



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

12/16/2025

Subject:

Acceptance, RE: Binding Development Plan with Aubri Williamson (24Z00052) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and authorize the Chairman to sign, the Binding Development Plan under application 24Z00052.

Summary Explanation and Background:

A BDP (Binding Development Plan) is a voluntary agreement presented by the property owner to self-impose limits upon development of a property in support of a change of zoning or conditional use permit. Pursuant to Section 62-1157, a BDP shall be recorded in the public records within 120 days of the Board's approval of the zoning request. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item to finalize the zoning action.

On July 17, 2025, the Board approved a change of zoning classification from RU-1-9 to RU-2-10 with a BDP for no resort dwellings and single-story, single-family only. The attached BDP includes these stipulations.

On October 02, 2025, the Board approved a 120-day extension of the request.

Clerk to the Board Instructions:

Upon recordation, please return a certified copy of the BDP to Planning and Development.



December 17, 2025

MEMORANDUM

TO: Alice Randall, Zoning

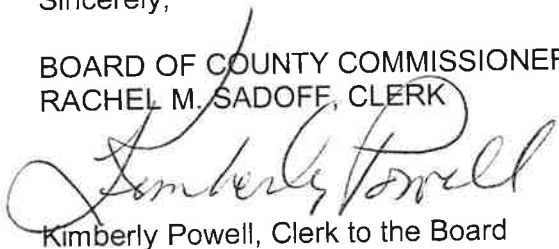
RE: Item F.2., Binding Development Plan with Aubri Williamson (24Z00052)

The Board of County Commissioners, in regular session on December 16, 2025, executed Binding Development Plan Agreement with Aubri Williamson (24Z00052), for a parcel of land being north ½ of the west ½ of Lot 7, Block F, Map of replat of North Indialantic by The Sea, according to plat thereof, as recorded in Plat Book 9. Page(s) 70, of the Public Records of Brevard County, Florida. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encls. (2)



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 17, 2025

MEMORANDUM

TO: Recording

RE: Item F.2., Binding Development Plan with Aubri Williamson (24Z00052)

The Board of County Commissioners, in regular session on December 16, 2025, accepted and executed Binding Development Plan with Aubri Williamson (24Z00052), for a parcel of land being north ½ of the west ½ of Lot 7, Block F, Map of replat of North Indialantic by The Sea, according to plat thereof, as recorded in Plat Book 9. Page(s) 70, of the Public Records of Brevard County, Florida. Enclosed are original Binding Development Plan Agreement and Check No. 2376954 for \$95.00.

Please record the Agreement in the Public Records and return the recorded instrument to this office.

Your continued cooperation is always appreciated.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

Prepared by: W Nathan Meloon, Esq
Address: 1990 W. New Haven Ave.
Suite 201
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 16 day of December, 2025 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Aubri Williamson (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, this binding development plan was accepted by the County as part of and as a condition of the rezoning request; and

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has REQUESTED THE ZONING CLASSIFICATION RU-2-10 AND desires to develop the Property; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property. NOW,

THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. Developer/Owner VOLUNTARILY AGREES TO limit the property to single family, single story residential use and agrees to not use the property for resort dwellings.

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida.

This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.

5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.

6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on 12/16/2025. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.

8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

F. 2.
12/16/25

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:


Rachel Sadoff, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

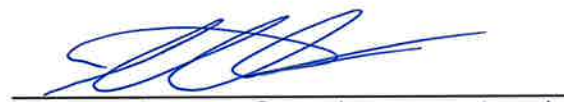

Rob Feltner, Chair
As approved by the Board on 12/16/2025.

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

Aubri Williamson as DEVELOPER/OWNER


Ariana Tellone
1990 W. New Haven Avenue, Suite 201
Melbourne, FL 32904

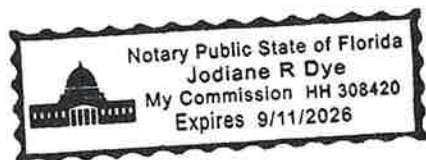

Address: 1201 Sparkman Street
Melbourne, FL 32935
Owner


Jodiane Dye
1990 W. New Haven Avenue, Suite 201
Melbourne, FL 32904

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of physical presence this 12th day of September, 2025 by Aubri Williamson, Owner of 125 Franklyn Ave Indian Lake, FL 32903 who has produced Florida Driver's License as identification.

(seal)




Notary Public
My commission expires:

EXHIBIT A

**North 1/2 of the West 1/2 of Lot 7, Block F, MAP OF REPLAT OF NORTH INDIALANTIC BY
THE SEA, according to plat thereof, as recorded in Plat Book 9, Page(s) 70, of the Public
Records of Brevard County, Florida.**

JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated 07/14/2023 given by Aubri Williamson, as mortgagor, in favor of the undersigned, Freddie Mac, as mortgagee, recorded in Official Records Book 9839, Page 271, of the Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

MORTGAGEE CORPORATION NAME AND ADDRESSMortgage Electronic Registration Systems, Inc.

