



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

2/6/2025

Subject:

Linde Inc. (Kimberly Rezanka) requests a Small Scale Comprehensive Plan Amendment (24S.016), to change the Future Land Use designation from PI and Res 2 to all Heavy/Light Industrial (H/L IND). (24SS00016) (Tax Account 2103214) (District 1)

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 a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Planned Industrial (PI) and Residential 2 (RES 2) to Heavy/Light Industrial (H/L IND).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Planned Industrial (PI) and Residential 2 (RES 2) to Heavy/Light Industrial (H/L IND) on 10.46 acres of the subject property. The change will provide uniform FLUM designation and consistency with the requested zoning classification. The applicant proposes to expand the existing air separation plant to increase production capacity.

North; three vacant parcels, 10 acre with AU zoning, 1.88 acre with AU, 22 acre with RR-1 zoning vacant, and a 1 acre parcel developed as flag lot with RRMH-1 zoning, all with RES 2 FLU.

East; FEC Railway bounded by 0.48 acre parcel with GML zoning, 2.44 acre parcel (classified by BCPAO as not suitable for occupancy) with AU zoning and RES 2 FLU designation, part of 22.02 acres with PIP zoning with PI FLU designation. South; is one parcel, acre parcel with IU-1 zoning and IND FLU designation. West; are two parcels, 16.5 acre and 8 acre vacant parcels with RR-1 zoning and RES 2 FLU designation.

The Board may wish to consider whether the proposed future land use is consistent and compatible with the surrounding area.

The Board and the applicant should be advised that the activities on the property must comply with the standards in the Brevard County Code of Ordinances, including, but not limited to, Chapter 46, Article IV, Noise, and Sections 62-1483 and 62-1833.5.

The applicant must ensure any on-site improvements comply with the applicable standards and specifications established by the Brevard County Code.

On January 13, 2025, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return an executed copy of the ordinance to Planning and Development.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

February 7, 2025

M E M O R A N D U M

TO: Billy Prasad, Interim Planning and Development Director

RE: Item H.6., Small Scale Comprehensive Plan Amendment (24S.16)

The Board of County Commissioners, in regular session on February 6, 2025, conducted the public hearing and adopted Ordinance No. 25-02, setting forth the second Small Scale Comprehensive Plan Amendment of 2025, (24S.16) to change the Future Land Use designation from PI and RES 2 to all H/L IND (24SS00016). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

ORDINANCE 25-02

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SECOND SMALL SCALE PLAN AMENDMENT OF 2025, 24S.16 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI(E), THE FUTURE LAND USE APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2024 as Small Scale Plan Amendment 24S.16; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these
Officially filed with the Secretary of State on February 10, 2025.

Technical Advisory Groups have provided technical expertise for the Amendment 24S.16; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on January 13, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.16, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 6, 2025, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 24S.16; and

WHEREAS, Small Scale Plan Amendment 24S.16 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.16 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 24S.16 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 24S.16, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

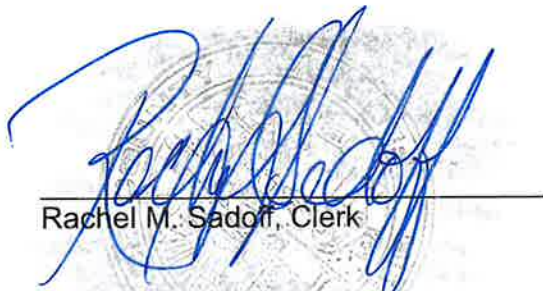
Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged

pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 6th day of February, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk
By: _____
Rob Feltner, Chairman

As approved by the Board on February 6, 2025.

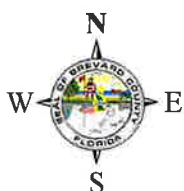
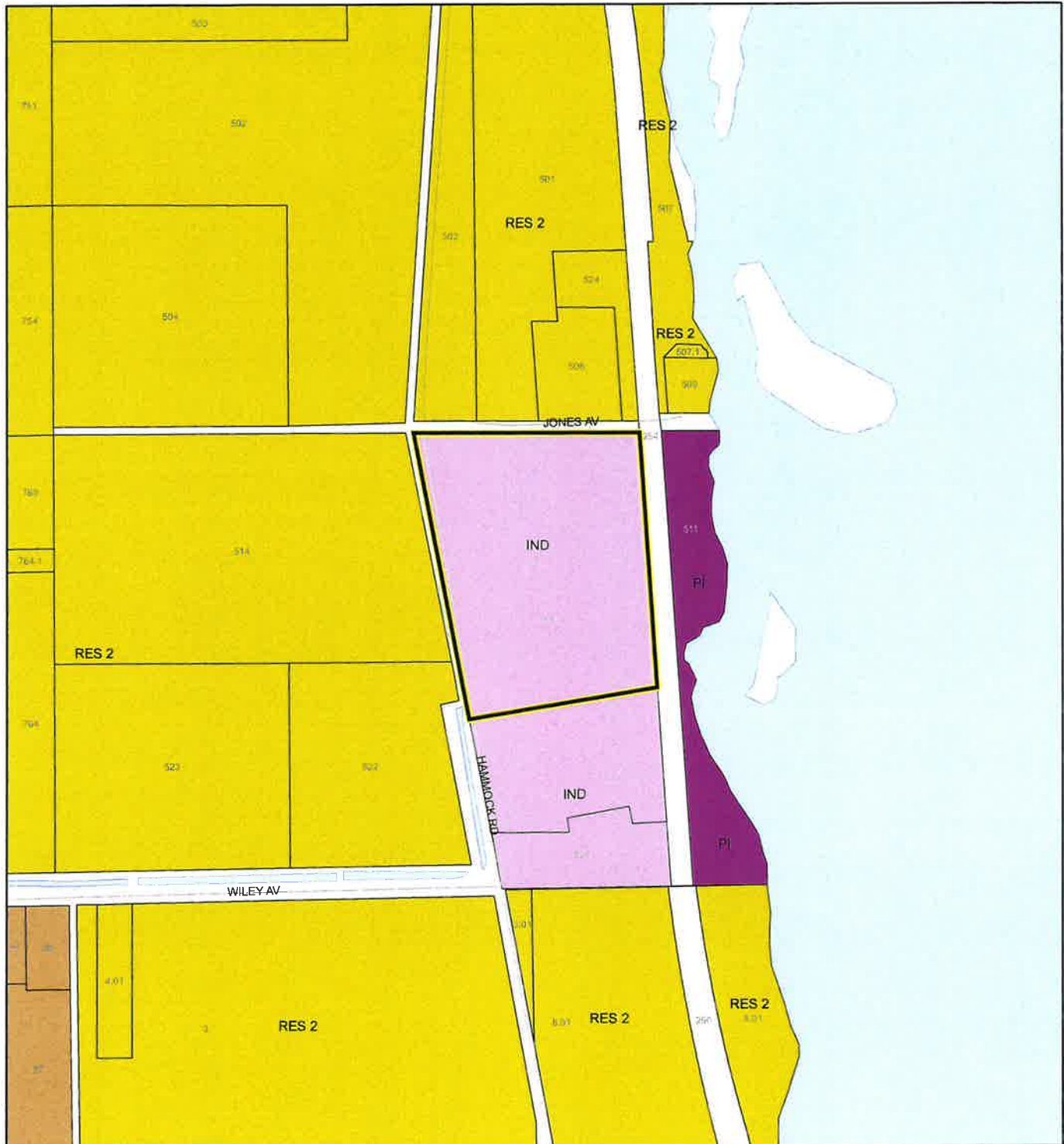
**EXHIBIT A
24S.16 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

PRAXAIR INC
24SS00016



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: 11/18/2024

EXHIBIT B

Contents

1. Legal Description

A PORTION OF THE LANDS DESCRIBED IN PARCEL 1 OF OFFICIAL RECORDS BOOK 2976, PAGE 4447 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, ALSO BEING A PORTION OF GOVERNMENT LOT 4 IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 5/8" IRON ROD AND CAP "S&ME INC FL 8165 GA 1252" LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF JONES AVENUE (30.00 FOOT WIDE RIGHT OF WAY) ALSO BEING THE NORTH LINE OF GOVERNMENT LOT 4 AND THE EASTERLY RIGHT OF WAY LINE OF HAMMOCK ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE SOUTH 89°53'15" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF JONES AVENUE, A DISTANCE OF 644.44 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF JONES AVENUE AND THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (60.00 FOOT RIGHT OF WAY); THENCE SOUTH 04°07'45" EAST, ALONG THE WESTERLY RIGHT OF WAY OF SAID FLORIDA EAST COAST RAILWAY, A DISTANCE OF 708.53 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY, RUN SOUTH 79°16'49" WEST, ALONG A PORTION OF THE SOUTHERLY LINE OF THAT CERTAIN DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8366, PAGE 622, OF SAID PUBLIC RECORDS, A DISTANCE OF 552.19 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID DRAINAGE EASEMENT AND THE EAST RIGHT OF WAY LINE OF HAMMOCK ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE NORTH 10°40'52" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 824.96 FEET TO THE POINT OF BEGINNING.

CONTAINING: 10.46 ACRES.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 11, 2025

Rachel Sadoff
County Clerk
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 25-02, which was filed in this office on February 10, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, 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 zoning 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 amendments, 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 development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.16 (24SS00016)
Township 21, Range 35, Section 09

Property Information

Owner / Applicant: **Linde Inc. (f/k/a Praxair Inc.)/Kimberly B. Rezanka**

Adopted Future Land Use Map Designation: Industrial (IND), Planned Industrial (PI) and Residential 2 (RES 2)

Requested Future Land Use Map Designation: Heavy/Light Industrial (IND)

Acreage: 10.46 +/- acres , portion of 2103214

Tax Account #: 2103214

Site Location: Southeast corner of the Hammock Rd. and Jones Ave.

Commission District: 1

Current Zoning: IU (Light Industrial)

Requested Zoning: IU-1 (Heavy Industrial)

Background & Purpose

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Planned Industrial (PI) and Residential 2 (RES 2) to Heavy/Light Industrial (H/L IND) on 10.46 acres of the subject property. The change will provide uniform FLUM designation and consistency with the requested zoning classification. The applicant proposes to expand the existing air separation plant to increase production capacity. The expansion will include a new cold box on the vacant portion of the property. A cold box is a specialized enclosure that houses key cryogenic equipment, such as heat exchangers, distillation columns, and other components necessary for the liquefaction and separation of gases, such as liquefied natural gas (LNG), liquid oxygen (LOX), and liquid nitrogen (LIN). Its primary purpose is to maintain low temperatures while minimizing heat transfer from the external environment, ensuring optimal performance of the cryogenic processes.

The subject property is over a mile from U.S. Highway 1, a major transportation corridor, exceeding the locational criteria set forth by Policy 3.8 as contained within Chapter XI—Future Land Use Element of Brevard County's Comprehensive Plan. The subject parcel

is located on the east side of Hammock Rd., a county-maintained roadway. At this time, there are no active code enforcement issues associated with the subject property.

The FLUM designations on the overall property include PI, RES 2, and IND. The portion of the subject property with the PI (Planned Industrial) FLUM designation is not a part of this request.

The IND FLU designation is located on the southern portion of the property. It is developed with a air separation plant, which is not included in this request, was rezoned on May 24, 2001 under zoning action **Z-10572** from IU (Light Industrial) zoning and PI FLU designation to IU-1 (Heavy Industrial) with a Conditional Use Permit (CUP) for additional building height (up to 125 ft.), and a CUP for Heavy Industry with H/L IND FLU designation on 6.2 acres. The action also included a 2.13 acre property bounded to the south, owned by the same owner. The existing plant covers both properties.

The PI portion of the property is located along the east of the FEC railway corridor, and another portion is located west of the FEC railway in the northwest area. Under **18PZ00019**, 7.76 acres, a portion of 22.02 acres, changed from RES 2; RES 1:2.5 and PI to all PI on May 24, 2018. The portion of the property located east of the railway is not included in the current request.

Application, **18PZ00020**, approved on August 16, 2018, changed the zoning from AU (Agricultural Residential) to PIP (Planned Industrial Park) with a BDP (Binding Development Plan) on 9.48 acres of 24.15 acres, east of the FEC railway, stipulating that the developer/owner will maintain the property in its natural state.

RES 2 portion of the subject property is located on the northeast corner, west of the FEC railway, included in this request. The RES 2 is the original FLU designation established in May 1988.

The requested IND FLUM designation allows heavy industrial uses such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, and paint and plastics manufacturing. Heavy industrial land uses have the potential to adversely affect surrounding land uses.

The proposed IU-1 is the heaviest industrial zoning classification in the Code. Sec. 62-1544. – Heavy Industrial, conditional uses include arsenals and explosives, hazardous waste facility, heavy industry as defined in Sec. 62-1102, and metal salvage yards and junkyards. A companion application **24Z00062**, if approved, would amend the zoning classification from IU (Light Industrial) to IU-1 (Heavy Industrial).

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	3 vacant parcel. 1 developed single family residential lot	RR-1, AU, RRMH-1	RES 2
South	Air separation plant (owned by the same owner)	IU-1	IND
East	FEC Railway, vacant property (owned by the same owner)	GML, PIP, AU	RES 2, PI
West	Vacant	RR-1	RES 2

North; three vacant parcels, 10 acre with AU zoning, 1.88 acre with AU, 22 acre with RR-1 zoning vacant, and a 1 acre parcel developed as flag lot with RRMH-1 zoning, all with RES 2 FLU.

East; FEC Railway bounded by 0.48 acre parcel with GML zoning, 2.44 acre parcel classified by BCPAO as not suitable for occupancy with AU zoning and RES 2 FLU designation, part of 22.02 acres with PIP zoning with PI FLU designation.

South; is one parcel, acre parcel with IU-1 zoning and IND FLU designation.

West; are two parcels, 16.5 acre and 8 acre vacant parcels with RR-1 zoning and RES 2 FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

FLUE Policy 3.1 – Role of Comprehensive Plan in the Designation of Industrial Lands.

The zoning process regulates the types and intensities of uses. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Compatibility with adjacent adopted Future Land Use designations and land uses;

The subject property abuts RES 2 to the west and north, RES 2 and PI to the east and IND to the south. Beyond the greater property's boundary lies additional land with the RES 2 Future Land Use designation. Although the area is sparsely developed with single family residential, the existing surrounding land use is designated as residential. The requested expansion of IND has the potential to adversely affect surrounding residential land uses.

