

Brevard County Board of County Commissioners

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



Minutes

Thursday, July 9, 2026

5:00 PM

Zoning

Commission Chambers

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

C. CALL TO ORDER

D. 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

Commissioner Feltner led the assembly in the Pledge of Allegiance.

The Board approved Commissioner Goodson to participate telephonically.

Result: Approved

Mover: Rob Feltner

Seconder: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

F.1. Resolution, Re: Setting Forth the Findings and Conclusions of the Board of County Commissioners for Denial of a Request for a Change of Zoning Classification from AU with a Binding Site Plan (BSP) to RU-2-15 and RU-2-30 with Removal of BSP on Property Owned by Merritt Bidco SPV, LLC

Billy Prasad, Planning and Development Director, explained this is a Findings of Fact for the denial of a request for a change of zoning classification from AU with a Binding Site Plan (BSP) to RU-2-15 and RU-2-30, with removal of BSP on property owned by Merritt Bidco SPV, LLC.

Richard Heffelfinger commented he hopes consent means the Commissioners already said it is a go, and no Commissioner pulled it; and he asked if the Board is going to agree to this Findings of Fact. He stated he means that thing on Merritt Island is going to be a denied zoning and it is not going to happen; and he asked if that is true.

Chair Altman stated it is not in the question and answer, but the Board wants to hear his input.

Mr. Heffelfinger stated the one on Merritt Island, the Board did a Findings of Fact, and he thinks Morris Richardson, County Attorney, is the one who did that; he thinks one of the big reasons the Board is going to say no is that the applicant was going to flood SR 3, which is a State Road; but still the Comprehensive Plan, or whatever, says the Board can consider that; the Findings of Fact said that was true; the reason it is a Consent Agenda, and the Findings of Fact founded, is because of these people back here, they did good; he thinks it sets a precedent that when the County has these, if people do not speak up, they could have gotten railroaded; whoever it was, he knows there were a couple of people who were a lead on that; and he wants to go on the record to say the Board needs to do this more if the County wants to try to control its neighborhoods. He expressed his appreciation to everybody; he stated a lot of them are sitting back here; and he reiterated he just wanted to go on record to say that.

Chair Altman expressed his appreciation to staff for presenting a very complete, conclusive set of Findings in the Board's packet.

The Board adopted Resolution No. 26-056, 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 with a BSP to RU-2-15 and RU-2-30 with removal of BSP on the property owned by Merritt Bidco SPV, LLC.

Result: Adopted

Mover: Rob Feltner

Seconded: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

G. PUBLIC COMMENTS

Chelsey True stated she is here tonight regarding Agenda Item 26Z000029, the appeal of the Planning and Zoning Manager's April 22nd interpretation regarding Merritt Bidco's Live Local Act proposal scheduled to be before the Board on July 21st; she wants her position to be part of the public record; she respectfully asks the Board to uphold the Planning and Zoning official interpretation; after reviewing both the appeal and staff report, she believes this case comes down to one simple question, what is the property zoned today; and the County Code answers that question. She went on to say Section 62-1334 states that AU zoning classification is intended for agricultural pursuits and spacious single-family, residential development; it is not designated as a commercial or mixed-use zoning district; the applicant asks the Board to look beyond the zoning classification itself and instead focus on individual, conditional, or commercial-type uses that may have existed within the district; but if the existence of a few conditional uses were enough to redefine an entire zoning district, then many agricultural and residential districts across Brevard County could potentially be treated as commercial. She advised she does not believe that is what the legislature has intended; a Conditional Use Permit (CUP) allows a specific use under circumstances; it does not rezone a property or transform agricultural residential zoning into commercial zoning; and for this specific property, the historical CUP for a clinic and hospital should not be used to redefine the current zoning classification of the property. She commented the question before the Board is not whether the past use was once approved, but whether this property is currently located in an area zoned for commercial, industrial, or mixed-use under the requirements of the Live Local Act; the legislature created specific eligibility requirements for Live Local projects; supporting affordable housing does not require expanding those requirements beyond what was written; the County can support affordable housing while also maintaining the integrity of its adopted zoning framework; the Live Local Act has recently been amended to clarify that farms and farm operations are not commercial uses for proposal of the Act which further supports staff's interpretation; and the staff report states zoning classifications are defined by their overall

purpose and character rather than by the existence of individual uses within the classification. She advised for those reasons, she respectfully asks the Board to uphold staff's interpretation and apply both the County Code and Live Local Act according to its plain language; several weeks ago she requested clarification regarding the lobbying provisions in the County's Contract with Steve Crisafulli and how those provisions are interpreted and enforced, and she has yet to receive a response; and she asked if the County interprets the Contract as prohibiting lobbying activities on behalf of private clients before Brevard County during the term of the Agreement, and if so, who is in charge of determining compliance.

Chair Altman expressed his appreciation to Ms. True for her presentation and for her question; he stated he would like her to give that to the County in writing, especially the questions, so the County Attorney can evaluate that in detail; and if there was any additional information that he, or the Board, needs for a response it gives time to do so.

Morris Richardson, County Attorney, explained they respond to any records requests, and will continue to do so; with regards to the comments made about an Item that is going to be on the Board's next Agenda, he would have to advise the Board not to consider those; Ms. True is going to have to submit those in writing before; that is going to be noticed; it is a quasi-judicial Item, and if those comments are going to be made verbally, she would have to do it at the proper meeting, or she has to submit them in writing so they are part of the record; what she said tonight is not and cannot be made part of the record; for that, the other party is not here and do not have a fair opportunity to address them; this is sort of argument by ambush; and this is not the appropriate forum for that.

Ms. True noted she understands that it is not on the Agenda; and the only reason she did bring it up is she just got a notice today and she will not be in town.

Attorney Richardson asked her to submit them in writing, and stated it will be part of the record.

Discussion, Re: Withdrawal of Items H.5. and H.6. from the Agenda

Chair Altman stated there are a lot of people here for Items H.5. and H.6; due to something that has been taking place, the Board is not allowed to hear those, or it would not be able to hear that, deliberate, and vote on these Items; and out of respect for those who have been here, so that they do not have to sit through a long meeting, he would like staff to fill those people in on what has happened and what posture the Board is now in.

Morris Richardson, County Attorney, stated if people in the audience are here for Item H.5., Defender Homes Airway Heights LLC, requesting a Small Scale Comprehensive Plan Amendment (26S.02) to change the Future Land Use (FLU) designation from RES 4 to RES 6, the companion Item, Defender Homes Airway Heights LLC requesting a zoning classification change from RR-1 to R-U-26, that was what was applied for and advertised; as of yesterday, those requests have been formally supplanted by a request for a rezoning only to zoning RU-1-11; that application is going to have to be reviewed by staff; staff will do an analysis of it and prepare written comments; that will come back to the Planning and Zoning Board at the August 17th meeting, and to the Board meeting on September 3rd; but because the request is not one that was properly advertised and is not before the Board, there is no action the Board can take on those Items tonight. He expressed his appreciation to the citizens who came out; he stated he is sorry it is short notice, but the formal notice was just received yesterday, and it is not what was submitted previously; and those dates August 17th Planning and Zoning and September 3rd Board meeting at the same time and place.

Chair Altman advised it would put the Board in a bad posture if it heard an Item that was not properly reviewed, it is not allowed to do that; he expressed his thanks for everyone for being here; he knows the Board is not taking action tonight, but he wanted to disclose he met with a group of homeowners from the Turtle Mound Lake Washington area, he met with the representative for the applicant as well; he reiterated the Board will not be hearing these; but he looks forward to seeing them at the next hearings. He went on to say they may have an issue with the September 3rd meeting as the Board may not have a quorum; and he has talked to the County Manager about that.

