



**AGENDA REPORT**  
**May 24, 2018**

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**SUBJECT:**

Public Hearing, Re: Praxair, Inc. (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment from Res 2 and Res 1:2.5 to PI (Planned Industrial). The property is 7.76 acres, located at 2801 Hammock Rd., Mims. (18PZ00019) (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 the request for a Small Scale Comprehensive Plan Amendment from Res 1 and Res 1:2.5 to PI.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5), Residential 2 (RES 2) and Planned Industrial (PI) to all PI on a 7.76 acre parcel for the purpose of installing new equipment that is 126' tall, in order to expand its existing production of products to support the Space Industry. This area of the County is mostly undeveloped land with the industrial gasses refinery, known as Praxair. The area subject to this request is located on the undeveloped piece of the greater parcel, to the east across the Florida East Coast (F.E.C.) Railroad. Existing industrial operations lie west of the F.E.C. Right of Way.

The current zoning of AU requires a setback of two times the height of the structure from residentially zoned properties and thus the reason for this request. A companion rezoning application proposes to change the Zoning classification from AU (Agricultural Residential) to PIP (Planned Industrial Park) that will allow for consistency with the Comprehensive Plan and may permit an existing industrial plant expansion.

The proposed companion rezoning is accompanied by a Binding Development Plan (BDP) that seeks to preserve the property in its natural state, in perpetuity.

The preliminary concurrency analysis did not indicate that the proposed Future Land Use designation change would cause deficiency of adopted levels of service.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 29, 2018

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 18-15, which was filed in this office on May 29, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 18-15

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 2018, 18S.02, 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), ENTITLED THE FUTURE LAND USE MAP 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 163.3184 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 2018 as Plan Amendment 18S.02; 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 Technical Advisory Groups have provided technical expertise for the Amendment 18S.02; 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  
Officially filed with the Secretary of State on May 29, 2018

WHEREAS, on May 7, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 18S.02, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 24, 2018, 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 18S.02; and

WHEREAS, Plan Amendment 18S.02 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 18S.02 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 18S.02 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 18S.02, 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.

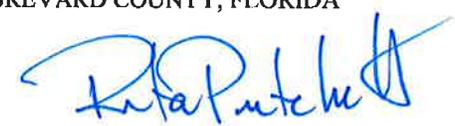
Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the 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 24 day of MAY, 2018.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_

Rita Pritchett, Chairman

As approved by the Board on MAY 24, 2018.



## Legal Description:

Surveyors Legal Description for Parcel 2: A parcel of land lying in a portion of Section 9, Township 21S, Range 35E, Brevard County, Florida; being more particularly described as follows: Begin at a 5/8" iron rod "No Identification" located at the intersection of the southerly right-of-way line of Jones Ave. (30-ft. wide right-of-way) also being the northerly lot line of Government Lot 4 and the easterly right-of-way line of FECRR (60-ft. wide right-of-way); thence along said southerly right-of-way line and said north lot line, S89deg53'15"E, 104.47 ft. to a 5/8" iron rod and cap "LB 7838" located on the MHWL (Mean High Water Line), contour elevation = 0.54'; thence along said MHWL, in a southerly direction, plus or minus 1,403 ft. to a point located on the south line of Government Lot 4; thence along said south line, S89deg33'40"W, 28.06 ft. to a 5/8" iron rod and cap "S&ME Inc. Control/Witness"; thence continue along said south line, S89deg33'40"W, 145.96 ft. to a 5/8" iron rod and cap "S&ME Inc. FL 8165 GA 1252" located at the intersection of said south line and the east right-of-way line of said railroad being in a non-tangent curve; thence along said right-of-way and curve to the right, concave to the east, having a radius of 5,699.58 ft., a central angle of 01deg23'30" and an arc length of 138.44 ft. (chord bearing of N04deg49'30"W, and a chord length of 138.44 ft.) to a 5/8" iron rod and cap S&ME Inc. FL 8165 GA 1252" and point of tangency; thence continuing along said right-of-way and tangency, N04deg07'45"W, 1,177.64 ft. to the point of beginning. Less the south 250 ft. identified as Planned Industrial. (1.72 acres +/-) Surveyors Legal Description for Parcel 3 (Submerged Land): A parcel of land lying in a portion of Section 9, Township 21S, Range 35E, Brevard County, Florida; being more particularly described as follows: Commence at a 5/8" iron rod "No Identification" located at the intersection of the southerly right-of-way line of Jones Ave. (30-ft. wide right-of-way) also being the northerly lot line of Government Lot 4 and the easterly right-of-way line of FECRR (60-ft. wide right-of-way); thence along said southerly right-of-way line and said north lot line, S89deg53'15"E, 104.47 ft. to a 5/8" iron rod and cap "LB 7838" located on the MHWL (Mean High Water Line), contour elevation = 0.54' and point of beginning; thence from said point of beginning and along said north lot line, S89deg53'15"E, 216.23 ft. to a previously determined bulkhead (ORB 809, Page 23); thence along said bulkhead, S03deg40'03"E, 1,156 ft. to a point of curvature; thence continue along said bulkhead and said curve to the left, concave to the east, having a radius of 5,379.58 ft., a central angle of 01deg39'56" and an arc length of 156.38 ft. (chord bearing of S04deg30'00"E, and a chord length of 156.37 ft.) to the south line of said Government Lot 4; thence along said south lot line, N89deg33'40"E, 136.47 ft. to said MHWL; thence along said MHWL in a northerly direction, plus or minus 1,403 ft. to the point of beginning. Less the south 250 ft. identified as Planned Industrial. (7.76 acres +/-) Located at the southeast corner of Jones Ave and FECRR (2801 Hammock Rd., Mims)

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 18S.02 (18PZ00019)  
Township 215, Range 35E, Section 9*

18PZ00019

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**Property Information**

Owner / Applicant: Praxair, Inc.

Adopted Future Land Use Map Designation: RES 2; RES 1:2.5, PI

Requested Future Land Use Map Designation: PI

Acreage: 7.76 +/- acres Tax Account #: a portion of 2103214

Site Location: Southeast corner of Jones Avenue and the FEC Railroad

Current Zoning: AU

Requested Zoning: PIP

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**Surrounding Land Use Analysis**

|              | Existing Land Use                                | Zoning   | Future Land Use |
|--------------|--|----------|-----------------|
| <b>North</b> | Mims Boat Ramp                                   | GML      | RES 2           |
| <b>South</b> | Vacant   | AU       | Res 2           |
| <b>East</b>  | Vacant (separated by Indian River Lagoon waters) | AU       | RES 1:2.5       |
| <b>West</b>  | Industrial Gas Company                           | IU, IU-1 | RES 2; IND      |

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**General Analysis**

The applicant is seeking to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5), Residential 2 (RES 2) and Planned Industrial (PI) to all PI on a 7.76 acre parcel for the purpose of installing new equipment that is 126' tall, in order to expand its existing production of products to support the Space Industry. The subject parcel is located within Unincorporated Brevard County. This area of the County is mostly undeveloped land with the industrial gasses refinery, known as Praxair, located on the piece of this same parcel to the west across the Florida East Coast (F.E.C.) Railroad.