- B. Existing industrial development trends in the area;

There is an existing developed air separation plant on the southern portion. The applicant intends to expand the existing use. A Conditional Use Permit (CUP) is required for heavy industry use which is not included in this request.

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

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service.

- D. Size of proposed industrial designation compared with current need for industrial lands;

A market analysis is needed to determine whether there is a current need for industrial lands. The applicant has not provided any documentation.

- E. Accessibility to major transportation corridors, as well as air, water and rail transportation facilities;

The subject property is located adjacent to the FEC Railroad and is in close proximity to U.S. Highway 1, a major transportation corridor.

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

The subject property has been reviewed by the Brevard County Natural Resources Management (NRM) Department for adherence to the objectives and policies of the Conservation Element of the Comprehensive Plan. The property is reported to contain mapped aquifer recharge soils which may limit development and potentially impose impervious area restrictions.

A majority of the property is mapped as being within the flood plain as identified by FEMA and is subject to the development criteria in Objective 4 of the Conservation Element.

See the attached NRM comments at the end of this report.

- G. Accessibility to labor, raw materials and markets.

The subject property is located approximately three (3) miles east of Interstate 95. Due to this short distance to an arterial road.

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;

Off-site impacts such as noise, light, and other potential nuisance factors associated with IU-1 activities should be considered.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).

- 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;

There are three (3) FLU designations within 500 feet of the subject site: PI, RES 2, and IND. Within a half-mile of the subject property, RES 2 is the predominant FLUM designation.

The area is mostly undeveloped properties with RES2 low density residential. There are approximately ten residential lots already in developed as residential, the nearest of which is within 400 feet of the subject property. The most recent improvement in the area occurred in 2018, featuring a manufactured home.

Other than development activity occurring on the subject property, there are no emerging patterns of development.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

2. actual development over the immediately preceding three years; and

It appears no changes in actual development have occurred in the immediate area within the last three years.

3. development approved within the past three (3) years but not yet constructed.

There has not been any development approved but not yet constructed within this area in the preceding three (3) years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

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.

The surrounding area contains a few small clusters of residentially developed properties.

Granting the request would allow the plant to expand, which may increase potential impacts such as noise, light, and traffic to the surrounding area.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service. The maximum development potential from the proposed rezoning increases the percentage of MAV by 1.03%.

- 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.

Staff analysis indicates the subject property has clearly established boundaries separating the plant from the residential zoned properties.

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.

The proposed is not located in an existing residential neighborhood.

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.

There have been no requests applied for and approved in this area during the previous five (5) years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 from SR 46 to Lionel Rd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 27.29% of capacity daily. The proposed development increases the percentage of MAV utilization by 1.03%. The corridor is anticipated to operate at 28.32% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permittable uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject property has access to potable water through Brevard County utility service for potable water. No sewer service is available in the area. An approved Concurrency Application, including potable water service capacity, Sanitary sewer service capacity, and solid waste capacity is required upon a formal site plan submission.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

See the full NRM comments on pages 10 - 12 of this report.

Historic Resources

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

For Board Consideration

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

The Board and the applicant should be advised that the activities on the property must comply with the standards in the Brevard County Code of Ordinances, including, but not limited to, Chapter 46, Article IV, Noise, and Sections 62-1483 and 62-1833.5.

The applicant must ensure any on-site improvements comply with the applicable standards and specifications established by the Brevard County Code.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00016**

Applicant: Kimberly Rezanka (Owners: Praxair Inc.)

Land Use: PI and RES 2 to H/L IND

Note: To develop the 10.46 acres for the use of new plant with a cold box

LPA Zoning Hearing: 01/13/2025; **BCC Hearing:** 02/06/2025

Tax ID No.: 2103214 (22.02 ac)

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum; Turnbull and Riomar soils, tidal; Anclote sand, frequently ponded, 0 to 1 percent slopes; Floridana sand, 0 to 1 percent slopes, frequently flooded; and Canaveral-Urban land complex); indicators that wetlands may be present on the property. The applicant provided an environmental assessment (Harnden Environmental, October 22, 2024) (Report) identifying wetlands surrounding the existing developed portion of the north half of the property. The wetland assessment shall be verified prior to any land clearing activities, site plan design, or building permit submittal.

The Report states that there are an estimated 5.6 acres of direct impact wetland impacts proposed on the site. The applicant states that they will follow County and regulatory agencies requirements regarding wetland impacts. Section 62-3694(c)(3)c states that commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the future land use map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010, and has sufficient infrastructure available to serve the commercial or industrial use.

If the proposed development meets the criteria in Section 62-3694(c)(3), and wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. Canaveral-Urban land complex may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

A majority of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system,

designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

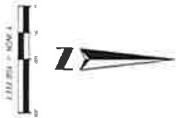
Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 and buffer requirements. Applicant should contact NRM at 321-633- 2016 prior to performing any land clearing activities.

Protected Species

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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

BOUNDARY SURVEY for: LINDE INC.



LEGEND AND ABBREVIATIONS

1	1/4" = 100'
2	1/8" = 50'
3	1/16" = 25'
4	1/32" = 12.5'
5	1/64" = 6.25'
6	1/128" = 3.125'
7	1/256" = 1.5625'
8	1/512" = 0.78125'
9	1/1024" = 0.390625'
10	1/2048" = 0.1953125'
11	1/4096" = 0.09765625'
12	1/8192" = 0.048828125'
13	1/16384" = 0.0244140625'
14	1/32768" = 0.01220703125'
15	1/65536" = 0.006103515625'
16	1/131072" = 0.0030517578125'
17	1/262144" = 0.00152587890625'
18	1/524288" = 0.000762939453125'
19	1/1048576" = 0.0003814697265625'
20	1/2097152" = 0.00019073486328125'
21	1/4194304" = 9.536743193125E-05'
22	1/8388608" = 4.7683715965625E-05'
23	1/16777216" = 2.38418579828125E-05'
24	1/33554432" = 1.192092899140625E-05'
25	1/67108864" = 5.960464495703125E-06'
26	1/134217728" = 2.9802322478515625E-06'
27	1/268435456" = 1.49011612392578125E-06'
28	1/536870912" = 7.45058061962890625E-07'
29	1/1073741824" = 3.725290309814453125E-07'
30	1/2147483648" = 1.8626451549072265625E-07'
31	1/4294967296" = 9.3132257745361328125E-08'
32	1/8589934592" = 4.65661288726806640625E-08'
33	1/17179869184" = 2.328306443634033203125E-08'
34	1/34359738368" = 1.1641532218170166015625E-08'
35	1/68719476736" = 5.8207661090850830078125E-09'
36	1/137438953472" = 2.91038305454254150390625E-09'
37	1/274877906944" = 1.455191527271270751953125E-09'
38	1/549755813888" = 7.275957636356353759765625E-10'
39	1/1099511627776" = 3.6379788181781768798828125E-10'
40	1/2199023255552" = 1.81898940908908843994140625E-10'
41	1/4398046511104" = 9.09494704544544219970703125E-11'
42	1/8796093022208" = 4.547473522722721099853515625E-11'
43	1/17592186044416" = 2.2737367613613605499267578125E-11'
44	1/35184372088832" = 1.13686838068068027496337890625E-11'
45	1/70368744177664" = 5.684341903403401374816689453125E-12'
46	1/140737488355328" = 2.8421709517017006874083447265625E-12'
47	1/281474976710656" = 1.42108547585085034370417236328125E-12'
48	1/562949953421312" = 7.10542737925425171852086181640625E-13'
49	1/1125899906842624" = 3.552713689627125859260430908203125E-13'
50	1/2251799813685248" = 1.7763568448135629296302154541015625E-13'
51	1/4503599627370496" = 8.8817842240678146481510772725208125E-14'
52	1/9007199254740992" = 4.4408921120339073240755386362604175E-14'
53	1/18014398509481984" = 2.220446056016953662037769318130208125E-14'
54	1/36028797018963968" = 1.110223028008476831018884659065104175E-14'
55	1/72057594037927936" = 5.5511151400423841550944232953255208125E-15'
56	1/144115188075855872" = 2.7755575700211920775472116476627604175E-15'
57	1/288230376151711744" = 1.387778785010596038773605823831380208125E-15'
58	1/576460752303423488" = 6.93889392505298019386802911915690104175E-16'
59	1/1152921504606846976" = 3.4694469625264900969340145595784505208125E-16'
60	1/2305843009213693952" = 1.7347234812632450484670072797892252604175E-16'
61	1/4611686018427387904" = 8.67361740631622524233503639894612630208125E-17'
62	1/9223372036854775808" = 4.33680870315811262116751819947306315104175E-17'
63	1/18446744073709551616" = 2.1684043515790563105837590997365315755208125E-17'
64	1/36893488147419103232" = 1.0842021757895281552918795498682657877604175E-17'
65	1/73786976294838206464" = 5.42101087894764077645939774934132889380208125E-18'
66	1/147573952589676412928" = 2.71050543947382038822969887467066444690104175E-18'
67	1/295147905179352825856" = 1.3552527197369101941148494373353322234505208125E-18'
68	1/590295810358705651712" = 6.776263598684550970572424686676661117252604175E-19'
69	1/1180591620717411303424" = 3.38813179934227548528621234333833055862630208125E-19'
70	1/2361183241434822606848" = 1.69406589967113774264310617166916527931315104175E-19'
71	1/4722366482869645213696" = 8.470329498355688713215530858334826396565755208125E-20'
72	1/9444732965739290427392" = 4.235164749177844356607765429167413198282877604175E-20'
73	1/18889465931478580854784" = 2.11758237458892217830388271458370659914413880208125E-20'
74	1/37778931862957161709568" = 1.05879118729446108915194135729185329957206940104175E-20'
75	1/75557863725914323419136" = 5.293955936472305445759705786459266497860347005208125E-21'
76	1/151115727451828646838272" = 2.646977968236152722879852893229633248930173502604175E-21'
77	1/302231454903657293676544" = 1.32348898411807636143992644661481662446508675130208125E-21'
78	1/604462909807314587353088" = 6.617444920590381807199913233074083122275132502604175E-22'
79	1/1208925819614629174706176" = 3.30872246029519090359995661653704156113756625130208125E-22'
80	1/2417851639229258349412352" = 1.65436123014759545179997830826852078056878312565130208125E-22'
81	1/4835703278458516698824704" = 8.2718061507379772589998915413426039028439156282630208125E-23'
82	1/9671406556917033397649408" = 4.135903075368988629499945770671301951421957814130208125E-23'
83	1/19342813113834066795298816" = 2.067951537684494314749972885335650975710978907065130208125E-23'
84	1/38685626227668133590597632" = 1.033975768842247157374986442667825487855489453532630208125E-23'
85	1/77371252455336267181195264" = 0.516987884421123578687493221333912743927744726766315130208125E-23'
86	1/154742504910672534362390528" = 0.258493942210561789343746610666956371963872363383157565130208125E-23'
87	1/309485009821345068724781056" = 0.1292469711052808946718733053334781859819361816915787826565130208125E-23'
88	1/618970019642690137449562112" = 0.06462348555264044733593665266673909299096809084589394132826565130208125E-23'
89	1/1237940039285380274899124224" = 0.032311742776320223667968326333369546495484045422946970664132826565130208125E-23'
90	1/2475880078570760549798248448" = 0.01615587138816011183398416316668477324774202271147348533020664132826565130208125E-23'
91	1/4951760157141521099596496896" = 0.008077935694080055916992081583334386623871011355736742665103320664132826565130208125E-23'
92	1/9903520314283042199192993792" = 0.00403896784704002795849604079166719331193550567786837133255166033020664132826565130208125E-23'
93	1/19807040628566084398385987584" = 0.002019483923520013979248020395833596655967752838934185666275830165103320664132826565130208125E-23'
94	1/39614081257132168796771975168" = 0.00100974196176000698962401019791679832798387641946709283313791508255103320664132826565130208125E-23'
95	1/79228162514264337593543950336" = 0.000504870980880003494812005098958399163991938209733546416666957540755103320664132826565130208125E-23'
96	1/158456325028528675187087900672" = 0.00025243549044000174740600254947919958199596910486677320833347877537755103320664132826565130208125E-23'
97	1/316912650057057350374175801344" = 0.00012621774522000087370300127473959979099798455243338661666673938768877537755103320664132826565130208125E-23'
98	1/633825300114114700748351602688" = 6.31088738725E-05" = 0.00006310887387250000435015061236979989549899227621669333336969384438877537755103320664132826565130208125E-23'
99	1/1267650600228229401496703205376" = 3.155443693625E-05" = 0.000031554436936250002175075306184899947494494996138466666848469384438877537755103320664132826565130208125E-23'
100	1/2535301200456458802993406410752" = 1.5777218468125E-05" = 0.000015777218468125000108787653092449497474749974998092224724438877537755103320664132826565130208125E-23'
101	1/5070602400912917605986812821504" = 7.8886092340625E-06" = 0.00000788860923406250005439382754622474987474998998092224724438877537755103320664132826565130208125E-23'
102	1/10141204801825835211973625643008" = 3.94430461703125E-06" = 0.000003944304617031250027196913773112374987499944998998092224724438877537755103320664132826565130208125E-23'
103	1/20282409603651670423947251286016" = 1.972152308515625E-06" = 0.0000019721523085156250013584568866886874987499972499944998998092224724438877537755103320664132826565130208125E-23'
104	1/40564819207303340847894502572032" = 9.860761542578125E-07" = 0.0000009860761542578125006792284433443439874999862499972499944998998092224724438877537755103320664132826565130208125E-23'
105	1/81129638414606681695789005144064" = 4.9303807712890625E-07" = 0.000000493038077128906250033961421672171993749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
106	1/162259276829213363391578010288128" = 2.46519038564453125E-07" = 0.00000024651903856445312500167950708608599687499965624999862499972499944998998092224724438877537755103320664132826565130208125E-23'
107	1/324518553658426726783156020576256" = 1.232595192822265625E-07" = 0.0000001232595192822265625000839785430429984374999328124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
108	1/649037107316853453566312041152512" = 6.162975964111328125E-08" = 0.0000000616297596411132812500419892715214992187499965624999862499972499944998998092224724438877537755103320664132826565130208125E-23'
109	1/1298074214633706907132624082305024" = 3.0814879820556640625E-08" = 0.0000000308148798205566406250020994637607499609374999328124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
110	1/2596148429267413814265248164610048" = 1.54074399102783203125E-08" = 0.000000015407439910278320312500104997318749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
111	1/5192296858534827628530496329220096" = 7.70371995513916015625E-09" = 0.000000007703719955139160156250005249986593749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
112	1/10384593717069655257060992658440192" = 3.851859977569580078125E-09" = 0.00000000385185997756958007812500262499932968749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
113	1/20769187434139310514121985316880384" = 1.9259299887847900390625E-09" = 0.000000001925929988784790039062500131249996593749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
114	1/41538374868278621028243970633760768" = 9.6296499439239501953125E-10" = 0.000000000962964994392395019531250006562499982968749996093749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
115	1/83076749736557242056487941267521536" = 4.81482497196197509765625E-10" = 0.000000000481482497196197509765625000328124999914843749996093749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
116	1/166153499473114484112975882535043072" = 2.407412485980987548828125E-10" = 0.00000000024074124859809875488281250001640624999972443749996093749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
117	1/332306998946228968225951765070086144" = 1.2037062429904937744140625E-10" = 0.00000000012037062429904937744140625000082031249999862443749996093749996093749993124999862499972499944998998092224724438877537755103320664132826565130208125E-23'
118	1/664613997892457936451903530140172288" = 6.018531214952468872265625E-11" = 0.00000000006018531214952468872265625000041015624999993124437499960937499960937499931249998624999724999449989980922247244388775377



321-536-1988

October 22, 2024

Geosyntec Consultants, Inc.
6770 South Washington Avenue, Suite 3
Titusville, Florida 32780
Phone: 321.593.9382
Attn: Zack Munger
ZMunger@geosyntec.com

Project: Hammock Road Parcel
2801 Hammock Road
Mims, FL
PID: Portion of 21-35-09-00-511
Tax Act: 2103214
Acres: ~6 acres

Mr. Munger,

The proposed construction area was reviewed for the presence of wetland habitat, protected species, delineation of any wetland habitat, and if there were any additional constraints to development. The client is investigating the ability to expand the adjacent industrial facility in Mims, Florida (*Figure 1*).