Mortgagee Corporation Name

1001 Woodward Ave
StreetDetroit
CityMI 48226
State Zip CodeHeather DeFrank
*Authorized Agent SignatureHeather DeFrank, Assistant Secretary of MERS
Authorized Agent Printed Name and Title

*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.

AFFIX CORPORATE SEAL**WITNESSES**Erika Zolna
SignatureErika Zolna
Print NameMallory A. Coonce
SignatureMallory A. Coonce
Print Name

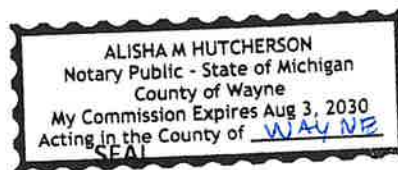
STATE OF MICHIGAN

COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this 13th day of NOVEMBER 2025
by Heather DeFrank, who is personally known to me or who has produced
_____ as identification.

[Signature]
Notary Public Signature

ALISHA M HUTCHERSON
Name Printed



Resolution 24Z00052

On motion by Commissioner Delaney, seconded by Commissioner Altman, the following resolution was adopted by a unanimous vote:

WHEREAS, Aubri Lucille Williamson requests a zoning classification change from RU-1-9 (Single-Family Residential) to RU-2-10 (Medium-Density Multiple-Family Residential), on property described as Tax Parcel 7.06, as recorded in OR Book 9839, Pages 269 and 270 of the Public Records of Brevard County, Florida. **Section 31, Township 27, Range 38.** (0.17 acres) Located on the southeast corner of Franklyn Ave. and N. Palm Ave. (125 Franklyn Ave., Indialantic); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with a BDP for no resort dwellings and single-story, single-family only; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended, limiting the property to single-family, single-story residential use and no resort dwellings; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-9 to RU-2-10, be approved with a BDP, recorded on in ORB 10523, Pages 2900 thru 2910, for no resort dwellings and single-story, single-family only. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of January 14, 2026.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



Thad Altman, Chair

Brevard County Commission

As approved by the Board on December 16, 2025.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – June 16, 2025

Board of County Commissioners Hearings – July 17, 2025.

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said**

development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.



DATE: Wednesday, November 5, 2025

TO: Rocket Mortgage, LLC, Org ID 1000390

ATTN: Christopher Kawa, George Popofski

RE: MERS Corporate Resolution Appointing MERS Signing Officers

Dear Sir or Madam:

Enclosed is a Corporate Resolution of Mortgage Electronic Registration Systems, Inc. ("MERS"), which appoints MERS Signing Officers for your organization. The list attached to this MERS Corporate Resolution is the official list of MERS Signing Officers who have been appointed by MERS, and this MERS Corporate Resolution and attached list supersedes and replaces any previous MERS Corporate Resolution that appointed MERS Signing Officers for your organization. You are responsible for reviewing the list to make sure that it is accurate.

If you have any questions, please send an email to merssigningofficer@mersinc.org.

CORPORATE RESOLUTION OF
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

NOW, THEREFORE, BE IT RESOLVED, that the individuals (the "Signing Officers") set forth on the attached list of candidates, as amended from time to time by Mortgage Electronic Registration Systems, Inc. ("MERS") at the request of **Rocket Mortgage, LLC, Org ID 1000390** (the "Member"), are officers of the Member, which is a member of the MERS® System, and that each such individual be, and he or she, as the case may be, hereby is, appointed as an assistant secretary, assistant vice president, and vice president of MERS; and be it further

RESOLVED, that this MERS Corporate Resolution supersedes and replaces any and all previous MERS Corporate Resolutions that appointed Signing Officers for the Member; and be it further

RESOLVED, that all Signing Officers shall be bound to abide by and follow the MERS® System Rules of Membership (the "Rules"); and be it further

RESOLVED, that the authority granted to such Signing Officers as assistant secretary, assistant vice president, and vice president of MERS shall be specifically limited to undertaking only the actions set forth below on behalf of MERS, provided such actions are otherwise taken in accordance with the requirements of applicable laws, rules, and regulations, and further that any action taken by a Signing Officer that is not specifically enumerated below is beyond the scope of the authority granted to such Signing Officer and is ultra vires; and be it further

RESOLVED, that each of the Signing Officers be, and hereby is, authorized to perform only the following on behalf of and in the name of MERS:

- (1) take any and all actions and execute all documents necessary to release the lien of any mortgage loan registered on the MERS® System that is shown to be registered to the Member or its Affiliate Org ID, including but not limited to (a) satisfactions, (b) discharges, (c) partial releases, and (d) substitution of trustee on Deeds of Trust;
- (2) assign the lien of any mortgage loan naming MERS as the mortgagee when the Member is also the current promissory note-holder, or if the mortgage loan is registered on the MERS® System, is shown to be registered to the Member or its Affiliate Org ID;
- (3) execute any and all documents necessary to foreclose upon the property securing any mortgage loan registered on the MERS® System that is shown to be registered to the Member or its Affiliate Org ID, so long as such execution does not violate the Rules, including but not limited to (a) substitution of trustee on Deeds of Trust, (b) Trustee's Deeds upon sale on behalf of MERS, (c) Affidavits of Non-military Status, (d) Affidavits of Judgment, (e) Affidavits of Debt, (f) quitclaim deeds, and (g) endorsements of promissory notes to VA or HUD on behalf of MERS as a required part of the claims process;
- (4) take any and all actions and execute all documents necessary to protect the interest of the Member, the beneficial owner of such mortgage loan, or MERS in any bankruptcy proceeding regarding a loan registered on the MERS® System that is shown to be registered to the Member or its Affiliate Org ID, so long as such execution does not violate the Rules, including but not limited to: (a) executing Proofs of Claim and Affidavits of Movant under 11 U.S.C. Sec. 501-502, Bankruptcy Rule 3001-3003, and

applicable local bankruptcy rules, (b) entering a Notice of Appearance, (c) vote for a trustee of the estate of the debtor, (d) vote for a committee of creditors, (e) attend the meeting of creditors of the debtor, or any adjournment thereof, and vote on behalf of the Member, the beneficial owner of such mortgage loan, or MERS, on any question that may be lawfully submitted before creditors in such a meeting, (f) complete, execute, and return a ballot accepting or rejecting a plan, and (g) execute reaffirmation agreements;

(5) take any and all actions and execute all documents necessary to refinance, subordinate, amend or modify any mortgage loan registered on the MERS® System that is shown to be registered to the Member or its Affiliate Org ID;

(6) endorse checks made payable to Mortgage Electronic Registration Systems, Inc. to the Member that are received by the Member for payment on any mortgage loan registered on the MERS® System that is shown to be registered to the Member or its Affiliate Org ID;

(7) take any such actions and execute such documents as may be necessary to fulfill the Member's (i) servicing obligations to the beneficial owner of such mortgage loan (including mortgage loans that are removed from the MERS® System as a result of a deactivation), including, but not limited to, (a) verifying litigation documents, and (b) responding to various forms of discovery requests, and (ii) indemnification obligations under the Rules; and

(8) take such ministerial actions and, in such ministerial capacity, to execute and deliver all such instruments and documents as the officer(s) of MERS deem necessary or appropriate in order to effectuate fully the purpose of each and all of the foregoing powers.

I, Paul Russell Van Fleet, being the Associate Secretary of Mortgage Electronic Registration Systems, Inc., hereby certify that the foregoing is a true copy of a Resolution duly adopted by me pursuant to authority granted by the Board of Directors of MERS, and that it is effective as of **Wednesday, November 5, 2025**. This MERS Corporate Resolution is in full force and effect on this date and it does not conflict with the Certificate of Incorporation or By-Laws of MERS.


Paul Russell Van Fleet, Associate Secretary



Rocket Mortgage, LLC

Org ID 1000390

Master List effective as of Wednesday, November 5, 2025

Mortgage Electronic Registration Systems, Inc.

Signing Officers

ALI AHMAD

ANDREW EDWIN CURD

ANTHONY M DUNN

ASHLEY COLLEEN GRAY

BRENNALYNNE LEBRON

CHESHANA DIANE THOMAS

DANIEL MICHAEL MARSHALL

DONNELLA RESHAYE SMITH

HANNAH THEREASE WLOCH

HEATHER SUZANNE MCPHERSON

HEATHER KATHLEEN DEFRANK

HELENA CRYSTINA MAYFIELD

ILENA RASHAUN BEATHEA

JACOB BLAINE AKERS

JAMILAH FAIRCLOUGH

JESSICA LEE TOMLINSON

KASSANDRA SUZANNE ORBAN

KASSONDRA ANN ALDRICH

KRISTIN LEIGH WYKOWSKI

KYLE JOSEPH YAMIN

Rocket Mortgage, LLC

Org ID 1000390

Master List effective as of Wednesday, November 5, 2025

Mortgage Electronic Registration Systems, Inc.

Signing Officers

LAURA ANN MILLER

LINDSEY ELIZABETH PERRY

MALLORY ANN COONCE

MCKENZIE ELISABETH PALCHAK

MEHGAN MICHELLE FROSTIC

MICHELE LEE

ONIMISI MELEAH RIHACEK

ROBERT DENNIS IMPEMBA

SARAH ASHLEY RAMIREZ

SCOTT L JOHNSON

SCOTT EDWARD EVELY

STACEY ANN CHARBONEAU

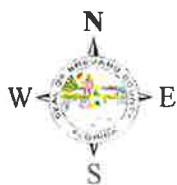
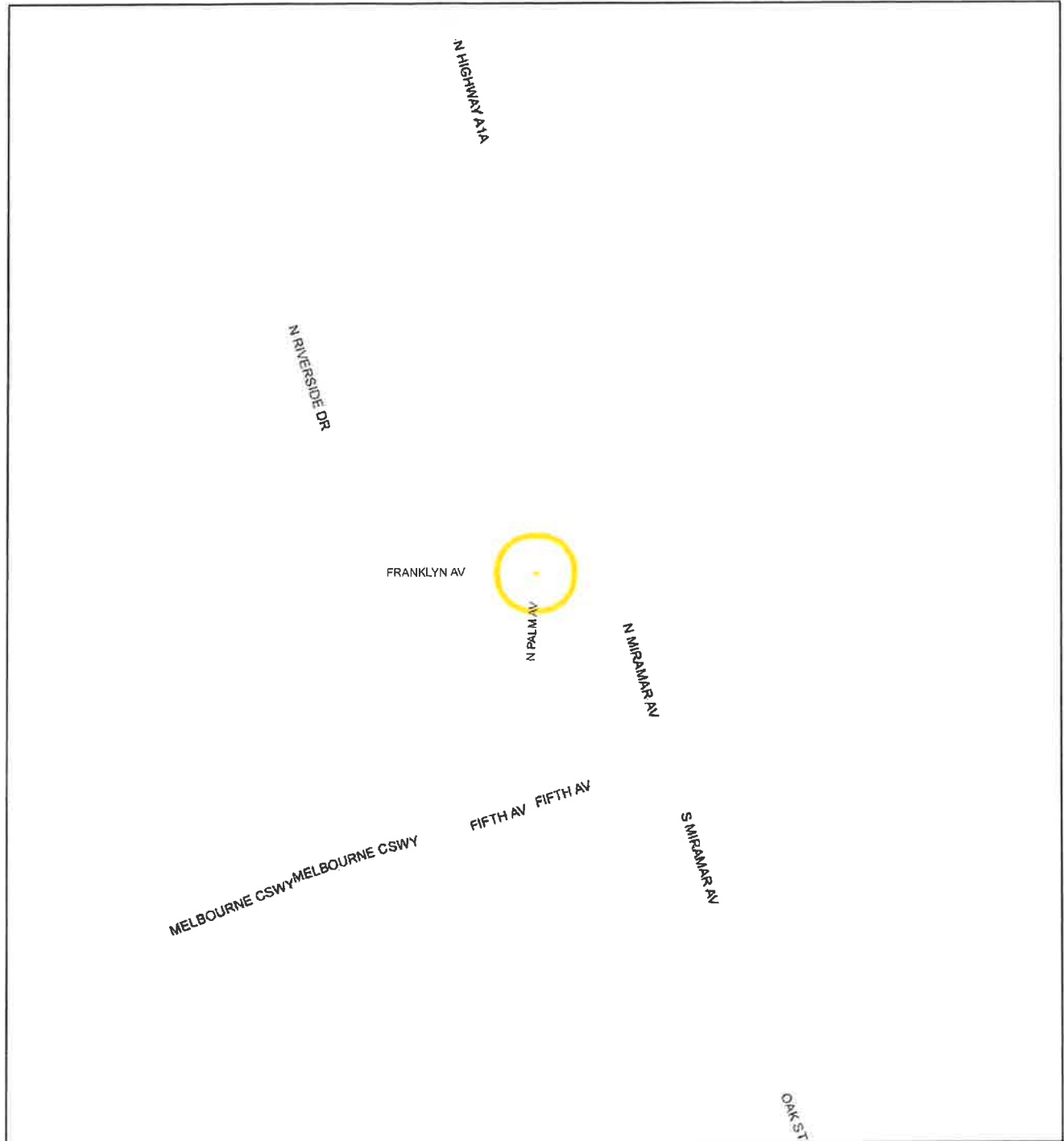
STEPHANIE PATTERSON ORRICO

