

Deborah Thomas

From: Kimberly Powell
Sent: Tuesday, November 24, 2020 8:21 AM
To: Commissioner, D2; Duisberg, Cheryl; Donna Scott; Deborah Thomas; Samantha McDaniel; Nicole Summers
Cc: iaff2969.bramson@gmail.com; Kathleen Prothman; Mark Peterson; Steve Burdett; Giles Malone; Dave Berman (dberman@floridatoday.com)
Subject: RE: Please add this memo to the minutes for December 3, 2020

Good morning, Commissioner,

We will include this with the record.

Have a great day and enjoy the holiday weekend.

Kim

Kimberly Powell

Clerk to the Board

(321) 637-2001

Kimberly.powell@brevardclerk.us



From: Commissioner, D2 <D2.Commissioner@brevardfl.gov>
Sent: Monday, November 23, 2020 8:29 PM
To: Duisberg, Cheryl <Cheryl.Duisberg@brevardfl.gov>; Donna Scott <donna.scott@brevardclerk.us>; Kimberly Powell <Kimberly.Powell@brevardclerk.us>; Deborah Thomas <deborah.thomas@brevardclerk.us>; Samantha McDaniel <Samantha.McDaniel@brevardclerk.us>; Nicole Summers <Nicole.Summers@brevardclerk.us>
Cc: iaff2969.bramson@gmail.com; Kathleen Prothman <Kathleen.Prothman@brevardclerk.us>; Mark Peterson <Mark.Peterson@brevardclerk.us>; Steve Burdett <Steve.Burdett@brevardclerk.us>; Giles Malone <gilesmalone@gmail.com>; Dave Berman (dberman@floridatoday.com) <dberman@floridatoday.com>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>
Subject: Please add this memo to the minutes for December 3, 2020
Importance: High

Dear Clerk to the Board:

The attached memo will be provided to other commissioners prior to the 12/3 BoCC meeting. As such, I would ask that you please include it in the meeting minutes for that date's BoCC meeting. Should you have any question(s), please feel free to reach out. Thanks in advance for your assistance.

Truly,

/s/ Bryan

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BOARD OF COUNTY COMMISSIONERS

County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

Inter-Office Memo

TO: Scott Knox

FROM: Alex Esseeesse

SUBJECT: Ability for commissioner to send out a memorandum or position statement to the other commissioners on an issue that will go before the Board

DATE: 12/8/16

Issue: A commissioner wants to prepare and circulate a written memorandum to the other members of the Board of County Commissioners that discusses an issue that will go before the Board. This memorandum will include the commissioner's stance/position on the matter and will likely recommend that a certain course of action be taken by the Board.

Question: Can a commissioner prepare and circulate a memorandum/position statement to other commissioners on an issue that will go before the Board without violating the Government in the Sunshine Law, Chapter 286, Florida Statutes?

Short Answer: Yes, but with caution. No discussions of the information/positions outlined in the memorandum can be discussed outside of a public meeting; the memorandum cannot solicit feedback from the other Board members; there cannot be any responses to the memorandum prior to the public meeting; and, because the memorandum is a public record, a copy must be made available to the public. Furthermore, the memorandum/statement cannot be used as a substitute for action at a public meeting and cannot be used to enable staff to act as an intermediary among the commissioners.¹

Analysis

The Government in the Sunshine Law was adopted, at least in part, to prohibit public business from being conducted in private. Put another way, "[o]ne purpose of the [G]overnment in the [S]unshine [L]aw was to prevent at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance."² In order to accomplish this goal, Florida law provides that

¹See, Op. Att'y Gen. Fla. 01-21 (2001).

²Palm Beach v. Gradison, 296 So.2d 473, 477 (Fla. 1974).

