

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, October 2, 2025

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

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

B. ZONING STATEMENT

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

C. PLEDGE OF ALLEGIANCE

Chairman Feltner led the assembly in the Pledge of Allegiance.

F.1. Easement Agreement, Re: Scott Weihman (25FL00006), Developer: Scott Weihman

The Board approved the Easement Agreement for Scott Weihman (25FL00006) – Developer: Scott Weihman, to permit the issuance of a residential building permit, in accordance with Section 62-102 of the Brevard County Code; authorized the evaluation; and authorized the Chairman to sign the Easement Agreement.

Result: Approved

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

F.3. BDP Submission Extension: Aubri Lucille Williamson Requests an Extension to the 120-Day BDP Recording Date (24Z00052) (Tax Account 2743715)

The Board, pursuant to Section 62-1157, Brevard County Code of Ordinances, approved an extension of 60 days to the 120-day Binding Development Plan (BDP) deadline for the recordation of the BDP under application 24Z00052, the underlying request was for a change

of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-10 (Medium-Density Multiple-Family Residential) for Aubri Lucille Williamson.

Result: Approved

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

F.2. Acceptance, Re: Binding Development Plan with TG Rentals of Brevard, LLC (25Z00016)

Morris Richardson, County Attorney, advised on Item F.2. Commissioner Goodson is the manager of the limited liability company TG Rentals of Brevard, LLC, that is the subject of the Binding Development Plan (BDP); this zoning Item was previously approved by the Board on August 7 with Commissioner Goodson abstaining from the vote; he will also need to abstain tonight; and he will be filing a conflict form with the Clerk to the Board.

The Board executed Binding Development Plan Agreement with TG Rentals of Brevard, LLC (25Z00016), for a parcel of land being the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 24 South, Range 35 East, Brevard County, Florida, lying West of Tucker Lane and being more particularly described as follows: Commence at the Southeast corner of said Section 35 and run N.00°03'48"E., along the East line of said Section 35, a distance of 662.01 feet to the Point of Beginning; thence continue N.00°03'48"E., along said East line a distance of 457.79 feet, to a point on the Westerly Right-of-Way line of Tucker Lane (an 80 foot right-of-way); thence N.30°18'44"W., along said Westerly Right-of-Way line, a distance of 235.58 feet; to a point on the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 35; thence S.89°35'46"W., along said North line, a distance of 1211.44 feet; thence S.00° 03'51"W., along West line of said Southeast 1/4 of the Southeast 1/4, a distance of 662.25 feet; thence N .89°35'08"E., a distance of 1330.58 feet, to the Point of Beginning.

Result: Approved

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Adkinson, and Feltner

Absent: Altman

Abstain: Goodson

H.1. City Pointe Landfall LLC (David Bassford) Requests a Small-Scale Comprehensive Plan Amendment (24S.11) to Change the Future Land Use Designation from RES-1, RES-2, RES-4, and NC to CC and RES-4 (24SS00009) (Tax Account 2411252)

Chairman Feltner called for a public hearing on a request by City Pointe Landfall LLC for a Small Scale Comprehensive Plan Amendment, 24S.11, to change the Future Land Use designation from RES-1, RES-2, RES-4, and NC to CC and RES-4, application number 24SS00009, tax account number 2411252, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated Items H.1 and H.2. are companion applications and she will read them into the record together, however they will need separate decisions; City Pointe Landfall LLC, being represented by Kimberly Rezanka, requests a Small Scale Comprehensive Plan amendment under 24S.11, to change the Future Land Use designation from RES-1, RES-2, RES-4, and NC to CC and RES-4, under application 24SS00009, located in District 1; H.2. is City Pointe Landfall LLC being represented by Kim

Rezanka, requesting a change in zoning classification from EU and RP with an existing Binding Development Plan (BDP) to PUD, with the removal of the existing BDP, under application number 24PUD00003; and it is located in District 1.

Kim Rezanka stated she is going to request a continuance for several reasons; they believe they have everything settled with the neighbors; she thinks they are mostly happy with the revised plan; there was an email that came in yesterday asking them to do something they are agreeable to do but they cannot do it, so they want to work to make sure the Preliminary Development Plan (PDP) does have a conservation shown on it, which will essentially do the same thing; also, there has been some more comments that she has not seen yet; and the third thing is they realized that the PDP that is in the package is not the correct one, it is inconsistent where the walkway is. She noted she is asking to continue Items H.1. and H.2 to the November 6 Agenda.

Commissioner Delaney stated she has a question about that; and she inquired if the Planning and Zoning Director could explain the rules with requests for continuances.

Billy Prasad, Planning and Development Director, explained in this situation it would be within the Board's discretion to continue.

Commissioner Delaney stated okay; and she inquired as far as a conservation element, what is allowable right now without them having to start from scratch.

Mr. Prasad noted he thinks what Ms. Rezanka is saying is that they would note it as conservation in PDP; that could be done; he thinks what would change things is if asking for a different land use; he thinks that has been suggested; however, that would require new advertisement and things of that nature.

Commissioner Delaney asked if it were in the BDP would that be permanent.

Mr. Prasad explained the PDP is the Preliminary Development Plan which is approved along side of the PUD; and substantial changes would require coming back to the Board, minor changes can be administrative depending on what they are. He went on to say to be clear, things like adding units in on the east side of the track would certainly be considered a substantial change and would come back to the Board.

Ms. Rezanka stated she could actually place the conservation in a document and record it in the public record, over those 2.36 acres.

Commissioner Delaney asked as if conservation means a conservation easement.

Ms. Rezanka responded in the affirmative.

Commissioner Delaney inquired if that is a permanent thing.

Mr. Prasad stated he will defer to the County Attorney on the mechanics of a conservation easement and its permanency.

Morris Richardson, County Attorney, stated it depends on how it is done, he would have to look at it and discuss what Ms. Rezanka has in mind.

Ms. Rezanka replied okay; she explained she has done it with other developments where she put it in the public record and it is very hard to change, but she can work with the County

Attorney on that as well; and that way everyone can be sure that those wetlands stay wetlands.

Commissioner Adkinson stated she knows when she talked to staff, they had talked about an easement in perpetuity; and she inquired if that is the same thing being talked about here, or is it different.

Attorney Richardson commented he thinks that is similar to what she is proposing, but it could be done in a way that it could only be released in the future by the Board.

Commissioner Delaney commented she knows that there is one family who has put forward an idea that she thinks is what Ms. Rezanka is talking about, but she has received a lot of other emails from people saying that they are still uncomfortable with the density increase; and it looks as if there are a bunch of people in attendance from the neighborhood, so it is hard for her to continue this on when people have been waiting and preparing for this.

Chairman Feltner asked the County Attorney what needs to be done as the applicant has asked to continue.

Attorney Richardson noted it really is within the discretion of the Board at this point because the timing of the request; he thinks it was already moved once as a matter of right; the Board could entertain a motion and that would take precedence over other motions; but it is up to the Board.

Commissioner Delaney made a motion to hear the Item tonight.

Attorney Richardson advised there is no need for that motion, there would need to be a motion to continue.

Chairman Feltner asked to go forward tonight or to continue, what does a continuance allow everyone to do, if the Board does continue this tonight.

Ms. Rezanka explained it will allow the Board to have the proper PDP in its packet, which it is not; staff did not get the correct PDP in there, and she is not saying it is staff's fault, but the proper one is not in the Board's Packet; second, it will allow them to do a PDP that shows a conservation easement on it, so that is what the Board is approving; three, to actually do a conservation recorded in the public record for the benefit of the public; and it would also allow her to see whatever these other comments are that Commissioner Delaney has that she has not seen, so she could possibly meet with them as well.

Commissioner Adkinson stated she would like to make a motion to continue.

Commissioner Goodson seconded the motion.

Commissioner Delaney asked what the legal ramifications are if the Board does not continue this.

Attorney Richardson stated he is careful of what he says; Ms. Rezanka has raised some considerations that could go towards due process concerns; certainly the applicant has a right to know the comments and see the comments that have been made; but generally, he thinks, based on the record here, he does not see a problem with the Board deciding to proceed and hear the Item. He continued by saying of course, any time there is an Item that might be controversial and there are only four members present, there is a chance of having a split vote, in which case the Board may have to entertain multiple motions; and sometimes, the Board in the past, when there's an inability to come to a resolution, with four then it ends up getting

continued anyway to a future meeting when all five Commissioners are present; those are some of the considerations; but there is nothing to prevent the Board from hearing it tonight, it has been properly noticed. He mentioned there are some clarifications that could be made on the record regarding things like the location of the boardwalk, and all that could be cleaned up tonight; the Board has absolute discretion since it is the applicant's request; they cannot say the Board did not comply with any applicable timelines to consider it; and it is completely up to the Board.