TANEISHA MONIQUE STINSON

LOCATION MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

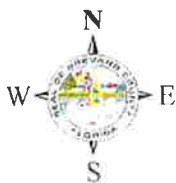
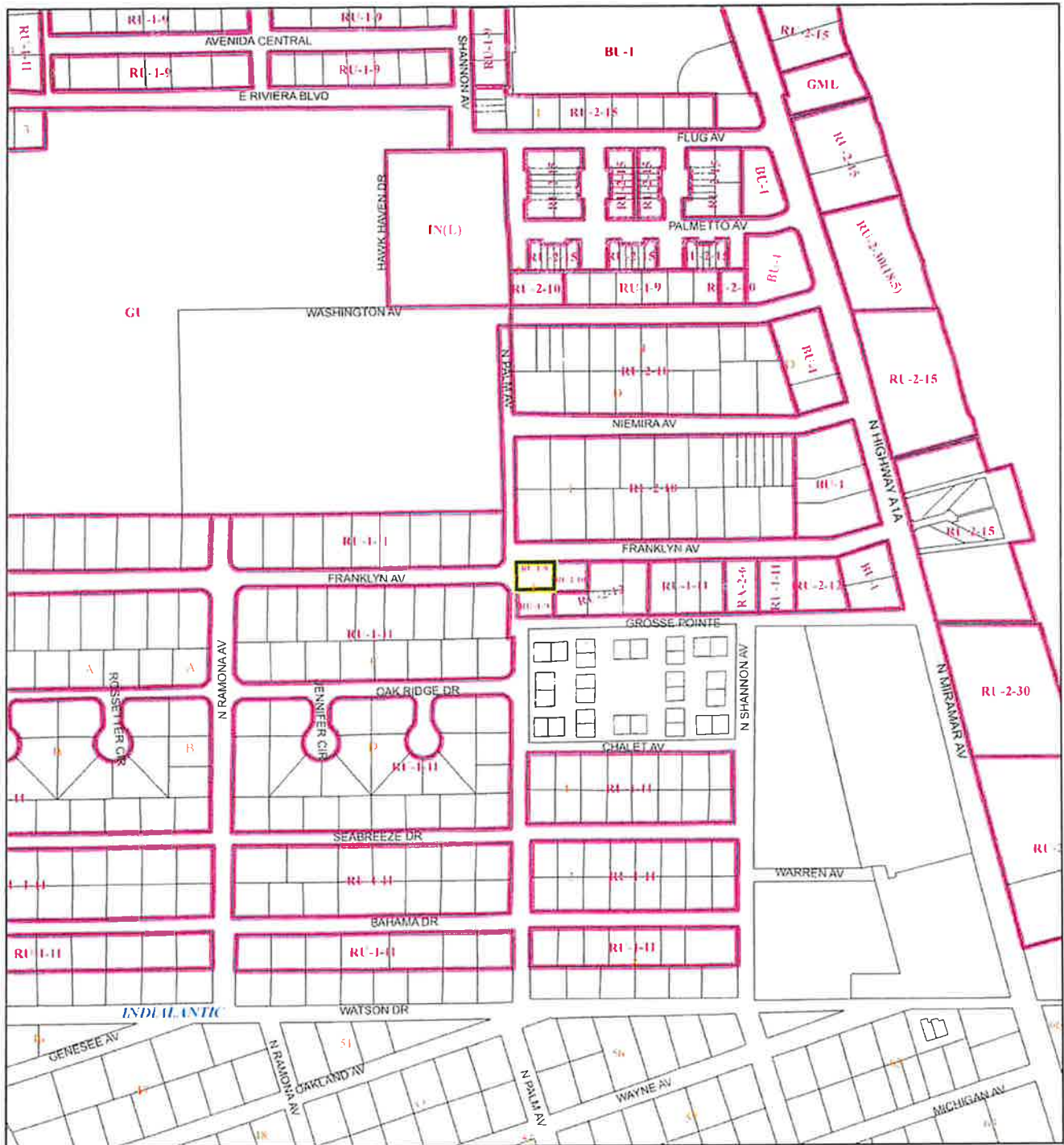
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/11/2024

— Buffer

■ Subject Property

WILLIAMSON, AUBRI LUCILLE
24Z00052



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/11/2024

- Subject Property
- Parcels
- Zoning

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 16, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Eric Michajlowicz (D3); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; Billy Prasad, Planning and Development Director; Darcie McGee, Natural Resources; Rachel Gerena, Public Works; John Scott, Emergency Management Office; Edward Fontanin, Utility Service Director; Lucas Siegreid, Utility Services; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.1. Aubri Lucille Williamson requests a change of zoning classification from RU-1-9 to RU-2-10. (24Z00052) (Tax Account 2743715) (District 5)

Trina Gilliam read Item H.1. into the record.