[a]ll meetings of any board or commission . . . of any agency or authority of any county, . . . except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.³

Courts have found that, “[i]n order for there to be a violation of [Fla. Stat. § 286.011], a meeting between two or more public officials *must take place* which is violative of the statute’s spirit, intent, and purpose.”⁴ However, despite this assertion, it has been established that “the physical presence of two or more members is *not necessary* in order to find the Sunshine Law applicable.”⁵ In practice, this means that Fla. Stat. § 286.011 “should be construed so as to frustrate all evasive devices” used to circumvent the statute’s purposes of transparency and openness.⁶

Florida Attorney General Interpretations

The Florida Attorney General has issued a number of opinions on when and how official subject to the Government in the Sunshine Law can use memoranda to discuss their stances and/or suggest certain positions be taken on issues requiring official action before their respective boards. For example, in **AGO 2007-35**, the Florida Attorney General was tasked with determining whether city commissioners could exchange documents on issues that would come before the commission for official action. As mentioned above, “the courts and this office have found that there are instances where the physical presence of two or more members is not necessary in order to find the Sunshine Law applicable.”⁷ The Attorney General found that “a commissioner may send informational material to the other commissioners outside of a public meeting provided that there is no interaction between or response from the other commissioners.”⁸ Importantly,

[w]hile it is not a direct violation of the Sunshine Law for members to circulate their own written position statements to other council members so long as the council members avoid any discussion or debate among themselves on these statements, the members’ discussions and deliberations on matters coming before the commission must occur at a duly noticed [meeting] and . . . must not be used to circumvent the requirements of [Fla. Stat. § 286.011].

³Fla. Stat. § 286.011(1).

⁴Hough v. Stembridge, 278 So.2d 288, 289 (Fla. 3rd DCA 1973) (*emphasis added*).

⁵Op. Att’y Gen. Fla. 96-35 (1996) (*emphasis added*).

⁶Gradison, 296 So.2d at 477; Op. Att’y Gen. Fla. 96-35 (1996).

⁷Op. Att’y Gen. Fla. 2007-35 (2007).

⁸*Id.*

Ultimately, the Attorney General found that a commissioner may send documents to other members of the commission on matters going before the commission for official action, “provided that there is no response from, or interaction related to such documents among, the commissioners prior to the public meeting.”⁹

In **AGO 01-21**, the Florida Attorney General was asked whether board members could prepare individual position statements on the same subject and exchange these memoranda to the other board members. In the situation outlined in AGO 01-21, board members “prepare[d] and circulate[d] statements meant to communicate a particular council member’s position on issues coming before the board,” but these statements did not solicit responses from the other members and were made available to the public.¹⁰ The Florida Attorney General’s Office found that “[w]hile [it] would strongly discourage such activity, it would appear that council members . . . may prepare and distribute their own position statements to other council members without violating the Government in the Sunshine Law so long as the council members avoid any discussion or debate among themselves on these statements.”¹¹ More specifically, the Florida Attorney General noted that such a practice would become “problematic” if and when “any such communication [was] a response to another commissioner’s statement” because it opened the door for board members to respond to one another outside of a duly noticed meeting, causing the requirements of Fla. Stat. § 286.011 to be circumvented.¹² Despite reaching such a conclusion, the preparation and distribution of such memoranda/statements amongst the commissioners would not be a “direct violation of the Government in the Sunshine Law.”¹³

The Florida Attorney General issued an opinion (**AGO 96-35**) that addressed the issue of whether a school board member could circulate a memorandum “expressing that member’s position on a matter that [would] come before the school board for action and urging the other board members to give the author’s position very serious consideration.”¹⁴ Importantly, “[t]he memorandum [did] not request other board members to respond prior to the meeting at which the topic will be brought up for action or discussion.”¹⁵ The Attorney General made it a point of identifying circumstances where the use of a memorandum would not be permitted. For example, a memorandum cannot request board members to respond with comments and/or to request the board members to “indicate his or her approval or disapproval” for certain views.¹⁶ Based on such a position, the Attorney General came to the conclusion that

if a school board member writes a memorandum to provide information to make a recommendation to other school board members on a particular subject, there is

⁹*Id.*

¹⁰Op. Att’y Gen. Fla. 01-21 (2001).

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴Op. Att’y Gen. Fla. 96-35 (1996).

¹⁵*Id.*

¹⁶*See, Id.*

no violation of [Fla. Stat. § 286.011]. However, the use of a memorandum to solicit comment from other members of the board or commission or the circulation of responsive memoranda by other board members would violate the statute. Such action would be equivalent to private meetings discussing the public business through the use of memoranda without allowing an opportunity for public input.¹⁷

Another Florida Attorney General opinion (**AGO 89-23**) found that “[t]he use of a written report by one [city] commissioner to inform other commissioners of a subject which will be discussed at a public meeting does not violate Florida’s Government in the Sunshine Law if prior to the public meeting, there is no interaction related to the report among the commissioners.”¹⁸ Again, in that situation, the other commissioners were not requested to and did not provide any comments on the report prior to the public meeting. The Attorney General determined that the memorandum would be allowed as long as “[t]he circumstances . . . do not . . . involve the use of a report as a substitute for action at a public meeting, inasmuch as there is no interaction among the commissioners prior to the public meeting.” Furthermore, the memorandum cannot be used by other city officials, such as a city manager, “to act as intermediary among the commissioners” to ask “each commissioner to state his or her position on a specific matter which will foreseeably be considered by the commission at a public meeting in order to provide information to the members of the commission.”¹⁹

Conclusion

A County commissioner is permitted to prepare and circulate a memorandum on an issue to go before the Board. However, no discussions of the information/positions outlined in the memorandum can be discussed outside of a public meeting; the memorandum cannot solicit feedback from the other Board members; there cannot be any responses to the memorandum prior to the public meeting; and, because the memorandum is a public record, a copy must be made available to the public. Additionally, the memorandum/statement cannot be used as a substitute for action at a public meeting and cannot be used to enable staff to act as an intermediary among the commissioners.

¹⁷Op. Att’y Gen. Fla. 96-35.

¹⁸Op. Att’y Gen. Fla. 89-23 (1989).

¹⁹*Id.*

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Thursday, December 3, 2020 6:48 AM
To: Abbate, Frank B; Adams, Joanne L; Ball, Jeffrey; Bayne, Jessica; Bentley, Eden; Calkins, Tad; Denninghoff, John P; Elmore, Amanda T; Foll, Nadia; Grivas-Pereno, Bessie; Hemenway, Logan; Iliff, Bethany; Jim Barfield; Jorandby, Abigail F.; Lane, Karen; Lewis, Sally A; Liz Alward; Lober, Bryan; Luebker, Vic; Mascellino, Carol; McCullough-Wham, Lee Ann; Mister, Patricia; Newell, Marcia; Prasad, Billy; Commissioner Rita Pritchett; Ritchie, George C; Roth, Joy; Skambraks, Anda C; Commissioner Curt Smith; Smith, Nathan; Stern, Danielle; Commissioner John Tobia; Toro, Deanna; Van, Fritz; Walker, Don; Woodard, Patrick; Zonka, Kristine; Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel
Subject: 12/03/20 Public Comment and Disclosure
Attachments: H.6. Additional Public Comment.pdf; H.11. & H.12. Disclosure - District 1.pdf

Good morning,

Attached is additional public comment for Item H.6., and a disclosure for Items H.11. and H.12.

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Office line: 321-633-2070 ext. 58300
Direct line: 321-350-8300
jennifer.jones@brevardfl.gov

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Deborah Thomas

From: Lewis, Sally A <Sally.Lewis@brevardfl.gov>
Sent: Wednesday, November 25, 2020 1:34 PM
To: Brev Legals
Cc: Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel
Subject: Legal Ad for Friday, November 27, 2020
Attachments: 120120_121120_Pub Mtg Ad.doc

Legal Ad Dept.

Please Place the attached ad(s) in the legal section of the Florida Today on Friday, November 27, 2020

PUBLISH DATE: Thursday, November 27, 2020

1 affidavit

Acct. # 126045 (6BR446)

Phone: 321-633-2010

POC: Sally Lewis

Thank you,
Sally

Sally Lewis
County Manager's Office
2725 Judge Fran Jamieson Way
Bldg. C Room 301
Viera, Fl., 32955

Sally.lewis@brevardfl.gov

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Brevard County Public Meetings Notices
12/1/2020 – 12/11/2020

December 1, 2020	
3:00 PM	Brevard County Public Safety Coordinating Council, Viera Government Center, 2725 Judge Fran Jamieson Way, Viera, Fl. Bldg. C, 3 rd Floor, Florida Room. Contact 637-5390
December 3, 2020	
3: 00 PM	MIRA Beautification Committee, MIRA Office, 2575 Courtenay Parkway, Merritt Island, Fl. 2 nd Floor, Conference Room, Contact 454-6610
5:00 PM	Board of County Commissioners; Governing Board of the Brevard Mosquito Control District; Governing Board of the Barefoot Bay Water and Sewer District; Zoning, 2725 Judge Fran Jamieson Way, Viera, Fl., 1 st Floor, Bldg. C, Commission Chamber, Contact 633-2001
December 8, 2020	
5:00 PM	Board of County Commissioners; Governing Board of the Brevard Mosquito Control District; Governing Board of the Barefoot Bay Water and Sewer District; 2725 Judge Fran Jamieson Way, Viera, Fl., 1 st Floor, Bldg. C, Commission Chamber, Contact 633-2001
December 9, 2020	
3:00 PM	Citizen Budget Review Committee, Viera Government Center, 2725 Judge Fran Jamieson Way, Viera, Fl. 3 rd floor, Florida Room, Bldg. C, Contact 350-9240
December 10, 2020	
2:30 PM	MIRA Board of Directors, MIRA Office, 2575 N. Courtenay Parkway, Merritt Island Florida, 2 nd Floor, Suite 201, Contact 454-6610
December 11, 2020	
8:30 AM	Citizen Oversight Committee meeting, Viera Government Center, 2725 Judge Fran Jamieson Way, Viera, Fl., Meeting held via Zoom Conferencing.

If a person desires to appeal any decision made by this commission with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her own expense, which record includes testimony and evidence upon which any such appeal is to be based. The needs of the hearing and/or visually impaired persons shall be met if the department sponsoring the meeting/hearing is presented with such a request no later than 48 hours prior to the meeting.

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Wednesday, December 2, 2020 1:25 PM
To: Abbate, Frank B; Adams, Joanne L; Ball, Jeffrey; Bayne, Jessica; Bentley, Eden; Calkins, Tad; Denninghoff, John P; Elmore, Amanda T; Foll, Nadia; Grivas-Pereno, Bessie; Hemenway, Logan; Iliff, Bethany; Jim Barfield; Jorandby, Abigail F.; Lane, Karen; Lewis, Sally A; Liz Alward; Lober, Bryan; Luebker, Vic; Mascellino, Carol; McCullough-Wham, Lee Ann; Mister, Patricia; Newell, Marcia; Prasad, Billy; Commissioner Rita Pritchett; Ritchie, George C; Roth, Joy; Skambraks, Anda C; Commissioner Curt Smith; Smith, Nathan; Stern, Danielle; Commissioner John Tobia; Toro, Deanna; Van, Fritz; Walker, Don; Woodard, Patrick; Zonka, Kristine; Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel
Subject: 12-03-20 Final Agenda Package

The 12/3/20 Zoning agenda package is back on the webpage. <https://brevardfl.legistar.com/Calendar.aspx>

Public Comment and Disclosures have been added to Item H.6.

Jennifer

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Office line: 321-633-2070 ext. 58300
Direct line: 321-350-8300
jennifer.jones@brevardfl.gov

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Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Monday, November 30, 2020 11:32 AM
To: Abbate, Frank B; Adams, Joanne L; Ball, Jeffrey; Bayne, Jessica; Bentley, Eden; Calkins, Tad; Denninghoff, John P; Elmore, Amanda T; Foll, Nadia; Grivas-Pereno, Bessie; Hemenway, Logan; Iliff, Bethany; Jim Barfield; Jorandby, Abigail F.; Lane, Karen; Lewis, Sally A; Liz Alward; Lober, Bryan; Luebker, Vic; Mascellino, Carol; McCullough-Wham, Lee Ann; Mister, Patricia; Newell, Marcia; Prasad, Billy; Commissioner Rita Pritchett; Ritchie, George C; Roth, Joy; Skambraks, Anda C; Commissioner Curt Smith; Smith, Nathan; Stern, Danielle; Commissioner John Tobia; Toro, Deanna; Van, Fritz; Walker, Don; Woodard, Patrick; Zonka, Kristine; Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel
Subject: 12/03/20 Final Agenda
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

