

Verbatim Transcript of Item H.8. – February 6, 2025, Zoning Meeting

Feltner: Okay, Commissioners, we're going to go on to H.8.

Gilliam: H.8., is Christopher Espanet represented by Kimberly Rezanka, requests a Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2 under application 24SS00013, located in District 3. And this one is approval for the transmittal to the State. Um, it will come back with the orc report which then we'll have the time to, um, resolve any issues in that and choose to adopt it within 180 days.

Feltner: Okay. You have binders too, huh?

Rezanka: Pardon me?

Feltner: Yeah, You have binders too?

Rezanka: I do...

Feltner: Yeah, not part of the new way.

Rezanka: Alright, uh, again, uh, Chairman Feltner, members the County Commission, Kim Rezanka on behalf of Chris Espanet. This is a Future Land Use request to change from RES 1 to RES 2, um, my binder is the, uh, over 500 pages of public comment you have that I just received most of today and have not really had a chance to review, including the one on the screen in front of me. But we are here to move forward, um, we are not requesting a continuance, there are people here, and we're moving forward. I'm glad to see Mr. Altman made it, I was worried about that. This is, um, y'all are in a catch twenty-two situation, I understand that. You have staff telling you one thing, you have hundreds of people telling you something else. You have been bombarded with emails. This is a problematic situation, um, that, uh, seems almost illogical, unreasonable, and senseless. The whole purpose here is to allow one house on .7 acres. Your staff has told you, you can't do this because it violates your Comprehensive Plan, however, we do not believe it violates your comprehensive plan because of the structure of your Comprehensive Plan and the glossary terms in your own Comprehensive Plan. And Mr. Jim McKnight is here with me and he'll go over that with you. Also with me is Mr. Espanet. The residents of South Brevard beaches do not want this, they've, uh, tossed around words like illegal and, uh, violates your Comp Plan, uh, breaking the law, creating precedence, none of this is true. And we'll explain that to you tonight. There's been a lot of unnecessary anger and worry about a matter that's really about one single family house. It's truly a storm in a teacup. So first I'd like to talk about a little bit about the legislative text and addendum that your staff put together. Um, again, this request is also for a Binding Development Plan. Your staff says that can't be done but it's done, done before, it was in the packet I presented for you before, that there is precedent to having a Future Land Use amendment with a BDP to make them consistent with your Comp Plan. Section 62.1-1255 of your Ordinances say that is the purpose of the BDP to make your Comp Plan and your Future Land Use, I mean your Comp Plan and your zoning consistent. So,

that has been done, that's in your packet, and it can be done. Now, it won't be able to be done again because it's also in your new Comprehensive Plan amendment that's been up to the State and back, it actually prohibits that from happening in your new Comp Plan. So, this would be the second time or third time it would have been allowed. Uh, it also says in this legislative report that RES 2 would create an inconsistency between RP and the FLU designation, um, the RP zoning and FLU designation. It's already inconsistent because of the size of the lot. So, it's already inconsistent. Now, they have said that Mr. Espanet can indeed build a commercial structure. That commercial structure can be 12,000 square feet based on upon the far and the, and the coverage, the lot coverage. Now, a single-family house, which is allowed by the Declaration to be 8,500 square feet, which won't if Mr. Espanet can build. You can have a 12,000 square foot professional offices to include to include group homes, to include uh boarding homes, to include a learning center, things that don't make sense in this neighborhood, but it seems that's what the residents want. But your staff has done that and said he is basically vested to build a commercial structure, again 12,000 square feet. Also it seems that there's no issue with access based upon the addendum that was provided by your staff. Also, I'd like to point out, um, if you watch the P&Z, or you listen, LPA, listen to LPA, they were torn on this issue, they didn't want to vote on this issue, but they did indeed recommend approval because it doesn't seem fair. And this is a fairness issue, this is a policy decision that you all will need to make. Uh, also, to be clear, it's a Future Land Use amendment, it's not a rezoning. Most of the emails that I reviewed think it's a rezoning, it's not, it's a legislative decision, a policy decision to be made by you. Um, also, Mr. Espanet never agreed that he would not submit for a Future Land Use amendment. I see Mr., right here Mr. Shanta's email says "oh, no, he agreed", that's not true. Mr. Bennett was working for the contractor purchaser back in 2018. He withdrew the application because at that time they said you can't move forward. They came to me, I disagree with staff's interpretation, Mr. McKnight disagrees with staff's interpretation, and it's up to you to decide who is right. Uh, regarding the staff report, we believe there are, um, three statements in opposition, which are in error. First that RES 2 creates an inconsistency between RP zoning, already has an inconsistency which will be cured the BDP that we submitted that they don't talk much about any of the staff report but there is a BDP request before you. Uh, the one that was in your packet was incorrect, it was submitted again with my packet to LPA. Second, is it would violate Policy 1.7 because it's not a transition. 1.8 B does not say the transition has to be adjacent. You have RES 1, you have RES 2, you have RES 4, this is a transition, and this is the exact same issue that we had with Sun Terra, which Mr. Goodson didn't like, I remember. Uh, but it is a transition and there is other RES 2 and there is other RES 4 in the area. So, it's not a violation of Policy 1.8. Uh, third, the request to increase intensity violates 7.1, however, it is consistent with objective 7 of the coastal element, so there's no need to review Policy 7.1. Again, Mr. McKnight will go through this information with you about your glossary and your terms. Uh, the staff report never says how this CPA, oh, actually I take this back, staff report goes in detail about how this request will not violate the Barrier Protection Act, the um Brevard Barrier Island area that Mr. Altman was involved

with, that's Section 388.05535. This is not on the beach, it's not on the dunes, there's no sea turtles, there's no wetlands, nothing that's in that law that is intended to protect, um, increase density, so, and staff does a great job of supporting our position on that. I ask that you look at this rationally. I know there's a lot of emotion, um, that was in those emails and you may hear tonight. Uh, one house is more compatible than a 12,000 square foot commercial, professional office that can have multiple uses. It's not in a coastal high hazard area, the map provided shows that. Mr. Espanet did not create the lot or the condominium that has caused this problem. If he made a mistake, it proves he's human, but he will tell you he got direction from staff, not in writing, and that he thought that RP he could build a house. Um, he's asking for assistance from the County. Placing blame on him for a bad real estate deal is unfair and it's not evidence. Fourth, this does not impact any concurrency levels of service, your staff report supports that. Again, this is a policy decision made by you. Uh, six, the Florida Commerce Department will review this, this will go up to the State, they will say whether or not it makes sense to them, and they will also review any building permits submitted by Mr. Espanet. So, the Department of Commerce will review this. Uh, seven, this will not create any precedential value as these facts, this lot, this condominium are unique and likely incapable of replication. That word precedent has been thrown around like candy at a parade in all of these different, uh, emails. It's not true, and Mr., Mr., uh, McKnight will say that. I gave you a sheet that I now can't find mine, um, on two pages the law dictionary from Blacks and also a Cornell Law review article that talks about what a precedent is and you have to have similar facts, similar property, uh, again, the fact, uh, identical or similar facts and similar legal issues. I cannot imagine, nor have I seen in my 25 years of doing this, anything like this before. So, this will not create a precedent, a precedent. Uh, again, you can submit a BDP for Future Land Use, it's done, it's been done. Zoning regulations need to be looked at just like Comp Plan regulations according to the case law, um, Hoffman versus Brevard County Board of Commissioners of DCA case in 1980. You have to give their terms the broadest definition, so when you're looking at these glossary terms, they need to be looked at in the favorable light of what we're proposing here that you don't get to the Policy if you don't meet the objective or if you meet the objective, the Policy is to meet the objective. I'd also point to the private property rights element of your Comp Plan and, uh, the potential that applying this Policy 7.1 in this manner, to this property, may indeed create a takings issue. Not that we want to go there, but being involved in another Bert Harris case with the County, um, this is the application of a Policy that definitely impacts his ability. So, um, with that, I'd like to turn this over to, um, Mr. Espanet.

Espanet: Good evening staff.

Rezanka: Commissioners.

Espanet: Commissioners, sorry. I'm not good with speaking with, uh, crowds, makes me nervous. I'm more of an introvert, so you'll have to forgive me. My name is Chris Espanet. I've been a Florida resident for 50 years. My children and grandchildren live here as well. I purchased the property from developer Doug Lally in 2005.

Attorney Phil Nohr of Gray Robinson drafted the condo docs and that are recorded in the Brevard official records. The recorded docs are attached to the deeds of both units one and two. As a general contractor since 1990, I've always done due diligence. Prior to purchasing, I made a trip to Planning and Zoning with listing info in the recorded documents from Phil Nohr, which included the plot plan by Allen Engineering. It appears staff, in 2005, interpreted objective seven differently, knowing that if Objective 7 is met, Policy does not apply. Although nothing in writing was received, they did inform me that at the time all looked good and there was no issues. I went on my way and proceeded with the purchase of the property. I sat on the property through the years with plans of building a home. A dozen or so years later, I suffered financial and personal hardship along with health issues. A difficult decision was made and the property was listed for sale. It went under contract and the buyers hired Clayton Bennett to perform due diligence. Buyers withdrew the contract in 2018 after being informed a home could not be built on seven-tenths of an acre single-family home to the surprise of myself and all the potteries and parties involved. Staff has mentioned this is a one of a kind historic case. If another property has had this issue, I would be very surprised and would like to know about it. Uh, so, you know I would, uh, I think it's sheer hypocrisy that some of the residents who live behind me in Lighthouse Cove were opposed to me building a home on, a single-family home on seven-tenths of an acre saying it will impact the area. Lighthouse Cove's multifamily development consists of 80 two-story townhomes crammed into tenth-acre lots. After hearing inaccurate assumptions from two of Lighthouse Cove's residents from last meeting, it is clear the unit owners do not want anything built on my property. I have yet to hear a complaint from Lighthouse Cove about the view they enjoyed on my tax expense for the last 20 years. Someone at the last meeting even called the seven-tenths of the lot substandard, I didn't get that one. But the other thing is throughout the years 40,000-plus dollars in taxes weren't requested by the County they were expected and paid. The County, which is funded by the taxes hasn't helped find a solution. Hopefully they can today. It is evident from the opposition letters that the public are grossly misinformed and simply jumped on the bandwagon. I have looked up the addresses of many opposed and have yet to find one that lives on a property larger than the one I plan to build a home on. And, uh, also notice many of them have arrived only in the last few years, so I don't know what they're being told. I'm not sure who the ring leader is in all this but it saddens me that people would show up and oppose someone building a single family home on a suitable seven-tenths acre lot rather than offer support and help find a solution like a good neighbor. Objective seven states limit densities within the coastal high hazards zone and direct development outside the area. The property is located outside the coastal high hazard, uh, zone, therefore, Policy 7.1 doesn't apply, as objective trumps policy. We meet Objective 7 so Policy 7.1 doesn't come into play. You can't get past the overall objective because development has been directed outside the coastal high hazard area. When due diligence was performed in 2005, it appears objective seven was interpreted differently by staff. What we all know was that the South Beaches is riddled with inconsistent zoning and this would be a good transition. This would not increase density because

we're building one single-family home on one single lot. I would like to point out that being in an area of critical State concern sets guidelines, it doesn't prohibit development. At the last meeting one of the staff members mentioned the Brevard County entered into an agreement with the State that they must make people's land usable and that you can't deny a use of a person's property. The motion of this Item passed at the November 18th meeting because majority of staff knew it clearly made sense. You know, let's do the right thing today. Thanks for your time.

Feltner: Thank you, sir. Just real quick before you go, are there questions of the applicant? There any questions for the applicant? No, okay, we're gona go to the cards.

Espanet: Oh, thank you. Thanks for your time.

Feltner: All right. I think they have their fifteen, fifteen minutes so we're done with presentation, is there, are you gonna ask for...

Rezanka: I would, I would ask for more time for Mr. McKnight to speak.

Feltner: Okay, I think, uh, that's something that the Board has to decide. Um do we, do we want to give the applicant, okay, um...

Rezanka: Five more minutes.

Feltner: All right.

Rezanka: Thank you.

Feltner: Just for you, John.

McKnight: Yeah. Thank you, Mr. Chairman, members of the Commission. I am Jim McKnight, I am a planner. I will make this quick. I spent 40 years in local government on that side in a lot of meetings, so I appreciate what you guys are having to do tonight. I want to hit a couple of things that are very important in here, uh, one is when you look at the areas of critical State concern. There are two primary things in the Statute, one is the beach, the turtles and protecting that resource, the other is the Indian River Lagoon. This project in no way will impact either one of those items in the 380 Statute that we all refer to. So, it's important to, to kind of ratchet back on that. There's also something that was troubling to me that I really read a lot today. In the statute that we refer to, because we keep going back to that, it says it does not affect existing land use or zoning with the Barrier Island before July 1 of 2023. So, on this side you have the RES 1, on this side you have the RP zoning, yet we're saying you can't use the RP zoning because it doesn't line up with the RES 1. That's why the RES 2 is being required because that's what the land use plan says, so to me it's a conflict, conflict with the State Statute and that the individuals not able to build this one home, which we know RP allows you to build something that's a mixed-use, professional, and residential, or each one can go the diff, it's different way, residential or professional. I think the most important thing is this is a transition, an obvious transition that is very compatible with the area, and from a planning

perspective, that's what we look at, is how is this compatible. And we can go over the guiding principles and disagree on that. But I think the most important thing that we look at is compatibility, and I know that, uh, there are different opinions on that, and even looking at RP, the lot coverage in RP is less than you would have for any other type of use. So, you've got an opportunity I think to, to look at what best fits this piece of property. Like I said I've been, I did this for over 40 years, I've never seen a case like this. I've seen a lot of different zoning nuances, odd things that occur, but never one that, that actually fell out quite like this does. Also in, you look at the goal, the objective, and the Policy, okay, from the Brevard County Comprehensive Plan and it says and, and I'll just go behind the goal okay, because the goal's kind of up here, and look at the objective that limits densities within the coastal high hazard area and direct development outside of this area. This area is, while part of the Barrier Island, is clearly outside of the area that has some major impacts and I think that the objective is being met, I would disagree with staff on that, that the objective is being met by what is trying to be done by the applicant. And I, I don't see the, the difference, this is not a precedent setting case, my opinion, I'm not your County Attorney. I'm sure he has a different opinion, but precedent is based on the case itself, it doesn't establish for something that's totally unrelated like this. So I don't have a lot of, I think Ms. Rezanka covered everything, but I think the compatibility is the biggest issue does this fit in the area. And, and I think from a, a planning stand point, it absolutely meets that. So, I'm only going to use four minutes Mr. Feltner, I'm done.

Feltner: All right, sir, thanks for clarification there. Erika Orriss, five minutes.

Orriss: Hi, I'm Erika Orriss. Good to see all our new Commissioners up there. I live at 263 Loggerhead Drive. And so I am a member of the South Beaches and I did go, I did attend the workshop that was held on, um, Wednesday, August 28th, for the critical area of concern. And the biggest issues were, uh, getting people off the island density, growing density, right, so, so immediately when I hear things like uh, uh, we are going to you know, our, our density is going to be increased. And it does go against policy 7.1, where it says Brevard County shall not, excuse me, uh, increase residential density designations for properties located on the Barrier Island between the southern boundary of Melbourne Beach and the Sebastian Inlet. That's just, that, that's the truth. And then we look at using a BDP should not be used as a mechanism to restrict density. So, I think that, you know, to look at this and say well it's one house, it's so innocuous, it's just one house but let's look at the history. So, this has tried to been shoved through two times before, two times this has come to staff and each time the Advisory Board said no, this time the Advisory Board actually said yes, right, unfortunately it was like a squabble. I said no cause I live there cause I know what it's like. You know I tried to get out on, it isn't just the turtles, it's the people, we're trying to get out on A1A, we want to get here. We can't even get here, evacuations, everything else is like, like it's very difficult down there. We have to do something different. And so, I think for us to immediately out of the gate after establishing a critical area of concern say okay, well, let's see, back in 2005 a mistake was made. I'm just finding it now, right, I'm just, I'm just or I just found it in 2018, but I want

everything changed. I think it's too much and I think it, it does, I'm going to use the word precedent because it does set a bad precedent. So, I mean yes, it should have been caught a long time ago. I've done a lot of real estate transactions myself and some of them have been horrific. And, you know, what happens then I've had to eat it cause I've made the mistake. I don't go to the County, I don't plead, I don't cry, I don't say 18 years later, oh my gosh, I just noticed this, I eat it, all right. Like that's the most thing that we're concerned about is the increase in density. So, that's all I have to say. I mean I, I obviously I feel bad, I understand. I've made these mistakes, but you know what, it was a mistake and, and I think he needs a lawyer, you know, to help him do something different, but not come before the Board like this. This does not help us. Thank you.

Feltner: Sandra Sullivan.

Sullivan: Good evening, uh, first of all I'd like to start with thanking, uh, Thad Altman for sponsoring this bill for the area of critical concern and responding to all the people and all their concerns that what Brevard has is so incredibly special. So, I mean, there's a lot of history down there from a small area study and, um, you know the, the Archie Carr and of course the sea turtles are super important because that area is the largest Loggerhead nesting in the world. It used to be Armon, they used to have twice as much, that's gone, that ship has sailed, Brevard's the future. And I just want to read something, so under, this is the staff report Administrative Policy two, uh, three. It says compatibility, so we, they talked about compatibility a lot. So, it says RES 1 is the predominant FLU designation within the immediate surrounding area. So, the Policy says "compatibility with existing or proposed land uses shall be the factor in determining where a rezoning or any application involving a specific proposed use is being considered." So, that would not, um, comply with that. I just want to give you a little bit of history, so we had a situation a few years ago where an issue for an up zoning of a property in South Beaches came here before the, before the previous Commission. And at the time, the District 3 Commissioner listened to 37 people speak, they were very prepared, they, they didn't talk about I don't like this, they talked about and cited Policy. He didn't care what the people said and it was voted through. And they recognized at that time that the Commission would not listen to the will of the people. So they, they said we're not going to waste any more time, we're going to go to the State. And so, it was with a great deal of effort by a lot of people, and again, with a lot of gratitude to Mr. Thad Altman, in bringing forward this bill. What I have advocated for over the years, is my passion is evacuation because, like the previous speaker said, we have studies done by the Eastern Central Regional Planning Council's part of disasterflorida.org. We are 63 hours to evacuate the Barrier Island as it is right now. We were much less than that, they increased it recently. I'll say that again, 63 hours to evacuate. Now you should start paying attention to some of the hurricanes, how many hours do you get 14, 15? People die and that's reality, and South Beaches is very vulnerable, basically got one way out on, on a very congested road. And if you don't have adequate time to get out, you're not going to get everybody out. And that area is so environmentally sensitive, you get a

hurricane there's sections of that with a cat five or a cat four that will wash right through and create, you know, a new, a new, uh, what do you call it, uh, area water going into the Lagoon. It's very narrow strips of lands in that area. So, we're talking life safety here. And so, it might just seem like one up zoning, one more house, you know, but it's the big picture. I want to just show you something this was the group of people that showed up to the area critical concern meeting when, when Bonnie Landry made their presentation. There was a lot of people, a lot of people wanted, and came, a lot of public engagement, we the people. And so they took a survey, Bonnie Landry did, and this is the results of that survey. And this column right here is density and intensity that is the number one issue of the residents in South Beaches. So, as you listen to your own staff report, who does not feel like this is compatible. And the people who have voiced their concerns and our legislators just for how environmentally sensitive this is, not just for the sea turtles and not just for the Lagoon and the ocean, and, you know, all of the wildlife, but also it's very vulnerable for the people that live there. So, I hope you'll support the people and support the compatibility and the laws and vote no for this. Thank you.

Feltner: Okay, thank you. Um Richard Drapaeau. Did I say that right?

Drapaeau: Good Evening, my name is Richard Drapaeau and I live at 147 Casseekee Trail, and I'm here to voice my opposition to converting, uh, the said lot, from R1 to R2. It seems like an extreme and extraordinary request. Now, I can't respond to all the technical, um, terminology, so all, I think most of us there look at this as something that happened when the property was subdivided, which created, in my opinion, a nonconforming lot. And, you know, if the stated requirement for a buildable lot is one acre and if the Board is allowing variations from that requirement, why do we have a residential one zone at all if somebody can just come in and make a request and get approval for something that appears to be substandard? Um, so, we, I had another comment. Oh, I wanted to refer to, and I know this may be objection to what's in the zoning variance process, and, but I know there's a hardship, hardship that's being claimed here because of the taxes that were, um, have been paid by the, um, the applicant. But I'd like to read the definition of a hardship if I could, in some special circumstances it makes it difficult for a project to meet the zoning cord, a hardship may be established. A hardship generally occurs when the physical characteristics of a property is as such that it cannot be used for any purpose permitted by County Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property, however, the hardship cannot be self-imposed or the result of the property's owner's own action. And then there is another section of zoning process that states in no case shall the Board of Adjustment grant a variance which will result in a change of land use that would not be permitted in the applicable zoning classification. So, that's kind of where I'm at and wondering why you know this is even being considered. Thank you.