This piece of the subject parcel abuts RES 2 to the north, is bound by the Indian River Lagoon to the east, abuts RES 2 to the south and RES 2 and Industrial (IND) to the west. Because this piece of the subject parcel is bounded to the west by more land under the same ownership, it is necessary to look even further west. The existing Praxair plant abuts additional undeveloped land with the RES 2 Future Land Use designation. The Board may wish to consider whether the proposed PI Future Land Use designation is compatible with the adjacent properties.

A companion rezoning application proposes to change the Zoning classification from Agricultural Residential (AU) to Planned Industrial Park (PIP) that will allow for consistency with the Comprehensive Plan and may permit an existing industrial plant expansion to allow a proposed 126' tall structure (liquid air separator) on their property adjacent to the west side of the Florida East Coast (F.E.C.) railroad, right-of-way. The proposed rezoning is accompanied by a Binding Development Plan (BDP) that seeks to preserve the property in its natural state, in perpetuity.

### Environmental Resources

*Note: Please refer to the attached report from the Natural Resources Management Office for a detailed analysis of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management Office concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.*

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### 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.*

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### Comprehensive Plan Policies/Comprehensive Plan Analysis

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

**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.

## **Role of the Comprehensive Plan in the Designation of Industrial Lands**

### **Policy 3.1**

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

#### **Criteria:**

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

*The subject property abuts RES 2 to the north, RES 2 to the south and RES 2 and IND to the west. Beyond the greater property's western boarder lies additional land with the RES 2 Future Land Use designation.*

B. Existing industrial development trend in the area;

*There is an existing developed industrial parcel of land located to the west of the subject site.*

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;

*The subject parcel is undeveloped land with a companion rezoning proposal to change the zoning from AU to PIP with a BDP proposing to preserve the property in its natural state. Due to the BDP, it is not anticipated that the proposal requesting an industrial Future Land Use designation will have any true impact on the supply of industrial lands.*

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

*The subject property is located adjacent to the Florida East Coast (F.E.C.) Railroad and is in close proximity to U.S. Highway 1 which is a state road.*

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

*The subject parcel 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 parcel is reported to contain mapped aquifer recharge soils which may limit development and impose impervious area restrictions. (See attached NRM Department Summary).*

*A majority of the property is mapped as being within the flood plain as identified by the Federal Emergency Management Agency (FEMA) and is subject to the development criteria in Objective 4 of the Conservation Element. (See attached NRM Department Summary).*

G. Accessibility to labor, raw materials and markets;

*The subject property is located approximately three (3) miles east of Interstate 95 (I-95). Due to this short distance to an arterial road running north/south the property is easily accessible to labor, raw materials and markets.*

## Planned Industrial Land Use Designation Policy 3.5

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

### Criteria:

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

*Concurrent with this FLU change there is a rezoning request with a Binding Development Plan (BDP) proposing that the property remain in its natural state. Due to the BDP, an impact on natural resources or systems is not anticipated.*

- B. Planned industrial park project sites shall incorporate at least three (3) acres.

*The subject property is 7.76 acres in size, which is consistent with this Comprehensive Plan policy that a planned industrial park project be three (3) acres minimum in size.*

- C. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

*The subject property is located approximately three (3) miles from Interstate 95 (I-95) a major north/south transportation corridor and therefore is not consistent with the criteria of this policy of the Comprehensive Plan, but the proposal for the change in FLU designation is associated with an already-developed Industrial business. This proposed change in FLU designation is not anticipated to create any additional impact on transportation corridors.*

### Summary

This request will amend the RES 1:2.5, RES 2 and PI Future Land Use designations to all Planned Industrial (PI) Future Land Use designation on a 7.76 acre portion of the greater 24.15 acre parcel. This will result in the greater parcel, all operating today as Praxair, retaining an industrial Future Land Use designation.

This area of Unincorporated Brevard County is comprised of vacant Residential land use designations surrounding the subject parcel, with an existing industrial plant located on the portion of the parcel with existing Industrial Future Land Use designation. A parcel retaining the RES 2 Future Land Use designation with Government Managed Lands (GML) Zoning for a publically accessible boat ramp lies directly to the north. Undeveloped land with a RES 2 Future Land Use designation lies directly south and west of the greater parent parcel.

The applicant is seeking this PI Future Land Use designation in order to concurrently rezone the property from a Residential (AU) zoning to a Planned Industrial Park (PIP) in order to allow the expansion of an existing industrial plant, by adding a 126 foot tall structure (liquid air separator) on a portion of their property on the west side of the FEC railroad right-of-way. The current zoning of AU requires a setback of two times the height of the structure from residentially zoned properties and thus the reason for this request.

The proposed companion rezoning is accompanied by a Binding Development Plan (BDP) that seeks to preserve the property in its natural state, in perpetuity.

The preliminary concurrency analysis did not indicate that the proposed Future Land Use designation change would cause deficiency of adopted levels of service.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Small Scale Comprehensive Plan Amendment Review**

**SUMMARY**

|  |   |
|--|---|
| <b>Item #: 18PZ00019</b>                           | <b>Applicant: Kimberly Rezanka c/o Brian Morgan</b> |
| <b>Land Use Request: RES 2 and RES 1:2.5 to PI</b> |   |
| <b>LPA Hearing Date: 05/07/18</b>                  | <b>BCC Hearing: 05/24/18</b>                        |

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

| Natural Resource       | Preliminary Assessment | Natural Resource   | Preliminary Assessment |
|------------------------|------------------------|--------------------|------------------------|
| Hydric Soils/Wetlands  | Mapped                 | Coastal Protection | N/A                    |
| Aquifer Recharge Soils | Mapped                 | Surface Waters     | Class II               |
| Floodplains            | Mapped                 | Wildlife           | Potential              |

**Comments:**

**This review relates to the following property: Twp 21S, Rng. 35E, Sec. 9;  
 Tax ID No. 2103214**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Turnbull and Riomar soils-tidal, Anclote sand-depressional, Copeland-Bradenton-Wabasso complex limestone, Floridana sand and Canaveral Urban land complex); indicators that wetlands may be present on the property. Section 62-3694(c)(3) provides criteria for land development within wetlands for commercial and industrial properties. The parcel does not appear to meet the criteria, thus, wetland impacts may not be permissible for this parcel. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Orsino fine sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The subject property is located on the Indian River Lagoon, designated as Class II surface water in this location. A 50-foot surface water protection buffer (Buffer) is required. The removal of native vegetation located within the Buffer shall be avoided. The applicant is

encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

A majority of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

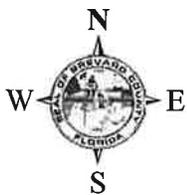
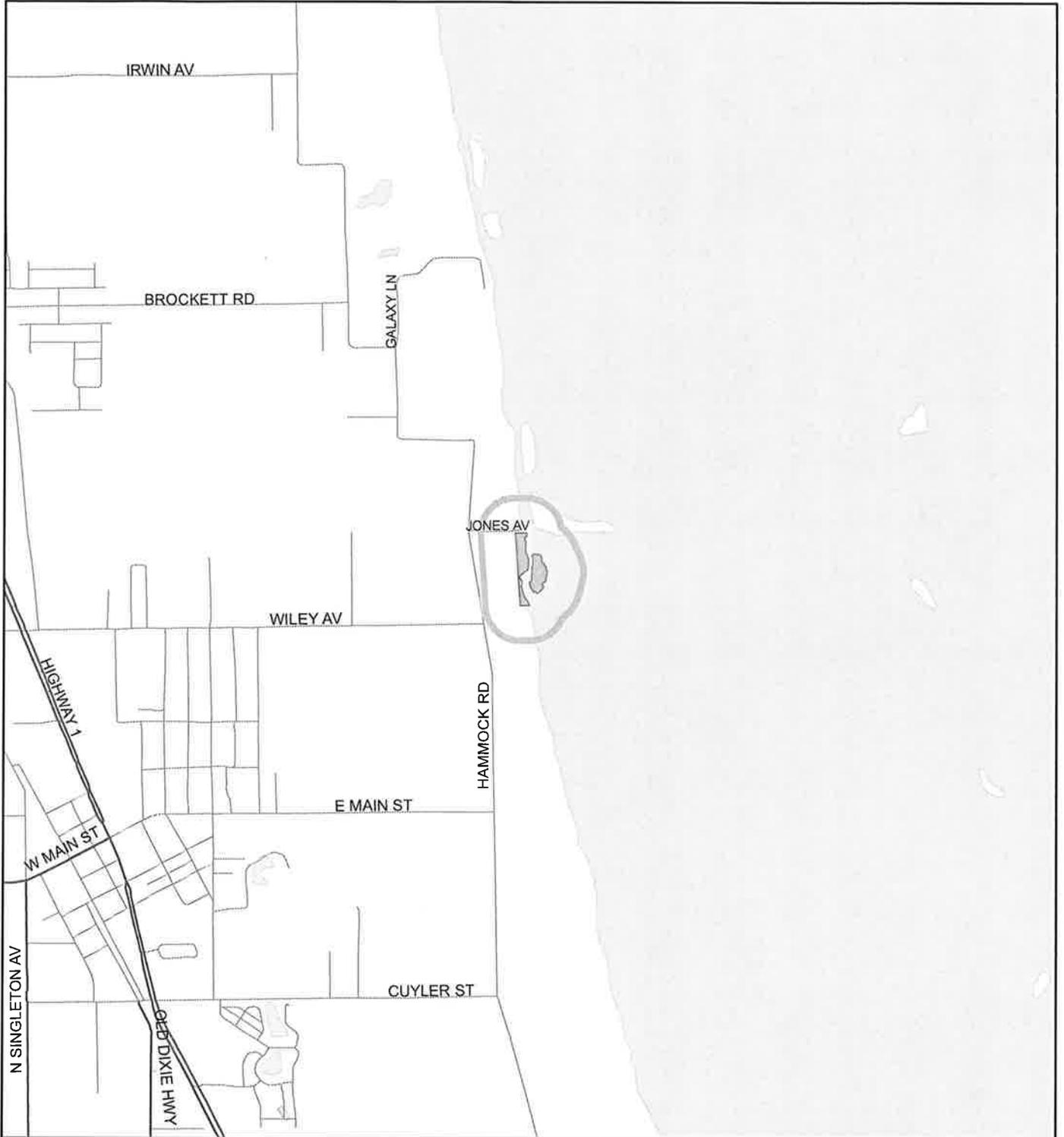
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

# LOCATION MAP

PRAXAIR, INC.

18PZ00019 SMALL SCALE AMENDMENT 18S.02



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

Buffer Distance: 500 feet

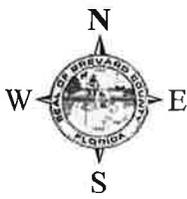
-  Buffer
-  Subject Property

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.

# ZONING MAP

PRAXAIR, INC.

18PZ00019 SMALL SCALE AMENDMENT 18S.02



1:4,800 or 1 inch = 400 feet

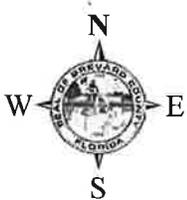
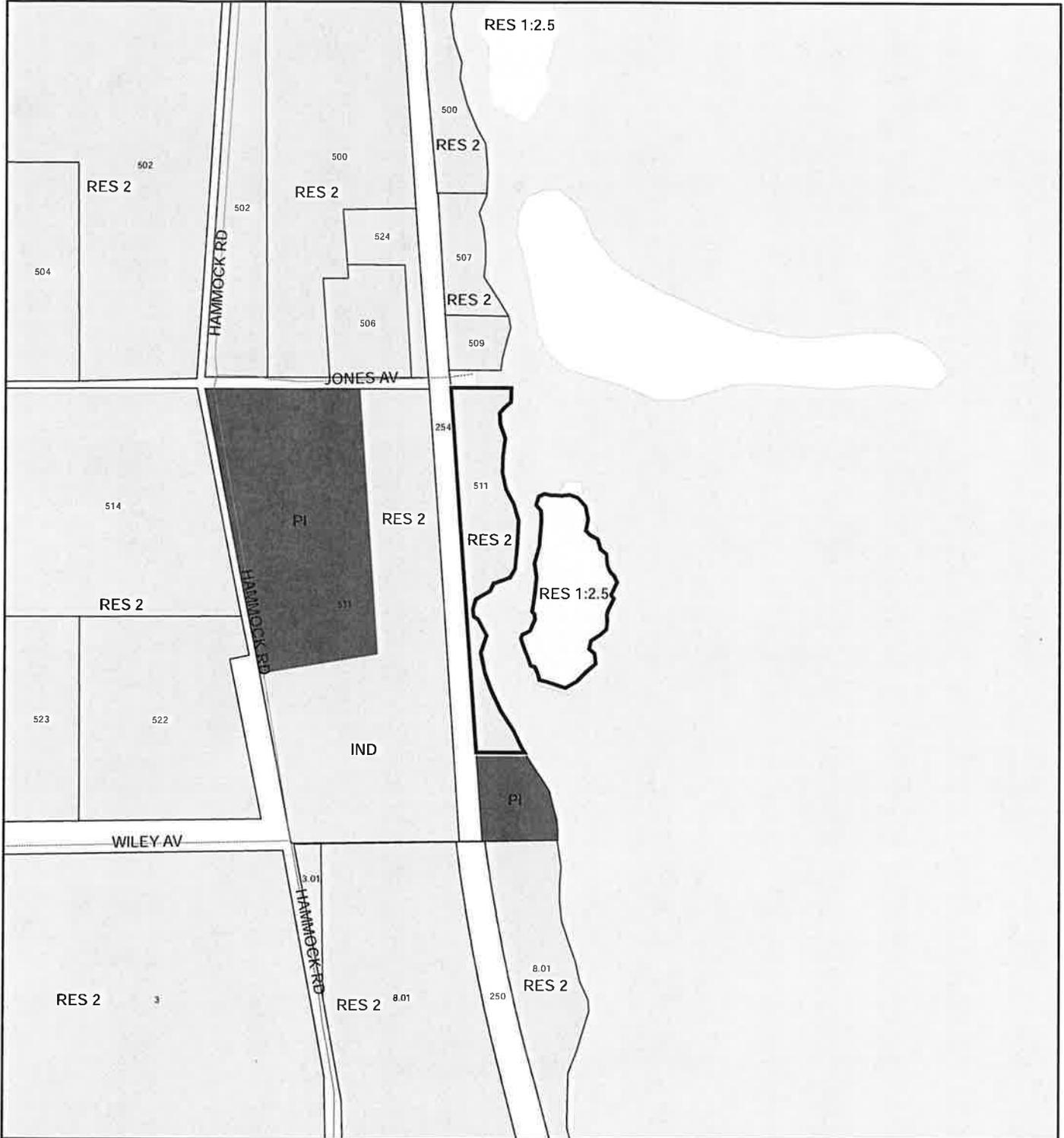
-  Subject Property
-  Parcels
-  Zoning

