

N.B.D

**RESOLUTION NO. 16PZ00084**

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

**WHEREAS, HOME DEPOT USA, INC.** has applied for a CUP (Conditional Use Permit) for Trailer & Truck Rental Service, in a BU-1 (General Retail Commercial) zoning classification, on property described as: SEE ATTACHED

**Section 35, Township 24S, Range 36E, and,**

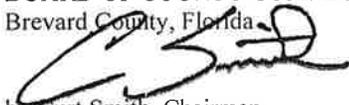
**WHEREAS,** a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved with conditions agreed to with the MIRA board: 1.) To park all rental equipment with the rental trucks in the area designated on the approved site plan that is to be clearly marked with signage or striping; 2.) No more than ten (10) rental trucks at any given time on the property; 3.) After-hour drop-off of vehicles must be in the designated area and any outside of the area will be moved to the approved location at the start of Home Depot business; and,

**WHEREAS,** the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved as recommended, with the additional condition of no trailers on the property; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Trailer & Truck Rental Service, in a BU-1 zoning classification, be APPROVED as recommended, with the additional condition of no trailers on the property, and that the zoning classification relating to the above described property remain unchanged, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of February 2, 2017.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Curt Smith, Chairman  
Brevard County Commission

As approved by Brevard County Commission on February 2, 2017.

ATTEST:  
  
SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – January 9, 2017)

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

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

## LEGAL DESCRIPTION:

All that tract or parcel of land lying and being in **Section 35, Township 24 South, Range 36 East**, Brevard County, Florida, and being more particularly described as follows: Commencing at the NW corner of the NE  $\frac{1}{4}$  of Section 35, Township 24 South, Range 36 East, Brevard County, Florida; thence along the N line of the NE  $\frac{1}{4}$  of said Section 35 N89deg19'10"E, a distance of 63.24 ft. to the intersection with the easterly right-of-way line of N. Courtenay Pkwy. (100' public right-of-way); thence along said easterly right-of-way S00deg32'50"E, a distance of 424.42 ft. to a PK nail found with washer stamped "Bussen Mayer"; said point being the true point of beginning. Thus having established the true point of beginning, thence leaving said right-of-way N50deg28'54"E, a distance of 279.09 ft. to a 5/8" rebar found; thence N49deg43'55"E, a distance of 26.12 ft. to a point; thence N50deg30'56"E, a distance of 135.06 ft. to a chiseled "X" found; thence S15deg25'52"E, a distance of 902.79 ft. to a 1/2" rebar found with cap stamped "Republic National" on the northwesterly right-of-way of Palmetto Ave. (50' public right-of-way); thence along said Northwesterly right-of-way S50deg44'14"W, a distance of 152.97 ft. to a 1/2" rebar found with cap stamped "Bussen Mayer"; thence leaving said right-of-way N39deg12'19"W, a distance of 38.22 ft. to a 1/2" rebar found with cap stamped "Bussen Mayer"; thence with a curve to the left, having a radius of 25 ft., an arc length of 28.90 ft., a chord which bears N72deg19'06"W, a distance of 27.31 ft. to a point; thence S74deg34'08"W, a distance of 302.98 ft. to a point; thence with a curve to the left, having a radius of 25 ft., an arc length of 15.52 ft., a chord which bears S56deg47'03"W, a distance of 15.27 ft. to a point; thence with a curve to the right, having a radius of 95 ft., an arc length of 83.65 ft., a chord which bears S64deg13'35"W, a distance of 80.98 ft. to a point; thence S89deg27'10"W, a distance of 25.92 ft. to a point on the aforementioned easterly right-of-way of N. Courtenay Pkwy.; thence along said easterly right-of-way N00deg32'50"W, a distance of 773.26 ft. to the true point of beginning. (9.37 acres) Located on the east side of N. Courtenay Pkwy., approx. 340 ft. north of S.R. 520. (200 N. Courtenay Pkwy., Merritt Island)