

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 May 4, 2017 at 5:00 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	Absent	
Curt Smith	Chairman/Commissioner District 4	Present	
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 communications 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 Dr. Vernor Clay, Antioch Christian Fellowship Baptist Church, Titusville.

**PLEDGE OF ALLEGIANCE**

Commissioner Isnardi led the assembly in the Pledge of Allegiance.

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**ITEM I.A., RESOLUTION, RE: PROCLAIMING MAY 8, 2017, AS CHILD WELFARE PROFESSIONALS RECOGNITION DAY**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-072, proclaiming May 8, 2017, as Child Welfare Professionals Recognition Day.

Bill Bucher stated on behalf of Brevard Family Partnership, the Community Based Care Agency charged with protection of children in Brevard County and Family Allies their new case management organization they created to bring 100 percent focus on Brevard's families and children, appreciate the recognition for the hard work that child welfare professionals do every single day; they have about 997 children under their supervision with about 50 case management staff including support from family support workers, supervisors, administrative assistants, and leadership between case management and community based care organizations; and he will be sure to share this with staff.

<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, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM I.B., RESOLUTION, RE: RECOGNIZING NETA HARRIS AND HER CONTRIBUTIONS TO TOURISM OF FLORIDA'S SPACE COAST**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-073, recognizing Neta Harris and her contributions to tourism of Florida's Space Coast.

Bart Gaetjens, Chairman of the Brevard Nature Alliance, stated he is joined by Keith Winston the executive Director of the Brevard County Zoo, Laurilee Thompson, who is involved in so many activities, and Eric Garvey; he thanked the Board for recognizing Neta, she is dealing with a health issue and could not make it tonight; he knows she will be facing her health issue as she has done with everything she has faced, with dignity, class, and courage; the mission of the Brevard Nature Alliance is to build public awareness and appreciation of the value of Brevard County's natural resources by fostering and promoting ethical nature base eco-tourism; and that pretty well describes Neta when looking at all the wonderful things she has done, the events she goes to, and how she promotes not only eco-tourism but Brevard County. She stated she has been a tremendous asset to this County along with what she has done for the Space Coast Wildlife and Birding Festival, how many people come into this County, the economic impact of the number of people who have come and stay in the motels, and the image to the County, it is fantastic; and on behalf of the Brevard Nature Alliance Board of Directors, he expressed his appreciation for the Resolution.

Laurilee Thompson stated she has known Neta the longest; she came into her world 18 years ago as a volunteer for the Birding Festival; she ended up running it and she took this little event that started out with 150 friends and relatives of hers, who she shamed into coming and turned it into a world class event that brings in thousands to this community; and that is just the tip of the iceberg for what she has done. She added Neta served on the Parks and Recreation Boards, she is a member of the Mims Methodist Church, she does Meals on Wheels, and all kinds of things for this community; and she knows Neta would have loved to be there tonight and she would if she could. She expressed her appreciation for the Resolution.

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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV., PLANNING AND ZONING BOARD RECOMMENDATIONS OF APRIL 17, AND 24, 2017; PORT ST. JOHN BOARD RECOMMENDATIONS OF APRIL 12, 2017; NORTH MERRITT ISLAND BOARD RECOMMENDATIONS OF APRIL 13, 2017; AND ITEM TABLED FROM THE APRIL 6, 2017, BOARD OF COUNTY COMMISSION MEETING**

Chairman Smith called for Public hearing to consider Planning and Zoning Board recommendations of April 17 and 24, 2017; Port St. John Board Recommendations of April 12, 2017; North Merritt Island Board Recommendations of April 13, 2017; and tabled item from the April 6, 2017, Board of County Commissioner meeting.

**ITEM IV.A.1., (17PZ00005) NAJJAD, INC. - (NOEL DROOR) - REQUESTS A CHANGE OF CLASSIFICATION FROM SEU WITH AN EXISTING BDP, TO EU-2 WITH AN AMENDED BDP LIMITED TO TWO (2) UNITS PER ACRE, ON 26.11 ACRES, LOCATED ON THE NORTH SIDE OF SMITH ROAD, APPROXIMATELY 0.12 MILE EAST OF NORTH COURTENAY PARKWAY. (NO ASSIGNED ADDRESS. IN THE MERRITT ISLAND AREA.)**

Cynthia Fox, Planning and Zoning Manager, stated this Item was tabled from the April 6, 2017, Board of County Commissioners meeting; the applicant has been working to find better access to the property; and she believes he is here to request tabling.