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

# FUTURE LAND USE MAP

PRAXAIR, INC.

18PZ00019 SMALL SCALE AMENDMENT 18S.02



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 Brevard County Information Technology Department - GIS Section Date: 4/11/2018

# PROPOSED FUTURE LAND USE MAP

PRAXAIR, INC.

18PZ00019 SMALL SCALE AMENDMENT 18S.02



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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Produced by Brevard County Information Technology Department - GIS Section Date: 4/11/2018

# AERIAL MAP

PRAXAIR, INC.

18PZ00019 SMALL SCALE AMENDMENT 18S.02



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

 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 Brevard County Information Technology Department - GIS Section Date: 4/11/2018



**From:** Prasad, Billy  
**To:** Jones, Jennifer  
**Cc:** Sterk, Erin  
**Subject:** Meeting Disclosure IV E&F  
**Date:** Monday, May 21, 2018 10:27:16 AM

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May 21, 2018

To: Erin Sterk, Interim Planning & Zoning Manager  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Sterk:

In regards to the upcoming agenda item IV. E&F for the Planning & Zoning meeting on May 24<sup>th</sup>, 2018, please be advised in advance that a meeting that took place on May 15<sup>th</sup>, at 12:00 PM at Commissioner Tobia's office, located at:

2539 Palm Bay Rd. NE  
Ste. 4  
Palm Bay, FL 32908

The parties present were Commissioner Tobia and Kim Rezanka.

This meeting lasted approximately fifteen minutes, during which the above individual provided information on her client's desired change in zoning classification and small scale comp amendment.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

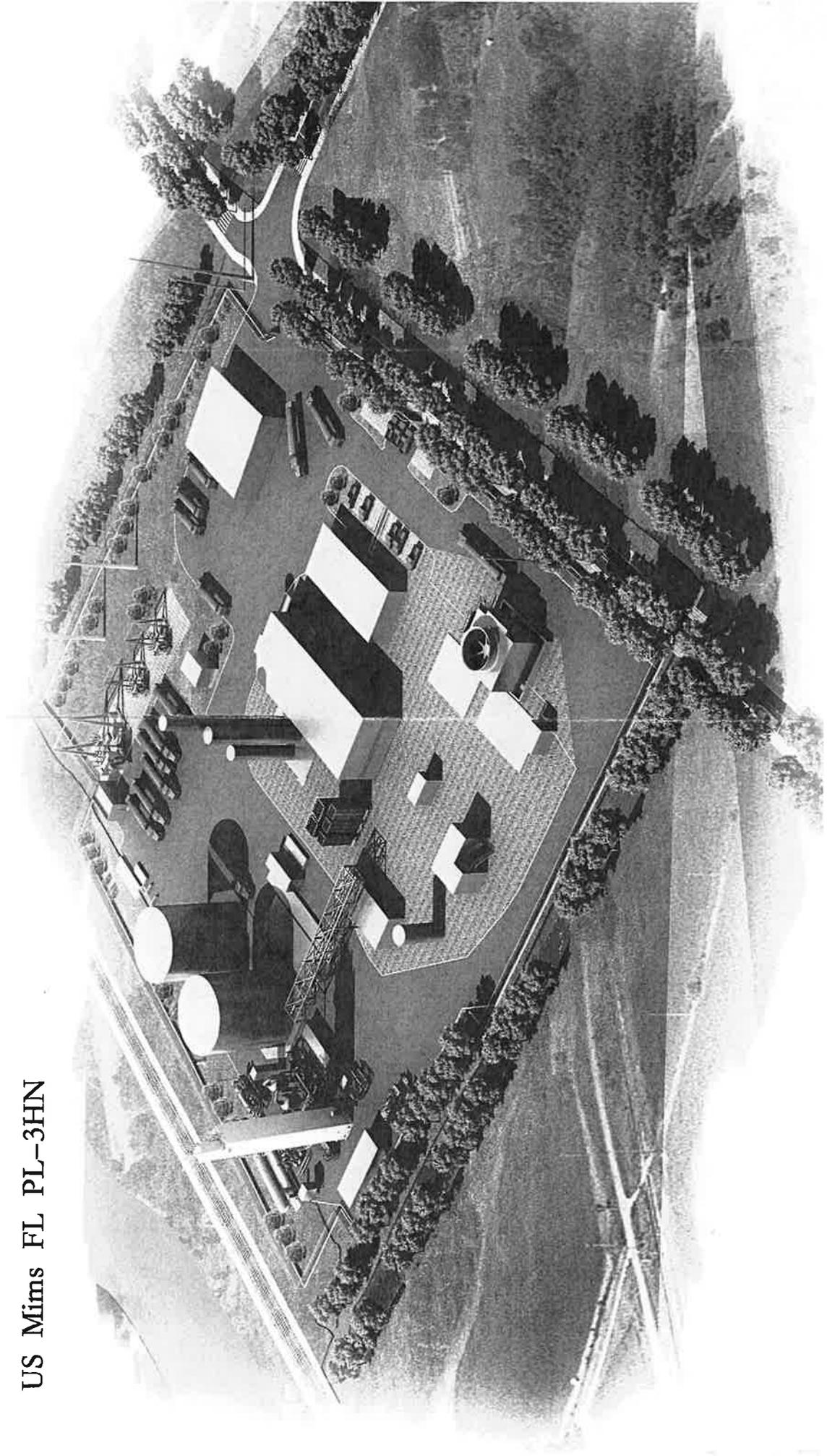
FYI  
18PZ00019 & 18PZ00020  
Praxair, Inc.  
Submitted by Applicant 05-21-18

