

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 November 2, 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	Present	
Curt Smith	Chairman/Commissioner District 4	Remote	
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**

Rita Pritchett, Vice Chairwoman, advised Commissioner Smith is on the phone.

Eden Bentley, Deputy County Attorney, stated she wants to ensure that Commissioner Smith can see the Board live online; and that he can see the screen behind the Board. Commissioner Smith responded affirmatively.

Deputy County Attorney Bentley stated there is a projector next to the podium which will display documents presented by the public for Commissioner Smith to see if anyone submits a document; Space Coast Government Television (SCGT) will focus in on the screen for him; for the speakers and the members of the public who plans to present documents to the Board, the document needs to be placed on the gray equipment to the right of the podium, and faced up will display on the screen behind the Board; and if documents have already been submitted by

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email or at a prior hearing, tell the Board of the document submitted so they will know that it is already in the zoning file to be able to locate it easier.

The invocation was provided by Rob Medina, Community and Military Affairs Representative for Congressman Bill Posey.

### **PLEDGE OF ALLEGIANCE**

Rita Pritchett, Vice Chairwoman, led the assembly in the Pledge of Allegiance.

### **PLANNING AND ZONING BOARD AND LOCAL PLANNING AGENCY RECOMMENDATIONS OF OCTOBER 9, 2017; AND NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATIONS OF OCTOBER 12, 2017**

Vice Chairwoman Pritchett called for a public hearing to consider the Planning and Zoning Board and the Local Planning Agency Recommendations of October 9, 2017; and the North Merritt Island Dependent Special District Board recommendations of October 12, 2017.

#### **ITEM IV.A., CHANGE OF ZONING CLASSIFICATION, RE: RR-1 TO AU - ROBERT AND CHERYL VASSAR. THE PROPERTY IS 4.77 ACRES, LOCATED AT 6601 MARGO LN., MERRITT ISLAND. (17PZ00105)**

Rebecca Ragain, Planning and Development Assistant Director, stated this is a request of change of zoning classification from RR-1 to AU for Robert and Cheryl Vassar; the property is located at 6601 Margo Lane, Merritt Island, and consisting of 4.77 acres; and the North Merritt Island Dependent Special District Board recommended approval.

Commissioner Barfield stated he has no problem with the rezoning; it is going to lesser density; and is consistent with the Future Land Use.

There being no objections heard, the Board approved the change of zoning classification from RR-1 to AU for Robert and Cheryl Vassar, on 4.77 acres, located at 6601 Margo Lane, Merritt Island.

<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>	Pritchett, Barfield, Tobia, Smith, Isnardi

#### **ITEM IV.B., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: RESIDENTIAL 15 TO CC - MARK J. FLICKINGER, AND SKIDMORE TRAILER PARK AND SALES, INC. THE PROPERTY IS 0.71 ACRE, LOCATED ON THE SOUTHWEST CORNER OF RIVER PARK BLVD., AND U.S. HWY. 1, 7635 U.S. HWY. 1, TITUSVILLE. (17PZ00096)**

Rebecca Ragain, Planning and Development Assistant Director, stated Items IV.B. and IV.C. are companion Items for a Small Scale Comprehensive Plan amendment and a change of zoning classification for Mark J. Flickinger, and Skidmore Trailer Park and Sales, Inc.; staff believes that there has been some confusion with the applicant expressing a desire to enter into a binding development plan; she thinks that the applicant believed that he did not have to show up at the meeting tonight; and she suggested for the Board to table the Item.

There being no objections heard, the Board tabled Mark J. Flickinger and Skidmore Trailer Park and Sales, Inc. request of a Small Scale Comprehensive Plan amendment for Residential 15 to

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CC on 0.71 acre, located on the southwest corner of River Park Boulevard, and U.S. Highway 1, Titusville, to a future Board of County Commissioners Zoning meeting.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kristine Isnardi, Commissioner District 5  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.C., CHANGE OF ZONING CLASSIFICATION, RE: BU-1, BU-2, AND RU-1-11 TO ALL BU-2 - MARK J. FLICKINGER, AND SKIDMORE TRAILER PARK AND SALES, INC. THE PROPERTY IS 0.71 ACRE, LOCATED ON THE SOUTHWEST CORNER OF RIVER PARK BLVD., AND US. HWY. 1, 7635 U.S. HWY. 1, TITUSVILLE. (17PZ00096)**

