

Resolution 19PZ00080

On motion by Commissioner Lober, seconded by Commissioner Pritchett, the following resolution was adopted by a unanimous vote:

WHEREAS, Marker 24 Marina, LLC; and Marker 24 Development, LLC have requested a CUP (Conditional Use Permit) for Mitigating a Non-Conforming Commercial Marina, in an RU-1-11 (Single Family Residential) zoning classification, on property described as: See Attached; 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 Brevard County Planning and Zoning Board recommended that the application be approved with the following conditions: 1.) Remove all portions of the residential lots and portions of Marker 24 Community from the scope of the CUP; 2.) The use of the property shall be limited as described herein; 3.) The use of the property shall be limited to office space with light retail and bathroom/laundry facility, its existing use as a commercial/recreational marina; 4.) Existing six-foot masonry wall located on the north property line as depicted on the sketch will remain in place and shall be maintained; 5.) The marina shall be limited to 104 slips and the marina shall no longer allow full-time liveaboards except for two slips for security purposes only/i.e. dockmaster; 6.) Existing south privacy fence will be replaced with six-foot concrete masonry wall; 7.) No hardening or bulkheading of basin walls unless all applicable permits are obtained from regulating authorities; 8.) A new bath/laundry facility will be constructed on the north end of the basin next to main dock; 9.) No expansion of the basin unless all applicable permits are obtained from regulating authorities; 10.) Any expansion must meet all fire and safety codes; 11.) The owner shall maintain the private sewer system currently in place, which is for marina use only, and any bathroom or laundry facility will be connected to private sewer system; Additionally, the owner shall maintain all existing pump out sites currently on site; 12.) The owner will be required to pay all applicable impact fees upon submission of any application for a building permit if required; 13.) A five-foot wide wooden boardwalk will be installed along the east side of basin to connect the main dock parking to the marina office facility, no boat docking shall be permitted on the boardwalk; 14.) A new one-lane boat ramp will be constructed next to marina office. The new boat ramp shall not increase capacity, and shall not be constructed until after the existing ramp is removed; 15.) The existing boatyard will remain for service and maintenance of boats during the hours of 8:00 a.m. to 5:00 p.m.; 16.) The owner shall be responsible for cleaning and maintenance of the basin culverts and baffles on the northern portion of the basin marina property; 17.) The hours of operation of the marina office shall be from 6:00 a.m. to 9:00 p.m. and said hours shall be posted; 18.) The owner shall require that all activities comply with County performance standards. The owner shall post that no motor repairs shall be performed after 9:00 p.m.; 19.) The owner shall maintain the adjacent bascule bridge owned and operated by the owner in good working condition, and shall cooperate with any requests by the County and/or FDOT (Florida Department of Transportation) to inspect the bridge; 20.) The owner shall provide educational information, including in-water signs and an educational kiosk regarding manatee protection and no wake zones as coordinated with appropriate State and County agencies; 21.) Relocation of existing dumpster shall be southeast of marina office; and

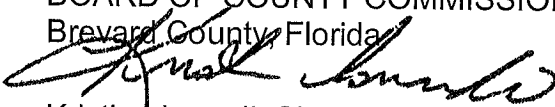
WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Mitigating a Non-Conforming Commercial Marina, in an RU-1-11 zoning classification, be approved with the following conditions: 1.) Remove all portions of the residential lots

and portions of Marker 24 Community from the scope of the CUP; 2.) The use of the property shall be limited as described herein; 3.) The use of the property shall be limited to office space with light retail and bathroom/laundry facility, its existing use as a commercial/recreational marina; 4.) Existing six-foot masonry wall located on the north property line as depicted on the sketch will remain in place and shall be maintained; 5.) The marina shall be limited to 104 slips and the marina shall no longer allow full-time liveaboards except for two slips for security purposes only/i.e. dockmaster; 6.) Existing south privacy fence will be replaced with six-foot concrete masonry wall; 7.) No hardening or bulkheading of basin walls unless all applicable permits are obtained from regulating authorities; 8.) A new bath/laundry facility will be constructed on the north end of the basin next to main dock; 9.) No expansion of the basin unless all applicable permits are obtained from regulating authorities; 10.) Any expansion must meet all fire and safety codes; 11.) The owner shall maintain the private sewer system currently in place, which is for marina use only, and any bathroom or laundry facility will be connected to private sewer system; Additionally, the owner shall maintain all existing pump out sites currently on site; 12.) The owner will be required to pay all applicable impact fees upon submission of any application for a building permit if required; 13.) A five-foot wide wooden boardwalk will be installed along the east side of basin to connect the main dock parking to the marina office facility, no boat docking shall be permitted on the boardwalk; 14.) A new one-lane boat ramp will be constructed next to marina office. The new boat ramp shall not increase capacity, and shall not be constructed until after the existing ramp is removed; 15.) The existing boatyard will remain for service and maintenance of boats during the hours of 8:00 a.m. to 5:00 p.m.; 16.) The owner shall be responsible for cleaning and maintenance of the basin culverts and baffles on the northern portion of the basin marina property; 17.) The hours of operation of the marina office shall be from 6:00 a.m. to 9:00 p.m. and said hours shall be posted; 18.) The owner shall require that all activities comply with County performance standards. The owner shall post that no motor repairs shall be performed after 9:00 p.m.; 19.) The owner shall maintain the adjacent bascule bridge owned and operated by the owner in good working condition, and shall cooperate with any requests by the County and/or FDOT (Florida Department of Transportation) to inspect the bridge; 20.) The owner shall provide educational information, including in-water signs and an educational kiosk regarding manatee protection and no wake zones as coordinated with appropriate State and County agencies; 21.) Relocation of existing dumpster shall be southeast of marina office. The Planning and Development Director, or designee, 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 September 5, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Kristine Isnardi, Chair
Brevard County Commission

As approved by the Board on September 5, 2019.

ATTEST:


SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – August 19, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and

Legal Description

A parcel of land lying west of the west right-of-way line of South Banana River Drive, as said right-of-way is shown on the plat of Banana River Drive subdivision recorded in Plat Book 3 at Page 11 of the Public Records of Brevard County, Florida, the same being a portion of tracts 15, 16, and 17, all as shown on the aforesaid plat of Banana River Drive subdivision, said parcel being more particularly described as follows: Begin at the intersection of the west right-of-way line of South Banana River Drive with the north line of said Tract 15; thence run S89deg46'33"W along the north line of said tract 15 for 390.90 feet; thence leaving the north line of said Tract 15 run south for 66.80 feet to a point on the edge of the Banana River Marina as defined by this legal description, prepared by this surveyor; thence run the following courses and distances along the edge of the Banana River Marina; N89deg59'44"W for 25.73 feet; N28deg05'42"W for 24.88 feet; N46deg15'20"W for 11.77 feet; N63deg35'41"W for 10.92 feet; N85deg56'21"W for 11.71 feet; S76deg32'34"W for 10.18 feet; S53deg01'59"W for 11.13 feet; S35deg56'31"W for 13.71 feet; S14deg45'51"W for 27.95 feet; S00deg00'18"E for 59.65 feet; S05deg28'18"E for 45.58; S03deg30'18"W for 75.05 feet; S10deg18'40"E for 34.12 feet; S27deg38'05"E for 35.88 feet; S80deg06'18"E for 31.30 feet; N64deg03'45"E for 41.37 feet; N25deg09'55"E for 26.48 feet; S78deg42'04"E for 7.49 feet; S06deg00'54"E for 54.67 feet; S00deg12'10"E for 69.33 feet; S15deg41'57"E for 41.71 feet; S05deg59'09"E for 25.89 feet; S33deg32'10"W for 21.77 feet; N81deg46'51"W for 20.58 feet; N32deg29'44"W for 28.78 feet; N73deg21'25"W for 32.53 feet; S85deg03'34"W for 25.30 feet; S35deg10'16"W for 23.51 feet; S01deg45'00"E for 25.30 feet; S06deg02'49"W for 42.35 feet; S06deg23'13"E for 19.43 feet; S48deg01'01"E for 29.18 feet; S75deg32'58"E for 40.04 feet; N61deg47'17"E for 44.87 feet; N82deg11'14"E for 21.47 feet; S47deg34'18"E for 19.59 feet; S25deg18'34"E for 49.73 feet; S55deg58'23"E for 55.94 feet; thence leaving the edge of the Banana River Marina run S00deg45'35"W for 32.96 feet to the south line of said Tract 17; thence run N89deg45'56"E for 311.52 feet along the aforesaid south line to the west right-of-way line of South Banana River Drive thence run N02deg38'04"W for 328.36 feet; thence run S87deg29'43"W for 115.28 feet to the edge of the Banana River Marina, thence run the following courses and distances along the edge of the Banana River Marina; N70deg32'56"W, 23.41 feet; S77deg31'46"W for 35.11 feet; N79deg30'12"W for 10.22 feet; N19deg48'14"W for 14.34 feet; N06deg27'23"E for 13.03 feet; N18deg06'58"W for 14.97 feet; N19deg25'05"E for 11.55 feet; N42deg31'07"E for 10.96 feet; N56deg56'50"E for 11.53 feet; N65deg30'00"E for 16.15 feet; N50deg55'27"E for 21.86 feet; N35deg31'41"E for 13.06 feet; N04deg55'50"E for 9.99 fee; N06deg01'41"W for 11.42 feet; N02deg48'51"W for 204.60 feet to a point that is 47 feet south of and parallel with the north line of said Tract 15; thence run N89deg46'33"E along a line that is parallel with the north line of said Tract 15 for 125.11 feet to the west right-of-way line of South Banana River Drive thence run N02deg38'04"W along said west right-of-way line for 47.04 to the point of beginning of this parcel of land, containing 6.04 acres more or less. Located on the west side of S. Banana River Drive, approx. 200 ft. north of Orris Ave. (1357, 1360, and 1385, S. Banana River Dr.; and 1880 West Virginia Ave, Merritt Island)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **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.**