A site visit was completed by Harnden Environmental (HE) staff on October 4, 2024. The project area was traversed on foot. Photographs of the site are included in *Appendix A*. The site is disturbed, but undeveloped. The site also includes several surface waters and a wetland. There is also areas where trash and construction debris has been piled. The following observations are a summary of the findings of the site review.

Soils, Elevation, and Flood Zone Data

The project area is mapped as having upland soil (Orsino Fine Sand – Non-Hydric [41]) and hydric (wetland) soils, (Anclote sand, Depressional [2], Canaveral Urban Land Complex [10], Copeland-Bradenton-Wabasso Complex, Limestone Substratum [16], Turnbull and Riomar Soils, Tidal [58]) on the NRCS Soil Survey map (*Figure 2*). Suggesting the site could include wetlands. This soil data is from a large-scale survey and represents the potential soils on a site. This is not always indicative of the actual soil characteristics on-site.

Table 1. Soil Types On-site

2—Anclote sand, Depressional*
10—Canaveral Urban Land Complex*
16—Copeland-Bradenton-Wabasso Complex, Limestone Substratum*
41—Orsino Fine Sand
58—Turnbull and Riomar Soils, Tidal*

*Hydric Soil Types

On-site soil reviews confirm that hydric (wetland) soils do occur within the project area



321-536-1988

Current Land Use

Land use descriptions have been created for the entire state by the Florida Department of Transportation (FDOT). These classifications are used to generally categorize land types by use and vegetative compositions. The descriptions that are closest to the habitats on-site are utilized to document the current land use. Modifications of categories is sometimes done to be more descriptive of conditions on-site. Geographic Information Systems (GIS) were used to compile the data and calculate the acreages on-site. Note that calculated acreages are not exact. The current land use has been depicted on *Figure 3*.

There are six types of land use on-site. A summary of current land uses on-site is below.

1560 – Industrial Facility (3.34 acres)

This portion of the project area is industrial settling ponds. The ponds appear to be constantly inundated. The ponds percolate groundwater to the surrounding, lower elevation wetland system. It is HE's opinion this portion of the site would be considered industrial facilities, and thus be considered **upland**.

4220 – Brazilian Pepper (0.98 acres)

This portion of the project area is vegetated with mainly Brazilian pepper (*Schinus terebinthifolia*), with some slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), live (*Q. virginiana*) and laurel (*Q. laurifolia*) oak. The understory is saw palmetto (*Serinoa repens*) in some areas. There is also an upland cut drainage swale that is part of the polygon. It is HE's opinion this portion of the site would be considered **upland**.

5110 – Excavated Ditch (0.26 acres)

This portion of the project area is an excavated ditch. The ditch is part of the local drainage system. The ditch runs directly in the Indian River Lagoon (a protected waterbody). It is HE's opinion this portion of the site would be considered **surface water**.

6120 – Mangrove Swamp (1.62 acres)

This portion of the project area is a mangrove swamp. The wetland is depicted in all historical maps. The wetland is vegetated mainly with white mangrove (*Laguncularia racemosa*) and black mangrove (*Avicennia germinans*). Estuarine marsh understory species were also present. These species included sea ox-eyed daisy (*Borrchia frutescens*), leather fern (*Acrostichum danaeifolium*), and salt grass (*Distichlis spicata*). The polygon includes **50% coverage of Brazilian pepper**. This wetland polygon includes some wetland ditching that connects directly to the excavated ditch on the southern end of the project area conveying stormwater directly to the Indian River Lagoon. It is HE's opinion this portion of the site would be considered **wetland**.

6280 – Hydric Hammock (3.98 acres)

This portion of the project area is a wetland hammock habitat. The wetlands are depicted in many historical maps. The wetland hammock is vegetated with cabbage palm, live and laurel oak, red cedar (*Juniperus virginiana*), with some elm (*Ulmus floridana*). There are some areas with sparse saw palmetto and wax myrtle (*Myrica cerifera*). There were also other understory wetland vegetation present in the hammock areas. These species included duck potato (*Sagittaria graminea*), swamp fern (*Blechnum serrulatum*), dayflower (*Commelina* spp.), chain fern (*Woodwardia virginica*), leather fern,



321-536-1988

road grass (*Eleocharis baldwinii*), marsh goldenrod (*Solidago fistulosa*), star rush (*Rhynchospora colorata*), pennywort (*Hydrocotyle bonariensis*), and water hyssops (*Bacopa caroliniana*). There are excavated ditches within this wetland habitat. There is also a small area vegetated by Australian pines (*Casuarina equisetifolia*). The polygon includes **50% coverage of Brazilian pepper**. It is HE's opinion this portion of the site would be considered **wetland**.

7430 – Upland Spoil Piles (0.20 acres)

This portion of the project area are spoil piles resulting from the adjacent ditching in the wetlands. The piles are up to four feet above the natural grade. There are Brazilian peppers located on the spoil piles. It is HE's opinion this portion of the site would be considered **upland spoil piles**.

Table 2. Current Land Use of the site.

Code	Description	Acreage
1560	Industrial Facility	3.34
4220	Brazilian Pepper	0.98
5110	Excavated Ditch	0.26
6120*	Mangrove Swamp	1.62
6280*	Hydric Hammock	3.98
7430	Upland Spoil Piles	0.20

*Wetland code

The site includes a large natural wetland system, excavated settling ponds, and excavated ditches (surface water). These features are depicted on **Figure 1**. The wetland on-site is a hydric hammock and mangrove swamp. Field observations indicate that there were hydric (wetland) soil indicators and hydrologic indicators on-site, confirming **wetlands do** occur on-site. The indicators included striping in the top 6 inches of the soil profile, muck, and sulfur odor. The flagged wetland boundaries are depicted in **Figure 1**.

The National Wetland Inventory (NWI) map depicts the site as having wetlands in the project area.

Floodplain Map

Flood maps are developed utilizing the current, most up to date, elevation data available. The FEMA floodplain map indicates that the project area includes Zone X and AE. Zone X are areas in the 500 year floodplain. These are considered areas of minimal flood risk. Zone AE is in the 100 year floodplain and has a 1% annual flood chance. It is possible that **compensating storage** will be required for development of the acreage of the project that is below Flood Zone X.

Protected Species

The project area is currently undeveloped. Due to the habitats on-site, it is possible that protected species could utilize habitats on-site. There are wildlife trails in the project area. No evidence of a wading bird rookery was observed. The utilization of these habitats by protected species is likely low because of the dense Brazilian pepper stands on-site. Because of the conditions on-site, the site is not ideal habitat for protected species.

The site is too wet for gopher tortoises to occur. Since the surface waters are connected to the Indian



321-536-1988

River Lagoon, there were fisheries species located within the project area. Species such as tarpon (*Megalops atlanticus*) were observed within the project area.

A large eastern rat snake (*Pantherophis alleghaniensis*) was observed in a brush pile on-site. Rat snakes are not a protected species.

Uniform Mitigation Assessment Method (UMAM)

The UMAM is the means to evaluate the quality of a wetland system. This quality assessment allows a reviewer to determine the amount of mitigation that will be required in order to impact a wetland system for development or some other land use conversion. The quality value is multiplied by the acreage of the wetland to be impacted. This value will be the amount of credit that is required to offset the proposed wetland impact.

Mitigation Plan:

The proposed project is to construct an expansion of the adjacent facilities. The site is located in northern Brevard County. The Site is located in the Northern Indian River Lagoon (Basin 21) surface water basin. The proposed project would be located in hydric hammock and mangrove swamp. The proposed impacts would be the entire project area. Resulting in approximately 5.60 acres of direct wetland impact.

The proposed project will include wetland impacts. Direct impacts will occur. To initiate discussions regarding UMAM analysis preliminary values have been proposed below.

Preliminary UMAM Calculations

Table 1. Direct Impacts

ID	Without			With			Delta	Acres	FU Loss
	Landscape	Water	Veg	Landscape	Water	Veg			
WL1	6	7	6	0	0	0	0.633	1.62	1.025
WL2	6	7	5	0	0	0	0.600	3.98	2.388
Total								5.6	3.413

Table 2. Secondary Impacts

ID	Without			With			Delta	Acres	FU Loss
	Landscape	Water	Veg	Landscape	Water	Veg			
WL1	0	0	0	0	0	0	0.0	0.0	0.0
Total								0.0	0.0

In general the wetlands are not in good conditions. Proposed UMAM calculations for direct impacts are depicted in **Table 1**. There are some ditches and upland berms within the systems that detract from the natural conditions on-site. Additionally, the project area is adjacent to industrial facilities, roads, and a railroad. This leads to less than pristine hydrology and impacts to the vegetative communities on-site.



321-536-1988

The vegetative communities on-site include a minimum of 50% Brazilian pepper encroachment. This encroachment is in both the hydric hammock and the mangrove swamp leading to the reduced vegetative community score.

Since the entire project site is surrounded by disturbance (road and railroad) and industrial facilities, it is not anticipated that there would be secondary wetland impacts to adjacent wetland systems (*Table 2*). If a portion of the wetland will be impacted, then secondary impacts will be assessed for the acreage of the remaining upland. Secondary impacts are at a lower rate resulting in less required mitigation, than direct impacts.

The data and figure provided are to start discussions regarding the proposed project and options to offset potential wetland impacts.

By rule, mitigation has to be within the same surface water basin and has to be a similar type of habitat (in-kind). Exceptions are sometimes possible, but are not easily agreed upon. It is anticipated that estuarine forested credits will have to be used for the mangrove swamp area and freshwater forested credits could be used for the hydric hammock area. These findings will have to be confirmed by the regulatory agency review staff.

Mitigation could possibly be accomplished by purchasing credits from mitigation bank within the same surface water basin. There are several banks within the basin. Presently there is not a bank within the basin that has Federal estuarine forested credits. Green Wing Mitigation Bank is coming online that will have estuarine credits that could be used for mitigation. Pricing for the credits has not been fully determined. It is anticipated the dual (State/Federal) forested estuarine credits could be up to \$700,000 per credit. Forested freshwater credits would be slightly less. Therefore, it is anticipated that wetland mitigation costs would range from \$2,000,000 to \$2,300,000.

Summary

The project area is located adjacent to Hammock Road in Mims, Florida. There are wetlands and surface waters on-site.

According to the proposed plan there will be wetland impacts (*Figure 1*). The entire wetland system encompassed on-site would be impacted. It is anticipated that impacts to surface waters could be considered temporary in nature. Any wetland impacts (direct and secondary will have to be offset by mitigation). The estimated wetland impacts are 5.6 acres of direct impact. With consideration of the qualities of the wetlands, it is estimated that 3.413 credits from a wetland mitigation bank within the surface water basin could offset the potential wetland impacts. These credits would have to be Federal forested credits and a portion of them would have to be estuarine forested credits.

The Green Wing mitigation bank is located in the basin and reportedly have the available forested mitigation credits within a few months. It is suggested that if the proposed project will move forward, the mitigation bank should be contacted as quickly as possible regarding the estuarine credits. These credits are quite rare and will sell out quickly. If these credits are not available then other potential mitigation could be discussed with regulatory agencies regarding out-of-kind and out-of-basin mitigation credits or purchasing appropriate lands, restoring them, and donating them to an environmental agency. These



321-536-1988

methods are difficult and typically much more costly than purchasing credits.

It is anticipated that the site will be under the jurisdiction of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).

There was a FDEP environmental permit issued for a small project on-site. It is believed that a new FDEP individual permit will have to be issued for the proposed construction. A Federal dredge and fill permit will also have to be obtained from ACOE.

The site will require substantial fill and possibly muck removal. Fill cost could be large. Potentially the 5.6 acres of wetland habitat could need 5 to 7 feet of fill. Civil engineering activities will determine these values.

No gopher tortoise burrows were observed during the assessment. Because of the habitat types on-site, a 100% gopher tortoise burrow survey will not be required.

A pre-application meeting with regulatory agencies could help to confirm what types of mitigation should be utilized.

If you have any further questions feel free to give us a call.

Thank you for your business.

Chris Harnden
Project Manager 321-536-1988
chris@hardenenvironmental.com



Figure: Preliminary Land Use
 Project: Hammock Road Parcel
 Mims, FL
 Site: Parcels_2103214 (Portion)
 Note: Boundaries are approximate.

Figure
 1



321-536-1988

Appendix A
Site Photographs 10/04/24



Photograph 1. Southern ditch along project area, facing west. Ditch attaches directly to the Northern Indian River Lagoon.



Photograph 2. Eastern edge of the project area, facing south. Note the ditch and mangroves.



Photograph 3. Eastern edge of project area, facing north.



Photograph 4. Northern edge of project area. Facing east.



Photograph 5. Western edge of project area, facing south.



Photograph 6. Australian pine area in interior of site, facing north.



Photograph 7. Typical interior of site, facing east. Note pepper.



Photograph 8. Typical interior of site, facing south. Note pepper.



Photograph 9. Typical interior of site, facing south. Note pepper.



Photograph 10. Typical interior of site, facing east. Note pepper.



Photograph 11. Typical hydric hammock area of site, facing north. Note hummocking.



Photograph 12. Upland spoil area of site, facing northwest.



Photograph 13. Upland spoil area of site, facing north.



Photograph 14. Typical upland hammock area of site, facing north. Cleared.



Photograph 15. Typical hydric hammock area of site, facing north.



Photograph 16. Large eastern rat snake observed on-site.

Account 1234567



Show
Street
Map

2024 ☐
2023 ☐
2022 ☐
2021 ☐
2020 ☐

LEGEND



Account
State
RCRAO Group Name
Owner
Address

Zoom | View | Details | EagleView | Hide Info
72 340



Linde Inc.
Air Separation Plant
Mims, Florida

Making our world more productive



Who We Are and What We Do



The Linde Vision: To be the best performing industrial gases and engineering company in the world — as determined by our customers, employees, shareholders, suppliers and the communities in which we operate

At Linde: 65,000 employees in more than 100 countries are working together towards a common goal: making our planet more productive. For more than 100 years, Linde has taken something as fundamental as air and turned it into ways to make plants operate cleaner and more productively, food taste better, breathing easier and manufacturing processes more efficient -- in short, to make all our lives better.

Industrial Gas Supply: Our production facilities, wide variety of gas and process management programs, and delivery systems are all designed to help get you the gas you need, when and how you need it.

Mims Production Facility
2801 Hammock Road @ Wiley Avenue



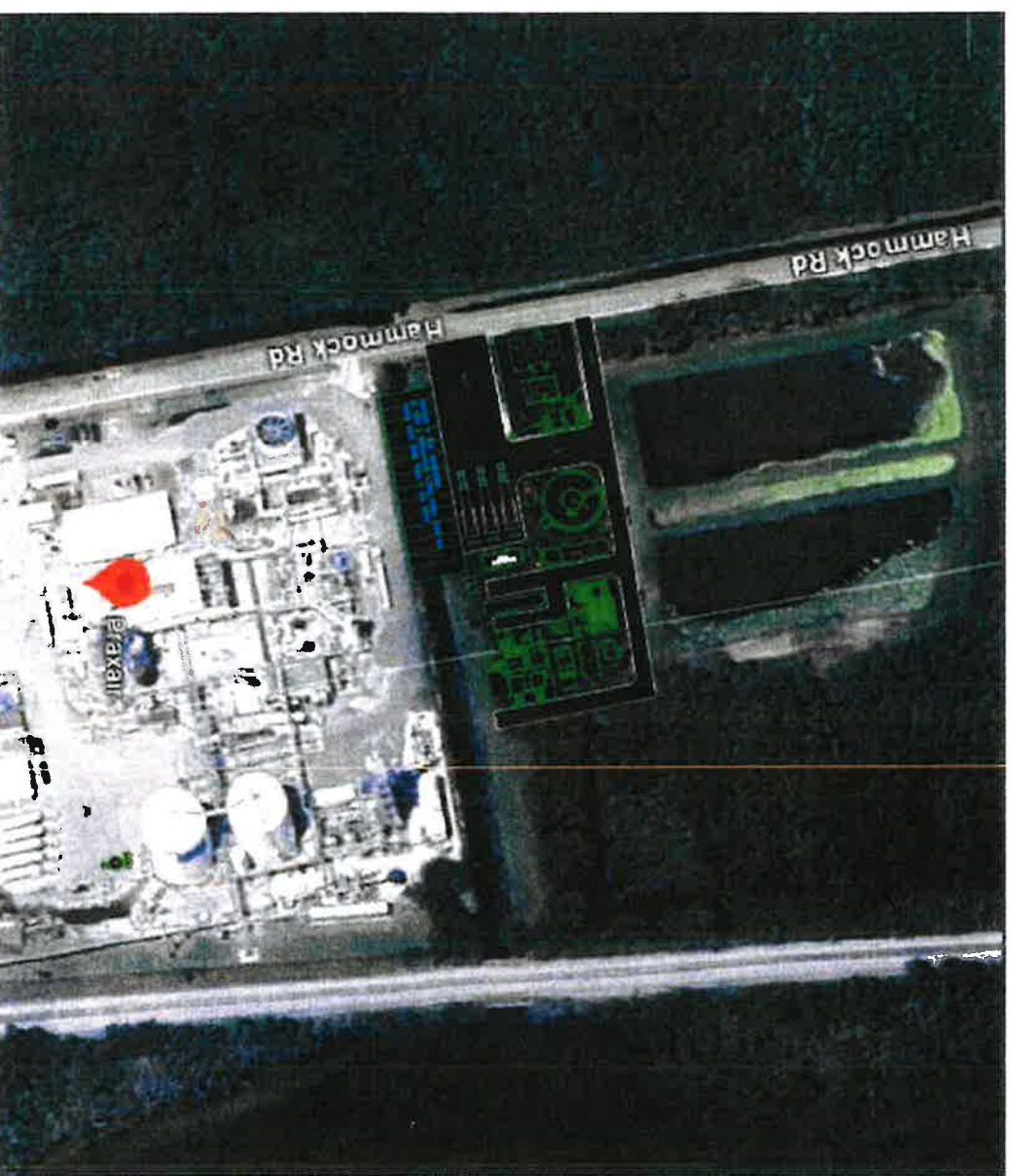
New Production Facility Conceptual Design



Linde is expanding its existing facilities to meet the growing demand from our customers.

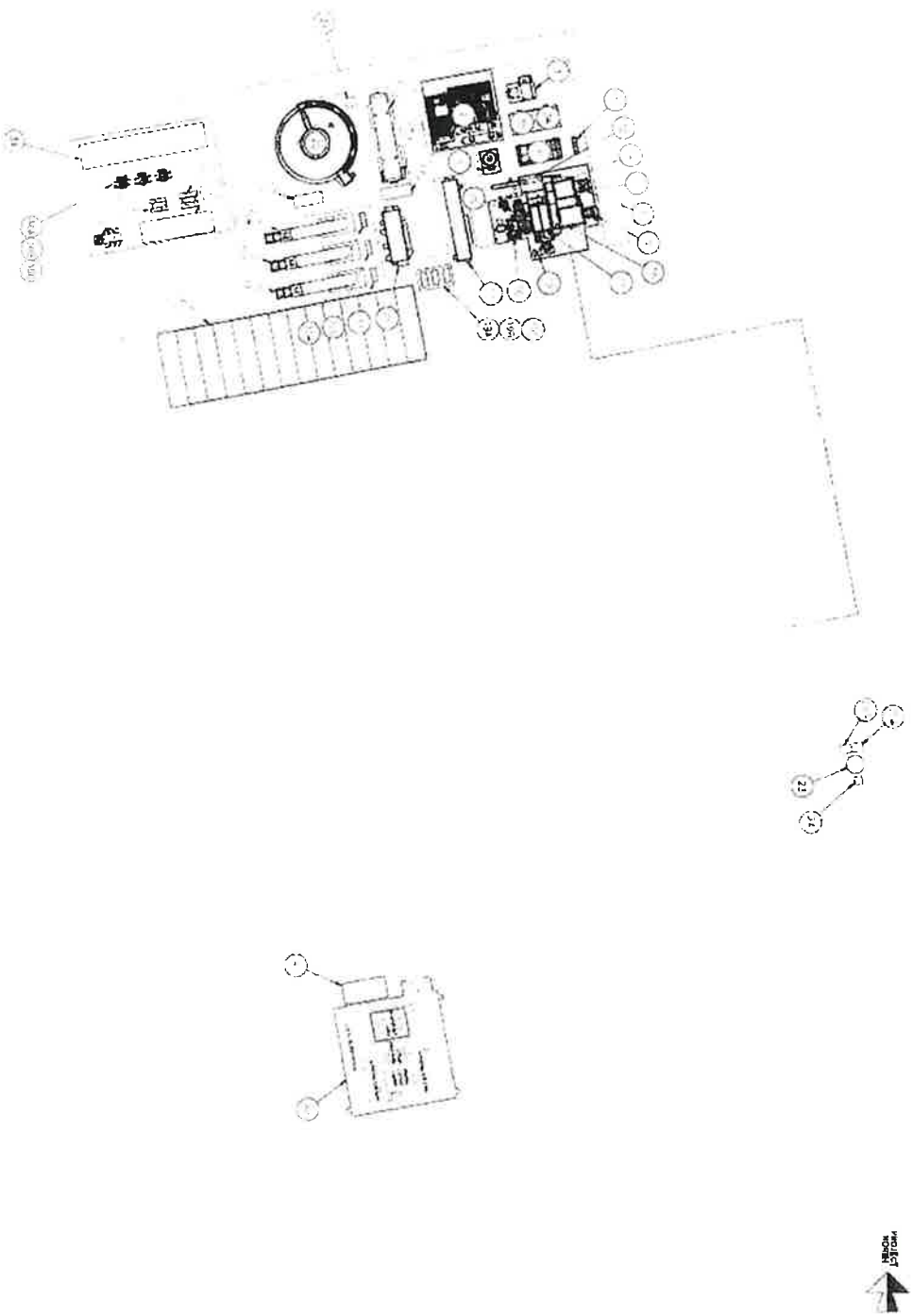
Production expansion will enable Linde to substantially increase the necessary cryogenic oxygen & nitrogen supply to support the Cape Kennedy Space Industry

Linde project will yield economic benefits, increasing employment opportunities for the local community with more Drivers, Technicians, Mechanics and Supervisors... Likely developing a new Distribution Trucking facility within Mims, Brevard County.



Production Facility Expansion

Linde is expanding its existing facilities to meet the growing demand from our customers.



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Logan Luse (D4); Ron Bartcher (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Billy Prasad, Deputy Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Interim Zoning Manager; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda.

Item H.6. Linde Inc. requests a Small-Scale Comprehensive Plan Amendment (24S.016), to change the Future Land Use designation from PI and RES 2 to all Heavy/Light Industrial (IND). (24SS00016) (Tax Account 2103214) (District 1)

Item H.7. Linde Inc. requests a change in zoning classification from IU to IU-1. (24Z00062) (Tax Account 2103214) (District 1)

Trina Gilliam read the companion applications into the record.

Kim Rezanka spoke to the application stating that she is here on behalf of Linde Inc. which used to be known as Praxair. Some of you may have been on the board back in 2018 and we're before you on a similar project. With me today is Lisa Murray, she's with corporate real estate out of their headquarters in Connecticut. Ben Vazquez is the local facilities manager and he'll be telling you a little bit about why this is needed, the expansion that is needed in the plant itself. Sean Chase is the local productions superintendent who is also here to answer any questions. Linde is an industrial gas company that supplies product to support contractors at KSC and NASA. The property's future land use designation is currently Planned Industrial and Residential. And the applicant seeks to change the land use to Heavy Industrial. They also want the zoning to be Heavy Industrial. It's about 10.46 acres, it will make the parcel unified in the future land use and as to the zoning. The property is in rural Mims, north of Titusville city limits along the Indian river, west and adjacent to the FEC railroad, 4 miles north of Macksburg causeway, and 8 miles south of the Volusia-Brevard County line, just to give you a perspective. There is no adjacent developed housing, there are some small houses in the area. There are industrial uses to the south and a county park, Jones Avenue boat ramp in Mims. A small use park just to the north of this property. Again, seeking a small-scale amendment to Heavy Industrial, and zoning to IU-1. This is about half of the site. Again, trying to unify the parcel and the purpose is to expand its plant and to add another cold box. Because of all the launches going off at NASA and KSC, and the Space Force Base this expansion is needed to meet demand for what is going on out there. I'm going to let Ben Vazquez; the local production facility manager explain Praxair and what they intend to do with the expansion. He has a little packet to show you just to give you a little more information and to show you where the plant expansion may be, because I know there's a concern about wetlands.

Ben Vazquez, facility manager for Linde stated that it was formerly Praxair. Originally, we were Union Carbide back in the 60's. Linde employs approximately 26,000 employees, over 50 countries. We're the leading industrial gas producer in both North and South America. Linde's a good corporate citizen and named to the Dow Jones Sustainability World Index for the 22nd consecutive year. We're a very

safety conscious and consistently top performer, 5 times better than the US Industrial Average and 3 times better than the US Chemical Industry Average. Linde is committed to applying American Chemistry responsible care security code to ensure that we continue to effectively protect our employees, our customers, and our community. Linde, formerly Union Carbide, built in permission the original air separation plant in Mims, Florida. In 1966 it was primarily built to support NASA and the space industry. Going all the way back to Mercury missions, Apollo, space shuttle and everything since that year. For over 100 years Linde has taken something as fundamental as air and turned it ways to make industrial plants operate cleaner and more productively. For food to taste better. For breathing to be made easier. Manufacturing process more effective and the ability to drive rockets into space. Our plant produces 3 non-hazardous products, liquid oxygen, liquid nitrogen, and liquid argon. Today as well as supporting NASA we support the private rocket companies as well. We supply both SpaceX and Blue Origin. We support customers in the steel business such as Gradow steel in Baldwin, Florida. We distribute breathing oxygen to most every hospital in central and south Florida. Northern Florida as well. Our current staff is myself as the facility manager, our production superintendent Sean Chase is here with me today. We have a distribution superintendent, 4 technicians, 23 tanker drivers, and 2 mechanics. We follow and comply with all relevant EPA regulations and all relevant for Department of Environmental Protection regulations as well. We have several licenses and certifications where we're often audited by these environmental authorities as well. So, the growing demand for oxygen in the space industry is the main reason why we want to expand our plant now. Our concept rendering shows the plant expansion, shows its new equipment. Much of the existing plant equipment and buildings will be reused. Linde plans to invest approximately \$100,000,000.00 in this next plant expansion project. The expansion will yield economic benefits, increasing employment, creating opportunities for the local community with drivers, technicians, mechanics, and supervisors. Likely developing a new distribution facility. Essentially our production facility, our footprint is overgrown and some day soon we'll have to relocate our truck shop and our fleet.

Henry Minneboo asked if the plant, to the best of his recollection been there since the 60's.

Mr. Vazquez responded yes sir.

Henry Minneboo replied with that's what I thought.

Mr. Vazquez commented that construction started early in '65 and the plant was completed and commissioned in 1966.

Mark Wadsworth stated it's a very clean operation.

Henry Minneboo stated I thought it'd been there a good while.

Trina Gilliam stated that the documentation Ms. Rezanka had passed out, staff has not had an opportunity to review that. Also, this request is only for the rezoning, it is not for the use of heavy industry. That requires a conditional use permit. So, the applicant will need to return with a conditional use permit application for that use.

Henry Minneboo asked Kim Rezanka if she was aware of that.

Ms. Rezanka responded yes. She went on with if you look at page 3 of what Ben showed you, that's what the plant looks like today. In 2018 we came before you and we had some rezonings outside of

the property, so we were able to build that tall structure in the back, left corner, which would be the northeast corner. That's the cold box. It's 126 feet tall and what they want to do is put a second cold box. I don't know exactly what it does, but we can ask Mr. Vazquez if we need to, but the intent is to expand it so they can increase production. So that was built in 2018. There has been construction in 2018 in this area, besides a manufactured home. On page 4 you'll see a little, it's really hard to see on page 4, but also on page 5, there's kind of what the new site plan would look like. It hasn't been reviewed by staff, it's conceptual. The reason we're not here with the conditional use permit is because we need a full-blown site plan to show you based upon the requirements of the code. So, also site plans are expensive if you don't get the zoning for heavy industrial then we wouldn't spend that money. So, the idea is to avoid most of the wetlands. There may be a small impact, but I think the staff report said that it was like 5 or 6 acres of wetlands that would be impacted. And they're trying to keep it away from the wetlands. So that's just an idea of how it could be built. It's not set in stone. We'll have to come back to you for the conditional use permit. Also, at that time any conditions can be put on the use of this property. I know there were issues raised about noise and lighting, and things like that. Those are all performance standards that would be done at the site plan stage or after, but it's also things that you can look at when you do the conditional use, and that's where it's more appropriate than to put it in zoning or future land use. When you look at the maps in your packet, it's a quilt, it's a patchwork quilt. It's kind of messy. The future land use map we're trying to make that all the light purple color, although the dark purple color will still stay along the river. Also, in 2018 the Praxair, now Linde said that they would not develop that area on the east side of the railroad. So that purple PI on the east side of the railroad is intended to stay in its natural state and not to be developed. And, again, the same with the zoning to change the IU to the IU-1. So, it would be one consistent zoning and future land use on the west side of the railroad. The other performance standards that would be reviewed at the conditional use stage, they're actually in section 62.1.5.44, those would be the loading facilities, the storage, light sources (neon lights aren't allowed), things along those lines. And anything else that you and County Commission think that would be important. This is not a developed area. It does have residential to the west, but there's also a lot of wetlands there as well that would never be developed for residential. So, with that this is something that's needed. It's been there since 1966. It's nonhazardous. It's clean as was explained by Mr. Vazquez, and we're just seeking the change on the 10.46 acres to heavy industrial future land use and heavy industrial for zoning.

Henry Minneboo asked Mr. Vazquez if they've had any negative news, travels really fast. Have you had any significant issues with that plant over the 50 years or plus that it's been there?

Mr. Vazquez responded with no sir. At our last hearing we had one neighbor resident that owned a kayak store, and his concern was that we would affect the natural coastline there because he had planned to use the Jones fish camp and do tours and stuff. It never happened. So, he had some concerns that maybe we were a polluter, or we were going to hurt the environment and after meeting with him and showing him our operation, assuring him that his plans would not be impacted, he was fine. Other than that, no sir.

Henry Minneboo stated the plant that's on North Courtenay on Merritt Island, you all are probably not affiliated with them.

Mr. Vazquez stated that is our competitor.

Ron Bartcher asked what are you going to do with your trucks? Were you going to have them at some other facility or are the trucks going to be maintained on site.

Mr. Vazquez stated our trucks are currently at the 2801 facility, Havick Road facility. We've expanded so much with our production equipment that we're really squeezed for more trucks and the truck shop. At some point in the near future, we'll have to relocate that. I'm not really prepared to talk much about that. We own some property up on Wylie Avenue and US 1. Conceptually we have that area that would be the likely place that we would build this truck shop, but at this point we don't have any definite plans.

Ron Bartcher stated additionally how many additional trucks would be put on the road.

Mr. Vazquez stated we've grown quite a bit since our last hearing. We would add I estimate 10 or so.

Ron Bartcher then asked do you know how many a day leave that facility.

Mr. Vazquez stated approximately 17 a day.

Ron Bartcher stated not quite doubling it. Maybe we could get that intersection of state road 46 and US 1 widened a little bit. If we get enough traffic, there.

Mr. Vazquez commented we would greatly appreciate a traffic light at Wylie Avenue and US 1. Through the years there have been a number of serious accidents and fatalities. We've campaigned for years with the appropriate authority we believe, to get a traffic light put there and we've had no success.

Public Comment

Sandra Sullivan wanted to mention a concern that the existing plant is light industrial, so I'm not sure if they're expanding the plant why it needs to be heavy industrial. I would encourage that there be some sort of BDP for this use, but also a buffer to protect the properties to the north. Because that's where the single-family houses are. Because their competitor, as you know, had come before the commission and had a lot of complaints about noise. So, one thing that really hasn't been talked about, clean yes, but how noisy, because under heavy industrial it's exempted, and that it doesn't have to follow the noise ordinance. So, I just want to read another concern, because you don't want to do an impact, and obviously this would be addressed during the site planning, you don't want to impact surrounding properties with flooding. So just to be clear on the coastal high hazard area and in the FEMA Special High Hazard Area. The whole area is in the coastal high hazard area which means that potentially if not done correctly it could flood surrounding properties. But then the biggest issue I had, which really is one of my passions is live local build because I call this the "you will owe nothing and be happy law." And so, on here this is a red flag for me, and I would really appreciate your board getting a little clarification on this from staff and particularly the county attorney. It says here as heavy industrial that they could potentially use this because of a FAR of 1.76, which of course as you know is intensity use not density use. They would be entitled to 313 dwelling units as part of the Live Local act. Now I've read Live Local many times, and I went through it again last night. Am I wrong on this? Live Local gives the right to property owners of commercial and industrial the right to the highest density within 1 mile to that height or 3 stories which ever is higher. I don't understand why staff has in here that it would have a potential for Live Local of 313 dwelling units of development potential at 30 units per acre pursuant to Florida Statute 125.010.55 Live Local. I would ask that your board ask,

because this is very concerning, and this is going to open up the gates so to speak, to a lot of other projects coming here if this is not addressed now.

End of public comment.

Kim Rezanka stated she wanted to respond to Ms. Sullivan. Linde is not in the business of affordable housing. It's not going to do affordable housing. It wouldn't put housing next to its plant. That's not the intention. The intention is as stated is to expand its facility and its capacity to provide to NASA and the private contractors out there. And, also too, even Live Local you still cannot impact the wetlands for residential. So, it's still the same issue and there's no intention to do that. Again, if you look at the zoning map, where the plant is right now is heavy industrial, otherwise we wouldn't need to rezone. So, we're rezoning the portion that's not where the plant is located if you look at the map. And again, buffers and lighting are either site plan issues or conditional use permit issues.

Erika Orriss commented my question was it can't stay zoned light industrial and build this?

Ms. Rezanka answered no, it has to be heavy industrial because of the chemical manufacturing aspect of it. Even though it's oxygen manufacturing.

Erika Orriss commented in the rest of the area I know you said it's really not populated, but it is all RES 2, so if we're going to try to keep everything across the board, you know keep everything uniform, there's a lot of RES 2, so if I was somebody who lived there I might not like that so much.

Ms. Rezanka responded I understand, but there's no one that lives there right now and this portion of this property is RES 2, but it's between the planned industrial and the planned industrial. So, it's a little sliver of yellow right here we're trying to get to industrial. But again, there's a need for this property to be rezoned. Also, there's some issues with setbacks and height and things. That's another reason why this all needs to be uniform. And the practical matter is when you try to give the legal descriptions to change the zoning it's really tough to find the legal description for RES 2. It's just hard because of the way the county has kept their records, so we're just trying to unify the zoning and future land use. But we do understand, and we don't intend to impact any residents even though most of that land immediately to the west heavily wetland and heavily forested.

Erika Orriss asked if it would increase any intensity because the FAR is going up.

Ms. Rezanka stated they're just going to expand; they're not even using all of the property because of the wetlands and the pond that's there. It's going to be far less than what could be built there.

Erika Orriss stated because you can't really do it with the area of critical concern area.

Ms. Rezanka responded correct.

Henry Minneboo stated we're going to start seeing more and more, there was a time in Mims, this is probably the only thing there. And now all of a sudden if there ever is residential around it, which I doubt will ever happen, they'll be complaining now about the plant. That's what happened on North Merritt Island.

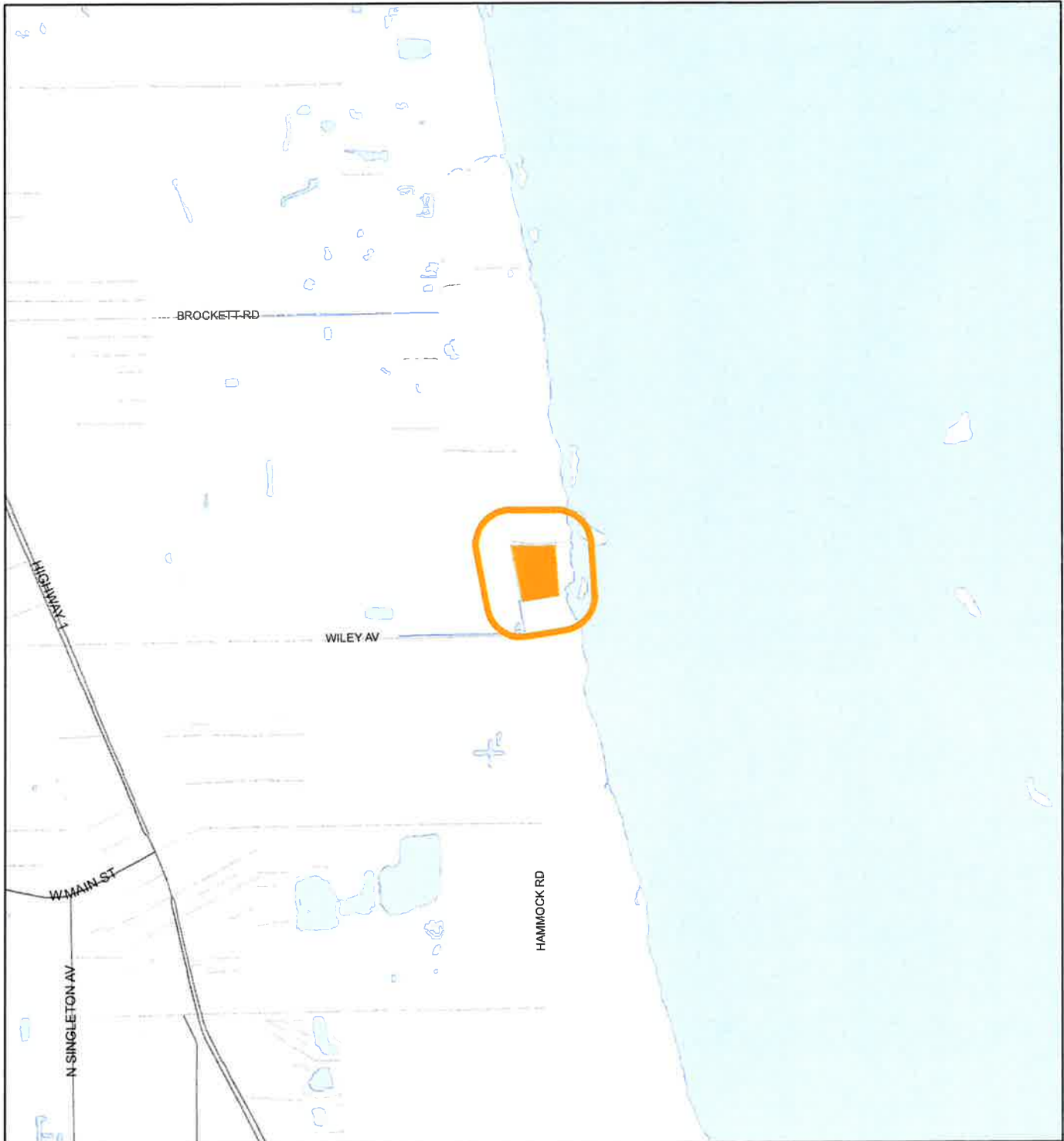
Motion to recommend approval of Item H.6. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

Motion to recommend approval of Item H.7. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

DRAFT

LOCATION MAP

PRAXAIR INC
24SS00016



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

Buffer Distance: 500 feet

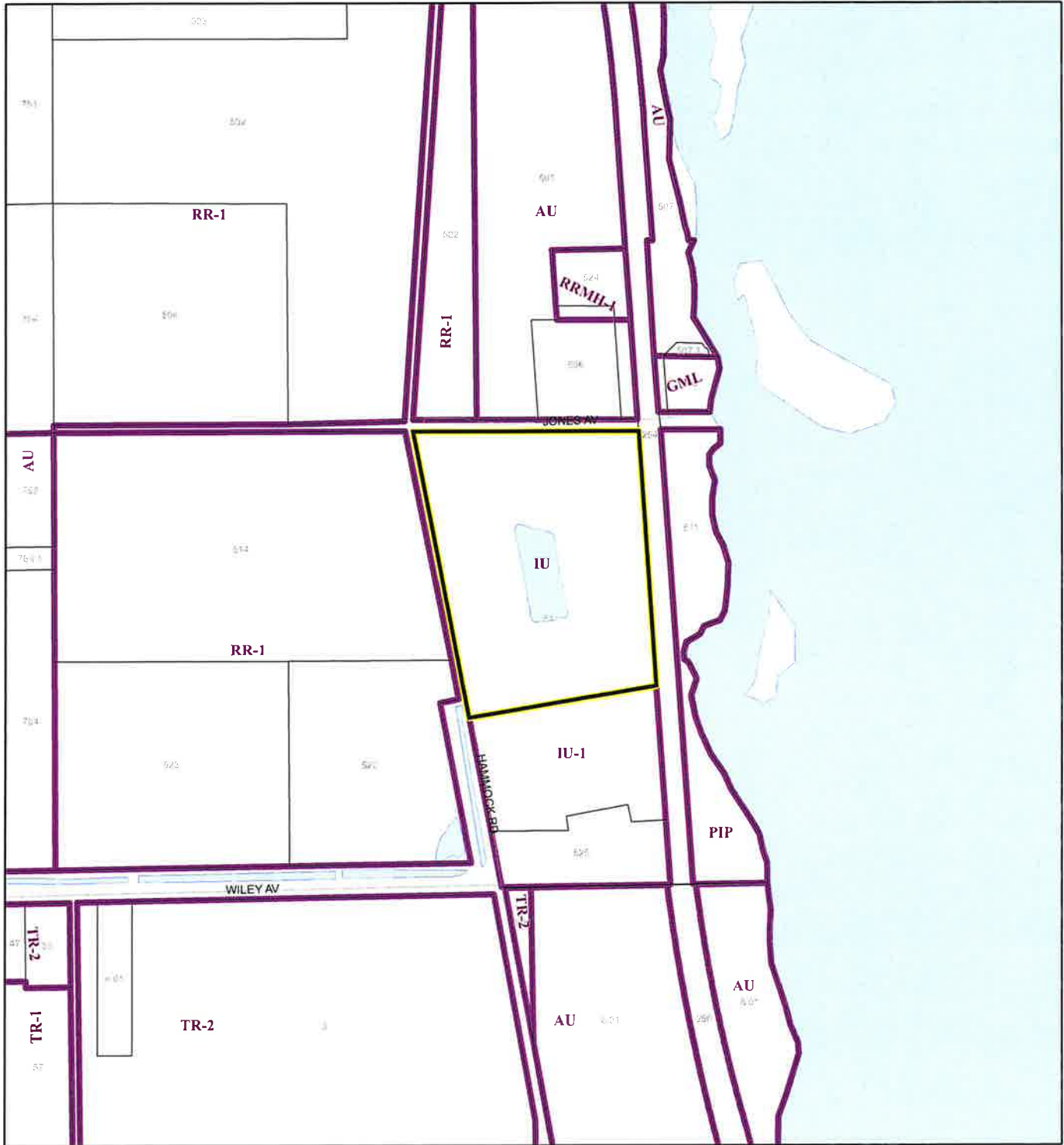
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/18/2024

— Buffer
— Subject Property

ZONING MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

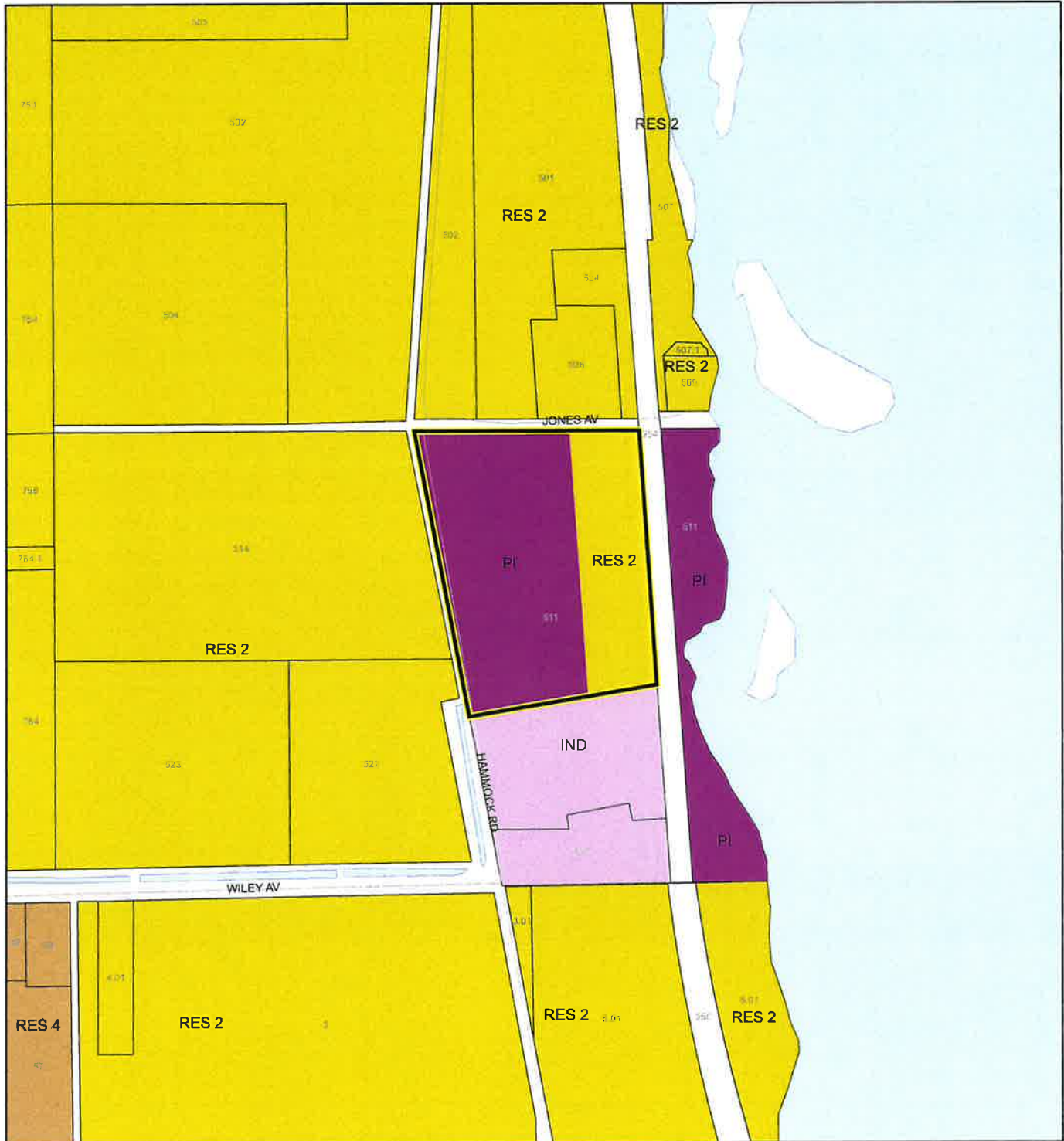
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/18/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

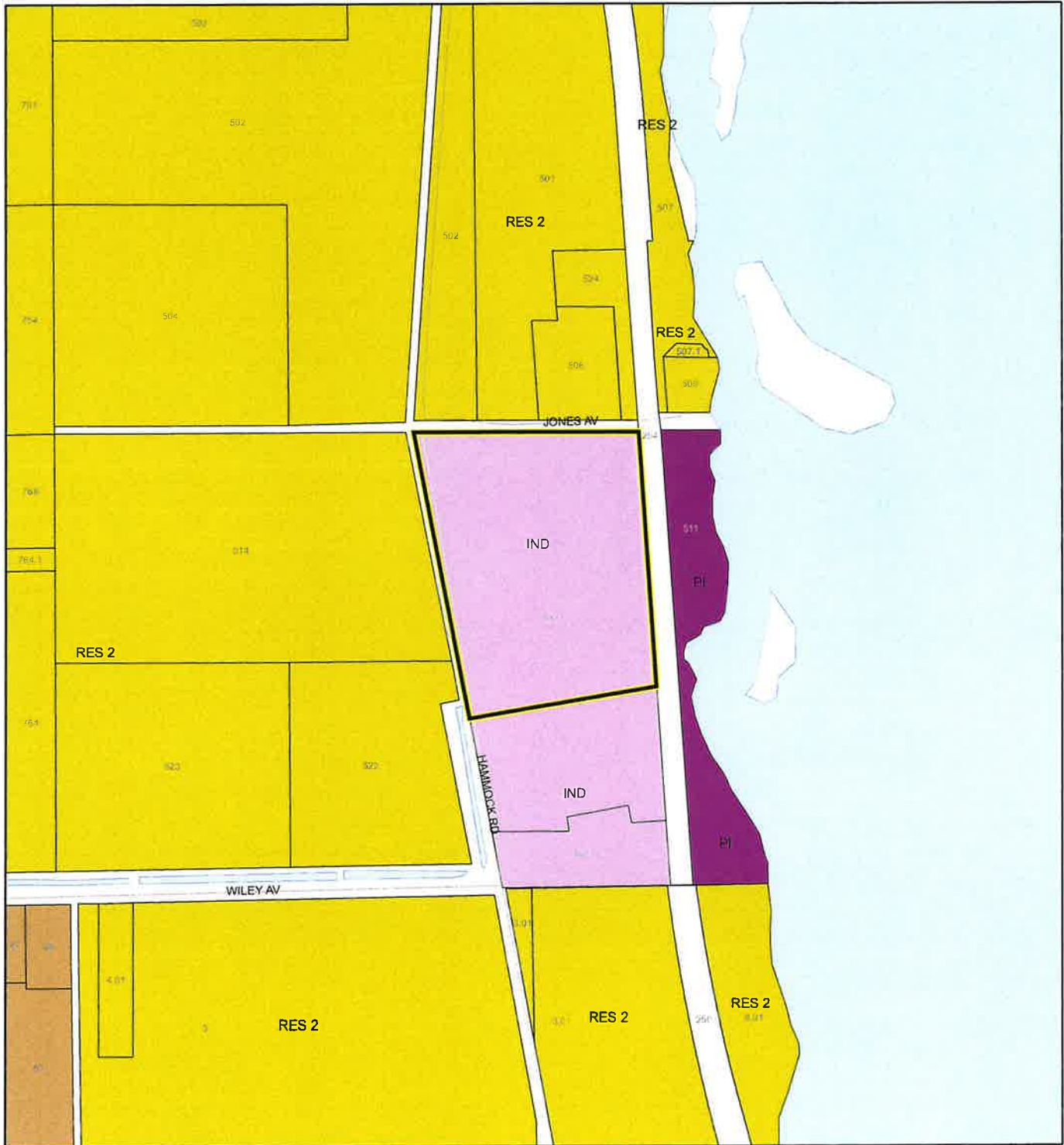
— Subject Property
□ Parcels

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: 11/18/2024

PROPOSED FUTURE LAND USE MAP

PRAXAIR INC
24SS00016



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: 11/18/2024

AERIAL MAP

PRAXAIR INC
24SS00016





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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: 11/18/2024

 Subject Property
 Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/18/2024

SJRWMD FLUCCS WETLANDS

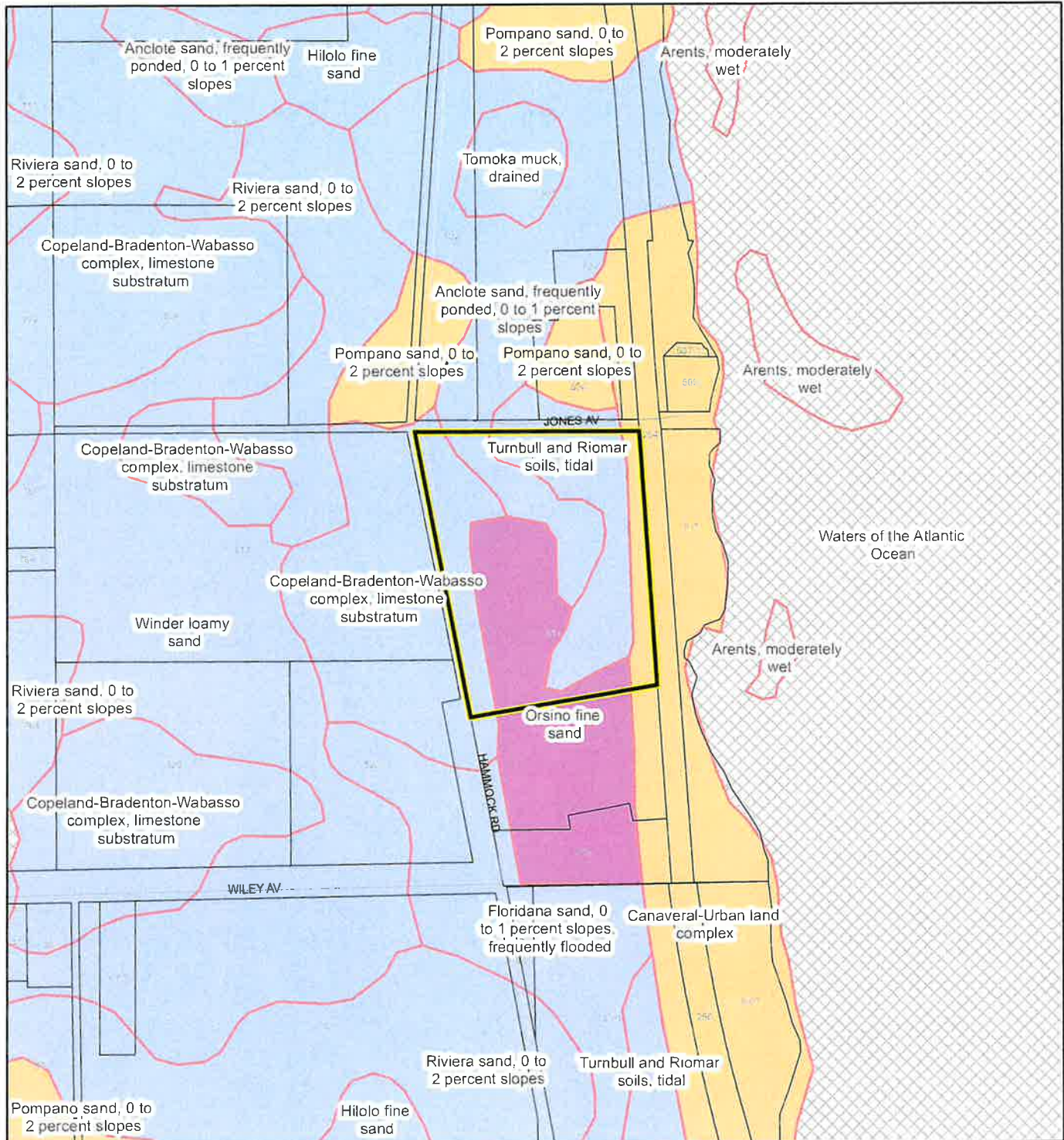
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/18/2024

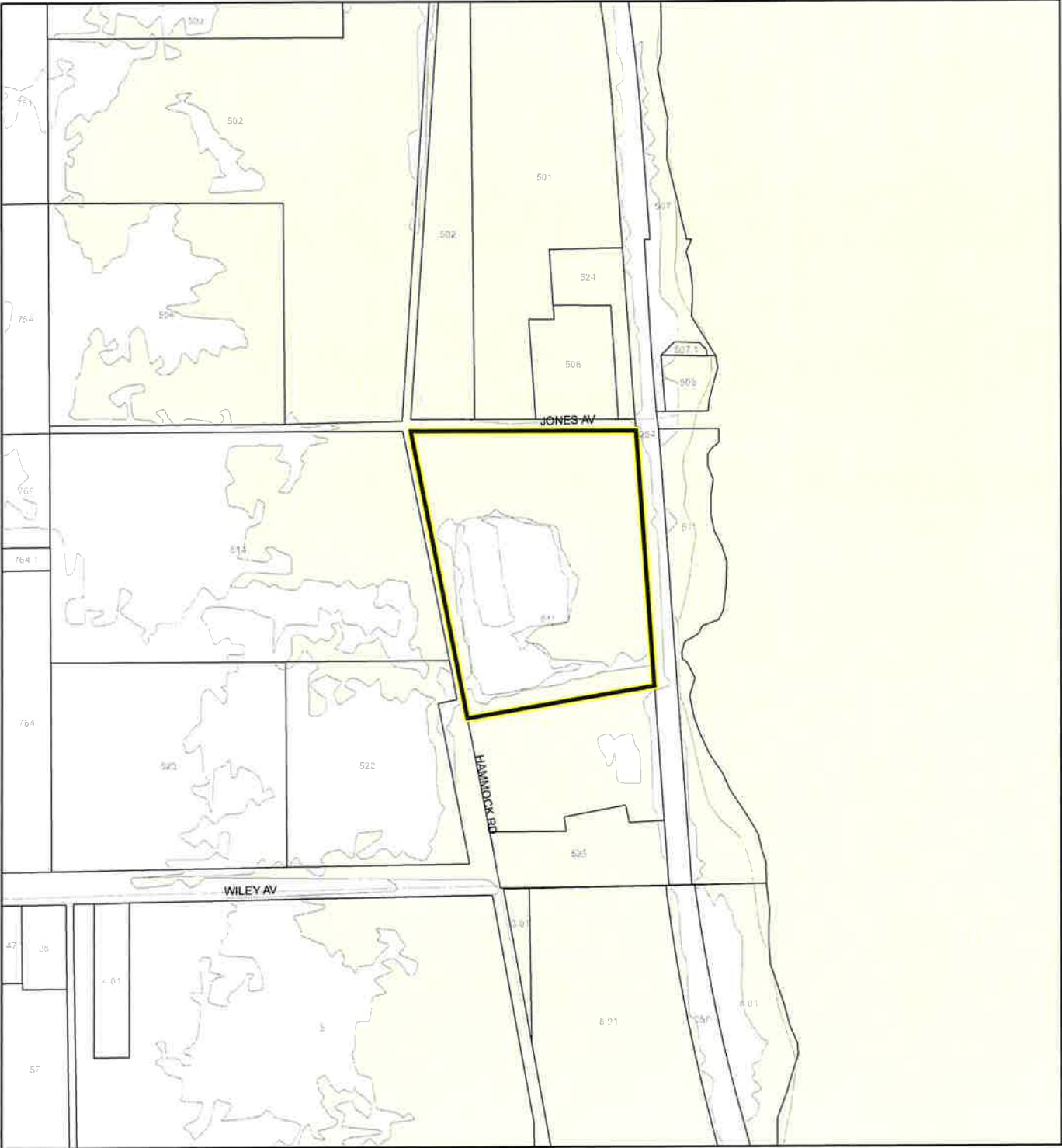
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

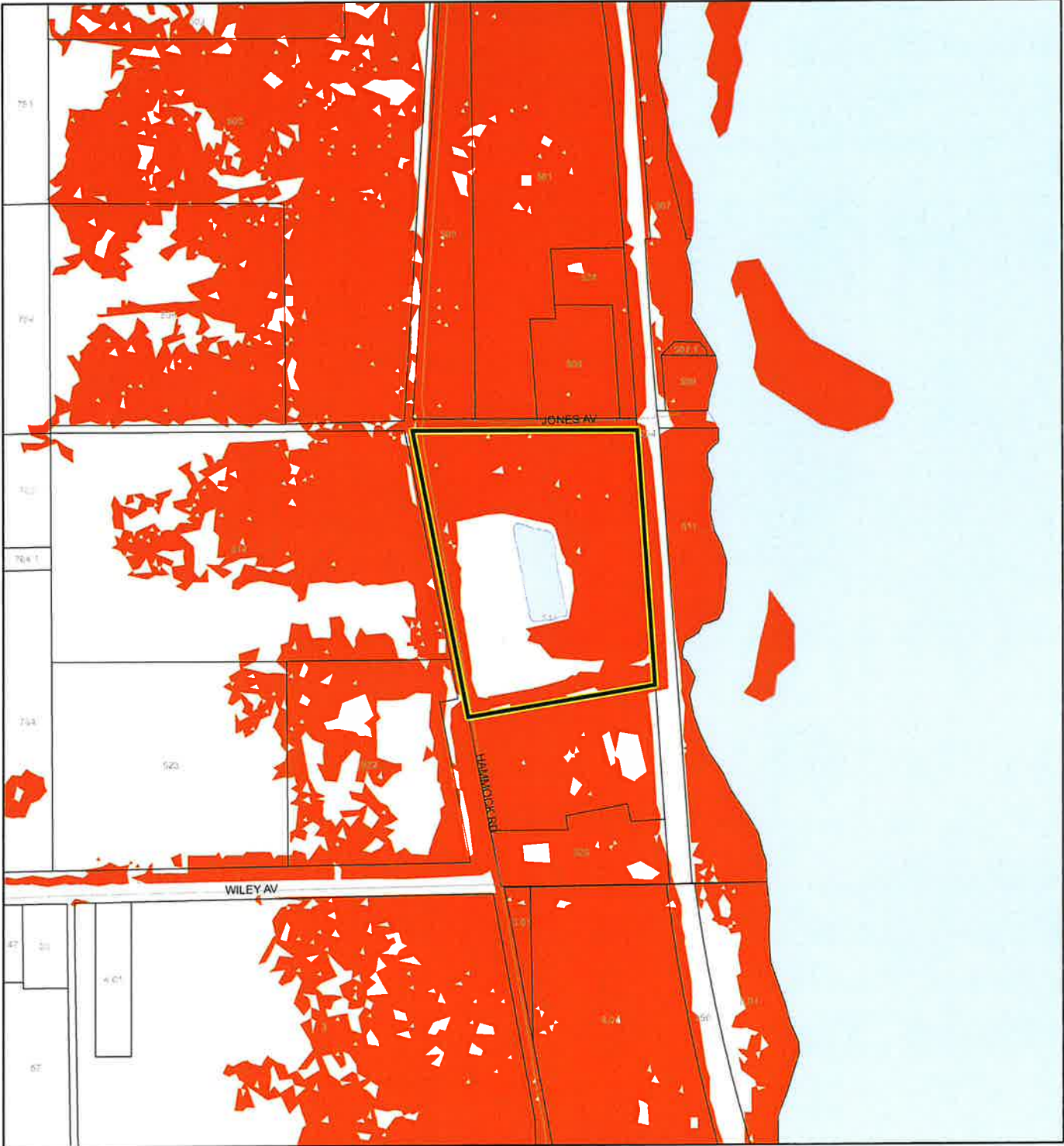
Produced by BoCC - GIS Date: 11/18/2024

FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/18/2024

Subject Property

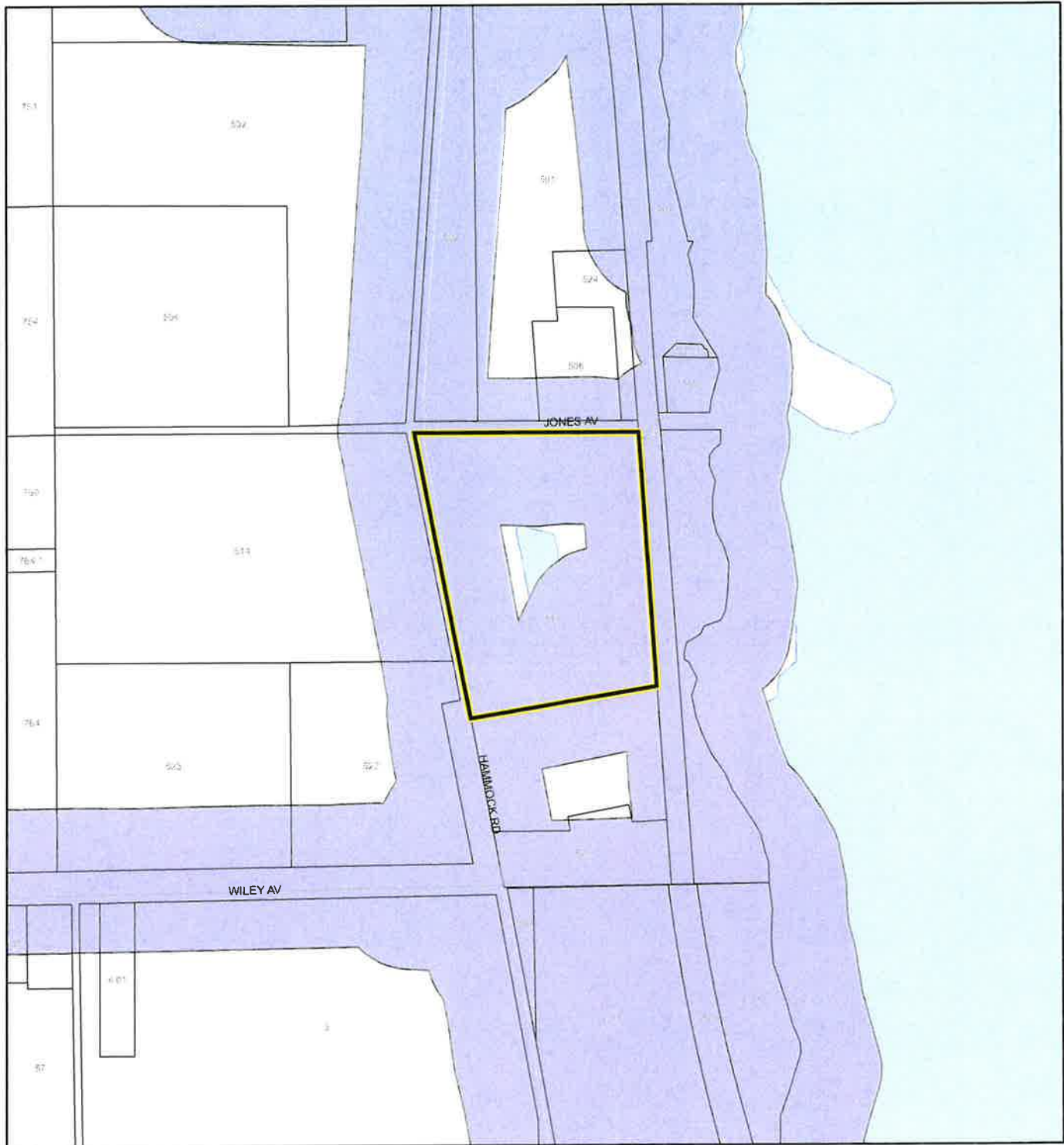
Parcels

Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/18/2024

— Subject Property

□ Parcels

Septic Overlay

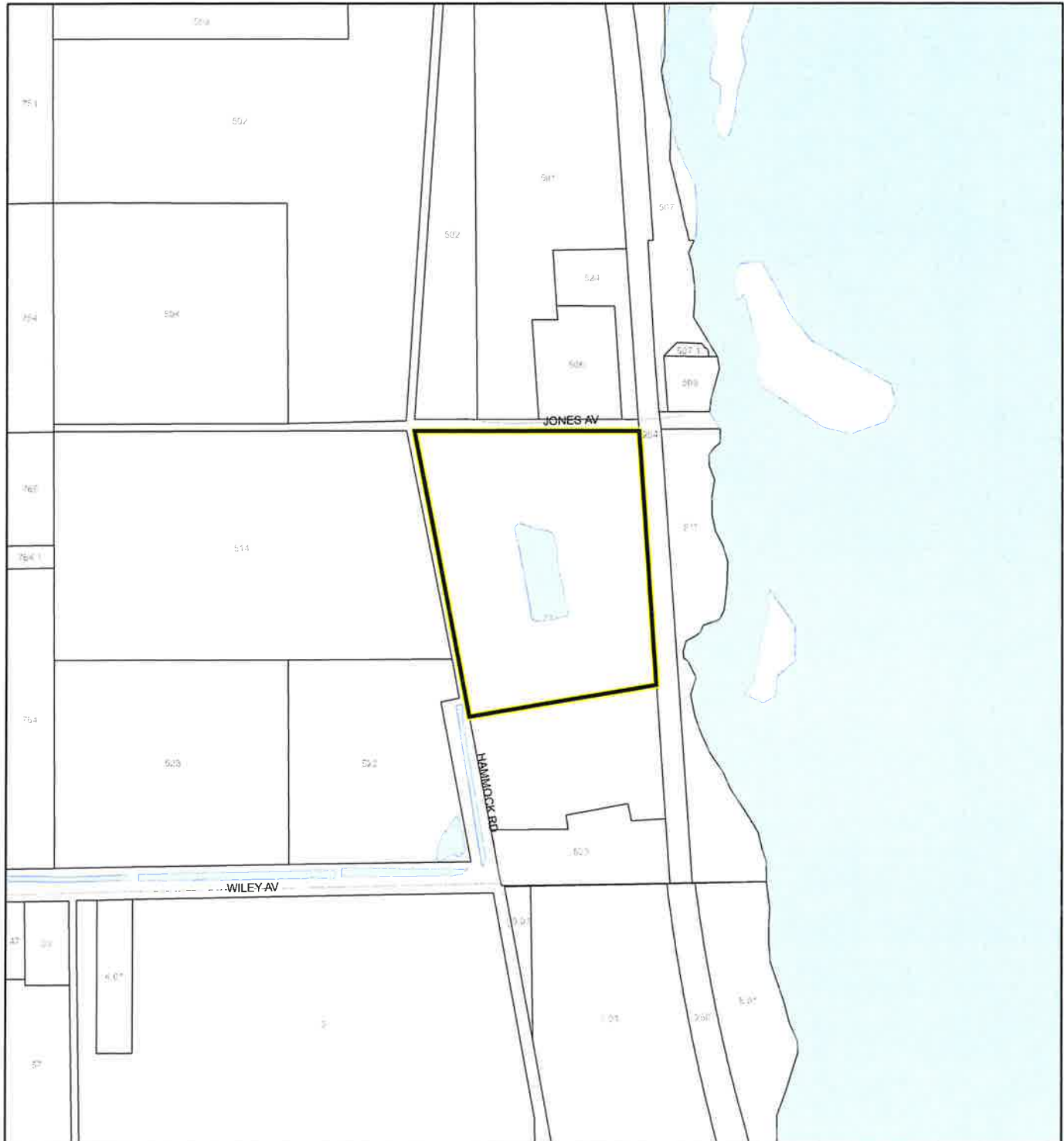
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

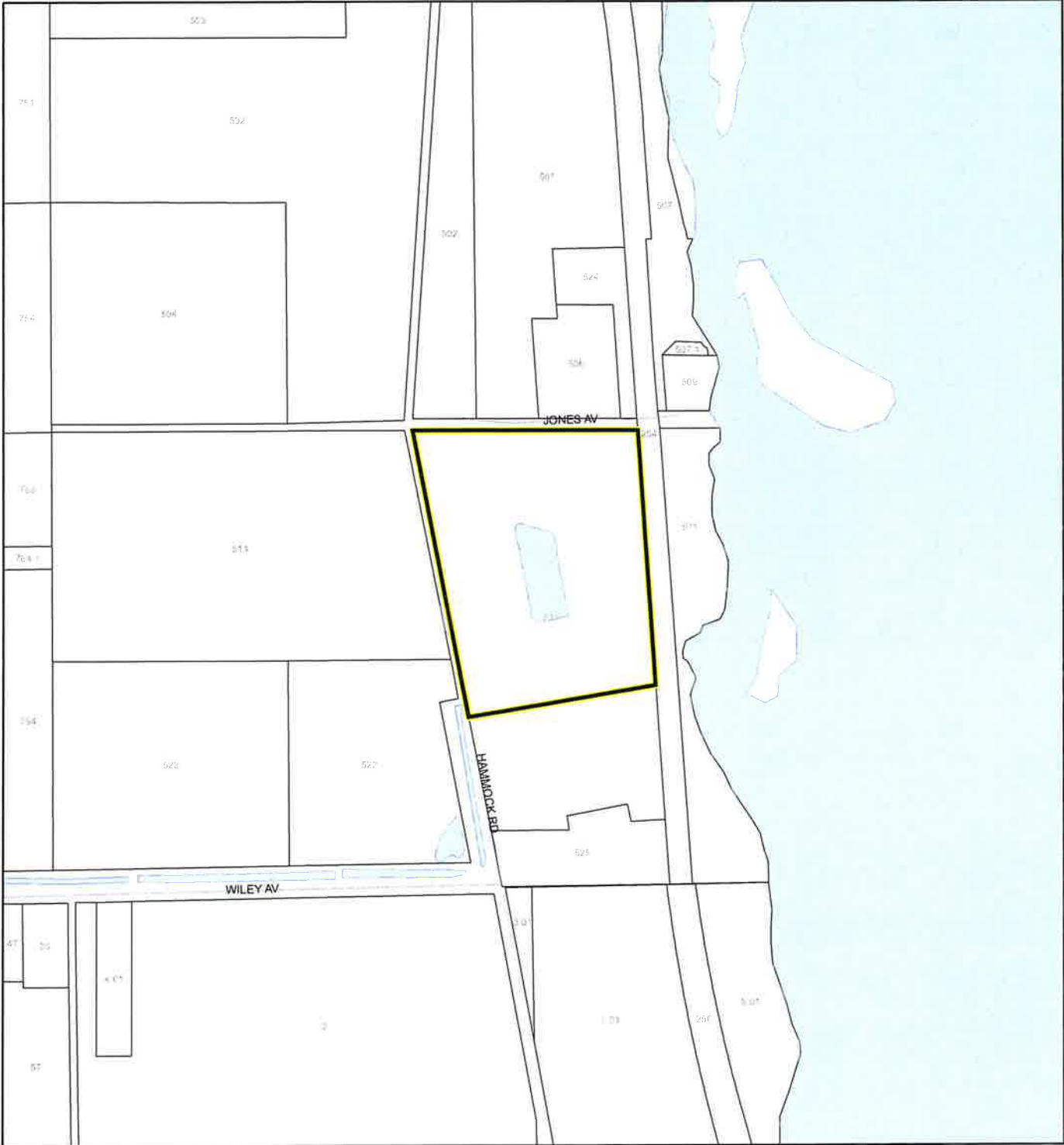
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/18/2024

- Subject Property
- Parcels
- Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

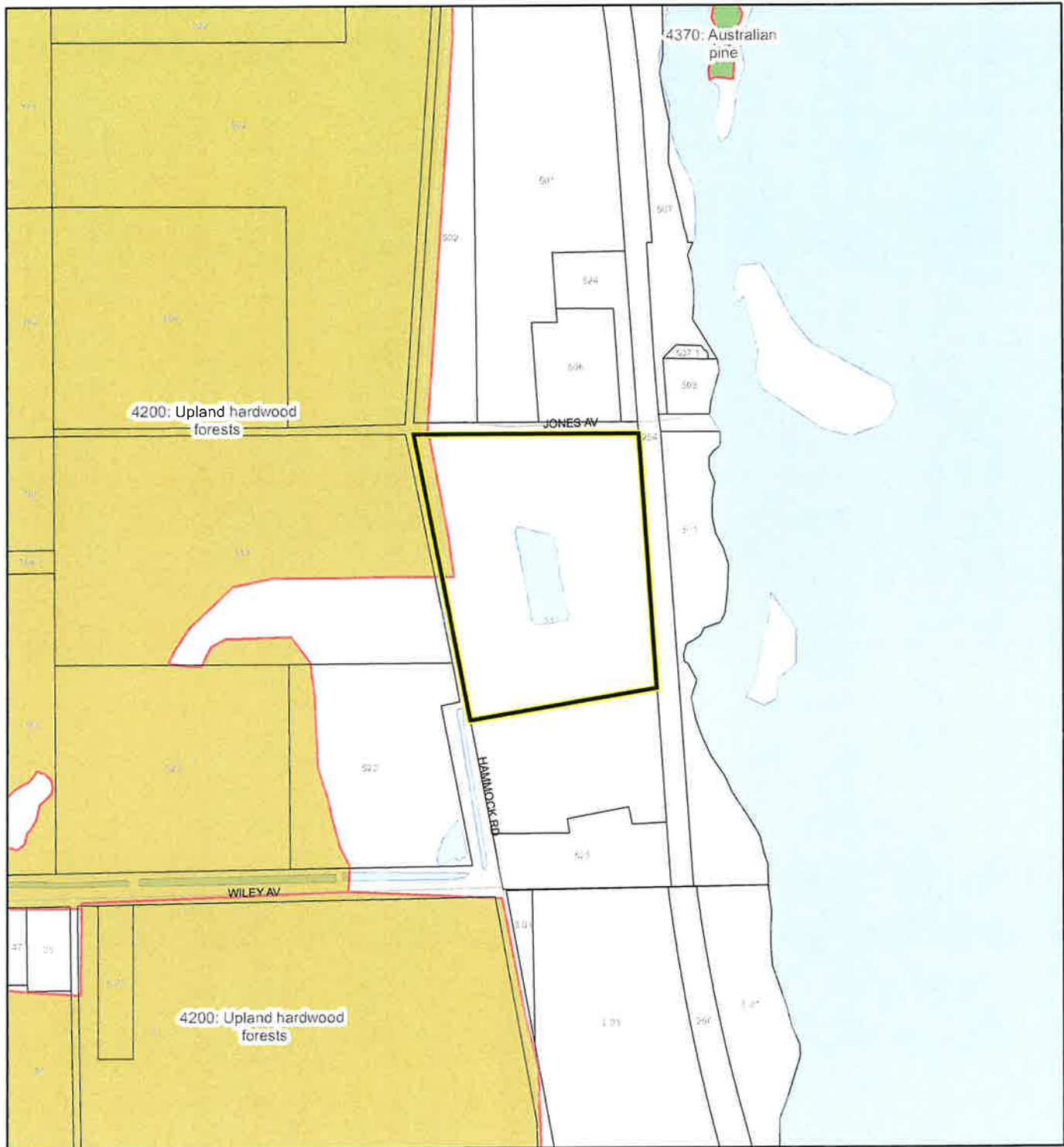
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/18/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PRAXAIR INC
24SS00016



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/18/2024

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



**Commissioner Rob Feltner, Chairman
District 4**

2725 Judge Fran Jamieson Way
Suite: C-214
Viera, FL 32940
Phone: (321) 633-2044
D4.Commissioner@Brevardfl.gov

January 30, 2025

To: Desiree Jackson, Associate Planner
Alice Webber, Operations Support Specialist
From: Rob Feltner, Chairman, Brevard County Commissioner, District 4
Re: Disclosure – 24SS00016 and 24Z00062 Tax Account: 2103214

Concerning **24SS00016** and **24Z00062** on the February 6, 2025, Brevard County Zoning meeting agenda; on January 29, 2025, Commissioner Feltner met with Ms. Kimberly Rezanka, Mr. Dave Yagielski and Mr. Sean Chase, in the District 4 Commission Office. The Commissioner listened as the project was presented to him. Ms. Rezanka asked the Commissioner if he had any questions, to which he did not. The meeting lasted approximately twenty minutes.

Thank you.

Rob Feltner, Chairman
Brevard County Commissioner
District 4



February 4, 2025

To: Desiree Jackson, Associate Planner
Alice Webber, Operations Support Specialist
From: Katie Delaney, Brevard County Commissioner, District 1
Re: Disclosure – Zoning Item H.6 Tax Account: 2103214

Concerning **(Zoning Item H.6)** on the February 6, 2025, Brevard County Zoning meeting agenda; on January 29, 2025, Commissioner Delaney met with Kim Rezanka and representatives from the Linde Company. The Commissioner listened as the project was presented. The meeting lasted approximately 30 minutes.

Thank you.

Commissioner Katie Delaney
Brevard County
District 1



**Commissioner Rob Feltner, Chairman
District 4**

2725 Judge Fran Jamieson Way
Suite: C-214
Viera, FL 32940
Phone: (321) 633-2044
D4.Commissioner@Brevardfl.gov

January 30, 2025

To: Desiree Jackson, Associate Planner
Alice Webber, Operations Support Specialist
From: Rob Feltner, Chairman, Brevard County Commissioner, District 4
Re: Disclosure – 24SS00016 and 24Z00062 Tax Account: 2103214

Concerning **24SS00016 and 24Z00062** on the February 6, 2025, Brevard County Zoning meeting agenda; on January 29, 2025, Commissioner Feltner met with Ms. Kimberly Rezanka, Mr. Dave Yagielski and Mr. Sean Chase, in the District 4 Commission Office. The Commissioner listened as the project was presented to him. Ms. Rezanka asked the Commissioner if he had any questions, to which he did not. The meeting lasted approximately twenty minutes.

Thank you.

Rob Feltner, Chairman
Brevard County Commissioner
District 4



February 4, 2025

To: Desiree Jackson, Associate Planner
Alice Webber, Operations Support Specialist
From: Katie Delaney, Brevard County Commissioner, District 1
Re: Disclosure – Zoning Item H.6 Tax Account: 2103214

Concerning **(Zoning Item H.6)** on the February 6, 2025, Brevard County Zoning meeting agenda; on January 29, 2025, Commissioner Delaney met with Kim Rezanka and representatives from the Linde Company. The Commissioner listened as the project was presented. The meeting lasted approximately 30 minutes.

Thank you.

Commissioner Katie Delaney
Brevard County
District 1

17.6
to 17.7



it's what's **inside** that counts

January 20, 2025

Commissioner & Chair Rob Feltner
Commissioner & Vice Chair Tom Goodson
Commissioner Katie Delaney
Commissioner Kim Adkinson
Commissioner Thad Altman
Planning Director Tad Calkins

RE: Linde Rezoning Request

Dear Brevard County Board of County Commissioners & Brevard County Director of Planning,

CMC Steel Florida wholly supports Linde's request to rezone of its property at 2801 Hammock Road, Mims, Florida to allow for the expansion of its existing Mims, FL facilities.

The Linde Mims industrial gas plant is a critical supplier of gases for CMC's Baldwin Florida Steel Recycling Process. CMC's Baldwin Mill recycles over 600,000 tons of scrap steel into new product such as rebar and rod and reliable and cost effect supplies of oxygen, nltrogen and argon are crucial for the steelmaking process. CMC Baldwin relies heavily on the Linde Mims site which delivers multiple truck loads each day.

Linde has supplied our steel mill in Florida, as well as other CMC steel mills, for decades. We work side by side at our steel mills and therefore know the company, culture and its employees very well. Our core values of safety, integrity and sustainability are closely aligned.

They are strong supporters of local initiatives and good corporate citizens.

As our CMC businesses in Florida continues to grow, the Linde expansion is a critical component of our future business growth in Florida. The expanded facilities will have a tremendous impact on our Florida business and the regional economy.

Sincerely,

Steven Hughes

Director of Operations – CMC Steel FL

NUCOR®

NUCOR STEEL FLORIDA INC.

NUCOR STEEL FLORIDA INC.
22 Nucor Drive
Frostproof, FL 33843
863.546.5800

January 20, 2025

Commissioner & Chair Rob Feltner
Commissioner & Vice Chair Tom Goodson
Commissioner Katie Delaney
Commissioner Kim Adkinson
Commissioner Thad Altman
Planning Director Tad Calkins

RE: Linde Rezoning Request

Dear Brevard County Board of County Commissioners & Brevard County Director of Planning,

Nucor Steel Florida wholly supports Linde's request to rezone of its property at 2801 Hammock Road, Mims, Florida to allow for the expansion of its existing Mims, FL facilities.

The Linde Mims industrial gas plant is a critical supplier of gases for Nucor Steel Florida's Frostproof facility. Nucor Steel is the largest producer and recycler of steel in America and reliable and cost effect supplies of oxygen, nitrogen and argon are crucial for the steelmaking process. Nucor Steel Florida relies heavily on the Linde Mims site which delivers multiple truck loads each week to Nucor Steel Florida.

Linde has supplied our steel mill in Florida since our startup, as well as other Nucor Steel mills for decades. We work side by side at our steel mills and therefore know the company, culture and its employees very well. Our core values of safety, integrity and sustainability are closely aligned.

They are strong supporters of local initiatives and good corporate citizens.

As our Nucor Steel business in Florida continues to grow our suppliers will need to grow as well. The expanded facilities will have a tremendous impact on our Florida business and the regional economy.

Sincerely,



1/22/25

Meeting

Item:

H-6

Motion By:

Delaney

2nd By:

Altman

Commissioner	District	Yes	No
Delaney	1	✓	
Vice Chair Goodson	2	✓	
Adkinson	3	✓	
Altman	5	✓	
Chair Feltner	4	✓	

Comm

Comm

Comm