



AGENDA REPORT
May 30, 2019

Robert Bailey requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 4 (19PZ00028) (District 1)

SUBJECT:

Robert Bailey requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 4. The property is 0.35 acres, located on the south side of Craig Road, approximately 495 feet west of Friday Road. (5055 Craig Road, Cocoa) (19PZ00028) (District 1).

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment from Residential 1 to Residential 4.

SUMMARY EXPLANATION and BACKGROUND:

This applicant is seeking an amendment to the Residential 1 (RES 1) Future Land Use (FLU) designation to Residential 4 (RES 4) on a .35 acre parcel of land to allow for a zoning change from General Use (GU) to Single-Family Residential (R-1-13). This parcel was subdivided on July 03, 1986 into its current configuration per Official Records Book 2712, Page 448 and, while the GU Zoning is original to this parcel, the lot never met the GU minimum lot size requirements.

The parcels to the north, south and west are over one (1) acre in size, with the exception of the parcel to the east which is .18 acres in size. The single-family residence on that parcel to the east was built in 1964, prior to Brevard County adopting the Comprehensive Plan in 1988.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in transportation adopted level of service. The property is served by water, but not by sewer services; therefore, if the rezoning were to be approved, any subsequent development would utilize septic.

The Board may wish to consider whether the proposed RES 4 Future Land Use

designation is consistent and compatible with the surrounding RES 1. In addition, the Board should determine whether the approval of RES 4 satisfies the criteria of Comprehensive Plan Policy 1.7.

The applicant is seeking a companion change of zoning classification (**19PZ00029**) from GU to RR-1-13. The RR-1-13 zoning classification is consistent with the RES 4 FLU designation.

On May 6, 2019, the Local Planning Agency heard the request and unanimously recommended approval.

ATTACHMENTS:

Description

- Administrative Policies**
- Staff Comments**
- GIS Maps**
- Public Comment**
- PZ Minutes**

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations."

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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 19S.07 (19PZ00028)
Township 24, Range 35, Section 22

Property Information

Owner / Applicant: **Robert Bailey**

Adopted Future Land Use Map Designation: Residential 1 (Res 1)

Requested Future Land Use Map Designation: Residential 4 (Res 4)

Acreage: 0.35 acres Tax Account #: 2406899

Site Location: South side of Craig Road, approximately 495 feet west of Friday Road

Current Zoning: General Use (GU)

Requested Zoning: Single-Family Residential (RU-1-13)

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant Residential Single-Family and Single-Family Residence	RR-1, GU	RES 1
South	Single-Family Residences	RR-1	RES 1
East	Single-Family Residence	GU	RES 1
West	Single-Family Residence	GU	RES 1

Background & Purpose

The applicant is seeking to amend the Future Land Use designation from Residential 1 (RES 1) to Residential 4 (RES 4) on a .35 acre parcel of land. The subject property retains a density allowance of one unit per acre since Brevard County adopted of the Comprehensive Plan in September of 1988. The Future Land Use designation of RES

1 has been in place since 2001 when Brevard County combined the Future Land Use Map with the Density Map during an Evaluation and Appraisal Review (EAR). The subject parcel is immediately adjacent to parcels in every direction and the entire surrounding neighborhood retains the RES 1 Future Land Use designation.

To the north of the subject property is a vacant single-family residential 1.18 acre parcel with a Future Land Use designation of RES 1 and a developed 1.77 acre parcel with a single-family residence. To the east is 0.18 acre parcel developed with a single-family residence within the RES 1 Future Land Use designation. To the south are two (2) single-family residences on parcels 2.51 acres and 3.0 acres in size, with a Future Land Use designation of RES 1, and the larger parcel abuts both the south and west side of the subject property.

A companion rezoning application (**19PZ00029**) was submitted accompanying this request for a Future Land Use designation change, requesting to change the Zoning classification from General Use (GU) to Single-Family Residential (RU-1-13).

Environmental Resources

Please refer to comments provided by the Natural Resource Management Department.

Historic Resources

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

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Role of the Comprehensive Plan in the Designation of Residential Lands

Residential 4 (maximum of 4 dwelling units per acre)

Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject parcel abuts Residential 1 (RES 1) to the north, south, east and west. The subject parcel is not located in an area adjacent to a Residential 4 (RES 4) existing land use designation.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject parcel is not located in an area that is transitioning between existing land use designations with a density greater than four units per acre and areas of less than four units per acre.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject parcel is in an unincorporated area but is not adjacent to an incorporated area.

- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote interconnectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

A Planned Unit Development concept is not proposed for this .35 acre parcel of land. Minimum infrastructure requirements as set forth in Policy 12.2 of the Comprehensive Plan, such as water and sewer service, would not all be available to the subject parcel. Water is currently available but sanitary sewer is not.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation would not generate traffic that would cause deficiency of adopted roadway levels of service. Today, based upon the 2017 traffic counts, the traffic capacity indicates that this section of Friday Road from State Road 524 to James Road is at 18.14% of the maximum acceptable volume (MAV). With this proposal to change the Future Land Use designation from RES 1 to RES 4 the MAV would increase to 18.19%.

For Board Consideration

This applicant is seeking an amendment to the Residential 1 (RES 1) Future Land Use (FLU) designation to Residential 4 (RES 4) on a .35 acre parcel of land to allow for a zoning change from General Use (GU) to Single-Family Residential (R-1-13). This parcel was subdivided on July 03, 1986 into its current configuration per Official Records Book 2712, Page 448 and, while the GU Zoning is original to this parcel, the lot never met the GU minimum lot size requirements.

The parcels to the north, south and west are over one (1) acre in size, with the exception of the parcel to the east which is .18 acres in size. The single-family residence on that parcel to the east was built in 1964, prior to Brevard County adopting the Comprehensive Plan in 1988.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in transportation adopted level of service. The property is served by water, but not by sewer services; therefore, if the rezoning were to be approved, any subsequent development would utilize septic.

The Board may wish to consider whether the proposed RES 4 Future Land Use designation is consistent and compatible with the surrounding RES 1. In addition, the Board should determine whether the approval of RES 4 satisfies the criteria of Comprehensive Plan Policy 1.7.

The applicant is seeking a companion change of zoning classification (**19PZ00029**) from GU to RR-1-13. The RR-1-13 zoning classification is consistent with the RES 4 FLU designation.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 19PZ00028

Applicant: Robert Bailey

Future Land Use Request: RES-1 to RES-4

Note: Applicant wants to legitimize lot to build a single family home

P&Z Hearing Date: 05/06/19; **BCC Hearing Date:** 05/30/19

Tax ID No: 2406899

- 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.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Notable Natural Resources Land Use Issues:

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

Summary of Mapped Natural Resources Present on the Subject Property:

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain

Land Use Comments:

Hydric Soils

The subject parcel contains mapped Valkaria sand as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as

described in Sec. 65-3694(c)(1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Sec. 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. Accessory structures are not permitted in wetlands.

Aquifer Recharge Soils

Valkaria sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

A small portion of the southwest corner of the property is mapped as being within the floodplain, potentially isolated, as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within an isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected Species

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

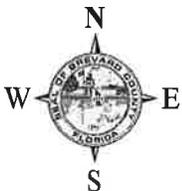
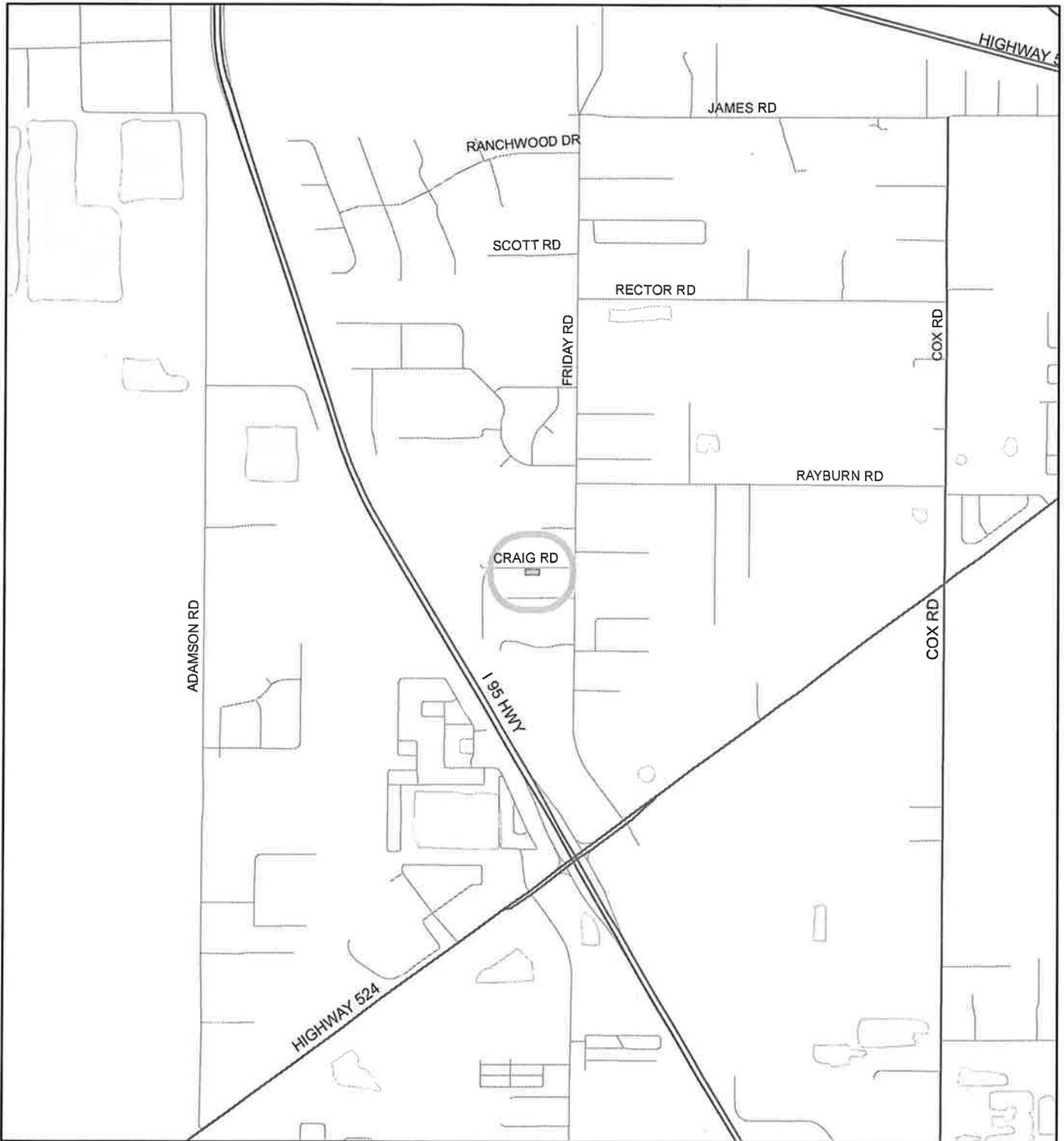
Landscape Requirements