Nathan Meloon spoke to the application. He stated the applicant is looking to have this house as an investment property. She has a current contract for somebody starting in July to be there for one year. She would like to bring it into conformity with the area to the north where there's a big block of RU-2-10. Directly to the right or to the east is some RU-2-12. So, to keep the conformity with the area we're seeking a zoning change to RU-2-10. It's compatible and consistent with the area and it's in line with what else is in that area. This is right outside the shopping center with the Long Doggers in Indialantic just south of where Health First is and the Dunkin Donuts.

Public Comment

Sandra Sullivan stated she is from South Patrick Shores. She has a friend that lives on this street and there have been two recent zoning requests on Franklin Avenue. One of them is next to Cliffage and they had requested two duplexes at the front and back of the property. It ended in a split vote by the County Commissioners, and it failed. There was a BDP that was proposed for duplexes on front and back off Gross Point because there's a lot of traffic issues there. And the second was no short-term rental and no more than one story. You mentioned in the item that there is a property 200 feet to the east, that property is under a BDP. Again, no short-term rentals by the County. This is an area of no short-term rentals, so a BDP that they could put in a duplex but no short-term rentals and a BDP on that property. This property is so unlike those other two lots. They go from Franklin all the way over to Gross Point. This property's already been split, so if you were to be consistent with the surrounding area the maximum would be to allow a duplex on the property. I want to point out the short-term rental aspect, you do realize and it's missing from the map that was made by staff, which is a major red flag from my perspective, there is Hoover Elementary School literally a house away from this particular property. As a parent of elementary school kids, I wouldn't be happy to have a short-term rental which is inconsistent with this area. I would beg the question why this went to the board of adjustments for a short-term rental for a zoning that they don't have yet. So, this is inconsistent for

the BDP's that are in this area and the Cliffage property was denied by the county a 2:2 vote which also had stipulated no short-term rentals. So, vote no.

End Public Comment

Mark Wadsworth stated that he now sees on the west side it is zoned RU-2-12.

Mr. Meloon stated to the east is RU-2-12. To the north is RU-2-10 and to the south it looks like a multi-family zoning in Indialantic. There's more RU-1-11 further to the south, but then there's a commercial property with a strip plaza and the Publix, the Long Doggers, that kind of a multitude of stores. The property is one-story. There's currently a building on site, so there's not going to be a new building. My client is willing to keep this as a single-family and not have it be a duplex. A duplex is not her intention, and like was stated there's a one-year lease that is in place that begins in July for the property. So, it's intended use is for long-term rental property. As an owner she has a vested interest in keeping the area nice and not having bad things happen in the area.

Henry Minneboo asked the applicant if they are going to do a BDP.

Mr. Meloon stated they are willing to have a BDP that it'll remain a single-family.

Erika Orriss asked if they were willing to do a BDP that there's no short-term rentals. I'm very familiar with that area. We keep talking about long Doggers and Publix, but what's at the end of that street is Hoover Elementary School. There's also Busy Bears Daycare which is right across there too. So, I would just suggest that we say no short-term rentals. I don't think it should be zoned as such.

Mr. Meloon stated they're not willing to do that because they don't want to give away one of those bundles of sticks that his client would have as a property owner and have that go away forever. Who knows what the world would look like in 50, 75, 100 years. The school could be there, or the school could not be there. The same with the daycare. While it's across the street, it's an equal distance away from these commercial establishments. True it's five or six blocks down from some NC zoning, there's the CC zoning and then there's the Indialantic. It's just as easy to get from there to the daycare or to the school as it would be from my client's property. I realize that there are bad things that happen in the world and there's bad people in the world we can't sit here and think well what if somebody rents that. Well there's hotels and I'm sure if somebody had bad motives they could stay at one of the hotels that's a quarter mile up the street and come down and look and do whatever they wanted to do to the school or to the daycare and God forbid that would be a horrible thing to happen, but that wouldn't be a reason for taking a bundle of one of the bundles of sticks that my client has as a property owner in the area.

Ms. Orriss stated she understands that, but she does have friends that live there, and they live in the condos on the south side and they're saying right now as it exists today there's just way too much traffic. People are speeding by and there's kids on that street and Hoover Elementary School has been there for 50 years and I think it's probably going to be there another 50 years. So, I really have a hard time approving this especially with no BDP. That's my thoughts on it. I've stood there in front of my friend's house and almost been run over. I just don't think we need to add to the problems that already exist on that street.

John Hopengarten stated he agrees that without a BDP for short-term rental restrictions this won't fly.

Ruth Amato agreed with Mr. Hopengarten.

Mr. Wadsworth asked the applicant if they are willing to do a BDP.

Mr. Meloon responded yes; we're willing to do a BDP for no short-term rentals.