# Mims Florida Production Facility



Where your talent makes an impact

US Mims FL PL-3HN



## PRAXAIR QUESTIONS

Describe the characteristics of the manufactured product and all the process and/or assembly operations utilized by the proposed project. Include in the description (use attachments if necessary):

The raw materials, intermediate products, by-products and final products and characteristics of each. Review any materials' risk of carcinogenicity, toxicity, mutagenicity and/or the potential to contribute to the formation of smog. Provide material safety data sheets (MSDS) if available;

Raw Materials:

The step-by-step procedures or processes for manufacturing and/or assembling the product(s). Provide a flow diagram to illustrate procedures;

The nature of the materials mentioned above in 4.1(a) as to whether or not the materials require special means of storage or handling;

List the machinery (new and/or existing) to be utilized by this project;

List any new buildings or other facilities to be utilized;

List the size and contents of any anticipated aboveground or underground storage tank systems that may be constructed or utilized in support of facility operations;

Does this project represents an increase or decrease in production at an already existing facility, what will be the new rate of maximum production?

Describe daily hours of plant operations and the number of operating shifts.

Lines designating the proposed project area for which application is being made, clearly distinguished from present facilities and operating areas (if any);

Existing and proposed roads, railroads, parking and loading areas, piers, wharfs, and other transportation facilities;

existing water bodies and wetlands and proposed dredge and fill areas,

Existing and proposed drainage ways, gas, electric, sewer, water, roads, and other rights-of-way.

Has the property been involved with a state or federal site cleanup program such as Superfund, Brownfields, HSCA Voluntary Cleanup Program, RCRA Corrective Action, Aboveground or Underground Storage Tank Cleanup Programs? If so please specify which program.

Describe project emissions (new, as well as any increase or decrease over current emissions) by type and amount under maximum operating conditions:

Describe how the above emissions change in the event of a mechanical malfunction or human error.

Describe wastewater discharge (new, as well as any increase or decrease over current discharge levels) due to project operations:

Identify the number, location, and name of receiving water outfall(s) of any and all process wastewater discharge (new or current) affected by this proposed project. Provide NPDES Permit Numbers for each discharge affected.

If any effluent is discharged into a public sewer system, is there any pretreatment program? If so, describe the program.

Identify the number, location, and name of receiving waters of stormwater discharges. Provide permit number for each discharge.

Describe the sources of stormwater run-off (roofs, storage piles, parking lots, etc).

Describe the amount of stormwater run-off increase over current levels that will result from the proposed project.

Describe any pollutants likely to be in the stormwater.

Describe any pollution control device(s) or management technique(s) to be used to reduce the amount of stormwater generated, and devices to

Does this project improve the quality of the storm water run-off prior to discharge.

Describe any new or improved storm water drainage system required to safely carry off storm water without flooding project site or neighboring areas down gradient.

Will this project use a new water intake device, or increase the use (flow) from an existing intake device?

Will this proposed project result in a thermal discharge of water, or an increase in the flow or temperature of a current thermal discharge?

If yes, state:

- a. the volume of the new flow or increase from the existing thermal discharge, both in flow and amount of heat;
- b. how warm will the water be when it is discharged into a receiving waterway, discharge canal, or ditch, and what will be the difference in discharge temperature and ambient temperature ( $\Delta T$ ) at various seasons of the year after all cooling water mechanisms have been applied to the hot water?
- c. the equipment and/or management techniques that will be used to reduce the thermal load of the discharge water.

Describe any oils discharged to surface waters due to this proposed project.

Describe any settleable or floating solid wastes discharged to surface waters due to this project.

Estimate the amount of water to be used for each specified purpose including cooling water. State daily and maximum water use in the unit of gallons per day for each purpose and source of water. State if water use will vary with the seasons, time of day, or other factors.

Identify the source of water needed for the proposed project, including potable water supplies.

Are wells going to be used?

If yes:

- a. Identify the aquifer to be pumped and the depth, size and pumping

capacity of the wells.

b. Has a permit been applied for to do this?

c. How close is the proposed well(s) to any well(s) on adjacent lands?

Will this project result in the generation of any solid waste?

If yes, describe each type and volume of any solid waste (including biowastes) generated by this project, and the means used to transport, store, and dispose of the waste(s).

Will there be any on-site recycling, re-use, or reclamation of solid wastes generated by this project?

Will any waste material generated by this project be destroyed on-site?

Will this proposed project result in the generation of any hazardous waste

Describe the transport of any hazardous waste and list the permitted hazardous waste haulers that will be utilized.

Will the proposed project cause the applicant to store, treat, and/or dispose of hazardous waste?

Does the applicant currently generate any hazardous waste at this site?

What is the current use of the land that is to be used for the proposed project?

Will the proposed project result in the loss of any wetland habitat?

Will any wastewater and/or stormwater be discharged into a wetland?

If yes, will the discharge water be of the same salinity as the receiving wetlands?

Do threatened or endangered species (as Federal Endangered Species Act) exist at the site of the proposed project, or immediately adjacent to it?

If yes, list each species:

Describe any filling, dredging, or draining that may affect nearby wetlands or waterways.

If dredging is proposed, how much will occur and where will the dredged materials go for disposal?

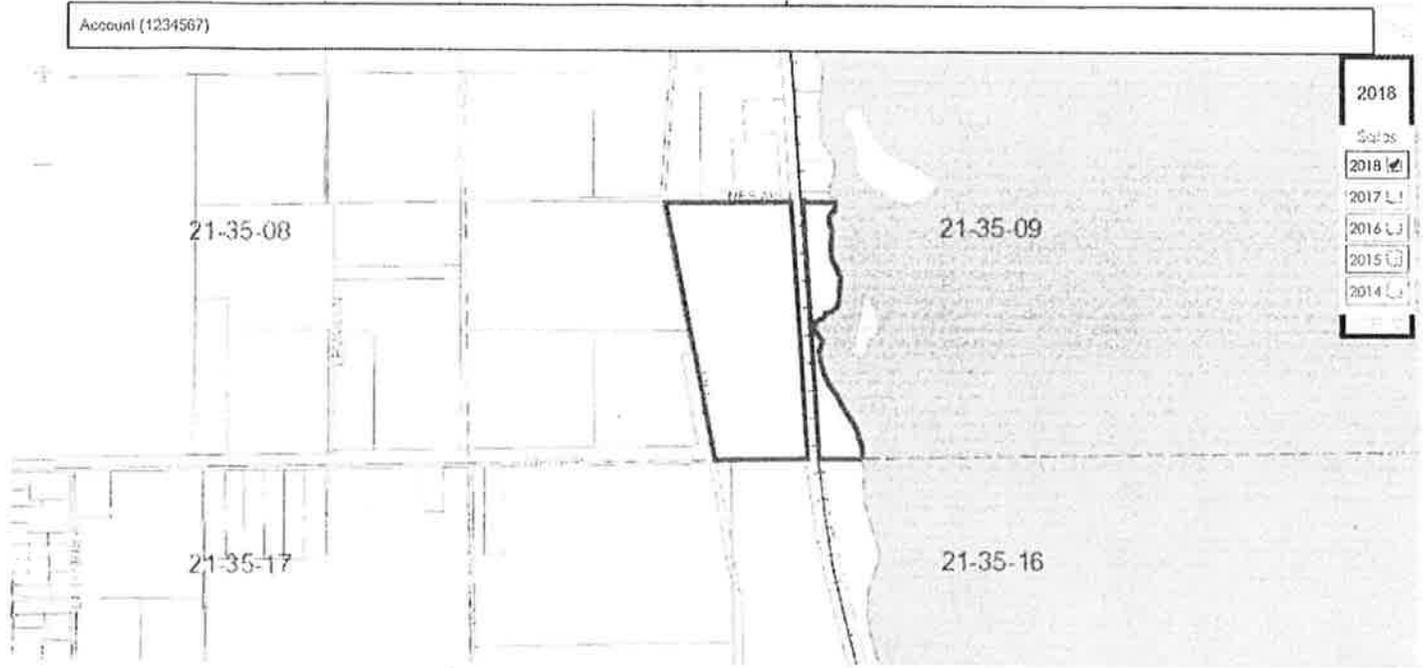
Describe any noticeable effects of the proposed project site including: heat, glare, noise, vibration, radiation, electromagnetic interference, odors, and other effects.

Describe any effect this proposed project will have on public access to tidal waters.

Provide a thorough scenario of the proposed project's potential to pollute should a major equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions planned for this project to minimize any such accidents.

Describe how the air, water, solid and hazardous waste streams, emissions, or discharge change in the event of a major mechanical malfunction or human error.

Account (1234567)



Account: 2103214 ParcelID: 21-35-09-00-511  
 Sale: 1/1/1989 \$461,700  
 BCPAO Market Value: 3/20/760  
 Owners: Pro-Or Inc  
 Address: 2001 Hambrick Rd Mims FL 32754

Details | Zoom | Clear | Print

Property Search

Brevard County Property Appraiser  
Dana Blickley, CFA

Map Subject Property ( ) ⓘ ( ) Open Map in New Window ( )

MapView ( ) EagleView ( ) StreetView ( )

Account (1234567)

2018 Sales  
2018   
2017   
2016   
2015   
2014

21-35-09-00-506

No Photo

Account: 2103209 Parcel ID: 21-35-09-00-506  
Sale: 12/23/2017 \$15,000 - Vacant  
BCPAO Market Value: \$11,290  
Owner: Aliff, Thomas A; Aliff, Linda B  
Address: Not Assigned

Details | Zoom | Clear | Hide

[INSTRUCTIONS \(/Docs/misc/Instructions\\_MapSearch.pdf?20170405\)](#)

2

Property Search

Brevard County Property Appraiser  
Dana Blickley, CFA

Map Subject Property ( ) (?) ( ) Open Map in New Window ( )

MapView ( )

EagleView ( )

StreetView ( )



Account: 2103218 Parcel ID: 21-35-09-00-524  
 Sale: 8/30/1995 \$18,000 - improved  
 BCPAO Market Value: \$16,650  
 Owners: Kelley, John I  
 Address: 2020 Jones Ave Miris FL 32754

Details | Zoom | Clear | Hide

Copyright

[INSTRUCTIONS \(/Docs/misc/Instructions\\_MapSearch.pdf?20170405\)](#)

3

Property Search

Brevard County Property Appraiser

Dana Blickley, CFA

Map Subject Property ( ? ) Open Map in New Window ( )

MapView ( )

EagleView ( )

StreetView ( )

Account (1234567)

2018  
2017  
2016  
2015  
2014

Account: 2103212 Parcel ID: 21-00-09-00-005  
 Sale: 5/77/1986 \$40,000  
 BCPAO Market Value: \$0,420  
 Owners: Brevard Co., FL  
 Address: Not Assigned

Display | Zoom | Clear | Help

INSTRUCTIONS (/Docs/misc/Instructions\_MapSearch.pdf?20170405)

4

# PRAXAIR MIMS PLANT



01/30/2018



# Dinitrogen Tetroxide (Nitrogen dioxide)

## Safety Data Sheet P-4633

This SDS conforms to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.

Date of issue: 01/01/1979    Revision date: 10/21/2016    Supersedes: 01/07/2016

### SECTION 1: Product and company identification

#### 1.1. Product identifier

Product form : Substance  
 Name : Dinitrogen Tetroxide (Nitrogen dioxide)  
 CAS No : 10102-44-0  
 Formula : NO<sub>2</sub>  
 Other means of identification : Nitrito, Nitrogen oxide, Nitrogen peroxide, nitrogen tetroxide, NTO, red oxide of nitrogen

#### 1.2. Relevant identified uses of the substance or mixture and uses advised against

Use of the substance/mixture : Industrial use. Use as directed.

#### 1.3. Details of the supplier of the safety data sheet

Praxair, Inc.  
 10 Riverview Drive  
 Danbury, CT 06810-6268 - USA  
 T 1-800-772-9247 (1-800-PRAXAIR) - F 1-716-879-2146  
[www.praxair.com](http://www.praxair.com)

#### 1.4. Emergency telephone number

Emergency number : Onsite Emergency: 1-800-645-4633

CHEMTREC, 24hr/day 7days/week  
 — Within USA: 1-800-424-9300, Outside USA: 001-703-527-3887  
 (collect calls accepted, Contract 17729)

### SECTION 2: Hazard identification

#### 2.1. Classification of the substance or mixture

##### GHS-US classification

|                               |      |
|-------------------------------|------|
| Ox. Gas 1                     | H270 |
| Liquefied gas                 | H280 |
| Acute Tox. 1 (Inhalation:gas) | H330 |
| Skin Corr. 1B                 | H314 |
| Eye Dam. 1                    | H318 |

#### 2.2. Label elements

##### GHS-US labeling

##### Hazard pictograms (GHS-US)



GHS03

GHS04

GHS05

GHS06

##### Signal word (GHS-US)

: DANGER

##### Hazard statements (GHS-US)

: H270 - MAY CAUSE OR INTENSIFY FIRE; OXIDIZER  
 H280 - CONTAINS GAS UNDER PRESSURE; MAY EXPLODE IF HEATED  
 H314 - CAUSES SEVERE SKIN BURNS AND EYE DAMAGE  
 H318 - CAUSES SERIOUS EYE DAMAGE  
 H330 - FATAL IF INHALED

##### Precautionary statements (GHS-US)

: P220 - Keep/Store away from clothing/.../combustible materials  
 P244 - Keep reduction valves/valves and fittings free from oil and grease  
 P260 - Do not breathe gas/vapors  
 P264 - Wash exposed skin thoroughly after handling  
 P271 - Use and store only outdoors or in a well-ventilated area  
 P280 - Wear protective gloves/protective clothing/eye protection/face protection  
 P284 - [In case of inadequate ventilation] wear respiratory protection

# Arsine

## Safety Data Sheet P-4565

This SDS conforms to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.  
 Date of issue: 01/01/1979    Revision date: 10/13/2016    Supersedes: 04/15/2015

### SECTION 1: Product and company identification

#### 1.1. Product identifier

Product form : Substance  
 Name : Arsine  
 CAS No : 7784-42-1  
 Formula : AsH<sub>3</sub>

#### 1.2. Relevant identified uses of the substance or mixture and uses advised against

#### 1.3. Details of the supplier of the safety data sheet

Praxair, Inc.  
 10 Riverview Drive  
 Danbury, CT 06810-6268 - USA  
 T 1-800-772-9247 (1-800-PRAXAIR) - F 1-716-879-2146  
[www.praxair.com](http://www.praxair.com)

#### 1.4. Emergency telephone number

Emergency number : Onsite Emergency: 1-800-645-4633

CHEMTREC, 24hr/day 7days/week  
 — Within USA: 1-800-424-9300, Outside USA: 001-703-527-3887  
 (collect calls accepted, Contract 17729)

### SECTION 2: Hazard identification

#### 2.1. Classification of the substance or mixture

##### GHS-US classification

|                               |      |
|-------------------------------|------|
| Flam. Gas 1                   | H220 |
| Liquefied gas                 | H280 |
| Acute Tox. 1 (Inhalation:gas) | H330 |
| Carc. 2                       | H351 |
| STOT RE 2                     | H373 |
| Aquatic Acute 1               | H400 |
| Aquatic Chronic 1             | H410 |

#### 2.2. Label elements

##### GHS-US labeling

##### Hazard pictograms (GHS-US)



##### Signal word (GHS-US)

: DANGER

##### Hazard statements (GHS-US)

: H220 - **EXTREMELY FLAMMABLE GAS**  
 H280 - CONTAINS GAS UNDER PRESSURE; MAY EXPLODE IF HEATED  
 H330 - FATAL IF INHALED  
 H351 - SUSPECTED OF CAUSING CANCER  
 H373 - MAY CAUSE DAMAGE TO ORGANS (LIVER) THROUGH PROLONGED OR REPEATED EXPOSURE  
 H410 - VERY TOXIC TO AQUATIC LIFE WITH LONG LASTING EFFECTS  
 CGA-HG04 - MAY FORM EXPLOSIVE MIXTURES WITH AIR  
 CGA-HG11 - SYMPTOMS MAY BE DELAYED

##### Precautionary statements (GHS-US)

: P201 - Obtain special instructions before use  
 P202 - Do not handle until all safety precautions have been read and understood  
 P210 - Keep away from Heat, Open flames, Sparks, Hot surfaces. - No smoking  
 P260 - Do not breathe gas



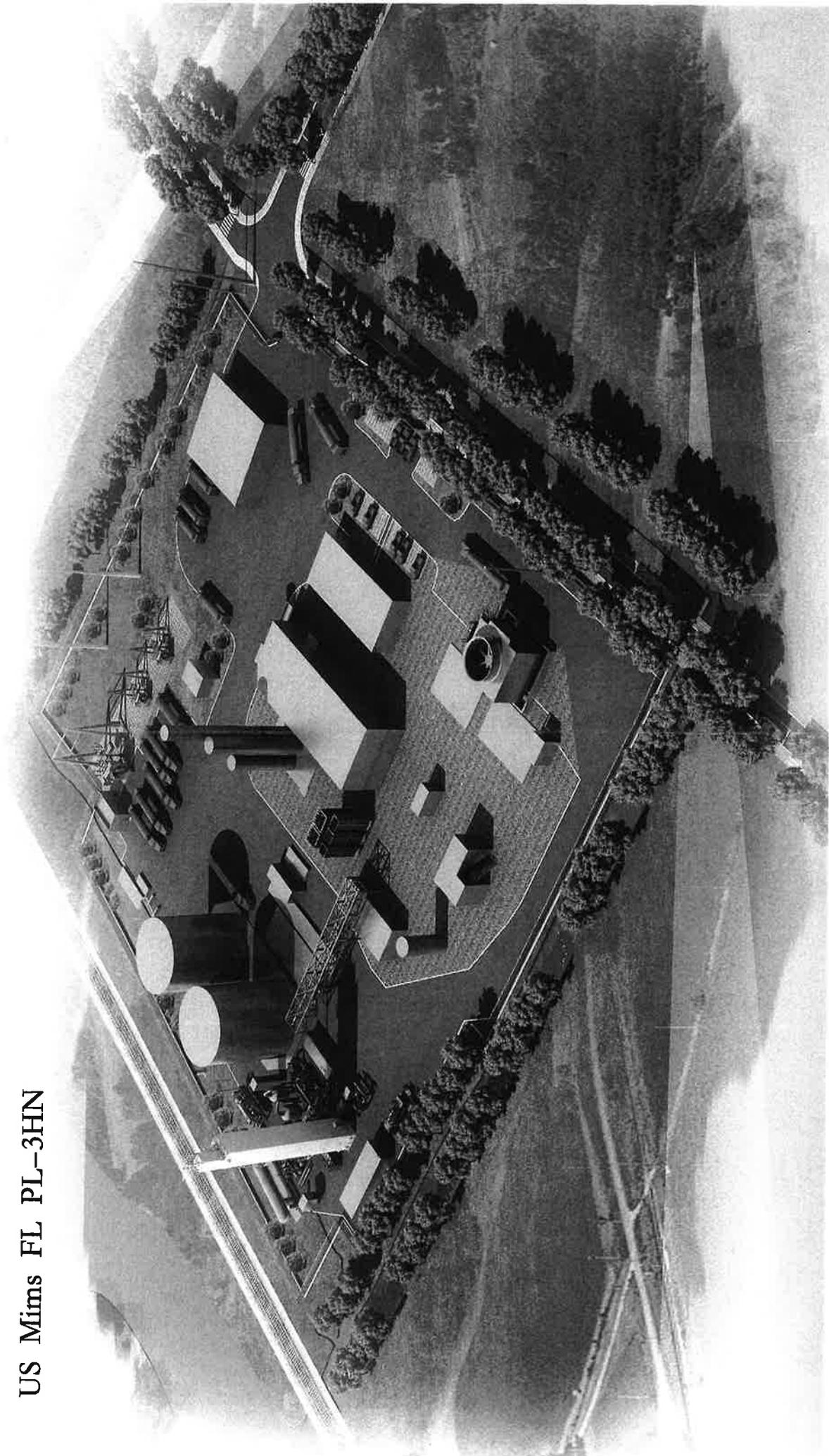






# US Mims FL PL-3HN

THE UNIVERSITY OF ARIZONA



Staff contact: Erin Sterk, Interim Planning & Development Manager,  
erin.sterk@brevardfl.gov

**ATTACHMENTS:**

**Description**

- **Staff Report 18PZ00019**
- **Maps**
- **Distance Rendering**
- **Disclosures**
- **FYI Submitted by Applicant 05-21-18**
- **Public Comment Submitted by speaker 05-21-18**

QUESTIONS SUBMITTED BY CITIZEN TOM ATLAS  
RE: PRAXAIR ITEMS WE and F 5/24/2018

## PRAXAIR QUESTIONS

Describe the characteristics of the manufactured product and all the process and/or assembly operations utilized by the proposed project. Include in the description (use attachments if necessary):

The raw materials, intermediate products, by-products and final products and characteristics of each. Review any materials' risk of carcinogenicity, toxicity, mutagenicity and/or the potential to contribute to the formation of smog. Provide material safety data sheets (MSDS) if available;

Raw Materials:

The step-by-step procedures or processes for manufacturing and/or assembling the product(s). Provide a flow diagram to illustrate procedures;

The nature of the materials mentioned above in 4.1(a) as to whether or not the materials require special means of storage or handling;

List the machinery (new and/or existing) to be utilized by this project;

List any new buildings or other facilities to be utilized;

List the size and contents of any anticipated aboveground or underground storage tank systems that may be constructed or utilized in support of facility operations;

Does this project represents an increase or decrease in production at an already existing facility, what will be the new rate of maximum production?

Describe daily hours of plant operations and the number of operating shifts.

Lines designating the proposed project area for which application is being made, clearly distinguished from present facilities and operating areas (if any);

Existing and proposed roads, railroads, parking and loading areas, piers, wharfs, and other transportation facilities;

existing water bodies and wetlands and proposed dredge and fill areas,

Existing and proposed drainage ways, gas, electric, sewer, water, roads, and other rights-of-way.

Has the property been involved with a state or federal site cleanup program such as Superfund, Brownfields, HSCA Voluntary Cleanup Program, RCRA Corrective Action, Aboveground or Underground Storage Tank Cleanup Programs? If so please specify which program.

Describe project emissions (new, as well as any increase or decrease over current emissions) by type and amount under maximum operating conditions:

Describe how the above emissions change in the event of a mechanical malfunction or human error.

Describe wastewater discharge (new, as well as any increase or decrease over current discharge levels) due to project operations:

Identify the number, location, and name of receiving water outfall(s) of any and all process wastewater discharge (new or current) affected by this proposed project. Provide NPDES Permit Numbers for each discharge affected.

If any effluent is discharged into a public sewer system, is there any pretreatment program? If so, describe the program.

Identify the number, location, and name of receiving waters of stormwater discharges. Provide permit number for each discharge.

Describe the sources of stormwater run-off (roofs, storage piles, parking lots, etc).

Describe the amount of stormwater run-off increase over current levels that will result from the proposed project.

Describe any pollutants likely to be in the stormwater.

Describe any pollution control device(s) or management technique(s) to be used to reduce the amount of stormwater generated, and devices to

Does this project improve the quality of the storm water run-off prior to discharge.

Describe any new or improved storm water drainage system required to safely carry off storm water without flooding project site or neighboring areas down gradient.

Will this project use a new water intake device, or increase the use (flow) from an existing intake device?

Will this proposed project result in a thermal discharge of water, or an increase in the flow or temperature of a current thermal discharge?

If yes, state:

- a. the volume of the new flow or increase from the existing thermal discharge, both in flow and amount of heat;
- b. how warm will the water be when it is discharged into a receiving waterway, discharge canal, or ditch, and what will be the difference in discharge temperature and ambient temperature ( $\Delta T$ ) at various seasons of the year after all cooling water mechanisms have been applied to the hot water?
- c. the equipment and/or management techniques that will be used to reduce the thermal load of the discharge water.

Describe any oils discharged to surface waters due to this proposed project.

Describe any settleable or floating solid wastes discharged to surface waters due to this project.

Estimate the amount of water to be used for each specified purpose including cooling water. State daily and maximum water use in the unit of gallons per day for each purpose and source of water. State if water use will vary with the seasons, time of day, or other factors.

Identify the source of water needed for the proposed project, including potable water supplies.

Are wells going to be used?

If yes:

- a. Identify the aquifer to be pumped and the depth, size and pumping

capacity of the wells.

b. Has a permit been applied for to do this?

c. How close is the proposed well(s) to any well(s) on adjacent lands?

Will this project result in the generation of any solid waste?

If yes, describe each type and volume of any solid waste (including biowastes) generated by this project, and the means used to transport, store, and dispose of the waste(s).

Will there be any on-site recycling, re-use, or reclamation of solid wastes generated by this project?

Will any waste material generated by this project be destroyed on-site?

Will this proposed project result in the generation of any hazardous waste

Describe the transport of any hazardous waste and list the permitted hazardous waste haulers that will be utilized.

Will the proposed project cause the applicant to store, treat, and/or dispose of hazardous waste?

Does the applicant currently generate any hazardous waste at this site?

What is the current use of the land that is to be used for the proposed project?

Will the proposed project result in the loss of any wetland habitat?

Will any wastewater and/or stormwater be discharged into a wetland?

If yes, will the discharge water be of the same salinity as the receiving wetlands?

Do threatened or endangered species (as Federal Endangered Species Act) exist at the site of the proposed project, or immediately adjacent to it?

If yes, list each species:

Describe any filling, dredging, or draining that may affect nearby wetlands or waterways.

If dredging is proposed, how much will occur and where will the dredged materials go for disposal?

Describe any noticeable effects of the proposed project site including: heat, glare, noise, vibration, radiation, electromagnetic interference, odors, and other effects.

Describe any effect this proposed project will have on public access to tidal waters.

Provide a thorough scenario of the proposed project's potential to pollute should a major equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions planned for this project to minimize any such accidents.

Describe how the air, water, solid and hazardous waste streams, emissions, or discharge change in the event of a major mechanical malfunction or human error.