

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 2024**, at **3:00 p.m.**, in the Commission 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.

Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

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

Approval of the October 14, 2024, P&Z/LPA Minutes

Motion by Brian Hodgers, seconded by Henry Minneboo, to approve the P&Z/LPA minutes of October 14, 2024. The motion passed unanimously.

Jeffrey Ball stated before we get started with the agenda for housekeeping you all got a copy of the board policy and the ordinance relating to the membership and the voting rights. Just want to make sure there are no alternative members, everyone is now a full voting member moving forward except for the Space Force Representative and the School Board District representative are not voting.

Mark Wadsworth asked if we have anyone for those spots. The school board.

Jeffrey Ball stated I'm not aware of any changes.

Mark Wadsworth asked the same with Space.

Item H.1. RHR Construction & Development LLC requests a Small-Scale Comprehensive Plan Amendment (24.012) to change the Future Land Use designation from PI to RES 4.

(24SS00012) (Tax Account 2320049) (District 1)

Item H.2. RHR Construction & Development LLC requests a change of zoning classification from GU and RU-1-11 to RU-1-11. (24Z00042) (Tax Account 2320049) (District 1)

Trina Gilliam read companion items H.1. and H.2. into the record.

Both of these were also heard on November 6th at the Port St John Dependent Special District Board hearing, and they recommended approval.

The applicant was not present.

Mark Wadsworth what do you recommend staff.

Jeffrey Ball stated that we do not make recommendations.

Mark Wadsworth stated as far as the tabling, or we can move forward and take a vote with no one here.

Alex Esseesse stated it's at the discretion of the board if you'd like to table it to the next P&Z. I believe this is the first time this item has come before the board, so you're entitled to do that.

Motion to table Items H.1. and H.2. until the next P&Z meeting by Robert Sullivan, seconded by Debbie Thomas. The motion passed unanimously.

Item H.3. Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4 (24Z00051) (District 2)

Jeffrey Ball read the application into the record.

This item went to the North Merritt Island Dependent Special District Board hearing last Thursday with a recommendation of denial. At the meeting the applicant provided a concept plan. The concept plan has not been reviewed for compliance with our code and regulations.

Kim Rezanka on behalf of the applicant stated this is an application solely for a zoning RA-2-4 to allow the building of 9 townhomes on Courtenay Parkway. This is adjacent to Courtenay Parkway, as you can see from page 1 of what I provided to you. Egrets Landing is to the east. They are allowed to be 9,000 sq ft lots, but they are usually for the most part half acre lots. That was the first rezoning that was done in North Merritt Island for quite some time. Also, up to the north you'll see the townhomes, the Villas up there. Those were townhomes that were rezoned, approved through here approximately 4 years ago. They have been built; they are single family ownership. I understand they might be rental properties, but they are single family fee simple title ownership just as the townhomes we're proposing would be. The property has a current future land use of CC and a zoning of BU-1. Mr. Dvorak, back in 2008, had a site plan approved for this to have 4 buildings of almost 18,000 sq ft of retail. There's been no demand for retail in this area, so he's not been able to do anything with this property despite owning it since July of 2005. The parcel is 2.47 acres. Right now, with the community commercial and the BU-1 he could put 4 townhomes on but as you know costs have been driven up substantially and he wouldn't be able to do it financially. That's why he's asking for the change to RA-2-4 which is the same as the villas on the west side of Courtenay. Page 2 of the packet I provided you are the villas that I referenced. To the south just 3 parcels away that is Sun Island Lakes. Granted it's been there since the 1980's, but it currently despite the TR-3 zoning and the future land use which is RES 2, it is currently at 4 units to the acre, just to let you know that's from the site plan that's on their website, that's on page 5. So, it is more dense, the same density that we're looking at for this proposed project. I provided to you a page 6; Mark Burns spoke at South Merritt Island Special Dependent District Board. He was not in favor of it. His would be the closest to this property. I did want to show you that this zoning of EU-2, if this project were zoned EU-2, the side setbacks would be 15'. Currently, although we do have a concept plan, the intent is to leave a good 25' to 40' in its natural state between the strip that's owned by the HOA and the townhomes. This was just to show you that the EU-2 could be a 9,000 sq ft lot as the zoning which is 5 units to the acre even though it's RES 2. Page 9 is that strip of land that would be between Mr. Burns house and the Schwa property. It's approximately 15' in width so there's that extra buffer as well, so you have Mr. Burns 15' plus the 15' of the side setback of the HOA property. Then you would have at least a 25' setback, but the intent is to have a larger setback and to have the retention pond in the back there. We can put this in a BDP if that's the choice of the board. I also put in here the North Merritt Island bylaws, I'm sure you're all very familiar with this group. They did speak in opposition on Thursday night, and I did want you to know that they really had no option because the purpose, on page 11 is to endeavor all future zonings no more than 1 unit per acres. So, they do show up at all North Merritt

Island zonings and oppose it and it's basically they have no choice. They do not represent 10,000 acres or 10,000 people as they state. It's a volunteer organization. The last page is just a concept plan. There have been other concept plans since this time, and it's not been reviewed by staff. It's not binding, it's just to show you what the intent is as to have the townhomes closer to the road, with a cul-de-sac, then you're looking at having an amenity area and stormwater pond. And as much as possible it's going to be left in this natural state. So, there will be a large size buffer. If you are inclined to approve this zoning and you want additional conditions, we can certainly look at those. As the staff report indicated there's no anticipated material reduction, material, or adverse impacts on the surrounding area. There's no level of service issues regarding traffic. The corridor is anticipated to operate at 37% of capacity daily with this proposal. This proposal with 9 units only generates 9 trips per those 9 units per day. However, that commercial property, at 18,000 sq ft would have 55 parking spaces, so it would be a concrete jungle, it would not have any green space per se. And this is a less intense use than what could be built there currently in BU-1. Business uses are not in demand. That was the intent originally. Mr. Dvorak was telling me he was driving home from the space center where he worked and there was no place to stop and get a bottle of wine. So that's why he initially bought the property, but there's just no demand up there. So, he's trying to do something with the property, providing another alternative of housing other than 9,000 sq ft lots or ¼ acre lots. And with all the activity at the space center additional housing in this area is needed. It is not going to be rentals; it is not intended to be rentals by Mr. Dvorak or his company. It is intended to be sold. With that we are here to answer any questions and we would ask a recommendation of approval for the RA-2-4 to allow the construction of 9 single family-owned townhomes.

Mark Wadsworth asked if there were any questions for the applicant from the board.

Robert Sullivan stated he had a question, but it was primarily for staff. This is in the North Merritt Island Dependent Special District. Is that correct?

Jeffrey Ball answered yes.

Robert Sullivan asked are they the authority having jurisdiction over planning and zoning.

Jeffrey Ball responded the way that it's set up is that they are an advisory board to this advisory board. So, they make a recommendation along with the recommendation from you all and that gets forwarded on to the Board for their ultimate approval or denial of the application.

Robert Sullivan commented in the opening statements I think you said that Thursday they rejected it out right.

Jeffrey Ball responded no; their recommendation was for denial.

Robert Sullivan commented, and they've already voted on it.

Jeffrey Ball answered yes.

Robert Sullivan then stated I'm looking at the notice of hearing that I got off the public records and it's dated October 31st, they voted on the 14th, is that 2 weeks?

Jeffrey Ball stated that the meeting that they made their recommendation was last Thursday, which was the 14th, yes sir.

Robert Sullivan went on to say that the publication, the notice of the hearing was issued on the 31st of October. That's only 14 days. Is that correct?

Jeffrey Ball stated if you give me a minute I can check to see when the notice was.

Robert Sullivan said, "I'm looking at it." So, who issues the notice?

Jeffrey Ball responded our agenda staff.

Robert Sullivan commented so it may have been just an error, but Florida Statute requires 30 days notice.

Alex Esseesse asked what statute he was referring to.

Robert Sullivan responded 166.041 section 1. If you want, I can read it. It's the notice shall state that the substance of the proposed ordinance as it affects the property owner and shall set a time and a place for one or more public hearings on such an ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing. So, apparently and a copy of the notice shall be kept available for public inspection during the regular business hours for the office of the clerk of the governing body. So that's Florida Statute 166.041 called Procedures for adoption of ordinances and resolutions.

Alex Esseesse responded yes sir, for a point of clarification that is the process for municipalities to adopt ordinances and resolutions. We're a county. Technically we follow 125 with respect to the processes for ordinance adoptions and resolutions. This is an administrative or I guess and advisory determination in this case.

Robert Sullivan responded with alright, fair enough. The key is their board recommended denial, is that correct?

Jeffrey Ball replied yes, they did.

Erika Orriss stated to clarify further their board, it was unanimous, if I'm correct.

Jeffrey Ball confirmed it was unanimous.

Public comment

Jack Ratterman stated he's on the North Merritt Island Special District Board, I'm the co-chair. I've been on the North Merritt Island HOA, past president 7 years, past vice-president 7 years. And both groups unanimously denied this application. There were several reasons why, but since I have 3 minutes, I'll get to it here. What we're looking at administrative policy 3A diminished quality of life, administrative policy 3B diminished property values, and administrative policy 3C which is noncompatible with the local land use. And the attorney pointed out that there's some townhomes north of here, the Cristofoli townhomes, and they were forced down upon us. The board and the community voted against them. We were told they were going to be sold, and they're not sold. They're all for rent. So now we're faced with a rental neighborhood. Only 2 have been rented so far, as far as I know. That's it, so for them to say yea this is compatible with other things in the neighborhood, this was compatible with something we didn't want in the first place. If you had a

Bessemer furnace zoned up there and they wanted to put another one in that wouldn't be quite right. Those apartments that set a president. And I don't know if you have your packet or not, do you have this packet that they sent? You have that map? Okay. How about on page 29, it says up at the top U S Soil Hydrology Map, I was surprised, I went online and looked up the first one aquifer anhydrate soil, both of those are referenced to wetlands. So, they go right through the property there. But it doesn't say wetlands, but if you look on google and see what it says it tells you that. So, in a round about way they're skirting around that wetland. And then the height restriction is 35 feet. Which one of you would want to have a townhome 35 feet next to your house with a 20-foot setback. That's unreasonable. And then for them to say oh we're going to give a 25-foot setback along that one entry street right there, that's a spite strip. Correct? Okay. I'm going to ask who knows what a spite strip is. Probably nobody. A spite strip means they can't do anything with it. They can't sell it, they can't ingress/egress, anything. That's why they had to put in a road themselves and they can't come off that. So, this whole thing is ill conceived, and I ask you to deny it.

Mark Burns stated I am that property that they were talking about that they mentioned my name earlier. Simply I represent my wife, my parrot, and my 4 dogs. That's about it right now. I did 30 years in the air force; this is my final house. This is where I plan on retiring. I love the community, I love all my neighbors, this, and that. I just real briefly brought up the wetlands. As I was walking the dogs yesterday there were a couple of owls sitting right up there in the tree where they plan on taking them down. There are bobcats that run through there, there's lots of turtles, and everything else. But that's not really my subject matter. The thing that I wanted to talk about is, they talk about the setback, I'm about 15 feet away from where they want to build the retainer pond. Basically, they're going to dig a hole, all the water slopes down from Courtenay, right to my house. I have an embankment. That water's going to go in that hole, and it doesn't go anywhere. It stays there until it's evaporated. And all you that lived in Florida this long you understand that means a lot of mosquitoes for me, my wife, and all our fruit trees and our enjoyment out in our backyard. Not to mention for my one-year-old granddaughter there's a hole out there the size of whatever, I don't know. Are they going to put a chain link fence next to it to keep access away? I haven't heard anything about that. The other thing is, and I don't think Spyro is here, but my neighbors, they're not in Egrets Landing, they're constantly pumping water before a hurricane, they have to pump down their lake probably for about a week. It's so noisy. All you hear is that water pump. And that's all they need is more flooding going into there. They have some real problems right there and they drain it up to the street. They spend a lot of money on gas, and they don't need anymore flooding in that area. They don't need anymore water coming down that hill, filling up their ponds. The traffic was already mentioned. My biggest issue really is how would you like to have a big hole, right in front of where these beautiful trees used to be, with a whole bunch of mosquitoes and the smell. When the foliage dies it sits there and it rots, and it smells. That's basically what I want to tell you. This is how it affects me. Obviously, it affects a lot of other people. But this is my retirement home and I have to look at how these mosquitoes bite me, and smell that in front of all my trees, well maybe I'll find another retirement home. But I don't know how I'm going to do that because I spent all my money after retirement buying this house. I'm not going to get as much for this house when I sell it with that hole next to my yard. And, by the way, I paid \$25,000.00 lot premium for this lot because it's such a beautiful lot, was and hopefully it will stay a beautiful lot.

End of public comment

Kim Rezanka stated regarding the North Merritt Island Dependent Special District board, as you heard Mr. Ratterman sits on that board. He also sits on the NMIHOA board, and he's been in this

area a long time, and he didn't want the other townhomes. He sits on the NMIHOA board he has to support their bylaws that says no less than one unit to acre. So obviously his opinion is based upon those guiding principles. The board heard, there were a dozen people in the audience, they heard from 4 or 5 people, they just don't want any change. They don't want that lot developed. That lot is currently BU-1, they could have a dozen different things there 25 feet from the property line. This is a less intense use and is compatible because it's single family. They didn't give any reasons other than we don't want townhomes, we don't want apartments; these aren't apartments. These are single family ownership. Just the listing of the policies without evidence is insufficient to deny this request. Again, he's owned it for 20 years, he hasn't been able to develop it. He would like to develop it for single family homes which the comprehensive plan says we should have single family homes in a variety of opportunities for people to have single family ownership. Regarding the Cristofoli's, the forced upon us, that was mentioned several times at the special dependent district board, again they didn't want it, the County Commission approved it because it is single family ownership, and it is compatible with the 4 units to the acre that is in this area and other locations including the mobile home park. If there is a wetland, they will have to abide by all the rules and regulations, and won't be able to impact it, except for a nominal amount. They could impact it all right now in commercial but if it's residential they'll have to abide by the 1.8%. Regarding a height restriction the EU-2 is 35 feet as well, so townhomes RA-2-4 35 feet, EU-2 35 feet, the height restrictions are the same. Regarding that spite strip it's really owned by the HOA, it's a buffer, and it's intended to be a buffer. As to the flooding this area of Merritt Island has special restrictions on compensatory storage that was adopted 4 years ago because of the flooding and an engineer who designs something in this area must basically certify with their life that it's not going to impact others. And this property would be subject to those strict requirements and the whatever it is, something you push numbers in, and it pushes numbers out, I don't remember what you call it because I don't know that many people have used it up here. As to fencing, whatever the requirements are for fencing will be done. Frankly most people prefer a retention pond next to there home versus a 25- or 30-foot townhome. So that retention pond will act as a buffer. And again, there can be a condition to leave the natural buffer as much as possible, that's been done several times by this board and county commission. Finally, there is no evidence of devalued property. Right now, there's no evidence to support that and that requires an appraiser to do so. In conclusion, this requested zoning of RA-2-4 is consistent and compatible with the existing and immersing development in the surrounding area, and keeping to the character of the predominantly single-family homes which is mentioned in the staff report. So, this is a less intense development, and we request your approval with any conditions that you deem appropriate.

Henry Minneboo commented I've been there a long time. I was on the committee then when Cristofoli, I'm not sure if there's any alignment to the Cristofolis. They might have owned it then, but they certainly don't own it now.

Kim Rezanka stated they owned it at the time. I did the zoning for them.

Henry Minneboo added I took the position; I was fairly supportive of that project because I was hoping that would be the end of it. And I took that position, I said you know we can live with it on North Merritt Island just a little bit. But then I watched today, state road 524. And now everybody says but Henry they've got one across the street. Now they've got 6,000 units on 524. North Courtenay doesn't need nothing more. We need more retail up there, etc. And I'm just against anything other than something retail up there. Because our place is beginning to be a hodge podge up there. So, I can't support it no matter what you do. I'm holding hard on what I've done in the past and I'm holding hard now. So, I'm not going to push it.

Kim Rezanka stated the only issue, you may remember Goport coming before you, was the only multi-use plaza up there. It had a gym, it had an ice cream shop, it's now a park and ride for the port because it couldn't sustain itself. It had a sports bar at one point. You've got the 3,700 commerce, which is mini-warehouses, warehouse units. It is not full. You've got right across from these townhome villas is a restaurant that's defunct. So, there is no support for commercial development up there, especially after covid, everyone's going Amazon, or Walmart, or home delivery. So, I understand everyone wants commercial up there, but there's no call for it. You have a Dollar General, that may be all that goes up there. Again, this is North Merritt Island, this is we believe a good use of the property. And I understand Mr. Minneboo.