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

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



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.

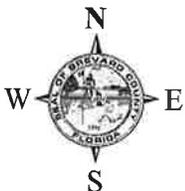
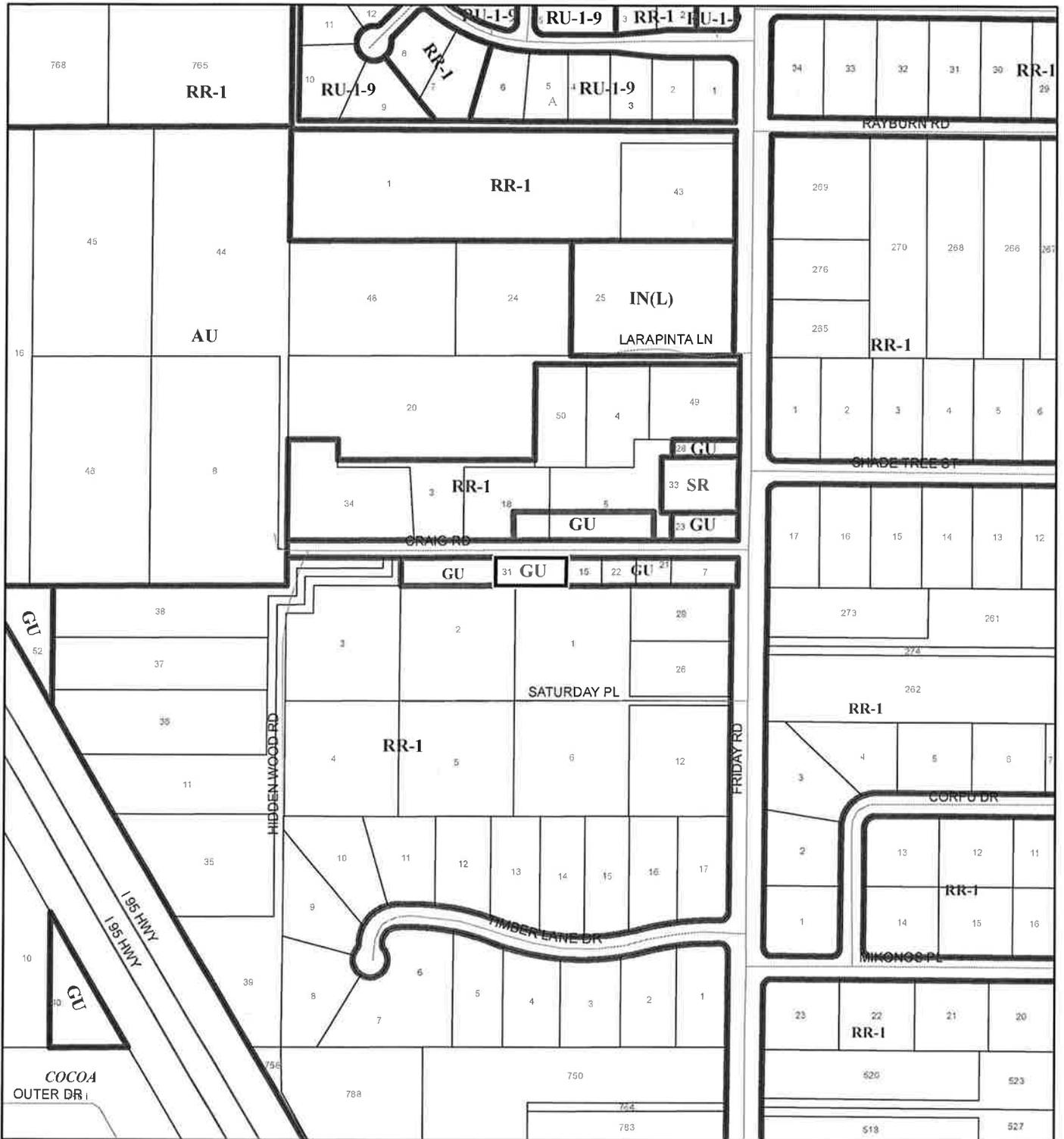
Produced by BoCC - GIS Date: 2/18/2019

