

**Tammy Rowe**

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**To:** Knox, Scott L  
**Cc:** Lewis, Sally A  
**Subject:** April 6, 2017 Zoning Meeting Minutes

Scott:

Attached are the April 6, 2017 Zoning Meeting Minutes for your review and recommendations. They will be considered for approval by the Board at its April 25, 2017 meeting.

Tammy Rowe, Supervisor  
Clerk to the Board  
Brevard County Clerk of Courts  
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**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA**

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 6, 2017 at 5:03 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Absent	
Kristine Isnardi	Commissioner District 5	Present	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communication regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**INVOCATION**

The invocation was provided by Pastor David Montecalvo, Destiny Christian Church of Merritt Island.

**PLEDGE OF ALLEGIANCE**

Commissioner Barfield led the assembly in the Pledge of Allegiance.

April 6, 2017

**NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD  
RECOMMENDATIONS OF MARCH 9, 2017**

Vice Chairwoman Pritchett called for a public hearing to consider North Merritt Island Dependent Special District Board recommendations of March 9, 2017.

**ITEM IV.B.1., (17PZ00006) - LUTHERAN CHURCH EXTENSION FUND - MISSOURI SYNOD - (BLAIN NELSON) - REQUESTS A CHANGE OF CLASSIFICATION FROM IN(L) TO BU-1-A ON 8 ACRES, LOCATED ON THE WEST SIDE OF N. COURTENAY PARKWAY, APPROXIMATELY 200 FT. SOUTH OF CHURCH ROAD. (5455 N. COURTENAY PARKWAY, MERRITT ISLAND)**

Cynthia Fox, Planning and Zoning Manager, stated there are two Items on the Agenda tonight; Item IV.B.2. has actually been tabled; as they have filed their procedure to table automatically, the Board does not need to make a motion; and that is tabled to the May 4, 2017, Board meeting. She went on to say Item IV.B.1. is for the Board's consideration; this is a re-zoning request for BU-1-A, which is the Restricted Neighborhood Commercial Zoning Classification on eight acres on North Merritt Island; and they are wishing to go the Restricted Neighborhood Commercial to convert an existing place of worship to a building with office use.

There being no comments or objections, the Board approved a request for a change of classification from IN(L) to BU-1-A on eight acres, located on the west side of North Courtenay Parkway, south of Church Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
<b>ABSENT:</b>	Curt Smith

**ITEM VI.D.1., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. B WEST TOWNHOUSES, LTD, MEADOWBROOK, LLC, TRADEWINDS PLAZA, LLC - CASE NO. 05-2013-CA-025677**

The Board approved the cost of advertising for, and the scheduling of, a private attorney-client meeting to be held on April 13, 2017, prior to the start of the CRA Workshop, for the purpose of discussing litigation strategy and settlement negotiations in the case of Brevard County, Florida v. B West Townhouses, Ltd., Meadowbrook, LLC, Tradewinds Plaza, LLC, Case No. 05-2013-CA-025677.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
<b>ABSENT:</b>	Curt Smith

April 6, 2017

**ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER, RE: REPORT**

Stockton Whitten, County Manager, stated staff solicited some dates for additional Budget Workshop meetings; the additional date he would like the Board to approve is April 25, 2017, at 1:00 p.m., or at the conclusion of the regular Board meeting; and everyone is available for that date. He added May 11, 2017, was a scheduled Workshop, but it did not have a subject; and he would like that to be a Budget Workshop as well.

The Board approved additional Budget Workshops for April 25, 2017, at 1:00 p.m., or at the conclusion of the regular Board meeting, and May 11, 2017, at 1:00 p.m.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
<b>ABSENT:</b>	Curt Smith

Upon consensus of the Board, the meeting adjourned at 5:09 p.m.

ATTEST:



SCOTT ELLIS, CLERK



RITA PRITCHETT, VICE CHAIRWOMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by Board 4/25/17