

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, September 7, 2023

5:00 PM

Zoning

Commission Chambers

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

B. 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, 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, 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. PLEDGE OF ALLEGIANCE

Commissioner Steele led the assembly in the Pledge of Allegiance.

F.1. Acceptance, Re: Binding Development Plan with Norfolk Parkway, LLC

The Board approved and executed the Binding Development Plan (BDP) with Norfolk Parkway, LLC, for a portion of lands described in ORB 3277, Page 924, of the Public Records of Brevard County, Florida, said lands lying in Section 13, Township 28S, Range 36E.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

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

F.2. Acceptance, Re: Binding Development Plan with Cirrus Properties, LLC

The Board approved and executed a Binding Development Plan (BDP) with Cirrus Properties, LLC, for property described as all of Block 64, Plat of Plan of Town of Pineda, according to the Plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida, except for the right-of-way for U.S. Highway No. 1, as described in Deed Book 411, Page 197, of the Public Records of Brevard County, Florida; Lots 5,6,7,8,9, and 10, Block 63, Plat of Plan of Town of Pineda, according to the Plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida; the easterly one-half of that portion of

Second Avenue vacated in Brevard County Resolution 2003-086, and recorded in Official Records Book 4869, Page 3434 of the Public Records of Brevard County, Florida; and Lots 11, 12, 13, 14, 15, and 16, Block 63, Plot of the Plan of Town of Pineda, according to the Plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

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

F.3. Acceptance, Re: Binding Development Plan with Ian S. Lightholder and Teylor M. Lockey

The Board approved and executed a Binding Development Plan (BDP) with Ian S. Lightholder and Teylor M. Lockey, in reference to the south one-half of the north one-half of the northwest one-quarter of the southwest one-quarter of Section 14, Township 24S, Range 35E, less and except the west 50 feet thereof as per the right-of-way deed, as recorded in ORB 618, Page 475 of the Public Records of Brevard County, Florida, also known as Tax Parcel 502, as recorded in ORB 9764, Pages 1331-1332, of the Public Records of Brevard County, Florida.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

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

F.4. Resolution, Re: Proclaiming September 11, 2023, as United States Patriot Day

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-090, proclaiming September 11, 2023, as United States Patriot Day.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

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

G.12 Public Hearing, Re: Colleen Mary Golub Revocable Trust (Kim Rezanka) Requests a Small Scale Comprehensive Plan Amendment (23S.12), to Change the Future Land Use Designation from NC to CC (23SS00012) (Tax Account 2627864)

Chair Pritchett called for a public hearing to consider a Small Scale Comprehensive Plan Amendment (23S.12), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial) on property located on the southeast corner of North Wickham Road and St. Andrews Boulevard, Melbourne.

Jeffrey Ball, Planning and Zoning Manager, stated he will read G.12. and G.13. into the record at the same time; however, the Board will need to make separate motions for each item; Item G.12. is Colleen Mary Golub Revocable Trust requests a Small Scale Comprehensive Plan Amendment 23S.12 to change the Future Land Use designation from NC to CC; application number is 23SS00012; it is Tax Account Number 2627864; and it is located in District 4. He went on to say Item G.13. is Colleen Mary Golub Revocable Trust requests a major amendment to a Planned Unit Development (PUD); application number is 23Z00051; the Tax Account Number is 2627864; and it is also located in District 4.