-  Buffer
-  Subject Property

ZONING MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



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.

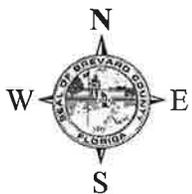
Produced by BoCC - GIS Date: 2/21/2019

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

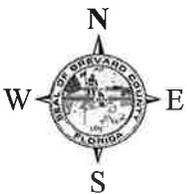
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/18/2019

PROPOSED FUTURE LAND USE MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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Produced by BoCC - GIS Date: 2/18/2019

AERIAL MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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Produced by BoCC - GIS Date: 2/18/2019

 Subject Property

 Parcels

NWI WETLANDS MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/18/2019

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 |

USDA SCSSS SOILS MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None

 Subject Property

 Parcels

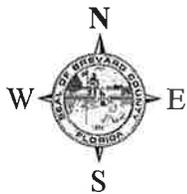
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FEMA FLOOD ZONES MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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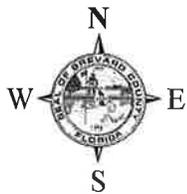
FEMA Flood Zones

- | | | |
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INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/18/2019

 Subject Property

 Parcels

Septic Overlay

 40 Meters

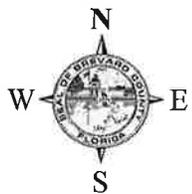
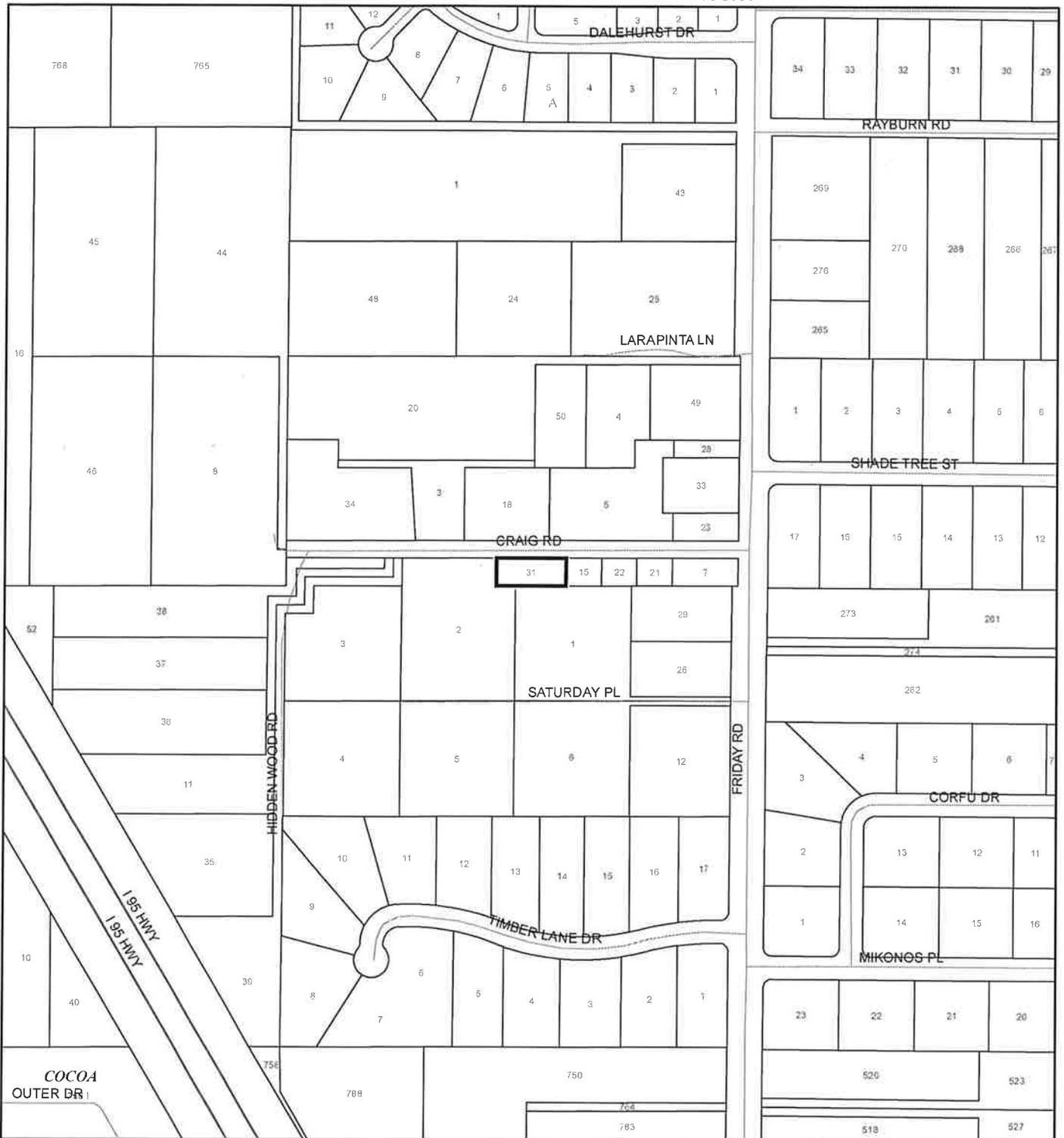
 60 Meters

 All Distances

EAGLE NESTS MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/18/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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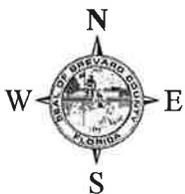
Produced by BoCC - GIS Date: 2/18/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BAILEY, ROBERT

19PZ00028 SMALL SCALE AMENDMENT 19S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/18/2019

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

Larry M. Craig
1040 Genny Lane
Riverdale, GA 30296

May 9, 2019

Subject: Letter of Concern Regarding Recommended Approval of Rezoning Request

Re: ID# 19PZ00028 & 19PZ00029

Dear County Commissioners and Agency Members,

As a concerned property owner, I am writing this correspondent pursuant to the Local Planning Agency's recommendation to approve Mr. Robert Bailey's request for a change of Future Land Use designation and change of zoning classification on May 6, 2019.

Respectfully ask for no zoning change on this parcel not because I am anti-growth but because I am an enthusiastic supporter of smart, planned development that maintains the integrity of the current zoning code which requires a minimum of 1 acre for new residential development.

My most compelling reasons include:

1. The Proposed Changes Will Set Conditions for Rental Use Development vice Promote Continued Home Ownership Development.

- Four of the six residents on Craig Road are in compliance with the 1acre minimum property requirement. This was achieved through either direct purchase or the acquisition of additional land: all are homeowners. My plan to build a home at 5060 Craig Road in the near future will increase the compliance rate to five of seven residents.
- Moreover, a zoning change would encourage rental investment development which could adversely impact the property value for those of us who meet the current zoning requirement and whose property size is consistent with our most immediate neighbors who reside on Saturday Place.

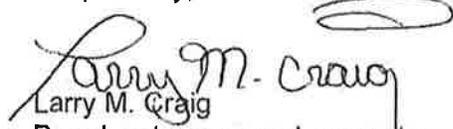
2. Ignorance of the Law is No Defense.

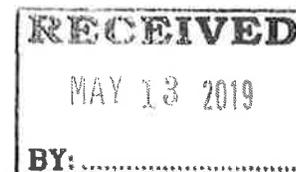
- While I empathize with Mr. Bailey's circumstance, it was incumbent on him and/or his representative(s) to conduct adequate research on the zoning of this property prior to executing the purchase in 1999. Therefore, the residents and property owners along Craig Road should not be adversely impacted due to Mr. Bailey's oversight.

Thank you in advance for your time and consideration of this request to not change the zoning code for Subject property.

I look forward to viewing the final public hearing regarding this matter on May 30, 2019.

Respectfully,


Larry M. Craig
Proud, yet concerned, property owner



May 14, 2019

Re: ID# 19PZ00028 & 19PZ00029

Commissioner Rita Pritchett,

My 88 year old mother, Evelyn Craig, was notified that two hearings were scheduled regarding re-zoning of the above property. The first hearing was May 6th held by the planning and zoning board and the final one is scheduled May 30th. She attended the first hearing and was very disappointed of the outcome. The planning and zoning ruled in favor of the rezoning so the owner, Mr. Robert Bailey, could build on his less than an acre of land.