Chairman Feltner asked with regards to a conservation easement being recorded, if the Board proceeded tonight, how would that work, does it happen after the fact.

Attorney Richardson noted that it could be part of the direction that it is a requirement of the approval, the approval is conditioned on that, then it would follow, and it would be in a form subject to approval of the County Attorney; and he mentioned it would be better if staff could see it in advance and discuss it.

There being no further comments or objections, the Board continued the request for a Small Scale Comprehensive Plan amendment, 24S.11, to change the Future Land Use designation from RES-1, RES-2, RES-4, and NC to CC and RES-4, to the November 6, 2025, Zoning meeting at 5:00 p.m.

Result: Continued

Mover: Kim Adkinson

Second: Tom Goodson

Ayes: Goodson, Adkinson, and Feltner

Nay: Delaney

Absent: Altman

H.2. City Pointe Landfall LLC (David Bassford) Requests a Change in Zoning Classification from EU and RP with an Existing BDP to PUD with the Removal of Existing BDP (24PUD00003) (Tax Account 2411252)

There being no further comments or objections, the Board continued the request for a change of zoning classification from EU and RP with an existing Binding Development Plan (BDP), to Planned Unit Development (PUD), with the removal of the existing BDP, to the November 6, 2025, Zoning meeting at 5:00 p.m.

Result: Continued

Mover: Kim Adkinson

Second: Tom Goodson

Ayes: Goodson, Adkinson, and Feltner

Nay: Delaney

Absent: Altman

H.10. Staff Report, Re: Declaration by Florida Commerce of the Brevard Barrier Island Area Element and EAR-Based Amendments to the Brevard County Comprehensive Plan as Null and Void

Chairman Feltner called for a public hearing on a staff report for the declaration by Florida Commerce of the Brevard Barrier Island Area (BBIA) and EAR-based Amendments to the Brevard County Comprehensive Plan as null and void; he stated he wants to take care of a housekeeping issue; on H.10., because the Board does not have the benefit of having Commissioner Altman in attendance, he thinks the better thing to do is to hear that at the

County Commission meeting on October 14, 2025; and he thinks Commissioner Altman was part of the original legislation so he thinks that would make a lot of sense.

There being no further comments or objections, the Board continued the Declaration by Florida Commerce of the Brevard Barrier Island Area (BBIA) and EAR-based amendments to the Brevard County Comprehensive Plan as null and void, to the October 14, 2025, Board of County Commissioners Regular meeting at 5:00 p.m.

Result: Continued

Mover: Katie Delaney

Seconded: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.3. Michael S. Palo (Landon Scheer) Requests a Small-Scale Comprehensive Plan Amendment (25S.13) to Change the Future Land Use Designation from CC and RES-15 to all CC (25SS00007) (Tax Account 2611657, 2611658)

Chairman Feltner called for a public hearing on Item H.3., requested by Michael S. Palo for a Small Scale Comprehensive Plan amendment, 25S.13, to change the Future Land Use designation CC and RES-15 to all CC, application number 25SS00007, tax account numbers 2611657 and 2611658, located in District 4.

Trina Gilliam, Planning and Zoning Manager, stated Items H.3. and H.4., she will read into the record together, they are companion applications, however, they will need separate decisions; Michael S. Palo, being represented by Landon Scheer, requests a Small Scale Comprehensive Plan amendment, 25S.13, to change the Future Land Use designation from CC and RES-15 to all CC, under application number 25SS00007, located in District 4; and Michael S. Palo, represented by Landon Scheer, requests a zoning classification change from BU-1 and RU-1-7 to BU-2 with a Binding Development Plan (BDP), under application number 25Z00029, located in District 4.

