

MAY 5, 2016, VERBATIM TRANSCRIPT OF ITEM IV.B.6. (16PZ00020) – MARK AND KATHLEEN NATHAN – REQUESTS A CHANGE OF CLASSIFICATION FROM SEU TO AU ON 2.56 ACRES, LOCATED ON THE WEST SIDE OF S. TROPICAL TRAIL, APPROXIMATELY, ONE MILE NORTH OF PINEDA CAUSEWAY. (NO ASSIGNED ADDRESS. IN THE MERRITT ISLAND AREA.)

Cynthia Fox: IV.B.6., Mark and Kathleen Nathan. This is a request to change a classification from SEU to AU on 2.56 acres. This property is located on the south side of Tropical Trail in the South Merritt Island area. The request is for agricultural pursuits, specifically to grow mangroves and some royal Poinciana palms, and other plants. This was considered by the Planning and Zoning Board and they denied it. The vote was 9:1, citing incompatibility issues.

Jim Barfield: I have one card on this. Scott Widerman.

Fox: Is the applicant here?

Scott Widerman: And actually I was going to say if the applicant's not here, I represent the surrounding families that were against it, so if they are not here I have nothing further; and I expect a denial will be upheld, unless anybody has questions for me.

Barfield: No.

Robin Fisher: What is the reason for a denial? What is the concern of the families surrounding it?

Widerman: The, it's the area of State Road 3 between Pineda Causeway and the gas station that is just near the Merritt Island Airport. The houses in those, as we all know in that area, are very large. The Agricultural Use that was given out to the Planning and Zoning Board was one that was also going to be retail sales at some point, multiple buildings, and some other issues that were not compatible with Residential. It's also a Spot Zoning issue. The Future Land Use is Residential 1. It's SEU now, so the Agricultural just simply wasn't going to fit and there were concerns about the integrity of the neighborhood.

Curt Smith: Can I ask you a question? If they want to grow mangroves, can't they just grow mangroves as long as they are not selling them?

Widerman: It was certainly a question that could have been addressed. They didn't bring it up. I believe that on some level you can still have plants, no different than I have potted plants at my house, your house, or anybody else's. I think it was the level at which they were talking about it. I don't remember the exact numbers, but he was saying, you know, they come in like these big pallet eggshell looking things, and it was, you know, 40, 50, 60 per pallet, and there were multiple pallets. This wasn't your garden variety I want to build mangroves, they wanted to build them and then sell them to the County or the cities everywhere else

to put into the area. So, it was definitely not that simple of an issue.

Barfield: I want to make, I want to make absolutely sure that Mark and Kathleen Nathan are not here. Okay? For me this is totally incompatible with with the location.

Wideman: I agree.

Barfield: It, it really doesn't need to happen. In fact, I'd like to go ahead and pass the gavel to you, Curt, and I'd like to make a Motion that this be denied as a fact that it is incompatible, and instruct our lawyers to do a Findings of Fact.

Fisher: Second.

Barfield: Got a Motion. I'm sorry.

Smith: We have a Motion on the floor by Commissioner Barfield, to deny this, and we have a second by Commissioner Fisher. All those in favor of denying it?

Barfield: Aye.

Fisher: Aye.

Smith: Aye.

Andy Anderson: Aye.

Trudie Infantini: Aye.

Eden Bentley: And...

Smith: Opposed? The vote is 5:0.

Bentley: And for the Findings of Fact, the first meeting in July?

Barfield: Just a minute.

Bentley: What is that date?

Clerk: The 12th.

Bentley: The 12th we'll bring them back, July 12th.

Smith: July 12th.

Barfield: Thank you.

Fox: And that's the end of the P&Z Items.