

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, July 17, 2025

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

Rollcall

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

Absent: Commissioner District 5 Thad Altman

B. ZONING STATEMENT

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

C. PLEDGE OF ALLEGIANCE: Commissioner Rob Feltner, District 4

Chairman Feltner led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: 3-27-2025 Budget Workshop, 4-15-2025 Budget Workshop

The Board approved the March 27 and April 15, 2025, Budget Workshop meeting minutes.

Mover: Kim Adkinson

Second: Katie Delaney

F.1. Acceptance, RE: Binding Development Plan with Nicholas Duffy (24Z00071) (District 3)

The Board executed Binding Development Plan Agreement with Nicholas Duffy, for property located on the south 329 feet of Government Lot 3, Section 11, Township 30 South, Range 38 East, lying west of the Right-of-Way line of the Florida East Coast Railroad Right-of-Way, less and except that part contained in Official Records Book 1177, Page 296 and Official Records Book 1554, Page 73, Public Records of Brevard County, Florida.

Result: APPROVED

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

F.2. Acceptance, RE: Binding Development Plan with Troy Holdings, LLC (25Z00001) (District 2)

The Board accepted and executed Binding Development Plan with Troy Holdings, LLC, for property located on Official Records Book 4098, page 0601:4 parcel of land in lying in Section 2, Township 25 south, Range 36 east, Brevard County, Florida, being a portion of the lands described in official records book 2334, page 2381, of the public records of Brevard County, Florida, being more particularly described as follows: commence at a point of intersection of the centerline of South Tropical Trail (60 foot right of way) and a point 470.34 feet south by right angle measurement of the north line of section 2; thence N 94 degrees 20'59" W, along the centerline, a distance of 100.28 feet, thence n 89 degrees 33'15" E, a distance of 831.92 feet to a point on the centerline of a 25 foot wide drainage easement and the point of beginning, thence continue N 89 degrees 33'15" E, a distance of 211.23 feet, thence N 00 degrees 26'45" W, a distance of 106.83 feet, thence N 73 degrees 06'03"E, a distance of 52.07 feet to the westerly right of way of South Courtenay Parkway (a.k.a. State Road No. 3, a 100 foot right of way), said point being on a circular curve concave to the northeast and having a radius of 1578.00 feet, said radius bears S 72 degrees 05' 13"W, thence southeasterly along said westerly right of way and said curve through a central angle of 03 degrees 00'47", a distance of 83.00 feet, thence S01 degrees 53'57" W, a distance of 350.98 feet to the north line of Tropical Gardens, as recorded in plat book 16, page 138, of the public records of Brevard County, Florida, thence S 89 degrees 33'15" W along said north line, a distance of 195.23 feet to a point on the centerline of said 25 foot drainage easement, thence N 13 degrees 18'46" W, along said centerline, a distance of 70.56 feet, thence N 17 degrees 40'57" W, along said centerline, a distance of 55.26 feet, thence N 13 degrees 44'12" W, along said centerline, a distance of 49.09 feet, thence N 17 degrees 23'01"W, along said centerline, a distance of 49.30 feet, thence N 13 degrees 06'01" W, along said centerline a distance of 49.87 feet, thence N 13 degrees 14'24" W, along said centerline, a distance of 43.49 feet to the point of beginning. Subject to a drainage easement over the west 12.5 feet.

Result: APPROVED

Mover: Kim Adkinson

Seconders: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

F.3. Acceptance, RE: Binding Development Plan with Home Nation Cocoa, LLC. (25Z00005) (District 1)

The Board accepted and executed Binding Development Plan with Home Nation Cocoa, LLC, for property located on the south 250 feet bordering on U.S. Highway No. 1, of the west 400 feet of the south 9.31 acres of the north 12.31 acres Lot 1, except that property described in Deed Book 172, Page 3 and O.R. Book 42, Page 52 in Section 8, Township 24, Range 36; and that part of south 9 ½ acres of the north 12 ¾ acres of the NE ¼ of the NE ¼ lying east of U.S. Highway No. 1 in Section 7, Township 24, Range 36; and the north 80 feet bordering on U.S. Highway No. 1 of the west 400 feet of the south 9.31 acres of the north 12.31 acres of Lot 1, except that property described in Deed Book 172, Page 3 and O.R. Book 42, Page 52, in Section 8, Township 24, Range 36, and that part of the south 9 ½ acres of the north 12 ¼ acres of the NE ¼ of the NE ¼ lying east of U.S. Highway No. 1, in Section 7, Township 24, Range 36.

Result: APPROVED

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.1. Casabella Development, LLC (Kim Rezanka) requests a zoning classification change from BU-1-A to RU-2-6. (24Z00064) (Tax Account 3018651) (District 4)

Chairman Feltner called for Public Hearing on a request by Casabella Development, LLC for a zoning classification change from BU-1-A to RU-2-6, application number 24Z00064 for tax account number 3018651, located in District 4.

Trina Gilliam, Planning and Zoning Manager, stated this is Casabella Development, LLC being represented by Kim Rezanka, requesting a zoning classification change from BU-1-A to RU-2-6, under application 24Z00064, located in District 4.

Kim Rezanka stated she is there on behalf of DiPrima Construction Corp which is the contract purchaser for the property owned by Ron Levy; this parcel is five acres and currently zoned BU-1-A restricted neighborhood retail; they are seeking RU-2-6 to build townhomes; according to the staff report currently, if this was done under live local, they could have 30 units to the acre, based upon the residential 15 to the Future Land Use to the west, but they are seeking just RU-2-6 which would limit it to 30 units; and they have provided a concept plan without any engineering that shows 20 units, but it does show the buffering and is avoiding the impacts to the wetlands. She noted it is the desire of DiPrima Construction to build 20 to 30 townhomes; they will be two-story and have a sale price of approximately \$600,000; they will have two-car garages; and with her is Demar Hahn and Evan McCluan with DiPrima Construction Corp. She mentioned this is on Wickham Road, across from the Post Office near a three-story apartment, Legacy at Oakwood; it is adjacent to RU-1-11, the Casabella Development; the RU-1-11 allows for 7,500 square foot lots, 1,100 minimum; this is to the north of the Casabella Office Complex; and as the Board can see from the aerial map, page 65 of the Agenda packet, this is a large vacant lot and not actually a part of the Casabella Office complex but part of the Casabella plat to the west. She added it is donated as E for future development and is not platted at this time; when it goes to townhomes it will be platted for townhomes and it will be single-family ownership; the reason this is requesting for townhomes is because the need for commercial in this area is not existing right now; there is actually a pad still on the Casabella Office Complex that is vacant, and no one has chosen to build it; if the Board would look at page nine of the Agenda Packet, that is part of the Casabella Phase 3 plat; it shows the 50-foot buffer to the west of this property to show that there will be a substantial buffer between this townhome project and the single-family homes to the west; and on page 70, the parcel itself, it shows the wetland to the south and this is what is to be avoided with the townhome project. She went on to explain page 71 of the Agenda packet shows just the concept plan of what could be with the townhomes; a traffic generation analysis was provided, two-pages, to Planning and Zoning, but the entire packet has been submitted as well, that shows this will be a substantial reduction in traffic from what could be there, should there be a commercial center there; the commercial center could be as large as 163,000 square feet and have a net of new trips of 7,127 trips; and this will only generate 216 new trips a day, therefore, this is a much less intense use on Wickham, especially in this area where it can be very challenging with rush hour traffic. She mentioned according to the staff report this is a mixed use area; there are no concurrency issues and there are no material violations of Comp Plan Policies; and with that they can

answer any questions. She reiterated the request is for approval of the rezoning from BU-1-A to RU-2-6.

Chairman Feltner stated he thinks there was talk before about a Binding Development Plan (BDP) for no short-term rentals.

Ms. Rezanka advised that is fine.

Chairman Feltner asked if Ms. Rezanka's client would agree to that.

Ms. Rezanka responded affirmatively.

There being no further comments or objections, the Board approved a request by Casabella Development, LLC for a change of zoning classification from BU-1-A to RU-2-6, application number 24Z00064, tax account number 3018651, located in District 4, with a BDP restricting it to no short-term rentals.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.11. Linde Inc. (Kim Rezanka) requests a Conditional Use Permit (CUP) for IU-1. (25Z00017) (Tax Account 2103214) (District 1)

Chairman Feltner called for Public Hearing on a request by Linde Inc. for a Conditional Use Permit (CUP) for IU-1 for application number 25Z00017 for tax account number 2103214, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated this is a request by Linde, Inc. being represented by Kim Rezanka for a CUP for IU-1, Heavy Industrial under application number 25Z00017, located in District 1.

Kim Rezanka stated she is appearing on behalf of Linde, Inc. and with her is Dave Yagielski, Director of Capital Improvements and Sean Chase, Supervisor of the plant in Mims, Florida; they were before the Board back in January for the rezoning and Comp Plan change to Heavy Industrial; this is part two, the CUP; at the time they came before the Board there was no site plan but now they have one; that has been presented to the Board, page 474 of the Agenda packet; she has other copies as well; on January 13, 2025, this was approved for Future Land Use and zoning of Heavy Industrial; it is on 10.46 acres of the north parcel owned by Linde, Inc.; the south parcel already has a CUP and it has an existing industrial gas manufacturing plant; and this is basically expanding the plant to allow for additional gas production because of all of the activity at the Space Center. She continued by saying SpaceX is one of their major customers; SpaceX has submitted a letter of recommendation asking for support for this as have two other customers from the Space Center; this is located in North Mims; it has been in existence since 1965 or 66; they do need the Conditional Use to do this chemical manufacturing, but there are no specific requirements in the CUP application; this is one of the odd Conditional Use Ordinances that has no specific criteria; it is up to the Board to put in its criteria that it might think would be appropriate; and they do have to meet performance standards of the County Code, meet all safety regulations, have a State permit, and have an

ERP permit, so there is a lot of permitting agencies that oversee this regulation. She asked Mr. Yagielski to come up and tell the Board a little about the Linde operation and why the expansion is necessary.

Dave Yagielski stated when he was there in January he talked about what Linde does; Linde is the world's largest industrial gas company; they take air and separate it into its constituents; oxygen, nitrogen, and argon allow manufacturing processes and things like space launches to happen; they use the oxygen that this company generates; the plant has been there since 1965; in the past six years, they have done two other expansions already and this will be the third, in order to continue supporting the markets that they supply; on top of the aerospace industry, they do supply steel, gas, pharmaceuticals, and semiconductors so there is a wide range of products; and he flipped through the slideshow explaining this is not the exact plant but a similar facility of what they are putting in. He went on to say they take the air and separate it, liquefy it so it is easily transported to where it is being used; they will be trucking the products to customers throughout Florida, and the Space Center as well; the document displays the existing facility that is there today; and they would be expanding to what is at the left of the photograph, which is to the north.

Ms. Rezanka continued on by saying what she has provided the Board is a copy of the site plan, it states conditional use concept plan but it is the site plan; this is what Kimley Horne is in the process of designing with the addition to the north; there are some issues that have to be addressed such as the paving of the road, some distant separations from residential property, and things like that; the big issue that continually comes up is concern for traffic at U.S. 1 and Wiley, and therefore, they have hired a traffic engineer, Walsh Traffic Engineering; he just got that to her yesterday and she apologized for not getting it to the Board sooner; and Florida Department of Transportation (FDOT) did a study at this intersection in spring of 2024 and he was able to review that, review the crash reports, and when they went out to do a traffic count it was shut down because there was some resurfacing being done at the time. She mentioned the engineering firm went through this and looked at the four-year crash data; he said there was no crash trend identified; this is a 65 mph speed zone; FDOT did not see a need to reduce that based upon what Mr. Walsh said, that they are doing this resurfacing and if they thought there was a need to reduce it, it would have been done during this resurfacing project; on page two Mr. Walsh states that based upon the review of the study, the fact that the existing unsignalized minor street stop, controlled, full median opening is being maintained under FDOT's milling and resurfacing project, and the Linde facility expansion will marginally increase traffic at U.S. 1. at Wiley; no improvements are recommended at this intersection; currently, there are two trucks an hour, per day, going through that intersection, so 48 trucks per day and it will increase to about 90 trucks per day; and it is still very minimal for the traffic coming out of there. She went on to say for Planning and Zoning, they had Michael Ashton from Linde talk about how they have had no serious injuries in a very long time, no serious truck issues in over 10 years; there are multiple safety mechanisms in these trucks to prevent any accidents; she also wanted to briefly talk about the staff analysis and staff report that this use can be considered compatible with the character; there is residential in the area but it is very nominal; the closest house is 500 feet from there and others are one-half a mile away; and this was there first, long before the other houses came in. She stated the preliminary currents reviewed says there is no potential to cause deficiencies in traffic; there is access to potable water; they need to comply with performance standards; these are the same impacts for this conditional use that already exists; the CUP review says no substantial impact on adjacent or nearby properties; and it is anticipated nine to 15 new employees on eight hour shifts, so not a lot of employee traffic either. She noted there will be no odor, particles, smoke, of fumes from this facility; the noise would be at the same type; there is no adjacent residential; the hours of operation have been the same historically; and with that she would request approval of the

CUP.

Sandra Sullivan stated she is the person who likes transparency and accountability; that site being shown on the screen is not the parcel being talked about, it is to the north; it would have been good to include the diagram that was in the Agenda packet that showed the lot towards the north; she has seen a lot of media attention to an LG plant and a lot of discussion about that on social media; it is having people look over here while it is happening over here; she actually thinks this is a good location, it was just the way it was gone about; this came before Planning and Zoning and it was just like they were expanding their operations from something that was zoned before the Comprehensive Plan, so not consistent with the surrounding area; residential was rezoned, and utility; the statements made at that time, and the question asked, was that this was going to expand this particular plant with liquid oxygen, but now she sees it is liquefied natural gas; she thinks when these things are done, on the screen it should have had the right location to the north, which there is a street there with some residences; the good news is this is very low residential, to the west is wetlands, and she thinks it is a good location; and she just wants to see a little more transparency and accuracy for the benefit of the public.

There being no further comments or objections, the Board approved a CUP for a chemical manufacturing with an IU-1 zoning classification, application number 25Z00017, located in District 1.

Result: APPROVED

Mover: Katie Delaney

Seconders: Tom Goodson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.4. Thomas Daugherty requests a change of zoning classification from GU to RU-1-11. (25Z00007) (Tax Account 2301907) (District 1)

Chairman Feltner called for a public hearing on a request by Thomas Daugherty to change a zoning classification from GU-to RU-1-11, application number 25Z00007, tax account number 2301907, and located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated Thomas Daugherty requests a change of zoning classification from GU to RU-1-11 under application number 25Z00007, located in District 1.

