

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, July 11, 2024

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

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

B. ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

WORD FROM THE CHAIR

Commissioner Steele requested a moment of silence; he stated former Commissioner Nancy Higgs, has passed away; and he asked that people keep her family in mind.

C. PLEDGE OF ALLEGIANCE

Commissioner Steele led the assembly in the Pledge of Allegiance.

REQUEST FROM THE CHAIR

Chair Steele stated Tuesday night the Board had to cut the meeting short; he had something he needed to get done as a request from the Board; he is traveling to Washington D.C. with a group of 10 to 12 people on the Brightline station; and he needs permission of the Board to travel.

The Board granted approval for Chair Steele to travel to Washington, D.C. to meet with Senator Scott, Senator Rubio, Representative Posey, Secretary Buttigieg, and others from July 28-31, 2024, to lobby for a grant for the Cocoa Brightline Station.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

H.1. Suzanne Cook (Daniel Banker) Requests a Conditional Use Permit for a Guesthouse in an RU-1-13 (Single-Family Residential) Zoning Classification (24Z00007) (Tax Account 2431745)

Chair Steele called for public hearing on a request by Suzanne Cook for a Conditional Use Permit (CUP) for a guesthouse in an RU-1-13 zoning classification, located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated Suzanne Cook requests a CUP for a guesthouse in an RU-1-13 zoning classification; the application number is 24Z00007 and tax account number is 2431745; it is located in District 2; and he wants to point out during the Planning and Zoning Board meeting on June 10, he had mistakenly quoted the Code of saying the CUPs run with the ownership, however, that is incorrect, it runs with the land. He went on to say in the Agenda Report there are criteria for a guesthouse; and one of the criteria is that that guesthouse cannot be rented out, or used for short-term rental.

Suzanne Cook stated the main problem was that they had just a few square feet short of an acre that was necessary; she does understand that she cannot rent it out; she had casually mentioned that due to the economy getting bad; staff had asked if she had changed her mind; she responded by saying certainly; and advised she would sell the property if she cannot pay the bills, it does not bother her. She noted that is the bottom line.

Commissioner Goodson stated as long as Ms. Cook understands all the conditions, he has no problems with it; and he inquired if Ms. Cook understands all the conditions.

Ms. Cook responded affirmatively.

There being no further comments or objections, the Board approved the request by Suzanne Cook for a CUP for a guesthouse in an RU-1-13 zoning classification located in District 2.

Result: Approved

Mover: Tom Goodson

Second: Rita Pritchett

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

H.2. Frank Mastroianni (Jake Wise) Requests a Change of Zoning Classification from BU-1 and RU-2-10 to PUD (23PUD00001) (Tax Account 2600118)

Commissioner Steele called for a public hearing on a request by Frank Mastroianni for a change of zoning classification from BU-1 and RU-2-10 to PUD (Planned Unit Development), located in District 2.

Commissioner Goodson asked to make a motion to continue the public hearing on this to November 7, 2024, giving the developer the chance to go back to the residents and see if they can come to a resolution of some sort that they are acceptable with; he understands the attendees are saying no; however, he wants to give them 120 days.

Chair Steele asked for a second. He stated hearing no second, the motion dies for lack of a second.

Jeffrey Ball, Planning and Zoning Manager, stated Frank Mastroianni requests a change of zoning classification from BU-1 and RU-2-10 to PUD; application number is 23PUD00001, tax account number is 2600118; and it is located in District 2.

Commissioner Pritchett mentioned her office already turned in all of its public records that it heard, except she received a phone call from Ms. Debbie Mayfield mentioning about the time limit and that she had a concern over it being 120 days; and she wanted to disclose she had heard from Ms. Mayfield.

Commissioner Tobia advised also regarding application 23PUD00001, on July 11, 2024, he spoke with Mr. Michael Gage via phone; he did not have time to put it in; the call lasted approximately five minutes during which they discussed his opposition to the Item; and he disclosed he did not have to submit it as it happened today.

Commissioner Goodson stated if the Board cannot give people an opportunity to go back, they are very aware of the fact that they probably will not get what they are requesting, but the Board cannot even allow them to have open discussions again to see if they can come to some resolution.

"No" was heard from the audience.

Chair Steele requested that the audience not do this tonight; he knows everybody is uptight and concerned; they will all get through this in an adult fashion with no talking from the audience; and he mentioned he would very much appreciate that. He asked Commissioner Goodson if he would like to try the motion one more time.

Commission Goodson advised he would like to try the motion one more time to give them the opportunity to go back and work with these people; and they are going to have to come through the same process, go back to Planning and Zoning with a new idea, if it is acceptable to the people.

Commissioner Tobia stated if the Board tables to that date, he does not think that motion foresees actually going back to Planning and Zoning, if tabling it until this, there is no necessity to go back to Planning and Zoning.

Commissioner Goodson asked if they come up with a different zoning criteria for a number of units, would they not have to go back to zoning for approval on that. He mentioned he does not know and asked someone to tell him.

Commissioner Tobia stated he would make that extremely clear in the motion; August 14, 2024, is the Planning and Zoning meeting before that, with a deadline of August 2, 2024, for a submittal to make that November 7, 2024, date, just for clarity sake; but that is probably better for staff if that was placed in the motion. He noted he is not saying he is willing to go there; and he certainly would not vote for it to come back to the Board without having to go through Planning and Zoning again.

Commissioner Goodson inquired if Commissioner Tobia said he would not.

Commissioner Tobia clarified that for him, repeating that he would not.

Commissioner Goodson stated he agrees, he would not either.

Chair Steele passed the gavel to Commissioner Pritchett.

Chair Steele seconded the motion. He stated he intends to hear everybody this evening; the people have not come in vain and it is not fair to them to come there in vain; he would like to get this motion passed; there are a couple of very quick zoning Items that can be done; and the

Board can spend whatever time is necessary so the people can pour their hearts out in regards to their request. He advised he does not know if this will pass or not.

Commissioner Feltner asked if the applicants are in attendance.

Chair Steele stated he believes so.

Commissioner Tobia stated for the audience that showed up on this Item, he wants to thank them for showing up; he apologizes that the people received notice that this would happen, and there is tabling; they took time out of their busy schedules and he completely gets that; he appreciates everyone for their participation; and he would like to share where the Board is at. He continued by saying the Board has a couple options today; it could outright deny this, but the problem with outright denying, that may be a temporary victory, but Code would allow them to file the exact same thing six months from now; he knows the audience probably knows this, but these are the decisions that the Board has to make; he does not know what the best one is; he wants to listen to the audience; he wants them to understand no matter what decision the Board makes today, unless it is an outright thumbs up, and there is no way on earth he is going to do that, that is the box the Board is in; and in his opinion, this needs to go through Planning and Zoning again if there are substantial changes to give the people an extra opportunity to engage there and then engage with the Board after that Planning and Zoning meeting. He noted that is what is wonderful about Planning and Zoning, the Board gets to hear what they have to say and then what the neighbors have to say; he asked that they keep that in mind; and he advised those are the two options the Board has to the best of his knowledge.

Commissioner Feltner commented if he understands, the Board is potentially considering a four month delay or possibly a six month delay; to Commissioner Tobia's point, if the Board were to deny this, this evening, they can come back in six months; and he asked Mr. Ball if that is correct.

Tad Calkins, Planning and Development Director, stated if the application is denied, there is a provision in the Code that requires there is a six month time frame before they can submit another application of similar request.

Commissioner Feltner noted so a motion tonight to delay this for 120 days, or four months, or the Board denies it, and they start the process all over again in six months; and he asked if that is correct.

Mr. Calkins responded affirmatively.

Chair Steele commented the reason he is doing this is because there was an email sent out to people at Indian River Isles in the area saying this was going to be continued; he does not believe it is fair not to have the full contingent of people that may be in opposition to this here tonight; he is not so sure 120-day continuation is the best way to go or a table is the best way to go; he does not feel comfortable with them not having the number of people in attendance that he knows are against it; and his office has received tons of emails in regards to this.

Commissioner Feltner asked if the Board denies this tonight, does that mean they go back to the local Planning and Zoning Board to start that process over again.

Mr. Calkins responded affirmatively, advising that the application would be considered new and it would come back through.

Commissioner Goodson stated all he is trying to do, and he is not in agreement with what they want to do with this land as the number of units, he is trying to get them to work with these people to try and come up with something; maybe they cannot and if they do not then they can refile in six months; and that is all he is trying to do.

Chair Steele asked if Commissioner Goodson would consider a friendly amendment to table.

Commissioner Goodson advised he would and asked for how long.

Chair Steele stated until the next Zoning meeting.

Commissioner Tobia advised the problem with that is that they are only allowed one table.

Chair Steele stated this would be their one table.

Commissioner Tobia mentioned there would not be time for revisions or anything like that.

Commissioner Goodson agreed.

Commissioner Tobia continued by saying he thinks the Board may be going around in circles; he thinks Commissioner Goodson was pretty close at the beginning; he thinks he has made it clear to anyone who has called, on where he was on this one; he did not understand that he was in favor of that; he thinks the Board can table this and require it to go to the Planning and Zoning on August 14, 2024, with a submittal day turning in revisions by August 2, 2024; come back to the Board on November 7, 2024; and that gets the Board there, gives the audience an opportunity to engage this Board and Planning and Zoning, and it allows this Board to make the decision on November 2, 2024, not a future Board.

Commissioner Goodson stated that would be his motion.

Commissioner Pritchett returned the gavel.

Chair Steele stated there is a motion on the floor and it has been seconded.

Commissioner Tobia asked Chair Steele to wait.

Commissioner Pritchett asked if the Board made a motion to table to Planning and Zoning (P&Z).

Commissioner Tobia asked if the Board needs to hear from the audience.

Chair Steele stated the Board is going to hear from the audience; and he has three or four little tiny zoning issues in front of them that will keep these people here for hours.

Commissioner Tobia asked if this is being tabled until after the Board goes over the other items.

Chair Steele stated that is correct.

Commissioner Tobia apologized; and he explained he assumed this was being tabled to a later date.

Chair Steele stated he knows this is confusing and asked the audience to bear with him for just a second.

Commissioner Pritchett stated the Board is moving them to the end.

Commissioner Tobia apologized again.

Chair Steele stated he is putting this Item on hold for just a minute and move to the ones that he feels will be relatively quick.

Morris Richardson, County Attorney, stated because it is contemplated that the applicant is going to come back with a substantially revised plan, go through (P&Z), and come before this Board again with a significant lapse in time, because the applicant is not in attendance this evening, it could create a really muddy record if the Board receives testimony tonight when the applicant is not here to ask questions of the witnesses and those kinds of things; it could create record problems in the future; while he understands and certainly feels for the folks who are out here tonight and want to be heard, it is probably in the best interest of everyone if they are heard at the time that the Board is actually going to make the decision based on the application that is submitted at that time; and if the Board wants to hear them tonight with regard to this application, knowing that this particular application likely is not going anywhere, the Board can do that, but it could create a confused record.

Chair Steele stated he certainly has a confused Chairman right now.

Attorney Richardson advised typically when an Item is continued, the Board does not receive testimony from the public at the meeting at which it is continued; although is Chair Steele wants to hear from these folks because they did not know and went through the effort to come out, he may; but in all likelihood whatever testimony goes on the record tonight will be irrelevant to the application that is considered in November.

Commissioner Pritchett stated she knows with what the Board has right now, she does not think it is going to get passed; maybe it would be wise to hear from the applicant to see if he has some very substantial changes and if it is even worth continuing it; and that is just a request because that might just let this thing be solved now or move forward, she just does not know.

Attorney Richardson stated if the applicant is available to speak to that; his understanding is that the applicant is not in attendance, although he thought he saw someone start to come forward earlier.

Chair Steele stated Landon is there; and he asked if an audience member is the applicant; and if he is available to speak. He repeated he would really like to get these other folks out of the way, so the Board can go there; he would like to have a temporary hold on this for discussion purposes; and he advised the Board is coming back to this Item as soon as it is done with these other Items and let the people get out and there will be full discretion and disclosure on this issue.

H.3. JEN FLORIDA 48, LLC (Kim Rezanka) Requests a Small-Scale Comprehensive Plan Amendment (23S.22), to Change the Future Land Use Designation from RES 1:2.5 and RES 1 to RES 4 (23SS00022) (Tax Account 3000365 & 3000569)

Chair Steele called for a public hearing on JEN FLORIDA 48, LLC's request for a Small Scale

Comprehensive Plan amendment to change the future land use designation from RES 1:2.5 and RES 1 to RES 4, located in District 5.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.3. and H.4. are companion applications; they can be discussed together but he will need to have separate motions; Item H.3. is JEN FLORIDA 48, LLC's request for a Small Scale Comprehensive Plan amendment, 23S.22; the Change of Future Land Use designation from RES 1:2.5 and RES 1 to RES 4; application number is 23SS00022, tax account number is 3000365 and 3000569, located in District 5; and the applicant is requesting two waivers. He went on to say the waivers are to exempt from 62-1446(g) requiring the designation of an outdoor parking area for campers, travel trailers, recreational trailers, vehicles, boats, boat trailers, and other similar vehicles; the other waiver being requested is from Section 62-1446(d)(3)(b) to allow residential structures, two stories or less, a minimum building separation at 10 feet rather than 15 feet; the agenda Report has conditions for the Board to consider: total number of units shall not exceed 124 single-family units and the approval, approval of the requested waiver of 62-1446, approval of requested waiver from Section 62-1446(d)(3)(b), and prior to County approval of construction plans and preliminary plat, developer shall provide documentation that the City of Palm Bay will approve the project and access connection to Babcock Street, and determine that adequate water and sewer service will be available to the development and will be available prior to the issuance of certificate of occupancy; during Planning and Zoning the applicant provided a revised plan that showed a plan that had 40 foot wide lots; and that is not being requested at this time.

Kim Rezanka, attorney, stated she is with the developer, Sun Terra communities, who is also the owners representative which is JEN FLORIDA 48, LLC; on behalf of Sun Terra is Dan Edwards, the engineer of record; Polus and Bennett is represented by Andrew Ivy; and planner Jesse Anderson and the transportation engineer with Kimley-Horn; James Taylor is there as well if the Board has any questions; this is relatively a straight-forward application; it is a two part request changing future land use from one to two and one-half acre to RES 4 with an agreement to limit to three units to the acre and then a Planned Unit Development (PUD) for 124 units with sufficient open space, sufficient buffers, protection of wetlands as required by County Code; and she has a presentation, however, all the information was in the minutes, the PowerPoint is in the package, and she can go through it if the Board would like or if it has any questions. She commented she feels everything was pretty much straight forward; Planning and Zoning unanimously recommended approval of both Items; and she would ask for approval of the change of the Future Land Use and the PUD with the conditions as stated by Mr. Ball.

Sandra Sullivan stated she wants to read from the staff report first; she read, "centralized portable water and sanitary sewer service is currently not available to the subject property. The applicant has represented that these services will be provided by the City of Palm Bay" however the City has no capacity to provide these services; she wants to go to State Statute, Florida's Growth Policy Act, Sections 163.2511-163.2520 of Florida Statutes, collectively known as the Growth Policy Act; a key take-away from the Growth Policy Act is the importance of concurrency; concurrency as people know, is a provision requiring that certain infrastructure be in place before any new development is permitted; such infrastructure includes sanitary sewers, potable drinking water, and waste treatment facilities; it says it is up to the local government to implement such requirements in advance; and she just wanted to point out that there seems to be a lot of this lately, putting in Comprehensive Plan amendments where there is no sewage and no water and no way to pay for it. She added, in fact, there was one comment made here on another Item, "The sooner we start developing it, the sooner we'll be able to pay for it," except impact fees are insufficient to pay for it.

Chair Steele asked Mr. Ball if staff has a letter from the City of Palm Bay saying there is water and sewer there.

Mr. Ball advised there is a letter from the City saying that they are going to provide water and sewer.

Chair Steele inquired if the developer is going to pay for that water and sewer to come down.

Mr. Ball advised that is his understanding that they would have to pay for those services.

Chair Steele advised Ms. Sullivan of that information.

Ms. Rezanka stated that is correct, Palm Bay has said they will provide waste water, portable water, and fire flows; to address concurrency going further into Florida Statutes, Section 163.3180 is a proportionate fair share which is put into place by the legislature just for this purpose so the developer does pay for the growth; and with that she would request that the Board approve these two items.

Commissioner Goodson asked if it is also true that they would not get a Certificate of Occupancy (CO) unless it does have water and sewer operable.

Tad Calkins, Planning and Development Director, advised that is correct, there is a condition on the PUD application that states water and sewer have to be available prior to the issuance of the CO.

Chair Steele stated staff has literally spent months on making sure all of these T's were crossed and I's were dotted in regards to this issue; and he mentioned this is in his District and he is in complete agreement.

There being no further comments or objections, the Board adopted Ordinance No. 24-13, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the seventh Small Scale Comprehensive Plan amendment of 2023, 23S.22, to the Future Land Use map of the Comprehensive Plan; amending Section 62-501 entitled, "Contents of the Plan;" specifically amending Section 62-501, Part XVI(E), entitled, "The Future Land Use Map Appendix;" and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date; and change the Future Land Use designation from RES 1 and RES 1:2.5 to RES 4.

Result: Adopted

Mover: Rita Pritchett

Second: John Tobia

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

H.4. JEN FLORIDA 48, LLC (Kim Rezanka) Requests a Change of Zoning Classification from GU to PUD (23PUD00002) (Tax Account 3000365 & 3000569)

Chair Steele called for a public hearing on JEN FLORIDA 48, LLC's request for a change of zoning classification from GU to PUD, located in District 5.

There being no further comments or objections, the Board approved the request by JEN FLORIDA 48, LLC for a change of zoning classification from GU to PUD, located in District 5, with the conditions of the total number of units shall not exceed 124 single-family units;

approved the requested waiver of Section 62-1446 to omit the storage area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles; and approved the waiver request from Section 62-1446(d)(3)(b) to allow residential structures, two stories or less, a minimum building separation of 10 feet, rather than 15 feet, and prior to County approval of construction plan and preliminary plat, the developer shall: provide documentation that the City of Palm Bay will approve the project access/connection to Babcock Street and determine that adequate water and sewer services will be available to the development, and will be available prior to issuance of Certificate of Occupancy.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

H.5. Aaron Reninger (Kim Rezanka) Requests a Small Scale Comprehensive Plan Amendment (24S.02) from AGRIC to RES 6 (24SS00002) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, 2002232)

Chair Steele asked if Ms. Rezanka had any other Items that the Board needs to take care of.

Ms. Rezanka responded Items H.5. and H.6. were continued at Planning and Zoning (P&Z) which need to be continued as well.

Chair Steele called for a public hearing on a request by Aaron Reninger for a Small Scale Comprehensive Plan amendment from AGRIC to RES 6, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Item H.5., Aaron Reninger requests a Small Scale Comprehensive Plan amendment, 24S.02 from Agricultural to RES 6; the tax account numbers are 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232, located in District 1; the applicant has requested a continuance to the September 5, 2024, Board of County Commissioners meeting; and that would place it at the LPA on August 12, 2024. He continued by saying the companion zoning application is also being continued to the August 12, 2024 meeting for the Planning and Zoning and that would be the September 5, 2024, Board of County Commissioners meeting, which is for Item H.6.

There being no further discussion, the Board continued the request by Aaron Reninger for a Small Scale Comprehensive Plan amendment from AGRIC to RES 6, located in District 1, to the September 5, 2024, Zoning meeting.

Result: Continued

Mover: Rita Pritchett

Second: Rob Feltner

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

H.6. Aaron Reninger (Kim Rezanka) Requests a Change of Zoning Classification from RRMH-1 to TR-3 with a BDP (24SS00002) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, 2002232)

Chair Steele called for a public hearing on a request by Aaron Reninger for a change of zoning classification from RRMH-1 to TR-3 with a Binding Development Plan (BDP), located in District 1.

There being no further discussion, the Board continued the request by Aaron Reninger for a change of zoning classification from RRMH-1 to TR-3 with a BDP, to the September 5, 2024, Zoning meeting.

Result: Continued

Mover: Rita Pritchett

Second: Rob Feltner

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

H.7. Paul Turner & Jackie Allen (Eddie Small) Request a Small Scale Comprehensive Plan Amendment (24S.03), to Change the Future Land Use Designation from RES 2 to RES 15 (24SS00003) (Tax Account 2104750)

Chair Steele called for a public hearing on a request by Paul Turner and Jackie Allen for a Small Scale Comprehensive Plan amendment to change the Future Land Use designation from RES 2 to RES 15, and located in District 1.

Commissioner Pritchett asked Jeffrey Ball, Planning and Zoning Manager, to read Items H.7. and H.8. into the record; and inquired if they need to be re-advertised.

Mr. Ball confirmed those two companion Items need to be re-advertised, there were issues with the application; he advised these will be continued, but not to a date-certain because of the re-advertising.

Commissioner Pritchett asked if Mr. Ball needs her to table those for Chair Steele.

Mr. Ball responded affirmatively.

There being no comments or objections, the Board tabled the request by Paul Turner and Jackie Allen for a Small Scale Comprehensive Plan amendment to change the Future Land Use designation from RES 2 to RES 15, and located in District 1, to a later date.

Result: Tabled

Mover: Rita Pritchett

Second: Rob Feltner

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

H.8. Paul Turner & Jackie Allen (Eddie Small) Request a Change of Zoning Classification from RU-2-10 to RVP (24Z00008) (Tax Account 2104754)

Chair Steele called for a public hearing on a request by Paul Turner and Jackie Allen for a change of zoning classification from RU-2-10 to RVP, and located in District 1.

There being no comments or objections, the Board tabled the request by Paul Turner and Jackie Allen for a change of zoning classification from RU-2-10 to RVP, and located in District 1, to a later date.

Result: Tabled

Mover: Rita Pritchett

Second: Rob Feltner

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

Morris Richardson, County Attorney, stated he thought the motion on Item H.5 included Item H.6. as well to continue those, the Clerk did not hear that; and he asked if Item H.6. was included.

The Clerk asked a question.

Commissioner Pritchett advised it was September 5, 2024, for both Items.

H.2. Frank Mastroianni (Jake Wise) Requests a Change of Zoning Classification from BU-1 and RU-2-10 to PUD (23PUD00001) (Tax Account 2600118)

Kevin Fox asked what to start out with, as he does not know the protocol, he is not the presenter, that is someone else.

Chair Steele inquired if he is there to discuss the zoning request.

Mr. Fox advised he is not the requester.

Chair Steele commented he understands, Mr. Fox is in opposition to it, he has on a red shirt. He asked Mr. Fox to go ahead.

Mr. Fox continued by saying he is there to represent the Indian River Isles North Homeowners Association, representing 52 properties in that neighborhood; he would like to point out the coastal high hazard area...

Commissioner Feltner asked if this is the Board hearing this Item, because he just wants to understand what the Board is doing.

Morris Richardson, County Attorney, stated the Board has announced an intention to continue this and it has been made relatively clear that it is going to come back in a different form and go through Planning and Zoning (P&Z) prior; his recommendation would be for the Board to not hear testimony on the Item tonight because that testimony is all going to change; it is going to create a confused record; and while he understands these folks are out tonight, they are going to have to come out again because anything they say tonight will not be relevant and the Board cannot consider it when considering the future application. He advised if the Board wants to allow them to speak their peace because they are here, they may, but nothing said tonight will likely be germane or be able to be considered when this is ultimately heard by the Board.

Chair Steele stated there are only a few cards and Mr. Fox realizes that he will have to come back at the continuation.

Mr. Fox commented he is confused. He thought the developer was there with their people; he thought the Board would talk to them first and ask them questions; and after they spoke then the people would speak.

Chair Steele stated this is going to be continued to another date; he said to everybody that he would still allow the people in attendance to speak so that they did not make an unnecessary trip; Mr. Richardson then said the Board can do that if the people want, or it can just send them all home without saying anything and then they will have to come back anyway; what he is trying to do is give people the opportunity to, if people are against this, to speak tonight, but they will still have to come back to the next meeting on it.

Mr. Fox stated he is still confused because he thought if the Board voted it down, they cannot

come back for six months, otherwise it is four months; he thought the Board was going to discuss that and make a decision on how it was going to press forward; that is his confusion as of right now; and if the Board is going to do that and talk to the developer, and if they are not going to have a substantial plan, that is his confusion.

Chair Steele mentioned the developer is welcomed to say something, but once again, this is going to be continued, so all of this stuff is going to be for nothing; the only reason that he stopped this tonight is he did not want these people walking out without having the opportunity after driving all this way, to be able to say something if they would like to; and if they do not want to, that is fine with the Board as well.

Mr. Fox stated as for himself, he thinks the letters that have been written will stand for themselves because it is not going to be pertinent, they will have to send all the letters again, is the way he understands it now, listening to the attorney; he will just stop as the Board knows they are in opposition to it at the present land use level at 17 units per acre; and they support the six units per acre.

Chair Steele stated the Board is just trying to be fair to both sides; and he thinks it is in good shape now.

Commissioner Tobia asked if Mr. Fox is in favor of the six months or four months.

Mr. Fox stated probably the four months; he thought the Board was going to discuss that so the people could better understand it; he does not know all the ins and outs of this; he thought the Board was going to talk to the developer, come up with a plan, and press forward; and he did not know he would be the first person brought up to speak.

Commissioner Tobia stated he gets that; this is just new for the Board and in all honesty, someone tabled that late; he apologizes, the Board is not normally like this, the Board got thrown a curve ball; and he thinks the Chair has done a good job handling that.

Chair Steele commented he does not want people coming back when they did not have the opportunity; the reason he wanted to continue it in the first place is because of the notice that sent out that stopped people from coming; it could have potentially hurt the developer also; all of a sudden there could have been a lawsuit because a notice was sent out, people did not show up, and then it ends in a big mess; and he wants to cross the T's and dot the I's.

Mr. Fox asked for the dates again because he did not catch it all for the next time.

Commissioner Pritchett stated she was trying to determine where the Commission was going to land; and she inquired if the Chair would poll the Board to see if it is apt to send it back to P&Z and then come back on November 7, 2024, because then it would make more sense to her if the Board is going to vote on denying or tabling.

Chair Steele asked is Commissioner Pritchett wants him to ask where the Board stands on the issue.

Commissioner Pritchett replied whether or not it is agreeable to table to November 7, 2024, as that would help her thinking right now.

Chair Steele asked Commissioner Tobia where he stands.

Commissioner Tobia stated he has to clarify the motion to correct the date; he moves to approve to continue the application number 23PUD00001 to the November 7, 2024, Zoning meeting and under the condition that it is reheard before the Planning and Zoning Board on October 14, 2024; that would require the submitting party to do so by August 2, 2024; and he repeated it would be October 14 P&Z and the Board November 7, 2024. He apologized for getting those dates incorrect the first time.

Chair Steele asked Mr. Fox if he is okay now.

Mr. Fox stated he understands now.

Commissioner Goodson asked if Mr. Fox said it was 52 units in Indian River Isles.

Mr. Fox agreed it is 52 properties.

Commissioner Goodson asked how many acres total.

Mr. Fox stated it is half of 52, so around 25-ish because everybody is about a one-half acre lot, maybe a little bigger if he were to count the canals because their property lines go to the center of the canals.

Chair Steele asked to continue with the poll and asked Commissioner Pritchett her thoughts.

Commissioner Pritchett advised she would agree with that motion.

Chair Steele mentioned that is good and he is also in agreement with that. He asked Commissioner Feltner where he is at with the poll.

Commissioner Feltner advised he is okay with continuing it to Commissioner Tobia's motion.

Chair Steele called on Commissioner Goodson.

Commissioner Goodson agreed with Commissioner Feltner.

Chair Steele advised they are all in agreement; and he called the motion.

There being no further comments, the Board continued the request for a change of zoning classification from BU-1 and RU-2-10 to PUD, to the November 7, 2024, Zoning meeting, under the condition to be reheard at the Planning and Zoning meeting on October 14, 2024, requiring the applicant to submit revisions to staff by August 2, 2024.

Result: Approved

Mover: John Tobia

Second: Jason Steele

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

Chair Steele stated the reason this was done was to be in complete fairness to everybody; he apologizes that the Board did this tonight but he does not think the Board had a choice, specifically with the false alarm on this; he thanked the audience for coming; and he commented he is certain they will be hearing from the developer or other people.

H.9. Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus Request a Small-Scale Comprehensive Plan Amendment (24S.07) from CC and NC to all CC (24SS00007) (Tax Account 2102561)

Chair Steele called for public hearing on a request by Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus for a Small Scale Comprehensive Plan Amendment from CC and NC to all CC, and located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.9. and H.10. are companion applications; he is going to read them into the record together, but there will need to be two separate motions; Item H.9., is Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus' request for a Small Scale Comprehensive Plan Amendment, 24S.07, from CC and NC to all CC; the application number is 24SS00007 and tax account number is 2102561; and it is located in District 1. He continued by saying Item H.10. is Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus' request for a change of zoning classification from BU-1 and AU to all BU-2; application number is 24Z00021; tax account number is 2102561, located in District 1; part of the Planning and Zoning recommendation for the Zoning application was to submit a Binding Development Plan (BDP) to restrict the uses to all BU-1 uses and the sale of automobile and mobile homes with a six-foot wall along the east boundary, including the right-of-way, and adjacent to any residential use; and he just wanted to put on the record that if the Board approves this zoning request, the next step would be the site plan process where the applicant would work with an engineer to ensure that the required infrastructure, what the Code requires, is in place before the actual use of the property takes place.

Commissioner Pritchett stated she has request of the applicants; she loves the application, but she read Planning and Zonings minutes, and she does not like concrete walls; usually Natural Resources works with her on another avenue with a natural buffer, so she is going to have Mr. Ball read a recommendation that she has; and if the applicant would do a BDP, she thinks this would be a great project.

Mr. DeJesus asked what a BDP is.

Chair Steele and Commissioner Pritchett advised it is a Binding Development Plan.

Commissioner Pritchett advised Mr. Ball is going to read it, but it is pretty much what they are wanting to do but it protects it.

Mr. DeJesus commented he is there for the wall.

Mr. Ball stated the proposed BDP conditions would restrict the uses to all BU-1 uses and only mobile homes sales from the BU-2 zoning district, and to prohibit access to Andre Road.

Mr. DeJesus stated that is fine.

Commissioner Pritchett mentioned she thought they would be good with it.

Commissioner Tobia asked staff if there is still an open code violation on this property.

Mr. Ball stated it is his understanding that it has been resolved.

Commissioner Tobia asked the applicants if they plan to develop a site plan and follow all other code requirements, if the Board approves this today.

Mr. DeJesus stated he is just trying to get away from the wall; all he wants to do is sell mobile homes, and do not have to put up a wall. He commented he can sell cars out of it, he can sell boats out of it, but he cannot sell mobile homes.

Commissioner Tobia stated if the Board grants this today, they are under the assumption that they can sell mobile homes; and he asked if there is a disconnect here.

Mr. Ball advised that the zoning would approve the use, the subsequent site plan process would be the required infrastructure needed to support that use; just because the Board approves the use today, if the Board approves the BDP, that BDP has to come back for Board approval too; and then the subsequent site plan would be required as well.

Commissioner Tobia advised, just to be clear, just because if the Board were to approve this today, it does not mean they can go sell mobile homes tomorrow.

Mr. DeJesus stated he understands there is a procedure. He inquired what kind of boundaries are required, and if it is shrubs.

Chair Steele advised the applicants they would need to develop a BDP, it will have to be submitted to Planning and Zoning, and they will approve it, then they can go forward; and Planning and Zoning will talk about the shrubs, setbacks, and everything else that is needed.

Mr. DeJesus stated, great.

Chair Steele noted if the Board approves the zoning tonight that is it, before they do anything with it, the applicants need to go get a BDP.

Commissioner Pritchett commented the applicant is in agreement with the BDP, he just said so on the record.

Mr. DeJesus stated they will do that.

Commissioner Pritchett pointed out as they work through that they will be bringing back other abilities to comply with all the things they need to comply with.

There being no further comments or objections, the Board adopted Ordinance No. 24-14, amending Article III, Chapter 62, of the Brevard County Code of Ordinances of Brevard County, entitled "the 1988 Comprehensive Plan", setting forth the third Small Scale Comprehensive Plan Amendment of 2024, 24S.07, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the future land use map appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; providing an effective date; and changed the future land use designation from CC and NC to all CC.

Result: Adopted

Mover: Rita Pritchett

Second: John Tobia

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

H.10. Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus Request a Change of Zoning Classification from BU-1 and AU to all BU-2 (24Z00021) (Tax Account 2102561)

There being no further comments or objections, the Board approved the request by Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus for a change of zoning classification from BU-1 and AU to all BU-2 with a BDP restricting the uses to all BU-1 uses, only mobile home sales from BU-2 zoning district, and to prohibit access to Andre Road.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

Mr. DeJesus asked once they get together a BDP, they need to go through zoning and go in front of the Board again.

Tad Calkins, Planning and Development Director, advised there is a gentleman in the back waiting to speak with them about it.

Chair Steele reiterated George Ritchie is waiting in back for them.

H.11. Put It In Me Storage, LLC (Vaheed Teimouri) Requests a Small-Scale Comprehensive Plan Amendment (24S.04) from IND to CC (24SS00004) (Tax Account 2322557)

Chair Steele called for a public hearing on a request by Put It In Me Storage, LLC for a Small Scale Comprehensive Plan Amendment from Industrial (IND) to Community Commercial (CC) located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated this is Put It In Me Storage, LLC's request for a Small Scale Comprehensive Plan amendment 24S.04, from IND to CC; application number is 24SS00004, tax account number is 2322557; and it is located in District 1.

Commissioner Tobia asked for the speaker's name and his company name.

Vaheed Teimouri stated his name and that he is with Teimouri and Associates.

Commissioner Tobia requested his company name.

Mr. Teimouri repeated the name is Teimouri and Associates.

There being no further comments or objections, the Board adopted Ordinance No. 24-15, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the second Small Scale Comprehensive Plan amendment of 2024, 24S.04, to the Future Land Use Map of The Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled, The Future Land Use Map Appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; and providing a severability clause; and providing for an effective date; and changing the Future Land Use Designation from IND to CC on property located in District 1.

Result: Adopted
Mover: Rita Pritchett
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.12. Richard Jones Requests a Change of Zoning Classification from GU to RU-1-9 (24Z00006) (Tax Account 2716623) (District 5)

Chair Steele called for a public hearing on a request by Richard Jones for a change of zoning classification from GU to RU-1-9, located in District 5.

Jeffrey Ball, Planning and Zoning Manager, stated this is a request by Richard Jones for a change of zoning classification from GU to RU-1-9; application number is 24Z00006, tax account number is 2716623; and it is located in District 5.

Chair Steele advised he has no problem with this zoning, and if the Board has no questions he would open up the floor for a motion.

There being no comments or objections, the Board approved the request by Richard Jones for a change of zoning classification from GU to RU-1-9 on a property located in District 5.

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

H.13. Jamine Kent, Carlene Sapp-Kent, & Jermaine Kent Request a Change of Zoning Classification from AU to RU-1-11 (24Z00013) (Tax Account 2103548)

Chair Steele called for public hearing on a request by Jamine Kent, Carlene Sapp-Kent, and Jermaine Kent for a change of zoning classification from AU to RU-1-11 on property located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated this is a request by Jamine Kent, Carlene Sapp-Kent, and Jermaine Kent for a change of zoning classification from AU to RU-1-11; application number is 24Z00013, tax account number is 2103548; and it is located in District 1.

There being no comments or objections, the Board approved the request by Jamine Kent, Carlene Sapp-Kent, and Jermaine Kent for a change of zoning classification from AU to RU-1-11 on a property located in District 1.

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

H.14. Seminary Covenant Community Inc. (Bruce Moia) Requests a Change in Zoning Classification from IN(L) to RU-2-15 (24Z00014) (Tax Account 2501136)

Chair Steele called for a public hearing on a request by Seminary Covenant Community Inc. for a change in zoning classification from IN(L) to RU-2-15, located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated this is a request by Seminary Covenant

Community Inc. for a change in zoning classification from IN(L) to RU-2-15; application number is 24Z00014, tax account number is 2501136, located in District 2; and he advised there is an error with the Planning and Zoning approval, the vote should have been 8:1, with a recommendation of approval.

Bruce Moia stated he is with MBV Engineering representing the applicant; he is excited to present this project to the Board; this would be possibly the second one that would be done, should it be approved; it is a model for housing children that are terming out of foster care; when they get kicked out on their 18th birthday and have nowhere to go, they are planning on building a facility to take these kids in, teach them how to earn a living, and train them on how to be a productive member of society; they are under construction on the first model in Melbourne; it is very well received by the City; it is affordable housing for these kids; and they are trying to do it again in Merritt Island. He advised it is very low impact because most of these children do not drive; they will be following all the rules of the County; he knows there are issues about the flood plain, which is why the Board has such strict rules about developing in the flood plain; in order to do this, he would have to change the zoning to a multi-family zoning; they will be bringing utilities to this property because it is currently on septic and they will be placing it on sewer; and if the Board has any questions he would be happy to answer them.

Katherine Ferritto stated she is opposed because it is going to create a big problem; there is the Junior High School, there is this going up across the street, there is a ton of traffic as it is now, and then she understands there is a track of homes going up also; she was told it was 43 homes besides the housing for the children; she does not know much about it, she was just brought into it; but being a person who lives on that street, she just sees a tremendous amount of problems there, there are problems now.

Chair Steele stated her comments have been noted.

Commissioner Goodson asked what street Ms. Ferritto lives on.

Ms. Ferritto replied she lives on Banana Boulevard which is the street where all of this is going to go on; there is the church and that property is just north of that.

Commissioner Goodson asked if she lives on the west side of State Road 3.

Ms. Ferritto responded in the affirmative.

Commissioner Goodson asked how far down Banana Boulevard she lives.

Ms. Ferritto advised it is not quite half way.

Commissioner Goodson asked if Banana ties into Tropical Trail.

Ms. Ferritto replied that it does.

Allan Ferritto asked before the Board gives them permission to build something, does it go through the flood plan; he stated he understands this is not for the flood plan, but if it raises the flood plain up, his house is going to get into the danger flood path; and he knows the Board does not take that into consideration, but somebody does.

Chair Steele advised the Board goes through a thorough analysis of what is going to happen with it; they have to submit a site plan to the Planning Department and those issues need to be resolved and talked about; and he asked if Mr. Ferritto has anything else to say.

Mr. Ferritto commented no, just the traffic problem; he would guess they will have to figure out how the traffic is going to go from the school because there is a school right there; and he was under the impression they are going to put units, 43 houses on three acres of that property.

Chair Steele advised the Board is not addressing the 43 units and he does not even know if that is accurate; the Board is addressing this particular zoning request tonight; and he does not know that there are 43 units being applied for or not, that is speculation at this point.

Tad Calkins, Planning and Development Director, stated they do have to go through the site plan after they are through with this; what is in the staff report shows that it is going to be a 43 unit facility.

Chair Steele mentioned there it is, now it is cleared up.

Commissioner Goodson asked if they are talking about 43 houses, apartments, or if Mr. Moia can help them understand.

Mr. Moia advised it will be 43 units, maximum potential; they have flood plains to deal with; and wetlands to possibly deal with.

Commissioner Goodson commented but he is not talking about 43 houses.

Mr. Moia replied by saying it is 43 multi-family units.

Commissioner Goodson asked Mr. Moia to explain what a multi-family unit is.

Mr. Moia explained it would basically be like an apartment; it would not be single family homes where they would be detached; the zoning would allow them up to 43, but he does not know if they can get 43 by the time they do retention and all that; and they just need zoning so they can actually put together a plan.

Chair Steele asked Mr. Moia if he would try to get with some of the homeowners and tell them their plans at some point.

Mr. Moia advised he does not have a plan.

Chair Steele noted when they get their plans.

Mr. Moia mentioned he would absolutely meet with them.

Chair Steele commented that is what he wanted to hear.

Commissioner Pritchett stated just for their comfort, the applicant will still have to go through a traffic study and all those items as well; after this there are still a lot of hurdles to get through; and that should give them a little comfort.

Joe Eichenlaub stated he would like to congratulate them for what they are doing for the children or young adults, 18 or older; he does not know how many children or young adults are going to be in the 43 units; Commissioner Pritchett just brought up a good point that this is an ongoing thing and a lot of things need to be addressed; what he would like to be addressed is his neighborhood accidentally got notified that this was even happening with minimal signage that looked like a sad garage sale sign that people could not read; no one in the whole neighborhood of Island Beach knew any of this was going on; and they would like to have the

consideration of Item H.2., to have this continued, so they can notify all the neighbors and get their opinions to have a get together with them, and maybe show up like those people from Item H.2. tried to do. He understands what they are trying to do so people can support it, but the school with all the children across the street is kind of a concern for safety purposes and traffic while trying to get people to school and from school with school buses; Banana Boulevard is the main thoroughfare besides Courtenay and Tropical Trail, to get to; and he would like to ask if this could be continued so the neighbors can be notified so they can have some time to put this all together and understand it.

Chair Steele thanked him for his comments and explained there is a process that goes on before the zoning is even going to be called on; notices are sent out to everybody and signs are posted on the land; if he did not get a notice he would be very surprised; normally the Board does not do continuations on things unless there has been some sort of confusion in regards to like what had happened here earlier tonight, with confusion of someone sending out a notice saying the Item was going to be continued; he asked Mr. Moia that after this hearing or before he gets into the potential for site plan and things of that nature, if he would meet with the neighbors and he said he would; and that is the best the Board can do tonight, he does not believe anyone wants to continue this tonight.

Commissioner Goodson asked staff if they had sent out notices in the mail to a certain group around this zoning request.

Mr. Calkins advised staff had provided a courtesy notice up to 500 feet, therefore, it was all the properties within 500 feet.

Commissioner Goodson commented as far as the sign, he guesses there is a standard size sign that is erected on the property, and he inquired if that is correct.

Mr. Calkins responded affirmatively.

Commissioner Goodson asked if it would be fair to say that in Florida in the summer time with thunderstorms and 50 mph winds, staff cannot keep them all standing straight up at attention.

Mr. Calkins responded affirmatively.

Commissioner Goodson commented if staff sends out the mailer, they do not know if they have received it or not, but staff makes that effort to send it out.

Mr. Calkins replied they do, and he advised the mailer is a courtesy and is above and beyond what the Statute requires; the request is posted on the property; it is advertised on the County website; and a courtesy notice goes out.

Commissioner Goodson asked if Mr. Eichenlaub lives within that radius that he may not have received it.

Mr. Eichenlaub advised he does and 30 other people he has notified about this, two of which received notification and happened to be maybe 500 feet from there.

Elizabeth Michelman stated she sent the Board four images today; she showed a page stating this is what 500 feet looks like, barely 12 homes; it is nice that it is a courtesy; what Commissioner Goodson might be talking about, she sent each Commissioner a picture of that sign; the sign is sitting on the front of that property folded in half and it has been in that condition for over four weeks; the only reason there are people in this room tonight is because

she went door-to-door; she did not have a lot of opportunity to do that because it is a little hot outside; it should not be her job to convey information to her neighbors, but it is important; and as the Board can see by the few that attended, it is an important issue. She went on to say she is requesting a couple of things; when she was in attendance on Tuesday, she gave each Commissioner a packet; inside of that packet she does not think there were emotional issues, these are things that were listed by Federal Emergency Management Agency (FEMA), the relationship between FEMA, homeowners insurance, flood insurance, and the fact that this property is in the middle of a high risk area, should be consideration; they are saying that it is not going to be 43 houses, that is fine, but they are requesting the opportunity for a Future Land Use (FLU) change that would put 15 houses per acre; when the Comprehensive Plan was done back 40 years ago, she is not sure they really thought about the flood plains or the Coast High Hazard Areas; she has spoken with FEMA in depth, she has spoken with John Smith from flood plain management; and this is honestly not a good idea in any shape or form. She continued by saying she would love to talk with Mr. Moia, but to do that they have to let the neighbors know this is happening; it is not an unkind request; on Tuesday night she was asked to what end, why she was there and what she wanted to convey; she does not believe, in any way, that adequate notice regarding this proposal was provided to the neighbors, and she has provided proof in all the emails; she also believes the relationship with Mr. Moia and the Zoning Board may have complicated things because the Board is willing to talk about and apologize about Item H.2., but the irony is in Item H.2. they went through flood plain and all of the issues with flooding, Coastal High Hazard, the soils, whereas this is eight pages and they even forgot to mention it is a floodplain; she provided pictures in color for the Board; and she asked the Board to please send it back to the Planning and Zoning Board and that it is advertised correctly. She added she would like to see more people get involved with this, it is not a big ask. She mentioned she sent the Board all information about the insurance and what is going on in Lee County and what is happening with FEMA and how they went from a class seven to a class eight; how it is costing the residents more in flood insurance if the Board does not stop and start to properly manage the flood plains, if it does not properly consider what the wetlands are for; she commented wetlands to a barrier island is what a barrier island is to the mainland; it is a form of protection; no matter how much someone thinks they are going to place a pond in, it is not going to do the same thing as what mother nature is capable of doing; she hopes the Board will consider it; she has provided a lot of information; and she is not telling the Board what she thinks, this is what is. She asked that the Board re-advertise it where the sign actually stands up and people can see it.

Sandra Sullivan stated it is almost like it is on purpose at this point; as the Board knows she is very passionate about the barrier island, she lives on it; people's lives depend on protecting the barrier island for evacuation; she has come up here numerous times, and this is a public safety, life safety issue; and the way this Board has functioned in the many years that she has been coming here, is it typically defers to whose District it is to weigh-in on a decision first, and she wanted to remind the Board of that. She went on to say on evacuation, according to the studies, they are 56.5 hours to evacuate the barrier island in a category 5 hurricane; they have been lucky to not have been hit by one; Matthew was supposed to be a direct hit, but it was not, that is not to say they will not be hit by another one; it is not if, it is when; currently, 520 is at 98 percent capacity to get off; there were flooding issues in the past with hurricanes where some of the residents have not been able to go north on Courtenay they have to go south and use this road; and she wants to talk about the Comprehensive Plan and not increasing density on the Coastal High Hazard Area, because some of this property is on the Coastal High Hazard Area. She continued by saying she also wants to read this article that came out today; she read, "The Federal Emergency Management Agency earlier this year stripped Cape Coral, Bonita Springs, Fort Myers Beach, and unincorporated Lee County, of their 25 percent flood insurance discounts."; she stated under the federal flood insurance program, the County has an

agreement with this Federal Agency in order to get discounts; the County is supposed to be protecting the flood plain; what she is seeing is it is not; and her concern is Brevard County is going to end up like Lee County where people will be on top of all the other insurance crisis that people are dealing with; this Board is going to cause people to suffer more with even higher increases, so not only is the Board endangering lives for evacuation, because people cannot get off because of growth of 520 at 98 percent capacity, to get off at the causeway; and now the appropriate place to put kids coming out of foster care is on the mainland so it is not endangering their lives. She read, "The closest concurrency management segment to the subject property is South Courtenay Parkway between South Tropical Trail to Banana Boulevard which has a maximum of acceptable level of service of E"; some of the people here have discussed traffic issues in that area as well; the key issue is evacuation, not placing more density on the Coastal High Hazard Area per the County's Comprehensive Plan, and protecting the floodplain to protect the resident's insurance, as it is required to do under the Federal Flood Insurance Program; and she would just say, as affordable housing, their impact fees are being waived and that will be burdened by the people as well.

Mark Rosen stated he found out at the last minute because of the way the County's rules work; he comes from Dade County, born and raised Floridian, and they do things a little different in Dade County and people participate; he lives at 360 Banana Boulevard; he does not know enough about the flood plains and all the technicalities so he is not going to pretend, but he does support it, if those exist they should be abided by; the traffic is a real issue with the schools; he cannot get onto Courtenay in the morning during school sessions with Jefferson; they can go in roundabout ways or wait for courteous people, a lot better here than in Miami; people line up on Banana Boulevard from Courtenay for almost two blocks, morning and evening; now this is going to add more congestion to an already congested area which is a concern to him and a safety hazard; and he would ask if there was any kind of impact study done to understand what the traffic situation is going to be and how that is going to be safe for people. He mentioned he does not think anyone wants a traffic light due to increased population; he asked if that has been considered; and he commented if not, would the Board kindly do it because they are the people who live there, people who do not live in an area, usually do not look at things the same as people who do.

Paul Hoskins stated he lives on Hibiscus Boulevard which is the road just north of Banana; he is thinking about the 48 houses, but that was obviously wrong it is 48 units; he is glad that was clarified; people see all these apartment buildings popping up everywhere, even Merritt Island is not save from that; he would just like to know what is going on; he appreciates the 500 foot notice, but he thinks that is ridiculous; he is sure that is County policy but whatever; it would be nice to know what they are really going to do there; and he does not know if 48 units is four stories or five stories. He reiterated he would just like to know what is going on.

Commissioner Goodson stated he would like to bring Mr. Moia back up for questions; and he asked if the site is 2.92 acres.

Mr. Moia responded in the affirmative.

Commissioner Goodson asked Mr. Moia to provide him and the people briefly the process of how to get plans approved.

Mr. Moia stated assuming the land use is in place, they would create the site plan drawings and engineer the stormwater, comply with the County's flood plain requirements, they would have to do a traffic study and an environmental study, they would have to do soil borings, the surveys of the property, and coordinate with the utility company to get the water and sewer to the

properties; he wanted to say this whether it is part of the discussion or not, but develop-ability of this property is really irrelevant of the zoning because they could go and develop this property right now as institutional, to the greatest extent that they can without asking for permission from the Board; and they will be limited to meet the County's rules. He mentioned the County's flood plain rules are very stringent; he thinks that is why the County has the good grade that it has because of its rules, not because of what gets constructed, but because developers have to abide by the rules; and those rules are in place to make sure that it does not impact the flood plain; and that is why the County has the good rating it has and the developer cannot impact that.

Commissioner Goodson asked how many times Mr. Moia goes to the County with a set of plans and they get kicked back to be redrawn and brought back again.

Mr. Moia advised it happens every time, and multiple times on every project.

Commissioner Goodson stated staff is very efficient on making sure the developers act right.

Mr. Moia responded by saying absolutely.

Commissioner Goodson clarified that currently there is a church there now.

Mr. Moia responded in the affirmative.

Commissioner Goodson asked if the church is going to remain.

Mr. Moia stated it is not going to remain there.

Commissioner Goodson inquired if there was 2.92 acres and there is retention that has to be held on the property for 24 hours, how much of that 2.92 acres gets developed usually, or what percentage of an acre gets developed.

Mr. Moia explained there are impervious restrictions and they cannot go above that; and typically a site has at least 20 percent of the area devoted to storm water retention.

Commissioner Goodson commented so Mr. Moia has no intention of mitigating any of the wetlands or the flood plain.

Mr. Moia advised he does not even know how many, or if there are wetlands, because he has not done that study; and they will not impact anything that they are not allowed to. He continued on to say he knows the traffic is a concern which makes him think this is a great project because most of those kids do not drive; this is not a typical complex where people see being constructed all over the place and everybody has two cars; and that is not what is going to happen here.

Commissioner Pritchett stated she knows from the notes that there could be 133 trips and then they are moving the church as well, which typically have a lot of traffic trips; that is just another comfort thing; they are going to have to do a lot of hoop jumping to get the project done; and she is sure they will sit with the community at that time and let everyone know what is being designed and planned. She continued by saying as far as the parameter of what staff sends out notices for, it is what they have always done; the Board may need to take into consideration to expand that, but ever since she has been on the Board it has been an adequate amount of time

and they have never had that problem in the past; that is not new for this project; and staff has adequately done a great job.

There being no further comments or objections the Board approved the request by Seminary Covenant Community, Inc. for a change in zoning classification from IN(L) to RU-2-15, on a property located in District 2.

Result: Approved

Mover: Tom Goodson

Second: Rita Pritchett

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

Morris Richardson, County Attorney, asked for a motion to reopen the Public Hearing.

The Board approved a motion to reopen a public hearing.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

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

Bev Eichenlaub stated she is retired from the Federal Government which does not mean much, but what she would like to say is what she thought was pertinent when they were talking about this gentleman taking about he is not sure if it is wetlands; when it rains, she always notices when she is driving, the water does not go away for weeks, it just sits there; it is definitely in a flood zone and definitely a wetland; she cannot imagine anybody building anything on that; there is no reason to do that; and as far as them not having vehicles, someone has to take these people to doctors, go to the grocery store, or whatever, it is going to have more traffic. She mentioned she does not even go that direction when she drives down Banana Boulevard, she has to turn and make another trip because the traffic all day long is just getting worse; and she did not know herself who to contact to tell somebody; she has seen two children almost get hit by cars; it is just because there are so many people; and like the one gentleman said, the people are lining up on the streets and it is ridiculous. She thanked the Board for what it does; noted she believes in the government even though right now it is kind of shaky; she has lived here 10 years; she is not going back to Ohio; and she loves Florida.

Chair Steele stated that he is sorry he missed her card.

Attorney Richardson asked the Board, in light of that comment, to please take the vote again.

The Board approved the request by Seminary Covenant Community Inc. for a change of zoning classification from IN(L) to RU-2-15, on a property located in District 2.

Result: Approved

Mover: Tom Goodson

Second: Rita Pritchett

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

H.15. Scott Martin Requests a Change of Zoning Classification from BU-1 and RU-2-15 to all RU-2-15 (24Z00015) (Tax Account 2520270)

Chair Steele called for a public hearing on a request by Scott Martin, for a change of zoning

classification from BU-1 and RU-2-15 to all RU-2-15 on property located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated Scott Martin requests a zoning classification from BU-1 and RU-2-15 to all RU-2-15; application number is 24Z00015; tax account number is 2520270; and it is located in District 2.

There being no further comments, the Board approved the request by Scott Martin for a change of zoning classification from BU-1 and RU-2-15 to all RU-2-15 on a property located in District 2.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

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

H.16. Brevard County Board of County Commissioners Requests a Change of Zoning Classification from AU with a CUP and GML to all GML(I) with the Removal of the CUP (24Z00017) (Tax Account 2500007)

Chair Steele called for a public hearing on a request by the Board of County Commissioners for a change of zoning classification from AU with a Conditional Use Permit (CUP) and GML to all GML(I) with the removal of the CUP on a property located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated the Brevard County Board of County Commissioners request a change of zoning classification from AU with a CUP and GML to all GML(I) with the removal of the CUP; the application number is 24Z00017, tax account number is 2500007; and it is located in District 2.

There being no further comments or objections, the Board approved the request by the Board of County Commissioners for a change of zoning classification from AU with a CUP and GML to all GML(I) with the removal of the CUP on a property located in District 2.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

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

H.17. Borrows West Suite Developers, LLC (Marbet Lewis) Requests a CUP for the On-Premises Consumption of Alcohol in a PUD Zoning Classification (24Z00019) (Tax Account 3030134)

Chair Steele called for a public hearing on a request by Borrows West Suite Developers, LLC for a Conditional Use Permit (CUP) for the on-premises consumption of alcohol in a PUD zoning classification, located in District 4.

Jeffrey Ball, Planning and Zoning Manager, stated Borrows West Suite Developers, LLC requests a CUP for the on-premises consumption of alcohol in a PUD zoning classification; the application number is 24Z00019, tax account number 3030134 located in District 4.

There being no comments or objections, the Board approved the request by Borrows West Suite Developers, LLC for a CUP for on-premises consumption of alcohol in a PUD zoning classification, located in District 4.

