



**AGENDA REPORT  
May 24, 2018**

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**SUBJECT:**

Public Hearing, Re: Praxair, Inc. (Kim Rezanka) requests a change of zoning classification from AU to PIP (Planned Industrial Park). The property is 9.48 acres, located at 2801 Hammock Rd., Mims. (18PZ00019) (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 AU to PIP.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to Planned Industrial Park (PIP) on a 9.48 acre piece of the greater 24.15 acre parcel for the purpose of accommodating a plant expansion to include a proposed 126 foot tall structure (liquid air separator) on the developed piece of the parcel west of the FEC railroad right of way.

Code provisions limit the height of buildings to 35' when adjacent to residential zoning and require a setback of two times the height of the structure from residentially zoned parcels [Section 62-2101.5 (a) (2)]. Because this greater parcel retains industrial zoning on the majority of the property, the applicant is seeking to rezone the piece of the parcel east of the FEC railroad right of way with AU to a nonresidential Zoning classification.

The request accompanies a Small Scale Comprehensive Plan Amendment under Item IV. E. and this zoning application can only be heard if that request were approved by the Board.

The proposed request for rezoning to PIP is accompanied by a BDP that seeks to preserve the property in its natural state in perpetuity.

Staff contact: Erin Sterk, Interim Planning & Zoning Manager, erin.sterk@brevardfl.us

**ATTACHMENTS:**

- Description**
- ▢ **Staff Report 18PZ00020**
- ▢ **Maps**
- ▢ **Draft BDP**
- ▢ **Distance Rendering**
- ▢ **Disclosures**
- ▢ **FYI Submitted by Applicant 05-21-18**
- ▢ **Public Comment**

Prepared by: Kimberly Bonder Rezanka  
Address: Cantwell & Goldman, P.A.  
96 Willard Street, Ste. 302  
Cocoa, FL 32922

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and PRAXAIR, INC., a Delaware corporation (hereinafter referred to as "Developer/Owner").

### RECITALS

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

WHEREAS, Developer/Owner has requested the PIP zoning classification(s) and desires to maintain the Property in its natural state, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner 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 Property or improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of the Property and any improvements.

2. Developer/Owner shall preserve the Property in its natural state.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions regarding 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.

4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. 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.

6. 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.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner 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.

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA 2725 Judge  
Fran Jamieson Way Viera, FL 32940

Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

Praxair, Inc.  
10 Riverview Drive  
Danbury, CT 06810

*Lisa Murray*

Lisa Murray  
(Witness Name typed or printed)

*B.C.M.*

\_\_\_\_\_  
Director, Corporate Real Estate  
(title)

Krystina Lieder  
(Witness Name typed or printed)

Brian C. Morgan  
(Name typed, printed or stamped)

STATE OF CONNECTICUT )  
> ss:  
COUNTY OF FAIRFIELD )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May 2018, by Brian C. Morgan, Director, Corporate Real Estate of Praxair, Inc., who is personally known to me or who has produced his driver's license as identification.

My commission expires 12/31/2021

*[Signature]*  
Notary Public

SEAL  
Commission No.: **RYAN A. CLARK**  
**NOTARY PUBLIC OF CONNECTICUT**  
My Commission Expires 12/31/2021  
**172957**

Ryan A. Clark  
(Name typed, printed or stamped)



**EXHIBIT "A"**

**SURVEYORS LEGAL DESCRIPTION FOR PARCEL 2:**

A PARCEL OF LAND LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGIN AT A 5/8" IRON ROD "NO IDENTIFICATION" LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF JONES AVENUE (30.00 FOOT WIDE RIGHT-OF-WAY) ALSO BEING THE NORTHERLY LOT LINE OF GOVERNMENT LOT 4 AND THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD (60.00 FOOT WIDE RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID NORTH LOT LINE, SOUTH 89°53'15" EAST, 104.47 FEET TO A 5/8" IRON ROD AND CAP "LB 7838" LOCATED ON THE MHWL (MEAN HIGH WATER LINE), CONTOUR ELEVATION = 0.54'; THENCE ALONG SAID MHWL (MEAN HIGH WATER LINE), IN A SOUTHERLY DIRECTION, PLUS OR MINUS 1403 FEET TO A POINT LOCATED ON THE SOUTH LINE OF GOVERNMENT LOT 4; THENCE ALONG SAID SOUTH LINE, SOUTH 89°33'40" WEST, 28.06 FEET TO A 5/8" IRON ROD AND CAP "S&ME INC CONTROL / WITNESS"; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°33'40" WEST, 145.96 FEET TO A 5/8" IRON ROD AND CAP "S&ME INC FL 8165 GA 1252" LOCATED AT THE INTERSECTION OF SAID SOUTH LINE AND THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD BEING IN A NON-TANGENT CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE TO THE RIGHT, CONCAVE TO THE EAST, HAVING A RADIUS OF 5699.58 FEET, A CENTRAL ANGLE OF 01°23'30" AND AN ARC LENGTH OF 138.44 FEET (CHORD BEARING OF NORTH 04°49'30" WEST AND A CHORD LENGTH OF 138.44 FEET) TO A 5/8" IRON ROD AND CAP "S&ME INC FL 8165 GA 1252" AND POINT OF TANGENCY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND TANGENCY, NORTH 04°07'45" WEST, 1177.64 FEET TO THE POINT OF BEGINNING.**

CONTAINING 1.72 ACRES MORE OR LESS.

SURVEYORS LEGAL DESCRIPTION FOR PARCEL 3 (SUBMERGED LAND):

A PARCEL OF LAND LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT A 5/8" IRON ROD "NO IDENTIFICATION" LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF JONES AVENUE (30.00 FOOT WIDE RIGHT-OF-WAY) ALSO BEING THE NORTHERLY LOT LINE OF GOVERNMENT LOT 4 AND THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD (60.00 FOOT WIDE RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID NORTH LOT LINE, SOUTH 89°53'15" EAST, 104.47 FEET TO A 5/8" IRON ROD AND CAP "LB 7838" LOCATED ON THE MHWL (MEAN HIGH WATER LINE), CONTOUR ELEVATION = 0.54' AND **POINT OF BEGINNING**; THENCE FROM SAID **POINT OF BEGINNING** AND ALONG SAID NORTH LOT LINE, SOUTH 89°53'15" EAST, 216.23 FEET TO A PREVIOUSLY DETERMINED BULKHEAD (OFFICIAL RECORDS BOOK 809, PAGE 23); THENCE ALONG SAID BULKHEAD, SOUTH 03°40'03" EAST, 1156.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID BULKHEAD AND SAID CURVE TO THE LEFT, CONCAVE TO THE EAST, HAVING A RADIUS OF 5379.58 FEET, A CENTRAL ANGLE OF 01°39'56" AND AN ARC LENGTH OF 156.38 FEET (CHORD BEARING OF SOUTH 04°30'00" EAST AND A CHORD LENGTH OF 156.37 FEET) TO THE SOUTH LINE OF SAID GOVERNMENT LOT 4; THENCE ALONG SAID SOUTH LOT LINE, NORTH 89°33'40" EAST, 136.47 FEET TO SAID MHWL (MEAN HIGH WATER LINE); THENCE ALONG SAID MHWL (MEAN HIGH WATER LINE) IN A NORTHERLY DIRECTION, PLUS OR MINUS 1403 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.76 ACRES, MORE OR LESS.

## REZONING REVIEW WORKSHEET

**18PZ00020**

Commission District # 1

Hearing Dates: P&Z 05/07/18

BCC 05/24/18

Owner Name: PRAXAIR, INC.

Request: AU to PIP, with a BDP

**Subject Property:**

Parcel ID# 21-35-09-00-511  
 Tax Acct.# A portion of 2103214  
 Location: Southeast corner of Jones Ave. and FECRR  
 Address: 2801 Hammock Rd., Mims  
 Acreage: 9.48 acres

**Consistency with Land Use Regulations**

NO\*\* Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255  
NO\*\* Proposal can be considered under the Future Land Use Designation. Sec. 62-1255  
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
<b>Zoning</b>	AU	PIP
<b>Potential*</b>	AU in Res 2 = 1 SF unit AU in PI = 0 unit	148,662 square feet
<b>Can be Considered under FLU MAP</b>	AU in Res 2 = YES AU in PI = NO	YES Planned Industrial

\*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Requires Small Scale Amendment from RES 2 & RES 1:2.5 to PI.

