

RESOLUTION NO. 12PZ-00045

On motion by Commissioner Infantini, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote:

WHEREAS, COCOA EXPO SPORTS CENTER, LLC, AND UPLAND INVESTMENTS, LLC, have applied for a Small Scale Plan Amendment (12S.04) to change the Future Land Use Map Designation from Neighborhood Commercial to Community Commercial; AND a change of classification from TR-1 (Single-Family Mobile Home) and AU (Agricultural Residential) to BU-1 (General Retail Commercial), on property described as:

SEE ATTACHED LEGAL DESCRIPTION

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved (*), with a Binding Development Plan, embodying stipulations provided to the board from staff, and with the recommendations that the row of parking spaces at the southerly portion of the property between the gas station and the single-family residential zoning, be eliminated to enhance buffering of the residential property, and that the masonry wall requirement adjacent to residentially-zoned property be waived, with the requirement that the property perimeter abutting residential zoning be either opaque wood or vinyl/PVC; and contingent upon the ordinance amending the CUP for Commercial Entertainment and Amusement Enterprises being approved by the BCC; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved, with a Binding Development Plan; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (12S.04) to change the Future Land Use Map Designation from Neighborhood Commercial to Community Commercial; AND a change of classification from TR-1 (Single-Family Mobile Home) and AU (Agricultural Residential) to BU-1 (General Retail Commercial), be APPROVED, with a Binding Development Plan, recorded in ORB 6738, Pages 2370 through 2618, dated 11/16/12, and that the zoning classification relating to the above described property be changed to BU-1 (General Retail Commercial), and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 16, 2012.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Chuck Nelson
Chairman
Brevard County Commission
As approved by Brevard County Commission on November 13, 2012.

ATTEST:



MITCH NEEDELMAN, CLERK
(SEAL)

(P&Z Hearing – July 9, 2012)

* (LPA Action – Recommended approval of Small Scale Plan Amendment)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

On motion by Commissioner Nelson, seconded by Commissioner Fisher, the following resolution was adopted by a unanimous vote:

WHEREAS, LOYAL ORDER OF THE MOOSE LODGE #2073 has applied for a Small Scale Plan Amendment (14S.05) from Residential 2 to Residential 4; and an amendment to the existing (BDP) Binding Development Plan. The property is zoned RVP (Recreational Vehicle Park) and is described as: See Attached

Sections 11

Township 24 S,

Range 36 E, and,

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

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan, stipulating a limitation on a time frame of guest stays from November 1st to April 30th, additional landscaping for screening purposes, and a site plan showing the configuration of the 20 recreational vehicle spaces; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (14S.05) from Residential 2 to Residential 4; and an amendment to the existing (BDP) Binding Development Plan, in an RVP (Recreational Vehicle Park) zoning classification be APPROVED, with a Binding Development Plan, recorded in ORB 7270, Pages 165 through 170, dated 12/22/14, stipulating a limitation on a time frame of guest stays from November 1st to April 30th, additional landscaping for screening purposes, and a site plan showing the configuration of the 20 recreational vehicle spaces, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 4, 2014.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission

As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(NMI Hearing – August 14, 2014)
(*LPA Hearing – August 25, 2014)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

14PZ-00056 Legal Description

A parcel of land lying in southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 11, Township 24S, Range 36E, Brevard County, Florida, and being more particularly described as follows: Begin at the intersection of the south line of lands described in ORB 1597, Page 265, of the Public Records of Brevard County, Florida, with the east right-of-way line of S.R. 3 (N. Courtenay Pkwy) as shown in ORB 3113, Page 2311, of said Public Records, and run N04deg30'36"W, along said east right-of-way line, a distance of 89.01 ft.; thence run N89deg58'55"E, a distance of 367.01 ft.; thence run N00deg02'52"E, a distance of 412.60 ft.; thence run N89deg11'49"W, a distance for 79.48 ft.; thence run N00deg48'11"E, a distance of 78.55 ft.; thence run N89deg11'49"W, a distance of 33.29 ft.; thence run N00deg48'11"E, a distance of 360.78 ft. to a point on the south line of a 66-ft. wide private road easement as described in ORB 375, Page 440, of said Public Records; thence run N89deg34'19"E, along said south line, a distance of 252.07 ft.; thence run S00deg23'34"E, a distance of 941.89 ft. to a point on the aforesaid south line of lands described in ORB 1597, Page 265, of said Public Records; thence run S89deg44'19"W, along said south line, a distance of 512.28 ft. to the point of beginning. (5 acres) Located on the east side of N. Courtenay Pkwy., approx. 300 ft. north of Smith Rd. (3150 N. Courtenay Pkwy., Merritt Island)

On motion by Commissioner Anderson, seconded by Commissioner Infantini, the following resolution was adopted by a unanimous vote; and,

WHEREAS, ANITA TRICOLI, has applied for a change of classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity) on property described as Tract 13, Block 15, Canaveral Groves unrecorded subdivision per Survey Book 2, Page 55, Public Records, Brevard County, Florida. **Section 33, Township 23, Range 35** (1.08 acres), located on the north side of Areca Palm St., approx. .087 mile west of Florida Palm Ave. (5480 Areca Palm St., Cocoa)

Sections 33, Township 23 S, Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity) be APPROVED, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 4, 2014.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission
As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)



(P&Z Hearing – August 11, 2014)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

On motion by Commissioner Fisher, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote; and,

WHEREAS, BRIAN BURT AND LINDA GRZYBOWICZ, has requested a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential), and removal of existing BDP (Binding Development Plan) on property described as Tax Parcel 39, as recorded in ORB 6911, Pages 1112 – 1113, Public Records, Brevard County, Florida. **Section 20, Township 21, Range 35** (14.43 acres), located on the north side of Parrish Rd., approx. 0.20 mile east of U.S. Hwy 1 (No assigned address. In the Mims area)

Sections 20,

Township 21 S,

Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential), and removal of existing BDP (Binding Development Plan) be APPROVED, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 4, 2014.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission

As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – August 11, 2014)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

On motion by Commissioner Fisher, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote; and,

WHEREAS, MARY ELLEN R. WILLIAMS, has requested a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential) on property described as Tax Parcel 13, as recorded in ORB 6872, Page 1551, Public Records, Brevard County, Florida. **Section 14, Township 24, Range 35** (2.75 acres), located on the southwest corner of Quail Path and Cox Rd, approx. 0.20 mile south of James Rd. (2520 Cox Rd., Cocoa)

Sections 14,

Township 24 S,

Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan, limited to commercial honey and beekeeping only; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential) be APPROVED with a Binding Development Plan, recorded in ORB 7270, Pages 261 through 264, dated 12/22/14, limited to commercial honey and beekeeping only, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 4, 2014.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission
As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – August 25, 2014)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

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On motion by Commissioner Fisher, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote; and,

WHEREAS, MARY ELLEN R. WILLIAMS, has requested a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential) on property described as Tax Parcel 13, as recorded in ORB 6872, Page 1551, Public Records, Brevard County, Florida. **Section 14, Township 24, Range 35** (2.75 acres), located on the southwest corner of Quail Path and Cox Rd, approx. 0.20 mile south of James Rd. (2520 Cox Rd., Cocoa)

Sections 14, Township 24 S, Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan, limited to commercial honey and beekeeping only; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential) be APPROVED with a Binding Development Plan, recorded in ORB 7270, Pages 261 through 264, dated 12/22/14, limited to commercial honey and beekeeping only, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

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BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission
As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – August 25, 2014)

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On motion by Commissioner Infantini, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote; and,

WHEREAS, JOHN TULLY PROPERTIES, LLC., has applied for a change of classification from RR-1 (Rural Residential) and GU (General Use) to AU (Agricultural Residential) on property described as: See Attached

Sections 10, 11, 12, 19, 22, 23

Township 30, 30G S,

Range 38 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RR-1 (Rural Residential) and GU (General Use) to AU (Agricultural Residential) be APPROVED, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 4, 2014.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Mary Bolin Lewis, Chairman
Brevard County Commission
As approved by Brevard County Commission on September 4, 2014.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – August 11, 2014)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

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Tax Parcels 4 and 5, **Section 22, Township 30, Range 38**; Lot 33, Subdivision S.B. Carter Survey of George Fleming Grant , **Section 11, Township 30G, Range 38**; Lots 40 and 40.1, 56 – 59, and 64, Allen Et Al 500 Acre Tract **Sections 10, 11, 12, 19, Township 30G, Range 38**; Lot 4, Fleming Grant Subdivision, **Section 11, Township 30G, Range 38**; Lots 10 and 24, Subdivision S.B. Carter Survey of George Fleming Grant, **Section 11, Township 30G, Range 38**. ALL recorded in ORB 7059, Pages 338 – 344, Public Records, Brevard County, Florida; and Tax Parcels 252, 254, and 255, as recorded in ORB 7007, Pages 1023 – 1026, **Section 23, Township 30, Range 38** (440.95 acres total), located on the east side of Fleming Grant Rd., approx. 1.65 mile south of Micco Rd. (Lot 57: 9101 Fleming Grant Rd. All others located in the Micco area, no assigned addresses).