

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, August 1, 2024**

**5:00 PM**

**Zoning**

**Commission Chambers**

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

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, and Commissioner District 4 Rob Feltner  
**Absent:** Commissioner District 5 Jason Steele

**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 Goodson led the assembly in the Pledge of Allegiance.

**F.1. Acceptance, Re: Binding Development Plan with Quality RV Sales, LLC (23Z00083)**

The Board executed and accepted the Binding Development Plan with Quality RV Sales, LLC, for limiting the site to all BU-1 uses and only the BU-2 uses for third-party storage of RV's and Boats, as Recorded in ORB 10128, Pages 1524 - 1531, of the Public Records of Brevard County.

**Result:** APPROVED

**Mover:** Rob Feltner

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**F.2. Acceptance, Re: Binding Development Plan with West Malabar Properties, LLC (24Z00004)**

The Board executed and accepted the Binding Development Plan with West Malabar Properties, LLC, for limiting the site to all BU-1 uses and only the BU-2 uses for indoor climate controlled mini storage, as Recorded in ORB 10128, Pages 1544 - 1549, of the Public Records of Brevard County.

**Result:** APPROVED

**Mover:** Rob Feltner

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

The Board recessed at 5:04 p.m. and reconvened at 5:08 p.m.

**H.1. Paul Turner and Jackie Allen (Eddie Small) Request a Small-Scale Comprehensive Plan Amendment (24S.03), to Change the Future Land Use Designation from RES 2 to NC (24SS00003) (Tax Account 2104754)**

Vice Chair Pritchett called for the public hearing on a request by Paul Turner and Jackie Allen for a Small Scale Comprehensive Plan Amendment (24S.03) to change the Future Land Use designation from RES 2 to NC, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.1. and H.2. are companion applications; they can be discussed together but he will need to have separate motions; Item H.1. is Paul Turner and Jackie Allen request for a Small Scale Comprehensive Plan Amendment (24S.03) to change the Future Land Use designation from RES 2 to NC; application number is 24SS00003 and tax account number is 2104754, and located in District 1; Item H.2. is Paul Turner and Jackie Allen's request for a change of zoning classification from RU-2-10(5) to RVP, with a Binding Development Plan (BDP); and the application number is 24Z00008, tax account number is 2104754, and it is located in District 1.

Vice Chair Pritchett advised she has a speaker's card for Bruce Moia; and she is comfortable with it because it is in her District.

There being no comments or objections, the Board adopted Ordinance No. 24-17, amending Article III, Chapter 62, of the Code of Ordinance of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the seventh Small Scale Plan Amendment of 2024, 24S.03, 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), entitled the Future Land Use Map Appendix; 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:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.2. Paul Turner and Jackie Allen (Eddie Small) Request a Change of Zoning Classification from RU-2-10(5) to RVP with a BDP (24Z00008) (Tax Account 2104754)**

Vice Chair Pritchett called for the public hearing on a request by Paul Turner and Jackie Allen for a change of zoning classification from RU-2-10(5) to RVP, with a Binding Development Plan

(BDP).

There being no objections heard, the Board approved Paul Turner and Jackie Allen's request for a change of zoning classification from RU-2-10(5) to RVP with a BDP.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.3. Put It In Me Storage, LLC (Vaheed Teimouri) Requests a Change of Zoning Classification from IU to BU-2 (24Z00010) (Tax Account 2322557)**

Vice Chair Pritchett called for the public hearing on a request by Put It In Me Storage, LLC for a change of zoning classification from IU to BU-2, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Put It In Me Storage, LLC requests for a change of zoning classification from IU to BU-2; application number is 24Z00010 and tax account number is 2322557, and it is located in District 1; the applicant was not present at the July 22, 2024, Planning and Zoning meeting; and staff's recommendation is to continue this to the August 12, 2024, Planning and Zoning meeting, and to the September 5, 2024, Board of County Commissioners Zoning meeting.

There being no comments or objections heard, the Board continued the request by Put It In Me Storage, LLC on a change of zoning classification from IU to BUD-2, to the August 12, 2024, Planning and Zoning/Local Planning Agency meeting and to the September 5, 2024, Zoning meeting. (2400010).

