

RESOLUTION NO. 15PZ00031

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

WHEREAS, SWALLOWTAIL, LLC has requested a Small Scale Plan Amendment (15S.07) to change the Future Land Use from Residential 1 to CC (Community Commercial), and a change of classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial), on property described as: SEE ATTACHED

Section 41, Township 20G S, Range 34 E, and,

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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.07) to change the Future Land Use from Residential 1 to CC, and a change of classification from AU to BU-1, be APPROVED, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

by Robin Fisher, Chairman  
Brevard County Commission

As approved by Brevard County Commission on August 6, 2015.

ATTEST:  
  
SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – July 6, 2015)  
(\*LPA Recommendation – Approved Small Scale Plan Amendment

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

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

## 15PZ00031 Legal Description

A part of Lot 6, Pablo Fontaine Grant, as recorded in Deed Book D, Page 525, of the Public Records of Brevard County, Florida, described as follows: From the centerline of survey intersection of I-95 (S.R. 9), Station 3766+00.93, with the centerline of survey County Road 5-A, Station 15+00.00, run S46deg46'41"W, along the centerline of survey of said County Road 5-A, a distance of 700.04 ft. to the end of the limited access right-of-way of said I-95; thence continue S46deg46'41"W, along the centerline of Stuckway Road as described in ORB 2577, Page 553, of the Public Records of Brevard County, Florida, a distance of 491.86 ft.; thence departing said Stuckway Road, run S46deg46'30"W, a distance of 229.28 ft.; thence N42deg13'10"W, a distance of 287.67 ft. to the point of beginning, and a point on the arc of a curve to the right, having a radius of 3,800.00 ft., a central angle of 5deg46'34", a chord bearing of S67deg44'43"W, and a chord distance of 382.93 ft.; thence run westerly along the arc of said curve a distance of 383.09 ft. to the point of reverse curvature of a curve to the left, having a radius of 2,800.00 ft., a central angle of 7deg47'00", a chord bearing of S66deg44'30"W, and a chord distance of 380.08 ft.; thence run westerly along the arc of said curve a distance of 380.37 ft.; thence N13deg57'30"W, a distance of 621.55 ft., thence N76deg02'30"E, a distance of 660.00 ft.; thence S13deg57'30"E, a distance of 330.00 ft.; thence S. 42deg13'10"E, a distance of 198.54 ft. to the point of beginning. Also known as Lots 73, 74, Part of Lot 75 and Part of Lot 77, Cape Atlantic Estates, Section K-4, an unrecorded subdivision in Brevard County, Florida. **Section 41, Township 20G, Range 34.** (8.810 +/- acres) Located approx. 750 ft. west of the terminus of Deering Pkwy. (No assigned address. In the Mims area)

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

**WHEREAS, SWALLOWTAIL, LLC** – has requested a change of classification from AU (Agricultural Residential) to TU-1 (General Tourist Commercial), on property described as Part of Lot 6 as described in ORB 1811, Page 1024, A/K/A Tracts 61, 62, 63, 64, in Section K-4, Parcels 90, 91, 92, as recorded in ORB 6344, Pages 1865 – 1866, of the Public Records of Brevard County, Florida. Section 41, Township 20G, Range 34. (8.03 +/- acres) Located approx. 0.15 mile north of the west end of Deering Pkwy. (No assigned address. In the Mims area)

**Section 41, Township 20G S, Range 34 E, and,**

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

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

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

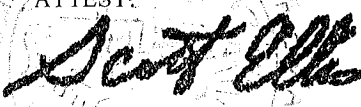
**BE IT FURTHER RESOLVED** that this resolution shall become effective as of August 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Robin Fisher, Chairman  
Brevard County Commission

As approved by Brevard County Commission on August 6, 2015.

ATTEST:  
  
SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – July 6, 2015)

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 Infantini, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote; and,

**WHEREAS, SEBASTIAN INLET MARINA, LLC** – has requested CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-2 (Retail, Warehousing and Wholesale Commercial) zoning classification, on property described as Tax Parcel 505, as recorded in ORB 5525, Pages 3359 – 3360, of the Public Records of Brevard County, Florida. (2.85 acres) Located on the east side of U.S. 1, approx. 425 ft. south of Overlook Dr. (8685 U.S. Hwy 1, Micco)

**Section 14, Township 30 S, Range 38 E, and,**

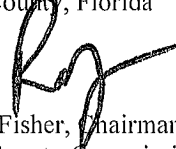
**WHEREAS**, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

**WHEREAS**, the Board, after considering said application and the Brevard County Planning & Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved with the condition that parking is determined to be sufficient for uses on the site; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-2 zoning classification, be APPROVED with the condition that parking is determined to be sufficient for uses on the stie, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of August 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Robin Fisher, Chairman  
Brevard County Commission  
As approved by Brevard County Commission on August 6, 2015.

ATTEST:



SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – July 6, 2015)

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

**WHEREAS, DARRELL & TRACI FREEMAN, AND KATHLEEN HOLCOMB** – has requested a change of classification from GU (General Use) to AU(L) (Agricultural Residential – Low Intensity), on property described as Lot 2, Block 4, Canaveral Groves Subdivision, as recorded on ORB 7352, Pages 1668 – 1671, of the Public Records of Brevard County, Florida. (1.55 acres) Located on the east side of Osprey Ave., approx. 325 ft. south of Cangro St. (4755 Osprey Ave., Cocoa)

**Section 05, Township 24 S, Range 35 E, and,**

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

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

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

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of August 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
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SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – July 6, 2015)

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RESOLUTION NO. 15PZ00024

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

WHEREAS, CALVIN D. & DEBRA D. BALDWIN has requested a Small Scale Plan Amendment (15S.06) to change the Future Land Use from NC (Neighborhood Commercial) to CC (Community Commercial), and a change of classification from GU (General Use) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 52, as recorded in ORB 5465, Page 3033, of the Public Records of Brevard County, Florida. (4.68 acres) Located on the south side of Lake Dr., approx. 0.11 mile east of N. Burnett Rd. (3255 Lake Dr., Cocoa)

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

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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.06) to change the Future Land Use from NC to CC, and a change of classification from GU to BU-2, be APPROVED, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

by Robin Fisher, Chairman  
Brevard County Commission  
As approved by Brevard County Commission on August 6, 2015.

ATTEST

SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – July 6, 2015)  
(\*LPA Recommendation – Approved Small Scale Plan Amendment

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

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