

On motion of Commissioner **Dobson**, seconded by Commissioner **Altman**, the following resolution was adopted by a **unanimous** vote:
 WHEREAS, **MARGARET K. MYERS**

has/have applied for a **change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center**

on property described as follows: Begin at a point 818.412 feet west of the northeast corner of Government Lot 1, Section 2, Township 25 South, Range 36 East, thence south 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Townships 24 and 35 South, Range 36 East, which said point in said township line is 379.59 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning, and containing 2.56 acres, more or less. The center line of the County Ditch as presently located or traced is along the west boundary line of the above described land. Located on the southwest corner of Cone Road and South Courtenay Pkwy.

Section **2**, Township **25** S, Range **36** E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be **approved w/Binding Development Plan (BDP)** and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be **approved w/Binding Development Plan (see below)**, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested **change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center**

be **approved w/Binding Development Plan (see below)**, and that the zoning classification relating to the above described property **be changed to BU-1-A' w/Conditional Use Permit for a Child Care Center subject to a Binding Development recorded May 8, 1990 in ORB 3059, Page 0110** and the Planning and Zoning Director is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of **May 8, 1990**.

BOARD OF COUNTY COMMISSIONERS
 Brevard County, Florida

ATTEST:

by **CAROL SENNE**
 Chairman

R. C. WINSTEAD, JR., Clerk

by **D.C.**

(SEAL)

(Hearing - April 2, 1990)

BCC - APPROVED with Binding Development Plan recorded May 8, 1990 in ORB 3059, Page 0110.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Z-8602
 I-01

AFFIDAVIT RETURNED: _____

PLANNING AND ZONING DEPARTMENT
BREVARD COUNTY, FLORIDA

APPLICATION FOR PUBLIC HEARING BEFORE PLANNING AND ZONING BOARD

This application, together with ALL EXHIBITS, must be completed and filed with this office before advertisement for a public hearing.

Use of zone classification for a particular use is not guaranteed by the applicant. The mere filing of this application and appearance at the public hearing does not assure final approval. The applicant MUST appear or be represented at the public hearing or the application may be tabled. The application will be denied at the second hearing if there is no representation. A ZONING CHANGE DOES NOT AUTOMATICALLY ENTITLE THE OWNER TO A BUILDING PERMIT.

Please PRINT or TYPE the following information: (TO BE COMPLETED BY APPLICANT)

Name of Owner(s): Margaret K. Myers Name of Applicant: Leonard Spielvogel, Esq.
Address: c/o P.O. Box 541366 Address: P.O. Box 541366
City: Merritt Isl State: Florida City: Merritt Isl State: Florida
Zip: 32954-1366 Phone: 407/453-2333 Zip: 32954-1366 Phone: 407/453-2333

The complete legal description of the property covered by this application must be clearly typed and identified on a separate sheet of paper and attached. An error in the legal description will result in the request being delayed until a correct description is provided.

Section: 2 Township: 25 So. Range: 36 E

Total Acreage: Approx. 2.24 Ac. Dimensions of area covered by application: Approx. 385.67' x 304.15'

Location with respect to/or distance from nearest public road(s): Property located at southwest corner of intersection of Cone Road and So. Courtenay Parkway

Present Zoning: AU Zoning requested: BU-1-A

Special or Conditional Use Permit at present: None

Conditional Use Permit requested: CUP for child care

For CUP Temporary Security Trailer, Statement of Need attached. In the event vandalism or other unlawful activities are alleged, written documentation from the Sheriff's Department of such activities (occurring within 6 mos. of application date) shall be provided.

Home Occupation Permit or Interpretation requested: N/A

Use on Review — Attach detailed description: None

Has a zoning request on this property been DENIED or WITHDRAWN in the past six months? YES ☒ NO ☐

Flag Lot: (Survey required) N/A Number of: N/A

The proposal should be discussed with the Planning and Zoning Staff, as it relates to the County Comprehensive Plan. Initials of Staff Member discussing proposed rezoning with applicant: George Edwards / PH

The following items must be provided by the APPLICANT to complete this application for a public hearing and will be verified as complete upon submission to the Planning & Zoning Department:

- ☒ (a) Certified survey. That portion of the map maintained by the Property Appraiser reflecting the boundaries of the subject property may be acceptable in lieu of a survey in certain instances.
- ☒ (b) Location of subject property and all property owners within 500 feet of the subject property indicated on a Property Appraiser's map and keyed to the list required below (see example on reverse).
- ☒ (c) TYPED or PRINTED list of names and complete mailing addresses of property owners within 500 feet of the subject property according to the latest Property Appraiser's Tax Roll.
- ☒ (d) Copy of Warranty Deed including any Deed Restrictions.
- ☒ (e) For CUP Temporary Trailer during construction of a residence, BUILDING PERMIT NO. _____

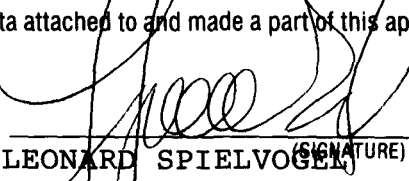
The undersigned understands this application must be completed and accurate before a hearing can be advertised.

STATE OF FLORIDA COUNTY OF BREVARD I, LEONARD SPIELVOGEL
being first duly sworn, depose and say that:

☒ I am the OWNER of the subject property, OR (IF CORPORATION, I AM THE OFFICER OF THE CORPORATION AUTHORIZED TO REQUEST A CHANGE OF ZONING).

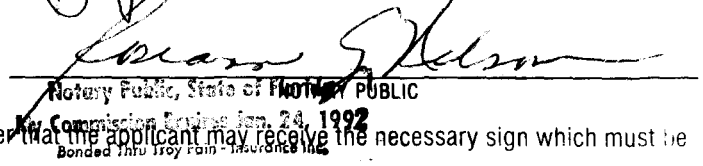
☒ I am the legal representative of the owner of the property described which is the subject of this application. (IF THE PROPERTY IS NOT OWNED BY APPLICANT, EITHER FORM A OR A NOTARIZED LETTER MUST ACCOMPANY THE APPLICATION GIVING WRITTEN CONSENT BY ALL OWNERS OF SUBJECT PROPERTY UNLESS THE APPLICANT IS AN ATTORNEY FOR THE OWNER).

All the answers to the questions in this application, all sketches and data attached to and made a part of this application are true to the best of my knowledge.


LEONARD SPIELVOGEL (SIGNATURE)

Sworn and subscribed to before me this 8th day of February, 19 90.

My Commission Expires:


Notary Public, State of ~~Florida~~ PUBLIC
My Commission Expires Jan. 24, 1992
Bonded thru Troy Rain Insurance Inc.

All applications must be personally submitted to the zoning office in order that the applicant may receive the necessary sign which must be posted on the subject property:

DO NOT MAIL APPLICATION

FOR OFFICE USE ONLY	
Fee of \$ <u>635*</u> in CASH or CHECK drawn to the order of BREVARD COUNTY PLANNING AND ZONING DEPARTMENT.	
Receipt Number: <u>435260</u> # <u>3060</u>	
Form "A" attached (if applicable)	
Date: <u>2-8-90</u>	
Commission District: <u>2</u>	
Zoning Verified: <u>PH</u>	P&Z Meeting Date: <u>April 2, 1990 @ 3:00 PM in Rm #266</u>
Sign Issued: <u>[initials]</u>	BCC Meeting Date: <u>April 23, 1990 @ 3:30 PM in Rm #266</u>

* 2/12 - Additional garage fee check received
ck# 32318, receipt # 435267, 2-10-90
Z-8602
I 02

FILE #Z-8602
ACTION HISTORY

Z-8531 - AU to BU-1; DENIED (Jan., 1990)

I-03

BREVARD *County*
BOARD OF COUNTY COMMISSIONERS



RAYMOND C. WINSTEAD, JR., Clerk to the Board, 700 Park Avenue, Titusville, Florida 32780
BERNADETTE S. TALBERT, Deputy Clerk (407) 269-8141

ZONING

MAY 29 1990

DEPARTMENT

May 24, 1990

M E M O R A N D U M

TO: Eden Bentley, Assistant County Attorney

RE: Binding Development Agreement with Plumosa Properties, Inc.

The Board of County Commissioners, in regular session on April 23, 1990, executed Binding Development Agreement with Plumosa Properties, Inc. for property located in Section 2, Township 25S., Range 36E. Enclosed are two certified copies of the Agreement which was recorded in ORB 3059, PGs 0110 through 0113. Please forward one certified copy to Leonard Spielvogel of Spielvogel and Goldman, P.A., P.O. Box 541366, Merritt Island, Florida 32954 and retain the other for your records.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
R. C. WINSTEAD, JR., CLERK

Bernadette Talbert
Bernadette Talbert, Deputy Clerk

/em

Encls. (2)

cc: *[Signature]* Zoning Director
Development Plan Review Director

Z-8602 *1-04*

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

TOM N. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

R. C. WINSTEAD, JR.
Clerk

4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly to or of the Property.

5. That the Developer and Developer's counsel, Leonard Spielvogel, of the law firm of Spielvogel and Goldman, P.A., Brevard County, Florida, represent to the county that the Property is unencumbered.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Attest:

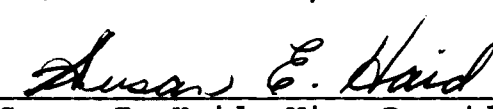

R. C. Winstead, Jr., Clerk

(Seal)

(Corporate Seal)

By 
Carol Ann Senne, Chairman

PLUMOSA PROPERTIES, INC.

By 
Susan E. Haid, Vice President

("Developer")

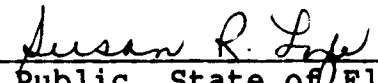
STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 22nd day of April, 1990.

My Commission Expires:


(Seal) Notary Public, State of Florida
My Commission Expires Nov. 6, 1992


Notary Public, State of Florida
at Large

LS:4.24.90
S215-8055

STATE OF FLORIDA :
COUNTY OF BREVARD:

The foregoing instrument was signed and acknowledged before me this 23rd day of April, 1990, by Susan E. Haid, Vice President of PLUMOSA PROPERTIES, INC., a Florida corporation, on behalf of said corporation.

