

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of complete agenda.

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a Small-Scale Comprehensive Plan Amendment (24S.07), to change the Future Land Use Designation from CC (Community Commercial) and NC (Neighborhood Commercial) to all CC (Community Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24SS00007) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24Z00021) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Trina Gilliam read the companion applications into the record.

Alexis DeJesus, 1900 Corbett Rd., Orlando, FL, stated that the property is currently BU-1, which allows everything but mobile home sales. They're currently renting it to a gentleman who does mobile home sales and he would like to do it there but he's not currently permitted to under is current zoning allowances.

Ron Bartcher asked if he was going to be doing used car sales and Mr. DeJesus replied that's allowed under the BU-1 it has. Ron Bartcher asked him to clarify what his plan is and Mr. DeJesus stated that they want to continue to rent it, but allow RV and mobile home sales.

Ron Bartcher asked if he knows what manufacturer he's going to be using for sales? Mr. DeJesus replied that his renter obtained a contract with Disney to sell the campers that Disney has at their campground and there's currently about 360 units.

Ron Bartcher asked if he was who the article in the paper was about in reference to Fort Wilderness and Mr. DeJesus replied yes.

His renter got a contract to remove those recreational vehicles. They're on wheels, they're not stationary.

Ron Bartcher asked if he would be willing to have a Binding Development Plan to restrict the BU-2 uses to only automobile and mobile home sales.

Alexis DeJesus asked what are the other allowances for BU-2? That's the only thing that's missing from the article, which is to sell RVs, trailers, and mobile homes.

Ron Bartcher stated that some of the things you can put in a BU-2 are dry-cleaning plants, ice plants, painting/body shops. These are things that I don't think I'd like to see in that neighborhood.

Mr. DeJesus stated that in Mims, there's nothing. It's a ghost town, it needs everything. It needs us to get in there and bring it forward.

Ron Bartcher stated that he lives in Mims and Mr. DeJesus replied "oh, so you're familiar that there's nothing around."

Ron Bartcher stated that nonetheless, I would like to not see those kinds of things. What you're proposing, I don't have a problem with, but what I would like is that if you decide you want to sell the property to someone else and they decide they'd like to put in an ice plant or a dry-cleaning plant then they can. That's why I'd like to have BDP that says you can only have these certain BU-2 uses, like mobile home sales or used car sales.

Mr. DeJesus stated that he's fine with that. We're fine with just having the mobile home sales and no dry cleaning or anything.

Ron Bartcher asked if staff can work with the applicant to come up with the BDP and Jeffrey Ball replied with yes, absolutely. Just for clarification, you want to do a BDP to limit the BU-1 uses and BU-2 uses, automobile and mobile home sales?

Mr. Bartcher replied that is correct and Mr. Ball stated that they will work with the applicant to explain the process and what the next steps are.

Bruce Moia asked if any of the four BU-2 properties shown on the map, do any of those have a BDP?

Jeffrey Ball replied not that he's aware of.

John Hopengarten asked the applicant about repairs.

Alexis DeJesus stayed no, no repairs.

John Hopengarten stated for clarification that they're just going to bring them over from Disney and Mr. DeJesus said that's correct.

John Hopengarten asked the Board if they want to allow repairs.

Mr. DeJesus said that he thinks they should add that amendment for repairs in case they need it. Maybe later on we should add a building to spruce up the property because it's lacking a little out there.

I own two properties in Mims on US1, so I'm very familiar and I know that Mims needs everything. There's no school, there's nothing there.

They did acknowledge that a new school is supposed to be coming.

Public Comment:

Karen Rowe, 3427 Andre Rd., Mims, stated that her property is right behind the applicants, and it's been a trainwreck since he moved in these cabins.

These cabins have come in, he's cleared it. Every morning I wake up I look at 7 dump truck loads of dirt. There's debris. Debris has been buried. It's It hasn't been a pleasant experience. It's always been residential over there until the (previous) people passed away and now it's been turned into commercial. There's no fence. His property buffers/adjoins residential areas where there's children.

There's been fences damaged and still no repairs. It's just been sitting there, so yes, I do oppose this.

Katie Delaney stated she's not too familiar with the specific project but just from hearing that conversation that's just happened, she wanted to say something. I would feel very uncomfortable with just an open BU-2 change. I think there needs to be clear boundaries to that if that's done. Or I don't know if it's possible, to keep it BU-1 but then add in the mobile home sales allowance. I just had to say some things about Mims, and I know the people who live in Mims love it the way it is.

Mark Wadsworth brought it back to the Board.

Henry Minneboo stated to Ron Bartcher that he lives fairly close to the site doesn't he, and Ron Bartcher replied yes, he drives by there every day.

Henry Minneboo asked if he was satisfied with all the information he's heard on this development plan. Mr. Bartcher replied yes, I don't think there's a problem unless he's doing something he shouldn't be doing and then I believe that's a Code Enforcement issue.

Henry Minneboo replied that he didn't want to approve a combat zone either.

Ron Bartcher said that he believes that having the BDP to restrict it to just the sales and repairs of these particular items is necessary.

Henry Minneboo asked Jeffrey Ball if they've left anything out of that BDP in light of this information.

Jeffrey Ball informed the Board, just so they're aware, there is a code enforcement case against the property owner for the removal of vegetation without a permit and that's going through the Code Enforcement process.

What I would tell you is some of the uses for BU-2. It allows for it allows for major automotive repair, it allows for warehousing and outdoor storage. Those are the big things in a zoning official's things to be concerned with. As far as the BDP to limit those uses, just be aware that BU-1 allows for minor automotive repairs and that would be a use that is already allowed on the property. Anything that's listed in the BU-1 would also be allowed.

John Hopengarten asked the applicant if there's currently a fence around his property.

Mr. DeJesus replied no, there's currently not a fence but I have applied for the permit and Mr. Hopengarten clarified that he is going to be installing a fence? Mr. DeJesus said yes.

John Hopengarten asked staff if there are any buffer requirements.

Jeffrey Ball responded that during the site plan process, they'll have to provide the appropriate buffering between commercial and residential. Between commercial and commercial, there are no buffer requirements.

John Hopengarten asked Mr. DeJesus if they can make this a user-friendly development and Mr. DeJesus replied yes.

Bruce Moia stated that they have commercial against residential which is to a portion of the North, all of the East, and all of the South, but also on the East you have that unimproved right-of-way, that little dirt road, Andre Rd., that comes down. He would be required to put a wall where he abuts residential, correct?

Jeffrey ball said yes, the code requires that if it's adjacent to residential, but if it's right-of-way then I believe there's a separate code for that.

Bruce Moia said that what he thinks would be appropriate is, obviously he's not going to access that dirt road unless he paves the whole thing, so he's got to put the wall and then that wall should continue along that right-of-way. Add into the BDP that he cannot access that road and that we'd have to put a wall there.

Alexis DeJesus stated that there's no entrance adjacent to that road.

Bruce Moia added that he understands but someone could come in there and pave it and access it and I don't think we want to bring trailers back through there and I think it would make sense to have a complete wall to completely separate them from the residential area.

Alex DeJesus said they're going to be putting a fence all the way around.

Jeffrey Ball stated for clarification for writing up the report for the BDP, it's to limit the use of BU-1 and within the BU-2 zoning automobile and mobile home sales and require a 15-foot buffer along the rear of the property.

Bruce Moia stated no, he has to put the required 6-foot wall along the entire east boundary, including the right-of-way, and anywhere it abuts residential.

Ron Bartcher added that he's good with that.

Alexis DeJesus asked what does the buffer require and Bruce Moia responded that the buffer is whatever the code says the buffer has to be, but there would be a hole in the wall when you abut the road, and I don't think that's appropriate.

Karen Rowe said she's unclear about the wall and Bruce Moia explained that it'll be anywhere that abuts a residential use. Which is all to the East, all to the South, and that little bit of the northernmost piece.

Karen Rowe stated that she's to the east, so that wall is going to face her property and Bruce Moia said yes ma'am and Ms. Rowe asked how tall is the wall going to be and Bruce Moia told her 6 ft., so that way you're not looking into the back of his building.

Motion to approve small-scale comprehensive plan amendment from CC to NC with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Joh Hopengarten stated that was for item G.9. and Bruce Moia clarified that the BDP should go with the rezoning, not the land use, correct?

Jeffrey Ball stated yes, that's correct. That would've been for item G.10.

Mark Wadsworth asked what we needed to do, and Bruce Moia added on to that with, do we need to redo the first motion?

Staff said yes that they needed to redo the first motion.

Motion to approve small-scale comprehensive plan amendment (as requested) from CC to NC by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Motion to approve rezoning from BU-1 and AU to all BU-2 with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.