

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, September 4, 2025

5:00 PM

Zoning

Commission Chambers

Rollcall

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

Absent: Commissioner District 2 Tom Goodson

A. CALL TO ORDER 5:00 PM

ZONING STATEMENT

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

C. PLEDGE OF ALLEGIANCE

Commissioner Altman led the assembly in the Pledge of Allegiance.

F.1. Rescission of Resolution 24Z00064 (Casabella Development, LLC (Kim Rezanka)) (24Z00064) (Tax Account 3018651) (District 4)

The Board approved rescinding Resolution 24Z00064, which indicated approval of a change of zoning classification from BU-1-A (Restricted Neighborhood Retail Commercial) to RU-2-6 (Low-Density Multi-Family Residential) with a BDP (Binding Development Plan).

Result: APPROVED

Mover: Katie Delaney

Seconder: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.1. 5125 South LLC (Arduino Cacciotti, Daniel Wasserman) requests a CUP, for Alcoholic Beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1 zoning classification. (25Z00021) (Tax Account 2512007) (District 2) The P&Z Board continued this item to the September 15, 2025, Planning and Zoning Meeting.

Chairman Feltner called for a public hearing to consider a Conditional Use Permit (CUP) for alcoholic beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1 zoning classification, as requested by 125 South LLC; and he asked the Board that this

Item be continued until the October 2 Board meeting.

Trina Gilliam, Planning and Zoning Manager, stated Item H.1. is 5125 South LLC, represented by Mr. Cacciotti and Mr. Waserman, requested a CUP for alcoholic beverages for on premises consumption accessory to a bar and game hall in Suite #3 in BU-1 zoning classification under application 25Z00021, located in District 2.

There being no further comments or objections, the Board continued the request for a CUP for alcoholic beverages for an on premises consumption accessory to a bar and game hall in Suite #3, in a BU-1 Zoning Classification to the October 2, 2025, Zoning Meeting.

Result: CONTINUED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.2. NDW Consultants LLC are requesting a change of zoning classification from AU to RR-1. (25Z00008) (Tax Accounts 2004246 & 2004248) (District 1) The P&Z Board continued this item to the September 15, 2025, Planning and Zoning Meeting.

Billy Prasad, Planning and Development Director, explained the applicant withdrew application 25Z00008 today via email for a rezoning from AU to RR-1; he did want to raise the issue to the Board's attention that after the last zoning meeting, a Resolution was executed under a different application number for an item that was approved by the Board; but due to a scrivener's error, it appears to indicate that this application was approved; staff is implementing procedures to ensure that this error does not recur; and staff wanted to clarify, for the record, that application 25Z00008 has not been approved and was withdrawn. He went on to add that staff will be bringing an item at a future Board meeting to correct the record and indicate that the proper item was approved.

The Item was Withdrawn by the Applicant.

H.3. Cobblestone II RVG LLC (D. Scott Baker) requests a Small-Scale Comprehensive Plan Amendment (25S.12) to change the Future Land Use Map (FLUM) designation from RES-1, RES-2, CC, and NC to RES-6. (23SS00006) (Tax Accounts 3006458, 3010260) (District 3)

Chairman Feltner called for a public hearing to consider a request by Cobblestone II RVG LLC for a Small Scale Comprehensive Plan Amendment (25S.12) to change the Future Land Use Map (FLUM) designation from RES-1, RES-2, CC, and NC to RES-6.

Trina Gilliam, Planning and Zoning Manager, advised Items H.3. and H.4. are companion applications; she is going to read them into the record together; however, they will need separate approvals; Cobblestone II RVG LLC, represented by D. Scott Baker, requests a Small Scale Comprehensive Plan Amendment (25S.12) to change the FLUM designation from RES-1, RES-2, CC, and NC to RES-6 under application 25SS00006, located in District 3; and Cobblestone II RVG LLC, represented by D. Scott Baker, requests a zoning classification change from TR-3 and RU-1-9 to all TR-3, with a Binding Development Plan (BDP), under application 23Z00038, located in District 3.

There being no comments or objections, the Board adopted Ordinance No. 25-16, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the twelfth Small Scale Plan Amendment of 2025, 25S.12, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-5-1 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), the Future Land Use Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: ADOPTED

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.4. Cobblestone II RVG LLC (D. Scott Baker) requests a zoning classification change from TR-3 and RU-1-9 to all TR-3 with a BDP. (23Z00038) (Tax Accounts 3006458, 3010260) (District 3)

Chairman Feltner called for a public hearing to consider a request by Cobblestone II RVG LLC for a change of zoning classification from TR-3 and RU-1-9 to all TR-3, with a Binding Development Plan (BDP).

There being no further comments or objections, the Board approved the request for a change of zoning classification from TR-3 and RU-1-9 to all TR-3, with a BDP.

Result: APPROVED

Mover: Kim Adkinson

Second: Katie Delaney

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.5. City Pointe Landfall LLC (David Bassford) requests a Small-Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use designation from RES-1, RES- 2, RES-4, and NC to CC and RES-4. (24SS00009) (Tax Account 2411252) (District 1) The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Chairman Feltner called for a public hearing to request a Small Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use (FLU) designation from RES-1, RES-2, RES-4, and NC to CC and RES-4.

Trina Gilliam stated Items H.5. and H.6. are companion applications; she is going to read them into the record together; City Pointe Landfall LLC, being represented by Kim Rezanka, is requesting a Small Scale Comprehensive Plan Amendment (24S.11) to change the FLU designation from RES-1, RES-2, RES-4, and NC to CC and RES-4, under application 24SS00009, located in District 1; City Pointe Landfall LLC, represented by Kim Rezanka, is requesting a change in zoning classification from EU and RP with an existing BDP, to Planned Unit Development (PUD), with removal of an existing BDP, under application 24PUD00003,

located in District 1; and at this time staff is asking that his Item be continued until the October 2 Board meeting.

There being no further comments or objections, the Board continued the request for a Small Scale Comprehensive Plan Amendment (24S.11) to change the FLU designation from RES-1, RES-2, RES-4, and NC to CC and RES-4 to the October 2, 2025, Zoning Meeting.

Result: CONTINUED

Mover: Katie Delaney

Second: Thad Altman

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.6. City Pointe Landfall LLC (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1) The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Chairman Feltner called for a public hearing to consider a change in zoning classification from EU and RP with an Existing Binding Development Plan (BDP) to Planning Unit Development (PUD) with the removal of an existing BDP.

There being no further comments or objections, the Board continued the request for a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP to the October 2, 2025, Zoning meeting.

Result: CONTINUED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.9. Thomas Daugherty requests a change of zoning classification from GU to RU-1-7. (25Z00007) (Tax Account 2301907) (District 1)

Ms. Gilliam asked if she could move Item H.9. up; the applicant for H.7. and H.8. is stuck on I-95; and she will be here in approximately 13 minutes.

Chairman Feltner stated that is okay as the Board has some housekeeping issue to go through, so the Board will go to H.9.

Chairman Feltner called for a public hearing to consider a request by Thomas Daugherty requesting a change of zoning classification from GU to RU-1-7.

Trina Gilliam, Planning and Zoning Manager, advised Thomas Daugherty is requesting a change of zoning classification from GU to RU-1-7 under application 25Z00007, located in District 1.

There being no further comments or objections, the Board approved the request of Thomas Daugherty for a change of zoning classification from GU to RU-1-7.

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

L.3. Katie Delaney, Commissioner District 1

Commissioner Delaney stated there is one thing she would like to bring up, and it was about the County Manager salary contract; she asked Morris Richardson, County Attorney, some questions about how the Board is going to go about doing this; and she asked if there will be a time before it comes to the Board that staff will get some input from the Commissioners, or how is that going to work.

Chairman Feltner responded the committee met today, being he and Attorney Richardson as the Board designated; the item has to be taken up, the Board will discuss it, and it will then vote on it; and he asked if that is sufficient for Commissioner Delaney, as she will be able to ask as many questions and make necessary comments.

Commissioner Delaney commented her concern is if the cake is going to be baked at that point.

Chairman Feltner advised he was looking at it today, and he does not sign anything until after that meeting when the Board votes.

She asked if Chairman Feltner cares if she shares a couple of her things.

Chairman Feltner replied absolutely.

Commissioner Delaney stated she is wondering about how the salary will be determined, the possibility of annual evaluations, and a possible fixed-term contract with six months prior review; that way, basically, the Board is constantly coming up for a checkup like is this working for everybody that type of thing; and those were just some of her thoughts to possibly be put into the contract.

Chairman Feltner pointed out that Commissioner Delaney can certainly amend it at the meeting; like he said, he does not think there is another opportunity; the Board has a budget meeting coming up; he would not think the Board would have it on there for the budget hearing; but certainly when the Board is on the Item, it can amend as necessary.

Commissioner Delaney noted she just kind of wanted to share her thoughts, because at the time that all happened, it was kind of very fast-paced; and she did not quite have all her thoughts together at that time.

L.7. Rob Feltner, Commissioner District 4, Chairman

Chairman Feltner stated he wanted to clarify something said at the last meeting, so he thinks the Board saw a memo about what it meant to continue to the next meeting for the CEER Item, so it voted on that; he wanted to be clear that the Board was saying to continue to the next regular County Commission meeting, not the budget hearing; and he asked if the Board was all

clear on that. He went on to say the County will fly flags at half-staff for Joe Lee Smith; he is sure the Commissioners agree about honoring Dr. Smith; he had a few things he wanted to say, so the funeral arrangements will be for him on September 13 at Zion Orthodox Primitive Baptist Church; if he or she did not have those details, that is when that will be; Joe Lee served on the Rockledge City Council for 36 years, a real institution; for those who have lived in Brevard County for a long time, it is impossible that one did not know him; he was married for 63 years; they did not put this in the paper, but he happens to know this little tidbit; and he lived in Levitt Parkway for 56 years, as he and his wife bought that house in 1969. He pointed out Joe Lee was provost at all four Eastern Central Florida campuses when it was called Brevard Community College (BCC); his parents knew Joe Lee because they golfed at Rockledge Country Club; if one golfed at Rockledge Country Club, he or she likely played golf with Joe Lee; he got Bachelor and Master's degrees from Florida A&M, his Doctoral degree in education at University of Florida; he had numerous awards, two being Brevard County Junior Achievement Business Hall of Fame, and South Brevard NAACP Lifetime Achievement Living Legend Award; and Dr. Smith was a baseball player and in the Florida A&M University's Sports Hall of Fame, and the Space Coast Sports Hall of Fame for his achievements in sports development. He stated as the Commissioners know, the Joe Lee Smith Recreation Center in Cocoa; if one went to school at the Melbourne Campus of BCC, they have a building named for him there, the Joe Lee Smith Teaching Center; and he will be missed, he will be remembered in Brevard County, and the County appreciates his service.

Commissioner Altman commented he knew Joe Lee well and loved him; he was a very special guy; he was one of those individuals that when one was around, he or she was just happy to be alive; he just imbued such positive energy; he was just a powerful individual who really made a huge difference for Brevard County; and Brevard is a great place to live because of people like Joe Lee Smith.

H.7. Still Florida Properties LLC (Kelly Delmonico) requests a Small-Scale Comprehensive Plan Amendment (25S.11) to change the Future Land Use Map (FLUM) designation from NC and RES 2 to CC. (25SS00006) (Tax Account 2000338) (District 1)

Chairman Feltner called for a public hearing to consider a request by Still Florida Properties, LLC, for a Small Scale Comprehensive Plan Amendment (25S.11) to change the Future Land Use Map (FLUM) designation from NC and RES 2 to CC.

Trina Gilliam, Planning and Zoning Manager, stated she is going to read into the record together Items H.7. and H.8. as they are companion applications; however, staff will need a separate decision on those; H.7. is Still Florida Properties LLC, being represented by Kelly Delmonico, requesting a Small Scale Comprehensive Plan Amendment (25S.11) to change the FLUM designation from NC and RES 2 to CC under application 25SS00006, located in District 1; and H.8. is Still Florida Properties LLC, presented by Kelly Delmonico, requesting zoning classification change from AU to BU-1 under application 25Z00019, located in District 1.

Commissioner Delaney stated she does not have any questions or discussion, but she did want to say for the record that she completely forgot to send in her disclosure, so she did meet with Ms. Delmonico and her client at her office for about 50 minutes on May 28.

There being no further comments or objections, the Board adopted Ordinance No. 25-17, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Eleventh Small Scale Plan Amendment of 2025, 25S.11 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

Absent: Goodson

H.8. Still Florida Properties LLC (Kelly Delmonico) requests a zoning classification change from AU to BU-1. (25Z00019) (Tax Account 2000338) (District 1)

Chairman Feltner called for a public hearing to consider a change in zoning classification from AU to BU-1, as requested by Still Florida Properties LLC.

There being no further comments or objections, the Board approved the request for a change of zoning classification from AU to BU-1.

Upon consensus of the Board, the meeting adjourned at 5:26 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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

Result: APPROVED

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson