

North Merritt Island Dependent Special District Board

The North Merritt Island Dependent Special District Board met on Thursday, June 11, 2026, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., Second Floor, Merritt Island, Florida.

The meeting was called to order at 6:00 p.m.

Board members present: Mary Hillberg, Chris Cook, Gina Lindhorst, John Speck and Jim Carbonneau.

Staff members present: Tim Craven, Senior Planner; Derrick Hughey, Planner; and Alice Randall, Operations Support Specialist.

Approval of April 09, 2026, NMI Minutes

Motion by Jim Carbonneau, seconded by Chris Cook, to approve the NMI Dependent Special District Board minutes of April 09, 2026. The motion passed unanimously

Item H.1. 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)

Derrick Hughey read the application into the record.

Kim Rezanka spoke to the application. She explained the request is for the removal of the existing BDP. The 20' opaque buffer to the east would still be required since it is in the zoning resolution 14PZ00118. This is clearly a commercial corridor. I've provided you with some pictures of what you may be familiar with, but it's amazing what pictures will show that you may not see as you drive by every day. John Ramsey's Alignment Service is to the south. The arial on page 2 shows that the automotive station appears to have outdoor storage. Page 3 is Black's lawn spraying, across from the Underwood property. Page 4, to the north of there you have Midtown Galaxy Bar and Space Shirts. Again, it looks like some outdoor storage. Behind that is Mr. Tall's property, more outdoor storage. Page 5 is about a ½ mile to the south, this is David Rowe's property, I think is a nursery. But it looks like commercial storage as well. This is some of the uses in the surrounding area. Page 6 is the zoning map showing that this is clearly a commercial corridor. There is no residential use on State Road 3, contrary to the staff report. Page 7 is the October 2005 North Courtenay Parkway Corridor Study. Page 9 is highlighted "The majority of frontage property along North Courtenay Parkway is Neighborhood Commercial (NC) or Community Commercial (CC)...." And "The character and intensity of development that occurs along North Courtenay Parkway are defined primarily by the uses permitted within the NC and CC land use designations. Page 10 "Presently, the BU-2 zoning classification permits the outdoor storage of retail items such as motor vehicles, utility sheds, and nursery items such as plants, trees, boats, and mobile homes". The history of this property, the Underwood's purchased this property in 2024. They thought they had BU-2 and weren't aware of the BDP. That happens quite frequently. The zoning history is somewhat contorted. It was light industrial in 1962. Became BU-1 in 1973 by administrative rezoning. In 1997 it went to BU-2 with a BDP, limited to mini-warehouses. That was removed in 2015, and the property still has never been developed. The staff report says that this development will not cause deficiency in the level of service for roads or solid waste. The property will be required to comply with the compensatory storage requirements, performance standards, noise, lights, and other requirements, which are all site plan issues. This must be enclosed with a 6' wall or fence by the permitted conditions because outdoor storage is a use permitted with conditions under BU-2. The 20' buffer to the east is going to stay. The staff report says

there's no material violation of relevant policies of the comprehensive plan. The property to the east, although they're residential, the Nigens which are just off E. Crisafulli Road have 2 roadways in. Their property line is 50' from this property line. The Papazinskis, which are north of the Nigens have a 25' flag lot that's buffering this as well. So, with the 20' buffer and the fencing there will be a substantial buffer. We request removal of the BDP so this property will finally be developed, in this commercial corridor.

PUBLIC COMMENT

Duc Nguyen stated his property is right behind the subject property. I am new to zoning, so my first question is I'm not sure what's currently included in the BDP. I need to understand that. Second is a need to know the reason why they want to remove that. I understand they had some kind of restrictions on the property for development of commercial, but my property is right behind it, less than 50' away.

Chris Cook asked if there is currently a fence along the east side of that property.

Mr. Nguyen responded no.

Mr. Cook then asked about the north side.

Mr. Nguyen responded no. Only my property has a chain link fence that I put up.

Rose Plummer stated she was representing the North Merritt Island Homeowners Association Board. The BDP governing this property was deliberately established to preserve the integrity of the corridor and to prevent the full intensity of the BU-2 zoning designation from being exercised at this location. This was a negotiated commitment made to the community and adopted to ensure predictable, compatible development. Removing this BDP would have a substantial and lasting impact on the surrounding area and would weaken the protections that residents and prior boards relied upon. More importantly, granting this request would set a precedent that Binding Development Plans intended to be durable, enforceable, and foundational to responsible land use planning can be undone at the discretion of future applicants or commissions. Such an action would erode public trust in the planning process and diminish the reliability of the tools that elected officials depend on to guide long term consistent development decisions. It is the position of the North Merritt Island Homeowners Association Board to recommend denial of this application. I would also add that as I understand it by removing the BDP it would allow for the extreme use of the BU-2 designation, so although one owner may not utilize that the BDP would be gone for future use.

END PUBLIC COMMENT

Ms. Rezanka stated to answer the first gentleman's question; they want to build an outdoor storage lot for boats and RVs, and they can't do that with the BDP now. They are limited. They can't do something in the BU-2 zoning at all because of the BDP. To answer Ms. Plummer there are lots of BU-2 up and down this commercial corridor. This is a zoning matter. Zoning changes when property can't be developed or when people have visions for the property so long as it's not incompatible. This is not incompatible because it's a commercial corridor, the buffering will make it compatible. He cannot disturb other people's property by performance standards. So, this property hasn't developed. A lot of this property up here hasn't developed, lots of people up here like it that way, but a property owner has a right to develop their property.....

John Speck inquired if they chose to put a passenger station, testing laboratory, or seafood processing they would have to come back for zoning?

Derrick Hughey responded if that wasn't put in a BDP, with this BU-2 all those uses are allowed.

Mr. Speck continued if they're wide open there would be no filter function for them to come back to say I'm going to put any one of those, transmission facilities, or any of that stuff, they could do it without coming back for zoning.

Mr. Hughey responded with correct. They would just need to go for site plan review.

Mary Hillberg stated she was passing around a list of allowable uses in BU-2 zoning.

Mr. Cook addressed staff about the packet discussion on the adjacent property and another piece of property having the same BDP applied to them. Would removing this BDP cause it to be removed from the adjacent properties too?

Tim Craven responded that if it wasn't included in this application the BDP would remain on the other parcels, it would not be removed.

Gina Lindhorst inquired if the properties being discussed, with the BDP and BU-2 zoning are the ones just north of the subject parcel.

Mr. Hughey responded they are all under the same BDP, but this one would be separated from that, because this is the only parcel on the zoning application.

Mr. Speck asked the property owner if the intent was to just do RV and Boat storage.

Jimmy Underwood responded yes, and part of my repair business. The building going there is not very big, it's big enough for an office and a carport with concrete, so that I have a place to pull my equipment. Under BU-1 with the BDP if I have more than one piece of equipment I could get written up with Code Enforcement because it's not allowed to have outside storage. That property allows mini storage, which is not what I want to do. I plan a rock bottom with a corrugated Truegrid, which allows 100% impervious of the rock. So, I'm going to be retaining a lot, and I'll have retention on there. Not changing anything as far as the flow of the property. I'm just trying to grow my business and build my retirement because I'm an owner/operator. I don't have anyone working for me. I bought it for an investment piece of property, found out about this and it was not in my plans.

Mr. Speck inquired if there would be any hazardous materials. It's just storage and a place to operate out of.

Mr. Underwood responded with correct.

Ms. Lindhorst asked what kind of equipment he was expecting to repair and work on.

Mr. Underwood responded I do forklifts, skid steers. I don't do the big stuff, big earth movers, graders. I grew up in North Merritt Island. I don't want things to disappear up there, but I also don't want something to hold someone back from making a living for themselves.

Mr. Speck asked if he was planning on putting up a fence in the front as a buffer.

Mr. Underwood responded yes sir.

Mr. Cook thanked the owner for bringing up all the places that have cars, vehicles and boats that are parked up there and in violation. We have very lax code enforcement. Even the parcels that have BU-2 with vehicles do not have opaque fencing like they're supposed to. The cruise parking always parks on the north lot all the time, but he's not supposed to park there. We need to step up our code

enforcement activities to make the place nicer. My issue with the BU-2 is he could turn around and sell it tomorrow to someone who wants to put a crematorium or something in there and there's nothing we can do about it. I also think it would set a bad precedent. If we lifted this BDP his neighbors could say hey you got rid of his BDP, why can't I do mine. I think the BU-2 is probably what it should be and it's consistent with the corridor study, the kind of commercial retail that we want there. I would recommend putting in another BDP for boat and vehicle storage, leave the zoning as it is and I would be more inclined to vote for that. As for this, I don't think I would be able to support it just for those reasons.

Ms. Lindhorst stated that for now he's not allowed to do boat and trailer stacking. Do you want to stack stuff.

Mr. Underwood responded no.

Mr. Cook stated that unless it's spelled out you must assume the worst-case scenario. Which is, as we found out, it happens more often than not.

Ms. Hillberg stated her thought is she agrees with Mr. Cook. We have difficulty with BDP's anyway because we know that they're not binding. We should call them non-binding BDP's, NBDP's. It doesn't mean that they are disingenuous, things change and all of a sudden you have something you really didn't want there. We don't want to do BDPs and what we're hearing is the reason we don't want to do them.

Mr. Cook stated that as Rose said the only reason they got the BU-2 zoning was because of the BDP that went with it.

Ms. Hillberg responded with you are right.

Ms. Lindhorst stated with code enforcement now, you don't need another BDP.

Ms. Hillberg responded with we have the kind of code enforcement where if you don't like it you call on your neighbor.

Mr. Speck inquired if it's difficult to put another BDP in place that would allow what he wants to do.

Mr. Hughey responded yes, you can make that part of your motion. Recommend removal of the current BDP and replace it with a BDP with whatever you prefer.

Mr. Speck stated that it sounds like a good solution. No one wants a seafood processing plant in that area or a whole list of things that they could do. And I believe that you have great intent, but if you sell the property the next person will do whatever they want to do. So, adjusting the BDP would be a good idea, and I would go with that recommendation.

Ms. Hillberg stated there are some administrative policies that are also applicable, but I think that that's enough.

Mr. Speck inquired about the timeframe. Would it be tied up for another year or something like that if adjusted.

Mr. Hughey responded with no. If the Board of County Commissioners approved it with a BDP they would have 120 days to come back with the BDP.

Mr. Speck continued with what's being put on the table is to replace the BDP with one that would allow what he wants to do, which is storage for RV's, boats and his shop. That way all the other listed things could not be put on there even if the property was sold.

Motion to recommend denial of Item H.1. as written and recommend that they resubmit a BDP for allowing outdoor RV and boat storage, and equipment repair shop only in BU-2 by Chris Cook, seconded by Jim Carbonneau. Motion passed unanimously.

Ms. Hillberg inquired about the status of Frank Golan being appointed to Group 7. Since he was replacing someone, does he have to reapply to the seat after that position expires. She will look into this.

The meeting adjourned at 6:31 p.m.

DRAFT