

Brevard County Board of County Commissioners

*Commission Chambers, Building C
2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, April 2, 2026

5:00 PM

Zoning

Commission Chambers

C. CALL TO ORDER at 5:04 P.M.

Present: Commissioner District 1 Katie Delaney , Commissioner District 2 Tom Goodson, Commissioner District 3 Kim Adkinson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Thad Altman

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears request 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 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. 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.

B. PLEDGE OF ALLEGIANCE

Chair Altman led the assembly in the Pledge of Allegiance.

The Board approved Commissioner Goodson to participate via telephone.

Result: Approved

Mover: Rob Feltner

Seconder: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

F.1. Resolution Setting Forth the Findings and Conclusions of the Board of County Commissioners, Re: Denial of a Request for a Change of Zoning Classification from AU and RR-1 to SR with a Binding Development Plan (BDP) on Property Owned by Strada Development, LLC

The Board approved, executed, and adopted Resolution No. 26-020, setting forth the findings of fact and conclusions of the Board pertaining to the denial of a request for a change of zoning classification from AU and RR-1 to SR with a BDP on property owned by Strada Development, LLC.

Result: Adopted

Mover: Katie Delaney

Seconder: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

F.2. Acceptance, Re: Binding Development Plan with City Point Landfall, LLC (24PUD00003)

The Board of County Commissioners in accordance with Section 62-1157, accepted and executed a Binding Development Plan with City Point Landfall, LLC under application number 24PUD00003, for property located as follows: Parcel 1, the north 82 1/2 feet of the south 1234 feet of United States government lot 3, section 8, township 24 south, range 36 east, together with the following described parcel to wit; commence at a point on the west line of section 8, township 24 south, range 36 east, which said point is 363 yards north of the sw corner of said section 8, township 24 south, range 36 east, and go thence east and parallel to the south line of said section 8, a distance of 440 yards to a point which said point is the point of beginning; from said point of beginning, go north parallel with the west line of said section 8, a distance of 27 1/2 yards to a point; which said point is the nw corner of the lands herein described; thence go east parallel to the south line of said section 8, to and into the waters of the Indian River; thence southerly along the waters of the Indian River to a point opposite the point of beginning; thence go west, parallel to the south line of said section 8, to the point of beginning less and except road right of way and less and except the following described parcel; a parcel of land lying in section 8, township 24 south, range 36 east, Brevard County, Florida, being more particularly described as follows; commence at the southwest corner of said section 8; thence run north 00°43'16" east, along the west line of said section 8, a distance of 1255.69 feet; thence run south 89°30'56" east, parallel with the south line of said section 8, a distance of 1320.05 feet to the point of beginning; thence continue south 89°50'56" east, parallel with said south line, a distance of 350.00 feet; thence run south 25°16'02" east, a distance of 155.00 feet; thence run south 89°50'56" east, parallel with the south line of said section 8, a distance of 360.04 feet to a point at the waters edge of the Indian River; thence run south 25°16'02" east, along waters edge of the Indian River, a distance of 27.68 feet; thence run north 89°50'56" west, parallel with the south line of said section 8, a distance of 790.09 feet) thence run north 00°43'16" east, parallel with the west line of said section 8, a distance of 165.00 feet to the point of beginning. less and except the right of way of Indian river Drive.

parcel 2

tax parcel #515 description per deed book 372, page 451: first parcel: a tract of land heretofore called Cresson Grove described as follows: from the southwest corner of section eight (8), in township twenty-four (24) south, range thirty-six (36) east, in Brevard County, Florida, run north on the west line of said section, a distance of one thousand two hundred fifty four and five tenths (1254.5) feet to an iron pipe which is the point of beginning of the land herein described; and from said point of beginning, run east, one thousand six hundred three (1603) feet to the west line of the land of Edward S. Gifford and W.M. Barcliff; and thence run the west line of the lands of the said Gifford and Barcliff, north, a distance of three hundred (300) feet to the northwest corner of the land conveyed to Edward S. Gifford by Robert M. and Elizabeth C. Macdonald; thence run east on the north line of said Gifford land, to and into the waters of the Indian River; thence run northerly, in the waters of the Indian River, to a point twenty (20) feet north of the last course aforesaid; and thence run west, to the west line of section eight (8); and thence run south, on the west line of said section eight (8), a distance of three hundred twenty (320) feet to the point of beginning. less and except lands described in deed book 380 page 446, public records of Brevard County, Florida.

tax parcel #515 (20' tract)

description per deed book 380, page 444: a parcel of land located in section eight (8), township twenty-four (24) south, range thirty-six (36) east, in Brevard County, Florida, described as follows: from the southwest corner of said section eight (8), run the west line of the section, north, one thousand two hundred fifty four and five tenths (1254.5) feet to an iron pipe; and thence run east, one thousand six hundred three (1603) feet to an iron pipe, which is the

beginning point of the land herein described; from said point of beginning, for a first course, run south eighty-nine (89) degrees fifty-three (53) minutes east, on the projected line last above described, a distance of four hundred twenty-seven and eight tenths (427.8) feet to and into the waters of the Indian River; thence for a second course, run northerly, in the waters edge of the Indian River, to a point which is twenty (20) feet north and south measurement from the first course aforesaid; thence for a third course, run west and twenty (20) feet distant from the first course aforesaid, a distance of four hundred twenty-seven (427) feet, more or less to a point which is one thousand six hundred three (1603) feet east from the west line of section eight (8); and thence for a fourth course, run south, on a line parallel to and one thousand six hundred three (1603) feet east from the west line of section eight (8), a distance of twenty (20) feet to the point of beginning.

tax parcel #514 description per deed book 383, page 98: a parcel of land located in section eight (8), township twenty-four (24) south, range thirty-six (36) east, in Brevard County, Florida, described as follows: from the southwest corner of said section eight (8), run the west line of the section, north, one thousand two hundred seventy four and five tenths (1274.5) feet to an iron pipe; and thence run east, one thousand six hundred three (1603) feet to an iron pipe, which is the beginning point of the land herein described; from said point of beginning, for a first course, run north and parallel to the west line of section eight (8), a distance of one hundred sixty (160) feet; thence for a second course, run south eighty-nine (89) degrees fifty-three (53) minutes east, to and into the waters of the Indian River; thence for a third course, run southerly, in the waters edge of the Indian River to a point which is one hundred sixty (160) feet, by perpendicular measurement from the second course projected; and thence for a fourth course, run north eighty-nine (89) degrees fifty-three (53) minutes west and parallel to the second course aforesaid, to the point of beginning. less and except from the following;

parcel "a"

a parcel of land lying in section 8, township 24 south, range 36 east, Brevard County, Florida, being more particularly described as follows: commence at a 4 inch by 4 inch concrete monument marking the southwest corner of Parkchester, unit no. 1 recorded in plat book 18, page 114 of the public records of Brevard County, Florida, and run s 00 degrees 22' 33" w., along the east right of way line of U.S. Highway no. 1, a distance of 11.13 feet to a point on the north line of lands described in deed book 372, page 451, the point of beginning; thence continue s. 00 degrees 22' 33" w., along said right of way line, a distance of 159.99 feet; thence s 89 degrees 54' 45" e., parallel with the north line of said deed book 372, page 451, a distance of 350.00 feet; thence n. 00 degrees 05' 15" e., perpendicular to said north line, a distance of 56.96 feet; thence n. 29 degrees 54' 50" w., a distance of 118.97 feet to a point on said north line of deed book 372, page 451; thence n. 89 degrees 54' 45" w., along said north line, a distance of 289.71 feet to the point of beginning.

parcel "b"

a parcel of land lying in section 8, township 24 south, range 36 east, Brevard County, Florida, being more particularly described as follows; begin at a 4 inch by 4 inch concrete monument marking the southwest corner of Parkchester, unit no. 1, recorded in plat book 18, page 114 of the public records of Brevard County, Florida, and run s.00°22'33"w., along the east right of way line of U.S. Highway no. 1, a distance of 171.12 feet; thence 5.89°54'45"e., parallel with the south line of lands described in deed book 372, page 451 a distance of 350.00 feet thence n.00°05'15"e., perpendicular to said south line, a distance of 56.96 feet; thence n29°54'50" w. a distance of 129.10 feet to a point on the south right of way line of Roundtree Drive (a 50 foot wide right of way) thence n. 89°26'14"w., along said south right of way line, a distance of 284.60 feet to the point of beginning.

Result: Approved

Mover: Katie Delaney

Second: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

H.3. Merritt Bidco SPV, LLC (Kim Rezanka) Requests a Zoning Classification Change from AU with a Binding Site Plan (BSP) to RU-2-15 and RU-2-30 with Removal of BSP (25Z00054)

Chair Altman called for a public hearing on a request by Merritt Bidco, LLC for a zoning classification change from AU with BSP to RU-2-15 and RU-2-30 with removal of BSP, located in District 2; and he inquired if this is the Agenda Item that has a lot of people here that may be tabled.

Billy Prasad, Planning and Development Director, responded not necessarily right now; he stated the answer to that would generally depend on what the amendments would be that come back from the applicant; he would note that in this case the statutory timelines for the 180-day timeline from when the application was complete would run in mid-May, so absent a waiver from the applicant, the Board is required to take action on this Item at its May 7, meeting, which is its last zoning meeting before the timeline expires.

Commissioner Delaney asked Mr. Prasad to explain for the public, about if the area got expanded that could trigger this to restart again; and if the Board takes up this Item today and say the Board decides to deny it, the applicant can come forward with a new plan with the expanded land and this process starts all over again.

Mr. Prasad replied generally speaking, if the Board denies a rezoning application, the applicant is barred from making the same rezoning application for six months; however if it is a substantial amendment, that really depends on what the applicant changes with it, they would be able to make a new application immediately, he believes.

Morris Richardson, County Attorney, stated the Board could waive the six month period depending upon consideration of certain factors; those factors include whether the new application constitutes a proposed zoning classification or conditional use of a different character; frankly, if the applicant was considering bringing in another property or doing something different and was concerned about the six-month waiting period, probably better to withdraw it than to go forward if there was a chance that the Board might deny; but the applicant has requested a continuance. He went on to say he is sure, but will not speak for Ms. Rezanka, but they would agree to a waiver of the 180-day time limit, if the request was granted.

Commissioner Goodson made a motion for continuance.

Kim Rezanka advised she will waive the 180 days.

Mr. Prasad stated for clarification and so it does not have to be readvertised, that was to the May 7, 2026, Board of County Commissioner Zoning meeting at 5:00 p.m.

There being no further comments or objections, the Board continued the request by Merritt Bidco SPV, LLC for a change of zoning classification to the May 7, 2026, Board of County Commissioner Zoning meeting.

Result: Continued

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

Attorney Richardson stated he would like to explain that to those still here in the audience; he explained if anyone is in attendance for Item H.3., Merritt Bidco SPV, LLC, requesting a zoning classification change for property at Courtenay and Pioneer, the applicant is looking at maybe making some changes involving the acquisition of a property there at the corner, and therefore have asked for additional time to see if they are going to bring that property in or not; if they do they may have to go through the whole application process, planning and zoning, and back here again, but may not; right now they are scheduled to come back, it was continued to this Board's meeting on Tuesday, May 7, 2026; if they do something substantially different that makes it a new application, they will not be advertised for a meeting on May 7, it will be some time in the future; but that is not going to be heard tonight, if anyone is here for that Item.

Audience member stated people can still talk under Public Comment about it, it is just not official record that is what was stated when...

Attorney Richardson answered people can, it will not be considered part of the record for any appeal or any consideration of the Item in the future; technically, in Public Comments because it is on the Agenda, people are only supposed to speak to things that are not on the Agenda in Public Comment; however, he is sure since people are here the Board will hear whoever, but it will not be part of the official record on the Item.

Outburst from the audience.

Attorney Richardson stated he believes it is the medical building but he or she would have to ask the applicant; but he believes it is the property at the northeast corner.

Continued outburst from the audience.

Attorney Richardson stated he cannot speak to that.

