

Meeting Date
February 1, 2018



AGENDA	
Section	PUBLIC HEARING
Item No.	IV. M.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Public Hearing Re: Adoption of 2017-2.1 Comprehensive Plan Amendment Package (Districts 1-5)
DEPT/OFFICE:	Planning & Development

Requested Action:

It is requested that the Board conduct a public hearing and consider adoption of the 2017 – 2. 1 Out of Cycle Large Scale Comprehensive Plan Amendment. The private application being considered is: 2017-2.1 – Imperial South, Inc. on 30.7 acres.

Summary Explanation & Background:

Large Scale Comprehensive Plan Amendments entail a two-step public hearing process, as outlined in Chapter 163, F.S. On October 5, 2017, the Board approved transmittal of these amendments to the State Department of Economic Opportunity, along with other local, regional, and state reviewing agencies. No comments requiring response were provided by any of the ten state reviewing agencies. This second public hearing is an adoption hearing, initiating a process for the enactment of the amendment. If unchallenged, the amendment becomes effective 31 days after the State Land Planning Agency notifies the local government that the package is complete. The Local Planning Agency approved the 2017-2.1 Plan Amendment at an adoption hearing on January 8, 2018.

The Brevard County Code Section 62-502 (b)(3) establishes a twice a year application deadline for Large Scale Comprehensive Plan Amendments, for changes of use on more than 10 acres or a text change to the goals, policies, and objectives of the comprehensive plan. However, this request was submitted as an out-of-cycle Comprehensive Plan Amendment. The 2011 Legislation removed all twice per calendar year exemption from Chapter 163, Florida Statutes. There is one private application for amendment being considered for transmittal in this cycle: 2017 – 2.1 submitted by Imperial South Inc., as described below and more fully detailed in the attached staff report.

Plan Amendment 2017-2.1 is a proposal initiated by Imperial South, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial to Residential 15, on 30.7 +/- acres, located east of Wickham Road approximately 380' south of Jordan Blass Drive.

Staff Contact: Cheryl Campbell, Planner III
 Tel: (321) 633-2070 ext. 52660 E-mail: Cheryl.Campbell@BrevardFL.gov

Clerk to the Board instruction: Chairman to sign Adoption Cover Letter and Ordinance; Clerk to sign Ordinance

Exhibits Attached: 2017 – 2.1 Adoption Package

Contract /Agreement (If attached): Reviewed by County Attorney		Yes		No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Interim Assistant County Manager	Jim Liesenfelt		Department Director/Extension Tad Calkins Planning & Development Dept. Ext. 56532			
Frank Abbate	Assistant County Manager	John Denninghoff					



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 2, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Erin Sterk

RE: Item IV.M., Adoption of 2017-2.1 Comprehensive Plan Amendment Package

The Board of County Commissioners, in regular session on December 7, 2017, adopted Ordinance 18-03, amending the 2017-2.1 Comprehensive Plan Amendment package. Enclosed is a fully-executed Ordinance for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 2, 2018

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 18-03, which was filed in this office on February 2, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 18 - 03

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2017-2.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Community Affairs; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on August 11, 2017, for adoption as the Out of Cycle Plan Amendment 2017-2.1; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

Officially filed with Secretary of State February 2, 2018

WHEREAS, on January 8, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2017-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 1, 2018, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2017-2.1; and

WHEREAS, Plan Amendment 2017-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2017-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2017-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2017-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of the State, State of Florida, within ten days of enactment.

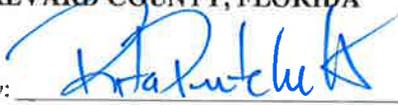
DONE AND ADOPTED in regular session, this 1 day of February, 2018.

ATTEST



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

Approved by the Board on Feb. 1, 2018.

**Comprehensive Plan Amendment
Out of Cycle Adoption 2017-2.1
DEO Brevard County Amendment
No. 17-2ESR**



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

December 15, 2017

Mr. Ray Eubanks,
Plan Processing Administrator
Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2017-2.1 Out of Cycle Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2017-2.1 Out of Cycle Comprehensive Plan Amendment – Brevard County Amendment No. 17-2ESR. There is one private application submitted by Imperial South Inc. for an out of cycle amendment being considered for adoption as 2017-2.1, with the amendment more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the adoption of the 2017-2.1 Plan Amendment on January 8, 2017, recommending XXXX of the Comprehensive Plan Amendment 2017-2.1.

The Brevard County Board of Commissioners approved the adoption of the 2017-2.1 Plan Amendment package during a public hearing on February 1, 2018. Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing, with minor changes between transmittal and adoption called out in strikethrough/underline, as required by statute.

The proposed amendment package was adopted by Brevard County on February 1, 2018.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2017-2.1 Plan Amendment package is:

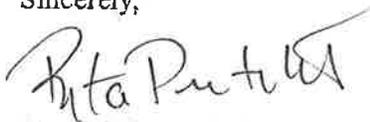
Cheryl W. Campbell, Planner III
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
Cheryl.Campbell@BrevardFL.gov
(321) 633-2070 ext. 52660 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today
1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl Campbell at the above address.

Sincerely,



Rita Pritchett, Chair
Brevard County Board of County Commissioners

Enclosures

cc: Board of County Commissioners (w/out encl.)
Frank Abbate, County Manager (w/out encl.)
John Denninghoff, Assistant County Manager (w/out encl.)
Scott Knox, County Attorney (w/out encl.)
Tad Calkins, Director, Planning and Development Department (w/out encl.)
Exec. Director, East Central Florida Regional Planning Council
Director of Planning and Public Transportation Operations, FDOT District Five
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture and Consumer Services
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Department of Education
Patrick Air Force Base, Military Installation

**Comprehensive Plan Amendment
Imperial South 2017-2.1**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2017-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2017-2.1
Large Scale Comprehensive Plan Amendment (LSCPA) Future
Land Use (FLU) Map Amendment

Owner / Applicant: Imperial South, Inc.

Location: Legal Description On file
Tax Acct Parcels
#2606093/2606092/2606089/2605036/2606105/2602755

Acreage: ± 30.7 acres

**Existing Zoning
Classification:** Planned Industrial Park (PIP)

**Proposed Zoning
Classification:** Medium Density Multiple-Family Residential (RU-2-15)

**Existing Land
Use Designation:** Planned Industrial (PLNIP)

**Proposed Land
Use Designation:** Residential 15 (RES 15)

FUTURE LAND USE MAP AMENDMENT

Description:

This request is for an amendment to the Future Land Use designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on a 30.7 acres property. The subject property is located on the east side of N. Wickham Road and is approximately 380' south of Jordan Blass Drive. The existing Planned Industrial (PLNIP) Future Land Use was adopted with the initial Comprehensive Plan in 1988 due to its proximity to the Florida East Coast (FEC) railway and major transportation corridors. The requested RES 15 Future Land Use designation may permit up to 15 residential units per acre.

The applicant has indicated that the proposed use will be comprised of a 450 unit multifamily apartment complex. The proposed number of residential units is 10 units less than the maximum density permissible of 460 units. The applicant has provided a conceptual plan that depicts the layout (see attached). A companion application proposing

to rezone the properties to Medium Density Multiple-Family Residential (RU-2-15) is accompanying this request.

A previous request for Residential 15 (Res 15) Future Land Use designation on the subject property was denied on April 19, 2016 (**2015-2.1/Resolution 16-049**) regarding the potential incompatibility between a proposed 425 unit apartment complex and nearby Industrial land uses was at issue. The subject site is nearby to an existing asphalt plant that is located on the east side of the FEC railway. The FEC right-of-way is approximately 100' wide. More recently, the aforementioned plant was granted a Conditional Use Permit (CUP) for the purpose of manufacturing cement, concrete and concrete building products on August 3, 2017 (**17PZ00068**).

In an effort to mitigate the negative impacts of existing industrial activities on the future apartment complex, the planned location of four structures (17 in total) appears to be repositioned further away from the asphalt plant. Contrastingly, the conceptual plan that was submitted with the previous request in 2015 proposed the four buildings in a location that was closer to the asphalt plant (see attached).

The subject site abuts Planned Industrial (PLNIP) and Community Commercial (CC) to the north, Public Facilities (PUB), Planned Industrial (PLNIP) and Community Commercial (CC) to the south, Neighborhood Commercial (NC) and Community Commercial (CC) to the west (across N. Wickham Rd.), and Planned Industrial (PLNIP) and Industrial (IND) to the east (across FEC railway).

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Fresh Market Grocery Store Four Vacant Future Restaurant or Retail Outparcels	BU-1 BU-2	PLNIP CC
East	Industrial (Across FEC RR)	IU, IU-2, GU, BU-2,	PLNIP IND
South	U.S. Post Office Mini-Storage Warehouse	PIP, IU, BU-2	PUB, PLNIP, CC
West	Petty's Market (Below: Across Wickham Rd) Shopping Plaza Vacant Commercial Property	BU-1 BU-1-A	NC CC

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. The applicant has submitted a *potable water* Capacity Availability Certificate that depicts a non-deficiency (see attached).

Sanitary Sewer: The subject property is located within Brevard County's sanitary sewer service area. The applicant has submitted a *sanitary sewer* Capacity Availability Certificate that depicts a non-deficiency (see attached).

Solid Waste: Brevard County provides solid waste collection and disposal for this area. The applicant has submitted a *solid waste* Capacity Reservation Certificate that depicts a non-deficiency (see attached).

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Central Mainland Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on N. Wickham Rd. (segment 403- from Pineda Causeway to Jordan Blass Drive). The segment was identified as a critical segment at or nearing maximum capacity. The Maximum Allowable Volume (MAV) is 39,800 with an Average Daily Trips (ADT) of 29,657 (12% increase from 2015 counts). The segment has a current operating volume of 75%. The proposed 450 unit multifamily apartment complex would generate approximately 2,993 ADT and 279 PM Peak trips. Therefore, if the proposed project were to be approved, the ADT would increase to 32,650, as a result, the operating volume would also increase to 82%. The potential trips from the existing Planned Industrial land use is 3,080 (ADT) and 406 (PM Peak), based on ITE Code 130 (Industrial Park). The proposed RES 15 Future Land Use designation would result in a reduction of the ADT and PM Peak trips.

	ADT	PM PEAK		
Trips from Existing Zoning	3,080	406	Segment Number	370F
Trips from Proposed Zoning	2,993	279	Segment Name	N.Wickham
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	29,657	2,669	Directional Split	0.52
Volume With Proposed Development	32,650	2,939	ITE CODE 220	
Current Volume / MAV	74.52%	74.52%		
Volume / MAV with Proposal	82.04%	82.04%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

The Public Works Traffic Operations Department was notified of the proposed development for the purpose of requiring a Traffic Impact Analysis to review required roadway improvements at site plan review.

The applicant has submitted a Technical Memorandum that shows a comparison between the trip generations for the existing land use versus proposed land use (see attached). According to the technical memorandum, "the change from PLNIP to RES-15 should result in the reduction of potential truck traffic."

Public Schools: The applicant has submitted a School Impact Analysis-Capacity Determination letter from the School Board of Brevard County that depicts a non-deficiency.

Conclusion: The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. Further review will be completed at adoption and site plan review.

Environmental Resources:

The Natural Resource Management Department will provide staff comments on the proposed development during the adoption phase. The applicant has submitted a Preliminary Geotechnical Engineering Report, Phase I Environmental Assessment and a Natural Resource Assessment Technical Memorandum (see attached).

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

Residential 15 (maximum of 15 units per acre)

Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject site is approximately 3 miles to the east of I-95. The subject property is entirely surrounded by a mixture of Commercial, Industrial and Public Facilities land uses. A residential node with Residential 15 (RES 15) Future Land Use designation is located approximately 0.2 miles to the west of the subject property (directly west of Promenade Dr.-across N. Wickham Rd.).

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject property is surrounded by unincorporated parcels. However, the subject site is located within the boundaries of Palm Shores Joint Planning Agreement (JPA).

- C. Areas adjacent to an existing Residential 15 land use designation; and

The predominant Residential Future Land Use designation located in this area of Suntree is a blend of Residential 4 (RES 4) and Residential 6 (RES 6), with a single node of Residential 15 (RES 15).

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to N. Wickham Rd., an arterial roadway.

- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract,

away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The applicant has submitted a companion rezoning application for the purpose of changing the zoning classification from Planned Industrial Park (PIP) to Medium Density Multiple-Family Residential (RU-2-15). The maximum density permitted under the RU-2-15 zoning classification is 15 units per acre.

Summary

This request is for an amendment to the Future Land Use designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on a 30.7 acres property for purpose of developing a 450 unit multifamily apartment complex in the Suntree area. This area of Suntree is largely characterized by mixture of low density residential, commercial and industrial land uses. Pursuant to **Policy 1.4**, the requested RES 15 Future Land Use designation affords the second highest density allowance, permitting a maximum of up to 15 units per acre.

A previous request for Res 15 Future Land Use designation on the subject property was denied on April 19, 2016 (**2015-2.1/Resolution 16-049**). Concerns regarding the potential incompatibility between the proposed 425 unit apartment complex and nearby Industrial land uses were at issue. The project has been redesigned, and the conceptual plan of 450 units locates four of the 17 residential structures further away from the industrial land uses to the west across FEC right-of-way.

The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. The conceptual plan depicts cross access between the subject site and the developed commercial parcels to the north and south, with one proposed access on N. Wickham Rd. The existing sidewalk and transit stops along N. Wickham Rd. will promote multi-modal accessibility. There are developed schools, medical offices, grocery stores, and restaurants within a one mile radius of the subject site.

A companion rezoning application to Medium Density Multiple-Family Residential (RU-2-15) will be heard at the future adoption hearing of this amendment request on February 1, 2018, after transmittal and State review.

If you have any questions, please contact Cheryl W. Campbell of the Planning & Development Department at (321) 633-2070 ext. 52660 or via email to Cheryl.Campbell@brevardfl.gov

**POTABLE WATER SERVICE
CAPACITY AVAILABILITY CERTIFICATE**

This certificate is issued for the purpose of verifying that potable water service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: City of Cocoa

II. Applicant/Owner Information

Owner: Imperial South Inc Applicant: William D. Bishop
 Address: 6767 N WICKHAM RD, SUITE 400 Address: 250 N. Orange Ave. Suite 1500
MELBOURNE, FL 32940 Orlando, FL 32801
 Phone No. (home) _____ Phone No. (home) _____
 (work) _____ (work) 407-734-7195

III. Legal Description and Development Proposal

26S ^{36E} 07E ¹³ 19 00 ⁷⁵⁶ _____
 Township Range Section Subdivision Block/Parcel Lot
 Subdivision Name please see attached parcel ID's
 Site Acreage 30.7 Zoning Classification _____ Excl: PIP, Proposed: RU-2-16
 If Residential Type of Residential multi-family apartments
 Maximum Number of Dwelling Units 460
 If Non-residential Specific Uses _____
 Square Footage _____

IV. Availability of Potable Water Service

The following potable water capacities are available as of the date of this application.

460 # of units or equivalent non-residential units
121,900 gallons/day @ 265 gallons/residential unit/day

Affected Facility: _____

As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

As of the date of this application potable water capacities are not available.

Solva Ethray Eng. City of Cocoa 8-18-17
 Signature and Title Jurisdiction Date

V. The subject property is in an area not served by a public water supply system and will be utilizing a private well. Location of said well(s) must be shown on site plan.

 Signature and Title Jurisdiction Date

SANITARY SEWER SERVICE CAPACITY AVAILABILITY CERTIFICATE

This certificate is issued for the purpose of verifying that sanitary sewer service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: Brevard County

II. Applicant/Owner Information

Owner: <u>Imperial South Inc</u>	Applicant: <u>William D. Bishop</u>
Address: <u>6767 N WICKHAM RD, SUITE 400</u>	Address: <u>250 N. Orange Ave. Suite 1500</u>
<u>MELBOURNE, FL 32940</u>	<u>Orlando, FL 32801</u>
Phone No. (home) _____	Phone No. (home) _____
(work) _____	(work) <u>407-734-7195</u>

III. Legal Description and Development Proposal

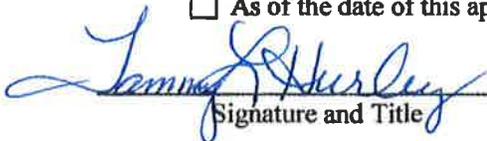
<u>26S</u>	<u>37E</u>	<u>19</u>	_____	_____	_____
<small>Township</small>	<small>Range</small>	<small>Section</small>	<small>Subdivision</small>	<small>Block/Parcel</small>	<small>Lot</small>
Subdivision Name _____					
Site Acreage <u>30.7</u>		Zoning Classification _____ <small>Exdat: PIP, Proposed: RU-2-15</small>			
If Residential	Type of Residential <u>multi-family apartments</u>				
	Maximum Number of Dwelling Units <u>460</u>				
If Non-residential	Specific Uses _____				
	Square Footage _____				

IV. Availability of Sanitary Sewer Service

The following sanitary sewer capacities are available as of the date of this application.

460 # of units or equivalent non-residential units
92,000 gallons/day @ ²⁰⁰ ~~250~~ gallons/residential unit/day
 Affected Facility: SOUTH CENTRAL REGIONAL WWTP

- As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.
- As of the date of this application sanitary sewer capacities *are not* available.

 Signature and Title	<u>Utility Services</u> Jurisdiction	<u>8/8/17</u> Date
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V. The subject property is in an area not served by a public sewer supply system and will be utilizing an on-site sewage disposal/septic tank.

- This site is or can be made suitable for the use of an on-site sewage disposal system.
- This site is currently serviced by an on-site sewage disposal system, which is adequate to handle the proposed new development described above.

_____ Signature and Title	_____ Jurisdiction	_____ Date
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**SOLID WASTE
CAPACITY RESERVATION CERTIFICATE**

This certificate is issued for the purpose of verifying that adequate solid waste capacity is available pursuant to Section 163.3202(2)(g), Florida Statutes, and the solid waste capacity is reserved for a specific time for the development of the property as described in Section III of this certificate.

I. Unit of Government Issuing Certificate: BREVARD COUNTY SOLID WASTE MANAGEMENT

II. Applicant/Owner Information:

Owner: Imperial South Inc
Address: 8767 N WICKHAM RD, SUITE 400
MELBOURNE, FL 32940
Phone No. (Home) _____
(Work) _____

Applicant: William D. Bishop
Address: 250 N. Orange Ave. Suite 1500
Orlando, FL 32801
Phone No. (Home) _____
(Work) 407-734-7195

III. Legal Description and Development Proposal:

Section 26S Township 37E Range 13, 18, 19 & 24
Subdivision _____ Block _____ Lot _____

Site Acreage 30.7 Zoning Classification Exlat: PIP, Proposed: RU-2-15

If Residential: Type of Residential multi-family apartments
Maximum Number of Dwelling Units 460

If Non-Residential: Specific Uses _____
Square Footage _____

IV. Capacity Reservation for Solid Waste

The following solid waste capacity reserved for the period of time specified herein or until capacity consumption begins. Failure to utilize the reserved capacity within the specified time frame shall require a new concurrency evaluation.

690 tons/year

DEVELOPMENT ORDER Site Plan

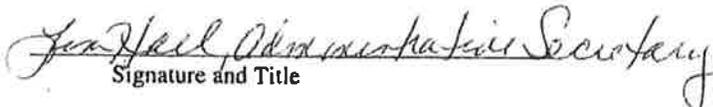
Reservation Period:

Beginning 8/8/17
Ending 2/7/19

Affected Facility: BREVARD COUNTY LANDFILL

Governmental Jurisdiction: **Brevard County Solid Waste Management Department**
2725 Judge Fran Jamieson Way
Viera, FL 32940 (321) 633.2042 FAX: (321) 633.2038

Capacity reservations for solid waste facilities are hereby, certified for use by the applicant for the specified reservation period by:


Signature and Title

Date 8/8/17



Via E-Mail: (narrconstructionservices@gmail.com)

Ref: 4077.11

TECHNICAL MEMORANDUM

To: Will Reynolds, NARR Construction Services, Inc.
From: Matthew West, AICP
Subject: Wickham Road 30-acre Parcel Trip Generation Analysis
Date: April 29, 2015

Lassiter Transportation Group, Inc. (LTG) was asked to determine the trip generation associated with the development known as Wickham Road 30-acre Parcel, located at the southeast corner of Wickham Road and Jordan Blass Drive in unincorporated Brevard County. The proposed development is an apartment complex.

Lassiter Transportation Group, Inc. (LTG) has been retained by NARR Construction Services, Inc., to prepare a trip generation analysis in support of an Expedited State Review Comprehensive Plan Amendment which amends the Future Land Use Map (FLUM) designation for 30.7 acres from Planned Industrial Park (PLNIP) to Residential 15 (Res-15).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing FLUM designation and the proposed FLUM designation were calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9th Edition*, prepared by the Institute of Transportation Engineers (ITE).

The existing analysis is based on the existing FLUM designation of PLNIP as outlined in the Future Land Use Element (FLUE) of the County's Comprehensive Plan. PLNIP does not have a maximum floor area ratio (FAR) according to the Comprehensive Plan, but assuming a reasonable FAR for single story industrial development of 0.4, the property could yield 534,920 square feet of building area.

Based on this assumption and as indicated in Table 1, the potential development of the property under the existing land use would generate 448 gross p.m. peak-hour trips.

Table 1
Gross Trip Generation – Existing FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA

Time Period	Land Use	ITE Land Use Code	Acreage	Floor Area Ratio	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Industrial Park	130	30.70	0.40	534.92	KSF	$T = 0.78(X) + 30.48$	448	21%	79%	94	354

Source: ITE Trip Generation Manual, 9th Edition

The proposed analysis is based on the requested FLUM designation of Residential 15 as outlined in the FLUE of the County's Comprehensive Plan. The maximum density of the proposed future land use (Residential 15) would

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be 15 dwelling units per acre. Applying this maximum density would permit 460 apartment units. As indicated in Table 2, maximum development of the property under the proposed land use would generate 334 p.m. peak-hour trips.

Table 2
Gross Trip Generation for Proposed FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA

Time Period	Land Use	ITE Land Use Code	Acres	Density	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Apartment	220	30.7	15	461	Dwelling Units	$T=0.55(X)+17.65$	271	65%	35%	176	95

In addition, the change from PLNIP to Res-15 should result in the reduction of potential truck traffic. In a recent vehicle count by a different client for an existing 600,000 square foot distribution, truck traffic comprised more than 40 percent of the total vehicle count. Truck traffic should be significantly less than 40 percent for a multi-family development's vehicle count.

CONCLUSION

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment would have on area roadways based on trip generation of the reasonable development potential of the existing land use designation as compared to the maximum development potential of the proposed land use designation. There will not be an increase in P.M. peak-hour traffic over what is currently allowed. Therefore, this Comprehensive Plan Amendment is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

I affirm by my signature that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Gil Ramirez, P.E.

Signature: _____

Date: August 28, 2017

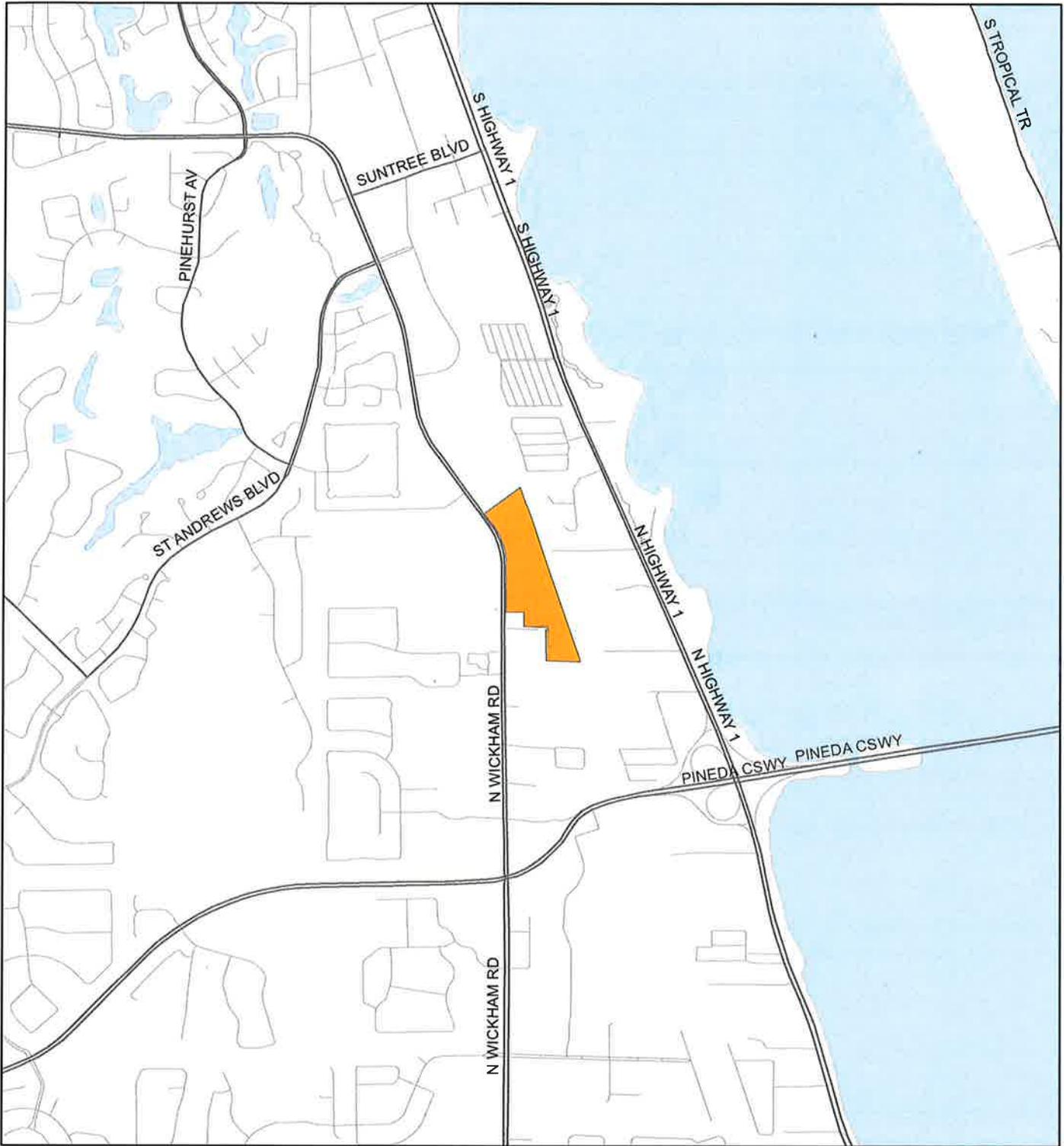


**Gilberto A
Ramirez**
2017.08.28
14:23:46
-04'00'

**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Supporting Maps**

LOCATION MAP

Comprehensive Plan Amendment 2017-2.1
Imperial South, Inc. 17PZ00108



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

Buffer Distance: 500 feet

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.

AERIAL MAP

Comprehensive Plan Amendment 2017-2.1
Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

 Subject Property

 Parcels

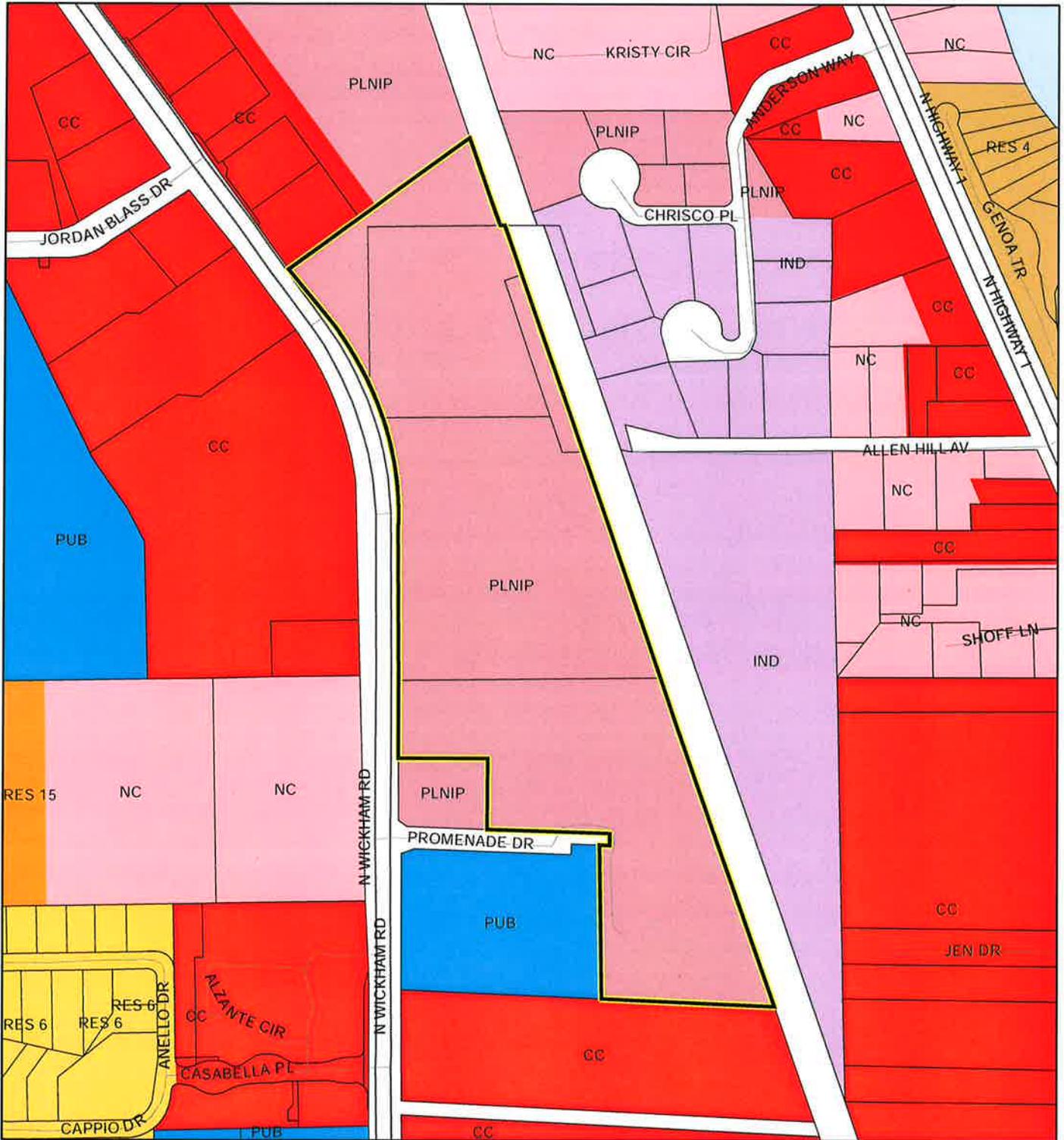
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

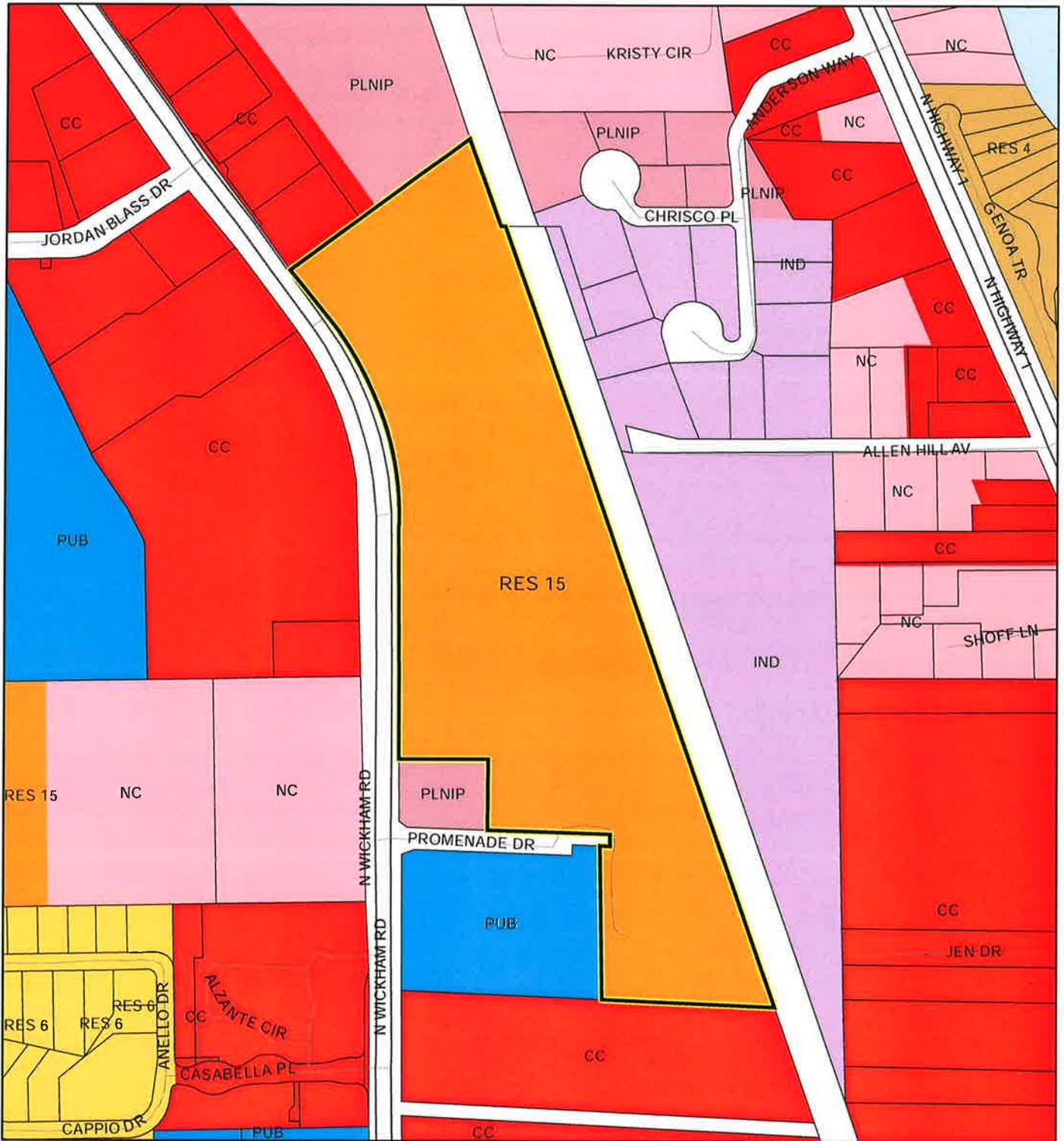
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

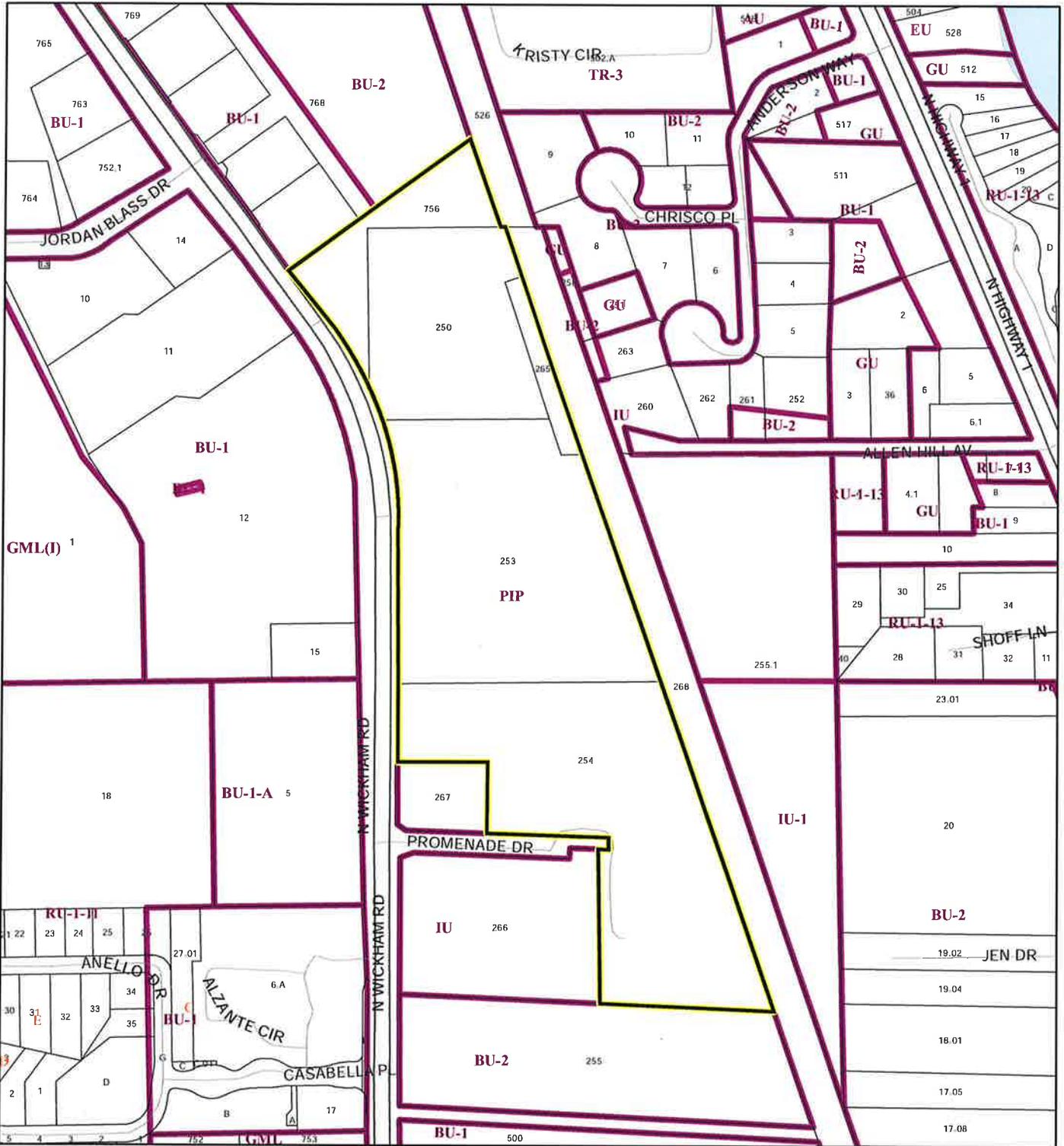
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

ZONING MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

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.

**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Applicant Submittals**

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

_____ Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

_____ Comprehensive Plan Text Amendment
Plan Element(s) of Text Amendment request: _____

2. Applicant: William D. Bishop **Staff Planner:** Conroy Jacobs

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: PLNIP
Requested Future Land Use Designation: RES 2-15
Existing Zoning: PIP

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

Since the existing land use was put in place, the entire character of the area has changed. Most of the property in the area is developed as commercial, office professional, and residential. Developing this property as industrial would actually be an incompatible use for the area. A proposed high-density residential project, as proposed, makes more sense in order to support the existing commercial development in the area.

(use additional sheets if necessary)

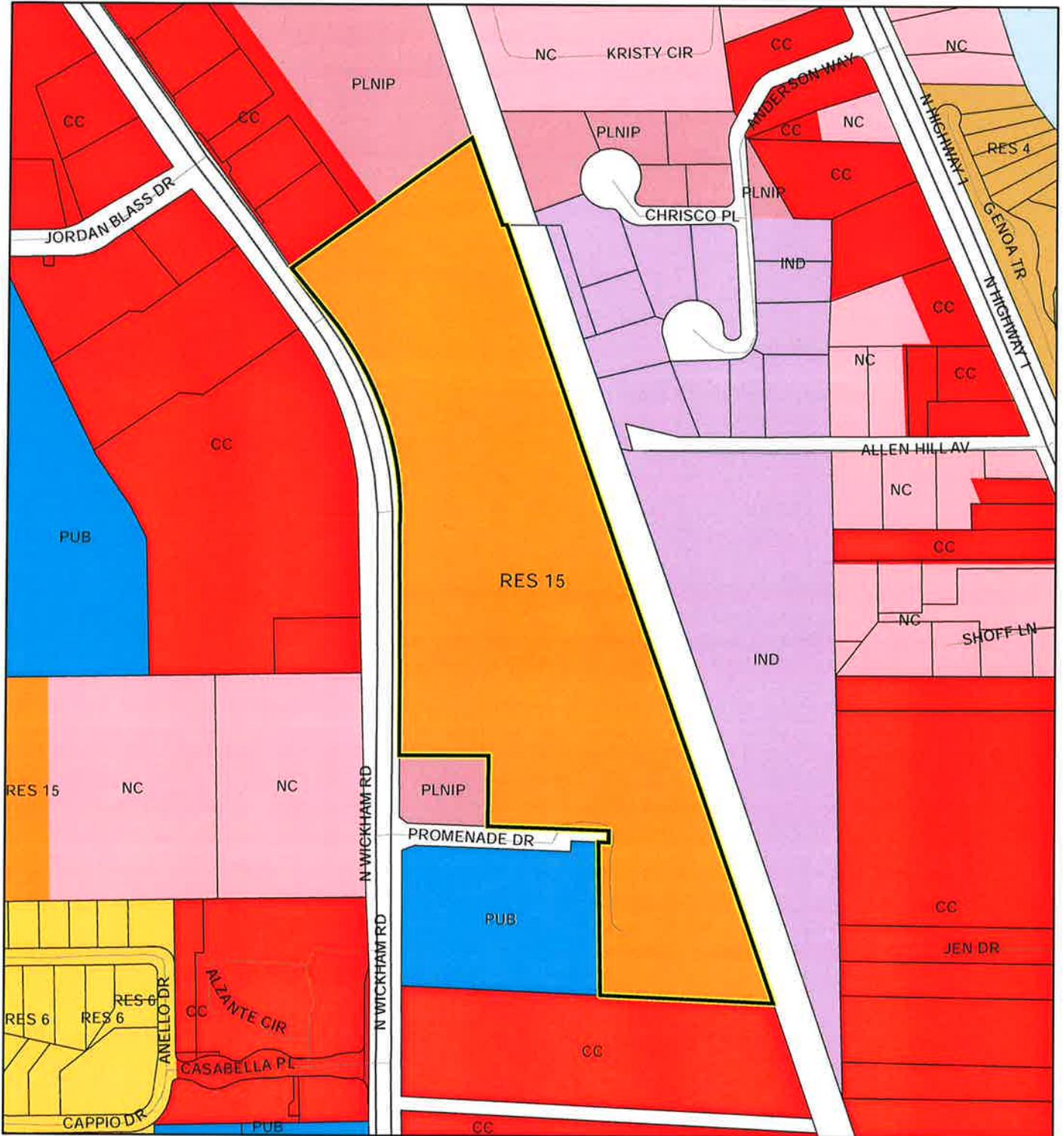
**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Ordinance**

**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Exhibit A**

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



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 herein.

**Legal Advertisements,
Citizen Courtesy Sheets, Misc.**

**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Findings of Fact**

RESOLUTION NO. 16-_____

**A RESOLUTION SETTING FORTH THE FINDINGS
OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
PERTAINING TO THE DENIAL OF COMPREHENSIVE PLAN AMENDMENT 2015-
2.1 REQUESTING A FUTURE LAND USE MAP AMENDMENT
FROM PLANNED INDUSTRIAL PARK TO RESIDENTIAL 15 ON 30.7 ACRES
OWNED BY IMPERIAL SOUTH INC.**

WHEREAS, Brevard County adopted the Brevard County Comprehensive Plan in September, 1988, and

WHEREAS, the Future Land Use Map was included as a required element of the Comprehensive Plan pursuant to the statutory requirements of Chapter 163, Florida Statutes, and

WHEREAS, the Future Land Use Map was developed to provide for future needs and to provide for compatible uses, and

WHEREAS, the Comprehensive Plan specifically addressed the need for industrial land use designations, and

WHEREAS, the subject property lies between a major corridor, Wickham Road and the FEC railroad, and

WHEREAS, the subject property has been designated for Planned Industrial use for many decades, and

WHEREAS, adjacent and nearby properties have also been designated for Planned Industrial use and Industrial use for many years, and

WHEREAS, the Board engaged in extensive discussion regarding the issues presented and presented a variety a comments and opinions, and

WHEREAS, the Board desires to retain the existing Future Land Use Map designation on the property,

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida as follows:

1. The foregoing recitals are incorporated herein.
2. Documents from the Planning and Zoning Department files and minutes of the meetings are attached hereto and incorporated herein as the record. The record will be referenced as (R-__.) The documents in the record are listed in the following chart:

Description	Page Numbers
Planning & Zoning Rezoning Review Worksheet and Staff Comments, application by property owner	1-9, 21-34
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	10-14
Memo from Robin Sobrino, Zoning Official and Cynthia Fox	15-17
School Capacity Report	77-86
Proposed Binding Development Plan submitted by applicant	87-93
NAPA information on asphalt plants presented by applicant	94-97
Tabling request and action	98-100
Documents presented by applicant at 2/4/2016 meeting	101-119
Lassiter Transportation Report	108
Section 62-1372, Code of Ordinances of Brevard County (RU-2-15)	120-122
Section 62-1255, Code of Ordinances of Brevard County (Zoning classifications and Consistency with Comprehensive Plan)	123-126
Section 62-1542, Code of Ordinances of Brevard County (Planned industrial Park) and 62- 1544 (Industrial)	127-132
62-1841.9, Code of Ordinances of Brevard County, Florida (Permitted with Conditions)	133
62-1482 and 62-1483, Code of Ordinances of Brevard County, Florida (BU-1 and BU-2)	134-139, 140-147
Minutes of the P&Z Meeting October 5, 2015 and November 9, 2015	148, 149-176
Minutes of the Board of County Commission meeting December 3 2015,	179-180
Minutes of the Board of County Commission meeting February 4, 2015	181-193
Minutes of the Board of County Commission meeting March 3, 2016	194-226
Board action at March 3, 2016 meeting	177- 178
Memorandum to Board containing Administrative Policies	227-235
Comprehensive Plan Fall Amendment package 2015-2.1	237-243
Comprehensive Plan Fall Amendment package 2015-2.1 – supporting maps	244-249
Applicant Submittals Fall Amendment Package 2015-2.1	250-258

State Agency Comment Letters	259-268
Expedited Review Submittal	269
Local Planning Agency minutes July 20, 2015	271-282
BCC minutes of August 4, 2015	105-106
Transmittal letter to Eubanks at Department of Community Affairs, 8/4/2015	283-284
Notice of denial of Comprehensive Plan Amendment to Eubanks at the Department of Community Affairs, March 7, 2016	285
Receipt and applicant submissions	286-292
Memo from Clerk to Board of County Commissioners stating Board Action on 3/3/2016	293

3. The facts and events are briefly summarized below:

- a. The subject property is approximately 30.7 acres in size. It is designated Planned Industrial on the Brevard County Comprehensive Plan's Future Land Use Map in 1988 due to the access to rail and US 1 in accordance with the locational criteria used for the designation of industrial land uses on the map (R-237-249.)
- b. The request before the Board is to amend the Future Land Use Map of the Comprehensive Plan from Planned Industrial land use to Residential 15 on the subject property. (R-237-249).
- c. The subject property is surrounded by Comprehensive Plan Future Land Use Map designations of Industrial, Planned Industrial, Public Use Facilities and Community Commercial to the north, east and south. (R-237-249)
- d. The western boundary of the subject property is a major roadway, Wickham Road. (R-237- 249)
- e. The subject property has the FEC railroad on its eastern boundary which is the vertical white strip shown on the map. The area east of the FEC railroad is designated Industrial on the Future Land Use map which allows heavy industrial uses. An asphalt plant is on the property immediately east of the FEC railroad. (R-148, 181-193,194-226, 237-258).

- f. The Future Land Use Map in the Brevard County Comprehensive Plan shows Industrial use between US 1 and the FEC railroad and moving westward transitions to Planned Industrial use, a lighter type of industrial use from the FEC railroad to Wickham Road. (R-10-14, 237-258.)
- g. The subject property is surrounded by properties zoned for industrial and commercial use. (R-237-249.)
- h. The application for the change to residential land use emphasizes the access to roadways and the commercial development occurring to the north and south. Across Wickham Road the applicant noted the presence of a public library and Suntree Elementary. The application also indicates the potential for internal trip capture from the future residents. (R-237-258.)
- i. In July and August of 2015, the request for amendment from Planned Industrial to Residential 15 was approved for transmittal and transmitted to the State of Florida for review. It was approved by the State of Florida (R- 282) and thereafter returned to Brevard County for a second set of public hearings before the Planning and Zoning Board/ Local Planning Agency and the Board of County Commissioners. (R- 271, 105,106,148-235.)
- j. At the second set of public hearings on this item, the adoption hearings, representatives of the owner of the asphalt company to the east of the subject property appeared at the Local Planning Agency/Planning and Zoning Board hearing and announced that the plant was in the area although it had been closed during the last 4 years. The representatives stated the plant was expected to re-open in the fall of 2016 and that an asphalt plant is not compatible with residential uses. (R- 151.) The representatives of the asphalt plant described numerous problems they had encountered as a result of some existing single family homes in the area near the plant. (R-186,200-203,214.)
- k. The Local Planning Agency/Planning and Zoning Board, a recommending body to the Board of County Commissioners, recommended denial of the request for a Future Land Use Amendment 7:1 on November 9, 2015. (R-270.)
- l. The Board of County Commissioners tabled the item on December 3, 2015 and again on February 4, 2016 after extended discussion. (R-178-180.) At the February 4, 2016 meeting the asphalt plant representatives appeared again and repeated their concerns regarding incompatibility. (R-186).
- m. The applicant's attorney stated single family residential use and other residential uses were allowed in the existing situation and therefore, there was no incompatibility that did not already exist. The applicant submitted a report from

Lassiter Transportation Group, Inc. indicating the peak hour trips would be reduced by a change from Industrial Park to Residential. (R-182-185,107,108.)

- n. The Board was presented with information regarding existing uses and actual development in the area in more detail. The Board questioned the potential for residential uses on the subject property under the existing Planned Industrial Use Comprehensive Plan Future Land Use Map designation and the existing Planned Industrial Park zoning classification. A question regarding the impact of Performance Standards on the existing asphalt plant arose. (R-189,190.) The item was tabled to allow further examination of the issues. (R-192, 193.)
 - o. The item was tabled to March 3, 2016. At the March 3, 2016 meeting, the staff provided a memo indicating that some residential uses could be allowed under the existing scenario. Staff also indicated that the existing asphalt plant could be required to adhere to increased noise restriction and other performance standards if the subject property was changed to a residential land use on the comprehensive plan with a residential zoning classification. (R-15-17.)
 - p. At the meeting, the asphalt plant representatives again appeared and discussed the negative impacts the plant has had on residential uses already in existence. (R-203-205.) Other testimony from multiple representatives of the applicant discussed the changes to the area since the Comprehensive Plan was adopted. The need to support existing businesses and the commercial nature of the area was discussed. (R-206.)
 - q. From January 2011 to March 2016 there has been a gain of 7.93 acres and a loss of 94.4 acres for a net loss of 86 acres of industrial designated properties. (R-216.)
 - r. The Board discussed the matter at length and at the March 3, 2016 meeting numerous comments were made by commissioners. Commissioner Infantini stated, "You wouldn't allow an asphalt plant next to an apartment, so why would you allow the reverse? It is just wrong." (R-216.) Commissioner Smith commented that the asphalt plant next to the apartments will result in complaints. (R-216-217.) Commissioner Anderson stated the potential for residential use is already there, so the new use is not a problem. Commissioner Fisher expressed concerns regarding a negative impact to the existing asphalt plant. (R-221.)
4. Based on the foregoing, the Board of County Commissioners finds: 1) The property around the subject property is designated on the Future Land Use Map of the Brevard County Comprehensive Plan for heavy/light industrial and commercial use in multiple

locations. 2) The subject property is designated Planned Industrial on the Future Land Use Map. 3) The existing Comprehensive Plan Future Land Use Designation of Planned Industrial provides an appropriate transition between the heavy industrial use to the east and Wickham Road 4) The proposed Future Land Use Map and Comprehensive Plan amendment changing the subject property to a Future Land Use of Residential 15, would insert intense residential use in an area surrounded by industrial and commercial land use designations. The existing land use plan provides for appropriate future land use map designation on the subject property.

5. The requested Comprehensive Plan Amendment 2015 – 2.1 is hereby denied.

DONE AND RESOLVED this 19th day of April, 2016.

ATTEST:

By: _____
Scott Ellis, Clerk

By: _____
Jim Barfield, Chairperson

As approved by the Board on: _____

Reviewed for legal form and content:

AFFIDAVIT CERTIFYING RECORDS

STATE OF FLORIDA '
COUNTY OF BREVARD '

I, Robyn M. Sobrino, having first been duly sworn according to law, makes oath upon his or her personal knowledge as follows:

1. I am the duly authorized custodian of the records for the Planning and Zoning Office of the Planning and Development Department of Brevard County, Florida, and in such capacity, I have authority to certify the attached records.
2. The attached records are true copies of the original records maintained by the Planning and Zoning Office regarding the Comprehensive Plan Amendment 2015-2.1 for Imperial South, Inc.
3. The attached records were kept in the course of the regularly conducted business activity of the Planning and Zoning Office and were prepared as a regular practice and custom.
4. The attached records were prepared by the personnel of Planning and Zoning Office in the ordinary course of business at or near [the time of the meeting, for instance], and by a person or persons with knowledge of and a business duty to record or transmit those matters.

AND FURTHER AFFIANT SAITH NOT.

Robyn M. Sobrino
AFFIANT

Sworn and subscribed to before me
This 7 day of March, 2016.
Jennifer Jones
Notary Public
My commission expires: 7/31/16



IV.A.2.

~~III.B.2.~~

Commission District # 4 (15PZ000056)
 Initial Hearing Dates: P&Z 10/05/15 BCC 11/05/15

REZONING REVIEW WORKSHEET

Applicant Name: IMPERIAL SOUTH, INC.

Request: PIP to RU-2-15

Subject Property:

Parcel ID#: 26-37-19-00-250; 26-37-19-00253; 26-37-19-00-254; 26-37-19-00-265; 26-36-13-00-756
 Tax Acct#: 2606089; 2606092; 2606093; 2606105; 2602755
 Location: East side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr.
 Address: 2975 Allen Hill Ave., Melbourne (Tax Parcel 253); 2600 Promenade Dr., Melbourne (Tax Parcel 254); 6375 N. Wickham Rd. Ste 107, Melbourne (Tax Parcel 756); Tax Parcels 265 and 250 have no assigned address and are in the Melbourne area
 Acreage: 30.7 +/- acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES** 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	PIP	RU-2-15
Potential*	668,646 s.f.	425 Apartments*
Can be Considered under FLU MAP	YES* RESIDENTIAL 15	YES*

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.**Subject to the approval of Comprehensive Plan Amendment 2015- 2.1* from Planned Industrial to Residential 15.

Trips from Existing Zoning	0	0	Segment Number	370F
Trips from Proposed Zoning	2,826	264	Segment Name	WICKHAM
Maximum Acceptable Volume (MAV)	35,700	3,213	Acceptable LOS	E
Current Volume	29,863	2688	Directional Split	0.51
Volume With Proposed Development	32,689	2942	ITE CODE 220	
Current Volume / MAV	84%	84%		
Volume / MAV with Proposal	92%	92%		
Current LOS	E	E		
LOS With Proposal	E	E		

Preliminary Concurrency Analysis

The preliminary concurrency analysis indicates that the proposed rezoning would increase the current volume by an estimated 2,826 daily trips and 264 p.m. peak hour trips. The concurrency segment Pineda Causeway to Suntree Boulevard (370F) is projected to exceed Level of Service (LOS) standards in 2035, and was identified as a critical segment nearing capacity. As a result of recent developments along aforementioned segment and cumulatively accounting for new trips generated in year 2015, it is probable that the operating capacity will exceed 85 percent.

Further analysis may be required to determine if the proposed development will cause a deficiency of the public roadway prior site plan approval, pursuant to section 62-602. governing the County's Concurrency evaluation procedure. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the Board of County Commissioners. This review is based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the RU-2-15 zoning classification. The RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. The surrounding properties are zoned BU-1 and BU-2 to the north, PIP, IU and BU-2 to the south, IU, IU-1, BU-2 and GU to the east, across the FEC Rail Road Rights of Way, BU-1-A, PIP and IU to are to the west. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. 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 GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. This area of Melbourne is characterized by a mixture of uses and zoning classifications along the Wickham Road corridor. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* _____ Does the project appear to meet county use or density restrictions based upon:
* Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	Na
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The applicant is seeking the RU-2-15 zoning classification to allow for multi-family development. Proposed development of the site is for a 425 unit apartment complex. A conceptual site plan for the subject property was prepared for a general determination of intensity. The layout depicts approximately 17 multi-unit apartment buildings and some with garages. Preliminary parking analysis indicates that there will be 106 private garages, 106 private parking aprons, and 604 paved parking spaces for a total of 816 parking spaces. Other than an existing 180' monopole on southwest corner of the property, the subject property is undeveloped. Of note, is that the ordinance governing communication towers has been updated and contains requirements for spacing to residential development. The applicant should consider the new separation distance requirement during site planning.

Historically, this property was zoned PIP Planned Industrial Park in 1990. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. Over time, it appears that the eastern property holdings between Wickham Road and the FECC Rail Road Rights of Way are in an area of Melbourne that is transitioning from Planned Industrial Park to general retail commercial, multi-family and single-family development. This site is just south of the newly constructed "Fresh Market" that also consists of multiple commercial outparcels along the east side of Wickham Road.

A request for a Large Scale Comprehensive Plan amendment to change the Future Land Use from Planned Industrial Park to Residential 15 was transmitted in August 2015 and must be adopted by the Board in order for the Board to approve this request.

The preliminary concurrency analysis indicates that the proposed rezoning would increase the current volume by an estimated 2,826 daily trips and 264 p.m. peak hour trips. The concurrency segment Pineda Causeway to Suntree Boulevard (370F) is projected to exceed Level of Service (LOS) standards in 2035, and was identified as a critical segment nearing capacity. Currently, this segment is at 84% of capacity. As a result of recent developments along aforementioned segment and cumulatively accounting for new trips generated in year 2015, it is probable that the operating capacity will exceed 85 percent. Roadways with traffic volumes of 85% or greater are considered congested roadways. Therefore, further analysis may be required to determine if the proposed development will cause a deficiency of the public roadway prior site plan approval, pursuant to section 62-602, governing the County's Concurrency evaluation procedure. No improvements are scheduled for this segment of Wickham Road in the foreseeable future that would increase capacity of the roadway.

Summary: This request is for the purposes of developing a 425 unit apartment complex. Conceptual site plan layout depicts approximately 17 multi-unit buildings. Historically, this property was zoned PIP Planned Industrial Park in 1990. Over time, it appears that the property holdings east of Wickham Road and west of the FECC Rail Road Rights of Way, are in an area of Melbourne that is transitioning from Planned Industrial Park to general retail commercial, multi-family and single-family development. This site is just south of the newly constructed "Fresh Market" that also consists of multiple commercial outparcels along the east side of Wickham Road.

This rezoning request accompanies a request for a Large Scale Comprehensive Plan amendment to change the Future Land Use from Planned Industrial Park to Residential 15 was transmitted in August 2015 and must be adopted in order for the Board to approve this request.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00056
Zoning Request: PIP to RU-2-15
P&Z Hearing Date: 11/09/15

Applicant: Imperial South Inc.
BCC Hearing Date: 12/03/15

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, or County 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
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to a portion of the following properties: Twp. 26, Rng. 37, Sec. 19; Tax ID Nos. 2606089, 2606092, 2606093, 2606105, & 2602755

The subject parcel contains wetlands. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6). The applicant is encouraged to contact NRM prior to any plan or permit submittal.

The remainder of the subject parcel contains mapped aquifer recharge soils (Pomello sand). 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. 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.

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.

IV.A.1.

Commission District # 4 (15PZ000056)
Initial Hearing Dates: P&Z 09/09/15 BCC 12/03/15
THIS ITEM WAS TABLED FROM THE 12/03/15 BCC MEETING

REZONING REVIEW WORKSHEET

Applicant Name: IMPERIAL SOUTH, INC.

Request: PIP to RU-2-15

Subject Property:

Parcel ID#: 26-37-19-250; 26-37-19-253; 26-37-19-254; 26-37-19-265; 26-36-13-756
Tax Acct#: 2606089; 2606092; 2606093; 2606105; 2602755
Location: East side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr.
Address: 2975 Allen Hill Ave., Melbourne (Tax Parcel 253); 2600 Promenade Dr., Melbourne (Tax Parcel 254); 6375 N. Wickham Rd. Ste 107, Melbourne (Tax Parcel 756); Tax Parcels 265 and 250 have no assigned address and are in the Melbourne area
Acreeage: 30.7 +/- acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES** 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	PIP	RU-2-15
Potential*	668,646 s.f.	425 Apartments*
Can be Considered under FLU MAP	YES* RESIDENTIAL 15	YES*

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.**Subject to the approval of Comprehensive Plan Amendment 2015- 2.1* from Planned Industrial to Residential 15.

Trips from Existing Zoning	0	0	Segment Number	370F
Trips from Proposed Zoning	2,826	264	Segment Name	WICKHAM
Maximum Acceptable Volume (MAV)	35,700	3,213	Acceptable LOS	E
Current Volume	29,863	2688	Directional Split	0.51
Volume With Proposed Development	32,689	2942	ITE CODE 220	
Current Volume / MAV	84%	84%		
Volume / MAV with Proposal	92%	92%		
Current LOS	E	E		
LOS With Proposal	E	E		

Preliminary Concurrency Analysis

The preliminary concurrency analysis indicates that the proposed rezoning would increase the current volume by an estimated 2,826 daily trips and 264 p.m. peak hour trips. The concurrency segment Pineda Causeway to Suntree Boulevard (370F) is projected to exceed Level of Service (LOS) standards in 2035, and was identified as a critical segment nearing capacity. As a result of recent developments along aforementioned segment and cumulatively accounting for new trips generated in year 2015, it is probable that the operating capacity will exceed 85 percent.

Further analysis may be required to determine if the proposed development will cause a deficiency of the public roadway prior site plan approval, pursuant to section 62-602. governing the County's Concurrency evaluation procedure. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the Board of County Commissioners. This review is based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the RU-2-15 zoning classification. The RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. The surrounding properties are zoned BU-1 and BU-2 to the north, PIP, IU and BU-2 to the south, IU, IU-1, BU-2 and GU to the east, across the FEC Rail Road Rights of Way, BU-1-A, PIP and IU to are to the west. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. 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 GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. This area of Melbourne is characterized by a mixture of uses and zoning classifications along the Wickham Road corridor. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

 * Does the project appear to meet county use or density restrictions based upon:
* Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, 11.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	Na
Floodplains	Not Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (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 a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The applicant is seeking the RU-2-15 zoning classification to allow for multi-family development. Proposed development of the site is for a 425 unit apartment complex. A conceptual site plan for the subject property was prepared for a general determination of intensity. The layout depicts approximately 17 multi-unit apartment buildings and some with garages. Preliminary parking analysis indicates that there will be 106 private garages, 106 private parking aprons, and 604 paved parking spaces for a total of 816 parking spaces. Other than an existing 180' monopole on southwest corner of the property, the subject property is undeveloped. Of note, is that the ordinance governing communication towers has been updated and contains requirements for spacing to residential development. The applicant should consider the new separation distance requirement during site planning.

Historically, this property was zoned PIP Planned Industrial Park in 1990. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. Over time, it appears that the eastern property holdings between Wickham Road and the FECC Rail Road Rights of Way are in an area of Melbourne that is transitioning from Planned Industrial Park to general retail commercial, multi-family and single-family development. This site is just south of the newly constructed "Fresh Market" that also consists of multiple commercial outparcels along the east side of Wickham Road.

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NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 15PZ-00056

Zoning Request: PIP to RU-2-15

P&Z Hearing Date: 11/09/15

Applicant: Imperial South Inc.

BCC Hearing Date: 12/03/15

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

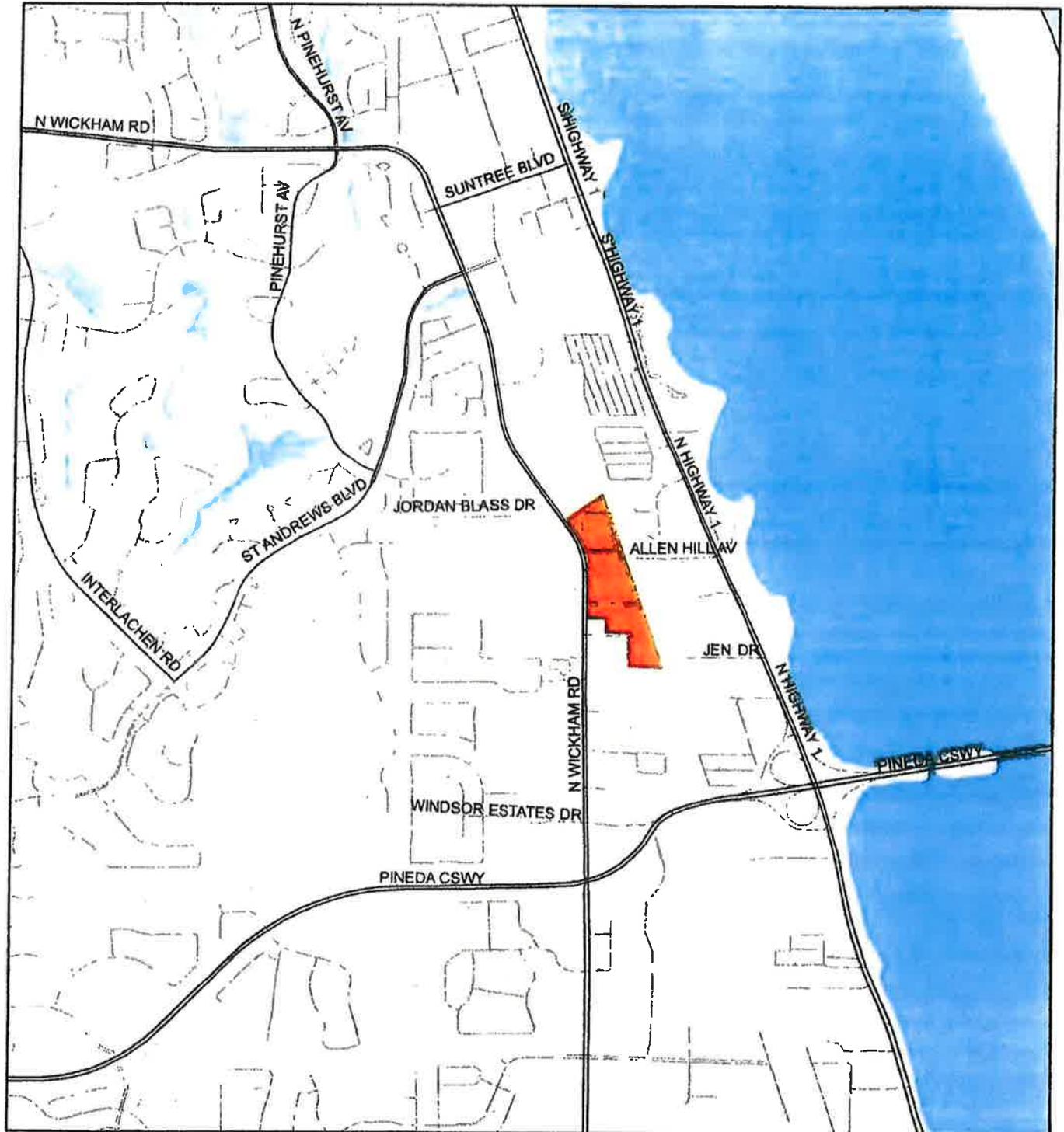
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The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

IMPERIAL SOUTH INC

15PZ00056



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.

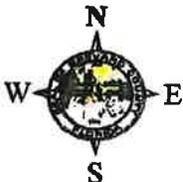
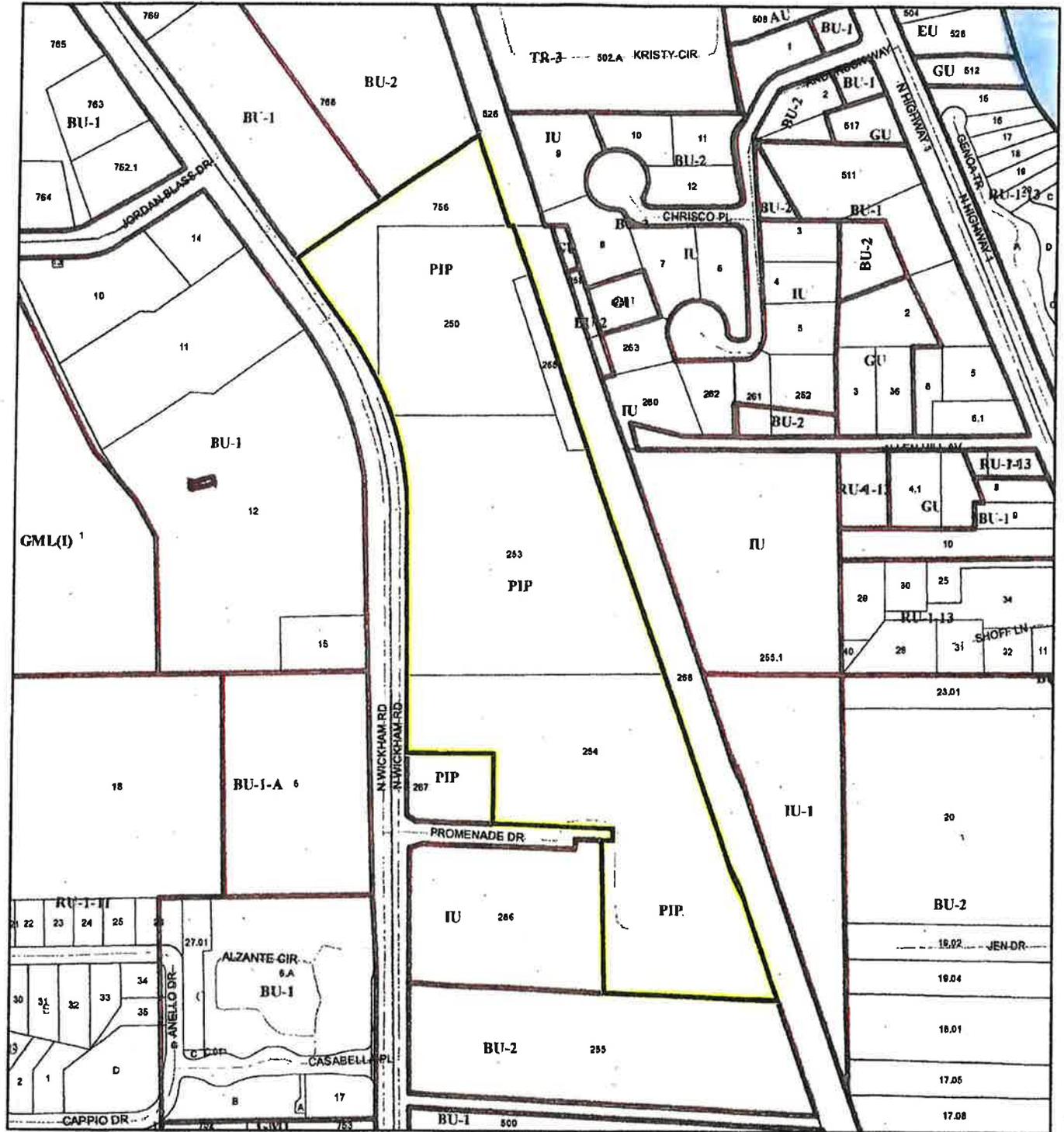
R - 0010

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2015

ZONING MAP

IMPERIAL SOUTH INC

15PZ00056



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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.

