



AGENDA REPORT
May 30, 2019

Mark D. Hansson requests a change of zoning classification from RRMH-2.5 to BU-2. (19PZ00033) (District 1)

SUBJECT:

Mark D. Hansson requests a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.01 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00033) (District 1)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from RRMH-2.5 to BU-2.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification from Rural Residential Mobile Home 2.5 (RRMH-2.5) to Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of developing the property as a boat and recreational vehicle storage yard in conjunction with their primary residence.

The current RRMH-2.5 classification permits single-family mobile homes and detached single-family residential land uses on minimum 2.5 acre lots, with a minimum width and depth of 150 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

The applicant has submitted a draft Binding Development Plan (BDP) with this request to change Zoning classification in order to ensure that property development does not cause Traffic Concurrence Levels of Service standards (LOS) to be exceeded. The BDP

proposes to eliminate the following BU-2 uses: drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps.

The property is currently developed with a 2,280 square foot home and is occupied by the applicant and his wife. The subject property is split by the right-of-way of East Railroad Avenue and the Florida East Coast Railway. The majority of the property is accessed by East Railroad Avenue, which is currently a County-maintained as a dirt road. Approximately 0.37 acres of this lot lies west of the railroad and lacks road frontage. Development of the property for commercial use(s) will require access to a paved road and a site plan that demonstrates conformance with all site requirements such as parking, landscaping, fencing, access and storage yard requirements.

The Board may wish to consider whether the proposed BU-2 Zoning classification is consistent and compatible with the surrounding RU-1-7, TR-1, BU-1, AU, and IU zoned parcels. The Board should consider whether the limitations proposed in a Binding Development Plan (BDP) on drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps mitigate the impacts of BU-2 uses.

The Board may also wish to consider whether rezoning the .37 acre portion of the property lying west of the railroad tracks is appropriate.

This site is also the subject of **19PZ00032**, a concurrent application for a small scale comprehensive plan amendment (SSCPA) from RES 4 to Community Commercial (CC).

On May 20, 2019, the Planning and Zoning Board heard the request and approved, excluding the portion of property west of East Railroad Avenue, and with a BDP, prohibiting the following uses: drive-thru use; fast-food use, with or without a drive-thru; convenience market, with or without gasoline pumps; dry cleaning plants; dying and carpet cleaning; paint and body shop; seafood processing; sharpening and grinding shop; ship chandlery; welding; and a crematorium. The vote passed unanimously.

ATTACHMENTS:

Description

- ▢ **Staff Comments**
- ▢ **Administrative Policies**
- ▢ **GIS Maps**
- ▢ **Draft BDP**
- ▢ **Survey**
- ▢ **LPA/PZ Minutes 05/20/19**

REZONING REVIEW WORKSHEET

19PZ00033

Commission District # 1

Hearing Dates: P&Z 05/20/19

BCC 05/30/19

Owner Name: Mark D. Hansson

Request: RRMH-2.5 to BU-2 with a Binding Development Plan

Subject Property:

Parcel ID# 24-36-06-00-774

Tax Acct.# 2410827

Location: East and west sides of East Railroad Avenue, approximately .76 mile north of Cross Road

Address: 3845 East Railroad Avenue, Cocoa

Acreage: 3.01

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
- NO*** Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

USE STATUS CATEGORY	CURRENT	PROPOSED
Zoning	RRMH-2.5	BU-2 with BDP
Potential*	1 Single-Family Unit	36,712 Square Feet
Can be Considered under FLU MAP	YES Residential 4	NO**, BU-2 Will Require Community Commercial

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Requires Small Scale Amendment from RES 4 to Community Commercial. ***Unless the following high volume traffic generating uses are prohibited (fast food, convenience store, and drive-thru uses), a traffic deficiency could be created.

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	36001/36002
Trips from Proposed Zoning	5,269	581	Segment Name	US-1 SR-528 - Canaveral Groves
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	31,822	2,864	Directional Split	0.5
Volume With Proposed Development	37,081	3,444	ITE CODE 868	
Current Volume / MAV	76.15%	76.15%		
Volume / MAV with Proposal	88.73%	91.57%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

The preliminary concurrency analysis depicted considers only the uses remaining after the high trip generation uses limited by the BDP were eliminated. Developing the site with the omitted BU-2 uses indicates that potential traffic generation could have reached up to 234.25% of the roadway capacity.

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Rural Residential Mobile Home 2.5 (RRMH-2.5) to Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of developing the property as a boat and recreational vehicle storage yard in conjunction with his primary residence. The 3.01 acre tract retains a Future Land Use (FLU) designation of Residential 4 (RES 4) and is the subject of **19PZ00032**, a concurrent application for a Small Scale Comprehensive Plan Amendment (SSCPA) from RES 4 to Community Commercial (CC).

The applicant has submitted a draft Binding Development Plan (BDP) with this request to change the zoning classification in order to ensure property development does not cause Traffic Concurrency Levels of Service standards (LOS) to be exceeded. The applicant proposes to retain all BU-2 uses except the following high trip generating uses: drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps.

The original zoning of the subject property was split between Agricultural Residential (AU) and General Use (GU). **Z-11393** adopted 02/07/2008 changed the zoning classification from GU and AU to RRMH-2.5. No other Zoning actions have been approved nor denied on the property.

The current RRMH-2.5 classification permits single-family mobile homes and detached single-family residential land uses on minimum 2.5 acre lots, with a minimum width and depth of 150 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

The property is currently developed with a 2,280 square foot single-family residence (SFR) that was originally permitted as a double-wide manufactured home. The mobile home was converted to a SFR in accordance with Florida Statute 319 and Section 62-1102 Brevard County Zoning Regulations. A single-family residence is a permitted use in the proposed BU-2 Zoning classification. The subject property is split by the right-of-way for East Railroad Avenue and Florida East Coast Railway that is adjacent to said right-of-way. Approximately 0.37 acres of the parcel lies west of the railroad tracks and is undevelopable due to lack of access. Development of the property for commercial use will require site plan approval that demonstrates conformance with all site plan requirements, including but not limited to parking, landscaping, and access requirements.

The character of the immediate area is mostly residential (a mixture of Agricultural Residential (AU), General Use (GU), Single-family Residential (RU-1-7), Single-family Mobile Home (TR-1) and Rural Residential Mobile home (RRMH-2.5). The non-residential development lying east of the railroad tracks includes parcels with the Retail, Warehousing and Wholesale Commercial (BU-2), Low-Intensity Institutional [IN(L)] and Planned Industrial Park (PIP) zoning classifications. Land lying west of the railroad tracks primarily has industrial zoning classifications (IU and IU-1).

Land Use Compatibility

The subject property currently retains the RES 4 FLU designation. Companion application (19PZ00032) for a SSCPA from RES 4 to CC was filed concurrently with this rezoning application. The proposed zoning of BU-2 and the existing zoning of RRMH-2.5 are both consistent with the proposed FLU designation of CC.

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

The request for BU-2 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;
Transient commercial uses;
Tourist commercial uses;
Professional offices;
Personal service establishments;
Retail establishments;

Non-retail commercial uses;
Residential uses;
Institutional uses;
Recreational uses;
Public facilities;
Transitional uses pursuant to Policy 2.14; and
Planned Business Park development (as permitted by PBP zoning).

The request for BU-2 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area 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 intersections.
- B. Community Commercial complexes should not exceed 40 acres at an intersection.
- 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.
- 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.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

Note: Floor Area Ratios are evaluated during site plan review.

The parcel is currently developed with a 2,280 square foot structure. The proposed BU-2 Zoning classification is estimated to yield 36,712 square feet of commercial building area, taking into account parking, drainage, landscaping and other development requirements, and could potentially permit 131,116 square feet of commercial building area under a multi-story scenario that takes advantage of the 1.00 FAR for sites with CC FLU.

Given the zoning pattern in the area, Policy 2.15, which addressed infill vs. strip commercial development, should also be considered, as follows:

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:

- 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 of the FLUE) to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

No substantial natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Please refer to comments provided by the Natural Resources Management Department.

Applicable Land Use Policies

The applicant requests to change the Zoning classification on the subject property from RRMH-2.5 to BU-2.

The applicant has submitted a draft Binding Development Plan (BDP) with this request to change Zoning classification in order to ensure property development does not cause Traffic Concurrency Levels of Service standards (LOS) to be exceeded. The BDP allows for all BU-2 uses except the following uses: drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps. The applicant has indicated they intend to have a contractor storage yard for the purpose of renting parking spaces for clients to store boats and other recreational vehicles, but want to leave options open for other BU-2 uses not excluded by the BDP.

Preliminary transportation concurrency analysis indicates that after eliminating the fast food, convenience store, and drive-thru uses, the highest development potential of the remaining BU-2 uses could generate up to 92 Average Daily Trips (ADT) and 5 pm-peak hour trips.

The property to the north has the RU-1-7 Zoning classification and in development for single-family homes as part of the Hickory Ridge Phase I subdivision (**17SD00015**). There is a 40-foot buffer as part of a 5.74 acre landscape preservation tract located between the subject property and the closest single-family lot on the proposed plat. The county's land development section may also require additional buffering such as additional landscaping or a six (6) foot high masonry wall to protect/buffer this lot.

The property to the east retains a split zoning of Single-Family Mobile Home (TR-1) and Single-Family Residential (RU-1-9). That property is utilized with BU-2 uses, along with two (2) dwelling units and is located at the dead end of Pam-Lem Street in the Pam-Lem Industrial Park Subdivision that, with the exception of the property directly abutting the subject property and the parcels adjacent to US-1 zoned General Retail Commercial (BU-1), retains BU-2 Zoning. The uses on this street consist primarily of outdoor contractor storage areas and some properties include outdoor boat and truck storage.

The property to the south retains Agricultural Residential (AU) Zoning and has three (3) single-wide trailers, accessory structures, and numerous RV's and vehicles.

The abutting parcel to the west of the subject property, on the west side of the railroad tracks, retains Light Industrial (IU) Zoning.

The following four (4) Zoning actions were approved within the last three (3) years within one-half mile of the subject property:

- **17PZ00038** adopted 7/26/2017 changed the FLU from Planned Industrial Park (PLNIP) to RES 4 and the Zoning from Planned Industrial Park (PIP) to Single-Family Residential (RU-1-7) on 1.02 acres located on the east side of Railroad Avenue, approximately 180 feet north of this site;
- **16PZ00118** adopted 7/26/2017 changed Planned Industrial Park (PIP), General Retail (BU-1), Recreational Vehicle Park (RVP) and Agricultural Residential (AU) to Single-family Residential (RU-1-7) with a BDP recorded in ORB 7946, Pages 389-393 limiting density to four (4) dwelling units per acre and requiring connection to public water and sewer for the entire development on 48.258 acres located adjacent to the north side of this parcel.
- **16PZ00114** adopted 03/02/2017 changed the FLU from CC to PLNIP and the Zoning from split zoning of BU-1 and BU-2 to PIP on 7.00 acres located on west side of US 1, 110 feet south of Pam-Lem Street approximately 660 feet east of this parcel;
- **16PZ00109** adopted 02/02/2017 changed the zoning from PIP to BU-2 on 6.27 acres located on the west side of N. U.S. Highway 1 approximately 1,220 feet north of this site.

For Board Consideration

The applicant is seeking a change of Zoning classification from Rural Residential Mobile Home 2.5 (RRMH-2.5) to Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of developing the property as a boat and recreational vehicle storage yard in conjunction with their primary residence.

The current RRMH-2.5 classification permits single-family mobile homes and detached single-family residential land uses on minimum 2.5 acre lots, with a minimum width and depth of 150 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

The applicant has submitted a draft Binding Development Plan (BDP) with this request to change Zoning classification in order to ensure that property development does not cause Traffic Concurrency Levels of Service standards (LOS) to be exceeded. The BDP proposes to eliminate the following BU-2 uses: drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps.

The property is currently developed with a 2,280 square foot home and is occupied by the applicant and his wife. The subject property is split by the right-of-way of East Railroad Avenue and the Florida East Coast Railway. The majority of the property is accessed by East Railroad Avenue, which is currently a County-maintained as a dirt road. Approximately 0.37 acres of this lot lies west of the railroad and lacks road frontage. Development of the property for commercial use(s) will require access to a paved road and a site plan that demonstrates conformance with all site requirements such as parking, landscaping, fencing, access and storage yard requirements.

The Board may wish to consider whether the proposed BU-2 Zoning classification is consistent and compatible with the surrounding RU-1-7, TR-1, BU-1, AU, and IU zoned parcels. The Board should consider whether the limitations proposed in a Binding Development Plan (BDP) on drive-thru, fast food restaurants with or without a drive-thru, and convenience markets with or without gas pumps mitigate the impacts of BU-2 uses.

The Board may also wish to consider whether rezoning the .37 acre portion of the property lying west of the railroad tracks is appropriate.

This site is also the subject of **19PZ00032**, a concurrent application for a small scale comprehensive plan amendment (SSCPA) from RES 4 to Community Commercial (CC).

ADDENDUM TO STAFF COMMENTS SURROUNDING PARCELS' ZONING CLASSIFICATIONS

The **RU-1-7** classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

The **BU-1** classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The **AU** zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The **IU** zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

The **GU** classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 19PZ00033

Applicant: Mark and Michele Hansson

Rezoning Request: RRMH-2.5 to BU-2

Note: Applicant wants to utilize property for commercial business

LPA/P&Z Hearing Date: 05/20/19; **BCC Hearing Date:** 05/30/19

Tax ID No: 2410827

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Substantial Natural Resources Land Use Issues:

No substantial natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Summary of Mapped Natural Resources Present on the Subject Property:

- Aquifer Recharge Soils
- Upland Mixed Coniferous/Hardwood Forest

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Candler fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Upland Mixed Coniferous/Hardwood Forest

The northern portion of the parcel contains a small mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Mixed Upland Coniferous/Hardwood Forest. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside in the area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any

Staff Comments: Page 10
(19PZ00033)
05/06/19 PZ // 05/30/19 BCC

necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Resolution 19PZ00033

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

WHEREAS, Mark D. Hansson has requested a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 774, as recorded in ORB 7856, Page 860, of the Public Records of Brevard County, Florida. Section 06, Township 24, Range 36. (3.01 acres) Located on the east and west sides of E. Railroad Ave., approx. 150 ft. north of Moore Rd. (3845 E. Railroad Ave., Cocoa); and

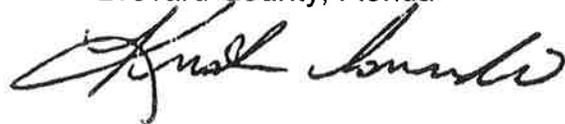
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved, excluding the portion of property west of East Railroad Avenue, with a BDP (Binding Development Plan) prohibiting the following uses: drive-thru use; fast-food use, with or without a drive-thru; convenience market, with or without gasoline pumps; dry cleaning plants; dying and carpet cleaning; paint and body shop; seafood processing; sharpening and grinding shop; ship chandlery; welding; and a crematorium; and

WHEREAS, the Board, after considering said application and Brevard County Planning and 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, excluding the portion of property west of East Railroad Avenue, and with a BDP prohibiting the following uses: drive-thru use; fast-foot use, with or without a drive-thru; and convenience market, with or without gasoline pumps; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RRMH-2.5 to BU-2, be approved, excluding the portion of property west of East Railroad Avenue, and with a BDP, recorded in Official Records Book 8541, Pages 2893 – 2896, dated September 19, 2019, prohibiting the following uses: drive-thru use; fast-foot use, with or without a drive-thru; and convenience market, with or without gasoline pumps. The Planning and 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 May 30, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Kristine Isnardi, Chair
Brevard County Commission
As approved by the Board on May 30, 2019.

ATTEST:



Scott Ellis
SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – May 20, 2019

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 year of approval or if construction does not commence within two years of approval. A Planned Unit Development 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.**

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Tuesday, October 1, 2019 7:50 AM
To: Deborah Thomas
Subject: Zoning Resolution
Attachments: 8. 19PZ00033 Resolution Signed.docx

Mornin'!

Here's the other zoning resolution I was talking about.

Thank you!

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

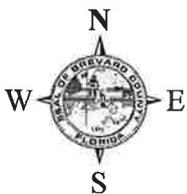
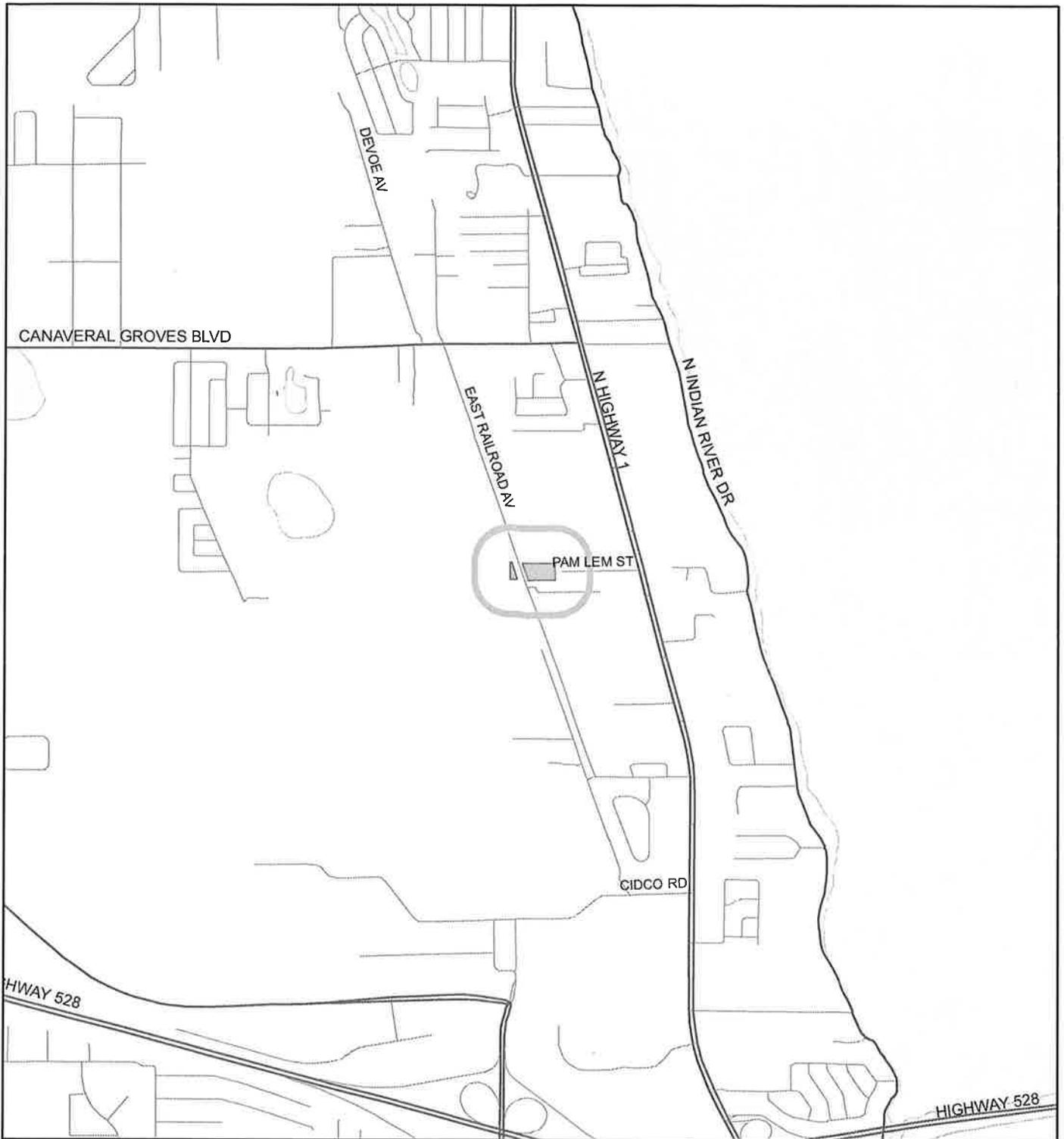
Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

LOCATION MAP

HANSSON, MARK D.

19PZ00033



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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 3/13/2019

-  Buffer
-  Subject Property

ZONING MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

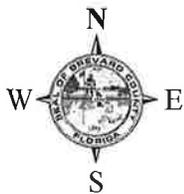
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/13/2019

FUTURE LAND USE MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

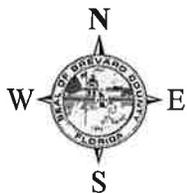
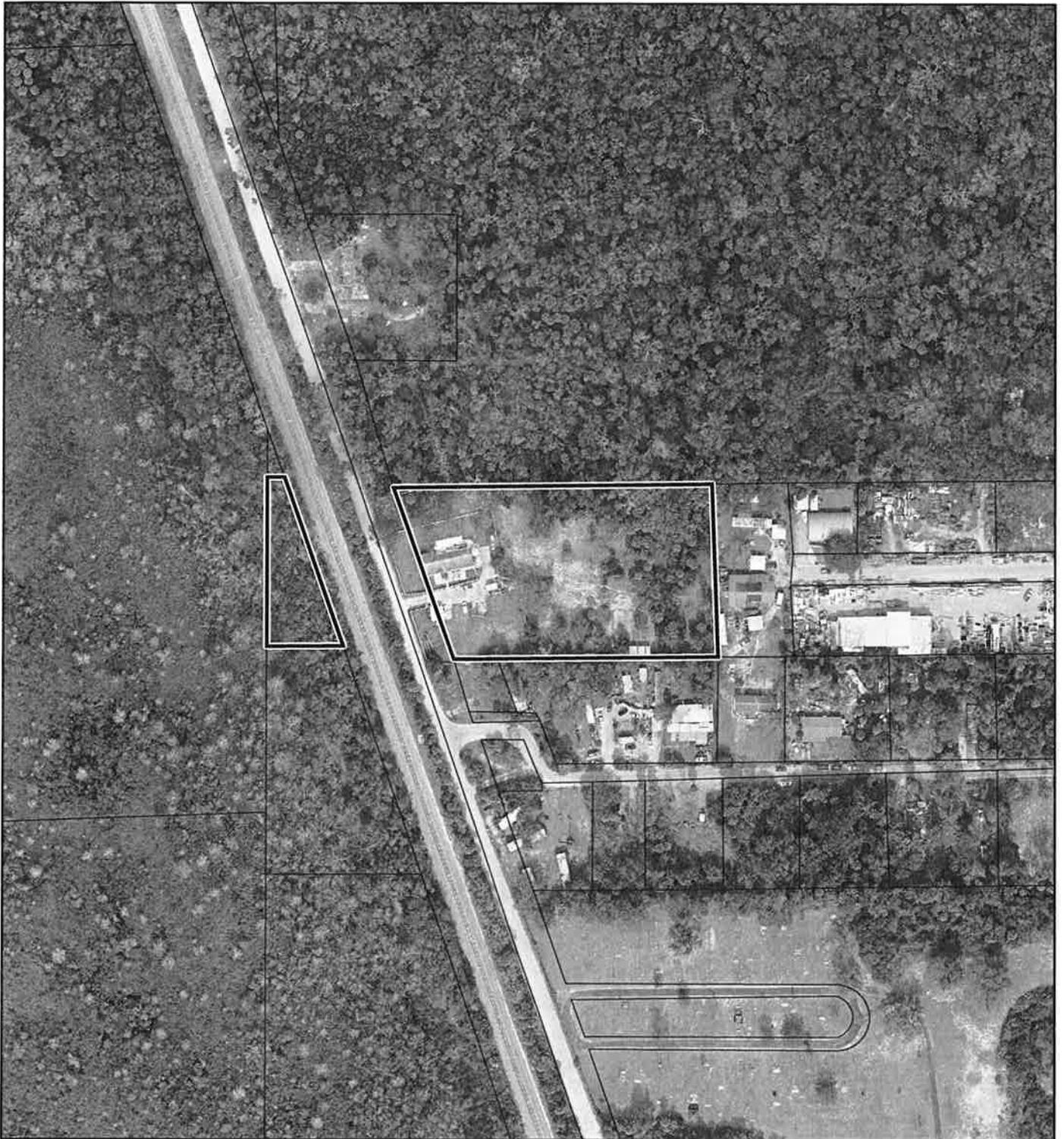
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/13/2019

AERIAL MAP

HANSSON, MARK D.

19PZ00033



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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

Produced by BoCC - GIS Date: 3/13/2019

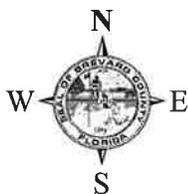
 Subject Property

 Parcels

NWI WETLANDS MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/13/2019

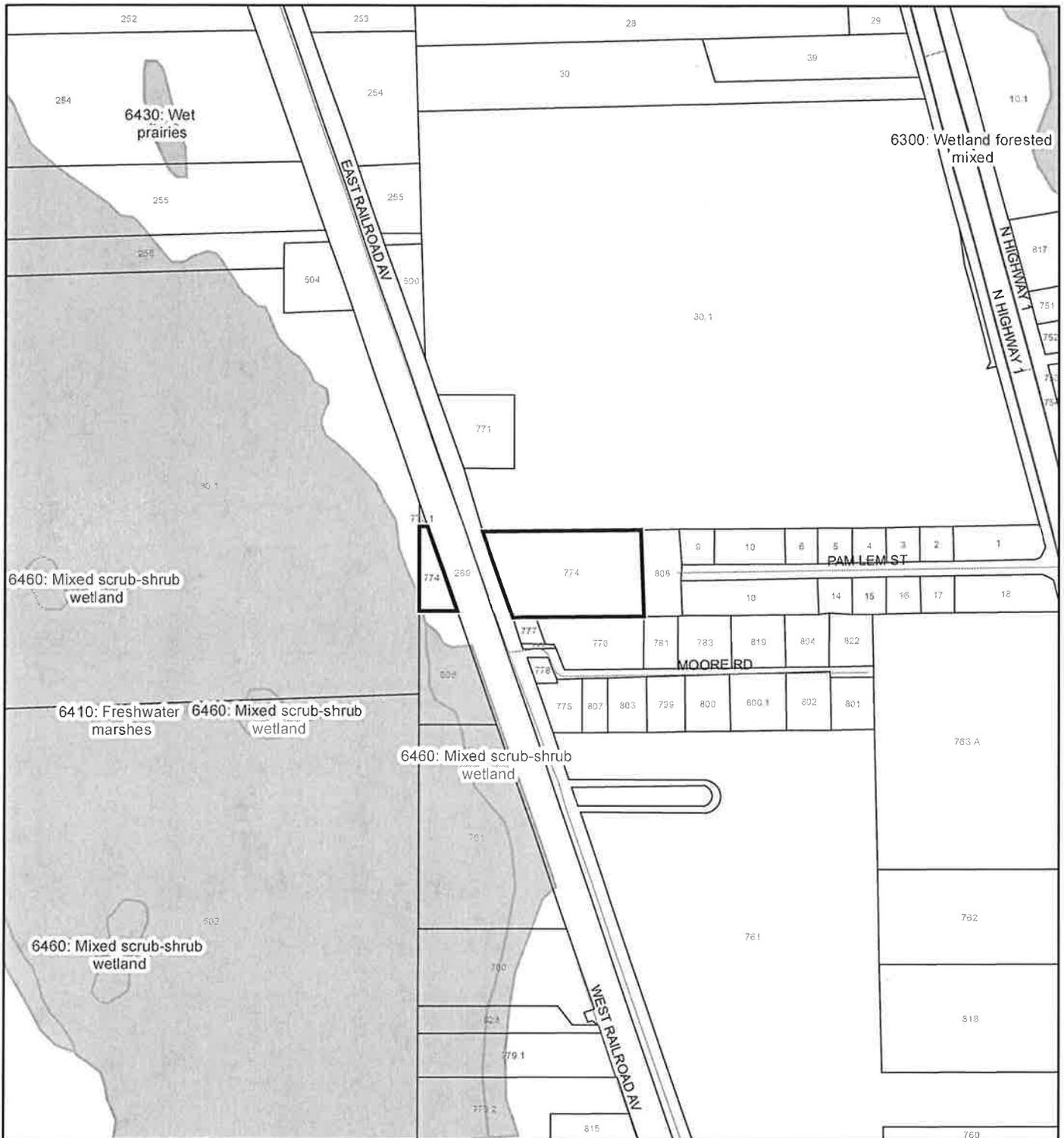
National Wetlands Inventory (NWI)

- | | | | |
|---|-----------------------------------|---|-----------------|
|  | Estuarine and Marine Deepwater |  | Freshwater Pond |
| | Estuarine and Marine Wetland |  | Lake |
|  | Freshwater Emergent Wetland |  | Other |
|  | Freshwater Forested/Shrub Wetland |  | Riverine |
|  | Subject Property |  | Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/13/2019

SJRWMD FLUCCS WETLANDS

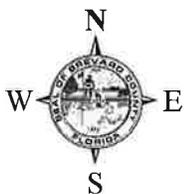
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property  Parcels

USDA SCSSS SOILS MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

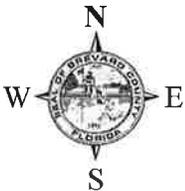
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/13/2019

FEMA FLOOD ZONES MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/13/2019

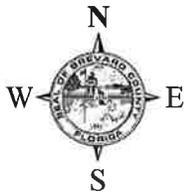
FEMA Flood Zones

- | | | |
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EAGLE NESTS MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/13/2019

 Subject Property

 Parcels

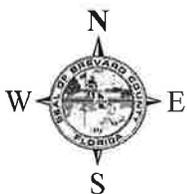
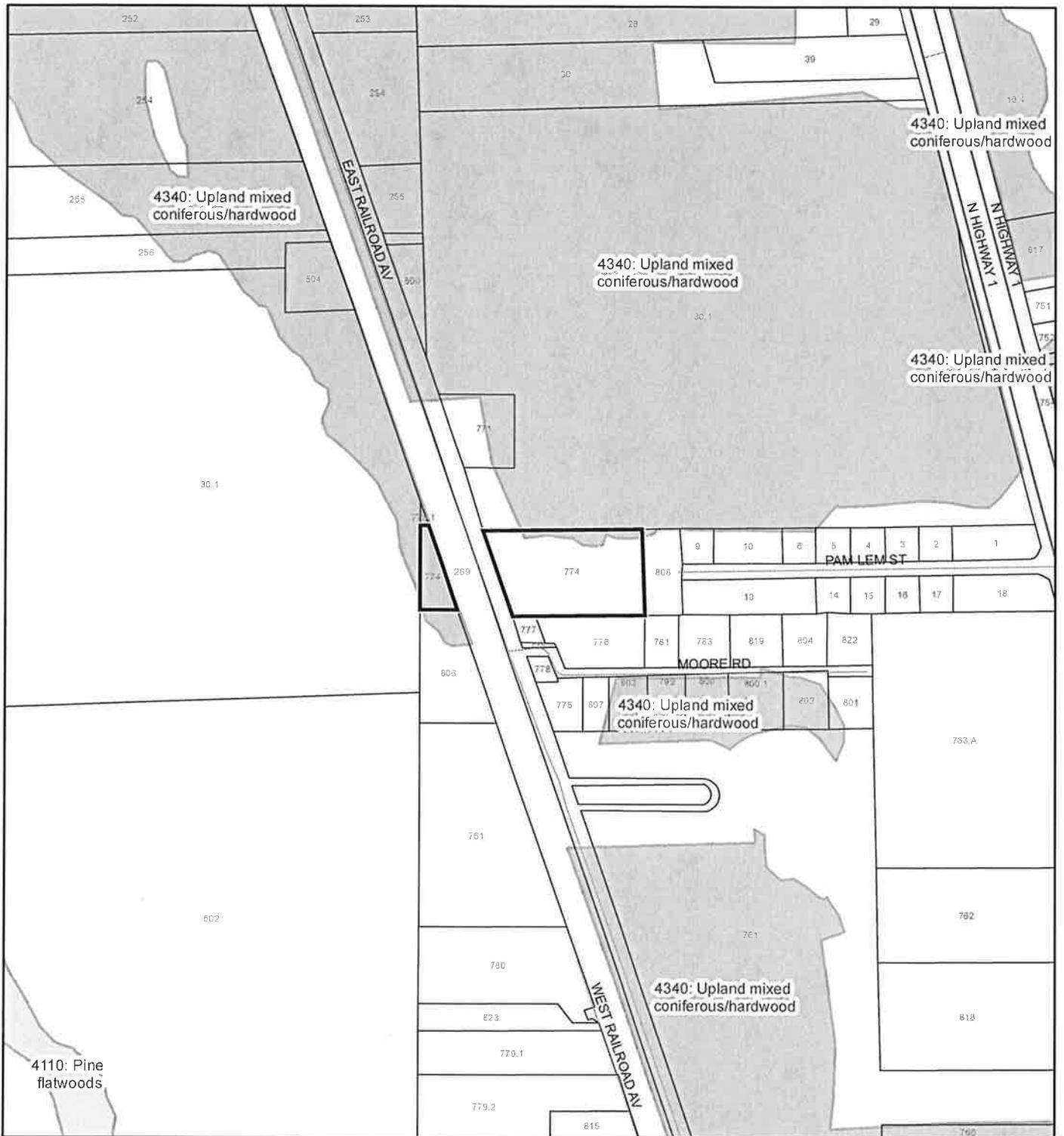


Eagle Nests
FWS 2010

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HANSSON, MARK D.

19PZ00033



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/13/2019

SJRWMD FLUCCS Upland Forests

-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property  Parcels

Prepared by: Mark D. Hansson
Address: 3845 Railroad Ave.
Cocoa FL 32926-5930

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Mark D. Hansson and Michele L. Hansson (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification(s) and desires to develop the Property as Contractor's offices, plants, and storage yards, more specifically outdoor storage of recreational vehicles, watercraft, and trailers, pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Property will neither be utilized nor designed to be utilized for any of the following: drive-thru use; fast-food use, whether with or without a drive-thru; convenience market use, whether with or without gasoline pumps.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))
as DEVELOPER/OWNER

(Witness Name typed or printed)

Mark D. Hansson
3845 E. Railroad Ave. Cocoa FL 32926-5930

(Witness Name typed or printed)

Michele L. Hansson
3845 E. Railroad Ave., Cocoa FL 32926-5930

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of
, 20__, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____, as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

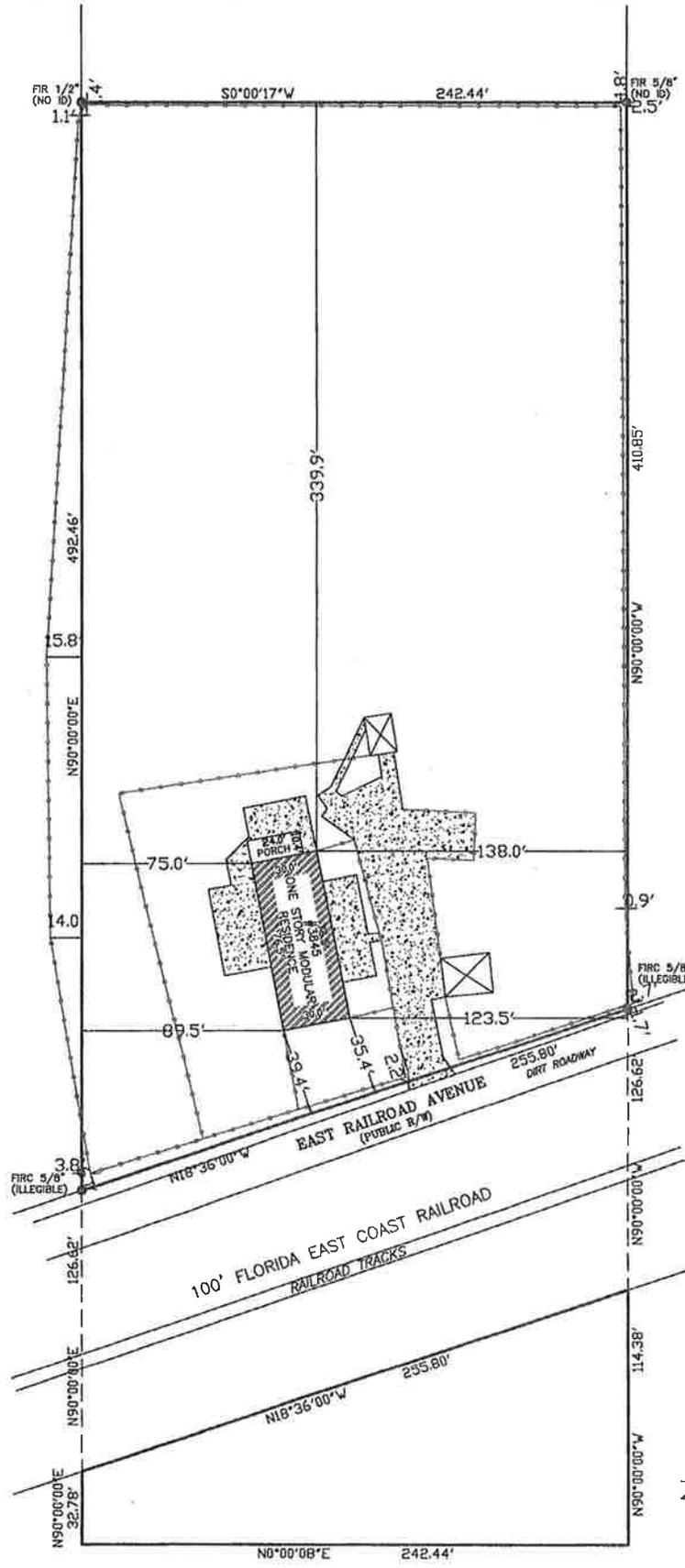
SEAL

Commission No.:

(Name typed, printed or stamped)

SHEET 1 OF 2 (SURVEY SKETCH) — SURVEY NOT COMPLETE WITHOUT ALL SHEETS
 MAP OF BOUNDARY SURVEY PREPARED FOR MARK D. HANSSON

Survey
 19PZ00033
 Hansson



NOTES:
 PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORDED AND MEASURED, UNLESS OTHERWISE SHOWN.
 P.U.A.D.E. = PUBLIC UTILITY AND DRAINAGE BASEMENT
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE EASTERLY RIGHT OF WAY LINE OF EAST RAILROAD AVENUE

JOB # - 1703-047	REVISION -
FIELD DATE - 01/15/2019	REVISION -
DRAWN BY - M.W.S.	REVISION -
REVISION -	REVISION -

Know It Now, Inc. (13)
 PROFESSIONAL SURVEYING AND MAPPING
 5220 US HIGHWAY 1, #140 VERO BEACH, FL 32967
 Phone (772) 925-2250

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 8812

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Local Planning Agency (Planning & Zoning Board) met in regular session on Monday, May 20, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodggers; Ben Glover; Ron McLellan; Scott Langston, Vice Chair; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator II.

Excerpt from complete minutes.

Mark Hansson

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC (Community Commercial). The property is 3.10 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00032) (District 1)

A change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.01 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00033) (District 1)

Mark Hansson – Mark Hansson, 3845 East Railroad Avenue, Cocoa. We own a 3-acre parcel of land on East Railroad Avenue that is currently zoned RRMH-2.5 (Rural Residential Mobile Home) with a single residence on it and we are looking to pursue a recreational vehicle, boat, and trailer storage yard. In the surrounding area there are a lot of people who have those items and cannot park them in a residential area. It's a very rural area on an unimproved road. There are no other residences with a postal address on the road. We think it's compatible with the surrounding business ventures that are nearby, as it's not intrusive to any neighbors. We don't plan on having any buildings, only fencing for security, and lighting. We just want to change the zoning and land use classifications in order to make this storage yard for people with boats, lawn equipment, or similar items.

Rochelle Lawandales – Are there going to be any site planning requirements? Is he going to have to provide for stormwater management, buffering, and landscaping?

Erin Sterk – Yes, there are requirements for a wall adjacent to the subdivision to the north; they will have to site plan the area with the existing residence if it's to be used as the 300 square-foot building required for the office for the storage yard. There are also requirements in site planning for access for commercial properties to a paved road, so either Railroad Avenue would have to be paved to this point, which may be a challenge because it's a long distance they need to go, or access to Pam-Lem Street to the east, which would need to be negotiated with those property owners. There are some challenges at site plan, but they are not related to the zoning action, and the applicant is still working diligently on all of those things and is aware of those issues.

Mark Hansson – I'm not sure of any other ventures I could use it for that don't require as much site planning or paved roads, I just want to do some sort of business on the property. The paved road is an issue and I already talked to Commissioner Pritchett's office concerning getting an agreement with

my neighbors, I guess they have a 10-year plan where you can split the cost of road improvements. I'm pursuing that if I can, but it will take time. I will pursue it as I can afford it to accomplish the venture.

Rochelle Lawandales – Is this your residence?

Mark Hansson – It is now.

Rochelle Lawandales – Can you access it from Pam-Lem Street?

Mark Hansson – Only if I purchase the single parcel adjacent to me, and I have not asked them for an easement; it used to be part of this parcel, so it would be great if I could pursue that.

Rochelle Lawandales – There were some other uses in BU-2 (Retail, Warehousing, and Wholesale Commercial) that I think might have a negative impact on the residential subdivision to the north. Erin, there were welding shops and several heavier commercial quasi-industrial uses in BU-2 that I wanted to see if the applicant would be willing to also add to the BDP (Binding Development Plan) to restrict them out of the area. Uses such as auto body shops, welding shops, and mortuaries.

Mark Hansson – I would be willing to add those restricted uses to the BDP. On Pam-Lem Street there are similar uses already and there is a fence place that is always loading things and making noise.

Rochelle Lawandales – I'm talking about manufacturing kinds of uses.

Mark Hansson – There is a 40-foot natural vegetative barrier on the subdivision to the north that is already embedded in that development. The north side of our lot is also where most of the trees are, which we intend to leave. I'll let the building department assess the concrete wall. Whatever the code requires we will accomplish. We do not want to have an intrusive impact.

Ron McLellan – What is to the east of you?

Mark Hansson – Directly to the east is a lot with two mobile homes.

Ron McLellan – Past that, there is a building.

Mark Hansson – That is a fence company, and there is also a boat manufacturing business. Everything on Pam-Lem Street is some kind of light industrial.

Ron McLellan – I don't understand how that house got in the center of it.

Mark Hansson – It is an isolated and unique area. On the south side is a cemetery.

Ron McLellan – It's impossible to get to your property across the railroad tracks unless you have a horse.

Mark Hansson – The west side is not usable, it's next to a wetland. Staff told me that only this board and the Commissioners can make that any zoning you want. It will never be developed and there is no access to it. I have no concern with that half-acre on the west side of the tracks.

No public comment.

Ron McLellan – I move for approval.

Rochelle Lawandales – I'll second the motion with some conditions.

Erin Sterk – The proposal is actually with a BDP (Binding Development Plan) to limit two uses, so if you are approving it as proposed it would be limiting the use of a convenience store/gas station and drive-thru restaurant, and if the road were to be paved that would be crazy with the level of service. As proposed, there is already a BDP in your packet limiting those two uses.

Henry Minneboo – One of the issues on that road is that it's not a defined right of way, it's prescriptive. Parts of that road are 14 feet wide.

Rochelle Lawandales – My conditions would be to eliminate the piece on the west side of the railroad tracks and to further eliminate uses in the BDP. Do you want us to wait until we get to the rezoning?

Erin Sterk – They are both read into the record, so if this is the motion for the comprehensive plan amendment, then I guess this would be all that's applicable.

Rochelle Lawandales – I'll second the motion to approve the small scale comprehensive plan amendment.

Erin Sterk – With the restriction on the proposal on the west side?

Rochelle Lawandales – Yes.

Ron McLellan – Doesn't that hurt him in the future if he ever wants to sell this property?

Mark Hansson – No, sir. I might work on separating that parcel west of the railroad tracks, but only to sell it to the people that own the piece next to it.

Ron McLellan – I just don't want to see this action split on the parcels. If we are going to do it, we should do it on the whole property.

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

Rochelle Lawandales – I move approval of the rezoning with a BDP (Binding Development Plan) to eliminate the four uses that are currently in there, the drive-through fast food, convenience store, and add in no dry-cleaning plants, dying and carpet cleaning, paint and body shop, seafood processing, sharpening and grinding shop, a ship chandlery, welding, and crematorium.

Mark Hansson – I agree and have no objection to eliminating those uses.

Erin Sterk – Rochelle, can you clarify that you are intending to eliminate the piece on the west side from the proposal.

Rochelle Lawandales – From the zoning, correct.

Erin Sterk – From the zoning as well, okay.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated and it passed unanimously.
board, the meeting adjourned at 5:05 p.m.