Attorney Richardson stated the County will keep people informed of dates certainly by the Planning and Zoning meeting on August 17th; more information will be known about when the Board will hear it; but he is understanding now that there may not be a September 3rd Board meeting, which would push this to the Board meeting in October; and he reiterated more information will be given as that approaches, so just stay tuned.

Kim Rezanka stated she will not be able to attend on August 17 as she is in mediation all day.

Attorney Richardson asked if she was going to request a different P&Z meeting.

Ms. Rezanka replied affirmatively.

Attorney Richardson stated forget about what he said about the dates, it looks like it will be on a September Planning and Zoning and October Board of County Commissioners meeting schedule; those will be advertised, there will be courtesy notices like the ones prior to this meeting; the site will have a sign on it; and he is sure through their neighborhood, he or she will stay informed, but it sounds like it is most likely to be September Planning and Zoning and the October Board meeting with the new application.

Chair Altman advised the Board has a very strict set of guidelines and rules that are set forth in State law, as well as in case law, so it wants to make sure when it makes a decision, it meets all those criteria that is in the best interest of the public and the applicant. He asked if a formal action is needed to table the Items.

Attorney Richardson explained there is no Board action required tonight because the Board could not take action on the application that was advertised and is on its Agenda.

Chair Altman expressed his appreciation to the audience for its diligence and understanding.

H.3. Public Hearing, Re: Sunshine State Wildlife Conservation LLC, and Bernard Egan & Company (Ralph Brown) Request a Conditional Use Permit (CUP) for Land Alteration in AU and GU (25Z00061) (Tax Accounts 3001213, 3001181, 3020488, 3020489, and Part of 3001207, 3030338, and 3030339)

Chair Altman stated the other Item is H.3., Sunshine State Wildlife Conservation LLC; he would request that the Board continue that particular hearing; it is a zoning in the south part of the County, it is relatively intense use, and it is something in a very rural area; and it is something he would like to have a little time to review and meet with the applicant and some of the affected parties.

Commissioner Feltner asked if there are any cards on the Item.

Commissioner Adkinson advised there are two cards on Item H.3.

Morris Richardson, County Attorney, inquired if the applicant is here for Item H.3.

Chair Altman noted he is asking this be tabled until the next meeting; and he asked what that date would be.

Billy Prasad, Planning and Development Director, stated August 6th.

Chair Altman stated September 3rd or September 10th.

Attorney Richardson pointed out Thursday, August 6th, would be the next Board of County Commissioners zoning meeting if the Board wanted to table it.

Chair Altman repeated Thursday, August 6th.

A representative stated to continue it is not optimal for them.

Chair Altman stated maybe the Board should follow the Agenda, he is number three anyway.

H.1. Public Hearing, Re: Turtle Mound Ventures, LLC (Kim Rezanka) are Requesting a Small-Scale Comprehensive Plan Amendment (26S.01) to Change the Future Land Use Designation from PUB, RES-1, and RES-2-DIR to CC (26SS00001) (Tax Account 2316247, 2316452, 2316451, 2315413)

Chair Altman called for a public hearing to consider a Small Scale Comprehensive Plan Amendment (26S.01) to Change the FLUM Designation from PUB (Public Facilities), RES-1 (Residential 1), and RES-2-DIR (Residential 2-Directive) to CC (Community Commercial).

Tim Craven, Senior Planner, Planning and Development, stated he is going to read Items H.1. and H.2. in together as they are companions; H.1. is Turtle Mound Ventures, LLC, with Representative Kim Rezanka, requests a Small Scale Comprehensive Plan amendment, 26S.01, to change the FLU designation from Public Res-1 and Res-2 Directive to Community Commercial, with 26SS00001 in District 2; and Turtle Mound Ventures, LLC is requesting a zoning change from GML Institutional to TR-1 and TR-1 to an RV Park, 26Z00007.

Kim Rezanka, Lacy Rezanka, on behalf of Turtle Mound Ventures, LLC regarding the change of FLU and to rezoning, stated the Board has in its packet an overall map of the area; she just has a larger version for it that might be useful as they go through this; this property was owned by the School Board and it has now been sold to her client quite a bit ago; it has a FLU and zoning that is really not appropriate for anything that a private party would do; the County could have a waste facility here, but again, it has to be a government entity or a related entity; this is on State Road (SR) 3; and they are seeking Community Commercial and a rezoning to Recreational Vehicle Park. She continued by saying as the Board can see, this is at the end of the commercial corridor; going further north, there is a church right next door, but then there is a burrow pit, Space Walk Groves, and then is Blue Origin going further south; going south that vacant lot that has been cleared, that was to be a Dollar General Store, so this is part of the commercial corridor study of Merritt Island back from 2006; what she provided to the Planning and Zoning (P&Z) Board, it is in the Board's packet, the packet is so large, and it was hard to find exactly; page 1317, that is the Future Land Use Map (FLUM); and she did provide that at the P&Z just to show the Board the commercial corridor, the FLU, and the NC and CC leading all of the way up to this public FLUM, should the Board agree to change those Community Commercial. She commented it has to be changed to something, her client cannot use it for anything; there is a change of circumstances here because it was surplus by the School Board and it cannot be used for anything; if it were to be changed, the commercial corridor can

continue to the north on the west side of State Road 3; the back side of what she submitted to P&Z, was the zoning map; it is just a larger version of what is in its packet and it does show the BU-1 and BU-2 leading up to this property; this is a continuation of the commercial corridor on SR 3; at the change to Community Commercial, FLU is required to allow the development of the RV Park that is sought by her client; his client has developed one of these RV Parks in the State of Washington, there are photographs in the Board's packet of what the RV Park looks like; this is intended to be a luxury RV Park to support the tourist industry; it would be a tourist-driven type amenity in the area; and it would also be subject to tourist tax of five percent which could also be useful to the area. She stated this is required to change the FLU to do an RV Park; it could be a residential designation; he would like to do up to 10 units to the acre; however, they do not believe that, and they are willing to cap that at seven units to the acre, or six, if the Board thinks that is more appropriate; and that is what they think they can get, about 180 units on this site with the appropriate buffers.

Commissioner Adkinson asked if she can ask a question.

Ms. Rezanka replied affirmatively.

Commissioner Adkinson stated she is looking at the map that she has, she has this big yellow thing; but on hers it looks different.

Ms. Rezanka explained it is just because she did not do the map properly; and what is in the Board's packet is correct. She stated it is 28 acres; and it is just when she printed it on the map from the Property Appraiser's website, it did not show at all.

Commissioner Adkinson stated it just like the red box was different.

Ms. Rezanka pointed out it is too small; that is from the Board's zoning packet; and that is the zoning map that exists.

Commissioner Adkinson expressed her appreciation.

Ms. Rezanka went on to say the RV Park is a commercial use, it is not a residential use; it allows recreational vehicles, tents, park trailers, and cabin use; there is no intent to do tents or cabin use; the maximum intensity of the park is 10 sites per acre; minimum site size is 2,000 square feet; the Code also requires 10 percent to be used for a common use area for recreational activities; and he intends to have a park and a clubhouse. She mentioned he will have a small general store and a washer and dryer area for the park; the accessory uses allowed are laundry, playgrounds, picnic areas, swimming pools, ball and game courts, and a manager's residence; he will also have a tennis court or pickle ball court; it will be a high-end luxury RV Park; it will have a clubhouse, play courts, and laundry facilities, and at least 2.85 acres will be dedicated to a recreational area. She stated her client has said this will be like a Hilton, it will be a higher-end; it will cost more and the County will have half a million dollar RVs that will come to this site; the County Code limits the length of occupancy to no more than 180 consecutive days; the RV Parks are not considered a permanent residence; the Comprehensive Plan definition of Recreation Vehicle Park, activities intended to serve the needs of tourists and seasonal residents and provide lodging for visitors with recreational vehicles, travel trailers, and camping equipment, as well as supportive activities such as laundries, bathing facility, and recreational areas; activities located in commercial, Community Commercial land use designations, and as she said, this will be used by visitors to the Space Coast, launches, and space tourism; per the County staff report, this property is in a transitional area, and it is not residential; and the County mostly has old trailer parks, mobile homes, and manufactured homes to the north of this area. She pointed out there are no identified

concurrency issues; North Courtenay Parkway will operate at 47.67 percent of the maximum average vehicle daily utilization; it will not generate school children as the park is a commercial use; the staff report, as she said, states it is traditional and there is commercial activity in this area; the Coastal High Hazard Flood Plain and stormwater will be addressed at site plan stage, this is merely zoning; she wanted to reference the Comprehensive Plan Policy 2.8 that does say recreational vehicles shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County; the location of RV Park shall have access to the interstate exchanges via arterial, and principal collector transportation corridors of the property shall be located on a major multi-county transportation corridor; they do meet that criteria as to where they are located; and with that, the need for the change is because nothing can be done with this property and her client has a use for it that fits in with the needs of the community, with space tourism. She stated if there are conditions such as buffering, access, there are two median cuts already on North Courtenay Parkway; there is no intent to come off North Tropical Trail, so if there are conditions to impose, that would be reasonable; but they would ask the Board approve the FLU to Community Commercial and that the RV Park be approved, specifically up to a number of units; 10 is what has been requested, they would go to six or seven, but that needs to be part of the order of the motion; if the Board does agree to approve a Recreational Vehicle Park, it has to state up to a number according to the addendum to the staff report; she has Jake Wise with CEG, the engineer of record; he can answer any questions; there has been no topographic, there has been no elevations; and this is just a rezoning and Comprehensive Plan change to allow a use that would be very well utilized in this area.

Commissioner Adkinson asked how long each RV will be able to stay.

Ms. Rezanka replied they can stay up to 180 days, but that is not the intent; there are going to be high-ends; and they are going to come for a week or two, they are going to go watch a launch, they are going to go to different areas.

Commissioner Goodson stated he needs to disclose that he had a discussion this morning with Ms. Rezanka regarding this Item.

Chair Altman stated he had the same; and there are speaker cards.

Brian Bussen commented he is here as a representative of the Dimenna Trust, which is 165 acres, about 3,300 feet away from this property; the Trust would like to say they do not like this zoning; the family just spent four years working very diligently with the County getting a set of plans approved for 164 lots on 165 acres; those lots are one-half minimum, but as the Board can see from the numbers, only one unit per acre was allowed; this property is immediately to the west on North Tropical Trail; and that just does not seem like it is compatible zoning in this area.

Chair Altman stated next is Jake Wise.

Mr. Wise stated he is here for any questions.

Jack Kirschenbaum stated when Ron Dimenna passed away, this property went from his ownership into a family trust; his brother, Malcolm, Mr. Dimenna's widow, and he are the trustees of the Trust; as Mr. Bussen said, the family and he have been working for almost five years on developing the 160 acres that Mr. Bussen mentioned just 300 feet to the west of this property; they have planned, they designed, permitted, and met with staff; this is a terribly difficult area to plan and design for; they all know what the flooding is like up there; their project

is designed to assist and change the demographics and hydrology of that area; and he reiterated it is a difficult area to plan. He continued by saying there is an old song the Board might remember, "Must have been the right place, must have been the wrong time;" this is the wrong place and the wrong time for this type of project; it could be a great project, but this is not the place for it, it is just not compatible; there is no Binding Development Plan (BDP), there is no Binding Site Plan (BSP); it could be 10 acres, but they might agree to six; and he reiterated this is the type of project that needs a little bit more discipline to it, a little bit more planning to it, and it could be the right project, just not this time, at this particular place. He mentioned they are happy to answer any questions the Board may have, but they literally have been working with staff for five years on transportation, traffic, utilities, drainage, and they have a pretty good sense of what this property, this whole area needs; they strongly object to this rezoning and this plan; and he is happy to answer any questions.

Chair Altman asked if the Board has any questions.

Mr. Kirschenbaum advised he does have one question; he asked what did the Planning and Zoning Board recommended with regards to this plan; and he stated he thinks they recommended denial, and he would like someone to say that.

Billy Prasad, Planning and Development Director, explained the Planning and Zoning Board heard the request and voted 10:1 to recommend denial on April 20th.

Rose Plummer stated she is representing the North Merritt Island Homeowners Association; based on their review and even their previous objection, that has not changed, they would speak in opposition to the requested Small Scale Comprehensive Plan Amendment; she is going to basically repeat what was said before; she believes the P&Z recommended denial, the North Merritt Island Special District recommended denial, and they are hoping that the Board will stand in agreement with that once again; there are already numerous RV Parks in Brevard County; North Courtenay Parkway, she believes it is not designated as major multi-county transportation corridor; she does not believe the applicant has submitted enough information to justify changing the land use designation; approving this amendment would open the door for further land use changes down the road that are not in this community's long-term interest; any amendment must be consistent with the Comprehensive Plan; and for these reasons, they respectfully recommend the Board deny this request.

Ms. Rezanka stated she would first like to state that North Merritt Island Homeowners Association does have a policy that they will not support anything more than one unit to the acre and most of their members are also on the North Brevard's Dependent Special District Board so they would never support it either; she does want to, again, point out that only Ms. Plummer, she believes, objected to the change of the Comprehensive Plan; they have a public Comprehensive Plan; she did not hear Mr. Bussen or Mr. Kirschenbaum object to the Comprehensive Plan; they have a public Comprehensive Plan they cannot do anything with; and this is not in the small area study of North Merritt Island. She continued by saying it was never Residential 1, at least not to her knowledge; it was intended to be a school; it is continuing the commercial corridor so they would indeed request that this be amended to Community Commercial; it is on a State Road, a four-lane highway; it is certainly a major highway; regarding the zoning, the property discussed by Mr. Bussen and Mr. Kirschenbaum is zoned EU-2; it is this big property right here; it is on EU-2 and further, their measurements show 600 feet; but regardless, it is separated by McGruder Road and they have no intention to put any access onto McGruder Road so all commercial activities would be on the commercial corridor. She advised, and she will submit this to the record, it is in all in the public records of Brevard County; the subdivision discussed is called Outback Reserve Subdivision; this

Subdivision's construction plans were approved on February 9, 2024; it expires December 2026; to her knowledge they have not moved forward with this development for whatever reason; she thinks sewer might have been one of them; but she does want to show this to the Board because they are worried about what it looks like; that is what has been expressed in the past; they are worried about what an RVP Park will look like to the people buying here; and there is a road next to this development and next to that is all trailer parks. She stated in fact, this is what one sees when he or she first comes in there; this is the first house one sees coming into the subdivision from the east; coming down further, there is that; coming down a little further, Mr. Clay's property, with the value of \$31,000, so the view does not matter when this is what they are seeing; their people will be coming off North Tropical Trail, the RV Park will be coming off Courtenay; there has been no evidence other than they do not like it, they do not want it, and they do not think it is correct; this property has been vacant for a very long time; and before it was owned by the School Board, it was owned by Frank Sullivan, Chair Altman's father-in-law. She mentioned it has been vacant a long time; it cannot be used with the zoning and FLU it has; there is no site plan required, no engineering studies required, and this is merely zoning; if the County wants to put conditions of no access on McGruder, they have already agreed to that; they do not intend to do that; they will not do that; trailers are not big enough, the RVs would be too big to get on that road, it is a very small road; they are agreeing to limit the number of units per acre to six or seven; they would prefer seven just for flexibility, but they believe only 180 units can go on there, so they would ask that the FLU be amended to Community Commercial, as this character of this area is indeed a commercial corridor; this is a good use for this property; it is a commercial use, and will support the space tourism; and she asked if the Board had any questions.

Chair Altman asked if this RV Park is limiting the type of vehicles, RV Parks, campers that would be parked in this.

Ms. Rezanka replied they are going to be fifth wheels and buses.

Chair Altman asked what is called traditional.

Ms. Rezanka responded she calls them buses, RVs.

Chair Altman asked RVs or motorhomes.

Ms. Rezanka replied motorhomes.

Chair Altman noted he would call them motorhomes, so they will have fifth wheels and motorhomes.

Ms. Rezanka replied yes, sir; she explained it is intended to be a true RV Park; people come for a week or two; there might be a few seasonal, but it is intended to be a high-end luxury; and it is not going to be down the road at Kennedy Space Center (KSC) for \$40 or the Moose Lodge for \$40 a night.

Chair Altman asked how many RV spots they anticipate.

Ms. Rezanka advised 180, which is about 5.7 per acre; if the rezoning is approved, there needs to be a number in there according to the addendum to the staff report; and she can confirm that with Mr. Prasad today.

Morris Richardson, County Attorney, stated he would say Ms. Rezanka noted the staff addendum; he does want to note that pursuant to the County's Code, particularly Section 62-1255, Establishment of Zoning Classifications and Consistency with Comprehensive Plan, they heard characterization of the RVP zoning classification of commercial, that is a characterization; what the County's Code actually says is that residential uses include single-family, detached single-family, attached multifamily, Recreational Vehicle Park, and mobile developments; now Recreational Vehicle Park, along with certain other residential uses, are permitted in Community Commercial, but they are subject to Comprehensive Plan Policy 2.10, as noted in the addendum; and this property is significant because the County has a substantial portion of this property that is located in the Coastal High Hazard Area and pursuant to Policy 2.10, residential development, which would include RVP in Community Commercial, is strictly limited to the density of the closest residentially-designated area on the FLUM on the same side of the street. He went on to say in this case, if the Board considers approving the request to both FLU amendment and the zoning amendment, it will need to make a statement that first of all, in the Coastal High Hazard Area, the portion of the property there is going to be limited to one unit per acre because it is not eligible for a density increase; the upland portion generally can be considered under Policy 2.10, is consistent with RES-2 which is two units per acre based on the applicable bonus; it is eligible for an additional increase in density, if the Board so decides, it could reach a maximum potential density and that upland portion of 10 RV spaces per acre; but the Board is going to, as Ms. Rezanka stated, have to make a decision to that, so it is not just granting the land use and zoning; and it would also have to say to what extent it is going to grant a bonus, if any, on the upland portion.

Ms. Rezanka stated she would respectfully assert that they do not know for sure the Coastal High Hazard Area or the flood zone because those are old maps and that is a site plan issue; they do not want it to be limited; if the Board wants to limit it up to uplands, that is fine because uplands have not yet been determined, but again, limiting it to 5.7 units to the acre, six units to the acre; and staff is going to do their jobs and not let them build in the Coastal High Hazard Area, so she will ask that not be done at the zoning stage.

Attorney Richardson pointed out the County will say to what extent it is determined to be in the Coastal High Hazard Area, the density cannot exceed one unit per acre.

Commissioner Goodson stated he wanted to make a motion to deny, and to direct staff to do a Findings of Fact.

Commissioner Feltner stated he would second the motion to deny.

Ms. Rezanka asked if she could clarify what that is for, the Comprehensive Plan.

Attorney Richardson commented the Board typically takes up the Comprehensive Plan amendment first and that is first in order on the Agenda; and he asked Commissioner Goodson if the motion is applicable to the request for a FLUM amendment.

Commissioner Goodson responded affirmatively.

There being no further comments or objections, the Board denied the request for a Small Scale Comprehensive Plan Amendment (26S.01) to Change the FLU Designation from PUD, RES-1, and RES-2-DIR to CC; and directed the County Attorney to prepare a Findings of Fact to bring back for Board consideration, for property located on North Tropical Trail, at the intersection with, and south of McGruder Road, Merritt Island.

Result: Denied

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, and Altman

H.2. Public Hearing, Re: Turtle Mound Ventures, LLC (Kim Rezanka) are Requesting a Zoning Classification Change from GML(I) and TR-1 to RVP (26Z00007) (Tax Account 2316247, 2316452, 2316451, 2315413)

Commissioner Adkinson stated this Item needs a separate motion.

Morris Richardson, County Attorney, stated the Board will need a separate motion, but he would advise the Board that it cannot consider approving it given that it would be inconsistent with the FLUM since it did not approve that amendment.

Kim Rezanka, Lacy Rezanka, asked as a point of order if there is a Findings of Fact necessary for a Comprehensive Plan amendment; and will the Board be doing that.

Attorney Richardson replied typically, no, it is only for the rezoning, without the land use amendment.

Commissioner Feltner asked if H.2. is moot.

Attorney Richardson advised he thinks the Board should still make a motion, but he would admonish the Board that the motion should be consistent with its prior action.

There being no further comments or objections, the Board denied the request for a zoning classification change from GML(I) and TR-1 to RVP; and directed the County Attorney to prepare a Findings of Fact to bring back for Board consideration.

Result: Denied

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, and Altman

H.3. Public Hearing, Re: Sunshine State Wildlife Conservation LLC, and Bernard Egan & Company (Ralph Brown) Request a Conditional Use Permit (CUP) for Land Alteration in AU and GU (25Z00061) (Tax Accounts 3001213, 3001181, 3020488, 3020489, and Part of 3001207, 3030338, and 3030339)

Chair Altman called for a public hearing to consider Sunshine State Wildlife Conservation LLC and Bernard Egan & Company requesting a CUP for land alteration in AU and GU (25Z00061) (Tax Account Nos. 3001213, 3001181, 3020488, 3020489, and part of 3001207, 3030338, and 3030339).

Tim Craven, Senior Planner, Planning and Development, stated Item H.3. is Sunshine State Wildlife Conservation LLC and Bernard Egan and Company, Ralph Brown is representing, requesting a CUP for land alteration in AU and GU, zoning application 25Z00061, and it is located in District 5.

Ralph Brown stated he works for Blue Goose Survey and Design and they are the applicant for the Sunshine State Mine; he wanted to clarify that this is the third phase of the mine that they are in for, so they have already permitted about 540 acres of the mine with the County and with

the Water Management District; the mine has been in operation for about six years; when looking at the CUP application number, the Board will see that the project is 723 acres, that is a combination of all three phases together; and the only new thing they are in for is phase three which is more like 187 acres. He continued by saying the mine has been in operation for six years; it is located off of Babcock Street, just north of the C-54 Canal; all access is off of Babcock through the driveway that was permitted back in phase one; there are no new connections to roads; and they are utilizing the existing infrastructure that was permitted six years ago. He noted the density, they are proposing three new mining cells which total about 78 acres, but the project acreage is 186 acres; they are really using about 40 percent of the property for actual construction of mining cells, and the rest is preserved with trees or wetlands; he just thought there was an impression that this was a new mine that maybe was 723 acres; and he just wanted to clarify that really it is the third phase of a mine that has been going on for six years.

