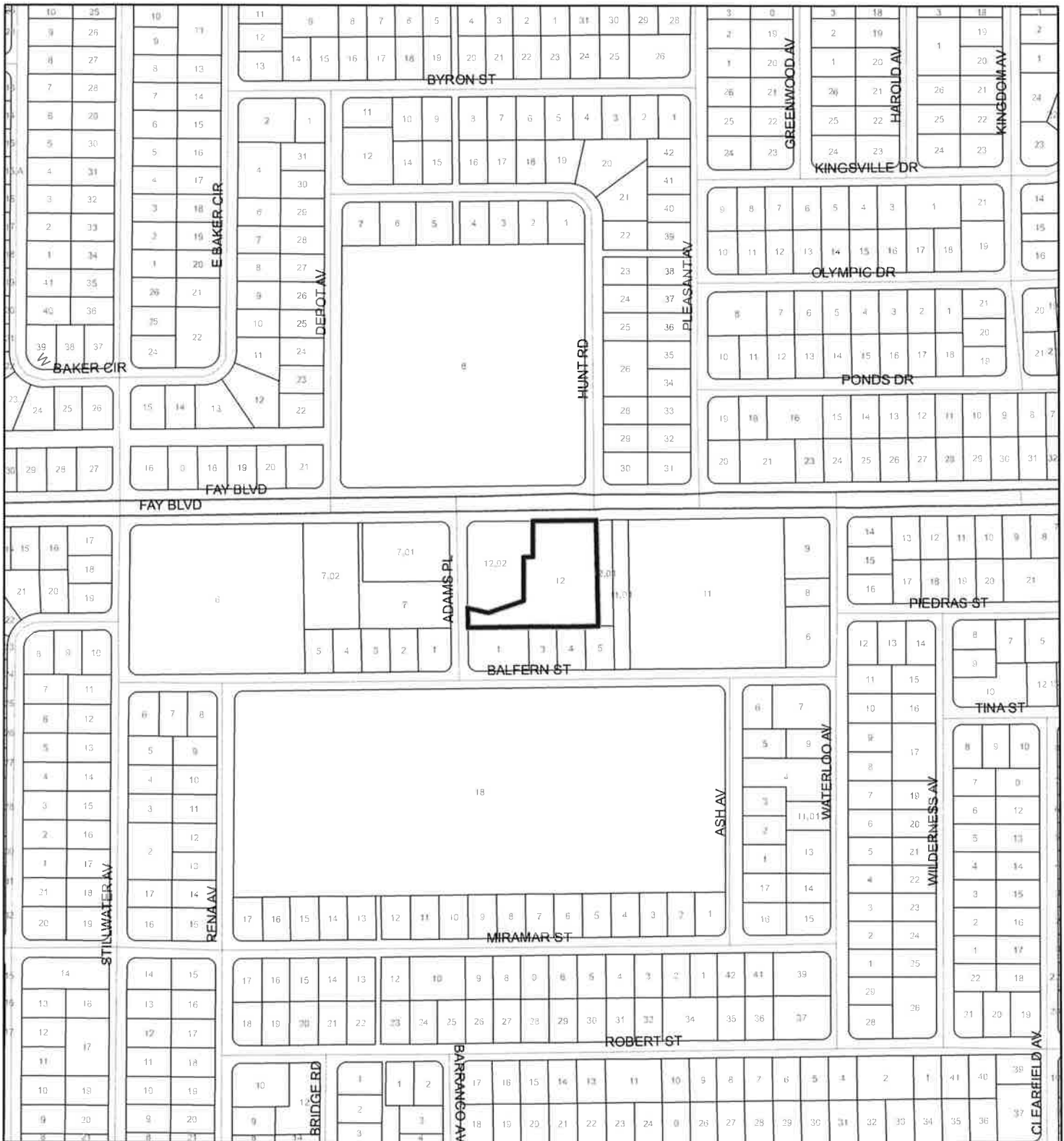
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Produced by BoCC - GIS Date: 9/4/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

4725 FAY BLVD LAND TRUST  
20PZ00088 SMALL SCALE AMENDMENT 20S.10



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/4/2020

## SJRWMD FLUCCS Upland Forests

-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property  Parcels

## **PORT SAINT JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The Port Saint John Dependent Special District Board met in regular session on Wednesday, November 18, 2020, at 6:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Florida Room, Viera.

