



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

8/6/2020

Subject:

McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004)
(Tax Account 2323791) (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 an amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification.

Summary Explanation and Background:

The applicant is seeking an amendment to the existing BDP for future development of a 1,200 square-foot office building on 2.14 acres, located at 885 Plantation Drive, Unit W-H/RV, Titusville. On November 29, 2005 the Board approved a change in zoning from RVP (Residential Vehicle Park) to BU-2 with a BDP limiting the use of the property to mini-storage facility with RV (Recreational Vehicle) storage only.

The developed character of the surrounding area is RVP zoning, developed with various uses. The developed character of the surrounding properties abutting the subject parcel to north and east are zoned RVP with warehousing, distribution, and trucking terminal commercial uses. The developed character of the surrounding areas west across Plantation Drive are RVP single-family resort homes and a retention pond. The proposed amendment to the existing BDP in BU-2 zoning may be considered to be consistent with the Future Land Use designation, Development Regional Impact 1 (DRI 1) Future Land Use designation.

The Board may wish to consider whether the request is consistent and compatible with the existing BDP and the RVP zoned parcels to the north, east, south and west.

On July 6, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return 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 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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20Z00004

MCD Family Trust, LLC

Amendment to Existing BDP (Binding Development Plan in a BU-2 (Retail, Warehousing, Wholesale Commercial))

Tax Account Number: 2323791
 Parcel I.D.: 23-35-06-00-281.3
 Location: 885 Plantation Dr. Unit W-H/RV Titusville in The Great Outdoors area (District 1)
 Acreage: 2.14 acre

Planning and Zoning Board: 07/06/2020

Board of County Commissioners: 08/06/2020

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	BU-2 with BDP	BU-2 with revision to BDP
Potential*	26,101 sq. ft.	26,101 sq. ft.
Can be Considered under the Future Land Use Map	Yes, DRI 1 (Development Regional Impact The Great Outdoors)	Yes, DRI 1 (Development Regional Impact The Great Outdoors)

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

Background and Purpose of Request

The applicant is seeking an amendment to the existing BDP (Binding Development Plan) in BU-2 for future development of a 1,200 sq. ft. office building.

On November 29, 2005, application **Z-11169** changed the zoning from RVP (Recreational Vehicle Park) to BU-2 (Retail, Warehousing and Wholesale Commercial) zoning with a BDP limited to a mini-storage facility with RV storage only.

1989, Ordinance **89-17** changed the zoning classification from TTP (Travel Trail Park) to RVP.

On December 15, 1986, application **Z-7673** changed the zoning from GU (General Use) to TTP.

Land Use

The subject property retains the DRI 1 (The Great Outdoors) FLU (Future Land Use) designation. The current zoning of BU-2 on the subject property is consistent with the DRI 1 FLU.

Environmental Constraints

No noteworthy environmental issues were identified for subject parcel. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. Please see NRM comments at the end of this report for further details.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 50, between Highway I-95 and Orange County, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of D, and currently operates at 30.69% of capacity daily. The proposed development potential from the proposed amendment to the existing BDP does increase the percentage of MAV utilization by 00.03%. The corridor is anticipated to continue to operate at 30.72% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a proposed commercial development.

The parcel is serviced by The Great Outdoors private sewer.

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

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The subject property is currently developed with a 7,800 sq. ft. mini-storage facility along with RV storage and lies within The Great Outdoors DRI Future Land Use designation. The parcel abuts RVP zoning along its northern and eastern boundaries which are all part of The Great Outdoors DRI. The abutting parcel to the west and south is Plantation Drive and is zoned RVP and part of The Great Outdoors DRI. The parcels south across Plantation Drive are zoned RVP. The BU-2 zoning may be considered to be consistent with the Development Regional Impact 1 (DRI 1) Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is RVP zoning developed with various Residential Vehicle Park uses. The proposed amendment to the existing Binding Development Plan in BU-2 zoning may be considered to be consistent with the Future Land Use designation Development Regional Impact 1 (DRI 1) Future Land Use designation.

Surrounding Properties

The developed character of the surrounding areas abutting the subject parcel to north and east are zoned RVP and are developed with Warehousing, Distribution and Trucking Terminal, commercial uses.

The developed character of the surrounding areas west across Plantation Drive are RVP single-family resort homes and a retention pond.

The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet.

As defined, spaces or lots may be used by a recreational vehicle or equivalent facilities constructed in or on automotive vehicles, or tents, or other short-term housing devices. Cabins or park trailers used for short-term rentals may comprise no more than 20 percent of the permitted space or lots, and shall not exceed a maximum of 1,000 square feet each in size.

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots.

There have been no zoning actions within a half-mile of the subject property within the last three years.

For Board Consideration

The applicant is seeking an amendment to the existing BDP (Binding Development Plan) in BU-2 for future development of a 1,200 sq. ft. office building. The current BDP is limited to a mini-storage facility with RV storage only.

The Board may wish to consider whether the request is consistent and compatible with the existing BDP and the RVP zoned parcels to the north, east, south and west.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
BDP Review & Summary**

Item # 20Z00004

Applicant: Honeycutt c/o McDaniel

BDP Revision Request: BU-2 with BDP to BU-2 with revised BDP

Note: Applicant wants to revise BDP to add 1,200 SF office building in addition to existing allowance of RV storage and 20,000 SF mini warehouse.

P&Z Hearing Date: 07/06/20; **BCC Hearing date:** 08/06/20

Tax ID No: 2323791

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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:

- Wetlands
- Hydric Soils
- Protected Species
- Protected and Specimen Trees

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

Land Use Comments:

Wetlands

The subject parcel contains 100% hydric soils (Eau Gallie sand-frequently ponded and Riviera sand), and an area of mapped SJRWMD wetlands along the northwestern property boundary as shown on the USDA SCSSs soils, and SJRWMD FLUCCS Wetlands maps, respectively. These are indicators that wetlands may be present on the property. Per Section 62-3694(c)(6), Permitted impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed 1.8% of the non-commercial and non-industrial acreage of a DRI, PUD, parcel acreage or, if the project is within a New Town Overlay (as defined in Chapter 11, Policy 9.2), 1.8% of the non-commercial and non-industrial acreage within the applicable New Town Overlay. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696. The applicant is encouraged to call NRM at 321-633-2016 prior to any land clearing activities, plan design, or permit submittal.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Should any protected species be present, and prior to any plan, permit submittal, development activity, or 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.

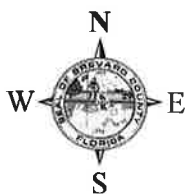
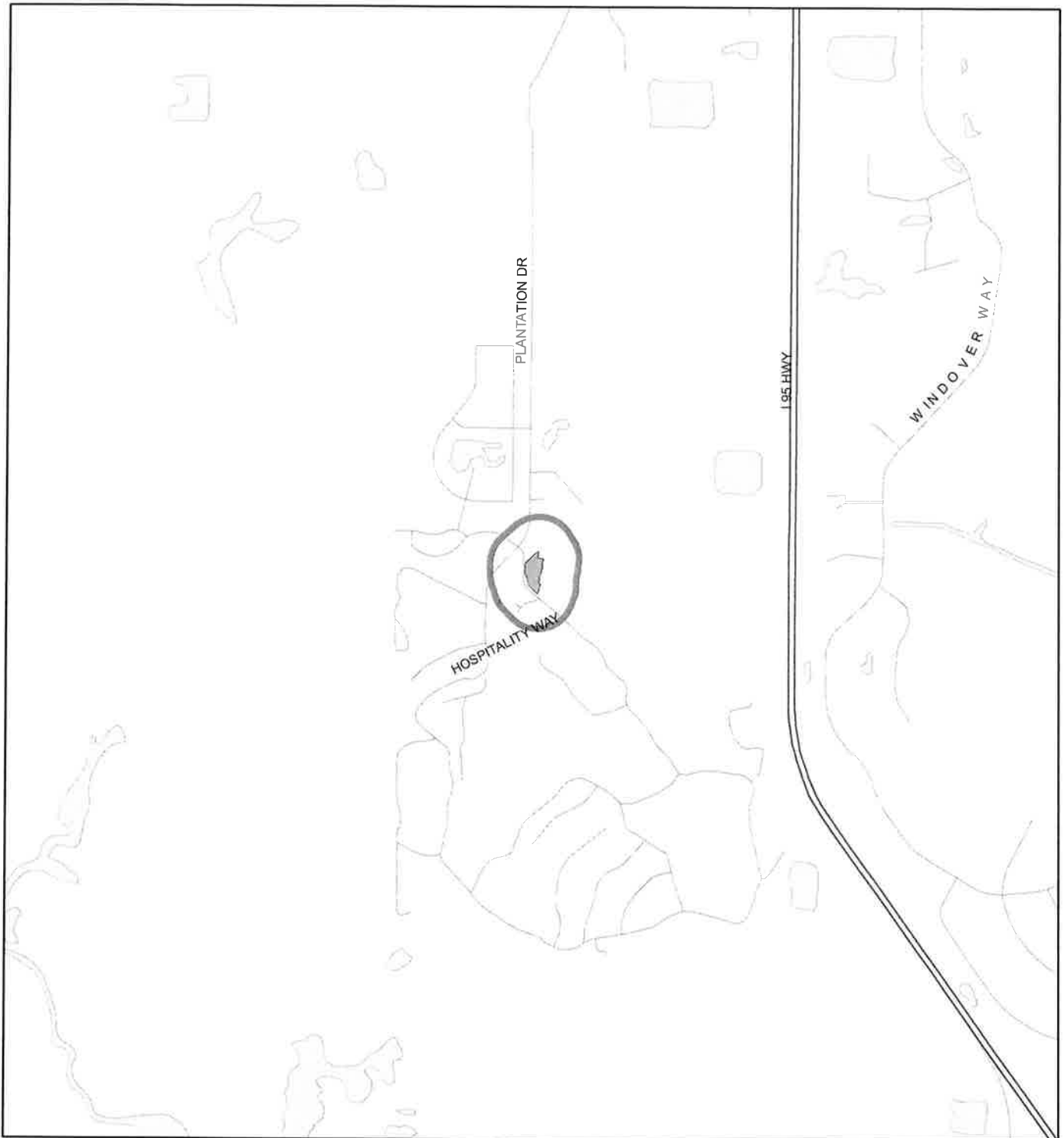
Protected and Specimen Trees

Aerials indicate that Specimen and Protected trees may exist on the subject parcel. Per Section 62-4341(18), Specimen and Protected 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. A tree survey will be required at time of site plan permit application submittal. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

McD FAMILY TRUST, LLC

20Z00004



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.

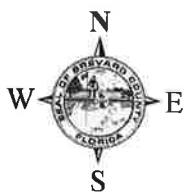
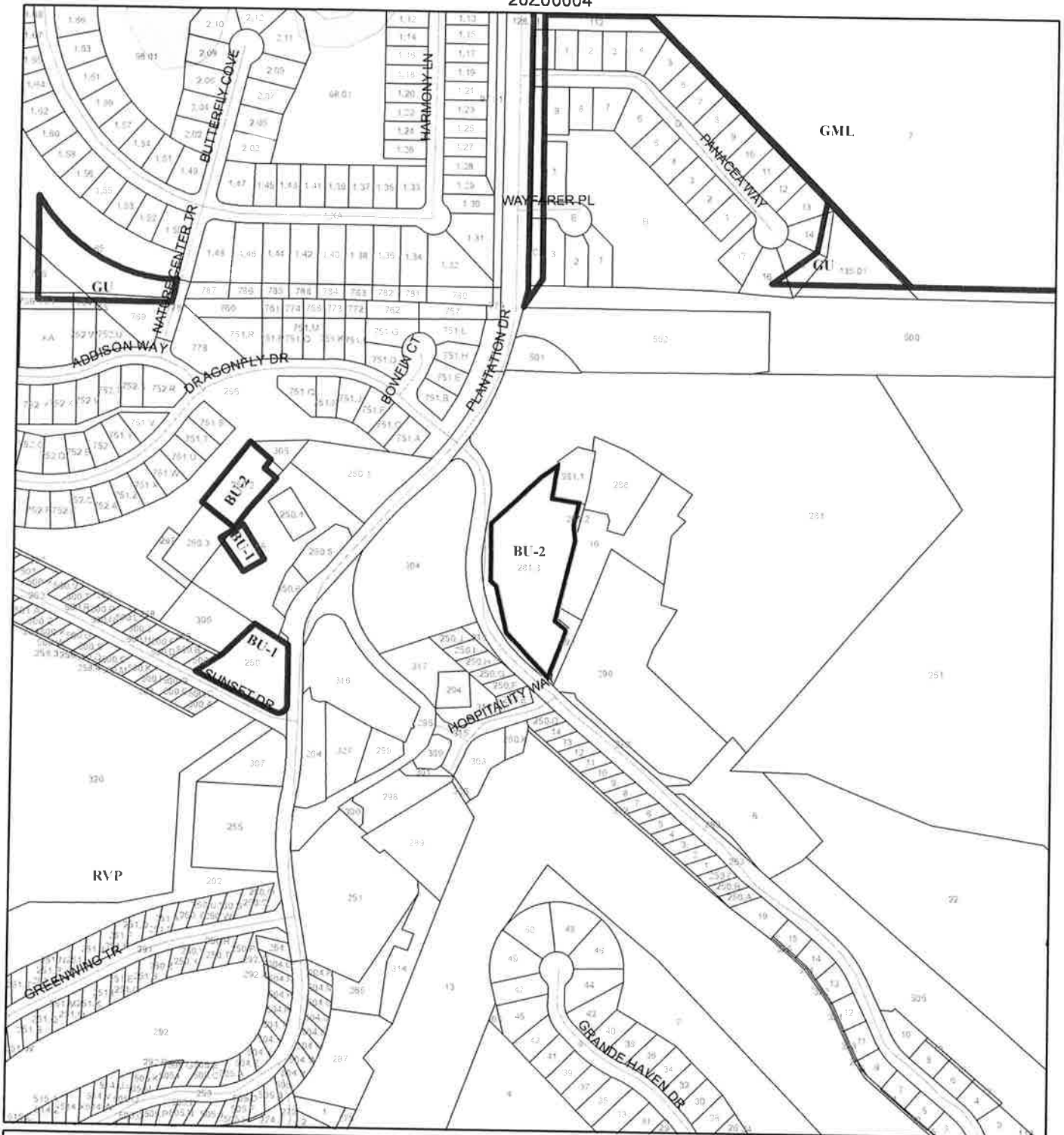
Produced by BoCC - GIS Date: 5/5/2020

— Buffer
■ Subject Property

ZONING MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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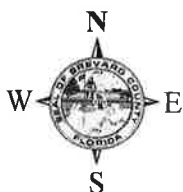
Produced by BoCC - GIS Date: 5/5/2020

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

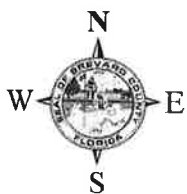
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Produced by BoCC - GIS Date: 5/5/2020

AERIAL MAP

McD FAMILY TRUST, LLC

20Z00004



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 5/5/2020

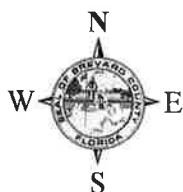
 Subject Property

 Parcels

NWI WETLANDS MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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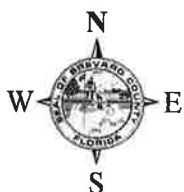
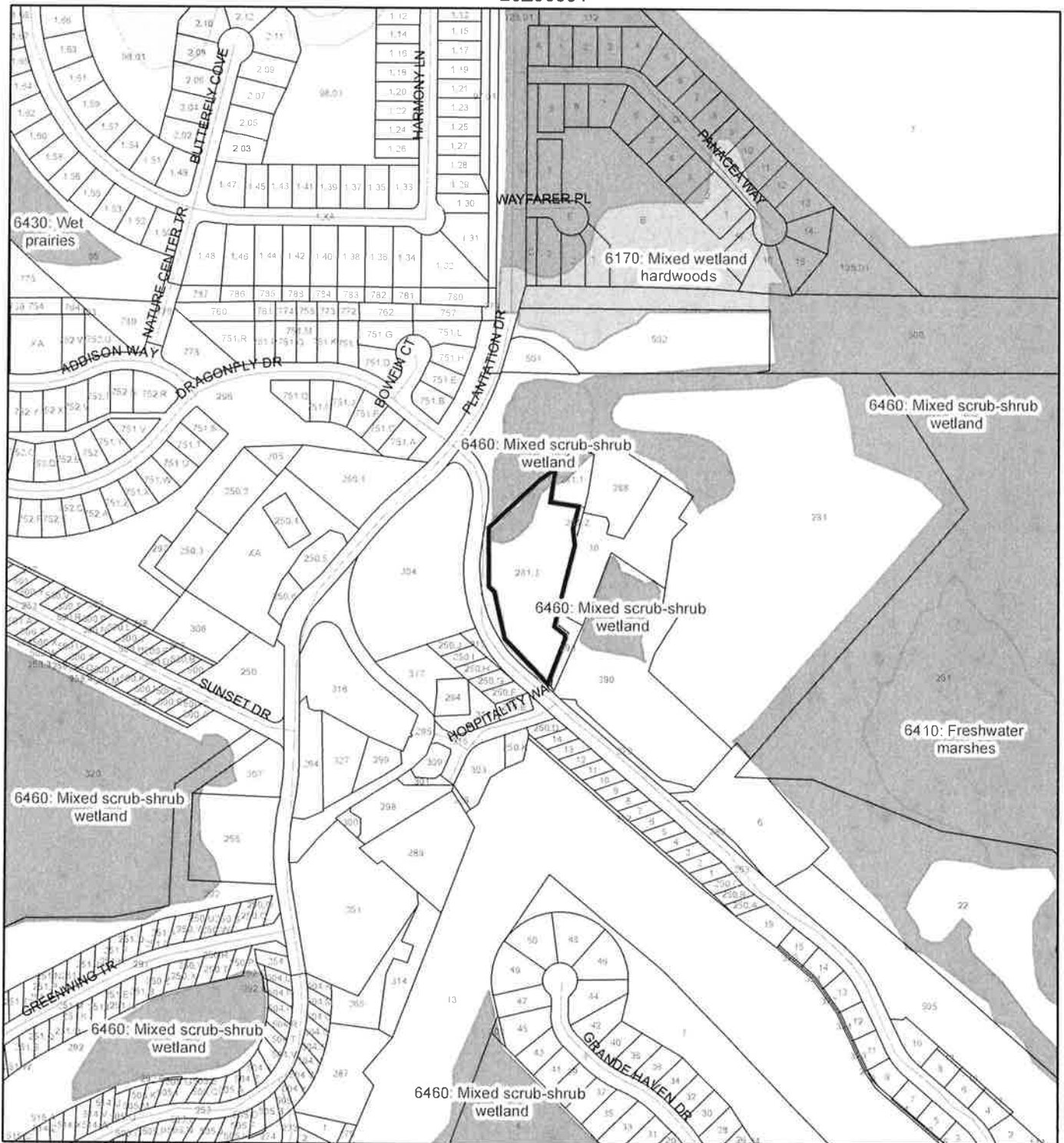
National Wetlands Inventory (NWI)

	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

McD FAMILY TRUST, LLC

20Z00004



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: 5/5/2020

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

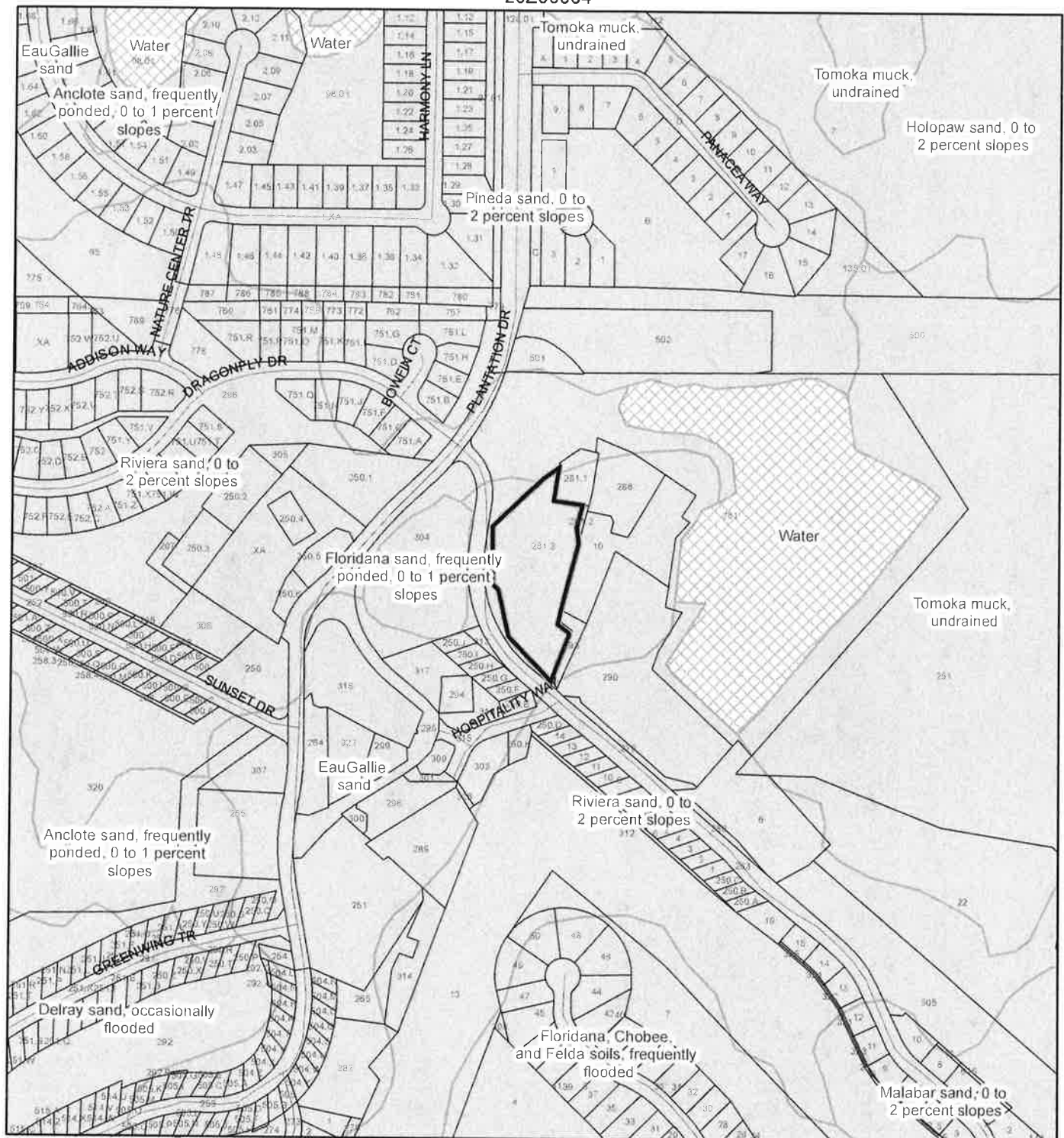
Subject Property

Parcels

USDA SCSSS SOILS MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

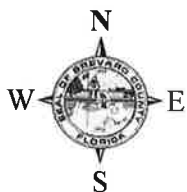
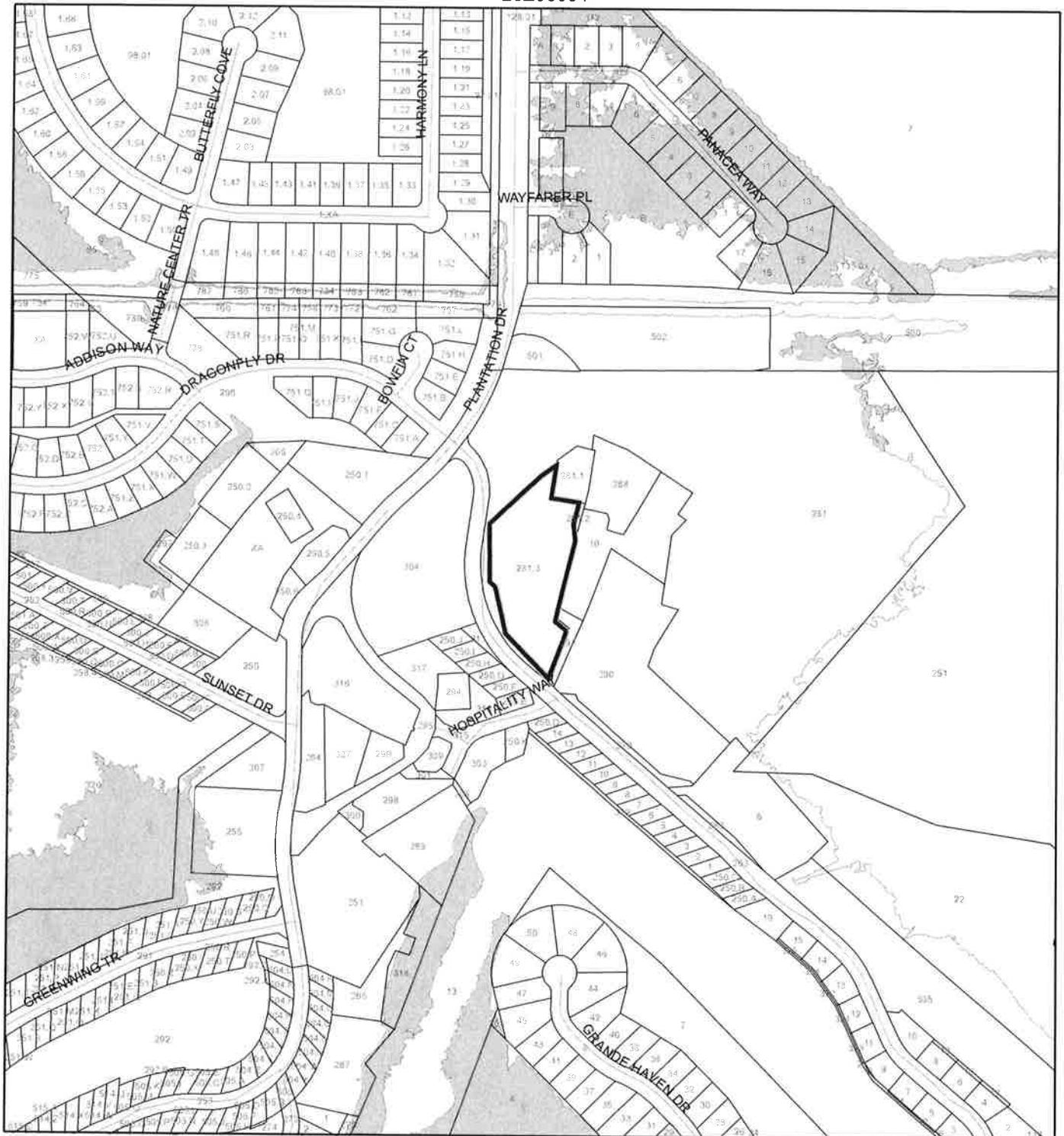
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/5/2020

FEMA FLOOD ZONES MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/5/2020

FEMA Flood Zones

A	AO	X
AE	Open Water	X Protected By Levees
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

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/5/2020

 Subject Property

 Parcels

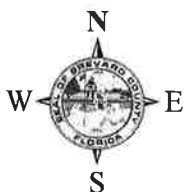
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/5/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

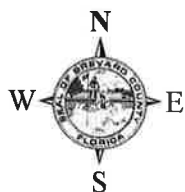
 60 Meters

 All Distances

EAGLE NESTS MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/5/2020

 Subject Property

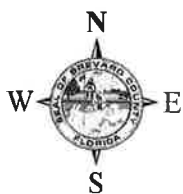
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

McD FAMILY TRUST, LLC

20Z00004



1:4,800 or 1 inch = 400 feet

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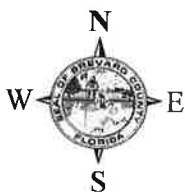
Produced by BoCC - GIS Date: 5/5/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

McD FAMILY TRUST, LLC

20Z00004



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: 5/5/2020

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

Existing BDP
20Z00004
McD Family Trust

CFN 2005420109 11-29-2005 08:55 am
CR Book/Page 5570 / 4174

Prepared By: Honeycutt & Associates, Inc.
Address: 5195 South Washington Avenue
Titusville, FL 32780

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 6 #Times: 3
Trust: 3.50 Rec: 49.00 Serv: 0.00
Mtg: 0.00 Excise: 0.00
of Tax: 0.00

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 22 day of Nov., 2005, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and EKS, Inc., and THE GREAT OUTDOORS PREMIER RV/GOLF RESORT, INC. (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner desires to develop the Property as Mini Warehouse & RV Storage pursuant to the Brevard County Code, Section 62-1483(1)(c) & 62-1845; and

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

NOW, THEREFORE, the parties agree as follows:

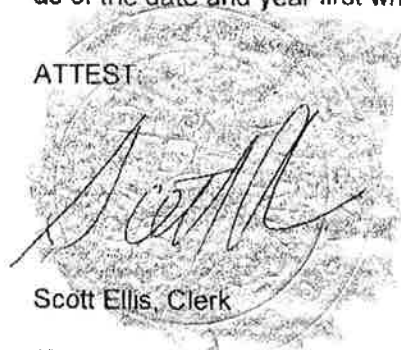
1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association an/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the use of said property for mini warehouse not to exceed 20,000 square feet & RV storage only, additional uses will require an application by the Developer/Owner.
3. The Developer/Owner shall restrict patrons of mini warehouse & RV storage units to those parties leasing/owning units within the Great Outdoor Resort. The Developer/Owner shall not lease any unit to parties not owning/leasing property within the Great Outdoors.

4. The Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.
5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
6. 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 modified with consent of the County and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.

RETURN CHECK TO BOARD ONLY

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

ATTEST:



Scott Ellis, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940



Helen Voltz, Chair

As approved by the Board on 11-22-05.

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 22 day of November 2005, by Helen Voltz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My Commission Expires:


Notary Public

SEAL

Commission No:

(Name typed, printed or stamped)



RETURN: Clerk to the Board #27

WITNESSES:

Bobbie F. Weekley

Bobbie F. Weekley
Witness name typed or printed

Cynthia S. Canada

Cynthia S. Canada

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 22 day of September
2005, by Lynn R. Hansel who is personally known to me or who has produced
_____ as identification.

My Commission Expires: March 2, 07
Commission No.: DD 162739

Tamara M. Devries
Notary Public

SEAL



OWNER/DEVELOPER

THE GREAT OUTDOORS PREMIER
RV/GOLF RESORT, INC.

P.O. BOX 3767

COCOA, FLORIDA 32924

Lynn R. Hansel Vice President

THE GREAT OUTDOORS PREMIER
LYNN HANSEL V.P.

RV/GOLF RESORT, INC.

Tamara M. Devries
(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

WITNESSES:

Kathleen R. Johnson
Kathleen R. Johnson

Witness name typed or printed

Larry McDaniel

LARRY MCDANIEL

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 23rd day of September
2005, by Malcolm Kirschner who is personally known to me or who has produced
_____ as identification.

My Commission Expires:
Commission No.:

Kathleen R. Johnson
Notary Public

SEAL



(Name typed, printed or stamped)

OWNER/DEVELOPER

EKS, Inc.
P.O. Box 3767
Cocoa, FL 32924

EKS, Inc.

President

EXHIBIT 'A'

LEGAL DESCRIPTION

MAP AND LEGAL DESCRIPTION OF:

PARCEL CO-7B:

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6, THENCE N.89°30'44"E., ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 1350.30 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY LINE OF A 170.00 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 730, PAGE 237 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S.49°10'00"E., ALONG SAID LINE, 908.29 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.49°10'00"E., ALONG SAID LINE 25.00 FEET; THENCE S.12°52'22"E., 139.38 FEET; THENCE S.43°34'37"E., 177.23 FEET; THENCE N.21°17'06"E., 142.17 FEET; THENCE N.12°54'02"W., 9.24 FEET; THENCE N.52°30'23"W., 39.24 FEET; THENCE N.14°07'26"E., 342.17 FEET; THENCE N.81°44'22"W., 95.95 FEET; THENCE N.08°15'38"E., 100.00 FEET; THENCE S.53°34'00"W., 59.10 FEET; THENCE S.46°39'46"W., 201.53 FEET; THENCE S.00°14'54"E., 155.92 FEET TO THE POINT OF BEGINNING. CONTAINING 2.22 ACRES MORE OR LESS.

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2020 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred as "County") and McD FAMILY TRUST, LLC (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner desires to develop the Property as Mini Warehouse, Office Building & RV Storage pursuant to the Brevard County Code, Section 62-1483(1)(c) & 62-1845; and

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

NOW, THEREFORE, the parties agree as follows:

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

interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit the use of said property for mini warehouse not to exceed 20,000 square feet, office building not the exceed 1,200 square feet & RV storage only, additional uses will require an application by the Developer/Owner.
3. The Developer/Owner shall restrict patrons of mini warehouse, office building & RV storage units to those parties leasing/owning units within the Great Outdoor Resort. The Developers/Owners shall not lease any unit to parties not owning/leasing property within the Great Outdoors.
4. The Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.
5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
6. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until modified with consent of the County and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.

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

Scott Ellis, Clerk
(SEAL)

Brian Lober, Chair
As approved by the Board on _____

STATE OF _____ §
COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____,
2020, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires: _____

Notary Public _____

SEAL _____

Commission No.: _____ (Name typed, printed or stamped)

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

WITNESSES:

OWNER

(Witness Name typed or printed)

McD FAMILY TRUST, LLC
(Address)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires:

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

DATE		TIME		LOCATION		WIND		SEA		TEMP		HUMID		VISIB		PRES		SUN		MOON		CLOUD		REMARKS																																																																											
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

[illegible]

GRAPHIC SCALE

(1" = 20' ft.)

0 1" 20' ft.

Hi
Honeycutt &
Associates, Inc.
ENGINEERING-PARTS
2700 South Washington Avenue
(317) 311-4333 Fax (317) 284-3947
Certificate of Accreditation CQ-0007823

CONCEPT PLAN
PROPOSED OFFICE BUILDING
FOR
MCD FAMILY TRUST
BREVARD COUNTY
FLO

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 7, 2020**, 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: Brian Woltz; Ron Bartcher; Ian Golden; Brian Hodgers; Joe Buchanan; Peter Filiberto, Vice Chair; and Bruce Moia.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Vice Chair Filiberto appointed Brian Hodgers as Chair Pro Tem. Mr. Filiberto excused himself from the meeting.

McD Family Trust, LLC (Rodney Honeycutt)

An amendment to an existing BDP (Binding Development Plan) to allow a 1,200 square-foot office building in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 2.14 acres, located on the easterly side of Plantation Drive, approximately 50 feet north of Hospitality Way, Titusville. (885 Plantation Dr. Unit W-H/RV, Titusville) (20Z00004) (Tax Account 2323791) (District 1)

Rodney Honeycutt, 3700 South Washington Avenue, Titusville, stated the proposal is to amend a BDP for a mini-warehouse that was completed several years ago to add an office building to be in support of the mini-warehouse.

Brian Hodgers called for public comment, and seeing none, he brought the item back to the board.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the requested amendment to an existing BDP to allow a 1,200 square-foot office building in a BU-2 zoning classification. The motion passed unanimously.