Chair Altman stated Mr. Brown had mentioned that 40 percent of the property will be excavated.

Mr. Brown advised in the third phase, yes.

Chair Altman asked if the rest of the property will have preserved trees and preservation of wetlands; and does that mean Mr. Brown has no intention of developing the rest of the property, or would it be in preserve.

Mr. Brown responded it may be developed in the future, but they have no wetland impacts, and they have quite a few trees on the property; all of the stockpile of materials can be back in the previous phases that are already constructed; but he will not commit to there not being any future development.

Chair Altman asked if he was not making any representations of what density that may be; and does he have potable water at this site.

Mr. Brown replied no.

Chair Altman noted and no sewer; and he noticed that this is very close proximity to the Sebastian State Preserve and Goodwin's.

Mr. Brown remarked it is across on the other side of Babcock; and on the east side of Babcock is the buffer preserve property.

Chair Altman asked has there been any comments from St. John's River Water Management District (SJRWMD) or Florida Department of Environment Protection (FDEP); and he asked staff if they have reviewed the impacts of the mining expansion to the north.

Mr. Brown stated just to clarify, they do have their permits already from SJRWMD, they have already issued the permits for phase three, phase two, and phase one.

Jane Hart, Environmental Specialist, Natural Resources Management, replied if the question is have they received their St. John's permit, the answer is yes.

Chair Altman asked if there were any reviews or comments on behalf . . . he means they have permits, so he guesses one of the questions he has, he knows Goodwin's Preserve, as well, is a very critical and strategic water fowl area; in the excavation, depth, and he sees he has side wall profiles of the . . . He asked if there has been any consideration to support those or have a

water fowl, or is it strictly a very deep hole, 40 foot depth, which would be very limited in terms of water fowl; but any of the littoral zones, has there been any effort to support some of the needs down there.

Mr. Brown pointed out they do have five to one on the mine reclamation plan, so the County will end up with vegetated slopes, some wetland vegetation on the slopes.

Chair Altman asked if he will be planting wetland vegetation in those slopes.

Mr. Brown responded that is not required at this time, they have not proposed that; but they are preserving about 10 wetland areas which would provide habitat.

Chair Altman asked if the five to one slopes are to the waterline, or below the waterline.

Mr. Brown replied below the waterline.

Chair Altman asked how far from the waterline does that go, how far does it reach into the lake.

Mr. Brown advised it goes five foot below the waterline, so there is a normal water level and a five to one slope goes five feet vertically down from that waterline.

Chair Altman stated so it is five to one from the waterline, so . . .

Mr. Brown interjected by saying five to one from the top, all the way down five foot below what they expect to be the water level in the lake.

Chair Altman inquired how far from the shore is that five to one slope.

Mr. Brown stated so that would be at a five to one slope that is going out almost 50 foot.

Chair Altman asked 50 feet from the shoreline.

Mr. Brown replied yes.

Chair Altman stated he noticed that the water depth of these pits, lakes is going to be 40 feet.

Mr. Brown advised yes.

Chair Altman pointed out that is incredibly deep for Florida; but he assumes that was approved by the SJRWMD; and he asked has the County environmental . . . are there other lakes that deep.

Mr. Brown mentioned it is a standard depth; the purpose of their mine is to mine general fill that is used for house pads and then also to mine rock, which goes down to 40 feet; the rock is used for road base, roads, aggregates, like 57 stone and all that; there are two mines to the north of them that are also 40 feet or deeper; and the mines that get beach sand actually go down to 80, 90, 100 foot deep, so 40 is a standard depth for mines.

Chair Altman asked at that depth, is it their intention to use these for stormwater retention.

Mr. Brown responded they could be used for stormwater retention in the future.

Chair Altman stated he knows there has been discussion about when there is a lake that deep and one uses surface water to flow into those lakes, there is a potential of contaminating the aquifer below, he was just curious; but of course, he would have to get St. John's, and he assumes County permitting for that.

Mr. Craven stated if the County did it in the future it would.

Ms. Hart advised yes, it would have to go through County review.

Chair Altman stated and the Water Management District he thinks.

Ms. Hart remarked yes.

Mr. Brown pointed out the Water Management District recently changed their rules, so a wet stormwater pond by itself cannot be used to meet their criteria; if this was going to be permitted in the future, one would have to have basically a treatment pond that then discharged into the wet pond; the wet pond could be used for flood storage; but it probably would not be used for the water quality of it.

Chair Altman stated okay, that is good. He asked if there are any endangered species on the site.

Mr. Brown replied no, they had a Caracara and a wetland study that was done by a consultant and nothing was found.

Chair Altman commented he is very familiar with the area; it is an amazing area; he is also familiar with North Indian River County, he used to represent that area; he knows the community; he knows 25 percent of their trucks go south; and he asked if Mr. Brown has had any complaints from Indian River County residents . . .

Mr. Brown responded no.

Chair Altman stated for the increased truck in a relatively rural area, Fellsmere.

Mr. Brown noted yes, they go through Fellsmere, a lot more traffic to the north.

Chair Altman stated right.

Mr. Brown stated there is a lot more development in Brevard County than there is in Indian River County.

Chair Altman asked again if he has any problems with complaints; he stated he has spoken with some folks there about that; it is intense; but they have done a good job here in their permit application he reviewed quite in detail.

Mr. Brown expressed his appreciation to Chair Altman.

Chair Altman stated he would love to have an opportunity to go out and look at it physically; he has driven by there numerous times; but he reiterated he would love the opportunity to see it firsthand; and he knows that material is very important.

There being no further comments or objections, the Board approved the request for a Conditional Use Permit (CUP) for land alteration in AU and GU (25Z000061) (Tax Accounts 3001213, 3001181, 3020488, 3020489, and part of 3001207, 3030338, and 30303389).

Result: Approved

Mover: Thad Altman

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.4. Public Hearing, Re: Underwood's Equipment Repair LLC (Kim Rezanka) Requests a Zoning Classification Change from BU-2 with a Binding Development Plan (BDP) to BU-2 with Removal of the BDP (26Z00006) (Tax Account 2316318)

Chair Altman called for a public hearing to consider a request by Underwood's Equipment Repair LLC for a zoning classification change from BU-2 with a Binding Development Plan (BDP) to BU-2 with removal of the BDP (26Z00006) (Tax Account 2316318).

Tim Craven, Senior Planner, Planning and Development, stated H.4. is Underwood's Equipment Repair LLC, represented by Kim Rezanka, for a zoning classification change from BU-2 with a BDP to BU-2 with removal of the BDP, located in District 2.

Kim Rezanka stated she is here on behalf of Underwood's Equipment Rental LLC; with her is the owner of the property, Jimmy Underwood; this is on North Merritt Island, north of East Crisafulli Road; she provided a picture of the property, which she included in the Board's packet as well; she mentioned also in the Board's packet is the zoning map; this is BU-2; and it is a commercial area, commercial corridor. She went on to say BU-2 on this property nearby and BU-2 along the other side, obviously a commercial corridor; this area along North Courtenay Parkway does have commercial uses; she provided a packet to the Board, and starting at page 1,605, it shows the Ramsey's Automotive which is right here; it is a service repair; then there are commercial uses; there is Blacks Lawn Spraying on the other side; there is Mr. Tall that just has a lot of storage in his yard; and this is a commercial area, or at least on the commercial road. She explained Mr. Underwood would like to move his mobile commercial repair business to this site; he is going to places and repairing them on mobile; because he has extra land, he would like to do outdoor storage of recreational vehicles and commercial vehicles; there are two residential properties to the north but this would require buffering; there is a 50-foot buffer of two flag stems between this property and the residential property to the east there is going to be a buffer for this; there is going to be an opaque fence required by the County's Code; and it is going to have regular hours, it is not going to be loud, and it is not going to be noisy. She commented there are performance standards that will keep all the lights coming inside so it will not bleed onto the residential property; the North Merritt Island Special District board recommended approval so long as they replace it with a BDP; Planning and Zoning recommended approval so long as they replace it with a BDP, limiting it to BU-1 uses plus the use of commercial and recreational storage and repair of commercial vehicles; the zoning history is somewhat unusual; this started out as light industrial in 1962; it went to BU-1 administratively in 1973; a BU-2 was granted in 1997 with a BDP limited to mini warehouses and to BU-1 uses; and this was removed in 2015. She mentioned as to the mini warehouses, this property is never developed ever for whatever reasons; the property is not developed; when Mr. Underwood purchased this in 2024, this did not even show up in his title work; by looking at it, it is because the legal description attached to the BDP does not reference this property; they are asking that this be removed; they are willing to put another BDP on; she has provided language to Morris Richardson, County Attorney, and Billy Prasad, Planning and Development Director, showing basically that the use of the property shall be limited to parking, locating, and storing of all types of vehicles. She stated that is from the County's Code; that is

why that language sounds stilted; it is including, but not limited to, recreational equipment, recreational vehicles and commercial vehicles, heavy equipment, and to commercial and heavy equipment repair services, as well as all BU-1 uses; and they would ask the Board that it approve the removal of the BDP, and the imposition of the new BDP with that limitation.

Rose Plummer, North Merritt Island Homeowners Association, commented given the language that Ms. Rezanka has identified for a new BDP with the BU-1 uses, they would not be in objection to that.

There being no further comments or objections, the Board approved the request for a zoning classification change from BU-2 with a Binding Development Plan to BU-2 with removal of the BDP.

Result: Approved

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.7. Public Hearing, Re: Gunnar Downes (Jenna Tindall) Requests a Zoning Classification Change from GU to AU (26Z00009) (Tax Accounts 2405759)

Chair Altman called for a public hearing to consider a request from Gunnar Downes for a zoning classification change from GU to AU (26Z00009) (Tax Account 2405759).

Tim Craven, Senior Planner, Planning and Development, stated H.7. is a request for a zoning classification change from GU to AU requested by Gunnar Downes, 26Z00009, located in District 1.

Chair Altman stated he wanted to disclose that he did meet with Ms. Rezanka on the last zoning item, which will be the earlier part of his disclosure.

Gunnar Downes stated he is doing the zoning change from General Use to Agricultural; he has some agricultural pursuits he is trying to go after; and he asked if the Board has any questions.

Richard Heffelfinger commented the Planning and Zoning Board approved this unanimously, so he would like to request that the Board do that as well.

Allison Sterrazza stated she just had a basic question because she noticed this on several items, and this is the first one coming up; and she asked why the County is committing staff resources and evaluation rezoning applications for property owners who have past due taxes by one or two years, and if that is efficient use of the County's resources for people who are not paying taxes who are looking at rezoning. She advised it was a question she was going to ask on the Turtle Mound one, but she noticed this is the first one of several after this.

Chair Altman stated he knows there are very strict constitutional standards and State law how the County addresses property taxes; but that is a legal question, and he is not a lawyer; and he is going to defer to the County Attorney.

Morris Richardson, County Attorney, explained the County is limited to certain narrow considerations in determining application for land use development permits, including rezoning requests, and the status of currency on payments of property taxes is not one of those considerations; he would advise the Board, as a matter of law, it cannot consider in determining

whether or not to grant a rezoning request whether property taxes are paid on the property or not; but although he understands why . . .

Ms. Sterrazza interjected by saying yeah, because the County is using the taxes for the infrastructure to actually have these types of meetings; and she asked if one is not paying the tax, how the he or she is taking advantage of this.

Attorney Richardson advised he certainly understands the point, but under law the County does have a limited number of criteria that it can consider and that is not one of them.

Chair Altman pointed out the Board is not arguing the validity of Ms. Sterrazza's point of view, the County has to follow laws and he knows the standards by which the Legislature and the courts have inflicted on all property taxes are very strict in keeping everyone in their silos; that is definitely not its silo; she might want to talk to her State Representative about that; but that would not be something the County would have anything to do with.

Tad Calkins, Assistant County Manager, added that all of the applications tonight have paid application fees for . . .

Chair Altman interrupted by saying they do pay that.

Mr. Calkins stated yes, sir, they do pay that, they pay application fees.

Ms. Sterrazza stated like she said, with the Turtle Mound they are over \$15,000 past due; she knows this application is like \$700 she thinks when she looked it up; but she asked again, how long one can be delinquent on property taxes; and she stated she guesses they eventually just get sold off and people can buy it based on the tax record.

Chair Altman noted three years, then there will be a tax deed sale.

Ms. Sterrazza asked if the Turtle Mound folks can go one more of not paying taxes.

Commissioner Adkinson asked if this is approved, it actually fixes a non-conforming lot situation, and is that correct.

Billy Prasad, Planning and Development Director, replied that is correct, the current lot is undersized, and this would bring it into a zoning class that is consistent with the size.

There being no further comments or objections, the Board approved the request of Gunnar Downes for a zoning classification change from GU to AU, Application 26Z00009, and Tax Account 2405759.

Result: Approved

Mover: Kim Adkinson

Second: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, and Altman

H.8. Public Hearing, Re: Joshua Law and Jennifer Law request a Small-Scale Comprehensive Plan Amendment (26S.03) to Change the Future Land Use Designation from AGRIC to RES 1:2.5 (26SS00004) (Tax Account 2005257)

Chair Altman called for a public hearing to consider an ordinance setting forth the third Small Scale Comprehensive Plan Amendment (26S.03) to change the Future Land Use (FLU) designation from AGRIC to RES 1:2.5.

Tim Craven, Senior Planner, Planning and Development, stated he is going to read Items H.8. and H.9. together as they are companions; Joshua Law and Jennifer Law requests a Small Scale Comprehensive Plan Amendment to change the FLU designation from Agricultural to residential 1 to 2.5, 26SS00004; and H.9. is Joshua Law and Jennifer Law requests zoning classification change from GU to AU with zoning action 26Z00013, all in District 1.

Chair Altman stated Joshua and Jennifer Law is the first card, and he thinks there is an addition there.

Jennifer Law advised that is Evelyn and Tanner.

Joshua Law stated they are just changing it to agricultural so they can, long-term plan, build a house here, 10-year plan, but they want to be able to put their animals there, be able to fence it, get power put there; they talked and worked with the County five years ago, and the man he talked to proposed this action so they could get power there without having a site plan and having to re-permit and get a temporary pole; he said they only get three years for that; they are moving forward with that; they also acquired more land around it to make it five acres; but it is not there yet, they are still about an acre short.

Chair Altman stated the first card is Richard Heffelfinger; one is on H.8. and one on H.9.; and he asked if the Board is hearing H.8.

Commissioner Feltner pointed out they are companions.

Morris Richardson, County Attorney, advised the Board is hearing them as a companion piece; usually the Board only grants one bite at the apple for related Items, so all comments and time allotted, Mr. Heffelfinger.

Richard Heffelfinger asked if the Board is addressing both now.

Attorney Richardson replied affirmatively.

Mr. Heffelfinger noted they were heard together at the Planning and Zoning Board as well. He stated there is an empty seat up there, so he thought he would come up and speak, because one of the District 1 representatives, he does not believe voted for this because she had some concerns: and since he had some time, he will just read them into the record. He stated she stated there were wetlands impact, she had the report, and they said, yes, according to the Code Enforcement Officer in this report that he has, yes, there was wetlands impact; she said according to the maps all but the teeny, tiniest, little corner is either considered in or national inventory wetlands of St. John's River; GU is one home per five acres if he is correct, and that is the restriction when building within a wetland; a rezoning to a 1.25 to build a home where the map shows all wetlands does not exactly allow to build a home either; she said her biggest concern is she was familiar with the area, and down the road, not that far, Road and Bridge routinely goes out and fix where the entire road blows out due to drainage, so if the County

starts compromising the one per five acre in a wetland to 1.25, all those folks that live downstream, which she believed would be Administrative Policy 7 that applies to this would be suffering due to the excess; by the time all of these lots are developed out, everybody just next door is going to be underwater, and their roads are not going to be drivable; and that is her concern. He stated she went on to say she is talking about the rezoning in general because it is asking the residents to go to 1.25, and if the County allows a home on half of the acres that is required or it is rezoned, giving the application the idea that he can build a home on 2.5 acres of wetland, that is not buildable because one must have five; this has nothing to do with the Code case, she was asking about policy; there was a discussion earlier about Code; she feels that might be valuable information to have because if it is just unanimously voted to rezone this property, it still does not mean that this guy is going to get what he wants, and he pays money to come up for them; she just feels like this is valuable information so someone can plan his or her future; and that is up to the Board to make that decision. He went on to say another one of the board members inquired that if he had put it back together, because he thinks he has played some zoning changes in combining some acreage, he is not sure; then someone stated that Roots Point when it is that many wetlands, typically the restriction is different; and it is not Res 1.25, it is one per five acres, so that is policy. He advised his point is this is a little confusing and District 1 had some valid reasons for saying they do not think this is a good idea; it sets precedent; based on what he reads here, and they have a District 1 representative on the P&Z Board for a reason, he would like to recommend that the Board do not do that; he can continue to read this in, but he thinks the Commissioners read this, it does not answer questions now; but if he or she read this, the Commission knows there is a District 1 concern; he knows District 1 would vote no; and he would encourage the Board, since this is a District 1 issue, to vote no.

Chair Altman expressed his appreciation to Mr. Heffelfinger for bringing this to the Board's attention.

There being no further comments or objections, the Board adopted Ordinance No. 26-08, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Third Small Scale Plan Amendment of 2026, 26S.023, 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: Rob Feltner

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.9. Public Hearing, Re: Joshua Law and Jennifer Law Request a Zoning Classification Change from GU to AU (26Z00013) (Tax Account 2005257)

Chair Altman called for a public hearing to consider a request from Joshua Law and Jennifer Law for a zoning classification change from GU to AU (26Z00013) (Tax Account 2005257).

There being no further comments or objections, the Board approved request of Joshua Law and Jennifer Law for a zoning classification change from GU to AU, on property located on the northeast corner of Hog Valley Road and Pine Needle Street, Mims.

Result: Approved
Mover: Rob Feltner
Seconders: Kim Adkinson
Ayes: Goodson, Adkinson, Feltner, and Altman

H.10. Public Hearing, Re: DiPrima Construction Corporation and Daniel Carson (Kim Rezanka) Request a Zoning Classification Change from RU-1-13 and RU-2-10 to RU-2-15 (26Z00014) (Tax Accounts 2716291 & 2716290)

Chair Altman called for a public hearing to consider a zoning classification change from RU-1-13 and RU-2-10 to RU-2-15 (26Z00014) (Tax Accounts 2716291 and 2716290).

Tim Craven, Senior Planner, Planning and Development, stated Item H.10., is DiPrima Construction Corporation and Daniel Carson, Kim Rezanka representing, requests a zoning classification change from RU-1-13 and RU-2-10 to RU-2-15, with zoning action 26Z00014, located in District 5.

Chair Altman advised he and Ms. Rezanka met earlier, and he wanted to disclose that.

Kim Rezanka stated she is here on behalf of DiPrima Construction and Daniel Carson; this is a rezoning request for all RU-2-15 and a Residential 15 zoning; the intent is to combine the two properties, tear down the house that is on the RU-1-11, RU-1-13 to tear that house down, combine the properties, build a condominium or townhome development and sell them as single-family fee simple; this is all in Residential 15; this is a multifamily area, there are some that are rented, there are some that are not rented; and this slide is in the Board's packet. She continued by saying this is on 1.14 acres; again, this Future Land Use (FLU) has been there since 1998 for RES 15; it is consistent with the uses that are around it; it is consistent with the sizes that are around it; and with her are two representatives of DiPrima Construction, Evan McCluan and Demar Hahn who is the vice president of DiPrima Construction if the Board has any specific questions as to their intended use and intended building.

Chair Altman pointed out he knows the area well and has been by the site, and he will make a motion for approval on the Item.

Commissioner Adkinson stated she seconded the motion.

There being no further comments or objections, the Board approved request of DiPrima Construction Corporation and Daniel Carson for a zoning classification change from RU-1-13 and RU-2-10 to RU-2-15, on property located on the north side of Coral Way East, west of Highway A1A, Indialantic.

Result: Approved
Mover: Rob Feltner
Seconders: Kim Adkinson
Ayes: Goodson, Adkinson, Feltner, and Altman

H.12. Public Hearing, Re: Approve Ordinance Amending Chapter 62, Brevard County Code of Ordinances, "Land Development Regulations," Specifically Amending Sections 62-1102, "Definitions and Rules of Construction," and 62-305 "Reasonable Accommodation Standards and Procedures," as well as Creating a New Section of Brevard County Code, Section 62-305.1, entitled "Certified Recovery Residences"

Chair Altman called for a public hearing to consider an ordinance amending Chapter 62, Brevard County Code of Ordinances, "Land Development Regulations," specifically amending Sections 62-1102, Definitions and Rules of Construction," and 62-305 "Reasonable Accommodation Standards and Procedures," as well as creating a new section of Brevard County Code, Section 62-305.1, entitled "Certified Recovery Residences."

Tim Craven, Senior Planner, Planning and Development, stated H.12. is an ordinance amending Chapter 62, Brevard County Code of Ordinances, "Land Development Regulations," specifically amending Sections 62-1102, Definitions and Rules of Construction," and 62-305 "Reasonable Accommodation Standards and Procedures," as well as creating a new section of Brevard County Code, Section 62-305.1, entitled "Certified Recovery Residences."

Richard Heffelfinger stated he just wanted to put it into the record that the motion to recommend denial of H.11. was made at the Planning and Zoning committee, and was seconded and the motion was unanimously denied.

Chair Altman advised this was H.12.

Commissioner Feltner stated he is going to vote no on this Item, because he has not had a positive experience with these types of things; there have been concerns by nearby neighbors and he has gone through quite a lot to put down those concerns, address them, or had law enforcement come and speak not just on this but other types of situations like this; and he reiterated he will not be voting for it today.

Chair Altman explained this is the result of a State law change that the County is bound to follow by State law; ironically, under the County's present Code, it really does not make a difference because it does not disallow these types of facilities anyway; these facilities would have greater oversight than a home that may have a recovering person, or an addict that is not seeking recovery, supervision, or meeting certain criteria; and he feels comfortable with it and will support it.

