



AGENDA REPORT
March 7, 2019

**Barbara J. and Joseph J. Tulske, Jr. (Rodney Honecutt) requests removal
of an existing BDP. (18PZ00159) (District 2)**

SUBJECT:

Barbara J. and Joseph J. Tulske, Jr. (Rodney Honecutt) requests removal of an existing BDP (Binding Development Plan). The property is 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail. (18PZ00159) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider an amendment to an existing BDP (Binding Development Plan)

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking an amendment to an existing Binding Development Plan (BDP) on the property to do consignment sales of recreational vehicles (RV), RV storage yard, and allow other Retail, Warehouse, and Wholesale Commercial (BU-2) uses in the future. Mobile home and travel trailer sales and outdoor storage of RV's are permitted with conditions uses under Sections 62-1837.7 and 62-1833.5 (Contractor's offices, plants, and storage yards) of Brevard County Zoning Regulations.

The subject property is located within the Merritt Island Redevelopment Area (MIRA) in a historical subdivision known as Merritt Park Place that was historically a mix of residential and commercial zoning and is two (2) streets north of the intersection of S.R. 520 and North Tropical Trail on the southeast corner of North Tropical Trail and Tangerine Avenue. A considerable amount of residential property in this area has converted to commercial over the last 40 years, including the subject property which used to be a Nonconforming Mobile Home Park. Directly adjacent to the subject property are a significant number of parcels with BU-1 or BU-2 zoning. All of these properties remain unencumbered by BDP's or any limitation of uses.

The existing BDP was placed on the property when it was rezoned from General Retail Commercial (BU-1) to BU-2 and imposed certain limitations on the property, per **Z-11171**,

approved 11/22/05, and recorded BDP in ORB 5570, Page 4219, most of which were related to the "lawn service, storage of lawn service equipment within the compound, and mini storage facility for personal items with no other BU-2 uses allowed" on the site as a part of that previous zoning action. The new owners of the property seek to perform different specific BU-2 uses and have proposed revisions to the existing BDP, which seek to mitigate the effect of those proposed uses.

The Board may wish to consider whether the proposed conditions within the BDP are appropriate to provide consistency and compatibility with the surrounding development. A comparison of existing vs. proposed BDP conditions is included within the staff comments for Board consideration.

On January 31, 2019, the Merritt Island Redevelopment Agency heard the request and tabled it to their February 28, 2019, meeting to allow the applicant time to provide additional information and a sketch reflecting the plans for the property.

On February 11, 2019, the Planning and Zoning Board heard the request and voted 7:1 to approve.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **Existing BDP**
- ▢ **Draft BDP**
- ▢ **Amended Request**
- ▢ **MIRA Memo**
- ▢ **Concept Plan**
- ▢ **Planning and Zoning Minutes**

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.



MERRITT ISLAND REDEVELOPMENT AGENCY

DATE: March 1, 2019

TO: Tad Calkins, Planning & Development Director
Erin Sterk, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Cindy Thurman, MIRA Land Development Manager on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **February 28, 2019 MIRA Meeting; Joseph & Barbara Tulske/ Rodney Honeycutt
& Associates Inc.; 140 N. Tropical Trail; P & D Application # 18PZ000159**

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the P&Z Board for a change in zoning or approval of a conditional use permit, or to the Board of Adjustment for a variance, for property located in the MIRA area, the application shall be forwarded to the MIRA agency prior to the applicable public hearing before the P&Z board or the Board of Adjustment."

On February 28, 2019 at their regular meeting, the Merritt Island Redevelopment Agency Board of Directors heard the request for an amendment to the Binding Development Plan approved under zoning action #16PZ00088 for 140 N. Tropical Trail.

The request was approved unanimously by the Merritt Island Redevelopment Agency Board as amended.

REZONING REVIEW WORKSHEET

18PZ00159

Commission District # 2

Hearing Dates: P&Z 02/11/19

BCC 03/07/19

Owner Name: Barbara J. and Joseph J. Tulske, Jr.

Request: Amendment to Existing BDP

Subject Property:

Parcel ID# 24-36-35-31-D-1; 24-36-35-31-D-3

Tax Acct.# 2426943; 2426944

Location: Southeast corner of Tangerine Ave. and N. Tropical Trail

Address: Lot 1 = 140 N. Tropical Trail; Lot 3 = No assigned address.

Acreage: 1.55

Consistency with Land Use Regulations

YES
YES
YES**

Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-2 with BDP	BU-2 without BDP
Potential*	18,905 square feet limited by BDP for BU-1 uses or mini-warehouse use	18,905 square feet
Can be Considered under FLU MAP	YES Community Commercial	Yes Community Commercial

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

	ADT	PM PEAK		
Trips from Existing Zoning	11,054	578	Segment Number	349A
Trips from Proposed Zoning	15,475	809	Segment Name	N. Tropical TR - SR 520 to Merritt Avenue
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	8,843	796	Directional Split	0.51
Volume With Proposed Development	24,318	1,605	ITE CODE	
Current Volume / MAV	56.69%	56.69%	937	
Volume / MAV with Proposal	155.88%	114.31%		
Current LOS	C	C		
LOS With Proposal	F	F		
Findings	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

**Requires binding development plan (BDP) excluding convenience store and drive-thru uses to not create a deficiency.

Background & Purpose of Request

The applicant is seeking an amendment to an existing binding development plan (BDP) on the property to do consignment sales of recreational vehicles (RV), RV storage yard, and allow other Retail, Warehouse, and Wholesale Commercial (BU-2) uses in the future. Mobile home and travel trailer sales and outdoor storage of RV's are permitted with conditions uses under Sections 62-1837.7 and 62-1833.5 (Contractor's offices, plants and storage yards) of Brevard County Zoning Regulations.

The subject property is located within the Merritt Island Redevelopment Area (MIRA) in a historical subdivision known as Merritt Park Place that was historically a mix of residential and commercial zoning and is two (2) streets north of the intersection of SR-520 and N. Tropical Trail on the southeast corner of North Tropical Trail and Tangerine Avenue. A considerable amount of residential property in this area has converted to commercial over the last 40 years, including the subject property which used to be a Nonconforming Mobile Home (NMH) park.

The existing BDP was placed on the property when it was rezoned from General Retail Commercial (BU-1) to BU-2 and imposed certain limitations on the property per **Z11171**, approved 11/22/05, and recorded BDP in OR Book 5570 and Page 4219, most of which were related to the "lawn service, storage of lawn service equipment within the compound, and mini storage facility for personal items with no other BU-2 uses allowed" on the site as a part of that previous zoning action. The new owners of the property seek to perform a different specific BU-2 uses and have proposed revisions to the existing BDP as noted in the "Proposed Conditions" column, which seek to mitigate the effect of those proposed uses.

Condition Type	Existing Conditions	Proposed Conditions
Use Limitation	<p>The Developer/Owner shall limit the uses under the BU-2 zoning district classification to only that of:</p> <ul style="list-style-type: none"> a. An office for the operation of the storage and lawn care/sweeper business; b. Equipment storage associated with the lawn care/sweeper business as noted in #8 above, and c. Mini warehouse (self storage) <p>No other BU-2 uses shall be permitted. Any other uses of the subject property shall be limited to those identified within the Brevard County Land Development Code under the BU-1 Commercial Zoning category as 'Permitted Uses'.</p>	<p>The uses on the property shall be limited to RV Display/Sales with Detailing and Minor Repairs and a retail/office building that is a maximum of 2,600 square feet.</p>
Access	<p>There will be only two access points: North Tropical Trail will be the primary access for all vehicles. Tangerine Avenue will be available only for emergency vehicle access purposes.</p>	<p>The only access to the site will be from the existing access an North Tropical Trail and the existing access on Tangerine Avenue which will be updated to current Brevard County Standards.</p>
Buffering	<p>The site will be completely enclosed with a wall and fence. A decorative concrete block wall will surround the property on the North Tropical Trail and Tangerine Avenue sides.</p>	<p>The property will be completely buffered by a combination. of plantings, fence and the opaque gate on North Tropical Trail.</p>
	<p>Landscaping will be on the outside of the wall to soften the appearance of the wall.</p>	<p>There shall be an opaque access gate on North Tropical Trail.</p>
Aesthetics	<p>No parking of vehicles or equipment will be allowed outside the wall.</p>	<p>No parking of vehicles or equipment from any use on the site will be allowed</p>

		outside the property.
	Pavers will be used at the driveway entry-ways for enhanced aesthetics.	
	Wrought or similar type of 'iron' gates will be used.	
	All lawn maintenance/sweeper equipment and materials used in association with the lawn care business shall be contained within the compound.	
	No storage doors shall be located on North Tropical Trail.	
Authority for Rezoning	The owner would agree to the County administratively rezoning the property to another commercial district classification provided that the existing approved uses and operations on the site continued to be conforming uses under the new zoning district and land development regulations.	

The original zoning of the property was split zoning of RU-2 and RU-3. The property was rezoned to split zoning of RU-2, BU-1-A, and BU-1 on 5/9/1968 via **Z-2270**. A variance of 19 feet from the required 25 foot front setback in BU-1 was approved via **V-2138** on 05/17/1989. The property was platted as Tropical Mobile Manor and had mobile homes on it until early in the 21st Century. The property had NMH status, but lost this nonconforming status when the property was rezoned to BU-2 via **Z-11171** and all mobile homes were removed in 2005. That loss of NMH status is documented in a memo to file **NMH-99** dated 05/22/2014. An amendment to the existing BDP was applied for as **10PZ-00094**, but was withdrawn by the applicant in July of 2010.

Land Use Compatibility

The subject property retains a Future Land Use(FLU) designation of Community Commercial (CC). The requested removal of the BDP is consistent with this FLU designation as long as it does not create a deficiency to any adopted LOS. The property is located within a regional commercial district of more than 600 contiguous acres north and south of SR-520 on Merritt Island.

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 Industrial Park development (as permitted by PIP 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.

This request should be evaluated within the context of **Policy 2.14A** of the Future Land Use Element, which establishes locational criteria for non-retail commercial uses, as follows:

A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses: Heavy Industrial or Light Industrial activities.

Lower Intensity Uses: Community Commercial, Planned Industrial Park or Planned Business Park uses.

Future Land Use Designations: Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).

