

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, November 7, 2024

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

Rollcall

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

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.

C. PLEDGE OF ALLEGIANCE: Commissioner John Tobia, District 3

Commissioner Tobia led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: September 10, 2024 1st Budget Hearing; September 17, 2024 Regular Meeting

The Board approved the September 10, 2024 1st Budget Hearing minutes, and the September 17, 2024, Regular Meeting minutes.

Result: APPROVED

Mover: Rob Feltner

Seconder: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

F.2. Acceptance, Re: Binding Development Plan with Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Gold Club, Inc.; TRSTEE, LLC. (23Z00035) (District 1)

Tom Erdman stated he is still asking for the Sherwood Item to be delayed; he knows the Board has heard about the flooding concerns; he has greater concerns about the fire safety of the community; there was a letter from the Mims Water Department saying there is low water pressure and they are at max capacity; looking at the Comprehensive Plan that the Board will

be talking on later on, the Mims Water Department growth from 2025 to 2030 is approximately 730-plus people; looking at just Sherwood, if there were 600 homes and assuming three people per home, that is 1,800; and that is roughly 1,100 people in the hole. He continued by saying that is not counting the development on State Road 46, what they are doing in Mims, and what they want to do on Hammock Road; he has talked to the Fire Department about his concerns and the Fire Department has raised concerns about it as well; this is a safety risk for the home owners and the Fire Department; there is an election coming up on Tuesday; and he thinks the Board should wait until the new Commissioners come on board.

Ruth Amato inquired if she is speaking on both items or just one right now.

Commissioner Pritchett advised she can start with F.2., pause then jump right into Item F.7.

Ms. Amato stated she knows the Board has seen the same workflow reports that she has; they have the same problems; people can act like they do not, but the utility department has issues and it does not matter about the new pilot program that was just put into effect, it literally cannot comply with concurrency, unless wiping potable water off of the Comprehensive Plan, which is being worked on this evening; besides that, she has pulled a records request for the flow test through the Fire Department, and the Fire Department has not done a flow test for Sherwood Villas according to her request, meaning the work that needs to be done for pre-approval for this stuff has not been done, the cart has gone before the horse; and there is no reason to be voting on an Item when the issues have not been worked out. She went on to say this is putting problems on someone else further down the road to have to figure out; she inquired if the Fire Department does not have the pressure, if they cannot confirm that it is there, to be able to put house fires out when those developments come in, why this Board is approving it; she noted it literally places the citizens and fire fighters in jeopardy; and she thinks the citizens of Mims and the County employees deserve better than that.

F.7. Acceptance, Re: Binding Development Plan with Aaron Reninger (Kim Rezanka) (24Z00005) (District 1)

Ruth Amato stated when the Board approved the Gandy Road project, the Board introduced a higher density into that area that was not previously there; she thinks that is shameful because now someone can come behind that issue and introduce that same density into another area until it gets built out higher than the Future Land Use Map (FLUM) ever intended for it to be; it was a sneaky way to bypass that; and she reiterated she thinks it was shameful.

F.2. Acceptance, Re: Binding Development Plan with Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Gold Club, Inc.; TRSTEE, LLC. (23Z00035) (District 1)

Sandra Sullivan stated she looked up the notification system on the County website to see if this was properly advertised and she could not find an entry; she did screenshot everything; she printed it, so it is well documented in case it shows up after the fact; in addition, she checked Florida TODAY newspaper for notice of the previous meeting and so her point is if the Board moves ahead with a Binding Development Plan (BDP) and it has not done legal notice for a Quasi-Judicial hearing then that is on the Board and opens it up for problems later on; and therefore, the Board may want to delay the BDP until it verifies that the County actually did a public notice for a hearing with that change, with all those variances on that Item that are contrary to the Comprehensive Plan that will be talked about today. She noted this should never have been approved; it is very irresponsible to the neighbors around there and the flooding concerns that are documented in the staff reports on the issues therein.

Katie Delaney stated there are many problems with this development for Sherwood; she is

simply asking for the Board to table this for today; like has been said time and again, the studies have not been done, the Fire Department has not done the flow test to make sure there is enough water if a house catches fire in that area, they do not know if there is enough water for future development and the amount of houses that are being built; this is being pushed through extremely fast; and everyone knows why. She continued by saying the entire North Brevard has made it pretty clear how they feel about this community and she is simply asking that this be postponed to make sure that if this project goes through that it gets done properly to make sure all the residents are covered and that it will be okay for everybody.

Travis Moore stated he will not repeat what the Board has heard over and over again because apparently it is not getting anywhere; the issues with the flooding is not necessarily the new development, it is the fact that the flood zone, the ditches are not maintained properly; what really has him concerned is at the last meeting Commissioner Steele mentioned how far behind that budget is to get things done, and he is talking about South Babcock; he thought to himself if there is not enough money to take care of their problem, what is the County going to do with this problem when it hits; and he thinks everyone agrees there is going to be water flowing down through Sherwood. He added it is total denial if anyone does not believe that. He went on to ask how these people can get reassurance from the County Commission and the Department that the ditches will be maintained and prevent the flooding that is going on there now; he asked if that is the County's responsibility; do they need to go to staff and beg; and he mentioned the best way to get this done is to put this off, get the current problem fixed, and then go forward with the development, if that is what the Board wants to do.

Faith Swanson stated she came for something else and did not know that Sherwood was up for approval; she also went to the Florida TODAY and did not see it in there, as well as the website; she did not see Sherwood approval on this Agenda; the proposed development surrounding her property is going to go all around her property and they are going to place a road five feet from her house; basically, there is not enough stormwater drainage; doing the same thing over and over again and expecting different results is not going to happen; and putting more in for taxes to fix this problem is not going to happen because it has not happened throughout the County, it is a no-brainer. She went on to say the proposed buffers on pod one, which by the way, the whole development should have went through the State not through the County, but they divided it up so they could go through the County, pod one, pod two, and so on to how many pods they are going to do, how many densities they are going to change, and all this underhanded stuff that they are trying to propose; of course she is upset, the Board would be too; it is basically raping her land, the whole community; it is interwoven, this is not like a piece of property right next to Sherwood, it is interwoven into the community, a community that is striving; yes, it is old, but there are a lot of old properties in the State of Florida and in Brevard County that thrives very well; this community is paying their taxes, they pay their share; she pays more than her share; and the buffer is a huge problem. She noted they gave them seven different variances and they are trying to change the zoning; then the Board says a man can do what a man can do with his property, yes when he is given everything; she inquired how that is fair; she mentioned it destroys the natural beauty, Sherwood, woods, like Robin Hood and the whole nine yards, that is all going to be gone; this is going to detrimental to the entire community, actually North Brevard because it is opening up the hatch on the water system; the flow test has not been done; just a multitude of problems that are not fixed now; the infrastructure is not there; and this is going to be a huge problem so she is begging the Board to please say no.

Commissioner Pritchett noted this has already been approved; what the Board is doing tonight is putting a BDP on it so certain things cannot happen to the community; the audience cannot talk out there; read the civility thing; she really wants people to speak their minds when they

come to the podium, but people are going to be respectful tonight; she explained what is going to happen is that they start to put through certain plans to their operation; it is going to have to run through so many things; she does not know if they will be able to pull it all off or not because there are a lot of hurdles to still get through, even the water flow testing; there is still a lot to go with that; and anyway this is just the BDP.

F.1. Waiver Request, Re: Waiver of Wall Requirement for Rovini Storage Site Plan (22SP00041) District 1

The Board approved a waiver of Section 62-3202(h)(10), which requires a six-foot masonry or solid wall when commercial developments within a BU-1, BU-2, or Industrial zoning classification are adjacent to residential zoning, the waiver shall be subject to the criteria depicted in site plan 22SP00041, and must maintain the existing fencing and vegetation along the southern property line.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

F.2. Acceptance, Re: Binding Development Plan with Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Gold Club, Inc.; TRSTEE, LLC. (23Z00035) (District 1)

The Board executed Binding Development Plan Agreement with Villas of Sherwood Titusville, Inc. Algarrobo Development, LLC, and Sherwood Golf Club, Inc. for the property as described in the Binding Development Plan.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

F.3. Acceptance, Re: Binding Development Plan with Judith A. Baker Revocable Living Trust (District 5)

The Board accepted and executed Binding Development Plan with Judith A. Baker Revocable Living Trust for the following properties: 1) Lots 32 and 41, Sunshine Grove Unit Three, recorded in Plat Book 21, Pages 77 and 78; 2) Lots 33 and 34, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21; 3) Lots 39 and 40, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21 at Page 78; and 4) lots 53 through 62, Unit 3, Sunshine Groves, as recorded in Plat Book 21, Page 78, or the Public Records of Brevard County, Florida.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

F.4. Acceptance, RE: Binding Development Plan with Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus (District 1)

The Board executed Binding Development Plan Agreement with Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus, for property located in part of SE ¼ of NE ¼ as DESC in DB 368 PG 324; ORB 1982 PG 91; 2096 PG 1905 & PT of E ½ of SE ¼ as DESC in DB 330 PG 362 EXC HWY R/W PARS 00-40, 71, 751.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

F.5. Acceptance, RE: Binding Development Plan with Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) (24Z00023) (District 1)

The Board accepted and executed Binding Development Plan with Ibrahim and Haroon Realestate, Inc. for the property lying in the Northeast ¼ of the Southeast ¼ of Section 31, Township 23 South, Range 36 East, Brevard County Florida.

Result: APPROVED

Mover: John Tobia

Seconders: Tom Goodson

F.6. Acceptance, Re: Binding Development Plan with KMM-FL, LLC. (24Z00024) (District 4)

The Board accepted and executed Binding Development Plan with KMM-FL, LLC for the property lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 40, Plan of Town of Pineda, as recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida and the West ½ of the vacant road right-of-way, as recorded in Official Records Book 7304, page 1587, otherwise known as Seventh Street, adjacent to said lots.

Result: APPROVED

Mover: John Tobia

Seconders: Tom Goodson

F.7. Acceptance, Re: Binding Development Plan with Aaron Reninger (Kim Rezanka) (24Z00005) (District 1)

The Board accepted and executed Binding Development Plan with Aaron Reninger for the property described in Exhibit A of the Binding Development Plan.

Result: APPROVED

Mover: John Tobia

Seconders: Tom Goodson

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

Bishop Paul Martin stated he is in attendance to speak because among other things that he does, over 49 years as a minister, he became the voice for the voiceless; he is there to speak to the character, both as business people and as individuals; Mr. Kenneth Brown, his associate, and Ms. Joanne Bower Lee tried to reopen the old Billy's Restaurant in Spessard Holland; there were some things that happened that were of none of their control, and the whole thing turned into a disaster; Mr. Brown has a copy of a book that he gave the Board that contains all of the information; Mr. Brown and Ms. Lee are two of finest people that he as a Minister and a Bishop have known; he is with them three times per week, every week, for over two years now, and he knows them very well; and they are good, hardworking people with a wonderful, honest, and generous heart. He is asking this Board to look at their situation with clearer eyes and an open heart to do what has to be done to help them resolve the situation. He advised until there is a solution, this Board will see his smiling face every time that this Board has a meeting until the problem is resolved.

Ken Brown expressed his appreciation to Bishop Martin for the very kind comments; he stated he was in attendance once before and delivered a book; his name is Kenneth Brown, and Joanne Lee is the proprietor of Cheers on the Ocean Grill, which was unfortunately closed by termination of the lease by the Parks and Recreation after six months of arduous work trying to get the place prepared and ready, busting their finances at the same time; they were putting

'Coming Soon' signs out for six months; they were inundated with people from the community all looking for the old Billy's to reopen as Cheers on the Ocean Grill, because they have two other restaurants that people totally enjoy; and they were really looking forward to it. He continued by saying one day they went and the doors were locked for no particular reason that he could understand; there was certainly no effect to public health, safety, or welfare; and the joy that they had hoped to bring to the community was terminated, which they feel was very draconian for the reasons that were stated. He mentioned they would like the Board to use its persuasion or the communication necessary to get in front of Parks and Recreation again to revisit or at least give them a hearing of why they had terminated the lease a week before the opening; it gave them a few days to their equipment out of the place and it was infested with rats, lizards, and spiders, with all kinds of garbage around the yard; they were accused of cutting sea grapes which they had not done; and they have a transcript and affidavit from a court reporter from a person who was a homeless man, former veteran, PTSD-type of guy, who wanted a job, so every once in a while he would come ask for food and if he could give him some work so he had the job of cleaning up some of the garbage, but for some reason he did not follow through and got angry; he sent these voice messages through saying he was going to close the business by cutting the sea grapes; and that is all documented, Joanne had nothing to do with it, nor did he. He added the only other thing they did was something called an improvement, because they were responsible for all the ventilation, the fire marshal, and all the approvals; without her approval, he put in a vent for a washer and dryer which was a four by four that had no effect to the building; and those were the two reasons given for terminating the lease. He noted he would like some persuasion to get in front of the Parks and Recreation Director again.

