

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 15, 2026**, 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 3:30 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D2); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Neal Johnson (D4); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Jerrad Atkins (D1); Eric Michajlowicz (3); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Tim Craven, Senior Planner; Alex Esseesse, Deputy County Attorney; Darcie McGee, Natural Resources; and Alice Randall, Operations Support Specialist.

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

EXCERPT OF COMPLETE AGENDA

H.2. Underwood's Equipment Repair, LLC (Kim Rezanka) requests a zoning classification change from BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial) with removal of the BDP (Binding Development Plan). (26Z00006) (Tax Account 2316318) (District 2)

Tim Craven read item H.2. into the record. He stated that the North Merritt Island Dependent Special District Board recommended BU-1 with a binding development plan for the specific use.

Kim Rezanka spoke to the application. Mr. Underwood bought this property that had the BDP, but it's not in his title paperwork. So, he did not know there was this BDP there. His intent was to take his mobile repair shop and put it on this property and too he'll have extra space. So, he was going to do boats and RVs and things like that. So, he needs BU-2 zoning for that. You have in front of you the packet that I gave to North Island. The purpose of that was to show you the area. The first page is John Ramsey's Alignment Service. It's an automotive repair place. It's immediately to the south of this property on Courtney. Page two is Mr. Ramsay's property, and it shows that it's used for a multitude of things including boats, storage, containers, all kinds of things. And that's in BU-1. To the east of this property is Black's Lawn Spraying which they're using for outdoor storage of their trucks. Further to the north on the east side is Midtown, which used to be Galaxy, now it's a liquor store. And to the north of that is a working business called Space Shirts. Page five is property to the south of East Crisafulli Road on the east side owned by Mr. Row and I'm not exactly sure what he's storing there, but it doesn't look like it's properly zoned. Page six of the packet is the zoning category and there's quite a bit of BU-2. I know it's stated in the staff report that these all have BDPs. They're not of record. We don't know their BDP state, but this is a BU-2 zoning uh, that we have. It has a BDP with limitations. We're asking for that to be removed. There were comments that there might be more intensive BU-2 uses if we remove this BDP, but there are BU-2 uses all up and down this corridor. It is in fact a commercial corridor. There was a study done in 2005, the North Courtney Parkway corridor study, that's page seven. Page eight was the area studied. Number nine shows much of the frontage are either neighborhood commercial or community commercial. Intensity of development along North Courtenay is defined by the uses permitted within NC and CC. Page 10 presently the BU-2 zoning classification permits the outdoor storage of retail items such as motor vehicles, utility sheds, and nursery items. So that is what he intends to do. His main intent is to move his repair business

there. Right now, he's a mobile repair as I mentioned. So, we'd like to have the BDP removed, so it's just BU-2 zoning. And I know we don't like BDPs. I've heard that repeatedly because they get removed. Comments were made, oh, well, you know, they're not really binding. Well, zoning is not really binding if you show a need for change in the zoning. This is vacant land. It's been vacant forever. And, he'd like to use this property. Again, he bought it without knowing a BDP was on it. We're looking into that. There may be a title claim. We don't know. But right now, he's just asking. He doesn't have a real objection to a new BDP, but they really don't make sense when they're not showing up in your title search. Also, BDPs are becoming disfavored from what I hear. Also, it takes an extra 60 days to make the zoning final when you do a BDP. He's not in a huge hurry, but it's just another step in the process that should be unnecessary when this is a commercial corridor. Looking at the zoning history, this used to be industrial in 1962. It's had changes, administrative changes. My client Jimmy purchased the property in 2024. The staff supports this removal of the BDP. This development will not cause a deficiency in the level of service for roads or solid waste. It will be required to comply with the enhanced compensatory storage requirements that we've talked about many times here. The property must comply with performance standards, must be enclosed with a six-foot wall or fence, and the staff report says there are no material violations of relevant policies of the comprehensive plan. So, we request removal of the BDP so the property will finally be developed in this commercial corridor.

Erika Orriss asked staff if most of the properties that are zoned BU-2 do have BDPs on them. I know that they're difficult to find but if they do have BDPs on them, how can we find that? Because it is the most intense commercial zoning there is, and we may not want to open it up for that if every other property has a BDP on it or most of them do.

Trina Gilliam responded in the staff report, in the background, we note that there is a BDP on the property to the north, which is also owned by the applicant. And there's a BDP across the street on three parcels. We note what that BDP states for the parcels across the street. They're limited. They exclude things like cemeteries, mausoleums, crematoriums, railroad motor trucks, water freight, testing labs, recovered materials, seafood processing, dry cleaning plants, fertilizer and storage and sales. Staff also notes that effectively the corridor operates as BU-1 with lower intensity uses because of that.

Ms. Orriss continued that it would be my concern, and I don't know if that'd be something that you all would be willing to do. It says you talked about having this new BDP put on there. It's just a concern that I have.

Ms. Rezanka stated there's only two BDPs listed here. So, there are other BU-2 zoning in this corridor that we don't know what they're limited to there. You know what he's intending to do. If you want a BDP, he's willing to do it. It takes an extra 60 days, and he didn't know there was one on it. So, that's the issue.

Jerrad Atkins stated he wanted to ask if the equipment repair was for tractors and hydraulic things and the likes of that.

Ms. Rezanka responded bobcats.

Mr. Atkins stated so, it seems to fit next door to the mechanic shop anyway. I would make a motion, but we haven't heard if there's any public comment yet.

PUBLIC COMMENT

Rose Plummer stated she was representing the North Merit Island Homeowners Association. The binding development plan governing this property was deliberately established to preserve the

integrity of the corridor and to prevent the full intensity of the BU-2 designation from being exercised at this location. It represents a negotiated commitment made to the community and adopted to ensure predictable compatible development. Despite what Ms. Rezanka says, this corridor contains a mixture of residential and commercial uses with hundreds of residential properties located along the State Road 3 corridor, including properties adjacent to the subject site. Removing this BDP would have a substantial and lasting impact on the surrounding area by opening the property to the full range of uses permitted under BU-2 zoning. In doing so, it would weaken the protections that nearby residents and prior decision-making bodies relied upon when this development framework was established. More importantly, approval of this request could set an undesirable precedent by suggesting that binding development plans which are intended to be durable, enforceable, and central to responsible land use planning may be removed at the discretion of future applicants or commissions. Such an action would undermine public confidence in the planning process and reduce the reliability of a tool used to guide consistent long-term development decisions. And although Mr. Underwood plans to use it for a particular purpose, if the binding development plan is removed, it will stop.

Mr. Atkins inquired if Ms. Plummer was representing the North Merritt Island HOA. And, do they have opposition to a repair shop or is there opposition to what else could be there if the BDP was stripped off.

Ms. Plummer responded at the North Merit Island District Board last Thursday; the recommendation was made that the binding development plan stay with an additional binding development plan added to have language that would say he would only use for RV storage or boat storage and that small shop that he wanted. Other than that, the Merritt Island Homeowners Association would recommend denial, but with an additional binding development plan that stated that, I believe that we would be in support of it.

Duc Nguyen stated he is the owner of adjacent property. He stated he bought his property over 30 years ago, and eventually he built a house on it. My property and the subject properties are only 50 ft apart more or less. And we built our house there. We raised our kids there. Same thing with my next-door neighbor on the north side of it which is also adjacent to this property. She could not come today and asked me to see if I could speak on her behalf as well. So, my point is I bought the property, built a house, with the assurance we had some kind of restriction surrounding us and it's been doing good for over 30 years. I need to protect my property too. So, I would like to ask the board to keep the BDP as is. Don't change anything because when I bought my property, I did my homework. I did the survey. I did the study and made sure everything was protected to some degree. This is county land, so not a whole lot of protection as far as restrictions. I need to make sure whatever they do on their property doesn't devalue my property. People come and go, and the land can be sold. So, if you drop this BDP I don't know what the next owner coming in is going to do with it.

Mr. Atkins asked Mr. Nguyen if a BDP were in place on that property that allows everything as it is currently with the addition of his shop and storage would you be opposed to that.

Mr. Nguyen responded with I don't know all the details, but I guess with the current BDP we must abide by it. Okay. I'm still not clear what exactly you're going to do and with my property 50 ft away just divided by a little, small pond and the driveway.

Henry Minneboo inquired do you have the lot there with the mango trees on it.

Mr. Nguyen responded yes, that's my property. On the east side.

Mary Hillberg stated she's on the North Merritt Island Special Advisory Board for zoning and this item came up and we discussed it at length and agree with the staff's recommendations as well that the current limitations on the BU-2 uses be left there and the applicant be allowed to have his storage for

RV and equipment there and then he be allowed to also have his shop for repairs. So, we're trying to be compatible with everybody, but we want to keep protecting our other residents as well.

Jimmy Underwood stated he's the owner of this property. My wife and I bought it to expand my business. I'm fully mobile right now. I want to put a small shop there to help offset some costs and we have the room. With the way things are building up, because growth is inevitable, it's coming. There are going to be houses. HOAs don't allow your boat or your RV to be in the driveway. So, I'm trying to utilize my land to help them and to help me. I grew up in North Merritt Island. I don't want to make anybody, any of my neighbors mad. That's why I'm trying to go through this all the right way. I originally wanted the BDP to be gone totally as we discussed in our other hearing. Adding the addition to the BDP to allow for the outside storage, plus my small work area, I'm not opposed to that. Growth's going to happen. I'm not doing anything to hurt anybody around me.

Mr. Johnson asked if the BDP as it sits would allow you to have the shop but not the storage.

Mr. Underwood replied yes, sir.

Mr. Johnson continued with so all you're asking is to be allowed to have the storage as well.

Mr. Underwood responded to my knowledge because I think that's the only thing I've seen different between BU-1 and BU-2, other than as they said the seafood processing plants, the crematory. But right now, as BU-1 if they're really worried about it I could go and put mini storage units on there because they're allowed.

Mr. Johnson responded I was just trying to clarify what is there, what you have now and what you're trying to get and maybe Ms. Rezanka can clarify that for us.

END PUBLIC COMMENT

Ms. Rezanka I believe the repair would be heavy vehicle repair, which would be a BU-2 use. So, it would need to be in the BDP as well. The BDP currently covers two properties, and he only owns one of them, and it has a provision that you can only have one access which is problematic when you have two separate owners at this point. That's another reason we need this removed. If you want a completely new BDP that's fine. You can specify the criteria. I would suggest though that this is a heavy commercial area. You can see it by the character of the pictures I've shown you. In this area shown by the report that the staff chose for you, there's only BU-1 and BU-2 uses. There's no agricultural adjacent to State Road 3. Again, this property hasn't been developed. That means the restrictions on it haven't allowed it to develop. The gentleman who lives to the east has two 25-foot flag stems between him and the property. There's a 20-foot setback with an opaque buffer that will be on this side on Mr. Underwood's property. So, there is some distance between them. He bought the property next to BU-2 that was supposed to have mini storage. But, as you've seen from the pictures, this appears to be outdoor storage heaven and may not be zoned properly as it was mentioned at North Merritt Island. Perhaps code enforcement should come out there, but this is the existing character of the area. So, whatever goes there they still must have performance standards. They can't violate noise, odor, vibrations, or lighting standards. So, BU-2 is BU-2. I can't imagine a crematorium going here. I don't think it's big enough for a seafood place. So, if you do want a new BDP I would submit that one's not necessary. He wants to be a good neighbor. He said that to you. But please specify the conditions. Remove this one and add new conditions because the new one is a mess.

Mr. Wadsworth stated I'm not an attorney, but you are. Staff, can we do the BU-2 but limit it without a BDP?

Ms. Rezanka responded with you must limit it. Other jurisdictions do conditional zoning ordinances and resolutions. This one does not. So, you will need a BDP. But I know Mr. Prasad wants to get rid of BDPs.

Mr. Johnson stated we can in one motion remove the current BDP and add a new one. Correct.

Ms. Gilliam responded with you can do it in one motion.

Robert Wise inquired if the BDP should allow for 2 entrances. I understood that the current BDP only allowed one entrance.

Ms. Rezanka responded with if you remove the existing BDP, that condition will go away.

Ms. Gilliam asked if Mr. Atkins could repeat his motion to state specifically to allow BU-1 uses and retain BU-2 use of outdoor storage and heavy equipment repair, and the entrance.

Motion to recommend approval with removal of the BDP and the addition of a BDP to allow BU-1 uses and retain BU-2 use of outdoor storage and heavy equipment repair.

Mr. Hopengarten commented this is currently BU-2. You're changing it to BU-1 now.

Ms. Gilliam responded no, the BDP is to retain all BU-1 uses and retain the BU-2 use of outdoor storage and heavy equipment repair.

Mr. Hopengarten inquired if that isn't kind of backward? Wouldn't it be easier just to make it BU-2 with a binding development agreement to minimize it to mini storage and the repair. She's treating it as a BU-1, with BU-1 rules that's why I wanted to correct that.

Alex Esseeesse responded no. The BDP being proposed is to include all BU-1 uses plus those BU-2 specified uses that.....

Mr. Hopengarten continued with understood. But under the BU-2 rules, it has nothing to do with a BU-1. BU-2 has its own separate list.

Mr. Esseeesse responded until you put a BDP on it, taking all that away except for....

Mr. Hopengarten continued with that's what I'm saying.

Mr. Esseeesse responded with that's what the motion is.

Mr. Hopengarten continued with I understand that but is that correct in doing it that way. Or should it just be a change or restriction on the BU-2 rules rather than stating that they have all the BU-1 rules which has nothing to do with the BU-2. You understand what I'm getting here?

Ms. Gilliam responded with I understand what you're saying. We just want to make sure we're retaining the BU-1 uses and we're retaining the BU-2 use of the outdoor storage and equipment repair.

Mr. Wadsworth stated we had a motion by Jerrad, a second by Neal.

Mr. Johnson clarified that his second was as the motion that was just stated.

Motion to recommend approval with removal of the BDP and the addition of a BDP to allow BU-1 uses and retain BU-2 use of outdoor storage and heavy equipment repair. Motion passed

unanimously.

DRAFT