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, expressed her appreciation to the Board for taking her early as she has to be in Palm Bay at 6:00 p.m. for a city council meeting; she stated she is here to represent the Colleen Mary Golub Revocable Trust on two items; the first is to change Neighborhood Commercial to Community Commercial on 1.71 acres; this is to accommodate a carwash drive-through; and currently in NC a person cannot have a drive-through, so that is the reason for that request. She continued by saying County staff has recognized that this is an infill project, that there are no material violations in any relevant Policies in the Comprehensive Plan; they would be asking for the Board's approval to change the Comprehensive Plan; the second item is a rezoning; this is an old 1984 Zoning Ordinance for the Suntree PUD; it started at over 500 acres; and now it is over 2,000 acres, so this was a 1984 amendment Zoning Ordinance that did not give any zoning standards. She added in order to go forward, they had to provide zoning standards for this piece of property; they are actually amending a 1984 Ordinance to allow for BU-1 uses so they can have the carwash; County staff has also recommended, or acknowledged that this is appropriate; Planning and Zoning recommended approval of both of these items unanimously; and she is asking for approval of both items. She noted she has met with Commissioner Feltner and with staff; they have asked for a change that the applicant is agreeable to, to limit access off of North Wickham Road; and with that, she is here to answer any questions the Board may have, or to respond to any questions from the public. She pointed out this is on the east side of Wickham Road; at the Planning and Zoning meeting there was a lady that was confused and thought it was on the west side; but this is not encroaching on residential; and this is in the commercial area of North Wickham.

There being no further comments or objections, the Board adopted Ordinance No. 23-19, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Seventh Small Scale Plan Amendment of 2023, 23S.12, 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; and providing an effective date.

Result: Adopted

Mover: Rob Feltner

Seconder: Jason Steele

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

G.13. Public Hearing, Re: Colleen Mary Golub Revocable Trust (Kim Rezanka) Requests a Major Amendment to a PUD. (23Z00051) (Tax Account 2627864)

Chair Pritchett called for a public hearing to consider a request by Colleen Mary Golub Revocable Trust for a major amendment to a Planned Unit Development (PUD) on property located on the southeast corner of North Wickham Road and St. Andrews Boulevard, Melbourne.

Commissioner Feltner advised on Item G.13., out of a concern for the traffic, as Ms. Rezanka mentioned, there is a condition; and he will let Mr. Ball read that.

Mr. Ball stated the proposed condition would read, "Ingress and Egress access to the site via Wickham Road shall be in accordance with Plat Note 5 of Mercedes Plaza Plat recorded in Plat Book 53, Page 47.

There being no comments or objections, the Board approved a major amendment to a PUD, with conditions to include ingress and egress access to the site via Wickham Road and shall be in accordance with Plat Note #5 of Mercedes Plaza, Plat recorded in Plat Book 53, Page 47.

Result: Approved

Mover: Rob Feltner

Second: Jason Steele

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

G.17. Public Hearing, Re: IR Tiki, LLC (Kelly Hyvonen) Requests a Small Scale Comprehensive Plan Amendment (23S.08), to Change the Future Land Use Designation from NC and CC, to all CC (23SS00008) (Tax Account 2605971)

Chair Pritchett called for a public hearing to consider a request by IR Tiki, LLC for a Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial), to all CC, on property located on the east side of U.S. Highway 1, south of Suntree Boulevard, Rockledge.

Jeffrey Ball, Planning and Zoning Manager, stated IR Tiki, LLC requests a Small Scale Comprehensive Plan Amendment (23S.08), to change the Future Land Use designation from NC and CC to all CC; the application number is 23SS00008; the Tax Account number is 2605971; and it is located in District 2. He went on to say Item G.18. is IR Tiki, LLC requests a change of zoning classification from RU-2-10 and BU-2 to all BU-2; the application number is 23Z00043; the Tax Account number is 2605971; and it is also located in District 2. He pointed out these are companion applications; but the Board will need to have separate motions for each.

There being no further comments or objections, the Board adopted Ordinance No. 23-20, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Sixth Small Scale Plan Amendment of 2023, 23S.08, 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; and providing and effective date.

Result: Adopted

Mover: Tom Goodson

Second: Jason Steele

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

G.18. Public Hearing, Re: IR Tiki, LLC (Kelly Hyvonen) Requests a Change of Zoning Classification from RU-2-10 and BU-2 to all BU-2 (23Z00043) (Tax Account 2605971)

Chair Pritchett called for a public hearing to consider a request by IR Tiki, LLC for a change of zoning classification from RU-2-10 (Medium Density Multi-Family Residential) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on property located on the east side of U.S. Highway 1, south of Suntree Boulevard, Rockledge.