Ron Bartcher commented that the North Merritt Board voted against it. The North Merritt Island Board I believe are actually elected. Is that correct.

Jeffrey Ball indicated yes.

Ron Bartcher went on to say as opposed to be appointed like we are. So, they have a much more personal interest in it than we do. I think if they voted against it, I should support them.

Brian Hodgers asked if this is planned to be a 3-story building.

Kim Rezanka answered no, it's planned to be 2-story.

Ana Saunders asked if it were to be developed as commercial where would the retention area be located. Just for comparison purposes. On the eastern end of the lot as well?

Kim Rezanka responded it's in a similar location. It would be toward the east.

Ana Saunders asked Jeffrey is there a requirement that if they were to develop under B-1 to come in front of any of these boards to ask for any kind of approval, or just the site plan approval.

Jeffrey Ball answered that he is not an engineer he's a planner, so my understanding of how stormwater works is that you put it on the lowest part of the property.

Ana Saunders went on with no I mean in general if they were coming forward and they had just a site plan for any commercial property would that have to go in front of a public board. It would just go through the regular route of site plan approval and go through the normal process.

Jeff Ball responded correct, if they were proposing a retail commercial use on property it would be CC land use and BU-1 zoning currently it would go through staff review under the site plan process. That's it. Public hearing.

Ana Saunders then stated there's several BU-1 parcels as I look at the zoning map surrounding the area that are not developed and typically haven't been developed ever.

Kim Rezanka said there's homes on BU-1 currently.

Ana Saunders went on to say so from a property rights perspective which you know that was passed a year or 2 ago, I would support this from the respect that it sounds like they tried to go to BU-1. It's been BU-1 for decades and obviously it hasn't developed. To force somebody to keep a zoning

category because that's sort of what they want, I think is it consistent with the property rights component of the state and I do see it as a consistent use. It's transitional between the BU-1 zonings and single-family to the rear to be all the same requirements that would have to be met through engineering, Brevard County, and all the different outside agencies that would manage the wetlands species, stormwater, flooding components. So, because of those reasons I would support this request.

Robert Sullivan stated he is a professional engineer, former drainage district engineer and designer, and he's done land development in Broward County, and Miami-Dade and Palm Beach and there's literally a thousand different ways you can do a retention pond. You can do storage vaults, you can do cast filtration, you can raise this thing up, so saying that it needs to be at this location or that location it's really up to the engineer of record and how creative they are. So as far as keeping people from developing their property, it was purchased at this location, the overall planning is to make the main corridors business and beyond those corridors make them residential. So, people obviously have spoken on how they feel on what they wanted and how they invested their money in their property. We are an advisory board and I've advised many clients on many things. Sometimes they like my advice, sometimes they don't, but I do respect the people who are the property owners, and they appear to have spoken. So, I'm not in favor of this particular request.

Robert Brothers stated I've been sitting on the West Melbourne board for about 10 years now and on this board for about 2 years, and lately every project that comes up has neighbors going we don't want this here. Not in my backyard. I've already got mine, nobody else can have theirs. What I'm finding is people are still coming to Florida. They're not going to stop coming to Florida. If we do not give them well planned affordable places to live...the same people who are going not in my backyard are saying we need affordable housing. Not in my backyard though, but we need affordable housing. One of the worst reasons that we do not have affordable housing is A) because of regulation, B) because of just the cost of construction, and C) because it's harder and harder to find some place to build it. People are not going to stop coming to Florida. If we do not give them good places to live then we're going to end up just like New York, and just like San Francisco where you've got people living on the streets. They're going to be here. They get here and they don't have any way to get anywhere else. And when people want to do things with their property, I notice none of these people ever come up here and go well we got the money together and we're going to buy the property that we want to tell people what to do with. This person owns this property and obviously I'm looking at that area and there's nowhere to put anything business there. And there's all these big houses. My neighborhood I live in, I live in an old neighborhood, by neighborhood was built in the 60's and 70's, yet we have right across the fence there's commercial, there's a hotel, and then there's apartments. And there's assisted living. And this is all right where I can see it from my backyard. It doesn't bother me. These are my neighbors, and we have a great neighborhood. My neighborhood has become so desirable that because I have all this other stuff around me that I couldn't afford to live there if I didn't already have a house. So, like I said, it becomes a little gnawing to constantly hear people going not in my back yard. Not in my back yard. That's all I've got to say about that.

Mark Wadsworth commented I see we've got some up here that seem to be for and some to be against, so I need a motion.

Motion to recommend denial of Item H.3. by Henry Minneboo, seconded by Ron Bartcher. The motion failed 5 to 5.

Motion to recommend approval of Item H.3. by Robert Brothers, seconded by Debbie Thomas. The motion failed 5 to 5.

Alex Esseesse advised you can either table it or either motion will be brought to the board with no motion in favor or against.

Kim Rezanka stated we're fine with the tie vote. We'll go to the county commission. We also would consider conditions if that would change anyone's mind if they wanted to put conditions in a BDP. But I haven't heard that from anyone. That would be the other option.

Item H.4. Christopher Espanet (Kimberly Rezanka) requests a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2. (24SS00013) (Tax Account 2963382) (District 3)

Trina Gilliam read the application into the record.

Kim Rezanka on behalf of the applicant spoke to this item and passed out documents to the board members. Also with me is Jim McKnight, a professional planner, whom I will pass out his resume when he speaks and ask that you consider his testimony to be expert testimony. This is a request for RES 1 to RES 2. It normally would be a very simple request; we have an inconsistent zoning with a future land use that's a greater density. However, there is some discrepancy as to what the comprehensive plan says and what the South Barrier Island law really means and how it's applied. I had been working with Mr. Espanet for 2 years find a way to help him develop this property. As you can see from page one, he purchased this in 2005, it had just recently become a condominium. When you try to find this, you pull up the whole condominium of 1.7 acres, but this is really a 0.7-acre piece of property. Mr. Espanet owns condominium unit 1 and he tells me he checked with the zoning office before he bought it, but who knows if the condominiums were read properly or whatever, so he believed he could build one single-family home. He lives in Delray Beach. He bought it intending to move up here as his forever home, and now he can't build on it. If this isn't changed, he cannot build on this property. The purpose of this again is to allow him to build one single-family home. As you can see on page 2 this is the aerial map from your package, it shows the yellow square on the right side is one home, on the left side, the vacant property is Mr. Espanet's property. You can see that there are condos to the west but they're more like duplexes. There are duplexes to the north, single-family homes to the south, condominium due east, and some very tall 2 and 3 story homes along the beach there to the north and south. As you see on page 3 it actually shows the whole property, the 1.7 acres. We're only seeking the 0.7-acre future land use amendment to RES 1. The other owner is not involved in this property. You'll see also, almost everything in the future land use map is RES 1. Just immediately to the north on the beach side there is some residential 4, and I point that out because this RES 2 actually can serve as a transition between the RES 4 and the RES 1. This is the same issue with had with Sun Terra in Palm Bay, down south. The comp plan as you'll see doesn't say adjacent transition, it just says transition in the area. When you look at this page 4, you'll look at the zonings currently with this RES 1 future land use over RU-210, RU-2-4, RU-2-8, SR, these are all inconsistent zonings with the future land use. And the county did this. So, as I was talking with Mr. McKnight, what happens if these townhomes are blown away by a hurricane. Are they going to be rebuilt because they're inconsistent. I just raise that because this is a huge problem down here in the south beaches. Page 5, coastal high hazard area map, this property is not in a coastal high hazard area, and that is extremely important because of the comprehensive plan policy that says you can't build in the coastal high hazard area. Page 6, this is from the property appraisers, this shows Mr.

Espanet's property, the Decort's property, which is the built condominium unit, and then the condominium common area. The declaration of condominium on page 7. This is just a few pages. This was recorded like 2 months before Mr. Espanet purchased the property, and it does have on page 9, it shows the unit 1 and the unit 2. It also shows an ingress and egress easement of 75 feet. Looks like 75 feet by 181 feet. That's an easement area. Granted it has not been approved yet by the county, but as an administrative approval for an easement. And unit 2 can't complain. So, if this is approved then he would go to building permit and we would go through administrative approval through Mr. Calkins to get an easement approved. All we need is a 20-foot easement under 62.1.02. Page 10, Mr. Decort, he's the one that owns the built condominium unit. Pages 11 and 12 are pictures from Zillow that show the area even better than the property appraiser's map. Actually, beautiful pictures on Zillow, like 67 of them. This was recently sold to the Decorts, you can see all of what's around it. You can see the vacant lot that's Mr. Espanet's. It would be next to the pool for the condominium to the west. You also see the trees along A1A and along the Casseekee Trail to the south there. Page 12 again, this is also partially a 2-story house, so it does have some height as well. And then page 12, that's the driveway. So, it is heavily wooded. I only raise that because there's some comment in the staff report oh it might harm the visual buffer to the scenic route to the beach. Well, they're not going to see it anyhow, and they're already blocked by the 3-story homes that you see on the top of page 12. The Hautsons, page 13, they sent in an email, and granted I just got that package before I got here, of all those that came in Friday, so I don't know what's in that package of comments. So, this is the one that I did have, Mrs. Hautson, she did not want a trailer park. This is not going to be a trailer park; a trailer park requires TR-3 zoning and 10 acres. This is going to be one single-family home, which we've put in a binding development plan, you have the wrong version in your packet, I have it for you here today. Starting on page 14, a binding development plan, based upon the future land use, paragraph number 3, on page 15, a developer shall limit density to one single-family dwelling and permitted accessory buildings, if he wants to have a shed or a pool that's why that was in there. This was submitted to the county on October 28th, it somehow didn't make it into your packet, you have the wrong version in your packet. Page 18, the reason this is acceptable is because the county has done this before. They have approved a BDP for a future land use amendment with Dunkin Donuts, when Dunkin Donuts had to rezone on North Merritt Island. I had to change the future land use to CC so it could have a drive through. This is next to Divine Mercy, up on Merritt Island. So, there is precedence for this, and this is the Dunkin BDP that I was involved with, and the county commission asked for, recommended, and approved. Another instance, and this is under 62.1.2.5.5. that says you basically, simplified, you can have inconsistent future land uses and zoning categories, so long as a BDP makes them compatible. And that's what this BDP is intended to do. I show you another one, Island Forest Preserve, I think Mr. Minneboo knows this one very well, off Crisafulli Road. This one has RES 1 future land use, but it wanted an SR zoning. So, that was done, and you'll see on page 22 where it's all RES 1, but they do indeed, page 22, have SR zoning. And this was to limit the density to one unit to the acre. So, we're limiting the density to one unit for a RES 2. It's the same type of concept for a binding development plan to limit the use to make it consistent with the future land use. Page 27, this is where staff and the applicant's representatives disagree. I initially thought this should be changed because to me objective 7 and policy 7.1 are inconsistent. The way these things usually work is you start with A, if you don't meet A, you don't go further. So, limit densities with the coastal high hazard area and direct development outside of this area. This property is not in the coastal high hazard area so therefore the rest of this doesn't apply. And it doesn't make sense that say you can't develop on a 0.7-acre piece of property for a single-family home. The staff report says this is an historical interpretation. I think it became historical because of this property in 2018 or 2019, I know it was an issue with the condominiums, the Deeter

condominium that we did 2 or 3 years ago, but that had the proper future land use and Mr. Calkins said that's fine you can change the zoning. Well changing zoning here it doesn't help Mr. Espanet, we have to change the future land use, or he cannot develop. Again, the staff has said it's historical interpretation. Mr. McKnight is going to give you a different interpretation and you are permitted to listen to Mr. McKnight because of Constitutional Article 5, Section 21, on page 28 of your packet, judicial interpretation in statutes and rules. A state court or officer hearing may not defer to administrative agency's interpretation of a statute or rule and must interpret the statute or rule on your own. So, you do not have to abide by the interpretation of the staff, and you are perfectly permitted to make up your own mind of what the comprehensive plan means and was intended to mean. Finally, I cite to you page 29, which Ms. Saunders referenced a few minutes back, private property rights and local decision-making process. Mr. Espanet cannot do anything with his property if this is not changed, the future land use. There's no way to get a variance to the lot size because there's no way to get a variance to the comp plan, and therefore this is the only potential way to have use of this property. Also, I did want to let you know, Mr. Espanet has been paying taxes on this property since 2005. I know the page I gave you said the value is 155,000, this year it's 225,000. I'll give a copy to the clerk to show for the property appraisers. And pulling the taxes that were paid, he has paid almost \$41,000 in taxes since he's owned it, for property he cannot use. So, with that I'm going to ask that Mr. McKnight come up. I'm going to hand out his resume and he'll give you a little bit of an overview. I think many of you know Mr. McKnight and he will give you additional information to consider.

Jim McKnight stated he was a professional planner. Most of my life was spent as a city manager, but I'm doing that nowadays and very enjoyable, most of the time. I think what is important in this, there seems to be a lot of discussion for 0.7 of an acre that's intended for one single-family home. Staff's interpretation, and staff has every right to interpret things the way they see them, I'm not going to debate that with them, but the objective that says, objective 7 in the coastal management element, limit densities within the coastal high hazard area, and direct development outside the area. This is outside of that area. This meets the objective of directing it outside. So, we're not requesting that we put something on RES 1, we need RES 2, and we recognize it has to be RES 2. It is also a good transition when you do that. Now I understand it's a small piece, we all agree with that, but it is directly behind a single-family home, and it is before you get to the multi-family. So, from a compatibility standpoint it's exactly the way you draw it up in planning. So, I don't think policy 7.1 really comes into play because you can't get beyond the overall objective because you have directed development outside of that area. You also have a major inconsistency between the existing zoning and the RES 1 that is on the property for the comp plan. You've got zoning that's everything out there. I've looked at the map and it made my eyes cross because you've got some multi-family, some single-family, different types of single-family, and that's how it's developed over the years. But now you have a residential 1 on it, which limits someone from being able to build simply a single-family home 0.7 acre. To the north you have SEU, you have the road with an RU-2-10 zoning to the south. You have RP to the east, and you have RU-2-10 to the west. It cannot be said that this doesn't fit the neighborhood. It does. It absolutely fits the neighborhood from a planning perspective. I read through the guiding principles for development, and though that's not really where we're at if you read through the guiding principles for development this is exactly what would be intended for this piece of property. It's the piece that comes up because you're not increasing residential density because you're building a single home on a single lot. Ms. Rezanka has covered most of the area on that, but from what I see, and I read through some of the input about statutory noncompliance, again we're requesting a change to the comp plan and therefore I don't think statutory noncompliance comes into play. The environmental and vulnerability I think whatever gets built there meets the same criteria. So, I don't think that really plays much into it. It is a critical state concern designation, and while I

understand the critical state concern it is not a coastal high hazard area. And, the comprehensive plan inconsistency, again this is addressing a 0.7-acre, one unit, one home and therefore this would eliminate the inconsistency that's being brought out. And, while binding development plans aren't normally used on comp plan amendments, it has happened, and it has been done. I've seen it done in places like that. But it's just very unusual, I will give you that. But it does happen, and, in this case, it would make sense, because then everybody would know what you're getting on that property. I'll be glad to answer any questions you have, but in my opinion, this meets the intent of what is in the code, and I think it goes outside what the state was doing when they were trying to limit density. They weren't trying to create a situation where somebody couldn't develop a single-family home on 0.7 acre.

Henry Minneboo inquired how many square feet is the house.

Jim McKnight responded 4,000 square feet. So, we're talking about 15% of the property.

Brian Hodgers stated "forgive me if I'm a little confused on this, but who owns that house that's immediately adjacent to the east."

Kim Rezanka referred to page 10, Mr. & Mrs. Decort.

Brian Hodgers stated that when we look at it on aerial view it looks like the same owner on both the entire parcel.

Jim McKnight responded yes, but it's not. There're some maps in there that show.... it's divided. You have one acre.

Brian Hodgers continued with it just shows one owner for both parcels.

Kim Rezanka stated if you look at page 6 of that packet I gave you, when you run a search by condominium you have to search in the property appraiser's website by condominium as opposed to owner. When you do it by Casseekee Trails condominium, page 6 it shows the 3 owners. As does the condo docs which show the unit 1 and unit 2.

Jim McKnight commented which page 9 shows the clear division of unit 2 and unit 1.

Jeffrey Ball stated in 1992 the board adopted the south beaches area plan out, where the board directed staff to reduce the densities on the majority of the property down there on RES 1, based on a number of factors. There were several properties that remained RES 4, but the majority of the property was designated as RES 1. This property, along with other properties on south beaches is part of the critical area of state concern which you all decided to transmit up to the state. And, the board, last week decided that with that there are regulations that limit the density designations in that area. So, going from RES 1 to RES 2 is a density increase, because you're going from one unit to the acre to 2. That's a density increase. As far as the history of the property, sometime in 2005 the property was split using a condo doc with the house that was in front of the property to the rear. That property before it was split was 1.7 acres. So, the front property is one acre, the back part of it is 0.7, which is not in conformance with the RES 1 land use. And that's why we're here today. So, if this board recommends approval this will be sent to the board of County Commissioners as well, and this will be reviewed under the state board of review, because it's part of the critical area of state concern. And then it would come back for you all under the adoption process as well.

Henry Minneboo asked do we have any other ones because there's some that's peculiar, that A1A section. Do we have some more if we open the door here.

Jeffrey Ball stated I would tell you from a staff perspective that it would set a precedence, yes sir.

Robert Sullivan commented so primarily this is a preventative issue from staff looking down range based on the area of critical concerns that has gone to the state. We don't want to open a precedence for Mission Creek for later development to use this as a precedence for something.

Jeffrey Ball replied just to answer your question, and it's going to go in a round about way, this application would in the way that we're interpreting 7.1 and that is to restrict residential designations with the south beaches area. This property would do that.

Robert Sullivan stated only in the zoning aspect.

Jeffrey Ball commented that is from a land use perspective not from a zoning perspective. That's a separate issue outside of what we're discussing today.

Robert Sullivan went on to say that the impasse right now is the RES 1 and the RES 2.

Jeffrey Ball replied correct.

Robert Sullivan a solution, because the owner is not increasing density, and then this goes back to the owners and what, are you recommending going to RES 2, but that would establish a precedence, and so now that would create a conflict between staff and yourself. I don't see a problem with approving it as 1. I'm trying to figure out why you need it as RES 2.

Kim Rezanka says because it's RES 1 right now and you can't build on property that's less than an acre, when it's RES 1. And I disagree that it sets a precedent because this is a legislative decision, a policy decision of whether it makes sense for this particular piece of property. So, if you have another one similar to this, I'd be really shocked because I'd have heard about it by now. So, this is not going to set a precedent because each piece of property is looked at individually and because it's a comp plan amendment versus zoning it's a legislative policy decision. So, I don't think it sets precedent and he just can't build on it because it's too small of a property for the residential 1 which requires one unit per acre, only allows one unit per acre.

Robert Sullivan went on with you have your binding agreement, builder's agreement.

Kim Rezanka responded Mr. Ball has worked with me for 2 years. He really has and you can't get a variance to the comp plan. There's no way to do it. I wish there were a way to do it.

Robert Brothers asked is it true that this is missed zoned. We cannot as a county zone property to make it where it can't be used.

Kim Rezanka responded right. But the county didn't do this. This was done by the person that created the condominium, the prior owner to Mr. Espanet. But, yes, it is true.

Robert Brothers commented the county puts out the zoning. You can't make your own zoning. Cause I would change mine.

Kim Rezanka stated there's been a number of times people have come before you and said I need to change the zoning because it's incompatible with the future land use or vice versa. I mean that's a lot of what you see.

Mark Wadsworth asked to hold on one second and yes sir you've got the floor.

Tad Calkins stated that the request is to increase the density. Right now, they're allowed one unit to the acre. RES 2 would allow two units to the acre. So that's why they have to have the two units to the acre to comply with the 0.7 aspect of the zoning. What they're trying to utilize by the binding development plan is say they will build only one unit on that property. I think that there's been a lot of discussion but when you look at policy 7.1, I think it is very clear in the limitations that the board has adopted in the comp plan. It says that Brevard County shall not increase residential density designations for property located on the barrier island, between the southern boundary of Melbourne Beach and the Sebastian Inlet. It doesn't talk about a coastal high hazard area. It gives you a definitive line from the south Melbourne Beach to Sebastian Inlet. And historically we have not entertained any land use changes which would increase density. There have been a few zonings where people have had a higher land use density where they could change the zoning to qualify to meet that.

Henry Minneboo commented but Tad anywhere else in Brevard County we can.

Tad Calkins replied yes sir. Any place outside of that area I would say you could.

Erika Orriss stated so this could increase density down there.

Tad Calkins responded it would increase density from a land use standpoint, yes ma'am.

Erika Orriss commented I live down in that area and the south beaches and they're pretty adamant about that. They did not want to increase density.

Ron Bartcher stated that the applicant was able to speak very eloquently about why this is not a density change. And his recommendation is she take that eloquent speech to the county commission. To me we've got a policy and it's very clear what the policy says, it's very clear what is being requested violates that policy. I for one will not vote to recommend approval because it violates the policy. Now if the county commission wants to do that it's their policy. They can change their policy. I don't think we have that authority to do it.

Erika Orriss stated I agree with that. Absolutely.

Robert Brothers asked is it not true that we did enter into an agreement, that this county, entered into an agreement with the state that we must make peoples land usable. That you can't deny the use of a person's property. This land is unusable the way it is zoned. He can't do anything on it. You can't build 7/10 of a house.

Alex Esseesse asked to clarify with respect to the timeline. In addition to what Mr. Ball and Mr. Calkins have already said, in 2005 the property was split which created a substandard lot. And that restricted the property owner at that time. It wasn't a creation of the Board of County Commissioners that's restricting the use of the property, it was the property owner at the time splitting the lot improperly that's created this limitation on the current owner, who bought it subject to that limitation.

Robert Brothers continued with we found a lot of ways for why they can't. But it seems like we need to find a way that they can.

Brian Hodgers asked is that owner that split that property in 2005 still the owner of east section.

Kim Rezanka responded no. That was Mr. Lally. He sold it to Mr. Decort. I have to respond. We disagree with staff. You don't have to hold what the staff says as gospel. When you look at the objective, we meet objective 7, 7.1 is inconsistent with that. We don't get to 7.1 because objectives trump policy. This is a legislative decision, a policy decision that you all get to recommend. And yes, it did happen in 2005 and Mr. Espanet apparently went and talked to staff and got misinformation and they can't be held to that. So, we are trying to make it buildable. If you look at objective 7, we meet it. Therefore 7.1 is either a typo or inconsequential or inconsistent. And you can choose to look at 7 and not 7.1. And you're probably going to hear from people who disagree, but this is a policy decision, and the constitution says that you should not defer to people when you're zoned different.

Henry Minneboo commented to Tad that he dwelled on everything that's been said, I fully understand, but you know what's amazing...nobody's missed a beat on the taxes. He's got to pay those the whole time. You might say that's a little bit disturbing. I'd be a little disappointed, I think. I don't know if it has any impact, I'm just saying here are the tax side they didn't miss a beat. They chopped it up and put it in the registry.

John Shofford stated he lives directly to the west. Our pool, and my building is the first buildings there. I realize I can't see the ocean because of the 7-story that was there forever, but the lot as they said was a 1.7-acre lot and the owner broke it down into 2 lots because he couldn't get it sold. 1.7 acres, you know he figured he could get more money, so he broke it in 2. So that's the story on that. But my question is how the new owners will get to their lot in the back there. That's what I'd like to know. Because as they said, or whoever wrote that, it's landlocked. They can't enter it from our side, and they would have to enter it from A1A. Okay, let that go. But still there is this barrier island area of critical state concern and every septic tank, every whatever that's built on there is going to really put a lot of strain on the whole ecosystem there. The owner is going to have to build up. They're going to have to fill in because the whole area is in like a little, lower than anywhere else so they're going to have to fill in, which may cause that water to drain into our pool, but that's okay that can probably be prevented somewhere. Everybody talks about cutting the density down and yet they keep building it up. There is a lot to the south of this lot, it's lot 5660 which eventually will come, if they get their way, that will come under the same condition, and all of a sudden you have God knows what. What we're trying to prevent is naturally something like what the Harbor Island up there near the 7-Eleven and the Ocean Ridge people. There are single family homes and then there's a 3-story plus a garage right next to them. So, they don't get any sun, any time of the year. So, they say 1 story, I don't know 2 story, I don't know what they're going to put there.

Doug Page stated he lives around the corner from John. I've heard lots of stuff this afternoon and it's clear the property owner knew, or ought to have known, when they bought the property what the zoning was. I also heard tonight that there's one philosophical approach of finding ways to help people use their property. It seems to me if you knew what the zoning was going into it you may have reflected, you may not want to buy it. If you knew it was a piece of cake to go change the zoning maybe we would have gotten together bought the property. But we didn't. We recognized what the zoning was. It appears that the owner had it for 19 years and now wants to build on it, 19 years later, or so. That's my understanding. We don't really know what going to go on the property. A 4,000 sq ft

single-family home, where's the septic, where's the sewer going. I think John eloquently made comments about the issues with the leachate going into the Indian Ocean. I just have one additional comment that the board now has documents that the public does not. As of, immediately starting before this meeting the applicant's attorney handed out documents that are not part of the public record, that we have no idea what's in it. It just seems that there should be more public time to review and comment on documents that are provided at this hearing. That's my 2 minutes.

Catherine Odom stated our community is 138 homes just to the north of this property. We are South Shores Riverside. We're made up of the large homes across the street, a few of those homes, within the west side of A1A. We have single family homes, we have townhomes, and we have condominiums. I don't know if you received emails from people, there was some mix up in the communications regarding who was to be copied on this. I think some of your emails went to the city of Melbourne, so you may not have gotten those, but the majority of the people that I've spoken to are opposed to this, for the single fact that we are now a state area of critical concern and as that we need to be careful that we don't set up the precedent which may or may not be considered a precedent. I don't want to see this happening throughout the community. I feel badly for our potential new neighbor that he purchased a home that did not have zoning that would accommodate him. What we can do about it is beyond anything I can understand. I do understand that there is an easement there that will be used as the driveway.

End of public comment.

Kim Rezanka stated, again this isn't zoning, it's future land use. It's a legislative policy decision versus zoning which is strictly if you meet the requirements then you should be considered. So, there is an easement, it's in your documents, it's a 75-foot easement that he would have access subject to approval by Mr. Calkins or his designee. Mr. Espanet actually went to Clayton Bennet in 2018 to start this process and Mr. Bennet got shut down and didn't want to fight. And I get it because this is not an easy fight. This is trying to get people to understand the difference between policy, objectives and goals, and the fact that this is completely unbuildable without a change. This would not have sewer, it would have the high-density nutrient reduction septic system, as in your staff report. And, regarding Ms. Odom, again we do have the zoning, but if you look at that zoning that her development has, that's RA-2-10, SEU, RU-2-4, RU-1-7, it's all over the place, most of it inconsistent with RES 1. So again, we are trying to make the zoning consistent, and we can't build, we could build under RP. We could build a house under RP, but he can't build anything because of the Residential 1 and the size of the lot. Yes, he thought he did his due diligence and now he's stuck and it's something he didn't create. So, we would ask that you consider our arguments, consider our statements that the objective controls over the policy on page 27 and that one unit is not going to impact the environment, the flooding, the birds, or anything. And that even if it were he would have to climb all the zoning codes. But it's not and it's not going to stop the visual impact which is the only thing that came up.

Mark Wadsworth stated there's been a lot said from staff and board that you said, there was a RES 2 with a BDP.

Kim Rezanka answered that was not in this area. That was in Merritt Island that we used a BDP to make the zoning consistent with the future land use change. That was the Dunkin Donuts in Merritt Island.

Henry Minneboo stated I remember that. That was Dunkin donuts. For the drive thru.

Kim Rezanka said yes, for the drive thru. And here we're making it consistent. So, everyone knows that there's going to be one single-family home and not an 85,000 sq ft commercial center which is also permitted under the condominium docs and under RP. He just wants to build a house.

Ana Saunders inquired if she could ask staff a question. Mr. Calkins, I heard Mr. McKnight say that it's unusual but it can be done, a BDP with the land use. Can you speak to that a little bit. They're doing a RES 2 land use that foreseeably would increase the density, but they are willing to restrict it to one. That would be consistent with 7.1 in your mind.

Tad Calkins asked Ms. Saunders to repeat the last part of the question.

Ana Saunders stated if they were to restrict it to the one unit would that help with the consistency of this policy 7.1 by not increasing the density.

Tad Calkins responded I think the problem is the RES 2 future land use that they're requesting because I see that as a density increase which their position is that the objective is what we should be enforcing, but if I just enforced objectives I wouldn't be here very long because the comp plan is full of policies and we have to enforce all of the comp plan.

Brian Hodgers asked the staff when was the law put in force that restricted the increase in density to the south beaches?

Jeffrey Ball replied that the study which was the south beaches area plan was adopted in 1992.

Brian Hodgers stated so that law was in force before this property was split. Who takes the responsibility of allowing that split to have taken place since technically it was probably done illegally.

Jeffrey Ball responded my understanding is it was put through a condo plat. Which staff does not review condo plats.

Tad Calkins added the condo plats are reviewed by the clerk of the court's office by statute.

Robert Sullivan responded there was no opportunity for the staff to review the partition of that property. Is that correct?

Tad Calkins replied to the best of my knowledge the county staff did not have any review of that document.

Brian Hodgers commented that if that property had stayed in one parcel there would have been one tax bill. Then probably similar to the tax bill that sits on that single house now, but instead now the county gets the enjoyment of 2 tax bills at a much higher price, and which the owner cannot build on it, but he is being charged taxes on it. Am I correct?

Jeffrey Ball stated I can't address what or how the tax collector taxes properties. That's outside of what our staff does.

Brian Hodgers stated I realize this is planning not tax, but I have a problem with the fact that he's being told that he can't use that property but he's getting taxed on it. So, this again isn't for this board to address, him not having to pay taxes on it but for almost 20 years of taxes I think that this needs to

be reviewed and maybe between you and the tax department to try and figure out what can come to fruition to help this gentleman.

Tad Calkins responded we can do that. We can talk to them. I think that the challenge though is that this property is inconsistent, standard. It wasn't done by us; it was done by an action of an individual. And so, property is sold every day that we have no part of, or we're not included in regulations. But we come in when people try to develop, which is where we are, we fully started 2 years ago.

Brian Rodgers stated yeah, but I'm sure he's paying fire fees and all sorts of other tax fees for property that's unbuildable, that he can't use. So, at the end of the day, you guys didn't do anything wrong, the person who divided that property up did. He's not going to get his money back. Okay, let's say you lift the taxes, and he doesn't have to pay taxes anymore on it, that's great, but he's still out a quarter of a million dollars for property he bought that he cannot develop. Let's be realistic, it is developed land.

Tad Calkins responded the request is to put a single-family home on there and it doesn't have the proper land use density for that.

Henry Minneboo commented I'm just going to add to Brian that if this was anywhere else, we wouldn't be having this discussion. If it were on Merritt Island we would have this discussion.

Tad Calkins stated correct. There may be other issues but may not be the one.

Brian Rodgers said he had a question for the applicant. It was brought up about access, is there a plan for how to get access to property?

Kim Rezanka responded yes sir. If you look at the condominium docs, I believe it's page 10 or 11, there is an access easement on that property and the process is to make an administrative application that would go through Mr. Calkins or his designee to say hey this is where we want to put our driveway and there's already a bona fide easement and they hopefully would recognize the easement to allow him to have access.

Brian Rodgers asked and that current owner's not having a problem with that.

Kim Rezanka responded he has no choice. It's in the document he bought, and I don't know if he does or not, but he would have no choice. I mean it's in the condominium docs and he agreed to it when he bought the property.

Brian Rodgers asked at his expense.

Kim Rezanka responded at Mr. Espanet's expense. There's already a driveway there. The current owner, Mr. Decort, may want that used, may want it next to it, but it's 75 feet. There's plenty of space to put a 20-foot driveway.

Robert Sullivan asked are we done with discussion on the board.

Mark Wadsworth stated we can ask that. Any other comments by the board. I guess we're done with discussion.

Motion to deny by Robert Sullivan, seconded by Erika Orriss. The vote was 4 to 6.

Alex Esseesse stated the motion fails and you're going to have to take another vote.

Mark Wadsworth stated we're going to need another motion.

Motion to approve with a BDP by Robert Brothers.

Alex Esseesse stated I must not have understood the previous vote. It looked like it was 4 to 6 and now there's not a second for the approval. So maybe we need to take another toll, we have a motion on the floor, but it doesn't seem like it's tracking.

Mark Wadsworth stated we have a motion for approval, I need a second.

Seconded by Ana Saunders.

Mark Wadsworth, we need a show of hands for the approval. So, we have some undecided.

Alex Esseesse stated frankly I apologize for my ignorance; I'm not understanding either. It looks like it was 4 to 6 for the last vote. Now it's 3 to 7?

Kim Rezanka looks like you have some abstentions.

Alex Esseesse, you can't abstain, you have to vote. Unfortunately. Unless you have a conflict which in general, I don't think anyone does. Let's do a vote. You point people out and they'll vote in favor or against.

Mark Wadsworth took a poll. The vote was 6 to 4. The motion passed.

Item H.5. Mahasu Associates, LLC requests a change of zoning classification from AU to RU-1-9. (24Z00009) (Tax Account 2419409) (District 2)

Trina Gilliam read the application into the record.

Sam Sebaali on behalf of the applicant spoke to this item. The parcel which we are requesting a rezoning from AU to RU-1-9 is a 0.31-acre portion or a larger parcel which is 7.71 acres. That parcel serves as access for the main parcel. The main parcel is zoned RU-1-9 and all we are asking for is to rezone the parcel which serves for access, it's a flag lot, to the same zoning as the main parcel, so they are consistent. The requested zoning is consistent with the comprehensive plan, and it doesn't allow, or it doesn't cause any addition of any units, or cause any concurrency issues. It's basically to make it consistent with the main parcel. I'll be glad to address any specific questions, but this is the request.

Robert Sullivan asked the applicant do you access to the property now.

Sam Sebaali responded the property is not developed, but the access is through that parcel. The issue came up when we submitted an application for development on the main parcel and staff asked us to rezone this parcel so it's consistent with the main parcel's zoning. And what we are proposing, as far as the development itself, is consistent with the RU-1-9 which is the main parcel. But this is the

only legal access for that parcel. So, it would serve as an access roadway. It is 50-foot wide and because of the zoning it requires a minimum of 66 feet. We had to get a variance and we came in front of the board of zoning adjustment, and we did get a variance. We worked with the adjacent property owners, and they understand what we are doing, and everybody was okay with it.

Robert Sullivan asked do you know if the county has any plans for the west side or the south side to put a roadway in or would that be under your obligation.

Sam Sebaali responded I do not know. I think with this request we would have to build the roadway to connect to Bevis Road through this portion of the property which is where the access is currently from. I don't believe the county has any plans, but I'm not aware of any.

Robert Sullivan stated my concern was the width of that lot being 50 feet versus 60.

Sam Sebaali commented right, and we did get the variance for that, the 50-foot right-of-way is adequate.

Robert Sullivan went on to say well there's utilities and other things that have to come through those in that access area. 50 feet starts getting crowded very quickly, and drainage ditches and utility corridors, and things like that.

Sam Sebaali commented internal, just for clarity, the internal right-of-way would be 50 feet and would have the same utilities and we already looked at the cross section going through that.

Henry Minneboo asked Mr. Sebaali, have you been on the property.

Sam Sebaali responded yes sir.

Henry Minneboo stated I'm trying to answer Robert better than you did. Isn't that Bevis through there?

Sam Sebaali responded it is.

Henry Minneboo then commented Bevis goes left, right, left, right. It meanders. It's probably the only road on Merritt Island that's got 9 curves.

Sam Sebaali stated that one of the concerns on the south and the west there is a canal and we're trying to stay away from that, and that's a drainage system through there so I don't expect there will be any roadways through there.

Henry Minneboo commented I think you answered Robert that it's Bevis.

There was no public comment.

Erika Orriss asked so you're saying that there is currently no access, but you would be putting in access or the county could put in a county road.

Sam Sebaali stated the property is not developed; it does about the right-of-way through the flag portion of this lot. So, that provides the access into the property. It is an access, but when you develop it, you have to meet certain standards. Which is it has to be the same zoning as the main

parcel and then we would have to build a proper roadway, which would meet the county standards. And that is the intent.

Henry Minneboo comments yeah but you don't have to go all the way to the back.

Sam Sebaali responded we will take it all the way to the parcel and that's part of the development, we're going to have a roadway, which would be the same width, it would be meeting the county standards for right-of-way with all the utilities and what have you. It would be a closed drainage system, so that's why we can do it in 50 feet.

Motion to recommend approval of item H.5. by Robert Sullivan, seconded by Brian Hodggers. Motion passed unanimously.

Item H.6. Ross and Dawn Buck request a conditional use permit for a private residential boat dock. (24Z00044) (Tax Accounts 2953085, 2953257) (District 3)

Jeffrey Ball read the application into the record.

Steve DePhillips on behalf of the applicants spoke to this item. He stated that he's the owner of East Coast Docks. We've been hired by Ross and Dawn to build a dock for them on this little canal property. These properties are kind of unique because they're not tied physically to the house or the house is up the road in the same plotted subdivision, but they have these little canal properties that gives them water access. So, we have to file a conditional use permit to get the dock approved. There's already a CUP approved for the property for the previous owner, but since we are changing the design of the dock and removing the existing one, we have to file again, which will include the new property owners being on the newer CUP and not use the old one that's existing now. Again, the dock will meet all the current county codes for size, setbacks, and projections, so it's not like we're asking for something different than what normally we get approved for, it's just that these unique properties being that they're not tied physically together, that we have to file for the conditional use.

Henry Minneboo commented you're not forming 7 acres.

Steve DePhillips responded I don't think this is quite as complicated as the last couple of them.

There was no public comment.

Motion to recommend approval of item H.6. by Debbie Thomas, seconded by Brian Hodggers. Motion passed unanimously.

Item H.7. 3101 Gannett Plaza Ave, LLC. is requesting a conditional use permit (CUP) for Alcoholic Beverages for On-Premises consumption (24Z00045) (Tax Accounts 2602423 & 2602422) (District 4)

Jeffrey Ball read the application into the record. He added that staff is requesting that you add a condition to allow for the applicant and staff to work for language to come up with a condition for them to work on easement language. Utilities is looking to the property owner for an easement to maintain the lift station that's on property and Mr. Fontanin is in the audience if you have any questions.

Kevin Salzman spoke to this item. We had a conditional use permit for a 2 COP license unanimously approved by the board in August of 2020. We are simply looking to upgrade, that was for beer and wine only. We're simply looking to upgrade to a 4 COP at the same location to include liquor.

There was no public comment.

Ana Saunders asked Mr. Salzman to speak a little bit to what Mr. Ball said about the utility easement. Are you agreeable to that.

Kevin Salzman stated well I just learned of it when I came in here this evening. I'm here through an authorization to act on behalf of the owner. They're out of state. But I can provide some help. But what I would like to hear in your comment to the board is it going to be, will my approval for the CUP be tied to getting an easement or just starting a conversation, which sounds like you've been unsuccessful in being able to get a conversation even.

Jeffrey Ball stated moving forward all we're asking is to start the conversation with the framework that may lead to a condition that would allow the county to get an easement.

Kevin Salzman commented understood. So, with that to your point I can help with that. Sounds like they've been kind of a stale mate to get a good conversation going for that easement. And I can certainly help with that.

Motion to recommend approval with the condition that there be continued discussions for the utility easement of item H.7. by Brian Hodgers, seconded by Debbie Thomas. Motion passed unanimously.

Jeffrey Ball stated just to have it memorialized on the record, you're recommending approval and the ability for staff and the applicant to work on language for a possible easement.

Kevin Salzman stated for point of clarification, I'm acting on behalf of the owner, but I'm also the operator of the family entertainment center looking for this upgraded license. The commission meeting is December 12th? So, my role now becomes to, what roadblocks am I going to run into with the commission meeting if between now and then this line of communication has not been established well enough to meet your satisfaction?

Jeffrey Ball stated we just direct the board of the conversation or lack thereof that it's come to that point.

Kevin Salzman commented very good. Thank you.

Item H.8. William M. Braselton, III requests a change of zoning classification from RU-1-7 to RU-1-11. (24Z00050) (Tax Account 2800475) (District 5)

Jeffrey Ball read the application into the record.

William Braselton spoke to the application. Looking to rezone form RU-1-7 to RU-1-11 that requires a larger lot size to bring this property into consistency with RES 4 which is over the entire area.

There was no public comment.

**Motion to recommend approval of item H.8. by Brian Rodgers, seconded by Erika Orriss.
Motion passed unanimously.**

Karen Bales who lives 335 feet from where this property is stated she doesn't know anything about this.

Alex Esseesse advised that out of an abundance of caution we may want to let her come forward and speak.