Susan Brown Friend
Notary Public, State of Florida
at Large



Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
COMMISSION EXPIRES AUGUST 30, 1993
BONDED THROUGH AGENT'S NOTARY BROKERAGE

3059
OFF. REC.

0112
PAGE

Begin at a point 818.412 feet west of the northeast corner of Government Lot 1, Section 2, Township 25 South, Range 36 East, thence South 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Township 24 and 25 South, Range 36 East, which said point in said township line is 379.59 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning. (The center line of the County Ditch as presently located or traced is along the west boundary line of the above described land.)

OFF. REC.
3059

PAGE
0113

EXHIBIT "A"

Z-8602
I-08

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT
PLANNING & ZONING/BOARD OF ADJUSTMENT

I, MARGARET K. MYERS authorize Leonard Spielvogel

to act as applicant, representing me before the Planning and Zoning Board/Board of Adjustment
of Brevard County, Florida.

Margaret K. Myers
(Signature)
MARGARET K. MYERS

Sworn and subscribed to before me

this 19th day of October, 19 89.

Cynthia S. Moist
Notary Public
State of Florida, at Large

My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: APRIL 3, 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITER.

PL-23

Z-8602
I-09

DEED

BOOK 348 PAGE 150

DEED

BOOK 550 PAGE 462

This Deed, Made the

28th

day of

April

A. D. 1951, by

Rena M. Bracco, a widow,

of the County of Brevard, State of Florida
hereinafter called the grantor, to

Wilbur L. Myers and his wife, Margaret K. Myers, as tenants by the
entireties, whose post office address is Box 949, Cocoa, Florida,

hereinafter called the grantee.

Witnesseth, That the said grantor, in consideration of
Ten (\$10.00) dollars and other valuable considerations

-Dollars-

the receipt whereof is hereby acknowledged, do ^{es} give, grant, bargain, sell, alien, remise, re-
lease, enfeoff, convey and confirm unto the said grantee and their heirs and assigns
in fee simple, the lands situate in Brevard County, State of Florida, described
as follows:

Begin at a point 813.412 feet west of the northeast corner
of Government Lot 1, Section 2, Township 25 South, Range
36 East, thence south 371.75 feet to the north line of the
land of Waycaster, thence west along the said north line
231.24 feet to a point, thence northwesterly 404.01 feet,
more or less, to a point in the township line between
Townships 24 and 25 South, Range 36 East, which said point
in said township line is 379.59 feet west of the said
point of beginning, thence east along said township line
379.59 feet to the point of beginning, and containing
2.56 acres, more or less.

The center line of the County Ditch as presently located
or traced is along the west boundary line of the above
described land.

(Re-recorded to correct error.)

LEGAL DECISION NO. 28
USED FOR ABSTRACTING
WITH PROPOSED
279 30-2



To Have and to Hold the same together with the hereditaments and appurtenances, unto
the said grantee and their heirs and assigns in fee simple.

And the said grantor, for herself and her heirs and legal
representatives, covenant with said grantee and their heirs, legal representatives and
assigns; That said grantor is indefeasibly seized of said land in fee simple; that
said grantor has full power and lawful right to convey said lands in fee simple, as
aforesaid; that it shall be lawful for said grantees, their heirs, legal representatives
and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land;
that said land is free from all encumbrances; that said grantor, her heirs and legal
representatives, will make such further assurances to perfect the fee simple title to said land in
said grantee and their heirs, legal representatives and assigns, as may reasonably be re-
quired; and that said grantor does hereby fully warrant the title to said land and will
defend the same against the lawful claims of all persons whomsoever.

Witness the hand and seal of said grantor the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

James A. Abridge
[Signature]

Rena M. Bracco
[Signature]
Rena M. Bracco



Z-8602
I-10

State of Florida,

County of

BREVARD

DEED

BOOK 350 PAGE 463

DEED

BOOK 348 PAGE 151

I Hereby Certify, That this day in the next above named State and County before me, an officer duly authorized and acting, personally appeared

Rena M. Bracco, a widow,

to me well known and known to me to be the individual described in and who executed the foregoing deed, and she acknowledged then and there before me that she executed said deed.

And I Further Certify, That the said

XXXX

known to me to be the wife of the said

XXXXXX

on a separate and private examination, taken and made in the above named State and County by and before me, separately and apart from her said husband, did this day acknowledge before me, an officer authorized to take acknowledgments of deeds, that she executed the foregoing deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal at Cocoa this 28th day of

March April

A. D. 19 51.

Notary Public State of Florida
at Cocoa
My commission expires 23rd day of October
A. D. 19 51

Warranty Deed

SHORT FORM WITH RELINQUISHMENT

Rena M. Bracco, a widow

To

Wilbur L. Myers et ux

Date

April 1951

Abstract of Description

2.56 acres, Brevard County, Florida.

State of Florida,
County of

RECORD VERIFIED
MAY 8 1951

On this

days G. M. SIMMONS, CLERK

A. D. 19 at Brevard County, Florida, this instrument was filed for record and duly acknowledged and proved I have recorded the same on pages of Book in the public records of said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Circuit Court of the Judicial Circuit of said State, in and for said County, this 19th day of April 1951.

G. M. SIMMONS, CLERK

Clerk.

57262

NO.

AT 2:50 O'CLOCK P M
BREVARD COUNTY, FLORIDA,

RECORDED IN THE PUBLIC RECORDS OF
IN THE BOOK AND PAGE NOTED ABOVE
G. M. SIMMONS, CLERK CIRCUIT COURT

BY

DEPUTY CLERK

58656

NO.

AT 1:10 O'CLOCK A M
BREVARD COUNTY, FLORIDA,

RECORDED IN THE PUBLIC RECORDS OF
IN THE BOOK AND PAGE NOTED ABOVE
G. M. SIMMONS, CLERK CIRCUIT COURT

BY

DEPUTY CLERK

Z-8602

OFFICE of VITAL STATISTICS
CERTIFIED COPY

891831

CERTIFICATE OF DEATH
FLORIDA

1. DECEASED'S NAME (Print, Middle, Last) WILBUR LEE MYERS		2. SEX Male	
3. DATE OF DEATH (Month, Day, Year) June 28, 1989	4. SOCIAL SECURITY NUMBER 338-09-6951	5a. AGE Last Birthday 87	5b. UNDER 1 YEAR Months Days
6. DATE OF BIRTH (Month, Day, Year) June 29, 1906	7. BIRTHPLACE (City and State or Foreign Country) Boswell, Indiana	8. WAS DECEASED EVER IN U.S. ARMED FORCES? (Yes or No) NO	
9a. PLACE OF DEATH (Check only one and indicate on other entry) Muesthoff Memorial Hospital		9b. ADDRESS CITY LASTED? (Yes or No) yes	
10. FACILITY NAME (If not institution, give street and number) Rockledge		11. CITY, TOWN, OR LOCATION OF DEATH Rockledge	
12. DECEASED'S USUAL OCCUPATION Electrician		13. COUNTY OF DEATH Brevard	
14. DECEASED'S BUSINESS/INDUSTRY Electrical Contracting		15. MARRIAGE STATUS - Married, Never Married, Divorced (Specify) Married	
16. SURVIVING SPOUSE (If wife, give maiden name) Margaret Rose		17. PLACE - American Indian, Black, White, etc. White	
18a. RESIDENCE - STATE Florida	18b. COUNTY Brevard	18c. CITY, TOWN, OR LOCATION Merritt Island	18d. STREET AND NUMBER 55 East Cone Road
19a. DECEASED'S EDUCATION (Specify highest grade completed) Unknown	19b. DECEASED'S EDUCATION (Specify highest grade completed) Unknown		
20. FATHER'S NAME (Print, Middle, Last) William Myers		21. MOTHER'S NAME (Print, Middle, Maiden Surname) Cora Jones	
22. DECEASED'S MARRIAGE (Specify) Margaret Myers		23. MARRIAGE ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 55 East Cone Road Merritt Island, Fla. 32953	
24. METHOD OF DEPOSITION (1) Burial (2) Cremation (3) Removal from State (4) Donation (5) Other (Specify) Atlas Crematory		25. PLACE OF DEPOSITION (Name of cemetery, crematory or other place) Rockledge, Florida	
26. DECEASED'S LICENSE OR PERMIT (Specify) #2159		27. NAME AND ADDRESS OF FACILITY East Coast Cremation Service, 1900 South Harbor City Blvd., #219, Melbourne, Fla.	
28a. On the basis of my knowledge, death occurred at the time, date and place and due to the following cause: 2:45 AM		28b. On the basis of examination and investigation, in my opinion death occurred at the time, date and place and due to the following cause: 2:45 AM	
29. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) Solomon Zimm, M.D.		30. PREVIOUSLY DEAD (Yes or No) NO	
31. NAME AND ADDRESS OF CERTIFIER (Physician, Medical Examiner) (Type or Print) Richard M. Levine, M.D., 225 Cone Road Merritt Island, Florida 32953			
32. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89		33. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89	
34. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
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85. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
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87. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
88. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
89. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
90. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
91. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
92. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
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94. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
95. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
96. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
97. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
98. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			
99. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Oliver H. Boorke 6-5-89			
100. SIGNATURE OF DECEASED'S SIGNATURE AND DATE Wm. L. Delashmet 6-30-89			

3006

JUL 05 1989

TRUST FUND 1.00
REC FEE 5.00
DOC ST. 1.00
BY THIS
SER. CHG. 1.00
REC. NO. 1.00
REC. PAYMENT IS
INDICATED FOR CLASS
C. ARRANGE & DOC
STAMP TACKLE INCLUDING
PENALTY & STAMP
Cus. Check Card

THIS IS A CERTIFIED TRUE AND CORRECT COPY OF THE OFFICIAL RECORD OF THE DEATH OF THE DECEASED

BY: **Oliver H. Boorke, M.D.**
LOCAL REGISTRAR FOR BREVARD COUNTY
WARNING: ANY REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY LAW. DO NOT ACCEPT
COPIES ON SECURITY PAPER WITH COLORED BACKGROUND AND GOLD IMPRINTED GREAT
SEAL OF THE STATE OF FLORIDA. ALTERATION OR CHANGE WOULD THIS CERTIFICATION
BE VOID.