There being no further comments or objections, the Board approved a change of zoning classification from RU-2-10 and BU-2 to all BU-2, on property located on the east side of U.S. Highway 1, south of Suntree Boulevard, Rockledge, as petitioned by IR Tiki, LLC.

Result: Approved
Mover: Tom Goodson
Seconders: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.1. Public Hearing, Re: Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LeCun) Request a Change of Zoning Classification from IU-1 to BU-2 (23Z00023) (Tax Account 3010512)

Chair Pritchett called for a public hearing to consider a request by Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas requesting a change of zoning classification from IU-1 (Heavy Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), for property located on the northeast corner of Micco Road, and Ron Beatty Boulevard, Micco.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas requests a change of zoning classification from IU-1 to BU-2; the application number is 23Z00023; the Tax Account number is 3010512; and it is located in District 3.

Commissioner Tobia stated Brittany Lecun came before the Board on August 3, 2023, and the Board voted to continue the Item; on the 14th, Ms. Lecun met with him in his office to discuss the change of zoning request and to clarify what she was actually trying to achieve; the confusion came down to a miscommunication with the word 'trailer'; there are no substantive changes; and the motion he is about to make meets the recommendation of the Planning and Zoning board, while also meeting the needs of Ms. Lecun.

There being no further comments or objections, the Board approved the change of zoning classification from IU-1 to BU-2, with a Binding Development Plan (BDP) limited to all BU-1 uses, and the only allowable BU-2 uses being mini-storage, outdoor recreational vehicle, and boat storage, for property located on the northeast corner of Micco Road, and Ron Beatty Boulevard, Micco, as requested by Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas.

Result: Approved
Mover: John Tobia
Seconders: Rob Feltner
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.2. Public Hearing, Re: Dick Holdings, LLC (Vaheed Teimouri) Requests a Change of Zoning Classification from AU and BU-1 to all AU (23Z00048) (Tax Account 2317013)

Chair Pritchett called for a public hearing to consider a request by Dick Holdings, LLC for a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to all AU, for property located on the west side of North Courtenay Parkway, north of Church Road, Merritt Island.

Jeffrey Ball, Planning and Zoning Manager, stated Dick Holdings, LLC requests a change of zoning classification from AU and BU-1 to All AU; the application number is 23Z00048; the Tax Account number is 2317013; and it is located in District 2.

There being no further comments or objections, the Board approved the request for a change of zoning classification from AU and BU-1 to all AU, as requested by Dick Holdings, LLC, on

property located on the west side of North Courtenay Parkway, north of Church Road, Merritt Island.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

G.3. Public Hearing, Re: Robert A. Kline Requests a Change of Zoning Classification from GU to AU(L) (23Z00042) (Tax Account 2404044)

Chair Pritchett called for a public hearing to consider a request by Robert A. Kline for a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity), for property located on the north side of Oneida Street, Cocoa.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Robert A. Kline requests a change of zoning classification from GU to AU(L); the application number is 23Z00042; the Tax Account number is 2404044; and it is located in District 1.

There being no further comments or objections, the Board approved the request for a change of zoning classification from GU to AU(L), as requested by Robert A. Kline, for property located on the north side of Oneida Street, Cocoa.

Result: Approved

Mover: Rob Feltner

Seconders: Tom Goodson

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

G.4. Public Hearing, Re: SRR Property Investment, LLC (Brian Russo) Requests a Change of Zoning Classification from RU-1-7 to BU-1-A (23Z00039) (Tax Account 2423790)

Chair Pritchett called for a public hearing to consider a request by SRR Property Investment, LLC for a change of zoning classification from RU-1-7 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial), for property located on the north side of Atkinson Street, west of Clearlake Road, Cocoa.

Jeffrey Ball, Planning and Zoning Manager, stated the next Item is SRR Property Investment, LLC requests a change of zoning classification from RU-1-7 to BU-1-A; the application number is 23Z00039; the Tax Account number is 2423790; and it is located in District 2.

There being no further comments or objections, the Board approved the request for a change of zoning classification from RU-1-7 to BU-1-A, as requested by SRR Property Investment, LLC, for property located on the north side of Atkinson Street, west of Clearlake Road, Cocoa.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

G.5. Public Hearing, Re: Daniel A. and Lindsey E. Alf (Bruce Moia) Request a Change of Zoning Classification from BU-1 to BU-2 (23Z00045) (Tax Account 2719528)

Chair Pritchett called for a public hearing to consider a request by Daniel A. and Lindsey E. Alf for a change in zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), for property located on the north side of Aurora Road, east of Johnson Drive, Melbourne.

Jeffrey Ball, Planning and Zoning Manager, stated this is Daniel A. and Lindsey E. Alf request a change of zoning classification from BU-1 to BU-2; the application number is 23Z00045; the Tax Account number is 27819528; and it is located in District 4.

There being no further comments or objections, the Board approved the request for a change in zoning classification from BU-1 to BU-2 as requested by Daniel A. and Lindsey E. Alf, on property located on the north side of Aurora Road, east of Johnson Drive, Melbourne.

Result: Approved

Mover: Rob Feltner

Seconders: John Tobia

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

G.6. Public Hearing, Re: RNK Viera, Inc. (Cliff Repperger) Requests a CUP for Alcoholic Beverages (Beer & Wine Only) for On-Premises Consumption in Conjunction with a Bar, in a PUD Zoning Classification (23Z00050) (Tax Account 3024416)

Chair Pritchett called for a public hearing to consider a request by RNK Viera, Inc. for a Conditional Use Permit (CUP) for Alcoholic Beverages (Beer and Wine Only) for on-premises consumption in conjunction with a bar, in a Planned Unit Development (PUD) zoning classification, on property located on the south side of Pluckebaum Road, east of South Range Road, Cocoa.

Jeffrey Ball, Planning and Zoning Manager, stated this is RNK Viera, Inc. requests a CUP for alcoholic beverages (beer and wine only) for on-premises consumption in conjunction with a bar, in a PUD; the application number is 23Z00050; the Tax Account number is 3024416; and it is located in District 4. He continued by saying the reason for the CUP is because this is not classified as a restaurant; the County changed its code a little while ago to allow for administrative approval for restaurants that have food in 51 percent of the gross sales; and since this would not classify that, this application requires a CUP.

Commissioner Tobia stated since the Commissioner who resides in this District is a teetotaler, it is more appropriate that he makes the motion to approve Item G.6.

There being no further comments or objections, the Board approved the request for a CUP for alcoholic beverages (beer and wine only) for on-premises consumption in conjunction with a bar in a PUD zoning classification as requested by RNK Viera, Inc., on property located on the south side of Pluckebaum Road, east of South Range Road, Cocoa.

Result: Approved

Mover: John Tobia

Seconders: Tom Goodson

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

G.7. Public Hearing, Re: Thomas P. and Shannon Harmony Request a Change of Zoning Classification from GU to AU (23Z00044) (Tax Account 2504668)

Chair Pritchett called for a public hearing to consider a request by Thomas P. and Shannon Harmony for a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property located on the southeast corner of Lorkey Lane and Hennessy Place, Melbourne.

Jeffrey Ball, Planning and Zoning Manager, stated Thomas P. and Shannon Harmony request a change of zoning classification from GU to AU; the application number is 23Z00044; the Tax Account number is 2504668; and it is located in District 2.

There being no further comments or objections, the Board approved the request for a change of zoning classification from GU to AU as requested by Thomas P. and Shannon Harmony, on property located on the southeast corner of Lorkey Lane and Hennessy Place, Melbourne.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

G.8. Public Hearing, Re: Island Cremations, Inc. (Kent Bush) Requests a Small Scale Comprehensive Plan Amendment (23S.14) to Change the Future Land Use Designation from RES 6 to CC (23SS00014) (Tax Account 2427231)

Chair Pritchett called for a public hearing to consider a request from Island Cremations, Inc. for a Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial), on property located on the southwest corner of South Courtenay Parkway and Mark Avenue, Merritt Island.

Jeffrey Ball, Planning and Zoning Manager, advised that Items G. 8. and G.9. are companion applications; he will read them into the record; however, the Board will need to make separate motions for each. He went on to say Item G.8. is Island Cremations, Inc. requests a Small Scale Comprehensive Plan Amendment (23S.14) to change the Future Land Use designation from RES 6 to CC; the application number is 23SS00014; the Tax Account number is 2427231; and it is located in District 2. He stated Item G.9. is for island Cremations, Inc. requests a change of zoning classification from RU-1-11 to BU-1; the application number is 23Z00054; the Tax Account is 2427231; and it is also located in District 2.

There being no further comments or objections, the Board adopted Ordinance 23-21, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Ninth Small Scale Plan Amendment of 2023, 23S.14, 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; and providing an effective date.

Result: Adopted

Mover: Tom Goodson

Second: Jason Steele

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

G.9. Public Hearing, Re: Island Cremations, Inc. (Kent Bush) Requests a Change of Zoning Classification from RU-1-11 to BU-1 (23Z00054) (Tax Account 2427231)

Chair Pritchett called for a public hearing to consider a request by Island Cremations, Inc. for a change of zoning classification from RU-1-11 (Single-Family Residential) to BU-1 (General Retail Commercial), on property located on the southwest corner of South Courtenay Parkway and Mark Avenue, Merritt Island.

There being no further comments or objections, the Board approved the request for a change of zoning classification from RU-1-11 to BU-1, as requested by Island Cremations, Inc., on property located on the southwest corner of South Courtenay Parkway and Mark Avenue, Merritt Island.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

G.10. Public Hearing, Re: Malcolm R. Kirschenbaum (Cole Oliver) Requests a Small Scale Comprehensive Plan Amendment (23S.15), to Change the Future Land Use Designation from NC and CC to All CC (23SS00015) (Tax Account 2501390)

Chair Pritchett called for a public hearing to consider a request by Malcolm R. Kirschenbaum to consider a Small Scale Comprehensive Plan Amendment (23S.15), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC, on property located on the west side of South Courtenay Parkway, south of Cone Road, Merritt Island.

Jeffrey Ball, Planning and Zoning Manager, stated this is Malcolm R. Kirschenbaum requests a Small Scale Comprehensive Plan Amendment (23S.15) to change the Future Land Use designation from NC and CC to all CC; the application number is 23SS00015; the Tax Account number is 2501390; and it is located in District 2. He went on to say Item G.11. is Malcolm Kirschenbaum requests a change of zoning classification from BU-1-A with an existing Binding Development Plan (BDP), to BU-2, with removal of existing BDP, and adding a new BDP; the application number is 23Z00053; the Tax Account number is 2501390; and it is also located in District 2. He noted there is in the record an addendum provided by staff that outlines the proposed BDP and the conditions.

Jim Trauger, Trauger Consulting Engineers, Melbourne, Florida, stated he does not have anything to add; and he would like to reserve his time if there are other speakers to hopefully address their concerns or comments.

Maggi Dutczak stated she was unable to attend the Planning and Zoning meeting; she has some very big concerns; she has lived here her whole life; she bought a house; she has had it for 22 years near Tropical Elementary, which is where she went to school; she has been lucky because there is an empty lot behind her, which is what is being talked about; but she has a concern about the BDP and the amendment. She noted from what she understood, and this happened before, is that the BDP says to go to BU-2 but they want to build this thing; it is currently BU-1-A, and there are big differences between 1-A and 2, so when she reads the BDP it says it is for the boat and RV storage, which is BU-2, and then it says and all other uses of BU-1; she would like a clarification, because what she is reading is if they do not do the boat and RV, which normally it has to go back to the existing Code; it is basically a blank check and ad hoc easy into BU-1; and she really did not understand that. She pointed out that is her

concern because that is another ball of wax with her; they are talking and seeing what they are doing, they are putting the buffer in while she is concerned about other things; the staff comments are awesome; all of the answers to make sure the regulations were good was perfect, it helped keep her up-to-date; but water going down, because the one corner is really close to her property; and she really wants to make sure there are not puddles in an area that never floods, because obviously, according to regulations, they are going to have to build up, and she is low. She commented that is the main concern she has with it, but it has nothing to do with zoning or Board, it is just a concern she wanted noted; another thing is they are concerned about noise and other stuff; from what she understands, it is going to be operated 24 hours; obviously, she does not want to get woken up at 4:00 a.m. with bay doors opening, bay doors closing, someone washing off their cars or RV's, so the lights, sounds, they will be interested, as long as they adhere to that; they are concerned it is going to be turned into something; and they all see things that are either storage areas that are either repairs, she hates to say this, it sounds derogatory, but a men's club or boy's club, they go there partying or whatever. She advised there is nothing in here that says it is supposed to be a boat or storage; she asked how the Board ties that; and she stated those are her big concerns, but her biggest concern is the clarification, because that is a totally different thing if they are agreeing to BU-1 no matter what.

Chair Pritchett asked if the BDP diminishes the Code requirements.

Mr. Ball replied it does not; what he will tell the Board is that the BDP would limit the uses to the property to BU-1 uses, and only the BU-2 use of the mini-storage and the RV and boat storage to be indoors; and that would be the only use allowed in the BU-2 district that would not be allowed in the request in BU-1.

Michael McGraw stated he has been on that property for 21 years; they have been through some shenanigans of people wanting to build stuff back there, car washes, and it always gets thrown out at some point; he thinks they are a little more serious this time, so he is concerned about quality of life issues with the noise; he does not want people building this big storage unit, guys going in and leasing three units doing a car restoration, putting small blocks in their Chevy's, and stuff like that; and to run compressors and all of this noise right behind them. He pointed out this was a beautiful lot at one time, and it has been literally leveled; his view is now the back of a 7-Eleven and a preschool; he understands progress; but he wants to make sure what they say they are doing is what they are going to do; and if they do not do that, then it will regress back to the original zoning. He added he knows they are supposed to be putting up a big wall around it; he guesses when going to BU-2, a person has to put a concrete, six-foot wall around the property edges; they are trying not to do that; they are saying they are going to put up an eight-foot PVC fence; there has been no mention of how tall this building is going to be; and there has been no mention if the garage doors are going to be metal panel doors that literally when picking up a boat a person does not go at noon, he or she goes at 6:00 a.m. He noted he does not want to be listening to these garage doors going up and down; they have suffered over the last 10 years with that lot with the owners of an airplane school that has zero regard for the neighbors in that area, and they are tired of it; they do not want another noise issue to be coming about; 2Fly has just destroyed the quality of life; and he does not want it destroyed any further.

Chair Pritchett asked if the airplane school is located on that same piece of property.

Mr. McGraw responded no, the airport is across the street, but the flight pattern for takeoff and landing is directly over Ms. Dutczak's and his house; everybody says not to buy a lot next to an airport, but he bought the property before the flight school was built; it has progressed since

then to become Little LaGuardia; and when he says that, he is talking about takeoff and landings every 30 seconds.