Ms. Orriss stated the BDP would be on because the previous BDP that was put on for the other property said developer agrees not to use property for resort purposes and therefore such is prohibited. The developer shall limit ingress and egress to one unit on Franklin and one on Gross Point. I don't know if that's what we'd be willing to do and obviously we're open for input on this but to have no resort dwellings and then to keep it with one unit on the property and you already have the one unit.

Mr. Meloon responded with correct. The one unit is already in existence. It's a 3:2. It would be no resort dwellings and keep it as the single-family one unit. And single story as well in keeping with the character of the street.

Motion to recommend approval of Item H.1. with a BDP by Erika Orriss, seconded by John Hopengarten. Motion passed unanimously.



August 5, 2025

MEMORANDUM

TO: Billy Prasad, Interim Planning and Development Director Attn: Trina Gilliam

RE: Board Actions on Planning and Zoning Board Recommendations

This is to correct memorandum dated July 18, 2025. The Board of County Commissioners, in regular session on July 17, 2025, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in blue ink, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Alice Randall, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **Casabella Development, LLC.** Delaney/Adkinson. Approved the request for a change of zoning classification from BU-1-A to RU-2-6, **with a BDP for no short-term rentals.** (24Z00064)
- Item H.2. **Aubri Lucille Williamson.** Goodson/Adkinson. Approved the request for a change of zoning classification from RU-1-9 to RU-2-10, with a BDP for no resort dwellings and single-story, single-family only. (24Z00052)
- Item H.3. **Quentin I. Bessent, Jr.** Delaney/Adkinson. Approved the request for a change of zoning classification from AU to RU-1-11. (25Z00006)
- Item H.4. **Thomas Daugherty.** Delaney/Adkinson. Tabled the request for a change of zoning classification from GU to RU-1-11. (25Z00007)
- Item H.5. **John A. and Christine S. Conley.** Goodson/Delaney. Approved the request for a change of zoning classification from BU-2 to RU-1-11. (25Z00010)
- Item H.6. **Steven Schulze, Jr.** Adkinson/Delaney. Approved the request for a change of zoning classification from AU to RU-1-13. (25Z00011)
- Item H.7. **Eduardo Bertot and Brett Bertot.** Delaney/Adkinson. Approved the request for a change of zoning classification from BU-1 and RU-2-10 to all RU-2-10. (25Z00012)
- Item H.8. **Emerald Plaza Development, Inc.** Goodson/Delaney. Continued to August 7, 2025, Meeting. (25Z00014)
- Item H.9. **CTX Equities, Inc.** Delaney/Adkinson. Adopted Ordinance No. 25-09, setting forth the ninth Small Scale Comprehensive Plan Amendment (25S.09), to change the Future Land Use Map (FLUM) designation from NC and CC to all CC. (25SS00003)
- Item H.10. **CTX Equities, Inc.** Delaney/Adkinson. Approved the request for a change of zoning classification from GU and BU-2 to all BU-2. (25Z00013)
- Item H.11. **Linde Inc.** Delaney/Goodson. Approved the request for a Conditional Use Permit (CUP) for chemical manufacturing within an IU-1 zoning classification. (25Z00017)
- Item H.12. **Adoption of a Large Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a New Element to the Comprehensive Plan under the State Coordinated Review Process.** Adkinson/Goodson. Adopted Ordinance No. 25-10,

adopting a new element to the Comprehensive Plan for the BBIA; and authorized staff to make correction to scrivener's errors before sending to the State.

- Item H.13. **Evaluation and Appraisal Review (EAR) Based Amendments to the Comprehensive Plan (24LS00002) under the State Coordinated Review Process established by Section 163.3184, Florida Statutes.** Delaney/Adkinson, with Goodson voting Nay. Adopted Ordinance No. 25-11, adopting the EAR based amendments to the Comprehensive Plan, including those changes made necessary by Florida's Commerce's Objections, Recommendations and Comments Report pursuant to the State Coordinated Review Process (24-03ER) and approved in policies CON 4.1(A)(1), 4.1(B)(1), and 4.1(C)(2) shall remain (and not be stricken as proposed), but locational criteria shall be added to these policies so that they apply only on lands that are both north of SR 520 and west of I-95.



Zoning

Brevard County Board Of County Commissioners; Governing Board Of The Brevard Mosquito Control District; Governing Board Of The Barefoot Bay Water And Sewer District

2725 Judge Fran Jamieson Way

Viera, FL 32940

Agenda

Thursday, October 2, 2025

If you wish to speak to any item on the agenda, including consent items, please fill out a speaker card before the item is considered by the Board. Persons addressing the Board shall have three minutes to complete his/her comments on any agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

- A. CALL TO ORDER 5:00 PM**
- B. ZONING STATEMENT**
- C. PLEDGE OF ALLEGIANCE: Commissioner Rob Feltner, District 4**
- D. MINUTES FOR APPROVAL:**
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS**
- F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)**
 - F.1.** Easement Agreement, Re: Scott Weihman (25FL00006)
Developer: Scott Weihman District 2
 - F.2.** Acceptance, Re: Binding Development Plan with TG Rentals of Brevard, LLC (25Z00016)
(District 1)
 - F.3.** BDP Submission Extension: Aubri Lucille Williamson requests an extension to the 120-day BDP recording date. (24Z00052) (Tax Account 2743715) (District 5)
- G. PUBLIC COMMENTS (Individuals may not speak under both the first and second public comment sections.)**

H. PUBLIC HEARINGS

- H.1.** City Pointe Landfall LLC (David Bassford) requests a Small-Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use designation from RES-1, RES- 2, RES-4, and NC to CC and RES-4. (24SS00009) (Tax Account 2411252) (District 1)
- H.2.** City Pointe Landfall LLC (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1)
- H.3.** Michael S. Palo (Landon Scheer) requests a Small-Scale Comprehensive Plan Amendment (25S.13) to change the Future Land Use designation from CC and RES-15 to all CC. (25SS00007) (Tax Account 2611657, 2611658) (District 4)
- H.4.** Michael S. Palo (Landon Scheer) requests a zoning classification change from BU-1 and RU-1-7 to BU-2 with a BDP. (25Z00029) (Tax Account 2611657, 2611658) (District 4)
- H.5.** Boniface and Company, Inc. (Kimberly Rezanka) requests a zoning classification change from BU-1 with a BSP to BU-1 with removal of a BSP. (25Z00020) (Tax Account 2800682) (District 5)
- H.6.** 5125 South LLC (Arduino Cacciotti, Daniel Wasserman) requests a CUP, for Alcoholic Beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1 zoning classification. (25Z00021) (Tax Account 2512007) (District 2)
- H.7.** Vincent Contino Goglia and Sherry Ann Goglia (Thomas Neidert) request a CUP for an accessory structure. (25Z00026) (Tax Account 3008337, 3008071) (District 3)
- H.8.** The Viera Company (Jose Pazmino) requests a CUP for on-premises alcoholic beverage consumption. (25Z00032) (Tax Account part of 2631510) (District 4)
- H.9.** Hope Episcopal Church, Inc. (Mike Burkhead/Gulfstream Towers) CUP request for Wireless Telecommunication Facilities and Broadcast Towers, in a PUD zoning classification. (23Z00055) (Tax Account 2604194) (District 4)
- H.10.** Staff Report, Re: Declaration by Florida Commerce of the Brevard Barrier Island Area Element and EAR-Based Amendments to the Brevard County Comprehensive Plan as Null and Void.

I. UNFINISHED BUSINESS

J. NEW BUSINESS

K. PUBLIC COMMENTS (Individuals may not speak under both the first and second public comment sections.)

L. BOARD REPORTS

- L.1. Jim Liesenfelt, County Manager
- L.2. Morris Richardson, County Attorney
- L.3. Katie Delaney, Commissioner District 1
- L.4. Tom Goodson, Commissioner District 2, Vice-Chair
- L.5. Kim Adkinson, Commissioner District 3
- L.6. Thad Altman, Commissioner District 5
- L.7. Rob Feltner, Commissioner District 4, Chairman

Adjourn

RACHEL M. SADOFF
CLERK OF THE CIRCUIT COURT & COMPTROLLER
BREVARD COUNTY, FLORIDA

POST OFFICE BOX 2767
TITUSVILLE, FLORIDA 32781-2767
(321) 637-2006
WWW.BREVARDCLERK.US



Transaction #: 4015799
Receipt #: 63786890
Cashier Date: 01/14/2026 03:25:30 PM
Cashier Branch: Titusville - Six Story

Print Date:
01/14/2026 03:25:36 PM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
MATTHEW KUBIC 3092 RIO BAYA S INDIALANTIC, FL 32903	Date Received:	01/14/2026	Total Fees	\$95.00	
	Source Code:	Titusville - Six Story	Total Payments	\$95.00	
	Return Code:	Mail (U.S. Postal Service)	Balance Due:	\$0.00	
	Trans Type:	Recording			

1 Payments

CHECK #2376954 \$95.00

1 Recorded Items

AGREEMENT BK/PG: 10523/2900 CFN: 2026008372 Date: 01/14/2026 03:25:29 PM
From: Ta
Recording @ 1st=\$10 Add'l=\$8.50 ea. 11 \$95.00

1 Miscellaneous Items

AGENT TRANSMITTAL