Noel Droor stated his reason for requesting tabling until August is he has an opportunity to work with the neighbors to find a better solution for the rezoning.

Commissioner Barfield asked Eden Bentley, Deputy County Attorney, if the Board were to table this how the comments would work.

Eden Bentley, Deputy County Attorney, stated if the Board moves to table then it closes the discussion; there is a choice; the Board can either act on the request to table and close the discussion and hear it in August; it can leave it open, take the comments, then table it; or the Board can take any other action it chooses to.

Chairman Smith asked Commissioner Barfield what his thoughts are on the matter since it is his District.

Commissioner Barfield stated there are people here and would hate to not let them speak when they came to speak; and he would like to know who in the audience would still like to speak today.

Commissioner Pritchett stated if they still want to speak to allow that to happen before the tabling.

Chairman Smith stated if Mr. Droor wants to work with these folks, the comments they make tonight may wind up being nonessential; he believes in the interest of the audience having to stay out; and his point is if he works with the neighbors and they all come to some kind of agreement there would be no point.

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Commissioner Barfield stated let Earl McMillan speak.

Chairman Smith stated the Board will address his request after listening to those who want to speak.

Earl McMillan provided the Board a handout. He stated his property is 2.5 acres on the North side; there are seven residents on Smith Road going from west to east; the Tidwells do not live on their property, Duncan does not live on the property, Matthews does not live on the property, and Schnabel does not live on the property; and the two properties of Armstrong and Blasky are much larger than 2.5 acres. He continued he has a drawing of North Merritt Island and it just has one main north and south road which is Courtenay and then a branch that is sort of like a tree, it goes off Grant and it runs north and south; back in 2005 Mr. Droor made these promises to the County Commission; he said he wanted to make sure the houses were not crammed, he was trying to have a development that would be an asset to the community, and he would like to limit it to 18 houses even though the zoning he requested would grant him the right to more houses; and everybody was for it, North Merritt Island homeowners, Dependent Special District, and the County Commission, no one objected to it. He revealed on March of this year all seven residents, including himself, went before the Dependent Special District and said there is no problem if Mr. Droor wants to do what he said he was going to do back in 2005; his belief is there has to be symmetry in zoning, and the argument the Board is going to hear in August is the Board gave it to Harvey Groves, which is a property north of Mr. Droor, from SEU to EU-2, therefore, the Board must give it to him; the Board could argue that his property is compatible now with Harvey Groves because of EU-2, but it is not compatible with Smith Road, the abutting property; and if Mr. Droor was here tonight saying he limited himself to 18 back in 2005 and would now like to go to 24 or 26 that would not be a problem, if he wanted to say 3,000 square foot homes in 2005 and now wants to do 2,500 square foot homes that would not be a problem, but to go to EU-2 is not a good idea. He informed Mr. Droor has said to the Dependent Special District that the reason nothing was done in the last 12 years was the recession; that is a change and the economy has picked up, but there have been some changes on Smith Road as well; the Rowels built their home about two years ago and moved in on the south side and Sirois just moved into their \$600,000 home a year ago, and the Juuls, Armstrongs, McMillins, and Grigas, Grigas will be the most heavily affected, have all put a lot of money into their homes; it started out the seven residents were all on the same page for Mr. Droor to do what he promised to do in 2005; now there was an understanding that some would go to Mr. Droor to feel him out and see what he really wanted; there was no negotiations to be done; and he does not know where all the residents stand, however he and his wife feel this is bad for North Merritt Island and they do not want to see 40 homes back there, which he understands the negotiation is about.

Commissioner declared he has spoken with Mr. Droor and he has looked at the property.

There being no further comments or objections, the Board tabled the request to change a classification from SEU with an existing BDP, to EU-2 with an amended BDP limited to two units per acre, on 26.11 acres, located on the north side of Smith Road, approximately 0.12 mile east of N. Courtenay Parkway, to the August 3, 2017, zoning meeting.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/3/2017 5:00 PM</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2	
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5	
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi	
<b>ABSENT:</b>	John Tobia	

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**ITEM IV.C., PUBLIC HEARING, RE: ADOPTION OF 2017-1 COMPREHENSIVE PLAN AMENDMENT PACKAGE**

Cynthia Fox, Planning and Zoning Manager, stated this is a large scale Comprehensive Plan Amendment that was seen for transmittal and now coming back for adoption; and the Board will need to hear this Item first because Item B carries the companion zoning Items.

Erin Sterk, Planning and Development Planner, stated she has three Items for the Board today brought by the private sector; the Board saw the items for transmittal on March 2, 2017, and they agreed to transmit the Comprehensive Plan Amendments to the State; and she is here now to review the adoption and send it forward to the State. She continued 2017-1.1 is a proposal by Florida Power and Light (FPL) on 462 acres proposing to go from Public Conservation and Residential 1 to Public Facilities; it is a proposal to allow for development of a utilities production and a solar farm; and they have a companion rezoning.

Mel Scott stated he is here just for questions if the Board has any; FPL has done extensive job and community outreach; it has met with the community on several occasions and has been through the transmittal process; they have received no comments from the review agencies; and he reiterated he is out of time and with respect for the Board's evening, he is just there for questions.

Commission Barfield asked if the Board needs to do three separate amendments.

Ms. Sterk responded affirmatively. She noted she needed the Board to make a motion on this Item alone and then she will brief the Board on the other two amendments.

There being no further comments or objections, the Board Adopted Ordinance No. 17-05, amending Article III, Chapter 62, or the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth Plan Amendment 2017-1.1; 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; providing for internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.C., PUBLIC HEARING, RE: ADOPTION OF 2017-1 COMPREHENSIVE PLAN AMENDMENT PACKAGE (CONTINUED)**

Erin Sterk, Planning and Development Planner, stated 2017-1.2 is a proposal by Granite Property Development Inc. on a little more than 48 acres proposing to go from Planned Industrial and Community Commercial to Residential 4; and they have a companion rezoning on the Agenda as well. She mentioned this is a proposal that would eventually allow up to four units per acre and a potential maximum of 193 single family residences; this application was sent to the State for transmittal and received no feedback from any of the 10 agencies that heard it; and there is nothing they have had to address between transmittal and adoption on behalf of the applicant. She added they are in the level of service standards for all parks, transportation, and public schools.

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There being no further comments or objections, the Board adopted Ordinance No. 17-06, amending Article III, Chapter 62, or the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth Plan Amendment 2017-1.2; 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; providing for internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.C., PUBLIC HEARING, RE: ADOPTION OF 2017-1 COMPREHENSIVE PLAN AMENDMENT PACKAGE (CONTINUED)**

Erin Sterk, Planning and Development Planner, stated the third proposal of the large scale Comprehensive Plan is 2017-1.3; it is a proposal on 130+ acres going from Industrial, Neighborhood Commercial, Community Commercial, and Residential 8 Directive to Residential 4 allowing four units to an acre; that is a maximum of 521 single family residences; Cindy Fox, Planning and Zoning Manager, will speak to this later on, as the last item and this one both have a testament in the rezoning to a BDP to provide water and sewer connectivity; and their representative is here for any questions.

There being no further comments or objections, the Board adopted Ordinance No. 17-07, amending Article III, Chapter 62, or the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth Plan Amendment 2017-1.3; 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; providing for internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.1., (17PZ00025) - AGRO-IRON, INC. - (JEFFREY CAMPBELL) - REQUESTS A CUP FOR HEAVY INDUSTRY, IN AN IU-1 ZONING CLASSIFICATION, ON 5.50 ACRES, LOCATED ON THE EAST SIDE OF KORBIN AVENUE, APPROXIMATELY 617 FEET SOUTH OF ANSIN ROAD. (5050 KORBIN AVENUE, ROCKLEDGE)**

Cynthia Fox, Planning and Zoning Manager, stated this application is for a Conditional Use Permit (CUP) for heavy industry in an IU-1 zoning classification on 5.5 acres in the Rockledge area; they are already located in an Industrial Park and they already have the highest industrial zoning the County has; however the industrial zoning classifications refer to metal fabrication as something that requires an additional CUP for heavy industry for public notification and input; and she believes metal fabrication and iron sulfate, are the types of products.

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Evan Neter, President of Agro-Iron Inc., stated Agro-Iron Inc. is composed of staff who have over 100 years of combined experience in handling and manufacturing chemicals; this is for chemical manufacturing use thus the CUP application in the heavy industry zone; the request is for a CUP for heavy industry and the IU-1 zoning classification at 5050 Korbin Avenue; this changes the prior use from a truss manufacturing operation, which was shut down after the global financial crisis, to warehousing and processing of chemical products; the property has had industrial zoning since 1966; and in 1977 the new IU-1 zone was changed. He continued it is an industrial park with Industrial Uses surrounding it, a junk yard, waste recycling, traffic control device manufacturing and warehousing, a lumber yard, and a scrap yard; it is on rail served property as well so the rail nature of the property is also present; the company stores and manufactures iron sulfates and iron humate; they bag the material, ship it out in bulk, and they liquefy it; these chemicals have been used for decades in drinking water and waste water purification; and they are also used as micronutrients in farms, for example ferrous sulfate is used by blueberry farmers to supplement iron and to add acidic material to the soil to help the blueberries grow. He added he is hoping to be a successful bidder as the County proceeds with the Indian River Lagoon (IRL) cleanup, to provide the materials and process to help remove phosphorus from the water; he is very excited to invest in Brevard County; he is here to answer and questions the Board may have; and he respectfully requested approval of the rezoning, by the Board.

Chairman Smith noted being the Commissioner of District 4; he has no objection to this.

There being no further comments or objections, the Board approved Agro-Iron, Incorporated's request for a CUP for heavy industry, in an IU-1 zoning classification, on 5.50 acres, located on the east side of Korbin Avenue, approximately 617 feet south of Ansin 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, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.2., (17PZ00015) - JESSICA AND DARYL WILLIAMS - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU, 11.82 ACRES, LOCATED ON THE NORTH SIDE OF WILLOWBROOK STREET, APPROXIMATELY 1 MILE WEST OF BABCOCK STREET. (ADDRESS CONFIDENTIAL, PER F.S. 119.071(F))**

Cynthia Fox, Planning and Zoning Manage, stated this is a request for rezoning from GU to AU on 11.82 acres for the purposes of having a clear list of permitted uses in the AU zoning classification and possible subdivision of the property in the future; the existing GU classification is just a holding classification and the list of permitting uses is shorter than those of an AU; and it is the desire of the applicant to have a more detailed list of permitted uses on their property.

Karl Bohne, Attorney for Mr. and Mrs. Williams, stated basically GU is the current zoning and the Williams' are requesting AU zoning on 11.82 acres; Planning and Zoning unanimously approved it; there were no objections for the surrounding residents; and it is consistent with the Comprehensive Plan so without wasting anymore time he leaves it to the Board.

Commissioner Isnardi noted she had met with Mr. and Mrs. Williams in her office and they had talked about this property; she feels it is pretty cut and dry; and she will obviously support it.

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There being no further comments or objections, the Board approved Jessica and Daryl Williams' request for rezoning from GU to AU on 11.82 acres, located on the north side of Willowbrook Street, approximately one mile west of Babcock Street.

<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, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.3., (17PZ00009) - 2620 U.S. HIGHWAY 1, LLC - (WOODY RICE) - REQUESTS A CHANGE OF CLASSIFICATION FROM BU-1 TO BU-2 ON 3.10 ACRES, LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 1, APPROXIMATELY 0.35 MILE NORTH OF STATE ROAD 46. (TAX PARCEL 330 = 2620 U.S.HIGHWAY 1, MIMS; TAX PARCEL 319 = NO ASSIGNED ADDRESS. IN THE MIMS AREA.)**

Cynthia Fox, Planning and Zoning Manager, stated this is a request for rezoning from BU-1 to BU-2 on about 3 acres just north of State Road 46 in Mims; the Planning and Zoning Board recommended approval with a Binding Development Plan (BDP) limiting some of the uses he plans to have on the property; those uses were business office, business units, trailer/truck/boat storage, and they wanted him to maintain a rear buffer, have no access to Folsom Road, and that there would be no idling of engines and/or generators after 10 p.m.; she worked the BDP out with the applicant at the P&Z meeting; and the vote was unanimous with the BDP added to the motion.

Woody Rice stated he is representing Jeff Greene the owner of the Property; as staff indicated there were three conditions and at the time he did not object to the third condition of no idling after 10 p.m.; if it was a problem for his client he could address it at today's meeting; apparently he does transport perishable items, so he would have to run generators in his trucks if they came in after hours; he discussed that with him the next morning; and they came up with a new concept plan which he would like to share with the Board. He continued some of the things that were changed was shrinking the truck parking and moving it closer to U.S. Highway 1 and away from the Folsom area; it is over 300 feet away now instead of what it was on the original site plan; Mr. Greene is a second generation truck broker; John Greene was his father and Mr. Greene's son is also involved with the business; he is a long term resident of North Brevard; he met with the Mims community the day after the P&Z meeting and showed them the new concept plan that he addressed; they had no objections at that meeting about the site plan; and he is asking the Board to pass this with the removal of the one item. He added what they have to do is come into compliance with the Noise Ordinance of Brevard County standards, which is 55 decibels at night from 10 p.m. to 7 a.m.; and that is part of the reason they made those changes, so it could be moved back to meet that Ordinance. He went on to say the unique characteristics about this site is there is a large wetland there they are preserving; there are two smaller wetlands that they will be impacting; they have an environmental scientist on board and the wetland survey has been conducted and is actually still being surveyed; another change they made after hearing from the community is at one time there were bays for vehicle maintenance and they have since decided not to do that mainly because Mr. Greene looked at the cost of employ, the cost of facility, and decided it was cheaper for him in the long term to outsource that rather than have it on the site; and the top part by U.S. Highway 1 is changing to warehouse with store fronts; and he reiterated he is asking the Board for their support on this.

Commissioner Pritchett stated she spoke with Mr. Rice earlier and received an email from Robin Fisher stating this was a good project; she also spoke with Mr. and Mrs. Hale earlier this

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evening and also received an email from them; talking earlier to Mr. Rice, she had the opportunity to go over some things; they were making sure the residents would not be affected too much; and she mentioned he could actually do this on the property without rezoning, however, the rezoning is making it possible to move the trucks out closer to the road instead of Folsom road.

Mr. Rice stated that was correct; it is only the first 200 feet being talked about tonight; the back part is already BU-2 which allows the truck parking; and granting this request allows them to move the operation closer to U.S. Highway 1.

Commissioner Pritchett stated she likes that because it is right along the main highway and is a better fit there; she thinks one other thing that needs to be worked on down the road, it is not something they can do tonight, is making sure there is good access for the trucks to get in and off the property; that is just a U.S. Highway 1 problem right now, jamming up State Road 46; and he had also mentioned he was going to be adding a tree buffer down Folsom Road.

Mr. Rice responded in the original site plan, and this site plan there is a 50 foot tree buffer they are providing along Folsom Road; one of the things looked at in the original design is this is a Rose Trail and because there is a Rose Trail behind this property they felt it was important to be good community stewards and provide a very adequate buffer in the back, not only for those homes but for the people enjoying the Rose Trail.

Commissioner Pritchett stated she thinks the way they have designed this property now by moving the trucks closer to the road is a good fit for that property, as long as they are taking care of the trails coming up; they have the buffer for the noise problem; and she thinks with it being closer to the road it is sticking to the Noise Ordinance.

Eden Bentley, Deputy County Attorney, asked if it was his intent that this concept plan be attached to the Binding Development Plan for locational purposes of the improvements.

Mr. Rice replied what they do not want to do is because no hard engineering has been done, they are still surveying the property so he does not have topographical information and he still has to meet with Florida Department of Transportation (FDOT) with access points and things like that; this is a very preliminary concept plan; and they do not want to bind themselves to a point where they cannot adjust the site; however they are seeing where they will push the truck parking at least 300 feet, it will not be any closer than the 300 feet.

Ms. Bentley asked for clarification if that could be put in verbally in the development plan.

Mr. Rice confirmed they will push the truck parking 300 feet and it can be put in the plan, they have no objection to that. He noted they just want to shift the parking.

Ms. Fox asked if she could also amend the BDP because now he has stipulated a 50 foot buffer in the rear towards the railroad tracks.

Mr. Rice noted that was in the original Site Plan.

Ms. Fox stated they just did not put it in and asked if it was okay to put it in the BDP.

Mr. Rice replied affirmatively.

Ron Bartcher, Mims Community Group, confirmed Jeff Greene did meet with his group after he went to the planning and zoning meeting; when they first became aware of the plan they had some strong objections to it, primarily because it looked like it was going to be a truck repair

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center; the members did not want that in the heart of Mims; he called Mr. Greene for a meeting and Mr. Greene agreed to meet with him; Mr. Greene then told him he had changed his plans; he came to the meeting and showed his revised plans; and the group does not object to his proposal.

Commissioner Barfield asked to make the motion does the Board need to include as approved with a BDP limited to business units, trailer/truck/boat storage, rear buffer, and no access to Folsom Road. He also asked if the Board needs to put in the motion that the truck parking will be up front and the BDP will have a 50 foot buffer.

Ms. Fox replied she believes it needs to read business use, trailer/truck and storage, maintenance of a 50 foot rear buffer, no access to Folsom Road, and that the truck, trailer, and boat storage would be within the first X number of feet on the property, which she thinks gives her enough in the BDP.

Mr. Rice recommended the site plan be kept at least a minimum of 300 feet away from the rear of the property line, which is what is showing on the Site Plan tonight.

Commissioner Smith confirmed with Attorney Bentley if that was okay.

Ms. Bentley reaffirmed that could be done.

There being no further comments or objections, the Board approved request by 2620 U,S, Highway 1, LLC for a change of classification from BU-1 to BU-2 on 3.10 acres, located on the west side of U.S. Highway 1, approximately 0.35 mile north of State Road 46 with BDP limited to business units, trailer/truck/boat storage, maintenance of a 50 foot buffer, no access to Folsom Road, and the truck parking will not be less than 300 feet from Folsom Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.4., (17PZ00019) - T&M UNITED CORPORATION - (CARMINE FERRARO) REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A BU-2 ZONING CLASSIFICATION, ON 1.49 ACRES, LOCATED ON THE WEST SIDE OF CURTIS BOULEVARD, APPROXIMATELY 325 FEET NORTH OF FAY BOULEVARD. (NO ASSIGNED ADDRESS. IN THE COCOA AREA.)**

Cynthia Fox, Planning and Zoning Manager, stated T&M United Corporation is requesting a Conditional Use Permit (CUP) for consumption of alcohol for a new Beef O Brady's Restaurant in Port St. John on the west side of Curtis Boulevard.

Carmine Ferraro stated he is very excited being there to let people know Port St. John is coming to its own; it is beginning to get the attraction and the critical mass of the national chain restaurants and businesses; he is very excited that Beef O'Brady's has chosen this location to serve Port St. John; they are joining other chains such as True Value Hardware and Dunkin Donuts who is kept very busy on a regular basis for the locals coffee fixes and hardware; he asked the board to support this so Beef O'Brady's will have the ability to sell alcohol as part of their food service, which is part of their national chains menu service; and he offered some quick points in regard to citizen participation. He added they mailed out to the same residents

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who received the notice with the 500 feet; they held the citizens meeting prior to the P&Z; there were no attendance, emails, or calls regarding that; with relation to the P&Z hearing they had unanimous approval by the P&Z board and no negative comments for public opposition; and with regards to the staff report, they met and exceed all the requirements of the CUP with no additional comments added by staff stating any deficiencies or clarifications requested by the applicant; therefor in conclusion he asked the Board to grant the request for CUP.

There being no further comments or objections, the Board granted the request by Carmine Ferraro for a CUP for alcoholic beverages for on premise consumption in conjunction with a restaurant in a BU-2 zoning classification, on 1.49 acres, located on the west side of Curtis Boulevard, approximately 325 feet north of Faye Boulevard.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.5., (17PZ00024) - DOUGLAS O. JENKINS - REQUESTS A SMALL SCALE PLAN AMENDMENT (17S.01) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 1:2.5 TO RESIDENTIAL 2; TROPICAL TRAIL, APPROXIMATELY 0.47MILE NORTH OF W.CRISAFULLI ROAD. (6187 NORTH TROPICAL TRAIL, MERRITT ISLAND)**

Cynthia Fox, Planning and Zoning Manager, informed this request by Douglas Jenkins includes a request for a Small Scale Plan amendment and a change to the Future Land Use designation from Residential 1:2.5 to Residential 2; and a change of classification from AU to SR on 0.82 acres located on the east side of North Tropical Trail, west of Crisafulli; this is the dangerous 90 degree return right there at Sam's house; and she thinks it is very brave of Mr. Jenkin's son to want to put a house on this property, but that is what they are seeking to do; and she hopes it will open up that corner and be better visibility for now on.

Lance Jenkins stated he just wants the approval to build on the 0.82 acre; move it from AU to SR for a single family home; and hopefully he will have to resolve what type of driveway they will put in so people are able to see both north and south.

There being no further comments or objections, the Board approved a request of Douglas Jenkins for a change of classification from AU to SR, on 0.82 acre, locted on the east side of North Tropical Trail, approximately 0.47 mile north of West Crisafulli Road; and adopted Ordinance No. 17-08, amending Article III, Chapter 62, or the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan" setting forth the Fifth Small Scale Amendment of 2017, 17S.01, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501, Part XVI(E), entitled The Future Land Use Map Appendix; and provision which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B.6., (17PZ00029) - FLORIDA POWER AND LIGHT COMPANY - (MEL SCOTT) - REQUESTS A CHANGE OF CLASSIFICATION FROM GU, AU, AND RR-1 TO GML(U) WITH A CUP FOR ELECTRIC, NATURAL GAS, WATER, AND WASTEWATER UTILITIES, ON 462 ACRES, LOCATED ON THE WEST SIDE OF FLEMING GRANT ROAD, APPROXIMATELY 1.5 MILES WEST OF U.S. HIGHWAY 1. (NO ASSIGNED ADDRESS. IN THE MICCO AREA)**

Cynthia Fox, Planning and Zoning Manager, stated this is the companion rezoning to the Comprehensive Plan in Agenda Item C.; they are cleaning up this property where there were a bunch of old orange groves and surplus property; GU, AU, and RR-1 to the Government Management Lands Utilities GML(U) with a Conditional Use Permit (CUP) for electric, natural gas, water, waste water utilities; really what they are doing there is a solar farm; and this is just the companion zoning to make sure the project goes forward.

Keith Winsten, Florida Zoo, stated Florida Power and Light (FPL) came to them about the larger solar initiative that they are doing, besides the solar farm which they wholly support; they have been working with the zoo and they have installed some solar trees there to try and get people to start thinking about the energy choices they make; he is thrilled to see this and feels it is a great use of the land with very low impact on wildlife; and he wanted to confirm they had reached out to community proactively about it.

Laurilee Thompson stated she thinks this is an ideal project for Brevard County because it is like the home of technology and right now that field is just a resilient pepper haven; she thinks FPL has done a good job with community outreach; they have nice buffers next to the Barefoot Bay community; and she believes there was someone who had asked about Gopher Tortoises, not only will they not bother the tortoises but they are going to create a Gopher Tortoise refuge there with the grass that will grow under the solar panels; and she would hope the Board would look favorably on this and give it a unanimous vote.

Chairman Smith stated in full disclosure Mr. Gaetjens took him and his staff to see the solar farm in North Merritt Island; it was very impressive; the one they are building in Mims is even bigger; he has solar panels on his house; and his electric bill last month was \$10.

Commissioner Barfield declared he has also spoken with Mr. Gaetjens about this.

Commissioner Pritchett stated she also met with him and spoke to Mr. Scott on the phone yesterday.

Commissioner Isnardi stated Mr. Gaetjens has been very busy because he has met with all of the Board members.

There being no further comments or objections, the Board approved a request from FPL for change of classification from GU, AU, and RR-1 to GML(U) with a CUP for electric, natural gas, water, and wastewater utilities on 462 acres, located on the west side of Fleming Grant Road, approximately 1.5 miles west of U.S. Highway 1.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Kristine Isnardi, Commissioner District 5  
**AYES:** Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi  
**ABSENT:** John Tobia

**ITEM IV.B.7., (16PZ00118) - GRANITE PROPERTY DEVELOPMENT, INC. - (DOUGLAS ENGLE) - REQUESTS A CHANGE OF CLASSIFICATION FROM PIP, BU-1, RVP, AND AU TO RU-1-7, WITH A BDP LIMITED TO FOUR UNITS PER ACRE, ON 48.25 ACRES, LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 1, APPROXIMATELY 100 FEET NORTH OF PAM LEM ST. (NO ASSIGNED ADDRESS. IN THE COCOA AREA.)**

Cynthia Fox, Planning and Zoning Manager, stated this is another follow up companion rezoning to the 2017-1.2 Comprehensive Plan; they are taking the property from PIP, BU-1, RVP, and AU to the RU-1-7 with a Binding Development Plan (BDP) that limits the property to four units per acre; they also have committed to hooking up to sewer; and she believes they are aiming for something like 193 homes on the property.

Commissioner Barfield asked if the Board needs to approve with the attached BDP.

Ms. Fox replied affirmatively.

