



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

8/4/2022

Subject:

Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 and NC to CC. (22SS00004) (Tax Account 2511124) (District 2) This item has been withdrawn by the applicant. Letter received July 27, 2022.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

No Board action requested. Applicant withdrew request on July 27, 2022.

Summary Explanation and Background:

Clerk to the Board Instructions:

From: [Nick Boardman](#)
To: [Ritchie, George C](#); [Hart, Jane](#)
Cc: ron.treharne@ark1tek.com; [Jones, Jennifer](#); [Ball, Jeffrey](#); [Andrea -](#)
Subject: Small Scale Comprehensive Plan amendment withdrawal - 23 Coquina Rd.
Date: Wednesday, July 27, 2022 2:28:33 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

George/Jane

Please take this email as official documentation that I wish to withdraw my small-scale comp. plan amendment and revise my rezoning request from BU-1 to RU-2-4.

I still plan to attend the next meeting on Aug 4th to communicate this to the board.

As soon as I have a new proposed site development plan from my architect Ron CC'd I will submit that to you folks ASAP for entry into their packets.

If you have any questions please let me know.

Thanks,

Nick Boardman

From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Tuesday, July 26, 2022 9:05 AM
To: Nick Boardman <nick1039@outlook.com>; Hart, Jane <Jane.Hart@brevardfl.gov>
Cc: ron.treharne@ark1tek.com <ron.treharne@ark1tek.com>; Jones, Jennifer <jennifer.jones@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: RE: number of motel rooms for preliminary concurrency analysis

Good morning,

Your zoning request can be modified to a lesser intense zoning. Please provide a written response for your application request change. Additionally, since the Future Land Use is NC and RES 4, you could request that your ASAP as the RU-2-4 zoning classification is consistent with the NC & RES 4 FLU designations.

I would suggest you provide the update as soon as possible. Denial of request can cause a waiting period of up to 6-months before rehearing of a similar item per Section 62-1151 (e). Please call or email if you have any other zoning questions.

Sec. 62-1151. Amendments to official zoning map—Amendments initiated by property owner.

(e) *Limitations on tabling and subsequent applications.* No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be tabled more than once by the planning and zoning board as a result of the action or request of the applicant. Further attempts by the applicant to table such application shall be deemed a withdrawal of the application, subject to the provisions and limitations of this subsection. No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be received by the zoning director until the expiration of six calendar months from the date of denial of an application for an amendment to the official zoning maps for such property or part thereof, provided, however, that the board of county commissioners may specifically waive the waiting period based upon a consideration of the following factors:

- (1) The new application constitutes a proposed zoning classification or conditional use of different character from that proposed in the denied application.
- (2) Failure to waive the six-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence or newly discovered matters or considerations.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321-350-8272)

From: Nick Boardman <nick1039@outlook.com>

Sent: Monday, July 25, 2022 5:02 PM

To: Hart, Jane <Jane.Hart@brevardfl.gov>

Cc: ron.treharne@ark1tek.com; Ritchie, George C <George.Ritchie@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>

Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jane and George,

Due to the P&Z vote against of my request for CC/BU-1 for land at 23 Coquina I am considering downgrading my request for the whole 1.02 ac to be RES-4 (George I think you have already talked to my architect Ron T. about this) in line with current FLU of NC/RES-4. It is my understanding that this would allow me to request RU-2-4 (on the RES-4) and thus build 4 units on the acre or 2 duplexes/4 units total. This route seems to be the route that the neighbors and the boards would be most happy with i.e. guarantee of a complete low density residential development.

Please let me know if I am incorrect here with this train of thought.

With that course being proposed:

1. Is this something I should ask for at the Aug 4th meeting in front of the board or do I need to do a change request through you folks now/ASAP so they would aware in advance?
2. If I was to be denied this route on Aug 4th what is the wait period before I am allowed to make another request? Would it be simply I would go on the schedule for the next P&Z meeting for September? Please let me know what the calendar of events would be in this scenario.

Thanks,

Nick Boardman
321 503 0962

From: Hart, Jane <Jane.Hart@brevardfl.gov>

Sent: Tuesday, July 19, 2022 8:40 AM

To: Nick Boardman <nick1039@outlook.com>

Cc: ron.treharne@ark1tek.com <ron.treharne@ark1tek.com>; Ritchie, George C <George.Ritchie@brevardfl.gov>

Subject: RE: number of motel rooms for preliminary concurrency analysis

Hi Mr. Boardman,

I spoke with the senior zoning planner, George Ritchie, and yes, you may prepare and submit a BDP prior to the BOCC meeting on 8/4. I am attaching a BDP template to this email. If you have questions regarding BDP preparation and submittal, please contact George at 321-350-8272 (copied) or call me at the number below.

Kind regards,

Jane Hart, M.S., Planner
Brevard County Planning & Development
Phone: 321-633-2070 ext. 58270
Direct line: 321-350-8270

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein, please contact Brevard County's A.D.A Coordinator by phone at 321-637-5347, or by email at ADACompliance@brevardfl.gov

From: Nick Boardman <nick1039@outlook.com>
Sent: Monday, July 18, 2022 6:23 PM
To: Hart, Jane <Jane.Hart@brevardfl.gov>
Cc: ron.treharne@ark1tek.com
Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jane,

Wow, that was brutal for me!

Do happen to know if I can do a BDP that can be submitted and take effect before the next meeting on Aug 4?

I think there was some confusion:

- I was unaware I should have submitted a site plan to help/enable/visualize to the board my intent
 - I think there was some confusion that I wanted to do some level of storage which was not the case at all
 - Can this also be submitted prior to the final meeting?
- I was un aware I should have submitted a BDP as above
- Should I have a lawyer there representing me as they do this day in and day out and know the process way better than I would? It seems that other developers did so.

Thanks,

Nick Boardman

From: Hart, Jane <Jane.Hart@brevardfl.gov>
Sent: Tuesday, June 28, 2022 9:29 AM
To: Nick Boardman <nick1039@outlook.com>
Subject: RE: number of motel rooms for preliminary concurrency analysis

Sure, any time after 1:30 today is good.

Jane Hart, M.S., Planner
Brevard County Planning & Development
Phone: 321-633-2070 ext. 58270
Direct line: 321-350-8270

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From: Nick Boardman <nick1039@outlook.com>
Sent: Tuesday, June 28, 2022 9:13 AM
To: Hart, Jane <Jane.Hart@brevardfl.gov>
Subject: Re: number of motel rooms for preliminary concurrency analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Jane,

I was actually thinking of getting with you guys for an update. Let me give you a call later to discuss if that's okay with you?

What would be the best time and number to get you on?

Thanks,

Nick Boardman

From: Hart, Jane <Jane.Hart@brevardfl.gov>
Sent: Tuesday, June 28, 2022 9:07 AM
To: Nick Boardman <nick1039@outlook.com>
Subject: number of motel rooms for preliminary concurrency analysis

Good morning Mr. Boardman,

We are reviewing preliminary traffic concurrency for your rezoning and need to know how many motel rooms you intend to expand onto the subject property. This information will allow us to calculate an estimate of trips generated by your proposed use of the property. Otherwise we have to use the most intensive use possible to calculate trips generated which may indicate a deficiency in Level of Service.

Call me if you have any questions.

Thank you,

Jane Hart, M.S., Planner
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A-114
Viera, Florida 32940
Direct Line: (321) 350-8270
Office Line: (321) 633-2070



BOARD OF COUNTY COMMISSIONERS

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From: [Griffin, Lorena](#)
To: [Iliff, Bethany](#)
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation
Date: Wednesday, August 3, 2022 4:25:26 PM
Attachments: [image004.png](#)

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Commissioner, D3 <>
Sent: Monday, August 1, 2022 10:39 AM
To: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Good Morning,

The Commissioner has prior commitments this week but I will revert back with possible dates at a later time.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Rosenthal, Jon <Jon.Rosenthal@fpl.com>
Sent: Friday, July 29, 2022 2:53 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Commissioner Tobia and Ms. Griffin:

Our deepest apologies on missing the meeting earlier this week. It would be wonderful if we could squeeze in a brief call sometime next week.

The attached document contains an overview of the proposed service center at the northwest corner of Port Saint John Parkway and Grissom Parkway we are pursuing, and the activities anticipated to be brought before the County Commission for approval in the months ahead. This is the material we will be reviewing if we are able to get another call scheduled. On July 18, the P&Z Commission did vote unanimously to recommend to the County Commission to approve the rezoning, comp plan amendment and removal of the two Binding Development Plans (BDP).

Thank you and if you have any questions, please feel free to contact Bart or myself.

Jon

Jon Rosenthal | Project Director, Construction & Project Management
Florida Power & Light Company
Telephone: 561-694-4274 | Cellular: 561-310-1165
Email: Jon.Rosenthal@FPL.com

From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Sent: Friday, July 15, 2022 3:19 PM

To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>

Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Bart,

I have scheduled your call with Commissioner Tobia for 10am on Monday July 25th. Please call our office at 321-633-2075. Feel free to send any attachments to my email or the d3.commissioner@brevardfl.gov.

Let me know if you have any questions.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Sent: Friday, July 15, 2022 2:57 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Lorena- let's schedule for July 25th please.

We are both available all day with an exception from 1 to 1:30 so please schedule at your convenience.

Please advise if there is a specific number we should call. Also in advance of the meeting, Jon Rosenthal, our project manager (copied) will be sending Commissioner Tobia a copy of the presentation. Should we send it to the D3 email address?

Thank you for all of your assistance!

Bart Gaetjens | External Affairs Manager
Florida Power & Light Company | 9001 Ellis Road | West Melbourne, FL | 32904
Office: 321-383-7269 | **E-mail:** bart.gaetjens@fpl.com | **Website:** <http://www.fpl.com>

Connect with Us: [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Sent: Wednesday, July 13, 2022 4:40 PM
To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: Conference call with Commissioner John Tobia to review Service Center presentation

Hi Bart,
As discussed, we can set up a conference call with Commissioner Tobia to discuss the proposed service center prior to the 8/4 meeting. His availability is as follows:

Monday July 18th – open

Wed July 20th – 9-10am

Thurs July 21th 9-12pm

Monday July 25th & 26th – open

Let me know if any of the above dates work for you. Please email us any documents for his review and let me know who will be attendance.

Please call me with any questions.

Thank you,

Lorena Griffin

Director of Community Affairs

County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3**

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

Phone: (321) 633-2075
Fax: (321) 633-2196
John.Tobia@Brevardfl.gov

August 3, 2022

To: Jennifer Jones
From: John Tobia, Brevard County Commissioner, District 3
Re: Phone Disclosure

Ms. Jones,

In regard to the upcoming agenda items H.4, H.5, H.7, H.8, H.12 and H.13, for the Brevard County Zoning meeting on August 4, 2022, please be advised in advance that I spoke twice with the following party via telephone on August 3, 2022.

Kim Rezanka, Esq.

The phone calls lasted approximately ten minutes and five minutes, during which the above individual provided information regarding the aforementioned items.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco

H. 4 & 1.5

Objection
22Z00015
Boardman

From: [Ed Johnson](#)
To: [Jones, Jennifer](#)
Subject: Opposition to rezoning requests ID# 22SS00004 and 22Z00015 – Please add to the public record
Date: Thursday, August 4, 2022 1:49:07 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Jones,

Can you please add the following comments to the public record and make them available to the Commissioners at today's 5:00 board meeting? Thanks in advance!

My wife and I and our 7 neighbors listed below oppose this rezoning request because it is not within the character of the neighborhood and as Mr. Minneboo said at the Advisory Board meeting:

“It is a difficult situation in that area, and he cannot support anything on that road more than what is there today. The neighborhood doesn’t deserve any more impact.”.

The neighborhood in this area is composed of almost all AU, EU and EU-2 zoning. All the property in this area that is currently zoned BU-1 has road frontage on Route 1 and does not affect traffic on Coquina Rd. Although we oppose rezoning to RU-2-4 we would not oppose rezoning to EU or EU2. However, if the commissioners do decide to approve this rezoning request we ask that it include a BDP with the following conditions:

- 1) Limited to 1 or 2 single family homes.
- 2) Contain the same restrictions as EU-2 zoning excluding the 90’ minimum road frontage requirement.
- 3) If possible, restrict use of property so as not to allow short term rentals or AIRBNB

The applicant's first request that was denied unanimously by the Advisory Board was to expand his Motel business into this area. We are concerned that he may be using this rezoning request as an end around to expand a modified version of his Motel business.

I would also add that per the survey the available width of the subject property excluding the

house that is already on the property is only 146.1'. I don't know how you could fit 2 duplexes on the remaining available square footage plus the septic systems necessary to support these units. He could however fit two 48' wide single family homes with the mandatory 10' set backs on each side.

Sincerely,

Ed and Claudia Johnson

1945 Rockledge Dr

Rockledge, Fl, 32955

Steve and Michele Brady

1941 Rockledge Dr

Rockledge, Fl, 32955

Teri and Ronda Graham

1937 Rockledge Dr

Rockledge, Fl, 32955

Eric and Laura Geier

1925 Rockledge Dr

Rockledge, Fl, 32955

Jesse and Katie Mancini

1949 Rockledge Dr

Rockledge, Fl, 32955

Joe and Ruby Hopp

1951 Rockledge Dr

Rockledge, Fl, 32955

Bryan and Jamie Bennell

1955 Rockledge Dr

Rockledge, Fl, 32955

Susan Mills

21 Coquina Rd

Rockledge, Fl, 32955