

## H. PUBLIC HEARINGS

Planning and Zoning Board  
Monday, January 28, 2019, at 3:00 p.m.  
and  
Brevard County Board of County Commissioners  
Thursday, February 7, 2019, at 5:00 p.m.  
Both at the  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

1. Flamingo Land Company, Inc. – (Rick Kern) requests a change of zoning classification from IU (Industrial Use) to RU-1-7 (Single-Family Residential). The property is 27.99 acres, located on the north side of Canaveral Groves Boulevard, between Morris Avenue and Devoe Avenue. (No assigned address. In the Cocoa area.) (18PZ00072) (District 1)

**Planning and Zoning Board Recommendation:** Moia/Filiberto – Approved with a Binding Development Plan limited to 4 units per acre, and requiring all units to be connected to sanitary sewer. The vote was unanimous.

**Board of County Commissioners Action:** Lober/Pritchett – Approved as recommended, with a Binding Development Plan, recorded on March 28, 2019, in ORB 8399, Pages 2660 – 2664, limited to 4 units per acre, and requiring all units to be connected to sanitary sewer. The vote was unanimous.

2. **Happy Landings Homes, Inc.**, (Kevin Lee) requests an amendment to an existing BDP (Binding Development Plan, in an IN(H) (Institutional Use, High-Intensity) zoning classification. The property is 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway. (5925 Old Dixie Highway) (18PZ00088) (District 4)

**Planning and Zoning Board Recommendation:** Filiberto/Bartcher - Denied. The vote was 5:2, with Wadsworth and Langston voting nay.

**Board of County Commissioners Action:** Smith/Lober – Approved amendment to the existing Binding Development Plan as follows: Striking Paragraphs 3(h), “If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom, and centralized cooking/dining facility requirements in Section 62-1826(3) of the Brevard County Code within one (1) year after receiving such approval”; 3(i), “The Developer represents that there is adequate parking currently used and available upon cleared land located within the 5.33-acre property to meet the requirements of Section 62-1826(5) of the Brevard County Code”; 3(j), “With the exception of the compliance required by subparagraphs (d) and (h) above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in Section 62-1826 throughout its utilization of the property”; Retaining all other conditions, and adding conditions of, 1.) The northern driveway shall be the main ingress/egress; 2.) Developer/Owner shall install an 8-foot privacy fence along Old Dixie Highway on the west portion of the property; 3.) The Binding Development Plan shall refer to Developer/Owner; 4.) The County shall install a Stop Sign if required; and 5.), The septic system shall be modified to meet the current standards. The Binding Development Plan will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-

52. Resolution to be completed upon receipt of recorded Binding Development Plan. The vote 4:1, with Tobia voting nay.

3. **Martin Family Trust; Joseph P. Martin and Sarah Martin; Craig A. Sater and Jennifer Martin-Sater** (Jennifer Martin-Sater & Craig Sater) request a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.39 acres, located on the west side of U.S. Highway 1, approximately 600 feet south of Cross Road. (3645 North U.S. Highway 1, Cocoa) (18PZ00117) (District 1)

**Planning and Zoning Board Recommendation:** Moia/Wadsworth – Approved. The vote was unanimous.

**Board of County Commissioners Action:** Pritchett/Lober – Approved as recommended. The vote was unanimous.

4. **Clark A. and Patricia A. Simms** request a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-4 (Multi-Family Residential). The property is 0.93 acres, located on the west side of North Tropical Trail, approximately 685 feet north of Lucas Road. (700 Saint Lawrence Lane, Merritt Island) (18PZ00130) (District 2)

**Planning and Zoning Board Recommendation:** Moia/Wadsworth – Approved with a Binding Development Plan limited to one single-family development, and that there be shared access to North Tropical Trail. The vote was unanimous.

**Board of County Commissioners Action:** Lober/Smith – Tabled to the March 7, 2019, County Commission meeting. The vote was unanimous.

Public Comment