Z-8602

I-12



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION, 2575 North Courtenay Parkway, Merritt Island, FL 32953

(407) 453-9514

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION

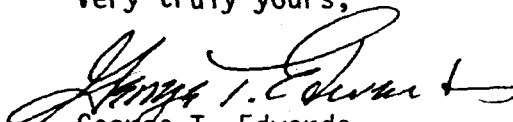
Dear Applicant: Margaret K. Myers, c/o Leonard Spielvogel, Esquire

Your request for a change of zoning classification that was filed with our office will be considered by the Brevard County Planning & Zoning Board (Local Planning Agency) at the Public Hearing scheduled for the first Monday of the month (MONDAY, APRIL 2, 1990), as Item # 10. The meeting will be held at the Central Brevard Service Complex, 2575 North Courtenay Parkway, Merritt Island, Florida, in Meeting Room #260, beginning at 3:00 P.M. or as soon thereafter as possible.

Your request will be heard finally by the Board of County Commissioners at their meeting of MONDAY, APRIL 23, 1990, to be held at the South Brevard Service Complex, 1515 Sarno Road, Melbourne, Florida at 5:30 P.M.

You, as applicant, or your representative, must be present at this (MONDAY, APRIL 2, 1990) public hearing. If your request is postponed until the following month as a result of your request, error, or failure to appear or to be represented, you will be required to pay a reprocessing fee before your request can be readvertised and heard at a subsequent meeting.

Very truly yours,


George T. Edwards
Zoning Director

GTE:ss

Please direct inquiries to: (407) 453-9516

Z-8602
I-13

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

TOM N. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

R. C. WINSTEAD, JR.
Clerk

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION
2575 North Courtenay Parkway
Merritt Island, Florida 32953

59

TO WHOM IT MAY CONCERN:

COURTESY NOTICE

The Brevard County Planning & Development Services Department, Zoning Division, advises you as a property owner within 500 feet, that:

10. MARGARET K. MYERS - (Leonard Spielvogel, Esquire) - requests a change of classification from AU to BU-1-A and a CUP for a Child Care Center on property described in Section 2, Township 25 South, Range 36 East on 2.56+/- acres. Located on the southwest corner of Cone Road and South Courtenay Pkwy.

BDP - Binding Development Plan
BCP - Binding Concept Plan
CUP - Conditional Use Permit
UOR - Use On Review
PDP - Preliminary Development Plan

T/T - Temporary Trailer
BCC - Board of County Commissioners
P&Z - Planning & Zoning Board
BOA - Board of Adjustment

GU - General Use
AU - Agricultural Use
RR-1 - Rural Residential
SEU - Suburban Estate Res.
SR - Suburban Residential
EU - Estate Use Residential
EU-1 - Estate Use Residential
EU-2 - Estate Use Residential
RU-1-13 - Single Family Residential
RU-1-11 - Single Family Residential
RU-1-9 - Single Family Residential
RU-1-7 - Single Family Residential
RA-2-4 - Single/Fam. Attached Res.
RA-2-6 - Single/Fam. Attached Res.
RA-2-8 - Single/Fam. Attached Res.
RA-2-10 - Single/Fam. Attached Res.
RU-2-4 - Low Density Multi/Fam. Res.
RU-2-6 - Low Density Multi/Fam. Res.
RU-2-8 - Low Density Multi/Fam. Res.
RU-2-10 - Med. Density Multi/Fam. Res.
RP - Residential Professional
RU-2-12 - Med. Density Multi/Fam. Res.
RU-2-15 - Med. Density Multi/Fam. Res.
RU-2-30 - High Density Multi/Fam. Res.
RU-2-40 - High Density Multi/Fam. Res.
RU-2-50 - High Density Multi/Fam. Res.

BU-1-A - Restricted Neighborhood Retail Commercial
BU-1 - General Retail Comm.
BU-2 - General Retail, Warehousing & Wholesale Comm.
RVP - Recreational Vehicle Park
RRMH-1 - Rural Res. Mobile Home
TR-1 - Single Family Mobile Home
TR-2 - Single Family Mobile Home
TR-3 - Mobile Home Park
TRC-1 - Single Family Mobile Home Cooperative
PIP - Planned Industrial Park
IU - Light Industrial
IU-1 - Heavy Industrial
TU-1 - General Tourist
TU-2 - Transient Tourist
PUD - Planned Unit Development
EA - Environmental Area
PA - Productive Agriculture
GML - Government Managed Land

You are hereby notified that a public hearing, required by law, will be held at the Central Brevard Service Complex, Room #260, 2575 North Courtenay Parkway, Merritt Island, Florida on MONDAY, APRIL 2, 1990, beginning at 3:00 P.M. The final hearing will be held by the Board of County Commissioners on MONDAY, APRIL 23, 1990, beginning at 5:30 P.M. at the SOUTH BREVARD SERVICE COMPLEX, 1515 Sarno Road, Melbourne, Florida.

Margaret Myers
Done 3/8-75. (59d)

OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM
THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER
AND KEYED TO MAP BY NUMBER

MAP NO.	OWNERSHIP	MAP NO.	OWNERSHIP
1.	MICHAEL H WALDROP 475 NANCIE AVE MERRITT ISL, FL 32952	16.	ETHEL R MC ELWAIN 21 CORRIENTE ST MERRITT ISL, FL 32952
2.	TURNER & MUIR MD PA SUITE 527 1980 N ATLANTIC AVE COCOA BCH, FL 32931	17.	ROBERT A PELHAM ET UX 23 CORRIENTE ST MERRITT ISL, FL 32952
3.	ROBERT PAUL ROSS ET UX-SUSAN DIANE 488 SEA CREST AVE MERRITT ISL, FL 32952	18.	WM P O'BRIEN ET UX 525 S COURTENAY PKWY MERRITT ISL, FL 32952
4.	LIONEL J. ROBERGE ET AL-MARIE J ROBERGE % RALPH O WALLACE ESQ 1520 S ATLANTIC AVE COCOA BCH, FL 32931	19.	KATHI H CAUDILL 535 S COURTENAY PKWY MERRITT ISL, FL 32953
5.	PUAL A BEVILACQUA 487 SEACREST AVE MERRITT ISL, FL 32952	20.	PAUL R FAWCETT ET UX-BIRNA O 545 S COURTENAY PKWY MERRITT ISL, FL 32952
6.	ALICE NATFIELD 485 SEACREST AVE MERRITT ISL, FL 32952	21.	WM B MURPHY ET UX 565 S COURTENAY PKWY MERRITT ISL, FL 32952
7.	EDGAR T KIMSEY ET UX 8 OCEAN ST MERRITT ISL, FL 32952	22.	JAY L ANDERS ET UX 585 ALLEN DR MERRITT ISL, FL 32952
8.	GRACE E BECK ET VIR-FREDERICK R 10 OCEAN ST MERRITT ISL, FL 32952	23.	EDWARD P DAVIS ET UX 575 ALLEN DR MERRITT ISL, FL 32952
9.	HOWARD G QUAYLE JR 12 OCEAN ST MERRITT ISL, FL 32952	24.	MARIE D BROWN 565 ALLEN DR MERRITT ISL, FL 32952
10.	JIMMIE J BRADSHAW ET UX-PATRICIA A 14 OCEAN ST MERRITT ISL, FL 32952	25.	ANTHONY F TOMANIO 555 ALLEN DR MERRITT ISL, FL 32952
11.	CLINTON W BRANCH 16 OCEAN ST MERRITT ISL, FL 32952	26.	MILDRED S HEAD 545 ALLEN DR MERRITT ISL, FL 32952
12.	ORESTES GONZALEZ ET UX 13 OCEAN ST MERRITT ISL, FL 32952	27.	KUNIKO DE FREES 535 ALLEN DR MERRITT ISL, FL 32952
13.	L E BECKER ET UX 15 CORRIENTE ST MERRITT ISL, FL 32952	28.	CONNIE E LABODA 525 ALLEN DR MERRITT ISL, FL 32952
14.	LOUIS B WOODING ET UX-VIRGINIA 17 CORRIENTE ST MERRITT ISL, FL 32952	29.	VERNON E WHITTEN JR ET UX 520 HAMILTON CIRCLE MERRITT ISL, FL 32952
15.	LEO E HANCOCK JR ET UX 19 CORRIENTE ST MERRITT ISL, FL 32952	30.	REDEEMER EVANGELICAL LUTHERN CHURCH 560 S TROPICAL TRAIL MERRITT ISL, FL 32952
		31.	GENEVIEVE MILLIKEN P O BOX 245 MERRITT ISL, FL 32952-0245

Z-8602
I-15

OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER AND KEYED TO MAP BY NUMBER

<u>MAP NO.</u>	<u>OWNERSHIP</u>	<u>MAP NO.</u>	<u>OWNERSHIP</u>
32.	GLENN W JENKINS ET UX-LOIS M 150 W CONE RD MERRITT ISL, FL 32952	46.	BILL M HARRISON ET UX-DOROTHY H 70 N TROPICAL WAY MERRITT ISL, FL 32953
33.	JOHN J MUSCARELLO ET UX-EMILY 140 CONE RD MERRITT ISL, FL 32952	47.	R H NICHOLSON 75 N TROPICAL WAY MERRITT ISL, FL 32953
34.	STEVE S LO ET UX-PAULA T 130 CONE RD MERRITT ISL, FL 32952	48.	S MARTHA FARRISH 85 N TROPICAL WAY MERRITT ISL, FL 32953
35.	MERRITT ISLAND PRESBYTERIAN CHURCH INC 25 W CONE ROAD MERRITT ISL, FL 32952	49.	GEORGE ROBINSON ET UX-JACQUELINE 80 N TROPICAL WAY MERRITT ISL, FL 32953
36.	CHARLES L BENJAMIN & ALICE B H/W 660 S TROPICAL TR MERRITT ISL, FL 32952	50.	RAYMOND D KIRKLIN ET UX-MARTHA LEE 90 TROPICAL WAY N MERRITT ISL, FL 32953
37.	DAVID S NISBET 675 S TROPICAL TR MERRITT ISL, FL 32952	51.	WALTER S WOLF ET UX-FRANCES A 100 N TROPICAL WAY MERRITT ISL, FL 32952
38.	CAROL J LEE ET AL-GRACE E VAUGHAN 21 LAURA LANE MERRITT ISL, FL 32953	52.	EMILY C DRINSON % WAREHOUSING OF BREVARD INC P O BOX 1861 MERRITT ISL, FL 32952-1861
39.	JAME R MCCARTHY ET UX-CAROL 730 SARA JANE LANE MERRITT ISL, FL 32952	53.	EMILY C BRINSON % WAREHOUSE OF BREVARD P O BOX 1861 MERRITT ISL, FL 32952-1861
40.	SANDRA E HENRY, ET VIR 736 SARA JANE LANE MERRITT ISL, FL 32952	54.	GARY L GOODWIN 4385 CROOKED MILE RD MERRITT ISL, FL 32952
41.	JAMES T HUDSON ET UX-CHERYL M 742 SARA JANE LANE MERRITT ISL, FL 32952	55.	RANGEL LOPEZ ET UX 705 ORCHID LANE MERRITT ISL, FL 32952
42.	KENNETH SWAIN ET AL- S.R. MCNAIR ETC 748 SARA JANE LANE MERRITT ISL, FL 32952	56.	WORD OF LIFE CHRISTIAN CHURCH INC 700 S COURTENAY PKWY MERRITT ISL, FL 32952
43.	FRANCIS VANTINE ET UX 754 SARA JANE LANE MERRITT ISL, FL 32952	57.	MICHAEL G GAICH TR 190 S SYKES CRK PKWY MERRITT ISL, FL 32952
44.	JAMES G CONNOLLY ET UX 435 ISLAND DRIVE MERRITT ISL, FL 32953	58.	RICHARD M LEVINE ET AL-S ZIMM ETC 850 CENTURY MEDICAL DR TITUSVILLE, FL 32796
45.	MICHAEL E WETHMORE ET UX-KIM S 60 N TROPICAL WAY MERRITT ISL, FL 32952		

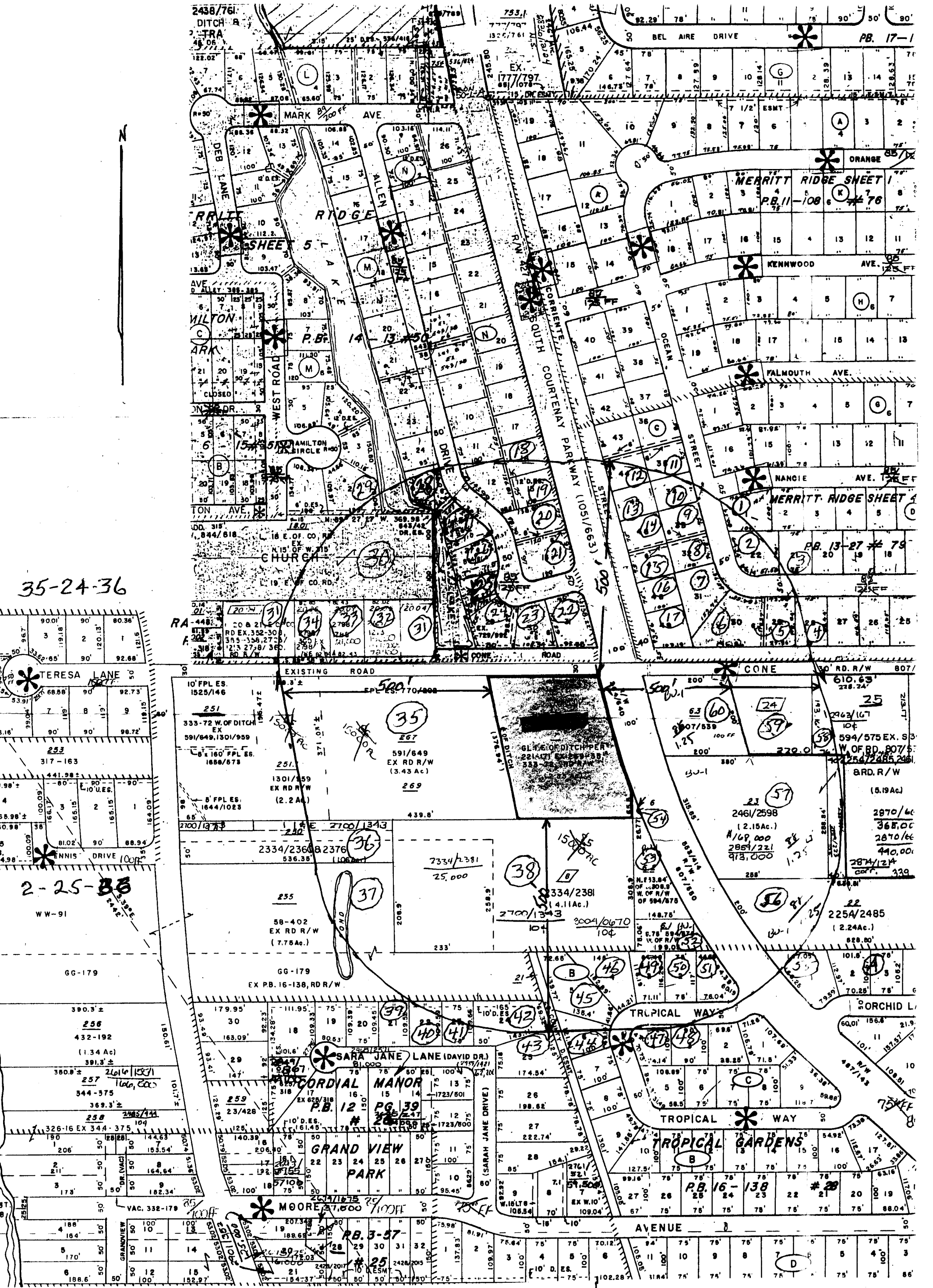
Z-8602

OWNERSHIPS OF PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY AS TAKEN FROM
THE LATEST TAX ROLL AVAILABLE IN THE OFFICE OF THE BREVARD COUNTY PROPERTY APPRAISER
AND KEYED TO MAP BY NUMBER

<u>MAP NO.</u>	<u>OWNERSHIP</u>
59.	INDIAN RIVER INV CORP 605 S PALM AVE TITUSVILLE, FL 32796
60.	EMILY C BRINSON C/O SHELL OIL CO P O BOX 2099 HOUSTON, TX 77001

Z-8602

I-17



Z-8602

Owner's Name:

Hearing Date:

4-2-90 in Mel. Rm #260
@ 3:00PM; and 4-23-90 in Mel. Rm #260
5:30PM

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, the undersigned authority, personally appeared,
MICHAEL G. SAVELL, to me well known and known to me to be the
person described in and who executed the foregoing affidavit, after
being first duly sworn, says:

1. That pursuant to Section 31 of Appendix C - Zoning, of the
Brevard County Code, the affiant has posted a notice of the time and
place of the public hearing before the Brevard County Planning and
Zoning Board to consider an amendment to the official zoning maps.

2. Said posted notice contains the name of the applicant, the
total acreage of the property in question, the existing land use
classification, special use classification or conditional use
designation, and the requested amendment to the official zoning maps.
Said notice also contains the time and place of the public hearing on
the consideration of said application by the Board of County
Commissioners of Brevard County.

3. The said notice has been posted in a conspicuous place on the
subject property at least fifteen (15) days prior to the public hearing
before the Brevard County Planning & Zoning Board. If the property
abuts a public road right-of-way, the notice has been posted in such a
manner so as to be visible from the road right-of-way.

4. This affidavit has been signed by the affiant and to the best
of affiant's knowledge will be received by the Planning and Zoning
Department of Brevard County, Florida, at the public hearing before
the Planning and Zoning Board.

Sworn to and Subscribed before me, this 15th day of March, 1990.

[Signature]
Notary Public, State of Florida

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION ENDS APR 26, 1990
GOWD THOMSON INC. 280.

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

Record and Return To:
LEONARD SPIELVOGEL
Spielvogel and Goldman, P.A.
P. O. BOX 541366
Merritt Island, Florida 32954

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is made and entered into this ____ day of April, 1990, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("County"), and MICAH G. SAVELL ("Developer"):

W I T N E S S E T H :

WHEREAS, Developer owns real estate ("Property") on Merritt Island, Brevard County, Florida, said Property being more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference; and

WHEREAS, as part of its plan for development of the Property, Developer 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. That the foregoing recitals are true and are incorporated herein by reference.

2. That the Developer, having been granted BU-1-A classification for restricted neighborhood retail commercial zoning, will not construct or permit the construction of a convenience market on the Property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the Property.

3. That Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement among the Public Records of the County.

4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto

and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly to or of the Property.

5. That the Developer and Developer's counsel, Leonard Spielvogel, of the law firm of Spielvogel and Goldman, P.A., Brevard County, Florida, represents to the county that the Property is unencumbered.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By _____
Carol Ann Senne, Chairman

ATTEST:

R. C. Winstead, Jr., Clerk

(Seal)

Witness

MICAH G. SAVELL

("Developer")

Witness

STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1990.

Notary Public, State of Florida
at Large

My Commission Expires:

(Seal)

LS:4.3.90
S215-8055

Z-8602

STATE OF FLORIDA :
COUNTY OF BREVARD:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICAH G. SAVELL to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1990.

Notary Public, State of Florida
at Large

My Commission Expires:

(Seal)

THIS DEED, Made the

28th

day of

April
March

A. D. 1951, by

Rena M. Bracco, a widow,

of the County of Brevard, State of Florida
hereinafter called the grantor, to

Wilbur L. Myers and his wife, Margaret K. Myers, as tenants by the
entireties, whose post office address is Box 949, Cocoa, Florida,

hereinafter called the grantee &

Witnesseth, That the said grantor, in consideration of
Ten (\$10.00) dollars and other valuable considerations

Dollars.

the receipt whereof is hereby acknowledged, do ~~cs~~ give, grant, bargain, sell, alien, remise, re-
lease, enfeoff, convey and confirm unto the said grantee & and their heirs and assigns
in fee simple, the lands situate in Brevard County, State of Florida, described
as follows:

Begin at a point 813.412 feet west of the northeast corner
of Government Lot 1, Section 2, Township 25 South, Range
36 East, thence south 371.75 feet to the north line of the
land of Waycaster, thence west along the said north line
231.24 feet to a point, thence northwesterly 404.01 feet,
more or less, to a point in the township line between
Townships 24 and 25 South, Range 36 East, which said point
in said township line is 379.59 feet west of the said
point of beginning, thence east along said township line
379.59 feet to the point of beginning, and containing
2.56 acres, more or less.

The center line of the County Ditch as presently located
or traced is along the west boundary line of the above
described land.

(Re-recorded to correct error.)

To Have and to Hold the same together with the hereditaments and appurtenances, unto
the said grantee & and their heirs and assigns in fee simple.

And the said grantor, for herself and her heirs and legal
representatives, covenant & with said grantee & their heirs, legal representatives and
assigns; That said grantor is indefeasibly seized of said land in fee simple; that
said grantor has full power and lawful right to convey said lands in fee simple, as
aforesaid; that it shall be lawful for said grantees, their heirs, legal representatives
and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land;
that said land is free from all encumbrances; that said grantor, her heirs and legal
representatives, will make such further assurances to perfect the fee simple title to said land in
said grantee & their heirs, legal representatives and assigns, as may reasonably be re-
quired; and that said grantor does hereby fully warrant the title to said land and will
defend the same against the lawful claims of all persons whomsoever.

Witness the hand and seal of said grantor the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Janice A. Bridge
[Signature]

Rena M. Bracco
Rena M. Bracco

Z-8602

EXHIBIT "A"

I-23

RAMCO FORM 0

POC _____
TRUST FUND \$ 100
REG FEE \$ 5.88
DOC ST. \$ 12.63
INT TAX \$ _____
SER. CHG. \$ _____
REFUND \$ _____

Clerk of Court
Brevard Co., Florida

- SPACE ABOVE THIS LINE FOR RECORDING DATA

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Begin at a point 818.412 feet west of the northeast corner of Government Lot 1, Section 2, Township 25 South, Range 36 East, thence south 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Townships 24 and 25 South, Range 36 East, which said point in said township line is 379.59 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning, and containing 2.56 acres, more or less. [The center line of the County Ditch as presently located or traced is along the west boundary line of the above*
SUBJECT TO taxes and assessments for the year 1990 and subsequent years, zoning restrictions and prohibitions imposed by governmental*]

To Have and to Hold, *the same in fee simple forever.*

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 89

*authority, easements and restrictions of record; however, this statement shall not be taken to reimpose any restrictions no longer in effect.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year above written.

~~Signed, sealed and delivered~~ in our presence:

I HEREBY CERTIFY that on this day, before me, an aforesaid, to take acknowledgments, personally appeared OF WILBUR L. MYERS, deceased

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of I-24
1 A. D. 1990.

April A. D. 19 90.

Z-8602

ZONING
APR 10 1990
DEPARTMENT

April 3, 1990

Ms. Marie Venice
513 Seacrest Avenue
Merritt Island, Florida 32952

Re: Rezoning of parcel at Cone Road and South Courtenay Parkway
Our File No. S215-8055

Ms. Venice:

Pursuant to our conversation this past Monday, please find enclosed herewith a copy of the Binding Development Plan document which I gave to the Planning and Zoning Board and to Ms. Eden Bentley, Assistant County Attorney.

I would point out to you that the owner of the property is shown as Micah G. Savell, rather than Mrs. Myers, since we anticipate closing on the purchase of the property prior to the meeting of the Brevard County Board of County Commissioners on April 23, 1990, and, at the time of that meeting, title will be vested in Mr. Savell.

SPIELVOGEL AND GOLDMAN, P.A.

Leonard Spielvogel
By _____
Leonard Spielvogel

LS:dh
Enclosure

cc: Micah G. Savell
Merritt Island Presbyterian Church
Attn.: Dr. Sheppard D. Lawrence, Pastor
(Both with enclosures)

Z-8602

I-25

BREVARD *County*
BOARD OF COUNTY COMMISSIONERS



RAYMOND C. WINSTEAD, JR., Clerk to the Board, 700 Park Avenue, Titusville, Florida 32780
BERNADETTE S. TALBERT, Deputy Clerk (407) 269-8141

February 8, 1990

M E M O R A N D U M

TO: George Edwards, Zoning Director

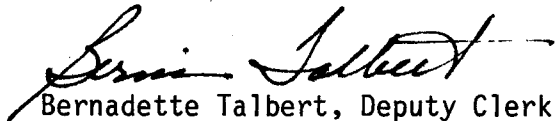
RE: Waiver of Time for Reapplication for Micah Savell

The Board of County Commissioners, in regular session on February 6, 1990, waived time for reapplication for Micah Savell of a less intense zoning regarding property located on the southwest corner of Cone Road and South Courtenay Parkway.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
R. C. WINSTEAD, JR., CLERK


Bernadette Talbert, Deputy Clerk

/tb

cc: Comm. Dobson
Sandy - Zoning

Z-8602
I-26

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

SUE SCHMITT
District 4

THAD ALTMAN
District 5

TOM N. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

R. C. WINSTEAD, JR.
Clerk

District: 2 Item No.: 10

Meeting Dates: P/Z 4/2/90 BCC 4/23/90

Review Completion Date: 3/1/90

Complete Review Necessary: Yes X No

REZONING REVIEW WORKSHEET

I. DEVELOPMENT PROPOSAL INFORMATION

A. OWNER'S NAME AND LEGAL DESCRIPTION:

1. Name: MARGARET K. MYERS
2. Commission District # 2
3. Legal Description: Begin at a point 818.412 feet west of the north-east corner of Government Log 1, Section 2, Township 25 South, Range 36 East, thence south 371.75 feet to the north line of the land of Waycaster, thence west along the said north line 231.24 feet to a point, thence northwesterly 404.01 feet, more or less, to a point in the township line between Townships 24 and 25 South, Range 36 East, which said point in said township line is 379.50 feet west of the said point of beginning, thence east along said township line 379.59 feet to the point of beginning, and containing 2.56 acres, more or less.

B. PROPOSAL: From AU
To BU-1-A
And/or CUP - Child Care Center

C. DEVELOPMENT POTENTIAL:

1. Site Acreage: 2.56 +/-
2. Current Zoning Potential: 1 DU
3. Proposal's Potential: 22302 sq. ft.
4. Proposal's Density: N/A

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN

A. FUTURE LAND USE AND SERVICE SECTOR EVALUATION

1. Future Land Use Designation: MIXED-USE, RESIDENTIAL
2. Service Sector Designation: URBAN
3. Is the zoning proposal consistent with the Future Land Use and Service Sector Maps? Yes X No

If no, describe alternatives that may be considered:

B. LAND USE COMPATIBILITY:

Identify the degree of compatibility between the development proposal's land use and the existing contiguous land uses and zoning using the compatibility ratings (probable compatibility, possible incompatibility, strongly incompatible) of Figure I of the Future Land Use element:

EXISTING LAND USES AND ZONING ADJACENT TO THE PROPOSAL

	<u>Land Use</u>	<u>Zoning*</u>	<u>Compatibility</u>
East	commercial	BV-1	probable compatibility
West	single family	AV	possible incompatibility
North	single family	RV-1-11	possible incompatibility
South	vacant	RV-1-9	possible incompatibility

Neighborhood Character: TRANS/NORMAL residential/commercial

Existing Zoning History: DWZ 8531 (SUB) - AU → BO-1 (1/22/90)
5769 (SUP) (S)

*If within a municipality, define the zoning classification: _____

Comments for Special Evaluation: SECTION 25 b (41) - BLDG. MUST MEET REQUIREMENTS OF ORD. NO 72-10. CHECK L.O.S. ON FORD INTERS.

C. COMMERCIAL LAND USES:

1. The commercial development is (Neighborhood ☒)
(Community ☐) (Regional ☐) (Non-retail ☐)
(Professional office ☐) (Transient ☐)
(Tourist ☐) (Recreational vehicle park ☐)
2. Does the proposal meet the locational criteria for
roadways and intersections? Yes ☒ No ☐ N/A ☐
3. If no, can the proposal be considered for further strip
commercial land uses under Policy 4.8 of the Future Land
Use element? Yes ☐ No ☐ N/A ☒
4. If neighborhood, community or regional, does the proposal
exceed the maximum site size standards of FLUE Policies
4.3, 4.4 and 4.5? Yes ☒ No ☐ N/A ☐
5. If neighborhood or community, does the distance to the
nearest commercial complex meet the minimum distance
standards of FLUE Policies 4.3 and 4.4?
Yes ☐ No ☐ N/A ☐
6. If professional office, does the proposal meet the
criteria of FLUE Policy 4.6? Yes ☐ No ☐ N/A ☒
7. If non-retail, does the proposal meet the criteria of
FLUE Policy 4.7? Yes ☐ No ☐ N/A ☒
8. If transient, does the proposal meet the criteria of
FLUE Policy 4.9? Yes ☐ No ☐ N/A ☒
9. If tourist, does the proposal meet the criteria of
FLUE Policy 4.10? Yes ☐ No ☐ N/A ☒
10. If recreational vehicle park, does the proposal meet the
criteria of FLUE Policy 4.11? Yes ☐ No ☐ N/A ☒

SE 1/4 S35 T24

R34

(NOT DU-PA "CLUSTER")

D. ENVIRONMENTAL FACTORS

1. Is the development proposal consistent with the development parameters of:

	Yes	No	N/A	% of Parcel
10-Year Floodplain			✓	
10 to 25-Year Floodplain			✓	
25 to 100-Year Floodplain			✓	
Wetlands			✓	
Prime Aquifer Recharge Areas			✓	
Class I Aquifer Recharge Areas			✓	

2. Environmental Comments: _____

III. PRELIMINARY CONCURRENCY ASSESSMENT

A concurrency evaluation test is required prior to the approval of rezoning requests. This test assesses the capabilities of the public facilities and services to accommodate the impacts of new development within the acceptable levels of service adopted in the Comprehensive Plan. The public facilities and services assessed are roadways, potable water, sanitary sewer, solid waste, drainage and parks. The preliminary assessment for zoning proposals is intended to provide the applicant, P & Z Board and Board of County Commissioners information as to whether the potential of the zoning action might cause a deficiency. An additional concurrency evaluation is required prior to site plan, subdivision plat, or building permit approval.

A. TRANSPORTATION FACILITIES:

1. Primary Access Street Characteristics:

- (a) Name: S. Carberry (6149); Classification: intrurban collector
- (b) Current Peak Hour Traffic (PHT): 9649
- (c) Current V/C and LOS: .804 - D
- (d) Acceptable or Transitional Level of Service: E
- (e) Scheduled in the CIP (County Rd) or TIP (State Rd)?:
Yes _____ No ✓ Date: _____
- (f) Site's Proposed Zoning PHT: insufficient information*
- (g) V/C and LOS with development: _____

2. Explain the impact on the roadway network: insufficient information
(using the square footage estimated would generate the equivalent of
a 1500 student elementary school, which is not a highly accurate
reflection of the proposal)

B. POTABLE WATER:

1. Is the proposal within a service area?: Yes ☒ No ☐

2. If no, identify the alternatives: _____

3. If yes to #1 above, identify the water supplier: _____

City of Cocoa

4. Design Capacity of Plant: 41.5 mgd

5. Available Capacity of Plant: 7.7 mgd

6. Acceptable Level of Service: 2230 gal/day

7. Proposed Zoning GPD: 2230 gal/day

C. SANITARY SEWER:

1. Is the proposal within a service area?: Yes ☒ No ☐

2. If no, identify the alternatives: _____

3. If yes to #1 above, identify the plant to provide service: _____

Sykes Creek

4. Design Capacity of Plant: 6.0 mgd

5. Available Capacity of Plant: 3.5 mgd

6. Acceptable Level of Service: 2230 gal/day

7. Proposed Zoning GPD: 2230 gal/day

D. SOLID WASTE

1. Identify the solid waste facility to be used: Coca
2. Available facility capacity: 5,514 (52.37%)
3. Acceptable level of service for disposal: _____
4. Potential volume to be generated: _____

E. PARKS AND RECREATION (Use in review of residential proposals):

1. Potential population of proposal: np
(may be distributed by project phase)
2. Recreation planning area: _____
3. Existing level of service in the appropriate planning area:

4. Level of Service based on proposal's potential: _____

F. FACILITY AND SERVICE AVAILABILITY:

Using the information generated in Items A through E of Section III, will the proposal be served by the following public facilities and services within the acceptable levels of service adopted in the Comprehensive Plan?

	Yes	No
Transportation	_____	_____
Potable Water	<u>✓</u>	_____
Sanitary Sewer	<u>✓</u>	_____
Solid Waste	_____	_____
Parks and Recreation	<u>np</u>	_____

G. CONCURRENCY EVALUATION RESULTS: _____

IV. STAFF REVIEW COMMENTS:

DISTRICT 2

10. MARGARET K. MYERS - (Leonard Spielvogel, Esquire) - requests a change of classification from AU to BU-1-A and a Conditional Use Permit for a Child Care Center on property described in Section 2, Township 25 South, Range 36 East on 2.56+/- acres.

Surrounding Zoning: BU-1, AU, RU-1-11 & RU-1-9.

Consistency w/Comprehensive Plan: The Future Land Use Designation is Mixed-Use & Residential and the maximum density permitted is thirty (30) units per acre.

Compatibility: There are possible incompatibilities with the residential areas abutting the property.

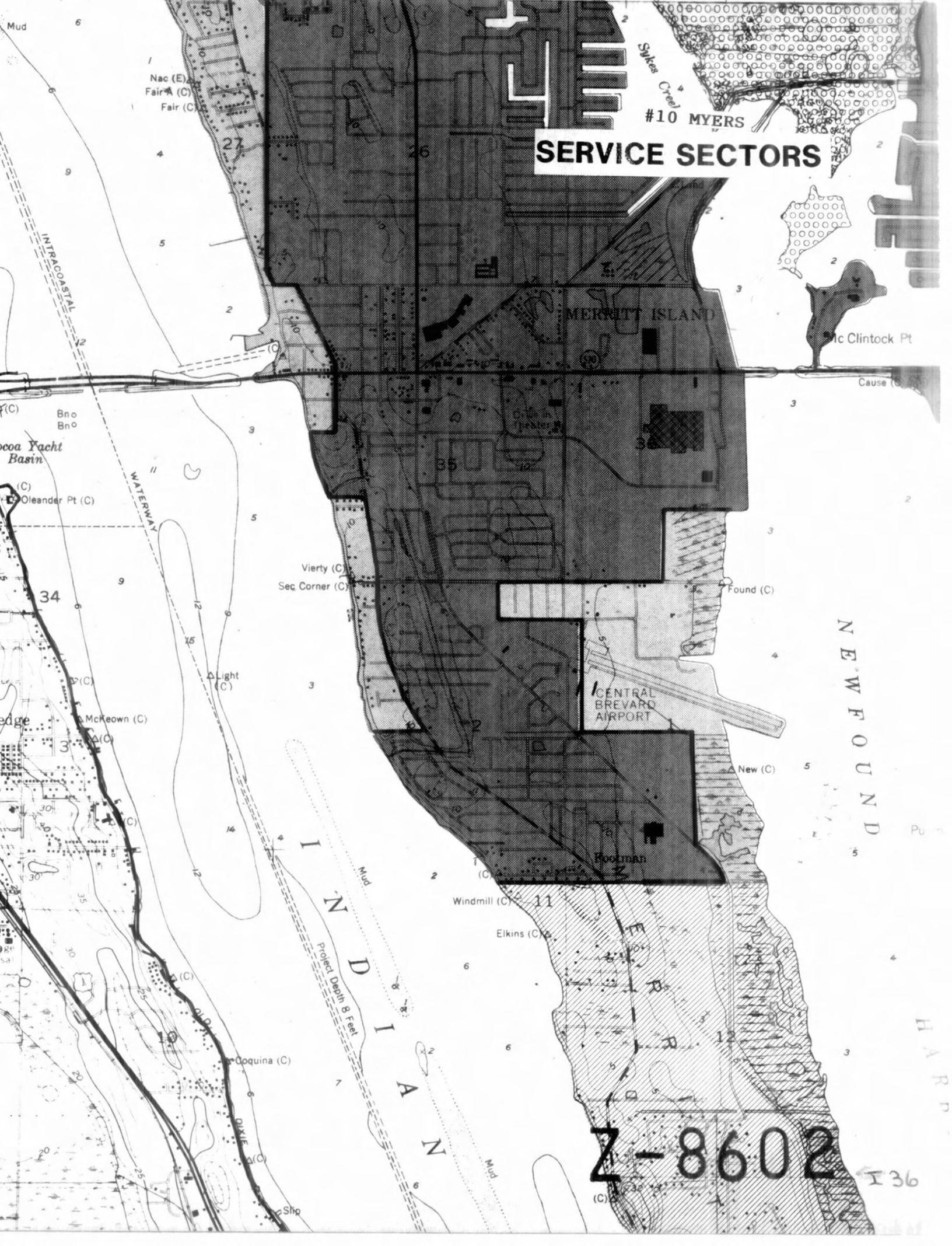
Environmental Impacts: This is a heavily wooded area. Further restrictions to development would be imposed during site planning.

Other Comments: In January, 1990, the applicant had requested BU-1 on this site and was denied. There are still concerns regarding safety at the intersection for school crossing. The Conditional Use Permit request meets the conditions enumerated in Section 25 (b) (41).

Recommendation: These requests may be considered for approval.

Z-8602 I-34

Z-18602



SERVICE SECTORS

#10 MYERS

MERRITT ISLAND

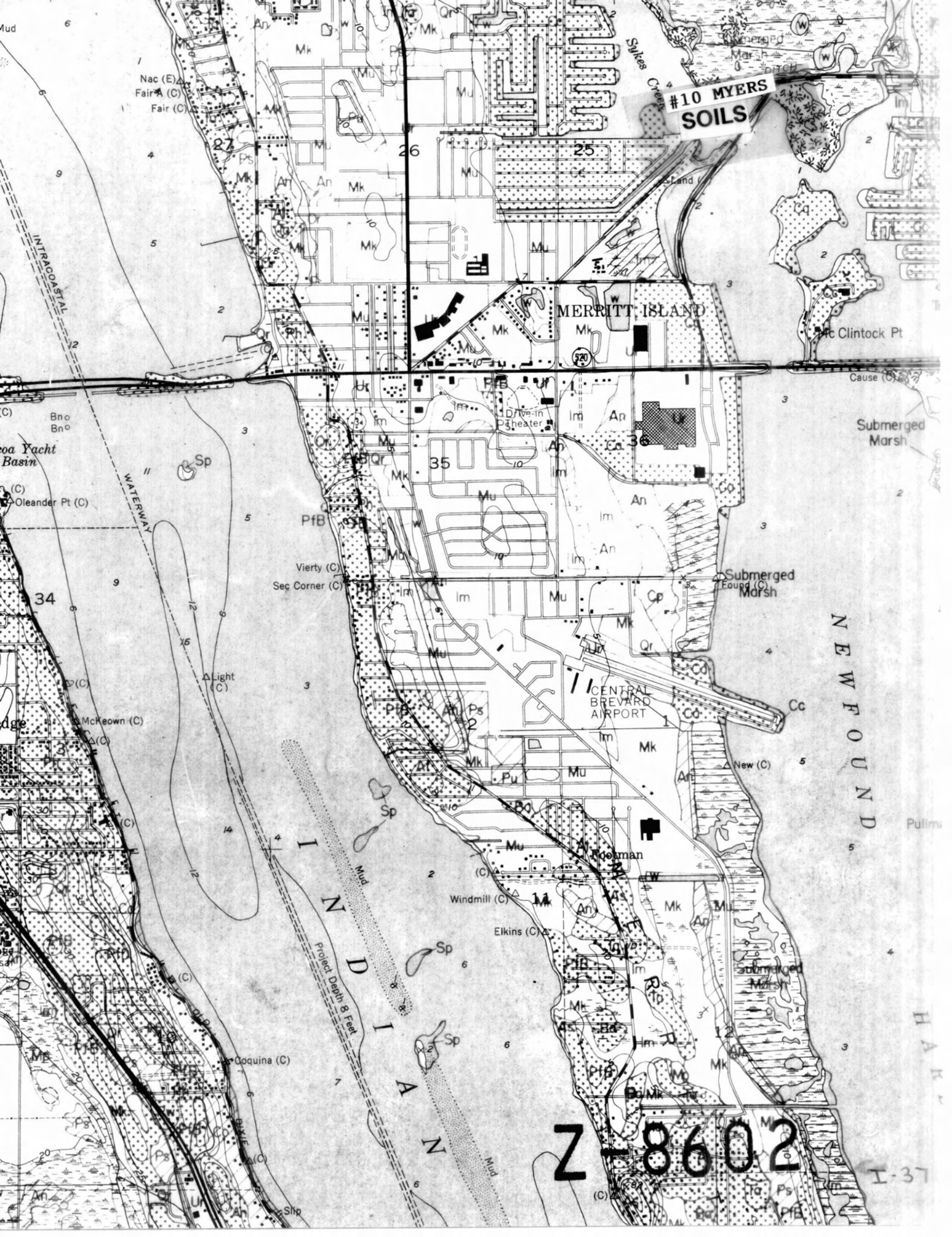
CENTRAL
BREVARD
AIRPORT

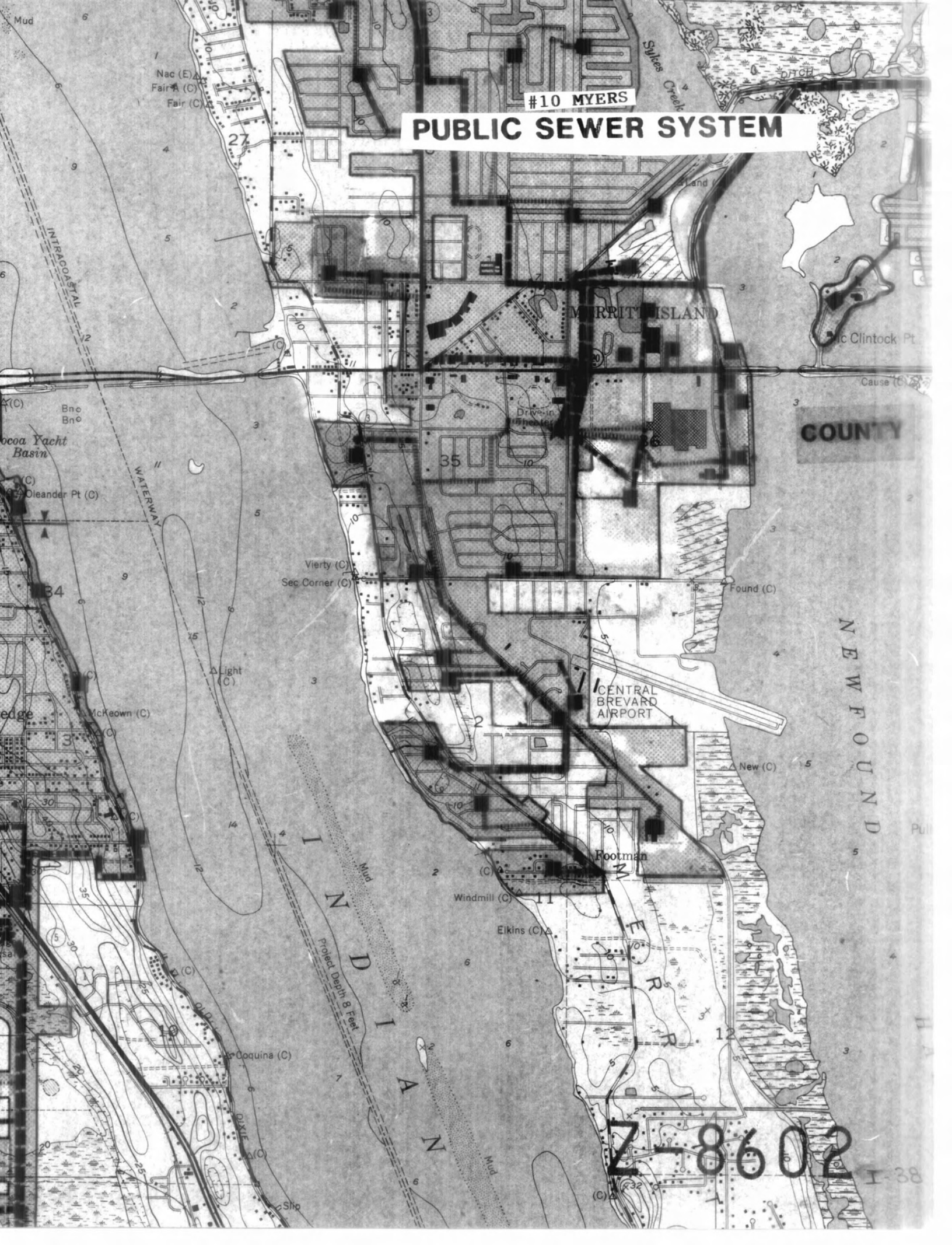
FOOTMAN

NEW FOUND

Z-8602

I 36





#10 MYERS

PUBLIC SEWER SYSTEM

COUNTY

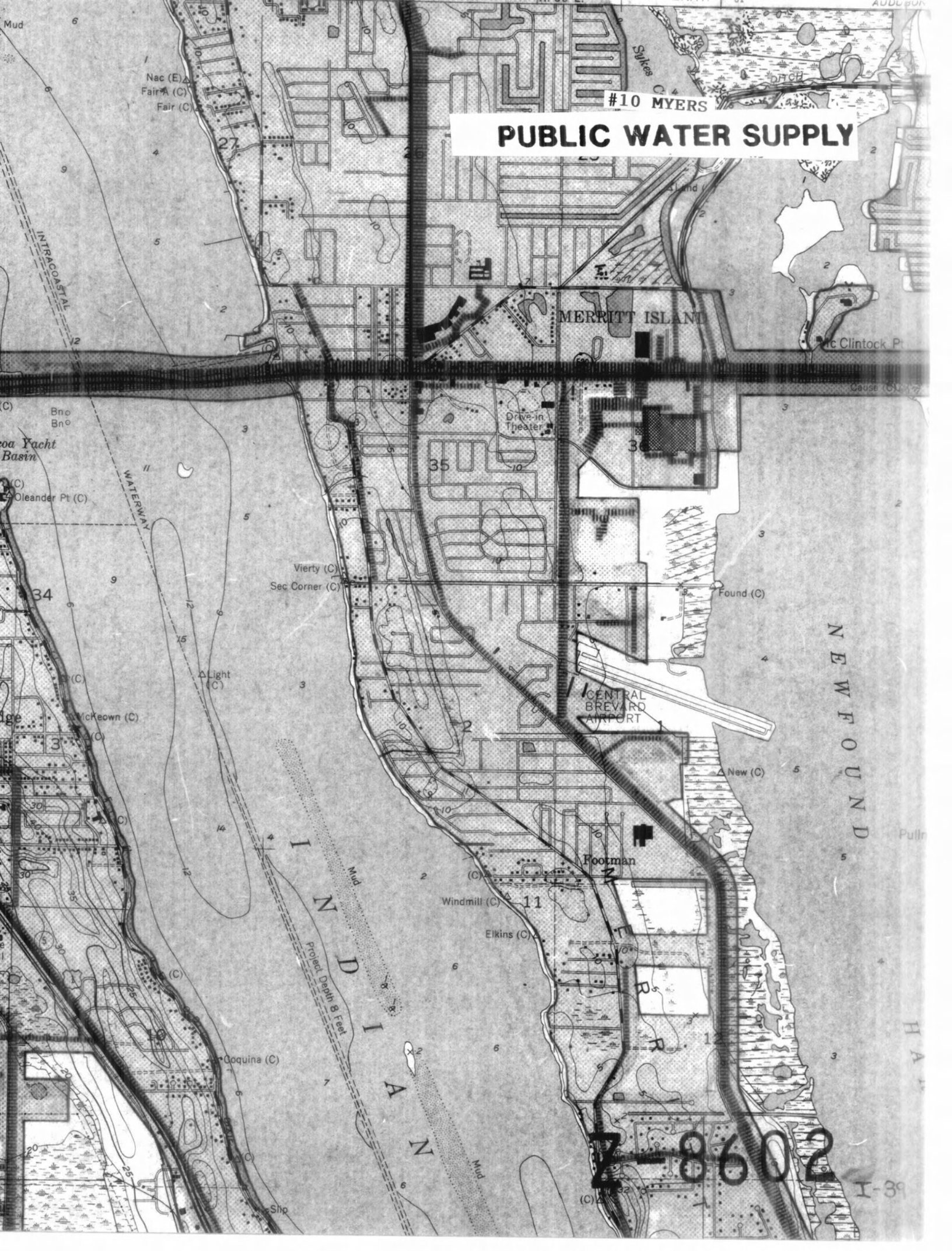
CENTRAL
BREVARD
AIRPORT

Footman

NEW
FOUND
D

Z-8602

I-38

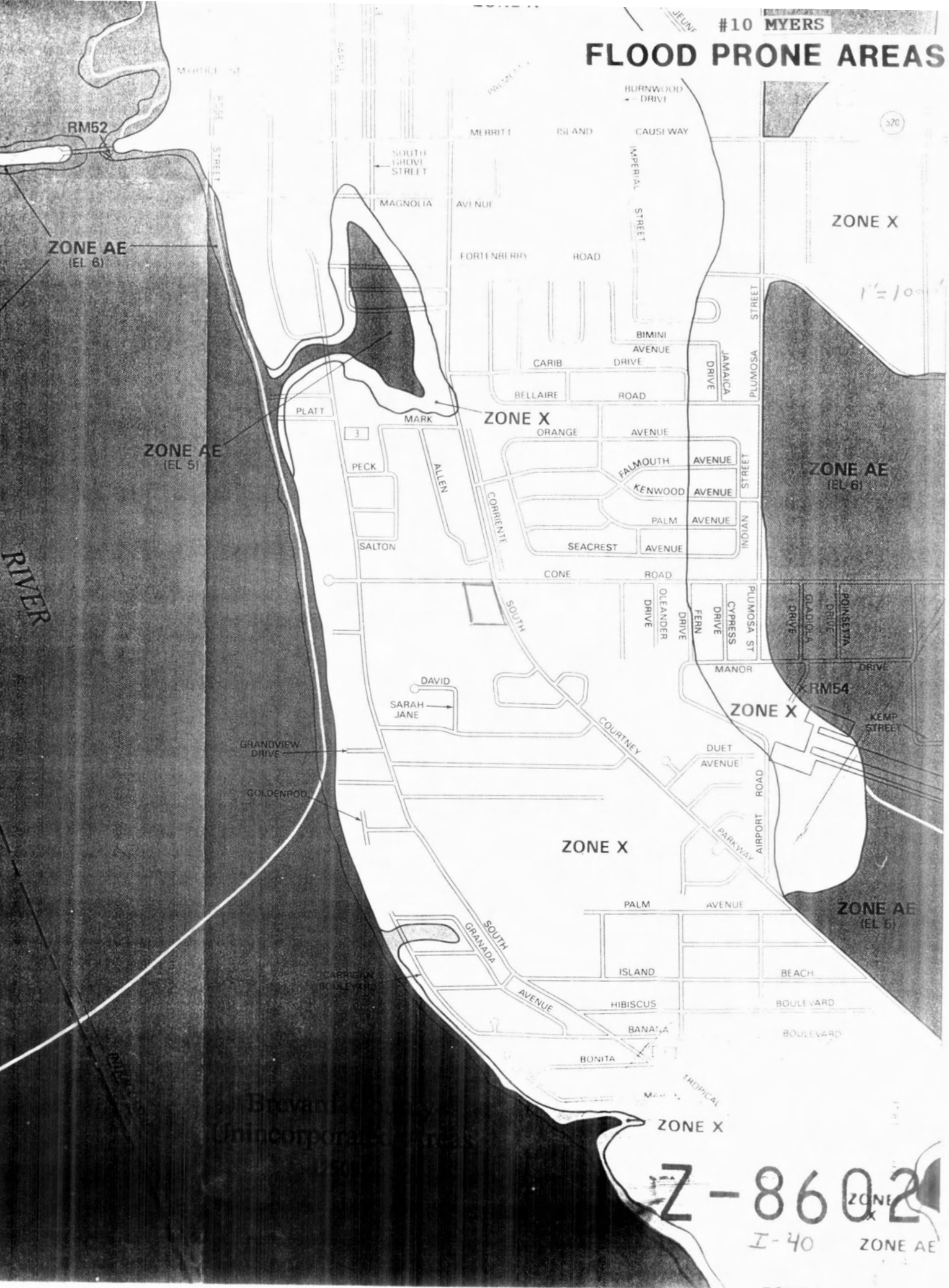


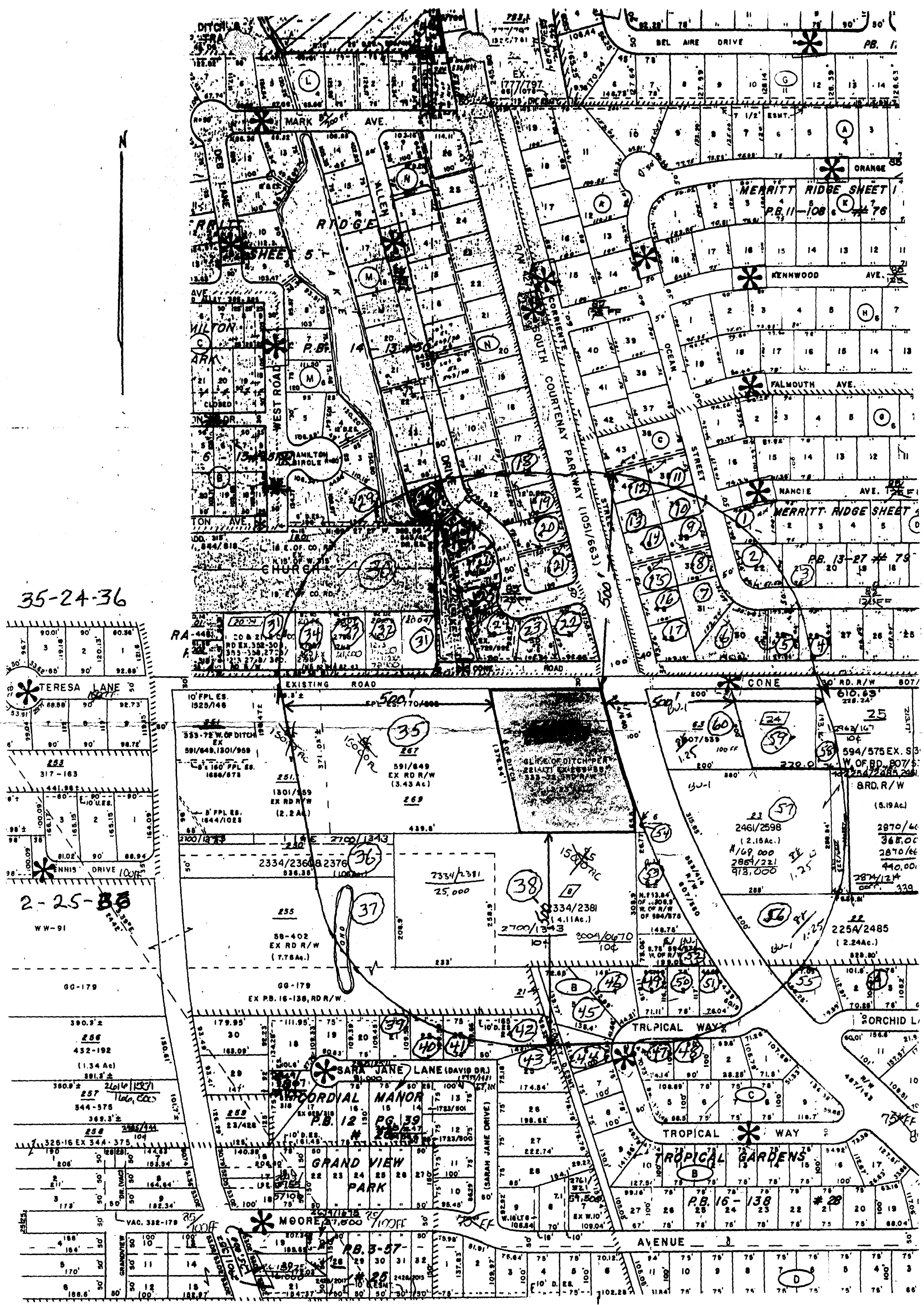
#10 MYERS

PUBLIC WATER SUPPLY

2-8602

I-39





Z-8602
I-L

BREVARD *County*
BOARD OF COUNTY COMMISSIONERS



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION, 2575 N. Courtenay Parkway, Merritt Island, FL 32953

(407) 453-9516

September 28, 1990

Mr. Leonard Spielvogel, Esq.
101 S. Courtenay Pkwy.
Merritt Island, FL 32952

RE: Property located at the SW Corner of Cone Road and
Courtenay Parkway, Merritt Island, Florida
TWP-35 RNG-36 SEC-2

Dear Mr. Spielvogel:

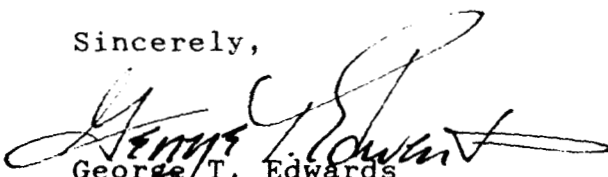
The subject property specifically parcel 7 and 8 of the referenced property.

A single access, under joint ownership, may be utilized for access to parcel 8 from Courtenay Parkway as long as the site plan submitted includes both parcels.


The submitted site plan need not be detailed on the entire property but may reflect a portion thereof as "Future Development".

If I can be of further assistance please do not hesitate to contact me.

Sincerely,


George T. Edwards
Zoning Division Director

GTE/tlj

cc: 
Z-8656

TRUMAN SCARBOROUGH, JR.
District 1

ROGER W. DOBSON
District 2

CAROL SENNE
District 3

Z-8602
SUE SCHMIDT
District 4
THAD REYMAN
District 5
I-42
R. C. WINSTEAD, JR.
District 6

TOM M. JENKINS
County Administrator

ROBERT D. GUTHRIE
County Attorney

PRINTED ON RECYCLED PAPER

RECORD AND RETURN TO:
LEONARD SPIELVOGEL
SPIELVOGEL AND GOLDMAN, P.A.
P. O. Box 541366
Merritt Island, Florida 32954

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is made and entered into this _____ day of April, 1990, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("County"), and MICAH G. SAVELL ("Developer"):

WITNESSETH:

WHEREAS, Developer owns real estate ("Property") on Merritt Island, Brevard County, Florida, said Property being more particularly described in Exhibit A which is attached hereto and made a part hereof by reference; and

WHEREAS, as part of its plan for development of the Property, Developer 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. That the foregoing recitals are true and are incorporated herein by reference.
2. That the Developer, having been granted BU-1-A classification for restricted neighborhood retail commercial zoning, will not construct or permit the construction of a convenience market on the Property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise and will not undertake or permit the sale of alcoholic beverages from the Property.
3. That Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement among the Public Records of the County.
4. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto and shall run with the Property and be binding upon any person, firm or corporation who may become the successor in interest directly

Z-8602

T-43

to or of the Property.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Carol Ann Senne, Chairman

ATTEST:

R. C. Winstead, Jr. Clerk

(Seal)

Witness

Micah G. Savell, Developer

Witness

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAROL ANN SENNE to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this _____ day of _____, 1990.

Notary Public, State of Florida
at Large

(Notary Seal)

My Commission Expires:

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared MICAH G. SAVELL to me known to be the person described in and who executed the foregoing instrument and he

acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last
aforesaid, this _____ day of _____, 1990.

Notary Public State of Florida
at Large

(Notary Seal)

My Commissioner Expires:

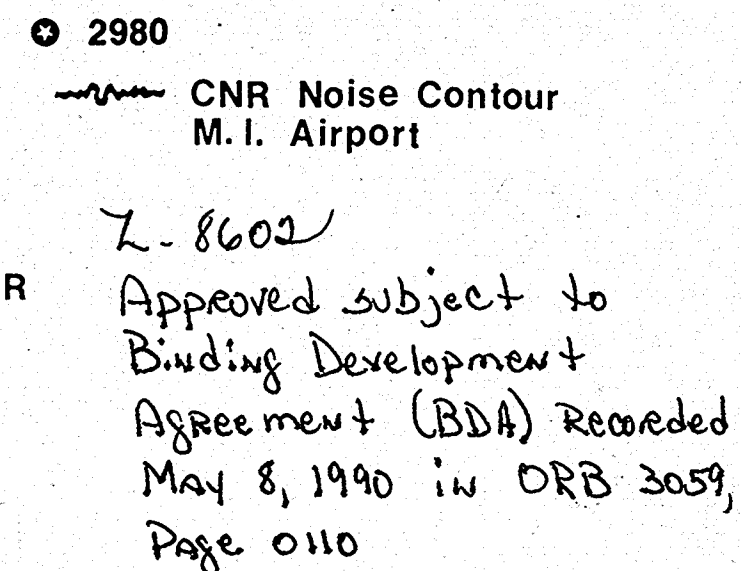
Z-8602

[illegible]

DP-1 SP 28
DP-2 S77-03-006
DP-3 S77-06-002
DP-4 S78-04-006
DP-5 S78-07-003
DP-6 S77-05-002
DP-7 S77-10-007

MOI
Z-8602

NW 1/4 & W 1/2 of NE 1/4 SECTION 2 TOWNSHIP 25 RANGE 36



mo2
Z-8602

[illegible]

DP-1 SP 12
DP-2 S77-05-002
DP-3 S77-10-007
DP-4 S78-C1-001
DP-5 S78-07-011

m03
Z-8602