



AGENDA REPORT
May 24, 2018

SUBJECT:

Public Hearing, Re: Panorama Mobile Home Park (Cole Oliver/Joe Mayer) requests a change of Zoning classification from RA-2-10 and BU-1, to all BU-1. The property is 7.16 acres, located at 225. S. Courtenay Pkwy., Merritt Island. (18PZ00032) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of Zoning classification from RA-2-10 (Single-Family Attached Residential) and BU-1 (General Retail Commercial) to all BU-1.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification from Single-Family Attached Residential (RA-2-10) and General Retail Commercial (BU-1) to all BU-1 for the purpose of developing an 111,498 square foot mini-warehouse facility. The applicant has submitted a conceptual plan as a part of the application which depicts a proposed self-storage mini-warehouse development's design. The applicant also submitted a Binding Development Plan at the Planning & Zoning Board meeting, which proposes to limit the use of the property to self storage mini-warehouse, provide for a 25 ft. wide landscape buffer and public sidewalk easement along S. Tropical Trail on the parcel's west property line, and reiterates a building coverage site maximum impact limitation from the County's land development regulations.

This request for a change of Zoning classification accompanies a separate request for a Small Scale Comprehensive Plan Amendment (SSCPA), proposing a change of Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC). If the SSCPA is not supported by the Board, this request for Rezoning cannot be heard.

The subject parcel has direct access to S. Courtenay Parkway and S. Tropical Trail. Noted on the conceptual plan, the site is proposing to gain access from only S. Courtenay Parkway. A preliminary transportation concurrency analysis indicates that the S.

Courtenay Parkway corridor is at 98% of the Maximum Acceptable Volume (MAV) between Cone Road and Fortenberry Road. The same counts indicate that the S. Tropical Trail segment between Cone Road and SR 520 is at only 41% of the MAV. The Board may wish to consider whether a connection to both S. Courtenay Parkway and S. Tropical Trail is necessitated.

A preliminary review of the impact of trips generated by an increase in development potential of the property will result in a deficiency in roadway Level of Service, causing the South Courtenay Parkway corridor to become a failing roadway. The Board may wish to consider whether a Traffic Impact Analysis (TIA) should be performed evaluate trips generated by this proposed Zoning request's impacts to the segment. A TIA could also assess whether additional access, traffic calming measures, or improvements to the roadway would be necessary to support the impact resulting from the use proposed. The Board may wish to consider whether potential LOS failures from the impact to South Courtenay Parkway necessitate a connection to both South Courtenay Parkway and South Tropical Trail.

The Board may wish to consider whether the proposed BU-1 zoning is consistent and compatible with the surrounding development. The Board may also wish to consider whether conditions proposed by the applicant's representative in the BDP should be considered with the Rezoning request.

On May 7, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP limiting the use of the property to a self-storage mini-warehouse, limiting building coverage to 40% of the site, and providing a 25-ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of S. Tropical Trail.

Staff contact: Erin Sterk, Interim Planning & Zoning Manager, erin.sterk@brevardfl.us

ATTACHMENTS:

Description

- ▢ **Staff Report 18PZ00032**
- ▢ **Maps**
- ▢ **Draft BDP**
- ▢ **FYI**
- ▢ **Public Comment1**
- ▢ **Public Comments 2**

REZONING REVIEW WORKSHEET

18PZ00032

Commission District # 2

Hearing Dates: P&Z 05/07/18

BCC 05/24/18

Owner Name: PANORAMA MOBILE HOME PARK, INC.

Request: RA-2-10 and BU-1 to all BU-1

Subject Property:

Parcel ID# 24-36-35-00-500

Tax Acct.# 2426677

Location: between N. Courtenay Pkwy. and S. Tropical Trail, approx. 350 ft. south of Fortenberry Rd. on the Courtenay Pkwy. side, and 0.26 mile north of Peck Ave. on the S. Tropical Trail side.

Address: 225 S. Courtenay Pkwy., Merritt Island

Acreage: 7.16 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- NO** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RA-2-10 & BU-1	BU-1
Potential*	66 SF attached units & 2,875 sq. ft. retail	62,378 sq. ft. retail
Can be Considered under FLU MAP	YES NC AND CC	YES** CC

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.** Small Scale Amendment from NC to CC is proposed in 18PZ00017.

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Single-Family Attached Residential (RA-2-10) and General Retail Commercial (BU-1) to all BU-1 for the purpose of developing an 111,498 square foot mini-warehouse facility. The applicant has submitted a conceptual plan as a part of the application which depicts a proposed self-storage mini-warehouse development's design. The applicant also submitted a Binding Development Plan at the Planning & Zoning Board meeting, which proposes to limit the use of the property to self storage mini-warehouse, provide for a 25 ft. wide landscape buffer and public sidewalk easement along S. Tropical Trail on the parcel's west property line, and reiterates a building coverage site maximum impact limitation from the County's land development regulations.

Staff Comments: Page 2
 (18PZ00032)
 05/07/18 PZ // 05/24/18 BCC

This request for a change of Zoning classification accompanies a separate request for a Small Scale Comprehensive Plan Amendment (SSCPA), proposing a change of Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC). If the SSCPA is not supported by the Board, this request for Rezoning cannot be heard.

Prior use of this site was as a 74 unit nonconforming mobile home development. The most recent zoning request was heard under Z-10759 on January 21, 2003 which changed the zoning from General Retail Commercial, BU-1 and Single-family Residential, RU-1-11 to Single-family attached residential, RA-2-10.

Transportation Concurrency Analysis

	ADT	PM PEAK		
Trips from Existing Zoning	5,558	250	Segment Number	118
Trips from Proposed Zoning	2,264	231	Segment Name	S. Courtenay - Cone to Fortenberry
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	15,317	1,379	Directional Split	0.5
Volume With Proposed Development	17,581	1,582	ITE CODE	
Current Volume / MAV	98.19%	98.19%	820	
Volume / MAV with Proposal	112.70%	112.70%		
Current LOS	E	E		
LOS With Proposal	F	F		
Findings	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

The subject parcel has direct access to two roadways – to South Courtenay Parkway on the parcel's eastern side and South Tropical Trail on the parcel's western side. As noted on the conceptual plan associated with the rezoning proposal, the development is proposing to gain access from only South Courtenay Parkway. A preliminary transportation concurrency analysis indicates that the South Courtenay Parkway segment between Cone Road and Fortenberry Road has a maximum acceptable volume (MAV) of 15,600 trips per day. The Space Coast Transportation Planning Organization's (TPO's) 2016 traffic counts indicate that the South Courtenay Parkway corridor is at 98% of the roadway's Level of Service on the segment. The TPO's counts indicate that the South Tropical Trail corridor on the west side of the parcel has a maximum acceptable volume (MAV) of 12,480 trips per day and operates at only 41% of the MAV between Cone Road and SR 520. The Board may wish to consider whether a connection to both South Courtenay Parkway and South Tropical Trail is necessitated.

A preliminary review of the impact of trips generated by an increase in development potential of the property will result in a deficiency in roadway Level of Service, causing the South Courtenay Parkway corridor to become a failing roadway. The applicant will be required to submit a Traffic Impact Analysis when proposing any development in this area and the Board may wish to consider whether this level of analysis should be performed for consideration of these current proposals for an amended Zoning classification or Future Land Use designation. A Traffic Impact Analysis should consider whether additional access, traffic calming measures, or

improvements to the roadway should be considered in order to reduce the trips generated by this proposed Zoning request's impacts to the segment.

Land Use Compatibility

FLUE Policies 2.7, 2.8 and 2.15 outline the role of the Comprehensive Plan in the designation of commercial lands.

The request for BU-1 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

- Existing strip commercial;
- Transient commercial uses;
- Tourist commercial uses;
- Professional offices;
- Personal service establishments;
- Retail establishments;
- Non-retail commercial uses;
- Residential uses;
- Institutional uses;
- Recreational uses;
- Public facilities;
- Transitional uses pursuant to Policy 2.14; and
- Planned Industrial Park development (as permitted by PIP zoning).

The request for BU-1 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal/ arterial intersections.
- B. Community Commercial complexes should not exceed 40 acres at an intersection.
- C. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

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

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

Staff Comments: Page 4
(18PZ00032)
05/07/18 PZ // 05/24/18 BCC

- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate (as encouraged by Tables 2.1 and 2.2 of the FLUE) to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

Exhibit A has been included as an attachment which depicts the **Connectivity & Block Size in Areas with a Commercial FLU Designation**. This exhibit demonstrates that this 42 + acre block of NC/CC is much larger in size and less connected than the surrounding blocks of commercially designated lands.

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

Environmental Constraints

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

Applicable Land Use Policies

The parcel is a double frontage lot having frontage on S. Courtenay Parkway and on S. Tropical Trail. The proposed plan that the applicant has submitted only depicts access onto S. Courtenay which is nearing capacity. Additionally, the roadway transitions from a 4-lane highway down to 2-lanes. With no driveway access onto S. Tropical Trail all of the trips must be placed upon Courtenay. Thirdly, the plan depicts a mini-warehouse use which typically is a low trip generator. If a Binding Development Plan were submitted limiting the use of the site to mini-warehouse use, the amount of trips would be significantly reduced.

For a zoning trend in the area south of Hwy 520, only one rezoning action occurred within the last 10 years. That zoning action was **16PZ00086**, which changed the Zoning classification from Single-Family Residential (RU-1-11) to Low-Density Multi-Family Residential (RU-2-4) with a BDP limiting development to four (4) units, which was approved on January 13, 2017. The abutting property to the north is zoned Single-Family Residential (RU-1-9) and General Retail Commercial (BU-1). The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The abutting property to the east and south side is zoned BU-1. Property to the west across from S. Tropical Trail is zoned Medium-Density Multi-Family Residential (RU-2-15) and Low Intensity Institutional (IN(L)). The RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. IN(L) is an institutional (Light) Zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

For Board Consideration

This request for a change of Zoning classification from RA-2-10 and BU-1 to all BU-1 accompanies a request for a change of Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC). If that proposal is not supported by the Board, this request cannot be heard.

The Board may wish to consider whether the proposed General Retail Commercial (BU-1) Zoning is consistent and compatible with the surrounding development.

The Board may wish to consider whether conditions proposed by the applicant's representative in the BDP, memorialized by provisions to limit the use of the property to self storage mini-warehouse, provide for a 25 ft. wide landscape buffer and public sidewalk easement along S. Tropical Trail on the parcel's west property line,

Staff Comments: Page 5
(18PZ00032)
05/07/18 PZ // 05/24/18 BCC

and limit building coverage to 40% of the site, mirroring a County land development regulations provision (no more, no less).

The subject parcel has direct access to two roadways – to South Courtenay Parkway on the parcel's eastern side and South Tropical Trail on the parcel's western side, but the development is proposing to only gain access from South Courtenay Parkway. A preliminary review of the impact of trips generated by an increase in development potential of the property will result in a deficiency in roadway Level of Service, causing the South Courtenay Parkway corridor to become a failing roadway. The applicant will be required to submit a Traffic Impact Analysis (TIA) when proposing any development on this segment of roadway and the Board may wish to consider whether this level of analysis should be performed for consideration of these current proposals for an amended Zoning classification or Future Land Use designation.

The Board may wish to consider whether a TIA should be performed evaluate trips generated by this proposed Zoning request's impacts to the segment. A TIA could also assess whether additional access, traffic calming measures, or improvements to the roadway would be necessary to support the impact resulting from the use proposed. The Board may wish to consider whether potential LOS failures from the impact to South Courtenay Parkway necessitate a connection to both South Courtenay Parkway and South Tropical Trail.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00032	Applicant: Cole Oliver
Zoning Request: RA-2-10/BU-1 to BU-1	BCC Hearing Date: 05/24/18
P&Z Hearing Date: 05/07/18	

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. The subject parcel is located in the Merritt Island Redevelopment Agency. 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	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp 24, Rng. 35, Sec. 35;
 Tax ID No. 2426677**

The subject parcel contains mapped NWI and SJRWMD wetlands; indicators that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Courtenay Parkway is an MQR in this vicinity. 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 Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Paola fine sand, 0 to Candler-Urban land). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

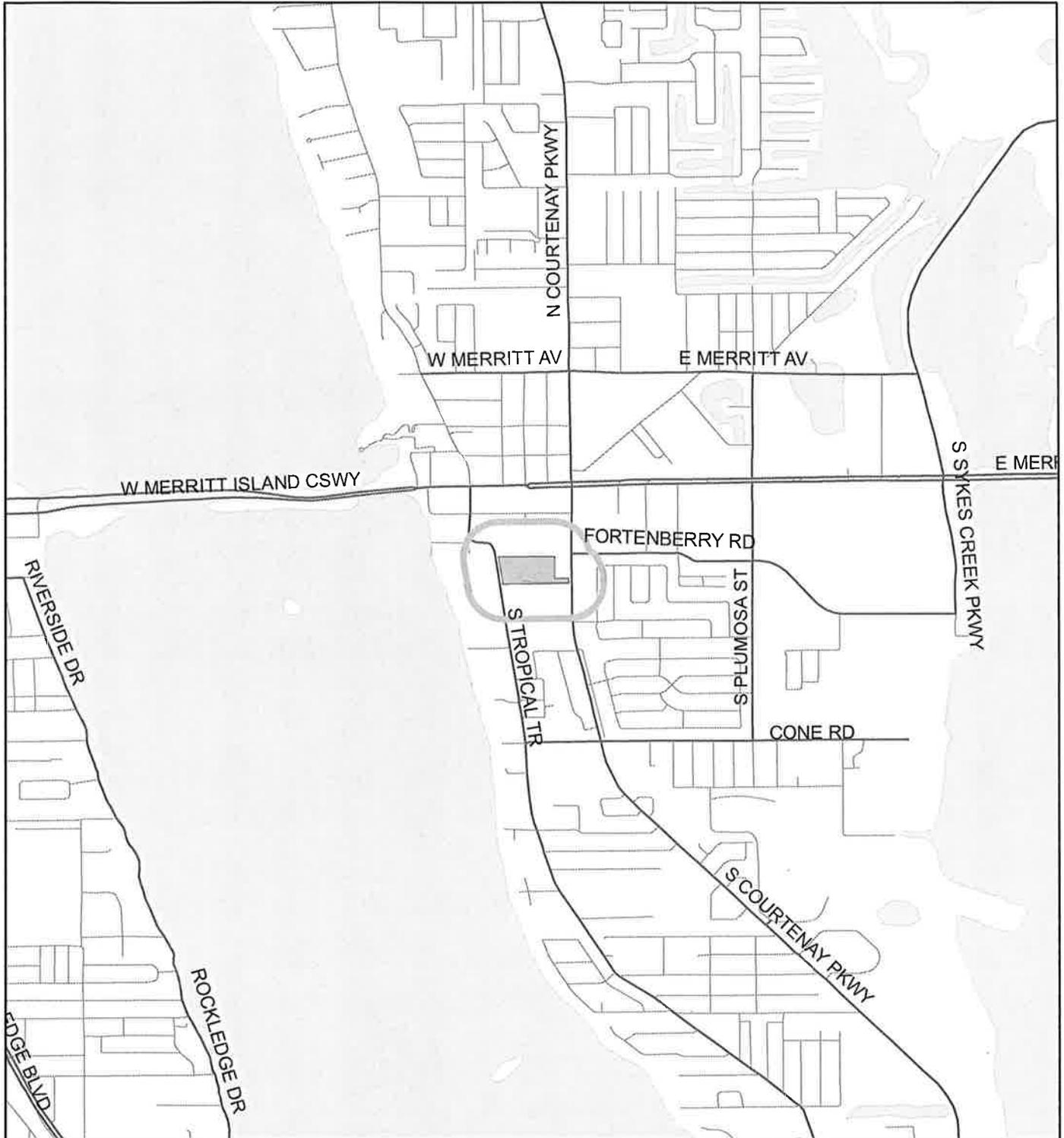
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters

Staff Comments: Page 7
(18PZ00032)
05/07/18 PZ // 05/24/18 BCC

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
PANORAMA MOBILE HOME PARK, INC.
18PZ00032



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

Buffer Distance: 500 feet

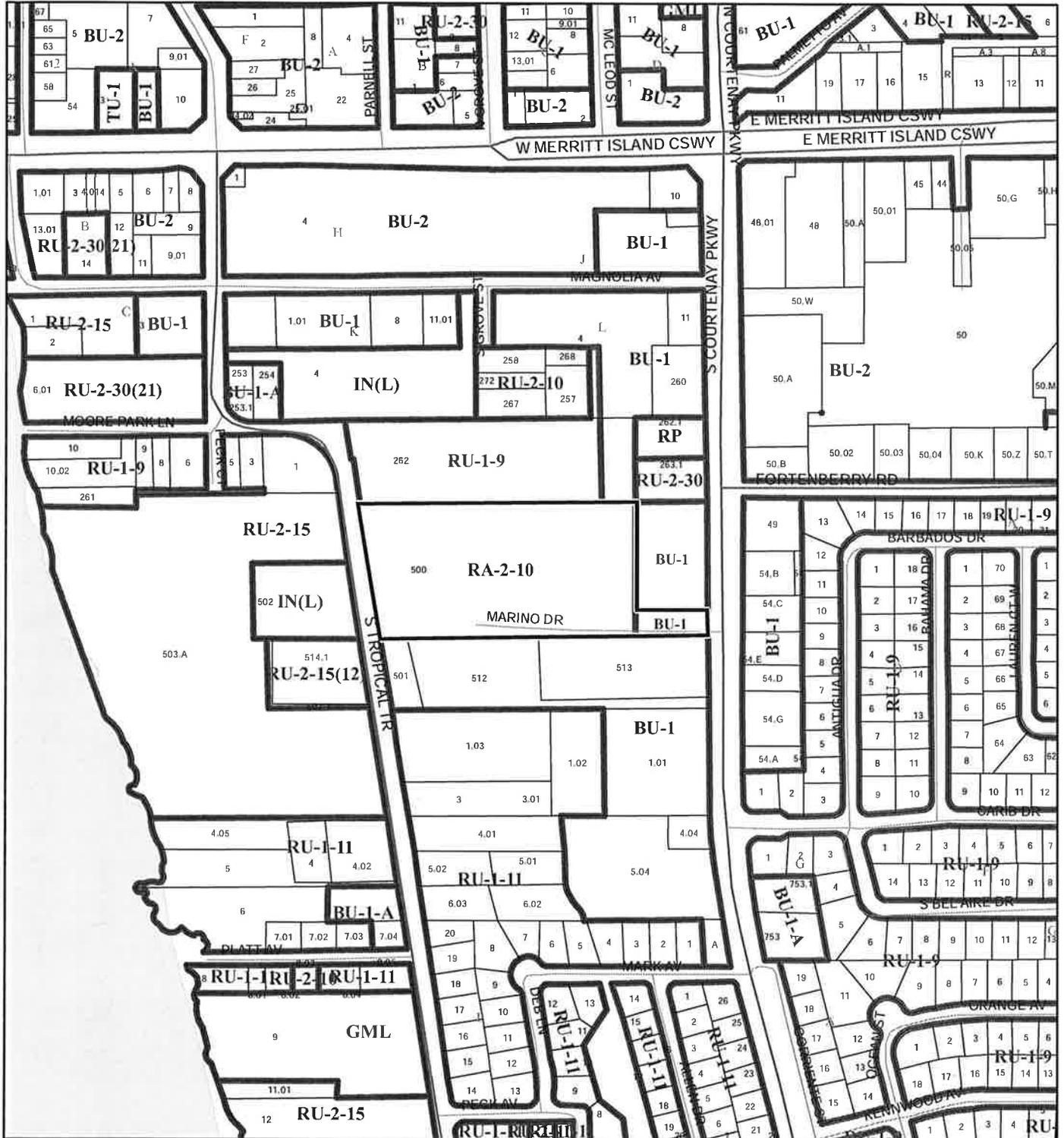
-  Buffer
-  Subject Property

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

PANORAMA MOBILE HOME PARK, INC.

18PZ00032



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

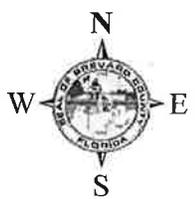
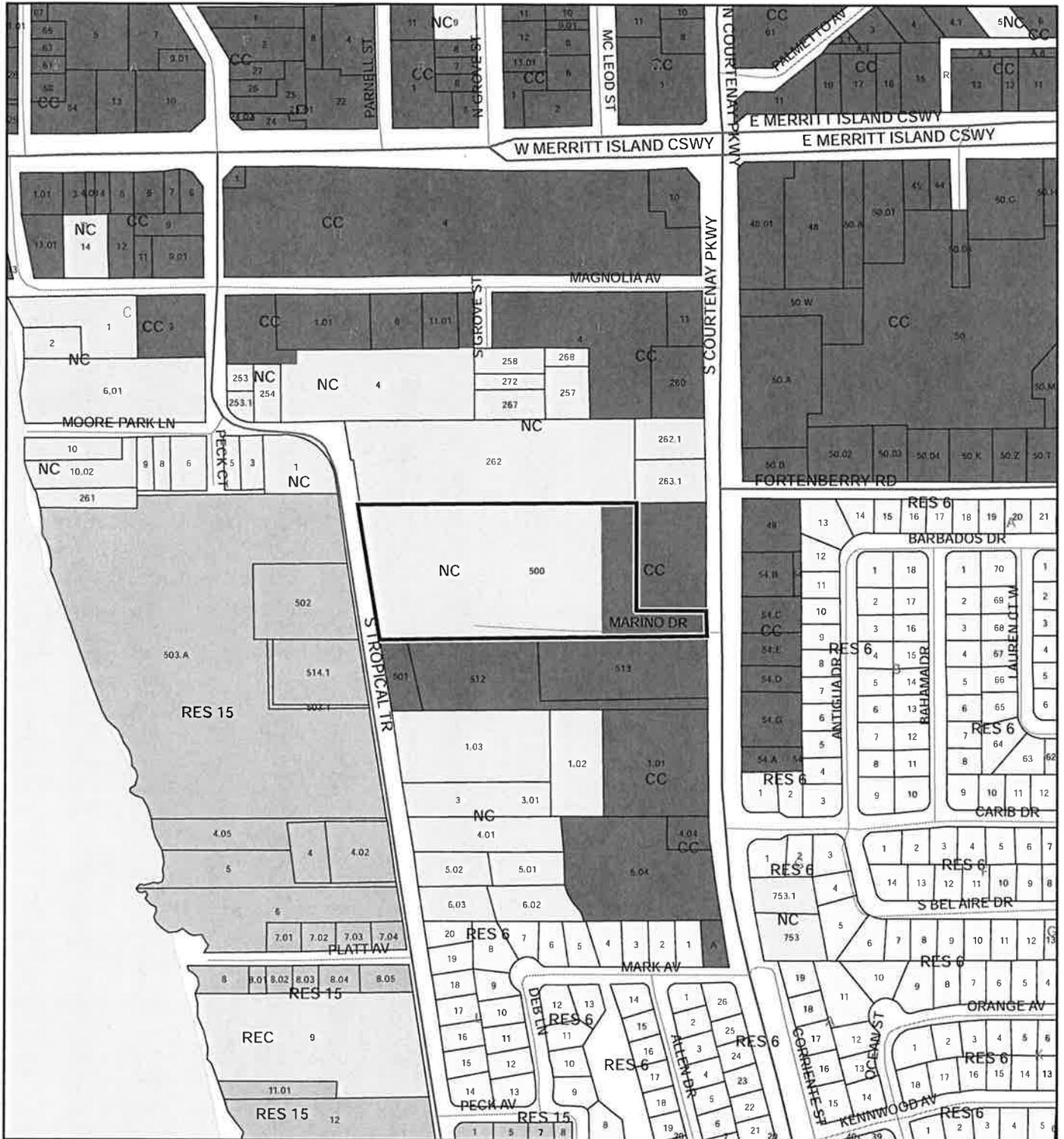
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/13/2018

FUTURE LAND USE MAP

PANORAMA MOBILE HOME PARK, INC.

18PZ00032



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 the Brevard County Planning and Zoning Office - GIS Section Date: 3/13/2018

AERIAL MAP
PANORAMA MOBILE HOME PARK, INC.
18PZ00032



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 the Brevard County Planning and Zoning Office - GIS Section Date: 3/13/2018

Prepared by: Cole Oliver, Esq.
Address: 516 Delannoy Ave. Cocoa, FL 32922

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of May, 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Cole Oliver, an individual (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested the BU-1 zoning classification(s) and desires to develop the Property as a SELF-STORAGE MINI-WAREHOUSE facility, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

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

2. The Developer/Owner shall limit use of the property to SELF STORAGE MINI-WAREHOUSE as regulated by the Brevard County Comprehensive Plan and the Land Development Regulations.

3. The Developer/Owner shall limit building coverage to .40% of the site (maximum), as per the Land Development Regulations.

4. The Developer/Owner will provide a 25 ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of South Tropical Trail.

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

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

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

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

ATTEST:

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

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

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

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

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

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

EXHIBIT "A"

225 S. Courtenay Pkwy.

Cole Oliver Self Storage Site

Description:

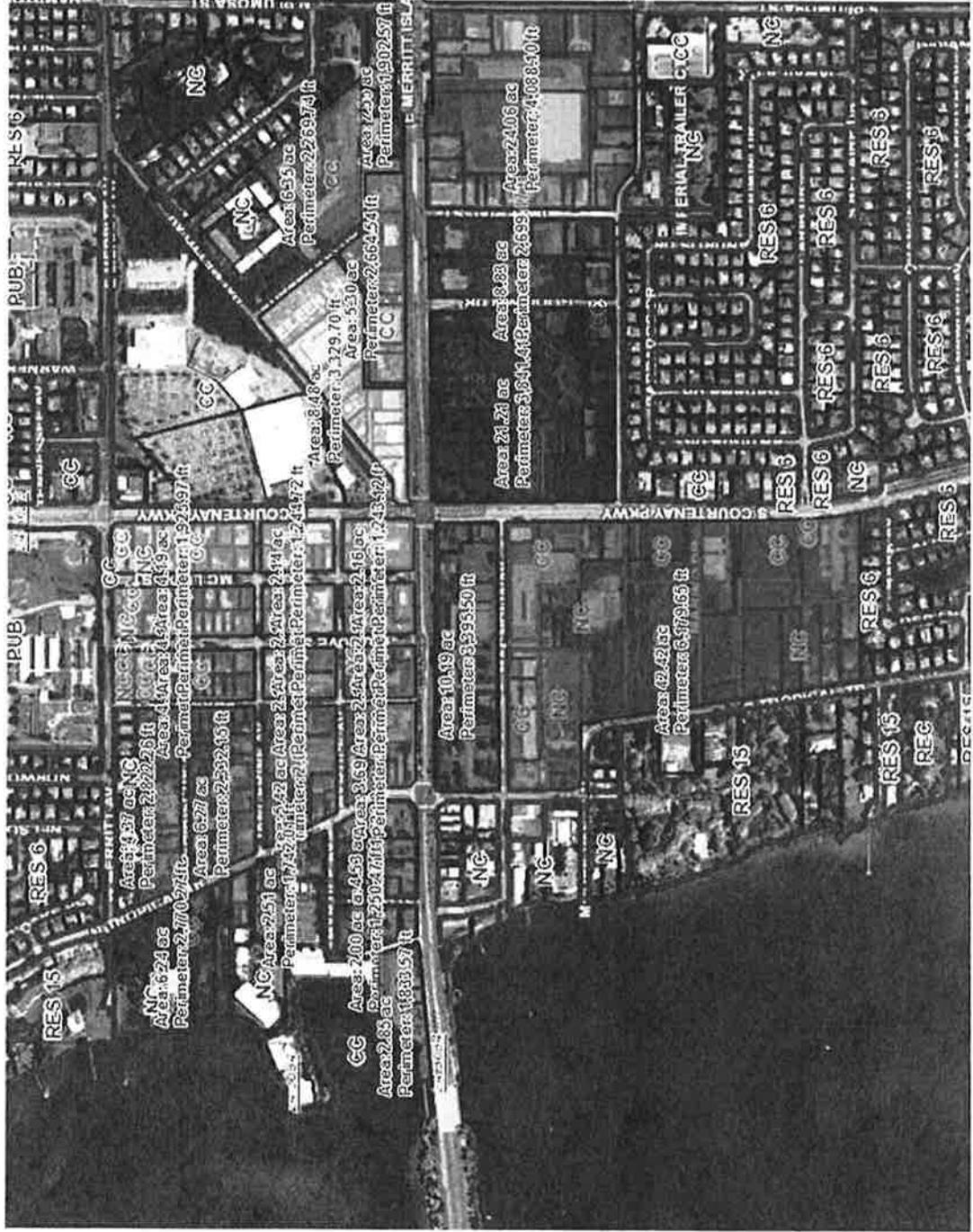
A parcel of land lying in Section 35, Township 24 South, Range 36 East, being those lands as described in O.R. Book 2793, Page 2489 of the Public Records of Brevard County, Florida LESS AND EXCEPT there from the North 345.00 feet of the East 200.00 feet, both by right angle measure, of said lands per O.R. Book 2793, Page 2489; said subject parcel being more fully described as follows:

Commence at the northeast corner of the Northeast $\frac{1}{4}$ of said Section 35 as marked by a brass spike stamped "Bussen-Mayer Eng.: 25-26-35-36" as shown on Florida Department of Natural Resources Certified Corner Record Document ("C.C.R.") No. 0036489; thence S.00°06'23"E., along the east line of said Northeast $\frac{1}{4}$, a distance of 2653.94 feet to the southeast corner of said Northeast $\frac{1}{4}$ as marked by an unstamped railroad spike as shown on C.C.R. No. 0025107; thence S.89°30'52"W., along the south line of said Northeast $\frac{1}{4}$, a distance of 2638.37 feet to the northeast corner of Government Lot 2 of said Section 35; thence continue S.89°30'52"W., along the north line of said Government Lot 2, a distance of 8.06 feet to the west right-of-way line of the 100.00 foot wide right-of-way of South Courtenay Parkway as described in Deed Book 0420, Page 0025 of said Public Records; thence continue S.89°30'52"W., along said north line of Government Lot 2, a distance of 200.00 feet to the Point-of-Beginning of the lands herein described which lies 200.00 feet westerly, by right angle measure, of said west right-of-way line; thence S.00°13'19"E., parallel with said west right-of-way line, a distance of 345.00 feet to a point which lies 40.00 feet northerly, by right angle measure, of the south line of said lands per O.R. Book 2793, Page 2489; thence N.89°30'52"E., parallel with said south line, a distance of 200.00 feet to said west right-of-way line; thence S.00°13'19"E., along said west right-of-way line, a distance of 40.00 feet to said south line; thence departing said west right-of-way line, S.89°30'52"W., along said south line, a distance of 959.80 feet to the east right-of-way line of the variable width right-of-way of State Road No. 3 (a.k.a.: South Tropical Trail); thence departing said south line, N.08°48'36"W., along said east right-of-way line, a distance of 389.10 feet to said north line of Government Lot 2; thence departing said east right-of-way line, N.89°30'52"E., along said north line of Government Lot 2, a distance of 817.90 feet to the Point-of-Beginning.

Containing 7.16 acres (311,707 square feet), more or less; being subject to any restrictions, covenants, easements and/or rights-of-way of record.

EXHIBIT A

Connectivity & Block Size for Areas with a Commercial FLU Designation



Ex Parte Discussion Disclosure

Cole Oliver, applicant for PANORAMA MOBILE HOME PARK, INC. called me on or around April 26, 2018 to discuss the upcoming item on the Brevard County Planning and Zoning Board Agenda for May 7, 2018. He asked if I was familiar with the project he had coming before the board. I advised him that I had not seen the agenda packet yet. He described the project to me and asked if I had any questions. I stated I had none at this time; that I would not give him any opinion on the matter, but that I would give it fair consideration; and that I appreciated the call. The call lasted approximately 3-5 minutes.

Mr. Oliver called me today May 7, 2018 to advise that he and his engineer had reviewed the staff comments and were going to propose to the Board a Binding Development Plan to limit the use to the mini-storage, which would reduce the trips and thus meet concurrency. He described the access via a joint driveway with Dollar General and no access to South Tropical. I asked that he make sure staff was aware of this to include in their presentation and thanked him for the call.

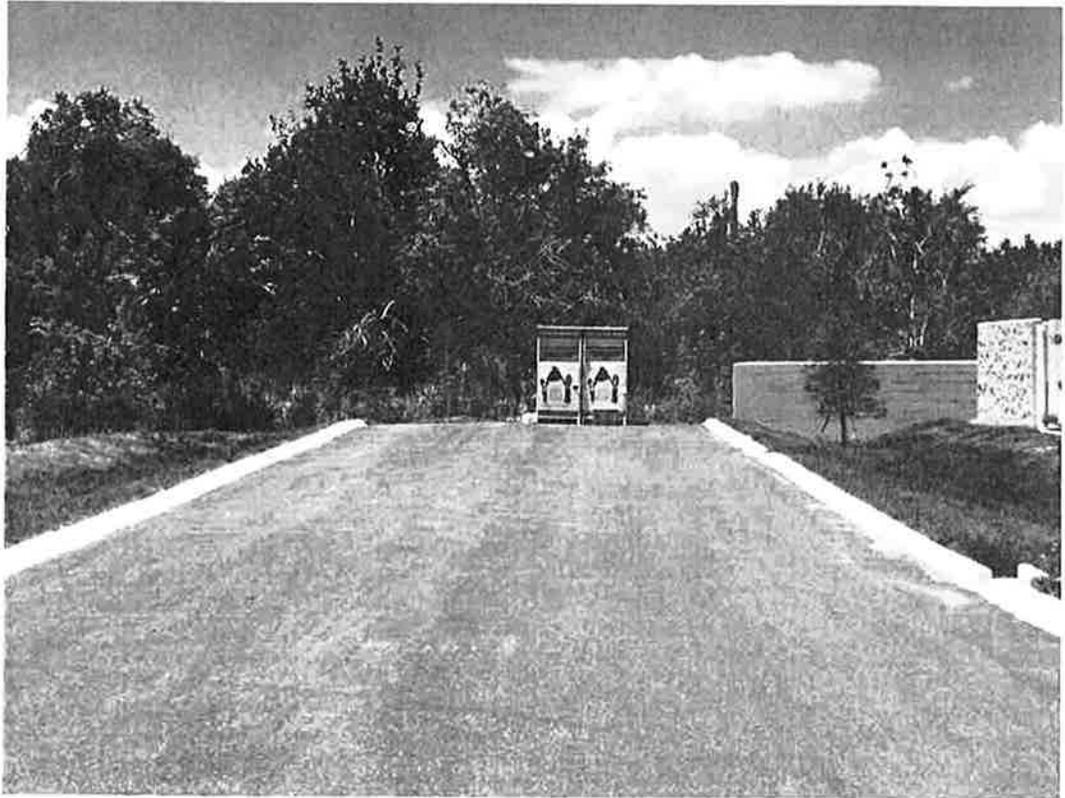
Signed,
Rochelle W. Lawandales, FAICP
May 7, 2018

A handwritten signature in black ink, appearing to be 'RW Lawandales', with the date '5/7/18' written below it.

Photos submitted
05/07/18
18PZ00017
18PZ00032







From: [Sterk, Erin](#)
To: jeanette60015@aol.com
Cc: [Lewis, Sally A](#); [Jones, Jennifer](#)
Subject: Re: Rezoning Of Property Across From Sunset Bay
Date: Monday, May 14, 2018 8:17:59 AM

Jeanette,

Thank you - we will add your comments to the record for 18PZ00032, going to the BCC on May 24th.

Thanks,
Erin

On May 12, 2018, at 9:57 AM, "jeanette60015@aol.com" <jeanette60015@aol.com> wrote:

Hi Erin,

I received another comment .
The owner asked I forward this on to be added to permanent record.

Could you pl asr confirm you recieved?

Thanks!
Jeanette Schultz

From: Recdif Office <office@recdif.com>
Date: Friday, May 11, 2018
Subject: Fwd: Rezoning Of Property Across From Sunset Bay
To: Jeanette Schultz <jeanette60015@aol.com>

Lynn Hiott, LCAM Please excuse any misspellings! This is sent from my iPhone!

Begin forwarded message:

From: Buck Houston <buck@walterhouston.com>
Date: May 11, 2018 at 4:08:09 PM EDT
To: Sunset Bay Mgt Co <office@recdif.com>
Subject: Rezoning Of Property Across From Sunset Bay

Attn: Jeanette Schultz, President

Please forward my owners objection to the Plan Commission.

I believe that a commercial zoning would not fit with the residential character of the properties along the Indian River and South Tropical Trail. The increased traffic and related noise would be detrimental to property values and safety of the residents. The residential zoning of the western half of the property will act as a buffer to the commercial area

Walter T. Houston
225 South Tropical Trail Unit 319
Merritt Island, FL 32952

--

Walter (Buck) Houston
Waukesha, WI
262-968-3590

From: [Sterk, Erin](#)
To: jeanette60015@aol.com
Cc: [Lewis, Sally A](#); [Jones, Jennifer](#)
Subject: FW: Small Scale Comp Plan Amendment and Rezoning item in MI
Date: Monday, May 14, 2018 9:06:48 AM

Jeanette,

We will add your comments to the record for 18 PZ00017 and 18PZ00032, going to the BCC on May 24th.

Thank you,
Erin

From: jeanette60015@aol.com [mailto:jeanette60015@aol.com]
Sent: Thursday, May 10, 2018 3:54 PM
To: Sterk, Erin
Subject: Small Scale Comp Plan Amendment and Rezoning item in MI

Hello Erin,

Below is a letter we would like to be part of the permanent record.

Is there anyone else I should be sending this to?

Could you kindly confirm you received this email?

Thanks so much!

Jeanette

ID # 18PZ00017
ID # 18PZ00032

Dear Planning and Development Boards,

I would like to thank you for giving us an opportunity to voice our concerns.

The post card many residents received, left many of our owners confused as to what exactly is being proposed . We did not understand what a Small Scale Plan Amendment and a change in classification would mean to our neighborhood.

As President of Sunset Bay Condo Board I wanted to let the owners of our 192 Condos know the results of the research on the topic mentioned in the postcard. I

wrote a detailed letter and received many replies via email, phone and text.

I have included some of the email comments at the end of this letter.

A large majority of owners are very concerned and are not in favor of and changes of classification at this time. We feel that the applicant has not committed to a binding plan.

Many feel by approving his request could open the door for many more types of bushiness's.

This could open the door and result in a huge traffic problem, increased accidents , and many unknown issues,

We would not be in favor of access from South Tropical Trail. This road has seen a large increase in traffic. The Church (not that we are opposed to the church helping the homeless population in Merritt Island) especially on Mondays, makes this area extremely congested . Bike and Vehicle traffic around the curves on S Tropical worry many of us already, with many near miss accidents etc.

Currently in the exact area proposed for this mini warehouse facility , is home to many of the homeless people in Merritt Island. The Church has attracted many of the homeless to live close to church.

We have had many incidents of homeless people jumping fences etc ,onto our property. Mainly they came to our property to wash in our pool, sleep, or use restrooms.

We have increased security, added locks, and added cameras to solve many of those issues on our property.

If any of the Board is unaware of this issue, it would be good to stop by the church area any Monday morning. (Hundreds of people there)

For any future use of that property, could the trees and foliage along S Tropical be left alone? Cutting down all the trees along the road would make the area very unappealing, and possibly harm property values of Sunset Bey and Bello Rlo (255 S Tropical Trail) including the homes in the area.

If so, we are asking that you would please make that a consideration, in any decision made.

In summary we feel the proposed use "mini warehouses" is not something the immediate neighborhood needs or wants. We have quite a few of that type of facility in Merritt Island.

We are not against growth, but we would prefer something that would enhance our neighborhood, and have a clear plan of exactly what would be built on that property.

Please see below for some of the comments I received.

Thank you,

Jeanette Schultz
Sunset Bay Condominium Association
President

The concerning statement is, "He intends, but has not committed to any binding plan to build a mini warehouse facility". I am strongly apposed to a zoning change in this circumstance because the "real" use is unknown. We cannot assess the impact to our community if we do not know what will ultimately be built there. There is already a traffic problem in the area due to the church ministry (which I do not object to), but I would not want to see an increase.

Debbie

d.a.curtis@aol.com

--

From: kim nixon <nixonk1955@gmail.com>
Date: May 1, 2018 at 12:46:47 AM EDT
To: Recdif Office <office@recdif.com>
Subject: Re: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI

I do not recall receiving the post card. What legal power do we have as owners to mitigate the rezoning activity?

Kim Nixon
316-258-8858

--

From: Scott Griffith <scottcgriffith@gmail.com>
Date: April 30, 2018 at 10:47:55 PM EDT
To: Recdif Office <office@recdif.com>
Subject: Re: FW: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI

This area is currently a campground for homeless.

From: Joelle Lebrument <joelle.lebrument@hotmail.co.uk>
Date: April 30, 2018 at 3:06:48 PM EDT
To: Recdif Office <office@recdif.com>
Subject: RE: FW: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI

Hi Jeannette

Thank you for below notification and indeed it is a concern. Tropical Trail is a pleasant residential road but a very narrow road and the existing traffic already substantial. The implement of commercial facilities would make it unsustainable .. I dont know if you can add my comments to the possible list or

should it be personally voiced?

Kind Regards

Joelle (#804)

From: Nina Corbellini [<mailto:corbellister@gmail.com>]

Sent: Tuesday, May 1, 2018 3:10 PM

To: Recdif Office <office@recdif.com>

Subject: Re: FW: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI

Not only is traffic a concern, but the potential building of low income housing is more of a concern. We all know drugs are a big issue here, and any building can potentially put our community at risk for crime.

To:you}]

Hi Jeanette

Thank you for the letter.
I just received the card from county commissioner.

I believe this proposed amendment will have a negative impact to the residential area and sunset Bay, there is no doubt about that. How can we stop that? A petition from all area residents to include the neighbors of sunset Bay?

"He intends, but has not committed"

The intent only worries me. A mixed residential and commercial results in the decline of neighborhood/community, increase in traffic. We are in a nice area by the river. County must stick to the original zoning plan and the only way county can do that is with our help, i.e. challenging them. Next thing they may want to widen the road for the traffic.

In the first place, County should check if there is a demand for warehouse in Cocoa and M.E.

An ill-defined zoning plan leads to overcapacity and eventually run down buildings.

Btw, is that section of tropical trail designated as a scenic drive? If not we should figure out a way to make it a scenic drive.

*Please let me know how I can be of help.
Thank you for your effort.*

Mariam Mohsenin

Unit 914

321-424-2273

PS. Could not change the italic font on the phone!