



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

8/3/2023

Subject:

David C. Ramage Trust and Cynthia R. Ramage Trust request a change of zoning classification from AU and BU-1, to BU-2. (23Z00041) (Tax Account 2113469) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial), to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse along with limiting the outdoor storage for RV's and boats to the rear of the parcel. The applicant also submitted a companion application (23SS00007), a Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4 (Residential 4) to CC (Community Commercial)

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification, such as noise, light, traffic, auto-repair facilities, paint and body shops, and contractor storage yards.

The developed character of the surrounding area is a mixture of commercial and single-family residential. To the north is a commercial retail building with BU-1 zoning. To the east of the subject parcel Marigold Ave. To the south of the subject property is a single-family residence zoned BU-1. To the west is U.S. Highway 1; across the right-of-way is a single-family residence with RU-1-9 (Single-Family Residential) zoning.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider whether the proposed BDP mitigates potential impacts to the adjacent properties.

On July 17, 2023, the Planning and Zoning Board heard the request and unanimously recommended approval

with a BDP retaining all BU-1 uses, limiting the BU-2 use to a mini warehouse with outdoor RV and boat storage only, and limiting the storage of RVs and boats to the rear of the property.

Following the Planning and Zoning meeting, the applicant has voluntarily submitted a BDP in support of this zoning request with these stipulations.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

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, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development 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:

- 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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

23Z00041

David C. Ramage and Cynthia R Ramage Trust

AU (Agricultural Residential) and BU-1 (General Retail Use) to BU-2 (Retail, Warehousing and Wholesale Commercial) with a Binding Development Plan (BDP)

Tax Account Number: 2113469
Parcel I.D.: 21-35-17-00-333
Location: East side of Highway US-1 and approx. 1,695 feet north of E. Main Street. (District 1)
Acreage: 2.17 acres

Planning & Zoning Board: 7/17/2023
Board of County Commissioners: 8/03/2023

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

| | CURRENT | PROPOSED |
|--|-------------------|-----------------|
| Zoning | AU and BU-1 | BU-2 |
| Potential* | FAR of 1.0 | FAR of 1.0 |
| Can be Considered under the Future Land Use Map | Yes RES 4 & CC | Yes CC |

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse along with limiting the outdoor storage for RV's and boats to the rear of the parcel. There is also a Small Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00007** to change the Future Land Use Element from Residential 4 units per acre (RES 4)

on approx. 2,325 sq. ft. of the back northeastern portion and Community Commercial (CC) to all CC.

The applicant had previously submitted for the rezoning of the adjacent parcel, tax account 2103340, application **23Z00006** with a **BDP**. The application was approved with a BDP on May 4, 2023 by the Board of County Commissioners but has yet to be recorded as the applicant is awaiting the outcome of this current application. The applicant has provided a proposed concept plan with the rezoning application. Please be advised the concept plan has not been reviewed by County agencies for compliance with development code. The approval of the concept plan is not included in the Board of County Commissioners action. Both BDP's stipulate retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse along with limiting the outdoor storage for RV's and boats to the rear of the parcel.

Neither the AU nor BU-1 zoning classifications permit the outdoor storage of RV's and boats. BU-2 zoning classification requires a building of at least 300 sq. ft. as their principle structure. BU-2 classification was previously approved on the adjacent parcel, tax account 2103340 on May 4, 2023 by the Board of County Commissioners. This application is pending the recording of the BDP.

This parcel has access to the east of Highway 1 and the lot width at the entry point is approximately 45-feet. The applicant plans to join the parcel with the southern abutting parcel that was previously rezoned. The applicant has provided a proposed concept plan with the rezoning application. This is not a requirement for rezoning and a site plan has not been developed. The character of the surrounding area is a mixture of commercial and single-family residential. To the north is a commercial retail building with BU-1 zoning. To the east of the subject parcel Marigold Ave. To the south of the subject property is a single-family residence zoned BU-1. To the west is U.S. Highway 1; across the right-of-way is a single-family residence with RU-1-9 (Single-Family Residential) zoning.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|--------------|-------------------------|--------|-----------------|
| North | Commercial retail store | BU-1 | CC |
| South | Single-family residence | BU-1* | CC |
| East | Marigold Ave. | N/A | N/A |
| West | Highway US-1 | N/A | N/A |

***23Z0006-BCC approval to BU-2 is pending with the recordation of the BDP to be finalized.**

The current BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling and outdoor storage.

The AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards).

There have been four zoning actions within a half-mile of the subject property within the last three years.

Future Land Use

The subject property contains the Community Commercial (CC) and Residential 4 (RES 4) FLUM designation. Both the existing AU and BU-1 as well as the proposed BU-2 zoning classifications can be considered consistent with the CC FLUM designation.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence or chain-link fence.

B. Existing commercial zoning trends in the area;

There has been a retail commercial zoning trend in the immediate area specifically to the northeast of Highway 1 and to the south of the subject property east of Highway 1 and north of E. main Street.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The primary zoning classification in the surrounding area is BU-1 which is the current zoning classification of the subject property. The applicant's request is compatible with the proposed uses in the area.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

The subject property has access to Brevard County potable water directly north along the abutting retail commercial parcel (Tractor Supply) and Brevard County sewer 1,025 feet to the south along the east side of Highway US-1. It is not anticipated to have sufficient impact on the LOS for potable water service, sanitary sewer or solid waste disposal due to the proposal being for a mini-warehouse and storage facility.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
The following land use issues were identified:

Please see NRM Report.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

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;

The applicant proposes to utilize the rear subject parcel for a mini warehouse along with RV and boat storage specifically to the back of the property per the BDP leaving the large buffer area to the rear. Hours of operation, noise levels, and traffic operations will need to be addressed through site planning to minimize the potential effects upon the neighborhood and adjacent commercial activities.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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 are undeveloped and developed residential and commercial parcels in the surrounding area along the Highway 1 corridor from Wiley Ave. to the north down to E. Main Street to the south. To the immediate north and south is Community Commercial (CC) FLU. The eastern portion of the subject parcel is RES 4 FLU. Across US Highway 1 is Neighborhood Commercial (NC) FLU. All immediate surrounding areas to the north, south and east of US Highway 1 have commercial and residential uses within 500-feet of this site. To the west of US Highway 1 are all commercial uses.

During the prior rezoning and SSCPA approved by the Board of County Commissioners on December 1, 2011 the applicant left a large buffer to the rear which retains the RES 4 FLUM designation. It was never intended to be developed and according to the Concept Plan will remain natural and include a storm water pond.

The latest FLU amendment was approved under 20S.06, 20PZ00049, which changed the FLU from RES 4 to NC on November 5, 2020 (Ordinance 20-20) roughly 0.3-miles southeast of the subject property.

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

There have been four SFR zoning actions within a half-mile of the subject property within the last three years.

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

There has not been any development approved within this area in the preceding three (3) years that has yet to be constructed.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking,

trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The subject property is located along a commercial corridor on the east side of Highway US-1. The abutting parcel to the south is developed with a single-family residence, recently approved for BU-2 zoning pending recordation of the BDP. The abutting parcel to the north is developed with a commercial building zoned BU-1.

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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor.

- 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.

Retail, warehousing & wholesale commercial uses will not have an impact as the subject property is not located in a neighborhood.

- 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.

The subject parcel is in a corridor of commercial uses along Highway US-1 with residential uses to the east of the corridor and across the ROW to the southwest.

The subject parcel is proposed to be rezoned from AU & BU-1 to BU-2 with a BDP. As the immediate area is commercial, the proposed uses maintain the commercial integrity of the area. The difference in the current zoning to the requested change of zoning is due to the ability to have a mini-warehouse with outdoor storage. The existing commercial development to the north includes a 18,840 square foot commercial retail store. The abutting parcel to the south is zoned BU-1 and developed with a single-family residence.

The next closest BU-2 zoning classification is located approximately 750-feet south, along the east side of Highway US-1. In the current zoning classification of the subject property, you are not able to conduct commercial business having outdoor storage.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between SR 46 and Lionel Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.93% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 25.95% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property has access to Brevard County potable water directly north along the abutting parcel (2103328) and Brevard County sewer 1,025 feet to the south along the east side of Highway US-1.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

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

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider whether the proposed BDP limitations mitigate potential impacts to the surrounding properties.

**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary**

Item #23Z00041

Applicant: David C. Ramage Trust and Cynthia R. Ramage Trust

Zoning Request: BU-1 and AU to BU-2

Note: To construct a mini-warehouse in excess of 30 feet, but not greater than 35 feet, with outdoor storage.

Zoning Board: 07/17/2023; **BCC Hearing Date:** 08/03/2023

Tax ID No: 2113469

- 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
- Land Clearing and Landscape Requirements
- Protected Species

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

Land Use Comments:

Aquifer Recharge Soils

This entire parcel contains mapped aquifer recharge soils (Paola fine sand, 0 to 8 percent slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations (~23 to 37 feet NAVD) indicate the soils may consist of Type 2 and Type 3 Aquifer Recharge soils, which have impervious area restrictions. A topographic survey should be completed prior to development to confirm elevations. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Land Clearing and Landscape Requirements

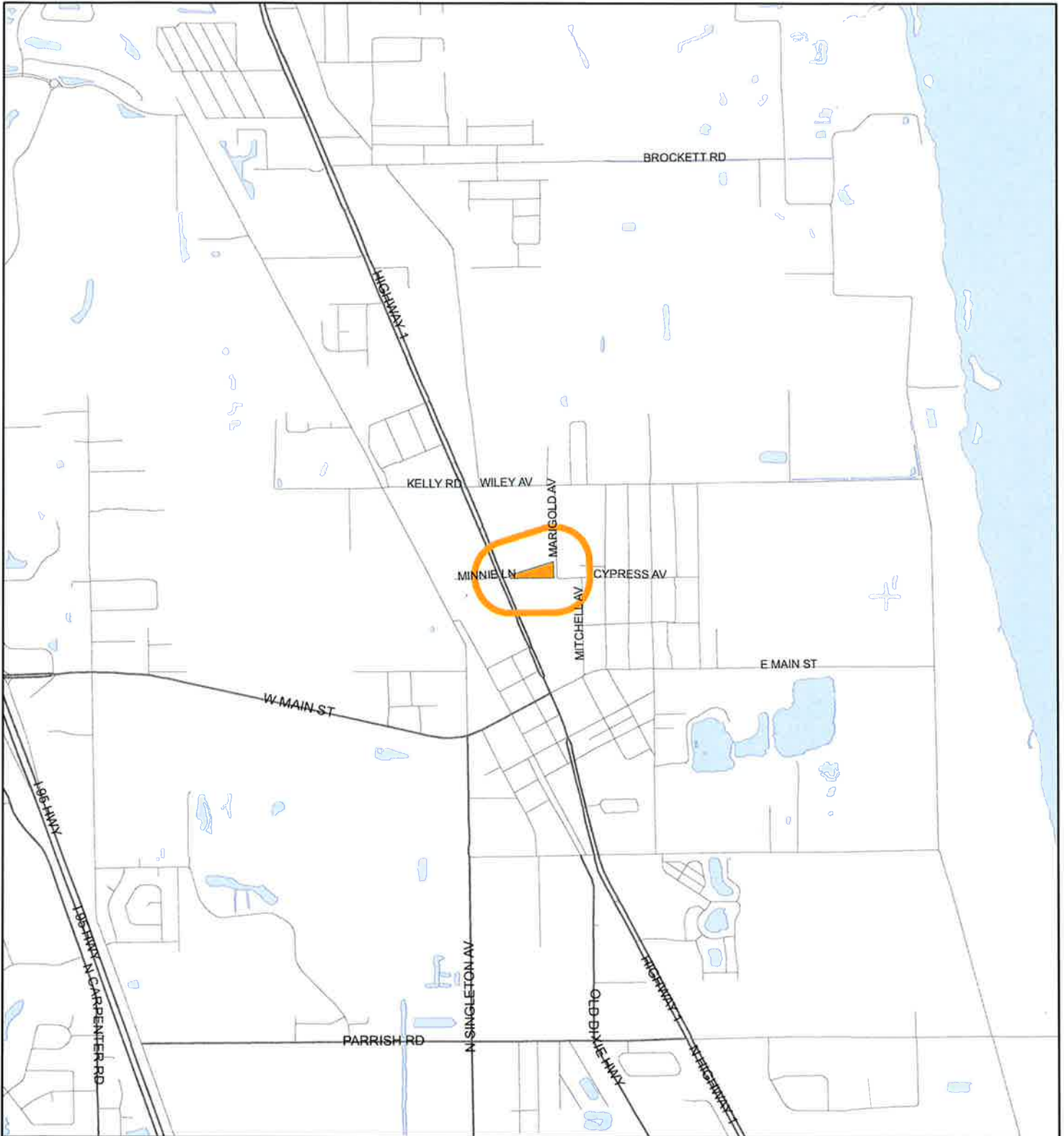
Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. Per Section 62-4341(18) of the Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



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

Buffer Distance: 500 feet

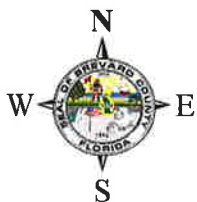
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/24/2023

Buffer
Subject Property

ZONING MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/24/2023

 Subject Property

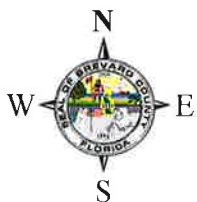
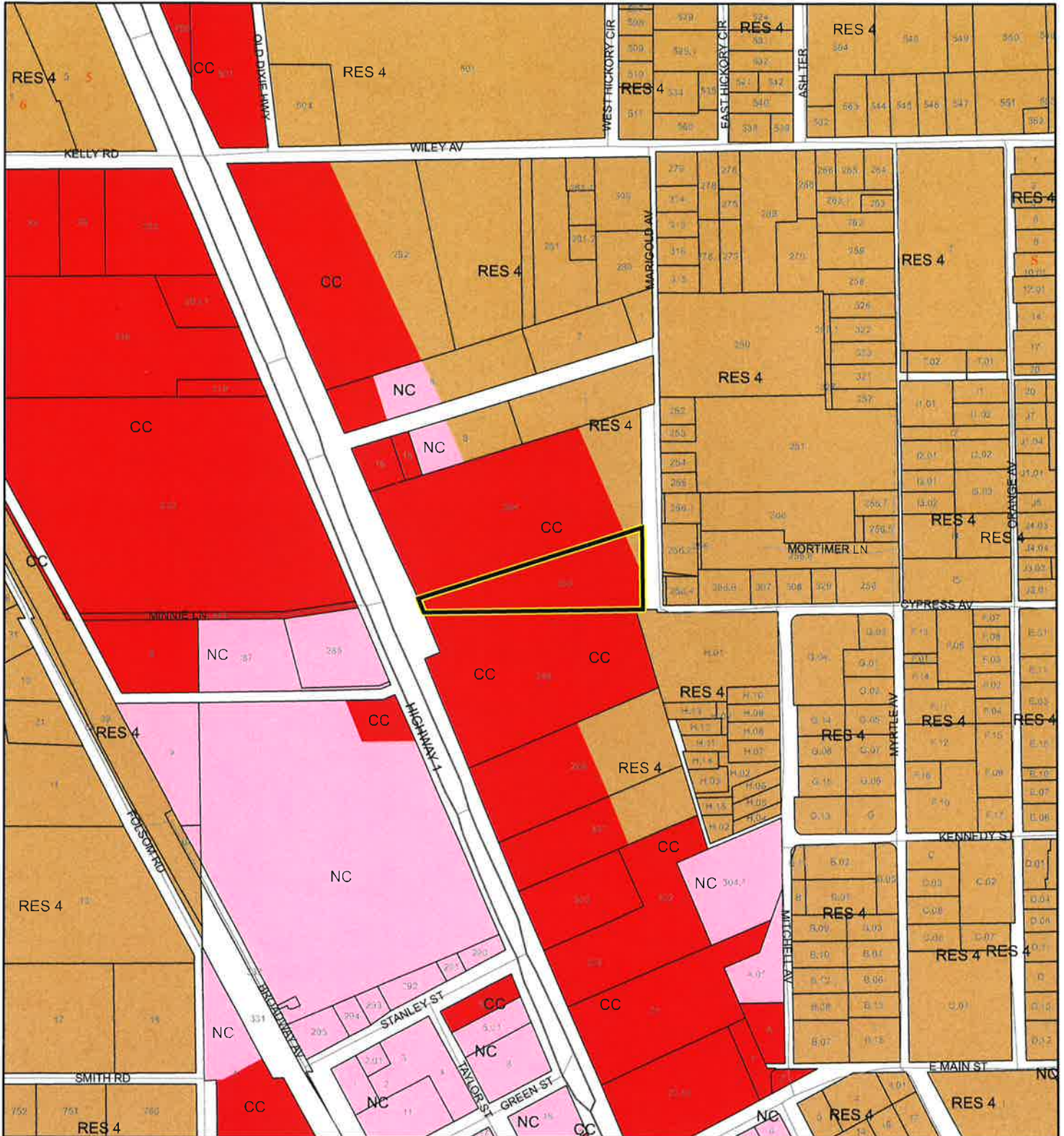
 Parcels

 Zoning

FUTURE LAND USE MAP

David C. Ramage & Cynthia R. Ramage Trust

23Z00041



1:4,800 or 1 inch = 400 feet

Subject Property

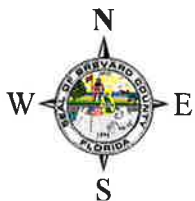
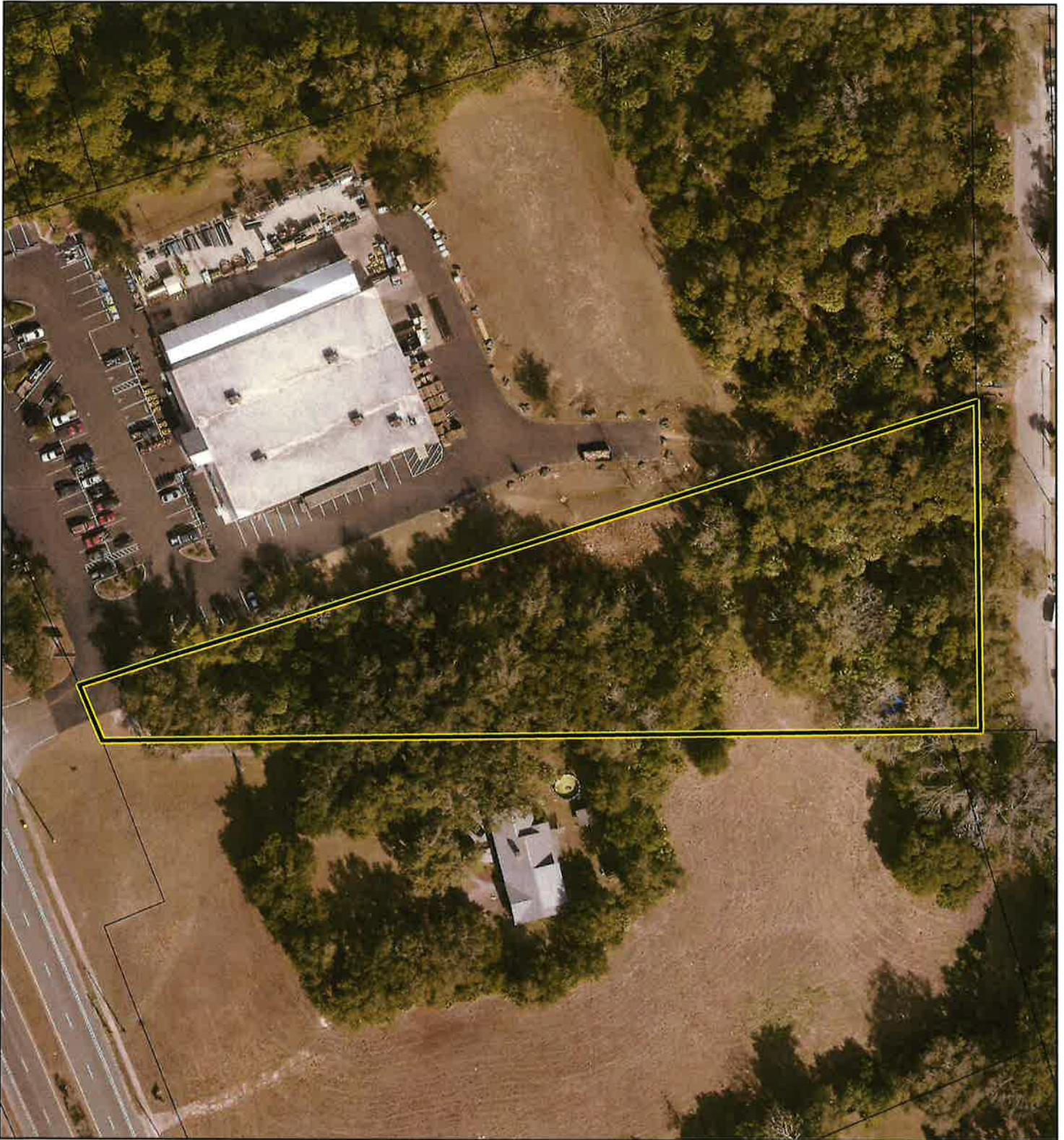
Parcels

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: 5/10/2023

AERIAL MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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: 5/24/2023

 Subject Property
 Parcels

NWI WETLANDS MAP

David C. Ramage & Cynthia R. Ramage Trust

23Z00041



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: 5/10/2023

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

David C. Ramage & Cynthia R. Ramage Trust

23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2023

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

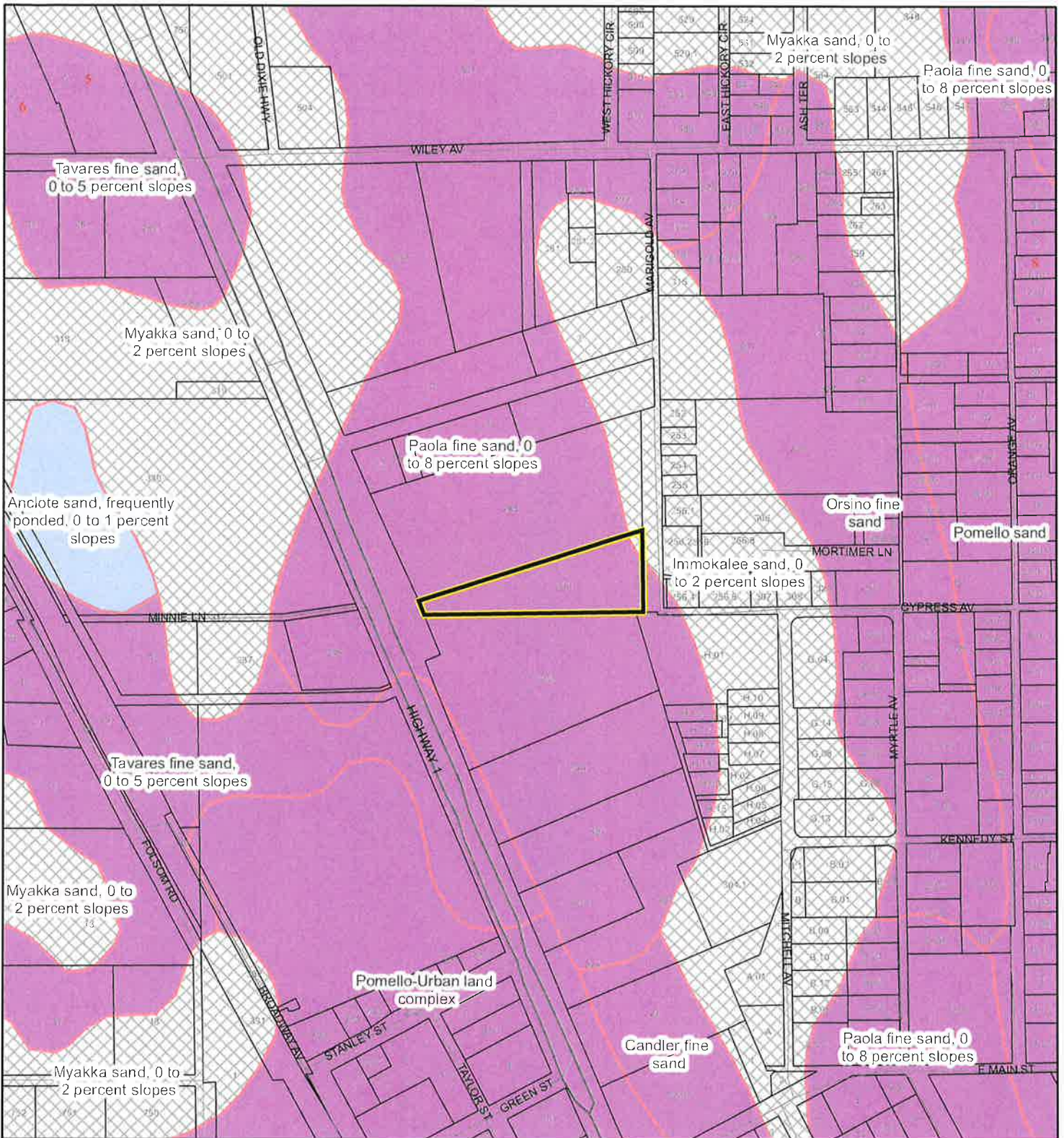
Subject Property

Parcels

USDA SCSSS SOILS MAP

David C. Ramage & Cynthia R. Ramage Trust

23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2023

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



1:4,800 or 1 inch = 400 feet

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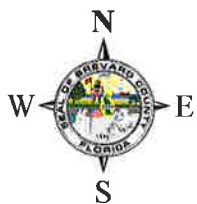
Produced by BoCC - GIS Date: 5/10/2023

FEMA Flood Zones

| | | |
|------------------|------------|---|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



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 herein.

Produced by BoCC - GIS Date: 5/10/2023

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

David C. Ramage & Cynthia R. Ramage Trust

23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2023

Subject Property

Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2023

 Subject Property

 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

David C. Ramage & Cynthia R. Ramage Trust
23Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

23Z00041



bennett&pless **lp**

Jennifer Pless, P.E., S.E.
1024 N. Fuller Cross Road
Winter Garden, FL 34787
jpless@bennett-pless.com

STARS



350 E. Crown Point Rd
Suite 1080
Winter Garden, FL 34787
Phone: (407)347-9614

info@
rapidbuildingsolutions.com

JOB NAME:
NEW SELF-STORAGE
MIMS, FL

JOB NUMBER:
2356-23-FL-W-1

| REV | DATE | DESCRIPTION | BY |
|-----|----------|-------------|----|
| 1 | 04/02/23 | REV | 25 |
| 2 | 04/02/23 | REV | 25 |
| 3 | 04/02/23 | REV | 25 |
| 4 | 04/02/23 | REV | 25 |
| 5 | 04/02/23 | REV | 25 |
| 6 | 04/02/23 | REV | 25 |
| 7 | 04/02/23 | REV | 25 |
| 8 | 04/02/23 | REV | 25 |
| 9 | 04/02/23 | REV | 25 |
| 10 | 04/02/23 | REV | 25 |
| 11 | 04/02/23 | REV | 25 |
| 12 | 04/02/23 | REV | 25 |
| 13 | 04/02/23 | REV | 25 |
| 14 | 04/02/23 | REV | 25 |
| 15 | 04/02/23 | REV | 25 |
| 16 | 04/02/23 | REV | 25 |
| 17 | 04/02/23 | REV | 25 |
| 18 | 04/02/23 | REV | 25 |
| 19 | 04/02/23 | REV | 25 |
| 20 | 04/02/23 | REV | 25 |
| 21 | 04/02/23 | REV | 25 |
| 22 | 04/02/23 | REV | 25 |
| 23 | 04/02/23 | REV | 25 |
| 24 | 04/02/23 | REV | 25 |
| 25 | 04/02/23 | REV | 25 |

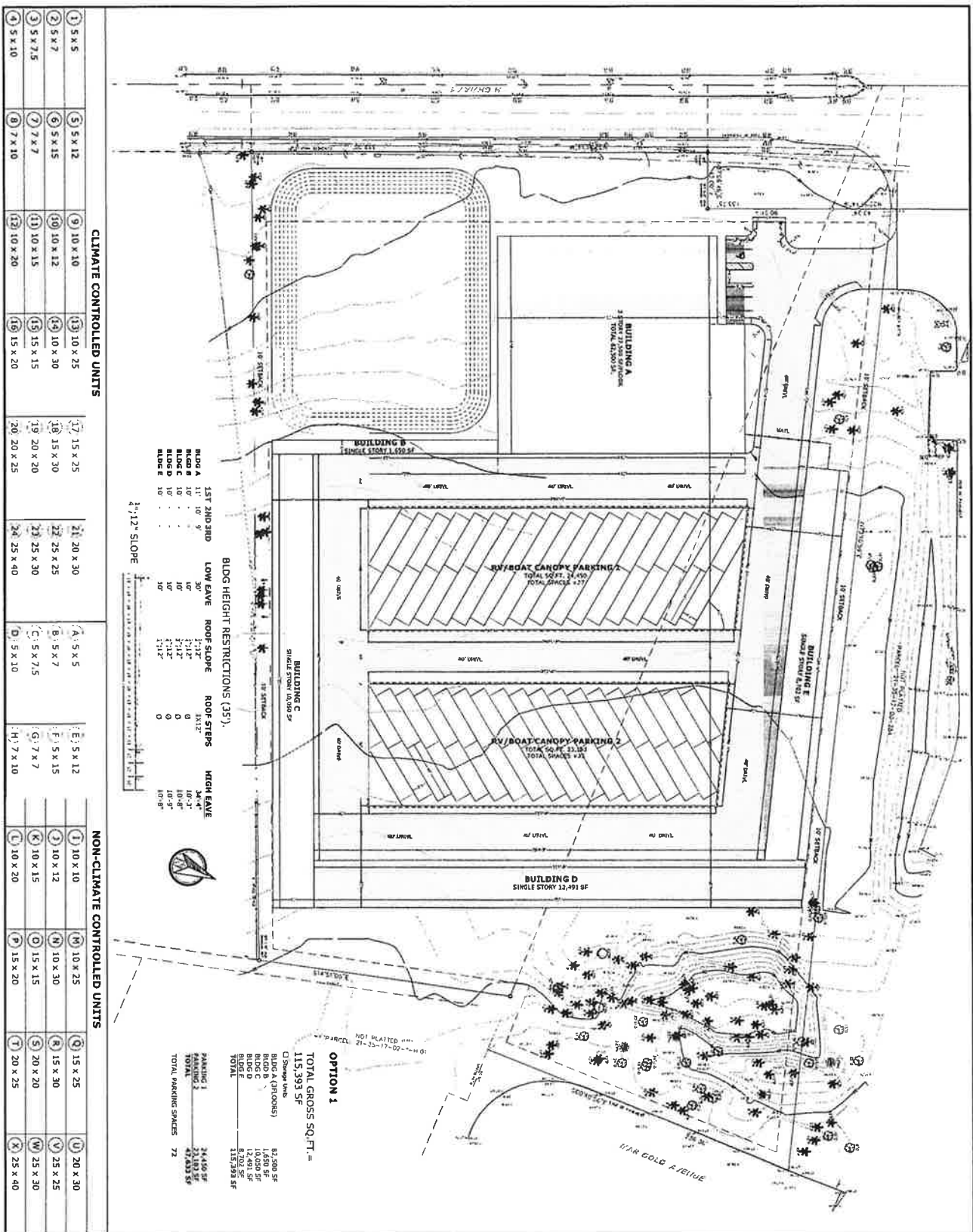
FOR APPROVAL ONLY

NOT FOR FIELD USE

SCHEDULE

DATE

THE OCCUPANT AND ITS CONSULTANTS ARE THE PROPERTY OF RPD BUILDING SOLUTIONS, AND CANNOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM RPD BUILDING SOLUTIONS. ANY REPRODUCTION OF THIS DOCUMENT WITHOUT WRITTEN PERMISSION FROM RPD BUILDING SOLUTIONS IS STRICTLY PROHIBITED.









Prepared by: Jack A. Kirschenbaum
Address: 1795 W. NASA Boulevard
Melbourne, FL 32901

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2023 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and DAVID C. RAMAGE TRUST and CYNTHIA R. RAMAGE TRUST (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested the BU2 zoning classification(s) and CC Future Land Use and desires to develop the Property as a mini warehouse, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
4. The Binding Development Plan shall retain all BU1 uses but limit the BU2 use to a mini warehouse with outdoor RV and boat storage only, and limiting the storage of RVs and boats to the rear of the property.
5. The property subject to this Binding Development Plan is Tax Account 2113469 located in Mims, Brevard County, Florida.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a

violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

10. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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

ATTEST:

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

Rachel M. Sadoff, Clerk of Court
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

DAVID C. RAMAGE TRUST and CYNTHIA R. RAMAGE TRUST
As DEVELOPER/OWNER

(Witness Name typed or printed)

(Witness Name typed or stamped)

STATE OF _____§

COUNTY OF _____§

The foregoing instrument was acknowledged before me, by means of _____ physical presence or _____ online notarization, this _____ day of _____, 2023, by _____, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:
#50646186 v1

Notary Public

(Name typed, printed or stamped)

BOUNDARY & TOPOGRAPHIC SURVEY

A PORTION OF THE FOLLOWING:

Parcel 1:

Start at the half mile pole post between Sections 17 and 18, Township 21 South, Range 35 East (which is the South line of the Northwest 1/4 of said Section 17) run East along said quarter section line 15.45 chains to the center of the Titusville and Enterprise Wagon Road, thence run North 22 degrees West along the center of said Wagon Road 11.82 chains to the Northwest corner of land formerly conveyed to Mark E. Bennett by deed recorded in Deed Book 56 at Page 175, Public Records of Brevard County, Florida, for a beginning point of the land hereby described, from said beginning point run North 71 112 degrees East along the North line of said Bennett's land 9.78 chains, more or less to a point, which is the Northeast corner of said Bennett's land, thence run North 14 degrees West 5.65 chains more or less to a post on the North line said Southwest 1/4 of the Northwest 1/4 of said Section 17, thence run West 11 chains, more or less, on said North line of said Southwest 1/4 of the Northwest 1/4 of said Section 17 to the center of said Titusville and Enterprise Wagon Road, thence run South 22 degrees East in the center of said Wagon Road 9.90 chains, more or less, to the Point of Beginning, and being a part of the South half of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East (as conveyed to P.W. Roberts, also known as Philip W. Roberts, by deed dated February 14, 1912, and recorded in Deed Book 56, Page 208 Brevard County, Florida Records)

LESS AND EXCEPTING therefrom that part thereof conveyed by the said P.W. Roberts, also known as Philip W. Roberts to Joseph Guyton by deed dated February 20, 1912 and recorded in Deed Book 52 at Page 38 Brevard County, Florida Records, and therein described as: Begin at a post at Northwest corner of lands of Mark Bennett in Northwest 1/4 of Section 17, Township 21 South, Range 35 East, run North 22 degrees West 132 feet along Titusville and Enterprise Road, thence North 71 degrees 30 minutes East 660 feet, more or less, to line of lands formerly of S.P. Gray, thence South 14 degrees along East said lands of S.P. Gray 132 feet, more or less, to Northeast corner of lands of Mark Bennett in said Section and 1/4, thence South 71 degrees 30 minutes West 644 feet to Point of Beginning. EXCEPT right of way of U.S. Highway #1 or State Road #5 (formerly State Road #4).

Parcel 2:

A parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, described as follows:
Commencing at the Southeast corner of said Northwest 1/4 of the Northwest 1/4 of Section 17, thence South 89 degrees 09 minutes 35 seconds West, along the south line thereof, 709.72 feet to the intersection with the easterly right of way line of U.S. Highway No. 1 and said point being the Point of Beginning of the parcel of land herein described; thence North 22 degrees 44 minutes 42 seconds West, along said right of way line, 43.24 feet; thence North 73 degrees 11 minutes 48 seconds East, 713.58 feet; thence South 00 degrees 40 minutes 07 seconds East, 236.36 feet to a point lying on the aforesaid South line of the Northwest 1/4 of the Northwest 1/4 of said Section 17; thence South 89 degrees 09 minutes 35 seconds West, along said line, 669.22 feet to the Point of Beginning.

Parcel 3:

For the Point of Beginning, go East 1055.3 feet from the Southwest corner of South 1/2 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, Tallahassee Meridian to the East Right-of-Way line of U.S. Highway No. 1; thence North 21 degrees 30 minutes West 439.00 feet along the East Right-of-Way line of U.S. Highway No. 1 and said point being the Point of Beginning, said point being the Northwest corner of the Nolle Tract; thence run North 68 degrees East on the North line of the Nolle Tract 566.00 feet to fence corner post; thence North 13 degrees 45 minutes West along fence line 101.05 feet; thence South 68 degrees West 579.63 feet to the East Right-of-Way line of U.S. HWY No. 1 aforesaid; thence South 21 degrees 30 minutes East 100.00 feet along the East Right-of-Way line aforesaid to the Point of Beginning.

AND

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said West Right-of-Way line, a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and the Point of Beginning of the herein described parcel; from said Point of Beginning run South 21 degrees 56 minutes 28 seconds East along said East Right-of-Way line a distance of 181.00 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 453.59 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 260.87 feet; thence run South 67 degrees 35 minutes 42 seconds West, a distance of 210.34 feet; thence run South 24 degrees 01 minutes 43 seconds East, a distance of 80.00 feet; thence run South 67 degrees 07 minutes 40 seconds West, a distance of 245.66 feet to the East Right-of-Way line of U.S. HWY No. 1 and the Point of Beginning of the herein described parcel.

LESS AND EXCEPT THE FOLLOWING:

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows;

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said Right-of-Way line a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and this being the Point of Beginning of herein described parcel. From the Point of Beginning run South 21 degrees 56 minutes 28 seconds East, along the East Right-of-Way line a distance of 181.01 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 245.66 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 181.01 feet; thence run South 67 degrees 07 minutes 40 seconds East, a distance of 245.66 feet to the Point of Beginning.

ALSO LESS AND EXCEPT:

Commence at the intersection of the North right of way line of Main Street (60 foot right of way) and said East right of way line of U.S. Highway No. 1 (100 foot right of way); thence run North 22 degrees 44 minutes 13 seconds West, along the East right of way line a distance of 757.24 feet to the Point of Beginning; thence continue North 22 degrees 44 minutes 13 seconds West, along said East right of way line a distance of 99.61 feet; thence leaving said East right of way line run North 66 degrees 42 minutes 20 seconds East a distance of 311.00 feet; thence run South 22 degrees 44 minutes 34 seconds East a distance of 179.20 feet; thence run South 66 degrees 18 minutes 17 seconds West a distance of 65.51 feet; thence North 24 degrees 50 minutes 24 seconds West a distance of 79.88 feet; thence South 66 degrees 45 minutes 08 seconds West a distance of 242.58 feet to the Point of Beginning.

Parcel 4:

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows;

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said Right-of-Way line a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and this being the Point of Beginning of herein described parcel. From the Point of Beginning run South 21 degrees 56 minutes 28 seconds East, along the East Right-of-Way line a distance of 181.01 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 245.66 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 181.01 feet; thence run South 67 degrees 07 minutes 40 seconds East, a distance of 245.66 feet to the Point of Beginning.

EXHIBIT

A

Beginning 16.10 chains East of quarter section corner on the West line of Section 17, Township 21 South, Range 35 East and running East along quarter section line, 545.4 feet, thence North 22 degrees West, 318.6 feet; thence North 68 degrees 40 minutes East, 118.9 feet; thence North 19 degrees 43 minutes East, 100 feet; thence South 67 degrees 35 minutes West, 675 feet, thence South 22 degrees East, 180.8 feet to the Point of Beginning.

AND

Lots 21 and 22, China Ward, according to the plat thereof as recorded in Plat Book 1, Page 4, Public Records of Brevard County, Florida.

LESS AND EXCEPT any portion lying within the road right-of-way for U.S. Highway No. 1

ALSO LESS AND EXCEPT:

A portion of Lots 21 and 22, China Ward and Lots 1, 2, and 3, Puryear Ward according to the plat thereof as recorded in Plat Book 1, Page 4, Public Records of Brevard County, Florida, being described as follows: Commence at a nail & disk "LB 5736" marking the intersection of the North right of way line of Main Street with the East right of way line of U.S. Highway No. 1 as the Point of Beginning; thence run North 22 degrees 44 minutes 26 seconds West, along said East line, 252.50 feet; thence run North 65 degrees 11 minutes 04 seconds East, 399.40 feet; thence run South 22 degrees 33 minutes 09 seconds East, 231 feet to the aforesaid North right of way line of Main Street; thence run South 62 degrees 06 minutes 04 seconds West, along said North line, 400.00 feet to the Point of Beginning.

ALSO LESS AND EXCEPT:

A portion of the property described in Official Records Book 4940, Page 2095, Public Records of Brevard County, Florida, lying in Section 17, Township 21 South, Range 35 East, being described as follows: Commence at a nail & disk "LB3 5736" marking the intersection of the North right of way line of Main Street with the East right of way line of U.S. Highway No. 1 as the point of reference; thence run North 22 degrees 44 minutes 26 seconds West, along said East line, 252.50 feet; thence run North 65 degrees 11 minutes 04 seconds East, 390.40 feet to the Point of Beginning; thence continue North 65 degrees 11 minutes 04 seconds East, 54.85 feet to a point on the Northeasterly line of the aforesaid property described in Official Records Book 4940, Page 2005; thence run South 22 degrees 51 minutes 26 seconds East, along said Northeasterly line, 156.68 feet; thence run North 89 degrees 08 minutes 34 seconds East, along said Northeasterly line, 24.84 feet; thence run South 46 degrees 09 minutes 30 seconds West, 19.93 feet; thence run South 02 degrees 32 minutes 17 seconds East, 54.26 feet; thence run South 01 degrees 58 minutes 32 seconds West, 5.96 feet to a point on the aforesaid North right of way line of Main Street; thence run South 62 degrees 06 minutes 04 seconds West, along said North line, 39.27 feet; thence run North 22 degrees 33 minutes 09 seconds West, 231.00 feet to the Point of Beginning.

Parcel 6:

Start at the half mile pole post between Sections 17 and 18, Township 21 South, Range 35 East (which is the South line of the Northwest 1/4 of said Section 17) run East along said quarter section line 15.45 chains to the corner of the Titusville and Enterprise Wagon Road; thence run North 22 degrees West, along the center of said Wagon Road 6.42 chains for a Point of Beginning of the land herein conveyed; from said Point of Beginning run North 71 1/2 degrees East 9.08 chains to a point; thence run North 14 degrees West 5.38 chains to a point; thence run South 71 1/2 degrees West 9.78 chains to the center of said Titusville and Enterprise Wagon Road, thence run South 22 degrees East in the center of aforesaid wagon Road 5.40 chains to a Point the Beginning, being a part of the South 112 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, saving and excepting therefrom a certain lot, piece or parcel of land 100 feet fronting on the Titusville and Enterprise Wagon Road and described in a Deed from Mark E. Bennett and Evelyn H. Bennett, his wife, to CB. Burreason of Chicago, Illinois and recorded in Deed Book 72, Page 274, Public Records of Brevard County, Florida and also excepting that certain parcel of said land deeded to GB. Davis and Cecil as recorded in Deed Book 328, Page 502, Public Records of Brevard County, Florida, LESS AND EXCEPT therefrom the rights of way for U.S. Highway #1.

Parcel 7:

That part of the following described property lying West of Florida East Coast Railroad:

The North 100 feet of Lot 2 in Northeast 1/4 of Northeast 1/4 Section 29, Township 21 South, Range 35 East, commencing 146 2/3 yards North of the Southwest corner of said 1/4 section, thence running North 146 218 yards, thence East 330 yards, thence South 146 23 yards, thence West 330 yards to Point of Commencement.

Parcel 8:

That part of Lot 2 of the Unrecorded Subdivision of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 21 South, Range 35 East, lying West of Florida East Coast Railroad, more particularly described as follows: Begin at the Northeast corner of Lot 3, Highland Homes 1st Addition, as recorded in Plat Book 13, Page 11, Public Records of Brevard County, Florida; thence run North 01 degrees 13 minutes 00 seconds East, along the West line of the aforesaid Northeast 1/4 of the Northeast 1/4, a distance of 78.70 feet; thence run North 89 degrees 57 minutes 56 seconds East, along the South line of the North 100 feet of the aforesaid Lot 2, a distance of 565.33 feet to a point on the West Right-of-Way line of the Florida East Coast Railroad; thence along said West Right-of-Way line the following three courses and distances; South 27 degrees 17 minutes 49 seconds East, a distance of 128.66 feet; North 89 degrees 57 minutes 56 seconds East, a distance of 28.12 feet; South 27 degrees 17 minutes 49 seconds East, a distance of 308.17 feet; thence run South 89 degrees 59 minutes 42 seconds West along the Easterly extension of the North line of Lots 10 through 15 of the aforesaid Highland Homes 1st Addition, and said North line, a distance of 802.00 feet to the Southeast corner of Lot 4 of said Highland Homes 1st Addition; thence run North 01 degrees 13 minutes 00 seconds East, along the East line of Lots 3 and 4 of said Highland Homes 1st Addition, a distance of 387.95 feet to the Point of Beginning.

NOTES:

- BEARINGS BASED ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 1 AS BEING N22°51'14"W.
- NO UNDERGROUND UTILITIES, UNDERGROUND FOUNDATIONS, OR UNDERGROUND SIGN BASES WERE LOCATED.
- ELEVATIONS BASED ON BREVARD COUNTY BENCHMARK PID: "H 228", NGS PID: "AK0734" ELEVATION = 30.312 NAVD 1988 DATUM.

Digitally signed

James R

by James R

Shannon

Shannon

Date: 2023.03.23

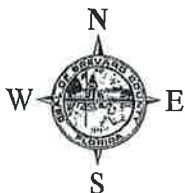
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SHANNON SURVEYING, INC.

499 NORTH S.R. 434 - SUITE 2045
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898

ZONING MAP

DAVID C RAMAGE TRUST and CYNTHIA R RAMAGE TRUST
23Z00006



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: 2/3/2023

— Subject Property

□ Parcels

□ Zoning



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 17, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Robert Sullivan (D2); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

David C. Ramage Trust and Cynthia R. Ramage Trust (Jack Kirschenbaum)

A Small Scale Comprehensive Plan Amendment (23S.07), to change the Future Land Use designation from RES 4 (Residential 4) and CC (Community Commercial), to all CC. The property is 2.17 acres, located on the east side of U.S. Highway 1, approx. 0.32 miles north of S.R. 46. (No assigned address. In the Mims area.) (23SS00007) (Tax Account 2113469) (District 1)

David C. Ramage Trust and Cynthia R. Ramage Trust (Jack Kirschenbaum)

A change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial), to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 333, as recorded in ORB 8486, Pages 1787 - 1791, of the Public Records of Brevard County, Florida. **Section 17, Township 21, Range 35.** (2.17 acres) Located on the east side of U.S. Highway 1, approx. 0.32 miles north of S.R. 46. (No assigned address. In the Mims area.) (23Z00041) (Tax Account 24113469) (District 1)

Jack Kirschenbaum, 207 Antigua Dr., Cocoa Beach, stated the subject property was inadvertently left out of the previous application heard by the board on April 17th for the adjacent property to the south. The P&Z board and the Board of County Commissioners approved the previous application for a change of zoning to BU-2 with a binding development plan. The purpose of the land use and zoning on the subject property is to build a mini-storage facility. [Mr. Kirschenbaum distributed a photo to the board and to staff. The photo can be found in file numbers 23SS00007 and 23Z00041, located in the Planning and Development Department] He explained the photo is of the proposed facility if looking to the east from U.S. Highway 1. He stated the proposed BDP (Binding Development Plan) ensures outdoor storage is not visible from U.S. Highway 1. He noted a BDP is proposed for both properties.

No public comment.

Ron Bartcher asked if a wet or dry retention pond will be on the front of the property. Mr. Kirschenbaum replied it will be mostly dry except during heavy rains.

Mr. Bartcher stated in the agenda item, one option has a long, single-story building along U.S. Highway 1, and the second option has a smaller frontage on U.S. Highway 1. He said the photo given to the board looks like a two-story building. He said he would prefer the long, single-story building, but if it's going to be a big white wall, he would like something done with that.

Mr. Kirschenbaum replied that in his experience with the developer, there will not be a long, white wall. He said the developer plans architectural features and they will be nice looking buildings, but the project has not been through site planning yet, as it is still under contract. He said what is shown in the photo is what is planned to be the project.

Mr. Bartcher asked if the canopy parking be an open metal carport. Mr. Kirschenbaum replied he doesn't know because it has not yet been site planned or designed.

Motion by Ron Bartcher, seconded by Henry Minneboo, to recommend approval of a Small Scale Comprehensive Plan Amendment (23S.07), to change the Future Land Use designation from RES 4 and CC, to all CC. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Henry Minneboo, to recommend approval of a change of zoning classification from AU and BU-1, to BU-2, with a BDP retaining all BU-1 uses, and limit the BU-2 use to a mini warehouse with outdoor RV and boat storage only, and limiting the storage of RVs and boats to the rear of the property. The motion passed unanimously.