



AGENDA REPORT  
May 2, 2019

**Joseph and Ruth S. Kaplet (Edward Springer, IV) request a change of zoning classification from AU to BU-1. (19PZ00018) (District 2)**

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**SUBJECT:**

Joseph and Ruth S. Kaplet (Edward Springer, IV) request a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial). The property is 1.13 acres, located on the east side of North Courtenay Parkway, approximately 0.21 mile south of East Crisafulli Road. (5780 North Courtenay Parkway, Merritt Island) (19PZ00018) (District 2)

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

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

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to General Retail Commercial (BU-1), on a 1.13 acre lot that fronts the east side of North Courtenay Parkway between Kings Way and East Crisafulli Road, in order to re-use an existing structure, that has historically been utilized to package and sell citrus as an accessory structure to principal land use of Agricultural for the purpose of minor auto-repair and fitness instruction.

The current AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

Conversely, the requested BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The property is currently developed with a 4,080 square foot retail structure, with a

covered front walkway, which encroaches into the front setback after right-of-way acquisition for the widening of SR 3 too some of the subject property. A setback variance (**19PZ00023**) to the 25-foot front required setback for the existing structure was approved by the Board of Adjustment on 03/20/2019.

The Board may wish to consider whether the full range of uses within the BU-1 Zoning classification, such as gasoline service stations, fast food restaurants, and drive-through uses or even the minor auto repair described as the intention of the applicant is consistent and compatible with the residentially zoned and developed property abutting the subject property on the east and south.

This request is accompanes a companion SSCPA (**19PZ00016**) to change the FLU from NC to CC. If the companion SSCPA is denied, this request to change the Zoning from AU to BU-1 cannot be approved.

On April 11, 2019, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval.

**ATTACHMENTS:**

**Description**

- ▣ **Administrative Policies**
- ▣ **Staff Comments**
- ▣ **GIS Maps**
- ▣ **Public Comment**
- ▣ **North Merritt Island 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 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.

## Resolution 19PZ00018

On motion by Commissioner Lober, seconded by Commissioner Pritchett, the following resolution was adopted by a unanimous vote:

**WHEREAS, Joseph and Ruth S. Kaplet** have requested a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial), on property described as: See attached legal description.

**WHEREAS**, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be approved; and

**WHEREAS**, the Board, after considering said application and North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to BU-1, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of May 2, 2019.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

Kristine Isnardi, Chair  
Brevard County Commission  
As approved by the Board on May 2, 2019.

ATTEST:

  
SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – April 11, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

A portion of Tax Parcel 8, as described in ORB 2872, Page 1993, of the Public Records of Brevard County, Florida, lying east of N. Courtenay Pkwy, and being in the NE ¼ of Section 27, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: The point beginning being at the NE corner of the south ½ of the NE ¼ of the NE ¼ of said Section 27; thence south 89deg56'21"W, along the N line of said ORB 2872, Page 1993, a distance of 199.83 ft. to the E right-of-way line of N. Courtenay Pkwy, thence S02deg04'39"E, along said east right-of-way line, a distance of 253.80 ft. to the N line of the adjoining lands described in ORB 2872, Page 1994, as excepted Parcel 11, thence S89deg51'36"E along the N line of said adjoining lands, a distance of 190.63 ft. to the E line of said NE ¼ of Section 27; thence N0deg00'00"E along said section line a distance of 254.32 ft. to the beginning. (1.13 acres) Located on the east side of N. Courtenay Pkwy, approx. 0.21 mile south of E. Crisafulli Rd. (5780 N. Courtenay Pkwy., Merritt Island)

## REZONING REVIEW WORKSHEET

**19PZ00018**

**Commission District # 2**

**Hearing Dates:** NMI 04/11/19

**BCC 05/02/19**

**Owner Name:** Joseph and Ruth S. Kaplet

**Request:** AU to BU-1

**Subject Property:**

Parcel ID# 23-36-27-00-8

Tax Acct.# 2317007

Location: East side of North Courtenay Parkway, approximately 0.21 mile south of East Crisafulli Road

Address: 5780 North Courtenay Parkway, Merritt Island

Acreage: 1.13

### Consistency with Land Use Regulations

YES

Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

NO\*\*

Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES

Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
<b>Zoning</b>	Agricultural Residential (AU)	General Retail Commercial (BU-1)
<b>Potential*</b>	0 Dwelling Units (Substandard Lot) 4,610 square-foot (Substandard Existing Structure)	9,845 sq. ft.
<b>Can be Considered under FLU MAP</b>	YES Neighborhood Commercial (NC)	NO** Community Commercial (CC)

\*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.\*\*Requires Small Scale Amendment from NC to CC.

