

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 17, 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); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Ana Saunders (D5); Greg Nicklas (D3); Erika Orriss (D3); and Debbie Thomas (D4).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Tim Craven, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

H.1. Alexis Raul and Rosemary Estevez DeJesus request a zoning classification change from BU-1 (General Retail Commercial) with a BDP to BU-1 (General Retail Commercial) with removal of a BDP. (25Z00003) (Tax Account 2004581) (District 1)

Paul Body read the item into the record.

Alexis DeJesus spoke to the application. He stated he would like to remove the binding development plan, the BDP, and leave it as B1.

Mark Wadsworth asked, "with removal of the BDP?"

Mr. DeJesus responded yes, please.

Public Comment

Ed Scarosce stated his property is directly south and east of the applicants business and he does not at the moment oppose it. They've been great. I didn't know they moved until I saw the rezoning thing. My question would be on the binding development plan. If with the removal of that, is it possible to amend the binding development plan for future, if his request gets approved, if the binding development plan can be amended?

Alex Esseeesse responded I believe the request is to remove the BDP. So that's the request before this board. If the board decides to add additional restrictions, then that will be done through a BDP.

Mr. Scarosce inquired if he would do that at the County Commission meeting.

Mr. Wadsworth replied we're just a recommendation board. The county commissioners are going to make the final decision on this.

Mr. Scarosce responded when it was rezoned, I think in 2007, I wrote that binding development plan and it was in place for a convenience store, and I believe that was my main thing is if it's changed to business can it be changed back to convenience store or is it just the current business model.

Mr. Wadsworth stated he's asking to remove the BDP entirely.

Erika Orriss stated he could do with the property all the zoning that goes along with that. So, whatever he wants to use it for within that zoning, he could use that with the removal of the binding

development plan.

Mr. Scarosce asked if it's possible to amend it or make a new binding development plan.

Ms. Orriss responded that could be a suggestion by the board.

Paul Bross stated that he is in support of removing the BDP and allowing this to be a BU1 property.

End Public Comment

John Hopengarten inquired what's the current use of that facility now.

Mr. DeJesus responded currently is for a grocery store, but there's a gas station across the street. I don't think it makes any sense putting...

Mr. Hopengarten asked, "what is that building being used for right now?"

Mr. DeJesus responded it's completely vacant right now at the time.

Mr. Hopengarten stated it's vacant. What do you want to put in there?

Mr. DeJesus responded whatever the BU1 allows. I want to sell it to be honest. And it's limiting my buyers because of the BDP, because a grocery store is, there's not many people in Mims, there's a circle K across the street, I mean it doesn't make any sense.

Mr. Hopengarten responded so you are going to sell it, so you don't know what it's going to be.

Mr. DeJesus replied exactly correct.

Mr. Hopengarten continued okay because the BDP that evidently this gentleman wrote didn't allow any alcohol to be sold or any drug paraphernalia. That's what it says. The existing BDP says that it restricts it. So, they cannot sell alcoholic beverages or have any drug paraphernalia sold at that premises.

Mr. DeJesus replied we're not going to sell any of that kind of stuff.

Mr. Hopengarten continued but you don't know what it's going to be. You said you're going to sell it.

Mr. DeJesus replied well it doesn't make any sense to sell alcohol when there's a gas station across the street that sells alcohol and beer and wine.

Mr. Hopengarten continued but that particular property had been restricted in the last application back in 2007.

Mr. DeJesus replied I sell cars for a living, sir. I don't sell alcohol or drugs.

Mr. Hopengarten responded but you're not going to run the place. You're telling me that you're going to sell it.

Mr. DeJesus replied That's the plans, God willing.

Ruth Amato asked staff if you took away the BDP, does that mean it could be a bar, ABC liquor, coin laundry, dry cleaners, car wash, or any of those things? Is that what fits a BU1?

Trina Gilliam stated currently the BDP only allows uses in BU1A, which are neighborhood retail type uses. So, by removing the BDP, you would be allowing everything BU1 would allow such as automobile parts, automobile repairs, automobile sales and storage, automobile tires and mufflers, new and sales and service, contractor's offices, convenience stores with or without gas stations. You could sell package alcohol also in BU1 along with grocery stores, drug and sundry stores.

Ms. Amato inquired with the package stores, could it also be like an open bar like an establishment of a bar.

Ms. Gilliam replied, you can do restaurants in BU1 and of course, like I said, the sales of alcohol beverages packages only, but you could have a restaurant there or a bar.

Ms. Orriss stated it says in the notes that the corridor would be anticipated to operate at 43.82% daily. However, staff has determined if they put a coffee shop in that would be something that would be acceptable with the removal of the BDP and that would increase the corridor to operate at 146% of capacity daily. So that's significant. I have that there was some code enforcement issues with this property.

Mr. DeJesus responded they're all satisfied, ma'am.

Ms. Orriss stated they've all been satisfied.

Mr. DeJesus, replied yes, ma'am. That's why we're here.

Jerrad Atkins stated so, what I'm hearing is we've got a BDP on the property that the gentleman that owns the neighboring property sort of penned or authored and is okay with the way that it's operating now, but the whole spirit of it was in case that business type changes. And that's exactly what we might expect when the property sells. So, I don't know if that's a good idea. When that's what was agreed to when you bought the property 2022 and then agreed to the BDP in 23. Is that the timeline?

Mr. DeJesus replied I didn't agree to anything. It was already there.

Mr. Atkins responded oh, it was already on the property. Okay. I thought I read something about 2023.

Ms. Gilliam responded the BDP was approved in 2007. But he did do a zoning verification letter where he was notified of the BDP and the uses that were permitted on the property.

Mr. Atkins stated okay, understood. There are some landscape barriers and such that are spelled out in that BDP that the neighbor might like to keep in place if a different type of business is opened there in that location. So, that's what I'm reading. I would be in favor of it staying in place.

Mr. DeJesus asked, "for a grocery store?" There's a Circle K across the street and Mims has 30 people in it. It doesn't make no sense.

Mr. Atkins stated it's got a lot more than 30 people in it. And it's not just a grocery store because for

the last couple years there's been how many businesses? 20 30 businesses operating out of that building. The parking lot is full of destroyed cars, right? So, I don't think it's been groceries.

Mr. DeJesus responded well, that's what it's for there. The BDP is just for a grocery store. The gentleman who was previous owner had a bunch of junk and cars and boats and that was all moved out. Nobody said anything about that. But since I go there and clean the place now, I get hammered.

Mr. Atkins inquired how many businesses were running out of that location.

Mr. DeJesus replied, a couple.

Mr. Atkins inquired how many is a couple? More than 20. Car dealerships and auto repair body shops.

Mr. DeJesus responded they didn't get approved, sir. No, sir.

Mr. Atkins stated I never saw that parking lot empty in the last couple years. Maybe since code enforcement.

Mr. DeJesus responded isn't that good? I mean, through business.

Mr. Atkins replied when I say empty, it was full of wrecked vehicles. So, I don't think it was a grocery store. Somebody was doing something out of there. It wasn't a grocery store. That's all I'm saying.

Motion to recommend denial of Item H.1. by John Hopengarten, seconded by Ruth Amato. Motion passed with a vote of 12:1.

Meeting adjourned at 4:27 p.m.