The final agenda for the December 3, 2020, Zoning meeting is on the web page. <https://brevardfl.legistar.com/Calendar.aspx>

The following have been updated and/or added since the Advanced Agenda:

- H.6. Public Comment and Disclosure (added)
- H.8. Revised BDP with current Chair (updated)
- H.9. Agenda Report (updated) and LPA minutes (added)
- H.10. Agenda Report (updated) and LPA minutes (added)
- H.11. Agenda Report (updated) and PSJ and LPA minutes (added)

Thank you,
Jennifer

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Office line: 321-633-2070 ext. 58300
Direct line: 321-350-8300
jennifer.jones@brevardfl.gov

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Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Wednesday, November 25, 2020 4:03 PM
To: Abbate, Frank B; Adams, Joanne L; Adams, Michelle; Ball, Jeffrey; Bayne, Jessica; Bentley, Eden; Prasad, Billy; Black, Robbie; Calkins, Tad; Denninghoff, John P; Elmore, Amanda T; Foll, Nadia; Grivas-Pereno, Bessie; Hemenway, Logan; Iliff, Bethany; Jorandby, Abigail F.; Lane, Karen; Lewis, Sally A; Lober, Bryan; Luebker, Vic; Mascellino, Carol; McCullough-Wham, Lee Ann; Mister, Patricia; Newell, Marcia; Woodard, Patrick; Commissioner Rita Pritchett; Ritchie, George C; Roth, Joy; Skambraks, Anda C; Commissioner Curt Smith; Smith, Nathan; Stern, Danielle; Commissioner John Tobia; Toro, Deanna; Van, Fritz; Walker, Don; Zonka, Kristine; Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel
Subject: 12/03/20 Zoning Advanced Agenda

Good afternoon,

The Advanced Agenda for the 12/03/20 Zoning meeting is on the beach. The complete pdf agenda packet is too large to upload to the beach, but it can be viewed on the S drive at the link below.

I apologize for the inconvenience.

<S:\Planning&Development\Agenda Packages\12-03-20 Zoning Advanced Agenda Packet.pdf>

Jennifer

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Office line: 321-633-2070 ext. 58300
Direct line: 321-350-8300
jennifer.jones@brevardfl.gov

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NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, NOVEMBER 9, 2020, and THURSDAY, DECEMBER 3, 2020.

DISTRICT 3

1. (20PZ00089) FLOR-OHIO (Jack Spira) requests a Small Scale Comprehensive Plan Amendment (20S.08) to change the Future Land Use designation from RES 4 (Residential 4) to NC (Neighborhood Commercial), on property described as Tax Parcel 750.1, as recorded in ORB 6062, Pages 2942 – 2943, of the Public Records of Brevard County, Florida. Section 18, Township 28, Range 37. (3.32 acres) Located on the southwest corner of Eber Blvd. and Hollywood Blvd. (No assigned address. In the West Melbourne area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.08: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

DISTRICT 4

2. (20Z00025) JOHN HALEY – requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential), on property described as Lot 29, Indian River Estates, as recorded in ORB 8826, Pages 1200 – 1207, of the Public Records of Brevard County, Florida. **Section 32, Township 26, Range 37.** (0.99 acres) Located on the east side of N. U.S. 1, approx. 200 ft. south of E. Elm St. (4147 N. U.S. 1, Melbourne)

DISTRICT 1

3. (20Z00026) JASON A. AND CHRISTINE N. SPINA request a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to all AU, on property described as Lots 10 & 11, Block 19, Canaveral Groves Subdivision, as recorded in Survey Book 2, Page 55, of the Public Records of Brevard County, Florida. **Section 33, Township 23, Range 35.** (4.76 acres) Located on the east side of Pine St., approx. 630 ft. north of Areca Palm St. (5035 Pine St., Cocoa)