Landon Scheer, Scheer Engineering, stated the family has owned this property for quite some time; they actually developed the mobile home complex to the west in the 70s and 80s; at that time, they carved out this parcel that is being discussed tonight for future development always with the intent to develop it, however, Florida Department of Transportation (FDOT) had other plans when they took over one-half of the property with eminent domain for the drainage pond just north of this property, which left them with an awkwardly-shaped property that had a split zoning making it difficult to develop; the main request tonight is to unify the zoning across the property for one commercial zoning and land use; and the request is for BU-2 with a BDP to restrict all uses to be all BU-1 uses with the addition of contractor office and storage in BU-2, being the only BU-2 use. He went on to say the property owner currently owns a HVAC and plumbing contracting company in Rockledge and they are outgrowing their operation now and are looking to relocate to this property to accommodate their future growth; the request for the contractor outdoor storage really comes to the owner having the ability to get late evening and late afternoon deliveries for materials; they are trying to be proactive against potential Code violations for outdoor storage of materials; they deliver materials in box trucks and drop them off outside the door; if there are no guys around to bring them inside, then they would be left outside overnight until someone could get them in the morning and bring them inside; and this is being proactive against Code violations, it not being an allowable use in BU-1 zoning. He continued by saying this area is a true mixed use area; there is Curb Pro, Paver Pro, a dentist office, marine and boat repair, a hair salon, a car spot, VFW, a daycare, commercial, vacant commercial office space, gas station, office complex, doctor's office, and an aquatic center that

has been approved, but has not been under construction along with a little residential in the area; U.S. 1 is a major six-lane highway that provides sufficient capacity for this development so there are no concerns for the traffic there; and the property has been evaluated by the environmentalists for wetlands and there were no wetlands found on the site. He stated there is a drainage ditch in the western portion of the site; they have been in discussions with the St. Johns; they do have the ability to relocate it with obviously the appropriate permitting and calculations; there is a flood zone on the west side of the site which is why they have situated the building where they have it away from the flood zone; they have put in the drainage area on the western side strategically to mitigate any flood zone concerns; the deliveries are going to be brought up to roll up doors which will be shielded from the right-of-way on the side of the building; there are no concerns for the big metal rollup doors facing the right-of-way; the deliveries and materials are from box trucks so it is not a big semi tractor trailers coming in through this area; and the nature of their business is plumbing and HVAC contractors so it is in their best interest to keep all the materials inside so 99 percent of the time the materials will be inside the building for weather and theft protection; and in summary the request is for BU-2 with a BDP that allows all BU-1 uses and the only BU-2 use being asked for is contractor office and outdoor storage.

Chairman Feltner advised this is in his District; he is very empathetic towards neighbors, especially on noise at night; and he asked how to split this late night delivery noise situation with trucks and such.

Mr. Scheer noted when he said late night he does not mean midnight deliveries, he is talking 5:00-6:00 p.m. in the evening when guys are trying to leave and go home to their families, a box truck comes in because they are making their last deliveries of the day.

Chairman Feltner stated he will split it with him; and he asked if he would agree to put in a BDP that he agrees he is not going to get deliveries after 9:00 p.m.

Mr. Scheer responded affirmatively.

Chairman Feltner stated he is good then.

There being no further comments or objections, the Board adopted Ordinance No. 25-19, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the thirteenth Small Scale Plan Amendment of 2025, 25S.13, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), the Future Land Use Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: Adopted

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.4. Michael S. Palo (Landon Scheer) Requests a Zoning Classification Change from BU-1 and RU-1-7 to BU-2 with a BDP (25Z00029) (Tax Account 2611657, 2611658)

Chairman Feltner stated on this Item it is agreeing to the BDP with the uses stipulated and the addition of...

Tad Calkins, Assistant County Manager, stated Chairman Feltner provided a time he does not want deliveries after and he asked if he is considering a time that he wants deliveries to start because he thinks the concern is late night deliveries; and he would recommend the Chairman say something like no deliveries before 7:00 a.m. and see if the applicant would agree to that.

Mr. Scheer noted that plumbing and HVAC contractors get up early and try to beat the heat; he cannot speak for them but he would imagine some are going to be in the office by 6:00 a.m. so he does not know...

Chairman Feltner pointed out he is talking about deliveries and the trucks arriving.

Mr. Scheer asked if he is saying the trucks cannot come in before 7:00 a.m.

Mr. Calkins advised delivery trucks.

Chairman Feltner asked if he would agree to that.

Commissioner Adkinson advised grass-cutters start at 7:00 a.m.

Mr. Scheer asked if the Board will do 6:00 a.m.

Chairman Feltner commented he will do 7:00 a.m.; he does not mean to be difficult but he has to think of the people that live next to that as well; he thinks he is splitting it in a pretty reasonable way; and he asked again not before 7:00 a.m. and not after 9:00 p.m.

Mr. Scheer responded affirmatively.

Chairman Feltner advised that is the BDP that is going to be agreed to.

There being no further comments or objections, the Board approved the request by Michael S. Palo to change the zoning classification from BU-1 and RU-1-7 to BU-2 with a BDP, allowing for all BU-1 uses and the BU-2 uses limited to contractor's offices, plans, and storage yards, with authorized deliveries between 7:00 a.m. and 9:00 p.m.

Result: Approved

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.5. Boniface and Company, Inc. (Kimberly Rezanka) Requests a Zoning Classification Change from BU-1 with a BSP to BU-1 with Removal of a BSP (25Z00020) (Tax Account 2800682)

Chairman Feltner called for a public hearing on a request by Boniface and Company, Inc. for a change of zoning classification from BU-1 with a Binding Site Plan (BSP) to BU-1 with removal of the BDSP under application no 25Z00020, located in District 5.

Trina Gilliam, Planning and Zoning Manager, stated this is Boniface and Company, Inc., represented by Kimberly Rezanka, requesting zoning classification change from BU-1 with a BSP to BU-1 with removal of the BSP under application 25Z00020, located in District 5.

Kim Rezanka stated with her is Neil Huhta who is the Chief Operating Officer (COO) of Boniface and Company; this is the Kia dealership on 192; this stems from a 1988 rezoning, the old Howser Zoo; it was 46 acres at the time; it was rezoned to allow for a BU-1 uses on the front; and with that came the BSP that had a hatch line that showed where a wall is supposed to be; in 2019, when they came forward with a site plan to put in the Kia dealership, they built it, got the Certificate of Occupancy (CO) and built a wall on the north side and the west side they no longer owned it, it was only 12 acres, and on the east side there was no wall required; and they do not know why a CO was issued. She continued by saying they now plan to expand and add service based on the existing footprint, the existing area that is paved and sort of on the east side; it was noted that they do not have a wall on the east side; now there is a right-of-way and drainage easement on the east side; they have been there for five years and have had no complaints; they want to move forward with their expansion without having to build a wall all along the east side of their property; once again, this is just to allow them to add a service building on an existing parking lot, it will be inside with air conditioning, all enclosed; and they are not abutting any residential property to the east. She noted they are abutting property to the north, but there is a six-foot masonry wall; she has provided a package to Planning and Zoning and it is in the Board's package, starting at page 769; she has extra copies if anyone wants them; that was just to show the location; it does show on pages 778 and 779 the pictures of the concrete six-foot wall; also in the packet on page 780 is the as-built from 202 that shows the six foot concrete wall all the way to the east side of the property line; on page 781 is the proposed site plan that is under review by County staff; and it shows the location of the enclosed one-story building. She stated none of the trees are going to be removed, nothing is going to be changed because they are building on existing asphalt, so the 200-plus area of foliage is going to stay and the trees have been there forever and will not be removed; and what they are asking for is the removal of the BSP so they will not have to build a wall on the east side. She added she overcomplicated it for Planning and Zoning so she shortened it for the Board; if there are any questions she is happy to answer; Mr. Huhta is there for questions; the applicant has not had any complaints; the neighbors to the north do not have any problems; and there is actually another 40-foot drainage easement to the north as well.

Commissioner Adkinson stated Ms. Rezanka mentioned they are not going to take the trees down on the east side.

Ms. Rezanka responded affirmatively.

Commissioner Adkinson asked if they are going to expand on their current footprint.

Ms. Rezanka replied, yes.

Commissioner Adkinson asked if there is any way of determining for sure that those trees will not ever go, and if not, could there be.

Ms. Rezanka advised the way to do it would be to install another Binding Development Plan (BDP) which is not what the client wants because of the requirements of the BDP to get the lender.

Commissioner Adkinson asked if she could get Mr. Huhta to say on the record that he would promise to that.

Neil Huhta, Chief Operating Officer of Boniface and Company, stating they have not touched that wooded area for five years and have no plans to do it; he would hate to say they would never do anything because one just does not know what is going to happen in life; they are trying to be very good neighbors and they are very cognizant of the neighborhood to the north;

and they have absolutely no plans to develop that at this point. He noted they really believe in sticking to their expertise which is automobile sales and service.

Commissioner Adkinson stated she understands the difficulty in them getting the BDP and all that so this will be good enough for her.

Commissioner Delaney asked what removing the BSP would do for the future of this property in 100 years when the owner says enough with this business and they want to move on.

Ms. Gilliam mentioned the north side wall still has to remain, it is required by Code to separate residential from the commercial, as well as landscape buffer or vegetative buffer; and on the east side they are also required to have a type B roadway buffer which means 15 feet minimum width vegetation.

Commissioner Delaney asked with this Site Plan in place, even if it were to sell to a new owner, it would stay with it.

Ms. Gilliam responded in the affirmative.

Commissioner Goodson stated if one is building on asphalt with a building, he would assume they have the correct amount of storage for water as they would have for the asphalt, the same as for the building; and he asked if that is correct.

Ms. Rezanka responded affirmatively.

There being no further comments or objections, the Board approved the request by Boniface and Company, Inc. for a change of zoning classification from BU-1 with a BSP to BU-1 with removal of the BSP for application number 25Z00020.

Result: Approved

Mover: Kim Adkinson

Second: Tom Goodson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.6. 5125 South LLC (Arduino Cacciotti, Daniel Wasserman) Requests a CUP, for Alcoholic Beverages for On Premises Consumption Accessory to a Bar and Game Hall in Suite #3, in BU-1 Zoning Classification (25Z00021) (Tax Account 2512007)

Chairman Feltner called for a public hearing on a request by 5125 South LLC for a Conditional Use Permit (CUP) for alcoholic beverages for on premises consumption accessory to a bar and game hall in Suite No. 3, in a BU-1 zoning classification, application number 25Z00021, located in District 2.

Trina Gilliam, Planning and Zoning Manager, stated this Item is 5125 South LLC requests a CUP for alcoholic beverages for on premises consumption accessory to a bar and game hall in Suite 3, in BU-1 zoning classification, under application number 25Z00021, located in District 2.

Commissioner Delaney asked staff if there were any updates on this business, property, or situation because during the briefing it was mentioned there was some uncertainty going on with this.

Billy Prasad, Planning and Development Director, informed the Board that the applicant failed

to appear at Planning and Zoning twice and that is why Planning and Zoning recommended denial of this application; it is in the Board's discretion to approve it or deny; if the applicant was here, another option might be to send it back to Planning and Zoning; but it would appear that the applicant is no longer interested in this application. He added in any case, he is not in attendance.

There being no further comments or objections, the Board denied the request by 5125 South LLC for a CUP for alcoholic beverages for on premises consumption accessory to a bar and game hall in Suite 3, in a BU-1 zoning classification, under application number 25Z00021, located in District 2.

Result: Denied

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.7. Vincent Contino Goglia and Sherry Ann Goglia (Thomas Neidert) Request a CUP for an Accessory Structure (25Z00026) (Tax Account 3008337, 3008071)

Chairman Feltner called for a public hearing on a request by Vincent Contino Goglia and Sherry Ann Goglia for a Conditional Use Permit (CUP) for an accessory structure under application number 25Z00026, located in District 3.

Trina Gilliam, Planning and Zoning Manager, stated this Item is Vincent and Sherry Goglia, represented by Thomas Neidert, request a CUP for an accessory structure under application number 25Z00026, located in District 3.

Tom Neidert stated he is requesting a CUP change to put some electricity on a vacant piece of property.

Commissioner Adkinson inquired if this dock was approved by the Florida Department of Environmental Protection (FDEP).

Mr. Neidert advised he did get an approved permit.

Commissioner Adkinson commented that he is complying with all the FDEP requirements.

Mr. Neidert responded affirmatively.

Billy Prasad, Planning and Development Director, asked that the motion include a waiver of the 1,000 foot requirement for the CUP.

Commissioner Adkinson asked Mr. Prasad to explain that.

Mr. Prasad explained that the Code for a dock such as this, it is an accessory to a principle structure that is in a neighborhood and typically requires 1,000 feet; however, the Board has the ability to wave that requirement if the dock was established prior to 2008; research was done and it was found that the dock was established prior to that date; therefore, it is within the Board's discretion to waive that particular requirement. He continued by saying the principle structure is located about 1,800 feet away, so it would require that waiver.

There being no further comments or objections, the Board approved the request by Vincent

and Sherry Goglia for a CUP for an accessory structure, including a waiver of Section 62-1943.3(1), that requires the dock that is constructed be owned and used by the owner of a residential lot or parcel located within 1,000 feet of the dock parcel.

Result: Approved

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.8. The Viera Company (Jose Pazmino) Requests a CUP for On-Premises Alcoholic Beverage Consumption (25Z00032) (Tax Account part of 2631510)

Chairman Feltner called for a public hearing on a request by The Viera Company for a Conditional Use Permit (CUP) for on-premises consumption of alcoholic beverages under application number 25Z00032, located in District 4.

Trina Gilliam, Planning and Zoning Manager, stated the Viera Company, represented by Jose Pazmino, requests a CUP for on-premises consumption of alcoholic beverages under application number 25Z00032, located in District 4.

Jose Pazmino stated he is there on behalf of Top Golf to ask for a CUP for on-premises consumption of alcoholic beverages.

Chairman Feltner stated he thinks when the Board approved Top Golf before it was there for all of about 35 seconds; he does not think this was going to be a hard one either; and this is his District, so is there a motion to approve.

There being no further comments or objections, the Board approved the request by The Viera Company for a CUP for on-premises consumption of alcoholic beverages under application number 25Z00032, located in District 4.

Result: Approved

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.9. Hope Episcopal Church, Inc. (Mike Burkhead/Gulfstream Towers) CUP Request for Wireless Telecommunication Facilities and Broadcast Towers, in a PUD Zoning Classification (23Z00055) (Tax Account 2604194)

Chairman Feltner called for a public hearing on a request by Hope Episcopal Church, Inc. for a Conditional Use Permit (CUP) for wireless telecommunication facilities and broadcast towers, in a PUD zoning classification, under application number 25Z00055, located in District 4.

Morris Richardson, County Attorney, stated this Item is Hope Episcopal Church, Inc. requesting a CUP for wireless telecommunication facilities and broadcast towers, in a PUD zoning classification; he is reading this one instead of the Planning and Development Director, Billy Prasad, because this is one that the Board has heard previously; it denied the request for a CUP; the Board decision was challenged by the applicant under the Federal Telecommunications Act; and the Middle District Court, the Federal District Court, and the 11th Circuit Court of Appeals tell them that under the Telecom Act that the Board needs to issue the

permit; in fact, he has a mandate that the CUP should be issued; and he is going to ask the Board for a motion to issue a CUP, but subject to the conditions recommended by the County's consultant, Cityscape, in its telecommunication site review dated August 18, 2023. He advised this is a mandate of the court and not a Board decision that this is a good fit for the tower; but based on the record before the court, it has directed the Board, and that is the required action.

There being no other comments or objections, the Board approved the request by Hope Episcopal Church, Inc. for a CUP for wireless telecommunication facilities and broadcast towers, in a PUD zoning classification, subject to conditions recommended by the County's consultant, Cityscape, and its telecommunications site review dated August 18, 2023, under application number 23Z00055, located in District 4.

Result: Approved

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, and Adkinson

Nay: Feltner

Absent: Altman

K. PUBLIC COMMENTS

Trevor Tezel stated he is a lifelong County resident; since the County recently passed its budget, he sees no better time to begin advocating the Commission to provide funding in the Fiscal Year 2026-2027 budget for universal bodyworn cameras for deputies of the Brevard County Sheriff's Office (BCSO); he will start by saying he is strong supporter of law enforcement officers and he believes that anyone who holds himself out to be a strong supporter of law enforcement would see the imperative of a policy providing for universal bodyworn cameras for Brevard County Sheriff Deputies and municipal police officers, for how else can an officer establish a defense for himself or herself without that crucial evidence; and it is true, under current legal standards, there are significant protections for law enforcement officers whose actions, evidence, and objective belief that the use of force is reasonably necessary to protect against imminent risk of harm. He asked are people kidding themselves that officers do not have risks of one day being railroaded by a justice system that sometimes shows it is susceptible to manipulation by the prevailing political winds of the times; what happens when the shoe is on the other foot; he noted he realizes that this year's budget process is complete; he has also been following the development and passage of that budget; he appreciates the extremely hard choices that the Board has had to make; and over the coming meetings and months, he hopes to make the case to this body for why this funding for BCSO has to be prioritized, even if it requires resorting to extraordinary measures to raise the money to do so. She continued by saying he knows money is tight, but this should not be a barrier to ensuring that law enforcement officers are appropriately outfitted to serve and protect; do not wait to take action until some incident inevitably arises where someone gets unfairly maligned and potentially unjustifiably prosecuted, whether it be an officer or a citizen; and he thanked the Board for its time.

Upon consensus of the Board, the meeting adjourned at 5:46 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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

DRAFT