

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 13, 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 3:00 p.m.

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

Staff members present were Trina Gilliam, Planning and Zoning Manager; Tim Craven, Senior Planner; Alex Esseeesse, Deputy County Attorney; 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.4. Sami Kirollos Salib and Violette Wahba Salib (Carmine Ferraro) request a Small-Scale Comprehensive Plan Amendment (26S.05) to change the Future Land Use designation from NC (Neighborhood Commercial) and RES-2 (Residential 2) to CC (Community Commercial). (26SS00005) (Tax Accounts 2000371 and 2000352) (District 1)

H.5. Sami Kirollos Salib and Violette Wahba Salib (Carmine Ferraro) request a zoning classification change from AU (Agricultural Residential) to BU-1 (General Retail Commercial) (26Z00015) (Tax Accounts 2000371 and 2000352) (District 1)

Paul Body read item H.4 and H.5 into the record as they are companion applications.

Carmine Ferraro spoke to the application. He stated the current FLU for parcel 504 is NC and parcel 518 is RES 2. The property to the south is CC. The parcels across the street are a mixture of NC and CC. We're seeking BU-1 zoning to match up with the FLU of CC. On the corner we're targeting a gas station with a convenience store and some retail service property to benefit the community

PUBLIC COMMENT

Donald Clark stated he is in favor of the request.

James Kershner stated he's not against the change but wants the portion to the east to remain AU. His daughters and grandchildren live here and want to keep it AU.

William Gonedridge stated he is adamantly opposed to the changing from AU to BU-1. He doesn't want to look at the back of a commercial business. This would depreciate the value of his property.

James Bargerone stated if this man paid money to buy it he should be allowed to do what he wants to with it. If you have a problem with what he wants to do with it maybe you should have bought a bigger piece of property or bought the property.

Angie Banks stated most people moved to Mims for the small-town way of life. Profit and progress can still be made without changing the zoning to commercial. She is concerned about the environmental effect on the wells in the area.

Brooke Moore stated she's lived on Lionel her entire life. It is rural and safe place. During school it is already chaotic. There is a lot of traffic. She is concerned about her well and contamination, as well as septic and the impact on the Indian River Lagoon. Crime is increasing in the area. There's already flooding in the area as well.

END PUBLIC COMMENT

Mr. Ferraro stated that everything the residents have said is taken to heart. However, this is a 7-acre site. The gas station is a targeted use for the corner, but there is no contract for one currently. The intended use is anything approved in BU-1. It's not directly on the property line, it's 600' from the property line. The owner has agreed on the staff's suggestion to a binding development plan, with a vegetative buffer of 15' along the north side of the property. We will put our pond on the east side to further buffer it. We intend to use the corner of the parcel. We will do a study on the traffic concerns and make any required improvements. Environment is always a concern; however underground tanks are safer than they have ever been. There is redundancy after redundancy in terms of what type of impact that may have.

Mr. Hopengarten inquired if the property is currently for sale.

Mr. Ferraro responded it is. The intention of the owner is to sell it and the people who have contacted him are gas station developers. But there is no contract on the property currently.

Mr. Hopengarten continued saying they're doing it on their own volition prior to any agreement. They've had the property for 40 years and haven't done anything with it. So really it's up in the air what they want to do there. It's kind of nebulous for me to go ahead with this because I don't know what the outcome will be. You can BDP this thing to death, but I don't believe that it'll be specific to what goes in here. I'm not happy with what you guys want to do. And I don't think it's justifiable to just say let's make it business so we can sell it.

Mr. Ferraro responded that to get the highest and best used price for the property it will be given to an entitled property. If someone buys an unentitled property, they will deeply discount it for the very reason they're not sure they're going to get the entitlement. The owners sat down with me, and they asked me what my recommendation was. I told them to entitle it. You work that out and you continue to leave it on the market, and you will get the highest and best price so you can pass this on to your children. We have all the uses here and if you want to cross any of them off this binding development plan we can, and it is binding. It cannot be changed, and it will only be those uses in that binding development plan.

Mr. Body stated that to change the BDP it would have to go back before the BCC.

Ruth Amato asked if this zoning is approved and if there is a binding development plan does it stop it from Live Local and FAR. Like the 211 dwelling units that could go there if it's rezoned to this. So, rezoning this no matter what the BDP is will allow 211 units to go on 7 acres.

Ms. Gilliam stated that is correct, because that's a state requirement. We cannot restrict or limit the Live Local Act. If the property owner is willing to include that in the BDP that they will not do live local on the property then that would be legally binding. It would be voluntary for the owner to do so.

Ms. Amato continued by asking if he sold the property would it be transferred to the next owner to prevent that. Because half of that back property is aquifer. North Brevard and Mims we all know has a dramatic water issue.

Ms. Gilliam stated the BDP runs with the land until someone comes back to either remove it or amend

it or use it how it is.

