

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, October 3, 2024**

**5:00 PM**

**Zoning**

**Commission Chambers**

A. A. CALL TO ORDER 5:00 PM

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

**Zoning Statement**

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and 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, 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, inspection, 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 for 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.

**C. C. PLEDGE OF ALLEGIANCE**

Chair Steele led the assembly in the Pledge of Allegiance.

**J.1. Acceptance, Re: Binding Development Plan with Jen Florida 48, LLC (23PUD00005)**

Chair Steele noted that some people had driven a long way and normally this would have been on the Consent Agenda but this was a late filing, therefore, he is going to do this one first.

Jeffrey Ball, Planning and Zoning Manager, stated this is the acceptance of a Binding Development Plan (BDP) with Jen Florida 48, LLC, 23PUD00005, located in District 5; and this is the companion BDP to the Planned Unit Development (PUD) that the Board just approved with the conditions.

Chair Steele inquired if there are any problems with this.

Tad Calkins, Planning and Development Director, stated there is not; and it contains all of the stipulations that were in the Board's PUD approval on September 5, 2024.

The Board executed a Binding Development Plan Agreement with Jen Florida 48, LLC, (23PUD00005), on property located in District 5.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.11. Public Hearing, Re: Aaron Reninger (Kim Rezanka) Requests a Small-Scale Comprehensive Plan Amendment (24S.02), to Change the Future Land Use Designation from AGRIC to RES 6 (24SS00002) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232)**

Chair Steele called for a public hearing on a request by Aaron Reninger for a Small Scale Comprehensive Plan Amendment (24S.02) to change the Future Land Use designation from AGRIC to RES 6 on tax accounts 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.11. and H.12. are companion applications; he will read them into the record simultaneously, and there can be discussion on both, but they will need to have separate motions; Item H.11. is Aaron Reninger's request for a Small Scale Comprehensive Plan Amendment, 24S.02, to change the Future Land Use designation from Agricultural to RES 6; and the application number is 24S00002, and tax accounts 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232, located in District 1. He continued by saying Item H.12. is Aaron Reninger's request to change the zoning classification from RRMH-1 to TR-3, with an amended Binding Development Plan (BDP); application number 24Z00005, and tax account numbers 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232, located in District 1; the applicant has revised the application to now request RES 1.25 for the Land Use change and the zoning request has been changed to RRMH-2.5; there is an addendum in the Board's packet with the staff analysis; there is also a revised BDP with two conditions; and those conditions moving forward are as follows: 1.) the development of the property is limited to no more than six units which meet the minimum standards of RRMH-2.5 zoning classification, and 2.) the developer shall satisfy the requirements of article VII, Subdivision and Plats, should the property be developed with three or more units.

Ken Harrison stated what he wants to speak about is the flooding in the area; he sent the Board some pictures of the flooding; this property goes underwater on a regular basis and that is a big concern for the residents; if it gets filled, then it blocks everything to the north; the north swamps flood across this road onto the property and floods the property; right now today, that property is underwater; therefore, this is normal, it is not just a one-off event, it happens all the time. He mentioned what is being seen is more and more development in the swamps, in the wetlands, and more problems for the people around that; it is a big issue for the residents; he thinks Commissioner Pritchett should be aware that Harrison Road has been culvert-ed and filled over and over again through the swamp; same situation and hundreds of thousands of dollars over the last years, no doubt whatsoever; and the Board is setting this up for the same thing. He mentioned then there is the Federal Emergency Management Association (FEMA) issues, where FEMA does not want to continue to pay the repetitious claims; there are insurance issues in the State where people are being cancelled and not being insured; this just continues to set people up for these problems when the Board allows people to live in these areas; even if the owners come in and fill the area, which some of that has been happening, then they fill and build these swamps up with hills for their septic tanks, and as the property floods, it leeches from the drain fields into the surrounding waters; that is a health problem; if there are changes, one of the concerns is the agricultural, and objective four in the Future Land Use element says that Brevard County recognizes the importance of agricultural lands to the community, and as the industry benefits the economy, reduces the extent of urban sprawl and

the cost of providing public facilities and services, provides environmental benefits and provides open space and visual beauty, the County shall enhance and protect agricultural lands and provide for the continuing viability of the agricultural industry in the County's economy; that is pretty clear; Indian River Park has maintained this agricultural zoning since 1988; and the property next to it that they argue is higher density, which is Hidden Lakes, is a separate plat, and it was platted long after Indian River Park, it is adjacent to it, not part of Indian River Park. He added the people want to keep that rural living, keep the agricultural Future Land Use, and that is a major concern for them to keep the agricultural Future Land Use. He noted the applicant can still do what he wants; he has six independent parcels all combined, so he can place a home on each one under the current Future Land Use; that is extremely important to the community to keep it agricultural and not introduce a higher density Future Land Use to the area; it looks like a lot of land up there; looking at it, it looks like a big open space, but Farmton owns 12,000 acres of that space and they are developing all of that; they will have every type of living from very nice homes to affordable housing; even in their master plan they say affordable housing has to be within one-third of a mile of amenities and transportation; this property which they wanted to develop as affordable housing is three miles from the nearest Handi Way and five miles from a Dollar General; it is way out there; and it is not the kind of place to stick people in the swamp who can hardly afford to get around to begin with. He stated that is his argument and he hopes the Board does the right thing.

J.R. Hearing stated he is opposed to this; his property backs up right to Mr. Reninger's property; he was just out there and the property is flooded, it is on the back side of his property; the water has come up; there is limited access out there; he is in the process of building a home out there; there are issues with insurance and it is harder to get it out there because of rural living; and he does not believe that the County needs to add any other homes in that area. He mentioned there is limited access that comes across the wetlands; that has been stopped up and it causes grief for the neighbors on Gandy when the water floods them; and he is just against this.

Stephanie Knight stated a map has been provided to show current wetlands on the property per the St. John's River Water Management District (SJRWMD); as one can see, the wetlands cover the entire front access of the property, side and back access of the front parcel; there are currently three code enforcement violations pertaining to this as the Board should already know based on the proposed Binding Development Plan (BDP) that Mr. Reninger has submitted; and this zoning request should never have been submitted considering the wetlands had been filled to create access to the property. She continued by saying the property currently has a total of six divided parcels with five parcels being zoned as RRMH-1 which is one dwelling per acre including the one that is mostly covered in wetlands; that is five dwellings; the one large parcel zoned as AU with Future Land Use of agricultural which allows for one dwelling per five acres; but if Mr. Reninger divides that parcel in half it would then allow for two additional dwellings which makes a total of six or seven units on the entire property, as he is requesting now. She commented she has printed that visual for the Board so it can see it; it stated in the Brevard County Policy, Objective IV, Policy 1, the County recognizes the importance of agricultural lands to the community as the industry benefits the economy, reduces the extent of the urban sprawl, and the cost of providing public facilities and services, provides environmental benefits, and provides open space and visual beauty, the County shall enhance and protect agricultural lands and provide for the continuing visibility of the agricultural industry in the County's economy; further down in Section A, it states that residential densities shall not exceed one dwelling unit per five acres; and this is not just a simple suggestion, but the Brevard County Commission's written Policy that was just updated in February 2022. She went on to say the community has been advised that approving the request for Mr. Reninger, it does change the Future Land Use in a Policy that was created by the Board to protect rural areas like this, which is part of the Indian River Park; this would then change and affect the character of the

neighborhood and be in breach of the Board's current Policy; there is multiple misleading comments in the last meeting that the community had, by his counsel, which may lead the Board to decide its decision; his counsel stated, "Right now is agricultural Future Land Use of five units to an acre which is RRMH-1 zoning, which is one unit to the acre. Right now there is an inconsistency, "he could not build anything there anyway," but that was untrue; he can currently build four dwellings on the four parcels that are zoned RRMH-1 since they are grandfathered in as such, and he could use the 9.7 acres to divide in half, which is the Future Land Use of agricultural; his counsel then stated, "Zoning of this property is RRMH-1 which is one unit to the acre, which is 17 units," but that is not true, he only has five parcels zoned as RRMH-1 which is five dwellings, and he has the larger parcel that is agricultural allowing for the two additional dwellings if he splits that property in half; his counsel then stated that the Future Land Use is agricultural which is five units to the acre, but that was untrue; and again the Future Land Use is agricultural allowing only one unit per five acres, not five units to the acres; and she also stated, "this is a decrease in density, currently the 17 units allowed by zoning, now requesting six," but that was untrue, again it is currently only allowed six to seven units if Mr. Reninger splits the larger parcel allowing for one dwelling per five acres, which is exactly what he is asking for. She stated again one can see on the map provided, she has clearly mapped out what is currently allowed with no zoning changes so there is no confusion; he is literally able to do what he is asking right now how it is zoned; there is no reason to rezone; as of right now, he can build the six on his property without changing any of the zoning; therefore, she is asking the Board to deny the request for zoning changes that he has submitted and leave the zoning as is, allowing him to still build his units on the property with the current zoning. She noted the picture she had the Board share was from this morning and all there was last evening was a thunderstorm; based off of that thunderstorm with all the rain, those are the pictures from today, of it underwater; if he brings in all of the fill dirt to build his dwellings, which he is allowed to do legally, it is going to flood everybody else out; they are flooded right now and all they had last evening was a thunderstorm, not a hurricane; and it is a really bad idea to put everybody else out because of him.

Ruth Amato stated she wants to read a point on the Public Works Flood Plain Administration from the Brevard County website; she read, "the first point under natural and beneficial functions of the flood plain is natural flood and erosion control, the flood plain provides flood storage and conveyance and reduces flood velocity;" she noted as the Board can see by the pictures provided, it is clearly like a flood plain; it is holding the water from the rainstorms; she continued reading, "the flood plain holds water storage to recharge the aquifer which helps prevent flooding;" she mentioned page six of the staff note starts with summary of mapped resources and noteworthy land issues; the first one on the list are wetlands and hydraulic soils on this property; and the second is the aquifer recharge soils. She went on to say she would think that would be of great importance to the County at this point since there is a looming water crisis in North Brevard; there is also an insurance crisis and allowing land like this to be developed only makes both of those things worse; this is clearly a wetland that recharges the aquifer; the Future Land Use map specifically talks about this area needing to have low density, one home per five acres (agricultural); and to be honest, one home per five acres should be required to be built on stilts to protect it from flooding and protect owners from the insurance crisis. She added if this County keeps allowing houses to be built on land like this that is going to flood, it is going to flood the neighbors, and it feeds the insurance crisis of the entire State; it is at the heart of it; it would also allow the water to sit there and recharge the aquifer just like it is supposed to, just like it naturally does instead of being like down south where the State is spending untold amounts of money to build water storage centers down there because the floodplains were literally devastated; there is a chance to not mess this up in that way, a chance to protect Brevard County, the floodplains, and its resources, or it can be flushed down the St. Johns River; furthermore, the water that this land holds cannot be discharged without

flooding other property owners whether it is next door or closer to the St. Johns River, where all discharge in this area ends up. She continued by saying the mass drainage of wetlands south of Lake Harney is causing record high water marks without record rainfall years, this is a fact and it can be seen by the photos tonight; a major part of this property is under water; this is just normal rainfall; currently, the gauge height at Lake Harney is just below action stage and is predicted by National Oceanic and Atmospheric Administration (NOAA) to be over action stage in just a couple of days; action stage means when they have to start planning for mitigation because flooding could be imminent; and if drainage continues to be added to that, it means action stage, flood stage at Lake Harney where all this water ends up, it is flooding people out by the river, it is not the neighbors, but it is still flooding people. She mentioned it is flooding out agriculture and homes; it literally cannot be placed somewhere that it is not going to flood somebody, not this amount of water; she asked if anybody from the County has actually been out there to see the high water marks, other than Code Enforcement for the violations on the property; she noted there are no better experts than the citizens who live in this area; they have tried to communicate with this Board tonight and at previous meetings; and she really hopes this Board hears them.

Kim Rezanka stated she is present on behalf of Aaron Reninger, who is in attendance as well; she admits that she misspoke, she did not mean to, but the Board knows that agricultural is one unit for five acres, she just mixed up her words, and she apologizes for that; there are 17 acres with Future Land Use of one unit for five acres and the zoning is one unit per acre; one does not look at the actual lots for that use spread density; therefore, in theory if the Future Land Use matched up, there could be 17 units there and that is a fact. She continued on by saying regarding the agricultural objective, this land is not being used for agricultural, that objective is to keep agricultural lands being used for agricultural; as to drainage and flooding, those are all site plan issues; as the Board knows, development standards will not allow him to impact others, that the post development cannot exceed the pre-development, so he will not be discharging more than what is being discharged now; County staff always makes sure that is what happens; regarding the allegations of code violations, there has been no hearings, no notice of violations yet, and there are none on the County's Brevard's Advanced Service Site (BASS) system; apparently there is internal, but not available to the public; and as she had mentioned to the Board at the last meeting, Florida Department of Environmental Protection (FDEP) has been out there and has stated there is no wetland violations, and that is in the Board's records. She added those are allegations and they have to be fixed if they are violations, before Mr. Reninger is able to move forward; the only other thing she would say is this is a substantial decrease from what was being asked initially of up to 30 units; this will allow him to do a subdivision of six units; it will be done properly; it will not flood itself, and it will not flood others; and in order to do a subdivision, they cannot divide 9.7 acres into two five acre lots. She commented this will allow Mr. Reninger to develop all of the land with good engineering principles, not one unit individually like has been done out there in the past; and she would request that the Board approve the Future Land Use change to 1:2.5 acres which is a very valid Future Land Use and also to change the zoning from RRMH-1 to RRMH-1.25. She noted her client will accept the Binding Development Plan and get that to the County very shortly.

Commissioner Pritchett asked if the property stays zoned what it is right now, how many units could be built on that property.

Ms. Rezanka replied, she believes it is based on the Future Land Use; she thinks they may be grandfathered in; and there may be five, but her client is looking for six.

Commissioner Pritchett mentioned the data provided by one of speakers showed seven.

Ms. Rezanka advised that is if he were to divide the 10 acres in half, which cannot be done.

Commissioner Pritchett stated when she read it the first time she thought there is no way this property can hold that kind of density; she was actually thinking at that time a maximum of eight; that still would have been a bit of a struggle for the road and a few of the drainage situations; the good thing, if this is approved, is that before he can build, he has to work with the County, maintain his own stormwater, and he will not be allowed to let his water roll off onto other people's property; right now if there are other people's property rolling onto this property there might be a Code enforcement problem with the properties around it that may have to be looked into; if this is built, after three houses, Mr. Reninger will have to comply with subdivision, which is a whole other thing to get through; and she thinks the applicant has greatly listened to the residents with their issues and problems. She noted she thinks a lot of the flooding problems for that area will help be solved; she is pretty consistent in that division up there when people want zoning change, she has allowed one to 2.5; and she thinks anything smaller than that would have to be like moving someone's mother on the property to build a little unit in the corner because there is a lot of saline problems with the water under there. She stated the gentleman talked about Farmton coming, hopefully they will stay more in the north area; that is going to bring water and hopefully some sewer situations for them later if they decide to go there; there are a lot of changes going on right now; the goal is to maintain this rural atmosphere out there; and she thinks six units to 17 acres doesn't cause a problem with that situation.

Commissioner Goodson asked staff if the residents up there are saying that there are code enforcement violations, is there any violations in the back coming forward that the Board is unaware of.

Tad Calkins, Planning and Development, stated there were three complaints filed for the property out there; they are currently being investigated; he thinks that there may not have been notices of violation issued or received by her client, but they are in the process of being investigated; as everyone knows, once it goes to the Special Magistrate that is when the violation is actually determined; and up until then it is the County's Notice of Violation, and then a Notice of Hearing.

Commissioner Pritchett pointed out Mr. Reninger would not be able to get a permit if there were code violations, until they are all met.

Commissioner Goodson asked what the three current violations are that are going forward.

Mr. Calkins replied, there is one related to some wetlands disturbance; there is another one related to tree removal; and he would have to refer to Natural Resources Management on the third one.

Ms. Rezanka advised she has what is on BASS, if he would like her to tell him.

Commissioner Goodson noted he would rather hear it from staff.

Chair Steele advised, just so the record is clear these are complaints, they are not violations yet; and he asked if that is correct.

Darcy McGee, Assistant Director Natural Resources Management, stated the Notice of Violations went out today, there were three for land clearing and impacts to wetlands.

Ms. Rezanka inquired why those are not on BASS.

Ms. McGee commented they were just posted today, she does not know when Ms. Rezanka checked, but they should be on there.

Ms. Rezanka responded it was 3:00 this afternoon.

Ms. McGee stated she would get those for her.

Commissioner Pritchett asked for clarification that Mr. Reninger would not be able to move forward until he takes care of the Code violations.

Ms. McGee responded affirmatively.

Commissioner Pritchett noted that is what she thought, by law that has to be done regardless; and everything has to be in place before he is allowed to move forward.

Commissioner Goodson remarked he understands what Commissioner Pritchett said, but moving forward with a violation sometimes takes forever and then the horse is already out of the barn; if people know anything about Florida and developing land, then one would know that they cannot touch wetlands; and he asked if he is being told that this developer did not know that and touched the wetlands.

Commissioner Pritchett asked if he touched wetlands or if staff is still investigating.

Ms. McGee commented staff believes so, but they are still investigating; and they will go to Notice of Hearing, and then to the Special Magistrate.

Commissioner Pritchett asked what the remedy is for that if it did occur.

Ms. McGee answered that is a good question; she advised the County would have to work with Department of Environmental Protection (DEP); there is a wetlands delineation; and she is not sure what DEP's ruling was, but staff will work with them as well to be consistent.

Ms. Rezanka commented FDEP has issued a Notice of No Violation which she has already submitted to the County; it is in the record; and it said, "No filling of wetlands that violated their rules."

Commissioner Goodson inquired if the wetlands that are in question as to whether he did it or not, is it one acre, five acres, or does anybody know.

Ms. McGee stated she does not know; that would be part of the investigation because it looks like he has avoided most of the wetlands; staff would have to work with DEP and use the wetland delineation that was provided; that was obtained by the applicant; she is not sure what DEP used in their assessment; and unfortunately, she cannot provide him with an acreage at this point.

Commissioner Goodson asked if staff is sure is the Board approves this tonight, Mr. Reninger has to correct all those issues before he can get a building permit, is that correct.

Ms. McGee responded in the affirmative.

Chair Steele asked in the event that there is some wetlands there, will they have to do some mitigation in order to...



Commissioner Goodson responded, oh yes.

Chair Steele noted he just wanted to make it clear and put it on the table that there is all kinds of things they must do before being able to move forward.

Commissioner Pritchett commented if that was not part of the case she would have kept it in the Binding Development Plan (BDP), but the other two items have to stay in the BDP.

Commissioner Goodson stated he hears both of them talking but some people do not always follow the law; but as long as they cannot get a building permit and the Commissioner is for it, he understands.

Commissioner Pritchett noted Commissioner Goodson will be there to watch over it.

There being no further comments or objections, the Board conducted the public hearing and adopted Ordinance No. 24-25, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the twelfth Small Scale Comprehensive Plan Amendment of 2024 (24S.02), 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(E), entitled, the Future Land Use Map Appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; providing an effective date; and approved changing the Future Land Use designation from AGRIC to RES 1.2.5.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** John Tobia

**Ayes:** Pritchett, Tobia, Feltner, and Steele

**Nay:** Goodson

**H.12. Public Hearing, Re: Aaron Reninger (Kim Rezanka) Requests a Change of Zoning Classification from RRMH-1 to TR-3 with an Amended BDP (24Z00005) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1)**

Chair Steele called for a public hearing on a request by Aaron Reninger for a change of zoning from RRMH-1 to RRMH-2.5 with a Binding Development Plan (BDP) that limits it to six units, located in District 1.

There being no further comments or objections, the Board approved the request for a change of zoning classification from RRMH-1 to RRMH-2.5, with a Binding Development Plan (BDP) that limits it to six units and that the applicant has to satisfy the requirements for Article VII, Subdivision and Plats, should the property ever be developed with more than three units.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Tobia, Feltner, and Steele

**Nay:** Goodson

**F.1. Acceptance, Re: Binding Development Plan with Paul J. Turner and Jackie L. Allen (24Z00008)**

The Board accepted and authorized the Chair to execute a Binding Development Plan (BDP) with Paul J. Turner and Jackie L. Allen on property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**G. G. PUBLIC COMMENTS**

Bruce Moia stated he is in attendance as the chairman of the Government Affairs for the Home Builders and Contractors Association; as the Board may know that is a 300-plus local organization with a variety of home builders and contractors members that employ thousands of County residents; he is present today to relay some concerns from some of the members, and as the Board knows, their group has become engaged with local municipalities when development issues arise; they had been involved in the City of Titusville's tree ordinance, they were engaged with the City of Palm Bay when they were having issues with driveway permit delays, they met with the Department of Health when they were having septic tank permitting issues, and today they would like to assist in resolving what they are experiencing in the County site plan subdivision right-of-way permitting processes; there was some history in the past where the County had a process right after the recession where the Economic Development Commission (EDC) implemented the SNAP program; he is not sure if the Board is familiar with that but it was very well received by not just the County, but all of the municipalities; and it streamlined the system where they were getting out an average of about three to four reviews per project. He continued by saying after a few years it kind of fell out of favor, the County never got recertified because they were actually monitoring on annual basis, so it kind of fell off; soon after that, the County implemented a Lean Six Sigma Program where they again got the review process into about three to four review per project, which has kind of fallen off the last few years as well; currently, local consultants who have been around a long time, 30 to 40 years, are experiencing six, eight, and currently he has a project that is over 12 reviews; it is consistent delays that is in violation of the County's Code Section 62-2808 and 62-3203; and the results of this are significant project delays and additional costs to the applicants, or the County's customers. He added he is requesting that maybe his group could get with the County staff and assist in getting the process back on track.

Commissioner Tobia stated his guess is these reviews are significant errors in the planning process; he asked Assistant County Manager John Denninghoff why there are so many reviews; and if there is sufficient data attached to it.

John Denninghoff, Assistant County Manager, replied frankly, the County does not control the quality of the plans that are submitted for review.

Commissioner Tobia asked when people apply does the County attach who the engineer of record is.

Mr. Denninghoff asked for him to repeat that.

Commissioner Tobia stated for these reviews the engineer of record is listed on the plan somewhere; and he asked if that is fair.

Mr. Denninghoff responded affirmatively.

Commissioner Tobia asked if it would possible to find out which engineers require the most reviews.

Mr. Denninghoff responded staff could put that together.

