

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13**, 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); Logan Luse (D4); Ron Bartcher (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Billy Prasad, Deputy Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Trina Gilliam, Interim Zoning Manager; and Alice Randall, Operations Support Specialist.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Approval of the November 18, 2024, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by Logan Luse, to approve the P&Z/LPA minutes of November 18, 2024. The motion passed unanimously.

Election of Chair and Vice-Chair

Motion by Henry Minneboo, seconded by Logan Luse, to elect Mark Wadsworth as Chair for 2025. The motion passed unanimously.

Motion by Mark Wadsworth, seconded by Debbie Thomas, to elect Henry Minneboo as Vice-Chair for 2025. The motion passed unanimously.

Item H.1. RHR Construction & Development LLC requests a Small-Scale Comprehensive Plan Amendment (24.012), to change the Future Land Use designation from PI to RES 4. (24SS00012) (Tax Account 2320049) (District 1)

Item H.2. RHR Construction & Development LLC requests a change of zoning classification from GU and RU-1-11 to RU-1-11. (24Z00042) (Tax Account 2320049) (District 1)

Trina Gilliam introduced herself as the acting interim Planning and Zoning manager. She then read companion items H.1. and H.2. into the record.

Trey Robinson spoke to the application. I have some documents and exhibits I'd like to pass out for the comprehensive plan amendment.

Mark Wadsworth asked if he had entered the exhibits into the record.

Trey Robinson commented if not he would read through it.

Trina Gilliam stated we can take it in, but I haven't seen it, so I'm not sure if it was entered previously.

Alex Esseesse added that when you do give us that document, we will have to keep it, so if it's useful for your presentation you'll want to hold on to it.

Mr. Robinson stated he had a couple of them, but wanted to give them to the members so they could follow along.

Alex Esseesse thanked him.

Mr. Robinson continued with introducing himself as representing RHR Construction. This is a 1.1-acre lot and it's very peculiar in the fact that it is a single lot yet is divided by a tract divider line. Each of the separate tracts have a different future land use and zoning classification. Tract one is on the left side of the tract divider line. It is listed as zoning classification RU-1-11 and future land use is Planned Industrial. Tract 2 is on the right, the east side of the lot and has a future land use as Planned Industrial, with a zoning classification of General Use. The tracts are also divided by a 40-foot-wide drainage ditch easement that runs down the middle and then along the back side of tract 1. What we're planning to do is the future land use is being planned to be changed from Planned Industrial to RES-4 for both tracts. In addition to the FLU change request, I'm also requesting that the zoning be slightly altered. The current zoning of Tract 1 is RU-1-11 and I'm desiring to keep that the same. But I want to change the zoning of the other tract to RU-1-11 as well. The requested FLU change to RES-4 will match the surrounding neighborhood along Curtis Blvd., which has the same future land use as being requested. In addition to Tract 1, Tract 2 will be changed from GU to RU-1-11, again matching Tract 1 and the existing neighborhood.

There was no public comment.

Motion to recommend approval of Item H.1. by Ron Bartcher, seconded by Henry Minneboo. The motion passed unanimously.

Motion to recommend approval of Item H.2. by Ron Bartcher, seconded by Henry Minneboo. The motion passed unanimously.

Item H.3. Wanda and Dennis Crocker request a change in zoning classification from AU to RR-1. (24Z00059) (Tax Account 2004800) (District 1)

Trina Gilliam read the application into the record.

Tim Vulpius spoke to the application. Right now, the property I'm here on is Wanda and Dennis Crocker's behalf. I'm wanting to rezone it from AU to Residential (RR-1). I want to build a house on it for me and my 2 sons. I'm in the process of trying to purchase it to build a home on it.

Mark Wadsworth asked if it was 1 dwelling or how many.

Mr. Vulpius responded just one home.

There was no public comment.

Motion to recommend approval of Item H.3. by Ron Bartcher, seconded by Erika Orriss. The motion passed unanimously.

Item H.4. Luz Nogueroles requests a change in zoning classification from AU to RR-1. (24Z00060) (Tax Account 2509830) (District 2)

Trina Gilliam read the application into the record.

Luz Nelly Nogueroles spoke to the application. Currently the zoning for this particular property is AU and I am requesting to change it to RR-1. It's a 5-acre lot and one acre of the lot we want to separate from the rest of the lot, so the rest of it would be a flag lot and we need to change the zoning on that. There's already a property on it, there's a house and that house is existing and it's going to stay. We have no intention of putting any other structures on it or on the flag lot as well.

Public Comment

Anastasia Vasilypow stated the lot is behind our fence. We sent a letter via email, with my significant other that we don't want a change.

End of public comment.

Ms. Nogueroles stated she has no idea why there is opposition. That's in a gated community that doesn't even go down my block. So, I don't understand what reasoning they have behind not wanting us to be able to split the lot or change the zoning on it. Just saying that you don't like something doesn't mean that it should happen. I'm quite shocked myself.

Motion to recommend approval of Item H.4. by Ron Bartcher, seconded by Debbie Thomas. The motion passed unanimously.

Item H.5. Tiffany and Henry Lequear request a change of zoning classification from RR-1 to AGR. (24Z00058) (Tax Account 3008694) (District 3)

Trina Gilliam read the application into the record.

Henry Lequear stated short term he wants to put a pole barn up and long term start a deer farm.

No public comment.

Ron Bartcher inquired as to what kind of deer are you raising.

Mr. Lequear responded white tail.

Ron Bartcher asked are you raising them for pets or meat?

Mr. Lequear responded for genetics. Bigger horns.

Mark Wadsworth asked him to go into a little bit more detail, but not elaborate. But when you say genetics are you selling the sperm, are you shipping it out?

Mr. Lequear responded with could be, yes.

Motion to recommend approval of Item H.5. by Logan Luse, seconded by Erika Orriss. Motion passed unanimously.

Item H.6. Linde Inc. requests a Small-Scale Comprehensive Plan Amendment (24S.016), to change the Future Land Use designation from PI and RES 2 to all Heavy/Light Industrial (IND). (24SS00016) (Tax Account 2103214) (District 1)

Item H.7. Linde Inc. requests a change in zoning classification from IU to IU-1. (24Z00062) (Tax Account 2103214) (District 1)

Trina Gilliam read the companion applications into the record.

Kim Rezanka spoke to the application stating that she is here on behalf of Linde Inc. which used to be known as Praxair. Some of you may have been on the board back in 2018 and we're before you on a similar project. With me today is Lisa Murray, she's with corporate real estate out of their headquarters in Connecticut. Ben Vazquez is the local facilities manager and he'll be telling you a little bit about why this is needed, the expansion that is needed in the plant itself. Sean Chase is the local productions superintendent who is also here to answer any questions. Linde is an industrial gas company that supplies product to support contractors at KSC and NASA. The property's future land use designation is currently Planned Industrial and Residential. And the applicant seeks to change the land use to Heavy Industrial. They also want the zoning to be Heavy Industrial. It's about 10.46 acres, it will make the parcel unified in the future land use and as to the zoning. The property is in rural Mims, north of Titusville city limits along the Indian river, west and adjacent to the FEC railroad, 4 miles north of Macksburg causeway, and 8 miles south of the Volusia-Brevard County line, just to give you a perspective. There is no adjacent developed housing, there are some small houses in the area. There are industrial uses to the south and a county park, Jones Avenue boat ramp in Mims. A small use park just to the north of this property. Again, seeking a small-scale amendment to Heavy Industrial, and zoning to IU-1. This is about half of the site. Again, trying to unify the parcel and the purpose is to expand its plant and to add another cold box. Because of all the launches going off at NASA and KSC, and the Space Force Base this expansion is needed to meet demand for what is going on out there. I'm going to let Ben Vazquez; the local production facility manager explain Praxair and what they intend to do with the expansion. He has a little packet to show you just to give you a little more information and to show you where the plant expansion may be, because I know there's a concern about wetlands.

Ben Vazquez, facility manager for Linde stated that it was formerly Praxair. Originally, we were Union Carbide back in the 60's. Linde employs approximately 26,000 employees, over 50 countries. We're the leading industrial gas producer in both North and South America. Linde's a good corporate citizen and named to the Dow Jones Sustainability World Index for the 22nd consecutive year. We're a very safety conscious and consistently top performer, 5 times better than the US Industrial Average and 3 times better than the US Chemical Industry Average. Linde is committed to applying American Chemistry responsible care security code to ensure that we continue to effectively protect our employees, our customers, and our community. Linde, formerly Union Carbide, built in permission the original air separation plant in Mims, Florida. In 1966 it was primarily built to support NASA and the space industry. Going all the way back to Mercury missions, Apollo, space shuttle and everything since that year. For over 100 years Linde has taken something as fundamental as air and turned it ways to make industrial plants operate cleaner and more productively. For food to taste better. For breathing to be made easier. Manufacturing process more effective and the ability to drive rockets into space. Our plant produces 3 non-hazardous products, liquid oxygen, liquid nitrogen, and liquid argon. Today as well as supporting NASA we support the private rocket companies as well. We supply both SpaceX and Blue Origin. We support customers in the steel business such as Gradow steel in Baldwin, Florida. We distribute breathing oxygen to most every hospital in central and south

Florida. Northern Florida as well. Our current staff is myself as the facility manager, our production superintendent Sean Chase is here with me today. We have a distribution superintendent, 4 technicians, 23 tanker drivers, and 2 mechanics. We follow and comply with all relevant EPA regulations and all relevant for Department of Environmental Protection regulations as well. We have several licenses and certifications where we're often audited by these environmental authorities as well. So, the growing demand for oxygen in the space industry is the main reason why we want to expand our plant now. Our concept rendering shows the plant expansion, shows its new equipment. Much of the existing plant equipment and buildings will be reused. Linde plans to invest approximately \$100,000,000.00 in this next plant expansion project. The expansion will yield economic benefits, increasing employment, creating opportunities for the local community with drivers, technicians, mechanics, and supervisors. Likely developing a new distribution facility. Essentially our production facility, our footprint is overgrown and some day soon we'll have to relocate our truck shop and our fleet.

Henry Minneboo asked if the plant, to the best of his recollection been there since the 60's.

Mr. Vazquez responded yes sir.

Henry Minneboo replied with that's what I thought.

Mr. Vazquez commented that construction started early in '65 and the plant was completed and commissioned in 1966.

Mark Wadsworth stated it's a very clean operation.

Henry Minneboo stated I thought it'd been there a good while.

Trina Gilliam stated that the documentation Ms. Rezanka had passed out, staff has not had an opportunity to review that. Also, this request is only for the rezoning, it is not for the use of heavy industry. That requires a conditional use permit. So, the applicant will need to return with a conditional use permit application for that use.

Henry Minneboo asked Kim Rezanka if she was aware of that.

Ms. Rezanka responded yes. She went on with if you look at page 3 of what Ben showed you, that's what the plant looks like today. In 2018 we came before you and we had some rezonings outside of the property, so we were able to build that tall structure in the back, left corner, which would be the northeast corner. That's the cold box. It's 126 feet tall and what they want to do is put a second cold box. I don't know exactly what it does, but we can ask Mr. Vazquez if we need to, but the intent is to expand it so they can increase production. So that was built in 2018. There has been construction in 2018 in this area, besides a manufactured home. On page 4 you'll see a little, it's really hard to see on page 4, but also on page 5, there's kind of what the new site plan would look like. It hasn't been reviewed by staff, it's conceptual. The reason we're not here with the conditional use permit is because we need a full-blown site plan to show you based upon the requirements of the code. So, also site plans are expensive if you don't get the zoning for heavy industrial then we wouldn't spend that money. So, the idea is to avoid most of the wetlands. There may be a small impact, but I think the staff report said that it was like 5 or 6 acres of wetlands that would be impacted. And they're trying to keep it away from the wetlands. So that's just an idea of how it could be built. It's not set in stone. We'll have to come back to you for the conditional use permit. Also, at that time any conditions can be

put on the use of this property. I know there were issues raised about noise and lighting, and things like that. Those are all performance standards that would be done at the site plan stage or after, but it's also things that you can look at when you do the conditional use, and that's where it's more appropriate than to put it in zoning or future land use. When you look at the maps in your packet, it's a quilt, it's a patchwork quilt. It's kind of messy. The future land use map we're trying to make that all the light purple color, although the dark purple color will still stay along the river. Also, in 2018 the Praxair, now Linde said that they would not develop that area on the east side of the railroad. So that purple PI on the east side of the railroad is intended to stay in its natural state and not to be developed. And, again, the same with the zoning to change the IU to the IU-1. So, it would be one consistent zoning and future land use on the west side of the railroad. The other performance standards that would be reviewed at the conditional use stage, they're actually in section 62.1.5.44, those would be the loading facilities, the storage, light sources (neon lights aren't allowed), things along those lines. And anything else that you and County Commission think that would be important. This is not a developed area. It does have residential to the west, but there's also a lot of wetlands there as well that would never be developed for residential. So, with that this is something that's needed. It's been there since 1966. It's nonhazardous. It's clean as was explained by Mr. Vazquez, and we're just seeking the change on the 10.46 acres to heavy industrial future land use and heavy industrial for zoning.

Henry Minneboo asked Mr. Vazquez if they've had any negative news, travels really fast. Have you had any significant issues with that plant over the 50 years or plus that it's been there?

Mr. Vazquez responded with no sir. At our last hearing we had one neighbor resident that owned a kayak store, and his concern was that we would affect the natural coastline there because he had planned to use the Jones fish camp and do tours and stuff. It never happened. So, he had some concerns that maybe we were a polluter, or we were going to hurt the environment and after meeting with him and showing him our operation, assuring him that his plans would not be impacted, he was fine. Other than that, no sir.

Henry Minneboo stated the plant that's on North Courtenay on Merritt Island, you all are probably not affiliated with them.

Mr. Vazquez stated that is our competitor.

Ron Bartcher asked what are you going to do with your trucks? Were you going to have them at some other facility or are the trucks going to be maintained on site.

Mr. Vazquez stated our trucks are currently at the 2801 facility, Havick Road facility. We've expanded so much with our production equipment that we're really squeezed for more trucks and the truck shop. At some point in the near future, we'll have to relocate that. I'm not really prepared to talk much about that. We own some property up on Wylie Avenue and US 1. Conceptually we have that area that would be the likely place that we would build this truck shop, but at this point we don't have any definite plans.

Ron Bartcher stated additionally how many additional trucks would be put on the road.

Mr. Vazquez stated we've grown quite a bit since our last hearing. We would add I estimate 10 or so.

Ron Bartcher then asked do you know how many a day leave that facility.

Mr. Vazquez stated approximately 17 a day.

Ron Bartcher stated not quite doubling it. Maybe we could get that intersection of state road 46 and US 1 widened a little bit. If we get enough traffic, there.

Mr. Vazquez commented we would greatly appreciate a traffic light at Wylie Avenue and US 1. Through the years there have been a number of serious accidents and fatalities. We've campaigned for years with the appropriate authority we believe, to get a traffic light put there and we've had no success.

Public comment

Sandra Sullivan wanted to mention a concern that the existing plant is light industrial, so I'm not sure if they're expanding the plant why it needs to be heavy industrial. I would encourage that there be some sort of BDP for this use, but also a buffer to protect the properties to the north. Because that's where the single-family houses are. Because their competitor, as you know, had come before the commission and had a lot of complaints about noise. So, one thing that really hasn't been talked about, clean yes, but how noisy, because under heavy industrial it's exempted, and that it doesn't have to follow the noise ordinance. So, I just want to read another concern, because you don't want to do an impact, and obviously this would be addressed during the site planning, you don't want to impact surrounding properties with flooding. So just to be clear on the coastal high hazard area and in the FEMA Special High Hazard Area. The whole area is in the coastal high hazard area which means that potentially if not done correctly it could flood surrounding properties. But then the biggest issue I had, which really is one of my passions is live local build because I call this the "you will owe nothing and be happy law." And so, on here this is a red flag for me, and I would really appreciate your board getting a little clarification on this from staff and particularly the county attorney. It says here as heavy industrial that they could potentially use this because of a FAR of 1.76, which of course as you know is intensity use not density use. They would be entitled to 313 dwelling units as part of the Live Local act. Now I've read Live Local many times, and I went through it again last night. Am I wrong on this? Live Local gives the right to property owners of commercial and industrial the right to the highest density within 1 mile to that height or 3 stories whichever is higher. I don't understand why staff has in here that it would have a potential for Live Local of 313 dwelling units of development potential at 30 units per acre pursuant to Florida Statute 125.010.55 Live Local. I would ask that your board ask, because this is very concerning, and this is going to open the gates so to speak, to a lot of other projects coming here if this is not addressed now.

End of public comment.

Kim Rezanka stated she wanted to respond to Ms. Sullivan. Linde is not in the business of affordable housing. It's not going to do affordable housing. It wouldn't put housing next to its plant. That's not the intention. The intention is as stated is to expand its facility and its capacity to provide to NASA and the private contractors out there. And, also too, even Live Local you still cannot impact the wetlands for residential. So, it's still the same issue and there's no intention to do that. Again, if you look at the zoning map, where the plant is right now is heavy industrial, otherwise we wouldn't need to rezone. So, we're rezoning the portion that's not where the plant is located if you look at the map. And again, buffers and lighting are either site plan issues or conditional use permit issues.

Erika Orriss commented my question was it can't stay zoned light industrial and build this?

Ms. Rezanka answered no, it has to be heavy industrial because of the chemical manufacturing aspect of it. Even though it's oxygen manufacturing.

Erika Orriss commented in the rest of the area I know you said it's really not populated, but it is all RES 2, so if we're going to try to keep everything across the board, you know keep everything uniform, there's a lot of RES 2, so if I was somebody who lived there I might not like that so much.

Ms. Rezanka responded I understand, but there's no one that lives there right now and this portion of this property is RES 2, but it's between the planned industrial and the planned industrial. So, it's a little sliver of yellow right here we're trying to get to industrial. But again, there's a need for this property to be rezoned. Also, there's some issues with setbacks and height and things. That's another reason why this all needs to be uniform. And the practical matter is when you try to give the legal descriptions to change the zoning it's really tough to find the legal description for RES 2. It's just hard because of the way the county has kept their records, so we're just trying to unify the zoning and future land use. But we do understand, and we don't intend to impact any residents even though most of that land immediately to the west heavily wetland and heavily forested.

Erika Orriss asked if it would increase any intensity because the FAR is going up.

Ms. Rezanka stated they're just going to expand; they're not even using all of the property because of the wetlands and the pond that's there. It's going to be far less than what could be built there.

Erika Orriss stated because you can't really do it with the area of critical concern area.

Ms. Rezanka responded correct.

Henry Minneboo stated we're going to start seeing more and more, there was a time in Mims, this is probably the only thing there. And now all of a sudden if there ever is residential around it, which I doubt will ever happen, they'll be complaining now about the plant. That's what happened on North Merritt Island.

Motion to recommend approval of Item H.6. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

Motion to recommend approval of Item H.7. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

The meeting was adjourned at 3:41 p.m.