Continued outburst from the audience.

Attorney Richardson stated if they did that they would have to start with the process all over; if they do not change anything substantial they will come forward on May 7, 2026, with the application pretty much as it exists now; if they make any major changes, it will probably have to go through additional process, but the Board will not know that until they go back and tell the County what they are going to do; right now it is on the calendar for May 7, 2026, if nothing changes; and if they make substantial changes...

Continued outburst from the audience.

Attorney Richardson stated he understands; obviously anything that involves more units for example would be substantial.

Chair Altman noted they will just have to wait and see; and he thinks this is the last time the applicant would be able to have a continuance; and he asked if that is true.

Attorney Richardson responded the Board can grant additional continuances; there is a time limitation, but as long as the applicant is willing to waive it, it would be within the Board's

discretion; because the public hearing is open, they are not automatically entitled to future tabling or continuances; but given the nature of the request this time, it is pretty significant because of the potential acquisition of that other property. He added he thinks they want to have meetings with the neighbors and maybe there are some things they can do to make it more palatable.

Chair Altman stated he appreciates the people for taking the time to come out, and hopefully they will see them again on May 7.

Commissioner Delaney stated if anybody does want to say anything he or she would just have to fill out a new card for general public comment.

H.1. SFT IV, LLC. and MOS 18, LLC (Stephanie Harris) Requests a CUP for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Tiki Bar, in an SR Zoning Classification (25Z00060)

Chair Altman called for a public hearing on request by SFT IV, LLC and MOS 18, LLC for a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption in conjunction with a tiki bar, in a SR zoning classification, application number 25Z00060, located in District 3.

Trina Gilliam, Planning and Zoning Manager, stated this Item is SFT IV, LLC and MOS 18, LLC, being represented by Stephanie Harris, requests a CUP for alcoholic beverages for on-premises consumption, in conjunction with a tiki bar, in a SR zoning classification, under application 25Z00060, located in District 3.

There being no comments or objections, the Board approved the request by SFT IV, LLC and MOS 18, LLC for a CUP for alcoholic beverages for on-premises consumption in conjunction with a tiki bar, in a SR zoning classification, under application 25Z00060, located in District 3.

Result: Approved

Mover: Kim Adkinson

Seconder: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

Ms. Gilliam noted she had forgot to say that the Planning and Zoning Board recommended a condition for approval; and that condition was hours of operation from 1:00 p.m. to 6:00 p.m. for serving alcohol, therefore it should be considered with the motion.

Commissioner Adkinson stated she does not want that as part of her motion; and she asked if Commissioner Feltner still seconds that.

Commissioner Feltner replied affirmatively.

Chair Altman advised the Commissioner does not want that as part of the motion and the seconder of the motion concurs.

H.2. AMBEWITH, LLC (Everett Rolle) Requests a Change in Zoning Classification from AU to RU-1-11 (25Z00063)

Chair Altman called for a public hearing on a request by AMBEWITH, LLC, for a change of zoning classification from AU to RU-1-11 under application 25Z00063, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated AMBEWITH, LLC, being represented by Mr. Everett Rolle, requests a change in zoning classification from AU to RU-1-11, under application 25Z00063; this is located in District 1; for the record the staff report stated that Mr. Rolle would need to get a variance to make this work; the division of three is not true, there is a survey in the packet that shows the division of the lot into three, so it will fit to meet the RU-1-11.

Commissioner Delaney asked if there were any recommendations from Planning and Zoning.

Ms. Gilliam advised Planning and Zoning had recommended approval.

There being no comments or objections, the Board approved the request by AMBEWITH, LLC for a change of zoning classification from AU to RU-1-11 under application 25Z00063, located in District 1.

Result: Approved

Mover: Katie Delaney

Secunder: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, Altman, and Delaney

K. PUBLIC COMMENTS

Morris Richardson, County Attorney, asked to address the residents who stayed for the Merritt Bidco Item to talk about it because this is a quasi-judicial hearing process; in that process both sides are involved; the applicant is no longer in attendance; there is a public hearing that was advertised; if anyone speaks on that Item that is on the Agenda, which the public comment is supposed to be for items not on the Agenda, he is going to have to caution the Board that it cannot consider that at any future actions on the property; if the Board were to ever deny an application associated with the property, and there is an appeal by the other side, they may very well use the participation tonight during Public Comment as a grounds to try to challenge any action the Board takes; and he would strongly caution against speaking to that Item. He asked that the speakers for that Item come back and speak during a public hearing on the Item that is the only way anything anyone says can be considered in regard to the application on the Item. He noted those are the rules of the hearing; he cannot tell people what to say during the public comment, but there are problems associated with it if it is done outside of the public hearing process; it has been continued to May 7, 2026; and if that changes there will be an advertisement.

Tad Calkins, Assistant County Manager, stated for the folks who have put in the card, if they write their email address, he can get with staff and have someone reach out to them if there is any notice of change and also identify when the planning meeting would be, the Local Planning and Zoning Board (LPA) if that would be necessary as well and when it would occur.

Chair Altman asked if the emails are on the cards.

Commissioner Adkinson stated they are not on the cards, but they can give that information as they leave.

Attorney Richardson asked if the residents get emails from the North Merritt Island Homeowners Association.

Chair Altman stated the cards will be given back and they can put their email addresses on the card.

Commissioner Adkinson stated there is one Public Comment card that is not part of that.

Chair Altman stated they will hear that one card that is not part of the zoning; he will have staff get those cards back so staff can keep them informed; and he does not want them to speak and jeopardize the position.

Gerhard Claassen stated he was a little surprised tonight, the Board really impressed him; Mr. Richardson did a great job, he knows he does not need his validation, but really a great job explaining to the people the legal thing behind the whole action; well done; Commissioner Adkinson, great job on the alcohol application; nothing to do with him, but great job on that; he is there to speak about the budget; the Board has a tough job standing up against bureaucracy, it is very hard; it is nearly impossible because it is like fighting dough, it just keeps coming; he looked at the budget for last year and the reason given for one of the biggest departments, other than capital goods expenditure, it is the Sheriff's Department; and it is a big, very important Department. He went on to say last year they were arguing that the Board needs to give them more money because their pay has stayed behind the rest of the people; they used very convincing figures for that; they started by saying that in 2024 they were at a certain place and in 2025 they ended up at another place; basically, what the Department said was they moved from being up here to way down here in the rankings; because of that they needed to get an increase, but those rankings are only the starting pay; the starting pay is one thing, what has to be looked at is what are people actually getting because when looking at the starting pay it is like \$50,000; that is not a lot of money; he paid himself last year \$59,280, it is not a lot of money, he lives on savings; he reiterated \$50,000 is not a lot of money and he understands that; and he feels sorry for the guy. He continued by saying after everything was said and done, the budget passed allotted \$112,000 per person in that Department, for compensation; that is a lot of money, not a poor person any longer; then it gave them a nine percent increase; this Board needs help, he is not an expert, just a small businessman, but he has run businesses most of his life and looking at numbers, and so it is really important; if this Board needs help, there are people who can help to look at what is being said because people use statistics to make a point; any lawyer can do that, but it is not the real realities; and he expressed his appreciation to the Board. He commented he wants this Board to be successful, it has to stop spending money just because others say so.

L.3. Katie Delaney, Commissioner District 1, Re: Board Report

Commissioner Delaney stated she did not have anything prepared, but she did go to the Brevard Zoo this week and they have a pretty incredible new thing that is going on; it is magical; they have all of these light up beautiful things to walk through, and she really wanted to give them a shout out; everybody should go by there and participate because it is only open for a couple months; it is new in the area and if anyone has kids of all ages, she thinks they would really enjoy it; and she reiterated to definitely check out the new things going on at the Brevard Zoo.

Chair Altman asked if she was there at night.

Commissioner Delaney responded affirmatively.

Chair Altman commented he has been there during the day but has not seen it lit up, so that is good to know.

L.6. Rob Feltner, Commissioner District 4, Re: Board Report

Commissioner Feltner stated last evening he was at a dinner and everyone stopped to go