CONCURRENCY STATISTIC NAME	ADT	PM PEAK	Segment Number	
Trips from Existing Zoning	264	23		060C
Trips from Proposed Zoning	17,721	738	Segment Name	North Courtenay Parkway Hall Road - North Tropical Trail
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	15,860	1,427	Directional Split	0.54
Volume With Proposed Development	33,317	2,142	ITE CODE  938	
Current Volume / MAV	37.95%	37.95%		
Volume / MAV with Proposal	79.72%	56.96%		
Current LOS	C	C		
LOS With Proposal	C	C		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to General Retail Commercial (BU-1) on a 1.13 acre lot that fronts the east side of North Courtenay Parkway (SR 3) between Kings Way and East Crisafulli Road for the purpose of re-using an existing structure for minor auto-repair and fitness instruction. Historically, the structure has been utilized to package and sell citrus accessory to the principal agricultural land use occurring on what was one greater parcel that was both on the east and west side of SR 3.

Until 11/14/2018, this parcel was part of an approximately 17 acre greater parcel, the remainder of which is located on the west side of North Courtenay Parkway. The portion of the greater parcel west of SR 3 was recently severed from this piece east of SR 3 by deed, recorded on plat book 8308, page 1157. The parcel is currently developed with a 4,080 square foot structure, with a 960 square foot front porch, and 13,446 square foot concrete parking lot. The existing building on the east of SR 3 was constructed in 1959, per the Brevard County Property Appraiser. The property retains the original Zoning of AU that was established with adoption of the first Brevard County Zoning Regulations on May 22, 1958. An approximately 5,000 square foot fruit packing and processing plant was added to the rear of this original building in 1988. There is also an approximately 300 square foot concrete block shed in the northeast corner of the property.

The current AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

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

Right-of-way acquisition for the widening of SR 3 resulted in the building not meeting the 25-foot front setback requirements for either the current AU or proposed BU-1 Zoning classification, with the structure lying only 5.4' from the parcel's edge. The existing structure does not have non-conforming status in terms of the front setback, per Section 62-2103.

Total maximum development potential within the Community Commercial (CC) Future Land Use designation has a Floor Area Ratio (FAR) of 1.00. If rezoned to BU-1, development up to 49,222 sq. ft. would be permissible on the 1.13 acre parcel, in conformance with current BU-1 code provisions.

Prior to the November 14, 2018 lot split, the lot was greater than 2.5 acres and complied with the AU minimum lot size and dimension requirements. With the severed parcel having only 1.13 acres of land, the lot east of SR 3 no longer meets the size requirements. Changing the Zoning classification from AU to BU-1 will result in the lot size conforming to the present code requirements for minimum lot area, but the structure will still be substandard in terms of the front setback. The applicant has concurrently applied for a 20 foot Variance to the 25-foot front setback required for BU-1 under **19PZ00023**. Staff will apprise the Board of the outcome of that Board of Adjustment action.

The Board may still consider this request to change the Zoning classification, even though the building is substandard in terms of front setback requirements. Since the building does not have non-conforming status, if the variance is denied, any future repairs or other alterations could only be permitted for construction that brings the structure into conformance with current code provisions.

In order to request BU-1 Zoning classification, the applicant has additionally requested a Small Scale Comprehensive Plan Amendment (SSCPA) from Neighborhood Commercial (NC) to Community Commercial (CC) under **19PZ00016**.

## Land Use Compatibility

The subject property retains the NC FLU designation. Section 62-1255 (2) of the Brevard County Zoning Regulations outlines the Zoning classifications that can be considered in each of the FLU designations. The current zoning of AU on the subject property is consistent with the NC FLU per 62-1255 (2). The proposed zoning of BU-1 is consistent with the proposed FLU designation of CC.

**FLUE 2.1** outlines the role of the Comprehensive Plan in the designation of commercial land.

The request for BU-1 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;  
Transient commercial uses;  
Tourist commercial uses;  
Professional offices;  
Personal service establishments;  
Retail establishments;  
Non-retail commercial uses;  
Residential uses;  
Institutional uses;  
Recreational uses;  
Public facilities;  
Transitional uses pursuant to Policy 2.14; and  
Planned Industrial Park development (as permitted by PIP zoning).

The request for BU-1 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal/ arterial intersections.
- B. Community Commercial complexes should not exceed 40 acres at an intersection.
- C. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

Note: Floor Area Ratios are evaluated during site plan review.

The parcel is currently developed with a 4,080 square foot structure, with a 960 square foot front porch, and 13,446 square foot concrete parking lot. The proposed BU-1 Zoning classification is estimated to yield 9,845 square feet of commercial building area, taking into account parking, drainage, landscaping and other development requirements, and could potentially permit 49,222 square feet of commercial building area under a multi-story scenario that takes advantage of the 1.00 FAR for sites with CC FLU.

Given the zoning pattern in the area, **Policy 2.15**, which addressed infill vs. strip commercial development, should also be considered, as follows:

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate (as encouraged by Tables 2.1 and 2.2 of the FLUE) to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

## Environmental Constraints

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.

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

## Applicable Land Use Policies

The applicant requests to change the Zoning classification on the subject property from AU to BU-1. The subject property currently retains its original Zoning of AU. No Zoning actions have been approved nor denied on the property other than the Comprehensive Plan NC designation applied to the property by the adoption of the Comprehensive Plan on 09/08/88.

