

On motion by Commissioner Infantini, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

**WHEREAS, GARY K. AND CAROL LYNN BARTLETT, TRUSTEES**, has requested a Small Scale Plan Amendment (15S.08) to change the Future Land Use from Residential 1 to NC (Neighborhood Commercial)\*, and a change of classification from RU-1-9 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial), on property described as Lot 1, Block 35, Port St. John, Unit Two, according to the Plat thereof, as recorded in Plat Book 14, Page 48, of the Public Records of Brevard County, Florida. Section 24, Township 23, Range 35. (0.27 acres) Located on the northeast corner of Fay Blvd. and Severndale St. (3930 Fay Blvd., Cocoa); and

**Sections 24**

**Township 23 S,**

**Range 35 E, and,**

**WHEREAS**, a public hearing of the Port St. John Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Port St. John Dependent Special District Board recommended that the application be approved with a BDP (Binding Development Plan) limited to a childcare facility and a pre-kindergarten school; and,

**WHEREAS**, the Board, after considering said application and the Port St. John Dependent Special District Board 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 with a BDP limited to a childcare facility and a pre-kindergarten school; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RU-1-9 to BU-1-A be APPROVED with a Binding Development Plan, recorded in ORB 7514, Pages 1655 through 1658, dated 12/17/15, limited to a childcare facility and a pre-kindergarten school, and that the zoning classification relating to the above described remain unchanged, and the Planning & Zoning 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 December 17, 2015.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

by Jim Barfield, Chairman  
Brevard County Commission

As approved by Brevard County Commission on December 15, 2015.

ATTEST:

  
SCOTT ELLIS, CLERK  
(SEAL)

(PSJ Hearing – September 9, 2015)

(\*LPA Recommendation – Denied the Small Scale Plan Amendment with finding that rezoning is a transitional use pursuant to Policy 2.14 of the Future Land Use Element)

(BCC Zoning Hearing – October 1, 2015)

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 (1) year of approval or if construction does not commence within two years of approval. A PUD 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.