Feltner: Thank you, sir. Mark Shantzis. I was going to say it's not possible he left.

Shantzis: Good evening, everybody. Good evening, wel, welcome new Commissioners. My name is Mark Shantzis. I am the Executive Director of the Barrier Islands

Preservation and Protection Association. We've been around for 34 years, um, our, our motive is to balance the development on the Barrier Islands along with the, uh, natural habitat and wildlife that are there. We are not anti-development. We are about balancing the development, because of things like evacuation, um, uh, infrastructure which we have none of, it's a two-lane road going in and out. Um, there's no water sewer, there's all kinds of problems. One more what I'm going to call it illegal, um, septic tank is not needed there. Um, and basically what you've got is a, uh, property as this gentleman just before had said that was, that was properly, uh, zoned and then got subdivided and made one property that was correct and one property that wasn't. That was the making of the original developer who when he made it into a two-unit condominium instead of cutting it in half so you'd have .85 and .85 like anybody would do in a condominium, a two-unit condominium, made it one unit and .7, he was no dummy. Okay, his one unit for one, his acre was compliant, the others were not. This first page that you're going to see right here is, um, from an application uh that was in 2019 and it flat out says this is the, the representative of the, of the applicant that saying that the property is not compliant. He is saying it himself that he made a mistake. Okay, what we basically, can you turn me on up there, hello, okay what you've got here is, um, the applicant saying that they have made a mistake and then you have staff saying that there is an insurmountable feat prohibiting this approval request. Okay, hello dot, well it's right there. Okay, so it's insurmountable is what they're saying in 2019. Then what happens is the applicant goes ahead and says we're taking back our application, we will not be submitting if you give us back a refund. So, they cut a deal with the County saying give me back my money and won't do this again. Okay, then they went ahead and filed in 2022 again, they filed in 2024 again, and they're now here today again. Okay, insurmountable feat, a Policy which is prohibited approval that's, that's the staff. So, the question is are you going to follow binding law and the constitutional land use of the con, of the CME of the, of the Comp Plan, you're going to follow the staff comments where 10 times they said this does not comply? Five times they said it's in violation of 7.1. Okay if you take a look it right here up on the screen, okay so are we going to break the law and violate 7.1 and increase zoning because of a buyer's mistake that he admits of his own making or we going to support The Binding Law. Okay are you going to support binding law the comprehensive plan or break the law, it's as simple as that, it's not complicated. Here's the law which is then duplicated again in 12.1 that was sent to commerce just shortly ago. So, there's both 7.1 of the Comp Plan and 12.1 since, whoops, up north to commerce Chief Stansbury who sent back his comments already and that's basically what you got. So you've got a guy who went ahead and created his own problem. You have a law that says you can't do that. And now you have a choice of following the law or helping somebody else, helping somebody make a profit on a, on a property that they made a mistake. Hey, I'd love to buy a stock, have it go to zero, and then you pay me for it.

Feltner: All right Mark.

Shantzis: Appreciate it.

Feltner: Robert Decort.

Decort: Uh, yes, good evening Commissioners. Uh, my name is Robert Decort. I live at 5610 South Highway A1A, my property abuts the applicant's property. Before I get going, I'd like to make one correction to a blatantly false statement that was made and that there's nobody else that's currently opposed to this that owns land greater .7 of an acre. My land is compliant. It is indeed one acre, and the applicant knows that given that he is my neighbor. Um, one of the things, and I'm new to land use, but seems to me one of the key principles of it is, is a changing something that has been around for a long time in the legitimate public purpose or interest. Does it do anything for the public? Does it help? Does it add a hospital? Does it, does it provide access to where there is no access? Does it increase the wellbeing of the citizens? We're certainly going to make a big change here if, if approved and the answer to that is clearly no. Is there anybody, if this is approved, in Brevard County that wakes up tomorrow morning and says, boy my life is going to be better? The answer to that, obviously, is also, no. Um, one of the other things I'd like to talk a little bit about, and, uh, is numbers, pesky little numbers. They're necessary because obviously, they provide a foundation for many, many and many times certainty when we make a decision in our life. They're vitally important particularly here on the Space Coast. Do we launch the rocket, the numbers say it's okay. Important to people like nurses, like my wife who dispense medication. It's very important, says give them this much, you give them exactly that much. Also, turns out financial professionals and not surprisingly also land use and planning specialists. They can't do their job without numbers. Now most of the plans are mostly words but if you read it very carefully most of the words are about numbers. So, what we have here is that we all make decisions based on numbers. Everybody in this room makes a decision based on numbers. When I bought my property I made a decision based on numbers. I based, I based it on the land use planning. I based it on what had happened before and I struck a bargain for a price knowing full well what I was getting into. Realizing that, that under the current circumstances that lot could not be built on. Then, as it is today, as it was for the day that, that property was purchased. So, let's talk a little bit about the two numbers that we're talking about today, zero and zero. Why, why are they important? Well, Brevard County has determined and stipulated, in writing, many years ago, that the residential density between south of Melbourne Beach and Sebastian Inlet, that the answer to that was zero, could not increase. Similarly, the designation of the property is RES 1, given the substandard nature of the area of the property meant that it could build zero residences. What we're asking the applicant, is asking you now, is to basically for now reason of, of public interest go change those numbers, say it's okay to increase the density of the South Beaches, it's okay to avoid, to take the, the RES 1 and change that to now RES 2 with, with, with a, a whole bunch of other contortions to make it, uh, to make it palatable. Finally, um, the other number we want to talk about is the number one, particularly as it relates to the, the idea that the number of, of homes that can be built on there for RES 1 is one per acre. We're now supposed to believe that .7 is equal to one and by corollary 1.3 is equal to one. So, by proving this, there's a future thought that you would be

putting into place the Brevard County Land Use 30 percent criteria rule. Why not build a house four stories?

Feltner: Thank you, sir.

Delaney: Can I ask him a question real quick?

Feltner: Go, go ahead Commissioner.

Delaney: Did I hear you right by saying um that you live in the house directly next to this property?

Decort: Correct.

Delaney: Okay, thank you.

Feltner: Okay, um, Commissioners, just so that you know, we have about 35 more minutes worth of cards here and, uh, so I'm going to propose maybe we take a five-minute break and come back and do those and finish this item. Okay, can we do that? Morris? Okay, alright, okay. Thank you, we're going to just take five minutes. Thanks.

The Board recessed at 6:48 p.m. and reconvened at 6:55 p.m.

Feltner: Your turn, Tracy. Your turn, Tracy. It's okay. You're recognized.

Heins: My apologies, we were...

Feltner: It's okay.

Heins: ...chatting away. I didn't realize the five minutes was up.

Feltner: Understood.

Heins: My name is Tracy Heins. I live at 182 Casseekee Trail in, in Lighthouse Cove and I want to thank you all for hearing us out today. First of all, I want to tell ya this is not a tempest and a teacup, this is a big deal in the South Beaches, in the grand scheme of things. I know the word precedent has been thrown around. I'm going to throw it around again. There are three properties that are waiting on this zoning change to go into effect. If you go into Realtor.com they're already citing it and saying, 'pending zoning change.' The large lot next door, 5660 Highway A1A, is saying, 'it's ready for a boutique townhouse community.' So, if y'all open this pandora's box and allow this increase from RES 1 to RES 2, it's going to be a domino effect down the beaches, in my view. So again, it's very important to us to try to keep the character of the area. I've been... family has been in Melbourne Beach since 1967. Means a lot to me. There's, South Beaches has always been a special place. There's no place else for the sea turtles. There are Gopher Turtles galore on this property. We can't ignore that, they will just die if they're relocated. Wanted to also point out the differences. We were talking about numbers. One acre is 4,356,000 square feet. That's the requirement for a lot size in our area. This .7 acre is 30,492 square feet. That is 13,068 square feet of difference. That's a lot of square footage. Now what difference does that really make? Well, we have no sewer, we have no water. In that space you must have

a well, you must have a drain field, and you cannot risk contamination. We have a well for Lighthouse Cove that is right on the northeast corner of our property. It is a four-inch well. If you look at it under the Regs, for the County is 200 feet. There's just not the square footage, that's why the original land use, when it was set at one acre, was brilliant, because it allowed for everybody to have their well. There's septic for everything else. When you narrow it down .7 is actually closer to .5 than it is to one acre. So looking at and saying we don't want contamination of our water supply. Also, looking at it and saying yes, it is in the middle, but it's still going to have an effect on our runoff, our storm drainage. We flooded with the last hurricanes. A1A is always under water, it's a high-risk area. So, I beg you to deny this petition for the change. Thank you.

Feltner: Thank you very much.

Heins: Any questions, comments, snide remarks, I take them all.

Feltner: We already did that, you missed it. Uh, Amy Rickman.

Rickman: Oh, hello Commissioners. Um, Commissioner Goodson, and Adkinson, and Feltner, and Altman, and Delaney. My Name is Amy Sewell Rickman and my family moved to Indialantic in 1950. And my husband and I have lived in Melbourne Beach for 15 years. And so, I'm here to ask you please, to deny this request to change zoning from Residence 1 to Residence 2. And there're many, many people in the room are here, live close, close neighbors to this, to this property. And I've been to see 5610, I know exactly where it is. You got to go slow, but, I, because, because there's a two-lane road. The road is very, very, very thin, as you know. When you've heard myriad reasons to protect this very, very fragile piece of land. But everybody, but all of Melbourne Beach is, is aware of this. So I live, I like to say that, you know, I live near the heart of Melbourne Beach. The heart of Melbourne Beach is the South Beaches. It is all of that. It, it's so beautiful and this is not, that, that's really what, I think it's unfortunate that Phil Nohr led, led, led the, the owner to believe that this, that what he was buying could be changed when, when all of these important legal County and State, uh, bodies have, have, have weighed in on how fragile this is. So I just want to let you know that there are a lot more people all over from Melbourne Beach, all the way down, to include even Indialantic, that are hoping that this gets to stay Residence 1. Thank you.

Goodson: Question, Sewell was your maiden name?

Rickman: Yes, my father's James Sewell.

Goodson: Doctor?

Rickman: Yes.

Goodson: Yes.

Rickman: My father's the first surgeon in Melbourne.

Goodson: And Sewell Hardware?

Rickman: Yes, and Sewell Hardware, and Sewell Hardware is alive and well in West Palm.

Goodson: He was a great, great surgeon. Great Man.

Rickman: Yes, sir. Thank you so much. Bye.

Feltner: Okay. Robert Logsdon.

Logsdon: Good evening, Robert Logsdon, 9020 Highway A1A, Melbourne Beach, Florida. I want to propose that the validity of this application is questionable. Planning and Zoning has done an incredible job of presenting the facts and criteria for your review. I'm going to present some historical facts that are not provided. In January 2019, the applicants filed for a Small Scale Amendment for RES 2 via a professional engineer. Same thing we're discussing here tonight. According to P and Z correspondence, they not even were aware of the divided parcel and advised the applicant's .7 acres was inconsistent and the Future Land Use designation, um, and coastal element prohibited it. According to recorded com, correspondence in the 2019 application, the County clearly stated the Future Land Use and 7.1 prohibit the approval of the request. The applicant withdrew and received a refund. What you don't know is included in the application narrative on page one, item four, is a statement by the applicant's representative that Mr. Espanet solely relied on the condo documents to make his purchase. There's no mention in any effort to contact P and Z staff prior to his purchase. He admits he was misled by the developer. I find it very troubling that in the review of the Land Planning Agency meeting on November 18, 2025, the applicant's attorney implies two times that he reached out to P and Z staff for guidance prior to the purchase. Why are we here and why is the County being held responsible for a bad real estate deal? In June of 2022, the applicant filed for a zoning verification, once again he was informed the property was non-compliant. December 2022, the applicant filed again with an absurd argument that somehow coastal element 7.0 was in conflict with 7.1 and this inconsistency should somehow allow us to increase in density. That application morphed into a large scale text amendment which imploded due to the implications it would affect over 50 acres on the Barrier Island. That application was either withdrawn or rejected. The County records aren't very clear on that. This current application, July 2024, contains the same previous arguments that rejected by the P and Z, but adds a Binding Development Plan, which the County staff agrees doesn't apply. The applicant is providing testimony that clouds a factual issue that an increase in density is not allowed per Coastal Management Element Policy 7.1. Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the Land Planning Agency, but the new uninformed majority of the members were mostly concerned with the money the applicant spent. They were fooled. They voted on the issue using a false narrative that we must somehow help this applicant because he continued to pay his taxes and voted with their emotions and not their facts. All, all this to help a buyer admittedly on record, made a bad purchase in December 2005. Since when is it the responsibility of the County to provide relief to an applicant who bought a substandard lot just because he paid taxes on it? It's buyer beware. This is not a property lot, rights issue, it's a civil case between the

applicant and the condo developer that sold him the unbuildable lot. It's very concerning that Planning and Zoning staff review for the first applications were flat out rejections, but this current application comes to them loaded with speculative suggestions that somehow they're asking the Board of consider the following criteria: is it consistent with the compatible and surrounding areas? No it's not if it violates 7.1 and 12.1 of the BBIA. Does it satisfy the locational criteria established in the Future Land Use Policy 1.8? No. What. Not when it violates 7.1 and 12.1. Is increasing the residential dis, density designation consistent with the coastal management element policy, 7.1? No, it clearly violates it. Does the request meet the intent of the Brevard Barrier Island of Critical Concern guiding Principles? No, it also clearly violates it. The applicants a State Certified General Contractor with years of land development knowledge, multiple real estate transaction, and is also a licensed Real estate agent. There is no hardship or burden caused by the County. It's a bad real estate deal. This has been a colossal waste of taxpayer money. It's a huge waste of Planning and Zoning time and dollars. We believe it's a civil matter between the developer and the applicant. He should be suing the developer. The responsibility, responsibility to help this applicant is not with the County. The liability belongs to the applicant. Please vote against the application. Please do not provide a precedent for future crafty land owners to convert their property to a condo and then destroy the intent of the Future Land Use plan. Thank you very much. I do have documents I want to enter for the record.