The abutting property to the north is approximately 0.68 acres, is developed as a 4,000 square foot retail center with a covered front walkway and retains BU-1 Zoning. The 1.02 acre property to the north of that also retains BU-1 Zoning, but is undeveloped. The two (2) properties to the east are both 0.86 acres, developed as single-family residences, and retain the Suburban Residential (SR) Zoning classification. The 1.01 acre property to the south is developed as a single-family residence and retains the AU Zoning. The approximately 15.5 acre property across Courtenay Parkway from the subject property has historically been utilized for citrus producing agricultural land, currently has no structures on it, and retains split Zoning of BU-1 on the portion of the property that is within approximately 380 feet of the front Courtenay Parkway property line and AU on the remaining, approximate western ¾ of the property.

The following three (3) Zoning actions were approved within the last three (3) years within one-half mile of the subject property:

- **17PZ00070** adopted 10/05/2017 changed the FLU from NC to CC on 6.72 acres and the Zoning from AU to split zoning of BU-1 and BU-1-A on 21.59 acres located at 5355 North Courtenay Parkway on the west side and across from Chase Hammock Road, approximately 2,900 south of the subject property;
- **17PZ00006** adopted 04/06/17 changed the Zoning classification from Institutional – Low Intensity (IN(L)) to BU-1-A on an 8.0 acre property located at 5455 North Courtenay Parkway approximately 200 feet south of Church Road;

- **16PZ00082** adopted 03/22/2017 removed a Binding Development Plan (BDP-11176) on a 3.19 acre property with Retail, Warehousing and Wholesale Commercial (BU-2) Zoning located at 6025 North Courtenay Parkway approximately 560 feet north of Crisafulli Road;

Neither the lot, nor the existing structure have non-conforming status. The lot is substandard due to the property being divided by deed on 11/14/18 and made to be less than the 2.5 acre minimum lot size required by AU Zoning Section 62-1334 (4). The existing structure is substandard due to encroachment into the required 25 foot front setback under either the current AU or the proposed BU-1 Zoning classification. This encroachment, even though it was created by right-of-way condemnation, does not have non-conforming status per Section 62-2103.

The proposed BU-1 Zoning classification requires a front set-back of 25 feet, but only requires a minimum lot size of 7,500 square feet and minimum lot dimensions of 75 feet wide and 75 feet deep per Section 62-1482 (4). If the requested change of Zoning classification for the subject property is granted, the existing structure will still be substandard in terms of the front setback, but the lot size and dimensions will conform to current code requirements of the proposed BU-1 Zoning. The applicant has concurrently applied for a 20 foot Variance to the 25 foot front setback required for BU-1 under **19PZ00023**, which will be heard on 03/20/2019.

The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The Board may wish to consider whether the full range of uses within the BU-1 Zoning classification, such as gasoline service stations, fast food restaurants, and drive-through uses or even the minor auto repair described as the intention of the applicant is consistent and compatible with the residentially zoned and developed property abutting the subject property on the east and south.

### **For Board Consideration**

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to General Retail Commercial (BU-1), on a 1.13 acre lot that fronts the east side of North Courtenay Parkway between Kings Way and East Crisafulli Road, in order to re-use an existing structure, that has historically been utilized to package and sell citrus as an accessory structure to principal land use of Agricultural for the purpose of minor auto-repair and fitness instruction.

The current AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

Conversely, the requested BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The property is currently developed with a 4,080 square foot retail structure, with a covered front walkway, which encroaches into the front setback after right-of-way acquisition for the widening of SR 3 too some of the subject property. A setback variance (**19PZ00023**) to the 25-foot front required setback for the existing structure will be was approved by the Board of Adjustment on 03/20/2019.

The Board may wish to consider whether the full range of uses within the BU-1 Zoning classification, such as gasoline service stations, fast food restaurants, and drive-through uses or even the minor auto repair described as the intention of the applicant is consistent and compatible with the residentially zoned and developed property abutting the subject property on the east and south.

This request is accompanies a companion SSCPA (**19PZ00016**) to change the FLU from NC to CC. If the companion SSCPA is denied, this request to change the Zoning from AU to BU-1 cannot be approved.



**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item # 19PZ00018**

**Applicant:** Joseph and Ruth Kaplet - Edward Springer

**Zoning Request:** AU to BU-1

**Note:** Applicant desires to use parcel for business purposes: fitness classes and auto repairs.

**NMI Hearing Date:** 04/11/19; **BCC Hearing Date:** 05/02/19

**Tax ID No:** 2317007

- 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.**
- The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site planning or permit submittal.

**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:**

- Indian River Lagoon Septic Overlay

**Land Use Comments:**

**Indian River Lagoon Septic Overlay**

The site is mapped within the Indian River Lagoon septic overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes may be required.

**Protected Species Potential**

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.

Staff Comments: Page 7  
(19PZ00018)  
04/11/19 NMI // 05/02/19 BCC

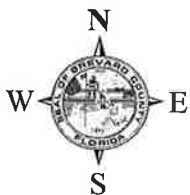
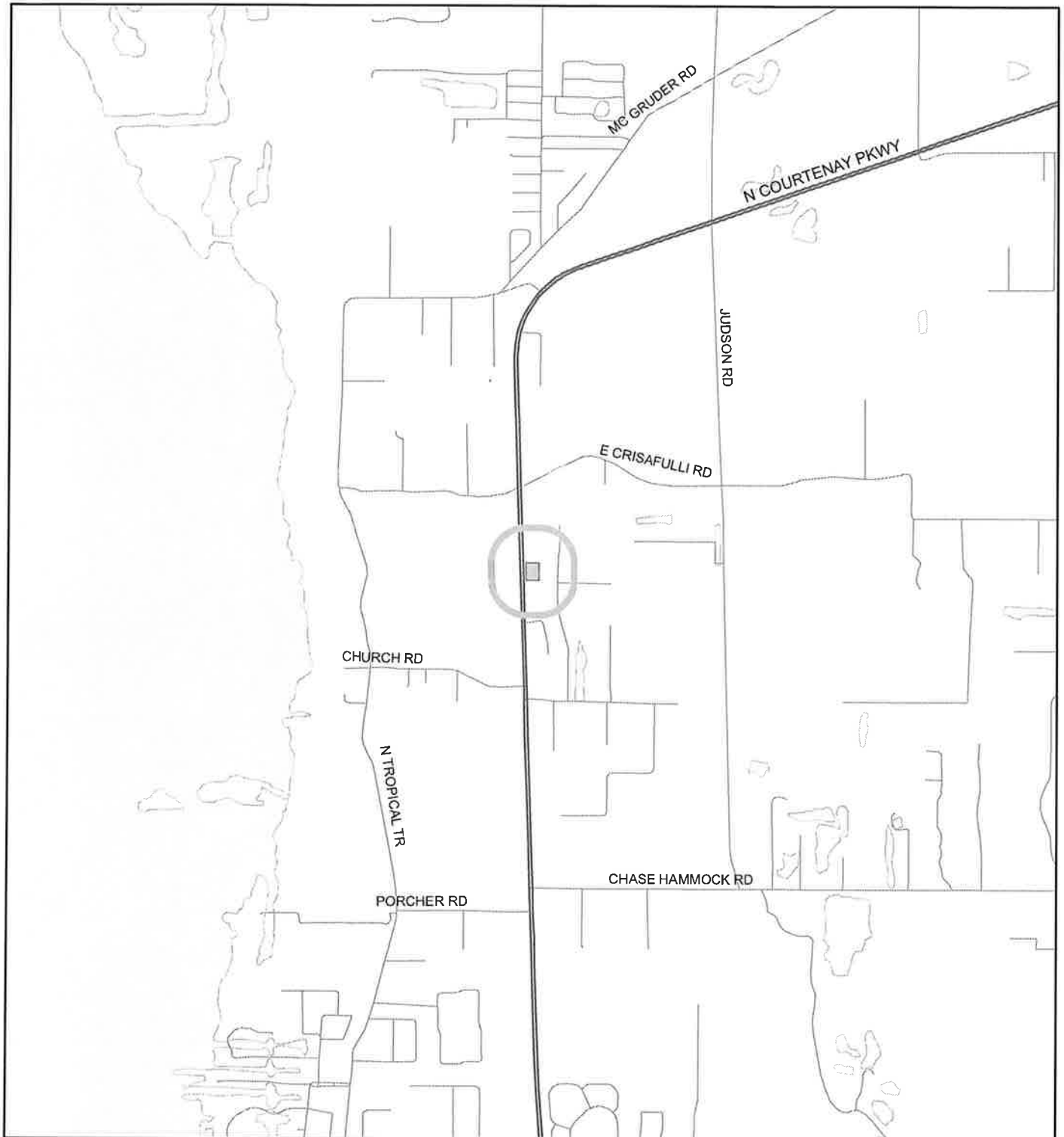
**Landscape Requirements**

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

KAPLET, JOSEPH AND RUTH S.

19PZ00018



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.

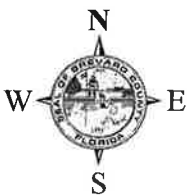
Produced by BoCC - GIS Date: 2/15/2019

— Buffer  
■ Subject Property

# ZONING MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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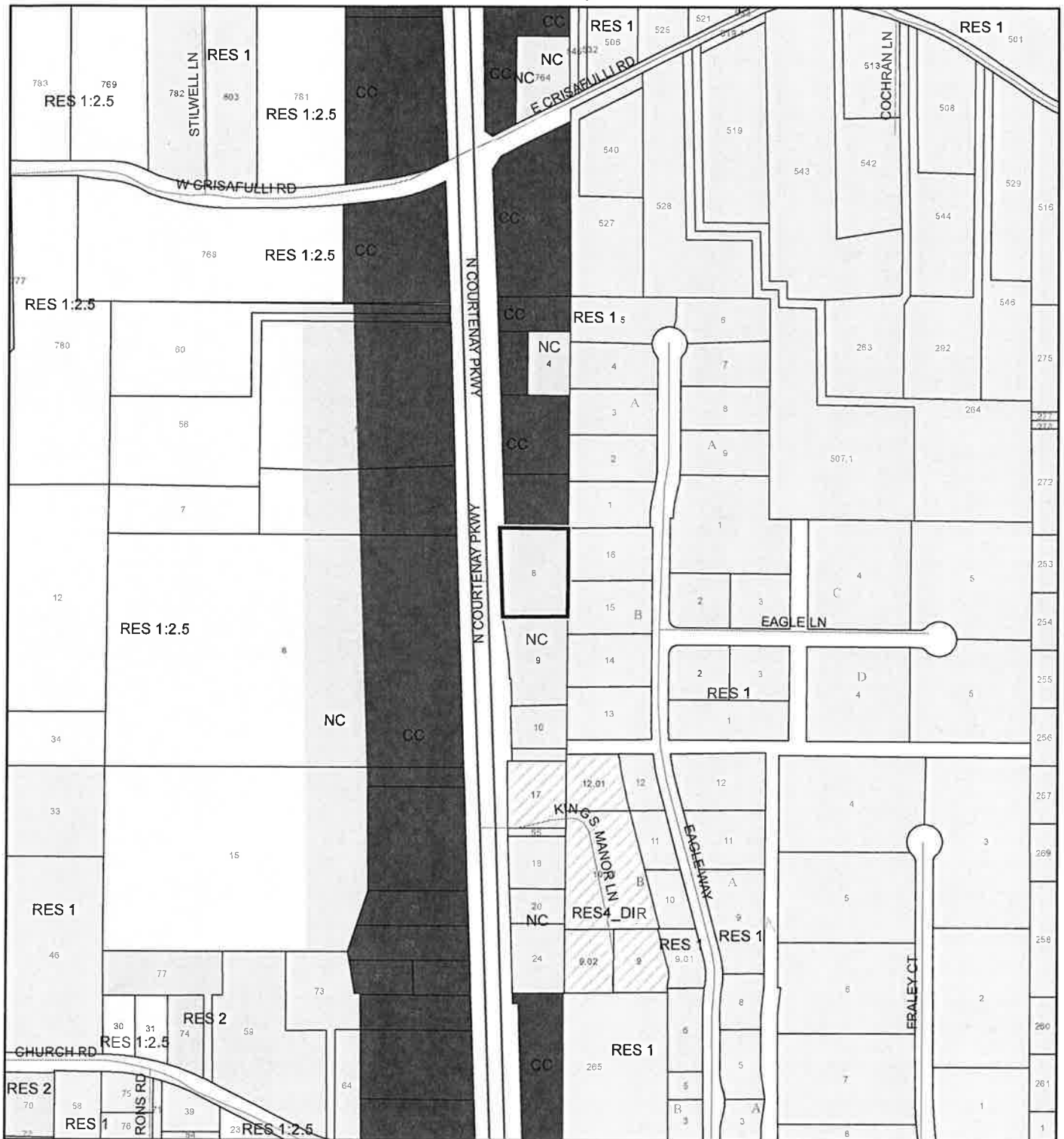
Produced by BoCC - GIS Date: 2/15/2019

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

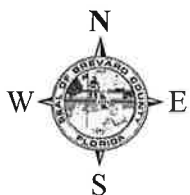
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

# AERIAL MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2018

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— Subject Property

□ Parcels

# NWI WETLANDS MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

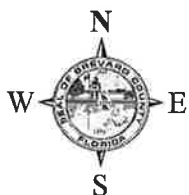
## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

## 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

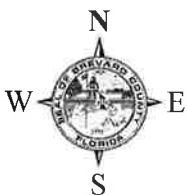
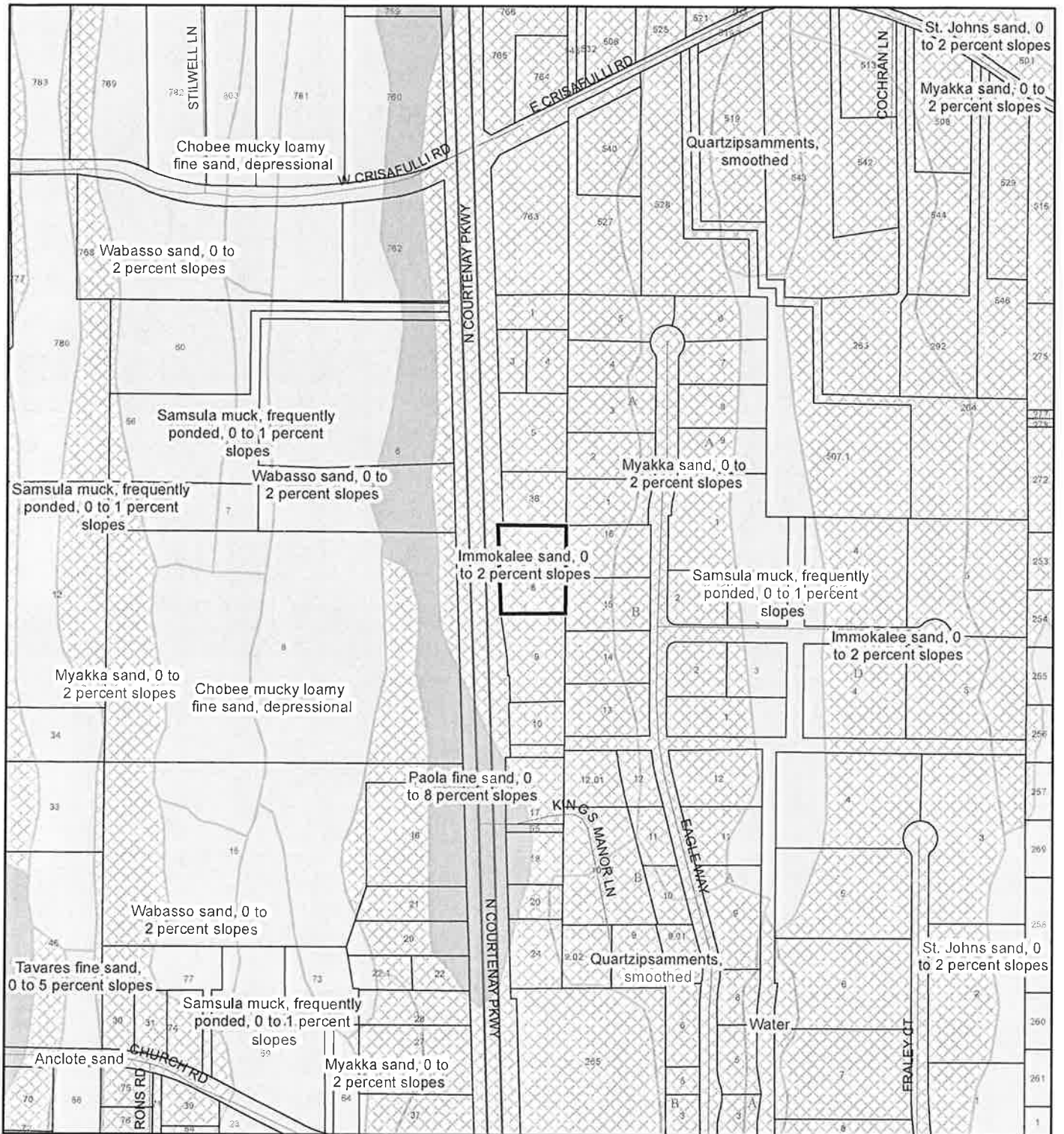
Parcels



# USDA SCSSS SOILS MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

Parcels

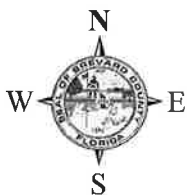
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2019

# FEMA FLOOD ZONES MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

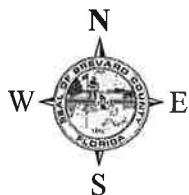
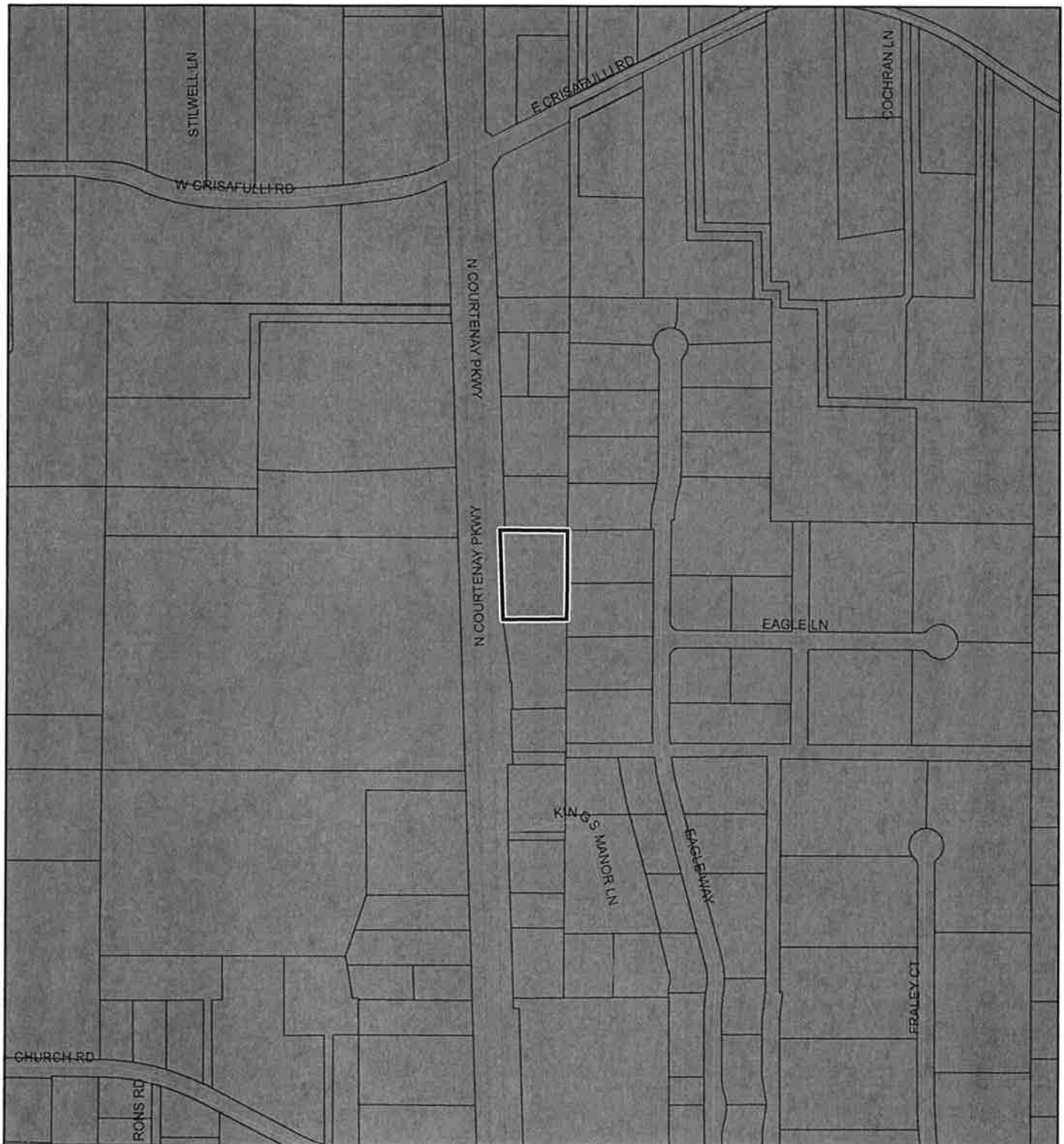
## FEMA Flood Zones

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

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

— Subject Property

□ Parcels

## Septic Overlay

■ 40 Meters

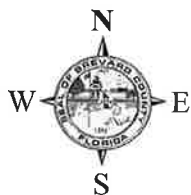
□ 60 Meters

■ All Distances

# EAGLE NESTS MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/13/2019

 Subject Property

 Parcels

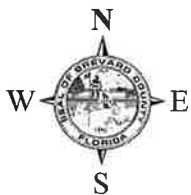


Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

KAPLET, JOSEPH AND RUTH S.




19PZ00018



1:4,800 or 1 inch = 400 feet

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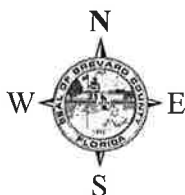
Produced by BoCC - GIS Date: 2/13/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

KAPLET, JOSEPH AND RUTH S.

19PZ00018



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: 2/13/2019

## 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



In Favor  
19PZ00016 &  
19PZ00018  
Kaplet

**From:** S & K  
**To:** Jones, Jennifer  
**Subject:** 4/11/19 statement from the NMIHOA to the NMIDSDB regarding 19PZ00016 and 19PZ00018  
**Date:** Thursday, April 11, 2019 11:54:48 AM

---

Hi Jennifer -

For the Thurs March 11th NMIDSDB meeting, would you please read into the minutes this statement from the NMIHOA?:

"The North Merritt Island Homeowners Association, P.O. Box 542372, Merritt Island, FL 32954-2372, would like to state that, regarding 19PZ00016 and 19PZ00018, the Kaplet and Springer request of a change of zoning from AU to BU-1 and change of FLU from NC to CC, the NMIHOA does not object."

Thank you, Kim Smith, zoning committee member for the NMIHOA

## **NORTH MERRITT ISLAND**

### **DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, April 11, 2019**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Ted Balke; Gina Lindhorst; and Jim Carbonneau.

Planning and Development staff present were: Erin Sterk, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

#### **Excerpt of Minutes**

##### **Joseph and Ruth S. Kaplet (Edward Springer, IV)**

Requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.13 acres, located on the east side of North Courtenay Parkway, approximately 0.21 mile south of East Crisafulli Road. (5780 North Courtenay Parkway, Merritt Island) (District 2) (19PZ00016)

##### **Joseph and Ruth S. Kaplet (Edward Springer, IV)**

Requests a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial). The property is 1.13 acres, located on the located on the east side of North Courtenay Parkway, approximately 0.21 mile south of East Crisafulli Road. (5780 North Courtenay Parkway, Merritt Island) (District 2) (19PZ00018)

Ed Springer – I'm Ed Springer and I'm authorized on behalf of Joe and Ruth Kaplet to speak on the property. My wife and I are under contract for the property and in order to meet our needs some things needed to happen. We desire BU-1 (General Retail Commercial) zoning and also to change the future use plan from residential commercial to community commercial. My wife is a physical education instructor, as well as an athletic director and certified running coach. Her drive and passion in life is fitness, and we looked down the road at where we want to be, with her having her own business venture, and we looked for property close to where we live. We have been North Merritt Island residents since 2010, and we love the area and intend to stay up there long-term. We've been looking for property along State Road 3 that would meet her needs as well as my desires. My interest in this property is sports cars; I like working on sports cars. I'm an engineer, but as you go higher in engineering you're less hands-on, so this is how I do my hands-on stuff, by tinkering on sports cars. That is our future use as we see it. Also, we think it's a good investment. I think the area is growing and we don't feel like we would stand much to lose by purchasing this property. It is a great area and we want to keep it going, and when this property became available, it felt right, and so we put in a contract. We also like it from a historical perspective; the Kaplet's and extended family have kept it as a citrus business for almost a century. My wife comes from a farming family in Ohio, so that's kind of in her blood, and I just like the history of things. There are some remaining citrus trees on the property and we intend to keep those.

Jim Carbonneau – The existing storefront will be the gym area? And your sports car interest will be in the back?

Ed Springer – Yes, within BU-1 light automotive repair is permitted. Initially, I'm not going to quit my day job to pursue this, so looking down the road I wanted to identify what it could be turned into. It may turn into more business oriented, or more of just a hobby shop, or personal use.



Jack Ratterman – You said your wife is a coach?

Ed Springer – Yes, she is the Athletic Director and Physical Education teacher at Divine Mercy, just down the road, and she's a certified running coach, so right now she does camps for mostly an adult crowd, but anybody is welcome. She gives personalized training programs to meet their objectives and she does other personalized coaching. She wants to expand that with the idea of health and fitness and a holistic approach. She's connected with other folks who do fitness stuff, such as yoga instructors and other types of fitness instruction. She would be here tonight, but she's with the kids, so I'm sure she has other ideas and other types of fitness programs she wants to bring to North Merritt Island. Right now, they meet at various parks and trails. One of the favorites in North Merritt Island is the trail between Hall Road and where we live off of Chase Hammock Trail, to do some running and enjoy Merritt Island.

Jack Ratterman – Are you going to leave most of the inside of the store the way it is, the wood part?

Ed Springer – I don't think we've gotten that far. If we can we'd like to preserve the wooden floors, but down the road if we need to do something with the floors we will, but right now there's no immediate change to that part of the structure. We might do something to more separate the warehouse portion from the storefront.

Joe Kaplet – Joe Kaplet, 5955 North Tropical Trail, Merritt Island. My wife and I are delighted to have this couple because it is the kind of clean business that we want. I've had other offers and I've turned them down. I wanted something that would blend in with the community, something that will help the community, and I believe they are the right people.

Mary Hillberg – I have to say I agree with you, and also that you had a great business with Policciho's.

Joe Kaplet – It was difficult giving it up, but after Hurricane Irma you have to face the facts. The grove in the back was flooded for eight weeks, and it seemed like I pumped for 12 or 13 weeks to dry it out. I decided it was time to go.

Mary Hillberg – Things change, and that was really a nice business. I think this one sounds like a good fit.

Joe Kaplet – These are the kind of people I wanted. Also, I think Cara is going to try to incorporate some of my artifacts into the business, such as old pictures and antiques.

Jack Ratterman – It was a sad day when you woke up on Christmas and you didn't have fresh-squeezed orange juice for a mimosa.

Joe Kaplet – The hardest part was when I sold the juice machines. I sold those to a guy in Thomasville, Georgia who has a grove. You have to move on.

Rebecca Sparks – My name is Rebecca Sparks and I'm at 1210 South Orlando Avenue, in Cocoa Beach. I am the acting real estate broker that put this beautiful match made in heaven together. I also have an opportunity to work with Ed's wife, Cara. We started this venture, Run Club, and it's not my first venture in adult running camps. I started one in 1999, so this is my second venture and she's been great to work with. One of the parks that we work out at is Mitchell Ellington Park. Last year we

coached a little over 50 to 70 adult runners and a majority were on North Merritt Island. This is something that we're bringing to that community. Cocoa Beach already has a group like that, so it's exciting to have this opportunity, and it's very energetic and something fun to do. The group is called Run Club, and we came up with the idea not only because of Rebecca and Cara, but it's also after the movie Fight Club with Brad Pitt, and as we age it becomes more of a struggle to exercise and do the right things because we're dealing with so many things, but we have runners in the ages of 60's to 70's, and our youngest gentleman is 21. You don't have to be a runner, you can be a walker, or you can just come to get the energy. It's a spectrum of all, and we stretch and share information about what everyone does for themselves to stay fit or do the right thing, physically. We get busy in our work schedule and we forget that one thing, which is us, because we're taking care of everyone else.

Mary Hillberg – Thank you. Any questions? Is there a motion?

Jim Carbonneau – I make a motion to approve the Small Scale Plan Amendment.

Jack Ratterman – I'll second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Gina Lindhorst – I'll make a motion to approve the rezoning request.

Jim Carbonneau – I'll second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Upon consensus, the meeting adjourned at 6:16 p.m.