Mark Wadsworth asked if it would be okay for the applicant to talk with her in the foyer.

Alex Esseesse commented absolutely. I didn't know if she was going to do a public comment or not.

Karen Bales stated I have no idea about it. I just got this. I'm just curious. I mean I think it's important because I got the notice. I am 335 feet away from his property, which is so tiny that you don't even notice it. The only reason I knew about it is because I got this. I just want to know what does all of this mean. What does he want to do. I'm sure it's not going to impact. My house covers 3 streets, Wood Street, Miami Avenue and Elm Street. I could throw a baseball probably to his lot. So that's all I want to know. I'm curious, I've never been to one of these.

Mark Wadsworth stated he just asked for a zoning change from RU-1-7 to RU-1-11. This is just a planning and zoning board. Now we do not know what he intends to do with the property.

Jeffrey Ball stated I can meet with this young lady and go over the application with her.

Mark Wadsworth stated there's your answers.

Karen Bales commented some people I went around to check to see if they got this and a lot of people said that they didn't even know what this was so I kind of wanted to take notes.

Mark Wadsworth informed Mr. Braselton that this passed unanimously.

Item H.9. Jorge and Olga Carolina Tabush (clayton A. Bennett) request a change of zoning classification from GU to EU. (24Z00054) (Tax Account 2605989) (District 2)

Jeffrey Ball read the application into the record.

Clayton Bennett spoke to the application. They want to rezone the property. It is developed as 3 units, which they recently demolished. The zoning is GU, there's EU to the north, RU-1-13 to the south. What we'd like to do is go from the GU to the EU in order to bring that zoning down so that the lot is consistent with the zoning regulations.

There was no public comment.

Motion to recommend approval of item H.9. by Robert Sullivan, seconded by Debbie Thomas. The motion passed unanimously.

Item H.10. Keleon Watkins requests a change of zoning classification from RU-1-7 to RU-1-11. (24Z00048) (Tax Account 2110707) (District 1)

Sandra Collins read the application into the record.

Keleon Watkins spoke to the application. He has 2 pieces of property adjacent to each other and he's trying to change it from RU-1-7 to RU-1-11 to put single-family homes there.

There was no public comment.

Brian Hodgers asked to clarify, you're going to put one house on this property.

Keleon Watkins responded yes.

Motion to recommend approval of item H.10. by Ron Bartcher, seconded by Brian Hodgers. The motion passed unanimously.

Item H.11. KVK Management & Remodeling Services LLC (Keleon Watkins) requests a change of zoning classification from RU-1-7 to RU1-11. (24Z00049) (Tax Account 2103672) (District 1)

Sandra Collins read the application into the record.

Jeffrey Ball commented that this is the property to the south and under the same applicant, but under different ownership. That's why we had to separate them out.

Keleon Watkins spoke to the application. He stated it's the same thing as the previous application. He's trying to put a single-family home there.

There was no public comment.

Motion to recommend approval of item H.11. by Ron Bartcher, seconded by Robert Sullivan. The motion passed unanimously.

Item H.12. The Viera Company (Jose Pazmino) requests a CUP for Commercial Entertainment and Amusement Enterprises. (24Z00047) (Tax Account 2631510, portion of) (District 4)

Item H.13. The Viera Company (Hassan Kamal) requests ADS for the Central Viera PUD, Parcel 3A. (24PUD00005) (Tax Account 2631510, portion of) (District 4)

Jeffrey Ball read companion items H.12. and H.13. into the record. The ADS would allow for waiver of 3 items. Number 1 is the lighting standards that we have about having cutoff fixtures, 2 is how we calculate the signage on the building, and the 3rd would be the allowance of the fence. The netting is considered a fence. So, with that there are some conditions that the board should consider. The board may consider including a condition that the applicant must demonstrate during the site plan that the process and provide applicable permits prior to approval that the lighting configuration does not adversely affect conditions for traffic traveling along I-95. The applicant shall meet all local, state and federal regulations regarding lighting unless expressly waived. The companion CUP is the conditional use permit to allow for the use of the property. Under the PUD, entertainment facilities such as this require a CUP. So, with that there is a site plan that's included in your packet for that use. You may

entertain conditions that address offsite impacts such as lighting and any other possible impacts that you may determine that need to be addressed.

Jose Pazmino, on behalf of the applicant, explained the purpose of the request. These applications will permit them to construct and operate a golf entertainment venue. A presentation was prepared to show the proposed development, how this use will compliment the existing use amenities in the Viera community, and the requested code amendments necessary for the facility to operate.

Greg Coplin, a representative of Top Golf, explained further. He claims they are the number one premier destination for entertainment. He stated they currently hold over 100 venues, 90+ of which are located in the US. Nine are currently operating in the state of Florida, with one additional venue currently under construction. He spoke on describing each slide of the presentation and explaining the proposed project. He stated this site will be similar to one currently under construction in Panama City Beach. This project is to be a family friendly community that is 2-story with 64 hitting bays, large patio areas, and Top Tracer technology. This has been a \$28 million investment to bring Top Golf here. They anticipate to generate 200 jobs and bring in 200,000 visitors per year. People can play in all weather except probably not during hurricanes. He spoke more on target demographics. He stated this venue will be similar to the one in Wichita, Texas.

No public comment

Henry Mineboo asked for clarification on access to the site.

Hassan Kamal, on behalf of the applicant, noted that there is access from the south near Bromley drive by the car dealership. And then there is another access through the Viera Avenues.

Ana Saunders requested to recuse herself from voting, stating she works for BSE consultants and does a lot of work for the Viera Company.

Motion to recommend approval of item H.12. on the condition that the applicant must demonstrate during the site plan process and provide applicable permits prior to the approval of the lighting configuration that does not adversely affect conditions for traffic traveling along I 95 and the applicant shall meet all local state and federal regulations regarding lighting unless expressly waived by Brian Rodgers, seconded by Robert Sullivan. The motion passed unanimously.

Hassan Kamal stated the project is located within the Central Viera PUD. To address the unique features of this type of development those three items need to be included as part of the Alternative Development Standards. They took the PUD and created a parcel that was specific to this location so these conditions would not be applicable to any other project in the PUD. He described the three conditions such as the lighting standards for only the driving range portion that would allow this kind of operation to take place, the netting height for the driving range portion of this operation, and definition of calculation all-premises sides. Normally with regards to calculating all- premises sides he said "that's based upon the perimeter of the building". This building only has three sides because of the open bay therefore clarification of that definition was needed to allow the signage that they propose and include that open bay side.

Motion to recommend approval of item H.13. on the condition that the applicant must demonstrate during the site plan process and provide applicable permits prior to the approval

of the lighting configuration that does not adversely affect conditions for traffic traveling along I.95 by Brian Rodgers, seconded by Erika Orriss. The motion passed unanimously.

Eric Cublar, on behalf of the applicant, asked for clarification in regards to the lighting conditions.

Jeffrey Ball said “all we are saying is that they have to demonstrate at site plan that the lighting configuration does not adversely affect the conditions for traffic.”

The meeting was called to adjourn at 5:22pm.

DRAFT

**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR
COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME <i>Sanders</i>	FIRST NAME <i>Ana</i>	MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>RC PVE</i>
MAILING ADDRESS <i>312 S. Harbour City Blvd Suite 4</i>			THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Melbourne</i>	COUNTY <i>Brevard</i>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <i>11.18.24</i>			MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict: **PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Anne Sanders
I, *Anne Sanders*, hereby disclose that on *11.18.24*

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, _____ ;

inured to the special gain or loss of my relative, _____ ;

inured to the special gain or loss of _____ , by _____
whom I am retained; or

inured to the special gain or loss of _____ , which _____
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item H12 - TVC is a client of the firm (BSE) I work for.

Date Filed

Anne Sanders *11.18.24*
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR
COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME <i>Saunders</i>	FIRST NAME <i>Aron</i>	MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>BC #12</i>
MAILING ADDRESS <i>312 S. Harbor City Blvd Suite 4</i>			THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Melbourne</i>	COUNTY <i>Brevard</i>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <i>11.18.24</i>			MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict: **PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, *Ana Saunders*, hereby disclose that on *11.18.24*

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, _____ ;

inured to the special gain or loss of my relative, _____ ;

inured to the special gain or loss of _____ , by
whom I am retained; or

inured to the special gain or loss of _____ , which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item H13 - I work for BSE

Date Filed

Ana Saunders *11.18.24*
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.