There being no further comments or objections, the Board adopted Ordinance No. 26-09 setting forth amendments necessary to comply with Section 397.487(15), Florida Statutes; amending Chapter 62 of the Code of Ordinances of Brevard County, Florida, specifically revising Section 62-305, entitled "Reasonable Accommodation Standards and Procedures", to clarify applicability to reasonable accommodations in general; creating a new section, Section 62-305.1, entitled "Certified Recovery Residences", to provide for definitions and standards and procedures for reasonable accommodations for certified recovery residences; revising Section 62-1102, entitled "Definitions and Rules of Construction", to distinguish certified recovery residences from treatment and recovery facilities; providing for conflicting provisions; providing for conflicting provisions; providing for severability; providing for inclusion in the Brevard County Code of Ordinances; providing for an effective date.

Result: Adopted
Mover: Thad Altman
Second: Kim Adkinson
Ayes: Goodson, Adkinson, and Altman
Nay: Feltner

L.1. Reports, Re: Jim Liesenfelt, County Manager

Tad Calkins, Assistant County Manager, stated the Board mentioned that there may be a potential quorum issue for the September 3rd meeting; if the Board so chooses, staff could probably move that meeting to September 10th; if the Board gives staff that direction, they will be happy to make those amendments to the schedules and get those advertisements out for those applications that would be coming for the Board; that would be Thursday, September 10th meeting, which would be a Planning and Zoning meeting, much like the Board is having tonight; and that would be moving it to September 10th, which would be the following Thursday.

Chair Altman asked if the Board needs to make a motion.

Jim Liesenfelt, County Manager, replied yes, that would be best; and staff would get the calendar change out afterwards.

The Board approved rescheduling the September 3, 2026, Zoning meeting to September 10, 2026.

Result: Approved
Mover: Rob Feltner
Second: Kim Adkinson
Ayes: Goodson, Adkinson, Feltner, and Altman

L.5. Public Hearing, Re: Kim Adkinson, Commissioner District 3, Vice-Chair

Commissioner Adkinson stated the homestead property tax referendum is going to be on the November ballot; she has been out in the community and she keeps hearing what if, they wonder what the real deal is, asking her how it is going to affect the County; she is wondering how the Board might feel about directing staff to give it some actual facts about how it is going to affect the fiscal goings on for the next years; she would just like to have some facts by people who know what they are doing so that when she goes out into the community, she can talk sensibly; she does not exactly know what it is staff could put together to be fair; but she needs to know more than she does.

Chair Altman advised he thinks it is an excellent idea, and he will take it a step further, he thinks they should hear from the Constitutional Officers and maybe the city officials; he met with a former city manager just this morning, and some of the things the cities are proposing are pretty serious; some are even looking at consolidating services, which may not be bad; some want to subcontract with the Sheriff and do away with their police departments; the impact is just immense; he thinks having the Constitutional Officers, Sheriff, and the cities, which may take a little time to get together; but at least, he thinks the Board owes it to the public.

Commissioner Adkinson stated the County Manager knows more about the impacts this is going to have, he knows more about what she needs to know, so when she goes out into the community again, she can give them the facts.

Jim Liesenfelt, County Manager, explained what staff can do is put together a few pages of memorandums a little bit to show . . . he has some numbers here; the Property Appraiser has been really good to work with, gave staff some numbers; for example, when this takes effect, if it takes effect, in 2029, the County would face about a \$54 million reduction in the General Fund ad valorem; staff can give the Board some numbers on how they affect the Multiple Service Taxing Units (MSTUs), what is or is not a core service, and a couple of things like that, that can be moved around; he has seen a presentation from Melbourne; he has read a little bit last night about Palm Bay; he cannot tell the Board exactly what the cities are doing, but he can tell the Commissioners what the effects would be in the reduced property tax revenue, they can talk about rollback, and what funds can fund what; and it will not get down to the service level, but it gives the Board some ideas of the fiscal impact.

Commissioner Adkinson stated she was at the Republican Women's Club in Palm Bay and they started asking her questions; and to be honest, if Dana Blickley, Property Appraiser, had not been there, she was very helpful.

Chair Altman mentioned not just the dollar amounts but actual services that would have to be cut and what choices; for example, people have to pay a pretty hefty fee if they have to call an ambulance; he was just having a conversation with a constituent; potentially, there will be people who make a very life changing decision to not even call an ambulance because those fees could go up; and it could affect the decision for response.

Mr. Liesenfelt stated first of all, ambulances are out of General Fund; the rough numbers staff got from the Property Appraiser, the Fire Rescue MSTU would go down by about \$6 million; staff is not at the point where they can give the Board service level impacts, but they can tell it what services would be impacted, give the Board some ideas there; they are probably going to add a little bit of that information into the budget message next week; the budget is going to focus on this coming year; but they will have some information there; and like he gave the Board a heads up, *Florida TODAY* has asked some questions, so he is expecting an article to come out about what some of the impacts would be as well.

Commissioner Adkinson asked if the discussion is good enough or does the Board have to do anything more formal.

Chair Altman asked if the Board needs to take action.

Mr. Liesenfelt replied no, he has the direction the Board would like to see a report back on what the financial impacts could be and what the service impacts could be.

Chair Altman noted that is a great idea; he thinks one of the things the County wants to prevent is something like this passing and then constituents asking why they did not know this was going to happen; and he wants to make sure they have as much information so they know what they are voting for.

Commissioner Feltner commented there is a point that the County cannot campaign against the referendum; he is always very mindful of that; he does not know at what point it starts expending resources; he has said this many times on this Board, issues that have come before the voters; having facts that a Commissioner has, he or she is talking to people out there in the community, he thinks that is great; he thinks producing something and starting to expend money on it, the County is getting into something different; and he would just urge that caution.

Morris Richardson, County Attorney, advised staff will be keenly aware of where those boundaries are; they have already had discussions about them, and there has been guidance

from the County Attorney's Office and other sources they were looking to; and they will stick to the parameters of factual information provided, they will not be doing any electioneering or campaigning.

Chair Altman pointed out the Board is looking for information.

Mr. Liesenfelt stated they are allowed to answer questions, so that is what he is hearing from the Board, what the questions are regarding the fiscal impacts and what are some of the services, so that is what they will be providing; and they will stick to the facts.

Chair Altman stated he thinks also there would be other revenue options; he has had people say this could be really hard on the County or cities, but there are other revenue options if that is true or not, and what those would be; and those are just simply content, not advocating for anything, but what the facts and issues are, and what information the County can get out there.

Commissioner Feltner stated he wanted to ask a technical question from the Legislature's perspective; and he asked during the special for the implementing language, if the Legislature can consider at that time other revenue possibilities for municipal governments.

Chair Altman responded he thinks so, absolutely, they could do a lot of things; he reiterated absolutely, they have that ability; he was an intern in the Legislature when they increased sales tax by a penny and shared, they went up a penny, and they gave half of it to local governments; he does not know if that is not going to happen again; but yes, they have that ability; as a matter of fact, the House when he was a member under Marco Rubio, they passed a bill getting rid of all property taxes; he got a little humored when they had a headline, 'this is historical, never been done'; no, it was done not that long ago, completely did away with property taxes; but it was 100 percent replaced with another revenue source. He stated they do have the ability in implementing; and that is something the County could definitely include as it educates people what the options are.

L.7. Reports, Re: Thad Altman, Commissioner District 5, Chair

Chair Altman stated he would like, and if the Board concurs, to have its lobbyists lobby firm give a report to the Board of its successes, failures, and unmet needs as a result of the Legislative session.

Jim Liesenfelt, County Manager, advised staff does have that, they just got it yesterday or the day before, so he will get that forwarded to the Board; he has not made it through all of his emails yet; and it is a report from Steve Crisafulli on the State.

Upon consensus of the Board, the meeting adjourned at 6:32 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

THAD ALTMAN, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA