

November 7, 2019

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, November 7, 2019**

**5:00 PM**

**Zoning**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, and Commissioner District 4 Curt Smith  
**Absent:** Commissioner District 5 Kristine Isnardi

**B. MOMENT OF SILENCE**

Vice Chair Lober stated before getting started, he would like to go through a few housekeeping items; Chair Isnardi is handling election canvassing, and she would probably much rather be here, but she definitely has an excused absence; and Commissioner Smith is with the Board on the phone.

Eden Bentley, County Attorney, inquired if Commissioner Smith had access to a computer to stream the County Commission meeting.

Commissioner Smith responded affirmatively.

Ms. Bentley inquired if it was showing him the meeting room.

Commissioner Smith responded affirmatively.

Ms. Bentley asked if he could see the screen behind the dais.

Commissioner Smith responded affirmatively.

Ms. Bentley advised the public that Commissioner Smith would be able to hear and see the speaker when they come up to the podium, and if there are documents to submit to the Board that have not been previously submitted, there is a method to present that document to the Board; and she instructed that anyone wishing to present shall put the document on the projector to the right of the podium.

Vice Chair Lober called for a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**F.1. Granting Signature Authority, Re: The Florida Department of Economic Opportunity Community Services Block Grant Community Action Plan**

The Board granted signature authority to the Chair to sign the Florida Department of Economic Opportunity Community Services Block Grant Community Action Plan; and granted authorization for the Chair to sign all future subsequent Plans once approved by a Results Oriented Management and Accountability Trainer or Implementer, and Department Director.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** John Tobia

**H.1. Frances P. and Thomas A. Spina, Co-Trustees request a change of zoning classification from GU (General Use) and RR-1 (Rural Residential) to AU (Agricultural Residential). (19PZ00095) (Tax Account 2406818) (District 1)**

Vice Chair Lober called for a public hearing for Frances P. and Thomas A. Spina, Co-Trustees, for a request to change the zoning classification from GU (General Use) and RR-1 to AU (Agricultural Residential).

Jeffrey Ball, Planning and Zoning Manager, stated this is Case Number 19PZ00095, Francis P. and Thomas A. Spina, Co-Trustees, request a change of zoning classification from GU (General Use) and RR-1 to AU (Agricultural Residential); and the subject property is located in District 1.

Commissioner Pritchett stated this couple found something good to do near the landfill and she commends them for that.

There being no further comments or objections, the Board approved the request for a change in zoning classification from GU (General Use) and RR-1 to AU (Agricultural Residential) on property located at 1470 Adamson Road, Cocoa, for the purpose of having an agriculture farm animals including, but not limited to, roosters and ducks, as requested by Frances P. and Thomas A. Spina, Co-Trustees.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.2. Thomas L. and Barbara S. Tofte (Anjelika Teynor) request a change of zoning classification from GU (General Use) to SR (Suburban Residential) with a BDP (Binding Development Plan) limited to one lot. (19PZ00098) (Tax Accounts 2000804, 2000810, 2000811) (District 1)**

Vice Chair Lober called for a public hearing for Thomas L. and Barbara S. Tofte (Anjelika Teynor) a request to change the zoning classification from GU (General Use) to SR (suburban Residential) with a Binding Development Plan (BDP), limited to one lot. He stated he does have a card on this item, and if the Board has any disclosures to let him know at the onset when the item is called out.

Anjelika Teynor stated the only reason she filled out the card was because she was told to, there is nothing for her to say or add to what the Board already has in the comments, unless there are questions.

Vice Chair Lober inquired for the record if she was from Mims.

Ms. Teynor responded affirmatively.

Jeffrey Ball, Planning and Zoning Manager, stated this is for 19PZ00098, Thomas L. and Barbara S. Tofte (Anjelika Teynor) requesting a change of zoning classification from GU (General Use) to SR (Suburban Residential) with a Binding Development Plan (BDP) limited to one lot; and it is located in District 1.

Commissioner Pritchett stated they went through a little bit of a briefing together; and she inquired if they are going to have to figure out how to get the right-of-way onto the property.

Tad Calkins, Planning and Development Director, stated they have a right-of-way in front of the property so they will be okay; it is bifurcated, they own three lots, one of them is bifurcated by a right-of-way to the other two; the BDP will help tie all of that together and will allow for them to be just one house on all three lots.

There being no further comments or objections, the Board approved the change of zoning classification from GU (General Use) to SR (Suburban Residential) with a Binding Development Plan (BDP) limited to one lot, located on the north side of Golden Shores Boulevard, approximately 0.44 mile west of U.S. Highway 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.3. Laura Kimberley Miller requests a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential) and removal of an existing BDP (Binding Development Plan). (19PZ00099) (Tax Account 2106652) (District 1)**

Vice Chair Lober called for a public hearing for Laura Kimberley Miller, for a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential), and removal of an existing Binding Development Plan (BDP).

Jeffrey Ball, Planning and Zoning Manager, stated this is for 19PZ00099, Laura Kimberley Miller is requesting a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential), and removal of an existing BDP; it is located in District 1; and staff has received one letter of opposition.

Vice Chair Lober stated he understood there may or may not be a motion to table this.

Commissioner Pritchett asked Laura Miller if she would like to table this request; and she inquired if it was acceptable that the applicant stated she wanted it tabled, or if she needed to table it.

Laura Miller stated she would like to postpone to the next zoning meeting so she can have some time to prepare.

There being no further comments or objections, the Board continued the request for a change of classification from RR-1 (Rural Residential) to AU (Agricultural Residential), and removal of a Binding Development Plan (BDP), to the December 5, 2019, Zoning meeting.

**Result:** Continued

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.4. Tanya C. Knowles and Daisy Knowles request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). (19PZ0100) (Tax Accounts 3006678 & 3006686) (District 3)**

Vice Chair Lober called for a public hearing for Tanya C. Knowles and Daisy Knowles, for a request to change the zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential).

Jeffrey Ball, Planning and Zoning Manager, stated this is for 19PZ0100, Tanya C. Knowles and Daisy Knowles are requesting a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), it is located in District 3.

Tanya Knowles stated she did not know she was going to be speaking, and she wrote applicant at the top of the speaker card so her attendance was noted.

Vice Chair Lober asked if she was only here for questions.

Ms. Knowles replied yes, if there are any.

There being no further comments or objections, the Board approved the change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), located at 8302 and 8303 Brown Road, Micco, as requested by Tanya C. Knowles and Daisy Knowles.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.5. Wayne R. Friedrich and Adam J. Saab (Andrew Bader) request a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-15 (Medium Density Multi-Family Residential). (19PZ00103) (Tax Account 2607205) (District 4)**

Vice Chair Lober called for a public hearing for Wayne R. Friedrich and Adam J. Saab (Andrew Bader) for a request to change the zoning classification from BU-1 (General Retail Commercial) to RU-2-15 (Medium Density Multi-Family Residential); he has a disclosure for this Item, his office received an email from Sandra Sullivan expressing opposition to the development; and he does have a card for the applicant.

Jeffrey Ball, Planning and Zoning Manager, stated this is for 19PZ00103, Wayne R. Friederich and Adam J. Saab (Andrew Bader) are requesting a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-15 (Medium Density Multi-Family Residential), located in District 4, and staff has received two letters of opposition.

Wayne Friederich stated he filled out a card, but everything he said at the Planning and Zoning meeting is all there is, and he is not sure what else is needed.

Vice Chair Lober stated if he is just available for questioning, the Board can see if there are any concerns or questions from Commissioner Smith being it is in his District.

Commissioner Smith stated he does have some concerns about this, such as future compatibility with the tenants that would be living in this unit that was proposed, and planning it out with existing businesses that surround it, the Board has seen that in cases before, and that concerns him; he added this property is awfully small, he is concerned about parking and stormwater, and he does not think this is a good fit for this property.

Vice Chair Lober asked if Commissioner Smith thought this was something that could be resolved if it was sent back, to work with staff, or if it was something where he thought he would need to go in a different direction.

Commissioner Smith stated that staff thinks it will not work, he has spoken to them, and they do not think so either, and he is not there to ask staff; and he inquired if Mr. Calkins' would like to weigh in on this.

Tad Calkins, Planning and Development Director, stated this is a pretty small site, and whenever they do small sites, when they get into site design, everything becomes much more important; and they are dealing with setbacks, and some of the criteria of development plans and the development regulations where it becomes more compressed and more difficult to establish a design that would work. He went on to say without having that it is difficult for staff to say that the applicant would not be back before the Board later asking for waivers or some relief from the Site Plan Code, or Subdivision Code as they go forward.

Vice Chair Lober asked what Commissioner Smith would like to do.

Commissioner Smith stated he would like to negate this.

Vice Chair Lober inquired if that was a motion to deny this request in that case.

Commissioner Smith replied yes, that would be a motion to deny.

There being no further comments or objections, the Board denied the request for a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-15 (Medium Density Multi-Family Residential) for property located at 272 Highway A1A, Satellite Beach, as requested by Wayne R. Friedrich and Adam J. Saab (Andrew Bader).

**Result:** Denied

**Mover:** Curt Smith

**Secunder:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.6. Heck Enterprises of Brevard, Inc. requests a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) (19PZ00104) (Tax Account 3009175) (District 3)**

Vice Chair Lober called for a public hearing for Heck Enterprises of Brevard, Inc. for a request for a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Jeffrey Ball, Planning and Zoning Manager, stated this if for 19PZ00104, Heck Enterprises of Brevard, Inc., requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), located in District 3.

Commissioner Tobia inquired if the applicant was present.

Vice Chair Lober stated he does not have a card for this Item, and no one spoke up from the audience.

Commissioner Tobia stated the applicant went to Planning and Zoning and agreed on a Binding Development Plan (BDP), and then submitted the BDP with changes; he added it was either an error, or they were trying to pull a fast one; he guesses it was probably an error, but he does not feel comfortable going forward and approving the BDP; and he was going to offer that had the applicant been present, but since they are not here, he thinks the wise motion is to deny this request.

Vice Chair Lober stated it is his preference; and he can send it back to Planning and Zoning, or he can deny it.

Commissioner Tobia stated they did not meet with him; they are not present at the meeting; and he asked staff if the Board were to deny it, the applicant would have to re-apply again and go through the process again.

Tad Calkins, Planning and Development Director, stated they would have to go through the process, they would have a limit of six months that they would have to wait before they could apply again, since the applicant is not here, and if he was inclined, he could always table it to the next meeting, to give the applicant the opportunity to be here, but it is the Board's pleasure.

Commissioner Tobia stated in all honesty, the Board has given them the opportunity to show up; it was advertised publicly; he is going to make a motion to deny; and if the Board would like to go against that he understand, but the Commissioners showed up.

Commissioner Pritchett agreed that the BDPs did not match.

There being no further comments or objections, the Board denied the request for a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on property located at 307 and 311 Barefoot Boulevard, Micco, as requested by Heck Enterprises, Inc.

**Result:** Denied

**Mover:** John Tobia

**Secunder:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**H.7. Corey Nail requests a change of zoning classification from PUD (Planned Unit Development) and AU (Agricultural Residential) to all AU. (19PZ00106) (Tax Account 2605311) (District 4)**

Vice Chair Lober called for a public hearing on a request for Corey Nail for a change of zoning classification from PUD (Planned Unit Development) and AU (Agricultural Residential) to all AU.

Jeffrey Ball, Planning and Zoning Manager, stated this is for 19PZ00106, Corey Nail, requesting a change of zoning classification from PUD (Planned Unit Development) and AU (Agricultural Residential) to all AU, and is located in District 4.

Commissioner Smith asked if there were any cards on this Item.

Vice Chair Lober replied no.

There being no further comments or objections, the Board approved the request to change the zoning classification from PUD (Planned Unit Development) and AU (Agricultural Residential) to all AU, for property located on the west side of Turtle Mound Road, approximately 0.26 mile north of Post Road, Melbourne, as requested by Corey Nail.

**Result:** Approved

**Mover:** Curt Smith

**Secunder:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, and Smith

**Absent:** Isnardi

**J.1 Modification to County Code Creating Property Owner Obligation to Repair Leaking Sewer Laterals, District 2.**

Vice Chair Lober stated his apologies because he did not mean for this Item to be on the Agenda at this time; he was surprised because he tried going through Legistar, which he is still getting familiar with, and either he inadvertently approved it, and did not mean to do so yet, or something else may have happened to it, because he had sent it to staff to get comments; then the next thing he knows, even the portions that clearly had work to be done were just left undone; and he thinks this was his error. He went on to say if the Board would like to discuss it now, that is fine, but given that there are two Commissioners out, his inclination would be to move to table it, because he does not want to take a vote on it this evening; but if anyone is here and they would like to speak, he is happy to hear it, otherwise, he would move to table it.

Vice Chair Lober passed the gavel to Commissioner Pritchett and made a motion to table this Item.

Commissioner Tobia stated he voted to table that, but since it was brought forward and the Board is in a public meeting, he can discuss this; he added he is in favor of the concept, but he would like to add something to it, so as it moves forward he can think about it; and he is concerned about fairness on this lateral ordinance. He explained it looks as though Satellite Beach is getting 100 percent reimbursement; he is concerned that as the Board moves forward, the amount of resources that come out of the Save Our Indian River Lagoon (SOIRL) funds will not dictate that 100 percent payout; and he will have a motion to immediately suspend the 100



percent, until the Board can get a reasonable amount. He went on to say it seems the Board would be punishing people, which he has no problem with, who had the opportunity to have 100 percent of it paid, whereas if the Board were to do these later, it would be asking people to pay 50 or potentially 60 percent as the money runs dry.

Vice Chair Lober stated that makes sense.

Commissioner Tobia he would like to look at it; hopefully it is not mutually exclusive to be clear, but he believes there is a parody issue, and would like to make sure Satellite Beach is not receiving 100 percent of the funds, as there is a member of the SOIRL Committee that is Manager of that area, and he would like to see the money distributed fairly.

Commissioner Pritchett stated she agrees with Commissioner Tobia's comments; she believed this was a pilot thing, but she would be curious to know how they are going to continue doing that through the communities, because she thinks if they started it there, it may need to be offered to other communities, too, instead of just one area. She added she does not know how to do all of that, or the cost on it.

Vice Chair Lober stated maybe the best way is to speak to Virginia Barker, Natural Resources Management Director, and then try to work with staff individually to express it.

Virginia Barker, Natural Resources Management Director, stated the Satellite Beach area was the first pilot area because that was where the large overflow areas happened during the hurricane; a second pilot area was approved in Titusville; and they have not done their smoke testing yet, so staff does not know what they will find. She added there are a large number of applications from the Utilities Department for the next 2020 update of the plan; and those have not yet been considered by the Committee to make a recommendation to the Board.

The Board tabled consideration of modification to County Code creating property owner obligation to repair leaking sewer laterals, to a future Board meeting.

**Result:** Tabled

**Mover:** Bryan Lober

**Secunder:** Rita Pritchett

#### **L.4. Board Reports, Re: Bryan Lober, Commissioner District 2, Vice Chair**

Vice Chair Lober stated to give everyone a heads up of what they will see on the November 19, 2019, Board meeting, he will have a motion to appoint Laurent Rollins to the Tourist Development Council (TDC), to fill the spot that was vacated by Anna Palermo; she is with the Melbourne Chamber, so what he intended to do, and he was drafting the language for it today, is simultaneous to having her appointed, he would like to go ahead and address the fact that she does work for Melbourne Chamber, which is a recurring grant recipient from the TDC; he asked the Board to expect that; and he added he would save the more in-depth discussion for a time when all of the Commissioners are present. He noted he did have conversations with the Mayor and City Manager as recently as today in person in Cocoa Beach about Lori Wilson Park, and also about a potential automatic aid agreement for Snug Harbor, and potentially

some of the other incorporated areas that are adjacent to that.

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

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

\_\_\_\_\_  
KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

DRAFT