Chairman Feltner advised there was a letter received requesting for this Item to be tabled.

There being no further comments or objections, the Board tabled the request by Thomas Daugherty for a change of zoning classification from GU to RU-1-11 to a future meeting.

Result: TABLED

Mover: Katie Delaney

Seconders: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.8. 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 on a request by Emerald Plaza Development, Inc. for a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption accessory to a cigar bar in units 1-5, application number 25Z00014, tax account number 2419246, located in District 2.

Trina Gilliam, Planning and Zoning Manager, stated Emerald Plaza Development, Incorporated, 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 number 25Z00014, located in District 2.

There being no further comments or objections, the Board continued the request by Emerald Plaza Development, Inc., for a CUP to the August 7, 2025 Board of County Commissioner meeting.

Result: APPROVED

Mover: Tom Goodson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

kH.2. Aubri Lucille Williamson requests a change of zoning classification from RU-1-9 to RU-2-10. (24Z00052) (Tax Account 2743715) (District 5)

Chairman Feltner called for public hearing on a request by Aubri Lucille Williamson for a change of zoning classification from RU-1-9 to RU-2-10 for application number 24Z00052, tax account number 2743715, located in District 5.

Trina Gilliam, Planning and Zoning Manager, stated Aubri Lucille Williamson, being represented by Attorney Nathan Meloon, requests a change of zoning classification from RU-1-9 to RU-2-10, under application number 24Z00052, located in District 5.

Mr. Meloon stated the applicant is there on one parcel just north of the Indialantic in the unincorporated area of the County, just west of Gross Point Avenue, near where Long Doggers is located in north Indialantic; what they are seeking is to make the property compatible and consistent with the neighboring uses; specifically, the property to the north is a day care center, the property to the east has similar zoning and it is more as it goes to the west, there is R-1 zoning; at the Planning and Zoning meeting it was asked and they stipulated to a Binding Development Plan (BDP) that will remain with one property, one principle structure on the property, single-family, and one-story; this was built in 1952; it is a pretty simple request; and he is happy to answer any questions. He added the property owner is here and there is a stipulation for a BDP with no vacation rentals with no resort dwelling use; there is a current long-term tenant that is under lease for the property for he believe one year; and he would ask the Board to approve this.

Commissioner Adkinson asked what changing this zoning does for the owner.

Mr. Meloon advised he is trying to make it compatible and consistent with the other uses in the area, specifically the day care across the street; the intent is to keep using it as a single-family home; he saw the same thing in the Agenda packet and essentially what it does is allow for the

same use and for it to be consistent; the house was built back in 1952; there was a rezoning done in 1976; and just looking at it and what has been done, they are making sure that it is compatible and consistent with the area.

Commissioner Adkinson inquired if there is anything that the new zoning would allow for that is not allowed right now.

Mr. Meloon replied he does not believe so.

James Eric Preece stated he owns the property that is two units from Ms. Williamson that is at 198 Grosse Pointe; all the units in that area are on the north side of Franklin are RU-2-10; he does not see any reason why she should not be able to get hers changed to that; really there should not be any kind of Binding Development Plan (BDP) or anything placed on the property because no one else has that in the area; and the other ones nearby are RU-2-12.

Commissioner Adkinson asked if the motion states there is a BDP on the property to keep out short-term rentals.

Commissioner Goodson advised he will amend to include that.

Billy Prasad, Planning and Development Director, asked if the BDP includes all three conditions recommended by the Local Planning Agency (LPA), which includes not to be used for resort dwellings, limited to one single-family unit, and it would be a single-story structure, or is the Board just doing a BDP for the vacation rentals.

Commissioner Goodson advised it will be amended to include all three.

There being no further comments or objections, the Board approved a change of zoning classification from RU-1-9 to RU-2-10, under application number 24Z00052, located in District 5, with a BDP for no resort dwelling and have single-story, single-family only.

Result: APPROVED

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.3. Quentin I. Bessent, Jr. requests a change of zoning classification from AU to RU-1-11. (25Z00006) (Tax Account 2113028) (District 1)

Chairman Feltner called for public hearing on a request by Quentin I. Bessent, Jr. for a change in zoning classification from AU to RU-1-11, application number 25Z00006, tax account 2113028, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated Quentin Bessent, Jr. requests a change of zoning classification from AU to RU-1-11 under application number 25Z00006, located in District 1.

Quentin I. Bessent, Jr. stated he would just like to do a single-family resident home, therefore, a change from AU to RU-1-11.

There being no further comments or objections, the Board approved the request by Quentin I. Bessent, Jr. to change the zoning classification from AU to RU-1-11 under application number 25Z00006, located in District 1.

Result: APPROVED

Mover: Katie Delaney

Seconders: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.5. John A. and Christine S. Conley (Ken Ludwa and/or Savannah Farley) request a zoning classification change from BU-2 to RU-1-11. (25Z00010) (Tax Account 3019263) (District 2)

Chairman Feltner called for public hearing on a request by John A. and Christine S. Conley for a change of zoning classification from BU-2 to RU-1-11, application number 25Z00010, tax account number 3019263, located in District 2.

Trina Gilliam, Planning and Zoning Manager, stated John A. and Christine S. Conley, being represented by Ken Ludwa and/or Savannah Farley, request a change of zoning classification from BU-2 to RU-1-11 under application number 25Z00010, located in District 2.

Savannah Farley stated she is with BSE Consultants representing the owner; and they are looking to rezone the property from BU-2 to RU-1-11.

There being no comments or objections, the Board approved the request by John A. and Christine S. Conley for a change of zoning classification from BU-2 to RU-1-11 under application number 25Z00010, located in District 2.

Result: APPROVED

Mover: Tom Goodson

Seconders: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.6. Steven Schulze, Jr. requests a zoning classification change from AU to RU-1-13. (25Z00011) (Tax Account 2800112) (District 5)

Chairman Feltner called for a public hearing on a request by Steven Schulze, Jr. for a change of zoning classification from AU to RU-1-13, application number 25Z00011, tax account number 2800112, located in District 5.

Trina Gilliam, Planning and Zoning Manager, stated Steven Schulze, Jr. requests a change of zoning classification from AU to RU-1-13 under application number 25Z00011, located in District 5.

Steven Schulze stated he is trying to do an addition to his house and he was told it was not zoned properly so he has to rezone it.

There being no comments or objections, the Board approved the request by Steven Schulze,

Jr. for a change of zoning classification from AU to RU-1-13 under application number 25Z00011, located in District 5.

Result: APPROVED

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.7. Eduardo Bertot and Brett Bertot request a zoning classification change from BU-1 and RU-2-10 to all RU-2-10. (25Z00012) (Tax Account 2301472) (District 1)

Chairman Feltner called for a public hearing on a request by Eduardo and Brett Bertot for a change of zoning classification from BU-1 and RU-2-10 to all RU-2-10, application number 25Z00012, tax account number 2301472, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated Eduardo and Brett Bertot request a zoning classification change from BU-1 and RU-2-10 to all RU-2-10 under application number 25Z00012, located in District 1.