There being no further comments or objections, the Board approved a request from Granite Property Development, Inc. for a change in classification from PIP, BU-1, RVP, and AU to RU-1-7 with a BDP limited to four units per acre, on 48.25 acres, located on the west side of U.S. Highway 1, approximately 100 feet north of Pam Lem Street.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Kristine Isnardi, Commissioner District 5  
**AYES:** Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi  
**ABSENT:** John Tobia

**ITEM IV.B.8., (17PZ00002) - LIGHT FINDINGS, LLC, AND JOHN G NOONAN, AS BISHOP OF THE DIOCESE OF ORLANDO - (CHRIS GARDNER) - REQUESTS A CHANGE OF CLASSIFICATION FROM GU, BU-1, BU-2, IU, AND IU-1, TO RU-1-7, WITH A BDP LIMITED FOR FOUR UNITS PER ACRE, AND REQUIRING CONNECTION TO PUBLIC WATER AND SEWER FOR THE ENTIRE DEVELOPMENT, ON 130 ACRES, LOCATED ON THE NORH SIDE OF CAMP ROAD, WEST OF U.S. HIGHWAY 1. (5082 & 5083 PERSIMMON LANE, COCOA; A PORTION OF 5135 & 5145 NORTH HIGHWAY 1, COCOA**

Cynthia Fox, Planning and Zoning Manager, stated this is a change of classification from GU, BU-1, BU-2, IU, and IU-1 all to RU-1-7 with a Binding Development Plan (BDP) limited to four units per acre requiring the connection to water and sewer for the entire development on 130 acres; and this is located on the north side of Camp Road.

Commissioner Barfield asked what the buffer requirements are and if that needs to be added to the motion.

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Ms. Fox stated the buffering from the railroad would be a typical 15 feet, which is Code minimum.

There being no further comments or objections, the Board approved a request from Light Findings, Llc. and John G. Noon, as bishop of the Diocese of Orlando for a change of classification from GU, BU-1, BU-2, IU and IU-1 to Ru-1-7, with a BDP limited to four units per acre, and requiring connection to public water and sewer for the entire development, on 130 acres, located on the north side of Camp Road, west of U.S. Highway 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM VIII.G., BOARD REPORT, RE: CURT SMITH, DISTRICT 4  
COMMISSIONER/CHAIRMAN**

Chairman Smith reported he got back late yesterday from a four-day trip to Washington D.C., with the Economic Development Commission (EDC); they went there with the purpose of economic development to try and bring businesses and jobs to Brevard County; Lockheed is closing down their Sunnyvale operation after 62 years in operation, and bringing it to Brevard County, along with 300 jobs and their complete supervisory staff, which is a big win for the County; there is no new word on the Battlefield Airmen Training Center (BATC) that he is desperately working to get here in Brevard; one change has occurred, he was told when he was there a month ago that a decision would probably be handed down by the middle to end of May, now they have decided that will be more towards the end of summer because they are going to wait for the new secretary of the Air Force to be confirmed; and he gave a big shout out to General Montieth because he took it upon himself to fly to D.C. and escorted them through all eight meetings on Tuesday, and it had a huge effect on the people they were visiting including the assistant to the Secretary of the Air Force, who has been keeping them up-to-date on the BATC. He added this would be huge for Patrick Air Force Base and would bring in about 1,200 new airmen and a lot of new buildings; it would also probably keep the Base off the BRAC list in 2019; and they also learned that is going to be called BRAC lite, which is the Air Force will be closing out five percent, 23 percent of the bases are underutilized, BRAC lite will close down five percent and he does not want Patrick to be one of those; so if Brevard can get BATC he feels pretty confident that will not happen; and then there will be a heavier BRAC, base realignment closures in 2021. He went on to say he felt like it was his most productive meeting in D.C. in his three years.

Commissioner Barfield pointed out General Montieth is the Commander of the 45th Space Wing of Patrick Air Force Base, over the whole range.

Chairman Smith continued to highlight that even more, General Montieth is re-upped to his third year in Commander of the 45th Space Wing and he was told by numerous people in the Pentagon that almost never happens; so this guy carries a lot of weight and for him to be up there supporting them is huge.

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Upon consensus of the Board, the meeting adjourned at 6:05 p.m.

ATTEST:



*Scott Ellis*

SCOTT ELLIS, CLERK



CURT SMITH, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by Board 7/11/17

## Kimberly Powell

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**From:** Kimberly Powell  
**Sent:** Thursday, June 01, 2017 2:15 PM  
**To:** Sally Lewis; 'Scott.Knox@brevardcounty.us'  
**Subject:** 05-04-2017 Zoning Minutes  
**Attachments:** 05-04-2017 Zoning.doc

Attached are the 05-04-2017 Zoning Minutes which will be considered by the Board on July 11, 2017.

Have a great day,

Kimberly Powell  
Recording Secretary  
Clerk to the Board  
(321) 637-2001  
[Kimberly.powell@brevardclerk.us](mailto:Kimberly.powell@brevardclerk.us)