Sandra Sullivan stated the last time the Board was here there was a conflict with some plans with Lori Wilson Park; she thinks the people spoke very loudly on that issue; she has done records requests to the State pertaining to the Federal Agreement on this and certainly the plans the Board had are not permissible under those Grant Agreements; she has posted those online; there was a rally with a terrific turnout called Hands off Lori Wilson Park and with tremendous amount of news coverage of the support for this remaining a public use only park; and she showed photos of the turnout and signs. She continued by saying then there was a Driftwood meeting and of course Driftwood puts out a press release the night before saying they are withdrawing their request, but not really; she showed a picture of the public turnout and stated she wanted the Board to know what the public turnout was to this Board's stinky-ness; when she was there during the meeting, the optics of this is not really good, when the Commissioner's husband is sitting with the lobbyists and developers for Driftwood; she wants to go back to the records requests that she has done and seeing that this started in 2017 and in 2018 with Commissioner Tobia's name on some of these documents, there was a plan to hand off Lori Wilson to a developer to run that site; and it is in violation of the Federal and State grants that govern that site. She mentioned this Board does not seem to care what is lawful or moral, it just does what it damn well feels like.

Commissioner Pritchett asked Ms. Sullivan to please not cuss, she has been doing so good so far.

Ms. Sullivan noted it is called freedom of speech and when this Commission does...

Commissioner Pritchett advised she is going to hold her time; she wants people to really try to be civil; Ms. Sullivan can say anything she wants to say...

Ms. Sullivan interjected stating her freedom of speech is...

Commissioner Pritchett asked the County Attorney if the Board is allowed to contain what kind of vulgar language is used in the Board room.

Morris Richardson, County Attorney, stated Ms. Sullivan has to remain within the bounds of civility; and he asked her to stay to her message.

Commissioner Pritchett noted she can say what she wants to say but...

Ms. Sullivan stated she will challenge him under the freedom of speech that she can speak candidly; she cannot use swear words and things, but she can speak candidly; and this was slimy as hell.

Commissioner Pritchett stated she can say that stuff but there are children and grandchildren watching this, if she would just...

Ms. Sullivan advised Commissioner Pritchett is using up her time, so she will get a few seconds extra. She continued by saying when she goes through those documents there was a plan to have Driftwood run that site, that they would put their parking system in, that they would have a restaurant, an ice cream shop, a concert place, et cetera; then it comes up, conversations with Commissioner Feltner about she presumes Driftwood, because he is talking about Melbourne wants to annex unincorporated Brevard as well, which is Paradise Park next to Driftwood there; and she inquired if the big plan is to use the public parks for amenities for hotels and basically screw over the people. She added maybe this Commission should start listening to the people.

Commissioner Goodson advised as far as Ms. Sullivan's comment about screwing over the people, they offered a deal to Cocoa Beach, then they pulled the deal because Cocoa Beach did not like it, then they came back and said... Ms. Sullivan knows more than everybody so there is no need for him to talk.

Outburst from the audience.

Commissioner Pritchett advised she cannot talk out there; she will give her a warning; she is not going to do this here; people are going to be civil and not talk from the audience; people can come up and say what they have to say; and she would only ask for no cursing and to keep it civil. She mentioned there is a Pledge of Civility up there and it really works; and this is too great of a community to argue in the garbage.

Commissioner Goodson commented there is no way to comment; the Board knows nothing and is accused of everything; they are the ones that are doing everything wrong; here is a story about this whole thing; he told Westwood and their lobbyist that there is no more dog park, there will not be one as long as he sits on this Board for two more years; he got a call the other day from the Mayor of Cocoa Beach, one day after the election, saying he has a great idea for the dog park; it is amazing what day an election will cure stupidity; now he is all for it, but he is also now elected; he himself got beat up of doing illegal deals; Commissioner Tobia has been accused of doing illegal deals, and all he was doing was offering the park, if the County agreed, for them to take it over, meaning Cocoa Beach; and with all that being said, Ms. Sullivan needs to find something else, there is no dog park and there is not going to be a dog park.

H.8. Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 and RU-2-10 to PUD. (23PUD00001) (Tax Account 2600118) (District 2). This item has been withdrawn by the applicant.

Commissioner Pritchett advised Item H.8. has been withdrawn.

H.9. Stickrath Developer, LLC. requests a change of zoning classification from BU-2 to AU. (24Z00026) (Tax Account 2601599) (District 4).

Commissioner Pritchett called for a public hearing on the request by Stickrath Developer, LLC for a change of zoning classification from BU-2 to AU, tax account 2601599, located in District 4.

Jeffrey Ball, Planning and Zoning Manager, stated Stickrath Developer, LLC requests a change of zoning classification from BU-2 to AU; application number is 24Z00026, tax account number is 2601599; and it is located in District 4.

There being no comments or objections, the Board approved the request by Stickrath Developer, LLC for a change of zoning classification from BU-2 to AU on application number 24Z00026 and tax account number 2601599, on property located in District 4.

Result: APPROVED

Mover: Rob Feltner

Seconder: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.1. Second Public Hearing: Amendments to Chapter 62, Article VI, “Zoning Regulations,” to Add a New Conditional Use Classification, “Accessory Dwelling Units,” and Specifying Conditions Thereto.

Commissioner Pritchett called the second public hearing on amendments to Chapter 62, Article VI, “Zoning Regulations,” to add a new conditional use classification, “Accessory Dwelling Units,” and specifying conditions thereto.

Billy Prasad, Planning and Development Deputy Director, stated this is the second public hearing for amendments to Chapter 62, Article VI, “Zoning Regulations,” to add a new conditional use classification, “Accessory Dwelling Unit,” and specifying conditions thereto; since the Board last heard it there has been two significant changes; the first was to incorporate the Board’s motion to address the potential for property to be split after the Conditional Use Permit (CUP) was given for an accessory dwelling unit so that the accessory dwelling unit and the primary structure would be on two separate lots, so now there is a provision to prevent that; in addition to that, there is now an Express prohibition for using storage containers for accessory dwelling units; and other than that it remains as the Board sought at the last hearing.

Commissioner Pritchett stated that was a good catch by Commissioner Feltner and a good addition to that by Commissioner Goodson.

There being no comments or objections, the Board held a second and final public hearing and adopted Ordinance No. 24-29, approving amendments to Chapter 62, Article VI, “Zoning Regulations,” to allow for “Accessory Dwelling Units” as a conditional use in specified zoning districts, specifically amending Chapter 62, Article VI, Division 1, Section 62-1102, Brevard County Code of Ordinances, “Definitions and Rules of Construction,” to include a new term “accessory dwelling unit”; amending Chapter 62, Article VI, Division 1, Section 62-1102, Brevard County Code of Ordinances, “Definitions and Rules of Construction,” to incorporate accessory dwelling unit to the existing definition of “accessory building or use”; amending the following sections of code to incorporate “accessory dwelling unit” as a conditional use: Section

62-1332 (Productive Agricultural, PA), Section 62-1333 (Agricultural, AGR), Section 62-1334 (Agricultural Residential, AU and AU(L)), Section 62-1334.5 (Agricultural Rural Residential, ARR), Section 62-1335 (Rural Estate Use, REU), Section 62-1336 (Rural Residential, RR-1), Section 62-1337 (Suburban Estate Residential Use, SEU), Section 62-1338 (Suburban Residential, SR), Section 62-1339, (Estate Use Residential, EU, EU-1, and EU-2), Section 62-1340 (Single-Family Residential, RU-1-13 and RU-1-11), Section 62-1341 (Single-Family Residential, RU-1-9), Section 62-1342 (Single-Family Residential, RU-1-7), Section 62-1401 (Rural Residential Mobile Home, RRMH-1, RRMH-2.5, RRMH-5); amending Chapter 62, Article VI, Division 5, Subdivision III to amend and replace Section 62-1903, "Reserved," with a section entitled "Accessory Dwelling Unit."

Result: ADOPTED

Mover: Tom Goodson

Seconded: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.2. Transmittal 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.

Commissioner Pritchett called for a public hearing for transmittal of a Large Scale Comprehensive Plan Amendment regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State coordinated review process.

Jeffrey Ball, Planning and Zoning Manager, stated this is transmittal of a Large Scale Comprehensive Plan Amendment, 24LS00001, regarding the BBIA as a new element to the Comprehensive Plan under the State coordinated review process; this is a two-step process that will be transmitted up to the State for their review and comments; they will issue an Objections, Recommendations, and Comments (ORC) report and based on that the County may adopt at a later date with those changes or whatnot; this Item went to the Local Planning Agency (LPA) and with that in part of their motion they included exhibit one, which was included in the Board's packet; and staff's recommendation would be to move forward without the inclusion of exhibit one in the Board's motion.

Sandra Sullivan stated the area of critical concern for the South Beaches area came as a result of a meeting here where a vote was taken under Board Reports, as presented by Commissioner Tobia, to up-zone South Beaches; this bill was the consequences; the whole intention of an area of critical concern is to stop up-zoning in an area that is a very critical environment; South Beaches is the largest sea turtle nesting area and it is very critical; and Brevard is now the largest Loggerhead nesting in the world and survival of that species, it also has 50 percent of greens nesting in Brevard and it is actually a core aspect of Brevard tourism. She continued by saying what is wrong with this and what has been brought forward is the Board has not listened to its Advisory Board for Planning and Zoning, who unanimously voted to respect the intent of an area of critical concern; the area of critical concern is to restrict intensity and density increases; that board recommended the removal of the PUD section, which is a giant loophole in this one that the Board has brought forward; and staff did not respond to what the Planning and Zoning Board unanimously voted on to remove that section. She continued by saying of course that is what this Board wants, what District 3 wants; and again, this is about ignoring the will of the people. She continued by saying if any of the Board members came to the BBIA meeting he or she would have seen hundreds of people showed up

of 'we the people,' but no, this Board has to respond to 'we the money' and ignore what the intention of an area of critical concern is supposed to accomplish and ignore the will of the people and the process; and that is shameful, and not surprising for this Board.

Stacey Gallagher stated she is the Policy Coordinator for Sea Turtle Conservancy based in Gainesville; the Florida Legislature and the Governor approved House Bill 1489 because they recognize the importance of the Brevard Barrier Island Area and realize that the current efforts to protect it are insufficient; with this creation of this area of critical state concern, the County was required to create new, stronger requirements that will meet the guiding principles in this law; unfortunately, after public comment periods and overwhelming feedback from the community, what is currently the draft and what is going to be transmitted falls short of meeting the law's requirements; at its best, unfortunately, what is going to be moving forward is simply a copy and pasting of what currently exists in the Comprehensive Plan; and at its worst, in Section 12 it proposes for increases in intensity and density within the BBIA. She continued by saying to ensure that the County is creating requirements that fulfill the guiding principles, numerous changes need to be made to this draft to account for the expertise that has been given, and the hundreds of comments made by the public, they need to be incorporated; as was already mentioned, the areas globally important sea turtles populations are faced with a lot of threats, including poorly managed beachfront lighting and coastal erosion due to sea level rise; even this very year an adult sea turtle was hit and killed by a car on A1A due to problematic lighting; and therefore, this is definitely a very urgent issue that she believes this document can help to address and it can be addressed by updating the County's sea turtle lighting Ordinance language to match the State's model lighting Ordinance and also requiring the County to proactively enforce the Ordinance. She mentioned that will go a long way in preventing something like that from every happening again; this is within Policy 2 of the appendix; she also recommends that Policy 2 provide further clarity on what types of hard shoreline armoring are prohibited in the area just so it is very clear what can and cannot be built on Brevard County beaches to further cause erosion; Policy 8, Upland Resources, the language should be amended to ensure that the County again proactively enforces all of the policies to prevent destruction of critical upland vegetation; and then as was mentioned, Policy 12, which dealt with density and intensity should take what the LPA recommended and remove that Section. She continued by saying the Conservancy would urge the County to implement changes from the community, subject matter experts, and the State to ensure that it is meeting the guiding principles of the area of critical State concern; this received unanimous support from the legislature and the Governor approved it; and now it is up to the County to do the work and write the language so that it improves what already exists in this super important area.

Commissioner Goodson asked if Ms. Gallagher is from a State agency.

Ms. Gallagher replied it is a non-profit.

Commissioner Goodson asked if her agency offers suggestions to the Governor.

Ms. Gallagher asked to the Governor.

Commissioner Goodson corrected his statement asking to the State of Florida.

Ms. Gallagher responded in the affirmative advising the non-profit tries to offer its expertise when it can.

Commissioner Goodson asked if her non-profit is working with staff.

Ms. Gallagher responded in the affirmative.

Commissioner Goodson asked how that is being perceived by her.

Ms. Gallagher advised the non-profit provided its comments; they have a great relationship with the Natural Resources Management staff; in every draft that the non-profit is seeing recommendations and changes are not being implemented, it is essentially the same draft being presented; she is definitely open to working with people; and they are ready to provide their expertise, as are other groups, they all want to help.

Commissioner Goodson asked if Ms. Gallagher is telling the Board that is a State mandated law.

Ms. Gallagher stated it is and in the area of critical State concern, a requirement is that the local government, the County, has to enact changes...

Commissioner Goodson inquired again, if that is a State law.

Ms. Gallagher replied it is a State law; and the area of critical State concern, the local government has to make sure the guiding principles in that language are being fulfilled.

Commissioner Goodson asked if there is a time that this can be put into effect, for example the next six months, the next two days; and he asked what the time limit is.

Ms. Gallagher advised there is someone from 1,000 Friends in attendance that is more knowledgeable on the time lines of these; the County has stressed, and the consultant that the County is using, that an area of critical concern has not been passed in 40 years so the process is very nebulous; and she can get that answer for him, but she does not know it right of the top of her head.

Commissioner Goodson asked if she can tell him every County that is on the water or shoreline, if they are going through the same stuff.

Ms. Gallagher replied she believes there are not many areas of critical State concern, but the Florida Keys has one, the Green Swamp on Appalachicola, so there are communities that are effectively implementing areas of critical State concern.

Commissioner Goodson asked if Frank Abbate, County Manager, could comment on what Ms. Gallagher just stated.

Frank Abbate, County Manager, stated Billy has been handling this so he will let him address it.

Billy Prasad, Planning and Development Deputy Director, stated the underlying State law he believes Ms. Gallagher is referring to, was the legislation that enacted the area of critical State concern; this document that the Board is voting on is designed to address that very thing; if the Board were to transmit, the State agencies will have a chance to review; it will come back to the Board for adoption; staff believes that it is consistent with the guiding principles that the State established, including that for the sea turtles; and if staff is wrong, the State agencies will tell them so.

Commissioner Pritchett commented this has been done a few times through the years; when comments come back staff is still able to make changes through time periods because it is

fluid; and she asked if that is correct.

Mr. Abbate stated the Board will have the opportunity to make any changes when the comments come back from the State; if in fact the Board is not happy it could make additional changes and resubmit it to the State; it is a very fluid process; and the final adoption will be by the Board after that process is completed.

Craig Wallace stated he is representing the Brevard Indian River Coalition this evening; he understands that this is a multi-step process and there will be opportunities to address some of these issues previously; the concern is all of the public comment that has been input has not been forwarded to the Board apparently or has been deleted for some reason; the Coalition is really concerned that the next time around when there is opportunity to make comment if they will be incorporated in; the people do not understand why all the important public comments that really do differentiate this area from any other community along the beach, the area of critical concern, why those elements have not been integrated into this proposal that is being forwarded onto the State; and it just seems like the comments have gotten lost somewhere.

Commissioner Pritchett stated Mr. Wallace has been talking about this for a little while in the meetings that he has for the Lagoon.

Mr. Wallace responded not specifically to the Lagoon.

Commissioner Pritchett stated she was just checking.

Blair Witherington stated he is a research scientist with a conservation nonprofit Inwater Research Group; his expertise is in sea turtles and beach ecology; he is a resident of Floridana Beach and has lived there on the south beaches for 27 years; and he has done research on the south beaches since 1984. He continued by saying he is in support of attaching those public comments that the previous speaker just talked about, to the draft amendment that the County is going to transmit to the State; it is very important to attach that input because the draft amendment before the Board, as the speakers have said, has not really benefited from all that public comment; there were quite a few edits and comments provided by the community, including 300 people that attended that introductory meeting to introduce the critical area designation; about 150 residents provided comments to the draft amendment; and more than 1,000 residents answered the County consultant's questionnaire about the plan amendment and the critical area. He pointed out that all of the input is well-informed, in addition to living within the affected area, the residents are property owners, business owners, realtors, as well as PhD oceanographers and PhD coastal biologists who are certainly experts on local living and local quality of life issues; there are a lot of residents who care a great deal and he thought that to be important for the Board to know; he knows the deadline to submit the draft to the State was short and that the present amendment makes some progress, which is why he supports forwarding the draft, but only with the community edits and comments attached; even if this information is perceived to be too detailed for a comprehensive plan, it was structured to meet the intent of the State law; and the residents hope it will be helpful for future deliberation of the Board.

Kim Dinkins stated she is the Policy and Planning Director for 1,000 Friends of Florida, which is a nonprofit, nonpartisan organization that advocates for saving special places and building better communities throughout the State; before she joined the organization, and this goes to how this was established, 1,000 Friends had the honor of working with the Sea Turtle Conservancy Barrier Island Preservation and Protection Association, local residents, and the legislators to establish the BBIA of critical State concern; the organization is concerned that, as

written, the proposed amendment does not meet the legislative findings for the area, in particular, that allowance for density and intensity bonus policies in policy 12 is inconsistent with the legislative finding that existing density limitations on the island result in decreased public tax burden; and it conflicts with legislative intent that the land use management system that is created in the plan promotes growth in accordance with the existing capacity of public facilities. She added in more general terms, as others have mentioned, the copy and paste approach for creating the new element from the existing policies does not clearly establish that the development standards in the BBIA will be any more stringent than they are elsewhere within the County. She continued by saying the element should contain direct language that requires best management practices to eliminate light pollution for sea turtle protection and names those sources with the regulations; that it specifies greater protections for dune ecosystems including requirements for re-vegetation in certain cases; requires, rather than suggests that certain stormwater retrofits and wastewater projects meet higher standards; requires rather than just states support for nature-based solutions, and low impact development practices; establishes a date-certain for evaluating the coastal control setback line and evacuation times; and above all, prohibits density and intensity bonuses until such time that the adequate infrastructure is there. She stated the organization understands that staff is working on new ordinance language and updates to other ordinances, and that new development will follow this Comprehensive Plan amendment; that exercise of cataloging all the relevant policies was a good one; but the Comprehensive Plan is the County's road map for growth, upon which specific ordinances are created; it has to be the goals, objectives, and policies that are established within the BBIA of critical State concern have to reflect the status, as one of the most fragile and endangered coastal ecosystems and communities in North America, worthy of protection from further harmful impacts and that the safety of residents of the island are at the center of any development decisions; and she hopes the Board will take her suggestions and those of others who have spoken tonight, under consideration. She noted her staff has worked with local governments throughout the State and they stand ready to help if there is any way to engage.

Commissioner Tobia stated he would like to thank staff; he thinks the rudest thing said was it was a cut and paste job; there were countless hours that went into this; it was pointed out, whether he is for it or not, that was a pain and it had not been tried in 40-plus years, so to say that staff had cut and pasted from other areas is just patently incorrect; like it or not, there was tremendous work that went into this, not only listening, but bringing it forward; the Board is between a rock and a hard place here as many of the requests made would put it in some tenuous positions when it comes to Burt Harris Legislation; he will go back to what the Governor said less than one month ago, 'people had their priority, they have a right to do what they want with it, no question. The reality is people work their whole lives and work hard to be able to live in environments that are really, really nice. They have a right to make these decisions with their property as they see fit. It is not the role of government to forbid them, to force them to dispose or utilize their property in a way that they do not think is best for them'; he thinks it is a good question how the Governor can have this type of sentiment and support a bill like that; and he thinks that places staff in a really tough position. He added he thinks it puts the State's staff in a tough position as the County transmits this up to them, but that is a burden that is going to fall on two Commissioners up here who will have to look at that in the near future. He stated he just wanted to tell staff that he greatly appreciates the time and the effort that went into this; it is not just staff, there is a legal side to this and a ton of angles that needed to be considered; he will make the motion for the approval of this to be transmitted; and again, he thanked staff and the public for its involvement in this one.

There being no further comments or objections, the Board approved the Transmittal of a Large Scale Comprehensive Plan Amendment regarding the BBIA, to the State Land Planning

Agency (Florida Commerce) under the State Coordinated Review process.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

Commissioner Pritchett advised when this comes back with the comments, soon to be Commissioner Delaney, will work real hard on this and pull in a lot of information from the other Commissioners; and that would be a good time to make some changes.