Brett Bertot stated the property currently has two zonings on it, it has an existing tri-plex, and he would like to change it to all RU-2-10.

There being no comments or objections, the Board approved the request by Eduardo and Brett Bertot for a change of zoning classification from BU-1 and RU-2-10 to all RU-2-10 under application number 25Z00012, located in District 1.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.9. CTX Equities, Inc. (Custom Built Contracting) requests a Small-Scale Comprehensive Plan Amendment (25S.09), to change the Future Lane Use designation from NC and CC to all CC. (25SS00003) (Tax Account 2409571) (District 1)

Chairman Feltner called for a public hearing on a request by CTX Equities, Inc. for a Small Scale Comprehensive Plan Amendment, 25S.09, to change the Future Land Use designation from NC and CC to all CC, application number 25SS00003, tax account number 2409571, located in District 1.

Trina Gilliam, Planning and Zoning Manager, stated Items H.9., and H.10., are companion Items and she will read them into the record together, but she advised they will need separate approvals; CTX Equities, Inc., being represented by Custom Built Contracting, requests a Small Scale Comprehensive Plan Amendment under 25S.09 to change the Future Land Use designation from NC and CC to all CC under application 25SS00003, located in District 1; and CTX Equities, Inc., requests a change of zoning classification from GU and BU-2 to all BU-2 under application number 25Z00013, located in District 1.

James Graham stated he is the representative of the builder.

Chad Turner stated he wants to rezone it from the General Use (GU) to the BU-2.

Commissioner Delaney stated she is curious about what the applicant's plan to do there.

Mr. Turner replied they are planning to build a 12,000 square foot shop to work on semi-trailers; and that is about it.

Commissioner Delaney stated she noticed there is a good amount of wetlands on there.

Mr. Graham advised it has all been surveyed and flagged out; and everything is going to be outside of the wetlands.

There being no further comments or objections, the Board adopted Ordinance No. 25-09, setting forth the ninth Small Scale Plan Amendment of 2025, 25S.09, 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; and approved changing the Future Land Use Map designation from NC and CC to all CC.

Result: ADOPTED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.10. CTX Equities, Inc. requests a change of zoning classification from GU and BU-2 to all BU-2. (25Z00013) (Tax Account 2409571) (District 1)

Chairman Feltner called for a public hearing on a request by CTX Equities, Inc. for a change of zoning classification from GU and BU-2 to all BU-2, application number 25Z00013, tax account number 2409571, located in District 1.

There being no further comments or objections, the Board approved the request by CTX Equities, Inc. to change the zoning classification from GU and BU-2 to all BU-2 under application number 25Z00013, located in District 1.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

H.12. Adoption of a Large-Scale Comprehensive Plan Amendment (24LS00001/24-04ACSC) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review Process.

Chairman Feltner called for a public hearing on the request for adoption of a Large Scale Comprehensive Plan Amendment, 24LS00001, regarding the Brevard Barrier Island Area (BBIA) as a New Element to the Comprehensive Plan under the State-coordinated review process.

Trina Gilliam, Planning and Zoning Manager, stated this is a request for the adoption of a Large Scale Comprehensive Plan Amendment under application number 24LS00001/24-04ACSC regarding the BBIA as a new element to the Comprehensive Plan under the State-coordinated review process.

Commissioner Goodson asked Billy Prasad, Planning and Development Director, to explain the purpose of this.

Mr. Prasad explained the Brevard Barrier Island Protection Act was a law that was passed by the Legislature; it creates an area of critical state concern in the South Beaches; this is one of the steps that is required under that law and under the area of critical state concern process is to implement it into the County's Comprehensive Plan; and it effectively implements the guiding principles contained in the Brevard Barrier Island Protection Act.

Commissioner Goodson asked if this is increasing density.

Mr. Prasad replied absolutely not, in fact, this reinforces existing Policies that prohibit residential increases in the area.

Commissioner Goodson inquired if this is going to go back to the State for State approval.

Mr. Prasad responded by saying yes, if the Board were to adopt this it will go to the Florida Commerce for review.

Commissioner Goodson thanked the Chairman and Mr. Prasad.

Sandra Sullivan stated this is the first area of critical concern in the State in 45 years, a tremendous accomplishment; she has two small issues with it that she would like to see corrected; there is some time, the County received an extension until September, to get this done; the first one is that the level of service standard for evacuation is not explicitly stated and the County's intent to make it a variable does not meet the State Statute definition of a standard to not exceed; that is the first she would like to see; that is the most critical for evacuation because there is one way out; the bridge to the south floods pre-land fall when it is a wet event; and there is 30 miles to drive to get out of there. She went on to say the second issue has to do with the statement made by the Planning and Zoning Director when issue came up at the Planning and Zoning Board about saying that the Future Land Use is a property right; she has a copy, and it will be provided to the Board once she is finished talking, where under Brevard County 21-01 ECR, the staff report, this was a section on property rights, and the State wrote back and said Department of Economic Opportunity (DEO) recommends that prior to adoption the ordinance be revised to remove the reference to the amendment being applicable to the Future Land Use element of the Comprehensive Plan and to clearly reference the property rights element as its own standalone element; and staff had agreed that who indicated that the original intent was to treat property right elements as a standalone element and agreed to revise the draft ordinance prior to adoption; she thinks this is of importance because HB 180 passed this week, as the Board knows, and the County cannot go back after and revisit it and make a comprehensive plan more restrictive; and she advised either this Board make the change now or it will not be able to make the change in the future based on what she is reading

of HB 180.

Commissioner Goodson asked Morris Richardson, County Attorney, to explain to the Board in reference to what it just heard about the HB bill.

Morris Richardson, County Attorney, stated he can only assume the reference is to SB 180 which did lock in the ability to make a Comprehensive Plan amendment or other land development regulation that is more restrictive; however, that is already applicable, it was retroactively applicable, therefore, it already applies; doing something now does not take the County out from under that; there is an exception for the Areas of Critical State Concern (ACSC) as long as it is processed through the State process that the County has gone through with the transmittal receiving the comments back from Commerce and what it is doing now; everything the Board is doing here is perfectly in accordance with SB 180; however, if the County were to try to do something more restrictive than what is required of the ACSC legislation, it would almost certainly be a foul of SB 180. He noted he would disagree with the idea that the Board can start adding things now at this point that are not substantially consistent with what was reviewed and approved with the transmittal.

