

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 15, 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); Debbie Thomas (D4); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Robert Wise (D2); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager, Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE AGENDA

H.1. Michael S. Palo (Landon Scheer) requests a Small-Scale Comprehensive Plan Amendment (25S.13) to change the Future Land Use designation from CC and RES-15 to all CC (25SS00007) (Tax Account 2611657, 2611658) (District 4)

H.2. Michael S. Palo (Landon Scheer) requests a zoning classification change from BU-1 and RU-1-7 to BU-2 (25Z00029) (Tax Account 2611657, 2611658) (District 4)

Paul Body read both item H.1. and H.2. into the record as they are companion applications but will need separate recommendations.

Landon Scheer spoke to the application. The property has been owned by the family for quite some time. They owned it when they developed the mobile home park to the west. They carved this parcel out when they developed the mobile home park. They no longer own the mobile home park, but they had the intent of developing this parcel for a long time. Then FDOT came in and decided they wanted some of it, so there is an FDOT pond that they took and developed with eminent domain which left them with an awkwardly shaped parcel that has a split zoning and land use which makes it difficult to develop. Our request is to rezone the property and change the land use to unify the zoning into one commercial zoning and land use. We are requesting to rezone to BU2 with a BDP that restricts the allowable uses to all BU1 uses with the additional use of contractor office, and storage. The property owner has a HVAC and plumbing contractor business up in Rockledge and they've outgrown their current operation and they're looking to relocate here. The nature of the use is HVAC and plumbing contractor. Obviously, they want to keep the materials shielded from the weather. So, 99% of the time they're going to be indoors. They have rollup doors so they can bring deliveries inside. The request for the outdoor storage comes if they have an afterhours delivery. They come in box trucks and drop the materials off outside the rollup doors and then

the guys come and take them inside. They're trying to be proactive about not getting a code violation for the materials that are left outside overnight if the guys can't get them right away. This is a mixed-use corridor. There is some residential in the area but there's also quite a bit of commercial. Within this corridor there's Curb Pro, Paver Pro, dentist office, marine and boat repair, restaurant, hair salon, Car Spot, VFW, daycare, vacant commercial office space, gas station, office complex, and doctor's office. There's an aquatic center that's been permitted but hasn't started construction. The property is off US-1 which is a major six lane highway that has plenty of capacity for the proposed use. Again, the intent is to have the rollup doors to not face the right-of-way or the residential property. They're situated right now on a concept plan shielded. They're facing the north, which is the DOT pond, not the residences. We're doing all that we can. We push the building as close to DOT as we could to keep it away from the residential properties as well. There are no wetlands on the property. That came up in uh natural resources review. We did have an environmental assessment done. There's a ditch on the west side of the property, but we've already spoken with St. John's and that can be relocated as necessary to accommodate our development. There's also a bit of a floodplain on our site but it's also on the west side where the dry pond is. So, we strategically placed the storm water and the building to be out of the floodplain and the storm waters in the floodplain to provide compensatory storage and required storm water. Landscape buffers were going to be required by county code regardless of if it was BU1 or BU2 to provide a 20ft landscape buffer from any residential property. That's just the code, along with a screening wall. So, we're going to make sure that we provide adequate screening from all residential properties. And again, the request is BU2, but only one use within BU2 and then all BU1.

No Public Comment

John Hopengarten asked staff to define plant.

Mr. Prasad responded in the context of the contractor's offices, plants and storage yards, I don't think it's defined in our code, but that as a group has a specific use in our zoning code.

Mr. Hopengarten asked, "so what is that use?"

Mr. Prasad stated the use is contractor's offices, plants, and storage yards.

Mr. Hopengarten then asked, "again, what's plants?" You can't have the word in the definition if you're not defining it.

Mr. Prasad responded you just use the common definition of plants. It's not specifically defined in our code.

Mr. Hopengarten asked if a plant could be a factory.

Mr. Prasad stated in the context of this, contractors offices, plants, and storage yards, it's in that kind of grouping together.

Mr. Hopengarten stated you're not answering my question.

Mr. Prasad continued with ultimately, it's an evaluation that would have to be done if a complaint had come in that it was outside of something that looks to be that.

Mr. Hopengarten stated but that's after the fact. If you're giving an opportunity to have a plant what's your definition of a plant?

Mr. Prasad stated as I said it's not defined in our code. So, it would be an as applied determination.

Mr. Hopengarten stated that's not a good answer.

Ron Bartcher asked if they got permission to relocate the ditch.

Mr. Scheer responded I wouldn't say we have permission yet. We'd still have to permit it, but we've spoken with St. John's, and it would have to be appropriately mitigated and relocated with calculations and appropriate plans.

Mr. Bartcher stated he was concerned if they're going to be interfering with the flow of water through that ditch either way.

Mr. Scheer replied we would have to maintain capacity and when we redirect it, we'd have to show modeling and calculations that we don't hinder the capacity of that ditch.

Mr. Bartcher continued with when I looked at the property appraisers website in your plan, I noticed that off US-1 there's an entrance that looks like it's an entrance to the property just south of you. But it's on your property. You've given them an easement of some kind, or have they just taken it over?

Mr. Scheer responded I believe my client is still working through that because there's no legal easement for that driveway, but it is there. That's something that we're going to have to work through with the property to the south of us because right now they don't have legal access through there. But they must have just built it there at one point.

Mr. Bartcher continued the other end of the property on the west end the trailer park looks like there are some parking places that are on your property for the trailer park.

Mr. Scheer replied I saw that, and it's not very well defined in the property appraiser's property line. The aerial can be off a couple feet. We're still getting our final survey, topo that would show where those parking spaces are, but I believe we're outside of it. Obviously if they were in our property, we would have to deal with it at that point, because I did see that too. I think it was a matter of the aerial scaling with property appraiser's website.

Mr. Bartcher responded I was curious about both of those. I didn't see it as a problem,

but was curious about how you would handle that.

Eric Michajlowicz inquired adjacent to the property, there are manufactured homes, correct? That's the south side.

Mr. Scheer responded correct. Immediately south is a single-family home and then two properties south is manufactured homes. On the west side there's a mobile home park on both sides of this property. And then north is the FDOT pond.

Mr. Michajlowicz asked if the owner owns one of those mobile home parks.

Mr. Scheer responded they did in the past way back in the 80s when this property owner developed the mobile home park and then sold it off and they kept this parcel with the intent to develop it. They were going to develop it quite some time ago, but FDOT took the pond and left them with an awkward shaped piece of property that has a split zoning. Now they're deciding to front it head-on. And to clarify the contractor office is the use and that is an allowable use in B1 but we're asking for the storage aspect of it if they get a late delivery that they can't deal with right away and move it inside.

Erika Orriss inquired you're asking for the plant use of it. That's what I'm questioning.

Mr. Scheer responded in the county's code under BU2 the way that the use is read is contractor office, plant, and storage yards. It's all in one mind.

Ms. Orriss replied would you be using anything as a plant is my question. You're just looking to have the contractor's and storage. And that will be in the BDP.

Mr. Scheer responded I believe that's how it is in the BDP. The BDP is in the package. I'm sure the client would be okay with crossing out plants, but that's the way it's written in the BDP on number three, it's directly from the code.

Ana Saunders stated you're showing a retaining wall. How do you plan on providing the appropriate buffer and so on if are you providing access? I know you said you were working through it, but I feel like you kind of must know that to go on with this plan.

Mr. Scheer replied I don't know the answer to that. I believe my client is working legally to get them to move their driveway off our property.

Ms. Saunders continued my question then would be to staff because depending on how this lays out, there is no buffer if there's the easement there. How are you guys going to apply that requirement? How would you look at that?

Mr. Prasad responded obviously this is just a concept plan. But he will have to either come up with a buffer or seek a waiver to it. One option I understand that he would be amenable to is to include some language in the BDP to require the buffer if you're particularly concerned about it so that it can't be waived later.

Motion to recommend approval of item H.1. by Ron Bartcher, seconded by Robert Brothers. Motion passed unanimously.

Motion to recommend approval of item H.2 with a BDP, and striking the word plant, by Ron Bartcher, seconded by Neal Johnson. Motion passed unanimously.

Meeting adjourned at 3:47 p.m.

DRAFT