

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 16, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Voting Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodggers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Robert Brothers (D5); Ana Saunders (D5), and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Rachel Genera, Public Works Engineering Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Planner; Paul Body, Planner; Desirée Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Approval of the August 12, 2024, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by Brian Hodggers, to approve the P&Z/LPA minutes of August 12, 2024. The motion passed unanimously.

Item H.1. Recommendation to Board of County Commissioners RE: Amendment to Chapter 62, Article X, Division 6, Section 62-3751, Exhibit A - Stormwater Management Criteria; Subsections 4.6(d) and 4.6(j), Brevard County Code of Ordinances, to allow polypropylene pipe in the County right of way and provide for administrative waivers for inverted siphons.

Rachel Genera read the item into the record. Ms. Genera further explained that this was actually a direction by the Board for legislative intent for staff to look into these code section changes.

Henry Minneboo asked “are we starting to get into the approvals of what pipes to you all are going to start using?”

Ms. Genera responded that the pipe types for use in the county right of way have always been restricted to PVC and concrete. She added that this would add in the gray polypropylene pipe that’s a lot stiffer, has a very good track record, and has been approved by DOT since 2014.

Robert Sullivan stated to be in favor of it. Mr. Sullivan noted under item 1 page 3 “it said inverted siphons bubble up structures shall not be located within the public right of way or in residential developments. I would like to change that to adjacent to residential developments.” His concerns were in regards to flooding adjacent to residential developments.

John Hoppengarten emphasized it should still be located in residential developments. Mr. Sullivan agreed.

Motion to recommend approval of item H.1. with the inclusion of “adjacent to residential developments” within the proposed draft ordinance by Robert Sullivan, seconded by John Hoppengarten. It passed unanimously.

Item H.2. Recommendation to Board of County Commissioners RE: Code Revisions to Chapter 62, Article XI, Flood Damage Protection, Division 1

Rachel Genera read the item into the record. The county participates in the Community Rating System (CRS) for flood protection insurance rebates. The county must stay current with what the State has for flood protections. Additionally, it was said “these modifications to our code were coordinated with their representatives so that we could maintain our CRS rating within the County.”

Rober Sullivan directed a question to staff as to why repetitive loss was stricken from this ordinance.

Alex Esseesse stated that in working with the consultant to the State Department of Emergency Management, the understanding was that the State is moving towards a uniformed ordinance statewide. A number of jurisdictions have removed that requirement. Mr. Esseesse said “so they just folded that into what our proposed changes are.” Mr. Esseesse is awaiting a response from the consultant to explain the basis of this decision. His understanding is that this is what FEMA and FDEM came down with.

Mr. Sullivan referred to a letter from the honorable Charles Schumer dated April 21, 2023. He stated it said “due to the high number of catastrophes nationwide, FEMA is running out of budgetary constraints.” He further stated “About 38% of our county is in a special flood hazard zone. So what we are looking at is repetitive loss would increase all of our flood insurance premiums. I am curious if you can follow up and find that.” He was also curious on why the repetitive law element was struck when the repetitive law element is a mainstay in the Federal Insurance Rate Maps.

Mr. Esseesse responded in kind “I reached out to the FDM consultant and we are working on that. Just as a side note we also coordinated with Natural Resources”. One of their concerns was also the repetitive loss being stricken and that was from a grant perspective. “If we're using FEMA they have their own definition of repetitive loss and if we're seeking grants from them they would be applying their own definition” he said.

Mr. Sullivan asked “if we are trying to get grants from FEMA for various elements should we not use their definitions in our ordinances?”.

Mr. Esseesse agree but stated “in light of there being an absence of a definition in this case I think the one would control”.

Mr. Sullivan followed up with “a lot of people are leaving the State of Florida because the number of insurers are leaving the state and that has to do with how we're managing our flood plains and how we're managing our flood insurances and our insurance and risk management. The State of Florida has a very good web floodplain management quick guide that mirrors everything in the coordination manual so I am curious who it was that says we should be striking repetitive loss”.

John Hoppengarten asked if this only pertains to mobile homes or whether this would affect other types of residential and multifamily residents.

Ms. Genera noted most of the updates were specific to mobile homes but the repetitive loss that Mr. Sullivan was referring to applies to the whole ordinance. She clarified that the CRS consultant told them these updates were required to continue to meet the minimum Class 8 rating for the NIFP.

Mr. Hoppengarten further asked “how would a homeowner or manufactured homeowner know that if they are buying a piece of land they want to put a mobile home on it how high they have to be off that land and if this is off of a flood plain. I mean is there any way that we could put in references to the FEMA Floodplain Map so they would know if that was associated with this ordinance?”

Ms. Genera responded that the Floodplain Maps get updated by FEMA and are ever changing. Therefore, referencing a specific map would possibly cause issues as the information becomes old or outdated. “In addition, a lot of the zones are not pre-identified by FEMA base flood elevations. There is a process in which FEMA provides guidelines on how to set that, but it is kind of looked at on an individual basis. It would be very difficult to try to define that in the ordinance” she stated.

John Hoppengarten was still concerned for potential homebuyers having difficulties trying to identify good land to put their improvements on them.

Alex Esseesse noted the intention to instill a 90 day sort of phase in which people that come to Planning and Development will at least be notified as they are going through the review process that this new regulation is going to apply to them.

In response to the Brian Hodgers asking staff to clarify the deadline to approve this item, Rachel Genera stated “they are really pushing for a deadline of October”.

Brian Hodgers commented “so this needs to get either approved or denied here. Which means it still goes to the County Commission. And if you don't authorize it the county potentially loses a discount on their flood insurance for all premiums. To not pass this over some simple language could only be detrimental to the people to where their premiums could get higher so I don't see any benefit in not passing it”.

Robert Sullivan clarified “Florida's had quite a bit of repetitive loss and our insurance rates as you've all paid are going up and insurance companies are leaving the State of Florida, and the reason they are leaving is the high risk of repetitive loss”.

Mr. Hodgers responded by stating that the companies that are leaving Florida are not flood companies, they are wind companies. He added “I don't see that wording being stricken from it changing anything because FEMA is still going to be ultimately the one that sets the repetitive lost language”.

Motion to recommend approval of item H.2. by Brian Hodgers, seconded by Debbie Thomas. The vote passed 7 to 2.

Item H.3. Timothy Stickrath Developer INC. (Curtis McKinney) requests a change in zoning classification from BU-2 (Retail, Warehousing and Wholesale Commercial) to AU (Agricultural Residential), on property described as a portion of Tax Parcel 4. (2.60 acres) Located approx. 484 ft. west of US Hwy 1 and approx. 415 north of Friendship Place. (6370 S. Hwy 1, Rockledge.) (Tax Account 2601599) (District 4)

Trina Gilliam read the item into the record and noted the applicant has requested this item to be continued to be readvertised for a future meeting.

Motion to continue this item by Robert Brothers, seconded Brian Hodgers. The vote passed unanimously.

Item H.4. Put It In Me Storage, LLC (Vaheed Teimouri) requests a change of zoning classification from IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Lot 5, Block B, Port St. John Center. (2.46 acres) Located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa) (Tax Account 2322557) (24Z00010) (District 1)

Paul Body read the item into the record and noted this item was continued from the July P&Z Meeting.

Vaheed Teimouri presented on behalf of the applicant.

No public comment.

Motion to recommend approval of this item by Ron Bartcher, second by Robert Sullivan. The motion passed 8 to 1.

Item H. 5. Robert Corbett requests a change of zoning classification from AU (Agricultural Residential) to TR-1 (Single-Family Mobile Home), on property described as Tax Parcel 800.1. (0.55 acres) Located on south side of Moore Rd., approx. 675 ft. west of E. Railroad Ave. (625 Moore Rd., Cocoa) (Tax Account 2410843)(24Z00016) (District 1)

Paul Body read the item into the record.

Robert Corbett, the applicant, explained the purpose of the request by stating that the current zoning does not allow for a mobile home. He stated that all other residents on the street are mobile homes. He is looking to bring it up to what everybody else has on the street.

No public comments.

Motion to recommend approval of this item by Ron Bartcher, second by Robert Sullivan. The motion passed unanimously.

Item H.6. Seiichi Noda & Kimberly A. Noda Joint Revocable Trust (Mitchell Goldman) request a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use), on property described as a portion (west) of Tax Parcel 814. (0.362 acres) Located between US Hwy 1 and Rockledge Dr., approx. 310 ft south of Coquina Rd. (2001 Rockledge Dr., Rockledge)(Tax Account 2511132)(24Z00031)(District 2)

Mr. Body read the item into the record.

Mitchell Goldman, 96 Willow Street Suite 302, stated to be an attorney representing the applicant. He stated "the property is approximately 1.83 acres." He further noted "the parcel is really three parcel though I call it one parcel. The four tenths of an acre that starts at US 1 is zoning BU-1. The middle parcel, which is the parcel we are asking to be rezoned, is about point three-six tenths of an acre and that property is zoned AU. The bounds of the property that runs to Rockledge Dr. is residential estate use." He explained that applicant wishes to use the middle parcel that is currently zoned AU as a

garage. The way the house was built the applicant wishes to build a garage behind the house for his own person use. Mr. Goldman explained that the request is compatible with the neighborhood. He said no one would ever see it because there are fences down on both sides of the property along with vegetation in the front.

