

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, August 7, 2025

5:00 PM

Zoning

Commission Chambers

Rollcall

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

A. CALL TO ORDER 5:00 PM

ZONING STATEMENT

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

C. PLEDGE OF ALLEGIANCE

Commissioner Delaney led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the May 1, 2025, Zoning Meeting Minutes.

Result: APPROVED

Mover: Katie Delaney

Seconder: Thad Altman

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

G. PUBLIC COMMENTS

Alan Siegel commented based on what the news said, they said there was a regular Commission meeting a change to an ordinance was passed for the County by a 3:2 vote; they said the next would be to go to this committee here; and then basically back to them again. He stated he hopes he is doing this right; he is requesting a denial of the proposed change to County Ordinance 2012-36, which allows the keeping of chickens; as a resident of Palm Garden Lakes, a Homeowners Association (HOA), with an average lot size of approximately .2 acre, he believes that adopting this change would not only upset their residents, but would also override the established rules; HOAs are purchased for the assurance of security and tranquility; and their neighborhood is zoned for residential use, not agricultural use. He went on to say if they were seeking a farm lifestyle, they would have chosen not to live in an HOA;

therefore, he kindly requests that the proposed change be denied; chickens, while domesticated livestock, are not pets; they carry diseases like salmonella, listeria, E. coli, and avian flu, which can be transmitted to humans; the recent law change does not address proper hygiene and handling practices, or training of poultry owners to minimize these risks to the general public, leaving the public vulnerable; chickens pose a threat to public safety because they can also attract unwanted pests, bring predators, and are noisy; allowing chickens on any residential property would take Brevard County backwards, instead of moving forward; and after all, it is the Space Coast not the farm coast. He noted the current regulations safeguard residents, including those in the general population by imposing a minimum property size requirement of a half-acre or more and restricting residents to zoned agricultural areas with domestic livestock in unincorporated areas of the County; the current law protects Brevard County residents living in HOAs, currently 1,634 associations and growing, with smaller lots known as zero lot line, which are five to 10-feet between each home; these residents would be vulnerable to untrained neighbors with domestic livestock next door; he asked what impact this would have on neighbors with compromised immune systems; he advised the most common complaint an HOA has about a resident is they do not pick up after their pets; regular pets like dogs and cats are licensed and vaccinated against diseases; and chickens, on the other hand, are not. He stated a resident of their community built a coop right alongside the right fence line in violation of city and County Ordinances; that person claims they removed their chickens and rooster because of West Melbourne's code enforcement; the proposed change would force cities to alter their laws; in his opinion, as the law stands, it does not need to be changed; if the Board feels compelled to change, exclude HOAs and residential properties; and as far as people doing it for the price of eggs, they are down to \$3.64 per dozen at Publix and keep dropping.

Commissioner Delaney stated she is not sure which report Mr. Siegel was listening to, but these changes only have to do with North Brevard, not HOAs, and not cities, so only unincorporated land in North Brevard. She pointed out this will not affect Mr. Siegel.

Mr. Siegel stated they reported all of Brevard County, because they had code enforcement of West Melbourne who looked up their rules and the County's rules, and then they were able to explain to the homeowner that one cannot do this; they did not say anything that it was there; even for unincorporated, he does not know if there are any HOAs there, just saying one can have a chicken on any residential lot, he asked who would want to live next door to a neighbor with .2 or less acre piece of property; and what they did say is that it still had to go to the County Commission, and back to them again at the next regular meeting; and then because they only voted by a 3:2 margin, that basically they would have to re-examine any input from the Board, and then go forward from there.

Chairman Feltner advised Mr. Siegel's HOA with its deed restrictions, the County would not supersede that anyway; and then again, to Commissioner Delaney's point, that would only be in unincorporated areas. He pointed out the County Commission cannot tell the City of West Melbourne how many chickens their residents can have.

Mr. Siegel asked so what the Commission is saying is that the proposed law change of Ordinance 2012-36 is only for North Florida, he means North Brevard.

Chairman Feltner explained the Board has not taken a vote on that yet, that was just to advertise a legislative intent; and it is still an item to debate.

Mr. Siegel stated that is why they said he should come speak to the Commission.

Chairman Feltner stated perhaps, but he thinks a future Commission meeting would probably be better, the Board does not take that up tonight; and he asked Mr. Siegel to leave his information with Paul, and the County will make sure he gets any kind of update.

H.1. NDW Consultants LLC are requesting a change of zoning classification from AU to RR-1. (25Z00008) (Tax Accounts 2004246 & 2004248) (District 1) The Planning & Zoning Board continued this item to the August 18, 2025, Planning and Zoning meeting

Trina Gilliam, Planning and Zoning Manager, commented Item H.1., NDW Consultants LLC are requesting a change of zoning classification from AU to RR-1, under application 25Z00008, located in District 1; the Planning and Zoning board continued this Item to the August 18, 2025; and tonight staff is asking for a continuance of this Item to September 4, 2025, Board of County Commissioners meeting.

The Board continued the request of NDW Consultants LLC to change the zoning classification from AU to RR-1 to the September 4, 2025, Zoning meeting.

Result: CONTINUED

Mover: Katie Delaney

Second: Kim Adkinson

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

H.2. Forbes Remodeling & Construction LLC (Chester Forbes) requests a zoning classification change from AU to RU-1-13. (25Z00009) (Tax Account 2802070) (District 5)

Chairman Feltner called for a public hearing to consider a change of zoning classification from AU to RU-1-13, as requested by Forbes Remodeling and Construction LLC.

Trina Gilliam, Planning and Zoning Manager, stated Item H.2., Forbes Remodeling and Construction LLC, being represented by Chester Forbes, requests a zoning classification change from AU to RU-1-13, under application 25Z00009, located in District 5.

There being no further comments or objections, the Board approved the request of Forbes Remodeling and Construction LLC for a change of zoning classification from AU-RU-1-13.

Result: APPROVED

Mover: Thad Altman

Second: Kim Adkinson

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

H.3. River Fly-in Condominiums, Inc. (Bruce Moia) requests a change of zoning classification from IU and PUD with BDPs to all PUD and retention of BDPs. (24PUD00001) (Tax Accounts 2501000 & 3034474) (District 2)

Chairman Feltner called for a public hearing to consider a change of zoning classification from IU and PUD with BDPs to all PUD and Retention of BDPs, as requested by River Fly-in Condominiums, Inc.

Trina Gilliam, Planning and Zoning Manager, advised that Item H.3., River Fly-in Condominiums, Inc., represented by Kimberly Rezanka and David Bassford, requests a change of zoning classification from IU and PUD with BDPs to all PUD and retention of BDPs, under

application 24PUD00001, located in District 2.

Kimberly Rezanka, Lacey Rezanka, representing River Fly-in Condominiums, Inc., stated with her is Dr. Wasim Niazi and David Bassford; this is an amendment to the PUD adding 15 plus or minus acres of industrial land, changing the industrial land to PUD; and it is for the sole purpose of basically using unusable land and adding an amenity to the already existing condominium, which is PUD that was approved a long time ago; she provide the Board what she presented to Planning and Zoning; it is a more updated PDP; and it is dated May 5, 2025. She went on to say it is basically the same that was in the Board's packet, it does not have all of the bubbles, and just shows the walking trail and the 18 slips; this was recommended for approval unanimously; this is not final engineered drawings, this is just the preliminary development plan; a final development plan will have to come forward to staff and they will deal with the fire issue; Dr. Niazi also has a 50-year ground lease on the other side of this canal that the fire trucks will also be using this Wall Street easement to maintain any issues that might happen with his property and his ground lease, or with these boat slips; and there will be nothing other than people walking to their boats. She advised they are here to answer any questions.

Billy Prasad, Planning and Development Director, explained he was just going to ask the applicant to please commit into the record that they would maintain public access to the waters that exist today.

Ms. Rezanka stated yes, they certainly will; they have no intent, all they are doing is getting an easement from the County to build out the cul-de-sac so they can get the fire protection to the boats that may happen; there will be a gate at that access, but that will be no reflection on stopping any boats going down there; and she thinks they have a launch for kayaks, so no, there will be no stoppage of any public access to that canal.