Board members present were: Vaughan Kimberling, Chair, Randy Rodriguez, Vice Chair; Carmella Chinaris; Wendy Porter-Hyde; Greg Messer; and Kevin Shropshire.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

The meeting was called to order at 6:00 p.m.

### **Excerpt of Complete Minutes**

#### **4725 Fay Blvd Land Trust (Carmine Ferraro)**

A Small Scale Comprehensive Plan Amendment (20S.10), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.59 acres, located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John) (20PZ00088) (Tax Account 2309941) (District 1)

Carmine Ferraro stated he and his clients purchased the property in 2008 with the hopes of a Walgreens deal, and after a lot of discussion with the board and neighbors he agreed to a Binding Development Plan (BDP), but the Walgreens never happened. He said in 2014 he came back to the board for the Family Dollar store, and he worked with the board as well as the neighbors, and re-formulated the BDP, and now Family Dollar is established and doing well. He said since then, they tried a few times to rezone the remaining 1.59 acres with other uses that did not make sense and did not make it beyond the initial stages. He stated one attempt to rezone was withdrawn by the applicant right before the meeting because it was a controversial use. He said the proposed use before the board now is a good use, which is an ACE Hardware and he believes it is a good fit as a neighborhood hardware store. He stated the current zoning is BU-1-A with a BDP, but he has to modify the BDP again because when they met with ACE Hardware, the franchisee had to get it approved by corporate, and in looking at traffic circulation and patterns, corporate saw that the adding of delivery truck traffic to the existing Family Dollar entrance was not a good idea. They preferred to have a separate driveway farther down the road at the Adams Place driveway. [Mr. Ferraro distributed a proposed conceptual site plan to the board. The plan can be found in file 20Z00031, located in the Planning and Development Department]

Mr. Ball noted staff has not reviewed the proposed site plan for compliance with County Code, and when the site plan is formally submitted it will be reviewed. He further noted that Mr. Ferraro is asking for removal of the condition that the Adams Place driveway be closed. He pointed out that Public Works has said the spacing between the existing driveway and the proposed driveway does not meet FDOT setbacks.

Mr. Ferraro stated the concept plan is the beginning of a long process, but it will follow County Code. He said ACE Hardware wants the driveway re-opened. He said FDOT is considering pushing traffic as far back from an intersection as possible, because the closer to an intersection, the more dangerous situations can become from congestion. He stated he has created a circular path, and he has been told by ACE Hardware that deliveries will be once a week unless there is a special event. Family Dollar has one delivery per week and the truck is making the left-hand turn into the existing Family Dollar driveway. He is proposing the deliveries come in through the back driveway and come around so there will be a circular path of traffic. The second requirement of ACE Hardware was an

outdoor garden center, which is consistent with most of their stores; they can do them indoors, but they prefer them outdoors because it allows them to bring in the types of plantings and supplies typically seen at an ACE Hardware. He said he knew they could address the first requirement by modifying the BDP. He has ordered a traffic study by an independent traffic engineer and will submit it to staff before the County Commission meeting. He went on to say that he thought the outdoor garden center would be easy to accomplish, but found out that under the current zoning of BU-1-A all activities have to be within enclosed walls, so that meant no garden center. He said he went back to ACE Hardware and said he would submit the application for a BDP, and got them to agree to an indoor garden center. He stated when he submitted the application he was told that a hardware store is not a permitted use in the BU-1-A zoning classification. He read a portion of the BU-1-A zoning classification, "The following uses, or other uses of similar nature that are compatible with the character of uses specifically set forth in this subsection are permitted. All business uses and product shall be confined within substantial buildings completely enclosed with walls and a roof." He said from reading that, he thought it would not be a problem to bring in a retail store similar to Family Dollar. He noted some of the uses under BU-1-A include antique shops, bakeries, bookstores, computer sales, confectionaries, ice cream stores, drug stores, florist shops, jewelry stores, luggage shops, and paint and wallpaper stores, which he thought was similar to a hardware store. He stated he did not see the words 'hardware store' but figured he had a similar type of retail use. Staff told him that was not the case and that he can't do a hardware store in BU-1-A, and he would need BU-1 zoning. He stated once he knew that in BU-1 there was not a restriction on outdoor sales, he could bring back the outdoor garden center, so he applied for BU-1. He went on to say that staff informed him that BU-1 could not be approved under the current Future Land Use designation of Neighborhood Commercial, and he was told he needed to change the land use to Community Commercial in order to allow BU-1. [Mr. Ferraro showed the board photos of the current Family Dollar store, an ACE Hardware store, and a Sherwin Williams store and informed the board that all three structures are the same metal buildings with stucco finish. The photos can be found in file 20Z00031, located in Planning and Development.] He stated all three structures are the same, but he cannot have an ACE Hardware in BU-1-A. He said he advised ACE Hardware that he was going to ask the County to change the Future Land Use Map, which is not an easy thing to do. It is a very serious consideration to change the land use map because a precedent is being created. He said he decided to ask for BU-1 and restrict it to hardware only in a BDP. He stated the proposed ACE Hardware is a great use for Port St. John, but it currently can't be done because of the land use, and his interpretation is that the code is in default and he should be able to have a hardware store in BU-1-A. He suggested there may need to be a conversation with the County Commission that it may be time to re-visit the code because it may be antiquated. He asked what the difference is in selling a hammer in Family Dollar and selling a hammer in a hardware store. He pointed out there are some negative staff comments about the request, but he wanted the board to know why he is frustrated. He noted he found one supporting property in Port St. John that at one time was going to be a Dollar General, and the property was rezoned from another zoning to BU-1, but in order to do that they changed the Future Land Use Map to Community Commercial, so there is a precedent four parcels away.

Ms. Chinaris asked if the parcel Mr. Ferraro is referring to is the strip between the church and the back of the strip center. Mr. Ferraro replied yes. Ms. Chinaris pointed out that the Port St. John board recommended denial of that change, and the County Commission voted in favor for it to happen, and this board was not happy about that precedent. Mr. Ferraro said he wishes he could rezone without changing the land use, and staff has been very cooperative, but there is not much they can do within the scope of the code. He said he would like to move on to part two of his requests.

Mr. Kimberling asked if Mr. Ferraro wanted to talk about Item H.3. Mr. Ferraro replied yes.

Mr. Ball stated it is up to the Chair as far as how the board hears the requests.

Mr. Kimberling stated he would like to first address the land use change. He said the small area study talks about Community Commercial properties, and the proposed location for the ACE Hardware is in violation of the study. The small area study has a requirement that Community Commercial developments have to be two miles apart. The proposed ACE Hardware location is 1.32 miles away. He said it is an example of how the study is trying to help the board. The small area study recommends three locations where these developments can go; one is at Port St. John Parkway and Grissom Parkway; one is at Curtis Boulevard and Fay Boulevard; and one is at Fay Boulevard and U.S. Highway 1. Those are the areas the study recommended for Community Commercial. He said if the board moves forward on the rezoning, it would be in contradiction with the small area study. He said the small area study also talks about where the Community Commercial developments are to be located; for example, they need to be located on a collector and arterial highway intersection, and the subject property is on a collector and intersection, so it does not meet that criteria either. He stated he believes the reason for that criteria are the type of traffic going into the property.

Mr. Ferraro stated he agrees with Mr. Kimberling, and that is what is frustrating about needing the requested changes.

Mr. Kimberling stated he wants the board to be aware that the subject property does not fall into the criteria of where the study recommends Community Commercial, and it is too close to another Community Commercial designation. He reminded the board that if it approves Item H.2., it will put all the work that was done on the study in jeopardy, and he doesn't know the County's position on that.

Ms. Chinarris stated the small area study is great work and she wouldn't personally want to contradict anything in it. She said she wanted to table the small area study recommendation for clarification, but she is adamantly opposed to the Future Land Use change. She said they do not have the traffic study and that was one of the things that was the hold up with the Family Dollar store, and when he gets the traffic study, if it's not within the next few months, the traffic is going to increase by one-third when the kids who are homeschooling right now go back to Challenger Elementary. She said she doesn't think it is a precedent the people of Port St. John want, which is a land use of Community Commercial at that location.

Mr. Kimberling stated he was on the board when the Family Dollar was being discussed, and when there was going to be a liquor store with a drive-up window at the subject property's location, but the client withdrew his request.

Mr. Ferraro stated the applicant at that time wanted to do a farm store, and the liquor store idea was blown out of proportion. The applicant wanted to do a farm store where people could drive up and buy milk and eggs, and he wanted to sell alcohol as well. He said what happened was that the newspaper heard about it and when he showed up at the zoning meeting there were a lot of people there and he called the applicant who said to withdraw the request.

Mr. Kimberling reminded the board that the access road Mr. Ferraro wants to re-open through a change to the BDP was closed because of the school and the students who walk down the sidewalk, and Family Dollar had to modify their site plan to accommodate the concerns this board had, and they closed the Adams Place driveway. He noted Mr. Ferraro is now asking to change the BDP to re-open that driveway, and the school is still there, so he doesn't see that the situation has changed.

Mr. Ferraro stated he would like to address that during the rezoning request discussion, unless the board would like to hear them together.

Mr. Kimberling said he would like to keep them separate because if the board doesn't get past H.2., there is no point hearing H.3. He stated he wants to make sure the board is aware of the history and what the small area study did and how it affects the requested land use change.

Mr. Ferraro stated he was the vice chair of the small area study committee, and he was surprised at the last meeting because there were a lot of recommendations in the study that had to do with citizen input of people who took their time to come to the meetings. He said at the last meeting the committee was told that it had gone off the rails, and that the recommendations the committee spent so much time on now needed to be reconsidered because they weren't meeting the scope of the study. He said he felt somewhat pressured to go with the flow and remove some of the recommendations, and he felt it was a little manipulative. He also felt that at the last minute there was a presentation by Mr. Ball about the three zoning items out of the blue, and he had no idea what the three zoning items had to do with the small area study. He noted that the final item said 'no recommendation', and he asked why the committee would put a recommendation in a study to go to the County that said 'no recommendation'. He suggested it was in there to try to keep some other zoning matters from going forward. He said he was planning on speaking at the County Commission about it because he wasn't happy with the outcome of the study, and he doesn't feel that the study reflects or represents the citizens input. He stated almost every recommendation that had to do with greenspace, parks, and other things, was voted out of the study. He said he doesn't believe the board should consider the study whatsoever. He said he thinks it was manipulated and put together for a purpose, and he will find out what the purpose is, because he doesn't like to be manipulated, and he felt very manipulated when he left that meeting. He asked why the committee spent six months getting together to talk about things if there are just a few items in the study. He said the committee was told not to put too much in the study and that it should pick the top three recommendations. He asked the board not to give the small area study any consideration.

Mr. Kimberling stated he would like to keep the focus on the requests to be heard by the board and not the small area study.

Mr. Ferraro said if it is being used to defend against the board looking at ACE Hardware, then he wants the board to understand what he believes occurred at the last meeting.

Mr. Kimberling stated it is has been tabled until January, and he knows what is in there because he read it and he and Mr. Ferraro were both on the committee and they know it talks about Community Commercial. He said he wants the board to fully understand what the small area study said as opposed to the request tonight for an ACE Hardware.

Mr. Ferraro stated he understands the board is concerned about the traffic and it is a consideration for the Community Commercial request.

Ms. Chinarris stated she doesn't see the benefit to making the land use Community Commercial at that location, and all she sees is the downside. She said it does not fit with the surrounding area, and the traffic study will prove it is inappropriate so close to a school by opening up the back driveway for tractor trailers.

Mr. Kimberling asked what would prevent customers from using the Adams Place driveway.

Mr. Ferraro replied he was hoping to get some feedback from this board and the County Commission. He said he is willing to put up signage and even put into the BDP that it will be limited to delivery traffic only, and they are also going to ask Family Dollar to use it because that will remove those large trucks from the front of the property making the left-hand turn off of Fay Boulevard onto Adams Place and then making a sharp left about 75 feet in from the corner. He said he would be willing to put whatever language in the BDP that he needs to.

Mr. Kimberling stated when Family Dollar presented their site plan, the orientation of the loading dock was set to accommodate the entrance that they have, so if the trucks came in the other way, they wouldn't be able to get to the loading dock the way it was designed.

Mr. Ferraro stated Family Dollar would have to modify their site plan.

Mr. Kimberling stated in his opinion, it's the wrong store to be in that location. He said a sign is not going to stop anybody from driving through the driveway to the hardware store, but a barricade of some kind would.

Mr. Ferraro stated he would be willing to consider whatever the board wants to offer as a recommendation. With Family Dollar, he offered to put up a gate and close the driveway, but when he met with the School Board and the Principal of Challenger Elementary they both said they didn't want to do that. When the application went before the County Commission, they said to design it the best way possible and people would understand that when children come out of the school, the crossing guards would be there, and there have not been any incidents that he knows of since Family Dollar has been open.

Mr. Kimberling stated that is what this board looked at with Family Dollar because it is a legitimate concern having kids walk through there with no crossing guard in that area, but there would be truck and car traffic going into those stores, and that's why the BDP was done the way it was done and the entrance was moved up and the configuration of the store was such that a truck could come in from up front and back up to the loading dock. What Mr. Ferraro is proposing, to allow Family Dollar to use the back driveway, will not help the trucks unless they re-design the loading dock area. It would help customers coming and going, so what would keep the cars from using the back driveway, which was the concern this board had several years ago.

Mr. Ferraro stated it would have to be in the BDP and it would have to be enforced by ACE Hardware, and it would be a requirement for them to open the store and they would have to self-police it. [Mr. Ferraro presented a turning radius to the board. The turning radius can be found in file 20Z00031, located in Planning and Development].

Mr. Ball noted for the board's edification, staff has handed out the PowerPoint presentation that was presented to the small area study committee with the three areas identified.

Greg Messer stated in looking at the back driveway, he can see people coming out of the school and making a right-hand turn into the hardware store parking lot to try to get to Fay Boulevard and avoid the stoplight.

Mr. Kimberling noted there are also children walking down the sidewalk.

Mr. Ferraro stated currently, under the BU-1-A zoning, he can operate any of the other uses, so if ACE Hardware doesn't work and Sherwin Williams wants to come in, they are permitted to do so. He



said when you look at the turning radiuses, tractor trailer trucks have a very large turning radius, and a typical truck is 45 – 50 feet, and when that truck is trying to make a left-hand turn right now into that property, it crosses over the full-access driveway and has to stop if there is traffic there. He said what he is proposing is to alleviate that and make it a better situation, to allow limited traffic to go toward the back driveway in additional language in the BDP, it will make the intersection and the driveway safer. He said he believes what the traffic study is going to show is not that the intersection is not going to be less busy, but that by alleviating tractor trailer traffic and pushing it down the road to the next driveway, it will make it less congested.

Ms. Chinaris asked if Mr. Ferraro is saying that increasing exponentially the tractor trailer traffic on that street, and making the turn from a two-lane street, where there is no leeway on the right-hand side into the driveway beyond, is a better scenario than fewer tractor trailers making a sharp left where there is leeway to go out to the right-hand side.

Mr. Ferraro stated he is saying there will be additional tractor trailer traffic there at some point in the future. Under the current BDP, there is no choice for tractor trailer traffic to make the sharp left 75 feet from the corner of Fay Boulevard going down Adams Place to make the left to get into Family Dollar to access the property next door, and that is a worse scenario than allowing a truck to go down the road where there is less traffic and execute the left-hand turn safely.

Ms. Chinaris mentioned the recommendation of the small area study of Neighborhood Commercial.

Mr. Ball noted the subject property was not contemplated in the study.

Ms. Chinaris stated she doesn't believe that changing the Future Land Use to Community Commercial is going to help the tractor trailer traffic going in and out of that spot. If the BDP is in place and the Future Land Use is not changed, then the chances of having a commercial property going in there that requires a lot of tractor trailer traffic is reduced, and that is what the board should be concerned about, what fits in that area, and it is not this.

Mr. Messer asked if there is a possibility of putting two entrances off of Fay Boulevard, where the truck traffic can come in and make a U shape around the building. Mr. Ferraro replied he does not believe so, because it would have to line up with the traffic light. Mr. Messer noted that would eliminate the Adams Place issue. Mr. Ferraro stated if the traffic was coming from I-95 they might be able to execute a right-hand turn, but coming from U.S. 1 it would be a problem.

Mr. Kimberling noted Port St. John Parkway is already zoned appropriately and has room for this type of business. Mr. Ferraro stated that is not where ACE Hardware wants to be.

Mr. Kimberling stated the issues are going to be access and the back driveway, and to avoid all of the issues the store should move somewhere else. They can move 1.3 miles down the street to an area that can accommodate it.

Motion by Carmella Chinaris to deny the change to the Future Land Use. The motion failed for lack of a second.

Motion by Kevin Shropshire, seconded by Wendy Porter-Hyde, to table the item until after the small area study is approved and when a traffic study is submitted.



Mr. Rodriguez stated what the board hasn't talked about is that the property doesn't meet the criteria for Community Commercial, and when the board looks at that it needs to look at everything about the property. At the far end of the block, which the board hasn't talked about at all, there are residential homes, and when the zoning is lifted up to Community Commercial and BU-1, it is that much closer to those homes. It lessens the potential for downzoning and he doesn't think it should be on that block.

Mr. Ferraro stated he needs to stay on the current public hearing schedule and he would accept a denial from the PSJ board.

Vaughan Kimberling called for a vote on the motion as stated, and it failed 5:2, with Kimberling, Chinaris, Messer, Rupe, and Rodriguez voting nay.

Motion by Carmella Chinaris, seconded by Randy Rodriguez, to deny the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. The motion passed unanimously.

**4725 Fay Blvd Land Trust (Carmine Ferraro)**

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) with a BDP (Binding Development Plan) to BU-1 (General Retail Commercial) and an amendment to existing BDP. The property is 1.59 acres, located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John) (20Z00031) (Tax Account 2309941) (District 1)

Motion by Carmella Chinaris, seconded by Greg Messer, to deny the change of zoning classification from BU-1-A with a BDP to BU-1 and an amendment to existing BDP. The motion passed 6:1, with Randy Rodriguez voting nay.

## **LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES**

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, November 23, 2020, 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 Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Joe Buchanan.

Staff members present were: Amanda Elmore, Interim Planning and Development Director; Cheryl Campbell, Comprehensive Planner; Abigail Jorandby, Assistant County Attorney; and Michelle Adams, Administrative Secretary.

### **Excerpt of Complete Minutes**

#### **3. 4725 Fay Blvd Land Trust (Carmine Ferraro)**

A Small Scale Comprehensive Plan Amendment (20S.10), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.59 acres, located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John) (20PZ00088) (Tax Account 2309941) (District 1)

Carmine Ferraro, 3860 Curtis Boulevard, Port St. John, stated he would like the board's support and recommendation for a Future Land Use change. He said the property is already commercially zoned with BU-1-A zoning and a FLU (Future Land Use) designation of Neighborhood Commercial. The corner is developed with a Family Dollar, next to it is the subject property of 1.6 acres, currently developed with a church, and it has been the intention of the owners to find a retail match for the Family Dollar. He said he was approached by ACE Hardware, which had two requirements to their contract, an outdoor garden center, and a separate entrance further down the road where there is a driveway at the back of the building that wraps around the property. He noted the driveway was previously closed when Family Dollar was approved, at the request of the Port St. John Dependent Special District Board. He said he agreed to close it and it was put into a Binding Development Plan (BDP). ACE Hardware feels that flow for delivery traffic is going to be exacerbated with the current intersection the way it is, at 75 – 85 feet from the intersection of Fay Boulevard and Adams Place, and they felt it would be safer to have that delivery entrance. He stated in order to do that, he had to modify the BDP, and also get ACE to agree to no outdoor garden center. He said he then found out that a hardware store is not listed in the BU-1-A permitted uses, but the BU-1-A code section states, "The following uses or other uses of similar nature or that are compatible with the character and use specifically set forth. All business uses and product shall be confined within a substantial building completely enclosed with walls and roof." He stated some of the permitted uses are antique shops, book stores, florist stores, gift shops, hobby shops, jewelry stores, and optical stores. BU-1-A also lists paint and wallpaper stores as a permitted use, but staff informed him that a hardware store is only permitted in BU-1, not BU-1-A. He said in order to request BU-1 he would also need a FLU change because the property would need a Community Commercial land use designation. He said he knows it's difficult to consider changing the Future Land Use Map unless it is in a planned environment, but this is the only way he can get the hardware store on the property.

[Mr. Ferraro showed the board photos of the current Family Dollar store, an ACE Hardware store, and a Sherwin Williams store and informed the board that all three structures are the same metal buildings with stucco finish. The photos can be found in file 20Z00031, located in Planning and Development.]

Mr. Ferraro stated he has no choice but to ask for the change of Future Land Use if he wants the zoning approved. He noted there is precedent for the land use change on property approximately four parcels away from the subject property that has a Community Commercial land use designation. He stated as a responsible developer, he will amend the current BDP if the board approves the land use change and the companion rezoning request to BU-1, and he will restrict every use in BU-1 except for a retail hardware store. He stated he will also keep the restricted uses in the current BDP in the amended BDP.

No Public Comment.

Ron Bartcher asked if the existing building will be torn down. Mr. Ferraro replied yes, the church is made up of four modular pieces and they will be donated to a church or a school, and the new ACE Hardware will go in the same footprint.

Ron Bartcher asked staff why a hardware store is not a permitted use in BU-1-A. He stated it's probably not relevant, but it's something that the board should recommend be changed. As far as the land use change, he believes what the applicant is recommending for his BDP and limiting the uses to BU-1-A plus a hardware store gives the community the protection they need to keep this as a Neighborhood Commercial area without creating a highly intensive commercial area.

George Ritchie stated the zoning code was adopted in 1958, and when the BU-1-A zoning was created it didn't have very many uses allowed, and there were many conditional use permits the County Commission had to approve to allow those activities to happen within BU-1-A. In the 1990's the County did some Administrative Rezonings and the Board adopted an ordinance to move some of the less intense uses from BU-1 and put them under BU-1-A so more services could be provided than what it had. BU-1-A did not start with these uses, and the use being referred to as a hardware store is still listed as a permitted use in BU-1, which is why he has to rezone.

Ben Glover stated he agrees with Mr. Bartcher, that the community would think of the project as an asset, and he is in favor of it.

Motion by Ron Bartcher, seconded by Joe Buchanan, to approve the change of Future Land Use designation from NC to CC. The motion passed unanimously.

H.11



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

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Planning and Development  
Zoning Meeting December 3, 2020  
4725 Fay Blvd Land Trust – 20PZ00031

Commissioner Pritchett spoke to Carmine Ferraro by phone regarding the above item on December 2, 2020.

Carmine Ferraro is requesting a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Designation from NC to CC and a change of zoning classification from BU-1-A with a BDP, to BU-1 with an amendment to existing BDP.