Feltner: Okay. While, while you're doing that, Dolores Conway, You're next.

Conway: Hello, Dolores Conway, 123 Cardinal Drive, Melbourne Beach. Good evening Commissioners. Thank you for the opportunity to address the Board. Um, I oppose Mr. Espanet's request. The Future Land Use Plan Coastal Element 7.1 is very clear, that there is no density increases in the South Beaches. A Change from RES 1 to RES 2 is a density increase. Uh, Mr. Espanet mentioned that, he just wants to put a single family home on and that RP zoning is the problem. The problem is the size of the lot. The history of this lot starts with the previous owner Mr. Lally. He bought the parcel in 2003. The 1.7-acre lot was compliant, it had no development issues. In 2005, Mr. Lally converted the 1.7-acre lot to a condo regime form of ownership. Mr. Lally split the parcel into two lots, via condo declarations, but the lots were not created equal. One lot, unit one, or unit two, I'm sorry, was compliant at one acre. The other lot, unit one at .7 acres was not compliant and it was not buildable. The subject lot, unit one, now has development issues. Mr. Lally, not the County, created the problem. So, aside from the obvious responsibility Mr. Lally has for creating and selling Mr. Espanet a non-compliant lot, the applicant is also responsible for not completing his due diligence. It appears the applicant relied solely on the condo docs put together by Mr. Lally. At any time prior to closing, Mr. Espanet could have visited Brevard Planning and Zoning and requested a written information about the status of the lot. In 2005, the applicant was experienced and knowledgeable in land transactions. He already purchased a lot in 1997 and another lot in 2002. From 2013 to 24, the subject lot was put up for sale multiple times at multiple prices. Mr. Espanet has been a general contractor in Florida since 1990. He made a

mistake, so I ask the Commissioners to deny this request for the following reasons: this request increases density in the area of Critical State Concern; changing the Future Land Use Map designation from RES 1 to RES 2 would set a precedent; using BDP improperly to make this law compliant may also set a precedent; the condominium property regime form of ownership, Florida Statute 718, may also suffer a precedent; the greatest harm in approving this request is opening the door to one density request after another using this lot as an example; this is a civil matter. Thank you for your time.

Feltner: Thank you ma'am. Beth Glover.

Glover: Good evening, I'm Beth Glover, 6630 Floridana Avenue, Melbourne Beach. Um, I was born in Melbourne, Mr. Goodson. I just have, just, I'll be brief, I won't use my whole five minutes, but I just wanted to show you the petition that we've got. Not only these people that are sitting out here in the crowd, but all these pages are full of signatures in South Beaches that we got, to stop this. We do not need this increase in density. Leave it as RS 1. Do not increase the density. Thank you.

Feltner: Thank you, ma'am. We appreciate, uh, you getting to the point. Ralph, is it Sammis or Sarus.

Sammis: It's Sammis.

Feltner: Okay.

Sammis: My name is Ralph Sammis. I live South of Aquarina, I live at 7810 Winona Road in Melbourne Beach. Um, Chris and I have been coming here surfing for like the last 50 years. I think we're all viewing this wrong. What we're really looking at is audacity. So, what happened was you had somebody who was a lawyer and a developer that decided that they could dupe the way this is done and they figured out that Planning and Zoning does not have contact with the Clerk of Courts over condos. Is that correct? So, so basically what they decided was, they decided was they could put through condo docs and not have to have it go to Planning and Zoning. It went to the Clerk of Courts. They gave it, they gave it um, tax numbers. So it basically got put up there in a way that could go around people and dupe em' to go (inaudible). There's no other land like that. I guarantee that Planning, I'm sorry, I guarantee the Clerk of Courts does not get condo docs from the South Beaches because Aquarina has something they can build, there's little bit of stuff left, but there's really not a lot of space. So, it's not only the Clerk of Courts is continuously getting stuff and they let that go through. It then let the buyer go through and do that. Look a little bit of background on Chris. He's a good builder. Um, Jerome Powell, the guy who's the Fed Chairman, the last job he finished before he quit was he finished a huge condo for Jerome Powell. You don't get that job unless you're good. He's thorough. He don't want me to say it. I don't want to call him cheap, but I would call him frugal. I guarantee you he didn't drop \$250 grand on something, go out and pay full cash, full ask for something, if he didn't go to the County and check on it for sure. That's all I can tell you. I've been to the County before and had stuff done in Planning and Zoning, and then come back and had something change in that stuff, too, so I don't know if he saw me or not. He stayed with me the whole time he came. I would suspect he went

out there and had somebody look at it. That's all I can tell you. The other question is at some point in time the County knew that they deemed his property unbuildable. Like, like, let's say five when the house was built up front, they had to look and realize that they were going to make his lot unbuildable. Is there no responsibility to tell him, your lot's no longer buildable? You think you are but we know you're not? In between that time, the guy that did the divide that was the lawyer and the guy who owned the property both died, so there's nobody to sue, but that system, it's, it's his fault, but the way this went through the Clerk of Courts, there's also some culpability there, too. So, thank you for your time. Good luck you all. Um, one last thing, you've had a hard night. I'm sorry you all are dealing with this. I'd like to take you to the Eatery. It's down the road, it's down the road from his property. Its 6,200-square feet. It probably has 200 people a day go to the bathroom there. The septic system seems to work. I don't know, you know.

Feltner: New England?

Sammis: New England Eatery. Yeah, it's about 300 yards from where Chris's property is, so there's a lot of people that are on septic there. That system works on the . . .

Feltner: It's been a while since I've been down there.

Sammis: Come down, that's a good night. Thank you guys.

Feltner: All right. When the snow birds are there, they're busy. There's no doubt. Um, Eva, and after Eva is going to be Catherine. Eva, how do you say your last name?

Nagymihaly: Nagymihaly.

Feltner: Okay, I wasn't going to try that.

Nagymihaly: It's Hungarian.

Feltner: Okay.

Nagymihaly: It's simple. Uh, 6501 Highway A-1-A. Uh, I heard everybody speaking, so I'll be brief. They said it all, and everyone was very intelligent and very dynamic, and very strong on their opinions. Um, when you buy land, you have to know what you're doing. I'm sorry that he got hurt through it, but it is important for the density to stay as low as it is, and everyone thinks they have a major problem. You let it go this time, it will go again the next time, so please do the right thing, hear the people here tonight, and, uh, vote against it. Thank you.

Feltner: Thank you very much, and, be, is it, is it Dr. Catherine?

Stamatacos: Yes, everything I wanted to say has been said well.

Feltner: Okay, waive and oppose?

Stamatacos: Opposed to.

Feltner: Okay, waive and oppose. That's, the former, uh, house members are telling me, waive and oppose. Okay. All right, very good. We're done with the cards. Um, so, is there, are, based on what you've heard, are there questions for staff? Okay, um, Kim.

Rezanka: May I have rebuttal?

Feltner: Uh, I think Kim's out of time, but, uh, we agree we want to give her a few minutes to, for a rebuttal. Yes? Okay. All right.

Rezanka: Thank you.

Feltner: We're almost there everybody.

Rezanka: Uh, thank you, uh, Commission, Chairman Feltner, for giving me this time to rebut. Um, there's a lot that's been said, nothing we haven't heard before. Again, uh, Mr. Espanet did say that he went to the County. Mr. Espanet did not split the lot. Mr. Espanet did not write that narrative, it was Clayton Bennett on behalf of the contractor/purchaser. Uh, the 2022 application, I put in for a text amendment. It was withdrawn because of Mr. Altman's barrier protection act. Um, and the consulting planners that I talked with said there's no way you'll get that through Department of Commerce because it's, it impacts so many. This impacts one lot. This impacts only Mr. Espanet's. It's one house versus a 12,000-square foot commercial-use building, which makes absolutely no sense. This property is not an area of critical concern. It has not got bugs and bunnies. It may have Gopher turtles, I don't know, but it's not a dune line and it's not a beach. Many of these people that spoke to you live in a condo to the west of Casseekee Trail. They're in an RU-2-10 zoning with a RES 1 Future Land Use and they're on condos, so this density is a transition from what's really there. So, RES 2 does make sense as Mr. McKnight stated. Regarding this road, uh, A1A, it's got a 36.16 percent, um, level of service. There's quite a bit of traffic that can still go on it, and it's, it's, it's only one house. Also, too, there are two evacuation routes. One is north and one is south. This was put in place before, I believe, the bridge was down south, at least that's what I was told when I was looking at the '92 Ordinance. I want to talk about that '92 Ordinance, because I did pass it out. That '92 Ordinance is very confusing, and I don't have, um, any information as to exactly what happened here, but Exhibit A to addendum number one says Ordinance 93-02, all this says is the mixed-use is changing to residential. It doesn't say RES 1 in here. I'm not sure where that came about, and we're trying to hunt that down. Um, regarding precedence, I'd like to cite from a Yale Law Journal from 19, uh, 2013. This is called city unplanning, and it states, "The key to understanding map amendments is that they are successive changes to the map considered one-by-one and limited to a specific area without any precedential value for other zoning decisions." Again, this is a zoning decision. What I cited to earlier says that Rinker still applies, um, to Comprehensive Plan amendments. Regarding, um, Administrative Policy 3 that was cited by one of the speakers tonight, that does not apply here, that applies to a zoning, a rezoning only. Uh, regarding the Comprehensive Plan glossary, I implore you to read those. You have a goal and an objective. It's more specific than a goal. It identifies the steps necessary in

pursuit of a goal. So, if a goal is um, to, statement of is to develop growth management strategy, the objective is to limit densities within coastal high hazard. You're still doing that when you go to RES 2, so the objective is met, and then the Policy is to help with the objective, but you don't need the help here, because the objective is met. Uh, this Bill that we keep talking about, um, it, it, uh, the only thing it does here, because the guiding principles don't comply as stated by your staff and by Mr. McKnight, is it will allow Department of Commerce to review this. Again, this is a Future Land Use not a zoning. This is not a variance if we're not claiming a hardship. Uh, the biggest thing I want to explain is just because staff says so doesn't mean they are correct. I know you rely on them. They're very intelligent. They're very good. This has been a position that's been in place for a long time. Mr. Bennett nor his client wanted to fight this. We're here to fight this because we believe that they have made a mistake. Um, again, the Binding Development Plan has been done before for Dunkin Donuts, and I do want to take your attention to the last page of what I submitted to the Planning and Zoning, which I now can't find, but it is the Constitutional Amendment in the Florida Constitution that states staff is not entitled to deference. That changed in 2020, or 2016, it's stated on the page that I cannot find. I ask that you approve this. Department of Commerce will look at it. Thank you very much for your time.

Feltner: Thank you. Okay, Commissioners, before we go further, Morris, do you want to clarify something for us?

Richardson: Uh, yes, sir. Thank you, Mr. Chair, and this is a little unusual, and I'd ask the Board to indulge me a little. You'll probably hear from me a little more than you usually would. Typically, we bring to you applications where in your function as policy-maker, particularly for these legislative Comprehensive Plan amendments, you have broad discretion to apply your wisdom to the, uh, matters before you and make a decision. Likewise, in zoning matters where it's quasi-judicial, you consider the facts and the law and you apply those, and you have discretion. Here, it's staff's opinion, certainly my legal opinion, that there is no discretion, and I would like to explain why I believe that's the case. Uh, first of all saying I have the utmost respect for Ms. Rezanka and Mr. McKnight, their professional knowledge and skill, but I do want to talk a little bit about comprehensive planning under the Florida Statutes. Uh, according to Florida Statute Section 163.3177, the format of the Comprehensive Plan is generally provided as goals, objectives, and policies, but the stated purpose of comprehensive planning is not to compel local governments to regulate their land in a particular way, but rather to establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations. Uh, objectives do typically follow from goals and policies from objectives, but policies do not need to be narrowly written to further only the literal statement of an objective. In our case, Objective 7 states, "limit densities within the coastal high hazard area and direct development outside of this area." Policy 7.1 clearly and unequivocally prohibits increases in residential density designations for properties located on the Barrier Island between the southern boundary of Melbourne Beach and the Sebastian Inlet. That Policy is not inconsistent with Objective 7, it supports Objective 7, as well as

the overall goal of the comprehensive management element, which speaks to the protection of coastal resources in human life and the limitation of expenditures in areas subject to destruction by natural disasters. And if you look at all of the other Policies under Objective 7, none of them are limited specifically to application in the coastal high hazards areas. They talk about things like you shouldn't place a hospital on a Causeway. They talk about the CEMP, the coastal, or the Emergency Management Plan, things like that, that go beyond a narrow focus on the coastal high hazard area. Uh, most importantly, the law affords equal, equal dignity to policy and objectives. It doesn't say, uh, if you check the box on an objective, ignore all of the policies underneath. Rather, if you look at Florida Statutes 163.194, which is entitled The Legal Status of a Comprehensive Plan, it expressly states a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives policies, land uses or intensities in the Comprehensive Plan, and if it meets all the other, other criteria. Again, it doesn't say ignore the Policies if you meet the objectives, but rather compels you to follow those Policies in your Comprehensive Plan. The cases that interpret it say that a Comprehensive Plan is essentially a constitution for all future development within the governmental boundary, and the cases say that it is well-established that a development order shall be consistent with the government body's objectives, policies, land uses, et cetera, is provided in its Comprehensive Plan. So, I'm not in a position to advise you that you can ignore Policy 7.1 simply because this property is not in the coastal high hazard area. Rather, to the contrary, I feel that you're compelled to follow Policy 7.1. If I had my way, and I think if staff had theirs, we would probably not have taken the applicant's money and said that this is something that the Board can't approve; but I think we were told in no uncertain terms that the applicant wants to go forward and possibly get a denial that could be subject to an appeal, and that we may have even been, uh, sued to require us to process the application if we turned it away, so, it's here before you. Um, have full respect to the Board, but again, I, I believe, you know, this is clearly inconsistent. The request, uh, clearly constitutes an increase in residential density, uh, can't be granted. I do want to remind everyone that there's a supplement to the staff report that does state that, and I believe the applicant talked about it earlier, this is not an unbuildable or undevelopable lot, a professional office could be placed on the lot. Sorry for talking so much. Again, unusual, but this is an unusual circumstance.

Feltner: Okay, Commissioners, discussion on the Item. Uh, question, I'm, I'm, uh, Commissioner Altman, sorry.

Altman: That's just more of a clarification, I'm a little confused. I know when you look at this parcel on the tax map, it's showing it as being owned, um, it shows it as a condo common area, but it doesn't show the name of the applicant on the tax map. Shouldn't that be the case if it's a landowner coming for rezoning that the ownership should be shown on the tax map.

Prasad: I have noticed that oddity, Commissioner. If you search on the Property Appraiser by the tax account, that's on the Agenda Report, and I'm looking at it right in front of me. The correct account does show up, and if you hit the tax bill, um, the owner shows as Christopher Espanet, which is the applicant, and it shows that the taxes are current. So, there's three tax accounts across parent parcel. There's that full one that you're, um, I believe is what you're looking at. There's a tax account on the east side and a tax account on the west side.

Altman: I'm looking at it. I'm waiting on the... it's just odd the way it's shown on the map. I can't tell from (unclear). I'll probably have more questions of you about that, but this is, I've never seen this before.

Prasad: I think it may have something to do with the way it was divided as with using the condo.

Altman: Okay, all right.

Richardson: When it's in condominium ownership, like if you were to look at the condominiums to the west...

Altman: Right.

Richardson: ... you'll see they're all grouped together even though the units are individually-owned, so I think that's probably why the Property Appraiser shows it that way, but they are, it is individually-owned, and Mr. Espanet does own the .7 acre piece and does pay taxes on it.

Altman: Interesting. If, uh, if it was rezoned here today, and they built a residential home, they would still be able to file for homestead and show it designated that way, or they need to change the, the tax map?

Richardson: The request today is a Future Land Use Map change...

Altman: Right.

Richardson: ... but if that were granted, there may be an issue about inconsistency with the zoning, which we'll ignore for a moment, but if they did get to a point where they could build a home on it, they could apply for homestead, um, just like you could with a condominium or townhome ownership.

Altman: Would they change the tax map, or, uh, it's just odd to me there's...

Feltner: You mean the tax account numbers, sir?

Altman: The actual map, the actual Tax Collector's map, doesn't show... when you click on the Tax Collector's map...

Richardson: The, the assessor's map.

Altman: ... you click on the details, it doesn't show the owner. It shows as part of a condo.

Feltner: I mean, when they, when they do a split or a combine, that changes tax account numbers, so, uh, that's, that's possible that ...

Richardson: Because of the condominium vehicle. I think it'll stay that way, because it's, uh, it's in a condominium essentially.

Altman: Uh-huh, okay, I see, I understand. I understand.

Feltner: You have other questions, sir?

Altman: No, I don't.

Feltner: Not yet, okay. Any other questions for staff?

Adkinson: I have.

Feltner: Okay, uh, Commissioner Adkinson.

Adkinson: It, question, not necessarily. I'm going to make a statement. You can tell me if I'm wrong. Um, first I would like to say thank you to everybody who, who came today. I know this is a unique, uh, situation. Let me also mention, I heard the word unbuildable, just to reiterate what Morris said. I heard unbuildable several times. You need to understand this is not unbuildable, correct?

Prasad: That is correct, Commissioner.

Adkinson: This is RES 1, indicates it has to be one acre to have one residence.

Prasad: Correct.

Adkinson: We are talking about changing from R 1 to R 2, which means what?

Prasad: It would double the residential density.

Adkinson: Right. Policy 7.1 of our Comprehensive Plan says, "Brevard County shall not increase residential density designations for properties located on the Barrier Island between southern boundary of Melbourne Beach and the Sebastian Inlet." Correct?

Prasad: That is correct.

Adkinson: That's all I got.

Feltner: Any other questions for staff? Commissioner Goodson.

Goodson: Then if you can't build residential, but you can build a 12,000-square foot commercial, right? Is that what I heard? Is that correct?

Prasad: You would be able to build, a, a prof, certain types, not all commercial, but residential professionals, so professional office is an example.

Goodson: Okay.

Prasad: Yes.

Goodson: And that 12,000-square feet?

Prasad: I believe the minimum is 7,500-square feet, um.

Rezanka: Unclear.

Goodson: Um-huh, okay, which would, um...does anyone have an opinion of how much that would increase the density on, as far as traffic?

Prasad: So, it very well obviously might depending on the use. Um, we consider residential density and commercial density as two separate things.

Goodson: Right.

Prasad: And that's why the Policy doesn't apply to the commercial aspects of it, it's only applying to the residential aspects of it.

Goodson: Thank you. Okay, thank you. Thank you, Chair.

Feltner: Thank you, sir. Anyone else? Any discussion on the Item? Is there a motion on the Item? Okay, Commissioner Adkinson.

Adkinson: I move to approve the denial of the Comprehensive Plan Amendment from RES 1 to RES 2.

Feltner: Okay, Commissioner Adkinson makes a motion for a denial.

Delaney: Second.

Feltner: Second by Commissioner Delaney. Clerk will call the roll.

Loughner: Commissioner Delaney.

Delaney: Yes.

Loughner: Vice Chair Goodson.

Altman: Yes.

Loughner: Commissioner Adkinson.

Adkinson: Yes.

Loughner: Commissioner Altman.

Altman: Yes.

Loughner: Chair Feltner.

Feltner: Yes. We'll show that denied. All right. Thank you everybody. We will go on to . . . we're going to take just one minute here to let the room clear out, okay? Commissioners, just one minute.

Delaney: Thank you, everybody, for coming.