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On motion by Commissioner Infantini, seconded by Commissioner Anderson, the following resolution was adopted by a 4:1 vote, with Commissioner Barfield voting nay:

**WHEREAS, RALPH & CYNTHIA PERRONE** has requested a Small Scale Plan Amendment (15S.08) from NC (Neighborhood Commercial) to CC (Community Commercial), and a change of classification from BU-1-A (Restricted Neighborhood Commercial) to BU-1 (General Retail Commercial), on property described as: Tax Parcel 538.1, as recorded in ORB 5474, Pages 5305-5306, of the Public Records of Brevard County, Florida. **Section 14, Township 24, Range 36** (1.07 acres) Located on the northeast corner of N. Courtenay Pkwy., and Skyline Blvd. (140 Skyline Blvd., Merritt Island)

**Section 14, Township 24 S, Range 36 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/Local Planning Agency recommended that the application be approved with a BDP (Binding Development Plan) limited to the following: Providing a minimum eight foot (8') masonry wall along the eastern boundary of the property, and a Type A buffer along the easterly 30 feet of the north property line, along with a twenty foot (20') wide vegetative buffer along the east boundary with an additional three trees at least 8 feet high or greater and a 20% increase in shrubbery at the time of installation; median buffer on Skyline Blvd. shall be landscaped and maintained by the Developer/Owners; Developer/Owners will coordinate with the County and FDOT to minimize traffic impacts to the residents and property owners along Skyline Blvd; use of the property shall be limited to a restaurant use with a drive through lane or other use allowed in BU-1-A, and the height of the building shall be limited to one story provided the use is limited to a restaurant; the setback of the building from the eastern boundary will be at least 74.6 feet as depicted on the conceptual site plan, provided that road improvements to North Courtenay Parkway are not required by FDOT that would result in the site improvements being shifted to the east; and that the trash receptacle is to be moved to the western portion of the property; 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 a Binding Development Plan as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.08) from NC to CC, and a change of classification from BU-1-A to BU-1, be APPROVED with a BDP, recorded in ORB 7627, Pages 2500 through 2508, dated 06/01/16, limiting the uses of the property as follows: Providing a minimum eight foot (8') masonry wall along the eastern boundary of the Property, along with a 20-ft Type "A" vegetative buffer on that boundary. The Developer/Owners shall be required to maintain both sides of the masonry wall in good and sanitary condition. The 20-ft. in width vegetative buffer on the east boundary of the property shall include an additional three (3) trees of at least 8 ft. height at installation and a 20% increase in shrubbery at time of planting. A Type "A" vegetative buffer 6 ft. in height and 20 ft. in width shall also be installed along the eastern 30 ft. of the north property boundary, along with the continuation of the minimum 8 ft. masonry wall along the eastern 30 ft. of the north property boundary, to enhance the buffering for the residences to the north of the property. Tree and shrub species shall be evergreen and selected in consultation with Brevard County Natural Resources Department to offset any potential noise, lighting, and visual incompatibilities; landscape and maintain the median buffer on Skyline Blvd. to the south of the Property with landscaping approved by Brevard County; work with FDOT and the County to minimize traffic impacts to the residents and property owners along Skyline Blvd.; limit the use of the Property to a restaurant use with a drive through lane or other use allowed in BU-1-A. So long as the Property maintains a restaurant use, the Developer/Owners agree to limit the height of the building to one story, and adopted Ordinance No. 16-01, Small Scale Plan Amendment 15S.08, 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 June 1, 2016.

ATTEST:

*Scott Ellis*  
SCOTT ELLIS, CLERK  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Jim Barfield*  
by Jim Barfield, Chairman  
Brevard County Commission

As approved by Brevard County Commission on May 26, 2016. ✓

(P&Z/LPA Hearing – January 4, 2016)

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.

*Per*

**RESOLUTION NO. 16PZ00028**

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

**WHEREAS, IAN BAUMGARDNER** has requested a Small Scale Plan Amendment (16S.03) to change the Future Land Use designation from Agricultural to Residential 1, and a change of classification from GU (General Use) to RR-1 (Rural Residential), on properties described as Lot 2.03, Indian River Park Subdivision, as recorded in ORB 7441, Pages 2129 – 2130, of the Public Records of Brevard County, Florida. **Section 23, Township 20G, Range 34** (1.23 acres) Located on the south side of Harrison Rd., approx. 0.31 mile east of N. Johnson Ave. (No assigned address. In the Mims area.)

**Section 23, Township 20G, Range 34E, and,**

**WHEREAS,** a public hearing of the Brevard County Planning & Zoning Board/Local Planning Agency 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/Local Planning Agency 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 (16S.03) to change the Future Land Use from Agricultural to Residential 1, and change of classification from GU to RR-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 May 26, 2016.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Jim Barfield*  
by Jim Barfield, Chairman  
Brevard County Commission

As approved by Brevard County Commission on May 26, 2016. ✓

ATTEST:

*Scott Ellis*

SCOTT ELLIS, CLERK  
(SEAL)

(P&Z/LPA Hearing – May 9, 2016)

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.