Mr. Trauger stated the uses would be all that is in BU-1, and then just the single-use of indoor boat and RV in BU-2; there is BU-1 directly to the north and to the east of the property; over by the airport, there is a bunch of BU-2; there is a lot of BU-1's, BU-2's kind of spread throughout this area; regarding the drainage, he hopefully will be the civil engineer on the project, and they have to meet all of the County's LDR's on that; and there will not be any off-site drainage issues passed off to the residents. He went on to say there is a large drainage canal off of the back side of the property that would be the northwest, which should handle any of the water that comes off of this as the natural conditions currently do; as far as the noise goes, it is across from the airport, they are not asking for any relief from the land development regulations or noise ordinances; they will meet that; and he thinks the compliance is already in place with Code of the County as well. He advised he is happy to answer any questions.

Commissioner Goodson asked if there is a time limit on something like this regarding operation from a certain time in the morning to a certain time at night in the Code.

Mr. Ball inquired as far as the noise perspective.

Commissioner Goodson replied no, just operation; and he asked is there a time.

Mr. Ball responded the Code does not regulate the time of use.

There being no further comments or objections, the Board adopted Ordinance No. 23-22, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Tenth Small Scale Plan Amendment of 2023, 23S.15, 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; and providing an effective date.

Result: Adopted

Mover: Tom Goodson

Second: John Tobia

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

G.11. Public Hearing, Re: Malcolm R. Kirschenbaum (Cole Oliver) Requests a Change of Zoning Classification from BU-1-A with an Existing BDP, to BU-2, with Removal of Existing BDP, and Adding a New BDP (23Z00053) (Tax Account 2501390)

Chair Pritchett called for a public hearing to consider a request by Malcolm R. Kirschenbaum for a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) with an existing Binding Development Plan (BDP), to BU-2 (Retail, Warehousing, and Wholesale Commercial), with removal of existing BDP, and adding a new BDP, on property located on the west side of South Courtenay Parkway, south of Cone Road, Merritt Island.

There being no further comments or objections, the Board approved the request for a change of zoning classification from BU-1-A with an existing BDP, to BU-2, with removal of existing BDP, and adding a new BDP, as requested by Malcolm R. Kirschenbaum, on property located on the west side of South Courtenay Parkway, south of Cone Road.

Result: Approved
Mover: Tom Goodson
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.14. Public Hearing, Re: Chelsea Lee James Requests a Small Scale Comprehensive Plan Amendment (23S.13) to Change the Future Land Use Designation from AGRIC to RES 1 (23SS00013)) (Tax Account 2002343)

Chair Pritchett called for a public hearing to consider a request for a Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1) on property located on the southeast corner of D Johnson Avenue and Merritt Street, Mims.

Jeffrey Ball, Planning and Zoning Manager, stated Item G.14. and G.15. are companion applications; he will read them both into the record together; however, the Board will need to make separate motions for each. He went on to say G.14. is Chelsea Lee James requests a Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1); the application number is 23SS00013; the Tax Account number is 2002343; and it is located in District 1. He noted Item G.15. is Chelsea Lee James requests a change of zoning classification from (General Use) GU to Rural Residential Mobile Home (RRMH-1); the application number is 23Z00052; the Tax Account number is 2002343; and it is located in District 1.

There being no further comments or objections, the Board adopted Ordinance No. 23-23, amending Article III, Chapter 62, of the Code of ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Eighth Small Scale Plan Amendment of 2023, 23S.13, 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; and providing an effective date.

Result: Adopted
Mover: Rob Feltner
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.15. Public Hearing, Re: Chelsea Lee James Requests a Change of Zoning Classification from GU to RRMH-1 (23Z00052) (Tax Account 2002343)

Chair Pritchett called for a public hearing to consider a request by Chelsea Lee James for a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on property located on the southeast corner of D Johnson Avenue and Merritt Street, Mims.

There being further comments or objections, the Board approved the request for a change of zoning classification from GU to RRMH-1, on property located on the southeast corner of D Johnson Avenue and Merritt Street, Mims, as requested by Chelsea Lee James.