H.3. Transmittal of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan (24LS00002) to the State land planning agency (Florida Commerce) for review under the State Coordinated Review process established by Section 163.3184(4), Florida Statutes.

Commissioner Pritchett called for a public hearing on a transmittal of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan to the State land planning agency (Florida Commerce) for review under the State coordinated review process established by Section 163.3184(4), Florida Statutes.

Jeffrey Ball, Planning and Zoning Manager, stated this is the transmittal of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan; application number is 24LS00002 to the State land planning agency, Florida Commerce, for review under the State coordinated review process established by Section 163.3184(4) Florida Statutes; again when this went to the Local Planning Agency (LPA) the LPA motion included exhibit one which removed the density bonuses that are already in existing Future Land Use (FLU) designations; and staff's recommendation would be to not include exhibit one as part of the motion.

Tom Erdman stated for this Comprehensive Plan, the magnitude of changes that are trying to be pushed through here is huge and he thinks the citizens need ample time to review and comment on it; the first thing he would ask is for the Board not to vote on it now; he knows the Board has a requirement to deliver something to the State in a little bit, but he thinks the Board should wait and let the new Commissioners view this Plan; the Plan and how it changes are all in favor of the developers; it is a 100 percent developer-friendly change; and he would like to point out an article. He noted Medellin is the second largest city in Columbia; years ago their temperature was rising more than outside the City limits, so they started a green project, and started green corridors through the City; and within three years the temperature of the City dropped 2 degrees Celsius and they are adding more trees hoping to bring it down two or three more Celsius by adding more green space. He continued by saying, this Comprehensive Plan does just the opposite of that; some of the changes this Board is trying to push through here is a con; 3.3 Section I.4. under Class two, water, is reducing primary structure buffer protection from 50 feet to 25 feet, doing the same thing along the Lagoon; then also the flood plain is changing 100, it is between 100 years and 25 years; it is removing the limit of two homes per acre, totally removing it; then from 25 to 10 years flood plain, removing the one home for two and one half acres; for 10 years it is removing the requirement for one home per 10 acres; and then for the aquifer recharge, it is a type one aquifer and it is removing the requirement not to have septic tanks in that area in a type one aquifer recharge area. He explained a type one recharge area by definition means that nature gives very little water treatment to the water when it percolates through; he commented he would ask the Board to do the right thing for the

community, for the grandchildren, and the people who live there; and do what God's will is and leave this place a better place than it is now, not worse off.

Ruth Amato stated this looks like it got almost completely trashed with all the lines written through it, potable water; she was able to write a five page report not too long ago and calculate how much potable water each home needs; what projected use might be; and all off the Comprehensive Plan, but now it is all going to be taken out. She mentioned the public is not going to have any way to be able to watch what the County is doing if they so choose to; she asked if there is any oversight left; she commented there is already flooding on the St. John's River way worse than it was 20 years ago; the Board knows this and put a loophole in that it increased the density on the flood plain, but if someone is building a Planned Unit Development (PUD) then it is different restrictions that are not as strict; that is okay to have; with the insurance crisis in this State, the flooding that people in North Brevard are experiencing at unprecedented levels these days; and she asked is it really wise to just keep destroying what little resources that are left. She continued by saying this is a plan, but not a plan for North Brevard; she is not sure what else to expect when someone hires the services for someone to do urban development on the County's Comprehensive Plan; she thinks the County got exactly what it ordered, but it is definitely not for the citizens, it is a developer's dream; and it really needs to go back to the drawing board.

Sandra Sullivan stated some of the Board members are leaving and she guesses this is their last hoorah to put something through that is so egregious; it is unbelievable; this is almost like a complete rewrite; she read this document and has been angry for weeks; Florida faces an exodus as residents declare insurance crisis final straw; there are tons of articles on the insurance crisis it is the number one thing; yet the way this Comprehensive Plan is written, the Board is going to make it much worse; this is so short-sided; and it is for the developers 'we the money' and not representative of 'we the people'. She went on to say she wants to read this one line from an article; she read, "An insurance crisis that has sent premiums skyrocketing and caused carriers to flee coastal states like Florida and California" is spreading; she had asked for a records request, or legal opinion, and she has provided that from the Commissioner's office, regarding the barrier island; and what she sees because she lives on the barrier island, and very vulnerable to coastal storms, is the removal of the language prohibiting density increases for affordable housing; is it not interesting that this Board made affordable housing at 140 AMI now, it is going to make Florida unaffordable to live; she has provided a copy of a letter from Janna Williams, from the State, that specifies that the Board has to conform to the State Law for evacuation for the Level of Service (LOS); she does not see an LOS in here but it is defined by the State; it is 16 hours for a category 5; and she asked if the Board knows what Brevard is for the barrier islands, and she answered it is 61 hours to evacuate the barrier island in a category 5 storm, and this Board wants to put more density on the barrier islands, Merritt Island, North Merritt Island, and remove the protections of the wetlands. She added and just add more flooding, while she displayed a couple pictures from the last storm, Milton. She continued by saying the Board does not care about flooding; come to Florida and do all this development because it does not care if it floods, or if people cannot afford their insurance; but make all of these changes to the Comprehensive Plan and not care; that LOS for evacuation is defined by State Statute 163.3 for 16 hours in a category 5 and this Board is not following it; and there is so much more that she could say, but this Comprehensive Plan is so stinky.

Faith Swanson stated most of them bought into what the County currently has with the Comprehensive Plan, the laws, the ordinances, and the shall not laws and it seems that the Board just makes up these changes in the Comprehensive Plan where it basically removes density limits from the flood plan; it is going to detrimentally affect unincorporated Brevard

County, as well as so many others; particularly where she lives in North Brevard, it is already experiencing; the recent growth on State Road (SR) 46, and she has been there over 30 years, with Loves and another development going in behind it, and more development going in on SR 46, it is a death trap; it was a death trap before; she has had an accident there with a semi; and it has gotten worse with the lights, so she avoids it now. She stated she goes down to Garden Street and comes back around or goes north or south, she does not use that exit; one cannot see; she has talked to many people to try to get the hedges cut, cleaned, and place a mirror there; she has given all kinds of suggestions, but nothing is done; so far as the flooding as well; she has called, when Rocky was at the North Brevard Road and Bridges, he cleaned out the gutters and things like that that goes underneath Interstate 95, but nothing is being done; and things are not being taken care of. She noted the bottom line is this is being put through without a lot of testing of a lot of things and it is going to be detrimental; it is a loophole for the developers to put more density on the properties; basically, she does not know what the County is doing; she does not know how Brevard County is going to look; she does not know what the County is doing; she does not understand this; she does not know where the common sense is; this seems like insanity; and she is very concerned and hopes the Board will vote no.

Commissioner Pritchett inquired if Ms. Swanson has sent her emails recently about some things happening up there on SR 46.

Ms. Swanson replied she has not; right behind her house is where the helicopters come to evac people.

Commissioner Pritchett asked for her to send her something and she will help get started on some of those things.

Ms. Swanson advised she has emailed North Brevard.

Commissioner Pritchett asked if she would email her, she had one lady they were able to take care of a few things for her; and if she lets her know, she will make sure nobody is at risk.

Ms. Swanson noted there has been accidents and she has asked them to cut down the hedges...

Commissioner Pritchett asked again for Ms. Swanson to send it to her, she does not want anyone dying, so she will jump on it.

Commissioner Goodson asked if this passes would it automatically increase density.

Mr. Ball stated the framework that is being proposed would not systematically increase any densities on properties; and what has been done is staff continued that language throughout the document that was previously approved in the current Comprehensive Plan as it sits right now.

Commissioner Goodson asked is it true that the only place on Merritt Island that can have 37 units would be Merritt Island Redevelopment Agency (MIRA) land, and no one can go to North Merritt Island and do it unless the Board approves it.

Mr. Ball stated within MIRA there are provisions in the current Code that allows for that provision.

Commissioner Goodson commented if he is not mistaken there has been one development in

two years on MIRA land in Merritt Island and that is behind the mall by the veterans, an apartment complex.

Mr. Ball stated that is his understanding as well.

Commissioner Pritchett stated she would like to bring up soon-to-be Commissioner Delaney because she thinks it is good for her.

Katie Delaney stated she is only going to bring up one thing because it is personal to her home; there is massive development that is being allowed in this version of the Comprehensive Plan, in Canaveral Groves, five or six homes per unit, and that will totally change the whole dynamic of her community; she was told a story of some pink boxing gloves; and she is asking Commissioner Pritchett to please take them out and fight for North Brevard one last time.

Commissioner Pritchett stated they are going to send it up with comments and she knows Ms. Delaney will tighten those things up; she will have time to study it and maybe make some changes when they come back with the comments because she knows she is a bulldog; and she has great confidence in her to do that.

Commissioner Goodson asked if Ms. Delaney is referring to the City of Cocoa developments in West Canaveral Groves.

Ms. Delaney advised she is referring to Florida Land Use (FLU) 1.9, FLU 1.10.

Commissioner Goodson inquired if she is referring to the development the City of Cocoa is putting in.

Ms. Delaney responded no.

Commissioner Goodson asked where these developments are going in, in Canaveral Groves.

Ms. Delaney advised it is not developments, it is the Comprehensive Plan changing.

Commissioner Goodson asked if there has been Comprehensive Plan changes to what is in effect in Canaveral Groves in this new proposal.

Mr. Ball mentioned not to his understanding; staff did not make any systematic changes to densities throughout the County, specifically Canaveral Groves.

Ms. Delaney stated it is literally right here, she is reading it.

Mr. Ball noted he does not know what she is looking at.

Commissioner Pritchett mentioned maybe it was something already in there and something that can be changed later.

Mr. Ball advised after the meeting he can get with Ms. Delaney and they can figure it out.

Morris Richardson, County Attorney, advised it is Policy FLU 1.9 and it speaks to a residential six directive land use designation affording a transition in density between higher urbanized areas and lower intensity land uses within the Canaveral Groves and South Beaches small area plan study areas; and it is a land use designation, it does not itself increase any densities

or anything of that nature.

Billy Prasad, Planning and Development Deputy Director, stated he believes that is to recognize what is existing residential six directive out there.

Mr. Richardson responded in the affirmative.

Commissioner Tobia stated it seems as though most of the comments are dealing with density, which he understands; he may not agree with it, but he understands; this submittal is not dealing with density, so he thinks those comments are largely unfounded; and he would be inclined to vote up on this one given the testimony that the Board heard from the individuals as well as what is actually happening via staff.

Commissioner Pritchett mentioned after this is done it comes back and there is still one half a year to make changes.

Mr. Ball responded affirmatively; he stated this follows the same process, it will be transmitted up to the State Commerce; State Commerce will review the Comprehensive Plan and will issue an Objections, Recommendations, and Comments (ORC) Report with all the other State Agencies reviewing it as well; they will send down a report with any recommendations, objections, and comments; and then it will come back to the Board for adoption with or without those recommendations.

Commissioner Pritchett stated there will be new Commissioners here and they might want to do a workshop and figure out what to do with the input and what they want to do moving forward.

There being no further comments or objections, the Board reviewed the EAR based amendments to the Comprehensive Plan and approved transmittal to the State land planning agency, Florida Commerce, for review under the State coordinated review process pursuant to Section 163.3184(4), Florida Statutes.

Result: APPROVED

Mover: John Tobia

Seconder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.4. Michael & Bonita Osborne requests a change of zoning classification from RU-1-9 to TR-3. (24Z00038) (Tax Account 2409628) (District 1)

Commissioner Pritchett called for a public hearing on a request by Michael and Bonita Osborne for a change of zoning classification from RU-1-9 to TR-3, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Michael and Bonita Osbourne request a change of zoning classification from RU-1-9 to TR-3; application number is 24Z00038, tax account number is 2409628; and it is located in District 1.

There being no further comments or objections, the Board approved the request by Michael and Bonita Osbourne for a change of zoning classification from RU-1-9 to TR-3 on a property located in District 1.

Result: APPROVED

Mover: Rob Feltner

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.5. Julia Bertot requests a change of zoning classification from RU-1-9 to RU-1-7. (24Z00039) (Tax Account 2300349) (District 1)

Commissioner Pritchett called for a public hearing on a request by Julia Bertot for a change of zoning classification from RU-1-9 to RU-1-7, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Julia Bertot requests a change of zoning classification from RU-1-9 to RU-1-7; application number is 24Z00039, tax account number is 2300349; and it is located in District 1.

David Boland stated he is representing his parents who could not be in attendance; they have property adjacent to the property requesting to be rezoned; their concern is when the width of the various lots is reduced it is going to set a precedent moving forward where new developers may buy some of the older lots and at which point they could subdivide those at a small basis, which is going to negatively impact their property values; absent that, they are concerned about more septic systems in the area, potentially polluting the river; and for those reasons they oppose the rezoning.

Michael Bedrogi stated he is directly to the south of the adjacent property; their property lines actually conjoin; what he just heard was actually part of the largest part of concern is going to be water and septic; they are in the County and have no water and no septic; it is a very difficult and expensive place to live unless the Board wants to run it down the street to make this a little more manageable; the other thing is on the geological survey it actually has a waterway that goes directly into the river; and there was talk of building a stilt house at the last meeting for approval. He continued by saying not only would the property lines be narrowed so that it is closer to his home, but it would stick up eight or 10 feet above and then be a huge sail on a narrow lot; he has photos of Irma where the entire roof with the truss was in the road from that storm; they had downed trees, and there would be a lot of liability factors; if they could show in the building plans how they are going to pay for the refurbishing of the area where they took the trees out, and now lost about another 10 to 12 feet of ground, so there are serious ecological issues; there is water and the river; and of course, there is the liability for safety. He mentioned there are several no(s), it is a dangerous place to build.

Cynthia Bedrogi stated she has lived in the house to south of the adjacent property in question for the last 21 years; she has seen a lot of changes on River Edge Road; she does not know if the Board is aware that the husband owns a dilapidated bar that should be condemned that also adjoins his wife's property that is next to her property; the bar has not been open in many years and it is an eyesore in the community; many of the neighbors, some elderly and cannot be in attendance, including her father who is 97 and her brother who lives further south; it is a complicated area, this is not a simple yes or no; she is very concerned about the waterway with the septic; she is on well water; and she asked if they are allowed to build on that 50 feet how are they going to stay far enough away from her septic and her well. She went on to say over the years that property has eroded substantially because Mr. and Mrs. Bertot have not maintained their property; it was not until this last year; really, she puts on blinders to a lot of stuff, but they started clearing the land and he came to her; many offers have been made to him over the years to sell that 50 feet so this is not a financial hardship to them; she has 25 feet

on her side of her house that has not been built on, that was combined with her house in the last one and one-half years that her son was willed by her father; he sold it to her, and it was combined; she had made an offer to Mr. Bertot of \$120,000 for the 50 feet and he just laughed at her; and she knows over the years her father had offered much money to sell the 50 feet to clean it up and maintain it for the dolphins, birds, and wildlife. She continued by saying there are tortoises, red fox, and dolphins who bring their babies to them; she has pictures of all the different animals in her area; it is ecologically challenged right now; she has seen a drop in the number of dolphins and wildlife in the area; and that is another area that is on her mind because she thinks there could be a natural spring also located on that piece of property. She stated she wants improvements; she is all for improvements, but asked at the expense of who; she commented her house, now after 21 years of living there, is worth a fair bit of money; the home has been maintained through many storms; the roof that was flung during the hurricane was from a different house down the way and it landed in the road; if they are given approval for a stilt house, it better be able to withstand over 150 MPH winds; and she has been in the house when there has been over 140 MPH winds, therefore, she can tell people that a stilt house on property that is sliding into the river, is not going to suffice for the building requirements. She noted there is also this idea of the bar property; and if the Bertot's wanted a house and that was their true intent, they would combine their properties and build a house of good size.

Commissioner Pritchett inquired if the zoning is changed, and the Bertot's could only place a house on it; and she asked if that was correct.

Mr. Ball explained the difference in the zoning classification is there is smaller setbacks and smaller lot width requirements.

Commissioner Pritchett asked if it is just that 16 feet.

Mr. Ball affirmed; he noted the current zoning requires a 66 foot wide lot; and the proposed zoning would allow for a 50-foot wide lot.

Commissioner Pritchett stated somehow it just got inconsistent with what is being used.

Mr. Ball responded in the affirmative.

Commissioner Pritchett stated the Bertot's would have to put in septic because there is no sewer there; and she asked if that is correct.

Mr. Ball stated based on the staff report it says that water and sewer is accessible through the City of Titusville, so when they are coming in for their building permit, they will assess that; and if it is available, they will make them connect to it.

Julia Bertot stated basically if the Board does not change this zoning, they will not be able to use the property or build a home; and they feel as though it does follow the Comprehensive Plan, it is just changing one residential to another.

Commissioner Pritchett inquired if they are building a home on it.

Ms. Bertot responded in the affirmative.

Commissioner Pritchett pointed out that is the kind of zoning that they are requesting to be placed on the property.

Ms. Bertot stated the speakers said a lot of stuff but she feels like a lot of it would be addressed later; and she does not know if the Board has any questions, or if there is anything else she needs to say.

Commissioner Pritchett commented this is her District and she thinks it is a good project; and she asked for a motion to approve it.

Commissioner Tobia made the motion to approve it.

There being no further comments or objections, the Board approved the request by Julia Bertot for a change of zoning classification from RU-1-9 to RU-1-7, on a property located in District 1.

Result: APPROVED

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.6. Sol Vida Land, LLC requests a change of zoning classification from RU-1-9 to RU-1-11. (24Z00046) (Tax Account 3017131) (District 5)

Commissioner Pritchett called for a public hearing on a request by Sol Vida Land, LLC for a change of zoning classification from RU-1-9 to RU-1-11, located in District 5.

Jeffrey Ball, Planning and Zoning Manager, stated this is Sol Vida Land, LLC's request for a change in zoning classification from RU-1-9 to RU-1-11; application number is 24Z00046, tax account number is 3017131; and it is located in District 5.

Commissioner Pritchett stated Commissioner Steele is not in attendance; she has one card from the applicant; she does not know what the Board wants to do; however, it is something she would approve in her District.

Commissioner Feltner noted he thinks he understood that District 5 Commissioner is okay with all of his Items tonight, so he will make the motion to approve.

There being no further comments or objections, the Board approved the request by Sol Vida Land LLC for a change of zoning classification from RU-1-9 to RU-1-11 on a property located in District 5.

Result: APPROVED

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

H.7. Mannarino Family Revocable Living Trust requests a change of zoning classification from RU-1-7 and RR-1 to all RR-1. (24Z00041) (Tax Account 2802503) (District 5)

Commissioner Pritchett called for a public hearing on a request by Mannarino Family Revocable Living Trust for a change of zoning classification from RU-1-7 and RR-1 to all RR-1 on a property located in District 5.

Jeffrey Ball, Planning and Zoning Manager, stated the Mannarino Family Revocable Living Trust request a change of zoning classification from RU-1-7 and RR-1 to all RR-1; application number is 24Z00041, tax account number is 2802503; and it is located in District 5.

There being no comments or objections, the Board approved the request by Sol Vida Land, LLC for a change of zoning classification from RU-1-9 to RU-1-11 on a property located in District 5.

Result: APPROVED

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

L.3. Rita Pritchett, Commissioner District 1, Vice-Chair

Commissioner Pritchett stated she wants to read one thing because this just came out; Robert Kennedy Jr. who is going to be working with Donald Trump, "on January 20, the Trump White House will advise all U.S. water systems to remove fluoride from public water. Fluoride is an industrial waste associated with arthritis, bone fractures, bone cancer, IQ loss, neuro-development disorders, and thyroid disease"; and she thanked President Donald Trump for that.

Commissioner Feltner asked if Kidney stones were mentioned in there.

Commissioner Pritchett noted she has a whole book of stuff if he ever wants to read it.

Adjourn

Upon consensus of the Board, the meeting adjourned at 6:28 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

ROB FELTNER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA