

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 September 1, 2016 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Absent	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	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 Reverend Brad Fink, Cross Bridge Church, Rockledge.

PLEDGE OF ALLEGIANCE

Commissioner Curt Smith led the assembly in the Pledge of Allegiance.

PUBLIC HEARINGS

Vice Chairman Smith called for a public hearing to consider Planning and Zoning recommendations of August 8, 2016, and Port St. John recommendation of August 10, 2016.

ITEM IV.B.1., (16PZ00064) - JANICE RENK (ROBERT POTTER) - REQUESTS A CHANGE IN CLASSIFICATION FROM AU TO RU-2-8, ON 1.89 ACRES, LOCATED ON THE EAST SIDE OF S. TROPICAL TRAIL, APPROX 102 FT. SOUTH OF RIVER CLIFF LANE (892 S. TROPICAL TRAIL, MERRITT ISLAND)

Cynthia Fox, Planning and Zoning Manager, stated there are several of the Items that need to be tabled by the Board since they were not heard at the Planning and Zoning meeting. She went on to say Item IV.B.1., IV.B.3., and IV.B.5., could be done in one motion to be tabled until the October 6, 2016, Board meeting.

There being no comments or objections, the Board tabled consideration of request of Edward A. (III) and Jennifer J. Ostopovich for a change of classification from GU to AU to 2.89 acres, located on the east side of International Avenue, north of Golden Shores Boulevard, to the October 6, 2016, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
ABSENT:	Jim Barfield

ITEM IV.B.3., (16PZ00055) - BANANA RIVERFRONT, LLC - (KIM REZANKA) - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.05) TO CHANGE THE FUTURE LAND USE FROM RESIDENTIAL 15 AND CC TO ALL CC; AND A CHANGE OF CLASSIFICATION FROM RU-2-15 TO BU-1 ON 2.44 ACRES, LOCATED ON THE WEST SIDE OF ORLANDO AVE., APPROX. 415 FT NORTH OF CRESENT BEACH DR. (2200 S. ORLANDO AVE., COCOA BEACH)

There being no comments or objections, the Board tabled consideration of the request of Banana Riverfront, LLC for a Small Scale Plan Amendment (16S.05) to change the Future Land Use from Residential 15 and CC to all CC; and a change of classification from RU-2-15 to BU-1 on 2.44 acres, located on the west side of Orlando Avenue, north of Crescent Beach Drive, to the October 6, 2016, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
ABSENT:	Jim Barfield

September 1, 2016

ITEM IV.B.5., (16PZ00058) - RJM MERCO, LLC - (KENDALL MOORE, ESQ.) - REQUESTS A CHANGE OF CLASSIFICATION FROM RU-1-9 TO BU-1-A; ON 0.37 ACRE, LOCATED ON THE NORTHEAST CORNER OF ELKCAM BLVD. AND MANTH AVE., APPROX. 470 FT. WEST OF U.S.HWY.1. (LOT 1 = NO ASSIGNED ADDRESS. IN THE COCOA AREA. LOT 2 = 1070 ELKCAM BLVD., COCOA)

There being no comments or objections, the Board tabled consideration of the request of RJM Merco, LLC for a change of classification from RU-1-9 to BU-1-A on 0.37 acre, located on the northeast corner of Elkcama Boulevard and Manth Avenue, west of U.S. Highway 1, to the October 6, 2016, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
ABSENT:	Jim Barfield

ITEM IV.B.2., (16PZ00046) - EDWARD A. (III) AND JENNIFER J. OSTOPOVICH - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU ON 2.89 ACRES, LOCATED ON THE EAST SIDE OF INTERNATIONAL AVE., APPROX. 700 FT. NORTH OF GOLDEN SHORES BLVD. (5175 INTERNATIONAL AVE., MIMS)

Cynthia Fox, Planning and Zoning Manager, stated this is Edward and Jennifer Ostopovich; Planning and Zoning voted unanimously to approve the re-zoning request from GU to AU; they are in the Mims area; and they are doing some honey bees.

There being no comments or objections, the Board approved the request of Edward A. (III) and Jennifer J. Ostopovich for a change of classification from GU to AU on 2.89 acres, on property located on the east side of International Avenue, north of Golden Shores Boulevard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
ABSENT:	Jim Barfield

ITEM IV.B.4., (16PZ00057) - RIVERSIDE COMMONS, LLC - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.06) TO CHANGE THE FUTURE LAND USE FROM NC TO CC; AND A CHANGE OF CLASSIFICATION FROM RP TO BU-1, ON 2.52 ACRES */-, LOCATED ON THE EAST SIDE OF HWY. 1, APPROX. 780 FT. NORTH OF ROCKLEDGE DR. (NO ASSIGNED ADDRESS. IN THE ROCKLEDGE AREA)

Cynthia Fox, Planning and Zoning Manager, stated this Item is for Riverside Commons, LLC; the only reason why the Planning and Zoning was denied was because there was a miscommunication about the meetings, so there was not a representative from the applicant at either of the meetings; the Planning and Zoning Board gave them a courtesy tabling the first time; and the second time they did not come they denied it. She went on to say this Board can

September 1, 2016

hear the Item and make a decision either way since there is a recommendation from the P&Z Board; but they did not hear any facts of the case.

Judy Edwards stated she believes she only missed one meeting due to the miscommunication, and she was out of the country; she knew the meeting was coming up; while she was sitting in the South of France she had a minute to check her email; and she received an email saying the P&Z Board sent the letters to the wrong neighbors and they were cancelling the meeting. She pointed out the surrogate she had to sit in her place, she told her to leave the meeting; and when she got home awaiting for the letter from P&Z telling her about the reschedule of the meeting and she never received the letter. She stated she received a telephone call saying she missed the meeting. She stated a couple of years ago she rescued a dog, and she did not see what she expected when she went into hospitals and rehab centers; her observation over the past couple of years is when a person goes into those places, half of the people do not have their minds due to Alzheimer's and Dementia; but the other half have their minds, but are there because there is no other place for them. She went on to add she found people's eyes light up when an animal comes in, and then they go back to being depressed; she did not think she could continue doing it, but one day driving U.S. 1, she had the idea that she had a piece of land on U.S. 1, and she heard the concept of intergenerational care centers that have been in the United States for 20 years, and why could she not do that; and her one problem is where the building is designed, part of it goes out of BU-1 zoning. She stated she cannot reconfigure where the building is supposed to be because there is a majestic Oak tree and she is not willing to cut the tree down, it will provide the shade for the care center; and she is asking if the part that the building is going into can be rezoned so she can put a preschool and daycare center.

Vice Chairman Smith asked Ms. Edwards to explain what an intergenerational care center is.

Ms. Edwards responded there are 71 varieties of them; the one she is speaking of is a large building, on the one side is adult daycare; it is not for Alzheimer's or Dementia patients; there are more elders who are not memory impaired than there are elders that are; and there is not anything for them in the County. She stated a person gets old, he or she falls down, and they cannot stay home. She noted on the other side is a pre-school, and in the middle is a great room; the elders and children have numerous times in the day when they can mingle in the great room; in the 20 years this has been done, there is no negative feedback; and she thinks her brilliant idea should happen there.

Commissioner Fisher inquired if staff sees any concerns with making a zoning change.

Ms. Fox replied no, this zoning is compatible with the area; the use is compatible with the zoning; and staff has received no opposition or letters of concern.

There being no further comments, the Board approved the request of Riverside Commons, LLC adopted Ordinance No. 16-17, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the first Small Scale Plan Amendment of 2016, 16S.06, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI, entitled The Future land Use Map Appendix; and provisions which require amendment to maintain consistency with these amendments; providing legal status; providing a severability; and providing an effective date; and approved a change of classification from RP to BU-1 on 2.52 acres ±, for property located on the east side of Highway 1, north of Rockledge Drive.

September 1, 2016

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
ABSENT:	Jim Barfield

Upon consensus of the Board, the meeting adjourned at 5:16 p.m.

ATTEST:

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

SCOTT ELLIS, CLERK