Mary Sphar stated she is representing the Sierra Club Turtle Coast Group; the Sierra Club totally supports adoption of the BBIA amendment, as is, tonight; this amendment is extremely important for adequate protection of habitat and coastal resources; after the BBIA amendment is accepted by Florida Commerce, work on the Land Development Regulations (LDRs) can begin; however, there may be some improvements that would need a future Comp Plan Amendment to provide the legal basis for corresponding ordinance provisions; and such future amendments would be considered substantial changes at this time, so they cannot be part of the amendments to hopefully be adopted this evening. She continued by saying the Sierra Club believes that there is one particular substantial change that needs to be considered in the future, hopefully in the next amendment cycle; what is needed is a policy for the BBIA outlying a change of BBIA residential land use designations to BBIA commercial land use designations; in other words, a change of intensity of land use, something mentioned multiple times during the transmittal phase, they are just a little more specific and asking for no changes from residential to commercial land use; this would prevent BBIA residential land use designations to BBIA commercial to allow the building of hotels; and this possible future improvement would also prevent changes of residential to commercial land use and zoning to allow a large multi-family affordable housing project under the State's Live Local Act and prevent changing residential to commercial, getting Planned Unit Development (PUD) zoning and then taking advantage of the fact a residential component of a PUD can have a density greater than the original residential designation, pursuant to Policy FLU 2.11 of the Future Land Use Element. She commented everyone knows this is very complicated and that is why the Sierra Club is asking the Board to ask staff tonight if they think it is a reasonable idea to look very carefully at such a possible future amendment; in other words, ask staff whether they would be okay with taking a hard look at this kind of amendment and then afterwards decide whether or not they would support it; in short, the Sierra Club would like to have staff put this idea on their radar for future consideration; even if people think that certain kinds of unwise development cannot happen in an environmentally sensitive area, it never hurts to head off such a possibility in the first place; she has seen a lot of unexpected changes over the past 55 years in Brevard County; and in conclusion, the Sierra Club is asking the Board to adopt the BBIA amendment now and to also ask staff to consider a carefully worded policy prohibiting this specific intensity change in the next Comp Plan update.

Dr. Laura Wilson stated she is the Executive Director of Marine Resources Council, an environmental nonprofit dedicated to protecting and restoring the Indian River Lagoon (IRL);

she wants to echo and support comments made previously by both the Sierra Club and Sea Turtle Conservancy regarding this Item; she supports the recommendation of low impact development practices and the attention given to living shorelines within the revisions of the BBIA, particularly in Policies BBIA 5.6 through 5.9; and she encourages the Board to adopt the amendment, especially in light of future development and redevelopment, the application of LID to redevelopment, specifically, has not been widely highlighted in land development codes or ordinances across the County and beyond. She mentioned LID, green infrastructure, and nature-based solutions all strive to do the same thing of mitigating water where it falls, rather than having it run off and become a problem somewhere else for someone else to deal with; these techniques can help mitigate the effects of storms and flooding; they help municipalities reach their BMAP targets while also minimizing pollution within the waterways; while there are larger issues that can be addressed with the next Comp Plan as just mentioned, the current amendment is a good step towards growing a healthier Brevard through cleaner water within its waterways; and she thanked the Board.

Dolores Conway expressed her appreciation to the Board and staff for all the hard work put into this amendment. She inquired on Policy BBIA 1.4., the objectives for BBIA two through 11 are written down, but 12 was left out, and she would like to know if BBIA 12 could be added at the end of that.

Mr. Prasad asked if the Board would like him to answer that.

Commissioner Goodson responded affirmatively.

Mr. Prasad stated he thinks the reason BBIA two through 11 are specifically mentioned in 1.4 is those were expressed based on the guiding principles in the law; BBIA 12 was a result of the outreach meeting staff had and it was very clear that people were concerned about density; staff tried to address that in the element by adding a different objective, however, there is not a specific guiding principle that it is tied to; and that is why it is not in there.

Commissioner Adkinson stated she has not been involved with this from the very beginning, but certainly from the middle, and to all the people out there who have worked to make this what it is, she thanks them; as she has discussed with staff, it is not done, it needs to be transmitted and there needs to be a relook at some of the things, the unintended consequences; it is not the end; she has total support from staff and their willingness to sit down and relook at some of the stuff once this is done; and if there is no other discussion, she will make the motion to approve.

Mr. Prasad stated he has a suggestion from the consultant to include in the motion the authority to make corrections to scrivener errors and the like before sending it to the State.

Commissioner Adkinson amended her motion to include that verbiage.

There being no further comments or objections, the Board adopted Ordinance No. 25-10, amending Chapter 62, Article III, of the Code of Ordinances of Brevard County, Florida entitled, "Comprehensive Plan", setting forth amendments necessary to implement Section 380.0553, Florida Statutes, the Brevard Barrier Island Protection Act; specifically amending Section 62-501 entitled, "Contents" to adopt goals, objectives, and policies for the Brevard Barrier Island Area as Part XVI to the Comprehensive Plan; providing legal status; providing for inclusion in the Code; providing a severability clause; and providing an effective date; and granted authority for staff to make corrections to scrivener errors and the like before sending it to the State.

Result: ADOPTED

Mover: Kim Adkinson

Second: Tom Goodson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

Adoption of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan (24LS00002/24-03ER) under the State Coordinated Review Process established by Section 163.3184, Florida Statutes.

Chairman Feltner called for a public hearing on a request to adopt the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan, 24LS00002/24-03ER, under the State-coordinated review process established by Section 163.3184, Florida Statutes.

Trina Gilliam, Planning and Zoning Manager, stated this is a request for adoption of the EAR based amendments to the Comprehensive Plan under application number 24LS00002/24-03ER, under the State-coordinated review process established by Section 163.3184, Florida Statutes.

Commissioner Delaney inquired if there is anything in there that is different from the Planning and Zoning meeting.

Billy Prasad, Planning and Development Director, asked Commissioner Delaney to repeat that.

Commissioner Delaney again asked if there was anything different in there than what was approved at the Planning and Zoning meeting.

Mr. Prasad stated there was a change to reference the capital improvement element for the potable water and some scrivener error changes.

Commissioner Delaney commented that none of those were considered substantial changes or anything like that.

Mr. Prasad replied no, there was nothing of substance that changed at all.

Sandra Sullivan stated the biggest concern of the Comp Plan changes is what the impact will be to insurance; as people saw with just a little bit of rain the last couple of days, there was flooding; she inquired about what the impact of these changes are going to mean to increasing flooding from taking away the limitation of density on the flood plain and increasing density on the Barrier Island by two and three-fold; she advised in front of the Board is a local mitigation strategy map and the two big flood areas are zone A and AE; as everyone can see, Brevard has a lot of yellow and red particularly up in District 1 and District 3, they have the most impact of wetlands, yellow and red are flood areas; when one develops on the wetlands and they are filled in, the water has got to go somewhere and there is flooding, as shown in the simple diagram; and here is an article that she has provided the Board that talks about how four Florida counties rank in the top 10, most at risk for flooding in 2024. She went on to say Brevard is listed as 10th in the nation for flooding and fourth in Florida; yet, in the Comp Plan changes, the Board is removing the density limitation on the river and flood plain; in her community on a barrier island, just with a rain event, not even a hurricane, there is quite a bit of flooding; what that means in the hurricane evacuation plans is people cannot get out on State

Road (SR) 513 and have to take A1A, and it backs it up; and of course, there is the issue of storm surge, nine-plus feet in her area and 13 in Merritt Island. She noted by State Statute the Board is supposed to protect human life; these changes of doubling and tripling the density on the Barrier Island and removing the density limitation on the flood plain, it has not done any studies to what the potential impacts are and what this would cost the County, even from a fiscal perspective, but the potential loss of life, mass casualty event that will be created is an additional liability concern for the County, or should be; part of her concern is previously the County was mandated by the State and the County said that it capped the residential densities for the unincorporated areas and northern and coastal Barrier Island at existing areas; that was in 2000, and the letter was written in 2001; and from what she sees in the Comp Plan, history is being rewritten to where it is not factual and it is being said that the right sizing study was actually to maximize density and in fact, it reduced RES 30 in the Future Land Use Map (FLUM) down to RES 15. She commented she does not understand how in good conscience any of the Board can increase the density in Merritt Island, Merritt Island Redevelopment Agency (MIRA), to RES 50 with bonus density from RES 15, and to RES 37.5 in the rest of the Barrier Island, except for the BBIA and putting everyone's life at risk; she inquired how the Board is going to fund widening causeways, she does not know; she commented people's lives matter and the Comp Plan needs to be changed; the sad reality is after today the Board takes a vote to transmit this; with SB 180, this Board cannot make the Comp Plan more restrictive from what she is reading; do not 'Broward' Brevard, do not high rise it because what it is going to look like at RES 50 is over 200 foot high rises, and that looks like South Florida; what is being done in her area, that is going to be 160 feet; people's lives matter; and it is pretty disgusting what this Board is doing. She added God forbid insurance and what it is going to mean to people; the first place dropped is the barrier island; and she asked will any of those people even be able to get insurance.

Ruth Amato stated she is a resident of Mims; she is in attendance tonight as a member of a farming family from 125 years on the same location in Mims; talk about change, she can talk about 125 years of it; displaying a photo on her phone, she explained her family farms that land; they used to grow orange trees out there; they cannot grow orange trees out there, they will be under water; and she begs this Board to please not increase the density on the flood plain, her area cannot take the stormwater any longer, they will not make it. She continued by saying the St. John's River narrows on the other side of Lake Harney with extremely high bluffs; it does not matter how much stormwater is pumped into that river, when it hits the north side of Lake Harney, it is only going to flow out at a certain speed, and that cannot be sped up; it becomes a bottleneck and then it starts expanding its flood plain all over her land as the photo shows; the Board sits up there today and it holds people's lives in its hand, the people who feed them; and she reiterated to please not do it.

Mary Sphar, representing Sierra Club Turtle Coast Group, stated the Sierra Club would ask the Board to adopt the EAR-based amendments as part of a periodic process to update the Comprehensive Plan amendment language; they were hoping for more changes to strengthen some of the coastal management element Policies, especially a few dealing with flood-prone areas and one dealing with the coastal setback line, unfortunately, time has run out; but, there is a next time and they hope the Board will ask staff to consider strengthening these coastal management Policies with a Comp Plan amendment in the future. She went on to say coastal management element Policies originally formed the basis of the BBIA amendments for flood prone areas and for the coastal setback line; in other words, some coastal management element Policies were the original starting point for corresponding BBIA Policies; what happened was that Florida Commerce flagged some weak language in the BBIA transmittal, in November, in their Objections, Recommendations, and Comments (ORC) Report; the State did not like some of the 'shoulds' instead of 'shalls' and it did not like the fact that there was no

specific timeline for reevaluating the effectiveness of the coastal setback line; to address the State's concern, staff fixed up the weak language in the BBIA and they really did an excellent job; but, the State overlooked this exact same problem in the coastal management element, therefore, staff has not yet fixed key coastal management Policies. She stated the Sierra Club wants the problematic Policies in the coastal management element to be reasonably consistent with the excellent new BBIA flood and coastal setback line Policies, maybe not quite as strong as BBIA Policies, but at least a bit more consistent; and please note that Florida Statute Chapter 163.31772 states, "Coordination of the several elements of the local Comprehensive Plan shall be a major objective of the planning process. The several elements of the Comprehensive Plan shall be consistent."; to sum this all up, the Sierra Club is hoping the Board will ask staff to consider in a future comp plan cycle, stronger coastal management element language for flooding and for evaluation for coastal setback line; they support adopting the EAR amendment now; and they would like the Board to ask staff to put stronger coastal management Policies on their to-do list for the future.

Thea Beth Thorne stated she lives in Quail Haven in Mims; who she is not important but her message is; 'we the people' which she is sure the Board knows is the first three words to the United States Constitution, a very important phrase; 'we the people' say no to a change to the Comprehensive Plan; the flooding that occurred in Mims on Tuesday was epic; there was water that intruded into people's houses; her land itself, she is built up high and has no issues except for the periphery and the water she had in her periphery, was up to her knees; that is usually hurricane water; people have never seen that amount of water in a short amount of time so it is very unusual, something needs to be done with the drainage; the Board is changing the density and want to go on the flood plain; and she asked what that is going to do to the flooding that they already have now. She commented that needs to be fixed before the Board even thinks about going forward; to her, it is unacceptable and pure negligence to 'we the people'; she read something from Thomas Payne, a great patriot, "A Constitution is not the act of a government, but of a people constituting a government, and government without a constitution is power without a right. All power exercised over a nation must have some beginning. It must be either delegated or assumed. There are not other sources, all delegated power is trust, and all assumed power is usurpation. Time does not alter the nature and the quality of either." She continued by saying the founders were not all Christians, but they all had a respect and a reverence to the Bible and that is why they put many of the principles of the Bible in the United States Constitution; she continued reading, "a group of Godless people cannot make it work"; and she commented she hopes that each of the Board Members can find it in their hearts, souls, and minds to be people of character, though that seems to be few and far between today; and she asked if the Board will be a good leader or a bad leader, the choice is up to it.

Commissioner Delaney stated, like Commissioner Adkinson had mentioned when she was speaking on the BBIA, they, unfortunately, did not get to be part of the entire process with this; she had a two-hour briefing in preparation for this meeting because she really does have a lot of concerns; with that being said, her main concern is the flood plain areas objective Con 4; she has contacted Florida Commerce and the St. Johns River Water Management District (SJRWMD) to talk with them about what substantial changes means; both of those entities were clear when they said language that was already in the Comp Plan, but has been struck, and the County changing its mind and placing it back in there would not be considered a substantial change, and there would not be any issues with that; what she is requesting is that on Policy Con 4.1 A1 that the Board keep that language in there for the residential density, B.1 keep that language in there for the residential density, and C.2. that it be kept in there for the residential density; and the reason she is requesting this is because her community, like some of the speakers had mentioned, is very unique, not just in land and the type of land in North Brevard, but also the culture in North Brevard is very different from the rest of the County. She

mentioned North Brevard has people who feed themselves by what they can grow on their own land, what cattle they can raise, their chickens, and so on and so forth; that land is unfortunately being destroyed; she is extremely concerned that if they get rid of the density restrictions, people are going to lose everything; and she would make that one request and be comfortable moving forward with this.

Commissioner Goodson stated back to density now; and he asked if the Board is raising the density by doing this.

Mr. Prasad replied no, this Policy is a little different; Darcie McGee, Environmental Policy and Resilience Admin, is there to speak more specifically, but the idea behind the changes staff has proposed is to go performance-based, to follow the best available data; this is density beyond what is in the typical Future Land Use Map (FLUM) and things like that; these are additional restrictions; rather than go the route by having a specific language like before, for example, the residential density shall be limited to no more than two dwellings per acre for example, it follows the data instead, and it may be harder to do a particular development without doing compensatory storage or things like that, or it may be easier depending on the facts on the ground; and his understanding is that is the purpose of that amendment.

Commissioner Delaney stated the areas she is talking about is not so much the areas inside the cities, for instance in Rockledge or some other areas, he main concern is for the areas west of I-95 on the outskirts of the community; and she just wanted to put that out there.

Mr. Prasad stated he has a correction to an answer he provided to Commissioner Delaney earlier, there was an additional Policy that was changed; it was based on a discussion about commercial mining; and that was backed out, now the definition is, as previously stated, which is mining.

Commissioner Delaney made a motion to approve with getting rid of the strikeouts on Policy Con 4.1, A.1, B.1, and C.2.

Motion fails for lack of a second.

Commissioner Delaney asked for her slides to be brought up on the screen. She stated she put this together just to show the Board what North Brevard is dealing with; this is what people deal with on a pretty regular basis in North Brevard; this is 10 inches of water; this is not a normal issue; if people build on the flood plain in Mims and Scottsmeer, people are going to lose their homes and it is going to become the next Volusia and Edgewater, who are purchasing people's homes because they are being flooded out; this is not normal; and she is pleading with the Board to please consider this. She went on to say this is somebody's farm; cattle cannot be in that situation, nor can horses be in that situation, they will get hoof-rot and have to be put down; she knows of a constituent where they literally had to rescue their chickens because they were on top of their coop because there were feet of water; she is not being dramatic here, the pictures are right there and are from this week; and if people start developing the flood plain in North Brevard this is going to radically affect people's lives. She commented this cannot be undone with the language that came from the State, once the Board does this, it cannot undo it.

Commissioner Delaney made a motion to table the Item. She explained there is time, until September, and she would like to make that motion.

Chairman Feltner asked staff what that does for what they need to send to the State.

Mr. Prasad commented staff does have until September 22 to adopt, there was a previous extension.

Tad Calkins, Assistant County Manager, noted his understanding in tabling this Item, it would also cause the BBIA to be tabled and it's transmittal to the State because they both have to go together as one legislative package.

Chairman Feltner asked if there is a reason the BBIA has got to go in the next two weeks, or what is the time limit on that.

Mr. Prasad stated it has the same time limit; and the impact on that would simply be the implementing regulations would be pushed back as well.

Chairman Feltner stated just to be clear, the Board voted on that and whether it is sent in two weeks or 30 days, it was passed.

Morris Richardson, County Attorney, advised it just would not have to come back to the Board, and it would not be transmitted now.

Chairman Feltner commented it does not go in the mail tomorrow; and he asked if that is the short of it and if that changes Commissioner Adkinson's second on the motion.

Commissioner Adkinson responded by saying no.

Attorney Richardson inquired after the Board has voted on adoption how long does the County have to transmit it to the State; and he stated he knows the County has until September 11, but now that they have acted on it, there is fuse running.

The consultant stated the County just approved the Area of Critical State Concern (ACSC) only has 10 days to send it to the State.

Attorney Richardson explained the Board would not have to hear it again, but it does have to be sent within 10 days of the adoption, the BBIA, because it has to accompany the EAR that means the Board has to act on the EAR.

Chairman Feltner asked if staff cannot send one without the other.

Mr. Prasad stated staff was expressly told by the Chief that they are needed together.

Commissioner Adkinson advised she has to withdraw her second.

Commissioner Delaney asked to go into a little more discussion; she noted the changes she is requesting with removing the strikeouts, it affects very little areas; it does not mean that the Board cannot change it or tweak, and she is open and willing to do that once this is passed; she does not want to hold up the BBIA, it is extremely important; she just really feels like the whole story was not really looked at when the changes were made; and just like Mr. Prasad has stated multiple times, the Board can make changes in the future and she is open and willing to work together as a Board to do that. She mentioned one of the issues that was talked about during her briefing was there was a property on Pluckebaum and they could not build because it was in the County and restrictions so they annexed; this change was to help solve the problem of properties annexing into cities, or being required to annex into cities, if they want

to develop; there are very few circumstances where that happens because of the flood plain issue; and the damage it would do to her community if the Board gets rid of this, she personally feels would outweigh those few circumstances.

Commissioner Adkinson stated Commissioner Delaney mentioned that her concern is that once this is transmitted as it is, that it cannot be changed later, that her concerns cannot be addressed; and she asked staff to speak to that.

Mr. Prasad stated, unfortunately, and he would defer to Attorney Richardson, but there is truth to that because of the SB 180 regulation; he thinks once this language is taken out, to put it back in would probably be considered a more restrictive regulation, even though that may not be the intent; but it would be hard to argue anything else.

Commissioner Adkinson commented she thought SB 180 was retroactive, anyway.

Attorney Richardson advised SB 180 is in effect right now; the County cannot do something that is more restrictive unless an exception applies, like the ACSC that allowed staff to do what it did with the BBIA; this one is an odd gray one because they are not saying, for example, in some areas there is a residential density cap in the existing Comp Plan of two units per acre; by replacing that with a performance standard, it is not saying it is increasing now to 10 units per acre; it is hard to say absolutely that one is more restrictive or less restrictive because it comes down to an application of the specifics of an individual property; but, generally speaking, yes if it moves away from those hard caps that are currently in the Code that are just uniform, it is no more than X units per acre and once it moves away from those SB 180 it is probably very difficult to re-implement exactly that. He added with that said, the performance standard as applied could end up being more restrictive in some cases, one would have to look at particular facts of the area it is being applied to.

Commissioner Delaney advised she has more pictures where she could show waterlines in some of the areas that Ms. Amato was talking about where they are 10 to 14 feet high on palm trees.

Chairman Feltner asked what is the pleasure of the Board.

Commissioner Delaney asked if she could make her same motion.

Chairman Feltner advised Commissioner Adkinson withdrew her second on that, she can make the motion and see if she can get a second on that.

Commissioner Delaney made a motion to pass the Comp Plan with the changes to Objective Con 4, policy 4.1, A.1, B.1. and C.2.

Motion dies for lack of a second.

Chairman Feltner asked if there was an alternative motion; does the Board want to table it to July 22: and would that still leave time to send the BBIA.

Attorney Richardson stated it could if it continues the open public hearing now to July 22; this was advertised properly so as long as it is done here he does not think it needs to be renoticed; he thinks that same reasoning is applicable under 163.184; and he is looking for the consultant to tell him if that is wrong. He added staff has 10 working days; and the Board can continue this hearing on the adoption of the EAR to the meeting on July 22.

Commissioner Delaney stated she will make that motion to continue to July 22, 2025.

Commissioner Adkinson seconded the motion.

The Board approved continuing the public hearing to adopt the EAR based amendments to the Comprehensive Plan under the State-coordinated review process established by the Section 163.3184, Florida Statutes.

Result: CONTINUED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

Mr. Prasad asked the Chairman to provide staff a few minutes to consider some legal issues involved.

Attorney Richardson commented this was unanticipated and the meeting is a 9:00 a.m. meeting which may be a problem because there are certain hearing requirements and this may be one that has to be held after 5:00 p.m.; even though it was commenced at 5:00 p.m. tonight, he does not think it can continue it to another meeting that does not also start at 5:00 p.m.; and he asked for a few minutes for the consultant to get that.

*The Board recessed at 6:41 p.m. and reconvened at 6:45 p.m.

Chairman Feltner stated just to continue this discussion he thinks the Board needs a motion to bring it back up.

Commissioner Delaney made the motion to bring the Item back up.

Commissioner Adkinson asked if this Item can be moved to the next meeting or not.

Attorney Richardson stated because certain meetings have to be held at a meeting after 5:00 p.m., but in this case it is okay; the Board has already had one 5:00 p.m. meeting on the transmittal; there is not a specific requirement in this Statute requiring this to be done at night; off the top of his head he was not sure of that so he wanted to verify and not get the Board in a situation where it could not do that at 9:00 a.m.; and with that said, there may be a potential motion to resolve this tonight if the Board is interested in taking it off the table and giving that an effort, but it is the Board's pleasure.

Commissioner Delaney noted she would be willing to amend her motion to continue with this change excluding west of I-95, SR 520 north, if she could get support by the Board.

Attorney Richardson stated he thinks staff would be agreeable to that, but for the Board to even discuss that it would have to agree to take the Item off the table; and there is a motion to do that but no second at this time.

The Board approved removing the tabling of the Item to continue discussion.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, and Feltner

Absent: Altman

Chairman Feltner advised the Board is back on the Item; and Commissioner Delaney was just speaking to an alternative motion.

Commissioner Delaney stated she would make a motion to pass this to exclude west of I-95, and SR 520 north for Policy Con 4.1, A.1, B.1, and C.2.

Commissioner Goodson asked Mr. Prasad to tell him, with that motion, how would it affect people west of there, north of here, and those to the right.

Mr. Prasad advised the other changes that are being made to the Policies would still be in effect, but in addition to that, the existing language expressly limiting density in the 100-year, 25-year, and 10-year riverline flood plain will also still be in effect in the specific area.

Commissioner Goodson stated west of I-95 would not be affected, and he asked if that would be correct.

Commissioner Delaney asked if he means east of I-95.

Commissioner Goodson repeated west of I-95 would not be affected by that motion; and he asked if that is correct.

Commissioner Delaney explained west of I-95, SR 520 north would keep these restrictions.

Commissioner Goodson asked if Commissioner Delaney is familiar with Tucker Lane and Pluckebaum.

Commissioner Delaney responded affirmatively.

Commissioner Goodson mentioned that parcel annexed into Rockledge.

Commissioner Delaney stated that is correct.

Commissioner Goodson continued by saying that would be a Rockledge issue not a County issue; he thinks this thing needs to be studied a little more and staff needs to come back because it is affecting a lot of people that might have owned land for 100 years that might want to develop it, even though they might have to mitigate it or do whatever; and he asked if that is fair to the constituents and the County. He added he would like to see this on a map so he knows what he is voting on, but she has a motion with a second; and he hears her, but he cannot vote for this.

Commissioner Delaney stated with all due respect, these are her constituents.

Commissioner Goodson stated the Commissioners all have constituents; he understands that; she was talking Mims and now she is down into Cocoa; therefore, he would want to see it on a map so he knows what he is voting for.

The Board adopted Ordinance No. 25-11, amending Chapter 62, Article III of the Code of Ordinances of Brevard County, Florida, entitled “Comprehensive Plan”, setting forth amendments necessary to implement the 2023 evaluation and appraisal review; amending Section 62-501, entitled “Contents”; specifically amending Section 62-501, Part I, entitled “Conservation Element”, to adopt new policies and revise previously adopted goals, objectives, and policies and update required and optional maps; specifically amending Section 62-501, Part II, Entitled “Surface Water Management Element”; to revise previously adopted objectives and policies; specifically amending 62-501, Part III, entitled “Recreation and Open Space Element”, to adopt new objectives and policies and to revise previously adopted goals, objectives and policies; specifically amending Section 62-501, Part V, entitled “Housing Element”, to adopt new goals, objectives and policies and revise previously adopted objectives and policies; specifically amending Section 62-501, Part VI, entitled “Potable Water Element”, to adopt new policies, revise previously adopted policies and update required and optional maps; specifically amending Section 62-501, Part VII, entitled “Sanitary Sewer Element”, to adopt new objectives and policies, revise previously adopted goals, objectives, and policies and include optional maps, specifically amending Section 62-501, Part VIII entitled “Solid Waste and Hazardous Materials Element” to revise previously adopted goals, objectives and policies; specifically amending Section 62-501, Part IX, entitled “Transportation Element”, to adopt new goals, objectives and policies, revise previously adopted objectives and policies and include required maps; specifically amending Section 62-501, Part X, entitled “Coastal Management Element”, to adopt new policies, revise previously adopted policies and update required maps; specifically amending Section 62-501, Part XI, entitled “Future Land Use Element”, to adopt new policies and update required maps; specifically amending Section 62-501, Part XII, entitled “Intergovernmental Coordination Element”, to adopt new policies and revise previously adopted objectives and policies; specifically amending Section 62-501, Part XIII, entitled “Capital Improvements Element”, to adopt new policies, revise previously adopted objectives and policies, and update the capital improvements schedule; specifically amending Section 62-501, Part XIV, entitled “Public School Facilities Element”, to revise previously adopted goals, objectives and policies; specifically amending Section 62-501, Part XVI, entitled “Glossary”, to renumber the “Glossary from Part XVI to Part XVII and to add new definitions therein; specifically amending Section 62-501, Part XVI, to establish the goals, objectives and policies of the “Brevard Barrier Island Area Element” as Part XVI; specifically amending the Future Land Use Map series to establish Future Land Use Map designations as directed by Chapter 2019-176, Laws of Florida, and Brevard County Resolution No. 2021-168; providing legal status; providing for inclusion in the Code; providing a severability clause; and providing an effective date.

Result: ADOPTED

Mover: Katie Delaney

Seconders: Kim Adkinson

Ayes: Delaney, Adkinson, and Feltner

Nay: Goodson

Absent: Altman

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

Sandra Sullivan stated when a hurricane hits, and it will, and there is mass casualty, she hopes there is a class-action suit for what this Board did today; doubling and tripling the density on the

Barrier Island and misrepresenting in this Comprehensive Plan, changing history, and it is documented in black and white; she did a records request for the documents for the 2000B and they told her no records found; she sent them the document; it is pretty clear, there are enough letters that she read here, giving the Board copies of it, that the intention was to cap the Barrier Island; that was the mandate from the State, but it is okay to highrise the Barrier Island when people will not be able to get off, it is okay apparently to change the level of service standard, a standard to not exceed as written in State Statute, a standard to not exceed for evacuation; and she had a letter from the Florida Department of Commerce that said the County cannot put Live Local on the Barrier Island if that number is exceeded. She continued by saying it is interesting, now, the County has a level of service that is a variable that can never be exceeded because it is based on whatever the data is that is updated every two years by the Eastern Central Regional Planning Council; people's lives do not matter, the deaths on the Barrier Island do not matter, when hundreds of people or more die; the Board has not even done due diligence to know what this is going to cost Brevard County; what it is going to cost when it adds all that density and height on the Barrier Island; what it is going to cost for new causeways and all that; it is not in planning; somebody said something here that is in planning; there is State Road (SR) 528 is in planning, SR 520 was just added this year in planning; it has SR 528, not SR 520, and Pineda that is in planning now; and she was shocked on Pineda because the three causeways, that is the least of the capacity. She noted SR 520 is over 100 percent capacity; it has resiliency issues; the issue is the Barrier Island; the issue is when there is a wet storm event, a hurricane, and it rains pre-landfall, which it does, not every hurricane, people cannot get off the Barrier Islands; she showed the flooding that the County's own study shows; the County has not done a fiscal analysis; this Board is going to put a lot more density on the flood plain and change the flood plain; the Board has not done the studies to know the impacts; the people do not matter because it is clear it is all about the money and the special interests; and this Board has spoken volumes tonight that the people do not matter.

Adjourn

Upon consensus of the Board, the meeting adjourned at 6:55 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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