The owners on Craig Road were not aware but found out after the hearing that Mr. Bailey has had the land listed for sale since June 2018 and has had a pending buyer since July 2018. It appears Mr. Bailey misled the board for his own personal gain. If the rezoning is ruled in his favor, he will be able to get the \$17,000 sale price. Mr. Bailey is also a member of Merritt Island Cooperative Housing Assoc. and Merritt Island Cooperative Housing Apts. (see attached)

Some of the owners signed the attached petition requesting that the rezoning is denied. They don't want an over populated area nor having an appearance of a city lifestyle on Craig Road. They would like to continue living in a rural setting with the minimum of an acre to build, with the exception of the already existing homes that were grandfathered in. They are hoping the board will be understanding and sympathetic to the current lifestyle of the owners on Craig Road and not allow "greed" to change it.

Larry Craig is an owner also of land but is unable to attend the final hearing. He mailed a letter to your office last week. I'm attaching it to this email.

Thank you for you time and consideration to hear and review these concerns!

Respectfully,

Gathey Craig Carpenter (FOR EVELYN CRAIG)
407-342-6829

Larry M. Craig
1040 Genny Lane
Riverdale, GA 30296

May 9, 2019

Subject: Letter of Concern Regarding Recommended Approval of Rezoning Request

Re: ID# 19PZ00028 & 19PZ00029

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- Moreover, a zoning change would encourage rental investment development which could adversely impact the property value for those of us who meet the current zoning requirement and whose property size is consistent with our most immediate neighbors who reside on Saturday Place.

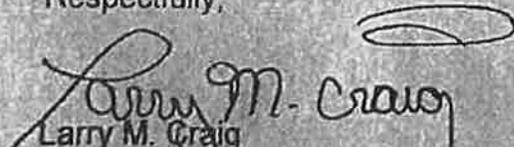
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I look forward to viewing the final public hearing regarding this matter on May 30, 2019.

Respectfully,


Larry M. Craig
Proud, yet concerned, property owner

PETITION

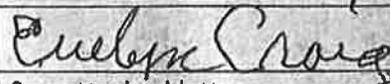
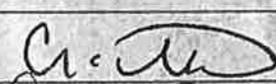
ID# 19PZ00028 & 19PZ00029

We, the property owners on Craig Road, Cocoa, Florida submit this petition to oppose a change of zoning of property for **5055 Craig Road, Cocoa** requested by **Robert Bailey**. We do not want the possibility of rental investment nor do we want Craig Road to appear to be over populated if the minimum one (1) acre to build is changed. We now enjoy the rural, spacious, and quiet setting and would like for it to remain this way!

The purchase of 5055 Craig Road property in October 1999 by Mr. Robert Bailey was a family transaction. Since the family member lived one street over, both should have been aware of the current zoning for property in this area!

Therefore, we, the property owners on Craig Road request that the Local Planning Agency and the Board of County Commissioners honor the existing current future land use and zoning of: **Residential 1 and GU** for all and **future** Craig Road owners!

Name Address Signature

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Evelyn Craig	5040 Craig Road, Cocoa, FL	
Larry Craig	5060 Craig Road, Cocoa, FL	See attached letter
Calvin Green	5045 Craig Rd. Cocoa, FL	
Linda Emerson	5015 Craig Rd. Cocoa, FL	
MARK LOHRENZ	5080 CRAIG RD. COCOA, FL	

hborhood, City, Zip, County, School



Buy Rent Mortgage

5055 Craig Rd
Cocoa, FL 32926

\$17,000
Est. Mortgage \$156/mo

[Get Pre-Qualified](#)

Home Details

Overview

Lot/Land
321 days on Trulia

1742 sqft lot size

Description

this property is ready to build on over a quarter of an acre.

Features

LISTING INFORMATION

Lot/Land
Lot Size: 1742 sqft

PUBLIC RECORDS
Updated: 10/01/2018

Lot/Land
Lot Size: 0.37 acres

See More

Price History

Date	Price	Event
07/03/2018	\$17,000	Pending
06/26/2018	\$17,000	Listed for sale

division 5, Subdivision 11

ID# 19PZ00028 & 19PZ00029

Dear Property Owner:

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **ROBERT BAILEY**, who is requesting a change of Future Land Use designation, and a change of zoning classification on 0.35 acres. The property is located on the south side of Craig Rd., approx. 495 ft. south of Midway Rd. (5055 Craig Rd., Cocoa)

Current Future Land Use and zoning: Residential 1 and GU (General Use)
Request: **Residential 4 and RU-1-13 (Single-Family Residential)**

A public hearing will be held by the Local Planning Agency at the Brevard County Government Center, 2720 Judge Fran Jamieson Way, Viera, Florida, on **Monday, May 06, 2019**, beginning at **3:00 p.m.** The final public hearing will be held by the Board of County Commissioners on **Thursday, May 30, 2019**, beginning at **5:00 p.m.**, at the same location.

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

BENEFICIAL TITLE IN EQUITY

KNOW BY ALL MEN PRESENT:

THAT Robert Bailey is a member of MERRITT ISLAND COOPERATIVE HOUSING ASSOCIATION, INC., and MERRITT ISLAND COOPERATIVE HOUSING APARTMENTS, INC., not for profit cooperative housing corporations organized for the purpose of owning, maintaining, and operating MERRITT ISLAND COOPERATIVE APARTMENTS and is entitled solely by reason of his membership in said cooperative apartment corporation, to occupy for dwelling purposes and apartment designated as

195 Treasure Street Apt. # 102 Merritt Island, FL 32952
Parcel# 24 373100 40 W

In the building owned by the corporate entity.

SAID MEMBER in good faith makes the same his or her permanent home and is entitled to homestead exemption benefit as provided by section 196.031, Florida Statutes.

Janet Mikkelsen
Janet Mikkelsen
AS AN AGENT FOR MERRITT ISLAND
COOPERATIVE HOUSING
ASSOCIATION, INC., AND
MERRITT ISLAND COOPERATIVE, INC.

STATE OF FLORIDA

COUNTY OF BREVARD

BEFORE ME the undersigned authority personally appeared:

Janet Mikkelsen, CAM

MERRITT ISLAND COOPERATIVE APARTMENTS, INC. and they acknowledge that they executed the foregoing Amendment No. 3, 1994 for the purposes expressed therein.

WITNESS my hand and official seal this 4 day of November, 2009

This instrument was prepared by: Janet Mikkelsen, CAM Manager
235 Banana River Drive
Merritt Island, FL 32952

Teresa C. Billingsley

WITNESS Teresa C. Billingsley

WITNESS Melissa Smith



PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, May 6, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Paul Body, Planner II; Lee Ann McCullough-Wham, Program Manager, Natural Resources; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 30, 2019, at 5:00 p.m.

Excerpt from complete agenda.

Robert Bailey

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 4. The property is 0.35 acres, located on south side of Craig Road, approximately 495 feet west of Friday Road. (5055 Craig Road, Cocoa) (19PZ00028) (District 1)

Robert Bailey

A change of zoning classification from GU (General Residential) to RU-1-13 (Single-Family Residential). The property is 0.35 acres, located on the south side of Craig Road, approximately 495 feet west of Friday Road. (5055 Craig Road, Cocoa) (19PZ00029) (District 1)

Robert Bailey – My name is Robert Bailey, and the lot that I'm trying to get changed, right now there's no use for it, and my dad used to own the front part of that lot, so I purchased it in hopes of being there with him, but he's moved away since. I have a lot that right now has no use and I would like to be able to have a single-family residence placed on it.

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

Jan Jordan – My name is Jan Jordan, and this is my mom, Evelyn Craig, whom the street is named after, and she's been there since 1957. She is adamantly opposed to having the zoning changed because it's also zoned to have a cell tower, a group home, and a foster home, and we don't want to see anything like that. From the time she's been on the property, the area has been zoned for at least one acre in order to build, and we like that, which is why we live there. My brother has an adjoining property of at least an acre and he is also adamantly opposed.

Henry Minneboo – You don't want to see anything there?

Jan Jordan – No, we don't want it to be rezoned for less than an acre. That's the way it's been and we're used to that, and we love the way it is now. The option to be able to put something there other than a residence is concerning.

Bruce Moia – If it was a single-family residence you'd still be opposed?

Jan Jordan – We would be because it's rezoning the entire area.

Bruce Moia – If we restricted him to where the only thing he could possibly do is a single-family home, would you still be opposed to that? I'm looking at the map and there's a lot to the east that's half the size of this lot, and it has a house on it. If we told him the only thing he could possibly build is a single-family home, would you still be opposed to a single-family home?

Jan Jordan – Yes, and the reason is because there are other pieces of property out there that are less than an acre and that opens up the door for them to do the same. I grew up there and I know the house you're talking about and when that house was built it was not zoned for one acre.

Rochelle Lawandales – It looks to me, on the aerial, that there are five lots that run along Craig Road on the south side. There is one home on the corner, two vacant lots, then a home, and then the lot that Mr. Bailey is proposing to put a house on, and his looks double the size of the lot the house that's on the east side of him, and it looks to be the same size as the one on the corner, so I'm just wondering if it's fair to deny someone the ability to build a home on their homestead piece when there are homes on other pieces around there, especially if we do a binding development plan, if he were to agree to it, for there just to be a house on it. I'm sorry, but I do have a problem with that.

Jan Jordan – I understand that. What would prevent the other homes that are already there on one-acre properties from doing the same thing, from dividing theirs up and doing something similar?

Bruce Moia – That would be tough to do. Do we know when this lot was created? These days, if you want to split you have rules you have to follow. When this was created I don't know if those rules were in place.

Erin Sterk – Today, you can legally subdivide a lot, just like you could when this lot was created. Even before the Comprehensive Plan came into town, all of these lots along this roadway were substandard lots when they were split off. They tried to make them developable in 1965; they came forward to go from GU (General Use) to RU-1-A (Single-Family Residential), which is a zoning classification that we don't have anymore, and they were denied by the Board. This lot never had development rights and neither did any of the other lots along the street, so they're undeveloped today because they were divided off illegally. We don't have a process to prohibit someone from going over and giving them one square inch to their children. You can't build a house on it until it meets the zoning code, so that's why they're here today, to make the lot buildable. This entire strip, the north side and the south side, in 1965, tried to get development rights by making the zoning meet the lot size rather than the other way around, and they were denied. Since then, the Comprehensive Plan came in that required the one acre, so the challenge is even harder today to make this and all of these lots buildable.

Linda Emerson – My name is Linda Emerson, I live at 5015 Craig Road, Cocoa. We would like to keep that area the way it is. We are a rural area and we would like to keep it looking that way. We feel that to have a house build on such a small piece of property is not conducive with our area.

Richard Blake – My name is Richard Blake, and I live at 5015 Craig Road, Cocoa. If someone builds there they could break that house out, and the other properties can do the same thing.

Linda Emerson – It wouldn't stay rural like it is now, and we have the same feeling as the Craigs, that if he can build a house on such a small piece of property, why wouldn't other people be able to do that? We've been there for over 20 years and it's always been like this. I understand progress happens, but to me it seems like it wouldn't fit in with our neighborhood.

Richard Blake – Our house is on a small lot also, but it was built in 1955, and we bought the property next to it.

Linda Emerson – There are only five houses on the block right now.

Henry Minneboo – Doesn't your road go to the west and then go to the south?

Richard Blake – It does, but that's not Craig Road.

Linda Emerson – That's a newer area.

Richard Blake – And all of those houses are over two acres.

Henry Minneboo – But they still use Craig Road?

Richard Blake – Yes.

Bruce Moia – Which lot is yours?

Richard Blake – The first house on the left on Craig Road.

Rochelle Lawandales – It's the same size as Mr. Bailey's lot.

Linda Emerson – The guy who couldn't make it today lives at 5045 Craig Road, right next to the subject property, and he's been there over 20 years and he's used to having the land next to him also. It's a rural area and we want to keep it rural looking and have space.

Rochelle Lawandales – So, if he built a house on his piece that is just like your house on your piece, and you would object to that?

Richard Blake – Yes.

Rochelle Lawandales – Even though his piece is the exact same size as yours?

Richard Blake – But he could rent it out.

Rochelle Lawandales – You could too.

Richard Blake – But we're not going to.

Robert Bailey – I just want to be able to use the land I bought from my dad. Like you said, others can rent out the property they own, but I'm not looking to rent, I'd just like to be able to use the property. Right now, the property is no use to me or anybody. If some of them would like to buy my property and connect it to theirs I would be willing to sell it because at this point what good is it to me if I can't use it for anything?

Bruce Moia – How long has it been in the family?

Robert Bailey – I've had it since 2004, my dad purchased it in 2001.

Henry Minneboo – The Baileys and the Craigs have been there a long time.

Robert Bailey – I know all of the Craigs, I grew up with them.

Dane Theodore – Do you intend to build a home and sell it?

Robert Bailey – I just want to be able to sell it. If someone here wants to buy it I'll sell it to them. Right now, I pay \$30 a year for taxes and it's of no use to anybody. What do you do with property that you can't use? If I had known I couldn't use it when my dad bought it with the intent for me to live close to him, I never would have purchased it. There's no way I would have purchased the property knowing I couldn't use it.

Brian Hodgers – I'll make a motion to approve this as-is.

Bruce Moia – I'll second.

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

Erin Sterk – We need you to take a second action on the zoning.

Brian Hodgers – I'll make a motion to approve the zoning.

Bruce Moia – I'll second.

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

Rochelle Lawandales – I apologize if I you interpreted what I was saying to you as being rude, I'm just looking at it from an equitable standpoint, and I was not meaning to be rude at all. I think this situation, for staff, maybe you need to look at those lots on that street and maybe come up with a different land use classification for all of those small lots with some restrictions that it be kept somewhat rural, that they can be used but only for single-family residences, because right now, folks in a non-conforming zone are going to have a lot of problems with mortgages, re-sales, and titles down the line, so to protect everybody's interests on these five or six lots on Craig it may be worth looking at to help everybody out.