Result: Approved
Mover: Rob Feltner
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.16. Public Hearing, Re: Tracey C. and Teresa B. Higginbotham (Randy Rodriguez) Request a Change of Zoning Classification from GU to AU (23Z00024) (Tax Accounts 2312731, 2319995, & 2319996)

Chair Pritchett called for a public hearing to consider a request by Tracey C. and Teresa B. Higginbotham for a change of zoning classification from GU (General Use) to AU (Agricultural Residential), for property located north of Port St. John Parkway and east of Golfview Avenue, Cocoa.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Tracey C. and Teresa B. Higginbotham request a change of zoning classification from GU to AU; the application number is 23Z00024; the Tax Account numbers are 2312731, 2319995, and 2319996; and it is located in District 1.

Chair Pritchett asked if Mr. Higginbotham was here; she has a couple of questions for him; she knows this area very well, and that the County is trying to change it to Agricultural; and she is thinking he probably wants to do chickens or bee hives.

Tracey Higginbotham replied bees; and he also has adjacent property that is zoned AU.

Chair Pritchett asked if it is the one right below it.

Mr. Higginbotham responded the one south.

Chair Pritchett stated her only concern would be, and she thinks the County has had this problem lately with certain things, she asked if Mr. Higginbotham would be willing to do a Binding Development Plan (BDP) that he would not have any overnight, commercial lodging.

Mr. Higginbotham replied he might stay out there with his RV.

Chair Pritchett commented he was not going to pay himself.

Mr. Higginbotham advised he was not; and they are not going to rent anything out.

Chair Pritchett stated he already knows he will have access issues, but he is probably already working on that.

Mr. Higginbotham pointed out they are starting to work on that, right alongside Ronnie's land, and along the side of I-95; and he has to look at what the plan is for right now.

There being no further comments or objections, the Board approved a change of zoning classification from GU to AU, with a BDP to include no overnight commercial lodging on property located north of Port St. John Parkway and east of Golfview Avenue, Cocoa, as petitioned by Tracey C. and Teresa B. Higginbotham.

Result: Approved
Mover: Rob Feltner
Seconded: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Commissioner Goodson asked what happened to Senator Debbie Mayfield.

Chair Pritchett replied she had to reschedule for the next meeting.

Commissioner Feltner asked if that still means the County gets the check.

Chair Pritchett advised it will be at the next meeting.

*Chair Pritchett passed the gavel to Vice-vice Chair Tobia.

J.4 Reports, Re: John Tobia, Commissioner District 3

Commissioner Tobia stated today is National Beer Lovers Day according to nationalltoday.com; the useless Florida fact is Lake Okeechobee is the third largest fresh water located completely within the United States; on to This Day in Florida History, in 1995 NASA launched STS69 from Kennedy Space Center; this was the 100th successful crewed NASA space flight; and it seems like rockets go off every day now. He went on to say the County Employee Recognition is Doug Willits, Carpenter of Facilities Maintenance shop, south area Public Works; he has two years of service; he is the Facility Manager; the Facility Manager, Skip Bell, says, that whether Mr. Willits is plunging a toilet, acting as security, or prepping meeting rooms, he does so with an infectious smile; and his willingness to attack any task, along with his positive outlook, makes him an invaluable asset to the County. He went on to say Mr. Willits is often first to volunteer to stay late, lock all of the buildings, work weekends, escort vendors, and even to come back to work in the middle of the night to make emergency repairs; he displays a can-do attitude so staff can work comfortably the follow day; before retiring and moving to Florida, he owned a construction remodeling business catering to top entertainers and athletics in Atlanta, Georgia; he joined the County because he missed the happiness and appreciation from people when a job is completed; aside from his love for helping people, Mr. Willits enjoys sky diving, parasailing, and heights in general; when he is not seeking an adrenaline rush, he enjoys woodworking and playing golf; and he expressed his appreciation to Mr. Willits for being such a great addition to Brevard County.

Upon consensus of the Board, the meeting adjourned at 5:35 p.m.

ATTEST:


RACHEL SADOFF, CLERK


RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on October 24, 2023.