No public Comment

Henry Minobee asked “are we going to try and clean this up?”

Mr. Goldman noted a portion of the property will have be cleared and conveyed the applicant’s wishes to make it aesthetically attractive.

Motion to recommend approval of this item by Robert Sullivan, second by Ron Bartcher. The motion passed unanimously.

Item H.7. Edwin & Stephanie Silva request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 28. (1.5 acres) Located on the north side of Dairy Rd., approx. 730 ft. west of Old Dixie Hwy. (2580 Dairy Rd. Titusville) (Tax Account 2105526)(24Z00032)(District 1)

Paul Body read the item in the record.

Edwin Silva, the applicant, commented on the history of the property. The home was bought in the 1990s as a four acre tract zoned AU. The family had broken it up several times since which resulted in the 2.5 and 1.5 separate lots. I am stuck in the AU and need to move it to RR-1.

No public comment.

Ron Bartcher asked if there were plans to remodel or rebuild.

Mr. Silva stated they would like add a generator for hurricane season. They have no plans to extend the house itself but like to build a two-car garage.

Motion to recommend approval of this item by Ron Bartcher, second by Robert Sullivan. The motion passed unanimously.

Item H.8. Judith Baker requests a Small-Scale Comprehensive Plan Amendment from RES 1:2.5 (Residential 1 per 2.5 acres) to CC (Community Commercial), on property described as Lots 32, 33, 34, 39, 40, 41, and Lots 53 - 62, Sunshine Grove. (16 acres) Located on the north side of Willowbrook St, approx. 400 ft. west of Babcock St. (No address assigned. In the Palm Bay area.) (Tax Account 3000414, 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413)(24SS00011)(District 5)

Item H.9. Judith Baker requests a change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP (Binding Development Plan), on property described as Lots 32, 33, 34, 39, 40, 41, and Lots 53 - 62, Sunshine Grove. (16 acres) Located on the north side of Willowbrook St, approx. 400 ft. west of Babcock St. (No address assigned. In the Palm Bay area.)(Tax Account 3000414, 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413)(24Z00036) (District 5)

Trina Gilliam read companions items H.8. and H.9. into the record.

Judith Baker, the applicant, went over the history of her property. Willowbrook street is the main road. She stated "we purchased the first 16 acres. We purchased the front 10 acres in 1988 and at time Willowbrook St. was a dirt road. The road was paved sometime after 1988 but no right of way was asked or given. I'm willing to give a right of way to the County for that particular section of the road Brevard County maintains, which is 100 ft wide from swale to the swale". Ms. Baker noted that Willowbrook St. had been used very heavily by dump trucks, semi trucks, farm equipment, and etc. since they moved in. The purpose of the request is there are 11 developments with 27,000 residents to be developed surrounding her property. She wishes to services those homes by providing mini self-storage and outdoor parking for RVs and boats using a Binding Development Agreement. She believes the mini self-storage shall not have any big impact on the roads and traffic. She feels the proposal is complimentary to the surrounding needs. She noted the staff report as well mentions the proposal is complimentary to the emerging development of the surrounding area. Ms. Baker went on to explain that in the back north section of her property there are four lots that appear to be lane blocked and three lots in the middle owned by a mister Kenzie. She clarified that she has had "a gentlemen's agreement with Mr. Kenzie since 2005 for access across his property to my property because he has property on the east of me property and on the west of me there's a dirt road running east to west on the north side of our property from Babcock Street that is not recognized by Brevard County. I'm willing to give with a mutual easement of 50 ft to the property owner Mr. Kenzie." Water and sewer is not available but she has a will serve letter from the city of Palm Bay that they will have it that available. If not they will go with whatever the state and county requires.

No public comment.

Mr. Bartcher asked staff a question regarding spaces for roads or access to these lots and whether we are creating an enclave as the staff report states.

Trina Gilliam explained "in that report we had consulted with Public Works. What they had asked for is that if the roadway is not 100 ft in width that she dedicate what was needed". The Willowbrow St will also need to be repaved which will be something that will come up during site plan.

Mr. Bartcher believes this project will have little impact on that infrastructure. He states they have already approved a lot of residents in that area. He believes the self-storage will be needed for all the residential development.

Robert Sullivan addressed to staff “to get to isolated four platts there is access on Babcock St. But it does not look like it’s a controlled access like the interchange. How will the County look wether you want to do a Tee intersection? Right now it goes up to the northern portion of that property to get to that access.”

Ms. Baker states Mr. Kenzie owns the property that is east of her that accesses Willowbrook St. Therefore he can get to those lots from Willowbrook St. from the easement access she is proposing.

Mr. Sullivan asked if Mr. Kenzie will be putting in the road from east to west to access the road frontage on Babcock street. Ms. Baker said she was unsure. Mr. Sullivan clarified that the road is obviously going east west to access it but it curves around to the front of his frontage on Babcock Street. Mr. Sullivan was concerned about access to those remaining lots in the future.

Trina Gilliam responded that no site plan has been submitted yet but that it would be worked out during that time to ensure those four lots would continue to have access. She added that staff would not start working on it prior to her zoning being approved.

Motion to recommend approval of item H.8. by Ron Bartcher, second by Debbie Thomas. The motion passed unanimously.

Motion to recommend approval of item H.9. by Ron Bartcher, second by Debbie Thomas. The motion passed unanimously.

Item H.10. Layton & Michelle Hodges request a change of zoning classification from AU (Agricultural Residential) to AGR (Agricultural), on property described as Lot 3. (9 acres) Located on the north side of Hwy 46, approx. 1,883 ft. east of Sweetwater Ct. on the south side of Hwy. 46. (6440 Hwy 46, Mims)(Tax Account 2100755)(24Z00034)(District 1)

Trina Gilliam read the item into the record.

Michelle Hodges, the applicant, described the purpose of their request. Ms. Hodges wishes to rezoning the property to AGR to be in accordance with the Future Use Land Map. They plan to put a single family home on the property and homesteading.

No public comment.

Motion to recommend approval of item H.10. by Ron Bartcher, second by Rober Sullivan. The motion passed unanimously.

Item H. 11. Piercarlo Ciacchi & Christina L. Ciacchi Trust requests a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to all AU (Agricultural Residential), on property described as Lots 1 – 3 and the north 10 feet of Lot 4, Block 17, Canaveral Groves. (5.04 acres) Located on the south side of Peroutka Ln., approx. 798 ft. west of Grissom Pkwy. (3355 Peroutka Ln., Cocoa)(Tax Account 2314742, 2314743, 2314744, & 2322851)(24Z00033)(District 1)

Paul Body read the item into the record.

Piercalo Ciacchi, the applicant, described the purpose of their request. He and his wife purchased this property 7-8 years ago with the purpose to build their residence. They did have plans to have a guest house for their family so they may live together. The purpose of this request is to make the whole five acres AU. They do not intend to sell the property. Mr. Ciacchi further noted their intention to perform limited agricultural activity and install accessory buildings for the farming equipment.

No public comment.

Motion to recommend approval of item H.11. by Ron Bartcher, second by Debbie Thomas. The motion passed unanimously.

Item H.12. Tyler Gardner & Shelby Hines request a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on property described as Tract 27, Block 19, Canaveral Groves. (1 acre) Located on the east side of Satellite Blvd., approx. 155 ft. north of Dyson Ave. (2281 Satellite Blvd., Cocoa)(Tax Account 2406117)(24Z00037)(District 1)

Trina Gilliam read the item into the record.

Shelby Hines, the applicant, noted purpose of their request is to be able to put a manufactured home on the property.

No public comment.

Motion to recommend approval of item H.12. by Ron Bartcher, second by Robert Sullivan. The motion passed unanimously.

Item Public Comment

Rick Heckelfinger, 2000 Jennifer Dr, had questions on an upcoming agenda for a different meeting that he believes would modify the structure of this Board. He was also seeking to request a copy of previous meeting minutes.

Tad Calkins responded “the last meeting that you all had where it was 5 and a half hours and we had a couple of alternates here that were courteous enough to stay the entire time. We thought that if people are going to be volunteering to give their time to this board and to this County it would be in our best interest to make sure that they had the ability to vote after sitting through a meeting like that. Each Commission District appoints two regular members and one alternate, so there's already three P&Z members or LPA members for each district. The one is an alternate and there are certain rules that allow them to vote in certain situations and that becomes difficult to administer. A lot of times it

doesn't necessarily stay true through the whole meeting and it may fluctuate for each item. It is just a matter of cleaning things up and making it easier. Rather than asking the board to reduce the number of members, we thought it would be the best approach to just increase it by having the alternate be a regular member." He further explained the "permission to advertise the code change is tomorrow".

Mr. Heckelfinger further explained his frustration in not understanding why they would expand the Board when they have Commissioners that aren't even filling their positions.

The meeting was called to adjourn at 4:12pm.