

Meeting Date
March 2, 2017



AGENDA	
Section	Consent
Item No.	II D 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Lukas J. and Annelise Kammerman Findings of Fact from 2/2/2017 zoning meeting 1. Small Scale Comprehensive Plan Amendment 2. Rezoning Request from BU-1 to RU-2-15				
DEPT/OFFICE:	County Attorney/Eden Bentley, Deputy County Attorney				
Requested Action:	1. Approve findings of fact upholding denial of small scale comprehensive plan amendment. 2. Approve findings of fact upholding denial of the request for rezoning .36 acres from RU-1-9 to BU-1.				
Summary Explanation & Background:	<p>On February 2, 2017, the Board of County Commissioners heard the requests listed above. The Board moved to deny each request and directed the staff to return to the Board with findings of fact. The requested resolutions are attached. For convenience, only one copy of the record is attached. The record is the same for both items and the record presented will be attached to both resolutions. Please note the record was sent electronically to each Board member electronically and paper copy of the full record will be available in the clerk's files at the meeting.</p> <p>Options: 1. Approve, deny or modify findings of fact. 2. Approve, deny or modify findings of fact.</p> <p>Contact: Phone/e-mail: 633-2090/Eden.Bentley@brevardfl.gov</p>				
Clerk to the Board Instructions:					
Exhibits Attached:	Resolution with Exhibits				
Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager			Department Director / Extension Scott Knox/52090	
Stockton Whitten	Assistant County Manager				

RECEIVED

FEB 17 2017

County Manager's
Office



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 3, 2017

MEMORANDUM

TO: Scott Knox, County Attorney Attn: Eden Bentley

RE: Item II.D.1., Resolutions for Lukas J. and Annelise Kammerman Findings of Fact from February 2, 2017, Zoning Meeting for Small Scale Comprehensive Plan Amendment and Rezoning Request from RU-1-9 to BU-1

The Board of County Commissioners, in regular session on March 2, 2017, adopted Resolution No. 17-27, approving Findings of Fact upholding denial of Small Scale Comprehensive Plan amendment; and adopted Resolution No. 17-28, approving Findings of Fact upholding denial of the request for rezoning of .36 acre from RU-1-9 to BU-1. Enclosed is a certified copy of each Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Denna Scott
Tammy Rowe, Deputy Clerk

Encls. (2)

cc: County Manager

RESOLUTION NO. 2017- 27

A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE DENIAL OF REQUEST FOR A CHANGE OF LAND USE FROM RESIDENTIAL 4 TO COMMUNITY COMMERCIAL ON PROPERTY OWNED BY LUKAS J. AND ANNE LISE KAMMERMAN

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

STATEMENT OF THE CASE AND FACTS

This item, containing two requests, a small scale plan amendment from Residential-4 to Community Commercial and a rezoning from RU-1-9 single family residential to BU-1, a commercial zoning classification, came before the Port St John Advisory Board on January 11, 2017. The advisory board recommended denial as to the rezoning. The item came before the Local Planning Agency (LPA) for the Comprehensive Plan amendment on January 23, 2017. The 2 items came before the Brevard County Board of County Commissioners on February 2, 2017. The advisory boards and the Board of County Commissioners heard the applicant and members of the public. R-71-81. The Board of County Commissioners denied both requests.

The documentary evidence and record page number for the document is listed below. These documents and transcripts or minutes create the record and will be referred to as R-1 – R-81.

Description	Page Numbers
Planning & Zoning Staff Comments	R -1 -56
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	R-15 – 19
Section 62-1341, Code of Ordinances of Brevard County, Florida – RU- 1-9	R-57 – 58
Section 62-1481 and 1482 Code of Ordinances of Brevard County, Florida BU-1-A and BU-1.	R-59 –70
Minutes of the Port St. John Advisory Meeting and Local Planning Agency	R-71 – 75
Minutes of the Board Meeting	R-76 – 81

The property is located on the corner of Fay Boulevard and Grissom Parkway in Port St. John. R-15-20. It has a Future Land Use designation of Residential 4 and a zoning classification of RU-1-9, a single family zoning classification. R-15-20, 57. The property is bounded on the north, south, east and west by land use designation of Residential 4. Neighboring property is zoned RU-1-9 on three sides. There is BU-1-A zoning, a neighborhood commercial zoning classification across Grissom Parkway from the subject parcel. R-15-19. A barber shop operates

in that location. R-76-81. The staff noted this is the third attempt to convert the residential use to commercial use on this parcel. R-9.

The staff noted that there is mixed neighborhood commercial in the area, but community commercial might not be consistent with the area. R-11, 13, 14. Community commercial clusters are to be located at arterial roadway intersections per the comprehensive plan. This .36 acre parcel is located at the intersection of a local road and a collector road. R-12. The staff comments noted that there is residential development surrounding the proposed commercial site. R-12. There was discussion of reducing the request from BU-1, a community commercial zoning classification to BU-1-A, a neighborhood commercial classification, at the County Commission meeting. R-76-81, 59-70.

During public hearings, the applicant described the intended nature of the proposed use. Carmine Ferraro, speaking for the applicant, described the area as very busy and emphasized the barber shop across the street. He stated the owner wanted to convert the property to commercial since it is no longer desirable to live there. R-71, 76. Several citizens appeared to express opposition. R-72, 73, 76-79. Paul Mann and James Hyde stated any commercial use would increase traffic. R-72. Mr. Jordan of Baker Circle testified there are already numerous accidents at the barbershop location. R-72. Jennifer Carroll appeared at the advisory board meeting and stated her sister opposed the request. R-72. Mr. Ferraro said there are more than 10,000 cars at the location and the combined count at the corner is now 15,526. R-72. Randy Rodriguez stated the traffic database used by Mr. Ferraro was from 2007. R-72. Mr. Ferraro said it was an old count, but the Level of Service is C and the proposed trips would not alter the Level of Service. R-72. He said there is too much traffic and no one wants to live there. R-72. Carmel Chinaris said Grissom Boulevard is the boundary for commercial. There is nothing commercial west of Grissom. R-73. Wendy Porter, of the advisory board, said she is not to enrich a particular person one way or the other. R-73. Ms. Fox said the deed is dated 2001 in answer to a question regarding the ownership. R-73. At the LPA meeting, Mr. Minneboo asked if the item had been before the board previously. R-75. Ms. Fox stated the item had been before the board two times previously. R-75. Julie Carroll, 1523 Jamaica Road, appeared at the meeting before the Board of County Commissioners and stated that she lives nearby and she sees the traffic. She stated there are lots of children coming by the proposed location. She said an increase in traffic would create an increase in the number of accidents. She noted she can hear the accidents from her backyard. R-77. Steve Bell, from Canoni Place, commented that any commercial development at the subject property would disturb him. The commercial use, even BU-1-A, would disturb the entire neighborhood. He stated the property is residential and the owner should have investigated that issue before he bought. R-77, 78. Shelly Myers of Canoni Place said she lives directly behind the subject parcel. R-78. She said kids live next door to the proposed rezoning. She said it is not right to have a business in the neighborhood. She said the barber shop already has traffic problems and there is way too much traffic already. R-78. Carmine Ferraro responded that the traffic counts shown on page 32 of the agenda package show the area is in transition. R-78-79. Low intensity personal services would be a transition. R-78, 79. The staff noted the barber shop was established before 1988 and was originally a day care. R-79. Also, there are only 8

parking spaces allowed for the barber shop. R-79. The Board of County Commissioners discussed the item. R-79-80. Commissioner Pritchett stated it is main road, the area is in transition and the road may look like US 1 someday. However, the area not yet ready for commercial. R-79.

FINDINGS OF FACT

The Board of County Commissioners finds:

1. The subject property is designated Residential 4 on the Future Land Use Map of the Brevard County comprehensive plan.
2. The subject property has land use designations of Residential 4 on all sides; it is surrounded by Residential 4 land use.
3. Inserting the Community Commercial land use designation in this location would be inconsistent with the surrounding land uses.
4. The parcel does not meet the locational and development criteria for commercial land use.
5. A future land use designation of Community Commercial in this area would intrude upon existing residential development.

CONCLUSION

Based on the foregoing, the Board of County Commissioners hereby finds the proposed Small Scale Amendment to the Future Land Use Map of Brevard County from Residential 4 to Community Commercial is not consistent or compatible with the surrounding land use designations and development. Accordingly, the requested Small Scale Amendment to the Future Land Use Map from Residential 4 to Community Commercial is denied.

DONE AND RESOLVED this 2 day of March, 2017.

ATTEST:

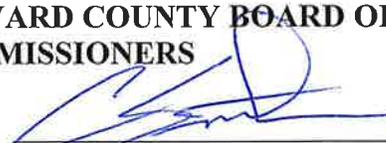
By:



Scott Ellis, Clerk

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

By:



Curt Smith, Chair

As approved by the Board on: March 2, 2017

RESOLUTION NO. 2017- 28

**A RESOLUTION SETTING FORTH THE FINDINGS OF
FACT AND CONCLUSIONS OF THE BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS PERTAINING
TO THE DENIAL OF REQUEST FOR REZONING FROM
RU-1-9 TO BU-1 ON PROPERTY OWNED BY LUKAS J.
AND ANNELISE KAMMERMAN**

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

STATEMENT OF THE CASE AND FACTS

This item, containing two requests, a small scale plan amendment from Residential-4 to Community Commercial and a rezoning from RU-1-9 single family residential to BU-1, a commercial zoning classification, came before the Port St John Advisory Board on January 11, 2017. The advisory board recommended denial as to the rezoning. The item came before the Local Planning Agency (LPA) for the Comprehensive Plan amendment on January 23, 2017. The 2 items came before the Brevard County Board of County Commissioners on February 2, 2017. The advisory boards and the Board of County Commissioners heard the applicant and members of the public. R-71-81. The Board of County Commissioners denied both requests.

The documentary evidence and record page number for the document is listed below. These documents and transcripts or minutes create the record and will be referred to as R-1 – R-81.

Description	Page Numbers
Planning & Zoning Staff Comments	R -1 -56
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	R-15 -- 19
Section 62-1341, Code of Ordinances of Brevard County, Florida – RU- 1-9	R-57 – 58
Section 62-1481 and 1482 Code of Ordinances of Brevard County, Florida BU-1-A and BU-1.	R-59 –70
Minutes of the Port St. John Advisory Meeting and Local Planning Agency	R-71 – 75
Minutes of the Board Meeting	R-76 – 81

The property is located on the corner of Fay Boulevard and Grissom Parkway in Port St. John. R-15-20. It has a Future Land Use designation of Residential 4 and a zoning classification of RU-1-9, a single family zoning classification. R-15-20, 57. The property is bounded on the north, south, east and west by land use designation of Residential 4. Neighboring property is zoned RU-1-9 on three sides. There is BU-1-A zoning, a neighborhood commercial zoning classification across Grissom Parkway from the subject parcel. R-15-19. A barber shop operates in that location. R-76-81. The staff noted this is the third attempt to convert the residential use to commercial use on this parcel. R-9.

The staff noted that there is mixed neighborhood commercial in the area, but community commercial might not be consistent with the area. R-11, 13, 14. Community commercial clusters are to be located at arterial roadway intersections per the comprehensive plan. This .36 acre parcel is located at the intersection of a local road and a collector road. R -12. The staff comments noted that there is residential development surrounding the proposed commercial site. R-12. There was discussion of reducing the request from BU-1, a community commercial zoning classification to BU-1-A, a neighborhood commercial classification, at the County Commission meeting. R-76-81, 59-70.

During public hearings, the applicant described the intended nature of the proposed use. Carmine Ferraro, speaking for the applicant, described the area as very busy and emphasized the barber shop across the street. He stated the owner wanted to convert the property to commercial since it is no longer desirable to live there. R-71, 76. Several citizens appeared to express opposition. R- 72, 73. 76-79. Paul Mann and James Hyde stated any commercial use would increase traffic. R-72. Mr. Jordan of Baker Circle testified there are already numerous accidents at the barbershop location. R-72. Jennifer Carroll appeared at the advisory board meeting and stated her sister opposed the request. R-72. Mr. Ferraro said there are more than 10,000 cars at the location and the combined count at the corner is now 15,526. R-72. Randy Rodriguez stated the traffic database used by Mr. Ferraro was from 2007. R-72. Mr. Ferraro said it was an old count, but the Level of Service is C and the proposed trips would not alter the Level of Service. R-72. He said there is too much traffic and no one wants to live there. R-72. Carmel Chinaris said Grissom Boulevard is the boundary for commercial. There is nothing commercial west of Grissom. R- 73. Wendy Porter, of the advisory board, said she is not to enrich a particular person one way or the other. R-73. Ms. Fox said the deed is dated 2001 in answer to a question regarding the ownership. R-73. At the LPA meeting, Mr. Minneboo asked if the item had been before the board previously. R-75. Ms. Fox stated the item had been before the board two times previously. R- 75. Julie Carroll, 1523 Jamaica Road, appeared at the meeting before the Board of County Commissioners and stated that she lives nearby and she sees the traffic. She stated there are lots of children coming by the proposed location. She said an increase in traffic would create an increase in the number of accidents. She noted she can hear the accidents from her

backyard. R-77. Steve Bell, from Canoni Place, commented that any commercial development at the subject property would disturb him. The commercial use, even BU-1-A, would disturb the entire neighborhood. He stated the property is residential and the owner should have investigated that issue before he bought. R-77, 78. Shelly Myers of Canoni Place said she lives directly behind the subject parcel. R-78. She said kids live next door to the proposed rezoning. She said it is not right to have a business in the neighborhood. She said the barber shop already has traffic problems and there is way too much traffic already. R-78. Carmine Ferraro responded that the traffic counts shown on page 32 of the agenda package show the area is in transition. R-78-79. Low intensity personal services would be a transition. R-78, 79. The staff noted the barber shop was established before 1988 and was originally a day care. R-79. Also, there are only 8 parking spaces allowed for the barber shop. R-79. The Board of County Commissioners discussed the item. R-79-80. Commissioner Pritchett stated it is main road, the area is in transition and the road may look like US 1 someday. However, the area not yet ready for commercial. R-79.

FINDINGS OF FACT

The Board of County Commissioners finds:

1. The subject property is designated Residential 4 on the Future Land Use Map of the Brevard County Comprehensive Plan.
2. The request for rezoning to BU-1 (Commercial) is inconsistent with the Future Land Use Map of Brevard County Florida where the Future Land Use Map designation is Residential.
3. The request as presented violates Section, 163.3194(1) (a), Florida Statutes and Section 62-1255, Code of Ordinances of Brevard County, Florida which provides BU-1 zoning is not consistent with a Future Land Use Map designation of Residential 15.
4. The revised request for BU 1-A was also considered. Based on the testimony and email residents, it appears the neighborhood is predominantly residential. The use of the property for commercial purposes would have a negative impact on to the neighborhood. There has been inadequate parking for the barber shop across the street and there are already traffic issues.
5. The proposed zoning would be incompatible with the surrounding uses.
6. The current residential zoning is compatible with the surrounding residential or structures.

CONCLUSION

Based on the foregoing, the Board of County Commissioners hereby finds the rezoning request of BU-1 is not consistent or compatible with the existing land use designations of the Brevard County Comprehensive Plan on the riverfront portion and therefore the request if approved would violate the Brevard County Comprehensive Plan. Further, the revised BU-1-A zoning request is incompatible with the residential nature of the neighborhood.

DONE AND RESOLVED this 2 day of March, 2017.

ATTEST:

By:



Scott Ellis, Clerk

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

By:



Curt Smith, Chair

As approved by the Board on: March 2, 2017

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

WHEREAS, SRK VIERA VILLAGE ASSOCIATES, L.P. - has applied for a CUP (Conditional Use Permit) for Alcoholic Beverages (full Liquor) for On-Premises Consumption in Conjunction with a Restaurant in a PUD (Planned Unit Development) zoning classification, on property described as Units 101 & 102 of Lots 1, 3, 4, & 5, of Viera East Market Center, according to the plat thereof, recorded in Plat Book 45, Page 15, of the Public Records of Brevard County, Florida. Section 34, Township 25, Range 36. (0.02 acres) Located on the west side of Murrell Rd., approx. 440 ft. north of Viera Blvd. (5410 Murrell Rd., #101, Viera)

Section 34, Township 25, 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; and,

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Alcoholic Beverages (full liquor) for On Premises Consumption in Conjunction with a Restaurant, be APPROVED, 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 March 2, 2017.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Curt Smith, Chairman
Brevard County Commission
As approved by Brevard County Commission on March 2, 2017.

ATTEST:

SCOTT ELLIS, CLERK
(SEAL)

P&Z Hearing – February 6, 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.

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

WHEREAS, COCOA COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC. - has applied for a Small Scale Plan Amendment (16S.12) to change the Future Land Use designation from CC (Community Commercial) to PLNIP (Planned Industrial Park), and a change of classification from BU-1 (General Retail Commercial) & BU-2 (Retail, Warehousing, and Wholesale Commercial) to PIP (Planned Industrial Park) on property described as follows: SEE ATTACHED

Section 06, Township 24, 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 (*); and,

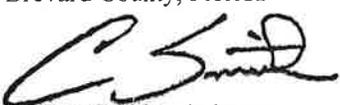
WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment to change the Future Land Use designation from CC to PLNIP, and a change of classification from BU-1 & BU-2 to PIP, be APPROVED, and that the zoning classification relating to the above described property be changed to PIP, 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 March 2, 2017.

ATTEST

SCOTT ELLIS, CLERK
(SEAL)

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Curt Smith, Chairman
Brevard County Commission
As approved by Brevard County Commission on March 2, 2017.

P&Z Hearing – February 6, 2017
(*) LPA Recommendation – Approved Small Scale Plan Amendment 16S.12

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.

A parcel of land lying in **Section 06, Township 24S, Range 36E**, Brevard County, Florida, being more particularly described as follows: Parcel 1: Commence at the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 6, and run N00deg12'44"W, along the west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$, a distance of 792.02 ft. to the point of beginning; thence run N00deg12'44"W, along said west line, a distance of 737.93 ft. to a point on the south line of Pam-Lem Industrial Park, as recorded in Plat Book 19, Page 30 of the Public Records of Brevard County, Florida; thence N89deg49'00"E, along said south line, a distance of 527.48 ft. to a point on the westerly right-of-way line of U.S. Hwy 1; thence S14deg02'10"E, along said westerly right-of-way line, a distance of 431.44 ft.; thence N89deg50'48"W, parallel to and 1,114.74 ft. distance from the south line of said Section 06, a distance of 350.58 ft.; thence S00deg12'44"E, parallel to and 280 ft. distant from said west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$, a distance of 322.75 ft.; thence N89deg50'48"W, parallel to and 792 ft. distant from said south line of Section 06, and distance of 280.01 ft. to the point of beginning. Parcel 2: A parcel of land lying in **Section 06, Township 24S, Range 36E**, Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 06, and run N00deg12'44"W, along the west line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, a distance of 792.02 ft.; thence S89deg50'48"E, parallel with and 792 ft. distant from the south line of said Section 06, a distance of 280.01 ft. to the point of beginning; thence continue S89deg50'48"E, parallel with and 792 ft. distant from said south line, a distance of 432.60 ft. to a point on the westerly right-of-way line of U.S. Hwy 1 (a 143-ft. wide right-of-way); thence N14deg12'10"W, along said westerly right-of-way line, a distance of 332.90 ft.; thence N89deg50'48"W, parallel to said south line, a distance of 353.06 ft.; thence S.00deg12'44"E, parallel to and 280 ft. distant from the aforesaid west line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, a distance of 322.75 ft. to the point of beginning. Less the easterly 200 ft. thereof. (7 acres) Located on the west side of U.S. Hwy 1, approx. 110 ft. south of Pam Lem St. (3815 U.S. Hwy 1, Cocoa)

Description	Page Numbers
Planning & Zoning Staff Comments	R -1 -56
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	R-15 – 19
Section 62-1341, Code of Ordinances of Brevard County, Florida – RU- 1-9	R-57 – 58
Section 62-1481 and 1482 Code of Ordinances of Brevard County, Florida BU-1-A and BU-1.	R-59 –70
Minutes of the Port St. John Advisory Meeting and Local Planning Agency	R-71 – 75
Minutes of the Board Meeting	R-76 – 81

CERTIFICATION

This is to certify that this is a true and correct copy as maintained in the Brevard County Planning and Development Department Office.

Robin M. DiFabio

Robin M. DiFabio, AICP, Director, Planning & Development Department, Brevard County, Florida

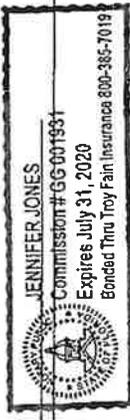
Sworn to and subscribed before me this 3rd day of February, 2017.

Personally known to me Robin M. DiFabio

Jennifer Jones

Notary Public State of Florida at Large

My Commission Expires: _____



IV.B.1.

Commission District # 1 (16PZ00111)
 Initial Hearing Dates: PSJ 01/11/17 BCC 02/02/17

REZONING REVIEW WORKSHEET

Applicant Name: LUKAS J. & ANNE LISE KAMMERMAN

Request: Residential 4 to CC; and RU-1-9 to BU-1

Subject Property:

Parcel ID#: 23-35-22-01-105-12
 Tax Acct#: 2307354
 Location: Northwest corner of Fay Blvd. and Grissom Pkwy.
 Address: 5010 Fay Blvd., Cocoa
 Acreage: 0.36

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-9	BU-1
Potential*	1 SFR	3,136 s.f.
Can be Considered under FLU MAP	YES RESIDENTIAL 4	NO**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.** Requires a Small Scale Comprehensive Plan Amendment from Residential 4 to Community Commercial.

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	115B
Trips from Proposed Zoning	2,621	158	Segment Name	Fay Boulevard
Maximum Acceptable Volume (MAV)	33,900	3,051	Acceptable LOS	D
Current Volume	12,874	1,159	Directional Split	0.51
Volume With Proposed Development	15,495	1,317	ITE CODE 653	
Current Volume / MAV	37.98%	37.98%		
Volume / MAV with Proposal	45.71%	45.71%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Land Use Compatibility

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

This request is for a BU-1 zoning classification. 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. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-1 zoning classification, in an area that is predominantly residential. The surrounding properties are zoned RU-1-9 to the north and west. The south and east boundary abuts County owned right of way. The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet. The requested BU-1 zoning classification requires a Small Scale Comprehensive Plan Amendment to Community Commercial, since the BU-1 zoning classification is not consistent with the RES 4 Future Land Use designation. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 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		Coastal Protection	NA
Aquifer Recharge Soils		Surface Water Protection	NA
Floodplains		Habitat for Protected Species	

Note: This is a preliminary review based upon 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 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 requesting the BU-1 zoning classification for the purpose of developing the subject 0.36 acre property as general retail, gas station with convenience store or food service. The subject parcel is developed with a single family residence, and is located at the north west quadrant of the Fay Blvd. and Grissom Pkwy. intersection. This area of Port Saint John is comprised of mainly single family residential land uses. There is no other BU-1 zoning classification within close proximity to the above mentioned parcel.

Historically, the was subject parcel was denied a Small Scale Comprehensive Plan Amendment from Residential to Mixed-Use District and a change of classification from RU-1-9 to BU-1, on May 21,1998 (Z-10084). Afterwards, the same property was again denied a Small Scale Comprehensive Plan Amendment from Residential to Mixed-Use District (now Community Commercial) and a change of classification from RU-1-9 to BU-1, on September 6, 2001 (Z-10816). This request is the third attempt to convert the existing single family residential use and provide for commercial development on the subject parcel.

As a result of the small size of this property, 0.36 acres, staff notes that meeting commercial land development standards, such as drainage, parking and landscaping requirements will likely be challenging. The applicant is proposing to seek to vacate the abutting 50 feet wide drainage easement and rezone a parcel located to the west of the subject site, from residential to commercial. The other parcel is also developed with a single family residence, and is zoned RU-1-9 with an RES 4 Future Land Use designation. The aforementioned parcel and subject parcel are both under the same ownership. However, this would also require a Small Scale Amendment, since the existing zoning and Future Land Use does not permit commercial development.

This request for BU-1 zoning classification should be evaluated within the context of Policy 2.1 of the Future Land Use element, which governs the impact of proposed commercial development on infill vs strip development.

Role of the Comprehensive Plan In the Designation of Commercial Lands

Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

A. Overall accessibility to the site;

The subject property has direct access to Fay Boulevard to the south, a collector type roadway.

B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The subject parcel has an RES 4 Future Land Use designation and is entirely bordered by RES 4 Future Land Use designation and single family residential development. There is no other CC Future Land Use designation within close proximity to the subject parcel.

C. Existing commercial development trend in the area;

There is an existing mixed neighborhood commercial, low intensity institutional and residential node along the Fay Boulevard corridor. Approximately 0.3 miles west of the parent parcel, the most recent development in that node was a Family Dollar store that was approved on March 6, 2014 (13PZ-00084). Commercial development along Fay Boulevard has historically been limited to those serving the neighborhood needs. A Community Commercial Future Land Use designation will expand the scope of commercial uses, which may not be customary to the area.

D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

There have not been fundamental changes in the character of the area as a result of infrastructure improvements.

E. Availability of required infrastructure at/above adopted levels of service;

Fay Boulevard is a collector roadway. The preliminary concurrency analysis did not indicate that the proposed amendment would cause a deficiency on the availability of existing transportation facilities.

F. Spacing from other commercial activities;

There is an existing barbershop located to the east of subject site, across Grissom Parkway, which has a restricted neighborhood commercial zoning classification, with a RES 4 Future Land Use designation.

G. Size of proposed commercial designation compared with current need for commercial lands;

The subject parcel is 0.36 acres. There is no CC Future Land Use designation within close proximity to the subject property.

H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

An environmental analysis was required by NRMD at the time of a request for rezoning, please see associated rezoning staff report.

I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

J. Impacts upon strip commercial development.

The subject parcel has an existing RES 4 Future Land Use designation. The Board may wish to consider whether this request would contribute to strip commercial development. The applicants intent to expand the commercial site onto adjacent property to the west in the future may indicate a potential to encourage strip commercial development.

**Locational and Development Criteria for Community Commercial Uses
Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

Criteria:

A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple Residential areas. Intrusion of these land uses into the surrounding Residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The parent parcel is 0.36 acres, with an RES 4 Future Land Use designation. It is located at an intersection of a local and collector road. The Board may wish to consider whether the request for CC Future Land Use designation on 0.36 acres of parent parcel would cause an intrusion of the surrounding residential area.

B Community commercial complexes should not exceed 40 acres at an intersection.

The subject parcel is 036 acres.

C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The parent parcel is less than 10 acres.

D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

The gross floor area is regulated through land development regulations at the time of site plan review.

E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

The FAR is regulated through the land development regulations at the time of site plan review.

**Strip Commercial Development
Policy 2.15**

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land

use extension shall not constitute an encroachment into a Residential area. Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

The subject parcel has an RES 4 Future Land Use designation. The proposed amendment from RES 4 to CC will permit commercial activities, which may adversely impact the surrounding residential development. There is no other CC Future Land Use designation within close proximity to aforementioned parcel. The Board may wish to consider whether this request would ultimately contribute to strip commercial development, given that the applicants proposal to acquire additional residential properties and convert them to commercial use.

Summary: The applicant is seeking a BU-1 zoning classification for the purposes of developing the subject property as general retail, gas station with convenience store or food service. As a result of the small size of this property, 0.36 acres, staff notes that meeting commercial land development standards, such as drainage, parking and landscaping requirements will likely be challenging. The applicant has indicated that he will seek to vacate the abutting 50 feet wide drainage easement and rezone a parcel located to the west of the subject site, from residential to commercial, which could increase the developable area. However, this parcel will also require a small scale amendment from residential to commercial, since there would be an inconsistency with the Comprehensive Plan.

This request is reflective of the third attempt to transform the existing single family residential use and provide for commercial development on the subject parcel, the previous two attempts were denied. This area of Port Saint John may be described as a predominantly single family residential neighborhood. There is no other BU-1 zoning classification within close proximity to the above mentioned parcel.

The Board may wish to determine whether the proposed BU-1 zoning classification would contribute to strip commercial development, and whether this request represents an intrusion into the established residential neighborhood.

NATURAL RESOURCES MANAGEMENT DEPARTMENT Rezoning Review

SUMMARY

Item #: 16PZ0011	Applicant: Lukas Kammerman
Zoning Request: Res 4 to CC and RU-1-9 to BU-1	
PSJ Hearing Date: 01/11/17; LPA Hearing Date: 01/23/17; BCC Hearing Date: 02/02/17	

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	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

This review relates to the following property: Twp. 23, Rng. 35, Sec. 22; Tax ID No. 2307254

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

*Small Scale Plan Amendment 16S.11
Township 23, Range 35, Section 22*

Property Information

Owner / Applicant: Lukas & Annelise Kammerman

Adopted Future Land Use Map Designation: RES 4

Requested Future Land Use Map Designation: CC

Acres: 0.36 +/- acres Tax Account #: 2307354

Site Location: Northwest corner of Fay Blvd. and Grissom Pkwy.

Current Zoning: RU-1-9

Requested Zoning: BU-1

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single Family Residential	RU-1-9	RES 4
South	Roadway	N/A	N/A
East	Roadway	N/A	N/A
West	Single Family Residential	RU-1-9	RES 4

General Analysis

The applicant seeks to amend the existing RES 4 Future Land Use designation and provide for a Community Commercial designation. The subject parcel is developed with a single family residence and is located at the northwest quadrant of the Fay Boulevard and Grissom Parkway intersection. The subject site is 0.36 acres, with a Residential 4 Future Land Use designation and an RU-1-9 zoning classification. The subject parcel is immediately bordered by a 50 feet wide drainage right of way to the north and west, along with existing single family residential development.

This area of Port Saint John is characterized primarily by low density residential development. There is no other CC Future Land Use designation within close proximity to subject site. The applicant specified that the proposed use may include general retail, gas station along with convenience store and food service. This request is the third attempt to modify the existing single family residential use and provide for commercial development on the

subject parcel. The two previous Small Scale Comprehensive Plan Amendment from Residential to Mixed-Use District were both denied in 1998 (Z-10084) and 2001 (Z-10616) respectively.

The applicant suggested that he will subsequently seek to vacate the abutting drainage easement and rezone a parcel located to the west of the subject site, from residential to commercial should this request be approved. The aforementioned parcel and subject parcel are both under the same ownership. This would result in an increase in the size of the potential commercial tract and enable a wider array of commercial uses. Therefore, prior to rezoning to commercial, the applicant would be required to seek an additional small scale amendment, since the proposed zoning is not consistent with the RES 4 Future Land Use designation.

Environmental Resources

Note: The Natural Resources Management Office will provide a detailed analysis at the time of a the future request for rezoning for of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management Office concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; 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 to 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.

Role of the Comprehensive Plan in the Designation of Commercial Lands

Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject property has direct access to Fay Boulevard to the south, a collector type roadway.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The subject parcel has an RES 4 Future Land Use designation and is entirely bordered by RES 4 Future Land Use designation and single family residential development. There is no other CC Future Land Use designation within close proximity to the subject parcel.

C. Existing commercial development trend in the area;

There is an existing mixed neighborhood commercial, low intensity institutional and residential node along the Fay Boulevard corridor. Approximately 0.3 miles west of the parent parcel, the most recent development in that node was a Family Dollar store that was approved on March 6, 2014 (13PZ-00084). Commercial development along Fay Boulevard has historically been limited to those serving the neighborhood needs. A Community Commercial Future Land Use designation will expand the scope of commercial uses, which may not be customary to the area.

D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

There have not been fundamental changes in the character of the area as a result of infrastructure improvements.

E. Availability of required infrastructure at/above adopted levels of service;

Fay Boulevard is a collector roadway. The preliminary concurrency analysis did not indicate that the proposed amendment would cause a deficiency on the availability of existing transportation facilities.

F. Spacing from other commercial activities;

There is an existing barbershop located to the east of subject site, across Grissom Parkway, which has a restricted neighborhood commercial zoning classification, with a RES 4 Future Land Use designation.

G. Size of proposed commercial designation compared with current need for commercial lands;

The subject parcel is 0.36 acres. There is no CC Future Land Use designation within close proximity to the subject property.

H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

An environmental analysis was required by NRMD at the time of a request for rezoning, please see associated rezoning staff report.

I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

J. Impacts upon strip commercial development.

The subject parcel has an existing RES 4 Future Land Use designation. The Board may wish to consider whether this request would contribute to strip commercial development. The applicants intent to expand the commercial site onto adjacent property to the west in the future may indicate a potential to encourage strip commercial development.

**Activities Permitted in Community Commercial (CC) Future Land Use Designations
Policy 2.7**

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant indicated that the proposed use may include general retail, gas station along with convenience store and food service. Many of these uses can introduce additional traffic and noise into this residential area.

Locational and Development Criteria for Community Commercial Uses

Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple Residential areas. Intrusion of these land uses into the surrounding Residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The parent parcel is 0.36 acres, with an RES 4 Future Land Use designation. It is located at an intersection of a local and collector road. The Board may wish to consider whether the request for CC Future Land Use designation on 0.36 acres of parent parcel would cause an intrusion of the surrounding residential area.

- B Community commercial complexes should not exceed 40 acres at an intersection.

The subject parcel is 0.36 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The parent parcel is less than 10 acres.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

The gross floor area is regulated through land development regulations at the time of site plan review.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

The FAR is regulated through the land development regulations at the time of site plan review.

Strip Commercial Development

Policy 2.15

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a Residential area. Refer to Figure 1 in the Appendix, "Illustrative Examples of Commercial Infill vs. Extension of Strip Development." Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

Criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

The subject parcel has an RES 4 Future Land Use designation. The proposed amendment from RES 4 to CC may permit commercial activities, which may adversely impact the surrounding residential neighborhood. There is no other CC Future Land Use designation within close proximity to aforementioned parcel. The Board may wish to consider whether this request would contribute to strip commercial development. The applicants intent to expand the commercial site onto adjacent property to the west in the future may indicate a potential to encourage strip commercial development.

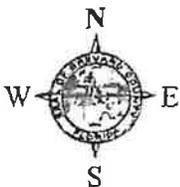
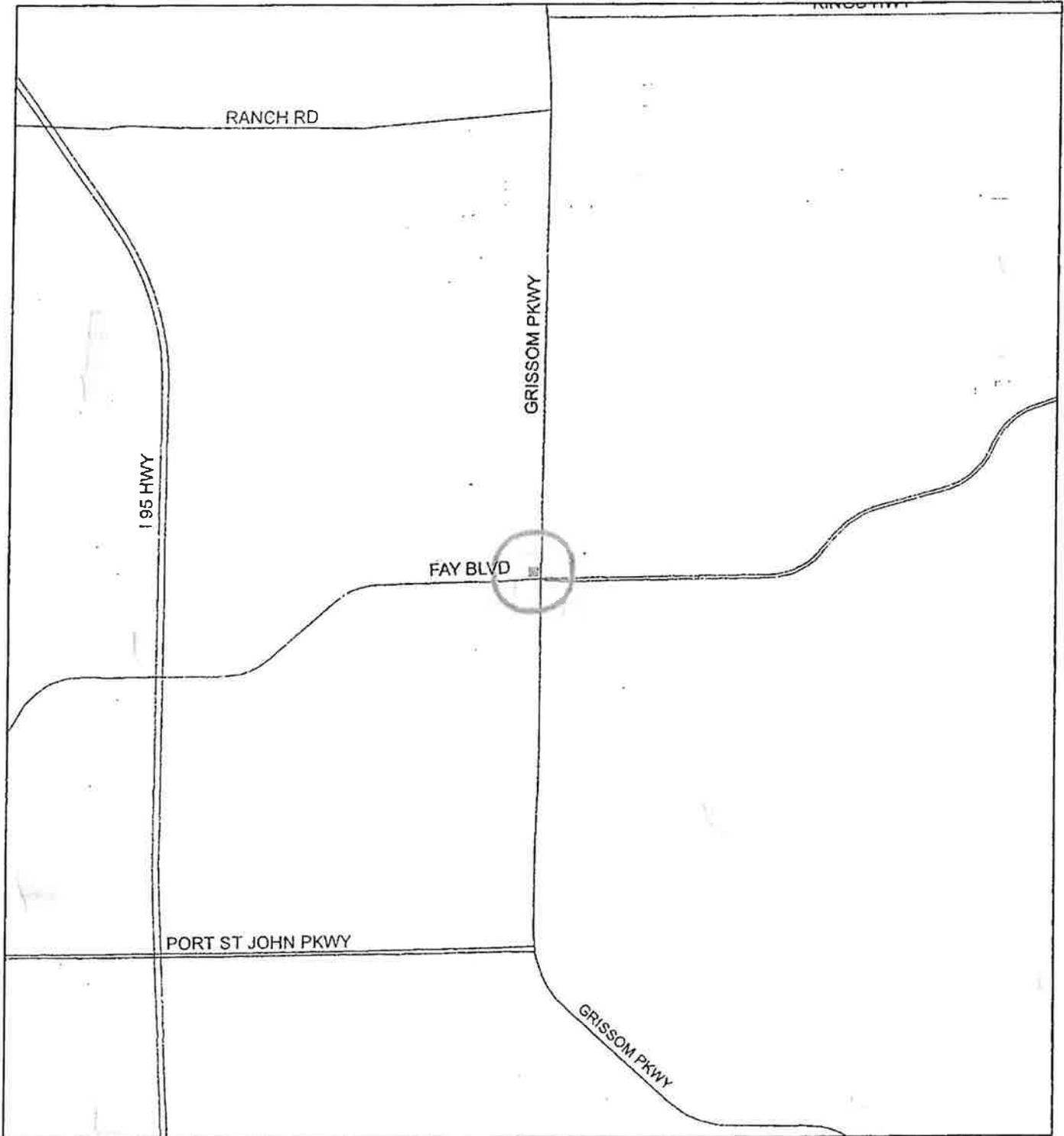
Summary

The proposed amendment will amend the RES 4 Future Land Use designation on the 0.36 acre parcel and provide for a Community Commercial Future Land Use designation. There is no other CC Future Land Use designation within close proximity to aforementioned parcel. This request is the third attempt to modify the existing single family residential use and provide for commercial development on the subject parcel. The two previous Small Scale Comprehensive Plan Amendment from Residential to Mixed-Use District, the predecessor to Community Commercial land use designation, were both denied in 1998 (Z-10084) and 2001 (Z-10616) respectively. The character of this area, which is single family residential, has remained unchanged since the previous denials.

The applicant stated that the proposed use may include general retail, gas station along with convenience store and food service. As a result of the small size of this property, the applicant contemplating acquiring additional property to increase the scale of development. However, this will require an additional small scale amendment from residential to commercial, and companion rezoning request.

The Board may wish to consider whether this request would contribute to strip commercial development. The applicants intent to expand the commercial site onto adjacent property to the west in the future may indicate a potential to encourage strip commercial development.

LOCATION MAP
KAMMERMAN, LUKAS J. AND ANNEISE
16PZ00111 and Small Scale Amendment 16S.11



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

Buffer Distance: 500 feet

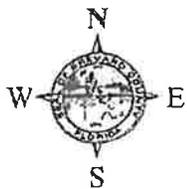
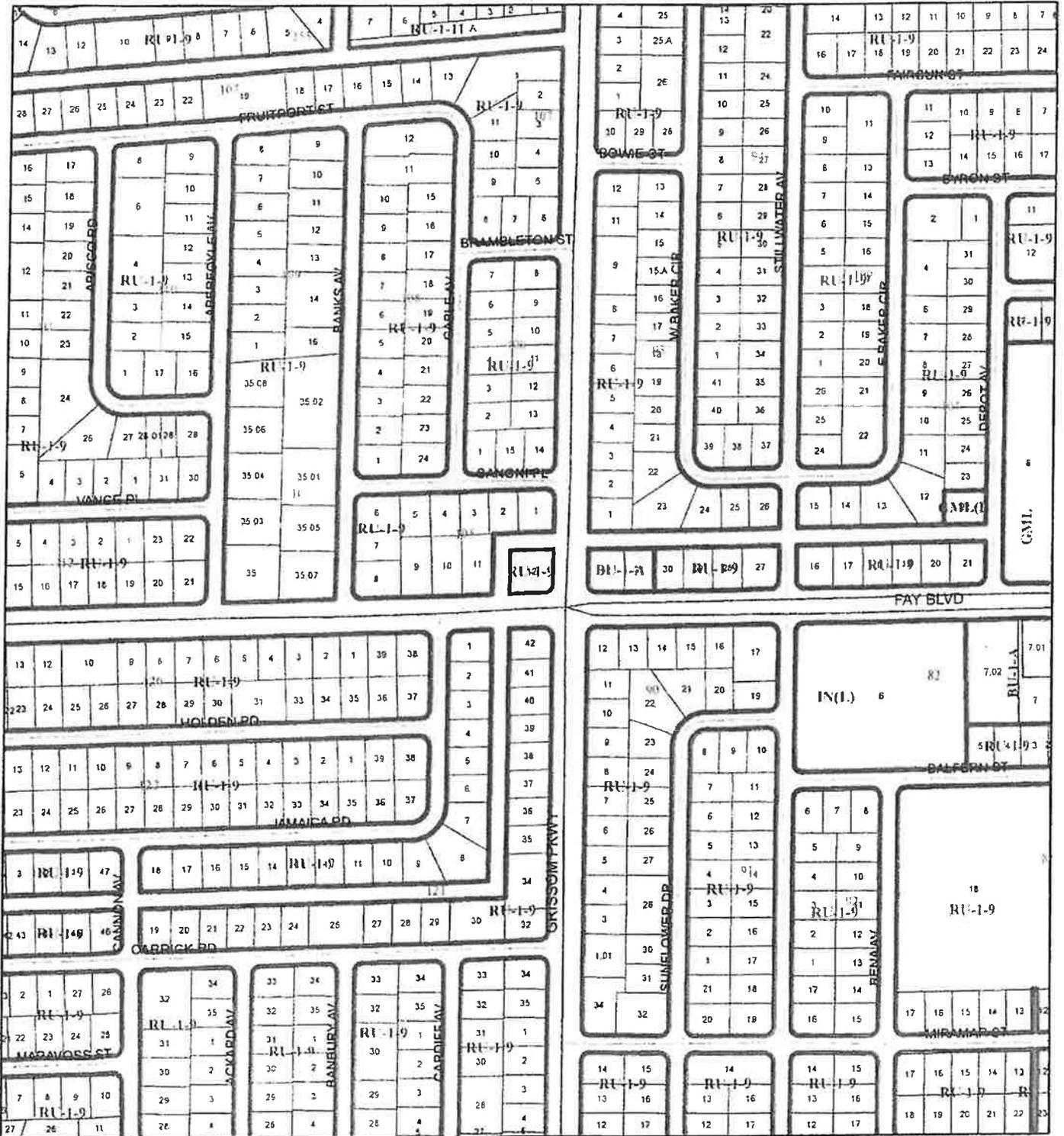
— Buffer

■ Subject Property

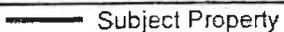
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

ZONING MAP

KAMMERMAN, LUKAS J. AND ANNEISE
16PZ00111 and Small Scale Amendment 16S.11



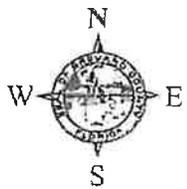
1:4,800 or 1 inch = 400 feet

-  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.

FUTURE LAND USE MAP

KAMMERMAN, LUKAS J. AND ANNEISE
16PZ00111 and Small Scale Amendment 16S.11



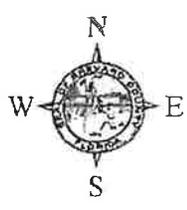
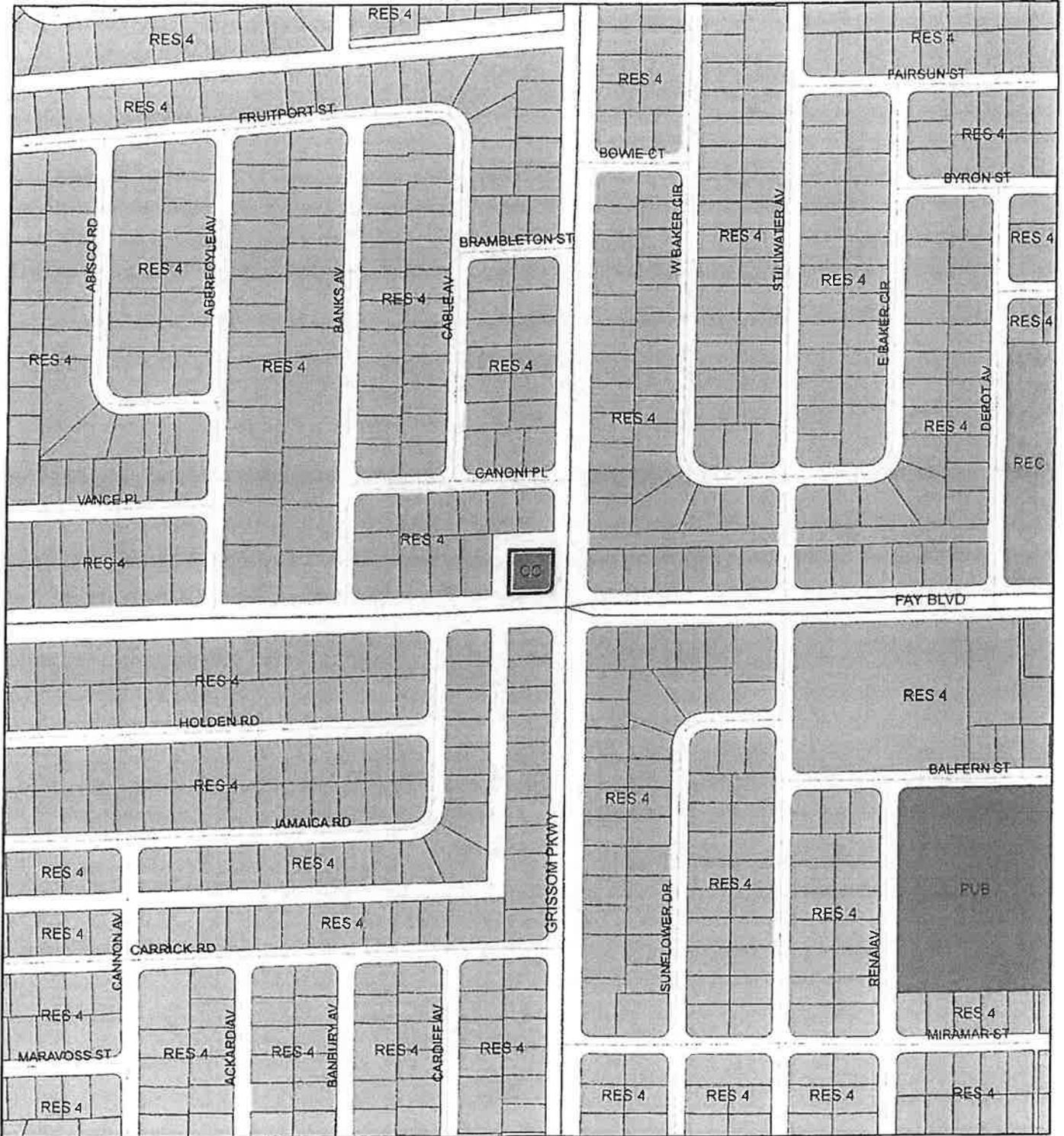
1:4,800 or 1 inch = 400 feet

- 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.

PROPOSED FUTURE LAND USE MAP

KAMMERMAN, LUKAS J. AND ANNELISE
 16PZ00111 and Small Scale Amendment 16S.11



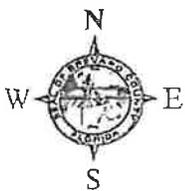
1:4,800 or 1 inch = 400 feet

-  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.

AERIAL MAP

KAMMERMAN, LUKAS J. AND ANNE LISE
16PZ00111 and Small Scale Amendment 16S.11



1:3,600 or 1 inch = 300 feet

PHOTO YEAR: 2016

-  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.

Owner's Name: Lukas Kammerman
Hearing Date: January 11, 2017

16P200111

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Caroline Ferraro,
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 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 and Subscribed before me, this 10 day of January 2017.

Leigh A. Waters
(Print, Type, or Stamp Commissioned Name of Notary Public)

Leigh A. Waters
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: Florida Drivers License



THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING R-020

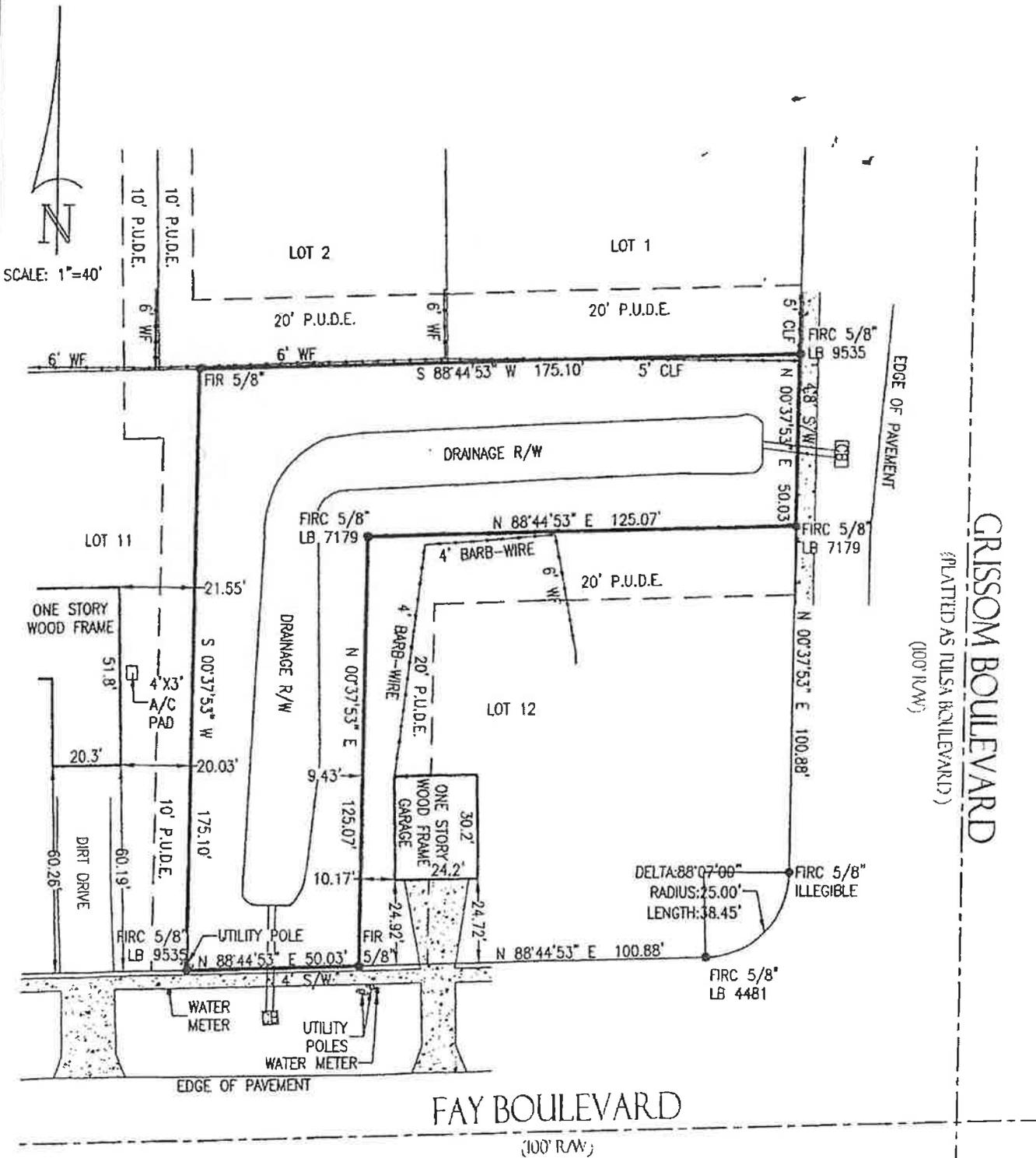
FVI IV.B.1.

BOUNDARY SURVEY

SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST

PARCEL ID NUMBER: 23-35-22-01-00105.-0-0012.00 AND 23-35-22-01-00105.-0-0011.00

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



NOTE:
UNABLE TO ACCURATELY LOCATE DRAINAGE PIPES GOING INTO THE DITCH.

SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST

PROJECT NO. 16-197
PREPARED BY: LAYOUT SERVICES INC.
R-021

111

FVI
IV.B.1.



Map Data ©2017 Google

- TCDS Locations**
- Short
 - Continuous
 - WIM
 - Located Short
 - Located Continuous
 - Located WIM

Location: 109
TMC Date: 3/6/2007
Road 1: Grissom
Road 2: Fay
Device: Signal

Departing Volume

- ↑ **NB Total:** 3226
- **EB Total:** 3797
- ↓ **SB Total:** 4394
- ← **WB Total:** 4109
- TMC Total:** 15526

[View Detail](#) | [View TMC](#) |
[View Peak Hour Diagram](#)

FVI
IV.B.1.

Jones, Jennifer

From: Carmine Ferraro <carmel32927@gmail.com>
Sent: Wednesday, January 18, 2017 3:30 PM
To: Fox, Cynthia C
Cc: Jones, Jennifer
Subject: Re: Public Comment

Yes, please allow this email to serve as our request to amend the application to BU-1A from the original request of BU-1.

Regards

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address
3860 Curtis Blvd #636
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

On Wed, Jan 18, 2017 at 2:16 PM, Fox, Cynthia C <Cynthia.Fox@brevardfl.gov> wrote:

Carmine,

Do you want to officially amend your application to BU-1-A before the BCC meeting? I think we need it in writing. Also, I am forwarding you some information on the intersection that we were able to get from Public Works.

Cindy

From: Jones, Jennifer
Sent: Wednesday, January 18, 2017 12:38 PM

To: Carmine Ferraro
Cc: Fox, Cynthia C
Subject: Public Comment

Hi Carmine,

Can you send me the letters/emails you referenced at last week's PSJ meeting?

Thanks,

Jennifer

FVI
IV.B.1.

Jones, Jennifer

From: Fox, Cynthia C
Sent: Friday, January 20, 2017 10:19 AM
To: Jones, Jennifer
Subject: FW: Fay&Grissom Pkwy-Future Plans/Crash Data

From: Fox, Cynthia C
Sent: Wednesday, January 18, 2017 2:18 PM
To: Carmine Ferraro
Subject: FW: Fay&Grissom Pkwy-Future Plans/Crash Data

From: Gumm, Corrina
Sent: Tuesday, January 17, 2017 4:02 PM
To: Jacobs, Conroy
Cc: Stanford, Ashley; Fox, Cynthia C; Carter, Laura
Subject: RE: Fay&Grissom Pkwy-Future Plans/Crash Data

Conroy,

There are near future plans to upgrade the signalization structure from span wire to mast arms, but there will be no changes to the signal operation or intersection geometry as part of this project.

I have reviewed the crash history for the last 12-month period. Over the last 12 months, there have been a total of 8 reported crashes, 2 of which involved injury. Of the 8 crashes, 5 of them were rear-end type crashes as a result of careless, inattentive driving, and 3 of them were left turn type crashes where the driver failed to yield to oncoming traffic. Based on the review of crash history at this intersection, it is determined that there is no indication of high crash experience or that the intersection is unsafe.

Having said that, I would be concerned about trying to squeeze a high traffic generator such as a gas station/convenience store on one of those (tiny) corner parcels. On the NW corner there is a 50-ft drainage right-of-way along the back/side lot lines of the corner parcel, so I'm not seeing how they can develop two parcels there. Also truck access and access management will be a concern. Driveway connections would need to be restricted to right-in, right-out only to allow the signalized intersection to function properly.

Hope this helps... let me know if I can be of further assistance.

Thanks,

Corrina Gumm, P.E.
Traffic Operations Program Manager
Brevard County Public Works
(321) 633-2077

From: Jacobs, Conroy
Sent: Tuesday, January 17, 2017 9:44 AM
To: Gumm, Corrina

Cc: Stanford, Ashley; Fox, Cynthia C; Carter, Laura
Subject: Fay&Grissom Pkwy-Future Plans/Crash Data

Corrina,

Do you have any info in regards to future plans/crash data for the Fay&Grissom Pkwy intersection?
A customer is seeking a zoning action to develop two parcels located at the north west quadrant of the intersection, that could include a gas station/convenience store.

There were some concerns at the Port Saint John advisory P&Z meeting about the intersection being unsafe, due to high crash rates.

Is it possible to receive some feedback on this matter prior to BCC meeting on Feb 2, 2017?

Thanks,

Conroy Jacobs

Planner I
Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Viera, FL 32940
Business Phone: (321) 633 2070 ext. 52655

For GIS Zoning & Future Land Use Interactive Map please visit
<http://gis.brevardcounty.us/zoning.html>

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations.

FYI
IV.B.1.

MEETING NOTICE

DATE: 2-1-17

TIME: 4:00 pm

LOCATION: District 1 Commission Office

SUBJECT: 16PZ00111 KAMMERMAN
2-2-17 AGENDA ITEM IV.B.1.

ATTENDEES:

Commissioner Pritchett

Legislative Aide - MARIA NEWELL & STEVEN TAGYE

County Staff -

CARMINE FERRARO

MEETING NOTES:

CARMINE FERRARO EXPLAINED THAT
HIS CLIENT WOULD LIKE TO REZONE
THIS PIECE OF PROPERTY IN ORDER
TO BE ABLE TO MAKE THE PROPERTY
MORE ~~DESIRABLE~~ TO SELL,
DESIRABLE

IN FAVOR
I.B.I.

Jones, Jennifer

From: Carmine Ferraro <carmel32927@gmail.com>
Sent: Wednesday, January 18, 2017 3:32 PM
To: Jones, Jennifer
Subject: Fwd: Zoning petition

Email #2

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address
3860 Curtis Blvd #636
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

----- Forwarded message -----
From: Gail Mangiofico <gailsmax@att.net>
Date: Fri, Jan 6, 2017 at 5:36 PM
Subject: Fwd: Zoning petition
To: Carmine Ferraro <carmel32927@gmail.com>

Thank you

Sent from my iPad

Begin forwarded message:

From: Carmine Ferraro <carmel32927@gmail.com>
Date: January 6, 2017 at 10:04:30 AM EST
To: Gail Mangiofico <gailsmax@att.net>
Subject: Re: Zoning petition

Ok, will pass that concern on to the property owner.
Regards

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address

3860 Curtis Blvd #636
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

On Thu, Jan 5, 2017 at 8:06 PM, Gail Mangiofico <gailsmax@att.net> wrote:
No I was not planning on attending and I don't have any objections as long it doesn't have anything to do with alcohol.

Thank you
Gail Mangiofico

Sent from my iPad

On Jan 5, 2017, at 7:23 PM, Carmine Ferraro <carmel32927@gmail.com> wrote:

Ms. Mangiofico:

Thank you for your inquiry. The requested zoning category is BU-1 (General Commercial), The size of the property and access will limit the uses from a functionality standpoint. The property owner does not have a specific use in mind and is willing to restrict certain uses that may be objectionable to his neighbors. We will be discussing possible use restrictions at the zoning meetings.

Are you planning on attending the PSJ meeting on 1/11?

Regards

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address
3860 Curtis Blvd #638
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

On Thu, Jan 5, 2017 at 7:05 PM, Gail Mangiofico <gailsmax@att.net> wrote:

Sent from my iPad Could you please let me know what they would like to do to the property? I live almost directly across from the address so I do have an interest in what changes they would like to make.

Thank you
Gail Mangiofico

OBJECTION
IV.B.1.

Jones, Jennifer

From: Carmine Ferraro <carmel32927@gmail.com>
Sent: Wednesday, January 18, 2017 3:31 PM
To: Jones, Jennifer
Subject: Fwd: Zoning Petition 5010 Fay Blvd

Email #1

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address
3860 Curtis Blvd #636
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

----- Forwarded message -----
From: Carmine Ferraro <carmel32927@gmail.com>
Date: Wed, Jan 11, 2017 at 9:23 AM
Subject: Re: Zoning Petition 5010 Fay Blvd
To: Julie Carroll <julesamil@aol.com>

Thank you for your reply, I will mention this at the meeting tonight.
Regards

Carmine Ferraro, President, Broker, Managing Member
Crossover Commercial Group, Inc.
Carmel Development, LLC

New Address
3860 Curtis Blvd #636
Port St. John, FL 32927
(321) 536-5200

Confidentiality Note: The information contained in the electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete copies.

On Wed, Jan 11, 2017 at 6:03 AM, Julie Carroll <julesamil@aol.com> wrote:

Dear Carmine,

Per our conversation on Monday, Jan. 9, 2017, I do have some concerns about the changes that are being requested.

I moved to this area because it was a 'quiet' area with relatively low crime compared to other areas.

I already have problems with my driveway being a 'turn-around' when someone misses a turn at the intersection.

I have seen that increased over the years as the traffic has increased. That will increase even more with this change.

I am concerned with the safety at the intersection already, as accidents are becoming a common occurrence.

This will increase as more people come to the intersection with another business there.

With increased traffic, also brings possibility of increased crime.

Many children walk to school in this area. I have concerns with their safety with increased traffic.

The intersection has already become 'too small' for the current amount of traffic that passes through it. This will only make problems worse.

I have other concerns with this re-zoning, but these are my major ones.

With that being said, I do not approve of the re-zoning of the property.

Julie Carroll

Sent from my iPhone

16PZ0011-LUKAS J. + ANNE LISE KAMMERMAN

TOWNSHIP 23, RANGE 35, SECTION 22

16PZ00111 and SSA 16S.11

Residential U to CC
by
7-1-9 to 8-1-1

Legend

-  Subject Property
-  Twp/Ring Lines
-  Sections
-  Parcels
-  Streets
-  Zoning Easements
-  Zoning Actions
-  Municipality



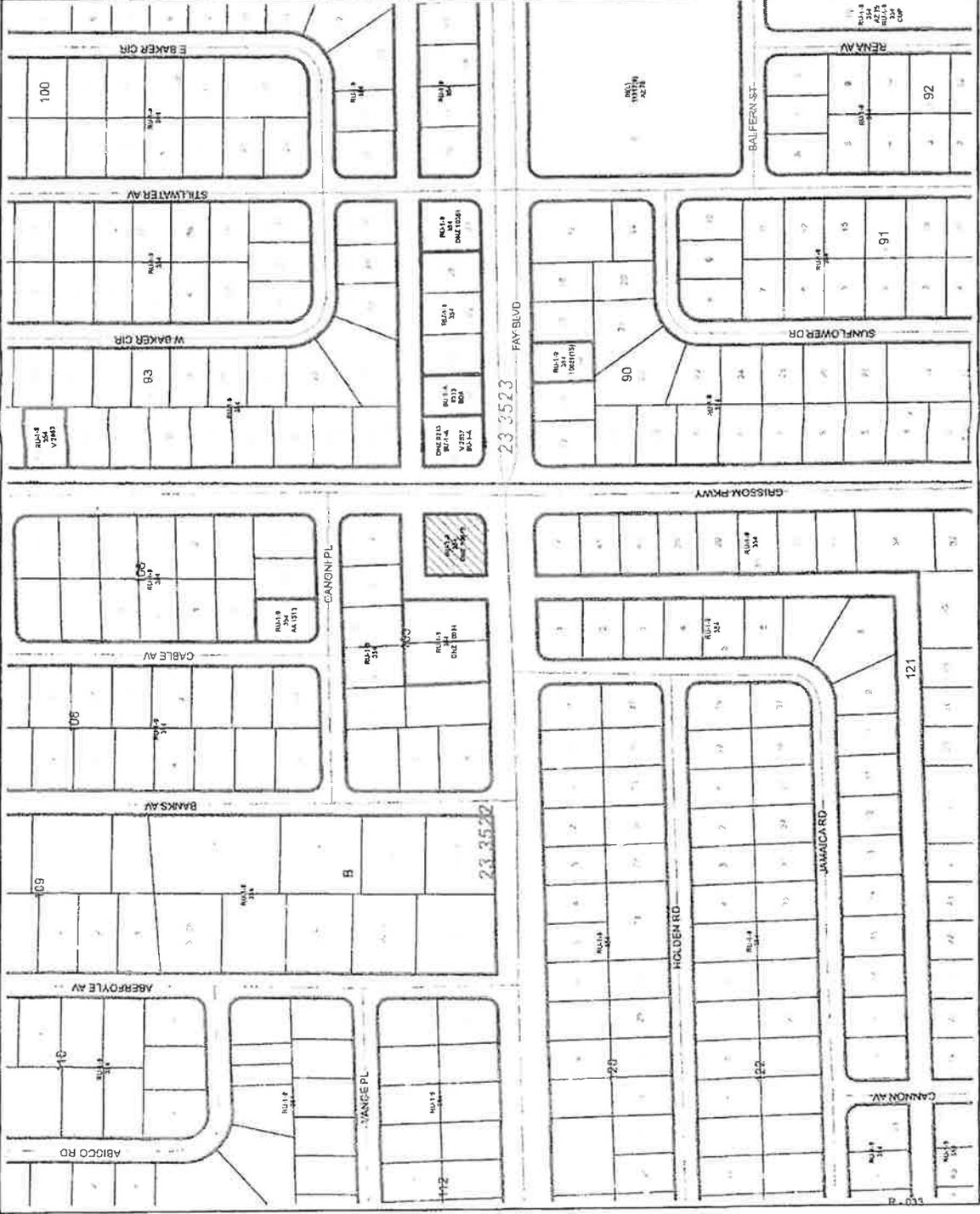
For Brevard County
Planning & Zoning
Office Use Only



0 50 100 200 Feet

1 Inch = 200 Feet

Date: 11/4/2016



165.11



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 Res 4 Existing Zoning RU-1-9
Proposed FLU CC Proposed Zoning RU-1

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 B3 R 35 S 22 S/D 01 Blk/Par 105 Lot 12

Acres of Request: .36

Reason for Request: sale of property for commercial use

COUNTY PLANNER USE ONLY

ACCELA# 16P200111 Fee \$ 2,399.00

Date filed 11-02-16 Planner PB

District# 1 Tax Account ID# 2307354

(list all parcels)

Notification radius (feet) 500 Sign Issued PB

Meeting(s) Date Time

NMI

PSJ Board Jan. 11 2017 6:30pm

P&Z (PA) Jan 23, 2017 3:00pm

BCC Feb. 2, 2017 5:00pm

BOA

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

If Yes, list which Port St. John

Location: North west corner of Fay Blvd and Grissom Pkwy

Detailed Description: Change Zoning From RU-1-9 to RU-10 and Change FLU From Res 4 to CC

PROPERTY OWNER:

Name: Lukas Kammerman Company: _____
Address: 5010 Fay Blvd E-Mail: _____
City: COCOA BEACH 32927 State _____ Zip _____
Phone: (321) 632-0526 Fax: () Cell: ()

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

Name: Carmel Development, LLC Company: Carmine Ferrara MEMBER
Address: 3860 Curtis Blvd #636 E-Mail: Carmel.32927@gmail.com
City: COCOA State FL Zip 32927
Phone: (321) 536-5200 Fax: () Cell: () same

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:

State of _____ County of _____ I _____ 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:

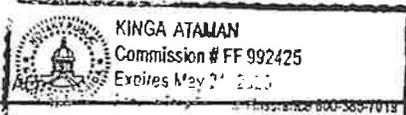
I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.

I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

[Signature]
Signature of Property Owner/Authorized Representative Date _____

The foregoing instrument was acknowledged before me this 2 day of November, 2016 by Carmine Ferrara who is Personally Known by me _____ OR Produced Identification _____ Type of Identification Produced FDL

[Signature]
Notary Public Signature



R - 034

ACCELA # 16PZ 00111

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
Administrative Waiver	✓	✓	✓	NA	✓	✓		NA			✓	✓					✓	
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1		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 or Flag lot	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: Carmel Development, LLC **Staff Planner:** _____

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: _____

Requested Future Land Use Designation: _____

Existing Zoning: _____

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.

Applicant is seeking a zoning change to BU-1 in order to sell its land for commercial use, which requires a future land use change as requested.

(use additional sheets if necessary)

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		
Multiple-Family Residential	960.00	() x 24		
Recreational Vehicle Park	1,408.00	() x 24		
Mobile Home Park/Mobile Home Co-op	1,408.00	() x 24		

\$1,208.00

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 Unlisted Zoning Applications	849.00
Miscellaneous	<u>977.00</u>
SUB-TOTAL****P****	
Office of Natural Resources review fee (if applicable) (\$250.00 for rezoning review, \$300.00 for flag lot & easement review)	<u>250.00</u>
Address Assignment review of flag lot & easement	50.00
Land Development PUD Review Fee (\$100.00)	<u>97.00</u>
TOTAL	
	<u>\$2,397.00</u>

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.....	R 055 nn

ACCELA FEE SHEET

Fee Schedule: Zoning

Version: Version 1

Payment period	Priority	Subgroup	Fee Code	Fee Item	Quantity (Amount)
FINAL			PZ300	Zoning /Variance	5,208
FINAL			PZ310	Comprehensive plan	919
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	NRMO	250
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application/ Consultant Fee	
FINAL			PZ370	Land Development PUD Review	





Planning & Development
Central Cashier
2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 11/2/2016
Receipt #: 429079
Transaction Id# 2837

Payment Method	Payment Reference #	Amount Paid	Comments
Check	2837	\$2,377.00	
		\$2,377.00	Total
5010 Fay BLVD, FL			
PZ Miscellaneous Fees		\$2,377.00	
16PZ00111			
Fee	Invoice #	Amount	
Comprehensive Plan	455902	\$918.00	
NRMO	455902	\$250.00	
Zoning/Variance	455902	\$1,208.00	
			Grand Total
			\$2,377.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev
P (321) 633-2068 F (321) 633-2052



Zoning Information Worksheet

Owner(s): Lukas and Annelise Kammerman
(Does this match the warranty deed?)

Applicant(s): Carmine Ferraro
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 23-35-22-01-105-12
(If more than one parcel, they must share a property line to be on the same application.)

PRESENT ZONING: RU-1-9

- Is there a BDP or a CUP on the property? Yes/No: (No)
- Is this a non-conforming lot of record? Yes/No: (No) Why? _____
- Is this a substandard lot? Yes/No: (No) Why? _____

REQUESTED ZONING/CUP: BU-1

What is the FLU Designation of the property?: Res 4

- Is the requested zoning consistent with the FLU? Yes/No: (No) (see compatibility table)
- If no, what is the requested small scale plan amendment? (MUST BE 10.00 ACRES OR LESS.)

CC

BDP Requested? Yes/No: (No)

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

PREVIOUSLY APPROVED ZONING ACTIONS: DNZ-10616, DNZ-10084, Z-2980

Most recent zoning change in same section? Z# 10084 (Lots to west)

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

Abutting property zoning classifications: N RU-1-9 Drainage S Road E Road W RU-1-9 Drainage
Right of Way Right of Way

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: for Commercial uses

- If proposing single-family or multi-family how many units? NA
- If proposing a CUP for alcohol, how many seats? NA Bar or Restaurant? NA
 - 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: (No) (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? Single Family Residence

Describe the character of the area: Single Family with BU-1-A across Grissom Pkwy

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?

Planner: PB
R-040
Checked by: PB

(7)

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:

Carmel32927@gmail.com or U.S. Mail _____
e-mail address fax number

Yes/No

I have received a copy of this notice:

[Signature]
(APPLICANT SIGNATURE)

CFN:2001023757 02-09-2001 07:43 am
OR Book/Page 4285 / 3493

Prepared by and return to:
John Minot, Attorney
319 River Edge Boulevard Suite 214
Cocoa, Florida 32922
323-636-0055
File Number: 01-9730

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 1 #Names: 3
Trust 1.00 Rec: 5.00 Serv: 0.00
Deed: 490.00 Excise: 0.00
Mig: 0.00 Int Tax: 0.00

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 2nd day of February, 2001 between B. B. Nelson whose post office address is 3535 N. Cocoa Boulevard, Cocoa, Florida 32922, grantor, and Lukas J. Kammermann and Aannelise Kammermann, his wife whose post office address is 5010 Fay Blvd., Cocoa, Florida 32927, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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:

Lot 12, Block 105, PORT ST. JOHN, UNIT FOUR, according to the plat thereof, as recorded in Plat Book 22, page 36, public records of Brevard County, Florida.

Parcel Identification Number: 23-35-22-01-105-12

The above described property is NOT the Homestead of Grantor.

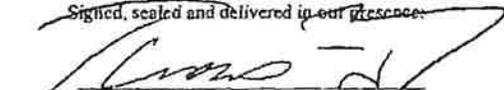
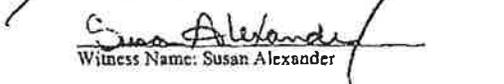
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

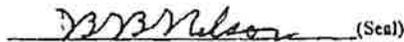
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in 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, 2000.

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:


Witness Name: Thomas Minot

Witness Name: Susan Alexander

 (Seal)
B.B. Nelson

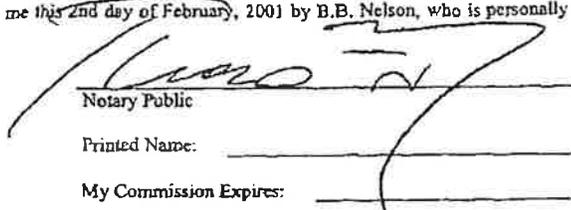
State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 2nd day of February, 2001 by B.B. Nelson, who is personally known to me.

(Notary Seal)



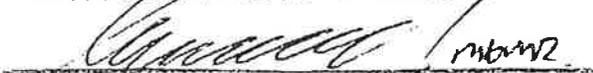
Thomas Minot
MY COMMISSION # 0001183 EXPIRES
November 13, 2001
SCAF CO THEY THEY HAVE INSURANCE, INC.


Notary Public

Printed Name: _____

My Commission Expires: _____

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARTIES TO BE ADVERTISED.



SIGNATURE

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

I, Lukas Kammermann authorize Carzmine Ferraro

to act as applicant, representing me in Public Hearings before Brevard County pertaining to Land Use.

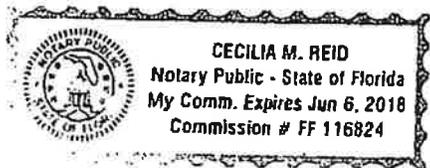
[Signature]
Signature

State of Florida, County of Brevard
Sworn and subscribed to before me

This 4 day of Aug. 2016.

Driver License
Form of Identification

Cecilia M. Reid
Notary Public



My commission expires: 6/6/2018



Account #: 2307354

Property Information

Owners: Kammermann, Lukas
 Annelise Kammermann
 Site Address: 5010 Fay Blvd Cocoa Fl 32927
 Mailing Address: 5010 Fay Blvd Cocoa Fl 32927
 Parcel ID: 23-35-22-01-105-12
 Property Use: 0110 - Single Family Residence
 Exemptions: HEX1 - Homestead First \$25,000
 HEX2 - Homestead Additional \$25,000
 Taxing District: 1900 - Unincorp District 1
 Subdivision: Port St John Unit 4

Value Summary Information

Value Category	2016	2015	2014
Total Market Value	\$75,090	\$68,310	\$58,260
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$75,090	\$61,120	\$55,570
Assessed Value School	\$75,090	\$68,310	\$58,260
Homestead Exemption	\$25,000	\$0	\$0
Additional Homestead	\$25,000	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$25,090	\$61,120	\$55,570
Taxable Value School	\$50,090	\$68,310	\$58,260

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
02/02/2001	\$70,000	WD	False	4285/3493
07/28/1999	\$100	QC	False	4049/0050
12/30/1996	\$52,500	WD	False	3633/3163
07/01/1994	\$0	QC	False	3444/3955
11/07/1989	\$100	QC		3027/2384
08/08/1985	\$100	NN		2624/1201
08/05/1985	\$100	NN		2624/1200

Building Information

Property Data Card #1
 Building Use: 0110 - Single Family Residence
 Year Built: 1986

Building Materials

EXTERIOR WALL: VINYL/ALUMINUM
 FRAME: WOOD FRAME
 ROOF: ASPH/ASB SHNGL
 ROOF STRUCTURE: HIP/GABLE

Building Sub-areas

BASE AREA (1st): 912

Extra/Special Features

GARAGE DETACHED: AVERAGE: 720
 SCREEN ENCLOSURE: AVERAGE: 180
 PATIO: CONCRETE: 36
 COVERED PATIO: AVERAGE: 96

Land Information

Total Acres: 0.36
 Site Code: 0307 - Fay Blvd
 Plat Book/Page: 0022/0036
 Description: Port St John Unit 4 Lot 12 Blk 105

12



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

BOARD OF COUNTY COMMISSIONERS

December 23, 2016

Dear Applicant: LUKAS J. & ANNE LISE KAMMERMAN

Your request for zoning action will be considered by the Port St. John Dependent Special District Advisory Board at the public hearing scheduled for WEDNESDAY, JANUARY 11, 2017, as Item 1. This hearing will be held at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida, beginning at 6:00 p.m., or as soon thereafter as possible.

A public hearing will be held by the Local Planning Agency (LPA) on MONDAY, JANUARY 23, 2017, at 3:00 p.m. This hearing will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

The final public hearing will be held by the Board of County Commissioners on THURSDAY, FEBRUARY 2, 2017, 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 all 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. DiFabio, AICP, Director
Planning & Development Department

RMD/jj

cc: Carmine Ferraro

Dear Property Owner:

ID# 16PZ00111

This COURTESY NOTICE is being sent to inform you that your property is within 500' of property owned by LUKAS J. & ANNELEISE KAMMERMAN, who are requesting a Small Scale Plan Amendment and a change of classification on 0.36 acres. The property is located on the northwest corner of Fay Blvd., and Grissom Pkwy (5010 Fay Blvd., Cocoa)

Current Future Land Use and Zoning: Residential 4 and RU-1-9 (Single-Family Residential)
Request: CC (Community Commercial) and BU-1 (General Retail Commercial)

A public hearing will be held at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida, by the Port St. John Dependent Special District Board on **Wednesday, January 11, 2017, at 6:00 p.m.** A public hearing will be held by the Local Planning Agency (LPA) on **Monday, January 23, 2017, at 3:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way., Bldg. C, Viera, Florida, 32940. The final public hearing will be held by the Board of County Commissioners on **Thursday, February 2, 2017, at 5:00 p.m.**, also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

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/PSJSpecialDistrict 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 48 hours prior to the public hearing.

Dear Property Owner:

ID# 16PZ00111

This COURTESY NOTICE is being sent to inform you that your property is within 500' of property owned by LUKAS J. & ANNELEISE KAMMERMAN, who are requesting a Small Scale Plan Amendment and a change of classification on 0.36 acres. The property is located on the northwest corner of Fay Blvd., and Grissom Pkwy (5010 Fay Blvd., Cocoa)

Current Future Land Use and Zoning: Residential 4 and RU-1-9 (Single-Family Residential)
Request: CC (Community Commercial) and BU-1 (General Retail Commercial)

A public hearing will be held at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida, by the Port St. John Dependent Special District Board on **Wednesday, January 11, 2017, at 6:00 p.m.** A public hearing will be held by the Local Planning Agency (LPA) on **Monday, January 23, 2017, at 3:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way., Bldg. C, Viera, Florida, 32940. The final public hearing will be held by the Board of County Commissioners on **Thursday, February 2, 2017, at 5:00 p.m.**, also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

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/PSJSpecialDistrict 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 48 hours prior to the public hearing.

Dear Property Owner:

ID# 16PZ00111

This COURTESY NOTICE is being sent to inform you that your property is within 500' of property owned by LUKAS J. & ANNELEISE KAMMERMAN, who are requesting a Small Scale Plan Amendment and a change of classification on 0.36 acres. The property is located on the northwest corner of Fay Blvd., and Grissom Pkwy (5010 Fay Blvd., Cocoa)

Current Future Land Use and Zoning: Residential 4 and RU-1-9 (Single-Family Residential)
Request: CC (Community Commercial) and BU-1 (General Retail Commercial)

A public hearing will be held at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida, by the Port St. John Dependent Special District Board on **Wednesday, January 11, 2017, at 6:00 p.m.** A public hearing will be held by the Local Planning Agency (LPA) on **Monday, January 23, 2017, at 3:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way., Bldg. C, Viera, Florida, 32940. The final public hearing will be held by the Board of County Commissioners on **Thursday, February 2, 2017, at 5:00 p.m.**, also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

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/PSJSpecialDistrict 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 48 hours prior to the public hearing.

Dear Property Owner:

ID# 16PZ00111

This COURTESY NOTICE is being sent to inform you that your property is within 500' of property owned by LUKAS J. & ANNELEISE KAMMERMAN, who are requesting a Small Scale Plan Amendment and a change of classification on 0.36 acres. The property is located on the northwest corner of Fay Blvd., and Grissom Pkwy (5010 Fay Blvd., Cocoa)

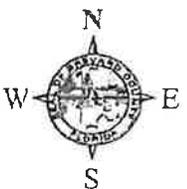
Current Future Land Use and Zoning: Residential 4 and RU-1-9 (Single-Family Residential)
Request: CC (Community Commercial) and BU-1 (General Retail Commercial)

A public hearing will be held at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida, by the Port St. John Dependent Special District Board on **Wednesday, January 11, 2017, at 6:00 p.m.** A public hearing will be held by the Local Planning Agency (LPA) on **Monday, January 23, 2017, at 3:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way., Bldg. C, Viera, Florida, 32940. The final public hearing will be held by the Board of County Commissioners on **Thursday, February 2, 2017, at 5:00 p.m.**, also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

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/PSJSpecialDistrict 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 48 hours prior to the public hearing.

RADIUS MAP

KAMMERMAN, LUKAS J. AND ANNEISE
 16PZ00111 and Small Scale Amendment 16S.11



1:4,800 or 1 inch = 400 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 hereon.

16PZ00111
Page1

FERRARO, Carmine
Carmel Development, LLC
3860 Curtis Blvd., #636
Cocoa, FL 32927

2015-3 IH2 BORORWER LP
901 MAIN ST STE 4700
DALLAS TX 75202-0000

ALVAREZ, VICTOR R
ALVAREZ, GIRALDO C
4915 FAY BLVD
COCOA FL 32927-0000

ANDERSON, LORRAINE V
6370 WEST BAKER CIR
COCOA FL 32927-0000

ATKINSON, PHILLIP W
ATKINSON, MARGARET E H/W
6220 GRISSOM PARKWAY
COCOA FL 32927-0000

BAKER, BEULAH H/W
BAKER, CHARLES W
6380 GRISSOM PKWY
COCOA FL 32927-0000

BARNETTE, ROBERT D
BARNETTE, CAROL G H/W
5090 FAY BLVD
COCOA FL 32927-0000

BELL, JEFFREY L
6310 BAKER CIRCLE W
COCOA FL 32927-0000

BELL, NOAH R
BELL, LINDA L H/W
6320 WEST BAKER CIRCLE
COCOA FL 32927-0000

BELL, STEVEN CRAIG
BELL, NANCY P H/W
5045 CANONI PLACE
COCOA FL 32927-0000

BELLSOUTH TELECOMMUNICATIONS INC
D/B/A T & T FLORIDA
P O BOX 7207
BEDMINSTER NJ 07921-0000

BENNETT, BRIAN M
4990 FAY BLVD
COCOA FL 32927-0000

BOOS, KELLY J
BOOS, DAMIAN J H/W
6360 BAKER CIRCLE W
COCOA FL 32927-0000

BOWEN, THERESA A
BOWEN, MICHAEL L H/W
6325 BANKS AVE
COCOA FL 32927-0000

BRISTOL, LYLE C
BRISTOL, DARLENE R TRUSTEES
6375 BANKS AVE
COCOA FL 32927-0000

BROWN, DEBORAH S TRUSTEE
P O BOX 1142
TITUSVILLE FL 32781-1142

CALVACCA, J MICHAEL
CALVACCA, KELLY A H/W
6362 CABLE AVE
COCOA FL 32927-0000

CARLON, THOMAS
5115 FAY BLVD
COCOA FL 32927-0000

CARROLL, JULIE C
5013 JAMAICA RD
COCOA FL 32927-0000

CHRISTIANA TRUST TRUSTEE
1660 WORTHINGTON AVE
WEST PALM BEACH FL 33409-0000

CHUA, MAUREEN Y
23 HIGHFIELD CT
COCKEYSVILLE MD 21030-0000

DEGE, WILTON A
5037 JAMAICA RD
COCOA FL 32927-0000

DEMETROPOULOS, DEAN J
5025 CANONI PL
COCOA FL 32927-0000

DEVEAUX, JOSEPH
DEVEAUX, REBECCA H/W
6235 GRISSOM PKWY
COCOA FL 32927-0000

DRYLIE, DANIEL T
5020 JAMAICA ROAD
COCOA FL 32927-0000

DUFRESNE, DONALD P
DUFRESNE, JANE L H/W LIFE ESTATE
4985 FAY BLVD
COCOA FL 32927-0000

ENGLAND-JORDAN, JACQUELYN D
JORDAN, DAVID W H/W
6330 BAKER CIRCLE W
COCOA FL 32927-0000

FEDORKO, BRIAN T
6355 GRISSOM PKWY
COCOA FL 32927-0000

FISHKIN, BARRIE J
FISHKIN, BRENDA L H/W
5025 JAMAICA RD
COCOA FL 32927-0000

16P200111
Page2

FLEMING, JAMES L
FORSYTHE, ANTOINETTE
6320 BANKS AVE
COCOA FL 32927-0000

FULTZ, LONNY
6345 GRISSOM PKWY
COCOA FL 32927-0000

GIBBS, STEPHEN A
6170 SUNFLOWER DR
COCOA FL 32927-0000

GLADDEN, CYNTHIA J
6315 BANKS AVE
COCOA FL 32927-0000

GRASSO, THOMAS G
4975 FAY BLVD
COCOA FL 32927-0000

GRAY, ROBERT O JR
GRAY, MARY J H/W
6240 GRISSOM PKWY
COCOA FL 32927-0000

GULLUSCIO, CHARLES R
3 GINNY DR
P O BOX 729
SHELTER ISLAND NY 11964-0729

HARRIS, WALTER D
6360 GRISSOM PKWY
COCOA FL 32927-0000

HEFELFINGER, RICHARD C
HEFELFINGER, MICHELLE E H/W
5040 CANONI PLACE
COCOA FL 32927-0000

HENBURY, ALEC J
JEFFERY, ACASIA L
5020 CANONI PLACE
COCOA FL 32927-0000

HUNTER, LESLIE KEITH
6375 CABLE AVE
COCOA FL 32927-0000

ISAACS, RICHARD K
6325 GRISSOM PKWY
COCOA FL 32927-0000

JOHNSON, LINDA L
5110 HOLDEN ROAD
COCOA FL 32927-0000

KAMMERMANN, LUKAS J
KAMMERMANN, ANNELISE H/W
5010 FAY BLVD
COCOA FL 32927-0000

KRISMER, JAMES J
KRISMER, LA VERNE M H/W
3997 BOOMER RD
CINCINNATI OH 45247-0000

LA FON, KAREN
1345 HARBOR POINT DR
MERRITT ISLAND FL 32952-2833

LOPEZ, YOENDRY
BARONE, ARIEL A
5070 FAY BLVD
COCOA FL 32927-0000

LOPILATO, RICHARD LIFE ESTATE
LOPILATO, MARY G ESTATE
6385 GRISSOM PARKWAY
COCOA FL 32927-0000

MANGIOFICO, GAIL A
4935 FAY BLVD
COCOA FL 32927-0000

MANN, PAMELA S
6250 GRISSOM PKWY
COCOA FL 32927-0000

MARTIN, J J JR
MARTIN, TERRY H/W
4970 FAY BLVD
COCOA FL 32927-0000

MYERS, SHELLY P III
MYERS, SHIRLEY G H/W
5005 CANONI PLACE
PORT ST. JOHN FL 32927-0000

NUNEZ, MICHAEL SCOTT
6245 GRISSOM PKWY
COCOA FL 32927-0000

PATEL, ARUN I
PATEL, SUDHA A TRUSTEES
6365 BANKS AVE
COCOA FL 32927-0000

PIERCE, RITA D
5120 HOLDEN ROAD
COCOA FL 32927-0000

PLATT, JOHN L
PLATT, GINGER L H/W
6300 BANKS AVE
COCOA FL 32927-0000

PRUETT, BARBARA A
6475 STILLWATER AVE
COCOA FL 32927-0000

RAINFORD, HERMINE A LIFE ESTATE
5075 FAY BLVD
COCOA FL 32927-0000

RESTINA, ROBERT JR
6340 W BAKER CIR
COCOA FL 32927-0000

16PZ00111
Page3

RIX, JAMES E SR
5035 FAY BLVD
COCOA FL 32927-0000

ROBINSON, DONALD K JR
ROBINSON, RACHELLE R H/W
6350 CABLE AVE
COCOA FL 32927-0000

SCHMEISKE, DAVID B
SCHMEISKE, NICOLE B H/W
5055 CANONI PL
COCOA FL 32927-0000

SEIBERT, LA CHRISTA F
WILLIAMS, PERRY JAMES
6350 W BAKER CIR
COCOA FL 32927-0000

SWENSON, GLENN E
5049 JAMAICA RD
COCOA FL 32927-0000

THOMAS, DONALD J
THOMAS, REBECCA S H/W
6176 SUNFLOWER DR
COCOA FL 32927-0000

TOMASKO, THOMAS
7205 CARILLEN AVE
COCOA FL 32927-0000

TUCKER, LINDA S
6335 GRISSOM PARKWAY
COCOA FL 32927-0000

WAGNER, SAMUEL B
6355 BANKS AVENUE
COCOA FL 32927-0000

WEIGEL, CHRISTOPHER M
6182 SUNFLOWER DR
COCOA FL 32927-0000

WINN, JUSTIN
6374 CABLE AVE
COCOA FL 32927-0000

YON, ALTON J
YON, ILONA H/W
6215 GRISSOM PKWY
COCOA FL 32927-0000

OWNER1|OWNER2|MAIL1|MAIL2|CITY_STATE_ZIP5_ZIP4
 16PZ001111|page1|
 FERRARO, Carmine|Carme| Development, LLC|3860 Curtis Blvd., #636|Cocoa, FL 32927|
 15013-3 IHZ BORROWER LP|1901 MAIN ST STE 4700|DALLAS TX 75202-0000
 ALVAREZ, VICTOR R|ALVAREZ, GIRALDO C|4915 FAY BLVD|COCOA FL 32927-0000
 ANDERSON, LORRAINE V|16370 WEST BAKER CIR|COCOA FL 32927-0000
 ATKINSON, PHILLIP W|ATKINSON, MARGARET E H/W|6220 GRISSOM PARKWAY|COCOA FL 32927-0000
 BAKER, BEULAH H/W|BAKER, CHARLES W|6380 GRISSOM PKWY|COCOA FL 32927-0000
 BARNETTE, ROBERT D|BARNETTE, CAROL G H/W|5090 FAY BLVD|COCOA FL 32927-0000
 BELL, JEFFREY LI|16310 BAKER CIRCLE W|COCOA FL 32927-0000
 BELL, NOAH R|BELL, LINDA L H/W|6320 WEST BAKER CIRCLE|COCOA FL 32927-0000
 BELL, STEVEN CRAIG|BELL, NANCY P H/W|5045 CANONI PLACE|COCOA FL 32927-0000
 BELLSOUTH TELECOMMUNICATIONS INC|D/B/A A T & T FLORIDA|P O BOX 7207|BEDMINSTER NJ 07921-0000
 BENNETT, BRIAN M|4990 FAY BLVD|COCOA FL 32927-0000
 BOOS, KELLY J|BOOS, DAMIAN J H/W|6360 BAKER CIRCLE W|COCOA FL 32927-0000
 BOWEN, THERESA A|BOWEN, MICHAEL L H/W|6325 BANKS AVE|COCOA FL 32927-0000
 BREVARD COUNTY|700 PARK AVE S|TITUSVILLE FL 32780-0000
 BREVARD COUNTY|700 PARK AVE S|TITUSVILLE FL 32780-0000
 BREVARD COUNTY|700 PARK AVE S|TITUSVILLE FL 32780-0000
 BROWN, DEBORAH S|TRUSTEE|P O BOX 1142|TITUSVILLE FL 32781-1142
 CALVACCA, J MICHAEL|CALVACCA, KELLY A H/W|6362 CABLE AVE|COCOA FL 32927-0000
 CARLON, THOMAS|5115 FAY BLVD|COCOA FL 32927-0000
 CARROLL, JULIE C|15013 JAMAICA RD|COCOA FL 32927-0000
 CHRISTIANA TRUST TRUSTEE|1660 WORTHINGTON AVE|WEST PALM BEACH FL 33409-0000
 CHUA, MAUREEN Y|123 HIGHFIELD CT|COCKEYSVILLE MD 21030-0000
 DEDGE, WILTON A|5037 JAMAICA RD|COCOA FL 32927-0000
 DEMETROPOULOS, DEAN J|15025 CANONI PL|COCOA FL 32927-0000
 DEVEAUX, JOSEPH|DEVEAUX, REBECCA H/W|6235 GRISSOM PKWY|COCOA FL 32927-0000
 DRYLIE, DANIEL T|15020 JAMAICA ROAD|COCOA FL 32927-0000
 DUFRESNE, DONALD P|DUFRESNE, JANE L H/W LIFE ESTATE|4985 FAY BLVD|COCOA FL 32927-0000
 ENGLAND-JORDAN, JACQUELYN D|JORDAN, DAVID W H/W|6330 BAKER CIRCLE W|COCOA FL 32927-0000
 FEDORKO, BRIAN T|16355 GRISSOM PKWY|COCOA FL 32927-0000
 FISHKIN, BARRIE J|FISHKIN, BRENDA L H/W|5025 JAMAICA RD|COCOA FL 32927-0000
 FLEMING, JAMES L|FORSYTHE, ANTOINETTE|6320 BANKS AVE|COCOA FL 32927-0000
 FULTZ, LONNY|16345 GRISSOM PKWY|COCOA FL 32927-0000
 GIBBS, STEPHEN A|6170 SUNFLOWER DR|COCOA FL 32927-0000
 GIBBS, STEPHEN A|6170 SUNFLOWER DR|COCOA FL 32927-0000
 GLADDEN, CYNTHIA J|16315 BANKS AVE|COCOA FL 32927-0000
 GRASSO, THOMAS G|4975 FAY BLVD|COCOA FL 32927-0000
 GRAY, ROBERT O JR|GRAY, MARY J H/W|6240 GRISSOM PKWY|COCOA FL 32927-0000
 GULLUSCIO, CHARLES R|3 GINNY DR|P O BOX 729|SHELTER ISLAND NY 11964-0729
 HARRIS, WALTER D|16360 GRISSOM PKWY|COCOA FL 32927-0000
 HEFELFINGER, RICHARD C|HEFELFINGER, MICHELLE E H/W|5040 CANONI PLACE|COCOA FL 32927-0000
 HENBURY, ALEC J|JEFFERY, ACASIA L|5020 CANONI PLACE|COCOA FL 32927-0000
 HUNTER, LESLIE KEITH|16375 CABLE AVE|COCOA FL 32927-0000
 ISAACS, RICHARD KI|16325 GRISSOM PKWY|COCOA FL 32927-0000
 JOHNSON, LINDA L|15110 HOLDEN ROAD|COCOA FL 32927-0000
 KAMMERMANN, LUKAS J|KAMMERMANN, ANNELISE H/W|5010 FAY BLVD|COCOA FL 32927-0000
 KRISMER, JAMES J|KRISMER, LA VERNE M H/W|1997 BOOMER RD|CINCINNATI OH 45247-0000
 LA FON, KAREN|1345 HARBOR POINT DR|MERRITT ISLAND FL 32952-2833
 LOPEZ, YOENDRY|BARONE, ARIEL A|5070 FAY BLVD|COCOA FL 32927-0000
 LOPILATO, RICHARD LIFE ESTATE|LOPILATO, MARY G ESTATE|6385 GRISSOM PARKWAY|COCOA FL 32927-0000
 MANGIOFICO, GAIL A|14935 FAY BLVD|COCOA FL 32927-0000
 MANN, PAMELA S|16250 GRISSOM PKWY|COCOA FL 32927-0000
 MARTIN, J J JR|MARTIN, TERRY H/W|4970 FAY BLVD|COCOA FL 32927-0000

MYERS, SHELLY P III | MYERS, SHIRLEY G H/W | 5005 CANONI PLACE | PORT ST. JOHN FL 32927-0000
 NUNEZ, MICHAEL SCOTT | 16245 GRISSOM PKWY | COCOA FL 32927-0000
 PATEL, ARUN I | PATEL, SUDHA A TRUSTEES | 6365 BANKS AVE | COCOA FL 32927-0000
 PIERCE, RITA D | 15120 HOLDEN ROAD | COCOA FL 32927-0000
 PLATT, JOHN L | PLATT, GINGER L H/W | 6300 BANKS AVE | COCOA FL 32927-0000
 PRUETT, BARBARA A | 16475 STILLWATER AVE | COCOA FL 32927-0000
 RAINFORD, HERMINE A | LIFE ESTATE | 15075 FAY BLVD | COCOA FL 32927-0000
 RESTINA, ROBERT JR | 16340 W BAKER CIR | COCOA FL 32927-0000
 RIX, JAMES E SR | 15035 FAY BLVD | COCOA FL 32927-0000
 ROBINSON, DONALD K JR | ROBINSON, RACHELLE R H/W | 6350 CABLE AVE | COCOA FL 32927-0000
 SCHMEISKE, DAVID | SCHMEISKE, NICOLE B H/W | 5055 CANONI PL | COCOA FL 32927-0000
 SEIBERT, LA CHRISTA | FILLIAMS, PERRY JAMES | 6350 W BAKER CIR | COCOA FL 32927-0000
 SWENSON, GLENN E | 15049 JAMAICA RD | COCOA FL 32927-0000
 THOMAS, DONALD J | THOMAS, REBECCA S H/W | 16176 SUNFLOWER DR | COCOA FL 32927-0000
 TOMASKO, THOMAS | 7205 CARILLEN AVE | COCOA FL 32927-0000
 TUCKER, LINDA S | 6335 GRISSOM PARKWAY | COCOA FL 32927-0000
 WAGNER, SAMUEL B | 16355 BANKS AVENUE | COCOA FL 32927-0000
 WEIGEL, CHRISTOPHER M | 16182 SUNFLOWER DR | COCOA FL 32927-0000
 WINN, JUSTIN | 16374 CABLE AVE | COCOA FL 32927-0000
 YON, ALTON J | YON, ILONA H/W | 6215 GRISSOM PKWY | COCOA FL 32927-0000

16PZ00111-0.txt

BUFF_ID	TAXID	PARCEL_ID	OWNER1	OWNER2	MAIL1	MAIL2	CITY	STATE	ZIP5	ZIP4
0	2310219123	3523JM	OWNERS							
1	2310158	23	5.	2015-3	IHZ BORORWER LP	1901 MAIN ST	STE 4700	DALLAS	TX	75202 0
2	2310234	23	16.	ALVAREZ, VICTOR R	ALVAREZ, GIRALDO	C14915 FAY BLVD		COCOA	FL	32927 0
3	2307814	23	19.	ANDERSON, LORRAINE V	16370 WEST BAKER CIR			COCOA	FL	32927 0
4	2307366	23	38.	ATKINSON, PHILLIP	WIATKINSON, MARGARET E	H/W 6220 GRISSOM PARKWAY		COCOA	FL	32927 0
5	2307350	23	12.	BAKER, BEULAH H/W	BAKER, CHARLES W	6380 GRISSOM PKWY		COCOA	FL	32927 0
6	2310240	23	8.	BARNETTE, ROBERT D	BARNETTE, CAROL G	H/W 5090 FAY BLVD		COCOA	FL	32927 0
7	2310239	23	25.	BELL, JEFFREY L	16310 BAKER CIRCLE W			COCOA	FL	32927 0
8	2307345	23	24.	BELL, NOAH R	BELL, LINDA L	H/W 6320 WEST BAKER CIRCLE		COCOA	FL	32927 0
9	2310156	23	32.	BENNETT, BRIAN M	14990 FAY BLVD			COCOA	FL	32927 0
10	2310247	23	32.	BENNETT, BRIAN M	14990 FAY BLVD			COCOA	FL	32927 0
11	2310235	23	20.	BOOS, KELLY J	BOOS, DANIAN J	H/W 6360 BAKER CIRCLE W		COCOA	FL	32927 0
12	2307348	23	26.	BOWEN, THERESA A	BOWEN, MICHAEL L	H/W 6325 BANKS AVE		COCOA	FL	32927 0
13	2310243	23	28.	BREWARD COUNTY	700 PARK AVE S	TITUSVILLE FL 32780				
14	2310245	23	30.	BREWARD COUNTY	700 PARK AVE S	TITUSVILLE FL 32780				
15	2310244	23	29.	BREWARD COUNTY	700 PARK AVE S	TITUSVILLE FL 32780				
16	2307417	23	3.	BRISTOL, LYLE C	BRISTOL, DARLENE R	TRUSTEES 6375 BANKS AVE		COCOA	FL	32927 0
17	2307818	23	42.	BROWN, DEBORAH S	TRUSTEE	P O BOX 1142	TITUSVILLE FL 32781			1142
18	2307437	23	23.	CALVACCA, J	MICHAEL CALVACCA, KELLY A	H/W 6362 CABLE AVE		COCOA	FL	32927 0
19	2307739	23	2.	CARROLL, THOMAS	5115 FAY BLVD			COCOA	FL	32927 0
20	2307778	23	2.	CARROLL, JULIE C	15013 JAMAICA RD			COCOA	FL	32927 0
21	2307368	23	14.	CHRISTIANA TRUST	TRUSTEE	11660 WORTHINGTON AVE		WEST PALM BEACH	FL	33409 0
22	2307776	23	39.	CHUA, MAUREEN Y	23 HIGHFIELD CT	COCHEYSVILLE MD 21030				
23	2307780	23	4.	DEGE, WILTON A	5037 JAMAICA RD			COCOA	FL	32927 0
24	2307344	23	2.	DEMETROPOULOS, DEAN J	15025 CANON PL			COCOA	FL	32927 0
25	2310152	23	10.	DEVEAUX, JOSEPH	DEVEAUX, REBECCA	H/W 6235 GRISSOM PKWY		COCOA	FL	32927 0
26	2307774	23	37.	DRYLIE, DANIEL T	15020 JAMAICA ROAD			COCOA	FL	32927 0
27	2310154	23	12.	DUFRESNE, DONALD P	DUFRESNE, JANE L	H/W LIFE ESTATE 4985 FAY BLVD		COCOA	FL	32927 0
28	2310238	23	23.	ENGLAND-JORDAN, JACQUELYN	DJORDAN, DAVID W	H/W 6330 BAKER CIRCLE W		COCOA	FL	32927 0
29	2310218	23	4.	FEDORK, BRIAN T	16355 GRISSOM PKWY			COCOA	FL	32927 0
30	2307779	23	35.	FISHKIN, BARRIE J	FISHKIN, BRENDA L	H/W 5025 JAMAICA RD		COCOA	FL	32927 0
31	2307004	23	05.	FLEMING, JAMES L	FORSYTHE, ANTOINETTE	6320 BANKS AVE		COCOA	FL	32927 0
32	2310217	23	3.	FULTZ, LONNY	16345 GRISSOM PKWY			COCOA	FL	32927 0
33	2310165	23	23.	GIBBS, STEPHEN A	16170 SUNFLOWER DR			COCOA	FL	32927 0
34	2310151	23	9.	GIBBS, STEPHEN A	16170 SUNFLOWER DR			COCOA	FL	32927 0
35	2307349	23	7.	GLADDEN, CYNTHIA J	16315 BANKS AVE			COCOA	FL	32927 0
36	2310155	23	13.	GRASSO, THOMAS G	14975 FAY BLVD			COCOA	FL	32927 0
37	2307816	23	40.	GRAY, ROBERT O	JR GRAY, MARY J	H/W 6240 GRISSOM PKWY		COCOA	FL	32927 0
38	2310286	23	39.	GULLUSCIO, CHARLES R	3 GINNY DR	P O BOX 729	SHELTER ISLAND NY 11964			729
39	2307367	23	13.	HARRIS, WALTER D	16360 GRISSOM PKWY			COCOA	FL	32927 0
40	2307355	23	1.	HEFELFINGER, RICHARD C	HEFELFINGER, MICHELLE E	H/W 5040 CANONI PLACE		COCOA	FL	32927 0
41	2307369	23	3.	HENBURY, ALEC J	JEFFERY, ACASIA L	15020 CANONI PLACE		COCOA	FL	32927 0
42	2307357	23	3.	HUNTER, LESLIE KEITH	16375 CABLE AVE			COCOA	FL	32927 0
43	2310215	23	1.	ISAACS, RICHARD K	16325 GRISSOM PKWY			COCOA	FL	32927 0
44	2307773	23	36.	JOHNSON, LINDA L	15110 HOLDEN ROAD			COCOA	FL	32927 0
45	2307354	23	12.	KAMMERMANN, LUKAS J	KAMMERMANN, ANNELEISE	H/W 5010 FAY BLVD		COCOA	FL	32927 0
46	2307353	23	11.	KAMMERMANN, LUKAS J	KAMMERMANN, ANNELEISE	H/W 5010 FAY BLVD		COCOA	FL	32927 0
47	2307815	23	39.	KRISMER, JAMES J	KRISMER, LA VERNE M	H/W 3997 BOOMER RD		CINCINNATI OH		45247 0
48	2307856	23	38.	LA FON, KAREN	11345 HARBOR POINT DR			MERRITT ISLAND FL		32952 2833
49	2307351	23	9.	LOPEZ, YOENDRY	IBARONE, ARIEL A	15070 FAY BLVD		COCOA	FL	32927 0
50	2310220	23	6.	LOPILATO, RICHARD	LIFE ESTATE	LOPILATO, MARY G	ESTATE	16385 GRISSOM PARKWAY		COCOA FL 32927 0
51	2310157	23	15.	MANGIOFICO, GAIL A	14935 FAY BLVD			COCOA	FL	32927 0
52	2307817	23	41.	MANN, PAMELA S	16250 GRISSOM PKWY			COCOA	FL	32927 0
53	2310246	23	31.	MARTIN, J J	JR MARTIN, TERRY	H/W 4970 FAY BLVD		COCOA	FL	32927 0
54	2307343	23	1.	MYERS, SHELLY P	III MYERS, SHIRLEY G	H/W 5005 CANONI PLACE		PORT ST. JOHN	FL	32927 0
55	2310153	23	11.	NUNEZ, MICHAEL SCOTT	16245 GRISSOM PKWY			COCOA	FL	32927 0
56	2307416	23	2.	PATEL, ARUN	PATEL, SUDHA A	TRUSTEES 16365 BANKS AVE		COCOA	FL	32927 0
57	2307772	23	35.	PIERCE, RITA D	15120 HOLDEN ROAD			COCOA	FL	32927 0
58	2307006	23	35.	PLATT, JOHN L	PLATT, GINGER L	H/W 6300 BANKS AVE		COCOA	FL	32927 0
59	2307738	23	1.	PRUETT, BARBARA A	16475 STILLWATER AVE			COCOA	FL	32927 0

16PZ00111-9.TXT

60	2307775	23	352201	38.	RAINFORD, HERMINE A	LIFE ESTATE	15075	FAY BLVD	COCOA	FL	32927	0
61	2310237	23	3523JM	22.	RESTINA, ROBERT JR	16340	W BAKER CIR	COCOA	FL	32927	0	
62	2307777	23	352201	1.	RIX, JAMES E SR	15035	FAY BLVD	COCOA	FL	32927	0	
63	2307438	23	352201	24.	ROBINSON, DONALD K JR	ROBINSON,	RACHELLE R	H/W	16350	CABLE AVE	COCOA	FL 32927 0
64	2307346	23	352201	4.	SCHWEISKE, DAVID B	SCHWEISKE,	NICOLE B	H/W	15055	CANONI PL	COCOA	FL 32927 0
65	2310236	23	3523JM	21.	SEIBERT, LA CRISTA F	WILLIAMS,	PERRY JAMES	16350	W BAKER CIR	COCOA	FL 32927 0	
66	2307781	23	352201	5.	SWENSON, GLENN E	15049	JAMAICA RD	COCOA	FL	32927	0	
67	2310164	23	3523JM	22.	THOMAS, DONALD J	THOMAS,	REBECCA S	H/W	16176	SUNFLOWER DR	COCOA	FL 32927 0
68	2307352	23	352201	10.	TOMASKO, THOMAS	17205	CARILLEN AVE	COCOA	FL	32927	0	
69	2310216	23	3523JM	2.	TUCKER, LINDA S	16335	GRISSOM PARKWAY	COCOA	FL	32927	0	
70	2307415	23	352201	1.	WAGNER, SAMUEL B	16355	BANKS AVENUE	COCOA	FL	32927	0	
71	2310163	23	3523JM	21.	WEIGEL, CHRISTOPHER M	16182	SUNFLOWER DR	COCOA	FL	32927	0	
72	2307436	23	352201	22.	WINN, JUSTIN	16374	CABLE AVE	COCOA	FL	32927	0	
73	2310150	23	3523JM	8.	YON, ALTON J	YON,	ILONA H/W	16215	GRISSOM PKWY	COCOA	FL 32927 0	

Existing Zoning of Subject Property(ies) at Time of Application: **16PZ00111 and SSA 16S.11**

Identify

Identify from: **Zoning Actions**

Zoning Actions
 -- RU-1-9

Location: 718,975.591 1,503,216.038 Feet

Field	Value
ZONING	RU-1-9
DENSCAP	
ZONINGFILE	354
ZONINGDATE	<null>
HISTORY	Yes
BLANKETF	2980
ORDNUM	
ACTION	DNZ
ACTIONFILE	10616
ACTIONDATE	<null>
COMMENTS	<null>
FILE_SERVER	\\GCADC01\PLZON\$
ZFILE_PATH	\\Scanned Files\Zoning\20001-20999\
ZFILE_NAME	Z0354.PDF
ZFILE_LINK	\\GCADC01\PLZON\$\Scanned Files\Zoning\Z0354.PDF
AFILE_SERVER	\\GCADC01\PLZON\$
AFILE_PATH	<null>
AFILE_NAME	Z10616.PDF
AFILE_LINK	<null>

Identified 1 feature



13

Sec. 62-1341. - Single-family residential, RU-1-9.

The RU-1-9 single-family residential zoning classification encompasses lands devoted to single-family residential development of spacious character, 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:

One single-family residential detached dwelling.

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, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

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:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

Zero lot line subdivision.

(4)

Minimum lot size. An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c.

The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6)

Minimum floor area. Minimum floor area is 900 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(K); Ord. No. 95-47, §§ 22, 23, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 23—25, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-01, § 2, 1-11-00; Ord. No. 2000-03, § 7, 1-11-00; Ord. No. 2002-49, § 13, 9-17-02; Ord. No. 2003-03, § 14, 1-14-03; Ord. No. 04-29, § 14, 8-5-04; Ord. No. 2004-52, § 12, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 17, 12-6-07; Ord. No. 2010-22, § 16, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

- **Sec. 62-1481. - Restricted neighborhood retail commercial, BU-1-A.**

The BU-1-A restricted neighborhood retail commercial zoning classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods.

(4)

Permitted uses.

a.

The following uses, or other uses of similar nature that are compatible with the character of the uses specifically set forth in this subsection, are permitted. All business uses and all materials and products shall be confined within substantial buildings completely enclosed with walls and a roof.

Administrative, executive and editorial offices.

Antique shops.

Art goods and bric-a-brac shops.

Artists' studios.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bookstores.

Ceramics and pottery; finishing and sales only; no production or firing.

Child care center.

Commercial schools offering instruction in dramatic, musical or other cultural activity.

Computer sales, service and repair.

Confectionery and ice cream stores.

Contractor's offices; general contractor's administrative offices only, no outside storage or storage in open vehicles.

Curio shops.

Dental clinics.

Dog and pet beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Florist shops.

Foster homes.

Gift shops.

Group homes, levels I and II.
Hat cleaning and blocking.
Hobby shops.
Interior decorating and draperies.
Jewelry stores.
Learning centers.
Leather goods stores.
Luggage shops.
Mail order offices.
Medical buildings and clinics.
Messenger offices.
Millinery stores.
Music shops.
Newsstands.
Optical stores.
Paint and wallpaper stores.
Parks and public recreational facilities.
Photographic studios.
Professional offices.
Resort dwellings.
Shoe repair shops.
Shoe stores.
Single-family residence.
Soft drink stands.
Souvenir stores.
Stationery stores.
Tailor shops.
Tea rooms.
Tobacco stores.
Wearing apparel stores.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Bait and tackle shop.

Coin laundromat.

Preexisting use.

Snack bar and restaurant.

(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).

(3)

Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption accessory to a snack bar or restaurant.

Change of nonconforming agricultural use.

Convenience store in ~~BU-1-A~~ zoning classification.

Land alteration (over five acres and up to ten acres).

Public or private clubs, including art galleries.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4)

Minimum lot size. An area of 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.

The front setback shall be 50 feet from the front lot line.

2.

The rear setback shall be 25 feet from the rear lot line.

3.

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)(3)(b) above, where a 20-foot dedicated alleyway or roadway does not exist adjacent to or abutting the rear lot line, lots that have side lot lines abutting nonresidential 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 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, 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)

Fencing and buffering. See article XIII, division 2, of this chapter, 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)

Traffic impact standards.

a.

Any permitted use or combination of uses in this classification on a single site which generates 100 or more average daily trips (ADT) must be located on a road with a functional classification of arterial or higher or at the intersection of two collector roads, except where meeting the requirements of subsection b. Traffic generation of a proposed facility on a site shall be determined by a concurrency evaluation performed pursuant to the criteria established by section 62-601 et seq., at the time of site plan review. This provision applies to site plans for vacant sites only and not to expansions of existing uses as of the effective date of this section.

b.

Notwithstanding subsection a. above, sites with proposed uses not meeting the traffic impact standards established above may be approved by the zoning official under the following conditions: The applicant must submit a concept plan describing the layout of the proposed site; including the square footage of floor area and type of uses proposed. Daily traffic generated by the site, as determined by a concurrency evaluation based upon the concept plan, cannot increase the amount of existing traffic on the abutting street by more than 20 percent. The applicant must provide a current traffic count performed by a licensed engineer if county or state traffic counts are not available on the adjacent road.

(11)

Limitation on drive-through lanes. Drive through lanes are prohibited in areas designated as Neighborhood Commercial on the Future Land Use Map of the Comprehensive Plan.

(12)

Maximum floor area ratio. The floor area ratio shall be governed by section 62-2110.

(Code 1979, § 14-20.12(A); Ord. No. 93-19, § 1, 6-22-93; Ord. No. 95-47, §§ 50, 51, 10-19-95; Ord. No. 95-49, § 4, 10-19-95; Ord. No. 96-16, §§ 53, 54, 3-28-96; Ord. No. 97-23, § 1, 7-8-97; Ord. No. 97-40, § 1, 10-14-97; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 01-07, § 1, 2-20-01; Ord. No. 01-30, § 9, 5-24-01; Ord. No. 2001-71, § 3, 11-1-01; Ord. No. 2002-42, § 3, 8-27-02; Ord. No. 2002-43, § 1, 8-27-02; Ord. No. 2002-49, § 32, 9-17-02; Ord. No. 2003-03, § 26, 1-14-03; Ord. No. 04-29, § 25, 8-5-04; Ord. No. 2004-52, § 22, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 6, 8-23-05; Ord. No. 06-54, § 1, 10-5-06; Ord. No. 2007-52, § 1, 10-4-07; Ord. No. 2007-59, § 2, 12-6-07; Ord. No. 2014-30, § 1, 10-2-14)

• **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.

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.

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):

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.

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, 1

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, January 11, 2017, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Vaughan Kimberling, Carmella Chinaris, Greg Messer, Randy Rodriguez, Wendy Porter, and Gary Musselman.

Staff members present were: Cindy Fox, Planning and Zoning Manager; Cristina Berrios, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator II.

The meeting was called to order at 6:00 p.m.

APPROVAL OF SEPTEMBER 14, 2016, MEETING MINUTES

Motion by Wendy Porter, seconded by Randy Rodriguez, to approve the minutes of September 14, 2016. The vote passed unanimously.

CHAIR AND VICE CHAIR NOMINATIONS

Motion by Carmella Chinaris, seconded by Randy Rodriguez, to nominate Vaughan Kimberling as Chairman. The vote passed unanimously.

Motion by Gary Musselman, seconded by Wendy Porter, to nominate Randy Rodriguez as Vice Chairman. The vote passed unanimously.

IV.B.1. (16PZ00111) – LUKAS J. & ANNEISE KAMMERMAN – (Carmine Ferraro) requests a Small Scale Plan Amendment (16S.11) to change the Future Land Use Designation from Residential 4 to CC; and a change of classification from RU-1-9 to BU-1, on 0.36 acres, located on the northwest corner of Fay Blvd. and Grissom Pkwy. (5010 Fay Blvd., Cocoa)

Carmine Ferraro, 3860 Curtis Blvd, stated Mr. Kammerman has lived on the subject property for quite some time and has been experiencing more traffic at that corner, as it is a busy intersection. Mr. Kammerman would like to sell his property and move, and he feels that if he were to sell it as a commercial property he could get more money out of it and might even suffer a loss if he tried to sell it as residential because of the traffic and the problems getting in and out of his driveway. He said his client has had discussions with the County about vacating the drainage easement on the north and west sides of his property, and the County is in favor of vacating that easement if he would agree to provide engineering and construction to take the water through a piping system so that it would connect from Fay Boulevard around his property, and then south to the retention area where the water goes. The County recommended that he get the rezoning before he did the vacation because he didn't see the purpose of doing the vacation if he wasn't able to get the zoning. He noted his client owns the house on the corner as well as the house directly to the west. The first part of his plan is to rezone the .30-acre lot on the corner; the second part would be to vacate the easement and re-route the pipe; and the third part is to rezone the house to the west; and that would give him cumulative property that is just under one acre. He stated if the property was sold at .30 acres it would be severely limited as to what it can be used for. Combining the three properties would offer more possibilities, but it could not be a large commercial use because of development restrictions, retention, onsite parking, setbacks, and other things, so he's estimating a 3,500 to 4,000 square-foot structure when meeting the current code requirements. He noted he held a neighborhood meeting on January 9th to discuss any concerns the neighbors may have; he has an email from a lady who said she didn't want a gas station, but she wasn't opposed to commercial; there is another email from a lady who is opposed to anything commercial on the property; one resident at the meeting had concerns about a gas station; and a few residents had general questions. He said he also met with his client today and advised him that BU-1 has a lot of uses that no one would consider if purchasing the property, and he asked him to consider requesting BU-1-A instead, which is more of a neighborhood zoning, and he is willing to discuss other uses for BU-1-A that might be undesirable to the neighbors and restrict those uses. His client is willing to amend the request to BU-1-A uses that would be more conducive to the neighborhood.

Steven Bell, 5045 Canoni Place, said he is opposed to any commercial on that corner.

James Hyde, 676 Naranja Avenue, stated anything commercial on that corner will cause more traffic, and he is opposed to the request as it will create more problems.

Shelly Myers III, 5005 Canoni Place, stated a business on that lot will ruin the corner, and he is opposed to the request.

Paul Mann, 6250 Grissom Boulevard, stated the traffic at that intersection has gotten worse in the three years he has lived there, and he is opposed to the request.

David Jordan, 6330 W. Baker Circle, asked the current zoning for Brian's Barbershop. Ms. Fox replied it is BU-1-A, which is Neighborhood Commercial. Mr. Ferraro stated his client originally requested BU-1, but is now amending it to BU-1-A. Mr. Jordan asked what BU-1-A allows. Ms. Fox advised him it is a restricted neighborhood zoning classification that would allow gift shops, office buildings and medical buildings. Mr. Ferraro stated his client will commit, through a binding development plan, to not allow a gas station or convenience store, as well as no group home or foster home, or any other objectionable uses. Mr. Jordan said he lives behind the barbershop and there is a lot of traffic there, as well as accidents. He said he is not necessarily opposed to the request, but he doesn't want a gas station either. He asked if the owner is going to sell the property or develop it himself. Mr. Ferraro replied that Mr. Kammerman will sell the property.

Paul Mann mentioned the canal behind the applicant's home and asked if it was going to be tiled. He said a lot of water goes into the soil and it doesn't channel, and a tile can create a blockage, no matter how short it is. Mr. Kimberling noted the staff comments mention that drainage is a problem.

Steven Bell asked if the rezoning is approved, can the owner come back and amend it for a gas station. Vaughan Kimberling replied, if the request is approved with a binding development plan, a gas station, or other uses, would be restricted from being on the property unless the owner goes through another public hearing. Carmella Chinaris stated there is no guarantee that anyone can't come forward at any time and request a change.

Jennifer Carroll, 5013 Jamaica Road, stated she is representing her sister who sent an email to Mr. Ferraro and is opposed to the rezoning.

Mr. Ferraro, handed out a copy of the Brevard County MPO Interactive Traffic Database, and stated he drew from that corner and put everything in yellow that are the nearest traffic counts in excess of 10,000 cars, and if you look at Location 109 at the bottom, the combined traffic count at that corner right now is 15,526 cars.

Randy Rodriguez noted the database is from 2007. Mr. Ferraro said it is an old count, but it is the most recent information, and the areas in yellow are 2015 counts. He mentioned that the staff comments say the board needs to give consideration to whether or not this change will lead to a large commercial operation in that area, and he would challenge that because that corridor would never turn into U.S. 1 or a large commercial district because there are houses in that area that are always going to remain houses. He noted the Level of Service is 'C' and the proposed trips would not increase the Level of Service. He pointed out that a developer will have to get a site plan approved, which will require him to go through all of the different agencies, and he may find out he's not able to put anything on the property. He will also have to satisfy the County's traffic department in terms of what is safe as far as access, and he may not be successful in getting the easement vacated. He read the list of uses permitted in the BU-1-A zoning classification and asked the board to support the request because the property is devalued residentially, the traffic will only get worse, and no one is going to want to buy the house to live there, so the only opportunity for him is to sell it and recoup his money and maybe make a profit.

Carmella Chinaris said Grissom Boulevard is a clear barrier to commercial; there's nothing commercial west of Grissom. Residents directly around the property are adamantly opposed to commercial. She said she sympathizes with the property owner on the traffic, but she is adamantly opposed to the zoning change and I would be happy to move that it be denied at this time.

Wendy Porter stated she feels that her purpose on the board is not to enrich a particular individual one way or the other. Her purpose on the board is that the decisions that I'm going to be voting on will be something to enrich the community. She said she feels sorry for the owner, but her purpose is not to enrich him, it is to protect the community with her vote and do something that will enrich it positively and not negatively. She stated he is very much against the project.

Gary Musselman asked how long Mr. Kammerman has owned the property. Ms. Fox replied the deed in the rezoning application is dated 2001. Mr. Musselman stated Mr. Kammerman bought the house knowing Fay Boulevard was busy.

Greg Messer said he agrees with Ms. Porter. He stated this is the third time someone has tried to rezone that property to commercial, and if it is approved it will set a precedent, and the neighborhood is not designed for that, nor to the residents want it. Mr. Musselman suggested rezoning the property without knowing a specific use sets a dangerous precedent and puts other nearby neighbors in limbo the their property values.

Randy Rodriguez stated the board shouldn't consider rezoning based on what an applicant says might be there. The board needs to think about what would be allowed after that applicant sells the property. He said the property has been at that corner since it was first platted; the house was built on that corner; the owner bought it on that corner with those roads; and three of those roads are still two-lane roads. He stated he is opposed to changing the burden from the current owner to the neighboring owners.

Mr. Messer stated when someone comes out of the subject property if it were commercial, they will turn right to get out of the area and drive down the surrounding residential streets to get back onto Grissom or Fay.

Motion by Carmella Chinaris, seconded by Greg Messer, to deny the change of classification. The vote passed unanimously.

Ms. Fox encouraged board and public to contact their commissioner about the traffic problem at the intersection.

V. Presentation by County Attorney's Office, Re: Government in the Sunshine/Florida's Public Meetings Law

Cristina Berrios, Assistant County Attorney, provided a copy of the Government in the Sunshine/Florida's Public Meetings Law memo and explained the Sunshine Law.

Before adjournment, the board came to a consensus to hold a public hearing on February 8, 2017, to discuss amending the By-Laws.

Upon consensus, the meeting was adjourned at 6:59 p.m.

LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency convened as the Planning and Zoning Board and met in regular session on Monday, January 23, 2017, 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; Bill Cannon; Andy Barber; Robert LaMarr; Scott Langston; Ben Glover; Ron Bartcher; and Jeff Holleran.

Scott Langston abstained from voting, and submitted to staff Form 8B, Memorandum of Voting Conflict.

Staff members present were: Cindy Fox, Zoning Manager; and Jennifer Jones, Special Projects Coordinator II. Assistant County Attorney Eden Bentley's presence was noted at 3:15 p.m.

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

Henry Minneboo, Chair, announced the Board of County Commissioners will have the final vote on the recommendations made today by the Local Planning Agency and the Planning and Zoning Board, on Thursday, November 21, 2106.

APPROVAL OF NOVEMBER 21, 2016, MINUTES

Motion by Robert LaMarr, seconded by Andy Barber, to approve the minutes of November 21, 2016, and the motion passed unanimously.

IV.B.1. (16PZ00111) – LUKAS J. & ANNE LISE KAMMERMAN – (Carmine Ferraro) requests a Small Scale Plan Amendment (16S.11) to change the Future Land Use Designation from Residential 4 to CC; and a change of classification from RU-1-9 to BU-1, on 0.36 acres, located on the northwest corner of Fay Blvd. and Grissom Pkwy. (5010 Fay Blvd., Cocoa)

PSJ Recommendation: Chinaris/Messer – Denied. Vote was unanimous.

LPA Recommendation: Cannon/Barber – Denied. Vote was unanimous.

Cindy Fox, Zoning Manager, noted the Port St. John board voted for a unanimous denial, with the board members citing traffic concerns.

Henry Minneboo asked how many members are on the Port St. John board. Ms. Fox replied there are seven members, but there were six members present at the meeting.

Carmine Ferraro, 3860 Curtis Blvd., stated he represents Mr. Kammerman, and he is asking the LPA to support a recommendation to the County Commission for this amended application to BU-1-A. He said he met with the neighborhood prior to the Port St. John meeting to get the word out as to what the property owner is trying to do, which is that he is interested in converting the property to commercial zoning since it is no longer desirable to live there, and he would like to sell it as commercial. He noted originally the owner intended on rezoning this 1/3-acre lot on the corner, and then going to the County for vacating of a drainage easement that wraps around his property; he also owns the house directly to the west and he was interested in rezoning that as well. Subsequent to the Port St. John meeting he now recognizes it would probably be more conducive to the area to just be a 1/3-acre corner lot and not go through the expense to try to vacate the drainage easement, nor have the house to the west rezoned. He stated consequently, his request went from a more dense commercial property to a less dense property, because now the uses are significantly limited for a 1/3-acre parcel, and it would be more for the type of use that is across the street, which is a barbershop in BU-1-A. He believes the property size is similar to the adjacent property to the east. There is a traffic count map which shows the traffic count at that intersection is much denser than what you would have in a residential area. He noted the zoning department sent him a memo from the traffic engineering department that indicated the intersection was not unsafe, but there were some concerns that if a larger use were to go on that corner it could potentially be problematic with how traffic is addressed. He further stated the owner is willing to enter

into a binding development plan that prohibits gas stations, convenience stores, and liquor stores, and other uses, as the 1/3-acre will significantly restrict the types of uses.

Scott Langston stated he has an ongoing contract with Mr. Ferraro on another property, so he is abstaining. (Mr. Langston signed Form 8B, Memorandum of Voting Conflict)

Henry Minneboo stated the size of the lot does not take into account the mandatory retention of the site. Mr. Ferraro said in terms of designing, there would have to be onsite retention.

Shelly P. Myers III, 505 Canoni Place, stated the only separation between Mr. Kammerman's backyard and his is a large drainage ditch, and he would prefer the lot remain residential because there are a lot of accidents at that intersection.

Paul Mann, 6250 Grissom Boulevard, stated traffic at that intersection is terrible and more commercial property would make it worse, so he is opposed to the request.

Julie Carroll – 5013 Jamaica Road, mentioned the nearby school and said she is against the request because there are many children who walk back and forth to school and the increase in traffic will be dangerous for them.

Henry Minneboo asked if this property has been in front of the board before. Ms. Fox replied it has been before the board twice, and it has been denied twice. She said the most difficult thing about the intersection, other than the traffic, is the 50-ft. drainage easement that surrounds it on two sides. The property might be able to qualify for some hardships, but right now the board is only considering the future land use, which is NC and has been established on the other side of the road.

Mr. Ferraro reassured the board that children's safety is very important, and the intersection is signalized and with crossing guards.

Bill Cannon asked if it has been the board's policy to not establish a foreign zoning into an established area such as residential. Mr. Minneboo said the board has been pretty consistent on this corner.

Motion by Bill Cannon, seconded by Andy Barber, to deny the request, and the motion passed unanimously.

Upon consensus by the board, the meeting was adjourned at 2:16 p.m.

Fox: The next Item on the Agenda, we can go back to IV.B.1., Kammerman. This is a request for a Small Scale Comprehensive Plan Amendment to change a Future Land Use to Neighborhood Commercial, and a re-zoning from RU-1-9 to BU-1-A. This is an amended request. Initially the application came in as a BU-1 and a Community Commercial request. The applicant has amended that to be the lower Neighborhood Commercial and a Restricted Neighborhood Commercial, BU-1-A zoning. This property is in with the Port St. John Independent District area and was heard on January 11th; and the board unanimously denied the Item. The Item was also heard by the LPA on January 23rd, and it was also unanimously denied; and the only other thing that I'd like to offer is that the applicant has provided a Binding Development Plan offering to limit the uses on the property in the BU-1-A zoning classification, and I would ask that he come up and explain those to us, put them on the record.

Smith: Okay, Carmine Ferraro. State your name and address please.

Ferraro: Good evening Commissioners. My name is Carmine Ferraro, Carmel Development, 3860 Curtis Boulevard, Port St. John. I am here tonight to ask you to consider approving a request for the applicant to re-zone his Residential property to a BU-1-A zoning. I want to give just a brief history of how we got to where we are tonight. We initially, the applicant initially was looking at vacating the drainage easement around his property where the, he owns the corner property, and there's a drainage easement goes around two sides of his property. He then looked at what was involved in that, and because he's interested in selling his property, he no longer desires to live there because the area has become too busy. As a Residential property he thought that he would have a better chance of selling it if he had a Commercial zoning on the property. He contacted me and he wanted to seek a BU-1 zoning, which I told him would be a difficult thing to do in our community based on the history of that property having come before the Board on other occasions. It had been denied. So, we went to the Port St. John hearing and we presented the case and it was unanimously denied by the Independent Board. We listened very carefully to what they said, and I took all of their comments back to the owner and I told him that if he really wanted to re-zone the property that the best he could hope for would be a BU-1-A, and that the vacation of the drainage easement was a very long and expensive process, he should probably abandon that idea as well. He initially had wanted to take his corner, the drainage easement, and the house he owns adjacent to that and end up with a one-acre corner zoned Commercial. Again, because of the unanimous denial from the Port St. John and the community not being supportive of that, he agreed to amend that to a BU-1-A. Really feel like we've listened very seriously to the Port St. John Independent District, which is there for the purpose of having that local community input. We had meetings with neighbors, we typically, bringing an application forward, go through the same list that receives the notification and invite those neighbors to meet with us so they can tell us what they are concerned about. There were a lot of concerns about the gas station on the corner, large commercial buildings. I assured them under the BU-1-A zoning that, that would not be a possibility because we're now looking at .36 acres. So, the very nature and design of the property in terms of what it can be used for, in terms of providing retention and parking and such would severely limit the amount of larger uses and take them off the table. We also offered a Binding Development Agreement and went through a series of different uses of . . . however; the Port St. John board was not really interested at that point in considering that. So, if this Board will still be willing to consider this amended petition tonight, then I would request that we table the decision, allow us to come back with a full Binding Development Plan that we could present to you with the restricted uses. The bottom line, and I guess, you know, it's all about fairness, the owner of this property believes that because the property across the street directly to the east already has a BU-1-A zoning that it's fair for him to ask for this same type of zoning. He has the corner directly adjacent to the west. The fact that he's no longer going for the BU-1, the fact that he's willing to

offer a Binding Development Plan, there are going to be further restrictions that can be offered in that plan for fencing, buffers; however, again, the very nature of the property and the way the development criteria would lend itself is going to severely restrict what's going to go there. You're going to see a house being converted to a gift shop, possibly some type of a dog grooming, but you wouldn't see any type of large retail uses there. So, we would ask that you give it serious consideration. We know that the Independent Board said no. We know that the LPA said no. We know that there are residents here tonight to speak against this, but we feel, in fairness, that since there is already a BU-1-A zoning, we are just asking to be treated the same as the neighbors across the street that has that zoning. I'll go ahead and reserve the rest of my time if anyone has any questions.

Smith: Okay, thank you. Julie Carrol. Welcome. Name and address, please.

Julie Carroll: Julie Carroll. 5013 Jamaica Road, Port St. John. I was here for the last meeting, and other things are going to come up, too, but one of her main concerns... I'm right off that corner and I'm the turnaround driveway, so I do see a lot of traffic come through there. That intersection is pretty small for the amount of traffic that is going through there already. I'm concerned more than anything, and this came up the last time, too. There are a lot of children. This is a family area. There are a lot of children that come and go through that intersection. I know that there are crossing guards there, but that is only when school is in session; a lot of kids go through there to get to the Kangaroo down the road, and that's my main concern right now, is the increase in traffic if we have another area there for people to pull in and out of. There are a lot of traffic accidents there, I can hear them from my backyard; so that's my concern are the kids.

Smith: That's it?

Carroll: That's it.

Smith: Okay, thank you. Steven Bell. Thank you for coming. Name and address, please.

Steven Bell: My name is Steven C. Bell, I live at 5045 Canoni Place, and I've been there since March of '91. I've seen a lot of development around that area; I'm against any kind of development there. Because his ... you're talking about the second house, well I'm right behind it and I can see in his backyard, and anything you put there is going to disturb my property and my value and my property, and you know... I'm going to be there 'till I die. I'm not going anywhere else, and it's... I'm going to have my peace and quiet there... you have people running in and out of the property, you know... businesses and stuff, and he's talking about the property across the street, well that just affects one homeowner over there. They got a drainage ditch there, by the south, the homeowner... the business is here, you got a homeowner there, and a drainage ditch, then behind that ditch, there's a drainage ditch behind it, so it don't affect nobody but that one homeowner. But, if you approve that there, it will affect many because there is no drainage ditch behind it, so it don't affect nobody but the one homeowner. Well if it's done right there it's going to affect the whole neighborhood there. This is a quiet neighborhood, and plus, the lady that was up here before about the safety issue of the kids, well that's a school crossing for the kids to go to school and stuff. Plus there's a walkway all around that block too down that corner, so people can walk back and forth there. Well I guess any kind of improvement there, any kind of business a commercial business, it should be left as it is and the homeowner shouldn't have bought the corner lot if he didn't want it, you know, he should have looked at it before he bought it, you know. I'm sorry you bought that corner lot, but you should have investigated it a little more to see what the traffic was around that area, you know, I feel sorry for

the guy, but he's just going to leave us hanging with a business there on commercial. This is the third time this has been brought up. It's getting old, how many times is he going to keep on going on and on? Can y'all just stop it, just disapprove it and put a cap on it or something and just do away with it? You know, I'm getting too old to come up here all the time to do this. This is the third time now. Twice with this homeowner, but like I said before, I am against anything, and everything... it should stay as it is, and that what I feel and my neighbors do too. Thank you for your time.

Smith: Thank you. Shelly Meyers.

Shelly Meyers: How you doing? My name is Shelly P. Meyers III; I'm U.S. Navy Retired, and a Vet; I'm also 81 years old.

Smith: Mr. Meyers, could you give us your address, please?

Meyers: 5005 Canoni Place, Port St. John. It is directly behind where we are talking about. There is a 20 foot ditch between his backyard and ours. My wife and I have been married 56 years, we've had kids in the house for 55. We will have three still in the house when we die, because we adopted five special needs. I can't see a business going in that yard. He also owns the house next to it, in other words, if you go west, he has both houses there. The one on the corner and behind me, and our kids will still be there because they cannot take a job and can't go anywhere, they're special needs. We have a 55 year old that's never been married that's going to move in and take care of them once my wife and I are gone; and it just doesn't seem right to have a business there. True there is a barber shop across the street and people have trouble getting in and out when they go to the barber shop. Grissom and Fay is one of the busiest intersections you will ever see in your life. They have the kids going to and from school, they even come and go to the ballpark and the basketball courts up the way. There is a Kangaroo, there is a Family Dollar, there's a Subway, there's a Pizza Hut, there's a liquor store, all two blocks away from where this is, so I can't see having any more businesses in that corner that's going to increase more cars, more people coming in and out, and I just don't think it's favorable, and thank you very much for your time.

Smith: Thank you. Okay, that's all the cards I have. Pleasure of the Board? Do you have any response, Carmine?

Ferraro: Yeah, I just want to make a couple of brief comments. You received an agenda package that... on page 32, I provided you with a traffic count, and the traffic count from a 2007 study for the traffic signal was around 15,526 cars. The nearest traffic count to the east is 12,350, and to the west is 12,000... excuse me, to the south is 12,740, to the north it's 96, and to the east going into the deeper residential area is 6,460. As a commercial developer, and a person who's been involved in commercial real estate for 25 years, what it shows me is that the denser traffic counts on Grissom, going back toward Fay and U.S. 1, that this is an area in transition; and he is correct, the gentleman that got up and spoke, that there are more commercial uses popping up in Fay Boulevard, so the area is definitely in transition. When you read the BU-1-A zoning definition, BU-1-A restricted neighborhood retail commercial zoning classification encompasses land devoted to limited retail and personal services that serve the needs of nearby low density residential neighborhoods; so this type of zoning classification was specifically set for this type of area, we believe in transition. Also, regarding the traffic pattern at the corner, it is signalized, it is controlled, and if people push the button and cross as told, it's a very safe intersection. You'll find in your packet, on page 35, an email that we received from staff analyzing the intersection and its traffic accident history; and I'll just read the last part of it:

"based on the review of crash history at this intersection, it is determined that there is no indication of high crash experience, or that the intersection is unsafe, however it is busy, and we agree that it is; and it is for that reason that we believe this transitional area is ideal for a BU-1-A zoning classification on this property." Thank you.

Smith: Thank you, sir.

Cynthia Fox: Mr. Chair? I would just like to add a couple of details that might aid you in your discussion. The barbershop that has been mentioned across the street, I want to let you know that that property has been commercial since prior to 1988; it actually became BU-1-A at a time that they were also... they had a CUP for a daycare, and they were also requesting to do a church, on that corner, those were all denied, but what they did, for the barber shop, is that it carried over a BDP that limited him to eight parking spaces, so on the BU-1-A piece, that has the barber shop with the residential Future Land Use, because the commercial has been in place much longer, they did put a Binding Development Plan on a previous request to limit that place to have eight parking spots only. So, there was an attempt at the time, as that property has come in for different uses, to limit the size, the scope, so they limited it to eight parking space. I just wanted you to know that that is how and how that barber shop has evolved on that other corner.

Smith: Thank you. Commissioner Pritchett.

Rita Pritchett: Yeah, a couple of comments. I... Fay Boulevard, I travel it quite often, and it's becoming a main road; there is a lot of traffic on it, and I'm guessing in the future... Fay Boulevard almost doesn't know what it wants to be. You've got a lot of residential, there are a lot of businesses on it, and I imagine the future, it's probably going to look a lot like U.S. 1; but right now, on that intersection, I listened to it, because it made sense to me, the business is over there, but right at that intersection, where Fay Boulevard changes from four lanes over to two, which gives it a little bit more of a residential feel than the rest of Fay Boulevard. So, therefore, I'm not going to support this tonight, because I think that does make it a little bit different on the determination, although there's some little businesses up on that road that way, but I don't think you have the ability to handle extra traffic load at this time, but I will say, you know, if and when they change the personality of Fay Boulevard on the other side of Grissom, it might be something that we might have to consider, because I'm not sure how they are going to do it. I know they are going to have to do it, but it's going to change your personalities of your driveways and front yards, too. But, I'm not going to support this tonight because of that and I think it's not ready yet to become more heavy with businesses on that side of Fay, but you're a very nice man, Mr. Ferraro.

Smith: Thank you, Commissioner. Any other comments? Pleasure of the Board? You have a comment?

Barfield: I just... I agree. My biggest concern definitely was going from the four lane to the two lanes; and I really believe what Commissioner Pritchett said, too, that if it does go to four lanes, then we need to revisit it.

Smith: Commissioner Isnardi.

Kristine Isnardi: And, I know it's usually not a condition of rezoning, but I think I would feel a little bit better about this if there was a better plan. Like if you said this is what we are planning on doing here, because a barber shop probably fits nicely in that area. Because although you may

have traffic, you are not going to have 200 cars in and out of there a day. You can still have a small business and have a lot of traffic, so perhaps, you know, providing something different may change Commissioner Pritchett's, may change my mind, and others, but as it stands right now, I'm not comfortable rezoning.

Smith: Do we have a motion?

Pritchett: Is it a motion to deny?

Smith: If that's what you want.

Pritchett: Okay, that's my motion.

Barfield: Just a minute, do we have to do a Comp Plan Change and then a separate one for the zoning request? Ms. Fox?

Fox: Yes, it would be very important for you to do the two motions, if you choose to deny it.

Eden Bentley: And do you want to consider our office having to bring back resolutions, with Findings of Fact relating to the denials?

Board: Yes.

Bentley: So, you'll close the public hearing, you'll direct us to come back. How long will it take you to do minutes?

Christy Mulligan: Two weeks.

Bentley: So, in March maybe? What meetings do we have in March?

Donna Scott: March 2?

Bentley: March 2, okay.

Smith: Okay, so what kind of motion do we need now?

Fox: You need the denials, and then another motion to bring back the Findings of Fact on March 2.

Smith: Okay, so Commissioner Pritchett, (do) you want to make a motion for denial?

Pritchett: Make a motion for denial? Yes sir.

Smith: Okay, and do we have a second?

Barfield: Second.

Smith: Second by Commissioner Barfield. All those in favor say 'Aye'.

All: Aye.

Smith: Passes five-zero. So the denial is granted. And what's the next thing that we need?

Pritchett: I make a motion to bring back the Findings of Fact on March 2.

Barfield: Second.

Smith: Okay, Commissioner Pritchett has made a motion, and seconded by Commissioner Barfield, to bring back the Finding of Fact. All those in favor say 'Aye'.

All: Aye.

Smith: None opposed? Passes five-zero.

Fox: May I just clarify we just did two motions. One for the LPA, and the zoning and the Findings of Fact, correct?

Isnardi: We did two total.

Fox: We need a Future Land Use.

Smith: We need a Future Land Use as well?

Fox: We did the zoning. So we need a motion for the same thing for the zoning.

Pritchett: We need a motion to deny the zoning?

Isnardi: I don't know which one you did first.

Pritchett: I just made a motion to deny. I don't know which one I did either.

Fox: You did the Future Land Use first. That is right. That is appropriate.

Pritchett: Motion to deny the other one.

Barfield: Zoning.

Smith: Commissioner Pritchett makes a motion to deny the zoning request.

Barfield: Second.

Smith: Second by Commissioner Barfield, all those in favor say 'Aye'. Passes five-zero. We good now? Okay.