Commissioner Goodson asked what purpose is there for a gate unless they have a lock on the gate.

Ms. Rezanka asked Dr. Niazi if there would be a lock. She advised there will be a lock on a gate that is for, she thinks, a six-foot access.

Commissioner Goodson asked if there is a lock on the gate, then they would not have public access, is that correct.

Ms. Rezanka responded no, it is not public access to Dr. Niazi's property; and it is not blocking the entire canal.

Commissioner Goodson asked if it is at the end of Cone Road, so the gate is not there, right.

Ms. Rezanka replied affirmatively; it would be just from the edge of the cul-de-sac going to the property, like six feet, there will be a gate; and it is not blocking the canal, it is blocking access to Dr. Niazi's property.

Commissioner Goodson stated he assumes they were going to park on the shoulder of the road; he asked if that is correct; and if they bring a kayak, are they going to park on the shoulder.

Ms. Rezanka responded they are not dealing with the kayak, there is already a kayak public access there; she does not know what they do there; it is a publicly maintained road; but the

owners of the condominiums are the only ones entitled to use these boat slips; and they will have access pedestrian only, they will park their car at the condominium.

Morris Richardson, County Attorney, asked if there will be no parking on Wall Street. Ms. Rezanka replied no, and they can commit to that; and they can put up signs if the Board would like them to do that, like no amenity parking or something along those lines.

Commissioner Goodson inquired what Mr. Prasad's thoughts are on this.

Mr. Prasad responded he thinks the two primary concerns are maintaining public access to the water, which the applicant has just committed to maintaining; the second was people parking on Wall Street to access the boat slips; if there is a locked gate so people cannot use that raised boardwalk to access the slips, it may mitigate that concern; people do apparently park on Wall Street today to access that launch, so it is already an issue; the question would be whether it exacerbated it or not; and the measures may mitigate that.

Commissioner Goodson asked if the Board should make a stronger request to them to see if they will agree, or is Mr. Prasad happy with what he has and he will handle the problems later on.

Mr. Prasad responded if the Board is willing to put a condition that the applicant would work with staff during the site planning to prevent unlawful parking on Wall Street, that would be helpful.

Commissioner Goodson asked Ms. Rezanka if they would.

Ms. Rezanka replied certainly.

There being no further comments or objections, the Board approved the request for a change of zoning classification from IU and PUD with BDPs to all PUD and retention of BDPs, with the following conditions: commit to maintaining public access to the water and applicant to work with staff during site planning to prevent unlawful parking on Wall Street.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

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

H.4. Emerald Plaza Development, Inc (Louis Riposta) requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption accessory to a cigar bar in Units 1-5. (25Z00014) (Tax Account 2419246) (District 2)

Chairman Feltner called for a public hearing requesting a CUP for alcoholic beverages for on-premises consumption, accessory to a cigar bar in Units 1-5, as requested by Emerald Plaza Development, Inc.

Trina Gilliam, Planning and Zoning Manager, advised H.4., Emerald Plaza Development, Inc., being represented by Louis Riposta, requests a CUP for alcoholic beverages for on premises consumption, accessory to a cigar bar in Units 1 through 5 under application 25Z00014, located in District 2.

Commissioner Goodson stated his understanding is in the strip plaza is a Mexican restaurant

that sells beer and wine; and plus, in that center is a cannabis shop.

Ms. Gilliam advised that is correct.

Commissioner Goodson stated then a church; he thinks he understood, the owner of the strip center asked the tenants to sign a letter that they would not object to a liquor bar; and he asked is there any truth to them signing something prior to leasing there.

Ms. Gilliam replied yes, they have a copy of the lease that there is a clause in there that states they will not interfere with any other commercial businesses in the plaza that may sell alcohol.

There being no further comments or objections, the Board approved a CUP for alcoholic beverages for on-premises consumption, accessory to a cigar bar in Units 1-5, as requested by Emerald Plaza Development, Inc.

Result: APPROVED

Mover: Tom Goodson

Second: Kim Adkinson

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

Morris Richardson, County Attorney, stated Commissioner Goodson has a disclosure to make prior to this next Item; staff has just filed, on his behalf, Form 8B, Disclosure, with the Clerk for Items H.5. and H.6.

Commissioner Goodson advised he is going to abstain from voting on this and discussing this Item, because he is the owner and the manager of the applicant, TG Rentals of Brevard, LLC.

Chairman Feltner stated the Board is going to take a break, Commissioner Goodson will leave, then the Board will come back on H.5.

*The Board recessed at 5:23 p.m. and reconvened at 5:27 p.m.

H.5. TG Rentals of Brevard, LLC (MBV Engineering, inc.) requests a Small-Scale Comprehensive Plan Amendment (25S.10), to change the Future Land Use designation from RES 15 to CC. (25SS00005) (Tax Account 2409190) (District 1)

*Commissioner Goodson's absence was noted at 5:27 p.m.

Morris Richardson, County Attorney, stated he believes that Bruce Moia was authorized previously to represent this Item, but he is sick; David Bassford from Mr. Moia's firm is here; and Commissioner Goodson has just given Mr. Bassford authorization to present the Item.

Chairman Feltner called for a public hearing to consider a request by TG Rentals of Brevard, LLC for a Small-Scale Comprehensive Plan Amendment (25S.10), to change the FLU Designation from RES 15 to CC.

Trina Gilliam, Planning and Zoning Manager, stated Items H.5. and H.6 are companion applications, she will read them into the record together; however, they will need separate approvals; TG Rentals of Brevard, LLC, being represented by MBV Engineering, Inc., requests a Small Scale Comprehensive Plan Amendment, 25S.10, to change the FLU designation from RES 15 to CC, under application 25SS00005, located in District 1; and TG Rentals of Brevard, LLC, being represented by MBV Engineering, Inc., requests a change of zoning classification RVP to BU-2, under application 25Z00016, located in District 1.

There being no further comments or objections, the Board adopted Ordinance No. 25-13, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Tenth Small Scale Plan Amendment of 2025, 25S.10 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: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Abstain: Goodson

H.6. TG Rentals of Brevard, LLC (Bruce Moia) is requesting a change of zoning classification from RVP to BU-2. (25Z00016) (Tax Account 2409190) (District 1)

Chairman Feltner called for a public hearing to consider the request by TG Rentals of Brevard, LLC for a change in zoning classification from RVP to BU-2, with a BDP restricting the use to all BU-1 uses and only BU-2 uses of outdoor storage and mini-warehouses.

There being no further comments or objections, the Board approved the request of TG Rentals of Brevard, LLC for a change in zoning classification from RVP to BU-2, with a BDP restricting the use to all BU-1 uses and only BU-2 uses of outdoor storage and mini-warehouses.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Abstain: Goodson

L.3. Katie Delaney, Commissioner District 1

Commissioner Delaney stated she has one thing she wanted to talk to the Board about; after seeing the Board Agenda for Tuesday, she has some concerns about the approval of the Interim County Manager to be the permanent; she just feels like, as a Board, it made the decision to go out for a national search so that the Board could do its due diligence and do a full effort to search for the right applicant; right now the County has 57 applicants; the search firm has done this; and they are going to extend it to get even more applicants. She went on to say she is just wondering why the Board is jumping the gun; this is not a reflection on the Interim County Manager at all; she spoke with him today and shared with him some of her thoughts; but she really felt like this was premature, especially since he has said, at least to her on numerous occasions, that he was not interested in having the permanent position; not only for the County's constituents that it has spent this money to go out and search for a candidate, but also for the current Interim County Manager; it would be a better situation, in her opinion, if the Board continues on with the process; and if he wants to be a part of that, and would like to put in an application, this way the Board can go to the public saying it had a massive search, looked through all of the candidates, and he is still the guy. She noted she wanted to bring forth her concerns prior to the meeting, and she was wondering if there are any thoughts about this,

because frankly, she is blindsided, she was shocked when she saw the added Item.

Chairman Feltner commented the only thing he could say to Commissioner Delaney tonight is the Board will discuss it Tuesday, and take as much time as it needs to.

Commissioner Delaney advised she appreciates that.

Upon consensus of the Board, the meeting adjourned at 5:34 p.m.

RACHEL M. SADOFF, CLERK

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