4. (20Z00027) REID B. HART AND GAIL A. SKINNER-HART request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Lot 9, Block 2, Canaveral Groves Subdivision, as recorded in Survey Book 2, Page 61, of the Public Records of Brevard County, Florida; and Lot 10, Block 2, Canaveral Groves Subdivision, as recorded in ORB 5317, Page 810, of the Public Records of Brevard County, Florida. **Section 08, Township 24, Range 35.** (2.02 acres) Located on the north side of Simpson Place, approx. 760 ft. west of Jake Ave. (Lot 9 = No assigned address. In the Cocoa area. Lot 10 = 5530 Simpson Place, Cocoa)

5. (20Z00028) DONALD MINNICK requests a change of zoning classification from AU (Agricultural Residential) and EU-2 (Estate Use Residential) with a BDP (Binding Development Plan) to all EU-2 and removal of BDP, on property described as Lot 1, Block D, Eagle Pointe Subdivision, a subdivision according to the plat thereof, as recorded in Plat Book 52, Pages 37 – 39, inclusive, of the Public Records of Brevard County, Florida. **Section 24, Township 21, Range 34.** (0.24 acres) Located on the east side of Arnold Palmer Dr., approx. 120 ft. north of London Town Rd. (1989 Arnold Palmer Dr., Titusville)

DISTRICT 3

6. (20Z00030) LAZY RIVER INVESTMENTS (Laura Young) requests a change of zoning classification from RU-1-13 (Single-Family Residential) to AU(L) (Agricultural Residential, Low-Intensity), on property described as Lots 10 & 11, Frank H. Allen Subdivision of 136 acre tract of Fleming Grant, according to the map or plat thereof, as recorded in Plat Book 1, Page 77, of the Public Records of Brevard County. **Section 19, Township 30G, Range 38.** (20.39 acres) Located on the southwest corner of Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area.)

DISTRICT 1

7. (20Z00032) WATERMARK INVESTORS, LLC (Bruce Moia) requests an amendment to an existing PUD (Planned Unit Development), on property described as follows: A parcel of land lying in **Section 30, Township 23S, Range 36E**, Brevard County, Florida, being more particularly described as follows: Commence at a railroad spike monumenting the SW corner of said Section 30 and run N00deg09'19"E, along the west line of the SW ¼ of said Section 30, a distance of 800 ft. to the NW corner of lands described in ORB 5505, Page 8025, the point of beginning; thence continue N00deg09'19"E, along said west line, a distance of 1,863.51 ft. to a 5/8 inch iron (stamped "Allen") which monuments the west ¼ corner of said Section; thence N00deg33'33"E, along the west line of the NW ¼ of said Section, a distance of 1,315.98 ft. to the SW corner of "Replat of Hardeeville", recorded in Plat Book 19, Page 148 of the Public Records of Brevard County, Florida; thence N89deg52'38"E, along the south line of said subdivision, a distance of 1,319.59 ft. to the SE corner of said "Replat of Hardeeville", said point being on the east line of the SW ¼ of the NW ¼ of said Section 30; thence S00deg32'18"W, along said east line, a distance of 229.29 ft. to a point 100 ft. north of the south line of the north ¼ of the SE ¼ of the NW ¼; thence S.89deg'54'22"E, parallel with and 100 ft. north of said south line, a distance of 1,281.49 ft. to a point on the west right-of-way line of U.S. Hwy 1 (a 143-ft. wide right-of-way); thence S00deg13'32"W, along said west right-of-way line, a distance of 183.97 ft. to a point on the easterly extension of the north line of MacArthur Heights, according to the plat thereof, as recorded in Plat Book 16, Page 135 of said Public Records; thence N89deg51'08"W, along said extension and said north line, a distance of 1,219.48 ft. to a point on the aforesaid east line of the SW ¼ of the NW ¼ and along the west line of said MacArthur Heights, a distance of 578.30 ft. to the SW corner of said subdivision; thence N89deg46'51"W, parallel with the south line of said NW ¼ a distance of 280 ft. to the NW corner of lands of the Diocese of Orlando (A/K/A Blessed Sacrament Catholic Church); thence S00deg32'18"W along a west line of said lands, said line being 280 ft. distant west of the east line of the SW ¼ of the NW ¼ of said Section 30, a distance of 329.56 ft. to a point on the north line of said SW ¼; thence S00deg08'31"W, parallel with and 280 ft. distant from the east line of the west ½ of said SW ¼, a distance of 234.66 ft.; thence S89deg46'51"E, parallel with the north line of said SW ¼, a distance of 1,504.12 ft. to a point on the aforesaid west right-of-way line of U.S. Hwy 1; thence S00deg13'32"W, along said west right-of-way line, a distance of 579 ft. to the SE corner of aforesaid lands The Diocese of Orlando (A/K/A Blessed Sacrament Catholic Church), said point being 814.06 ft. distant south, by right angle measurement, from the aforesaid north line of the SW ¼; thence N89deg46'51"W, along the south line of said lands which is 814.06 ft. distant from said north line of the SW ¼, a distance of 1,503.25 ft.; thence S00deg08'31"W, a distance of 14.67 ft. to a 4"x4" concrete monument (no identification) which marks the NW corner of Williams Point Complex according to the plat thereof, as recorded in Plat Book 19, Page 121, of said Public Records; S00deg13'32"W, along the west line of said Williams Point Complex, a distance of 1,095.39 ft. to the SW corner thereof; thence S89deg53'28"E, along the south line of said subdivision, a distance of 1,503.23 ft. to a point on the aforesaid west right-of-way line of U.S. Hwy 1; thence S00deg13'32"W, along said west right-of-way line, a distance of 59.80 ft. to the NE corner of lands described in ORB 4269, Page 2305; thence N89deg52'38"W, along the north line of said lands, a distance of 150 ft. to the NW corner thereof; thence S00deg13'32"W, along the west line of said lands, a distance of 358.20 ft. to a point 320 ft. north of the south line of said SW ¼ of Section 30; thence N89deg52'38"W, parallel with and 320 ft. distance from said south line of Section, a distance of 1,171.02 ft. to the NW corner of lands described in ORB 5294, Page 2038; thence S00deg08'24"W, along the west line of said lands, a distance of 295 ft. to a point on the north right-of-way line of Camp Rd., said point being 25 ft. distance from said south line of the SW ¼; thence N89deg52'38"W, along said north right-of-way, distance of 620.61 ft. to a point which is 600 ft. distant east from the aforesaid west line of Section 30; thence N00deg09'19"E, parallel with and 600 ft. distance from said west line, a distance of 775 ft.; thence N89deg52'38"W, parallel with the south line of said Section 30, a distance of 600 ft. the point of beginning; containing 129 +/- acres. Located on the west side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd. (Tax parcel 251 = 5082 & 5083 Persimmon Ln., Cocoa; Tax Parcels 252 & 510 = No assigned address. In the Cocoa area.)

DISTRICT 2

8. (20Z00033) TROPICAL MANOR HOLDINGS, LLC (Kenneth Metcalf) requests a change of zoning classification from RU-1-7 (Single-Family Residential) and RU-2-30 (High Density, Multi-Family Residential) to RU-2-12 (Medium Density, Multi-Family Residential) with a BDP (Binding Development Plan) limited to a maximum of 85 units, on property described as Tax Parcel 783, as recorded in ORB 8336, Pages 370 – 372, of the Public Records of Brevard County, Florida. **Section 22, Township 24, Range 36.** (8.47 acres) Located on the west side of Jordan Rd., at the end of Grove Blvd., and approx. 727 ft. north of Lucas Rd. (1165 Jordan Rd., Merritt Island)

Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on **MONDAY, NOVEMBER 9, 2020, at 3:00 p.m.** A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on **THURSDAY, DECEMBER 3, 2020, at 5:00 p.m.** All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.