Commissioner Tobia noted that would be very helpful to see which engineers are not providing the quality; the fear he has is that there is a lot of blame on the County on this, but the reality of the situation is probably funneled into two or three engineers who quite frankly are not doing their job appropriately and are blaming the County for review after review; and he reiterated he thinks it would be helpful not only for the Board, but for consumers out there to see which engineers require more reviews, as Mr. Moia stated there is one that has eight, which is probably telling, and that the quality of the work product that engineer is turning in. He added he thinks that would be fair and he would like to see what engineers are turning in plans with significant lack of workable product.

Mr. Denninghoff repeated he is sure staff can put together a report or provide the information be asked for, for the past six months, year, or whatever the Board wants.

Commissioner Tobia mentioned that would be helpful information; and staff can provide that back to the Home Builders and Contractors Association to share which engineers require remedial work over and over again, as many as he is hearing, eight times.

Commissioner Feltner asked if the builders table group still meets; he mentioned that was something that met almost quarterly when he first started; and he asked if that was still happening.

Frank Abbate, County Manager, stated it is not; at that time, they had addressed the issues that were outstanding; and quite honestly, staff was told from some of the major builders that there was no need to continue.

Commissioner Pritchett commented when SNAP was implemented and Lean Six Sigma, she asked if that helped with people submitting things knowing what to submit; and she questioned if that was something to help the builders and engineers out.

Mr. Moia replied in the affirmative stating it is the same engineers that were submitting then and getting permits in three to four reviews, that are submitting them now and getting them in six to eight.

Commissioner Pritchett asked if it would help the engineers in figuring out how to get things submitted.

Mr. Moia stated it is more of a consolidated effort to get projects moving quicker and to streamline the process.

Commissioner Pritchett asked if communication would help.

Mr. Moia advised a lot more communication.

Commissioner Pritchett noted that may be something to kick around; she would at the City and County levels, and the County staff totally rocks compared to the City she came from; maybe the Board could brainstorm and come up with an idea to get better communication of how to

get things submitted in a way that is going to be easier for them to get pushed through; she knows Mr. Moia turns in some really big projects and many times they are getting very creative; she thinks staff does a great job; but she hears what Mr. Moia is saying and the Board may try to figure something out.

Chair Steele mentioned it is highly unusual for the Board, during Public Comment, to have a question and answer situation so this is a first since he has been on the Board; and he thinks it is a good idea also.

Commissioner Goodson stated he personally thinks this is an excellent idea; he will tell the Board some of the stuff that he has experienced; he is no longer doing this but he hears it from contractors and he hears it from his son; what can happen is it takes forever, and this is no reflection on Mr. Denninghoff, he thinks they all need to sit down together and talk about this with numerous contractors; his complaints are everything that Mr. Moia is saying is true; he does not think it is all the engineer; a set of plans go through and they approve the landscaping and they go through the next time and they add two or three more trees, even to the point when the job is at 95 percent, it is striped, and then the inspectors come out and say they need four more inches somewhere, even when they had an approved site plan; and one can say they are going to the County to raise hell, but that is just going to hurt themselves down the road, so they go out there at their own expense after the site plan has been approved after eight times, and they have to add more inches. He continued by saying a good example is when there are two sidewalks meeting and there is a V-form, one guy said pour it and WJ did, next day the next one said no put the grass in; six weeks they waited in Viera to pour four feet of sidewalk; the City was involved and they could not make a decision and the County could not make a decision, so there was an open sidewalk at the contractors liability, and someone's code said no valve in the sidewalk, but right across the street one could see a valve in the sidewalk; sometimes what the contractors have is no direction and in construction when there is no direction in construction, it costs money; he thinks the County does a wonderful job, but he also thinks there needs to be some discussions in his own opinion; he just provided a limited amount of contractors that give the Board all kinds.

Chair Steele thanked Mr. Moia for bringing the issue up.

Mr. Moia advised he was just the messenger.

Ken Brown stated he is present to introduce a complaint and to seek a resolution to what has become very unfair and un-equitable for two very fine young entrepreneurial people in Melbourne Beach; one is a lady entrepreneur opening two restaurants and another is a black chef who is phenomenal, and for an event that occurred that was none of their problems; actually he was who caused the problems and he was the investor; and he is on a mission to try to seek a solution that resolves some of the issues and maybe seek some influence from the panel to do that. He mentioned a lease on Cheers Ocean Grille across the street from Spessard Holland was won by Joanne in a bidding process to open the old concession booth at Billy's that had been there traditionally for 20 to 30 years; then one day, within a week of opening the business, the doors were locked, the keys were changed, and the lease was terminated; what were for some very unjust reason particularly for her because she had nothing to do with either of the two reasons that were cited; one was cutting sea grapes and the other was putting in a ventilation for the hot air washer and dryer to release the hot air through the building, which every hot air dryer in the country has; she had no influence on either of those and neither did Gary; and that is where he becomes involved. He noted he was given the responsibility six months earlier to renovate the place, bring it up to Code, do all the plumbing, electrical, put all the equipment in, make sure the hood was cleaned and properly ready for approval; within one week from opening, the doors were locked; the sea grapes and the sea

oats were not cut by any of them; putting in a little three by four vent which could take \$50 to correct, after making a large investment into the facility; all they had to do was have a notice of complaint for something that would be done, and it could have been corrected instantly; as far as the sea grapes, that was not done by them, and if the Board would take a look it is a very fine view; and the problem comes down to the lease being terminated for these two particular things after a sizable investment that was lost. He mentioned it is affecting her other business because it is really essential to have them both operating at the same time.

**H.1 Public Hearing, Re: Stickrath Developer, LLC. Requests a Change of Zoning Classification from BU-2 to AU (24Z00026) (Tax Account 2601599)**

Chair Steele called for public hearing on a request by Stickrath Developer, LLC for a change of zoning classification from BU-2 to AU on a property located in District 4.

Jeffrey Ball, Planning and Zoning Manager, stated Stickrath Developer, LLC requests a change of zoning classification from BU-2 to AU; this item is being requested to be continued for re-advertisement to a future meeting; and no action is required.

**H.2. Public Hearing, Re: Put It In Me Storage, LLC. Requests a Change of Zoning Classification from IU to BU-2 (24Z00010) (Tax Account 2322557)**

Chair Steele called for a public hearing on a request by Put it in Me Storage, LLC, to change a zoning classification from IU to BU-2, on a property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Put it in Me Storage, LLC requests a change of zoning classification from IU to BU-2; application number is 24Z00010 and tax account number is 2322557; and it is located in District 1.

Commissioner Tobia asked how he came up with the name.

Vaheed Teimouri stated he is not the owner, he is the engineer of record.

Commissioner Tobia asked if he knew how the owner came up with the name.

Mr. Teimouri answered, no.

There being no further comments or objections, the Board approved the request by Stick it in Me Storage, LLC to change the zoning classification from IU to BU-2 for application number 24Z00010, located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.3. Public Hearing, Re: Robert Corbett Requests a Change of Zoning Classification from AU to TR-1 (24Z00016) (Tax Account 2410843)**

Chair Steele called for a public hearing on a request by Robert Corbett for a change of zoning classification from AU to TR-1 on a property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Robert Corbett requests a change of zoning classification from AU to TR-1; application number is 24Z00016 and tax account number is

2410843; and it is located in District 1.

There being no comments or objections, the Board approved a request by Robert Corbett for a change of zoning classification from AU to TR-1, application number 24Z00016, for a property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.4. Public Hearing, Re: Seiichi Noda & Kimberly A. Noda Joint Revocable Trust (Mitchell Goldman) Request a Change of Zoning Classification from AU to EU (Estate Use) (24Z00031) (Tax Account 2511132)**

Chair Steele called for a public hearing on a request by Seiichi Noda and Kimberly A. Noda Joint Revocable Trust for a change of zoning classification from AU to EU on a property located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated Seiichi Noda and Kimberly A. Noda Joint Revocable Trust requests a change of zoning classification from AU to EU; application number is 24Z00031 and tax account number is 2511132; and it is located in District 2.

There being no comments or objections, the Board approved a request by Seiichi Noda and Kimberly A. Noda Joint Revocable Trust for a change of zoning classification from AU to EU, application number 24Z00031, for a property located in District 2.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.5. Public Hearing, Re: Edwin & Stephanie Silva Request a Change of Zoning Classification from AU to RR-1 (24Z00032) (Tax Account 2105526)**

Chair Steele called for a public hearing on a request by Edwin and Stephanie Silva for a change of zoning classification from AU to RR-1, on a property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Edwin and Stephanie Silva request a change of zoning classification from AU to RR-1; application number is 24Z00032 and tax account number is 2105526; and the property is located in District 1.

There being no comments or objections, the Board approved the request by Edwin and Stephanie Silva for a change in zoning classification from AU to RR-1, on a property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.6. Public Hearing, Re: Judith A. Baker Revocable Living Trust Requests a Small-Scale Comprehensive Plan Amendment (24S.09) to Change the Future Land Use Designation from RES 1:2.5 to CC (24SS00011) (Tax Accounts 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, & 3000414)**

Chair Steele called for a public hearing on a request by Judith A. Baker Revocable Living Trust for a Small Scale Comprehensive Plan Amendment (24S.09) to change the Future Land Use designation from RES 1:2.5 to CC on tax accounts 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, and 3000414, located in District 5.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.6. and H.7. are companion applications; he will read both into the record together, however, the Board will need to make a separate motion for each; Item H.6. is Judith A. Baker Revocable Living Trust requests a Small Scale Comprehensive Plan Amendment 24S.09 to change the Future Land Use designation from RES 1.25 to Community Commercial (CC); the application number is 24SS00011 and tax accounts are 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, and 3000414, located in District 5; Item H.7. is Judith A. Baker Revocable Living Trust requests a change of zoning classification from GU to BU-2; application number is 24Z00036 and tax account numbers 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, and 3000414; the applicant has voluntarily provided a Binding Development Plan (BDP) that limits the use to mini storage and outside storage of RVs and boats; and this application is located in District 5.

Chair Steele asked what was the Planning and Zoning on this one.

Tad Calkins, Planning and Development Director, stated they had recommended unanimous approval on both items.

There being no comments or objections, the Board adopted Ordinance No. 24-26, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan ", setting forth the thirteenth Small Scale Comprehensive Plan Amendment of 2024, 24S.09, 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(E), entitled, the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; providing an effective date; and approved changing the Future Land Use designation from RES 1:2.5 to CC.

**Result:** Adopted

**Mover:** Jason Steele

**Second:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.7. Public Hearing, Re: Judith A. Baker Revocable Living Trust Requests a Change of Zoning Classification from GU to BU-2 (24Z00036) (Tax Accounts 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, & 3000414)**

Chair Steele called for a public hearing on a request by Judith A. Baker Revocable Living Trust for a change of zoning classification from GU to BU-2, on tax accounts 3000394, 3000395,

3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413, and 3000414, located in District 5.

There being no comments or objections, the Board approved the request by Judith A. Baker Revocable Living Trust, for a change of zoning classification from GU to BU-2, with the BDP that limits the uses to mini-storage and outside storage of RVs and boats, on a property located in District 5.

**Result:** Approved

**Mover:** Jason Steele

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.8. Public Hearing, Re: Layton & Michelle Hodges Request a Change of Zoning Classification from AU to AGR (24Z00034) (Tax Account 2100755)**

Chair Steele called for a public hearing on a request by Layton and Michelle Hodges for a change of zoning classification from AU to AGR on a property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Layton and Michelle Hodges request a change of zoning classification from AU to AGR; application number 24Z00034 and tax account number 2100755; and located in District 1.

There being no comments or objections, the Board approved the request by Layton and Michelle Hodges for a change of zoning classification from AU to AGR, on a property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.9. Public Hearing, Re: Piercarlo & Christina Ciacchi Request a Change of Zoning Classification from AU and GU to all AU (24Z00033) (Tax Accounts 2314742, 2314743, 2314744, & 2322851)**

Chair Steele called for a public hearing on a request by Piercarlo and Christina Ciacchi for a change of zoning classification from AU and GU to all AU.

Jeffrey Ball, Planning and Zoning Manager, stated Piercarlo and Christina Ciacchi request a change of zoning classification from AU and GU to all AU; application number is 24Z00033 and tax account numbers are 2314742, 2314743, 2314744, and 2322851; and it is located in District 1.

There being no comments or objections, the Board approved the request by Piercarlo and Christina Ciacchi for a change of zoning classification from AU and GU to all AU on property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconders:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele



**H.10. Public Hearing, Re: Tyler Gardner & Shelby Hines Request a Change of Zoning Classification from GU to RRMH-1 (24Z00037) (Tax Account 2406117)**

Chair Steele called for a public hearing on a request by Tyler Gardner and Shelby Hines for a change of zoning classification from GU to RRMH-1 on a property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Tyler Gardner and Shelby Hines request a change of zoning classification from GU to RRMH-1; application number is 24Z00037 and tax account number is 2406117; and it is located in District 1.

There being no comments or objections, the Board approved the request by Tyler Gardner and Shelby Hines for a change of zoning classification from GU to RRMH-1 on a property located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

Upon motion and vote, the meeting adjourned at 6:01 p.m.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

ATTEST

  
RACHEL M. SADOFF, CLERK

  
ROB FELTNER, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on December 3, 2024.

## Kimberly Powell

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**From:** Kimberly Powell  
**Sent:** Thursday, November 21, 2024 11:07 AM  
**To:** Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson  
**Subject:** 11-7-2024 Zoning Draft  
**Attachments:** 10-03-2024 Zoning Draft.rtf

Good Morning,

Please see the attached minutes to be approved by the Board on December 3, 2024.

If there are any changes please let me know prior to the Board meeting date.

Thank you and have a great day,  
Kim

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