

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 14, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Justin Caron, Assistant County Attorney; Alice Randall, Operations Support Specialist; and Jordan Sagosz, 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 March 17, 2025, P&Z/LPA Minutes

Motion by Logan Luse, seconded by Robert Brothers, to approve the P&Z/LPA minutes of March 17, 2025. The motion passed unanimously.

H.1. Casabella Development, LLC (Kim Rezanka) requests a change of zoning classification from BU-1-A to RU-2-6. (24Z00064) (Tax Account 3018651) (District 4)

Trina Gilliam read Item H.1. into the record.

Kim Rezanka spoke to the application. This is a request to rezone 5 acres from BU-1-A to RU-2-6 to allow the development of townhomes. It is located on Wickham Road, south of a large shopping plaza, north of Casabella office condo, across from the post office and 3-story, 207-unit apartment complex, and next to Casabella subdivision. Lot E is part of the Casabella subdivision and it's up to developer to do what he wishes with it. It was not intended necessarily for commercial development or housing. It is zoned commercial, but houses can go in there as well. We could do townhomes in a BU-1 with a mixed-use development, but this is what they choose to do, townhomes. It has very specific definitions of what you can do with townhomes, the setbacks, the sizes and things like that. RU-2-6 zoning has definite requirements. There is a 50-foot buffer between the single-family homes and what would be townhomes, and that is a tract reserved, owned by the HOA. There's going to be at least a 25-foot setback for the townhomes, and they intend to build a concrete wall. There will be a nice buffer there. Townhomes are intended to be 27 ft. by 75 ft., 2-story with 2-car garages underneath. Intended sale price is around \$600,000. This use of residential attached single-family townhomes is a less intense use than what could be on this property. The traffic analysis shows that this will have substantially less trips than what could be there if a shopping center was built. If a shopping center was built it could be 163,350 sq. ft. with a trip rate of 7,127 trips, whereas 30 townhomes will have 216 trips. This has a much less intense use than what it could be if it was a shopping center. The daily volume of this segment of Wickham Road is below capacity. This will not impact the maximum allowable value of the trips on Wickham Road. This is a mixed-use area, there are no concurrency issues, and this will not have a material violation of any comprehensive plan policies.

John Hopengarten asked what happened to affordable housing. This is a prime candidate for Live Local. It's got enough acreage, has a lot of incentives attached to it, it's commercial property, and I'm

the chairman of the Affordable Housing Council. So, I must try and entice the owner to think a little differently. How many units?

Ms. Rezanka responded we've asked for 30, the concept plan is for 20. There is a wetland, but there's no wetland survey yet, so we're not certain if that can be impacted. They will avoid the wetland because it's going to be residential, if it was commercial they could impact it the wetlands. My client is not in the affordable housing business. In Casabella those homes now are anywhere from \$800,000 to \$2 million dollar homes in that subdivision.

Mr. Hopengarten stated he would be remiss if he didn't ask.

There was no public comment.

Motion to recommend approval of Item H.1. by Erika Orriss, seconded by Robert Brothers. Motion passed with a vote of 9 to 1.

H.4. Wayne & Laura Bresette (Kim Rezanka) request a change of zoning classification from BU-1 to BU-2. (25Z00005) (Tax Account 2410956) (District 1)

Trina Gilliam read Item H.4. into the record.

Kim Rezanka spoke to the application. The request is to change the zoning on almost 2.5 acres from BU-1 to BU-2 to have mobile home sales. They currently operate the site across the street and intend to move this over here. This is a vacant lot with a commercial nursery to the north, a church to the east, mixed-use office to the south, and mobile home sales and office to the west. This is a permitted use with conditions in BU-2. This is a commercial corridor and does not indicate any use that would impact the levels of service. The staff report indicates there will be performance standards that will have to be abided by, that will come at the site plan stage and the actual operational stage. Those performance standards are dust, smoke, odor, lighting, vibration, radiation waste disposal, water quality, water consumption, signs, access, and noise to name a few. Those are all site plan issues that will be addressed. There are no material violations of the comprehensive plan policies, and it does not encroach into any existing residential areas.

Public comment

Sandra Kennedy stated some of the issues that are very important in our area are that we're on a flood plane and there's an aquifer. The water charges and then pours out, down the ridge from the US-1 elevation down to the Indian River Lagoon. It floods Indian River Drive, which is our only way in and out of the neighborhood. When you concrete over large areas or do anything that impacts the aquifer, you increase the flooding. The development restrictions that I'm aware of are a need for a vegetation barrier and a concrete wall. There's a lot of clearing that has been going on, some without permits. This has dramatically increased the sound in the area just in the last few years, since I have moved into this neighborhood. So, the wall and vegetation, anything that protects sound is very important. Crime, we don't want people walking through and entering a residential neighborhood from the back of this building or construction. And, homeless people who are already on the other side of US-1, camped out, hiding next to the railroad tracks. We have flooding so bad that the water runs 24-7 through our storm drains, rain or shine. It can not rain for six months, and that water still floods because that is the impact of the aquifer and the flooding in the area. When there is a hurricane water runs down my driveway for 2 weeks. The last couple of years it just flows, for 2 weeks. I'm not a

public easement for the county to absorb their water. I've heard it ran for 3 to 6 months during hurricane Irma. We don't need less development restrictions, we need more, in this area. We need to protect this environmentally sensitive area and restrict the amount of land that gets concreted over.

Paul Tucker stated he lives directly next door to Sandra. We're on a 25-foot D.O.T. easement on the rear of our lot, which has turned into a highway for people that want to get from US-1 to the river. Unfortunately, the people traveling down that highway are not the people you want in your backyard. They're trapped between our subdivision and a church. Any development going on in that area needs to be very sensitive that we have 24-hour a day water running through the D.O.T. easement behind us. The system within our subdivision runs 24-7. I've lived there for 7 years and never walked over an inlet that didn't have water running. We live on a coquina ridge. Sandra's house was brought down level to follow the rest of the neighborhood. So, that coquina ridge is about 6-foot above her grade and it's constantly running water after a huge storm. We would like you to address the water concerns and we need some type of a buffer wall or something that blocks that D.O.T. easement.

James Stoker stated he wanted to reiterate that this property abuts his property. The natural resource department requirements need to be met, some kind of buffer, so we're not exposed to any kind of commercial development. There are significant water issues in this area, so any plan that goes forward has thoroughly assess and make sure those things don't impact all the properties that are downstream. It is a significant elevation drop and the water runs right down onto our property and all the properties beneath us.

End Public Comment

Ms. Rezanka stated there was a special use permit on that site that was revoked in 1973, but that is a nonissue. Regarding flooding, as you all know development standards will require that they retain all their water, and that will be a site plan issue. Same with the buffering, they will have to have a class A buffer, I think and would require a site plan. Regarding blocking the easement, that is the property to the south that's adjacent to the easement, perhaps when a wall goes up that will help some of it. We know this is a coquina ridge and we know there are water issues, and that will be addressed at site plan.

Henry Minneboo inquired who the engineer of record will be.

Ms. Rezanka responded MBV Engineering, Bruce Moia.

Mr. Minneboo stated that design wise they'll probably be able to handle most of that water that generated from this site but doesn't some of it come from farther way.

Ms. Rezanka responded I suspect some of it's coming from the other side. That's the way the drainage pattern is. There's a lot of pipes there and easements there. We've tried to vacate some; they won't let us because they say they're going to have to redo some of the drainage to the river.

Mr. Minneboo stated we've listened to the people. It's been amazing, they have a big issue here.

Ms. Rezanka responded I don't know about this subdivision, but I know the other one that was a 1960 subdivision.

Mr. Hopengarten inquired as to how many mobile home units are planned to be put on this property.

Ms. Rezanka responded it's going to be a sales facility; I don't know. It's going to be like what's across the street. That's what they have now.

Mr. Hopengarten asked if there is one to the south that's kind of stacked around and ugly.

Ms. Rezanka responded now they'll have to have a site plan; they'll have to make it look nice. They'll have to have travel lanes, distances to move them around, they don't have a concept plan yet.

Mr. Hopengarten stated the ones we've seen in the past just have gravel as their surface rather than paved. Because of the flooding issues in that area is there any chance that they would consider doing a permeable type of paving so that they would absorb some of the runoff.

Ms. Rezanka responded that gravel is not considered pervious, and if we're in an aquifer zone we can only have 40% coverage. They're going to do whatever staff tells them to do.

Mr. Hopengarten commented that as was stated last month those people were made responsible to keep their runoff on their own property. So, this will be the same situation.

Ruth Amato commented that even when everything is done right, if something fails, what does that look like and how is it corrected.

Ms. Gilliam responded that is something that will be addressed during the site plan process and there's engineering for that. Public works department would review the drainage plan to make sure it adheres to whatever regulations the county has for them to retain their water runoff on property.

Motion to recommend approval of Item H.4. by Ana Saunders, seconded by Erika Orriss. Motion passed unanimously.

H.2. Troy Holdings LLC requests a change of zoning classification from BU-1-A with an existing BDP to BU-2 with removal of existing BDP with a new BDP applied. (25Z00001) (Tax Accounts 2501390 & 2521094) (District 2)

Trina Gilliam read Item H.2. into the record.

Jim Trouger spoke to the application on behalf of the owners. The binding development plan from 2023 failed when it never made its rounds to get all the required signatures, the property has been transferred to a new owner, so staff recommended we do it all over again. Same product with larger setbacks now.

Mark Wadsworth inquired if they want to add outside storage.

Mr. Trouger responded he doesn't believe there is outside storage tied to this. So, the allowable uses will be the indoor storage for boats and RVs in BU-2 as well as the allowable uses in BU-1.

Public Comment

Maggie Duchek stated my bedroom window looks right to where I think they're planning on putting not only the RV storage, but to get in and out of the storage. Going from BU-1-A to BU-2 scares me. I've lived in that house for over 20 years and on Merritt Island 40 years. You can put anything there. I

would not have bought this house 25 years ago if it was zoned BU-2 behind it. The other BU-1 uses is another concern for me because if that doesn't happen it gives them a free bump from BU-1-A to BU-1 without going back to the board. I don't see how it's not going to affect my quality of life, either outside on my porch or in my bedroom people opening bay doors. I just wanted to give you my concerns.

Mr. Minneboo asked when she moved into the area.

Ms. Duchek responded she bought it in 2001. We had a thing with a carwash in 2005, 2006, and then this one.

Michael McGraw stated he is Maggie's neighbor. This is the 3rd time we have addressed this property. Was going to be a carwash and nothing happened. Then they wanted to put storage units there, that never happened. The owner sold the property after being upgraded in zoning, so I guess we increase the property value by doing so, which I think is not right. They sold the property without any development. I'm very concerned that this is becoming a shell game. Let's make it do this, let's make it do that, let's get the property zoned as high as we can, and increase the value of that property as much as we can before we decide to sell it again. We have a lot of noise issues. We fight the airport and the training school nonstop. They have no regard for the neighborhood. If we can get a binding development plan and see what this plan is, what's the plan going to be next. I own my own business. I abide by code and regulations; in roofing you wouldn't believe the amount of regulation we have to deal with. Look at the history of this property and consider that when you make your recommendation. Please consider what we're going to go through.

Steve Duchek stated Maggie is his daughter. She bought that house because it was 2 blocks from the elementary school. There's no other access except through this "U"; it's Tropical Way. I would really like to know what is going there. There is a 7-Eleven on the corner, and we were told they were given an exemption to build it there. On the other side is agriculture with horses there. I spend half my time cleaning up beer cans, bottles and stuff from people going back in the back. I helped her put up a privacy fence, so she doesn't have to worry. Then they said they were going to put a carwash there. Within a span of 4 miles there are 6 carwashes, it's going to work because it's going to be a 24-hour carwash. Will there be security? No. Fencing? No. But there will be a binding development plan. Nothing happened so I called some people that work for the county, and they said he's not going to build it because he can't afford it. Now they're going to put up a storage place for RVs and boats. If you go down 4 or 5 blocks, there's a whole bunch of them by the airport. Those are all commercial. So, they want to change this site with 2 bays with a road down the middle for people to drive in with their RVs and boats aimed right at my daughter's house. As a businessman that doesn't make a lot of sense, to put something in you don't need. Are they trying to get this thing to get a higher zoning so they can just say we can't do this, but we'll do that because you allowed it. I would like to see the BDP written in such a way that if they don't do it, it reverts to the original one.

End Public Comment

Mr. Minneboo asked to be enlightened on what you're willing to undertake out there.

Mr. Trouger responded we're aware the previous package that came through had a 16-foot setback the code requires 15 feet. Now we're proposing over 60 feet. We're listening. We're doing what we can, as well as a wall, buffers, all the bells and whistles that the land development requires on our site

plans. Storage is one of the lowest traffic generators, so hopefully that will be a benefit from what else could be built on this property.

Mr. Minneboo inquired if they would do a BDP.

Mr. Trouger responded yes; we are doing a BDP.

Erika Orriss asked staff if this was considered inconsistent since there is no BU-2 in the area.

Ms. Gilliam responded it would be up to the board to determine whether this would be compatible and consistent with the character of the area.

Mr. Trouger stated the BDP does list the only allowable use in BU-2 is indoor boat and RV storage with the rest of the allowable uses are only BU-1.

Ms. Orriss responded that it also states in the BDP the developer and the owner can only use it for such. Number 6 in the BDP says that no one else can change this, so that can't buy it, flip it and do something different. So, it can only be used for this. So, even if we were to go against what's consistent with the area then the agreement shall be binding. The wording is a little confusing. Number 4 says the developer/owner shall be limited to the RV and boat storage as allowed in BU-2 zoning district. The developer can sell it, and it's rezoned.

Mr. Trouger responded the binding development plan runs with the property. If it's sold or transferred. The document that's part of this is a draft document. If we get the approval of the commission, it then goes to the county attorney's office, and they mark it up and it goes back and forth. This is the draft version.

Ms. Orriss continued her only comment is that it may be inconsistent with the surrounding area.

Mr. Hopengarten asked if staff had a copy of the old BDP.

Ms. Gilliam responded not at this time.

Mr. Hopengarten stated he has no idea other than the one paragraph at the bottom of our documents which stipulated part of it; I would like to review that before I make a decision. I would like to review the previous BDP from 2023. I understand it wasn't signed. But there was one from before that.

Mr. Minneboo stated he was trying to remember because this is a strange configuration on the lot. I don't remember an earlier, at the beginning, BDP.

Ms. Gilliam stated I have it here. The one that's currently active says it's granted having BU-1-A classification for restricted neighborhood retail commercial zoning will not construct or permit the construction of any convenience market on the property and will not undertake or permit gasoline sales accessory to a convenience store or otherwise will not permit the sales of alcoholic beverages from the property. It's dated 1990.

Paul Body stated that BDP is only on that small sliver of the parcel. It's not on the bigger portion of parcel 8.

Mr. Hopengarten inquired if it was put in there because of the existing 7-Eleven that's on the corner. They didn't want competition.

Mr. Body responded yes. And, it's only on a very small portion. The one that's right up against the 7-Eleven.

Mr. Hopengarten then inquired on the height of the building.

Mr. Trouger responded it's going to be single story.

Mr. Hopengarten stated that could be 30 feet. You're going to put boats in, like dry storage with a lift.

Mr. Trouger responded they won't be stacked. I've never seen one of those garage doors more than 12 feet tall. It's one building with multiple units.

Mr. Hopengarten commented like open storage. Usually these are open racks that they put boats in and then they can stack them. Or they could have an inside bay where they work inside the unit. Essentially, it's a set of garages.

Mr. Trouger responded the intent is for personal boat or RV storage, so if your HOA doesn't allow you to park it in your yard, you can bring it here. It's on a licensed trailer, not taken off and put on a rack.

Logan Luse inquired if everything will be indoors or will anything be parked outside the garage. I think with the last BDP this is less invasive, it's only RVs and boats that can be stored there. It's not going to be in and out. It will be for someone who wants to store their boat for the winter or their RVs if they're not going out camping. It could be a carwash where they're rotating cars in and out all day, this is let's park it, leave it until we need it again. This is less invasive than a commercial or retail. The height would be the only concern I have, but if it's one where you pull it in, park it and leave it, I don't see a problem with that.

Mr. Trouger responded this is an indoor storage facility. It's a very low trip generator. They're usually pretty quiet.

Mr. Hopengarten asked how many of these garages are you going to have? This is a residential neighborhood, and I don't think it's appropriate to have it in this area. Down the road, on Cone Road you have all the industrial sites.

Mr. Body stated that according to the plan there's 10 units with 10,000 sq. ft. and then 8,000 sq. ft. for another 10 units. So, there's only going to be 20 units per the plan they turned in. And, the BDP has an 8 ft. wall going along the south property line.

Mr. Trouger added there's less units than what was approved in 2023.

Mr. Hopengarten stated he's against storage in the County strictly because we're not a storage county. We have more storage facilities here than the city of Houston, which has 6 million people. It always bothers me. It doesn't provide jobs for anybody, it doesn't help the neighborhood, and yet we allow it to happen. I've always objected to them because I don't think it's the right thing to do with the land. Especially when we have a housing crisis.

Mr. Brothers asked if the way it's zoned right now you can put a shopping center there?

Mr. Trouger responded the BU-1-A allows for that type of strip mall. It is a funny site because of the access to it. But yes, you could put in a large trip generator. Something noisier. Or a daycare or something like that.

Mr. Minneboo stated left me assure you this is the lesser of all the evils that particular site can have.

Mr. Luse responded it's all BU-1, BA, B1, BU-2, so it does conform with the whole area around that subdivision to the south and I do think this is a less intrusive aspect that can go there.

Ms. Saunders asked if there is power here. Are people hooking their RVs up and letting them run. Is there a prohibition you can't live there, they're not renting it out to a landscape company, no one's coming in and parking their trailer at night and then leaving the next day for work. There's not dump station.

Mr. Trouger responded that is correct. That's not allowed by code. There are no pump outs. There is power in the units because you charge your batteries, that sort of thing for your RVs and boats. The code is very strict, it is intended to not have someone live in these units or use them for a commercial purpose.

Mr. Luse inquired if this would be a 24/7 in/out or just certain times.

Mr. Trouger replied 24 hours.

Ms. Saunders asked if it would be gated with a keypad so it would be controlled security wise. And, I don't see an office on site.

Mr. Trouger responded it would be a key fob system and then there will be a small office and bathroom, as it's required.

Motion to recommend approval of Item H.2. with a BDP by Henry Minneboo, seconded by Logan Luse. Motion passed with a vote of 8 to 2.

H.3. Bhawani 2023, LLC requests a CUP for Alcoholic Beverages for On-premises Consumption accessory to a bar and restaurant with an outdoor patio. (25Z00004) (Tax Account 2410497) (District 2)

Trina Gilliam read Item H.3. into the record. She added it went before the North Merritt Island Dependent Special District Board and they approved it unanimously.

Monica Pritchard spoke to the application.

Public Comment

Rose Plummer spoke on behalf of the North Merritt Homeowners Association and stated they have no objections.

End Public Comment

Ms. Pritchard stated it was approved in 1971 and unfortunately it was a COVID victim, and it went out of business and the CUP expired. Mr. Patel has put in a lot of work into the property, upgrading it, new fences, completely gutting the inside, making it beautiful again. The community is excited and everybody's excited for Kings Duck Inn to come back.

Mr. Wadsworth stated it's a landmark.

Ms. Pritchard stated he has a wonderful menu planned and is intending to return it to its former glory.

Mr. Minneboo stated it's North Merritt Islands historical location, adding I understand it's now Kings Duck not Kings Duck Inn.

Motion to recommend approval of Item H.3. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

H.5. Ryan and Sarah Lawhon request a Small-Scale Comprehensive Plan Amendment (25S.01) to the Future Land Use Designation from RES 1:2.5 to RES 1. (25SS00001) (Tax Accounts 2314528 and 2322697) (District 1)

H.6. Ryan and Sarah Lawhon request a change of zoning classification from GU and SR with an existing BDP to RR-1 with removal of existing BDP. (25Z00002) (Tax Accounts 2314528 and 2322697) (District 1)

Trina Gilliam read companion Items H.5. and H.6. into the record.

Ryan Lawhon spoke to the application. He stated he and his wife have been working hard to purchase this land to build their first home. The response from the homeowners association was very positive and they were excited because there is a lot to build on. The sidewalk will now be 100% complete and we're very excited to build our home.

No Public Comment

Mr. Hopengarten stated the parcel to the east is cited on the property appraiser website as having no owner. Your lot has no access.

Mr. Lawhon responded he is not familiar with that. We put the lots together, so we'll have access.

Ms. Gilliam responded there were 2 previous parcels that have been combined under one warranty deed.

Motion to recommend approval of Item H.5. by Logan Luse, seconded by Ana Saunders. Motion passed unanimously.

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Erika Orriss. Motion passed unanimously.

The meeting was adjourned at 4:03 p.m.