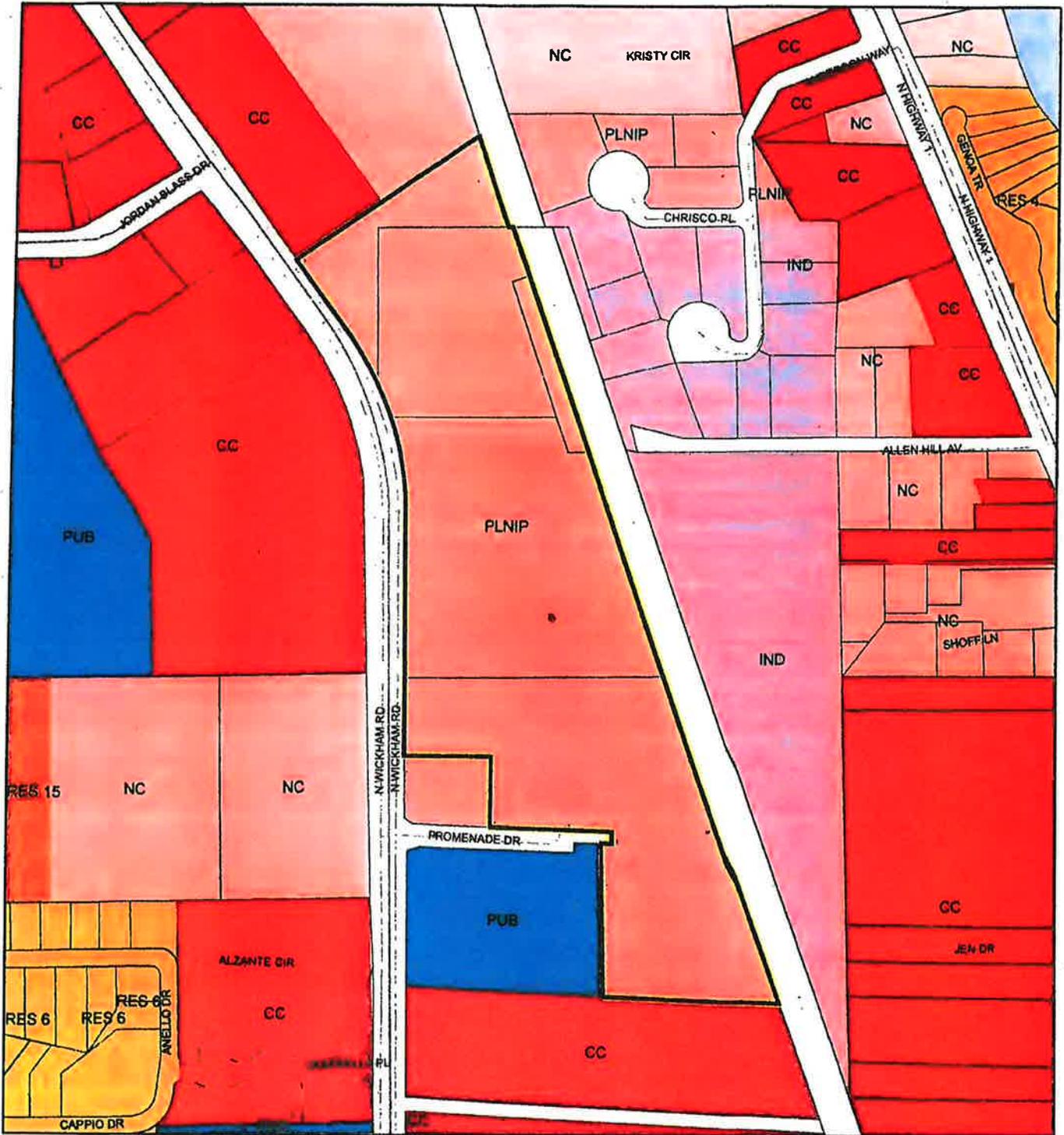
R - 0011

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2015

FUTURE LAND USE MAP

IMPERIAL SOUTH INC

15PZ00056



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.

R - 0012

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2015

AERIAL MAP

IMPERIAL SOUTH INC

15PZ00056



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2015

 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.

R - 0014

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2015



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: The Members of the Board of County Commissioners

THRU: Robin M. Sobrino, AICP, Director *RMS*
Brevard County Zoning Official

FROM: Cindy Fox, Planning & Zoning Manager *CF*

DATE: March 3, 2016

RE: **PIP Zoning and Residential Uses**

This memo is submitted in consideration of whether or not a single-family residence is an allowable use in the PIP (Planned Industrial Park) Zoning Classification as requested by the Board on February 4, 2016.

Question:

Does the PIP zoning classification allow single-family residences?

Short Answer:

No, only if they meet the permitted with conditions section of our code which states that those properties were owned prior to 2004 pursuant to section 62-1841.9 as discussed below.

A cursory review of the deeds for the property in question shows that ownership dates back to the 1980s and under this scenario, if it was the desire of the applicant, they could build single-family homes. However, if the property was sold, the ordinance states that "Any property owners who purchased PIP zoned property after October 19, 2004 cannot meet the condition pursuant to section 62-1849.9."

Analysis:

This memo has been reviewed by the County Attorney's Office and their comments can be found in the summary section of this report. Additionally, this memo also discusses residential uses that may be considered residential in nature but operate as institutional and commercial uses, and the Future Land Use Element of the Comprehensive Plan, regarding "industrially designated" properties in the County and performance standards.

Ordinance Number 04-43 amended section 62-1542 and created Section 62-1841.9 which made single-family residences a "permitted with conditions" use in the PIP Zoning Classification. Section 62-1841.9 regarding "permitted with conditions uses in PIP" states that in the PIP zones, "property owners who purchased such property prior to October 19, 2004 are permitted to construct single-family residences."

Therefore, any property owners who purchased PIP zoned property after October 19, 2004 cannot meet this condition and would be precluded from having a single-family use on the property.

Sec. 62-1841.9. Single family residence. In the PBP and PIP zones, property owners who purchased such property prior to October 19, 2004 are permitted to construct single family residences. Such development must be consistent with all applicable regulations contained within this chapter. In addition, single family residences are permitted regardless of the date of ownership when the property within the PBP zone is deed restricted to allow only residential uses. Such deed restrictions must exist prior to October 19, 2004.

Planned Industrial Zoning Regulations & Consistency Table

The PIP zoning classification is governed by Sections 62-1255(a)(7)(b); 62-1255(b)(1)(d) 62-1255(2) Exhibit A, "Establishment of Zoning Classifications and Consistency with Comprehensive Plan"; 62-1540, "Industrial Uses Permitted with Conditions and Conditional Uses"; Section 62-1542, "Planned Industrial Park, PIP"; and Section 62-1841.9, Single-Family Residence.

Section 62-1255(2) as evidenced by Exhibit A (below), the Comprehensive Plan Consistency table depicts where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan. **This table shows that any residential development is not contemplated within the Planned Industrial Park Future Land Use Designation.** Therefore, the desire of the applicant to develop the site with multi-family apartments requires a Large Scale Comprehensive Plan Change from a Planned Industrial Future Land Use Designation to a Residential Future Land Use Designation.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations																
	Ag ric	Res 1:2. 5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC			PUB	REC	PR CON	PUB CON
GU, PA, AGR, RRMH-5, PUD, RPUD, RVP					Y						Y*						N
AU, REU, RRMH-2.5	N				Y						Y*						N
ARR, RR-1, SEU, RRMH-1	N				Y						Y*						N
SR, TR-2		N			Y						Y*						N
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4		N			Y						Y*						N
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6			N		Y						Y*						N
RU-2-8, RA-2-8 RA-2-10, RU-2-10			N		Y						Y*						N
RU-2-12, RU-2-15			N		Y						Y*						N
RU-2-30				N	Y						Y*						N
BU-1-A, IN				Y**							Y**						N

use of the building or other structure. Existing premises accommodating changes in use, as defined in section 62-2801, shall be subject to compliance with all requirements...” of the performance standards.

Summary

It is evident by the ordinance approved in 2004 and the structure of the Zoning Regulations and Comprehensive Plan Future Land Use Element, that single-family uses are not permitted uses within the PIP Zoning classification unless the property was under same owner since 2004. A cursory review of the deeds for the property in question shows that ownership dates back to the 1980s and under this scenario, if it was the desire of the applicant, they could build single-family homes. However, if the property was sold, the ordinance states that “Any property owners who purchased PIP zoned property after October 19, 2004 cannot meet the condition pursuant to section 62-1849.9.

There are several uses listed in the BU-1 and BU-2 zoning classifications that give the appearance of being residential uses and appear to be permitted in the PIP zoning classification. However, it should be noted that some of the uses are considered institutional use in our Zoning code while others are commercial ventures. Most are licensed and taxed as commercial establishments and are transient in character, unlike a traditional single-family residential development.

The County Attorney’s Office advises that the BCC should be aware that there is a potential for claims against the county by the asphalt plant owners if the performance standards are applied to the existing asphalt plant located in an IU-1 zoning classification, as a result of the new residential zoning and development on adjacent property. The Board may wish to consider providing direction to staff regarding the performance standards to avoid potential liability. The Board could find the code was not intended to apply to the existing asphalt business absent a change in use or an expansion of the existing business. This direction could reduce the potential litigation against the county by the asphalt plant if the residential use is approved.



**BREVARD COUNTY PLANNING AND DEVELOPMENT
APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE**

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU Reading Existing Zoning Industrial (PIP)
Proposed FLU SRCA Proposed Zoning Multi-Family (RU-2-15)

APPLICATION NAME

- COMBINATION - COMPREHENSIVE PLAN AND REZONING (COCPR)
- COMPREHENSIVE PLAN (CP)
 - Large Scale Amendment Small Scale Amendment
 - Text Amendment - Element _____
 - Other _____
- REZONING (Without CUP) (RWOC)
- COMBINATION - ZONING AND CUP (CORC)
- CUP (Without zoning) (CUP)
- VARIANCE(S) (V)
- AA (AA)
 - AA Type: _____
- OTHER (O): _____

Tax Parcel: T 26 R 37 S 19 S/D Please see Blk/Par included Lot sheet

Acreeage of Request: +/- 30.7 acres

Reason for Request: To allow the development of a Multi Family Development

425 UNITS

COUNTY PLANNER USE ONLY

ACCELA# 15P200056 Fee \$ 11,410.00
Date filed 8/14/15 Planner Tom
District# 4 Tax Account ID# see attached sheet
(list all parcels)

Notification radius (feet) 500 Sign Issued Tom

Meeting(s)	Date	Time
NMI		
PSJ Board		
P&Z / LPA	<u>10/5/15</u>	<u>3pm</u>
BCC	<u>11/5/15</u>	<u>5pm</u>
BOA		

JPA/MIRA/500' of Palm Bay Extension: Yes No

If Yes, list which _____

Location: East side of Wickham Rd
330 ft. South of Jordan Blvd
Drive.

Detailed Description: PIP to RU-2-15
for 425 APARTMENTS;
and PLNIP to RES 15

PROPERTY OWNER:

Name: Jerry Levy Company: Imperial South INC
Address: 287 Bowman Ave Stu 22 E-Mail: _____
City: Purchase State NY Zip 10577
Phone: () Fax: () Cell: ()

APPLICANT IF OTHER THAN OWNER (check): Attorney _____ Agent Contract Purchaser _____

Name: Will Reynolds Company: NARR Construction Services
Address: 1916 Eloise Cove Dr. E-Mail: NARRConstructionServices@gmail.com
City: Winter Haven State FL Zip 33884
Phone: (863) 412-2045 Fax: () Cell: ()

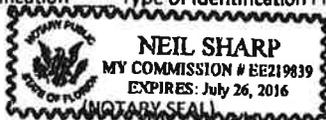
The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:
State of Florida County of Brevard Will Reynolds (NARR Construction Services) being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
 I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

Will Reynolds 8-11-15
Signature of Property Owner/Authorized Representative Date

The foregoing instrument was acknowledged before me this 11 day of Aug, 2015, by WILL REYNOLDS who is Personally Known by me OR Produced Identification Type of Identification Produced _____

Neil Sharp
Notary Public Signature



①

Tax 7085: 2606089, 2606092, 2606093, 2606105 + 2602755



Parcel Information

Parcel ID	Tax ID
Parcel #1 - 26-37-19-00-250	2606089
Parcel #2 - 26-37-19-00-253	2606092
Parcel #3 - 26-37-19-00-254	2606093
Parcel #4 - 26-37-19-00-265	2606105
Parcel #5 - 26-36-13-00-756	2602755

1A

ACCELA # _____

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Survey 11" x 17" (max. size)	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	* Additional Documentation	Fees
NUMBER OF COPIES REQUIRED																	
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1	1	1	1	1	1	1				*	Y
Zoning request	1	1	1	1	1 ^B	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ^B	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement	1	1	1	1	4	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

*Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

2

3

CALCULATION OF PUBLIC HEARING APPLICATION FEES - ZONING OFFICE

PUBLIC HEARING APPLICATION FEES	BASE FEE	ACREAGE FEE	UNIT FEE	SUB-TOTAL
REZONING				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00 *	() x 24 **		
Single-Family Residential	849.00 *	() x 24 **		
Single-Family Mobile Home	849.00 *	() x 24 **		
Commercial/Planned Commercial	1,184.00	() x 24		
Tourist Commercial	1,855.00	() x 45		
Industrial/Planned Industrial	1,855.00	() x 45		
Planned Unit Development	5,661.00	() x 45		
Single-Family Attached Residential	960.00		() x 24	960
Multiple-Family Residential	960.00		(425) x 24	10,200
Recreational Vehicle Park	1,408.00		() x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00		() x 24	
CUP's or ROU APPLICATIONS				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
OTHER APPLICATION FEES				
Consultant Fee Retainer per Tower Application	6,934.00			
Transfer of Development Rights	1,520.00			
Comprehensive Plan Appeals (Vested Rights)				
One (5.0 acres or less) Single family residential	433.00			
All other appeals	1,733.00			
Variance/Appeals of Administrative Interpretation				
Base fee	598.00			
Fee for each additional request	182.00			
Special Hearing Fee for P & Z / LPA	3,692.00			
Special Hearing Fee for BOA	1,872.00			
All Other Unrelated Zoning Applications	849.00			
Miscellaneous				
				SUB-TOTAL****
Office of Natural Resources review fee (if applicable) (\$250.00 for rezoning review, \$300.00 for flag lot & easement review)				250.00
Address Assignment review of flag lot & easement	50.00			
Land Development PUD Review Fee (\$100.00)				
				TOTAL
				11,470.00

BASE FEE ADJUSTMENTS

* If area for these requests have the potential for only one more lot, fee is.....	288.00
** Maximum acreage fees for these requests shall be.....	2,240.00
*** Maximum Planned Unit Development Fee shall be.....	13,432.00
**** Maximum fee for all other zoning requests shall be.....	8,955.00

R - 0021

Fee Schedule: ZONING

Version: VERSION 1

Fee Calc. Factor: Job Value(Contractor)50.00

Payment Period	Priority	Subgroup	Fee Code	Fee Item	Quantity
FINAL			PZ300	Zoning Variance	11,160.00
FINAL			PZ310	Comprehensive Plan	
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	NRMC	250.00
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application Consultant Fee	
FINAL			PZ370	Land Development FUD Review	

4

RECEIPT

BREVARD COUNTY
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940



Application: 15PZ00056
Application Type: Development/Miscellaneous/Planning Zoning/NA
Address: FL

Receipt No.: 391350

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	144-10025	\$11,410.00	08/14/2015	LISA.SMITH	144 \$250.00 10025 \$11,160.00

Owner Info.: IMPERIAL SOUTH INC
287 BOWMAN AVE STE 222
PURCHASE, NY 10577

Work Description: rezone to RU-2-15 for 425 apartment units

Invoice #	Invoice Date	Period	Fee Item	Fee
406160	14-Aug-15	FINAL	NRMO	\$250.00
		FINAL	Zoning/Variance	\$11,160.00
Subtotal:				\$11,410.00
Total Fee:				\$11,410.00

***Note: Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, or a Final Building Inspection. Please call the Central Cashier to verify.**

Contact Numbers

Building Dept. - 633-2072, Central Cashier - 633-2068, Code Enforcement - 633-2086,
Land Development - 633-2065, Licensing, Regulation, and Enforcement - 633-2058

Zoning Information Worksheet

Owner(s): Imperial South Inc.
(Does this match the warranty deed?)

Applicant(s): W. H. Reynolds
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: Tax: # 2606089, 2606092, 2606093, 2606105 + 2602755
(If more than one parcel, they must share a property line to be on the same application.)

PRESENT ZONING: PIP 2-10297
• Is there a BDP or a CUP on the property? Yes/No: Yes
• Is this a non-conforming lot of record? Yes/No: Why? Tower + antenna 180' max
• Is this a substandard lot? Yes/No: Why? _____

REQUESTED ZONING/CUP: RU-2-15

What is the FLU Designation of the property?: Res-15 (Requested) - (Pending LSPA)
• Is the requested zoning consistent with the FLU? Yes/No (see compatibility table) Yes
• If no, what is the requested small scale plan amendment? (MUST BE 10.00 ACRES OR LESS.) _____

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No _____

PREVIOUSLY APPROVED ZONING ACTIONS: 2-10817(9)

Most recent zoning change in same section? Z# 12 P2-00074

If this is a CUP request, list all CUP's on adjacent properties: _____

Abutting property zoning classifications: N BU-1 + BU-2 S 14 + BU-2 E Palmer W Wilhelm

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA, ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

REASON FOR REZONING REQUEST: Multi-family use

- If proposing single-family or multi-family how many units? 425
- If proposing a CUP for alcohol, how many seats? _____ Bar or Restaurant? _____
 - o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - o Do you have a site plan showing the layout and parking configuration? Yes/No
 - o Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? yes tower

Describe the character of the area: Mixed commercial use

Planner: [Signature]
Checked by: [Signature]

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

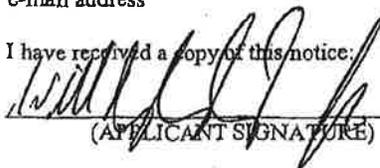
NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

_____ or () _____ or U.S. Mail X
e-mail address fax number Yes/No

I have received a copy of this notice:


(APPLICANT SIGNATURE)

Bowman Consulting
4450 W Eau Gallie Blvd
Suite 232
Melbourne, FL 32934

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD OF YOUR AND YOUR SPOUSE'S DEEDS IN
THE PUBLIC RECORDS DEPARTMENT.

Tax Parcels 250
865
766

RR

SIGNATURE

QUIT-CLAIM DEED

5 2
21-0
RECORDS

THIS QUIT-CLAIM DEED, Executed this 14th day of March 1988, by IMPERIAL STERLING LTD., a corporation organized and existing under the laws of the State of Delaware, successor by merger to Jeron Company, Inc., a New York corporation, first party, to IMPERIAL SOUTH, INC., a corporation organized and existing under the laws of the State of Florida, whose post office address is 1290 Avenue of the Americas, Suite 960, New York, New York 10104-0044, second party.

WITNESSETH, That the said first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Brevard, State of Florida, to wit:

*all items, 3200 Aveville & BATTEN
D.D. Box 1376
Melbourne, FL 32902-1376*

Parcel 1

Beginning at the NW corner of Section 19, Township 26 S, Range 37 E, Brevard County, Florida; run S 89°12'29" E along the north line of said Section 19, a distance of 379.90 feet to the west R/W line of the Florida East Coast Railroad; thence the following courses along the west R/W line of the Florida East Coast Railroad; S 18°46'32" E, 153.67 feet; thence S 71°13'28" W, 50 feet; thence S 18°46'32" E, 411.88 feet, to the north R/W line of a proposed road; thence S 89°50'27" W along said north R/W line, 503.94 feet to a P.O.C. on the easterly R/W line of Wickham Road; thence the following courses along the easterly R/W line of Wickham Road; northwesterly along a curve, having a central angle of 16°20'35" and radius of 1004.93 feet, an arc distance of 286.65 feet; thence N 35°11'02" W, 1382.82 feet to the P.C. of a curve deflecting to the right having a central angle of 25°38'57" and a radius of 1382.40 feet; thence northerly along said curve an arc distance of 618.85 feet; thence N 9°32'05" W, 578.15 feet to the north line of the S 1/2 of the NE 1/4 of the SE 1/4 of Section 13, Township 26 S, Range 36 E; thence N 89°06'01" E along the north line of the S 1/2 of the NE 1/4 of the SE 1/4 of said Section 13, a distance of 950.53 feet, to the west R/W line of the Florida East Coast Railroad; thence S 18°46'32" E along the west R/W line of the Florida East Coast Railroad, 858.03 feet to the east line of said Section 13; thence S 0°54'41" E along said east line of Section 13 a distance of 1166.91 feet to the Point of Beginning.

Parcel 2

That portion of Government Lot 3, Section 18, Township 26 S, Range 37 E, Brevard County, Florida, lying west of the Florida East Coast Railroad R/W and being more particularly described as follows: Beginning at the southwest corner of said Section 18, thence N 0°54'41" W along the west line of said Section 18 a distance of 1166.91 feet to the westerly R/W line of Florida East Coast Railroad; thence S 18°46'32" E along said westerly R/W line a distance of 1237.89 feet to the south line of said Section 18; thence N 89°12'29" W along said south line a distance of 379.90 feet to the Point of Beginning.

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7

Parcels 1 and 2 also being described as:

From the SW corner of Section 18, Township 26 S, Range 37 E, Brevard County, Florida; run S 89°12'29" E along the south line of Section 18, a distance of 379.90 feet to the west R/W line of the Florida East Coast Railroad and the POINT OF BEGINNING of the herein described parcel; thence the following courses along the west R/W line of the Florida East Coast Railroad; S 18°46'32" E a distance of 153.67 feet; thence S 71°13'28" W a distance of 50.00 feet; thence S 18°46'32" E a distance of 411.88 feet to the north R/W line of a proposed road; S 89°50'27" W along said north R/W line a distance of 503.94 feet to a Point on Curve on the easterly R/W line of Wickham Road; thence the following courses along the easterly R/W line of Wickham Road; northwesterly along a curve, having a central angle of 16°20'35" and a radius of 1004.93 feet, an arc distance of 286.65 feet; thence N 35°11'02" W a distance of 1382.82 feet to the P.C. of a curve deflecting to the right having a central angle of 25°38'57" and a radius of 1382.40 feet; thence northerly along said curve an arc distance of 618.85 feet; thence N 9°32'05" W a distance of 578.15 feet to the north line of the S 1/2 of the NE 1/4 of the SE 1/4 of Section 13, Township 26 S, Range 36 E, Brevard County, Florida; thence N 89°06'01" E along said north line of the S 1/2 of the NE 1/4 of the SE 1/4 of said Section 13 a distance of 950.53 feet to the west R/W line of the Florida East Coast Railroad; thence S 18°46'32" E along the west R/W line of the Florida East Coast Railroad a distance of 2095.92 feet to the POINT OF BEGINNING.

Parcel 3

Begin at the Southwest corner of SUNTREE PLANNED UNIT DEVELOPMENT STAGE NINETY TRACT 99 as recorded in Plat Book 25 at Page 99 of the Public Records of Brevard County, Florida being a point on the East right of way line of Wickham Road, a 100.00 foot right of way as described in Official Records Book 385 at Page 566 of the Public Records of Brevard County, Florida also being a point on the arc of a curve concave to the South having a radius of 389.11 feet, said point bears N 22 degrees 34'00" W from the radius point of said curve; thence the following three (3) courses and distances along the South line of said plat:

1. Easterly, along the arc of said curve thru a central angle of 43 degrees 24'42", for a distance of 294.82 feet to a point of reverse curvature with a curve to the left having a radius of 555.00 feet.
2. thence continue Easterly, along the arc of said curve thru a central angle of 18 degrees 27'27", for a distance of 178.79 feet to a point of compound curvature with a curve to the left having a radius of 1133.00 feet;
3. thence continue Easterly, along the arc of said curve thru a central angle of 21 degrees 13'09", for a distance of 419.60 feet to a point on the Westerly right of way line of the Florida East Coast Railroad, a 100.00 foot right of way;

thence S 18 degrees 49'54" E, along said Westerly line for a distance of 1076.01 feet to a point on the South line of the North 1/4 of the SE 1/4 of said Section 13; thence S 89 degrees 00'37" W, along said South line, for a distance of 954.30 feet

[REDACTED]

to a point on the East right of way line of Wickham Road, a 100.00 foot right of way as described in Official Records Book 240, at Page 281 of the Public Records of Brevard County, Florida, thence N 09 degrees 27'56" W along said East right of way line, for a distance of 669.88 feet to a point on the South line of the SW 1/4 of the NE 1/4 of said Section 13; thence S 89 degrees 01'40" W, along said South line for a distance of 4.96 feet to a point on the East right of way line of Wickham Road as described in said Official Records Book 385, at Page 566, also being a point on the arc of a curve concave to the Northeast having a radius of 950.00 feet, said point bears S 59 degrees 43'18" W from the radius point of said curve; thence Northwesterly along said East right of way line and the arc of said curve thru a central angle of 7 degrees 42'42", for a distance of 127.86 feet to a point of tangency; thence N 22 degrees 34'00" W, along said East right of way line, for a distance of 250.87 feet to the Point of Beginning.

Parcel 4

All of those certain pieces, parcels or tracts of land situated, lying and being in Brevard County, Florida, described as follows, to-wit: Commencing at the point where the South line of the North Half of the Northwest quarter of the Northwest quarter of Section 19, Township 26 South, Range 37 East, crosses the center of the present track of the main line of the East Coast Railway, and run thence West along the said South line of the North Half of the Northwest quarter of the Northwest quarter of Section 19, Township 26 South, Range 37 East, to a point that is fifty (50) feet West from the center of the present track of said Railway for a POINT OF BEGINNING, and run thence West along said South line of the North Half of the Northwest quarter of the Northwest quarter of Section 19, Township 26 South, Range 37 East, fifty (50) feet, thence Northwesterly parallel to and one hundred feet (100') from the center of said railroad tract for a distance of four hundred and sixty (460) feet; thence at right angles East for a distance of eighteen (18) feet; thence at right angles Northwesterly and parallel to said railroad tract for a distance of forty (40) feet; thence at right angles East for a distance of thirty-two (32) feet; thence Southeasterly parallel to and fifty (50) feet from the center of said railroad track five hundred (500) feet to the POINT OF BEGINNING.

Parcel 4 also being described as:

A parcel of land lying in Section 19, Township 26 South, Range 37 East, Brevard County, Florida, being more particularly described as follows: Commence at the point where the South line of the North Half of the Northwest Quarter of the Northwest Quarter of said Section 19 crosses the center of the present track of the main line of the Florida East Coast Railway; thence N 89°23'27" W along said South line, 53.08 feet to the West Right-of-Way line of the Florida East Coast Railway and the Point of Beginning; thence continue N 89°23'27" W, 53.08 feet; thence N 19°00'00" W parallel to said West Right-of-Way line, 460.00 feet; thence N 71°00'00" E, 18.00 feet; thence N 19°00'00" W, 40.00 feet; thence N 71°00'00" E, 32.00 feet to said West Right-of-Way line; thence S 19°00'00" E along said West Right-of-Way line, 517.81 feet to the Point of Beginning.



LESS AND EXCEPT THE FOLLOWING-DESCRIBED PARCEL:

That portion of the East 1/2 of Section 13, Township 26 South, Range 36 East, also known as Parcel 1 and Parcel 1A of the Plat of "CORPLEX" as recorded in Plat Book 34, Page 22 of the Public Records of Brevard County, Florida, described as follows:

Commence at the Southwest corner of Lot 6, as shown on the Plat of "SUNTRSE P.U.D. STAGE NINETY, TRACT 99", as recorded in Plat Book 25, Page 99 of the Public Records of Brevard County, Florida, same point being the Northwest corner of Parcel 2 of the Plat of said "CORPLEX"; thence run S 22°34'00" E, along the East line of Wickham Road (a 100 foot wide public right of way) on the West line of said Parcel 2, for 250.87 feet, to a point of curve; thence continue along the East line of said Wickham Road, on the West line of said Parcel 2, southerly, along the arc of a circular curve to the left, having a radius of 950.00 feet, through a central angle of 04°16'09", for an arc distance of 70.79 feet, to a point of compound curve, same point being the Point of Beginning, and also being the Northwest corner of said Parcel 1; thence for the next eleven courses, run along the northerly and easterly sides of said Parcel 1 as follows: easterly, along the arc of a circular curve to the left, concave northerly, having a radius of 25.00 feet, through a central angle of 72°37'47", for an arc distance of 31.69 feet, to a point of tangent; N 80°32'04" E for 99.70 feet; N 85°57'34" E, for 51.38 feet; N 80°32'04" E, for 28.04 feet, to a point of curve; easterly along the arc of a circular curve to the right, concave southerly, having a radius of 380.00 feet, through a central angle of 12°35'27", for an arc distance of 83.51 feet, to a point of reverse curve; easterly, along the arc of a circular curve to the left, concave northerly, having a radius of 270.00 feet, through a central angle of 34°21'54", for an arc distance of 161.94 feet, to a point of tangent; N 58°45'37" E, for 26.20 feet, to a point of curve; northeasterly, along the arc of a circular curve to the left, concave westerly, having a radius of 25.00 feet, through a central angle of 90°00'00", for an arc distance of 39.27 feet; N 58°45'37" E, for 60.00 feet; S 31°14'23" E, for 435.18 feet, to a point of tangent; southerly, southwesterly, along the arc of a circular curve to the right, concave westerly having a radius of 380.00 feet, through a central angle of 74°04'31", for 491.28 feet, to the Southeast corner of said Parcel 1; thence for the next five courses run along the southerly line of said Parcel 1A as follows: along the arc of a circular curve to the right, concave northwesterly, having a radius of 380.00 feet, through a central angle of 37°41'56", for an arc distance of 250.03 feet, to a point of tangent; S 80°32'04" W, for 165.74 feet; S 75°17'49" W, for 109.55 feet; S 80°32'04" W, for 22.55 feet, to a point of curve, southerly, along the arc of a circular curve to the left, concave southeasterly having a radius of 25.00 feet, through a central angle of 90°00'00", for 39.27 feet, to a point of tangent on the easterly right of way line of said Wickham Road; thence for the next four courses, run along the right of way of said Wickham Road, on the west lines of Parcels 1A and 1 of the Plat of said "CORPLEX", as follows: N 09°27'56" W, for 197.00 feet, to the southwesterly corner of said Parcel 1; N 09°27'56" W, for 669.88 feet; S 89°01'40" W, for 4.96 feet, to a point on the arc of a circular curve; thence run northerly, along the arc of said circular curve to the right, concave easterly, having a radius of 950.00 feet, through a central angle of 03°26'35", for an arc distance of 57.09 feet, to the Point of Beginning.





TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of

Bryson Winslow
John Anderson

IMPERIAL STERLING LTD.

By John C. Bruel
John C. Bruel, President

STATE OF NEW YORK
COUNTY OF NEW YORK

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN C. BRUEL well known to me to be the President of the corporation named as grantor in the foregoing deed, and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid, this 14th day of March 1988.

Morton J. Schlossberg
Notary Public
My Commission Expires: 1/22/69

MORTON J. SCHLOSSBERG
Notary Public, State of New York
No. 31-8810950
Qualified in New York County
Commission Expires February 28, 1989

Prepared by/Return to:
Elting L. Storms, Esquire
Storms Krasny Normile & Dettmer, P.A.
Post Office Box 1376
Melbourne, FL 32902-1376

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(11)

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORDED BOOK AND PAGE NUMBERS DESCRIBING
THE PROPERTY TO BE ADVERTISED.

Tax Parcel 253

This instrument was prepared by:
Elting L. Storms
STORMS, KRASNY, NORMILE
& DETTMER, P.A.
720 S. Apollo Blvd.
MELBOURNE, FLORIDA 32901

Warranty Deed (STATUTORY FORM--SECTION 689.02 F.S.)

This Indenture, Made this 24th day of April 1986, Between

CARL H. ALBRITTON, joined by his wife, CLEORA W. ALBRITTON

of the County of Brevard, State of Florida, grantor, and
IMPERIAL SOUTH, INC., a Florida corporation

whose post office address is 1290 Avenue of the Americas, Suite 960
New York, NY 10104-0044

of the County of New York, State of New York, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of
Ten and no/100 Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following
described land, situate, lying and being in Brevard County, Florida, to-wit:

Part of the NW 1/4 of the NW 1/4 of Section 19, Township 26 South,
Range 37 East, Brevard County, Florida, more particularly described
in Schedule A attached hereto and made a part hereof.

SUBJECT to applicable zoning ordinances and regulations, restrictions,
conditions, easements and limitations of record, and taxes
for the year 1986 and subsequent years.

9.00
2773.50

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Notary Seal
Notary Public

Carl H. Albritton (Seal)
Cleora W. Albritton (Seal)
Cleora W. Albritton (Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
CARL H. ALBRITTON, joined by his wife, CLEORA W. ALBRITTON
to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that
they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of April
1986
Notary Seal
Notary Public

My commission expires:
NOTARY PUBLIC STATE OF FLORIDA
BY COMMISSION EXP. APR 27 1987
DONALD TARD GENERAL INS.

OFF. REC:
2691 R-0031 1322

174096

APR 25 AM 10:05

18

SCHEDULE A

Parcel 1

Part of the NW 1/4 of the NW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, Florida, more particularly described as follows:

From the NW corner of Section 19, Township 26 South, Range 37 East run S 01°00'17" E along the west line of said Section 19 a distance of 558.29 feet to the Point of Beginning of the herein described parcel; thence N 89°50'27" E along the South line of property described in O.R.B. 2537, Page 2249 a distance of 505.21 feet; thence S 18°46'32" E a distance of 111.35 feet to the North line of the South 1/2 of the NW 1/4 of the NW 1/4 of Section 19; thence S 88°24'21" E along said North line a distance of 53.34 feet to the West R/W line of the Florida East Coast Railroad; thence S 18°46'32" E along the said West R/W line a distance of 703.25 feet to the South line of the NW 1/4 of the NW 1/4 of Section 19 and the North line of property described in O.R.B. 2555, Page 443; thence N 87°37'09" W along the South line of said NW 1/4 of the NW 1/4, a distance of 783.42 feet to the East R/W line of Wickham Road; thence N 01°00'17" W along the East R/W of Wickham Road a distance of 431.53 feet to the point of curvature of a curve concave to the West having a central angle of 12°58'12", and a radius of 979.93 feet; thence Northerly along said curve an arc distance of 221.83 feet to West line of said Section 19; thence N 01°00'17" W along the said West line a distance of 87.88 feet to the Point of Beginning.

Parcel 2

Part of the NW 1/4 of the NW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, Florida, more particularly described as follows:

From the NW corner of Section 19, Township 26 South, Range 37 East run S 01°00'17" E along the west line of said Section 19 a distance of 558.29 feet; thence N 89°50'27" E along the South line of property described in O.R.B. 2537, Page 2249 a distance of 505.21 feet; thence N 18°46'32" W a distance of 348.65 feet to the Point of Beginning of the herein described parcel; thence continue N 18°46'32" W a distance of 63.23 feet; thence N 71°13'28" E a distance of 50.00 feet to the west R/W line of the Florida East Coast Railroad; thence S 18°46'32" E along the said west R/W line a distance of 23.23 feet; thence S 71°13'28" W a distance of 32.00 feet; thence S 18°46'32" E a distance of 40.00 feet; thence S 71°13'28" W a distance of 18.00 feet to the Point of Beginning.

OFF. REC.

2691

PAGE:

1323

R - 0032

13

Tax Parcel 254

WARRANTY DEED
INDIVID. TO INDIVID.

RECORDED AND INDEXED
CLERK COUNTY CLERK
DRE VASA, FLORIDA
RANCO FORM 01

This Warranty Deed Made the 13th day of November A. D. 1984 by
DENNIS SHEPPARD, Individually and
DENNIS SHEPPARD, Trustee

hereinafter called the grantor, to IMPERIAL SOUTH, INC., a Florida corporation

whose postoffice address is 1290 Avenue of the Americas, Suite 960, Rockefeller Center,
hereinafter called the grantee: New York, New York 10104

(Whereas said terms "grantor" and "grantee" include all the parties to this instrument and
the legal representatives and assigns of individuals and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ and other
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, re-
mits, releases, conveys and confirms unto the grantee, all that certain land situate in
County, Florida, viz:

From the NW corner of the SW 1/4 of the NW 1/4 of Section 19, Township
26 South, Range 37 East, Brevard County, Florida, run S87°47'21"E along
the north line of the SW 1/4 of the NW 1/4 of aforesaid Section 19 a
distance of 50.08 ft. to the Easterly R/W line of Wickham Road and the
POINT OF BEGINNING of the herein described parcel; thence, S87°47'21"E
along said North line a distance of 758.38 ft. to the westerly R/W line
of the Florida East Coast Railroad; thence, S18°56'44"E along said west-
erly R/W line a distance of 995.47 ft.; thence, N87°40'56"W a distance
of 1064.49 ft. to the Easterly R/W line of Wickham Road; thence N1°04'25"W
along said Easterly R/W line a distance of 927.90 ft. to the P.O.B:

Subject to taxes for the year 1984 and thereafter.
Grantor hereby warrants and certifies that the above-described property is
vacant and unimproved land and is not the homestead of grantor.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any
wise appertaining.

To Have and to Hold, the same to fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land
to fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of
all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent
to December 31, 1984

5.00
2025.00
5.00

2555

In Witness Whereof, the said grantor has signed and sealed these presents the day and year
first above written.

Signed, sealed and delivered in our presence:

Joseph S. Gillin Jr.
Stelma J. Daniel

Witnesses as to Sheppard
STATE OF FLORIDA
COUNTY OF BREVARD

Dennis Sheppard
DENNIS SHEPPARD, Trustee
Dennis Sheppard
DENNIS SHEPPARD, Individually

I HEREBY CERTIFY that on this day, before me, an officer duly
authorized in the State aforesaid and in the County aforesaid to take
acknowledgments, personally appeared

Dennis Sheppard, Trustee, and
Dennis Sheppard, Individually,

who are known to be the person described in and who executed the
aforesaid instrument and he acknowledged before me that he
is the same.

WITNESS my hand and official seal in the County and
State last aforesaid this 13th day of
November, 1984, A. D. 19 84.

NOTARY PUBLIC
(SEAL)

Joseph S. Gillin Jr.
Notary Public, State of Florida at Large

NOTARY PUBLIC STATE OF FLORIDA
BY COMMISSION Exp. APR 17, 1988
DECLARED INFO. GENERAL INT. 009.

Filed instrument prepared by:
JOSEPH S. GILLIN JR. PA. R-0033
Address P. O. BOX 2556
MELBOURNE, FLORIDA 32901

SIGNATURE

RECORDS FROM AND PAGE NUMBERS REGARDING
THIS PARCEL TO BE ADVERTISED.

961464

NOV 13 1984

14

Agent Authorization Letter

June 9, 2015

Brevard County
Development Services Dept.
2725 Judge Fran Jamieson Way
Viera, Fl. 32940

Dear Planning Manager,

I, Imperial South, Inc., a Florida corporation being under contract of the property legally described as:

See attached Legal Description

Do hereby designate and authorize William C. Reynolds Jr, representing NARR Construction Services LLC, to sign on behalf, as my agent, all application forms and other documents necessary to obtain a zoning change, site plan approval, building plan approval located at the property described as above.

IMPERIAL SOUTH, INC., a Florida Corporation

By: _____
Print Name: Jerrold G. Levy
Title: President

State of New York
County of Westchester

The foregoing instrument was acknowledged before me this 9 day of June, 2015 by Jerrold G. Levy, as President of Imperial South, Inc., a corporation. She/he/they has/have produced driver's license as identification.

My commission expires: May 23, 2017

Seal:

Julie Mckeeon
Notary Public
JULIE MCKEON

NOTARY PUBLIC-STATE OF NEW YORK

No. 01MC6127132

Qualified In Westchester County

My Commission Expires May 23, 2017

R - 0034

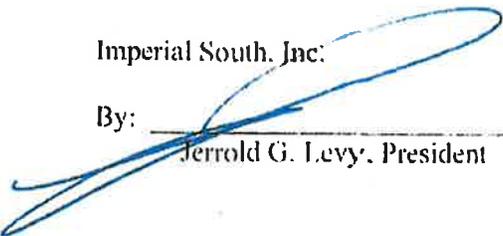
15

AUTHORIZATION TO ACT AS APPLICANT

Imperial South, Inc., a Florida Corporation, authorizes Kim Rezanka and the Law Firm of Dean Mead to act as Applicant, representing it in Public Hearings before Brevard County pertaining to land use issues, including but not limited to Plan Amendment 2015-2.1 and rezoning 15PZ-0056.

Imperial South, Inc:

By: _____


Jerrold G. Levy, President

STATE OF NEW YORK
COUNTY OF WESTCHESTER

The foregoing instrument was acknowledged before me this 13 day of November 2015, by JERRY LEVY


NOTARY PUBLIC

My commission expires:

- Personally Known
 Produced Identification

Type of Identification Produced: _____

JEFFREY P. JARDINE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01JA6035216
Qualified in Westchester County
My Commission Expires January 31, 2018

DATE: 10/11/11 TIME: 10:12
CASS 107 2011 10/11/11 PULCOSES



Signature

BOUNDARY SURVEY

DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; THENCE PROCEED SOUTH 89 DEGREES 16 MINUTES 29 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 379.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD (100' RIGHT-OF-WAY) AND THE POINT OF BEGINNING; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2394.19 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2555, PAGE 443 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 474.46 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2852, PAGE 109 OF SAID COUNTY; THENCE PROCEED NORTH 01 DEGREES 01 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 450.00 FEET; THENCE PROCEED SOUTH 87 DEGREES 34 MINUTES 44 SECONDS EAST A DISTANCE OF 22.19 FEET; THENCE PROCEED NORTH 02 DEGREES 25 MINUTES 15 SECONDS EAST A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 3116, PAGE 3884 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 347.17 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3493, PAGE 2697 OF SAID COUNTY; THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 202.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 260.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF WICKHAM ROAD (RIGHT-OF-WAY VARIES); THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 659.45 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1006.60 FEET, A CENTRAL ANGLE OF 35 DEGREES 56 MINUTES 01 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 18 DEGREES 07 MINUTES 17 SECONDS WEST, 621.00 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 631.30 FEET TO THE POINT OF TANGENCY; THENCE PROCEED NORTH 36 DEGREES 05 MINUTES 18 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1365.34 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 1382.40 FEET, A CENTRAL ANGLE OF 01 DEGREES 11 MINUTES 37 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 35 DEGREES 29 MINUTES 30 SECONDS WEST, 28.80 FEET; THENCE PROCEED

NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.80 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED NORTH 80 DEGREES 32 MINUTES 04 SECONDS EAST A DISTANCE OF 977.85 FEET TO THE AFORESAID WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1065.12 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN $S88^{\circ}53'28''W$ ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 56.86 FEET; THENCE RUN $S53^{\circ}54'42''W$, A DISTANCE OF 207.50 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN $N36^{\circ}05'18''W$ ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 800.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE $N36^{\circ}05'18''W$ ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 366.05 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1382.40 FEET; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF $01^{\circ}11'36''$, AN ARC DISTANCE OF 28.79 FEET; THENCE RUN $N80^{\circ}32'04''E$ ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6772, PAGES 146 THRU 162, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 585.81 FEET; THENCE RUN $S36^{\circ}05'18''E$, A DISTANCE OF 132.33 FEET; THENCE RUN $S53^{\circ}54'42''W$, A DISTANCE OF 524.00 FEET TO THE POINT OF BEGINNING.

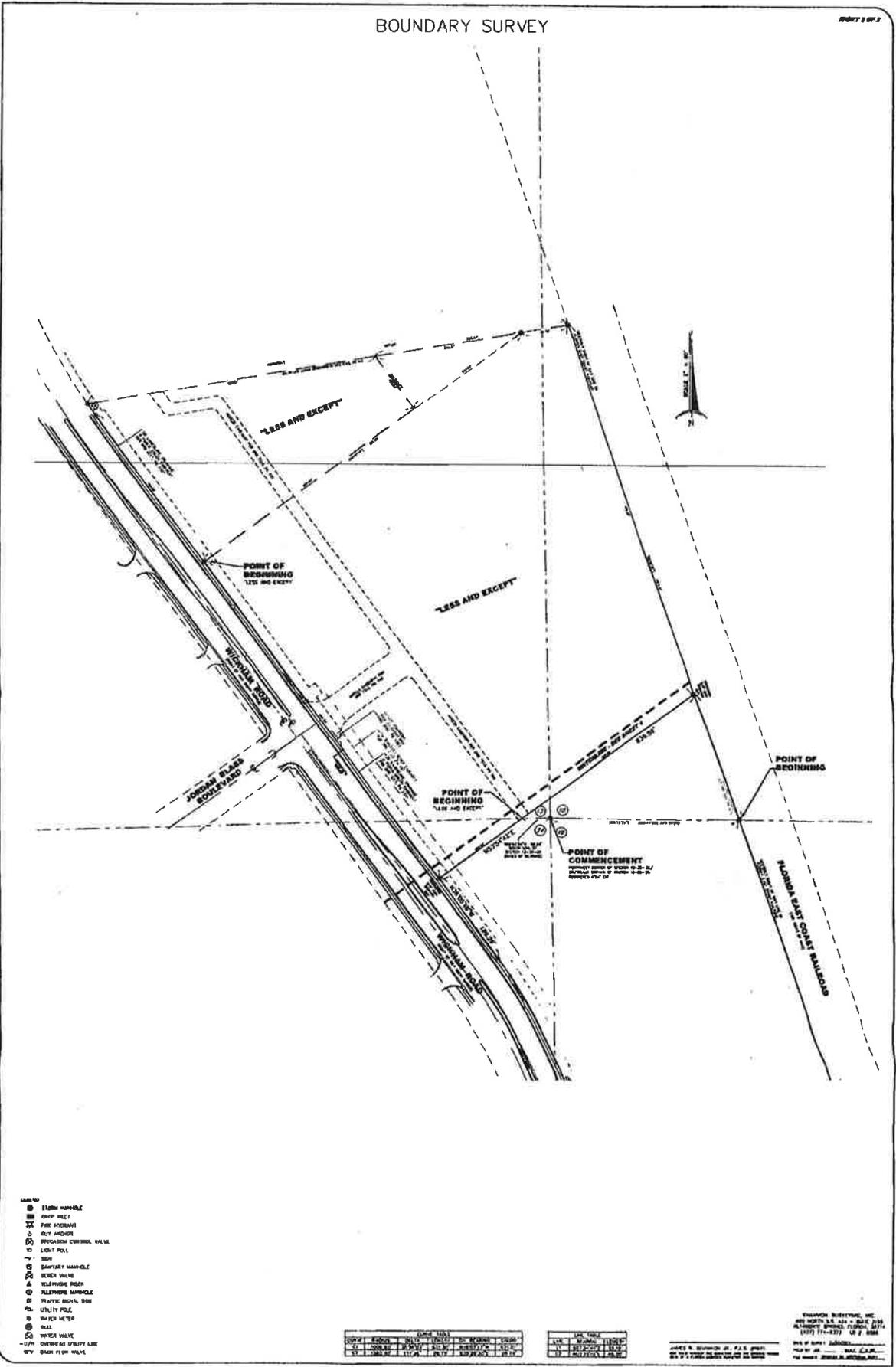
LESS AND EXCEPT:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN $S88^{\circ}53'28''W$ ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 56.86 FEET FOR THE POINT OF BEGINNING; THENCE RUN $N53^{\circ}54'42''E$, A DISTANCE OF 432.09 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, A 100 FOOT WIDE RIGHT OF WAY; THENCE RUN $N18^{\circ}50'32''W$ ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 792.27 FEET; THENCE RUN $S80^{\circ}32'04''W$ ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6772, PAGES 146 THRU 162, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 392.04 FEET; THENCE RUN $S36^{\circ}05'18''E$, A DISTANCE OF 132.33 FEET; THENCE RUN $S53^{\circ}54'42''W$, A DISTANCE OF 524.00 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN $S36^{\circ}05'18''E$ ALONG

SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 800.00 FEET; THENCE
RUN N53°54'42"E, A DISTANCE OF 207.50 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY

PAGE 1 OF 2



- LEGEND**
- STONE MARKER
 - IRON NAIL
 - XX PAIR ANCHORS
 - △ CUT ANCHOR
 - IRON PIPE OR CONCRETE WALK
 - LIGHT POLE
 - SIGN
 - SHAPED MARKER
 - IRON NAIL
 - △ TELEPHONE POLE
 - TELEPHONE MARKER
 - PLASTIC SIGN, 100'
 - UTILITY POLE
 - WATER METER
 - HILL
 - TRUCK WALK
 - OVERHEAD UTILITY LINE
 - BRICK PILE OR WALK

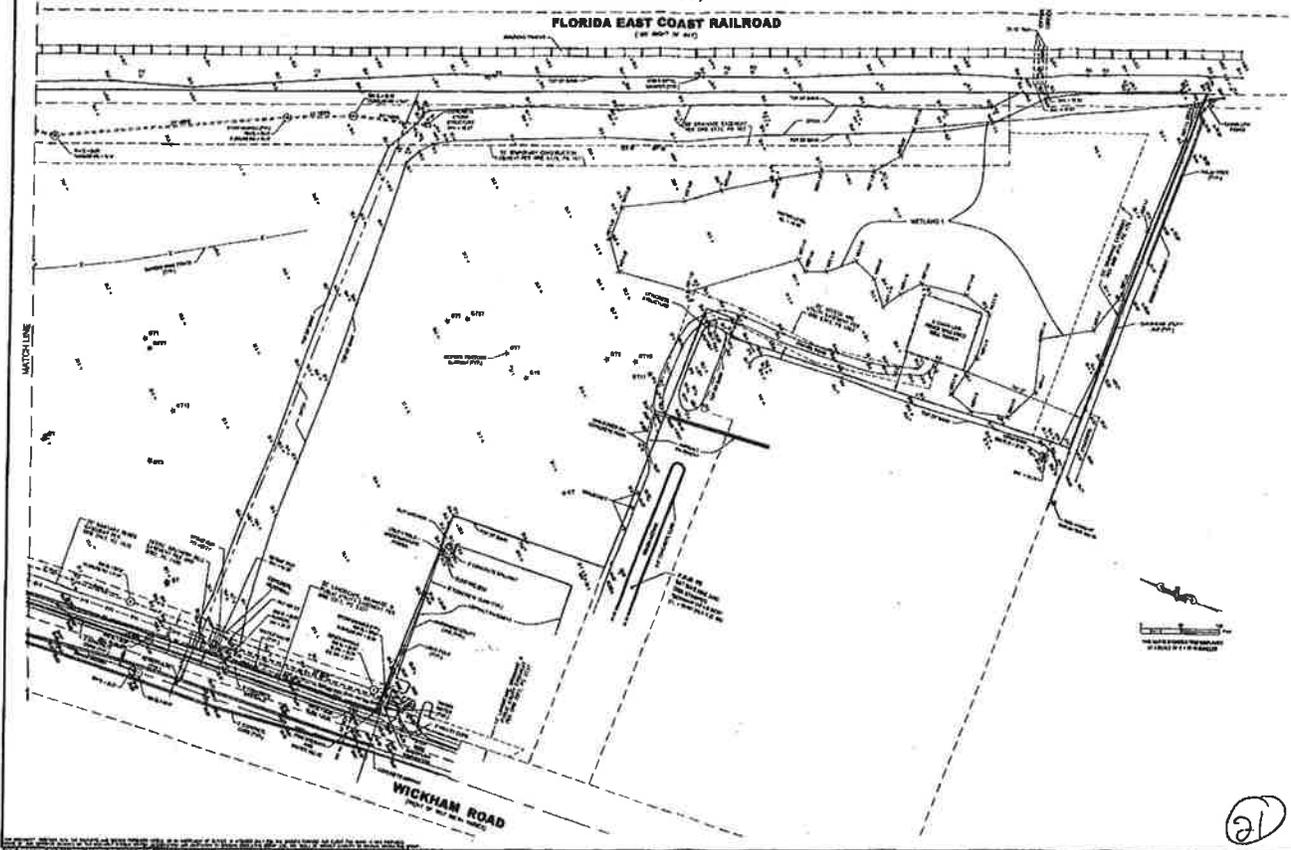
DATE			
DATE	BY	FOR	BY
11/14/21	J. J. G. JR.	BOUNDARY SURVEY	J. J. G. JR.
11/14/21	J. J. G. JR.	BOUNDARY SURVEY	J. J. G. JR.

JOB NO.	
NO.	DESCRIPTION
1	BOUNDARY SURVEY
2	BOUNDARY SURVEY

SURVEYING INSTRUMENTS, INC.
 400 NORTH U.S. 90 - SUITE 210
 ALBANY, GEORGIA 31707 (478) 771-2277
 FAX (478) 771-2277
 www.surveysi.com

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TOPOGRAPHIC SURVEY
 LYING IN SECTIONS 13, 18, 19 AND 24, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY, FLORIDA



Bowman
 CONSULTING

1000 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: (954) 561-1111
 Fax: (954) 561-1112
 www.bowmanconsulting.com

FLORIDA
 BREVARD COUNTY
 WICKHAM ROAD
 TOPOGRAPHIC SURVEY

PROJECT NO.
 0004-00-00

DATE
 06/18/03

DATE
 06/18/03

DATE
 06/18/03

DATE
 06/18/03

PAGE 2 OF 5

R-0041

TOPOGRAPHIC SURVEY
 LYING IN SECTIONS 13, 18, 19 AND 24, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY, FLORIDA

Bowman CONSULTING
 10000 US Highway 1, Suite 100
 Ft. Pierce, Florida 34947
 Phone: (888) 888-8888
 Fax: (888) 888-8888
 www.bowmanconsulting.com

FLORIDA
 BREVARD COUNTY
 WICKHAM ROAD
 TOPOGRAPHIC SURVEY

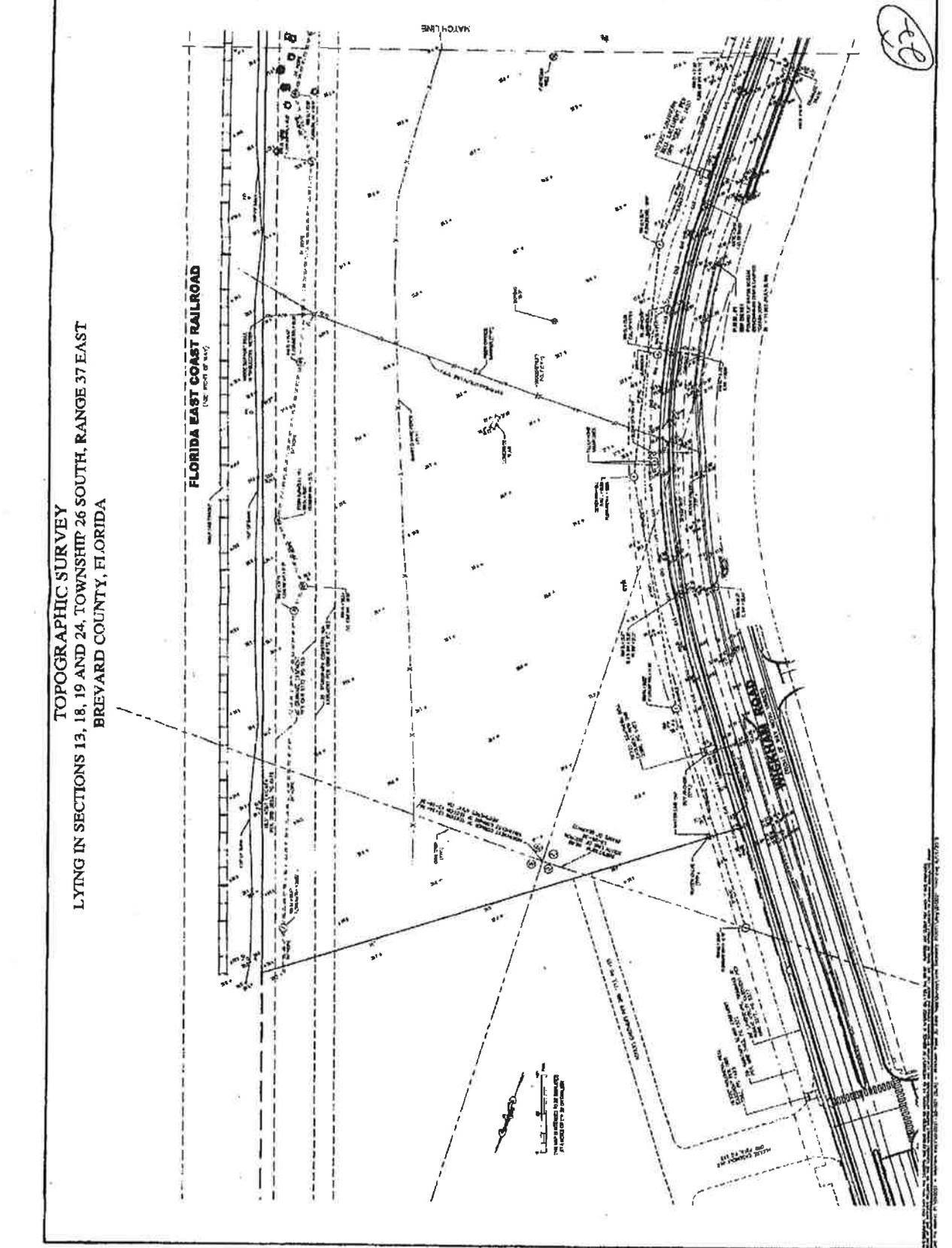
DATE	2014
PROJECT NO.	2014-0001
SCALE	AS SHOWN
DRAWN BY	J. W. BOWMAN
CHECKED BY	J. W. BOWMAN
DATE	11/11/14

DATE: 11/11/14
 DRAWN BY: J. W. BOWMAN
 CHECKED BY: J. W. BOWMAN

DATE: 11/11/14
 DRAWN BY: J. W. BOWMAN
 CHECKED BY: J. W. BOWMAN

DATE: 11/11/14
 DRAWN BY: J. W. BOWMAN
 CHECKED BY: J. W. BOWMAN

DATE: 11/11/14
 DRAWN BY: J. W. BOWMAN
 CHECKED BY: J. W. BOWMAN





Melbourne Office
 4450 W. Eau Gallie Boulevard, Suite 232
 Melbourne, Florida 32934
 (321) 255-5434 Fax (321) 255-7751
 www.bowmanconsulting.com

LETTER OF TRANSMITTAL

Attn: Mr George Ritchie

Address: Brevard County Planning and Dev. Dept
 2725 Judge Fran Jamieson Way Viera,
 FL. 32940

Phone: 321-633-2070 Ext-52657

Date: 8/13/2015

Project: Wickham Road 30- Acre
 Development

Project No. 01002102002

- We Are Sending You:**
- | | | |
|--|---|---|
| <input type="checkbox"/> Sketches | <input type="checkbox"/> Mylars | BY: <input type="checkbox"/> Pick Up |
| <input type="checkbox"/> Plans | <input type="checkbox"/> Reports | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Specifications | <input type="checkbox"/> Messenger |
| <input type="checkbox"/> Prints | <input type="checkbox"/> Calculations | <input type="checkbox"/> Priority Mail |
| <input type="checkbox"/> Compact Disk | <input checked="" type="checkbox"/> Other/described below | <input type="checkbox"/> Overnight |

No.	Quantity	Date	Description
1	1		Check
2	1		Rezoning application
3	1		Authorization to Act letter
4	1		Property appraisers map
5	5		Property Parcel & deeds Package
6	1		Wet land and Topo Survey
7	1		Boundary Survey and Legal Description
8	1		Notice to Applicants for change in Land use
9	1		Concurrency Application & check
10	1		School Concurrency App & Check

Notes:

- At Your Request
- For Your Information & Use
- For Signature
- For Your Comments
- For Distribution
- Return For Changes
- For Bids Due
- Under Separate Cover

Bowman Consulting Group, Ltd.

Signed 
 Brian Boro
 Intern
 nsharp@bowmanconsulting.com

Confirmation of Receipt Requested: No

Received By: _____

Signature Date

23



Parcel #1

Parcel ID- 26-37-19-00-250

Tax ID - 2606089

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	26-37-19-00-00250.0-0000.00	Millage Code:	4200	Exemption:		Use Code:	4000
Site Address:						Tax ID:	2606089

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	IMPERIAL SOUTH INC
Second Name:	
	C/O IMPERIAL STERLING LTD
Mailing Address:	287 BOWMAN AVE STE 222
City, State, Zipcode:	PURCHASE, NY 10577

Abbreviated Description

Sub Name:	THAT PT OF N 1/2 OF NW 1/4 OF NW 1/4 LYING W OF RR R/W AS DESC IN ORB 1946 PG 780 & 2691 PG 2689 EXC RD R/W
------------------	---

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$232,970	\$232,970	\$232,970
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$214,840	\$232,970	\$232,970
Assessed Value School:	\$232,970	\$232,970	\$232,970
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$214,840	\$232,970	\$232,970
Taxable Value School: ³	\$232,970	\$232,970	\$232,970

Land Information

Acres:	5.71
Site Code:	321
Land Value:	\$232,970

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2889/1573	3/14/1988	\$100	PT				
2533/2507	8/1/1984	\$1,272,500	PT				
1946/0780	9/28/1978	\$371,000	PT				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

25



Parcel #2

Parcel ID - 26-37-19-00-253

Tax ID - 2606092

26

R - 0046

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	26-37-19-00-00253.0-0000.00	Millage Code:	4200	Exemption:		Use Code:	4000
Site Address:	2975 ALLEN HILL AVE , MELBOURNE 32940					Tax ID:	2606092

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	IMPERIAL SOUTH INC
Second Name:	
	C/O IMPERIAL STERLING LTD
Mailing Address:	287 BOWMAN AVE STE 222
City, State, Zipcode:	PURCHASE, NY 10577

Abbreviated Description

Sub Name:	THAT PART OF NW 1/4 OF NW 1/4 LYING W OF RR R/W DESC AS PARCEL 1 OF ORB 2691 PG 1322 EXC RD R/W
------------------	---

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$521,120	\$521,120	\$521,120
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$458,880	\$504,760	\$521,120
Assessed Value School:	\$521,120	\$521,120	\$521,120
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$458,880	\$504,760	\$521,120
Taxable Value School: ³	\$521,120	\$521,120	\$521,120

Land Information

Acres:	11.1
Site Code:	321
Land Value:	\$521,120

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2691/1322	4/1/1986	\$554,700	WD				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

27



Parcel #3

Parcel ID- 26-37-19-00-254

Tax ID - 2606093

28

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	26-37-19-00-00254.0-0000.00	Millage Code:	4200	Exemption:		Use Code:	9140
Site Address:	2600 PROMENADE DR CELLTW, MELBOURNE 32940				Tax ID:	2606093	

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	IMPERIAL SOUTH INC
Second Name:	
	C/O IMPERIAL STERLING LTD
Mailing Address:	287 BOWMAN AVE STE 222
City, State, Zipcode:	PURCHASE, NY 10577

Abbreviated Description

Sub Name:	PART OF SW 1/4 OF NW 1/4 W OF FEC RR AS DESC IN ORB 2555 PG 443 EXC ORB 2852 PG 109, 3493 PG 2697 & RD R/W
------------------	--

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$346,870	\$347,400	\$347,400
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$346,870	\$347,400	\$347,400
Assessed Value School:	\$346,870	\$347,400	\$347,400
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$346,870	\$347,400	\$347,400
Taxable Value School: ³	\$346,870	\$347,400	\$347,400

Land Information

Acres:	11.35
Site Code:	321

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2555/0443	11/1/1984	\$450,000	PT				
2281/2188	2/1/1981	\$208,000	PT				
2281/2185	2/1/1981	\$100	PT				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

Extra Feature Information

Extra Feature Description	Units
FENCE	296
OUTBUILDING	200
FENCE	296

29



Parcel #4

Parcel ID - 26-37-19-00-265

Tax ID - 2606105

(30)

R - 0050

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	26-37-19-00-00265.0-0000.00	Millage Code:	4200	Exemption:		Use Code:	4000
Site Address:						Tax ID:	2606105

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	IMPERIAL SOUTH INC
Second Name:	
	C/O IMPERIAL STERLING LTD
Mailing Address:	287 BOWMAN AVE STE 222
City, State, Zipcode:	PURCHASE, NY 10577

Abbreviated Description

Sub Name:	PART OF NW 1/4 OF NW 1/4 W OF FEC RR AS DES IN ORB 2597 PG 2736
------------------	---

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$14,840	\$14,840	\$14,840
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$14,840	\$14,840	\$14,840
Assessed Value School:	\$14,840	\$14,840	\$14,840
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$14,840	\$14,840	\$14,840
Taxable Value School: ³	\$14,840	\$14,840	\$14,840

Land Information

Acres:	0.57
Site Code:	1
Land Value:	\$14,840

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2889/1573	3/14/1988	\$100	PT				
2597/2736	5/1/1985	\$10,000	WD				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

31



Parcel #5

Parcel ID - 26-36-13-00-756

Tax ID - 2602755

32

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	26-36-13-00-00756.0-0000.00	Millage Code:	4200	Exemption:		Use Code:	4000
Site Address:	6375 N WICKHAM RD SUITE 107, MELBOURNE 32940					Tax ID:	2602755

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	IMPERIAL SOUTH INC
Second Name:	
Mailing Address:	287 BOWMAN AVE STE 222
City, State, Zipcode:	PURCHASE, NY 10577

Abbreviated Description

Sub Name:	PART OF SE 1/4 OF 26-36-13, PART OF NE 1/4 OF 26-36-24 & PART OF SW 1/4 OF 26-37-18 BOUNDED ON W BY WICKHAM RD, ON N BY "PAR 1" IN ORB 7213 PG 143 & ON E BY RR R/W
------------------	---

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$878,990	\$878,990	\$108,350
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$878,990	\$878,990	\$108,350
Assessed Value School:	\$878,990	\$878,990	\$108,350
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$878,990	\$878,990	\$108,350
Taxable Value School: ³	\$878,990	\$878,990	\$108,350

Land Information

Acres:	1.56
Site Code:	321
Land Value:	\$108,350

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

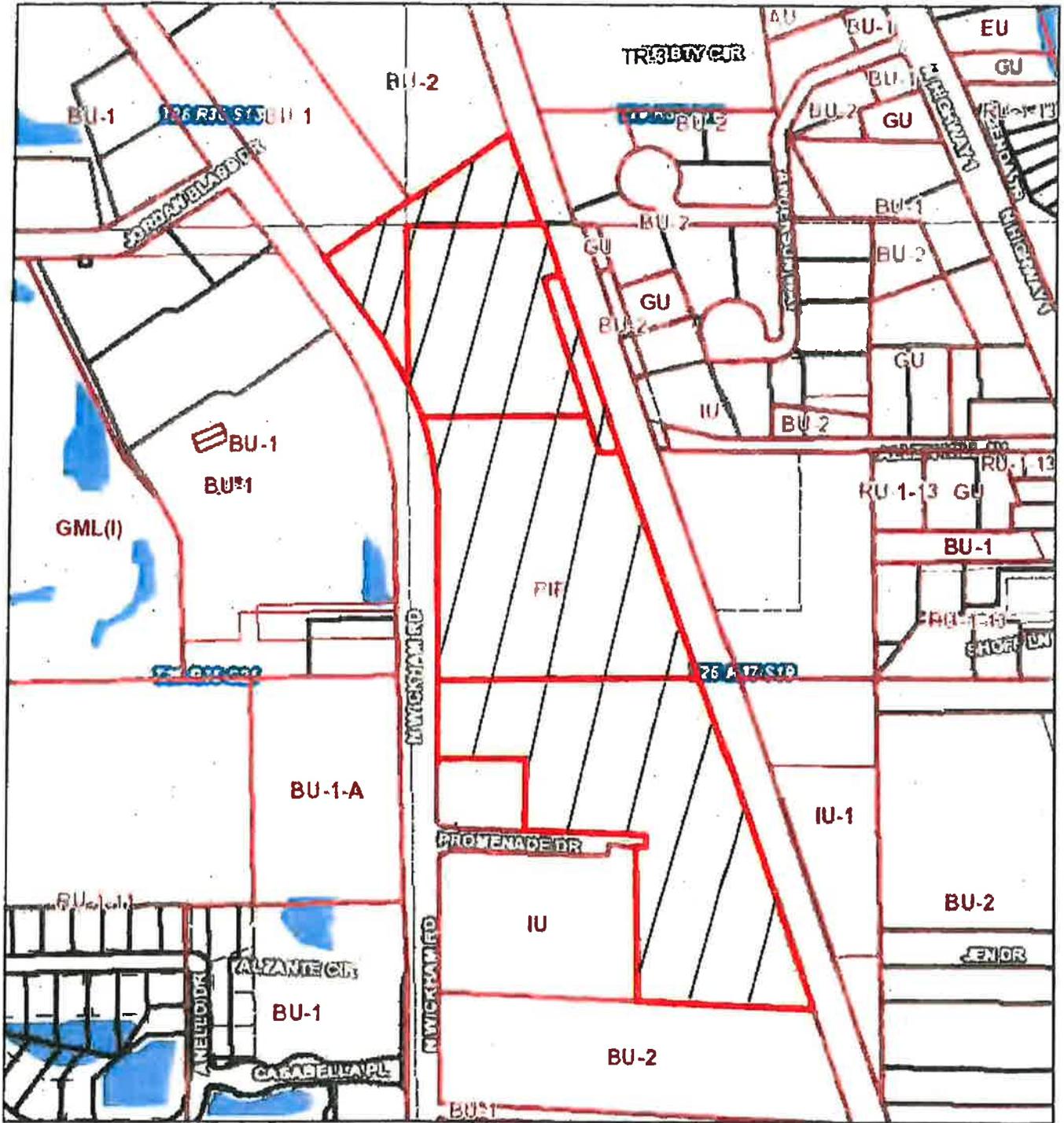
Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2889/1573	3/14/1988	\$100	PT				
2533/2507	8/1/1984	\$1,272,500	PT				
1946/0780	9/28/1978	\$371,000	PT				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

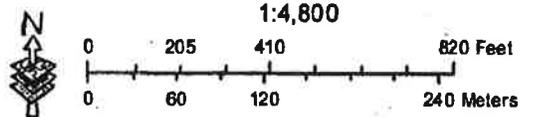
33



Tax Acct # 2606089, 2606092, 2606093, 2606105, 2602755



- Zoning
- Zoning Actions
- Zoning Easements
- Section
- CAPE CANAVERAL
- COCOA
- COCOA BEACH



34

R - 0054



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

September 18, 2015

Dear Applicant: IMPERIAL SOUTH, INC.

Your request for zoning action will be considered by the Brevard County Planning and Zoning Board (Local Planning Agency) at the public hearing scheduled for **MONDAY, OCTOBER 5, 2015**, as Item **1**. This hearing will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, beginning at **3:00 p.m.**, or as soon thereafter as possible.

A public hearing will be held by the Board of County Commissioners on **THURSDAY, NOVEMBER 5, 2015**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **both** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Robin M. Sobrino, AICP, Director
Planning & Development Department

RMS/jj

cc: Will Reynolds
Bowman Consulting



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

October 21, 2015

Dear Applicant: IMPERIAL SOUTH, INC.

Your request for zoning action will be considered by the Brevard County Planning and Zoning Board (Local Planning Agency) at the public hearing scheduled for **MONDAY, NOVEMBER 9, 2015**, as Item **2**. This hearing will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, beginning at **3:00 p.m.**, or as soon thereafter as possible.

A public hearing will be held by the Board of County Commissioners on **THURSDAY, DECEMBER 3, 2015**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **both** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Robin M. Sobrino, AICP, Director
Planning & Development Department

RMS/jj

cc: Will Reynolds
Bowman Consulting

Dear Property Owner:

ID# 15PZ00056

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **IMPERIAL SOUTH, INC.**, who is requesting a Small Scale Plan Amendment (15S.09) and a change of classification on 30.7 +/- acres. The property is located on the east side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr. (In the Melbourne area)

Current Future Land Use and Zoning: PLNIP (Planned Industrial Park) and PIP (Planned Industrial Park)

Request: Residential 15 and RU-2-15 (Medium Density Multi-Family Residential)

A public hearing will be held by the Planning & Zoning Board (LPA) at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940, on **Monday, October 5, 2015**, beginning at 3:00 p.m. The final public hearing will be held by the Board of County Commissioners on **Thursday, November 5, 2015**, beginning at 5:00 p.m., at the same location.

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

R - 0057

Dear Property Owner:

ID# 15PZ00056

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BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

October 21, 2015

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A public hearing will be held by the Board of County Commissioners on **THURSDAY, DECEMBER 3, 2015**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **both** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

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Sincerely,

Robin M. Sobrino, AICP, Director
Planning & Development Department

RMS/jj

cc: Will Reynolds
Bowman Consulting

Dear Property Owner:

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Current Zoning: PIP (Planned Industrial Park)

Request: RU-2-15 (Medium Density Multi-Family Residential)

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R
-
0059

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ID# 15PZ00056

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Current Zoning: PIP (Planned Industrial Park)

Request: RU-2-15 (Medium Density Multi-Family Residential)

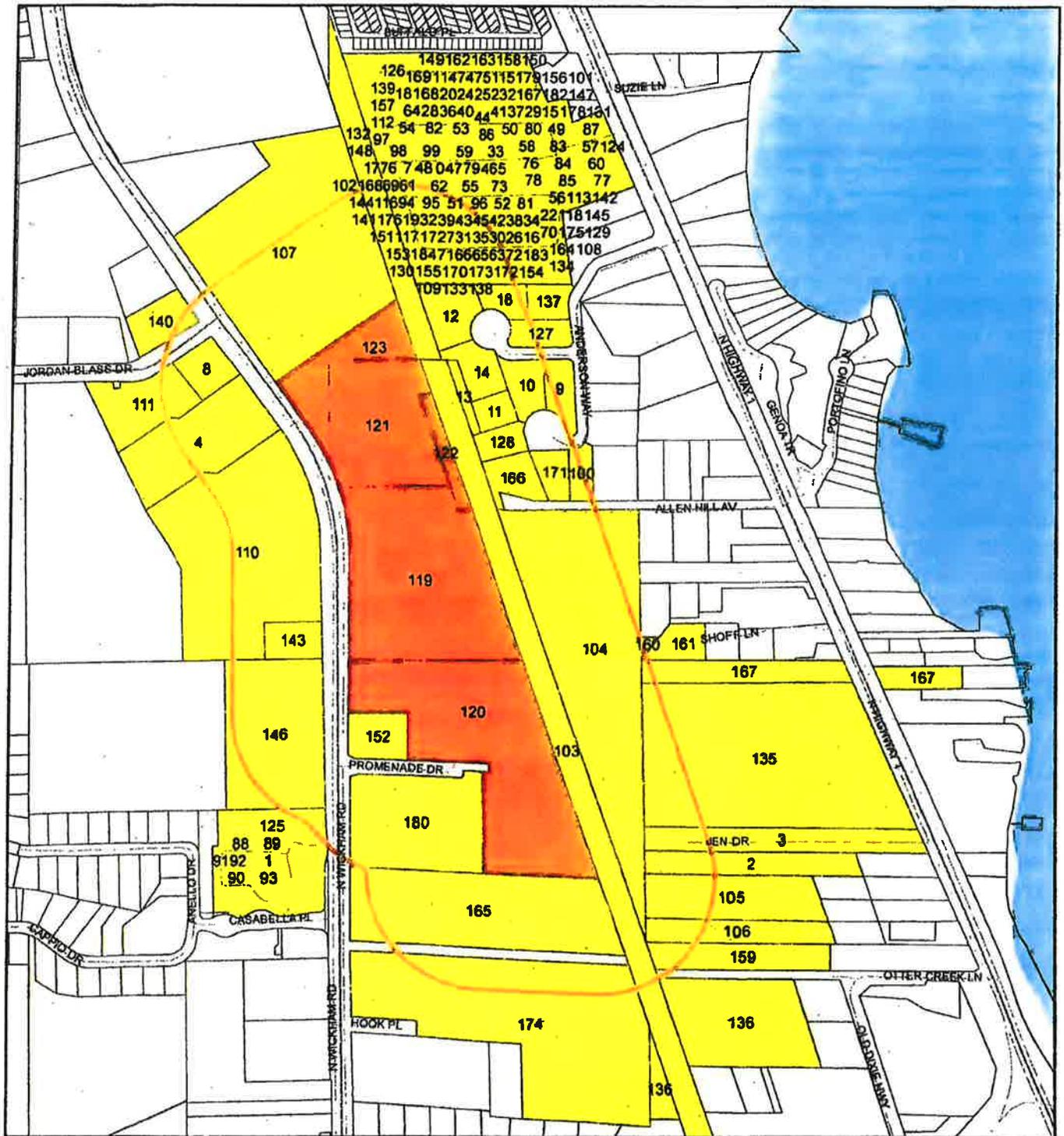
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RADIUS MAP

IMPERIAL SOUTH INC

15PZ00056



1:7,200 or 1 inch = 600 feet

Buffer Distance: 500 feet

- Buffer
- Subject Property
- Notify 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 herein.

15PZ00056
Page1

REYNOLDS, Will
NARR Construction Services
1916 Eloise Cove Drive
Winter Haven, FL 33884

ACN COMPANY
2755 N BANANA RIVER DRIVE
MERRITT ISLAND FL 32953-0000

ACN COMPANY
690 TIMUQUANA DRIVE
MERRITT ISLAND FL 32952-0000

AMJ LLC
95 BULLDOG BLVD
MELBOURNE FL 32901-0000

ANDERSON, EARL W
ANDERSON, JOAN E H/W
655 KRISTY CIR
MELBOURNE FL 32940-0000

ANDERSON, LARRY
ANDERSON, LOUISE
657 KRISTY CIR
MELBOURNE FL 32940-0000

ANTISDEL, KENNETH L
ANTISDEL, CHRISTINE K H/W
623 KRISTY CIR
MELBOURNE FL 32940-0000

BANK OF AMERICA NA
NC1-001-03-81
101 N TRYON STREET
CHARLOTTE NC 28255-0000

BENNETT, B L
265 OCEAN RESIDENCE CT #8
SATELLITE BCH FL 32937-2070

BENNETT, BARRY L
2735 ALLEN HILL AVE
MELBOURNE FL 32940-0000

BENNETT, BARRY L
265 N OCEAN RESIDENCE CT #8
SATELLITE BCH FL 32937-0000

BOYES, GERI
505 TRACY LANE
MELBOURNE FL 32940-0000

BURKETT, FRANK
BROSCHÉ, LINDA T
405 ELISE LANE
MELBOURNE FL 32940-0000

BURNS, PATRICK H
BURNS, SARA G H/W
415 ELISE LANE
MELBOURNE FL 32940-0000

CARROLL, CAROL M
CARROLL, RICHARD P H/W
140 E CLARIDGE ST
SATELLITE BCH FL 32937-0000

CARVER, ROSALIE
CARVER, JAMES R
307 MELISSA LANE
MELBOURNE FL 32940-0000

CASA LOMA ESTATE CO-OP INC
6560 N HARBOR CITY BLVD
MELBOURNE FL 32940-0000

CASA LOMA ESTATES CO-OP INC
6560 N HARBOR CITY BLVD
MELBOURNE FL 32940-0000

CASA LOMA ESTATES CO-OP INC
6560 N HARBOUR CITY BLVD
MELBOURNE FL 32940-0000

CASABELLA COMMERCIAL LLC
855 SANDERLING DR
INDIALANTIC FL 32903-0000

CROSBY, JAMES A
CROSBY, ANNE M
P O BOX 331
ALEX BAY NY 13607-0331

CROSS, MARILYN A
CROSS, HARRY H/W
319 MELISSA LANE
MELBOURNE FL 32940-0000

DAVIS, PATRICIA M
DAVIS, CURTIS R H/W
508 TRACY LANE
MELBOURNE FL 32940-0000

DOBBINS, RICHARD DALE
DOBBINS, MARY JANE H/W
502 TRACY LANE
MELBOURNE FL 32940-0000

ELDRIDGE, LYNNE
665 KRISTY CIRCLE
MELBOURNE FL 32940-0000

ENGELMAN, IDA MAE
300 MELISSA LANE
MELBOURNE FL 32940-0000

ESR OF BREVARD INC
5400 SAND LAKE DR
MELBOURNE FL 32934-0000

FERGUSON, JOSEPH F
DONOHUE, PATRICIA M H/W
670 KRISTY CIR
MELBOURNE FL 32940-0000

FLORIDA EAST COAST RAILWAY LLC
7411 FULLERTON ST SUITE 300
JACKSONVILLE FL 32256-3629

15PZ00056
Page2

FLORIDA HOT MIX INC
4636 SCARBOROUGH DR
LUTZ FL 33559-0000

FMKT MEL OWNER LLC
1321 EDGEWATER DR SUITE 2
ORLANDO FL 32804-0000

FOY, RAMONA A
WHITE, JOE S
663 KRISTY CIR
MELBOURNE FL 32940-0000

GARDNER, MARILYN J
KACHURKA, RAYMOND J
611 KRISTY CIR
MELBOURNE FL 32940-0000

GOLDEN TRIANGLE REALTY INC
287 BOWMAN AVENUE
PURCHASE NY 10577-0000

GOLDEN TRIANGLE REALTY INC
287 BOWMAN AVE
PURCHASE NY 10577-0000

GRAY, ROBERT E
653 S KRISTY CIR
MELBOURNE FL 32940-0000

HALL, THOMAS A
HALL, HILDA C H/W
144 PINE ST
DALTON MA 01226-0000

HAMILTON, PATRICIA W
P O BOX 740
NORTH EASTHAM MA 02651-0740

HARTMAN, HERBERT L
HARTMAN, D GINGER H/W
13 GILBERT RD
DILLSBURG PA 17019-9511

HENDRICKS, HOWARD A
HENDRICKS, HAROLD R
669 KRISTY CIRCLE
MELBOURNE FL 32940-0000

HENDRICKS, HOWARD A
HENDRICKS, PATRICIA A H/W
667 KRISTY CIR
MELBOURNE FL 32940-0000

HINES, GERARD M III
527 TRACY LANE
MELBOURNE FL 32940-0000

IMPERIAL SOUTH INC
287 BOWMAN AVE STE 222
PURCHASE NY 10577-0000

IMPERIAL SOUTH INC
287 BOWMAN AVE STE 222
PURCHASE NY 10577-2568

IONTA, CHARLENE
IONTA, MICHAEL C
3325 BRESLAY DR
MELBOURNE FL 32940-8402

JCLL LLC
6022 FERCEANDA PL STE 101
MELBOURNE FL 32940-0000

JENSEN, SHARRON LU ANN
JENSEN, SCOTT WADE
506 TRACY LN
MELBOURNE FL 32940-0000

JONES, GARY S
BARRETT, JEFFREY G
6430 ANDERSON WAY STE B
MELBOURNE FL 32940-0000

JOY FOR LIFE LLC
8690 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

KAZMARK, DONALD P
KAZMARK, GLORIA D H/W
407 ELISE LANE
MELBOURNE FL 32940-0000

KENNEDY, FAITH F
SEVIGNY, ELAINE K
304 MELISSA LN
MELBOURNE FL 32940-0000

LEVOWITZ, AILEEN E
LANE, LARRY M
621 KRISTY CIR
MELBOURNE FL 32940-0000

LINDGREN, MILDRED B
LINDGREN, WALLACE E H/W
315 MELISSA LANE
MELBOURNE FL 32940-0000

LISCHKA, DAVID W
LISCHKA, VILETTA A H/W
313 MELISSA LANE
MELBOURNE FL 32940-0000

LOOS, CLIFFORD ANDREW
LOOS, BARBARA F
604 KRISTY CIR
MELBOURNE FL 32940-0000

MACASPHALT
13101 TELECOM DR STE 101
TEMPLE TERR FL 33637-0936

MANOUSELIS, COSTAS
2750 OTTER CREEK LN
MELBOURNE FL 32940-0000

MARKER 5A LLC
9310 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-0000

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MARTINEZ, JOHN J
MARTINEZ, MARCIA L
427 ELISE LANE
MELBOURNE FL 32940-0000

MATCZAK, EDMUND
CIOFFI-MATCZAK, DONNA M
28 CLIVE ST
JAMAICA PLAINS MA 02130-0000

MC DONALD'S CORP
845 EXECUTIVE LN STE 400
ROCKLEDGE FL 32955-0000

MC INTOSH, ELIZABETH A
309 MELISSA LANE
MELBOURNE FL 32940-0000

MOORE, THEODORE R
MOORE, PAULETTE
651 KRISTY CIRCLE
MELBOURNE FL 32940-0000

MOTEL OAKS LTD
ZARCADES, PETER TRUSTEE ET AL
9171 TOWNE CENTRE DRIVE
SAN DIEGO CA 92122-0000

MURRAY, JAMES E JR
MURRAY, JACQUELINE J
2 MAPLE STREET
BUZZARDS BAY MA 02532-3038

NATION, LARRY E
NATION, MILDRED ANN
607 KRISTY CIR
MELBOURNE FL 32940-0000

NORMAL PROPERTIES OF BREVARD LLC
855 SANDERLING DR
INDIALANTIC FL 32903-0000

OLIVER, BONNIE
514 TRACY LANE
MELBOURNE FL 32940-0000

PAGE, ALLAN
MILLER, SUSAN M
613 DRISTY CIR
MELBOURNE FL 32940-7452

PAGE, JANICE L TRUSTEE
609 KRISTY CIR
MELBOURNE FL 32940-0000

PARRISH, STEVEN HAWES
PARRISH, LINDA C
512 TRACY LN
MELBOURNE FL 32940-0000

PETRICKO, RONALD J
PETRICKO, WANDA M H/W
418 WELLINGTON ST
CHELSEA MI 48118-0000

PETTY'S OF SUNTREE INC
1616 SOUTH BABCOCK ST
MELBOURNE FL 32901-0000

PHILLIPS, MICHELLE L
6567 US HWY 1
ROCKLEDGE FL 32955-0000

PULVERMACHER, LAVERNE G
PULVERMACHER, ALLISON M H/W
510 TRACY LANE
MELBOURNE FL 32940-0000

RAVENSCRAFT, BOBBY W TRUSTEE
1033 MC CLAIN AVE
GREENFIELD OH 45123-1152

RODRIGUEZ, ORLANDO S
303 MELISSA LN
MELBOURNE FL 32940-0000

ROSS, CLIFFORD R TRUSTEE
601 KRISTY CIR
MELBOURNE FL 32940-7452

SCHOENLY, ROBERT H
SCHOENLY, JUDITH E H/W
317 MELISSA LANE
MELBOURNE FL 32940-0000

SHEPPARD, MARTHA A
7675 S TROPICAL TRAIL
MERRITT ISLAND FL 32952-6716

SHOFF, ROBERT M
SHOFF, HALLI C H/W
2495 SHOFF LANE
MELBOURNE FL 32940-0000

SHOFF, ROBERT MARVIN
SHOFF, MELISSA H/W
2505 SHOFF LANE
MELBOURNE FL 32940-0000

SMALL, PATRICIA
660 KRISTY CIR
MELBOURNE FL 32940-0000

SMITH, LEE A
SMITH, MARGARET L
2355 SITTERLEY RD
CANAL WINCHESTER OH 43110-0000

SNYDER, PAUL G
SNYDER, JOANNE E TRUSTEES
11 BETHUNE ST
ALEXANDRIA BAY NY 13607-0000

SOVRAN STRATEGIC INVESTMENTS LP
6467 MAIN ST
WILLIAMSVILLE NY 14221-0000
R - 0063

SPACE COAST BUILDING LLC
626 OLD DIXIE HWY SW
VERO BEACH FL 32962-0000

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STAHLER, MARK D TRUSTEE
6191 N US HIGHWAY 1
MELBOURNE FL 32940-0000

STAVISH, DONNA
311 MELISSA LANE
MELBOURNE FL 32940-0000

STEPIEN, ROBERT
STEPIEN, MARY LOU H/W
504 TRACY LANE
MELBOURNE FL 32940-0000

STIMUS, GILBERT A
STIMUS, PATRICIA A
500 TRACY LN
MELBOURNE FL 32940-0000

SURFSIDE YACHT SERVICES INC
650 KENWOOD CT
SATELLITE BCH FL 32937-0000

SWALD, MILFORD J
SWALD, MARILYN
321 MELISSA LANE
MELBOURNE FL 32940-0000

SWEENEY, PATRICK F
617 KRISTY CIR
MELBOURNE FL 32940-0000

TEMPLE BETH SHOLOM INC
5995 N WICKHAM RD
MELBOURNE FL 32940-0000

THORNTON, BETTY K TRUSTEE
662 KRISTY CIR
MELBOURNE FL 32940-0000

THORNTON, RICHARD L
THORNTON, LINDA C TRUSTEES
106 BRIARWOOD LN
COCOA FL 32926-5937

TUCKER, GLORINA E
166 RIVERSIDE RD
CARLETON PLACE ON K7C 3V5
CANADA 00000-0000

TULLOCH, MICHAEL V
TULLOCH, JUDITH
31019 -475TH AVE
ALCESTER SD 57001-0000

UNITED STATES POSTAL SERVICE
640 E NEW HAVEN AVENUE
MELBOURNE FL 32901-9998

VARNEY, PAULETTE C
501 TRACY LANE
MELBOURNE FL 32940-0000

VATERS, JOHN R ESTATE
605 KRISTY CIR
MELBOURNE FL 32940-0000

WINDHAM, WILBUR L
WINDHAM, SHIRLEY F H/W
650 KRISTY CIR
MELBOURNE FL 32940-0000

YAEGER, ROBERT
661 KRISTY CIR
MELBOURNE FL 32940-0000

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IMPERIAL SOUTH INC | 287 BOWMAN AVE STE 222 | PURCHASE NY 10577-0000
IMPERIAL SOUTH INC | 287 BOWMAN AVE STE 222 | PURCHASE NY 10577-0000
IMPERIAL SOUTH INC | 287 BOWMAN AVE STE 222 | PURCHASE NY 10577-2568
IMPERIAL SOUTH INC | 287 BOWMAN AVE STE 222 | PURCHASE NY 10577-2568
IMPERIAL SOUTH INC | 287 BOWMAN AVE STE 222 | PURCHASE NY 10577-2568
TONTA, CHARLENE | TONTA, MICHAEL C | 3325 BRESLAY DR | MELBOURNE FL 32940-8402
ICLL LLC | 16022 FERRELLA PL STE 101 | MELBOURNE FL 32940-0000
JENSEN, SHARRON LU ANN | JENSEN, SCOTT WADE | 1506 TRACY LN | MELBOURNE FL 32940-0000
JONES, GARY S | BARRETT, JEFFREY G | 6430 ANDERSON WAY STE B | MELBOURNE FL 32940-0000
JOY FOR LIFE LLC | 18690 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
KAZMARK, DONALD | KAZMARK, GLORIA D | H/W | 407 ELISE LANE | MELBOURNE FL 32940-0000
KENNEDY, FAITH | FISEVIGNY, ELAINE K | 304 MELISSA LN | MELBOURNE FL 32940-0000
LEVOWITZ, AILEEN E | LANE, LARRY M | 621 KRISTY CIR | MELBOURNE FL 32940-0000
LINDGREN, MILDRED B | LINDGREN, WALLACE E | H/W | 315 MELISSA LANE | MELBOURNE FL 32940-0000
LISCHKA, DAVID W | LISCHKA, VILETTA A | H/W | 313 MELISSA LANE | MELBOURNE FL 32940-0000
LOOS, CLIFFORD ANDREW | LOOS, BARBARA F | 604 KRISTY CIR | MELBOURNE FL 32940-0000
MACASPHALT | 13101 TELECOM DR STE 101 | TEMPLE TERR FL 33637-0936
MANOUSSELIS, COSTAS | 12750 OTTER CREEK LN | MELBOURNE FL 32940-0000
MARKER SA LLC | 19310 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-0000
MARTINEZ, JOHN J | MARTINEZ, MARCIA L | 427 ELISE LANE | MELBOURNE FL 32940-0000
MATCZAK, EDMUND | CIOFFI-MATCZAK, DONNA M | 128 CLIVE ST | JAMAICA PLAINS MA 02130-0000
MC DONALD'S CORP | 1845 EXECUTIVE LN STE 400 | ROCKLEDGE FL 32955-0000
MC INTOSH, ELIZABETH A | 1309 MELISSA LANE | MELBOURNE FL 32940-0000
MOORE, THEODORE R | MOORE, PAULETTE | 651 KRISTY CIRCLE | MELBOURNE FL 32940-0000
MOTEL OAKS LTD | ZARCADES, PETER TRUSTEE ET AL | 19171 TOWNE CENTRE DRIVE | SAN DIEGO CA 92122-0000
MURRAY, JAMES E JR | MURRAY, JACQUELINE J | 12 MAPLE STREET | BUZZARDS BAY MA 02532-3038
NATION, LARRY E | NATION, MILDRED ANN | 607 KRISTY CIR | MELBOURNE FL 32940-0000
NORMAL PROPERTIES OF BREVARD LLC | 1855 SANDERLING DR | INDIAN LANTIC FL 32903-0000
OLIVER, BONNIE | 1514 TRACY LANE | MELBOURNE FL 32940-0000
PAGE, ALLAN | MILLER, SUSAN M | 613 KRISTY CIR | MELBOURNE FL 32940-7452
PAGE, JANICE L TRUSTEE | 1609 KRISTY CIR | MELBOURNE FL 32940-0000
PARRISH, STEVEN HAWES | PARRISH, LINDA C | 312 TRACY LN | MELBOURNE FL 32940-0000
PETRICKO, RONALD J | PETRICKO, WANDA M | H/W | 1418 WELINGTON ST | CHELSEA MI 48118-0000
PETTY'S OF SUNTREE INC | 11616 SOUTH BABCOCK ST | MELBOURNE FL 32901-0000
PHILLIPS, MICHELLE L | 16567 US HWY 1 | ROCKLEDGE FL 32955-0000
PULVERMACHER, LAVERNE G | PULVERMACHER, ALLISON M | H/W | 510 TRACY LANE | MELBOURNE FL 32940-0000
RAVENS CRAFT, BOBBY W TRUSTEE | 1033 MC CLAIN AVE | GREENFIELD OH 45123-1152
RODRIGUEZ, ORLANDO S | 1303 MELISSA LN | MELBOURNE FL 32940-0000
ROSS, CLIFFORD R TRUSTEE | 1601 KRISTY CIR | MELBOURNE FL 32940-7452
SCHOENLY, ROBERT H | SCHOENLY, JUDITH E | H/W | 317 MELISSA LANE | MELBOURNE FL 32940-0000
SHEPPARD, MARTHA A | 17675 S TROPICAL TRAIL | MERRITT ISLAND FL 32952-6716
SHOFF, ROBERT M | SHOFF, HALLI C | H/W | 2495 SHOFF LANE | MELBOURNE FL 32940-0000
SHOFF, ROBERT MARVIN | SHOFF, MELISSA H/W | 2505 SHOFF LANE | MELBOURNE FL 32940-0000
SMALL, PATRICIA | 1660 KRISTY CIR | MELBOURNE FL 32940-0000
SMITH, LEE A | SMITH, MARGARET L | 2355 SITTERLEY RD | CANAL WINCHESTER OH 43110-0000
SNYDER, PAUL G | SNYDER, JOANNE E TRUSTEES | 11 BETHUNE ST | ALEXANDRIA BAY NY 13607-0000
SOVRAN STRATEGIC INVESTMENTS LP | 16467 MAIN ST | WILLIAMSVILLE NY 14221-0000
SPACE COAST BUILDING LLC | 1626 OLD DIXIE HWY SW | VERO BEACH FL 32962-0000
STAHLER, MARK D TRUSTEE | 16191 N US HIGHWAY 1 | MELBOURNE FL 32940-0000
STAVISH, DONNA | 1311 MELISSA LANE | MELBOURNE FL 32940-0000
STAPIEN, ROBERT | STAPIEN, MARY LOU | H/W | 504 TRACY LANE | MELBOURNE FL 32940-0000
STIMUS, GILBERT A | STIMUS, PATRICIA A | 1500 TRACY LN | MELBOURNE FL 32940-0000
SURFSIDE YACHT SERVICES INC | 1650 KENNWOOD CT | SATELLITE BCH FL 32937-0000
SWALD, MILFORD J | SWALD, MARILYN | 321 MELISSA LANE | MELBOURNE FL 32940-0000
SWEENEY, PATRICK F | 1617 KRISTY CIR | MELBOURNE FL 32940-0000
TEMPLE BETH SHOLOM INC | 15995 N WICKHAM RD | MELBOURNE FL 32940-0000
THORNTON, BETTY K TRUSTEE | 1662 KRISTY CIR | MELBOURNE FL 32940-0000
THORNTON, BETTY K TRUSTEE | 1662 KRISTY CIR | MELBOURNE FL 32940-0000
THORNTON, RICHARD L | THORNTON, LINDA C TRUSTEES | 106 BRIARWOOD LN | COCOA FL 32926-5937
TUCKER, GLORINA E | 166 RIVERSIDE RD | CARLETON PLACE ON K7C 3V5 | CANADA 00000-0000
TULLOCH, MICHAEL V | TULLOCH, JUDITH | 31019 -475TH AVE | ALCESTER SD 57001-0000

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UNITED STATES POSTAL SERVICE | 640 E NEW HAVEN AVENUE | MELBOURNE FL 32901-9998
VARNEY, PAULETTE C | 501 TRACY LANE | MELBOURNE FL 32940-0000
VATERS, JOHN R ESTATE | 605 KRISTY CIR | MELBOURNE FL 32940-0000
WINDHAM, WILBUR L | WINDHAM, SHIRLEY F H/W | 650 KRISTY CIR | MELBOURNE FL 32940-0000
YAEGER, ROBERT | 661 KRISTY CIR | MELBOURNE FL 32940-0000

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BUFF_ID	TAXID	PARCELID	DWNER1	OWNER2	MAIL1	MAIL2	CITY_STATE_ZIP5_ZIP4
0	2628004	26	371800	502.X	A	0	0 0 0
1	2631508	26	362400	6.X	A	0	0 0 0
2	2622347	26	371905	.	19.04	ACN COMPANY	2755 N BANANA RIVER DRIVE MERRITT ISLAND FL 32953 0
3	2606048	26	371905	.	19.07	AMJ LLC	195 BULLDOG BLVD MELBOURNE FL 32901 0
4	2614638	26	362400	11.	.	ANDERSON, EARL W	ANDERSON, LOUISE 657 KRISTY CIR MELBOURNE FL 32940 0
5	2627989	26	371800	506.O	.	ANDERSON, LARRY	ANDERSON, LOUISE 657 KRISTY CIR MELBOURNE FL 32940 0
6	2627991	26	371800	506.Q	.	ANTISDEL, KENNETH I	ANTISDEL, CHRISTINE K H/W 623 KRISTY CIR MELBOURNE FL 32940 0
7	2627973	26	371800	505.Y	.	BANK OF AMERICA NA	NCL-001-03-81 101 N TRYON STREET CHARLOTTE NC 28255 0
8	2616271	26	362400	14.	.	BENNETT, B L	265 OCEAN RESIDENCE CT #8 SATELLITE BCH FL 32937 2070
9	2606060	26	3719NM	.	6.	BENNETT, B L	265 OCEAN RESIDENCE CT #8 SATELLITE BCH FL 32937 2070
10	2606061	26	3719NM	.	7.	BENNETT, BARRY L	2735 ALLEN HILL AVE MELBOURNE FL 32940 0
11	2606090	26	371900	251.	.	BENNETT, BARRY L	265 N OCEAN RESIDENCE CT #8 SATELLITE BCH FL 32937 0
12	2605974	26	3718NM	.	9.	BENNETT, BARRY L	265 N OCEAN RESIDENCE CT #8 SATELLITE BCH FL 32937 0
13	2606098	26	371900	258.	.	BENNETT, BARRY L	265 N OCEAN RESIDENCE CT #8 SATELLITE BCH FL 32937 0
14	2606062	26	3719NM	.	8.	BOYES, GERI	505 TRACY LANE MELBOURNE FL 32940 0
15	2627930	26	371800	504.H	.	BURKETT, FRANK	BROSCHKE, LINDA T 405 ELISE LANE MELBOURNE FL 32940 0
16	2627902	26	371800	503.F	.	BURNS, PATRICK H	BURNS, SARA G H/W 415 ELISE LANE MELBOURNE FL 32940 0
17	2627912	26	371800	503.P	.	CARROLL, CAROL M	CARROLL, RICHARD P H/W 140 E CLARIDGE ST SATELLITE BCH FL 32937 0
18	2605975	26	3718NM	.	10.	CARVER, ROSALIE	CARVER, JAMES R 307 MELISSA LANE MELBOURNE FL 32940 0
19	2627879	26	371800	502.J	.	CASA LOMA ESTATE CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
20	2627934	26	371800	504.L	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
21	2627908	26	371800	503.L	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
22	2627986	26	371800	506.L	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
23	2627883	26	371800	502.W	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
24	2627911	26	371800	503.S	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
25	2627979	26	371800	506.E	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
26	2627923	26	371800	504.A	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
27	2627952	26	371800	505.O	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
28	2627964	26	371800	505.P	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
29	2627932	26	371800	504.J	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
30	2627988	26	371800	506.N	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
31	2627873	26	371800	502.E	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
32	2627962	26	371800	505.N	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
33	2627910	26	371800	503.N	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
34	2627911	26	371800	503.O	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
35	2627900	26	371800	503.D	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
36	2627976	26	371800	506.B	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
37	2627922	26	371800	503.Z	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
38	2627965	26	371800	505.Q	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
39	2627969	26	371800	505.U	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
40	2627981	26	371800	506.G	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
41	2627882	26	371800	502.M	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
42	2627876	26	371800	502.H	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
43	2627898	26	371800	503.B	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
44	2627887	26	371800	502.Q	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
45	2627936	26	371800	504.N	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
46	2627877	26	371800	502.I	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
47	2627977	26	371800	506.C	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
48	2627975	26	371800	506.A	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
49	2627940	26	371800	504.R	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
50	2627906	26	371800	503.J	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
51	2627896	26	371800	502.Z	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
52	2627978	26	371800	506.D	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
53	2627980	26	371800	506.F	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
54	2627899	26	371800	503.C	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0
55	2627982	26	371800	506.H	.	CASA LOMA ESTATES CO-OP INC	6560 N HARBOR CITY BLVD MELBOURNE FL 32940 0

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Line	Address	City	State	Zip	County	Parcel	Owner
56	2627909	26 371800	503.M				CASA LOMA ESTATES CO-OP INC
57	2627889	26 371800	502.S				CASA LOMA ESTATES CO-OP INC
58	2627948	26 371800	504.Z				CASA LOMA ESTATES CO-OP INC
59	2627913	26 371800	503.Q				CASA LOMA ESTATES CO-OP INC
60	2627895	26 371800	502.Y				CASA LOMA ESTATES CO-OP INC
61	2627917	26 371800	503.U				CASA LOMA ESTATES CO-OP INC
62	2627903	26 371800	503.G				CASA LOMA ESTATES CO-OP INC
63	2627905	26 371800	503.I				CASA LOMA ESTATES CO-OP INC
64	2627956	26 371800	505.H				CASA LOMA ESTATES CO-OP INC
65	2627870	26 371800	502.B				CASA LOMA ESTATES CO-OP INC
66	2627958	26 371800	505.J				CASA LOMA ESTATES CO-OP INC
67	2627968	26 371800	505.T				CASA LOMA ESTATES CO-OP INC
68	2627928	26 371800	504.F				CASA LOMA ESTATES CO-OP INC
69	2627891	26 371800	502.U				CASA LOMA ESTATES CO-OP INC
70	2627942	26 371800	504.T				CASA LOMA ESTATES CO-OP INC
71	2627921	26 371800	503.Y				CASA LOMA ESTATES CO-OP INC
72	2627974	26 371800	505.Z				CASA LOMA ESTATES CO-OP INC
73	2627885	26 371800	502.O				CASA LOMA ESTATES CO-OP INC
74	2627897	26 371800	503.A				CASA LOMA ESTATES CO-OP INC
75	2627919	26 371800	503.W				CASA LOMA ESTATES CO-OP INC
76	2627983	26 371800	506.I				CASA LOMA ESTATES CO-OP INC
77	2627880	26 371800	502.K				CASA LOMA ESTATES CO-OP INC
78	2627901	26 371800	503.E				CASA LOMA ESTATES CO-OP INC
79	2627916	26 371800	503.T				CASA LOMA ESTATES CO-OP INC
80	2627914	26 371800	503.R				CASA LOMA ESTATES CO-OP INC
81	2627920	26 371800	503.X				CASA LOMA ESTATES CO-OP INC
82	2627947	26 371800	504.Y				CASA LOMA ESTATES CO-OP INC
83	2627946	26 371800	504.X				CASA LOMA ESTATES CO-OP INC
84	2627907	26 371800	503.K				CASA LOMA ESTATES CO-OP INC
85	2627993	26 371800	506.S				CASA LOMA ESTATES CO-OP INC
86	2627950	26 371800	505.B				CASA LOMA ESTATES CO-OP INC
87	2627918	26 371800	503.V				CASA LOMA ESTATES CO-OP INC
88	2631507	26 362400	6.G				CASABELLA COMMERCIAL LLC
89	2631504	26 362400	6.D				CASABELLA COMMERCIAL LLC
90	2631506	26 362400	6.F				CASABELLA COMMERCIAL LLC
91	2631505	26 362400	6.E				CASABELLA COMMERCIAL LLC
92	2631503	26 362400	6.C				CASABELLA COMMERCIAL LLC
93	2631501	26 362400	6.A				CASABELLA COMMERCIAL LLC
94	2627945	26 371800	504.W				CROSBY, JAMES A CROSBY, ANNE M
95	2627892	26 371800	502.V				CROSS, MARYLYN A CROSS, HARRY H
96	2627933	26 371800	504.K				DAVIS, PATRICIA M DAVIS, CURTIS R H
97	2627927	26 371800	504.E				DOBBS, RICHARD DALE DOBBS, MARY JANE H
98	2627999	26 371800	506.Y				ELDRIDGE, LYNNE
99	2627871	26 371800	502.C				ENGELMAN, IDA MAE
100	2606101	26 371900	261.				ESR OF BREVARD INC
101	2628003	26 371800	507.C				FERGUSON, JOSEPH F DONOHUE, PATRICIA M H
102	2623565	26 371800	526.				FLORIDA EAST COAST RAILWAY LLC
103	2623566	26 371900	268.				FLORIDA EAST COAST RAILWAY LLC
104	2606095	26 371900	255.1				FLORIDA HOT MIX INC
105	2606041	26 371900					FLORIDA HOT MIX INC
106	2606037	26 371900					FLORIDA HOT MIX INC
107	2632866	26 361300	768.				FMKT MEL OWNER LLC
108	2627997	26 371800	506.W				FOY, RAMONA A WHITE, JOE S
109	2627961	26 371800	505.M				GARDNER, MARILYN J KACHURKA, RAYMOND J
110	2614639	26 362400	12.				GOLDEN TRIANGLE REALTY INC
111	2614222	26 362400	10.				GOLDEN TRIANGLE REALTY INC
112	2627987	26 371800	506.M				GRAY, ROBERT E

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113	2627869	26	371800	502.A	. HALL, THOMAS A HALL, HILDA C H/W 144 PINE ST DALTON MA 1226 0
114	2627998	26	371800	506.X	. HAMILTON, PATRICIA W P O BOX 740 NORTH EASTHAM MA 2651 740
115	2627938	26	371800	504.P	. HARTMAN, HERBERT L HARTMAN, D GINGER H/W 13 GILBERT RD DILLSBURG PA 17019 9511
116	2628002	26	371800	507.B	. HENDRICKS, HOWARD A HENDRICKS, HAROLD R 669 KRISTY CIRCLE MELBOURNE FL 32940 0
117	2628000	26	371800	506.Z	. HENDRICKS, HOWARD A HENDRICKS, PATRICIA A H/W 667 KRISTY CIR MELBOURNE FL 32940 0
118	2627949	26	371800	505.A	. HINES, GERARDO M III 527 TRACY LANE MELBOURNE FL 32940 0
119	2606092	26	371900	253.	. IMPERIAL SOUTH INC 287 BOWMAN AVE STE 222 PURCHASE NY 10577 0
120	2606093	26	371900	254.	. IMPERIAL SOUTH INC 287 BOWMAN AVE STE 222 PURCHASE NY 10577 0
121	2606089	26	371900	250.	. IMPERIAL SOUTH INC 287 BOWMAN AVE STE 222 PURCHASE NY 10577 2568
122	2606105	26	371900	265.	. IMPERIAL SOUTH INC 287 BOWMAN AVE STE 222 PURCHASE NY 10577 2568
123	2602755	26	361300	756.	. IMPERIAL SOUTH INC 287 BOWMAN AVE STE 222 PURCHASE NY 10577 2568
124	2627943	26	371800	504.U	. IONTA, CHARLENE IONTA, MICHAEL C 3325 BRESLAY DR MELBOURNE FL 32940 8402
125	2631502	26	362400	6.B	. JCLL LLC 6022 FERRENDIA PL STE 101 MELBOURNE FL 32940 0
126	2627931	26	371800	504.I	. JENSEN, SHARRON LU ANN JENSEN, SCOTT WADE 506 TRACY LN MELBOURNE FL 32940 0
127	2605977	26	3718NM	.	12. JONES, GARY S BARRETT, JEFFREY G 6430 ANDERSON WAY STE B MELBOURNE FL 32940 0
128	2606103	26	371900	263.	. JOY FOR LIFE LLC 8690 S TROPICAL TRAIL MERRITT ISLAND FL 32952 0
129	2627904	26	371800	503.H	. KAZMARK, DONALD P KAZMARK, GLORIA D H/W 407 ELISE LANE MELBOURNE FL 32940 0
130	2627875	26	371800	502.G	. KENNEDY, FAITH F SEVIGNY, ELAINE K 304 MELISSA LN MELBOURNE FL 32940 0
131	2627971	26	371800	505.W	. LEVOWITZ, AILEEN E LANE, LARRY M 621 KRISTY CIR MELBOURNE FL 32940 0
132	2627886	26	371800	502.R	. LINDGREN, MILDRED B LINDGREN, WALLACE E H/W 315 MELISSA LANE MELBOURNE FL 32940 0
133	2627886	26	371800	502.P	. LISCHKA, DAVID W LISCHKA, VILETTA A H/W 313 MELISSA LANE MELBOURNE FL 32940 0
134	2627954	26	371800	505.F	. LOOS, CLIFFORD ANDREW LOOS, BARBARA F 604 KRISTY CIR MELBOURNE FL 32940 0
135	2606050	26	371905	.	20. MACASPHALT 13101 TELECOM DR STE 101 TEMPLE TERR FL 33637 936
136	2606026	26	371905	.	15. MANOUSSELIS, COSTAS 2750 OTTER CREEK LN MELBOURNE FL 32940 0
137	2605976	26	3718NM	.	11. MARKER SA LLC 9310 S TROPICAL TRAIL MERRITT ISLAND FL 32952 0
138	2627924	26	371800	504.B	. MARTINEZ, JOHN J MARTINEZ, MARCIA L 427 ELISE LANE MELBOURNE FL 32940 0
139	2627966	26	371800	505.R	. MATCZAK, EDMUND CIOFFI-MATCZAK, DONNA M 28 CLIVE ST JAMAICA PLAINS MA 2130 0
140	2617734	26	361300	752.I	. MC DONALD'S CORP 845 EXECUTIVE LN STE 400 ROCKLEDGE FL 32955 0
141	2627881	26	371800	502.L	. MC INTOSH, ELIZABETH A 309 MELISSA LANE MELBOURNE FL 32940 0
142	2627985	26	371800	506.K	. MOORE, THEODORE R MOORE, PAULETTE 651 KRISTY CIRCLE MELBOURNE FL 32940 0
143	2618463	26	362400	15.	. MOTEL OAKS LTD ZARCADES, PETER TRUSTEE ET AL 9171 TOWNE CENTRE DRIVE SAN DIEGO CA 92122 0
144	2627992	26	371800	506.R	. MURRAY, JAMES E JRMURRAY, JACQUELINE J 2 MAPLE STREET BUZZARDS BAY MA 2532 3038
145	2627957	26	371800	505.I	. NATION, LARRY E NATION, MILDRED ANN 607 KRISTY CIR MELBOURNE FL 32940 0
146	2605033	26	362400	5.	. NORMAL PROPERTIES OF BREVARD LLC 855 SANDERLING DR INDIANLANTIC FL 32903 0
147	2627939	26	371800	504.Q	. OLIVER, BONNIE 514 TRACY LANE MELBOURNE FL 32940 0
148	2627963	26	371800	505.O	. PAGE, ALLAN MILLER, SUSAN M 613 DRISTY CIR MELBOURNE FL 32940 7452
149	2627959	26	371800	505.K	. PAGE, JANICE L TRUSTEE 609 KRISTY CIR MELBOURNE FL 32940 0
150	2627937	26	371800	504.O	. PARRISH, STEVEN HAMES PARRISH, LINDA C 512 TRACY LN MELBOURNE FL 32940 0
151	2627872	26	371800	502.D	. PETRICKO, RONALD J PETRICKO, WANDA M H/W 418 WELLINGTON ST CHELSEA MI 48118 0
152	2618593	26	371900	267.	. PETTY'S OF SUNTREE INC 1616 SOUTH BABCOCK ST MELBOURNE FL 32901 0
153	2627960	26	371800	505.L	. PHILLIPS, MICHELLE L 6567 US HWY 1 ROCKLEDGE FL 32955 0
154	2627935	26	371800	504.M	. PULVERMACHER, LAVERNE G PULVERMACHER, ALLISON M H/W 510 TRACY LANE MELBOURNE FL 32940 0
155	2627953	26	371800	505.E	. RAVENSCRAFT, BOBBY W TRUSTEE 11033 MC CLAIN AVE GREENFIELD OH 45123 1152
156	2627874	26	371800	502.F	. RODRIGUEZ, ORLANDO S 303 MELISSA LN MELBOURNE FL 32940 0
157	2627951	26	371800	505.C	. ROSS, CLIFFORD R TRUSTEE 601 KRISTY CIR MELBOURNE FL 32940 7452
158	2627890	26	371800	502.T	. SCHOENLY, ROBERT H SCHOENLY, JUDITH E H/W 317 MELISSA LANE MELBOURNE FL 32940 0
159	2622783	26	371905	.	17.08 SHEPPARD, MARTHA A 7675 S TROPICAL TRAIL MERRITT ISLAND FL 32952 6716
160	2632815	26	371900	40.	. SHOFF, ROBERT M SHOFF, HALLI C H/W 2495 SHOFF LANE MELBOURNE FL 32940 0
161	2622698	26	371900	28.	. SHOFF, ROBERT MARVIN SHOFF, MELISSA H/W 2505 SHOFF LANE MELBOURNE FL 32940 0
162	2627994	26	371800	506.T	. SMALL, PATRICIA 660 KRISTY CIR MELBOURNE FL 32940 0
163	2627970	26	371800	505.V	. SMITH, LEE A SMITH, MARGARET L 2355 SITTERLEY RD CANAL WINCHESTER OH 43110 0
164	2627941	26	371800	504.S	. SNYDER, PAUL G SNYDER, JOANNE E TRUSTEES 11 BETHUNE ST ALEXANDRIA BAY NY 13607 0
165	2606094	26	371900	255.	. SORVAN STRATEGIC INVESTMENTS LPI 6467 MAIN ST WILLIAMSVILLE NY 14221 0
166	2606100	26	371900	260.	. SPACE COAST BUILDING LLC 826 OLD DIXIE HWY SW VERO BEACH FL 32962 0
167	2606056	26	371905	.	23.01 STAHLER, MARK D TRUSTEE 6191 N US HIGHWAY 1 MELBOURNE FL 32940 0
168	2627884	26	371800	502.N	. STAVISH, DONNA 311 MELISSA LANE MELBOURNE FL 32940 0
169	2627929	26	371800	504.G	. STEPJEN, ROBERT STEPJEN, MARY LOU H/W 504 TRACY LANE MELBOURNE FL 32940 0

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170	2627925	26	371800	504.C	. STIMUS, GILBERT A STIMUS, PATRICIA A 500 TRACY LN MELBOURNE FL 32940 0
171	2606102	26	371900	262.	. SURFSIDE YACHT SERVICES INC 650 KENWOOD CT SATELLITE BCH FL 32937 0
172	2627894	26	371800	502.X	. SWALD, MILFORD J SWALD, MARILYN 321 MELISSA LANE MELBOURNE FL 32940 0
173	2627967	26	371800	505.S	. SWEENEY, PATRICK F 617 KRISTY CIR MELBOURNE FL 32940 0
174	2606107	26	371900	500.	. TEMPLE BETH SHOLOM INC 5995 N WICKHAM RD MELBOURNE FL 32940 0
175	2628001	26	371800	507.A	. THORNTON, BETTY K TRUSTEE 662 KRISTY CIR MELBOURNE FL 32940 0
176	2627996	26	371800	506.V	. THORNTON, BETTY K TRUSTEE 662 KRISTY CIR MELBOURNE FL 32940 0
177	2627990	26	371800	506.P	. THORNTON, RICHARD L THORNTON, LINDA C TRUSTEES 106 BRIARWOOD LN COCOA FL 32926 5937
178	2627944	26	371800	504.V	. TUCKER, GLORINA E 166 RIVERSIDE RD CARLETON PLACE ON K7C 3V5 CANADA 0 0
179	2627972	26	371800	505.X	. TULLOCH, MICHAEL V TULLOCH, JUDITH 31019 -475TH AVE ALCESTER SD 57001 0
180	2606106	26	371900	266.	. UNITED STATES POSTAL SERVICE 640 E NEW HAVEN AVENUE MELBOURNE FL 32901 9998
181	2627926	26	371800	504.D	. VARNEY, PAULETTE C 501 TRACY LANE MELBOURNE FL 32940 0
182	2627955	26	371800	505.G	. WATERS, JOHN R ESTATE 605 KRISTY CIR MELBOURNE FL 32940 0
183	2627984	26	371800	506.J	. WINDHAM, WILBUR L WINDHAM, SHERLEY F H/W 650 KRISTY CIR MELBOURNE FL 32940 0
184	2627995	26	371800	506.U	. YAEGER, ROBERT 661 KRISTY CIR MELBOURNE FL 32940 0

R - 0072

Zoning of subject property at time of application:

15PZ00056

Zoning of Northern Parcels:

Zoning of Parcel 254:

Identify X

Identify from: Zoning Actions

Zoning Actions

ALL

Location: 762,025.327 1,410,597.018 Feet

Field	Value
ZONING	PIP
DENSCAP	
ZONINGFILE	10817(9)
HISTORY	Yes
BLANKETF	
ZONINGDATE	5/22/2003
ORDNUM	
ACTION	
ACTIONFILE	
ACTIONDATE	<null>
COMMENTS	<null>
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ZFILE_PATH	\\Scanned Files\Zoning\210000-210999
ZFILE_NAME	210817(9).PDF
ZFILE_LINK	\\GCADC01\PLZONE\Scanned Files\Zoning\210000-210999\210817(9).PDF
AFILE_SERVER	<null>
AFILE_PATH	<null>
AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

Identify X

Identify from: Zoning Actions

Zoning Actions

ALL

Location: 762,400.948 1,409,511.488 Feet

Field	Value
ZONING	PIP
DENSCAP	
ZONINGFILE	10817(9)
HISTORY	Yes
BLANKETF	
ZONINGDATE	5/22/2003
ORDNUM	
ACTION	CLP
ACTIONFILE	10297
ACTIONDATE	<null>
COMMENTS	<null>
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AFILE_SERVER	<null>
AFILE_PATH	<null>
AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

15P200056

Owner's Name: Imperial South
Hearing Date: 11/9/15
First Public Hearing before Applicable Board

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, _____, to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner so as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida

[Signature]
Signature

Sworn to and Subscribed before me, this 9th day of November



[Signature]
Notary Public, State of Florida

Personally Known OR Produced Identification

Type of I.D. Produced P202

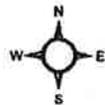
THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

FVI
IV.A.2.



30.7 Acres
Proposed Development
424 Residential Units
FLU RES 15
Zoning PUD

Imperial South Inc. 2015-2.1



1 inch = 400 feet

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent



FV1
~~III 2~~
~~IV 1~~
IV 2 .

August 17, 2015

Ms. Robin Sobrino
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Imperial South Comprehensive Plan Amendment CPA-2015-2.1
School Impact Analysis – Capacity Determination CD-2015-08**

Dear Ms. Sobrino,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on August 10, 2015. The subject property consists of Parcel ID 24-37-30-00-00001.0-0000.00 (Tax ID 2437347), containing approximately 30.7 acres in Unincorporated, District 4, Brevard County, Florida. Four Hundred Twenty-Five (425) multi-family dwelling units are planned for completion in 2017. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2015-16 to 2019-20 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2014-2015 to 2019-20* which is attached for reference.

Multi Family Homes		425	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	114.75	115
Middle	0.06	25.5	26
High	0.10	42.5	43
Total	0.43		184

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2014-15 to 2018-19**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	755	755	755	755	755
DeLaura Middle School	923	923	923	923	923
Viera High School	2,276	2,276	2,276	2,276	2,276

Projected Student Membership

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	629	602	590	584	573
DeLaura Middle School	700	727	775	779	834
Viera High School	2,018	1,979	1,994	2,023	2,135

Students Generated by Previously Issued SCADL Reservations

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	6	6	6	6	6
DeLaura Middle School	2	2	2	2	2
Viera High School	33	44	44	44	44

Cumulative Students Generated by the Imperial South CPA

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	-	-	115	115	115
DeLaura Middle School	-	-	26	26	26
Viera High School	-	-	43	43	43

**Total Projected Student Membership (includes
Cumulative Impact of the Imperial South CPA)**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	635	608	711	705	694
DeLaura Middle School	702	729	803	807	862
Viera High School	2,051	2,023	2,081	2,110	2,222

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	120	147	44	50	61
DeLaura Middle School	221	194	120	116	61
Viera High School	225	253	195	166	54

July 23, 2017
Page 3 of 3

At this time, there is projected to be sufficient capacity at every school level for the proposed Imperial South Comprehensive Plan Amendment.

This is a **non-binding** review. A **Concurrency Determination** must be performed by the School District prior to the issuance of a final development approval and Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Lindemann", written over a circular stamp or seal.

David G. Lindemann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2014-15 to 2019-20*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2015-08



Brevard County Public Schools
Financially Feasible Plan to Achieve 100% Level of Service
Data and Analysis for School Years 2014-15 to 2019-20

Summary				2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Maximum Utilization Elementary Schools	95%	95%	95%	95%	95%	95%	95%	95%	95%
Maximum Utilization Middle Schools	95%	95%	95%	95%	95%	95%	95%	95%	95%
Maximum Utilization High Schools	95%	95%	95%	95%	95%	95%	95%	95%	95%

School	Type	Grades	Utilization Factor	School Year 2014-15			School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20		
				Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Adrian	Elementary	K-5	100%	728	621	85%	728	633	87%	728	623	85%	728	633	87%	728	630	86%	728	630	86%
Anderson	Elementary	K-5	100%	684	680	99%	684	712	104%	684	724	106%	684	786	115%	684	786	115%	684	786	115%
Apple	Elementary	K-5	100%	902	766	85%	902	771	85%	902	787	87%	902	770	85%	902	774	86%	902	774	86%
Astoria	Elementary	K-5	100%	703	615	87%	703	590	84%	703	674	96%	703	581	83%	703	620	88%	703	620	88%
Bokunan	Elementary	K-5	100%	761	660	87%	761	652	86%	761	637	84%	761	637	84%	761	637	84%	761	637	84%
Cambridge	Elementary	K-5	100%	785	630	80%	785	642	82%	785	621	79%	785	627	80%	785	627	80%	785	627	80%
Cape View	Elementary	K-5	100%	648	600	93%	648	604	93%	648	641	99%	648	618	95%	648	618	95%	648	618	95%
Canal	Elementary	K-5	100%	791	630	79%	791	616	78%	791	623	79%	791	620	78%	791	610	77%	791	610	77%
Chalmette 7	Elementary	K-5	100%	551	477	87%	551	474	86%	551	466	85%	551	457	83%	551	466	85%	551	466	85%
Columbia	Elementary	K-5	100%	751	610	81%	751	634	84%	751	623	83%	751	618	82%	751	618	82%	751	618	82%
Copaha	Elementary	K-5	100%	683	672	98%	683	671	98%	683	668	98%	683	678	99%	683	685	100%	683	685	100%
Coral	Elementary	K-5	100%	1,154	878	76%	1,154	930	81%	1,154	978	85%	1,154	1,008	87%	1,154	1,002	87%	1,154	1,002	87%
Croton	Elementary	K-5	100%	785	653	83%	785	630	80%	785	633	81%	785	648	83%	785	648	83%	785	648	83%
Discovery	Elementary	K-5	100%	680	714	105%	680	710	104%	680	710	104%	680	715	105%	680	715	105%	680	715	105%
Edgewater	Elementary	K-5	100%	680	618	91%	680	639	94%	680	604	89%	680	615	90%	680	609	89%	680	609	89%
Edgewater	Elementary	K-5	100%	729	628	86%	729	605	83%	729	609	84%	729	638	87%	729	638	87%	729	638	87%
Edgewater	Elementary	K-5	100%	753	680	90%	753	678	90%	753	668	89%	753	660	88%	753	659	88%	753	659	88%
Edgewater	Elementary	K-5	100%	711	678	95%	711	650	91%	711	628	88%	711	632	89%	711	632	89%	711	632	89%
Edgewater	Elementary	K-5	100%	777	691	89%	777	710	91%	777	704	91%	777	701	90%	777	701	90%	777	701	90%
Edgewater	Elementary	K-5	100%	628	600	96%	628	583	93%	628	578	92%	628	583	93%	628	583	93%	628	583	93%
Edgewater	Elementary	K-5	100%	607	650	107%	607	651	107%	607	648	107%	607	663	109%	607	673	111%	607	673	111%
Edgewater	Elementary	K-5	100%	729	698	96%	729	659	90%	729	648	89%	729	638	87%	729	638	87%	729	638	87%
Edgewater	Elementary	K-5	100%	798	789	99%	798	754	94%	798	731	91%	798	731	91%	798	731	91%	798	731	91%
Edgewater	Elementary	K-5	100%	850	800	94%	850	808	95%	850	818	96%	850	822	97%	850	807	95%	850	807	95%
Edgewater	Elementary	K-5	100%	692	713	103%	692	777	112%	692	777	112%	692	768	111%	692	768	111%	692	768	111%
Edgewater	Elementary	K-5	100%	790	662	84%	790	657	83%	790	651	82%	790	648	82%	790	648	82%	790	648	82%
Edgewater	Elementary	K-5	100%	680	645	95%	680	655	96%	680	643	95%	680	648	95%	680	648	95%	680	648	95%
Edgewater	Elementary	K-5	100%	618	723	117%	618	718	116%	618	708	115%	618	733	119%	618	733	119%	618	733	119%
Edgewater	Elementary	K-5	100%	1,114	877	78%	1,114	1,030	92%	1,114	1,054	95%	1,114	1,048	94%	1,114	1,030	92%	1,114	1,030	92%
Edgewater	Elementary	K-2	100%	624	662	106%	624	684	110%	624	677	109%	624	668	107%	624	668	107%	624	668	107%
Edgewater	Elementary	K-5	100%	797	667	84%	797	603	76%	797	601	75%	797	607	76%	797	607	76%	797	607	76%
Edgewater	Elementary	K-5	100%	725	690	95%	725	698	96%	725	698	96%	725	728	100%	725	728	100%	725	728	100%
Edgewater	Elementary	K-5	100%	688	692	101%	688	637	93%	688	621	90%	688	618	89%	688	618	89%	688	618	89%
Edgewater	Elementary	K-5	100%	654	614	94%	654	535	82%	654	552	84%	654	562	86%	654	548	84%	654	548	84%
Edgewater	Elementary	K-5	100%	1,003	854	85%	1,003	871	87%	1,003	878	88%	1,003	888	89%	1,003	887	89%	1,003	887	89%
Edgewater	Elementary	K-5	100%	607	652	108%	607	655	108%	607	643	106%	607	638	105%	607	638	105%	607	638	105%
Edgewater	Elementary	K-5	100%	652	770	118%	652	788	121%	652	793	122%	652	813	125%	652	813	125%	652	813	125%
Edgewater	Elementary	K-5	100%	628	643	103%	628	648	103%	628	648	103%	628	648	103%	628	648	103%	628	648	103%
Edgewater	Elementary	K-5	100%	777	727	94%	777	783	101%	777	780	100%	777	782	100%	777	782	100%	777	782	100%
Edgewater	Elementary	K-5	100%	588	578	98%	588	578	98%	588	578	98%	588	578	98%	588	578	98%	588	578	98%
Edgewater	Elementary	K-5	100%	783	642	82%	783	676	86%	783	676	86%	783	676	86%	783	676	86%	783	676	86%
Edgewater	Elementary	K-5	100%	658	760	115%	658	748	114%	658	764	116%	658	764	116%	658	764	116%	658	764	116%
Edgewater	Elementary	K-5	100%	439	306	70%	439	351	80%	439	357	81%	439	365	83%	439	358	82%	439	358	82%
Edgewater	Elementary	K-5	100%	606	544	90%	606	554	91%	606	573	94%	606	588	97%	606	587	97%	606	587	97%
Edgewater	Elementary	K-5	100%	695	648	93%	695	672	97%	695	673	97%	695	672	97%	695	672	97%	695	672	97%
Edgewater	Elementary	K-5	100%	795	629	79%	795	602	76%	795	599	75%	795	599	75%	795	602	76%	795	602	76%
Edgewater	Elementary	K-5	100%	478	438	92%	478	445	93%	478	435	91%	478	437	91%	478	437	91%	478	437	91%
Edgewater	Elementary	K-5	100%	616	750	122%	616	771	125%	616	756	123%	616	756	123%	616	756	123%	616	756	123%
Edgewater	Elementary	K-5	100%	674	754	112%	674	788	117%	674	814	121%	674	814	121%	674	814	121%	674	814	121%
Edgewater	Elementary	K-5	100%	611	682	112%	611	653	107%	611	653	107%	611	653	107%	611	653	107%	611	653	107%
Edgewater	Elementary	K-5	100%	687	778	113%	687	818	119%	687	830	121%	687	843	123%	687	843	123%	687	843	123%
Edgewater	Elementary	K-5	100%	711	678	95%	711	655	92%	711	655	92%	711	666	94%	711	666	94%	711	666	94%
Elementary Total				49,831	35,678	71%	49,831	36,148	72%	49,831	36,123	72%									

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School	Type	Grade	Utilization Factor	School Year 2014-15			School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19		
				Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization	Future FTE Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																		
Central	High	7-8	80%	823	1,054	78%	823	1,054	78%	823	1,054	78%	823	1,054	78%	823	1,054	
Delwood	High	7-8	80%	722	918	64%	722	918	64%	722	918	64%	722	918	64%	722	918	
Harvey	High	7-8	80%	558	542	82%	558	542	82%	558	542	82%	558	542	82%	558	542	
Johnson	High	7-8	80%	854	560	66%	854	560	66%	854	560	66%	854	560	66%	854	560	
Johnson	High	7-8	80%	848	817	96%	848	817	96%	848	817	96%	848	817	96%	848	817	
Johnson	High	7-8	80%	1,020	795	78%	1,020	795	78%	1,020	795	78%	1,020	795	78%	1,020	795	
Johnson	High	7-8	80%	819	888	73%	819	888	73%	819	888	73%	819	888	73%	819	888	
Johnson	High	7-8	80%	743	470	63%	743	470	63%	743	470	63%	743	470	63%	743	470	
Johnson	High	7-8	80%	864	473	55%	864	473	55%	864	473	55%	864	473	55%	864	473	
Johnson	High	7-8	80%	1,177	818	70%	1,177	818	70%	1,177	818	70%	1,177	818	70%	1,177	818	
Johnson	High	7-8	80%	1,613	782	49%	1,613	782	49%	1,613	782	49%	1,613	782	49%	1,613	782	
Johnson Total				8,848	7,437		8,848	7,437		8,848	7,437		8,848	7,437		8,848	7,437	
Junior / Senior High School Concurrency Service Areas																		
Coosa	Jr/Sr High	7-12	80%	1,737	1,854	84%	1,737	1,854	84%	1,737	1,854	84%	1,737	1,854	84%	1,737	1,854	
Coosa Beach	Jr/Sr High	7-12	80%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	
Space Coast	Jr/Sr High	7-12	80%	1,812	1,916	84%	1,812	1,916	84%	1,812	1,916	84%	1,812	1,916	84%	1,812	1,916	
Jr/Sr High Totals				4,992	4,890		4,992	4,890		4,992	4,890		4,992	4,890		4,992	4,890	
Senior High School Concurrency Service Areas																		
Antioch	High	9-12	85%	1,446	1,528	78%	1,446	1,528	78%	1,446	1,528	78%	1,446	1,528	78%	1,446	1,528	
Bayside	High	9-12	85%	2,335	1,948	83%	2,335	1,948	83%	2,335	1,948	83%	2,335	1,948	83%	2,335	1,948	
East Gate	High	9-12	85%	2,185	1,711	78%	2,185	1,711	78%	2,185	1,711	78%	2,185	1,711	78%	2,185	1,711	
Harborside	High	9-12	85%	2,314	1,858	80%	2,314	1,858	80%	2,314	1,858	80%	2,314	1,858	80%	2,314	1,858	
Madison	High	9-12	85%	2,317	2,181	94%	2,317	2,181	94%	2,317	2,181	94%	2,317	2,181	94%	2,317	2,181	
Marshall Island	High	9-12	85%	1,914	1,873	98%	1,914	1,873	98%	1,914	1,873	98%	1,914	1,873	98%	1,914	1,873	
Palm Bay High	High	9-12	85%	2,813	1,962	70%	2,813	1,962	70%	2,813	1,962	70%	2,813	1,962	70%	2,813	1,962	
Riverview	High	9-12	85%	1,878	1,767	94%	1,878	1,767	94%	1,878	1,767	94%	1,878	1,767	94%	1,878	1,767	
Seminole	High	9-12	85%	1,525	1,304	86%	1,525	1,304	86%	1,525	1,304	86%	1,525	1,304	86%	1,525	1,304	
Titusville	High	9-12	85%	1,872	1,531	82%	1,872	1,531	82%	1,872	1,531	82%	1,872	1,531	82%	1,872	1,531	
Vero	High	9-12	85%	2,276	2,018	89%	2,276	2,018	89%	2,276	2,018	89%	2,276	2,018	89%	2,276	2,018	
High Totals				32,378	27,885		32,378	27,885		32,378	27,885		32,378	27,885		32,378	27,885	
Schools of Choice (Not Concurrency Service Areas)																		
Freedom I	Elementary	K-6	100%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	
Greenway	Elementary	K-6	100%	569	490	86%	569	490	86%	569	490	86%	569	490	86%	569	490	
West Melbourne	Elementary	K-6	100%	618	552	90%	618	552	90%	618	552	90%	618	552	90%	618	552	
Edgewood	Jr/Sr High	7-12	80%	1,078	850	79%	1,078	850	79%	1,078	850	79%	1,078	850	79%	1,078	850	
West Blaine	Jr/Sr High	7-12	80%	1,204	852	71%	1,204	852	71%	1,204	852	71%	1,204	852	71%	1,204	852	
Schools of Choice				4,964	3,568		4,964	3,568		4,964	3,568		4,964	3,568		4,964	3,568	
Elementary Totals				82,187	69,468		82,187	69,468		82,187	69,468		82,187	69,468		82,187	69,468	

Notes

- Permanent and retableable FTE Capacity are based on the FTE database as of October 23, 2014.
- Student Membership for 2014-15 is based on actual enrollment as of the Fall FTE Count on October 10, 2014.
- Student Projections for 2015-16 to 2019-20 are calculated with the following inputs:
 - Demographic Schoolwide Enrollment Forecasting Estimation for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Broward County Local Government Jurisdictions
 - Broward County School Concurrency Student Generation Multiplier (SGM)
 - Fall FTE student addresses and corresponding geographic locations
 - Student Mobility Rate / Cohort Survival
 - Broward County Birth rates
 - The Adjusted Student Projections are then further modified for the following special circumstances:
 - New schools or new grades added to a school, attendance boundary changes, and program boundary changes
 - Grandfathered students. These are current students of a school re-designated to another school but allowed to remain at their current school. This is typically allowed for 6th, 8th, 11th and 12th grade students
 - In order to achieve a 100% Level of Service, Releasable Classrooms are assumed to add future student stations as necessary.
 - Elementary releasable classrooms = 18 student stations, Middle School releasable classrooms = 22 student stations, and High School releasable classrooms = 25 student stations
 - Releasable classrooms were added at Riviera Elementary, Terra Elementary, Melbourne High, and Hialeah High
 - In order to achieve a 100% Level of Service, a plan for redistricting in 2018-17 is assumed.
 - The redistricting plan involved 387 students from Coosa Jr/Sr High School are transferred to Space Coast Jr/Sr High School with 6th, 11th, and 12th grades grandfathered
- Other factors:
 - No additional permanent capacity is included
 - PK and AH enrollment was assumed to be constant
 - Current out-of-area attendance patterns are assumed to be constant

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Desmond K. Blackburn, Ph.D., Superintendent

FVI
~~III.A.2.~~
~~III.A.1.~~
IV.A.2.
Brevard Public Schools
THE FUTURE OF FLORIDA'S SPACE COAST

August 20, 2015

Ms. Robin Sobrino
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Imperial South Comprehensive Plan Amendment CPA-2015-2.1
School Impact Analysis – Capacity Determination CD-2015-08**

Dear Ms. Sobrino,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on August 10, 2015. The subject property consists of Parcel ID 26-37-19-00-00250.0-0000.00 (Tax ID 2606089), Parcel ID 26-37-19-00-00253.0-0000.00 (Tax ID 2606092), Parcel ID 26-37-19-00-00254.0-0000.00 (Tax ID 2606093), and Parcel ID 26-37-19-00-00265.0-0000.00 (Tax ID 2606105) containing approximately 30.7 acres in Unincorporated, District 4, Brevard County, Florida. Four Hundred Twenty-Five (425) multi-family dwelling units are planned for completion in 2017. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2015-16 to 2019-20 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2014-2015 to 2019-20* which is attached for reference.

Multi Family Homes		425	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	114.75	115
Middle	0.06	25.5	26
High	0.10	42.5	43
Total	0.43		184

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2014-15 to 2018-19**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	755	755	755	755	755
DeLaura Middle School	923	923	923	923	923
Viera High School	2,276	2,276	2,276	2,276	2,276

Projected Student Membership

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	629	602	590	584	573
DeLaura Middle School	700	727	775	779	834
Viera High School	2,018	1,979	1,994	2,023	2,135

Students Generated by Previously Issued SCADL Reservations

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	6	6	6	6	6
DeLaura Middle School	2	2	2	2	2
Viera High School	33	44	44	44	44

Cumulative Students Generated by the Imperial South CPA

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	-	-	115	115	115
DeLaura Middle School	-	-	26	26	26
Viera High School	-	-	43	43	43

**Total Projected Student Membership (includes
Cumulative Impact of the Imperial South CPA)**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	635	608	711	705	694
DeLaura Middle School	702	729	803	807	862
Viera High School	2,051	2,023	2,081	2,110	2,222

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Suntree Elementary	120	147	44	50	61
DeLaura Middle School	221	194	120	116	61
Viera High School	225	253	195	166	54

August 20, 2015
Page 3 of 3

At this time, there is projected to be sufficient capacity at every school level for the proposed Imperial South Comprehensive Plan Amendment.

This is a non-binding review. A **Concurrency Determination** must be performed by the School District prior to the issuance of a final development approval and Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



David G. Lindemann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2014-15 to 2019-20*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2015-08



Brevard County Public Schools Financially Feasible Plan to Achieve 100% Level of Service Data and Analysis for School Years 2014-15 to 2019-20

Summary			2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Maximum Utilization Elementary Schools			85%	86%	85%	80%	83%	85%
Maximum Utilization J / Sr High Schools			84%	85%	85%	87%	86%	85%
Maximum Utilization High Schools			87%	88%	88%	87%	86%	85%

School	Type	Grades	Utilization Factor	School Year 2014-15			School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20		
				FBH Capacity	2014-15 Membership	Total Capacity Utilization	Future FBH Capacity	Student Projection	Total Capacity Utilization	Future FBH Capacity	Student Projection	Total Capacity Utilization	Future FBH Capacity	Student Projection	Total Capacity Utilization	Future FBH Capacity	Student Projection	Total Capacity Utilization	Future FBH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Alden	Elementary	K-6	100%	729	633	85%	729	621	85%	729	632	87%	729	633	87%	729	630	86%			
Andrusen	Elementary	K-6	100%	854	714	84%	854	680	79%	854	712	83%	854	724	85%	854	788	92%			
Apple	Elementary	K-6	100%	558	513	92%	558	505	91%	558	502	90%	558	502	90%	558	502	90%			
Athens	Elementary	K-6	100%	323	318	98%	323	313	97%	323	306	95%	323	301	93%	323	306	95%			
Audubon	Elementary	K-6	100%	711	666	94%	711	680	96%	711	682	96%	711	692	99%	711	672	95%			
Cambridge	Elementary	K-6	100%	765	621	81%	765	620	81%	765	622	81%	765	621	81%	765	622	81%			
Cape View	Elementary	K-6	100%	398	343	86%	398	355	89%	398	348	87%	398	341	86%	398	348	87%			
Canal	Elementary	K-6	100%	751	679	90%	751	620	83%	751	618	82%	751	622	83%	751	610	81%			
Chaffee 7	Elementary	K-6	100%	501	436	87%	501	427	85%	501	424	85%	501	429	86%	501	446	89%			
Columbia	Elementary	K-6	100%	711	679	96%	711	670	94%	711	654	92%	711	649	91%	711	655	92%			
Covina	Elementary	K-6	100%	140	136	97%	140	132	94%	140	127	91%	140	128	91%	140	130	93%			
Coyle	Elementary	K-6	100%	1,154	1,036	90%	1,154	978	85%	1,154	978	85%	1,154	978	85%	1,154	1,000	87%			
Croft	Elementary	K-6	100%	795	653	82%	795	653	82%	795	639	80%	795	635	80%	795	648	81%			
Discovery	Elementary	K-6	100%	890	759	85%	890	714	79%	890	710	79%	890	701	79%	890	675	76%			
Endeavour	Elementary	K-6	100%	890	820	92%	890	818	92%	890	848	95%	890	854	96%	890	818	92%			
Enterprise	Elementary	K-6	100%	729	638	87%	729	528	72%	729	505	69%	729	478	66%	729	430	59%			
Fargham	Elementary	K-6	100%	753	668	89%	753	679	90%	753	679	90%	753	688	91%	753	680	90%			
Gannett	Elementary	K-6	100%	711	625	88%	711	475	67%	711	450	63%	711	420	59%	711	432	61%			
Geoffrey	Elementary	K-6	100%	681	612	89%	681	591	87%	681	577	85%	681	574	84%	681	571	84%			
Harbor City	Elementary	K-6	100%	629	490	78%	629	490	78%	629	393	62%	629	278	44%	629	383	61%			
Holland	Elementary	K-6	100%	605	530	88%	605	430	71%	605	431	71%	605	438	72%	605	485	79%			
Imperial Estates	Elementary	K-6	100%	729	688	94%	729	688	94%	729	659	90%	729	648	89%	729	638	87%			
Joynt	Elementary	K-6	100%	795	684	86%	795	650	82%	795	648	82%	795	619	78%	795	622	78%			
Lanier	Elementary	K-6	100%	854	773	91%	854	713	83%	854	717	84%	854	717	84%	854	717	84%			
Lingle	Elementary	K-6	100%	790	642	81%	790	542	69%	790	557	71%	790	631	80%	790	631	80%			
Manatee	Elementary	K-6	100%	950	834	88%	950	640	67%	950	655	69%	950	643	68%	950	648	68%			
McCallie	Elementary	K-6	100%	818	723	88%	818	723	88%	818	718	88%	818	726	89%	818	735	90%			
Meacham Intermediate	Elementary	K-8	100%	1,114	977	88%	1,114	1,000	90%	1,114	1,000	90%	1,114	1,044	94%	1,114	1,040	94%			
Meacham Primary	Elementary	K-2	100%	824	622	75%	824	622	75%	824	666	81%	824	677	82%	824	688	84%			
Mia	Elementary	K-6	100%	707	643	91%	707	487	69%	707	503	71%	707	501	71%	707	487	69%			
Mims	Elementary	K-6	100%	729	608	83%	729	608	83%	729	589	81%	729	558	77%	729	522	72%			
Oak Park	Elementary	K-6	100%	688	622	90%	688	622	90%	688	622	90%	688	622	90%	688	622	90%			
Ocean Breeze	Elementary	K-6	100%	854	513	60%	854	513	60%	854	502	59%	854	502	59%	854	502	59%			
Palm Bay Elem.	Elementary	K-6	100%	1,005	854	85%	1,005	854	85%	1,005	871	87%	1,005	878	88%	1,005	888	89%			
Panorama	Elementary	K-6	100%	503	432	86%	503	432	86%	503	432	86%	503	432	86%	503	432	86%			
Port Malabar	Elementary	K-6	100%	854	710	83%	854	652	76%	854	652	76%	854	652	76%	854	652	76%			
Quest	Elementary	K-6	100%	628	514	82%	628	483	77%	628	483	77%	628	477	76%	628	477	76%			
Rivers	Elementary	K-6	100%	777	727	94%	777	743	96%	777	743	96%	777	740	95%	777	740	95%			
Rosevelt	Elementary	K-6	100%	586	518	88%	586	478	82%	586	478	82%	586	470	80%	586	470	80%			
Sabal	Elementary	K-6	100%	790	622	79%	790	622	79%	790	622	79%	790	622	79%	790	622	79%			
Satum	Elementary	K-6	100%	890	749	84%	890	749	84%	890	748	84%	890	748	84%	890	748	84%			
Sea Park	Elementary	K-6	100%	439	356	81%	439	351	80%	439	351	80%	439	351	80%	439	351	80%			
Shenandoah	Elementary	K-6	100%	608	544	90%	608	544	90%	608	544	90%	608	544	90%	608	544	90%			
Surfside	Elementary	K-6	100%	890	814	91%	890	814	91%	890	812	91%	890	815	92%	890	815	92%			
Surfside	Elementary	K-6	100%	755	602	80%	755	602	80%	755	602	80%	755	602	80%	755	602	80%			
Surfside	Elementary	K-6	100%	479	445	93%	479	445	93%	479	445	93%	479	445	93%	479	445	93%			
Tropical	Elementary	K-6	100%	818	700	85%	818	700	85%	818	700	85%	818	700	85%	818	700	85%			
Tomer	Elementary	K-6	100%	874	754	86%	874	754	86%	874	754	86%	874	754	86%	874	754	86%			
University Park	Elementary	K-6	100%	811	652	80%	811	652	80%	811	652	80%	811	652	80%	811	652	80%			
Windside	Elementary	K-6	100%	807	779	97%	807	779	97%	807	779	97%	807	779	97%	807	779	97%			
Winton	Elementary	K-6	100%	715	618	86%	715	518	73%	715	555	78%	715	485	68%	715	485	68%			
Elementary Totals				46,533	37,559	81%	46,533	37,878	81%	46,533	38,148	82%	46,533	38,723	83%	46,533	39,127	84%	46,533		

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This Instrument Prepared By
And To Be Returned To:
Kim Rezanka, Esquire
DEAN MEAD
7380 Murrell Road, Suite 200
Melbourne, Florida 32940
(321) 259-8900

FYI
IV.A.2.
Imperial South

DRAFT

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this ____ day of _____, 2016, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County"), BBGL LAND, LLC (hereinafter referred to as "Developer") and IMPERIAL SOUTH, INC. ("Owner").

RECITALS

WHEREAS, 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 desires to develop the property as multi-family apartments and has requested the RU-2-15 zoning classification, pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property as apartments, Developer and Owner wish to mitigate potential negative impacts 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/Owner, their 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. The Developer/Owner shall provide a six (6) foot high fence a ten (10) foot wall long the eastern boundary of the Property, from the retention pond north along the adjacent property zoned IU and IU-1, as reflected on Exhibit "B", as well as along with Class "A" vegetative buffer on that boundary.
3. The Developer/Owner shall include in the apartment lease agreement a notification that the Property to the east is zoned industrial and may be used for asphalt and/or concrete production and mixing.

4. The Developer and Owner acknowledge that the property to the east is zoned IU and IU-1 ("adjacent property"), and agrees that it shall not object to any use of the adjacent property that is a permitted or conditional use, so long as the adjacent property is in compliance with all County Ordinances.

5. The Developer and 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 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.

6. The Developer and Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

7. 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.

8. 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.

9. 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.

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IN WITNESS THEREOF, the parties hereto have caused these presents to the 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, Florida 32940

Scott Ellis, Clerk
(SEAL)

James Barfield, Chairperson
As approved by the Board on _____

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by James Barfield, Chairperson of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

SEAL
Commission No.: _____

(Name typed, printed or stamped)

WITNESSES:

BBGL LAND, LLC, Developer
250 North Orange Avenue
Suite 1500
Orlando, FL 32801

(Witness Name typed or printed)

By: _____
Title: _____

(Witness Name typed or printed)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as _____ for BBGL LAND, LLC, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

SEAL
Commission No.: _____

WITNESSES:

(Witness Name typed or printed)

(Witness Name typed or printed)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as _____ for IMPERIAL SOUTH, INC., who is personally known to me or who has produced _____ as identification.

My Commission Expires:

SEAL
Commission No.: _____

Notary Public

(Name typed, printed or stamped)

IMPERIAL SOUTH, INC., Owner
C/o Imperial Sterling, Ltd.
287 Bowman Avenue, 2nd Floor
Purchase, NY 10577-2598

By: _____
Title: _____

Notary Public

(Name typed, printed or stamped)

Exhibit A
Legal Description of the Land

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; THENCE PROCEED SOUTH 89 DEGREES 16 MINUTES 29 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 379.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD (100' RIGHT-OF-WAY) AND THE POINT OF BEGINNING; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2394.19 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2555, PAGE 443 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 474.46 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2852, PAGE 109 OF SAID COUNTY; THENCE PROCEED NORTH 01 DEGREE 01 MINUTE 08 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 450.00 FEET; THENCE PROCEED SOUTH 87 DEGREES 34 MINUTES 44 SECONDS EAST A DISTANCE OF 22.19 FEET; THENCE PROCEED NORTH 02 DEGREES 25 MINUTES 15 SECONDS EAST A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 3116, PAGE 3884 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 347.17 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3493, PAGE 2697 OF SAID COUNTY; THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 202.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 260.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF WICKHAM ROAD (RIGHT-OF-WAY VARIES); THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 659.45 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1006.60

FEET, A CENTRAL ANGLE OF 35 DEGREES 56 MINUTES 01 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 18 DEGREES 07 MINUTES 17 SECONDS WEST, 621.00 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 631.30 FEET TO THE POINT OF TANGENCY; THENCE PROCEED NORTH 36 DEGREES 05 MINUTES 18 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1365.34 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 1382.40 FEET, A CENTRAL ANGLE OF 01 DEGREES 11 MINUTES 37 SECONDS AND A CHORD BEARING AND

DISTANCE OF NORTH 35 DEGREES 29 MINUTES 30 SECONDS WEST, 28.80 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.80 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED NORTH 80 DEGREES 32 MINUTES 04 SECONDS EAST A DISTANCE OF 977.85 FEET TO THE AFORESAID WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1065.12 FEET TO THE POINT OF BEGINNING.

Less and except:

Commence at the Southeast Corner of Section 13, Township 26 South, Range 36 East, Brevard County, Florida; thence run $S88^{\circ}53'28''W$ along the South Line of said Section 13, a distance of 56.86 feet; thence run $S53^{\circ}54'42''W$, a distance of 207.50 feet to a point on the Easterly Right of Way Line of Wickham Road; thence run $N36^{\circ}05'18''W$ along said Easterly Right of Way Line, a distance of 800.00 feet for the Point of Beginning; thence continue $N36^{\circ}05'18''W$ along said Easterly Right of Way Line, a distance of 366.05 feet to the beginning of a curve, concave to the Northeast, having a radius of 1382.40 feet; thence continue Northwesterly along the arc of said curve and Easterly Right of Way Line through a central angle of $01^{\circ}11'36''$, an arc distance of 28.79 feet; thence run $N80^{\circ}32'04''E$ along the South Line of those lands described in Official Records Book 6772, Pages 146 thru 162, Public Records of Brevard County, Florida, a distance of 585.81 feet; thence run $S36^{\circ}05'18''E$, a distance of 132.33 feet; thence run $S53^{\circ}54'42''W$, a distance of 524.00 feet to the Point of Beginning.

Less and except:

Commence at the Southeast Corner of Section 13, Township 26 South, Range 36 East, Brevard County, Florida; thence run $S88^{\circ}53'28''W$ along the South Line of said Section 13, a distance of 56.86 feet for the Point of Beginning; thence run $N53^{\circ}54'42''E$, a distance of 432.09 feet to a point on the Westerly Right of Way Line of the Florida East Coast Railroad, a 100 foot wide Right of Way; thence run $N18^{\circ}50'32''W$ along said Westerly Right of Way Line, a distance of 792.27 feet; thence run $S80^{\circ}32'04''W$ along the South Line of those lands described in Official Records Book 6772, Pages 146 thru 162, Public Records of Brevard County, Florida, a distance of 392.04 feet; thence run $S36^{\circ}05'18''E$, a distance of 132.33 feet; thence run $S53^{\circ}54'42''W$, a distance of 524.00 feet to a point of the Easterly Right of Way Line of Wickham Road; thence run $S36^{\circ}05'18''E$ along said Easterly Right of Way Line, a distance of 800.00 feet; thence run $N53^{\circ}54'42''E$, a distance of 207.50 feet to the Point of Beginning.

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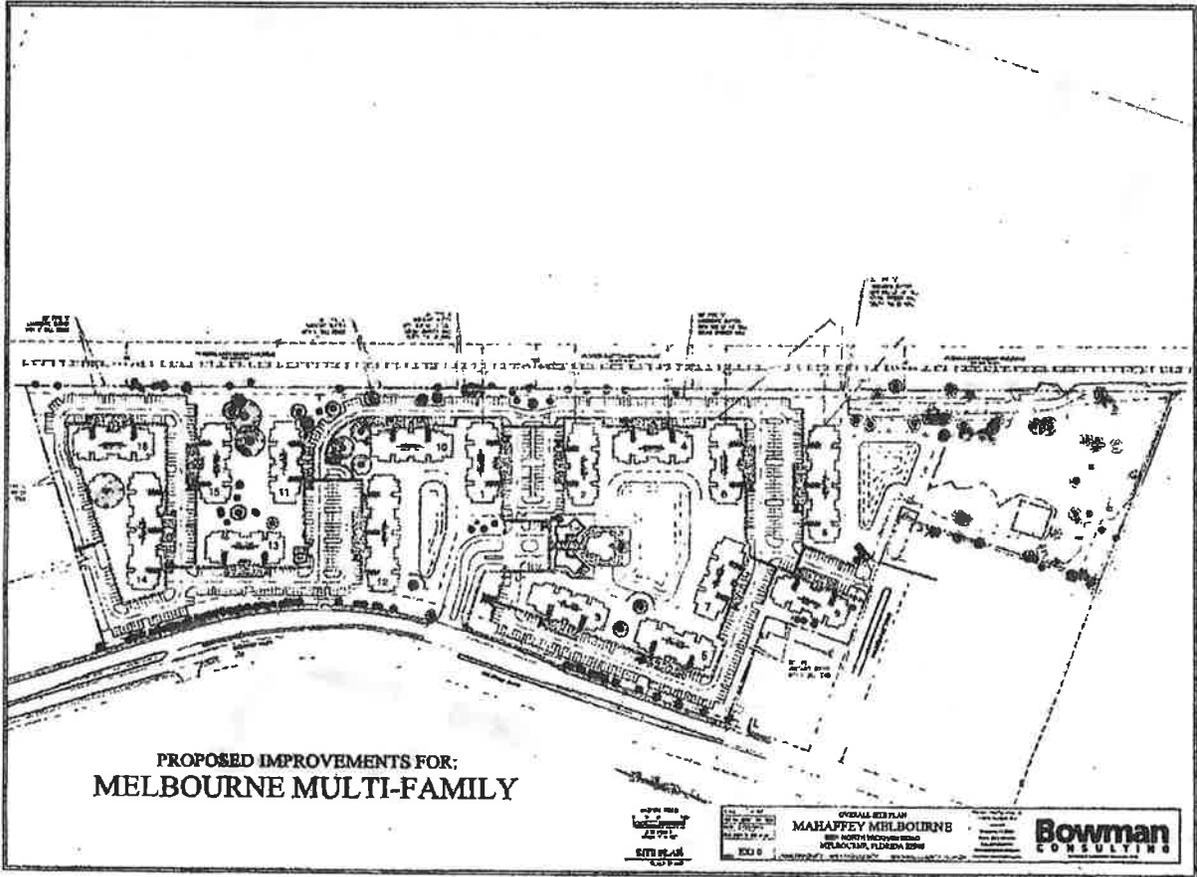


EXHIBIT "B"

The Environmental Impact of Asphalt Plants



**NATIONAL ASPHALT
PAVEMENT ASSOCIATION**

Hundreds of communities across the country coexist peacefully with asphalt plants. These facilities are in urban, suburban, and rural areas, and most of them are known as good neighbors who are engaged with their community and dedicated to sustainable operations.

However, there is a lot of misleading and often daunting information about asphalt plants and asphalt products. Therefore, it's important to understand what's fact, what's fiction, and what the differences are between different types of asphalt products.

As with any industrial facility, it's helpful to understand what happens behind the gates at an asphalt plant. This paper provides basic information about what happens at an asphalt plant including how it impacts your neighborhood, the community, and the environment.

Well Regulated by the U.S. EPA

Asphalt plants, or more accurately asphalt pavement mixing facilities, are industrial operations that mix liquid asphalt binder (also called asphalt cement) with crushed rock, gravel, and sand (collectively called aggregates) to make pavement. Asphalt binder, the glue that binds the aggregates together, is one of many distilled products obtained from the oil refining process. Similar to other refined oils, such as lubricating oils, asphalt binder is processed to meet defined standards. Some mixes also require additives, which can

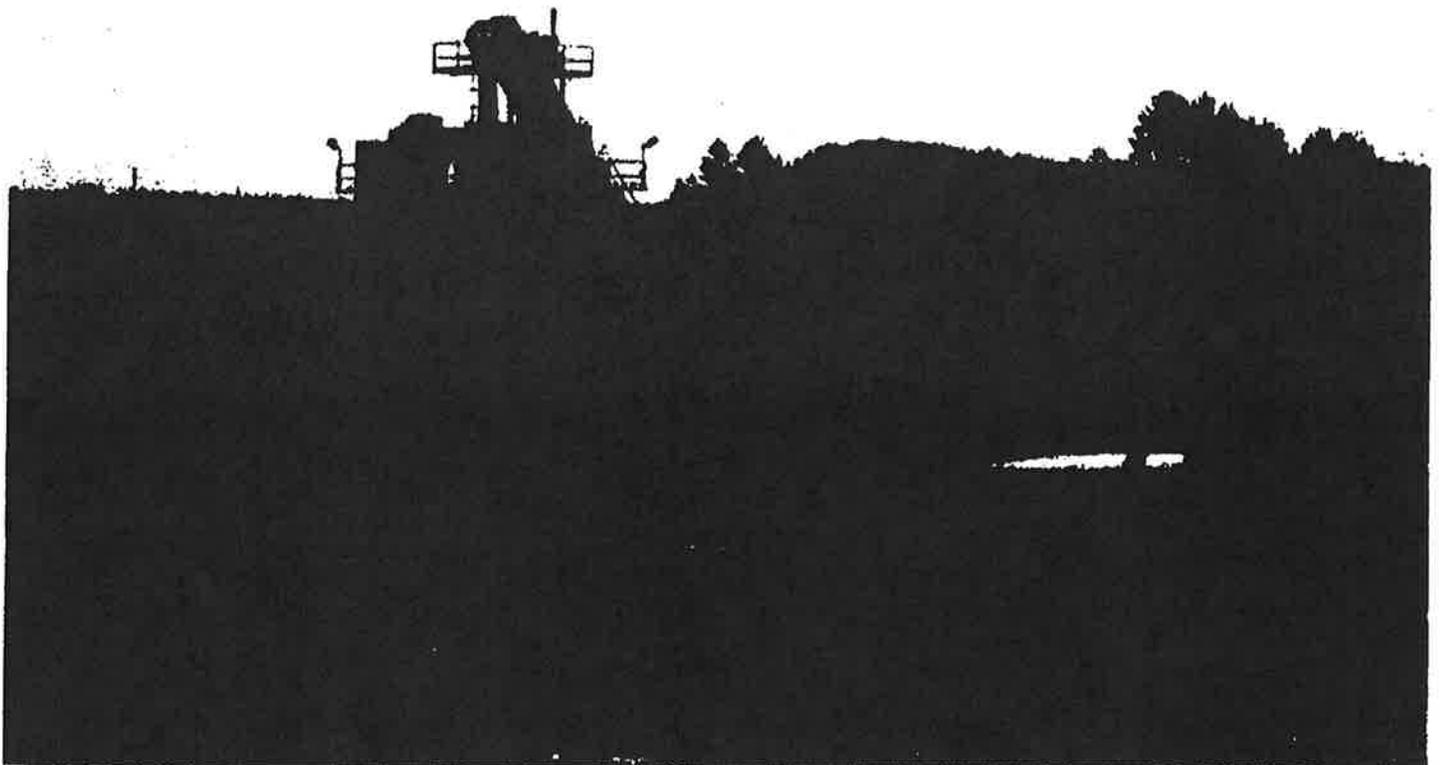
range from chemicals that improve mix performance to natural fibers that strength specialty mixes. The use and storage of these materials is carefully monitored and regulated.

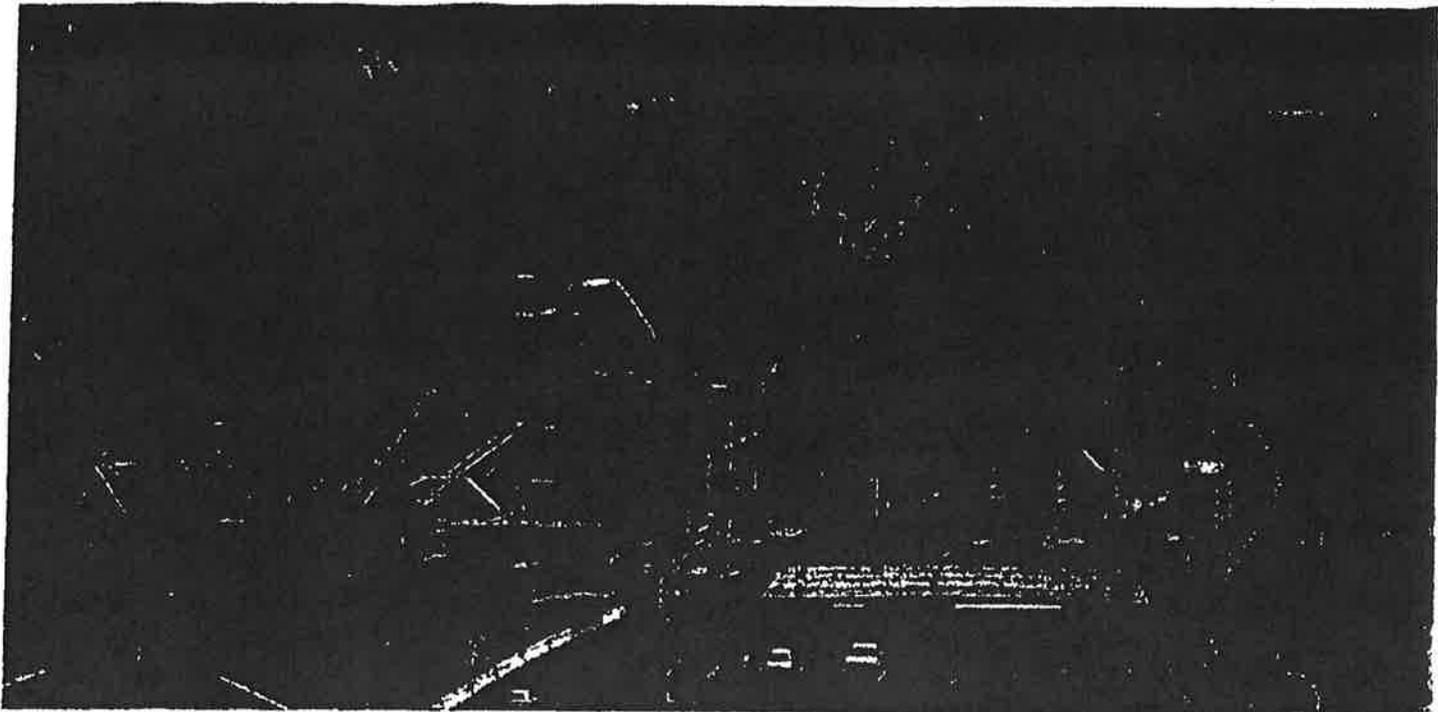
Asphalt pavement mixing facilities are well-regulated by federal and state environmental agencies, and they employ multiple emission control systems. The small amount of emissions released from these control systems are closely monitored to ensure they stay well below any permitted level set by the U.S. Environmental Protection Agency (EPA) and other regulators to ensure that they pose no health or environmental risk to nearby communities.

In fact, over a decade ago, the EPA reviewed emissions from asphalt plants and determined that such facilities are not a major source of air pollution and were subsequently delisted by the agency.¹ Subsequent studies by various regulatory agencies have verified that emissions from asphalt pavement mixing facilities do not present an environmental or public health hazard.

Emissions — Very Low and Getting Lower

The majority of emissions at asphalt mixing facilities come from the combustion of fuel, such as natural gas, that are used to dry and heat the rock or aggregate and to keep the temperature of the asphalt hot. Most of the other potential emissions, such as the dust gener-





ated during the drying of aggregate, are captured by baghouse filters or similar controls and never released to the environment.

At times, there may be noticeable emissions coming from an asphalt plant's stack, but in almost all circumstances this is just steam — the loss of water vapor from the drying of aggregate at high temperatures.

Sometimes odors from the heated materials may also emanate from an asphalt plant. Although they may be noticeable, these odors pose no danger to either plant personnel or to the communities in which a plant operates. A noticeable odor does not indicate a health hazard; there are many instances of natural and man-made odors that are noticeable, but not harmful — skunks, dairy farms, garlic, and marshlands to name but a few. Asphalt plant odors are not harmful.

A 2001 study² compared emissions from an asphalt plant to emissions from other common community and industrial sources. The study found that the low annual emissions from an asphalt plant are equivalent or well below many other common sources:

- Similar volatile organic compound (VOC) emissions from one bakery operating for about two weeks or from 13 residential fireplaces over the course of a year
- Less than six months' worth of toluene emissions from an automotive gasoline filling station

Since 1970, the asphalt pavement industry has documented a decrease in total stack emissions of 97%, while increasing pavement production by 250%.

In an effort to further reduce an asphalt plant's environmental footprint, a number of technological advances have been pursued and implemented by the asphalt pavement industry over the past 10 years. These advances have helped reduce the amount of energy needed to make asphalt pavements and have expanded the use of recycled materials in asphalt pavements,

resulting in dramatic and well-documented reductions in the carbon footprint of asphalt pavements.

The fact is, asphalt pavements have a very small carbon footprint compared to other pavement materials.³ In addition, the U.S. Department of Energy recognizes asphalt as a top material for sequestering carbon.⁴

Not All Asphalt Is the Same

When examining regulations and health information regarding asphalt, it is important to note that the word *asphalt* (or its European name *bitumen*) is used for multiple products that are produced and used in different ways. Asphalt pavement material (sometimes called asphalt concrete) is not the same thing as roofing asphalt, and it is unrelated to coal tar.

Each of these materials has different components, properties, and is used at different temperatures, which results in very different potentials for emissions. The asphalt pavement industry has spent decades advancing technology that reduces the temperature needed to produce asphalt pavement, thereby minimizing and eliminating those emissions.

100% Recyclable and Inert

Asphalt pavement is the most recycled material in the U.S. Not only recyclable, it can be reused over and over again in new asphalt pavement mixes. Recycled or reclaimed asphalt pavement (RAP) contains old asphalt binder and aggregates that can replace virgin material requirements. The old asphalt binder is reactivated, replacing part of the binder required in a new mix, just as the old aggregate becomes part of the aggregate content of the new pavement. About 80 million tons of asphalt pavement is reclaimed each year, and over 99% of that total is reused or recycled.

Asphalt is also inert. No materials are leached from the pavement itself (because it is waterproof). In fact, a number of drinking water reservoirs and fish hatcher-

ies are lined with asphalt.⁵ Although vehicle emissions like grease and oil may be deposited on roadways over time, emissions and leachate from RAP stockpiles have been found to be practically nonexistent. The EPA recognizes that RAP piles are unlikely to cause fugitive dust problems⁶ and can actually be used to reduce dust from unpaved roads. Numerous studies have documented that leachate or runoff from RAP storage is not a problem,^{5,7} and RAP is commonly used as clean fill material in highway construction.

In addition to reclaimed asphalt pavements, materials from other industries are routinely recycled into asphalt pavements, including rubber from used tires, glass, asphalt roofing shingles, and blast furnace slag. Recycling of asphalt pavement and asphalt roofing shingles conserves more than 21 million barrels of liquid asphalt binder annually.

Busy Places and Controlled Traffic

Although asphalt plants don't take up a large amount of real estate, they do contain a lot of equipment and are busy places to work. From the street, visible equipment may include large silos used to store the finished pavement material, big pieces of environmental-control equipment to filter out stack emissions, and many stockpiles of raw materials, including sand, rocks, reclaimed asphalt pavement, and other recycled materials.

Asphalt plants also contain tanks that store both fuel and liquid asphalt. The EPA and other environmental agencies closely regulate these tanks to ensure that they don't rupture, and there are adequate protection systems and safeguards in place to prevent any discharge in the unlikely event of a leak.

Other pieces of large equipment include the aggregate dryer drum, which is used to warm and remove moisture from the aggregate before the materials are

all mixed together in a large mill. The final finished pavement material is then stored in on-site silos for short periods of time before it is loaded into trucks to be taken out to a job site.

Truck traffic to and from a plant can be heavy, particularly during the summer months when road repair and construction are greatest. To ensure that the asphalt mix reaches the paving site at the proper temperature to ensure quality, plants and paving companies aim to manage truck traffic carefully to minimize delays at the plant or the paving site. Proximity to roadway work sites also plays a role in deciding where a new or temporary plant should be placed.

Asphalt Plants Benefit the Community

Asphalt plants are good neighbors, who are active in their community. They offer opportunities for local employment, and often contribute to community events with volunteers and financial donations. Many asphalt plants are family-owned and -operated and have been an important part of their community for decades.

Essential to Our Nation's Infrastructure

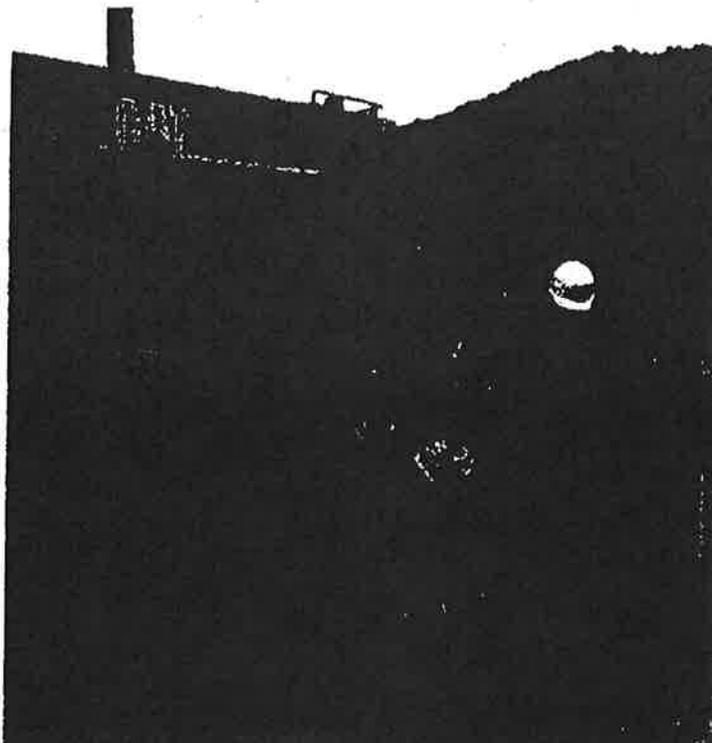
Asphalt pavements have been produced since the late 1800s — in fact, naturally occurring asphalt has been used for thousands of years as a waterproofing agent. Asphalt plants are an important link in the nation's transportation infrastructure.

Today, more than 94% of the nation's 2 million miles of paved streets and highways are surfaced with asphalt. That's because state and federal highway departments have long known that asphalt pavements are smooth, cost-effective to construct and maintain, exceptionally durable, environmentally friendly, and 100% recyclable.

In addition, asphalt pavements can provide solutions for multiple forms of transportation, including walking trails, cycle tracks, bus rapid transit lanes, and airport runways. And specialty pavement mixes, such as porous asphalt, are an important option for stormwater management.

References

- 1 EPA (2002). "National Emission Standards for Hazardous Air Pollutants: Revision of Source Category List Under Section 112 of the Clean Air Act." *Federal Register*, Vol. 67, No. 29, pp. 6521-6536. <http://www.gpo.gov/fdsys/pkg/FR-2002-02-12/pdf/02-3348.pdf>
- 2 Connolly, U. (2001). "Clearing the Air." *Hot Mix Asphalt Technology*, Vol. 6, No. 4, pp. 21-22. http://www.flexiblepavements.org/sites/www.flexiblepavements.org/files/clean_air_2_pg_article.pdf
- 3 APA (2010). *Carbon Footprint: How Does Asphalt Stack Up?*. Asphalt Pavement Alliance, Lanham, Maryland. http://asphaltroads.org/images/documents/carbon_footprint_web.pdf
- 4 EIA (2009). *Emissions of Greenhouse Gases in the United States 2008*. Report DOE/EIA-0573(2008). U.S. Energy Information Administration, U.S. Department of Energy. [http://www.eia.gov/oiat/1605/ggrpt/pdf/0573\(2008\).pdf](http://www.eia.gov/oiat/1605/ggrpt/pdf/0573(2008).pdf)
- 5 APA (2011). *Cleaner Water With Asphalt*. Asphalt Pavement Alliance, Lanham, Maryland. <http://asphaltroads.org/images/documents/cleanerwater.pdf>
- 6 Eastern Research Group (1996). *Preferred and Alternative Methods for Estimating Air Emissions From Hot-Mix Asphalt Plants, Final Report*, Vol. II, Ch. 3. U.S. Environmental Protection Agency, Washington, D.C. <http://www.epa.gov/ttnchie1/eiip/techreport/volume02/il03.pdf>
- 7 Townsend, T.G., and A. Brantley (1998). *Leaching Characteristics of Asphalt Road Waste*. Florida Center for Solid and Hazardous Waste Management, University of Florida, Gainesville, Florida. http://www.hinkleycenter.com/Images/stories/publications/townsend_98-2.pdf



Asphalt Plants

Know The Facts



**NATIONAL ASPHALT
PAVEMENT ASSOCIATION**

The National Asphalt Pavement Association (NAPA), founded in 1955, represents more than 1,100 asphalt producers, paving contractors, and affiliated businesses that build the network of roads so critical to the American economy. The asphalt pavement industry has a long history of working with regulatory authorities and federal agencies to develop and promote innovations that enhance the sustainability of asphalt pavements, improve worker safety, protect the environment, and save taxpayers money.

- ◆ There are approximately 3,500 asphalt plants in the U.S. The industry supports, directly or indirectly, 260,000 American jobs that cannot be exported overseas.
- ◆ Of the 2.6 million miles of paved roads in the U.S., 94% are surfaced with asphalt.
- ◆ Asphalt pavement is a precisely engineered product composed of 95 percent aggregates (stone, sand, and gravel), and 5 percent asphalt cement, a petroleum product.
- ◆ Asphalt plants are well-regulated by the EPA and other state and federal regulatory agencies.
- ◆ In 2002, the EPA officially delisted asphalt plants as a major source of air pollution.
- ◆ Asphalt is 100% reusable, and is the most reused and recycled product in the U.S.
- ◆ Asphalt plant emissions are very low and getting lower due to innovative control systems and manufacturing technology.
- ◆ From time-to-time, odors may emanate from an asphalt plant — while noticeable, these odors pose no danger to plant personnel or the communities in which a plant operates.
- ◆ Asphalt binder recycled from old pavements and roofing shingles replaces more than 21 million barrels of oil per year, saving American taxpayers more than \$2.2 billion annually.
- ◆ Not all asphalt is the same: Asphalt pavement is different from roofing asphalt and other asphalt products. It has different components, properties, and is used at different temperatures, which results in very different potential emissions. Asphalt cement is unrelated to coal tar.
- ◆ Asphalt is inert; it does not leach materials. Recycled or reclaimed asphalt pavement (RAP) is likewise inert.
- ◆ Storage silos and tanks on a plant's property are highly regulated to ensure they are well-maintained, and redundant protection systems and safeguards are in place to prevent accidental material release.
- ◆ Asphalt plants are good neighbors. If there is a concern, the first step is to contact the plant owner or operator.

AUTOMATIC
TABLING
REQUEST

Jones, Jennifer

From: Fox, Cynthia C
Sent: Thursday, November 19, 2015 4:22 PM
To: Jones, Jennifer
Subject: FW: Imperial South, Inc.: Plan Amendment 2015-2.1 and Rezoning 15PZ-0056

From: Kim Rezanka [<mailto:KRezanka@deanmead.com>]
Sent: Thursday, November 19, 2015 1:37 PM
To: Fox, Cynthia C
Cc: narrconstructionservices@gmail.com; 'Erik Juliano' (ejuliano@bowmanconsulting.com)
Subject: Imperial South, Inc.: Plan Amendment 2015-2.1 and Rezoning 15PZ-0056

Ms. Fox:

On behalf of Imperial South, LLC, I am requesting a continuance of the above-referenced matters from the County Commission Meeting of December 3, 2015 to the County Commission Meeting of February 4, 2016.

Please advise if you require any additional information, and whether I need to attend in person on December 3rd.

Thank you for your consideration.

Sincerely,
Kim Rezanka

	Kimberly Bonder Rezanka Shareholder KRezanka@deanmead.com
Dean Mead 7380 Murrell Rd, Suite 200 Viera, Florida 32940 321-259-8900 · Fax 321-254-4479 www.deanmead.com Orlando Fort Pierce Gainesville Tallahassee Tampa Viera/Melbourne	

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R - 0098

Jones, Jennifer

From: Jones, Jennifer
Sent: Friday, November 20, 2015 9:34 AM
To: Marine, Mark (Preferred Materials) (Mark.Marine@preferredmaterials.com)
Subject: FW: Imperial South, Inc.: Plan Amendment 2015-2.1 and Rezoning 15PZ-0056

Good morning, Mark

We've received an 'automatic' tabling request from the Imperial South applicant. The item will NOT be heard on December 3rd. It will instead be heard on February 4, 2016. If you have any questions, feel free to contact me.

Jennifer Jones
Brevard County
Planning and Development Dept.

From: Fox, Cynthia C
Sent: Thursday, November 19, 2015 4:22 PM
To: Jones, Jennifer
Subject: FW: Imperial South, Inc.: Plan Amendment 2015-2.1 and Rezoning 15PZ-0056

From: Kim Rezanka [<mailto:KRezanka@deanmead.com>]
Sent: Thursday, November 19, 2015 1:37 PM
To: Fox, Cynthia C
Cc: narrconstructionservices@gmail.com; 'Erik Juliano' (ejuliano@bowmanconsulting.com)
Subject: Imperial South, Inc.: Plan Amendment 2015-2.1 and Rezoning 15PZ-0056

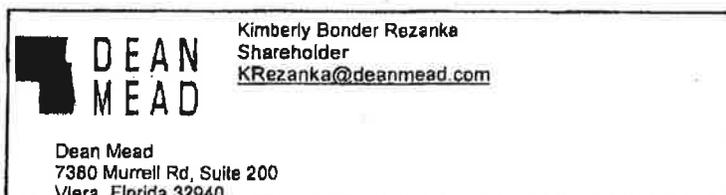
Ms. Fox:

On behalf of Imperial South, LLC, I am requesting a continuance of the above-referenced matters from the County Commission Meeting of December 3, 2015 to the County Commission Meeting of February 4, 2016.

Please advise if you require any additional information, and whether I need to attend in person on December 3rd.

Thank you for your consideration.

Sincerely,
Kim Rezanka



321-259-8900 · Fax 321-254-4479

www.deanmead.com

Orlando | Fort Pierce | Gainesville | Tallahassee | Tampa | Viera/Melbourne

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Submitted a 2/4/16
BCC Mtg by applr

FYI
Imperial
South
IV.A.2.

**Brevard County
Board of County Commissioners
Meeting of February 4, 2016**

IV.A.1 (15PZ00056)

Change of Land Use from PIP to RE-2-15 on 30.7 acres

IV. C. (Plan Amendment 2015-2.1)

Land Use Change from Planned Industrial Park to Residential 15

**- PRESENTED ON BEHALF OF -
Imperial South, Inc./Applicant**

KIMBERLY BONDER REZANKA, ESQ.
DEAN MEAD
ATTORNEYS AT LAW
SUITE 200
7380 MURRELL ROAD
VIERA, FL 32940

**LOCAL PLANNING AGENCY
AGENDA and PLANNING & ZONING BOARD
MONDAY, July 20, 2015, at 3:00 p.m.**

at the

**BREVARD COUNTY GOVERNMENT CENTER
2725 Judge Fran Jamieson Way
Bldg. C, Commission Room
Viera, Florida**

LPA AGENDA:

1. Development Order Amendment for the Viera Development of Regional Impact pursuant to Chapter 380.06(19)(e)2., Florida Statutes.

LPA Recommendation: Barber/Lawandales – Approved. Vote was 9:1, with Thodey voting nay.

2. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of the Fall Plan Amendment Cycle 2015-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

a. Plan Amendment 2015- 2.1 - a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 15 for approximately 30.7 acres located on the east side of Wickham Road at the south east intersection of Jordan Blass Drive.

LPA Recommendation: Lawandales/Moia – Approved. Vote was unanimous.

P&Z AGENDA:

THE FOLLOWING ITEM WAS TABLED FROM THE JULY 6, 2015, P&Z MEETING

DISTRICT 2

III.B.5. (15PZ00022) – LINDA E. SPAIN, TRUSTEE – (Lisa Frazier) - requests a change of classification from SEU to AU, on 4.08 acres, located on the west side of N. Tropical Trail, approx. 460 ft. south of Indianola Dr. (2105 N. Tropical Trail, Merritt Island)

P&Z Recommendation of 07/20/15: Thodey/Aydelotte – Approved with a BDP as follows: 1.) No commercial retail operation on the property. Wholesale of commodities may be allowed but may not include on premise signage advertising hours of operation and products. Wholesale transactions will allow no more than two transactions per day on the property. 2.) No structures for the large scale commercial packing, processing, and sales of commodities raised on the premises will be constructed on the property. 3.) No more than six (6) livestock animals at one time (horses, cows, pigs, goats, etc.) Vote was unanimous.

BCC ACTION: BCC ACTION: Barfield/Smith – APPROVED with a Binding Development Plan as follows: 1.) No commercial retail operation on the property. Wholesale of commodities may be allowed but may not include on premise signage advertising hours of operation and products. Wholesale transactions will allow no more than two transactions per day on the property. 2.) No structures for the large scale commercial packing, processing, and sales of commodities raised on the premises will be constructed on the property. 3.) No more than six (6) livestock animals at one time (horses, cows, pigs, goats, etc.) Vote was unanimous. **BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.**

LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency convened as the Planning and Zoning Board and met in regular session on Monday, July 20, 2015, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Clyde Thodey; Peter Aydelotte; Andy Barber; Rochelle Lawandales; Bruce Moia; Robert LaMarr; Loretta Goggin; Richard Charbonneau; and Ron Bartcher

Staff members present were: Morris Richardson, Assistant County Attorney; Steve Swanke, Program Manager; Cindy Fox, Zoning Manager; and Jennifer Jones, Special Projects Coordinator II

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

Henry Minneboo – This is the LPA, which is an advisory board to the Board of County Commissioners, and they'll ultimately have the final decision on each and every item that we review today. Item 1 will be heard tomorrow at 9:00 a.m. Item 2 will be heard by the County Commissioners at 9:00 a.m. on August 4th. Item III.B.5. is scheduled to be heard by the County Commission on Thursday, August 6th, at 5:00 p.m. Did everybody have a chance to look at the LPA minutes from May 18th?

Rochelle Lawandales – Move for approval.

Robert LaMarr – Second.

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

Henry Minneboo – On Item III.B.5., didn't we say we were going to make that first at the LPA? I'm thinking that's what we agreed upon. Is that going to be the first?

Cindy Fox – If you'd like to hear it first that would be fine.

Henry Minneboo – I thought that's what we did.

P&Z AGENDA:

THE FOLLOWING ITEM WAS TABLED FROM THE JULY 6, 2015, P&Z MEETING

III.B.5. (15PZ00022) – LINDA E. SPAIN, TRUSTEE – (Lisa Frazier) - requests a change of classification from SEU to AU, on 4.08 acres, located on the west side of N. Tropical Trail, approx. 460 ft. south of Indianola Dr. (2105 N. Tropical Trail, Merritt Island)

P&Z Recommendation: Thodey/Aydelotte – Approved with a BDP limited to no commercial retail operation on the property, no structures for the large-scale commercial packing, processing, and sales of commodities raised on the premises will be constructed on the property, and no more than six (6) livestock animals at one time (horses, cows, pigs, goats, etc.). Vote was unanimous.

Cindy Fox – Board, if you remember, we went away from the last meeting stating that we would work out a binding development plan, per the board's instructions. We did receive one and it was distributed to the board.

Clyde Thodey – Mr. Chairman, aren't you going to have to close the LPA and open up the P&Z?

Henry Minneboo – Basically, yes, we will do that. I guess we'll close the LPA, is that right, Morris?

Morris Richardson – Actually, as long as when you make any motion on it, as long as you indicate that you're sitting as the P&Z board that will be fine.

Rochelle Lawandales – I second.

Henry Minneboo called for a vote on the motion as stated, and it passed 9:1, with Clyde Thodey voting nay.

2. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of the Fall Plan Amendment Cycle 2015-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

a. Plan Amendment 2015- 2.1 - a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 15 for approximately 30.7 acres located on the east side of Wickham Road at the south east intersection of Jordan Blass Drive.

Cindy Fox – This is the ordinance presenting the Fall Plan Amendment Cycle of 2015-2.

Henry Minneboo – Who is representing this?

Cindy Fox – This is a private application, Imperial South Inc. This is just the transmittal package. You will see a final adoption when it comes back, and will follow with a rezoning early next year.

Henry Minneboo – Does anybody have any questions for staff? Anybody like to speak for or against this item? What's the pleasure of the board?

Rochelle Lawandales – I move approval of the transmittal.

Bruce Moia – Second.

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

Upon consensus by the board, the meeting was adjourned at 3:51 p.m.

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**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 4, 2015 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

Elder Clayton Gilliams, New Shiloh Christian Center, Melbourne, led the assembly in the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the May 26, 2015, Regular meeting minutes.

RESULT:

ADOPTED [UNANIMOUS]

MOVER:

Jim Barfield, Vice Chairman/Commissioner District 2

SECONDER:

Andy Anderson, Commissioner District 5

AYES:

Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.A., RESOLUTION, RE: RECOGNIZING THE 15TH ANNIVERSARY OF THE CHILDREN'S CENTER, TITUSVILLE, FL

The Board tabled consideration of resolution recognizing the 15th Anniversary of The Children's Center to the August 18, 2015 meeting.

ITEM I.B., RESOLUTION, RE: PROCLAIMING AGING MATTERS IN BREVARD'S 50 YEAR

ITEM IV.A., ORDINANCE, RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2015-2 PLAN AMENDMENTS

Chairman Fisher called for a public hearing to consider transmittal of the 2015 - 2 Comprehensive Plan Amendments, including one private application for Imperial South Inc. (2015-2.1).

Robin Sobrino, Planning and Development Director, stated that this Item represents the second large scale Comprehensive Plan amendment cycle of the year, Planning and Development has one private application in the name of Imperial South Inc., and it represents a request to change the Future Land Use Map from Planned Industrial to Residential-15.

Commissioner Anderson motioned to approve the plan amendment 2015-2.1, Commissioner Barfield seconded.

Commissioner Smith stated that his concern is that it is on Wickham Road, and in this particular area the road is quite compacted with cars; and it was planned industrial because there is a railroad behind it; he understands it would be beneficial to the community if there are apartments there; and he questioned the density of the apartments, and he would like to reserve judgment, but he likes the idea.

Ms. Sobrino reminded the Board that this is the transmittal phase of the large scale amendment; once it is reviewed by the State agencies it would come back to the Board for an adoption phase, so there will be a second opportunity to review this; and at that time the Board will be reviewing it in connection with a specific rezoning request and will have a better sense of the type of development that is being proposed, and the Board can analyze it in conjunction with the comprehensive plan amendment.

The Board conducted a public hearing to consider transmittal of the 2015-2 Comprehensive Plan Amendments, including one private application for Imperial South Inc. (2015-2.1).

RESULT:

ADOPTED [UNANIMOUS]

MOVER:

Andy Anderson, Commissioner District 5

SECONDER:

Jim Barfield, Vice Chairman/Commissioner District 2

AYES:

Fisher, Barfield, Infantini, Smith, Anderson

Via E-Mail: (narrconstructionservices@gmail.com)

Ref: 4077.11

TECHNICAL MEMORANDUM

To: Will Reynolds, NARR Construction Services, Inc.
From: Matthew West, AICP
Subject: Wickham Road 30-acre Parcel Trip Generation Analysis
Date: April 29, 2015

Lassiter Transportation Group, Inc. (LTG) was asked to determine the trip generation associated with the development known as Wickham Road 30-acre Parcel, located at the southeast corner of Wickham Road and Jordan Blass Drive in unincorporated Brevard County. The proposed development is an apartment complex.

Lassiter Transportation Group, Inc. (LTG) has been retained by NARR Construction Services, Inc., to prepare a trip generation analysis in support of an Expedited State Review Comprehensive Plan Amendment which amends the Future Land Use Map (FLUM) designation for 30.7 acres from Planned Industrial Park (PLNIP) to Residential 15 (Res-15).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing FLUM designation and the proposed FLUM designation were calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9th Edition*, prepared by the Institute of Transportation Engineers (ITE).

The existing analysis is based on the existing FLUM designation of PLNIP as outlined in the Future Land Use Element (FLUE) of the County's Comprehensive Plan. PLNIP does not have a maximum floor area ratio (FAR) according to the Comprehensive Plan, but assuming a reasonable FAR for single story industrial development of 0.4, the property could yield 534,920 square feet of building area.

Based on this assumption and as indicated in Table 1, the potential development of the property under the existing land use would generate 448 gross p.m. peak-hour trips.

Table 1
Gross Trip Generation – Existing FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA

Time Period	Land Use	ITE Land Use Code	Acres	Floor Area Ratio	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Industrial Park	130	30.70	0.40	534.92	KSF	$T = 0.78(Q) + 30.48$	448	21%	79%	94	354

Source: ITE Trip Generation Manual, 9th Edition

The proposed analysis is based on the requested FLUM designation of Residential 15 as outlined in the FLUE of the County's Comprehensive Plan. If developed as a PUD, the maximum density of the proposed future land use (Residential 15) would be 18.75 dwelling units per acre. Applying this maximum density would permit 576 apartment units. As indicated in Table 2, maximum development of the property under the proposed land use would generate 334 p.m. peak-hour trips.

**Table 2
Gross Trip Generation for Proposed FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA**

Time Period	Land Use	ITE Land Use Code	Acres	Density	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Apartment	220	30.7	18.75	576	Dwelling Units	$T=0.55(X)+17.65$	334	85%	35%	217	117

In addition, the change from PLNIP to Res-15 should result in the reduction of potential truck traffic. In a recent vehicle count by a different client for an existing 600,000 square foot distribution, truck traffic comprised more than 40 percent of the total vehicle count. Truck traffic should be significantly less than 40 percent for a multi-family development's vehicle count.

CONCLUSION

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment would have on area roadways based on trip generation of the reasonable development potential of the existing land use designation as compared to the maximum development potential of the proposed land use designation. There will not be an increase in P.M. peak-hour traffic over what is currently allowed. Therefore, this Comprehensive Plan Amendment is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

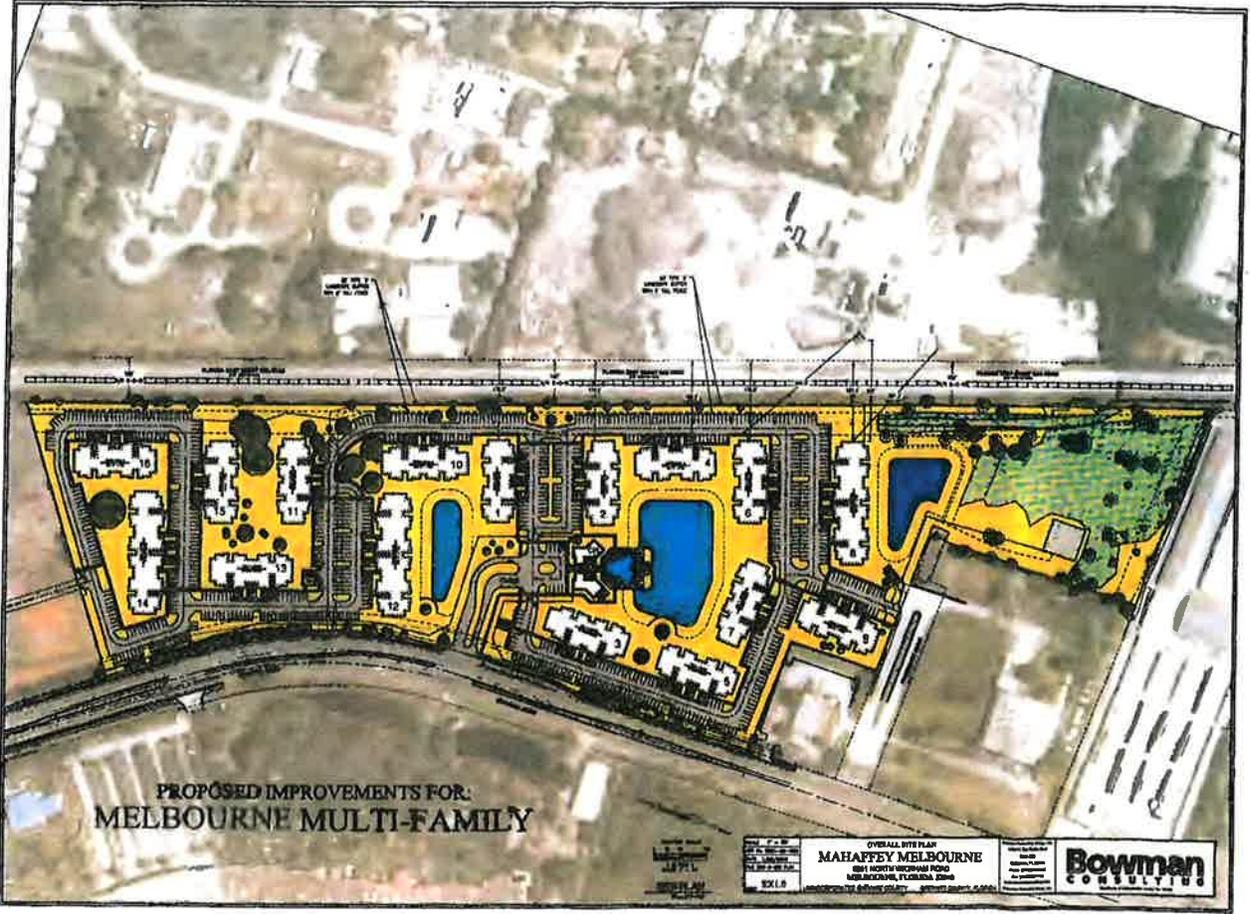
I affirm by my signature that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West AICP

Signature: 

Date: April 29, 2015

R - 0109



ZONING MAP
 IMPERIAL SOUTH INC
 15PZ00056

Submitted at hearing
 3/3/16
 IV.C/IV.A.2
 RAS



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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: 9/15/2015

*Submitted
Zoning review
3/3/16*

Dana Blickley, CFA
Brevard County Property Appraiser - MAP SEARCH

11.0/11.1.2 R#8



MST

R - 0111.

Page 1 of 1
Submitted at hearing
3/3/16
W.C./V.A.-2. Rff

Dana Blickley, CFA
Brevard County Property Appraiser - MAP SEARCH



MST

R - 0112

Handed out by K. Rezanka at the
BCC Meeting on 4/2/2016

141

This Instrument Prepared By
And To Be Returned To:
Kim Rezanka, Esquire
DEAN MEAD
7380 Murrell Road, Suite 200
Melbourne, Florida 32940
(321) 259-8900

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2016,
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County"),
BBGL LAND, LLC (hereinafter referred to as "Developer") and IMPERIAL SOUTH, INC.
("Owner").

RECITALS

WHEREAS, 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 desires to develop the property as multi-family
apartments and has requested the RU-2-15 zoning classification, pursuant to the Brevard County
Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property as apartments,
Developer and Owner wish to mitigate potential negative impacts 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/Owner, their 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. The Developer/Owner shall provide a six (6) foot high fence a ten (10) foot wall long the eastern boundary of the Property, from the retention pond north along the adjacent property zoned IU and IU-1, as reflected on Exhibit "B", as well as along with Class "A" vegetative buffer on that boundary.
3. The Developer/Owner shall include in the apartment lease agreement a notification that the Property to the east is zoned industrial and may be used for asphalt and/or concrete production and mixing.

4. The Developer and Owner acknowledge that the property to the east is zoned IU and IU-1 ("adjacent property"), and agrees that it shall not object to any use of the adjacent property that is a permitted or conditional use, so long as the adjacent property is in compliance with all County Ordinances.

5. The Developer and 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 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.

6. The Developer and Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

7. 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.

8. 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.

9. 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS THEREOF, the parties hereto have caused these presents to the 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, Florida 32940

Scott Ellis, Clerk
(SEAL)

James Barfield, Chairperson
As approved by the Board on _____

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by James Barfield, Chairperson of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

SEAL
Commission No.: _____

(Name typed, printed or stamped)

WITNESSES:

BBGL LAND, LLC, Developer
250 North Orange Avenue
Suite 1500
Orlando, FL 32801

(Witness Name typed or printed)

By: _____
Title: _____

(Witness Name typed or printed)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as _____ for BBGL LAND, LLC, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

SEAL
Commission No.: _____

WITNESSES:

(Witness Name typed or printed)

(Witness Name typed or printed)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as _____ for IMPERIAL SOUTH, INC., who is personally known to me or who has produced _____ as identification.

My Commission Expires:

SEAL
Commission No.: _____

Notary Public

(Name typed, printed or stamped)

IMPERIAL SOUTH, INC., Owner
C/o Imperial Sterling, Ltd.
287 Bowman Avenue, 2nd Floor
Purchase, NY 10577-2598

By: _____
Title: _____

Notary Public

(Name typed, printed or stamped)

Exhibit A
Legal Description of the Land

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; THENCE PROCEED SOUTH 89 DEGREES 16 MINUTES 29 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 379.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD (100' RIGHT-OF-WAY) AND THE POINT OF BEGINNING; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2394.19 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2555, PAGE 443 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 474.46 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2852, PAGE 109 OF SAID COUNTY; THENCE PROCEED NORTH 01 DEGREE 01 MINUTE 08 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 450.00 FEET; THENCE PROCEED SOUTH 87 DEGREES 34 MINUTES 44 SECONDS EAST A DISTANCE OF 22.19 FEET; THENCE PROCEED NORTH 02 DEGREES 25 MINUTES 15 SECONDS EAST A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 3116, PAGE 3884 OF SAID COUNTY; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 347.17 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3493, PAGE 2697 OF SAID COUNTY; THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 202.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE PROCEED NORTH 87 DEGREES 34 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 260.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF WICKHAM ROAD (RIGHT-OF-WAY VARIES); THENCE PROCEED NORTH 00 DEGREES 09 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 659.45 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1006.60

FEET, A CENTRAL ANGLE OF 35 DEGREES 56 MINUTES 01 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 18 DEGREES 07 MINUTES 17 SECONDS WEST, 621.00 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 631.30 FEET TO THE POINT OF TANGENCY; THENCE PROCEED NORTH 36 DEGREES 05 MINUTES 18 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1365.34 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 1382.40 FEET, A CENTRAL ANGLE OF 01 DEGREES 11 MINUTES 37 SECONDS AND A CHORD BEARING AND

DISTANCE OF NORTH 35 DEGREES 29 MINUTES 30 SECONDS WEST, 28.80 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.80 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED NORTH 80 DEGREES 32 MINUTES 04 SECONDS EAST A DISTANCE OF 977.85 FEET TO THE AFORESAID WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD; THENCE PROCEED SOUTH 18 DEGREES 50 MINUTES 32 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1065.12 FEET TO THE POINT OF BEGINNING.

Less and except:

Commence at the Southeast Corner of Section 13, Township 26 South, Range 36 East, Brevard County, Florida; thence run S88°53'28"W along the South Line of said Section 13, a distance of 56.86 feet; thence run S53°54'42"W, a distance of 207.50 feet to a point on the Easterly Right of Way Line of Wickham Road; thence run N36°05'18"W along said Easterly Right of Way Line, a distance of 800.00 feet for the Point of Beginning; thence continue N36°05'18"W along said Easterly Right of Way Line, a distance of 366.05 feet to the beginning of a curve, concave to the Northeast, having a radius of 1382.40 feet; thence continue Northwesterly along the arc of said curve and Easterly Right of Way Line through a central angle of 01°11'36", an arc distance of 28.79 feet; thence run N80°32'04"E along the South Line of those lands described in Official Records Book 6772, Pages 146 thru 162, Public Records of Brevard County, Florida, a distance of 585.81 feet; thence run S36°05'18"E, a distance of 132.33 feet; thence run S53°54'42"W, a distance of 524.00 feet to the Point of Beginning.

Less and except:

Commence at the Southeast Corner of Section 13, Township 26 South, Range 36 East, Brevard County, Florida; thence run S88°53'28"W along the South Line of said Section 13, a distance of 56.86 feet for the Point of Beginning; thence run N53°54'42"E, a distance of 432.09 feet to a point on the Westerly Right of Way Line of the Florida East Coast Railroad, a 100 foot wide Right of Way; thence run N18°50'32"W along said Westerly Right of Way Line, a distance of 792.27 feet; thence run S80°32'04"W along the South Line of those lands described in Official Records Book 6772, Pages 146 thru 162, Public Records of Brevard County, Florida, a distance of 392.04 feet; thence run S36°05'18"E, a distance of 132.33 feet; thence run S53°54'42"W, a distance of 524.00 feet to a point of the Easterly Right of Way Line of Wickham Road; thence run S36°05'18"E along said Easterly Right of Way Line, a distance of 800.00 feet; thence run N53°54'42"E, a distance of 207.50 feet to the Point of Beginning.



EXHIBIT "B"
R-019

Sec. 62-1372. - Medium-density multiple-family residential, RU-2-10, RU-2-12 and RU-2-15.

The RU-2-10, RU-2-12 and RU-2-15 medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

Multifamily dwellings.

Duplexes.

Resort dwellings.

Single-family attached dwellings, in accordance with the development standards in the single-family attached residential zoning classifications.

Single family dwellings up to the allowable density limitation of the zoning classification. For the purposes of setback and spacing requirements, such single family dwellings shall be considered principal buildings. Additional multiple-family dwellings are permitted on the parcel if all units comply with the density limits.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, levels I and II, subject to the requirements set forth in-section 62-1835.9.

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Boardinghouses and bed and breakfast inns.

Change of nonconforming agricultural use.

Development rights receipt or transfer.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

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Power substations, telephone exchanges and transmission facilities.

Recreational facilities.

Residential/recreational marina.

Skateboard ramps.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4) *Lot requirements.*

- a. Minimum lot size is 7,500 square feet.
- b. Minimum lot width is 75 feet.
- c. Minimum lot depth is 75 feet.
- d. Maximum density is as follows:
 1. RU-2-10: Ten units per gross acre.
 2. RU-2-12: 12 units per gross acre.
 3. RU-2-15: 15 units per gross acre.

For the purpose of computing allowable density property divided by a public road shall be considered separate parcels.

- e. Maximum lot coverage is 40 percent.

(5) *Setbacks and spacing requirements.*

- a. *Accessory buildings.* Accessory buildings shall be located to the rear of the front building line of the principal building or structure closest to the front property line and shall be set back not less than seven and one-half feet from the side and rear lot lines for developed single family sites and not less than ten feet from the side and rear lot lines for developed multiple family sites, but in no case within the setback from a side street. There shall be a minimum spacing of five feet between any other structure on the same site.
- b. *Breezeway/visual corridor.* All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105.
- c. *Principal structures.*
 1. The front setback shall be 25 feet.
 2. The rear setback shall be 20 feet.
 3. The side setback shall be not less than seven and one-half for all single family residences and ten feet for all other structures. On corner lots, side setbacks shall be at least 15 feet from side lot line. If a corner lot is contiguous to a key lot, setbacks shall be not less than 25 feet.
- d. *Spacing between principal structures.* Principal buildings or structures shall be spaced a minimum of 15 feet from other principal buildings or structures on the same site. Such spacing shall not be covered or connected to the principal structures.

- (6) *Usable common open space requirements.* If the lot, plot, tract or parcel is two acres or more in size, or, regardless of the size, if the property has or will have more than 15 total dwelling units, then 35 percent of the total land area shall be utilized as usable common space as defined in

section 62-1102. At the time of site plan submission, the method of perpetual maintenance of common facilities shall be provided as required in section 62-1445(a). Ten percent of this area shall be retained in natural vegetation rather than improved.

- (7) *Minimum floor area*. Minimum floor area is as follows:
- a. Single-family dwelling unit: 1,100 square feet.
 - b. Duplexes: 1,150 square feet and 575 square feet per unit.
 - c. Apartments:
 1. One bedroom: 500 square feet.
 2. Two bedrooms: 750 square feet plus 100 square feet for each additional bedroom.
 3. Efficiencies: 400 square feet.
- (8) *Structural height standards*.
- a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
 - b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, PBP, IU, PIP, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
 - c. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - d. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (9) *Ownership*. A multi-family residential development site shall be subject to single ownership or condominium ownership.

(Code 1979, § 14-20.09(B); Ord. No. 95-47, §§ 32, 33, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 35, 36, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 99-07, §§ 12, 15, 1-28-99; Ord. No. 99-33, § 4, 5-6-99; Ord. No. 2000-02, § 1, 1-11-00; Ord. No. 01-30, § 4, 5-24-01; Ord. No. 2002-49, § 19, 9-17-02; Ord. No. 2003-03, § 19, 1-14-03; Ord. No. 04-29, § 19, 8-5-04; Ord. No. 2004-52, § 16, 12-14-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 4, 8-23-05; Ord. No. 2007-59, § 22, 12-6-07; Ord. No. 2014-30, § 2, 10-2-14)

Sec. 62-1255. - Establishment of zoning classifications and consistency with comprehensive plan.

(a) *Zoning classifications established.* Within the unincorporated areas of the county, the following zoning classifications are hereby established, such zoning classifications being created under this article or being zoning classifications incorporated by reference under this article:

- (1) Unimproved, agricultural and residential zoning classifications:
 - a. General use zoning classification, GU.
 - b. Productive agricultural zoning classification, PA.
 - c. Agricultural zoning classification, AGR.
 - d. Agricultural residential zoning classification, AU.
 - e. Rural estate use residential zoning classification, REU.
 - f. Rural residential zoning classification, RR-1.
 - g. Suburban estate residential use zoning classification, SEU.
 - h. Suburban residential zoning classification, SR.
 - i. Estate use residential zoning classifications, EU, EU-1 and EU-2.
 - j. Single-family residential zoning classifications, RU-1-13 and RU-1-11.
 - k. Single-family residential zoning classification, RU-1-9.
 - l. Single-family residential zoning classification, RU-1-7.
 - m. Single-family attached residential zoning classifications, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.
 - n. Residential-professional zoning classification, RP.
- (2) Multiple-family residential zoning classifications:
 - a. Low-density multiple-family residential zoning classifications, RU-2-4, RU-2-6 and RU-2-8.
 - b. Medium-density multiple-family residential zoning classifications, RU-2-10, RU-2-12 and RU-2-15.
 - c. High-density multiple-family residential zoning classification, RU-2-30.
- (3) Mobile home residential and recreational vehicle park zoning classifications:
 - a. Rural residential mobile home zoning classifications, RRMH-1, RRMH-2.5 and RRMH-5.
 - b. Single-family mobile home zoning classifications, TR-1 and TR-1-A.
 - c. Single-family mobile home zoning classification, TR-2.
 - d. Mobile home park zoning classification, TR-3.
 - e. Single-family mobile home cooperative zoning classification, TRC-1.
 - f. Recreational vehicle park zoning classification, RVP.
- (4) Planned unit development zoning classifications:
 - a. Planned unit development zoning classification, PUD.
 - b. Residential planned unit development zoning classification, RPUD.
- (5) Commercial zoning classifications:
 - a. Restricted neighborhood retail commercial zoning classification, BU-1-A.
 - b. General retail commercial zoning classification, BU-1.
 - c. Retail, warehousing and wholesale commercial zoning classification, BU-2.
- (6) Tourist commercial and transient commercial zoning classifications:
 - a. General tourist commercial zoning classification, TU-1.
 - b. Transient tourist commercial zoning classification, TU-2.
- (7) Industrial zoning classifications:
 - a. Planned business park zoning classification, PBP.
 - b. Planned industrial park zoning classification, PIP.
 - c. Light industrial zoning classification, IU.
 - d. Heavy industrial zoning classification, IU-1.
- (8) Special zoning classifications:
 - a. Environmental area zoning classification, EA.
 - b. Government managed land zoning classification, GML.
 - c. Institutional zoning classification, IN.

(b)

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Consistency of zoning classifications with comprehensive plan. The 1988 county comprehensive plan establishes specific future land use designations, which are depicted on the future land use map within the future land use element. The future land use element also has policies and criteria which delineate how the various designations shall be applied. The zoning classifications depicted on the official zoning map of the county shall be consistent with the future land use map and the policies and criteria relating to the application of future land use designations on the future land use map.

(1) *Future land use designations.*

- a. *Residential.* Residential uses include single-family detached, single-family attached, multiple-family, recreational vehicle park and mobile home developments.
 1. Residential 30:
 - A. Maximum, unless otherwise provide herein: 30 units per acre.
 - B. Merritt Island redevelopment area: Development containing a mixture of uses: 50 units per acre per policy 1.3(B)(2) of the Future Land Use Element.
 - C. Redevelopment district: 37.5 units per acre per policies 1.3(B)(1) and 11.2(F) of the Future Land Use Element.
 - D. Planned unit development: 37.5 units per acre per policy 1.3(C) of the Future Land Use Element.
 2. Residential 15:
 - A. Maximum, unless otherwise provide herein: 15 units per acre.
 - B. Redevelopment district: 18.75 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 18.75 units per acre per policy 1.4(E) of the Future Land Use Element.
 3. Residential 10:
 - A. Maximum, unless otherwise provide herein: 10 units per acre.
 - B. Redevelopment district: 12.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 12.5 units per acre per policy 1.5(E) of the Future Land Use Element.
 4. Residential 6:
 - A. Maximum, unless otherwise provide herein: 6 units per acre.
 - B. Redevelopment district: 7.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 7.5 units per acre per policy 1.6(D) of the Future Land Use Element.
 5. Residential 4:
 - A. Maximum, unless otherwise provide herein: 4 units per acre.
 - B. Redevelopment district: 5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 5 units per acre per policy 1.7(D) of the Future Land Use Element.
 6. Residential 2:
 - A. Maximum, unless otherwise provide herein: 2 units per acre.
 - B. Redevelopment district: 2.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 2.5 units per acre per policy 1.8(D) of the Future Land Use Element.
 7. Residential 1:
 - A. Maximum, unless otherwise provide herein: 1 unit per acre.
 - B. Redevelopment district: 1.25 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 1.25 units per acre per policy 1.9(D) of the Future Land Use Element.
 8. Residential 1:2.5: 1 unit per 2.5 acres.
- b. *Neighborhood commercial.* Appropriate uses within the neighborhood commercial designation are specified in the Future Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
- c. *Community commercial.* Appropriate uses within the community commercial designation are specified in the Future Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
- d. *Planned industrial.* Appropriate uses within the planned industrial designation are specified in the Future Land Use Element.
- e. *Heavy/light industrial.* Appropriate uses within the heavy/light industrial designation are specified in the Future Land Use Element.
- f. *Agricultural.* Appropriate uses within the agricultural designation are specified in the Future Land Use Element. Residential densities shall not exceed one dwelling unit per five acres.
- g. *Public facilities.* Appropriate uses within the public facilities designation are specified in the Future Land Use Element.
- h. *Recreation.* Recreation uses include all public parks and recreational facilities.
- i. *Public conservation.* Conservation land uses include lands under the ownership of the county, the St. Johns River Water Management District or other such agencies for the purpose of environmental protection and lands within the environmental area (EA) zoning classification. Residential densities shall not exceed one unit per 50 acres.

- j. *Private conservation.* Conservation land uses include lands under private ownership and are zoned (EA) zoning classification. Residential densities shall not exceed one unit per ten acres.
- k. *Developments of Regional Impact (DRI).* DRI land uses include lands that have an adopted Development Order pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-12 and 28-24 Florida Administrative Code and applicable local ordinances.

(2) *Consistency with future land use map.* The following table depicts where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan. Where an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted on the following table, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations																							
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB	REC	PR CON	PUB CON							
GU, PA, AGR, RRMH-5, PUD, RPUD, RVP	Y									Y*		N					N							
AU, REU, RRMH-2.5	N	Y									Y*		N					N						
ARR, RR-1, SEU, RRMH-1	N		Y									Y*		N				N						
SR, TR-2	N			Y									Y*		N				N					
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4	N				Y									Y*		N				N				
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6	N					Y									Y*		N			N				
RU-2-8, RA-2-8 RA-2-10, RU-2-10	N						Y									Y*		N			N			
RU-2-12, RU-2-15	N							Y									Y*		N			N		
RU-2-30	N								Y									Y*		N			N	
BU-1-A, IN	Y**										Y**		N					N						
RP	N				Y**									Y		N				N				
BU-1, TU-1, TU-2	N										N	Y		N					N					

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BU-2	N	N	Y	Y**	N
PBP	N	N	Y	Y	N
PIP	N	N		Y	N
IU, IU-1	N	N	N	Y	N
EA, GML	Y	Y		Y	Y

Land Use Designations	
Agric—Agriculture	NC—Neighborhood Commercial
Res 1:2.5—Residential (one unit per 2.5 acres)	CC —Community Commercial
Res 1—Residential (one unit per acre)	PI—Planned Industrial
Res 2—Residential (two units per acre)	H/L—Heavy/Light Industrial
Res 4—Residential (four units per acre)	PUB—Public Facilities
Res 6—Residential (six units per acre)	REC—Recreation
Res 10—Residential (ten units per acre)	PR CON—Private Conservation
Res 15—Residential (fifteen units per acre)	PUB CON—Public Conservation
Res 30—Residential (thirty units per acre)	
<i>Explanation of Symbols</i>	
Y—Yes, classification may be considered.	
Y*—Yes, classification may be considered, if permitted by Policy 2.13 of the Future Land Use Element.	
Y**—Yes, classification may be considered if use is transitional, per Policy 2.14 or if permitted by Policy 2.17 of the Future Land Use Element, as applicable.	
N—No, classification may not be considered.	

(Code 1979, § 14-20.07; Ord. No. 99-07, § 8, 1-28-99; Ord. No. 2000-38, § 1, 8-1-00; Ord. No. 2002-01, § 4, 1-8-02; Ord. No. 04-29, § 2, 8-5-04)

Sec. 62-1542. - Planned industrial park, PIP.

The PIP planned industrial park zoning classification is intended for locations which are served by major roads but are not feasible for light or heavy industrial developments because of proximity to residential uses. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping and parking areas. Consequently, manufacturing activities that can be carried on in a relatively unobtrusive manner, and certain facilities that are necessary to serve the employees of the district, are permitted. All property in this zoning classification shall have a structure located on the property with a minimum of 300 square feet prior to utilizing the property for any of the uses permitted in this section.

(1) Permitted uses.

- a. The following uses are permitted providing they are in compliance with the performance standards set forth in division 6, subdivision III, of this article and providing they take place within substantial buildings completely enclosed with walls and a roof.

All uses permitted in the BU-1 and BU-2 classification.

Motels.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
Uses "permitted with conditions" will be controlled by section 62-1540 and performance standards.

Boatbuilding facility.

Preexisting use.

Recovered materials processing facility.

Single family residence.

(2) Accessory uses.

- a. Customary accessory uses are permitted, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, and machine shops, provided these take place within enclosed buildings.
- b. The following uses are permitted as a convenience to the occupants thereof and their customers and employees:

Convention or exhibit hall.

Dining facilities.

Recreational facilities.

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Commercial/industrial marina.

Land alteration (over five acres).

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

- (4) *Minimum size and lot size.* The minimum lot size shall be one acre, having a minimum width of 150 feet and a minimum depth of 200 feet. The minimum size of a planned industrial site as designated on the future land use map shall be three acres.
- (5) *Setbacks.*
- a. *Front yard.* All buildings shall be set back from all street right-of-way lines at least 50 feet.
 - b. *Side yard.* No building or wall shall be located closer than 50 feet to a side yard lot line.
 - c. *Rear yard.* No structures or truck parking and loading shall be located closer than 25 feet to the rear lot line. No rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.
- (6) *Maximum lot coverage.* Structural coverage, including storage areas, shall not exceed 50 percent of the area of the lot.
- (7) *Structural height standards.*
- a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
 - b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
 - c. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - d. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (8) *Other requirements.*
- a. *Loading facilities and truck parking.*
 1. Loading docks are prohibited on an interior street frontage. They shall be located to the rear of the front building line of all principal structures, paved, and have adequate drainage.
 2. Parking for trucks and other commercial vehicles and heavy equipment shall be located at the rear of all principal structures.
 3. No shipping or receiving shall be permitted within 75 feet of residentially zoned property.
 - b. *Storage.* All storage areas shall be located to the rear of the primary structures. All outside storage areas shall be enclosed by a visual barrier when viewed from the public road right-of-way or adjacent lots not industrially zoned. Such enclosure shall be a minimum of six feet and a maximum of eight feet in height, and in no case shall materials be stacked or stored so as to exceed the height of the enclosure. The enclosure shall be either a masonry wall, opaque fence, landscaped berm or other materials adequate to create a permanent opaque barrier. The storage area's entrance and exit gates shall also be opaque when materials

within it are visible from any public road right-of-way or adjacent lots not industrially zoned. Storage areas must be located at least 75 feet from any street right-of-way lines. No motor vehicle which is inoperable or trailer which is unusable shall be stored or used for storage on any lot or parcel of ground in this zone unless it is within a completely enclosed building.

c. *Lighting and utilities.*

1. Shaded light sources shall be used to illuminate signs, facades, buildings, and parking and loading areas, shall be so arranged as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district.
2. Shaded light sources are lighting elements shielded with an opaque shade to direct the light.
3. No neon lights, intermittent lights or flashing lights or such lighted signs shall be allowed.

d. *Riverfront property.* On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.

(Code 1979, § 14-20.14(B); Ord. No. 95-46, §§ 1, 2, 10-19-95; Ord. No. 95-47, §§ 62, 63, 10-19-95; Ord. No. 95-49, §§ 8, 18, 10-19-95; Ord. No. 96-16, §§ 65, 66, 3-28-96; Ord. No. 97-48, § 2, 12-9-97; Ord. No. 98-11, § 5, 2-26-98; Ord. No. 98-12, § 14, 2-26-98; Ord. No. 98-13, § 1, 2-26-98; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 2000-07, § 4, 1-25-00; Ord. No. 01-30, § 15, 5-24-01; Ord. No. 2002-42, § 9, 8-27-02; Ord. No. 04-43, § 1, 10-19-04; Ord. No. 2014-30, § 1, 10-2-14)

State Law reference— Planned unit developments encouraged, F.S. § 163.3202(3).

Sec. 62-1544. - Heavy industrial, IU-1.

The IU-1 heavy industrial district is established to provide areas in which the principal use of land is primarily for manufacturing and other heavy uses. However, the application of performance and design standards should minimize many of the adverse effects of these heavy industrial uses. Property in this zoning classification shall have a structure located on the property with a minimum of 300 square feet prior to utilizing the property for any of the uses permitted in this section.

(1) *Permitted uses.*

- a. The following uses are permitted, provided that they comply with the performance standards set forth in division 6, subdivision III, of this article:

All uses permitted in the BU-1, BU-2 and IU classifications, except, single-family residence.

Fireworks sales, wholesale (as defined in F.S. Ch. 791.04)

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Uses "permitted with conditions" will be controlled by section 62-1540 and performance standards.

Assisted living facility.

Commercial entertainment and amusement enterprises (small scale).

Power substations and transmission facilities.

Preexisting use.

Recovered materials processing facility.

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Treatment and recovery facility.

Truss manufacturing plant.

(2) *Accessory uses.*

a. Customary accessory buildings and uses are permitted, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops and machine shops.

b. The following uses are permitted as a convenience to the occupants thereof and their customers and employees:

Convention or exhibition hall.

Dining facilities.

Laundry.

c. Roadside stands used for the sale of agricultural produce as provided in chapter 86, article IV are permitted as an accessory use.

d. Security trailers are permitted as an accessory use.

(3) *Conditional uses.* In addition to those specified in section 62-1540, conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Arsenals and explosives.

Cement, concrete and concrete building products.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Flea markets.

Hazardous waste facility.

Heavy industry as defined in section 62-1102.

Land alteration (over five acres).

Metal salvage yards and junkyards.

Mining and smelting operations.

Motocross.

Solid waste management facilities.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4) *Minimum lot size.* Individual building sites shall be of such size that all space requirements provided in this chapter are complied with. All lots shall have a minimum size of 40,000 square feet, and have a minimum width of 200 feet and a minimum depth of 200 feet.

R - 0130

- (5) *Minimum building size.* Minimum building size is 300 square feet.
- (6) *Setbacks.*
- Front yard.* All structures shall be set back not less than 40 feet from the front property line.
 - Side yard.* No building or wall shall be located closer than 20 feet to a side yard lot line. The width of a side yard which abuts a residential district shall be at least 100 feet, 20 feet of which shall be a buffer zone.
 - Rear yard.* No building shall be located closer than 50 feet to the rear lot line. Where the lot abuts a residential district, no structures or truck parking and loading shall be permitted closer than 120 feet to the rear lot line. However, no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur. (See subsection (9)a of this section for provisions pertaining to truck loading and parking.)
- (7) *Maximum lot coverage.* Building coverage, including storage areas, shall not exceed 50 percent of the area of the lot.
- (8) *Structural height standards.*
- Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
 - Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
 - Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PIP, PBP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
 - Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (9) *Other requirements.*
- Loading facilities and truck parking.* No shipping or receiving shall be permitted within 100 feet of residentially zoned property. Where the lot abuts a commercial district, no truck parking and loading shall be permitted closer than 50 feet to the rear lot line. However, no rear yard is required where the lot abuts an existing or proposed railroad right-of-way or spur.
 - Storage.* All storage areas shall be located to the rear of the primary structures. All open areas for storage shall be enclosed by a visual barrier when viewed from the public road right-of-way or adjacent lots not industrially zoned. Such enclosure shall be a minimum of six feet and a maximum of eight feet in height, and in no case shall materials be stacked or stored so as to exceed the height of the enclosure. The enclosure shall be either a masonry wall, opaque fence, landscaped berm or other materials adequate to create a permanent opaque barrier. The storage area's entrance and exit gates shall also be opaque when materials within it are visible from any public road right-of-way or adjacent lots not industrially zoned. In those instances where the nature of the operation requires the use of piles of loose material such as surge aggregate, sand, coal or similar substances, the eight-foot height

limitation on storage shall not apply, as long as the stored materials do not breach the enclosure. Storage areas must be located at least 50 feet from any side or rear lot line. No motor vehicle which is inoperable or trailer which is unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.

- c. *Fencing.* When any property used for the uses permitted in this zoning classification is contiguous to or abuts property zoned other than BU-1, BU-2, PBP, PIP, IU or IU-1, a six-foot fence shall be constructed on the contiguous property line and may be constructed within the front setback area, provided that the fence is not opaque, notwithstanding the requirements of section 62-2109.
- (10) Shaded light sources shall be used to illuminate signs, facades, buildings, and parking and loading areas, shall be so arranged as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district.
 - (11) Shaded light sources are lighting elements shielded with an opaque shade to direct the light.
 - (12) No neon lights, intermittent lights or flashing lights or such lighted signs shall be allowed.
 - a. *Performance standards.* All permitted uses within this zone shall be subject to the performance standards outlined in division 6, subdivision III, of this article.
 - b. *Riverfront property.* On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.
 - (13) *Maximum floor area ratio.* The maximum floor area Ratio shall be 1.76.

(Code 1979, § 14-20.14(D); Ord. No. 95-17, § 3, 4-11-95; Ord. No. 95-46, §§ 5, 6, 10-19-95; Ord. No. 95-47, §§ 66, 67, 10-19-95; Ord. No. 95-49, §§ 18, 22, 10-19-95; Ord. No. 96-16, §§ 69, 70, 3-28-96; Ord. No. 96-35, § 2, 7-23-96; Ord. No. 97-48, § 4, 12-9-97; Ord. No. 98-12, § 16, 2-26-98; Ord. No. 98-11, § 7, 2-26-98; Ord. No. 99-07, §§ 12, 22, 1-28-99; Ord. No. 99-45, § 3, 8-12-99; Ord. No. 2000-07, § 6, 1-25-00; Ord. No. 01-07, § 8, 2-20-01; Ord. No. 01-30, § 17, 5-24-01; Ord. No. 2002-42, § 11, 8-27-02; Ord. No. 04-17, § 1, 5-6-04; Ord. No. 04-29, § 31, 8-5-04; Ord. No. 2004-52, § 29, 12-4-04; Ord. No. 2014-30, § 1, 10-2-14)

Sec. 62-1841.9. - Single family residence.

In the PBP and PIP zones, property owners who purchased such property prior to October 19, 2004 are permitted to construct single family residences. Such development must be consistent with all applicable regulations contained within this chapter. In addition, single family residences are permitted regardless of the date of ownership when the property within the PBP-zone is deed restricted to allow only residential uses. Such deed restrictions must exist prior to October 19, 2004.

(Ord. No. 04-43, § 2, 10-19-04)

Sec. 62-1482. - General retail commercial, BU-1.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. Where this zoning classification is presently located or is proposed to be located adjacent to the lagoonal water edge or fronts on the ocean, water-dependent uses such as fish, shellfish and wildlife production, recreation, water-dependent industry and utilities, marinas and navigation shall have the highest priority. The next highest priority for uses along the waterfront include water-related uses such as utilities, commerce and industrial uses. Water-enhanced uses such as restaurants and tourist attractions shall have the next highest use priorities. Of lowest priority are those uses which are nonwater-dependent and nonwater-enhanced, and those which result in an irretrievable commitment of coastal resources.

(1) *Permitted uses.*

- a. All business uses and all material and products shall be confined within substantial buildings completely enclosed with walls and a roof; however, retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the buildings. Such retail items include but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, and boats.

- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile parts, if confined within a structure.

Automobile repairs, minor (as defined in Section 62-1102).

Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.

Automobile tires and mufflers (new), sales and service.

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

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Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

Billiard rooms and electronic game arcades (soundproofed).

Bookstores.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales; no production or firing except accessory to on site sales only.

Civic, philanthropic or fraternal organizations.

Coin laundromats.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Contractors' offices, with no outside storage.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Child or adult day care centers.

Display and sales rooms.

Dog and pet hospitals and beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Fraternities and sororities.

Florist shops.

Foster homes.

R - 0135

Fruit stores (packing on premises).
Funeral homes and mortuaries.
Furniture stores.
Furriers.
Gift shops.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Interior decorating, costuming and draperies.
Jewelry stores.
Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat, fish and seafood markets.
Medical buildings and clinics, and dental clinics.
Messenger offices.
Millinery stores.
Motorcycle sales and service.
Music, radio and television shops and repairs.
Newsstands.
Nursing homes.
Optical stores.
Paint and wallpaper stores.
Parking lots (commercial).

Parks and public recreational facilities.

Pawnshops.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph studios and galleries.

Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverage, package only.

Schools for business training.

Schools, private or parochial.

Shoe repair shops.

Shoe stores.

Single-family residence.

Soft drink stands.

Souvenir stores.

Stationery stores and bookstores.

Tailor shops.

Tearooms.

Telephone and telegraph stations and exchanges.

Television and broadcasting stations, including studios, transmitting stations and towers and other incidental uses usually pertaining to such stations.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Worship, places of.

c. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

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Assisted living facility.

Automobile and motorcycle repair (major) and paint and body work.

Boat sales and service.

Cabinetmaking and carpentry.

Dry cleaning plants, accessory to pickup stations.

Farm machinery sales and service.

Gasoline service stations.

Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products.

Outdoor restaurant seating.

Outside sale of mobile homes.

Preexisting use.

Substations, and transmission facilities.

Security mobile home.

Self storage mini-warehouses.

Tourist efficiencies and hotels and motels.

Treatment and recovery facility.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to commercial and residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5). Additional accessory uses are as follows:

- a. Completely enclosed lumber sales are permitted as an accessory use to hardware and supply stores.
- b. A roadside stand used as provided in chapter 86, article IV, is permitted as an accessory use.

(3) *Conditional uses.* Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (small scale and large scale).

Commercial/recreational and commercial/industrial marinas.

Land alteration (over five acres and up to ten acres).

Performance Overlay Districts.

Plant nurseries (with outside bulk storage of mulch, topsoil, etc.)

Security mobile home.

Substantial expansion of a preexisting use.

R-0138

Trailer and truck rental.

Wireless telecommunication facilities and broadcast towers.

- (4) *Minimum lot size.* Except for gasoline service stations, an area not less than 7,500 square feet is required, having a width and depth of not less than 75 feet.
- (5) *Setbacks.*
- a. *Generally.*
1. Gasoline Service Station setbacks in this zoning classification shall be governed by section 62-1835.7.
 2. The front setback shall be 25 feet from the front lot line.
 3. The rear setback shall be 15 feet from the rear lot line. However, if the rear lot line abuts a dedicated 20-foot alley or roadway, the setback shall be five feet.
 4. Side Setbacks:
 - a. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet.
 - b. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.
 - c. Where a side lot line abuts a combination of commercial, industrial or residential zonings, the respective side setbacks as stated in a. or b. above shall apply to the affected side yard area.
 - d. Where a 20 foot dedicated alleyway or roadway exists adjacent to or abutting the rear lot line, and the zoning adjacent to the side yard area is non-residential, no side setback is required when a three hour firewall is constructed along the side lot line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.
 - e. Notwithstanding the requirements of section 5(a)(4)(b) above, where a 20-foot dedicated alleyway or roadway does not exist adjacent to or abutting the rear lot line, lots whose sides abut non-residential zonings may utilize a ten-foot paved driveway setback along one side and a zero foot setback on the other provided a three-hour firewall is constructed where the building is proposed within five feet of the side property line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.
 - f. On a corner lot, the side street setback shall be 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall 25 feet.
 5. *Within the Merritt Island Redevelopment Area.* On all lots in the Merritt Park Place Subdivision except corner lots, structures shall be set back not less than 15 feet from the front lot line where parking is located to the side or rear of the principal structure. Otherwise, all other provisions as described above shall apply.
- b. *Breezeway/visual corridor.* All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105.
- (6) *Minimum floor area.* All structures shall contain a minimum of 300 square feet of floor area.
- (7) *Structural height standards.*
- a.

Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

- b. Where the property abuts any other land located in the RA-2-4, R-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
 - c. Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PIP, PBP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
 - d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - e. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (8) *Fencing and buffering.* See article XIII, division 2, of this article, pertaining to landscaping.
- (9) *Metal buildings.* Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in section 62-2115.
- (10) *Maximum floor area ratio.* The floor area ratio shall be governed by section 62-2110.

(Code 1979, § 14-20.12(B); Ord. No. 95-17, § 1, 4-11-95; Ord. No. 95-47, §§ 52, 53, 10-19-95; Ord. No. 95-49, §§ 3, 9, 12, 18, 21, 10-19-95; Ord. No. 95-51, § 4, 10-19-95; Ord. No. 96-16, §§ 55, 56, 3-28-96; Ord. No. 96-46, § 14, 10-22-96; Ord. No. 97-23, § 2, 7-8-97; Ord. No. 97-40, § 2, 10-14-97; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 99-24, § 9, 4-8-99; Ord. No. 2000-50, § 3, 10-31-00; Ord. No. 01-07, § 2, 2-20-01; Ord. No. 01-30, § 10, 5-24-01; Ord. No. 2002-42, § 4, 8-27-02; Ord. No. 2002-43, § 2, 8-27-02; Ord. No. 2002-49, § 33, 9-17-02; Ord. No. 2003-03, § 27, 1-14-03; Ord. No. 03-36, § 1, 8-7-03; Ord. No. 04-29, § 26, 8-5-04; Ord. No. 2004-52, § 23, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 7, 8-23-05; Ord. No. 06-21, § 3, 4-25-06; Ord. No. 06-36, § 3, 5-24-06; Ord. No. 2007-59, § 3, 12-6-07; Ord. No. 2014-30, § 1, 10-2-14)

Sec. 62-1483. - Retail, warehousing and wholesale commercial, BU-2.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Where this zoning classification is presently located or is proposed to be located adjacent to the lagoonal water edge or fronts on the ocean, water-dependent uses such as fish, shellfish and wildlife production, recreation, water-dependent industry and utilities, marinas and navigation shall have the highest priority. The next highest priority for uses along the waterfront include water-related uses such as utilities, commerce and industrial uses. Water-enhanced uses such as restaurants and tourist attractions shall have the next highest use priorities. Of lowest priority are those uses which are nonwater-dependent and nonwater-enhanced, and those which result in an irretrievable commitment of coastal resources.

(1) *Permitted uses.*

- a. All business uses and all materials and products shall be confined within substantial buildings completely enclosed with walls and a roof, however, retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Such retail items include but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

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- b. All uses listed below, or other uses of a similar nature compatible with the character of uses described herein:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile repairs, minor and major, as defined in Section 62-1102 (also see Section 62-1837.6).

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales and service.

Billiard rooms and electronic arcades (soundproofed).

Bookstores.

Bottling beverages.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales, including production and firing.

Child or adult day care centers.

Civic, philanthropic or fraternal organizations.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Convenience stores, with or without gasoline sales.

Curio shops.

R - 0141

Dancing halls and academies (soundproofed).
Display and sales rooms.
Dog and pet hospitals and beauty parlors.
Drug and sundry stores.
Dry cleaning and laundry pickup stations.
Dry cleaning plants.
Dyeing and carpet cleaning.
Electrical appliance and lighting fixtures.
Employment agencies.
Feed and hay for animals and stock.
Fertilizer stores.
Florist shops.
Foster homes.
Fraternities and sororities.
Fruit stores (packing on premises).
Funeral homes and mortuaries.
Furniture stores.
Furriers.
Gift shops.
Glass installation.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Ice plants.
Interior decorating, costuming and draperies.
Jewelry stores.
Kindergartens.

Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat markets.
Medical buildings and clinics, and dental clinics.
Messenger offices.
Millinery stores.
Music, radio and television shops and repairs.
Newsstands.
Nursing homes.
Optical stores.
Paint and body shops.
Paint and wallpaper stores.
Parking lots (commercial).
Parks and public recreational facilities.
Pawnshops.
Pet kennels.
Pet shops, with property enclosed to prevent any noxious odors.
Photograph galleries.
Photographic studios.
Plant nurseries.
Plumbing and electrical shops.
Post offices.
Printing services.
Professional offices and office buildings.
Resort dwellings.
Restaurants.

- Sale of alcoholic beverages, package only.
 - Schools for business training.
 - Schools, private or parochial.
 - Seafood processing plants not located within 300 feet of any residential zone boundary.
 - Sharpening and grinding shops.
 - Ship chandlery.
 - Shoe repair shops.
 - Shoe stores.
 - Single-family residence.
 - Soft drink stands.
 - Souvenir stores.
 - Stationery stores and bookstores.
 - Tailor shops.
 - Tearooms.
 - Telephone and telegraph stations and exchanges.
 - Television and broadcasting stations, including studios, transmitting stations and towers, power plants and other incidental uses usually pertaining to such stations.
 - Testing laboratories.
 - Theaters, but no drive-ins.
 - Ticket offices and waiting rooms for common carriers.
 - Tobacco stores.
 - Upholstery shops.
 - Wearing apparel stores.
 - Welding repairs (except metal fabrication).
 - Wholesale salesroom and storage rooms.
 - Worship, places of.
- c. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
- Assisted living facility.
 - Automobile and motorcycle repair (major) and paint and body work.
 - Automobile sales and storage.
 - Automobile tires and mufflers (new) (sales and service).

Boat sales and service.

Building materials and supplies.

Cabinetmaking and carpentry.

Cemeteries and mausoleums.

Commercial entertainment and amusement enterprises (small scale), subject to conditions in section 62-1921.

Contractor's offices, plants and storage yards.

Crematoriums.

Engine sales and service.

Farm machinery sales and services.

Garage or mechanical service.

Gasoline service stations.

Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products.

Mini-warehouses.

Minor automobile repairs.

Mobile home and travel trailer sales.

Motorcycle sales and service.

Outdoor restaurant seating.

Outside sale of mobile homes.

Preexisting use.

Railroad, motor truck and water freight and passenger stations.

Recovered materials processing facility.

Security mobile home.

Service station for automotive vehicles and U-haul service.

Substations, and transmission facilities.

Tourist efficiencies and hotels and motels.

Treatment and recovery facility.

Warehouses.

- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to commercial and residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5). Additional accessory uses are as follows:

R - 0145

A roadside stand used as provided in chapter 86, article IV is permitted as an accessory use.

(3) *Conditional uses.* Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Automobile sales and storage (under one acre in the Merritt Island Redevelopment Area).

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marinas.

Flea markets (recreational vehicles may be an accessory use pursuant to division 5, subdivision II, of this article).

Land alteration (over five acres and up to ten acres).

Performance overlay districts.

Security mobile home.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4) *Minimum lot size.* Except for gasoline service stations, an area not less than 7,500 square feet is required, having a width and depth of not less than 75 feet.

(5) *Setbacks.*

a. *Generally.*

1. Gasoline Service Station setbacks in this zoning classification shall be governed by section 62-1835.7.
2. The front setback shall be 25 feet from the front lot line.
3. The rear setback shall be 15 feet from the rear lot line. However, if the rear lot line abuts a dedicated 20-foot alley or roadway, the setback shall be five feet.
4. Side Setbacks:
 - a. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet.
 - b. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.
 - c. Where a side lot line abuts a combination of commercial, industrial or residential zonings, the respective side setbacks as stated in a. or b. above shall apply to the affected side yard area.
 - d. Where a 20 foot dedicated alleyway or roadway exists adjacent to or abutting the rear lot line, and the zoning adjacent to the side yard area is non-residential, no side setback is required when a three hour firewall is constructed along the side lot line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.
 - e. Notwithstanding the requirements of section 5(a)(4)(b) above, where a 20-foot dedicated alleyway or roadway does not exist adjacent to or abutting the rear lot line, lots whose sides abut non-residential zonings may utilize a ten-foot paved

driveway setback along one side and a zero foot setback on the other provided a three-hour firewall is constructed where the building is proposed within five feet of the side property line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.

- f. On a corner lot, the side street setback shall be 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall 25 feet.
- b. *Breezeway/visual corridor.* All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105.
- (6) *Minimum floor area.* All structures shall contain a minimum of 300 square feet of floor area.
- (7) *Structural height standards.*
 - a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
 - b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
 - c. Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
 - d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - e. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (8) *Fencing and buffering.* See article XIII, division 2, of this article, pertaining to landscaping.
- (9) *Metal buildings.* Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in section 62-2115.
- (10) *Maximum floor area ratio.* The floor area ratio shall be governed by section 62-2110.

(Code 1979, § 14-20.12(C); Ord. No. 93-20, § 1, 6-22-93; Ord. No. 95-47, §§ 54, 55, 10-19-95; Ord. No. 95-49, §§ 9, 12, 18, 10-19-95; Ord. No. 95-51, § 5, 10-19-95; Ord. No. 96-16, §§ 57, 58, 3-28-96; Ord. No. 96-46, § 15, 10-22-96; Ord. No. 97-23, § 3, 7-8-97; Ord. No. 97-40, § 3, 10-14-97; Ord. No. 98-11, § 4, 2-26-98; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 99-24, §§ 3, 7, 4-8-99; Ord. No. 2000-50, § 4, 10-31-00; Ord. No. 01-07, § 3, 2-20-01; Ord. No. 01-30, § 11, 5-24-01; Ord. No. 2002-42, § 5, 8-27-02; Ord. No. 2002-43, § 3, 8-27-02; Ord. No. 2002-49, § 34, 9-17-02; Ord. No. 2003-03, § 28, 1-14-03; Ord. No. 03-36, § 1, 8-7-03; Ord. No. 04-29, § 27, 8-5-04; Ord. No. 2004-52, § 24, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 8, 8-23-05; Ord. No. 2007-59, § 4, 12-6-07; Ord. No. 2014-30, § 1, 10-2-14)

**PLANNING AND ZONING BOARD MINUTES
LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board, and Local Planning Agency, met in regular session on **Monday, October 5, 2015, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Clyde Thodey; Bill Cannon; Robert LaMarr; John Stone; Ron McLellan; Loretta Goggin; Ron Bartcher; and Richard Charbonneau

Staff members present were: Cristina Berrios, Assistant County Attorney; Eden Bentley, Deputy County Attorney; Cindy Fox, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

The 9 regular members present voted on Items III.B.1 and III.B.3.
Ron McLellan abstained on Item III.B.2.

Henry Minneboo – This is the Planning and Zoning Board, which is an advisory board to the Board of County Commissioners, and they will ultimately have the final decisions on each and every item we have today. The Commission meeting for this meeting will be on November 5th back in this room at 5:00 p.m. We're going to try to keep you on three minutes today for the people who would like to speak.

Henry Minneboo - Did everybody have an opportunity to look at the P&Z minutes of September 21st?

Clyde Thodey – Motion to approve.

Ron McLellan – Second.

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

Henry Minneboo – On the first item, staff has requested that we table this item. That's III.B.1.

→ **III.B.1. (15PZ00056) – IMPERIAL SOUTH, INC.** – (Will Reynolds) – requests a change of classification from PIP to RU-2-15 on 30.7, located on the east side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr. (2975 Allen Hill Ave., Melbourne (Tax Parcel 253); 2600 Promenade Dr., Melbourne (Tax Parcel 254); 6375 N. Wickham Rd. Ste 107, Melbourne (Tax Parcel 756); Tax Parcels 265 and 250 have no assigned address and are in the Melbourne area)

P&Z Recommendation: McLellan/Cannon – Tabled to the 11/09/15 P&Z meeting. Vote was unanimous.

Cindy Fox – Staff is spending more time reviewing this item.

Henry Minneboo – It's more complex than originally thought.

Ron McLellan – I'll move to table it.

Bill Cannon – Second.

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

III.B.2. (15PZ00051) – ROY WAYNE YATES – (David Agee) – requests a CUP for Land Alteration in an AGR and AU zoning classifications on 32.50 acres, located on the west side of Babcock St., approx. .50 mile south of Micco Rd. (9400 Babcock St., Fellsmere)

P&Z Recommendation: Thodey/Charbonneau – Tabled to the 11/09/15 P&Z meeting. Vote was unanimous.

Remainder
0148

**PLANNING AND ZONING BOARD MINUTES
LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board, and Local Planning Agency, met in regular session on **Monday, November 9, 2015, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Clyde Thodey; Peter Aydelotte; Bruce Moia; Robert LaMarr; John Stone; Loretta Goggin; and Ron Barcher.

Richard Charbonneau's presence was noted at 5:00 p.m.

Staff members present were: Cristina Berrios, Assistant County Attorney; Cindy Fox, Planning and Zoning Manager; George Ritchie, Planner II; and Jennifer Jones, Special Projects Coordinator II.

The 8 regular and alternate members present at the outset of the meeting voted on all items. Richard Charbonneau did not vote.

Henry Minneboo – This is the Planning and Zoning Board, which is an advisory board to the Board of County Commissioners, and ultimately they will have the final decisions on any decision that's made by this board today. They will review these items on December 3rd at 5:00 p.m. back in this room. Today, the people that have the project will be given 15 minutes for their presentation, and all those speaking in the audience will be given three [minutes]. I'll try to do my best to keep everything on schedule. Did everybody have an opportunity to look at the P&Z minutes?

Robert LaMarr – I'll make a motion to approve the minutes.

Bruce Moia – Second.

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

Henry Minneboo – There's two things we want to do before we get into the agenda. A lot of things have changed, board members, since the last time. It's my understanding we're allowed to carry now in these meetings. That's fully correct?

Cristina Berrios – Yes, that was the decision that the Board of County Commissioners made about two meetings ago.

Henry Minneboo – I didn't know if every board member knew, so it would be something a little different. On this table – a lot of people don't know – there's two layers of Kevlar, and that's just something for the board members to be knowledgeable. With that, in my ongoing protection of this board, when I chatted with some people about this there was – not board members, but other boards that meet have had some concern and just one of the solutions that is possible is to have a deputy here during our time of event. Is that something the board would.....I would hate to see everybody come in with guns strapped on.

Clyde Thodey – I make a motion that we do that.

Henry Minneboo – At least make a recommendation to the Board of County Commissioners? Peter, you're an ex-officer, does that sort of coincide?

Peter Aydelotte – I always feel safe here.

Bruce Moia – Who's allowed to carry? Is it just people with valid concealed weapons permits, or is it anybody?

Henry Minneboo – A person with a concealed weapons permit can bring one in here.

Cristina Berrios – That's correct. We did have a County policy that restricted it in all meetings, but the Board of County Commissioners about two meetings ago decided that they would go back to just what the State mandates, and the State only mandates that if an elected official is hosting a meeting that there's no guns in the room; otherwise, concealed carries are okay.

Loretta Goggin – Mr. Chairman, considering the degree of mental health services available in this county, I would have to agree with the motion that's on the table. Being in health care, I know that this county is lacking in mental health services significantly, and it doesn't take very much.

Henry Minneboo – Well, I thought I'd bring it up. Cindy, I guess we can bring that to the Board of County Commissioners, if the board recommends that?

Cindy Fox – Yes, that's fine. I can pass that on to the board.

Henry Minneboo – We've got LPA, P&Z, and the list goes on of what some of us are members of.

Cindy Fox – We can coordinate with the deputies ahead of time and let them know if it's a light schedule or heavy schedule. We can do that, no problem.

Henry Minneboo – We've done pretty good here, but sometimes they get drug out.

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

Cindy Fox – If the board would, go ahead and jump down to the LPA agenda. We need to do the Large Scale first, and then we can move back up to III.B.2.

LPA AGENDA:

1. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the adoption of the Fall Plan Amendment Cycle 2015-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

a. Plan Amendment 2015- 2.1 - a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 15 for approximately 30.7 acres located on the east side of Wickham Road at the south east intersection of Jordan Blass Drive.

LPA Recommendation: Thodey/Aydelotte – Denied. Vote was 7:1, with Bruce Moia voting nay.

Cindy Fox – This is a request that is related to III.B.2. This is the Comprehensive Plan Fall amendment package cycle, the second one for the year. We're just looking to go ahead and adopt this one. This is changing from Planned Industrial Park to Residential 15 for multi-family development.

Henry Minneboo – Is that your recommendation?

Cindy Fox – That would be what we're looking for today, yes.

Henry Minneboo – Is the applicant here?

Eric Juliano – Good afternoon, Eric Juliano, 4450 W. Eau Gallie Causeway, Suite 232, Melbourne, Florida. I'm with Bowman Consulting and we're here for any questions should you have any.

Henry Minneboo – Anybody have a question for this gentleman? Seeing none, I go out to the audience. Is there anybody who would like to speak for or against this item?

Mark Marine – I'm Mark Marine, 4 Southeby Way, Debary, Florida. I represent Preferred Materials, I'm the Executive Vice President of 6210 U.S. N. Hwy, and we have the asphalt facility that has been there since the early 1980's, and we are in great opposition of rezoning the property contiguous to us where we have an industrial asphalt plant, to heavy density housing. Without a question.

Henry Minneboo – You didn't surprise me.

Mark Marine – I'm responsible for 18 asphalt facilities in the State of Florida, and putting houses directly next to.....

Henry Minneboo – Is that the old Mack plant?

Mark Marine – Yes, it's the old Mack asphalt plant. It's been there since the early 1980's, and we have strict opposition to rezoning this.

Clyde Thodey – What is your main opposition to it?

Mark Marine – First off, just changing the overall use plan. It's zoned industrial, the area was allocated for an industrial park. The area around that piece of property is all commercially zoned. There is no residential contiguous to the property in question. We have an asphalt plant and are in the process of re-opening it, and we know in Brevard County a lot of the asphalt that has to be produced is produced at night and by having 24-hr operations with a potential of 500 families on the other side of the tracks will be very contentious for the Board of County Commissioners.

Henry Minneboo – Any other questions? Seeing none, I bring it back to the board.

Bruce Moia – I can definitely understand his concern. I mean, when you start putting residential next to industrial I'm sure the phone calls are going to be heard all over the place and I'm sure you don't want to field every phone call that happens every day, nor do the Commissioners. I'm not sure how to handle that, I mean, noise is going to be an issue. Are we talking about multi-story buildings, like three levels? Or is it going to be single-story buildings?

Eric Juliano – No sir, these are three-story buildings. Obviously, we've taken this into account and there's also a railroad track between us and them. We're providing adequate buffering and we're positioning the units in such a way that we're going to try to do what's best for the future residents. Obviously, the area around this corridor has changed quite a bit since the land use was originally industrial. We've got commercial uses right now next to us, such as a grocery store, dining facilities, and things like that. The residents are going to be able to go back and forth walking and on their bicycles. There are schools there and it lends itself very well, actually, to a residential use.

Bruce Moia – What's the size of the units? Is this high-end stuff?

Eric Juliano – I'd say it's high-end. There's anywhere from one to three-bedroom units. There's going to be a fitness center, a pool, and they're definitely nice units.

Bruce Moia – So, 1,500 to 2,000 square-foot units?

Eric Juliano – Yes.

Loretta Goggin – I kind of liken this to buying property next to an airport that was there first, and then calling the commissioners because the airplanes are there.

Eric Juliano – We know what's there and we know what we're doing.

Loretta Goggin – You know it's there as a property owner, but.....

Eric Juliano – These will be rentals, they're not going to be condos. They are apartments, not condominiums.

Henry Minneboo – Good comment, Loretta. Do you know how difficult it is to put an asphalt plant in this county?

Eric Juliano – That I do not know.

Henry Minneboo – To the best of my knowledge – and I know little bit about this county – I think there's three.

Eric Juliano – We're not asking them to go anywhere.

Henry Minneboo – Yes, but your people sure will. What's the pleasure of the board?

Loretta Goggin – For the rest of the board members, I know we need our roads fixed, I know we need cost of transporting supply meeting the demand. What concerns me is these are going to be rental properties. I know we need residents close to schools, and I know we need residents close to shopping, and need communities that we can live in, work in, and play in, but then we've got the environmental issues. So, those are my dilemmas.

Eric Juliano – The current land use would have more impact from a roadway standpoint than the proposed land use. Also, approving this will bring money to the county to help pay for the roads in a very direct manner. If it's an industrial use you'll have semi-trucks and all the things that cause problems on the road.

Henry Minneboo – I've been on the board a good while and I know a little bit about asphalt, not much. That plant was out there by itself at one time and Suntree would sure like to get rid of them. So, that's a location they've had, they've been grandfathered-in, and we have never approved another asphalt plant. I think we took a shot at one in Mims one time, away from everybody, and this board denied it. When you start talking about RU-2-15 next to this I just don't know.

Clyde Thodey – I'll make a motion that we not approve it. Deny it.

Peter Aydelotte – Second.

Henry Minneboo called for a roll call vote on the motion as stated.

Henry Minneboo – Yes to deny.

Clyde Thodey – Yes to deny.

Peter Aydelotte – Yes to deny.

Bruce Moia – I'm not in favor of denying it.

Robert LaMarr – Yes to deny.

John Stone – Yes to deny.

Loretta Goggin – Yes to deny.

Ron Bartcher – Yes to deny.

The motion passed 7:1 with Bruce Moia voting nay.

Cindy Fox – As a follow-up, you need to go ahead and address the zoning of the same property, which is III.B.2.

P&Z AGENDA:

THE FOLLOWING ITEM WAS TABLED FROM THE 10/05/15 P&Z MEETING

III.B.2. (15PZ00056) – IMPERIAL SOUTH, INC. – (Will Reynolds) – requests a change of classification from PIP to RU-2-15 on 30.7, located on the east side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr. (2975 Allen Hill Ave., Melbourne (Tax Parcel 253); 2600 Promenade Dr., Melbourne (Tax Parcel 254); 6375 N. Wickham Rd. Ste 107, Melbourne (Tax Parcel 756); Tax Parcels 265 and 250 have no assigned address and are in the Melbourne area)

P&Z Recommendation: Thodey/Aydelotte – Denied. Vote was unanimous.

Cindy Fox – Once you've denied the future land use, the zoning.....

Henry Minneboo – We still need to make a motion and a second.

Clyde Thodey – I'll make a motion to deny it.

Peter Aydelotte -- Second.

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

THE FOLLOWING ITEM WAS TABLED FROM THE 10/05/15 P&Z MEETING

DISTRICT 5

III.B.3. (15PZ00051) – ROY WAYNE YATES – (David Agee) – requests a CUP for Land Alteration in an AGR and AU zoning classifications on 32.50 acres, located on the west side of Babcock St., approx. .50 mile south of Micco Rd. (9400 Babcock St., Fellsmere)

P&Z Recommendation: Thodey/Aydelotte – Denied. Vote was 7:1, with Henry Minneboo voting nay.

Cindy Fox – Just to let the board know, we have legal counsel now for both sides, so we need to have some new introductions.

Kim Rezanka – Good afternoon, Chairman Minneboo, members of the Planning and Zoning Board, my name is Kim Rezanka, I'm with the law firm of Dean Mead, 7380 Murrell Road, Suite 200, here in Viera. I am new to this project as of Saturday. I wasn't in planning to go over this entire project again. Mr. Agee is still here in expert capacity, but I know Mr. Aydelotte was not here. Did you have a chance to review the minutes?

Peter Aydelotte – Yes.

Kim Rezanka – And Mr. Moia, did you have the chance to review the minutes? I didn't see that you were at the meeting last time.

Bruce Moia – I wasn't at the meeting, but I did read the minutes.

Kim Rezanka – Thank you. We just don't want to go over everything that went before, so that's why I was making sure. At that meeting, I noticed the last three pages of the Planning and Zoning Board meeting you asked Mr. Agee to meet with the Deer Run residents, that there may be some misconceptions. I know he met with a couple of them, but he was not able to get a group meeting. I'll let him explain that to you. They are obviously here also. So, that is one thing that Mr. Agee will need to explain to you. As you know, the conditional use is required for land alterations because this property is AGR and AU zoning. Just to clarify, this is for mining of coquina shell and quartz sand. It's not for mining of rock. There will also be clay that may be buried between the layers that Mr. Agee can also explain to you, but there is no blasting, no rock crushing. It's sand and shell that will be mined. In fact, as you will learn later on, there cannot be blasting due to a settlement agreement that came out from part of the administrative hearing back in 2009. This application is different than the one that was denied in 2010. I know the findings of fact from that Board of County Commission meeting were in your packet. This is different, that indeed said blasting. I have not had a chance to review all of those prior zoning packages or minutes, but I know the facts and circumstances that were relied upon in 2010 are different than the ones now, and as you know, every conditional use permit application stands on its own with the evidence that you have before you. I provided a packet of materials. Some of it is very basic and generic, but I did not see that it had been covered at the October 6th [sic] Planning and Zoning meeting. First, we are here because we've got an AGR and AU designation, both of which require conditional uses under Subsection III of Ordinances 62-1333 and 62-1334; subsection c's both require a conditional use permit for land alterations over five acres. There was one that was previously approved back in 2006 that allowed the mining of the five acres on Mr. Yates' property. At that time, Mr. Yates had a contractor doing the work and his name was Elmo Greer; and although he may have had a blasting permit it was never used on this property. Mr. Yates does not have a blasting permit and cannot have one. As part of the approval of the conditional use, the board may prescribe reasonable conditions and safeguards, and that's what a conditional use is. As you know, it is a use that can be used on this property, that's on notice to everyone who purchases land near it, that if you can put conditions on it to make it compatible then it's to be approved. The applicant has already agreed to numerous conditions. We would need to itemize them out; I don't know that staff has done that, and I don't believe that we have done that. We're going to have to have fencing and meet all the requirements of the land development regulations. We're going to have to have hours of operation compatible with the ordinances. We're going to have fencing, and we have to have all variety of conditions that are spelled out later throughout these ordinances. The general standards of review say the proposed use will be compatible with the character of adjacent and nearby properties. It's clear if you looked at the package that was submitted to you, there are seven other borrow pits that have been in existence in this area. Some even closer than the borrow pit Mr. Yates did back in 2006. All these borrow pits were permitted or at least used after Deer Run was platted in 1980. So, these borrow pits have all been approved since Deer Run was approved. Continuing through my packet after the ordinances there is a section in the Code, 62-1936, Land Alteration, that supplies some more conditions. It has setback conditions from residentially zoned neighborhoods of 250 feet. We're further back than that; I believe we're 600 or 750 feet back from the residentially zoned properties, not to mention most of the residentially zoned properties are vacant adjacent to the north, except for Mr. Crumpler, I believe. Operations will be limited to dawn and dusk; no operations on

Sunday. Just to clarify, because there's been so many different discussions about blasting and mining and what are we doing at this borrow pit, we're excavating, and the definition of excavating is removal of rock, stone, minerals, shells, sand, clay, muck, or other like materials. That's what is going to be done here. It is a mine; a mine is also defined as a borrow pit; these words have been used in a negative connotation, but they're the words of your ordinances. Next in the packet is the operation of land.....these got out of order.....there's a whole division in your code regarding land alteration. Section 62-4394 has the purpose and intent; "the establishment of reasonable standards through review and regulation of land alteration activities"; so this is allowed under your code to have these activities, so long as they're done and accomplished in accordance of the provision of this district. Moving on, Section 62-4397, Operation of Land Alteration Activities – and this is the one that has all the conditions that we have to abide by even without you putting them on the conditional use permit – it has to have fencing, there was a concern raised about animals getting into this area, but they can't because there's going to be a fence. Hours of operation: it actually has to be one half hour after.....nothing conducted one half hour after or one half hour before sunrise; it has limitations on haul routes; it has restrictions and qualifications and requirements for water quality and quantity; it has regulations on noise levels; it has regulations on dust, all of the things the applicant has already agreed they will control. And you know very well if they don't control, the conditional use can be revoked and Code Enforcement will come out. Next in the packet.....when you look at it, it says 'motion to relinquish jurisdiction', this is just attached to the settlement agreement between the Deer Run Community Association Inc. Roy Yates, and the St. Johns River Water Management District. This was based upon, I'm assuming, but do not know for a fact, that Deer Run was upset when the consumptive use permit was issued by St. Johns and a proceeding ensued. There was a settlement agreement, and this settlement agreement has to be upheld by not only Mr. Yates, but also by St. Johns; it's a binding legal settlement agreement, or Deer Run can sue. If you look at No. 2 of the settlement agreement it talks that if Mr. Yates is operating the de-watering pump he is unable to withdraw water from his well at his residence using a centrifugal pump; for reasons other than pump problems, he will cease pumping; No. 3, he has to install a 2-inch diameter PVC monitoring well if the level drops 2 feet or more due to the de-watering authorizations to a total level depth of 10 feet or more of natural grade, then de-watering must cease. Mr. Crumpler talked in detail about his pond going down 10 feet, but it is permitted under the settlement agreement, if that indeed did happen, and if it was indeed caused by Mr. Yates' borrow pit; and this was agreed to after that happened in 2006; this is a 2008 settlement agreement. Mr. Yates has to install a piezometer – I don't know exactly what that is, but I know it was discussed at P&Z last month. No. 5, water quality sampling will be performed. No. 6, the District has a right to curtail permitted withdraw rates. No. 8, the monitoring data will be submitted to the District's Palm Bay office to regulate. No. 8, Mr. Yates will not use any blasting materials to remove materials from the mine pit. Then, even more telling is when you look at the renewal of the consumptive use permit – the technical staff report is your packet dated September 29, 2011 – this was even after the Board denied the prior expansion of the borrow pit, which by the way was for a much larger area than what we're asking for today. So, again, the 2010 stands on its own and we're here before you on a new application. If you go through this technical staff report, on page 3 of 8, Reasonable Beneficial Use Criteria – and I've underlined some of these things, I know you probably don't want me to go through all of them, but it does show that staff reviewed and considered whether the proposed use efficiently uses water, incorporates adequate water conservation measures, and incorporates adequate environmental protection matters. It talks about the hydraulic barrier system; limit the horizontal and vertical level of draw down during excavation; staff concludes that reasonable assurances have been provided and that the proposed use is reasonable beneficial. They talk about the use of the re-charge trench, that this is in the public interest, the permit duration; there are 19 conditions that go along with this consumptive use permit, all of which must be abided by and are stricter than any regulations you would put on this conditional use permit, so we believe adequate safeguards are definitely in place to make sure there's not a problem with de-watering or drawn down, or any of those issues the residents are concerned with. I would like to address a few of the comments that were made by residents at P&Z.....I'm sorry, the last page of the document that I submitted to you is also in your package, No. 22 of the original submission by the applicant, and it shows all those other borrow pits' conditional use permits that have been approved by Brevard County, and they are substantial, they are all around this Deer Run area; there's Pence Land Materials directly to the right; you have Brevard Land Materials

immediately to the north; so, again, there may have been drawn down issues, but without evidence before you of the ground water and how it moves and when it happened, which you have none of that before you as you sit here today, you can't tell that Mr. Yates' borrow pit in 2006 or 2007 did any of these complained of activities that were talked about at P&Z on October 5th. Again, looking at that testimony, it was layman testimony; you have Mr. Crumpler, who apparently is going to submit more evidence today, and he is a layman, he has not stated anything with specificity as to when these things happened or how he knows Mr. Yates was responsible; and again, that was then and this is now, this is almost 10 years later. There were comments also by Mr. Crumpler that he could hear the constant noise of the pumps; that's not a violation of any code, it's not a violation of any regulation; you can hear people speaking at the property next to you; so, there's no evidence of any noise violation under your code. Mr. Moss talked about the settlement agreement, and he stated conclusively, 'permanent issues with some residents' wells and pond waters', we don't know who, we don't know where, we don't know when, and we don't know why, so that is not competent evidence before you upon to base a denial. Nancy Allen was concerned about animals coming onto the property; again, it is going to be fenced. Ms. Huddleston apparently is a realtor, but she is not an MAI appraiser, so she cannot talk about devaluation of land without being an MAI appraiser, so anything she stated here is speculative and is not competent evidence before you. Theresa Torsiello talked about the blasting permit, and again, Mr. Yates does not have a blasting permit; she also talks in detail about de-watering activities, 'damaged ponds and my well, so I had to go down deeper'; again, there is not proof that what Mr. Yates did caused that to happen. The documents before you show adequate safeguards by the DOA settlement and the consumptive use permit; this has been reviewed by experts; it has been agreed to, and it must be enforced. St. Johns River Water Management District has obligations under the settlement agreement and duties under the law to enforce the consumptive use permit. Mr. Agee will discuss the geological aspects of these water draw down issues, and he is an expert, and he will present his resume or discuss his qualifications with you. Thank you, I ask that you approve this conditional use permit.

David Agee – Good afternoon, my name is David Agee, I'm with Agee Consulting at 120 Harrison Street, Cocoa Village. I've got some handouts I'd like to present. I think I'll piggyback with what Ms. Rezanka had to say. If you look at – I've got a copy in that package that you all may have as well – the consumptive use technical staff report dated April 4, 2006, and it will segway into some groundwater information I'll give you, but since these pages aren't numbered.....I think it's the fourth page, Public Interest, at the top of the fourth page.....in that paragraph, the first paragraph, the last sentence is, "Staff concludes that".....let me back up, they did the consumptive use analysis, and then on the effect of drawn down of the proposed five-acre borrow pit at the time, taking it down to 31 feet, or minus 7 elevation, to assess whatever its hydraulic – lateral hydraulic – impact might have. They concluded that, "Reasonable assurance has been provided that the proposed use will not cause an interference to any existing legal use of water pursuant to Section 9.2, provided the permittee complies with the conditions recommended of this permit".

Henry Minneboo – Did that come from you, or is that coming from.....?

David Agee – This comes from St. Johns River Water Management District. Significant to that is existing legal use of water. That's defined by a well, a pond, and anything that could be a water source, it could be potentially impacted. That included Wayne Yates' own well that's on his property that is about 85 feet from the northern limits of that borrow pit footprint at the time. So, the lateral extent of drawing down water is, by St. Johns criteria, is minimal.

Bruce Moia – Would Mr. Yates be the closest resident to the borrow pit that's proposed?

David Agee – It's on his property, but the well itself is the closest to his borrow pit. If you look at Figure 8.....it's horizontally to scale relative to the south boundary on the right, which would be the south of the Yates property boundary, to the north boundary.....and then approximately it's showing horizontally distant from that approximately 350 feet, and then another 700 feet to wells in the Deer Run subdivision that are

identified as 129 Deer Run Road well, and 143 Deer Run Road well. The aerial with some of the graphics on it is, again, just the property itself in yellow.....this is Yates' parcel, it's not specific to the land alteration piece, but just to show it diagrammatically.....the bolder yellow line is a cross section through Yates' property, which is reflective of this cross sectional view shown at the top. Important to that is a couple of things: One, there are a number of wells that are permitted by.....well permits of record, and they're shown on the aerial as either red or brown; the brown wells being relatively shallow wells, and the red wells being a deeper well, or a well that goes into the aquifer, the deep aquifer, or the confined aquifer. It also shows the casing intervals that the shallow wells average about 60 – 80 feet in depth and they're cased plus or minus 60 feet, about 30 feet below the proposed bottom level of the borrow pit site. The deeper wells are cased....in this case on this figure, about 147 feet; I have some other documentation from the original submittal that gives a range of casing for the deep well of about 130 – 160 feet or deeper; and the shallow wells 60 – 80 feet. They are cased and protected from any groundwater movement that could happen form water being lowered from the pit or anywhere else for that matter. Also on this figure are some.....there are three monitoring wells that are identified, TMW 1, 2, and 3; TMW 1 was just used as a pumping well, it was at a depth of 45 feet with 40 feet of casing, drawn down to about 30 feet. This table is just a summary of groundwater levels that were measured and recorded starting with May 7th, and pumped until about the 15th or 18th. We got stabilized water depths in the pumping well about 30 feet more or less. TMW 2 & 3 are just showing the effect of that draw down that reflects the approximate depth of the borrow pit. On TMW 2, which is about 150 – 200 feet north of TMW 1 towards the Deer Run subdivision, and TMW 3, which is about 300 feet from the initial well to the north, and essentially no draw down.

Bruce Moia – Can you say those distances again?

David Agee – TMW 2 about 150 feet north of the pump; and 3, about another 150 feet north of that. I met with Hugh Crumpler on October 9th at his house just to look at his property and talk about the potential for setting up a meeting. We had some email exchanges, which are in your packet, on the 12th and 23rd; he requested some information from his and my field meeting, some geologic information and things that we had talked about. I asked him at that time in an email if he could tell me who to contact at Deer Run and set up a meeting. He suggested I get with Wayne Yates because he would know that. I got with Mr. Yates and he really didn't know who that person was, so I was looking through minutes notes and found that Brian Curry was the HOA president, and I tried to give him a call on the 29th of October and left a message; and then I called back this past Saturday and left a voice message, asking him to all to talk about the Yates piece, and I haven't heard back. (TAPE CHANGE)

Henry Minneboo – So, you did try to make an attempt here to get in contact?

David Agee – Yes. I think I've gone over my time.

Henry Minneboo – Does anybody have any questions?

Bruce Moia – I just want to make sure I understand this diagram he's given us. So, the borrow pit you're proposing to dig is about 30 feet deep? Is that what this is showing?

David Agee – Yes.

Bruce Moia – And you'll be de-watering probably to a point of 35 feet because you've got to have a little bit deeper of a borrow pit?

David Agee – Yes.

Bruce Moia – And the shallow wells are cased 60 feet deep.....the closest well for the residents would possibly be cased about 60 feet, and then you show here where you pumped down the one well about 150 feet away.....you're not showing much of a draw down once you get that far away.

David Agee – Correct.

Bruce Moia – So, according to this, de-watering that down to 35 feet should have no effect on the wells, whether they're cased down to 60 feet or cased down to 129 feet. That kind of summarizes this?

David Agee – Yes, or maybe even uncased, but yes, it shows no effect. St. Johns supported that as well with their consumptive use analysis and their model took it down to 31 feet, and they said there was no interference; in fact, it's not in that document, but talking with David King with St. Johns he said that Mr. Yates' own well on site, which is about 85 feet from the northern boundary of the pit, wasn't affected at all.

Bruce Moia – That would probably be typical. If you're only going to draw down to 35, something to 60 feet wouldn't be.....that water doesn't travel up hill.

David Agee – Correct.

Bruce Moia – Thank you.

Henry Minneboo – Mr. Agee, what about when you're doing your observation out there of the permits, was there some wells out there without a permit? You don't know?

David Agee – No, what I looked at.....I wasn't going from property to property, what I did was pull up from the health department all the.....but that was all of record of what the depth casings and timings were.

Henry Minneboo – When you look at this map, your Figure 6, it looks like this is the only place that doesn't have a borrow pit. Everybody else has a borrow pit. Why is that?

David Agee – Why are there so many borrow pits?

Henry Minneboo – From your map there's six or seven; and this is the only one that doesn't have one, and I'm wondering if all.....Cindy, would all of them have to have complied to the same standards as this applicant has to?

Cindy Fox – Theoretically, yes. If they applied to do that type of business they would need a conditional use permit, and that has not changed over the years, or since these first pits began.

Henry Minneboo – You've got one here right next to Deer Run, on Figure 6.

David Agee – The one to the east?

Henry Minneboo – There's one to the north.

David Agee – That was the Brevard Land Materials, and Pence Land Materials to the east.

Henry Minneboo – Do you know how long they've been there?

David Agee – Not an absolute date. I know since.....'88 is their permit of record; '87 for the one to the north. The map is color coded by decade, just to generalize, but the.....

Henry Minneboo – Okay, I see what you did.

Bruce Moia – Cindy, has the land alteration permit requirements changed over the years, or has it been pretty steady?

Cindy Fox – It has been pretty steady. The Zoning Code, the only way we altered it recently is we took out a limitation on acreage in certain zoning classifications. It has only changed at the State level and through environmental types of reviews. There hasn't been anything in the Brevard County Zoning Code to change it.

Bruce Moia – Right, but the land alteration permit code that kind of dictates all the conditions and standards, that has been the same for.....

Cindy Fox – It's been the same, yes.

Bruce Moia – Thank you.

Henry Minneboo – Anybody on the board have questions for this gentleman? Everybody can speak if they'd like to. It appears that you all.....if I'm correct, have a representative, do you have an attorney? Are you going to speak for everybody? If we can try not to be redundant, but if you've got some new information we've got a lot of the same board members here.

Cindy Fox – Mr. Chair, if I could also make the audience aware that if you're not at the mic we cannot record you and you will not be part of the public record. If you speak at the same time as someone else we cannot hear you on the recording, so please don't do a back and forth between each other in the audience, or at the podium from the audience, you have to be at the podium to be recorded. So, let's stick to that because we had a tough time the last time catching the complete record.

Henry Minneboo – Would the homeowners' representative like to speak first? You want to go last? Okay, however you'd like to do it I'll try to get to everybody.

Hugh Crumpler – I guess they've elected me to go first. My name is Hugh Crumpler III, I live at 171 Deer Run Road, and I'm very close to Mr. Yates' property, I can see it every day. I've given each of you two different handouts. I don't have enough time in three minutes to go through every way that Mr. Yates' coquina mining has impacted my property or the property of Deer Run. The lady who came up and represented Mr. Yates did a real good job; she called me a layman; I've been called a lot worse; and I won't argue with that. She didn't know it, but I have a lifetime certificate to teach science in the State of Missouri; I taught earth science for two years at the third largest high school in Missouri, so I have a little bit of an idea how water flows, how the ground works, and what's underground. I've done research, I didn't just wildly guess at where the water in my pond was going. Very, very basically, when Mr. Yates started mining, the water level in my pond dropped; an artesian well that was not supposed to be used for the pond, I put all the water flowing in my pond, it did not keep the level normal, so I bought a pump from Lowes and turned it on full-time 24/7 spraying it out in a fireman's hose to try to keep oxygen in the water and try to keep the water in the pond. At no time did any pumping or any running of the artesian well raise the level of my pond; the water still flows down. The bottom of my pond is coquina. St. Johns asked me to check, so I went out there and stuck a PVC pipe down in the bottom and put my hand over the top, pulled up the pipe, and there was coquina there. St. Johns agreed the bottom of my pond is coquina and it connects with coquina. I asked Mr. Agee for a copy of the information that he showed me because the borings on Mr. Yates' property closest to mine showed coquina. It's got to be a direct flow; it just flows from mine to his; the water is still flowing; my elevation is higher than his elevation; and water flows downhill. I had a sprinkler system but I don't use it because the water is now going in my pond. I had a shallow well that's probably six feet from the surface to the level of the water that was used for sprinkling; I measured that when he was pumping, and whenever he pumped the water level in that well went

down; it would come back a little bit, but it would not come back all the way, and every time it pumped it went lower and lower. Mr. Yates finally quit mining, and basically I'm in a defensive mode of keeping water running in the pond, and I haven't pursued any kind of remedy with him. My land next to my pond was flat, now it's hilly, as much as a 2-foot depression, like miniature sink holes I guess is the best way you can put it. I didn't any people or cars or anything, but still, the water is gone from the coquina so the land sunk.

Henry Minneboo – What time of year was it that you noticed the pond going down?

Hugh Crumpler – Whenever he was mining; I don't remember when it was, but if it's a rainy season my pond will come up because the water level in the ground comes up, but I still have to keep watering it; at no time will it overflow, and when it's the dry season like it's getting now it's going down even though I'm putting water in it, but it's a natural flow.

Clyde Thodey – How much water do you think you lost?

Hugh Crumpler – The top of the berm of the pond was 12-foot from the bottom, and that's what was considered to be a 12-foot deep pond. It almost went dry, and at least 10 feet of water went out. I don't know, I didn't measure it.

Bruce Moia – So, when the pumping stopped the water came back up?

Hugh Crumpler – When the pumping stopped I just didn't have to put as much water in the pond to keep water in it.

Bruce Moia – Right now.....

Hugh Crumpler – Right now I have a well flowing 24/7.

Bruce Moia – In his pit the water is all the way back up to the level.....

Hugh Crumpler – When I drive by the road his pit is full.

Bruce Moia – And yours is still lower than his?

Hugh Crumpler – Mine is....my guess, I don't really know, is that the level of my pond goes with his. That's my guess, I'm not trespassing on his property to find out.

Bruce Moia – So, you think, basically, when he's pumping, your water is kind of taking that water along just by velocity, I guess.

Hugh Crumpler – It's like a siphon hose, you put it in and it's going to go downhill, and you pinch it off and it stops.

Debra Bohnsack – My name is Debra Bohnsack and I live at 207 Deer Run Road.

Clyde Thodey – You may want to drop that microphone down so we can get everything.

Debra Bohnsack – I did talk last time about the effects of a mine next to a community, the only one in Brevard County that is an equestrian community. I made this map, which I'm going to hold up for everybody to see, and I'll also pass it along to you. This is the original plat map from when the community was formed around 1980. The highlighted yellow line is our perimeter trail, and that is the trail that leads to our community park. The park is marked on here and the line is also marked on there. The bottom line on where, which is a berm

trail, is directly between the Deer Run community and Mr. Yates' property. That's the main trail that the trail riders use if they don't want to ride on the street, to get to our community park. So, there may be obviously a different distance between his mine and residents' wells and homes, but that dividing line, that trail system, is what all of the equestrians use to get to it. It's the width of about one car lane. I myself am a carriage driver, and we have a couple of other carriage drivers in our community as well. When you are carriage driving on the top of a berm trail that is one car wide, you cannot turn around if there is something scary going on up ahead. So, once you get on this trail up at the front of the subdivision and you are heading back towards the park, you're stuck there. If there's dump truck there clanging its back gate as it drops, or being filled with rock and making noise, trust me, those horses can hear it from 500 feet away, they can feel the vibrations in the ground. A lot of people use this trail that don't want to ride on the streets, and this is a trail that was designed with our subdivision, it's been there a long time, and we count on it. The last time he did his mine I didn't live in the community, but I have letters in my folder that I will be turning in from 17 of our equestrians who are against this going in because of the fact that it is not compatible next to an equestrian community with trails that are used by us, by our children, by carriage drivers, by trail riders. We need to keep this trail open and safe without having these loud noises. Vibrations in the ground, loud noises, unexpected sights and sounds, these are all things that spook horses. I do consider myself an expert; I've been riding since I was five; I've owned horses continuously for 38 years; I train my own horses; so I do know what I'm talking about with regard to that. Can I add one more very brief thing?

Henry Minneboo – Yes, ma'am.

Debra Bohnsack – With regard to what the other attorney talked about in 2010, I'm reading from the commission minutes, from the attorney that spoke on behalf of Mr. Yates. At that time in 2010 there was no blasting in the proposal; in 2010 it was only electric motors in the proposal; there's the same water truck that was supposed to be on site in the proposal, but now instead of that five-acre pit being 1,700 feet away from our riding trail, it's.....according to what I can figure out on Google Earth, about 475 feet from our riding trail, with no trees, per se, in between, but an open cow field. That's dangerous for us and it has been for a long time.

Henry Minneboo – Is the trail maintained? The perimeter trails around Deer Run, are they maintained?

Debra Bohnsack – Some of them are maintained by the County and some of them are maintained by the residents. So, they get mowed if that's what you mean. Can I pass this for you all to look at?

Henry Minneboo – Anybody else have any questions for this lady?

Bruce Moia – I guess it's not really a question, but more of a point, I know when Deer Run was built there wasn't anything out there, but to have a perimeter around the outside of the boundary of the development pretty much limits any kind of any activity from the neighboring properties just because there's no buffer between the trail and anybody that surrounds your property. I'm not saying that's anybody's fault, but it seems like it's kind of bad planning, not knowing what's going to happen in the future, to limit people around you from doing anything because you decided to build a trail with no buffer from the surroundings. That's not really a question, just a comment.

Debra Bohnsack – The property that is directly south of Mr. Yates' has been annexed into the City of Palm Bay; that's 2,100 acres and is not zoned agricultural, it is general use with a future plan of residential and mixed use. So, he himself has a future use of residential according to the County, as well. We're not against housing or a residential community going in, and normal sights and sounds that come with that, but a 17-acre pit mine with trucks coming in and out, scraping on the ground, ripping the materials out, air brakes on the trucks, clanging, that is something that is not consistent with an equestrian community or any residential community.

Henry Minneboo – Thank you. Who would like to be next?

Don Henderson – My name is Don Henderson, 271 Deer Run Road, Palm Bay, Florida. The water issue.....the borrow pits that they spoke about are all to the north and to the east; the water flows in the aquifer to the south, so any drawing of water south of us pulls our water, and 5,000 gallons a day coming out of there will impact our water, it will cause a saltwater intrusion to occur sooner. I am a P.E., so I'm not a layperson to the attorney. I want to speak to the ambiguity, or not clear stuff, in the permit. One of those items is the overburden. There's over 300,000 yards of overburden that he has to get rid of and there's no mention of that or what he's going to do with it. He's not allowed to pile dirt, or material, I believe it's either six or 12 feet in the permit. Don't be misled by the depth; I think it's minus 50; we're at elevation 27, so that's almost 80 feet deep he's going to be going, instead of the 45 or whatever he said it was. You don't think it's minus 50?

Henry Minneboo – No, that's not happening today.

Don Henderson – Okay, I like that part. On the pump operation he states that the pumps are going to run 12 hours a day, but he's only going to work six days a week, but he doesn't say if the pumps are going to be running on the weekend; and if he doesn't allow the pumps to run on the weekends, he's got a flow of water that's coming to fill that pit up and it's going to make one heck of a pumping action on Monday morning. He states that he's going to do 30 trips; and I don't know if that's 30 out and 30 back, or 30 trips a day with his trucks. In 2010/2011, he was going to be up to 250 trucks a day, trips a day, and that's a big difference. I don't know if 30 trucks a day is economically feasible, hauling a truck out of there with all the work involved with it. He states it's a level of service 'B'; the County says that level of service is 'D' on that roadway. The level of service is kind of immaterial. What is really important is the loads coming out of that pit on the road that's already deteriorated and is going to cause more damage. The other issue with that is there is nothing in the Brevard County work program to overlay, or rebuild, to widen, to do anything to Babcock Road in our area. The only thing in the work program is some intersection improvements. I spoke to them this morning in the Planning group, the Space Coast folks, there's nothing in there. He states in his permit that it's a five-year deal; in five years he walks away and we've got a damaged road, and there's nothing in the program to fix it. He has stated he is going to mine this with a backhoe and put it in trucks and truck it off. Well, Florida Statute 316.520 and 316.525 says he is not allowed to put wet material on public roadways. So, the coquina he digs up – there's a lot of water in coquina – is going to have to be stockpiled for some period of time. In my experience with mining, especially on 27 and anything out west, once the material is dug and is stockpiled for several weeks for the water to leak out before it can be taken on public roads, that's against the law and the statutes are there. He indicated he's just going to load his trucks and go. The biggest issue is our water, and with that much water being pumped, everything to the north – I've seen it many times with de-watering for borrow pits – that we pulled....D.O.T. has pulled water half a mile or a mile away from ponds and drained them, and that's what happens here with the water flowing south.

Steve Walbert – My name is Steve Walbert, I live at 129 Deer Run Road, I'm the sixth one in on the left. I couldn't make it to the last meeting, but I did send you all an email. I work for the City of Palm Bay and I'm the water plant operator; I have an 'A' license in water plant operation, and a 'C' license in wastewater operations. A half million gallons a day, at 700 hundred gallons a minute for 12 hours, that's what he's allowed to pump out of there. How do we know that? What's his metering things? We have to report everything, everything is electronic. How does he know when he hits that 500,000 gallon mark? That's the thing I would like to know, too. An acre is 43,500 square feet; and acre-foot of water is about 350,000 gallons; so it would take an acre and a half at a foot deep to do 500,000 gallons. Now we're talking about an aquifer, which might be at most 25% water, so do the other quarter back and you're talking about six acres pumping out a foot of water a day. If you take from the middle of his property to the first house there it's 1,300 feet; if you do the area of a circle, that comes out to 121 acres around his lot there; that's one foot of water every 20 days coming out of the 121-acre circle. That is a 2,600 foot circle, or half a mile, diameter circle; that's 18 feet a year coming out of that one half-mile circle. So, where does that come from? It comes from Deer Run to the north, his retention pond (unclear), but it's going to come from us. It's going to affect my pond; I've got over \$10,000 worth of koi in my

pond; I've got bass over 20 inches; in a half-hour you could catch 20 bluegills over 10 inches. My pond has been aerated for seven years, nonstop, 24/7; I take a lot of pride in that. That is going to drop. They talked about well casings; they do go down further, too, but when you're drawing that much water off the top of that aquifer you're bound to have the bottom saltwater aquifer come up, so the more likely you are to get saltwater intrusion, which we have that problem with some of the wells in Palm Bay. There's even some wells in Palm Bay that we put stipulations on that we can only run so much because peoples' water sprinklers.....the water level goes down on them. So, for the water level to come down.....the thing that bugs me – if I can go another minute – we talked about these things years and years ago.....if you guys had been planning to do this yourselves, and we came back now, and you've had years and years, would you have not had every 'i' dotted and every 't' crossed? And your first day to come and present this, and here we are with no notice two days the last meeting and coming back to explain ourselves.....it's a hard one. Now, he has a new person he just picked up last Saturday, or whatever it was. So, thank you.

Susannah Becker – My name is Susannah Becker, I live at 315 Pinto Lane, Deer Run. I want to draw your attention to Page 17 of the notes from the previous hearing. Section 62-1901(c)(2)(e), impact upon potable water and wastewater levels of service. It says in that Section that Mr. Yates is not going to use any potable water, but all the water in Deer Run is potable water. That is the water we use. A lowering of the water table will also lower the water tables on our property. Our homes depend on wells for their potable water supply. There's no piped water from Palm Bay municipality. Each home has dug its own well, installed pumps, pressure tanks, filter systems, aerator tanks, to disperse sulphur gas; our drinking water, showers, washing machines, septic tanks, drainage fields, rely on the underground water. I drink that water; that is potable water that he will be taking. Deer Run is a community crossed by canals, dotted with drainage ponds, sheltered by uncut vegetation. This combination is designated wetlands; Brevard County does not permit clearing of wetlands in order to build houses; the delicate balance of vegetation, gulleys, ditches, canals, underground water levels, and surface levels are essentials. Our residents respect and abide by the codes set by Brevard County. Space Coast Property Management helps residents observe the covenants and restrictions of Deer Run. Polluted well water, or no well water, is a daunting prospect. Will residents be able to stay in their houses, or sell their houses? Will they continue to pay their mortgages? Space Coast Property Management dues? Annual County taxes? Homeowners insurance? Flood insurance? Will they continue to maintain their properties and repair their roofs? The other issue with the water is that there are no fire hydrants in Deer Run. Well water and hoses are the first responders in case of fire, and not in frequent occurrence throughout the dry season in Brevard. Fire engines are approximately 15 minutes away. The trucks might need to suction water from our static water supply, that is ponds and canals that already drop their levels in the dry season. The other section that was mentioned in your notes from before, the impact upon property values of abutting residential properties. This community.....

Henry Minneboo – I'll give you a couple more seconds.

Susannah Becker -is stable hard working people employed in the cities of Brevard and beyond. Does Brevard County want to jeopardize this reliable tax base? Do the local public and private schools want to lose their students? There's no insurance or compensation for loss of well water, loss of surface water, loss of tranquility, loss of wildlife, and loss of equity in our houses. Thank you.

Henry Minneboo –Thank you. I think there's water to that school now, city water.

Barrow Patterson – I live at 238 Deer Run Road. I was here in the 2010 meetings and I was one of the ones who contacted (unclear) in regards to Mr. Yates and what he was doing over there, and they told me he was using that property that he had for.....where he was filtering feces that was not completely taken care of. I have all the paper work that you have gone through, and after reading it, what your last paperwork says with Yates, it says, here, I have it here, just one second. "The subject property is zoned AU and AGR and is developed for single-family use, five acres, alteration, mining, and agricultural use categories". It says, "Based

on the foregoing, the Board of County Commissioners hereby finds the proposed conditional use permit is incompatible with the residential subdivision that is locally based within. Therefore, the applicant has failed to meet the criteria of Section 62-115, the Code and Ordinances of Brevard County, Florida. Accordingly, the conditional use permit is hereby denied." My letter to you is this: As a concerned resident of the Deer Run community, my husband and I would like to request that Planning and Zoning board members deny the request of Mr. Yates to extend the borrow pit to almost 4 times its present size. He has previously been denied on the basis of the impact to the Deer Run community that has developed and brought more families with school aged children in the last five years. Babcock Road is already in disrepair and the proposed traffic would substantially increase the wear and tear of the road. It's already looking like a woman with varicose veins, it's all bumped up and down and it needs fixing. It is not only a safety concern, but also a considerable expense to the county in terms of traffic along Babcock Road. Babcock Road is the only way for those of us in Deer Run to get to other main roads in the area. As previously noted in the last summary the draining of his pond affects the water table of the Deer Run residents since we rely solely on wells. The board will see that there is no change in the impact to our community. He has specified the size of the pit as well as no longer using explosives to get to the coquina. Please deny the request with pre-justice, if possible. This continued effort on the part of Mr. Yates is costing the taxpayer in terms of resources and time in order to promote his own self interests. Basically, we are all community here; we are the ones who keep Brevard County, pay the taxes, and live here. I don't see why Mr. Yates with the special interests and people who are going to help him do those things to build another city. We are going to sit down and play dead with this? I might not know some of the words to use, but I'm asking you to please deny. Thank you.

Henry Minneboo – Jennifer, use that varicose veins if you can.

Tammy Rutkowski – Fabulous analogy. Tammy Rutkowski, 270 Deer Run Road. I just wanted you to know that I was involved with that agreement with St. Johns, and they're consumptive use permit and the agreement that we have with Mr. Yates and Deer Run is solely for that initial consumptive use permit when he was de-watering that initial five acres. When we entered into that agreement it states on there that it is solely for that consumptive use permit and trying to mitigate the damages we were already suffering because he already had the de-watering permit. It is not for this 17 acres, or whatever acre that he's trying to expand to now. He's tried to expand so many times, I don't even know how big he's trying to go now. We've been here so many times. I just want you to be aware that what she alluded to is solely – and it's on the written agreement – for that consumptive use permit from St. Johns. I'd also like to play devil's advocate just a little bit because we are being characterized as this portion of the county that is nothing but borrow pits. There is one, one active borrow pit down there, and it is almost double the distance from Mr. Yates' proposed site, and they are not de-watering actively at the time, and that is Pence. Nobody else is active. So, my point is that in the criteria for review you have to talk about cumulative effects, and if we are this massive nothing-but-borrow-pits site, which we're not, then you have a cumulative effect there. At what point do we say, "I think we have enough borrow pits now." That's my point.

Henry Minneboo – Any questions?

Robert LaMarr – I've got a question for staff. So, it is a fact that Deer Run does not have any fire hydrants and no city water going to them, or county water going to that neighborhood?

Henry Minneboo – I think it only goes to the school.

Unidentified speaker – It goes down to Waterstone, to the school, the Waterstone development, and that's the last one going south at all.

Robert LaMarr – Okay, so there's no fire hydrants in the subdivision?

Unidentified speaker – No, sir. What they bring is they bring the tankers in full, or they draw from a pond.

Larry Vavroch – 321 Appaloosa Street, Deer Run. Prior moving into Deer Run I came down to Florida back in 2004. We have horses.....I actually rented property at 9232 Flannigans Place off of Willowbrook. If you look at the first chart it's the famous Figure 6. If you look at the little star we're about at the 'L' of Brevard Materials, so that's where we were renting property for those eight years or so. I was about a half mile away from the pit labeled Brevard Land Materials, and just under a mile from the one called Rolling Meadows that I knew as Blackhawk. I was a mile and a tenth from the Rolling Meadows entrance, and I was about five-eighths of a mile from the abandoned Rolling Meadows scale house. They actually had a scale house where if the truck was overloaded they had a little claw that would pick it up and throw the extra out. Those pits operated intermittently at best, and by intermittently I mean once or twice a year. Rolling Meadows probably had more trucks hauling dirt (TAPE CHANGE) but when they operate it, they operate for a week or two at a time, those two pits; they would massively de-water; pumps would come on and diesel engines would run 24/7; the equipment would rev and you'd have the equipment bucket loaders revving, you'd hear the buckets clanging as they'd empty the buckets; and that operated 16 hours a day in the summer when they had light that long. The trucks are kind of like Daytona; they get paid by the trip; over turn 3 they don't brake until the last second, so you can make that corner a little bit faster; you can hear those engine brakes a mile and a half away, and it's loud; you're not living near I-95; you're living in a quiet neighborhood; we don't even have light pollution except for Palm Bay, and Melbourne to the north of us. The diesel engines at full throttle are noisy from a mile and a mile and a half away; we not only heard them in our yards, we heard them in our house; we left the TV on when we went to bed so we could mask-out the sound of the diesel engines. Sound is in 3-D, it extends everywhere, so when you get half as close it is four times as loud; and I can't imagine 300 feet. In addition, I'd like you to look at sheet 2; that's the picture from Google at Babcock. If I wanted to buy a house and build it within 800 feet of that I would definitely think about what the aesthetic value of that is; the next picture is in the same time frame as the Yates borrow pit. I just want to leave you with one last thought. Would you pay the same amount for a house for a view of that and the equipment running as you would if you didn't have that in your back yard? Thank you.

Henry Minneboo - Yes, sir?

Keith McGregor - Nice meeting you after about 14 years; you were the Director of Road and Bridge, I believe?

Henry Minneboo - I don't tell people that.

Keith McGregor - My name is Keith McGregor and I live at 368 Deer Run Road, Palm Bay, Florida. As was mentioned about mining, Blackhawk Quarry, Rolling Meadows.....when we were having a severe problem with flooding I was very instrumental in getting the St. Johns River Water Management, with the County, to put a pump system into our subdivision, which was very, very helpful. Getting back to Mr. Yates, I think the underlying issue is really the new development with Emerald City of Palm Bay. If we look at Emerald City's proposal they need this coquina, and the best way for them to get it is to get to you, Planning and Zoning, so we can get cheaper movement of material for road base. That's the underlying factor. Contamination of well water; the gentleman preceding me indicated about diesel spilling; the fuel has to be maintained, it has to be controlled; the diesel is just obnoxious, period; and we live in a community that we think we bought, we invested, and we should maintain. We're asking for your support as Planning and Zoning for this county, to take into consideration would you live in that environment? I don't think so. So, ask yourself, as a planning and zoning commissioner sitting here, would you approve of such a facility that abuts your property? Thank you.

Linda Huddleston - My name is Linda Huddleston, I live 231 Deer Run Road, in the Deer Run subdivision. I am a licensed realtor with Keller Williams Realty, and have been selling real estate in Brevard County since 2003. My parents have lived in Brevard County since 1963 when my dad started working for NASA; my mom,

who will turn 95 after Thanksgiving, moved in with my husband Dave and I last Christmas after suffering a stroke; and 90% of her day is spent sitting on our back porch which overlooks our pasture and Mr. Yates's property just south of the canal behind our pasture. As a very active real estate agent I walk the different neighborhoods of Brevard County knocking on doors, meeting lots of people, and always asking the people I meet what brought them to Brevard County; and the number one reason is always a laid-back lifestyle here. While selling homes for 15 years I always look at a home and neighborhood questioning if I would like to live here. The first time I rode into Deer Run I knew I need not look any further. I didn't care so much about the home that I purchased, but I did about the community of Deer Run. I would like to draw your attention to Brevard County's Ordinance Section 62-1901; the applicant, Mr. Yates, is applying for a permit to conduct mining activities; this ordinance specifically states that the applicant must comply by not impacting adjacent and nearby properties with noise, odor, particles, smoke, fumes, and other emissions. So, how do mining operations affect neighboring communities? I consulted the United Nations Office for Project Services and they have a publication called *Environmental Issues*. Section 7.41 in that publication states that quarrying and excavation can destroy the economic and aesthetic value of public and private properties, including agriculture and grazing land. It goes on to include the negative impacts of borrowing activities; some of these are increased traffic, movements and excavation, levels of vibration and noise can increase, health hazards can increase due to stagnant waterbodies and can cause drowning of children and act as a breeding sites for malarial mosquito larvae, erosion and loss of habitats due to vegetation clearing and excavation, traffic accidents may occur due to increased traffic movement in the project area, dust from traffic movements and excavation, as well as exhaust fumes from vehicles and machinery can lead to deterioration of air quality. One of the mitigation measures recommended by the United Nations Office for Project Services is to reduce the effects of noise and vibration due to excavation of borrow pits and quarries. These should be sited as far as possible from human settlement. I sincerely ask the Planning and Zoning board to protect this beautiful rural area near the intersection of Babcock and Micco Road by not granting Mr. Yates a permit to conduct mining operations on his property. We have more elderly residents in Deer Run besides my mom, as well as children and families, that will be adversely affected, as well as the value of their home. Thank you.

Tom Fallon - Good afternoon. My name is Tom Fallon, I live at 3 Deer Court, which is right off of Deer Run towards the Yates property; I look at his barn and his property every day. I'm as close as anyone, I suppose. I am the Vice President on the board the Deer Run community. Nobody has mentioned the St. Sebastian River Preserve, the State park that is directly across from Mr. Yates and us. I have three ponds on my two lots; I have two lots and approximately six acres, and I call it the Three Pond Ranch; as my neighbor Steve was up here recently, he has a wonderful pond, he takes care of it, and it's beautiful; I only hope to get half of what he's done with his. I am concerned about the saltwater intrusion; its freshwater aquifers, the movement of saline water into a freshwater aquifer, which can lead to contamination of my drinking water sources and other consequences. The best answer is over-pumping the aquifer; the effect is permanent contamination of the aquifer by the saltwater. I'm just a layman, I'm not a professional, I'm not quoting you the verses of the ordinances, but as a layman I don't believe in coincidences. We do have some professionals to speak for us here, and like you, we are all volunteers. I would just like to have you consider and yield to the law of the people here in this community; it's gorgeous and I've selected it much like my predecessors who just spoke and are wonderful people and good neighbors, and we abide by all the rules of the County and City. The contamination issue, which is the most serious for all of us because we depend on that water. That's our only source. Thank you.

Dave Huddleston - My name is Dave Huddleston, Linda is my beautiful wife. We live at 231 Deer Run Road. We have five acres and my life is anything but laid back, so that keeps me very busy. To continue on, I just want to talk about saltwater intrusion. Yes, my mother-in-law is 95 years old and sits on the back porch. I saw turkeys in my backyard this weekend; I saw a pointed buck in my yard at night; and I'd like to keep it that way. One of the things that I want to speak about is we bought our home from a couple, actually from an elderly woman from Reddick whose husband passed and she could no longer take care of the property. I believe I've had to sink a new well as a result of saltwater intrusion that may have been caused by Mr. Yates' previous de-

watering. They had a well that was sank when they bought the house in 1998; obviously, it had to be a great well to give them good water; but when we went to look at the house.....you inspect a house and look at everything.....one thing I noticed was all the fixtures under the sinks and toilets were all badly corroded. We had to replace every one of them. We had to get a new well. The last time I was here I mentioned the fact that I had my water tested, both with the old well and after getting the new well. One of the things I measured.....I sent out water to the Environmental Test and Research Laboratory in Massachusetts because I wanted a good investigation of my water. They came back with a standard analysis of my water. I had, from that old well that was originally sank with the house, at 941.5 milligrams of chloride per liter. The EPA standard is 250 max. They had a perfectly good well, but over time something happened to it. I'm a layman and I don't know a lot of about that, but I am an engineer at Grumman and I'm building the next long-range bomb. With that, I had to get a new well, had to invest that money, which totaled about \$7,100 in getting the well and everything that goes with it. Right now, my water is at 50.9 milligrams of chloride per liter, so I'm well within the limit and the water tastes great, but I really do believe that anything that Mr. Yates has done. I don't know how this has been talked about but not really addressed. When you take fresh water off of the top of a layer of saltwater - and that's what's going to be causing the saltwater intrusion - the saltwater is going to rise, so it's getting into our wells. If Mr. Yates pumps fresh water off of his property and ours we're going to have more saltwater intrusion.

Henry Minneboo - Summarize if you can.

Dave Huddleston - I'm asking you to decline Mr. Yates' request and help us maintain the quality of our water, because I believe pumping that much water out of our shallow well area is going to bring in more saltwater.

Bruce Moia - How many units are there in Deer Run?

Henry Minneboo - How many homes?

Dave Huddleston - About 450. So, we'd like to grow.

Brian Curry - My name is Brian Curry, I reside at 184 Deer Run Road. I'm also the President of the Deer Run Community association. I do not have any handouts, although I would like to reference a handout that was previously provided to this board. Thank you for your time and patience to listen to us. This is a monumental issue for the residents of Deer Run, and your time today and patience is very much appreciated. I would like to jump to three points I have today. The first point is.....and with all due respect to Mr. Agee's testimony, the first time I was contacted by the Yates party was Saturday, two calendar days ago, at approximately 1:30 in the afternoon. I received a follow-up call on Sunday, yesterday, at about 3:30 p.m. in the afternoon. I was contacted twice; this past weekend I was away from my home; the voice messages are a testament to Mr. Agee's phone calls and the dates thereof, so I just wanted to put that down for the record. The primary reason why this board tabled the request was for the Yates party to contact Deer Run and to settle it amicably. The first and the only time we were contacted was this past weekend; the first time on Saturday, the second time on Sunday; and the request simply said, 'please contact me to discuss this situation'. I never received, to the best of my knowledge, a phone call in the month of October. Secondly, I do want to talk specifically about school buses. Ma'am, is it Ms. Goggin? Ms. Goggin, as you're the representative for the Brevard School system, I am a product of the Brevard County School system, K through 12, and I've spent over 25 years as a resident of Brevard County, fourth generation Floridian, and I love Brevard County and I think the school system is doing a fantastic job. Notwithstanding, my wife is a teacher in the school system, and both of our kids go to Sunrise. With that said, with regards to the school buses, there is a school bus that does drive past Mr. Yates' property, from Sunrise down to the C54 canal, the ranger's station just off the road there, and they drop off a youngster, and then they drive back past the Yates property to go into Deer Run to drop off the kids who live in Deer Run, so we do have a good number of kids on the school bus - I don't know what that number is, 10 or 12, but for whatever reason, the bus drives past the property and comes back up to drop off the kids in the afternoon, and then they do the same in the morning. I was also advised that trucks are paid by the load;

truck drivers are not paid by the hour, they are paid by the load. So, if I was a truck driver - and this is theoretical, admittedly so - if I was a truck driver I would try to get as many loads in as I could. You have a school bus full of kids driving directly past the driveway of the Yates property - the construction driveway of the Yates property - twice per day, and that is the one I know of; I don't know about middle schools or high schools, but for Sunrise, my son, when I have a day off, he rides that bus home; and if this permit passes - and these dump trucks are hauling full loads up and down Babcock Street all day long, six days a week, and a school bus is also occupying that same road, driving right past each other, right past the Yates property to and from, I don't know if I will allow my own son to ride home on a school bus. As I mentioned before, my wife is also a teacher, so we have the luxury of him riding home with her, as well as our four-year old daughter. So, I just want to point that out, Ms. Goggin, because I know at the last board meeting we had about a month ago, you mentioned the fact that we do have the school system, we have Sunrise. We talked a little bit about it, but I don't think we talked about it to the extent that it warrants, and that extent is not only the Yates property right next to Deer Run, but it is a couple of miles away from Sunrise and we do have an active bus route right next to the Yates property on Babcock. The last thing I would like to mention is notice. Mr. Crumpler provided us earlier today the notice by Mr. Yates of the conditional use permit request; this notice is a little larger than the piece of paper I'm holding in my hand; for the longest time I was never aware of this notice; it is tacked onto a telephone post, the closest telephone post to the construction driveway and it is as such that if you don't know it was there you would think it was some kind of lost dog advertisement. So, I just want to point that out that with regards to the notice we really had to stop and take a good look to discover the notice, so I just wanted to make that point. In the meeting we had last month we stated a notice was not present, but there was a notice present, it was just off the road, to the side, tacked to a telephone pole - and for all intents and purposes, folded in half. That is all I have.

Henry Minneboo - Thank you.

Loretta Goggin - Henry, before he speaks I'd like to comment on what you said. Unfortunately, I can't remark on the school bus transportation issue because that would be unfair of me to address that issue. If the situation were that I would think that there were a.....that that was not an appropriate place for a bus stop, then I would have to address it, but under this condition I really can't say anything because it's a public roadway, so you can kind of understand my position on that. If you see the trucks driving over the speed limit then maybe that's a thing that you would want to take up with law enforcement. In your community, if the bus stop is at a place where it shouldn't be, then it's a different story.

Noah Kugler - Greetings, board members, my name is Noah Kugler, and I'm a professional geologist in the State of Florida. I have 10 years' experience with a major consulting firm in Southwest Florida, three and a half years' experience as the water use supervisor and main groundwater model reviewer for the South Florida Water Management District in Fort Myers. For the last three and a half years I have run my own hydrogeological consulting firm in Fort Myers. I am located at 1905 SW 13th Lane. I've reviewed the agenda materials, permit applications, and consent order from St. Johns River Water Management District, and other technical materials. As a groundwater modeler I can't envision how the St. Johns River Water Management District would take a groundwater model of a mine pit, de-water to 30 feet below land surface and issue a permit saying there's no potential for harm. I can't imagine that, I really can't. So, about 600 feet from the Deer Run development, with only farm field in between the residences, this would be the closest active mine to any residences regardless of the other eight mines in the area, this is the closest at 600 feet. Mr. Agee has stated that it would not be possible for mining de-watering activities to affect nearby lakes and wells, although a number of Deer Run residents have spoken contrary to that. It has become my professional opinion that I disagree with Mr. Agee, and I will get to that in a second. The target mining material of coquina is part of a group known as Anastasia formation in the area; this is composed of intermittent sands and clay with crumbly to relatively hard coquina limestone and other lime rock, not just the coquina, but lime rock; the coquina is typically made of whole fragmented shell and matrix of sand cemented - variably cemented, hard by calcite. The top of the coquina, based on review of soil borings that were done in 2010 by Universal Engineering, the

top of the coquina on the site varies from 10 feet deep to 25 feet deep; it is very irregular, it's not just one layer of coquina. So, the top of that stuff varies from 10 to 25 feet deep, and the coquina is in the surficial aquifer system. These folks had their wells in a deeper part of the same surficial aquifer system. When you drop the water in the mine pit it is very likely that wells tapped into the same surficial aquifer system are going to see draw down effects. When saltwater contamination occurs to an aquifer it is very hard, if not impossible, in our lifetimes to get that water back to fresh. So, because we are in the same aquifer and most of the freshwater wells are tapped from 60 to 80 feet deep certainly shallower than 100 feet deep, they are really in the same hydraulic zone that the mining is occurring in. Regarding sink holes, it has been stated that sink holes can't happen in this area. I realize I've run out of time. Sink holes and subsidence is a matter of semantics. The area does show circular features all over, and these circular features are basically known as karst topography, so it's not sink holes that waits to collapse, it's a sink hole that has collapsed immediately with subsidence and the area is littered with it. It doesn't have to be sink holes, but is it possible for subsidence? Yes, subsidence is going to happen because a back yard can go like this, from being flat.

Henry Minneboo - I was hoping you weren't going to tell us we were going to start experiencing sink holes.

Noah Kugler - This is not sink hole region, no.

Henry Minneboo - We don't have them in Brevard.

Noah Kugler - The last point I want to make is that the potential for blasting, or pounding the stuff.....in review of the soil boring, most of the coquina is.....you can break it up. Some of it, though, showing up on the soil boring parts is very hard. And may even be not only coquina shell, but actually hard lime rock. It would be very hard to get around that without either pounding it or blasting it. Just to wrap up, I do believe that hydraulically the proposed de-watering, specifically the mine pit, is likely to affect surface bodies and wells - not wells tapped into the confined aquifer deeper, but any well tapped into the unconfined aquifer shallow, which that's where the good water is, has potential for being impacted. With that, I'd be happy to answer any questions.

Henry Minneboo - Thank you. Is there any questions for the gentleman? Let us.....you're going to summarize it for us? Can you give us about five minutes? Let us take a five minute break, if everybody doesn't mind, and let's be back at 5:00.

The meeting recessed at 4:53 p.m. and resumed at 5:00 p.m. Richard Charbonneau's presence was noted.

Henry Minneboo - You're going to summarize what everybody has.....

Ralf Brookes - I don't think anyone else is going to speak after me. I have different things to say, it's not a summary.

Henry Minneboo - Great, let me just get my board members here. Are you going to be okay with three or four minutes?

Ralf Brookes - Probably.

Henry Minneboo - Okay, go ahead and proceed.

Ralf Brookes - My name is Ralf Brookes, Attorney, and I'm board certified in city, county, and local government law. I was assistant county attorney for Sarasota County, and I was the land use litigation attorney for Monroe County, which is the Florida Keys. I've been City Attorney of Bradenton Beach, and the City of St. Pete Beach, and currently the small town of Yankeetown, Florida, in Levy County, on the

Withlacoochee River. I'm here today on behalf of the Deer Run Community Association, Inc., Theresa Torsiello, Hugh Crumpler, James Caton, Barbara Reese, Crystal DeJesus, Kim DeYoung, Linda Riley, Chuck Riley, Kristen Black, Jim and Doug Marlier, and Tom Jensen. With the exception of Hugh Crumpler, none of those folks spoke today, and I'm speaking on their behalf as their attorney. I would like to note that there's a new board member, Richard Charbonneau, who just walked in to the hearing and was not here for the presentations of anyone but myself. So, I don't have any problem with him hearing the next item on the agenda, but would ask that he refrain from voting on this item since he hasn't heard all the information. The request that has been filed is obscure. The applicant hasn't really prepared what I call a good application. Believe me, I've reviewed many applications, good, mediocre, bad.....and this is a poor one. I've seen better applications for a fence variance for two feet behind a house. This is for a serious thing, this is for a mine that will last many, many years. The applicant does not address the questions, the sentences are incomplete sentences, they don't make sense, a certain question is asked and the applicant writes something different. It's embarrassing to see an application like this without a report attached to it, without a narrative description of what it is that they're going to do and how they're going to do it. It's wholly inadequate. It's impossible for staff to make a credible evaluation of this application and its potential impacts based on the lack of material information that was submitted by the applicant. The staff report will tell you that the burden is on the applicant. It's not my job to design a project for the applicant, it's not County staff's job to design a mining application for an applicant. The serious problem with the lack of wetlands delineation, there is no ERP permit from the water management district. An Environmental Resource Permit delineates wetlands, they have what's called a consumptive use permit, which is about drawing water out of the ground. They are under a consent order with St. Johns about previous wetlands violations on the property. In your staff report - I believe page 18 of the package you've been given - notes that there are hydric wetland soils and that there are wetlands located on the property. That's very important because I was here a year or two ago on behalf of the Sierra Club, working with Brevard County about your wetlands policies and your comp plan, and we reached a settlement on that in which the County agreed to enforce their wetland policies. It's impossible to tell whether this application complies with the wetland policies because it's not complete and it's insufficient, and it doesn't have the wetland delineated. Throughout the staff report you'll see the staff say, 'the applicant states, the applicant states', and it also says, 'this has not been verified by staff'. Typically, the staff will take the applicant's certification from a professional engineer and they rely on that kind of information, but when addressing these conditional use criteria and the sentences that are in the applicant's report are inadequate or incorrect, or maybe wholly unbelievable, it's hard to take those as credible. For example, the trips, the applicant states he will have 20 or 30, yet in the staff report of 2006 there was 237 trips. On the first page there is a table that says there will be 914 trips and 128 trips, so I assume one is daily and one is peak hour. That's contradicted by.....staff contradicts what the applicant is saying. There is no condition that limits them to 20 or 30 trips. In fact, they will probably have many more. Citizens' testimony is allowed a competent substantial evidence if it is fact-based observations, and that can include aerials, maps, and observations like you've heard today and like you heard last time. The applicant failed to show the difference between this application and what was done in 2010. Staff really hasn't addressed that too much in the report, either, knowing this was turned down by the Board of County Commissioners in 2010, and it had a larger buffer then of 1,138 feet, or 1,188 feet, if you read the transcripts, and that's less than.....the buffer they're providing now is less than before. So, if I was a lawyer and a client came to me and said, 'I got turned down before', I'd say, 'why don't you increase the buffer?' In this case, they've decreased the buffer. It doesn't make sense. You should have bigger buffers if you lost before. Very little has changed about the application, and in 2010 there was no blasting; there's no blasting now, that hasn't changed. Dawn to dusk and six out of seven days a week, dawn to dusk is a really difficult and severe burden to the neighbors to do. I was up this morning half an hour before sunrise to get here, and that was 5:30 in the morning, and 6:00 in the morning is the sunrise now. In the summertime, the sunsets can be at 9:00 p.m. Babcock Road.....it is my understanding that it has problems, it is not adequately addressed in the staff report or by the applicant. The County engineer has now opined on any improvements that really need to be made to bring Babcock Road back up to speed and whether or not it can handle these additional trucks. Just a few more minutes. The staff report doesn't address - it should be addressed now, we should not be kicking the can further down the road. If there are

wetlands here we need to know about them now when we're designing this conditional use, so we can say, in planning, what part of this site can be used for mining and what part should not be used. The mines around the area are no longer in operation except for one sand mine that operates intermittently and has no de-watering permit. This mine would have a de-watering permit and it would operate six days a week, dawn to dusk, for the next 20 to 30 years. It's important to note that although this property is zoned agriculture, it has a future land use designation of residential. That's very important when you come to your policies about wetlands. Remember, this property is zoned ag even though it has a future land use of residential. So, it's not a bona fide agricultural activity in an agricultural land use designation. It's a mine in a future land use designation of residential.

Henry Minneboo - Summarize it.

Ralf Brookes - If you get to your code on wetlands there, it says in one of the sections - excuse me, I'll get that number for you - that you can only have wetland impacts for bona fide agriculture on land that is designated as agriculture on the future land use map. I submit to you this isn't bona fide agriculture and it's not in agriculture land use designation; it's in a residential land use designation. This is prime residential area that can be developed in the future for similar equestrian communities, and in fact, that would give the County a better tax base than to have a sand mine hole in the ground. I have more, and I can save that for the Board of County Commissioners. I urge you to go back and read the findings of fact that were made by the Board of County Commission and by this planning commission for an application that was substantially the same as this one and had even bigger buffers. This is not an improvement; this is worse than what we had in 2010. Thank you.

Henry Minneboo - Thank you. Ms. Rezanka, do you want to bring this to a conclusion?

Kim Rezanka - Thank you, Chairman Minneboo. Again, I'm Kim Rezanka, representing Roy Wayne Yates. First, this is shell in sand; it's not rock. If Mr. Yates runs into a rock, that's his problem. He's not going to be able to make noise, he's not going to be able to use a crusher, and he's not going to be blasting. Second, regarding Ms. Bohnsack's map, which I will give back, this is not a plat; that looks like what they must have did to encourage people to move there. This is a plat that was recorded with Brevard County and I will submit it, Plat Book 27, Page 11; this area that they call an equestrian trail is drainage and access, so it's not a horse trail, and it's not on record as a horse trail. I'll submit that for the record. Ms. Rutkowski talks about the settlement agreement; I don't read in this settlement agreement anywhere that it's specific to what happened back in 2006; it's the same consumptive use permit, and that consumptive use permit is still in effect, because that five acres has not been totally de-mined, so it's still in effect. My legal opinion is that it's still in effect; in Mr. Yates' opinion it's still in effect, so he's going to live by these conditions; if you want to put those conditions in a conditional use, that's fine with Mr. Yates because he believes them to be what we have to comply with. There is an environmental resource permit; it was issued in March 2006; and again, that's really beyond your jurisdiction, but Mr. Brookes brought it up, and it's ERP-009-100648-1. Regarding the buffers, our buffers are substantially higher than the code requires, and the change from 2010 to now is 30 acres of land alteration to 17 acres of land alteration, and it was in an elongated position, so this now changed based upon where the rock is. In the 2010 findings of fact - again, that was based on what was presented then 2010, not what's presented now. What you've heard is many concerns, and I agree they're valid concerns about saltwater intrusion. We can't do it; the mine will not be allowed to do it; the de-watering will not be allowed to do it; there are standards that must be met by St. Johns River Water Management, which is substantially different than the standards of the South Florida Water Management District. Mr. Yates will abide by all the codes of Brevard County, all the rules of St. Johns, the statutes of the State of Florida, the settlement agreement entered into under the DOA proceeding with the Deer Run Community Association, Inc., and any other conditions. This is not going to be a heavy mine with 100 trucks; it's 10 to 15 trucks per day; that can be a condition if necessary, but that's what the applicant has abided by and has said that's what they will abide by. We would ask that you approve this conditional use; we have met the standards; we have to abide by the noise standards, the fumes,

the fencing, the haul routes, and everything that's in your code as specified in your code. If additional conditions are necessary we can do that. Thank you.

Henry Minneboo - Thank you. There's going to be some questions here, I'm sure.

Bruce Moia - You just mentioned about the trucks. We talked about trips and we talked about trucks. So, one truck coming in and one truck coming out is two trips.

Kim Rezanka - Two trips, right. That's 10 to 15 trucks.

Bruce Moia - So, when we talk about 30 trips, are we talking about 30 trucks?

Kim Rezanka - 15 loads.

Bruce Moia - Okay, because we heard a lot of numbers thrown at us. So, we're talking 15 trucks? I heard a lot of murmuring out there when you said 15 trucks.

Kim Rezanka - That's what's in the application. The applicant is bound by the application.

Bruce Moia - I want everyone to know that 30 trips means 15 trucks.

Kim Rezanka - Correct.

Henry Minneboo - Is that what was on the original permit, 30 trucks?

Kim Rezanka - On this permit. I don't know anything about the 2010 permit, and I apologize.

Bruce Moia - But you're proposing 30 trips per day?

Kim Rezanka - Yes, for trucks. Now, there's going to be five employees, so as you all know.....

Bruce Moia - 30 truck trips.

Kim Rezanka - Yes, 30 truck trips.

Bruce Moia - Okay, then there will be additional trips for employees and things like that.

Kim Rezanka - What happens is, the way your application is done, it's the potential trips, and even the potential trips of 900 - or whatever the staff has determined - still meets level of service for Babcock.

Henry Minneboo - What are you all proposing for timeframes? I mean, when is it going to be open and when is it going to be closed? There is some concern and I can see it actually could run 16 hours a day.

Kim Rezanka - No, the pumps can only run 12 hours a day, right?

Henry Minneboo - But how much will the dumping operation..... physically, how long?

Kim Rezanka - 12 hours a day.

Henry Minneboo - Their gate will be open for 12 hours a day?

Kim Rezanka - Correct. I think it's a half hour before sunrise and a half hour after sunset, so the max could be 13 hours, but the mining could only be done during daylight hours, by your code.

Bruce Moia - And how long is the duration of the mine? How long will it take to dig start to finish?

Kim Rezanka - That I don't know. I know it's a 20-year permit, the consumptive use permit for the de-watering. Mr. Agee, do you know?

Henry Minneboo - But that's 20 years from its original start, isn't it?

Kim Rezanka - 2011, from the renewal.

David Agee - The permit is good until 2031, I think. As soon as it can be worked and done is the plan, so realistically you might be looking at three to four years.

Henry Minneboo - What happens if we put a timeframe on you?

David Agee - If it's a reasonable one and makes sense with conventional means methods.

Henry Minneboo - Cindy, does our ordinance say 12 hours?

Cindy Fox - I think that was in one of the extra conditions that was applied.

Kim Rezanka - The land alteration code requires that.

Cindy Fox - Okay, 12 hours per day.

Henry Minneboo - A maximum 12?

Kim Rezanka - Yes.

Cindy Fox - It's dusk to dawn.

Bruce Moia - But we could change that if we wanted to?

Cindy Fox - You could reduce it.

Richard Charbonneau - I have a question. You weren't here the last time, Kim, but one of the questions I had - and I'm still confused about it - are we digging sand or are we mining coquina? The permit goes for 31 feet, so after 13 feet we're no longer digging sand, we're mining coquina.

Kim Rezanka - The scientist said he looked at the Universal borings, which Mr. Agee was part of in 2010, and he said from 10 to 25 feet was sand. There's also clay in there and there's also rock. My point was we're doing shell and quartz sand; if we run into rock that's our problem, because we can't mine it. (TAPE CHANGE) We're not blasting, we're not crushing; we're just getting the sand and the shell, no rock.

Richard Charbonneau - What's coquina?

Kim Rezanka - Coquina is sand and shell and acid and all kinds of stuff.

Richard Charbonneau - Lots of times coquina can't be dug by conventional means, and you need to use some sort of backhoe with a ram on the back of it to break it up. You can't just shovel it out.

David Agee - Yes, that's true, and coquina can be pretty solid in some places.

Cindy Fox - You have to be on the mic. If he wants to submit that it needs to be part of the record.

Ralf Brookes - The soil borings were in the packet that I have, but I don't think they're in the packet you have. They show exactly where the coquina is located in all these soil borings.

Kim Rezanka - Unless there's a map that goes with those soil borings, I object to it being entered, because I don't know and this is the first time I've heard of it. Is that the map? It's not legible to me. For the record I object.

Clyde Thodey - We heard today a lot.....it's my turn.

David Agee - I was just going to comment about that.

Clyde Thodey - We heard a lot today about water, a lot about water. I'd say about 90% of this was about water today. My question is, how is Mr. Yates going to regulate the water that he's going to be taking out? You haven't said anything about how he's going to regulate that.

David Agee - We'll be using a pump to pump it, with a flow meter to control how much we can draw out, and it's going to be discharged into adjacent trenches and swales as a recharge area so the water doesn't just get pumped offsite, it gets put into settling basins so any suspended solids can drop out before it gets discharged into some of the local canals. Specifically, the canal to the north.

Clyde Thodey - How much water? How much are you going to be taking out?

David Agee - Well, the consumptive use says up to half a million a day.

Henry Minneboo - 500,000 gallons?

David Agee - Yes.

Bruce Moia - How much of that is actually going to be discharged, and how much is going to be recharged?

Henry Minneboo - He's not going to be able to discharge that. I don't think he's going to be.....as low as that place is out there.....

Bruce Moia - That's mostly going to be discharged offsite.

Henry Minneboo - As much as you're going to have to retain, I guarantee you they're going to have to retain 350,000 gallons.

David Agee - That's going to be discharged into the canals, which is going to be recharged into the surficial aquifer.

Henry Minneboo - Is there a perimeter ditch on Mr. Yates' property?

David Agee - He's got one that's created.....I mean, there's the canal north of his property, between Deer Run and his property.

Henry Minneboo - There is a canal up there?

David Agee - Yes, and it's about.....

Henry Minneboo - He's not discharging in there at all?

David Agee - Not directly, but part of the intent is to settle it onsite.....

Henry Minneboo - So, technically, you'll be recharging the area north of this pond.

David Agee - Correct.

Henry Minneboo - See, nobody said that.

Clyde Thodey - That's what I'm trying to get at.

Henry Minneboo - That's pretty important information. I mean, there's a couple of us who think we know a little bit about water here, just a couple. I'm being sarcastic.

Bruce Moia - The reason I was asking about recharge is because based on Deer Run now, they're taking about 50,000 a day out of the aquifer that never gets put back, it just gets used. And you're proposing to do about 10 times that, so I was curious how much is going to go back into the ground as opposed to what's going to be discharged, to see if it really exceeds what's really being taken out of the ground now. If there's another 323 lots available, now you're talking about 160,000 gallons a day coming out of the aquifer. So, you're talking about saltwater intrusion and that's 365 days a year for a long time. Saltwater intrusion could be an issue regardless of this pit. That's why I was curious about how much is actually being recharged as opposed to being discharged.

David Agee - Probably 350,000 or so being discharged, but again, it's going to be in a recharge area. I don't really have the number for you at this point.

Henry Minneboo - Kim, are you all going to work on Saturdays and Sundays? I mean, what's happening here?

Kim Rezanka - Can't work on Saturdays.....Sundays... Sundays are out, Saturdays are not out.

Clyde Thodey - What really gets me is the last time you all were here, these people were here, and I brought it up and so did other board members, to have a meeting with these people. What I heard here today is it came Saturday, two days, and you wanted people to get together. I just don't understand how you all work, because basically, we tried to tell you back then you need to get with these people out here because they're the ones you're affecting, okay? And you didn't do it. Plain and simple, you did not do it.

David Agee - It's true we did not get it done. I did meet with Mr. Crumpler the Monday after the meeting and we had some email correspondence, and I asked him for assistance.....again, I'm not putting the onus on him or anybody else, but to assist, or facilitate, who was the HOA person to contact to move some things forward. I'm sorry, it was the Friday after the Monday meeting, because I think the Deer Run folks were having an emergency meeting on that Saturday, which also verbalized that I could be there if possible, I mean, if I was allowed, and I never got any comments back on that.

Richard Charbonneau - One of the things I listened to the last time was Mr. Crumpler, and he claimed that when they started de-watering that he has a pond on his property that's a few hundred feet across, and that the pond basically emptied because of the water sieving through the coquina, going from his pond into there. I

figured that he's either a liar or he's crazy, or he's telling the truth. I think he's telling the truth. I'm ready to call for a vote on this, and I'd like to make a motion to.....

Cindy Fox - Mr. Charbonneau, I'm sorry, you're not allowed to vote.

Richard Charbonneau - I can't vote?

Cindy Fox - No.

Henry Minneboo - Okay, we're going to take a vote. What's the board want to do?

Clyde Thodey - I'd like to make a motion that we deny this application.

Peter Aydelotte - I second.

Henry Minneboo requested a roll call vote.

Henry Minneboo - I'm going to say no to denying it.

Peter Aydelotte - Yes to deny.

Clyde Thodey - Yes to deny.

John Stone - Yes to deny.

Bruce Moia - Yes to deny because I don't think we have enough information.

Robert LaMarr - Citing Section 62-1901(c)(2)(e), Impact on Potable Water and Waste Levels of Service, and not enough information, yes to deny.

Loretta Goggin - Yes to deny.

Ron Bartcher - Yes to deny.

The vote was 7:1 to deny, with Henry Minneboo voting nay.

Upon consensus, the meeting was adjourned at 5:31 p.m.



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March 4, 2016

MEMORANDUM

TO: Cynthia Fox, Planning and Zoning Manager

RE: Board Actions on Tabled Items and Planning and Zoning Board Recommendations of January 4, 2016

The Board of County Commissioners, in regular session on March 3, 2016, took action on tabled items and Planning and Zoning Board recommendations of January 4, 2016.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Planning and Development Director
Natural Resources Management Director
~~County Attorney~~

TABLED ITEMS

- Item IV.A.1. Item was *Withdrawn* by the Applicant
- Item IV.A.2. Imperial South, Inc. Infantini/Smith, denied. Commissioner Anderson voted nay.
- Item IV.A.3. Ralph and Cynthia Perrone. Infantini/Anderson, approved as recommended, with a *Binding Development Plan*. Commissioner Barfield voted nay. The Board adopted Ordinance No. 16-01, Small Scale Plan Amendment 15S.08. Infantini/Anderson. Commissioner Barfield voted nay.
- Item IV.A.4. Southgate Investments, Inc. Barfield/Infantini, approved as recommended, with a *Binding Development Plan*. The Board adopted Ordinance No. 16-02, Small Scale Plan Amendment 15S.09. Barfield/Infantini.

PLANNING AND ZONING BOARD RECOMMENDATIONS OF JANUARY 4, 2016

- Item IV.B.1. Richard A. and Joyce V. Marschall. Anderson/Fisher, approved the rezoning, and the requirement to remove the *Binding Site Plan (BSP)* was withdrawn by staff.

**VERBATIM TRANSCRIPT
FROM DECEMBER 3, 2015
IMPERIAL SOUTH, INC.**

Fox: Good evening Board, if I could do some housekeeping, we have some tabling to do. Item III.B.2., and Item C are related; and they have been requested to be tabled to your February 4, 2016, meeting by the applicant, if I could get a motion on that.

Anderson: So moved.

Fisher: Second.

Barfield: Okay, we have a motion on the floor to table and it was motion by Anderson, seconded by Commissioner Fisher, all in favor say "Aye".

All: Aye

Barfield: All opposed? Passes 4:0.

**VERBATIM TRANSCRIPT
FROM FEBRUARY 4, 2016
IMPERIAL SOUTH, INC.**

Barfield: Moving on to public hearings, we will start first with IV.A.

Fox: Mr. Chair, if I could give a little introduction here. This item is a tabled item from a previous meeting. This is a request to change a zoning classification from planned industrial park to RU-2-15 for multi-family development. A large scale comprehensive plan amendment to change a future land use from planned industrial park was approved for transmittal to the State by this Board on August 4, 2015, which is shown on your agenda tonight as item C. So, since this comprehensive plan package, we generally put under C, only has this Imperial South as part of that application. I think it is appropriate to discuss these items in tandem and actually, we actually in order of vote, we need to actually vote on C before we vote on IV.A.1. But we can talk about these together.

Barfield: Okay. First, I know the Board, we probably have some declarations. I have spoken to these people, they came to my office to speak, and if there's others, too.

Anderson: I have, too.

Fisher: Me too.

Smith: Yes, they have spoken to me also.

Barfield: Okay, let's see. I'm still learning how to handle all of these cards.

Rezanka: Good evening Chairman Barfield and members of the County Commission. My name is Kim Rezanka and I'm with the Law Firm of Dean Mead; 7380 Rail Road, Suite 200, Viera, Florida. I am here representing Imperial South, Inc., regarding this Comprehensive Plan amendment, and zoning change. I have with me a large group of people that are involved with this application. Gill Ramirez with Lassner Transportation is here, he will be speaking during my presentation just to keep it concise, although he has provided a card. Bill Bishop with Bishop Beale he is here, he is the buyer of the property, Will Reynolds with NARR Construction, he is the buyer's representative, and then engineers with Bowman Consultants, Eric Juilano and Robert Brassman, so they can answer any questions you may have. Again, this is not a site plan, this is just a zoning comp plan; there are site plan issues that I understand you all have raised; but those are not what we are here for tonight. We do understand there are some issues with that. I'm sure you all are familiar with this property, it's on Wickham Road, and it's on the east side of Wickham Road, South of the new Fresh Market, extending all the way to behind Petty's and the Post Office. It's a large piece of property, over 30 acres, just over 30 acres, its west of a former asphalt and concrete plant, owned by Florida Hotmix. I say former because it has not been used for four years. Florida Hotmix owns three parcels in this area of approximately 19 acres, and the portions have been built on this asphalt plant property as far back as 1963. There was an occupational license for a concrete batch plant issued for the asphalt plant back in October of '78. It's been there a long time. To the east of that is 15 acres owned by Macasphalt, it's vacant, I don't know how it relates, but I'm just trying to give you the lay of the land. I know you have aerial photographs. There are mobile homes and residences to the north and the south. The property owned by Florida Hotmix is separated from the property at issue by Florida East Coast (FEC) Railroad. There is a railroad that runs right between the two properties. There's no fences on either side, which is somewhat surprising, but there are not and there's no buffers between the railroad and Florida Hotmix property. The rezoning at

Planning and Zoning (P&Z) to use a pun was derailed by Mark Marine who came and testified at P&Z and said he was the operator of the asphalt plant and that they were in the process of re-opening the plant. Again this concrete batch plant and/or asphalt plant, or whatever it is has been closed for over four years. Because there were never issues raised during the comprehensive planning and transmittal hearings back in July and August of 2015, my client was stunned by Mr. Marine's appearance and his testimony at P&Z in November of last year. This is a classic case of a change of conditions of the area that warrant a change to the land use in the rezoning. I looked at the aerials here at the county, and going back to 1989, this portion of Wickham Road was a two-lane road. Most of these houses had not been developed; most of the commercial had not been developed at that time. And truly there are a great deal of residential uses to the east and west of this property; there are approximately 17 existing residential homes existing in the vicinity of the asphalt plant and there are three more residential lots that are not yet developed. There are 95 mobile home/RV home sites within the plant and the subject property. The mobile home park was built in 2005, after the plant had been there for a very long time. Approximately 25 percent of the homes directly east of the asphalt plant were existing when the plant was in, and the remainder of the homes were built after the plant was in place. This property is currently zoned planned industrial park, so it has permitted uses in the BU-1 and BU-2 classification; it also allows motels, which is somewhat of a transient residential use. But when you look at the BU-1 and the BU-2 uses, it allows foster homes, group homes, nursing homes, resort dwellings, assisted living facilities, tourist efficiencies and hotels, and treatment and recovering facilities. BU-1 allows bed and breakfasts, fraternities and sororities, foster homes, single-family residence, so again what they are asking for is not a far cry from what could already be done in P-I-P. Apartment use is really a commercial use, it's not usually considered a residential use, because the apartments are built to make money, they are built for a profit. So, apartments are generally considered a commercial use; and this is truly a commercial area. It is not an industrial area, if the asphalt plant came in today and asked for a rezoning you would deny it, because it doesn't fit there, it's been there, it's grand fathered in; it's allowed to stay; and in order for us to go in, and we're going to have to do the buffering, and that's fine. We're going to have to notify the tenants, the residents at the apartment complex that there's asphalt plant next door so they're not surprised. That was Mr. Marine's concern when he spoke at P&Z. Also, I wanted to let you know, when I saw resort dwellings as permitted uses in P-I-P, I thought that was interesting, so I looked at your code 62-1102, and a resort dwelling means any single-family dwelling, or multi-family dwelling unit, which is rented for periods of time less than 90-days. So, for the purposes of this chapter a resort dwelling is a commercial use. So, again, we're now dealing with an apartment that is for a year or longer, or six months, or who knows, but it is a dwelling that would be allowed in P-I-P, a resort dwelling is. Your staff report indicates that there could be 668,646 square feet of industrial space built on this 30 acres adjacent to Wickham Road, and Wickham Road is a scenic highway corridor, as you may recall, so it has special sign conditions and everything else. Would you really want that much industrial on Wickham Road, which is a main road through the County? 16 apartment buildings with landscaping and lakes, are much more aesthetically pleasing. Now I have packets for you. First in your packet is the LPA agenda from July 20, 2015, and it was the number two on that agenda and it passed. It was approved unanimously for the Comprehensive Plan Amendment. The minutes are attached, though no one spoke at that meeting regarding this matter, it's on page 12, "anyone have any questions for staff? No questions. And Ms. Lewandales moved for transmittal, passed unanimously. Then it came before this Board on August 4, 2015, that's next in the packet, under tab 1, and the only issue raised was by

Commissioner Smith. His concern was that the road is quite compacted with cars, and that was the only issue that was raised, it was transmitted to the State. We believe that traffic issue has been resolved and Mr. Ramirez will testify to that. I do want to point out that if there were 668,646 square feet of industrial space on this property that would be daily trips of 4,017. That's a lot of trips. Your staff report says, even from this, it will be 28, 26 trips. So, again, this is less intense use, It's not industrial, it's a commercial use, and will have many more less trips; and Mr. Ramirez will now speak to the traffic report and answer any questions.

Gill Ramirez: Greetings Commission. My name is Gill Ramirez, I work for Lassner Transportation Group. We're at 1103 West hibiscus Boulevard, West Melbourne, Florida 32901. If I can direct your attention to tab two in the package, that Kim just distributed, this is a technical memorandum that we submitted to staff so they could assess the impacts of this development on the adjacent road network, and what you can see on page one is that we do an analysis of what the existing use of the property would allow on a peak hour basis. Now, why do we use a peak hour basis, instead of daily trips? Well, because some land uses are predisposed to have those peaks at off-hours. One example might be, a Starbucks. You're going to have a really high morning peak, but you're really not going to have a big p.m. hour peak when everyone else is going home, and Wickham Road is at its absolute worst. So, there's other land uses that are like that that are very concentrated and some that are very spread out. So, looking at the p.m. peak hour gives you a really good idea of what this is really going to do. Alright, so, during the p.m. peak hour, we've got 448 total trips that could be generated by this land use, now, my numbers are actually higher than those calculated by staff; and he is not going to try and guess as to why that is, but we didn't come here to try to discount those trips. We're telling you this is what we really think. In terms of the total trips for the development that we're proposing, the land use we're proposing, is 334, p.m. peak hour trips, so just by this change in land use, the potential number of total trips generated will go down by 114. If you want to look at the ATD, the total daily, just in case, like Kim said, we're guessing that the maximum use of that industrial would be about 4,017 trips on a daily basis. But, by putting in this res use, you are actually reducing it to 3,613, so again, you are reducing your total number of daily trips by 405. So, we're working the right direction, and whether you're looking at industrial or you're looking at residential, we're talking about adding trips onto Wickham Road. Which is certainly a problem, as the former traffic operations manager for Brevard County, I used to deal with Wickham on a daily basis, and I certainly don't want to see it ruined by continued development that is not mitigated. So, when we go forward, if we're allowed to go forward, we would be working directly with Carina Gumm (?), John Denninghoff, to make sure that our trips are mitigated. I mean, it is in the Code, it's in the State Statute, there's absolutely no way that we would propose anything here that would not meet the standards. Which means that we would mitigate and contribute towards solving some of the problems on Wickham Road. Thank you.

Rezanka: Are there any questions for Mr. Ramirez?

Barfield: Any questions?

Fisher: I'm just curious, does it, will a warning traffic light be coming out of that complex?

Ramirez: We haven't gotten that deep into the analysis yet, that will definitely be flushed out as part of the site plan. If a signal is required, we'll be more than happy to contribute towards that, and that segment is on the Wickham ITS segment, so it would be adaptive, so we would also contribute to making sure that those, the signal would be in coordination with the rest of the network.

Fisher: I'm not sure what contribute means. I'm assuming that if it requires a traffic light at some point in time that you would pay for that; and that wouldn't be the responsibility of the County.

Ramirez: We would certainly work with you guys to do that, yeah.

Fisher: Okay.

Barfield: We have one more public comment, too, so...

Rezanka: Okay. I haven't finished my presentation yet, okay. Turning back to the packet, tab three. That is the concept plan which I believe you all have seen, and this is... shows the 16 apartment buildings, the lakes, some of the landscaping; and on the eastern border, you will see that it does anticipate having a six-foot high fence and a 20-foot, type A landscape buffer. And that would be to buffer from any potential noises from the asphalt plant, which may or may not re-open. We don't know, but again, also to, that would keep anyone from coming into the property, it would be a safety feature also for the apartment complex. On page four, I have submitted a binding development plan, and this was to address both the buffering concerns so it requires up to put in a fence and a 20-foot landscape buffer, that's in paragraph two of the binding development plan, under tab four; and also, too, there was a concern raised as to the knowledge by the apartment dwellers of what they are getting into, or what they may be getting into. So, the developer/owner will agree to put in the apartment lease a notice provision that there is a concrete/batch plant and asphalt plant immediately adjacent to the property, so they're aware of it when they rent. The rest of that is standard language required by your binding development code. So, again, there would be a vegetative buffer and fence to the noise to buffer the, to the east of the noise, also, too, we wanted to address Mr. Marine's concerns. He raised a concern that there would be complaints from the neighbors, so that's part of the binding development plan. Also we checked with Code Enforcement to find if there had been any complaints about the asphalt plant, and under tab four, there is an email from Brian Lock, from Brevard County Code Enforcement, it said that there are no noise related complaints received for that property, Macasphalt, for the past ten years. There was also an issue raised by Mr... Well, there was an issue raised as to dust coming from the asphalt plant, and how that might be impacting, how that might impact the apartment complex. It would impact the residents that were already there, we do not believe it is an issue. But, I've also provided in your packet, a, what you call white paper, from the National Asphalt Pavement Association (NAPA) that deals with that issue, and basically talks about the safety of that. There's a last page that says "Asphalt Plants Know the Facts" and it talks about how many asphalt plants there are, that they are not health concerns, and so I just submitted that to you for your consideration. With that, I would ask that you approve the land use change from P-I-P to Residential 15, and that you change the zoning from P-I-P to RU-2-15. I would ask that you give me time to rebut any public comments. Thank you.

Marine: Good evening ladies and gentlemen, yes, I am the infamous Mark Marine. That is in opposition to changing the zoning from industrial to heavy residential. I do appreciate the strong promotion of how wonderful it is to have an asphalt plant in our community, because I'm usually on the other side of that debate. But, I do want to say on behalf of Preferred Materials, we are in direct opposition of getting this zoning changed. It was nice to hear that we haven't had any complaints in the last ten years. That tells me we have been good neighbors to the folks that have been contiguous to our facility. But, I can tell you on a weekly, daily, monthly basis when we were operating, we were talking to neighbors and getting calls about noise, about dust, about all kinds of issues that come with an industrial facility like we have. For the record, we are re-opening that facility by the third quarter of this year. We will be running our asphalt, we were idle for the last four years as we all know. We went through a down-turn in the economy, but I can tell you, all you have to do is drive around the wonderful County of Brevard, and you see there's a lot of opportunity for development, and we've been getting a lot of calls back saying please open your plant so we can continue to run asphalt in Brevard County. Yes, we've had a facility here since 1963, and we've paved many, many roads in Brevard County. As we all know, it's a burden to run asphalt in the middle of the day, a lot of our traveling public do not want to be inconvenienced, so we do run asphalt at night. I was very fortunate to meet with the proposed purchaser of the property, we had some nice discussions, but we could not come to an agreement that we could peacefully co-exist. I can tell you I've been in the business for 31 years, I love asphalt, and I love asphalt plants, I would never ever live next door to an asphalt plant; and I challenge anybody in this room to live next to an asphalt plant. And that's exactly what the proposal is, is to have 200-400 units of people come in and live next to an asphalt plant running 24 hours a day. Prevailing winds come out of the east, they are to the west, we will have dust issues, guaranteed. So, my comments are there's a lot of opportunities, I'm pro-development, there's a lot of opportunities for that property, but putting in a high density apartment complex with a lot of tenants is not the right answer. I don't care how you try to mitigate it with them on the front end, under the First Amendment, Freedom of Speech, they can come to this microphone and complain about an asphalt plant due east. So, with that I'd like to offer and plead for your consideration to deny the change in zoning. Thank you.

Barfield: Thank you.

Anderson: I have a question.

Barfield: Excuse me, we have a question.

Anderson: And I understand your concerns as a business man, but you know, from our stand-point, we sit up here in a quasi-judicial function and we look at facts. I mean absent of you saying they're going to call my plant and yell at me, or they may harass the EPA for things I'm not even doing wrong, causes another inspection, and I understand that. I've been that... I worked on Kennedy Space Center, and understand the environmental constraints and it being a hassle to you. Right now, the way I understand it, and staff can correct me, residential units can go on there, correct?

Fox: I'm sorry, no. There is no residential allowed in P-I-P zoning.

Anderson: But, what about the other things that the council had, the applicant's council had listed as things that could go in there currently?

Fox: None of those are single-family residential.

Anderson: Okay, well what about people living there in some fashion or form.

Fox: Not allowed in P-I-P.

Anderson: Okay. Well, I guess my point to the Board is that I understand, I know where he's coming from. I understand where he's coming from. But that is not evidence of why we should deny this, and there's no proof that he will be shut down or hindered in his operations. If these people want to take a risk running, putting an apartment complex next to asphalt, obviously someone did a market analysis and thinks they can sell the units, so, but, that's where we stand. I just want to let you know.

Barfield: Ms. Rezanka, for rebuttal.

Rezanka: Thank you. Commissioner Anderson, I would like to respond to that, because I read your Code differently than Ms. Fox does; and I'd like to cite the Code for the record. "Under P-I-P, 65-1542, under subsection one, it says permitted uses. All uses permitted in BU-1 and BU-2 classification. If you look at BU-1, which is 62-1482, permitted uses, subsection "b", that's where I found all of the things I read to you. Bed and breakfasts, fraternities, foster homes, group homes, nursing homes, resort dwellings, and single-family residence, so it is a permitted use in BU-1, and if all permitted uses in BU-1 are permitted in P-I-P, then yes, single-family residences could go on that property. Also, I would point out, if you look at that map that I provided you, your tab three, there are already residences adjacent to this property to the east, this is nothing new, and there's the mobile home park, too. So, there are residences immediately to the east of this property already, and they haven't complained in 10 years to Code Enforcement. Also, whatever this thing is going to be, whether it's concrete or asphalt, they have performance standards, so they're going to be required to comply with the Code with noise, with sound, with dirt, with whatever else they're doing. So, they have to be good neighbors as well, apparently they have been. So, with that, we would ask that you do approve the change to the land use and the change to the Comp Plan. Thank you.

Barfield: Commissioner Smith.

Smith: Do we have any other cards?

Rezanka: And, as I said, we do have the engineer and the owner's representative, and the potential buyer here, if you have any questions for them. They have cards, they haven't turned them in unless you have questions.

Fisher: Question for staff after Mr. Smith.

Fox: I would like to interject if I could? 62-1841.9 prohibits single-family residences in both P-I-P and P-P-P zoning classifications. There was a period of time in late 2004 that we did, we changed the code and it was that P-I-P is incompatible with residential uses. So they

were taken out of permitted uses. So, there is no single-family allowed in a P-I-P zoning classification.

Rezanka: I apologize. I just printed it on (unclear) today so, you could have it wrong.

Fox: It's in the permitted with conditions section in 62-1841.9.

Smith: I have a question. Ms. Rezanka? How many stories are these apartment units?

Rezanka: Three.

Smith: Three stories. When I drive down 95, or up 95, whichever direction I am going, I see sound walls, and I guess they've got to be 10 or 12 feet tall. And behind them, most of the time, it's single-family, or two, or one or two story houses. I question the height of six feet, how did whoever came up with this idea, how did you come up with six feet?

Rezanka: That's actually what the Code says. That it's supposed to be six feet. So, it can be higher, but it's a minimum of six feet.

Smith: Well, the other concern that I have, and it goes along with the same thinking, this place is going to be an operation, primarily, as I understand, as most asphalt plants are done at night time. Because roads are built at night to lower the inconvenience of the traveling public, so if this thing is going on at two or three, or four or five o'clock in the morning, and they're running trucks in and out of there, we're not talking about the same noise pattern as cars on 95, because I think most people get used to that constant noise. This would be an occasion where you would have trucks backing up with the beepers, beep, beep, beep; you'd have tailgates of these heavy pick-up trucks, I mean dump trucks, banging in the middle of the night. So it would be intermittent loud noises that would cause disruption of the people that are trying to get a good night's sleep. In that, my concern is that this guy's had a successful business, and I have personally seen where a Maco auto painting was in full existence, had been there for 10 or 12 years, they built a retirement home nearby. And a lot of the conversation was similar to what we are hearing tonight. And it wasn't long after they opened that place that the people started complaining about the smells coming from paint coming out of their exhaust. The Maco Auto Painting had, they met all of the codes, and there wasn't anything anyone could do to shut them down because of code restrictions, but the complaints went on and on and the County, the City, whatever, they succeeded in shutting down this business owner that had been there for a long time, because it was an incompatible use. This is my district, and I really don't want me or future commissioners having to deal with how many? 475 units?

Rezanka: I think it's 526.

Smith: Okay, so that's even more. 526 potential complaints coming into my office because this place is noisy, because this place stinks. Anyone that has been by an asphalt plant knows it smells. That's an unmistakable smell when you're driving along, and before you even get near the area where they're laying asphalt and you know they're laying asphalt somewhere because you can smell it. I just find it really hard to believe, and I know when you folks were in to see me in my office, my concern was putting some (unclear) notification in there, and I see that you've done that. I think it's extremely important, buyer beware type

of thing. So, if you have somebody coming in that wants to rent your apartment, by the way, we have an asphalt plant in the back yard and it could be noisy, it could be smelly, and buyer beware. These people are going to spend an awful lot of money building these places. And I know they're going to want them rented. So, I just find it incompatible. I would move to deny. And I think that I have to read something so we cover all of that.

Rezanka: Commissioner Smith, I mean, they're more than willing to put up a higher wall, or put up a sound wall, if that would make it compatible. I do not believe it is completely incompatible...

Smith: Well, the thing...

Rezanka: Because there are other residences there.

Smith: Yeah. I'm very, very skeptical. And the noise of the banging of trucks and things, I've got a sound wall between my house and U.S. 1 and there's a.. I think it's a lawyer's office up there and a dental office, and they have dumpster trucks that come in at 4:30 in the morning 5:00 in the morning, they pretty much wake me up every morning. And I've gotten used to it, so I can go right back to sleep, but they do wake me up. And so, that's just once a week, so I just question with this, I just find it difficult to accept, and I, believe me, I feel bad by doing this, because I agree with an awful lot of what you are doing, but I just don't think the area works for that.

Fisher: I have a question for... When the plan opens back up, is there any requirement or anything that's going to hinder them from being able to get their occupational license or whatever they have to do, because of any new surrounding use around it or anything like that.

Fox: I do not believe... First of all, I do not know the statuses of their business tax receipt. They can continue to renew it, but not actually make asphalt on the plant, so I don't know the status of that, but what I can tell you is that when you have an existing plant, it doesn't change its use, but may stop operations for a while. It doesn't really trigger than non-conforming, you know, abandonment type use, because they intend to continue to operate, they just don't have the jobs. And they haven't gotten the road bids and things like that, so, this plant operating intermittently in this scenario I find acceptable and I believe all of our County Codes would find it acceptable that they continue their use as it is. Because they have always intended to, it's just been a lack of work. And there are standards that they can meet.

Sobrino: It is conceivable though that performance standards could change if residential goes in adjacent to the property, because performance standards such as noise and light would be, maybe different, depending upon the adjacent land use. So, if you've got abutting residential, you're noise allowance becomes lower, than when your abutting industrial or commercial.

Fisher: So that was, that's the one concern I had. Was I just wanted to make, I mean, I was comfortable with this with the buyers beware and everything, but I want to make sure that we don't, we're not putting the industrial, asphalt plant in a disadvantage. Now he's got to meet new requirements to be able to live next door to the, you know, a residential. And, so,

are you, let me ask it again. So, that we, is that creating a problem for him, because I understand, you know, to me it would be one difference if he had residential here first, then industrial asked for a plant and tried to move next to them, I think those people that have the residential, we would all be sitting here going, no way, you know, you're not going to put an industrial plant next to that residential. In this case, you are trying to put residential next to that, so, they know going in what's next to them, because everybody can see it. But, the fact that it's been shut down, I just want to make sure we're not violating some type of... I mean, we're not going to say to the industrial plant, you know, you opening back up now, so you're no longer grandfathered in because you've been out of business for four years, and now all of a sudden, you've got to do this, this, this, and that, and you wouldn't have the, wouldn't had to did that before. So, can you help me there?

Sobrino: Well, for example, in the performance standards for noise on industrial, when you are adjacent to industrial, your noise decibel levels during the daytime can be 75 dba, and at night time can be 65 dba. But, if you're abutting residential, then your daytime decibel level is only 60 dba, versus the 75 dba, and your nighttime decibel level drops to 55 dba.

Anderson: Okay, can I ask a question then? Obviously there's a railroad track between the two, which exceeds those, so how could we possibly go back and say that you have to be quieter than the All Aboard Florida that's going to run up there, 60 times a day? I don't think, I would think that the gentleman that owns the asphalt plant would have good cause in court to say, you can't hold me to a different standard in decibels.

Fox: I... Two things. First thing, and I'll check it. Railroads are exempt.

Anderson: I understand that.

Fox: As are dumpsters, and Solid Waste vehicles and things like that.

Anderson: Yeah, well...

Fox: And in this situation I think what would happen is that, perhaps not today, but maybe ten years down the road, the technology, or the different type of vehicles are used to produce the asphalt plant, at that time, you'd have a new type of use that might develop a new type of noise, or a new type of odor; and at that time, those performance standards are going to always be there, but they are going to kick in because there's going to be an expansion or a change in the way that they use the property. Performance standards are things that happen in the field, so we only know that they're a problem when they become a problem when they're operating.

Anderson: I think... I ... Here and I appreciate Commissioner Smith, but we... Apparently, according to, and I have to research this, and talk to our attorneys and their attorneys, there's a problem, looks like a conflict in our code. Because she said we can put a bed and breakfast there, you're saying we can't.

Fox: No, sir. You cannot. There's no conflict.

Anderson: I want the County Attorney to tell me that, not a staff member.

Fox: Sure.

Anderson: And because of this performance measure thing, I think once you're there, we went through this in my district when I first got elected, you're there, and I don't think you can go back and retroactively make somebody that's been there in existence change their standards. I would prefer we table this until I get those answers from the County Attorney. So, I understand... Because, yeah, and I hate when we go if, and, but, even from staff, everybody is getting these what-ifs in there, and we're supposed to be deciding these on fact. So, I would prefer to table until we get the actual answers.

Fisher: Okay. Is that a motion?

Anderson: Yeah. Motion to table.

Fisher: Okay, I'll second that. I have a couple more questions, if you don't mind. Excuse me, sir. I just have a couple more questions for...

Barfield: Okay.

Fisher: (unclear)

Fox: I'm sorry. Did we, I think Commissioner Smith made a motion to deny, and I don't think we received a....

Anderson: ... second.

Fox ... second. Okay.

Smith: No second.

Fox: Okay, so that failed.

Fisher: Were you going to address my concern about the requirements of him. It looked like you wanted to say something.

Rezanka: Well, the only thing I wanted to say was if you look at that map, there's a house right adjacent to the big pool. Right up against the... Just to the... directly to the east. You can see the big pool. And you've got the, and to the right of that you've got the RV park. So, there's already residential right adjacent to this property, which was built after this plant was built. In 2005 that mobile home park went in. So, and also, too, Mr. Bishop, who is the buyer would like to speak, because you know he kind of feels this is his risk, and he is willing to take that risk, so he would like to speak also.

Barfield: Okay. Let me clear that with the County Attorney, because we did close comments, and I have another comment come in, is that acceptable?

Rezanka: That's Mr. Bishop that was the card I just gave you. I'm sorry, Reynolds. Sorry.

Bentley: I just don't.. I mean it's already...

Rezanka: I mean if we're going to table it, I didn't know if there was a second, I mean know we're kind of in the middle...

Barfield: There's a second.

Fisher: There's a second. But I mean, we're in discussion, so you want to allow...

Rezanka: I think Mr.... Okay, no, he's fine. He'll wait until next time. Thank you.

Barfield: Okay, we have a motion on the floor by Commissioner Anderson, second by Commissioner Fisher; now, point of order, do I need to do C, first, Cindy?

Fox: Yes, sir.

Barfield: Okay. This is for... IV.C?

Fox: C. yeah. IV.C.

Barfield: Okay, so motion is to table. Motion is by Commissioner Anderson, second by Commissioner Fisher. All in favor say "Aye".

All: Aye.

Barfield: All opposed? Passes four, zero.

Bentley: And we have a date certain on that?

Fox: You're next meeting is March third, is that where you want to put it?

Barfield: That's fine.

Fisher: No, I think (unclear)

Rezanka: I know I'm in Tallahassee that day: I don't know (unclear).

Anderson: What is our April meeting date?

Fisher: April seventh?

Fox: April seventh.

Rezanka: We'll go with March third.

Anderson: Okay, thank you.

Barfield: Okay, so I still have to do the IV.B?

Fox: We need to do C and IV.A.1

VERBATIM TRANSCRIPT

FROM MARCH 3, 2016

IMPERIAL SOUTH, INC.

VERBATIM TRANSCRIPT FROM MARCH 3, 2016 OF ITEM IV.A.2., (15PZ00056) - IMPERIAL SOUTH, INC. - (WILL REYNOLDS) - REQUESTS A CHANGE OF CLASSIFICATION FROM PIP TO RU-2-15 ON 30.7 ACRES, LOCATED ON THE EAST SIDE OF WICKHAM ROAD., APPROX. 330 FEET SOUTH OF JORDAN BLASS DRIVE (2675 ALLEN HILL AVE., MELBOURNE (TAX PARCEL 253); 2600 PROMENADE DRIVE, MELBOURNE (TAX PARCEL 254); 6375 NORTH WICKHAM ROAD SUITE 107, MELBOURNE (TAX PARCEL 756); TAX PARCELS 265 AND 250 HAVE NO ASSIGNED ADDRESS AND ARE IN THE MELBOURNE AREA)

Fox: IV.A.2. Imperial South, Inc., we need to consider Item number C which is the companion large scale plan amendment that was transmitted and at this time the Zoning Item that is a companion to that; so we need to vote on C first, we can probably discuss them both together if you need to. And the rest of the agenda can follow as usual. As I said this is Imperial South, Inc., they are requesting a change in classification from PIP to RU-2-15 on 30.7 acres; this is on the east side of Wickham. We did discuss this item, it was heard by Planning and Zoning in October; they received a unanimous denial and it was tabled by the Board of County Commissioners both at their December 3, 2015 and the February 4, 2016 meeting. I have submitted, through the Zoning Official, a memo based on a comment or question that was made regarding uses, specifically single family uses in PIP Zoning; so if you like I can discuss that memo or if you have any questions for me we can do that before we go to the applicant.

Barfield: Why don't you just go ahead and go through the memo.

Fox: Okay, what I've done...the basic question is whether or not a single family residence uses were allowed in the PIP zoning classification, the short answer is no, only if they own the property prior to 2004; that is listed as a permitted with condition, the condition is that they owned it prior to 2004. In review of this Item in particular it appears, from a closer review if their Deeds that they submitted for the rezoning, that they have owned the property since the 1980s, there are several Deeds, several dates dating in the 1980s. So under this scenario if it was the desire of the applicant they could build single family homes, however if the property was ever sold the Ordinance states that any of the property owners that purchase the property after 2004 would not meet this condition and would not be able to build single family. I further go on to discuss the different sections of the code, one in particular is the permitted with conditions section that calls out single family; I also have discussed the zoning regulation, the consistency table, it's pretty clear that the PIP zoning classification does not allow any single family uses; we can't even put any single family zoning classifications in the planned industrial future land use comprehensive plan designation. On page 3 I discuss additional uses, I believe it was stated before that in PIP it states that all uses in the BU-1 and BU-2 zoning classifications are permitted uses and that is true, however, it is a permitted with conditions use a single family residence; but I did go through and look at all of the BU-1 and BU-2 classification uses and I highlighted the ones that I thought could be considered residential, assisted living facilities, boarding houses, bed and breakfasts, resort dwellings, group homes; and I just think it's important to note that all these activities in our code are considered in a consistent manor commercial or institutional in nature and they're all taxed and licensed and run as commercial establishments and they're often transient in character. I also

went in to discuss the difference in setbacks in PIP versus, say a traditional residential single family neighborhood the PIP zoning classification provides for very, very large setbacks of 50 feet from the front and side property lines, when your traditional single family setbacks are much, much smaller, again indicating that PIP is not really designed for residential use. Then because of the proximity to the asphalt plant, which we became aware of in the middle of the process at the Planning and Zoning meeting that they had some concerns, I've discussed the performance standards; and historically we have applied the performance standards as they have performed against the code, we've sought out compliance for performance standards, in this situation they would be limiting to the adjacent uses not just the flat out incompatibility, but the ability for them to meet the performance standards in proximity to residential development would become harder; anything that they want to extend, enlarge, expand, reconstruct, redevelop, add new technology, all of those things would be subject to performance standards and regardless of what is placed on the subject property the performance standards would still come into play. And then I summarized basically everything that I've said here and you can draw your conclusions, and really the short is no, but in their scenario, their circumstances, it is possible that they could build single family; but that is not what they have asked to do.

Barfield: Any questions before we move to...okay, Ms. Rezanka.

Rezanka: Give me just a minute to set up. Ten?

Barfield: Uh huh, for everything.

Rezanka: I thought it was 15.

Barfield: You get five for rebuttal.

Rezanka: Good evening Chairman Barfield, members of the County Commission. My name is Kim Rezanka; I am at 7380 Murrell Road, Viera, FL 32940. I'm with the Law Firm of Dean Mead, I'm here representing Imperial South, Inc.; I gave my entire presentation a month ago, Commissioner Infantini wasn't here so I'm going to go over it again and I'm going to go through the Agenda Packet; I do have more materials to provide to you as well, I also have the color copy of the Binding Develop Plan that has the map that shows the 900 foot sound wall, which I don't think you could see on the black and white, at least I don't know if you had it in color or not so I will be handing out additional materials for you. I am here with a number of individuals who are very interested in this project, the developers Billy Bishop and Michael Beale are here, they're with Bishop Beale, Will Reynolds with NARR Construction, Bowman Consultants Robert Brassman, Gil Ramierez with Lassiter Transportation, Dan Esterline with Esterline Construction he's a partner on this project, and Adam Broadway with Certified General Contracting who has worked with the developers, he actually constructed the Fresh Market; these developers did do the Fresh Market complex to give you an idea, they are involved in the community and committed to the community and this is an extension of what they want to do for the community by building these apartments. I have not had a good chance to look through that entire memo; it was handed to me as I came in today, although I think I will be able to address it as I go along. Imperial South, Inc. Has owned this property, these 30 acres, some since 1984, but all of it since

1988, so yes they could do single family use in that 30 acres; the reason I went on in length, and will again today about single family uses that could go in PIP, is to show there is really not a compatibility issue, if you could already put single family homes in there you should be able to put apartments in there; and regarding if we sold it, sure Imperial South could sell it, they could to a 100 year ground lease and get around that if they so choose, but they want to be honest about it, they want to buy it, so they are going to do the proper thing and re-zone it and change the comprehensive plan. But, again, apartments also are considered commercial use as I mentioned, they're done for profit, they're not done by someone who comes in and invests and lives there and then sells it, so apartments generally are considered commercial although it's not specially specified in your code. I'm sure everyone knows where this is on Wickham Road; it's on the east side of Wickham Road south of the new Fresh Market, extending all the way to behind Petty's and the post office. Imperial South is selling this property to BBGL and they are seeking to put in 425 apartments on 30 acres; this is west of the former asphalt and concrete plant owned by Florida Hot Mix and at Florida Hot Mix there's three parcels about 19 acres, portions of this asphalt go back to 1963; the occupational license for a concrete batch plant was issued in October of 1978. Macasphalt owns about 15 acres to the east of Hot Mix property, Mr. Marine at all the hearing and Mr. Marine says he is representing Macasphalt, Macasphalt does not even abut the property at issue; the Macasphalt property is vacant, it's a storage lot, I drove down that road today; I don't know if ya'll have the chance to drive down there, it's a private road, it appears to be, and I drove down there and this huge stack of dark material, I don't know if it is asphalt or dirt or what it is, but it's on the Macasphalt property on that private road going back there; but there's no buildings on it. There are mobile homes immediately adjacent to the north of that private drive, RVs; and then there are residences to the north and south of this property. The property owned by Florida Hot Mix is separated by the property we're here to discuss by the Florida East Coast Railroad; Florida Hot Mix, and I'm not exactly sure how this plays in, but it's a dissolved Florida corporation, it's inactive since 1972; so these acres between the property at issue and Macasphalt has a non-existent owner, maybe Mr. Marine can explain that I haven't been able to figure that one out yet. This re-zoning was denied by Planning and Zoning because of Mr. Marine, who testified that he represented the asphalt facility and was in process of reopening the plant, however the plant has been closed for over 4 years; and there is a distinction as to whether it is an asphalt plant or a concrete plant, a concrete plant might require conditional use and might have additional performance standards; so if they do redevelop it they have to meet code regardless of what is next to it, they already have residential next to it; they have RU-1-13 immediately to the east, so if they try to redevelop it they're already going to have to meet additional performance standards. My clients were startled when they were denied by Planning and Zoning because there had been absolutely no testimony at the prior transmittal hearing for the comprehensive plan; that was back in July and August of 2015. Truly this is a case of a change of conditions to the area that warrants a change of land use and zoning. Wickham Road was a two lane road until 1989, you can see that from the aerials and I actually confirmed that with Mr. Ramirez, who worked for the County and was aware of that. There is a great day of residential to the east and to the west, there approximately 17 existing residential homes within the vicinity of the plant and the subject property; there are three residential lots that are not developed; there are 95 mobile home/RV home sites within vicinity of the plant and the subject property. Two

things I want to hand out, one is actually your zoning map which you have in your packet, but I wanted to show you where Macasphalt's 15 acres were; and then I have just an aerial that I printed today with the homes adjacent and how long they have been there, some were there since 1955, some came in 1999, but there have been no complaints about this asphalt plant, so residential homes and an asphalt plant can co-exist, they have for years and years; so I'm going to hand those out. The first document I've handed you is your zoning map, it was in the packet for this evening and the yellow highlight is the property at issue, then you see the East Coast Railroad to the east, and then you have the triangle two pieces the IU and IU-1 that's Hot Mix, Florida Hot Mix Inc. Property, and then you see further to the east is the Macasphalt 15.01; and then just between the Macasphalt and the RU-1-13 that's the RV park. Then if you look at the Brevard County Property Appraiser's map search that I gave to you, where I've written "asphalt" I don't know if it's asphalt, I just know it's a big, big, tall, I would say 25 feet tall stack of black something or other; and then you can see the private road immediately to the north of that; then you see the RVs and motor homes; and then you have a string of homes in there, the first one that's adjacent to U.S. 1 was built in 1955, then you have a 1997, a 1965, 1999, 1999, 1999, going up to the north we see the pretty pool that's immediately adjacent to the asphalt plant that was built in 1999; then I don't exactly know what that industrial use to the north of that is, I suspect may have something to do with the asphalt plant, but I don't know; but immediately to the north of that there's a house that's been there since 1964, and again we believe this asphalt plant goes back to 1963. Again, I want to point out that there's RU-1-13 immediately to the east and adjacent to this asphalt plant. We believe that the prior review by Planning and Zoning and the Board of County Commissioners regarding this change of comp plan and change of re-zoning that the computability issue was already addressed; this apartment complex is a perfect live, work, play development with the Fresh Market restaurants, the school, the shopping in this area; so this is a compatible use with what is there, because this area has changed so much; you also have residential on the other side of Wickham Road, and so this seems to fit right in this location. During those prior hearings no residents or staff had any objections or concerns; Commissioner Smith did raise a traffic concern, which we believe has been addressed and Mr. Lassiter will discuss it. The packet that I handed out at the last meeting on February 4th I did include in that packet, although I think it's in your packet twice now, and it does show that there's not a capacity issue; the conclusion was that there will not be an increase in p.m. peak hour traffic count over what is currently allowed, therefore this comprehensive plan amendment is recommended for adoption concurrence and any required mitigation to supported proposed development plan will be assessed in greater detail during the final development permitting process. Again, if there is a traffic light that is needed or additional ingress or egress, that's a site plan issue that will be addressed at that time. Regarding the buffering and concerns that have been raised about noise between the apartment complex and the, even the railroad, and the asphalt use, we have done a revised binding development plan... May I have more time? May I have another five minutes?

Barfield: I'll take it out of your rebuttal time, so...

Anderson: We can make a motion to extend time.

Infantini: Well...(unclear)

Barfield: (unclear)

Infantini: (unclear)

Barfield: Yeah, I know.

Anderson: Motion to extend the applicant's time.

Smith: Second.

Barfield: Okay, I have a motion to extend by Anderson, seconded by Commissioner Smith. All in favor say "Aye".

Board: Aye.

Rezanka: Thank you. And I have the binding development plan with the color copy for the 900 foot sound wall. The biding development plan, this is in your packet, we had the first binding development plan that I submitted on, the last meeting, and this is a new one that was done after discussions were had with Commissioner Smith and some of his concerns. First, in paragraph two it went from a six foot high fence to a ten foot wall along the eastern boundary of the property from the retention pond, north along the adjacent property zoned IU and IU-1 as reflected in Exhibit B; along with a classic landscape buffer and if you look at Exhibit B, you'll see a red line that extends from the retention pond on the right hand side to the end of the asphalt plant; so that is a ten foot sound wall of 900 feet to buffer sound. Again, you may recall that the apartment lease for any of these units will have a notification that the property to the east is zoned industrial and may be used for asphalt and/or concreted production and mixing. Paragraph four is new, the developer and owner acknowledge that the property to the east is zoned IU and IU-1 and agrees that it shall not object to any use of the adjacent property that is a permitted or conditional use as long as the adjacent property is in compliance with the County Ordinances. So, we believe the vegetative buffer and the wall will buffer the noise to the east and all of the residents will be notified, so they can't say they didn't know. Regarding Mark Marine's concerns, there have been no complaints to code enforcement despite the fact that there are residential uses surrounding this asphalt plant. Regarding the performance standards, I don't know if those were specifically laid out regarding the decibel levels, that is in your code at section 62-2271 and there is a chart, a table, of the weighted sound pressure limits per receiving uses; so already the receiving uses for residential are limited from seven to ten p.m. and from ten to seven a.m. and they're very low, they're 60 and 65; commercial is 65 and 55; and industrial is 75 to 65. Again, currently we don't have problems with the performance standards, there aren't any complaints but we believe that sound wall will buffer anything with the performance standard; and as was discuss at this meeting last time the asphalt plant may have some vested rights because it was there beforehand, I though that's one of the things that was going to be addressed in this memo, I don't know if it was but I know that was an issue that was raised. So, there are performance standards and they have to meet them already regarding the receiving residential uses; and again, if the County considers that the apartments are a commercial use, the

residential standards are not as stringent. The property is zoned PIP, I went through this before and that's what prompted the memo that was given to you; PIP allows BU-1 and BU-2 uses, that's when I went through and said yes it appears that a single family residential use could be in this already zoned PIP property, and I went through the items and we also believe could be in this PIP; and that's group homes, nursing homes, resort dwellings, tourist efficiencies, hotels, motels, treatment and recovery facilities, fraternities and sororities; and I also talked about the meaning of a resort dwelling which can be in PIP, and that is any single family dwelling or multi-family dwelling which is rented for periods less than 90 days or three calendar months. It doesn't make much sense you can have a resort dwelling in PIP that someone can stay there for 90 days, but you can't have an apartment where people can stay for a year; I just bring that up because these seem to be a recognition that apartments could go in PIP; we're choosing to do this the right way and get rezoning and a comp plan change. The point is apartments are compatible with the uses allowed in the current zoning category. The staff report states that there could be a 668,646 square feet of industrial space on this 30 acres; this is right adjacent to Wickham Road which is a scenic highway designated corridor by your code, I don't believe that 669,000 square feet of industrial space is esthetically pleasing in a scenic highway corridor; the apartments with landscaping would be much more esthetically pleasing and be a better fit for this area. With that I ask that you approve the comprehensive plan change from PIP to RU-2-15....change of land use from PIP to RU-2-15 and the land use change from planned industrial part to residential 15. Any questions?

Barfield: Uh, Cindy, do you have any comments before we do the other cards?

Fox: I think Robin has some.

Sobrino: I just wanted to clarify a couple of things that Ms. Rezanka said. She said that if you could put single family homes in the PIP then there is not a compatibility problem, I want to make it clear that the code recognizes that there is an incompatibility problem; and that is why in 2004 single family homes were removed as being a listed use in the PIP zoning classification as a permitted use. The Board at the time recognized that there might be property owners who held PIP zoning and might have relied on the zoning regulations in place prior to 2004 that allowed a single family home, and therefore they put in that condition that if you owned the property beforehand you were still eligible to be considered for single family use; it is not a recognition that single family homes are compatible, it is strictly an acknowledgment that there might have been an expectation prior to 2004 and the Board was addressing that expectation. Also, Ms. Rezanka made a comment when she talked about a number of different uses that are allowed in the BU-1 and BU-2 classifications that, she made the statement that this means apartments can go in PIP, and again we want to clarify that you can see the zoning code does not allow for multi-family residential uses in PIP nor does it allow for single family residential.

Rezanka: May I respond? Or should I wait?

Barfield: (unclear)

Rezanka: Thank you.

Anderson: (unclear)

Barfield: Go ahead.

Anderson: This is for staff since you brought that up. I know we get caught up in semantics and words, but a nursing home is a permitted use under BU-1....under a permitted use with conditions, correct?

Fox: Are you referring to the PIP zoning classification....

Anderson: If the applicant wanted to put in a nursing home or assisted living facility in there, could he do so right now?

Fox: If he met all of the conditions, yes.

Anderson: Right. And do.... I consider nursing homes multi-family....

Fox: Transient, commercial in nature, they have to be licensed.

Anderson: If I'm in a nursing home, I hope I live there longer than a year, I hope it's not over 90 days....so...

Fox: Our code contemplates that use not as a residential use, but more institutional.

Anderson: But assisted living facilities are long-term stay facilities.

Fox: Again, they're institutional uses.

Anderson: Should be institutional, but these are words. Can the residents of an assisted living facility, who could drive their own cars in many cases, do their own thing, they're just there to have some assistance from medical staff, could they make complaints against the asphalt staff.... plant?

Fox: Yes.

Anderson: Okay, thank you.

Barfield: Okay, Randy Gaines. Okay, Mr. Marine. I took a new order there.

Marine: Thank you. Good evening ladies and gentlemen, once again I am Mark Marine, 404 Sotheby Way, Debary, FL 32713. I am the Executive Vice President of Preferred Materials, been with the company 31 years, but I've never heard the term Florida Hot Mix, so even I'm somewhat confused because I think it was Florida Hot Mix then it was Macasphalt then it was Apeck Southeast, Inc., all incorporated in the State of Delaware. We were purchased in 2006 by Old Castle, a Irish company, and our named changed from Apeck to Preferred Materials in 2014. We are the owners of the facility and as I stated last month, we have every intention of reopening this plant in the third quarter of this year. I know that there were some discussions, there were even some folks questioning whether the reason we're going to reopen is as a primitive strike against this rezoning, and I

can tell you that's not the case at all; we've had a lot of discussion about the money that is going to be expended to get this plant up and running and it's going to be in excess of \$200,000, we'll get into why here in a few minutes. Obviously we've been on record as saying we vigorously oppose rezoning for this facility and are really not in favor at all of putting 400 and some families of Brevard County right next to an asphalt plant. I'll start by something we've all heard before which is a very philosophical question, if a tree falls in the woods and nobody's there to hear it, does it make a sound? We've been in the woods for a better part of 30 to 40 years and there weren't any issues about performance or whatnot, we were just paving roads in Brevard County; but as we've gotten further and further along, yes there's been homes put in, there's been RV parks and whatnot and we've had to work very hard as good neighbors to ensure that we kept harmony in the community. Ms. Rezanka had stated at the last meeting that I derailed their application at the P and Z meeting, I wish I was that eloquent, I wish I was that impactful to be able to make that happen in a three minute speech; but quite honestly it was derailed by the P and Z committee, and once again it was unanimous, they saw that this was not a compatible use for this piece of property. I will state that Henry Minneboo, a long time fixture in Brevard County made a very profound comment and I totally agree with him; there's only three asphalt plants in Brevard County and the likelihood of somebody in the future being able to put in an asphalt plant is going to be minimal at best; so you've got three. There was a lot of discussions during our last meeting and I was very happy to hear Ms. Rezanka speak so highly of our asphalt plant, and the fact that she said it again tonight on numerous occasions; we've had zero Code Enforcement violations over the last ten years. She also went on to say that there was white paper, she went on the NAPA, National Asphalt Pavement Association, website, of which we're members, and stated there really are not issues with toxic fumes, toxic materials or whatnot; I'm very happy to hear that we are actually doing a great job at NAPA to educate folks like Ms. Rezanka and people in this room that asphalt is a phenomenal product; but it was kind of interesting the dynamics were the all of the sudden the tables were somewhat turned, and me being a huge proponent, a lifetime advocate of asphalt, was sitting here trying to explain how you really don't want to live next to an asphalt plant; and you really don't, let's call it what it is; we can talk semantics all we want but at the end of the day no one really wants to live next to an asphalt plant, period. So, I started thinking about it since the last meeting and came up with a little different perspective, and that perspective is this, our asphalt plant is by far a huge asset to this community and to this County and for us to have 500 or 400 some units next to us, it's going to definitely be contentious at best; there's going to be issues like we've said in the past. Randy Gaines, our Regional Plant Manager is going to speak after me, I did not have firsthand knowledge, we've talked about the lady with the pool, we've talked about RVs, we've talked about RV parks; Randy has firsthand knowledge, Randy will share with you some of the stories of what's transpired over the last ten years, and it's not the same pretty picture as Ms. Rezanka has portrayed. Back in January there was a six cent proposal for a six cent gas tax by this Commission and it was determined that it was not going to go through; I will just say very quickly that if you look at the AORs, the asphalt tonnage produced in this County last year, the two existing plants ran 191,000 tons; at the height you'll see 500,000 tons installed in this County, 300,000 ton void; where is that going to come from? Well right now on U.S.1, that asphalt is coming from Orlando; in Cocoa, Barnes Boulevard, that's coming from our plant in Kissimmee, that's a \$5 dollar a ton haul differential

coming from Orlando into this County. I will tell you, that to me, is a concern as a financial hardship for the taxpayers of Brevard County; so I have a serious concern. Sound walls, Donald Trump cannot build a sound wall that's going to mitigate this. Last comment I'll make and I'll sit down is that we've talked about notice provisions, and really putting this onus back on potential tenants living next to an asphalt plant, who have no clue what an asphalt plant is or what they're really signing up for; to me, that is really irresponsible and really not a way to approach this or go to market; and quite candidly, to me, by saying that we'll just put a notice provision in sort of incriminates the whole process. Thank you.

Barfield: Thank you. Mr. Gaines.

Gaines: Good evening Commissioners, how ya'll doing tonight? Good. Randy Gaines 2357 Sweetwater Boulevard, St. Cloud, FL 34772. I wanted to talk to you tonight about some of the complaints, and I want to thank very much the fact that we've done such a great job for Code Enforcement not to be called out. What I would like to talk you about, and I would like to talk about a couple things; the swimming pool basically, the house with the swimming pool, I have learned to grow to know that woman personally over the last ten years when we were running the plant, she is no longer living there now; I can tell you I've had phone calls from afternoon on a Saturday to one-two o'clock in the morning, my crew, my team, have also had those same phone calls. My crew had, at one point, during one of those years is they had to call Law Enforcement out there to also have her escorted off the property; no record of that is shown because we did not want to press charges, we do try to be a good neighbor; since then we were communicating with them, I was actually calling her to make sure everything was going okay; so we've had a lot of complaints from that house and I can tell you if you look at the dates of those houses that go down there, any of the houses that were built prior to probably 1999, I really haven't had a phone call for because I think they're in more of the front part of U.S.1 if I'm not mistaken. In reference to the trailer park, the only trailer park that I know is more to the north and not just to the right when you come in the road; that right there that you see when you come into the road is just a storage area for.... they have trailers stored there, I don't have a map of that but if you just look to the north of the road that where you come into the plant you will see that that's just a storage area; I have had complaints from that company, or that gentleman, also, just some small complaints nothing big. I have had.... we did, I did go ahead, we did write a check, I think for \$3,500, probably about four years.... well prior to the four years, to the business to the north of us for detailing their cars and their trucks and their boats if I'm not mistaken; because we had a onsite crusher there that had some ambient dust go over to their property that we took care of for them. We do try to be good neighbors, we try to take care of everybody, especially the woman who had the swimming pool; we ended up putting up a six foot fence. I also ended up putting up a buffer there, a very high buffer there, and it still did not help, she still called and complained. If you look at that you will probably see that buffer that I put right there in front of that house, if you have the same site map. To the south you will see in between our property lines there's a warehouse down there, we've also had some complaints from them, just a little bit ambient noise probably; and understand the ambient noise is within the restrictions of daytime and what we've had complaints from, and I've been in this business now for 35 years so I've covered 12 asphalt plants and I've covered the whole State from the Central to the South, and we have had complaints just the

air coming out of our exhaust fans; so the ambient pressures of the noise decibels are normally within the range we know of, and it's just the sound that they hear, as you talked in the last meeting about the back up alarms and things like that. We try to mitigate all that by putting up noise, little sound noise walls, all around the plants; that still does not help, we've tried.... you know, I've just had today, I'll be truthful, I've just had two complaints in one at Naples, Florida on a smell issue and one at Loral down south on a sound issue, so I handled those; I handle a lot of complaints. The one good news is that we do not have Code Enforcement involved so hopefully we're helping ya'll out, and saving you some taxpayer money by handling it for you; but the other point is that we do take a lot of complaints, I will tell you that the woman living in that house by the pool, personally told me herself that she would have never had bought that house if she knew there was an asphalt plant there; she was never indicated of the when she moved into the home. We have in the past, I can tell you in the past we have, just briefly, we have spent a lot of money on mitigating noise complaints all over; I've actually re-modified some stacks to try to mitigate some noise coming out of the stack for one gentleman that was over half a mile away that couldn't hear his birds; so we spent \$25,000 to re-build a stack to try to mitigate that. I've also, we've also put some 30 foot high screen walls for noise, there's noise walls and that has not helped. We've also put material berms up, we try to do that and that does not work also; what I'm getting at is you can't try anything you can, you still have complaints. Now, in the few people we have, in closing, the few people we have complained, approximately five or ten that have complained in this County for these plants, we've taken care of, we've tried to help them out; but when you start talking about over 500 families to the west side me, it's going to be very difficult for me to try to please. I will say in closing that what you're trying to do here is typically just trying to put a round peg in a square hole, and I don't think it will work.... so, I appreciate it and please vote to deny.

Barfield: Thank you. Commissioner Anderson do you have a comment, or did I just forget to reset?

Anderson: (unclear)

Rezanka: (from the audience; unclear)

Barfield: Commissioner Smith. We still have more cards.

Smith: I wanted to ask you a question. Do you have a typical hours of operation? Do you..... because I know most roads are built during the nighttime.

Gaines: Most of our facilities right now, as the economy is coming around as you can tell, I have several facilities that are running 24 hours; mostly in the Tampa area, I'm running 24 hours in Kissimmee, at times we run 24 hours. We typically for our DOT work, which you would typically do, would be at nighttime.

Smith: So it isn't uncommon for you to run from say eight o'clock at night until eight o'clock in the morning?

Gaines: No sir. No sir.

Smith: Okay.

Gaines: Most DOT jobs do not want to inconvenience the traveling public, so that's why we generally run at nighttime.

Smith: Okay. Thank you.

Gaines: Thank you.

Anderson: I do have a question for....

Barfield: Just a minute, Commissioner Anderson has a question.

Anderson: Uh yeah, either one of you, it's whoever wants to answer. If the applicant were to change their business model and put a motel in there, or a hotel, would you object to that?

Marine: We're not in favor of it by any stretch, I mean....

Anderson: What about a bed and breakfast?

Marine: I would not be in favor of that.

Anderson: Fraternity or sorority?

Marine: Sorority maybe.

Anderson: Thank you. Now you got me off train of thought. (Laughter) I was trying to be all serious. But, my point is, group homes; nursing homes; resort dwellings; single family residence, because they've owned it before the 2004 change; assisted living facilities; tourist efficiencies; especially going back to the nursing homes and assisted living facilities, you may want to object if they want to build a 500 unit assisted living facility, make it 55 plus, through a couple of nurses and a doctor in there, same thing; and there's nothing you can do to stop it.

Marine: Understood.

Anderson: So, that's why I just don't understand; they could just make a couple tweaks and we're back here again going over their conditions, but it's permitted.

Marine: Understood. I'll respond this way, and it's a very attractive piece of property, and I can't speak for the potential applicants and whatnot, but it's service by rail; there's a lot of different things you can do; you can bring in boxcars, you can put in a siding; we have a siding. You can put in a siding and make a wonderful warehouse facility and still put nice landscaping and buffering on the front side of Wickham Road, and you'd probably be better off financially, but that's neither here nor there, it's not for me to say; but to me there's a lot of things you can do with that piece of property and make it very attractive and still make money; we're all capitalists at the end of the day, so.

Barfield: Commissioner Infantini.

Infantini: You're welcome to sit. I think the point this gentleman is....

Fisher: I've got a question for him.

Infantini: Oh, okay. I think the point the gentleman trying to make is because we legal permit something, doesn't mean it's feasible; it just means, legally we couldn't lock out and not grandfather in certain uses. So, I think, to Commissioner Anderson's point, yes legally they can put a, you know um, one of those assisted living facilities there; I don't think you want to and I'm doubting you'll get any residents, I know some people that live in assisted living facilities and I don't know a one of them that would like to live right next to an asphalt place. Just because you can put something there doesn't mean you will; and so I just, I... the code only... like he pointed out, we only have three asphalt companies, and so if we... and it fits within one of our code classifications, so we didn't want to be so restrictive just because we only have three of them to block all types of everything from going next to it; it doesn't mean it's preferable, it just means they're permitted. Most of the rest of the County doesn't have an asphalt company in that type of zoning; I think that's all he's trying to make the point.

Fisher: I have a question for Mark. Just so I understand on this photo, where actually is the production going, is it on the south end, is this where all these buildings are?

Marine: It's right, yeah it's on the northern... no I'm sorry, it is on, right in the, almost the dead center of the property; you can see where the RV storage facility is? That road going in, that's where the plant is. And by the way, it is an asphalt plant; we did have at least... a ready mix concrete plant there as well, so at one point we had both asphalt and concrete.

Fisher: (unclear)

Marine: Storage. That's for recycled asphalt, the number one recycled product in the United States. Uh, so, it's recycled asphalt and some of our aggregates that we utilize in the asphalt mix.

Fisher: (unclear)

Marine: The noise we've had has been to the east and to the north with the RV park, to the north, which is not... keep... no, those are RV sales, those... people are just storage, that's RV storage. Further north, almost 500 feet... 500 feet north of that, yes.

Barfield: Okay, I have a couple more cards. Uh, Carla Casey.

Rezanka: (from audience) May I cross examine? Because they could leave, I've had that happen before.

Barfield: They're not leaving. Carla Casey. Name and address please.

Casey: Carla Casey. Business address is 6767 North Wickham Road, Suite 400, Melbourne, FL. Thank you for allowing me to speak today. My name is Carla

Casey, I'm the Regional Manager of Brenner Real Estate Group. For the past 16 years Brenner Real Estate Group has been the Manager of the property that we're discussing tonight, and I've had the privilege of being the Local Manager for other assets owned by the parent corporation. In addition to my professional connection to the properties I'm also a resident of Brevard County, and have been for the last 12 years. Tonight I'm here to speak on behalf of Imperial South, Sterwick Development Corporation, and Golden Triangle Realty, each and all of these entities are either directly involved with this parcel or are adjoining to the parcel. Imperial South has owned the land in question for roughly the last 30 years, as you're already aware of. During the last 30 years this group has also developed some of the most successful commercial properties in the immediate area, most notably Imperial Plaza and the Centre at Suntree, the group's involvement within the community has not only been for business purposes, they have also been involved with the betterment of the community as well; the donation of the land for Suntree Public Library was made by our group for the benefit of the community and the County back in 1997, I believe there was also some involvement with the little league fields that are next to the Suntree Elementary as well. We know how important to people that they have an environment that is safe, nice, and a good place to work, live, raise a family, and run their business. We also believe in the mindset and have worked hard to maintain our properties to the highest level, with constant upgrades and improvements. A good number of the people who are our tenants at all three local properties are all Brevard County residents, the staff, Management, and almost all of the vendors and contractors that are used on our properties and the business are also Brevard County residents. The Management that has been in place for 16 years has worked very hard through the years to support our local small businesses here in Brevard County. It's a rare occasion that a vendor or contractor is obtained or used that is not based in this County. The only constant in life is change. We have an opportunity in this area to create a place for people to work, play, and live in an upscale setting; and with controlled growth. The opportunity that is in front of us all right now is to create upscale housing, which will increase the tax base, which is a benefit to the County. The opportunity for added growth and businesses for all of the surrounding businesses, and adding quality business and retail opportunities based upon an increased residential component. The biggest objection to this land use variance that is currently circulating is based upon the plant that's not been functioning for over four years. We were blindsided by the fact that the plant chose to address this and come up publicly rather than coming and speaking with us, as we've had business dealings with them in the past, and we've been neighbors with them for 30 years. They say they will be opening up soon for business, if that's the case why aren't they jumping up and down to add to the business and be involved in this project? We've all been neighbors for 30 years, I don't understand, and we don't understand, why we can't continue to do that. As the largest commercial paying taxpayer that's directly affected by this decision in that area, we would urge you to take all considerations into account for the local businesses in the area, their potential growth, their families, the other property owners in the market, and the residents. This corridor area should be a place where people can work, live, and play; and go to the Doctor, the gym, the Dentist, the bike shop, spa, florist, get an ice cream cone, go to the gas station, and all of the other retail and service establishments in the immediate area; most of which are independently owned by Brevard County residents. We think this should be the County's priority when considering this

matter. Thank you.

Barfield: Thank you. Mr. Charles Tovey. Good evening.

Tovey: Yay. Um, not allowed to speak about other things, but uh... my name's Charles Tovey, 2555 Roberts Road, Melbourne, FL 32940. And I got a crazy idea, could save a lot of people and a lot of things, and it's already prepared and ready to go. Behind my house, the property behind my house, the Town of Palm Shores; they've cleared it all, and there was a apartment building supposed to go there and it fell apart; and well it'd be real simple for... you know just to move it a couple miles, it's already cleared out; he's cut down all the trees, and all the wetlands are destroyed... the whole thing; and I'm already disgruntled about it... is that an acceptable term? But I think that it's a reasonable idea to consider for all parties involved. It's Palm Shores, a half a mile south... or a mile and a half south of Apack; and I know some of the Apack family and I can only speak highly of them and their family, and never had a problem with that area but it is close to Otter Creek; and all that area in there is as just environmentally important to the lagoon and us as Palm Shores was; and maybe they can work together, Apack could throw in a couple of roads and the apartment complex could do some environmental work in Palm Shores; and I'll never be over what was happened, I lost it all for nothing and might as well not make it for nothing, put in an apartment; and there's a couple hundred cars going down the road, the speed limits, no stop signs, you got in made; and no tar smell; and you'd be pretty... I don't know... I've lived around tar; I'm not going to stick my money... I could be poor, I'm not going to go live next to a tar factory... oh, I am poor; financially, I'm not worried about money, but the serene, tranquil environments that people... that's not going to happen there. It's very obvious about asphalt, but there are compatible solutions to that area, and Palm Shores is wide open for development; they're looking for tax dollars, ad valorem tax dollars. And I have more; I don't want to waste time.

Barfield: Thank you. Discussion? That's it? Kim, Ms. Rezanka, you want to come up and do your rebuttal?

Rezanka: (from audience) We have more cards.

Barfield: They're all from the same company though, same organization.

Rezanka: (from audience) You're not going to let them speak?

Barfield: It's ten minutes, it was ten minutes for the...

Fisher: They can speak individually.

Barfield: Okay. Alright. Okay, let me call them up then. Hang on a second.... Michael Beale.

Beale: That feels like the final countdown, what happens when hits zero?

Barfield: It gets better.

Beale: Alright. Okay. I didn't know if I got zapped or something. I'm sorry?

Smith: There's a little trapdoor.

Beale: Oh, there's a trapdoor. I'm used to those. My name is Michael Beale, I'm the CEO of Bishop Beale, we are one of the development partners for this project. My address is 2017 Companero Avenue, Orlando, FL. Thank you for listening to us. I just got off a quasi-judicial board that I sat on for five years, so I'll try to be brief because I know this can be tedious and confusing at times. We have looked very hard at this project and one of the things that led us to the apartment complex is a few, several, months ago I was able to go on top of the office building that Dr. Hardune built, he built a nice patio there, and I looked to the south and it was almost amazing to me that you had this beautiful medical office park and next to it was, I think, a beautiful retail center; and I said "wow we really have an opportunity, without anyone telling us to do this, without anyone encouraging us to do this, to put apartments there; and the apartments fit very nicely, there's an internal road system through a series of easements that keeps all the traffic between the parcels off the roads; and so, I think it is a very good use. I've also found in my career, and I've been at it a long time and I was born and raised in Florida, so I understand Mr. Marine's concern about starting out with no one around you and then things coming around you; but I also find it contradictory that he's happy to have the 300,000 tons, or whatever it is, of pavement, and the reason he wants that or is going to get that is because of progress, because things are changing. So, I think land finds its own highest and best use. I do not think the highest and best use of this property is industrial, I'm not sure that fits at all with the neighborhood. And, I'll finish with, I appreciate his concern but it's our money that we're putting in, it's a substantial investment over \$50 million, and we have the risk of whether or not this will work or not; and so we have not taken that risk slightly, we studied it and we believe that it's a viable project and it will work, and that we can minimize the impacts. Thank you all very much.

Barfield: Thank you. Gil Ramirez.

Ramirez: I'm Gil Ramirez with Lassiter Transportation Group at 1103 West Hibiscus Boulevard, West Melbourne, FL 32901. As we discussed in the last meeting, we were the traffic engineers on the project, we've done a study that shows that the change in future land use will actually reduce the potential number of future trips on that parcel if this is approved; and as Ms. Rezanka has already said, if we move forward we have to do a site plan, at that point we will address the specifics of any impacts associated with that project; the developer is aware and willing to come to the table to take care of those; and I'm not going to belabor the point, so if there's any questions specifically on traffic, I'm here for you.

Smith: I would like to ask a question. What was your presumption in making the determination that if this remains as the comp plan exists that it would actually cause, create more traffic than 426 apartment units?

Ramirez: Okay, and that calculation is actually pretty straight forward and it follows the same procedure that staff does, because they do their own analysis in the same way. What we do is, within the technical memorandum, we look at what the future land use allows and what the best use might be, based on the maximum floor area ratio. So, Kim had said that the staff had assumed 600,000 square feet of industrial, we

actually assumed a little less in our analysis, we assumed that you could probably get about 534,920 square feet; so you take that number and then there's a manual that we use that is developed based on other industrial uses throughout the nation that gives you a square footage to number of trips generated, simple calculation tells you how many trips is generated by that square footage and then you compare that against the number of apartment homes and how many trips those generate.

Smith: Okay, so, enlighten me a little bit. How, just how big is 534,000 square feet as opposed to say a Sam's, or a BJ's?

Ramirez: 534,000 square feet would probably be a very large warehousing development; we've done some of those in Daytona. So, you're probably talking a development of that nature, if you did all under, basically one large development; if you break it up, it really depends on how you lay it out; but you're talking a very large, like a warehousing type development.

Smith: So what kind of... what kind of traffic pattern is a warehouse going to generate more cars per day than 426 apartments?

Ramirez: Well based on ITE, which is International Traffic Engineers Society, a similar land use would generate about... let's see, PIP... 448 p.m. peak hour trips, so that's five o'clock in the afternoon; so you're talking probably staff, late deliveries to your Walmarts and such that want to get deliveries off peak, so by the time the trucks get there those... you know that's what you would be talking, about 448 p.m. peak hour trips for similar developments of that size.

Smith: So if you had an apartment complex with 426 units, assuming... would a normal number be, two cars unit?

Ramirez: Um, well, what I have here is 334 p.m. peak hour trips for an apartment of this size. This is what we predict will be generated by a very typical apartment complex.

Smith: Okay. I find that amazing myself; I just can't picture that 850 cars coming and going out of there, that live there, and their visitors, and relatives is going to be fewer than is going to be generated by some warehouses. It's a little... what's the word I want to use that's courteous... I won't use it...

Ramirez: Counterintuitive?

Smith: Yeah, okay, we'll go with that.

Ramirez: And I have to tell you that the analysis that I did is the same exact methodology that is done by staff. We do not come up with these numbers on our own, we use exactly the same resources and I don't make up the numbers. We use statistical studies that have been done in other areas, this is nationwide; you go to a California Board Hearing and they ask what kind of traffic you're going to get out of that sized development, you're going to get exactly the same number because we use exactly the same statistical data behind it.

Smith: Let me ask you a pointed question. If Mr. Marine were to hire a traffic study

company, do you think the numbers might reflect a different case than what you have?

Ramirez: No, absolutely not. I mean, really, you look at what the future land use is now and you try and figure out what the maximum industrial use is, and you use that number and compare it to what we're proposing. That's it. There's no magic, there's no art. And, believe me, my reputation hangs on this, so why would I lie? This is just one of hundreds of projects that we do, so it's really not worth it for us to come over here and try to snow you; and that doesn't have anything to do with the fact that I'm the former Traffic Operations Manager for the County, and I spent ten years defending the capacity on Wickham Road and I surely do not want to be the one to come over here and wreck it all after all that work.

Smith: Okay, thank you.

Infantini: I don't think it's lying. I think it's using numbers to the fullest advantage to help present the point of view which with you're sharing, which is what everybody should do, is work numbers for the best advantage possible.

Anderson: Commissioner Smith I'll give you a... I used to think those numbers are weird too, but I just recently worked with a economic development project for a warehouse, a large warehouse, would be about three to four hundred square foot; they're prediction, and this is the company telling me, would be 850 to 1,250 semi-trucks a day going in and out. So, that's for... I understand it after they told me that, and I had to make them repeat that to me, so...

Barfield: How many trips did you say on the apartments again?

Ramirez: In the p.m. peak hour we're estimating 334.

Barfield: And explain that again. That's the peak hours or just how many trips?

Ramirez: That's your p.m. peak hour, that's how many vehicles you can expect during, let's say five to six o'clock in the afternoon on your average weekday.

Barfield: Okay.

Ramirez: To speak to Commissioner Anderson's point, with industrial you have definitely got a different mix; we've seen, and we recently did a study of a very large warehouse up in Daytona, and they were at 40 percent heavy vehicles, so semi-trucks, versus residential where that's going to be around two percent; that's your national average for something like that. And then, to address Commissioner Infantini's point, which is taken humbly; our analysis, if you compare our numbers with the numbers that staff used, we assumed that industrial would be less than what staff decided to use, and we also assumed more units than what staff assumed; so we're actually trying to be more conservative in our numbers to try and see if we would trigger, because we don't want to be in a position where we come before you and staff tells you "oh, no, they underestimated the numbers" or "they're trying to play the game", we're trying to be completely forward with you.

Barfield: Okay, thank you.

Ramirez: Thanks.

Barfield: Dan Esterline.

Fox: Commissioners, if I could just interject just one thing. I do want to say that the technical memorandum that we received from the applicant really only brings in the peak hour numbers, not the total trips; and so, I did want to make that distinction. Also, this memorandum is dated, and was submitted at the time that they came for transmittal of the large scale plan amendment that you're voting for, for the transmittal; we've not received a different one for adoption. So, the actual numbers that were used as the total numbers of residential dwelling units that they used in their report actually exceeds what they've ended up asking for in the zoning classification; so for instances, they asked, and we did the analysis at the time of the submittal of the large scale for transmittal, they indicated they were attempting to go for PUD zoning; if you go for a PUD zoning, they would get a bump up in the number of units. It has turned out that since the transmittal, they change their request and they have gone from PUD to Residential RU-2-15, multi-family. So, I would... I believe that new traffic memorandum or study would have to be done at the time they come in for site planning, at the very least, we're not operating with the most current numbers.

Barfield: Cindy, I just did a quick rough calculation. You figure there's 426 apartments, four trips a day, that's 1,704 trips a day; and I think what they were saying, how many at peak, was about a quarter of that; something like that?

Fox: Total trips exiting would be 354; trips entering would be 94; total trips 448, during peak times.

Barfield: Okay. Go ahead Mr. Esterline.

Esterline: My name's Dan Esterline, I'm here representing the Mahaffey Apartment Company. My address is 3210 Sydney Road, Plant City. Mahaffey Apartment Company's been in business in the State of Florida since early 1960's. We have built over 20,000 units in the State of Florida; I'm the Grandson of the Founder, Tom Mahaffey. As a family business with over, as I said, with over 50 years in the apartment business, we currently manage ten properties throughout central Florida, and over 9,000 units. Our philosophy is, we build apartments to own and manage as part of our portfolio and we're in this for the long haul, we build a quality product. I have several different roles that I fulfill in the apartment company; I deal in development, construction, and lease up of properties. I am familiar with the challenges of adjacent properties and the challenges of the railroad track, and the adjacent property here; and we're a pretty conservative group in how we do our developments, and we take a close look at properties like this, and we've spent some time analyzing this property; and we had some concerns at first over the railroad track, and we had one of our representatives come down and spend some time, spend the night in a hotel near the tracks and listen to it, see how the noise was at night, and it wasn't a concern. We talked to some of the other apartment communities in the area and their experience is what our experience is, it becomes part of the background noise, part of the ambient noise that people get used to and deal with. We put a lot of effort into how we design our sites; where we have a

challenge, whether it's a big roadway or a railroad track, we'll build that buffer zone into it ourselves; we'll step back and we'll lay out the buildings in a way to minimize those impacts in our buildings. We also consulted with our professionals, our architects, and our engineers and talked to them, said "what about the railroad tracks, what do you guys do when you build near railroad tracks?" We've built, we have a property in Tampa near the Veteran's Expressway, that was actually built after us, we haven't had any problems with roads that get built after we build; but railroad track was a new thing for us, so we talked to our architect, and he said "they're built all the time, don't worry about it, it becomes part of the back ground noise, the gray noise", the same thing we're hearing from the local communities; he said "what we'll do is we'll put a little bit of extra hardening in that side of the building, the way we have already laid the site out is to take that into account"; and so we average in it sort of similar to what we might do for wind resistance and accommodate that into building our side layout takes into account some of the oak tree there and try to preserve as many of those as possible; that's going to mitigate noise issues. Basically we've taken a hard look at this and we understand the challenges, we've faced many challenges with adjacent land uses and we're comfortable with what we're looking at. That's all I have.

- Smith: I have a question for you. You said that this person that came down and spent some time, and spent the night and stayed in a motel or hotel, and listened to the train noise; what about an asphalt plant? We're talking beep, beep, beep, beep in the middle of the night; two o'clock, one o'clock, four o'clock in the morning, five o'clock in the morning, and kids trying to get up fresh eyed and take a test, and mom and dad going to work in the morning; you've got heavy tailgates banging against trucks, boom, boom; and you don't get used to those kinds of noises; it's not like a railroad that does become background noise.
- Esterline: We've read the parameters of the zoning with the restrictions and we're comfortable with that, and we think that the noise barrier and the landscape barriers are sufficient.
- Smith: And what about the smell of asphalt wafting into a bedroom at two o'clock in the morning?
- Esterline: I don't think that's going to be an issue.
- Smith: Okay.
- Barfield: I have a question, real quick. Have you, do you have apartments near industrial plants or anything like that? Or, like a rock quarry, or something where you still have the dump truck going, and uh... you know, industrial type setting?
- Esterline: We have had large site development near our properties. There's a site in Winterhaven that had a lot of site development and trucks and things going... roadwork and things like that going on for a very extended period of time... and I don't want to say people just think it is what it is, but if it's beyond your control they don't tend to complain about it; it's just what life is.
- Barfield: Thank you. Adam Broadway.

Broadway: Good evening. Adam Broadway, 730 E Strawbridge Avenue, Melbourne, FL. I am the President and CEO of Certified General Contractors, and personally I've done 40 acres of new construction and development north of this property. Along with that 40 acres, I've relocated 25 to 30 new businesses who've, all collectively spent tens of millions of dollars in this community on this Wickham Road corridor. These people would have a positive impact from this zoning change, from the multi-family. What I hear here tonight is we're talking about the negative impact, and making assumptions about the negative impact that this would have on one business, but we're not looking at the positive impact that it would have on 25 or 30 businesses that are all currently open and operating today; and that's really all I've got to say. Thank you.

Barfield: Thank you. Pleasure of the Board?

Board: (unclear)

Barfield: Oh, I keep doing that, I'm so sorry. I apologize.

Rezanka: Thank you. First I have several questions for... I don't know is it's Gainey or Gainnor... Gaines. Mr. Gaines you had stated you've had five to ten complaints regarding this particular asphalt plant. Over what period of time have those complaints been?

Gaines: Oh it was more than five or ten complaints. It's been... this has been... I've been in the company for 28 years, it's probably been within the ten years, I can't give you specific dates; I can tell you... I can give you the name of the woman that's had the complaints, with that pool.

Rezanka: Is she the only person that's complained?

Gaines: No.

Rezanka: How many people have complained in ten years?

Gaines: I would say, not running with the six years prior to that, I would say probably five to six, plus having to write the check for the people on the north side.

Rezanka: You had mentioned in some places you have a 35 foot high screen, where is that?

Gaines: In Gainesville.

Rezanka: Do you have that here?

Gaines: No.

Rezanka: How much have you spent to mitigate noise at this asphalt plant?

Gaines: How much have I spent to mitigate noise on this plant?

Rezanka: Yes.

Gaines: Probably... hold on, let me think. We put a six foot fence up; we crushed some material for the barrier. I would probably estimate it... \$20,000 or \$30,000... I would estimate it'd be around \$30,000.

Rezanka: For a fence and for what else?

Gaines: For a barrier wall, wrap barrier.

Rezanka: And where is that?

Gaines: It's on... it's right beside that swimming pool.

Rezanka: Okay, so this is for the one unit, the one house?

Gaines: Just the one house, mm hmm.

Rezanka: Do you have a sound wall around this plant?

Gaines: No.

Rezanka: Thank you, that's all I have.

Rezanka: Briefly Commissioners, we are not trying to put the asphalt plant out of business. We are only trying to build something that the developers believe is a good use. Its builder beware. You've heard testimony. It's their money. It's their \$50 million dollars that they're willing to spend, and they're willing to come to this community and do it. There were no issues raised by Planning and Zoning or this County Commission at the Comp Plan transmittal hearing. All these issues have come up in the last several months. Regarding Ms. Sobrino's comments, I did not mean to say that's not what the Code said. My point was that these uses, these group homes, and nursing homes are resort dwellings. They are similar because there are families living in them, so the Code allows families to live on PIP property, and we believe the Binding Development Plan cures any possible incompatibilities. Regarding the change in 2004 many many Code changes are done that completely eliminate uses, so the County Commission at that time wasn't willing to completely eliminate single-family uses which they could have, it's done all over the. All over the country, they completely eliminate uses, and it's completely within your power. Mr. Marine says no one wants to live next an asphalt plant. Well, here in Brevard County, apparently dozens want to because they've lived there since they have been in existence, and in the NAPA report I supplied at the last meeting, and it says hundreds of communities across the country coexist peacefully with asphalt plants. The emissions are just steam. Asphalt plants are good neighbors who are active in their communities. If the apartment dwellers want to live there, it's their choice. They are on notice, unlike the women who said "If I had known there was an asphalt plant, I wouldn't live there." Well, I don't know how she didn't know? It's a pretty big asphalt plant and she's right adjacent to it. If the developer wants to build, it's their business decision. Regarding generally, Mr. Marine and Mr. Gaines' comments, they talked generally, they're not talking specifically five to six complaints in the six years prior to them being out of business, is really nominal, and it sounds like most of the one lady and they put up a fence. They've done nothing to mitigate sound

here. And the beep, beep, beep they are not allowed to have beep, beep, beep after 10:00 p.m. They are just not allowed to. It's not permitted under your Code, it's an impulse noise, and it's not a fire or a safety so they still have to meet the performance standards of that backup beep, beep, beep. You heard Mr. Beale state, we know what we're doing, and we want to come here. Our County should be embracing that. They want to put \$50 million dollars. They want a nice development where people who work in this community can come, bring their children, the children can walk to school, this is a live, work, play issue, they've already built the fresh market, and they are committed to this community. They are from this community. They are bringing jobs to this community. I ask that you approve the Comprehensive Plan change and the rezoning. Thank you.

Barfield: Commissioner Anderson.

Anderson: Are we into discussion, Chairman?

Barfield: Yes, finally.

Anderson: Okay. Thank you. Just a couple of things and I know we all have but just for the record of or part of the disclosure that I've met with the applicant, and the people from the asphalt plant both. I'm sure all of us have but we need to have that on the record. So, you know, like I've said before these are quasi-judicial hearings and expert testimony has to be taken into account, and I know the asphalt plant representatives have some concerns but they've brought no expert witnesses in saying this is what's going to happen for sure. And it would be hard I think to do a Finding of Fact based on their testimony, and my fear is when we do that like has been done in the past that we end up in litigation. The taxpayers of Brevard County pay for the litigation. We probably use. On this one, I think, we would lose this litigation, and then they would be allowed to build what they want with none of the Binding Development in place. That's what we're risking just so everybody's aware. Another thing and this has nothing to with the quasi-judicial part, I was just thinking, I get lectured to quit a bit sometime by a couple people, maybe one person that's bored about picking winners and losers of businesses by not allowing this business to develop because of this business, we have just picked a winner and a loser. So, I'm going to support their development and their application, and I'll just wait for the rest of the discussion from the Commission.

Barfield: Commissioner Infantini.

Infantini: Okay. I'd like to counter some of the comments that were made. One thing is that there's people that are living there and they've been living there for a long time. Well, we just met a gentleman with a Banyan tree and the Property Appraiser notified him, because you have this Banyan tree behind you you have to disclose it, and so, therefore, he won't be able to sell his home. Perhaps, why people stay living there is because they are not able to sell their home because they live next to an asphalt plant. Just because. Oh, I'm sorry, Robin, you had said something about the PIP property and the 2004 being grand fathered. So, after 2004 if they sold their property could they still put residential there, or was that only if you owned it before 2004.

Sobriano: Only if you own the property prior to 2004 when the Code changed.

Infantini: Okay. So. We. We smartened up and we said you know what next to an asphalt plant that's not a good idea. These people are grand fathered in. You can go ahead and do it. I don't recommend it, but go ahead and do it at your own risk. And I kind of like in that notice, that disclosure notice that you have to give that's kind of like that warning, you know, they've got disclosures on packs of cigarettes. How many people heed the warnings? I mean, it's like yeah, yeah, yeah, yeah nobody pays attention to a warning notice, so they are going to think that well, it must be okay. It must be a minimal problem. Let me see... grand fathered. Oh and there was a correlation made that we're allowed to put assisted living properties next to an asphalt plant. Correct? So then, if we can put an assisted living next to the asphalt plant, let me ask you, anybody up here want to put an asphalt plant next to an existing assisted living facility? Because, you are allowed to do one. Then you should be allowed to do the other, correct? No, of course not, it's silly, it's a permitted use because it was grand fathered in. So, you would never go I dare any one of you to vote to put in an asphalt plant next to an assisted living facility, a residential home complex, or an apartment building. You wouldn't do it. So, then to say, therefore, if you wouldn't do that then why would you put an apartment building next to an asphalt plant? It doesn't. There is no correlation and I'd like to remind these people, y'all, all of the people I represent I'm elected by the people near Valkaria Airport. I cannot tell you the number of people that call my office complaining about airplanes taking off from Valkaria Airport, and I'm thinking, you moved next to an Airport. You move next to a playground you're going to have children playing. You move next to an Airport, there's a thing called an airplane that takes off. I cannot tell you the number of complaints that I receive, so I do not want to go through those complaints. Even though this is not in my District, I don't want to go through those complaints. I will not vote in favor of this change in zoning.

Barfield: Commissioner Smith.

Smith: I'd like to ask Ms. Fox a question and I don't know if you can answer this, but changing the use of Comp Plan do you have any idea how much industrial land we've lost to Comp changes?

Fox: Yes, Sir, I do. This is a statistic that I was able to pull up. Industrial zoning changes that have occurred from January of 2011 through March of 2016, which is the last five years we have had a gain of 7.93 acres, a loss of 94.48 acres of industrial land, and the net loss then would be 86 acres... 86.5 acres we've lost have changed.

Smith: Wow. Okay. Well, I wasn't anticipating that. I was just curious because I know that we as a Commission can change Comp uses and you adjust as the County grows, but we also have Planners that put these things on paper years in advance because they've looked at it, and they've planned on how the County should grow. And I understand this was done in 1990. Was this area zoned in 1990 Industrial?

Fox: Yes, in that area.

Smith: Okay. So, that that's one thing. I want to say I really like the project. I think it would be a terrific addition no matter where it went, but I just can't get past the

inevitable complaints that are going to come from having an asphalt plant right nearby. And I said before and I'm really concerned is that, as a small businessman myself they are not actually small but there, they are in existence, and if you bring in 426 families as Commissioner Infantini just suggested, there's going to be complaints. You're not going to. It's just going to be part of the program. You are just going to have complaints and you can tell people, you're moving in next to an Airport. You can tell people you're moving in next a golf course. You're still going to have people complain about airplanes. You're still going to have people complain about golf balls coming in their yards. Smelling asphalt is not one of the more pleasant things you could smell and it's very very distinguishable, and if you're going to smell this at one o'clock in the morning, at five o'clock in the morning, and all day long it's just not going to be fun to live next to. And I can tell you that the complaints are going to occur and as I pointed out before, I'm very aware of a company, a business that met all their criteria for environmental standards. They had OSHA come. They had DEPA come. They met the Emission standards, but people still complained about I can smell automotive paint and the Senior Center that was half a block away... the complaints and the potential complaints, and the lawsuits they finally went out of business because they just couldn't afford to stay there. And I don't want to see that happen to these guys. Now, you know, I understand that \$50 million bucks is a lot of money. I would love to see that spent in my District. The amount of money that is going to be spent by 426 families is going to be phenomenal but I just can't fathom that those 426 families are going to enjoy living next to an asphalt plant. And here's one other scenario that I'm thinking of... it's been four years since you've been in business? Okay. Since you've been idle. Well, if you're idle for another four years and they build this apartment complex, let's say in a year, that means three years of tenants are not going to experience the smells and sounds of an asphalt plant. They can know its coming. They can be told it might happen, but the reality is going to smack them right between the eyes when it does happen. And then what's going to happen? So, for that reason I'm I would vote against this and I think that it would be a mistake for us to do this.

Barfield: Commissioner Fisher.

Fisher: Yeah. This one's been a hard one for me. And it's hard for kind of a couple of reasons. One is I'm a property right guy and if I've owned a piece of property, and have been paying taxes on it for years I would probably like to have the ability to develop it, to something I think financially could work for me. We have a. So, I don't think there's any question there's going to be complaints. I think we could... a lot of properties we change or people complain about what's going next to them. I think we got a Sonic restaurant coming up next. So. There's. There's going to be complaints on all of these things. Where I'm having a tough time on this thing is that it's not that the. It's not that the plant's coming, you know, after all the residential is built. It's kind of the case where the residential understands that there's an asphalt plant there. The property owner understands that he's building next to an asphalt plant. He's willing to take that risk and spend \$50 million dollars yet where I'm having a tough time is me trying to say you're crazy for doing that. I mean he believes that he can make a profit and he can do it, and he can do it with the plant. And then he's also trying to make some mitigate I think the damage as much as possible by the walls and buffers, and those type of things. So, you know, this is one of those ones that I've kind of, it's not in my District so, you know,

but I do have concern of just not doing anything. My suggestion and I don't know if the group has had any kind of talk about it, but I mentioned it to them in part of my conversation as a compromise to maybe getting Commissioner Smith comfortable. And I don't know if the numbers work this way for them or not? But I was wondering had anybody thought of just... had y'all had any conversation about putting commercial on the south end of the property, where you could put some retail, and things like that in? And I don't know, maybe the owner of the property could speak to this, or his attorney, Kim, or and put the residential up on the north end which allows you to still maximize development and and that maybe get Commissioner Smith comfortable? More comfortable or not? But denying the opportunity totally to develop and when they think this is the best and high use, and is willing to put \$50 million behind it. It just. I'm. I'm having a little bit of a tough time with it. But also, I'd like the Commissioner in the District to have some say in it. So. Is there an owner of the property that can answer that question?

(Audience outburst)

Fisher: Are you? I don't know if you can speak for the organization?

(Audience outburst)

Fisher: Yes, please. So my thought, you know, I'm not a Planner, so please excuse me but it seems to me that if this majority of where the asphalt plant... where the stuff is working if you're willing to do that buffer, and you're willing to do the, you know, landscaping or whatever that if you were able to put the. Put an office building, you know, commercial bank-side, or do sometime of retail like that down here, and just kind of put you're the apartments up here. These people have lived with it, you know, and they know what it's like and maybe split the property and don't go all multi-family. Is that something you guys would consider or do you think that makes any sense for you?

Casey: I can't answer on the financial liability, as far as splitting the development. Being in the industry of managing properties and doing leasing, and all of those things in this market I can tell you and I don't think any of you are unaware of it, there's about 60 or 80,000 square feet of office buildings that are currently under construction within a three or four mile radius of the area. You have a brand new shopping center that they are trying to fill right now. We have two more shopping centers I believe coming in, down past Home Depot. So you're already probably in a scenario with commercial where we're maximizing what's out there and then you have all of this area out here. Is it feasible? It probably is. Is it something that would be financially viable? You'd build a nice building, it may sit there for five years with one tenant or two tenants so, highest and best use, and without speaking with the gentlemen who are actually doing this project... my response would be, I appreciate that your trying to, you know, help us find that middle ground that would make everyone feel better but realistically it's definitely not the highest and best use. Because to put more commercial, more centers which is also a higher traffic use, a lot more trips on that road, more restaurants, and whatever the case is. I mean, it's something they could look at. But I don't think it would work for them financially.

Fisher: You don't?

Casey: I don't.

Fisher: Okay. And I don't know if you? I got one more question and then.

Casey: (Unclear) do you agree? Okay.

Fisher: And you agree?

(Audience outburst)

Fisher: Okay. Yeah.

(Audience outburst)

Fisher: Alright, then let me ask you this question. Would you consider just zoning the north part to residential, instead of the whole piece? That way you probably would phase it in if you did the north part and then once the asphalt plant is up, if they agree it's up, and you'll have a really good feeling whether you want to do the whole thing or not because you would have it in.

Beale: Mike Beale again, thank you. It really becomes the feasibility of being able to absorb all of the infrastructure costs. And so, there's a minimum amount of units that you need to build to make it work. So, we will have very nice amenities. We have places for people to visit. We have fitness centers. All those type of things. When you scale it down, you then make those things harder to do, and basically drive the rents up, so. Every. Anything's possible. I don't think we'd do it into half the site because it just doesn't work financially. You know, we looked at warehousing, and we looked at a lot of things. This is not a warehouse site. This. You do not want a warehouse site there. I own warehouses and the ones that would probably go there will have a lot of traffic, you'll have a lot of trucks, you can, and again warehouses are a huge industry. So you can. Most people might think it's a small. Someone asked how big the Walmart's are? They are about 200,000 feet. The Super Walmart's. So, if you imagine a 500,000 foot building that's three or 400 feet deep by whatever the dimensions are 1,200 1,400 feet and its loaded with bays, and trucks are coming in and out of there all day long. So, I think it would be. My own personal opinion. I don't mean any offense. I think it would be a crime to use this land for a warehouse. And as I said, I think we have a very unique opportunity to build what is going to end up being a planned community, that's going to be very nice, it's going to be very compatible with the whole neighborhood, and it's going to fill a need in the market which is affordable housing. And. So, people that work, I know all your jobs are starting to come back, and congratulations. You need places to live and the product that the happy company builds is exactly what that is. So, I know, I went further than I meant to, but I apologize.

Fisher: You know, and we and we have a history of. And I agree with you and Wickham Road to me is probably not an industrial road today, I think years ago it might have been, but I think we've even got a couple property or in our Road and Bridge on Wickham Road that's industrial, that we probably love to take off at some point in time, at least I know John Denninghoff would, because you know. Wickham is

just not. It has changed use over the years and so, and and I was just trying to figure something out because the other side of it is too, that you know, you don't want to take advantage of the market. And I think you're right there is a lot of retail there and so you would have a bunch of people that would want to be there. And we have a history of downgrading and so, this is one of those downgrading thanks, and that's why I'm having a difficult time with it because typically when somebody downgrades and says, they want to go to a lesser use, we're pretty supportive of that, you know.

Beale: Yes, Sir, thank you. So, but, you know, we're. We are leasing out the retail center now and we have good activity, but I can tell you I don't think there's enough activity to take another 20 acres and build that out. And we looked at that. I mean, that's the natural progression but we looked at that, so we tried to say... Hey, what works here? And I know Mr. Marine's concerned and I'm not trying to put him out of business, but he shouldn't be trying to stop me from doing business. And progress is coming. Things are changing. Wickham has a whole different feel than it did when he opened up. And the house next door to me that was a vacant lot when I was a kid has houses all over it, that's Florida.

Fisher: Okay. I've got two more quick questions, Sir.

Beale: I'm sorry; I didn't mean to give a speech.

Fisher: Unless you want me to wait? I'll wait and you can come back up.

Beale: I didn't mean. I apologize for the speech. You cut me off. Thank you.

Barfield: Okay. Y'all can sit down anyway.

Beale: Okay.

Barfield: You know, some of my biggest concerns about this are really the... it comes down to the performance standards and one of the things that really catches my attention is, the standards are there for, you know, pollution, public health, and safety and that's what it is. It's not just for now, it's for the future. So, we have to be concerned about that for the future, but if we were relax these performance standards what does that mean to the asphalt company? And, I'd like to get County Manager. County Manager.

Whitten: That's me.

Barfield: That's you. Man, I'm off tonight.

Smith: The other one.

Bentley: Relax the standard?

Barfield: Well, no, if... I want to know what the potential claims are, if we go.

Bentley: Oh. Depending on how they use the plant and what the noises are and what the emissions are, it copied that the building envelope changes, you could have

performance standards that require lower noises on the asphalt property. But you really won't know that until the activity occurs. It may be a negative impact and it may not be, and they would have to prove a diminution in value for it to be a suit against the County. But that is a possibility.

Fisher: Now. You. Are you making reference to Byrd-Harris type of situation? So explain that somehow it becomes a Byrd-Harris type of situation.

Bentley: Well, if you have 500 residential units there that is a possibility. The single-family is also a possibility, but in the... In the residential land use designation the zoning classifications that could go in there, almost all of them are residential under the existing Planned Industrial Park very few of them are residential. I think there are 120 uses that are not residential. So, your odds of having a problem with residential zoning classification against the asphalt is higher, exactly what the risk is, I cannot tell you.

Fisher: Did y'all understand anything? Sorry, I'm sure? I still, I'm still not sure what you said.

Barfield: Commissioner Smith.

Smith: Well, again, like I said I like the idea of this project. I just. It doesn't belong there. The P&Z group voted unanimously against it. I think what we're doing is we're being asked to change existing use so that they can build this really nice project, and in the process we're going to take away the limited amount or some of the limited amount of Industrial that we have planned. And the complaints are going to come to the District 4 Commissioner, whether it be me, or the next District 4 Commissioner? But if you just take percentages, I mean, you've got 426 units there, and if you have five percent complaints, there's 23. And if, you all know what it's like when you start getting complaints... they can just keep coming and coming and coming from the same person over and over, and over again. And at what point do you say we shouldn't have changed this Plan. So. I would like to make a Motion, that we. Go ahead.

Fisher: Maybe this is for discussion. Just. I want to understand from staff's standpoint. Changing this Plan, how does it affect the asphalt plant? Even though it's not in operation and if they have the comeback, and open up.

Fox: What it essentially does is it puts a Residential use closer to the plant, which reduces the plants ability to exceed certain decibel levels, as an example. You know, in the. In the Industrial zoning classifications you have to be 100 feet away from residentially designated property, and 20 of that has to be a buffer. PIP has very very large setbacks so when you. When you put a Residential use next to one that's Industrial, it is going to reduce the overall ability of the Industrial use to expand, to change equipment out, use new technology, and things like that because they're performance standard levels are higher, they've got to actually perform better. And maybe by replacing the technology that would be the instance but that's the scenario, is you're putting Residential closer.

Fisher: And. So, you're making a... making a.

Infantini: I Call the Question.

Fisher: Well, first of all you didn't get a vote. You didn't get a motion or a second yet. So, he withheld his motion so.

Infantini: All right. I make a motion to deny.

Fisher: Well, I'm not through asking my question, please.

Infantini: Oh, that's alright. I'm still making the motion to deny.

Fisher: So. So. It would. It would require and and this is one of the issues I had the last time it came up. The last thing I want to do is punish the asphalt plant when they open up, being next to Residential, and you're telling me that that possibly would... they could do that. You could do that. We could be putting them in that situation.

Fox: I. I believe so, yes.

Fisher: Okay. So.

Anderson: Is that based on fact or your assumption?

Fox: That is based on the performance standards of the Code and the set-backs.

Anderson: But that has made your guys. Staff is making concern an assumption and those are not facts.

Fox: I don't believe I'm making assumptions, but.

Anderson: So, you know, that he's going to open up, and that he's going to be noisier than the performance standards?

Fox: No.

Sobriano: No. What we are saying is that when you have an adjacent Industrial use, you're allowed to be louder than when suddenly you're introducing now a Residential use, the standards imposed upon that property now are.

Anderson: How do we know that he doesn't already meet those performance standards, just by being a good corporation? You don't know. Thank you.

(Audience outburst)

Anderson: Yeah.

Barfield: Excuse me, please.

Infantini: That. That's not relevant.

Fisher: Yeah. Well.

(Audience outburst)

Fisher: Well, hold on one minute, ma'am, the only thing I was going to say was. Let me finish with staff. We're not going to do that. The only thing in in and I'm just going to say that because of that fear for the asphalt thing, I'd be supportive of splitting the Commercial and Residential. That's my position in it. I wish they would consider that.

Infantini: I still make my motion to deny.

(Audience outburst)

Fisher: You. You got.

(Audience outburst)

Fisher: You got speakers. She's entitled to talk again.

Infantini: I.

Barfield: Come on up

Infantini: I.

Rezanka: There is a strip of land between these and it has not been addressed in the memo, it's not been addressed why these are considered adjacent, and it's been completely overlooked. So, it's not adjacent. So, I don't know that the performance standards are even an issue and that should have been addressed in the memo. So, I'd ask that you ask someone to address that, because it is not directly adjacent. So, the performance standards should not apply.

Sobrino: I'll be glad to address that. It's not a matter of contiguity per say, it's a matter of when you have a use we look at how it impacts the surrounding area. They don't necessarily have to be contiguous but if a particular use has discernable impacts in the area and it is another Industrial property, it's not as big a concern because their allowed to be louder, noisier, smokier perhaps when they have other Industrial uses in the area, but if the area has Residential uses the impact at that Residential property line is what we are going to measure, and then they would have to meet lower standards in order to be consistent with the performance standards. So our measurements are not made on the property that's making the noise, for example our measurements would be taken from the property line of the property that is complaining about the noise, and if it's zoned Residential then there is a lower decibel allowance than if it was zoned commercially or industrially.

Barfield: Mr. Smith.

Smith: Yeah, to that point. I appreciate Commissioner Fisher trying to split the baby. That's kind of what I do. And. But I just don't see how we can do it in this situation. If you had the reverse happening, if we had a 426 unit apartment complex, and this company wanted to come in and put an asphalt plant they would be held to extremely high standards, if they could even get it. And I doubt that we would

change a zoning use so that we could put an asphalt plant next to a 426 unit apartment building. So, I think we're just. Were. We're skating on really really thin ice. We're about to, if we were to approve this change, we would really be putting this business in grate jeopardy, and I think that we would make an awful lot of tenants unhappy.

Infantini: So, is that a second on my motion?

Smith: I will second the motion.

Infantini: Thank you. Now I Call the Question.

Anderson: The only.

Infantini: Now that I have a second.

Anderson: I want to follow up on my question to staff.

Infantini: I'm sorry, am I allowed to Call the Question, Sir?

Anderson: Do. Do not the performance standards already exist because there's Residential abutting this?

Infantini: You can see. They're just going to keep (unclear) this.

Smith: Yeah.

Anderson: There's Residential within the same distance that we're talking this. So, don't those performance standards on (unclear) startup already exist?

Fox: The performance standards exist, however, that plant was there prior to some of the single-families in.

Anderson: But, the performance standards that he would have to meet for this complex would still have to meet for them newer homes that are near his property, correct?

Fox: Yes.

Anderson: Thank you.

Barfield: The Question has been Called. I need to disclose who I've spoken to also. I've met with Mark Marine, Randy Gaines, Tres Holton, Will Reynolds, and I talked to Adam Broadway on the phone.

Smith: I would like to disclose that I've spoken with Tres Holton, Will Reynolds, and Mark Marine.

Fisher: And I've spoken to all the, everybody else too, but, except I haven't talked to Mr. Gaines, but I think he may have been in the car while you were talking the other day. So. Okay.

Barfield: Before you vote, I have to get a clarification, and I think we go do C.

Fox: Yes, we need a separate motion for C, and then we can go ahead back

Barfield: Okay. So, this would be for IV.C.

Infantini: I make a motion to deny the change in the Comprehensive Plan.

Smith: Second.

Barfield: Okay we have a motion to deny by Commissioner Infantini and second by Commissioner Smith. All is favor say Aye

Barfield: Aye.

Fisher: Aye.

Infantini: Aye.

Smith: Aye.

Barfield: All opposed?

Anderson: Nay.

Barfield: Okay, its 4:1. Commissioner Anderson was the Nay. Now we'll go to, back to IV.A.2. And do I have a motion?

Infantini: I. My same motion stands.

Barfield: Okay.

Infantini: It never went away.

Smith: Second.

Barfield: Okay. Motion by Commissioner Infantini, second by Commission Smith, to deny. All in favor say Aye.

Barfield: Aye.

Fisher: Aye.

Infantini: Aye.

Smith: Aye.

Barfield: Opposed?

Anderson: Nay.

Barfield: Okay, it passes. I mean it is denied 4:1 with Commissioner Anderson as the Nay.

Bentley: And would you like Findings and Fact on that brought back April 19th?

Barfield: Yes, please.

Bentley: Okay.

Anderson: Yes, and make sure that we need the Finding in Fact, to include that the performance standards are already in existence.

Barfield: Okay. I'd like to take a 10 minutes break here.

SPEAKERS:

Robin Fisher, District 1 Commissioner

Jim Barfield, District 2 Commissioner/Chairman

Trudie Infantini, District 3 Commissioner

Curt Smith, District 4 Commissioner/Vice Chairman

Andy Anderson, District 5 Commissioner

Eden Bentley, Deputy County Attorney

Stockton Whitten, County Manager

Cynthia Fox, Planning and Zoning Manager

Robin Sobrino, Planning and Development Director

Kim Rezanka, Attorney representing Imperial South, Inc.

Mark Marine, Executive Vice President of Preferred Materials

Randy Gaines, Preferred Materials

Carla Casey, Regional Manager of Brenner Real Estate Group

Michael Beale, CEO of Bishop Beale

Gil Ramirez, Lassiter Transportation Group

Dan Esterline, Mahaffey Apartment Company

Adam Broadway, President and CEO of Certified General Contractors

Charles Tovey, Brevard County Citizen



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BOARD OF COUNTY COMMISSIONERS

TO: Planning & Zoning Board Members

FROM: Cindy Fox, Planning & Zoning Manager

SUBJ: Planning and Zoning Staff Comments
February 8, 2016

DATE: January 19, 2016

The following comments are compiled by the Planning and Zoning staff and are reflections of a combination of technical reviews. These are presented to the Planning and Zoning Board and the Board of County Commissioners as a collection of known facts surrounding each proposal and their relationship to the policies of the Comprehensive Plan. It is hoped that these known facts and policy statements will assist each member in their individual decision-making efforts as additional information is received through the public hearing process. The material contained in these comments will be provided to the Commissioners in staff briefings. Any matter discussed in staff briefings not contained in this review will be disclosed at the Board of County Commissioners meeting.

STAFF COMMENTS PREPARED BY:

Planning & Zoning Office
NATURAL RESOURCES MANAGEMENT DEPARTMENT

Legend of Terms:

FLU Map - Future Land Use Map of Comprehensive Plan
FLUE - Future Land Use Element

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 zoning 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 zoning 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.

**Comprehensive Plan Amendment
Fall Adoption 2015-2**

**Comprehensive Plan Amendment
Imperial South Inc. 2015-2.1**

PROPOSED COMPREHENSIVE PLAN AMENDMENT 2015-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT

Request: 2015-1.1
LSCPA FLU Map Amendment

Owner / Applicant: Imperial South, Inc.
NARR Construction Services,

Location: Legal Description On file
Tax Acct Parcels #2606093/2606092/2606089/2605036/2606105

Acreage: ± 30.7 acres

Existing Zoning Classification: Planned Industrial Park (PIP)

Proposed Zoning Classification: (Rezoning to be filed for review at future Adoption Hearing)
RU-2-15 (Medium Density Multiple Family Residential)

Existing Land Use Designation: Planned Industrial Park (PLNIP)

Proposed Land Use Designation: Residential 15

FUTURE LAND USE MAP AMENDMENT

Description:

The subject property consists of 30.0 acres located on the east side of Wickham Road. The existing Planned Industrial Park (PLNIP) Future Land Use was adopted with the initial Comprehensive Plan in 1988 due to access to rail and U.S. 1. These were general locational criteria used for the designation of Industrial lands at the time. There has been no request to utilize the subject property as Industrial land use since the 1988 adoption. The proposed Future Land Use of Residential 15 will allow the subject property to be rezoned to Medium Density Multiple Family Residential (RU-2-15), and subsequently developed for a multi-family apartment complex.

A companion rezoning application to RU-2-15 will be filed and heard at the future adoption hearing of this amendment request after transmittal and State review. Although not required for comprehensive plan amendment transmittal, the applicant has provided a conceptual site plan. (See attached).

The abutting property to the north is being developed as a Fresh Market grocery store. There are four vacant outparcels to the Fresh Market property along Wickham Road. These are proposed to be restaurant or retail sites. The abutting property is also in the process of a SSCPA and rezoning to Community Commercial and BU-1 for the western outparcels along Wickham Road and a rezoning to BU-2 for the Fresh Market Grocery site.

Surrounding Uses	Current Use	Zoning	Proposed
North	Fresh Market Grocery Store Four Vacant Future Restaurant or Retail Outparcels	PIP CC	BU-2 BU-1
East	Industrial (Across FEC RR)	IU1 BU-2	IND
South	U.S. Post Office Mini-Storage Warehouse	IU BU-2	Public CC
West	Petty's Market (Below: Across Wickham Rd) Shopping Plaza Vacant Commercial Property	PIP BU-1 BU-1A	PLNIP CC NC

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. City Utilities reports that it has excess capacity available for future residential and commercial use.

Sanitary Sewer: The subject property is located within Brevard County's sanitary sewer service area. Brevard County Utilities reports that it has excess capacity available for future residential use.

Solid Waste: Brevard County provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Central Mainland Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on Wickham Road Segment 403 Pineda Causeway to Jordan Blass with a current 2014 traffic count of 25,363 Average Daily Trips (ADT) and a Maximum Allowable Volume (MAV) of 35,700. The roadway has a current operating volume 71.04%. The proposed project if approved would increase

the Average Daily Trip Count to an estimated 27,278 ADT for the proposed residential project which will increase the operating volume to 76.4%. The applicant has provided a traffic analysis which also addresses the removal of the Planned Industrial Future Land Use and the removal of associated commercial truck traffic potential.

The Planning & Development has notified Public Works Traffic Operations Management of the future subdivision submittal for purpose of requiring a Traffic Impact Study to review required roadway improvements.

Public Schools: A Brevard County School Board concurrency determination will be required prior to the adoption hearing of proposed amendment.

Environmental Resources:

Any future use will require review and compliance with all relevant County regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

Residential 15 (maximum of 15 units per acre)

Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject parcel is east of Interstate 95. It does not abut residential development. Abutting uses are commercial (CC), a U.S. Post Office (Public), and a railroad line. It is buffered from existing residential development.

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject property is 1,400 ft from the Town of Palm Shores municipal limits.

- C. Areas adjacent to an existing Residential 15 land use designation; and

The subject property is not adjacent to existing Residential 15 land use designation. The immediate area west of the FEC railroad line is predominately Community Commercial. The nearest residential project, approximately 1,025' to the south, is designated Neighborhood Commercial with half-acre home sites. Across Wickham Road, to the west, is a subdivision that is designated Residential 6.

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject property has direct access to an arterial roadway.

- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The applicant will be submitting a companion rezoning to RU-2-15 at the time of adoption. The subject property is not located within the CHHA.

Summary

The proposed amendment is for one of the last undeveloped parcels along Wickham Road between I-95 and the Pineda Causeway. It proposes to remove the existing Industrial Future Land Use and replace it with Residential 15, allowing for a companion rezoning to Planned Unit Development and construction of a multi-family development.

The subject property is served with both potable water and sewer, and is located on an arterial roadway. Located on the east side of Wickham Road, the property abuts Petty's Market, a Fresh Market grocery store, four future restaurants or retail outparcels to the north. All of which will promote internal trip capture of the future residents. Both the public library and the Suntree Elementary School are less than 1,200 feet to the west across Wickham Road, both within walking & bicycling distance.

The applicant has submitted a rezoning application for a change from existing PIP to RU-2-15 for public hearing at the adoption of this proposed amendment.

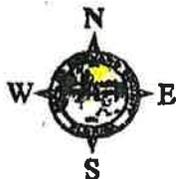
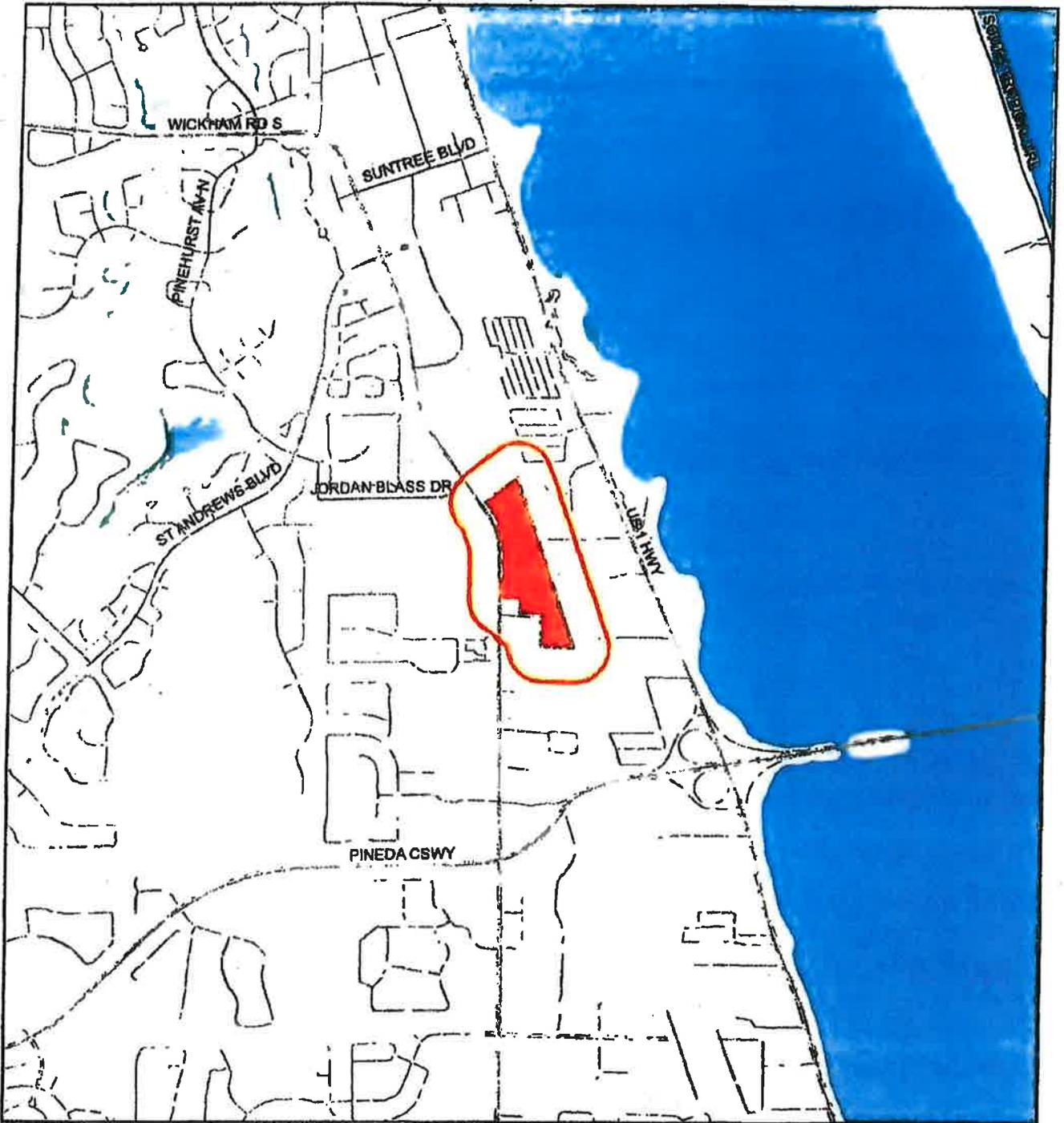
If you have any questions, please contact Conroy Jacobs of the Planning & Development Department at (321) 633-2070 or via email to conroy.jacobs@brevardcounty.us

**Imperial South Inc.
LSCPA Plan Amendment
Fall 2015-2.1
Supporting Maps**

LOCATION MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



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: 6/22/2015

R - 0245

AERIAL MAP

Comprehensive Plan Amendment 2015-2.1
Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2015

 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.

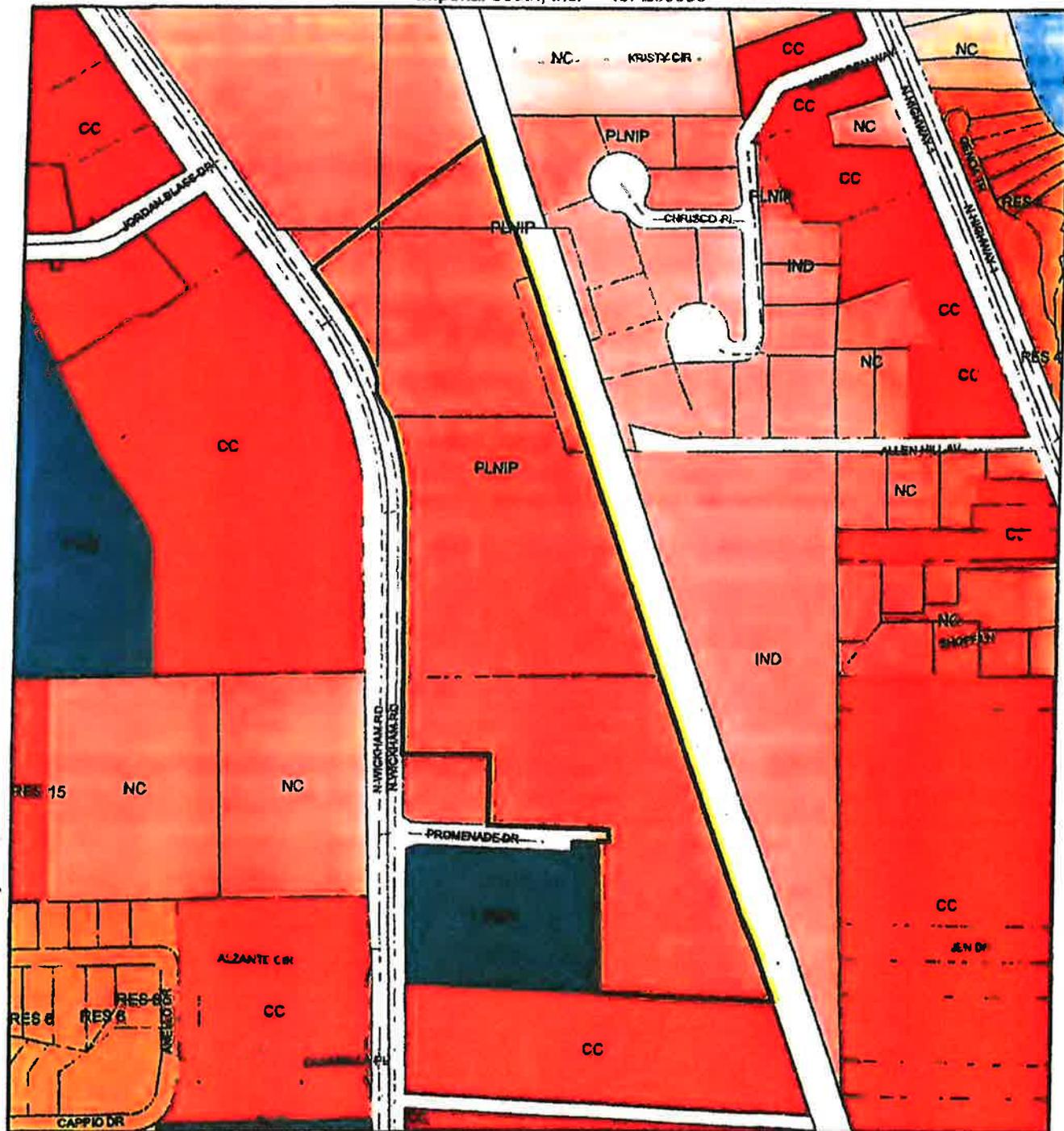
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2016

R-0246

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



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.

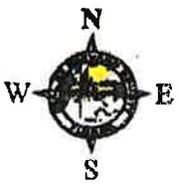
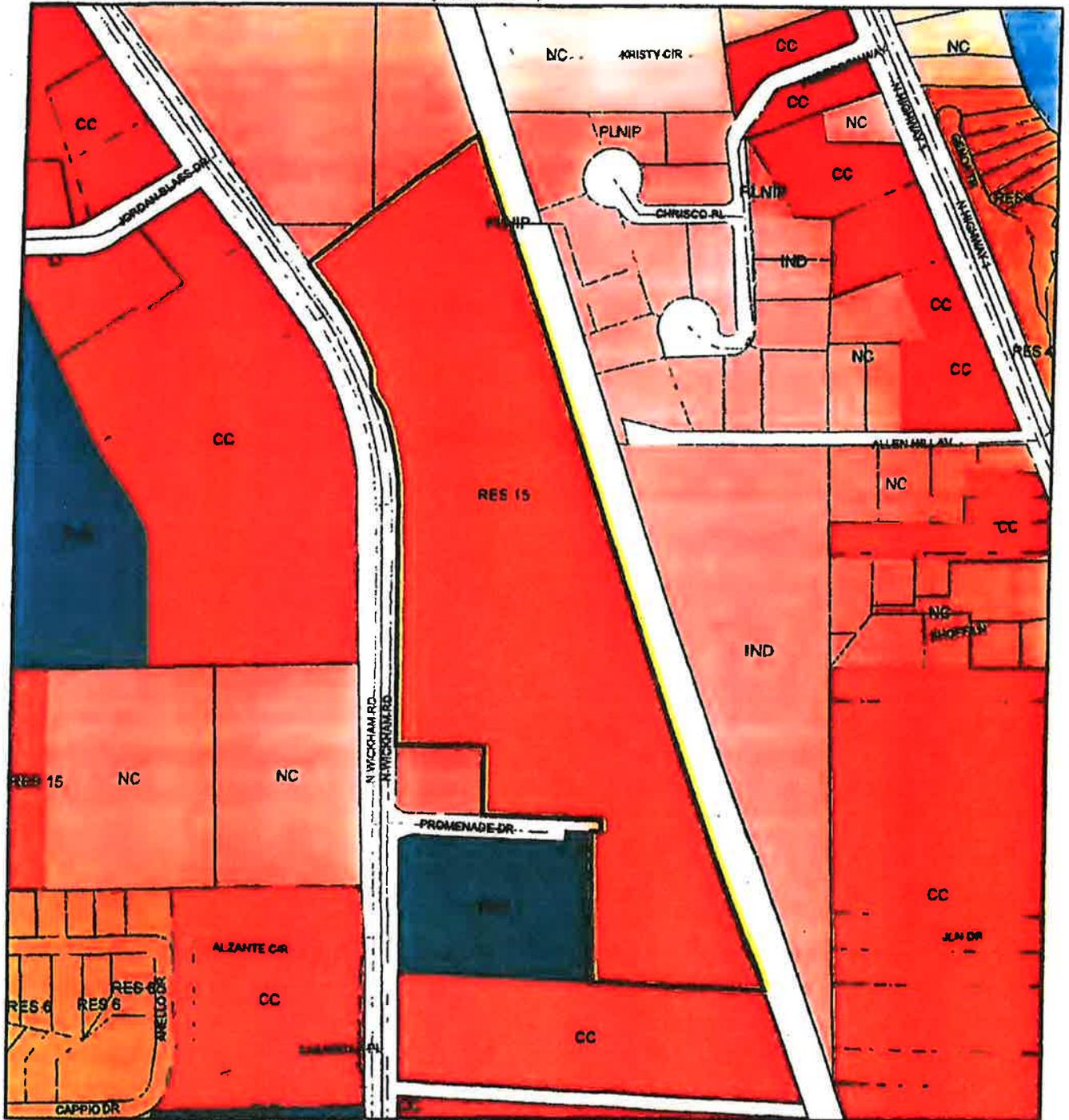
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2015

R-0247

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



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.

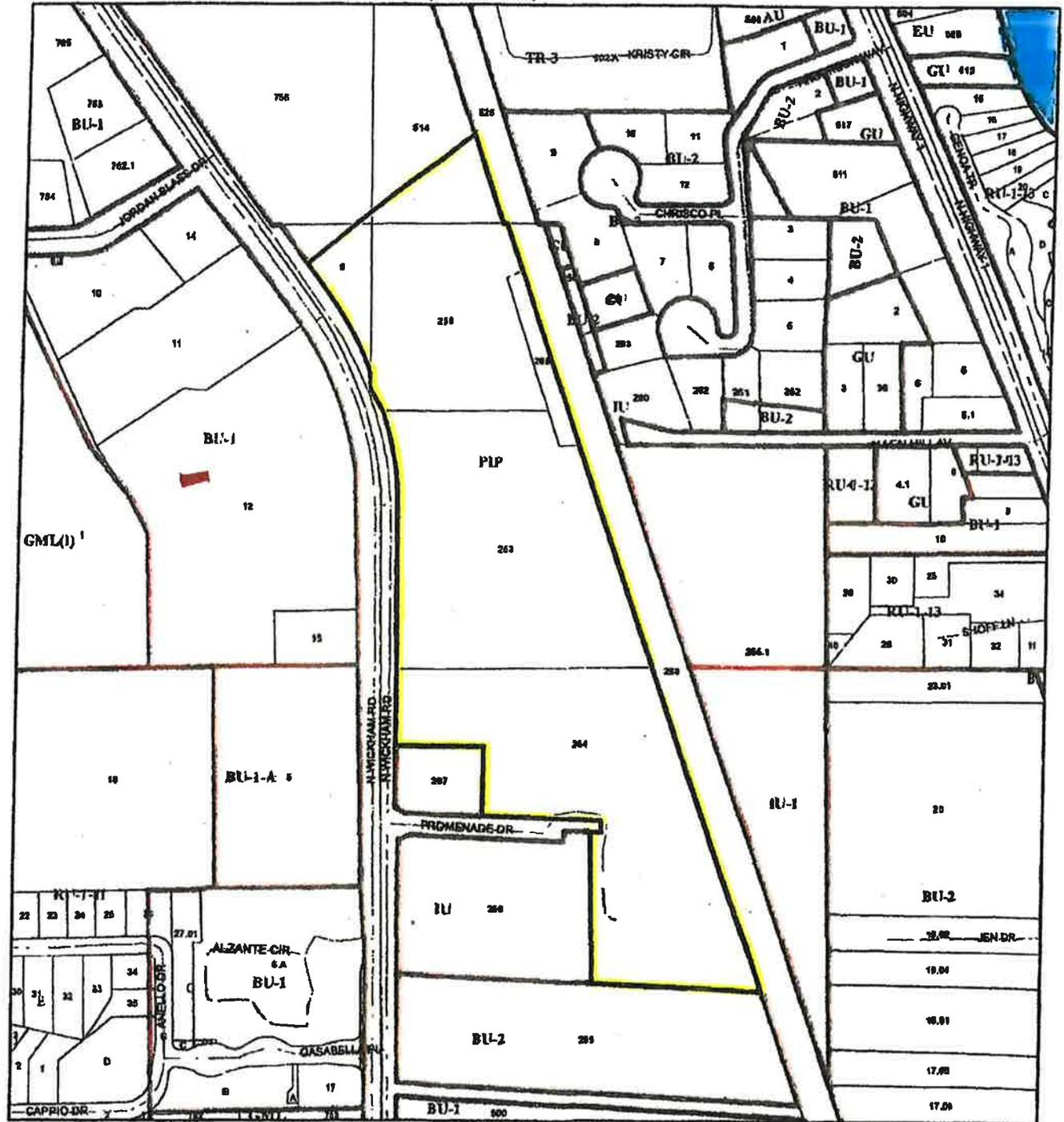
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2015

R - 0248

ZONING MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

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: 6/22/2015

R 0249

**Imperial South Inc.
LSCPA Plan Amendment
Fall 2015-2.1
Applicant Submittals**

LARGE SCALE PLAN AMENDMENT



BREVARD COUNTY PLANNING AND DEVELOPMENT APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU Industrial Existing Zoning Industrial
Proposed FLU Multi-Family Proposed Zoning Multi-Family

APPLICATION NAME

- COMBINATION - COMPREHENSIVE PLAN AND REZONING (COCPR)
- COMPREHENSIVE PLAN (CP)
 - Large Scale Amendment Small Scale Amendment
 - Text Amendment - Element _____
 - Other _____
- REZONING (Without CUP) (RWOC)
- COMBINATION - ZONING AND CUP (CORG)
- CUP (Without zoning) (CUP)
- VARIANCE(S) (V)
- AA (AA)
 - AA Type: _____
- OTHER (O): _____

Tax Parcel: T 26 R 37 S 19 S/D _____ Blk/Par _____ Lot _____
Acreage of Request: +- 30.7 acres
Reason for Request: To allow the development of a Multi Family Development

COUNTY PLANNER USE ONLY

ACCELAN SP2-00939 Fee \$ 3,113
 Date Filed 10/17/15 Planner SP11
 District# 4 Tax Account ID# 2606092
 (list all parcels)

Notification radius (feet)	Date	Sign Issued
Meeting(s)		Time
NMI		
PSJ Board		
P&Z (LPA)	<u>7/20/15</u>	<u>3pm</u>
BCC	<u>8/4/15</u>	<u>11am</u>
BDA		

JPA/MIRA/500' of Palm Bay Extension: Yes or No
 if Yes, list which
 Location: East side of Highway 1
Rd South Jordan Blks
Integration
 Detailed Description: LSCPA from
PIP to RES-15

PROPERTY OWNER:

Name: Jerry Levy Company: Imperial South INC
 Address: 287 Bowman Ave Stu 22 E-Mail: _____
 City: Purchase State NY Zip 10577
 Phone: () Fax: () Cell: ()

APPLICANT IF OTHER THAN OWNER (check):

Attorney _____ Agent Contract Purchaser _____
 Name: Will Reynolds Company: NARR Construction Services
 Address: 1916 Eloise Cove Dr. E-Mail: NARRconstructionservices@gmail.com
 City: Winter Haven State FL Zip 33884
 Phone: (863) 412-2045 Fax: () Cell: ()

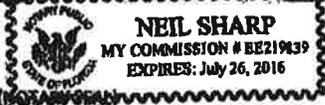
The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:
 State of Florida County of Brevard (Will Reynolds (NARR Construction Services) being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
 I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

Will Reynolds 6-14-15
 Signature of Property Owner/Authorized Representative Date

The foregoing instrument was acknowledged before me this 14th day of JUNE, 2015, by WILL REYNOLDS who is Personally Known by me OR Produced identification _____

Neil Sharp NEIL SHARP
 Notary Public Signature



(1)

ACCELA # _____

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Survey 11" x 17" (max. size)	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	*Additional Documentation	Fees
	NUMBER OF COPIES REQUIRED																
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1				1						*	Y
Zoning request	1	1	1	1	1 ⁸	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement	1	1	1	1	4	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: BOWMAN CONSULTING **Staff Planner:** STUART BUCHANAN

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: PIP - PLANNED INDUSTRIAL PARK

Requested Future Land Use Designation: RES - 15

Existing Zoning: _____

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-through/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

SEE ATTACHED EXHIBIT "A"

(use additional sheets if necessary)

Exhibit A

Property Description

The site in question is approximately 30 acres and is located on the east side of Wickham Road just south of Jordan Blass Drive. Currently the site has a future land use designation of PIP, Planned Industrial Park. We are seeking to amend the land use of this site to Res-15 to accommodate a 424 unit apartment complex.

The site is bounded to the east by the FEC Railroad, bounded to the south by industrial uses, and bounded to the north by a commercial development that is currently under construction. A commercial development including restaurants and retail uses lies directly across Wickham road to the west.

Due to the nature of the development that has occurred around the subject parcel it now lends itself far better to a residential use than an industrial use. The proposed residential development would complement the adjacent commercial uses that are within walking distance from the proposed development.

Due to the proximity to the commercial development to the north it is anticipated that there will be some internal capture between the residential trips from this project and the mixed-commercial land-use destinations. It is anticipated that the proximity of the two land uses will encourage multi-modal (bicycling, walking) trips between the two land uses further reducing vehicle trips from the project. In addition to this the Suntree Viera Public Library is within safe walking distance ($\frac{1}{2}$ mile) of the proposed development.

In preparation for submitting for the Large Scale Land Use Amendment Bowman Consulting met with Brevard County Schools Facility Planner David G. Lindemann, AICP to discuss the proposed land use change, and the impact of our project on the surrounding public schools. The proposed development that has necessitated the land use change will add approximately 424 residential units to the area. Currently the local public schools have capacity for the proposed development. Below is the likely distribution of students; however, this could change based on other unknown proposed future development within the same area:

• **Elementary School**

- Suntree Elementary will service the proposed development.
- Suntree Elementary is within safe walking distance ($\frac{1}{2}$ mile) of the proposed development.
- The proposed development will generate approximately 114 elementary students (424 units x 0.27 students/unit).
- Suntree Elementary is currently at 83% of its total capacity with 126 available seats. At this time Suntree Elementary has capacity for the proposed development.

- **Middle School**
 - Deluara Middle School will service the proposed development.
 - Delaura Middle School is located approximately 8 miles from the proposed development.
 - The proposed development will generate approximately 25 Middle School Students (424 units x 0.06 students/unit).
 - Delaura Middle School is currently at 76% of its total capacity with 224 available seats. At this time Delaura Middle School has capacity for the proposed development.
- **High School**
 - Viera High School will service the proposed development.
 - Viera High School is approximately 6 miles from the proposed development.
 - The proposed development will generate approximately 42 High School Students (424 units x 0.10 students/unit).
 - Viera High School is currently at 89% of its total capacity with 244 available seats. At this time Viera High School has capacity for the proposed development.

In the Brevard County Code of Ordinances it states that the PIP land use classification allows for manufacturing activities that can be carried on in a relatively unobtrusive manner, and certain facilities that are necessary to serve the employees of the district, are permitted. Some examples of what may be allowed are Boat Building facilities, Motels, Restaurants, and Recovered Material Processing Facilities. The PIP land use classification also allows for up to 50% structural coverage of the lot.

The proposed residential land use will provide more greenspace than is required under the existing PIP land use. Also, as can be seen in the attached Trip Generation Memorandum, the proposed residential land use will create less traffic impact than the existing land use. While the existence of the FEC railroad that abuts the east property line of the site in question might discourage the development of single family residences, based on market analysis, it will lend itself well to the development the proposed apartment complex. We feel that the proposed RES-15 Land Use will provide economic stimulus to the surrounding commercial uses, and have less environmental impact than potential uses within the existing PIP land use classification.

If you should have any questions or require additional information, please do not hesitate to contact me at our Melbourne office at (321) 255-5434. Thank you.

Sincerely,

Erik Juliano, P.E.
 Branch Manager
 Bowman Consulting
 ejuliano@bowmanconsulting.com



Via E-Mail: (narrconstructionservices@gmail.com)

Ref: 4077.11

TECHNICAL MEMORANDUM

To: Will Reynolds, NARR Construction Services, Inc.
From: Matthew West, AICP
Subject: Wickham Road 30-acre Parcel Trip Generation Analysis
Date: April 29, 2015

Lassiter Transportation Group, Inc. (LTG) was asked to determine the trip generation associated with the development known as Wickham Road 30-acre Parcel, located at the southeast corner of Wickham Road and Jordan Blass Drive in unincorporated Brevard County. The proposed development is an apartment complex.

Lassiter Transportation Group, Inc. (LTG) has been retained by NARR Construction Services, Inc., to prepare a trip generation analysis in support of an Expedited State Review Comprehensive Plan Amendment which amends the Future Land Use Map (FLUM) designation for 30.7 acres from Planned Industrial Park (PLNIP) to Residential 15 (Res-15).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing FLUM designation and the proposed FLUM designation were calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9th Edition*, prepared by the Institute of Transportation Engineers (ITE).

The existing analysis is based on the existing FLUM designation of PLNIP as outlined in the Future Land Use Element (FLUE) of the County's Comprehensive Plan. PLNIP does not have a maximum floor area ratio (FAR) according to the Comprehensive Plan, but assuming a reasonable FAR for single story industrial development of 0.4, the property could yield 534,920 square feet of building area.

Based on this assumption and as indicated in Table 1, the potential development of the property under the existing land use would generate 448 gross p.m. peak-hour trips.

**Table 1
 Gross Trip Generation – Existing FLUM Designation
 Wickham Road 30-acre Parcel – ESRCPA**

Time Period	Land Use	ITE Land Use Code	Acreage	Floor Area Ratio	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Industrial Park	130	30.70	0.40	534.92	KSF	$T = 0.78(X) + 30.48$	448	21%	79%	94	354

Source: ITE Trip Generation Manual, 9th Edition

The proposed analysis is based on the requested FLUM designation of Residential 15 as outlined in the FLUE of the County's Comprehensive Plan. If developed as a PUD, the maximum density of the proposed future land use (Residential 15) would be 18.75 dwelling units per acre. Applying this maximum density would permit 576 apartment units. As indicated in Table 2, maximum development of the property under the proposed land use would generate 334 p.m. peak-hour trips.

123 Live Oak Ave. • Daytona Beach, FL 32114 • Phone 386 257.2571 • Fax 386 257 6996

**Table 2
Gross Trip Generation for Proposed FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA**

Time Period	Land Use	ITE Land Use Code	Acres	Density	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Apartment	220	30.7	18.75	576	Dwelling Units	$T=0.55(U)^{0.7}+17.65$	334	65%	35%	217	117

In addition, the change from PLNIP to Res-15 should result in the reduction of potential truck traffic. In a recent vehicle count by a different client for an existing 600,000 square foot distribution, truck traffic comprised more than 40 percent of the total vehicle count. Truck traffic should be significantly less than 40 percent for a multi-family development's vehicle count.

CONCLUSION

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment would have on area roadways based on trip generation of the reasonable development potential of the existing land use designation as compared to the maximum development potential of the proposed land use designation. There will not be an increase in P.M. peak-hour traffic over what is currently allowed. Therefore, this Comprehensive Plan Amendment is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

I affirm by my signature that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name:

Matthew West AICP

Signature:



Date:

April 29, 2015

State Agency Comment Letters



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 South Woodland Boulevard
DeLand, Florida 32720

**JIM BOXOLD
SECRETARY**

August 27, 2015

Conroy Jacobs
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: BREVARD COUNTY
DCA #: 15-2ESR

Dear Mr. Jacobs:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in your memorandum dated August 4, 2015.

We appreciate the opportunity to participate in this review process and we offer our comments attached to this letter. Since the amendment does not appear to have significant adverse impacts to the State Highway System or the Strategic Intermodal System, the Department does not have any concerns at this time.

If you have any questions, please contact Judy Pizzo at 386-943-5167 or by email at judy.pizzo@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Heather S. Garcia".

Heather S. Garcia
Planning and Corridor Development Manager

Attachment

C: Robin Sobrino, Brevard County
Andrew Landis, ECFRPC
Carmen Monroy, FDOT
Maria Cahill, FDOT
Ray Eubanks, DEO
James Stansbury, DEO

File: \\D5.Dot.State.FL\U\546\00C\Planning\Growth Management\CFA Project Files\Brevard County\Review\2015\15-2ESR\Proposed\Brevard 15-2ESR Corridor 083113.Docx

www.dot.state.fl.us

R - 0260

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

GENERAL BACKGROUND INFORMATION

Brevard County has submitted the proposed Brevard County 15-2ESR large scale comprehensive plan amendment for a land use designation change for one property totaling 30.7± acres, located on the east side of Wickham Road south of Jordan Blass Drive. The proposed amendment changes the future land use designation from Brevard County Planned Industrial Park (PLNIP) to Brevard County Residential 15.

The pertinent FLUM designations and descriptions for the future land use amendments include the following:

• **BREVARD COUNTY – PLANNED INDUSTRIAL PARK (PLNIP)**

Intent: This land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, which placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks area also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below.

- a) Planned industrial park project sites shall incorporate at least three (3) acres.
- b) Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, US Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

Maximum allowed density: Industrial – Structural coverage shall not exceed 50 percent of the area of the lot.

FDOT Contact: Judy Pizzo, MS, GISP
FDOT District 5,
Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
Rohan Sadhai, AICP
Vanessa Hangen Brustlin, Inc.
407-839-4006
407-839-4008
m.butler@vnh.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

• **BREVARD COUNTY – RESIDENTIAL 15**

Intent: This residential land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan:

- a) Areas located east of Interstate 95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- b) Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 areas;
- c) Areas adjacent to an existing Residential 15 land use designation; and
- d) Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- e) Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Maximum allowed density: Residential – 18.75 dwelling units per one (1) acre

FDOT Contact: Judy Pizzo, MS, GISP
FDOT District 5,
Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
Rohan Sadhal, AICP
Vanasse Hangen Brustlin, Inc.
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407-839-4008
mButler@vhb.com

R - 0262

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

FLUM AMENDMENT

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes

Background:

The proposed amendment consists of 30.7± acres located on the east side of Wickham Road south of Jordan Blass Drive. The map amendment changes the future land use designation from Brevard County Planned Industrial Park to Brevard County Residential 15. The table below shows the trip generation potential for the currently adopted and proposed land uses, and the change in trips as a result of the amendment.

Table 1: Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Planned Industrial Park	0.50 FAR ¹	130	30.7	668,646 s.f.	4,567	568
Proposed	Residential 15	18.75 dwelling units/ 1 acre	220	30.7	576 d.u.	3,614	357
Change in Trips						-953	-211

Source: ITE Trip Generation Manual 9th Edition
 D.U. = dwelling units, S.F. = square feet

1. The land use designation does not define a maximum FAR, but building coverage is limited to 50% of the site. Therefore, assuming a single story industrial development, this equates to an FAR of 0.50.

The analysis shows that the amendment would decrease the trip generation potential of the 30.7± acres of property included in the amendment by approximately 953 daily trips and 211 p.m. peak hour trips.

The State roadway segments within three miles of the site that could be impacted by the amendment are shown in the following table with year 2015 and 2035 projected volumes.

FDOT Contact: Judy Pizzo, MS, GISP
 FDOT District 5,
 Planning Project Manager
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R - 0263

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS/ SIS?	2015				2035			
			LOS Stand- ard	Service Volume at LOS Standard	AADT	Ac- cept- able?	LOS Stand- ard	Service Volume at LOS Standard	AADT	Ac- cept- able?
SR 9/I-95	SR 518 to CR 509/Wickham Rd	Y	D	111,800	77,800	Y	D	111,800	119,300	N
	CR 509/Wickham Rd to SR 519/Fisk Blvd	Y	D	111,800	56,500	Y	D	111,800	109,900	Y
SR 5/US 1	Post Road to SR 404	Y	D	98,300	36,600	Y	D	98,300	68,400	Y
	SR 404 to Coquina Rd/ Barnes Blvd	Y	D	41,790	39,100	Y	D	62,900	76,500	N
SR 404	SR 5/US 1 to CR 3	Y	D	65,600	42,400	Y	D	65,600	55,200	Y
	CR 3 to SR 513	Y	D	65,600	39,300	Y	D	65,600	47,000	Y

Source: FDOT District Five 2014 LOS_ALL Report

Review Comments:

All of the State roadway facilities within three miles of the amendment site currently operate within the service capacity standard. The Department does have some concern for the segments of SR 9/I-95 and SR 5/US 1 that are projected to exceed the LOS standards through year 2035. Although these segments are projected to exceed the LOS standards by year 2035, it is not anticipated that the future land use designation change will significantly impact the daily and peak hour traffic. The proposed land use amendment results in a decrease of approximately 953 daily trips and 211 p.m. peak hour trips based on the maximum development potential. Therefore, it is anticipated that no State and SIS facilities located within three miles of the parcel will be significantly impacted as a result of the proposed land use amendment.

Recommendations:

The FDOT has no recommendations at this time for this proposed amendment and respectfully requests a copy of the adopted plan. Please provide the adopted plan within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

FDOT Contact: Judy Pizzo, MS, GISP FDOT District 5, Planning Project Manager Telephone: 386-943-5167 Fax: 386-943-5713 E-mail: judy.pizzo@dot.state.fl.us	R - 0264	Reviewed by: Melody Butler, P.E. Rohan Sadhal, AICP Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 mbutler@vhb.com
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Jacobs, Conroy

From: Hight, Jason [Jason.Hight@MyFWC.com]
Sent: Wednesday, September 02, 2015 3:01 PM
To: DCPexternalagencycomments; Jacobs, Conroy
Cc: Wallace, Traci; Chabre, Jane; DiGruttolo, Laura
Subject: Brevard County 15-2ESR (2015 - 2.1)

Dear Mr. Jacobs:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Laura DiGruttolo at (386) 758-0525 or by email at laura.digruttolo@MyFWC.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
office: 850-413-6966
cell: 850-228-2055



St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

August 31, 2015

Mr. Conroy Jacobs
Planner I
Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

Re: Brevard County Proposed Comprehensive Plan Amendment #15-2ESR

Dear Mr. Jacobs:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment. District staff review, as outlined in *Florida Statutes*, focused on flood protection and floodplain management, wetlands and other surface waters, and regional water supply as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff have no comments on the proposed amendment because no adverse impacts to important state resources and facilities were identified.

If you have any questions or need additional information, please contact me at (386) 312-2369 or sfitzgib@sjrwmd.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Fitzgibbons".

Steve Fitzgibbons, AICP, Intergovernmental Planner
Office of Communications and Intergovernmental Affairs

cc: Ray Eubanks, Florida Department of Economic Opportunity

GOVERNING BOARD

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Pam Stewart
Commissioner of Education

August 20, 2015

Mr. Conroy Jacobs, Planner I
Brevard County Planning and Development Department
2705 Judge Fran Jamieson Way, Building A
Viera, Florida 32940
Via Email: Conroy.Jacobs@brevardcounty.us

Re: Brevard County 15-2 ESR

Dear Mr. Jacobs:

Thank you for the opportunity to review Brevard County's proposed 15-2 ESR amendment package, which the Florida Department of Education received on August 14, 2015. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The package proposes amendment of the future land use map to apply the county's Residential 15 land use designation to a 30.7-acre parcel, which would permit up to 425 multifamily dwelling units. Although the amendment package did not include analysis of the potential effects on public school facilities, upon request David Lindemann of Brevard Public Schools provided a preliminary capacity determination, which I received today. The determination projects sufficient available capacity at all affected schools to serve the potential increased demand. Because the proposal does not appear to have the potential to adversely affect public school facilities, I offer no comment.

Again, thank you for the opportunity to review the proposed amendment. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. David Lindemann, ACIP; Brevard County Public Schools
Mr. James Stansbury, DEO/State Land Planning Agency

Thomas H. Inserra
Director, Office of Educational Facilities

R - 0267
www.fldoe.org

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

September 11, 2015

The Honorable Robin Fisher
Chair, Brevard County Commission
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Fisher:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment 15-2ESR), which we received on August 12, 2015. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that would be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County considers appropriate changes to the amendment(s) based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment(s) after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Barbara Lenczewski, Planning Analyst at (850) 717-8502 or by email at Barbara.Lenczewski@deo.myflorida.com.

Sincerely,

Ana Richmond, Chief
Bureau of Community Planning

AR/bl

Enclosure(s): Procedures for Adoption

cc: Conroy Jacobs, Planner I, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
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**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format:

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency convened as the Planning and Zoning Board and met in regular session on Monday, July 20, 2015, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Clyde Thodey; Peter Aydelotte; Andy Barber; Rochelle Lawandales; Bruce Moia; Robert LaMarr; Loretta Goggin; Richard Charbonneau; and Ron Bartcher

Staff members present were: Morris Richardson, Assistant County Attorney; Steve Swanke, Program Manager; Cindy Fox, Zoning Manager; and Jennifer Jones, Special Projects Coordinator II

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

Henry Minneboo – This is the LPA, which is an advisory board to the Board of County Commissioners, and they'll ultimately have the final decision on each and every item that we review today. Item 1 will be heard tomorrow at 9:00 a.m. Item 2 will be heard by the County Commissioners at 9:00 a.m. on August 4th. Item III.B.5. is scheduled to be heard by the County Commission on Thursday, August 6th, at 5:00 p.m. Did everybody have a chance to look at the LPA minutes from May 18th?

Rochelle Lawandales – Move for approval.

Robert LaMarr – Second.

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

Henry Minneboo – On Item III.B.5., didn't we say we were going to make that first at the LPA? I'm thinking that's what we agreed upon. Is that going to be the first?

Cindy Fox – If you'd like to hear it first that would be fine.

Henry Minneboo – I thought that's what we did.

P&Z AGENDA:

THE FOLLOWING ITEM WAS TABLED FROM THE JULY 6, 2015, P&Z MEETING

III.B.5. (15PZ00022) – LINDA E. SPAIN, TRUSTEE – (Lisa Frazier) - requests a change of classification from SEU to AU, on 4.08 acres, located on the west side of N. Tropical Trail, approx. 460 ft. south of Indianola Dr. (2105 N. Tropical Trail, Merritt Island)

P&Z Recommendation: Thodey/Aydelotte – Approved with a BDP limited to no commercial retail operation on the property, no structures for the large-scale commercial packing, processing, and sales of commodities raised on the premises will be constructed on the property, and no more than six (6) livestock animals at one time (horses, cows, pigs, goats, etc.). Vote was unanimous.

Cindy Fox – Board, if you remember, we went away from the last meeting stating that we would work out a binding development plan, per the board's instructions. We did receive one and it was distributed to the board.

Clyde Thodey – Mr. Chairman, aren't you going to have to close the LPA and open up the P&Z?

Henry Minneboo – Basically, yes, we will do that. I guess we'll close the LPA, is that right, Morris?

Morris Richardson – Actually, as long as when you make any motion on it, as long as you indicate that you're sitting as the P&Z board that will be fine.

Henry Minneboo – This will be a P&Z meeting. Did everybody have an opportunity to look at his binding development plan? I'm not going to let Mr. Spain talk unless he really has to. Is there anybody in the audience that would like to speak for or against this item? Seeing none, I bring it back to the board. What's the desire of the board?

Clyde Thodey – Henry, I'd like to make a motion that we approve the zoning classification that he requested with his binding development plan.

Peter Aydelotte – Second.

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

Henry Minneboo – Let the record show that I've abstained, because I abstained the last time.

David Spain – Thanks.

Henry Minneboo – Now we're back on the LPA agenda.

LPA AGENDA:

1. Development Order Amendment for the Viera Development of Regional Impact pursuant to Chapter 380.06(19)(e)2., Florida Statutes.

Steve Swanke – The Viera Company has submitted an application to amend their currently adopted Development Order. The proposed changes to the Development Order include the correction of typographical errors in Exhibit 4, which is the Development of Regional Impact Master Development Program. Secondly, and implementation of a land use exchange using the Transportation Equivalency Matrix contained in Exhibit 5 of the current Development Order. The typographical errors in Exhibit 4 relate to the miscalculation of the cumulative amount of general office development permitted in Phases 1, 2, and 3. And correction of these errors will not result in an increase in the total amount of general office development permitted through the completion of the development program. The proposed land use exchange would increase residential developments by 1,674 units, and hotel development by 8 rooms, in exchange for a reduction of 399,741 square feet of general office. Based on the Transportation Equivalency Matrix this change is not expected to increase the number of external peak hour trips generated by the development program.

Todd Pokrywa – My name is Todd Pokrywa, I'm the Senior Vice President of Land Use Planning and Development for The Viera Company. With me today is Steve Johnson, President of The Viera Company; Caleb Grimes, outside counsel with Grimes Gobel; and Darena Marvin, Senior Planner with Grimes Gobel. Just by way of background as it relates to the Viera DRI, the Development Order was originally adopted in 1990, covering approximately 3,200 acres. In 2009, the most recent expansion was approved by the County Commission and that provided a total of 20,000 acres in the DRI. The transportation improvements through that approved Phase 3 in 2009 were identified, and with this request none of those transportation improvements are being changed. There are four phases of development in the Development Order through 2029. The DRI through build-out includes approximately 30,000 residential units, 7 million square-feet of non-residential, 1,000 hotel rooms, and some ancillary uses, such as golf course, health care facilities, movie theater and a stadium. To date, approximately one-third of the residential units have been developed and approximately 40% of the non-residential development. So, about 10,000 residential units and over 3 million square feet has been developed to date. There are 300 businesses in Viera, over 9,000 employees, so one job has been generated for every household. This is a minor amendment to the Development Order. As Mr. Swanke had outlined, the request is to correct some typographical errors in the Master Development Program

and to process a land use exchange consistent with the approved existing Transportation Equivalency Matrix found in the Development Order. Condition 4 of the Development Order provides that a conversion may be processed in accordance with that Matrix, and this request is in conformance with the provisions of the D.O., that specific Condition 4, and it has been reviewed without objection by the Florida Department of Economic Opportunity, the Florida Department of Transportation, and the Regional Planning Council, and Brevard County staff. The Transportation Equivalency Matrix includes exchange rates, or ratios, between land uses so that when one land use is traded for another at the specified exchange rate, then that effect is that there is no increase in peak hour trips. So, the request does not increase peak hour trips and therefore does not result in any additional significant or adverse traffic impacts. The request before you today also does not reduce any open space or change any identified conservation areas. What the request does do is it provides the flexibility to respond to market demand. So, the Development Order contemplated exchanges like this by setting up that matrix with those ratios so that the effect would be traffic-neutral, when a trade from one land use to another was made. Again, none of the transportation improvements are changing, none of the peak hour trips associated with the DRI are increasing. The request is specifically for an increase of 1,674 residential units; 950 of those are age restricted and are called Senior Housing Units in the Development Order; the addition of eight hotel units; and the reduction of 399,741 square feet of office. I respectfully request the LPA's recommendation for approval for this request, and I'm here to answer any questions you may have.

Henry Minneboo – Does anybody have a question?

Richard Charbonneau – How does that affect the impact on the schools?

Todd Pokrywa – There's an agreement with the School Board for concurrency mitigation through all of the substantial deviation 1 units that were previously provided. We're working right now separate and apart from this on a proposed agreement between the School Board and The Viera Company to address needs through build-out.

Richard Charbonneau – Okay, thank you.

Henry Minneboo – Anybody else?

Rochelle Lawandales – Where is this phase occurring?

Todd Pokrywa – The phases in the Viera DRI aren't geographic, but Village One, also known as Addison Village, that's south of Wickham Road, where Strom Park is currently being developed. The majority of the units will be within Village One, so south of Wickham Road.

Rochelle Lawandales – Okay, thank you. Mr. Chairman, I was going to throw out a motion if you're ready.

Henry Minneboo – We've got an audience here. I've got some questions. The traffic model that you used in 2009, is that what we use today?

Todd Pokrywa – That's what's approved in part of the Development Order. There have been some legislative changes that affect new transportation studies that would be performed.

Henry Minneboo – So, we're using the 2009 model for what you're doing?

Todd Pokrywa – Right. The legislative changes, Mr. Chairman, would eliminate some improvements caused by background traffic. So, there could be fewer – if it was run today – fewer improvements associated with the development.

Henry Minneboo – Steve, how long is that going to stay in place? It's the 2009 model, but we have a 2016 model next year, and that will go for six or eight years.

Steve Swanke – I believe they have a monitoring analysis that is due at the end of 2015.

Henry Minneboo – At the end of this year?

Steve Swanke – Yes.

Henry Minneboo – So, we may see something new in January of next year?

Steve Swanke – Yes.

Bruce Moia – So, the office node is probably more north of Wickham and west where it would have been?

Todd Pokrywa – Over time there will be multiple nodes. This amount of square footage is not geographic.

Bruce Moia – It could be anywhere.

Todd Pokrywa – Yes. Just a correction, Mr. Chairman, on Mr. Swanke's comments, the recent amendment to the Development Order that recognized four-year extensions that were legislative, that changed the monitoring and modeling report from being required in 2015 to 2019.

Henry Minneboo – Any other questions for the gentleman?

Robert LaMarr – I'm reading the D.O.T. study that says it will not impact traffic by this changeover, but can you enlighten this board as far as some of the positive aspects you guys are doing as far as infrastructure and roads in the future and what's going on right now, like on Stadium Parkway, et cetera.

Todd Pokrywa – Yes. Currently, The Viera Company is funding the construction and overseeing the construction for the expansion of Wickham Road from the roundabout at Lake Andrew Drive to Murrell Road. In addition, we're contributing approximately \$12 million to the Barnes improvement that is underway. We are improving Stadium Parkway from Fiske south to the Publix Plaza, near Stadium and Viera Boulevard. That will be a four-laned improvement. We are committed in our Development Order to improve Viera Boulevard to the east so that it's four lanes all the way to U.S. 1, and that will occur on or about the same date that the interchange is improved. It's required to be improved within 180 days of that interchange improvement. We are also extending Lake Andrew Drive in increments to the south. We have commitments to improve certain intersections in the Development Order. All of these improvements that I've mentioned are being fully funded by The Viera Company. So, when our Phase 3 traffic mitigation was identified, the Development Order notes that it is approximately \$40 million worth of improvements associated with the Phase 3 transportation mitigation that The Viera Company is committed to construct.

Robert LaMarr – It's good to know there's a positive plan in place, I appreciate that.

Henry Minneboo – When is the Viera interchange on the schedule?

Todd Pokrywa – That is funded in 2017 for construction to start.

Henry Minneboo – That will have to be an improvement, won't it?

Todd Pokrywa – Yes.

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

Frank Pitt – My name is Frank Pitt, I live at 2842 Galindo Circle, over here in Heritage Isle. My concern is we're not doing anything with Stadium Parkway all the way down to Pineda. You're going to put another 1,700 units south as he just mentioned, of Wickham, and everything has to come up onto Wickham. There's no real outlets at this point except for Wickham, to go there. You know eventually you're going to do Lake Andrew and Stadium down to Pineda. You're sending a lot of money outside of the DRI – the DRI obviously does not include Barnes, and it does not include East Viera Boulevard – and so all of that money is being spent outside the DRI instead of inside the DRI where it needs to go down to Stadium so we can get some outlet to the south here. I think that's the main thing in this whole..... They're going to keep changing how they're structuring the thing and they're not going to have a report on how this is really affecting the roads for another three or four years, so I think that's a major concern for all the people who live in this area, and especially people that have to go out through Wickham. Thank you.

Henry Minneboo – I'm going to let them answer that at the close of this. Is there anybody else who would like to speak for or against this?

Wayne Moraitis – Wayne Moraitis, 3011 Camberly Circle, Heritage Isle, also. I'm a little concerned when I come to a public hearing and hear the applicant talk about an exchange and I don't even see a plan of the overall development so that people can actually see what's going on that might happen to be sitting in the audience. I don't understand that. The overall plan was done by The Viera Company, correct?

Henry Minneboo – Yes, sir.

Wayne Moraitis – Now The Viera Company wants to exchange 399,000 square feet of commercial space for 1,673 units. I heard someone mention that it was going to be peak traffic neutral, but that's only peak traffic. How about the traffic coming and going constantly? There's much more traffic from residential units than there certainly is from commercial space, or general office space, and I don't even know what that definition is here.

Henry Minneboo – I'll get them to answer that when you all are done with us.

Wayne Moraitis – I also heard something about an agreement with the school district for the impact on that. How does that work? Wouldn't it also be nice.....

Henry Minneboo – Steve, do you want to answer that?

Wayne Moraitis – Before you do answer that, I don't know whether it's the State or the County, but I just wonder why there are no impact fees when you're putting in more residential units. That money, whether it's \$3,000 or \$4,000 per lot, goes a long way for schools and parks and recreation as it does in many other areas, and I just don't understand the process here.

Steve Swanke – The Board of County Commissioners approved a Development Order in 2009 that brought in additional lands to Viera Development. One of the conditions of approval was that The Viera Company and the School Board of Brevard County enter into an agreement for the provision of the necessary schools. There are currently school impact fees imposed on the development.

Wayne Moraitis – There are?

Steve Swanke – Yes.

Wayne Moraitis – Is that on a per unit basis?

Steve Swanke – Yes.

Wayne Moraitis – So, are you saying that if, in fact, that commercial space was done that the tax rates wouldn't offset that?

Steve Swanke – I don't know what the relative values of the construction are.

Wayne Moraitis – Generally speaking, doesn't commercial development.....aren't the tax ratables more than residential?

Steve Swanke – Probably.

Wayne Moraitis – But no one's investigated that, so no one really knows the difference in impact?

Steve Swanke – No.

Wayne Moraitis – That's nice.

Henry Minneboo – Let me add one thing. You know, impact fees.....if somebody develops here in this county, it's not impact fees alone that.....the developer is required to do a substantial, substantial, amount of improvements way beyond the impact fee requirements if they're in place. They have to put in deceleration lanes, they've got to improve intersections, and a lot goes into....it's just not that impact fee.

Wayne Moraitis – I understand that.

Henry Minneboo – A lot of people don't.

Wayne Moraitis – I assume when the developer issued this plan in the beginning it was under the auspices of a good planning company and engineering firm, and what I see around here is I see homes being built, office space being built, businesses being built. I don't see the improvements going in first. I see them lagging way behind. If you want to build all of this, put the infrastructure in first. That's the way it's generally done.

Andy Barber – Does commercial development pay school impact fees? Or is it just residential?

Steve Swanke – It's just residential.

Andy Barber – So, the School Board is going to get a whole bunch more money because of the residential portion.

Wayne Moraitis – And it may, but the gentleman just responded by not knowing whether or not the tax ratables for the commercial development were higher than the residential. So, you still don't know the impact on your taxes is going to be.

Richard Charbonneau – There is no impact fee for commercial property for the schools.

Wayne Moraitis – But the tax itself.

Morris Richardson – I think he's talking about the ad valorem generation.

Wayne Moraitis – But the answer was, "we don't know". So, none of us know.

Henry Minneboo – Thank you. Anybody else who would like to speak for or against?

Bob Goldstein – My name is Bob Goldstein and I also live on Camberly at 3141, and I'm kind of representing a lot of people in Heritage Isles that didn't show up today. Residential does get homestead, commercial does not. Commercial is always going to garner more taxes. Since this was approved in 2009 or earlier, now we're going to open it up and allow them to build certain homes here, certain homes there, and I don't understand that. You either have a plan or you don't have a plan. There's no way to judge impact if you don't know where stuff is going ahead of time. Wayne is absolutely right. Where is the infrastructure? I don't see any. I escaped Miami to come up here, not to go through the same thing we went down there: building, building, building. Viera is supposed to have a master plan. I suggest you make them stick by it. Thank you.

Henry Minneboo – Thank you.

Al Trucano – My name is Al Trucano and I am also a Heritage Isle resident, 6923 Keplar Drive. My comment deals with the notice that we received. I saw that notice and could not make head nor tail of what was there. I tried calling the County and they didn't know what it applied to. So, it would be nice to know who's applying for the exemption, where it's going to be, and things of that nature. I have no more comments.

Henry Minneboo – Thank you.

Linda Behret – Linda Behret, 5960 Herons Landing Drive, in Viera. I don't want you to think everyone here is Heritage Isle. I'm from a different part of East Viera. My question has more to do with the location of the bulk of this residential development. I've lived here 11 years and I'm not sure where Strom Park or Addison Village are, and I would appreciate if that could be explained a little more clearly. The maps I saw on the County website, I believe, show an area on Wickham Road, just below and across from Jordan Blass Drive, and above Pineda Causeway. It sounded like it was abutting Petty's Meat Market, and I guess up to the medical center. Is that the area where this is going to be? I don't think that's the Strom Park area.

Henry Minneboo – No.

Linda Behret – I would like know where we're talking about.

Tricia Mathis – Tricia Mathis, (address unclear) I also don't live in Heritage Isle. I just have two questions. One, I wanted to know if any of the houses were going to be income restricted, because I know that was tried a while back, and I also want to know income restricted. I also want to know more about the hotel that they are saying they want to add in 8 more rooms. Is that a separate one, or do they just want to build bigger hotels, and where is that going to go? They obviously have a plan about where they want to put that. Those are my questions.

Henry Minneboo – They'll answer that and they'll tell you if you're old and poor you can't come in. That was a joke.

Ronda Witt – My name is Ronda Witt, I live at 3033 Weissinger Court, Fairway Lakes, and though I'm not in Heritage Isle, I am a senior. I don't know if I'm for or against this, and I'll tell you why. The Viera Company hasn't been very transparent in what their future plans are. So, as many people have mentioned, it's hard to know exactly where the changes are going to be, what the impact on traffic will be – not just in peak hour, but people that are retired or driving all of the time. When we first came to Viera about eight years ago, we bought into the vision, and the vision as we were explained, was comprised of a community live, work, and play. We've got the live, and we've got a little bit of work, and we've got play, but exchanging almost 400,000 square feet of office space is taking out a lot of the work, and I don't know impact that will have on our taxes, because I don't know if office buildings would pay more taxes than homes. With homes, of course, since it seems like

about half of these homes will be young families with children – which we're certainly not against children – but the schools are bursting at the seams and I would be more comfortable if I had a plan up here, like Wayne mentioned, that we could actually see where these projected schools are, if there would be any impact on our taxes, because the other half of that additional homes are supposed to be age-restricted senior citizens. There aren't a whole lot of The Viera Company-sponsored benefits, per se, for senior citizens, and yet we pay our taxes, we have no children in the system, so more senior citizens are going to be asked to pay more tax dollars to support schools without really receiving additional benefits and possibly some hindrances with bad traffic. So, I would feel a lot better if the County Commissioners, by your advice, would take a little bit more time to look at this. I don't know what the hurry is other than the demand. I read today's paper and it seems like everybody had something positive to say about the development. The environmentalists wanted to wait and see to make sure nothing was negatively impacted in the environment, which we appreciate that. The Viera Company has been a good steward of the land, and we appreciate that. I don't know that more is always better. I don't know that we want to be like South Florida, all crunched in. Is it possible if we have 1,600 more homes that the value of the homes of the people that live here will be diminished because of supply and demand? Do we have to listen to the market forces? I know realtors want to, and builders want to, but we live here, and I think it's incumbent upon our leadership and our advisors to look to what is in the best interest of our citizens. One last thing: roads. Yes, The Viera Company can build roads, but what happens when they are gone? And what is the long-term impact of taxes, because Brevard County isn't taking care of their roads now. What's going to happen to all these extra roadways? Thank you for your time.

Henry Minneboo – Thank you. Anybody else?

Paul Adams – Paul Adams, 3407 Farragut Place, in Heritage Isle, I'm sorry to say. I moved in five years ago. I was in the real estate business in Manhattan. I know how the tax structures work. I know where it comes from and who supports the schools and industry, and commercial pays four to five times as much as a house resident. In New York City if the residents paid what they were supposed to, their taxes would go up four times. It's the same here. When you eliminate commercial you increase the tax structure, and the tax structure has to be supported by commercial, regardless of what everyone says. I'm 85 years old and I've seen it, I know it. Money is made by making money, not by where you live. Thank you.

Henry Minneboo – Anybody else? Okay, we'll try to bring this to conclusion. I've just got one comment. From what the people have said today, is it possible when you finally get to a conclusion of where x, y, and z will be located, that you guys will put on a meeting for the people that live in this area and say, "Here's sort of the long-range plan, but don't hold us to it". You might have to make an adjustment 10 years from now, or something. Is there something that would give them some understanding of where you all are going?

Todd Pokrywa – Certainly, Mr. Chairman. We can discuss with the residents the plan for Village 1, and the subsequent villages as those come forth.

Henry Minneboo – But you don't know if a service station is going to be out next to the sewage treatment plant. I hope everybody understands that. It's not that cut and dry.

Todd Pokrywa – Planning is dynamic and we're responding to the market.

Henry Minneboo – When you guys know a little bit I'm sure they'd appreciate just having some understanding of where things are going.

Todd Pokrywa – The Development Order contemplated exchanges like this. That's why the ratios were set up in the matrix, so that a trade between one land use could be made for another land use without impacting or increasing traffic impacts. The State and other agencies require that we look at peak hour, and that's what the standard is that everyone is required to evaluate and that's why it was approved that way as part of our

Development Order that we're following. Stadium Parkway, we'll continue to improve it as development moves south, in increments. We're following timing of improvements that have been identified within the Development Order. This request doesn't change any of the obligations that we have. We're meeting those. Addison Village, or Village 1, is that area that is south of the Viera Hospital. Strom Park is within Addison Village, south of Wickham Road, south of the Viera Hospital, north of where the Pineda interchange is located. The changes to the development totals aren't changes to the geographic plan, it's just the thresholds of each land use, those numbers. So, these aren't geographic changes, but development total changes. There's no request in this application for any of the units to be either income restricted or not income restricted. In terms of the hotel, we have been having conceptual discussions with a number of different hotel developers and what we have right now is 120 units through Phase 3, that are included in our development totals, and those that we've spoken to have said they want to develop, if they get to that point, a hotel that has 128 rooms, and that's the reason for the additional eight rooms. The remainder of the hotel rooms are in Phase 4. So, that's not the subject of any change in terms of development totals. All of what we've requested today is consistent with our Development Order and the net effect is it's traffic-neutral.

Henry Minneboo – What your traffic model told you in 2009, you're still in line with that compliance?

Todd Pokrywa – Correct.

Henry Minneboo – Steve, they haven't deviated at all from what they were originally required in 2009?

Steve Swanke – That's correct. They have extended it by four years based on legislation adopted by Congress.

Henry Minneboo – Okay, that's pretty good.

Andy Barber – You indicated that the 1,600 units is south of Wickham and the hospital area.

Todd Pokrywa – I was speaking generally. That's where a majority of the units would be developed, but they're not in any geographic area, necessarily.

Andy Barber – Is there a timetable for developing those properties?

Todd Pokrywa – Currently, we're underway with earth moving and it's areas adjacent to the property that is currently being developed in which the majority of these units would be.

Andy Barber – Somebody made a comment about Wickham Road and that area not having as much development, road improvements. What is scheduled for that area? Are you going to link up to Pineda?

Todd Pokrywa – We eventually will. The timing of that will be market driven in terms of when we need to move further south. We are also widening Wickham Road. Those plans are under design for the area to the west of the roundabout.

Andy Barber – Is that St. Andrews that runs down....?

Todd Pokrywa – Lake Andrew.

Andy Barber – So, these people are correct that it could crowd currently that intersection with more people.

Todd Pokrywa – We are widening Wickham, currently from Murrell to Lake Andrew, and then we have plans that are under design for the area to the west of Lake Andrew. We also prepared, had reviewed, and approved

by County staff, a traffic study for all of this area known as Village 1, or Addison Village, south of Wickham Road and south of the Viera Hospital.

Henry Minneboo – Will you ultimately intersect Pineda, and then you will continue to Lake Washington?

Todd Pokrywa – We do have some obligations as it relates to Washingtonia, yes.

Henry Minneboo – So, that should be, theoretically, three tributaries that will.....

Todd Pokrywa – Correct, sir.

Rochelle Lawandales – Do you have any idea when that connection will occur down to Washingtonia?

Todd Pokrywa – No, that would be market driven in terms of when we move further to the south.

Rochelle Lawandales – Just to be clear, you've still got 1.6 million square feet of general office planned, or office space that will be available within Phase 3?

Todd Pokrywa – Correct, within Phase 3, and then there will be another 1.4 million +/- in Phase 4.

Rochelle Lawandales – Is there a number that you know of what is under construction now, what's available now, and what will be coming online in the near future that might assuage some of the concerns? All you're talking about is 400,000 square feet reduction.

Todd Pokrywa – Right, it's approximately 11% of the total.

Rochelle Lawandales – And there's still a considerable amount of office space planned?

Todd Pokrywa – Correct, and that's the very reason for the matrix exchange being embedded within the Development Order, so that there would be that flexibility to toggle between the land uses in responding to the market without causing additional impacts.

Rochelle Lawandales – Do you have an idea of what your office vacancy rate is right now?

Todd Pokrywa – It's relatively low compared to the greater Brevard County area. I don't have the exact number.

Clyde Thodey – You know, I've lived here 47 years, and I have seen all kinds of changes in Brevard County. The Viera Company, when they first came up with this development plan I thought it was really great, but now I'm having reservations (TAPE CHANGE) because of the roads. Common sense tells me – and I live on Merritt Island – common sense tells me that when you're developing these residential areas that you're going to do, you're going to have an average of two to three cars per unit, and I just don't see the roads. Also, it was brought up earlier, we aren't even taking care of the roads that we have in the county. I think this is a major problem, and we're going to be stuck with it as taxpayers on down the line. For instance, the Viera Boulevard should have been completed and four-laned already, and it hasn't. For years that I've sat on this board I keep asking Viera when it is going to happen, and today you say it's going to happen. What's the date of that completion going to be?

Todd Pokrywa – It's required to be complete within 180 days of the interchange being approved at Viera Boulevard and I-95, and that interchange is funded for construction to commence in 2017. So, we have obligations in terms of timeframes for roadway improvements that are the result of a traffic study that includes

these development totals and exchanges are considered as part of that at these ratios. So, we're living up to our obligations in terms of all the requirements that are imposed on us in the Development Order.

Clyde Thodey – But that goes back to 2009. We are now in 2015, soon going to be in 2016. I just don't see how that plan is good for us today. That's my common sense thinking, and I'm just a common sense guy, and I just don't understand how Viera is going to have all this development happen and the traffic is going to be there.

Todd Pokrywa – There are a number of improvements, some of which I mentioned earlier, that are not requirements of our Development Order, such as the Stadium Parkway four-lane. There are a number of voluntary improvements that The Viera Company is making to help improve traffic flow throughout the community. So, it's not only those that are obligations within our Development Order, we're doing a whole host of other improvements, including the incremental improvements to Lake Andrew Drive and Stadium south of Wickham Road that aren't required in the Development Order, but we're getting ahead of the curve and making those improvements now.

Clyde Thodey – One other thing that a gentleman brought up, and I have to agree with him 100%, I haven't seen a map, and why you don't have a map here today is beyond me, to show what's going on.

Todd Pokrywa – We're not making any change to the plan whatsoever. We're not making any changes to the geographic entitlements at all. It's just the development totals consistent with the Development Order.

Clyde Thodey – I hear you, but I would like to see the vision of it so I know what you're talking about is absolutely the truth. Thank you.

Peter Aydelotte – I've been sitting in a lot of these meetings, and every time The Viera Company comes up and makes a change it seems we're doing away with commercial and going to residential, and I know you're within your numbers, but I know the City of Melbourne was here one time and commented on that, that Viera is becoming a bedroom community for all their businesses down there and we're losing.....the original objective of The Viera Company was to keep jobs within the community. I had a real problem coming here today going through your information, and then I wrapped my head around some statistics and data, and I got a lot more happy because I see a lot of this is for senior living and you have to wrap your head around the fact that we're getting older in America and there's going to be service related medical commercialization going on with that type of development. So, that sort of made me feel good about this today, but this is the second or third time The Viera Company has come here and done away with commercial for residential. Eventually, you're going to come here one day and say you've got a lot of commercial that we promised these folks and you've got to deal with it. That's something I want you to put in the back of your mind for the next time that you come here, because with any luck I'll be on the board for a little while.

Todd Pokrywa – Understood.

Peter Aydelotte – That makes me happier with this, and the fact that yes, you are complying with your numbers, but you keep on coming robbing Peter to pay Paul one day. You've got to keep jobs and commercial within the community.

Todd Pokrywa – I absolutely agree. Understood.

Henry Minneboo – What's the pleasure of the board?

Andy Barber – I make a motion to approve.

Rochelle Lawandales – I second.

Henry Minneboo called for a vote on the motion as stated, and it passed 9:1, with Clyde Thodey voting nay.

2. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled “The Comprehensive Plan”, setting forth the transmittal of the Fall Plan Amendment Cycle 2015-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

a. Plan Amendment 2015- 2.1 - a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 15 for approximately 30.7 acres located on the east side of Wickham Road at the south east intersection of Jordan Blass Drive.

Cindy Fox – This is the ordinance presenting the Fall Plan Amendment Cycle of 2015-2.

Henry Minneboo – Who is representing this?

Cindy Fox – This is a private application, Imperial South Inc. This is just the transmittal package. You will see a final adoption when it comes back, and will follow with a rezoning early next year.

Henry Minneboo – Does anybody have any questions for staff? Anybody like to speak for or against this item? What’s the pleasure of the board?

Rochelle Lawandales – I move approval of the transmittal.

Bruce Moia – Second.

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

Upon consensus by the board, the meeting was adjourned at 3:51 p.m.



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

August 4, 2015

Mr. Ray Eubanks,
Plan Processing Administrator
Division of Community Planning
Florida Department of Community Affairs
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2015-2 Fall Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2015-1 Fall Comprehensive Plan Amendment cycle. There is one private application for amendment being considered for transmittal in this cycle: 2015 - 2.1 submitted by Imperial South Inc., more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the transmittal of the 2015-2 Plan Amendment on July 20, 2015.

The Brevard County Board of Commissioners approved the transmittal of the 2015-2 Plan Amendment package during a public hearing on August 4, 2015. Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing. Brevard County does not request that the Department of Community Affairs review the proposed amendment package and reply with an Objections, Recommendations, and Comments Report.

The proposed amendment package is anticipated to be adopted by Brevard County in December, 2015.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2015-2 Plan Amendment package is:

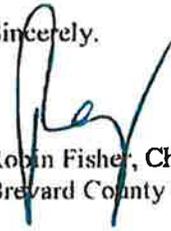
Conroy Jacobs, Planner I
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
(321) 633-2070 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today
1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Stuart Buchanan at the above address.

Sincerely,



Robin Fisher, Chairman
Brevard County Board of County Commissioners

Enclosures

cc: Board of County Commissioners (w/out encl.)
Stockton Whitten, County Manager (w/out encl.)
Scott Knox, County Attorney (w/out encl.)
Robin Sobrino, Director, Planning and Development Department (w/out encl.)
Exec. Director, East Central Florida Regional Planning Council
Director of Planning and Public Transportation Operations, FDOT District Five
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture and Consumer Services
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Department of Education



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

March 7, 2016

Mr. Ray Eubanks
Plan Processing Administrator
Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

SUBJECT: 15-2ESR Brevard County Amendment
2015.2 Fall Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks:

With regard to the above captioned Comprehensive Plan amendment package, this letter serves as notice to the Department that the Brevard County Board of County Commissioners did not approve an ordinance of adoption. Specifically, on March 3, 2016, the Board of County Commissioners conducted a public hearing on this amendment and voted to deny it. Previously, the Local Planning Agency (LPA) held a public hearing on this item on November 9, 2015 and recommended to the Board of County Commissioners that this amendment be denied.

Please make the necessary notations in your records to reflect this action. Please feel free to contact me if you have any questions.

Sincerely,

Robin M. Sobrino, AICP
Director

cc: Stockton Whitten, County Manager
Scott Knox, County Attorney
Hugh W. Harling, Jr., Executive Director, ECFRPC
Director of Planning & Public Transportation Operations, FDOT District 5
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture & Consumer Services
Florida Fish & Wildlife Conservation Commission
Florida Department of Education

RECEIPT

BREVARD COUNTY
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940



Application: 15PZ00039
Application Type: Development/Miscellaneous/Planning Zoning/NA
Address: FL

Receipt No.: 386460

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	10015	\$3,118.00	06/17/2015	KIMBERLEY.D OUGLASS	

Owner Info.:

Work Description:

Invoice#	Invoice Date	Period	Fee Item	Fee
400070	17-Jun-15	FINAL	Comprehensive Plan	\$3,075.00
Subtotal:				\$3,075.00
400075	17-Jun-15	FINAL	Comprehensive Plan	\$43.00
Subtotal:				\$43.00
Total Fee:				\$3,118.00

***Note: Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, or a Final Building Inspection. Please call the Central Cashier to verify.**

Contact Numbers

Building Dept. - 633-2072, Central Cashier - 633-2068, Code Enforcement - 633-2086,
Land Development - 633-2065, Licensing, Regulation, and Enforcement - 633-2068

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: Will Reynolds

Staff Planner: STU

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: Industrial

Requested Future Land Use Designation: Multi-Family

Existing Zoning: Industrial

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

Please Refer to included Narrative "Exhibit A".

(use additional sheets if necessary)

Agent Authorization Letter

June 9, 2015

Brevard County
Development Services Dept.
2725 Judge Fran Jamieson Way
Viera, Fl. 32940

Dear Planning Manager,

I, Imperial South, Inc., a Florida corporation being under contract of the property legally described as:

See attached Legal Description

Do hereby designate and authorize William C. Reynolds Jr, representing NARR Construction Services LLC, to sign on behalf, as my agent, all application forms and other documents necessary to obtain a zoning change, site plan approval, building plan approval located at the property described as above.

IMPERIAL SOUTH, INC., a Florida Corporation

By: _____
Print Name: Jerrold G. Levy
Title: President

State of New York
County of Westchester

The foregoing instrument was acknowledged before me this 9 day of June, 2015 by Jerrold G. Levy, as President of Imperial South, Inc., a corporation. She/he/they has/have produced driver's license as identification.

My commission expires: May 23, 2017

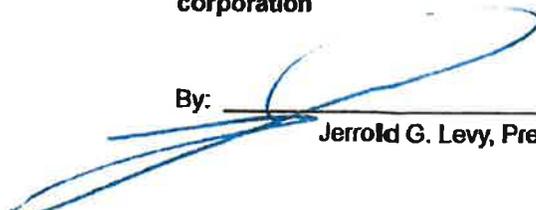
Seal:

Jill Mckeon
Notary Public
JILL MCKEON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6127132
Qualified in Westchester County
My Commission Expires May 23, 2017

AUTHORIZATION TO ACT AS APPLICANT

Imperial South, Inc., a Florida corporation, authorizes BBGL Land, LLC to act as applicant, representing it in Public Hearings before Brevard County pertaining to Land Use.

IMPERIAL SOUTH, INC., a Florida corporation

By: 
Jerrold G. Levy, President

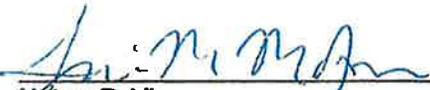
State of New York,

County of Westchester

Sworn and subscribed to before me

This 9th day of June

personally known, NYS driver's license
Form of Identification


Notary Public

My Commission Expires:

JULIE MCKEON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6127132
Qualified in Westchester County
My Commission Expires May 23, 2017

JULIE MCKEON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6127132
Westchester County
Expires May 23,

Exhibit A

Future Land Use Designation Request

The site in question is approximately 30 acres and is located on the east side of Wickham Road just south of Jordan Blass Drive. Currently the site has a future land use designation of PIP, Planned Industrial Park. We are seeking to amend the land use of this site to Res-15 to accommodate a 424 unit apartment complex.

Wickham Road is an established commercial and residential corridor which has evolved over the years to include office complexes, schools, churches, and shopping centers which support the substantial residential uses in the surrounding area. Similarly, industrial developments have concentrated primarily along US Hwy 1, east of the FEC Railroad and away from the residential property where they would be considered a nuisance. The parcels affected by this request represent the only substantial industrial property remaining along what is primarily a commercial and residential corridor.

Under the current PIP Land Use industrial activity would be permitted directly adjacent to commercial and residential uses. Changing the land use to multifamily residential would buffer this activity from single family homes, shopping, and schools. The multifamily use will also be separated from industrial activity by the railroad and a 50 foot drainage easement. Due to the nature of the development in the area this parcel it now lends itself far better to a residential use than an industrial use.

Project Location and Development Pattern

The site is bounded to the east by the FEC Railroad, bounded to the south by a post office and mini storage, and bounded to the north by a commercial development that is currently under construction. An existing commercial development including restaurants and retail uses lies directly across Wickham road to the west.

The development under construction to the north includes a Fresh Market, which is a full service grocery store. Also included in that development are restaurants and other commercial outparcels which will provide a variety of goods and services.

Due to the proximity to the commercial development to the north it is anticipated that there will be some internal capture between the residential trips from this project and the mixed-commercial land-use destinations. It is anticipated that the proximity of the two land uses will encourage multi-modal (bicycling, walking) trips between the two land uses further reducing vehicle trips from the project. In addition to this the Suntree Viera Public Library is within safe walking distance (1/2 mile) of the proposed development and the post office is located immediately south.

Schools

In preparation for submitting for the Large Scale Land Use Amendment Bowman Consulting met with Brevard County Schools Facility Planner David G. Lindemann, AICP to discuss the proposed land use change, and the impact of our project on the surrounding public schools. The proposed development that has necessitated the land use change will add approximately 424 residential units to the area. Currently the local public schools have capacity for the proposed development. Below is the likely distribution of students; however, this could change based on other unknown proposed future development within the same area:

- **Elementary School**
 - Suntree Elementary will service the proposed development.
 - Suntree Elementary is within safe walking distance ($\frac{1}{2}$ mile) of the proposed development.
 - The proposed development will generate approximately 114 elementary students (424 units x 0.27 students/unit).
 - Suntree Elementary is currently at 83% of its total capacity with 126 available seats. At this time Suntree Elementary has capacity for the proposed development.
- **Middle School**
 - Deluara Middle School will service the proposed development.
 - Delaura Middle School is located approximately 8 miles from the proposed development.
 - The proposed development will generate approximately 25 Middle School Students (424 units x 0.06 students/unit).
 - Delaura Middle School is currently at 76% of its total capacity with 224 available seats. At this time Delaura Middle School has capacity for the proposed development.
- **High School**
 - Viera High School will service the proposed development.
 - Viera High School is approximately 6 miles from the proposed development.
 - The proposed development will generate approximately 42 High School Students (424 units x 0.10 students/unit).
 - Viera High School is currently at 89% of its total capacity with 244 available seats. At this time Viera High School has capacity for the proposed development.

Existing Land Use

In the Brevard County Code of Ordinances it states that the PIP land use classification allows for manufacturing activities that can be carried on in a relatively unobtrusive manner, and certain facilities that are necessary to serve the employees of the district, are permitted. Some examples of what may be allowed are Boat Building facilities, Motels, Restaurants, and Recovered

Material Processing Facilities. The PIP land use classification also allows for up to 50% structural coverage of the lot. These industrial and manufacturing facilities inherently add a large amount of truck traffic which has a significant negative impact on the pavement in public roadways. In general trucks and busses are the largest contributor to damaged asphalt and reduced life of the pavement. Depending on the size of the vehicle, one truck can have the equivalent impact of anywhere from 1,500 to 9,500 passenger cars.

Proposed Land Use

The proposed residential land use will provide more greenspace than is required under the existing PIP land use. Also, as can be seen in the attached Trip Generation Memorandum, the proposed residential land use will create less traffic impact than the existing land use. While the existence of the FEC railroad that abuts the east property line of the site in question might discourage the development of single family residences, based on market analysis, it will lend itself well to the development the proposed apartment complex. We feel that the proposed RES-15 Land Use will provide economic stimulus to the surrounding commercial uses, and have less environmental impact than potential uses within the existing PIP land use classification.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

March 4, 2016

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Conroy Jacobs

RE: Item IV.C., Ordinance Adopting Comprehensive Plan Package 2015-2 Plan Amendments

The Board of County Commissioners, in regular session on March 3, 2016, denied consideration of an ordinance adopting the 2015-2 Comprehensive Plan Amendments, including one private application for Imperial South, Inc. (2015-2.1); and approved Findings of Fact to come back to the Board for its consideration at the April 19, 2016, Board meeting, including performance standards are already in existence.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: Deputy County Attorney Bentley

**LSCPA
Imperial South, Inc.
Out of Cycle 2017-2.1
Transmittal Public Comments**