There being no objections heard, the Board tabled Mark J. Flickinger and Skidmore Trailer Park and Sales, Inc. request of change of zoning classification for BU-1, BU-2, and RU-1-11 to all BU-2 on 0.71 acre, located on the southwest corner of River Park Boulevard and U.S. Highway 1, 7635 U.S. Highway 1, Titusville, to a future Board of County Commissioners Zoning meeting.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kristine Isnardi, Commissioner District 5  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.D., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - RIVERVIEW TOWER, LLC (TUAN LE). THE PROPERTY IS 1,812 SQ. FT. LOCATED AT 6525 3RD ST., ROCKLEDGE, UNITS 107 AND ONE-HALF OF 108. (17PZ00104)**

Rebecca Ragain, Planning and Development Assistant Director, stated Item IV.D. is a request for Conditional Use Permit for on-premise consumption of alcoholic beverages for beer and wine only for Riverview Tower, LLC; the property is located at 6525 3rd Street, Rockledge, in units 107 and one-half of 108, and containing 1,812 square feet; and the Planning and Zoning Board recommended approval.

There being no objection heard, the Board approved the Conditional Use Permit of alcoholic beverages for beer and wine only for the Riverview Tower, LLC on 1,812 square feet, located at 6525 3rd Street, Rockledge, Units 107 and one-half of 108.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Chairman/Commissioner District 4  
**SECONDER:** Kristine Isnardi, Commissioner District 5  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.E., CONDITIONAL USE PERMIT, RE: BED AND BREAKFAST - MICHAEL K. AND MARIA P. GRANATOSKY. THE PROPERTY IS 1.02 ACRES, LOCATED AT 3645 ROSEHAVEN PL., TITUSVILLE. (17PZ00106)**

Rebecca Ragain, Planning and Development Assistant Director, stated Item IV.E. is a request for a conditional use permit for Bed and Breakfast for Michael K. and Maria P. Granatosky; the

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property is 1.02 acres, located at 3645 Rosehaven Place, Titusville; the Planning and Zoning Board recommendation was for approval with the stipulation of only one room for rent; and staff has received seven letters of objection and one disclosure from Commissioner Pritchett, with a copy of the deed restrictions.

Maria Granatosky provided her State license on the projector for the Board to see; she stated she is a teacher at Viera High School; she is the land and homeowner of 3645 Rosehaven Place, Titusville; she is present to request a conditional use permit for her house to be continued as an Airbnb; she did receive approval on October 9 from Planning and Zoning to go ahead and keep that as an Airbnb, with the stipulation of one bedroom, which is her plan; she has been running an Airbnb in her house for two years already; and on July 14 she received a visit from the County saying that someone had made an anonymous complaint about it. She went on to say because of that she went ahead with the process of the conditional use permit; she has already been running this Airbnb in her house for two years, with minimal to no impact on the neighborhood; she has one bedroom that houses one to two guests, usually a married couple; and they park in her driveway. She added her driveway is set pretty far back so no one can see the vehicle; the people usually check-in in the late evening and are on their way touring different parts of Florida; they are really not staying for very long; and her average stay is one to two nights. She mentioned there being 12 houses on her block, which is a cul-de-sac; up to a certain point she thought there was a deed restriction; however, she found out at the Planning and Zoning meeting that there was not a deed restriction, no homeowners association, or anyone to enforce the deed restrictions; and she wanted to put that on the record, which should explain her request.

Eric Hunstad stated he is a homeowner on Rosehaven Place not a renter; no one has complained and everyone has known there has always been a lot of traffic at Ms. Granatosky's; they live on a short, dead-end street; but just because the residents have not complained, it is kind of out there now, and they are trying to be good neighbors. He suggested for the Board to review Ms. Granatosky's Airbnb reviews, people stay for as long as nine days; there are people from Russia and people from all over the world who are un-vetted, and he does not know those people; he has printed 144 Airbnb reviews of Ms. Granatosky and if the math is done on how many people stayed, she has rented the room for 300 days in two years; and it is a lot more than she is insinuating. He went on to say the deed restriction situation is misinformation, as far as he is concerned because he is under the impression there is a deed restriction that is plated, and because the company who developed the neighborhood went belly-up, the law concerning the public record and the deed restrictions went away; he explained that it says in the deed that they are to be enforced and how they are to be renewed; it also says the only way to change it is it has to be signed by the majority of the owners on the lots agreeing to change the covenant in whole, or in part; and it is on page three of the deed restrictions and is item number 15. He stated he has no ill-will against Ms. Granatosky and he does not like that kind of traffic on his street.

Anne Bergquist stated she lives directly next door to the Granatosky's; it makes her absolutely sick that she has to be present tonight and go against a neighbor; she likes them and they have been neighbors for over 16 years; their families grew up together and they are good neighbors; she has watched their house and animals when they went away; and this is very upsetting to her. She went on to say she came home from shopping one day and she noticed a public hearing notice by their mailbox; she received a card in the mail that said there is going to be a Planning and Zoning hearing; she and her husband both attended and they know a lot of the neighbors who had written letters; there was only one person within 500 feet that received a notice and stated that they were okay with it; during the Planning and Zoning meeting, Ms. Granatosky stated that she only wanted one bedroom because Mr. Granatosky works from home and she worked part-time, and they needed the income but did not want an Airbnb because she did not want to do breakfast or have to cook; and she only requested the

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conditional use permit or the change of zoning because someone complained. She advised the complaint was not from her and she does not know who made the complaint; but Ms. Granatosky did say that she had been doing this for over two years. She continued to say after the Planning and Zoning meeting, some of her neighbors said different things; she does not like to take people's word, she likes to investigate for herself; one of the things that was said was about what the name of the Airbnb was, which was against the deed restrictions; her husband looked it up; Mr. Hunstad looked it up; and it was seen, there were different reports of how long people stayed. She stated when Ms. Granatosky said her husband worked from home and she worked part-time, it leads one to believe that somebody is always there; she learned that is not the case, there is people that have been there when they were not there, and that is stated in the reviews; Mr. Granatosky still has to go into work at times; and Ms. Granatosky is not always home, she does not know all of their business, and she does not know their finances. She added she does know that when she moved into her home in 2001, she had to sign an acknowledgement of there being deed restrictions; there was no homeowners association but there were deed restrictions; everyone who moved into the area that she is aware of had to do the same thing as she, acknowledge the deed restriction; they live in a platted community on a one-block street, with a little hill that goes around a corner and down a hill, and it backs up to I-95; and everything between I-95, Fox Lake, South Carpenter, and Garden Street are single-family homes. She stated most of the homes are big homes; her home has 4,500 square feet; she purchased her house because of having a family and wanting it in a nice, safe family oriented neighborhood; she does not know about Airbnb; she has done some research; but a person cannot possibly know who is coming into his or neighborhood. She advised if this is approved, it changes the neighborhood forever by her no longer having a single-family home that is just for a neighborhood of families; there are residents with young children and there is a special needs child residing on her block; she does not want a hotel and she knows it is just one bedroom; but it is already known there has been more than one bedroom used because it is in the reviews. She inquired if this is approved what happens six months from now when Ms. Granatosky wants to have two or three bedrooms, or maybe even the whole house which is what Airbnb's do; and it will be a change that is made forever.

Jack Bergquist stated this CUP would not have be asked for if Code Enforcement had not come to the Granatosky's door telling them they are in violation and they should ask for a CUP; Ms. Granatosky is proud that she has been doing this for two years without telling her neighbors, without seeking a license, and without seeking a CUP; Ms. Granatosky knows very well that there are deed restrictions because there was someone who purchased property in their neighborhood; and he had planned on putting a road through one of the lots to develop 40 acres behind him. He went on to say that person attended a party at the Granatosky's and told them what they were planning to do; Ms. Granatosky was part of a group who was all upset because someone was going to change their neighborhood; and it was able to be resisted and came to an agreement about only developing two flag lot homes, and Ms. Granatosky knows and knew of the deed restrictions which was part of the whole conflict. He mentioned being at the Planning and Zoning Board hearing a couple of weeks ago and Bruce Moia stated several times there is not deed restrictions because the incorporating company had been dissolved; that is not quite accurate; and because Mr. Moia stated that to his fellow Board Members, they believed him that the residents have no protection, and voted for an approval. He added they did this contrary to staff noticing the subject site of the proposed CUP would fail to meet the local standards outlined in Section 62-1841551 of Zoning regulations; the primary concern is about the legal aspects that are codified, such as does it make the zoning requirement; it does as far as a zoning possibility but it is not an automatic; there should be consideration for the character of the neighborhood; and under the Administrative Policies for Future Land Use factor is to be considered for rezoning with CUP based on consideration of active provisions, conditions contained, and other applicable laws, Ordinance, regulations relating to zoning and land use regulations; and that might mean to consider there is a deed restriction. He went on to say

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based on the condition of the public health, safety, and welfare; and he is concerned for his health, safety, and welfare, changing a private single-residence into a commercial industry.

Peter Olivo stated his concern is CUP's have been tried in the residential neighborhood before and Commissioner Truman Scarborough shot them down years ago; if being able to put Airbnb's in neighborhoods, he is going to go buy all around the State of Florida, and start putting them in because once there is a precedence, it should be good with everybody even if they have deed restrictions; he has five kids and works all the time; and he does not have the time to be worried about who is going up and down his neighborhood, which is why he bought in a cul-de-sac to not have strangers coming in the neighborhood keeping him full of worry.

Ms. Granatosky stated she has been open for over two years and had quite a few visits that speaks to the popularity; her average stay is one or two nights, but there have been a couple of times where people have stayed three or four nights because of them touring Florida; Airbnb does background checks for drugs, any kind of criminal record, and any kind of pedophile record; these people are coming into her home and she has communications with them through email and through the telephone before they are arrive; and she is very weary of who she brings into her home. She advised of having a State license; she stated she did not know that it was a County violation because she called the City of Titusville at the time she starting doing this; in the beginning she went through all of the steps trying to make this as legitimate as possible; she reiterated she did not know that she was against any County violation at the time; and that is why she is going for a CUP. She added the whole idea of going for a CUP is to change what the definition is; she advised that is what she is doing up to this point; she mentioned having less cars parked in her driveway; Airbnb's is for one guest and one room at a time; she has less vehicles in her driveway than her neighbors do; a lot of them have grown children living at home; a few people on the block have rented their homes; and there are many more cars there now than what she has in her driveway.

Commissioner Isnardi inquired if there have been any incidents at her place. Ms. Granatosky replied no; and she stated she has had over 300 guests and has met some of the nicest people. Commissioner Isnardi inquired if a neighbor had ever complained to her about doing this out of her home for the last two and one-half years. Ms. Granatosky replied not before this CUP trial.

Commissioner Isnardi advised she hears a lot of people and their reasoning, but she does not hear of any incidents or hear of any discussions that occurred with her. Ms. Granatosky responded no there were not; and she stated that is why she is saying this was a minimal to no impact because nobody knew she was doing this; it is her private home and her self-determination; and no one was aware of it, which is how little of an impact it had.

Commissioner Tobia inquired if Ms. Granatosky is submitting all of the required bed tax and State taxes on all of the stays. Ms. Granatosky replied through the Airbnb site they already charge the State tax; she stated they pay Federal Income Tax; and after this she is going to apply for the Business Tax Registration (BTR) for the County.

Commissioner Smith stated there has not been any incidents in this particular case and has done a good job of keeping the neighborhood quiet; he does have a problem with rental units popping up wherever; there are zoning laws for a reason; he thinks people who live in a quiet neighborhood have expectations that it should remain quiet; and what if someone else in the neighborhood decided to do the same thing and they are not as judicious as Ms. Granatosky is, or three or four more people decide to do this. He opined it is a bad idea to introduce businesses into private neighborhoods.

Commissioner Isnardi stated she does not really have a concern with this; this is why a person comes to the Board, to talk about his or her particular situation, and what works for the

neighborhood; she would be less apt to agree with another applicant that would try to do this in their neighborhood, because there is one that is existing; she would be a little more concerned if this was a hotel, or if multiple rooms were rented out; but she thinks the strongest argument about vetting, but she is sure the organization that this is done through does that. She added if a person vetted everyone who came into their neighborhood, is an unrealistic expectation of people who stay at people's houses whether it be for a few hours, or a few nights is not a fair comparison; and is not a good argument. She continued to say the Board will have to decide whether or not it agrees that this zoning should be changed in the Granatosky's case; however, she thinks that that argument in itself is not a good argument; and because there has not been any incidences she does not see that it is a big issue, and she does not have a problem with this. She reiterated this is why these situations come to the Board and they are not automatics, otherwise it would be an administrative act because the Board takes consideration into all factors; and she would be in favor.

Commissioner Barfield stated based on the deed restrictions, he inquired if they hold. Eden Bentley, Deputy County Attorney, responded the deed restrictions are called Notice of Restrictions, but they are also known as Covenants; and Paragraph 15, specifically provides that the Covenants run with the land and that everyone in the neighborhood is bound by them, in effect; and even though the homeowners association does not exist and the developer has gone belly-up, these deed restrictions are in affect.

Commissioner Barfield inquired if for residential use no lot shall be used in whole or part for anything other than single-family residential purposes is valid. Attorney Bentley responded affirmatively; she stated however, the Board does not enforce private deed restrictions; the Board may look to the Administrative Policies; and they may influence how the Board sees the neighborhood.

Commissioner Barfield pointed out when these people bought these homes, they bought with the understanding that it is going to be single-family homes; he thinks that needs to be taken into consideration; and they did not sign up for an Airbnb to be in their neighborhood.

Vice Chairwoman Pritchett disclosed she met with Ms. Bergquist in her office; she advised Ms. Granatosky that her neighbor's adore her because it is a close neighborhood; she read through all the information; she tries to not make emotional decisions; it is a single-family area and she lives about two miles away from the location in question; there is not any other types of these in the area; and with it being at the higher end of South Carpenter, she just does not think this is a good fit in there. She mentioned struggling with that and the deed restrictions; she advised she is not going to vote in favor for this; if this started it is able to be created through that whole area; she just does not think this is a good fit for the area; and she knows the area, but she did not visit it; and she is going to vote not in favor of this tonight.

There being no further objections heard, the Board denied the conditional use permit request for bed and breakfast by Michael K. and Maria P. Granatosky, for property located at 3645 Rosehaven Place, Titusville.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Curt Smith, Chairman/Commissioner District 4
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith
<b>NAYS:</b>	John Tobia, Kristine Isnardi

**ITEM IV.F., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - TAC MERRITT ISLAND, LLC (JOHN CAMPBELL). THE PROPERTY IS 2,457 SQ. FT. AND IS LOCATED APPROXIMATELY 470 FT. SOUTH OF E. MERRITT AVE., AND APPROXIMATELY 655 FT. EAST OF N. CIYRTEBAT PKWY. (HOME DEPOT PLAZA), UNIT A-10B. (17PZ00107)**

Rebecca Ragain, Planning and Development Assistant Director, stated Item IV.F. is a request for a conditional use permit for on-premises consumption of alcoholic beverages for TAC Merritt Island, LLC; this is for Unit A-10B consisting of 2,457 square feet and is located in the Home Depot Plaza on North Courtenay Parkway; and the Planning and Zoning Board recommended approval.

Commissioner Barfield advised he has no objection to this request.

There being no objections heard, the Board approved TAC Merritt Island, LLC request of Conditional Use Permit for alcoholic beverages for on-premises consumption for property that is 2,457 square feet and is located approximately 470 feet south of E. Merritt Avenue, and approximately 655 feet east of North Courtenay Parkway (Home Depot Plaza), Unit A-10B.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.G., CHANGE OF ZONING CLASSIFICATION, RE: RU-1-9 TO GML(1) - SCHOOL BOARD OF BREVARD COUNTY (TIM LAWRY). THE PROPERTY IS 15 ACRES, LOCATED AT 3609 & 3615 LIONEL RD., MIMS (17PZ00120)**

Rebecca Ragain, Planning and Development Assistant Director, stated Item IV.G. is a request for a change of zoning for RU-1-9 to GML(I) for the School Board of Brevard County; the property consists of 15 acres, located on Lionel Road, Mims; and the purpose of the request is for demolition and rebuilding a new library on the property.

Vice Chairwoman Pritchett advised this is basically housekeeping of something that had been in the plans and had to change it because of the School Board.

There being no objections heard, the Board approved the change request of Zoning classification from RU-1-9 to GML(I) by the School Board of Brevard County on 15 acres, located at 3609 and 3615 Lionel Road, Mims.

<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>	Pritchett, Barfield, Tobia, Smith, Isnardi



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**ITEM IV.H., REMOVAL OF BINDING DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT, RE: STEPHEN PROCTOR MANGUM; JULIAN SIDNEY MANGUM, JR.; AND SANDRA E. BAKER - (HARVEY BAKER). THE PROPERTY IS 4.97 ACRES, LOCATED AT 1740 W. KING ST., COCOA. (17PZ00059)**

Rebecca Ragain, Planning and Development Assistant Director, stated Item IV.H. has been automatically tabled to the December 17, 2017, Zoning meeting by the request of the applicant.

There being no objections heard, the Board approved the automatically tabling of the request by Stephen Proctor Mangum; Julian Sidney Mangum, Jr.; and Sandra E. Baker to the December 17, 2017, Zoning meeting.

<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>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.I., PUBLIC HEARING, RE: TRANSMITTAL OF EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS 2017-2.2**

Erin Sterk, Grants Administrator, stated this Item is the transmittal of the Evaluation and Appraisal Report (EAR) Comprehensive Plan amendment 2017-2.2; it has been one and one-half years that the County staff and the multiple Departments have undertaken; she outlined the State coordinated review process and where the County is in that process; and when the Board will see this again. She went on to say every seven years in accordance with Florida Administrative Code, each local government must determine whether or not there is a need to amend the Comprehensive Plan, and reflect changes in Statutory requirements that have been inactive since the previous EAR was implemented; the Board last saw this item on November 15, 2016, when it transmitted a Letter to the State, letting them know what the County's intentions were regarding making an EAR Comprehensive Plan amendment; and staff plans to address any Statutory requirements, which there was only one change in Statues since the last Comprehensive Plan amendment; and in a typical Comprehensive Plan amendment cycle and not through an EAR, but in coordination with the State, and after discussing with them the County learned it is obligated to do a full overhaul which is what the Board has before it. She mentioned because of the change of direction from the State a conservative approach was taken to the changes; most of the things are scriveners errors, update to agency names, and updates to minor changes that there have been since last transmittal of an EAR in 2009; she pointed out it is a dynamic process and if the Board approves transmittal today, it will leave more of a conversation with the State reviewing agency to receive feedback through an objection recommendation and comments report; and it will come back within 60 days and beyond that there are 180 days to address anything that was recommended to be changed, or updated in the Comprehensive Plan. She stated this is the first piece of that; she is asking for the Board to approve the transmittal of the EAR Comprehensive Plan amendments. She pointed out there was one editorial oversight; and she provided the Board with a handout of Policy 6.6 to complete the package.

The Board approved the transmittal of the EAR Based Amendments 2017-2.2 to the State Land Planning Agency Department of Economic Opportunity (DEO) and other State review agencies for State Coordinated Review.

<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>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VIII.F., KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER, RE: REPORT**

Commissioner Isnardi expressed her thanks to staff for all of its hard work getting the St. Johns Heritage Parkway segment opened; she stated she appreciates Assistant County Manager John Denninghoff, for all of his hard work; she expressed her thanks to the previous Commissioners and she thinks former Commissioner Andy Anderson, and his previous role was key to getting things rolling forward; and she stated it definitely has alleviated traffic for South Brevard residents.

Upon consensus of the Board, the meeting adjourned at 5:41 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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