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	360V
Trips from Proposed Zoning	1,036	144	Segment Name	US 1 SR 46 - Lionel
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	10,371	933	Directional Split	0.51
Volume With Proposed Development	11,407	1,027	ITE CODE	
Current Volume / MAV	24.82%	24.82%	110	
Volume / MAV with Proposal	27.30%	27.30%		
Current LOS	C	C		
OS With Proposal	C	C		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to Planned Industrial Park (PIP) on a 9.48 acre piece of the greater 24.15 acre parcel for the purpose of accommodating a plant expansion to include a proposed 126 foot tall structure (liquid air separator) on the developed piece of the parcel west of the FEC railroad right of way. The request accompanies a Small Scale Comprehensive Plan Amendment under **18PZ00019** and this zoning application can only be heard if that request were approved by the Board.

Code provisions limit the height of buildings to 35' when adjacent to residential zoning and require a setback of two times the height of the structure from residentially zoned parcels [Section 62-2101.5 (a) (2)]. Because this greater parcel retains industrial zoning on the majority of the property, the applicant is seeking to rezone the piece of the parcel east of the FEC railroad right of way with AU to a nonresidential Zoning classification. The applicant/owner has also submitted a Binding Development Plan which includes a commitment that proposes to preserve this portion of the property in its natural state.

## Land Use Compatibility

**FLUE Policy 3.2** – Zoning regulates the specific types and intensities of uses in the designation of Planned Industrial lands. Criteria which aid in assessing zoning compatibility shall consider the following standards:

**Criteria:**

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal; and
- E. Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

The proposed Planned Industrial Park (PIP) Zoning classification is consistent with the proposed Planned Industrial (PI) Future Land Use designation.

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

This parcel has three Zoning classifications. Those zonings are Light Industrial (IU), Heavy Industrial (IU-1) with Conditional Use Permit (CUP) and AU. The developed portion of the site lying west of the FEC railway is currently zoned for Heavy Industrial, IU-1 uses with a CUP for Heavy Industry use under **Z-10572**. This is the location where the future structure is proposed to be built. The northern portion of the site zoned IU remains undeveloped and contains wetlands. The portion of the site located to the East of the railway is what forms this rezoning application. This area is zoned AU.

The IU Zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet. IU-1 is the heaviest industrial Zoning classification in the Code. It permits heavy manufacturing, including outside activities such as

livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet. The AU Zoning classification permits single-family residences and agricultural pursuits on not less than 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

Adjacent zoning to the north is Governmental Managed Lands (GML). The Indian River is to the east with submerged lands. The zoning to the south is AU. Lands to the West are part of the same parcel and owned by the applicant and are IU and IU-1 with a CUP for Heavy Industry use. The purpose of the GML Zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

The last zoning history for Section (09) occurred back on August 12, 2004 for a rezoning to RR-1 with BDP, which is the site directly west of this site located at the NW corner of Wiley Avenue and Hammock Rd. The Resolution **Z-10945** split the zoning to RU-1-11 on 38.8 acres and RR-1 on 139.91 acres. The BDP limited the RR-1 area to 130 lots on the 139.91 acres (less than one unit per acre) and that the owner has the option to develop the property under the Open Space Subdivision Section 62-3000. Other conditions of the BDP included a minimum house size under air at 2,000 square feet and a minimum of 2,500 square feet under roof; all homes will have a 2-car garage; all lots shall have county potable water and sewer if available.

The latest zoning action occurred directly outside of Section (09) on a parcel directly adjacent to this property to the south in Section (16), on October 05, 2017. The property is described as Lot 8.01, Hawthorns Resubdivision (21.50 acres), located at the southeast terminus of Wiley Ave. and Hammock Rd., and was approved for a change Zoning classification from IU-1 and BU-1 to AU under **17PZ00083**.

### **For Board Consideration**

The request accompanies a Small Scale Comprehensive Plan Amendment under **18PZ00019** and this zoning application can only be heard if that request were approved by the Board.

The proposed request for rezoning to Planned Industrial Park (PIP) is accompanied by a Binding Development Plan (BDP) that seeks to preserve the property in its natural state in perpetuity.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review**

**SUMMARY**

<b>Item #: 18PZ00020</b>	<b>Applicant: Kimberly Rezanka c/o Brian Morgan</b>
<b>Zoning Request: AU to PIP</b>	
<b>LPA Hearing Date: 05/07/18</b>	<b>BCC Hearing: 05/24/18</b>

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.

<b>Natural Resource</b>	<b>Preliminary Assessment</b>	<b>Natural Resource</b>	<b>Preliminary Assessment</b>
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	Class II
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp 21S, Rng. 35E, Sec. 9;  
Tax ID No. 2103214**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Tumbull and Riomar soils-tidal, Anclote sand-depressional, Copeland-Bradenton-Wabasso complex limestone, Florida sand and Canaveral Urban land complex); indicators that wetlands may be present on the property. Section 62-3694(c)(3) provides criteria for land development within wetlands for commercial and industrial properties. The parcel does not appear to meet the criteria, thus, wetland impacts may not be permissible for this parcel. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Orsino fine sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The subject property is located on the Indian River Lagoon, designated as Class II surface water in this location. A 50-foot surface water protection buffer (Buffer) is required. The removal of native vegetation located within the Buffer shall be avoided. The applicant is

encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

A majority of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

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

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.



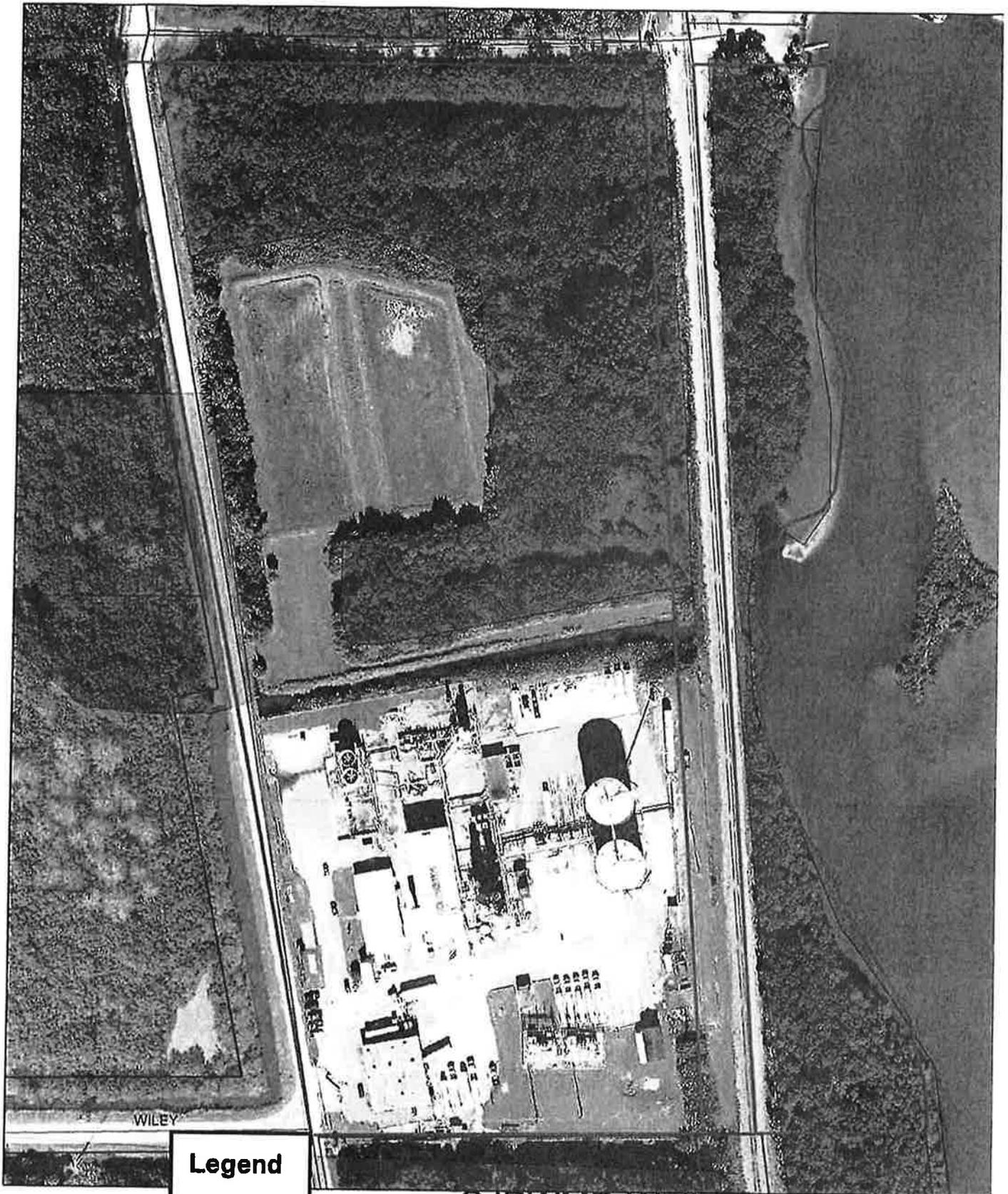


**Legend**

**NWI**  
**WETLAND\_TY**

	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland

**NWI Wetlands**  
**18PZ00020**



Legend	
LCCODE	
6460	
6300	

SJRWMD Wetlands  
18PZ00020  
6300 - Wetland forested mixed



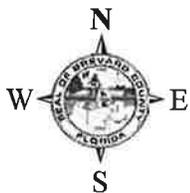
**Legend**  
FLD\_ZONE  
AE

**FEMA SFHA  
18PZ00020**

# LOCATION MAP

PRAXAIR, INC.

18PZ00020



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

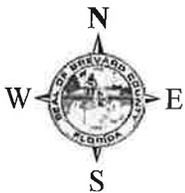
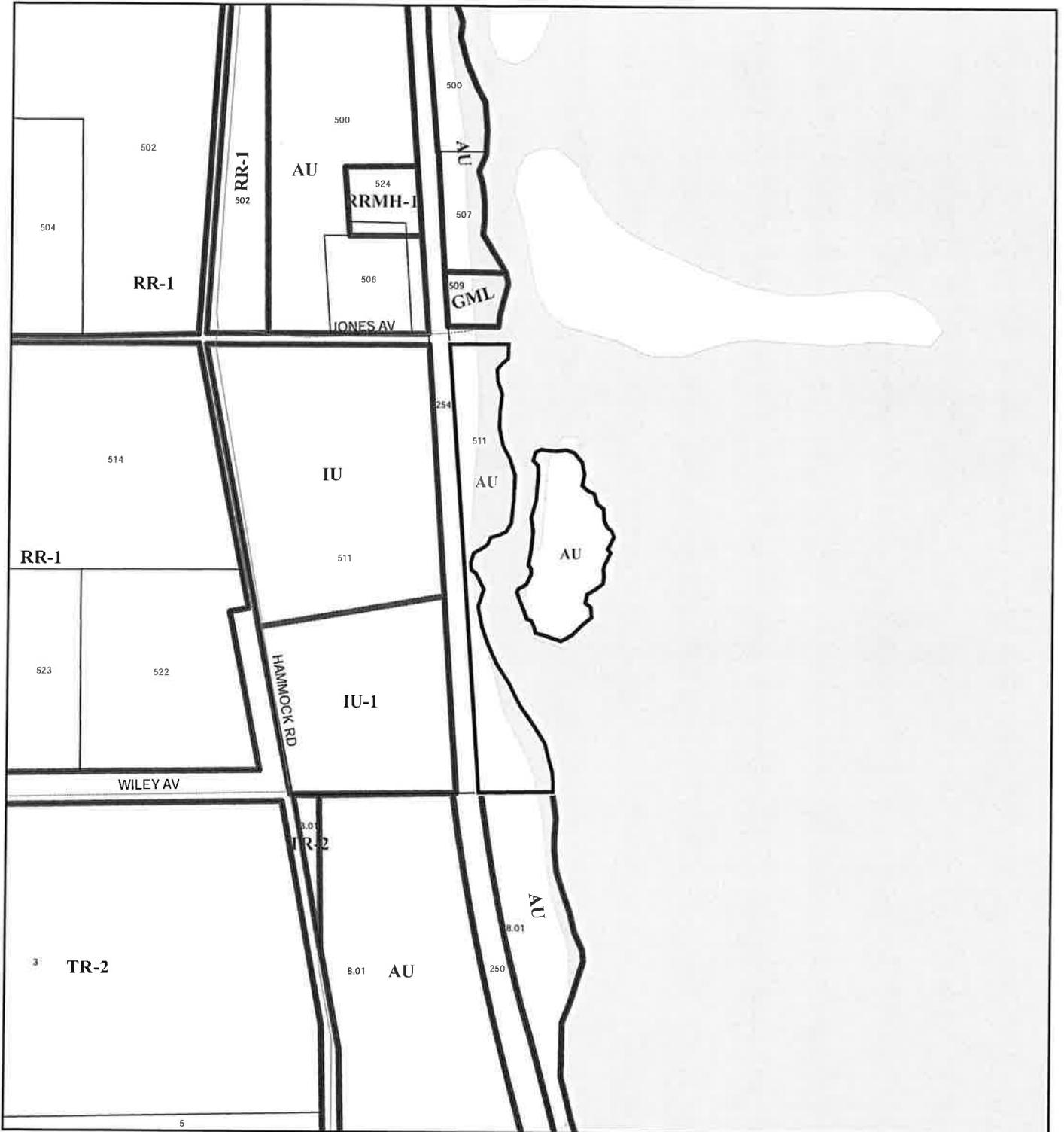
— Buffer  
■ Subject Property

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 the Brevard County Planning and Zoning Office - GIS Section Date: 3/16/2018

# ZONING MAP

PRAXAIR, INC.  
18PZ00020



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

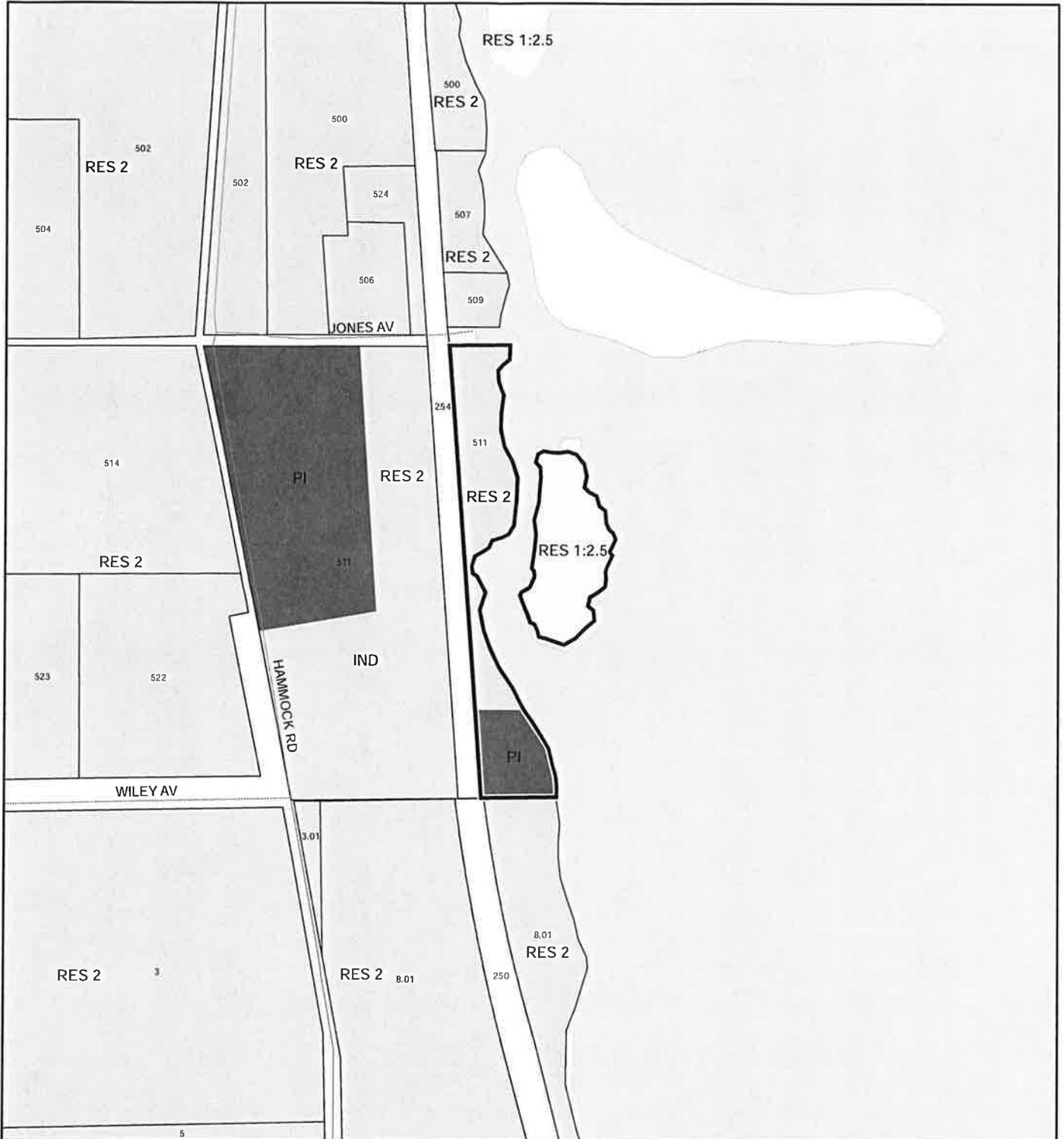
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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/16/2018

# FUTURE LAND USE MAP

PRAXAIR, INC.

18PZ00020



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/16/2018

# AERIAL MAP

PRAXAIR, INC.

18PZ00020



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

 Subject Property  
 Parcels

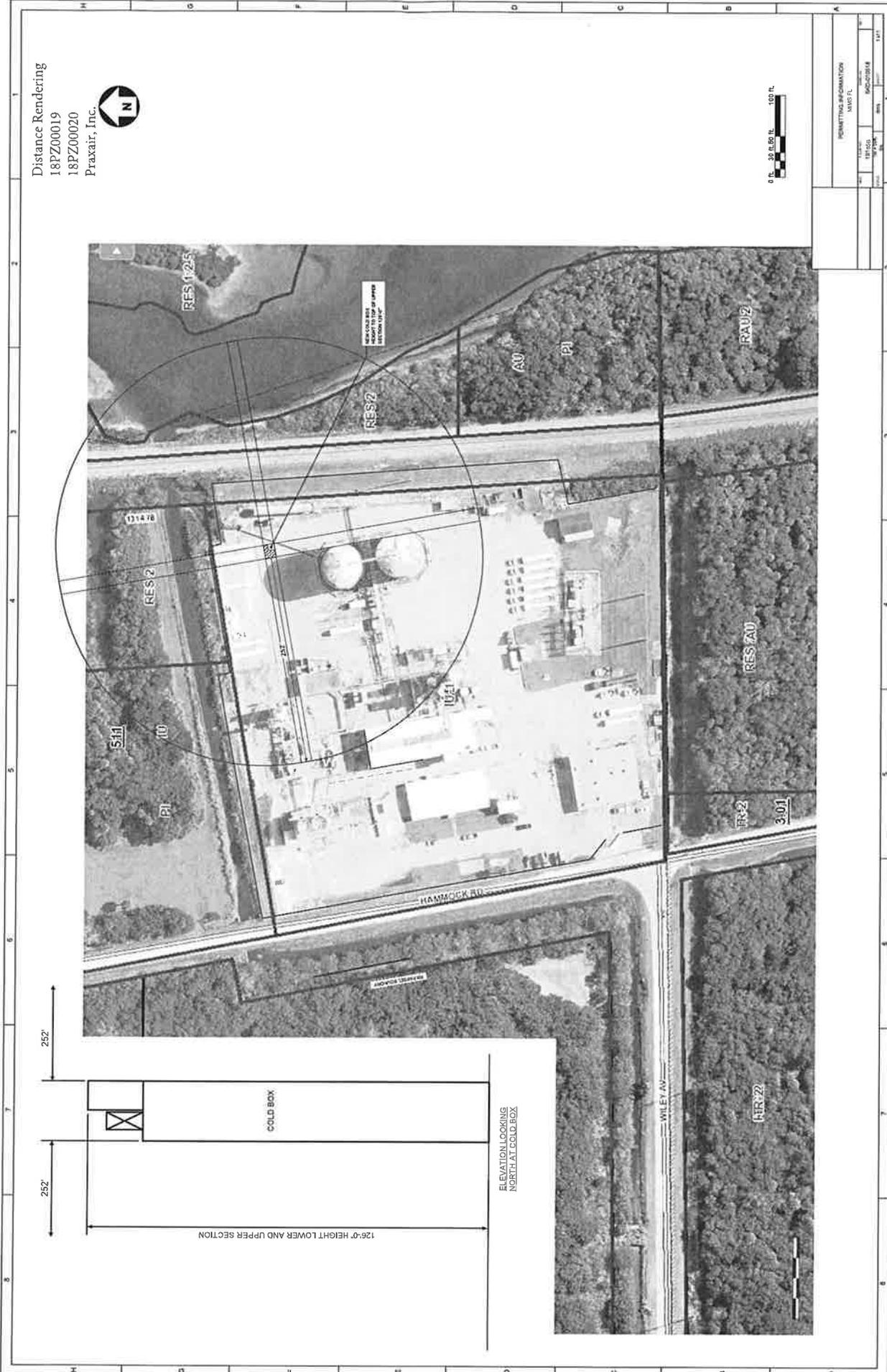
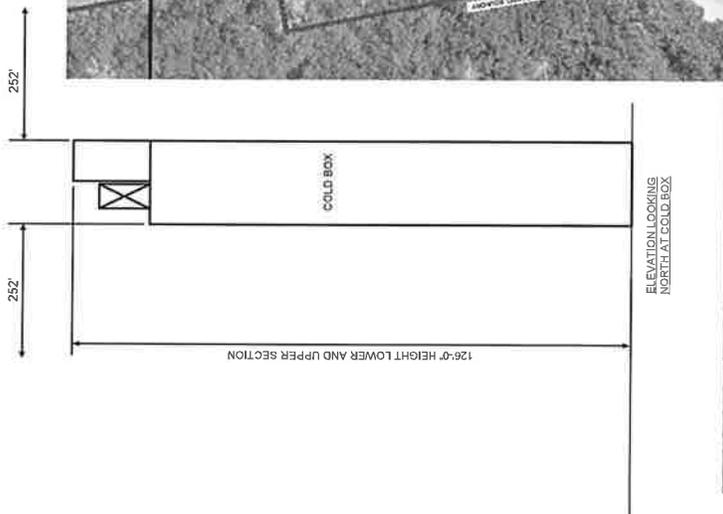
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/16/2018

Distance Rendering  
 18PZ00019  
 18PZ00020  
 Praxair, Inc.



PERMITTING INFORMATION	
MURS FL	
DATE	10/1/2018
TIME	10:00 AM
BY	BOB/STB/EF
SCALE	AS SHOWN
PROJECT	18PZ00019
DATE	10/1/2018
TIME	10:00 AM
BY	BOB/STB/EF
SCALE	AS SHOWN
PROJECT	18PZ00020





**BOARD OF COUNTY COMMISSIONERS**

Disclosure

18PZ00020

Praxair, Inc.

**Rita Pritchett, District 1 Commissioner**

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

[D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov)

Planning and Development  
Zoning Meeting May 24, 2018  
Praxair (18PZ00019)

Commissioner Pritchett met with Kimberly Rezanka and Ben Vasquez, Praxair Facility Manager, on May 14, 2018. Praxair is requesting a zoning change from AU to PIP in order to expand to include a 126 foot coldbox. The rezoning is required to comply with required setbacks in county code. The expansion at the facility is needed due to the increase in product needs for space company customers. This request to rezone also includes a BDP to preserve the property in the natural state.



**BOARD OF COUNTY COMMISSIONERS**

**Rita Pritchett, District 1 Commissioner**  
2000 South Washington Avenue, Ste. 2  
Titusville, FL 32780  
(321) 607-6901  
D1.commissioner@brevardfl.gov

/csm

**From:** [Prasad, Billy](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Sterk, Erin](#)  
**Subject:** Meeting Disclosure IV E&F  
**Date:** Monday, May 21, 2018 10:27:16 AM

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May 21, 2018

To: Erin Sterk, Interim Planning & Zoning Manager  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Sterk:

In regards to the upcoming agenda item IV. E&F for the Planning & Zoning meeting on May 24<sup>th</sup>, 2018, please be advised in advance that a meeting that took place on May 15<sup>th</sup>, at 12:00 PM at Commissioner Tobia's office, located at:

2539 Palm Bay Rd. NE  
Ste. 4  
Palm Bay, FL 32908

The parties present were Commissioner Tobia and Kim Rezanka.

This meeting lasted approximately fifteen minutes, during which the above individual provided information on her client's desired change in zoning classification and small scale comp amendment.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

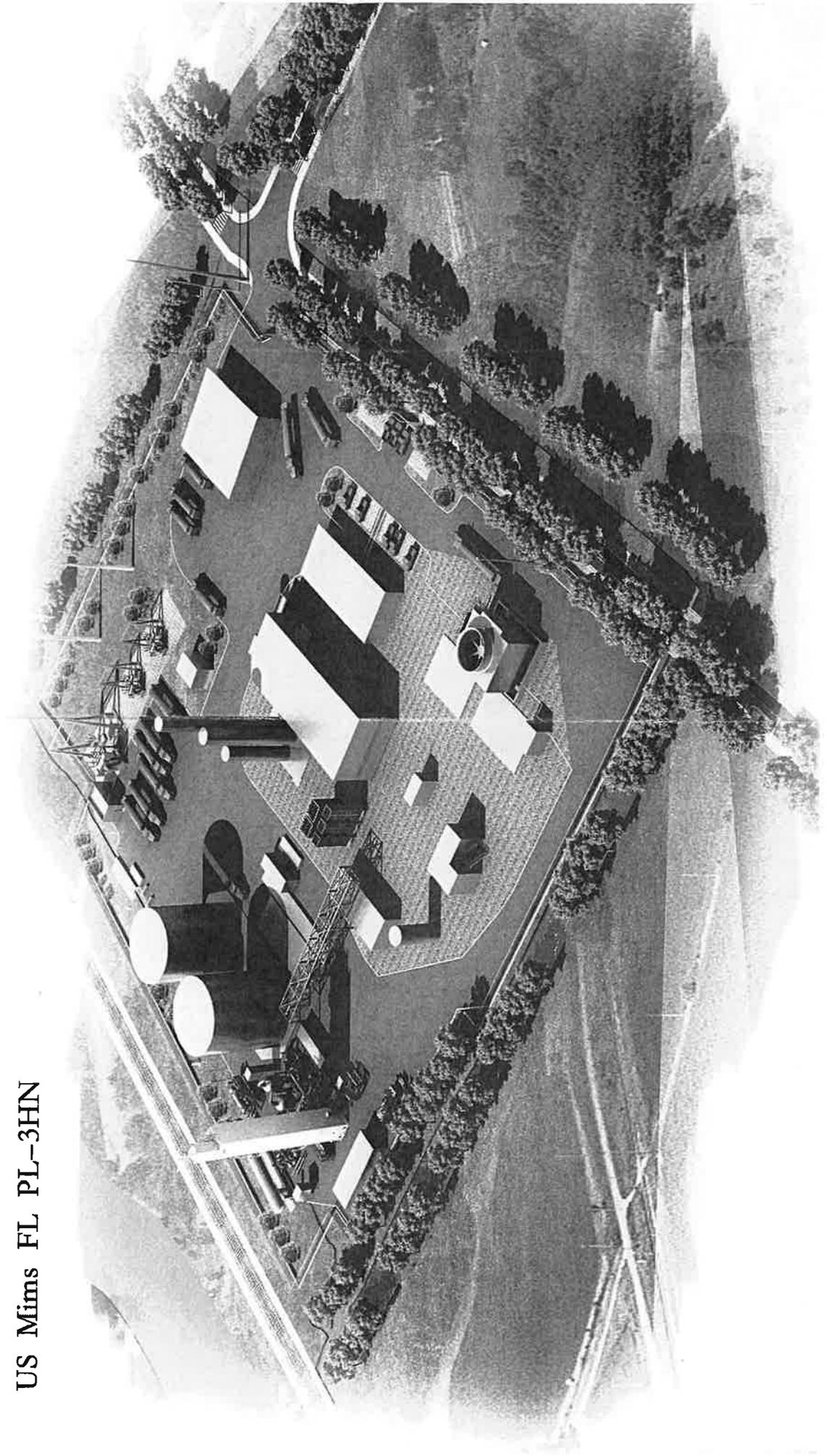
FYI  
18PZ00019 & 18PZ00020  
Praxair, Inc.  
Submitted by Applicant 05-21-18

# Mims Florida Production Facility



Where your talent makes an impact

US Mims FL PL-3HN



In Favor  
18PZ00020  
Praxair, Inc.

**From:** [Sterk, Erin](#)  
**To:** [Steve Atkins](#)  
**Cc:** [Howard.Luna@praxair.com](#); [Jim Kelly \(Jim\\_J\\_Kelly@praxair.com\)](#); [Bill Proctor](#); [Jones, Jennifer](#)  
**Subject:** Re: Praxair Rezoning Request  
**Date:** Friday, April 20, 2018 7:31:49 AM  
**Attachments:** [image001.png](#)

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Thank you Steve,

We will add your support to the file and we look forward to the Board's consideration.

Regards,  
Erin

On Apr 19, 2018, at 6:09 PM, Steve Atkins <[steve.atkins@nexair.com](mailto:steve.atkins@nexair.com)> wrote:

April 19, 2018

(DELIVERED VIA EMAIL)

Ms. Erin Sterk, Interim Manager  
Brevard County Planning & Development  
2725 Judge Fran Jamieson Way, Building A  
Vera, FL 32940

RE: Praxair Rezoning Request

Dear Ms. Sterk,

nexAir fully supports Praxair's request to rezone their property to allow the plant expansion in Mims, FL

Praxair has been our gas supplier partner for over 80 years. nexAir enjoys strong relationships on all levels with Praxair throughout our organization. We know the company, people and share similar values. Praxair operates 3 facilities in Memphis, TN which is also the location of nexAir's corporate headquarters. They are strong supporters of local initiatives and good corporate citizens.

Praxair produces the gases we repackage and distribute to our customers. nexAir supplies bulk, microbulk and packaged gases to many important markets in the areas we serve: Medical Facilities, University/Research, Food, Energy, Metal Fabrication and Construction.

nexAir's business in Florida continues to grow. The new Praxair plant expansion is a critical component of our future business growth in Florida. The expanded facility will have a tremendous impact on our Florida business and the local economy.

Sincerely,  
<[image001.png](#)>  
Steve Atkins  
Executive Vice President-Gas Technologies

---

**Steve Atkins** | Executive Vice President, Gases | 901 344-5262 (direct) 901 486-8316 (cell)

nexAir, LLC | 1350 Concourse Ave, Suite 103 | Memphis, Tennessee 38104 | [www.nexair.com](http://www.nexair.com)

**Jones, Jennifer**

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**From:** Sterk, Erin  
**Sent:** Friday, May 04, 2018 1:05 PM  
**To:** David Lyons  
**Cc:** Jones, Jennifer  
**Subject:** RE: Praxair Mims Expansion Support  
**Attachments:** Praxair Mims Expansion Support Letter Sterk 5-4-18.pdf

David,

Thank you very much for reaching out in support. We will add your letter to the package for the Boards' consideration.

Regards,  
Erin

---

**From:** David Lyons [<mailto:David.Lyons@gerdau.com>]  
**Sent:** Friday, May 4, 2018 10:27 AM  
**To:** Sterk, Erin  
**Subject:** Praxair Mims Expansion Support

Dear Ms. Sterk,

Please see attached Gerdau Ameristeel's letter of support for the proposed Praxair Mims site expansion.

Regards

Dave Lyons  
Energy & Industrial Gas Manager  
Gerdau N.A.  
770-387-3378

This message may include restricted, legally privileged, and/or confidential information. If you received this message by mistake please delete it immediately and inform us about it. This message will be considered as originated from Gerdau or its subsidiaries only when formally confirmed by its officers authorized for that.

Este mensaje puede contener informaciones de uso restringido y/o legalmente protegido. Si usted ha recibido este mensaje por error, por favor elimínelo e informe de tal situación al remitente. Este mensaje solamente será considerado como proveniente de Gerdau o de sus subsidiarias cuando sea confirmado formalmente a través de los representantes legales debidamente autorizados para tal fin.



May 4, 2018

Ms. Erin Sterk  
Interim Manager  
Brevard County Planning & Development  
2725 Judge Fran Jamieson Way  
Building A  
Viera, FL 32940

RE: Praxair Rezoning Request

Dear Ms. Sterk,

GerdaU Ameristeel wholly supports Praxair's request to rezone its property to allow the plant expansion in Mims, Fla.

The Praxair Mims Industrial Gas site is a critical supplier of gases for GerdaU's Jacksonville Florida Steel Recycling Process. GerdaU Jacksonville Mill recycles more than 600,000 tons of scrap steel into new product such as rebar and rod, and reliable and cost-effect supplies of oxygen, nitrogen and argon are crucial for the steelmaking process.

GerdaU Jacksonville relies heavily on the Praxair Mims site which delivers multiply truckloads every day. In order to meet the growing demands of the Space Industry and still meet its other Florida customers' needs, Praxair must expand. If it does not, we risk supply shortages that will result in damage to the regional economy.

Praxair has supplied our steel mill in Florida, as well as 11 other GerdaU North American mills, for decades. We work side by side at our steel mills and therefore know the company, culture and its employees very well. Our core values of safety, integrity and sustainability are closely aligned. They are strong supporters of local initiatives and good corporate citizens.

As our GerdaU business in Florida continues to grow, this expanded facility will have a tremendous positive impact not only on our business but also on the regional economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Zanoelo'.

Carlos Zanoelo  
Vice President & General Manager  
Jacksonville Mill

# BLUE ORIGIN

In Favor  
18PZ00020  
Praxair, Inc.

25 April 2018

Commissioner Rita Pritchett  
Brevard County  
2000 South Washington Avenue  
2<sup>nd</sup> Floor  
Titusville, FL 32780

Dear Commissioner Pritchett,

Praxair, Inc. is a strategic and critical supplier for Blue Origin. Expansion of their Mims, Florida Air Separation Unit will be necessary to position Praxair to better support local Blue Origin activities. This expansion can have a positive impact on Blue Origin, as we bring our operations on line in Florida. Blue Origin has long standing relations with Praxair where we know many of their personnel, and we have much respect for them as business. Blue Origin believes this would be in the best interest for Praxair, their customers and Brevard County, and we support Praxair's rezoning application to allow expansion of the plant.

Best Regards,



Stephanie Tiburzio  
Blue Origin, LLC  
Supplier Management and Procurement

## PRAXAIR QUESTIONS

Describe the characteristics of the manufactured product and all the process and/or assembly operations utilized by the proposed project. Include in the description (use attachments if necessary):

The raw materials, intermediate products, by-products and final products and characteristics of each. Review any materials' risk of carcinogenicity, toxicity, mutagenicity and/or the potential to contribute to the formation of smog. Provide material safety data sheets (MSDS) if available;

Raw Materials:

The step-by-step procedures or processes for manufacturing and/or assembling the product(s). Provide a flow diagram to illustrate procedures;

The nature of the materials mentioned above in 4.1(a) as to whether or not the materials require special means of storage or handling;

List the machinery (new and/or existing) to be utilized by this project;

List any new buildings or other facilities to be utilized;

List the size and contents of any anticipated aboveground or underground storage tank systems that may be constructed or utilized in support of facility operations;

Does this project represents an increase or decrease in production at an already existing facility, what will be the new rate of maximum production?

Describe daily hours of plant operations and the number of operating shifts.

Lines designating the proposed project area for which application is being made, clearly distinguished from present facilities and operating areas (if any);

Existing and proposed roads, railroads, parking and loading areas, piers, wharfs, and other transportation facilities;

existing water bodies and wetlands and proposed dredge and fill areas,

Existing and proposed drainage ways, gas, electric, sewer, water, roads, and other rights-of-way.

Has the property been involved with a state or federal site cleanup program such as Superfund, Brownfields, HSCA Voluntary Cleanup Program, RCRA Corrective Action, Aboveground or Underground Storage Tank Cleanup Programs? If so please specify which program.

Describe project emissions (new, as well as any increase or decrease over current emissions) by type and amount under maximum operating conditions:

Describe how the above emissions change in the event of a mechanical malfunction or human error.

Describe wastewater discharge (new, as well as any increase or decrease over current discharge levels) due to project operations:

Identify the number, location, and name of receiving water outfall(s) of any and all process wastewater discharge (new or current) affected by this proposed project. Provide NPDES Permit Numbers for each discharge affected.

If any effluent is discharged into a public sewer system, is there any pretreatment program? If so, describe the program.

Identify the number, location, and name of receiving waters of stormwater discharges. Provide permit number for each discharge.

Describe the sources of stormwater run-off (roofs, storage piles, parking lots, etc).

Describe the amount of stormwater run-off increase over current levels that will result from the proposed project.

Describe any pollutants likely to be in the stormwater.

Describe any pollution control device(s) or management technique(s) to be used to reduce the amount of stormwater generated, and devices to

Does this project improve the quality of the storm water run-off prior to discharge.

Describe any new or improved storm water drainage system required to safely carry off storm water without flooding project site or neighboring areas down gradient.

Will this project use a new water intake device, or increase the use (flow) from an existing intake device?

Will this proposed project result in a thermal discharge of water, or an increase in the flow or temperature of a current thermal discharge?

If yes, state:

- a. the volume of the new flow or increase from the existing thermal discharge, both in flow and amount of heat;
- b. how warm will the water be when it is discharged into a receiving waterway, discharge canal, or ditch, and what will be the difference in discharge temperature and ambient temperature ( $\Delta T$ ) at various seasons of the year after all cooling water mechanisms have been applied to the hot water?
- c. the equipment and/or management techniques that will be used to reduce the thermal load of the discharge water.

Describe any oils discharged to surface waters due to this proposed project.

Describe any settleable or floating solid wastes discharged to surface waters due to this project.

Estimate the amount of water to be used for each specified purpose including cooling water. State daily and maximum water use in the unit of gallons per day for each purpose and source of water. State if water use will vary with the seasons, time of day, or other factors.

Identify the source of water needed for the proposed project, including potable water supplies.

Are wells going to be used?

If yes:

- a. Identify the aquifer to be pumped and the depth, size and pumping

capacity of the wells.

b. Has a permit been applied for to do this?

c. How close is the proposed well(s) to any well(s) on adjacent lands?

Will this project result in the generation of any solid waste?

If yes, describe each type and volume of any solid waste (including biowastes) generated by this project, and the means used to transport, store, and dispose of the waste(s).

Will there be any on-site recycling, re-use, or reclamation of solid wastes generated by this project?

Will any waste material generated by this project be destroyed on-site?

Will this proposed project result in the generation of any hazardous waste

Describe the transport of any hazardous waste and list the permitted hazardous waste haulers that will be utilized.

Will the proposed project cause the applicant to store, treat, and/or dispose of hazardous waste?

Does the applicant currently generate any hazardous waste at this site?

What is the current use of the land that is to be used for the proposed project?

Will the proposed project result in the loss of any wetland habitat?

Will any wastewater and/or stormwater be discharged into a wetland?

If yes, will the discharge water be of the same salinity as the receiving wetlands?

Do threatened or endangered species (as Federal Endangered Species Act) exist at the site of the proposed project, or immediately adjacent to it?

If yes, list each species:

Describe any filling, dredging, or draining that may affect nearby wetlands or waterways.

If dredging is proposed, how much will occur and where will the dredged materials go for disposal?

Describe any noticeable effects of the proposed project site including: heat, glare, noise, vibration, radiation, electromagnetic interference, odors, and other effects.

Describe any effect this proposed project will have on public access to tidal waters.

Provide a thorough scenario of the proposed project's potential to pollute should a major equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions planned for this project to minimize any such accidents.

Describe how the air, water, solid and hazardous waste streams, emissions, or discharge change in the event of a major mechanical malfunction or human error.

Account (1234567)



- 2018
- 2017
- 2016
- 2015
- 2014



Account: 2103214 - Parcel ID: 21-35-09-00-511  
Sale: 1/11/1989 \$161,700  
BCPAO Market Value: \$/20,700  
Owners: Pro-Qil Inc  
Address: 2501 Hopperneck Rd Mims FL 32754

Details | Zoom | Clear | Help

Property Search

Brevard County Property Appraiser

Dana Blickley, CFA

Map Subject Property ( ) (?) ( ) Open Map in New Window ( )

MapView ( )

EagleView ( )

StreetView ( )

Account (1234567)

2018  
Sales  
2018   
2017   
2016   
2015   
2014

No Photo

Account: 2103209 Parcel ID: 21-35-09 00 506  
 Sale: 12/23/2017 \$15,000 - Vacant  
 BCPAO Market Value: \$11,280  
 Owners: A/H/H, Thomas A; A/H/H, Linda B  
 Address: Not Assigned

Details | Zoom | Clear | Hide

[INSTRUCTIONS \(/Docs/misc/Instructions\\_MapSearch.pdf?20170405\)](#)

2

Property Search

Brevard County Property Appraiser

Dana Blickley, CFA

Map Subject Property ( ? ) Open Map in New Window ( )

MapView ( )

EagleView ( )

StreetView ( )

Account (1234567) Go! X

2018  
 2018 ✓  
 2017  
 2016  
 2015  
 2014

Account: 2103718 Parcel ID: 21 35 09 00 524  
 Sale: 8/30/1995 \$18,000 - improved  
 BCPAO Market Value: \$16,660  
 Owners: Kelley, John I  
 Address: 2020 Jones Ave Mirns FL 32754

Details | Zoom | Clear | Hide

[INSTRUCTIONS \(/Docs/misc/Instructions\\_MapSearch.pdf?20170405\)](#)

3

Property Search

Brevard County Property Appraiser

Dana Blickley, CFA

Map Subject Property ( ? ) Open Map in New Window ( )

MapView ( )

EagleView ( )

StreetView ( )

Account (1234567) Get X

2018  
2017 ✓  
2016  
2015  
2014

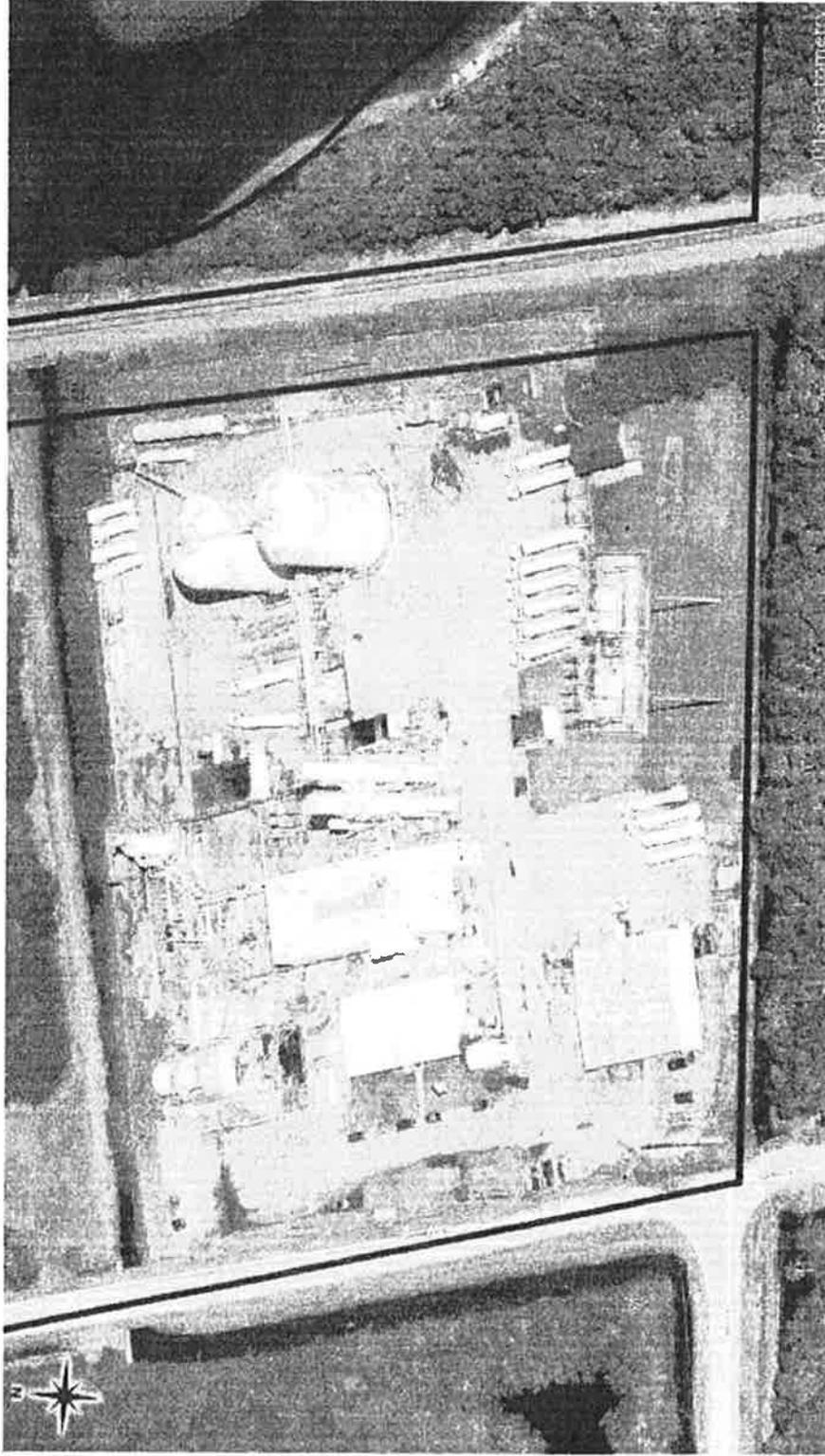
Account: 2103212 Parcel ID: 21-30-09-00-009  
Sale: 5/27/1986 \$40,000  
BCPAO Market Value: \$3,420  
Owner: Brevard County  
Address: N.W. Anderson

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[INSTRUCTIONS \(/Docs/misc/Instructions\\_MapSearch.pdf?20170405\)](#)

4

# PRAXAIR MIMS PLANT



01/30/2018

Property Search

Brevard County Property Appraiser  
Dana Blickley, CFA

Map Subject Property (1) (2) (3) Open Map in New Window (1)

MapView (1) EagleView (1) StreetView (1)

Account: 2102214 Parcel ID: 21-35-07-01-511  
 Sale: 1/1/1989 \$461,700  
 BCPAO Market Value: \$725,760  
 Owners: PRYOR II INC  
 Address: 2501 Hammock Rd Miami FL 33254



Details | Zoom | Clear | Help | Disclaimer

INSTRUCTIONS (/Docs/misc/Instructions\_MapSearch.pdf?20170405)

6

# Dinitrogen Tetroxide (Nitrogen dioxide)

## Safety Data Sheet P-4633

This SDS conforms to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.  
 Date of issue: 01/01/1979    Revision date: 10/21/2016    Supersedes: 01/07/2016

### SECTION 1: Product and company identification

#### 1.1. Product identifier

Product form : Substance  
 Name : Dinitrogen Tetroxide (Nitrogen dioxide)  
 CAS No : 10102-44-0  
 Formula : NO<sub>2</sub>  
 Other means of identification : Nitrito, Nitrogen oxide, Nitrogen peroxide, nitrogen tetroxide, NTO, red oxide of nitrogen

#### 1.2. Relevant identified uses of the substance or mixture and uses advised against

Use of the substance/mixture : Industrial use. Use as directed.

#### 1.3. Details of the supplier of the safety data sheet

Praxair, Inc.  
 10 Riverview Drive  
 Danbury, CT 06810-6268 - USA  
 T 1-800-772-9247 (1-800-PRAXAIR) - F 1-716-879-2146  
[www.praxair.com](http://www.praxair.com)

#### 1.4. Emergency telephone number

Emergency number : Onsite Emergency: 1-800-645-4633

CHEMTREC, 24hr/day 7days/week  
 — Within USA: 1-800-424-9300, Outside USA: 001-703-527-3887  
 (collect calls accepted, Contract 17729)

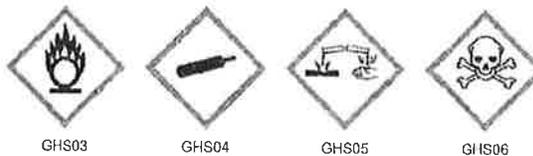
### SECTION 2: Hazard identification

#### 2.1. Classification of the substance or mixture

GHS-US classification  
 Ox. Gas 1                    H270  
 Liquefied gas                H280  
 Acute Tox. 1 (Inhalation:gas) H330  
 Skin Corr. 1B                H314  
 Eye Dam. 1                    H318

#### 2.2. Label elements

GHS-US labeling  
 Hazard pictograms (GHS-US) :



Signal word (GHS-US) :

DANGER

Hazard statements (GHS-US) :

H270 - MAY CAUSE OR INTENSIFY FIRE; OXIDIZER  
 H280 - CONTAINS GAS UNDER PRESSURE; MAY EXPLODE IF HEATED  
 H314 - CAUSES SEVERE SKIN BURNS AND EYE DAMAGE  
 H318 - CAUSES SERIOUS EYE DAMAGE  
 H330 - FATAL IF INHALED

Precautionary statements (GHS-US) :

P220 - Keep/Store away from clothing/.../combustible materials  
 P244 - Keep reduction valves/valves and fittings free from oil and grease  
 P260 - Do not breathe gas/vapors  
 P264 - Wash exposed skin thoroughly after handling  
 P271 - Use and store only outdoors or in a well-ventilated area  
 P280 - Wear protective gloves/protective clothing/eye protection/face protection  
 P284 - [In case of inadequate ventilation] wear respiratory protection



Making our planet more productive

# Arsine

## Safety Data Sheet P-4565

This SDS conforms to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.

Date of issue: 01/01/1979 Revision date: 10/13/2016 Supersedes: 04/15/2015

### SECTION 1: Product and company identification

#### 1.1. Product identifier

Product form : Substance  
 Name : Arsine  
 CAS No : 7784-42-1  
 Formula : AsH<sub>3</sub>

#### 1.2. Relevant identified uses of the substance or mixture and uses advised against

#### 1.3. Details of the supplier of the safety data sheet

Praxair, Inc.  
 10 Riverview Drive  
 Danbury, CT 06810-6268 - USA  
 T 1-800-772-9247 (1-800-PRAXAIR) - F 1-716-879-2146  
[www.praxair.com](http://www.praxair.com)

#### 1.4. Emergency telephone number

Emergency number : Onsite Emergency: 1-800-645-4633

CHEMTREC, 24hr/day 7days/week  
 — Within USA: 1-800-424-9300, Outside USA: 001-703-527-3887  
 (collect calls accepted, Contract 17729)

### SECTION 2: Hazard Identification

#### 2.1. Classification of the substance or mixture

##### GHS-US classification

Flam. Gas 1 H220  
 Liquefied gas H280  
 Acute Tox. 1 (Inhalation:gas) H330  
 Carc. 2 H351  
 STOT RE 2 H373  
 Aquatic Acute 1 H400  
 Aquatic Chronic 1 H410

#### 2.2. Label elements

##### GHS-US labeling

Hazard pictograms (GHS-US)



Signal word (GHS-US)

: DANGER

Hazard statements (GHS-US)

: H220 - **EXTREMELY FLAMMABLE GAS**  
 H280 - CONTAINS GAS UNDER PRESSURE; MAY EXPLODE IF HEATED  
 H330 - FATAL IF INHALED  
 H351 - SUSPECTED OF CAUSING CANCER  
 H373 - MAY CAUSE DAMAGE TO ORGANS (LIVER) THROUGH PROLONGED OR REPEATED EXPOSURE  
 H410 - VERY TOXIC TO AQUATIC LIFE WITH LONG LASTING EFFECTS  
 CGA-HG04 - MAY FORM EXPLOSIVE MIXTURES WITH AIR  
 CGA-HG11 - SYMPTOMS MAY BE DELAYED

Precautionary statements (GHS-US)

: P201 - Obtain special instructions before use  
 P202 - Do not handle until all safety precautions have been read and understood  
 P210 - Keep away from Heat, Open flames, Sparks, Hot surfaces. - No smoking  
 P260 - Do not breathe gas

EN (English US)

SDS ID: P-4565

1/9





Property Search

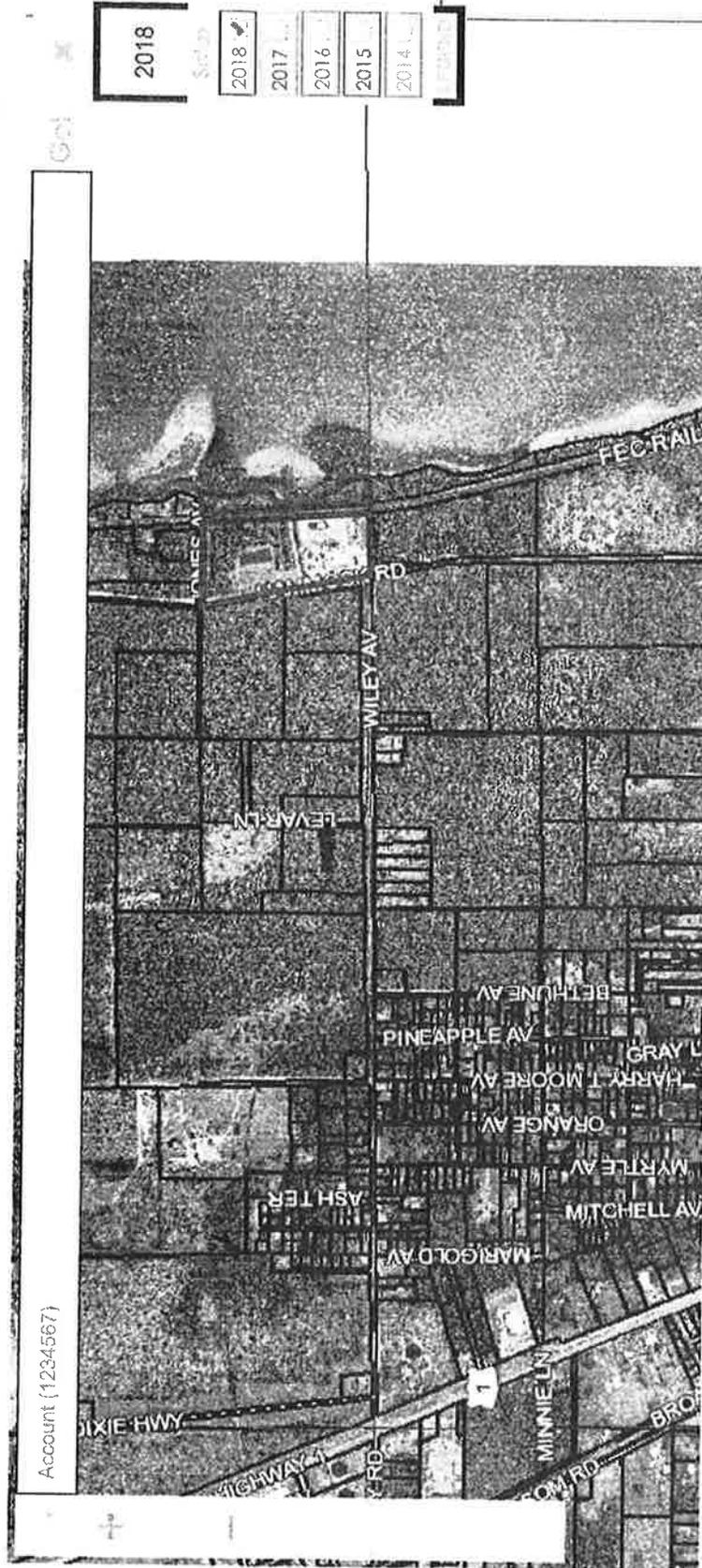
Brevard County Property Appraiser  
Dana Blickley, CFA

Map Subject Property (1) (2) Open Map in New Window (1)

MapView (1)

EagleView (1)

StreetView (1)



Account: 2103214 ParcelID: 21350900511  
 Sale: 1/1/2009 \$461,700  
 BCPAO Market Value: \$725,760  
 Owners: Proxit Inc  
 Address: 2801 Hammock Rd Mims FL 32754

Details | Zoom | Clear | Help

Disclaimer

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