Roadway Access Requirements: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

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

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

Applicable Land Use Policies

The only condition of **Section 62-1837.7** is that if a Mobile Home and Travel Trailer Sales use is located in MIRA that it not be located on SR-520. The subject property does not abut SR-520 and thereby meets this condition. **Section 62-1833.5** requires that Contractor's Offices, Plants, and Storage yards, which include RV Storage Yards must: a) be enclosed with a six-foot wall, louvered fence or chain link fence and b) In MIRA, contractor's plants and storage yards shall not be located on any parcel with frontage on State Road 520. Within the remainder of MIRA, there shall be no visible outside storage. Storage yards must be enclosed with a six-foot opaque wall or fence. Contractors' offices not associated with plants or storage yards may be located on any parcel with frontage on SR 520. **Section 62-1483(6)** requires a principal building with a minimum of 300 square feet of floor area.

The two lots which comprise this application are surrounded by:

- To the north, BU-1 zoning developed from east to west as The Wesleyan Methodist Church of Merritt Island, an office building with two-story southern single-family architecture, and an strip center style office building;
- To the east, BU-2 zoning developed as commercial warehouses;
- To the south, BU-2 zoning developed as a warehouse, distribution, and trucking center and BU-1 developed as a 1-story, single-tenant office building, and;
- To the west, BU-2 zoning developed as mixed uses of commercial retail, commercial services, and commercial warehousing, distribution, and trucking terminal.

A considerable amount of the surrounding area has converted from residential to commercial use over the last few decades. The existing zoning trends in the area over the past three (3) years have been conducive for commercial development. The following actions have occurred:

18PZ00032 adopted on 8/16/2018, was a zoning change from RA-2-10 to BU-1 with BDP limiting use to a self-storage mini-warehouse with 40% building coverage and a 25-foot-wide landscape buffer and public sidewalk easement along the west property line adjacent to the South Tropical Trail right-of-way recorded in ORB 8239, Pages 1698-1701 dated August 16, 2018. This site is located approximately 1,800 feet south, on the south side of SR-520, and on the east side of South Tropical Trail and connecting through to South Courtney Parkway.

17PZ00107 adopted on 11/2/2017, was full liquor Conditional Use Permit (CUP) in conjunction with a 50-seat Irish Pub restaurant located approximately 1,950 east and in the Home Depot shopping center.

16PZ00084 adopted on 2/2/2017, was a truck and trailer rental CUP for Home Depot with the following limitations: To park all rental equipment with the rental trucks in the area designated on the approved site plan that is to be clearly marked with signage or striping; No more than ten (10) rental trucks at any given time on the property; After hours drop-off of vehicles must be in the designated area and any outside of the area will be moved to the approved location at the start of the Home Depot business; additional condition of no trailers on the property. This site is located approximately 1,400 feet directly east of the subject site.

The following actions are currently under consideration:

18PZ00138 was heard before the Planning & Zoning Board on 01/07/2019 and is scheduled to go before the Board on 02/07/2019. The request is to expand the existing CUP for alcoholic beverages (beer and wine only) for on-premises consumption onto the adjacent lot located to the north of the property that currently retains the CUP and into a second building on the original parcel. This site is located approximately 1,100 feet east, southeast of the subject site on the northeast corner of Mc Leod Street and Myrtice Avenue.

18PZ0114 was also heard before the Planning & Zoning Board on 01/07/2019 and is scheduled to go before the Board on 02/07/2019. The request is to expand an existing CUP for alcoholic beverages (beer and wine only) to a CUP for alcoholic beverages (full liquor) for on-premises consumption in conjunction with a quality sit-down restaurant. This site is located approximately 700 feet directly east of the subject site at the southeast corner of Tangerine Avenue and North Grove Street.

For Board Consideration

The applicant is seeking an amendment to an existing binding development plan (BDP) on the property to do consignment sales of recreational vehicles (RV), RV storage yard, and allow other Retail, Warehouse, and Wholesale Commercial (BU-2) uses in the future. Mobile home and travel trailer sales and outdoor storage of RV's are permitted with conditions uses under Sections 62-1837.7 and 62-1833.5 (Contractor's offices, plants and storage yards) of Brevard County Zoning Regulations.

The subject property is located within the Merritt Island Redevelopment Area (MIRA) in a historical subdivision known as Merritt Park Place that was historically a mix of residential and commercial zoning and is two (2) streets north of the intersection of SR-520 and N. Tropical Trail on the southeast corner of North Tropical Trail and Tangerine Avenue. A considerable amount of residential property in this area has converted to commercial over the last 40 years, including the subject property which used to be a Nonconforming Mobile Home (NMH) park.

The existing BDP was placed on the property when it was rezoned from General Retail Commercial (BU-1) to BU-2 and imposed certain limitations on the property per **Z11171**, approved 11/22/05, and recorded BDP in OR Book 5570 and Page 4219, most of which were related to the "lawn service, storage of lawn service equipment within the compound, and mini storage facility for personal items with no other BU-2 uses allowed" on the site as a part of that previous zoning action. The new owners of the property seek to perform a different specific BU-2 uses and have proposed revisions to the existing BDP as noted in the "Proposed Conditions" column, which seek to mitigate the effect of those proposed uses.

Condition Type	Existing Conditions	Proposed Conditions
Use Limitation	<p>The Developer/Owner shall limit the uses under the BU-2 zoning district classification to only that of:</p> <ul style="list-style-type: none"> a. An office for the operation of the storage and lawn care/sweeper business; b. Equipment storage associated with the lawn care/sweeper business as noted in #8 above, and c. Mini warehouse (self storage) <p>No other BU-2 uses shall be permitted. Any other uses of the subject property shall be limited to those identified within the Brevard County Land Development Code under the BU-1 Commercial Zoning category as 'Permitted Uses'.</p>	<p>The uses on the property shall be limited to RV Display/Sales with Detailing and Minor Repairs and a retail/office building that is a maximum of 2,600 square feet.</p>
Access	<p>There will be only two access points: North Tropical Trail will be the primary access for all vehicles. Tangerine Avenue will be available only for emergency vehicle access purposes.</p>	<p>The only access to the site will be from the existing access on North Tropical Trail and the existing access on Tangerine Avenue which will be updated to current Brevard County Standards.</p>
Buffering	<p>The site will be completely enclosed with a wall and fence. A decorative concrete block wall will surround the property on the North Tropical Trail and Tangerine Avenue sides.</p>	<p>The property will be completely buffered by a combination of plantings, fence and the opaque gate on North Tropical Trail.</p>
	<p>Landscaping will be on the outside of the wall to soften the appearance of the wall.</p>	<p>There shall be an opaque access gate on North Tropical Trail.</p>
Aesthetics	<p>No parking of vehicles or equipment will be allowed outside the wall.</p>	<p>No parking of vehicles or equipment from any use on the site will be allowed outside the property.</p>
	<p>Pavers will be used at the driveway entryways for enhanced aesthetics.</p>	
	<p>Wrought or similar type of 'iron' gates will be used.</p>	
	<p>All lawn maintenance/sweeper equipment and materials used in association with the lawn care business shall be contained within the compound.</p>	

	No storage doors shall be located on North Tropical Trail.	
Authority for Rezoning	The owner would agree to the County administratively rezoning the property to another commercial district classification provided that the existing approved uses and operations on the site continued to be conforming uses under the new zoning district and land development regulations.	

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 18PZ00159

Applicant: Honeycutt C/O Tulske

Zoning Request: BU-2 w/BDP to BU-2

P&Z Hearing Date: 02/11/19

BCC Hearing Date: 03/07/19

This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 35;
Tax ID Nos. 2426943 & 2426944**

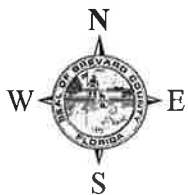
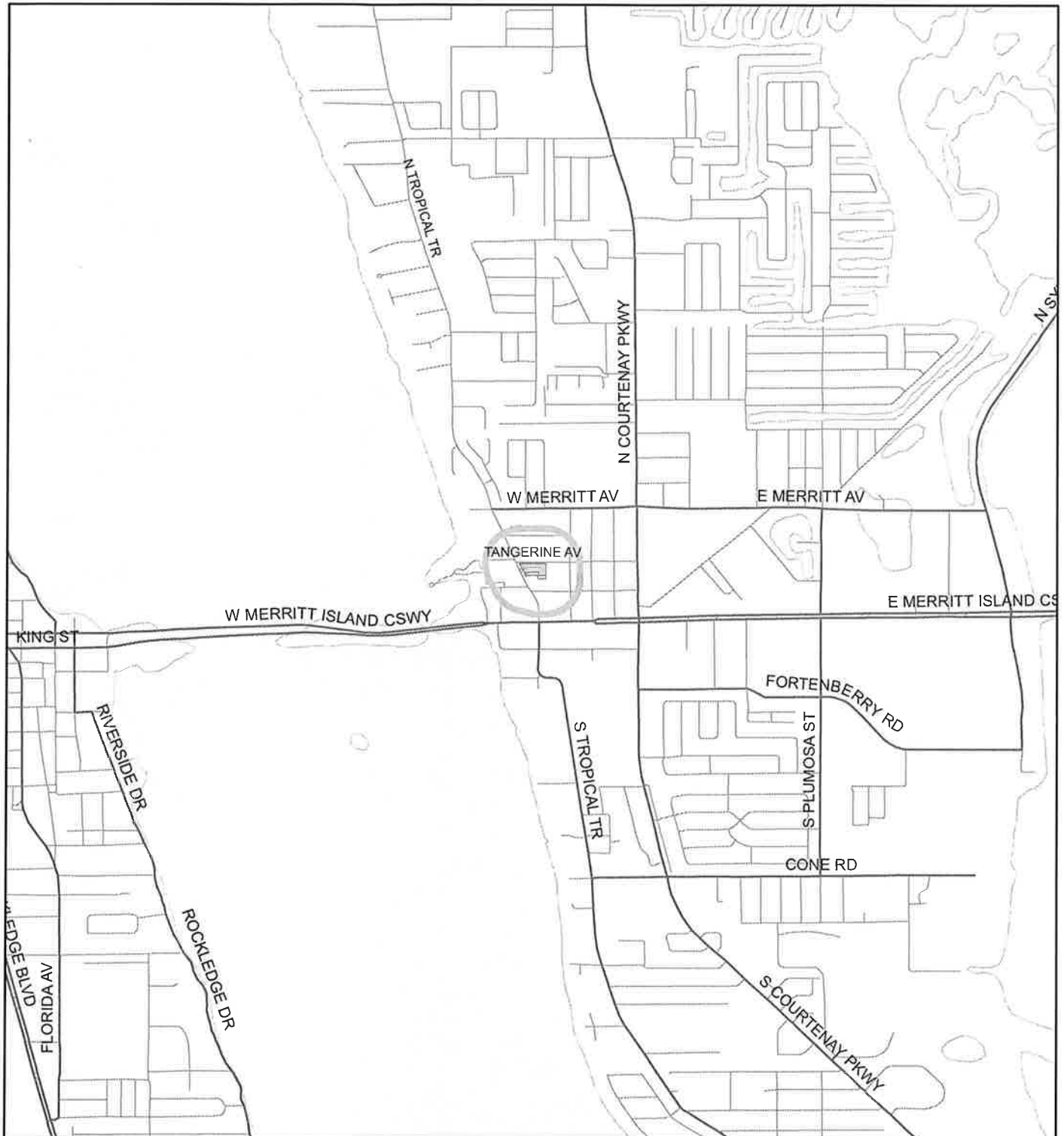
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per 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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



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.

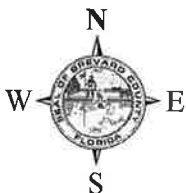
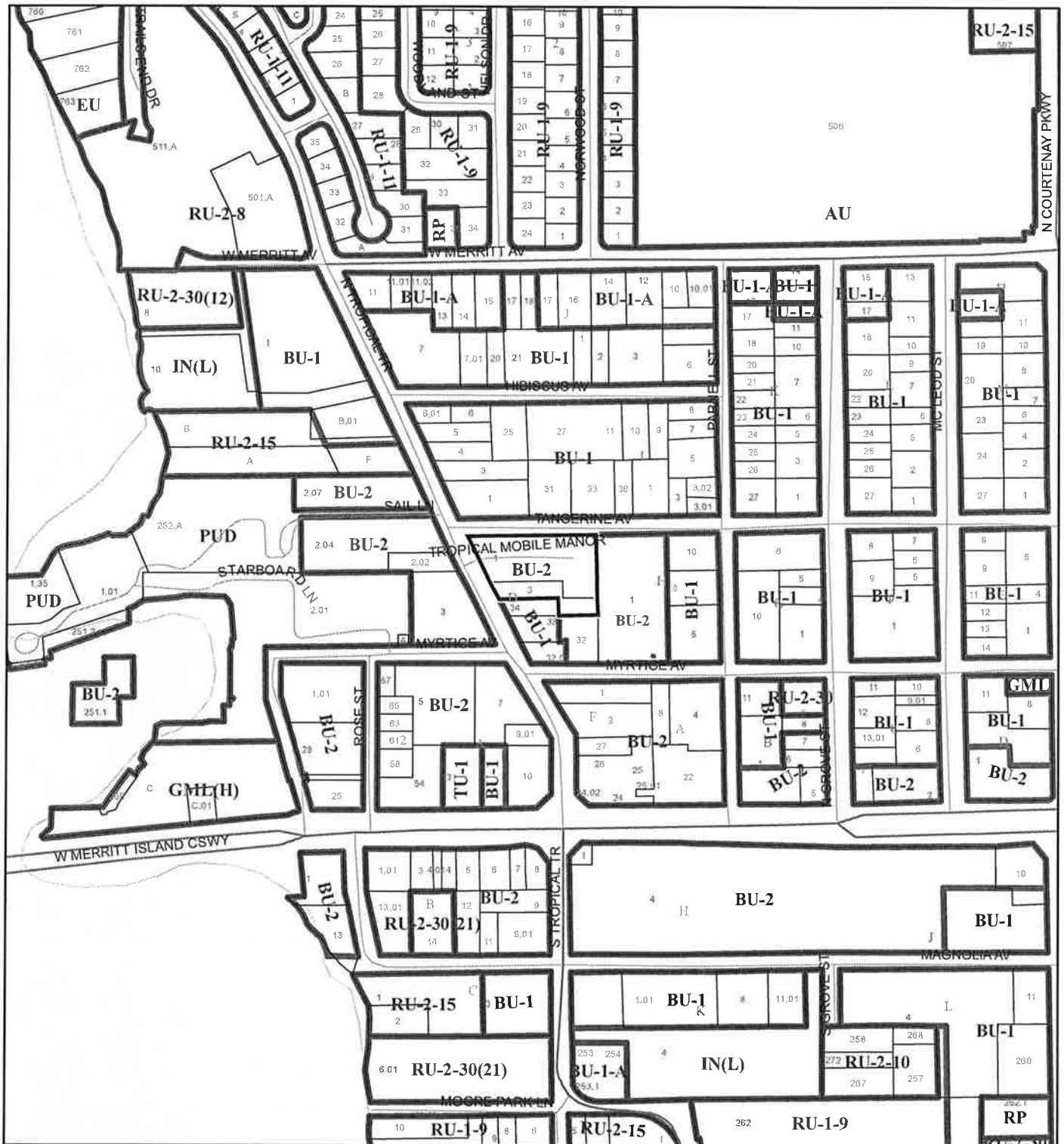
Produced by BoCC - GIS Date: 12/17/2018

— Buffer
■ Subject Property

ZONING MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

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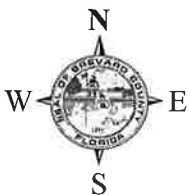
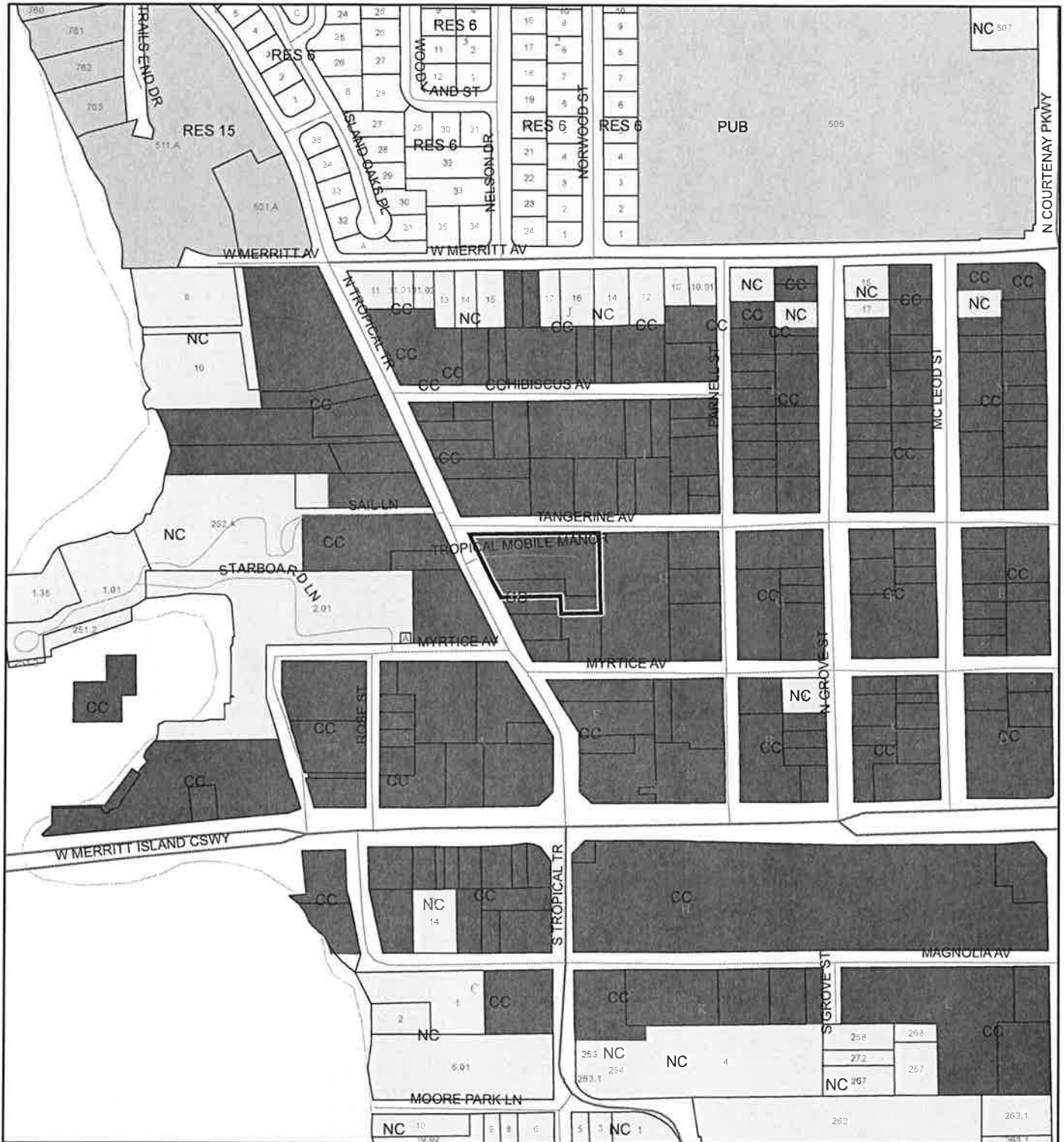
Produced by BoCC - GIS Date: 12/17/2018

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

— Subject Property

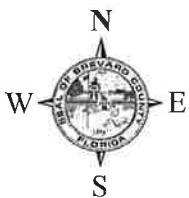
□ Parcels

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: 12/14/2018

AERIAL MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.
18PZ00159



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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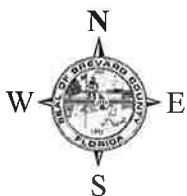
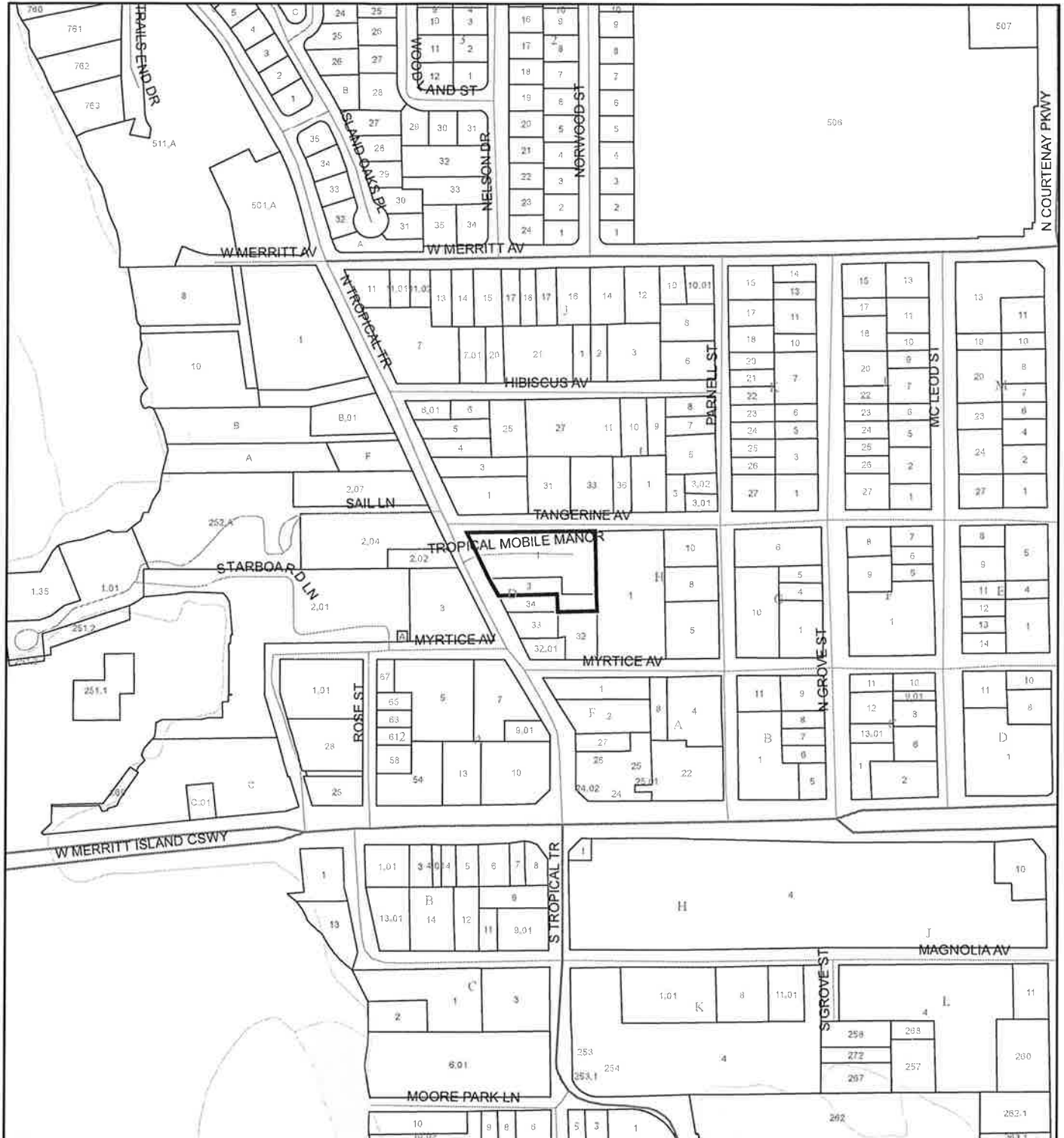
Produced by BoCC - GIS Date: 12/14/2018

— Subject Property
□ Parcels

NWI WETLANDS MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/14/2018

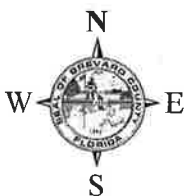
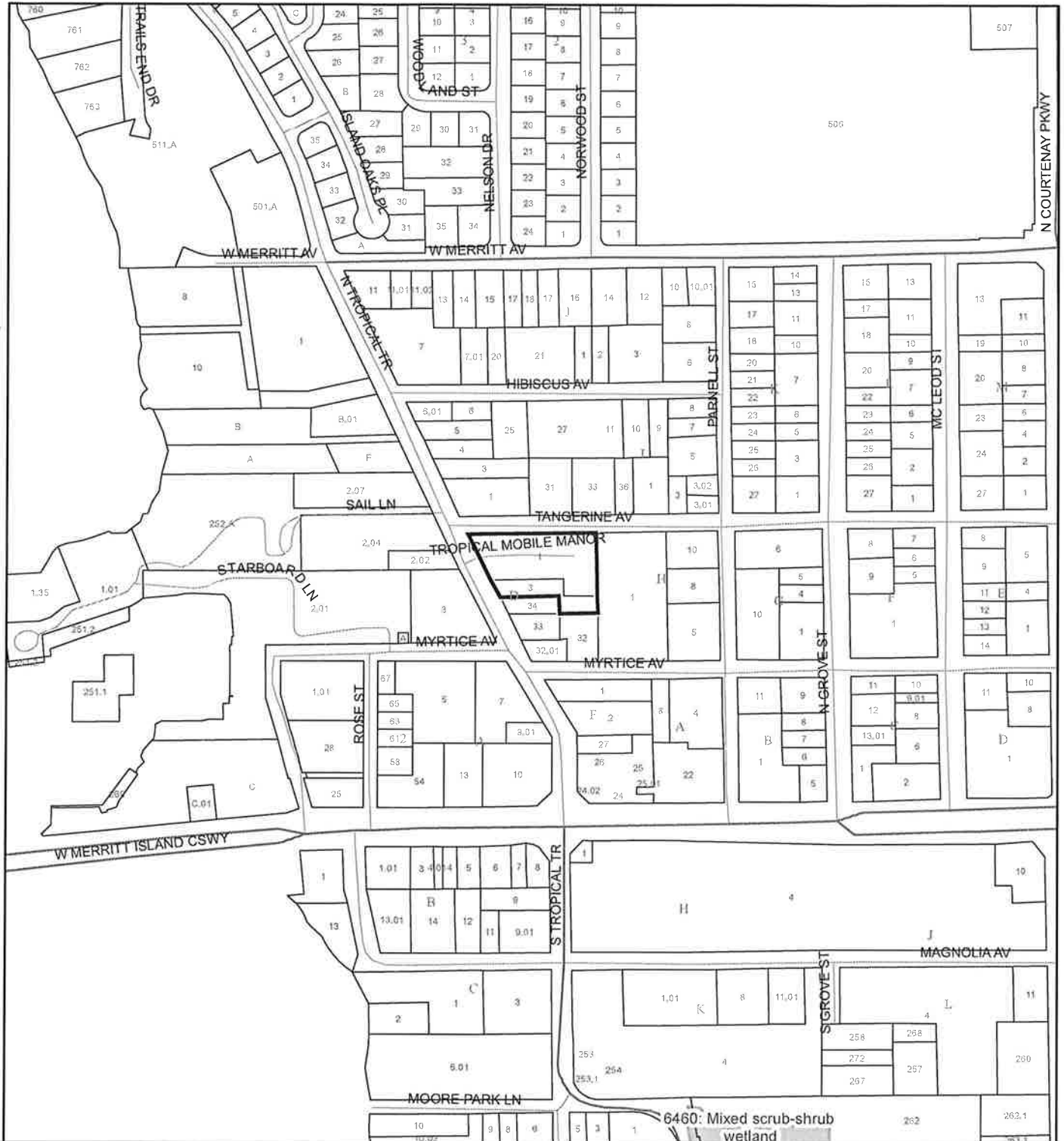
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| 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

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/14/2018

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

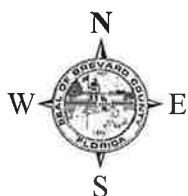
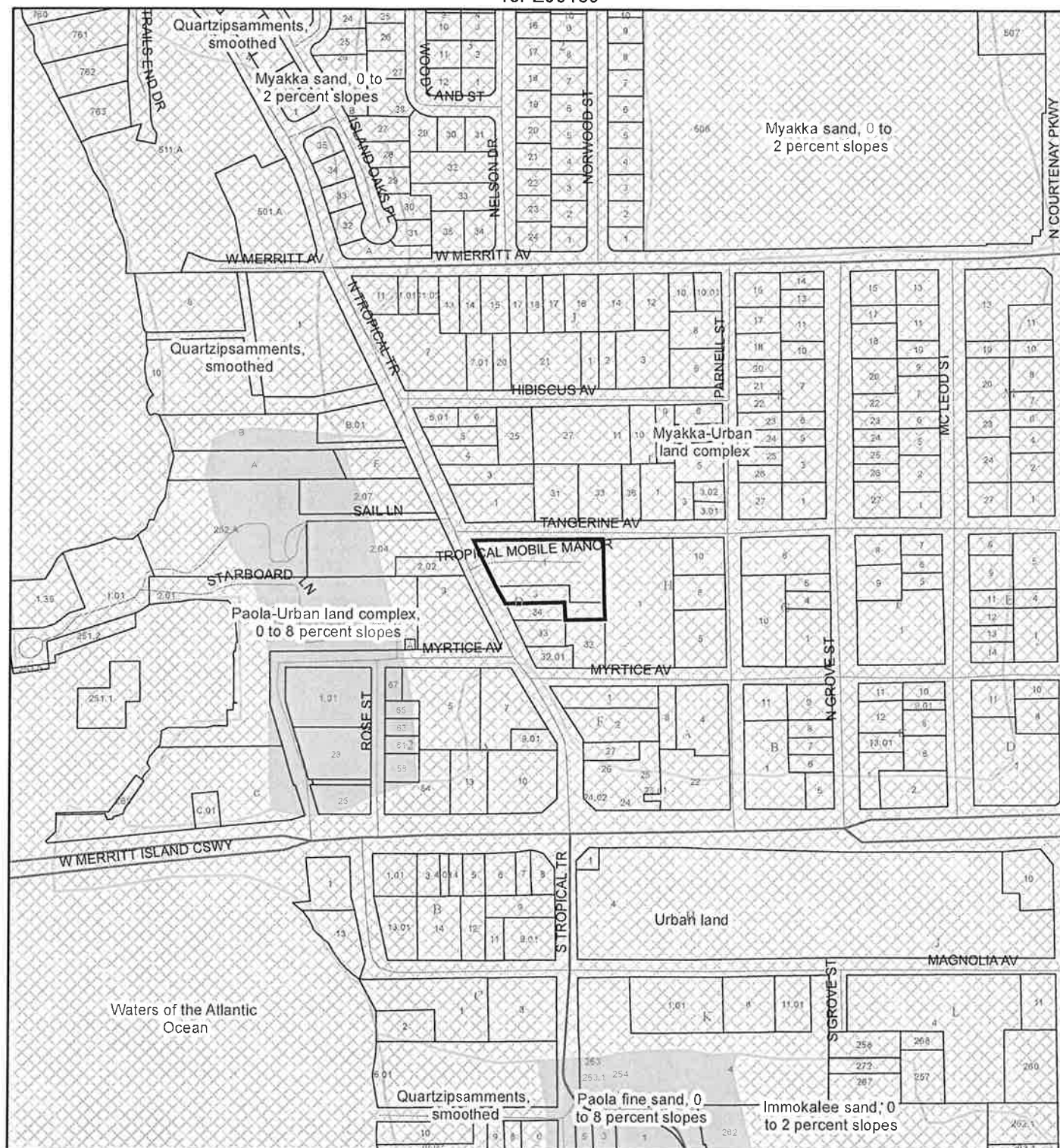
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

Aquifer and Hydric

Aquifer

Hydric

None

Subject Property

Parcels

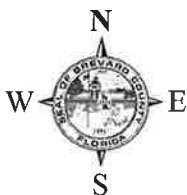
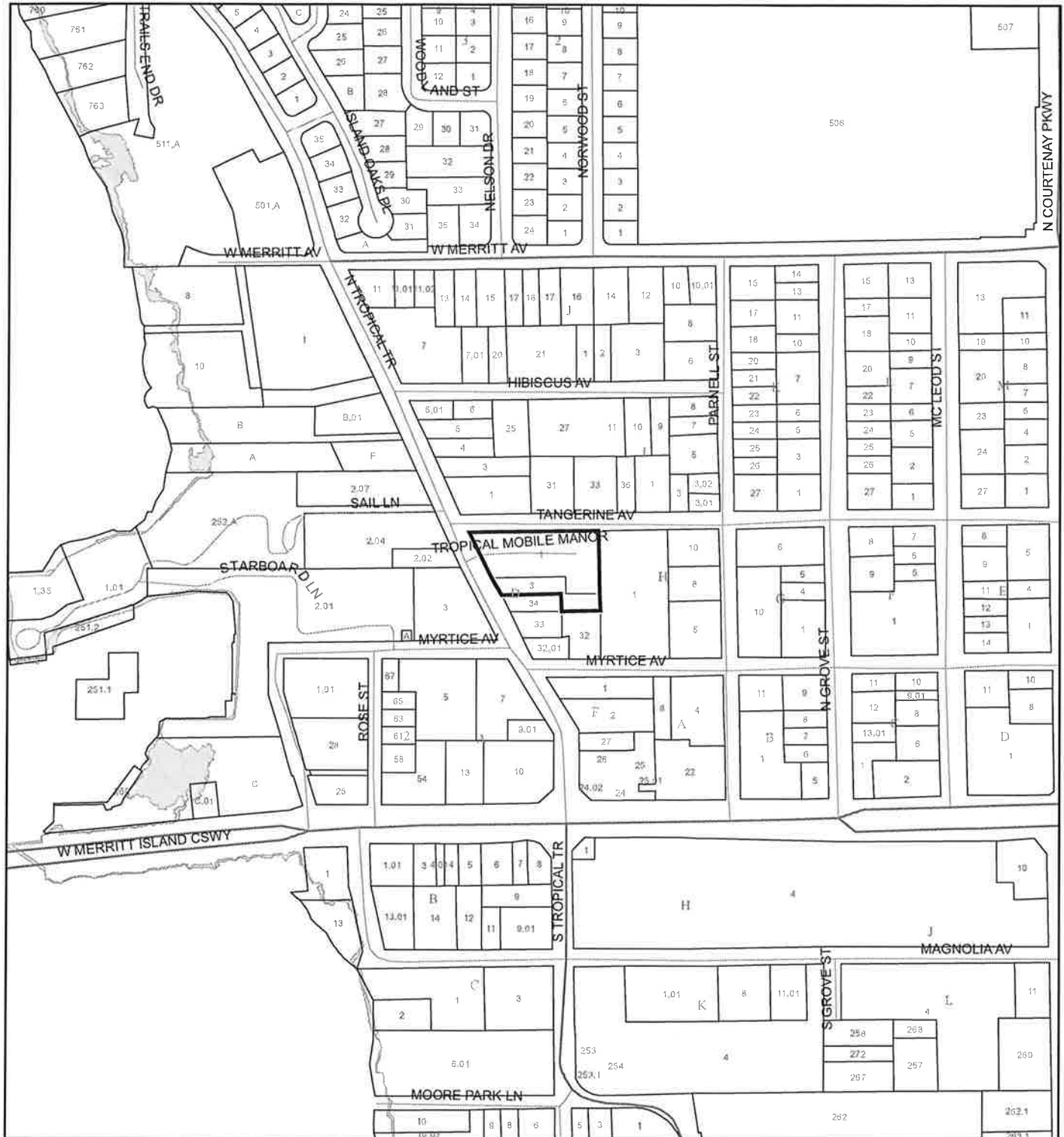
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/14/2018

FEMA FLOOD ZONES MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

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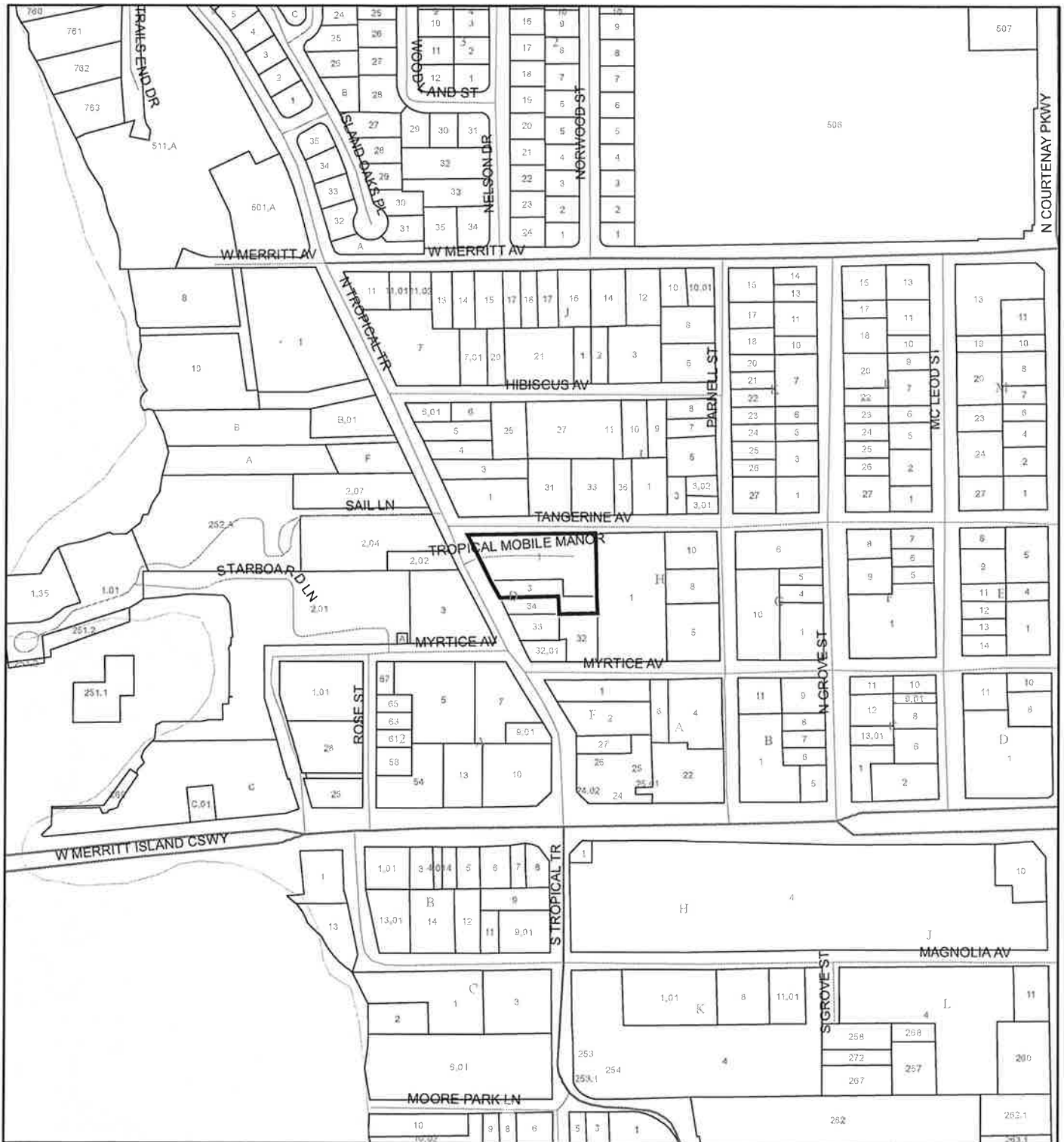
Produced by BoCC - GIS Date: 12/14/2018

FEMA Flood Zones

- | | | |
|-------------------------------------------------------------|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |

EAGLE NESTS MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.
18PZ00159



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/14/2018

 Subject Property

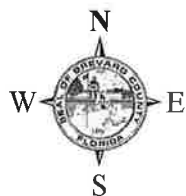
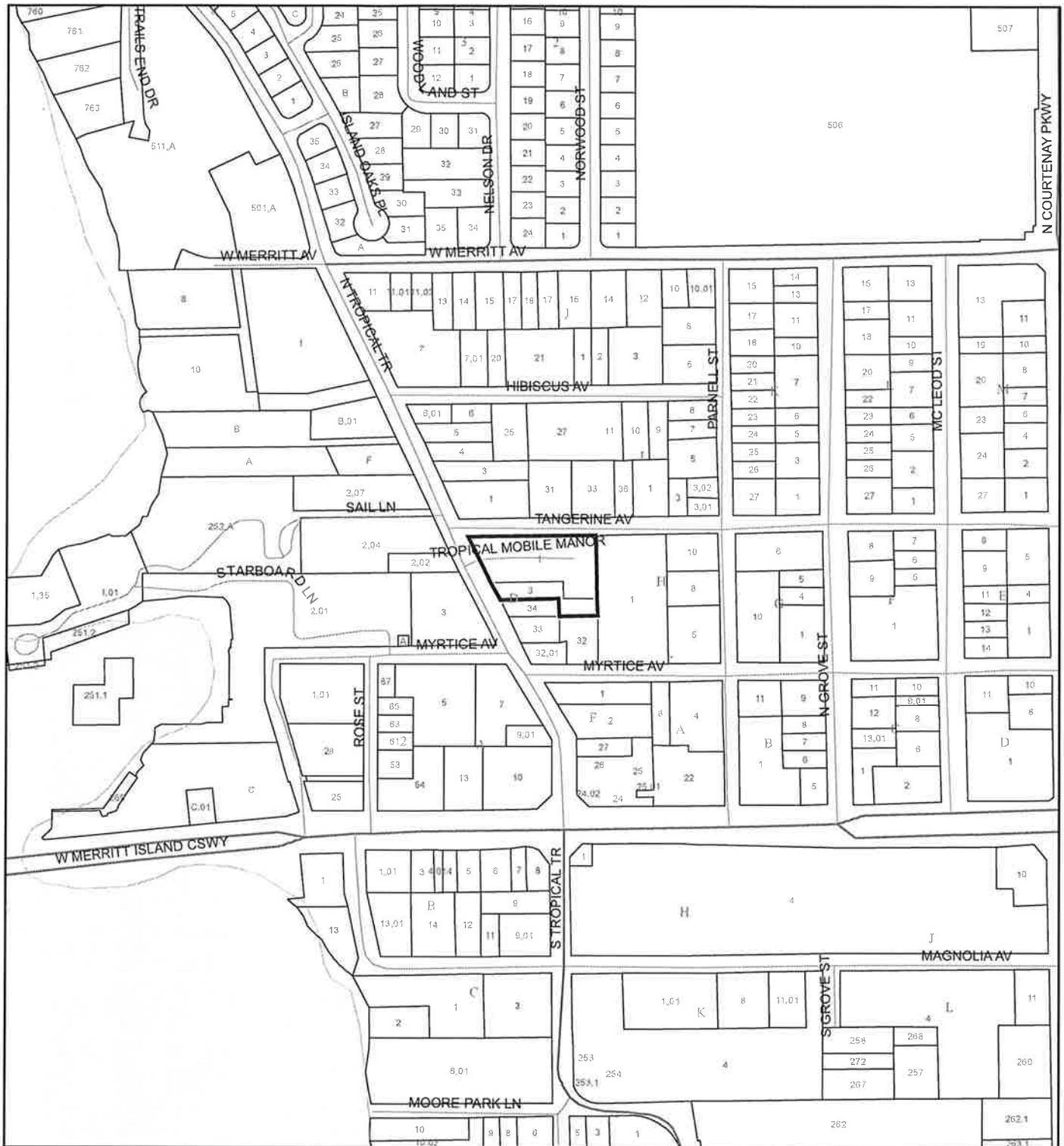
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/14/2018

 Subject Property

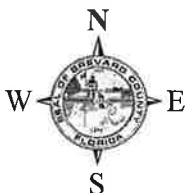
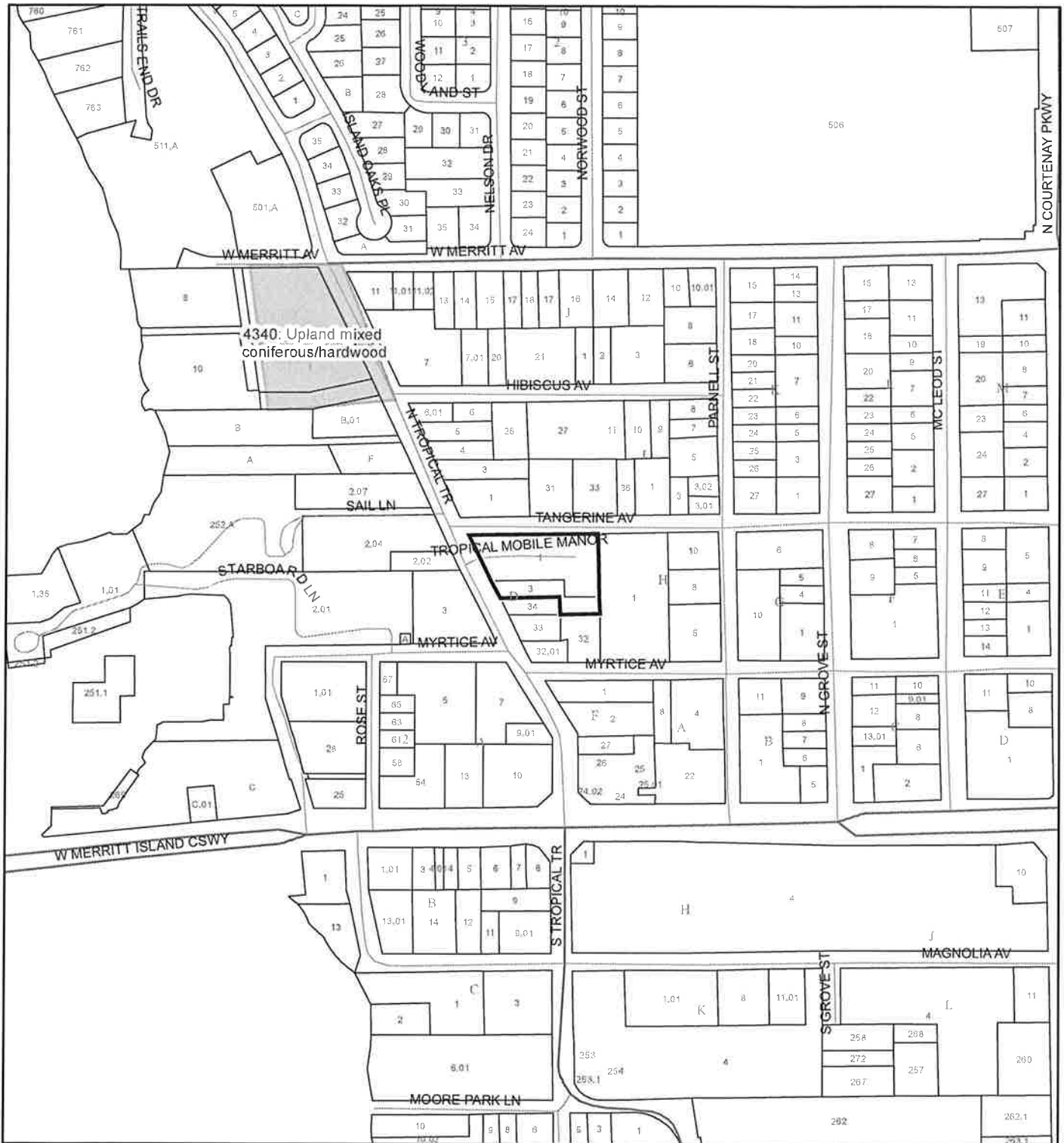
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

TULSKIE, BARBARA J. AND JOSEPH J., JR.

18PZ00159





1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/14/2018

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

RETURN: Clerk to the Board #27
↑

Nick and Laura Stipanovich
Prepared by: Rochelle W. Lawandales, AICP
Lawandales Planning Affiliates
Address: 2200 Front Street
Melbourne, Florida 32901
Phone: 321.757.3197
Fax: 321.757.3088

FYI Existing BDP
18PZ00159
Tulskie

CFN 2005420116 11-29-2005 08:57 am
OR Book/Page: 5570 / 4219

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 5 #Names: 3
Trust: 3.00 Rec: 41.00 Serv: 0.00
Mtg: 0.00 Excise: 0.00
nt Tax: 0.00

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 22nd day of November, 2005, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Nicholas S. and Laura J. Stipanovich, owners of real property located at 140 North Tropical Trail, Merritt Island, Florida (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 desires to develop the property as commercial, with office and mini-storage uses 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. There will be only two access points: North Tropical Trail will be the primary access for all vehicles. Tangerine Avenue will be available only for emergency vehicle access purposes.
3. The site will be completely enclosed with a wall and fence. A decorative concrete block wall will surround the property on the North Tropical Trail and Tangerine Avenue sides.

4. The owner will apply for a variance to allow an eight (8) foot wall. However, failure to obtain the variance from the County Board of Adjustment shall not affect the approval of this conditional use request nor the ability to obtain site plan or any other permit approvals needed to develop the project.
5. Pavers will be used at the driveway entry-ways for enhanced aesthetics.
6. Wrought or similar type of "iron" gates will be used.
7. Landscaping will be on the outside of the wall to soften the appearance of the wall.
8. No parking of vehicles or equipment will be allowed outside the wall.
9. All lawn maintenance/sweeper equipment and materials used in association with the lawn care business shall be contained within the compound.
10. The Developer/Owner shall limit the uses under the BU-2 zoning district classification to only that of:
 - a. An office for the operation of the storage and lawn care/sweeper business
 - b. Equipment storage associated with the lawn care/sweeper business as noted in #8 above, and
 - c. Mini warehouse (self storage)
11. No other BU-2 uses shall be permitted. Any other uses of the subject property shall be limited to those identified within the Brevard County Land Development Code under the BU-1 Commercial Zoning category as "Permitted Uses".
12. No storage doors shall be located on N. Tropical Trail.
13. The owner would agree to the County administratively rezoning the property to another commercial district classification provided that the existing approved uses and operations on the site continued to be conforming uses under the new zoning district and land development regulations.
14. 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.
15. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

RETURN: Clerk to the Board #27
↑

16. 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 22 Nov. 05. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

17. 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 it may be amended.

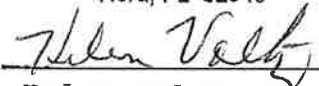
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

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



Scott Ellis, Clerk
(SEAL)



Helen Voltz, Chair
As approved by the Board on 11-22-05

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 22 day of November, 2005, by Helen Voltz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

SEAL

Commission No.:


Notary Public



(Name typed or printed of Notary)

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

7 1 1 1 7 1

23

RETURN: Clerk to the Board #27 ↑

WITNESSES:

Heather Reed

HEATHER L REED
(Witness Name typed or printed)

DEVELOPER/OWNER

Nicholas S. Stipanovich

Nicholas S. Stipanovich
(Name typed or printed)

Heather Reed

HEATHER L REED
(Witness Name typed or printed)

Laura J. Stipanovich

Laura J. Stipanovich
(Name typed or printed)

STATE OF Florida §

COUNTY OF BREVARD §

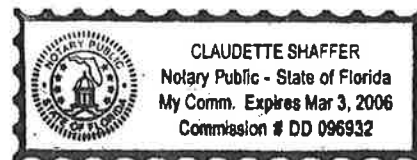
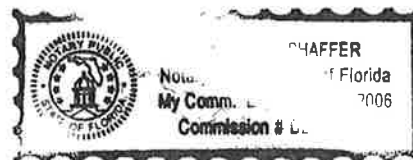
The foregoing instrument was acknowledged before me this 8th day of November, 2005, by

Nicholas S. and Laura J. Stipanovich, Owners of 140 N. Tropical Trail, who is personally known to me or who has produced Personally known as identification.

My commission expires
SEAL
Commission No.:

Claudette Shaffer
Notary Public

(Name typed, printed or stamped)



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 as "County") and Joseph J. and Barbara J. Tulskie (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested a BU-2 zoning classification with a Binding Development Plan amendment and desires to develop the Property as Mobile Home and Travel Trailers Sales (Travel Trailers shall include all types of RV Vehicles and equipment) on a portion of the site with a future retail and office building on the balance of the site, and 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 future 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 uses on the property shall be limited to RV Display/Sales with Detailing and Minor Repairs and a retail/office building that is a maximum of 2,600 square feet.
3. The only access to the site will be from the existing access on North Tropical Trail and the existing access on Tangerine Avenue which will be updated to current Brevard County Standards.
4. There shall be an opaque access gate on North Tropical Trail.
5. The property will be completely buffered by a combination of plantings, fence and the opaque gate on North Tropical Trail.
6. No parking of vehicles or equipment from any use on the site will be allowed outside the property.
7. The Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developers/Owners agreement to meet additional standards or restrictions in future development of 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.

8. The Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

9. 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.

10. 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.

12. Conditions precedent. All mandatory conditions set forth in the 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, Chairman

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:

OWNER

Joseph J. Tulske, Jr.

(Witness Name typed or printed)

(Address)

WITNESSES:

OWNER

Barbara J. Tulske

(Witness Name typed or printed)

(Address)

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

Notary Public

Commission No.:

(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

(Witness name typed or printed)

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

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)

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lots 1, 2, 3, 4 and 5 and the East 112 feet of the North 49 feet of Lot 34, Block D, MERRITT WINTER HOMES DEVELOPMENT SUBDIVISION, Map No. 2, according to the plat thereof as recorded in Plat Book 2, page 78, public records of Brevard County, Florida.

Amended Request
18PZ00159
Tulskie

From: [Ritchie, George C](#)
To: [Jones, Jennifer](#)
Subject: FW: Zoning application for temporary security trailer
Date: Thursday, January 31, 2019 9:30:16 AM
Attachments: [image001.png](#)

FYI – withdrawal on CUP part of application; still desires BDP action

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Rodney Honeycutt, P.E. [<mailto:rodney@honeycutt.cc>]
Sent: Thursday, January 31, 2019 8:51 AM
To: Ritchie, George C
Cc: Martin, Peter; Sterk, Erin; 'Barbara Tulskie'; TULSKIE, JOE
Subject: RE: Zoning application for temporary security trailer

Peter,

The property owners @ 140 N Tropical Trail (18PZ00159) have decided to withdraw their Conditional Use Request for a Security Mobile Home.

Let me know if you have any questions or need additional information.

Thanks
Rodney

From: Ritchie, George C [<mailto:George.Ritchie@brevardfl.gov>]
Sent: Wednesday, January 30, 2019 3:56 PM
To: Rodney Honeycutt, P.E. <rodney@honeycutt.cc>
Cc: Martin, Peter <Peter.Martin@brevardfl.gov>; Sterk, Erin <Erin.Sterk@brevardfl.gov>
Subject: Zoning application for temporary security trailer

Rodney it appears the last page of the CUP worksheet was not provided with your submittal. The last page identifies that a scaled dimensioned sketch plan accompany the application noting parking, landscaping, external structural changes and ingress/egress are proposed. Additionally, the CUP itself requires the mobile home to be located behind the front building line of the principle building.

Please send me a copy of the survey with the security trailer location identified.



MERRITT ISLAND

REDEVELOPMENT AGENCY

DATE: February 4, 2019

TO: Tad Calkins, Planning & Development Director
Erin Sterk, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Cindy Thurman, MIRA Land Development Manager on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **January 31, 2019 MIRA Meeting; Joseph & Barbara Tulsie/ Rodney Honeycutt & Associates Inc.; 140 N. Tropical Trail; P & D Application # 18PZ000159**

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the P&Z Board for a change in zoning or approval of a conditional use permit, or to the Board of Adjustment for a variance, for property located in the MIRA area, the application shall be forwarded to the MIRA agency prior to the applicable public hearing before the P&Z board or the Board of Adjustment."

On January 31, 2019 at their regular meeting, the Merritt Island Redevelopment Agency Board of Directors heard the request for an amendment to the Binding Development Plan approved under zoning action #16PZ00088 for 140 N. Tropical Trail.

The request was tabled by the Merritt Island Redevelopment Agency Board to their next meeting on February 28, 2019 so that the applicant can provide additional information and a sketch reflecting the plans for the property. The vote to table to the next meeting passed unanimously.

BUFFERING BY A COMBINATION OF PLANTING, EXISTING VEGETATION AND OPAQUE GATE
 TANGERINE AVENUE
 OPAQUE GATE
 NORTH TROPICAL TRAIL
 RY PARKING
 SALE OFFICE
 RY DETAIL / SNACK RETAINS ACCESSORY STRUCTURE
 FUTURE PARKING
 FUTURE OFFICE / RETAIL BUILDING
 STORMWATER
 PRESERVED CANOPY
 20' LANDSCAPE BUFFER

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 Thick Solid Line

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 Cross-hatched Area

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PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 11, 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 Hodgers, Ben Glover; Ron McLellan; Peter Filiberto; and Dane Theodore.

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

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, March 7, 2019, at 5:00 p.m.

Excerpt from complete agenda

Barbara J. and Joseph J. Tulske, Jr. - (Rodney Honeycutt):

Removal of an existing BDP (Binding Development Plan), and requests a CUP (Conditional Use Permit) for a Temporary Security Trailer. The property is 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail. (140 North Tropical Trail, Merritt Island) (18PZ00159) (District 2) (Applicant amended the request on 01/31/19 to ask for an amendment to an existing Binding Development Plan only, removing the request for a Conditional Use Permit for a Temporary Security Trailer)

Rochelle Lawandales – Before we hear the item, there's a letter from the MIRA (Merritt Island Redevelopment Agency) Director reminding us that the Agency's board is required to hear items before they come to the Planning and Zoning Board, and MIRA tabled this at their last meeting, to February 28th, so they have not heard it. Should we table it until after the MIRA board has heard it and we get their recommendation?

Henry Minneboo – Mr. Honeycutt is coming forward.

Rodney Honeycutt – Rodney Honeycutt, 3700 South Washington Avenue, Titusville. That's a little bit annoying, because we did meet with the board. We couldn't meet in December, I guess they didn't meet. We met in January and when they mentioned that, we said the problem was we didn't want them to table it because we don't want to get tabled again. They said we wouldn't have to do that and we could go back there at the end of February and still meet the deadline. In the meantime, we met with MIRA staff and we developed a sketch to go back to them, and we changed our binding development plan to more of what they asked for. So, the aggravating part is that there was a letter and I didn't get it, and as late as the end of last week I was talking to MIRA, so that's aggravating. If I would have known about that it would have been different, but I didn't.

Rochelle Lawandales – If I understand correctly, we'll hear it and then you'll go back to MIRA on February 28th and then go to the County Commission? Is that the order of things?

Rodney Honeycutt – I heard you say, which they didn't tell me this, staff didn't at MIRA, I heard you say that we had to go before them and not be tabled before we came here.

Rochelle Lawandales – That's what the letter says.

Rodney Honeycutt – I don't know what the official word is.

Henry Minneboo – That's just sort of been this board's policy to try to let them hear it first, because one time we got out of synch where we got in here and we thought we knew everything or something, and then the next thing you know it went back to them and there were some mitigating circumstances that we were unaware of, so it threw everything out of whack. Do you remember that, Erin?

Erin Sterk – Yes.

Henry Minneboo – She remembers.

Erin Sterk – This board's formal obligation, as far as MIRA (Merritt Island Redevelopment Agency), is for us to notify them. I was there when the applicant's presented to them, and I think they have met with the MIRA staff and responded accordingly, which I didn't expect to happen so quickly. If Mr. Honeycutt is thinking they may be already onboard, although their staff can't speak for their board until they formally hear it, hopefully they worked out some conditions intended to meet their concerns.

Rodney Honeycutt – We met with staff but they cannot tell us how the board is going to vote. They told us what they thought the board would be looking for, so we addressed all of those items. To be straight about it, this has been a troubled piece of property and the previous BDP (Binding Development Plan) restricted only one use. My client bought this and didn't even know that, they were told it was zoned BU-2 (Retail, Warehousing, and Wholesale Commercial) and they looked at all of the hundreds of uses, but found out they wanted to just rezone it and have some uses. Based on our meeting with MIRA staff after the board meeting, we have narrowed it down to the main use we want with a future use of just a retail office in a small area. I think it's extremely reasonable, but as far as the MIRA board, I think it's like a gestapo and they'll want us to have one use and come back every single time and spend another \$3,000 to get the next use, and I don't think that's fair. We're here with what we think is something reasonable. I understand you guys have a decision to make, and we're totally open to what you decide.

Rochelle Lawandales – But you realize you are scheduled to go back to them on the 28th?

Rodney Honeycutt – Yes, and it will be before the County Commissioners meeting. We're prepared to go back to that meeting, we've already developed the sketch they wanted, which we can share with you if you want, and we revised the BDP.

Rochelle Lawandales – In the interest of disclosure, I was the one who worked on that property and did the rezoning and did the BDP that's currently on there.

Henry Minneboo – I just hate to get out of synch. I know it's not fair, and as long as it doesn't cost money, except time, we're trying to be good neighbors.

Erin Sterk – I can tell you that the list of uses that are proposed now limited by this BDP are significantly fewer than what was before you a few days ago. I think you were retaining all of the BU-1 (General Retail Commercial) uses and restricting only gas stations and drive-through restaurants at that time due to our preliminary concurrency and transportation concurrency concerns. Since you met with MIRA you came back with a BDP that significantly limits it to just a retail office building and just the recreational vehicle display sales, so there's quite a restriction proposed as part of this request.

Henry Minneboo – My interest is this board, and if we make a decision that turns out, it's going to be our fault, so I'm going to let MIRA be first.

Barbara Tulske – My name is Barbara Tulske, I live at 3 West Point Drive, Cocoa Beach. There is a financial impact because what we want to do is consign recreational vehicles, and this is the season. The longer we wait, the harder it is, and we might put ourselves right out of the season until fall again. We didn't know the old owners, if we say we're going to do it we're going to do it. We met with MIRA and staff and we will meet with them again before the next meeting. I really don't want this tabled. I don't want to go another month; we put a lot of money into this property and we're passionate about it because we want to make something nice for that area, and to push us off another month. We already met with MIRA (Merritt Island Redevelopment Agency).

Henry Minneboo – How many days from today before it would be finalized by the Board?

Erin Sterk – With the current schedule?

Henry Minneboo – Yes.

Erin Sterk – It would be over in March, and it would be one month further, so April, 20 to 25 days.

Henry Minneboo – What's the pleasure of the board?

Brian Hodgers – They've already met with MIRA (Merritt Island Redevelopment Agency), but MIRA didn't vote on it, so the next meeting is February 28th and they're going to vote on it?

Henry Minneboo – Yes, that's my understanding.

Brian Hodgers – They vote on it on the 28th, couldn't they come back before us on March 11th, which is just before the County Commission meets?

Erin Sterk – It's after. The Commission meets before that in March.

Henry Minneboo – That's about 30 days.

Erin Sterk – It would take it out to the April Board meeting.

Brian Hodgers – And MIRA isn't going to meet again before that so they can get that moved up?

Erin Sterk – No, they don't meet again, they meet once a month.

Henry Minneboo – You've been attending those meetings, haven't you?

Erin Sterk – Yes.

Henry Minneboo – We need help here, because this seems to be trivial to some degree, but it may not be as trivial as it appears. Do you think they'll pass this?

Erin Sterk – I can see that they have significantly responded to the concerns of MIRA. Whether or not they responded enough is for them to decide, but they have made some major changes, and they did

coordination quite a bit quicker than I anticipated. The one thing I haven't seen from the applicants that they may want to present today is the concept plan that the MIRA board was intent on seeing.

Brian Hodgers – I think if we're making a decision maybe we should see if there's anybody here to speak against it.

Henry Minneboo – I don't think there's anybody against it.

Joseph Tulske – My name is Joseph Tulske, I reside at 3 West Point Drive, Cocoa Beach. We feel, and we're both professional engineers, we have an engineering company also, and we're aspiring to start this business to help bring jobs into the neighborhood. This is more like a process thing because it's a catch-22, we need just the zoning cleared from that special use that we've been cramped with, with 8-foot walls and all these special things we weren't aware of. The cost to even try to implement that at the beginning of a business would be quite difficult. We will still have to submit a site plan, so we're going to come back in full disclosure to MIRA. I think MIRA is excited to have owners like us that are going to be involved in the community for many years. I think this is a process, we're going to have MIRA's approval at the next submittal, and maybe that will resolve some of your concerns.

Henry Minneboo – Being a professional engineer I'm a little surprised you didn't see these flags, that that thing was saturated with flags.

Joseph Tulske – What do you mean? How could I see that? We contacted the County. We had a real estate agent. We were moving with excitement and enthusiasm to do this because we really thought we'd have this season, but as my wife said, it's eroding.

Henry Minneboo – Thank you, very much. What's the pleasure of the board?

Rochelle Lawandales – I can go either way; however, this is one of the largest properties in Merritt Park Place or it's their key focal point. I'd really prefer to have the benefit of their thinking in terms of the use. I don't know what our action today would do to their action on the 28th.

Henry Minneboo – Can we approve this contingent upon their approval? Therefore, they don't have to come back.

Jad Brewer – Just to be clear, the ordinance only requires it to be forwarded to MIRA (Merritt Island Redevelopment Agency), so you can take action if you choose to do so. The question would really be, is a recommendation based on someone else's recommendation actually a recommendation? I'd be careful on how that was worded for sure. And then the question comes in if they don't approve, but it's for something trivial that you would have approved anyway, regardless of that objection.

Rochelle Lawandales – The bottom line is that it's going to go to them before the County Commission whether we vote it up or vote it down.

Brian Hodgers – If we hear it, we approve it and MIRA doesn't, it's going to come out at the County Commission meeting that we approved it and they didn't. It's ultimately their decision anyway.

Erin Sterk – You could include some insertion that the Board of County Commissioners take careful consideration to the MIRA recommendation, and include in your motion a recognition that this item was heard before them.

Rochelle Lawandales – That's a good suggestion.

Henry Minneboo – Let's go for it.

Rodney Honeycutt – We've discussed a lot of this item already. Basically, it's already zoned BU-2, (Retail, Warehousing, and Wholesale Commercial) restricted only to a mini-warehouse and lawn service use, and BU-1 (General Retail Commercial) uses. My client wants to have recreational vehicle sales by consignment, and so they would be displayed onsite, and that covers about two-thirds of the site. On the balance of the site to the east, in the future, they have another use they could have without having to come back and go through this, and it's just a small retail and office building of about 2,600 square feet. We have revised the BDP (Binding Development Plan); we met with MIRA (Merritt Island Redevelopment Agency) staff on Tuesday and revised the BDP by the end of the week and got everybody to look at it.

Henry Minneboo – The septic tanks have been removed?

Rodney Honeycutt – Yes, all of that was removed some time ago. We have two existing access points; the one off of North Tropical Trail comes in where there will be a small parking area and a sales office; there's recreational vehicle parking on the north side; and there's a covered area that they can do detailing and minor repairs, such as oil changes. On the east side, there's the future office retail building and it can only be one-story, 2,600 square feet maximum, due to the parking requirements. As far as the BDP (Binding Development Plan), we didn't list a lot of these items, but in talking with staff I was told that one thing MIRA (Merritt Island Redevelopment Agency) looks at is, "you had 12 items before, and now you only have six". The reason is because you follow the site plan process you follow the code and address two-thirds of the items in the BDP, but we put them back in here. We say we'll limit the uses to recreational vehicle display sales with detailing and minor repairs, and a future retail office building at a maximum 2,600 square feet. The only access points will be North Tropical Trail and the existing Tangerine Avenue, which will be updated to Brevard County standards. There will be an access gate on North Tropical Trail, which will be access to the recreational vehicle area. The property will be completely buffered by plantings, a fence, and an opaque gate to North Tropical Trail, and no parking of vehicles from this use will be allowed on the street. A lot of people around there park on the street, and we can't control the street, but we can say we won't have anything to do with it. All of the other items listed in the BDP are standard items. We're asking you to approve this and move it forward, and I'd be glad to take any questions.

Rochelle Lawandales – Will the retail office building uses be defined by the BU-1 (General Retail Commercial) category or the BU-2 (Retail, Warehousing, and Wholesale Commercial) category?

Rodney Honeycutt – BU-2.

Rochelle Lawandales – Would you be willing to restrict it to BU-1?

Rodney Honeycutt – BU-1 allows general retail and office?

Rochelle Lawandales – Yes.

Rodney Honeycutt – Yes, that's all we're planning on doing.

Henry Minneboo – On the Tangerine Avenue driveway, is that aligned with the one on the north side?

Rodney Honeycutt – I don't know, but it's the existing one. We'll update it to whatever is required.

Erin Sterk – I'm concerned about the condition binding them to the location of those existing access points. What they're doing here is essentially combining these lots. Right now, there's a driveway to the northern lot and no driveway into the southern lot, so we have an opportunity when we develop this property, to move that driveway further away from that intersection, if that were to be perceived as safer. I can't speak to traffic operations; we got this on Friday, but I'm kind of concerned about boxing ourselves into the ability to review the access to the property at site plan. I would just want to include a little bit more cautious language in this condition that doesn't restrict that opportunity.

Rodney Honeycutt – We were trying to be closer to what the previous BDP was, but we'd be glad to say, "as long as it meets current County standards", and it pretty much says that, by the way.

Erin Sterk – Yes, just subject it to site plan approval.

Rodney Honeycutt – It says subject to current County standards.

Brian Hodgers – The current and future use of the sales office, is it going to be a trailer, or is it going to be a permanent building.

Rodney Honeycutt – It will probably not be a trailer, but a pre-engineered building, which is approved through a different group, the same as a home.

Rochelle Lawandales – That's for the recreational vehicle sales? The future office and retail will be standard built?

Rodney Honeycutt – That will be a brick and mortar building.

Henry Minneboo – What's the pleasure of the board?

Public comment:

Bradley King – My name is Bradley King, and I work at Aladdin Hotel, which is right behind this property. I'm curious to know the type of permanent building that will be there. He described a trailer, and if that trailer is also there, is there something that will be proposed down the road as a permanent status? Or is this something that's just going to be strictly recreational vehicle sales?

Rodney Honeycutt – The sales building for the recreational vehicle sales will be a pre-engineered building. The future retail office building will be a brick and mortar type of building.

Erin Sterk – I have one question about the locations on the concept plan. I want to be very clear, because we're running into this frequently, is whether or not this concept plan is binding. Staff has not reviewed to ensure that this meets County code, so if there's some clarification about location of that future retail and office building, I'm not sure that you'd want to include that in the condition, but the way we're perceiving this right now is this is conceptual, so the only thing that's binding is what's in the language of these conditions. If the location of the sales building is on your minds, put it in language.

Henry Minneboo – We have the ability here to say it, but it's a concept, we're not going to get into the engineering business on this board.

Rochelle Lawandales – We've got the sales office on the north side that's going to be the pre-engineered building. What is the accessory structure that you're anticipating for repairs and detailing?

Rodney Honeycutt – At the most, it would be a metal-type building with a metal top on it. At the least, it would be a metal-type structure with a fabric top. It's just something to keep out of the sun if detailing a recreational vehicle.

Henry Minneboo – It would have to be at least 15 feet high.

Rochelle Lawandales – How high is the fence?

Rodney Honeycutt – The standards are 6 feet. In certain areas the landscape is higher than that, but it will be 12 or 15 feet, and so will the recreational vehicles.

Brian Hodgers – Is the sales office that's pre-manufactured going to stay there once the permanent structure of 2,600 square feet is built?

Rodney Honeycutt – Yes, there will be two uses on the site.

Ron McLellan – I'll move for approval.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed 7:1, with Lawandales voting nay.