Result: Approved

Mover: Rob Feltner

Second: John Tobia

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

H.18. Walter Chlewicki Requests a Change of Zoning Classification from RU-1-13 to RU-2-4 with a BDP (24Z00020) (Tax Account 2624912)

Chair Steele called for a public hearing on a request by Walter Chlewicki for a change of zoning classification from RU-1-13 to RU-2-4 with a Binding Development Plan (BDP) on property located in District 4.

Jeffrey Ball, Planning and Zoning Manager, stated Walter Chlewicki requests a change of zoning classification from RU-1-13 to RU-2-4 with a BDP; and this application is being requested to be tabled to allow for re-advertising, as the applicant did not appear at the Planning and Zoning meeting.

There was no action taken.

K. PUBLIC COMMENTS

Sandra Sullivan stated it was quite a meeting on Tuesday; while she was there one of the people there informed her that at the next Commissioner meeting, it is the Board's intention to bring forward the Lagoon referendum; that is a 9:00 a.m. meeting and she would request that the Board consider putting it to a 5:00 p.m. meeting to avoid the appearance that it is trying to limit the public from weighing in on this important issue; she would also like to suggest that the Board not bring this forward as three of them are leaving and there will be three new Commissioners who may want to fix some of the issues with the Lagoon plan including some alleged corruption; the current Commissioners should respect that the Save the Lagoon decision should be with the Commissioners who will be serving with this tax in place, for the next 10 years, especially Commissioner Steele who is not elected; and the tax does not sunset until 2026, so this can wait. She continued by saying not to burden the new Commissioners to have to deal with poor decisions to not fix what is wrong with this tax now; her recommendation to the Board is to not bring this to the voters this year and to leave the decision for the Commissioners who are replacing District 1, District 3, and District 5, without burdening them with the Board's poor decisions; there is a lot of controversy right now with Rockledge Drive; the money that has been paid to butcher the trees essentially came from the sewer fund; and this Save Our Indian River Lagoon (SOIRL) is now being weaponized against the people for Rockledge Drive. She mentioned in her community, there is the issue of the Sarno lands which have been used in the past for a Dredged Material Management Area (DMMA); it is going to be a \$50 million project to ship that muck down to Palm Bay; she has done records requests for the modification of the bit, there were no records found, and it has been six weeks; when one looks at Satellite Beach and Indian Harbor and that muck starts being shipped down to BB52 in Palm Bay, that is going to be \$75 to \$90 million; everyone knows what is going to happen, that is going to end up on Pineda; and they will do what they want with the Lagoon tax. She noted it would be fair to let the new Commissioners coming in deal with that, there is the conflict of interest issue, and there is the issue with the muck tax; the article in *Florida TODAY* which indicates this is not a legal use of the tax for maintenance dredging and that Mayfield and Thad Altman were working to change that State statute, the infrastructure surtax, 212.055 and were unsuccessful since both those Bill changes failed in appropriations, not once, but twice; therefore, there are a lot of issues here and she would suggest the Board leave it for the

incoming Commissioners and avoid yet another controversy with this current Board.

Steven Snooks stated he was born in Cape Canaveral Hospital and been a resident his whole life of 40 years; he is looking to improve Brevard County as best he can; at this very moment there are cruise ships coming into town twice per week on schedule for one ship, but many more ships; there are some 5,000 people per ship, but what do they do; they come here and they leave here, they go to Orlando seeking enjoyment, entertainment, vacations, and things like that; Brevard County is but a keyhole to Central Florida; and he thinks if Brevard County wanted to increase revenues and profits they should enquire about if residential is its main concern or if they want entertainment. He went on to say he has a proposal for the County to have a competition course constructed in the northwest sector in the 05,06,07,08,09,16,17, and 18 parcels; there is a lot of land out that way; currently, it is owned by Miami Alternatives, LLC; they have about 10K acres out there; through his records search he was able to find one payment on all those as a collective, joined together; and they spent about \$10 purchasing 10,000 acres. He added this is in great conflict to the plans to construct a competition course and bring profit through entertainment for Brevard County, as 10,000 acres going to that area would mean a proposal for residential housing and things of that nature; one could imagine a competition course next to residential areas would not be a great thing, as there would be noise complaints and such; this area is still untouched and no ground has been broken for the name of this company in their pursuit for over 12 years. He commented that tells him the company is stale-mating the efforts of Brevard County to have growth; he would like the County to consider putting in land near this development into a land trust so that way the stale-mating can be combatted with putting land into a trust that could then have the investor's confidence in following through with contributing more funds to the land trust to then develop the competition courses for Brevard County; and at this point he would like to be in touch with the County Manager and County Attorney to complete that task.

Commissioner Feltner asked when Mr. Snooks talks about competition course, what is that and what does it entail.

Mr. Snooks stated it would be a street course, a drag strip, a dirt course, a pump track which would be for BMX bikes and such; this would be on the scale of Olympic level tracks for all the respective sports. He mentioned it would also include aerial tracks for drone racing and RC scaled-down for first person view racing, which he thinks would be more of a hit for the kids to be able to learn racing before they get into a vehicle themselves; and then the aerial track would be great because it is not causing a hazard or risk to NASA and things of that nature, which have no fly zones.

Commissioner Feltner stated he is curious; and he asked how long the drag strip has to be in the modern era.

Mr. Snook advised other tracks are comparable to one-quarter mile, one-half mile, a street course could take up as much as 100 acres; he would include each and every track, 500 to 1,000 acres as the absolute bare minimum; then include parking, infrastructure, frontage for stores, and things of that nature; and he feels 1,500 acres would be a great starting bid for potentially getting Brevard County land approved for that.

Commissioner Feltner advised not that far away from Brevard County is Bithlo.

Mr. Snook mentioned Bithlo is primarily only a one-quarter mile track; this would not include street courses, dirt courses, aerial courses, and he has reached out to them to see if they would like to expand their mission to include partnerships that would help assemble that; they

have denied that; they have no aim for growth; and they are also not in Brevard County so that revenue, those events would still be lost.

Commissioner Pritchett stated she thinks that sounds like a fun idea; she thinks if Mr. Snook would go out and find investors, he could start working on that; then the Board could get a plan; she might be willing to consider zoning changes; however he will first have to go out and find some investors and funds.

L.3. Vice-Chair Rita Pritchett, Commissioner District 1, Re: Board Report

Commissioner Pritchett stated she wanted to mention this Board just came out of a very heated meeting; she understands people need to say what they need to say, she gets that; she thinks that the Board put up the pledge of civility a long time ago and she wants to remind people not to get personal when they want to state their opinion; she mentioned Ms. Sullivan does pretty good with a strong opinion without yelling at people or typically getting personal with people, so she wanted to commend her for that; but she thinks there are a couple people right now that are crossing the line; and she wanted to mention that she was very uncomfortable with the personal attack on County staff. She added County staff does not deserve that; the Board signed up for it; it has thick skin and will deal with it, but County staff is just out of bounds; she apologized to all County staff that had to deal with that; she stated it caught her off-guard; and she gives her word that she is going to be very strong and proactive of not letting staff ever get beat up again like that on personal attacks. She commented the Commissioners are wonderful people and she thanked the Board Members for their integrity and all that they do; they bring a lot to the table; and she also wanted to mention that Commissioners should be able to have conversations and talk without being mocked from the front. She stated she does not know how to do this but most of the time when this is happening, there is mocking coming from out there; Commissioner Steele has handled it beautifully, but she is really getting thin on the way he is being treated as well; and if the Chair needs her support on anything different he might want to do, he certainly has it.

Upon motion by the Board, the meeting is adjourned at 6:41 p.m.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

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

ATTEST:


RACHEL M. SADOFF, CLERK

JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board August 27, 2024.

Kimberly Powell

From: Kimberly Powell
Sent: Monday, August 5, 2024 2:41 PM
To: Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson
Subject: 07-11-2024 Zoning Draft
Attachments: 07-11-2024 Zoning Draft.rtf

Good afternoon,

Please see the attached July 11, 2024, Zoning draft minutes to be considered by the Board on August 27, 2024.

If you find any discrepancies please let me know prior to the Board date.

Have a wonderful day,
Kim

Kimberly Powell
Clerk to the Board
(321) 637-2001
Kimberly.powell@brevardclerk.us