Erika Orriss stated I understand you want to get the most for your money. I don't like the entrance and how it comes into the school. Also, staff have pointed out the proposed request may be considered an intrusion into the residential area as the request exceeds the depth of the current commercial FLU designations within the area. This is a tough one to just say let's change it before we sell it.

Mr. Ferraro responded that it's future land use is neighborhood commercial on the front. You have an agricultural zoning with a future land use of neighborhood commercial. It's not consistent. It's got to go one way or the other. The area is strongly growing commercially. If this board's recommendation is supportive of the front piece and you don't want to include the back piece, we'd be open to that.

Jerrad Atkins stated he doesn't think it's an unfounded concern especially for the residents to the east of the property, because that's the way that the water flows, are concerned with the gas station because we've all seen during a rainstorm the rainbow water headed toward a ditch that eventually makes it into the groundwater. They don't have municipal water supply on that road. That whole area is on wells. I do respect people's property rights, but they did buy a piece of property that had limitations. There are people out there that would love to buy a piece of property that they could put a horse on or a couple of cows or do a small farm stead or something like that. I don't think that it's an unmarketable piece of property in its current zoning. Would it be worth more money commercial? Probably, but also to the detriment of the surrounding neighborhood.

Ms. Gilliam stated if he just wanted to do the front piece, it would be cleaner for him to come back with a new application and with the legal description of that piece itself, even splitting that out from the other. It would be clean, and we would have the proper legal description.

Mr. Ferraro stated since this owner wants this to go forward this way, I would like you to vote on it as a whole today and then we're going to take it to the county commission.

Mr. Minneboo inquired about the water supply.

Ms. Gilliam responded that the staff report states the subject property is within access to centralized water and sewer services provided by Brevard County.

Eric Michajlowicz asked if the buyer is a gas station developer.

Mr. Ferraro responded that the buyer that has shown an interest in the property is a broker representing a major gas station developer. I represent the owner of the property. He gave me the authority to negotiate what I've just said before you that we are willing to restrict any uses within BU1 that you feel might not be consistent. I don't know if he wants to give up the corner for a gas station. No, he won't do that.

Ms. Amato stated she's seen numerous development builds from North Brevard area and other locations where the utility must push back and say we don't have capacity at this time that you're going to have to contribute or wait it out until we have capacity. Lots of residents have complained about water pressure and the plant has been under maintenance for approximately 3 to 5 years, the fire department doesn't even use the fire hydrants to put out fires in our area. And that Mims plant, to my knowledge, has never functioned at full capacity.

Mr. Ferraro stated this is a recommendation panel to look at future land use and consistency, the compatibility with the area. A technical site plan will address Ms. Amato's concerns. The county can change the zoning and there is a stringent process that a developer must go through. He must check off 20 to 30 boxes with multiple authorities having jurisdiction to be able to build something. It's not

like you approve it tomorrow and it's going to get built. It very well may turn around that it's not buildable for what they want to do and that's a risk that the owner is willing to take.

Ron Bartcher questioned the location on sewer. What's the distance to their nearest connection point for sewer.

Ms. Gilliam responded that we receive a report from the utilities department. They add their comments to our staff comments, and they are on page three. They note that the Mims water plant has capacity as of March 2026. They're stating here that they do have availability for this property to connect. I don't have the distance, but that would be discussed at site plan review.

Mr. Bartcher continued with the water line does end at Lionel. People in the south have water. People to north are on wells.

Mr. Atkins stated that that was not his concern, if this property would be able to hook to a municipal water supply. It was if a gas station and how it would affect runoff, how it would affect the neighbors that are not hooked up.

Mr. Ferraro stated regardless of whether it's a gas station, restaurant or not, a drainage plan would be part of a technical site plan. That drainage plan would have underground piping that pumped any water that's on the site. It would either sheet flow or go to a drain and that drain would go to a retention pond where that water would be treated and go to an outflow and it could be a wet pond or a dry pond, but there wouldn't be water runoff of property onto streets or anything like that because the county will not allow that. It must have a self-contained storm drainage plan to meet the 100-year storm event. It also must be approved by St. John's Water Management District.

Mr. Michajlowicz stated that when it's pouring rain that's not controlled. He commented on the garbage that they'll throw out. Not everybody's great putting it in trash cans. So, I've seen the impacts of gas stations.

Mr. Hopengarten stated that as a developer he didn't like the speculative nature of this. If I'm interested in a property I have the money to change the zoning and the land use to make it work for me. I don't rely on landowners to do it because they don't have the experience that developers do, and this is just too speculative.

Motion to recommend denial of item H.4. by John Hopengarten, seconded by Eric Michajlowicz. Motion passed unanimously.

Motion to recommend denial of item H.5. by John Hopengarten, seconded by Ruth Amato. Motion passed unanimously.

Meeting adjourned at 5:21 p.m.