

50.02



AGENDA REPORT
October 4, 2018

Public Hearing, Re: Christian Missionary Alliance S.E. District (Matt Cason) requests a change of zoning classification from IN(L) to BU-1. (18PZ00074) (District 1)

SUBJECT:

Christian Missionary Alliance S.E. District (Matt Cason) requests a change of zoning classification from IN(L) to BU-1. The property's acreage has been amended by the applicant from 1.78 acres to 1.68 acres, and is located on the south side of Fay Boulevard, approximately 950 feet east of Grissom Parkway. (4855 Fay Boulevard, Cocoa) (18PZ00074) (District 1)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from IN(L) to BU-1.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use – Low Intensity) to BU-1 (General Retail Commercial) on a 1.68 acre piece of the greater 4.93 acre parcel of land in order to develop a metal building for use as a commercial retail store.

The Board should also consider whether the proposal is consistent and compatible with adjacent residential and school uses.

The Board should consider how traffic circulation will occur on the site to meet the policies of the Comprehensive Plan to ensure that level of service standards are met.

The applicant submitted a Binding Development Plan (BDP) on 9/14/2018 proposing the following conditions:

* The Developer shall limit development to an approximately 9,300 sq. ft. commercial retail store

- * The Developer shall limit the Property's ingress and egress to and from Fay Boulevard to the north with cross access being shared with the adjacent land owner to the west to provide additional access to and from Stillwater Avenue.
- * There shall be a restriction against the Property's access to and from Balfern Street.
- * The Developer shall install opaque fencing along the South boundary of the Property to provide a visual buffer for the school to the south.
- * The Developer shall preserve as many of the trees within the Property and along Balfern Street as possible.

A companion FLU amendment application from RES 4 (Residential 4) to CC (Community Commercial) was submitted accompanying this request for a change of zoning classification from IN(L) to BU-1 on this 1.68 acre piece of the greater 4.93 acre parcel. In order for this request for a change of zoning classification to be approved, the FLU amendment must first be approved.

On August 8, 2018, the Port St. John Dependent Special District Board voted unanimously to deny the request for a change of Future Land Use designation; therefore, they took no action on the request for rezoning.

On September 14, 2018, the applicant amended the acreage of the request from 1.78 acres to 1.68 acres.

ATTACHMENTS:

- | Description |
|---|
| <input type="checkbox"/> Administrative Policies |
| <input type="checkbox"/> Staff Comments |
| <input type="checkbox"/> Maps |
| <input type="checkbox"/> Original Concept Plan |
| <input type="checkbox"/> Revised Concept Plan 09-14-18 |
| <input type="checkbox"/> FYI Traffic Study |
| <input type="checkbox"/> 1st Draft BDP |
| <input type="checkbox"/> Revised BDP - Redline version |
| <input type="checkbox"/> Power Point Presentation |
| <input type="checkbox"/> Public Comment |

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.

REZONING REVIEW WORKSHEET

18PZ00074

Commission District # 1

Hearing Dates: PSJ 08/08/18

BCC 09/06/18

Owner Name: CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

Request: IN(L) to BU-1

Subject Property:

Parcel ID# 23-35-23-JM-82-6 (part of)

Tax Acct.# 2309947

Location: South side of Fay Blvd., approx. 950 ft. east of Grissom Pkwy.

Address: 4855 Fay Blvd., Port St. John

Acreage: 1.78 acres

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
Zoning	IN(L)	BU-1
Potential*	7,480 sq. ft. church	15,507 sq. ft.
Can be Considered under FLU MAP	YES RES 4	NO** RES 4

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.**Requires Small Scale Amendment from RES 4 to CC.

	ADT	PM PEAK		
Trips from Existing Zoning	1,106	274	Segment Number	335E
Trips from Proposed Zoning	13,113	635	Segment Name	Fay Grissom to Arequippa
Maximum Acceptable Volume (MAV)	33,800	115B	Acceptable LOS	E
Current Volume	13,592	1,352	Directional Split	0.5
Volume With Proposed Development	26,705	2,403	ITE CODE 853	
Current Volume / MAV	40.21%	40.21%		
Volume / MAV with Proposal	79.01%	79.01%		
Current LOS	B	B		
LOS With Proposal	B	B		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on a 1.78 acre piece of the greater 4.93 acre parcel of land in order to develop a metal building for use as a commercial retail store. Commercial retail stores are permitted in Restricted Neighborhood Retail Commercial (BU-1-A), but per section 62-2115, BU-1-A does not permit metal buildings as principal structures. Section 62-2115 does, however, permit metal buildings as principal structures on properties with the BU-1 Zoning classification and this is why the applicant is requesting a change of Zoning classification to BU-1, instead of BU-1-A. The Future Land Use (FLU) designation on this parcel, and the entire 4.93 acre parcel of which it is a part, is currently Residential 4 (RES 4). The remaining 3.15 acre piece of the greater parent parcel will retain the IN(L) Zoning classification and existing RES 4 FLU designation. The subject parcel is located within unincorporated Brevard County on the south side of Fay Boulevard approximately nine hundred fifty feet (950') east of Grissom Parkway and is in the Port Saint John Dependent Special District (PSJ).

The subject portion of this parcel is adjacent to residential properties to the north, a retail plaza and a single-family house to the east, Challenger 7 Elementary School on the south and the Christian Missionary Alliance House of Worship on the west. The remainder of this parcel to the west currently has and will retain RES 4 FLU designation with Institutional Use – Low Intensity IN (L) Zoning classification and is developed and utilized as the Christian Missionary Alliance House of Worship.

A companion FLU amendment application from Residential 4 (RES 4) to Community Commercial (CC) was submitted accompanying this request for a change of Zoning classification from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on this 1.78 acre piece of the greater 4.93 acre parcel. In order for this request for a change of Zoning classification to be approved, the FLU amendment must first be approved.

Land Use Compatibility

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

FLUE 2.4 outlines the two commercial land use designations: Community Commercial (CC) and Neighborhood Commercial (NC). FLUE 2.5 does not list permitted uses that are extensive enough to allow BU-1 or BU-2 zoning on land designated NC. The two zonings allowed by NC are BU-1-A and Residential-Professional (RP).

FLUE 2.6 outlines locational and development criteria for NC Uses. This policy would indicate that clusters of NC of this size at this location should not generally be permitted. FLUE 2.8 outlines locational and development criteria for CC Uses. This criteria indicates that CC clusters should not be permitted at this location.

FLUE 2.7 outlines activities permitted in CC. These activities allow for BU-1 and BU-2 zoning.

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

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

Applicable Land Use Policies

The property to the north and across Fay Boulevard from the subject property retains the Single-Family Residential (RU-1-9) Zoning classification and is developed as single-family residential. Across Fay Boulevard and 150 feet to the northeast is an 11.1 acre county owned and maintained regional park with the Zoning classification of Government Managed Lands (GML) that serves the greater PSJ community with ball diamonds, basketball courts, tennis courts, playground equipment and other amenities. The property immediately adjacent

to the east has a zoning of BU-1-A and is developed as a commercial shopping center. The property adjacent to the south retains the RU-1-9 Zoning classification and is developed as Challenger 7 Elementary School. The property adjacent to the west, that is the remaining 3.15 acre piece of the greater 4.93 acre lot from which this subject parcel is proposed to be split, is proposed to remain zoned IN(L) and is currently developed as Christian Missionary Alliance House of Worship.

Approved zoning actions and denied zoning requests in the vicinity of the subject property could indicate an economic demand for more NC designated property in and around the existing active NC node serving the PSJ residential community accompanied by concern for maintaining the character and safety of the residential community. The two most recent approved zoning actions within one half mile of the subject parcel include replacement of a Binding Development Plan (BDP) with a new BDP addressing access concerns on a 2.59 acre property fronting Fay Blvd. on the south side 655 feet to the east of the subject property zoned BU-1-A (**13PZ00084**, 3/6/14) and a rezoning of a 0.26 acre property located 1,170 feet east of the subject property on the northeast corner of Pleasant Ave. and Fay Blvd. from Single-Family Residential, RU-1-9 to Residential Professional (RP) with a BDP (**12PZ00007**, 7/13/12).

Three requests to rezone residential property from residential to commercial were denied within a half mile of the property. The denied requests include: 1) a request to change Zoning classification on a 0.36 acre parcel located 980 feet west of the subject property on the northwest corner of Fay Blvd. and Grissom Parkway from RU-1-9 to BU-1 with an accompanying small scale FLU amendment from Res 4 to CC (**16PZ00111**, denied by unanimous vote 03/02/17); 2) a request to change Zoning classification on a 0.30 acre vacant parcel located 320 east of the subject property on the southwest corner of Fay Blvd. and Stillwater Ave. from RU-1-9 to BU-1-A with an accompanying small scale FLU amendment from Residential to Mixed-Use (**DNZ 10361**, denied 3/02/00), and; 3) a request for a change of Zoning classification from RU-1-9 to BU-1 on a 1.37 acre parcel (Lots 10-12) located 1,170 feet east of the subject property on the northwest corner of Fay Blvd. and Grissom Parkway (**DNZ 10084**, denied 5/6/1988). A Conditional Use Permit (CUP) for a church with accessory day care in BU-1-A on a 0.3 acre property located 765 feet west of the subject property on the northeast corner of Fay Blvd. and Grissom Parkway was also denied (**DNZ 9213**, denied 9/27/93).

The BDP's controlling access and these denied requests, along with a recent application to rezone a 1.6 acre property fronting Fay Blvd. on the south side 655 feet to the east of the subject property from BU-1-A to IN(L) with modified BDP that was withdrawn based on public input regarding traffic impacts at the PSJ public hearing (**18PZ00021**, withdrawn 7/2/18), indicate a concern by residents for safety and general welfare issues associated with increased intensity requests in the vicinity. The commercial node that this property abuts to the east consists entirely of BU-1-A Zoning and does not contain any BU-1 nor any BU-2 parcels. The character of the surrounding area is family residential with considerable pedestrian and bicycle traffic use by minors in and around this neighborhood commercial node. Auto traffic flow and traffic turn safety issues are also expressed concerns of the public that are intensified by automobiles accessing Challenger Elementary School to the south to drop-off and pick-up students from school.

For Board Consideration

The applicant is seeking a change of Zoning classification from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on a 1.78 acre piece of the greater 4.93 acre parcel of land in order to develop a metal building for use as a commercial retail store.

The Board should also consider whether the proposal is consistent and compatible with adjacent residential and school uses.

The Board should consider how traffic circulation will occur on the site to meet the policies of the Comprehensive Plan to ensure that level of service standards are met.

The Board should also consider whether the additional more intense BU-1 uses, particularly those that would generate a high number of trips on the Fay Blvd. corridor would be inconsistent with the character of the residential community.

Staff Comments: Page 4
(18PZ00074)
08/08/18 PSJ // 09/06/18 BCC

A companion FLU amendment application from Residential 4 (RES 4) to Community Commercial (CC) was submitted accompanying this request for a change of Zoning classification from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on this 1.78 acre piece of the greater 4.93 acre parcel. In order for this request for a change of Zoning classification to be approved, the FLU amendment must first be approved.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
 Rezoning Review**

SUMMARY

Item #: 18PZ00074	Applicant: Matt Cason
Zoning Request: IN(L) to BU-1	
PSJ Board Hearing: 08/08/18	BCC Hearing: 09/06/18

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, County or Local Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

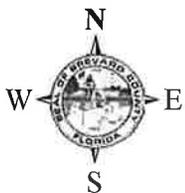
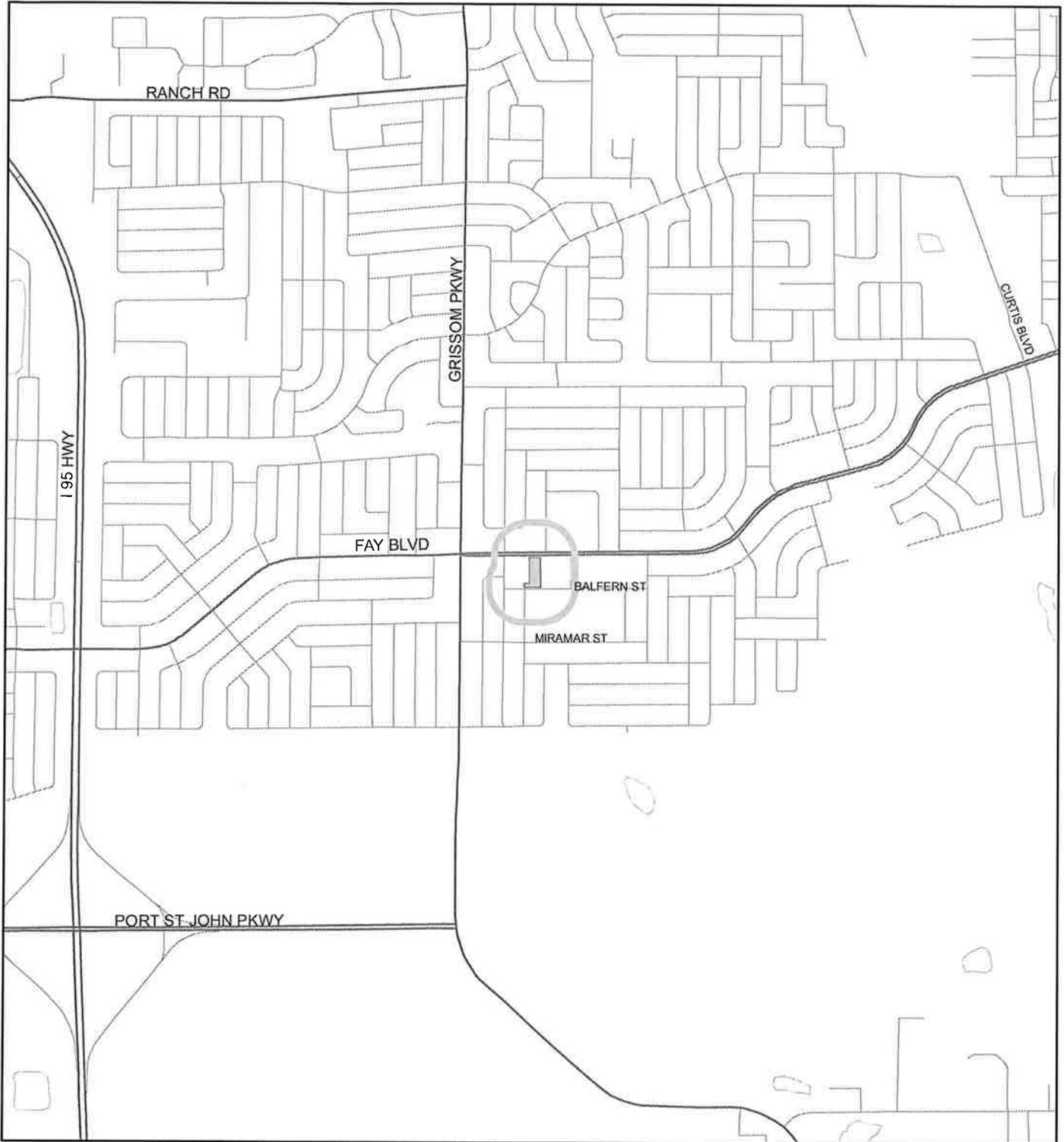
This review relates to the following property: Twp 23, Rng. 35, Sec. 23; Tax ID No. 2309947 (eastern portion)

The subject parcel contains mapped aquifer recharge soils (Paola fine sand-0 to 8% slopes and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. There is a large mapped Florida Scrub Jay polygon just east of the site as shown on the Scrub Jay Occupancy Map. 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.

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP
CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT
18PZ00074



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.

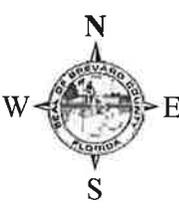
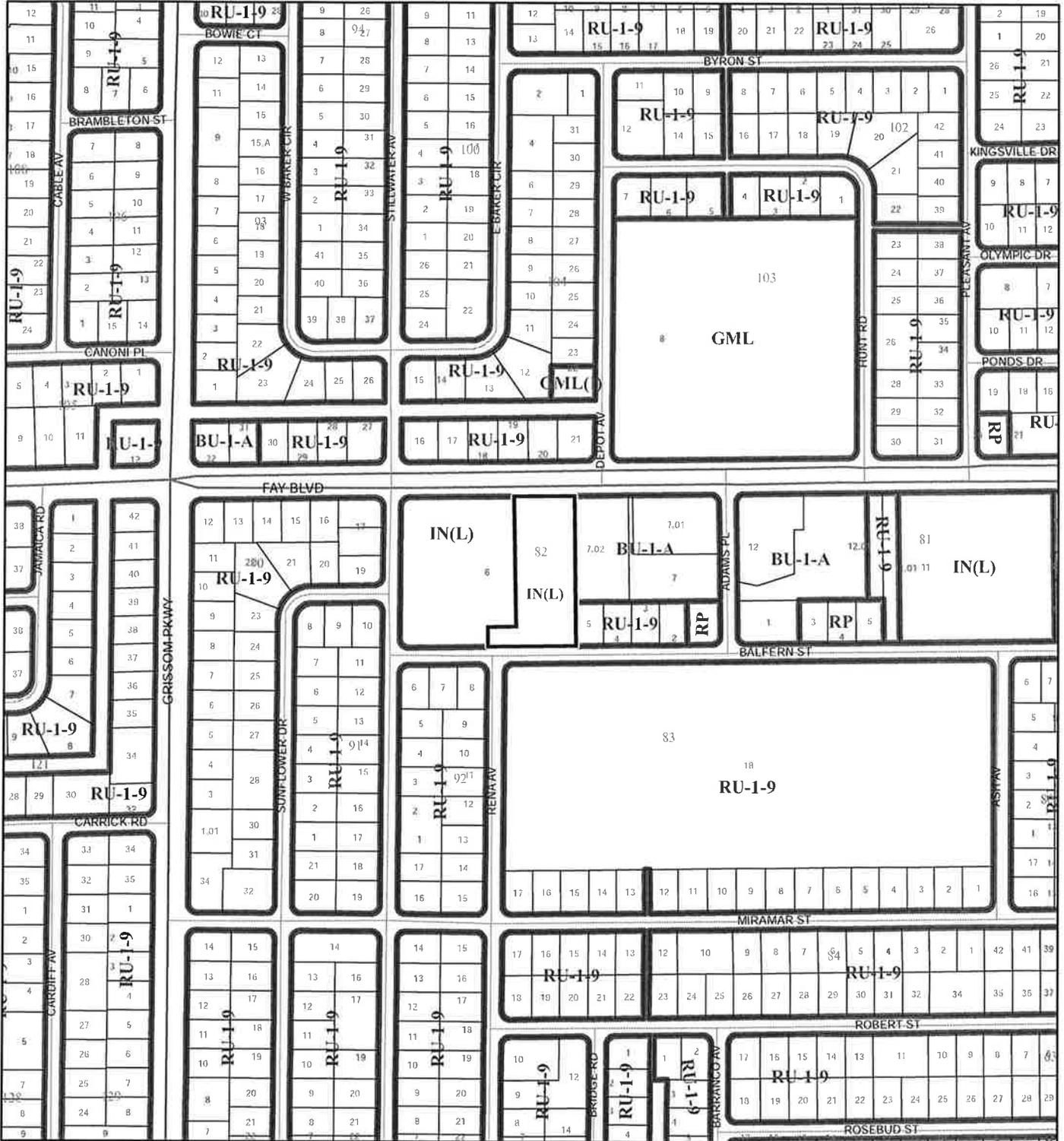
Produced by BoCC - GIS Date: 6/13/2018

-  Buffer
-  Subject Property

ZONING MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

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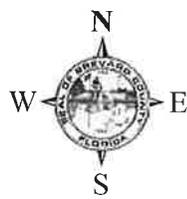
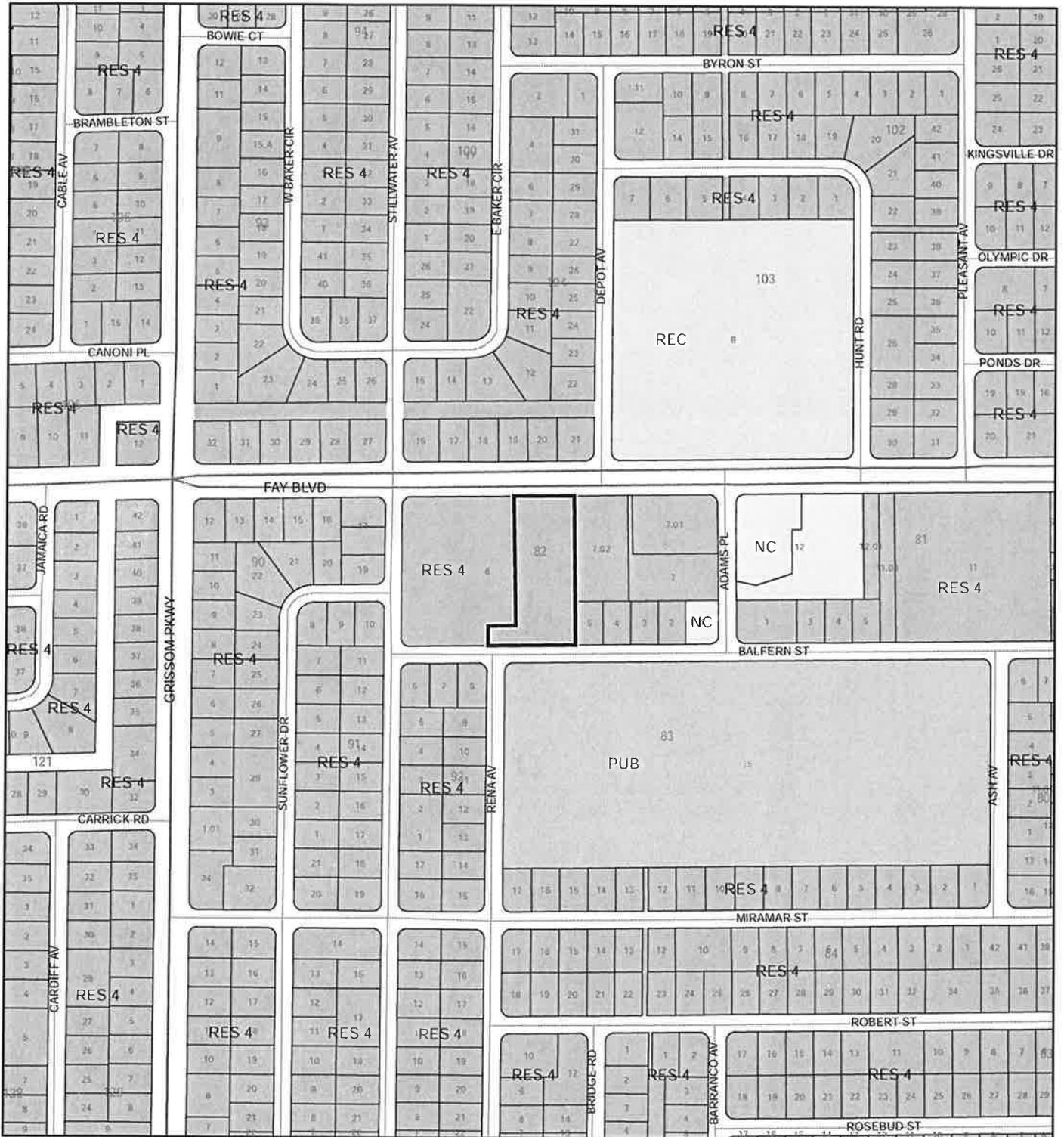
Produced by BoCC - GIS Date: 6/13/2018

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

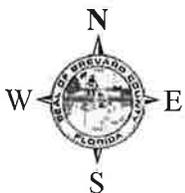
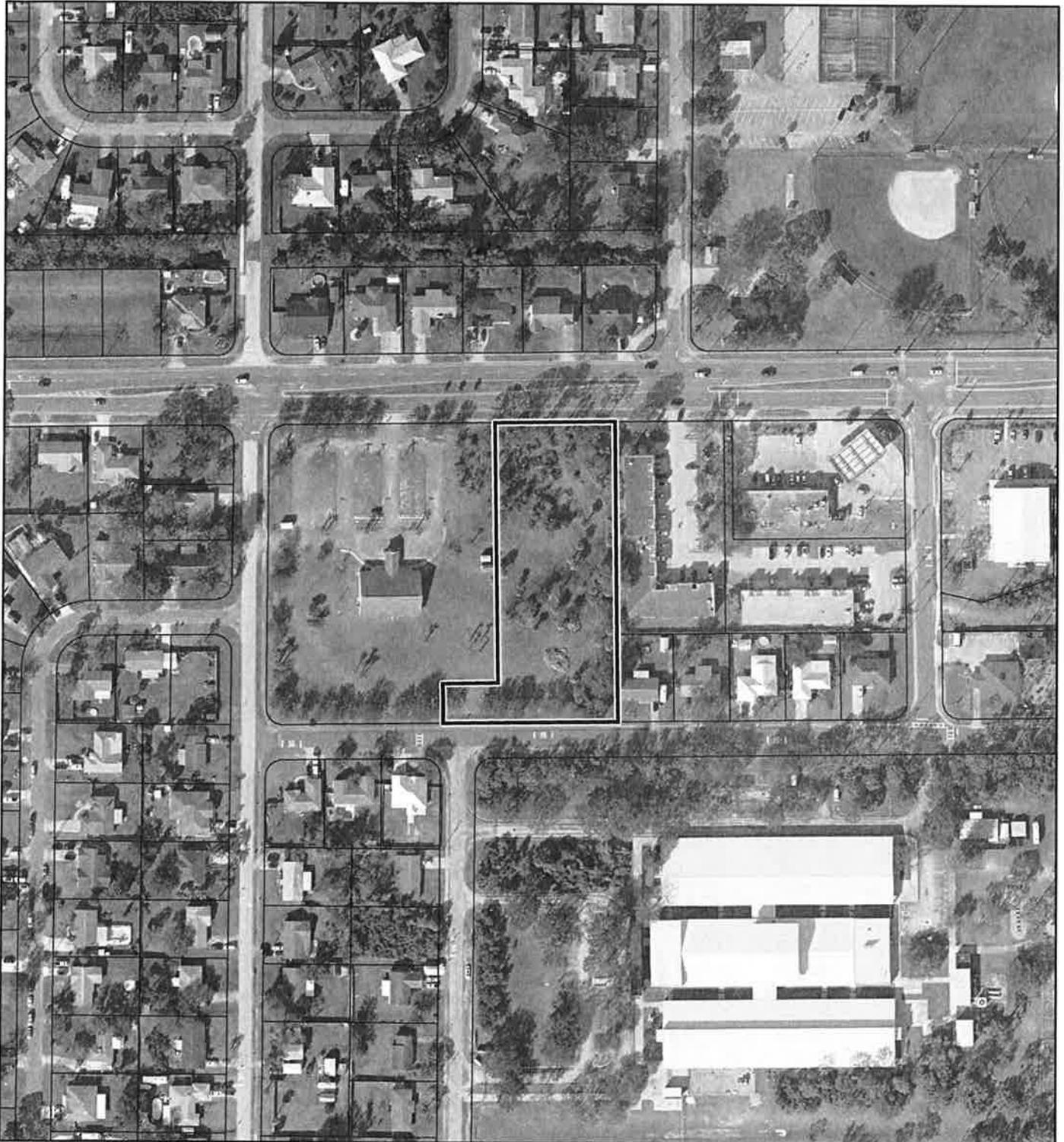
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Produced by BoCC - GIS Date: 6/13/2018

AERIAL MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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.

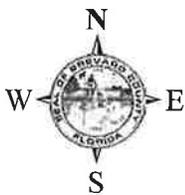
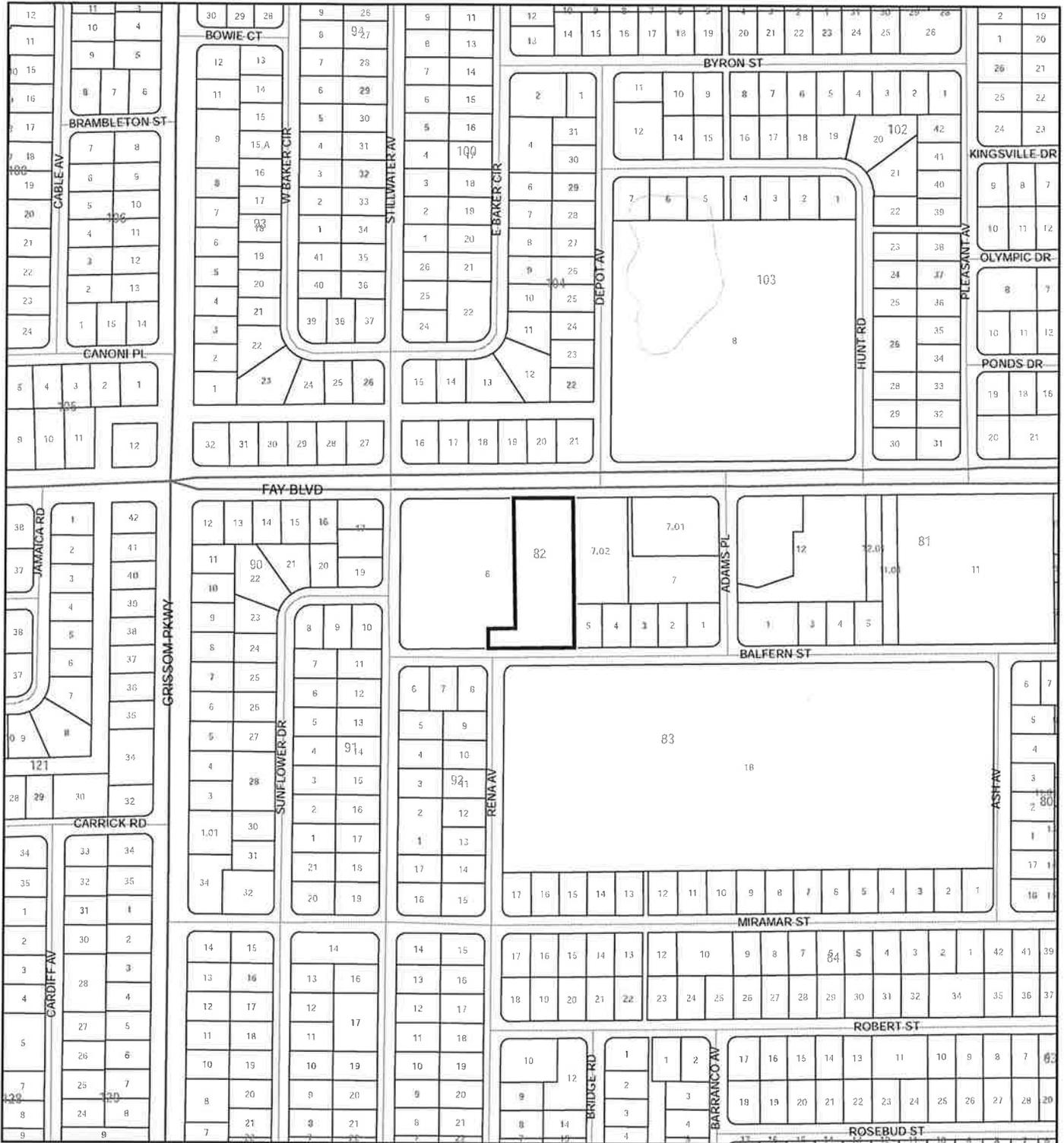
Produced by BoCC - GIS Date: 6/13/2018

-  Subject Property
-  Parcels

NWI WETLANDS MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2018

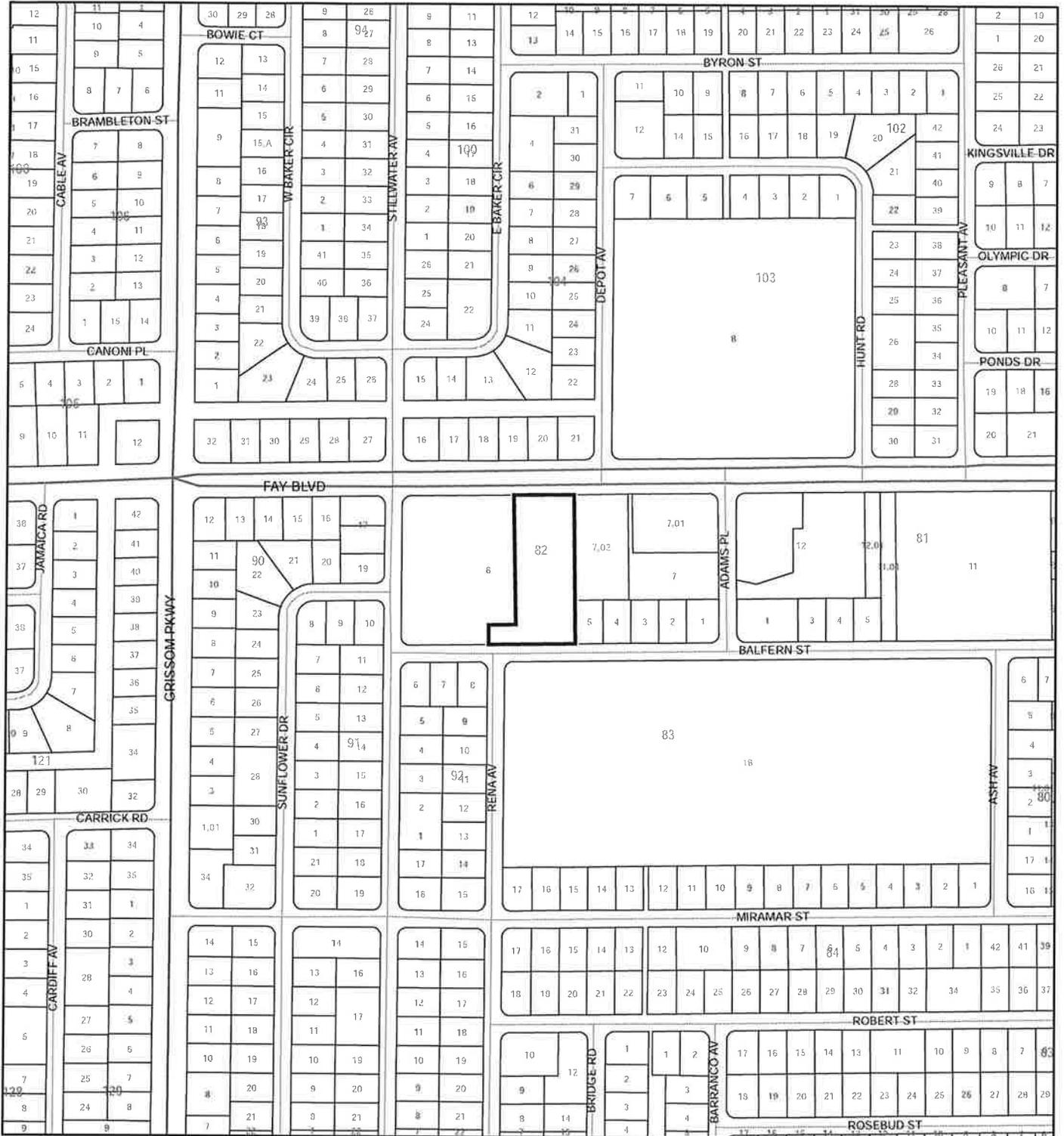
National Wetlands Inventory (NWI)

- | | | | |
|--|-----------------------------------|--|-----------------|
| | 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

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2018

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

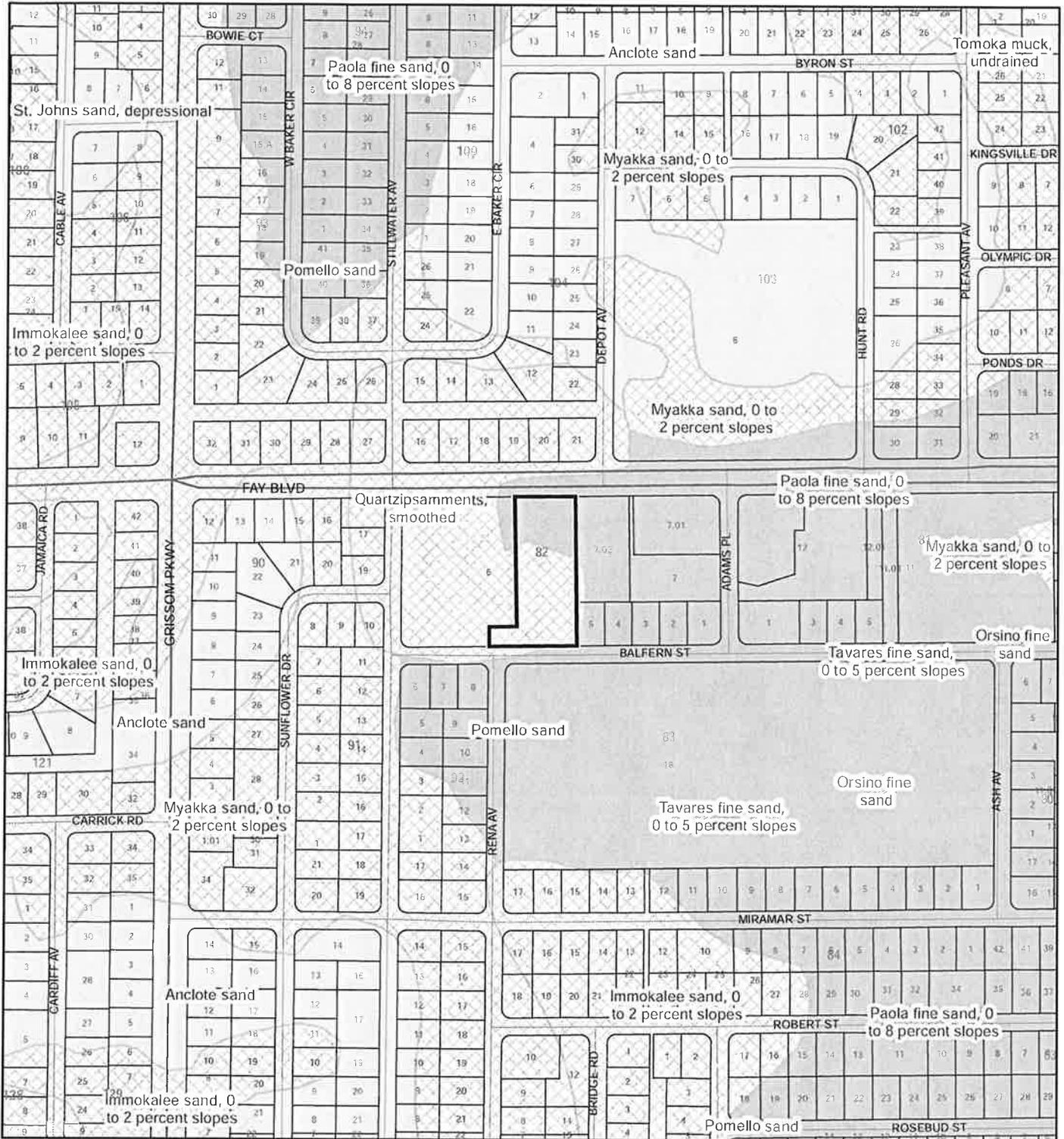
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

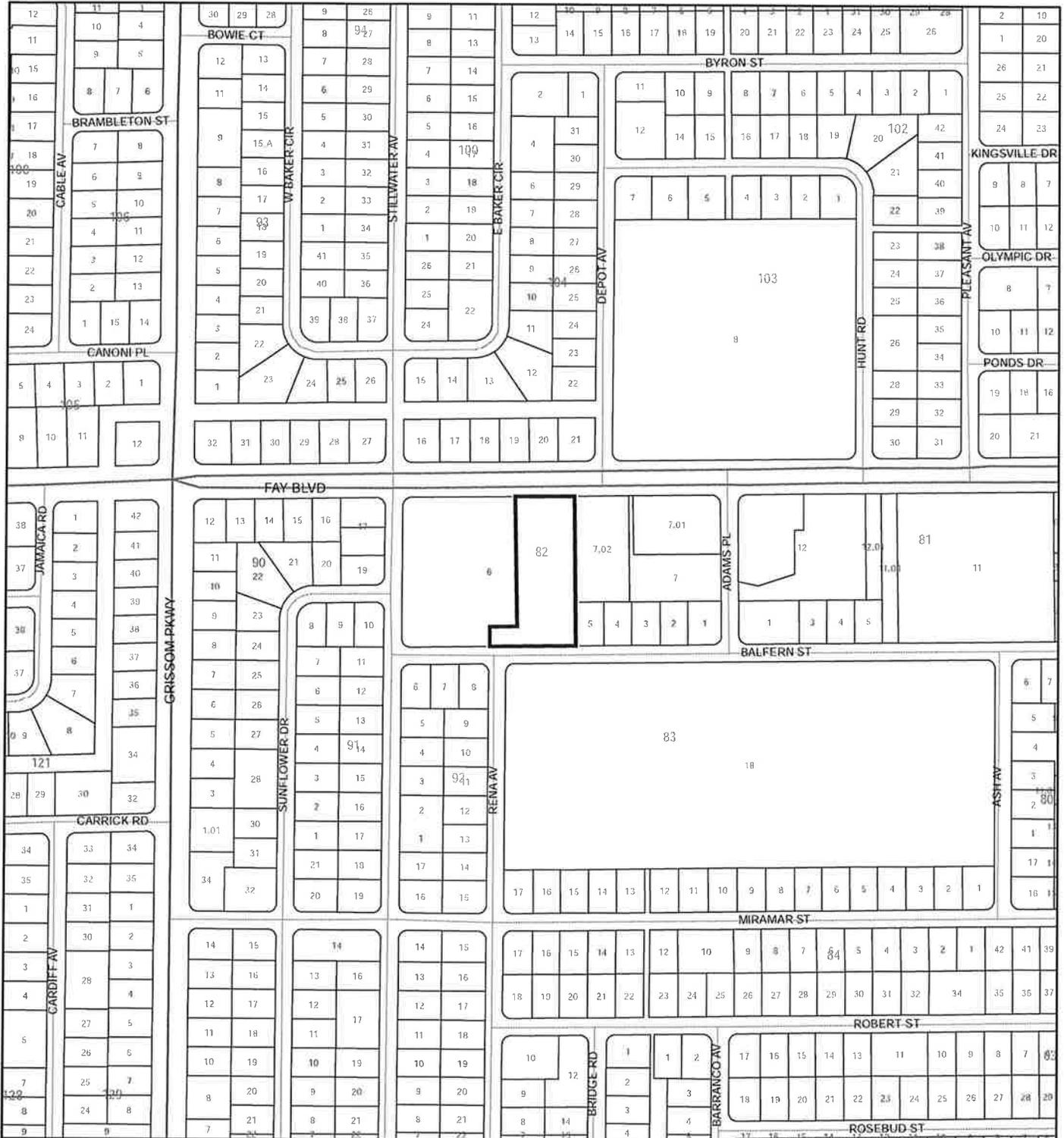
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/13/2018

FEMA FLOOD ZONES MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2018

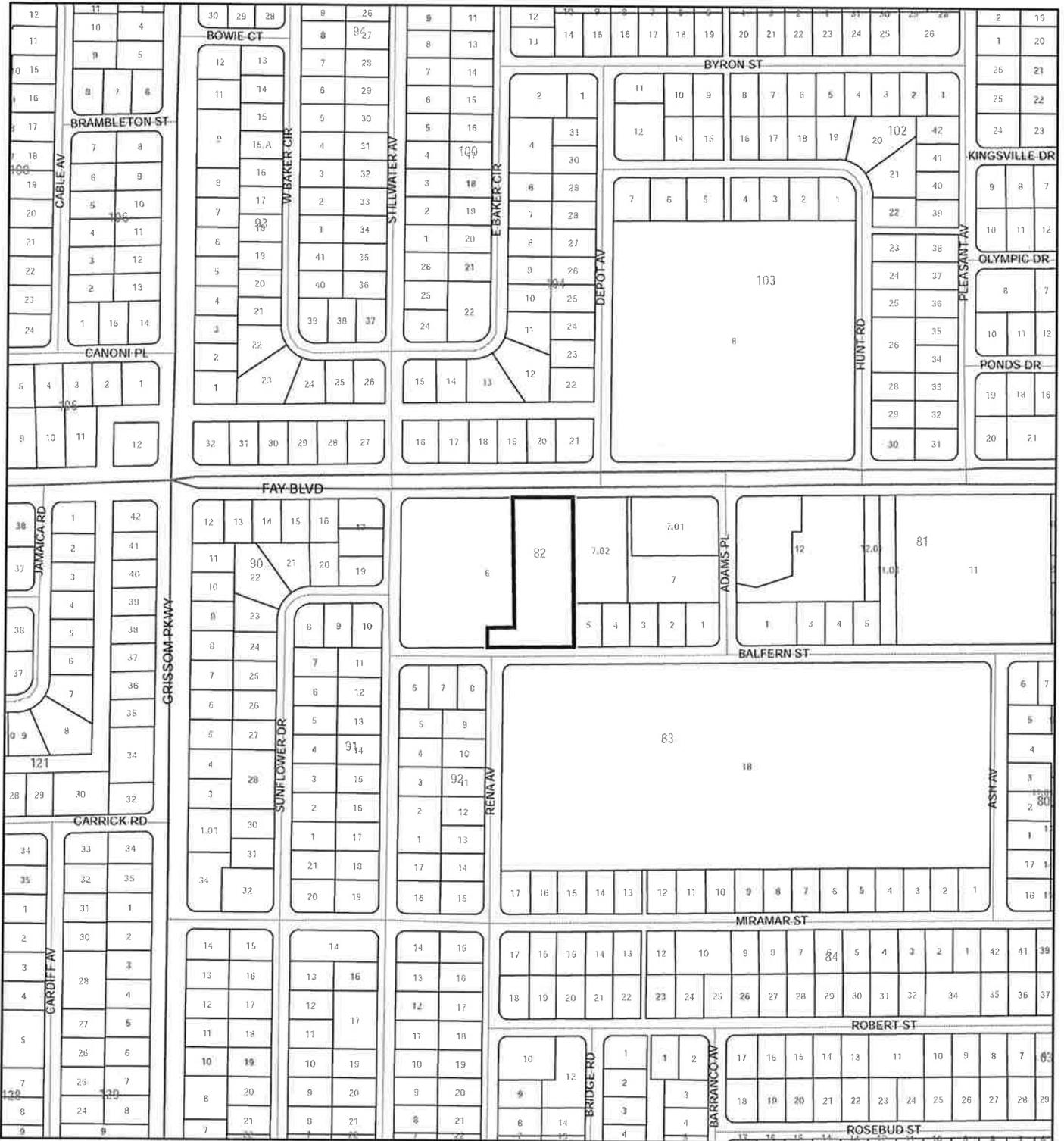
FEMA Flood Zones

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	

EAGLE NESTS MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ0074



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Eagle Nests
FWS 2010

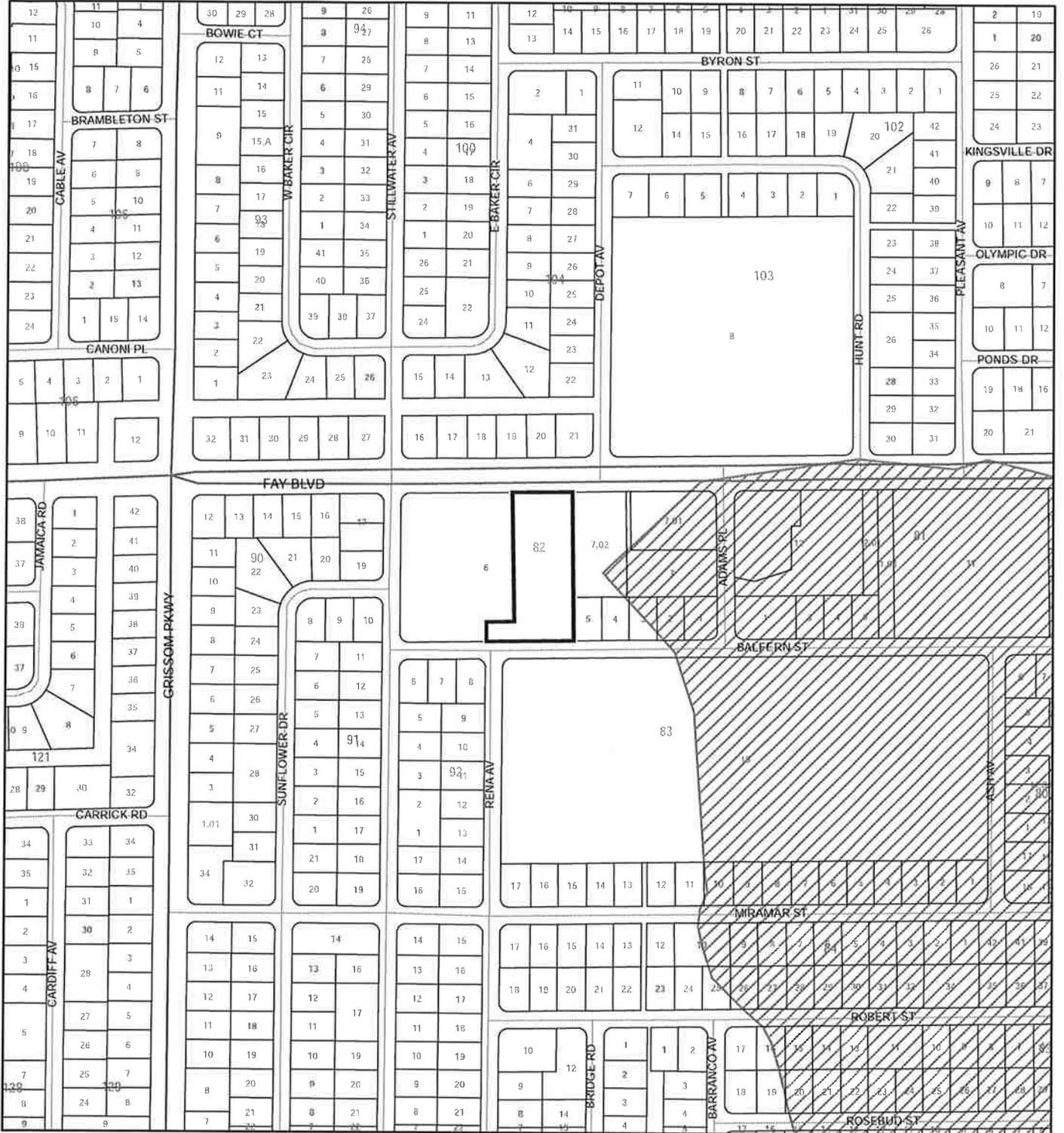
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/13/2018

SCRUB JAY OCCUPANCY MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

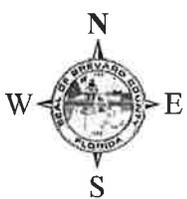
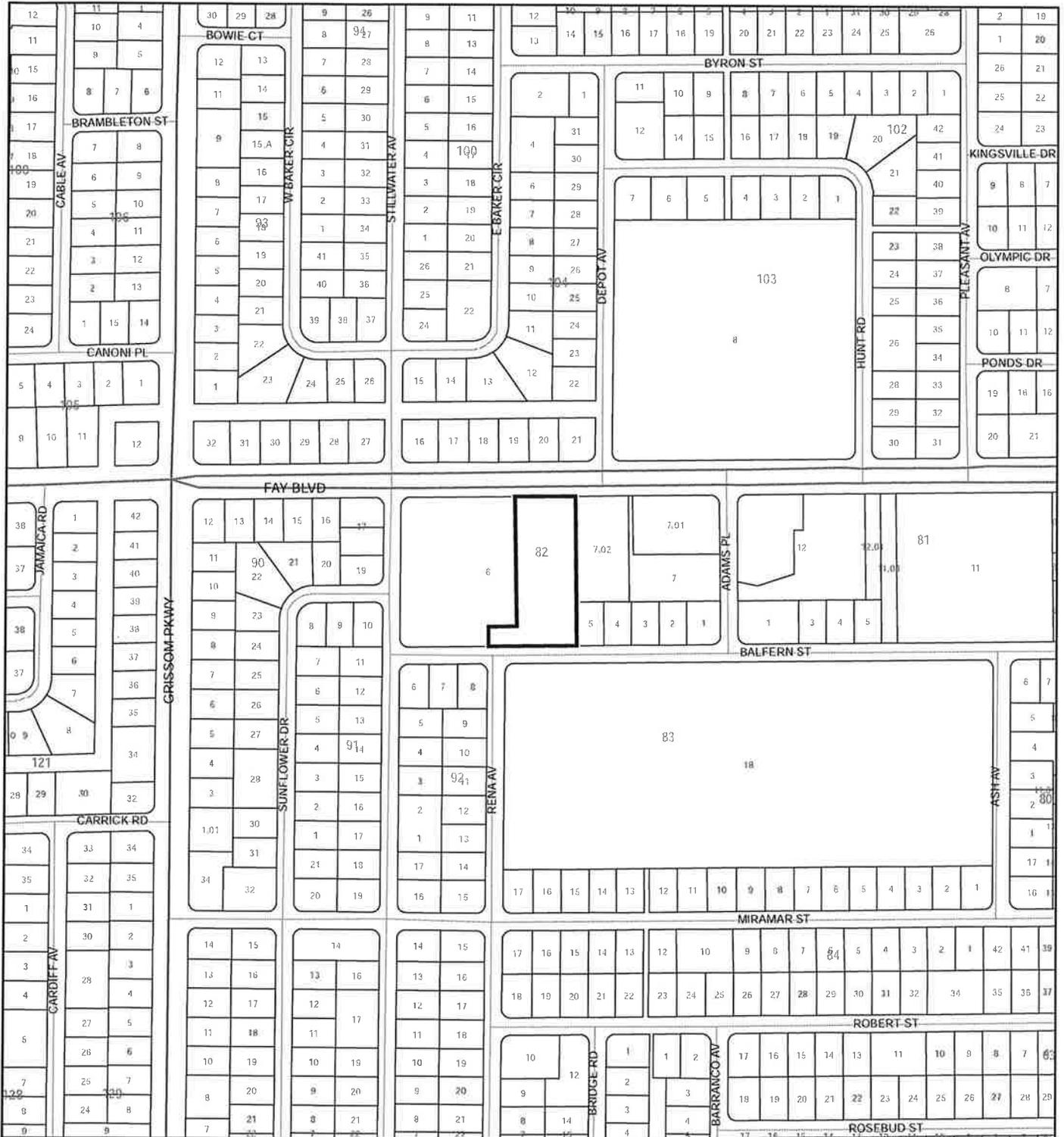
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/13/2018

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT

18PZ00074



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: 6/13/2018

SJRWMD FLUCCS Upland Forests

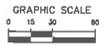
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

- Subject Property
- Parcels

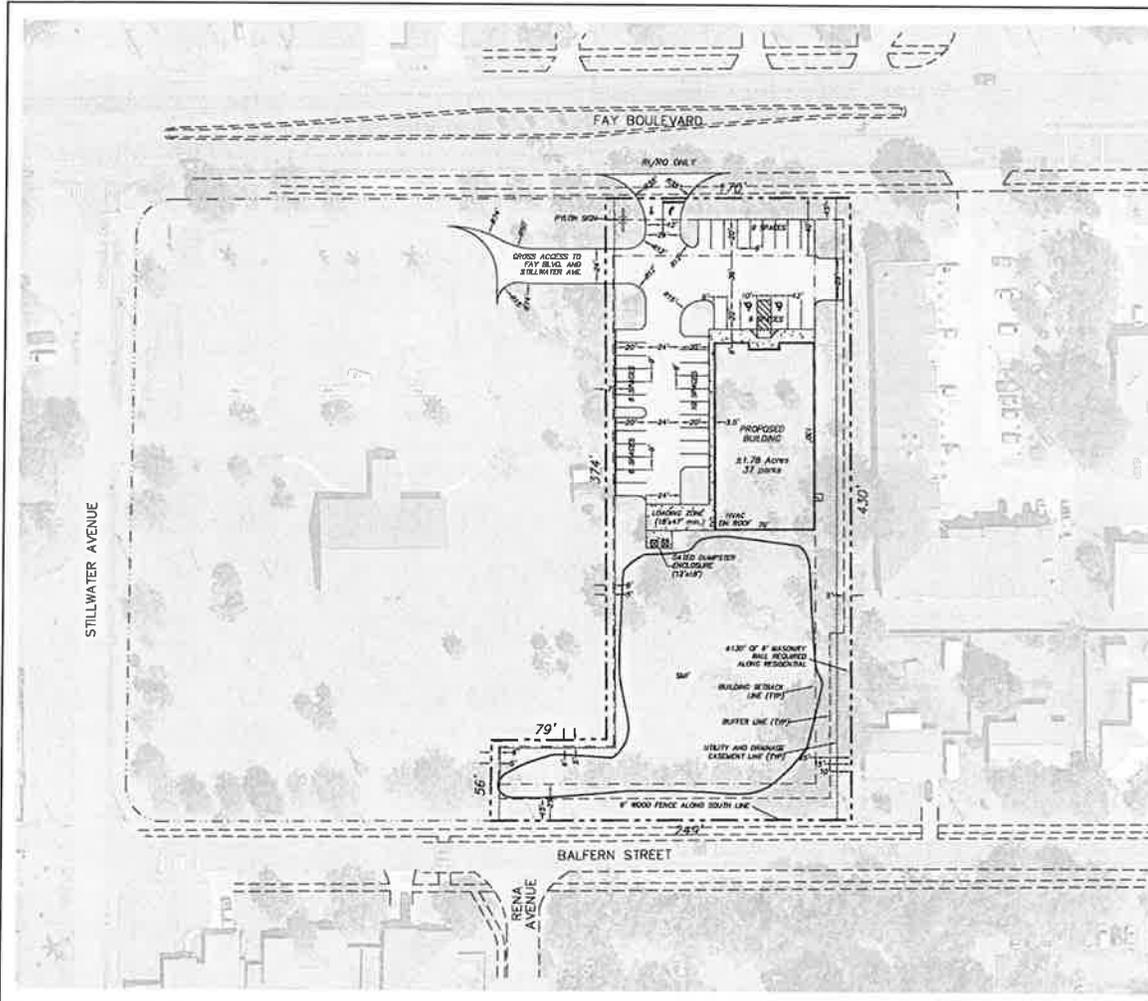
Conceptual Site Plan 08/31/18
 18PZ00074
 Christian Missionary Alliance

CONCEPTUAL SITE PLAN

24855 Fay Boulevard
 Part of Brevard County Tax ID 2309947
 Port St. John, FL



- 51.78 ACRES
- 37 PARKING SPACES
- ZONING (N/A) (NEED TO REZONE TO BU-1)
- LAND USE: RES. 4 (NEED SUD47)
- POTABLE WATER REQUIRED (BY CITY OF COCOA)
- SANITARY SEWER REQUIRED (GRAM177)



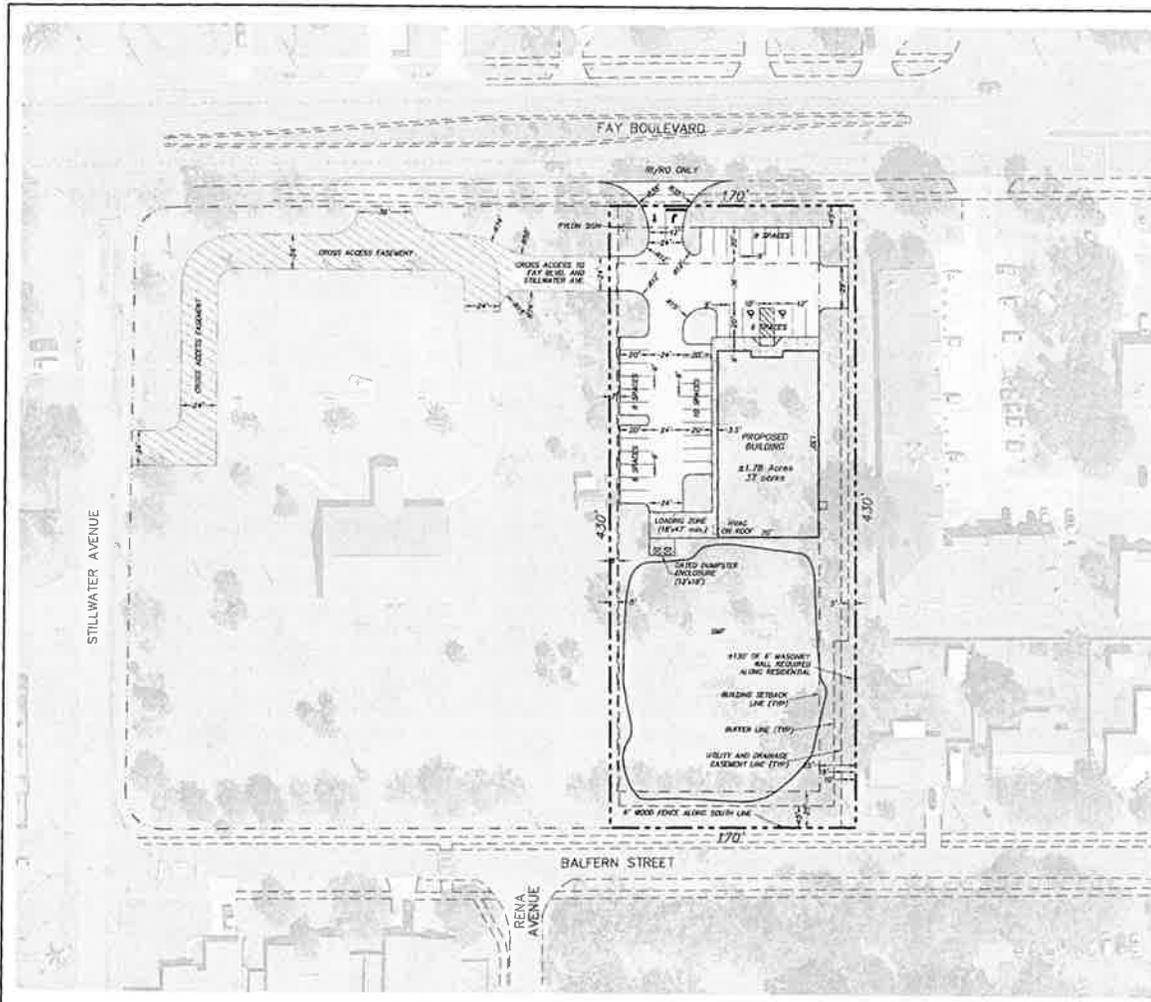
FYI Concept Plan
 18PZ00074
 Christian Missionary Alliance
 (Submitted 09-14-18)

CONCEPTUAL SITE PLAN

44855 Fay Boulevard
 Part of Bravard County Tax ID 2309847
 Port St. John, FL



±1.78 ACRES
 37 PARKING SPACES
 ZONING: M(L) (NEED TO REZONE TO BU-1)
 LAND USE: RES # (NEED M(C)P(1))
 POTABLE WATER REQUIRED (BY CITY OF COCOA?)
 SANITARY SEWER REQUIRED (DRAWING?)



MPH Transportation Planning Inc.
1725 Riverbirch Hollow
Tallahassee, FL 32308

Telephone (850) 510-6461
mphemmen@comcast.net

FYI Traffic Study
18PZ00074
Christian Missionary Alliance
(Submitted 09/20/18)

MPH

September 17, 2018

Al Tilly, P.E.
Concept Companies
3917 NW 97th Blvd.
Gainesville, FL 32606

Sent electronically via email

Re: Site Evaluation: Fay Blvd., Brevard County, FL [MPH 12-09 Gen. Svc.]

Al:

I've reviewed the transportation impacts and access management concerns associated with the proposed project site on Fay Blvd. in Brevard County, Florida. The following summarizes my professional assessment of this location based on the existing site specific data and my previous experience with the data requirements of the reviewing agency: Brevard County. The project parcel is a vacant commercial lot located on the south side of Fay Blvd. east of Grissom Pkwy.

Roadway Specific Data:

Fay Blvd.: Brevard County Roadway

- a) Functional Classification = Minor Arterial
- b) Access Management = Class 4: 4-lane divided urban typical section
- c) Posted Speed = 35 MPH
- d) Traffic Count Station 208 = 9,390 Daily Traffic
- e) Truck factor = NA**
- f) Sidewalk on both sides of the road. No bike lanes
- g) Traffic signal control: 0.2 miles west @ Grissom Pkwy.; 0.1 miles east @ Adams Place

Stillwater Avenue: Brevard County Roadway

- a) Functional Classification = Minor Collector
- b) Access Management = Class 6: 2-lane undivided rural typical section
- c) Posted Speed = 25 MPH
- d) Traffic Count None
- e) Truck factor = NA**
- f) Sidewalk on east side of the road. No bike lanes.
- g) Roadway is only 1 mile long. 0.5 mile north and south of Fay Blvd.

Data Source = Space Coast TPO May 2018

Access management comments:

1. Proposed project access: one restrictive (RI/RO) project driveway on Fay Blvd.; one full access driveway on Stillwater Ave. with access through adjacent church parking lot.
2. County normally accepts a Traffic Impact Assessment (TIA) for this 9,100 square foot store.

Site Evaluation - Fay Blvd Brevard County

3. The throat depth at the project entrance should not be a concern as adequate clearance is provided between the point of entry from the adjacent travel lane and the first parking space.
4. Limited left turn lane on Fay Blvd. @ Stillwater Ave. County may require left turn lane analysis.
5. Brevard County required a full traffic study with field data collection for a project I just completed on PSJ Pkwy west of Grissom Pkwy. They may want a full traffic study for this area as well.

Trip Generation Calculations:

**TABLE 1: Trip Generation
Variety Retail_9,100 SF Store
Brevard County, Florida**

Land Use						Distribution %		Trips		0%	34%	
Description	ITE	Period	ITE rate	Unit*	Trips	Enter	Exit	In	Out	Int. Cap.	Pass By	Net Trips
Variety Store	814	Daily	(T) = 63.47 (X)	9.100	578	50%	50%	289	289	0	197	381
Variety Store	814	AM	(T) = 3.81 (X)	9.100	35	68%	32%	24	11	0	12	23
Variety Store	814	PM	(T) = 6.84 (X)	9.100	62	52%	48%	32	30	0	21	41

Units: ksf = 1,000 square feet

Source: *ITE 10th Edition of Trip Generation*

Pass-By rate from ITE Trip Generation Handbook

Conclusions and Recommendations:

The preliminary analysis conducted for the transportation and access management concerns associated with this project site provides the following conclusions.

1. Trip generation for this store is less than 50 peak hour trips with pass-by reductions. The latest traffic count on this segment of Emerson is 10,690 with a capacity of 17,700 (60%) per the Space Coast TPO latest status report.
2. Based on traffic count estimates and project trip impacts no adverse conditions result from adding project trips to the existing traffic stream.
3. It is unlikely that peak hour traffic on Fay Blvd. has significant demand to create vehicle conflicts at the proposed project driveways that would require right or left turn lanes.

Based on this preliminary analysis, this project site will undergo a Brevard County Planning & Public Works review prior to any approval of the access driveway. A simple trip generation calculation is included with this memo to illustrate the reporting threshold based on Brevard County criteria.

If further consultation or modification to any of the items is required, please call me at (850) 510-6461 anytime during normal business hours to discuss.

Sincerely,

Mike Hemmen

Mike Hemmen, AICP

MPH Transportation Planning, Inc.

Copies distributed electronically to:

Matt Cason
Al Tilly, P.E.

matt@conceptcompanies.net
atilly@conceptcompanies.net

Prepared by & Return to:
Brian A. Block, Esq.
3917 NW 97th Blvd.
Gainesville, FL 32606
(352) 333-3233

BINDING DEVELOPMENT PLAN

This AGREEMENT is entered into this ___ day of August, 2018, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and CONCEPT DEVELOPMENT, INC., a Florida corporation, whose mailing address is 3917 NW 97th Blvd., Gainesville, FL 32606 (hereinafter referred to as "Developer"). (County and Developer may be individually referred to herein as "Party" and collectively referred to herein as the "Parties".)

RECITALS

WHEREAS, Developer entered into a Purchase and Sale Agreement for the Developer's purchase of Brevard County Tax Parcel Number 23-35-23-JM-82-6 with the current owner, which is the Southeastern District of the Christian and Missionary Alliance, which Property is legally described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer has requested a BU-1 zoning classification and desires to develop the Property as a commercial retail store, and pursuant to Brevard County Code, Section 6622-1157; and

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

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

NOW THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer shall provide all required buffers on the Property pursuant to the Land Development Regulations for a property with BU-1 zoning.
3. The Developer shall limit density to an approximately 9,300 square foot single-tenant commercial retail store and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer shall impose use restrictions on the Property, prohibiting any more intensive use of the Property than what the Developer is proposing herein, which would

otherwise be permissible under the proposed Zoning classification; such restrictions shall include a prohibition on its use as a restaurant (including a quick-service, aka "fast food" restaurant) or a gas station.

5. The Developer acknowledges that no further development shall be permitted on the Property beyond what is contained herein without a waiver or release of the restrictions by the County.
6. The Developer shall limit ingress and egress to Balfern Street to the South and Fay Boulevard to the North with cross access being shared with the adjacent land owner to the West to provide access to and from Balfern Street for both the subject and the Seller's remaining property.
7. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
8. Developer, upon execution of this Agreement, shall record this Agreement in the Public Records of Brevard County, Florida, and shall furnish a copy of the recorded Agreement to the zoning division within 120 days of approval by the Board of County Commissioners.
9. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above-referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
10. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
11. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

[Signatures to follow]

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

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

2725 Judge Fran Jamieson Way, Viera, FL 32940

Scott Ellis, Clerk

By: _____
Rita Pritchett, Chair
As approved by the Board on _____

Witnesses:

CONCEPT DEVELOPMENT, INC., a Florida
corporation
3917 NW 97th Blvd., Gainesville, FL 32606

Print Name: _____

By: _____
Matthew D. Cason, President

Print Name: _____

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Matthew D. Cason, as the President of Concept Development, Inc., a Florida corporation, on behalf of said corporation, who is personally known to me or has produced _____ as identification.

Notary Public, State of _____ at Large
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"

The easternmost 1.78± acre-portion of Lot 6, Block 82 of PORT ST. JOHN UNIT THREE, according to the Plat thereof as recorded in Plat Book 22, Page(s) 28, of the Public Records of Brevard County, Florida, to be more accurately described at a later date.

Prepared by & Return to:
Brian A. Block, Esq.
3917 NW 97th Blvd.
Gainesville, FL 32606
(352) 333-3233

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

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

NOW THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

~~2. Developer shall provide all required buffers on the Property pursuant to the Land Development Regulations for a property with BU-1 zoning.~~

~~3.1. The Developer shall limit density development to an approximately 9,300 square foot single tenant commercial retail store and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations (using the building's exterior dimensions).~~

~~4.2. The Developer shall impose use restrictions on the Property, prohibiting any more intensive use of the Property than what the Developer is proposing herein, which would otherwise be permissible under the proposed Zoning classification; such restrictions shall include a prohibition on its use as a restaurant (including a quick-service, aka "fast food" restaurant) or a gas station (the basis for said square footage).~~

~~5.3. The Developer acknowledges that no further development shall be permitted on the Property beyond what is contained herein without a waiver or release of the restrictions by the County.~~

~~6.4. The Developer shall limit the Property's ingress and egress to ~~Balfern Street to the South~~ and from Fay Boulevard to the North with cross access being shared with the adjacent land owner to the~~

West to provide additional access to and from Stillwater Avenue; there shall be a restriction against the Property's access to and from Balfern Street for both the subject and the Seller's remaining property.

5. The Developer shall install opaque fencing along the South boundary of the Property to provide a visual buffer for the school to the south.

6. The Developer shall preserve as many of the trees within the Property and along Balfern Street as possible.

7. The Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

8. The Developer, upon execution of this Agreement, shall record this Agreement in the Public Records of Brevard County, Florida, and shall furnish a copy of the recorded Agreement to the zoning division within 120 days of approval by the Board of County Commissioners.

9. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above-referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

10. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

11. Conditions ~~p~~Precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

[Signatures to follow]

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

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

2725 Judge Fran Jamieson Way, Viera, FL 32940

Scott Ellis, Clerk

By: _____
Rita Pritchett, Chair

As approved by the Board on _____

Witnesses:

CONCEPT DEVELOPMENT, INC., a Florida
corporation

3917 NW 97th Blvd., Gainesville, FL 32606

Print Name: _____

By: _____
Matthew D. Cason, President

Print Name: _____

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this ____ day of _____, 2017~~8~~, by Matthew D. Cason, as the President of Concept Development, Inc., a Florida corporation, on behalf of said corporation, who is personally known to me or has produced _____ as identification.

Notary Public, State of _____ at Large
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"

The easternmost 1.78± acre-portion of Lot 6, Block 82 of PORT ST. JOHN UNIT THREE, according to the Plat thereof as recorded in Plat Book 22, Page(s) 28, of the Public Records of Brevard County, Florida, to be more accurately described at a later date.

Port St. John - Fay Blvd – Future Land Use & Rezoning

FYI Presentation
18PZ00073 & 74
Christian Missionary

Port St. John (Brevard County)

Owner/Applicant: **Christian Missionary Alliance S.E. District**

Adopted Future Land Use Map Designation: **RES 4**

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

Acreage: **1.67 acres** Tax Account #: a portion of 2309947

Current Zoning: **IN(L) (Institutional Use-Low Intensity)**

Requested Zoning: **BU-1**

Site Location: South side of Fay Blvd.



**CONCEPT
COMPANIES**

Port St. John: Mid-Level Aerial



Atlantis Elementary School
[618 Students PK-6]

Enterprise Elementary School
[539 Students PK-6]

Space Coast Jr/Sr High
[1,527 Students 7-12]

Proposed
9,100-SF CRS

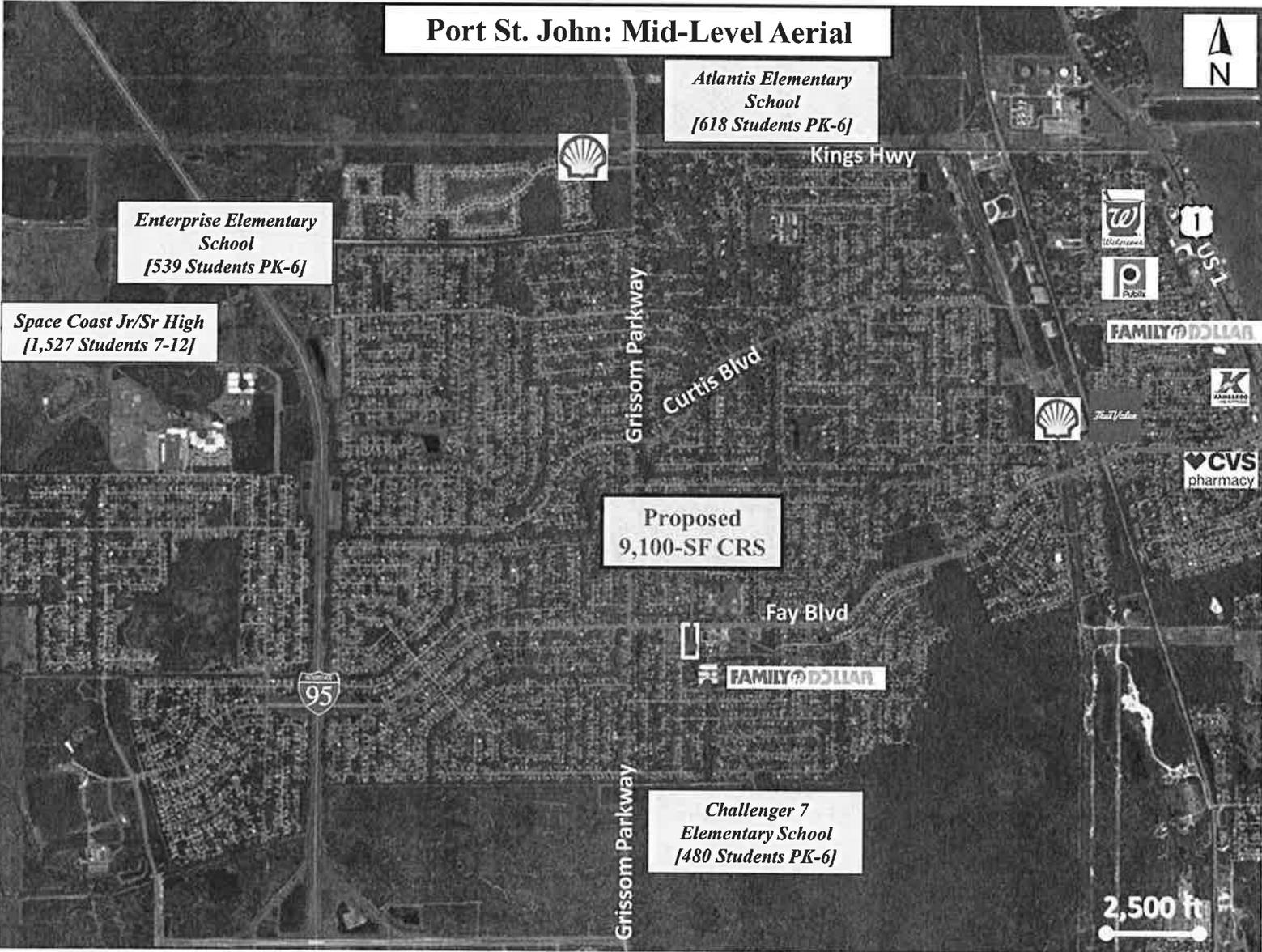
Challenger 7 Elementary School
[480 Students PK-6]



FAMILY DOLLAR

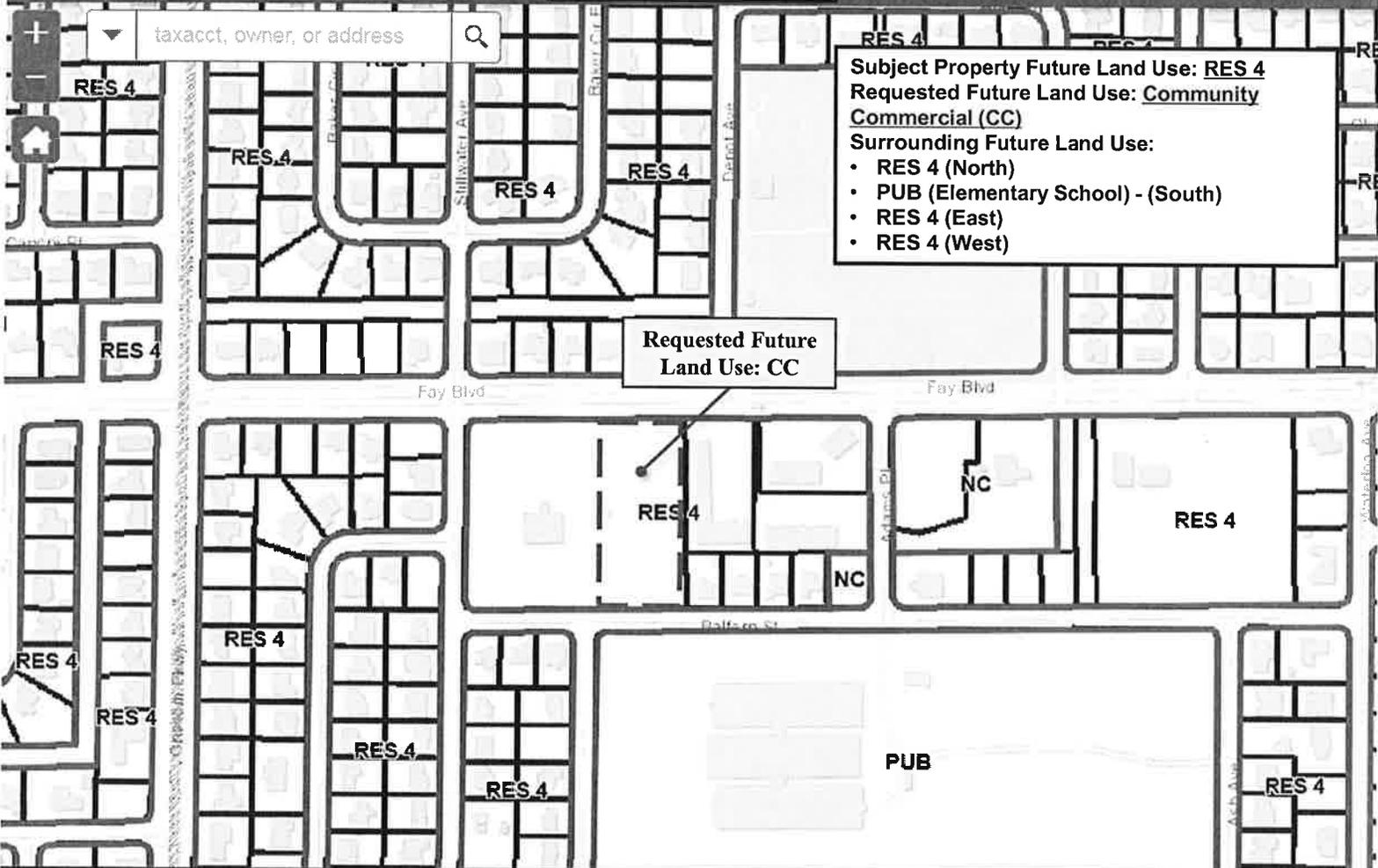


FAMILY DOLLAR



Zoning and Future Land Use **Future Land Use**

taxacct, owner, or address



Subject Property Future Land Use: RES 4
Requested Future Land Use: Community Commercial (CC)
Surrounding Future Land Use:

- RES 4 (North)
- PUB (Elementary School) - (South)
- RES 4 (East)
- RES 4 (West)

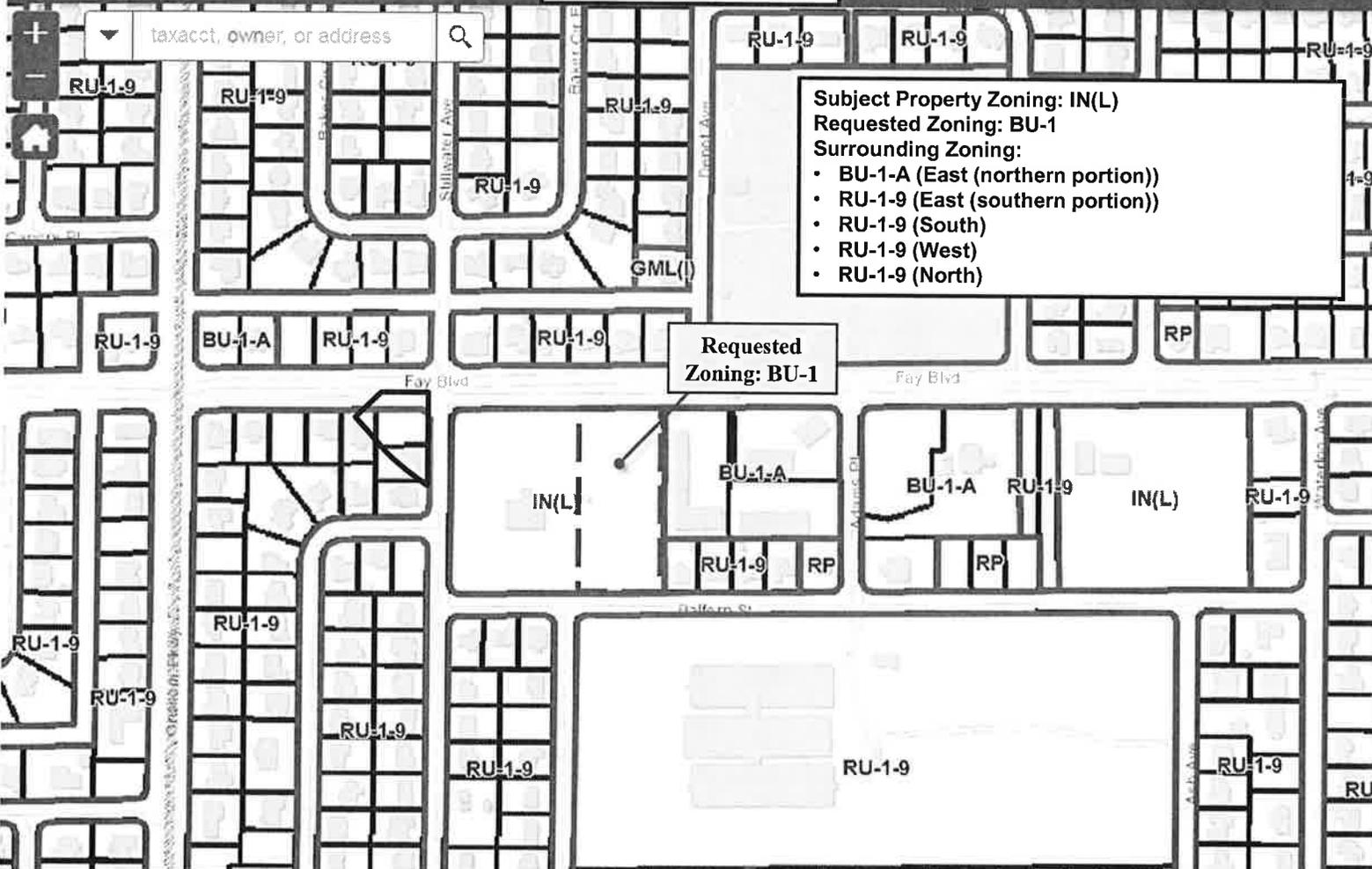
Requested Future Land Use: CC



Zoning and Future Land Use

Zoning

taxacct, owner, or address

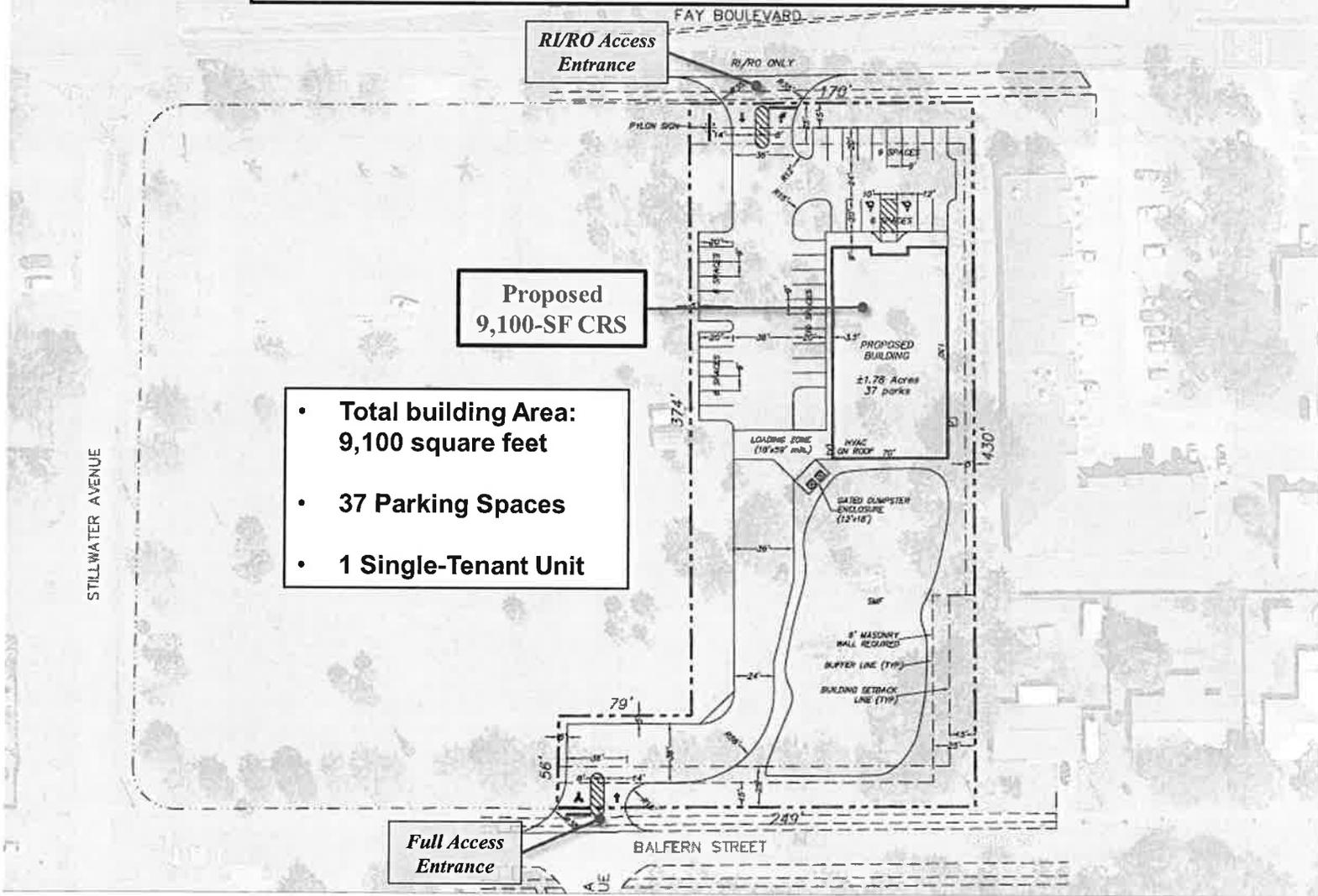


Subject Property Zoning: IN(L)
Requested Zoning: BU-1
Surrounding Zoning:

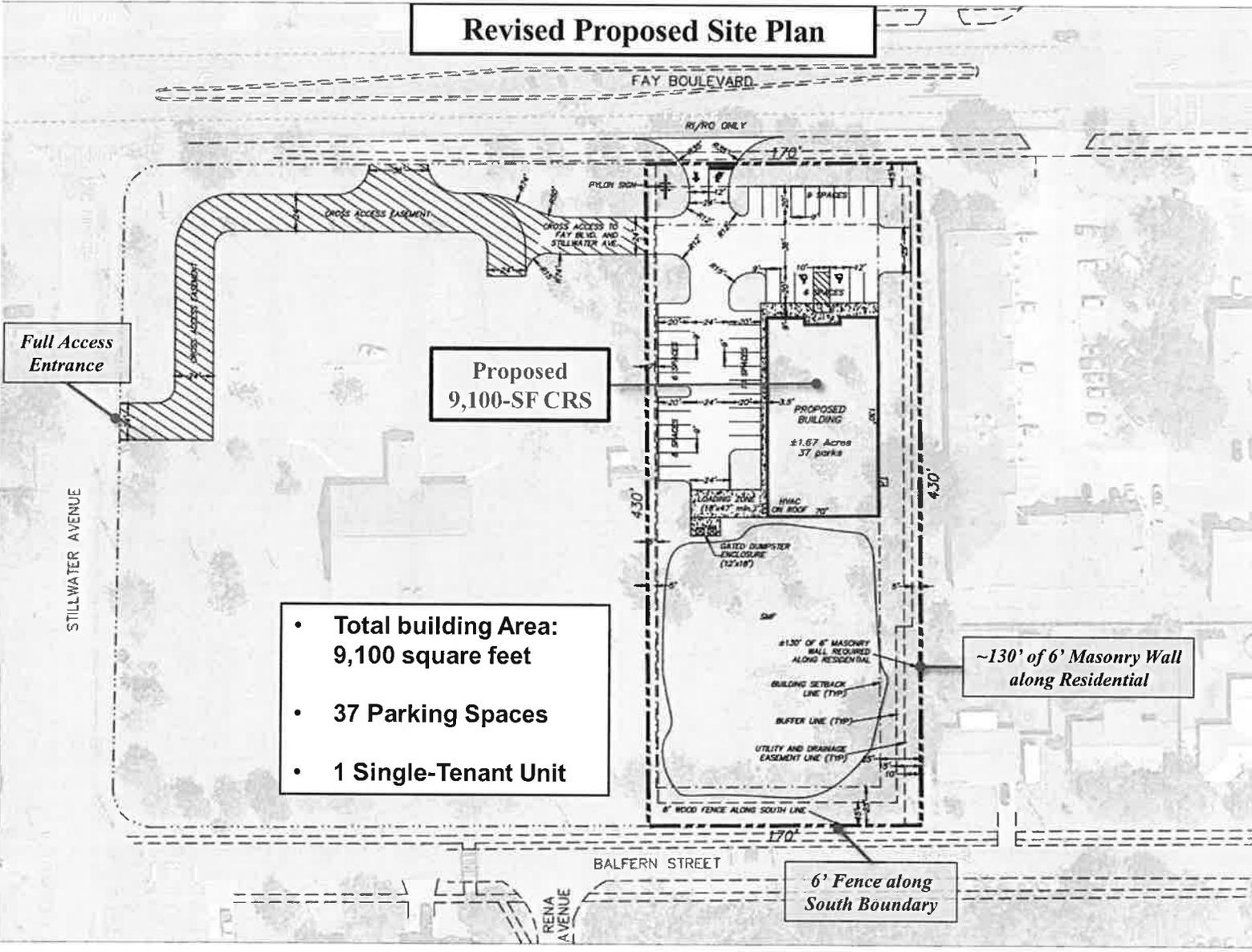
- BU-1-A (East (northern portion))
- RU-1-9 (East (southern portion))
- RU-1-9 (South)
- RU-1-9 (West)
- RU-1-9 (North)

Requested Zoning: BU-1

Previous Site Plan Submitted at the Port St. John Advisory Committee on 8/8/2018



Revised Proposed Site Plan



Full Access Entrance

Proposed 9,100-SF CRS

- Total building Area: 9,100 square feet
- 37 Parking Spaces
- 1 Single-Tenant Unit

~130' of 6' Masonry Wall along Residential

6' Fence along South Boundary

We the undersigned petitioners are members of the Community Alliance Church, in alliance with the Christian Missionary Alliance, S.E. District. Our Church has excess property located between the church and the adjacent commercial area to the East. We have no plans to use this property and the sale of the property will assist our church in its financial needs. We have been diligent to see that this commercial use will be compatible and will be a good neighbor for the church. With this commercial use on this remnant piece of vacant land, the character of the area will not be negatively changed in any way. As members of the church, we request that this rezoning request be favorably recommended by the board.

[Handwritten signature]

[Handwritten signature]

Mammy [unclear]

Darel Beckers

[unclear]

Sally Hellewell

Lynn Hester

Ceresa Cooney-Payne

[unclear]

Rodney L Schron

L. Jean [unclear]

Chris Cowley

Rick Cooney

Katherine Cooney

[unclear]

Craddock, Amy

From: sherryhope0306@gmail.com
Sent: Monday, August 20, 2018 9:18 AM
To: Commissioner, D1
Subject: Dollar store in PSJ

We already have 2 \$\$ stores in close proximity to the proposed site another is not needed !! These stores do nothing to improve the face of our community. I also believe they will negatively impact home and property value. Please stand with your voters!!!

Sent from my iPad

Craddock, Amy

From: Shari <mcdonald4@mindspring.com>
Sent: Thursday, August 09, 2018 11:42 AM
To: Pritchett, Rita
Subject: No to rezoning in Port St John, FL for another Dollar Store

Categories: Yellow category

Hi,

There is a petition going around to stop the rezoning of a lot in PSJ to become a Dollar Store. PSJ already has 4 in the area and there is a Family Dollar about 200 yards from this proposed Dollar Store. Our community is outraged and do not want one more of these type of stores in our area. Is PSJ thought of as a low-income housing development – NO! There are plenty of people that work out at the Cape and DO NOT want to shop at a Dollar store, especially 5 of them within miles of one another.

Please hear our voices and stop the rezoning, thank you and respectfully,

Shari McDonald
Owner – Chippies Frozen Yogurt
(321) 302-1304

<https://www.facebook.com/ChippiesFrozenYogurt/>

Craddock, Amy

From: Alicia Lawson <alawson1190@gmail.com>
Sent: Thursday, August 09, 2018 11:46 AM
To: Pritchett, Rita
Subject: Re-Zoning of Residential to Commercial on Stillwater/Balfern
Categories: Yellow category

Hello,

I wanted to take a moment to email you about the zoning change request that's been submitted by the Church to change to commercial so that they can sell and put in a Dollar General off Stillwater/Balfern in Cocoa, FL 32927.

I would really like to see this NOT happen. We already have a dollar store on the corner of Fay and Adams and this other Dollar General would be 0.2 miles from the other one. In addition to not needing a second store within one block of each other their plan to have all of the deliveries come down Stillwater and Balfern, which is a residential street with Challenger 7 Elementary at the corner seems absolutely crazy to me.

I don't have objections to this type of store, but I don't believe that it should be changed from residential to commercial for any storefront. If they want to commercialize the area it should be done on Fay, not on back streets and in front of families homes.

I've included the information we received at the Port St John Zoning Meeting yesterday and a screenshot of the neighborhood on satellite view

Thank you in advance for considering our objections,
Alicia Lawson

Craddock, Amy

From: nicole sutherland <nicoland77@hotmail.com>
Sent: Thursday, August 09, 2018 12:42 PM
To: Commissioner, D1
Subject: New dollar store

Categories: Purple Category

This letter is regards to a new store proposal that was brought to my attention at last night's meeting. We do not need any more dollor stores on Fay blvd. Whomever is coming up with these plans, it is just rediculous. There is already enough going on in this neighborhood, not to mention the school is right there and children are crossing twice a day. Thank you for listening, and I hope you take the people's thought into concideration before dumping another dollar store in our area.
Nicole Berstler

Craddock, Amy

From: KimOsburn@cfl.rr.com
Sent: Thursday, August 09, 2018 12:58 PM
To: Pritchett, Rita
Subject: Port St John

Categories: Yellow category

Mrs. Pritchett,

I am writing to you concerning the possibility of putting another Dollar Store in Port St John on Fay Blvd. Our community does not need or want another eye sore that isn't taken care of and contributes to activity we don't need here.

Please help support the people of our Port St John community and get this voted down.

Thank you

Kim Osburn
Port St John resident

Craddock, Amy

From: Selyna Hopkins <selynahopkins@gmail.com>
Sent: Thursday, August 09, 2018 12:59 PM
To: Commissioner, D1
Subject: Dollar general no way in psj

Categories: Purple Category

Sent from my iPhone

Craddock, Amy

From: Stacey Kirby <skirby369@gmail.com>
Sent: Thursday, August 09, 2018 1:24 PM
To: Commissioner, D1
Subject: Dollar Store in Port St. John

Categories: Purple Category

Good Afternoon, Commissioner Pritchett-

I am writing to you today to ask you to please stop the zoning and building of another Dollar Store in Port St. John. There are more than enough of these stores already and we absolutely do not need another one.

I have been in PSJ for over 30 years and would like to continue living here in our somewhat quiet community. Adding another one of these stores does not add anything of quality to our neighborhood. In my opinion, it does the opposite. There is no reason to add more congestion to Fay Blvd. and our residential side streets when we have enough of these stores right here already.

Please do what you can to stop the development of this store - I know the people of PSJ will thank you.

Thank you,
Stacey Kirby

Craddock, Amy

From: akn192430@aol.com
Sent: Thursday, August 09, 2018 3:47 PM
To: Commissioner, D1
Subject: Dollar general

Categories: Purple Category

We the residents of PSJ do not want or need another dollar store. I was shocked when I first moved to port St. John to see how many dollar stores there are in such a small area. We don't need another!!

Port St John resident
Robin R,

Sent from my iPhone

Craddock, Amy

From: john moyes <johnmoyes58@hotmail.com>
Sent: Thursday, August 09, 2018 3:54 PM
To: Pritchett, Rita
Subject: Port St John - Property Zoning

Categories: Yellow category

I am sending you this email to request that you do not pass the zoning change request on a piece of property between the church and the corner of Fay and Stillwater. We do NOT want another dollar store in Port St John.
Thank you.

John and Carolyn Moyes
7080 Hundred Acre Drive
Port St John, FL

Sent from my iPhone

Craddock, Amy

From: Hermes, Jamie (IHG) <Jamie.Hermes@ihg.com>
Sent: Thursday, August 09, 2018 4:54 PM
To: Pritchett, Rita
Subject: No to Dollar General Store on Fay Blvd

Categories: Yellow category

I live very close to the area and the traffic getting my daughter to school at Challenger 7 is already too much to handle. I cannot imagine having more traffic due to the store. Also we already have a Family Dollar Store less than 1,000 yards away. Then if you go to Fay and US 1 and turn left (North on US1) you will find another Family Dollar store, if you turn right (South on US1) within 3 miles you will find both a Family Dollar and a Dollar General Store. We do not need more than 4 of these stores in this small of an area.

Thank you,
Jamie

Jamie M Hermes
Portfolio Revenue Manager, Revenue Management - Upscale

IHG
Three Ravinia Drive, Suite 100, Atlanta, GA 30346 United States
Tel: 321-507-4432 Mobile: 407-619-1205

[IHG](#) | [Book IHG](#) | [Join IHG](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#)



Craddock, Amy

From: Traci Singleton <etsmom78@icloud.com>
Sent: Thursday, August 09, 2018 5:07 PM
To: Commissioner, D1
Subject: PSJ resident concerns

Categories: Purple Category

Dear Mrs. Pritchett

I've lived in PSJ for 18 years and Brevard County for over 20, my husband was born in Titusville and has lived in Brevard his whole life. Me and my family ask that you please deny the request for the dollar store to be allowed to open in PSJ! We do not need another dollar store here we currently have 4-5 dollar stores within a few miles, we do not need \$8 an hour jobs for a handful of people! This will not improve our community , it will make it worse!

Thank you for taking the time to read this and please understand our concerns.

Thanks

Traci Singleton

Sent from my iPhone

Craddock, Amy

From: nicole sutherland <nicoland77@hotmail.com>
Sent: Thursday, August 09, 2018 5:28 PM
To: Pritchett, Rita
Subject: No dollar store in psj

Categories: Yellow category

I am absolutely 100% against putting a dollar general on Fay blvd in Port st. John. This is way to close to a school that already has high traffic during the school days. Why would anyone for a second think we need another dollar store right next to the one we already have. Not to mention the poor people in this neighborhood who will have to deal with all the trash and traffic in there front yards. It just dosnt seem right. Find somewhere else to build the dump!

Craddock, Amy

From: mimi14.rt.r <mimi14.rt.r@gmail.com>
Sent: Thursday, August 09, 2018 6:40 PM
To: Pritchett, Rita
Subject: Port st john zoning
Categories: Yellow category

I want to vote against the commercial zoning on Fay Blvd near Stillwater and Balfern which would allow the construction of a Dollar General.

We already have 2 family dollar stores in our community, one of which is probably 100 ft away from the location in question.

Thanks for listening Rita! I hope all is good with you.

.Best,
Michele Roberge
321-298-9099

Sent via the Samsung Galaxy S8 Active, an AT&T 4G LTE smartphone

Craddock, Amy

From: Rafael.Omayra Feliciano <fam.feliciano.santiago@gmail.com>
Sent: Thursday, August 09, 2018 7:07 PM
To: Pritchett, Rita
Subject: Rezoning 4855 Fay BLVD

Categories: Yellow category

Ma'am,

Im writing you with regards to the request made by Christian Missionary Academy to rezone 4855 Fay BLVD from RES to CC.

I retired in PSJ for its uniquely quiet neighborhoods. The recent addition of Family Dollar has dramatically increased vehicular traffic and pedestrian traffic at night. There has been a spike in robberies around adjacent homes. PSJ already has sufficient commercial properties. Not sure how the community would benefit from this. The shopping center in Fay has sufficient diversity to meet the needs of PSJ. Walmart and other major stores are only minutes away.

Balfern Street is unique as it serves as a safe road for kids to walk and bike to and from school and avoid the heavy traffic on Fay. Adding more traffic on Balfern will impact their safety.

A quick search on the internet shows the many communities against the "Dollar" stores and its impacts on their property. Another quick search shows the multiple "Dollar" type stores between Titusville to Cocoa in excess of 15. Not to mention major shopping centers to include Walmarts Super centers within 10 miles north or south of PSJ.

I urge that this petition not be considered or passed.

Thank you for your time.

Rafael Feliciano
US Army (Retired)

Craddock, Amy

From: Dawn West <dawnwt2002@yahoo.com>
Sent: Thursday, August 09, 2018 9:14 PM
To: Commissioner, D1
Subject: Stop another Dollar Store in Port St John

Categories: Purple Category

As a long time resident of PSJ we do not need another Dollar Store or any more commercial buildings in the middle of PSJ (ie along Fay and Grissom). There is plenty of available commercial space on US1.

Sincerely

Dawn West

Sent from my iPhone

Craddock, Amy

From: Josh Saltsman <josh.saltsman@gmail.com>
Sent: Thursday, August 09, 2018 10:18 PM
To: Commissioner, D1
Subject: Dollar Store in Port Saint John

Categories: Purple Category

Mrs. Pritchett,

As a life long resident of PSJ, I ask that you please support us in not allowing another Dollar Store within our community. The residents of PSJ do not want nor need another Dollar Store in the community. I am sure that this topic has inundated your inbox and I hope that you listen to your constituents. North Brevard doesn't need additional Dollar Stores, we have enough. Please stand strong. If Dollar General wants an additional store in Brevard, let them build it in Viera. We have stood by long enough and watched this county cave to the folks in Viera (who by the way didn't make this county what it is). Enough is enough. Full disclosure, I am a 36 year old that has spent my entire life as a PSJ resident. I went to college at UCF and I am an active member in the business community. I think that it is time that North Brevard is recognized for all that this area has done to make the Space Coast a great place to live. If it wasn't for those that came before us, this area wouldn't be what it is today. We should be proud of that. I know that I am. It just seems that folks in central Brevard have forgotten that folks in north Brevard are the people that put us on the map. Please don't forget that.

Sincerely,

Josh Saltsman
3216937233

Craddock, Amy

From: Ginger Arrington <purestock5@gmail.com>
Sent: Friday, August 10, 2018 10:32 AM
To: Commissioner, D1
Subject: Proposed Dollar General in Port St. John

Categories: Purple Category

Dear Commissioner Pritchett,

I am writing to plead not to allow a Dollar General to be built off of Fay Boulevard in Port St. John. We already have a Family Dollar store close by and adding another budget store there will do nothing to entice potential residents into our neighborhood. Cocoa already has 5 Family Dollars (3 within 5 miles of PSJ), and 4 Dollar Generals. Adding another one to our little town will do nothing but cheapen the neighborhood. Our neighborhood doesn't need another discount store here. A restaurant, maybe. But definitely not a retailer. There are many places to get food and discount items close by. We do not have too many options for eating out. My neighbors and I would rather have that property zoned residential rather than retail if we are to get another "store" on that land.

Please do not allow a Dollar General to be built on that plot of land.

Thank you,

Ginger Arrington
PSJ Resident

--
Ginger :)

Craddock, Amy

From: Ginger Arrington <purestock5@gmail.com>
Sent: Friday, August 10, 2018 10:32 AM
To: Commissioner, D1
Subject: Proposed Dollar General in Port St. John

Categories: Purple Category

Dear Commissioner Pritchett,

I am writing to plead not to allow a Dollar General to be built off of Fay Boulevard in Port St. John. We already have a Family Dollar store close by and adding another budget store there will do nothing to entice potential residents into our neighborhood. Cocoa already has 5 Family Dollars (3 within 5 miles of PSJ), and 4 Dollar Generals. Adding another one to our little town will do nothing but cheapen the neighborhood. Our neighborhood doesn't need another discount store here. A restaurant, maybe. But definitely not a retailer. There are many places to get food and discount items close by. We do not have too many options for eating out. My neighbors and I would rather have that property zoned residential rather than retail if we are to get another "store" on that land.

Please do not allow a Dollar General to be built on that plot of land.

Thank you,

Ginger Arrington
PSJ Resident

--
Ginger :)

Craddock, Amy

From: Gary Musselman <musselmanga@gmail.com>
Sent: Monday, August 13, 2018 9:55 AM
To: Commissioner, D1
Cc: Jones, Jennifer
Subject: Port St John Dependent Special District Board.

Categories: Purple Category

Rita:

I am a member of the Port St John Dependent Special District Board. As the advisory board to the County Commission we receive ground level citizen input to proposed zoning modifications in Pt. St John.

In the August 8th meeting a proposed change to amend the small scale plan to change a zoning classification from Residential 4 to Community Commercial was proposed 4855 Fay Blvd. In lay terms a small church owns the property and was proposing to sell a portion of their property to allow for the building of a Dollar General Store.

There was considerable discussion on the reputation of Dollar General regarding it perceived property maintenance. The discussion was mostly negative and the consensus was they would not be a good neighbor.

However, the most significant discussion was the requirement Dollar General has for traffic flow in and out its stores. In order to meet their requirements access would need to come from Balfern Street as well as Fay Blvd. Not only is Balfern St. a residential street, immediately across from the proposed entrance to the Dollar General is Challenger Elementary School. Allowing this proposed modification would be to allow larger transfer trucks (18-wheelers) to be driving through a residential school zone and through residential streets as part of a normal delivery to the Dollar General. For kids crossing Fay Blvd. they now would have to have heightened attention all the way to school. For those who do not cross Fay Blvd a significant new risk would be introduced to them.

Approving this modification will cause an unnecessary public safety risk for the school kids as well as undue noise in a residential area and hasten street repairs for roads not built for continual heavy truck traffic.

The Port St John Dependent Special District Board was unanimous in denying this request. I would strongly encourage you to oppose this change when it comes before the County

Craddock, Amy

From: Pam Dufrene <pduf21@yahoo.com>
Sent: Monday, August 13, 2018 7:47 PM
To: Pritchett, Rita
Subject: NO DOLLAR STORE!!

Categories: Yellow category

Ms Pritchett,

Please listen to us, the residents of Port St John, as we say we DO NOT want another Dollar Store, Dollar General or Family Dollar in the center of PSJ!!! If we want to shop these types of stores we can drive the 6 miles to US1 to shop at the ones located there.

Putting another store in the spot next to the church will create a greater hazardous area to the children of our community including the proximity of the elementary school and the ballfields where our children play.

Keep our residential area just that...a residential community. We don't want to bring more stores, trucks and traffic to this area.

Thank you for your time,
Pam Dufrene
6060 Fay Blvd
Cocoa, FL 32927

Craddock, Amy

From: Paula Newbeck <darlin18e@gmail.com>
Sent: Tuesday, August 14, 2018 12:04 PM
To: Pritchett, Rita
Subject: Dollar General in Port Saint John

Categories: Yellow category

Mrs. Pritchett,

I am writing to ask you to vote no on allowing the Dollar General to be built on Stillwater and Fay Blvd in Port Saint John. This area is right next to Challenger 7 Elementary School. Stillwater is used by children coming and going to the school and parents accessing the car loop. Adding additional traffic to this busy area is asking for trouble. Young children are not the most observant nor are people in a rush during the time children are arriving and leaving school.

We already have a Family Dollar store within a quarter mile of the proposed site. We have another of this type of bargain basement store on US 1. As a resident of 28 years in Port Saint John I can assure you 2 is plenty. It doesnt bring in enough revenue to say it improves our sleepy town. It will not provide enough employment to offset the danger it brings to the children going to and from school. It is a detriment to property values to the residents nearby, those that own a home on Stillwater, Fay, Balfern and additional streets that will see increased traffic as people take backroads to create a shorter route.

Please take into consideration the voices of your constituents that call PSJ home.

Thank you for your time.

Paula Newbeck
321.690.1964.Home

Craddock, Amy

From: Natalin Day <nday.2005@gmail.com>
Sent: Tuesday, August 14, 2018 1:42 PM
To: Pritchett, Rita
Subject: Opposed to Dollar General - PSJ

Categories: Yellow category

Do not want the Dollar General to be built in Port St John.

Craddock, Amy

From: Mike Newbeck <mikepsj1@gmail.com>
Sent: Tuesday, August 14, 2018 3:23 PM
To: Pritchett, Rita
Subject: Dollar General in Port St. John

Categories: Yellow category

Good afternoon Ms. Pritchett,

I am writing you to try and stop the change in zoning in Port St John to build a Dollar General on the corner of Stillwater and Fay Blvd. Port St. John does not need or want a Dollar General - it will bring traffic down residential Stillwater and through the back access to Challenger Seven Elementary school. There is a Family Dollar within 1/4 mile on Fay and the mini mart even closer. We don't want it. All my neighbors and fellow residents feel the same way. Please don't let this happen in our neighborhood.
Thank you for your help in this matter.

Michael Newbeck
5549 Holden Road
Port St John, Florida
32927

Objection
18PZ00074
Christian Missionary Alliance

Craddock, Amy

From: Edna Mazzie <ednamazzie@yahoo.com>
Sent: Saturday, August 18, 2018 5:27 PM
To: Commissioner, D1
Subject: Dollar store. We do not want another. Dollar store in PSJ. THERE NOT MAINTAINED OUTSIDE AND BRING UNDESERABLE PEOPLE TO THE COMMUNITY. PLEASE DONT OK THIS

Categories: EMAIL CAMPAIGNS

Sent from Yahoo Mail on Android

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Subject: FW: Proposed Dollar General Store on Faye Blvd. In Port St. John
Date: Tuesday, August 28, 2018 1:32:08 PM
Attachments: [image001.png](#)

Hi Jennifer,

Another email regarding the Dollar Store in PSJ for October agenda.

Thanks.

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardcounty.us



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Jeanne Heer [<mailto:jheer@cfl.rr.com>]
Sent: Saturday, August 25, 2018 3:37 PM
To: Commissioner, D1
Subject: Proposed Dollar General Store on Faye Blvd. In Port St. John

Dear Commissioner Pritchett,

I would like to voice my opposition to the proposed Dollar General Store on Faye Blvd. The proposed location (formally or currently owned by the Alliance Church) is not even a .25 mile from a Family Dollar Store. Many times when I go past this current location there are less than 5 vehicles in the parking lot. I do not believe the community will support two such commercial enterprises so close together without one or both closing. If some one wishes to go to a Dollar General there is one less than 5 miles south on US.1. before you get to Canaveral Groves Blvd.

Thank you for your consideration of my opinion.

Sincerely, Jeanne A. Heer
6475 Abisco Road, Cocoa, FL 32927

Newell, Marcia

From: Pamela Shore <pamelashore@rocketmail.com>
Sent: Wednesday, August 22, 2018 2:13 PM
To: Pritchett, Rita
Subject: PSJ Dollar General

Categories: Yellow category

Good day I am responding to the petition to stop the dollar general from being built on Fay and Stillwater in PSJ Please re-zoned this area already we have a family dollar on the same road a block away from the area in which they're trying to build the Dollar General store, If you didn't already know there's two on US1 one store in the front Port Saint John and a store by Canaveral Groves Boulevard, will you please tell me why we need another Dollar General store, please consider the children in the schools that are nearby and the park across the street which would add more traffic which we do not need on Fay thank you very much for my reading my comments Thank you Pamela Shore
5014 Bridge Rd., Port St. John Florida
Sent from my iPhone

Newell, Marcia

From: Tamara McLachlan <tmclachlan2016@gmail.com>
Sent: Wednesday, August 22, 2018 11:28 AM
To: Pritchett, Rita
Subject: Dollar Store in PSJ

Categories: Yellow category

Rita,

My name is Tamara McLachlan, a homeowner here in PSJ, and I'm writing to request that the lot not be rezoned to allow for yet another Dollar Store here in Port St John. The one located on the corner of Fay and Adams and the one on US HWY 1 are sufficient for our small, although growing community. I feel commercial type businesses (other than another Dollar store) are better suited on the newer portion of Curtis Blvd (no residential there).

Thank you for considering my opinion on this matter.

Tammy McLachlan
321-537-2729 (cell/text)

Newell, Marcia

From: Richard Gilland <gillandc1@hotmail.com>
Sent: Wednesday, August 22, 2018 2:47 PM
To: Pritchett, Rita
Subject: Dollar General

Categories: Yellow category

Hello Rita

My name is Richard Gilland. I would like to express my concerns having another dollar store in Port St John. I believe the property could be rezoned for a different business however a Dollar General does not help my property value. I believe it will actually hurt my property value. Please do not support the Dollar General.

Richard Gilland
7140 Milton Ave
Cocoa, FL 32927

Sent from my Sprint Samsung Galaxy S8+.