**Result:** CONTINUED

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.4. MJ COOP, LLC Requests a Change of Zoning Classification from GU to RRMH-1 (24Z00018) (Tax Account 2000674 & 2000676)**

Vice Chair Pritchett called for the public hearing on a request by MJ COOP, LLC for a change of zoning classification from GU to RRMH-1, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated MJ COOP, LLC requests for a change of zoning classification from GU to RRMH-1; and the application number is 24Z00018, the tax account numbers are 2000674 and 2000676, and it is located in District 1.

Vice Chair Pritchett advised she has a speaker's card for Abby Williams; and she is comfortable with it because it is in her District.

There being no comments or objections heard, the Board approved the request by MJ COOP, LLC on a change of zoning classification from GU to RRMH-1.

**Result:** APPROVED

**Mover:** John Tobia

**Secunder:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.5. Walter Chlewicki Requests a Change of Zoning Classification from RU-1-13 to RU-2-4 with a BDP (24Z00020) (Tax Account 2624912)**

Vice Chair Pritchett called for the public hearing on a request by Walter Chlewicki for a change of zoning classification from RU-1-13 to RU-2-4, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Walter Chlewicki requests for a change of zoning classification from RU-1-13 to RU-2-4 with a Binding Development Plan; the application number is 24Z00020 and the tax account number is 2624912, and it is located in District 4; the Planning and Zoning Board recommended denial; and the applicant was not present for that meeting.

Commissioner Feltner inquired if the applicant is present; he stated he is going to deny and waive the requirements that they have to wait six months; and he inquired if that is what the Board can do.

Tad Calkins, Planning and Development Director, responded yes; and he stated there is a Code provision that says the Board could waive the requirement for the six months delay, for them to submit a new application.

Commissioner Tobia asked if they did not show up here, why waive that six-month provision.

Commissioner Feltner replied his understanding is there is a co-owner on the property and they need to work that out.

Commissioner Tobia inquired if he was aware they were not present.

Commissioner Feltner responded staff just made him aware.

Commissioner Tobia expressed his thanks; and he stated that makes all the difference.

There being no further comments or objections heard, the Board denied the request for a change of zoning classification by Walter Chlewicki from RU-1-13 to RU-2-4 with a BDP; and waived the requirement of a six-month delay for a new application to be submitted.

**Result:** DENIED

**Mover:** Rob Feltner

**Secunder:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.6. KMM-FL, LLC (Chris Romandetti) Requests a Change in Zoning Classification RU-2-10(6) to BU-2 (24Z00024) (Tax Account 2601612 & 2617260)**

Vice Chair Pritchett called for the public hearing on a request by KMM-FL, LLC for a change of zoning classification from RU-2-10(6) to BU-2, located in District 4.

Jeffrey Ball, Planning and Zoning Manager, stated KMM-FL, LLC requests for a change of zoning classification from RU-2-10(6) to BU-2; the application number is 24Z00024, the tax account numbers are 2601612 and 2617260, and it is located in District 4; the Planning and Zoning Board recommended approval, subject to a Binding Development Plan (BDP); and if the Board would like for him to read the conditions that were outlined in the BDP, he could.

Commissioner Feltner asked him to read the conditions aloud.

Mr. Ball read aloud, "The BDP to the north prohibits the following uses: auditoriums, automobile hire, automobile paint and body repair, automobile repairs, automobile sales, automobile tires and mufflers sales and service, automobile washing-mechanized, boat service, building materials and supplies, cabinetmaking and carpentry, commercial entertainment and amusement enterprises, contractors outdoor storage yards, engine service, farm machinery sales and service, feed and hay for animals and stock, fertilizer stores, flea markets, gasoline service stations, hotels, lumber sales, motels, motorcycle sales and service, outside sale of mobile homes, pet kennels, plant nurseries, recovered materials processing facility, restaurant outdoor seating, seafood processing plants, service station for automobile vehicles and U-Haul service, scarpering and grinding shops, theatres, towers and antennas, trailer and truck service, treatment and recovery facility, welding repairs and metal fabrication, outdoor storage or display of large items or material which may require forklift, front-loader, tractor or similar machinery to move shall be prohibited, outdoor intercoms and public address systems shall be prohibited, digital or electronic signs and billboards whether static, animated, or intermittent, shall be prohibited, freestanding signs shall be limited to not exceed ten feet in height, and the gross Floor Area Ratio (FAR) shall not exceed 0.75, consistent with the Neighborhood Commercial Comprehensive Plan category."

Commissioner Feltner advised the applicant is present tonight; he disclosed he had a meeting with the applicant prior to this meeting, where they discussed the BDP; Chris Romandetti is present; and there is another speaker's card, should they want to speak.

David Hoffman stated he represents the Lake Point Homeowners Association, located on the west side of Waelti Drive, and it would definitely be affected by this zoning change; and they are in support of this change, as long as the prohibited uses are added into the BDP.

There being no further comments or objections, the Board approved the request by KMM-FL, LLC for a change in zoning classification from RU-2-10(6) to BU-2, with conditions in a BDP prohibiting the following uses: auditoriums, automobile hire, automobile paint and body repair, automobile repairs, automobile sales, automobile tires and mufflers sales and service, automobile washing-mechanized, boat service, building materials and supplies, cabinetmaking and carpentry, commercial entertainment and amusement enterprises, contractors outdoor storage yards, engine service, farm machinery sales and service, feed and hay for animals and stock, fertilizer stores, flea markets, gasoline service stations, hotels, lumber sales, motels, motorcycle sales and service, outside sale of mobile homes, pet kennels, plant nurseries, recovered materials processing facility, restaurant outdoor seating, seafood processing plants, service station for automobile vehicles and U-Haul service, scarpering and grinding shops, theatres, towers and antennas, trailer and truck service, treatment and recovery facility, welding repairs and metal fabrication, outdoor storage or display of large items or material which may

require forklift, front-loader, tractor or similar machinery to move shall be prohibited, outdoor intercoms and public address systems shall be prohibited, digital or electronic signs and billboards whether static, animated, or intermittent, shall be prohibited, freestanding signs shall be limited to not exceed ten feet in height, and the gross Floor Area Ratio (FAR) shall not exceed 0.75, consistent with the Neighborhood Commercial Comprehensive Plan category.

**Result:** APPROVED

**Mover:** Rob Feltner

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

## **K. PUBLIC COMMENTS**

Sandra Sullivan stated the Agenda came out for Tuesday's meeting and she just wanted to make some comments in advance of that meeting; she was pretty disgusted that the conversation of Sarno Landfill is back on the Agenda, hidden under Consent even though it needs a supermajority vote, and she would suggest it be removed; at the July 9 Melbourne City Council meeting, it said in their packet that the County has potential buyers for the Sarno land; she is wondering if that is what it is all about; and she asked why give away property that is going to result in more than \$100 million of higher cost for the taxpayers, for muck dredging. She added the council was not enthusiastic about buying the land; Paul Alfrey, City of Melbourne Mayor, said, "We can get this land for next to nothing.", at three hours and 30 minutes; it is offensive that Mayor Alfrey is making points that they can lease Sarno for \$1 a year, for 99 years; Mayor Alfrey is saying that the County really wants to get rid of it; and that the County does not need the Sarno land. She reiterated that she finds it offensive that the District 4 Commissioner made a statement previously, that it has not been used in 20 years; she advised it has been used as a Dredged Material Management Area (DMMA) site and it has been used for part of the Waste Management Contract for hurricane debris; per previous legal opinions, as utility land, it has to be sold for fair market value; and she showed a picture of it being used for a DMMA site. She mentioned also on the Agenda is adjusting the project for the muck dredging, north of Eau Gallie, on a picture she held up to show; she pointed to the Sarno site and stated this is where they previously put the muck; as seen on that map, all the other projects that are in the vicinity; and this is not just talking muck dredging down to Palm Bay, that is 8.1-miles. She stated this is a \$26 million project, it was supposed to come in at \$26 million, but it came in at \$49 million because it is pumping at 8.1-miles; she did records requests and it was obstructed, and it took some time to do additional emails for records requests that she wanted; but the Agenda kind of confirms what they are doing; they are going to dredge less muck for that particular site, to get that cost down. She stated this Item should not even be coming before this Commission, before each person knows what it is going to cost, the incremental cost it is going to cost to pump muck all the way to Palm Bay; first, on the bid for Eau Gallie, even though they are maneuvering things, and they are not doing the internal cleanup; they are not doing as much muck, like down to one-third of the volume; there are other projects; and until the County has those costs, any discussion of Sarno should be off-the-table.

The meeting adjourned at 5:19 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

JASON STEELE, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on August 27, 2024.